



**Harker Heights
Planning and Zoning
Commission Workshop &
Meeting**

**Wednesday,
January 27, 2021
5:30 P.M.**



**PLANNING & ZONING COMMISSION WORKSHOP & MEETING
THE CITY OF HARKER HEIGHTS
WEDNESDAY, JANUARY 27, 2021 – 5:30 P.M.
VIA TELECONFERENCE**

Notice is hereby given that beginning at beginning at 5:30 P.M. on Wednesday, January 27, 2021, the Planning and Zoning Commission (P&Z) of the City of Harker Heights will hold a Workshop; then beginning 6:30 P.M. on Wednesday, January 27, 2021, the Planning and Zoning Commission (P&Z) will conduct a telephonic meeting in order to contain the spread of COVID-19 in accordance with Governor Abbott’s declaration of the COVID-19 public health threat and action to temporarily suspend certain provisions of the Texas Open Meetings Act issued on March 16, 2020. The subjects to be discussed are listed in the following agenda:

MEETING WORKSHOP

- I.*** Convene Workshop at 5:30 P.M.
- II.*** Presentations by Staff:
 1. Building Department Overview.
 2. Receive and discuss a presentation regarding the update process for the Future Land Use Map.
- III.*** Adjournment of Workshop.

MEETING AGENDA

- I.*** **CALL TO ORDER** – Convene Regular Meeting of the Planning and Zoning Commission and establish a quorum.
- II.*** **CONSENT AGENDA:**
 1. Approval of Minutes from the Regular Planning and Zoning Meeting held on January 6, 2021.
- III.*** Report on City Council results from January 12, 2021 meeting.
- IV.*** Recognition of Affidavits for Conflict of Interest.
- V.*** **PUBLIC COMMENTS:**
 1. At this time, comments will be taken from the audience on non-agenda related topics, for a length of time not to exceed three minutes per person. To address the Planning and Zoning Commission, please clearly state your name and address for the Planning & Development Administrative Assistant prior to making a comment.

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

VI. PUBLIC HEARING – NONE.

VII. NEW BUSINESS:

- 1. CP21-02** Discuss and consider action on a request for a Concept Plan referred to as the Morstatter Subdivision, on property described as Meadow Acres, Block Five (5), Lot Nine (9), McDonald's Mobile Home Park, generally located at 205 W. Beeline Lane, Harker Heights, Bell County, Texas.
- 2. P21-05** Discuss and consider action on a request for a Preliminary Plat referred to as the Magill Property, on property described as 3.731 acres of land situated in the Lucy D. O'Dell Survey, Abstract No. 644, and the H.R. Morrell Survey, Abstract No. 579, being a portion of the remainder of a called 490.1 acre tract conveyed to James Dennis Magill, in Volume 1177, Page 145, Deed Records of Bell County, Texas, generally located within the 3000 block of Stillhouse Lake Road, Harker Heights, Bell County, Texas.
- 3. P21-07** Discuss and consider action on a request for Final Plat referred to as Open Air Resort, on property described as all of that certain tract or parcel of land situated in the Vincent L. Evans Survey, Abstract No. 288, Bell County, Texas, an being all of that 31.366 acre tract of land conveyed to OAR Harker Heights Real Estate Holdings, LLC, recorded in Document Number 2020023768 of the Official Public Records of Bell County, Texas, generally located at 101 N. Roy Reynolds Drive, Harker Heights, Bell County, Texas.
- 4. P21-08** Discuss and consider action on a request for Final Plat approval for the subdivision referred to as Sapiah Plains Phase Two, on property described as 3.397 acre tract of land in Bell County, Texas, being part of the H.B. Littlefield Survey, Abstract No. 511, and the land herein described being the remainder of a called 5.461 acre tract conveyed to Jerome Kenneth Gomer and Rachel R. Gomer, of record in Document Number 201911041, Official Public Records of Real Property, Bell County, Texas, generally located near the intersection of Ute Trail and Warriors Path, Harker Heights, Bell County, Texas.
- 5. P21-09** Discuss and consider action on a request for Final Plat approval for the subdivision referred to as Sapiah Plains Phase Three, on property described as 1.367 acre tract of land in Bell County, Texas, being part of the H.B. Littlefield Survey, Abstract No. 511, and the land herein described being the remainder of a called 3.397 acre tract conveyed to Jerome Gomer, of record in Document Number 201958768, Official Public Records of Real Property, Bell County, Texas, generally located near the intersection of Ute Trail and Ponca Trace, Harker Heights, Bell County, Texas.
- 6. P21-10** Discuss and consider action on a request for Final Plat approval for the subdivision referred to as Abooha Toklo Addition Phase Two A, on property described as an 0.233 acre tract of land in Bell County, Texas, the land herein described being part of a Lot 3, Block 1, Abooha Toklo Addition Phase One, an addition to the City of Harker Heights, Bell County, Texas, of record in Plat No.

202038421, Plat Records of Bell County, Texas, and also being that same tract of land conveyed to Jerome Gomer, of instrument No. 2020049770, Official Public Records of Real Property of Bell County, Texas, generally located within the 1800 block of Pueblo Trace, Harker Heights, Bell County, Texas.

VIII. REPORTS FROM COMMISSIONERS

IX. STAFF COMMENTS

X. ADJOURNMENT

I, the undersigned authority, do hereby certify that pursuant to the Texas Open Meetings Act, the above Notice of Meeting of the Planning and Zoning Commission of the City of Harker Heights, Texas, was posted at the Harker Heights Municipal Building, and the City of Harker Heights website which is readily accessible to the public at all times, by **10:00 A.M. on Friday, January 22, 2021**. Please contact the Planning and Development Department at (254) 953-5648 for further information.

Wilson Everett

Wilson Everett, Planning & Development Administrative Assistant

The public may participate remotely in this meeting by dialing-in using:

United States (Toll Free): 1 866-899-4679 or 1-571-317-3116

Access Code: 806-361-613

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

<https://global.gotomeeting.com/join/806361613>

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



*Minutes of the Teleconference Meeting
of the Harker Heights Planning & Zoning Commission
January 6, 2021*

Present:

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

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

Staff:

| | |
|------------------|--|
| Kristina Ramirez | Planning & Development Director |
| Courtney Peres | City Planner |
| Brad Alley | Fire Marshal |
| Eric Moree | Building Inspector |
| Calvin Fleming | Code Enforcement Officer |
| Gabrielle Palma | Code Enforcement Officer |
| Wilson Everett | Planning & Development Administrative Assistant |
| Daniel Phillips | GIS Analyst/ Planner |

Meeting Workshop

Workshop Agenda Item I: A quorum was established, and the teleconference meeting for the workshop was called to order at 5:30 PM.

Workshop Agenda Item II:

- Swear in members and alternates of the Planning and Zoning Commission and Building and Standards Commission (as needed).
- It was noted that Commissioner Kay Carey was present virtually; however, Mrs. Carey had not been sworn in and therefore could not act upon action items within the agenda.

Workshop Agenda Item III & IV:

- Elect Planning and Zoning Commission and Building Standards Commission Chairman, Vice Chairman, and Secretary.
- Commissioner McCann made the motion to elect Larry Robison as the Chairman. Vice Chair Robinson seconded the motion. **The motion was unanimously approved (7-0).**
- Larry Robison made a motion to elect Robert Robinson as the Vice Chairman. Adam Parker seconded the motion. **The motion was unanimously approved (7-0).**
- Joshua McCann made a motion to elect Adam Parker as the Secretary. Rodney Shine seconded the motion. **The motion was unanimously approved (7-0).**

Workshop Agenda Item V: Presentations by Staff:

1. Introductory: Becoming a Planning & Zoning Commissioner for the City of Harker Heights.
2. Geographic Information Systems (GIS) Overview.
3. Code Enforcement Overview.
4. Fire Code Overview
5. Public Works/Infrastructure Overview.

Workshop Agenda Item VI: The workshop was adjourned at 6:37 P.M.

Meeting Agenda:

Agenda Item I: A quorum was established, and the teleconference meeting for the Planning and Zoning Commission was called to order at 6:38 PM. It was noted Michael Stegmeyer stepped up from an alternate position to a commissioner for the meeting.

Agenda Item II: The next agenda item was approval of minutes from the Regular Planning and Zoning Meeting held on December 2, 2020. Secretary Parker made a motion to approve the minutes. Commissioner Watford seconded the motion. **The motion passed (8-0).**

Agenda Item III: Ms. Peres went over the City Council results from the December 8, 2020 meeting.

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

Agenda Item V: Public Comments: There was no one present in person or via teleconference who wished to address the Planning and Zoning Commission.

Agenda Item VI: Public Hearings:

1. Z21-01 Conduct a public hearing to discuss and consider recommending an ordinance to change the zoning designation from M-1 (Light Manufacturing District) to R-1 (One Family Dwelling District) on property described as a part of the Francis Hughes Survey, Abstract No. 396, 2.02 acres, generally located at 1911 E. Veterans Memorial Boulevard, Harker Heights, Bell County, Texas.

Ms. Peres explained the applicant's request for the rezoning of the lot located at 1911 E Veterans Memorial Blvd from M-1 to R-1 for the purpose of constructing a single-family home. She mentioned in 2015, the Building Standards Commission determined that a site bit structure on the property was unsafe, substandard, and dangerous, and in violation of chapter 160.04. The case was ordered by the Commission to be demolished or removed from the property. A demolition permit was issued, and the structure was demolished in 2015. Since then, the property has remained vacant.

Travis Mills of 1911 E Veterans Memorial Boulevard, Harker Heights, Texas, was present via teleconference to represent his request. He explained he wanted to change the zoning to build a single-family residential home. He mentioned he wanted to keep this property in his family, as he had inherited it from his grandmother. He included that he would build the home outside of the FEMA flood plane and would meet city codes and regulations.

Chairman Robison opened the public hearing and asked if there was anyone present in person or via teleconference to speak in favor or against the agenda item. There was no one present to speak about this agenda item.

Chairman Robinson closed the public hearing.

A motion was made by Secretary Parked to recommend denial for an ordinance change from the zoning designation from M-1 (Light Manufacturing District) to R-1 (One Family Dwelling District) on property described as a part of the Francis Hughes Survey, Abstract No. 396, 2.02 acres, generally located at 1911 E. Veterans Memorial Boulevard, Harker Heights, Bell County, Texas. Commissioner Shine seconded the motion. **The motion passed to deny the request (8-0).**

2. Z21-02 Conduct a public hearing to discuss and consider recommending an ordinance to change the zoning designation from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as Lot Seven (7), Block One (1), Valley View Addition, an addition to the City of Harker Heights, Bell County, according to the plat of record in Cabinet A, Slide 161-B, Plat Records of Bell County, generally located at 114 E. Valley Road, Harker Heights, Bell County, Texas.

Ms. Peres explained the applicants request for a rezone from R-1 to R-2. She explained that the site is currently vacant as it was previously taken to the Building and Standards Commission ("BSC") on August 31, 2011. The BSC ordered that the structure on the property was to be demolished or removed from the property. Due to no action being taken from the property owner or lienholder, The City of Harker Heights took action to demolish

the structure and charged all expenses incurred by the City to the owner. Mr. Peres explain that the current property owner requested forgiveness for all or part of City liens on the property. On November 10, 2020, The City of Harker Heights City Council heard this request and acted to reduce a portion of the liens on the property.

Raymond Hamden, P.O. Box 2008, Harker Heights, Texas, was present to represent his request. Mr. Hamden explained his request and noted that he intends to construct a duplex which will consist of two bedrooms and two bathrooms per unit.

Chairman Robison then opened the public hearing and asked if there was anyone to speak in favor or against the agenda item. There was no one present in person or via teleconference who wished to speak in favor or against the agenda item.

A motion was made by Commissioner McCann to recommend approval for an ordinance to change the zoning designation from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as Lot Seven (7), Block One (1), Valley View Addition, an addition to the City of Harker Heights, Bell County, according to the plat of record in Cabinet A, Slide 161-B, Plat Records of Bell County, generally located at 114 E. Valley Road, Harker Heights, Bell County, Texas. Secretary Parker seconded the motion. **The motion passed (8-0).**

3. Z21-03 Conduct a public hearing to discuss and consider recommending an ordinance to change the zoning designation from B-4 (Secondary and Highway Business District) to R-1 (One Family Dwelling District) on property described as Block Seven (7), Lot One (1), Stillforest Addition Replat, generally located at 1003 S. Roy Reynolds Drive, Harker Heights, Bell County, Texas.

Ms. Peres explained the applicant's request from B-4 to R-1 for the purpose to construct a single-family house on the property.

There were a few questions brought up by the Commissioners regarding drainage on the property due to the property being sloped and existing noise pollution along W. Veterans Memorial Boulevard. Ms. Peres noted Staff has been tasked with updating the sound ordinance and mentioned that when the property is developed, the owner cannot increase drainage or runoff to any of the adjoining properties.

Richard Raymond with EGS Consulting was present via teleconference to represent the request of 1003 S. Roy Reynolds Drive, Harker Heights, Texas. Mr. Raymond explained the request for the zoning change for the purpose to construct a single-family home. He mentioned that he is aware of the existing noise pollution that streams from W. Veterans Memorial Boulevard.

Chairman Robison then opened the public hearing and asked if there was anyone to speak in favor or against the agenda item. There was no one in person or via teleconference to speak in favor or against the agenda item.

A motion was made by Secretary Parker to approve the request of an ordinance to change the zoning designation from B-4 (Secondary and Highway Business District) to R-1 (One Family Dwelling District) on property described as Block Seven (7), Lot One (1), Stillforest Addition Replat, generally located at 1003 S. Roy Reynolds Drive, Harker Heights, Bell County, Texas. Commissioner seconded the motion. **The motion passed (8-0).**

4. Z21-04 Conduct a public hearing to discuss and consider recommending an ordinance granting a Conditional Use Permit (CUP) to allow for an accessory dwelling unit on property described as Evergreen Subdivision Phase Four, Block One (1), Lot Eleven (11), generally located at 2536 Jubilation Drive, Harker Heights, Bell County, Texas.

Ms. Peres explained the request to consider granting a CUP to allow for an accessory dwelling unit on property located at 2536 Jubilation Dr, Harker Heights for the purpose of a pool house and outfitted to permit a habitable space for guests. She explained that per the Harker Heights Code of Ordinance Section 155.020(B) (4), an accessory dwelling unit for a relative (not for rent) is permitted via a Conditional Use Permit. The applicant's property consists of approximately 0.8 acres and would therefore be permitted two (2) large accessory structure with a maximum aggregate size of all accessory structure not to exceed 1,000 square feet (per §155.020 (A) (5) (b) (4)).

Mrs. Lynne Boehm of 3908 Deer Ridge, Harker Heights, Texas was present via teleconference to represent her request. She explained that she does not intend to build a structure larger than 488 square feet and that the façade of the structure will match the primary structure. She also mentioned that the structure will be used as a pool house and man cave and an overnight space for personal guests as needed.

Chairman Robison then opened the public hearing and asked if there was anyone to speak in favor or against the agenda item. There was no one in person or via teleconference to speak in favor or against the agenda item.

A motion was made by Commissioner Webster to approve recommending an ordinance granting a Conditional Use Permit (CUP) to allow for an accessory dwelling unit on property described as Evergreen Subdivision Phase Four, Block One (1), Lot Eleven (11), generally located at 2536 Jubilation Drive, Harker Heights, Bell County, Texas. Commissioner Stegmeyer seconded the motion. **The motion was approved (8-0).**

Agenda Item VII New Business:

1. CP20-04 Discuss and consider approving a request for Concept Plan for the plan referred to as The Village at Nolan Heights on property described as a 47.626 acre tract of land in Bell County, Texas, being part of the H.B. Littlefield Survey, Abstract No. 511, the land herein described being part of a called 113.5 acre tract of land conveyed to Robert Don Sutton, Trustee, generally located north of Killeen Independent School No. 14 along Warriors Path, Harker Heights, Bell County, Texas.

Ms. Peres explained the applicant chose to table their agenda item for a concept plan on December 2, 2020 due to the Planning and Zoning Commission's vote to recommend disapproval of the rezone request for the property from R-1 to R-2. She explained the applicant has submitted for a concept plan to develop 27.626 acres of land and to built 132 single family homes and 20 duplexes. She noted that the development would have three points of ingress/egress. Ms. Peres stated that the request for rezone had been approved by City Council via a supermajority vote on December 8, 2020 and therefore the applicant has come back to present their request for Concept Plan approval.

The applicant, Dustin King of 8305 Dorset, Killeen, Texas, was present in person to represent his request. Mr. King explained that the subdivision would consist of single family and duplex development and that the duplexes would consist of 2,700 square feet with concrete flooring, granite counter tops, and masonry façade.

A motion was made by Commissioner McCann to approve a request for Concept Plan for the plan referred to as The Village at Nolan Heights on property described as a 47.626 acre tract of land in Bell County, Texas, being part of the H.B. Littlefield Survey, Abstract No. 511, the land herein described being part of a called 113.5 acre tract of land conveyed to Robert Don Sutton, Trustee, generally located north of Killeen Independent School No. 14 along Warriors Path, Harker Heights, Bell County, Texas. Commissioner Shine seconded the motion. **The motion was approved (8-0).**

2. CP21-01 Discuss and consider approving a request for Concept Plan by Remco Properties, LLC for Concept Plan amendment of Amy Lane Addition Concept Plan, on property described as a 6.917 acres of land, more or less, part of the Cullendar Keele Survey, Abstract No. 991, and the J. Thomlinson Survey, Abstract No. 813, generally located within the 700 block of S. Amy Lane, Harker Heights, Bell County, Texas.

Ms. Peres explained the applicants request for a concept plan. She explained the plan consists of 21 duplex lots to include a total of forty-two units. The plan includes five-foot sidewalks on either side of the proposed public street to serve all residents within the development and connect to the existing sidewalk on Amy Lane.

Bob Mitchell with Mitchell and Associates, office located at 102 N College Street, Killeen, Texas, was present via teleconference to represent the Concept Plan.

A motion was made by Secretary Parker to approve a request for Concept Plan by Remco Properties, LLC for Concept Plan amendment of Amy Lane Addition Concept Plan, on property described as a 6.917 acres of land, more or less, part of the Cullendar Keele Survey, Abstract No. 991, and the J. Thomlinson Survey, Abstract No. 813, generally located within the 700 block of S. Amy Lane, Harker Heights, Bell County, Texas.

- Condition 1: A waiver is granted to allow a single access and secondary emergency access as depicted (Concept Plan submitted 12/9/2020).

Commissioner Shine seconded the motion. **The motion was approved (7-1). Vice Chairman Robison denied the motion.**

3. P21-02 Discuss and consider a request for final plat approval for the subdivision referred to as Cedarbrook Ridge Phase Two, on property described 72.18 acres of land situated in the H.R. Morrell Survey, Abstract No. 579, the Lucy O'Dell Survey, Abstract No. 644, and the J.T.W. Hallmark Survey, Abstract No. 413, Bell County, Texas, and being a portion of a called 112.09 acre tract of land described as Tract II by a deed to WBW Land Investments, LP, recorded in Document No. 201100006237, Real Property Records of Bell County, Texas and also being all of a called 41.14 acre tract of land as described by a deed to WBW Land Investments, LP, recorded in Document No. 201100008134, Real Property Records of Bell County, generally located east of Stillhouse Lake Road (FM 3481) and west of Cedar Knob Road, Harker Heights, Bell County, Texas.

Ms. Peres explained the applicants request for a final plat for Cedarbrook Ridge Phase Two.

Josh Welch with WBW Development Group was present in person to represent the final plat request.

A motion was made by Secretary Parker to approve a request for final plat approval for the subdivision referred to as Cedarbrook Ridge Phase Two, on property described 72.18 acres of land situated in the H.R. Morrell Survey, Abstract No. 579, the Lucy O'Dell Survey, Abstract No. 644, and the J.T.W. Hallmark Survey, Abstract No. 413, Bell County, Texas, and being a portion of a called 112.09 acre tract of land described as Tract II by a deed to WBW Land Investments, LP, recorded in Document No. 201100006237, Real Property Records of Bell County, Texas and also being all of a called 41.14 acre tract of land as described by a deed to WBW Land Investments, LP, recorded in Document No. 201100008134, Real Property Records of Bell County, generally located east of Stillhouse Lake Road (FM 3481) and west of Cedar Knob Road, Harker Heights, Bell County, Texas. Commissioner Stegmeyer seconded the motion. **The motion was approved (8-0).**

4. P21-03 Discuss and consider a request for final plat approval for the subdivision referred to as Cedarbrook Ridge Phase Three, on property described as 12.02 acres of land situated in the H.R. Morrell Survey, Abstract No. 579, the Lucy O'Dell Survey, Abstract No. 644, the J.T.W. Hallmark Survey, Abstract No. 413, Bell County, Texas, and being a portion of a called 112.09 acre tract of land described as Tract II by a deed to WBW Land Investments, LP, recorded in Document No. 201100006237, Real Property Records of Bell County, generally located east of Stillhouse Lake Road (FM 3481) and west of Cedar Knob Road, Harker Heights, Bell County, Texas.

Ms. Peres explained the applicants request for a final plat for Cedarbrook Ridge Phase Three.

Josh Welch with WBW Development Group was present in person to represent the final plat request.

A motion was made by Secretary Parker to approve a request for final plat approval for the subdivision referred to as Cedarbrook Ridge Phase Three, on property described as 12.02 acres of land situated in the H.R. Morrell Survey, Abstract No. 579, the Lucy O'Dell Survey, Abstract No. 644, the J.T.W. Hallmark Survey, Abstract No. 413, Bell County, Texas, and being a portion of a called 112.09 acre tract of land described as Tract II by a deed to WBW Land Investments, LP, recorded in Document No. 201100006237, Real Property Records of Bell County, generally located east of Stillhouse Lake Road (FM 3481) and west of Cedar Knob Road, Harker Heights, Bell County, Texas. Commissioner McCann seconded the motion. **The motion was approved (8-0).**

5. P21-04 Discuss and consider a request for final plat approval for the subdivision referred to as Freedom Park Subdivision Phase Two, on property described as 1.679 acres of land situated in the V.L. Evans Survey, Abstract No. 288, and being all of lots three (3), four (4), and five (5) in Block Three (3) of Kern Terrace Extension Two as recorded in Cabinet A, Slide 225-A of Plat Records of Bell County, Texas and also being the remainder of a 2.488 acre tract of land conveyed to Advanced Specialty Services recorded in Document No. 20200025486 of the Official Public Records of Bell County, Texas, generally located along N. Mary Jo Drive within Jan Circle, a private drive in Harker Heights, Bell County, Texas.

The applicant requested in writing to table their application.

Chairman Robison then adjourned the teleconference meeting of the Planning and Zoning Commission at 8:39 P.M.

Larry Robison, Chairman

DATE:

Adam Parker, Secretary

DATE:



PLANNING AND ZONING COMMISSION MEMORANDUM

CP21-02

AGENDA ITEM VII-1

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING AND DEVELOPMENT
DATE: JANUARY 27, 2021

DISCUSS AND CONSIDER ACTION ON A REQUEST FOR A CONCEPT PLAN REFERRED TO AS THE MORSTATTER SUBDIVISION, ON PROPERTY DESCRIBED AS MEADOW ACRES, BLOCK FIVE (5), LOT NINE (9), MCDONALD'S MOBILE HOME PARK, GENERALLY LOCATED AT 205 W. BEELINE LANE, HARKER HEIGHTS, BELL COUNTY, TEXAS.

PROJECT DESCRIPTION:

The applicants, Byron and Heather Morstatter, have applied for Concept Plan approval for approximately 1.020 acres of land. The applicants have proposed a subdivision consisting of four (4) lots for the purpose of multi-family development in the future. Staff reviewed the surrounding area's existing land uses and designated land uses within the adopted future land use map. The property will require a rezoning request to R-2 (Two Family Dwelling District) in order to accommodate the duplexes as shown in the Concept Plan.

The 2007 Comprehensive Plan identified the future land use on the subject property as a Manufactured Home Park. The area surrounding the subject property are identified as High Density Residential in the 2007 Comprehensive Plan. High Density Residential provides a broader scope of permissible development that can also act as a buffer between commercial and single-family residential uses. The property's current designated future land use as a Mobile Home Park is inconsistent with the surrounding area's designation of High Density Residential.

Staff reviewed the submitted concept plan, and made comments to zoning changes, easement locations, utility services, fire lane, and other pertinent requirements to ensure that all developmental regulations stipulated in the City of Harker Heights Code of Ordinances will be adhered to.

RECOMMENDATION:

As of January 21, 2021, staff comments had not been addressed. Therefore, the submitted concept plan does not meet the standards and ordinances of the City of Harker Heights.

Staff recommends approval with conditions for the request by Byron and Heather Morstatter for a Concept Plan referred to as the Morstatter Subdivision, on property described as Meadow Acres, Block Five (5), Lot Nine (9), McDonald's Mobile Home Park, generally located at 205 W. Beeline Lane, Harker Heights, Bell County, Texas.

ACTION BY THE PLANNING AND ZONING COMMISSION:

1. Motion to **approve, approve with conditions, or disapprove with explanation** a request for a Concept Plan referred to as the Morstatter Subdivision, on property described as Meadow Acres, Block Five (5), Lot Nine (9), McDonald's Mobile Home Park, generally located at 205 W. Beeline Lane, Harker Heights, Bell County, Texas
2. Any other action desired.

ATTACHMENTS:

1. Application
2. Concept Plan
3. Location Map
4. Staff Comments (January 13, 2021)
5. Code Section 154.20 General Residential and Commercial (Concept Plan)



Concept Plan Application

Requirements - MUST BE COMPLETED OF WILL NOT BE ACCEPTED

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

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

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

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

Property Information:

Subdivision Name: Morstatter Subdivision Date Submitted: 12/29/2020

Site Address or General Location: 205 W. Beeline Lane, Harker Heights, Texas 76548

Zoning: R-MH Acreage: 1.020 Proposed # of Lots: 4

Owner Information/Authorization:

Property Owner: Heather J. Morstatter and Bryon K. Morstatter

Address: 440 CR 441, Thorndale, Texas 76577

Phone: [REDACTED] E-Mail: [REDACTED]

Developer: Same as Above

Address: _____

Phone: _____ E-Mail: _____

Engineer/Surveyor: Mitchell & Associates, Inc.

Address: 102 N. College Street/ P.O. Box 1088

Phone: (254) 634-5541 E-Mail: [REDACTED]

CHECK ONE OF THE FOLLOWING:

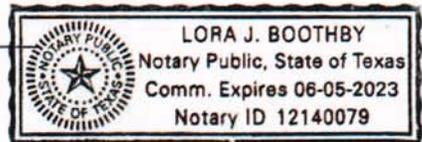
- I will represent the application myself.
- I hereby designate MIKE W. KRIEDEL (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this development application.

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

OWNER SIGNATURE: Heather J. Morstatter

SWORN AND SUBSCRIBED BEFORE ME THIS 20th DAY OF December, 2020.

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



MY COMMISSION EXPIRES: 6/5/2023

Date Submitted: 12/31/2020 **STAFF ONLY - DO NOT FILL OUT BELOW** Receipt #: 01649542

Received By: yspell Pre-Application Meeting Case #: CP 21-02



MITCHELL & ASSOCIATES, INC.
 ENGINEERING & SURVEYING
 102 N. COLLEGE
 KILLEEN, TEXAS 76541
 PHONE: (254) 634-5541
 FAX: (254) 634-2141
 TEXAS BOARD OF PROFESSIONAL ENGINEERS FIRM REGISTRATION NO. 3241
 I. B. P. L. S. FIRM REGISTRATION NO. 100204-00

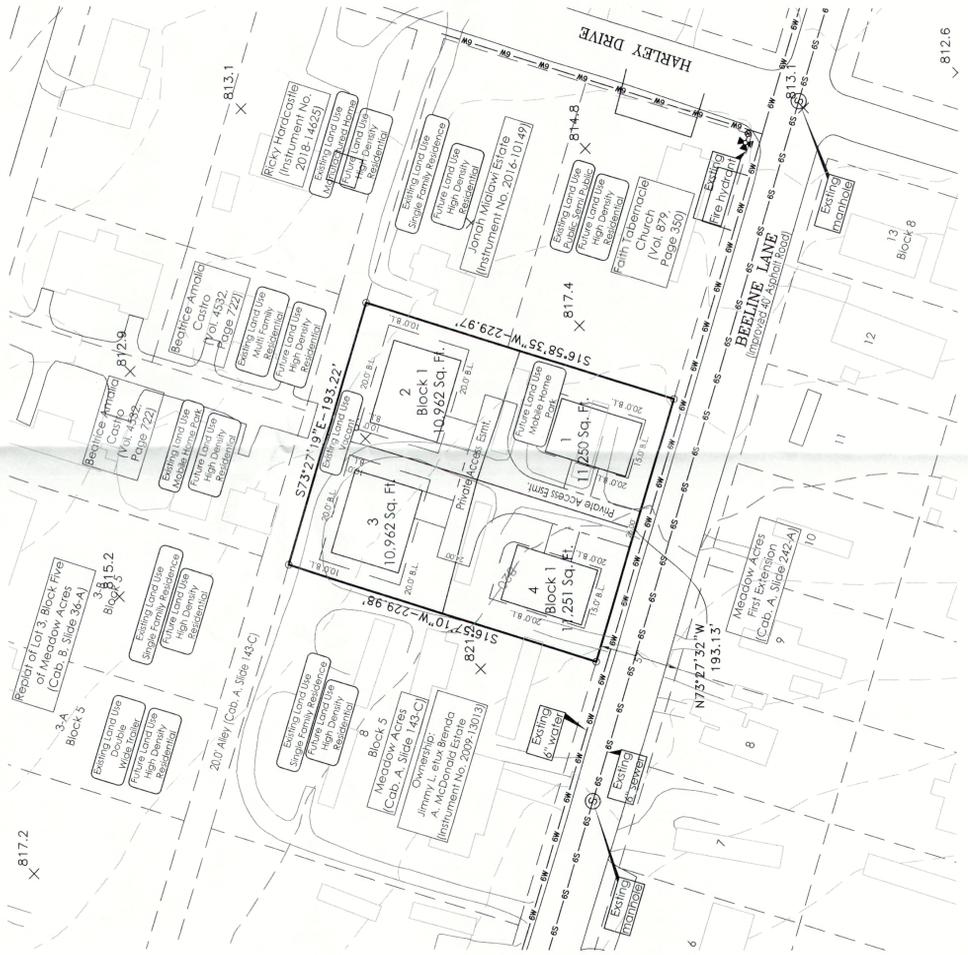
| | | | | | | |
|------------|----------|-----------|----------|---------|---------|-----------|
| DWG NO. | DRWN BY: | DATE: | SCALE: | FB/LB: | 4 LOTS | AREA: |
| 20-093-D-5 | FRB | DEC. 2020 | AS SHOWN | 1969/71 | 1 BLOCK | 1.020 AC. |

MORSTATTER SUBDIVISION
 BEING A REPLAT OF ALL OF LOT 9, BLOCK, MEADOW ACRES
 HARKER HEIGHTS, BELL COUNTY, TEXAS

CONCEPT PLAN

| | | |
|-----|------|---------|
| No. | DATE | REMARKS |
| | | |
| | | |
| | | |

REVISIONS

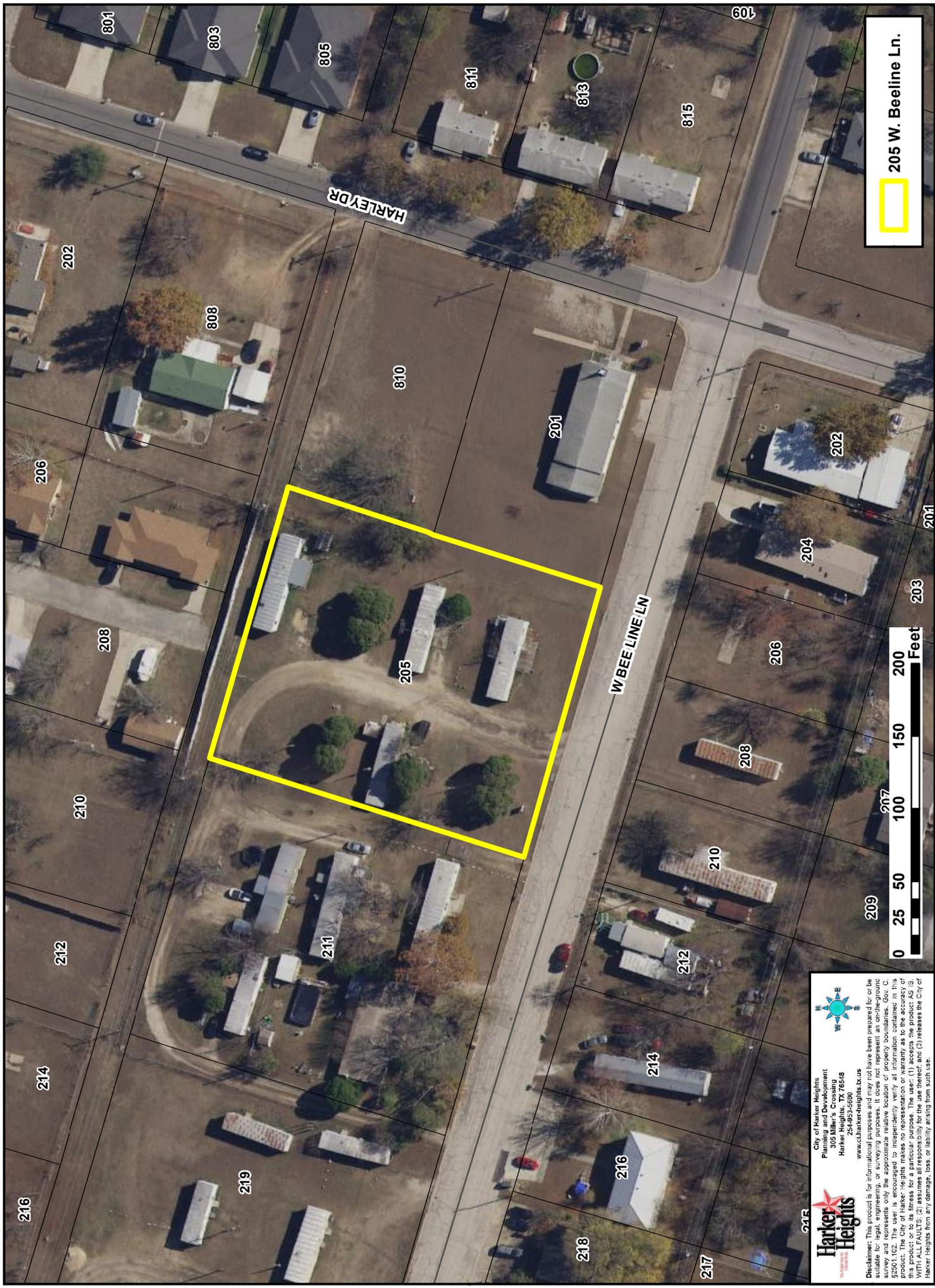


PROPERTY OWNER:
 Heather J. & Bryon K.
 Morstatter
 440 CR 441
 Thorndale, TX 76577

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

NOTES:
 Existing Land Use: Vacant
 Proposed Land Use: Multi-Family Residential (4 Lots)





City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 76588
www.cityofharkerheights.texas.us

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



205 W. Beeline Ln.

Morstatter Subdivision

CP21-02 Concept Plan

Planning & Development

1. Per 154.20(A) (2) (a) of the city's code of ordinances, the applicant is advised that the proposed concept plan does not demonstrate compatibility with the current R-MH zoning for this parcel only allows for a manufactured home park. The submitted concept plan will require a successful change in zoning to R-3 Multi-Family Dwelling District to be compliant.
2. Per 154.20(A)(2)(d)(9) of the city's code of ordinances, the applicant shall illustrate proposed water and sewer lines. More specifically the applicant shall identify any water or sewer mains that cross proposed lot lines.
3. Per 154.20(A) (2)(d)(10) of the city's code of ordinances, the applicant shall illustrate proposed utility easements. More specifically the applicant shall provide utility easements for infrastructure that will cross proposed lot lines (water, sewer, drainage, solid waste).
4. Please provide a plat note with information as to the type of development proposed (i.e. Proposed Development: Duplex, triplex, fourplex etc.).
5. Setbacks for R-2 (duplex)
 - a. Front 25'
 - b. Side 10'
 - c. Rear 20'
6. If lots are intended for duplexes the following applies: §155.023 (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.**

Public Works, Mark Hyde

1. The water meters will be located at the property line along Beeline Lane. Water service lines from the property line to each duplex will be privately maintained. Each unit will have its own water meter.
2. Sanitary sewer services from the tap at the sewer main to each duplex will be privately maintained. Please check to make sure Lots 2 and 3 have enough elevation to gravity flow sanitary sewer to Beeline Lane. Each unit will have its own sanitary sewer service.
3. Stripe the private access easement as a fire lane. Provide no parking signs on each side of the private driveway.

Consulting Engineer, Otto Wiederhold

1. No Comments.

Fire Marshal, Brad Alley

1. No Comments.

Building Official, Michael Beard

1. This particular lot is zoned R-MH which does not allow for multi-family units.
2. Private access easement should be access and utility easement to accommodate for water and wastewater lines for lots 2 and 3
3. The build lines are incorrect. The front yard setback must be 25'.
4. Buildings placed on lots one a four must be a minimum of 25' off of street.

ONCOR, Derex Spencer

Century Link, Chris McGuire

Spectrum, Shaun Whitehead

ATMOS, Burton Jones

§ 154.20 GENERAL RESIDENTIAL AND COMMERCIAL.

(A) The owner of a lot, tract, site or parcel must obtain final plat approval for any subdivision or development activity to which this chapter applies. The plat approval process generally consists of the following procedures:

(1) One or more pre-application meetings with city staff for review and discussion of the applicant's basic concept plan. The pre-application meeting is the initial step in the development process intended to introduce basic project components and area information. The pre-application meeting provides the opportunity for review, analysis, and discussion of basic project intent, design, components and compatibility.

(2) Submission of an application and a concept plan by the applicant for initial review by city staff, with final review and approval required by the Planning and Zoning Commission and the City Council.

(a) Concept plan. The purpose of the concept plan is to demonstrate compatibility of the proposed development with this chapter and other applicable city ordinances, and the coordination of improvements within and among individually platted parcels, sections, or phases of a development, and the surrounding properties prior to the consideration of a preliminary plat. The concept plan is an opportunity to detect and correct design challenges before the developer prepares detailed engineering documents, but does not constitute the submittal of a plat.

(b) Any residential development involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of any municipal facilities does not require the submittal of a concept plan.

(c) In lieu of a concept plan, the City Manager may permit submittal of a site plan at the time of building permit application.

(d) The concept plan shall contain or have attached thereto the following:

1. Name of the developer, record owner, and authorized agents, proposed name of the development.
2. A layout of the entire tract, including internal lots, and its relationship to adjacent property, existing development and recorded plats, showing the existing property lines of the land being subdivided, north indicator, and scale.
3. Topographic contours available from the U.S. Geological Survey.
4. Significant drainage features and structures including any regulatory one-hundred-year floodplains, the location of existing watercourses, dry creek beds, wells, sinkholes and other similar features.
5. Specific information related to land use for the proposed development and adjoining property for a distance of 300 feet.
6. Building placement and building envelopes.
7. Parking layout.
8. General landscaping and buffer areas.
9. Location of all existing and proposed water and sewer lines.
10. All existing and/or proposed public utility easements and private easements.
11. Location of all existing and proposed stormwater drainage easements or onsite detention plan.
12. Location of all existing and proposed streets, sidewalks, alleys, and access points.
13. Vehicular circulation/ connectivity plan.
14. Location of all existing and proposed fire/emergency vehicle access lanes.
15. Location of all existing and proposed fire hydrants.

(e) A concept plan shall be submitted to the Planning and Development Department prior to the submittal of a preliminary plat unless the Director of Planning and Development authorizes concurrent filing.

(f) The concept plan shall be drawn on 24" x 36" sheets and/or on a plat document size format so as to be consistent with the preliminary/final plat document. When more than one sheet is necessary to illustrate the entire area, an index sheet showing the entire subdivision, at a scale sufficient to identify the drawings that follow, shall be attached to the concept plan document.

(g) The City Manager or his designated appointee will have the authority to review and approve any substantial amendments to a prior concept plan.

(h) An approved concept plan shall expire if there is more than a 24-month period of time between its approval and the submittal of a preliminary plat.

(3) Submission of a preliminary plat and preliminary engineering drawings by the applicant for review and approval by the Planning and Zoning Commission and City Council.

(4) Submission of final engineering drawings and construction of infrastructure by the applicant for approval by the

Director of Planning and Development and the Director of Public Works.

(5) Submission of a final plat by the applicant for review and approval by the Director of Planning and Development along with a letter of credit or performance bond for any infrastructure item that is not complete. The Planning and Development Director may not disapprove the plat but shall refer any plat to the Planning and Zoning Commission if the applicant refuses to implement the Director's recommendations.

(6) Submission of Mylars, field notes, dedication, and as built drawings signed by a Texas Professional Engineer (when required). In addition, if the applicant is other than a natural person acting on his own behalf, submit a resolution, unanimous consent, or other such instrument in recordable form authorizing specific persons to act on behalf of the applicant in requesting final plat approval.

(7) Filing of final plat.

(B) Applications for minor plats, replats, amending plats, preliminary plats and final plats shall be submitted to the Planning and Development Department. Applications shall contain the following.

(1) *Application.* Completed application form.

(2) *Fee.* Application fee as established by the City Council and stated in the city's fee schedule.

(3) *Copies.*

(a) Preliminary plats shall require ten paper copies of the plat, and seven sets of preliminary engineering drawings with necessary calculations. After plat comments are approved by the City Council, the developer shall submit three corrected copies of the plat and/or engineering drawings if changes to the plat and/or engineering drawings are required. Corrected copies should be submitted before construction begins on the subdivision.

(b) Final plats shall require ten paper copies of the plat and seven sets of final engineering drawings with necessary calculations. After plat comments are approved by the Planning and Zoning Commission, and the City Council if necessary, the developer shall submit three corrected copies of the plat and/or engineering drawings if changes to the plat and/or engineering drawings are required.

(c) A digital copy of the final plat must be submitted. Digital final plat files should be submitted in DXF, DWG or GIS shapefile/feature class/coverage format. This digital format shall be an exact replica of any required and/or included data represented on the submitted hard copy of the final plat. Engineering drawings are excepted from this requirement. This data must be provided on standard transfer media or by electronic transfer (three and one-half inch floppy disk or CD-ROM, DVD, e-mail attachment or any other media as approved by the city Planning Department). The submitted transfer media shall be labeled with the project name (subdivision name) and filing date. State Plane 83 Texas South Central Zone 4204 coordinate system should be the base of all submissions whenever possible.

(4) *Time line.* Submittal of plats and engineering drawings, not meeting the standards for being a minor plat, shall be made 28 days prior to the scheduled Planning and Zoning Commission meeting as preliminary plats and preliminary engineering drawings. Preliminary plats and preliminary engineering drawings shall be presented to the Council within 30 days of action being taken by the Planning and Zoning Commission. Final plats and final engineering drawings shall be reviewed by the Director of Planning and Development. Final plats and final engineering drawings shall be reviewed by the Planning and Zoning Commission and the Council only if the Director of Planning and Development finds that there is substantial deviation, as defined in § 154.21(B), from the preliminary plat or preliminary engineering drawings. If the Director of Planning and Development rules that a final plat and/or final engineering drawings substantially deviate from the approved preliminary plat and/or preliminary engineering drawings, then the Planning and Zoning Commission shall have 30 days from the date of application of the plat to make a ruling and the City Council shall have 30 days from the date of the Planning and Zoning Commission's ruling to take action on the final plat.

(5) *Post approval of final plat.* The developer shall provide the city with two original reproducible Mylars and two paper copies of the plat with the required original signatures, dedications and specific notations.

(6) *As built drawing submittal requirements.* The developer shall provide the city with a digital copy and a single set of paper drawings of the constructed infrastructure. These drawings shall meet the requirements as set in § 154.25, "As Built Drawings". Digital as built files should be submitted in PDF, DXF, DWG or GIS shapefile/feature class/coverage format. This digital format shall be an exact replica of any required and/or included data represented on the submitted hard copy drawing/document. This data must be provided on standard transfer media or by electronic transfer (three and one-half inch floppy disk or CD-ROM, DVD, e-mail attachment or any other media as approved by the city Planning Department). The submitted transfer media shall be labeled with the project name (subdivision name) and filing date. State Plane 83 Texas South Central Zone 4204 coordinate system should be the base of all submissions whenever possible. Failure to do so could result in revocation or denial of construction permits and/or certificate of occupancy.

(Ord. 2010-08, passed 3-9-10; Am. Ord. 2012-21, passed 10-9-12; Am. Ord. 2014-25, passed 10-28-14)



PLANNING AND ZONING COMMISSION MEMORANDUM

P21-05

AGENDA ITEM VII-2

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING AND DEVELOPMENT
DATE: JANUARY 27, 2021

DISCUSS AND CONSIDER ACTION ON A REQUEST FOR A PRELIMINARY PLAT REFERRED TO AS THE MAGILL PROPERTY, ON PROPERTY DESCRIBED AS 3.731 ACRES OF LAND SITUATED IN THE LUCY D. O'DELL SURVEY, ABSTRACT NO. 644, AND THE H.R. MORRELL SURVEY, ABSTRACT NO. 579, BEING A PORTION OF THE REMAINDER OF A CALLED 490.1 ACRE TRACT CONVEYED TO JAMES DENNIS MAGILL, IN VOLUME 1177, PAGE 145, DEED RECORDS OF BELL COUNTY, TEXAS, GENERALLY LOCATED WITHIN THE 3000 BLOCK OF STILLHOUSE LAKE ROAD, HARKER HEIGHTS, BELL COUNTY, TEXAS.

PROJECT DESCRIPTION:

The applicant, Dennis Magill, has applied for preliminary plat approval for approximately 3.731 acres of vacant land along Stillhouse Lake Road. The development will consist of two (2) lots with frontage along Stillhouse Lake Road. The property is currently zoned as B-4 (Secondary and Highway Business District) for commercial endeavors.

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

RECOMMENDATION

As of January 21, 2021, the comments provided by staff have not been addressed. Therefore, the submitted Preliminary Plat does not meet the standards and ordinances of the City of Harker Heights. Due to the quantity and type of outstanding items, staff recommends denial of the request for Preliminary Plat approval for the subdivision Magill Property, on property described as 3.731 acres of land situated in the Lucy D. O'Dell Survey, Abstract No. 644, and the H.R. Morrell Survey, Abstract No. 579, being a portion of the remainder of a called 490.1 acre tract conveyed to James Dennis Magill, in Volume 1177, Page 145, Deed Records of Bell County, Texas, generally located within the 3000 block of Stillhouse Lake Road, Harker Heights, Bell County, Texas.

ACTION BY THE PLANNING AND ZONING COMMISSION:

1. Motion to **approve, approve with conditions, or disapprove with explanation** a request for a Preliminary Plat referred to as the Magill Property, on property described as 3.731 acres of land situated in the Lucy D. O'Dell Survey, Abstract No. 644, and the H.R. Morrell Survey, Abstract No. 579, being a portion of the remainder of a called 490.1 acre tract conveyed to James Dennis Magill, in Volume 1177, Page 145, Deed Records of Bell County, Texas, generally located within the 3000 block of Stillhouse Lake Road, Harker Heights, Bell County, Texas.
2. Any other action desired.

ATTACHMENTS:

1. Application
2. Magill Property Preliminary Plat
3. Location Map
4. FEMA Flood Map
5. Staff Comments (Sent to All County Surveying on January 13, 2021)



Preliminary Plat Application

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

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

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

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

Property Information:

Plat Name: MAGILL PROPERTY **Date Submitted:** _____
Existing Lot Count: 1 **Proposed Lot Count:** 2 **Proposed Units:** _____ **Acreage:** 3.731
Existing Land Use: Vacant/Agriculture **Proposed Land Use:** Commercial

Site Address or General Location: EAST SIDE OF FM 3481, APPROXIMATELY 2150 FEET SOUTH OF FM 2410

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

Owner Information & Authorization:

Property Owner: JAMES DENNIS MAGILL
 Address: P.O. BOX 578 KILLEEN, TEXAS 76540
 Phone: [REDACTED] E-Mail: _____
Developer: JAMES DENNIS MAGILL
 Address: P.O. BOX 578 KILLEEN, TEXAS 76540
 Phone: [REDACTED] E-Mail: [REDACTED]
Engineer/Surveyor: ROY MICHAEL SMITH RPLS #6748
 Address: 4330 S. 5TH STREET TEMPLE, TEXAS 76502
 Phone: (254) 778-2272 E-Mail: [REDACTED]

CHECK ONE OF THE FOLLOWING:

- I will represent the application myself.
- I hereby designate Roy Michael Smith (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.

JAMES DENNIS MAGILL

Printed Name of Owner

[Signature]
 Signature of Owner

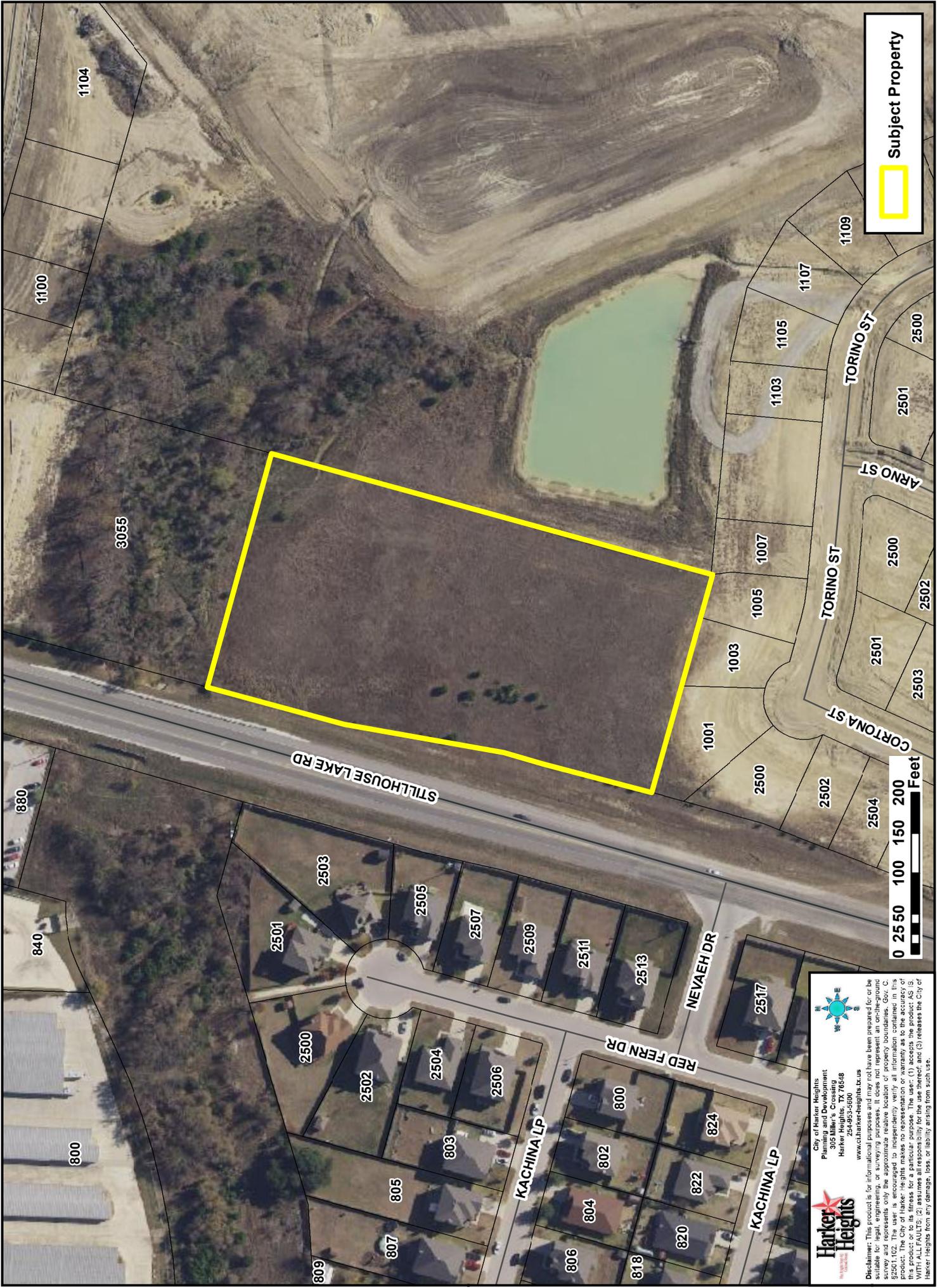
SWORN AND SUBSCRIBED BEFORE ME ON THIS
 DAY OF December, 2020.

[Signature]
 NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
 MY COMMISSION EXPIRES: January 23, 2025



STAFF ONLY -- DO NOT FILL OUT

Date Submitted: 12/30/20 Received By: [Signature] Receipt #: 0116488800

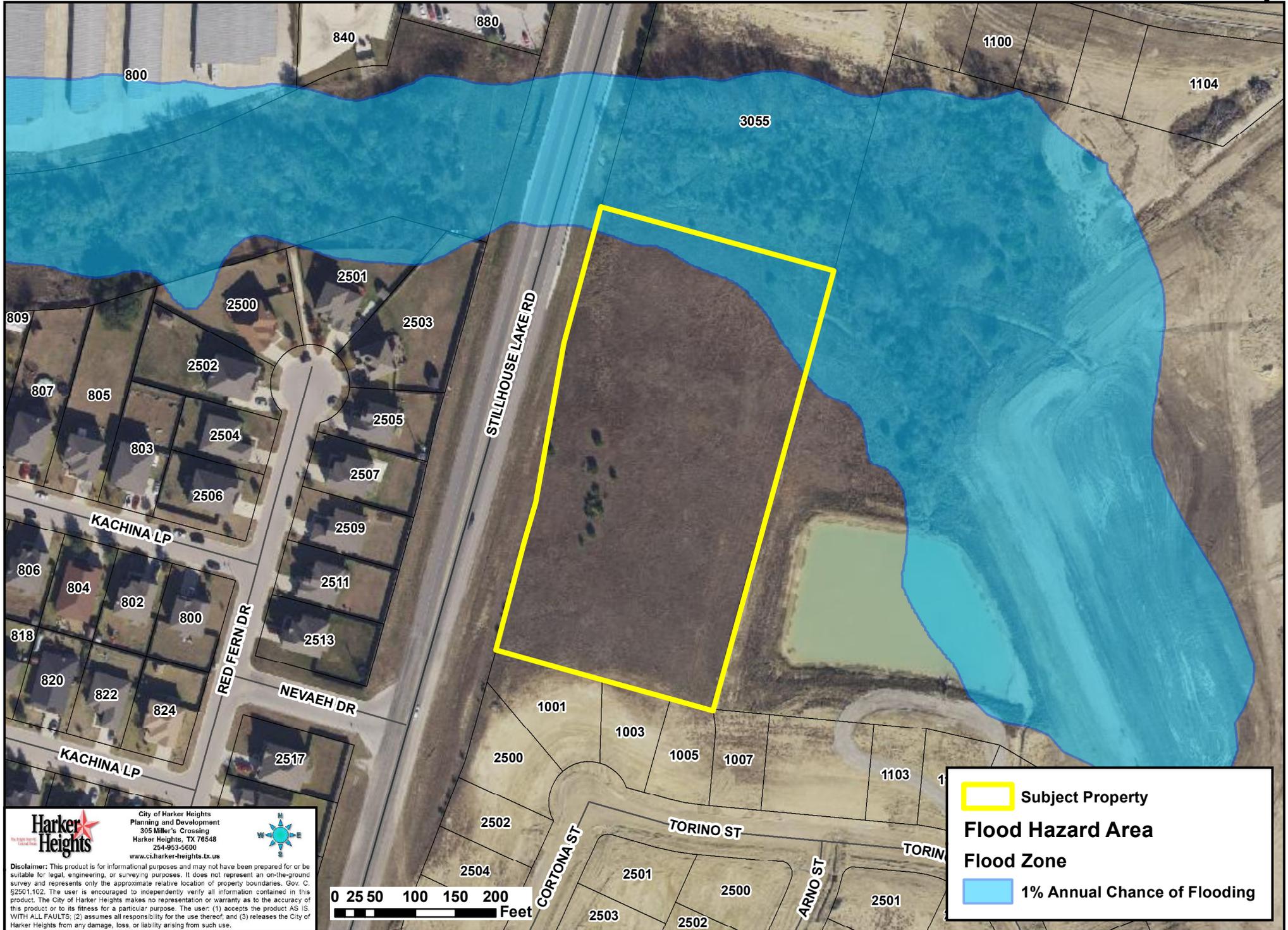


Harker Heights
 City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 76548
www.ci.harkerheights.tx.us

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Subject Property



Legend

- Subject Property
- Flood Hazard Area
- Flood Zone
- 1% Annual Chance of Flooding

Harker Heights
 City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 76548
 254-493-6600
 www.ci.harker-heights.tx.us

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Scale: 0 25 50 100 150 200 Feet

MAGILL PROPERTY

P21-05 Preliminary Plat – Magill Property

Plat Distributed to HH Staff: 01/07/21

Comments Returned to Michelle & Associates: 01/12/21

Planning & Development

1. Please reach out to staff (254) 953-5648 to set up a Pre-Development meeting for this project. Staff may recommend a Concept Plan submission at the next available application submission date on January 27, 2021.
2. A concept plan shall be submitted to the Planning and Development Department prior to the submittal of a preliminary plat unless the Director of Planning and Development authorizes concurrent filing.
 - §154.20 (2) Submission of an application and a concept plan by the applicant for initial review by city staff, with final review and approval required by the Planning and Zoning Commission and the City Council.
 - a) Concept plan. The purpose of the concept plan is to demonstrate compatibility of the proposed development with this chapter and other applicable city ordinances, and the coordination of improvements within and among individually platted parcels, sections, or phases of a development, and the surrounding properties prior to the consideration of a preliminary plat. The concept plan is an opportunity to detect and correct design challenges before the developer prepares detailed engineering documents, but does not constitute the submittal of a plat.
 - b) Any residential development involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of any municipal facilities does not require the submittal of a concept plan.
 - c) In lieu of a concept plan, the City Manager may permit submittal of a site plan at the time of building permit application.
 - d) The concept plan shall contain or have attached thereto the following:
 1. Name of the developer, record owner, and authorized agents, proposed name of the development.
 2. A layout of the entire tract, including internal lots, and its relationship to adjacent property, existing development and recorded plats, showing the existing property lines of the land being subdivided, north indicator, and scale.
 3. Topographic contours available from the U.S. Geological Survey.
 4. Significant drainage features and structures including any regulatory one-hundred-year floodplains, the location of existing watercourses, dry creek beds, wells, sinkholes and other similar features.
 5. Specific information related to land use for the proposed development and adjoining property for a distance of 300 feet.

6. Building placement and building envelopes.
 7. Parking layout.
 8. General landscaping and buffer areas.
 9. Location of all existing and proposed water and sewer lines.
 10. All existing and/or proposed public utility easements and private easements.
 11. Location of all existing and proposed stormwater drainage easements or onsite detention plan.
 12. Location of all existing and proposed streets, sidewalks, alleys, and access points.
 13. Vehicular circulation/ connectivity plan.
 14. Location of all existing and proposed fire/emergency vehicle access lanes.
 15. Location of all existing and proposed fire hydrants.
3. KR -The applicant's application identifies this submission as a preliminary plat and the plat dedication page & engineering drawings indicate that the submission is a proposed final plat. The proposed waterline across FM 3481 and the proposed extension of the existing wastewater (sewer) infrastructure are considered extensions of public infrastructure. Therefore, per Sections 154.20(A)(1) and 154.20(A)(2)(b), the applicant must first participate in a pre-application meeting with City staff, submit a Concept Plan, and submit a Preliminary Plat prior to submitting a Final Plat. Unless the applicant has information regarding a pre-application meeting with previous city staff, the applicant is advised that the plat cannot proceed as submitted. The applicant may withdraw the preliminary plat application or request that it be submitted to the P&Z for consideration.
 4. KR-The applicant shall submit a drainage analysis per the Drainage Criteria Manual Section 1.2.9.C.2. that addresses how the proposed increase will meet FEMA guidelines and regulations.
 5. KR-Per Section 158.10(A)(3) of the city's code of ordinances, the applicant shall provide a drainage easement for the section of floodway that encroaches on the proposed Lot 2, Block 1.
 6. KR-Applicant shall identify the source of the topography utilized in the drainage analysis (Note 3 on the Drainage engineering plan sheet).
 7. KR-Per Section 154.21(C)(2)(b) of the city's code of ordinances, the applicant shall illustrate the location of proposed fire hydrants on the site layout.
 8. KR-Per Section 154.21(C)(2)(b) of the city's code of ordinances, the applicant shall provide a proposed sidewalk layout plan.
 9. KR-Per Sections 154.01 and 154.22(B)(2)(n) of the city's code of ordinances, TXDOT approvals of driveways (locations, shared access/internal passage easements, etc.) and drainage into their jurisdiction are required as part of the City's Final Plat application. The applicant is advised that all connections to TXDOT ROW must be first approved by TXDOT prior to release of any construction permits by the City.

Public Works, Mark Hyde

1. Label the plat as "Preliminary".
2. Provide a public utility easement for the proposed 6-inch sanitary sewer line. The limits of the easement should be a minimum of 7.5' wide each way from the center of the sewer line.
3. Extend the proposed sanitary sewer end of line cleanout another 5' from the proposed sanitary sewer service line.

4. Show the proposed water meters located at the property line.
5. Provide a detail of the water line bore under FM 3481. A permit from TxDOT will be required for approval of the water line bore.
6. Label Prospector Trail on the utility layout.
7. Where will the fire hydrant(s) be located?

Consulting Engineer, Otto Wiederhold

1. Water and wastewater plan and profile plans for construction are required.
2. Drainage Plan should consider detention design since this plat is location in the upper ½ of the drainage basin.

Fire Marshal, Brad Alley

1. Fire Hydrants and water for fire protection is required.
2. A concept plan would assist the FD in fully determining possible current and /or future requirements.

Building Official, Mike Beard

- No Comments.

ONCOR, Derex Spencer

Century Link, Chris McGuire

Time Warner Cable/Spectrum, Shaun Whitehead

ATMOS, Burton Jones

TxDOT, Billy Tweedle

1. TxDOT cannot approve the plat until they show how they can obtain access to the two lots that would be all Access Management Manual criteria including but not limited to spacing criteria, sight distance, the possibility of Traffic Impact Analysis that may address the need for turn lanes etc. The property is just beyond a vertical curve on the south end that could very likely create sight distance issues. Also, on the north end, there is guard rail and an existing left turn land for I think Prospector Trail that could conflict with access on the north end. It could be that there can only be single access along FM 3481 that could need its own turn lane(s). The speed limit in this area is 45 MPH. Therefore, the spacing criteria is 360' measured edge of drive to edge of drive.

-
2. The approval of this plat is not recommended until they can show an engineered (signed and sealed) study that meets or exceeds minimum requirements for access set forth in the Access Management Manual.



PLANNING AND ZONING COMMISSION MEMORANDUM

P21-07

AGENDA ITEM VII-03

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING & DEVELOPMENT
DATE: JANUARY 27, 2021

DISCUSS AND CONSIDER ACTION ON A REQUEST FOR FINAL PLAT REFERRED TO AS OPEN AIR RESORT, ON PROPERTY DESCRIBED AS ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE VINCENT L. EVANS SURVEY, ABSTRACT NO. 288, BELL COUNTY, TEXAS, AN BEING ALL OF THAT 31.366 ACRE TRACT OF LAND CONVEYED TO OAR HARKER HEIGHTS REAL ESTATE HOLDINGS, LLC, RECORDED IN DOCUMENT NUMBER 2020023768 OF THE OFFICIAL PUBLIC RECORDS OF BELL COUNTY, TEXAS, GENERALLY LOCATED AT 101 N. ROY REYNOLDS DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS.

PROJECT DESCRIPTION:

The applicant, OAR Harker Heights Real Estate Holdings, LLC, has applied for final plat approval for approximately 31.366 acres of vacant land along N. Roy Reynolds Drive previously known as Woodlawn Mobile Home Park. This development was also outlined in the Open Air Resort Preliminary Plat (see attached) which was approved by P&Z on October 30, 2019 and City Council on November 12, 2019.

The property is zoned PD-B (Planned Development Business District) for the purpose of developing an RV resort on the property.

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

STAFF RECOMMENDATION:

Although Section 154.23(A) requires the completion of all public infrastructure improvements prior to recordation of the Final Plat, the City has accepted an approved performance bond for the public infrastructure that has not yet been completed and accepted by the City.

All comments provided by staff have been addressed. The submitted Final Plat does currently meet the standards and ordinances of the City of Harker Heights, and staff therefore recommends approval of the Final Plat referred to as Open Air Resort, on property described as all of that certain tract or parcel of land situated in the Vincent L. Evans Survey, Abstract No. 288, Bell County, Texas, an being all of that 31.366 acre tract of land conveyed to OAR Harker Heights

Real Estate Holdings, LLC, recorded in Document Number 2020023768 of the Official Public Records of Bell County, Texas, generally located at 101 N. Roy Reynolds Drive, Harker Heights, Bell County, Texas

ACTION BY THE PLANNING AND ZONING COMMISSION:

1. Motion to **approve, approve with conditions, or disapprove with explanation** a request for Final Plat referred to as Open Air Resort, on property described as all of that certain tract or parcel of land situated in the Vincent L. Evans Survey, Abstract No. 288, Bell County, Texas, an being all of that 31.366 acre tract of land conveyed to OAR Harker Heights Real Estate Holdings, LLC, recorded in Document Number 2020023768 of the Official Public Records of Bell County, Texas, generally located at 101 N. Roy Reynolds Drive, Harker Heights, Bell County, Texas.
2. Any other action desired.

ATTACHMENTS:

1. Application
2. Final Plat
3. Open Air Preliminary Plat (Approved on November 12, 2019)
4. Location Map
5. Staff Comments with Responses (January 20, 2021)



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

Final Plat Application

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

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

1. Payment of \$150.00
2. Signed Original Field Notes and Dedication Pages
3. Paper Plan Submissions: Ten (10) Copies of Plat and Seven (7) sets of Final Engineering Plans
4. Electronic Submissions: Plat and Engineering Plans submitted to tdake@harkerheights.gov in PDF format.
5. Completed Final Plat Checklist

Property Information:

Plat Name: Open Air Resorts - Harker Heights, LP Date Submitted: Dec 30, 2020

Number of Lots: 1 Number of Units/Suites: 1 Acreage: 28.867

Site Address or General Location: 101 N. Roy Reynolds Dr.

Residential Commercial Both On Site Detention Proposed with Subdivision: Yes No Other

Date of Preliminary Plat Approval by P&Z: Nov 12, 2019

Owner Information & Authorization:

Property Owner: OAR Harker Heights Real Estate Holdings, LLC

Address: 705 Vanguard St., Lakeway, TX 78734

Phone: [REDACTED] E-Mail: [REDACTED]

Developer: Open Air Resorts - Harker Heights, LP - Joel Canfield

Address: 705 Vanguard St., Lakeway, TX 78734

Phone: [REDACTED] E-Mail: [REDACTED]

Engineer: Thonhoff Consulting Engineers, Inc. - Matthew Chu, P.E.

Address: 1301 Capital of Texas Hwy South, Suite A-236, Austin, TX 78746

Phone: 512-328-6736 E-Mail: [REDACTED]

Surveyor: Claude F. Hinkle, Jr.

Address: P.O. Box 180243, Austin, TX 78758

Phone: 512-454-6605 E-Mail: [REDACTED]

For more information reference Section 154.22 Final Plat of the Harker Heights Code of Ordinances

I HEREBY UNDERSTAND AND ACKNOWLEDGE:

The final plat must be prepared in accordance with the City's subdivision rules and regulations and shall conform substantially to preliminary plat layout as approved. The subdivider will be required to install at his/her own expense all water lines, streets, sewer lines, drainage facilities, and structures within the subdivision accords to Section 154.36 of the Harker Heights Code of Ordinances.

All required improvements must be completed unless a Bond or Letter of Credit has been posted and attached in sufficient amount to assure completion.

A maintenance bond/surety instruments has been furnished to assure the quality of materials and workmanship and maintenance of all required improvements including the City's cost for collecting the guaranteed funds and administering the correction and/or replacement of covered improvements in the even the subdivider defaults.

The maintenance bond or other surety instrument shall be satisfactory to the city as to form, sufficiency and manner of execution. For water and sewer related improvements, the bond or other instrument shall be in an amount equal to 20% of the cost of improvements verified by the city Engineer and shall run for a period of one calendar year. Bonds or other instruments for streets and drainage facilities shall be in an amount equal to 40% of the improvements verified by the city Engineer and shall run for a period of two calendar years.

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

Joel E. Corfield
Printed Name of Owner

Matthew Chu with Thonhoff Consulting Engineers, Inc.
Printed Name of Authorized Agent (Corporation/Partnership)

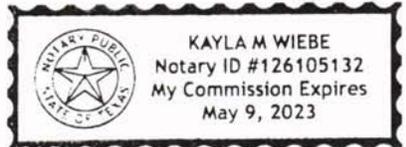
[Signature]
Signature of Owner

[Signature]
Signature of Authorized Agent (Corporation/Partnership)

SWORN AND SUBSCRIBED BEFORE ME THIS 22 DAY OF December, 2020.

[Signature]
Signature of Notary Public

My Commission Expires: May 09, 2023



STAFF ONLY – DO NOT FILL OUT
Date Submitted: 12/30/2020 Received By: yspell Case #: P21-07 Receipt #: 01648906
Rev. 5/20

FINAL PLAT OF OPEN AIR RESORT HARKER HEIGHTS

HARKER HEIGHTS, BELL COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF BELL

KNOW ALL MEN THESE PRESENTS, THAT OAR HARKER HEIGHTS REAL ESTATE HOLDINGS, LLC, ACTING BY AND THROUGH JOEL CANFIELD, MANAGER, BEING THE OWNERS OF ALL OF THAT CERTAIN TRACT ONE, A 31.360 ACRE TRACT OF LAND CONVEYED TO US BY DEED RECORDED IN DOCUMENT NUMBER 2020023768, OFFICIAL PUBLIC RECORDS, BELL COUNTY, TEXAS, AS SHOWN BY THE PLAT HEREOF, AND APPROVED BY THE DIRECTOR OF PLANNING AND DEVELOPMENT OF THE CITY OF HARKER HEIGHTS, TEXAS, DOES HEREBY ADOPT OPEN AIR RESORT HARKER HEIGHTS, AN ADDITION TO THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS, AND HEREBY DEDICATES TO SAID CITY ALL STREETS, AVENUES, ROADS, DRIVES AND ALLEYS SHOWN ON SAID PLAT, THE SAME TO BE USED AS PUBLIC THOROUGHFARES AND FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES AND DRAINAGE FACILITIES WHEN AND AS AUTHORIZED BY THE CITY OF HARKER HEIGHTS, TEXAS, THE UTILITY EASEMENTS SHOWN ON SAID PLAT ARE DEDICATED TO THE CITY OF HARKER HEIGHTS, TEXAS FOR THE INSTALLATION AND MAINTENANCE OF ANY AND ALL PUBLIC UTILITIES, WHICH THE CITY MAY INSTALL OR PERMIT TO BE INSTALLED OR MAINTAINED.

ALL INTERNAL DRIVEWAYS ARE CONSIDERED PRIVATE STREETS AND SHALL BE A MINIMUM WIDTH OF 24-FEET TO ENABLE FIRE PROTECTION AND WILL BE MAINTAINED BY OAR HARKER HEIGHTS REAL ESTATE HOLDINGS, LLC.

ONLY WATER LINES AND SANITARY SEWER LINES LOCATED WITHIN THE DEDICATED PUBLIC UTILITY EASEMENTS WILL BE PUBLICLY MAINTAINED BY THE CITY OF HARKER HEIGHTS

WITNESS THE EXECUTION HEREOF, ON THIS ____ DAY OF _____, 20__.

JOEL CANFIELD, Manager
OAR HARKER HEIGHTS REAL ESTATE HOLDINGS, LLC
709 VANGUARD
LAKEWAY, TEXAS 78734

STATE OF TEXAS
COUNTY OF BELL

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE ____ DAY OF _____, 20__ A.D., NOTARY PUBLIC FOR BELL COUNTY, TEXAS

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES _____

FIRE PROTECTION NOTE:

THE DEVELOPER HAS NOTED THE MOST RECENT COMMENTS PREPARED BY THE FIRE MARSHAL RELATED TO THE REQUIREMENT OF ADDITIONAL PRIVATE HYDRANTS AND WILL ADDRESS THOSE COMMENTS WHILE FINALIZING THE DESIGN OF THE PRIVATE PORTION OF THE STREETS AND UTILITIES. THE DEVELOPER UNDERSTANDS THAT NO BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY WILL BE ISSUED UNTIL ALL FIRE HYDRANT REQUIREMENTS ARE MET.

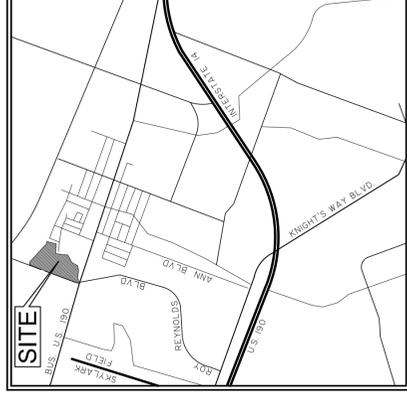
FLOOD HAZARD NOTE:

BASED UPON WHAT CAN BE SCALED FROM THE GRAPHICS SHOWN ON THE FEDERAL INSURANCE RATE MAP (FIRM), COMMUNITY PANEL NO. 48027C0285E DATED SEPTEMBER 26, 2008, THE PROPERTY SHOWN HEREON DOES APPEAR WITHIN THE "SPECIAL FLOOD HAZARD AREA" AND APPEARS TO BE ENCRACHOED BY ZONE "AE FLOODWAY", ZONE "AE-100 YEAR FLOOD" AND ZONE "X-0.2% ANNUAL CHANCE FLOOD HAZARD". THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE TRACT WILL NEVER FLOOD, NOR DOES IT CREATE ANY LIABILITY IN SUCH EVENT ON THE PART OF THE COMPANY.
BASE FLOOD ELEVATIONS PER THE ABOVE REFERENCED FEMA FLOOD INSURANCE RATE MAP RANGE FROM AN ELEVATION OF 745.5 (INTERPOLATED) TO 763, NAVD 88 DATUM.



ROBERT H. THONHOFF, JR., P.E.
REGISTERED PROFESSIONAL ENGINEER
TEXAS LICENSE NO. 55674
THONHOFF CONSULTING ENGINEERS, INC.
100 WEST KATHEY ROAD
SUITE B
HARKER HEIGHTS, TEXAS 76548
PH: (512) 328-6736
BTHONHOFF@TCETX.COM

DATE _____



VICINITY MAP
NO SCALE

APPROVED THIS ____ DAY OF _____, 20__, BY THE CITY COUNCIL OF
THE CITY OF HARKER HEIGHTS, TEXAS.

MAYOR

CITY SECRETARY

THIS PLAT IS IN CONFORMANCE WITH ZONING ORDINANCE 2019-16, ADOPTED ON JUNE 11, 2019.

APPROVED THIS ____ DAY OF _____, 20__, BY THE PLANNING AND ZONING
COMMISSION OF THE CITY OF HARKER HEIGHTS, TEXAS.

CHAIRMAN, PLANNING AND ZONING COMMISSION

SECRETARY, PLANNING AND ZONING COMMISSION

APPROVED THIS ____ DAY OF _____, 20__, BY THE DIRECTOR OF PLANNING AND
DEVELOPMENT OF THE CITY OF HARKER HEIGHTS, TEXAS, BELL COUNTY, TEXAS.

DIRECTOR OF PLANNING AND DEVELOPMENT

THE BELL COUNTY TAX APPRAISAL DISTRICT, THE TAXING AUTHORITY FOR ALL ENTITIES IN BELL COUNTY, TEXAS DOES HEREBY CERTIFY THAT THERE ARE CURRENTLY NO DELINQUENT TAXES OR OWING ON THE PROPERTY DESCRIBED BY THIS PLAT.

DATED THIS ____ DAY OF _____, 20__ A.D.

BELL COUNTY TAX APPRAISAL DISTRICT

BY _____

FILED FOR RECORD THIS ____ DAY OF _____, 20__ IN YEAR _____,
PLAT # _____, PLAT RECORDS OF BELL COUNTY, TEXAS. DEDICATION INSTRUMENT
_____, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, BELL COUNTY, TEXAS.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THE ____ DAY OF _____, 20__ A.D.
SHELLEY COSTON, COUNTY CLERK
BELL COUNTY, TEXAS

BY _____
DEPUTY

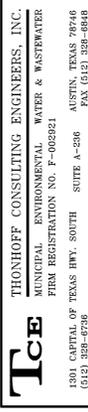
KNOW ALL MEN BY THESE PRESENTS:

THAT I, CLAUDE F. HINKLE, JR. DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION AND PROPERTY DEVELOPMENT REGULATIONS OF THE CITY OF HARKER HEIGHTS, TEXAS.



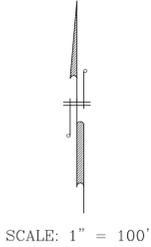
CLAUDE F. HINKLE, JR.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE NO. 4629
P.O. BOX 180243
AUSTIN, TEXAS 78758
PH: (512) 454-6605

DATE _____



FINAL PLAT OF OPEN AIR RESORT HARKER HEIGHTS

HARKER HEIGHTS, BELL COUNTY, TEXAS



LEGEND

- Iron pin set
- Iron pin found
- Concrete monument set
- Concrete monument found
- Iron pipe found
- Fence post found
- △ Calculated point
- (x) Record call

B.C.P.R. Bell Co. Plat Records
B.C.D.R. Bell Co. Deed Records

PROPERTY LINE TABLE

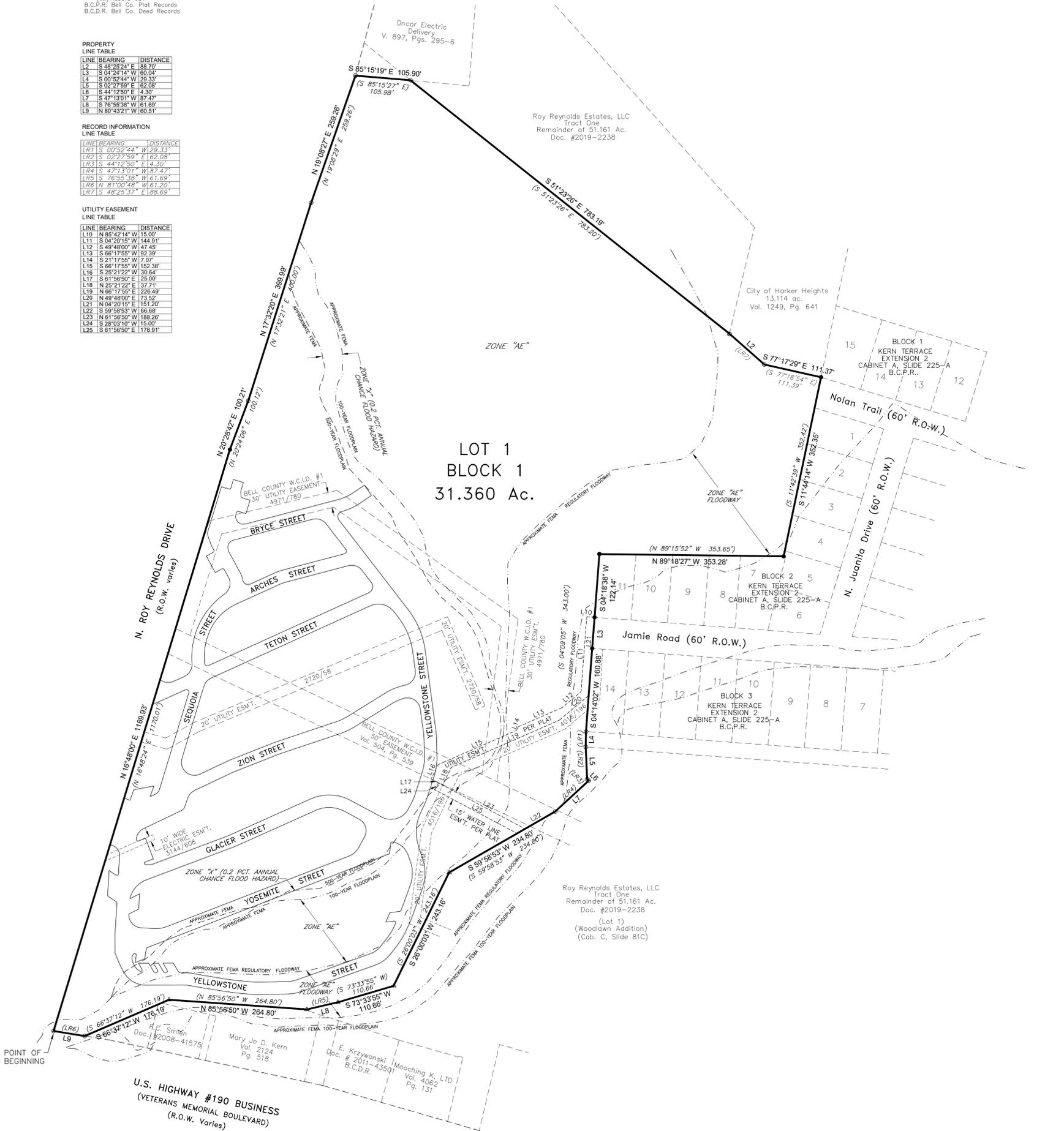
| LINE BEARING | DISTANCE |
|--------------|-----------------------|
| L1 | S 02°52'44" W 29.33' |
| L2 | S 48°25'24" E 88.70' |
| L3 | S 04°24'14" W 60.04' |
| L4 | S 00°52'44" W 29.33' |
| L5 | S 02°27'59" E 62.08' |
| L6 | S 44°12'50" E 4.30' |
| L7 | S 47°13'07" W 87.47' |
| L8 | S 76°55'38" W 61.69' |
| L9 | N 80°43'21" W 160.51' |

RECORD INFORMATION LINE TABLE

| LINE BEARING | DISTANCE |
|--------------|----------------------|
| LR1 | S 02°52'44" W 29.33' |
| LR2 | S 02°27'59" E 62.08' |
| LR3 | S 44°12'50" E 4.30' |
| LR4 | S 47°13'07" W 87.47' |
| LR5 | S 76°55'38" W 61.69' |
| LR6 | N 81°00'48" W 61.20' |
| LR7 | S 48°25'37" E 88.69' |

UTILITY EASEMENT LINE TABLE

| LINE BEARING | DISTANCE |
|--------------|-----------------------|
| L10 | N 85°42'14" W 15.00' |
| L11 | S 04°20'15" W 144.91' |
| L12 | S 49°48'00" W 47.45' |
| L13 | S 66°17'55" W 82.39' |
| L14 | S 21°17'55" W 7.07' |
| L15 | S 66°17'55" W 152.38' |
| L16 | S 25°21'22" W 30.64' |
| L17 | S 61°56'50" E 25.00' |
| L18 | N 25°21'22" E 37.11' |
| L19 | N 66°17'55" E 226.49' |
| L20 | N 49°48'00" E 73.82' |
| L21 | N 04°20'15" W 153.20' |
| L22 | S 59°58'53" W 66.68' |
| L23 | N 61°56'50" W 188.26' |
| L24 | S 28°03'10" W 15.00' |
| L25 | S 61°56'50" E 178.91' |



U.S. HIGHWAY #190 BUSINESS
(VETERANS MEMORIAL BOULEVARD)
(R.O.W. Varies)

TCE THONHOFF CONSULTING ENGINEERS, INC.
MUNICIPAL ENVIRONMENTAL WATER & WASTEWATER
FIRM REGISTRATION NO. P-002921

1301 CAPITAL OF TEXAS HWY. SOUTH SUITE A-236 AUSTIN, TEXAS 78746
(512) 328-6736 FAX (512) 328-6848

PRELIMINARY PLAT OF OPEN AIR RESORT HARKER HEIGHTS

HARKER HEIGHTS, BELL COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF BELL

KNOW ALL MEN THESE PRESENTS, THAT ROY REYNOLDS ESTATES, LLC, ACTING BY AND THROUGH MICHAEL BUTLER AND HENRY MOORE, BEING THE OWNERS OF ALL OF THAT CERTAIN TRACT ONE, A 51.161 ACRE TRACT OF LAND CONVEYED TO US BY DEED RECORDED IN DOCUMENT NUMBER 2019-2238, OFFICIAL PUBLIC RECORDS, BELL COUNTY, TEXAS, AS SHOWN BY THE PLAT HEREOF, AND APPROVED BY THE DIRECTOR OF PLANNING AND DEVELOPMENT OF THE CITY OF HARKER HEIGHTS, TEXAS, DOES HEREBY ADOPT OPEN AIR RESORT HARKER HEIGHTS, AN ADDITION TO THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS, AND HEREBY DEDICATES TO SAID CITY ALL STREETS, AVENUES, ROADS, DRIVES AND ALLEYS SHOWN ON SAID PLAT, THE SAME TO BE USED AS PUBLIC THROUGHPAGES AND FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES AND DRAINAGE FACILITIES WHEN AND AS AUTHORIZED BY THE CITY OF HARKER HEIGHTS, TEXAS, AND HEREBY AGREES TO PAY THE COSTS OF THE INSTALLATION AND MAINTENANCE OF ANY AND ALL PUBLIC UTILITIES, WHICH THE CITY MAY INSTALL OR PERMIT TO BE INSTALLED OR MAINTAINED.

WITNESS THE EXECUTION HEREOF, ON THIS ____ DAY OF _____, 20____.

MICHAEL BUTLER
P.O. BOX 516
KILLEEN, TEXAS 77866

STATE OF TEXAS
COUNTY OF BELL

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE ____ DAY OF _____, 20____, A.D., NOTARY PUBLIC FOR BELL COUNTY, TEXAS

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES _____

WITNESS THE EXECUTION HEREOF, ON THIS ____ DAY OF _____, 20____.

HENRY MOORE
P.O. BOX 516
KILLEEN, TEXAS 77866

STATE OF TEXAS
COUNTY OF BELL

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE ____ DAY OF _____, 20____, A.D., NOTARY PUBLIC FOR BELL COUNTY, TEXAS

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES _____

APPROVED THIS ____ DAY OF _____, 20____, BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS.

MAYOR _____

CITY SECRETARY _____

APPROVED THIS ____ DAY OF _____, 20____, BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF HARKER HEIGHTS, TEXAS.

CHAIRMAN, PLANNING AND ZONING COMMISSION _____

SECRETARY, PLANNING AND ZONING COMMISSION _____

APPROVED THIS ____ DAY OF _____, 20____, BY THE DIRECTOR OF PLANNING AND DEVELOPMENT OF THE CITY OF HARKER HEIGHTS, TEXAS, BELL COUNTY, TEXAS.

DIRECTOR OF PLANNING AND DEVELOPMENT _____

THE BELL COUNTY TAX APPRAISAL DISTRICT, THE TAXING AUTHORITY FOR ALL ENTITIES IN BELL COUNTY, TEXAS DOES HEREBY CERTIFY THAT THERE ARE CURRENTLY NO DELINQUENT TAXES OR OWING ON THE PROPERTY DESCRIBED BY THIS PLAT.

DATED THIS ____ DAY OF _____, 20____, A.D.

BELL COUNTY TAX APPRAISAL DISTRICT

BY _____

FILED FOR RECORD THIS ____ DAY OF _____, 20____, IN YEAR _____.

PLAT # _____ PLAT RECORDS OF BELL COUNTY, TEXAS. DEDICATION INSTRUMENT # _____ OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, BELL COUNTY, TEXAS.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THE ____ DAY OF _____, 20____, A.D.

SHELLEY COSTON, COUNTY CLERK

BELL COUNTY, TEXAS

BY _____

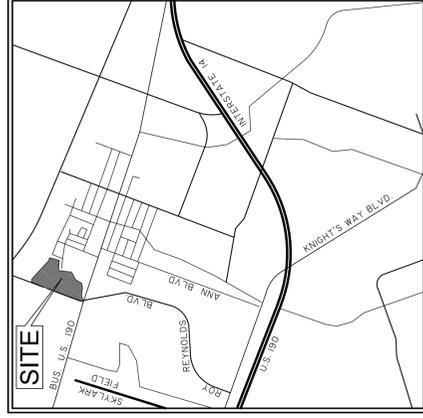
DEPUTY

FLOOD HAZARD NOTE:

BASED UPON WHAT CAN BE SCALED FROM THE GRAPHICS SHOWN ON THE FEDERAL INSURANCE RATE MAP (FIRM), COMMUNITY PANEL NO. 48027C0285E, DATED SEPTEMBER 26, 2008, THE PROPERTY SHOWN HEREON DOES APPEAR WITHIN THE "SPECIAL FLOOD HAZARD AREA", AND APPEARS TO BE ENCOMPASSED BY ZONE "AE FLOODWAY", "ZONE "AE-100 YEAR FLOOD" AND ZONE "X-100% ANNUAL CHANCE FLOOD HAZARD". THE PROPERTY SHOWN HEREON DOES NOT APPEAR TO BE WITHIN A FLOOD HAZARD ZONE. HOWEVER, THE PROPERTY OWNER SHALL NEVER FLOOD, NOR DOES IT CREATE ANY LIABILITY IN SUCH EVENT ON THE PART OF THE COMPANY.



DATE _____
ROBERT H. THONHOFF, JR., P.E.
REGISTERED PROFESSIONAL ENGINEER
TEXAS LICENSE NO. 55674
THONHOFF CONSULTING ENGINEERS, INC.
100 WEST KATHEY ROAD
SUITE B
HARKER HEIGHTS, TEXAS 76548
PH: (512) 328-6796
BTHONHOFF@TCETX.COM



VICINITY MAP
NO SCALE



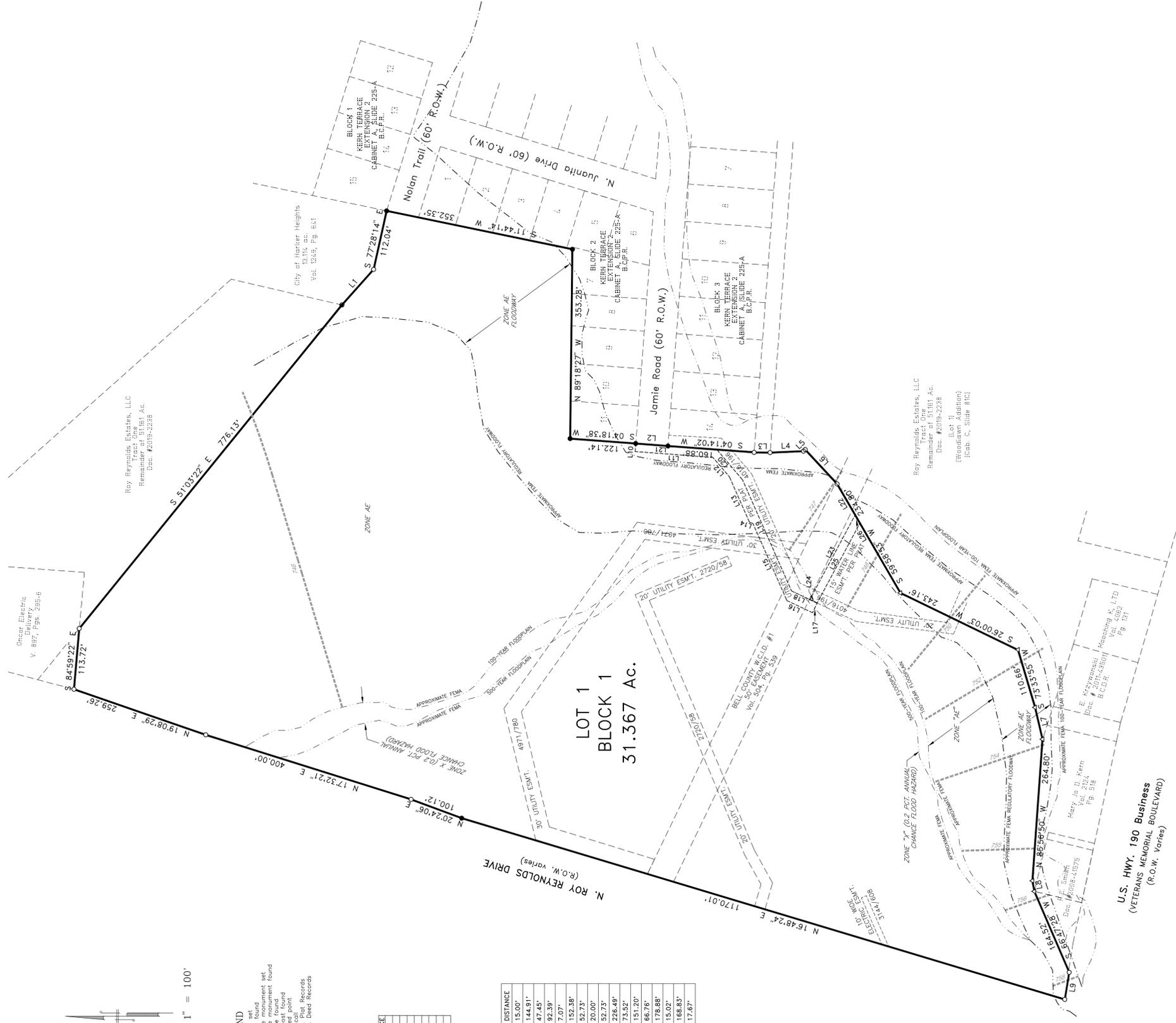
DATE _____
CLAUDE F. HINKLE, JR.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE NO. 4629
P.O. BOX 180243
PROFESSIONAL SURVEYOR
AUSTIN, TEXAS 78758
PH: (512) 454-6605

KNOW ALL MEN BY THESE PRESENTS:

THAT I, CLAUDE F. HINKLE, JR. DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ORIGINAL SURVEY AND THAT THE CORNER MARKS AND MONUMENTS SHOWN ON THIS PLAT WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION AND PROPERTY DEVELOPMENT REGULATIONS OF THE CITY OF HARKER HEIGHTS, TEXAS.

PRELIMINARY PLAT OF OPEN AIR RESORT HARKER HEIGHTS

HARKER HEIGHTS, BELL COUNTY, TEXAS



**LOT 1
BLOCK 1
31.367 AC.**

SCALE: 1" = 100'

LEGEND

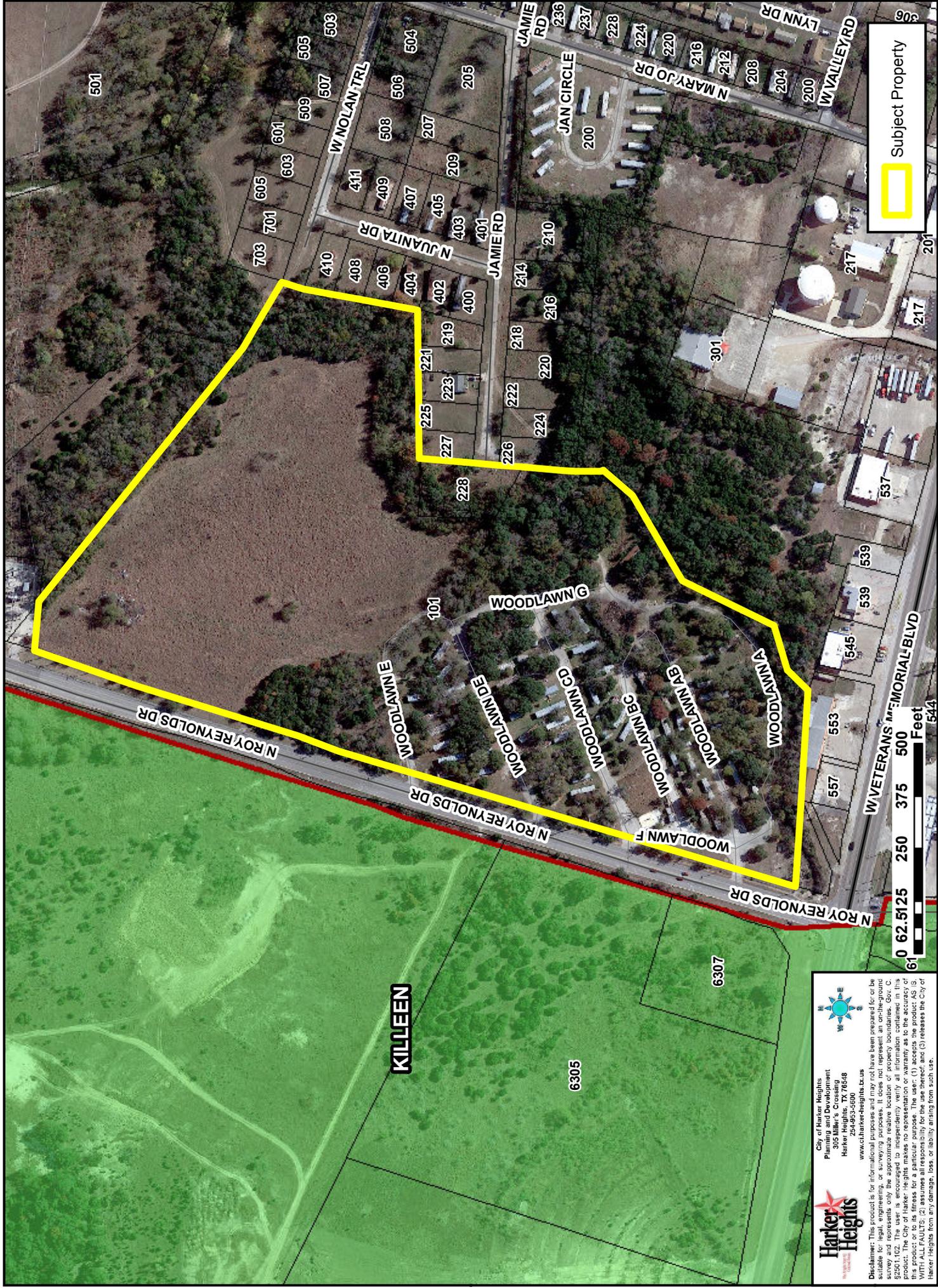
- Iron pin set
- Concrete monument set
- Iron pipe found
- Iron pipe found
- Iron pipe found
- Fence post found
- Record call
- (M) Record call
- B.C.P.R.: Bell Co. Plat Records
- B.C.D.R.: Bell Co. Deed Records

PROPERTY LINE TABLE

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | N 85°42'14" E | 15.00' |
| L2 | S 04°20'15" W | 144.91' |
| L3 | S 00°52'44" W | 29.33' |
| L4 | S 04°20'15" W | 14.00' |
| L5 | S 47°13'01" W | 87.47' |
| L6 | S 76°55'58" W | 61.69' |
| L7 | S 80°40'01" W | 51.19' |
| L8 | N 80°40'01" W | 51.19' |

EASEMENT LINE TABLE

| NUMBER | DIRECTION | DISTANCE |
|--------|---------------|----------|
| L10 | N 85°42'14" W | 15.00' |
| L11 | S 04°20'15" W | 144.91' |
| L12 | S 49°48'00" W | 47.45' |
| L13 | S 66°17'55" W | 92.39' |
| L14 | S 21°17'55" W | 7.07' |
| L15 | S 66°17'55" W | 156.38' |
| L16 | S 23°21'22" W | 52.75' |
| L17 | S 64°36'58" E | 20.00' |
| L18 | N 25°21'22" E | 52.75' |
| L19 | N 66°17'55" E | 226.49' |
| L20 | N 49°48'00" E | 73.52' |
| L21 | N 04°20'15" E | 151.20' |
| L22 | S 59°58'53" W | 66.76' |
| L23 | N 61°56'50" W | 178.88' |
| L24 | S 28°03'10" W | 15.02' |
| L25 | S 61°56'50" E | 168.83' |
| L26 | N 59°58'53" E | 17.67' |



Subject Property

0 62.5125 250 375 500 Feet

Harker Heights
 City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 76788
 www.ci.harkerheights.tx.us

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



January 20, 2021

Kristina Ramirez
Director of Planning and Development
Planning and Development Department
City of Harker Heights
305 Miller's Crossing
Harker Heights, TX 76548

Re: Engineering Plan and Final Plat Review
Open Air Resort – P21-07 Final Plat

Dear Reviewers,

I have reviewed your comments and my responses are listed as follows:

Planning & Development

1. Please provide a plat note that states the following: "This Plat is in conformance with zoning ordinance 2019-16, adopted on June 11, 2019."

TCE Response: Plat note has been added per comment.

2. It appears that the font that was used to annotate the documents has not transferred over well and there are random characters in place of digits and text information.

TCE Response: Plat has been revised to show the appropriate text.

3. KR - Per Section 154.23 of the city's code of ordinances, all public infrastructure (sidewalks, water, wastewater/sewer, drainage, streets, etc.) shall be constructed prior to recordation of the final plat. Currently, none of the public infrastructure has been constructed for this subdivision. Therefore, the applicant shall provide a Guarantee in the form of a performance bond or letter of credit for the entire amount of the public infrastructure that is to be constructed for this subdivision. A detailed engineer's cost estimate must be provided and reviewed by the City prior to issuance of the Guarantee.

TCE Response: Cost estimate has been revised to match the bonds and has been submitted for review on 01/19/2021. Copy of the cost estimate has been attached for your reference.

4. KR -The submitted engineering plans do not appear to match those construction plans previously reviewed and commented upon by city staff. Applicant shall meet with the Public Works Director to resolve the discrepancies. (i.e. placement of the proposed eastern fire hydrant outside of the existing Bell County WCID #1 50' easement; installation of a connection for blow off at/near the low spot in the waterline at the creek; placement of the dumpsters such that the garbage trucks can access the pads in a loop without having to turn around and with 40 ft. clear access; etc.)

TCE Response: Per our meeting, TCE has revised the plan to show the proposed eastern fire hydrant to be outside of the existing Bell County WCID #1 50' easement. Flush valve assembly per detail will be installed outside of the FEMA floodway at creek crossing. Locations of dumpsters have been revised to provide 40' clear access to the dumpsters.

5. KR- Per 154.23 (B)(1), the applicant shall submit an electronic copy and 4 hard copies of the engineering plans that are signed and sealed by the engineer of record.

TCE Response: Per our meeting, electronic submission for engineering plans and final plat is sufficient for review before the P & Z meeting.

6. KR- The applicant shall provide all the engineering plan sheets for the Jaime Road waterline portion of this project or change the sheet numbers and add them to the submitted Open Air Resort construction plan set.

TCE Response: Per our meeting, water line on Jaime Road is incorporated into the engineering plan for Open Air Resort.

7. KR- Per 154.23 (B)(1)(g), all private streets shall be clearly labeled and illustrated on the plat dedication page. Due to the number of easements, then for legibility reasons this may necessitate a third plat dedication page. If that is the case then a cover page must be submitted in accordance with Section 154.23(B)(1)(a).

TCE Response: Private streets have been added to the plat per comment.

8. KR- Applicant shall identify the width of all proposed utility easements (i.e. waterline easement for proposed eastern public fire hydrant).

TCE Response: There are two new easements per plat. One is the 15' water line easement for the existing 4" water; the second water line easement is described in metes and bounds.

9. KR- Applicant shall amend the dedication statement such that it does not reflect City responsibility for proposed private infrastructure.

TCE Response: Dedication statement has been revised per comment.

10. KR- Per the City's code of ordinances Section 153.32(c), the applicant shall amend the Special Flood Hazard Note on the plat dedication page to include identification of the regulatory Base Flood Elevation.

TCE Response: Flood Hazard Note has been revised to add base flood elevations per comment.

11. KR- The applicant has illustrated the proposed detention pond within a 30 ft. existing utility easement. Please clarify the use of the easement, that the easement allows for the storage of drainage, and that the outfall structure & storage capacity can be constructed inside the drainage easement as shown. This needs to be clarified as it may alter the location of the proposed private roadways and installation of private infrastructure

TCE Response: We have contacted Ricky Garrett with WCID to discuss the situation; however, we have not received an answer from Ricky regarding to your question. We have provided your contact to Ricky, he may want to discuss with you directly. We will keep you posted as we receive additional information.

Public Works, Mark Hyde

1. Provide a performance bond for all proposed public infrastructure.

TCE Response: Performance bond has been submitted by owner.

2. On the final plat, the dedication of all streets, avenues, roads and drives to the City is incorrect. All of the streets are privately maintained.

TCE Response: Dedication statement has been revised by adding paragraph regarding to the private streets.

3. Only water lines and sanitary sewer lines within dedicated public utility easements will be publicly maintained.

TCE Response: Dedication statement has been revised by adding paragraph regarding to the utilities only within the dedicated public utility easements are publicly maintained.

4. Please turn off the contour lines on the water and sanitary sewer layout sheets.

TCE Response: An Overall Site Plan – Propose Utility Plan (sheet 5) is added and contour lines are turned off on the sheet. Contour lines are also turned off on Wastewater Plan (sheet 12).

5. Include and label the public easements on the water and sanitary sewer layout sheets.

TCE Response: Labels have been added per comments.

6. Where water line diameters are reduced in size from public maintenance to private maintenance, show and include the reducer fitting as being privately maintained.

TCE Response: Callout has been added for water line after meter vault to be privately maintained (see sheet 11). The 4" water line after the 8" tee is considered a City maintained line that is connecting back to an existing 4" City water line.

7. Where wastewater line diameters are reduced in size from public maintenance to private maintenance, the manhole with the line size reduction will be maintained by the City and should be inside of a public utility easement.

TCE Response: Labels have been revised to show wastewater lines inside public utility easements will be maintained by the City.

8. Verify the water meter vault is within a public utility easement.

TCE Response: Water meter vault has been revised to be inside the public utility easement.

9. All front load dumpsters should be accessible by the solid waste truck traveling the same direction within the subdivision.

TCE Response: Water meter vault has been revised to be inside the public utility easement.

Fire Marshal, Brad Alley

1. Please clarify, based upon the submitted construction documents it appears that the requested fire line and hydrants are in the WCID 50 ft R.O.W. It also appears that the line might be a 4 inch line, a 6 inch line is minimum.

TCE Response: Plan has been revised to show a minimum 6" water line is connecting to all fire hydrants within the site and inside public utility easements.

Please contact me should you have any questions or comments regarding the information provided above.

Sincerely,

THONHOFF CONSULTING ENGINEERS, INC.



Siu Lam Matthew Chu, P.E.



PLANNING AND ZONING COMMISSION MEMORANDUM

P21-08

AGENDA ITEM VII-04

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING & DEVELOPMENT

DATE: JANUARY 27, 2021

DISCUSS AND CONSIDER ACTION ON A REQUEST FOR FINAL PLAT APPROVAL FOR THE SUBDIVISION REFERRED TO AS SAPIAH PLAINS PHASE TWO, ON PROPERTY DESCRIBED AS 3.397 ACRE TRACT OF LAND IN BELL COUNTY, TEXAS, BEING PART OF THE H.B. LITTLEFIELD SURVEY, ABSTRACT NO. 511, AND THE LAND HEREIN DESCRIBED BEING THE REMAINDER OF A CALLED 5.461 ACRE TRACT CONVEYED TO JEROME KENNETH GOMER AND RACHEL R. GOMER, OF RECORD IN DOCUMENT NUMBER 201911041, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, BELL COUNTY, TEXAS, GENERALLY LOCATED NEAR THE INTERSECTION OF UTE TRAIL AND WARRIORS PATH, HARKER HEIGHTS, BELL COUNTY, TEXAS.

PROJECT DESCRIPTION:

The applicants, Jerome and Rachel Gomer, have submitted an application for final plat approval for approximately 3.397 acres of vacant land within a proposed improved cul-de-sac (Emma Naylor Court) consisting of twelve (12) duplex lots. This developmental phase was outlined in the Sapiyah Plains Concept Plan (see attached) which was approved by P&Z on May 29, 2019 and City Council on June 11, 2019. This development was also outlined in the Sapiyah Plains Preliminary Plat (see attached) which was approved by P&Z on September 25, 2019 and City Council on October 22, 2019.

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

STAFF RECOMMENDATION:

Although Section 154.23(A) requires the completion of all public infrastructure improvements prior to recordation of the Final Plat, the City has accepted an executed a recorded agreement between the developer and the builder regarding construction of sidewalks within the portion of Ponca Trace right-of-way without home frontage and within the Tract A (drainage parcel).

The comments provided by staff have been addressed and the submitted Final Plat meets the standards and ordinances of the City of Harker Heights. Therefore, staff recommends approval of the Final Plat for the subdivision for Final Plat approval for the subdivision referred to as Sapiyah Plains Phase Two, on property described as 3.397 acre tract of land in Bell County, Texas, being

part of the H.B. Littlefield Survey, Abstract No. 511, and the land herein described being the remainder of a called 5.461 acre tract conveyed to Jerome Kenneth Gomer and Rachel R. Gomer, of record in Document Number 201911041, Official Public Records of Real Property, Bell County, Texas, generally located near the intersection of Ute Trail and Warriors Path, Harker Heights, Bell County, Texas

ACTION BY THE PLANNING AND ZONING COMMISSION:

1. Motion to **approve, approve with conditions, or disapprove with explanation** a request for Final Plat for the subdivision referred to as Sapiyah Plains Phase Two, on property described as 3.397 acre tract of land in Bell County, Texas, being part of the H.B. Littlefield Survey, Abstract No. 511, and the land herein described being the remainder of a called 5.461 acre tract conveyed to Jerome Kenneth Gomer and Rachel R. Gomer, of record in Document Number 201911041, Official Public Records of Real Property, Bell County, Texas, generally located near the intersection of Ute Trail and Warriors Path, Harker Heights, Bell County, Texas.
2. Any other action desired.

ATTACHMENTS:

1. Application
2. Sapiyah Plains Phase Two Final Plat
3. Sapiyah Plains Concept Plan (Approved by Council on June 11, 2019)
4. Sapiyah Plains Phase Two Preliminary Plat (Approved by Council October 22, 2019)
5. Sapiyah Plains Phase Two and Three – Memorandum of Understanding (Executed December 2, 2020)
6. Location Map
7. Staff Comments (January 14, 2021)



Final Plat Application

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

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

1. Payment of \$150.00
2. Signed Original Field Notes and Dedication Pages
3. Paper Plan Submissions: Ten (10) Copies of Plat and Seven (7) sets of Final Engineering Plans
4. Electronic Submissions: Plat and Engineering Plans submitted to tdake@harkerheights.gov in PDF format.
5. Completed Final Plat Checklist

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

Property Information:

Plat Name: Sapiah Plains, Ph. 2 **Date Submitted:** 12/30/2020

Number of Lots: 12 **Number of Units/Suites:** 12 **Acreage:** 3.397

Site Address or General Location: 1810 Ute, Harker Heights, TX 76548

Residential Commercial Both **On Site Detention Proposed with Subdivision:** Yes No Other

Date of Preliminary Plat Approval by P&Z: 6/02/2020

Owner Information & Authorization:

Property Owner: Jerome Gomer and Rachel Gomer

Address: 1524 Indian Trail, Harker Heights, TX 76548

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

Developer: Same as above

Address: _____

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

Engineer: Mitchell & Associates, Inc.

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

Phone: 254-634-5541 **E-Mail:** [REDACTED]

Surveyor: Mitchell & Associates, Inc.

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

Phone: 254-634-5541 **E-Mail:** [REDACTED]

For more information reference Section 154.22 Final Plat of the Harker Heights Code of Ordinances

I HEREBY UNDERSTAND AND ACKNOWLEDGE:

The final plat must be prepared in accordance with the City's subdivision rules and regulations and shall conform substantially to preliminary plat layout as approved. The subdivider will be required to install at his/her own expense all water lines, streets, sewer lines, drainage facilities, and structures within the subdivision accords to Section 154.36 of the Harker Heights Code of Ordinances.

All required improvements must be completed unless a Bond or Letter of Credit has been posted and attached in sufficient amount to assure completion.

A maintenance bond/surety instruments has been furnished to assure the quality of materials and workmanship and maintenance of all required improvements including the City's cost for collecting the guaranteed funds and administering the correction and/or replacement of covered improvements in the even the subdivider defaults.

The maintenance bond or other surety instrument shall be satisfactory to the city as to form, sufficiency and manner of execution. For water and sewer related improvements, the bond or other instrument shall be in an amount equal to 20% of the cost of improvements verified by the city Engineer and shall run for a period of one calendar year. Bonds or other instruments for streets and drainage facilities shall be in an amount equal to 40% of the improvements verified by the city Engineer and shall run for a period of two calendar years.

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

Jerome Gomer

Rachel Gomer

Mike W. Kriegel

Printed Name of Owner

Printed Name of Authorized Agent (Corporation/Partnership)

[Handwritten signature of Jerome Gomer]

[Handwritten signature of Mike W. Kriegel]

Signature of Owner

Signature of Authorized Agent (Corporation/Partnership)

SWORN AND SUBSCRIBED BEFORE ME THIS 30th DAY OF

December, 2020.

[Handwritten signature of Jennifer Henderson]

Signature of Notary Public

My Commission Expires: 10-20-2024



STAFF ONLY -- DO NOT FILL OUT

Date Submitted: 12/30/2020

Received By: y spell

Case #: P21-08

Receipt #: 01649529

Rev. 5/20

MITCHELL & ASSOCIATES, INC.
ENGINEERING & SURVEYING
102 N. COLLEGE
KILLEEN, TEXAS 76541
PHONE: (254) 634-5541
FAX: (254) 634-2141

TEXAS BOARD OF PROFESSIONAL ENGINEERS FIRM REGISTRATION NO. 1241
T. B. F. L. S. FIRM REGISTRATION NO. 100204-00

83017
LICENSED SURVEYOR
MIKE W. KRUEGER

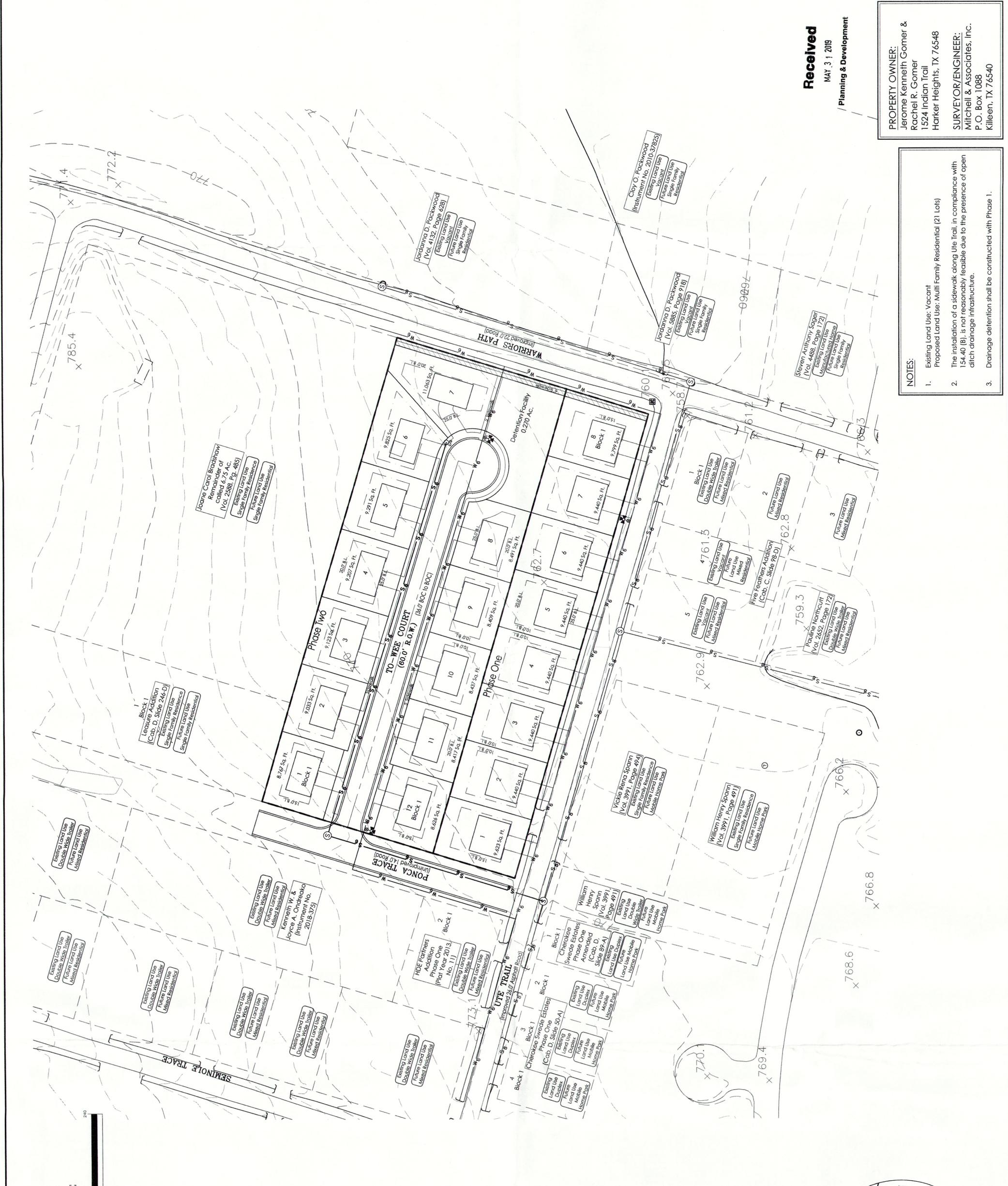
DWG No. DATE SCALE FB/LB AREA
19-02-0-5 MAY 2019 AS SHOWN ** 2 BLOCK 5.461 AC.

SAPIAH PLAINS
HARKER HEIGHTS, BELL COUNTY, TEXAS

CONCEPT PLAN

SHEET TITLE:

| NO. | DATE | REMARKS | BY |
|-----|-----------|--------------------------------|-----|
| 4 | 5/30/2019 | PHASE BOUNDARY/SIDEWALK/NOTE | FRB |
| 3 | 5/20/2019 | CITY COMMENT: STREET NAME | FRB |
| 2 | 5/6/2019 | EXISTING FIRE HYDRANT LOCATION | FRB |
| 1 | | | |



Received
MAY 31 2019
/ Planning & Development

PROPERTY OWNER:
Jerome Kenneth Gomer &
Rochel R. Gomer
1524 Indian Trail
Harker Heights, TX 76548

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

- NOTES:**
- Existing Land Use: Vacant
Proposed Land Use: Multi Family Residential (21 Lots)
 - The installation of a sidewalk along Ute Trail, in compliance with 154.40 (B), is not reasonably feasible due to the presence of open ditch drainage infrastructure.
 - Drainage detention shall be constructed with Phase 1.

MEMORANDUM OF UNDERSTANDING

THE STATE OF TEXAS
COUNTY OF BELL

§
§
§

KNOW ALL MEN BY THESE PRESENTS

This Memorandum of Understanding (the "**MOU**") is entered into on the 4th of December in the year 2020 (the "**Effective Date**"), by and between Jerome Gomer, with an address of 1524 Indian Trail, Harker Heights, Bell County, Texas 76548 (the "**Developer**"), The City of Harker Heights by way of the City Manager, with an address of 305 Millers Crossing, Harker Heights, TX 76548, (the "**City**"), and Flintrock Builders, with an address of 105 E FM 2410, Harker Heights, Bell County, Texas 76548 (the "**Builder**"), collectively "**the Parties**".

WHEREAS, the Parties desire to enter into an agreement to complete the development of Sapiah Plains Phase 2 and Sapiah Plains Phase 3 subdivisions located in the City of Harker Heights, collectively "**the Development**"; and

WHEREAS, the Parties desire to memorialize certain terms and conditions of their agreement;

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the Parties agree as follows:

1. **Purpose and Scope.** The Parties intend for this MOU to provide the binding agreement related to the construction of sidewalks within the Development, in accordance with the construction plans of Sapiah Plains Phase 2 released for construction on the 4th of November in the year 2020.

2. **Objectives.** The Parties agree as follows:

a. The Developer will construct the sidewalk within the Ponca Trail right of way along the west property line of Lot 1, Block 1 of Sapiah Plains Phase 1 and the corresponding curb ramp. No Certificate of Occupancy will be issued within the Development until this sidewalk and curb ramp is constructed by the Developer and accepted by the City.

b. The Developer will construct the sidewalk within the Ponca Trail right of way along the east property line of Lot 2, Block 1 of the HDE Partners Addition Phase One. Construction of this sidewalk will be concurrent with the structure erection on Lot 6, Block 1 of Sapiah Plains Phase 3. No Certificate of Occupancy will be issued within the Development until this sidewalk and curb ramp is constructed by the Developer and accepted by the City.

c. The Builder will construction the sidewalks along the platted Emma Naylor Court frontage of Tract A and within the passage easement connecting Emma Naylor Court to Warriors Path. This sidewalk also includes the sidewalk span and handrails over the concrete drainage flume. No Certificate of Occupancy will be issued within the Development until this sidewalk is constructed by the Builder and accepted by the City.

d. The Builder will construct the sidewalks along the frontage of each lot, including curb ramps as shown, at the time of structure erection. No Certificate of Occupancy will be issued until the corresponding sidewalk and curb ramps for that lot's frontage is constructed.

e. All sidewalk construction is subject to the provisions of § 154.40 in the Harker Heights Code of Ordinances.

f. The City will waive the requirement for the construction of the sidewalk along Warriors Path in the anticipation of future improvements by others.

3. **Term.** This Agreement shall commence upon the Effective Date, as stated above, and will continue until Certificates of Occupancy have been issued for all 18 lots of Sapiah Plains Phase 2 and Sapiah Plains Phase 3.

4. **Representations and Warranties.** Both Parties represent that they are fully authorized to enter into this Agreement. The performance and obligations of either Party will not violate or infringe upon the rights of any third-party or violate any other agreement between the Parties, individually, and any other person, organization, or business or any law or governmental regulation.

5. **Severability.** In the event any provision of this Agreement is deemed invalid or unenforceable, in whole or in part, that part shall be severed from the remainder of the Agreement and all other provisions should continue in full force and effect as valid and enforceable.

9. **Waiver.** The failure by either party to exercise any right, power or privilege under the terms of this Agreement will not be construed as a waiver of any subsequent or further exercise of that right, power or privilege or the exercise of any other right, power or privilege.

10. **Legal Fees.** In the event of a dispute resulting in legal action, the successful party will be entitled to its legal fees, including, but not limited to its attorneys' fees.

11. **Legal and Binding Agreement.** This Agreement is legal and binding between the Parties as stated above. The Parties each represent that they have the authority to enter into this Agreement.

12. **Governing Law and Jurisdiction.** The Parties agree that this Agreement shall be governed by the State of Texas and Bell Country in which the Parties do business.

13. **Entire Agreement.** The Parties acknowledge and agree that this Agreement represents the entire agreement between the Parties. In the event that the Parties desire to change, add, or otherwise modify any terms, they shall do so in writing to be signed by all parties. The Parties agree to the terms and conditions set forth above as demonstrated by their signatures as follows:

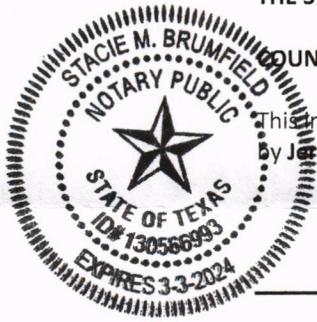
IN WITNESS WHEREOF, this instrument is executed this 2 day of Dec, 2020.

[Signature]
Jerome Gomer
For: Sowals Incorporated

ACKNOWLEDGEMENT

THE STATE OF TEXAS §
COUNTY OF BELL §

This instrument was acknowledged before me on 2nd Dec, 2020,
by Jerome Gomer.



[Signature]
Notary Public of Texas

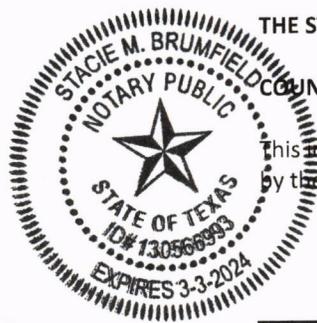
IN WITNESS WHEREOF, this instrument is executed this 2 day of Dec, 2020.

[Signature]
Christopher Doose, Owner
For: Flitroek Builders

ACKNOWLEDGEMENT

THE STATE OF TEXAS §
COUNTY OF BELL §

This instrument was acknowledged before me on 2nd December, 2020,
by the City of Harker Heights.



[Signature]
Notary Public of Texas

IN WITNESS WHEREOF, this instrument is executed this 7th day of December, 2020.

[Signature]
David Mitchell, City Manager
For: City of Harker Heights

ACKNOWLEDGEMENT

THE STATE OF TEXAS §
COUNTY OF BELL §

This instrument was acknowledged before me on December 7th, 2020,
by David Mitchell.



[Signature]
Notary Public of Texas



**Bell County
Shelley Coston
County Clerk
Belton, Texas 76513**

Instrument Number: 2020068955

As
MEMORANDUM

Recorded On: December 11, 2020
Parties: GOMER JEROME
To FLINTROCK BUILDERS
Comment:

**Billable Pages: 3
Number of Pages: 4**

(Parties listed above are for Clerks' reference only)

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

| | |
|-----------------------|----------------|
| CLERKS RMF: | \$5.00 |
| COURT HOUSE SECURITY: | \$1.00 |
| RECORDING: | \$13.00 |
| Total Fees: | \$19.00 |

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

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

File Information

Instrument Number: 2020068955
Receipt Number: 162622
Recorded Date/Time: 12/11/2020 11:02:06 AM
User / Station: ramiremg - BCCCD0642

Record and Return To:

JEROME GOMER
CUSTOMER PICK UP



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

Shelley Coston
Bell County Clerk

SAPIAH PLAINS PH. 2

P21-08 – Final Plat

Plat Distributed to HH Staff: 01/07/21
Comments Returned to Survey/Eng Co.: 01/14/21

Planning & Development

1. CP - Please revise street name from “Ponca Trail” to **Ponca Trace**.
2. KR - The required water & sewer, streets & drainage maintenance bonds have not yet been received for this subdivision. Therefore, the applicant is advised that per Section 154.24 of the city’s code of ordinances, no building permits will be issued until the bonds are received by the City.

Public Works, Mark Hyde

1. While the storm water detention facility for the subdivision was constructed and approved by the City of Harker Heights in Phase 1, Phase II has considerable storm water runoff entering into the existing detention facility. Remove the silt and sedimentation accumulation from the storm water detention facility. Remove and dispose of the trash and wooden construction staking.

Consulting Engineer, Otto Wiederhold

- No Comments.

Fire Marshal, Brad Alley

- No Comments.

Building Official, Mike Beard

- No comments.

ONCOR, Derex Spencer

Century Link, Chris McGuire

Time Warner Cable/Spectrum, Shaun Whitehead

ATMOS, Burton Jones



PLANNING AND ZONING COMMISSION MEMORANDUM

P21-09

AGENDA ITEM VII-05

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING & DEVELOPMENT
DATE: JANUARY 27, 2021

DISCUSS AND CONSIDER ACTION ON A REQUEST FOR FINAL PLAT APPROVAL FOR THE SUBDIVISION REFERRED TO AS SAPIAH PLAINS PHASE THREE, ON PROPERTY DESCRIBED AS 1.367 ACRE TRACT OF LAND IN BELL COUNTY, TEXAS, BEING PART OF THE H.B. LITTLEFIELD SURVEY, ABSTRACT NO. 511, AND THE LAND HEREIN DESCRIBED BEING THE REMAINDER OF A CALLED 3.397 ACRE TRACT CONVEYED TO JEROME GOMER, OF RECORD IN DOCUMENT NUMBER 201958768, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, BELL COUNTY, TEXAS, GENERALLY LOCATED NEAR THE INTERSECTION OF UTE TRAIL AND PONCA TRACE, HARKER HEIGHTS, BELL COUNTY, TEXAS.

PROJECT DESCRIPTION:

The applicants, Jerome and Rachel Gomer, have applied for final plat approval for approximately 1.367 acres of vacant land within a proposed improved cul-de-sac (Ponca Trace) consisting of six (6) duplex lots; twelve (12) individual unit. This developmental phase was outlined in the Sapiah Plains Concept Plan Phase 3 (see attached) which was approved by P&Z on September 25, 2019 and City Council on October 22, 2019. Sapiah Plains Phase Three Concept Plan was approved separately from the other two phases of development as the applicant did not acquire the land within Phase Three until after the approval of phases one and two concept plan were approved. This development was also outlined in the Sapiah Plains Preliminary Plat (see attached) which was approved by P&Z on September 30, 2020 and City Council on October 13, 2020.

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

STAFF RECOMMENDATION:

Although Section 154.23(A) requires the completion of all public infrastructure improvements prior to recordation of the Final Plat, the City has accepted an executed a recorded agreement between the developer and the builder regarding construction of sidewalks within the portion of Ponca Trace right of way without home frontage and within the Tract A (drainage parcel).

The comments provided by staff have been addressed and the submitted Final Plat meets the standards and ordinances of the City of Harker Heights. Therefore, staff recommends approval of the Final Plat for the subdivision referred to as Sapiyah Plains Phase Three, on property described as 1.367 acre tract of land in Bell County, Texas, being part of the H.B. Littlefield Survey, Abstract No. 511, and the land herein described being the remainder of a called 3.397 acre tract conveyed to Jerome Gomer, of record in Document Number 201958768, Official Public Records of Real Property, Bell County, Texas, generally located near the intersection of Ute Trail and Ponca Trace, Harker Heights, Bell County, Texas.

ACTION BY THE PLANNING AND ZONING COMMISSION:

1. Motion to **approve, approve with conditions, or disapprove with explanation** a request for Final Plat for the subdivision referred to as Sapiyah Plains Phase Three, on property described as 1.367 acre tract of land in Bell County, Texas, being part of the H.B. Littlefield Survey, Abstract No. 511, and the land herein described being the remainder of a called 3.397 acre tract conveyed to Jerome Gomer, of record in Document Number 201958768, Official Public Records of Real Property, Bell County, Texas, generally located near the intersection of Ute Trail and Ponca Trace, Harker Heights, Bell County, Texas.
2. Any other action desired.

ATTACHMENTS:

1. Application
2. Sapiyah Plains Phase Three Final Plat
3. Sapiyah Plains Phase Three Concept Plan (Approved by Council on October 22, 2019)
4. Sapiyah Plains Phase Three Preliminary Plat (Approved by Council October 13, 2020)
5. Sapiyah Plains Phase Two and Three – Memorandum of Understanding (Executed December 2, 2020)
6. Location Map
7. Staff Comments (January 14, 2021)



Final Plat Application

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

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

1. Payment of \$150.00
2. Signed Original Field Notes and Dedication Pages
3. Paper Plan Submissions: Ten (10) Copies of Plat and Seven (7) sets of Final Engineering Plans
4. Electronic Submissions: Plat and Engineering Plans submitted to tdake@harkerheights.gov in PDF format.
5. Completed Final Plat Checklist

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

Property Information:

Plat Name: Sapiah Plains Phase Three _____ **Date Submitted:** 12/30/2020

Number of Lots: 6 _____ **Number of Units/Suites:** 6 _____ **Acreage:** 1.376

Site Address or General Location: 1808 Ponca Trace, Harker Heights, TX 76548

Residential Commercial Both **On Site Detention Proposed with Subdivision:** Yes No Other

Date of Preliminary Plat Approval by P&Z: 9/18/2020

Owner Information & Authorization:

Property Owner: Jerome Gomer _____

Address: 1524 Indian Trail, Harker Heights, TX 76548

Phone: [REDACTED] _____ **E-Mail:** [REDACTED] _____

Developer: Same as Above _____

Address: _____

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

Engineer: Mitchell & Associates, Inc. _____

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

Phone: 254-634-5541 _____ **E-Mail:** [REDACTED] _____

Surveyor: Mitchell & Associates, Inc. _____

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

Phone: 254-634-5541 _____ **E-Mail:** [REDACTED] _____

For more information reference Section 154.22 Final Plat of the Harker Heights Code of Ordinances

HEREBY UNDERSTAND AND ACKNOWLEDGE:

The final plat must be prepared in accordance with the City's subdivision rules and regulations and shall conform substantially to preliminary plat layout as approved. The subdivider will be required to install at his/her own expense all water lines, streets, sewer lines, drainage facilities, and structures within the subdivision accords to Section 154.36 of the Harker Heights Code of Ordinances.

All required improvements must be completed unless a Bond or Letter of Credit has been posted and attached in sufficient amount to assure completion.

A maintenance bond/surety instruments has been furnished to assure the quality of materials and workmanship and maintenance of all required improvements including the City's cost for collecting the guaranteed funds and administering the correction and/or replacement of covered improvements in the even the subdivider defaults.

The maintenance bond or other surety instrument shall be satisfactory to the city as to form, sufficiency and manner of execution. For water and sewer related improvements, the bond or other instrument shall be in an amount equal to 20% of the cost of improvements verified by the city Engineer and shall run for a period of one calendar year. Bonds or other instruments for streets and drainage facilities shall be in an amount equal to 40% of the improvements verified by the city Engineer and shall run for a period of two calendar years.

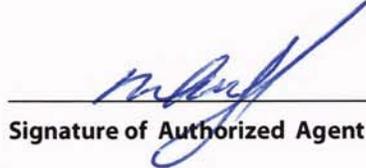
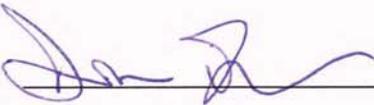
The applicant or their authorized representative must be present at all Planning and Zoning Commission and City Council Meetings at which their plat is on the agenda for discussion or action. Failure of the applicant or their authorized representative to appear before the Planning and Zoning Commission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

Jerome Gomer

Mike W. Kriegel

Printed Name of Owner

Printed Name of Authorized Agent (Corporation/Partnership)

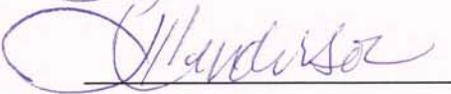


Signature of Owner

Signature of Authorized Agent (Corporation/Partnership)

SWORN AND SUBSCRIBED BEFORE ME THIS 30th DAY OF

December, 2020.



Signature of Notary Public



My Commission Expires: 10 20 2024

STAFF ONLY -- DO NOT FILL OUT

Date Submitted: 12/30/2020 Received By: Wilene Case #: P21-09 Receipt #: 01647544

Rev. 5/20



MITCHELL & ASSOCIATES, INC.
 ENGINEERING & SURVEYING
 102 N. COLLEGE
 KILLEEN, TEXAS 76541
 PHONE: (254) 634-5541
 FAX: (254) 634-2141
 TEXAS BOARD OF PROFESSIONAL ENGINEERS FIRM REGISTRATION NO. 5241
 1, P. L. S. FIRM REGISTRATION NO. 10024-00

DWG No. 19-079-D-5
 DRAWN BY: FRB
 DATE: AUGUST 2019
 SCALE: AS SHOWN
 FB/LB: 6 LOTS
 AREA: 1.4 AC.



**SAPLAH PLAINS
 PHASE THREE
 HARKER HEIGHTS, BELL COUNTY, TEXAS**

CONCEPT PLAN

SHEET TITLE

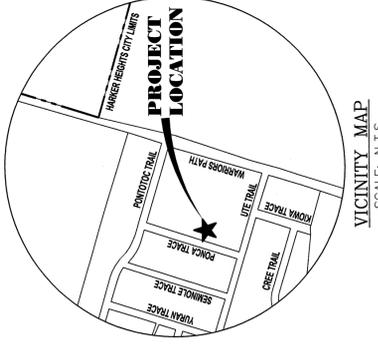
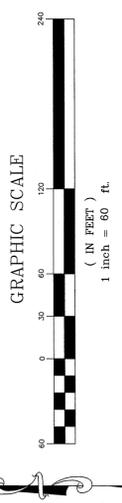
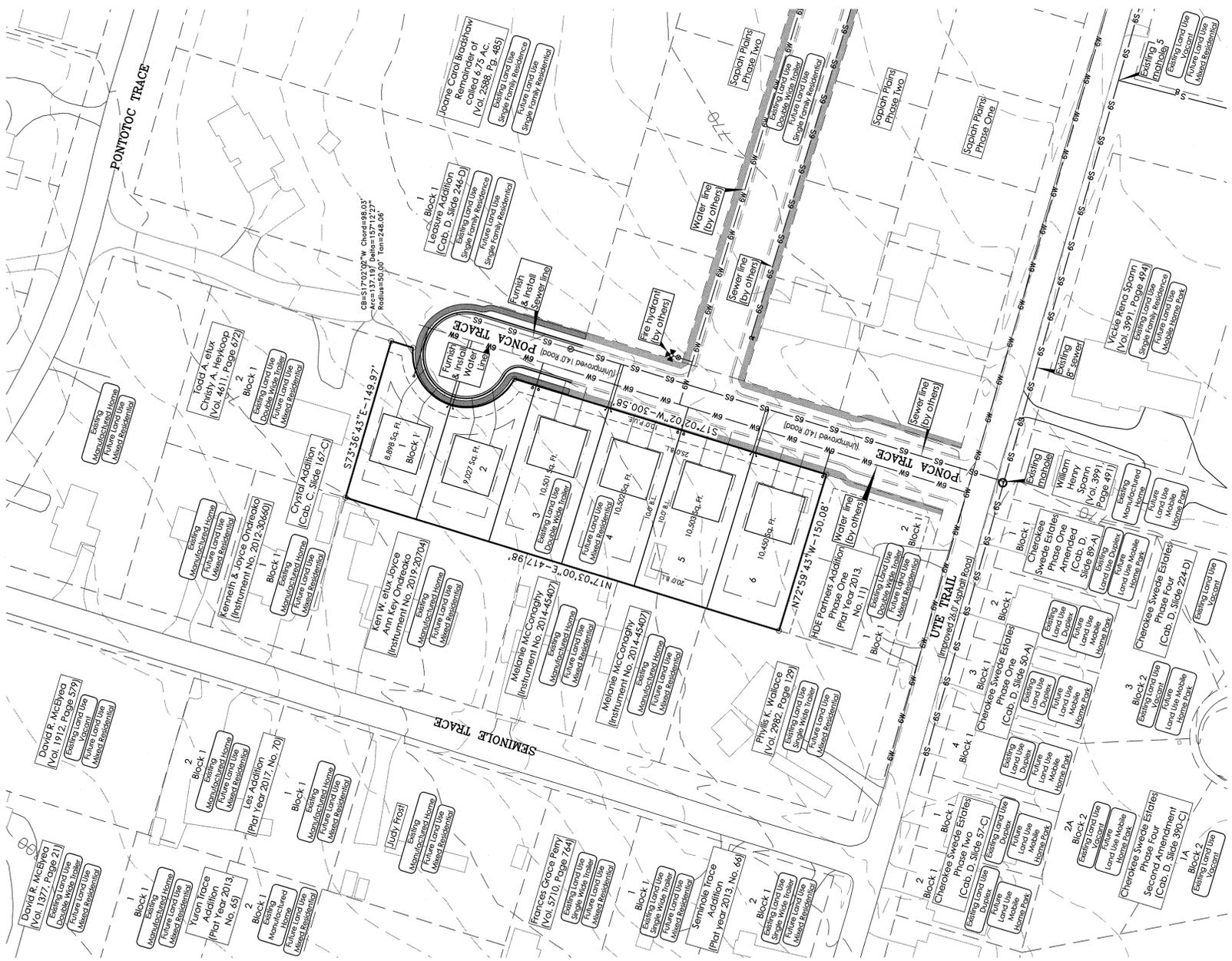
| NO. | DATE | REMARKS |
|-----|---------|---------------------|
| 1 | 9/16/19 | CITY OF HH COMMENTS |

REVISIONS

PROPERTY OWNER:
 CP Summit Group, L.P.
 P.O. Box 2392
 Harker Heights, TX 76548

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

NOTES:
 Existing Land Use: Vacant
 Zoning: R-MU Mixed Use Residential
 Proposed Land Use: R-2 Duplex Residential (6 Lots)



VICINITY MAP
 SCALE: N.T.S.

19-079-D-5
 DRAWN BY: FRB
 DATE: SEPTEMBER 2020
 AS SHOWN
 SCALE: F8/LB
 AREA: 1.376 AC
 6 LOTS
 1 BLOCK

1-18-20

TEXAS BOARD OF PROFESSIONAL ENGINEERS FIRM REGISTRATION NO. 3241
 F. P. L. S. FIRM REGISTRATION NO. 10224-00

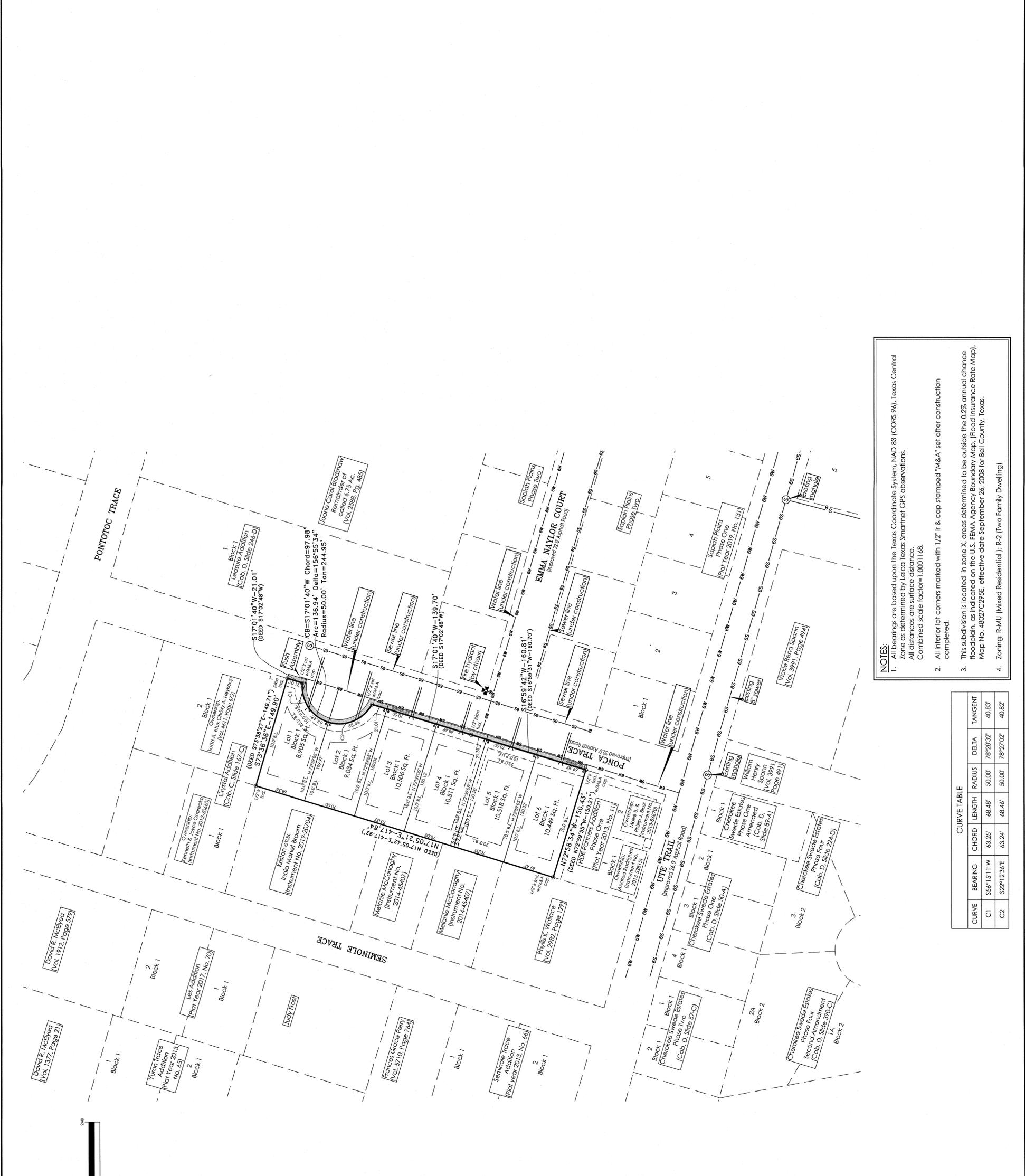
MITCHELL & ASSOCIATES, INC.
 ENGINEERING & SURVEYING
 102 N. COLLEGE
 KILLEEN, TEXAS 76541
 PHONE: (254) 634-5541
 FAX: (254) 634-2141

SHEET TITLE:
**SAPIAH PLAINS
 PHASE THREE
 HARKER HEIGHTS, BELL COUNTY, TEXAS**

REVISIONS

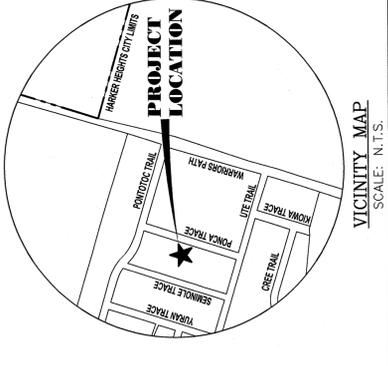
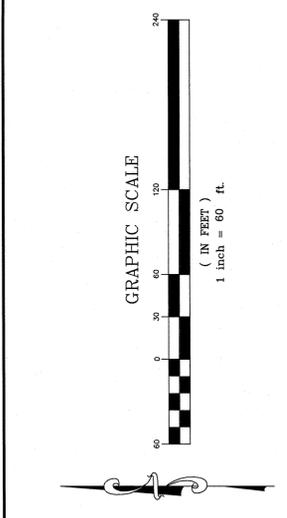
| No. | DATE | REMARKS |
|-----|----------|------------------------------|
| 1 | 9/2/2020 | PRELIMINARY PER CITY REQUEST |

BY: _____



CURVE TABLE

| CURVE | BEARING | CHORD | LENGTH | RADIUS | DELTA | TANGENT |
|-------|-------------|-------|--------|--------|-----------|---------|
| C1 | S55°51'11"W | 63.25 | 68.48' | 50.00' | 78°28'32" | 40.83' |
| C2 | S22°12'36"E | 63.24 | 68.46' | 50.00' | 78°27'02" | 40.82' |



MEMORANDUM OF UNDERSTANDING

THE STATE OF TEXAS
COUNTY OF BELL

§
§
§

KNOW ALL MEN BY THESE PRESENTS

This Memorandum of Understanding (the "**MOU**") is entered into on the 4th of December in the year 2020 (the "**Effective Date**"), by and between Jerome Gomer, with an address of 1524 Indian Trail, Harker Heights, Bell County, Texas 76548 (the "**Developer**"), The City of Harker Heights by way of the City Manager, with an address of 305 Millers Crossing, Harker Heights, TX 76548, (the "**City**"), and Flintrock Builders, with an address of 105 E FM 2410, Harker Heights, Bell County, Texas 76548 (the "**Builder**"), collectively "**the Parties**".

WHEREAS, the Parties desire to enter into an agreement to complete the development of Sapiah Plains Phase 2 and Sapiah Plains Phase 3 subdivisions located in the City of Harker Heights, collectively "**the Development**"; and

WHEREAS, the Parties desire to memorialize certain terms and conditions of their agreement;

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the Parties agree as follows:

1. **Purpose and Scope.** The Parties intend for this MOU to provide the binding agreement related to the construction of sidewalks within the Development, in accordance with the construction plans of Sapiah Plains Phase 2 released for construction on the 4th of November in the year 2020.

2. **Objectives.** The Parties agree as follows:

a. The Developer will construct the sidewalk within the Ponca Trail right of way along the west property line of Lot 1, Block 1 of Sapiah Plains Phase 1 and the corresponding curb ramp. No Certificate of Occupancy will be issued within the Development until this sidewalk and curb ramp is constructed by the Developer and accepted by the City.

b. The Developer will construct the sidewalk within the Ponca Trail right of way along the east property line of Lot 2, Block 1 of the HDE Partners Addition Phase One. Construction of this sidewalk will be concurrent with the structure erection on Lot 6, Block 1 of Sapiah Plains Phase 3. No Certificate of Occupancy will be issued within the Development until this sidewalk and curb ramp is constructed by the Developer and accepted by the City.

c. The Builder will construction the sidewalks along the platted Emma Naylor Court frontage of Tract A and within the passage easement connecting Emma Naylor Court to Warriors Path. This sidewalk also includes the sidewalk span and handrails over the concrete drainage flume. No Certificate of Occupancy will be issued within the Development until this sidewalk is constructed by the Builder and accepted by the City.

d. The Builder will construct the sidewalks along the frontage of each lot, including curb ramps as shown, at the time of structure erection. No Certificate of Occupancy will be issued until the corresponding sidewalk and curb ramps for that lot's frontage is constructed.

e. All sidewalk construction is subject to the provisions of § 154.40 in the Harker Heights Code of Ordinances.

f. The City will waive the requirement for the construction of the sidewalk along Warriors Path in the anticipation of future improvements by others.

3. **Term.** This Agreement shall commence upon the Effective Date, as stated above, and will continue until Certificates of Occupancy have been issued for all 18 lots of Sapiyah Plains Phase 2 and Sapiyah Plains Phase 3.

4. **Representations and Warranties.** Both Parties represent that they are fully authorized to enter into this Agreement. The performance and obligations of either Party will not violate or infringe upon the rights of any third-party or violate any other agreement between the Parties, individually, and any other person, organization, or business or any law or governmental regulation.

5. **Severability.** In the event any provision of this Agreement is deemed invalid or unenforceable, in whole or in part, that part shall be severed from the remainder of the Agreement and all other provisions should continue in full force and effect as valid and enforceable.

9. **Waiver.** The failure by either party to exercise any right, power or privilege under the terms of this Agreement will not be construed as a waiver of any subsequent or further exercise of that right, power or privilege or the exercise of any other right, power or privilege.

10. **Legal Fees.** In the event of a dispute resulting in legal action, the successful party will be entitled to its legal fees, including, but not limited to its attorneys' fees.

11. **Legal and Binding Agreement.** This Agreement is legal and binding between the Parties as stated above. The Parties each represent that they have the authority to enter into this Agreement.

12. **Governing Law and Jurisdiction.** The Parties agree that this Agreement shall be governed by the State of Texas and Bell Country in which the Parties do business.

13. **Entire Agreement.** The Parties acknowledge and agree that this Agreement represents the entire agreement between the Parties. In the event that the Parties desire to change, add, or otherwise modify any terms, they shall do so in writing to be signed by all parties. The Parties agree to the terms and conditions set forth above as demonstrated by their signatures as follows:



Bell County
Shelley Coston
County Clerk
Belton, Texas 76513

Instrument Number: 2020068955

As

MEMORANDUM

Recorded On: December 11, 2020

Parties: GOMER JEROME

To FLINTROCK BUILDERS

Comment:

Billable Pages: 3

Number of Pages: 4

(Parties listed above are for Clerks' reference only)

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

| | |
|-----------------------|----------------|
| CLERKS RMF: | \$5.00 |
| COURT HOUSE SECURITY: | \$1.00 |
| RECORDING: | \$13.00 |
| Total Fees: | \$19.00 |

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

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

File Information

Instrument Number: 2020068955
Receipt Number: 162622
Recorded Date/Time: 12/11/2020 11:02:06 AM
User / Station: ramiremg - BCCCD0642

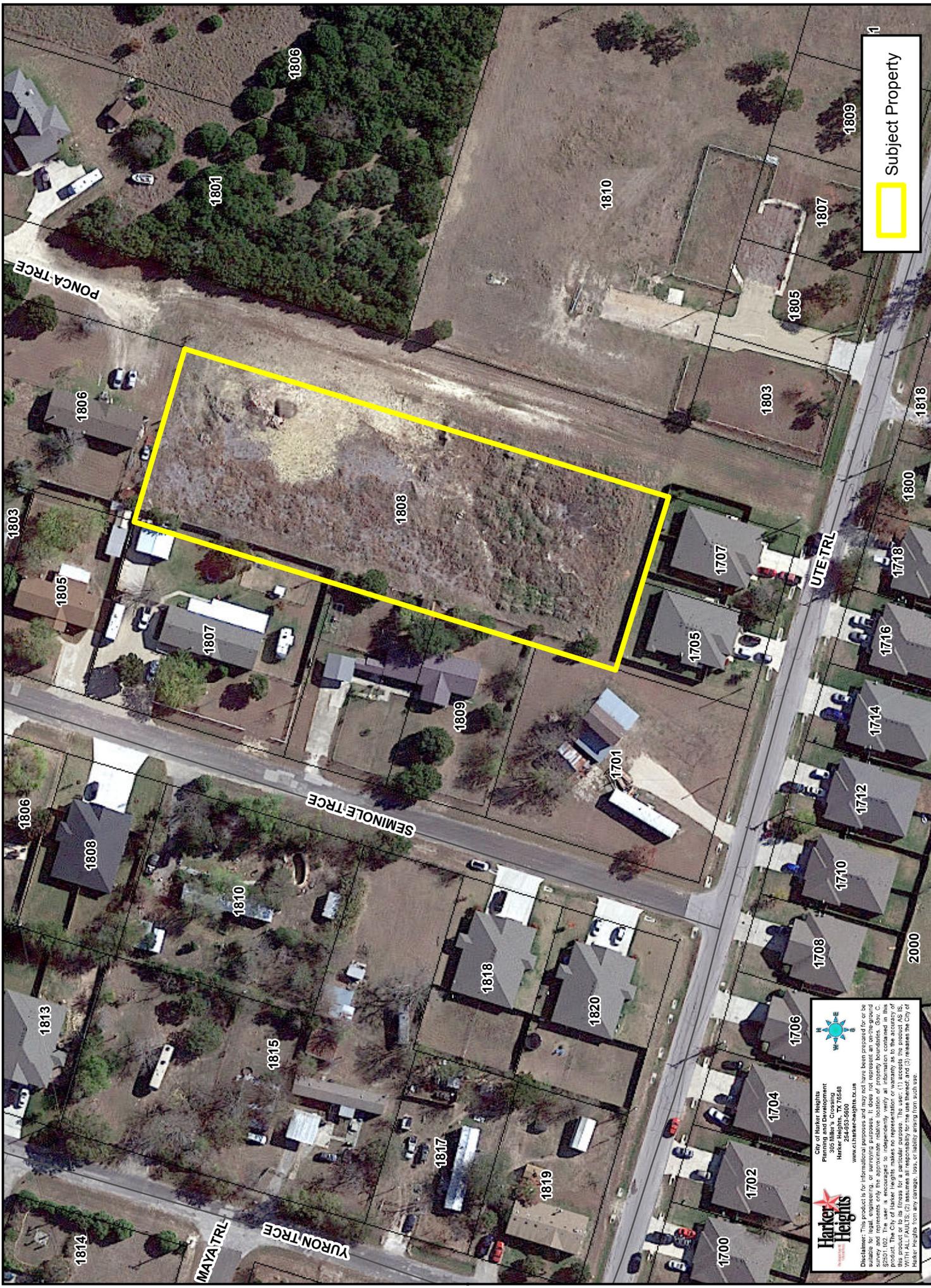
Record and Return To:

JEROME GOMER
CUSTOMER PICK UP



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

Shelley Coston
Bell County Clerk



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

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground measurement of the subject property. The City of Harker Heights makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, (2) releases the City of Harker Heights from any damages, losses, or liabilities arising from such use.

 Subject Property

SAPIAH PLAINS PHASE THREE

P2-109 Final Plat – Sapiah Plains Phase Three

Plat Distributed to HH Staff: January 6, 2021

Comments Returned to Surveyor/ Engineer: January 14, 2021

Planning & Development

1. **KR** - The required water & sewer, streets & drainage maintenance bonds have not yet been received for this subdivision. Therefore, the applicant is advised that per Section 154.24 of the city's code of ordinances, no building permits will be issued until the bonds are received by the City.

Public Works, Mark Hyde

- No comments.

Consulting Engineer, Otto Wiederhold

- No Comments.

Fire Marshal, Brad Alley

- No Comments.

Building Official, Mike Beard

- No comments.

ONCOR, Derex Spencer

Century Link, Chris McGuire

Time Warner Cable/Spectrum, Shaun Whitehead

ATMOS, Burton Jones



PLANNING AND ZONING COMMISSION MEMORANDUM

P21-10

AGENDA ITEM VII-06

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING & DEVELOPMENT
DATE: JANUARY 27, 2020

DISCUSS AND CONSIDER ACTION ON A REQUEST FOR FINAL PLAT APPROVAL FOR THE SUBDIVISION REFERRED TO AS ABOOHA TOKLO ADDITION PHASE TWO A, ON PROPERTY DESCRIBED AS AN 0.233 ACRE TRACT OF LAND IN BELL COUNTY, TEXAS, THE LAND HEREIN DESCRIBED BEING PART OF A LOT 3, BLOCK 1, ABOOHA TOKLO ADDITION PHASE ONE, AN ADDITION TO THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS, OF RECORD IN PLAT NO. 202038421, PLAT RECORDS OF BELL COUNTY, TEXAS, AND ALSO BEING THAT SAME TRACT OF LAND CONVEYED TO JEROME GOMER, OF INSTRUMENT NO. 2020049770, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BELL COUNTY, TEXAS, GENERALLY LOCATED WITHIN THE 1800 BLOCK OF PUEBLO TRACE, HARKER HEIGHTS, BELL COUNTY, TEXAS.

PROJECT DESCRIPTION:

The applicant, Jerome Gomer, and his representative, Mitchell and Associates, Inc., have applied for final plat for one (1) lot consisting of approximately 0.233 acres (10,133 square feet) of vacant land along Pueblo Trace. This final plat is a part within the second phase of development as outlined in the Abooha Toklo Addition Concept Plan (see attached) which was approved by P&Z on June 24, 2020 and City Council on July 14, 2020, and the approved Preliminary Plat (see attached) which was approved by P&Z on December 2, 2020, and City Council on December 8, 2020.

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

STAFF RECOMMENDATION:

As of January 21, 2021, the comments provided by Staff have not been addressed. Therefore, the submitted final plat does not meet the standards and ordinances of the City of Harker Heights. Staff therefore recommends denial of the final plat approval for the subdivision referred to as Abooha Toklo Addition Phase Two A, on property described as an 0.233 acre tract of land in Bell County, Texas, the land herein described being part of a Lot 3, Block 1, Abooha Toklo Addition Phase One, an addition to the City of Harker Heights, Bell County, Texas, of record in Plat No. 202038421, Plat Records of Bell County, Texas, and also being that same tract of land conveyed to Jerome Gomer, of instrument No. 2020049770, Official Public Records of Real

Property of Bell County, Texas, generally located within the 1800 block of Pueblo Trace, Harker Heights, Bell County, Texas.

ACTION BY THE PLANNING AND ZONING COMMISSION:

1. Motion to **approve, approve with conditions, or disapprove with explanation** a request for final plat approval for the subdivision referred to as Abooha Toklo Addition Phase Two A, on property described as an 0.233 acre tract of land in Bell County, Texas, the land herein described being part of a Lot 3, Block 1, Abooha Toklo Addition Phase One, an addition to the City of Harker Heights, Bell County, Texas, of record in Plat No. 202038421, Plat Records of Bell County, Texas, and also being that same tract of land conveyed to Jerome Gomer, of instrument No. 2020049770, Official Public Records of Real Property of Bell County, Texas, generally located within the 1800 block of Pueblo Trace, Harker Heights, Bell County, Texas.
2. Any other action desired.

ATTACHMENTS:

1. Application
2. Abooha Toklo Addition Phase Two A Final Plat
3. Abooha Toklo Addition Concept Plan (Approved on July 14, 2020)
4. Abooha Toklo Addition Preliminary Plat (Approved December 8, 2020)
5. Location Map
6. Staff Comments with Responses (January 13, 2021)



Final Plat Application

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

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

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

1. Payment of \$150.00
2. Signed Original Field Notes and Dedication Pages
3. Paper Plan Submissions: Ten (10) Copies of Plat and Seven (7) sets of Final Engineering Plans
4. Electronic Submissions: Plat and Engineering Plans submitted to tdake@harkerheights.gov in PDF format.
5. Completed Final Plat Checklist

Property Information:

Plat Name: Abooha Toklo Addition, Phase Two A **Date Submitted:** 12/30/2020

Number of Lots: 1 **Number of Units/Suites:** 1 **Acreeage:** 0.233

Site Address or General Location: 1615 Pontotoc Trace, Harker Heights, 76548

Residential Commercial Both **On Site Detention Proposed with Subdivision:** Yes No Other

Date of Preliminary Plat Approval by P&Z: 11/03/2020

Owner Information & Authorization:

Property Owner: Jerome Gomer

Address: 1524 Indian Trail, Harker Heights, TX 76548

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

Developer: _____

Address: _____

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

Engineer: Mitchell & Associates, Inc.

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

Phone: 254-634-5541 **E-Mail:** [REDACTED]

Surveyor: Mitchell & Associates, Inc.

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

Phone: 254-634-5541 **E-Mail:** [REDACTED]

For more information reference Section 154.22 Final Plat of the Harker Heights Code of Ordinances

I HEREBY UNDERSTAND AND ACKNOWLEDGE:

The final plat must be prepared in accordance with the City's subdivision rules and regulations and shall conform substantially to preliminary plat layout as approved. The subdivider will be required to install at his/her own expense all water lines, streets, sewer lines, drainage facilities, and structures within the subdivision accords to Section 154.36 of the Harker Heights Code of Ordinances.

All required improvements must be completed unless a Bond or Letter of Credit has been posted and attached in sufficient amount to assure completion.

A maintenance bond/surety instruments has been furnished to assure the quality of materials and workmanship and maintenance of all required improvements including the City's cost for collecting the guaranteed funds and administering the correction and/or replacement of covered improvements in the even the subdivider defaults.

The maintenance bond or other surety instrument shall be satisfactory to the city as to form, sufficiency and manner of execution. For water and sewer related improvements, the bond or other instrument shall be in an amount equal to 20% of the cost of improvements verified by the city Engineer and shall run for a period of one calendar year. Bonds or other instruments for streets and drainage facilities shall be in an amount equal to 40% of the improvements verified by the city Engineer and shall run for a period of two calendar years.

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

Jerome Gomer

Printed Name of Owner



Signature of Owner

Mike W. Kriegel

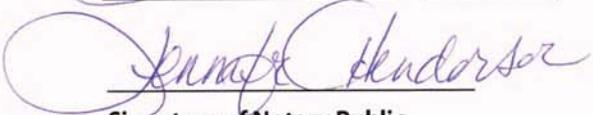
Printed Name of Authorized Agent (Corporation/Partnership)



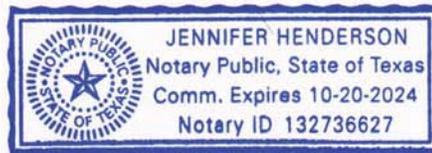
Signature of Authorized Agent (Corporation/Partnership)

SWORN AND SUBSCRIBED BEFORE ME THIS 30th DAY OF

December, 20 20



Signature of Notary Public

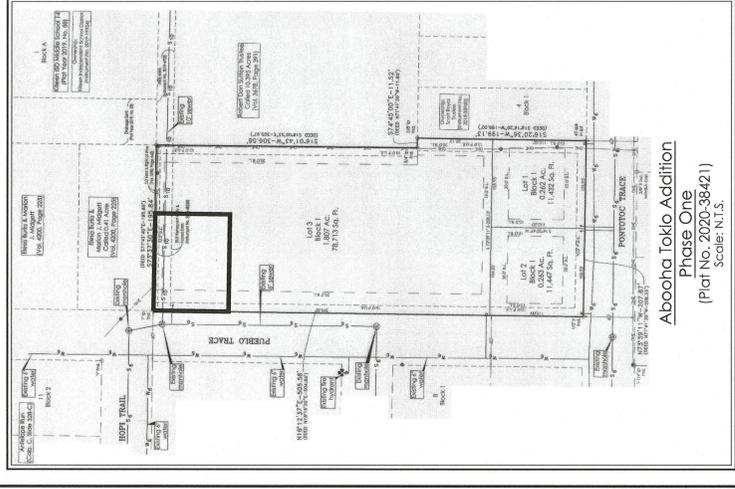


My Commission Expires: 10-20-2024

STAFF ONLY -- DO NOT FILL OUT

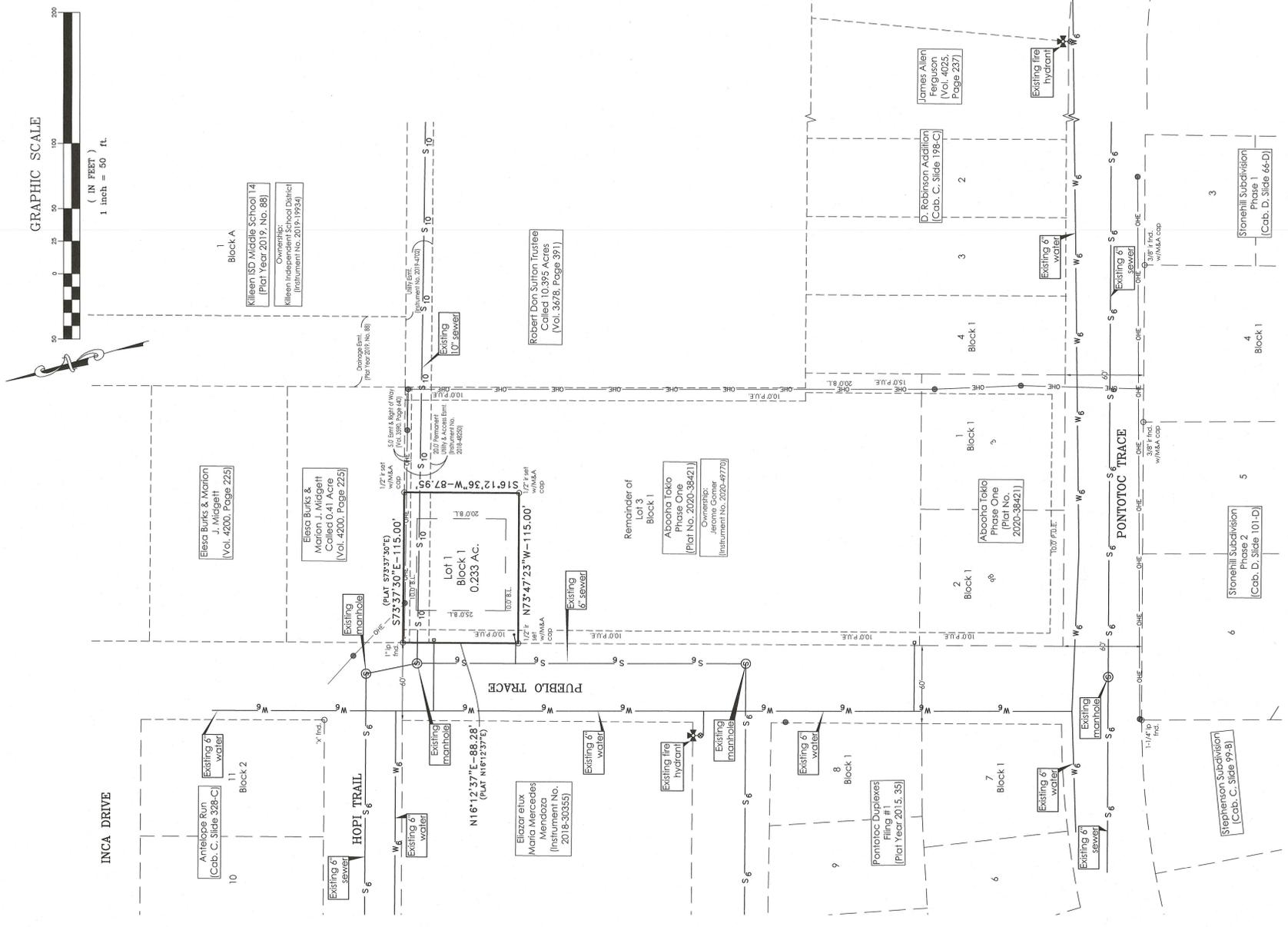
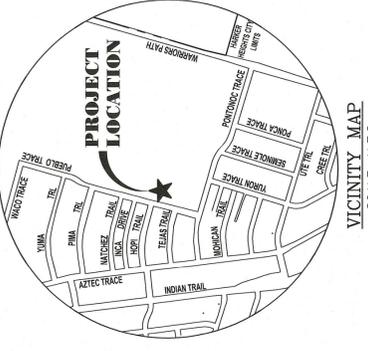
Date Submitted: 12/30/2020 Received By: WJF Case #: P21-10 Receipt #: 016495411

Rev. 5/20



NOTES:

- All bearings are based upon the Texas Coordinate System, NAD 83 (CORS 96), Texas Central Zone as determined by Leica Texas Smartnet GPS observations. All distances are surface distance. Combined scale factor=1.0001168.
- All interior lot corners marked with 1/2" r & cap stamped "M&A" set after construction completed.
- This subdivision is located in zone X, areas determined to be outside the 0.2% annual chance floodplain, as indicated on the U.S. FEMA Agency Boundary Map, (flood insurance Rate Map), Map No. 48027C028E, effective date September 26, 2008 for Bell County, Texas.
- This is a partial development of the area listed as Phase 2 of the Abooha Toklo Concept Plan approved by City Council on July 14, 2020.
- Developer of Lot 1 Block 1 shall install appropriate drainage swales to direct all stormwater received across the south line of Lot 1 Block 1 from the remainder of Lot 3 Block 1 to divert the stormwater across the east line of Lot 1 Block 1 to back onto the remainder of Lot 3 Block 1, in accordance with the Drainage Liability Waiver.



**ABOOHA TOKLO ADDITION
PHASE TWO A**

KNOW ALL MEN BY THESE PRESENTS, that **Jerome Gomer**, whose address is 1524 Indian Trail, Harker Heights, Texas, 76548, being the sole owner of that certain 0.233 acre tract of land in Bell County, Texas, the land herein described being part of Lot 3, Block 1, Abooha Toklo Addition Phase One, an addition to the City of Harker Heights, Bell County, Texas, of record in Plat No. 2020-38421, Plat Records of Bell County, Texas (P.R.C.T.), and also being that same tract of land conveyed to Jerome Gomer, of record in Instrument No. 2020-049770, Official Public Records of Bell County, Texas (O.P.R.P.R.C.T.), which is more fully described herein and incorporated by reference into this plat, do hereby dedicate to said city **ABOOHA TOKLO ADDITION PHASE TWO A**, as an addition to the City of Harker Heights, Bell County, Texas, and hereby dedicates to said city all streets, avenues, roads, drives and alleys 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, Bell County, Texas. The utility and drainage easements shown on said plat are dedicated to said city for the installation and maintenance of any and all public utilities, which the city may install or permit to be installed or maintained.

WITNESS the execution hereof, on this _____ day of _____, 20____.

Jerome Gomer
Jerome Gomer

Before me, the undersigned authority, on this day personally appeared **Jerome Gomer** known to me to be the person whose name is subscribed to the foregoing instrument. It has been acknowledged to me that he executed the foregoing instrument as the owner of the property described herein.

NOTARY PUBLIC STATE OF TEXAS
My Commission Expires: _____

APPROVED this _____ day of _____, 20____ by the Director of Planning and Development of the City of Harker Heights, Bell County, Texas.

DIRECTOR OF PLANNING AND DEVELOPMENT

ATTEST: CITY SECRETARY

KNOW ALL MEN BY THESE PRESENTS,

That I, Mike W. Krieger, Registered Professional Land Surveyor, do hereby certify that I did prepare this plat from an actual and accurate survey of the land, that the corner monuments shown herein were properly placed under my personal supervision in accordance with the requirements of the Property Development Regulations of the City of Harker Heights, Texas, and this subdivision is within the City Limits of Harker Heights, Texas.

Mike W. Krieger
Mike W. Krieger
Registered Professional
Land Surveyor, No. 4330

ADMINISTRATIVE PLAT

HARKER HEIGHTS, BELL COUNTY, TEXAS

**BEING A REPLAT OF PART OF LOT 3, BLOCK 1,
ABOOHA TOKLO ADDITION, PHASE TWO A**

SHEET TITLE:

MITCHELL & ASSOCIATES, INC.
ENGINEERING & SURVEYING
102 N. COLLEGE
KILLEEN, TEXAS 76541
PHONE: (254) 634-5541
FAX: (254) 634-2141
TEXAS BOARD OF PROFESSIONAL ENGINEERS REGISTRATION NO. 3241
T.E.S. REGISTRATION NO. 10204-00

DWG. NO. 20-080-0-S
DRAWN BY: AR/FRB
DATE: SEPT. 2020
SCALE: AS SHOWN
AREA: 1 LOT
BLOCK: 1

PROPERTY OWNER:
Jerome Gomer
1524 Indian Trail
Harker Heights, TX 76542

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

AFFIDAVIT:

The Tax Appraisal District of Bell County does hereby certify that there are currently no delinquent taxes due to the tax Appraisal District of Bell County on the property described by this plat.

Dated this the _____ day of _____, 20____ A. D.

By: _____
Bell County Tax Appraisal District

FILED FOR RECORD this _____ day of _____, 20____
Plat Records of Bell County, Texas, and Dedication Instrument # _____
Official Records of Real Property, Bell County, Texas

REVISIONS

| No. | DATE | REMARKS |
|-----|------------|----------------|
| 1 | 10/27/2020 | LAYOUT CHANGES |
| 2 | 10/19/2020 | LAYOUT CHANGES |

| NO. | DATE | REMARKS |
|-----|-----------|---------------------------------|
| 1 | 6/16/2020 | CITY OF HARKER HEIGHTS COMMENTS |

CONCEPT PLAN

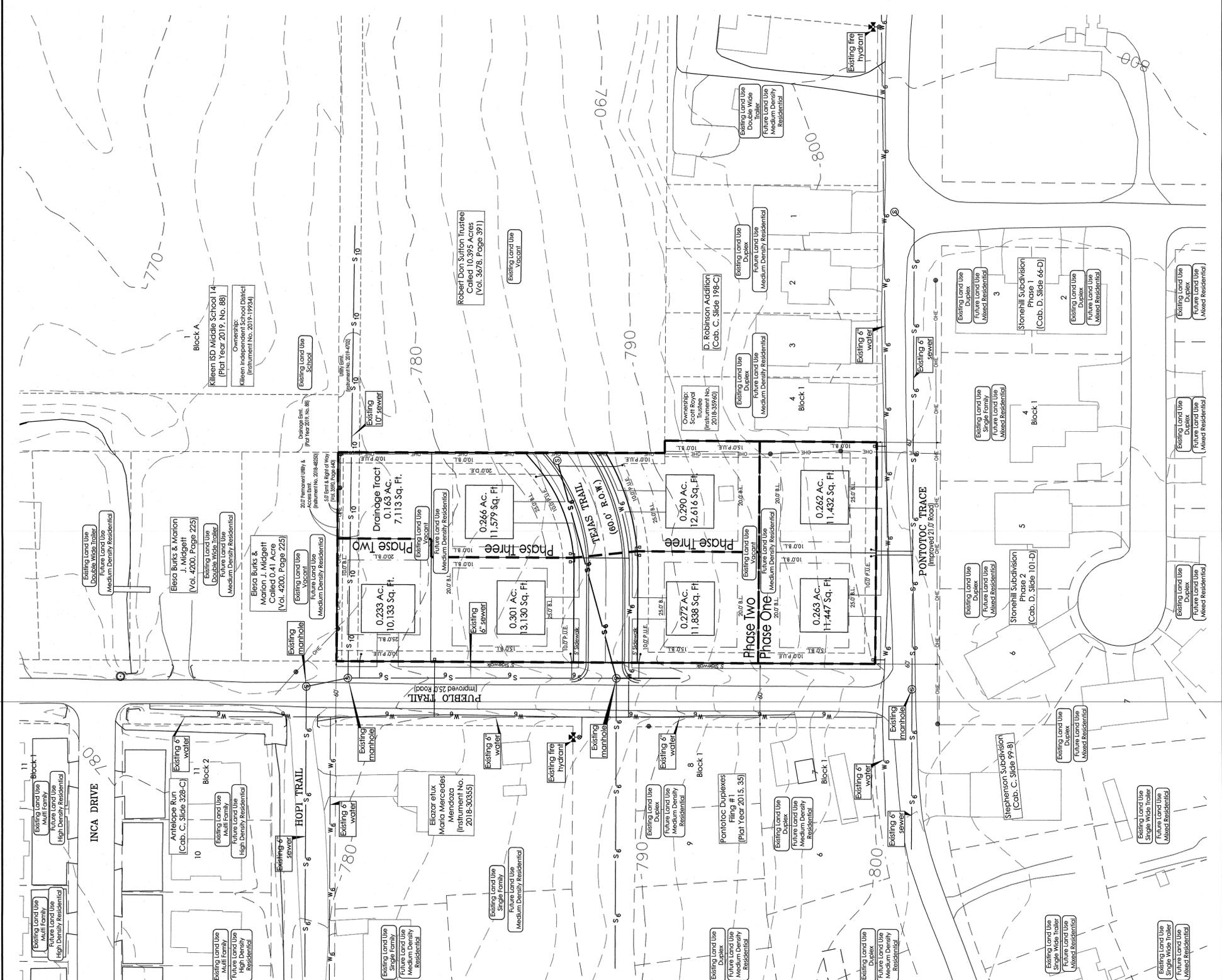
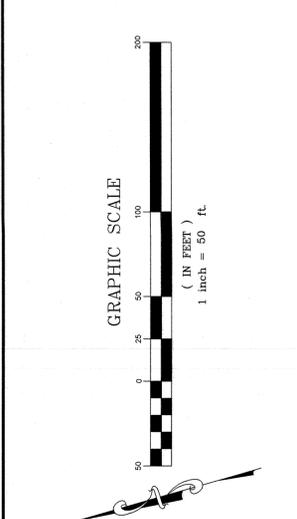
HARKER HEIGHTS, BELL COUNTY, TEXAS

ABOHA TOKLO ADDITION



MITCHELL & ASSOCIATES, INC.
ENGINEERING & SURVEYING
102 N. COLLEGE
KILLEEN, TEXAS 76541
PHONE: (254) 634-5541
FAX: (254) 634-2141
TEXAS BOARD OF PROFESSIONAL ENGINEERS FIRM REGISTRATION NO. 5241
F. R. F. L. S. FIRM REGISTRATION NO. 10204-00

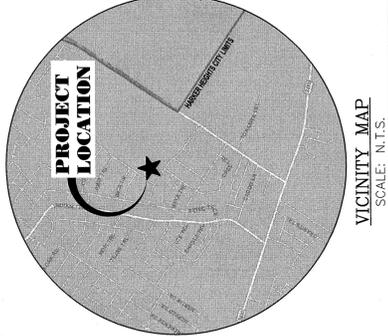
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| DATE: | JUNE 2020 |
| SCALE: | AS SHOWN |
| AREA: | 2.332 AC. |
| DRWN BY: | AR/RFB |
| DATE: | JUNE 2020 |
| SCALE: | AS SHOWN |
| AREA: | 2.332 AC. |



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

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

- NOTES:**
- Existing Land Use: Vacant
Proposed Land Use: Multi Family Residential (7 Lots)
 - Topography shown to be installed along lot frontages of the time of structure construction.
 - Sidewalks to be installed along lot frontages of the time of structure construction.
 - Phase 3 shall not be constructed without a code compliant vehicle turnaround.



MITCHELL & ASSOCIATES, INC.
 ENGINEERING & SURVEYING
 102 N. COLLEGE
 KILLEEN, TEXAS 76541
 PHONE: (254) 634-2141
 FAX: (254) 634-2141
 TEXAS BOARD OF PROFESSIONAL ENGINEERS FIRM REGISTRATION NO. 3241
 T. P. L. S. FIRM REGISTRATION NO. 100294-00

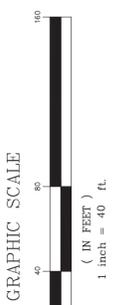
DWG No. 20-088-0-5
 DRAWN BY: AR/FRB
 DATE: OCTOBER 2020
 SCALE: AS SHOWN
 REF.: 20-048-0-5
 2 BLOCKS
 AREA: * A.C.



**ABOHA TOKLO ADDITION
 PHASE TWO
 HARKER HEIGHTS, BELL COUNTY, TEXAS**

SHEET TITLE: PRELIMINARY PLAT

| No. | DATE | REMARKS |
|-----|------|---------|
| | | |
| | | |

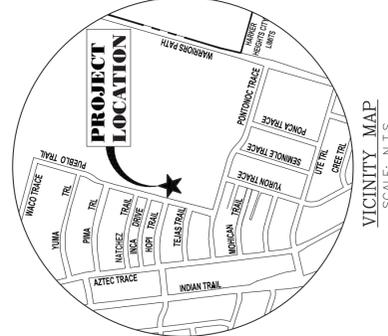
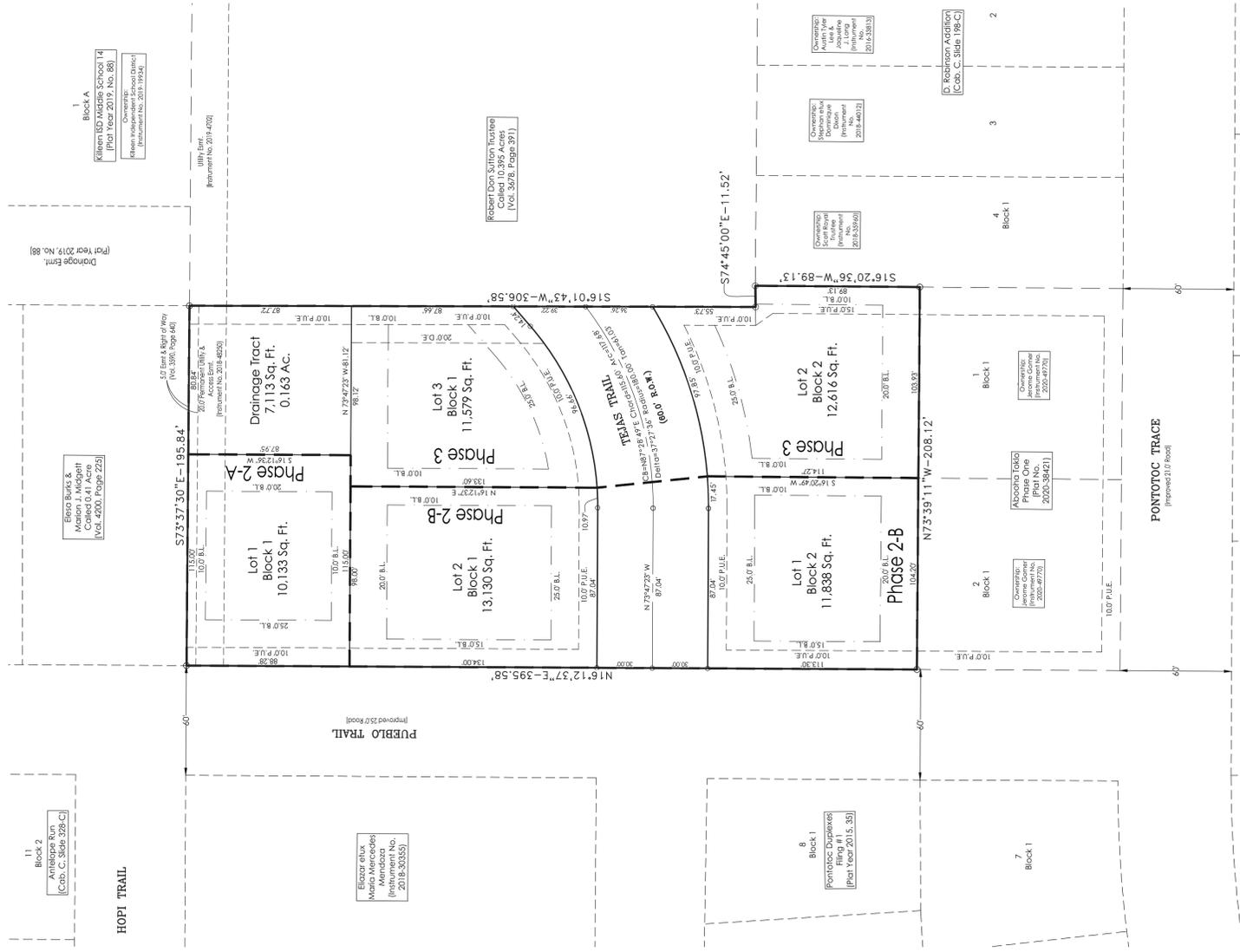


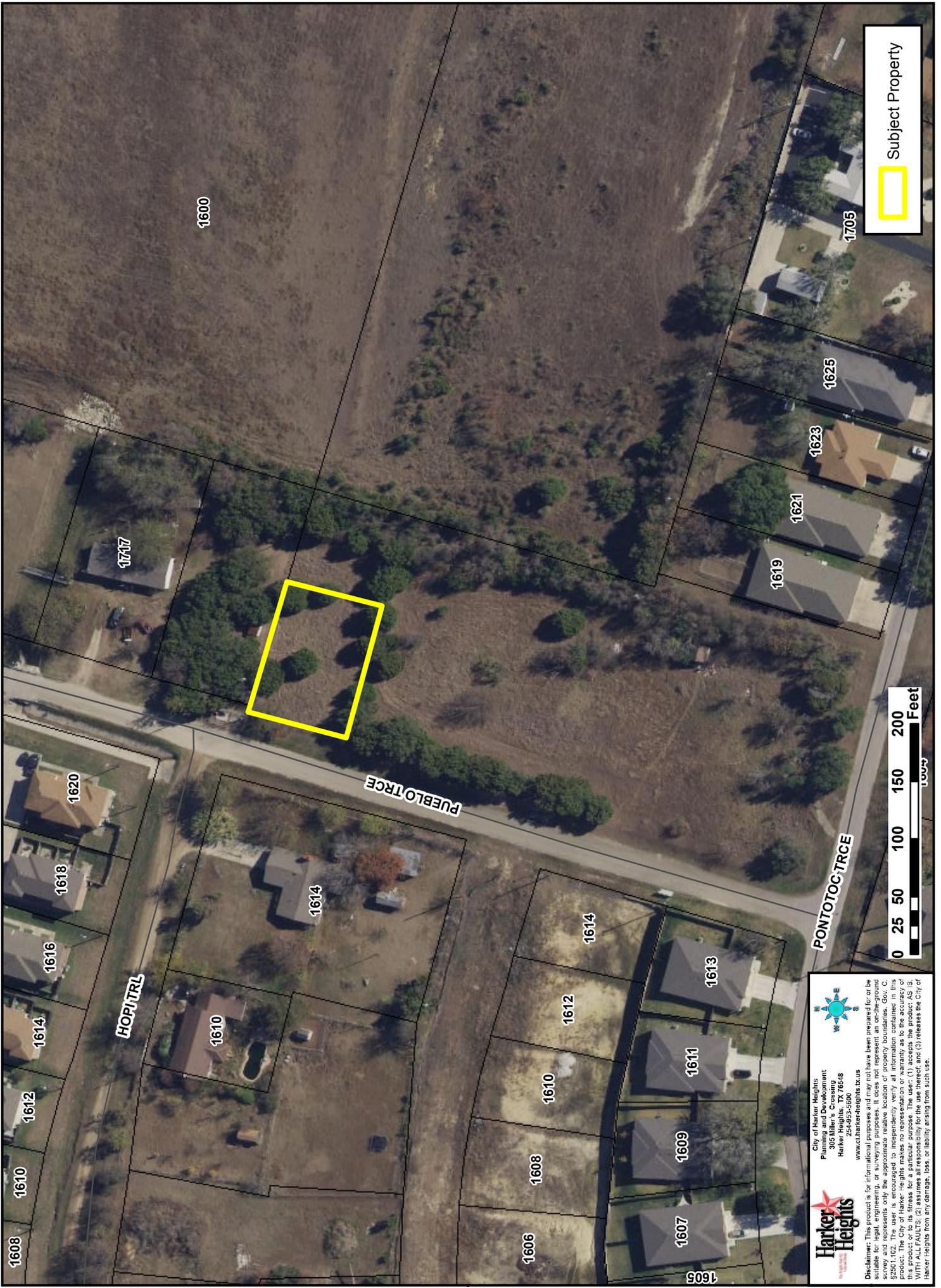
NOTES:

- All bearings are based upon the Texas Coordinate System, NAD 83 (CORS 94), Texas Central Zone as determined by Leica Texas Smartnet GPS observations. All distances are surface distance. Combined scale factor=1.0001168.
- All interior lot corners marked with 1/2" ir & cap stamped "M&A" set after construction completed.
- This subdivision is located in zone X, areas determined to be outside the 0.2% annual chance floodplain, as indicated on the U.S. FEMA Agency Boundary Map, (Flood Insurance Rate Map), Map No. 48027C0285E, effective date September 26, 2008 for Bell County, Texas.

PROPERTY OWNER:
 Jerome Kenneth Gomer &
 Rachel R. Gomer
 1524 Indian Trail
 Harker Heights, TX 76548

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





Harker Heights
 City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 76548
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Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2001.102. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of this product. **WITH ALL FAULTS:** (2) assumes all responsibility for the use hereof and (3) releases the City of Harker Heights from any damage, loss, or liability arising from such use.



Subject Property

ABOOHA TOKLO ADDITION PHASE 2A

P21-10 Final Plat – Abooha Toklo Addition Phase 2A

Plat Distributed to HH Staff: January 6, 2021

Comments Returned to Michelle & Associates: January 13, 2021

Planning & Development

1. KR - Per 154.22(B)(1)(p), the applicant has included all current building setback lines on the lot via illustration. However, due to the existing 20 ft. utility & access easement along the northern property line, there may be some confusion with building envelopes as illustrated. Since building setbacks are regulated via zoning, staff requests that the applicant remove the illustrated building setbacks and instead add a note on the page that indicates what the setback dimensions are and then goes on to clarify that no structure will be allowed within the existing 20 ft. utility & access easement. Applicant is advised that this includes any overhang from the structure into this existing 20 ft. utility & access easement. Alternatively, the applicant may choose to change the northern side yard setback to 20 ft. instead of making the above requested changes.
2. KR - Since each plat application must individually meet all subdivision requirements, the applicant shall provide a copy of the executed Drainage Liability Waiver indicated in Note 5 on the plat dedication page. Said waiver must be an original and be notarized if the grantor is other than an individual. Applicant is advised that a copy of the waiver shall be filed with Bell County at the time the final plat is filed.
3. KR - Applicant shall clarify the size of the (private) drainage swale indicated in Note 5 on the plat dedication page. Staff has not received a detailed drainage analysis to determine if the intent is for the private swale to remain within the 10' building line.
4. CP – please revise field notes and dedication page – verbiage states “Abooha Tokla” revise to “Abooha Toklo”.

Public Works, Mark Hyde

1. With the 10-foot building setback shown, the building area still encroaches into the 20' utility easement and over the 10-inch diameter sanitary sewer line. Move the building line out of the 20' utility easement.
2. Each duplex unit is required to have a water and sanitary sewer tap.

Consulting Engineer, Otto Wiederhold

- No Comments.

Fire Marshal, Brad Alley

- No Comments.

Building Official, Mike Beard

1. North 10-foot side yard setback placed within the 20 PUE. Remove side yard build line from plat.

ONCOR, Derex Spencer

Century Link, Chris McGuire

Time Warner Cable/Spectrum, Shaun Whitehead

ATMOS, Burton Jones