



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

**Wednesday,
August 31, 2022**

**Immediately following the Capital
Improvements Advisory Committee Meeting
at 5:30 P.M.**



**PLANNING & ZONING COMMISSION
MEETING & WORKSHOP
HARKER HEIGHTS CITY HALL
WEDNESDAY, AUGUST 31, 2022**

Notice is hereby given that on Wednesday, August 31, 2022, immediately following the Capital Improvements Advisory Committee meeting at 5:30 P.M, and continuing from day to day thereafter, if necessary, the Planning and Zoning Commission (P&Z) of the City of Harker Heights will conduct a regular meeting, to be followed by a workshop. The meeting and workshop will be held in the Kitty Young Council Chambers of the Harker Heights City Hall, located at 305 Miller's Crossing, Harker Heights, Texas, 76548. The subjects to be discussed are listed in the following Agenda:

MEETING AGENDA

- I. CALL TO ORDER** - Convene Regular Meeting of the Planning and Zoning Commission and establish a quorum.
- II. APPROVAL OF AGENDA**
 1. Consider approval of the agenda for the regular meeting of the Planning and Zoning Commission for August 31, 2022.
- III. CONSENT AGENDA**
 1. Consider approval of Minutes from the Regular Planning and Zoning Meeting held on July 27, 2022.
- IV.** Report on planning & development related items from the City Council's meetings and workshops between July 28, 2022 and August 30, 2022.
- V. Recognition of Affidavits for Conflict of Interest.**
- VI. PUBLIC COMMENTS**
 1. At this time, comments will be taken from the audience 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.*
- VII. PUBLIC HEARING**
 1. **Discuss and consider an ordinance to amend City of Harker Heights Code of Ordinances §154.01 DEFINITIONS**
 2. **Z22-20 Conduct a public hearing to discuss and consider an ordinance for a Conditional Use Permit (CUP) to allow for a mobile food vendor court for one mobile food truck on property described as Meadow Acres, Block 006, Lot PT 7, 8, (E 14.5' of N 130' of 7 & W 85.5 of N 130' of 8), generally located at 808 S. Ann Blvd., Harker Heights, Bell County, Texas, 76548**
 3. **Z22-19 Conduct a public hearing to discuss and consider an ordinance to change zoning designation from R-1 (One-Family Dwelling District) to R1-I**

(Single-Family Infill Dwelling District) on property described as A0288BC V L Evans, Unit 11-Brad Mor Apts Acres 2.8, generally located North of Northside Dr. and East of Jamie Rd., Harker Heights, Bell County, Texas, 76548

- 4. Z22-21 Conduct a public hearing to discuss and consider an ordinance to change zoning designation from R-1 (One-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) on properties described as Kern Terrace 3rd Ext., Block 004, Lots 0005-0008, generally located at 208-214 Northside Drive, Harker Heights, Bell County, Texas, 76548**
- 5. Z22-22 Conduct a public hearing to discuss and consider an ordinance to change zoning designation from R-1 (One-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) on property described as Kern Terrace 3rd Ext., Block 004, Lot 0009, generally located at 216 Northside Drive, Harker Heights, Bell County, Texas, 76548**

VIII. NEW BUSINESS

- 1. P22-22 Discuss and consider a request for a Preliminary Plat referred to as Meadow White Addition, on property described as being a 1.021 acre tract of land in Bell County, Texas, being part of the John T. Tumlinson Survey, Abstract No. 831, the land herein being part of Lot 2, Block 5, Meadow Acres, an addition to the City of Harker Heights, Texas, being of record in Cabinet A, Slide 143-C, Plat Records of Bell County, Texas (P.R.B.C.T.), and being that all certain tract of land conveyed in a General Warrant Deed to BFF Construction, LLC, a Texas limited liability company, being described of record under Instrument No. 2022035043, Official Public Records of Real Property of Bell County, Texas (O.P.R.R.P.B.C.T.)**
- 2. P22-23 Discuss and consider a request for a Final Plat referred to as Indian Land Addition, on property described as being a 1.312 acre tract of land in Bell County, Texas, being part of the E. Dawson Survey, Abstract No. 258 and the H.B. Littlefield Survey, Abstract No. 511, being all of Lots 11-14, Block 23, Comanche Land Second Land, an addition to the City of Harker Heights, Texas, being of record in Cabinet A, Slide 184-A, Plat Records of Bell County, Texas (P.R.B.C.T.), and being part of that certain tract of land conveyed in a Deed Reserving Life Estate to The Mary Jayrene Horn Revocable Living Trust Dated June 20, 2005, being described of record in Volume 5762, Page 289, Official Public Records of Real Property, Bell County, Texas**
- 3. P22-24 Discuss and consider a request for a Final Plat referred to as Heights City Center, on property described as 3.496 Acres, situated in the Martin Smith Survey, Abstract 750, Bell County, Texas, embracing all of Lot 1, Block 4, Park Addition, an addition within the City of Harker Heights, Bell County, Texas, according to the plat of record in Cabinet C, Slide 178-B, Plat Records of Bell County, Texas and all of Lot 3, Block 1, Union State Bank Addition, Phase Two, an addition within the City of**

Harker Heights, Bell County, Texas, according to the plat of record in Cabinet D, Slide 67-C, of said plat records

IX. REPORTS FROM COMMISSIONERS

X. STAFF COMMENTS

XI. ADJOURNMENT OF PLANNING & ZONING COMMISSION MEETING

WORKSHOP AGENDA

I. Convene Workshop immediately following the Planning and Zoning Commission (P&Z) Meeting

II. Presentations by Staff:

1. Receive and discuss proposed updates to the Mobility 2030 plan.
2. Receive and discuss a presentation covering the Planning & Zoning Commission responsibilities regarding the development process.
3. Receive and discuss a presentation regarding the proposed January 2023 – January 2024 Planning & Zoning Commission Meeting Calendar.
4. Receive and discuss a presentation regarding board applications for next Calendar Year.

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 **3:00 P.M. on Friday, August 26, 2022**. Please contact the Planning and Development Department at (254) 953-5648 for further information.

Yvonne K. Spell

Yvonne K. Spell, City Planner

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 254-953-5600, or FAX 254-953-5605, or email planning@harkerheights.gov for further information.



**Minutes of the Harker Heights Planning & Zoning Commission Meeting
July 27, 2022**

Present:

Commission

| | |
|---------------------|------------------------|
| Larry Robison | Chairman |
| Robert Robinson III | Vice Chairman |
| Michael Stegmeyer | Secretary |
| Jerry Bess | Commissioner |
| Joshua McCann | Commissioner |
| Stephen Watford | Commissioner |
| Natalie Austin | Commissioner |
| Bary Heidtbrink | Commissioner |
| Rodney Shine | Commissioner |
| Elizabeth McDaniel | Alternate Commissioner |

Staff

| | |
|-----------------|---|
| Yvonne K. Spell | City Planner |
| Mark Hyde | Public Works Director |
| Daniel Phillips | GIS Analyst/ Planner |
| Brad Alley | Fire Marshal |
| Courtney Fye | Building Official Secretary |
| Raelin Fiscus | Planning & Development Administrative Assistant |

Absent:

| | |
|------------------|-----------------------------------|
| Kristina Ramirez | Planning and Development Director |
| Michael Beard | Building Official |

Meeting Agenda:

Agenda Item I: A quorum was established, and the regular meeting for the Planning and Zoning Commission was called to order at 5:30 P.M.

Agenda Item II: Invocation

Agenda Item III: Pledge of Allegiance

Agenda Item IV: The next agenda item was approval of the agenda from the regular Planning and Zoning Meeting for July 27, 2022. Agenda Item IX-2 (P22-19) was withdrawn by the applicant prior to the meeting and removed from the agenda. Commissioner Shine made a motion to approve the agenda as amended, and Commissioner Bess seconded the motion. **The motion was approved as amended (9-0).**

Agenda Item V: The next agenda item was approval of the meeting minutes from the regular Planning and Zoning Meeting held on June 29, 2022. Commissioner Heidtbrink made a motion to approve the meeting minutes, and Commissioner Shine seconded the motion. **The motion was approved (9-0).**

Agenda Item VI: Mrs. Spell provided a summary of the City Council results from meetings and workshops between July 27, 2022 and August 30, 2022.

Agenda Item VII: Recognition of Affidavits for Conflict of Interest.

Agenda Item VIII: Public Comments:

LeeAnn Boore of 3401 Oak Ridge Blvd., Harker Heights, TX, 76548, spoke in opposition of Agenda Item IX-1 P22-18 Evergreen Subdivision Phase XI.

Scott Clark of 3206 Oak Ridge Blvd., Harker Heights, TX ,76548, spoke in opposition of Agenda Item IX-1 P22-18 Evergreen Subdivision Phase XI.

Mark Boore of 3401 Oak Ridge Blvd., Harker Heights, TX ,76548, spoke in opposition of Agenda Item IX-1 P22-18 Evergreen Subdivision Phase XI.

Agenda Item IX: New Business:

1. P22-18 Discuss and consider a request for Preliminary Plat review for Evergreen Subdivision Phase XI, on property described as 113.917 Acres, situated in the James Williamson Survey, Abstract No. 1003, the M. D. O'Dell Survey, Abstract no. 994, the E. Dawson Survey, Abstract No., 258 and the T.L. O'dell Survey, Abstract No. 1043, Bell County Texas, being a portion of a called 277.369 tract of land conveyed to Heights Evergreen Developers, LTD in Volume 5940, Page 885, Official Public Records of Real Property, Bell County, Texas

Mrs. Spell explained the applicant's request for a Preliminary Plat referred to as Evergreen Subdivision Phase XI.

Garrett Nordyke of TCG Engineering, Inc., offices located at 16 E Ave A. Ste 203A, Temple, Texas, 76501, was present to represent this request.

Commissioner Heidtbrink made a motion to recommend approval with conditions as presented of a Preliminary Plat for Evergreen Subdivision Phase XI, on property described as 113.917 Acres, situated in the James Williamson Survey, Abstract No. 1003, the M. D. O'Dell Survey, Abstract no. 994, the E. Dawson Survey, Abstract No., 258 and the T.L. O'dell Survey, Abstract No. 1043, Bell County Texas, being a portion of a called 277.369 tract of land conveyed to Heights Evergreen Developers, LTD in Volume 5940, Page 885, Official Public Records of Real Property, Bell County, Texas. Commissioner McCann seconded the motion. **The motion to recommend approval with conditions passed (8-1).** Chairman Robison voted to recommend disapproval of the motion. The conditions are as follows:

1. Provide dedicated ROW on B3 L 17 & B3 L16 as requested in pre-development meetings and as shown on Concept Plan (to connect with Oakridge Blvd.) on face of plat.
2. Adequately address access to Property ID #73397, west of Douglas Fir, south of Bristle Cone in accordance with staff requests.
3. Applicant shall adequately address comments regarding new point discharges, sheet flows, Base Flood Elevation/Finished Floor Elevation in accordance with staff requests.

4. Sanitary sewer discharge to offsite facility/facilities shall be designed to satisfactorily meet staff requirements.

Agenda Item X: Reports from commissioners

Agenda Item XI: Staff comments

Agenda Item XII: Adjournment of P&Z Meeting. **Chairman Robison then adjourned the meeting of the Planning and Zoning Commission at 6:45 P.M.**

Larry Robison, Chairman

DATE:

Michael Stegmeyer, Secretary

DATE:



**AGENDA ITEM VII-1
PLANNING AND ZONING COMMISSION
MEMORANDUM**

FROM: THE OFFICE OF THE PLANNING AND DEVELOPMENT DIRECTOR
DATE: AUGUST 31, 2022

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER AN ORDINANCE TO AMEND §154.01 OF THE HARKER HEIGHTS CODE OF ORDINANCES.

EXPLANATION:

The City is currently updating the Thoroughfare Plan, Mobility 2030, and the Comprehensive Plan. The existing street definitions in §154.01 are not consistent throughout the plans and need to be amended to offer uniformity.

ANALYSIS:

As proposed, the ordinance amendment will offer consistent definitions throughout multiple city documents to ensure consistent standards are being used.

STAFF RECOMMENDATION:

Staff recommends approval of an amendment to §154.01 of the Harker Heights Code of Ordinances to provide uniform definitions.

ACTION BY PLANNING AND ZONING COMMISSION:

1. Motion to recommend approval/disapproval of an amendment to §154.01 of the Harker Heights Code of Ordinances to update and clarify definitions, based upon staff's recommendations and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

1. Amended Proposed Ordinance

§ 154.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESS. The means by which property is connected to a public street. ACCESS to/from TXDOT facilities must be approved by TXDOT prior to approval of a plat. ACCESS to/from nonresidential property through or to residential streets must be avoided.

AMENDING PLAT. A subdivision plat that reflects changes to an original filed final plat.

ARTERIAL SYSTEM. The roadway system comprised of Major and Minor Arterials.

BENCHMARK. A monument that is part of a leveling network and is a point of precisely measured elevation. See MONUMENT.

BUILDING. Any structure that encloses a space used for sheltering any occupancy. Each portion of a building separated from other portions by a firewall shall be considered a separate building.

CITY ATTORNEY. The attorney employed as City Attorney of the city.

CITY COUNCIL. The duly and constitutionally elected governing body of the city.

CITY MANAGER. The person employed as the chief administrative officer of the city, and duly appointed by the City Council.

COMPREHENSIVE PLAN. The plan and adaptations, thoroughfare plan, bikeway plan, future land use plan, gateways and corridors, amendments or supplements thereto, adopted by the City Council and used as a guide for future development of the city and surrounding areas.

CONCEPT PLAN. 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.

COUNTY COMMISSIONERS COURT. The duly and constitutionally elected governing body of Bell County, Texas.

COVENANT. A private legal restriction on the use of land contained in the deed to the property or otherwise formally recorded.

DENSITY. The number of dwelling units per acre in a residential development.

DEVELOPER. Any person or persons, firm or corporation subdividing or developing a tract or parcel of land to be sold or otherwise marketed.

DEVELOPMENT. Any activity initiated or directed to improve real estate and requiring a permit from a city, county, or government agency, including without limitation intensive brush and or tree removal of a significant amount.

EASEMENT OR PUBLIC UTILITY EASEMENT. A strip of land reserved for public use by the grantor and accepted by the city for the installation and maintenance of utility lines, improved drainage infrastructure, or for other city or public services or for access to

property. The ownership or title to the land encompassed by the easement being retained by the owner.

(A) ACCESS OR PASSAGE. EASEMENT, as defined above, for the purposes of pedestrian and/or vehicular mobility between parcels or through a parcel.

(B) PEDESTRIAN. EASEMENT, as defined above, for the purposes of pedestrian traffic (i.e. for sidewalks, bike paths).

(C) VEHICULAR. EASEMENT, as defined above, for the purposes of vehicular traffic.

ENGINEER. A person duly authorized and licensed under the provisions of the Texas Engineering Practice Act (V.T.C.A., Tex. Occupations Code Ch. 1001), as heretofore or hereinafter amended, to practice the profession of engineerings

ENGINEERING DRAWINGS. Engineering drawings support and provide greater detail to a plat. ENGINEERING DRAWINGS typically, where applicable, include, but are not limited to, water layout, sewer layout, drainage and topography, street light layout, street plan and profile sheets, sewer main plan and profile, water utility details, sewer utility details, paving details, drainage details, erosion and sedimentation control plan and standard construction details. ENGINEERING DRAWINGS shall be prepared, signed, and sealed by a Texas Licensed Professional Engineer and shall conform to the general requirements and minimum standards of design and requirements as presented in this chapter.

EXTRATERRITORIAL JURISDICTION (ETJ). Under the terms of V.T.C.A., Tex. Loc. Gov't Code Ch. 42, the unincorporated area, not a part of any other city, which is contiguous to the corporate limits of the city, the outer boundaries of which are measured from the extremities of the corporate limits of the city outward for a distance of two miles, except where it overlaps the ETJ, of other municipalities. Such overlaps are apportioned by mutual agreement with the other municipalities, adopted by resolution and shown on the official ETJ map.

FLAG LOT. A large lot not meeting minimum frontage requirements where access to the public road is by a narrow 30 foot wide strip of land which is part of the lot. Flag lots should be avoided if at all possible.

INFRASTRUCTURE IMPROVEMENTS. Any public facility, service or amenity, constructed to sustain a proposed land use activity. INFRASTRUCTURE includes, but is not limited to, streets, alleys, sidewalks, crosswalks, sanitary sewers, sewage lift stations, septic tanks or other sewage facilities to include water mains, water systems, drainage culverts, lined channels, storm sewers, bridges, streetlights and fire hydrants.

LAY DOWN OR RIBBON CURB. A curb constructed of concrete that is a lower height to promote drainage, allow access onto property or into a driveway or allows for handicap access to a sidewalk.

LOT. A physically undivided tract or parcel of land having frontage on a public street and which is, or in the future may be, offered for sale, conveyance, transfer, lease or improvement, which is designated as a distinct and separate tract and which is identified by a lot number or tract symbol on an approved subdivision plat which has been officially recorded.

(A) CORNER LOT. A lot abutting two or more streets at their intersection.

(B) LOT DEPTH. The average depth of the lot.

(C) DOUBLE FRONTAGE LOT. A lot that fronts and backs on two streets.

(D) LOT FRONT OR FRONTAGE. That portion of a lot or tract of land which is the principal side of a property and which abuts on a public street. This shall be the same side in which direction a building will face and the side on which there is the main entrance.

(E) LOT WIDTH. The average width of the lot.

MAINTENANCE BOND. Bond or letter of credit guaranteeing against defects in public roads, utilities, drainage features or other public infrastructure for a specified time period following the approval of the final plat by the city.

MAY. Deemed permissible.

MONUMENT. A reference point, line or plane used as a basis for measurements.

OPEN SPACE. A public or common ownership property designated for a recreation area, private park, building setback and ornamental areas open to general view within the development. OPEN SPACE does not include streets or alleys.

PARCEL. A tract of land owned and recorded as the property of the same persons or controlled by a single entity.

PAVEMENT WIDTH. The width from the back of curb to the back of curb of a street.

PERFORMANCE BOND. A surety bond posted by a developer guaranteeing full performance as specified in plans approved by the city with the proceeds to be used by the city to complete the improvements on the plans in the event of the developers nonperformance.

PERSON. Any individual, association, firm, corporation, governmental agency, partnership or political subdivision.

PLANNING AND ZONING COMMISSION. A board comprised of citizens of the city appointed by the City Council as an advisory body, charged to recommend changes in the zoning and other planning functions as delegated by the City Council.

PLAT. A map of a subdivision showing the location and boundaries of individual parcels of land subdivided into lots, with streets, alleys and the like, and drawn to scale. As used in this chapter, a PLAT includes final plats, replats, amending plats and minor plats.

RESERVE STRIP OR PARCEL. Any lot, tract, parcel, strip or any other land which prohibits access from public or private tracts or parcels of land dedicated or intended to be dedicated to public use.

RE-SUBDIVISION. The replacement of all or a part of a recorded plat with a new plat which alters the lines within the perimeter boundary of the previous plat.

RIGHT-OF-WAY. A strip of land dedicated to the public for public streets or to accommodate access and/or utilities to lots or tracts.

SERVICE LINES, PRIVATE. That portion of the utility service line from the property line at the right-of-way to the structure itself.

SERVICE LINES, PUBLIC. That portion of the utility service line that is completely contained within the right-of-way.

SHALL. Deemed as mandatory.

SIDEWALK. A paved pedestrian walkway constructed within a street right-of-way and generally parallel to the street.

SITE DEVELOPMENT REVIEW COMMITTEE (SDRC). A committee consisting of representatives from various city departments, impacted public entities, and private utility companies which reviews plats and development proposals for compliance with applicable codes and ordinances.

STREET, ROAD, OR ROADWAY. A way for vehicular traffic, whether designed as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or other designation. See § 154.37 for specific standards associated with the different classifications of streets. Streets may be classified as follows:

- (A) ALLEY. A narrow public passage easement or minor public right-of-way which provides a secondary means of vehicular access to abutting property and which is used primarily for vehicular traffic to the rear or side of properties which otherwise abut on a public street.
- (B) CUL-DE-SAC. Street with only one outlet which terminates in a vehicular turnaround at the other end.
- (C) DEAD-END. Street with only one outlet but with no vehicular turnaround at the other end.
- (D) FRONTAGE OR SERVICE ROAD. A Frontage road is usually parallel to a Major Arterial(highway), designed to reduce the number of driveways and streets that intersect the highway.
- (E) INTERNAL STREET. Street within a subdivision that begins at an intersection and ends in a cul-de-sac or dead-end, or connects to the same street of origin. This street does not provide for the through movement of traffic.
- (F) MAJOR ARTERIAL. High volume streets with multiple lanes which facilitate travel between major destinations or activity centers, as well as long-distance traffic that goes through or bypasses an area. These are limited access roads on which no driveway access for single-family or two-family residential lots may be allowed.
- (G) MAJOR COLLECTORS. Streets generally located along borders of neighborhoods and within commercial areas to collect and to channel this traffic to the Arterial System. These are limited access roads on which no driveway access for single-family or two-family residential lots may be allowed.
- (H) MINOR ARTERIALS. High volume streets with multiple lanes which facilitate traffic into and between Major Arterials. These are limited access roads on which no driveway access for single-family or two-family residential lots may be allowed.
- (I) MINOR COLLECTORS. Streets generally located within subdivisions or between subdivisions to collect traffic from residential streets and to channel this traffic to Major Collectors or Arterials. Residential lots may front on these streets.
- (J) PRIVATE ROAD. A roadway that is not dedicated for public use nor accepted by the City for maintenance. A Private Road typically provides access to two (2) or more properties or structures.
- (K) RESIDENTIAL OR LOCAL STREETS. Streets whose primary function is to serve individual residential lots. They carry low traffic volumes at low speeds.
- (L) RURAL ROAD. Streets that serve individual residential lots and carry surface water runoff via bar ditches. Rural Roads shall not serve individual residential lots which are smaller than 0.5 acres per lot. They carry low traffic volumes at low speeds.

STRUCTURE. Anything that is built or constructed with a roof covering.

SUBDIVISION. Any division of land for which a plat is required to be approved and recorded under the provision of V.T.C.A., Tex. Loc. Gov't. Code, § 212.004. This includes the division of land situated within the corporate limits of the city, or within the city's extraterritorial jurisdiction, into two or more parts for any purpose no matter how it is conveyed. However, it does not include the division of land into parts greater than five acres where each part has access and no public improvement is being dedicated. No subdivision of land within the city or its extraterritorial jurisdiction may be recorded with the County Clerk until a final plat, accurately describing the property to be subdivided and platted, has been approved by the city in accordance with this chapter, signed and dated by the Mayor, Chair of the Planning and Zoning Commission and/or other designated officers of the city.

(A) **MAJOR SUBDIVISION.** Any subdivision consisting of five or more lots and/or a subdivision requiring extension of municipal facilities. **MAJOR SUBDIVISIONS** may incorporate more than one phase of development.

(B) **MINOR SUBDIVISION.** A subdivision of four or fewer lots fronting on existing streets and not requiring the creation of any new street or extension of municipal facilities.

SURVEYOR. A licensed state land surveyor or a registered professional land surveyor, as authorized by the Professional Land Surveying Practices Act (V.T.C.A., Tex. Occupations Code, Ch. 1071).

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ). The environmental agency for the state.

THOROUGHFARE PLAN. The plan of major and secondary streets and highways, which is the part of the comprehensive plan adopted by the City Council.



AGENDA ITEM VII-2
PLANNING AND ZONING COMMISSION
MEMORANDUM

Z22-20

FROM: THE OFFICE OF THE PLANNING AND DEVELOPMENT DIRECTOR
DATE: AUGUST 31, 2022

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER AN ORDINANCE FOR A CONDITIONAL USE PERMIT (CUP) TO ALLOW FOR A MOBILE FOOD VENDOR COURT FOR ONE MOBILE FOOD TRUCK ON PROPERTY DESCRIBED AS MEADOW ACRES, BLOCK 006, LOT PT 7, 8, (E 14.5' OF N 130' OF 7 & W 85.5 OF N 130' OF 8), GENERALLY LOCATED AT 808 S. ANN BLVD., HARKER HEIGHTS, BELL COUNTY, TEXAS, 76548

EXPLANATION:

The applicant is requesting a Conditional Use Permit to allow for a mobile food vendor court for one mobile unit at property generally located at 808 S. Ann Blvd.

Parcel History

This property is located within the original area of the city incorporation (1960) and was platted as part of the Meadow Acres plat in 1959.

A building application to add an electrical outlet to operate a mobile food truck at 808 S. Ann Blvd. was applied for on July 7, 2022. Per City of Harker Heights Code of Ordinances, a mobile food truck may operate on a generator OR a permanent connection in a mobile food court:

§126.31 (B) (2) Electricity shall be from a generator or permanent connection in a mobile food court and the mobile food vendor shall utilize electrical cords in conformance with the National Electrical Code and other codes as adopted and amended by the city.

Staff conducted a pre-development meeting with the applicant on August 4, 2022 to discuss options for a mobile food truck to be allowed on this property. The applicant was presented with two options:

1. To operate the food truck from a generator connection, with the unit being removed per the statutes set forth in City of Harker Heights Code of Ordinances Section:
§126.34 (H) A mobile food vending unit may not remain at any location for more than 24 consecutive hours at a time.
2. Apply for a Conditional Use Permit to allow for a mobile food vendor court for one mobile food truck as allowed by City of Harker Heights Code of Ordinances Section:
§126.35 (A) A mobile food vendor food court shall be located in a B-3 (Local Business District) zoning district or higher and requires a Conditional Use Permit (CUP) with an approved lot diagram plan.

The applicant proceeded with the application to request a Conditional Use Permit for a mobile food vendor court as presented in this report.

STAFF ANALYSIS:

Surrounding Land Uses

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

| | Existing Land Use | Land Use Plan | Zoning |
|--------------|--------------------------|----------------------|---|
| North | Regional Center | Community Center | B-4 (Secondary and Highway Business District) |
| South | Community Center | Community Center | B-3 (Local Business District) |
| East | Regional Center | Community Center | B-4 (Secondary and Highway Business District) |
| West | Community Center | Community Center | B-3 (Local Business District) |

The 2021 Land Use Plan and Comprehensive Plan identifies this area is designated as Community Center; the proposed B-3 with a Conditional Use Permit zoning with its intended use will not likely have an adverse impact on the neighborhood and is consistent with the 2021 updates to the City of Harker Heights Comprehensive Plan and Land Use Plan.

Thoroughfare Plan

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

- Minor Collectors are defined as: Streets generally located within subdivisions or between subdivisions to collect traffic from residential streets and to channel this traffic to major collectors. Residential lots may front on these streets. MINOR COLLECTORS shall be 42 feet wide, with a minimum of 70 feet of right-of-way.

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

Flood Damage Prevention:

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

Pharr vs. Tippett Considerations

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

NOTICES:

Based on the most recently approved tax roll available, staff sent out forty-four (44) notices to property owners within the 400-foot notification area. As of August 24, 2022, six (6) responses were received in favor of the request, and zero (0) responses were received in opposition of the request.

Total area of land within the 200-foot notification area is: 251,213.44 sq. ft.

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

Percentage of land area recommending denial: 0.00%

Per Texas Local Government Code Section 211.006, opposition that is written and signed by the owners of at least 20% of the area of the lots within the 200-foot buffer requires a super majority vote for approval. Note that when 20% of the number of landowners within the 200 foot buffer have provided written and signed

opposition, there is not a requirement of Texas Local Government Code nor the City's Code of Ordinances for a super majority vote by the Planning & Zoning Commission.

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

RECOMMENDATION:

Alternatives Considered

Staff considered three (3) alternatives for this case.

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

Staff Recommendation

Staff recommends approval of an ordinance for a Conditional Use Permit (CUP) to allow for a mobile food vendor court for one mobile food truck on property described as Meadow Acres, Block 006, Lot PT 7, 8, (E 14.5' of N 130' of 7 & W 85.5 of N 130' of 8), generally located at 808 S. Ann Blvd., Harker Heights, Bell County, Texas, 76548, with the following conditions:

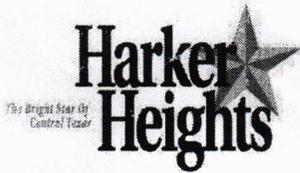
1. Modifications to this conditional use permit will require a Planning and Zoning Commission recommendation and City Council approval via a public hearing.
2. Food vendors and customers shall have access to restroom facilities on site via an active agreement with the property owner and business located in brick and mortar structure on site.
3. Hours of operation shall coincide with the business located in brick and mortar structure on site that provides access to the restroom facilities.
4. The signage, accessories and mobile food unit shall be placed on the site such that they do not interfere with the fire lane, garbage services, or required parking spaces for the site.
5. This Conditional Use Permit (CUP) automatically renews for successive two (2) year periods unless an objection is raised based on either:
 - a. A history of poor code compliance; or
 - b. A revision to the Comprehensive Plan that renders the CUP incompatible

ACTION BY PLANNING AND ZONING COMMISSION:

1. Motion to recommend approval/disapproval of an ordinance for a Conditional Use Permit (CUP) to allow for a mobile food vendor court for one mobile food truck on property described as Meadow Acres, Block 006, Lot PT 7, 8, (E 14.5' of N 130' of 7 & W 85.5 of N 130' of 8), generally located at 808 S. Ann Blvd., Harker Heights, Bell County, Texas, 76548, based on staff's recommendation and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

1. Application & Supporting Documents
2. Applicable Ordinances
3. Location Map
4. Existing Land Use Map
5. Zoning Map
6. Land Use Plan Map
7. Notification Area Map
8. Responses Received



Conditional Use Permit Application

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

Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED

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

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

Owner Information:

Property Owner(s) Name: MARYAM & SARA 2 Date: 08/02/2022
 Address: 808 S ANN BLVD City/State/Zip: HARKER HEIGHTS, TX
 Phone: (512) 909-6775 E-mail: RAF169485@GMAIL.COM 78641

Property Information:

Site Address or General Location: 808 S Ann Blvd Harker Heights Tx 76548
 Lot: _____ Block: _____ Subdivision: _____
 Acres: _____ Property ID: _____ Survey: _____

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

Current Zoning Classification: B3 Future Land Use Designation: B3 w/CUP

Applicant's Representative (if applicable):

Applicant's Representative: _____
 Phone: _____ E-Mail: _____

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

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

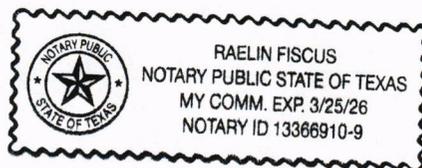
I, being the undersigned applicant of the property herein described, hereby make application for approval of plans submitted and made a part of the application in accordance with the provisions of the City of Harker Heights Ordinances, and hereby certify that the information provided is true and correct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

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

Chaudry Reputolun
MARYAM & SARA 2 INC
 Printed Name of Property Owner
ALTAF PRASLA
ASIF MOHAMMAD
RAY ALI
 Printed Name of Representative

Chaudry Reputolun
 Signature of Property Owner
 Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 4th DAY OF August, 2022.
Raelin Fiscus
 Signature of Notary Public



STAFF ONLY -- DO NOT FILL OUT

Date Submitted: 8/4/22 Receipt #: _____
 Received By: RF Case #: _____
 Pre-Application Meeting 8/4/2022

Letter of Intent for Conditional Use Permit

808 S. Ann Blvd
Harker Heights, Tx 76548

August 01, 2022

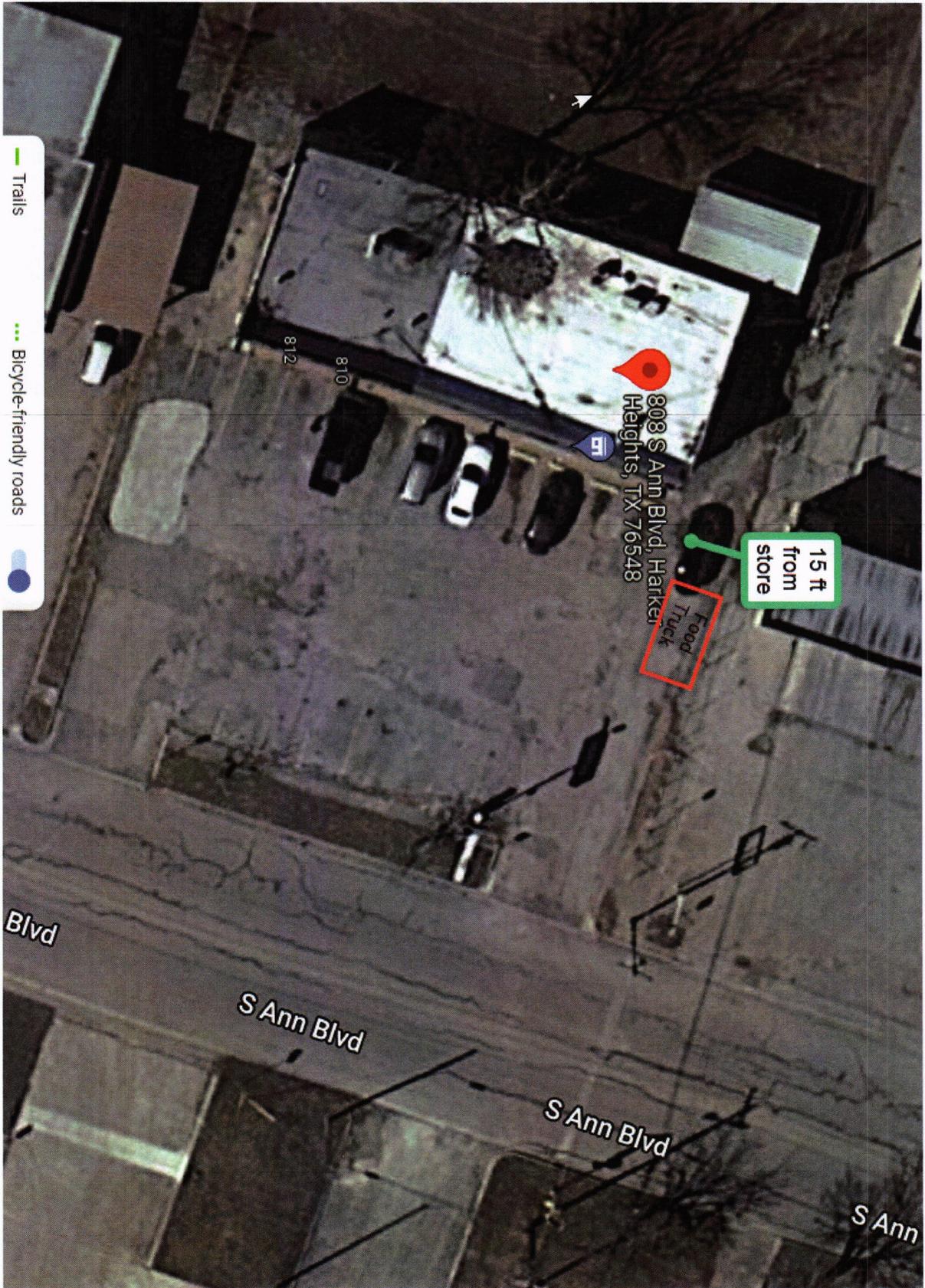
Harker Height City Planner
City of Harker Heights
Harker Heights, Tx 76548

This letter is written to state Creative Acquisition's intent to apply and use Conditional Use Permit as a food vendor court. We want to apply for a food vendor court conditional use permit [126.35] because as a mobile food vendor per ordinance [126.31^(b)2] we cannot be plugged into an outlet and must run off of a generator. A generator is not feasible for long-term use and therefore we would hinder in our daily operations. A majority of our customers do not have access to a car or a way to get around except walk and we want to provide a service that is beneficial to the community. This does not affect any structural, landscaping and/or parking spaces.

Ch. R. U. dhan.

Sincerely,
~~Kwick Stop~~

Chaudry Rafiq dhan.



Trails

Bicycle-friendly roads



808 S Ann Blvd, Harke Heights, TX 76548

15 ft from store

Food Truck

Blvd

S Ann Blvd

S Ann Blvd

S Ann

812

810



S & M VACUUM AND WASTE, LTD
PO BOX 817
KILLEEN, TEXAS 76540
254-589-6014 / 254-589-6027
Fax 254-589-6019
smvacuumandwaste@hotmail.com

July 11, 2022

QUICK STOP
Attn: Altaf Prasla
808 South Ann Boulevard
Harker Heights, Texas 76548
512-905-0166
Harkerheights22@gmail.com

Mr. Prasla,

We will pump, transport and dispose of the grease/gray water trap material from your food truck at the above address on an on call basis. Our TCEQ transporters permit number is 20089.

The waste material will be disposed of at our TECQ permitted Class V Liquid Processing Facility located at 508 Jackrabbit Flat Road, Belton, Texas. The permit number is 2368.

If any further information is needed or to schedule service please let me know.

Sincerely;



David McGinnis
Managing Partner

CHAPTER 126: MOBILE FOOD VENDOR BUSINESS REGULATIONS

Section

General Provisions

- 126.01 Short title and purpose
- 126.02 Definitions
- 126.03 Administrative rules

Permits

- 126.10 Permit required
- 126.11 Permit application
- 126.12 Permit approval or denial
- 126.13 Permit not transferable
- 126.14 Permit not a right
- 126.15 Permit expiration; renewal
- 126.16 Requirement to supplement information
- 126.17 Permit suspension
- 126.18 Permit revocation
- 126.19 Appeal

Regulations for Mobile Food Vendor Operation

- 126.30 Document posting required
- 126.31 Regulations for all mobile food vendors
- 126.32 Regulations for mobile food vendors operating on public streets and rights-of-way
- 126.33 Regulations for mobile food vendors operating on public property (other than streets or rights-of-way)
- 126.34 Regulations for mobile food vendors operating on private property
- 126.35 Regulations for mobile food vendor courts

Enforcement

- 126.50 Enforcement

- 126.99 Penalty

Cross-reference:

Food establishments, see Chapter 113

GENERAL PROVISIONS

§ 126.01 SHORT TITLE AND PURPOSE.

(A) This chapter may be known and cited as "Mobile Food Vendor Regulation."

(B) The purpose of this chapter is to protect the welfare of the citizens of the City of Harker Heights by monitoring and regulating mobile food vendor businesses. To this end, this chapter establishes a permit program for mobile food vendor businesses, imposes regulations of business operations of mobile food vendor businesses, and imposes civil penalties for violations of this chapter by mobile food vendor businesses.

(Ord. 2020-32, passed 8-25-20)

§ 126.02 DEFINITIONS.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMISSARY. A central preparation facility or other fixed food establishment that stores, prepares, packages, serves,

vends, or otherwise provides food for human consumption to mobile, temporary, and portable food vendors.

DIRECTOR. The Director of Planning and Development.

EVENT. Any occasion or activity where one or more vendors offer goods, services, entertainments, amusements or other like products or activities to the public for profit or for free.

FOOD BOOTH. A food vending unit that is generally a temporary structure used to prepare and sell food to the public.

FRANCHISEE. A business entity with whom the city has a current contractual agreement, which entitles the entity to use city rights-of-way or easements for the provision of the entity's services to citizens of the community.

HEALTH AUTHORITY. The Bell County Health Department, or its designee, or any other agency charged with enforcement of regulations applicable to establishments regulated under this chapter.

LOT DIAGRAM PLAN. A diagramed plan that includes property lines, adjacent rights-of-way, location of all mobile food vending units, parking areas and surface material, maneuvering areas and surface material, seating areas, and any other information reasonably required by the Director of Planning and Development.

MOBILE CONCESSION TRAILER. A vending unit selling items defined as edible goods, which is pulled by a motorized unit and has no power to move on its own.

MOBILE FOOD CART OR CONCESSION CART. A mobile vending unit, selling items defined as edible goods, that must be moved by non-motorized means.

MOBILE FOOD TRUCK. A self-contained motorized unit selling items defined as edible goods.

MOBILE FOOD VENDING UNIT. A mobile food truck, mobile food cart, concession cart, or mobile concession trailer.

MOBILE FOOD VENDOR. Any business that operates or sells food for human consumption, hot or cold, from a mobile food vending unit.

MOBILE FOOD VENDOR FOOD COURT. A site designed for the operation of one or more mobile food vendors as the primary use.

MOBILE FOOD VENDOR PERMIT. The document(s) issued by the city authorizing the peddling, soliciting, or vending activities, pursuant to this chapter.

MOTOR VEHICLE. Any vehicle used for the displaying, storing, or transporting of articles for sale by a peddler, solicitor, and/or vendor, which is required to be permitted and registered by the state. The term also includes trailers, trucks, and automobiles.

PERMITTEE. The holder of a permit issued by the city issued pursuant to this chapter.

TEXAS FOOD ESTABLISHMENT RULES OR THE RULES. Refers to Tex. Administrative Code, Ch. 228, as amended.

(B) Terms appearing in this chapter but not defined herein shall have the meanings provided in this code of ordinances, or if not defined by the city, then the common meanings in accordance with ordinary usage.

(Ord. 2020-32, passed 8-25-20)

§ 126.03 ADMINISTRATIVE RULES.

The Director shall adopt administrative rules to implement, administer, and enforce this chapter.

(Ord. 2020-32, passed 8-25-20)

PERMITS

§ 126.10 PERMIT REQUIRED.

(A) All mobile food vendors shall obtain a mobile food vendor permit issued by the Fire Department for a mobile food vending unit before the mobile food vendor may operate in the city.

(B) A mobile food vendor must obtain a separate mobile food vendor permit for each mobile food vending unit.

(C) A mobile food vendor permit is void if the applicant obtains the mobile food vendor permit by knowingly providing false information on the application.

(Ord. 2020-32, passed 8-25-20)

§ 126.11 PERMIT APPLICATION.

(A) A mobile food vendor who seeks a mobile food vendor permit for a mobile food vending unit must submit an application to the Fire Department on a form provided by the Fire Marshal. The application must include:

(1) The names, mailing addresses, email addresses, and telephone numbers of all persons who have an ownership interest in, or who will manage the proposed mobile food vending unit;

- (2) The mobile vending unit name and type;
- (3) The mobile vending unit vehicle data, including make, model, VIN number, color, and license information;
- (4) A submitted business registration application for the mobile food vendor issued by the Director;
- (5) Information required by administrative rule; and
- (6) Other information reasonably required by the Fire Marshal or Director to confirm compliance with the requirements of this chapter.

(B) The applicant shall pay the nonrefundable permit fee established by §126.12.

(Ord. 2020-32, passed 8-25-20)

§ 126.12 PERMIT APPROVAL OR DENIAL.

(A) The Fire Marshal shall issue a mobile food vendor permit for a mobile food vending unit when:

(1) The mobile food vendor permit application has been completed and submitted with all necessary information as required in this section to confirm compliance with the provisions of this chapter;

(2) The mobile food vending unit has passed an inspection by the Fire Marshal's Office to confirm compliance with the requirements of this chapter including specifically the provisions of § 126.31;

(3) The mobile food vendor is in compliance with all provisions of this chapter, including specifically the provisions of § 126.31; and

(4) The mobile food vending unit has at minimum one portable fire extinguisher (2A-10BC) that has a current tag from a licensed extinguisher company that indicates that it has been serviced and inspected.

(B) The Fire Marshal shall deny a mobile food vendor permit application if the Fire Marshal determines that the mobile food vendor or mobile food vending unit as proposed would not comply with the requirements of this chapter.

(C) If the mobile food vending unit does not meet the provisions of this chapter, including specifically the provisions of § 126.31, the potential exists for it to be issued a temporary non-conforming mobile food vendor permit to operate subject to the following conditions:

(1) Upon a determination by the Fire Marshal that no risk or danger to public health or safety will result, some code requirements may be waived for a short duration; others such as exterior 1/4-turn shutoff valves for fuel sources may not be waived. Due to the number of variables the waiver of established code requirements for a temporary, non-conforming mobile food vendor permit is a case by case review, based on health and safety risks and conditions.

(2) If under the currently adopted code, a mobile food vending unit would normally be required to have a Type I hood and does not have one, the mobile food vending unit must then have the correct size and number of Class K fire extinguishers as defined by the current adopted model codes.

(3) Fuel sources for compressed gasses such as liquefied petroleum gas (LPG) and compressed natural gas (CNG) shall be limited to an aggregate total of 40 pounds.

(4) This temporary non-conforming mobile food vendor permit is not applicable to food booths.

(5) Temporary non-conforming mobile food vendor permits issued shall be valid for only 24 specified hours.

(6) Temporary non-conforming mobile food vendor permits may only be issued twice per calendar year.

(7) The mobile food vending unit must be placed with a separation distance of 15 feet from any permanent or temporary structures on all sides.

(8) A fire watch, as defined by current adopted code must be initiated and funded to monitor the mobile food vending unit during its entire operations, including setup and teardown, when two or more mobile food vending units are operating at the same time and location.

(9) Granting of a temporary non-conforming mobile food vendor permit by the City of Harker Heights does not exempt or excuse the applicant or responsible person from the consequences, damages, or injuries resulting from the operation listed above and does not exempt or excuse anyone from complying with all other applicable laws or ordinances, regulations, and orders of governmental entities having jurisdiction, even though the above listed operation is otherwise conducted in compliance with this chapter.

(D) The Fire Marshal shall deny an application for a temporary non-conforming mobile food vendor permit if the Fire Marshal determines that the mobile food vending unit as proposed would not comply with the requirements of this chapter or the granting of a waiver to authorize a temporary non-conforming mobile food vendor permit would pose a risk or danger to the public health or safety.

(E) The Fire Marshal shall deny a mobile food vendor permit or temporary non-conforming mobile food vendor permit application if the Fire Marshal determines that the applicant provided incorrect or incomplete information on the application.

(F) If the Fire Marshal does not approve or deny an application within 45 days of the date it is filed, the application is

denied.

(G) The Fire Marshal shall give written notice of a denial of an application to the applicant.

(H) An applicant may appeal to the Board of Adjustment a denial of a mobile food vendor permit application in accordance with § 126.19.

(Ord. 2020-32, passed 8-25-20)

§ 126.13 PERMIT NOT TRANSFERABLE.

A mobile food vendor permit issued under this chapter is not transferable to another person, mobile food vendor, or mobile food vending unit.

(Ord. 2020-32, passed 8-25-20)

§ 126.14 PERMIT NOT A RIGHT.

A mobile food vendor permit issued under this chapter is a grant of a privilege and is not a property right.

(Ord. 2020-32, passed 8-25-20)

§ 126.15 PERMIT EXPIRATION; RENEWAL.

A mobile food vendor permit issued under this chapter expires one year after the date it is issued. A mobile food vendor permit holder shall file an application for mobile food vendor permit renewal not sooner than the ninetieth day and not later than the forty-fifth day before the mobile food vendor permit expires.

(Ord. 2020-32, passed 8-25-20)

§ 126.16 REQUIREMENT TO SUPPLEMENT INFORMATION.

While a mobile food vendor permit application is pending or a mobile food vendor permit is in effect, an applicant or permit holder shall immediately supplement the information provided to the Fire Marshal or Director in the mobile food vendor permit application if the information is or becomes inaccurate, incomplete, or misleading.

(Ord. 2020-32, passed 8-25-20)

§ 126.17 PERMIT SUSPENSION.

(A) The Fire Marshal or Director may suspend a mobile food vendor permit issued under this chapter without prior notice or hearing if the Fire Marshal or Director determines that:

(1) The mobile food vendor permit holder, the manager, or an employee of the mobile food vendor has violated a requirement of this chapter;

(2) The mobile food vendor or mobile food vending unit does not comply with this chapter; or

(3) The mobile food vendor permit holder does not qualify for a permit under this chapter.

(B) If the Fire Marshal or Director suspends a mobile food vendor permit:

(1) The Director shall give written notice to the mobile food vendor permit holder that the mobile food vendor permit is immediately suspended on receipt of the notice.

(2) The mobile food vendor permit holder shall immediately close the mobile food vending unit.

(3) Any mobile food vendor permit which has been suspended under this chapter shall be surrendered upon demand to the Director. At the end of the period of suspension, in the absence of further violations, the surrendered mobile food vendor permit shall be returned to the mobile food vendor permit holder and shall be valid under the provisions of this code. If the period of suspension extends beyond the normal expiration date of the mobile food vendor permit, the mobile food vendor permit holder shall pay all mobile food vendor permit fees without proration in order to receive a valid mobile food vendor permit.

(C) Suspension of a mobile food vendor permit is effective on receipt of notice.

(D) A mobile food vendor permit holder may file with the Director a written request for a hearing on a mobile food vendor permit suspension. The request must be filed not later than the tenth day after the date of receipt of notice of suspension.

(E) If a mobile food vendor permit holder timely files a hearing request:

(1) The Director shall hold a hearing on the permit suspension not later than the fourteenth day after the date the hearing request is filed.

(2) At such hearing, the mobile food vendor permit holder may present information to the Director addressing the Director's suspension of a mobile food vendor permit and reasons, if any, that the mobile food vendor permit holder believes the suspension is not warranted.

(F) If a hearing request is not timely filed, a suspension continues in effect.

(G) After hearing, the Director shall give written notice to the mobile food vendor permit holder as to whether suspension is continued in effect after a hearing under division (E).

(H) The Director may reinstate a permit if the reason for suspension no longer exists.

(Ord. 2020-32, passed 8-25-20)

§ 126.18 PERMIT REVOCATION.

(A) The Fire Marshal or Director may revoke a mobile food vendor permit issued under this chapter if the Fire Marshal or Director determines that:

(1) The mobile food vendor permit holder, the manager, or an employee of the mobile food vendor has engaged in serious or repeated violations of this chapter;

(2) The mobile food vendor or mobile food vending unit does not comply with this chapter; or

(3) The mobile food vendor permit holder does not qualify for a permit under this chapter.

(B) Before revoking a mobile food vendor permit, the Director shall provide the mobile food vendor permit holder with written notice of the pending permit revocation. The written notice shall include:

(1) The reason the mobile food vendor permit is subject to revocation;

(2) The date on which the mobile food vendor permit is scheduled to be revoked; and

(3) A statement that the mobile food vendor permit will be revoked on the scheduled date unless the mobile food vendor permit holder files a written request for a hearing with the Director not later than the tenth day after the date the notice is received.

(C) A mobile food vendor permit revocation becomes effective on expiration of the time period prescribed by the notice if the mobile food vendor permit holder does not file a written request for hearing with the Director not later than the tenth day after the notice is received.

(D) If a mobile food vendor permit holder timely files a hearing request:

(1) The Director shall hold a hearing on the mobile food vendor permit revocation not later than the fourteenth day after the date the hearing request is filed.

(2) At such hearing, the mobile food vendor permit holder may present information to the Director addressing the Director's intent to revoke the mobile food vendor permit and reasons, if any, that the mobile food vendor permit holder believes the revocation is not warranted.

(E) The Director shall give written notice to the mobile food vendor permit holder of a decision regarding the revocation of the mobile food vendor permit or a revocation that becomes effective under division (C).

(Ord. 2020-32, passed 8-25-20)

§ 126.19 APPEAL.

An applicant or a mobile food vendor permit holder may appeal to the Board of Adjustment a mobile food vendor permit application denial, a mobile food vendor permit suspension, or a mobile food vendor permit revocation. Such appeal must be made within 10 days after the applicant/mobile food vendor permit holder receives written notice of the decision that it is appealing.

(Ord. 2020-32, passed 8-25-20)

REGULATIONS FOR MOBILE FOOD VENDOR OPERATION

§ 126.30 DOCUMENT POSTING REQUIRED.

(A) Each mobile food vending unit shall have displayed at all times in a conspicuous place where it can be read by the general public:

(1) City of Harker Heights mobile food vendor permit under this chapter;

(2) A health permit for the mobile food vendor from Bell County; and

(3) A copy of a Texas sales tax and use certificate for the mobile food vendor.

(B) If applicable, each mobile food vending unit shall display at all times in a conspicuous place where it can be read by the general public, a Texas Alcoholic Beverage Commission (TABC) authorization.

(C) A copy of required records for the mobile food vendor or mobile food vending unit shall be immediately available for inspection by the city.

(D) A sign stating that the owner or operator has purchased liability insurance to cover activities at the mobile food vending unit.

(Ord. 2020-32, passed 8-25-20)

§ 126.31 REGULATIONS FOR ALL MOBILE FOOD VENDORS.

(A) Food preparation.

(1) Any mobile food vendors that prepare food outside of the mobile food vending unit must operate from an approved commissary in good standing as defined in and required by the Texas Food Establishment Rules. The commissary shall comply with all Food Establishment Rules and hold all current licenses and permits as required by the rules. Mobile food vendors shall provide documentation of each visit to or service by the commissary and shall have that documentation immediately available for inspection by the city.

(2) All employees of the mobile food vendor permit holder must have a valid food handler's certificate.

(3) Except as shown on an approved lot diagram plan, the mobile food vendor shall prepare, serve, store, and display food and beverages on or in the mobile food vending unit itself; and shall not attach, set up, or use any other device or equipment intended to increase the selling, serving, storing, or displaying capacity of the mobile food vending unit.

(B) Model code requirements.

(1) Mobile food vending units must meet all applicable laws regarding mobile food vendors as required by, but not limited to, the National Electric Code (NEC), International Building Code (IBC), International Fire Code (IFC), International Mechanical Code, International Plumbing Code, and International Fuel Gas Code as adopted and amended by the city or required by this chapter.

(2) Electricity shall be from a generator or permanent connection in a mobile food court and the mobile food vendor shall utilize electrical cords in conformance with the National Electrical Code and other codes as adopted and amended by the city.

(3) The mobile food vending unit must meet the following plumbing standards:

(a) All liquid waste shall be discharged to an approved sanitary sewage disposal system at the commissary or through an authorized service provider. All used fats, oil, or grease shall be discharged to an approved grease interceptor at the commissary or through an authorized service provider. Used fats, oils or grease shall not be directly discharged to any unauthorized food establishment grease interceptor.

(b) Liquid waste shall not be discharged from the retention tank when the mobile food vending unit is open to the public or in the process of preparing food.

(c) The waste connection shall be located below the water connection to preclude contamination of the potable water system.

(d) Connections to a water or sewage system on site is only allowed when the connections have been properly permitted and inspected by the Building Official or designee.

(C) Placement.

(1) Mobile food vending units shall not obstruct or set up in fire lanes, driveways, or parking spaces that are required for the use of an existing business.

(2) Mobile food vending units shall be separated from existing buildings and other mobile food vehicles by a minimum of ten feet and separated from any building entrances or exits by 20 feet.

(3) A mobile food vending unit may not operate within 200 feet of any existing restaurant, when measured in a straight line, unless:

(a) The mobile food vending unit is owned by the restaurant; or

(b) The mobile food vending unit has acquired the written consent to operate by the owner or agent of the restaurant.

(4) Mobile food vendors should attempt to avoid locating near restaurants or other mobile food vendors which serve similar foods.

(D) Signage.

(1) Each mobile food vending unit shall be clearly marked with the food establishment's name or a distinctive identifying symbol and shall display the name while in service within the city. All other signage on the mobile food vending unit shall be mounted flush to the surface of the unit.

(2) Each mobile food vending unit shall be permitted two freestanding signs:

(a) Two sandwich board signs not to exceed four feet in height and eight square feet; or

(b) One sandwich board sign not to exceed four feet in height and eight square feet and one feather flag not to exceed eight feet in height.

(3) Freestanding signs shall be for use on site and only during business operational hours.

(E) *Insurance requirement.*

(1) Each mobile food vendor shall maintain a commercial general liability insurance policy providing minimum premises/operations coverage of \$500,000 per occurrence and \$1,000,000 in the aggregate on an occurrence basis.

(2) The policy must be provided by an insurer licensed by the Texas Department of Insurance, and must be endorsed to name the City of Harker Heights as additionally insured.

(3) Prior to opening for business, the mobile food vendor permit holder, manager, or owner shall deliver a certificate of insurance and copies of all endorsements for additional insured to the Director, and thereafter at least ten days prior to the expiration of such policies.

(F) Drive-through service from mobile food vending units is prohibited.

(G) Mobile food vending units must be movable by motorized or non-motorized means.

(Ord. 2020-32, passed 8-25-20)

Cross-reference:

Food handler's registration, see §§ 113.20 - 113.23

§ 126.32 REGULATIONS FOR MOBILE FOOD VENDORS OPERATING ON PUBLIC STREETS AND RIGHTS-OF-WAY.

(A) The mobile food vendor and mobile food vending unit shall be in compliance with all provisions of this chapter, including specifically the provisions of §§ 126.30 and 126.31.

(B) A mobile food vendor may not operate on a public street or right-of-way unless:

(1) The mobile food vending unit is not obstructing pedestrian or vehicular traffic, is equal to or less than 20 feet in length, is not a mobile concession trailer, and is on site for 15 minutes or fewer; or

(2) The mobile food vendor has obtained a special event permit from the City Manager.

(Ord. 2020-32, passed 8-25-20)

§ 126.33 REGULATIONS FOR MOBILE FOOD VENDORS OPERATING ON PUBLIC PROPERTY (OTHER THAN STREETS OR RIGHTS-OF-WAY).

(A) The mobile food vendor and mobile food vending unit shall be in compliance with all provisions of this chapter, including specifically the provisions of §§ 126.30 and 126.31.

(B) A mobile food vendor may not operate in a city park or on city property without a special event permit or written permission from the City Manager or designee.

(C) A mobile food vendor may only operate within a city park or city property at locations approved by the City Manager or designee.

(Ord. 2020-32, passed 8-25-20)

§ 126.34 REGULATIONS FOR MOBILE FOOD VENDORS OPERATING ON PRIVATE PROPERTY.

(A) The mobile food vendor and mobile food vending unit shall be in compliance with all provisions of this chapter, including specifically the provisions of §§ 126.30 and 126.31.

(B) A mobile food vendor may operate on private property in Commercial (B) or Industrial (M) zoning districts.

(C) A mobile food vendor may not operate in a residential (R) zoning district unless:

(1) The mobile food vending unit remains on site for 15 minutes or fewer; or

(2) The mobile food vendor has obtained a special event permit from the City Manager.

(D) A mobile food vending unit must be located on an improved, all-weather surface.

(E) No permanent seating areas shall be established. Temporary seating which is removed and stored daily within the mobile food vending unit or existing permanent structure may be allowed.

(F) Any mobile food vendor that will operate in one location for more than four hours shall provide access to restroom facilities for employees and customers.

(1) Written proof of a restroom facility agreement that provides the availability of a fixed establishment restroom located in a business establishment within 150 feet, along the path of travel, of each location where the mobile food vending unit will be in operation shall be required; and

(2) Such proof shall be provided to city employees when requested.

(G) Mobile food vendors shall provide covered garbage and storage facilities for employee and customer use of sufficient size that refuse is fully contained in a manner that prevents litter and remains insect- and rodent-proof.

(H) A mobile food vending unit may not remain at any location for more than 24 consecutive hours at a time.

(Ord. 2020-32, passed 8-25-20)

§ 126.35 REGULATIONS FOR MOBILE FOOD VENDOR COURTS.

(A) A mobile food vendor food court shall be located in a B-3 (Local Business District) zoning district or higher and requires a Conditional Use Permit (CUP) with an approved lot diagram plan.

(B) The mobile food vendor court shall be considered a commercial business and shall meet all applicable state and local laws and regulations, including but not limited to the requirements of this code and chapter, or as governed by a Conditional Use Permit (CUP).

(C) All mobile food vendors and mobile food vending units operating in a mobile food vendor court shall be in compliance with all provisions of this chapter, including specifically the provisions of §§ 126.30 and 126.31.

(D) Utility hookups for water, wastewater, and electric must be provided by the property owner for each mobile food vending unit.

(E) The mobile food vendor food court shall provide restroom facilities on site.

(F) Any permanent structure will require a building permit and be subject to any applicable regulations.

(Ord. 2020-32, passed 8-25-20)

Cross-reference:

Food establishments, see Chapter 113

ENFORCEMENT

§ 126.50 ENFORCEMENT.

(A) The city may inspect a mobile food vending unit during regular business hours and at other reasonable times to determine compliance with this chapter.

(1) By accepting a mobile food vendor permit under this chapter, the mobile food vendor permit holder consents that the City Manager, the City Manager's representative, law enforcement personnel, code enforcement personnel, and other on-duty governmental personnel may enter the mobile food vending unit during the hours of operation to conduct an investigation or inspect the mobile food vending unit to determine compliance with this chapter.

(2) A mobile food vendor permit holder shall provide the City Manager, the City Manager's representative, law enforcement personnel, code enforcement personnel, and other on-duty governmental personnel with immediate access to all portions of the mobile food vending unit.

(B) After conducting an inspection, the city shall inform the mobile food vendor permit holder of its findings in writing.

(C) If a violation is found, the city is authorized to:

(1) Revoke the mobile food vendor permit; or

(2) Suspend the mobile food vendor permit until such time as the violation has been remedied. Re-inspections at prescribed time intervals will be conducted to determine whether required corrections have been made.

(Ord. 2020-32, passed 8-25-20)

§ 126.99 PENALTY

(A) The City Council has determined that this chapter is necessary to protect health, life, and property and to preserve the good government, order, and security of the city and its inhabitants.

(B) A person who continues to violate this chapter after being notified of the offense in writing by an authorized city representative is subject to a civil penalty not to exceed \$2,000 for each day or part of a day the violation occurs.

(C) The city may file suit to enforce this chapter to collect a civil penalty.

(D) The city may seek to enjoin violations of this chapter.

(Ord. 2020-32, passed 8-25-20)

Cross-reference:

General penalty, see § 10.99

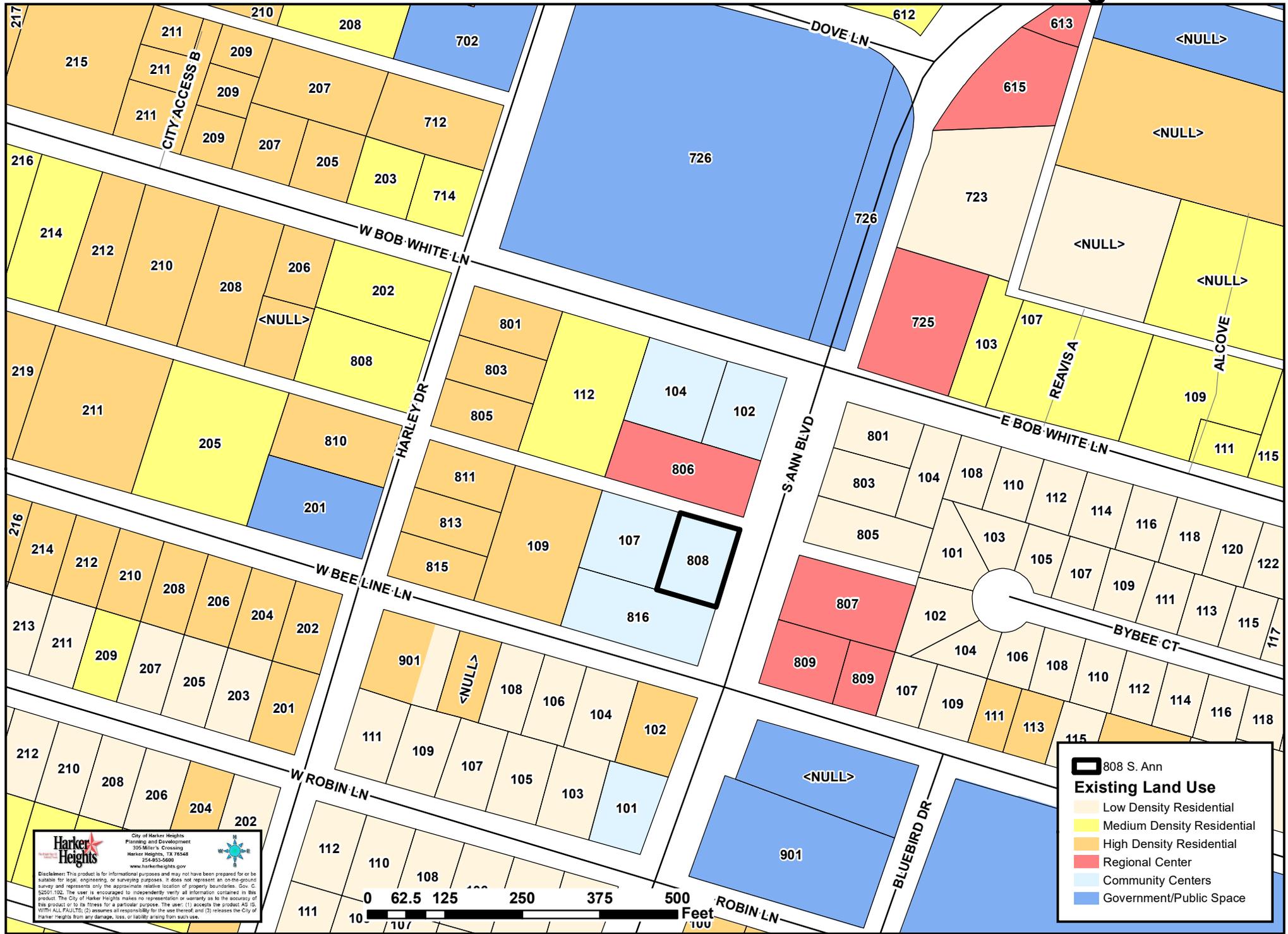


Harker Heights
 City of Harker Heights
 Planning and Development
 300 Miller's Crossing
 Harker Heights, TX 78548
 254-853-5690
 www.harkerheights.gov

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. 52201-102. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAILURES; (2) assumes all responsibility for the use thereof; and (3) releases the City of Harker Heights from any damage, loss, or liability arising from such use.



 808 S. Ann



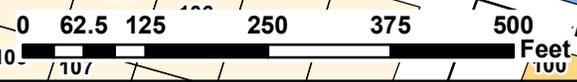
808 S. Ann

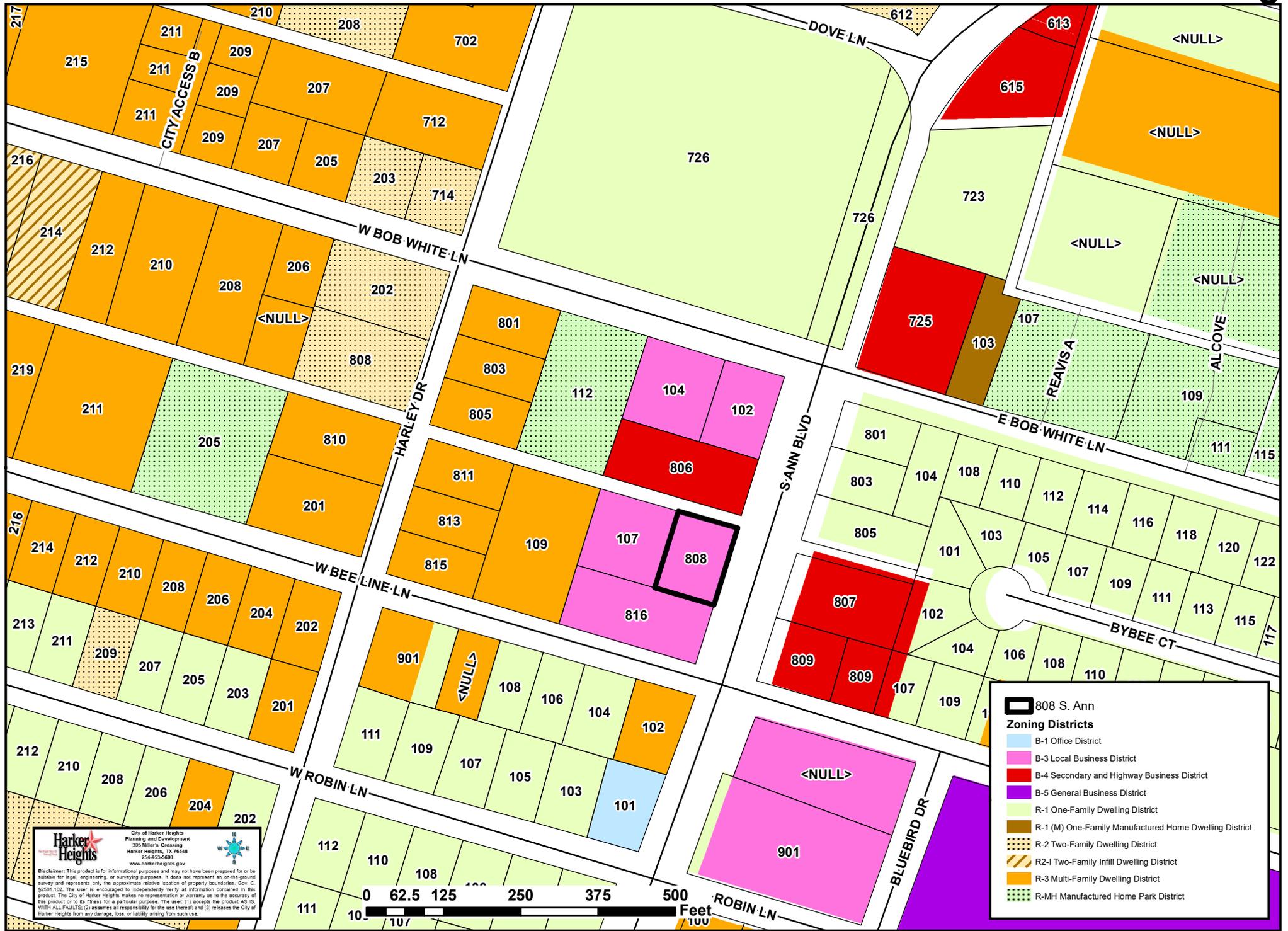
Existing Land Use

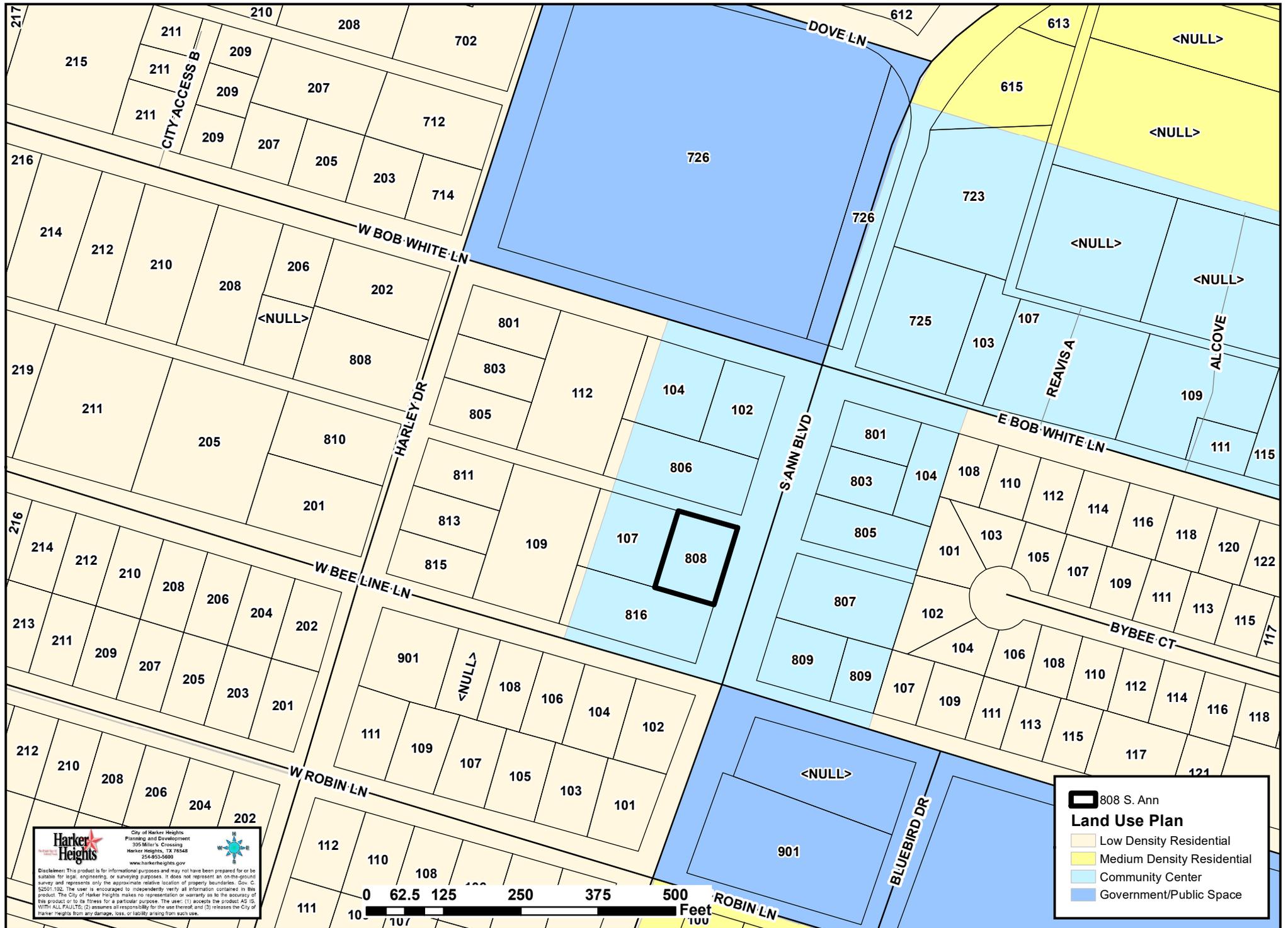
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Regional Center
- Community Centers
- Government/Public Space

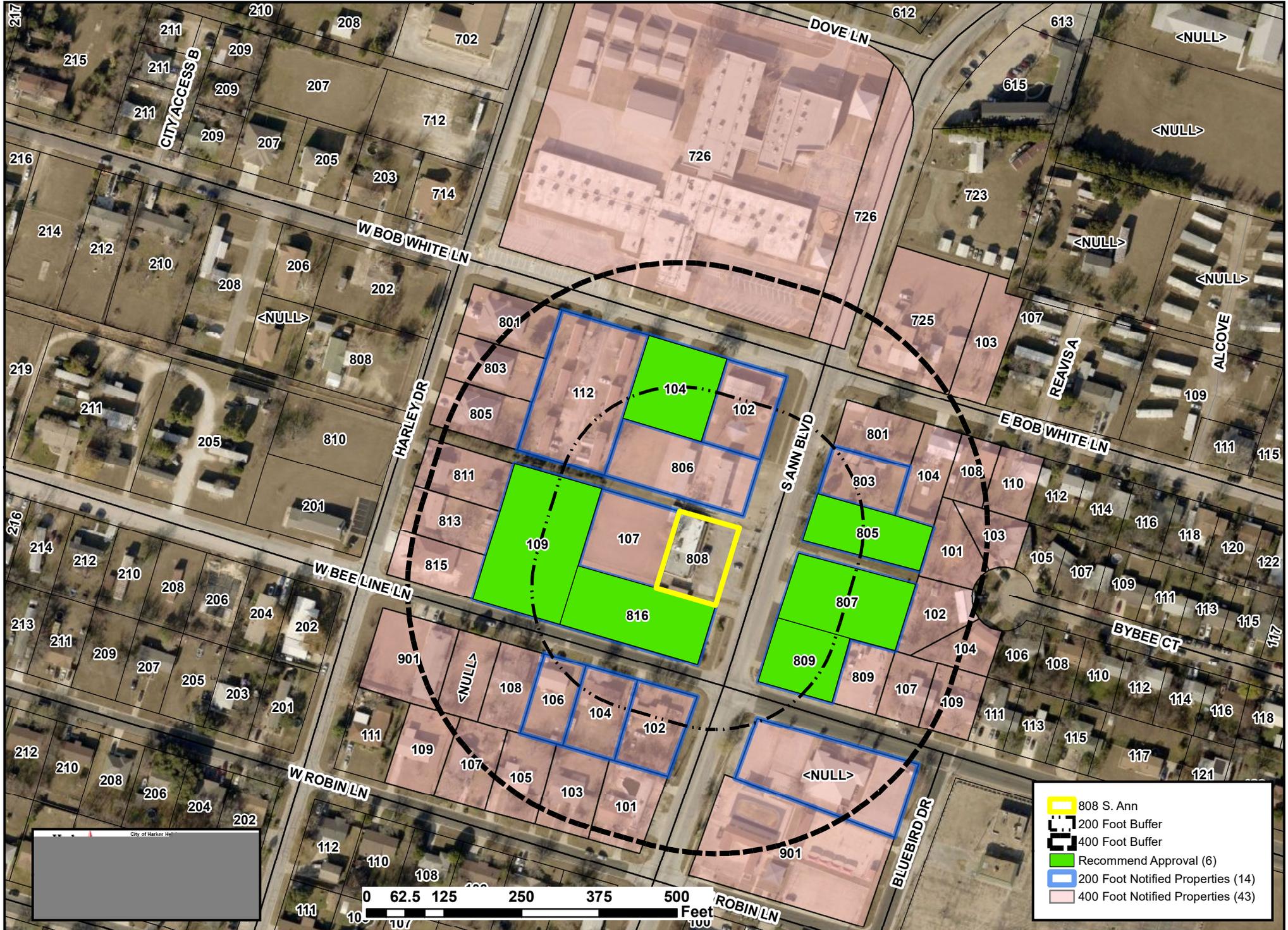
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SENT: AUGUST 05, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: CODRA COMMERCIAL LTD

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

| Physical Address | Property ID |
|-------------------|-------------|
| 104 W BOBWHITE LN | 52883 |

Z22-20 RE: An application has been made to consider an ordinance for a **Conditional Use Permit (CUP) to allow for a mobile food vendor court for one mobile food truck** on property described as *Meadow Acres, Block 006, Lot PT 7, 8, (E 14.5' of N 130' of 7 & W 85.5' of N 130' of 8), generally located at 808 S. Ann Blvd., (see attached notification map)*

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Codra Commercial, Ltd

[Signature]

[Signature]

8-9-22

Printed Name

Signature

Date

Received

AUG 12 2022

Planning & Development

SENT: AUGUST 05, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: KWICK MOTORS INC

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

| Physical Address | Property ID |
|------------------|-------------|
| 109 W BEELINE LN | 15294 |

Z22-20 RE: An application has been made to consider an ordinance for a **Conditional Use Permit (CUP) to allow for a mobile food vendor court for one mobile food truck** on property described as *Meadow Acres, Block 006, Lot PT 7, 8, (E 14.5' of N 130' of 7 & W 85.5' of N 130' of 8), generally located at 808 S. Ann Blvd., (see attached notification map)*

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

MUHAMMAD USMAN
Printed Name

Na
Signature

08/08/2022
Date

Received
AUG 15 2022
Planning & Development

SENT: AUGUST 05, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: KWICK MOTORS INC

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

| Physical Address | Property ID |
|------------------|-------------|
| 805 S ANN BLVD | 33114 |

Z22-20 RE: An application has been made to consider an ordinance for a **Conditional Use Permit (CUP) to allow for a mobile food vendor court for one mobile food truck** on property described as *Meadow Acres, Block 006, Lot PT 7, 8, (E 14.5' of N 130' of 7 & W 85.5' of N 130' of 8), generally located at 808 S. Ann Blvd.,* (see attached notification map)

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

MUHAMMAD USMAN
Printed Name

NA
Signature

08/08/2022
Date

Received
AUG 15 2022
Planning & Development

SENT: AUGUST 05, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

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

FROM: KWICK MOTORS INC

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

| Physical Address | Property ID |
|------------------|-------------|
| 807 S ANN BLVD | 48098 |

Z22-20 RE: An application has been made to consider an ordinance for a **Conditional Use Permit (CUP) to allow for a mobile food vendor court for one mobile food truck** on property described as *Meadow Acres, Block 006, Lot PT 7, 8, (E 14.5' of N 130' of 7 & W 85.5 of N 130' of 8), generally located at 808 S. Ann Blvd.,* (see attached notification map)

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

Comments:

MUHAMMAD USMAN
Printed Name


Signature

08/08/2022
Date

Received
AUG 15 2022
Planning & Development

SENT: AUGUST 05, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: KWICK MOTORS INC

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

| Physical Address | Property ID |
|------------------|-------------|
| 809 S ANN BLVD | 4127 |

Z22-20 RE: An application has been made to consider an ordinance for a **Conditional Use Permit (CUP) to allow for a mobile food vendor court for one mobile food truck** on property described as *Meadow Acres, Block 006, Lot PT 7, 8, (E 14.5' of N 130' of 7 & W 85.5 of N 130' of 8), generally located at 808 S. Ann Blvd.* (see attached notification map)

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

MUHAMMAD USMAN
Printed Name

M. Usman
Signature

08/08/2022
Date

Received

AUG 15 2022

Planning & Development

SENT: AUGUST 05, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

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

FROM: KWICK MOTORS INC

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

| Physical Address | Property ID |
|------------------|-------------|
| 816 S ANN BLVD | 97681 |

Z22-20 RE: An application has been made to consider an ordinance for a **Conditional Use Permit (CUP) to allow for a mobile food vendor court for one mobile food truck** on property described as *Meadow Acres, Block 006, Lot PT 7, 8, (E 14.5' of N 130' of 7 & W 85.5' of N 130' of 8), generally located at 808 S. Ann Blvd.,* (see attached notification map)

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

MUHAMMAD USMAN
Printed Name

NA [Signature]
Signature

08/08/2022
Date

Received
AUG 15 2022
Planning & Development



**AGENDA ITEM VII-3
PLANNING AND ZONING COMMISSION
MEMORANDUM**

Z22-19

FROM: THE OFFICE OF THE PLANNING AND DEVELOPMENT DIRECTOR
DATE: AUGUST 31, 2022

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER AN ORDINANCE TO CHANGE ZONING DESIGNATION FROM R-1 (ONE-FAMILY DWELLING DISTRICT) TO R1-I (SINGLE-FAMILY INFILL DWELLING DISTRICT) ON PROPERTY DESCRIBED AS A0288BC V L EVANS, UNIT 11-BRAD MOR APTS ACRES 2.8, GENERALLY LOCATED NORTH OF NORTHSIDE DR. AND EAST OF JAMIE RD., HARKER HEIGHTS, BELL COUNTY, TEXAS, 76548

EXPLANATION:

The applicant is requesting a change in zoning designation from R-1 (One-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) on property generally located north of Northside Drive and east of Jamie Road.

Parcel History

This property is located within the original area of the city incorporation (1960). The parcel is not platted and will require a plat to be accepted by the city and filed with Bell County prior to building permits being issued.

STAFF ANALYSIS:

Surrounding Land Uses

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

| | Existing Land Use | Land Use Plan | Zoning |
|--------------|---|----------------------------|--|
| North | Low Density Residential Medium Density Residential | Medium Density Residential | R-1 One-Family Dwelling District R-1 (M) One-Family Manufactured Home Dwelling District |
| South | Low Density Residential High Density Residential | Medium Density Residential | R-1 One-Family Dwelling District R-3 Multi-Family Dwelling District |
| East | Low Density Residential | Medium Density Residential | R-1 One-Family Dwelling District |
| West | High Density Residential | Medium Density Residential | R2-I Two-Family Infill Dwelling District |

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

Thoroughfare Plan

Jamie Road and Northside Drive are both classified as residential streets per the most recently adopted Comprehensive Plan. Per §154.01 of the City’s code of ordinances, Residential Streets are defined as: “Streets that serve individual residential lots. They carry low traffic volumes at low speeds. RESIDENTIAL STREETS shall be 36 feet in width back-of-curb to back-of-curb with a minimum 60 feet of right-of-way. These are streets that serve individual residential lots”.

Flood Damage Prevention:

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

Pharr vs. Tippett Considerations

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

NOTICES:

Based on the most recently approved tax roll available, staff sent out ninety-five (95) notices to property owners within the 400-foot notification area. As of August 24, 2022, six (6) responses were received in favor of the request, and one (1) response was received in opposition of the request. Four (4) responses were received from a neighboring property owner that did not select recommending either approval or disapproval. This particular property owner did recommend approval of the other two similar zoning cases in the near vicinity (Z22-21& Z22-22); it could safely be assumed that the intent was to recommend approval of this zoning request also.

Total area of land within the 200-foot notification area is: 581,444.93 sq. ft.

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

Percentage of land area recommending denial: 0%

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

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

RECOMMENDATION:

Alternatives Considered

Staff considered three (3) alternatives for this case.

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

Staff Recommendation

Staff recommends approval of an ordinance to change zoning designation from R-1 (One-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) on property generally located north of Northside Drive and east of Jamie Road.

ACTION BY PLANNING AND ZONING COMMISSION:

1. Motion to recommend approval/disapproval of an ordinance to change zoning designation from R-1 (One-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) on property described as

AGENDA ITEM VII-3

A0288BC V L Evans, Unit 11-Brad Mor Apts Acres 2.8, generally located North of Northside Dr. and East of Jamie Rd., Harker Heights, Bell County, Texas, 76548.

2. Any other action deemed necessary.

ATTACHMENTS:

1. Application
2. Applicable Ordinances
3. Location Map
4. Existing Land Use Map
5. Zoning Map
6. Land Use Plan Map
7. Notification Area Map
8. Responses Received



Rezoning Request Application

Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED

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

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

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

Email:
planning@harkerheights.gov

Property Owner(s) Name: Fort Hood Area Habitat for Humanity **Date:** 07/29/2022

Address: 2601 Atkinson Avenue

City/State/Zip: Killeen, TX 76543

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

Legal Description of Property:

Location of Property (Address if available): Northside Dr.

Lot: _____ Block: _____ Subdivision: _____

Acres: 2.8 Property ID: 12474 Survey: V.L.EVANS

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

Proposed Use: Single Family Residential

Current Zoning Classification: R-1 **Proposed Zoning:** R1-I

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

Applicant's Representative (if applicable):

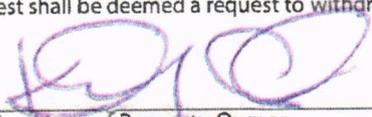
Applicant's Representative: Joseph Theriot

Phone: 512-665-8910 **E-Mail:** jtheriot@republiceds.com

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

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

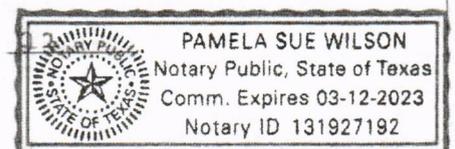
Kenneth Cates
 Printed Name of Property Owner


 Signature of Property Owner

Joseph Theriot
 Printed Name of Representative


 Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 29th DAY OF July, 20




 SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: 3-12-2023

STAFF ONLY - DO NOT FILL OUT BELOW

Date Submitted: _____

Pre-Application Meeting

Receipt #: _____

Received By: _____

Revised: 10/2021

Case #: _____

§ 155.020 R-1 ONE FAMILY DWELLING DISTRICT.

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

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

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

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

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

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

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

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

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

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

(2) Neighborhood association facilities.

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

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

(5) Accessory structure as provided by § 155.040.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(H) *Signs* As per Chapter 151.

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

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

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

(L) *Industrialized housing.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(E) *Design regulations.*

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

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

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

(F) *Area regulations.*

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

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

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

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

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

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

(G) *Intensity of use.*

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

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

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

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

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

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

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

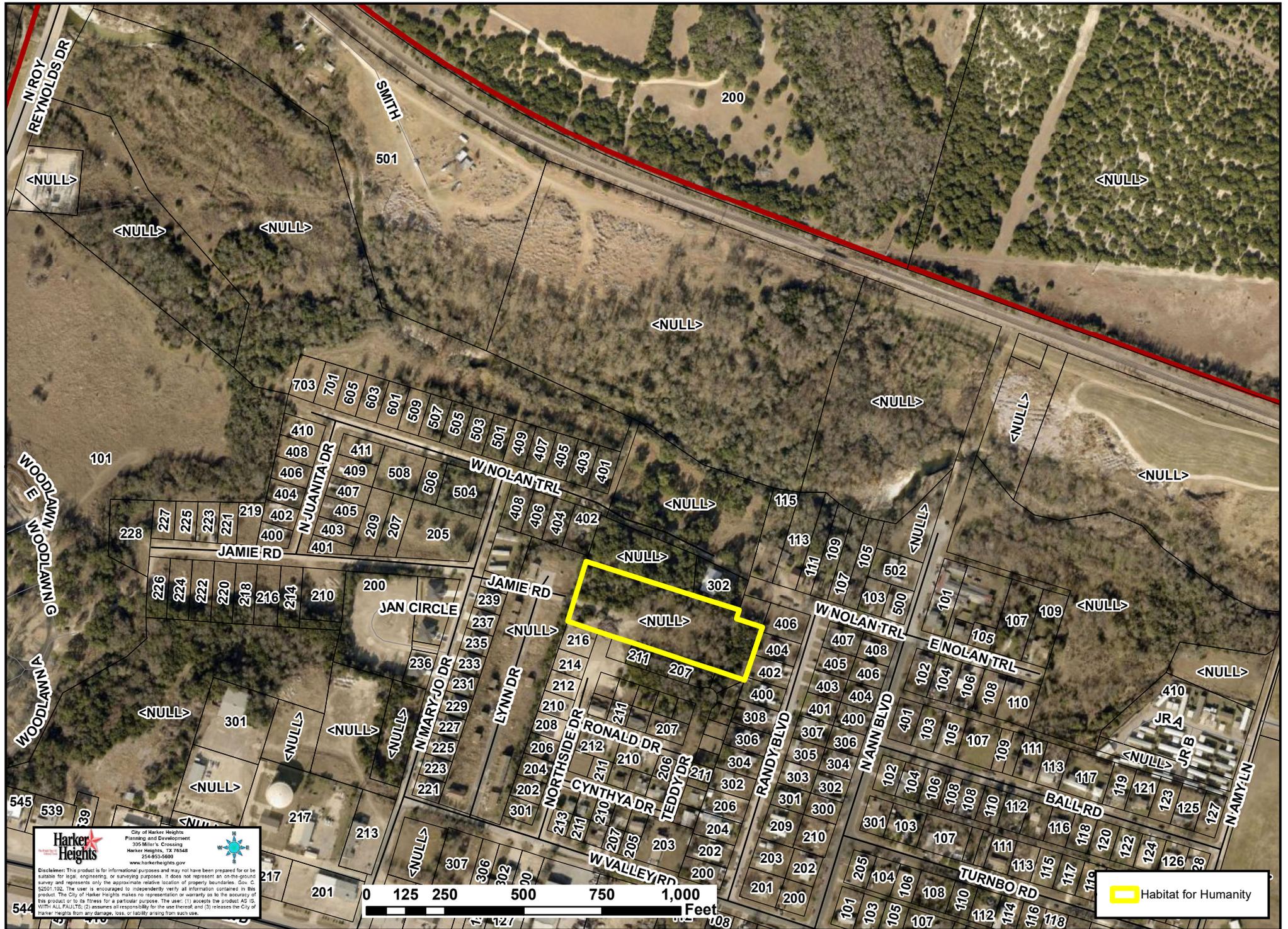
(1) Any accessory structure permitted in the R-I District;

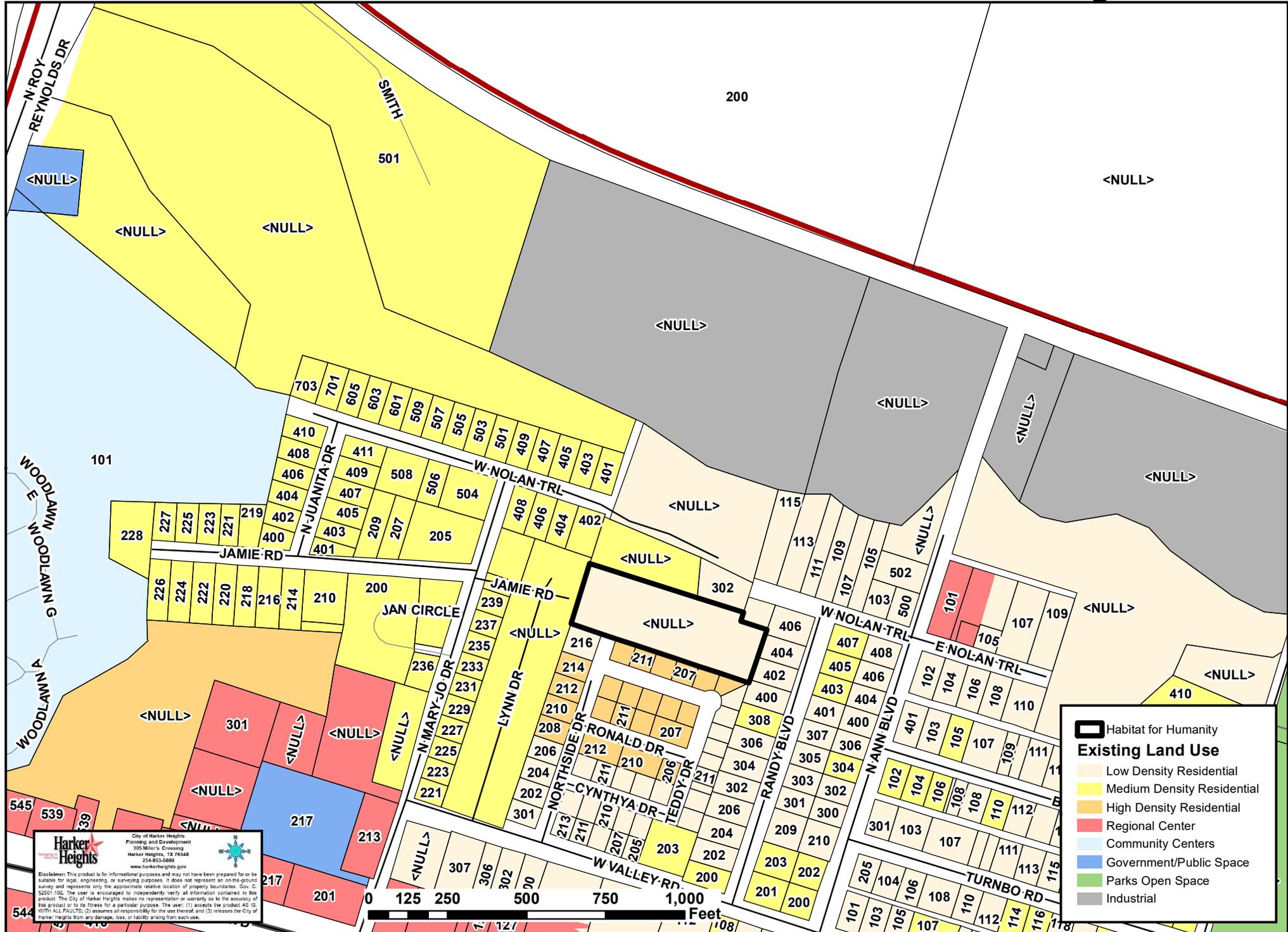
(2) Detached garages and carports do not count against the number of accessory structures permitted. Such structures must be behind the rear facade of the main residence building, must be set back ten feet from the rear property line, and must comply with R1-I side yard setback requirements. Building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

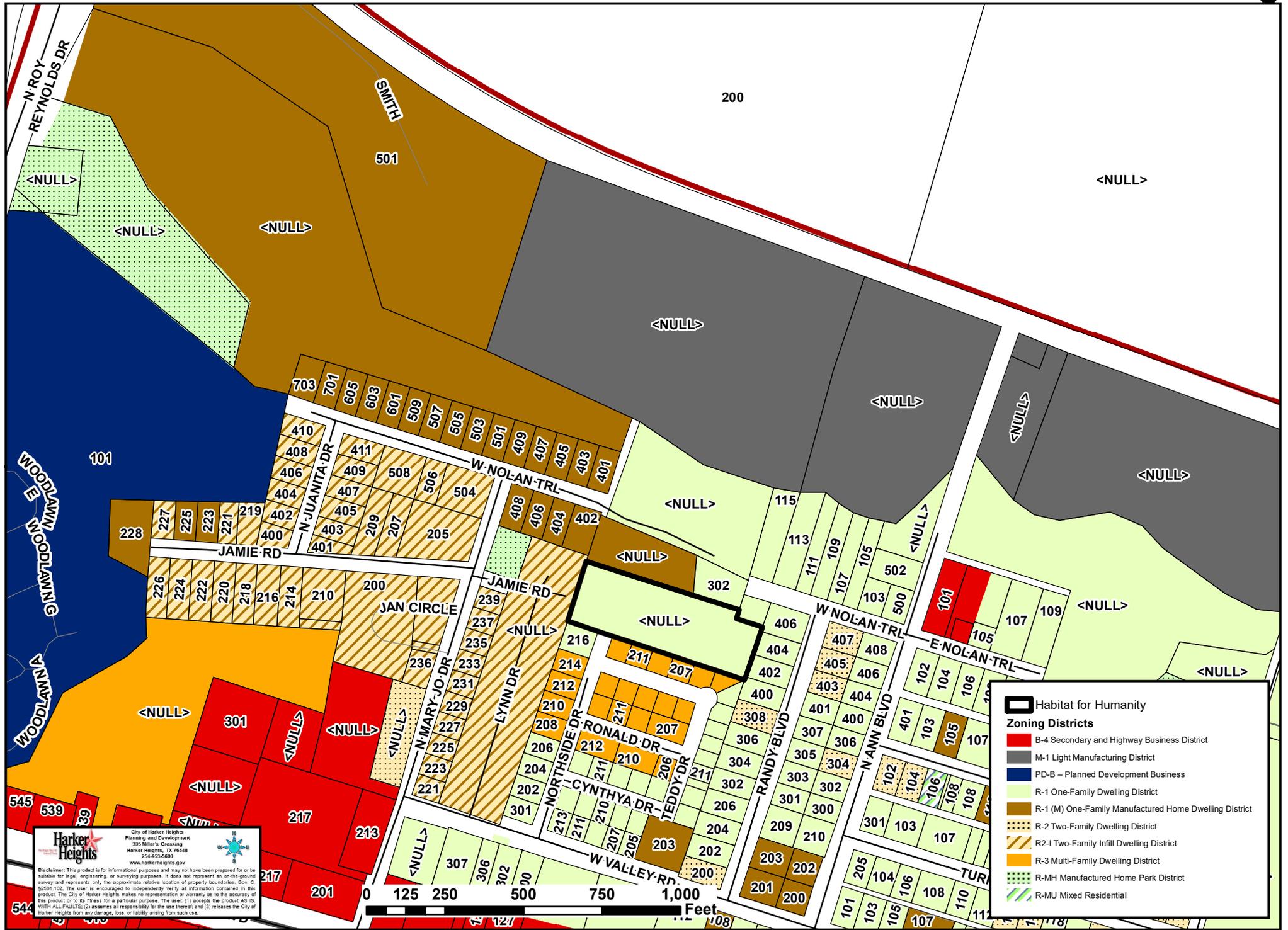
(3) One garage apartment will be allowed on site provided that it is above a detached garage and served by a paved driveway. The apartment may be taller than the primary residence, but may not exceed the lesser of 35 feet or two and one half stories in height. The structure may not exceed a gross floor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

(M) *Zoning incentives.* The Director of Planning and Development is authorized to refund the city's standard fees for zoning, platting, and permitting, sewer taps, and water taps hereafter paid in connection with lots zoned R1-I, provided that such zoning, platting or permitting is unconditionally approved, and such taps are satisfactorily installed, not later than September 30, 2018.

(Ord. 2016-24, passed 10-11-16; Am. Ord. 2017-27, passed 10-10-17)







Habitat for Humanity

Zoning Districts

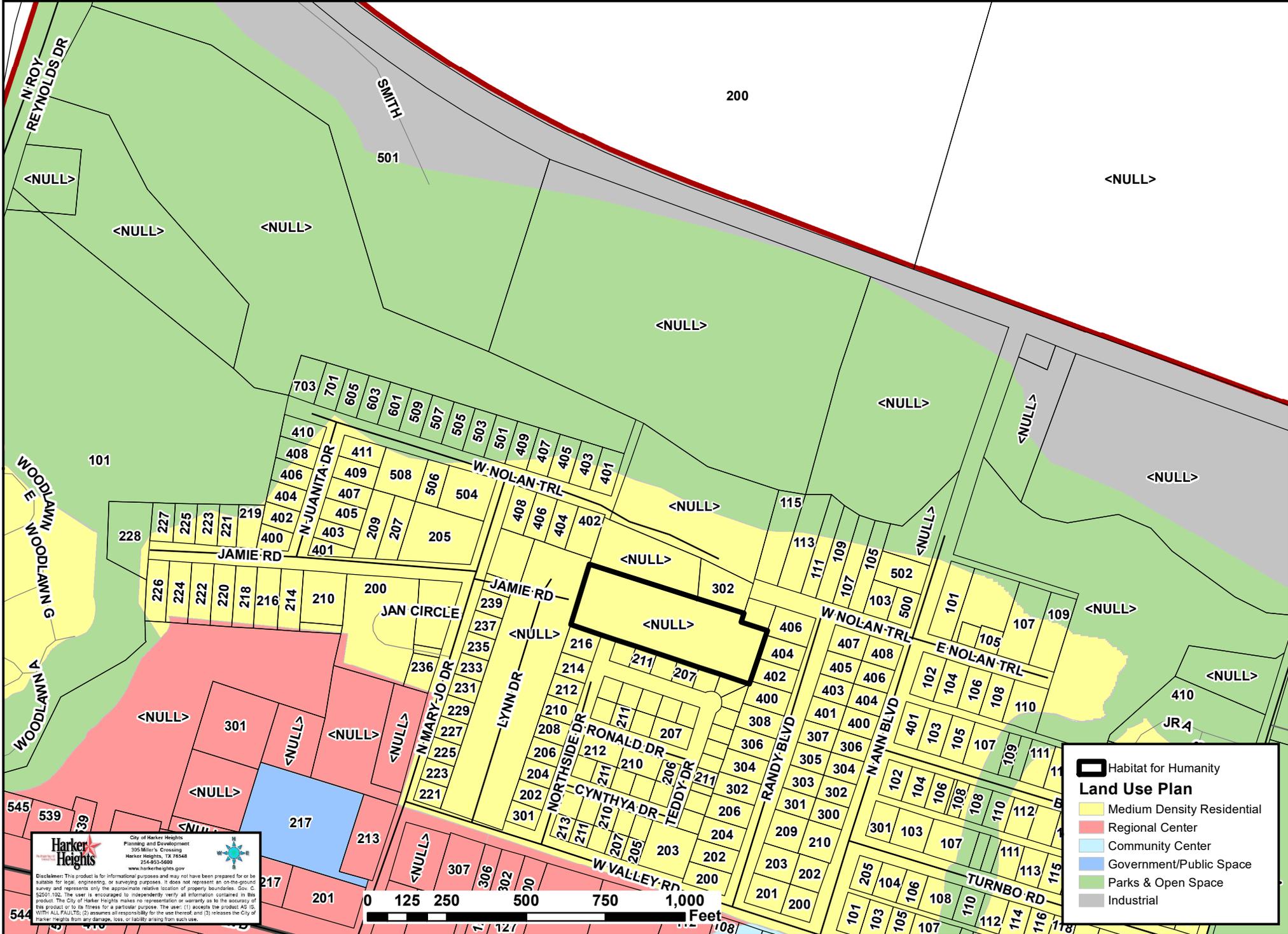
- B-4 Secondary and Highway Business District
- M-1 Light Manufacturing District
- PD-B - Planned Development Business
- R-1 One-Family Dwelling District
- R-1 (M) One-Family Manufactured Home Dwelling District
- R-2 Two-Family Dwelling District
- R2-1 Two-Family Infill Dwelling District
- R-3 Multi-Family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

Harker Heights

City of Harker Heights
 Planning and Development
 300 Miller's Crossing
 Harker Heights, TX 78548
 254-853-5690
 www.harkerheights.gov

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. 52201.002. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAILURES; (2) assumes all responsibility for the use thereof; and (3) releases the City of Harker Heights from any damage, loss, or liability arising from such use.





Habitat for Humanity

Land Use Plan

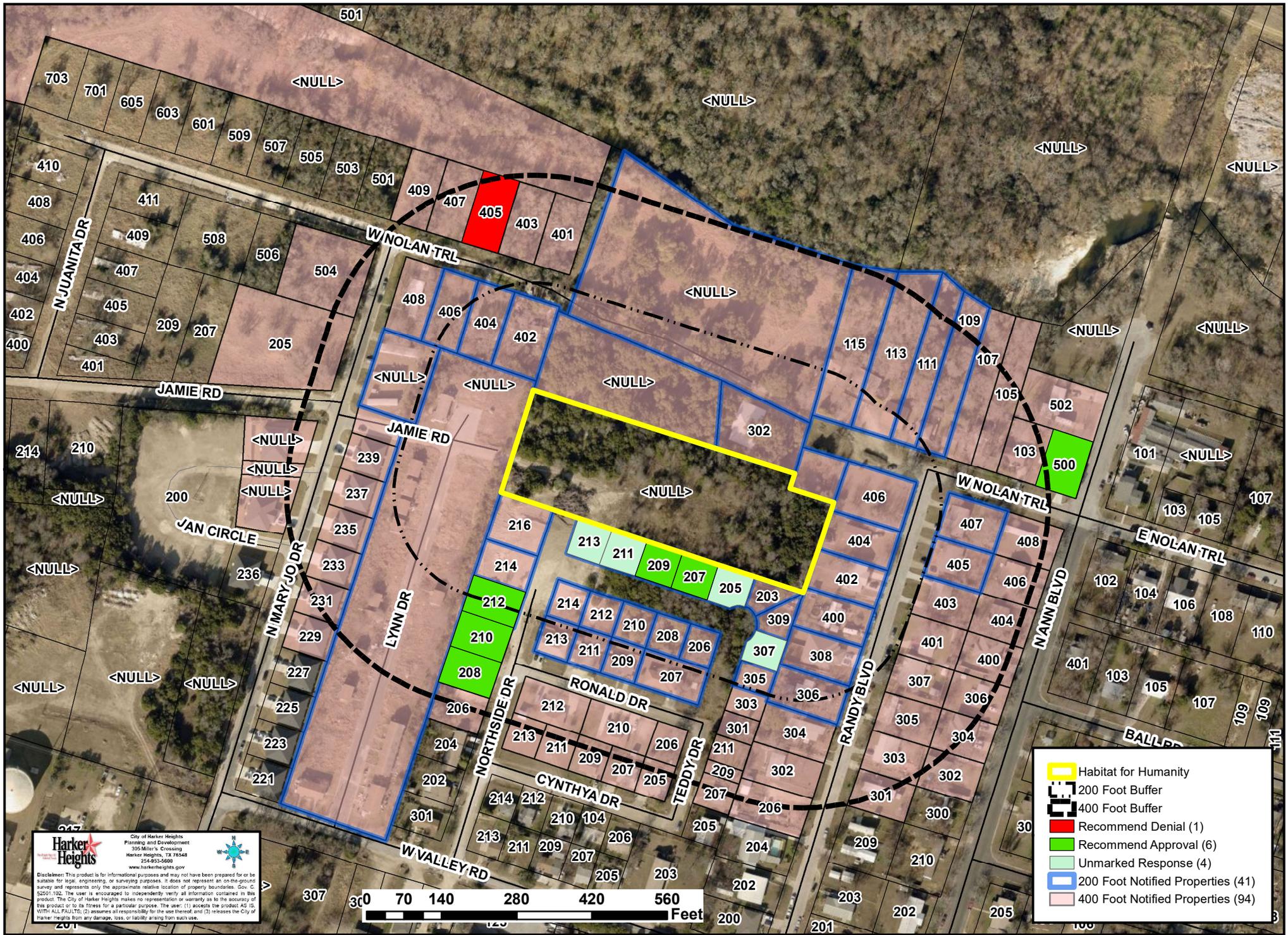
- Medium Density Residential
- Regional Center
- Community Center
- Government/Public Space
- Parks & Open Space
- Industrial

Harker Heights

City of Harker Heights
 Planning and Development
 300 Miller's Crossing
 Harker Heights, TX 78548
 254-853-5699
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-  Habitat for Humanity
-  200 Foot Buffer
-  400 Foot Buffer
-  Recommend Denial (1)
-  Recommend Approval (6)
-  Unmarked Response (4)
-  200 Foot Notified Properties (41)
-  400 Foot Notified Properties (94)

SENT: AUGUST 05, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: ROBERT, MARK

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

| Physical Address | Property ID |
|------------------|-------------|
| 205 MODIE DR | 95937 |

Z22-19 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on property described as *A0288BC V L Evans, Unit 11-Brad Mor Apts Acres 2.8, generally located North of Northside Dr and East of Jamie Rd, Harker Heights, Bell County, Texas, 76548.* (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Mark D Robert

Printed Name



Signature

8-9-22

Date

Received

AUG 15 2022

Planning & Development

SENT: AUGUST 05, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

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

FROM: ROBERT, MARK

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

| Physical Address | Property ID |
|------------------|-------------|
| 207 MODIE DR | 95936 |

Z22-19 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on property described as *A0288BC V L Evans, Unit 11-Brad Mor Apts Acres 2.8, generally located North of Northside Dr and East of Jamie Rd, Harker Heights, Bell County, Texas, 76548.* (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Mark D. Robert

Printed Name



Signature

8-9-22

Date

Received

AUG 15 2022

Planning & Development

SENT: AUGUST 05, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: FORT HOOD AREA HABITAT FOR HUMANITY INC

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

| Physical Address | Property ID |
|------------------|-------------|
| 208 NORTHSIDE DR | 39738 |

Z22-19 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on property described as *A0288BC V L Evans, Unit 11-Brad Mor Apts Acres 2.8, generally located North of Northside Dr and East of Jamie Rd, Harker Heights, Bell County, Texas, 76548.* (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Kristin Smith

Printed Name

Kristin Smith

Signature

8/9/22

Date

Received

AUG 17 2022

Planning & Development

SENT: AUGUST 05, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

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

FROM: ROBERT, MARK

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

| Physical Address | Property ID |
|------------------|-------------|
| 209 MODIE DR | 95935 |

Z22-19 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on property described as *A0288BC V L Evans, Unit 11-Brad Mor Apts Acres 2.8, generally located North of Northside Dr and East of Jamie Rd, Harker Heights, Bell County, Texas, 76548.* (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Mark D Robert
Printed Name


Signature

8-9-22
Date

Received

AUG 15 2022

Planning & Development

SENT: AUGUST 05, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

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

FROM: FORT HOOD AREA HABITAT FOR HUMANITY INC

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

| Physical Address | Property ID |
|------------------|-------------|
| 210 NORTHSIDE DR | 39739 |

Z22-19 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on property described as *A0288BC V L Evans, Unit 11-Brad Mor Apts Acres 2.8, generally located North of Northside Dr and East of Jamie Rd, Harker Heights, Bell County, Texas, 76548.* (see attached notification map).

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

Comments:

Kristin Smith *Kristin Smith* 8/19/22
Printed Name Signature Date

Received
AUG 17 2022
Planning & Development

SENT: AUGUST 05, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

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

FROM: ROBERT, MARK

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

| Physical Address | Property ID |
|------------------|-------------|
| 211 MODIE DR | 95934 |

Z22-19 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on property described as *A0288BC V L Evans, Unit 11-Brad Mor Apts Acres 2.8, generally located North of Northside Dr and East of Jamie Rd, Harker Heights, Bell County, Texas, 76548.* (see attached notification map).

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

Comments:

Mark D Robert
Printed Name


Signature

8-9-22
Date

Received

AUG 15 2022

Planning & Development

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DUE BACK: AUGUST 24, 2022, 5:00 P.M.

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

FROM: FORT HOOD AREA HABITAT FOR HUMANITY INC

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

| Physical Address | Property ID |
|------------------|-------------|
| 212 NORTHSIDE DR | 39740 |

Z22-19 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on property described as *A0288BC V L Evans, Unit 11-Brad Mor Apts Acres 2.8, generally located North of Northside Dr and East of Jamie Rd, Harker Heights, Bell County, Texas, 76548.* (see attached notification map).

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

Comments:

Kristin Smith
Printed Name

Kristin Smith
Signature

8/9/22
Date

Received

AUG 17 2022

Planning & Development

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DUE BACK: AUGUST 24, 2022, 5:00 P.M.

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

FROM: ROBERT, MARK

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

| Physical Address | Property ID |
|------------------|-------------|
| 213 MODIE DR | 95933 |

Z22-19 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on property described as *A0288BC V L Evans, Unit 11-Brad Mor Apts Acres 2.8, generally located North of Northside Dr and East of Jamie Rd, Harker Heights, Bell County, Texas, 76548.* (see attached notification map).

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

Comments:

Mark D Robert

Printed Name



Signature

8-9-22

Date

Received

AUG 15 2022

Planning & Development

SENT: AUGUST 05, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: ROBERT, MARK

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

| Physical Address | Property ID |
|------------------|-------------|
| 307 TEDDY DR | 95938 |

Z22-19 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on property described as *A0288BC V L Evans, Unit 11-Brad Mor Apts Acres 2.8, generally located North of Northside Dr and East of Jamie Rd, Harker Heights, Bell County, Texas, 76548.* (see attached notification map).

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

Comments:

Mark D Robert
Printed Name


Signature

8-9-22
Date

Received

AUG 15 2022

Planning & Development

SENT: AUGUST 05, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

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

FROM: FRANZONI, PHILIP C

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

| Physical Address | Property ID |
|------------------|-------------|
| 500 N ANN BLVD | 10855 |

Z22-19 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on property described as *A0288BC V L Evans, Unit 11-Brad Mor Apts Acres 2.8, generally located North of Northside Dr and East of Jamie Rd, Harker Heights, Bell County, Texas, 76548.* (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

I am glad to see the development it is a much needed thing in this area.

Philip Franzoni
Printed Name

Philip Franzoni
Signature

August 15, 22
Date

Received

AUG 15 2022

Planning & Development



AGENDA ITEM VII-4
PLANNING AND ZONING COMMISSION
MEMORANDUM

Z22-21

FROM: THE OFFICE OF THE PLANNING AND DEVELOPMENT DIRECTOR
DATE: AUGUST 31, 2022

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER AN ORDINANCE TO CHANGE ZONING DESIGNATION FROM R-3 (MULTI-FAMILY DWELLING DISTRICT) TO R1-I (SINGLE-FAMILY INFILL DWELLING DISTRICT) ON PROPERTIES DESCRIBED AS KERN TERRACE 3RD EXT., BLOCK 004, LOTS 0005-0008, GENERALLY LOCATED AT 208-214 NORTHSIDE DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS, 76548

EXPLANATION:

The applicant is requesting a change in zoning designation from R-3 (Multi-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) on properties generally located at 208-214 Northside Drive.

Parcel History

This property is located within the original area of the city incorporation (1960). The properties were platted as part of the Kern Terrace 3rd Extension plat, recorded with Bell County in 1963.

STAFF ANALYSIS:

Surrounding Land Uses

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

| | Existing Land Use | Land Use Plan | Zoning |
|--------------|----------------------------|----------------------------|--|
| North | Low Density Residential | Medium Density Residential | R-1 One-Family Dwelling District |
| South | Low Density Residential | Medium Density Residential | R-1 One-Family Dwelling District |
| East | High Density Residential | Medium Density Residential | R-3 Multi-Family Dwelling District |
| West | Medium Density Residential | Medium Density Residential | R2-I Two-Family Infill Dwelling District |

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

Thoroughfare Plan

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

Flood Damage Prevention:

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

Pharr vs. Tippet Considerations

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

NOTICES:

Based on the most recently approved tax roll available, staff sent out seventy-one (71) notices to property owners within the 400-foot notification area. As of August 24, 2022, six (6) responses were received in favor of the request, and zero (0) responses were received in opposition of the request.

Total area of land within the 200-foot notification area is: 416,366.83 sq. ft.

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

Percentage of land area recommending denial: 0%

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

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

RECOMMENDATION:

Alternatives Considered

Staff considered three (3) alternatives for this case.

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

Staff Recommendation

Staff recommends approval of an ordinance to change zoning designation from R-3 (Multi-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) on properties generally located at 208-214 Northside Drive.

ACTION BY PLANNING AND ZONING COMMISSION:

1. Motion to recommend approval/disapproval of an ordinance to change zoning designation from R-3 (Multi-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) on properties described as Kern Terrace 3rd Ext., Block 004, Lots 0005-0008, generally located at 208-214 Northside Drive, Harker Heights, Bell County, Texas, 76548.
2. Any other action deemed necessary.

ATTACHMENTS:

1. Application
2. Applicable Ordinances
3. Location Map
4. FEMA Map
5. Existing Land Use Map
6. Zoning Map
7. Land Use Plan Map
8. Notification Area Map
9. Responses Received



Rezoning Request Application

Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED

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

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

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

planning@harkerheights.gov

Property Owner(s) Name: Fort Hood Area Habitat for Humanity **Date:** 08/09/2022

Address: 2601 Atkinson Ave

City/State/Zip: Killeen, TX 76543

Phone: 254-392-2037 **E-mail:** admin@thahth.org

Legal Description of Property:

Location of Property (Address if available): 208 - 216 Northside Drive Harker Heights, TX 76548

Lot: ~~005~~ - 009 **Block:** 004 **Subdivision:** Kern Terrace Third Extension

Acres: _____ **Property ID:** _____ **Survey:** _____

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

Proposed Use: Single Family Housing

Current Zoning Classification: R3 & R2 **Proposed Zoning:** R1 I

Current Land Use: _____ **Proposed Land Use:** Single-family Housing

Applicant's Representative (if applicable):

Applicant's Representative: Kristin Smith

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

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

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

Printed Name of Property Owner

Signature of Property Owner

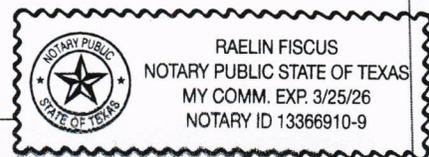
Kristin Smith
Printed Name of Representative

[Signature]
Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 9th DAY OF August, 2022

[Signature]
SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: 3/25/24



Date Submitted: 8/9/22

STAFF ONLY - DO NOT FILL OUT BELOW

Receipt #: _____

Received By: RF

Pre-Application Meeting

Case #: _____

Revised: 10/2021

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

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

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

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

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

(E) *Design regulations.*

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

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

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

(F) *Area regulations.*

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

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

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

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

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

(G) *Intensity of use.*

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

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

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

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

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

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

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

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

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

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

(M) *Zoning incentives.* The Director of Planning and Development is authorized to refund the city's standard fees for zoning, platting, and permitting, sewer taps, and water taps hereafter paid in connection with lots zoned R1-I, provided that

such zoning, platting or permitting is unconditionally approved, and such taps are satisfactorily installed, not later than September 30, 2018.

(Ord. 2016-24, passed 10-11-16; Am. Ord. 2017-27, passed 10-10-17)

§ 155.025 R-3 MULTI-FAMILY DWELLING DISTRICT.

(A) *Permitted uses.*

- (1) Any use permitted by right in the R-2 District.
- (2) Multi-family dwellings.
- (3) Apartment houses.
- (4) Boarding, lodging, and rooming houses.
- (5) Dormitories for students.
- (6) Neighborhood association facilities.
- (7) Institutions of a religious, educational, charitable, or philanthropic nature, but not a penal or mental institution.

(B) *Conditional uses.*

- (1) Fraternity/sorority house.
- (2) Fitness center.
- (3) Any conditional use permitted in the R-1 and R-2 Districts.

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

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

(E) *Intensity of use.*

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

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

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

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

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

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

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

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

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

(J) *Architectural design.*

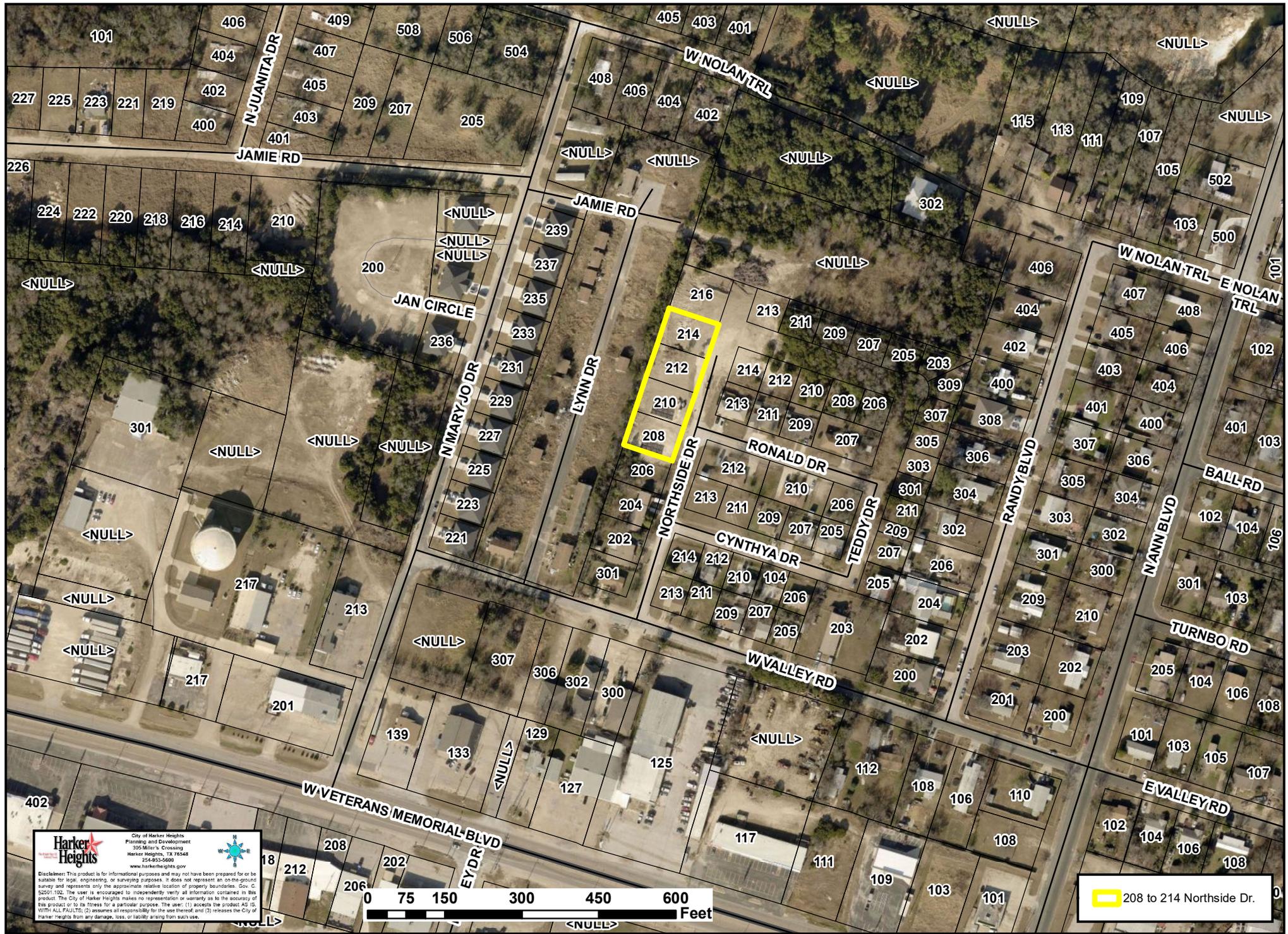
(1) Facades should be articulated to minimize the massive scale appearance of the building. At least 25% of the facade of the wall facing the street shall consist of doors or windows in buildings that are located within 30 feet of the property line adjacent to a front yard. Primary entrances shall face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

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

(3) Developments of 20 or more units shall have an area equal to at least 8% of the lot area, excepting required

setbacks, dedicated to open space for recreational use by the occupants of the development.

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

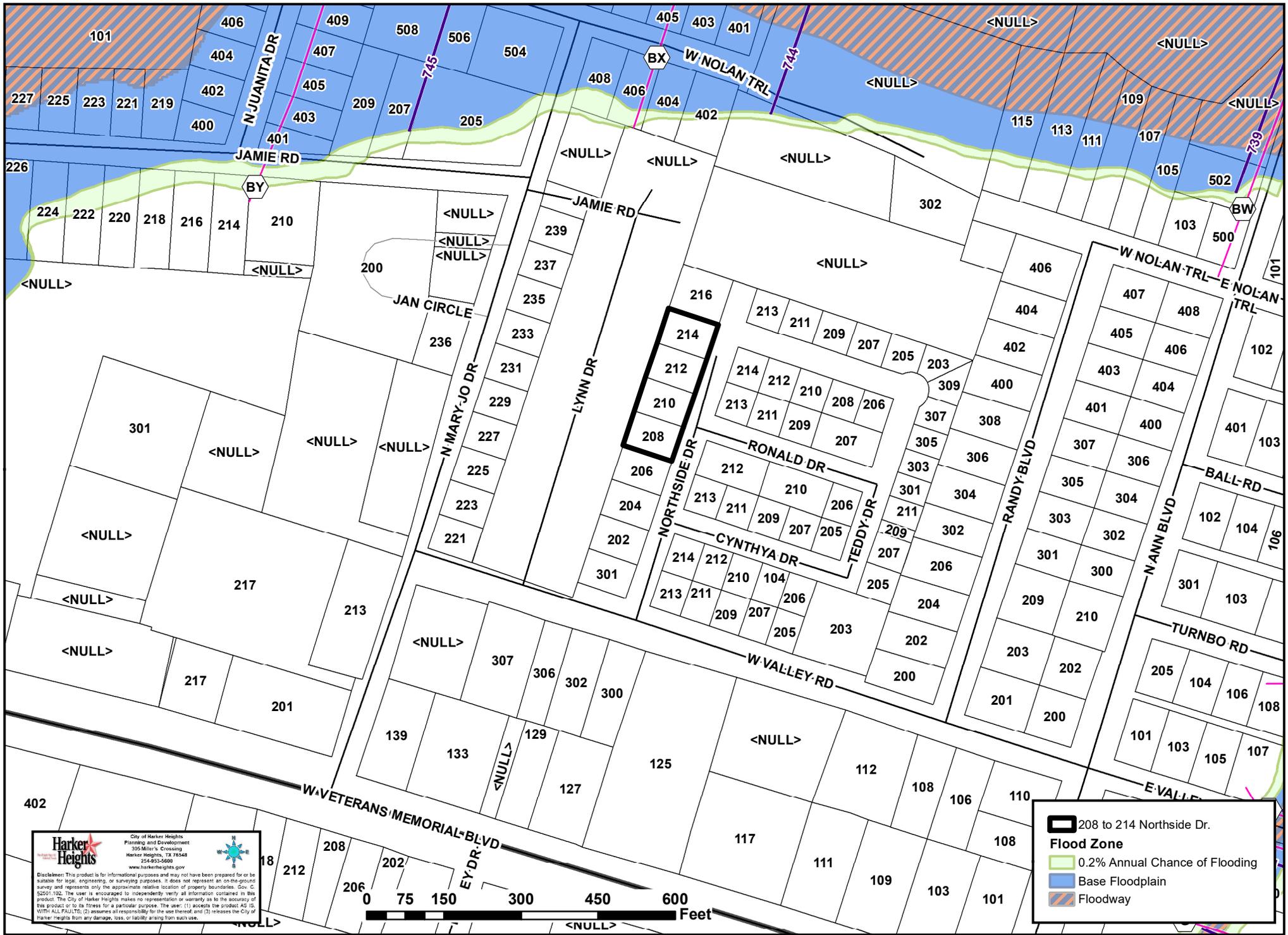


Harker Heights
City of Harker Heights
Planning and Development
300 Milam's Crossing
Harker Heights, TX 78548
(254) 853-5690
www.harkerheights.gov

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. 52201.102. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAILURES; (2) assumes all responsibility for the use thereof; and (3) releases the City of Harker Heights from any damage, loss, or liability arising from such use.



 208 to 214 Northside Dr.



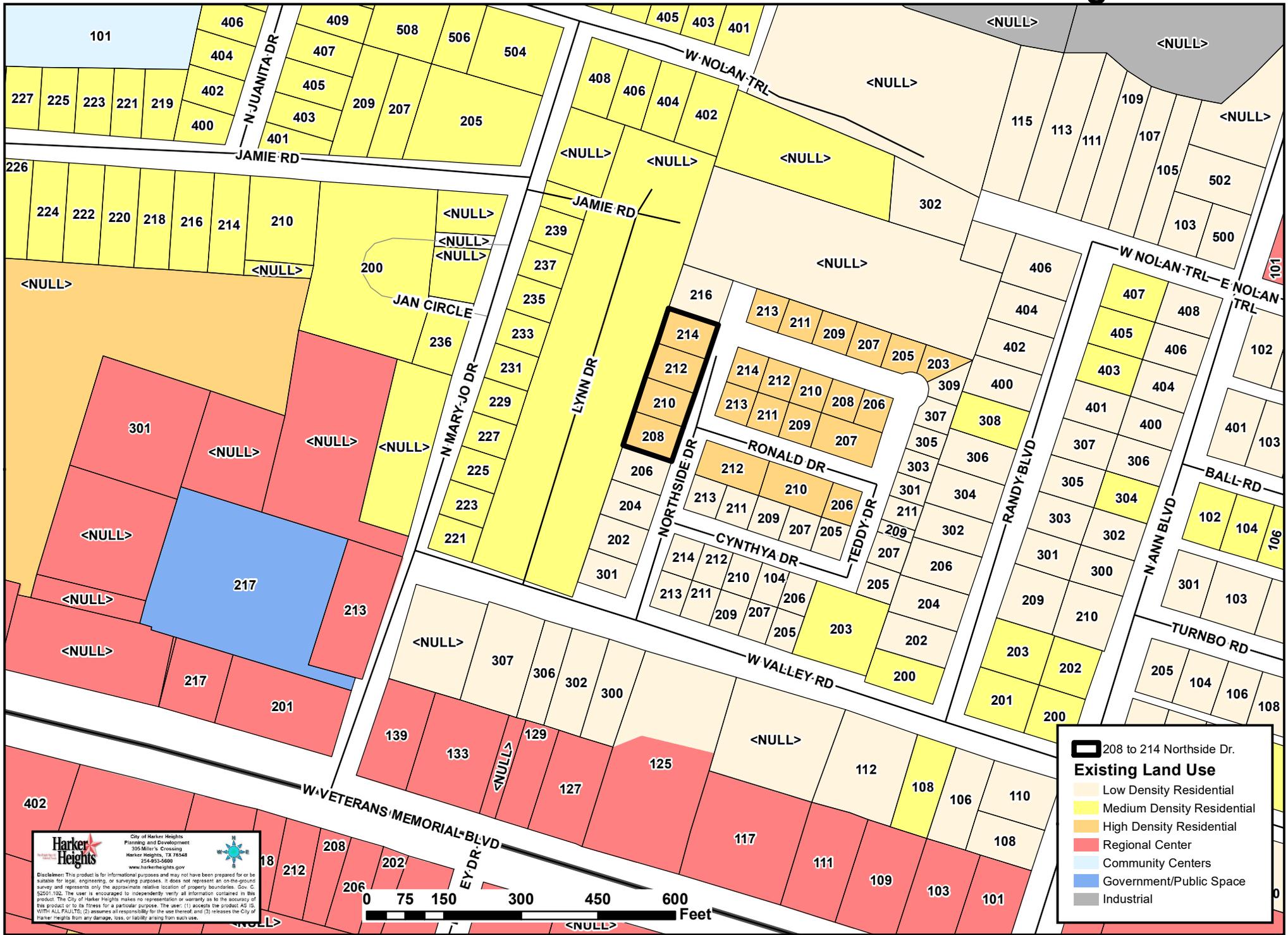
208 to 214 Northside Dr.

Flood Zone

- 0.2% Annual Chance of Flooding
- Base Floodplain
- Floodway

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 254-853-5600
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208 to 214 Northside Dr.

Existing Land Use

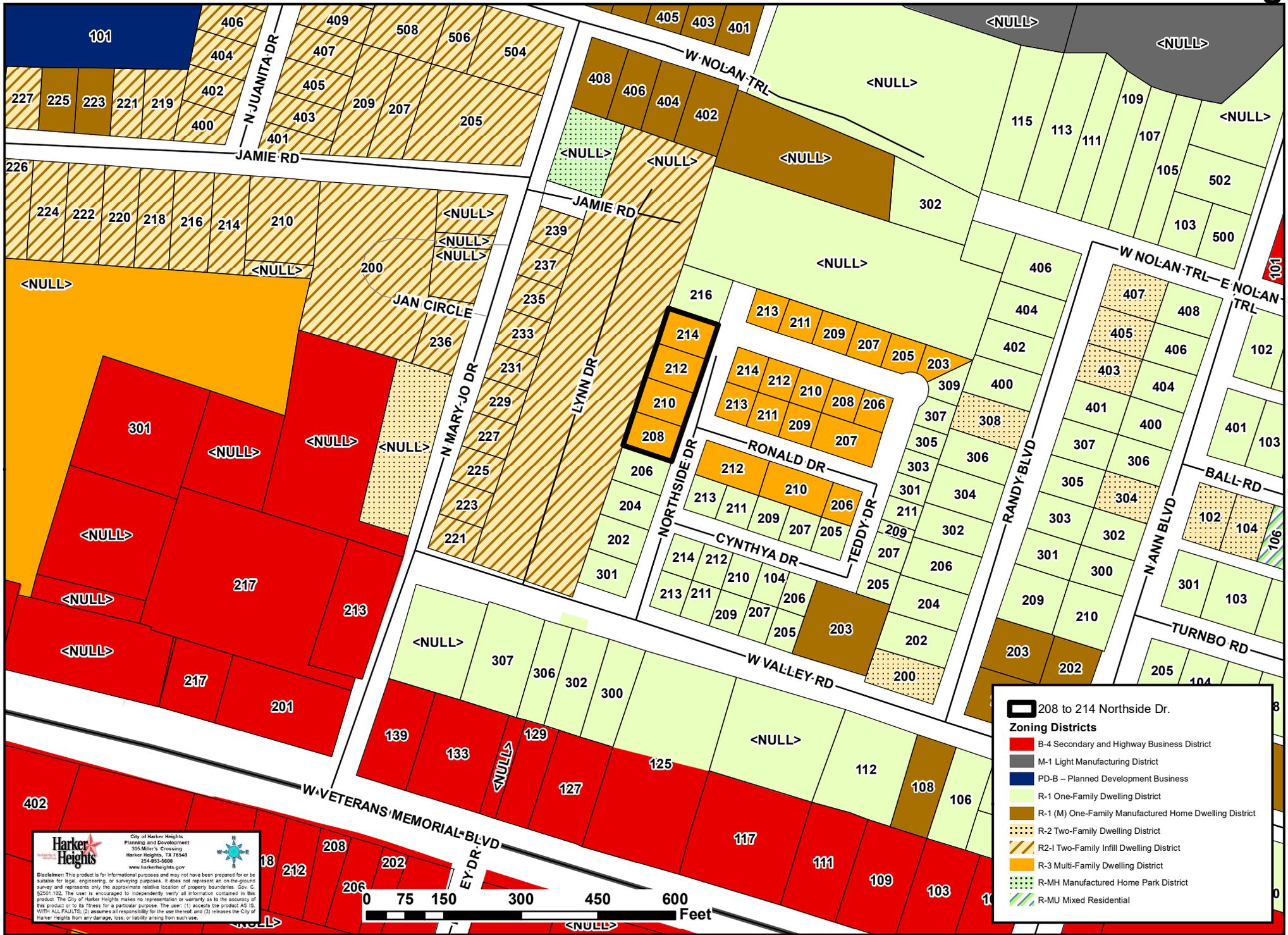
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Regional Center
- Community Centers
- Government/Public Space
- Industrial

Harker Heights

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208 to 214 Northside Dr.

Zoning Districts

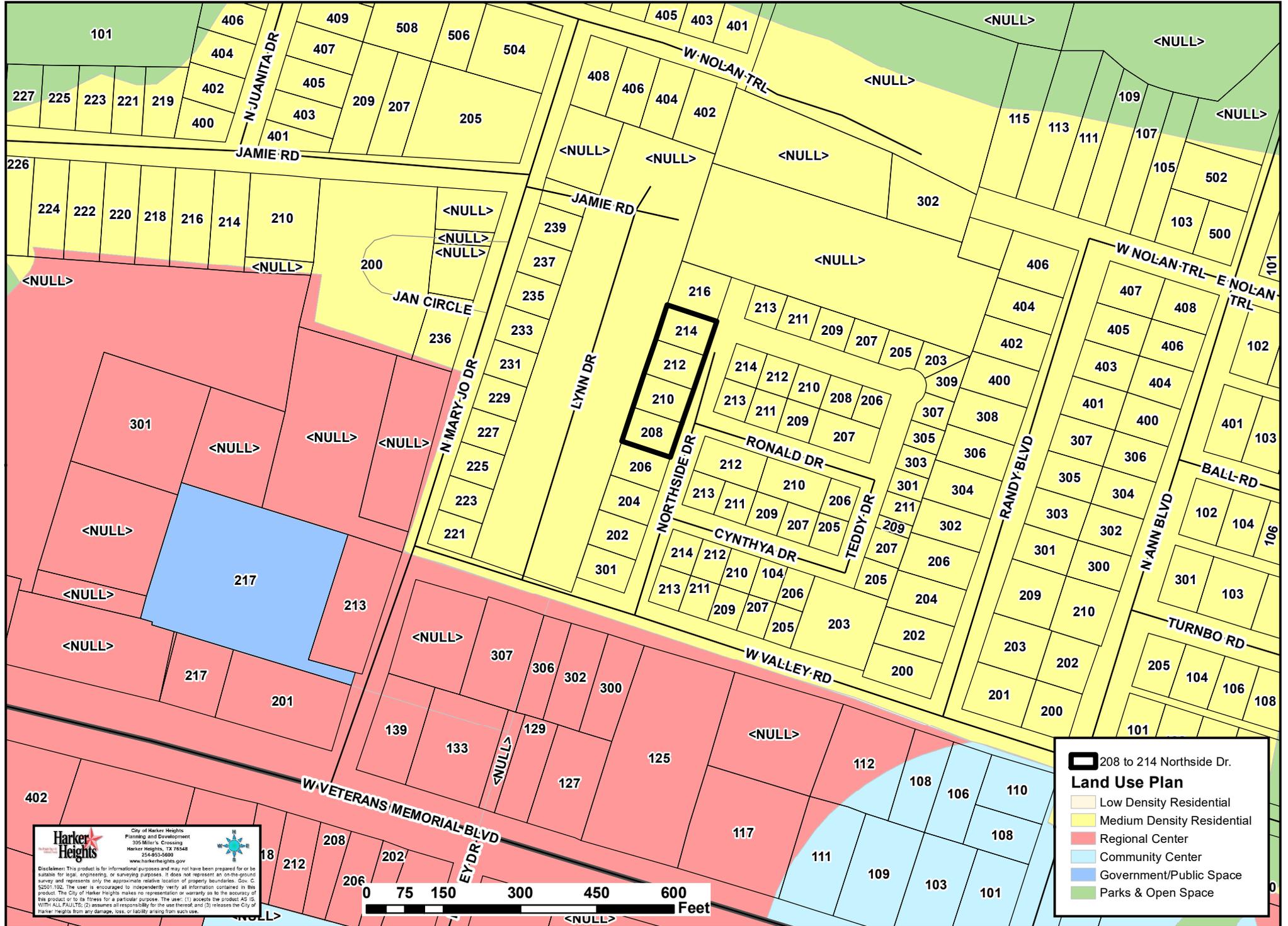
- B-4 Secondary and Highway Business District
- M-1 Light Manufacturing District
- PD-B - Planned Development Business
- R-1 One-Family Dwelling District
- R-1 (M) One-Family Manufactured Home Dwelling District
- R-2 Two-Family Dwelling District
- R2-1 Two-Family Infill Dwelling District
- R-3 Multi-Family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

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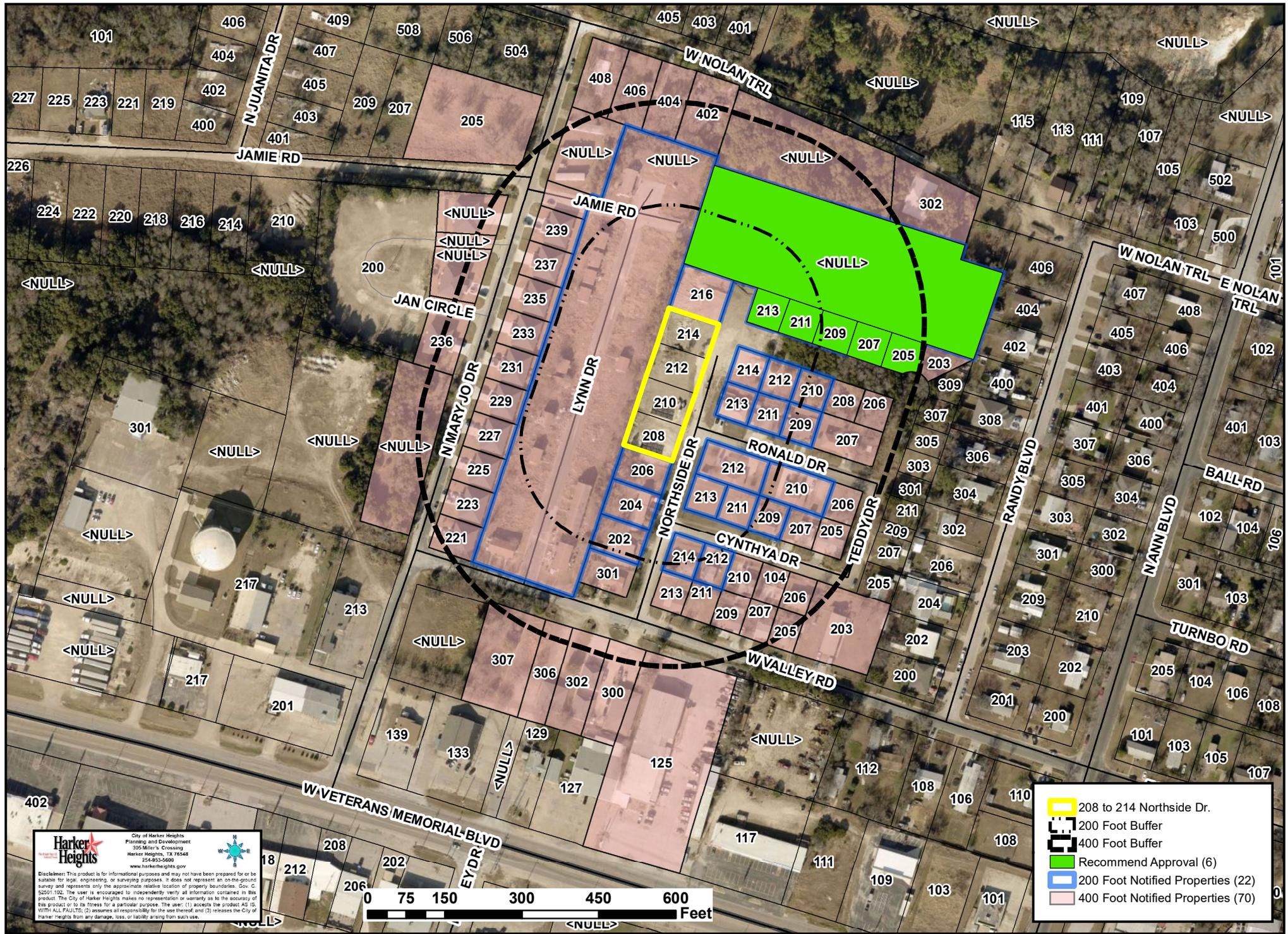
 208 to 214 Northside Dr.

Land Use Plan

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


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- 208 to 214 Northside Dr.
- 200 Foot Buffer
- 400 Foot Buffer
- Recommend Approval (6)
- 200 Foot Notified Properties (22)
- 400 Foot Notified Properties (70)

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SENT: AUGUST 09, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: ROBERT, MARK

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

| Physical Address | Property ID |
|------------------|-------------|
| 205 MODIE DR | 95937 |

Z22-21 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on properties described as *Kern Terrace 3rd Ext., Block 004, Lots 0005-0008, generally located at 208-214 Northside Drive, Harker Heights, Bell County, Texas, 76548*, (see attached notification map).

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

Comments:

Mark D Robert
Printed Name


Signature

8-13-22
Date

Received

AUG 15 2022

Planning & Development

SENT: AUGUST 09, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: ROBERT, MARK

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

| Physical Address | Property ID |
|------------------|-------------|
| 209 MODIE DR | 95935 |

Z22-21 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on properties described as *Kern Terrace 3rd Ext., Block 004, Lots 0005-0008, generally located at 208-214 Northside Drive, Harker Heights, Bell County, Texas, 76548, (see attached notification map).*

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

Comments:

Mark D Robert
Printed Name


Signature

8-13-22
Date

Received
AUG 15 2022
Planning & Development

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

FROM: ROBERT, MARK

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

| Physical Address | Property ID |
|------------------|-------------|
| 211 MODIE DR | 95934 |

Z22-21 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on properties described as *Kern Terrace 3rd Ext., Block 004, Lots 0005-0008, generally located at 208-214 Northside Drive, Harker Heights, Bell County, Texas, 76548, (see attached notification map).*

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Mark D Robert
Printed Name


Signature

8-13-22
Date

Receiver

AUG 15 2022

Planning & Development

SENT: AUGUST 09, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: ROBERT, MARK

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

| Physical Address | Property ID |
|------------------|-------------|
| 213 MODIE DR | 95933 |

Z22-21 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on properties described as *Kern Terrace 3rd Ext., Block 004, Lots 0005-0008, generally located at 208-214 Northside Drive, Harker Heights, Bell County, Texas, 76548, (see attached notification map).*

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

Comments:

Mark D Robert

Printed Name



Signature

8-13-22

Date

Received

AUG 15 2022

Planning & Development

SENT: AUGUST 09, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: FORT HOOD AREA HABITAT FOR HUMANITY INC

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

| Physical Address | Property ID |
|------------------|-------------|
| LYNN DR | 12474 |

Z22-21 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on properties described as *Kern Terrace 3rd Ext., Block 004, Lots 0005-0008, generally located at 208-214 Northside Drive, Harker Heights, Bell County, Texas, 76548*, (see attached notification map).

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

Comments:

Kristin Smith *[Signature]* *8/17/2022*
Printed Name Signature Date

Received

AUG 17 2022

Planning & Development



AGENDA ITEM VII-5
PLANNING AND ZONING COMMISSION
MEMORANDUM

Z22-22

FROM: THE OFFICE OF THE PLANNING AND DEVELOPMENT DIRECTOR
DATE: AUGUST 31, 2022

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER AN ORDINANCE TO CHANGE ZONING DESIGNATION FROM R-1 (ONE-FAMILY DWELLING DISTRICT) TO R1-I (SINGLE-FAMILY INFILL DWELLING DISTRICT) ON PROPERTY DESCRIBED AS KERN TERRACE 3RD EXT., BLOCK 004, LOT 0009, GENERALLY LOCATED AT 216 NORTHSIDE DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS, 76548

EXPLANATION:

The applicant is requesting a change in zoning designation from R-1 (One-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) on property generally located at 216 Northside Drive.

Parcel History

This property is located within the original area of the city incorporation (1960) and was platted as part of the Kern Terrace 3rd Extension plat, recorded with Bell County in 1963.

STAFF ANALYSIS:

Surrounding Land Uses

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

| | Existing Land Use | Land Use Plan | Zoning |
|--------------|----------------------------|----------------------------|--|
| North | Low Density Residential | Medium Density Residential | R-1 One-Family Dwelling District |
| South | High Density Residential | Medium Density Residential | R-1 One-Family Dwelling District |
| East | High Density Residential | Medium Density Residential | R-3 Multi-Family Dwelling District |
| West | Medium Density Residential | Medium Density Residential | R2-I Two-Family Infill Dwelling District |

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

Thoroughfare Plan

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

Flood Damage Prevention:

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

Pharr vs. Tippett Considerations

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

NOTICES:

Based on the most recently approved tax roll available, staff sent out fifty-one (51) notices to property owners within the 400-foot notification area. As of August 24, 2022, nine (9) responses were received in favor of the request, and zero (0) responses were received in opposition of the request.

Total area of land within the 200-foot notification area is: 409,391.32 sq. ft.

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

Percentage of land area recommending denial: 0%

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

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

RECOMMENDATION:

Alternatives Considered

Staff considered three (3) alternatives for this case.

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

Staff Recommendation

Staff recommends approval of an ordinance to change zoning designation R-1 (One-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) on property generally located at 216 Northside Drive.

ACTION BY PLANNING AND ZONING COMMISSION:

1. Motion to recommend approval/disapproval of an ordinance to change zoning designation from R-1 (One-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) on property described as Kern Terrace 3rd Ext., Block 004, Lot 0009, generally located at 216 Northside Drive, Harker Heights, Bell County, Texas, 76548.
2. Any other action deemed necessary.

ATTACHMENTS:

1. Application
2. Applicable Ordinances
3. Location Map
4. FEMA Map
5. Existing Land Use Map
6. Zoning Map
7. Land Use Plan Map
8. Notification Area Map
9. Responses Received



Rezoning Request Application

Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED

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

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

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

Property Owner(s) Name: Fort Hood Area Habitat for Humanity Date: 08/09/2022

Address: 2601 Atkinson Ave

City/State/Zip: Killeen, TX 76543

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

Legal Description of Property:

Location of Property (Address if available): 216 Northside Drive, Harker Heights, TX 76548

Lot: 009 Block: 004 Subdivision: Kern Terrace Third Edition

Acres: _____ Property ID: _____ Survey: _____

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

Proposed Use: Single Family Housing

Current Zoning Classification: R3 & R1 Proposed Zoning: R1-l

Current Land Use: _____ Proposed Land Use: Single Family Housing

Applicant's Representative (if applicable):

Applicant's Representative: Kristin Smith

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

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

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

Amy Millsap
Printed Name of Property Owner

Kristin Smith
Printed Name of Representative

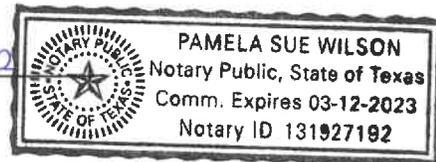
[Signature]
Signature of Property Owner

[Signature]
Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 15th DAY OF August, 2022

[Signature]
SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: 3-12-2023



STAFF ONLY -- DO NOT FILL OUT BELOW

Date Submitted: _____

Pre-Application Meeting

Receipt #: _____

Received By: _____

Revised: 10/2021

Case #: _____

§ 155.020 R-1 ONE FAMILY DWELLING DISTRICT.

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

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

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

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

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

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

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

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

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

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

(2) Neighborhood association facilities.

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

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

(5) Accessory structure as provided by § 155.040.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(H) *Signs* As per Chapter 151.

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

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

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

(L) *Industrialized housing.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(E) *Design regulations.*

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

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

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

(F) *Area regulations.*

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

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

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

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

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

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

(G) *Intensity of use.*

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

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

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

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

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

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

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

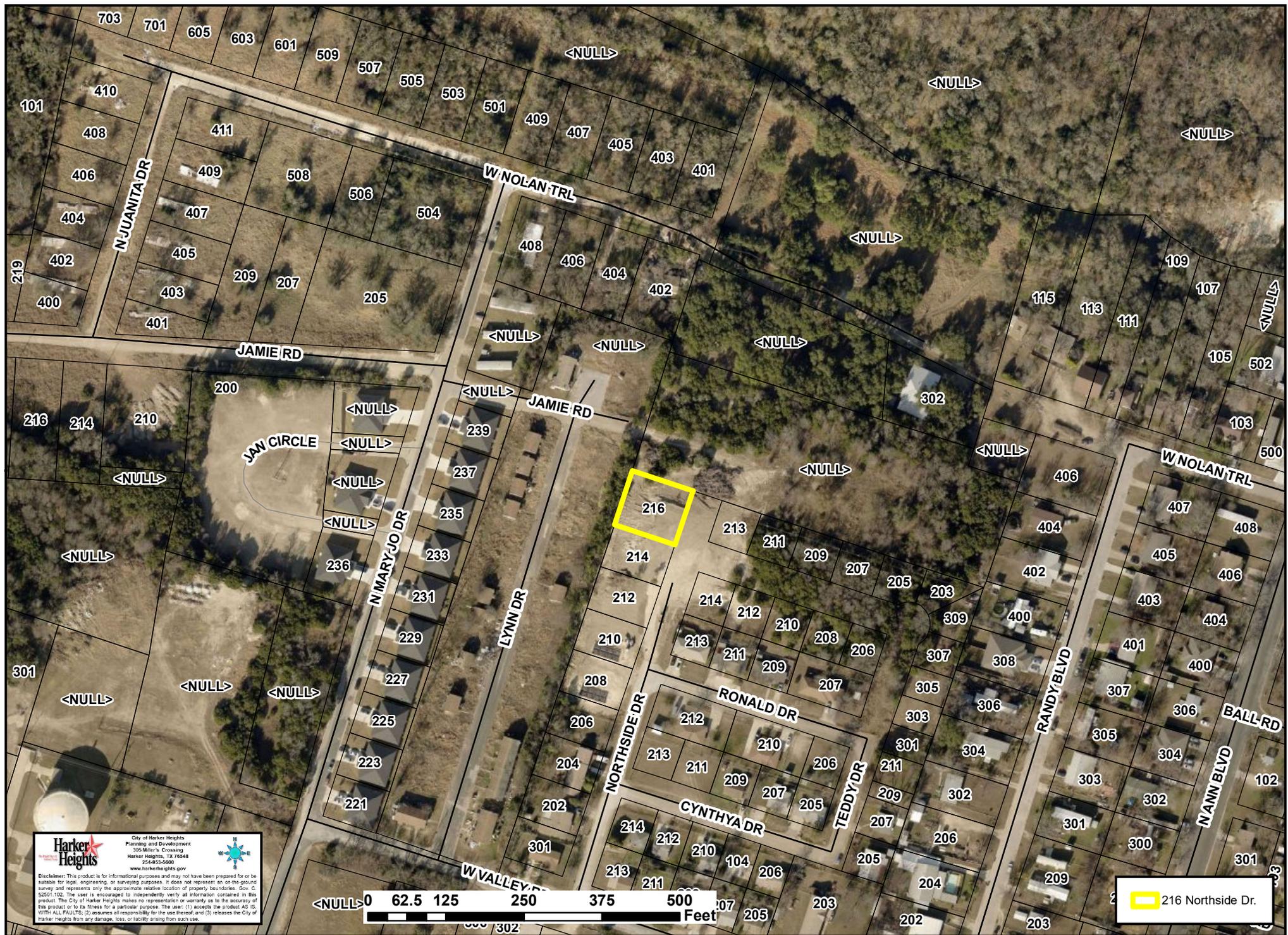
(1) Any accessory structure permitted in the R-I District;

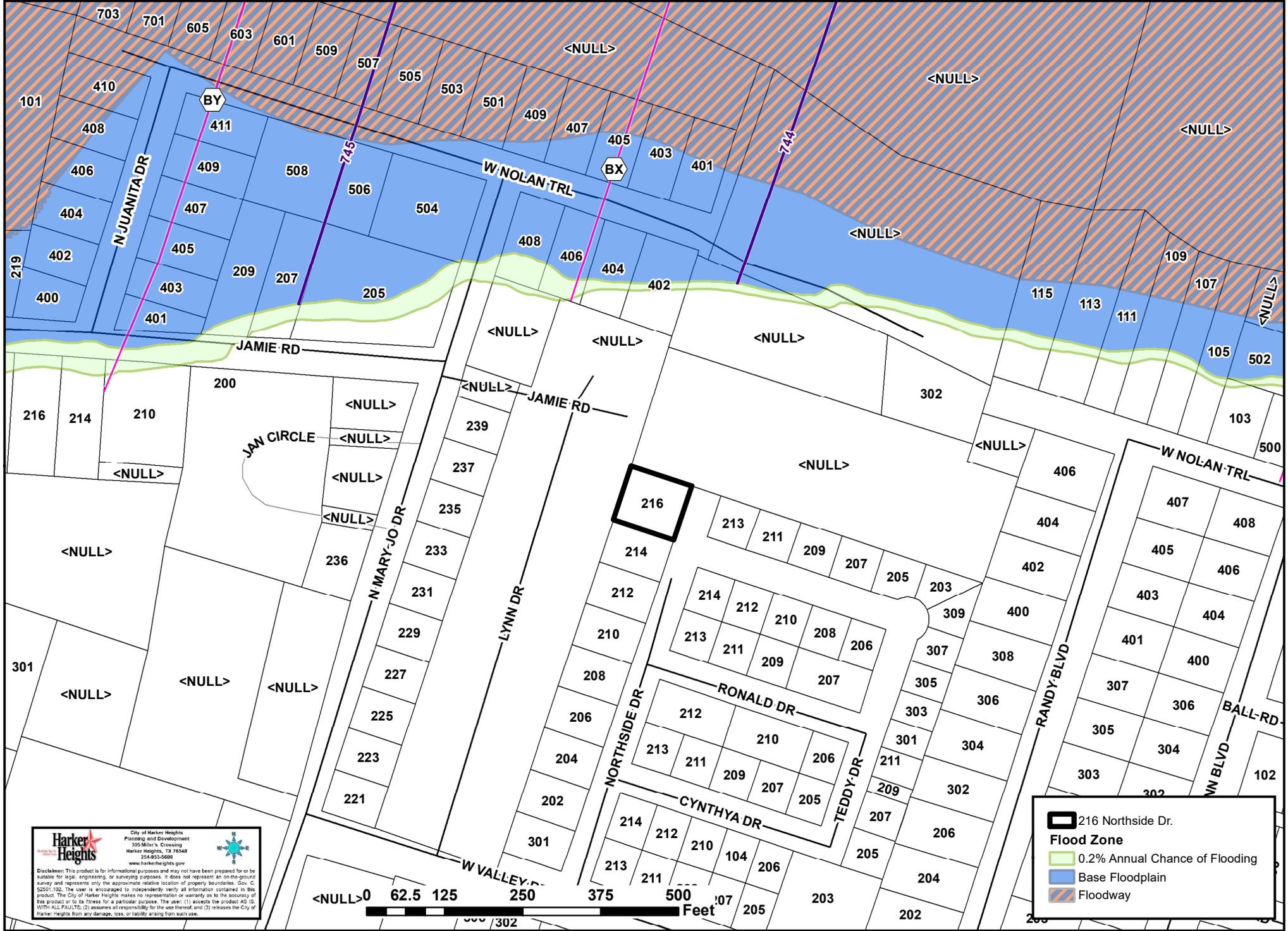
(2) Detached garages and carports do not count against the number of accessory structures permitted. Such structures must be behind the rear facade of the main residence building, must be set back ten feet from the rear property line, and must comply with R1-I side yard setback requirements. Building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

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

(M) *Zoning incentives.* The Director of Planning and Development is authorized to refund the city's standard fees for zoning, platting, and permitting, sewer taps, and water taps hereafter paid in connection with lots zoned R1-I, provided that such zoning, platting or permitting is unconditionally approved, and such taps are satisfactorily installed, not later than September 30, 2018.

(Ord. 2016-24, passed 10-11-16; Am. Ord. 2017-27, passed 10-10-17)





Harker Heights

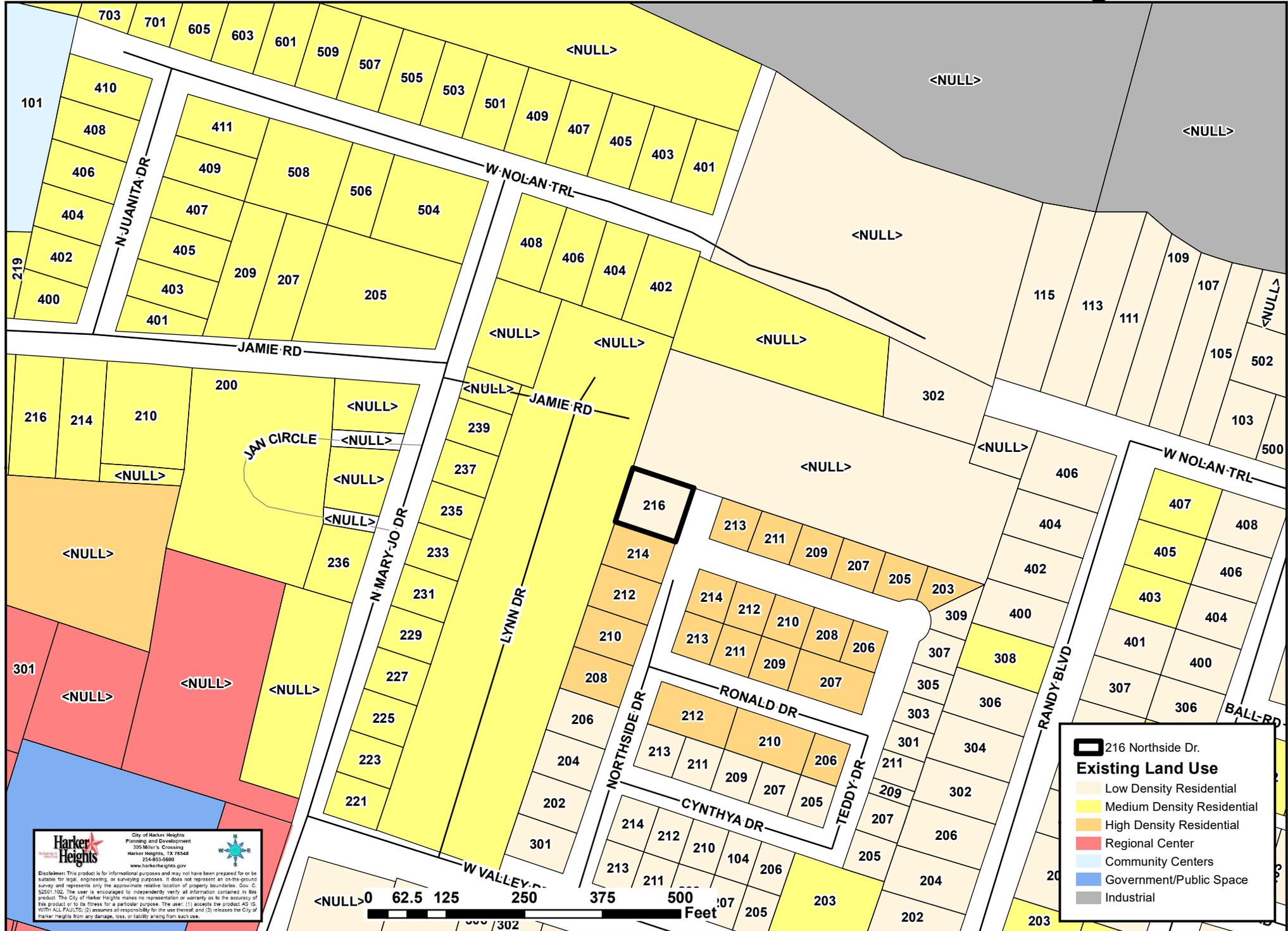
City of Harker Heights
 Planning and Development
 300 Miller's Crossing
 Harker Heights, TX 78548
 254-853-5690
 www.harkerheights.gov

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. 52201.102. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAILURES; (2) assumes all responsibility for the use thereof; and (3) releases the City of Harker Heights from any damage, loss, or liability arising from such use.

216 Northside Dr.

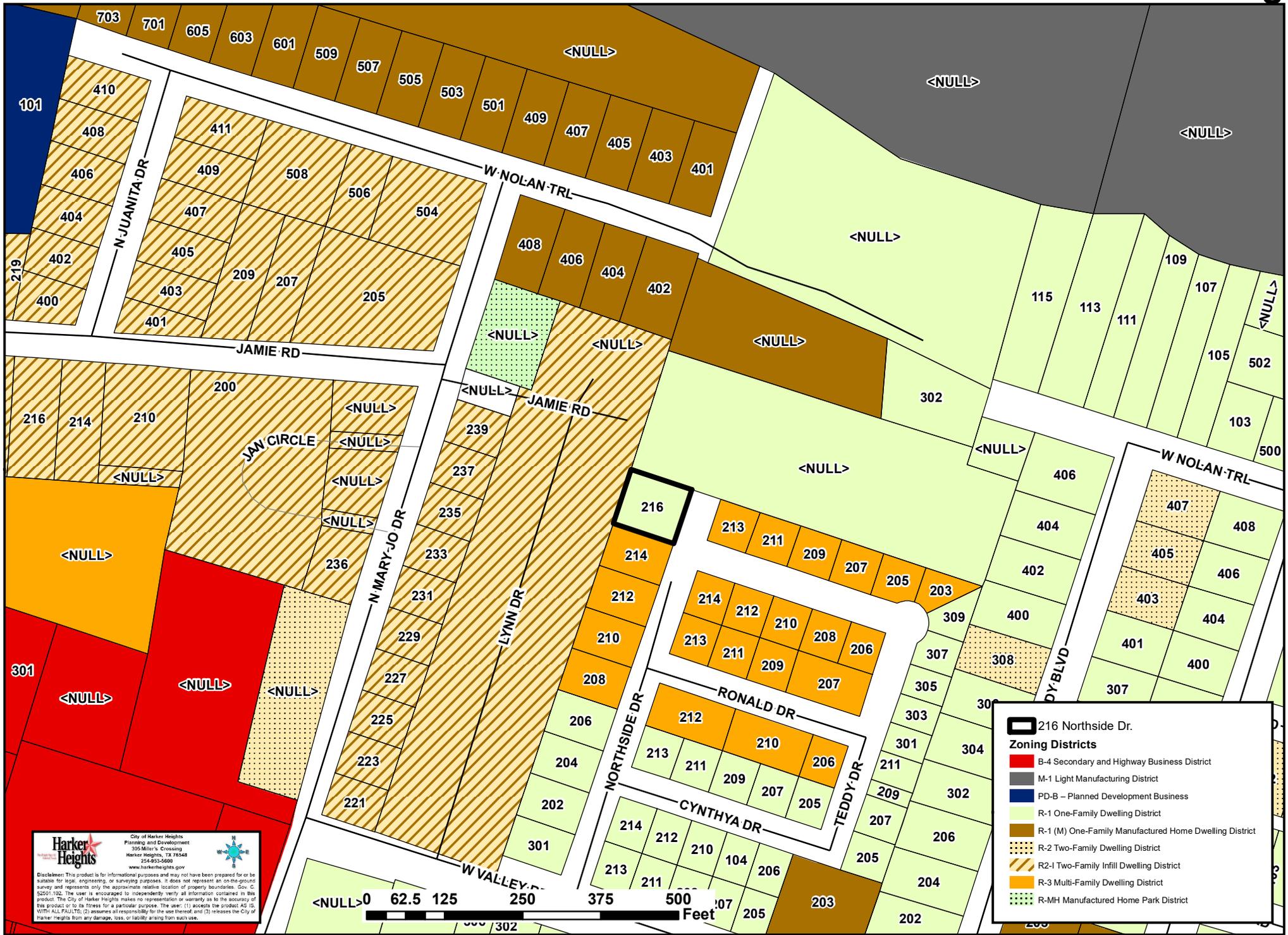
Flood Zone

- 0.2% Annual Chance of Flooding
- Base Floodplain
- Floodway



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216 Northside Dr.

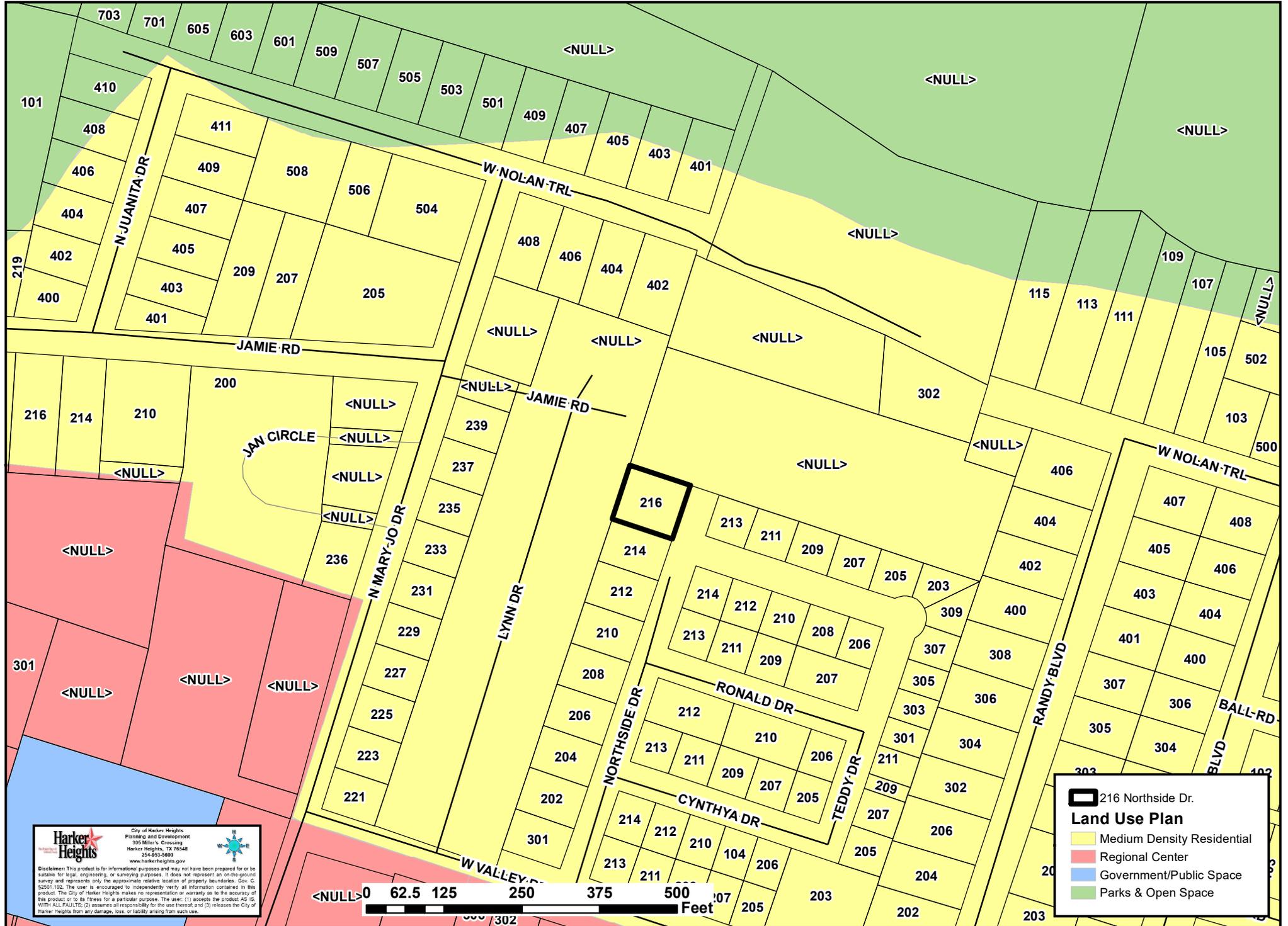
Zoning Districts

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

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Harker Heights

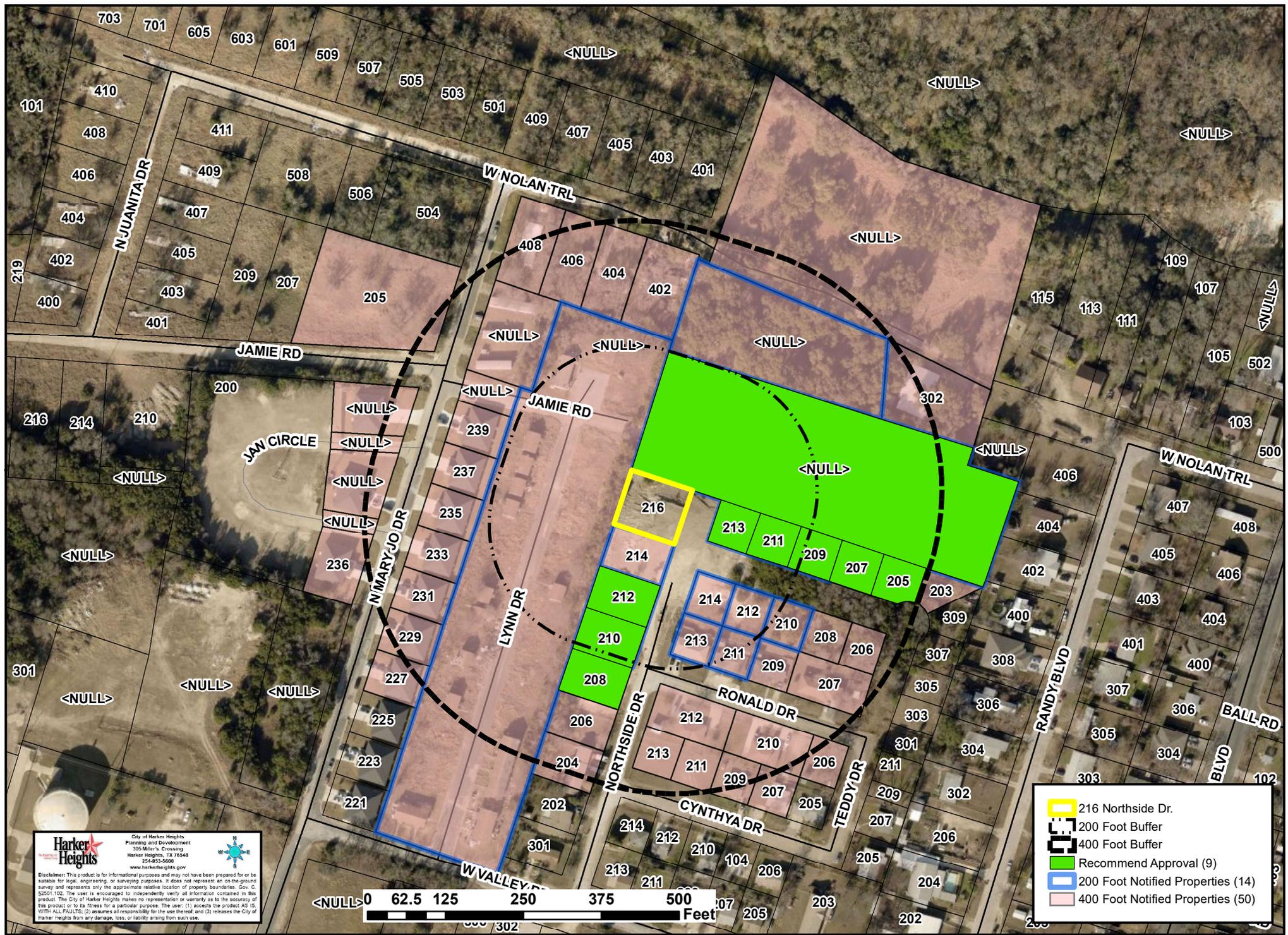
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216 Northside Dr.

Land Use Plan

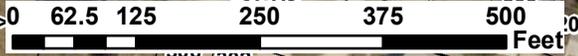
- Medium Density Residential
- Regional Center
- Government/Public Space
- Parks & Open Space



- 216 Northside Dr.
- 200 Foot Buffer
- 400 Foot Buffer
- Recommend Approval (9)
- 200 Foot Notified Properties (14)
- 400 Foot Notified Properties (50)

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SENT: AUGUST 09, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: ROBERT, MARK

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

| Physical Address | Property ID |
|------------------|-------------|
| 205 MODIE DR | 95937 |

Z22-22 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on property described as *Kern Terrace 3rd Ext., Block 004, Lot 0009, generally located at 216 Northside Drive, Harker Heights, Bell County, Texas, 76548, (see attached notification map).*

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Mark D Robert

Printed Name



Signature

8-13-22

Date

Receive

AUG 15 2022

Planning & Development

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Planning & Development Department**

FROM: ROBERT, MARK

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

| Physical Address | Property ID |
|------------------|-------------|
| 207 MODIE DR | 95936 |

Z22-22 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on property described as *Kern Terrace 3rd Ext., Block 004, Lot 0009, generally located at 216 Northside Drive, Harker Heights, Bell County, Texas, 76548, (see attached notification map).*

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I RECOMMEND DENIAL OF THE REQUEST

Comments:

Mark D Robert
Printed Name


Signature

8-13-22
Date

Received

AUG 15 2022

Planning & Development

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

FROM: FORT HOOD AREA HABITAT FOR HUMANITY INC

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

| Physical Address | Property ID |
|------------------|-------------|
| 208 NORTHSIDE DR | 39738 |

Z22-22 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on property described as *Kern Terrace 3rd Ext., Block 004, Lot 0009, generally located at 216 Northside Drive, Harker Heights, Bell County, Texas, 76548, (see attached notification map).*

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Kristin Smith
Printed Name

Kristin Smith
Signature

08/12/2022
Date

Received
AUG 17 2022
Planning & Development

SENT: AUGUST 09, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

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

FROM: ROBERT, MARK

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

| Physical Address | Property ID |
|------------------|-------------|
| 209 MODIE DR | 95935 |

Z22-22 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on property described as *Kern Terrace 3rd Ext., Block 004, Lot 0009, generally located at 216 Northside Drive, Harker Heights, Bell County, Texas, 76548, (see attached notification map).*

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

Comments:

Mark D Robert

Printed Name



Signature

8-13-22

Date

Received
AUG 15 2022
Planning & Development

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Planning & Development Department**

FROM: FORT HOOD AREA HABITAT FOR HUMANITY INC

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

| Physical Address | Property ID |
|------------------|-------------|
| 210 NORTHSIDE DR | 39739 |

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

Comments:

Kristin Smith

Printed Name

[Handwritten Signature]

Signature

08/12/2022

Date

Received

AUG 17 2022

Planning & Development

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Planning & Development Department**

FROM: ROBERT, MARK

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

| Physical Address | Property ID |
|------------------|-------------|
| 211 MODIE DR | 95934 |

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

Comments:

Mark D Robert
Printed Name


Signature

8-13-22
Date

Received

AUG 15 2022

Planning & Development

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FROM: FORT HOOD AREA HABITAT FOR HUMANITY INC

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

| Physical Address | Property ID |
|------------------|-------------|
| 212 NORTHSIDE DR | 39740 |

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I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Kristin Smith

Printed Name

Kristin Smith

Signature

08/12/2022

Date

Received

AUG 17 2022

Planning & Development

SENT: AUGUST 09, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: ROBERT, MARK

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

| Physical Address | Property ID |
|------------------|-------------|
| 213 MODIE DR | 95933 |

Z22-22 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on property described as *Kern Terrace 3rd Ext., Block 004, Lot 0009, generally located at 216 Northside Drive, Harker Heights, Bell County, Texas, 76548*, (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Mark D Robert



8-13-22

Printed Name

Signature

Date

Received

AUG 15 2022

Planning & Development

SENT: AUGUST 09, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: FORT HOOD AREA HABITAT FOR HUMANITY INC

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

| Physical Address | Property ID |
|------------------|-------------|
| LYNN DR | 12474 |

Z22-22 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on property described as *Kern Terrace 3rd Ext., Block 004, Lot 0009, generally located at 216 Northside Drive, Harker Heights, Bell County, Texas, 76548, (see attached notification map).*

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Kristin Smith

Printed Name

Kristin Smith

Signature

08/12/2022

Date

Received

AUG 17 2022

Planning & Development



AGENDA ITEM VIII-1
PLANNING AND ZONING COMMISSION
MEMORANDUM

P22-22

FROM: THE OFFICE OF THE PLANNING AND DEVELOPMENT DIRECTOR
DATE: JULY 27, 2022

DISCUSS AND CONSIDER A REQUEST FOR A PRELIMINARY PLAT REFERRED TO AS MEADOW WHITE ADDITION, ON PROPERTY DESCRIBED AS BEING A 1.021 ACRE TRACT OF LAND IN BELL COUNTY, TEXAS, BEING PART OF THE JOHN T. TUMLINSON SURVEY, ABSTRACT NO. 831, THE LAND HEREIN BEING PART OF LOT 2, BLOCK 5, MEADOW ACRES, AN ADDITION TO THE CITY OF HARKER HEIGHTS, TEXAS, BEING OF RECORD IN CABINET A, SLIDE 143-C, PLAT RECORDS OF BELL COUNTY, TEXAS (P.R.B.C.T.), AND BEING THAT ALL CERTAIN TRACT OF LAND CONVEYED IN A GENERAL WARRANT DEED TO BFF CONSTRUCTION, LLC, A TEXAS LIMITED LIABILITY COMPANY, BEING DESCRIBED OF RECORD UNDER INSTRUMENT NO. 2022035043, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BELL COUNTY, TEXAS (O.P.R.R.P.B.C.T.)

PROJECT DESCRIPTION:

The applicant submitted an application for preliminary plat approval for 1.021 acres of land generally located at 214 & 216 W. Bob White Lane. This plat would allow for six (6) Two-Family Infill Lots to be allowed in the development. The most recently amended Land Use Plan designates this area for Medium Density Residential use.

The applicant submitted the plat for review on August 3, 2022. Comments were compiled and submitted to the applicant on August 15, 2022. The applicant provided responses to comments on August 19, 2022, substantially meeting the city requirements for preliminary plat approval.

STAFF RECOMMENDATION & FINDINGS:

Staff has met with the applicant on multiple occasions over the last few months to discuss this development. Street width, fire safety and the concern for appropriate disposal of refuse generated the current set of plans for review. The applicant has requested a waiver from design standards (Attachment #6) to allow for a street width of 31' from back-of-curb to back-of curb, and 33' R.O.W. Staff supports the request for a waiver from design standards to allow for sanitation trucks to access the entire length of the street, and for fire access.

Sections of code applicant is requesting a waiver for design standards:

§154.21 (C) (1) (h) Location of existing and proposed streets, alleys, bikeways and sidewalks on or adjoining the site. Such information shall include name, right-of-way widths, type and width of surfacing. All private streets shall be clearly labeled;

§154.21 (C) (2) (d) Street and sidewalk layout plan view; and

§154.37 (A) (3) (3) Entrances to subdivisions. In no case shall platted lots have their sole access through an adjacent jurisdiction. As a rule, new subdivisions must have at least two access streets. Entrances shall be 42 feet wide with a 70-foot right-of-way for a minimum distance of 100 feet from the intersection. A developer may request the approval of one access street if the access street has no connecting streets, terminates in a permanent cul-de-sac or provides access to not more than a total of 30 single-family dwelling lots or an equivalent housing unit density comprised of duplex or multi-family structures. In

AGENDA ITEM VIII-1

addition to the single point of access situation presented by streets that end in permanent cul-de-sac, a single point of access may be dictated by property configuration, safety or access management restrictions. In determining if a new subdivision may have one point of ingress/egress, consideration shall be given to:

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

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

City of Harker Heights Code of Ordinances allows for a waiver from design standards to be authorized by the Planning and Zoning Commission and the City Council:

§ 154.60 WAIVERS.

(A) The Planning and Zoning Commission and the City Council may authorize waivers from design standards. In granting a waiver, the city shall prescribe only conditions that it deems necessary or desirable in the public interest.

(B) In making the findings required under § 154.61, the Planning and Zoning Commission and the City Council shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision and the probable effect of such waiver upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

Staff has had continued correspondence with the applicants engineer regarding utility and drainage easements, public infrastructure, and public safety, and therefore recommends approval with conditions of the Preliminary Plat referred to as Meadow White Addition with the following conditions:

1. All outstanding comments have been addressed per staff recommendation prior to filing of plat with Bell County Public Records.
2. Approval of Waiver from design standards for City of Harker Heights Code of Ordinances Sections: §154.21(C)(1)(h), §154.21(C)(2)(d), §154.37(A)(3), and §154.37(C)(1)

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 Meadow White Addition, on property described as being a 1.021 acre tract of land in Bell County, Texas, being part of the John T. Tumlinson Survey, Abstract No. 831, the land herein being part of Lot 2, Block 5, Meadow Acres, an addition to the City of Harker Heights, Texas, being of record in Cabinet A, Slide 143-C, Plat Records of Bell County, Texas (P.R.B.C.T.), and being that all certain tract of land conveyed in a General Warrant Deed to BFF Construction, LLC, a Texas limited liability company, being described of record under Instrument No. 2022035043, Official Public Records of Real Property of Bell County, Texas (O.P.R.R.P.B.C.T.), based on staff's recommendations and findings.
2. Any other action desired.

ATTACHMENTS:

1. Application
2. Location Map
3. Field notes
4. Dedication
5. Meadow White Addition Preliminary Plat
6. Design Standard Waiver
7. Staff Comments



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

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

Property Information:

Plat Name: MEADOW WHITE ADDITION Date Submitted: Aug 3, 2022

Existing Lot Count: 2 Proposed Lot Count: 6 Proposed Units: 12 Acreage: 1.021

Existing Land Use: Double-Wide Trailer Proposed Land Use: Duplex

Site Address or General Location: 214 & 216 W. Bob White, Harker Heights, TX 76548

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

Owner Information & Authorization:

Property Owner: BFF Construction LLC

Address: 508 S Main St., Copperas Cove, TX

Phone: 254-423-7349 E-Mail: chucksmmg@gmail.com

Developer: Same As Owner

Address: _____

Phone: _____ E-Mail: _____

Engineer/Surveyor: Mitchell & Associates, Inc.

Address: PO Box 1088, Killeen, TX 76540

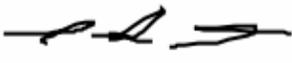
Phone: 2546345541 E-Mail: areneau@mitchellinc.net

CHECK ONE OF THE FOLLOWING:

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

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

Charles Amundson
Printed Name of Owner


Signature of Owner

SWORN AND SUBSCRIBED BEFORE ME ON THIS 3rd
DAY OF August

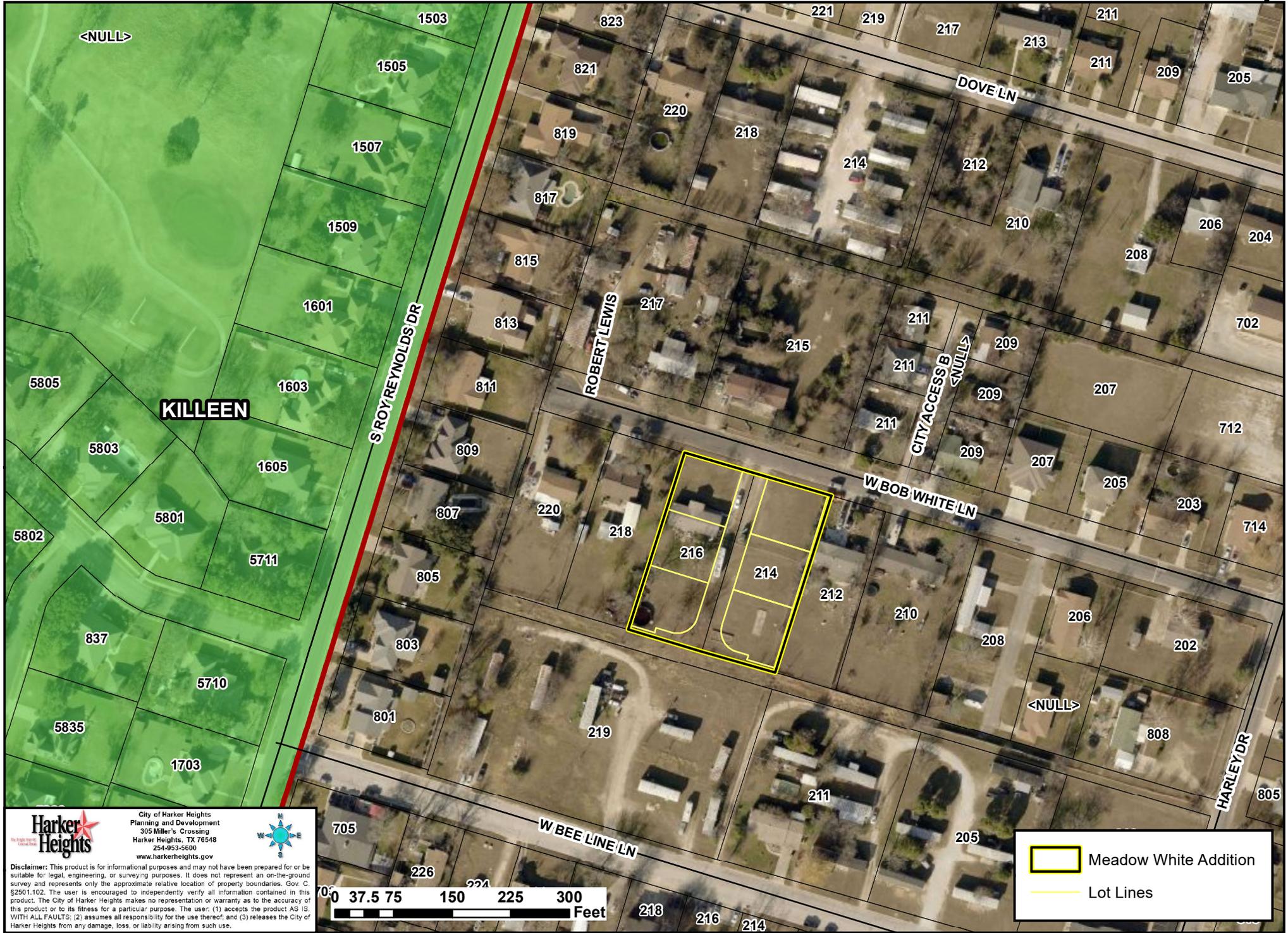

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: 2024, Sept 6

KEVYN BROWN
MY COMMISSION EXPIRES
SEPTEMBER 6, 2024
NOTARY ID: 129040713

STAFF ONLY -- DO NOT FILL OUT

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



City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 76548
 254-963-6600
 www.harkerheights.gov



Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2501.102. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Harker Heights from any damage, loss, or liability arising from such use.



 Meadow White Addition

 Lot Lines

MEADOW WHITE ADDITION
1.021 ACRE

FIELD NOTES for a 1.021 acre tract of land in Bell County, Texas, being part of the John T. Tumlinson Survey, Abstract No. 831, the land herein being part of Lot 2, Block 5, Meadow Acres, an addition to the City of Harker Heights, Texas, being of record in Cabinet A, Slide 143-C, Plat Records of Bell County, Texas (P.R.B.C.T.), and being that all certain tract of land conveyed in a General Warranty Deed to BFF Construction, LLC, a Texas limited liability company, being described of record under Instrument No. 2022035043, Official Public Records of Real Property of Bell County, Texas (O.P.R.R.P.B.C.T.), said 1.021 acre tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod found on the south right-of-way line of W. Bob White Lane, also being at the northeast corner of that certain tract of land conveyed to Eberta P. Cardoza, being described of record in Volume 2483, Page 678, O.P.R.R.P.B.C.T., and at the northwest corner of said BFF Construction tract, for the northwest corner of this tract;

THENCE S. 73° 36' 11" E., 193.43 feet, continuing along said south right-of-way line of W. Bob White Lane and with the north line of said BFF Construction tract, to a 1/2" iron rod found at the northwest corner of that certain tract of land conveyed to Pamela Flohr, being described of record under Instrument No. 2022021117, O.P.R.R.P.B.C.T., and at the northeast corner of said BFF Construction tract, for the northeast corner of this tract;

THENCE S. 17° 19' 04" W., 230.10 feet, departing the south right-of-way line of said W. Bob White Lane, with the west line of said Flohr tract, and the east line of said BFF Construction tract, to a 1/2" iron rod found on the north margin of a 20-foot alley, said Meadow Acres, same being at the southwest corner of said Flohr tract, and the southeast corner of said BFF Construction tract, for the southeast corner of this tract;

THENCE N. 73° 38' 17" W., 192.96 feet, continuing along the north margin of said 20' alley way and with the south line of said BFF Construction tract, to a 1/2" iron rod found on the north margin of a 20-foot alley, said Meadow Acres, same being at the southwest corner of said Cardoza tract, and the southwest corner of said BFF Construction tract, for the southwest corner of this tract;

THENCE N. 17° 12' 02" E., 230.22 feet, departing the said north margin of 20' alley way and with the west line of said BFF Construction tract, to the **POINT OF BEGINNING** and containing a 1.021 acre tract of land.

The bearings for the above description are grid bearings based on the Texas Coordinate System, Central Zone (NAD 83), as determined by Leica Texas SmartNet GPS observations.

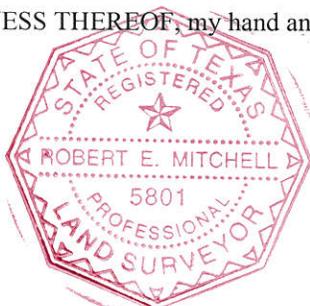
See accompanying drawing.

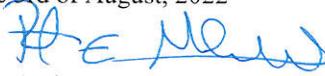
STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS, that I, Robert E. Mitchell, Registered Professional Land Surveyor, do hereby certify that the above described tract was surveyed on the ground and that this description is true and correct to the best of my knowledge and belief.

COUNTY OF BELL

IN WITNESS THEREOF, my hand and seal this the 3rd of August, 2022




Robert E. Mitchell
Registered Professional
Land Surveyor, No. 5801

DEDICATION

STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF BELL §

That **BFF Construction, LLC, a Texas limited liability company**, being the sole owner of that certain **1.021 acre tract of land in the City of Harker Heights, Texas, being part of Lot 2, Block 5, Meadow Acres, an addition to the City of Harker Heights, Texas, being of record in Cabinet A, Slide 143-C, Plat Records of Bell County, Texas (P.R.B.C.T.), and being that certain tract of land conveyed in a General Warranty Deed to BFF Construction, LLC, a Texas limited liability company, being described of record under Instrument No. 2022035043, Official Public Records of Real Property, Bell County, Texas**, shown and attached hereto and incorporated herein for all purposes, **does** hereby subdivide the herein described property into lots and blocks, according to the plat hereof, to be known as **MEADOW WHITE ADDITION**, to the City of Harker Heights, Bell County, Texas, as shown by the plat hereof, attached hereto, and made apart hereof, and approved by the City of Harker Heights, Bell County, Texas, and **BFF Construction, LLC, a Texas limited liability company**, **does** hereby adopt said **MEADOW WHITE ADDITION** as an addition to the City of Harker Heights, Bell County, Texas, and for the purpose of selling lots and blocks of land with reference thereto and for the property development of said land by its owners and for all other purposes; and do hereby dedicate to **the City of Harker Heights**, all streets, avenues, roads, drives, alleys and associated potable water, sanitary sewer, and storm sewer systems as shown on said plat, and final construction drawings the same to be used as public thoroughfares and public utilities when and as authorized by **the City of Harker Heights, Texas**.

The utility and drainage easements shown on said plat are dedicated to **the City of Harker Heights** for installation and maintenance of any and all public utilities, which the **city** may elect to install and maintain or permit to be installed or maintained.

W I T N E S S the execution hereof, on this _____ day of _____, 2022.

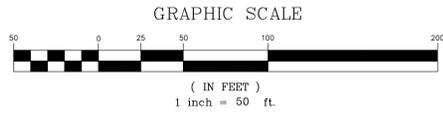
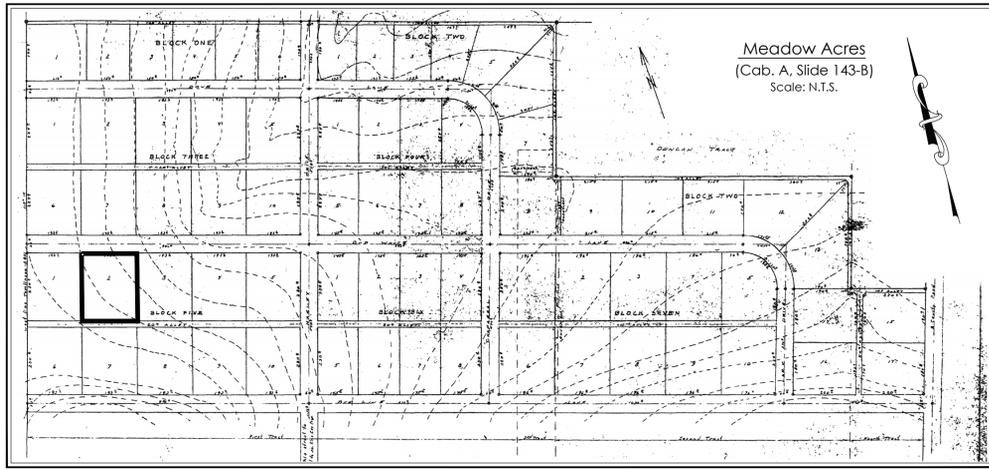
For: **BFF Construction, LLC, a Texas limited liability company**

CHARLES AMUNDSON

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

NOTARY PUBLIC STATE OF TEXAS

My Commission Expires: _____



MEADOW WHITE ADDITION

KNOW ALL MEN BY THESE PRESENTS, that **BFF Construction, LLC, a Texas limited liability company**, whose address is 508 S. Main Street, Copperas Cove, TX 76522, being the sole owner of that certain 1.021 acre tract of land in the City of Harker Heights, Texas, being part of Lot 2, Block 5, Meadow Acres, an addition to the City of Harker Heights, Texas, being of record in Cabinet A, Slide 143-C, Plat Records of Bell County, Texas (P.R.B.C.T.), and being that certain tract of land conveyed in a General Warranty Deed to BFF Construction, LLC, a Texas limited liability company, being described of record under Instrument No. 2022035043, Official Public Records of Real Property, Bell County, Texas, shown and attached hereto and incorporated herein for all purposes, does hereby subdivide the herein described property into lots and blocks, according to the plat hereof, to be known as **MEADOW WHITE ADDITION**, to the City of Harker Heights, Bell County, Texas, as shown by the plat hereof, attached hereto, and made apart hereof, and approved by the City of Harker Heights, Bell County, Texas, and by **BFF Construction, LLC, a Texas limited liability company** does hereby adopt said **MEADOW WHITE ADDITION** as an addition to the City of Harker Heights, Bell County, Texas, and for the purpose of selling lots and blocks of land with reference thereto and for the property development of said land by its owners and for all other purposes; and do hereby dedicate to the City of Harker Heights, all right of way, as shown on said plat, to be used as public thoroughfares and public utilities when and as authorized by the City of Harker Heights, Texas.

The utility and drainage easements shown on said plat are dedicated to the **City of Harker Heights** for installation and maintenance of any and all public utilities, which the **city** may elect to install and maintain or permit to be installed or maintained.

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

For: **BFF Construction, LLC, a Texas limited liability company**

CHARLES AMUNDSON

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

NOTARY PUBLIC STATE OF TEXAS
My Commission Expires: _____

APPROVED this the ____ day of _____, 20__ by the Planning and Zoning Commission of the City of Harker Heights, Bell County, Texas.

Chairperson, Planning and Zoning Commission

Secretary, Planning and Zoning Commission

APPROVED this the ____ day of _____, 20__ by the City Council of the City of Harker Heights, Bell County, Texas.

Mayor, City of Harker Heights

City Secretary

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

Director of Planning and Development

KNOW ALL MEN BY THESE PRESENTS,

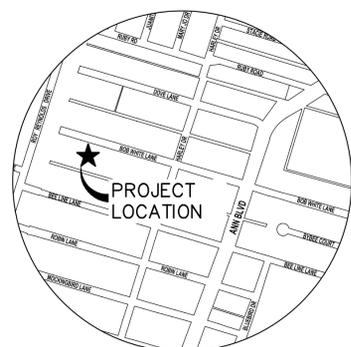
That I, Mike W. Kriegel, Registered Professional Land Surveyor, do hereby certify that I did prepare this plat from a personal and accurate survey of the land, that the corner monuments shown hereon were properly placed under my personal supervision in accordance with the Subdivision and Property Development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



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



| CURVE TABLE | | | | | | |
|-------------|-------------|--------|--------|--------|-----------|---------|
| CURVE | BEARING | CHORD | LENGTH | RADIUS | DELTA | TANGENT |
| C1 | N61°48'38"E | 37.88' | 41.99' | 27.00' | 89°06'09" | 26.58' |
| C2 | S28°11'22"E | 38.48' | 42.83' | 27.00' | 90°53'51" | 27.43' |



AFFIDAVIT:
The Tax Appraisal District of Bell County does hereby certify there are currently no delinquent taxes due to the Tax Appraisal District of Bell County on the property described by this plat.
Dated this the ____ day of _____, 20__ A. D.
By: _____
Bell County Tax Appraisal District

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

| No. | DATE | REMARKS | BY |
|-----|-----------|---------------------------------|-----|
| 1 | 8/18/2022 | CITY OF HARKER HEIGHTS COMMENTS | FRB |
| | | | |

MEADOW WHITE ADDITION
BEING A REPLAT OF ALL OF LOT 2, BLOCK 5, MEADOW ACRES
HARKER HEIGHTS, BELL COUNTY, TEXAS
PRELIMINARY PLAT

PROPERTY OWNER:
BFF Construction LLC
508 S Main St.
Copperas Cove, TX
76522

SUBDIVISION ENGINEER:
MICHELE
BFF Construction LLC
Associate Inc.
P.O. Box 1088
Killeen, TX
76541

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
T. E. L. S. FIRM REGISTRATION NO. 102004-00



Mitchell & Associates, Inc.

Engineering & Surveying

August 19, 2022

Mark Hyde
Public Works Director
Public Works Department
City of Harker Heights
305 Millers Crossing
Harker Heights, TX. 76548

Dear Mr. Hyde:

BFF Construction, LLC has engaged Mitchell & Associates for professional services to assist in development of their property located at 214 and 216 W Bobwhite Lane. The owner has determined the most appropriate use of the property is the construction of six compact duplex structures. Based on multiple meetings with staff, it was determined public access, via a publicly dedicated roadway, for each lot was a preferred alternative to the original concept that included a shared drive within a passage easement.

To achieve the preferred layout, we request a waiver of §154.21(C)(1)(h), §154.21(C)(2)(d), §154.37(A)(3), and §154.37(C)(1). These variations from the city standards will allow the proposed lots to achieve the ordinance mandated lot sized for the current zoning, R-2I, without negatively impacting the health, safety, and welfare of the citizens of Harker Heights. The right-of-way is proposed to be 33-feet in width with a 10-foot pedestrian passage easement along each side for a total width of 53-feet, a reduction from the city standard of 60-feet. The road is proposed to be 31-feet from back of curb to back of curb, a reduction from the city standard of 36-feet from back of curb to back of curb. To account for the reduced width, we propose the east side of the road be marked for No Parking. The proposed road termination is a hammerhead instead of the city standard cul-de-sac. The hammer head is proposed to meet or exceed the standards of Section D103 in the 2021 International Fire Code to support emergency vehicle mobility. Limited transient vehicle traffic is anticipated thus limited impact is anticipated.

Regards,



Ace Reneau, P.E.
Mitchell & Associates, Inc.

MEADOW WHITE ADDITION – PRELIMINARY

P22-22 Preliminary Plat – Meadow White Addition

Plat Distributed to Reviewers: 08/05/2022

Comments sent to Engineer: 8/15/2022

Response: 8/19/2022

Planning & Development

- ~~1. Per §154.21(C)(1), please provide copy of deed as referenced in dedication statement on face of plat since the property owner per Bell CAD on 8/5/2022 indicates the owner to be Pamela Flohr. Current property deed has been provided. Comment met 8/19/2022~~
- ~~2. Per §154.21(C)(1), provide LLC documentation indicating who is an authorized agent allowed to sign for BFF Construction, LLC. A corporate resolution is being submitted. Comment met 8/19/2022~~
- ~~3. Per §154.21(C)(1)(k), annotate owner information for Meadow Acres, Part of Lot 1 Block 5 (western most lot on South side of W. Bob White Lane). Annotation has been provided. Comment met 8/19/2022~~
- ~~4. Per §154.21(C)(1), indicate the size/dimensions of the street/hammerhead to be constructed as part of this subdivision that will be located within the existing 20' public alley. Dimensions of the hammerhead have been provided. Comment met 8/19/2022~~
- ~~5. Per §154.21(C)(1)(d), on the Utility plan sheet clarify (annotate/label/linetypes) the line work on the lots (ie. on Lots 1 & 2 there appears to be a building footprint on the lots that crosses the lot lines). If the intent is to have one uniform pour between the lots for the driveways then an agreement between lots for maintenance and use may be necessary. Building footprint shown between lots 1 & 2, block 2, is existing and based on City of Harker Heights topographic information by Williams Stackhouse, Inc. Building will be removed. Comment met 8/19/2022~~

Public Works, Mark Hyde

1. Per §154.21(C)(1)(h), §154.21(C)(2)(d), §154.37(A)(3), and §154.37(C)(1), residential streets are required to have 36' BC/BC streets within a 60' Right-of-Way (ROW) and end in a cul-de-sac. Per §154.60, the applicant must submit a formal request for a waiver with justification for reduced street width (31' BC/BC), reduced Right-of-Way width (33' ROW with 15' PEs), and termination in a hammerhead in lieu of a cul-de-sac.
Comment pending as of 8/26/2022; Request for waiver from design standards provided for review.
2. Construction Plans Advisory Note: The flush assembly can be installed in the pavement as shown on the plat. A 2-inch water line must be installed from the flush assembly past the edge of the pavement for an automatic flush box installation. Please see the attached drawing. Once we know the desired location of the automatic flush box, an additional drainage easement may

be required.

Noted. Comment Pending as of 08/26/2022. Formal construction plans review will determine location of flush box and potential required drainage easement.

City Engineer, Otto Wiederhold

1. No comments at this time.

Fire Marshal, Brad Alley

1. ~~Per §154.21(C)(2)(b) and §154.36(F)(3), provide a hydrant at intersection of White Meadow Lane and Bob White such that spacing requirements are met.~~

~~A fire hydrant has been proposed.~~ Comment met 8/19/2022

ONCOR, Steven Huggins

1. As of 8/15/22, no comments have been received and may be forthcoming.

Century Link, Chris McGuire

1. As of 8/15/22, no comments have been received and may be forthcoming.

Time Warner Cable/Spectrum, Shaun Whitehead

1. As of 8/15/22, no comments have been received and may be forthcoming.

ATMOS, Rusty Fischer

1. As of 8/15/22, no comments have been received and may be forthcoming.

Clearwater UWCD, Dirk Aaron

1. As of 8/15/22, no comments have been received and may be forthcoming.



AGENDA ITEM VIII-2
PLANNING AND ZONING COMMISSION
MEMORANDUM

P22-23

FROM: THE OFFICE OF THE PLANNING AND DEVELOPMENT DIRECTOR
DATE: JULY 27, 2022

DISCUSS AND CONSIDER A REQUEST FOR A FINAL PLAT REFERRED TO AS INDIAN LAND ADDITION, ON PROPERTY DESCRIBED AS BEING A 1.312 ACRE TRACT OF LAND IN BELL COUNTY, TEXAS, BEING PART OF THE E. DAWSON SURVEY, ABSTRACT NO. 258 AND THE H.B. LITTLEFIELD SURVEY, ABSTRACT NO. 511, BEING ALL OF LOTS 11-14, BLOCK 23, COMANCHE LAND SECOND LAND, AN ADDITION TO THE CITY OF HARKER HEIGHTS, TEXAS, BEING OF RECORD IN CABINET A, SLIDE 184-A, PLAT RECORDS OF BELL COUNTY, TEXAS (P.R.B.C.T.), AND BEING PART OF THAT CERTAIN TRACT OF LAND CONVEYED IN A DEED RESERVING LIFE ESTATE TO THE MARY JAYRENE HORN REVOCABLE LIVING TRUST DATED JUNE 20, 2005, BEING DESCRIBED OF RECORD IN VOLUME 5762, PAGE 289, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, BELL COUNTY, TEXAS

PROJECT DESCRIPTION:

The applicant submitted an application for amending plat approval for 1.312 acres of land located at the northwest corner of Shoshoni Trail and Indian Trail Drive. This plat would separate the existing house and amenities on site into a separate parcel from the existing mobile home park. The 2021 Land Use Plan designates this area for Medium Density Residential use.

The application for this case was originally received on June 29, 2022 and was requested to be withdrawn by the applicant on July 1, 2022. The applicant resubmitted the plat application on August 3, 2022. Comments were compiled and submitted to the applicant on August 15, 2022. The applicant provided responses to comments on August 18, 2022, substantially meeting the city requirements for

STAFF RECOMMENDATION & FINDINGS:

Staff has met with the applicant on multiple occasions to discuss this development. Existing and amended passage and utility easements proved to be challenging due to the unknown locations of private service lines for the existing mobile home park. Public utility companies provided comments regarding location of either underground or overhead utilities, and the applicant has notated easements for these utilities on the face of the plat; comments and location of utilities for one entity are still pending (staff has forwarded notes to this agency and is awaiting a response). Staff therefore recommends approval with conditions of the Final Plat referred to as Indian Land Addition, with the following conditions:

1. All outstanding comments have been addressed per staff recommendation prior to filing of plat with Bell County Public Records.

ACTION BY THE PLANNING AND ZONING COMMISSION:

1. Motion to **approve, approve with conditions, or disapprove with explanation** a request for a Final Plat referred to as Indian Land Addition, on property described as being a 1.312 acre tract of land in Bell County, Texas, being part of the E. Dawson Survey, Abstract No. 258 and the H.B. Littlefield Survey, Abstract No. 511, being all of Lots 11-14, Block 23, Comanche Land Second Land, an addition to the City of Harker Heights, Texas, being of record in Cabinet A, Slide 184-A, Plat Records of Bell County, Texas (P.R.B.C.T.), and being part of that certain tract of land conveyed in a Deed Reserving Life Estate

AGENDA ITEM VIII-2

to The Mary Jayrene Horn Revocable Living Trust Dated June 20, 2005, being described of record in Volume 5762, Page 289, Official Public Records of Real Property, Bell County, Texas, based on staff's recommendations and findings.

2. Any other action desired.

ATTACHMENTS:

1. Application
2. Location Map
3. Field notes
4. Dedication
5. Indian Land Final Plat & Plans
6. Staff Comments



Minor/Amending Plat Application

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

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

1. Pre-Application Meeting with Staff to ensure applicability
2. Payment of \$150.00 +\$3.00 per acre
3. Signed & Original Field Notes and Dedication

Property Information:

Plat Name: INDIAN LAND ADDITION Date Submitted: 8/3/2022

Existing Lot Count: 4 Proposed Lot Count: 3 Acreage: 1.312

Site Address or General Location: 2100 Indian Trail, Harker Heights, TX 76548

Reason for Amendment/ Description of Subdivision:

Zoning Classification: R1 Existing Land Use: Residential

Located in Overlay District?: Yes No

Owner Information/Authorization:

Property Owner: The Mary Jayrene Horn Revocable Living Trust Dated June 20, 2005

Address: 2100 Indian Trail, Harker Heights, TX 76548

Phone: (254) 698-3783 E-mail: _____

Developer: SAME AS ABOVE

Address: _____

Phone: _____ E-mail: _____

Engineer/Surveyor: Mitchell & Associates, Inc.

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

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

I HEREBY UNDERSTAND AND ACKNOWLEDGE:
 THE MINOR PLAT INVOLVES **FOUR OR FEWER LOTS** FRONTING ONTO AN EXISTING STREET WHERE THE CREATION OF A NEW STREET OR THE EXTENSION OF MUNICIPAL FACILITIES ARE NOT REQUIRED
 OR
 THE AMENDEND PLAT DOES NOT INCREASE THE NUMBER OF LOTS AND DOES NOT REQUIRE A NEW STREET OR EXTENSION OF MUNICIPAL FACILITIES.

MARY J. HORN

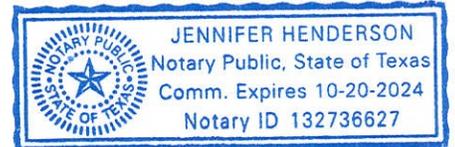
PRINTED NAME OF OWNER:

Mary J. Horn

OWNER SIGNATURE:

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

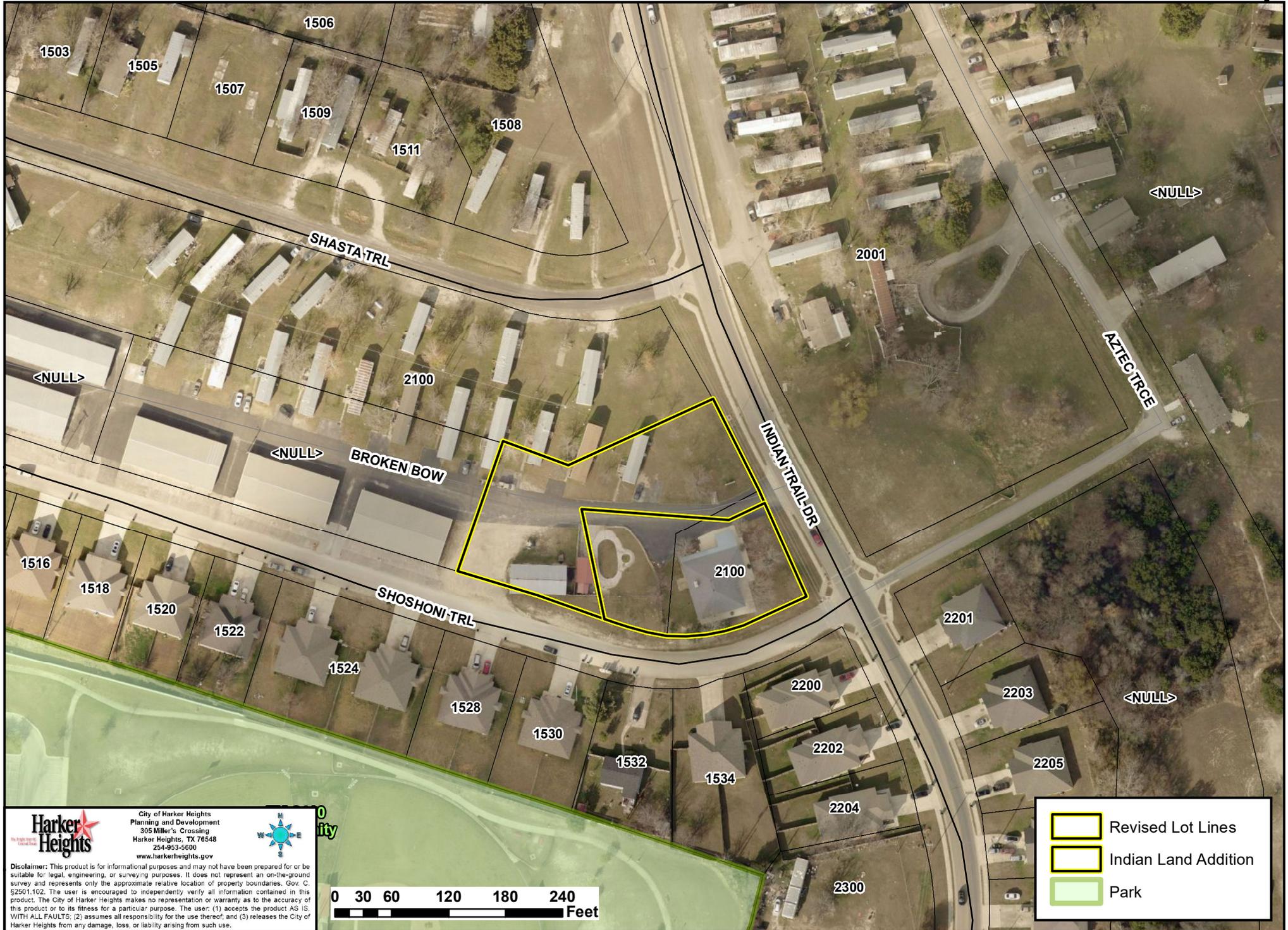
Jennifer Henderson MY COMMISSION EXPIRES: 10-20-2024
NOTARY PUBLIC SIGNATURE



STAFF ONLY - - DO NOT FILL OUT BELOW

Date Submitted: _____ Receipt #: _____

Received By: _____ Pre-Application Meeting Case #: _____



City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 76548
 254-953-5600
 www.harkerheights.gov



Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2501.102. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Harker Heights from any damage, loss, or liability arising from such use.



| | |
|--|----------------------|
| | Revised Lot Lines |
| | Indian Land Addition |
| | Park |

INDIAN LAND ADDITION
1.312 ACRES

FIELD NOTES for a 1.312 acre tract of land in Bell County, Texas, being part of the E. Dawson Survey, Abstract No. 258 and the H.B. Littlefield Survey, Abstract No. 511, being all of Lots 11-14, Block 23, Comanche Land Second Unit, an addition to the City of Harker Heights, Texas, being of record in Cabinet A, Slide 184-A, Plat Records of Bell County, Texas (P.R.B.C.T.), and being part of that certain tract of land conveyed in a Deed Reserving Life Estate to The Mary Jayrene Horn Revocable Living Trust Dated June 20, 2005, being described of record in Volume 5762, Page 289, Official Public Records of Real Property, Bell County, Texas, said 1.312 acre tract being more particularly described as follows:

BEGINNING at a 5/8" iron rod found at the intersection on the west right-of-way line of Indian Trail and the north right-of-way line of Shoshoni Trail, and being at the southeast corner of Lot 12, Block 23, said Comanche Land Second Unit, for the southeast corner of this tract;

THENCE departing the said west right-of-way line of Indian Trail, continuing along said north right-of-way line of Shoshoni Trail, and with the south line of Lot 12, Block 23, said Comanche Land Second Unit; the following three (3) calls:

1. **S. 60° 52' 38" W., 52.07 feet**, to a 1/2" iron rod found at the beginning of a curve to the right, for an angle corner of this tract;
2. Along said curve to the right, having a radius of 204.13 feet, an arc length of 166.41 feet and a long chord bearing of **S 86° 54' 15" W., 161.84 feet**, a 3/8" iron rod found at the end of said curve, for an angle corner of this tract;
3. **N. 72° 55' 22" W., 169.30 feet**, to a 1/2" iron rod with cap stamped "M&A" found at the southeast corner of Lot 14-A, Block 23, Replat of Lots 15-22, Block 23, Comanche Land Second Unit, an addition to the City of Harker Heights, Texas, being of record in Cabinet A, Slide 143-A, P.R.B.C.T., and being the southwest corner of Lot 14, Block 23, said Comanche Land Second Unit, for the southwest corner of this tract;

THENCE **N. 17° 04' 38" E., 140.41 feet**, departing the north right-of-way line of said Shoshoni Trail, with the east line of said Lot 14-A, and the west line of said Lot 14, to a 1/2" iron rod with cap stamped "M&A" found on the south line of Lot 9, Block 23, said Comanche Land Second Unit, same being at the northeast corner of said Lot 14-A, and the northwest corner of said Lot 14, for the northwest corner of this tract;

THENCE **S. 72° 55' 35" E., 74.74 feet**, with the south line of said Lot 9 and the north line of said Lot 14, to a 1/2" iron rod with cap stamped "M&A" found at the southwest corner of Lot 10, Block 23, same being the northwest corner of Lot 11, Block 23, also the northwest corner of Lot 13, Block 23, all of said Comanche Land Second Unit, and the northeast corner of said Lot 14, for an angle corner of this tract;

THENCE **N. 63° 08' 45" E., 163.15 feet**, with the south line of said Lot 10 and the north line of said Lot 11, to a 1/2" iron rod with cap stamped "M&A" found on the west right-of-way line of said Indian Trail, being at the southeast corner of said Lot 10, and the northeast corner of said Lot 11, for the northeast corner of this tract;

THENCE **S. 28° 46' 10" E., 230.00 feet**, continuing along the west right-of-way line of said Indian Trail and with the east line of said Lot 11, to the **POINT OF BEGINNING** containing a 1.312 acre tract of land.

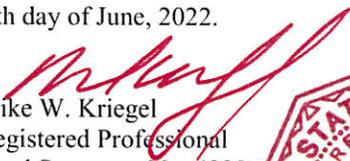
The bearings and coordinates recited in the above description are based on the Texas Coordinate System, North Central Zone, NAD 83 (CORS 96), as determined by Leica Texas SmartNet GPS observations.

See accompanying drawing.

STATE OF TEXAS
COUNTY OF BELL

KNOW ALL MEN BY THESE PRESENTS, that I, Mike W. Kriegel, Registered Professional Land Surveyor, do hereby certify that I did cause to be surveyed on the ground the above described tract and that this description is true and correct to the best of my knowledge and belief.

IN WITNESS THEREOF, my hand and seal this the 29th day of June, 2022.


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



S:\SUBDIVISIONS\22-052-D-S (2100 Indian Trl - Indian Land Addition - HH)\Survey\Field Notes\1.312 Acres (Indian Land Addition).docx

Mitchell & Associates, Inc., 102 N. College St. Killeen, Texas 76541 (254)-634-5541

DEDICATION

STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF BELL §

That The Mary Jayrene Horn Revocable Living Trust Dated June 20, 2005, being the sole owner of that certain 1.312 acre tract of land in Bell County, Texas, being all of Lots 11-14, Block 23, Comanche Land Second Unit, an addition to the City of Harker Heights, Texas, being of record in Cabinet A, Slide 184-A, Plat Records of Bell County, Texas (P.R.B.C.T.), and being part of that certain tract of land conveyed in a Deed Reserving Life Estat to The Mary Jayrene Horn Revocable Living Trust Dated June 20, 2005, being described of record in Volume 5762, Page 289, Official Public Records of Real Property, Bell County, Texas, shown and attached hereto and incorporated herein for all purposes, does hereby subdivide the herein described property into lots and blocks, according to the plat hereof, to be known as **INDIAN LAND ADDITION**, to the City of Harker Heights, Bell County, Texas, as shown by the plat hereof, attached hereto, and made apart hereof, and approved by the City of Harker Heights, Bell County, Texas, and The Mary Jayrene Horn Revocable Living Trust Dated June 20, 2005, does hereby adopt said **INDIAN LAND ADDITION** as an addition to the City of Harker Heights, Bell County, Texas, and for the purpose of selling lots and blocks of land with reference thereto and for the property development of said land by its owners and for all other purposes; and do hereby dedicate to **the City of Harker Heights**, all streets, avenues, roads, drives, alleys and associated potable water, sanitary sewer, and storm sewer systems as shown on said plat, and final construction drawings the same to be used as public thoroughfares and public utilities when and as authorized by **the City of Harker Heights**, Texas.

The utility and drainage easements shown on said plat are dedicated to **the City of Harker Heights** for installation and maintenance of any and all public utilities, which the **city** may elect to install and maintain or permit to be installed or maintained.

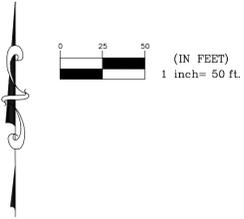
W I T N E S S the execution hereof, on this _____ day of _____, 2022.

**For: The Mary Jayrene Horn Revocable Living Trust
Dated June 20, 2005**

Mary Jayrene Horn

Before me, the undersigned authority, on this day personally appeared **Mary Jayrene Horn** known to me to be the person whose name is subscribed to the foregoing instrument. It has been acknowledged to me that **she** executed the foregoing instrument as the owner of the property described hereon.

NOTARY PUBLIC STATE OF TEXAS
My Commission Expires: _____



INDIAN LAND ADDITION

KNOW ALL MEN BY THESE PRESENTS, that **The Mary Jayrene Horn Revocable Living Trust Dated June 20, 2005**, whose address is **2100 Indian Trail, Harker Heights, Texas, 76548**, being the sole owner of that certain **1.312 acre tract of land in Bell County, Texas, being all of Lots 11-14, Block 23, Comanche Land Second Unit, an addition to the City of Harker Heights, Texas, being of record in Cabinet A, Slide 184-A, Plat Records of Bell County, Texas (P.R.B.C.T.), and being part of that certain tract of land conveyed in a Deed Reserving Life Estate to The Mary Jayrene Horn Revocable Living Trust Dated June 20, 2005, being described in record in Volume 5762, Page 289, Official Public Records of Real Property, Bell County, Texas, which is more fully described in the dedication of INDIAN LAND ADDITION as shown by the plat hereof, attached hereto, and made a part hereon, and approved by the City of Harker Heights, Bell County, Texas, **The Mary Jayrene Horn Revocable Living Trust Dated June 20, 2005** does hereby adopt said **INDIAN LAND ADDITION** 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. 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__.

For: **The Mary Jayrene Horn Revocable Living Trust**
Dated June 20, 2005

Mary Jayrene Horn

Before me, the undersigned authority, on this day personally appeared **Mary Jayrene Horn**, known to me to be the person whose name is subscribed to the foregoing instrument. It has been acknowledged to me that **she** executed the foregoing instrument as the owner of the property described hereon.

NOTARY PUBLIC STATE OF TEXAS
My Commission Expires: _____

APPROVED this the ____ day of _____, 20__ by the Planning and Zoning Commission of the City of Harker Heights, Bell County, Texas.

Chairperson, Planning and Zoning Commission

Secretary, Planning and Zoning Commission

APPROVED this the ____ day of _____, 20__ by the City Council of the City of Harker Heights, Bell County, Texas.

Mayor, City of Harker Heights

City Secretary

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

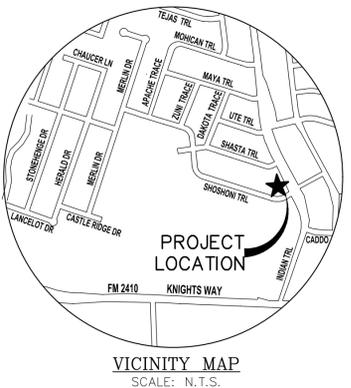
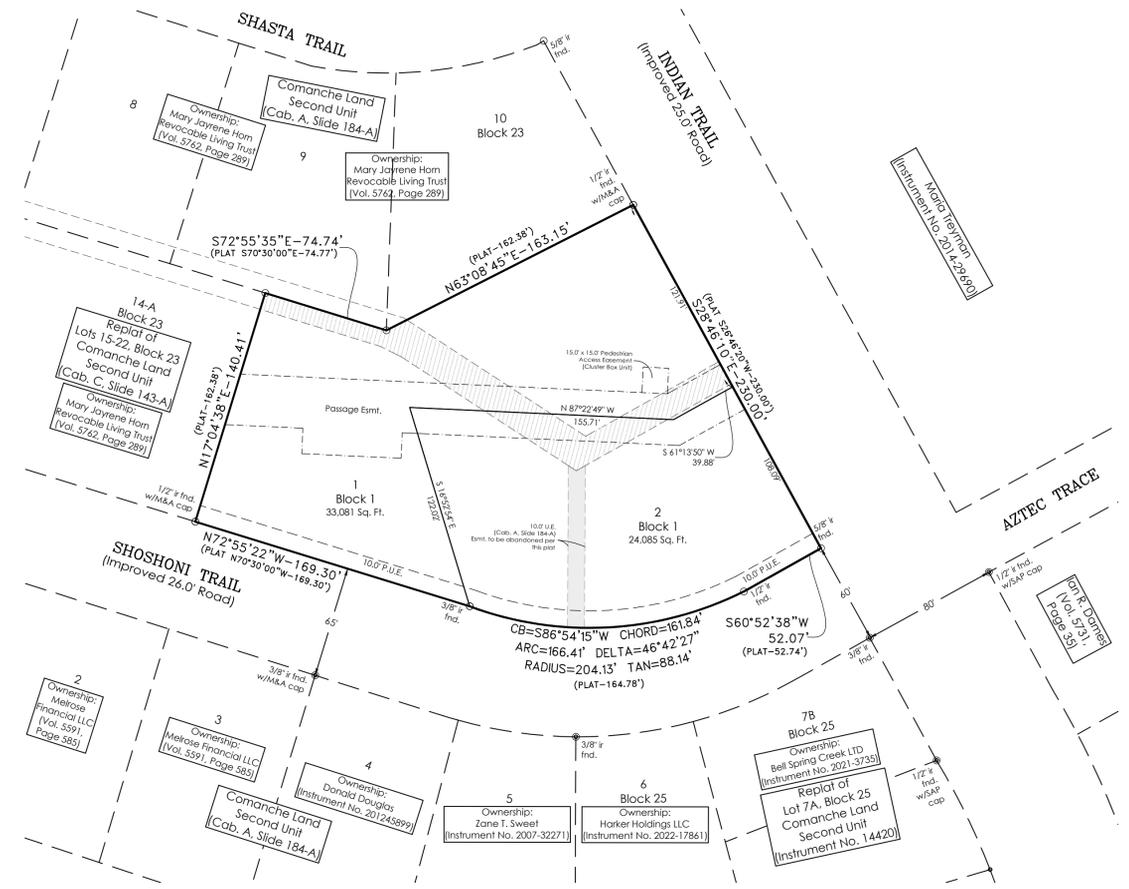
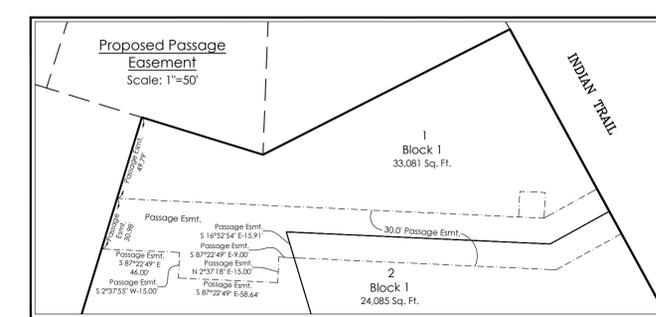
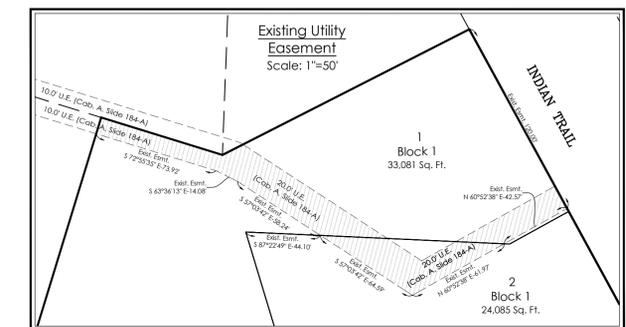
Director of Planning and Development

KNOW ALL MEN BY THESE PRESENTS,

That I, Mike W. Kriegel, 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 hereon were properly placed under my personal supervision in accordance with the Subdivision and Property Development Regulations of the **City of Harker Heights, Texas**, and this subdivision is within the **City Limits** of Harker Heights, Texas.



Mike W. Kriegel
Mike W. Kriegel
Registered Professional
Land Surveyor, No. 433



- 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.
 - 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. 48027C0295E, effective date September 26, 2008 for Bell County, Texas.
 - U.P.U.E. = Underground Public Utility Easement.
P.U.E. = Public Utility Easement.
U.E. = Utility Easement.
 - Unidentified private services may exist within or crossing Lot 1, Block 1. Owner shall provide access to service line, if found.

AFFIDAVIT:
The Tax Appraisal District of Bell County does hereby certify there are currently no delinquent taxes due to the Tax Appraisal District of Bell County on the property described by this plat.
Dated this the ____ day of _____, 20__ A. D.
By: _____
Bell County Tax Appraisal District

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

| NO. | DATE | REVISIONS |
|-----|-----------|---------------------|
| 2 | 8/19/2022 | CITY OF HH COMMENTS |
| 1 | 8/12/2022 | NEW SUBMITTAL |
| | | REMARKS |
| | | BY |

INDIAN LAND ADDITION
BEING A REPLAT OF ALL OF LOTS 11, 12, 13 & 14, BLOCK 23,
COMANCHE LAND, SECOND UNIT
HARKER HEIGHTS, BELL COUNTY, TEXAS
FINAL PLAT
SHEET TITLE:

PROPERTY OWNER:
MARY JAYRENE HORN
REVOCABLE LIVING TRUST
2100 INDIAN TRAIL
HARKER HEIGHTS, TX 76548

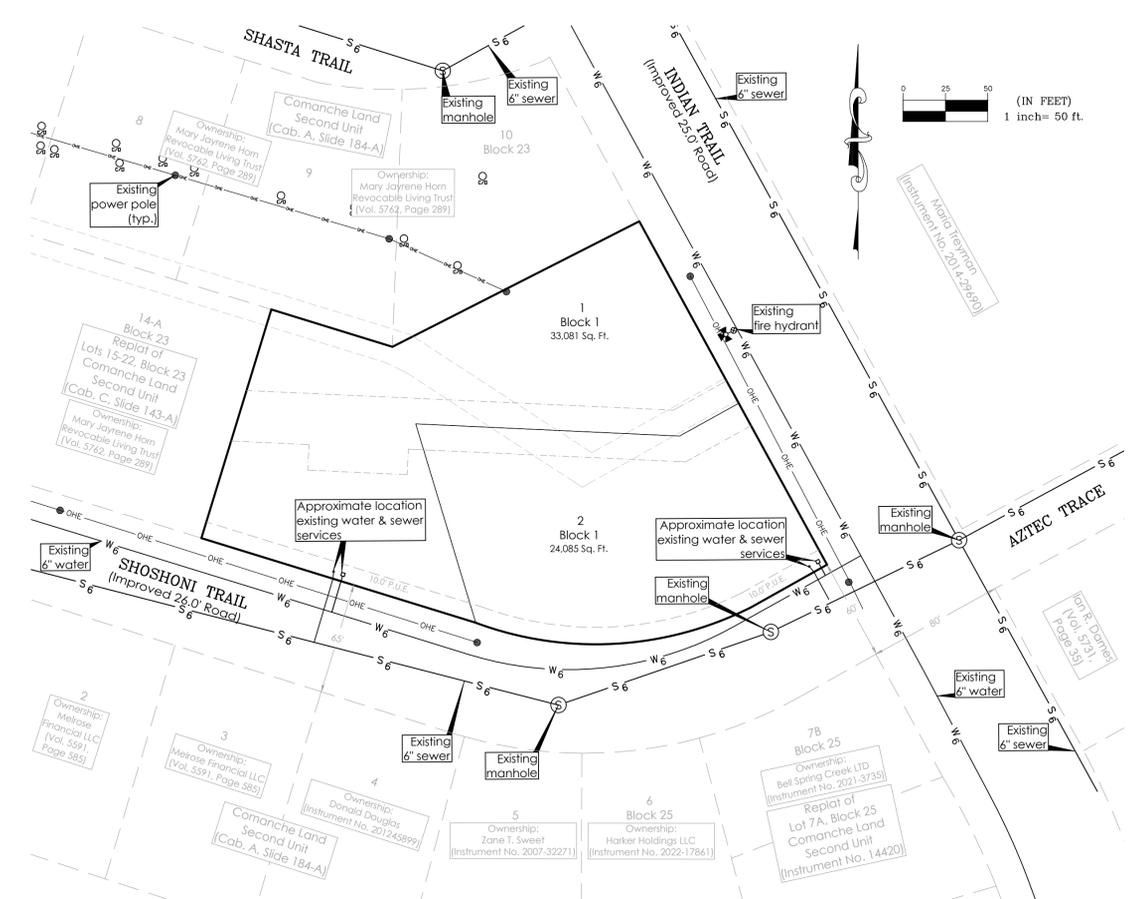
SURVEYOR/ENGINEER:
MITCHELL & ASSOCIATES, INC.
P.O. BOX 1088
KILLEEN, TX 76540

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
E. E. L. S. FIRM REGISTRATION NO. 10204-00

DWG No.: 22-052-D-5
DRAWN BY: FRB
DATE: AUGUST 2022
SCALE: AS SHOWN
DATE: 1999/31
SCALE: 1"=100'
AREA: 1.312 Ac.

2 LOTS
1 BLOCK





- GENERAL NOTES:**
- The subject property exists in a fully developed, as such no significant change to current stormwater discharge from the site is anticipated.
 - Utilities have been located by record drawings and visible appurtenances.
 - Utility symbols are for representation only.
 - These plans are not intended for the construction of any new utilities.

| | | | |
|-----------|-----------|---------------------|-----|
| 2 | 8/19/2022 | CITY OF HH COMMENTS | FRB |
| 1 | 8/2/2022 | NEW SUBMITTAL | FRB |
| No. | DATE | REMARKS | BY |
| REVISIONS | | | |

INDIAN LAND ADDITION
 BEING A REPLAT OF ALL OF LOTS 11, 12, 13 & 14, BLOCK 23,
 COMANCHE LAND, SECOND UNIT
HARKER HEIGHTS, BELL COUNTY, TEXAS

UTILITIES LAYOUT

SHEET TITLE:



PROPERTY OWNER:
 MARY JAYRENE HORN
 REVOCABLE LIVING TRUST
 2100 INDIAN TRAIL
 HARKER HEIGHTS, TX 76548

SURVEYOR/ENGINEER:
 MITCHELL & ASSOCIATES, INC.
 P.O. BOX 1088
 KILLEEN, TX 76540

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
 T. E. L. S. FIRM REGISTRATION NO. 102604-00

| | | |
|-----------|-------------|-----------|
| DWG No. | 22-052-D-5 | FRB |
| DRAWN BY: | AS SHOWN | 1999/31 |
| DATE: | AUGUST 2022 | AS SHOWN |
| SCALE: | AS SHOWN | 1999/31 |
| FB/AB: | FB/AB: | 1999/31 |
| 3 LOTS | 1 BLOCK | 1.312 Ac. |

INDIAN LAND ADDITION - ADMINISTRATIVE

P22-23 – Indian Land Addition

Plat Distributed to Reviewers: 08/05/2022

Comments sent to Engineer: 08/15/2022

Response: 8/18/2022

Planning & Development

1. ~~Per §154.22(B)(1)(g), the applicant shall correct spelling in dedication statement and dedication instrument: Deed Reserving Life Estate.~~
~~Spelling has been corrected.~~ Comment met 08/18/2022
2. ~~Per §154.22(B)(1)(f), the applicant shall provide hatching/linework/clear labels to indicate limits of existing utility easements and the limits of the new utility easements. Insets can be utilized to accomplish this.~~
~~Easement details have been added.~~ Comment met 08/18/2022
3. ~~Per §154.26(A)(3)(j-k), the applicant shall amend the title box on the plat to read “Final Plat” since there is an abandonment of an existing utility easement and the creation of new utility easements.~~
~~Title block has been amended.~~ Comment met 08/18/2022
4. ~~Per §154.22(B)(2)(b), the applicant shall annotate the square feet of each proposed lot within the subdivision on the plat dedication page.~~
~~Area of each lot has been added.~~ Comment met 08/18/2022
5. ~~Per §154.22(B)(1)(k), the applicant shall clarify how the proposed 30’ passage easement (PE) will connect to the existing Broken Bow Storage & Mobile Home Park driveway to the commercial development to the west and the existing manufactured homes within the Manufactured Housing District/Mobile Home Park. Additionally, the called new PUEs and existing utility easements within said PE are not limited to underground utilities only. Applicant shall address how passage will be protected through the PE.~~
~~Passage easement has been extended across the subject property of the plat and runs along the existing, historical shared drive.~~ Comment met 08/18/2022
6. ~~Per §154.22(B)(1)(h), the applicant shall provide easements (location and access) for the common structures within the platted area (community mailbox, dumpster, monument sign) or clarify how those items will be addressed.~~
~~Easements have been added for the mailbox & dumpster.~~ Comment met 08/18/2022
7. ~~Per §154.22(B)(1)(h), the applicant shall annotate the ROW widths for the adjacent ROWs (Shoshoni Trail, Indian Trail) along this development.~~
~~Right of way width has been annotated.~~
8. ~~Per §154.22(B)(2), the applicant shall remove the utility information from the plat dedication page and place it on a final engineering drawing/plan sheet.~~
~~A utility sheet has been provided.~~ Comment met 08/18/2022
9. ~~The parcels being platted are part of an existing Manufactured Home Park zoning district. Applicant shall clarify how the requirements for the existing Manufactured Home Park will still be met with this platting action (zoning, garbage/dumpster, community mail box service, access,~~

~~spacing, existing manufactured homes & parking spaces over the proposed lot lines per the property survey, landscaping, etc).~~

~~Area intended to remain part of the Manufactured Home Park have been combined for continuity of access and ownership.~~ Comment met 08/18/2022

~~10. Applicant shall address how the existing service lines (water, sewer, electrical, etc) for the existing manufactured homes within the existing development will be protected across the new lot lines.~~

~~Note added to plat.~~ Comment met 08/18/2022

Public Works, Mark Hyde

1. No comments

City Engineer, Otto Wiederhold

1. No comments at this time.

Fire Marshal, Brad Alley

1. No comments

ONCOR, Steven Huggins

1. Oncor should have an easement next to Shasta Trail. Please plat that easement.
Shasta Trail is outside of the limits of this development.

Century Link, Chris McGuire

1. We have existing cable as shown below. Will need PUE's to accommodate.
There is no evidence on the ground of any utility lines, between lots 11, 12 & 13, block 23, as shown on the image below. Image appears to be shifted, existing UE has been retained.



Time Warner Cable/Spectrum, Shaun Whitehead

1. As of 8/15/22, no comments have been received and may be forthcoming.

ATMOS, Rusty Fischer

1. As of 8/15/22, no comments have been received and may be forthcoming.

Clearwater UWCD, Dirk Aaron

1. As of 8/15/22, no comments have been received and may be forthcoming.

Bell County Public Health

1. No comments



AGENDA ITEM VIII-3
PLANNING AND ZONING COMMISSION
MEMORANDUM

P22-24

FROM: THE OFFICE OF THE PLANNING AND DEVELOPMENT DIRECTOR
DATE: JULY 27, 2022

DISCUSS AND CONSIDER A REQUEST FOR A FINAL PLAT REFERRED TO AS HEIGHTS CITY CENTER, ON PROPERTY DESCRIBED AS 3.496 ACRES, SITUATED IN THE MARTIN SMITH SURVEY, ABSTRACT 750, BELL COUNTY, TEXAS, EMBRACING ALL OF LOT 1, BLOCK 4, PARK ADDITION, AN ADDITION WITHIN THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS, ACCORDING TO THE PLAT OF RECORD IN CABINET C, SLIDE 178-B, PLAT RECORDS OF BELL COUNTY, TEXAS AND ALL OF LOT 3, BLOCK 1, UNION STATE BANK ADDITION, PHASE TWO, AN ADDITION WITHIN THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS, ACCORDING TO THE PLAT OF RECORD IN CABINET D, SLIDE 67-C, OF SAID PLAT RECORDS

PROJECT DESCRIPTION:

The applicant applied for minor plat approval to combine two (2) parcels from existing platted developments into one (1) parcel containing 3.496 acres. The most recently amended Land Use Plan designates this area for Regional Center use.

The applicant submitted the plat for review on July 29, 2022. Comments were compiled and submitted to the applicant on August 17, 2022. The applicant has yet to provide a response based on the comments provided on August 17, 2022.

STAFF RECOMMENDATION & FINDINGS:

Staff has met with a potential developer on multiple occasions over the last few months to discuss this development, and has had continued correspondence with the surveying company to address traffic features, drainage, and public infrastructure; staff therefore recommends approval with conditions of the Final Plat referred to as Heights City Center with the following condition:

1. All outstanding comments have been addressed per staff recommendation prior to filing of plat with Bell County Public Records.

ACTION BY THE PLANNING AND ZONING COMMISSION:

1. Motion to **approve, approve with conditions, or disapprove with explanation** a request for a Final Plat referred to as Heights City Center, on property described as 3.496 Acres, situated in the Martin Smith Survey, Abstract 750, Bell County, Texas, embracing all of Lot 1, Block 4, Park Addition, an addition within the City of Harker Heights, Bell County, Texas, according to the plat of record in Cabinet C, Slide 178-B, Plat Records of Bell County, Texas and all of Lot 3, Block 1, Union State Bank Addition, Phase Two, an addition within the City of Harker Heights, Bell County, Texas, according to the plat of record in Cabinet D, Slide 67-C, of said plat records, based on staff's recommendations and findings.
2. Any other action desired.

ATTACHMENTS:

- | | | |
|-----------------|-----------------------------------|-------------------|
| 1. Application | 4. Dedication | 6. Staff Comments |
| 2. Location Map | 5. Heights City Center Final Plat | |
| 3. Field notes | | |



Minor/Amending Plat Application

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

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

1. Pre-Application Meeting with Staff to ensure applicability
2. Payment of \$150.00 +\$3.00 per acre
3. Signed & Original Field Notes and Dedication

City of Harker Heights
 Planning & Development
 305 Millers Crossing
 Harker Heights, TX 76548
 Phone: (254) 953-5647
 Email:
planning@harkerheights.gov

Property Information:

Plat Name: Heights City Center **Date Submitted:** _____

Existing Lot Count: 2 **Proposed Lot Count:** 1 **Acreage:** 3.496

Site Address or General Location: Millers Crossing Harker Heights Texas (West of Carl Levin Park 400 Millers Crossing)

Reason for Amendment/Description of Subdivision: To create one Lot from two existing Lots

Zoning Classification: B-4 **Existing Land Use:** B-4

Located in Overlay District?: Yes No

Owner Information/Authorization:

Property Owner: City of Harker Heights

Address: 305 Millers Crossing Harker Heights Texas

Phone: _____ **E-mail:** _____

Developer: _____

Address: _____

Phone: _____ **E-mail:** _____

Engineer/Surveyor: All County Surveying, Inc.

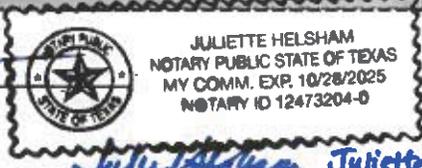
Address: 4330 5th Street Temple Texas

Phone: (254) 778-2272 **E-mail:** justin@allcountysurveying.com

I HEREBY UNDERSTAND AND ACKNOWLEDGE:
 THE MINOR PLAT INVOLVES **FOUR OR FEWER LOTS** FRONTING ONTO AN EXISTING STREET WHERE THE CREATION OF A NEW STREET OR THE EXTENSION OF MUNICIPAL FACILITIES ARE NOT REQUIRED
 OR
 THE AMENDEND PLAT DOES NOT INCREASE THE NUMBER OF LOTS AND DOES NOT REQUIRE A NEW STREET OR EXTENSION OF MUNICIPAL FACILITIES.

David R Mitchell, City Manager
PRINTED NAME OF OWNER:

[Signature]
OWNER SIGNATURE:



SWORN TO AND SUBSCRIBED BEFORE ME ON THIS 16th DAY OF August, 2022

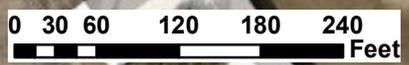
Juliette Helsham Juliette Helsham



Harker Heights
 City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 76548
 254-953-5600
 www.harkerheights.gov



Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2501.102. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Harker Heights from any damage, loss, or liability arising from such use.



| | |
|--|--------------------|
| | Harker City Center |
| | Park |

FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

July 28, 2022

Surveyor's Field Notes for:

3.496 ACRES, situated in the **MARTIN SMITH SURVEY, ABSTRACT 750**, Bell County, Texas, embracing all of Lot 1, Block 4, Park Addition, an addition within the City of Harker Heights, Bell County, Texas, according to the plat of record in Cabinet C, Slide 178-B, Plat Records of Bell County, Texas, and all of Lot 3, Block 1, Union State Bank Addition, Phase Two, an addition within the City of Harker Heights, Bell County, Texas, according to the plat of record in Cabinet D, Slide 67-C, of said plat records, and being more particularly described as follows:

COMMENCING at a ½" iron rod with cap stamped "RPLS 6066" found at the southwest corner of Lot 1, Block 1, Helms Way Addition Phase Four, an addition within the City of Harker Heights, Bell County, Texas, according to the plat of record in Cabinet D, Slide 311-A, of said plat records, being the north line of Millers Crossing, same being the south line of Lot 1, Block 1, Helms Way Addition Phase Two, an addition within the City of Harker Heights, Bell County, Texas, according to the plat of record in Cabinet D, Slide 257-A, of said plat records;

THENCE, in a westerly direction, with the north line of said Millers Crossing, *S 70°52'29" W – 213.24'*, to a 5/8" iron rod with cap stamped "ACS" set on the south line of Lot 1A, Block 1, Helms Way Addition Phase Three, an addition within the City of Harker Heights, Bell County, Texas, according to the plat of record in Cabinet D, Slide 270-C, of said plat records, being the northeast corner of said Lot 1, Block 4, Park Addition, for the northeast corner of the herein described tract and the **POINT OF BEGINNING**;

THENCE, in a southerly direction, with the west line of said Millers Crossing, **S 19°07'37" E – 655.78'**, (*Plat S 19°06'37" E – 655.78' – Cab. C, Sl. 178-B*), to a 5/8" iron rod with cap stamped "ACS" set on the north line of Lot 1, Block 1, Trinity Baptist Addition, an addition within the City of Harker Heights, Bell County, Texas, according to the plat of record in Cabinet C, Slide 323-B, of said plat records, being the southeast corner of said Lot 1, Block 4, Park Addition, same being an angle corner of said Millers Crossing, for the southeast corner of the herein described tract;

THENCE, in a westerly direction, with the north line of said Lot 1, Block 1, Trinity Baptist Addition, **N 73°02'35" W – 536.55'**, (*Plat N 73°01'28" W – 454.78' – Cab. C, Sl. 178-B*) and (*Plat N 70°58'17" W – 132.87' – Cab. D, Sl. 67-C*), to a 5/8" iron rod with cap stamped "ACS" set on the east line of Lot 1, Block 1, Union State Bank Addition, Phase Three, an addition within the City of Harker Heights, Bell County, Texas, according to the plat of record in Cabinet D, Slide 139-C, of said plat records, being the northwest corner of said Lot 1, Block 1, Trinity Baptist Addition, same being the southwest corner of said Lot 3, Block 1, Union State Bank Addition, Phase Two, for the southwest corner of the herein described tract;

Surveyor's Field Notes for **3.496 ACRES** cont.:

THENCE, in a northerly direction, with the southerly line of said Lot 1, Block 1, Trinity Baptist Addition, **N 24°07'01" E**, passing a ½" iron rod found at the northeast corner of said Lot 1, Block 1, Union State Bank Addition, Phase Three, same being the most southerly southwest corner of Lot 7-A, Block 1, ACTG Addition Amended, an addition within the City of Harker Heights, Bell County, Texas, according to the plat of record in Cabinet D, Slide 213-A, of said plat records, at a distance of 10.22', and continuing for a total distance of **369.85'**, (*Plat N 26°09'53" E – 369.82' – Cab. D, Sl. 67-C*), to a ½" iron rod found at the northwest corner of said Lot 3, Block 1, Union State Bank Addition, Phase Two, same being an interior corner of said Lot 7A, for the most westerly northwest corner of the herein described tract;

THENCE, in an easterly direction, with the southerly line of said Lot 7-A, **N 70°48'19" E – 160.57'**, (*Plat N 72°51'08" E – 160.53' – Cab. D, Sl. 67-C*), to a 1/2" iron rod found at the northeast corner of said Lot 3, Block 1, Union State Bank Addition, Phase Two, same being the most southerly southeast corner of said Lot 7-A, for an angle corner of the herein described tract;

THENCE, in a northerly direction, with the southerly line of said Lot 7-A, **N 21°45'46" E – 7.15'**, (*Plat N 24°18'25" E – 7.04' – Cab. D, Sl. 67-C*), to a ½" iron rod with cap stamped "KILLEEN ENG" found at the most easterly southeast corner of said Lot 7-A, same being an interior corner of said Lot 1, Block 1, Park Addition, for an interior corner of the herein described tract;

THENCE, continuing in said northerly direction, **N 19°18'27" W – 64.75'**, (*Plat N 19°06'37" W – 64.49' – Cab. C, Sl. 178-B*), to a ½" iron rod with cap stamped "KILLEEN ENG" found on the south line of said Lot 1A, being the most northwest corner of said Lot 1, Block 1, Park Addition, same being the most easterly northeast corner of said Lot 7-A, for the most northerly northwest corner of the herein described tract;

THENCE, in an easterly direction, with the south line of said Lot 1A, **N 70°52'29" E – 15.18'**, (*Plat N 70°53'23" E – 15.19' – Cab. C, Sl. 178-B*), to the **POINT OF BEGINNING** and containing 3.496 Acres of Land.

Bearings cited hereon are based upon the Texas State Plane Coordinate System, Central Zone, NAD 83, as per GPS observations.

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

Surveyed July 26, 2022

ALL COUNTY SURVEYING, INC.
1-800-749-PLAT
TX. Firm Lic. No. 10023600

server/projects /pro220000/221100/221159/221159.doc



Charles C. Lucko
Registered Professional Land Surveyor
Registration No. 4636

**DEDICATION OF
HARKER CITY CENTER
A subdivision within the City of Harker Heights,
Bell County, Texas.**

STATE OF TEXAS)
COUNTY OF BELL)

That **City of Harker Heights**, being the sole owner of that certain tract of land containing 3.496 acres described in Field Notes prepared by Charles C. Lucko, RPLS No. 4636, dated July 28, 2022 which Field Notes are attached hereto as Exhibit A and made a part hereof as fully as if written verbatim, do hereby name and designate said 3.496 acre tract as **Harker City Center**, a subdivision in the City of Harker Heights, Bell County, Texas, and do hereby adopt the attached map and plat thereof and do hereby agree that all future sales and conveyances of said property shall be by reference to said plat and dedication.

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

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

WITNESS THE EXECUTION HEREOF, on this ____ day of _____, 2022.

City of Harker Heights

By: Spencer H. Smith, Mayor

ACKNOWLEDGMENT

STATE OF TEXAS)
COUNTY OF **BELL**)

BEFORE ME, the undersigned authority, on this day personally appeared **Spencer H. Smith**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the mayor of the City of Harker Heights, for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ____ day of _____, 2022.

NOTARY PUBLIC, STATE OF TEXAS

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

MINOR PLAT OF HARKER CITY CENTER

A subdivision within the City of Harker Heights, Bell County, Texas.

3,496 ACRES, situated in the MARTIN SMITH SURVEY, ABSTRACT 750, Bell County, Texas, embracing all of Lot 1, Block 4, Park Addition, an addition within the City of Harker Heights Bell County, Texas, according to the plat of record in Cabinet C, Slide 178-B, Plat Records of Bell County, Texas, and all of Lot 3, Block 1, Union State Bank Addition, Phase Two, an addition within the City of Harker Heights, Bell County, Texas, according to the plat of record in Cabinet D, Slide 67-C, Plat Records of Bell County, Texas.

STATE OF TEXAS
COUNTY OF BELL

CITY OF HARKER HEIGHTS, OWNER OF THE 3,496 ACRE TRACT OF LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS HARKER CITY CENTER WITHIN THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATES THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN HEREON WITHIN THE PLAT BOUNDARIES OF THIS SUBDIVISION.

CITY OF HARKER HEIGHTS

SPENCER H. SMITH, MAYOR

STATE OF TEXAS
COUNTY OF BELL

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, SPENCER H. SMITH, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS THE MAYOR OF THE CITY OF HARKER HEIGHTS, FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE ____ DAY OF _____, 20____.

NOTARY PUBLIC, STATE OF TEXAS

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

AFFIDAVIT:

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

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

By: _____
Bell County Tax Appraisal District

STATE OF TEXAS
COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS PLAT IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS ARE CORRECTLY SHOWN THEREON.



CHARLES C. LUCKO, R.P.L.S. DATE SURVEYED: JULY 26, 2022
REGISTRATION NO. 4636

RECORDATION INFORMATION:

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

IN DOCUMENT NO. _____, OFFICIAL
PUBLIC RECORDS OF REAL PROPERTY, BELL COUNTY, TEXAS.

Note:

1. Based upon what can be ascertained from the graphics shown on Federal Insurance Rate Map (FIRM), Community Panel No. 49021C028055, dated September 29, 2020, the above shown property does not appear within the "Special Flood Hazard Area", and appears to be situated in Zone X. This Flood statement does not imply that this tract will never flood, nor does it create any liability in such event on the part of the surveyor or company.

LOT 5-B
BLOCK 1
ACT6 ADDITION 2nd AMENDMENT
Cab. D, Sl. 237-B

LOT 1
BLOCK 1
HELMS WAY ADDITION
Cab. D, Sl. 249-C

LOT 1A
BLOCK 1
HELMS WAY ADDITION PHASE THREE
Cab. D, Sl. 270-C

REMAINDER OF LOT 1
BLOCK 1
HELMS WAY ADDITION PHASE TWO
Cab. D, Sl. 257-A

LOT 1
BLOCK 1
HELMS WAY ADDITION PHASE FOUR
Cab. D, Sl. 311-A

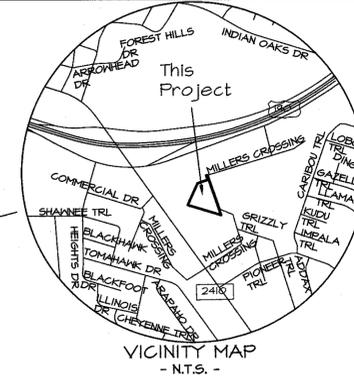
LOT 7-A
BLOCK 1
ACT6 ADDITION AMENDED
Cab. D, Sl. 213-A

LOT 1
BLOCK 1
3,496 ACRES

LOT 1
BLOCK 1
UNION STATE BANK ADDITION, PHASE THREE
Cab. D, Sl. 139-C

LOT 1
BLOCK 1
TRINITY BAPTIST ADDITION
Cab. C, Sl. 323-B

LOT 3
BLOCK 1
PARK ADDITION
Cab. C, Sl. 178-B



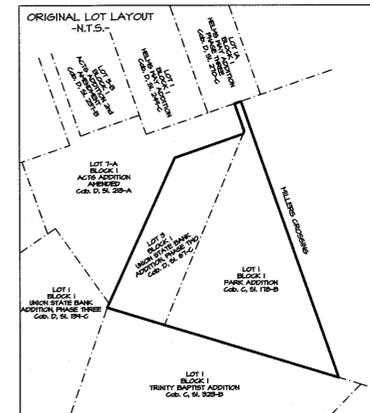
Bearings cited hereon are based upon the Texas State Plane Coordinate System, Central Zone, NAD 83, as per GPS observations.

- 1/2" Iron Rod w/cap stamped "KILLEEN ENG" Found (Unless otherwise Stated)
- 5/8" Iron Rod w/cap Stamped "ACS" Set (Unless otherwise Stated)

| LINE | BEARING | DISTANCE |
|--------------------------|---------------|----------|
| 1 | N 21°45'46" E | 171.5' |
| (Plat N 24°18'25" E 104) | | |
| Cab. D, Sl. 67-C | | |
| 2 | N 10°52'24" E | 151.0' |
| (Plat N 10°52'24" E 151) | | |
| Cab. C, Sl. 178-B | | |

LOTS - ONE (1)
BLOCKS - ONE (1)
AREA - 3,496 ACRES

OWNER:
CITY OF HARKER HEIGHTS



MINOR PLAT OF
HARKER CITY CENTER
A subdivision within the City of Harker Heights, Bell County, Texas.

3,496 ACRES, situated in the MARTIN SMITH SURVEY, ABSTRACT 750, Bell County, Texas, embracing all of Lot 1, Block 4, Park Addition, an addition within the City of Harker Heights, Bell County, Texas, and all of Lot 3, Block 1, Union State Bank Addition, Phase Two, an addition within the City of Harker Heights, Bell County, Texas, according to the plat of record in Cabinet D, Slide 67-C, Plat Records of Bell County, Texas.

Plot Date: 07-26-2022
Survey completed: 07-26-2022
Scale: 1" = 40'
Job No.: 2215A
Dwg No.: 2215A
Drawn by: JSM
Surveyor: CCL # 4636
Copyright 2022 All County Surveying, Inc.

ACS
ALL COUNTY SURVEYING, INC.
Tx. Firm No. 10023600
4930 South 8th Street
Temple, Texas 76702
254-778-2212 Killeen 254-634-4636
www.allcountysurveying.com

HEIGHTS CITY CENTER - FINAL

P22-24 – Final Plat – Heights City Center

Plat Distributed to HH Staff: 08/05/2022

Comments sent to Surveyor: 08/17/2022

Planning & Development

1. Correct name of plat to “Heights City Center”.
2. Applicant shall annotate and illustrate the ROW required for the City’s proposed future capital improvement project at the bend in Miller’s Crossing. The City’s consultant will email you the CAD file. The boundaries for the new ROW shall be annotated and illustrated in the same standard manner as other ROW dedications.
3. Per §154.22(B)(1)(h), the applicant shall annotate the ROW widths for the adjacent ROWs along this development. Note that the extension from the bend in Miller’s Crossing to the west shall be labeled as Balvant Street.
4. Per §154.26(B)(1), the applicant shall amend the title box on the plat to read “Final Plat” since there is dedication of public ROW required with this platting action.
5. Per §154.22(B)(1)(f), the applicant shall annotate and illustrate the existing PE & UE along Miller’s Crossing (2007-00041486).
6. The applicant shall place a note on the plat dedication page regarding the lack of ready connection to existing utilities for this Lot. The City is aware that the public water main will need to be extended and additional fire hydrants installed in order to service this property. However, the extension of said public infrastructure will be part of any future contract for the transfer of the property. Since the City owns the property and will be in control of any future contract for this property and in accordance with §154.60, City staff requests a waiver for the guarantee of performance required in §154.23.
7. Per §154.22(B)(1)(q), the applicant shall amend the signature blocks to the following:

KNOW ALL MEN BY THESE PRESENTS:

That I, _____, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision and Property Development Regulations of the City of Harker Heights, Texas.

Signature

Texas Reg. No. _____

Approved this ___ day of _____, 2022, by the Planning and Zoning Commission of the City of Harker Heights, Texas.

Chairperson, Planning and Zoning Commission

Secretary, Planning and Zoning Commission

Approved this ___ day of _____, 2022 by the City Council of the City of Harker Heights, Texas.

Mayor

City Secretary

Approved this the ___ day of _____, 2022 by the Director of Planning and Development of the City of Harker Heights, 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 due or owing on the property described by this plat.

Dated this ____ day of _____, 2022 A.D.

By: _____
Bell County Tax Appraisal District

FILED FOR RECORD this ____ day of _____, 2022, Plat Records of Bell County, Texas, and Dedication Instrument # _____, Official Records of Rear Property, Bell County, Texas.

8. Advisory Comment: When providing the mylars applicant shall ensure that all text on the plat dedication page is clearly legible when reproduced.
9. Advisory Comment: Since sewer, and drainage are all existing for these lots a post development analysis is not required. Note that the post development drainage for these parcels was taken into account with the development of the Park Addition.

Public Works, Mark Hyde

1. No comments at this time.

City Engineer, Otto Wiederhold

2. No comments at this time.

Fire Marshal, Brad Alley

1. No comments at this time.

ONCOR, Steven Huggins

1. As of 8/15/22, no comments have been received and may be forthcoming.

Century Link, Chris McGuire

1. As of 8/15/22, no comments have been received and may be forthcoming.

Time Warner Cable/Spectrum, Shaun Whitehead

1. As of 8/15/22, no comments have been received and may be forthcoming.

ATMOS, Rusty Fischer

1. As of 8/15/22, no comments have been received and may be forthcoming.

Clearwater UWCD, Dirk Aaron

1. As of 8/15/22, no comments have been received and may be forthcoming.