



Harker Heights
Planning and Zoning
Commission Workshop &
Meeting

Wednesday,
December 2, 2020

6:00 P.M.



**PLANNING & ZONING COMMISSION WORKSHOP
THE CITY OF HARKER HEIGHTS
WEDNESDAY, DECEMBER 2, 2020 – 6:00 P.M.
VIA TELECONFERENCE**

Notice is hereby given that beginning at 6:00 P.M. on Wednesday, December 2, 2020, the Planning and Zoning Commission (P&Z) will conduct a telephonic meeting in order to contain the spread of COVID-19 in accordance with Governor Abbott's declaration of the COVID-19 public health threat and action to temporarily suspend certain provisions of the Texas Open Meetings Act issued on March 16, 2020. The subjects to be discussed are listed in the following agenda:

MEETING AGENDA

- I. CALL TO ORDER** – Convene Regular Meeting of the Planning and Zoning Commission and establish a quorum.
- II. CONSENT AGENDA:**
 1. Approval of Minutes from the Regular Planning and Zoning Meeting held on October 28, 2020.
- III.** Report on City Council results from November 10, 2020 meeting.
- IV.** Recognition of Affidavits for Conflict of Interest.
- V. PUBLIC COMMENTS:**
 1. At this time, comments will be taken from the audience on non-agenda related topics, for a length of time not to exceed three minutes per person. To address the Planning and Zoning Commission, please clearly state your name and address for the Planning & Development Administrative Assistant prior to making a comment. *No action may be taken by the Planning and Zoning Commission during Public Comments.*
- VI. PUBLIC HEARINGS:**
 1. **Z20-27** Conduct a public hearing to discuss and consider recommending an ordinance to change the zoning designation from R-1 (One Family Dwelling District) to B-4 (Secondary and Highway Business District) on property described as Kern Acres Second Extension and Revision, Block Three (3), Lot Twelve (12), generally located at 106 W. Kathey Road, Harker Heights, Bell County, Texas.
 2. **Z20-28** Conduct a public hearing to discuss and consider recommending an ordinance to change the zoning designation from R-3 (Multi Family Dwelling District) to R-1(M) (One Family Manufactured Home Dwelling District) on property described as Comanche Land First Unit, Block Four (4), Lot Four (4), generally located at 1408 Yuma Trail, Harker Heights, Bell County, Texas.

3. **Z20-29** Conduct a public hearing to discuss and consider recommending an ordinance to change the zoning designation from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as 6.51 acres out of a 47.626 acre tract of land in Bell County, Texas, being part of the H.B. Littlefield Survey, Abstract No. 511, the land herein described being part of a called 113.5 acre tract of land conveyed to Robert Don Sutton, Trustee, generally located north of Killeen ISD Middle School No. 14 along Warriors Path, Harker Heights, Bell County, Texas.
4. **Z20-30** Conduct a public hearing to discuss and consider recommending an ordinance to change the zoning designation from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as 34 acres out of a 100.14 acre tract of land situated in the Uriah Hunt Survey, Abstract No. 401, Bell County, Texas, being the remainder of a called 390 acre tract described in a deed to Alfred Lynn Moore, recorded in Volume 1179, Page 2338, Deed Records of Bell County, Texas, generally located at 13436 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas.

VII. NEW BUSINESS:

1. **CP20-04** Discuss and consider approving a request for Concept Plan of The Village at Nolan Heights on property described as a 47.626 acre tract of land in Bell County, Texas, being part of the H.B. Littlefield Survey, Abstract No. 511, the land herein described being part of a called 113.5 acre tract of land conveyed to Robert Don Sutton, Trustee, generally located north of Killeen Independent School No. 14 along Warriors Path, Harker Heights, Bell County, Texas.
2. **CP20-05** Discuss and consider approving a request for Concept Plan of Abooha Toklo Addition Section Two on property described as 12.64 acres out of the H.B. Littlefield Survey, Abstract 511, generally located within the 1700 block of Warriors Path, and property described as the Marley Addition Amended, Block One (1), Lot Eight (8), 2.257 acres, generally located within the 1700 block of Warriors Path, Harker Heights, Bell County, Texas.
3. **P20-18** Discuss and consider a request by Jerome Gomer for Preliminary Plat approval for the proposed plat, Abooha Toklo Addition Phase Two, on property described as 1.807 acres of land being all of Lot Three (3), Block One (1), Abooha Toklo Addition Phase One, of record in Plat No. 2020-38421, generally located near the intersection of Pueblo Trace and Pontotoc Trace, Harker Heights, Bell County, Texas.

VIII. REPORTS FROM COMMISSIONERS

IX. STAFF COMMENTS

X. ADJOURNMENT

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Planning and Zoning Commission of the City of Harker Heights, Texas, was posted at the Harker Heights Municipal Building, and the City of Harker Heights website which is readily accessible to the public at all times, by **10:00 A.M. on Friday, November 27, 2020.**

Wilson Everett

Wilson Everett, Planning and Development Administrative Assistant

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

United States (Toll Free): 1 877-568-4106

Access Code: 884-718-461

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



*Minutes of the Teleconference Meeting
of the Harker Heights Planning & Zoning Commission
October 28, 2020*

Present:

Larry Robison	Chairman
Robert Robinson III	Vice Chair
Adam Parker	Secretary
Noel Webster	Commissioner
Rodney Shine	Commissioner
Stephen Watford	Commissioner
Joshua McCann	Commissioner
Mike Stegmeyer	Alternate Commissioner

Absent:

Kay Carey	Commissioner
Nuala Taylor	Alternate Commissioner
Chris Albus	Alternate Commissioner

Staff:

Joseph Molis	Director of Planning & Development
Michael Beard	Building Official
Kristina Ramirez	Assistant Public Works Director
Brad Alley	Fire Marshal
Tiffany Dake	Planning & Development Administrative Assistant
Wilson Everett	Building Official Secretary
Yvonne Spell	Customer Relations Supervisor

Agenda Item I: A quorum was established, and the teleconference meeting was called to order at 6:31 PM.

Agenda Item II: Approval of minutes from the September 30, 2020 regular Planning and Zoning Commission meeting. Secretary Parker made the motion to approve the minutes and Vice Chairman Robinson seconded the motion. **The motion passed unanimously (7-0).**

Agenda Item III: Mr. Molis made a report from the October 13th City Council actions regarding recommendations resulting from the September 30, 2020 Planning & Zoning meeting.

Agenda Item IV: Mr. Molis addressed any affidavits for Conflict-of-Interest and stated that there were no conflicts of interest.

Agenda Item V: Public Comments. There was no one present who wished to speak.

Agenda Item VI Public Hearings:

1. **Z20-23** Conduct a public hearing to discuss and consider recommending an ordinance granting a Conditional Use Permit (CUP) to allow for a greenhouse on property described as Amaya Addition, Lot Two (2), Block One (1), 5.364 acres, generally located at 12696 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas.

Mr. Molis explained the applicant's request for a Conditional Use Permit (CUP) to have a greenhouse structure on his property.

The applicant, Mr. Robert Amaya, 12696 E. Knights Way, Harker Heights, TX 76548 was present to speak on his Conditional Use Permit (CUP) request. Mr. Amaya stated he bought the property in June 2019 and had recently replatted the property into three (3) lots. Mr. Amaya explained his intent was to build a greenhouse for sustainable farming and aquaponic farming. To include, Mr. Amaya stated he constructed the greenhouse at the beginning of the year out of frustration, knowing full well he needed a permit prior to starting construction. He could not obtain financing prior to starting construction due to COVID-19. Mr. Amaya included there is nothing currently growing in the greenhouse and that he has had no prior experience with aquaponics. It was also mentioned, the barn currently has four (4) five-hundred-gallon fish tanks in it; about eighty percent complete. Mr. Amaya stated he knew he did need approval for the construction, but since the property was not his primary residence, he knew his permit would not be approved. Commissioner Webster asked to be recused at this point from this case because he had not realized who was representing the case and there was a conflict of interest. Secretary Parker asked Mr. Molis what the four (4) conditions were. Mr. Molis stated Condition 1) Conditional Use Permit for greenhouse structure, Condition 2) Permit a greenhouse structure prior to having an occupied primary structure on the premises, Condition 3) Allow an accessory (greenhouse) structure to be placed in front of the proposed primary structure and Condition 4) Allow an accessory (greenhouse) structure to be larger than what is allowed for properties greater than one (1) acre in size. Secretary Parker asked if there was a time limit for these requirements and Mr. Molis stated that would be up to the member who would make the motion. Secretary Parker asked if the property were to be zoned to a commercial property, then could the greenhouse be considered a nursery. Mr. Molis stated if the property were rezoned to commercial, it would have to be built to commercial codes and standards.

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

Chairman Robinson closed the public hearing.

A motion was made by Commissioner McCann to recommend approval for an ordinance granting a Conditional Use Permit (CUP) to allow for a greenhouse on property described as Amaya Addition, Lot Two (2), Block One (1), 5.364 acres, generally located at 12696 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas. Vice Chairman Robinson seconded the motion. **The motion failed (4-2).** Vice Chairman Robinson and Commissioner McCann voted in favor of the motion to approve. Chairman Robison, Commissioner Shine,

Secretary Parker, and Commissioner Watford voting against the motion. Commissioner Webster abstained.

2. **Z20-24** Conduct a public hearing to discuss and consider recommending an ordinance granting a Conditional Use Permit (CUP) to allow for an accessory dwelling unit on property described as Indian Trails Section One (1), Block Three (3), Lot Eleven (11), generally located at 1614 Beaver Trail, Harker Heights, Bell County, Texas.

Mr. Molis explained the applicants' request for a Conditional Use Permit was for the applicants aging mother. Mr. Molis noted to the Commission that the structure would be required to have water and sewer utilities to meet building codes. To include, Mr. Molis stated staff has not seen the final plans for the proposed structure and that staff will look into it more during the permitting process. Commissioner Webster questioned the owner does not want to make an addition to the house, instead of building a separate structure. Mr. Molis responded that staff and the owner did not discuss that option and that most aging parents still want to be independent and have their own living space and privacy.

The applicant, Ms. Deborah Fischer of 1614 Beaver Trail, Harker Heights, TX 76548 spoke on behalf of her request for the Conditional Use Permit (CUP). Ms. Fischer stated the purpose of this request is for her aging mother to be able to move in with her and for her to have her own space and privacy. Chairman Robison asked what the square footage of the building was, and Ms. Fischer stated the building will be 180 square feet or less. Ms. Fischer explained the building will be built to code and contain only a bedroom and bathroom. To include, Ms. Fischer stated a kitchen will not be necessary, as her mother can access the kitchen in the main residence.

Chairman Robison then opened the public hearing and asked if there was anyone to speak in favor or against the agenda item.

A motion was made by Commissioner Shine to recommend approval of an ordinance granting a Conditional Use Permit (CUP) to allow for an accessory dwelling unit on property described as Indian Trails Section One (1), Block Three (3), Lot Eleven (11), generally located at 1614 Beaver Trail, Harker Heights, Bell County, Texas. Vice Chairman Robinson seconded the motion. **The motion passed unanimously (7-0).**

3. **Z20-25** Conduct a public hearing to discuss and consider recommending an ordinance granting a Conditional Use Permit (CUP) to allow for a modular storage container business park and to change the zoning designation from B-4 (Secondary and Highway Business District) to B-4 with a Tavern Overlay on properties described as Kern Acres Second Extension and Revision, part of Block Two (2), and part of Lots Nine (9) and Twenty-one (21), according to the Plat of Record in Cabinet A, Slide 224-B, generally located at 126 E. Veterans Memorial Boulevard, and 0.692 acres of land out of the C. Keele Survey, Abstract No. 991, generally located at 128 E. Veterans Memorial Boulevard, Harker Heights, Bell County, Texas.

Mr. Molis explained the applicants' request for the Conditional Use Permit for storage container retail spaces and the Tavern Overlay request was to move the applicant's current business Daiquiri Express to the new location at 128 E. Veterans Memorial Boulevard.

The applicant Mr. Robert Cavazos, of 9795 Arroyo Dr., Belton, TX 76513 was representing the request. Mr. Cavazos stated he did not have any plans to construct a two-story building and was unsure of what material would be used for the façade of the building. The owner stated he would like to construct a building aesthetically pleasing to the City and meet current code and standards. There was discussion in reference to the site plan and proposed parking spaces and fire lanes. Mr. Cavazos explain although the site plan is still preliminary, the proposed drive-thru is to go around the whole complex and will meet fire code. The existing building is 1000 square feet and would be used for a drive through and would have an outdoor seating area. The use for the container portion would be professional space catered specifically to small businesses.

Chairman Robison then opened the public hearing and asked if there was anyone to speak in favor or against the agenda item.

A motion was made by Vice Chairman Robinson to recommend approval of an ordinance granting a Conditional Use Permit (CUP) to allow for a modular storage container business park and to change the zoning designation from B-4 (Secondary and Highway Business District) to B-4 with a Tavern Overlay on properties described as Kern Acres Second Extension and Revision, part of Block Two (2), and part of Lots Nine (9) and Twenty-one (21), according to the Plat of Record in Cabinet A, Slide 224-B, generally located at 126 E. Veterans Memorial Boulevard, and 0.692 acres of land out of the C. Keele Survey, Abstract No. 991, generally located at 128 E. Veterans Memorial Boulevard, Harker Heights, Bell County, Texas. Commissioner Watford seconded the motion. **The motion passed unanimously (7-0).**

4. **Z20-26** Conduct a public hearing to discuss and consider recommending an ordinance granting a Conditional Use Permit (CUP) to allow for a salvage yard on property described as four individual tracts consisting of a total of 2.903 acres of land in Bell County, Texas, part of the J. T. W. J. Hallmark Survey, Abstract No. 413, recorded in Volume 5870, Page 734, Official Public Records of Real Property, Bell County, Texas, Instrument No. 2008-049474, generally located at 1100 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas.

Mr. Molis explained the applicant is seeking a CUP to allow for a tow/salvage yard on the property. Mr. Molis explained that The Code of Ordinances does not specifically address the zoning district for the use being requested in the case. With that, staff researched other tow/salvaged yards in the city and noticed in the code of ordinances, other similar uses are accompanied with a CUP. The property appears to have the appropriate zoning but is not specially called out in the code of ordinances; to include, staff recommended the applicant apply for a CUP. Mr. Molis stated the proposed use is in line with the future land use map. Mr. Molis stated it was important to note that of the eight properties that were notified within the 400-foot buffer area, we did receive three recommendations for denial. Furthermore, the threshold has been met of more than twenty percent of the properties within the 200 ft buffer have recommended dial; thus, a super majority vote of the city council will be required.

The applicant was not present to represent this request.

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

A motion was made by Secretary Parker to deny a Conditional Use Permit (CUP) to allow for a salvage yard on property described as four individual tracts consisting of a total of 2.903 acres of land in Bell County, Texas, part of the J. T. W. J. Hallmark Survey, Abstract No. 413, recorded in Volume 5870, Page 734, Official Public Records of Real Property, Bell County, Texas, Instrument No. 2008-049474, generally located at 1100 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas. Commissioner Shine seconded the motion. **The motion was unanimously denied (7-0).**

Agenda Item VII New Business:

1. **P20-18** Discuss and consider a request by Jerome Gomer for Preliminary Plat approval for the proposed plat, Abooha Toklo Addition Phase Two, on property described as 1.807 acres of land being all of Lot Three (3), Block One (1), Abooha Toklo Addition Phase One, of record in Plat No. 2020-38421, generally located near the intersection of Pueblo Trace and Pontotoc Trace, Harker Heights, Bell County, Texas.

Mr. Molis explained this is a vacant piece of property adjacent to Pueblo Trace. The applicant is requesting a duplex community phase two into two sub-phases.

The applicant was not present to represent this request.

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

A motion was made by Secretary Parker to deny the proposed preliminary plat, Abooha Toklo Addition Phase Two, on property described as 1.807 acres of land being all of Lot Three (3), Block One (1), Abooha Toklo Addition Phase One, of record in Plat No. 2020-38421, generally located near the intersection of Pueblo Trace and Pontotoc Trace, Harker Heights, Bell County, Texas. Commissioner McCann seconded the motion. **The motion unanimously denied (7-0).**

Chairman Robison then adjourned the teleconference meeting of the Planning and Zoning Commission at 8:12 P.M.

Larry Robison, Chairman

DATE:

Adam Parker, Secretary

DATE:



PLANNING AND ZONING COMMISSION MEMORANDUM

Z20-27

AGENDA ITEM VI-01

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING AND DEVELOPMENT
DATE: DECEMBER 2, 2020

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER RECOMMENDING AN ORDINANCE TO CHANGE THE ZONING DESIGNATION FROM R-1 (ONE FAMILY DWELLING DISTRICT) TO B-4 (SECONDARY AND HIGHWAY BUSINESS DISTRICT) ON PROPERTY DESCRIBED AS KERN ACRES SECOND EXTENSION AND REVISION, BLOCK THREE (3), LOT TWELVE (12), GENERALLY LOCATED AT 106 W. KATHEY ROAD, HARKER HEIGHTS, BELL COUNTY, TEXAS.

EXPLANATION:

The applicant is requesting a change from the current zoning of R-1 (One-Family Dwelling District) to B-4 (Secondary and Highway Business District). The applicant is a business owner in the community and wishes to rezone the vacant property at 106 W. Kathey to B-4 in order to accommodate a storage building for their adjacent business at 104 W. Veterans Memorial Blvd. Within the B-4 zoning district the following use is specified, “(19) Plumbing, electrical, air conditioning service shop (no outside storage without screening).” The applicant is also the owner of neighboring properties to the west located at 108 and 110 W. Kathey Road.

BACKGROUND:

Summary of Surrounding Properties

Location	Zoning	Existing Land Use	Future Land Use
North	B-4	Commercial	Commercial
South	R-1	Single Family Residence	Single Family Residential
East	B-4	Vacant	Medium Density Residential
West	R-1	Single Family Residence	Medium Density Residential

Zoning:

Current zoning for the property is R-1 (One-Family Dwelling District). Adjacent and surrounding zoning includes B-4 (Secondary and Highway Business District) and R-1 (One-Family Dwelling District). The proposed rezoning from R-1 to B-4 would not likely have any adverse effects on the surrounding zoning districts.

Existing Use:

The property is currently vacant and surrounding properties include Commercial and Vacant uses to the north, Single-Family to the west and south, and an Office building and its associated parking lot immediately to the east (104 W. Kathey Rd. & 100 S. Ann Blvd.). The applicant’s

commercial business is immediately across W. Kathey at 104 W. Veterans Memorial Blvd. in an area zoned as B-4.

Future Land Use:

The subject property is currently located in an area designated as Medium Density Residential. In accordance with the Comprehensive Plan medium density residential should be located where possible as a buffer between commercial and single family residential uses. The proposed rezoning to a Commercial use while not recommended per the 2007 Comprehensive Plan for the subject area it will likely be consistent with other commercial uses near W. Kathey and S. Ann Blvd.

Flood Damage Prevention:

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

Notices:

Staff sent out thirty-two (32) notices to property owners within the 400-foot notification area. Zero (0) responses were received in favor of the request, and zero (0) responses were received in opposition of the request.

STAFF RECOMMENDATION:

Staff provides no recommendation for the request to change zoning designation from R-1 (One-Family Dwelling District) to B-4 (Secondary and Highway Business District), on property described as Kern Acres Second Extension and Revision, Block Three (3), Lot Twelve (12), generally located at 106 W. Kathey Road, Harker Heights, Bell County, Texas.

ACTION BY THE PLANNING AND ZONING COMMISSION:

1. Motion to recommend approval/recommend denial of an ordinance to change zoning designation from R-1 (One Family Dwelling District) to B-4 (Secondary and Highway Business District) on property described as Kern Acres Second Extension and Revision, Block Three (3), Lot Twelve (12), generally located at 106 W. Kathey Road, Harker Heights, Bell County, Texas.
2. Any other action deemed necessary.

ATTACHMENTS:

1. Application
2. Location Map
3. Existing Land Use Map
4. Zoning Map
5. Future Land Use Map
6. Notification Area Map
7. Citizen Response



Rezoning Request Application

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

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

Property Owner(s) Name: Central Texas Heating & Air Conditioning Holdings, LLC **Date:** 10/04/2020

Address: PO Box 2910

City/State/Zip: Harker Heights, TX 76548

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

Legal Description of Property:

Location of Property (Address if available): 106 W. Kathey Road

Lot: 0012 Block: 003 Subdivision: Kern Acres 2nd Extension & Revision

Acres: .24 Property ID: 11455 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: Storage for HVAC parts and supplies and misc materials

Current Zoning Classification: R-1 Residential **Proposed Zoning:** B4 Commercial

Current Land Use: Vacant Lot **Proposed Land Use:** Storage Building

Applicant's Representative (if applicable):

Applicant's Representative: N/A

Phone: N/A **E-Mail:** N/A

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.

Central Texas Heating & Air Conditioning Holdings, LLC
Printed Name of Property Owner

[Signature]
Signature of Property Owner

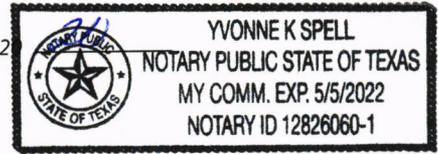
N/A
Printed Name of Representative

N/A
Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 4 DAY OF November, 2020

[Signature]
SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: May 5, 2022



Date Submitted: 11/4/20

STAFF ONLY -- DO NOT FILL OUT BELOW

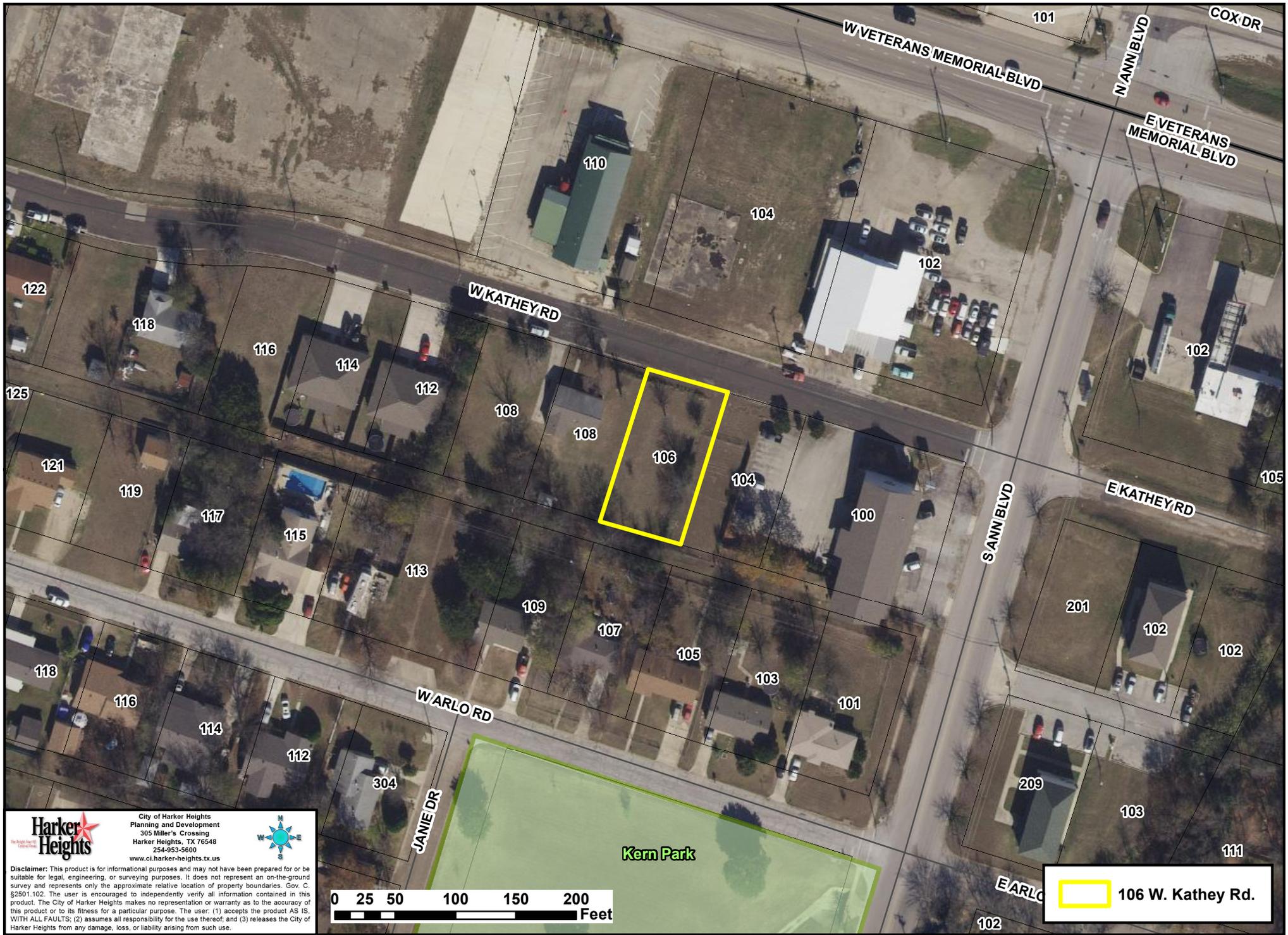
Received By: [Signature]

Pre-Application Meeting

Receipt #: _____

Revised: 5/2020

Case #: 220-27



Harker Heights
City of Harker Heights
Planning and Development
305 Miller's Crossing
Harker Heights, TX 76548
254-953-5600
www.ci.harker-heights.tx.us

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 106 W. Kathey Rd.



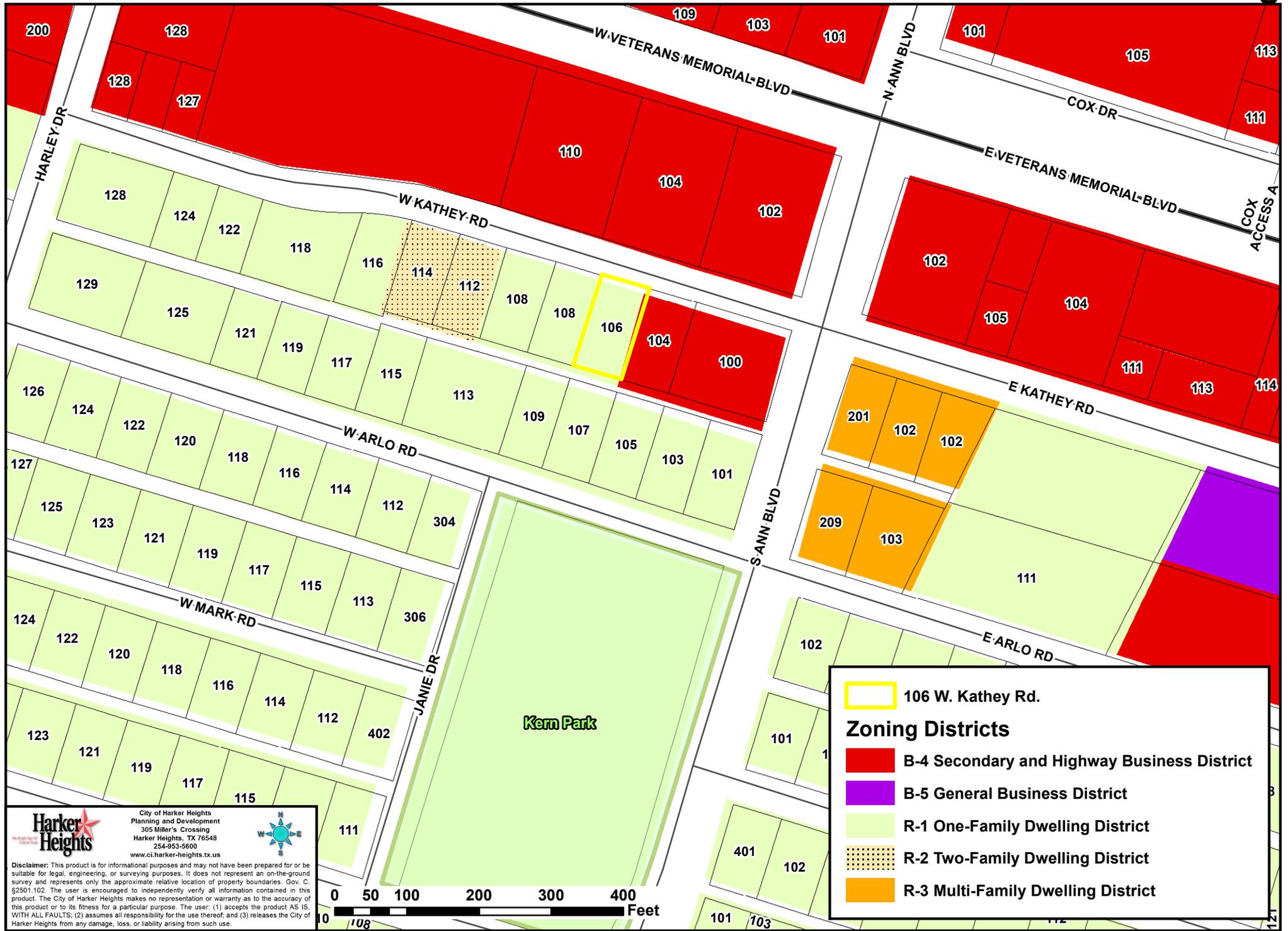


City of Harker Heights
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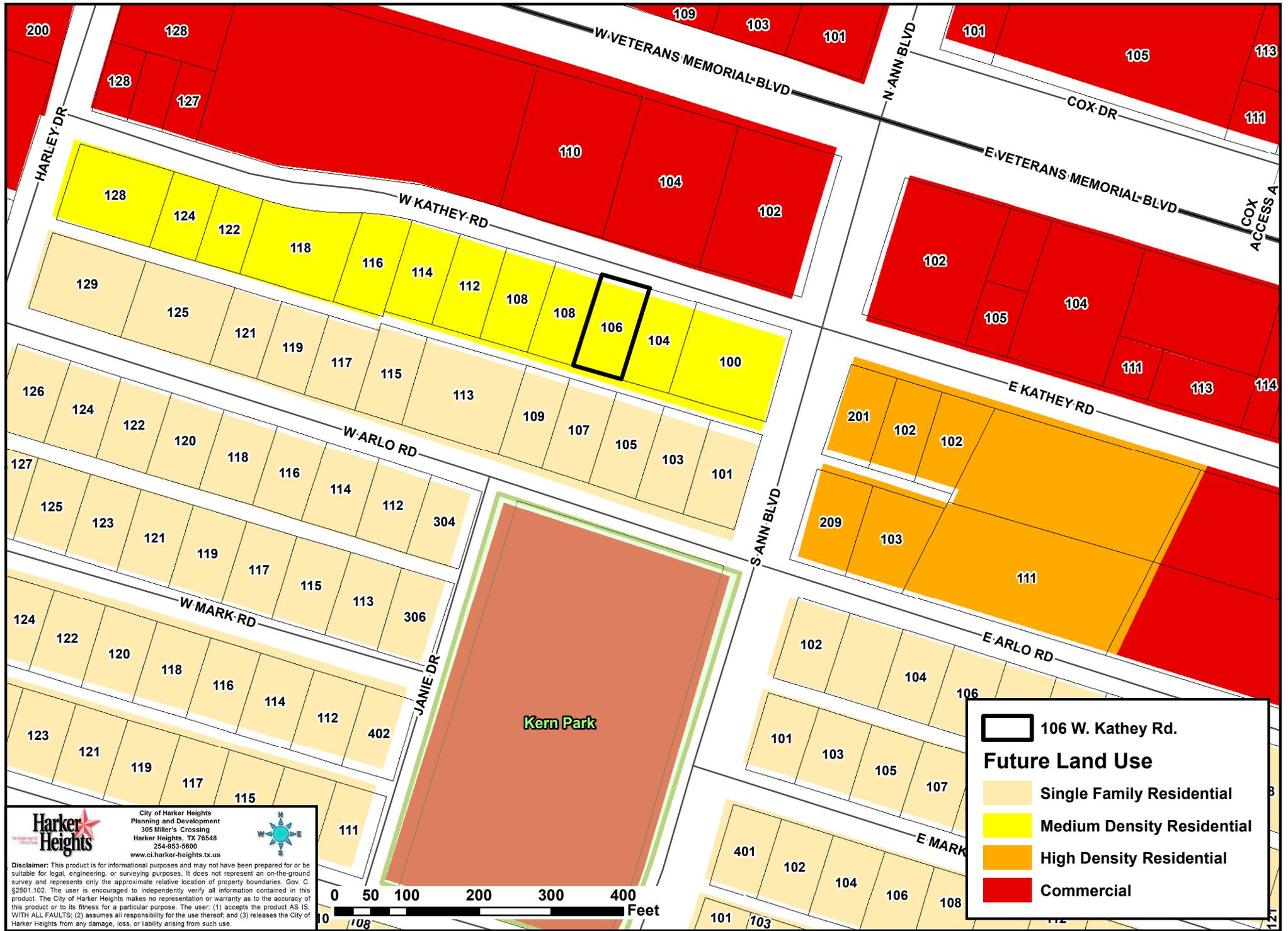
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0 50 100 200 300 400 Feet

106 W. Kathey Rd.

Zoning Districts

- B-4 Secondary and Highway Business District
- B-5 General Business District
- R-1 One-Family Dwelling District
- R-2 Two-Family Dwelling District
- R-3 Multi-Family Dwelling District



106 W. Kathey Rd.

Future Land Use

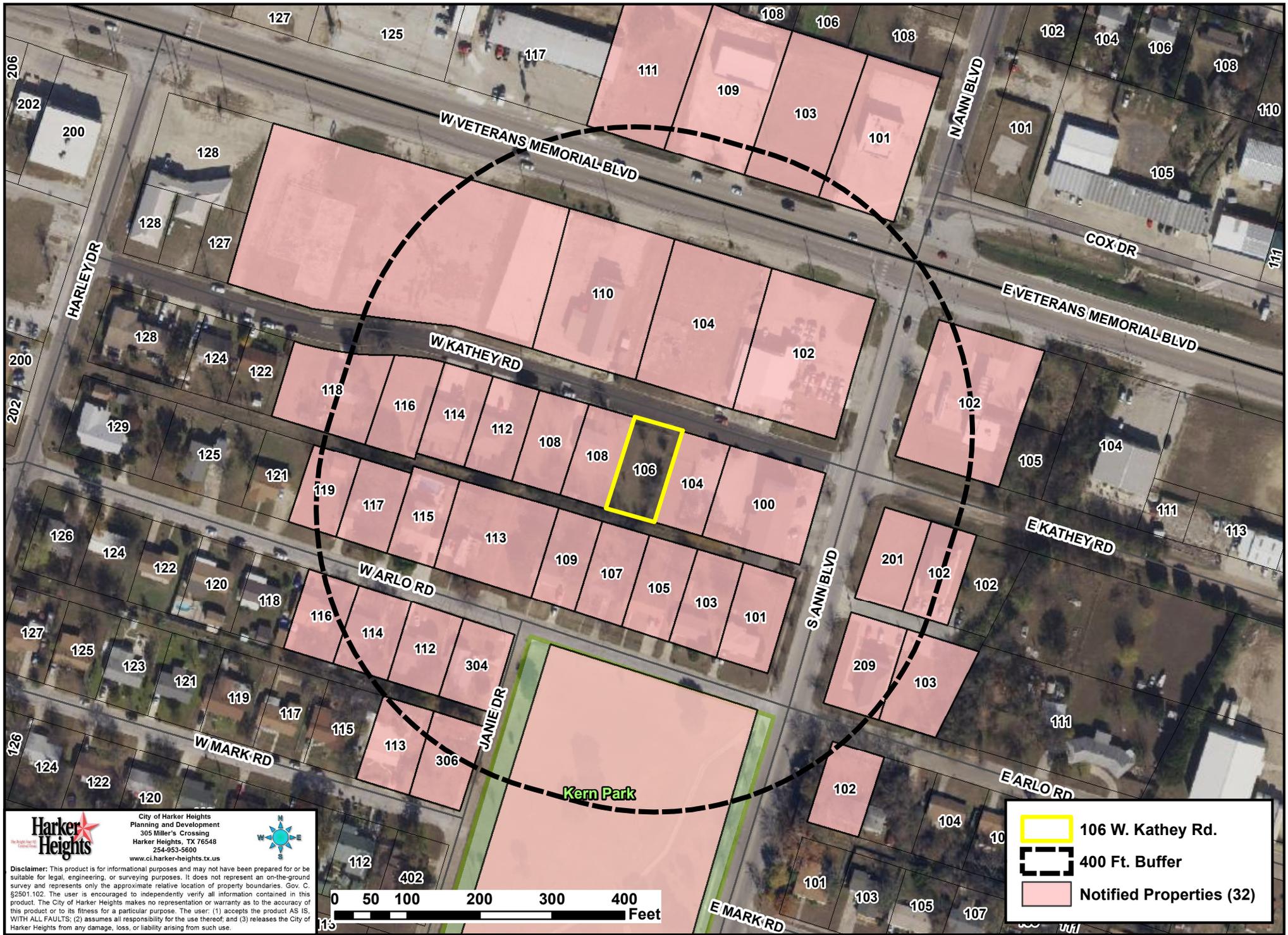
- Single Family Residential
- Medium Density Residential
- High Density Residential
- Commercial

Harker Heights

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0 50 100 200 300 400 Feet



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 106 W. Kathey Rd.
 400 Ft. Buffer
 Notified Properties (32)



PLANNING AND ZONING COMMISSION MEMORANDUM

Z20-28

AGENDA ITEM VI-02

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING AND DEVELOPMENT
DATE: DECEMBER 2, 2020

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER RECOMMENDING AN ORDINANCE TO CHANGE THE ZONING DESIGNATION FROM R-3 (MULTI FAMILY DWELLING DISTRICT) TO R-1(M) (ONE FAMILY MANUFACTURED HOME DWELLING DISTRICT) ON PROPERTY DESCRIBED AS COMANCHE LAND FIRST UNIT, BLOCK FOUR (4), LOT FOUR (4), GENERALLY LOCATED AT 1408 YUMA TRAIL, HARKER HEIGHTS, BELL COUNTY, TEXAS.

EXPLANATION:

The applicant is requesting a change from the current zoning of R-3 (Multi-Family Dwelling District) to R-1(M) (One Family Manufactured Home Dwelling District). The applicant wishes to rezone the vacant lot to a designation that would permit a manufactured home to occupy the property. The property consists of approximately 10,779 square feet and would be required to adhere to the City’s code as it pertains to private lot manufactured homes (see attachment #3).

BACKGROUND:

Summary of Surrounding Properties

Location	Zoning	Existing Land Use	Future Land Use
North	R-1	Vacant	Medium Density Residential
South	R-3	Duplex	Medium Density Residential
East	R-3	Single Family Residence	Medium Density Residential
West	R-3	Vacant	Medium Density Residential

Zoning:

Current zoning for the property is R-3 (Multi Family Dwelling District). Adjacent and surrounding zoning include single family, and duplex zoning districts. The proposed rezoning from R-3 to R-1(M) would not likely have any adverse effects on the surrounding zoning districts as there are existing manufactured homes within the area as well as a combination of various residential uses throughout the Comanche Land area.

Existing Use:

The property is currently vacant and surrounding properties include other vacant properties to the north and west of the property, single family to the immediate east, duplexes, and manufactured home uses surrounding the subject property. With regard to the location of

surrounding uses, location of the structure, and the conditions imposed, staff believes the proposed use would not likely have any adverse impacts on adjoining land uses in the neighborhood.

Future Land Use:

The subject property is currently located in an area designated as Medium Density Residential. In accordance with the Comprehensive Plan medium density residential should be located where possible as a buffer between commercial and single family residential uses, and the proposed rezoning of this property from R-3 (Multi Family Dwelling District) to R-1(M) (One Family Manufactured Home Dwelling District) would be consistent with the 2007 City of Harker Heights Comprehensive Plan.

Flood Damage Prevention:

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

Notices:

Staff sent out thirty-five (35) notices to property owners within the 400-foot notification area. Zero (0) responses were received in favor of the request, and two (2) responses were received in opposition of the request.

STAFF RECOMMENDATION:

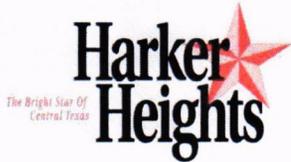
Staff provides no recommendation for the request to change zoning designation from R-3 (Multi Family Dwelling District) to R-1(M) (One Family Manufactured Home Dwelling District), on property described as Kern Acres Second Extension and Revision, Block Three (3), Lot Twelve (12), generally located at 106 W. Kathey Road, Harker Heights, Bell County, Texas.

ACTION BY THE PLANNING AND ZONING COMMISSION:

1. Motion to recommend/not recommend an ordinance to change zoning designation from R-3 (Multi Family Dwelling District) to R-1(M) (One Family Manufactured Home Dwelling District) on property described as Kern Acres Second Extension and Revision, Block Three (3), Lot Twelve (12), generally located at 106 W. Kathey Road, Harker Heights, Bell County, Texas.
2. Any other action deemed necessary.

ATTACHMENTS:

1. Application
2. Location Map
3. §155.020 R-1(M) Code Section
4. Existing Land Use Map
5. Zoning Map
6. Future Land Use Map
7. Notification Area Map
8. Citizen Response



Rezoning Request Application

Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED

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

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

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

Property Owner(s) Name: DAVID PHILLIPS **Date:** 110420

Address: 1405 YUMA TRAIL

City/State/Zip: HARKER HEIGHTS, TX 76548

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

Legal Description of Property:

Location of Property (Address if available): 1408 YUMA TRAIL HARKER HEIGHTS, TX 76548

Lot: 4 **Block:** 4 **Subdivision:** Com. Land 1st Unit

Acres: 10/150 **Property ID:** 3105332 **Survey:** N/A

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

Proposed Use: manufactured home

Current Zoning Classification: R-3 **Proposed Zoning:** R-2(M)

Current Land Use: vacant **Proposed Land Use:** manu. home

Applicant's Representative (if applicable):

Applicant's Representative: MICHELLE SIMPSON

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

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

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

DAVID PHILLIPS
 Printed Name of Property Owner

[Signature]
 Signature of Property Owner

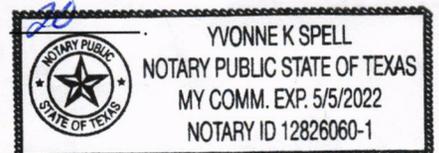
MICHELLE SIMPSON
 Printed Name of Representative

[Signature]
 Signature of Representative
M Simpson

SWORN AND SUBSCRIBED BEFORE ME ON THIS 4 DAY OF November, 2020

[Signature]
 SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: May 5, 2022



Date Submitted: 11/4/2020

STAFF ONLY -- DO NOT FILL OUT BELOW

Pre-Application Meeting

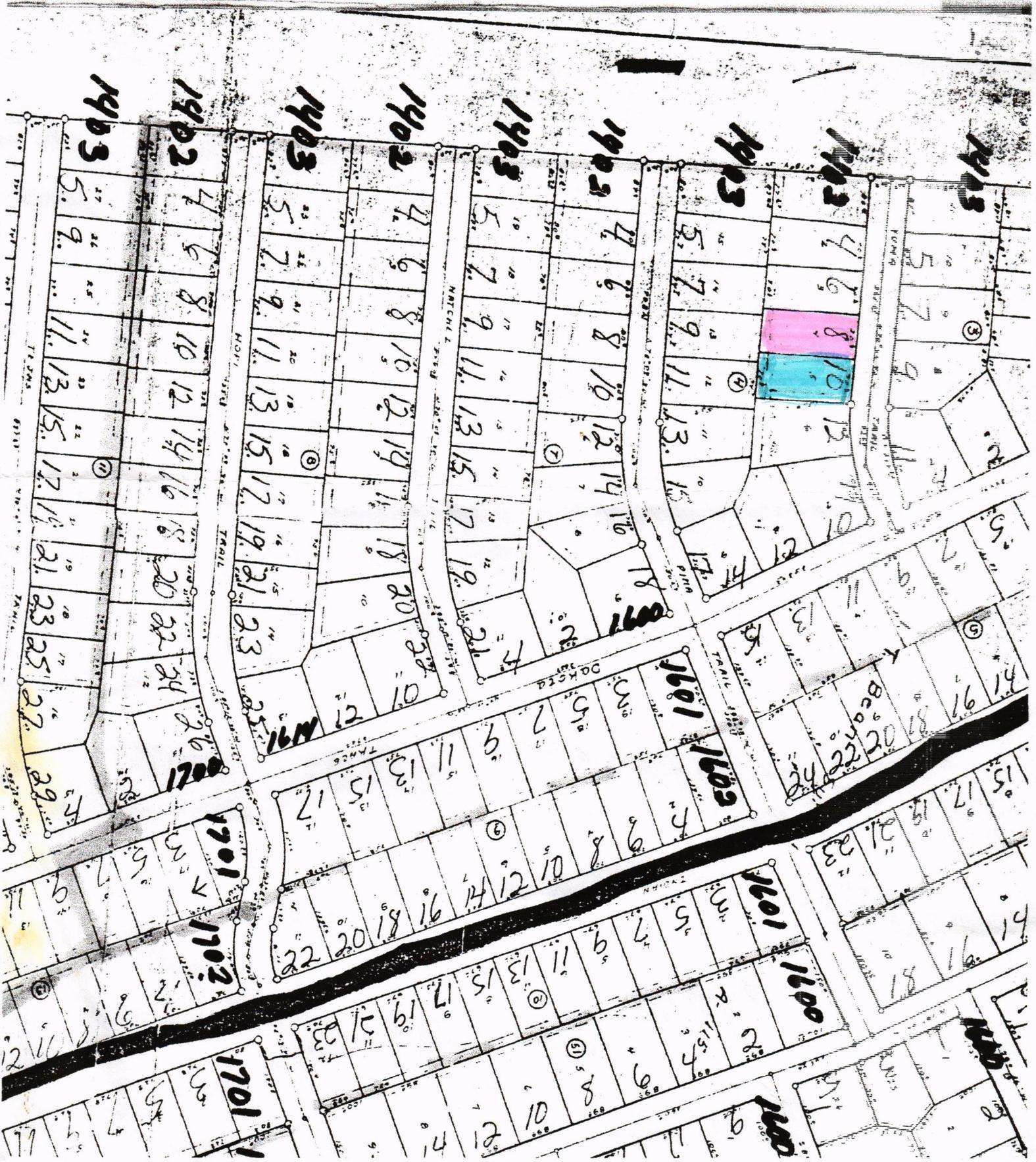
Receipt #: 01032770

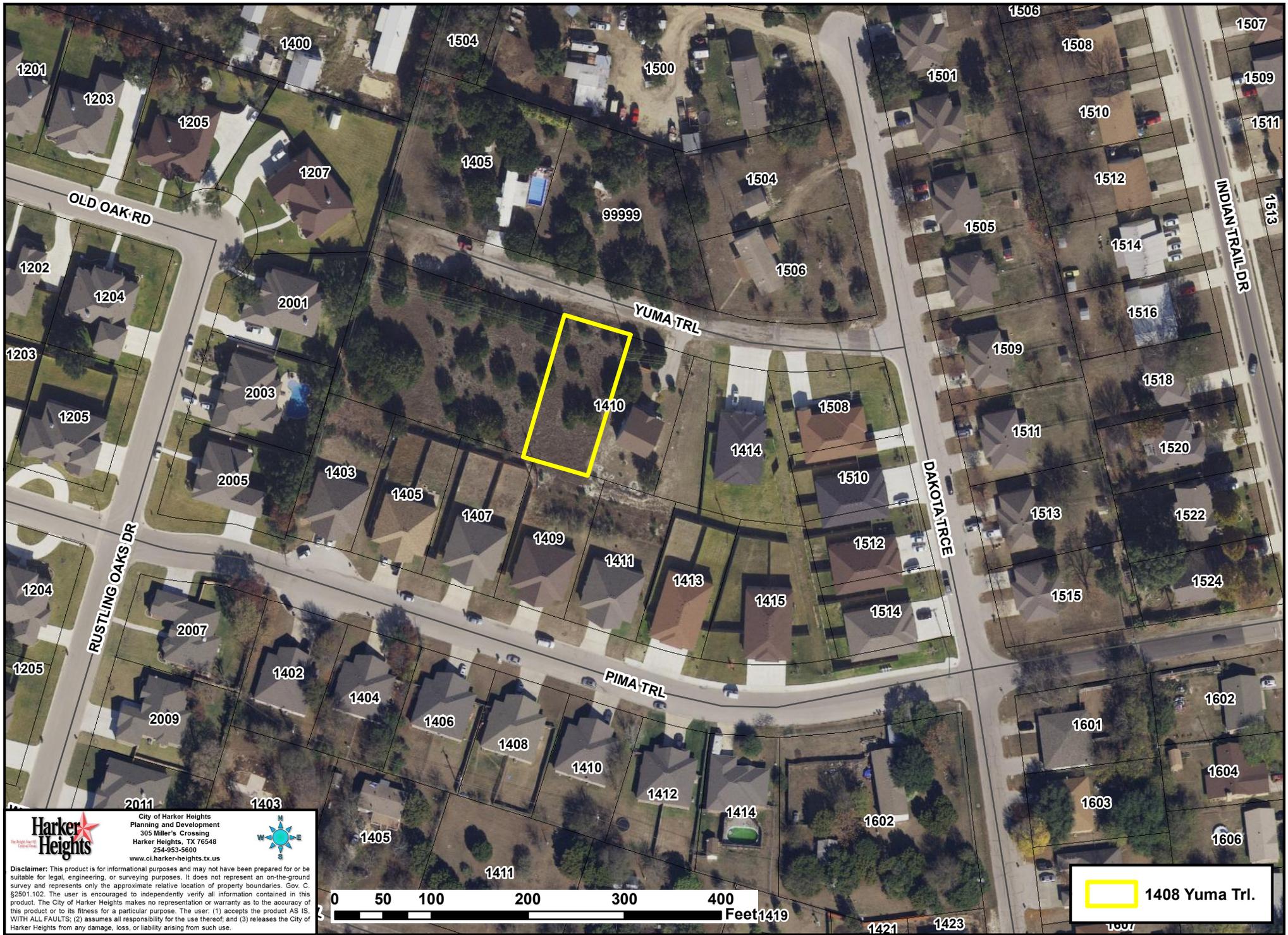
Received By: [Signature]

Revised: 5/2020

Case #: 720-28

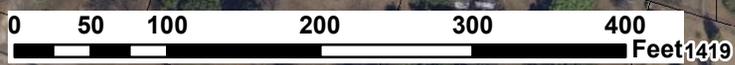
70 x 150
1410 Yuma





Harker Heights
City of Harker Heights
Planning and Development
305 Miller's Crossing
Harker Heights, TX 76548
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 1408 Yuma Trl.

§ 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

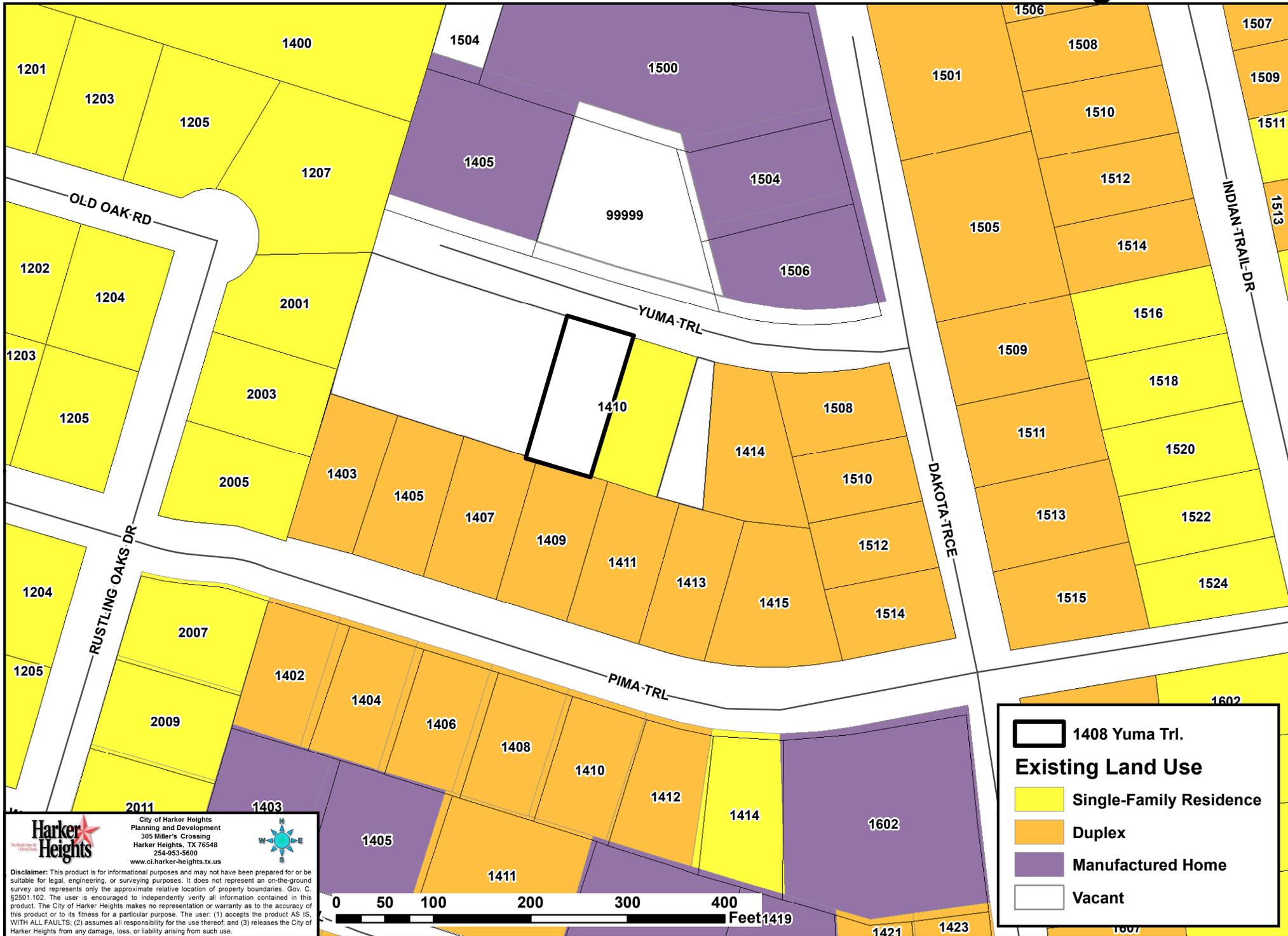
(d) State the anticipated taxable value of the industrialized housing and the lot after installation of the industrialized housing.

(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)

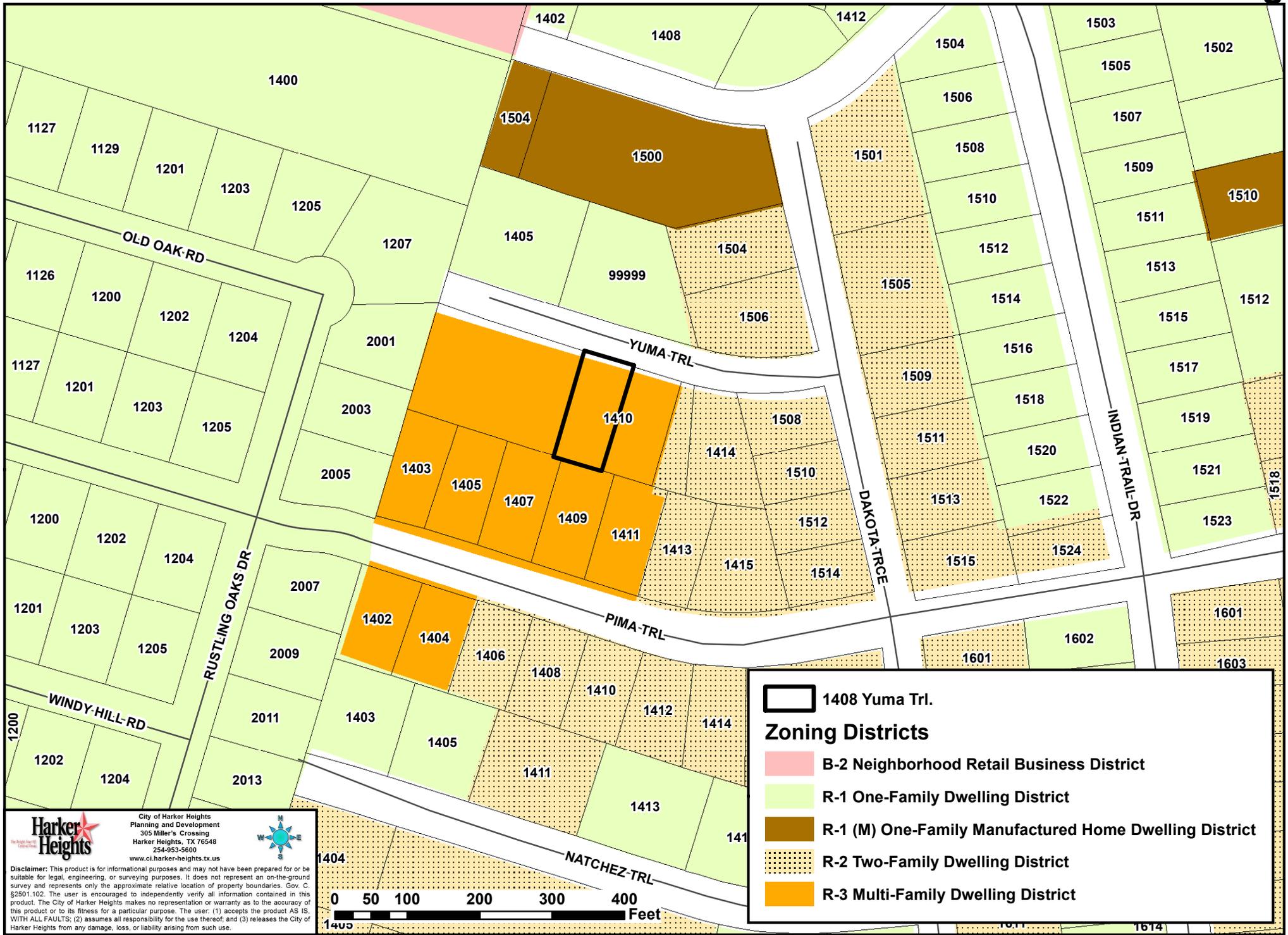


Existing Land Use

- 1408 Yuma Trl.
- Single-Family Residence
- Duplex
- Manufactured Home
- Vacant

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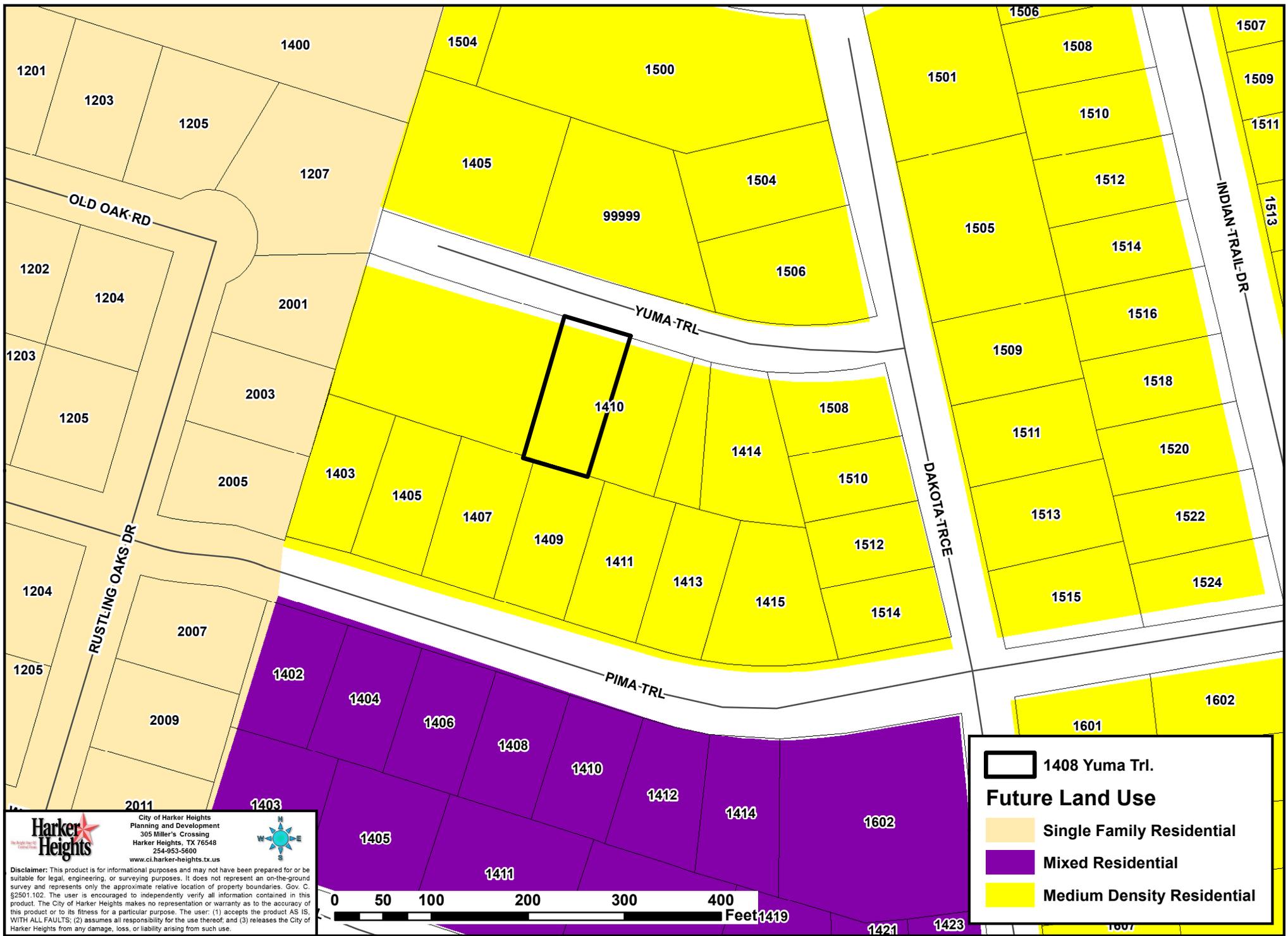
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Zoning Districts

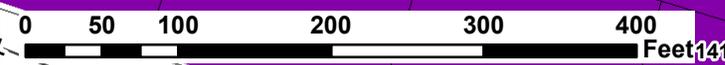
- 1408 Yuma Trl.
- B-2 Neighborhood Retail Business District
- R-1 One-Family Dwelling District
- R-1 (M) One-Family Manufactured Home Dwelling District
- R-2 Two-Family Dwelling District
- R-3 Multi-Family Dwelling District



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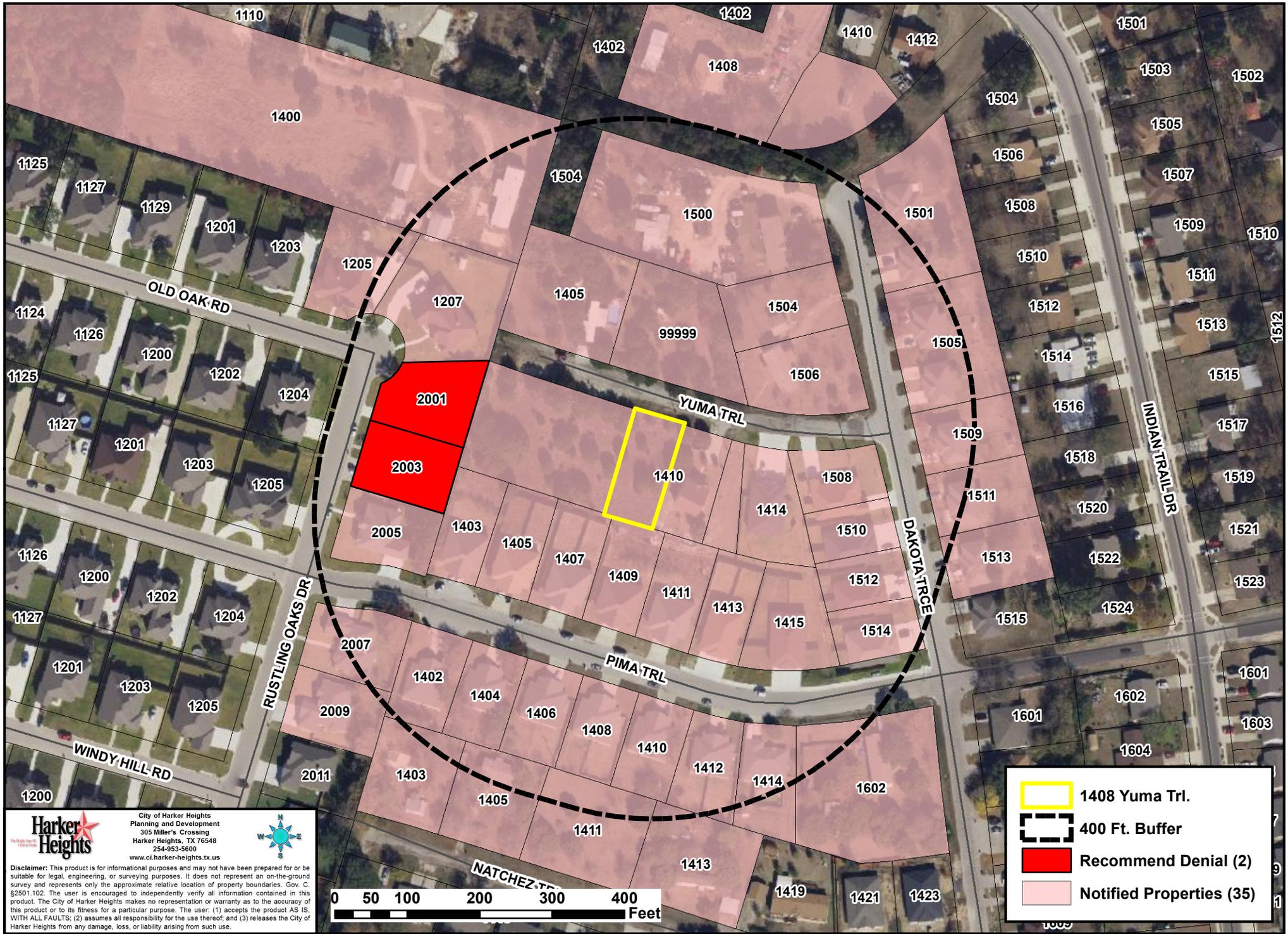
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1408 Yuma Trl.

Future Land Use

- Single Family Residential
- Mixed Residential
- Medium Density Residential



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- 1408 Yuma Trl.
- 400 Ft. Buffer
- Recommend Denial (2)
- Notified Properties (35)

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

FROM: Jimmy & Noemi Johnson
2001 Rustling Oaks DR
(Address of Your Property that Could Be **Impacted** by this Request) Harker Heights TX 76054

RE: An application has been made to consider to consider a rezoning from **R-3 (Multi Family Dwelling District)** to **R-1(M) (One Family Manufactured Home Dwelling District)** on property described as *Comanche Land First Unit, Block Four (4), Lot Four (4), generally located at 1408 Yuma Trail, Harker Heights, Bell County, Texas* (see attached notification map).

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

Comments:
I recommend denial of request. Please see attached letter.

Jim Johnson
Printed Name

[Signature]
Signature

24 Nov 2020
Date

Received
NOV 24 2020
Planning & Development

City of Harker Heights
Planning & Development Commission

Monday, November 23, 2020

Jimmy & Noemi Johnson
2001 Rustling Oaks Drive
Harker Heights, TX 76548

Ref: Rezoning from **R-3 (Multi Family Dwelling District) to R-1 (M) (One Family Manufactured Home Dwelling District)** on property described as Comanche Land First Unit, Block Four (4), Lot Four (4), generally located at 1408 Yuma Trail, Harker Heights, Bell County, Texas.

Our home, 2001 Rustling Oaks Drive, is located well within four hundred (400) feet of the proposed rezoning requested property.

- A. Notification was received on 20 November 2020. In order to make a written response we must submit and have in your offices our written document no later than 27 November 2020. The time restraint that includes the Thanksgiving Holiday is inadequate.
- B. There is an existing dwelling that stands on Comanche Land First Unit, Block Four (4) Lot Five (5); **request clarification of current zoning?**
 1. Is this an R-1(M) zoned home?
 2. If so has it been re-zoned from R-3 to an R-1(M) Zone?
- C. The current request to re-zone a R-3 Lot to an R-1(M) lot in the middle of Comanche Land, 1st Unit, Block Four(4), totally zoned R-3, makes little sense except that it makes it easier to later obtain re-zoning approval for lots 1,2,3 and nearby adjoining property. Once re-zoned to R-1(M) a lot can easily be divided, and trailers added without city approval; circumventing existing negotiating power the city passed in 2013 for planned development for Mobile Home Parks
- D. Zoning regulations cited from the 1999 "mixed residential" zoning vote which eliminated manufactured homes to sit side-by-side with site-built homes
- E. The generalized tactic being taken by the property owner who owners fifteen (15 plus) trailers properties in Harker Heights; allows for the development of a trailer park community without expressly going through

the new planned development passed in April of 2013 and without applying for a Trailer Park application. And, without having to comply with Trailer Park development rules

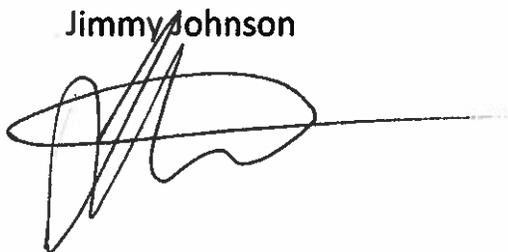
- F. One being, when a Trailer Park application is made, a 200-foot easement is required between it and any R-1 property bordering it. A R-1(M) re-zoned property immediately bordering our home would only require that a trailer be placed no closer than 8-feet from our fence. If re-zoning is approved, it makes it much easier to develop a sprawling trailer park on the property; the property owner, owns five plus acres bordering homes on Rustling Oaks Drive, Dakota Trail and surrounding Yuma Trail that sits vacant
- G. Our property, 2001 Rustling Oaks Drive and our neighbor in 2003 is bordered by Comanche Land, 1st Unit, Block Four (4), Lot One (1).
 - 1. Five R-2 units on Pima Dr. border Comanche Land, First Unit, Block Four (4), Lots 1, 2, 3, 4 & 5
 - 2. Seven (7) R-2 Units on Pima and Dakota Trace are also within the 400 feet of requested re-zone
 - 3. R-1 residence 2001, 2003, & 2005 Rustling Oaks Drive are within the 400 feet range of the requested re-zone

The basic reason for opposition to the request to rezone is economic. A rezoning approval will cause home values to nosedive on Rustling Oaks Drive, Pima Drive, Dakota Trace and Yuma Trail. Research through a licensed Real Estate Broker reveals that our home at 2001 Rustling Oaks Drive would lose around 20% in value. That correlates to a loss of value in the \$70K range. Meaning we are left with a high value home that is lower in practical resale value while the mortgage and property tax is not.

In summation a small property re-zoned to R-1(M) in the physical center of an established R-1 and R-2 Residential District degrades the quality of the neighborhood in level of both appearance and economics for owners and citizens who reside in said District. We urge the Commission to first consider the following as well as the information found in this document.

The Planning & Development Commission should zone to improve not zone to degrade. **We recommend this re-zoning request be denied!**

Jimmy Johnson

A black ink signature of Jimmy Johnson, featuring a large, stylized initial 'J' followed by a horizontal line extending to the right.

Noemi Johnson

A blue ink signature of Noemi Johnson, written in a cursive style.



Yuma Trail



2020 Taxes	Property ID	Geo ID	Type	Owner Name	Address	Appraised
\$ Pay Taxes	168783	0384120021	Real	PHILLIPS, DAVID B	99999 DAKOTA TRCE HARKER HEIGHTS, TX	\$28,000
\$ Pay Taxes	365332	0384130006	Real	PHILLIPS, DAVID BRUCE	1410 YUMA TRL HARKER HEIGHTS, TX	\$86,000
\$ Pay Taxes	368913	0384130004	Real	PHILLIPS, DAVID BRUCE	HARKER HEIGHTS, TX	\$28,000
\$ Pay Taxes	418562	2289490000	Mobile Home	PHILLIPS, DAVID B	407 ELBERT LN HARKER HEIGHTS, TX	\$3,627
\$ Pay Taxes	470999	0281092342	Real	PHILLIPS, DAVID B	YUMA HARKER HEIGHTS, TX	\$7,000
\$ Pay Taxes	93068	0384440000	Real	PHILLIPS, DAVID B	1500 SHASTA TRL HARKER HEIGHTS, TX	\$60,000
\$ Pay Taxes	93101	0289490000	Real	PHILLIPS, DAVID B	407 ELBERT LN HARKER HEIGHTS, TX	\$11,000
\$ Pay Taxes	93102	0289730000	Real	PHILLIPS, DAVID B	402 ELBERT LN HARKER HEIGHTS, TX	\$4,959
\$ Pay Taxes	93103	0289740000	Real	PHILLIPS, DAVID B	404 ELBERT LN HARKER HEIGHTS, TX	\$2,750
\$ Pay Taxes	93104	0289750000	Real	PHILLIPS, DAVID B	406 ELBERT LN HARKER HEIGHTS, TX	\$89,563
\$ Pay Taxes	93105	0289760000	Real	PHILLIPS, DAVID B	408 ELBERT LN HARKER HEIGHTS, TX	\$61,814
\$ Pay Taxes	93106	0289770000	Real	PHILLIPS, DAVID B	410 ELBERT LN HARKER HEIGHTS, TX	\$66,734
\$ Pay Taxes	93107	0289780000	Real	PHILLIPS, DAVID B	412 ELBERT LN HARKER HEIGHTS, TX	\$14,598
\$ Pay Taxes	93108	0290050400	Real	PHILLIPS, DAVID B	913 TRAVIS LN HARKER HEIGHTS, TX	\$11,000
\$ Pay Taxes	93109	0290050700	Real	PHILLIPS, DAVID B	915 TRAVIS LN HARKER HEIGHTS, TX	\$11,000
\$ Pay Taxes	93110	0384120024	Real	PHILLIPS, DAVID B <i>Owners home</i>	1405 YUMA TRL HARKER HEIGHTS, TX	\$19,335
\$ Pay Taxes	99869	0289480000	Real	PHILLIPS, DAVID B	405 ELBERT LN HARKER HEIGHTS, TX	\$11,377

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

FROM: 2003 Rustling Oaks Dr.
Harker Heights, TX 76548
(Address of Your Property that Could
Be **Impacted** by this Request)

RE: An application has been made to consider to consider a rezoning from **R-3 (Multi Family Dwelling District)** to **R-1(M) (One Family Manufactured Home Dwelling District)** on property described as *Comanche Land First Unit, Block Four (4), Lot Four (4), generally located at 1408 Yuma Trail, Harker Heights, Bell County, Texas* (see attached notification map).

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

Comments: SEE THE ATTACHED DOCUMENTS

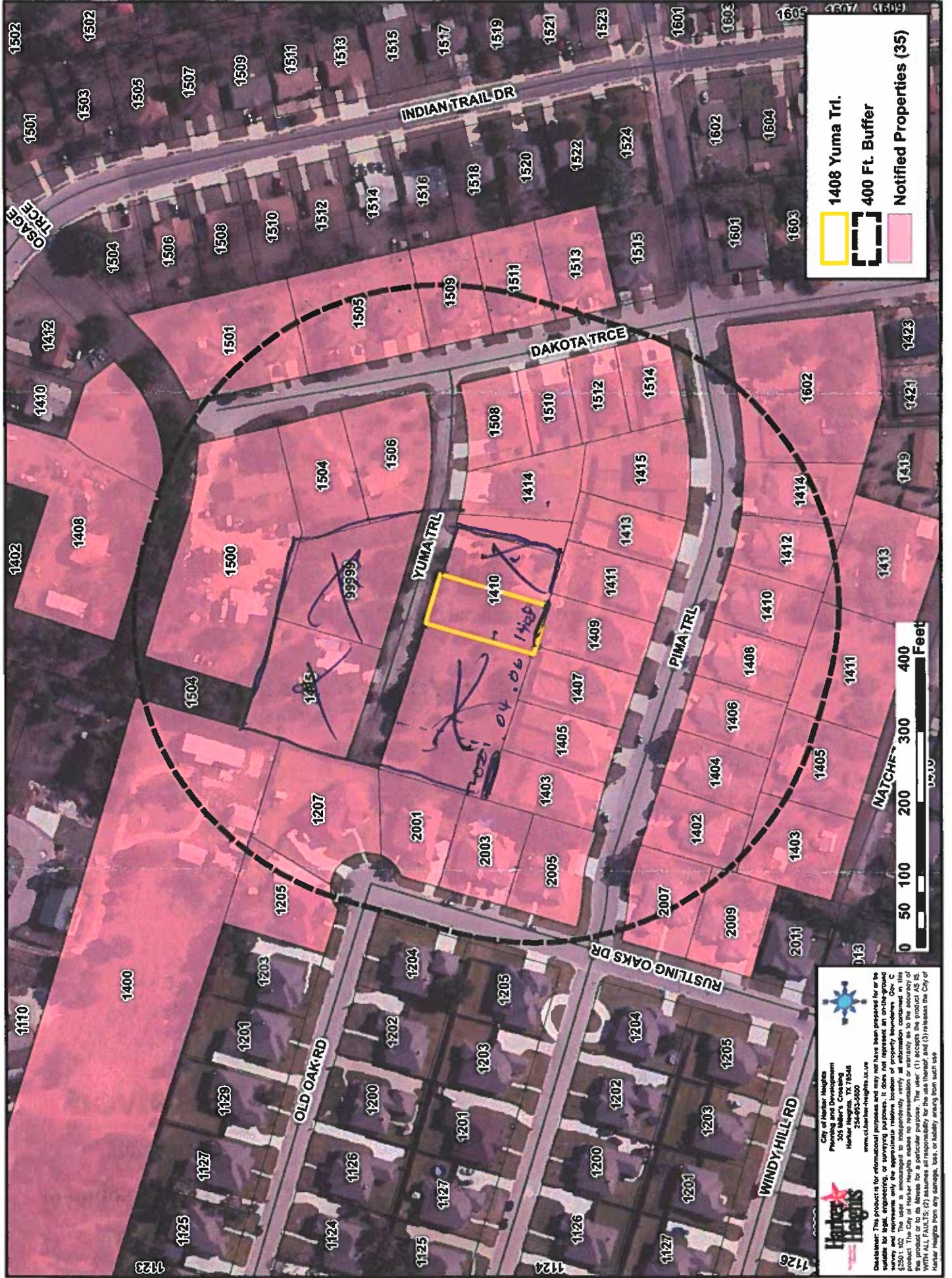
LARRY J. ROBERTS
Printed Name

Larry J. Roberts
Signature

24 Nov 2020
Date

Received
NOV 24 2020
Planning & Development

Phillips, David B (rnce)



1408 Yuma Trl.
 400 Ft. Buffer
 Notified Properties (35)

0 50 100 200 300 400 Feet
 NATCHES


 City of Harter Heights
 Planning and Development
 1408 Yuma Trl
 Harter Heights, TX 75248
 214-952-5800
 www.cityofhartheights.net

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 official record. © 2010, 2012 The user is encouraged to independently verify all information contained in this product. The City of Harter Heights makes no representation or warranty as to the accuracy of the product or its fitness for a particular purpose. The user: (1) accepts the product AS IS; WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Harter Heights from any damages, tort, or liability arising from such use.

City of Harker Heights
Planning & Development Commission

Tuesday, November 24, 2020

Larry & Dagmar Rogers
2003 Rustling Oaks Drive
Harker Heights, TX 76548

Ref: Rezoning from **R-3 (Multi Family Dwelling District) to R-1(M) (One Family Manufactured Home Dwelling District)** on property described as Comanche Land First Unit, Block four (4).Lot Four (4), generally located at 1408 Yuma Trail, Harker Heights, Bell County, Texas.

Our home, 2003 Rustling Oaks Drive, is located within four hundred (400) feet of the proposed rezoning requested property.

- A. Clarification Needed: We received your notification on 20 Nov 2020. In order to make a written response we must submit and have it in your offices no later than 27 Nov 2020, five days before the Dec 2nd Meeting. That per paragraph 3 of your Dear Property Owner page. But your response document states it must be returned NLT 24 Nov 2020. See the top right hand corner of your recommendation document.
- B. Clarification: Harker Heights Code of Ordinances, CHAPTER 152: MOBILE HOMES AND MOBILE HOME PARKS.
1. [152.02](#) Movement, placement, and replacement of manufactured homes; permit required.
 2. (2) If moving into or within the city, the lot on which the home is to be situated will be checked to assure proper zoning. **The lot must be a recognized home park (licensed and zoned R-MH) or R-1 zoned with a suffix M (R-1(M)).**
- C. Clarification is requested: A home now stands on Comanche Land First Unit, Block Four (4) Lot Five (5).
1. Is this an R-1(M) zoned home?
 2. Was it re-zoned from an R-3 to an R-1(M) Zone prior to placement?
 3. Can you provide or make public a copy of the current Zoning Approval for Comanche Land First Unit, Block Four (4). Lot Five (5)?
- D. The current request to re-zone a R-3 Lot to an R-1(M) lot in the middle Comanche Land, 1st Unit, Block Four (4), totally zoned R-3, makes little sense except that makes it easier to later obtain re-zoning approval for

Lots 1,2,3 and nearby or adjoining property. Once re-zoned to R-1(M) a Lot can easily be divided and trailers added without city approval.

- E. This tactic allows an owner to develop a trailer park without applying for a Trailer Park application. That and without having to comply with Trailer Park development rules. One being, when a Trailer Park application is made, a 200 ft. easement is required between it and any R-1 property bordering. An R-1(M) property immediately bordering our home would only require that a trailer be placed no closer than 8 feet from our fence. If re-zoning is approved it makes it much easier to develop a sprawling trailer park.
- F. Our property, 2003 Rustling Oaks Dr. and our neighbor in 2001 is bordered by Comanche Land, 1st Unit, Block Four (4), Lot One (1).
 - 1. Five R-2 units on Pima Dr. border Comanche Land, First Unit, Block 4 (4), Lots 1, 2, 3, 4, & 5.
 - 2. Seven R-2 Units on Pima and Dakota Trace are also within the 400 feet of the requested re-zone.
 - 3. R-1 residence 2005 Rustling Oaks Dr. is within the 400 feet range of the requested re-zone.

The basic reason for opposition to this request is economic. A rezoning approval will cause home values to nose dive on Rustling Oaks, Dr., Pima Drive, Dakota Trace, and Yuma Trail. Research through a licensed Real Estate Broker reveals that our home at **2003 Rustling Oaks Dr. would lose around 20% in value.** That correlates to a loss of value in the **\$80K range.** Meaning we are left with a high value home that is lower in value while the mortgage and property tax is not.

In summary a small, assumably unlicensed property, re-zoned to R-1(M) in the physical center of an established R-1 and R-2 Residential District degrades the quality of the neighborhood in level of both appearance and economics for owners and for citizens who reside in that District. We urge the Commission to first consider the following as well as the information found in this document.

THE PLANNING & DEVELOPMENT COMMISSION SHOULD ZONE TO IMPROVE NOT ZONE TO DEGRADE.

We Recommend This Re-zoning Request Be Denied!

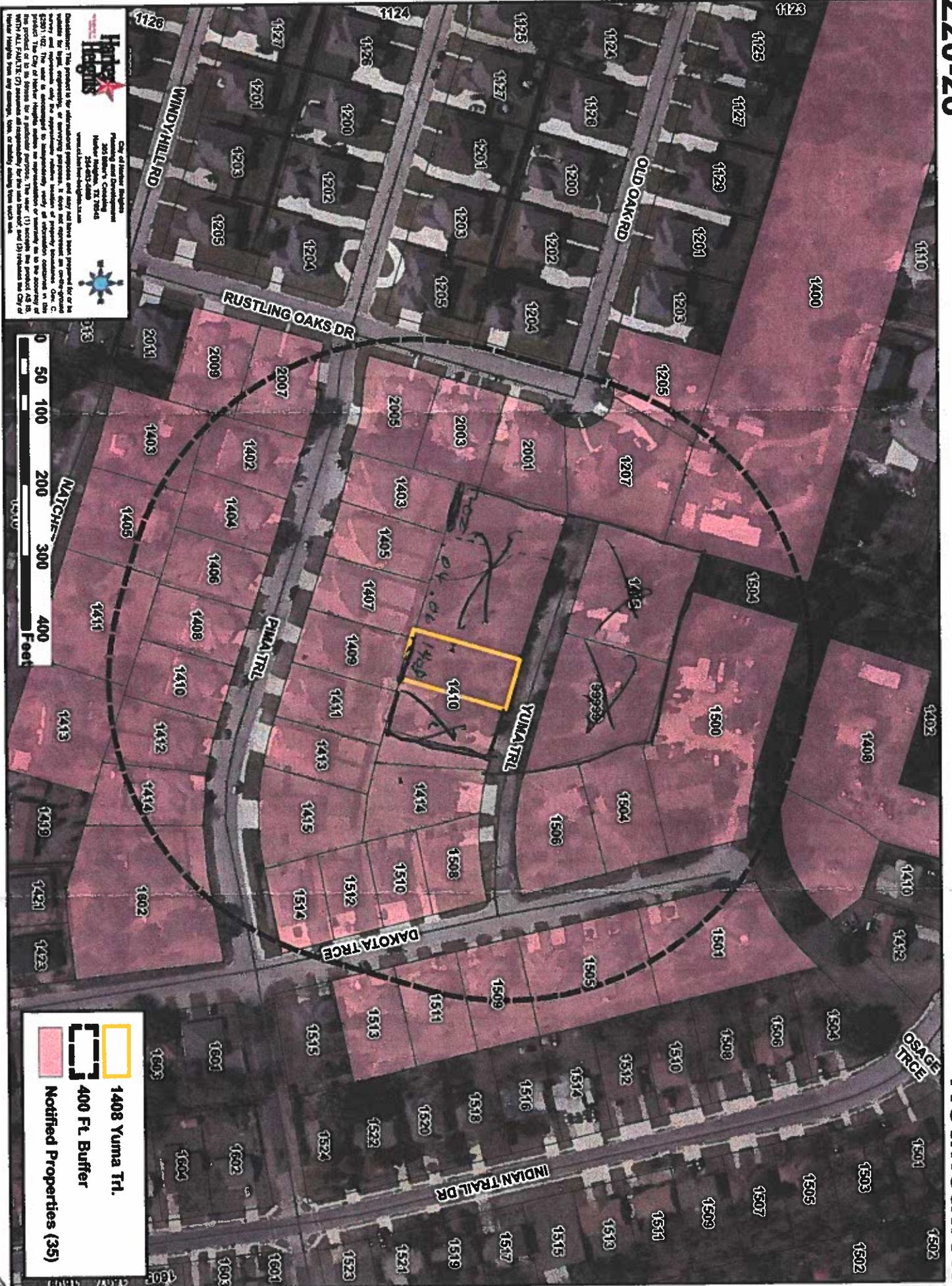

Larry J. Rogers


Dagmar Rogers

Z20-28

Phillips, David S (nee)

Notification



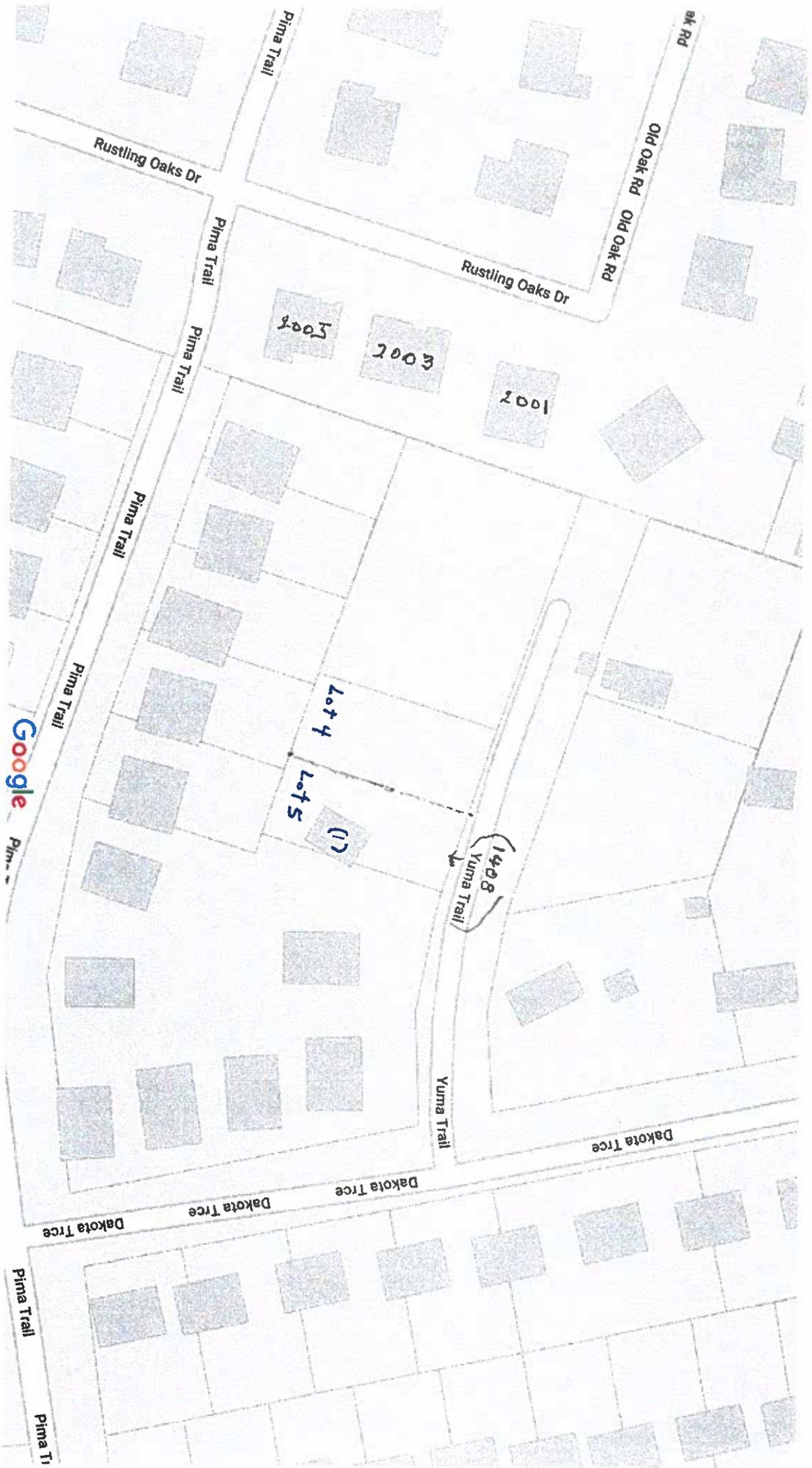
City of Hunter Heights
 Planning and Development
 208 Miller's Crossing
 Hunter Heights, TX 77043
 281-443-3100
 www.hunterheights.com

Disclaimer: This map is for informational purposes only and does not constitute a guarantee of accuracy. The City of Hunter Heights is not responsible for any errors or omissions on this map. The user is responsible for verifying the accuracy of the information contained on this map. The City of Hunter Heights is not responsible for any damages, including but not limited to, arising from the use of this map. ALL RIGHTS RESERVED. © 2010 Hunter Heights, Inc. All rights reserved.



1408 Yuma Trl.
400 Ft. Buffer
Notified Properties (35)

Yuma Trail



(1) SEE ITEM C OF PROPOSAL RESPONSE



PLANNING AND ZONING COMMISSION MEMORANDUM

Z20-29

AGENDA ITEM VI-03

FROM: THE OFFICE OF THE PLANNING AND DEVELOPMENT DIRECTOR
DATE: DECEMBER 2, 2020

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER RECOMMENDING AN ORDINANCE TO CHANGE THE ZONING DESIGNATION FROM R-1 (ONE FAMILY DWELLING DISTRICT) TO R-2 (TWO FAMILY DWELLING DISTRICT) ON PROPERTY DESCRIBED AS 6.51 ACRES OUT OF A 47.626 ACRE TRACT OF LAND IN BELL COUNTY, TEXAS, BEING PART OF THE H.B. LITTLEFIELD SURVEY, ABSTRACT NO. 511, THE LAND HEREIN DESCRIBED BEING PART OF A CALLED 113.5 ACRE TRACT OF LAND CONVEYED TO ROBERT DON SUTTON, TRUSTEE, GENERALLY LOCATED NORTH OF KILLEEN ISD MIDDLE SCHOOL NO. 14 ALONG WARRIORS PATH, HARKER HEIGHTS, BELL COUNTY, TEXAS.

EXPLANATION:

The applicant is requesting a change from the current zoning of R-1 (One-Family Dwelling District) to R-2 (Two Family Dwelling District) on 6.51 acres of vacant land along Warriors Path. The request will enable the applicant to construct approximately twenty (20) duplexes on the property. The remaining 41 acres will be dedicated to single family residential and is currently zoned as such.

Surrounding Land Uses

Adjacent land uses include:

	Existing Land Use	Future Land Use	Zoning
North	Vacant	Single Family Residential	R-1 (One Family Dwelling District)
South	School	Medium/High Density Residential	R-1
East	Vacant – City of Nolanville	Vacant – City of Nolanville	City of Nolanville
West	Duplex/Manufactured Home	Single Family/Medium Density Residential	R-1/R-2 (Two Family Dwelling District)

The applicant’s property is in an arear without a land use designation per the 2007 Comprehensive Plan. The proposed designation for two-family dwellings is considered an acceptable for new developments within areas a Medium Density Residential which surrounds the subject property to the west. The proposed rezoning from R-1 to R-2 will allow for the construction of duplexes and therefore, the proposed rezoning and intended use would be consistent with the overall development of the area. Staff has not identified any critical issues with the potential use that would negatively affect the health, safety or general welfare of the City

Flood Damage Prevention:

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

Notices:

Staff sent out three (3) notices to property owners within the 400-foot notification area. There were zero (0) responses received in favor of the request, and zero (0) responses received in opposition of the request.

STAFF RECOMMENDATION:

Staff recommends approval of an ordinance to change the zoning designation from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District), on property described as 6.51 acres out of a 47.626 acre tract of land in Bell County, Texas, being part of the H.B. Littlefield Survey, Abstract No. 511, the land herein described being part of a called 113.5 acre tract of land conveyed to Robert Don Sutton, Trustee, generally located north of Killeen ISD Middle School No. 14 along Warriors Path, Harker Heights, Bell County, Texas, based on the following:

1. The proposed use and rezoning is compatible with existing uses in the neighborhood.
2. The proposed use and rezoning would not likely have any adverse impact on adjoining uses and zoning districts.

ACTION BY THE PLANNING AND ZONING COMMISSION:

1. Motion to recommend approval/denial of an ordinance to change the zoning designation from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District), on property described as 6.51 acres out of a 47.626 acre tract of land in Bell County, Texas, being part of the H.B. Littlefield Survey, Abstract No. 511, the land herein described being part of a called 113.5 acre tract of land conveyed to Robert Don Sutton, Trustee, generally located north of Killeen ISD Middle School No. 14 along Warriors Path, Harker Heights, Bell County, Texas, based on staff's recommendation and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

1. Application
2. Location Map
3. Existing Land Use Map
4. Zoning Map
5. Future Land Use Map
6. Notification Area Map



Rezoning Request Application

Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED

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

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

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

Property Owner(s) Name: Dustin King **Date:** Nov 4, 2020

Address: 1629 S. Fort Hood St.

City/State/Zip: Killeen, Texas 76542

E-mail: [REDACTED]

Legal Description of Property:

Location of Property (Address if available): West of Warriors Path, Approximately 0.80 miles South of Old Nolanville Rd.

Lot: _____ Block: _____ Subdivision: _____

Acres: 6.51 Property ID: 113526 Survey: Part of H.B. Littlefield Survey, Abstract No. 511

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: Two-Family Dwelling District

Current Zoning Classification: R1 **Proposed Zoning:** R2

Current Land Use: Ag **Proposed Land Use:** Two-Family Dwellings

Applicant's Representative (if applicable):

Applicant's Representative: Joseph Theriot

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

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

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

Dustin King
Printed Name of Property Owner

[Signature]
Signature of Property Owner

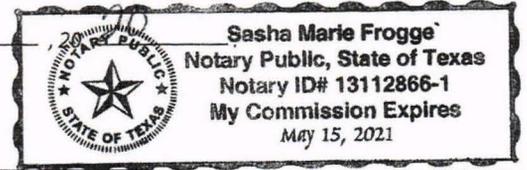
Joseph Theriot
Printed Name of Representative

[Signature]
Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 21 DAY OF October

[Signature]
SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: May 15, 2021



Date Submitted: 11/4/20
Received By: Y. Spell

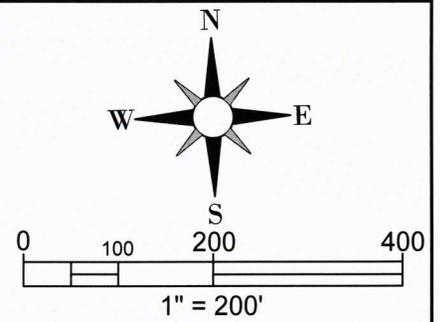
STAFF ONLY -- DO NOT FILL OUT BELOW

Pre-Application Meeting

Revised: 5/2020

Receipt #: 01032773
Case #: 220-29

PORTION OF KING PROPERTY ZONING EXHIBIT

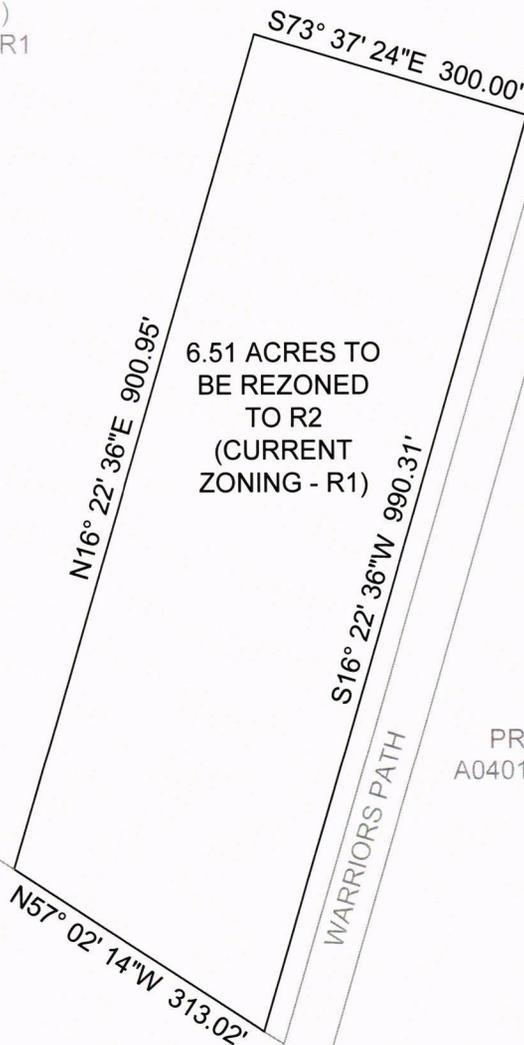


PART OF A
- CALLED 113.5 ACRES -
(VOL. 3678, PG. 391)
CURRENT ZONING - R1

6.51 ACRES TO
BE REZONED
TO R2
(CURRENT
ZONING - R1)

LOT 1, BLOCK A
KILLEEN ISD MIDDLE
SCHOOL 14
(YEAR 2019, PLAT #88)
CURRENT ZONING - R1

PROPERTY ID: 113463
A0401BC U HUNT, 2, ACRES
80.508



Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

WARRANTY DEED

DATE: August 28, 2020

GRANTOR: Robert Don Sutton, Trustee Under The Robert Don Sutton Living Trust Dated November 21, 1996

GRANTOR'S MAILING ADDRESS: 1408 Warrior's Path, Harker Heights, Bell Co., TX 76548

GRANTEE: Nolan Heights Ventures, LP, a Texas limited partnership

GRANTEE'S MAILING ADDRESS: 1629 South Fort Hood Street, Killeen, Bell County, Texas 76542

CONSIDERATION: TEN DOLLARS (\$10.00) and other valuable consideration.

PROPERTY:

See **EXHIBIT "A"** attached hereto and incorporated by reference for all purposes as if fully set out at length,

together with: (i) any and all appurtenances belonging or appertaining thereto, as well as all other rights and privileges owned by Grantor in any way related to the real property and the rights and interests conveyed hereby; (ii) any and all improvements located thereon; (iii) any and all easements, rights of ingress and egress, and rights-of-way benefitting or appurtenant to said real property, and any of Grantor's rights to use same; (iv) any and all mineral rights and interests of Grantor relating to said real property (present or reversionary); (v) any and all authorizations, licenses, permits, possessory rights, and rights of present or future use pertaining in any way to the improvements, the real property or any portion thereof (including without limitation rights to use of wastewater, wastewater capacity, drainage, water or other utility facilities, and all reservations of or commitments or letters covering any such use in the future, whether now owned or hereafter acquired); (vi) any and all rights and interests of Grantor in and to any leases covering all or any portion of said real property; and (vii) all right, title, an interest of Grantor, if any, in and to: (a) any and all roads, streets, alleys and rights-of-way (open or proposed) affecting, crossing, fronting or bounding said real property, including any awards made or to be made relating thereto including, without limitation, any unpaid awards or damages payable by reason of damages thereto or by reason of a widening of or changing of the grade with respect to same; (b) any and all waterways, strips, gores or pieces of property abutting, bounding or which are adjacent or contiguous to said real property (whether owned or claimed

by deed, limitations or otherwise); (c) any and all air rights relating to said real property; and (d) any and all reversionary interests in and to said real property.

RESERVATIONS FROM CONVEYANCE: None.

EXCEPTIONS TO WARRANTY: This conveyance is made and accepted subject to the following matters, but only to the extent that they are still in effect, relating to the Property:

Drainage Easement to the State of Texas, recorded in Volume 813, page 245, Deed Records, a. Bell County, Texas.

Easement to Texas Power & Light Company, recorded in Volume 1391, page 147, Deed Records, Bell County, Texas.

Easement to Texas Power and Light Company, a division of Texas Utilities Electric Company, A Texas Corporation recorded in Volume 2335, Page 399, Deed County, Texas.

Ordinance to the City of Harker Heights dated 09-09-1997, recorded in Volume 3672, Page 383, Official Public Records of Real Property of Bell County, Texas.

Drainage Easement granted to City of Harker Heights by instrument recorded in Volume 4783, Page 352, Official Public Records of Real Property of Bell County, Texas.

Permanent Utility and Access Easement as recorded under Instrument #2019-00004702, Instrument #2019-00004703 and Instrument #2019-00046328, Official Public Records of Real Property of Bell County, Texas.

Temporary Construction Easement as recorded under Instrument #2020-00000665, Official Public Records of Real Property of Bell County, Texas.

All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed herein or not.

Grantor, for the Consideration and subject to the Reservations From Conveyance and Exceptions to Warranty, GRANTS, SELLS, AND CONVEYS the Property to Grantee, Grantee's heirs, executors, administrators, successors and assigns, TO HAVE AND HOLD IT forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations From Conveyance and Exceptions to Warranty.

The Property is conveyed "AS IS," "WITH ALL FAULTS," and in its present condition. Grantor disclaims all warranties and representations excepting only the warranty of title in this Deed, and those warranties and representations contained in the contract of sale between Grantor and Grantee that expressly survive closing (but only for the period of time set forth therein).

Grantee assumes all ad valorem taxes due on the Property for the current year.

When the context requires, singular nouns and pronouns include the plural.

Grantor and Grantee acknowledge that the attorneys who prepared this instrument did not close this transaction, and accordingly: (1) have not ordered or examined title to the Property; (2) have made no other independent investigation of the title to the Property but have prepared this Deed based upon information and documents furnished by the parties; (3) make no representation or warranty, express or implied, regarding the Property or the validity or quality of its title; and (4) have not investigated whether the party signing on behalf of the Grantor is authorized to do so. Grantor and Grantee are hereby directed to make their own title investigation and are advised of the availability of legal opinions, surveys and of title insurance in the event Grantor or Grantee intends to rely on anything other than his/her own investigation. Grantor and Grantee are each responsible for the preparation of any other closing documents of any nature between them, including any documentation required for income tax reporting, proration of property taxes, or other matters.

Robert Don Sutton

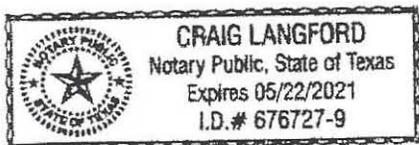
Robert Don Sutton, Trustee under the Robert Don Sutton Living Trust Dated November 21, 1996

Acknowledgment

STATE OF TEXAS

COUNTY OF BELL

This instrument was acknowledged before me on August 28, 2020, by Robert Don Sutton, Trustee under the Robert Don Sutton Living Trust Dated November 21, 1996.



[Signature]
Notary Public, State of Texas

Prepared in the Law Offices of:

ROBERTS & ROBERTS, LLP
2501 East Elms Rd., Ste. A
Killeen, TX 76542-3023
www.robertslegalfirm.com

EXHIBIT "A"

FIELD NOTES for a 47.626 acre tract of land in Bell County, Texas, being part of the H.B. Littlefield Survey, Abstract No. 511, the land herein described being part of a called 113.5 acre tract of land conveyed to Robert Don Sutton, Trustee, of record in Volume 3678, Page 391, Official Public Records of Real Property, Bell County, Texas (O.P.R.R.P.B.C.T.), said 47.626 acres being more particularly described as follows:

BEGINNING at a 5/8" iron rod with cap stamped "ACS" found on the present west right-of-way line of Warrior's Path, being on the north line of Lot 1, Block A, Killeen I.S.D. Middle School 14, an addition to the City of Harker Heights, Texas, of record in Plat Year 2019, Plat #88, Plat Records of Bell County, Texas (P.R.B.C.T.), and being the southwest comer of a called 0.784 acre tract conveyed to the County of Bell, of record in Instrument No. 2017-00028174, O.P.R.R.P.B.C.T., for the southeast corner of this tract;

THENCE N. 57° 02' 14" W., 1686.81 feet, departing the west line of said 0.784 acre tract, with the north line of said Lot 1, over and across the remainder of said 113.5 acre tract, to a 1/2" iron rod with cap stamped "M&A" found in the west line of Lot 2, Block 1, Little Comanche, an addition to the City of Harker Heights, Texas, of record in Cabinet C, Slide 172-A, P.R.B.C.T., same also being the northwest comer of said Lot 1, and on the west line of the remainder of said 113.5 acre tract, for the southwest corner of this tract;

THENCE N. 16° 27' 01" E., 523.05 feet, with the east line of said Lot 2, also with the east line of various small tracts, and the west line of the remainder of said 113.5 acre tract, to a 3/8" iron rod with cap stamped "MAK" found at the northeast corner of Pueblo Trace Addition, an addition to the City of Harker Heights, Texas, of record in Cabinet D, Slide 146-D, P.R.B.C.T., also being the southeast corner of a called 0.762 acre tract of land conveyed to Beth Britt, of record in Instrument No. 2013-00011534, O.P.R.R.P.B.C.T., for an angle corner of this tract;

THENCE N. 16° 05' 42" E., 222.94 feet, with the east line of said 0.762 acre tract and continuing along the west line of the remainder of said 113.5 acre tract, to a 5/8" iron rod found at the northeast corner of said 0.762 acre tract and being on the east line of a called 2.209 acre tract of land conveyed to Brigett-Magee, of record in Instrument No. 2013-00045438, O.P.R.R.P.B.C.T., for an angle corner of this tract;

THENCE N. 16° 31' 00" E., 258.13 feet, with the east line of said 2.209 acre tract and still continuing along the west line of the remainder of said 113.5 acre tract, to a 1" iron pipe found at the northeast corner of said 2.209 acre tract, being on the south line of Lot 21, Block 4, Sutton Place Phase Three, an addition to the City of Harker Heights, of record in Cabinet B, Slide 297-A, P.R.B.C.T., and the northwest corner of the remainder of said 113.5 acre tract, for the northwest corner of this tract;

THENCE, with the south line of said Sutton Place Phase Three and the north line of the remainder of said 113.5 acre tract, the following four (4) calls:

1. S. 71° 07' 52" E., 372.13 feet, to a 3/8" iron rod with cap stamped "MAK"

found at an southeast corner of Lot 1, Block 2, Sutton Place Phase Four, an addition to the City of Harker Heights, of record in Cabinet C, Slide 142-A and also being the southwest corner of Lot 41, Block 3, Sutton Place Phase Five, Section One & Two, an addition to the City of Harker Heights, both of the P.R.B.C.T., for an angle corner of this tract;

2. S. 69° 53' 48" E., 381.53 feet, to a 3/8" iron rod with cap stamped "MAK" found on the south line of Lot 36, Block 3, said Sutton Place Phase Five, Section One & Two, for an angle corner of this tract;

3. N. 66° 32' 44" E., 298.00 feet, to a 1/2" iron rod with cap stamped "M&A" set at the southeast corner of Lot 36 and also being the southwest corner of Lot 35, Block 3, said Sutton Place Phase Five, Section One & Two, for an angle corner of this tract;

4. N. 80° 59' 29" E., 260.32 feet, to a 60D Spike found for an "L" corner of this tract;

THENCE, departing the south line of said Sutton Place Phase Five, Section One & Two, over and across the remainder of said 113.5 acre tract, the following four (4) calls:

1. S. 08° 53' 51" E., 248.88 feet, to a 60D Spike found for an angle corner of this tract;

2. N. 71 ° 07' 27" E., 83.38 feet, to a 1/2" iron rod with cap stamped "MAK" found at the northwest corner of a called 1.097 acre tract of land conveyed to Robert Don Sutton and Glenda Carol Sutton, of record in Instrument No. 20 I 1-00022650, O.P.R.R.P.B.C.T., for an angle corner of this tract;

3. S. 05° 38' 48" W., 132.03 feet, to a 1/2" iron rod with cap stamped "MAK" found at the southwest corner of said 1.097 acre tract, for an "L" corner of this tract;

4. S. 84° 39' 35" E., 204.74 feet, to a 5/8" iron rod with cap stamped "ACS" found on the present west right-of-way line of said Warrior's Path, being the southeast corner of said 1.097 acre tract, same being the southwest corner of a called 0.139 acre tract conveyed to the County of Bell, of record in Instrument No. 2017-00028173,

O.P.R.R.P.B.C.T., and also being the northwest corner of said 0.784 acre tract, for the northeast corner of this tract;

THENCE S. 16° 22' 36" W., 1479.67 feet, continuing along the present west right-of-way line of said Warrior's Path and with the west line of said 0.784 acre tract, to the POINT OF BEGINNING and containing 47.626 acres of land.



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

Instrument Number: 2020045923

As
DEED

Recorded On: August 31, 2020

Parties: SUTTON ROBERT DON TRUSTEE

To NOLAN HEIGHTS VENTURES LP

Comment:

Billable Pages: 5

Number of Pages: 6

(Parties listed above are for Clerks' reference only)

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

CLERKS RMF:	\$5.00
COURT HOUSE SECURITY:	\$1.00
RECORDING:	\$21.00
Total Fees:	\$27.00

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

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

File Information

Instrument Number: 2020045923
 Receipt Number: 140238
 Recorded Date/Time: 08/31/2020 8:54:43 AM
 User / Station: ramiremg - BCCCD0642

Record and Return To:

American Abstract and Title Company, Inc
 2501 E ELMS RD STE B
 KILLEEN, TX 76542



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

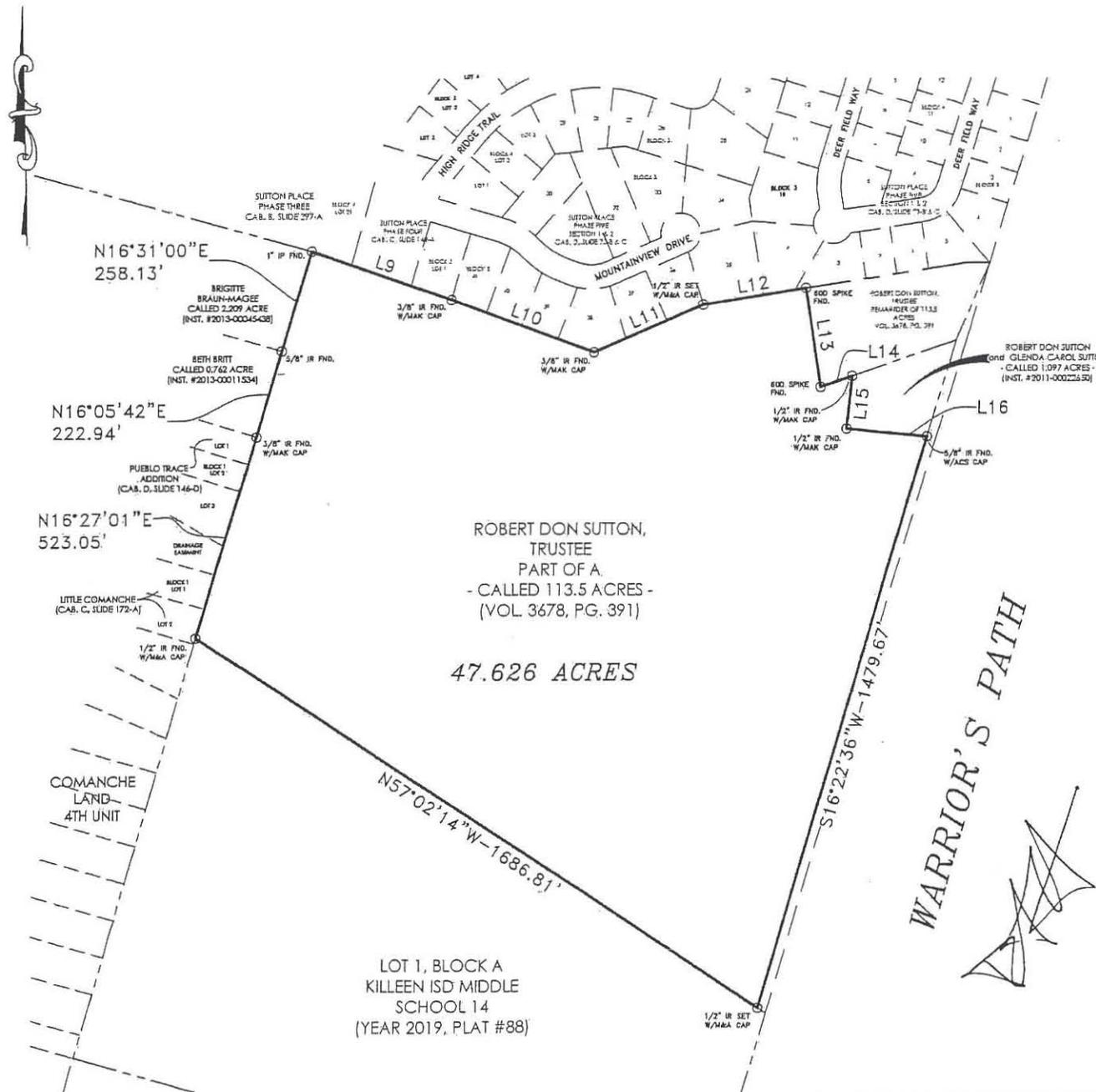
Shelley Coston
Bell County Clerk

DRAWN BY: FJP
 FIELD BOOK: 1963/14
 FIELD CREW: KT (1)
 DIGITAL FILE: S:\Survey\14-112-D-V (KISD Warrior's Path Survey)\14-112-D-V KISD Warrior's Path-Basc.dwg 3/9/2016 12:48 PM
 TAX ID. NO: 459646
 REQUESTED BY: DON SUTTON

*** SEE FIELD NOTES

FIELD NOTES for a 47.626 acre tract of land in being part of the H.B. Littlefield Survey, All the land herein described being part of a called 1 conveyed to Robert Don Sutton, Trustee Volume 3678, Page 391, Official Public Records of Real

NOTES:
 (1) Bearings are based on the Texas Coordinate System (CORS 96), as determined by Leica Texas SmartNet. All distances are surface distance. Combined scale factor=1.0001168.
 (2) Survey prepared without the benefit of title cur



LINE TABLE		
LINE	BEARING	LENGTH
L9	S 71° 07' 52" E	372.13'
L10	S 69° 53' 48" E	381.53'
L11	N 66° 32' 44" E	298.00'
L12	N 80° 59' 29" E	260.32'
L13	S 08° 53' 51" E	248.88'
L14	N 71° 07' 27" E	83.38'
L15	S 05° 38' 48" W	132.03'
L16	S 84° 39' 35" E	204.74'

MITCHELL & ASSOC., INC. does not make or warra

This sketch represents a survey made on the ground. During the performance of this survey persons working under my supervision observed conditions along the boundaries and to best of my knowledge they are as shown.

This the 14th day of August, 2020.

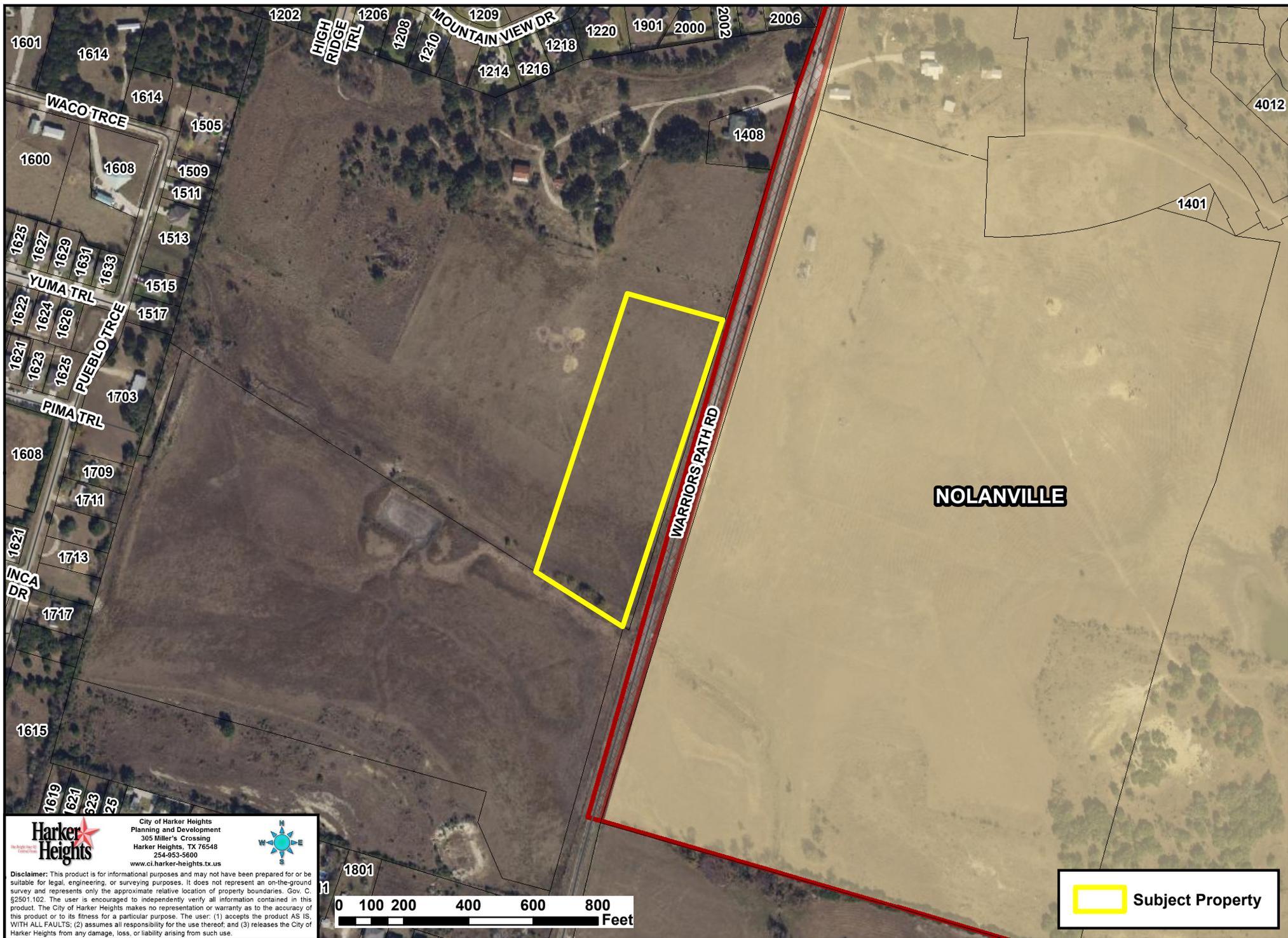
MIKE W. KRIEGEL R.P.L.S. 4330

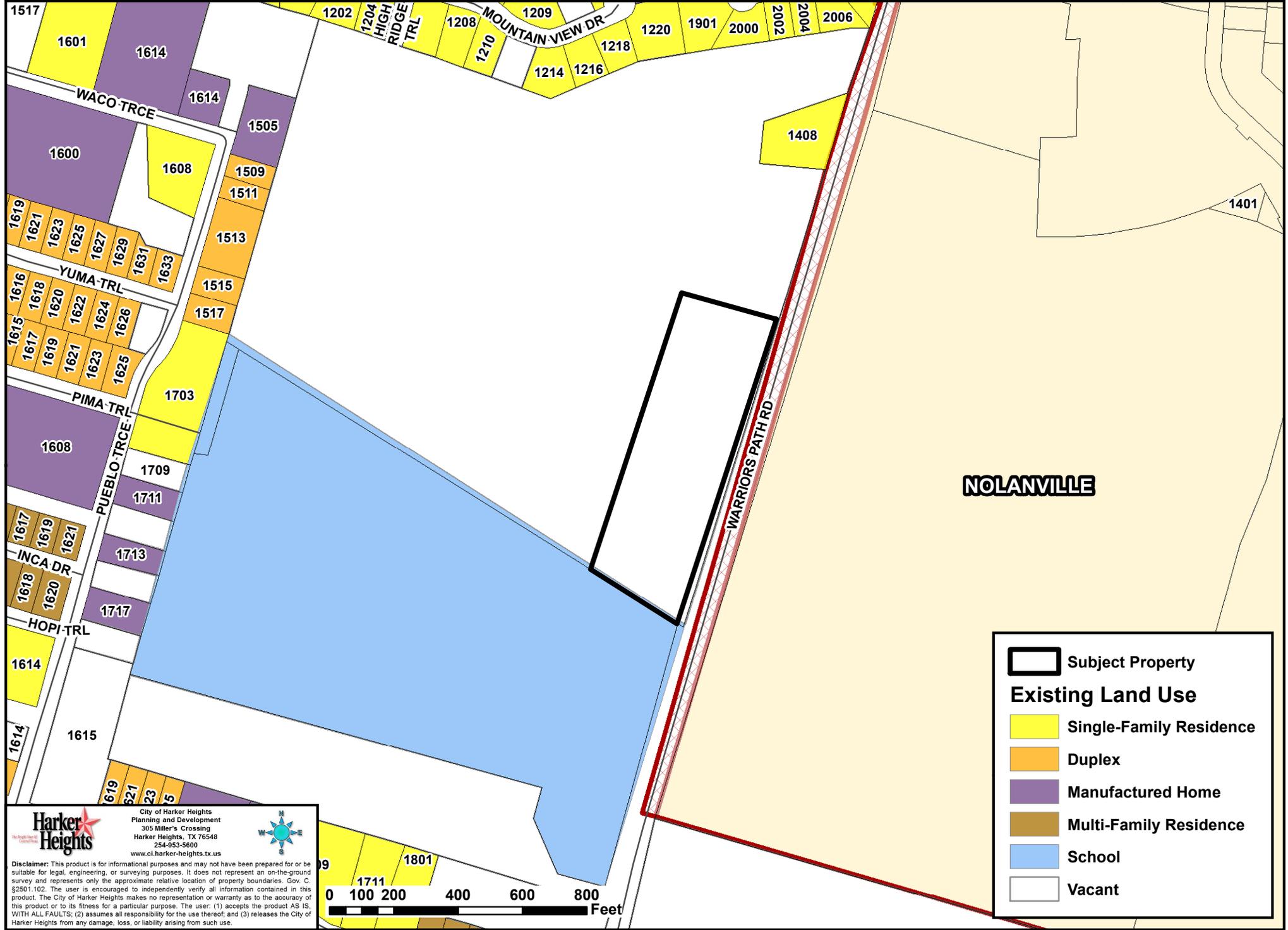
NO.	DATE	REVISIONS	BY



MITCHELL & ASSOCIATES, INC.
 ENGINEERING & SURVEYING
 102 N. COLLEGE ST., KILLEEN, TEXAS (254) 634-5541
 T. B. F. L. 3. FIRM REGISTRATION NO. 100204-00

D.R.B.C.T. = Deed Records of Bell County, Texas.
 O.P.R.R.P.B.C.T. = Official Public Records of Real Property, Bell County, Texas.

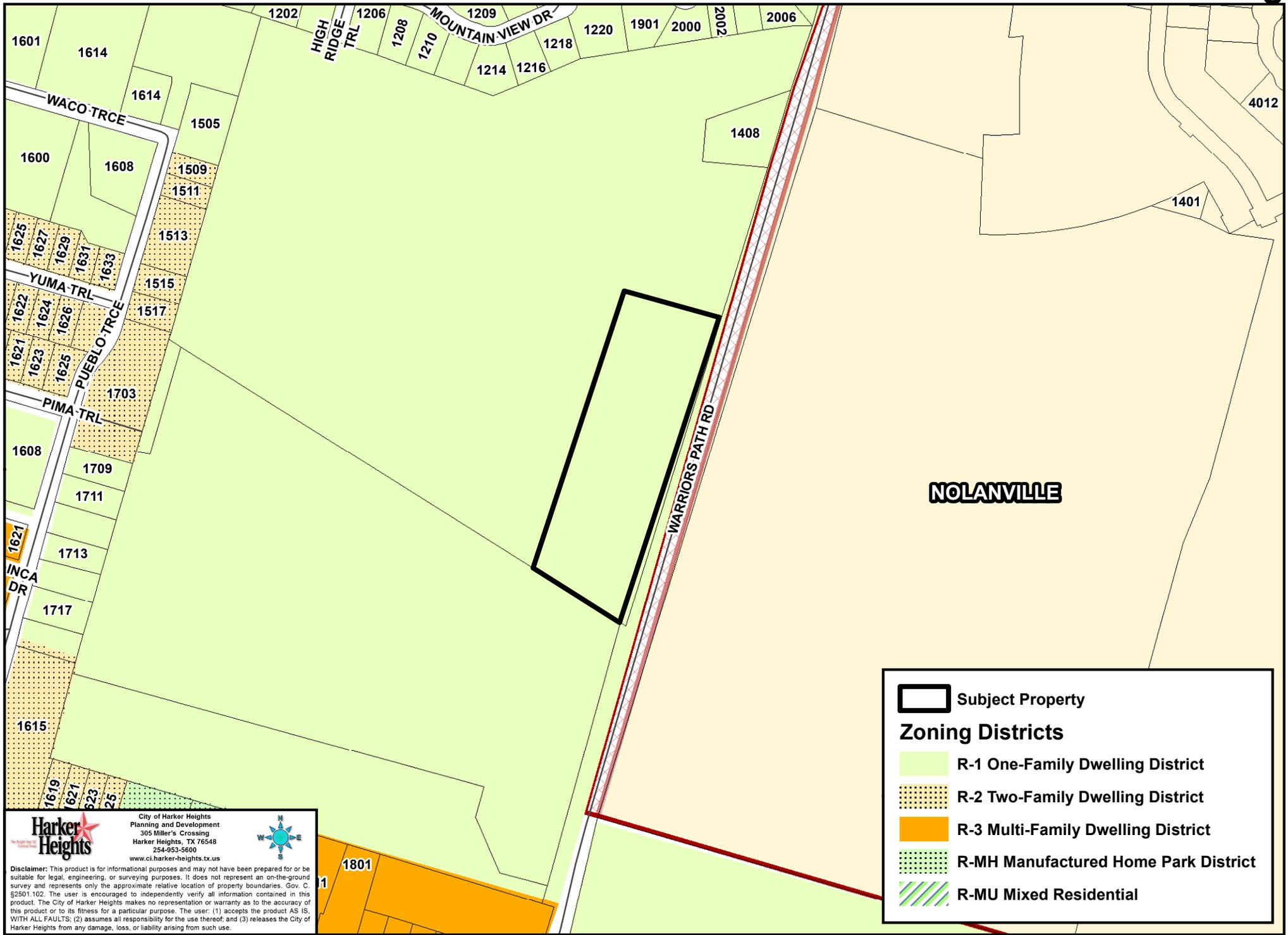




	Subject Property
Existing Land Use	
	Single-Family Residence
	Duplex
	Manufactured Home
	Multi-Family Residence
	School
	Vacant

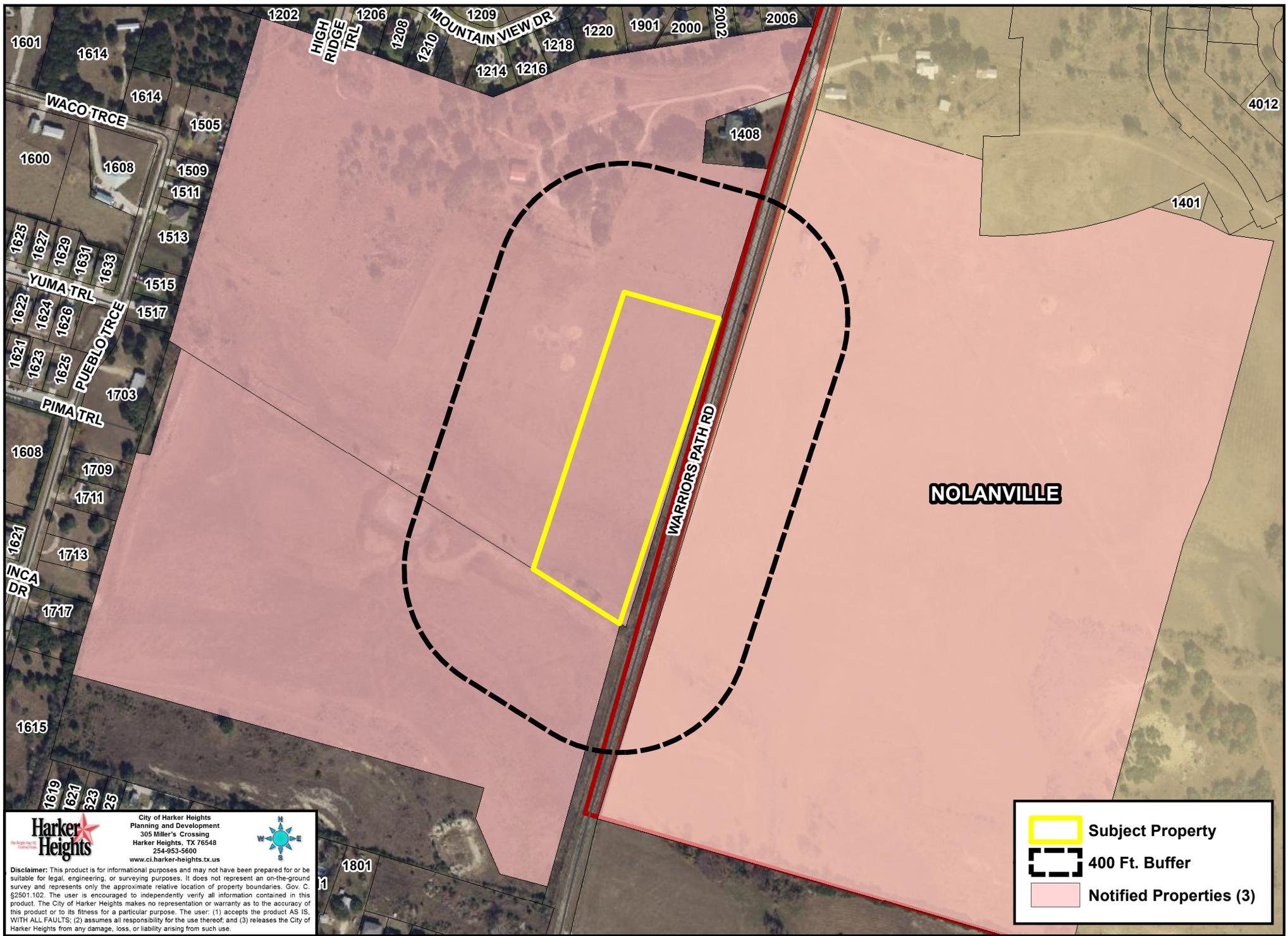
Harker Heights
 City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 76548
 254-953-5600
 www.ci.harker-heights.tx.us

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 Subject Property
 400 Ft. Buffer
 Notified Properties (3)



**PLANNING AND ZONING
COMMISSION MEMORANDUM**

Z20-30

AGENDA ITEM VI-04

FROM: THE OFFICE OF THE PLANNING AND DEVELOPMENT DIRECTOR
DATE: DECEMBER 2, 2020

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER RECOMMENDING AN ORDINANCE TO CHANGE THE ZONING DESIGNATION FROM R-1 (ONE FAMILY DWELLING DISTRICT) TO R-2 (TWO FAMILY DWELLING DISTRICT) ON PROPERTY DESCRIBED AS 34 ACRES OUT OF A 100.14 ACRE TRACT OF LAND SITUATED IN THE URIAH HUNT SURVEY, ABSTRACT NO. 401, BELL COUNTY, TEXAS, BEING THE REMAINDER OF A CALLED 390 ACRE TRACT DESCRIBED IN A DEED TO ALFRED LYNN MOORE, RECORDED IN VOLUME 1179, PAGE 2338, DEED RECORDS OF BELL COUNTY, TEXAS, GENERALLY LOCATED AT 13436 E. KNIGHTS WAY (E. FM 2410), HARKER HEIGHTS, BELL COUNTY, TEXAS.

EXPLANATION:

The applicant is requesting a change from the current zoning from R-1 (One-Family Dwelling District) to R-2 (Two Family Dwelling District) on +/- 34 acres of vacant land along E. Knights Way (E. FM 2410). The subject property is part of a 100 acre tract of vacant land. The request at the time is to have the portion of land south of the flood hazard area dedicated for duplex development.

Surrounding Land Uses

Adjacent land uses include:

	Existing Land Use	Future Land Use	Zoning
North	Vacant – City of Nolanville	City of Nolanville	City of Nolanville
South	Vacant/Single Family Residential	Commercial	R-1(One Family Dwelling District)
East	Vacant/Single Family Residential	Single Family/Commercial	R-1
West	Single Family/Commercial	Single Family/Commercial	R-1

Land Use Regulations

Harker Heights Comprehensive Plan 2007 identifies the future land use plan and projects the subject parcel to be Commercial along the frontage of E. Knights Way for approximately 500 feet into the property and the land use identifies the property is designated as Single Family Residential for the remainder of the property to the north. In this particular area the 2007 Comprehensive plan did not identify a Medium Density Residential designation as a barrier between Commercial and Single Family uses like there is along the other side of E. Knights Way. Without a specified designation to allow multi-family developments it could be implied

that the density in the area was not allocated for at the time of the 2007 Comprehensive Plan adoption and ultimately not desired.

Flood Damage Prevention:

A significant portion of the property lies within the 100-year flood plain area. Per this rezoning request all development will occur to the south of the identified flood area. The applicant has proposed the flood area to remain as green space.

Notices:

Staff sent out twelve (12) notices to property owners within the 400-foot notification area. There were zero (0) responses received in favor of the request, and zero (0) responses received in opposition of the request.

STAFF RECOMMENDATION:

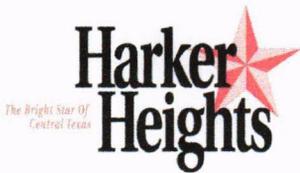
Staff has no recommendation for an ordinance to change the zoning designation from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District), on property described as 34 acres out of a 100.14 acre tract of land situated in the Uriah Hunt Survey, Abstract No. 401, Bell County, Texas, being the remainder of a called 390 acre tract described in a deed to Alfred Lynn Moore, recorded in Volume 1179, Page 2338, Deed Records of Bell County, Texas, generally located at 13436 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas, based on the following:

ACTION BY THE PLANNING AND ZONING COMMISSION:

1. Motion to recommend approval/denial of an ordinance to change the zoning designation from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District), on property described as 34 acres out of a 100.14 acre tract of land situated in the Uriah Hunt Survey, Abstract No. 401, Bell County, Texas, being the remainder of a called 390 acre tract described in a deed to Alfred Lynn Moore, recorded in Volume 1179, Page 2338, Deed Records of Bell County, Texas, generally located at 13436 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas, based on staff's recommendation and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

1. Application
2. Site Plan
3. Location Map
4. Existing Land Use Map
5. Zoning Map
6. Future Land Use Map
7. FEMA Flood Map
8. Notification Area Map



Rezoning Request Application

Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED

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

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

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

Property Owner(s) Name: Susan Wilson **Date:** 11-04-20

Address: 3112 Sarita CV

City/State/Zip: Belton Texas 76513

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

Legal Description of Property:

Location of Property (Address if available): 13436 W Knights Way Belton Texas

Lot: N/A Block: N/A Subdivision: N/A

Acres: 34 Property ID: 75765 Survey: Attached

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

Proposed Use: Multi Family -Duplexes

Current Zoning Classification: R1 **Proposed Zoning:** R2

Current Land Use: Vacant **Proposed Land Use:** Proposed Duplex Subdivision

Applicant's Representative (if applicable):

Applicant's Representative: Lina Chtay

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

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

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

Susan Wilson
Printed Name of Property Owner

[Signature]
Signature of Property Owner

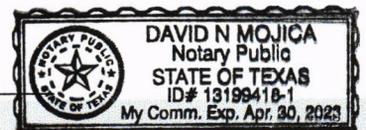
Lina Chtay
Printed Name of Representative

[Signature]
Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 4TH DAY OF NOVEMBER, 2020.

[Signature]
SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: 05-30-23



STAFF ONLY -- DO NOT FILL OUT BELOW

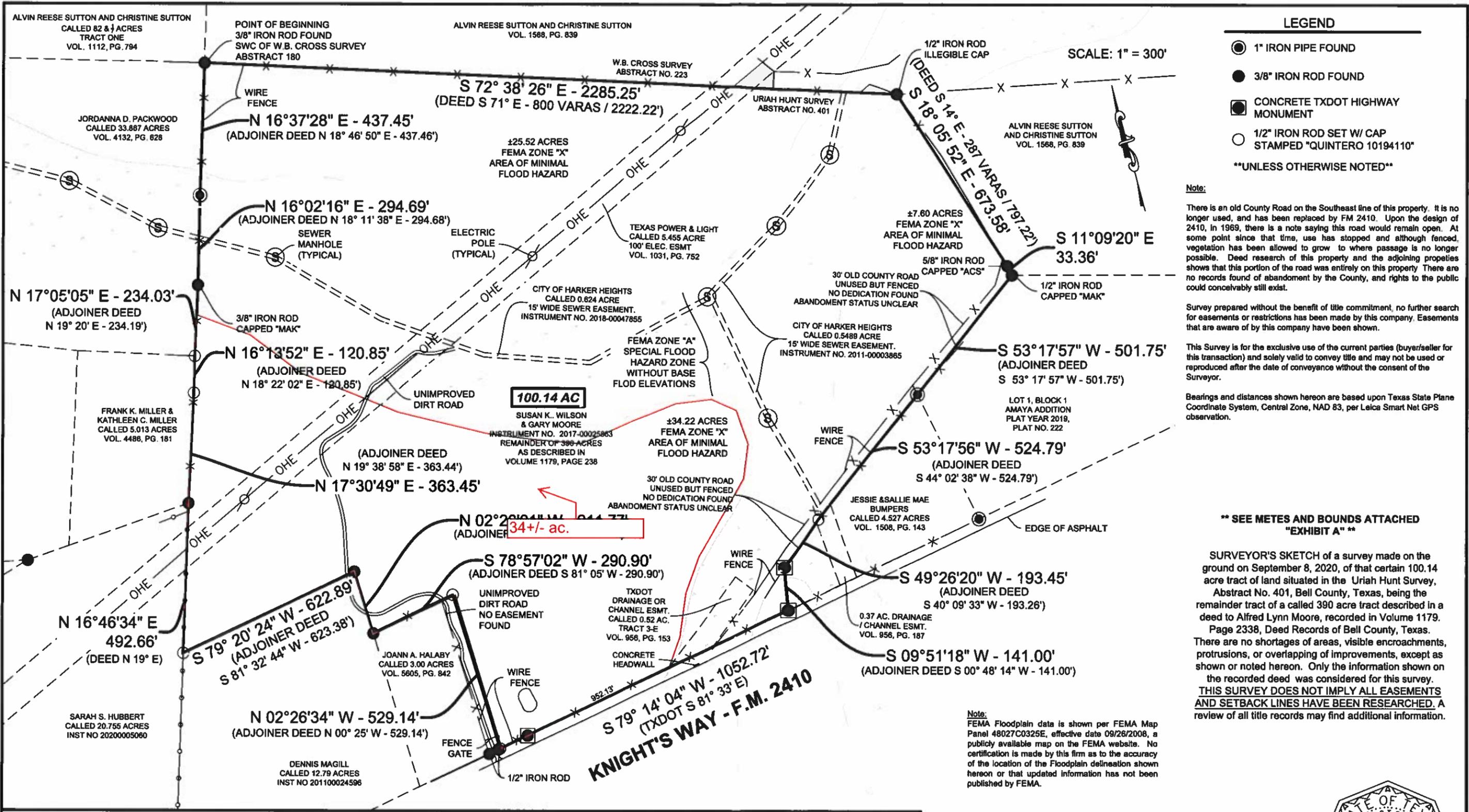
Date Submitted: 11/9/20

Received By: [Signature]

Pre-Application Meeting

Receipt #: 011233097

Case #: 220-30



LEGEND

- 1" IRON PIPE FOUND
 - 3/8" IRON ROD FOUND
 - CONCRETE TXDOT HIGHWAY MONUMENT
 - 1/2" IRON ROD SET W/ CAP STAMPED "QUINTERO 10194110"
- **UNLESS OTHERWISE NOTED****

Note:
 There is an old County Road on the Southeast line of this property. It is no longer used, and has been replaced by FM 2410. Upon the design of 2410, in 1969, there is a note saying this road would remain open. At some point since that time, use has stopped and although fenced, vegetation has been allowed to grow to where passage is no longer possible. Deed research of this property and the adjoining properties shows that this portion of the road was entirely on this property. There are no records found of abandonment by the County, and rights to the public could conceivably still exist.

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

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

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

**** SEE METES AND BOUNDS ATTACHED "EXHIBIT A" ****

SURVEYOR'S SKETCH of a survey made on the ground on September 8, 2020, of that certain 100.14 acre tract of land situated in the Uriah Hunt Survey, Abstract No. 401, Bell County, Texas, being the remainder tract of a called 390 acre tract described in a deed to Alfred Lynn Moore, recorded in Volume 1179, Page 2338, Deed Records of Bell County, Texas.

There are no shortages of areas, visible encroachments, protrusions, or overlapping of improvements, except as shown or noted hereon. Only the information shown on the recorded deed was considered for this survey. **THIS SURVEY DOES NOT IMPLY ALL EASEMENTS AND SETBACK LINES HAVE BEEN RESEARCHED.** A review of all title records may find additional information.

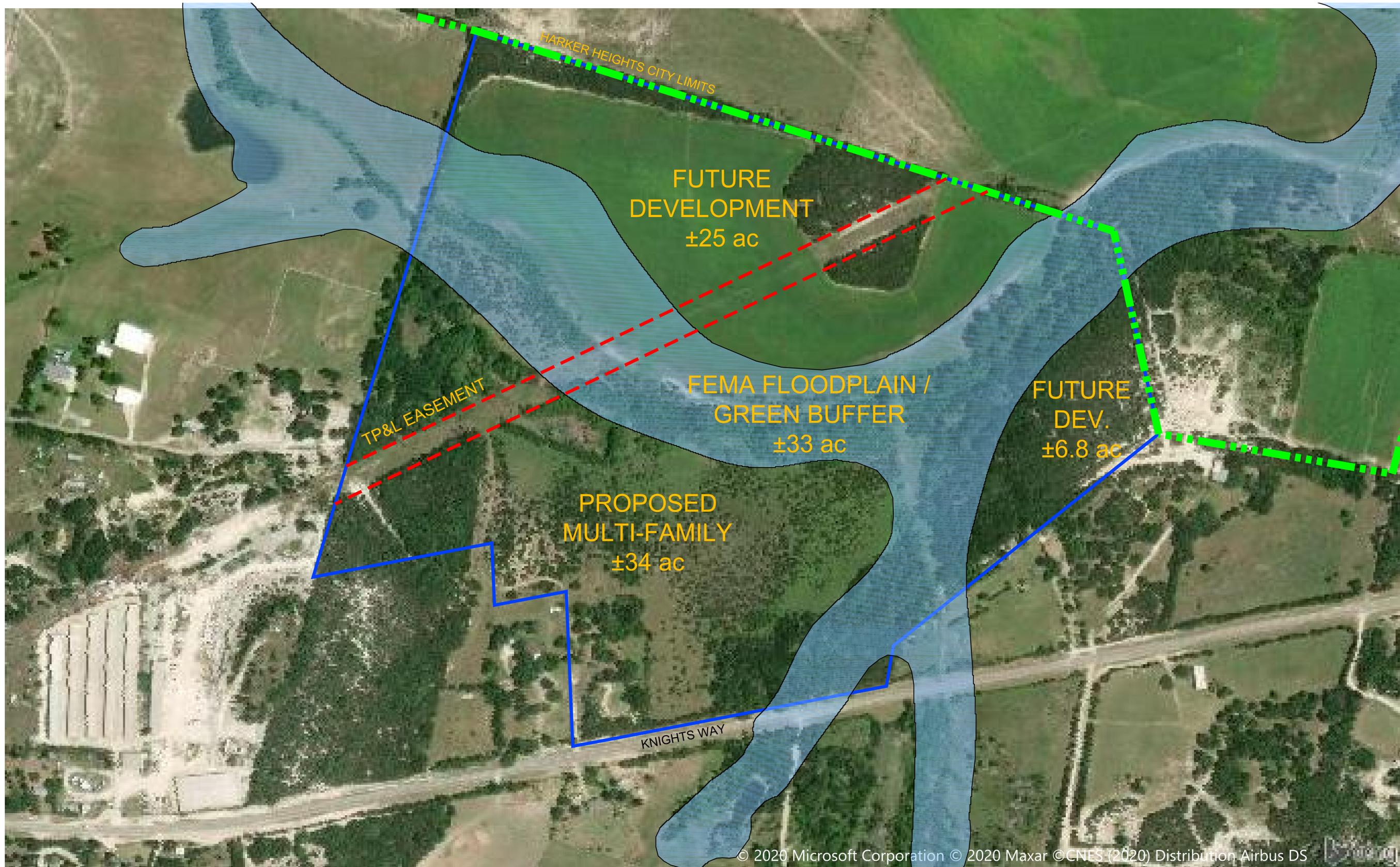
Note:
 FEMA Floodplain data is shown per FEMA Map Panel 48027C0325E, effective date 09/26/2008, a publicly available map on the FEMA website. No certification is made by this firm as to the accuracy of the location of the Floodplain delineation shown hereon or that updated information has not been published by FEMA.



QUINTERO ENGINEERING, LLC
 CIVIL ENGINEERING • LAND SURVEYING • PLANNING • CONSTRUCTION MANAGEMENT
 1501 W. STAN SCHLUETER LP., KILLEEN, TEXAS (254) 493-9962
 T.B.P.E. FIRM REGISTRATION NO. 14709
 T.B.P.L.S. REGISTRATION NO. 10194110

Bradley W. Sargent 9/17/2020
Bradley W. Sargent, R.P.L.S.
 Registered Professional Land Surveyor
 R.P.L.S. No. 5827, Texas
REVISED 10/02/20 ADD FLOOD PLAIN





REVISIONS



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

- Engineering
- Design/Build
- Planning

EXHIBIT A
 13436 E. KNIGHTS WAY
 CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS

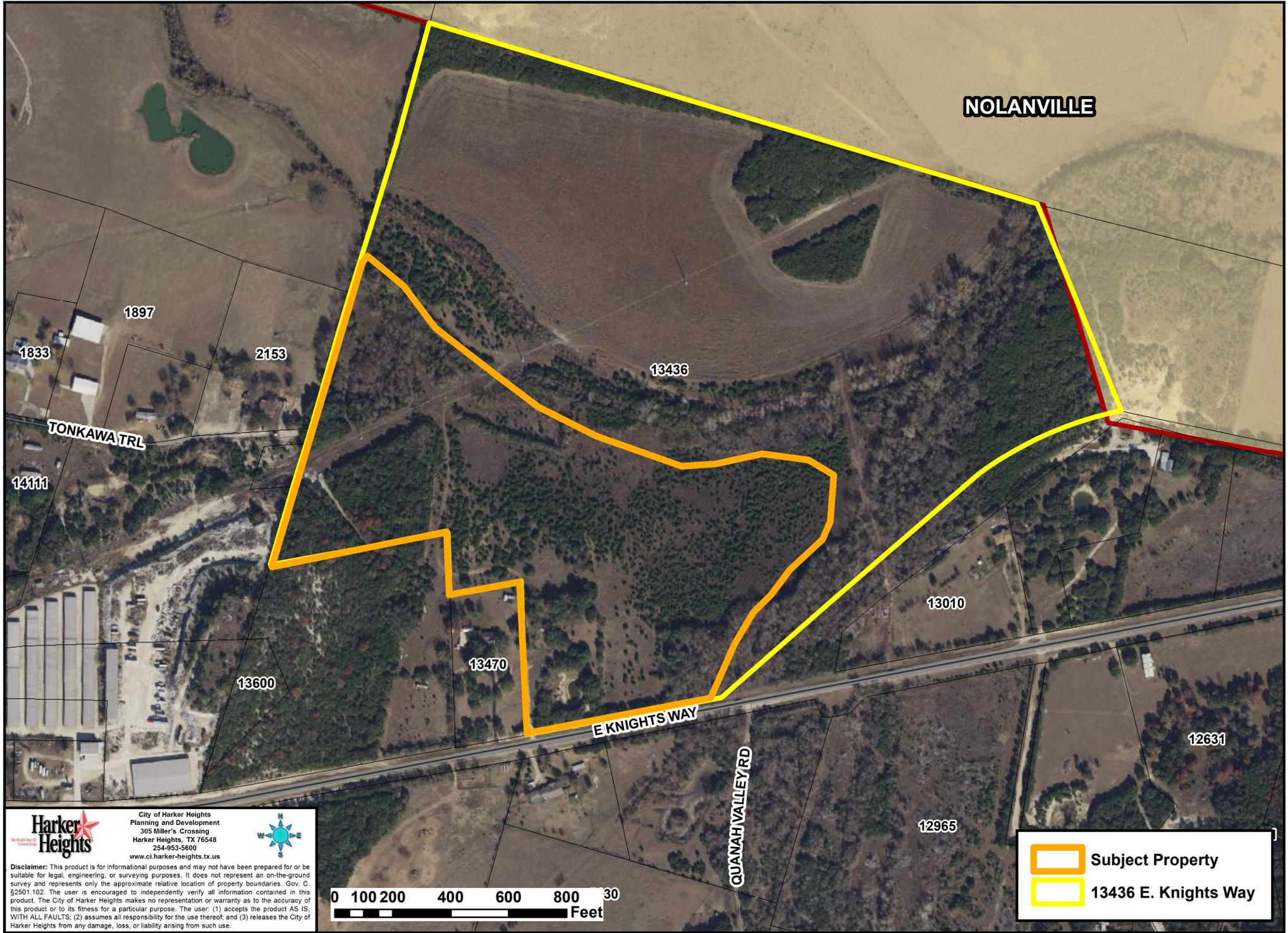


11/13/20
 SCALE: 1"=150'
 DRAWN.: RR
 ELEC. DRAWING FILE
 C:\20044-EXHIBIT A.DWG
 DATE: 11/13/20
 JOB NO.:20044
 5 OF 16

LAND TITLE SURVEY OF:
13436 E. KINGHTS WAY, HARKER HEIGHTS, TEXAS
 99.17 ACRES 4,319,945.2 SQUARE FEET
 OUT AND A PART OF THE URIAH HUNT SURVEY, ABSTRACT #401, BELL COUNTY, TEXAS
 CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS



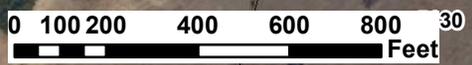
C4.1



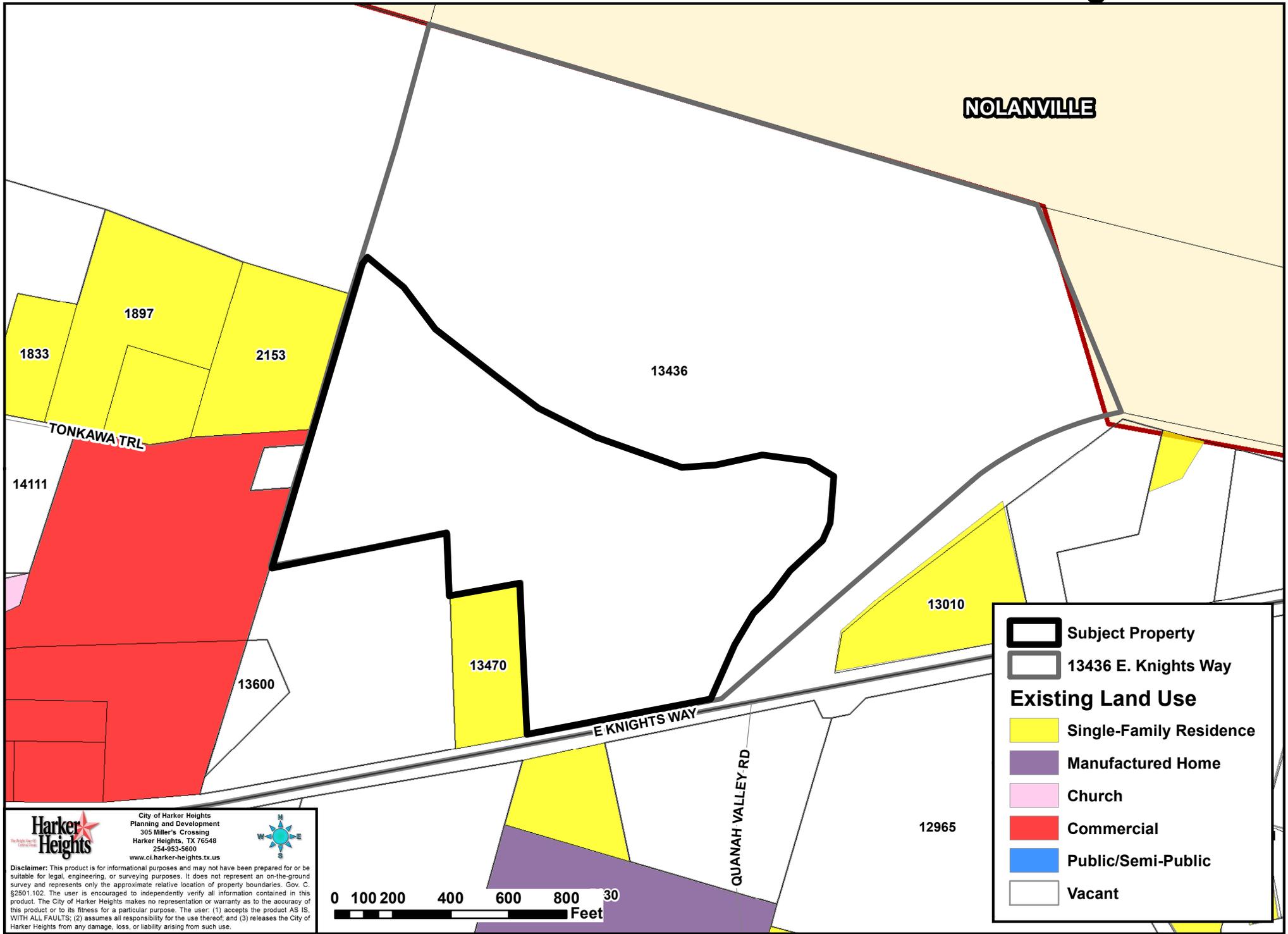
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Planning and Development
305 Miller's Crossing
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254-953-5600
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	Subject Property
	13436 E. Knights Way



NOLANVILLE

1897

2153

1833

13436

TONKAWA TRL

14111

13600

13470

13010

E KNIGHTS WAY

QUANNAH VALLEY RD

12965

Subject Property

Existing Land Use

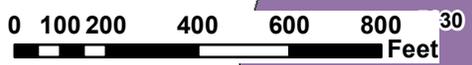
- Single-Family Residence
- Manufactured Home
- Church
- Commercial
- Public/Semi-Public
- Vacant

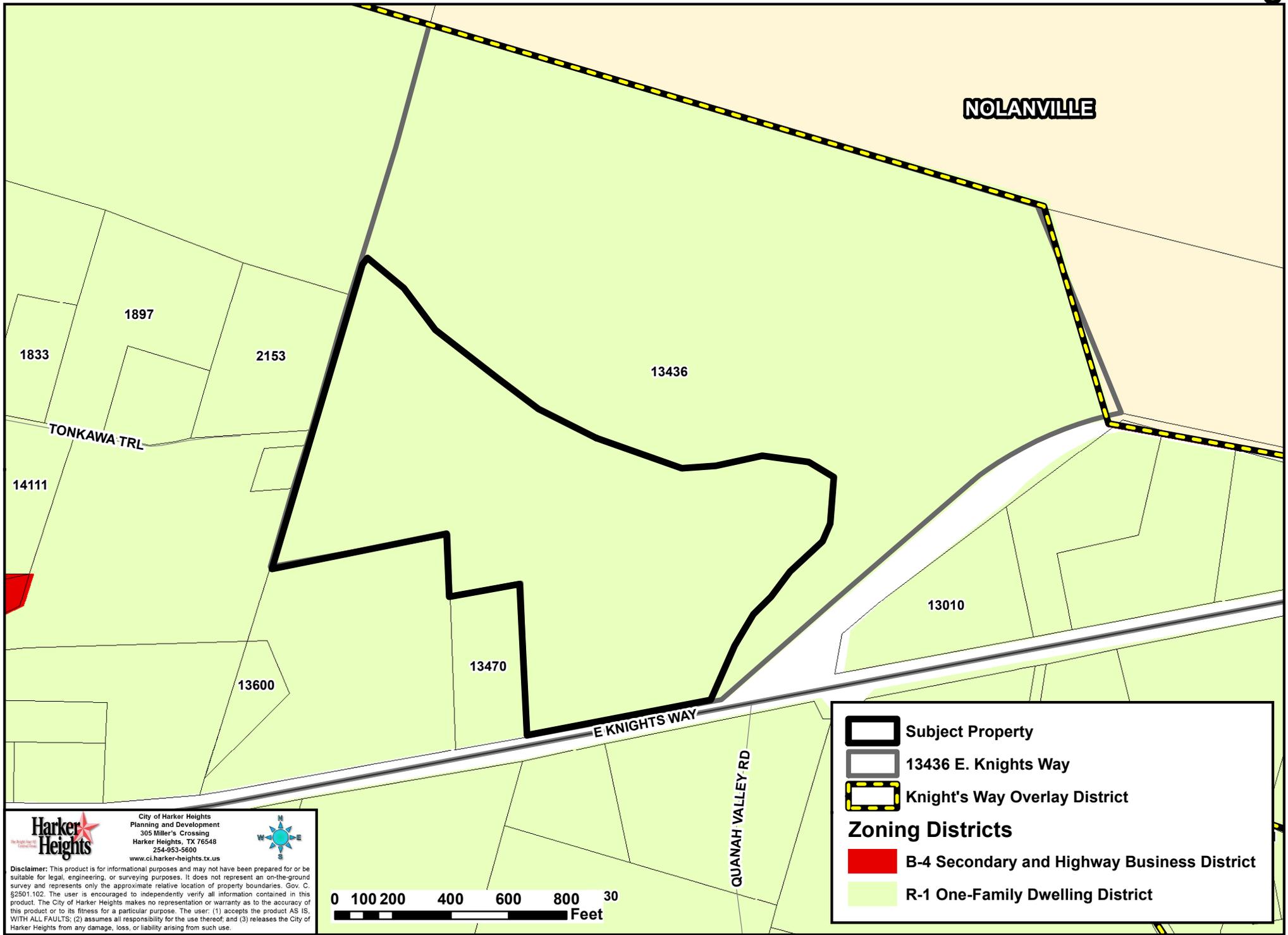


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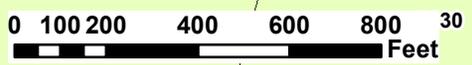


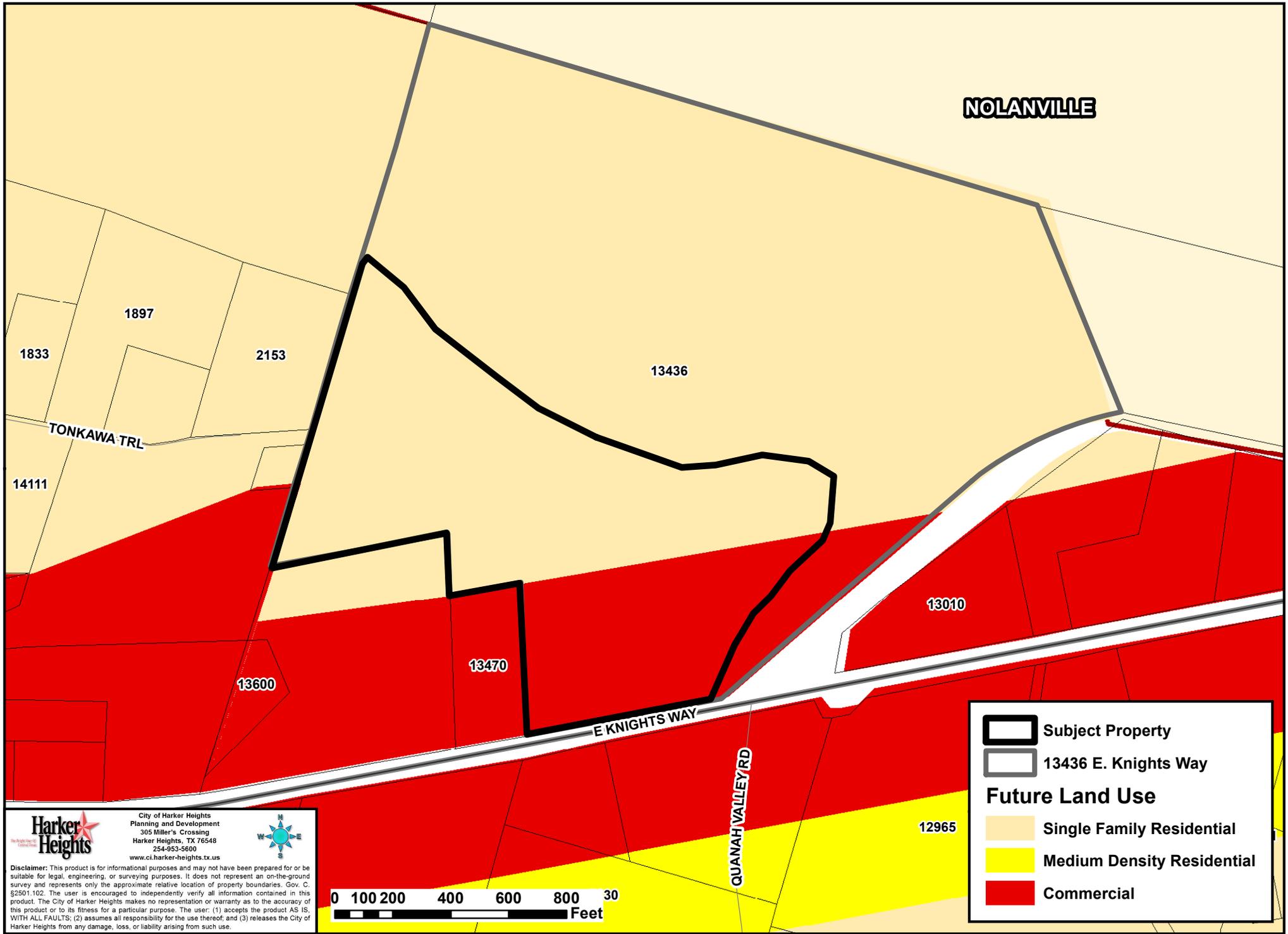


Harker Heights

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1897

1833

2153

13436

TONKAWA TRL

14111

13010

13600

13470

E KNIGHTS WAY

QUANNAH VALLEY RD

12965

Legend

-  Subject Property
-  13436 E. Knights Way

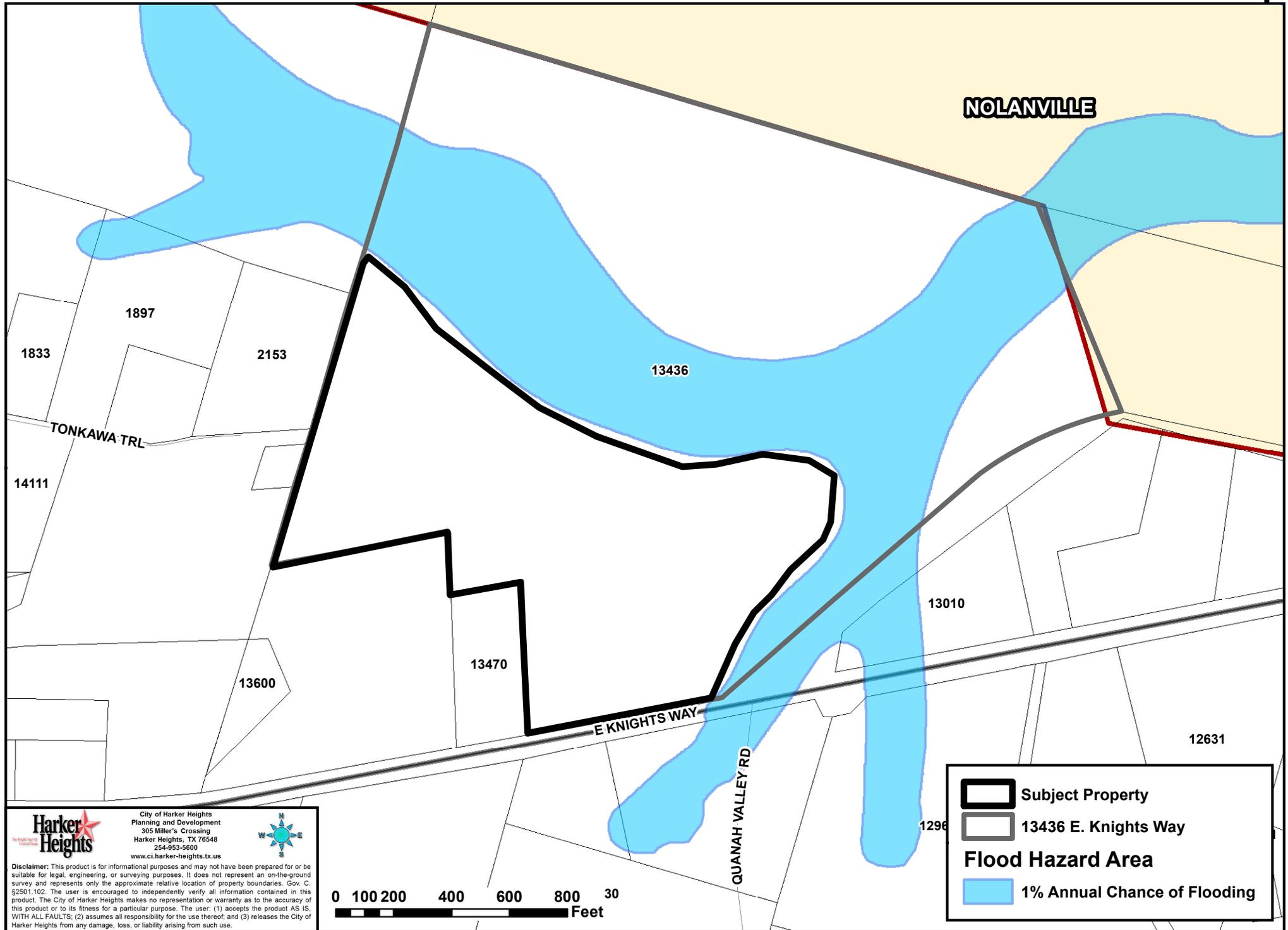
Future Land Use

-  Single Family Residential
-  Medium Density Residential
-  Commercial

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NOLANVILLE

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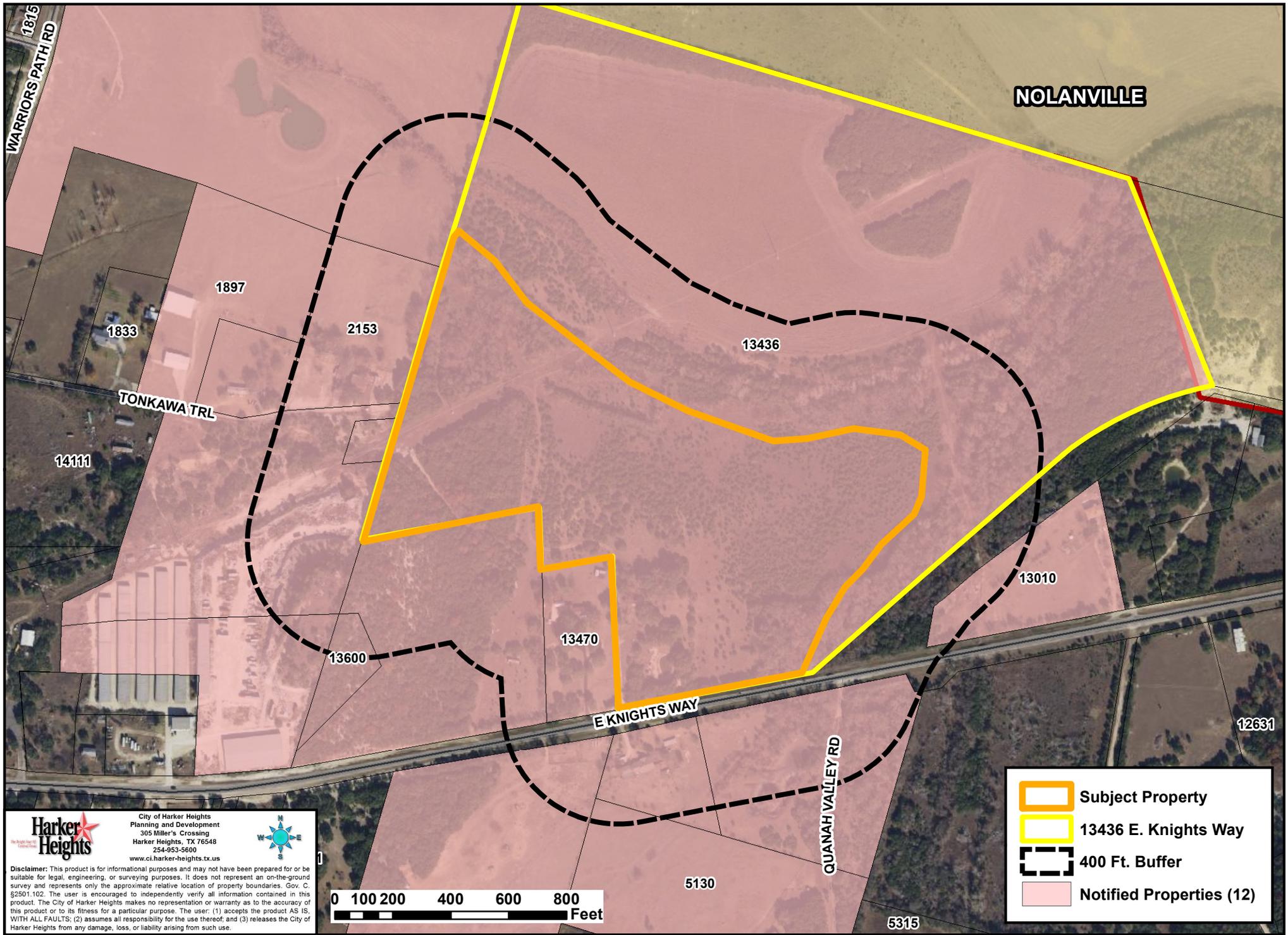
E KNIGHTS WAY

QUANAH VALLEY RD

13010

12631

1296



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0 100 200 400 600 800 Feet



PLANNING AND ZONING COMMISSION MEMORANDUM

CP20-04

AGENDA ITEM VII-01

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING AND DEVELOPMENT
DATE: DECEMBER 2, 2020

DISCUSS AND CONSIDER APPROVING A REQUEST FOR CONCEPT PLAN OF THE VILLAGE AT NOLAN HEIGHTS ON PROPERTY DESCRIBED AS A 47.626 ACRE TRACT OF LAND IN BELL COUNTY, TEXAS, BEING PART OF THE H.B. LITTLEFIELD SURVEY, ABSTRACT NO. 511, THE LAND HEREIN DESCRIBED BEING PART OF A CALLED 113.5 ACRE TRACT OF LAND CONVEYED TO ROBERT DON SUTTON, TRUSTEE, GENERALLY LOCATED NORTH OF KILLEEN INDEPENDENT SCHOOL NO. 14 ALONG WARRIORS PATH, HARKER HEIGHTS, BELL COUNTY, TEXAS.

PROJECT DESCRIPTION:

The applicant has submitted an application for concept plan approval for approximately 47.626 acres of land. The concept plan referred to as The Village at Nolan Heights outlines a single-phase development to consist of 132 single family (R-1) lots and 20 (R-2) duplex lots bringing the lot total to 152 lots. The subdivision will have three (3) points of ingress/egress, two along Warriors Path and the third connection via High Ridge Trail. The applicant has shown connectivity to city water and wastewater as well as internal subdivision sidewalks.

Staff has reviewed the submitted concept plan, and have made comments in regards to drainage, wastewater capacity, and other pertinent requirements to ensure that all developmental regulations stipulated in the City of Harker Heights Code of Ordinances will be adhered to.

STAFF RECOMMENDATION:

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

ACTION BY THE PLANNING AND ZONING COMMISSION:

1. Motion to approve/disapprove a request for Concept Plan of The Village at Nolan Heights on property described as a 47.626 acre tract of land in Bell County, Texas, being part of the H.B. Littlefield Survey, Abstract No. 511, the land herein described being part of a called 113.5 acre tract of land conveyed to Robert Don Sutton, Trustee, generally located north of Killeen Independent School No. 14 along Warriors Path, Harker Heights, Bell County, Texas.
2. Any other action desired.

ATTACHMENTS:

1. Application
2. Concept Plan
3. Staff Comments (comments addressed 11/19/20)
4. Location Map
5. Code Section §154.20 Concept Plan Requirements



Concept Plan Application

Requirements - MUST BE COMPLETED OF WILL NOT BE ACCEPTED

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

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

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

Property Information:

Subdivision Name: The Village at Nolan Heights **Date Submitted:** 11/4/2020

Site Address or General Location: West of Warriors Path, Approximately 0.80 miles South of Old Nolanville Rd.

Zoning: R-1 **Acreeage:** 47.626 **Proposed # of Lots:** 152

Owner Information/Authorization:

Property Owner: Dustin King

Address: 1629 S. Fort Hood St., Killeen, Texas 76542

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

Developer: Dustin King

Address: 1629 S. Fort Hood St., Killeen, Texas 76542

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

Engineer/Surveyor: Joseph Theriot, P.E.

Address: P.O. Box 3123, Harker Heights, Texas 76548

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

CHECK ONE OF THE FOLLOWING:

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

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

OWNER SIGNATURE: [Signature]

SWORN AND SUBSCRIBED BEFORE ME THIS 21 DAY OF October, 2020

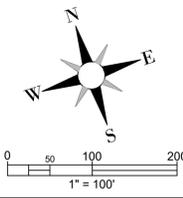
[Signature]
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: May 15, 2021



Date Submitted: <u>11/4/20</u>	STAFF ONLY -- DO NOT FILL OUT BELOW	Receipt #: <u>011632773</u>
Received By: <u>V. Spell</u>		Case #: <u>CP20-04</u>

Pre-Application Meeting



NOTES:

- THIS PROPERTY LIES WITHIN FEMA "ZONE X" AS SHOWN ON THE FLOOD INSURANCE RATE MAP, FEMA MAP 48027C0285E & 48027C0295E WHICH BEARS AN EFFECTIVE DATE OF SEPTEMBER 26, 2008.
- TOTAL ACREAGE = 47.626 ACRES
- PROPOSED LAND USE WILL BE SINGLE-FAMILY (R-1) FOR ALL LOTS WITH THE EXCEPTION OF LOTS 49-60, BLOCK 1 AND LOTS 1-8, BLOCK 6 WHICH WILL BE TWO-FAMILY RESIDENTS (R-2).
- 132 SINGLE-FAMILY LOTS (R-1)
- 20 TWO-FAMILY LOTS (R-2)
- ADJOINING PROPERTIES LAND USE IS SINGLE-FAMILY, TWO-FAMILY, & A SCHOOL.
- LANDSCAPING WILL BE PER CITY OF HARKER HEIGHTS ORDINANCES.
- SIDEWALKS SHALL BE 5' IN WIDTH, 1' FROM THE PROPERTY LINE ON ALL LOTS ADJACENT TO A STREET ROW.
- THREE POINTS OF INGRESS AND EGRESS ARE PROVIDED FOR PROPER VEHICULAR CIRCULATION AND CONNECTIVITY.
- ALL STREETS ARE TO BE 36' BOC-BOC WITH A 60' ROW WITH THE EXCEPTION OF THE MAIN ENTRANCE WHICH WILL BE 42' BOC-BOC WITH A 70' ROW.
- TYPICAL RESIDENTIAL LOT IS 70'X120'.
- TYPICAL TWO-FAMILY LOT IS 72'X120'.
- ALL SIZES OF UTILITIES AND STORM DRAIN TO BE DETERMINED AT TIME OF CONSTRUCTION PLAN SUBMITTALS.
- PRELIMINARY DRAINAGE STUDY SHOWS FLOW RATES TO BE DECREASED AT WARRIORS PATH CULVERT, RESULTING IN THE SITE NOT REQUIRING DETENTION. DRAINAGE REPORTS WILL BE SUBMITTED AT TIME OF CONSTRUCTION PLANS.
- ALL EASEMENTS AND BUILD LINES WILL FOLLOW THE TYPICAL LOT DETAIL UNLESS OTHERWISE NOTED.
- TRACT A TO BE FOR DRAINAGE.
- TRACT B TO BE DEDICATED TO NEIGHBORING PROPERTY.

DEVELOPER/OWNER : DUSTIN KING
 AUTHORIZED AGENT: JOSEPH THERIOT P.E., REPUBLIC EDC

LEGEND

	STREET CENTERLINE
	EASEMENT
	BUILD LINE
	RIGHT-OF-WAY (ROW)
	PROPERTY BOUNDARY
	TWO-FAMILY (R-2)
	PROPOSED WATER LINE
	FIRE HYDRANT
	PROPOSED SEWER LINE
	PROPOSED MANHOLE
	PROPOSED STORM SYSTEM
	EXISTING WATER LINE
	EXISTING FIRE HYDRANT
	EXISTING SEWER LINE
	EXISTING MANHOLE

3	ADDED DASHED BORDER AROUND R-2 LOTS UPDATED BUILD LINES	11/23/2020
2	UPDATED NEIGHBORING PROPERTY INFO ADDED CALLOUT FOR DRAINAGE FEATURES ADDED CALLOUT FOR TIE TO HIGH RIDGE TRAIL ADDED TYPICAL LOT LAYOUT DETAILS UPDATED NOTES AND SCALE ADDED 5' SIDEWALKS ON ALL STREETS ADDED SF FOR EACH LOT ADDED BUILDING ENVELOPE FOR EACH LOT	11/19/2020
1	ORIGINAL RELEASE	11/4/2020
REV	DESCRIPTION	DATE



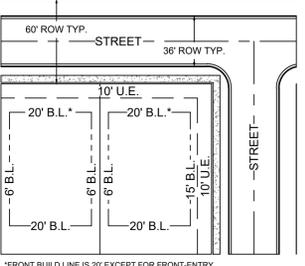
THE VILLAGE AT NOLAN HEIGHTS

CONCEPT PLAN

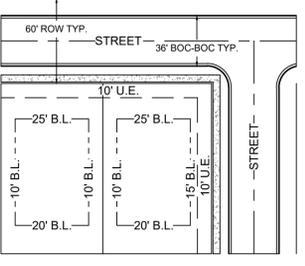
SIGNATURE	DATE
DESIGN	JAT
DRAFTED	JAT
CHECKED	JAT
PROJECT #	20-010-001
DRAWING #	1



TYPICAL SINGLE-FAMILY LOT (R-1)



TYPICAL TWO-FAMILY LOT (R-2)



* FRONT BUILD LINE IS 20' EXCEPT FOR FRONT-ENTRY GARAGES AND CARPORTS WHICH SHALL BE 25'

COMANCHE LAND
 4TH UNIT



✉ info@RepublicEDS.com

📍 P.O. Box 3123
Harker Heights, TX 76548

☎ 979.234.0396

November 19, 2020

City of Harker Heights
305 Millers Crossing
Harker Heights, Texas 76548

Attn: Harker Heights City Staff

Harker Heights City Staff,

Below is the response to comments for The Village at Nolan Heights Concept Plan, received on November 18, 2020. Response to comment is in **bold**.

Planning & Development

1. Please provide square footage of lots.
Square footage has been added for all lots.
2. Provide building envelopes on all lots.
Building envelope has been added for all lots.
3. Identify 5' sidewalks within Concept Plan.
Sidewalks have been added to the Concept Plan and the sidewalk note (8) was updated to read "SIDEWALKS SHALL BE 5' IN WIDTH, 1' FROM THE PROPERTY LINE ON ALL LOTS ADJACENT TO A STREET ROW.
4. Identify which lots will be R-1 and which will be R-2.
Note 3 of the Concept Plan denotes which lots are to be R-1 and R-2. Note reads "PROPOSED LAND USE WILL BE SINGLE-FAMILY (R-1) FOR ALL LOTS WITH THE EXCEPTION OF LOTS 49-60, BLOCK 1 AND LOTS 1-8, BLOCK 6 WHICH WILL BE TWO-FAMILY RESIDENTS (R-2)."
5. Please annotate the setbacks and easements shown
In order to not clutter the drawing, a typical single-family and two-family lot detail was added to the concept plan to show setback and easement widths. On lots that have non-typical setbacks or easements, annotations were added. A note (15) was added to explain, the note reads "ALL EASEMENTS AND BUILD LINES WILL FOLLOW THE TYPICAL LOT DETAIL UNLESS OTHERWISE NOTED."

Public Works

1. Annotate the total acreage of the subdivision and the total number of lots.
Notes (2, 4 and 5) were added to the Concept Plan to satisfy this comment.
2. Residential streets are required to be 36' wide measured from the back of curb with a 60' wide Right-of-Way.
The street note (10) has been updated in accordance with this comment.
3. Show the street connection to High Ridge Drive.
Approximate existing High Ridge Drive centerlines and back-of-curb lines have been added to the Concept Plan along with a note denoting the connection point.
4. Show the significant drainage features and watercourses adjacent to the subdivision.
There are only two significant drainage features that impact the development: the existing drainage way along the southern border and its culvert under Warriors Path. These drainage features are now called out on the Concept Plan.
5. Show adjoining properties to the subdivision for 300 feet.
The Concept plan scale was increased to 1"=100' to show all adjoining properties within 300'. Neighboring property information was added to all properties within 300'.
6. Depict the lots to be designated as single-family use and R2 multi-family use.
Note 3 of the Concept Plan denotes which lots are to be R-1 and R-2. Note reads "PROPOSED LAND USE WILL BE SINGLE-FAMILY (R-1) FOR ALL LOTS WITH THE EXCEPTION OF LOTS 49-60, BLOCK 1 AND LOTS 1-8, BLOCK 6 WHICH WILL BE TWO-FAMILY RESIDENTS (R-2)."
7. Label the use for Tract "A" and Tract "B".
Notes (16 and 17) have been added to explain use of tracts.
8. Regarding sanitary sewer capacity for this development, as indicated in the pre-development meeting on Monday, October 5, 2020, the City of Harker Heights is conducting an engineering study on the remaining sanitary sewer capacity of the Evergreen-Fawn Valley Lift Station, the Trimmier Lift Station and associated lift station force mains and receiving gravity sanitary sewer mains. If sanitary sewer system capacity upgrades are required, the developer will be required to pay for the sanitary sewer expansion costs required to serve their subdivision.
The developer understands that there are downstream sewer concerns. The Developer plans to meet with the City of Harker Heights to discuss this issue once the study is complete.

9. Regarding the construction of the 8' wide sidewalk along Warriors Path, work with the Planning & Development Department about escrowing the funds for the City to construct the sidewalk at a future date

The Developer understands the City's concerns about pedestrian access along Warriors Path and plans on meeting with them about this issue during the preliminary platting stage of the development.

Consulting Engineer, Otto Wiederhold

1. In addition to public work's comments, a thorough drainage study is required as well. The City's FEMA drainage master plan identifies the drainage way along the south property line as having a significant amount of runoff flow and will need to be designed to accommodate building of residences such that they are not impacted by significant rainfall events.

The developer understands the need for a full drainage study and plans on submitting one with construction plans.

Fire Marshal, Brad Alley

1. Existing and proposed hydrants not indicated

Existing and proposed hydrant callouts have been added to the Concept Plan.

Building Official Mike Beard

No Comments Received

ONCOR, Donna McGinnis

No Comments Received

Century Link, Chris McGuire

1. CTL has an existing cable that runs along the north side of this proposed SD. We would need to make sure there is an easement placed and not removed for the existing cable

A 10' utility easement has been added along the norther boundary of the development.

Time Warner Cable/Spectrum, Shaun Whitehead

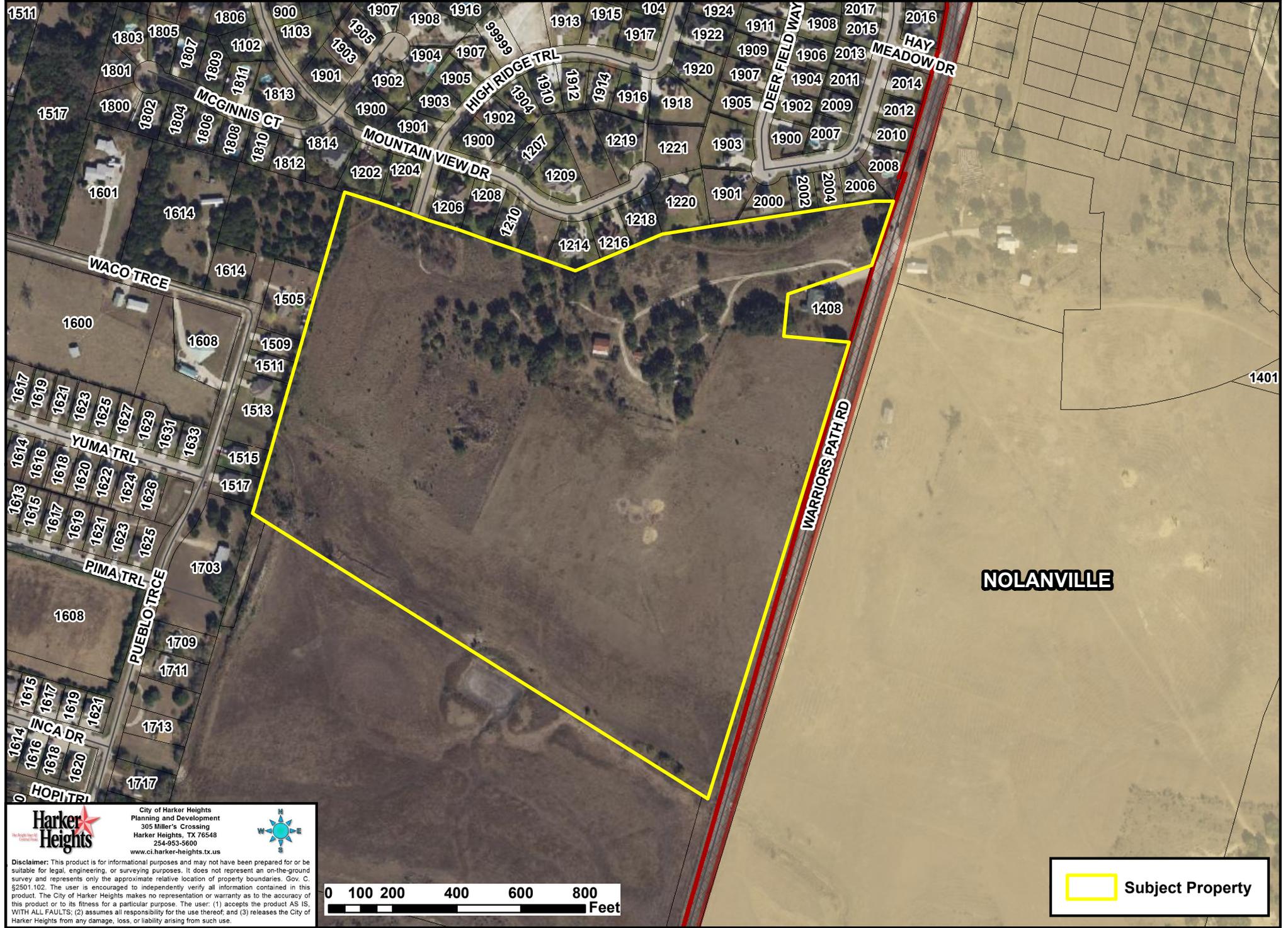
No Comments Received

ATMOS, Burton Jones

No Comments Received

Sincerely,

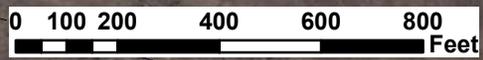
Joseph Theriot, P.E.



NOLANVILLE

Harker Heights
 City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 76548
 254-953-5600
 www.ci.harker-heights.tx.us

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2501.102. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Harker Heights from any damage, loss, or liability arising from such use.



 Subject Property

§ 154.20 GENERAL RESIDENTIAL AND COMMERCIAL.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) Filing of final plat.

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

(1) *Application.* Completed application form.

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

(3) *Copies.*

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

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

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

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

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

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

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



PLANNING AND ZONING COMMISSION MEMORANDUM

CP20-05

AGENDA ITEM VII-02

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING AND DEVELOPMENT
DATE: DECEMBER 2, 2020

DISCUSS AND CONSIDER APPROVING A REQUEST FOR CONCEPT PLAN OF ABOOHA TOKLO ADDITION SECTION TWO ON PROPERTY DESCRIBED AS 10.395 ACRES OUT OF THE H.B. LITTLEFIELD SURVEY, ABSTRACT 511, GENERALLY LOCATED WITHIN THE 1700 BLOCK OF WARRIORS PATH, AND PROPERTY DESCRIBED AS THE MARLEY ADDITION AMENDED, BLOCK ONE (1), LOT EIGHT (8), 2.257 ACRES, GENERALLY LOCATED WITHIN THE 1700 BLOCK OF WARRIORS PATH, HARKER HEIGHTS, BELL COUNTY, TEXAS

PROJECT DESCRIPTION:

The applicant has submitted an application for concept plan approval for approximately 12.64 acres of land. The concept plan referred to as Abooha Toklo Addition Section Two outlines a single-phase development to consist off forty-three (43) R-2 (Two Family Dwelling District) lots. The properties are appropriately zoned R-2 and R-3 in order to accommodate duplex development as proposed by the applicant. The concept plan has identified a street extension of Tejas Trail from Pueblo Trail to Warriors Path. The applicant has shown connectivity to city water and wastewater as well as internal subdivision sidewalks.

Staff has reviewed the submitted concept plan, and have made comments in regards to drainage, wastewater capacity, and other pertinent requirements to ensure that all developmental regulations stipulated in the City of Harker Heights Code of Ordinances will be adhered to.

STAFF RECOMMENDATION:

Staff recommends approval of the request for Concept Plan of Abooha Toklo Addition Section Two on property described as 10.395 acres out of the H.B. Littlefield Survey, Abstract 511, generally located within the 1700 block of Warriors Path, and property described as the Marley Addition Amended, Block One (1), Lot Eight (8), 2.257 acres, generally located within the 1700 block of Warriors Path, Harker Heights, Bell County, Texas.

ACTION BY THE PLANNING AND ZONING COMMISSION:

1. Motion to approve/disapprove a request for Concept Plan of Abooha Toklo Addition Section Two on property described as 10.395 acres out of the H.B. Littlefield Survey, Abstract 511, generally located within the 1700 block of Warriors Path, and property described as the Marley Addition Amended, Block One (1), Lot Eight (8), 2.257 acres, generally located within the 1700 block of Warriors Path, Harker Heights, Bell County, Texas.
2. Any other action desired.

ATTACHMENTS:

1. Application
2. Concept Plan
3. Staff Comments (comments addressed 11/18/20)
4. Location Map
5. Code Section §154.20 Concept Plan Requirements



Concept Plan Application

Requirements - MUST BE COMPLETED OF WILL NOT BE ACCEPTED

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

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

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

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

Property Information:

Subdivision Name: Abooha Toklo Phase IV **Date Submitted:** Nov 4, 2020

Site Address or General Location: Between Warrior's Path and Pueblo, North of Pontotoc

Zoning: R-2 **Acreage:** 10.40 [12.64] **Proposed # of Lots:** [43]

Owner Information/Authorization:

Property Owner: Robert Sutton

Address: 1408 Warrior's Path, Harker Heights, TX 76548

Phone: _____ E-Mail: _____

Developer: Jerome Gomer

Address: 1524 Indian Trail, Harker Heights, TX 76548

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

Engineer/Surveyor: Mitchell & Associates, Inc.

Address: 102 North College Street, Killeen, TX 76541 / PO Box 1088, Killeen, TX 76540

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

CHECK ONE OF THE FOLLOWING:

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

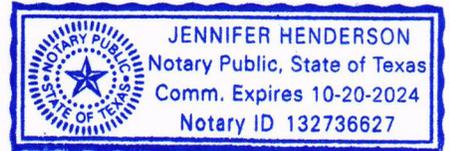
The property owner and/or their authorized representative must be present at all Planning and Zoning Commission Meetings and City Council Meetings at which their plan or plat is on the agenda for discussion or action. Failure of the developer or their authorized representative to appear during a meeting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

OWNER SIGNATURE: Robert Dow Sutton

SWORN AND SUBSCRIBED BEFORE ME THIS 4th DAY OF November, 2020.

Jennifer Henderson
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: 10-20-2024



Date Submitted: <u>11/4/20</u>	STAFF ONLY -- DO NOT FILL OUT BELOW	Receipt #: <u>01103297A</u>
Received By: <u>CPatt</u>		Case #: <u>CP 20-05</u>

Pre-Application Meeting



Concept Plan Application

Requirements - MUST BE COMPLETED OF WILL NOT BE ACCEPTED

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

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

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

Property Information:

Subdivision Name: Abooha Toklo Phase IV Date Submitted: Nov 4, 2020

Site Address or General Location: Between Warrior's Path and Pueblo, North of Pontotoc

Zoning: R-3 Acreage: 2.24 [12.64] Proposed # of Lots: [43]

Owner Information/Authorization:

Property Owner: Jocelyn Kenworthy

Address: 305 Tomahawk Drive, Harker Heights, TX 76548

Phone: _____ E-Mail: _____

Developer: Jerome Gomer

Address: 1524 Indian Trail, Harker Heights, TX 76548

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

Engineer/Surveyor: Mitchell & Associates, Inc.

Address: 102 North College Street, Killeen, TX 76541 / PO Box 1088, Killeen, TX 76540

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

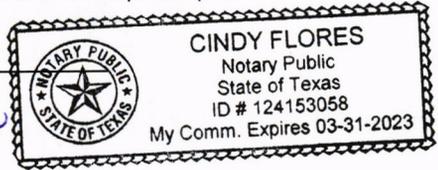
CHECK ONE OF THE FOLLOWING:

- I will represent the application myself.
- I hereby designate Mitchell & Associates, Inc (A.C.R.) (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this development application.

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

OWNER SIGNATURE: _____

SWORN AND SUBSCRIBED BEFORE ME THIS 4th DAY OF November 20



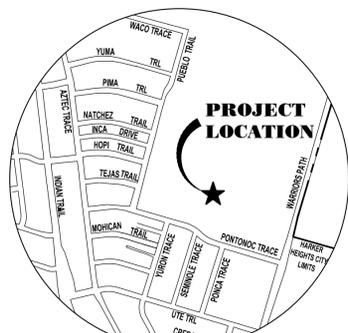
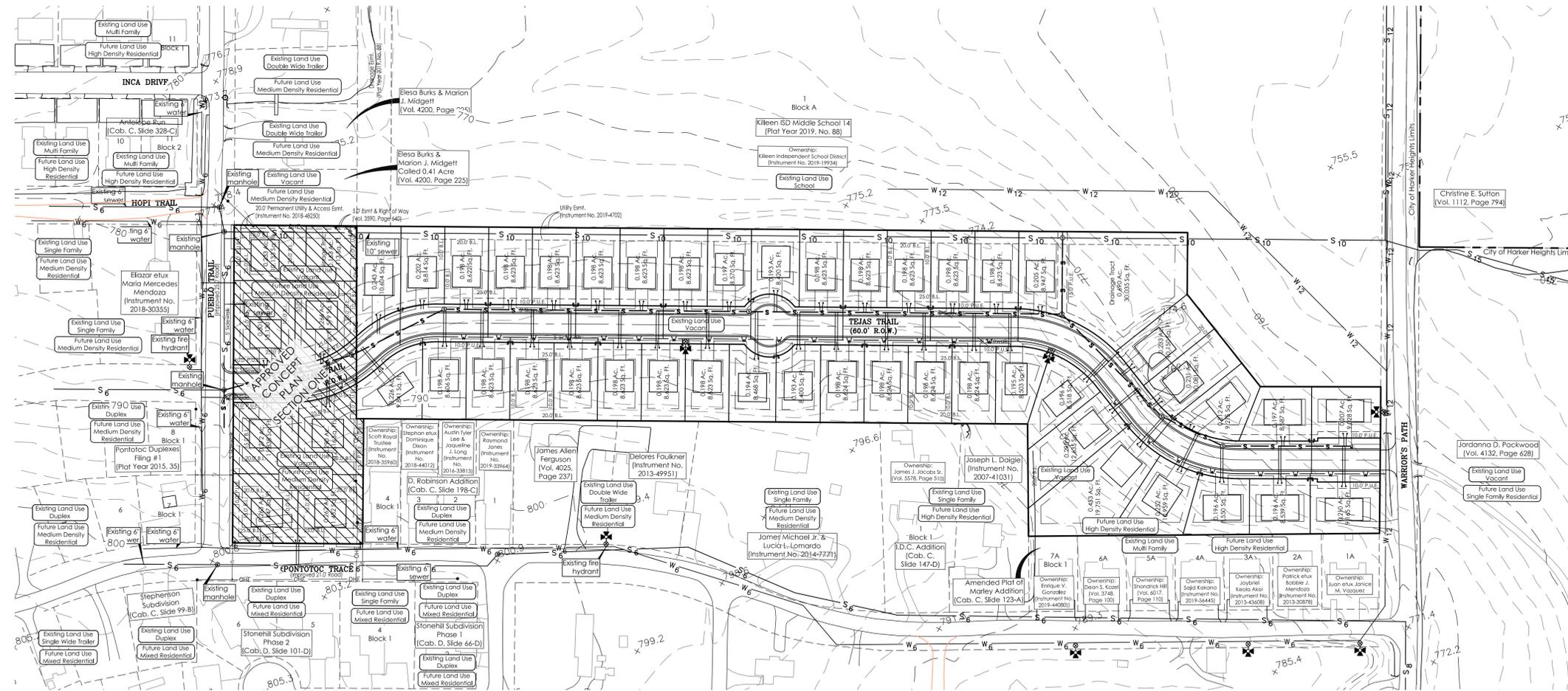
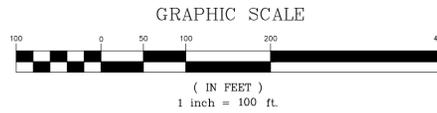
Cindy Flores
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: 3-31-23

STAFF ONLY -- DO NOT FILL OUT BELOW

Date Submitted: 11/4/20 Receipt #: 011232974

Received By: [Signature] Pre-Application Meeting Case #: _____



VICINITY MAP
SCALE: N.T.S.

PROPERTY OWNERS:
Robert Sutton
1408 Warriors Path
Harker Heights, TX 76548

DEVELOPER:
Jerome Gomer
1524 Indian Trail
Harker Heights, TX 76548

Jocelyn Kenworthy
305 Tomahawk Drive
Harker Heights, TX 76548

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

NOTES:

- Existing Land Use: Vacant
Proposed Land Use: Duplex Residential (43 Lots)
- Topography shown is based upon City of Harker Heights Aerial Topography (2012).
- Sidewalks to be installed along lot frontages at the time of structure construction.

DATE	BY	11/20/20	CITY OF HARKER HEIGHTS
		1	REVISIONS

**ABOOHA TOKLO ADDITION
SECTION TWO
HARKER HEIGHTS, BELL COUNTY, TEXAS**

CONCEPT PLAN

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
P. E. S. L. S. FIRM REGISTRATION NO. 100004-00

DWG No. 20-C-048-D-S
DRAWN BY: AR/FRB
DATE: AUGUST 2020
SCALE: AS SHOWN
REF: 20-C-048-D-S
AREA: 12.64 AC.
SHEET P1

S:\SIBBY\BONS\20160720-5 (Abooha Toklo Addition - Concept Plan 2 - Harker Heights)\2020-05-Abooha Toklo Section Two - Concept Plan.dwg 11/20/2020 11:02 AM

ABOOHA TOKLO PHASE IV

CP20-05 Abooha Toklo Phase IV

Plat Distributed to HH Staff: November 5, 2020

Comments Returned to Response Mitchell & Associates Inc.: November 13, 2020

Comments Response : November 20, 2020

Planning & Development

1. I would suggest renaming this concept plan and ultimately plat to Abooha Toklo Addition Two.
Plat has been renamed.
2. Please revise Note 1 to the more specific use of "Duplex Residential"
Note 1 has been revised.

Public Works

1. Each duplex apartment will have a separate water meter.
Services have been revised.
2. Regarding sanitary sewer capacity for this development, the City of Harker Heights is conducting an engineering study on the remaining sanitary sewer capacity of the Evergreen-Fawn Valley Lift Station, the Trimmier Lift Station and associated lift station force mains and receiving gravity sanitary sewer mains. If sanitary sewer system capacity upgrades are required, the developer will be required to pay for the sanitary sewer expansion costs required to serve their subdivision.

Noted. Is there a projected delivery date of the study?

Consulting Engineer, Otto Wiederhold

1. Wastewater services to all lots not shown.
Wastewater services have been shown.

Fire Marshal, Brad Alley

1. No proposed fire hydrants are illustrated.
Proposed fire hydrants have been shown.

Building Official, Mike Beard

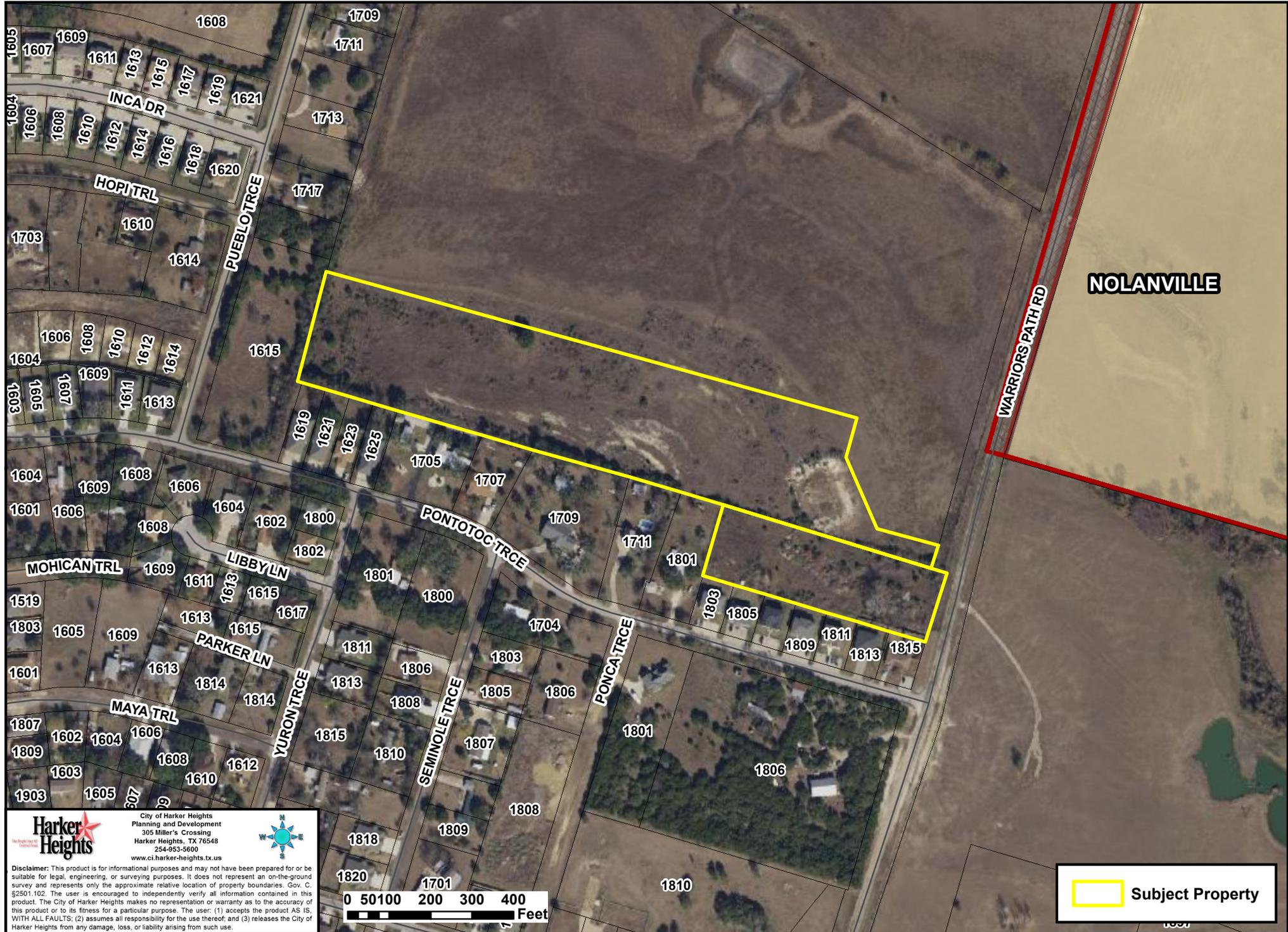
ONCOR, Donna McGinnis

1. Oncor has facilities in the area to serve, additional facilities may be required.
Noted.

Century Link, Chris McGuire

Time Warner Cable/Spectrum, Shaun Whitehead

ATMOS, Burton Jones



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Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §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.



Subject Property

§ 154.20 GENERAL RESIDENTIAL AND COMMERCIAL.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) Filing of final plat.

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

(1) *Application.* Completed application form.

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

(3) *Copies.*

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

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

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

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

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

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

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



PLANNING AND ZONING COMMISSION MEMORANDUM

P20-18

AGENDA ITEM VII-03

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING & DEVELOPMENT
DATE: DECEMBER 2, 2020

DISCUSS AND CONSIDER APPROVING A REQUEST FOR PRELIMINARY PLAT APPROVAL FOR ABOOHA TOKLO ADDITION PHASE TWO ON PROPERTY DESCRIBED AS APPROXIMATELY 1.807 ACRES OF LAND, BEING ALL OF LOT THREE, BLOCK ONE, ABOOHA TOKLO ADDITION PHASE ONE, GENERALLY LOCATED NEAR THE INTERSECTION OF PONTOTOC AND PUEBLO TRACE, HARKER HEIGHTS, BELL COUNTY, TEXAS.

PROJECT DESCRIPTION:

The applicant, Jerome Gomer, and his representative, Mitchell and Associates, Inc., have submitted an application for preliminary plat approval for approximately 1.807 acres of vacant land along Pontotoc and Pueblo Trace. This is the second phase of development as outlined in the Abookha Toklo Addition Concept Plan (see attached) which was approved by P&Z on June 24, 2020 and City Council on July 14, 2020. The property is zoned R-MU (Mixed Residential).

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

STAFF RECOMMENDATION:

The comments provided by Staff have been addressed and the submitted preliminary plat meets the standards and ordinances of the City of Harker Heights, and Staff therefore recommends approval of the Preliminary Plat approval for the proposed plat, Abooha Toklo Addition Phase Two, on property described as 1.807 acres of land being all of Lot Three (3), Block One (1), Abooha Toklo Addition Phase One, of record in Plat No. 2020-38421, generally located near the intersection of Pueblo Trace and Pontotoc Trace, Harker Heights, Bell County, Texas.

ACTION BY THE PLANNING AND ZONING COMMISSION:

1. Motion to Approve/Disapprove a request for preliminary plat approval for the proposed plat, Abooha Toklo Addition Phase Two, on property described as 1.807 acres of land being all of Lot Three (3), Block One (1), Abooha Toklo Addition Phase One, of record in Plat No. 2020-38421, generally located near the intersection of Pueblo Trace and Pontotoc Trace, Harker Heights, Bell County, Texas.
2. Any other action desired.

ATTACHMENTS:

1. Application
2. Preliminary Plat
3. Abooha Toklo Addition Concept Plan (Approved on July 14, 2020)
4. Location Map
5. Staff Comments with Responses (October 22, 2020)



Preliminary Plat Application

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

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

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

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

Property Information:

Plat Name: _____ **Date Submitted:** _____

Existing Lot Count: _____ **Proposed Lot Count:** _____ **Proposed Units:** _____ **Acreage:** _____

Existing Land Use: _____ **Proposed Land Use:** _____

Site Address or General Location: _____

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

Owner Information & Authorization:

Property Owner: _____

Address: _____

Phone: _____ E-Mail: _____

Developer: _____

Address: _____

Phone: _____ E-Mail: _____

Engineer/Surveyor: _____

Address: _____

Phone: _____ E-Mail: _____

CHECK ONE OF THE FOLLOWING:

I will represent the application myself.

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

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

Printed Name of Owner

SWORN AND SUBSCRIBED BEFORE ME ON THIS _____
DAY OF _____, 20_____.

Signature of Owner

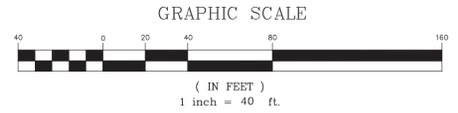
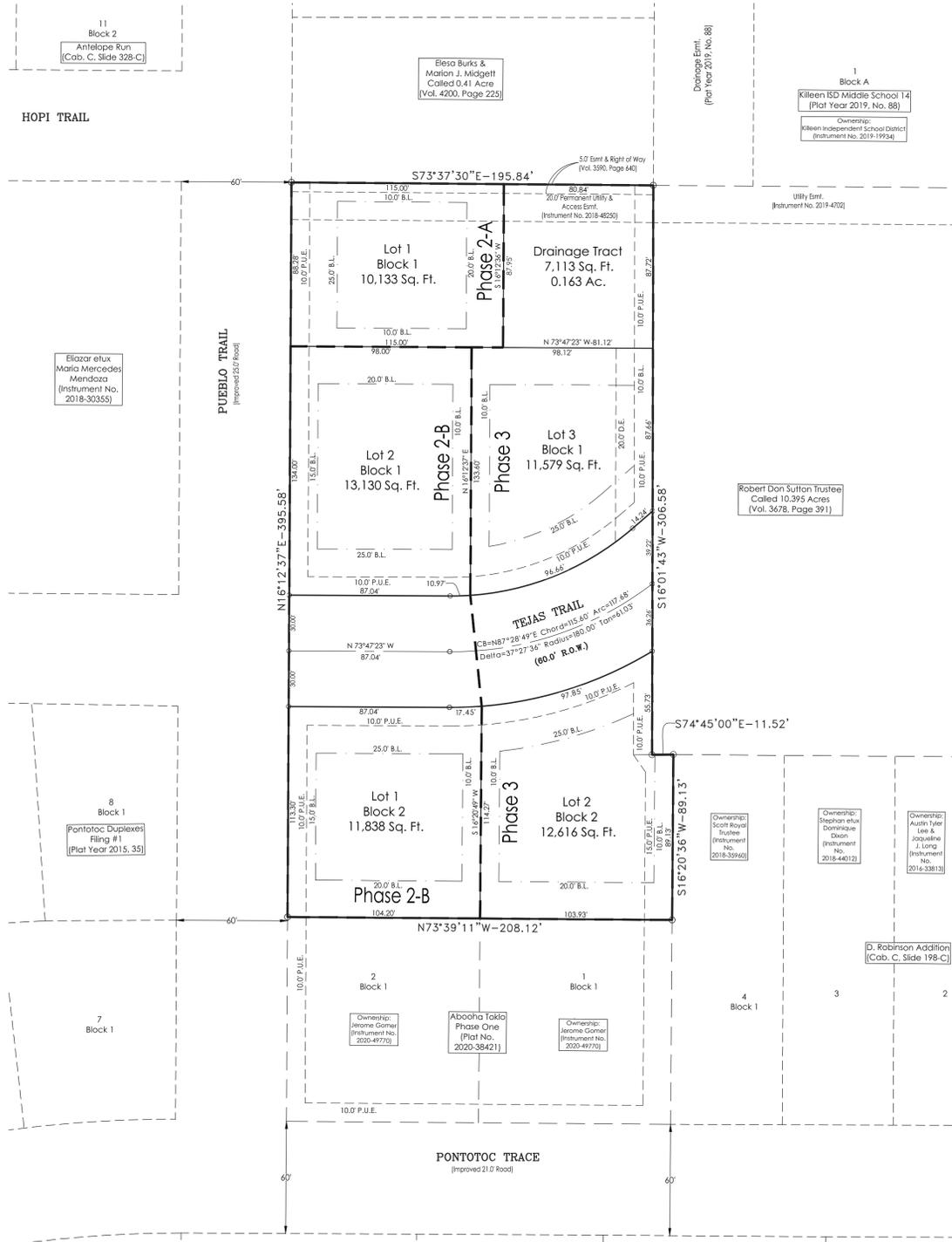
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES: _____

STAFF ONLY -- DO NOT FILL OUT

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



VICINITY MAP
SCALE: N.T.S.



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

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

- NOTES:**
- All bearings are based upon the Texas Coordinate System, NAD 83 (CORS 96), Texas Central Zone as determined by Leica Texas Smartnet GPS observations. All distances are surface distance. Combined scale factor=1.0001168.
 - All interior lot corners marked with 1/2" ir & cap stamped "M&A" set after construction completed.
 - This subdivision is located in zone X, areas determined to be outside the 0.2% annual chance floodplain, as indicated on the U.S. FEMA Agency Boundary Map, (Flood Insurance Rate Map), Map No. 48027C0285E, effective date September 26, 2008 for Bell County, Texas.

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

PRELIMINARY PLAT

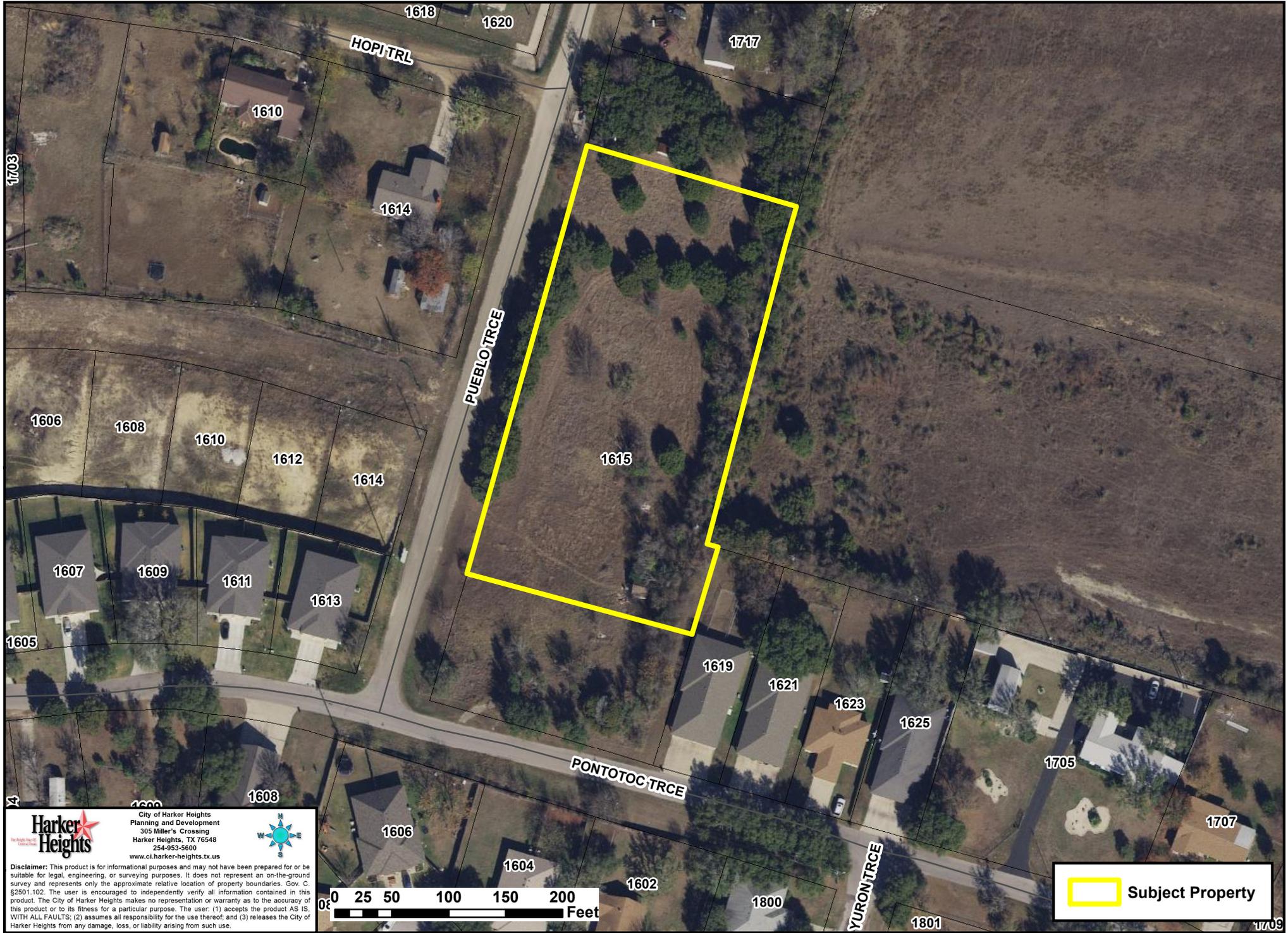


MITCHELL & ASSOCIATES, INC.
ENGINEERING & SURVEYING
102 N. COLLEGE
KILLEEN, TEXAS 76541
PHONE: (254) 634-5541
FAX: (254) 634-2141
TEXAS BOARD OF PROFESSIONAL ENGINEERS FIRM REGISTRATION NO. 3241
I. E. P. L. S. FIRM REGISTRATION NO. 102004-00

No.	DATE	REMARKS	BY

SHEET TITLE

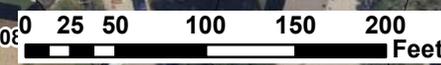
DWG No.	DATE	SCALE	REF.	5 LOTS	AREA
20-088-D-S	AR/TRB	OCTOBER 2020	AS SHOWN	20-048-D-S	2 BLOCKS



Harker Heights
City of Harker Heights
Planning and Development
305 Miller's Crossing
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 Subject Property

ABOOHA TOKLO ADDITION PHASE TWO

P20-18 Abooha Toklo Addition Phase Two

Plat Distributed to HH Staff: October 2, 2020
Comments Returned to Michelle & Associates: October 12, 2020
Comments Response: October 21, 2020

Per discussions with staff, this submittal has been converted to a preliminary plat.

Planning & Development

- No comments.

Public Works

1. Applicant shall provide connectivity thru the subdivision for dead end PUEs illustrated on Lot 3, Block 1 and Lot 2, Block 1.
[Utility Easements have been revised.](#)
2. Applicant shall provide a drainage analysis that also addresses phasing of the common plan of development.
[A drainage letter has been provided for review.](#)
3. Applicant shall identify the intent and dedication for each of the three noted tracts.
[No longer applicable](#)
4. Per the approved concept plan for this common plan of development Tract A shall be public row and the Tejas Trail roadway shall be constructed in the phase of development as shown.
[Tejas Trail will be constructed with Phase 2B.](#)
5. The proposed sewer tap for Lot 3, Block 1 shall be to the sewer main and not directly to the manhole.
[Revised phasing will provide new infrastructure in the extension of Tejas Trail for this lot.](#)
6. Applicant shall address how Tracts B and C will be connected to city water and sewer.
[Revised phasing will provide new infrastructure in the extension of Tejas Trail for this lot.](#)

Consulting Engineer, Otto Wiederhold

Fire Marshal, Brad Alley

- No Comments

Building Official, Mike Beard

- Lot 1 Block 1 has build-lines into the listed 20' PUE. Build line must be out of PUE
[Although the building line, as dictated by the ordinance, is within the existing PUE the rights of the PUE will supersede the building line.](#)

ONCOR, Donna McGinnis

- Oncor has facilities in the area to serve and designer working with developer.

Century Link, Chris McGuire

- Approval

Time Warner Cable/Spectrum, Shaun Whitehead

ATMOS, Burton Jones