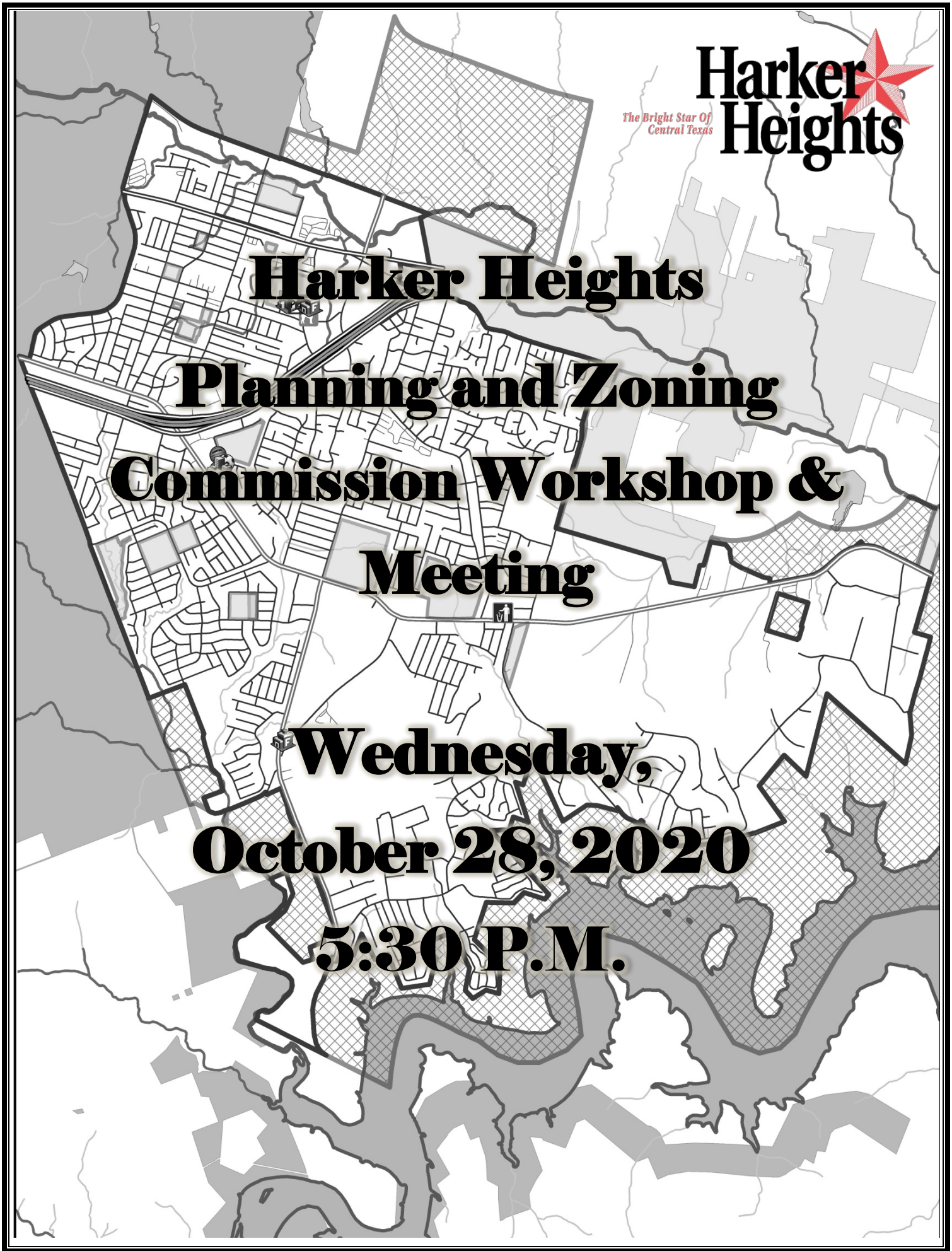
Harker Heights
The Bright Star Of Central Texas
Harker Heights
Planning and Zoning
Commission Workshop &
Meeting
Wednesday,
October 28, 2020
5:30 P.M.

PLANNING & ZONING COMMISSION WORKSHOP & MEETING
THE CITY OF HARKER HEIGHTS
WEDNESDAY, OCTOBER 28, 2020 – 5:30 P.M.
VIA TELECONFERENCE

Notice is hereby given that beginning at beginning at 5:30 P.M. on Wednesday, October 28, 2020, the Planning and Zoning Commission (P&Z) of the City of Harker Heights will hold a Workshop; then beginning 6:30 P.M. on Wednesday, October 28, 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:

WORKSHOP AGENDA

I. CALL TO ORDER – Convene a Workshop of the Planning and Zoning Commission.

II. WORKSHOP:

1. Receive and discuss a presentation regarding the City of Harker Heights 2007 Comprehensive Plan, 2007 Future Land Use Map, and an update to the Future Land Use Map.

III. ADJOURNMENT

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 September 30, 2020.

III. Report on City Council results from October 13, 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. **Z20-23** 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.

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.

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.

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.

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.

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

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

United States (Toll Free): 1 866-899-4679
United States: +1 (571) 317-3116
Access Code: 777-417-229

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.

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, October 23, 2020.**

Tiffany Dake

Tiffany Dake, Planning and Development Administrative Assistant

Minutes of the Teleconference Meeting
of the Harker Heights Planning & Zoning Commission
September 30, 2020

Present:

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

Absent:

Joshua McCann	Commissioner
Kay Carey	Commissioner
Nuala Taylor	Alternate Commissioner
Chris Albus	Alternate Commissioner

Staff:

Joseph Molis	Director of Planning & Zoning
Courtney Peres	Senior Planner
Dan Phillips	GIS Analyst/Planner
Mark Hyde	Public Works Director
Kristina Ramirez	Assistant Public Works Director
Brad Alley	Fire Marshal
Tiffany Dake	Planning & Development Administrative Assistant

A quorum was established, and the teleconference meeting was called to order at 6:46 PM.

Agenda Item II: Approval of minutes from the August 26, 2020 regular Planning and Zoning Commission meeting. Commissioner Webster made the motion to approve the minutes and Secretary Parker seconded the motion. **The motion passed unanimously (6-0).**

Agenda Item III: Mr. Molis made a report from the September 8th City Council actions regarding recommendations resulting from the August 26, 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. **Z20-22** 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-3 (Local Business District), on property described as Fawn Valley, Block Six (6), Lot One (1), generally located at 1702 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas.

   Mr. Molis explained the applicant's request to change the zoning designation of their property from R-1 to B-3 for the purpose of potentially developing their property into a commercial development in the future.

   The applicant, Mr. Raymond Hamden, P.O. Box 2008, Harker Heights, TX 76548 was present to speak on his rezone request. Vice Chairman Robinson asked Mr. Hamden why B-3 instead of B-1 or B-2? Mr. Hamden replied that B-3 offers a more diverse opportunity for businesses when they develop the property in the future. Vice Chairman Robinson asked Mr. Hamden to address the concerns made by citizens. Mr. Hamden began by addressing the concerns about child safety and he stated that the streets in that area do provide access to any commercial or retail service and only facilitate neighborhood traffic and there should not be an issue of anyone driving in an insane manner through the neighborhood. Mr. Hamden continued and addressed the concern about trees located on his property and stated that the trees will remain there for a while. Vice Chairman Robinson asked if the businesses would front E. Knights Way (E. FM 2410). Mr. Hamden said they would front E. Knights Way (E. FM 2410) and ideally the back of the building would be against Marble Trail. Chairman Robison asked if the Knights Way Overlay requirements would apply and Mr. Molis state that the Overlay would apply to Mr. Hamden's property. Secretary Parker asked if Mr. Hamden saw a need for there to be drive throughs on the ends of the development. Mr. Hamden said there was the potential for drive-thru services. Commissioner Webster stated that he was aware there were some comments about the existing trees being used to block the noise but stated that there was nothing currently stopping Mr. Hamden from clearing the trees if he chose to. Mr. Hamden concurred and stated that there was nothing prohibiting him from removing the trees but that he has no intention to get rid of the trees at this time.

   Chairman Robison then opened the public hearing and asked if there was anyone present to speak in favor or against the agenda item. Ms. Kristine Dillion, of 2509 Quartz Trial, Harker Heights, TX spoke against the agenda item stating that the owner of the property does not maintain the property and that the homeowners of the neighborhood maintain his property. Ms. Dillion also stated that Marble Trail was not designed for commercial vehicles, and there are no sidewalks or curbing in the neighborhood as well. Ms. Dillion continued to explain that the lighting from the commercial business will disturb the neighborhood and the children will not be safe, and drainage is an issue. Mr. John Chateau, of 2502 Quartz Trail, Harker Heights, TX spoke against the agenda item. Mr. Chateau wanted to know what kind of buffer would be against the proposed commercial use and the neighborhood. Mr. Molis said there will be setbacks along the roads, ten (10) feet from the front and fifty (50) feet from the back of the property and there will be twenty (20) to twenty-five (25) feet buffers with easements and utilities. Chairman Robison asked if they would have to have screening and it was suggested to have an eight

(8) foot concrete wall. Mr. Leon Charpentier, of 1800 Quarry Trail, Harker Heights, TX 76548 is concerned about the drainage since there is a ton of water that flows behind the homes along Quarry into the creek. Mr. Charpentier was also concerned with the setbacks and that would put the back of the building on Marble Trail and all the loading trucks would be back there as well. Ms. Loretta Chateau, of 2502 Quartz Trail, Harker Heights, TX 76548 spoke against this agenda item. Ms. Chateau stated there are no sidewalks for the kids to walk on to go to school. Ms. Samantha Cantu, of 2513 Quartz Trail, Harker Heights, TX 76548 spoke against this agenda item. Ms. Cantu said they had invested in the home they purchased several years ago and that this development would not make it safe for the children and make it even harder to get out of the neighborhood. Ms. Cantu also stated that the drainage is terrible in their area. Ms. Ayesha Lealiiee, of 2504 Limestone, Harker Heights, TX 76548 spoke against the agenda item. Ms. Lealiiee stated there are no sidewalks in their area and she agreed with what the other neighbors were saying. Ms. Lealiiee explained that this commercial development would bring more traffic to the neighborhood and she would rather have residential homes. Ms. Amy Valentine, of 2510 Quartz Trail, Harker Heights, TX 76548 spoke against this agenda item. Ms. Valentine stated she agreed with what her neighbors had said and would rather see residential homes there. Mr. Andrew Valentine, of 2510 Quartz Trail, Harker Heights, TX 76548 spoke against the agenda items. Mr. Valentine moved to this area because it was quiet and secluded. He agreed with his neighbors concerns as well. Mr. Valentine feels this would change the quality of life for the neighborhood.

Chairman Robinson closed the public hearing. Mr. Hamden stated that he understood the concerns of the residents and did not want to hurt anyone. Mr. Hamden acknowledged their concerns for the drainage, side walks and speed limits and state that those should issues should have been addressed a long time ago. Commissioner Robison asked if he would consider putting up an eight (8) foot masonry wall on his property to separate the residential uses. Mr. Hamden stated that due to the setbacks he felt like it would be difficult to do something like that.

Chairman Robison asked Mr. Molis if sidewalks are required and Mr. Molis stated that sidewalks would be required all around the property. Commissioner Shine asked that if the property was developed the amount of runoff from the property could not be increased. Mr. Molis said that is correct, you can not increase natural flow of water from the site to offsite. Secretary Parker stated that the speed limit along E. Knights Way is controlled by TXDOT. Mr. Molis agreed and stated that TXDOT has done traffic speed studies in the area. Mr. Hyde, the Public Works Director, has contacted TXDOT and requested a speed study at Warriors Path. Mr. Molis state that TXDOT would be coming out in October to conduct that speed study.

A motion was made by Commissioner Robinson to recommend approval an ordinance to change the zoning designation from R-1 (One Family Dwelling District) to B-3 (Local Business District), on property described as Fawn Valley, Block Six (6), Lot One (1), generally located at 1702 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas. Commissioner Webster seconded the motion. Before the motion was voted on Secretary Parker made a motion to amend the motion to include an eight (8) foot masonry wall on the subject property along Marble Trail. Commissioner Shine made a motion to

accept the amended motion. Secretary Parker seconded the motion. **The motion unanimously passed (6-0).**

Agenda Item VII New Business:

2. **P20-14** Discuss and consider a request by Jerome Gomer for Preliminary Plat approval for the proposed plat, Sapiah Plains Phase Three, on property described as 1.376 acres of land, being part of H. B. Littlefield Survey, Abstract No. 511, and the land herein described being the remainder of a called 3.379 acre tract conveyed to Jerome Gomer, generally located at 1808 Ponca Trace, Harker Heights, Bell County, Texas.

   Mr. Molis explained this was the third and final phase of the Sapiah Plains development.

   Mr. Ace Reneau with Mitchell & Associates, of 102 College St., Killeen, TX 76541 was present to speak about this preliminary plat. Mr. Reneau stated this plat was a continuation of the initial subdivision. Mr. Reneau state that the roads are now under construction as part of phase two (2). Vice Chairman Robinson asked if the road (Ponca) will end in a cul-de-sac so as to not continue through the remainder of Ponca Trace. Mr. Reneau stated that that was correct and the only access would be from Pontotoc Trace and would not at this time continue through to the north.

   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 recommend approval for the proposed plat, Sapiah Plains Phase Three, on property described as 1.376 acres of land, being part of H. B. Littlefield Survey, Abstract No. 511, and the land herein described being the remainder of a called 3.379 acre tract conveyed to Jerome Gomer, generally located at 1808 Ponca Trace, Harker Heights, Bell County, Texas. Commissioner Webster seconded the motion. **The motion unanimously passed (6-0).**

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1. **CP20-03** Discuss and consider a request by Remco Properties, LLC for Concept Plan approval on property described as 6.917 acres of land, more or less, part of the Cullendar Keele Survey, Abstract No. 991, and the J. Thomlinson Survey, Abstract No. 813, generally located within the 700 block of S. Amy Lane, Harker Heights, Bell County, Texas.

   Mr. Molis explained the applicant has submitted a concept plan of their property to build twenty (20) duplex lots, containing forty (40) dwelling units.

   Mr. Bob Mitchell with Mitchell & Associates, of 102 College St., Killeen, TX 76541 was present to speak on the concept plan. Mr. Mitchell stated the consideration was given to the highest and best use of this property and the duplexes would benefit the city to have this development and help the tax base. Mr. Mitchell state that they did add the second

access point like the city had requested in response to his request for a waiver. Chairman Robison asked how soon they would start this development and Mr. Mitchell stated that they would like to start right away. Vice Chairman Robinson stated that many people will park in the street and make this a congested area and continued in asking if there was any thought given to traffic congestion. Fire Marshal, Brad Alley, stated the main concern was about only having one entrance/exit to the development and state that is why there will be an emergency access that will be gated with a knox box. Mr. Mitchell stated there has been a lot of thought given to this project and they are trying to make the best use out of the property. Chairman Robison asked if they would be willing to reduce the number of units and possibly consider better flow with green space.

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 Commissioner Parker to recommend approval as presented with the addition of no parking at the entrance for Concept Plan on property described as 6.917 acres of land, more or less, part of the Cullendar Keele Survey, Abstract No. 991, and the J. Thomlinson Survey, Abstract No. 813, generally located within the 700 block of S. Amy Lane, Harker Heights, Bell County, Texas. Commissioner Shine seconded the motion. **The motion passed (5-1), with Chairman Robison, Commission Webster, Commissioner Shine, Secretary Parker, and Commissioner Watford voting for and Commissioner Robinson voting against the motion.**

Chairman Robison then adjourned the teleconference meeting of the Planning and Zoning Commission at 8:33 P.M.

Larry Robison, Chairman **DATE:**

Adam Parker, Secretary **DATE:**

PLANNING AND ZONING COMMISSION MEMORANDUM

Z20-23 AGENDA ITEM VI-1

FROM: THE OFFICE OF THE PLANNING AND DEVELOPMENT DIRECTOR
DATE: OCTOBER 28, 2020

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, HARKER HEIGHTS, BELL COUNTY, TEXAS.

EXPLANATION:

On August 31, 2020, it was brought to staff's attention that a structure on the subject property was erected without proper permitting. Staff reached out to the property owner to make them aware that the structure required permitting and notified the property owner of their code violation via mail (see attachment #4). The subject property consists of 5.364 acres of land with one (1) uninhabitable dwelling towards the rear of the property and is currently zoned R-1 (One Family Dwelling District). Within the zoning code of the Code of Ordinance of the City of Harker Heights, the R-1 zoning district calls out the following as Conditional Uses:

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.

To date it is staff's understanding that the property owner does not reside on the property as there is not a habitable dwelling. The applicant is requesting the following:

1) Conditional Use Permit to have a greenhouse structure

2) Permit a greenhouse structure prior to having a occupied primary structure on the premises

3) Allow an accessory structure (greenhouse) to be placed in front of the proposed primary structure

4) Allow an accessory (greenhouse) structure to be larger than what is allowed for properties greater than 1 acre in size.
- Allowed: Maximum aggregate size of **all** accessory structures cannot exceed 1,500 square feet.
- Requested: approximately 2,400 square foot greenhouse structure

Surrounding Land Uses
Adjacent land uses include:

	Existing Land Use	Future Land Use	Zoning
North	Nolanville Jurisdiction (Vacant)	Nolanville Jurisdiction	R-1 (One Family Dwelling District)
South	Vacant & Single Family	Commercial	R-1
East	Vacant & Manufactured Homes	Commercial	R-1
West	Vacant & Single Family	Commercial	R-1

Per the 2007 Comprehensive Plan the applicant's property is located in an area designated as Commercial and partially designated as Single Family Residential. A survey of the area identified most of the properties in the immediate area to be vacant with the occasional large lot with a single-family home and various accessory structures. Staff therefore believes the proposed Conditional Use Permit is in line with the zoning of R-1 as well as the Future Land Use designation of single family/commercial. However, the applicant failed to request a Conditional Use Permit prior to construction of the greenhouse and did not pull the appropriate permits in order to build a structure to Code. The applicant's request aims to correct an error and if granted it is likely that this request would set a precedent for further legislative actions.

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

Notices:
Staff sent out ten (10) notices to property owners within the 400-foot notification area. There were two (2) responses received in favor of the request and zero (0) responses received in opposition of the request.

RECOMMENDATION:

While the requested conditional use permit is allowed and appropriate within the R-1 Zoning the applicant failed to request a Conditional Use Permit prior to construction of the greenhouse and did not pull the appropriate permits in order to build a structure to Code. The applicant's request aims to correct an error and if granted it is likely that this request would set a precedent for further legislative actions. At this time staff has no recommendation at this time for 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, Harker Heights, Bell County, Texas, based on the following:

1. While the requested use is allowed and appropriate for the zoning classification the request for a conditional use permit at this time would not conform with the following:
    a. Does not conform with applicable regulations and standards established by:
        1. Chapter 155.040 (A) (1) (c) "No accessory building shall be constructed upon a lot until the construction of the main use building has been actually commenced. No accessory building shall be used unless the main building on the lot is also being used."
        2. Chapter 155.020 (A) (5) (b) (2) "Large accessory building must be behind the front façade of the main residence."
        3. Chapter 155.020 (A) (5) (b) (4) Number, size, setbacks, and height requirements based on the size of the lot as follow:

Lot Size	# of Large Structures Allowed	Maximum Aggregate Size of All Accessory Structures	Setbacks	Maximum Height
>1 acre	4	1,500 square feet	Front: 25’ Side: 6’ Rear: 20’	24’

ACTION BY THE PLANNING AND ZONING COMMISSION:

1. Motion to recommend approval/denial of 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, Harker Heights, Bell County, Texas, based on staff’s recommendation and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

1. Application
2. Letter of Intent
3. Site Plan
4. Code Enforcement Notice
5. Photos by Staff
6. Amaya Addition Plat
7. Building Permit for Greenhouse Structure
8. R-1 One Family Dwelling District Code Section
9. Location Map
10. Existing Land Use Map
11. Zoning Map
12. Future Land Use Map
13. Notification Area Map
14. Citizen Responses

Conditional Use Permit 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**
3. **Site Plan**
4. **Letter of Intent**

Property Owner(s) Name: Robert Amaya **Date:** 9/30/20

Address: 4913 Bending Trail

City/State/Zip: Killeen Texas 76542

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

Legal Description of Property:

Location of Property (Address if available): ~~12362~~ 12696 FM 2410 Harker Heights Tx 76548

Lot: 2 Block: 1 Subdivision: Amaya Addition

Acres: 5.364 Property ID: 27885 Survey:

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

Current Zoning Classification: R1 **Future Land Use Designation:** R1R Commercial/Residential

Applicant's Representative (if applicable):

Applicant's Representative:

Phone: **E-Mail:**

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

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

I, being the undersigned applicant of the property herein described, herby 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.

Robert J Amaya
Printed Name of Property Owner

Signature of Property Owner

Printed Name of Representative

Signature of Representative

Date Submitted: 9/30/20

Received By: Date

STAFF ONLY – DO NOT FILL OUT BELOW

☑ Pre-Application Meeting

Revised: 06/28/18

Receipt #: 01620641

Case #: Z-20-23

9/30/2020

Conditional Use Permit Application

I am currently seeking conditional use permit for **the** construction of a greenhouse on my property located at 12362 FM 2410 Harker Heights Texas, 76542, Lot. The 14 acre farm property was purchased in May of 2019 and subsequently replatted into three lots and approved on 6 Dec 2019. On lot number two which is 5.364 acres, the intent is to construct a large personal green house. Additionally due to the recent pandemic I am working with my third bank to obtain a construction loan for a house to be built on the same property. I am currently working with a builder and bank to secure the loan and start construction within the next month.

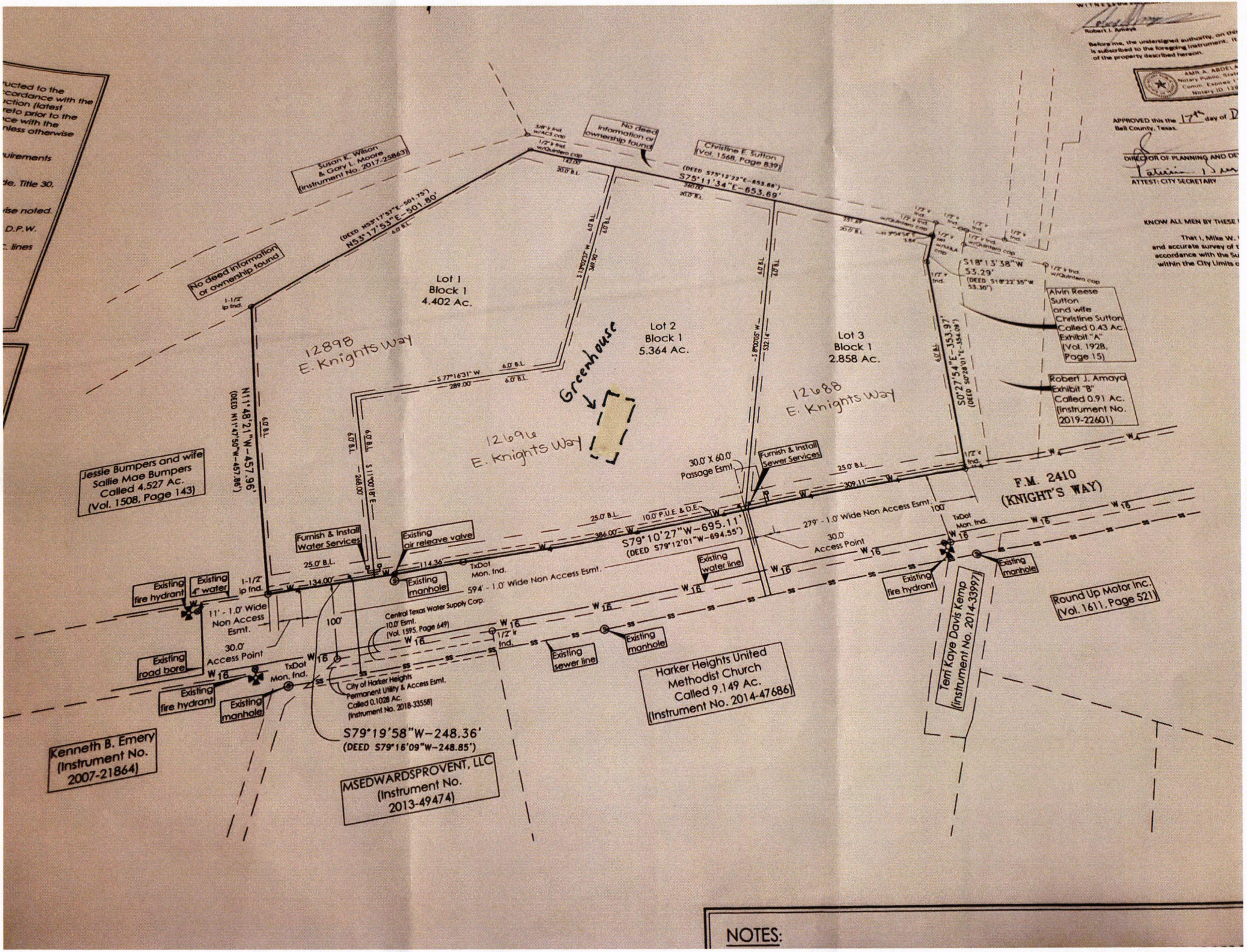
I am seeking a conditional permit for R1R, to accommodate the size of the greenhouse and the location of the greenhouse which may be more forward of the home structure site.

Thank you for your consideration.

Robert Amaya

Family Nurse Practitioner

USN/RET


Lot 1
Block 1
4.402 Ac.
Lot 2
Block 1
5.364 Ac.
Lot 3
Block 1
2.858 Ac.
12898 E. Knights Way
12696 E. Knights Way
12688 E. Knights Way
Greenhouse
F.M. 2410
(KNIGHT'S WAY)
Susan K. Wilson & Gary L. Moore (Instrument No. 2017-25863)
No deed information or ownership found
Christine E. Sutton (Vol. 1568, Page 839)
(DEED S75°12'22"E-653.88')
S75°11'34"E-653.69'
(DEED N53°17'53"E-501.75')
N53°17'53"E-501.80'
Alvin Reese Sutton and wife Christine Sutton Called 0.43 Ac. Exhibit "A" (Vol. 1928, Page 15)
Robert J. Amaya Exhibit "B" Called 0.91 Ac. (Instrument No. 2019-22601)
Jessie Bumpers and wife Sallie Mae Bumpers Called 4.527 Ac. (Vol. 1508, Page 143)
(DEED N11°47'50"W-457.86')
N11°48'21"W-457.96'
S11°00'18"E-268.00'
S77°16'31"W 289.00'
S18°13'38"W 53.29'
(DEED S18°22'35"W 53.30')
S0°27'54"E-353.97'
(DEED S0°28'01"E-354.09')
S79°10'27"W-695.11'
(DEED S79°12'01"W-694.55')
S79°19'58"W-248.36'
(DEED S79°16'09"W-248.85')
30.0' X 60.0' Passage Esmt.
Furnish & Install Sewer Services
Furnish & Install Water Services
Existing air releave valve
Existing manhole
Existing water line
Existing sewer line
Existing fire hydrant
Existing 4" water
Existing road bore
TxDot Mon. Ind.
1-1/2" ip fnd.
1/2" fnd. w/Quintero cap
5/8" fnd. w/AC3 cap
Central Texas Water Supply Corp. 10.0' Esmt. (Vol. 1595, Page 649)
City of Harker Heights Permanent Utility & Access Esmt. Called 0.1028 Ac. (Instrument No. 2018-33558)
11' - 1.0' Wide Non Access Esmt.
279' - 1.0' Wide Non Access Esmt.
594' - 1.0' Wide Non Access Esmt.
30.0' Access Point
10.0' P.U.E. & D.E.
25.0' B.L.
6.0' B.L.
Harker Heights United Methodist Church Called 9.149 Ac. (Instrument No. 2014-47686)
Tem Kaye Davis Kemp (Instrument No. 2014-33997)
Round Up Motor Inc. (Vol. 1611, Page 521)
Kenneth B. Emery (Instrument No. 2007-21864)
MSEDWARDSPROVENT, LLC (Instrument No. 2013-49474)

NOTES:

THIS IS A NOTIFICATION LETTER

Wednesday, September 2, 2020 **CE200014**

ROBERT AMAYA
4913 BENDING TRL
KILLEEN, TX 76542-3750

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

Mayor
Spencer H. Smith

Mayor Pro Tem
Michael Blomquist

City Council
Jennifer McCann
Jackeline Soriano Fountain
John Reider
Jody Nicholas

Dear Property Owner:

This notice is in reference to property and premises in the City of Harker Heights, Texas located at:

12362 FM 2410
BellCAD Property Identity: 27885

The above-referenced property is in violation of City Code of Ordinances:

Chapter 150: Building Regulations
§ 150.02 (A)(2) Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure; or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing systems; the installation of which is regulated by this code, or to install accessory structures, or to cause any such work to be done, shall first make application to the Building Official for a permit, shall comply with applicable state and local rules and regulations concerning licensing and registration, and obtain the required permit.

To maintain voluntary compliance with City Codes, please do the following: Please submit a permit and site plan for the accessory structure to the Building Official for the review and approval process.

Please come into compliance or contact me to make arrangements by:

9/14/2020

If this issue is not corrected during this period of time, the City may file a complaint in Municipal Court and/or take further action to abate this property. If you have any questions in regard to this matter, please do not hesitate to contact me at (254) 953-5648.

Sincerely,

Eric Moree
Code Enforcement

2020. 8.31 11:18

2020. 8.31 11:18

2020. 8. 31 11:20

2020. 8.31 11:22

2019
2232

AMAYA ADDITION

KNOW ALL MEN BY THESE PRESENTS, that **Robert J. Amaya,** whose address is **4913 Bendera Trail, Killeen, Texas, 76542,** being the sole owners of that certain **12.624 acre tract of land in Bell County, Texas, being part of the W. B. Cross Survey, Abstract No. 223 and the Uriah Hunt Survey, Abstract No. 401, and the land herein described being all of called 12.62 acre tract of land conveyed to Robert J. Amaya, of record in Instrument No. 2019-00022601, Official Public Records of Real Property of Bell County, Texas (O.P.R.R.P.B.C.T.),** which is more fully described in the dedication of **AMAYA ADDITION,** as shown by the plat hereof, attached hereto, and made a part hereon, and approved by the City of Harker Heights, Bell County, Texas, **Robert J. Amaya,** do hereby adopt said **AMAYA ADDITION,** as an addition to the City of Harker Heights, Bell County, Texas, and hereby dedicates to said city all streets, avenues, roads, drives and alleys shown on said plat, the same to be used as public thoroughfares and for the installation and maintenance of public utilities when and as authorized by the City of Harker Heights. The utility and drainage easements shown on said plat are dedicated to said city for the installation and maintenance of any and all public utilities, which the city may install or permit to be installed or maintained.

WITNESS the execution hereof, on this 13 day of DECEMBER, 2019.

Robert J. Amaya

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

AMR A. ABDELAZEEM
Notary Public, State of Texas
Comm. Expires 11-13-2022
Notary ID 128384461

Amr A. Abdelazeem
NOTARY PUBLIC STATE OF TEXAS
My Commission Expires: 11-13-2022

APPROVED this the 17th day of December, 2019, by the Director of Planning and Development of the City of Harker Heights, Bell County, Texas.

DIRECTOR OF PLANNING AND DEVELOPMENT

ATTEST: CITY SECRETARY

CITY OF HARKER HEIGHTS TEXAS

KNOW ALL MEN BY THESE PRESENTS,

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

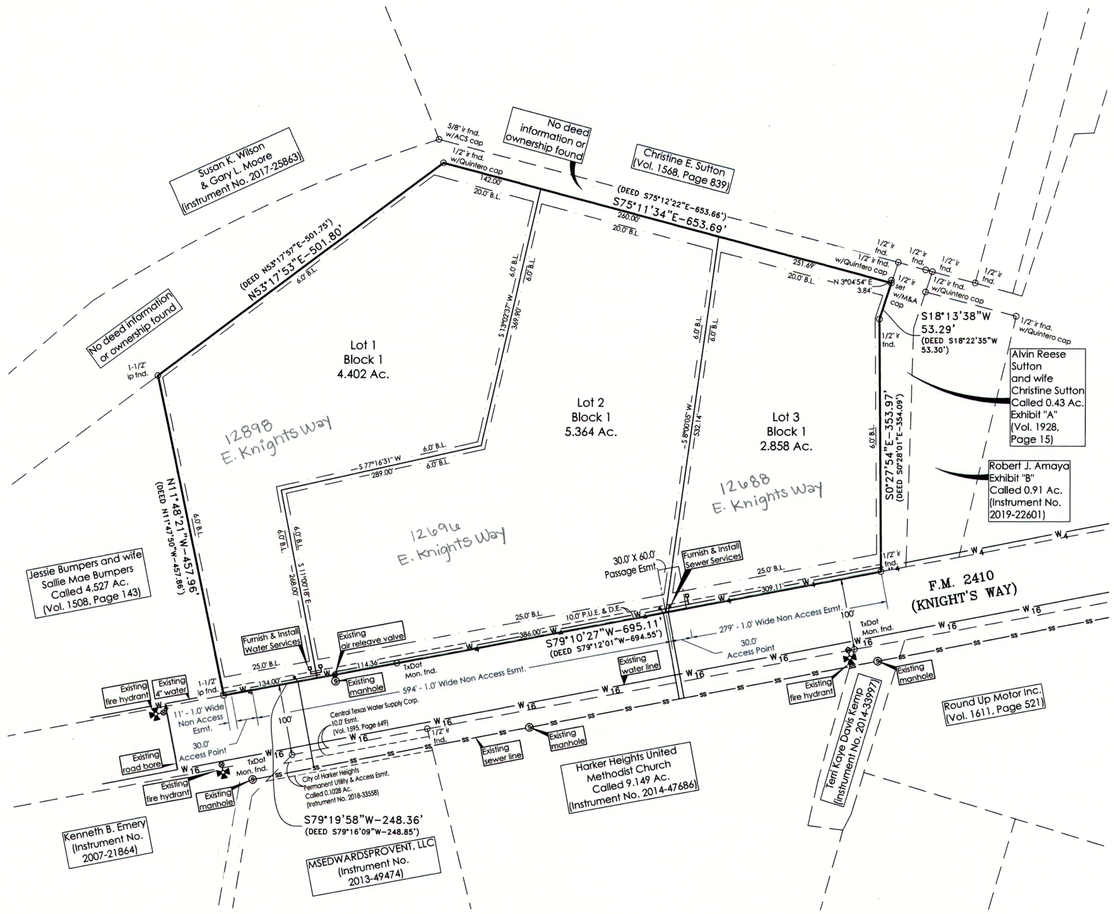
Mike W. Kriegel
Registered Professional
Land Surveyor, No. 4330

STATE OF TEXAS
REGISTERED
MIKE W. KRIEGEL
4330
PROFESSIONAL
LAND SURVEYOR

GRAPHIC SCALE

100 0 50 100 200 400

(IN FEET)
1 inch = 100 ft.

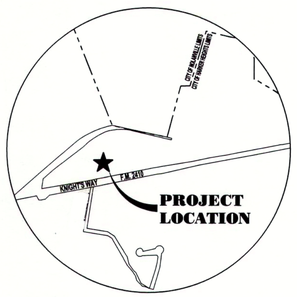


SEWER NOTES:

1. All work detailed on these plans shall be constructed to the satisfaction of the Director of Public Works in accordance with the Standard Specifications for Public Works Construction (latest edition), including all amendments adopted thereto prior to the date of approval of these plans and in accordance with the standard drawings of the City of Harker Heights, unless otherwise noted.
2. Contractor shall comply with all current O.S.H.A. requirements regarding trench safety and shoring.
3. Contractor shall comply with Texas Administrative Code, Title 30, Chapter 217.
4. All sewer mains to be S.D.R.-26 P.V.C. pipe unless otherwise noted.
5. All materials used in sewer system to be approved by the D.P.W.
6. Double sewer services shall consist of two separate 4" P.V.C. lines located in the same trench.
7. Utilities have been located by record drawings and visible appurtenances. Contractors to verify location prior to construction.
8. Sewer service symbols are for representation only.

WATER NOTES:

1. All work detailed on these plans shall be constructed to the satisfaction of the Director of Public Works in accordance with the Standard Specifications for Public Works Construction (latest edition), including all amendments adopted thereto prior to the date of approval of these plans and in accordance with the standard drawings of the City of Harker Heights, unless otherwise noted.
2. Contractor shall comply with all current O.S.H.A. requirements regarding trench safety and shoring.
3. Contractor shall comply with all T.C.E.Q. rules for water locations as per TAC Chapter 290.
4. All materials used in water system to be approved by the D.P.W.
5. Contractor shall install sleeves for all long water services. Sleeves shall be 4" P.V.C. and shall be extended to 2 ft. behind back of curb.
6. Utilities have been located by record drawings and visible appurtenances. Contractor to verify location prior to construction.
7. Fire hydrant symbols are for representation only. Please refer to water detail sheet for fire hydrant orientation.
8. Fire hydrants shall not be installed within nine feet vertically or horizontally of any wastewater main, wastewater lateral, or wastewater service line regardless of construction.
9. Water service symbols are for representation only.



VICINITY MAP
SCALE: N.T.S.

PROPERTY OWNER:
Robert J. Amaya
4913 Bending Trail
Killeen, TX 76542

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

NOTES:

1. 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.
2. All interior lot corners marked with 1/2" ir & cap stamped "M&A" set after construction completed.
3. This subdivision is located in zone X, areas determined to be outside the 0.2% annual chance floodplain, as indicated on the U.S. FEMA Agency Boundary Map, (Flood Insurance Rate Map), Map No. 48027C0295E, effective date September 26, 2008 for Bell County, Texas.
4. At the time of platting, this property was zoned R-1. Building setback lines are shown based on current zoning. Zoning subject to change. If zoning changes, building setback lines are subject to change.
5. Sanitary sewer manholes shown on this plat are based on field information from September 4, 2019. The sewer line connecting these manholes is contained in a City of Harker Heights Permanent Utility & Passage Easement recorded in Instrument No. 2018-33558.

AFFIDAVIT:

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

Dated this the 16th day of December, 2019 A. D.

By: _____
Bell County Tax Appraisal District

FILED FOR RECORD this 19th day of December, 20 19, In Year 2019, Plat # 2232, Plat Records of Bell County, Texas. Dedication Instrument # 2019-58053, Official Public Records of Real Property, Bell County, Texas.

Inst # 2019-58053

No.	DATE	REMARKS	BY
1	10/15/2019	CITY OF HARKER HEIGHTS COMMENTS	FRB

REVISIONS

AMAYA ADDITION

HARKER HEIGHTS, BELL COUNTY, TEXAS

ADMINISTRATIVE PLAT

SHEET TITLE:

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

DWG No.	19-080-D-S	SCALE:	AS SHOWN
DRAWN BY:	FRB	FB/LB:	1926/49
DATE:	SEPT. 2019	3 LOTS	1 BLOCK
		AREA:	12.624 Ac.

S:\SURVEYING\19-080-D-S (12624 Ac 3410 - Amaya Addition - Hrk)\dwg\19-080-D-S Amaya Addition Plat.dwg 11/19/2019 2:57 PM

SHEET P1

Building Permit Application

City of Harker Heights
Building Department
305 Millers Crossing
Harker Heights, TX 76548
Phone: (254) 953-5648

PERMITS CAN BE APPLIED FOR ON MYGOVERNMENTONLINE.ORG
Help Desk # (866) 957-3764

PLEASE NOTE THE FOLLOWING BEFORE PROCEEDING:

- If commercial remodeling, you must attach an Asbestos inspection report with this application (as of Jan.1, 2002).
- Erosion and Sediment Control is required for all land disturbing activities.
- A Site Plan or Plot Plan (to scale) of the property and the proposed location must be included.
- If the address is on Septic you must provide approval from Bell County Health District with this application.

Please select if the project is: (●) **Residential** ( ) **Commercial** **Date:** 9/27/20

Project Address: 12362 Fm 2410 Harker Heights 76513-7844

Property Owner: Robert Amaya **Phone:** 512-903-3179

Address (if different from above): _____

Contractor Information

General Contractor: _____ Phone: _____

Address: _____ E-Mail: _____

	License No.	Address	Phone	E-mail
Electrical Contractor				
Plumbing Contractor				
Mechanical Contractor				
Irrigation Contractor				

Select Project Type & Provide Description of Work Below

( ) **Water Heater** ( ) **Porch/Deck** ( ) **Skirting**

( ) **Roof** ( ) **Gas Test/Permit** ( ) **Water Softener**

( ) **Water/Sewer Line** ( ) **Demolition** ( ) **Backflow**

---Other Project Types on Back Page---

DESCRIPTION OF WORK TO BE DONE:

Greenhouse I have been working with Joseph Molis & Courtney Perez about starting on a hydroponic farm but have been delayed for 8 months on financial services due to Covid business loan support. I am currently working with a builder and bank to start construction on my home & farm business

REV 11/2019

Accessory Structure

☐ Large (over 144 square feet) Height: _____
- Provide Site Plan reflecting setbacks (Google aerial view or survey)
- Must be on a Permanent Foundation
- Setbacks: 10' from rear property line, 6' from side property line.

☒ Small (144 square feet or less) Height: _____
- Provide Site Plan reflecting setbacks (Google aerial view or survey)
- Cannot exceed 12' in Height
- Setbacks: 5' from rear property line, 6' from side property line.

Alteration/Remodel
- Fill out description of work to be done on Page 1.
- Provide Electrician, Plumber, or Mechanical contractor if applicable.

Electric
- Fill out description of work to be done on Page 1.

Fence
- Provide Site Plan (Google aerial view or survey)
- Fill out description of work to be done on Page 1.

Height: _____

Flatwork
- Provide Site Plan (Google aerial view or survey)

Mechanical
- Fill out description of work to be done on Page 1.

Plumbing
- Fill out description of work to be done on Page 1.

Pool/Spa - Above Ground
- Provide Site Plan reflecting setbacks (Google aerial view or survey)
- Setbacks: 10' from rear property line, 6' from side property line.

Pool in Ground
- Provide Site Plan reflecting setbacks (Google aerial view or survey)
- Setbacks: 10' from rear property line, 6' from side property line, 1' away from house per 1' depth of pool.

Retaining Wall
- Provide Site Plan reflecting setbacks (Google aerial view or survey)
- If 24 inches or taller - MUST be engineered.

Sign
- Fill out description of work to be done on Page 1.
- Provide depiction of sign with dimensions.

Total Valuation: _____
(Cost of Labor + Cost of Materials = Total Valuation)

Robert J Amaya
Owner/Contractor (Print)

Owner/Contractor (Signature)

9/27/20
Date:

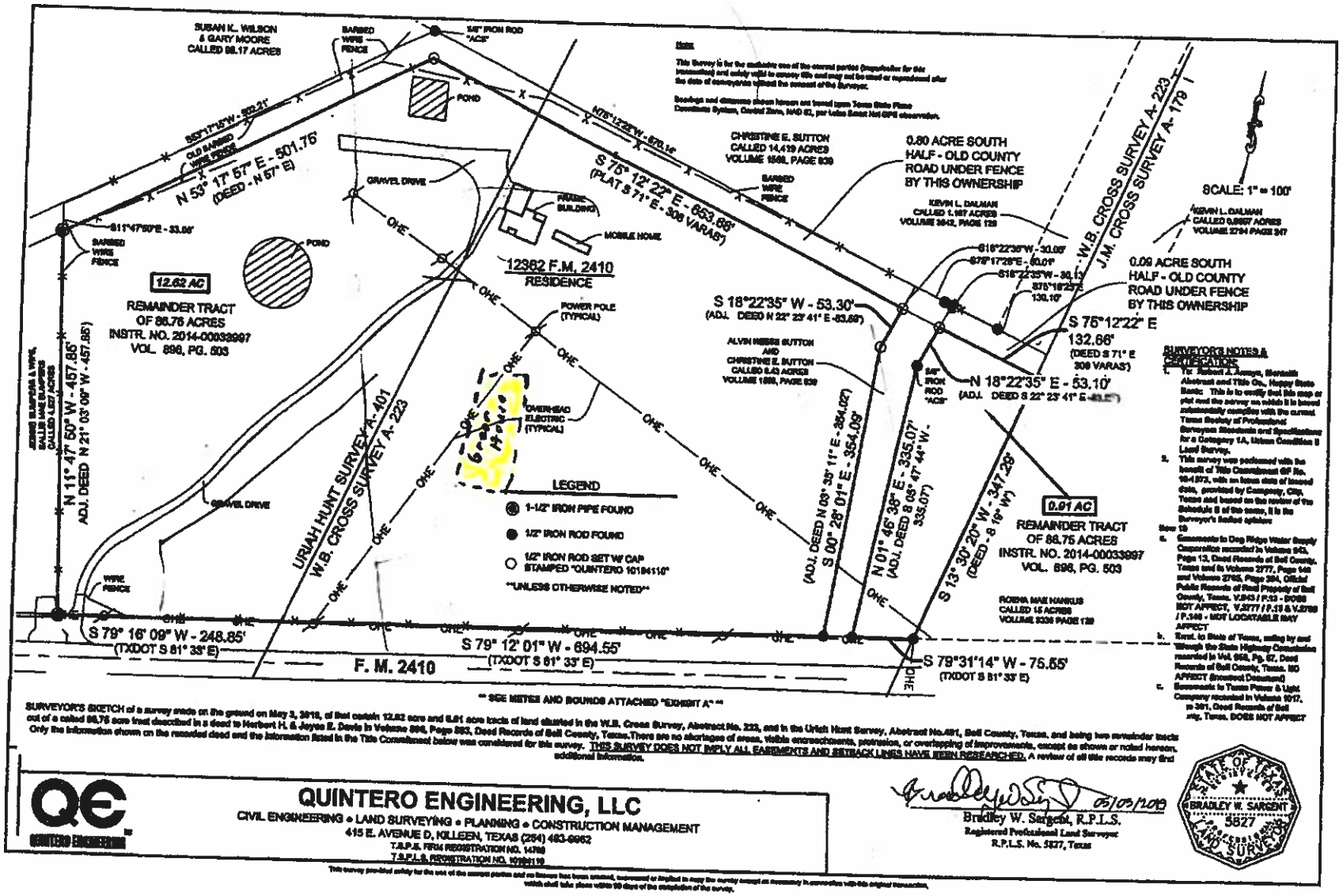
STAFF ONLY – DO NOT FILL OUT

Date Submitted: _____

Received By: _____

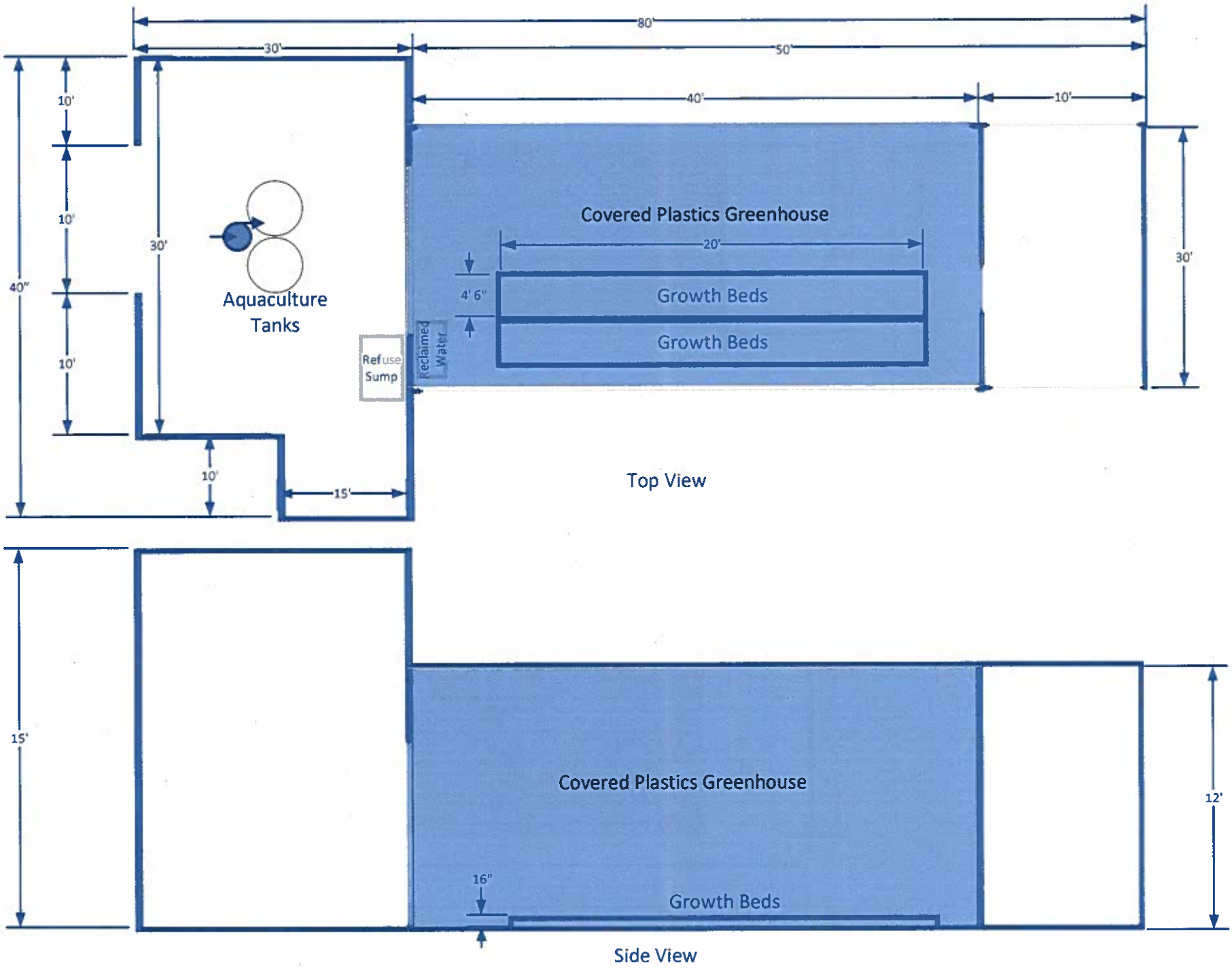
Building Official Signature *Date Approved*

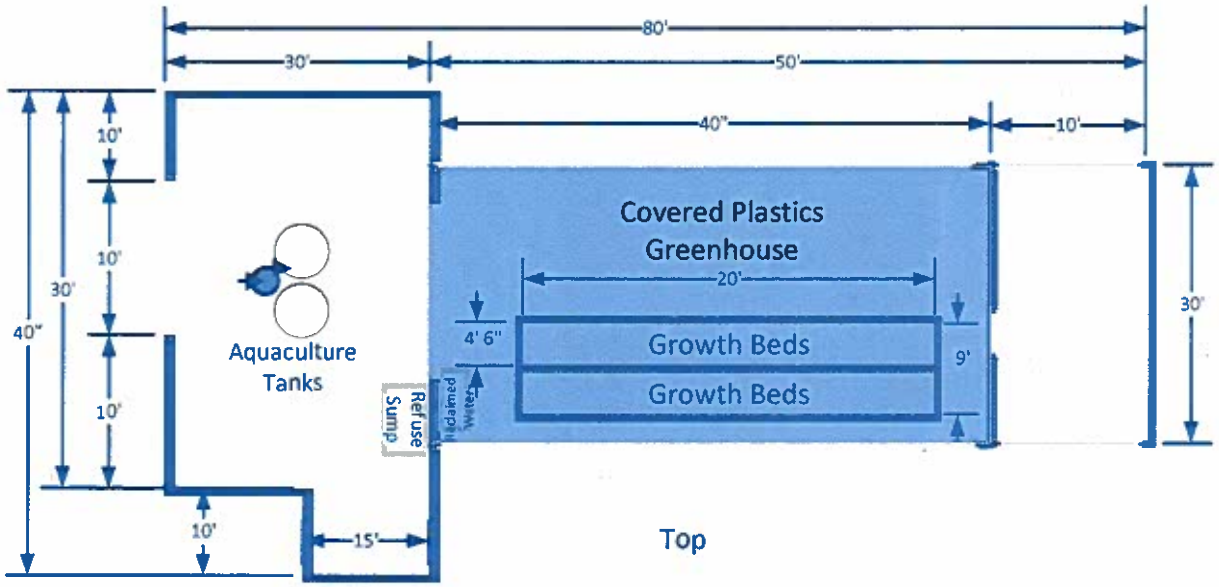
REV 11/2019



A+B Ash Electrical meter change 254-702-7654

Septic Bell & heart 512 556-1058


80'
30'
50'
40'
10'
10'
10'
10'
40"
30'
Aquaculture Tanks
Refuse Sump
Reclaimed Water
Covered Plastics Greenhouse
20'
4' 6"
Growth Beds
Growth Beds
30'
10'
15'
Top View
15'
Covered Plastics Greenhouse
12'
16"
Growth Beds
Side View


80'
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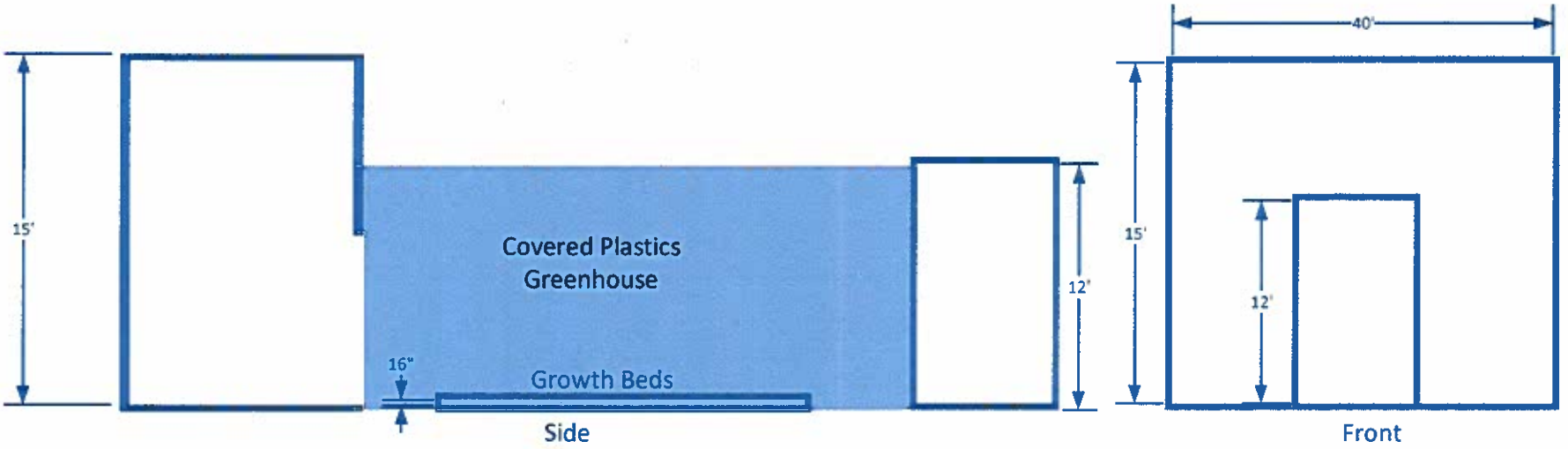
Refuse Sump
Reclaimed Water
Covered Plastics Greenhouse
20'
4' 6"
Growth Beds
Growth Beds
9'
30'
10'
15'
Top


15'
Covered Plastics Greenhouse
12'
16"
Growth Beds
Side
40'
15'
12'
Front

2020. 8.31 11:18

§ 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 ofCh. 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:

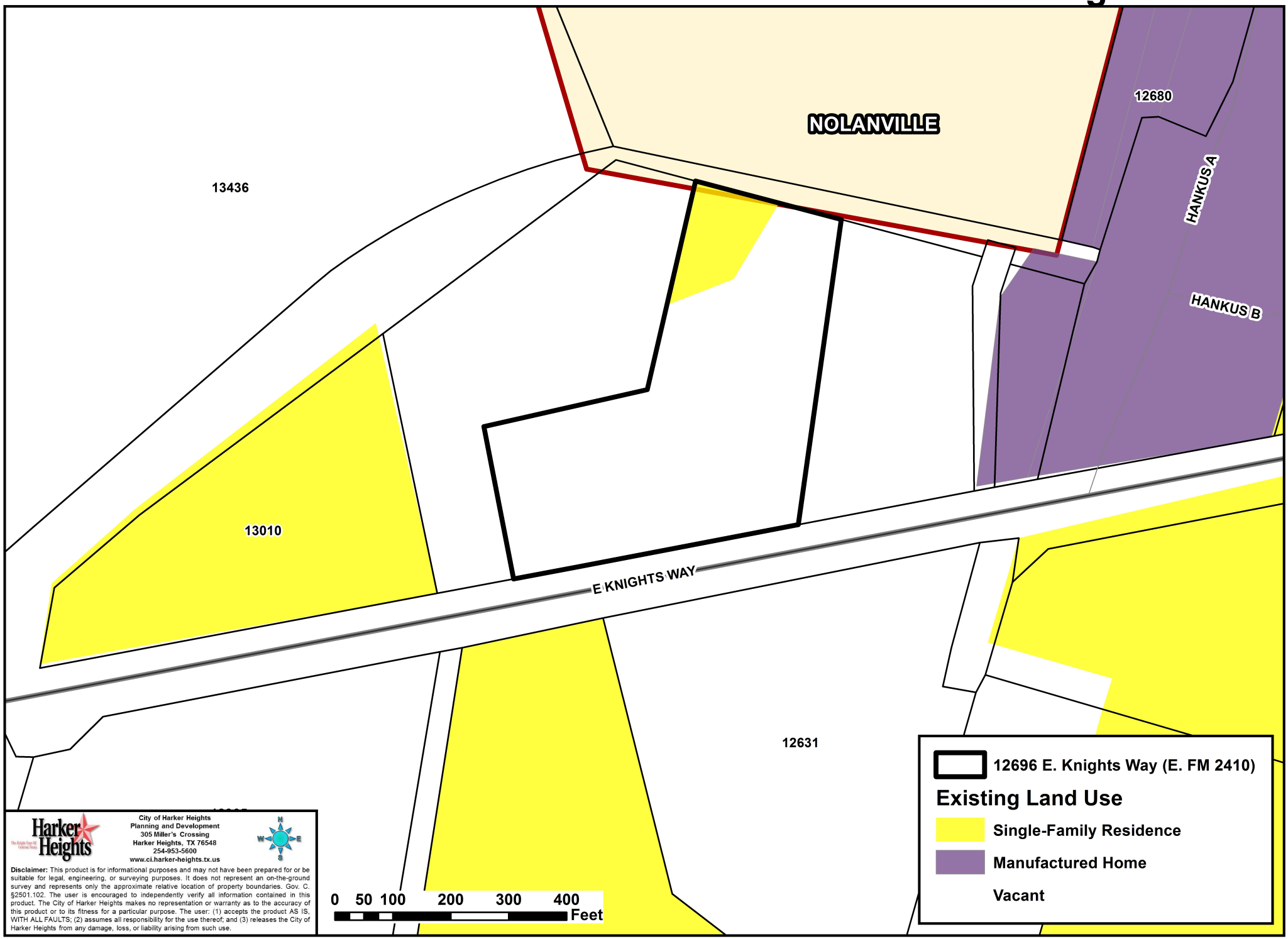
(a) Constructs, erects, installs or moves any industrialized housing in the city without first obtaining a permit as required by this section; or

(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)

Z20-23

Existing Land Use



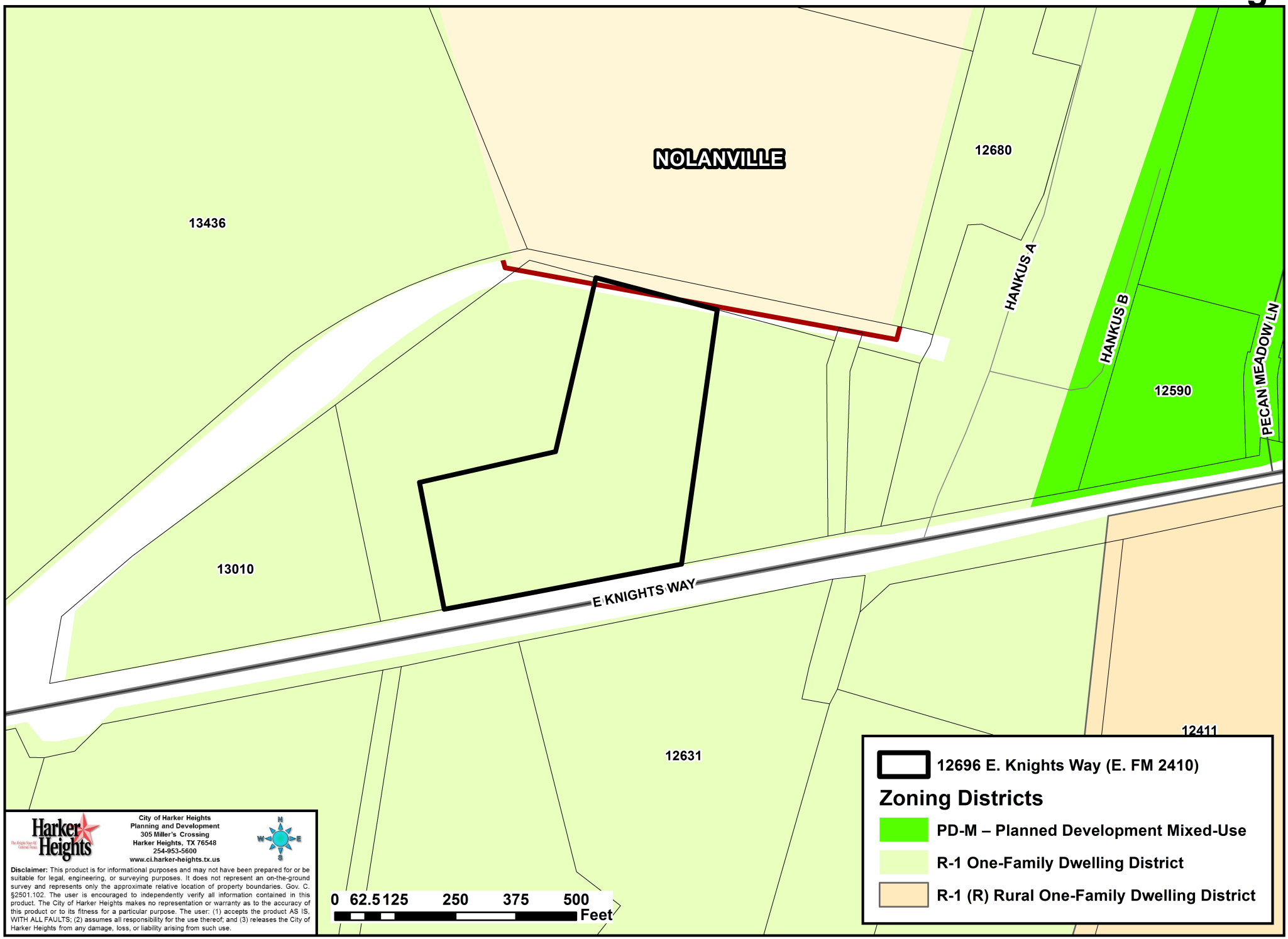
Harker Heights

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.

Z20-23

Zoning



Harker Heights

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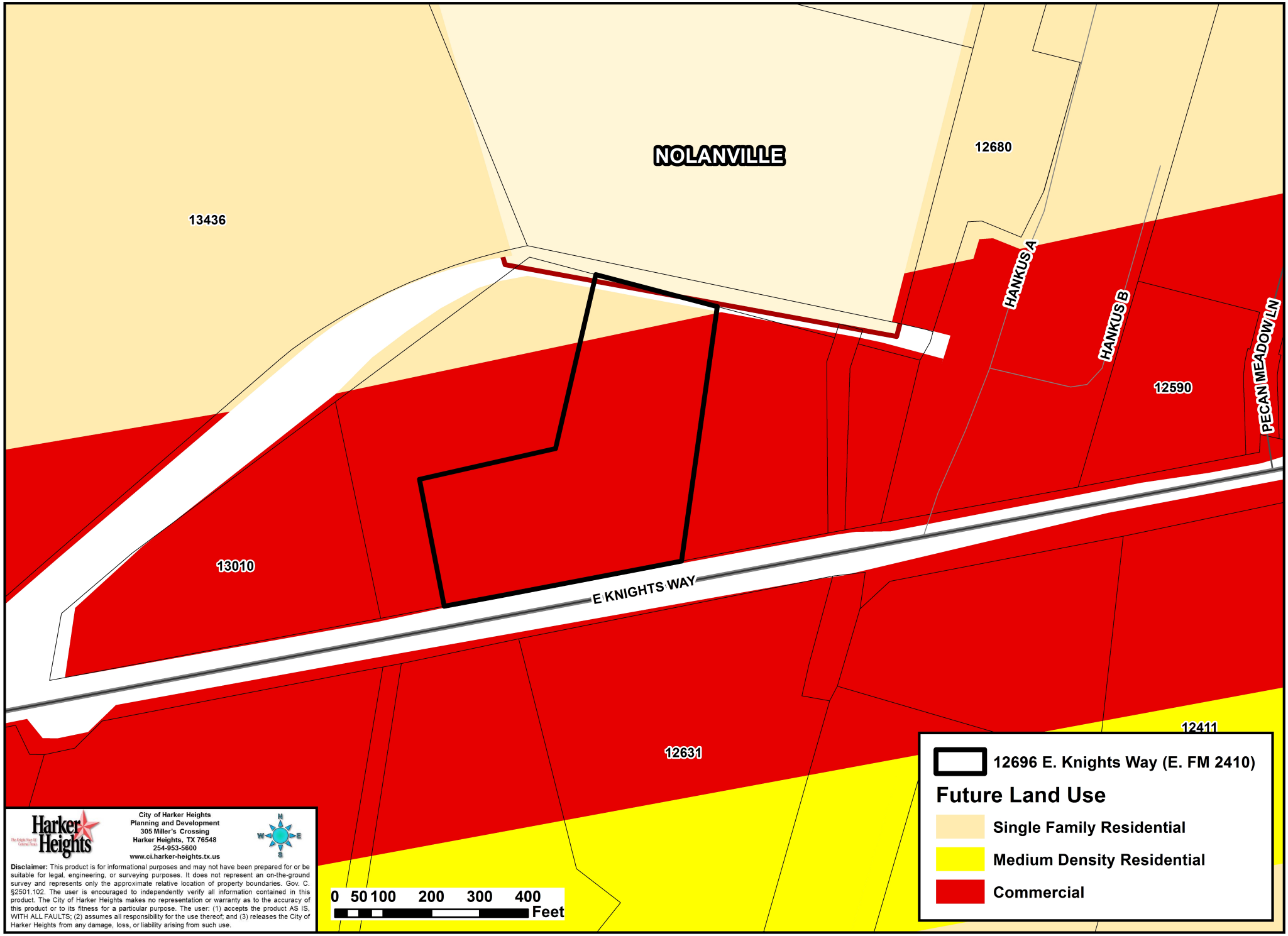
Z20-23

Future Land Use



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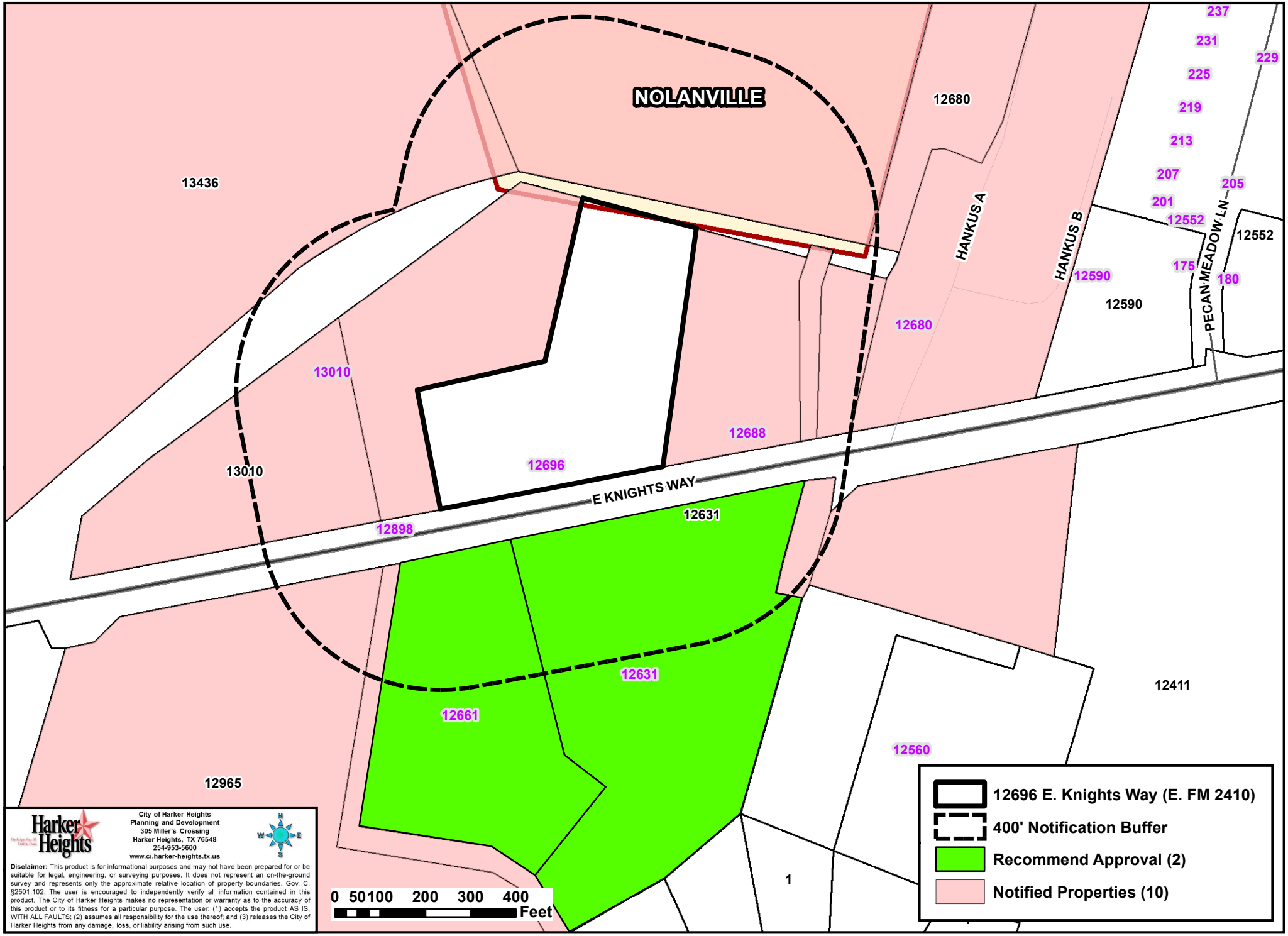
Z20-23

Notification



SENT: OCTOBER 14, 2020
DUE BACK: OCTOBER 22, 2020

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

FROM: 18631 E. Knights way
(E. FM 2410) Harker Heights, Bell county
(Address of Your Property that Could Be **Impacted** by this Request) Texas

RE: An application has been made to consider 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 (see attached notification map).

☑ **I RECOMMEND APPROVAL OF THE REQUEST**

☐ **I RECOMMEND DENIAL OF THE REQUEST**

Comments:

Nicole Casiano
Printed Name

Nicole Casiano
Signature

October 20, 2020
Date

Received
OCT 20 2020
Planning & Development

SENT: OCTOBER 14, 2020
DUE BACK: OCTOBER 22, 2020

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

FROM: MSEdwardsProVent, LLC
12661 FM 2410, Harker Heights TX76548
(Address of Your Property that Could Be **Impacted** by this Request)

RE: An application has been made to consider 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 (see attached notification map).

☒ MSE **I RECOMMEND APPROVAL OF THE REQUEST**

☐ **I RECOMMEND DENIAL OF THE REQUEST**

Comments:

Mark S. Edwards
President MSEdwards ProVent LLC
Printed Name

Mark S Edwards
Signature

19 October 2020
Date

Received
OCT 21 2020
Planning & Development

PLANNING AND ZONING COMMISSION MEMORANDUM

Z20-24 AGENDA ITEM VI-2

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING AND DEVELOPMENT
DATE: OCTOBER 28, 2020

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.

EXPLANATION:
The applicant is requesting a Conditional Use Permit (CUP) to allow an accessory dwelling unit (ADU) to be used for a relative on property located at 1614 Beaver Trail. Per the Harker Heights Code of Ordinance Section 155.020(B) (4), an accessory dwelling unit for a relative (not for rent) is permitted via a Conditional Use Permit. The applicant's property consist of approximately 11,550 square feet and would therefore be permitted one (1) large accessory structure with a maximum aggregate size of all accessory structure not to exceed 1,000 square feet (per §155.020 (A) (5) (b) (4)).

Surrounding Land Uses
Adjacent land uses include:

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

A single family structure currently occupies the applicant's property and the addition of an accessory dwelling unit would not violate the intent or ideals of Single Family Residential (SFR) use if it meets all development regulations and would be considered consistent with the 2007 City of Harker Heights Comprehensive Plan. This CUP, if granted, would not interfere with the property's primary use as a single-family home. The proposed change would not alter or have any significant impact on the square footage of the primary house, setbacks, or any other development regulations. The proposed use would therefore not likely have any adverse impact on adjoining land uses in the neighborhood.

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

Notices:
Staff sent out fifty-five (55) notices to property owners within the 400-foot notification area. There was one (1) response received in favor of the request, and one (1) response received in opposition of the request.

RECOMMENDATION:
Staff recommends 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, based on the following in accordance to Section 155.201 of the Harker Heights Code of Ordinance:

1. The proposed use conforms with applicable regulations and standards established by the City's Building and Development Code;
2. The proposed use will be consistent with the objectives and purposes of the zoning district in which the development is located, or the goals, objectives and policies set forth in the 2007 City of Harker Heights Comprehensive Plan;
3. The proposed use will be compatible with existing or permitted uses on abutting sites because of use, building height, setbacks, square footage, landscaping, and access to the site;
4. The proposed use is suitable to the premises or structure(s) in which it will be conducted; and
5. The proposed use will not be detrimental to the public health, safety, or welfare, nor will materially injure property or improvements in the vicinity.

ACTION BY THE PLANNING AND ZONING COMMISSION:
1. Motion to recommend approval/disapproval 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, based on staff's recommendation and findings.
2. Any other action deemed necessary.

ATTACHMENTS:
1. Application
2. Letter of Intent
3. Site Plan
4. R-1 Zoning District Code
5. Location Map
6. Zoning Map
7. Existing Land Use Map
8. Future Land Use Map
9. Notification Area Map
10. Citizen Responses

Conditional Use Permit Application

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

Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED

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

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

Owner Information:

Property Owner(s) Name: Deborah K. Fischer **Date:** 9/ /20

Address: 1614 Beaver Trail **City/State/Zip:** Harker Heights, Tx 76548

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

Property Information:

Site Address or General Location: 1614 Beaver Trail Harker Hts. Tx 76548

Lot: 0011 Block: 003 Subdivision: Indian Trail Section 1

Acres: 11,280 sq.ft. Property ID: 77580 Survey:

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

Current Zoning Classification:

Future Land Use Designation:

Applicant's Representative (if applicable):

Applicant's Representative:

Phone: **E-Mail:**

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

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

I, being the undersigned applicant of the property herein described, herby 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 Jacqueline R Codner will represent the owner.

Deborah K. Fischer
Printed Name of Property Owner

Deborah K. Fischer
Signature of Property Owner

Jacqueline R Codner
Printed Name of Representative

Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 30 *DAY OF* September, *20* 20.

Wilson Everett
Signature of Notary Public

WILSON EVERETT
Notary Public, State of Texas
Expires 02/22/2021
I.D.# 13101584-5

STAFF ONLY -- DO NOT FILL OUT

Date Submitted: 9/30/2020
Received By: Wilson Everett
☑ Pre-Application Meeting
Receipt #: 01620740
Case #: Z20-24

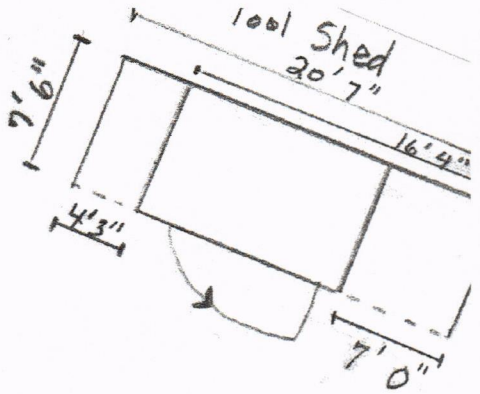
Rev. 9/20

9-30-20

To Whom It May Concern

I am applying for a permit for a "Granny Flat" in my backyard for my aging mother. She is no longer able to care for herself without assistance.

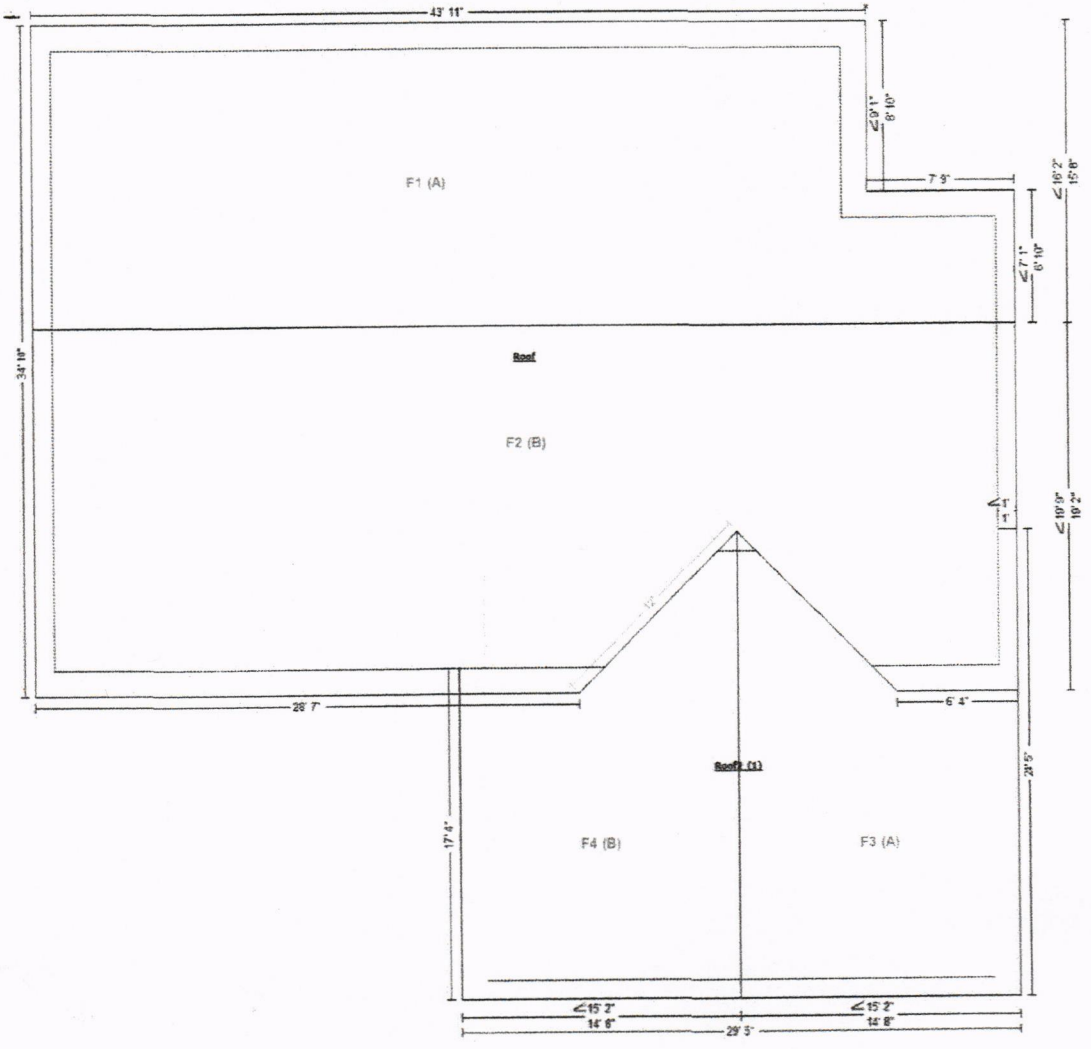
Deborah Fischer



Proposed site for Granny Flat

Open Patio

Main Level



§ 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 ofCh. 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:

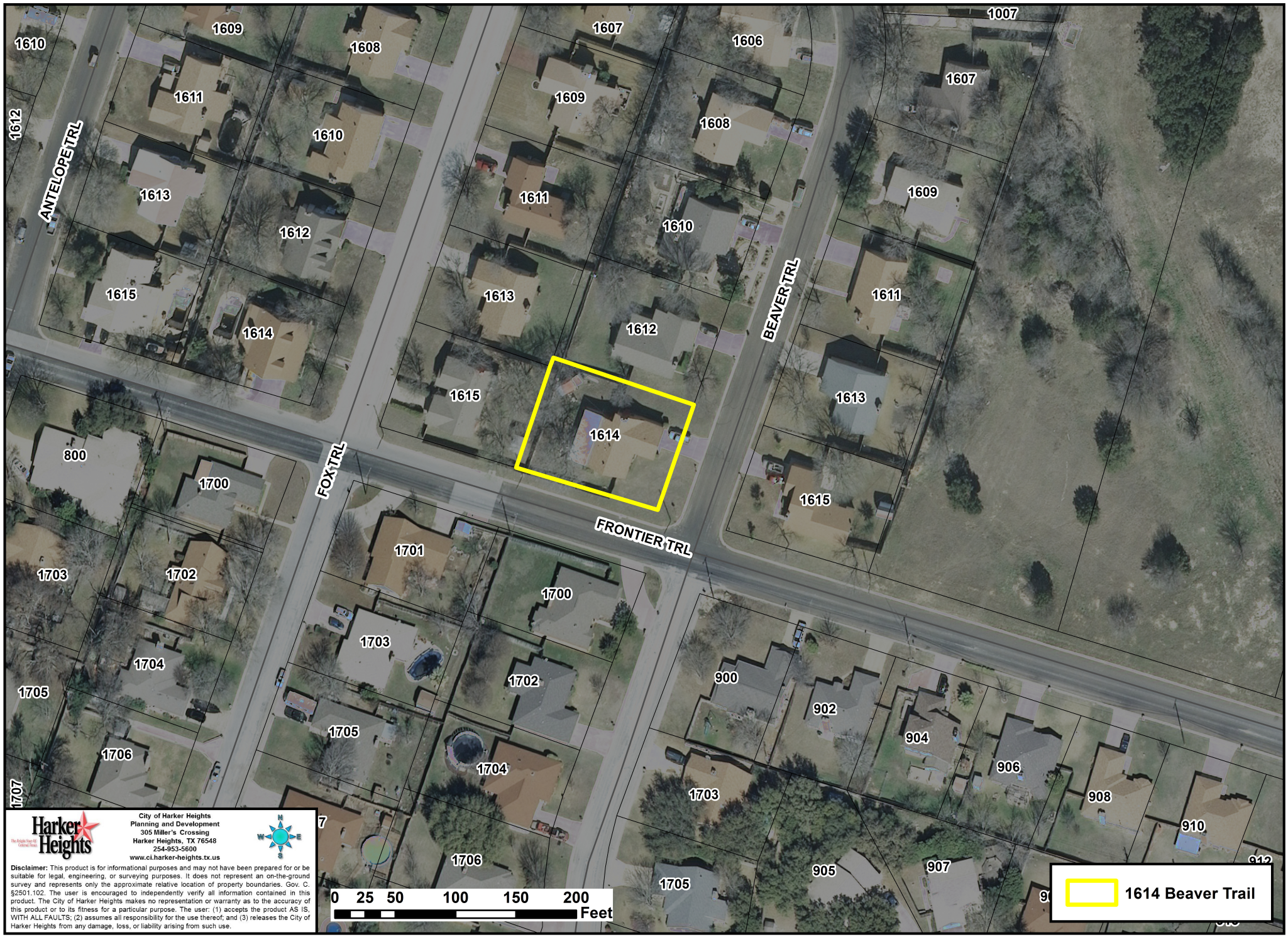
(a) Constructs, erects, installs or moves any industrialized housing in the city without first obtaining a permit as required by this section; or

(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)

Z20-24

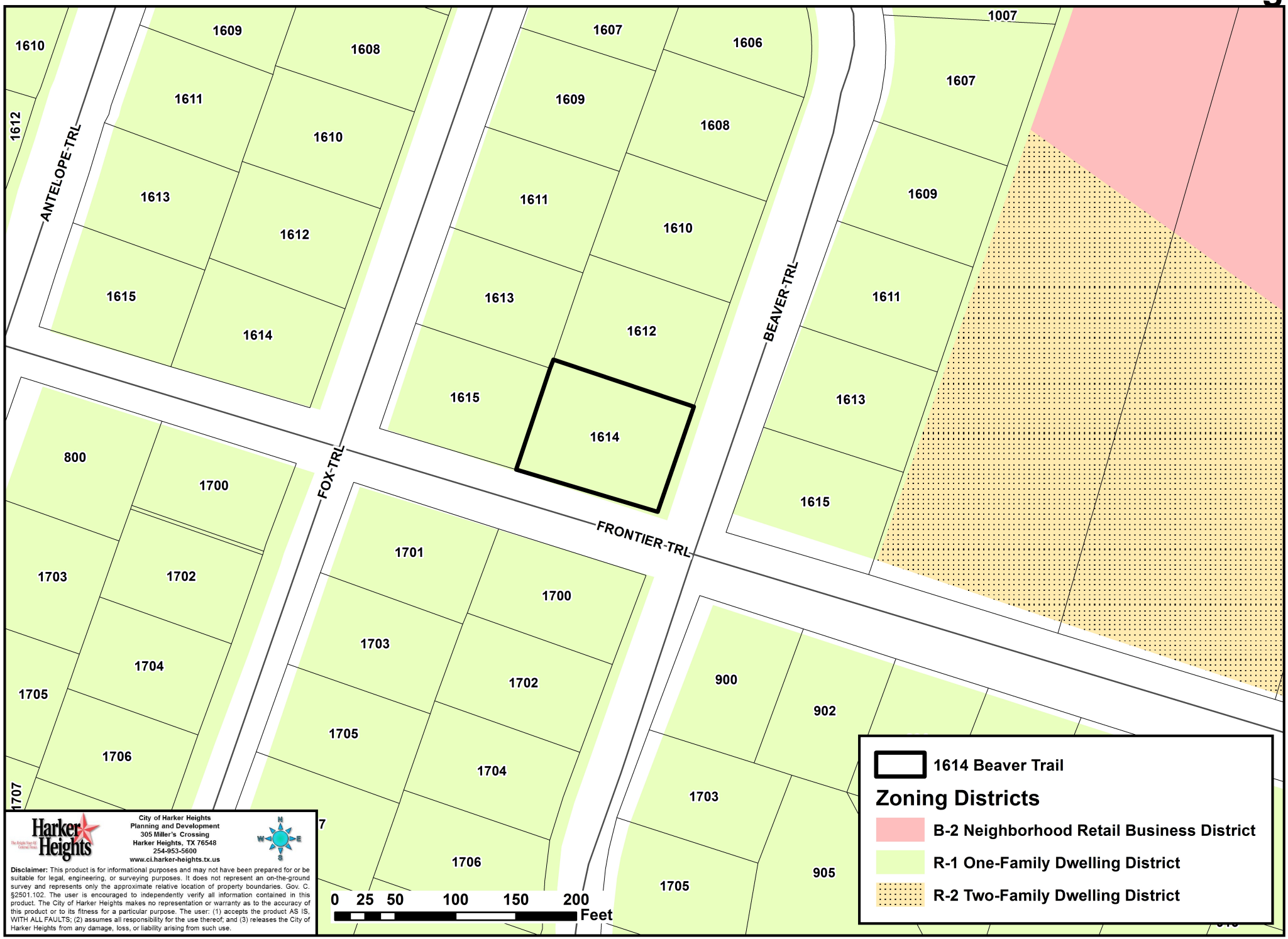
Location



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.

Z20-24

Zoning



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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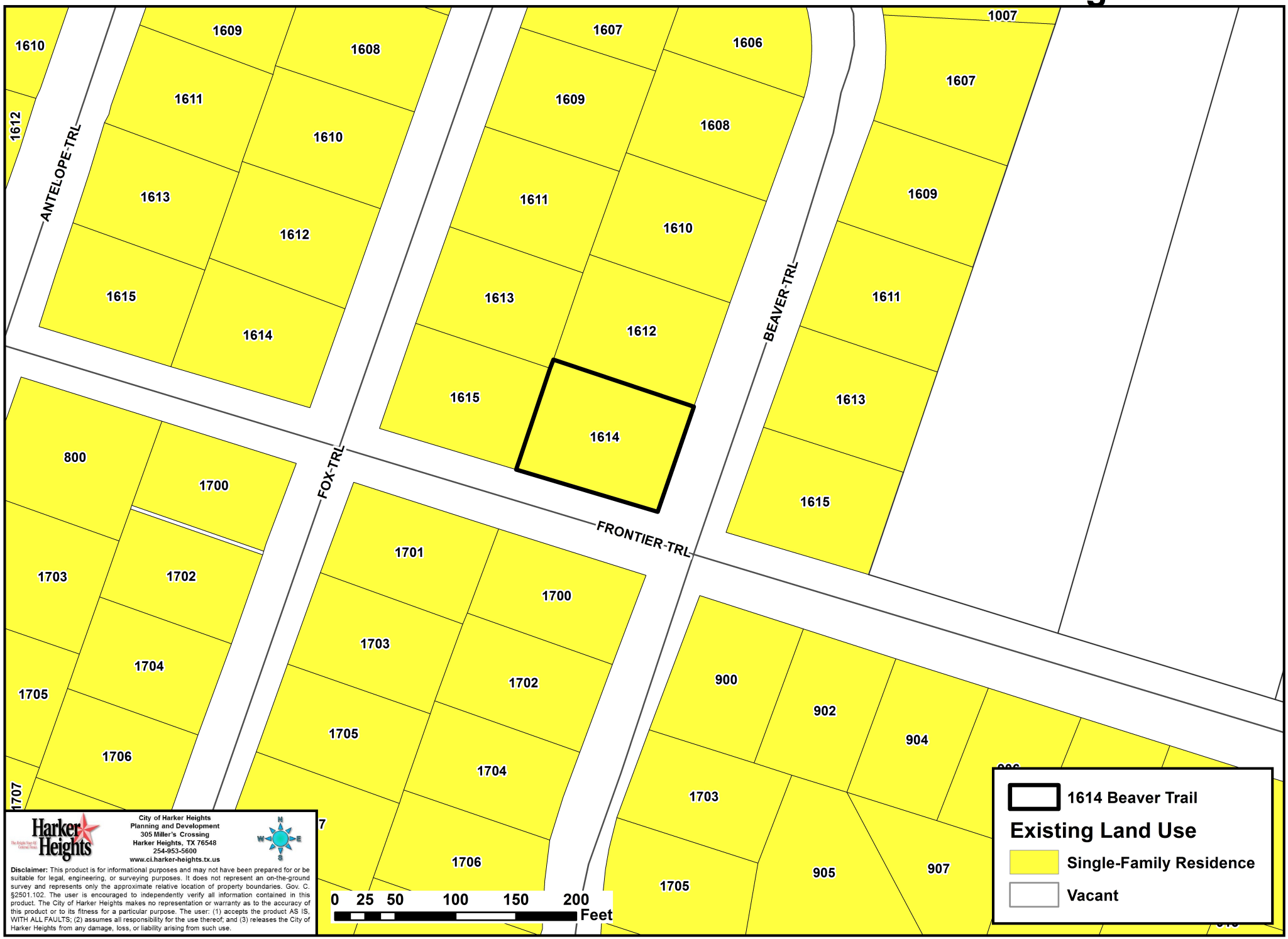
Z20-24

Existing Land Use



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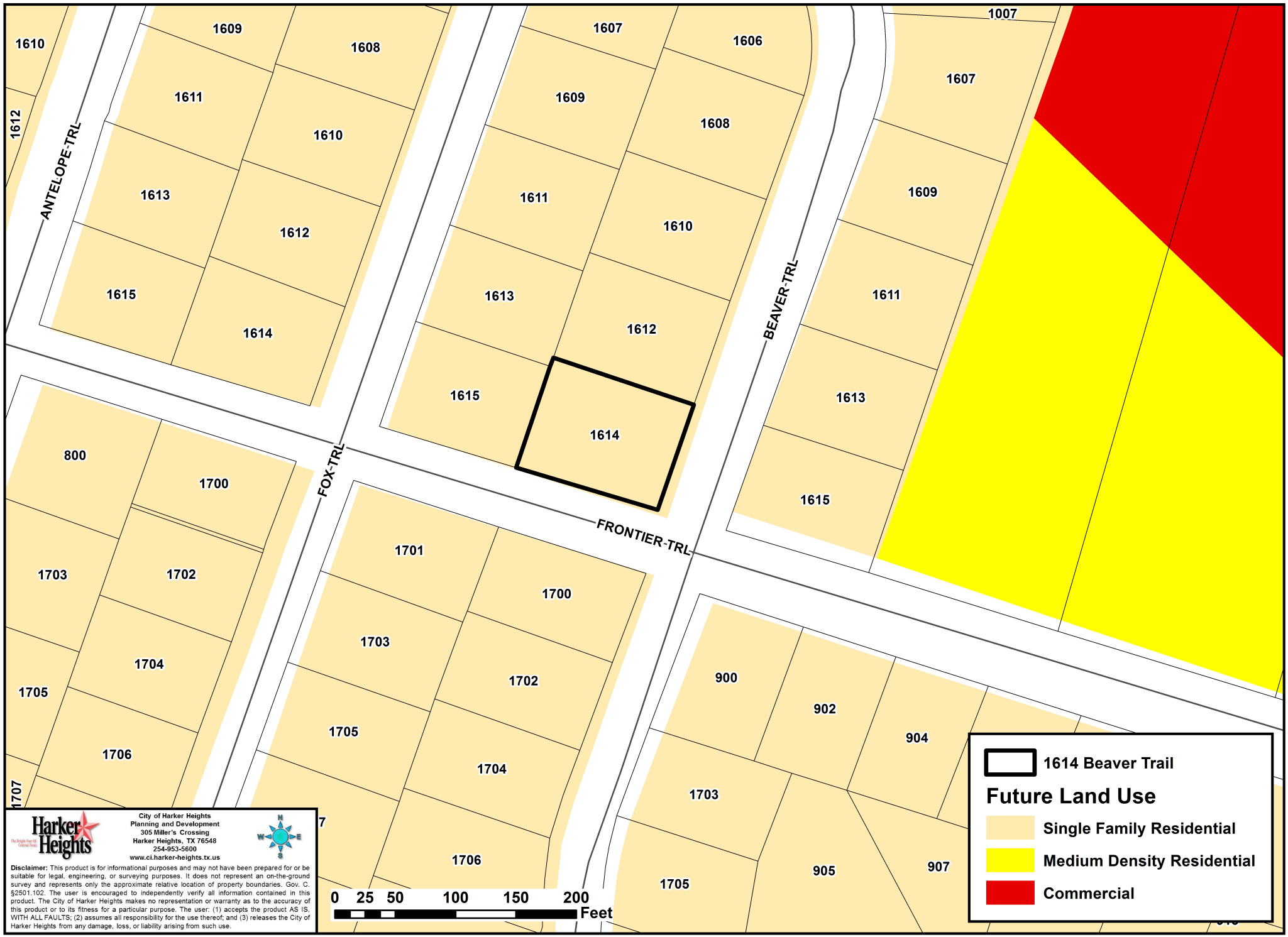
Z20-24

Future Land Use



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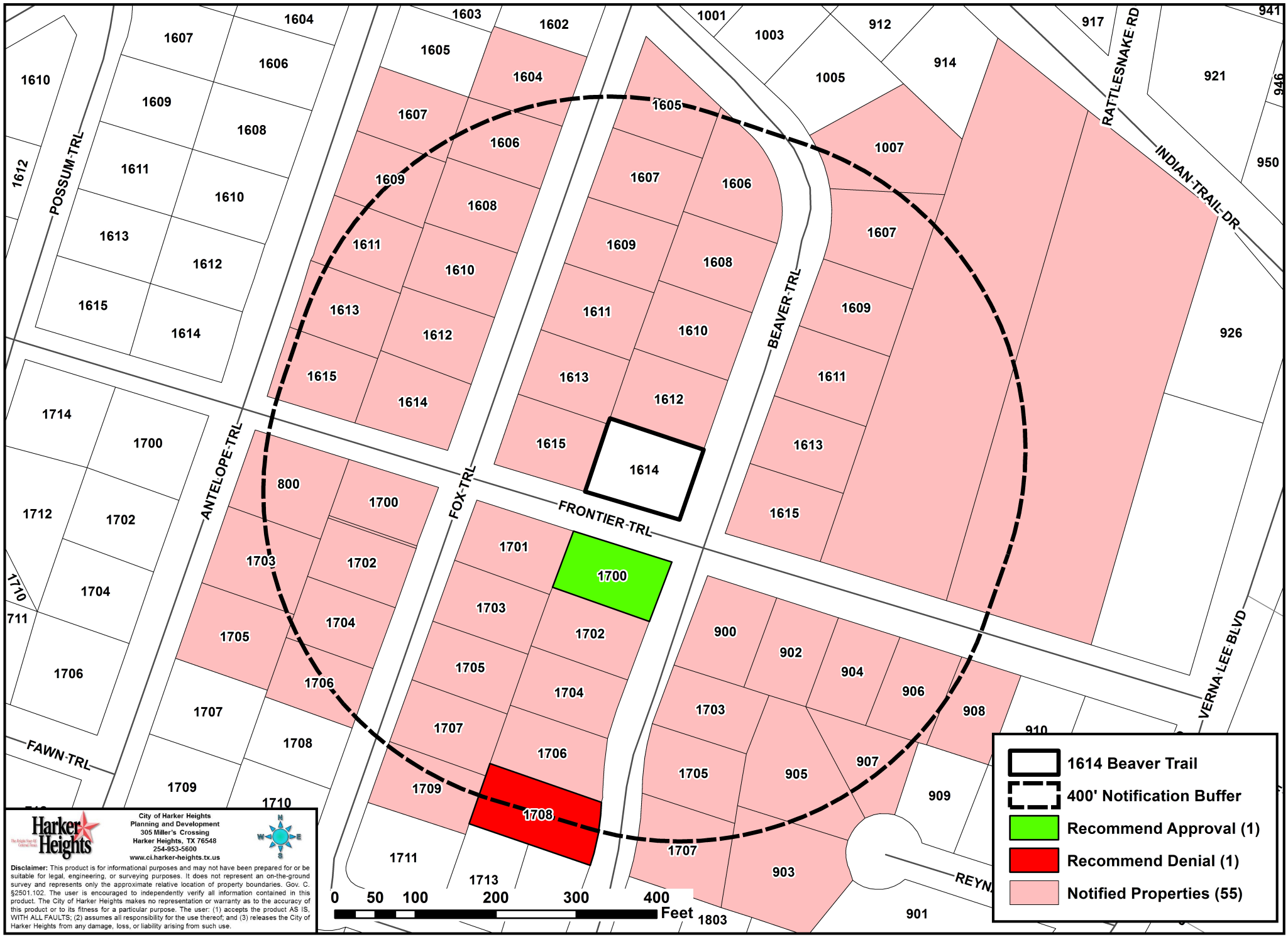
Z20-24

Notification



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SENT: OCTOBER 14, 2020
DUE BACK: OCTOBER 22, 2020

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

FROM: K. M. Crowe
1708 Beaver Trail
(Address of Your Property that Could Be **Impacted** by this Request)

RE: An application has been made to consider 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 (see attached notification map).

☐ **I RECOMMEND APPROVAL OF THE REQUEST**

☒ **I RECOMMEND DENIAL OF THE REQUEST**

Comments: Not enough info. Would this someones residence – a workshop or a greenhouse? If its for a separate residence – I vote no.

Katherine M. Crowe
Printed Name

Katherine M Crowe
Signature

16 Oct 2020
Date

Received
OCT 19 2020
Planning & Development

SENT: OCTOBER 14, 2020
DUE BACK: OCTOBER 22, 2020

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

FROM: _____

_____
(Address of Your Property that Could
Be **Impacted** by this Request)

RE: An application has been made to consider 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 (see attached notification map).

☑ **I RECOMMEND APPROVAL OF THE REQUEST**

☐ **I RECOMMEND DENIAL OF THE REQUEST**

Comments: As long as it's not a rental.

Linda Hernandez
Printed Name

Signature

10-19-2020
Date

Received
OCT 19 2020
Planning & Development

PLANNING AND ZONING COMMISSION MEMORANDUM

Z20-25 AGENDA ITEM VI-3

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING AND DEVELOPMENT
DATE: OCTOBER 28, 2020

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.

EXPLANATION:
The applicant is requesting a Conditional Use Permit (CUP) to allow a unique type of commercial development within the City of Harker Heights. Staff felt that a CUP for this property would be beneficial when navigating the development process as the Code of the City of Harker Heights does not explicitly call out design standards for modular storage containers. The applicant intends to convert the storage containers into leasable office space for small business owners. The modular storage container business park would occupy a majority of property at 126 E. Veterans Memorial Blvd.

In addition, the applicant desires to relocate their current business, Daiquiri Express (101 W. Veterans Memorial Blvd.), to the property located at 128 E. Veterans Memorial Boulevard and would require a Tavern Overlay to operate as a business that sells alcoholic beverages to include beer and wine for on premise consumption (§155.035 Tavern Overlay).

Surrounding Land Uses
Adjacent land uses include:

	Existing Land Use	Future Land Use	Zoning
North	Commercial	Commercial	B-4/B-5
South	Commercial	Commercial	B-4/B-5
East	Commercial	Commercial	B-5
West	Commercial	Commercial	B-4

According to the Future Land Use Map within the 2007 Comprehensive Plan, the property is designated as Commercial and in the past has operated in such a manner (old Kiku Garden restaurant). The zoning classification as B-4 with a Conditional Use Permit and Tavern Overlay will act to ensure the development complies with City Code as well as all adopted International Codes. The proposed use will be unique to the City of Harker Heights and the uses within the properties will not likely have any negative impacts on surrounding land uses.

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

Notices:
Staff sent out twenty-four (24) notices to property owners within the 400-foot notification area. There were zero (0) responses received in favor of the request, and zero (0) response received in opposition of the request.

RECOMMENDATION:
Staff recommends approval of an ordinance granting a Conditional Use Permit (CUP) to allow for a modular storage container business park 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; and

Staff provides no recommendation (as it is staff's policy not to make recommendations on Tavern Overlays) 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, based on the following in accordance to Section 155.201 of the Harker Heights Code of Ordinance:

1. The proposed use will be consistent with the objectives and purposes of the zoning district in which the development is located, or the goals, objectives and policies set forth in the 2007 City of Harker Heights Comprehensive Plan;
2. The proposed use will be compatible with existing or permitted uses on abutting sites because of use, building height, setbacks, square footage, landscaping, and access to the site;
3. The proposed use is suitable to the premises or structure(s) in which it will be conducted; and
4. The proposed use will not be detrimental to the public health, safety, or welfare, nor will materially injure property or improvements in the vicinity.

ACTION BY THE PLANNING AND ZONING COMMISSION:

1. Motion to recommend approval/disapproval of ordinance granting a Conditional Use Permit (CUP) to allow for a modular storage container business park 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, based on staff's recommendation and findings

2. Motion to recommend approval/disapproval of an ordinances 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, based on staff's recommendation and findings.

3. Any other action deemed necessary.

ATTACHMENTS:

1. Application
2. Letter of Intent
3. Site Plan
4. B-4 Zoning Code Section
5. Tavern Overlay Code Section
6. Conditional Use Permit Code Section
7. Location Map
8. Zoning Map
9. Existing Land Use Map
10. Future Land Use Map
11. Notification Area Map

Conditional Use Permit Application

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

Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED

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

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

Owner Information:

Property Owner(s) Name: Erarob Corp. - Robert Cavazos **Date:** 9/29/2020

Address: 101 W. Veterans Memorial Blvd **City/State/Zip:** Harker Heights, Tx 76548

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

Property Information:

Site Address or General Location: 126 E. Veterans Memorial Blvd.

Lot: [redacted] pt 9, 21 Block: 2 Subdivision: Kern Acres 2nd Ext. & Rev.

Acres: .361 Property ID: 76401 Survey:

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

Current Zoning Classification: B-4 **Future Land Use Designation:** Modular Commercial B-4 T-overlay + CUP

Applicant's Representative (if applicable):

Applicant's Representative: Rose Hilt

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

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

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

I, being the undersigned applicant of the property herein described, herby 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 Rose Hilt will represent the owner.

Robert Cavazos
Printed Name of Property Owner

Signature of Property Owner

Rose Hilt
Printed Name of Representative

Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 29 *DAY OF* September, *20* 20.

Tamara La Bombard
Signature of Notary Public

TAMARA LA BOMBARD
Notary Public
STATE OF TEXAS
ID#126749278
My Comm. Exp. Dec. 10, 2020

STAFF ONLY -- DO NOT FILL OUT

Date Submitted: 9/30/20 Receipt #:

Received By: CPate ☑ Pre-Application Meeting Case #:

Rev. 5/20

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: Erarob Corp. - Robert Cavazos **Date:** 9/29/2020

Address: 101 W. Veterans Memorial

City/State/Zip: Harker Heights, Tx 76548

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

Legal Description of Property:

Location of Property (Address if available): 128 E. Veterans Memorial

Lot: _____ Block: Not Platted Subdivision: _____

Acres: .694 Property ID: 209284 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: Bar | Tavern | Restaurant

Current Zoning Classification: B-4 **Proposed Zoning:** B4 T-overlay + CUP

Current Land Use: Empty Building **Proposed Land Use:** Bar/Tavern Mo

Applicant's Representative (if applicable):

Applicant's Representative: Rose Hilt

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

I, being the undersigned applicant of the property herein described, herby 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 Rose Hilt will represent the owner.

Robert Cavazos
Printed Name of Property Owner

Signature of Property Owner

Rose Hilt
Printed Name of Representative

Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 29 *DAY OF* September, 20

TAMARA LA BOMBARD
Notary Public
STATE OF TEXAS
ID#126749278
My Comm. Exp. Dec. 10, 2020

Tamara LaBombard
SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: Dec 10, 2020

STAFF ONLY -- DO NOT FILL OUT BELOW

Date Submitted: 9/30/20

Received By: Patt

☑ Pre-Application Meeting

Receipt #: _____

Case #: _____

Revised: 5/2020

29 September 2020

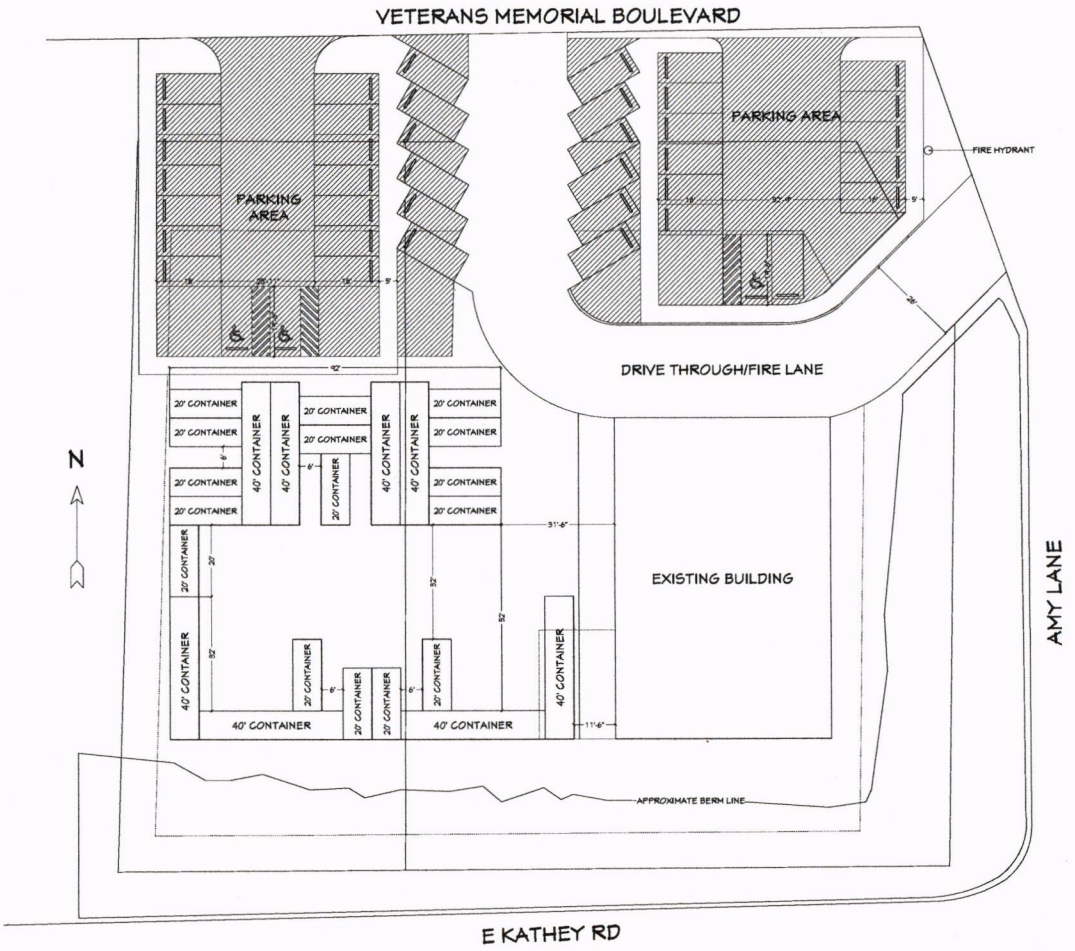
City of Harker Heights, Texas
Department of Planning & Development
305 Millers Crossing
Harker Heights, TX 76548

RE: Letter of Intent
Property Address: 126 Veterans Memorial Blvd. Harker Heights, Texas 76548
Property ID: 76401

Erarob Corporation DBA Daiquiri Express, Owned by Robert Cavazos also Owner of above Property address, is submitting a Letter of Intent for the Commercial Use Permit Application.

The above address is currently an empty lot and I intend to build a commercial space that will lease to a variety of business types, focusing on small business owners. The building will be constructed out of Modular Shipping Containers. These shipping containers will be tested and certified by an approved agency such as ICC-ES or other approved agency. The CSC safety placard will also be attached to the container. I intend to have all the plans stamped and approved by a Texas Structural Design Professional. We will also be following the rules and suggestions in the IC G5-2019, in reference to the safe use of Intermodal Shipping Container and the applicable sections in the 2015 IBC.

Robert Cavazos


VETERANS MEMORIAL BOULEVARD
PARKING AREA
PARKING AREA
FIRE HYDRANT
DRIVE THROUGH/FIRE LANE
EXISTING BUILDING
AMY LANE
E KATHEY RD
N
APPROXIMATE BERM LINE
20' CONTAINER
40' CONTAINER

§ 155.031 B-4 SECONDARY AND HIGHWAY BUSINESS DISTRICT.

(A) *Permitted uses.*

(1) Any use permitted in the B-3 Local Business District that is permitted by right.

(2) Automobile parking lots.

(3) Bakery (wholesale).

(4) Dance hall and skating rink.

(5) Frozen food locker plant.

(6) Garage, public.

(7) Drive-in theater.

(8) Bowling alley.

(9) Tourist court or motel.

(10) Antique shop.

(11) Secondhand goods store: (No outside display, repair or storage.)

(12) Automobile and marine sales and re-pair, provided that:

(a) All service must take place in the interior (service bays) of the building. No tents may be used for repair or service, except during times of urgent public necessity as declared by the Mayor or the Planning and Development Director and posted as such at the main entrance to the City Hall.

(b) Oil storage facilities and refuse containers shall be screened from the view of travelers along public streets;

(c) There shall be no vehicle storage longer than 30 days, or auto sales including vehicles belonging to the owner (except for sales lots);

(d) There shall be no dismantling or wrecking on premises;

(e) The use shall be operated in accordance with all applicable regulations including licensing from all government agencies that have jurisdiction; and

(f) Gasoline storage tanks must be underground.

(13) Building material or lumber sales (no outside storage without screening).

(14) Cleaning, pressing and dyeing.

(a) No direct exterior exhaust from cleaning plant permitted.

(b) Dust must be controlled by either bag or filter and separator or precipitator so as to eliminate the exhausting of dust, odor, fumes or noise outside the plant.

(15) Florist, garden shop, greenhouse, or nursery (retail).

(16) Ball park, stadium, athletic field (private).

(17) Philanthropic institutions (not else-where listed).

(18) Cabinet, upholstery, woodworking shop.

(19) Plumbing, electrical, air conditioning service shop (no outside storage without screening).

(20) Trade or business school.

(21) Any retail business not included in the Local Business District, provided that such use is not noxious or offensive by reason of vibrations, smoke, light, odor, dust, gas or noise.

(23) Package liquor store (in wet areas only and subject to TABC regulations). The property, if located outside the commercial zone of Business Hwy 190, must:

(a) Be part of a commercial development containing a minimum of 12,000 square feet of leaseable retail floor space (for example, a shopping center or mall); and

(b) Be located a minimum of 300 feet, measured from the front door to the establishment, from any R zoned property by the most commonly traveled public roadway.

(24) Brewpub or winery (in wet areas only and subject to TABC regulations). The property, if located outside the commercial zone of Business Hwy 190 or I-14, must be located a minimum of 300 feet from any R zoned property, measured from the front door of the establishment by the most commonly traveled public roadway. All manufacture, blending, fermentation, processing, and packaging of alcoholic beverages must take place wholly inside a building.

(B) *Conditional uses.* Any use permitted in a more restricted district that is permitted by a conditional use permit.

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

(D) *Area regulations.* The same as provided for B-2 District.

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

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

(G) *Signage.* As per Chapter 151.

(H) *Screening requirements.* As per § 155.050.

(I) *Building facade.* As per § 155.040.

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

(Ord. 2001-36, passed 11-13-01; Am. Ord. 2019-14, passed 5-28-19)

§ 155.035 T DISTRICT.

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

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

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

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

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

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

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

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

(4) *Yard regulations.*

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

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

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

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

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

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

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

§ 155.201 CONDITIONAL USE PERMITS.

(A) *Purpose.* The purpose of the conditional use permit process is to identify those land uses which may be appropriate within a zoning district but, due to either their location, function or operation could have a harmful impact on adjacent properties or the surrounding area, and to provide a procedure whereby such uses may be permitted by further restricting or conditioning them so as to mitigate or eliminate such potential adverse impacts. The conditional use permit remains with land, regardless of ownership, until termination thereof.

(B) *Planning and Zoning Commission consideration.*

(1) *Application.* Only the property owner may apply for conditional use permits. The application for a conditional use permit shall be submitted on a form approved by the Planning and Development Director and shall be accompanied by a site plan in a form acceptable to the Planning and Development Director. The application shall be filed with the Planning and Zoning Commission, together with the application fee and all required attachments, not less than 30 days prior to the meeting at which the applicant wishes to have his or her request considered.

(2) *Notice and hearing.* For purposes of giving notice and conducting a public hearing, the Planning and Zoning Commission shall treat the application as a rezoning request.

(3) *Report by Planning and Zoning Commission.* Following proper application, notice to affected landowners and public hearing, the Planning and Zoning Commission shall make a report to the City Council which shall recommend approval or denial of the application for a conditional use permit, and which shall further specify such restrictions or conditions of approval as the Planning and Zoning Commission may deem appropriate.

(4) *Criteria for approval.* The Planning and Zoning Commission may recommend approval of a conditional use permit by majority vote, but should recommend disapproval of application if it finds one or more of the following to be true:

(a) The proposed use does not conform with applicable regulations and standards established by this chapter;

(b) The proposed use will be inconsistent with the objectives and purposes of the zoning district in which the development is located, or the goals, objectives and policies set forth in the city's current Comprehensive Zoning Plan;

(c) The proposed use will be incompatible with existing or permitted uses on abutting sites because of use, building height, bulk and scale, setbacks and open spaces, coverage, landscaping and screening, drainage, or access and circulation features;

(d) The proposed use is not suitable to the premises or structure(s) in which it will be conducted;

(e) The proposed use potentially creates greater unfavorable effects or impacts on existing or permitted uses on abutting sites than those which might reasonably result from the use of the site for a use permitted by right;

(f) The proposed use will be detrimental to the public health, safety or welfare, or will materially injure property or improvements in the vicinity in a manner specified by the Commission;

(g) The proposed use fails to reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, odors, or similar hazards or impacts;

(h) The proposed use will materially and adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area under existing zoning regulations;

(i) The proposed use will materially and adversely affect traffic control or adjacent properties by inappropriate location, lighting or types of signs; or

(j) The proposed use fails to provide adequate and convenient off-street parking and loading facilities.

(C) *City Council consideration.*

(1) *Generally.* The City Council shall consider the application at the first regular meeting scheduled after it has received the final report of the Planning and Zoning Commission. The Council may vote to approve the application, vote to deny the application, table matter for future consideration, or refer the application back to the Planning and Zoning Commission for further study and a new recommendation. In the event that an application for a conditional use permit is not approved by the City Council within 180 days after the date it was first considered by the Planning and Zoning Commission, such application shall be deemed to have been denied on the 180th day after such first day of consideration.

(2) *Vote required.* The application may be approved by a majority vote of the Council, provided that the Council may not approve an application for a conditional use permit except by three-fourths approval vote if a written protest against such permit has been filed with the Building Official and such protest has been duly signed and acknowledged by the owners of at least 20% of the area of the lots or land immediately adjoining the area covered by the requested permit and extending 200 feet from that area.

(3) *Conditions of approval.* Regardless of whether such conditions have been recommended by the Planning and Zoning Commission, the City Council may establish such conditions of approval as are reasonably necessary to insure compatibility with surrounding uses and to preserve the public health, safety and welfare. Such conditions may ;include, without limitation, a limited term or duration of the permit; requirements for special yards, lot sizes, open spaces, buffers,

fences, walls or screening; requirements for the installation and maintenance of landscaping or erosion control measures; requirements for street improvements, regulation of vehicular ingress or egress and traffic circulation regulation of signs; regulation of hours or other characteristics of operation; establishment of development schedules for performance or completion; and such other reasonable conditions as the City Council may deem necessary to preserve the health, safety, and welfare of the applicant and the public. In any event, no conditional use permit shall be granted unless and until the recipient thereof shall agree in writing to comply with such conditions of approval as may be imposed by the City Council.

(4) *Ordinance required.* If the application is duly approved by the City Council, an ordinance authorizing its issuance shall be promptly thereafter executed by the Mayor. The ordinance shall set forth the conditions of approval, and may provide that any person or legal entity found guilty of violating such ordinance may be feed an amount not exceeding $2,000 for each day during which a violation is committed.

(5) *Submission of application following disapproval.* If an application for a conditional use permit has been disapproved by the City Council, whether such disapproval results from formal Council action or the failure to approve the application within the specified time, the same or substantially identical application shall not be filed with the Planning and Zoning Commission for a period of at least 180 days after the date of such disapproval. Upon disapproval of any subsequent identical or substantially identical application, the same or substantially identical application shall not be filed for a period of 12 months from the date of the last disapproval. However, the provisions of this division shall not operate to prohibit the filing of an application after legal title of record has been transferred to a new owner.

(D) *Record of permits.* The Planning and Development Director shall maintain a record of all conditional use permits granted by the city.

(E) *Term.*

(1) A conditional use permit shall continue in full force and effect until the earliest occurrence of any of the following events of termination, at which time it shall immediately become void and shall have no further effect:

(a) The building or premises is not put to the permitted use for a period of one year or more from the effective date of the ordinance authorizing issuance of the permit;

(b) The permit expires by its own terms;

(c) The property is rezoned;

(d) Another conditional use permit is approved for the site;

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

(f) The use of the building or premises is materially expanded, increased or otherwise altered; or

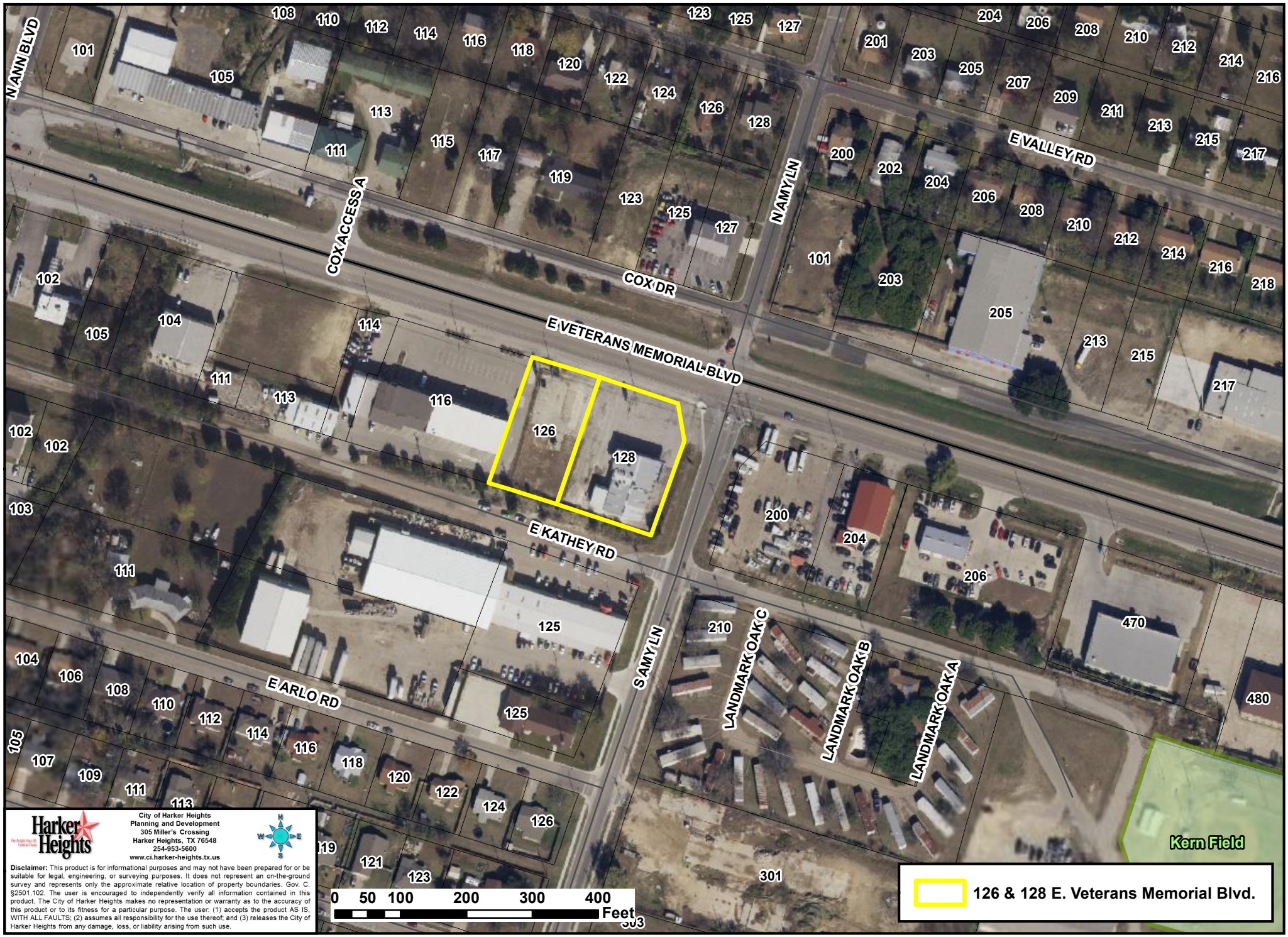
(g) The violation of any one or more of the conditions of approval.

(2) For purposes of this section the City Manager shall have the authority, subject to review by the Zoning Board of Adjustment, to determine whether an event of termination has occurred. Whenever the City Manager shall make a formal determination as to whether an event of termination has occurred, he shall promptly make and forward to the Planning and Zoning Commission and Zoning Board of Adjustment a written report describing the facts surrounding such determination and the reasons for such determination.

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

Z20-25

Location



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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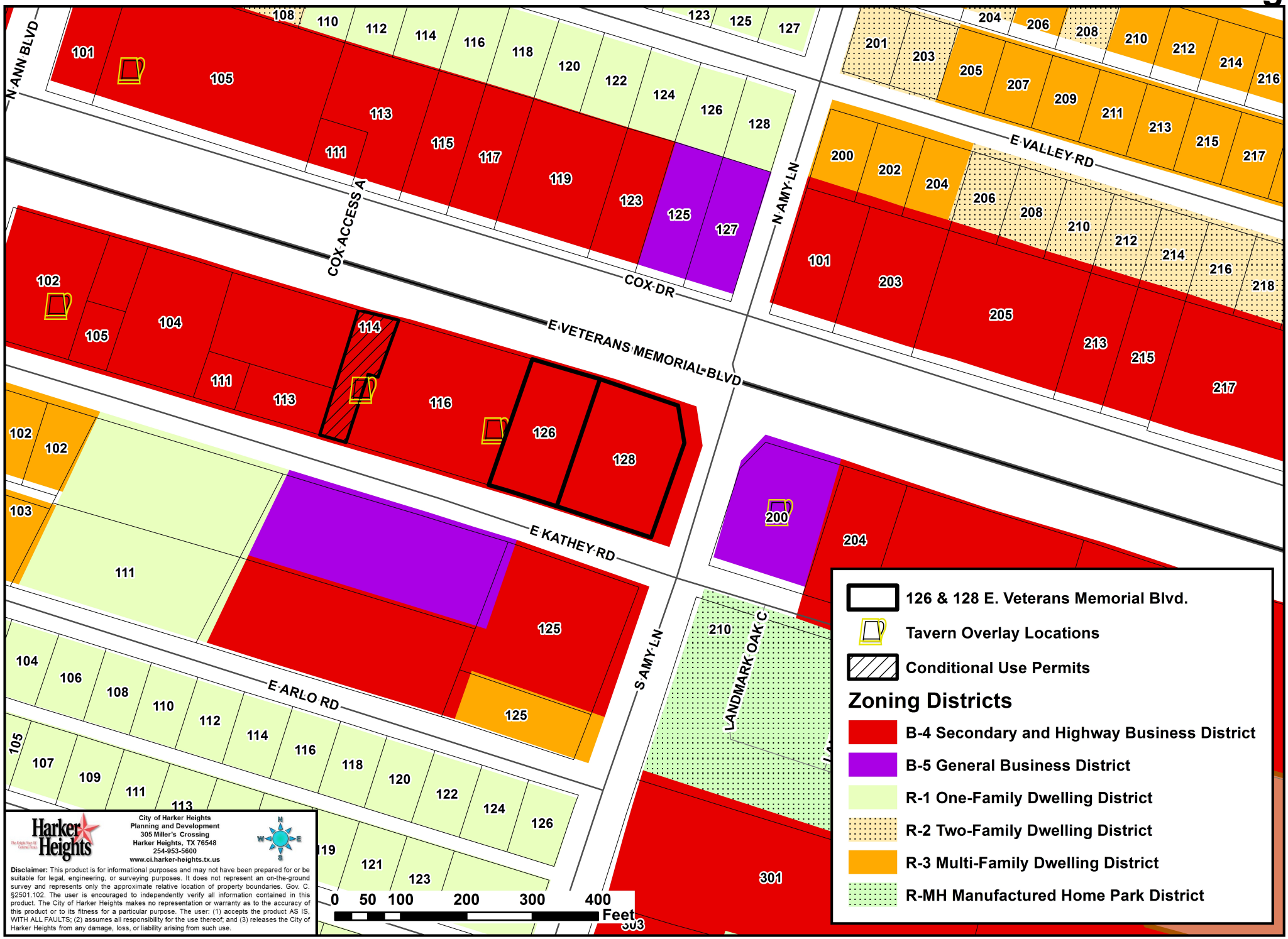
Z20-25

Zoning



Harker Heights
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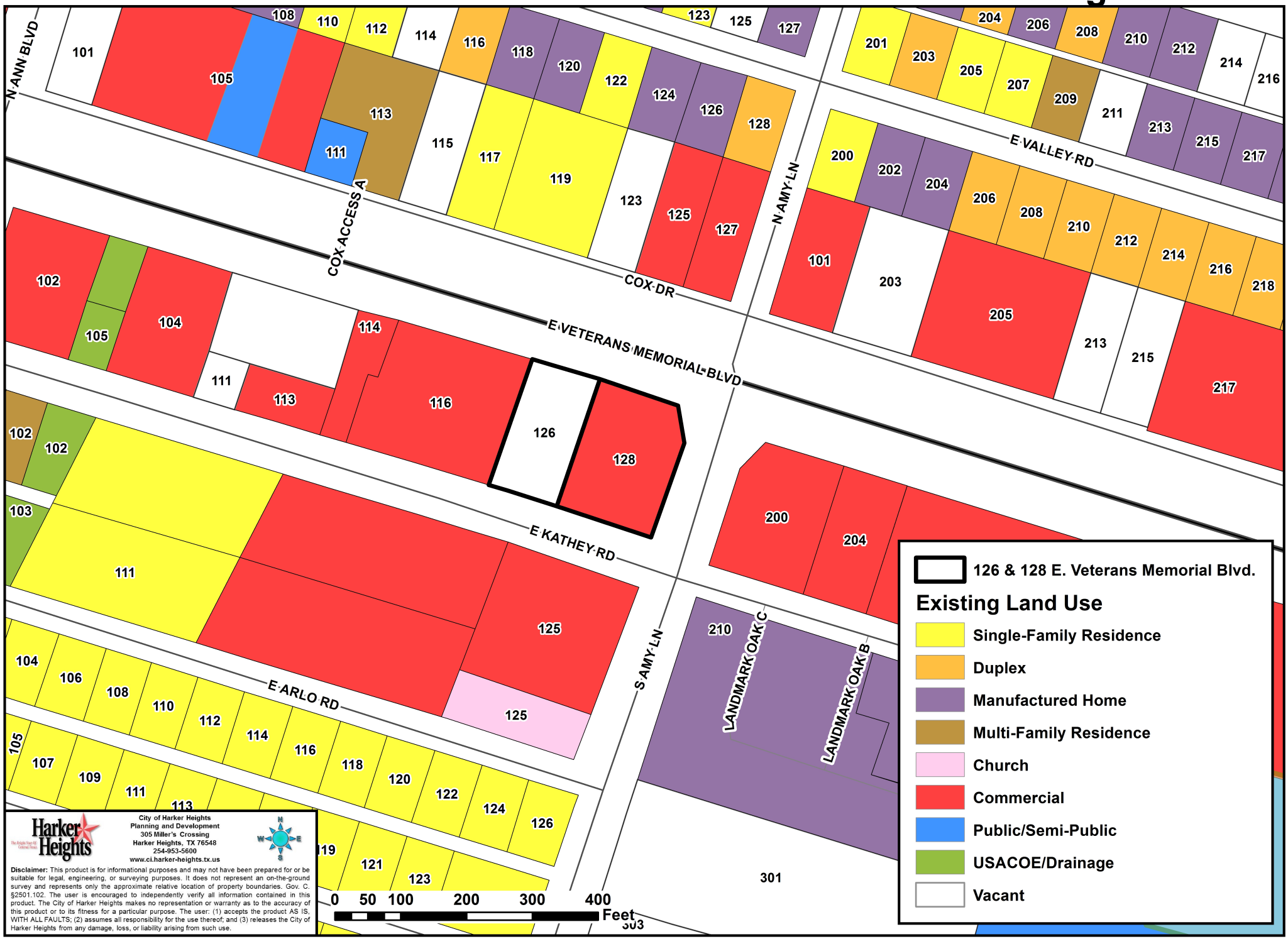
Z20-25

Existing Land Use



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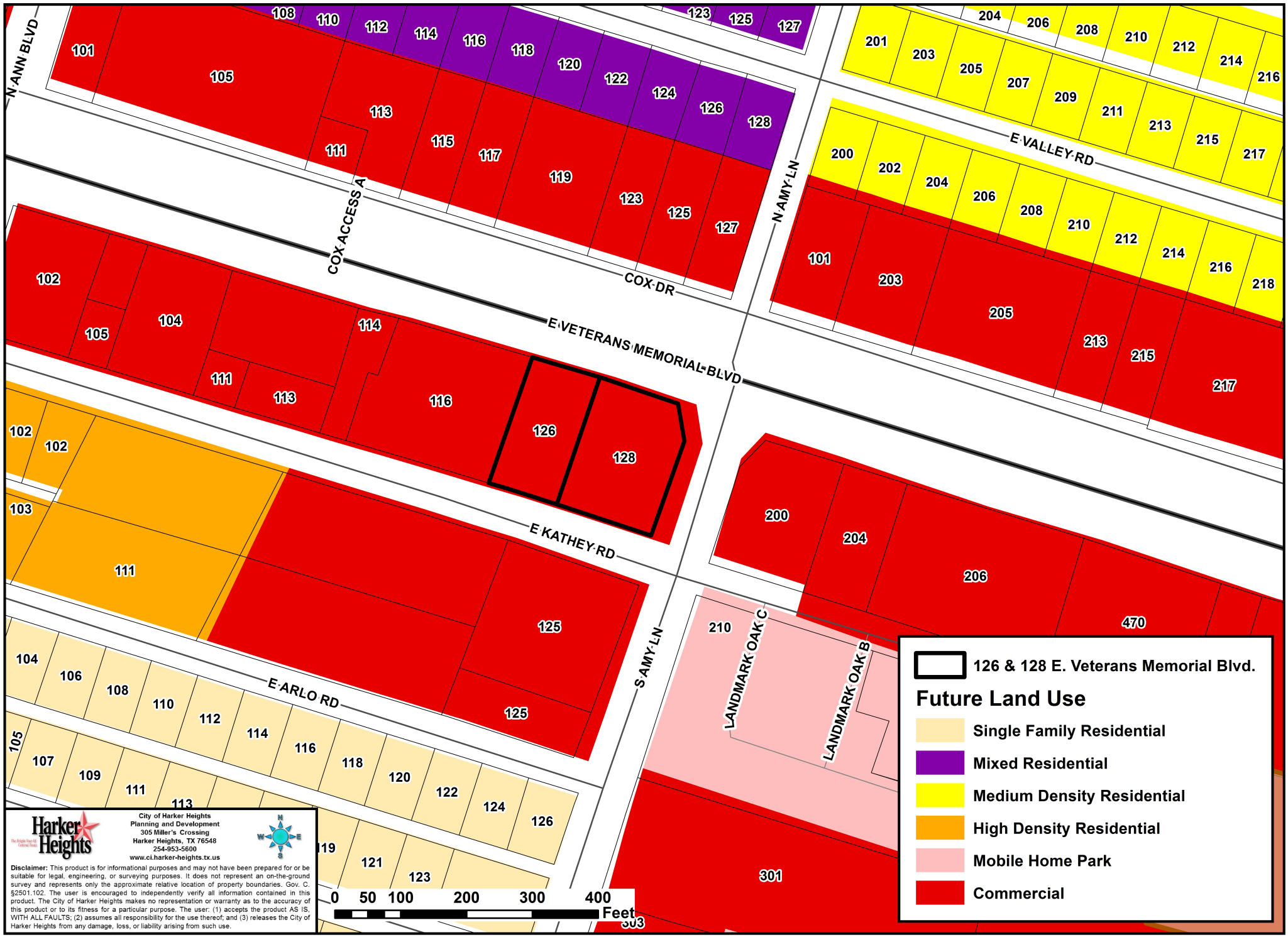
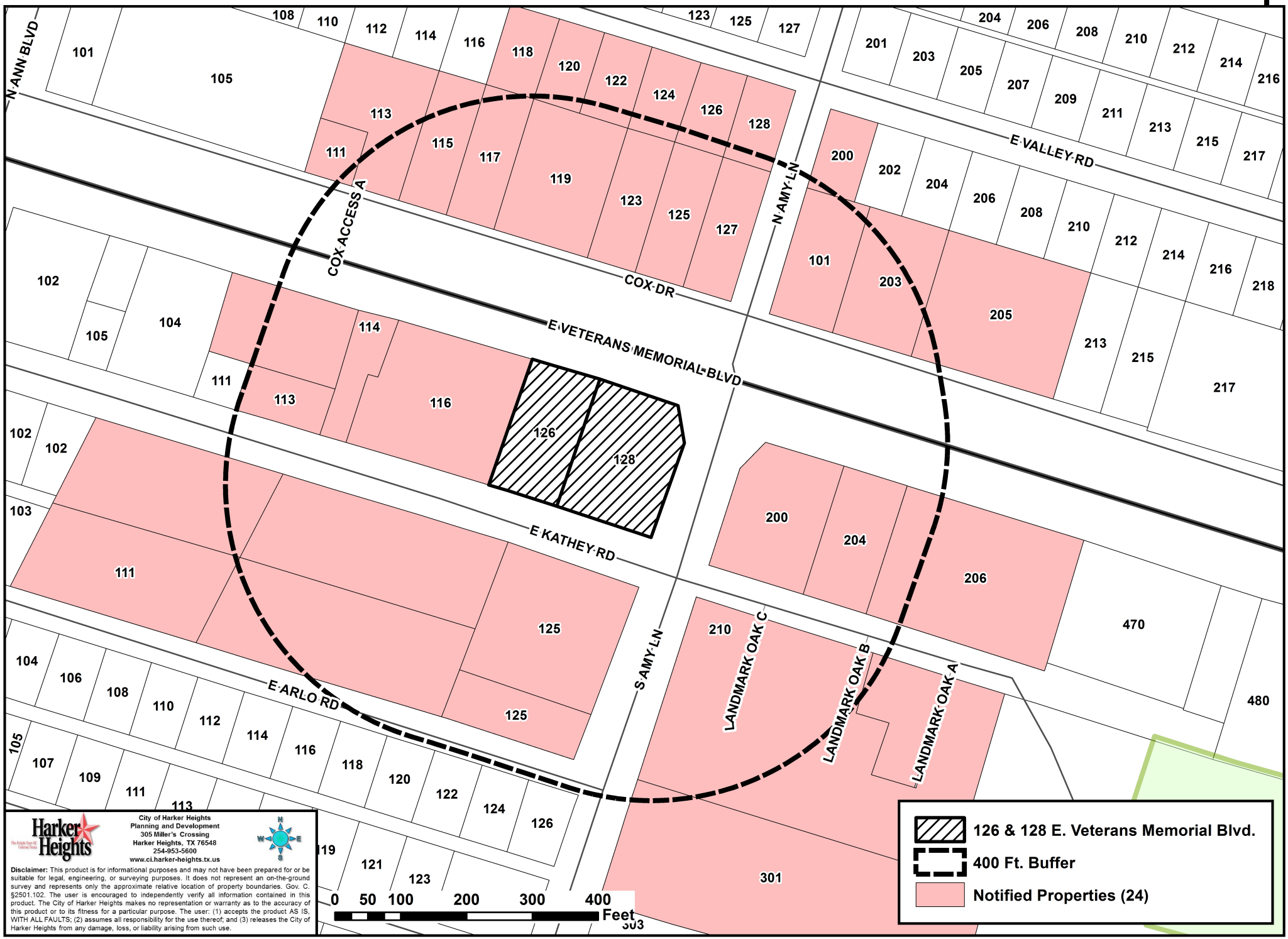
Z20-25

Future Land Use



Z20-25

Notification Map



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PLANNING AND ZONING COMMISSION MEMORANDUM

Z20-26 AGENDA ITEM VI-4

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING AND DEVELOPMENT
DATE: OCTOBER 28, 2020

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.

BACKGROUND:

The applicant and representative for the property generally located at 1100 E. Knights Way (E. FM 2410) have submitted an application for a Conditional Use Permit (CUP) for the purpose of providing incentive for prospective buyers to develop a salvage yard on the property. The property is a mixture of B-4 (Secondary and Highway Business District) along the two lots fronting E. Knights Way and M-1 (Light Manufacturing District) assigned to the two back lots. The request for a CUP aims to address the specific use as a salvage yard which is not explicitly called out within the B-4 or M-1 zoning districts. The property is divided into four lots and to date there is one lot that has a commercial structure occupying it as well as two storage buildings on the adjacent lot. In the past the property has served various commercial businesses (restaurants). The subject property is currently serviced by an onsite septic system. In addition, an electrical transmission line with a 100 foot easement is present and dissects the property thus leaving minimal space for structural development towards the rear of the property.

Surrounding Land Uses

Adjacent land uses include:

	Existing Land Use	Future Land Use	Zoning
North	School (High School)	Commercial	R-1 (One Family Dwelling District)
South	Church	Commercial/Single Family Residential	R-1
East	Commercial	Single Family Residential	B-4 (Secondary and Highway Business) & B-5 (General Business)
West	Church	Single Family Residential	R-1

Per the 2007 Comprehensive Plan, the applicant's property is located in an area designated as Commercial/Office/Retail. The designation is preferable along major thoroughfares and locations readily accessible from all neighborhoods. A survey of the area identified most of the properties

along E. Knights Way (E. FM 2410) are consistent with Commercial endeavors. Staff therefore believes the proposed conditional use permit as salvage yard may not have any adverse impacts on the surrounding area.

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

Notices:
Staff sent out eight (8) notices to property owners within the 400-foot notification area. Zero (0) responses were received in favor of the request, and one (1) response was received in opposition of the request.

RECOMMENDATION:
Staff has no recommendation for 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.

ACTION BY THE PLANNING AND ZONING COMMISSION:
1. Motion to recommend approval/denial of 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, based on staff's report and findings.
2. Any other action deemed necessary.

ATTACHMENTS:
1. Application
2. Letter of Intent
3. Location Map
4. B-4 Zoning Code Section
5. M-1 Zoning Code Section
6. Conditional Use Permit Code Section
7. Zoning Map
8. Existing Land Use Map
9. Future Land Use Map
10. Notification Area Map
11. Citizen Responses

Conditional Use Permit Application

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

Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED

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

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

Owner Information:

Property Owner(s) Name: LYDIA Fernandes **Date:** 9/17/2020

Address: 1100 E Fm 2410 RD. **City/State/Zip:** HARKER HEIGHTS, TX 76548

Phone: _____ **E-mail:** [redacted]

Property Information:

Site Address or General Location: 1100 E FM 2410 + 3 LOTS IDENTIFIED BELOW.

Lot: _____ Block: _____ Subdivision: _____

Acres: _____ Property ID: 107742, 109046, 109047, 307886 Survey: _____

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

Current Zoning Classification: BH, MI **Future Land Use Designation:** BH MI WITH A COP

Applicant's Representative (if applicable):

Applicant's Representative: Meagan Clark

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

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

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

I, being the undersigned applicant of the property herein described, herby 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 Meagan Clark will represent the owner.

LYDIA FERNANDES
Printed Name of Property Owner

Lydia Fernandes
Signature of Property Owner

Meagan Clark
Printed Name of Representative

Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 17th *DAY OF* September, 2020.

Laura R Wavra
Signature of Notary Public

LAURA R WAVRA
Notary Public, State of Texas
Comm. Expires 03/10/2022
Notary ID 12560497-9

STAFF ONLY -- DO NOT FILL OUT

Date Submitted: 10/1/2020
Received By: SD
☒ email/phone conf. Pre-Application Meeting
Receipt #: 01621494
Case #: 220-26

Rev. 9/20

Letter of Intent

Looking to use the property to park vehicles. Would be a nicer version of a salvage yard, it would be a place to keep vehicles though taking into considerations the electrical lines that run through the property.

Letter of Intent

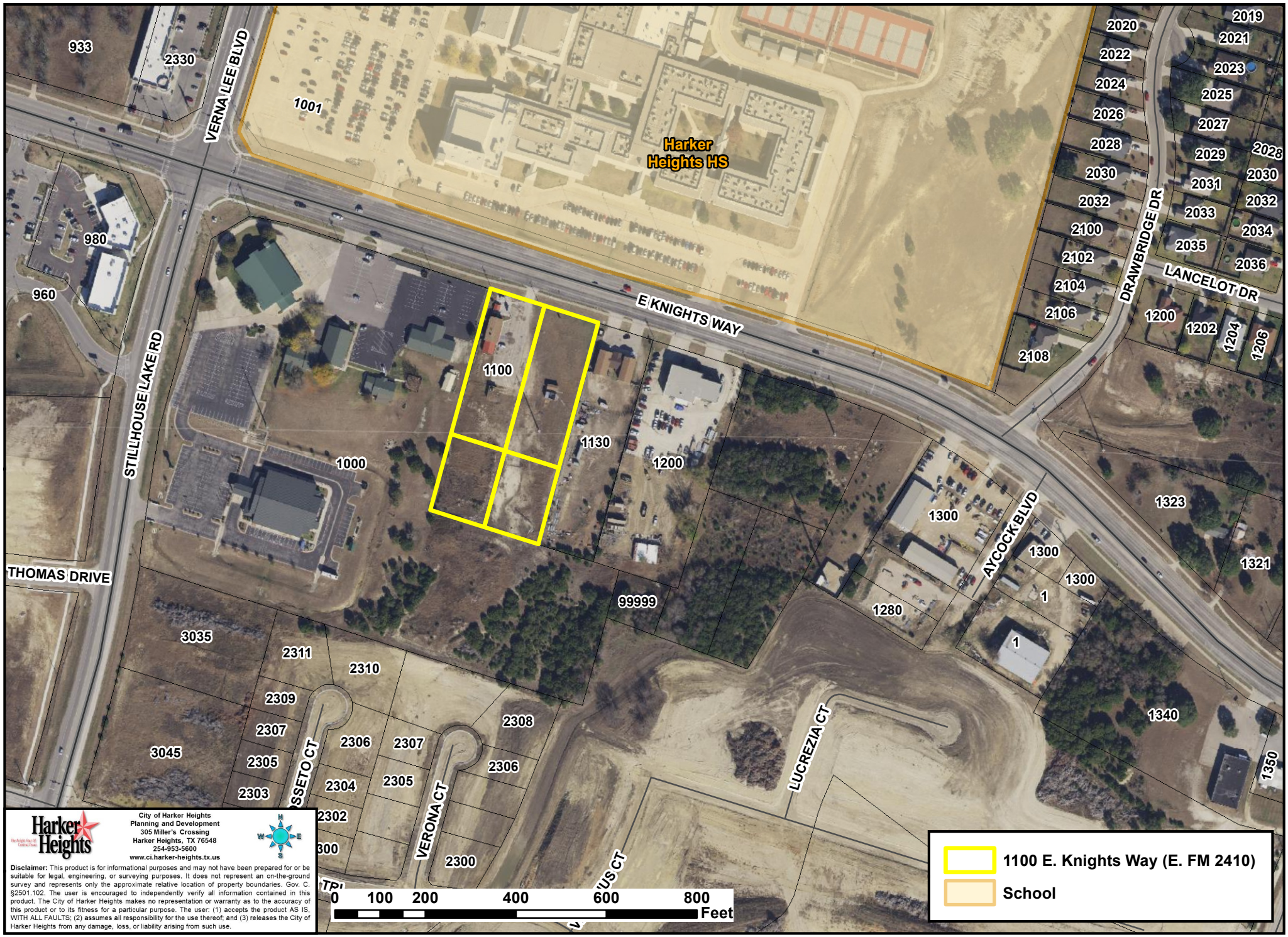
1100 E FM 2410, Harker Heights

To whom it may concern:

I am submitting on behalf of my client a zoning change. We have received several inquiries and realized some of the limitations with the current zoning. In order to better assist and make this property more appealing to more buyers we are requesting a zoning increase. With the recent loss of Mr. John Fernandes maintaining this property is more of a burden as it sits vacant for Lydia Fernandes.

Z20-26

Location



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§ 155.031 B-4 SECONDARY AND HIGHWAY BUSINESS DISTRICT.

(A) *Permitted uses.*

(1) Any use permitted in the B-3 Local Business District that is permitted by right.

(2) Automobile parking lots.

(3) Bakery (wholesale).

(4) Dance hall and skating rink.

(5) Frozen food locker plant.

(6) Garage, public.

(7) Drive-in theater.

(8) Bowling alley.

(9) Tourist court or motel.

(10) Antique shop.

(11) Secondhand goods store: (No outside display, repair or storage.)

(12) Automobile and marine sales and re-pair, provided that:

(a) All service must take place in the interior (service bays) of the building. No tents may be used for repair or service, except during times of urgent public necessity as declared by the Mayor or the Planning and Development Director and posted as such at the main entrance to the City Hall.

(b) Oil storage facilities and refuse containers shall be screened from the view of travelers along public streets;

(c) There shall be no vehicle storage longer than 30 days, or auto sales including vehicles belonging to the owner (except for sales lots);

(d) There shall be no dismantling or wrecking on premises;

(e) The use shall be operated in accordance with all applicable regulations including licensing from all government agencies that have jurisdiction; and

(f) Gasoline storage tanks must be underground.

(13) Building material or lumber sales (no outside storage without screening).

(14) Cleaning, pressing and dyeing.

(a) No direct exterior exhaust from cleaning plant permitted.

(b) Dust must be controlled by either bag or filter and separator or precipitator so as to eliminate the exhausting of dust, odor, fumes or noise outside the plant.

(15) Florist, garden shop, greenhouse, or nursery (retail).

(16) Ball park, stadium, athletic field (private).

(17) Philanthropic institutions (not else-where listed).

(18) Cabinet, upholstery, woodworking shop.

(19) Plumbing, electrical, air conditioning service shop (no outside storage without screening).

(20) Trade or business school.

(21) Any retail business not included in the Local Business District, provided that such use is not noxious or offensive by reason of vibrations, smoke, light, odor, dust, gas or noise.

(23) Package liquor store (in wet areas only and subject to TABC regulations). The property, if located outside the commercial zone of Business Hwy 190, must:

(a) Be part of a commercial development containing a minimum of 12,000 square feet of leaseable retail floor space (for example, a shopping center or mall); and

(b) Be located a minimum of 300 feet, measured from the front door to the establishment, from any R zoned property by the most commonly traveled public roadway.

(24) Brewpub or winery (in wet areas only and subject to TABC regulations). The property, if located outside the commercial zone of Business Hwy 190 or I-14, must be located a minimum of 300 feet from any R zoned property, measured from the front door of the establishment by the most commonly traveled public roadway. All manufacture, blending, fermentation, processing, and packaging of alcoholic beverages must take place wholly inside a building.

(B) *Conditional uses.* Any use permitted in a more restricted district that is permitted by a conditional use permit.

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

(D) *Area regulations.* The same as provided for B-2 District.

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

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

(G) *Signage.* As per Chapter 151.

(H) *Screening requirements.* As per § 155.050.

(I) *Building facade.* As per § 155.040.

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

(Ord. 2001-36, passed 11-13-01; Am. Ord. 2019-14, passed 5-28-19)

§ 155.033 M-1 LIGHT MANUFACTURING DISTRICT.

(A) *Permitted uses.*

(1) Any use permitted in the B-5 District that is permitted by right.

(2) Wood, paper, plastic container manufacture.

(3) Stone monument works.

(4) Foundry, forge plant, rolling mill, metal fabrication plant.

(5) Feed mill.

(6) Planing mill.

(7) Railroad yard, roundhouse, shop.

(8) Textile or garment manufacture.

(9) Automobile and equipment manufacture.

(10) Electrical equipment or appliance manufacture (large).

(11) Furniture, cabinet, kitchen equipment manufacture.

(12) Oil well tools, oil well equipment manufacture.

(13) Aircraft, aircraft hardware, or parts manufacture.

(14) Wholesale beer and malt liquor ware-housing (in wet areas only).

(B) *Conditional uses.*

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

(2) Paper products manufacture.

(3) Petroleum products wholesale storage.

(4) Processing of chemicals or mineral extractions, not elsewhere classified

(5) Food processing.

(6) Petroleum or chemical products manufacture (indoors).

(7) Sewage treatment plant.

(C) *Height regulations.* No building shall exceed a height of six stories or 75 feet.

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

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

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

(G) *Signage.* As per Chapter 151.

(H) *Screening and buffering.* As per § 155.050.

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

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

§ 155.201 CONDITIONAL USE PERMITS.

(A) *Purpose.* The purpose of the conditional use permit process is to identify those land uses which may be appropriate within a zoning district but, due to either their location, function or operation could have a harmful impact on adjacent properties or the surrounding area, and to provide a procedure whereby such uses may be permitted by further restricting or conditioning them so as to mitigate or eliminate such potential adverse impacts. The conditional use permit remains with land, regardless of ownership, until termination thereof.

(B) *Planning and Zoning Commission consideration.*

(1) *Application.* Only the property owner may apply for conditional use permits. The application for a conditional use permit shall be submitted on a form approved by the Planning and Development Director and shall be accompanied by a site plan in a form acceptable to the Planning and Development Director. The application shall be filed with the Planning and Zoning Commission, together with the application fee and all required attachments, not less than 30 days prior to the meeting at which the applicant wishes to have his or her request considered.

(2) *Notice and hearing.* For purposes of giving notice and conducting a public hearing, the Planning and Zoning Commission shall treat the application as a rezoning request.

(3) *Report by Planning and Zoning Commission.* Following proper application, notice to affected landowners and public hearing, the Planning and Zoning Commission shall make a report to the City Council which shall recommend approval or denial of the application for a conditional use permit, and which shall further specify such restrictions or conditions of approval as the Planning and Zoning Commission may deem appropriate.

(4) *Criteria for approval.* The Planning and Zoning Commission may recommend approval of a conditional use permit by majority vote, but should recommend disapproval of application if it finds one or more of the following to be true:

(a) The proposed use does not conform with applicable regulations and standards established by this chapter;

(b) The proposed use will be inconsistent with the objectives and purposes of the zoning district in which the development is located, or the goals, objectives and policies set forth in the city's current Comprehensive Zoning Plan;

(c) The proposed use will be incompatible with existing or permitted uses on abutting sites because of use, building height, bulk and scale, setbacks and open spaces, coverage, landscaping and screening, drainage, or access and circulation features;

(d) The proposed use is not suitable to the premises or structure(s) in which it will be conducted;

(e) The proposed use potentially creates greater unfavorable effects or impacts on existing or permitted uses on abutting sites than those which might reasonably result from the use of the site for a use permitted by right;

(f) The proposed use will be detrimental to the public health, safety or welfare, or will materially injure property or improvements in the vicinity in a manner specified by the Commission;

(g) The proposed use fails to reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, odors, or similar hazards or impacts;

(h) The proposed use will materially and adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area under existing zoning regulations;

(i) The proposed use will materially and adversely affect traffic control or adjacent properties by inappropriate location, lighting or types of signs; or

(j) The proposed use fails to provide adequate and convenient off-street parking and loading facilities.

(C) *City Council consideration.*

(1) *Generally.* The City Council shall consider the application at the first regular meeting scheduled after it has received the final report of the Planning and Zoning Commission. The Council may vote to approve the application, vote to deny the application, table matter for future consideration, or refer the application back to the Planning and Zoning Commission for further study and a new recommendation. In the event that an application for a conditional use permit is not approved by the City Council within 180 days after the date it was first considered by the Planning and Zoning Commission, such application shall be deemed to have been denied on the 180th day after such first day of consideration.

(2) *Vote required.* The application may be approved by a majority vote of the Council, provided that the Council may not approve an application for a conditional use permit except by three-fourths approval vote if a written protest against such permit has been filed with the Building Official and such protest has been duly signed and acknowledged by the owners of at least 20% of the area of the lots or land immediately adjoining the area covered by the requested permit and extending 200 feet from that area.

(3) *Conditions of approval.* Regardless of whether such conditions have been recommended by the Planning and Zoning Commission, the City Council may establish such conditions of approval as are reasonably necessary to insure compatibility with surrounding uses and to preserve the public health, safety and welfare. Such conditions may ;include, without limitation, a limited term or duration of the permit; requirements for special yards, lot sizes, open spaces, buffers,

fences, walls or screening; requirements for the installation and maintenance of landscaping or erosion control measures; requirements for street improvements, regulation of vehicular ingress or egress and traffic circulation regulation of signs; regulation of hours or other characteristics of operation; establishment of development schedules for performance or completion; and such other reasonable conditions as the City Council may deem necessary to preserve the health, safety, and welfare of the applicant and the public. In any event, no conditional use permit shall be granted unless and until the recipient thereof shall agree in writing to comply with such conditions of approval as may be imposed by the City Council.

(4) *Ordinance required.* If the application is duly approved by the City Council, an ordinance authorizing its issuance shall be promptly thereafter executed by the Mayor. The ordinance shall set forth the conditions of approval, and may provide that any person or legal entity found guilty of violating such ordinance may be feed an amount not exceeding $2,000 for each day during which a violation is committed.

(5) *Submission of application following disapproval.* If an application for a conditional use permit has been disapproved by the City Council, whether such disapproval results from formal Council action or the failure to approve the application within the specified time, the same or substantially identical application shall not be filed with the Planning and Zoning Commission for a period of at least 180 days after the date of such disapproval. Upon disapproval of any subsequent identical or substantially identical application, the same or substantially identical application shall not be filed for a period of 12 months from the date of the last disapproval. However, the provisions of this division shall not operate to prohibit the filing of an application after legal title of record has been transferred to a new owner.

(D) *Record of permits.* The Planning and Development Director shall maintain a record of all conditional use permits granted by the city.

(E) *Term.*

(1) A conditional use permit shall continue in full force and effect until the earliest occurrence of any of the following events of termination, at which time it shall immediately become void and shall have no further effect:

(a) The building or premises is not put to the permitted use for a period of one year or more from the effective date of the ordinance authorizing issuance of the permit;

(b) The permit expires by its own terms;

(c) The property is rezoned;

(d) Another conditional use permit is approved for the site;

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

(f) The use of the building or premises is materially expanded, increased or otherwise altered; or

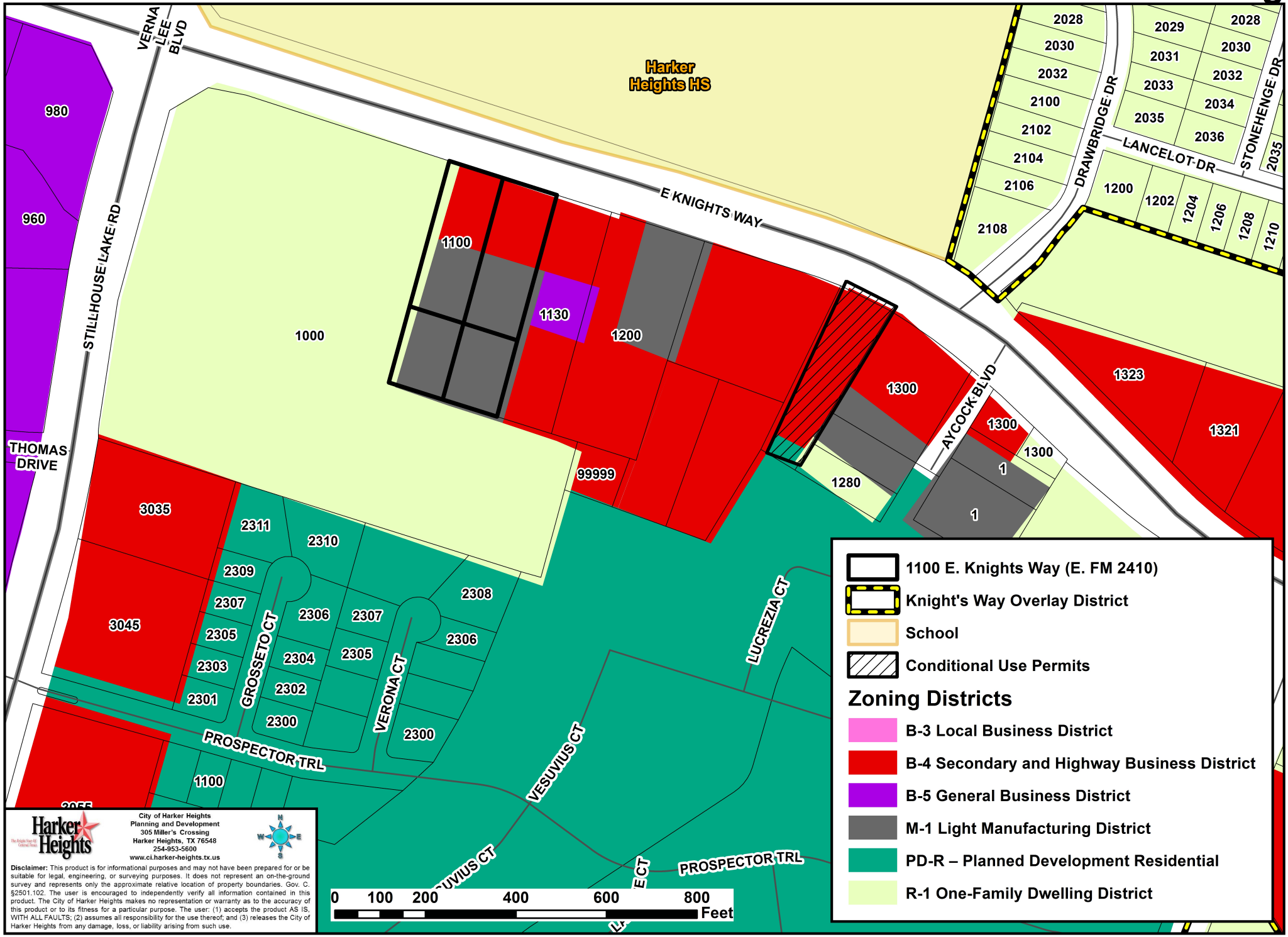
(g) The violation of any one or more of the conditions of approval.

(2) For purposes of this section the City Manager shall have the authority, subject to review by the Zoning Board of Adjustment, to determine whether an event of termination has occurred. Whenever the City Manager shall make a formal determination as to whether an event of termination has occurred, he shall promptly make and forward to the Planning and Zoning Commission and Zoning Board of Adjustment a written report describing the facts surrounding such determination and the reasons for such determination.

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

Z20-26

Zoning



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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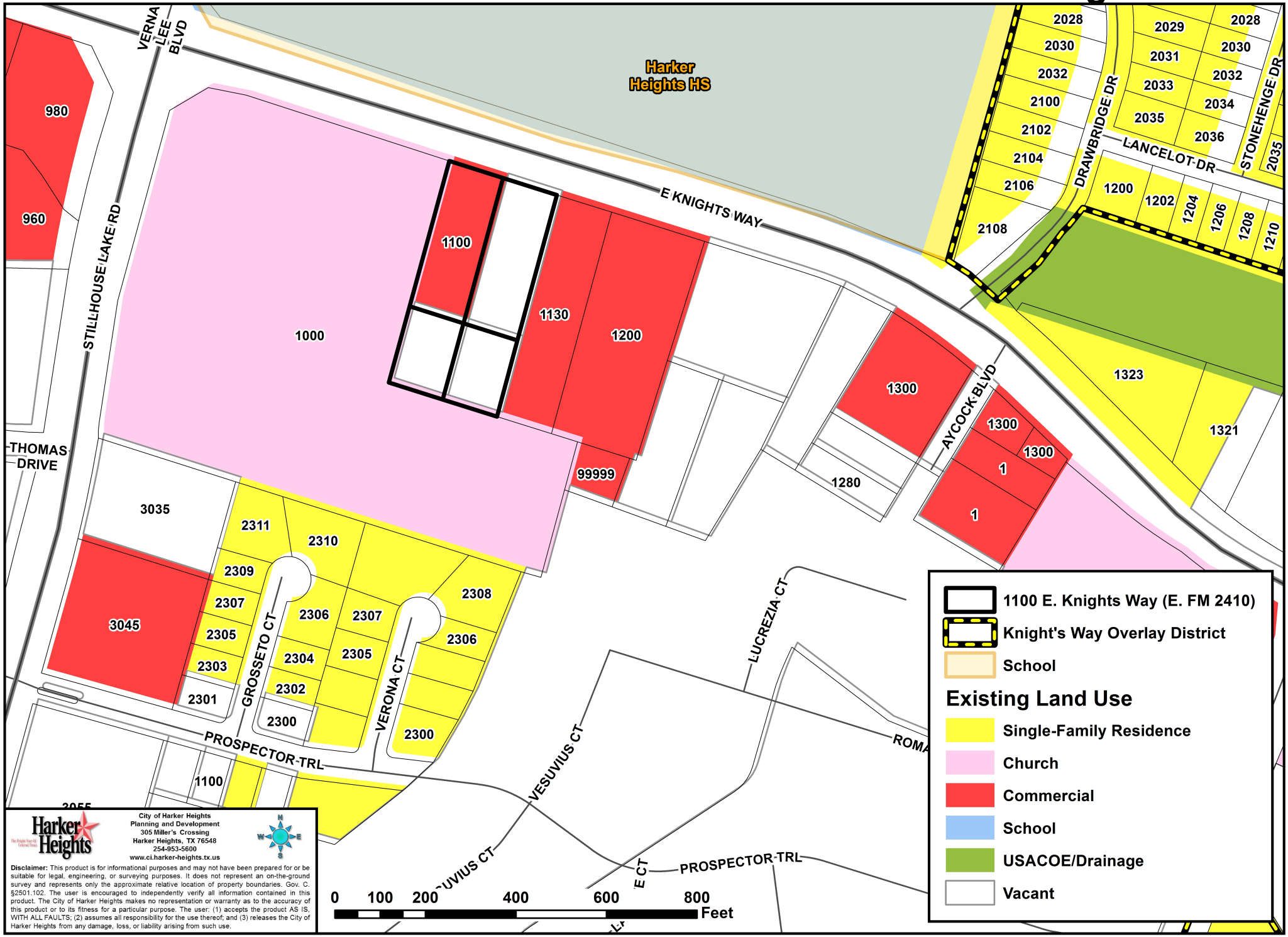
Z20-26

Existing Land Use



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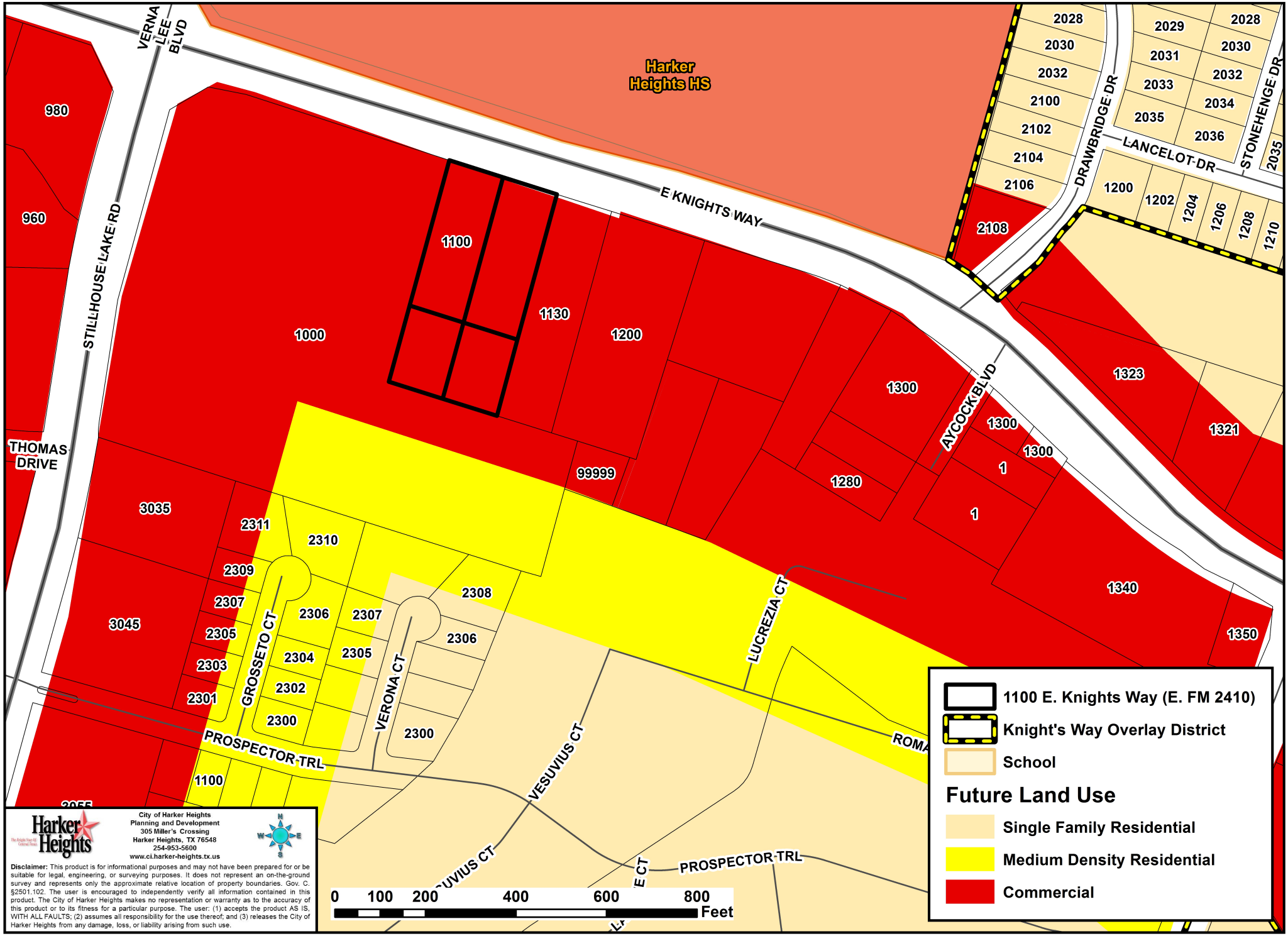
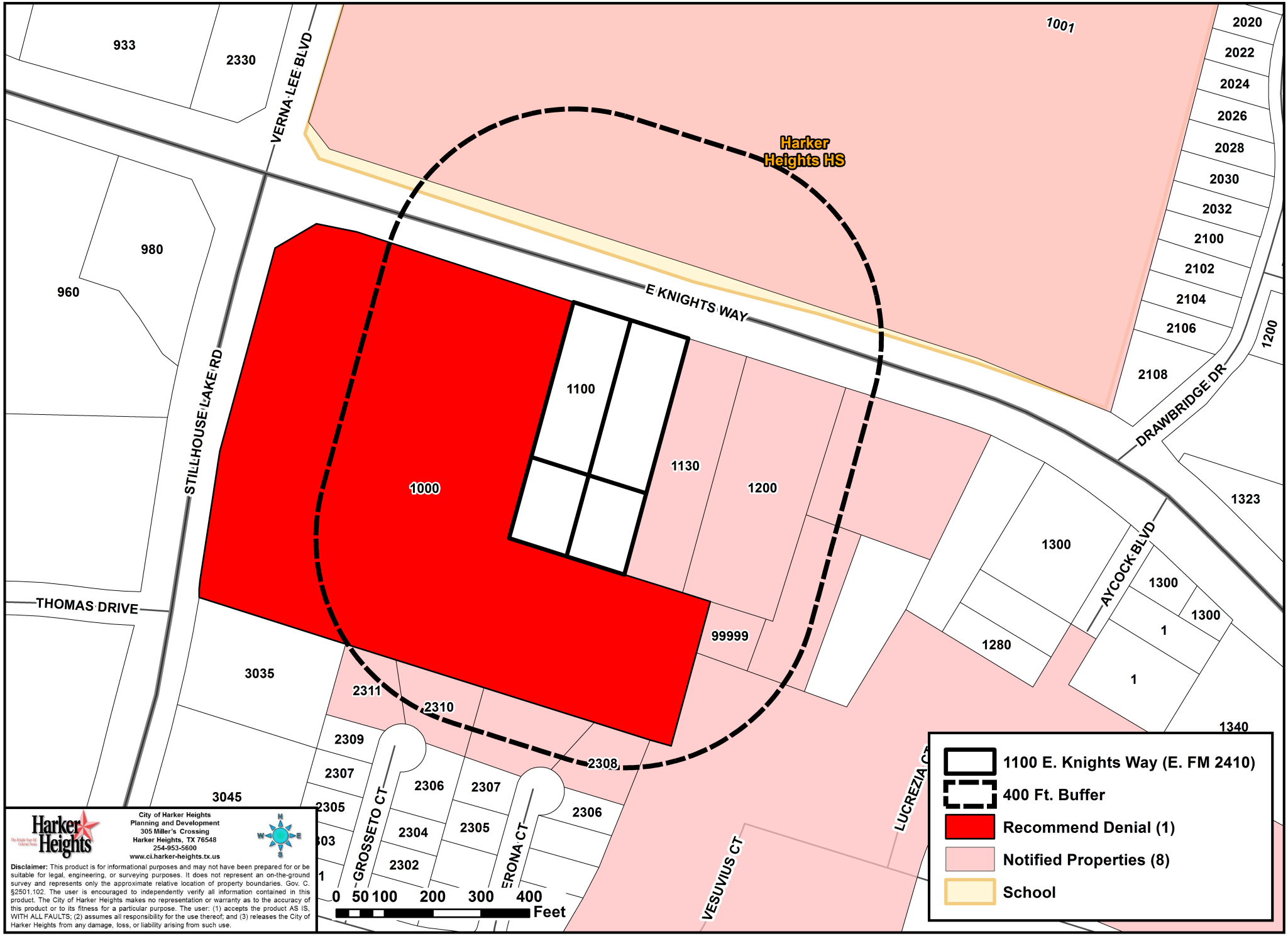
Z20-26

Future Land Use



Z20-26

Notification



Harker Heights

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SENT: OCTOBER 14, 2019
DUE BACK: OCTOBER 22, 2020

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

FROM: CATHOLIC DIOCESE OF AUSTIN

1000 E FM 2410 HARKER HEIGHTS, TX
(Address of Your Property that Could Be **Impacted** by this Request)

RE: An application has been made to consider 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 (see attached notification map).

☐ **I RECOMMEND APPROVAL OF THE REQUEST**

☒ **I RECOMMEND DENIAL OF THE REQUEST**

Comments:
Please see attached

By:
Buzz Gilliland
Printed Name

Signature

22 Oct 2020
Date

Received
OCT 22 2020
Planning & Development

Response Conditional Use Permit Application 1100 E. Knights Way (E. FM 2410)

We believe the following directly address the Zoning Code of the City of Harker Heights, Texas section 155.210 paragraph B)4):

Proposed use is incompatible with operation of the Church right next door. The sights, sounds, truck traffic, leakage and storage of hazardous materials into and onto the ground surface are detrimental to neighboring properties, especially St. Paul Chong Hasang Catholic Church.

The property size is not sufficient to house even a small number of abandoned or junked vehicles that would accumulate on a tow or salvage yard. The introduction of truck traffic that will result from the dropping and picking up vehicles at potentially all hours presents traffic safety issues and pedestrian sidewalk concerns. The High School and the Church would both be affected by this. The coming and going of school busses, teachers and students is a serious safety issue when regular truck traffic would be added to the roadway.

Environmental contamination from oil, gas and other liquids from vehicles stored on the site is a concern not only for the subject property but also for the immediate adjacent properties.

The proposed use is not compatible with the neighborhood and should not be allowed in such a growing and heavily trafficked residential and light commercial area.

Catholic Diocese of Austin
1000 E FM 2410 Harker Heights, TX

By: Buzz Gilliland

PLANNING AND ZONING COMMISSION MEMORANDUM

P20-18 AGENDA ITEM VII-1

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING & DEVELOPMENT
DATE: OCTOBER 28, 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)

P20-18

Preliminary Plat Application

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

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

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

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

Property Information:

Plat Name: Abooha Tokio Addition Phase two **Date Submitted:** Oct 2 2020

Existing Lot Count: 1 **Proposed Lot Count:** 3 & 2 tracts **Proposed Units:** 3 ~~[illegible]~~ **Acreage:** 1.807

Existing Land Use: Vacant **Proposed Land Use:** Duplex

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

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

Owner Information & Authorization:

Property Owner: Jerome Gomez

Address: 1524 Indian Trail Harker Heights Tx 76548

Phone: [redacted] E-Mail: [redacted]

Developer:

Address:

Phone: E-Mail:

Engineer/Surveyor: Mitchell and Associates Inc

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

Phone: 254-634-5541 E-Mail: jkriegel@mitchellinc.net

CHECK ONE OF THE FOLLOWING:

☑ I will represent the application myself.

☑ I hereby designate Ace Benavite (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 2 *DAY OF* October, 2020.

Wilson Everett

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: 02/22/2021

WILSON EVERETT
Notary Public, State of Texas
Expires 02/22/2021
I.D.# 13101584-5

STAFF ONLY – DO NOT FILL OUT

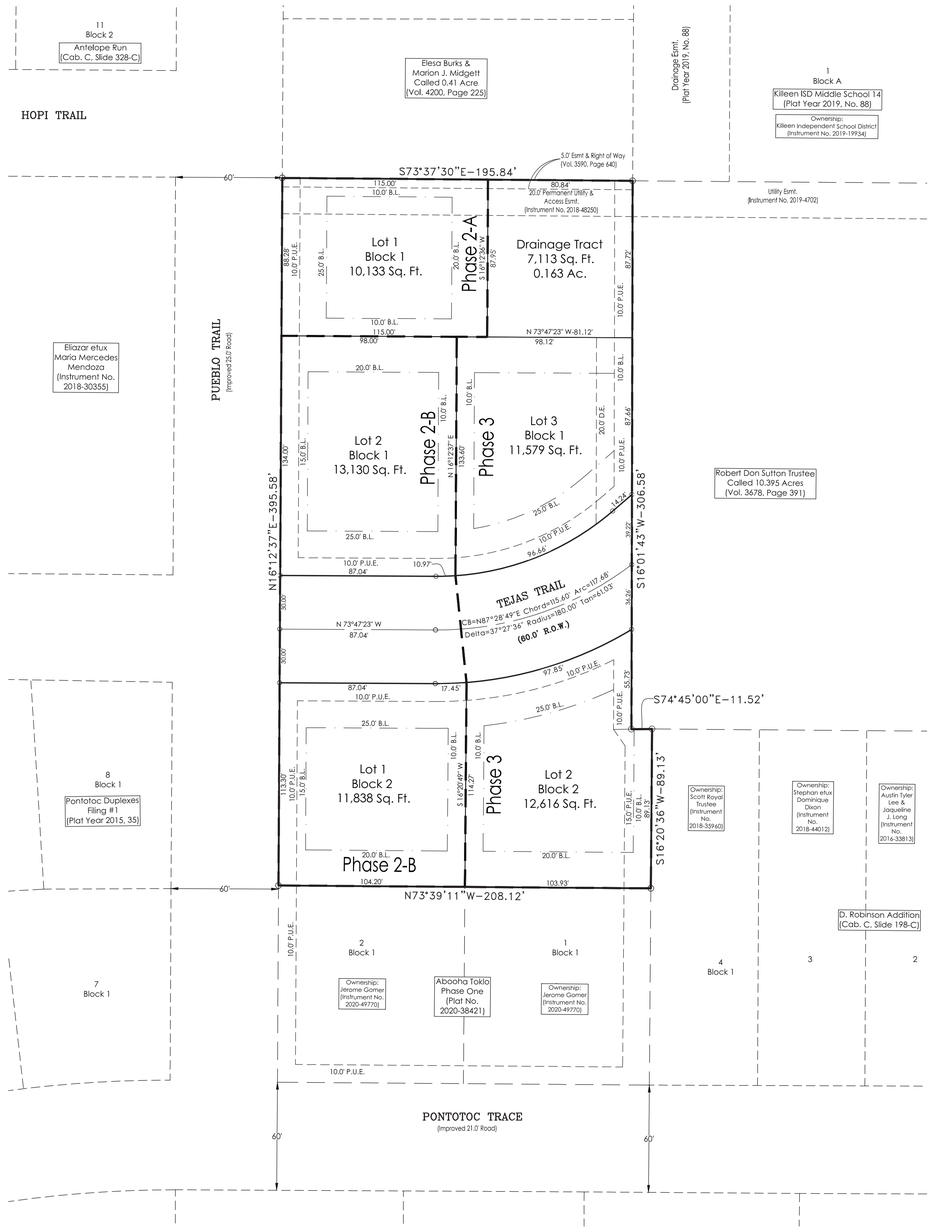
Date Submitted: Oct 2, 2020 Received By: Wilson Everett Receipt #: 01622214

Revised 4/2019

GRAPHIC SCALE

40 0 20 40 80 160

(IN FEET)
1 inch = 40 ft.



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:

1. 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.
2. All interior lot corners marked with 1/2" ir & cap stamped "M&A" set after construction completed.
3. 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.

No.	DATE	REMARKS / REVISIONS	BY

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

PRELIMINARY PLAT

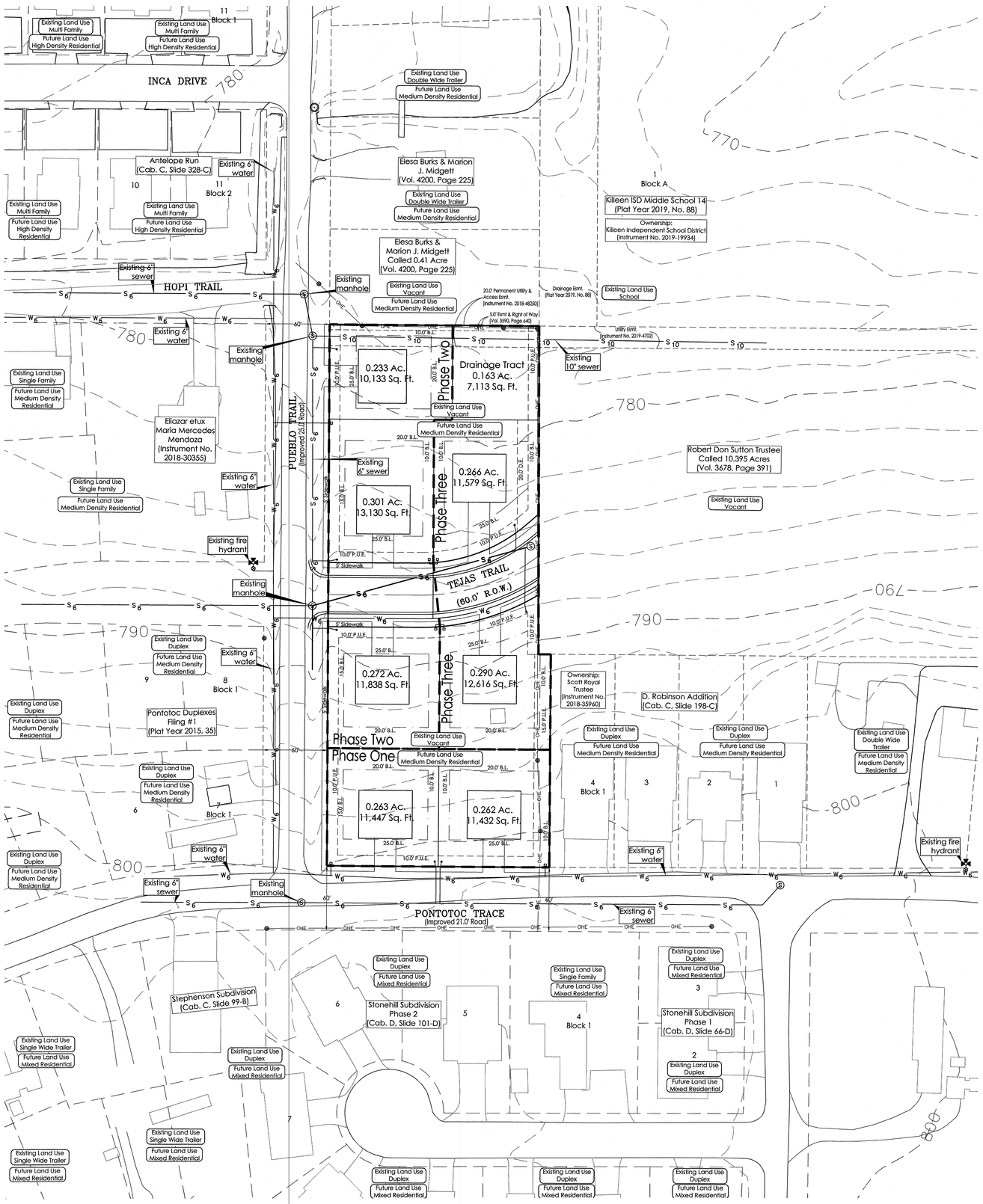
SHEET TITLE:

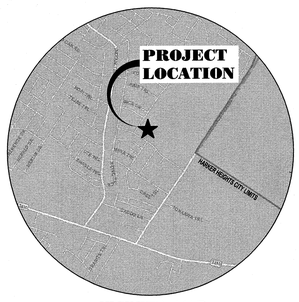
STATE OF TEXAS
REGISTERED
MIKE W. KRIEGEL
4330
PROFESSIONAL
LAND SURVEYOR

MITCHELL & ASSOCIATES, INC.
ENGINEERING & SURVEYING
102 N. COLLEGE
KILLEEN, TEXAS 76541
PHONE: (254) 634-5541
FAX: (254) 634-2141
TEXAS BOARD OF PROFESSIONAL ENGINEERS FIRM REGISTRATION NO. 1241
T. B. P. L. S. FIRM REGISTRATION NO. 100204-00

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

S:\SUBDIVISIONS\20-088-D-S Abooha Tokio 2 Preliminary Plat - HH\dwg\20-088-S-3 Abooha Tokio 2 Prelim Plat.dwg 10/21/2020 4:56 PM





VICINITY MAP
SCALE: N.T.S.

GRAPHIC SCALE
50 0 25 50 100 200
(IN FEET)
1 inch = 50 ft.

No.	DATE	REVISIONS	BY
1	6/16/2020	CITY OF HARKER HEIGHTS COMMENTS	TRB

ABOOHA TOKLO ADDITION

HARKER HEIGHTS, BELL COUNTY, TEXAS

CONCEPT PLAN

SHEET TITLE:

6-16-2020
STATE OF TEXAS
MIKE W. KRIEGEL
83017
LICENSED
PROFESSIONAL ENGINEER

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

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

NOTES:

1. Existing Land Use: Vacant
   Proposed Land Use: Multi Family Residential (7 Lots)
2. Topography shown is based upon City of Harker Heights Aerial Topography (2012).
3. Sidewalks to be installed along lot frontages at the time of structure construction.
4. Phase 3 shall not be constructed without a code compliant vehicle turnaround.

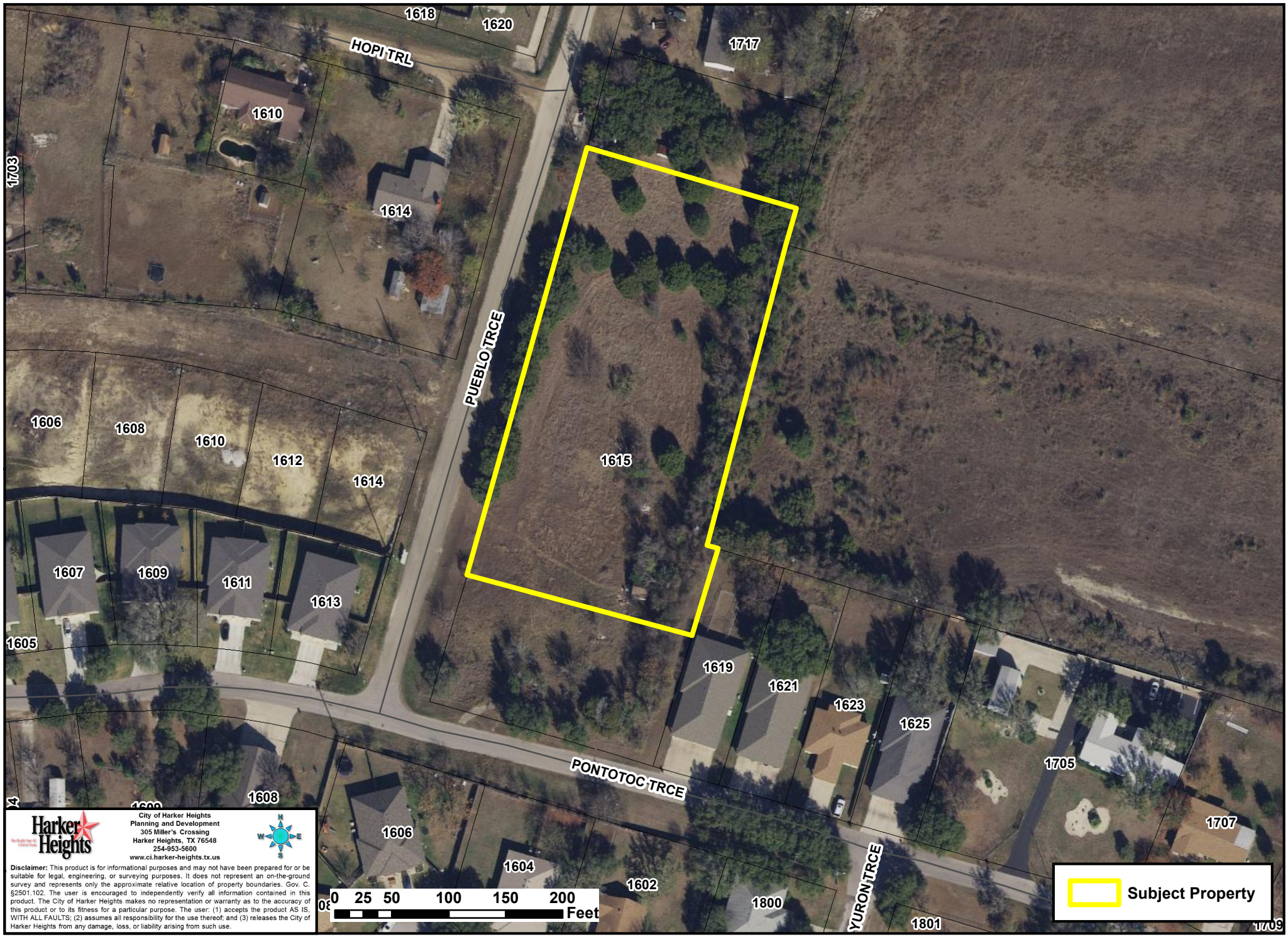
MITCHELL & ASSOCIATES, INC.
ENGINEERING & SURVEYING
102 N. COLLEGE
KILLEEN, TEXAS 76541
PHONE: (254) 634-5541
FAX: (254) 634-2141
TEXAS BOARD OF PROFESSIONAL ENGINEERS FIRM REGISTRATION NO. 3241
T. B. P. L. S. FIRM REGISTRATION NO. 100204-00

DWG No.	DRAWN BY:	DATE:	SCALE:	FB./LB:	7 LOTS	AREA:
20-048-D-S	AR/FRB	JUNE 2020	AS SHOWN	1957/14	3 BLOCKS	2.332 Ac.

S:\SUBDIVISIONS\20-048-D-S (Abooha Tokio Addition - Concept Plan - HHT).dwg 6/16/2020 11:10 AM

P20-18

Location



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 Trial 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 Trial 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