

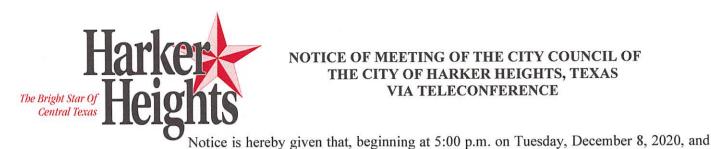
December 8, 2020

5:00 P.M.

CITY COUNCIL

MEETING AGENDA





NOTICE OF MEETING OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS VIA TELECONFERENCE

The City of Harker Heights 305 Miller's Crossing Harker Heights, Texas 76548

> Phone 254/953-5600 Fax 254/953-5614

> > Mayor

Spencer H. Smith

Mayor Protem

Michael Blomquist

City Council

Jennifer McCann Jackeline Soriano Fountain John Reider **Jody Nicholas**

continuing from day to day thereafter if necessary the City Council of the City of Harker Heights, Texas, will conduct a telephonic meeting 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:

I. Invocation:

II. Pledge of Allegiance:

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

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

III. Roll Call:

IV. **Mayoral Proclamations and Presentations:**

V. **Consent Items:**

Discuss and consider approving the minutes of the meetings held on November 10, 1. 2020, November 17, 2020, November 23, 2020 and December 1, 2020, and take the appropriate action.

VI. Presentations by Citizens:

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

VII. **Public Hearings:**

Conduct a public hearing to discuss and consider approving an Ordinance of the City of 1. Harker Heights, Texas, to change the Zoning Designation from R-1 (One Family Dwelling District) to B-4 (Secondary and Highway Business District) on property described as Kern Acres Second Extension and Revision, Block Three (3), Lot Twelve (12), generally located at 106 W. Kathey Road, Harker Heights, Bell County, Texas, and take the appropriate action. (Planning and Development Director)

- 2. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change the zoning designation from R-3 (Multi Family dwelling district) to R-1(M) (One family manufactured home dwelling district) on property described as Comanche Land first unit, block four (4), lot four (4), generally located at 1408 Yuma Trail, Harker Heights, Bell County, Texas, and take the appropriate action. (Planning and Development Director)
- 3. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change the Zoning Designation from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as 6.51 Acres out of a 47.626 Acre Tract of land in Bell County, Texas, Being Part of the H.B. Littlefield Survey, Abstract No. 511, the land herein described being Part of a Called 113.5 Acre Tract of land conveyed to Robert Don Sutton, Trustee, generally located north of Killeen ISD Middle School No. 14 along Warriors Path, Harker Heights, Bell County, Texas, and take the appropriate action. (Planning and Development Director)

VIII. Old Business:

IX. New Business:

- 1. Discuss and consider approving a request for the Concept Plan of Abooha Toklo Addition Section Two on property described as 10.395 acres out of the H.B. Littlefield Survey, Abstract 511, generally located within the 1700 Block of Warriors Path, and property described as the Marley Addition Amended, Block One (1), Lot Eight (8), 2.257 Acres, generally located within the 1700 Block of Warriors Path, Harker Heights, Bell County, Texas, and take the appropriate action. (Planning and Development Director)
- 2. 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, and take the appropriate action. (Planning and Development Director)
- 3. Discuss and consider approving a Resolution of the City Council of the City of Harker Heights, Texas, authorizing the City's participation in the Traffic Enforcement Program Grant administered by the Texas Department of Transportation for funding the salaries of Officers to conduct extra traffic enforcement and education in areas of the City that are experiencing higher vehicle collisions, and take the appropriate action. (Police Chief)
- 4. Discuss and consider approving a Resolution of the City of Harker Heights, Texas, updating the Names of Authorized Signers for all Financial Transactions Conducted by the City, and take the appropriate action. (Finance Director)
- 5. Discuss and consider approving the City of Harker Heights Coronavirus Relief Fund (CRF) Water Payment Assistance Grant Program, and take the appropriate action. (Finance Director)
- 6. Discuss and consider approving a request from Robin Fisher for a facility rental at the Community Park Pavilion for an event in excess of ten (10) people on Friday, December 18, 2020, and take the appropriate action. (Parks and Recreation Director)

- X. Reports of Advisory Boards & Commissions:
- XI. Items from Council:
- XII. Staff Reports:
- 1. Receive and discuss the City Manager's Report. (City Manager)
- XIII. Announcements:
- XIV. Closed Meeting:
- 1. Announce a closed meeting for the following purposes:
 - (A) Pursuant to 551.071 of the Texas Government Code to discuss with Attorneys regarding Pending Litigation And Other Matters As Allowed.
- 2. Reconvene open meeting to take action as appropriate on matters discussed in the Closed Meeting.
- XV. Adjournment:

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Harker Heights, Texas, a place readily accessible to the general public at all times, on the 4th day of December 2020, by 4:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Julie Helsham City Secretary

The public may participate remotely in this meeting by dialing-in using the toll-free number: 1877 568 4106 and use Access Code: Access Code: 583-581-101

To join the meeting from your computer, tablet, or smartphone, use the following meeting link: https://global.gotomeeting.com/join/583581101

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 City Secretary's Office. When submitting your written questions or comments, you must include your Name and Address. This agenda is also available on the City of Harker Heights website at www.ci.harker-heights.tx.us.

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

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

Minutes of the Of the City Council meeting held at 5:00 p.m. on Tuesday, November 10, 2020, by a telephonic meeting 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:

Roll Call: Spencer H. Smith Mayor

Michael Blomquist Mayor Pro-tem

Jennifer McCann

Jackeline Soriano Fountain

John Reider

Jody Nicholas

Councilmember Place 1

Councilmember Place 3

Councilmember Place 4

Councilmember Place 5

David Mitchell City Manager
Julie Helsham City Secretary

Mayoral Proclamations and Presentations:

1. The Mayor presented a proclamation to Lisa Youngblood, Library Director, declaring November 16th – 21st, 2020, as "Harker Heights Children's Book Week".

Consent Items:

1. Council discussed and considered approving the minutes of the meeting held on October 27, 2020. Fountain made the motion to approve as written. Seconded by McCann. All in favor. Motion approved 5-0.

Public Hearings:

- 1. Council conducted a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, granting a Conditional Use Permit (CUP) to allow for 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. F.M.2410), Harker Heights, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation. Robert Amaya, applicant was available to represent the request. Blomquist made the motion to disapprove the request. Seconded by Fountain. All in favor. Motion to disapprove passed 5-0.
- 2. Council conducted a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, granting a Conditional Use Permit (CUP) to allow for 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. Kristina Ramirez, Planning and Development Director, made the presentation. Deborah Fischer, applicant, was available to represent the request. Fountain made the motion to approve the request based on Staff's recommendation and findings. Seconded by McCann. All in favor. Motion approved 5-0.

3. Council conducted a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, granting a Conditional Use Permit (CUP) to allow for 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 East Veterans Memorial Boulevard, Harker Heights, Bell County, Texas, and 0.692 acres of land out of the C. Keele Survey, Abstract No. 991, generally located at 128 East Veterans Memorial Boulevard, Harker Heights, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation. Robert Cavazos, applicant was available to represent the request.

McCann made the motion to approve the request for a CUP to allow a Modular Storage Container Business Park based on Staff's recommendation and findings. Seconded by Nicholas. All in favor. Motion approved 5-0.

McCann made the motion to approve the request to change the zoning to B-4 with a Tavern Overlay based on Staff's recommendation and findings. Seconded by Fountain. All in favor. Motion approved 5-0.

4. Council conducted a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, granting a Conditional Use Permit (CUP) to allow for 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. F.M.2410), Harker Heights, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation. Blomquist made the motion to disapprove the request. Seconded by McCann. All in favor. Motion to disapprove passed 5-0.

At 6:39 p.m. Mayor Smith called for a ten (10) minute break.

Mayor Smith reconvened the meeting at 6:48 p.m.

New Business:

- 1. Council discussed and considered approving a request from Raymond Hamden to forgive all or a part of City liens in the amount of \$16,602.75 placed upon 114 East Valley Road, Harker Heights, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation. McCann made the motion to approve the request from Raymond Hamden to reduce a part of the City liens from \$16,602.75 to \$9,179.00 placed upon 114 East Valley Road, Harker Heights, Bell County Texas. Seconded by Nicholas. All in favor. Motion approved 5-0.
- 2. Council discussed and considered approving the authorization of the City of Harker Heights Coronavirus Relief Fund (CRF) Small Business Grant Program Phase 2. David Mitchell, City Manager, made the presentation. Reider made the motion to approve. Seconded by Fountain. All in favor. Motion approved. 5-0.

- 3. Council discussed and considered approving a Resolution of the City Council of the City of Harker Heights, Texas, awarding a Contract for the 2020 Street Improvement Projects in the amount of \$572,495.56 to Lonestar Grading & Materials, LLC. Mark Hyde, Public Works Director, made the presentation. Blomquist made the motion to approve the Resolution awarding a contract for the 2020 Street Improvement Projects, Part "A" through "I" in the amount of \$572,495.56 to Lonestar Grading & Materials, LLC. Seconded by Reider. All in favor. Motion approved 5-0.
- 4. Council discussed and considered reappointing the City Manager, David Mitchell, as the Alternate Representative to fill the vacancy to the Bell County Health District Board. Julie Helsham, City Secretary, made the presentation. McCann made the motion to re-appoint City Manager David Mitchell. Seconded by Blomquist. All in favor. Motion approved 5-0.
- 5. Council discussed and considered approving a request from Daniel Ganoe for a Facility Rental at the Community Park Pavilion for an event in excess of ten (10) people on Friday, November 20, 2020. Jeff Achee, Parks and Recreation Director, made the presentation. McCann made the motion to approve. Seconded by Nicholas. All in favor. Motion approved 5-0.
- 6. Council discussed and considered approving a request from Stephen Watson for a Facility Rental at the Purser Family Park Pavilion for an event in excess of ten (10) people on Sunday, December 20, 2020. Jeff Achee, Parks and Recreation Director, made the presentation. McCann made the motion to approve. Seconded by Nicholas. All in favor. Motion approved 5-0.
- 7. Council discussed and considered approving a request from Kasey Winter for a Facility Rental at the Carl Levin Park Pavilion for an event in excess of ten (10) people on Saturday, April 17, 2021. Jeff Achee, Parks and Recreation Director, made the presentation. Fountain made the motion to approve. Seconded by McCann. All in favor. Motion approved 5-0.
- 8. Council discussed and considered approving a request from Bunk Morris for a Facility Rental at the Community Park Pavilion for an event in excess of ten (10) people on Saturday, December 5, 2020. Jeff Achee, Parks and Recreation Director, made the presentation. McCann made the motion to approve. Seconded by Nicholas. All in favor. Motion approved 5-0.
- 9. Council discussed and considered approving a request for Alcohol Services from Bunk Morris and The Pan American Golf Association for a facility rental at the Community Park Pavilion on Saturday, December 5, 2020. Jeff Achee, Parks and Recreation Director, made the presentation. McCann made the motion to approve. Seconded by Reider. All in favor. Motion approved 5-0.

Items from Council:

Mayor Pro-tem Blomquist stated that he attended the last Farmer's Market on October 31st and it was a Spooktacular event with lots of kids dressed up. On November 6th he attended the Texas Arbor Day Celebration at Carl Levin Park where he read the City's Arbor Day Proclamation. Blomquist had the Honor of awarding Steven Carpenter, former Harker Heights City Manager, a Citation in recognition of all his contributions to the Parks and Recreation Department, and for establishing the Arbor Day Celebration here in Harker Heights.

Councilmember Fountain attended the Harker Heights Chamber of Commerce "Truly Texas" ribbon cutting event on Tuesday, November 10th.

Councilmember McCann stated that she attended the City of Belton's Mayor Marion Grayson Farewell Celebration on Tuesday, November 10th.

Staff Reports:

- 1. Council received and discussed the Fiscal Year 2019 2020 Fourth Quarter Investment Report. Ayesha Lealiiee, Finance Director, made the presentation. No action taken.
- 2. Council received and discussed the Unaudited Financial Statements for the Fourth Quarter of Fiscal Year 2019 2020. Ayesha Lealiiee, Finance Director, made the presentation. No action taken.
- 3. Council received and discussed the City Manager's Report. David Mitchell, City Manager, made the presentation. No action taken.

Announcements:

Mayor Smith stated that he attended the following events:

- October 30th III Corps Retirement Ceremony
- November 9th III Corps Veteran's Day Ceremony at the III Corps Headquarters

Mayor Smith wished a Happy 245th Birthday to all the Leathernecks and Devildogs.

Mayor Pro-tem Blomquist congratulated Mayor Smith on his re-election.

Adjournment:

There being no	o further	business	the City	of Harker	Heights	City	Council	Meeting	was	adjourned	at
8:24 p.m.					_	-		•		•	

ATTEST:	Spencer H. Smith, Mayor
Julie Helsham, City Secretary	

Minutes of the City Council Meeting held at 3:00 p.m. on Tuesday, November 17, 2020, in the Kitty Young Council Chamber at the Harker Heights City Hall at 305 Miller's Crossing, Harker Heights, Texas 76548:

Roll Call: Spencer H. Smith Mayor

Michael Blomquist Mayor Pro-tem

Jennifer McCann

Jackeline Soriano Fountain

John Reider

Jody Nicholas

Councilmember Place 1

Councilmember Place 3

Councilmember Place 4

Councilmember Place 5

David Mitchell City Manager
Julie Helsham City Secretary

New Business:

1. Canvass Election Returns for the November 3, 2020, General Election for the City of Harker Heights, Texas. Julie Helsham, City Secretary, made the presentation.

Mayor Pro-tem Blomquist, canvassed the Election returns. The results are as follows:

TOTAL VOTERS – 12,808

MAYOR	TOTAL
	VOTES
Spencer Hutson Smith	8,151
Vitalis Dubininkas	2,949

COUNCIL MEMBER, PLACE 4	TOTAL
CANDIDATES	VOTES
Terry Delano	
Tony Bolano	3,696
Lynda Nash	4,781
Jeffrey Keith Harris	2,820

Spencer Hutson Smith was declared the winner for the Mayor's race for a three year term (2020-2023).

No candidate received a majority vote for the office of Councilmember, Place 4, (expired three year term).

Blomquist made the motion to approve. Seconded by Fountain. All in favor. Motion approved 5-0.

- 2. Installation of Officers:
 - (a) Swear in Mayor. Three Year Term 2020-2023.

Judge Garland K. Potvin, Alternate Municipal Court Judge, administered the Oath of Office to Spencer Hudson Smith to serve as Mayor, for a three year term ending May, 2023.

No candidate received a majority vote.

3. Council discussed and considered approving an Order for a Municipal Run Off Election to be held on December 19, 2020, in the City of Harker Heights, Texas, for the purpose of Electing Councilmember, Place 4, for a Three Year Term (2020-2023) for the City of Harker Heights. Julie Helsham, City Secretary, made the presentation. Blomquist made the motion to approve. Seconded by McCann. All in favor. Motion approve 5-0.

Adjournment.

There being no further business the City of Harker Heights City Council Meeting was adjourned at 3:15 p.m.

Spencer H. Smith, Mayor

ATTEST:

Swear in Councilmember, Place 4. Three Year Term 2020-2023.

(b)

Julie Helsham, City Secretary

Minutes of the Oity Council meeting held at 3:00 p.m. on Monday, November 23, 2020, by a telephonic meeting 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:

Roll Call: Spencer H. Smith Mayor Michael Blomquist Mayor Pro-tem Jennifer McCann Councilmember Place 1 Jackeline Soriano Fountain Councilmember Place 3 Councilmember Place 4 John Reider Jody Nicholas Councilmember Place 5 Julie Helsham City Secretary Absent: David Mitchell City Manager **New Business:** 1. Council discussed and considered approving a Resolution of the City Council of the City of Harker Heights, Texas, Ordering a Runoff Election to be held on Saturday, December 19, 2020, for the purpose of electing a Council Member, Place 4, to the Harker Heights City Council; Designating the Polling Place; Authorizing the appointment of Election Officials; Authorizing an Election services contract with the Election Office of Bell County, Texas, for the coordination and use of voting machines and equipment, and authorizing the City Manager to sign the Agreement on behalf of the City; Providing for an effective date. Julie Helsham, City Secretary, made the presentation. Reider made the motion to approve. Seconded by Fountain. All in favor. Motion passed 5-0. Adjournment. There being no further business the City of Harker Heights City Council Meeting was adjourned at 3:07 p.m. Spencer H. Smith, Mayor ATTEST:

Julie Helsham, City Secretary

Minutes of the of the City Council meeting held at 3:00 p.m. on Tuesday, December 1, 2020, by a telephonic meeting 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:

Roll Call:

Spencer H. Smith

Mayor

Michael Blomquist Jennifer McCann Mayor Pro-tem

John Reider

Councilmember Place 1
Councilmember Place 4

Jody Nicholas

Councilmember Place 5

David Mitchell Julie Helsham City Manager City Secretary

Absent:

Jackeline Soriano Fountain

Councilmember Place 3

New Business:

1. Council discussed and considered approving the City of Harker Heights Coronavirus Relief Fund (CRF) Small Business Grant Awards for Phase 2. Jerry Bark, Assistant City Manager, made the presentation. Reider made the motion to approve. Seconded by Blomquist. All in favor. Motion approved 4-0.

Council moved to Item 3.

- 3. Council discussed and considered approving a request from the City of Harker Heights Parks and Recreation Department to host an event at the Community Park Softball Complex for in excess of ten (10) people on Thursday, December 17, 2020. Jeff Achee, Parks and Recreation Director, made the presentation. Nicholas made the motion to approve. Seconded by McCann. All in favor. Motion approved 4-0.
- 2. Council discussed and considered approving a request for alcohol services from Kristl Evans and Southern Roots Brewing Company for an event at Harker Heights Community Park on Thursday, December 17, 2020. Jeff Achee, Parks and Recreation Director, made the presentation. Reider made the motion to approve. Seconded by McCann. All in favor. Motion approved 4-0.

Adjournment.

There being no further business the City of Harker Heights City Council Meeting was adjourned at 3:12 p.m.

Spencer H. Smith, Mayor



CITY COUNCIL MEMORANDUM

Z20-27

AGENDA ITEM VII-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: DECEMBER 8, 2020

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

EXPLANATION:

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

BACKGROUND:

Summary of Surrounding Properties

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

Zoning:

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

Existing Use:

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

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

Future Land Use:

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

Flood Damage Prevention:

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

Notices:

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

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

Following a public hearing held on December 2, 2020, the Planning and Zoning Commission voted (9-0) to recommend approval of the request to change zoning designation from R-1 (One Family Dwelling District) to B-4 (Secondary and Highway Business District) on property described as Kern Acres Second Extension and Revision, Block Three (3), Lot Twelve (12), generally located at 106 W. Kathey Road, Harker Heights, Bell County, Texas.

STAFF RECOMMENDATION:

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

ACTION BY THE CITY COUNCIL:

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

ATTACHMENTS:

- 1. Ordinance
- 2. Application
- 3. Location Map
- 4. Existing Land Use Map
- 5. Zoning Map
- 6. Future Land Use Map

7. Notification Area Map

ORDINANCE NO.	
ORDENE E NO.	

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING B-4 (SECONDARY AND HIGHWAY BUSINESS DISTRICT) ZONING ON PROPERTY DESCRIBED AS KERN ACRES SECOND EXTENSION AND REVISION, BLOCK THREE (3), LOT TWELVE (12), GENERALLY LOCATED AT 106 W. KATHEY ROAD, HARKER HEIGHTS, BELL COUNTY, TEXAS

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

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

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

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

SECTION 2: The hereinafter-described property described previously zoned from R-1 (One-Family Dwelling District) is rezoned to B-4 (Secondary and Highway Business District):

Lot Twelve (12), Block Three (3), Kern Acres Second Extension and Revision, an addition to the City of Harker Heights, Bell County, Texas, according to the map or plat of record in Cabinet A, Slide 224-B, Plat Records of Bell County, Texas, generally located at 106 West Kathey Road.

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

Ord. No.	Date Passed	<u>Description</u>
	12/08/20	Granting B-4 zoning on property described as Kern Acres Second Extension and Revision, Block Three (3), Lot Twelve (12), generally located at 106 W. Kathey Road, Harker Heights, Bell County, Texas

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

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

PASSED AND APPROVED on December 8, 2020

	Spencer H. Smith, Mayor	
	• •	
ATTEST:		
Juliette Helsham, City Secretary		



City of Harker Heights

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

Rezoning Request Application

Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED

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

- 1. Pre-Application Meeting Scheduled
- 2. Payment of \$200,00 to the City of Harker Heights

Property Owner(s)	Name: Central Texas Heating & Air Co	nditioning Holdings, LLC Date:	10/04/2020
Address: PO Box 2	2910		
City/State/Zip: Ha	arker Heights, TX 76548		
Phone:		E-mail:	
Legal Description	of Property:		
Location of Propert	y (Address if available): 106 W. Kathey Re	oad	
Lot: 0012	Block: 003	Subdivision: Kern Acres	2nd Extension & Revision
Acres: .24	Property ID: 11455	Survey: /	
For proper	ties not in a recorded subdivision please su change	abmit a copy of a current survey show d, and/or legal field notes.	ving the property's proposed to be
Proposed Use:	sturage for HVAC Parts and	Supplies and Misc. material	ls
Current Zoning Cla	assification: R-1 Residential	Proposed Zoning:	B4 Commercial
Current Land Use:	Vacant Lot	Proposed Land Us	e: Storage Building
Applicant's Repres	sentative: N/A	E-Mail: N/A	
application in accorda	ed applicant of the property herein describe ince with the provisions of the City of Harker my knowledge and belief. ed applicant, understand that failure to appe will	Heights Ordinances, and hereby certify	y that the information provided is true and
	ng & Air Conditioning Holdings, LLC		VIII
Printed Name of Pr	operty Owner	Signature of Pro	operty Owner
N/A Printed Name of Re	procentative	N/A Signature of Re	presentative
Printed Name of Ne	presentative		
SWORN AND SUBSCI	RIBED BEFORE ME ON THIS	DAY OF November	YVONNE K SPELL NOTARY PUBLIC STATE OF TEXAS MY COMM. EXP. 5/5/2022 NOTARY ID 12826060-1
MARKET BEFORE	. STAFF ONI	Y DO NOT FILL OUT BELOW	Decelet#
Date Submitted:	Dotto Pr	re-Application Meeting	Receipt #:

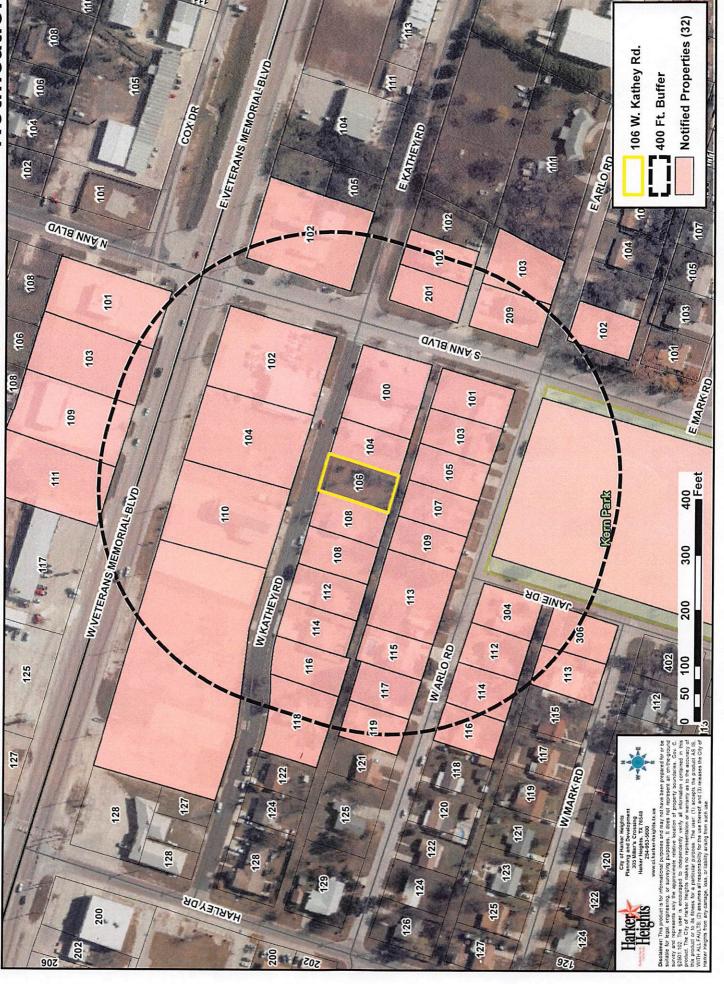
Location 106 W. Kathey Rd. -EKATHEYRD-- QV18 NNA W 103 204 W.VETERANS MEMORIAL BLVD FARE GVAB NNA 8 104 103 105 Kern Perds 100 100 200 ■Feet 108 WKATHEYRD 9 150 108 WARLO RD 100 AG BINAL 0 25 50 1116 900 122

Z20-27

Existing Land Use E.VETERANS MEMORIAL BLVD Single-Family Residence **Multi-Family Residence** Manufactured Home USACOE/Drainage -COX.DR-106 W. Kathey Rd. Park/Open Space **Existing Land Use** _EKATHEY.RD_ Commercial Duplex Vacant ONTE NNV.N. Ę . S.ANN BLVD. W.VETERANS MEMORIAL BLVD Feet Rem Pents W KATHEY.RD -WARLORD = Ad BINAL-

220-27

Notification



Z20-27



CITY COUNCIL MEMORANDUM

AGENDA ITEM # VII-2

FROM: THE OFFICE OF THE CITY MANAGER

DATE: DECEMBER 8, 2020

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

EXPLANATION:

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

BACKGROUND:

Summary of Surrounding Properties

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

Zoning:

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

Existing Use:

The property is currently vacant and surrounding properties include other vacant properties to the north and west of the property, single family to the immediate east, duplexes, and manufactured home uses surrounding the subject property. With regard to the location of surrounding uses, location of the structure, and the conditions imposed, staff believes the proposed use would not likely have any adverse impacts on adjoining land uses in the neighborhood.

Future Land Use:

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

Flood Damage Prevention:

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

Notices:

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

ACTION TAKE BY THE PLANNING AND ZONING COMMISSION:

Following a public hearing held on December 2, 2020, the Planning and Zoning Commission voted (7-2) to recommend approval of the request to change zoning designation from R-3 (Multi Family Dwelling District) to R-1(M) (One Family Manufactured Home Dwelling District) on property described as Comanche Land First Unit, Block Four (4), Lot Four (4), generally located at 1408 Yuma Trail, Harker Heights, Bell County, Texas.

STAFF RECOMMENDATION:

Staff provides no recommendation for the request to change zoning designation from R-3 (Multi Family Dwelling District) to R-1(M) (One Family Manufactured Home Dwelling District) on property described as Comanche Land First Unit, Block Four (4), Lot Four (4), generally located at 1408 Yuma Trail, Harker Heights, Bell County, Texas.

ACTION BY THE CITY COUNCIL:

- 1. Motion to Approve/Disapprove an Ordinance to change zoning designation from R-3 (Multi Family Dwelling District) to R-1(M) (One Family Manufactured Home Dwelling District) on property described as Comanche Land First Unit, Block Four (4), Lot Four (4), generally located at 1408 Yuma Trail, Harker Heights, Bell County, Texas.
- 2. Any other action deemed necessary.

ATTACHMENTS:

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

9. Citizen Response

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING R-1(M) (ONE FAMILY MANUFACTURED HOME DWELLING DISTRICT) ZONING PROPERTY DESCRIBED AS COMANCHE LAND FIRST UNIT, BLOCK FOUR (4), LOT FOUR (4), GENERALLY LOCATED AT 1408 YUMA TRAIL, HARKER HEIGHTS, BELL COUNTY, TEXAS.

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

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

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

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

SECTION 2: The hereinafter-described property described previously zoned from R-3 (Multi Family Dwelling District) is rezoned to R-1(M) (One Family Manufactured Home District):

Comanche Land First Unit, Block Four (4), Lot Four (4), generally located at 1408 Yuma Trail, Harker Heights, Bell County, Texas.

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

Ord. No.	Date Passed	<u>Description</u>	
	12/08/20	Granting R-1(M) zoning on property described as Comanche Land First Unit, Block Four (4), Lot Four (4), generally located at 1408 Yuma Trail, Harker Heights, Bell County, Texas.	

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

SECTION 5: This Ordinance shall be effect	ctive from and after its passage, and the City
Clerk shall publish the caption or title of here	eof within ten days as required by law.
PASSED AND APPROVED on December	8 2020
TABLE AND ALL NO VED ON DECEMBER	0, 2020
	Spencer H. Smith, Mayor
ATTEST:	
- 4.	
Juliette Helsham, City Secretary	



City of Harker Heights

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

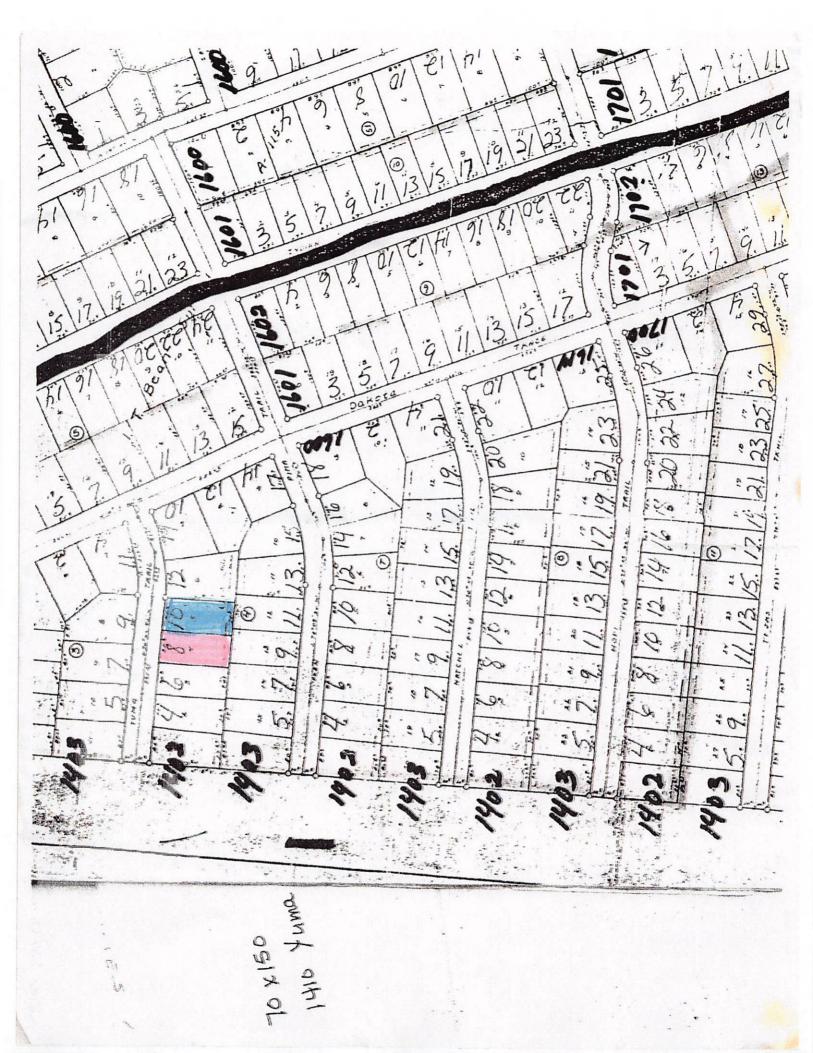
Rezoning Request Application

Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED

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

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

Property Owner(s) Name:	DAVID PHILLIPS	Date: 110420	
Address: 1405	YUMA TRAIL		
City/State/Zip: HAR	KER HEIGHTS, IX 76	548	
Phone:	E-mail:	的形式的现在分词形成形式的	
Legal Description of Prop	erty:		
Location of Property (Addres	ss if available): 1408 Yuma 7		,548
Lot 4	Block: A Subdi	livision: Com. Land 1st Unit	
Acres: 10/150	Property ID: 3105332	Survey: W/A	
For properties not in	n a recorded subdivision please submit a copy of a changed, and/or legal fie	a current survey showing the property's proposed to be	
Proposed line: 0404	ofactured home		
Current Zoning Classificati	0 1	Proposed Zoning: R-1(M)	
			B, B, S
Current Land Use:		Proposed Land Use: Many home	
Applicant's Representativ			
	1 11 - 1 - 6- 1		
Applicant's Representative	E: MICHELLE SIMPS	DON	
Applicant's Representative	e: MI CHELLE DIMPS E-Mail:		
Phone: I, being the undersigned application in accordance with t	E-Mail: ant of the property herein described, herby make applied the provisions of the City of Harker Heights Ordinance		
Phone: I, being the undersigned application in accordance with to correct to the best of my knowled.	E-Mail: ant of the property herein described, herby make applied the provisions of the City of Harker Heights Ordinance and belief. ant, understand that failure to appear to represent a	pplication for approval of plans submitted and made a part on the ces, and hereby certify that the information provided is true a request shall be deemed a request to withdraw the propositions.	and
Phone: I, being the undersigned application in accordance with to correct to the best of my knowled, being the undersigned application. DAVID PH	E-Mail: ant of the property herein described, herby make appete provisions of the City of Harker Heights Ordinance and belief. ant, understand that failure to appear to represent a will represent the own	pplication for approval of plans submitted and made a part of ones, and hereby certify that the information provided is true a request shall be deemed a request to withdraw the propositions.	and
I, being the undersigned application in accordance with the correct to the best of my knowled I, being the undersigned application.	E-Mail: ant of the property herein described, herby make appete provisions of the City of Harker Heights Ordinance and belief. ant, understand that failure to appear to represent a will represent the own	pplication for approval of plans submitted and made a part on the ces, and hereby certify that the information provided is true a request shall be deemed a request to withdraw the propositions.	and
I, being the undersigned application in accordance with the correct to the best of my knowled, being the undersigned application. DAVID PH Printed Name of Property O	E-Mail: ant of the property herein described, herby make appropriate provisions of the City of Harker Heights Ordinance edge and belief. ant, understand that failure to appear to represent a will represent the own will represent the own own property and the company of the c	pplication for approval of plans submitted and made a part of ones, and hereby certify that the information provided is true a request shall be deemed a request to withdraw the propositioner. Signature of Property Owner Signature of Representative	and
Phone: I, being the undersigned application in accordance with to correct to the best of my knowled, being the undersigned application. DAVID PH	E-Mail: ant of the property herein described, herby make appete provisions of the City of Harker Heights Ordinance edge and belief. ant, understand that failure to appear to represent a will represent the own will represent the own will represent the own will represent the own when the company of the co	pplication for approval of plans submitted and made a part of ones, and hereby certify that the information provided is true a request shall be deemed a request to withdraw the propositioner. Signature of Property Owner Signature of Representative	and
I, being the undersigned application in accordance with the correct to the best of my knowled, being the undersigned application. DAVID PH Printed Name of Property O	E-Mail: ant of the property herein described, herby make appete provisions of the City of Harker Heights Ordinance edge and belief. ant, understand that failure to appear to represent a will represent the own will represent the own will represent the own will represent the country of the	poplication for approval of plans submitted and made a part of ces, and hereby certify that the information provided is true a request shall be deemed a request to withdraw the propositioner. Signature of Property Owner Signature of Representative 700 Property Owner 700 Property Owner	and al, or
I, being the undersigned application in accordance with the correct to the best of my knowled I, being the undersigned application in accordance with the correct to the best of my knowled I, being the undersigned application in the correct to the best of my knowled I, being the undersigned application in the correct to the best of my knowled I, being the undersigned application in the correct to the best of my knowled I, being the undersigned application in accordance with the correct to the best of my knowled II.	E-Mail: ant of the property herein described, herby make appete provisions of the City of Harker Heights Ordinance edge and belief. ant, understand that failure to appear to represent a will represent the own will represent the own will represent the own will represent the country of the	pplication for approval of plans submitted and made a part of occes, and hereby certify that the information provided is true a request shall be deemed a request to withdraw the propositioner. Signature of Property Owner Signature of Representative	and al, or ELL E OF TEXAS 5/2022
I, being the undersigned application in accordance with the correct to the best of my knowled I, being the undersigned application in accordance with the correct to the best of my knowled I, being the undersigned application in accordance with the correct to the best of my knowled I, being the undersigned application in accordance with the correct to the best of my knowled I, being the undersigned application in accordance with the correct to the best of my knowled II. In accordance with the correct to the best of my knowled II. In accordance with the correct to the best of my knowled II. In accordance with the correct to the best of my knowled II. In accordance with the correct to the best of my knowled II. In accordance with the correct to the best of my knowled II. In accordance with the correct to the best of my knowled II. In accordance with the correct to the best of my knowled II. In accordance with the correct to the best of my knowled II. In accordance with the correct to the best of my knowled II. In accordance with the correct to the best of my knowled II. In accordance with the correct to the best of my knowled II. In accordance with the correct to the best of my knowled II. In accordance with the correct to the correct	E-Mail: ant of the property herein described, herby make appeted and belief. ant, understand that failure to appear to represent a will represent the own will represent the own tive DREMEONTHIS	poplication for approval of plans submitted and made a part of ces, and hereby certify that the information provided is true a request shall be deemed a request to withdraw the propositioner. Signature of Property Owner Signature of Representative NOTARY PUBLIC STATE MY COMM. EXP. 5/ NOTARY ID 12826	and al, or ELL E OF TEXAS 5/2022
I, being the undersigned application in accordance with the correct to the best of my knowled I, being the undersigned application in accordance with the correct to the best of my knowled I, being the undersigned application in the correct to the best of my knowled I, being the undersigned application in the correct to the best of my knowled I, being the undersigned application in the correct to the best of my knowled I, being the undersigned application in accordance with the correct to the best of my knowled II.	E-Mail: ant of the property herein described, herby make applications of the City of Harker Heights Ordinance edge and belief. ant, understand that failure to appear to represent a will represent the own will represent the own thick the Composition of the City of Harker Heights Ordinance edge and belief. ant, understand that failure to appear to represent a will represent the own the Composition of the City of Harker Heights Ordinance edge and belief. BLALIPS OREMEONTHIS DAY OF MY COMMISSION EXPIRES: MAI	poplication for approval of plans submitted and made a part of ces, and hereby certify that the information provided is true a request shall be deemed a request to withdraw the propositioner. Signature of Property Owner Signature of Representative NOTARY PUBLIC STATE MY COMM. EXP. 5/ NOTARY ID 12826	and al, or ELL E OF TEXAS 5/2022



Z20-28

§ 155.020 R-1 ONE FAMILY DWELLING DISTRICT.

- (A) Permitted uses. The following uses are permitted by right:
 - (1) Site-built, single-family dwellings and industrialized housing.
 - (2) Church or other place of worship.
- (3) Municipal buildings, non-profit libraries or museums, police and fire stations, public utilities (without outside storage yards or electric substations), public parks, playgrounds, municipal golf courses, public recreation facilities, and community buildings.
 - (4) Customary home occupations as defined in §155.003.
 - (5) Accessory structure.
- (a) One small accessory building (not exceeding 144 square feet) per residence customarily incident to the above uses (not involving the conduct of a business) subject to the following requirements:
 - 1. Structure must be built upon a moveable foundation;
 - 2. Structure cannot exceed 12 feet in height;
- 3. Structure must set behind the rear facade of the main residence building and must be setback five feet from the rear property line and six feet from the side property line; and
 - 4. Materials, building design, and construction must comply with the requirements of Ch. 150.
- (b) Large accessory buildings customarily incident to the above uses (not involving the conduct of a business) subject to the following requirements:
 - 1. Building materials and facade must be consistent with the main residence building materials and facade;
 - 2. Large accessory building must be behind the front facade of the main residence;
 - 3. The height of the large accessory building cannot exceed that of the main residence building;
 - 4. Number, size, setbacks and height requirements based on the size of the lot as follows:

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

- (6) Private garage.
- (7) Home based child care.
- (8) Real estate sales office, or temporary living quarters to provide security during the development of residential subdivisions, but not to exceed two years.
 - (9) Low impact telecommunication towers.
 - (10) Public schools.
 - (B) Conditional uses. The following require conditional use permits:
- (1) Private schools having a curriculum equal to a public elementary, high school, or institution of higher learning (except home schooling).

- (2) Neighborhood association facilities.
- (3) Farms, nurseries, truck gardens and greenhouses, provided no sales offices are maintained and no livestock are kept within 250 feet of a residence of any person other than the farm owner.
 - (4) Accessory dwelling for a relative or servant (not for rent).
 - (5) Accessory structure as provided by §155.040.
 - (C) Height regulations. No building shall exceed two and one-half stories or 35 feet in height.
 - (D) Front yard, side yard, and rear yard. As per Table 21-A.
- (E) Intensity of use. Every lot or tract of land shall have an area of not less than 8,400 square feet and an average overall width of not less than 70 feet and a minimum lot frontage of not less than 45 feet. Except that if a lot or tract should have less area or width than is herein required and its boundary lines along their entire length should touch lands under other ownership on the effective date of this chapter and shall not have changed since the date, such parcel of land may be used for a single family dwelling.
- (F) Additional use, height, and area regulation. Additional use, height, and area regulations and exceptions are found in § 155.040.
- (G) R-1(M) zoning designation. R-1(M) is a one family residential lot that also allows manufactured homes. All manufactured housing structures installed after December 31, 1999, must be installed on a permanent foundation, as that term is defined in § 152.01.
- (1) In order to be approved, the manufactured home must be found to have design compatibility with other dwellings in the neighborhood.
 - (2) The following standards apply to any placement of a manufactured home on a lot after December 31, 1999:
- (a) Roofing shall be similar in color, material and appearance to the roofing material commonly used on residential dwellings within the community or comparable to the predominant materials used on dwellings within the neighborhood.

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

- (b) Exterior siding shall be similar in color, material, and appearance to the exterior siding material commonly used on residential dwellings within the community or comparable to predominant materials used on dwellings within the neighborhood. Exterior siding shall be of brick, wood, stucco, plaster, concrete or other material which is finished in a non-glossy and non-reflective manner.
- (c) If a garage/carport is constructed, it must be similar in appearance to others in the neighborhood and constructed of like materials as that of the primary home.
 - (d) Two all-weather surface off street parking spaces meeting the requirements of §155.061 shall be provided.
- (3) Every manufactured home shall be placed so that the entrance or front of the home faces or parallels the principal street frontage, except:
 - (a) In cases where the lot is one acre or greater and the home is located more than 50 feet from the street; or
 - (b) Where the lot width is 60 feet or less.
 - (4) All entrances to a manufactured home shall be provided with permanent steps, porch or similar suitable entry.
- (5) The lot must meet all applicable requirements of Chapter 154, and shall comply with the area regulations in (D) of this section. Variance in setbacks may be given in inches not to exceed one foot at the Building Official's discretion.
 - (H) Signs As per Chapter 151.
 - (I) Parking. As per §§ 155.061 through 155.068.
- (J) Storage. Open storage is prohibited except for materials for the residents' use, such as firewood, gardening materials, and similar materials.
- (K) Landscaping. All yards shall have vegetative groundcover of sufficient quality and quantity, or other city-approved groundcover, to control dust, erosion and sediment upon final inspections. In addition, a minimum of two six-foot-tall trees, measuring two inches or more in caliper (diameter) when measured 12 inches from the base of the trunk, and eight three-gallon shrubs, are required in the front yard.
 - (L) Industrialized housing.
 - (1) Industrialized housing shall be considered real property and must:
- (a) Have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for the county;

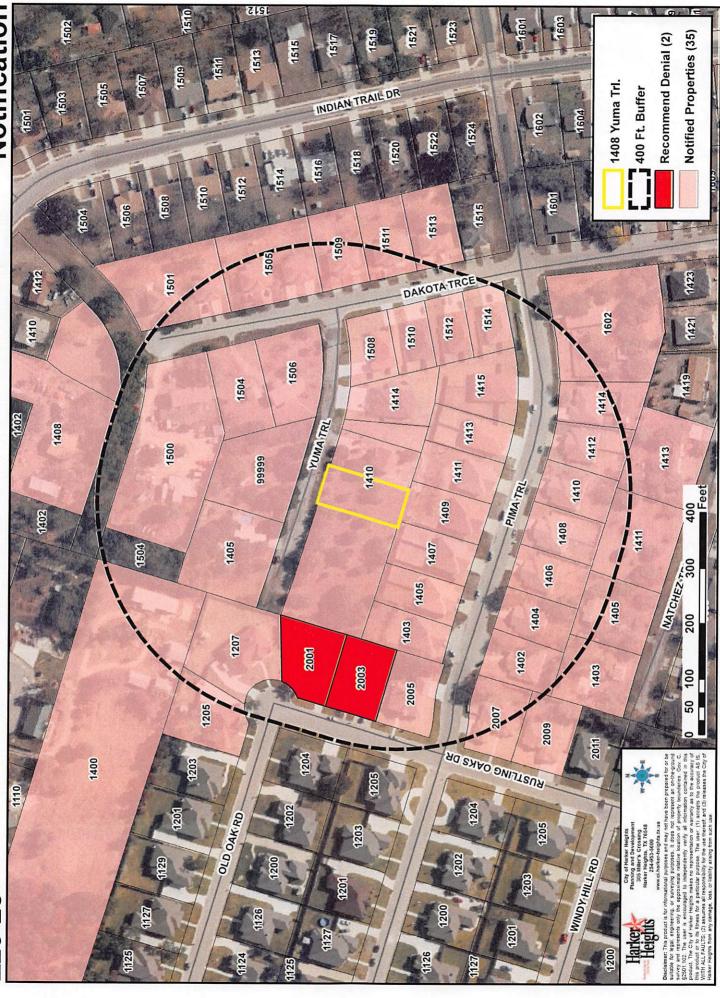
- (b) Have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located;
- (c) Comply with city aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single-family dwellings;
 - (d) Be securely fixed to a permanent foundation; and
 - (e) Have all local permits and licenses that are applicable to site-built housing.

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

- (2) Any owner or authorized agent who intends to construct, erect, install or move any industrialized housing into the city shall first make application to the Building Official and obtain the required permits. In addition to any other information otherwise required for such permits, the application shall:
- (a) Identify each single-family dwelling located within 500 feet of the lot on which the industrialized housing is to be located, and show the taxable value for each such dwelling, as determined by the most recent certified tax appraisal roll for the county;
- (b) Describe the exterior siding, roofing, roof pitch, foundation fascia, and fenestration for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is to be located;
 - (c) Describe the permanent foundation and method of attachment proposed for the industrialized housing; and
- (d) State the anticipated taxable value of the industrialized housing and the lot after installation of the industrialized housing.
 - (3) A person commits an offense if the person:
- (a) Constructs, erects, installs or moves any industrialized housing in the city without first obtaining a permit as required by this section; or
- (b) Constructs, erects, installs or moves any industrialized housing into the city unless such industrialized housing complies with this section.

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

Existing Land Use Single-Family Residence INDIAN-TRAIL-DR Manufactured Home **Existing Land Use** 1408 Yuma Trl. Duplex Vacant -DAKOTA TRCE Feet/1419 -YUMA-TRL--PIMA-TRL-OLD OAK.RD -RUSTLING OAKS DR-**Z20-28** Disclaimer: This produsuitable for legal, engiliserves and represents \$2501.102. The user product The City of His this product or to its fith WITH ALL FAULTS; (2)



SENT: NOVEMBER 18, 2019 DUE BACK: NOVEMBER 24, 2020

10:	City of Harker Heights Planning & Development Department
FROM:	Jimmy & Noemi Johnson 2001 Rustling Daks DR (Address of Your Phoperty that Could Harker A Be Impacted by this Request) TX 70054
R-3 (Multi Manufacture Comanche La	cation has been made to consider to consider a rezoning from Family Dwelling District) to R-1(M) (One Family ed Home Dwelling District) on property described as and First Unit, Block Four (4), Lot Four (4), generally located as Trail, Harker Heights, Bell County, Texas (see attached lap).
□ I REC	OMMEND APPROVAL OF THE REQUEST
☐ I REC	OMMEND DENIAL OF THE REQUEST
Comments: Teous	ecommend denial of est. Please see attached ex.
Tru Jo Printed Name 24 Nov 20 Date	Signature Received NOV 2 4 2020 Planning & Development



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

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

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

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

- the new planned development passed in April of 2013 and without applying for a Trailer Park application. And, without having to comply with Trailer Park development rules
- F. One being, when a Trailer Park application is made, a 200-foot easement is required between it and any R-1 property bordering it. A R-1(M) re-zoned property immediately bordering our home would only require that a trailer be placed no closer than 8-feet from our fence. If re-zoning is approved, it makes it much easier to develop a sprawling trailer park on the property; the property owner, owns five plus acres bordering homes on Rustling Oaks Drive, Dakota Trail and surrounding Yuma Trail that sits vacant
- G. Our property, 2001 Rustling Oaks Drive and our neighbor in 2003 is bordered by Comanche Land, 1st Unit, Block Four (4), Lot One (1).
 - 1. Five R-2 units on Pima Dr. border Comanche Land, First Unit, Block Four (4), Lots 1, 2, 3, 4 & 5
 - 2. Seven (7) R-2 Units on Pima and Dakota Trace are also within the 400 feet of requested re-zone
 - 3. R-1 residence 2001, 2003, & 2005 Rustling Oaks Drive are within the 400 feet range of the requested re-zone

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

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

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

JimmyJohnson

Noemi Johnson

Weem J Junson



Imagery @2020 CAPCOG, Maxar Technologies, Map data @2020 50 ft

Yuma Trail

Map data @2020 Google 50 ft l----

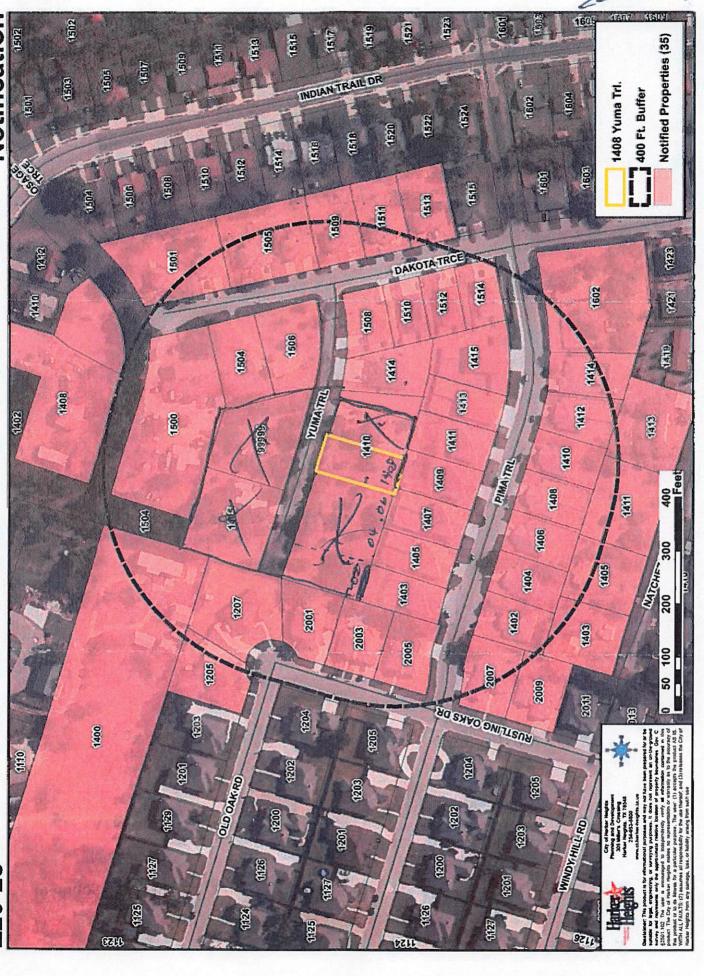
2020 Taxes	Property ID	71085	TADE	CWINE INSIDE	CHANTERS	Appropries
\$ Pay Taxes	168783	0384120021	Real	PHILLIPS, DAVID B	99999 DAKOTA TRCE НАЯКЕЯ НЕІЗНТВ, ТХ	\$28,000
\$ Pay Taxes	365332	0384130006	Real	PHILLIPS, DAVID BRUCE	1410 YUMA TRL HARKER HEIGHTS, TX	886,000
\$ Pay Taxes	368913	0384130004	Real	PHILLIPS, DAVID BRUCE	навкея неюнтв, тх	\$28,000
\$ Pay Taxes	418562	2289490000	Mobile	PHILLIPS, DAVID B	407 ELBERT LN HARKER HEIGHTB, TX	19,027
\$ Pay Taxes	470998	0291092342	Real	PHILLIPS, DAVID B	YUMA HARKER HEIGHTS, TX	\$7,000
\$ Pay Taxes	93068	0384440000	Real	PHILLIPS, DAVID B	1500 SHASTA TRL HARKER HEIGHTS, TX	\$60,000
\$ Pay Taxes	93101	0289490000	Real	PHILLIPS, DAVID B	407 ELBERT LN HARKER HEIGHTS, TX	\$11,000
\$ Pay Taxes	93102	0289730000	Real	PHILLIPS, DAVID B	402 ELBERT LN HARKER HEIGHTS, TX	\$4,959
\$ Pay Taxes	93103	0289740000	Real	PHILLIPS, DAVID B	404 ELBERT LN HARKER HEIGHTB, TX	\$2,750
S Pay Taxes	93104	0289750000	Real	PHILLIPS, DAVID B	406 ELBERT LN HARKER HEIGHTS, TX	699'009
\$ Pay Taxes	93105	0289760000	Real	PHILLIPS, DAVID B	408 ELBERT LN HARKER HEIGHTS, TX	\$61,814
\$ Pay Taxes	93106	0289770000	Real	PHILLIPS, DAVID B	410 ELBERT LN HARKER HEIGHTS, TX	\$66,754
\$ Pay Taxes	93107	0289780000	Real	PHILLIPS, DAVID B	412 ELBERT LN HARKER HEIGHTS, TX	\$14,598
\$ Pay Taxes	93108	0290050400	Real	PHILLIPS, DAVID B	913 TRAVIS LN HARKER HEIGHTS, TX	\$11,000
\$ Pay Taxes	83109	0290050700	Real	PHILLIPS, DAVID B	915 TRAVIS LN HARKER HEIGHTS, TX	\$11,000
S Pay Taxes	93110	0384120024	Real	PHILLIPS, DAVID B OWN EFS home	(405 YUMA TRICHARKER HEIGHTS, TX	619,935
\$ Pay Taxes	69866	0289480000	Real	PHILLIPS, DAVID B	405 ELBERT LN HARKER HEIGHTS, TX	611,877
¥	X A					

SENT: NOVEMBER 18, 2019 DUE BACK: NOVEMBER 24, 2020

Planning & Development Department	
FROM: 2003 Rustling OAKS HARKER HEISHTS. TX 1 (Address of Your Property that Coul Be Impacted by this Request)	6548
RE: An application has been made to consider to consider R-3 (Multi Family Dwelling District) to R-1 (Manufactured Home Dwelling District) on proprogramme Land First Unit, Block Four (4), Lot Four (4 at 1408 Yuma Trail, Harker Heights, Bell County, Inotification map).	M) (One Family perty described as b), generally located
☐ I RECOMMEND APPROVAL OF THE REQU	EST
I RECOMMEND DENIAL OF THE REQUEST	r
Comments: SEE THE Attached Doc	uments
	\$10. \$70.
LARRY J. ROSERS Printed Name Signature	J. Vager
34 Nov 2010	
Date	Received
	NOV 2 4 2020
Pla	nning & Development
Z20-28 Harker Heights Planning & Development	November 18, 2020

City of Harker Heights

TO:



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

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

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

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

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

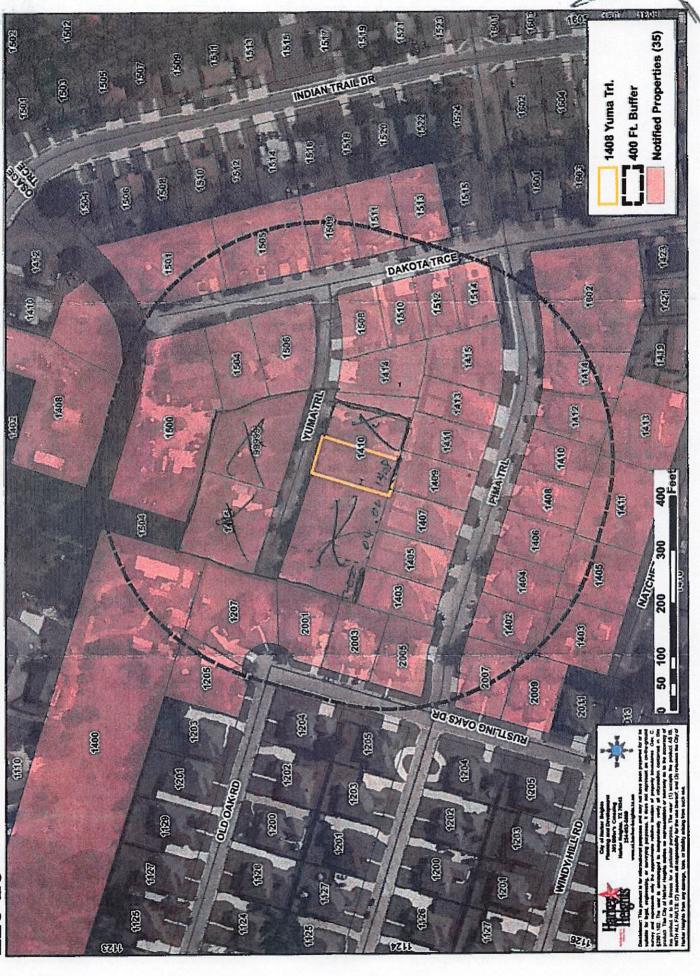
The basic reason for opposition to this request is economic. A rezoning approval will cause home values to nose dive on Rustling Oaks, Dr., Pima Drive, Dakota Trace, and Yuma Trail. Research through a licensed Real Estate Broker reveals that our home at **2003 Rustling Oaks Dr. would lose around 20%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

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

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

We Recommend This Re-zoning Request Be Denied!

Larry J. Rogers Dagmar Rogers Dis



Yuma Trail

(1) see Item C of Proposal Response

50 ft t

Map data @2020 Google



CITY COUNCIL MEMORANDUM

AGENDA ITEM # VII-3

FROM: THE OFFICE OF THE CITY MANAGER

DATE: DECEMBER 8, 2020

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

EXPLANATION:

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

Surrounding Land Uses

Adjacent land uses include:

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

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

Flood Damage Prevention:

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

Notices:

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

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

Following a public hearing held on December 2, 2020, the Planning and Zoning Commission voted unanimously (9-0) to recommend denial of the request to change zoning designation from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District), on property described as 6.51 acres out of a 47.626 acre tract of land in Bell County, Texas, being part of the H.B. Littlefield Survey, Abstract No. 511, the land herein described being part of a called 113.5 acre tract of land conveyed to Robert Don Sutton, Trustee, generally located north of Killeen ISD Middle School No. 14 along Warriors Path, Harker Heights, Bell County, Texas.

STAFF RECOMMENDATION:

Staff recommended approval to the Planning and Zoning Commission of an Ordinance to change the zoning designation from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District), based on the following:

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

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

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

ACTION BY THE CITY COUNCIL:

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

ATTACHMENTS:

- 1. Ordinance
- 2. Application
- 3. Site Plan
- 4. Location Map
- 5. Existing Land Use Map
- 6. Zoning Map7. Future Land Use Map
- 8. Notification Area Map

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING R-2 ZONING ON PROPERTY DESCRIBED AS 6.51 ACRES OUT OF A 47.626 ACRE TRACT OF LAND IN BELL COUNTY, TEXAS, BEING PART OF THE H.B. LITTLEFIELD SURVEY, ABSTRACT NO. 511, THE LAND HEREIN DESCRIBED BEING PART OF A CALLED 113.5 ACRE TRACT OF LAND CONVEYED TO ROBERT DON SUTTON, TRUSTEE, GENERALLY LOCATED NORTH OF KILLEEN ISD MIDDLE SCHOOL NO. 14 ALONG WARRIORS PATH, HARKER HEIGHTS, BELL COUNTY, TEXAS.

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

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

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

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

SECTION 2: The hereinafter-described property, as previously zoned R-1 (One-Family Dwelling District) is rezoned to R-2 (Two Family Dwelling District):

6.51 acres out of a 47.626 acre tract of land in Bell County, Texas, being part of the H.B. Littlefield Survey, Abstract No. 511, the land herein described being part of a called 113.5 acre tract of land conveyed to Robert Don Sutton, Trustee, generally located north of Killeen ISD Middle School No. 14 along Warriors Path, Harker Heights, Bell County, Texas

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

Description

12/08/20	Granting R-2 zoning on property described as 6.51 acres out of a 47.626
	acre tract of land in Bell County,
	Texas, being part of the H.B.
	Littlefield Current Abstract No. 511

Date Passed

Ord. No.

described as 6.51 acres out of a 47.626 acre tract of land in Bell County, Texas, being part of the H.B. Littlefield Survey, Abstract No. 511, the land herein described being part of a called 113.5 acre tract of land conveyed to Robert Don Sutton,

Trustee, generally located north of Killeen ISD Middle School No. 14 along Warriors Path, Harker Heights, Bell County, Texas..

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

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

PASSED AND APPROVED on December 8, 2020

	Spencer H. Smith, Mayor	
ATTEST:		



City of Harker Heights Planning & Development

305 Millers Crossing Harker Heights, TX 76548 Phone: (254) 953-5647

Rezoning Request Application

Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED

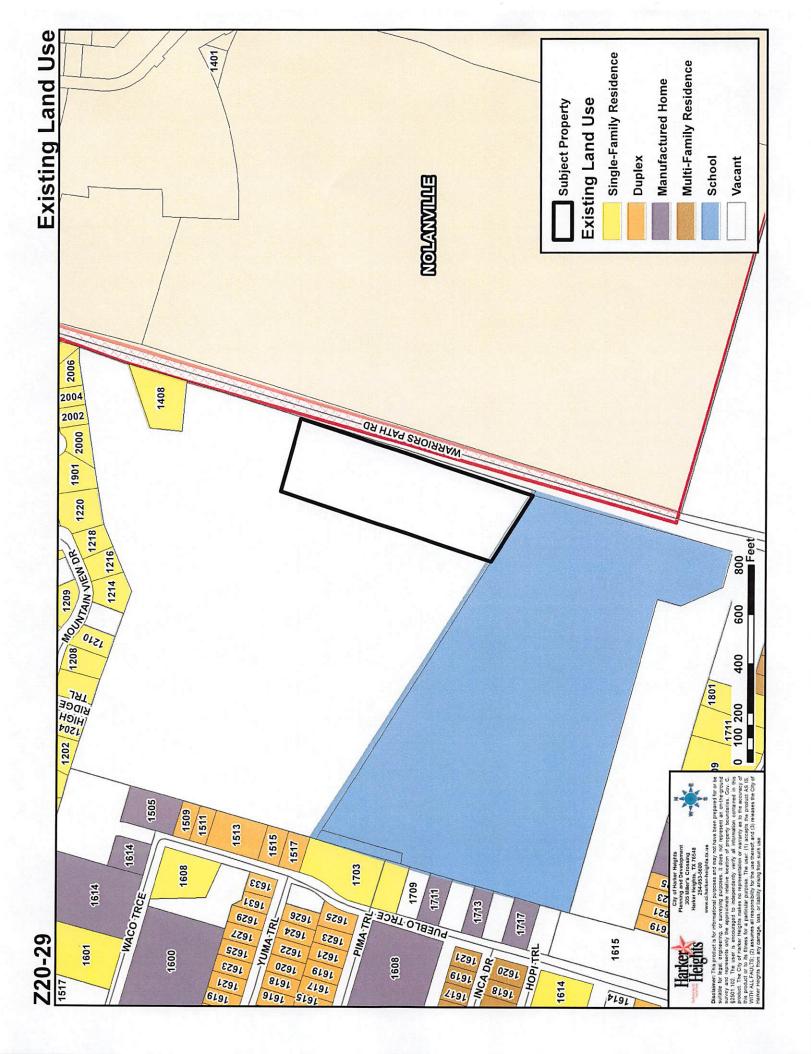
This application must be completed and returned to the Planning and Development Department of the City of Harker Heights, Texas along with the following:

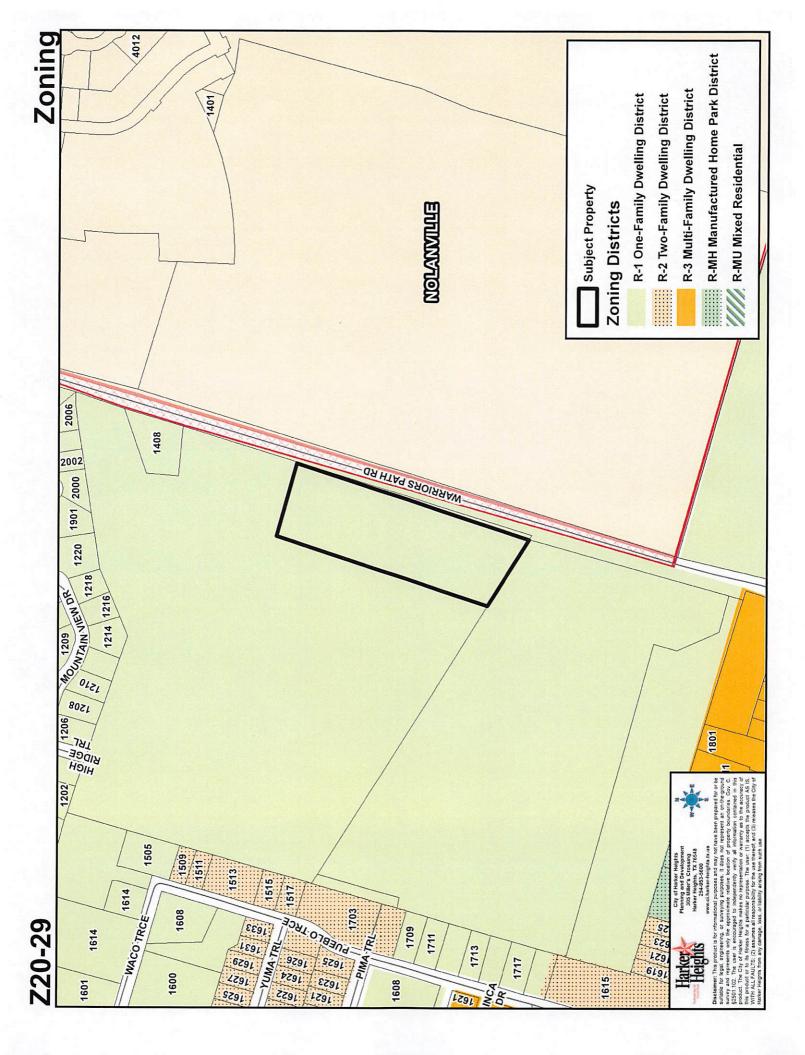
- 1. Pre-Application Meeting Scheduled
- 2. Payment of \$200.00 to the City of Harker Heights

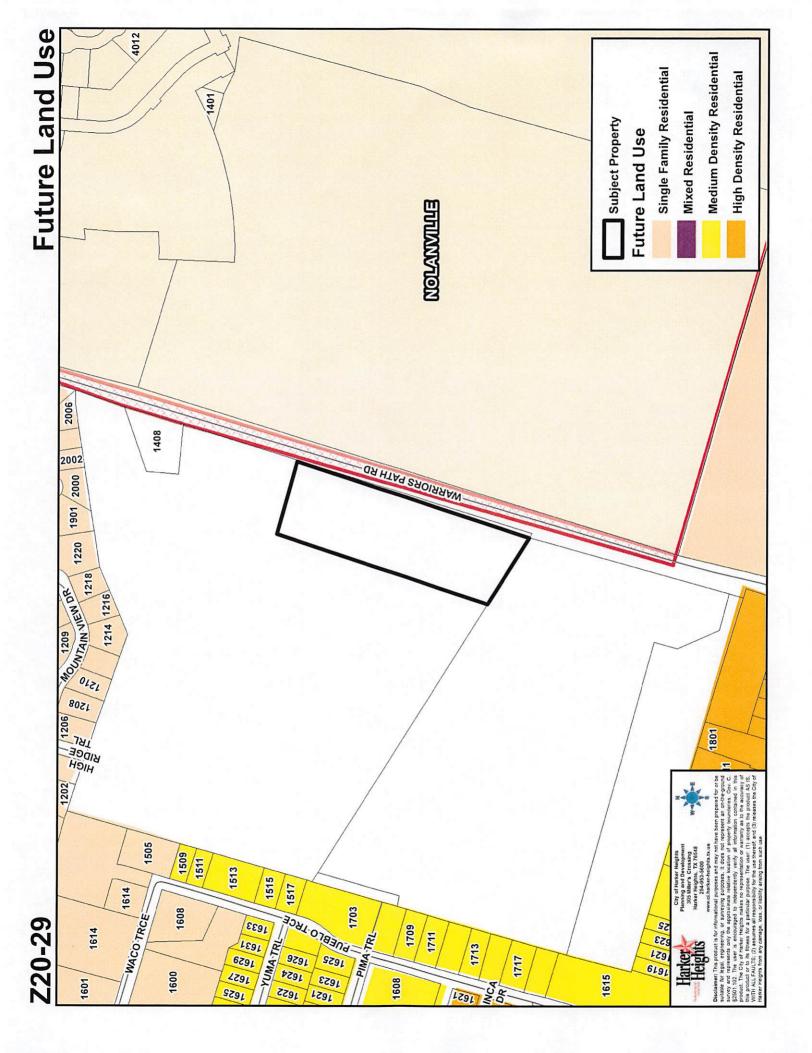
ess if available): West of Warriors Path Block: Property ID: 113526 In a recorded subdivision please submit	E-mail: Approximately 0.80 miles South of Old Nolanville Rd. Subdivision: Survey: Part of H.B. Littlefield Survey, Abstract No. 511 To a copy of a current survey showing the property's proposed to be d/or legal field notes. Proposed Zoning: R2 Proposed Land Use: Two-Family Dwellings
ss if available): West of Warriors Path Block: Property ID: 113526 In a recorded subdivision please submit changed, and by Dwelling District ion: R1	Approximately 0.80 miles South of Old Nolanville Rd. Subdivision: Survey: Part of H.B. Littlefield Survey, Abstract No. 511 To copy of a current survey showing the property's proposed to be d/or legal field notes. Proposed Zoning: R2
ss if available): West of Warriors Path Block: Property ID: 113526 In a recorded subdivision please submits changed, and by Dwelling District ion: R1	Approximately 0.80 miles South of Old Nolanville Rd. Subdivision: Survey: Part of H.B. Littlefield Survey, Abstract No. 511 To copy of a current survey showing the property's proposed to be d/or legal field notes. Proposed Zoning: R2
ess if available): West of Warriors Path Block: Property ID: 113526 In a recorded subdivision please submit changed, and by Dwelling District ion: R1	Subdivision: Survey: Part of H.B. Littlefield Survey, Abstract No. 511 a copy of a current survey showing the property's proposed to be d/or legal field notes. Proposed Zoning: R2
Block: Property ID: 113526 In a recorded subdivision please submit changed, and y Dwelling District ion: R1	Subdivision: Survey: Part of H.B. Littlefield Survey, Abstract No. 511 a copy of a current survey showing the property's proposed to be d/or legal field notes. Proposed Zoning: R2
Property ID: 113526 n a recorded subdivision please submit changed, and y Dwelling District ion: R1	Survey: Part of H.B. Littlefield Survey, Abstract No. 511 a copy of a current survey showing the property's proposed to be d/or legal field notes. Proposed Zoning: R2
n a recorded subdivision please submit changed, and ly Dwelling District	a copy of a current survey showing the property's proposed to be d/or legal field notes. Proposed Zoning: R2
changed, and by Dwelling District ion: R1	Proposed Zoning: R2
ion: R1	
/e (if applicable):	Proposed Land Use: Two-Family Dwellings
/e (if applicable):	
e: Joseph Theriot	E-Mail:
the provisions of the City of Harker Heigh edge and belief. ant, understand that failure to appear to	by make application for approval of plans submitted and made a part of the its Ordinances, and hereby certify that the information provided is true and represent a request shall be deemed a request to withdraw the proposal, or
	(XIII
	Signature of Property Owner Signature of Representative
LIC MY COMMISSION EXPIRE STAFF ONLY D	Sasha Marie Frogge Notary Public, State of Texas Notary ID# 13112866-1 My Commission Expires
1	ant of the property herein described, her the provisions of the City of Harker Heigh edge and belief. ant, understand that failure to appear to will repressible. Owner ORE ME ON THIS MY COMMISSION EXPIRE

PORTION OF KING PROPERTY **ZONING EXHIBIT** 400 1" = 200' PART OF A - CALLED 113.5 ACRES -\$73° 37' 24"E 300.00' (VOL. 3678, PG. 391) **CURRENT ZONING - R1** 6.51 ACRES TO **BE REZONED TO R2** (CURRENT ZONING - R1) WARRIORS PATH PROPERTY ID: 113463 A0401BC U HUNT. 2, ACRES 80.508 LOT 1, BLOCK A N57° 02' 14"W 313.02' KILLEEN ISD MIDDLE SCHOOL 14 (YEAR 2019, PLAT #88) **CURRENT ZONING - R1**

Z20-29









CITY COUNCIL MEMORANDUM

CP20-05

AGENDA ITEM # IX-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: DECEMBER 8, 2020

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

PROJECT DESCRIPTION:

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

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

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

Following a public hearing held on December 2, 2020, the Planning and Zoning Commission voted (9-0) to recommend approval of the request for Concept Plan of Abooha Toklo Addition Section Two on property described as 10.395 acres out of the H.B. Littlefield Survey, Abstract 511, generally located within the 1700 block of Warriors Path, and property described as the Marley Addition Amended, Block One (1), Lot Eight (8), 2.257 acres, generally located within the 1700 block of Warriors Path, Harker Heights, Bell County, Texas.

STAFF RECOMMENDATION:

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

ACTION BY THE CITY COUNCIL:

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

ATTACHMENTS:

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



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

Concept Plan Application

Requirements - MUST BE COMPLETED OF WILL NOT BE ACCEPTED

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

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

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

Property Information:		
Subdivision Name: Abooha Toklo	Dece IV	Date Submitted: Nov 4, 2020
Site Address or General Location: Betw	veen Warrior's Path and Pueblo, North of Pont	totoc
Zoning: R-2	Acreage: 10.40 [12.64]	Proposed # of Lots: [43]
Owner Information/Authorization:		
Property Owner: Robert Sutton		
Address: 1408 Warrior's Path, Harker He	ights, TX 76548	
Phone:	E-Mail:	
Developer: Jerome Gomer		
Address: 1524 Indian Trail, Harker Heigh	nts, TX 76548	
Phone:	E-Mail:	
Engineer/Surveyor: Mitchell & Associate	es, Inc.	
Address: 102 North College Street, Killee	en, TX 76541 / PO Box 1088, Killeen, TX 76540	
Phone:	E-Mail:	
CHECK ONE OF THE FOLLOWING:		
I will represent the application myself.	1 2	
I hereby designate Mitchell & Associates, I processing, representation, and/or presentation	$\frac{\ln(ACCR)}{\ln(ACCR)}$ (name of project representative ition of this development application.	to act in the capacity as my agent for submittal,
Council Meetings at which their plan	rized representative must be present at all Plannin n or plat is on the agenda for discussion or action. appear during a meeting may be deemed a withdo	Failure of the developer or their authorized
OWNER SIGNATURE: Kapert	In Sutter	JENNIFER HENDERSON
SWORN AND SUBSCRIBED BEFORE METHIS	4th DAY OF NOVEMBER, 20 20.	Notary Public, State of Texas Comm. Expires 10-20-2024 Notary ID 132736627
	ASOR 10	20 2021
NOTARY PUBLIC IN AND FOR THE STAT	TE OF TEXAS MY COMMISSION EXPIRES: 10	20.1024
Date Submitted: 11/4/20	STAFF ONLY DO NOT FILL OUT BELO	Neceipt #:01032974
Received By:	Pre-Application Meeting	Case #: <u>CP30-05</u>



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

Concept Plan Application

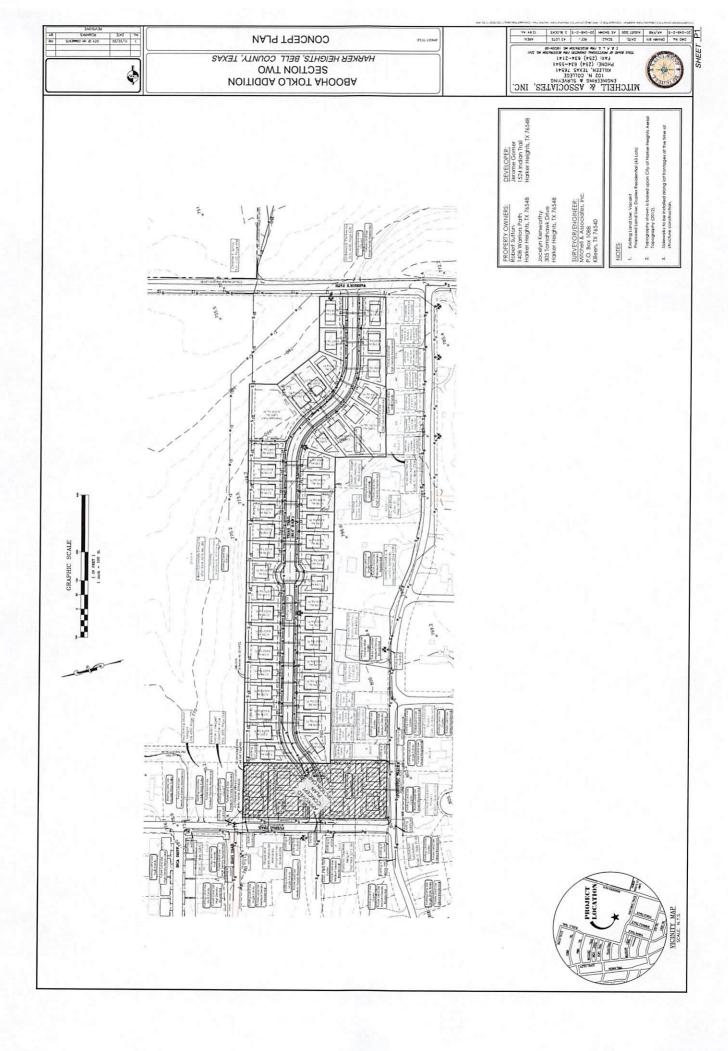
Requirements - MUST BE COMPLETED OF WILL NOT BE ACCEPTED

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

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

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

Subdivision Name: Abooha Toklo	e IL	Date Submitted: Nov 4, 2020
	n Warrior's Path and Pueblo, North o	
Zoning: R-3	Acreage: 2.24 [12.64]	Proposed # of Lots: [43]
Owner Information/Authorization:		
Property Owner: Jocelyn Kenworthy		
Address: 305 Tomahawk Drive, Harker Heig	hts, TX 76548	
Phone:	E-Mail:	
Developer: Jerome Gomer		
Address: 1524 Indian Trail, Harker Heights,	TX 76548	
Phone:	E-Mail:	
Engineer/Surveyor: Mitchell & Associates, l	nc.	
Address: 102 North College Street, Killeen,	TX 76541 / PO Box 1088, Killeen, TX	76540
Phone:	E-Mail:	
HECK ONE OF THE FOLLOWING:		
I will represent the application myself.	(Ano.10)	
I hereby designate Mitchell & Associates, Inc. processing, representation, and/or presentation	(name of project represent of this development application.	ntative) to act in the capacity as my agent for submittal,
Council Meetings at which their plan or	d representative must be present at all F plat is on the agenda for discussion or a ear during a meeting may be deemed a	Planning and Zoning Commission Meetings and City action. Failure of the developer or their authorized withdrawal of the plat or plan.
OWNER SIGNATURE: SWORN AND SUBSCRIBED BEFORE METHIS	DAY OF NO WIMPLESO	CINDY FLORES Notary Public State of Texas ID # 124153058 My Comm. Expires 03-31-2023
NOTARY PUBLIC IN AND FOR THE STATE O	OF TEXAS MY COMMISSION EXPIRES.	3-31-73
Date Submitted: 11411	STAFF ONLY DO NOT FILL OUT	Receipt #: 11132974
Received By: CAUCH	Pre-Application Meeting	Case #:



ABOOHA TOKLO PHASE IV

CP20-05 Abooha Toklo Phase IV

Plat Distributed to HH Staff: November 5, 2020

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

Comments Response: November 20, 2020

Planning & Development

 I would suggest renaming this concept plan and ultimately plat to Abooha Toklo Addition Two.

Plat has been renamed.

2. Please revise Note 1 to the more specific use of "Duplex Residential" Note 1 has been revised.

Public Works

1. Each duplex apartment will have a separate water meter.

Services have been revised.

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

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

Consulting Engineer, Otto Wiederhold

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

Fire Marshal, Brad Alley

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

Building Official, Mike Beard

ONCOR, Donna McGinnis

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

Century Link, Chris McGuire

ATMOS, Burton Jones		

1604

1903

CP20-05

9091

Zoning R-MH Manufactured Home Park District R-3 Multi-Family Dwelling District R-1 One-Family Dwelling District R-2 Two-Family Dwelling District R-MU Mixed Residential Subject Properties **Zoning Districts** GR HTA'S SAOIARAW 1813/ 1811/ 1809/ PONCA-TRCE PONTOTOCHOCE SEMINOLETRCE :1815 PUEBLO-TRCE. DL91 -INCA DR -HOPI-TRL-CP20-05 \$191 -MOHICAN-TRL-

§ 154.20 GENERAL RESIDENTIAL AND COMMERCIAL.

- (A) The owner of a lot, tract, site or parcel must obtain final plat approval for any subdivision or development activity to which this chapter applies. The plat approval process generally consists of the following procedures:
- (1) One or more pre-application meetings with city staff for review and discussion of the applicant's basic concept plan. The pre-application meeting is the initial step in the development process intended to introduce basic project components and area information. The pre-application meeting provides the opportunity for review, analysis, and discussion of basic project intent, design, components and compatibility.
- (2) Submission of an application and a concept plan by the applicant for initial review by city staff, with final review and approval required by the Planning and Zoning Commission and the City Council.
- (a) Concept plan. The purpose of the concept plan is to demonstrate compatibility of the proposed development with this chapter and other applicable city ordinances, and the coordination of improvements within and among individually platted parcels, sections, or phases of a development, and the surrounding properties prior to the consideration of a preliminary plat. The concept plan is an opportunity to detect and correct design challenges before the developer prepares detailed engineering documents, but does not constitute the submittal of a plat.
- (b) Any residential development involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of any municipal facilities does not require the submittal of a concept plan.
- (c) In lieu of a concept plan, the City Manager may permit submittal of a site plan at the time of building permit application.
 - (d) The concept plan shall contain or have attached thereto the following:
 - 1. Name of the developer, record owner, and authorized agents, proposed name of the development.
- 2. A layout of the entire tract, including internal lots, and its relationship to adjacent property, existing development and recorded plats, showing the existing property lines of the land being subdivided, north indicator, and scale.
 - 3. Topographic contours available from the U.S. Geological Survey.
- 4. Significant drainage features and structures including any regulatory one-hundred-year floodplains, the location of existing watercourses, dry creek beds, wells, sinkholes and other similar features.
- 5. Specific information related to land use for the proposed development and adjoining property for a distance of 300 feet.
 - 6. Building placement and building envelopes.
 - 7. Parking layout.
 - 8. General landscaping and buffer areas.
 - 9. Location of all existing and proposed water and sewer lines.
 - 10. All existing and/or proposed public utility easements and private easements.
 - 11. Location of all existing and proposed stormwater drainage easements or onsite detention plan.
 - 12. Location of all existing and proposed streets, sidewalks, alleys, and access points.
 - 13. Vehicular circulation/ connectivity plan.
 - 14. Location of all existing and proposed fire/emergency vehicle access lanes.
 - 15. Location of all existing and proposed fire hydrants.
- (e) A concept plan shall be submitted to the Planning and Development Department prior to the submittal of a preliminary plat unless the Director of Planning and Development authorizes concurrent filing.
- (f) The concept plan shall be drawn on 24" x 36" sheets and/or on a plat document size format so as to be consistent with the preliminary/final plat document. When more than one sheet is necessary to illustrate the entire area, an index sheet showing the entire subdivision, at a scale sufficient to identify the drawings that follow, shall be attached to the concept plan document.
- (g) The City Manager or his designated appointee will have the authority to review and approve any substantial amendments to a prior concept plan.
- (h) An approved concept plan shall expire if there is more than a 24-month period of time between its approval and the submittal of a preliminary plat.
- (3) Submission of a preliminary plat and preliminary engineering drawings by the applicant for review and approval by the Planning and Zoning Commission and City Council.
 - (4) Submission of final engineering drawings and construction of infrastructure by the applicant for approval by the

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

- (5) Submission of a final plat by the applicant for review and approval by the Director of Planning and Development along with a letter of credit or performance bond for any infrastructure item that is not complete. The Planning and Development Director may not disapprove the plat but shall refer any plat to the Planning and Zoning Commission if the applicant refuses to implement the Director's recommendations.
- (6) Submission of Mylars, field notes, dedication, and as built drawings signed by a Texas Professional Engineer (when required). In addition, if the applicant is other than a natural person acting on his own behalf, submit a resolution, unanimous consent, or other such instrument in recordable form authorizing specific persons to act on behalf of the applicant in requesting final plat approval.
 - (7) Filing of final plat.
- (B) Applications for minor plats, replats, amending plats, preliminary plats and final plats shall be submitted to the Planning and Development Department. Applications shall contain the following.
 - (1) Application. Completed application form.
 - (2) Fee. Application fee as established by the City Council and stated in the city's fee schedule.
 - (3) Copies.
- (a) Preliminary plats shall require ten paper copies of the plat, and seven sets of preliminary engineering drawings with necessary calculations. After plat comments are approved by the City Council, the developer shall submit three corrected copies of the plat and/or engineering drawings if changes to the plat and/or engineering drawings are required. Corrected copies should be submitted before construction begins on the subdivision.
- (b) Final plats shall require ten paper copies of the plat and seven sets of final engineering drawings with necessary calculations. After plat comments are approved by the Planning and Zoning Commission, and the City Council if necessary, the developer shall submit three corrected copies of the plat and/or engineering drawings if changes to the plat and/or engineering drawings are required.
- (c) A digital copy of the final plat must be submitted. Digital final plat files should be submitted in DXF, DWG or GIS shapefile/feature class/coverage format. This digital format shall be an exact replica of any required and/or included data represented on the submitted hard copy of the final plat. Engineering drawings are excepted from this requirement. This data must be provided on standard transfer media or by electronic transfer (three and one-half inch floppy disk or CD-ROM, DVD, e-mail attachment or any other media as approved by the city Planning Department). The submitted transfer media shall be labeled with the project name (subdivision name) and filing date. State Plane 83 Texas South Central Zone 4204 coordinate system should be the base of all submissions whenever possible.
- (4) Time line. Submittal of plats and engineering drawings, not meeting the standards for being a minor plat, shall be made 28 days prior to the scheduled Planning and Zoning Commission meeting as preliminary plats and preliminary engineering drawings. Preliminary plats and preliminary engineering drawings shall be presented to the Council within 30 days of action being taken by the Planning and Zoning Commission. Final plats and final engineering drawings shall be reviewed by the Director of Planning and Development. Final plats and final engineering drawings shall be reviewed by the Planning and Zoning Commission and the Council only if the Director of Planning and Development finds that there is substantial deviation, as defined in § 154.21(B), from the preliminary plat or preliminary engineering drawings. If the Director of Planning and Development rules that a final plat and/or final engineering drawings substantially deviate from the approved preliminary plat and/or preliminary engineering drawings, then the Planning and Zoning Commission shall have 30 days from the date of application of the plat to make a ruling and the City Council shall have 30 days from the date of the Planning and Zoning Commission's ruling to take action on the final plat.
- (5) Post approval of final plat. The developer shall provide the city with two original reproducible Mylars and two paper copies of the plat with the required original signatures, dedications and specific notations.
- (6) As built drawing submital requirements. The developer shall provide the city with a digital copy and a single set of paper drawings of the constructed infrastructure. These drawings shall meet the requirements as set in § 154.25, "As Built Drawings". Digital as built files should be submitted in PDF, DXF, DWG or GIS shapefile/feature class/coverage format. This digital format shall be an exact replica of any required and/or included data represented on the submitted hard copy drawing/document. This data must be provided on standard transfer media or by electronic transfer (three and one-half inch floppy disk or CD-ROM, DVD, e-mail attachment or any other media as approved by the city Planning Department). The submitted transfer media shall be labeled with the project name (subdivision name) and filing date. State Plane 83 Texas South Central Zone 4204 coordinate system should be the base of all submissions whenever possible. Failure to do so could result in revocation or denial of construction permits and/or certificate of occupancy.

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



CITY COUNCIL MEMORANDUM

AGENDA ITEM # IX-2

FROM: THE OFFICE OF THE CITY MANAGER

DATE: DECEMBER 8, 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, AND TAKE THE APPROPRIATE ACTION.

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 Abooha 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.

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

Following a public hearing held on December 2, 2020, the Planning and Zoning Commission voted (9-0) to recommend approval 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.

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 CITY COUNCIL:

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)



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

Fax: (254) 953-5666

P20-18 Preliminary Plat Application

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

This application must be completed returned to the Planning Development Department of the City of Harker Heights, Texas along with the following: 1. Pre-Application Meeting with Staff to ensure applicability 2. Payment of \$500.00 \pm \$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: Abooka Taklo Addition Phase two Date Submitted: Oct 2 2020
Existing Lot Count: Proposed Lot Count: 3 12 116 Proposed Units: 3 Acreage: 1,807
Existing Land Use: Vacant Proposed Land Use: Duplex
Site Address or General Location: 1615 Abhobotoc Truck, Howher Heights 76548
Public Infrastructure Proposed with Subdivision: Water Wastewater Streets (including Private) Stormwater
Owner Information & Authorization:
Property Owner: Jerone Comes
Address: 1524 Indian Trail Hadres Heights Tx 76548
Phone: E-Mail:
Developer:
Address:
Phone: E-Mail:
Engineer/Surveyor: Mitchell and Associates Inc
Address: 102 A. College / P.O. Box 1088 Killeen TK 76540
Phone: 254-634-55311 E-Mail: ikriegel@mitchelling. net
CHECK ONE OF THE FOLLOWING:
will represent the application myself.
Thereby designate Ace Resaute (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 Octuber 2020.
Wilkin Everett
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS Notary Public, State of Texas
MY COMMISSION EXPIRES: 0 2 1 2 2 12 02 Expires 02/22/2021 D.# 13101584-5
Date Submitted: Ott 2 W70 Received By: WWW. Receipt#: 01622214



Received

ITEMS REQUIRED WHEN SUBMITTING PLATS FOR APPROVAL

The following checklist is guthered from the City of Harker Heights Subdivision Regulations, Chapter 154, Title XV-Land Usage, from the Harker Heights Code of Ordinances.

All submittals must include the items specified, in order to be accepted by the City of Harker Heights. Partial and incomplete submittals will not be accepted.

PRELIMINARY PLAT

	☐ Completed Application for Subdivision Preliminary Plat
	☐ Payment for Subdivision Preliminary Plat (\$500.00 plus \$25.00 per Lot)
	☐ Ten (10) Copies of the Plat for Reviewing Parties and Seven (7) sets of Preliminary Engineering Drawings with necessary calculations
	One (1) 8.5 x 11 Image of Plat (PDF format)
	☐ Twenty-five (25) 11 x 17 copies of Plat for Planning and Zoning and City Council Members
ıent	☐ Preliminary Plats should include the following Signature Blocks:
OCT 0 2 2020 Planning & Development	☐ CHAIRMAN, PLANNING & ZONING COMMISSION ☐ SECRETARY, PLANNING & ZONING COMMISSION ☐ MAYOR, CITY OF HARKER HEIGHTS ☐ CITY SECRETARY ☐ Surveyor's with Certificate (Seal) ☐ Bell County Tax Appraisal District with the accompany File for Record Signature Block ☐ Bell County Environmental Health Department (if applicable) ☐ Lien Holder (if applicable) ☐ E-mail plat to imolis@ci.harker-heights.tx.us
	After Plat comments are approved by the City Council the developer shall submit three (3) corrected copies of the plat and/or Engineering Drawings if changes to the Plat and/or Engineering Drawings are required.

Application on Reverse Side



City of Harker Heights

Planning & Development 305 Millers Crossing

Harker Heights, TX 76548

Phone: (254) 953-5647 Fax: (254) 953-5666

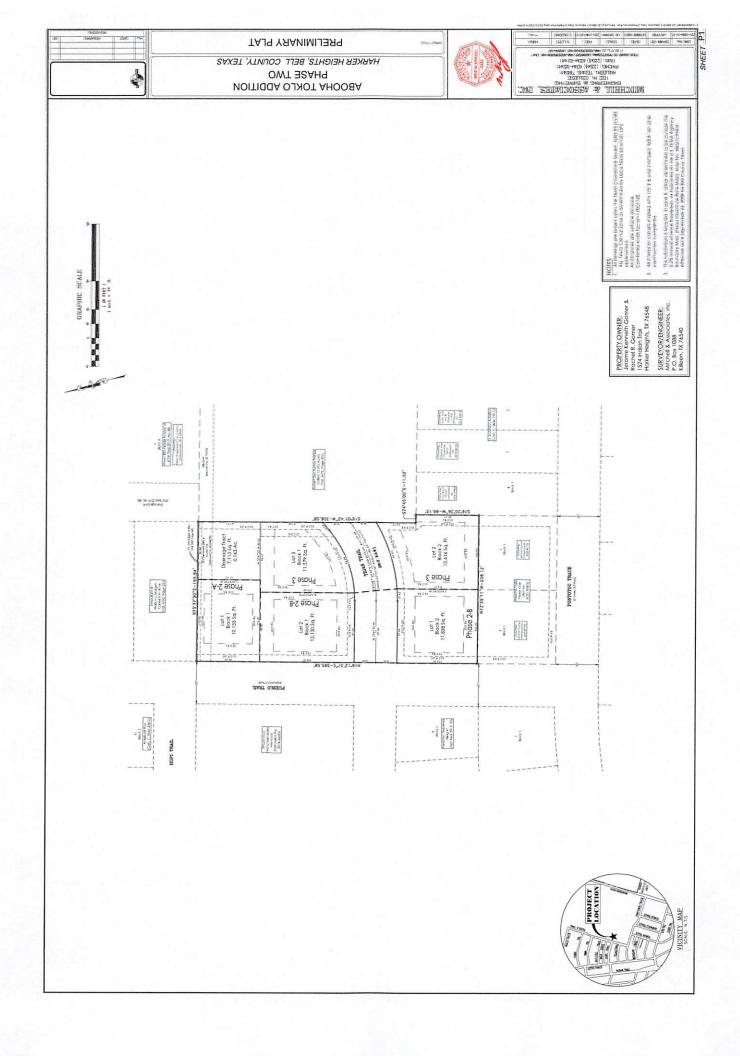
* Requirements - APPLICATION MUST BE FULLY COMPLETED OR WILL NOT BE ACCEPTED*

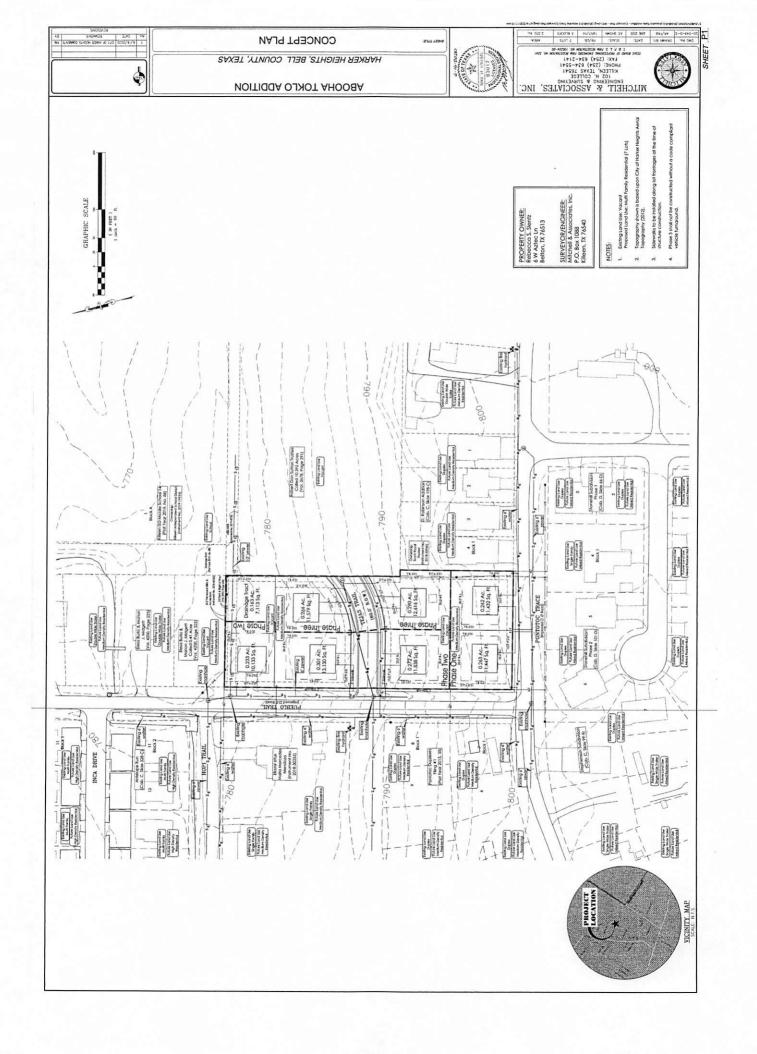
Preliminary Plat Application

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

	Preliminary Plat 2		Date Submi	tted: Oct 22, 2020
isting Lot Count:4	Proposed Lot Count:5	Proposed Unit	s: 5	Acreage: 1.81
isting Land Use: Vacant/Ag	griculture	Proposed La	nd Use: Duplex	
te Address or General Loc	cation: Approximately 1615 Ponto	otoc Trace		
Public Infrastructure Prop	oosed with Subdivision: 🔀 Water	▼ Wastewater	Streets (including Pr	ivate) 🔀 Stormwater
wner Information & Au	thorization:			
Property Owner: Jerome	e Kenneth Gomer & Rachel R. Gon	ner		
Address: 1524 Indian T	rail, Harker Heights, TX 76548	*.4 Bth		
Phone: <u>254.289.8282</u>		E-Mail: jkg3bı	ilders@gmail.com	
Developer: Jerome Ken	neth Gomer			
Address: 1524 Indian Tr	rail, Harker Heights, TX 76548			
Phone: 254.289.8282		E-Mail: jkg3bu	ilders@gmail.com	
Engineer/Surveyor: N	Mitchell & Associates, Inc.			
Address: PO Box 1088,	Killeen, TX 76540			
Phone: 254.634.5541		E-Mail: arenea	u@mitchellinc.net	
CHECK ONE OF THE FOL				
☐ I will represent the a I hereby designate _ submittal, processin The property owner ar Council Meeti		ve must be present at all P n the agenda for discussio	lanning and Zoning (or action. Failure of	Commission Meetings and Cit the developer or their
☐ I will represent the a I hereby designate _ submittal, processin The property owner ar Council Meeti	application myself. ag, representation, and/or present and/or their authorized representativ at which their plan or plat is or rized representative to appear durir	ve must be present at all P n the agenda for discussio ng a meeting may be deen SWORN AND SUBSCR	lanning and Zoning (n or action. Failure of ned a withdrawal of t IBED BEFORE ME ON T	Commission Meetings and Cit the developer or their the plat or plan.
☐ I will represent the a ☐ I hereby designate _ Submittal, processin The property owner an Council Meetic author	application myself. ng, representation, and/or present nd/or their authorized representativ ings at which their plan or plat is or rized representative to appear durir Gomer	ve must be present at all P n the agenda for discussio ng a meeting may be deen	lanning and Zoning (n or action. Failure of ned a withdrawal of t IBED BEFORE ME ON T	Commission Meetings and Cit the developer or their the plat or plan.
☐ I will represent the a ☐ I hereby designate _ Submittal, processin The property owner ar Council Meetr author Jerome Kenneth C Printed Name of O	application myself. ag, representation, and/or present and/or their authorized representative at which their plan or plat is or rized representative to appear durir Gomer	ve must be present at all P in the agenda for discussion ing a meeting may be deen SWORN AND SUBSCR DAY OF NOTARY PUBLIC IN AI	lanning and Zoning (n or action. Failure of ned a withdrawal of t IBED BEFORE ME ON T , 20	Commission Meetings and Cit the developer or their the plat or plan. HIS
☐ I will represent the a ☐ I hereby designate _ Submittal, processin The property owner ar Council Meetic author Jerome Kenneth C	application myself. ag, representation, and/or present and/or their authorized representative at which their plan or plat is or rized representative to appear durir Gomer	ve must be present at all P in the agenda for discussion ing a meeting may be deen SWORN AND SUBSCR DAY OF NOTARY PUBLIC IN AI	lanning and Zoning (n or action. Failure of ned a withdrawal of t IBED BEFORE ME ON T. , 20	Commission Meetings and Cit the developer or their the plat or plan. HIS
☐ I will represent the a ☐ I hereby designate _ Submittal, processin The property owner ar Council Meetr author Jerome Kenneth C Printed Name of O	application myself. ag, representation, and/or present and/or their authorized representative at which their plan or plat is or rized representative to appear durir Gomer wwner	ve must be present at all P in the agenda for discussion ing a meeting may be deen SWORN AND SUBSCR DAY OF NOTARY PUBLIC IN AI	lanning and Zoning (n or action. Failure of ned a withdrawal of t IBED BEFORE ME ON T , 20	Commission Meetings and Cit the developer or their the plat or plan. HIS





P20-18

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.
- 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



CITY COUNCIL MEMORANDUM

AGENDA ITEM # IX-3

FROM: THE OFFICE OF THE CITY MANAGER

DATE: DECEMBER 8, 2020

DISCUSS AND CONSIDER APPROVING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, AUTHORIZING THE CITY'S **PROGRAM** PARTICIPATION IN **ENFORCEMENT** THE TRAFFIC ADMINISTERED BY THE TEXAS DEPARTMENT OF TRANSPORTATION FOR FUNDING THE SALARIES OF OFFICERS TO CONDUCT EXTRA TRAFFIC THE AREAS OF CITY THAT ARE ENFORCEMENT AND EDUCATION IN **HIGHER** AND TAKE THE **EXPERIENCING VEHICLE** COLLISIONS, APPROPRIATE ACTION.

EXPLANATION:

The Harker Heights Police Department will apply for a Federal/State funded grant through Texas Department of Transportation. The Selective Traffic Enforcement Program (STEP) is used to fund the salaries of qualified officers to perform extra hours of traffic enforcement in predetermined areas of Harker Heights that have statistically shown to have a higher number of crashes that led to incapacitating injuries or death. This funding would allow for approximately 247 extra hours of traffic enforcement in these crash areas to help drive down the number of crashes in the future.

This grant funds all approved agencies across the State of Texas with the following goals:

- To increase effective enforcement and adjudication of traffic-safety related laws to reduce crashes.
- To reduce the number of alcohol impaired and driving under the influence of alcohol and other drug-related crashes.
- To increase occupant-restraint use in all passenger vehicles and trucks.
- To reduce the number of speed-related crashes.
- To reduce intersection-related crashes
- To reduce distracted driving crashes

This funding coupled with a strategic plan for enforcement periods and zones would allow Officers to focus additional directed enforcement efforts in identified traffic problem areas inside the City of Harker Heights through-out the 12month grant period. The funding is 100% towards officers' salaries for the enforcement actions.

The funding amount requested and allowed to the City of Harker Heights through the grant is \$11,998.79. The grant does require a 20% match from the City of Harker Heights, and can be completed by use of Fringe benefits the city already has established and the grant administration salary. Currently, the average fringe rate used for this grant proposal is 28.15% which excludes Holiday, Vacation, and Sick time fringe benefits. The grant administration time will also go

towards the required match. The total fringe match plus regular salary for the grant administration equates to 26.17% match and exceeds the required 20% match.

RECOMMENDATION:

Staff recommends approval.

ACTION BY CITY COUNCIL:

- 1. Motion to Approve/Disapprove a Resolution authorizing the City's participation in the Selective Traffic Enforcement Program Grant program administered by The Texas Department of Transportation for funding \$11,998.79 towards officer overtime salaries to increase enforcement and education in known traffic problem areas, and reduce the number of crashes in those areas.
- 2. Any other action desired.

ATTACHMENTS:

1. Resolution.

RESOL	UTION N	(O.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, AUTHORIZING THE CITY'S PARTICIPATION IN THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT PROVIDED BY THE TEXAS DEPARTMENT OF TRANSPORTATION FOR FUNDING THE SALARIES OF OFFICERS TO CONDUCT DIRECT TRAFFIC ENFORCEMENT IN IDENTIFIED TRAFFIC PROBLEM AREAS.

WHEREAS, the Harker Heights Police Department has prepared a Department application for the Texas Department of Transportation Selective Traffic Enforcement Program grant, for funding the salaries of Officers to conduct direct traffic enforcement in identified traffic problem areas; and

WHEREAS, the City Council finds and determines: the requested funding will provide additional hours directed at specific traffic enforcement measures to help reduce the number of significant crashes in identified problem crash areas; and

WHEREAS, the Harker Heights Police Department are capable of conducting routine enforcement in these identified areas, but other calls for service and demands in the city limit the time and effectiveness. This funding would allow officer(s) to conduct dedicated time and enforcement to that area in order to maximize the effectiveness of the increased enforcement; and

WHEREAS, the additional funding to increase the number of dedicated hours in these identified areas would assist in the reduction of crashes and execute the goals within the grant program; and

WHEREAS, the Grant would provide a total of \$11,998.79, with a 20% match requirement for an in-kind match which is completed by use of the Fringe benefit package already established with the city as well as the grant administration salary; and

WHEREAS, the City Council finds it is in the public interest that the City participate in the Grant according to the terms and conditions thereof, and by means hereof the Council expresses its support for such participation; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Harker Heights, Texas:

- 1. The facts and recitations set forth above are hereby found and declared to be true and correct.
- 2. The submission of the application for the Grant is hereby approved.

- 3. The City Manager, David Mitchell, is hereby designated as the City's authorized official. He is authorized and empowered to act in the name and on behalf of the City to apply for, accept, reject, alter, or terminate the City's participation in the Grant, and to execute and deliver such agreements (and any changes therein and additions thereto as he shall determine to be necessary or advisable, such determination to be conclusively evidenced by the execution and delivery thereof), and any related consents, notices, certificates, acknowledgments, and other instruments, and to act as the representative of the City in any lawful way to perform or cause to be performed such other and further acts as may be reasonably necessary and appropriate to accomplish the purposes of these resolutions.
- 4. All actions taken or performed prior to the date hereof by the City Manager in respect to the matters referred to and approved in this Resolution be and hereby are ratified and confirmed in all respects.
- 5. The City Council agrees that in the event of loss or misuse of Grant funds, such funds will be returned to the issuing administrator, department or agency in full.
- 6. Any person, corporation, partnership, limited partnership, association, joint venture or other business entity may presume upon the validity of the acts of any person authorized herein to act, without further recourse to the governing documents, minutes or other proceedings of the City, and without joinder of any other officer or employee of the City.

PASSED AND APPROVED on December 8, 2020, by the Harker Heights City Council.

Spencer H.	Smith, May	or, City of Ha	arker Heights

ATTEST:				
Julie Helsham	a, City Secr	etary, City	of Harker	Heights



CITY COUNCIL MEMORANDUM

AGENDA ITEM # IX-4

FROM: THE OFFICE OF THE CITY MANAGER

DATE: DECEMBER 8, 2020

DISCUSS AND CONSIDER APPROVING A RESOLUTION OF THE CITY OF HARKER HEIGHTS, TEXAS, UPDATING THE NAMES OF AUTHORIZED SIGNERS FOR ALL FINANCIAL TRANSACTIONS CONDUCTED BY THE CITY AND TAKE THE APPROPRIATE ACTION.

BACKGROUND:

The attached Resolution will update the authorized signers on the City's accounts held with BancorpSouth Bank, First National Bank Texas, and BBVA. After the retirements of Alberta S. Barrett (Finance Director) in February and Patricia Brunson (Assistant City Manager) in March, the City Manager and current Finance Director have been the only two authorized signers remaining for all of the City's financial transactions.

The list of authorized signers for all financial transactions will be updated as follows:

David R. Mitchell – City Manager Gerald Bark – Assistant City Manager Ayesha Lealiiee – Finance Director Susan Crawley – Finance Analyst

RECOMMENDATION:

Staff recommends approving the resolution.

ACTION BY COUNCIL:

- 1. Motion to Approve/Disapprove a Resolution updating the names of authorized signers for all financial transactions conducted by the City.
- 2. Any other action desired.

ATTACHMENTS:

1. Resolution.

RESOLUTION NO
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, UPDATING THE NAMES OF AUTHORIZED SIGNERS FOR ALL FINANCIAL TRANSACTIONS CONDUCTED BY THE CITY.
WHEREAS, the City of Harker Heights can make financial transactions with banks other than its depository bank; and
WHEREAS, the City needs to authorize certain individuals as signatories for all financial transactions that will be conducted; and
WHEREAS, the names of authorized signers needs to be updated.
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Harker Heights, Texas:
That the following individuals will be authorized signers for all financial transactions conducted by the City:
David R. Mitchell, City Manager Gerald Bark, Assistant City Manager Ayesha Lealiiee, Finance Director Susan Crawley, Finance Analyst
PASSED AND APPROVED by the City Council of the City of Harker Heights on December 8, 2020.
Spencer H. Smith, Mayor

ATTEST:

Juliette Helsham, City Secretary



CITY COUNCIL MEMORANDUM

AGENDA ITEM # IX-5

FROM: THE OFFICE OF THE CITY MANAGER

DATE: DECEMBER 8, 2020

<u>DISCUSS AND CONSIDER APPROVING THE CITY OF HARKER HEIGHTS CORONAVIRUS RELIEF FUND (CRF) WATER PAYMENT ASSISTANCE GRANT PROGRAM, AND TAKE THE APPROPRIATE ACTION.</u>

BACKGROUND:

The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) established the Coronavirus Relief Fund (CRF) to make payments to states and local governments for specified uses.

On October 13, 2020, Council approved a Water Payment Assistance Grant Program to be funded by the CRF in the amount of \$75,000. During the application period, only four residents submitted applications and, of those four, only one meet all of the qualifications to receive funding.

	CURRENT OUTSTANDING BILL AMOUNT	AMOUNT ELIGIBLE FOR GRANT	GRANT AWARD - BY %	GRANT AWARD - BY PAY	GRANT AWARD - BY 1/2 OF ELIGIBLE
(1)	987.56	838.11	170.62	385.11	419.06
(2)	906.51	713.07	0.00	0.00	0.00
(3)	405.69	405.69	0.00	0.00	0.00
(4)	903.59	668.00	0.00	0.00	0.00
	3,203.35	2,624.87	170.62	385.11	419.06

Staff recommends funding the bills of Applicant #1 in the amount of \$385.11. This amount covers the bills for those months in which the applicant's pay was reduced due to cut hours.

RECOMMENDATION:

Staff recommends approving the Water Payment Assistance Grant Program.

ACTION BY COUNCIL:

- 1. Motion to Approve/Disapprove the City of Harker Heights Coronavirus Relief Fund (CRF) Water Payment Assistance Grant Program.
- 2. Any other action desired.

ATTACHMENTS:

None.



CITY COUNCIL MEMORANDUM

AGENDA ITEM # IX-6

FROM: THE OFFICE OF THE CITY MANAGER

DATE: DECEMBER 8, 2020

DISCUSS AND CONSIDER APPROVING A REQUEST FROM ROBIN FISHER FOR A FACILITY RENTAL AT THE COMMUNITY PARK PAVILION FOR AN EVENT IN EXCESS OF TEN (10) PEOPLE ON FRIDAY, DECEMBER 18, 2020, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

On July 2, 2020, Governor Greg Abbott issued a proclamation giving Mayors and County Judges the ability to impose restrictions on some outdoor gatherings over ten (10) people. Outdoor gatherings in excess of ten (10) people that is not specifically granted by the Governor, is prohibited unless the Mayor of the City in which the gathering is held, (or the County Judge in the case of a gathering in an unincorporated area) approves the gathering, and such approval can be made subject to certain conditions or restrictions.

In accordance with this directive, Robin Fisher is seeking approval for a request to rent the Community Park Pavilion on Friday, December 18, 2020, from 5:30 p.m. to 9:30 p.m. for a group of approximately 100 people.

The renter was provided a written notification update on gatherings of more than ten (10) at the time the application was completed by Parks and Recreation Staff.

STAFF RECOMMENDATION:

None.

ACTION BY CITY COUNCIL:

- 1. Motion to Approve/Disapprove the request for an Outdoor Facility Rental at the Community Park Pavilion for an event in excess of ten (10) people on Friday, December 18, 2020.
- 2. Any other action desired.

ATTACHMENTS:

- 1. Notification Update on Gatherings More Than 10
- 2. Application for Facility Rental Parks & Recreation
- 3. Governor's Proclamation Amending Executive Order GA-28
- 4. Texas Department of State Health Services Checklist for Outdoor Events



Recieved 7/15/2020

The City of Harber Heights 305 Miller's Crossing Harker Heights, Texas 76548 Phone 254/953-5600 Fax 254/953-5614 Effective as of July 3, 2020

NOTIFICATION UPDATE ON GATHERINGS MORE THAN 10

Mayor Spencer II. Smith

Mayor Protem Michael Blomquist

City Council Jennifer McCann Jackeline Soriano Fountain John Reider Judy Nickolas Governor Greg Abbott has issued Executive Order 29 requiring all Texans to wear a face covering over the nose and mouth in public spaces, with few exceptions, in counties with 20 or more positive COVID-19 cases.

The Governor also issued a proclamation giving mayors and county judges the ability to impose restrictions on some outdoor gatherings of over 10. An excerpt of the proclamation is below:

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby amend paragraph numbers 5 and 12 of Executive Order GA-28, effective at 12:01 p.m. on July 3,2020, to read as follows:

- 5. For any outdoor gathering in excess of 10 people, other than those set forth above in paragraph numbers 1, 2, or 4, the gathering is prohibited unless the mayor of the city in which the gathering is held, or the county judge in the case of a gathering in an unincorporated area, approves of the gathering, and such approval can be made subject to certain conditions or restrictions not inconsistent with this executive order.
- 12. Except as provided in this executive order or in the minimum standard health protocols recommended by DSHS, found at www.dshs.texas.gov/coronavirus, people shall not be in groups larger than 10 and shall maintain six feet of social distancing from those not in their group.

All special events and rentals must be approved by the Harker Heights City Council. The requests are subject to the availability of the regular scheduled City Council meetings.

HARKER HEIGHTS PARKS & RECREATION

Application for Outdoor Facility Rental

Proposed Da	ate of the E	event: Dec 18		Start	Time:5:30 p		nd Time: _	9:30 pm
					*Include se rch of Jesus (ct up & tear do Christ of	wn during your ti Latter-day	Saints Harker
Mark Requested		Facility	Amenities	Capacity	Notes		al Fees our period)	Rental Deposit
-		in Park Pavilion ller's Crossing	Picnic Tables Electricity Grills (4) Water	200	N/A		dent: \$50 sident: \$100	Resident: \$100 Non-Resident: \$200
		Park Amphitheater ller's Crossing	Electricity	15-20 (Covered)	Patrons allowed to bring grills.	AND STATES	dent: \$25 sident: \$65	\$100
1	Carl Lev	in Park Gazebo ller's Crossing	N/A	8-10	N/A		dent: \$15 sident: \$25	N/A
X	Harker He	eights Community rk Pavilion E FM 2410	Picnic Tables Electricity Water	150	Patrons allowed to bring grills.		dent: \$50 sident: \$100	Resident: \$100 Non-Resident: \$200
	Purser (Closest to R	Park Pavilion A estroom & Playground) ountain Lion Road	Picnic Tables Electricity Grill	18-20	Limit (1) Bounce House		dent: \$50 sident: \$100	\$100
		Park Pavilion B ountain Lion Road	Picnic Tables Electricity Grill	18-20	N/A		dent: \$50 sident: \$100	\$100
		Cu		ency required to	receive resident disco	ount		
(if different than at	n Payable	To: Same as abo	ove		Approximate Nu			Zip: <u>76548</u>
	Jumping E rounds Crew (2)	quipment: [Yes] o		Water No	eeded: [Yes] or quantity needed):			
(If Yes, describe so Please explain (Examples are ope	ound amplification and descion grass, walking to reserve	ribe if you are req g trails, parking lots, ba the gravel walking so need some elec	uesting the us sketball court, pond trail around the	se of any ad d, etc.) e Pavilion for	ditional space as	w Nativity s	cenes (NO liv	
			FO	OR OFFICE USE	ONLY			
Reviewed I	By / Date	Total Amount I	Due De	posit Amou	nt	Walk-thr	ough Date a	nd Time
Approved I	By / Date	Date Total Pa		e Deposit Pa		Card	Check	Rental Credit
					e Parks Director, PD, a	nd FD)		
Date:		_Amount: \$	Reas	son:				

RULES AND REGULATIONS: Must reference § 105.03 GENERAL RULES AND REGULATIONS. PARKS HOURS: Must reference § 105.04 RESTRICTED AREAS AND HOURS. ALCOHOL: Must reference § 105.05 ALCOHOL. AND ANIMALS: Must reference § 105.06 ANIMALS. RECREATION ACTIVITIES: Must reference § 105.07 RECREATIONAL ACTIVITIES. VEHICLES: Must reference § 105.08 VEHICLES. **ORDINANCE** ADDITIONAL RULES: Must reference § 105.09 ADDITIONAL RULES. RARF ENFORCEMENT: Must reference § 105.98 ENFORCEMENT. (Initial) PENALTY: Must reference § 105.99 PENALTY. CONTACT: If you require assistance during your event, you may contact the Recreation Center during business hours (254-953-5657) or call 911 for emergencies. CITY FACILITY USE: City events will take priority and all other events may be rescheduled or cancelled as needed. OUTSIDE ORGANIZATION USE: All use by outside organizations is through rental only. APPROVAL: All rentals are subject to approval by Harker Heights Parks and Recreation. TYPES OF USE: Facilities are to be used for the purpose in which they were intended unless approved by Harker Heights Parks and Recreation. **FACILITY** RENTER RESPONSIBILITY: The renter will be responsible for all persons in the group or organization utilizing the facility. RENTAL CROWD CONTROL: The responsibility for crowd control or discipline is assumed by the permit holder and all proceedings shall be **POLICY** 200+ GROUPS: Large groups must have a separate and clearly designated First Aid Station so that in the event of an injury or RARF emergency the victim(s) will be able to be accessed by emergency personnel. PARKING: For large groups parking may become a problem and must reference § 105.08 VEHICLES. (Initial) ROADS: Any request to block off roads must be authorized by Harker Heights Police Department which can be reach at 254-953-5400, and it is the responsibility of the renter to obtain approval from the Harker Heights Police Department. SOLID WASTE, TRASH, GARBAGE: Must reference Chapter 51 with all solid waste, trash, garbage must be disposed of properly at the conclusion of each rental period and placed in provided trash cans. AMPLIFIED NOISE: Must reference Chapter 95 and have approval for use of amplified noise. INFLATABLES: Inflatables may be set up for parties or event with approval. RESERVATION: A rental application must be completed for each new facility rental not already paid for. PROCESSING: The City has 2 business days to notify the patron if there are any perceived conflicts with the event scheduled. CANCELLATION: A written request shall be emailed or brought in person 24 hours prior to the rental to receive a refund. RESPONSIBLE PARTY: The permit holder and the responsible party (person, 21 years of age or older, who officially rented the RESERVATIONS facility) must be on-site when the facility is being used. AND PAYMENT: No rental is considered booked until payment has been completed or arranged with Harker Heights Parks and Recreation. REFUNDS REFUNDS: All refunds, including deposits, take 2-3 weeks for processing and will be returned in check form to the address listed on RARF this form. INCLEMENT WEATHER: Renter must cancel event prior to the event start time to receive a refund for rain or other inclement (Initial) weather. NO SHOW: Reservations that do not complete payment or no show without notification will lose deposit and may not be allowed to future rentals as determined by Harker Heights Parks and Recreation. CITY PROPERTY: Use is subject to all pertinent State Laws, City Ordinances, Health Department Regulations, and Facility CONDITIONS Rules. OF DEPOSIT: The holder of this permit will be held responsible for inappropriate use, violation of rules, or damage to City property resulting from use herein as determined by Harker Heights Parks and Recreation. PERMIT

I have read, understand, and initialed the Harker Heights Parks and Recreation Facility Rental Policies and will adhere to these rules and regulations. Failure to adhere to these rules and regulations could result in forfeiture of deposit and revocation of future reservation privileges.

INDEMNITY: The permit holder shall indemnify and hold harmless the City of Harker Heights, officers, employees, and agents

and assigns from any and all claims for injury and / or damages to persons or property, including wrongful death, resulting from

16 November 2020

RARF

(Initial)

Signature

the use of this permit.

CHAPTER 105: PARKS AND RECREATION

§ 105.03 GENERAL RULES AND REGULATIONS.

The following rules and regulations shall be in force in all parks of the City of Harker Heights located within or without the corporate limits of the City.

- (A) Injury to plants, improvements, etc. It shall be unlawful for any person to cut, deface, mark, pluck, injure, damage, or destroy any shrub, tree, plant, grass, turf, fountain, seat, fence, building, structure, omament, monument, or any other natural or artificial improvement in a park. (See also § 131.02.)
- (B) Park facility use and program rates and other related charges. Park facility rental rates, program registration rates, and other related charges will be established by the City Council in the annual fee schedule.
- (C) Disposal of litter. It shall be unlawful for any person to deposit or discharge, or cause the deposit or discharge, of paper, glass, metal, litter, rubbish, waste, garbage, refuse or trash of any description on any park lawn, driveway, path, fountain, pond, stream, or other place except in receptacles provided for that purpose. (See also § 51.02.)
- (D) Commercial activity. It shall be unlawful for any person to engage in any commercial venture including offering to sell any goods, wares, merchandise or food, or render any service for hire or to solicit funds or donations of any item without the written permission of the Director.

(E) Noise regulations. See Chapter 95.

- Glass containers. It shall be unlawful for any person to use or possess in any form a glass container in any area situated within a park.
- (G) Fires, It shall be unlawful for any person to start or maintain an outdoor fire in any park, except for cooking fires which shall be started and maintained only in a stove, barbecue pit or in a portable camp stove. No person starting or maintaining any fire in a park shall leave the fire unattended without first completely extinguishing the fire.
- (H) Interference with other park users. It shall be unlawful for any person to recklessly and unreasonably prevent, disturb, disrupt, or interfere with the lawful use of a park by another person, or any lawful activity permitted within the park.
- (i) Disorderly conduct. See § 42.01 of the Tex. Penal Code, as amended.
- (J) Public nudity. It shall be unlawful for any person to appear in a state of nudity.

§ 105.04 RESTRICTED AREAS AND HOURS.

- (A) Hours, All parks located within the city are closed to the public each day from 11:00 p.m. until 5:00 a.m., unless otherwise permitted by the Director. In addition, any municipal park, section or part thereof may be declared closed to the public by the Director or a peace officer at any time and for any interval of time upon a temporary basis (daily or otherwise), either entirely or merely to certain uses as the Director or peace officer shall find reasonably necessary to manage, use, preserve and govern park property, buildings and activities.

 (B) Restricted areas. It shall be unlawful for any person to knowingly enter into or remain in or on a park or area designated by one or more posted signs as "restricted" or "closed."
- Curfew in parks. See § 130.02.
- (D) It is an affirmative defense to prosecution under this section that at the time of the violation the person was lawfully attending a special event, activity, or program that was sponsored by the city or conducted in the park with written permission of the city.

6 105.05 ALCOHOL.

- (A) It shall be unlawful for any person to knowingly possess or consume any alcoholic beverage, as defined by the Tex. Alcoholic Beverage Code, while in a park or a public street, public alley, or public parking lot adjacent to a park.
- (B) It is an affirmative defense to prosecution under division (A) of this section that:
 - (1) The alcoholic beverage was in a container with an unbroken seal or other evidence of having never been opened; or
 - (2) At the time and place of the alleged offense the possession or consumption was permitted by:
 - (a) A valid license issued by the Texas Alcoholic Beverage Commission; or
 - (b) A permit, lease or rental agreement granted by the city.

8 105.06 ANIMALS.

- (A) It shall be unlawful for any person while in a park to:
 - (1) Knowingly frighten, annoy, injure, or attempt to frighten, annoy, or injure any animal, reptile or bird, or to capture or attempt to capture such animal, reptile or bird except with the consent of the owner thereof
 - Keep or permit an animal unless the same is attended and kept under the person's physical restraint at all times by means of a leash, cord, chain or enclosure. (See also § 90.36.)
 - Without written permission of the Director, ride any animal in or upon a park area not specifically designated for such purpose. (See also § 90.06.)
 - Tether or pasture, or allow or cause to be tethered or pastured, any animal in a park. (See also § 90.49.)
 - (5) Bring a dangerous dog (as that term is defined by § 90.01) onto park property.
 - If the animal is required to be vaccinated against rables, bring such animal onto park property without having in his or her immediate possession proof of such current vaccination.
 - (7) Fail to have in his or her possession such materials or implements as may be used immediately in a sanitary and lawful manner to remove and dispose of defecation, as required by § 90.05, by an animal under his or her ownership or control in a park.
- (B) Notwithstanding division (A) of this section, fishing shall be permitted in areas designated by the Director and subject to such conditions as may be imposed by the Director. In addition, the Director may authorize the capture or killing of any animal within a park as necessary to eliminate or minimize any nuisance or hazard to public health and safety, or to alleviate suffering.

§ 105.07 RECREATIONAL ACTIVITIES.

- (A) Practicing goff, It shall be unlawful for any person to practice goff in any portion of a park not specifically designated for that purpose.
- (C) Throwing sports. It shall be unlawful for any person to practice throwing a javelin, spear, knife, throwing star, shotput, discus, or other dangerous object within or across any park area not specifically designated for that purpose. (See also § 130.44.)
- purpose.
- Drones, kites, model airplanes, etc. It shall be unlawful for any person to fly a kite, or propel or guide a drone, model airplane or rocket in any park area traversed by high voltage transmission lines.
- Wading, swimming, or boating. It shall be unlawful for any person to wade, swim, bathe, or boat within any park area not specifically designated for that purpose.
- Camping. It shall be unlawful for any person to camp overnight in a park without first obtaining a permit under this chapter.
- (G) Climbing. It shall be unlawful for any person to climb fences, buildings, or other structures in a park, except play equipment designated for that purpose.

§ 105.08 VEHICLES.

- (A) It shall be unlawful for any person to:
 - Drive or operate any vehicle in, over or through any park area except upon drives, streets, boulevards or other areas designated for such purposes;
 - Stop, stand or park any motor vehicle or to permit any such motor vehicle to so stop, stand or park within any park except within the limit lines of a designated parking stall or a passenger curb loading zone; or
 - (3) Wash a vehicle in any park or do routine maintenance in any park area not specifically designated for that purpose.
- (B) It is an affirmative defense to prosecution under division (A) of this section that the driving, stopping, standing, or parking was due to temporary mechanical failure of the vehicle, provided that as soon as reasonably possible the operator completed emergency repairs or summoned tow removal equipment, as appropriate.
- The Director is authorized to establish time limits for the parking of motor vehicles within designated parking areas of the city's parks.
- If any motor vehicle is found within any park in violation of this division and the identity of the operator of such vehicle cannot be determined:
 - (1) It is rebuttably presumed that the registered owner of the vehicle is the person who stopped, stood, or parked the vehicle at the time and place of the alleged offense; and
 - (2) The police may remove or impound the vehicle as provided by law.

§ 105.09 ADDITIONAL RULES.

- (A) The Director shall have the authority to adopt such additional rules as may be reasonably necessary to protect the safety of persons and property in parks, and to ensure that parks and recreation facilities are available for use on an orderly and non-discriminatory basis for those persons wishing to utilize those facilities.
- (B) Rules adopted by the Director pursuant to this section shall be conspicuously posted at the parks facilities to which they apply.

§ 105.98 ENFORCEMENT.

- (A) Compliance with rules and regulations of this chapter is a condition of the use of the public parks and recreation areas of the city, and all peace officers shall have the right and power to arrest any person who may violate any of the rules, regulations, orders, or requirements of any ordinance or general law relating to the maintenance of the parks located within or without the corporate limits of the city.
- (B) All park property owned and operated by the city shall be under the jurisdiction of the Police Department of the city, and all rules and regulations concerning said properties shall be enforced as provided herein.
- The Director and park attendants may in connection with their duties diligently enforce the provisions of this chapter.
- (D) Proof of the fact that any device, sign, signal or marking designating or restricting any area of a park for particular hours, purposes, or uses was actually in place at any location in the city shall constitute prima facte evidence that the same was installed under the authority of law.
- (E) It is an affirmative defense to prosecution under this chapter that at the time and place of the alleged violation the person:
 - (1) Had obtained written permission from the city or the Director to engage in the activity for which the offense is charged;
 - Was acting on instructions lawfully given by a peace officer, the Director, or a park attendant;
 - Was an employee or contractor of the city, or other public official, acting in the course and scope of his or her official duties in performing the activity for which the offense is charged; or
 - (4) Was responding appropriately to an emergency involving a sudden or unexpected occurrence of a serious and urgent situation which requires immediate action to preserve life or property, including without limitation fire, natural disaster, an automobile accident, or seeking immediate medical treatment for any person.

§ 105.99 PENALTY.

(A) Ejection. A person violating any provision of this chapter, or any rule adopted by the Director hereunder, may be ejected from a park by the Director, a peace officer, or any park attendant. It shall be unlawful for any person to remain in or on any park property after being instructed by the Director, a peace officer, or any park attendant to leave, and an unauthorized return or refusal to leave shall constitute a criminal trespass. (B) A violation of a provision of this chapter is an offense and shall be punishable upon conviction by a fine of not more than \$500. Unless otherwise expressly provided, a culpable mental state is not required for the commission of an offense under this chapter and need not be proved.



GOVERNOR GREG ABBOTT

July 2, 2020

The Honorable Ruth R. Hughs Secretary of State State Capitol Room 1E.8 Austin, Texas 78701

Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation amending Executive Order GA-28 relating to mass gatherings in Texas during the disaster posed by the novel coronavirus (COVID-19).

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,

Gregory S. Davidson

Executive Clerk to the Governor

G8D/gsd

Attachment

POST OFFICE BOX 12428 AUSTIN, TEXAS 78711 512-463-2000 (VOICE) DIAL 7-1-1 FOR RELAY SERVICES

PROCLAMATION

BY THE

Covernor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have renewed the disaster declaration for all Texas counties; and

WHEREAS, I issued Executive Order GA-28 on June 26, 2020, relating to the targeted response to the COVID-19 disaster as part of the reopening of Texas; and

WHEREAS, additional measures are needed to slow the spread of COVID-19 in Texas;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby amend paragraph numbers 5 and 12 of Executive Order GA-28, effective at 12:01 p.m. on July 3, 2020, to read as follows:

- 5. For any outdoor gathering in excess of 10 people, other than those set forth above in paragraph numbers 1, 2, or 4, the gathering is prohibited unless the mayor of the city in which the gathering is held, or the county judge in the case of a gathering in an unincorporated area, approves of the gathering, and such approval can be made subject to certain conditions or restrictions not inconsistent with this executive order;
- 12. Except as provided in this executive order or in the minimum standard health protocols recommended by DSHS, found at www.dshs.texas.gov/coronavirus, people shall not be in groups larger than 10 and shall maintain six feet of social distancing from those not in their group;

This proclamation shall remain in effect and in full force for as long as Executive Order GA-28 is in effect and in full force, unless otherwise modified, amended, rescinded, or superseded by the governor.



IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 2nd day of July, 2020.

appar

GREG ABBOTT

Governor

FILED IN THE OFFICE OF THE SECRETARY OF STATE 2:300 O'CLOCK

JUL 0 2 2020

ATTESTED BY:

RUTH R. HUGHS Secretary of State



John Hellerstedt, M.D. Commissioner

☑ CHECKLIST FOR OUTDOOR EVENTS

Page 1 of 2

Outdoor events, such as July 4 celebrations and other large outdoor gatherings with estimated attendance of 10 or more, are permissible to hold in Texas. The county judge or the mayor, as appropriate, in coordination with the local public health authority, must give approval to such an outdoor gathering or event prior to it being held.

All individuals must wear a face covering (over the nose and mouth) wherever it is not feasible to maintain six feet of social distancing from another individual not in the same household or, for those engaging in physical activities outdoors, wherever the individual is not able to maintain a safe physical distance from others not in the same household.

The following are the minimum recommended health protocols for all outdoor events in Texas. These minimum health protocols are not a limit on the health protocols that individuals may adopt. Individuals are encouraged to adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all Texans.

The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.

Please note, public health guidance cannot anticipate every unique situation. Individuals should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization.

Health protocols for individuals:

withi	in 6 feet with individuals aged 65 and older	. Indi	VID-19. To the extent possible, avoid contact viduals aged 65 and older should stay at home as outside, pose a significant risk to this population.	
is de	fined as no more than 10 persons including		others outside the individual's group. A group nembers of the household and those persons	
 who	traveled together to the event.			
	screen before going to an outdoor event for otoms of possible COVID-19:	any o	f the following new or worsening signs or	
	Cough		Sore throat	
	Shortness of breath or difficulty		Loss of taste or smell	
	breathing		Diarrhea	
	Chills		Feeling feverish or a measured temperature	
	Repeated shaking with chills		greater than or equal to 100.0 degrees Fahrenheit	
	Muscle pain		Known close contact with a person who is lab confirmed to have COVID-19	
	Headache		Collinate to have covid-19	



John Hellerstedt, M.D.

Commissioner

OUTDOOR EVENTS: Page 2 of 2

Ц		n or disinfect hands after any interaction with employees, other individuals, or items at the poor event.
	Clear	and sanitize any items before and after use.
Loca	al ap	proval factors:
	indiv the v	approval for large outdoor gatherings (those with an estimated attendance exceeding 10 iduals) is appropriate in this instance because a statewide standard is unable to take into account arious factors needed to ensure such a gathering in varied locations is safe and will minimize the ad of COVID-19. Further, business parity is not an issue at large outdoor events.
		aluating large gatherings (those with an estimated attendance exceeding 10 individuals), the ty judge or the mayor, as applicable, should consider the following factors:
		The overall number of projected attendees;
		The likelihood of individuals over the age of 65 attending;
		The density of the forum and the ability to ensure social distancing of 6 feet between individuals; and
		The level of transmission in the county.
		erings of less than 10 individuals may proceed consistent with all the health protocols above