

*The Bright Star Of
Central Texas*

Harker Heights



MARCH 8, 2022

5:00 P.M.

CITY COUNCIL

MEETING AGENDA





**NOTICE OF MEETING OF THE CITY COUNCIL OF THE CITY
OF HARKER HEIGHTS, TEXAS**

Notice is hereby given that, beginning at 5:00 p.m. on Tuesday, March 8, 2022, and continuing from day to day thereafter if necessary, the City Council of the City of Harker Heights, Texas, will hold a meeting in the Kitty Young Council Chamber at 305 Miller's Crossing, Harker Heights, Texas 76548. The subjects to be discussed are listed in the following agenda:

MEETING 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. CONSENT ITEMS:

1. Discuss and consider approving the minutes of the meeting held on February 22, 2022, and take the appropriate action.
[Minutes](#)
2. Discuss and consider approving an Order declaring Unopposed Candidates in the Harker Heights General Election scheduled to be held on May 07, 2022, Elected to Office; Cancelling the Election; and take the appropriate action. (City Secretary)
[Staff Report](#)
[Attachments](#)

V. 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.

VI. PUBLIC HEARINGS:

1. Conduct a Public Hearing to discuss and consider adoption of Impact Fee Calculations and Impact Fees for Wastewater Facilities for the 2022 Wastewater Impact Fee area in the amount of up to \$6,133 per service unit, and take the appropriate action. (Planning and Development Director)
[Staff Report](#)
[Attachments](#)
2. Conduct 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 modifications to adjust design requirements for an existing storage business on property designated as B-5 (General Business District), on property described as J P T C Addition, Block 001, Lot 4, PT 3, 5.394AC, generally located at 1174 S. Amy Ln., Harker Heights, Bell County, Texas; and take the appropriate action. (Planning and Development Director)
[Staff Report](#)
[Attachments](#)
3. Conduct a Public Hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change zoning designation from PD-R (Planned Development Residential District) with an underlying R-1 (One-Family Dwelling District) to B-2 (Neighborhood Retail District) on property described as Cedarbrook Ridge Phase II, Tract H, Property ID 505020, generally located south of 1340 E. Knight's Way/E. FM 2410, Harker Heights, Bell County, Texas; and take the appropriate action. (Planning and Development Director)
[Staff Report](#)
[Attachments](#)
4. Conduct a Public Hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change land use designation from 'Low Density Residential' to 'Community Center' on property described as Cedarbrook Ridge Phase II, Tract H, Property ID 505020, generally located south of 1340 E. Knight's Way/E. FM 2410, Harker Heights, Bell County, Texas; and take the appropriate action.(Planning and Development Director)
[Staff Report](#)
[Attachments](#)
5. Conduct a Public Hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, amending §150.02(J) of the Harker Heights Code of Ordinances; Adopting and Amending the 2021 International Fire Code, and take the appropriate action. (Fire Chief)
[Staff Report](#)
[Attachments](#)

VII. REGULAR BUSINESS:

1. Discuss and consider approval of a Preliminary Plat referred to as Pat Kern Subdivision Replat 1, on property described as being all of that certain 2.29 acre tract of land situated in the W.E. Hall Survey, Abstract No. 1086, Bell County, Texas, being all of the called Lot 1, Block 1, Pat Kern Subdivision, an addition to the City of Harker Heights, recorded in Cabinet D, Slide 185-A, Plat Records of Bell County, Texas, and all of the called 1.127 acre tract, described in a deed to Moothing K, LTD., recorded in Instrument No. 2013-00048060, Deed Records of Bell County, Texas, and take the appropriate action. (Planning and Development Director)
[Staff Report](#)
[Attachments](#)

2. Discuss and consider approval of a Final Plat referred to as Pat Kern Subdivision Replat 1, on property described as being all of that certain 2.29 acre tract of land situated in the W.E. Hall Survey, Abstract No. 1086, Bell County, Texas, being all of the called Lot 1, Block 1, Pat Kern Subdivision, an addition to the City of Harker Heights, recorded in Cabinet D, Slide 185-A, Plat Records of Bell County, Texas, and all of the called 1.127 acre tract, described in a deed to Moothing K, LTD., recorded in Instrument No. 2013-00048060, Deed Records of Bell County, Texas, and take the appropriate action. (Planning and Development Director)
[Staff Report](#)
[Attachments](#)
3. Discuss and consider approval of a Final Plat referred to as Savannah Commercial Addition, Replat 2, Phase 2, on property described as a 3.833 acre tract of land situated in the Daniel J. Keiger Survey, Abstract No. 491, Bell County, Texas, and being all of the remnant portion of Lot 2R, Block 1, Final Plat of Lot 2R, 3R, and 4R, Block 1, Savannah Commercial Addition Replat, recorded in Cabinet D, Slide 381-B of the plat records of Bell County, Texas, and take the appropriate action. (Planning and Development Director)
[Staff Report](#)
[Attachments](#)
4. Receive and discuss the City Manager's Report. (City Manager)

VIII. ITEMS FROM COUNCIL AND ANNOUNCEMENTS:

1. Councilmember closing statements.
2. Updates and announcements from the Mayor.

IX. 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 March 2022, 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

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.

Note: On occasion the City Council may consider agenda items out of order.

Minutes of the City of Harker Heights Council Meeting held at 5:00 p.m. on Tuesday, February 22, 2022, 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
	Jennifer McCann	Mayor Pro-tem
	Michael Blomquist	Councilmember Place 2
	Jackeline Soriano Fountain	Councilmember Place 3
	Lynda Nash	Councilmember Place 4
	Sam Halabi	Councilmember Place 5
	David Mitchell	City Manager
	Julie Helsham	City Secretary

MAYORAL PROCLAMATIONS AND PRESENTATIONS:

1. Mayor Smith presented a Proclamation to Rebecca Mack declaring her, a "Bright Star of Central Texas".
2. Mayor Smith presented a Proclamation to Andrew Bailey declaring him, a "Bright Star of Central Texas".
3. Mayor Smith presented a Proclamation to Elena Bryan declaring her, a "Bright Star of Central Texas".
4. Proclamation declaring Jose Nave, a "Bright Star of Central Texas".

Mr. Nave was not present to receive the Proclamation.

5. Mayor Smith presented a Proclamation to Hanah Kim declaring her, a "Bright Star of Central Texas".

CONSENT ITEMS:

1. Council discussed and considered approving the minutes of the meeting held on February 8, 2022.

Fountain made the motion to approve the minutes of the meeting held on February 8, 2022. Seconded by Blomquist. All in favor. Motion approved 5-0.

PUBLIC HEARINGS:

1. Council conducted a Public Hearing to discuss and consider adoption of Impact Fee Calculations and Impact Fees for Wastewater Facilities for the 2022 Wastewater Impact Fee Area in the amount of up to \$6,133 per service unit. Kristina Ramirez, Planning & Development Director and Jessica Vassar, P.E., Freese and Nichols, Inc., made the presentation.

The following citizens spoke on this item:

- Jeff Lackmeyer, 1201 S. WS Young, Killeen, Texas 76543
- Dustin King, 1629 S. Fort Hood Street, Killeen, Texas 76542
- Dan Brouillette, 3515 SW HK Dodgen Loop, Temple, Texas 76502

Fountain made the motion of direction to hold a second Public Hearing on this item on March 8, 2022. Seconded by McCann. All in favor. Motion approved 5-0.

REGULAR BUSINESS:

1. Council received and discussed a presentation by Larry Robison, Planning & Zoning Commission Chair, regarding an Annual Update on the Planning & Zoning Commission; Building Standards Commission; Zoning Board of Adjustment; and Capital Improvement Advisory Committee's activities in 2021. Larry Robison, Planning & Zoning Commission Chair, made the presentation. No action taken.

2. Council discussed and considered approving a Resolution of the City Council of the City of Harker Heights, Texas, authorizing the City's Participation in the Juvenile and Truancy Prevention Program Grant in the amount of \$10,000 for funding of the Healthy Homes Program; Authorizing the City Manager to sign and act on behalf of the City. Phil Gadd, Chief of Police, made the presentation.

McCann made the motion to approve the Resolution authorizing the City Manager to sign and act on behalf of the City for a grant through the Juvenile and Truancy Prevention Program in the amount of \$10,000, with no in-kind match and no cash match to the City. Seconded by Halabi. 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, authorizing the City's participation in the General Victim Assistance Direct Services Program Grant in the amount of \$17,755.76 for funding of the Healthy Homes Program; And authorizing the City Manager to sign and act on behalf of the City. Phil Gadd, Chief of Police, made the presentation.

Fountain made the motion to approve the Resolution authorizing the City Manager to sign and act on behalf of the City for a grant through the General Victims Assistance Direct Services Program in the amount of \$17,755.76, including no in-kind match and no cash match to the City. Seconded by Nash. All in favor. Motion approved 5-0.

4. Council discussed and considered approving a Resolution of the City Council of the City of Harker Heights, Texas, authorizing the City's participation in the Homeland Security Grant Program in the amount of \$54,270 for the purchase of tactical helmets and gas masks; And authorizing the City Manager to sign and act on behalf of the City. Phil Gadd, Chief of Police, made the presentation.

Blomquist made the motion to approve the Resolution authorizing the City Manager to sign and act on behalf of the City for the participation in the Homeland Security Grant Program in the amount of \$54,270 for the purchase of tactical helmets and gas masks. Seconded by Nash. All in favor. Motion approved 5-0.

5. Council discussed and considered approving a Resolution of the City Council of the City of Harker Heights, Texas, authorizing the City's participation in the Justice Assistance Grant Program in the amount of \$13,000 for the purchase of Vehicle First Aid Trauma Kits for First Responding Police Officers; And authorizing the City Manager to sign and act on behalf of the City. Phil Gadd, Chief of Police, made the presentation.

Nash made the motion to approve the Resolution authorizing the City Manager to sign and act on behalf of the City for the participation in the Justice Assistance Grant Program for the purchase of vehicle first aid trauma kits for first responding police officers in the amount of \$13,000 with no requirement for cash or in-kind match. Seconded by McCann. All in favor. Motion approved 5-0.

6. Council discussed and considered approving a Resolution of the City Council of the City of Harker Heights, Texas, authorizing continued participation with the Steering Committee of Cities served by Oncor; and authorizing the payment of ten cents per capita to the Steering Committee to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC. Ayesha Lealiiee, Finance Director, made the presentation.

Blomquist made the motion to approve a Resolution of the City Council of the City of Harker Heights, Texas, authorizing continued participation with the Steering Committee of Cities Served by Oncor; and authorizing the payment of ten cents per capita to the Steering Committee to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC. Seconded by Fountain. All in favor. Motion approved 5-0.

7. Council discussed and considered approving a Resolution of the City Council of the City of Harker Heights, Texas, to participate in the Teva Texas State-Wide Opioid Settlement; Authorizing the City to sign and act on behalf of the City. David Mitchell, City Manager, made the presentation.

Fountain made the motion to approve a Resolution of the City Council of the City of Harker Heights, Texas, to participate in the Teva Texas State-Wide Opioid Settlement and authorize the City Manager to sign and act on behalf of the City. Seconded by McCann. All in favor. Motion approved 5-0.

8. Council received and discussed the Fiscal Year 2021-2022 First Quarter Unaudited Financial Report. Ayesha Lealiiee, Finance Director, made the presentation. No action taken.

At 6:40 p.m. Mayor Smith called for a short break.

Mayor Smith reconvened the meeting at 6:45 p.m.

9. Council received and discussed the Fiscal Year 2021-2022 First Quarter Investment Report. Ayesha Lealiiee, Finance Director, made the presentation. No action taken.
10. Council received and discussed the Harker Heights Police Department and Harker Heights Fire Department's Racial Profiling Data Reports for the 2021 calendar year. Phil Gadd, Chief of Police, and Deputy Chief Betiale Hawkins, made the presentation. No action taken.
11. Council received and discussed the City Manager's Report. David Mitchell, City Manager, made the presentation. No action taken.

ITEMS FROM COUNCIL AND ANNOUNCEMENTS:

1. Councilmember closing statements.

Councilmember Blomquist stated that on February 14th the new Director of the Bell County Public Health District, Ms. Amy Yeager, came on Board. Blomquist noted that it is just 73 days and a wake-up until May 7th when the Harker Heights Farmer's Market will be kicking off.

Councilmember Fountain thanked I.T. Director Gary Bates for all that he does for the City. Fountain further stated that she attended the Valentine's Day Dance at the Activities Center and thanked staff for doing a good job putting on this event for the seniors and families.

2. Updates and announcements from the Mayor.

Mayor Smith stated that he attended the following events:

- February 10th – Harker Heights Central Fire Station Emergency Operations Center Table Top Exercise.
- February 10th – Commanding General III Corps and Mayors Engagement Luncheon at Harker Heights Activities Center.
- February 15th – Harker Heights City Council Workshop.
- February 16th – Chairman, Killeen Temple Metropolitan Planning Organization Transportation Policy Planning Board.
- February 17th – Harker Heights Chamber of Commerce AWARE Sexual and Labor Trafficking Presentation.
- February 18th – Gatesville Civic Center Military Appreciation Fish Fry.

ADJOURNMENT:

There being no further business the City of Harker Heights City Council Meeting was adjourned at 7:14 p.m.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



CITY COUNCIL MEMORANDUM

AGENDA ITEM # IV-2

FROM: THE OFFICE OF THE CITY MANAGER

DATE: MARCH 8, 2022

DISCUSS AND CONSIDER APPROVING AN ORDER DECLARING UNOPPOSED CANDIDATES IN THE HARKER HEIGHTS GENERAL ELECTION SCHEDULED TO BE HELD ON MAY 07, 2022, ELECTED TO OFFICE; CANCELLING THE ELECTION; AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

On January 25, 2022, the City Council ordered a General Election to be held on May 7, 2022, for the purpose of electing a Council Member for Place 1, and Place 3, to the Harker Heights City Council.

The City Secretary is responsible for receiving candidate filings and is the authority responsible for preparing the official ballot. On February 28, 2022, the City Secretary declared and certified that the following Harker Heights City Council Candidates are running unopposed: Jenn McCann, Council Member Place 1, and Tony Canterino, Council Member Place 3. Senate Bill 1, Second Called Session, 2021, states if a proper certification of unopposed status is presented by the filing authority to the governing body, the governing body must cancel the election.

A copy of the Order declaring the election cancelled will be posted at each election polling place during early voting and on election day, on the City website, and the City Hall bulletin board.

New Council members will take office on May 10, 2022, which is during the canvassing period in accordance with the election code.

ACTION BY COUNCIL:

Motion to approve the Order of General Election Cancellation; declare unopposed candidates Jenn McCann and Tony Canterino elected to office; and cancel the Harker Heights General Election scheduled to be held on May 7, 2022.

ATTACHMENTS:

1. Certificate of Unopposed Candidates
2. Order of Cancellation

**CERTIFICATION OF UNOPPOSED CANDIDATES FOR
OTHER POLITICAL SUBDIVISIONS (NOT COUNTY)
CERTIFICACIÓN DE CANDIDATOS ÚNICOS
PARA OTRAS SUBDIVISIONES POLITICAS (NO EL CONDADO)**

To: Presiding Officer of Governing Body
(Al: Presidente de la entidad gobernante)

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 7, 2022

(Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el 7 de mayo de 2022)

List offices and names of candidates:
(Lista de cargos y nombres de los candidatos:)

Office(s): <i>Cargo(s):</i>	Candidate(s): <i>Candidato(s):</i>
Council Member, Place 1 <i>(Miembro del concilio, lugar 1)</i>	Jenn McCann
Council Member, Place 3 <i>(Miembro del concilio, lugar 3)</i>	Tony Canterino

Signature *(Firm)*

Julie Helsham

Printed Name *(Nombre en letra de molde)*

City Secretary

Title *(Puesto)*

February 28, 2022

Date *(Fecha)*

ORDER OF GENERAL ELECTION CANCELLATION
(ORDEN DE ANULACIÓN DE LAS ELECCIONES GENERALES)

The City of Harker Heights, Texas, hereby cancels the election scheduled to be held on May 7, 2022, in accordance with Section 2.053(a) of the Texas Election Code. The following candidates have been certified as unopposed and are hereby elected as follows:

(La ciudad de Harker Heights, Texas, por la presente anula las elecciones que, de lo contrario, hubiesen sido celebradas el 7 de mayo de 2022 de conformidad con la Sección 2.053(a) del Código de Elecciones de Texas. Los siguientes candidatos han sido considerados elegidos sin oposición conforme a lo siguiente:)

Candidate (Candidato)	Office Sought (Cargo al que presenta candidatura)
Jenn McCann	Council Member, Place 1 (<i>Miembro del Consejo, lugar 1</i>)
Tony Canterino	Council Member, Place 3 (<i>Miembro del Consejo, lugar 3</i>)

A copy of this order will be posted on Election Day at each polling place that would have been used in the election.

(El Día de las Elecciones se exhibirá una copia de esta orden en todas las mesas electorales que se hubieran utilizado en la elección.)

Date of adoption (*Fecha de adopción*)

CITY OF HARKER HEIGHTS, TEXAS:
(CIUDAD DE HARKER HEIGHT, TEXAS:)

Spencer H. Smith, Mayor (Alcalde)

ATTEST:
(CERTIFICO:)

Julie Helsham, City Secretary (Secretaria de la Ciudad)



CITY COUNCIL MEMORANDUM

CIAC-21-03

AGENDA ITEM # VI-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: MARCH 8, 2022

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER ADOPTION OF IMPACT FEE CALCULATIONS AND IMPACT FEES FOR WASTEWATER FACILITIES FOR THE 2022 WASTEWATER IMPACT FEE AREA IN THE AMOUNT OF UP TO \$6,133 PER SERVICE UNIT, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The City Council adopted the 2021 Land Use Plan on October 26, 2021, with only a few modifications since that time. The City's consultant, Ms. Jessica Vassar with Freese and Nichols, has evaluated the Land Use Plan, current development activity, and existing land uses with respect to their contribution to developing an impact fee.

On January 18, 2022, the City Council voted to set two public hearing dates to consider Impact Fee Calculations and Impact Fees for the 2022 wastewater impact fee area. This is the second of the two set public hearing dates.

RECOMMENDATION:

Staff recommended approval to the CIAC of the impact fee relating to possible adoption of impact fees for the 2022 wastewater impact fee area, as presented by Ms. Vassar. Texas Local Government Code (LGC) Section 395.042 requires municipalities to hold a public hearing on impact fee calculations prior to adoption by the City Council. The City Council established the public hearing dates for the February 22, 2022 and March 08, 2022 City Council Meetings. These two dates meet the LGC Sections 395.043 and 395.044 required timelines for public information availability and public notices.

ACTION BY CAPITAL IMPROVEMENT ADVISORY COMMITTEE:

According to Chapter 395 of the Texas Local Government Code, Capital Improvement Advisory Committee (CIAC) serves as the advisory committee for the 2022 Wastewater Impact Fee study.

On January 12, 2022, the CIAC voted 8-0 to recommend approval of the impact fee calculations relating to possible adoption of impact fees for the 2022 wastewater impact fee area up to the maximum allowable amount of \$6,133 per service unit, based on staff's recommendation and findings.

ACTION BY CITY COUNCIL:

1. Motion to **approve** or **disapprove** adoption of Impact Fee Calculations and Impact Fees for wastewater facilities for the 2022 wastewater impact fee area in the amount of up to \$6,133 per service unit and take the appropriate action.
2. Any other action deemed necessary.

ATTACHMENTS:

1. CIAC Recommendation Letter
2. Proposed Ordinance
3. Impact Fee Report



TO: Mayor and City Council
FROM: Larry Robison, Chair, *Capital Improvements Advisory Committee (CIAC)*
DATE: January 12, 2022
SUBJECT: Impact Fee Program Recommendation

In accordance with Texas Local Government Code, the Harker Heights Capital Improvements Advisory Committee (CIAC), which consists of members from the Planning and Zoning Commission plus an ad hoc member for the ETJ, has been conducting public meetings with City staff and the City's consultants for the development of a wastewater impact fee program. Over the course of study, the CIAC has received data regarding Land Use Assumptions (2022-2032), impact fee Capital Improvement Plan and associated costs, and the resultant cost per service unit calculations for determining impact fees.

Chapter 395.056 of the Texas Local Government Code requires the CIAC to file its written comments on the proposed land use assumptions, capital improvements plan, and impact fees before the fifth business day before the date of the public hearing on the amendments. The scheduled public hearing dates February 22, 2022 and March 8, 2022.

After review and comment of the information, the CIAC recommends the following:

- Approval of the Land Use Assumptions and growth forecasts over the ten-year planning period 2022-2032,
- Approval of the impact fee Wastewater Capital Improvements Plans as presented in the Land Use Assumptions and Capital Improvements Plan submitted in September 2021, and approved in Public Hearings with the City Council on October 26 and November 9,
- Approval of the Calculated Cost per Service Unit for, and
- Approval of the maximum collection rate per service unit of \$6,133.

The CIAC believes that the implementation of a wastewater impact fee program will assist Harker Heights in the development and implementation of specific capital improvements to address growth needs and that the City Council consider a collection rate up to the maximum allowable under law.

Respectfully,

Harker Heights Capital Improvements Advisory Committee Members

Lawrence "Larry" Robison, Chairman
Robert "Rob" Robinson III, Vice Chairman
Natalie Austin, Member
Bary Heidtbrink, Member
Stephen Watford, Member
Joshua McCann, Member
Rodney Shine, Member
Jerry Bess, Member
Michael Stegmeyer, Member
Robert "Bobby" Hoxworth, ETJ Member

ORDINANCE NO. 2022-16

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING TITLE V OF THE CITY'S CODE OF ORDINANCES; ESTABLISHING CHAPTER 55 "IMPACT FEES"; ADOPTING, IMPOSING, AND ESTABLISHING WASTEWATER IMPACT FEES ON NEW DEVELOPMENTS IN THE IMPACT FEE SERVICE AREA TO THE EXTENT ALLOWABLE BY LAW; ADOPTING ASSESSMENT AND COLLECTION RATES FOR WASTEWATER IMPACT FEES; PROVIDING A CUMULATIVE CLAUSE, PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING A PENALTY AND SPECIFICALLY NEGATING A REQUIREMENT OF A CULPABLE MENTAL STATE; ESTABLISHING A PENALTY FOR VIOLATIONS; AND PROVIDING AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Chapter 395 of the Texas Local Government Code (LGC) authorizes municipalities to enact or impose impact fees on land within the city limits in accordance with Chapter 395; and

WHEREAS, the City of Harker Heights is responsible for and committed to the provision of public facilities to ensure the provision of adequate facilities in the future; and

WHEREAS, new development causes and imposes increased demands for City public wastewater facilities ("public infrastructure"); and

WHEREAS, Texas Local Government Code, Chapter 395, authorizes Cities to adopt and amend impacts for the purpose of financing capital improvements for public infrastructure required by new development; and

WHEREAS, to the extent new development places demands upon public infrastructure, those demands should be satisfied by sharing the responsibility for financing these facilities from the public at large to the developments creating the demands; and

WHEREAS, the City Council, after careful consideration of the matter, hereby finds and declares that wastewater impact fees imposed upon development to finance specific public infrastructure projects that are needed to meet the demands of the development are in the best interests of the general welfare of the City and its residents, are proportionate, and do not impose an unfair burden on such development; and

WHEREAS, the amount of the wastewater impact fees imposed on new development shall be determined by the cost of the additional public infrastructure

needed to support such new development as identified in capital improvements plans; and

WHEREAS, the Capital Improvements Advisory Committee has filed written comments regarding the proposed wastewater impact fees with the City Council; and

WHEREAS, On September 14, 2021, the City Council approved an order establishing two public hearing dates to consider adoption of land use assumptions and the capital improvements plan for the potential imposition of impact fees for wastewater facilities and directed the City Secretary to publish notice of said Public Hearings; and

WHEREAS, on October 26, 2021 and November 9 2021, the City Council held a public hearing to solicit comments from citizens and other interested parties concerning the adoption of land use assumptions and the capital improvements plan for the potential imposition of impact fees for wastewater facilities; and

WHEREAS, On November 9, 2021, the City Council approved Ordinance No. 2021-39 adopting land use assumptions and the capital improvements plans for the potential imposition of impact fees for wastewater facilities; and

WHEREAS, On January 18, 2022, the City Council approved an order establishing two public hearing dates to consider adoption of impact fees for wastewater facilities and directed the City Secretary to publish notice of said Public Hearings; and

WHEREAS, on February 22, 2022 and March 8, 2022, the City Council held a public hearing to consider land use assumptions and wastewater capital improvements plans pursuant to which impact fees would be imposed; and

WHEREAS, the land use assumptions and wastewater capital improvements plans were developed by qualified professionals using generally accepted engineering and planning practices in accordance with Chapter 395 of the Texas Local Government Code; and

WHEREAS, the report dated January 10, 2022 prepared by Freese and Nichols, Inc., and entitled “Wastewater Impact Fee Study Report” sets forth reasonable methodologies and analyses for determining the impact of new development on public infrastructure and the costs for additional wastewater facilities in the City of Harker Heights, and are in accordance with the provisions of Chapter 395 of the Texas Local Government Code; and

WHEREAS, the City Council finds that the City has complied with Chapter 395 in the notice, adoption, promulgation, and methodology necessary to adopt impact fees;

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 AS FOLLOWS:

Section 1. All the above whereas clauses and the premises stated in them are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. In accordance with Chapter 395 of the Texas Local Government Code, the City Council has employed qualified professionals to prepare land use assumptions and capital improvements plans for the imposition of wastewater impact fees. These land use assumptions and capital improvements plans were approved after a public hearing in accordance with Chapter 395 of the Texas Local Government Code.

Section 3. The report entitled “Wastewater Impact Fee Study Report”, dated January 10, 2022, which is attached to this Ordinance as Exhibit “D”, is hereby adopted and incorporated into this Ordinance. To the extent of any conflict between Exhibit “D” and prior versions of the report, Exhibit “D” shall control. To the extent of any conflict between Exhibit “D” and this Ordinance, Exhibit “D” shall control.

Section 4. The provisions in this Ordinance apply to all new development within the impact fee service area of the City.

Section 5. Chapter 55 of the Code of Ordinances of the City of Harker Heights, Texas, is hereby established which shall hereafter read as follows:

CHAPTER 55: IMPACT FEES

CHAPTER I. – GENERAL PROVISIONS

§55.01. Title.

This Chapter shall be known and may be cited as the Impact Fees Ordinance or the Impact Fees Code of the City of Harker Heights.

§55.02. Statement of Purpose.

This Chapter is intended to ensure the provision of adequate public facilities to serve new development in the City by requiring each development to pay its proportional share of the costs of such improvements necessitated by and attributable to such new development as related to wastewater capital improvements.

§55.03. Authority.

This Chapter is adopted pursuant to Chapter 395 of the Texas Local Government Code. The provisions of this Chapter shall not be construed to limit the powers of the City to utilize other methods authorized under state law, or pursuant to other City powers to accomplish the purposes set forth herein, either in substitution or in conjunction with this Chapter.

§55.04. Definitions

The following words, terms and phrases, as used in this Chapter, shall have the meanings respectively ascribed to them in this Chapter, unless the context clearly indicates otherwise:

Area-related facility means a capital improvement or facility expansion which is designated in the Impact Fee Capital Improvements Plan and which is not a site-related facility. Area-related facility may include a capital improvement, which is located offsite, within, or on the perimeter of the development site.

Assessment means the determination of the amount of the maximum credited impact fee per service unit that can be imposed on new development pursuant to this Chapter.

Capital improvement means any wastewater facilities that have a life expectancy of three (3) or more years and are owned and operated by or on behalf of the City.

Capital improvements plan means a plan approved by the City Council that identifies capital improvements or facility expansions for which impact fees may be assessed.

City means the City of Harker Heights, Texas.

City Council means the City Council of the City of Harker Heights, Texas.

City Manager means the City Manager of the City of Harker Heights, Texas, or his or her designee.

Change of Use means a new development involving a change in use or occupancy of any existing structure, with the exception of shell structures never previously occupied, that has the effect of increasing the number of service units beyond those attributable to the immediately preceding use, which requires the issuance of a new permit and which may include, but is not limited to, the reconstruction, redevelopment, conversion, structural alteration or enlargement of any structure.

Director means the Public Works Director or the Director's designee.

Effective date means March 8, 2022.

Extraterritorial jurisdiction (ETJ) means the extraterritorial range of the City's authority outside corporate limits of the city.

Facility expansion means the expansion of the capacity of any existing facility for the purpose of serving new development. The term does not include the repair, maintenance, modernization, or expansion of an existing facility to serve existing development.

Final Plat means the map of a subdivision (and any required accompanying material per §154.22 and §154.26) which is presented to the City's Planning and Zoning Commission, the City Council or authorized city staff for approval, and which, if approved, is recorded in the official public records of Bell County, Texas.

Impact Fee Capital Improvements Plan means the adopted plan for public infrastructure within the impact fee service area, as may be amended from time to time, which identifies the facilities and their associated costs which are necessitated by and which are attributable to new development, for a period not to exceed ten (10) years, and which are to be financed in whole or in part through the imposition impact fees pursuant to this Chapter.

Land use assumptions means the projections of growth and associated changes in land uses, densities and intensities for a service area adopted by the City, as may be amended from time to time, upon which the Impact Fee Capital Improvements Plan for the service area is based.

New development means an activity involving the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure, or any use or extension of land, which has the effect of increasing demand, measured by an increase in the number of the service units utilizing the City's systems that are attributable to such activity, and which requires either the approval and filing of a plat, or a re-plat pursuant to the City's subdivision regulations, or the issuance of a building permit, or a utility connection.

Owner means an owner of real property who is subject to this Ordinance, or an agent, employee or representative thereof who is authorized to act on the real property owner's behalf or a person who has paid an impact fee under this Ordinance.

Preliminary plat means the map of the proposed layout of a subdivision (and

any required accompanying material per §154.21) which is presented to the Planning and Zoning Commission and City Council and is approved by the City Council.

School District means a public or private institution for the teaching of students.

Service area means a geographic area within the City or within the City's extraterritorial jurisdiction within which impact fees may be collected for new development occurring within such area. For purposes of this Chapter, the area within in the portion of the City as illustrated and annotated in Exhibit A.

Service unit means a standardized measure of consumption, use, generation or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards, for a particular category of capital improvements or facility expansions.

Service Unit Equivalent (“SUE’s”) means an equivalency factor, based on the demand associated with the smallest water meter used in the City of Harker Heights, Texas utility systems. SUE's are utilized to establish the number of service units to be allocated to various meter sizes used in the City of Harker Heights, Texas.

Site-related facility means an improvement or facility which is for the primary use or benefit of a new development and/or which is the for the primary purpose of safe and adequate provision of facilities to serve the new development and which is not included in the Impact Fee Capital Improvements Plan and for which the developer or owner is solely responsible under subdivision and other applicable regulations.

Study means, collectively, the impact fee report prepared by a registered professional engineer licensed in the State of Texas that is on file in the office of the City Secretary.

System-related facility means a capital improvement or facility expansion which is designated in the capital improvements plan and which is not a site-related facility. This term may include a capital improvement which is located off-site or within or on the perimeter of the development site.

Utility connection means connection of an individual meter to the City's system, or an increase in the size of an existing meter.

Wastewater facility means a wastewater interceptor or main, lift station or other facility or improvement used for providing wastewater collection and/or treatment included within the City's wastewater system. This term includes

land, easements or structures associated with such facilities. This term excludes a site-related facility.

§55.05. Impact Fee as Condition of Development Approval.

No new development shall be connected to the City's wastewater system within the service area without the assessment of an impact fee pursuant to this Chapter, and no building permit or request for service shall be issued until the applicant has paid the impact fee imposed herein, except for those entities that are expressly exempt from impact fees as set forth in Texas Local Government Code, Chapter 395.

§55.10. Land Use Assumptions.

- (A) Said land use assumptions for the service area are depicted in Exhibit A, which is attached hereto and incorporated by reference herein as §55.40(A).
- (B) Exhibit A shall be updated at least every five (5) years utilizing the amendment procedure set forth in Texas Local Government Code, Chapter 395.
- (C) Amendments to the land use assumptions shall incorporate projections of changes in land uses, densities, intensities, and population for the service area over at least a ten (10) year period.

§55.11. Wastewater Impact Fee Service Area.

- (A) There is hereby established one (1) wastewater impact fee service area the boundaries of which are depicted in Exhibit B, which is attached hereto and incorporated by reference herein as §55.40(B).
- (B) Exhibit B may be amended from time to time utilizing the amendment procedure set forth in Texas Local Government Code, Chapter 395.

§55.20. Determination of Service Units.

- (A) The service unit shall constitute the basis for establishing equivalency within various customer classes based upon the relationship of the continuous duty maximum flow rate in gallons per minute for a water meter of a given size and type compared to the continuous duty maximum flow rate in gallons per minute for a 3/4-inch diameter simple water meter.
- (B) The number of service units for impact fees shall be determined by using land use and service unit equivalencies tables, which convert the

demands generated by typical land uses to SUE. Said tables are included within Exhibit C and are incorporated by reference herein as §55.40(C).

- (C) Exhibit C shall be updated at least every five (5) years utilizing the amendment procedure set forth in Texas Local Government Code, Chapter 395.

§55.21. Impact Fees Per Service Unit.

- (A) Maximum impact fees per service unit for each service area shall be established by category of capital improvements. The maximum impact fee per service unit for each service area for each category of capital improvement shall be computed in the following manner:
 - (1) For each category of capital improvements, calculate the total projected costs of capital improvements necessitated by and attributable to new development in the service area identified in the Impact Fee Capital Improvements Plan;
 - (2) From such amount, subtract a credit in the amount of that portion of utility service revenues, if any, including the payment of debt, to be generated by new service units during the period the capital improvements plan is in effect, including the payment of debt, associated with the capital improvements in the plan;
 - (3) Divide the resultant amount by the total number of service units anticipated within the service area, based upon the land use assumptions for that service area.
- (B) The maximum impact fee per service unit by service area shall be as set forth in Exhibit C. Exhibit C shall be used to assess impact fees.
- (C) The impact fee to be paid per service unit by each new development within a service area shall be as set forth in Exhibit C and shall be an amount less than or equal to the assessed impact fee.

§55.22. Computation of Impact Fees.

- (A) Following the filing and acceptance of a written application for building permit or utility connection, the City shall compute the impact fee due in the following manner:
 - (1) The number of service units shall be determined by using the Service Unit/SUE tables in Exhibit C to calculate impact fees as applicable.

- (2) Service units shall then be multiplied by the applicable impact fees as depicted in Exhibit C.
 - (3) The amount of each impact fee shall be reduced by any allowable offsets or credits for that category of capital improvements, in the manner provided in §55.51.
- (B) The amount of impact fees due for new development shall not exceed the amount computed by multiplying the assessed fee for service units generated by the development as by the applicable impact fee(s) in Exhibit C. The amount of impact fee due for redevelopment shall not exceed the amount computed by multiplying the appropriate fees for services by the net increase in service units generated by the redevelopment.
 - (C) The developer may submit, or the Director may require the submission of, a study prepared by a professional engineer licensed in the State of Texas that clearly indicates the number of service units which will be consumed or generated by the new development. The Director will review the information for completeness and conformity with generally accepted engineering practices and will, when satisfied with the completeness and conformity of the study, multiply the number of service units determined by the study by the impact fee per service unit contained in Exhibit C to determine the total impact fee to be collected for the development.
 - (D) Whenever the owner increases the number of service units for a development, the additional impact fees collected for such new service units shall be determined based on Exhibit C then in effect and shall be collected at issuance of building permits or, as applicable, when water meters are purchased.
 - (E) In the event the owner decreases the number of service units for a development, the owner shall be entitled to a refund of the impact fee or impact fees actually paid, but only for the amounts represented by the decrease in service units based on the assessed fees applicable at the time the fees were paid.
 - (F) If the building permit for the property on which an impact fee is paid has expired and a new application for a building permit is thereafter filed for the identical property and the identical number of service units, the impact fee previously paid satisfies the requirements of this Chapter, unless the earlier impact fee was refunded to the applicant at the expiration of the previously-issued building permit, or

is otherwise refunded.

- (G) The impact fee shall attach to the property for which the impact fee was paid and shall not be transferable to other properties or service units.
- (H) No building permit or utility connection shall be issued if the applicant cannot verify payment to the City of the appropriate impact fees and other applicable fees, or if existing facilities do not have actual capacity to provide service to the new connection(s), except for those entities that are exempted from impact fees as are specifically set forth in Texas Local Government Code, Chapter 395.
- (I) All matters pertaining to the enforcement, assessment, computation, or collection of impact fees provided for herein shall be determined by the Director.

§55.30. Assessment of Impact Fees.

- (A) Assessment of impact fees for any new development in all of the service area as illustrated in Exhibit B shall be made as follows:
 - (1) For land which is unplatted at the time of application for a building permit or utility connection, or for a new development which received final plat approval prior the effective date of this Chapter, and for which no re-platting is necessary pursuant to the City's subdivision regulations prior to development, assessment of impact fees shall occur at the time application is made for the building permit or utility connection, whichever first occurs, and shall be the amount of the assessed impact fee per service unit in effect, as set forth in Exhibit C.
 - (2) For a new development which is submitted for approval pursuant to the City's subdivision regulations on or after the effective date of this Chapter, or for which re-platting results in an increase in the number of service units after such date, assessment of impact fees shall be at the time of final plat recordation and shall be the amount of the assessed impact fee per service unit in effect as set forth in Exhibit C.
- (B) Following assessment of impact fees pursuant to subsection (A), the amount of impact fee assessment per service unit for that development cannot be increased, unless the owner proposes to change the approved development by the submission of a new application for final plat approval or other development application that results in approval of additional service units, in which case a new assessment shall occur at

the Exhibit C rate then in effect for such additional service units.

- (C) Following the vacating of any plat or approval of any re-plat, a new assessment must be made in accordance with subsection (A)(2).
- (D) An application for an amending plat made pursuant to Texas Local Government Code §212.016 and the City of Harker Heights Subdivision Ordinance §154.26, for which no new development is proposed and for which there is not an increase in the number of service units, is not subject to reassessment for an impact fee.

§55.40. Exhibits.

- (A) Land Use Assumptions Map (Exhibit A)
- (B) Impact Fee Service Area Map (Exhibit B)
- (C) Impact Fee Tables (Exhibit C)

§55.50. Collection of Impact Fees.

- (A) Except as otherwise provided in this Chapter, the impact fee for the new development shall be collected at the time the City issues a building permit, or if a building permit is not required, at the time an application is filed for a new connection, to the City's wastewater system or for an increase in water meter size.
- (B) Except as otherwise provided by contracts with political subdivisions, developer's contracts, or wholesale customers, no building permit shall be issued until all impact fees due and owing have been paid to the City.
- (C) The City may enter into an agreement for capital improvements with an owner pursuant to §55.71 that establishes a different time and manner of payment.
- (D) In the event that an owner agrees to construct or finance capital improvements in the capital improvements plan pursuant to §55.71, the costs of which are to be reimbursed to the owner from impact fees paid from other new developments that will use such facilities, the City may collect impact fees from such other new developments at the time a final plat is recorded for such development or phase of development.

§55.51. Offsets and Credits.

- (A) The City shall offset the reasonable value of any area-related facilities, identified in the Impact Fee Capital Improvements Plan and

constructed pursuant to an agreement with the City, except as otherwise provided therein, which are dedicated to and received by the City on or after the effective date of this ordinance, against the amount of the impact fee due for that category of capital improvement. No offsets or credits shall be provided for required over-sizing of water and wastewater lines or lift stations not identified in the capital improvements plan or for pro-rata payments to repay other developers for such over-sizing.

- (B) The City shall credit any new development that occurs after the effective date of this Chapter, any amount of capital recovery fees which have been collected by the City pursuant to duly adopted ordinances and any impact fees collected by the City pursuant to this Chapter.
- (C) All offsets and credits against impact fees shall be subject to the following limitations and shall be granted based on this Chapter and additional standards promulgated by the City, which may be adopted as administrative guidelines.
 - (1) No offset or credit shall be given for the dedication or construction of site-related facilities.
 - (2) No offset or credit shall exceed the impact fee to be collected from new development as established in §55.22.
 - (3) The unit costs used to calculate the offsets shall not exceed those assumed for the capital improvements included in the Impact Fee Capital Improvements Plan for the category of facility within the service area for which the impact fee is imposed.
 - (4) If an offset or credit applicable to a plat has not been exhausted within ten (10) years from the date of the acquisition of the first building permit issued or connection made after the effective date of this Chapter or within such period as may be otherwise designated by agreement for capital improvements pursuant to §55.71, such offset or credit shall lapse.
 - (5) In no event will the City reimburse the owner or developer for an offset or credit when no impact fees for the new development can be collected pursuant to this Chapter or for any amount exceeding the total impact fees collected or due for the development for that category of capital improvement, unless otherwise agreed to by the City.
 - (6) The City may participate in the costs of an area-related improvement to be dedicated to the City, including costs that

exceed the amount of the impact fees due for the development under Exhibit C for that category of capital improvements, in accordance with policies and rules established under the City's subdivision regulations and when incorporated into an agreement for capital improvements pursuant to §55.71. The amount of any offset shall not include the amount of the City's participation.

- (D) Unless an agreement for capital improvements is executed providing for a different manner of offsetting or crediting impact fees due pursuant to §55.71, an offset or credit associated with a plat shall be applied to reduce an impact fee at the time of application for the first building permit or at the time of application for the first utility connection for the property, in the case of land located within the City's extraterritorial jurisdiction, and, thereafter, to reduce impact fees subsequently to be collected, until the offset or credit is exhausted.

§55.52. Establishment of Accounts.

- (A) The City's Finance Department shall establish separate interest-bearing accounts clearly identifying the category of capital improvement (i.e. wastewater facility).
- (B) Interest earned by each account shall be credited to the account on which it is earned and shall be used solely for the purposes specified for impact fees as authorized herein.
- (C) The City's Finance Department shall establish adequate financial and accounting controls to ensure that impact fees disbursed from the account are utilized solely for the purposes authorized in this Chapter. Disbursement of funds shall be authorized by the City at such times as are reasonably necessary to carry out the purposes and intent of this Chapter; provided, however, that any fee paid shall be expended within a reasonable period of time, but not to exceed ten (10) years from the date the fee is deposited into the account.
- (D) The City's Department of Finance shall maintain and keep adequate financial records for each such account, which shall show the source and disbursement of all revenues, which shall account for all monies received, the number of service units for which the monies are received, and which shall ensure that the disbursement of funds from each account shall be used solely and exclusively for the provision of projects specified in the Impact Fee Capital Improvements Plan as area-related capital projects.
- (E) The City's Department of Finance shall also maintain such records as are necessary to ensure that refunds are appropriately made in

accordance with this Chapter.

- (F) The records of the account into which impact fees are deposited shall be open for public inspection and copying during ordinary City business hours. The cost for copies is as annually adopted in the City's Fee Schedule.

§55.53. Use of Proceeds of Impact Fee Accounts.

- (A) The impact fee collected pursuant to this Chapter may be used to finance or to recoup capital construction costs for public infrastructure identified in the adopted Impact Fee Capital Improvements Plan and for any purpose authorized in Texas Local Government Code, Chapter 395, as amended. Impact fees may also be used to pay the principal sum and interest and other finance costs on bonds, notes or other obligations issued by or on behalf of the City to finance such capital improvements or facility expansions.
- (B) Impact fees collected pursuant to this Chapter shall not be used to pay for any of the following expenses:
 - (1) Construction, acquisition, or expansion of capital improvements or assets other than those identified in the Impact Fee Capital Improvements Plan;
 - (2) Repair, operation, or maintenance of existing or new capital improvements or expansion of facilities;
 - (3) Upgrading, expanding, or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards;
 - (4) Upgrading, expanding, or replacing existing capital improvements to serve existing development; provided, however, that impact fees may be used to pay the costs of upgrading, expanding or replacing existing capital improvements in order to meet the need for new capital improvements generated by new development; or
 - (5) Administrative and operating costs of the City.

§55.60. Appeals.

- (A) The owner or applicant for new development may appeal the Director's decisions and determinations first to the City Manager and then to the City Council: (a) the applicability of an impact fee to the new

development; (b) the method of calculating the amount of the impact fee due; (c) the availability or the amount of an offset, credit or rebate; (d) the application of an offset or credit against an impact fee due; or (e) the amount of a refund due, if any.

- (B) The written notice to the City Secretary requesting an appeal shall contain the following information:
- (1) The name of the owner and/or applicant of the Appeal; and
 - (2) The business address and telephone number of the owner and/or applicant; and
 - (3) The specific decision or determination of the Director which owner and/or applicant are aggrieved by, and the date of issuance thereof; and
 - (4) State specifically the grounds regarding owner's and/or applicant's application for appeal; and
 - (5) State specifically what amount of money that you believe is owed to the City, as well as the basis thereof; and
 - (6) The name and address of any legal counsel representing the owner or applicant who will appear before the City Manager/City Council; and
 - (7) The signature of the owner and/or applicant regarding the Appeal.
- (C) The burden of proof shall be on the owner and/or applicant to demonstrate that the amount of the fee or the amount of the offset, credit or rebate was not calculated according to the provisions of this Chapter. Upon submission of the case and posting of the appropriate public notification, a hearing on the case shall be held. The owner and/or applicant must be present and shall be given an opportunity to present their case.
- (1) The owner/applicant shall file a notice of appeal with the City Secretary of the City of Harker Heights, Texas in writing, of its desire to appeal the Director's decision or determination to the City Manager, no later than ten (10) days following the date of the Director's decision or determination. This notice shall be untimely if it is received by the City Secretary more than ten (10) days following the date of the Director's decision and determination.

The City Manager shall provide for a hearing on the appeal. The owner and/or applicant may appear in person or by counsel, at the time and place named in the notice of setting, and may make a defense to the action. If the appellant fails or refuses to appear, the City Manager may proceed to hear and determine the appeal. When the City Manager has completed the hearing and made a decision, one copy of the decision shall be filed with the Director, and one copy shall be forwarded to the owner/applicant by certified mail.

- (2) The owner/applicant shall file a notice of appeal with the City Secretary of the City of Harker Heights, Texas in writing, of its desire to appeal the City Manager's decision or determination to the City Council, no later than ten (10) days following the date of the City Manager's decision or determination. This notice shall be untimely if it is received by the City Secretary more than ten (10) days following the date of the City Manager's decision and determination.

The City Council shall provide for a public hearing on the appeal. The owner and/or applicant may appear in person or by counsel, at the time and place named in the notice of setting, and may make a defense to the action. If the owner/applicant fails or refuses to appear, the City Council may proceed to hear and determine the appeal. When the City Council has completed the hearing and made a decision, one copy of the decision shall be filed with the Director, and one copy shall be forwarded to the owner/applicant by certified mail.

- (D) If the notice of appeal is accompanied by a bond or other sufficient surety satisfactory to the City Attorney in an amount equal to the original determination of the impact fee due, the development application may be processed while the appeal of the impact fee is pending.

§55.70. Update of Plan and Revision of Fees.

- (A) The City shall update its land use assumptions and capital improvements plans at least every five (5) years, commencing approximately from the date of adoption of such plans, and shall recalculate the impact fees based thereon in accordance with the procedures set forth in Texas Local Government Code, Chapter 395, or in any successor statute.
- (B) The City may review its land use assumptions, impact fees, capital

improvements plans and other factors such as market conditions more frequently than provided in §55.70(A) to determine whether the land use assumptions and capital improvements plans should be updated and the impact fee recalculated accordingly, or whether Exhibit C should be changed. Exhibit C may be amended without revising land use assumptions and capital improvements plans at any time prior to the update provided for in §55.70(A), provided that the impact fees to be collected under Exhibit C do not exceed the maximum impact fees of Exhibit C.

- (C) If at the time an update is required pursuant to §55.70(A), the City Council determines that no change to the land use assumptions, capital improvements plans, or impact fees is needed it may dispense with such update by following the procedures in Texas Local Government Code, Section 395.0575.
- (D) The City may amend by resolution the Land Uses and Service Unit Equivalency tables in Exhibit A and Exhibit C respectively at any time prior to the update provided for in §55.70(A), provided that the number of service units associated with a particular land use shall not be increased.

§55.71. Agreement for Capital Improvements.

An owner of a new development may construct or finance a capital improvement or facility expansion designated in the Impact Fee Capital Improvements Plan, if required or authorized by the City, by entering into an agreement with the City prior to the issuance of any building permit for the development. The agreement shall be on a form approved by the City and shall identify the estimated cost of the improvement or expansion, the schedule for initiation and completion of the improvement or expansion, a requirement that the improvement be designed and completed to City standards and such other terms and conditions as deemed necessary by the City. The agreement shall provide for the method to be used to determine the amount of the offset to be given against the impact fees due for the development or any reimbursement to the owner for construction of the facility.

§55.72. Use of Other Financing Mechanisms.

- (A) In addition to the use of impact fees, the City may finance capital improvements or facilities expansions designated in the Impact Fee Capital Improvements Plan through the issuance of bonds, through the formation of public improvements districts or other assessment districts, or through any other authorized mechanism, in such manner

and subject to such limitations as may be provided by law.

- (B) Except as otherwise provided herein, the assessment and collection of an impact fee shall be additional and supplemental to, and not in substitution of, any other tax, fee, charge, or assessment which is lawfully imposed on and due against the property.

§55.80. Conflicting Ordinances.

All ordinances or parts of ordinances that are in force when the provisions of this ordinance become effective, which are inconsistent or in conflict with the terms or provisions contained in this ordinance, are hereby repealed to the extent of the conflict.

§55.90. Reserved.

Section 6. Impact Fees shall be assessed and collected in accordance with the provisions of Chapter 395 of the Texas Local Government Code, as amended. The City Manager, or the Manager's designee, is hereby authorized to develop procedures and policies for assessment and collection of impact fees consistent with applicable law and the City's ordinances and to implement said procedures and policies in the administration of the City's Impact Fee Program. Impact fees shall be collected at the time of issuance of the building permit or, for property outside the city limits, at the time an application for connection to the City's wastewater system is filed. On property that receives final plat approval before the effective date of this Ordinance, no impact fees shall be collected on any service unit for which a valid building permit is issued within one (1) year of the effective date of this Ordinance. If a building permit obtained within one (1) year of the effective date of this Ordinance subsequently expires, and no new application is made and approved within such period, the new development shall be subject to the payment of the impact fees adopted in this Ordinance.

Section 7. The maximum impact fee per service unit, as defined in Exhibit A and as may be amended from time to time, is hereby declared to be an appropriate measure of the impacts generated by a new development on the City's public infrastructure. To the extent that the impact fee charged against a new development, as may be amended from time to time, is less than the maximum impact fee per service unit, such difference is hereby declared to be founded on policies unrelated to the measurement of the impacts of the new development on the City's public infrastructure. The maximum impact shall therefore be used when evaluating any claim by a property owner that the dedication or construction of a capital improvement within a service area that

is imposed as a condition of development pursuant to the City's subdivision or development regulations is disproportionate to the impacts created by the development on the City's public infrastructure.

Section 8. This ordinance shall not limit the City's authority to impose other or additional impact fees authorized by Chapter 395 of the Texas Local Government Code or impose taxes, fees, charges, or assessments authorized by State law.

Section 9. This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance, Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

Section 10. If any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

Section 11. Any person who violates this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not exceeding two thousand dollars (\$2,000.00). Each and every day that a violation of this Ordinance occurs shall constitute a separate offense. The culpable mental state required by Chapter 6.02, Texas Penal Code, is specifically negated and dispensed with and a violation is a strict liability offense.

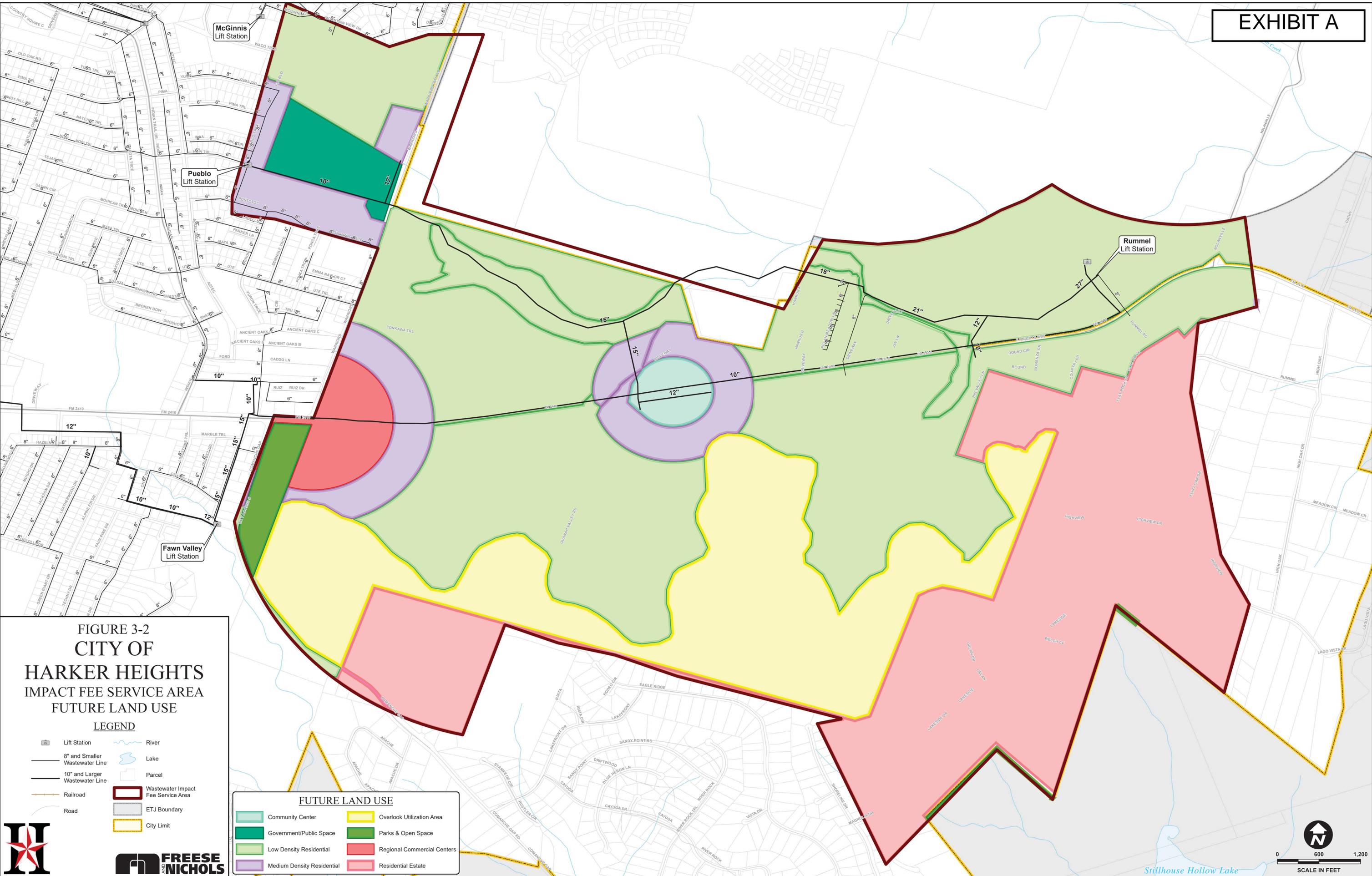
Section 12. This ordinance shall be effective from and after its passage, and the City Secretary shall publish the caption or title of hereof within ten days as required by law.

PASSED AND APPROVED by the City Council of the City of Harker Heights on March 8, 2022.

Spencer H. Smith, Mayor

ATTEST:

Juliette Helsham, City Secretary



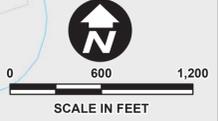
**FIGURE 3-2
CITY OF
HARKER HEIGHTS
IMPACT FEE SERVICE AREA
FUTURE LAND USE**

LEGEND

- Lift Station
- River
- 8" and Smaller Wastewater Line
- Lake
- 10" and Larger Wastewater Line
- Parcel
- Railroad
- Wastewater Impact Fee Service Area
- Road
- ETJ Boundary
- City Limit

FUTURE LAND USE

- Community Center
- Government/Public Space
- Low Density Residential
- Medium Density Residential
- Overlook Utilization Area
- Parks & Open Space
- Regional Commercial Centers
- Residential Estate



Stillhouse Hollow Lake

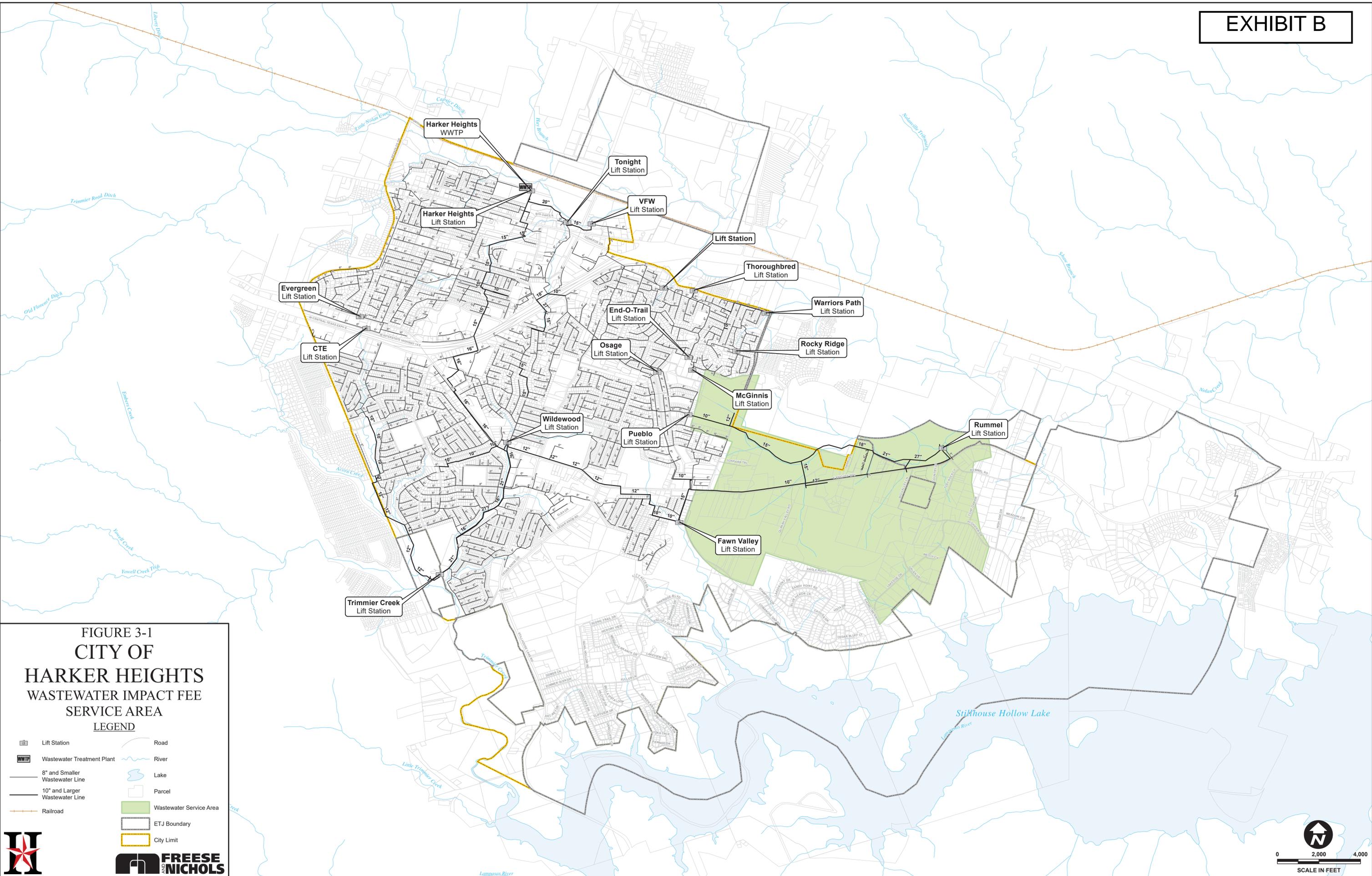


FIGURE 3-1
CITY OF
HARKER HEIGHTS
WASTEWATER IMPACT FEE
SERVICE AREA

LEGEND

	Lift Station		Road
	Wastewater Treatment Plant		River
	8" and Smaller Wastewater Line		Lake
	10" and Larger Wastewater Line		Parcel
	Railroad		Wastewater Service Area
			ETJ Boundary
			City Limit



0 2,000 4,000
 SCALE IN FEET

EXHIBIT C

Table 1. Service Unit Equivalency Table (per water meter)

Water Meter Size (inches)	Meter Type	Service Unit Equivalent Water and Wastewater
3/4"	Displacement	1.0
1"	Displacement	1.6
1 1/2"	Displacement	2.0
2"	Ultrasonic	4.0
3"	Compound	12.8
4"	Compound	20.0
6"	Compound	40.0
8"	Compound	64.0

Table 2. Wastewater Impact Fees

Service Area	Maximum Impact Fee Per SUE	Assessed Impact Fee Per SUE	Impact Fee To Be Paid Per SUE
2022 Impact Fee Service Area	\$6,133	\$6,133	\$4,066

EXHIBIT D

WASTEWATER IMPACT FEE STUDY REPORT

Prepared for:

City of Harker Heights

January 2022

Prepared by:

FREESE AND NICHOLS, INC.
10431 Morado Circle, Suite 300
Austin, Texas 78759
512-617-3100

WASTEWATER IMPACT FEE STUDY REPORT

Prepared for:

City of Harker Heights



1/10/2022

Jessica B. Vassar

FREESE AND NICHOLS, INC.
TEXAS REGISTERED
ENGINEERING FIRM
F-2144

Prepared by:

FREESE AND NICHOLS, INC.
10431 Morado Circle, Suite 300
Austin, Texas 78759
512-617-3100

FNI Project No.: HAK21373

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Appendices

Appendix A: Cost Estimates

1.0 EXECUTIVE SUMMARY

1.1 BACKGROUND

In April 2021, the City of Harker Heights, Texas (City) authorized Freese and Nichols, Inc. (FNI) to perform an impact fee analysis for the southeast portion of the City’s wastewater system. The purpose of this report is to document the methodology used in the development and calculation of wastewater impact fees for the City of Harker Heights. The methodology used herein satisfies the requirements of the Texas Local Government Code (TLGC) Section for the establishment of impact fees. The City does not currently charge wastewater impact fees to new developments.

1.2 LAND USE ASSUMPTIONS

Population and land use assumptions are important elements in the determination of needs for infrastructure systems. To assist in the determination of need and timing of capital improvements to serve future development, a reasonable estimation of future growth is required. Growth and future development projections were formulated based on the adopted future land uses within the community. These land use assumptions, which include growth projections for the ten-year planning period of 2022-2032, are the basis for the preparation of impact fee capital improvement plan (CIP).

1.3 WASTEWATER IMPACT FEE ANALYSIS

A wastewater impact fee CIP was developed for the City of Harker Heights based on the adopted land use assumptions and previously conducted studies. The recommended improvements will provide the required capacity to meet projected wastewater flows through 2032. **Table 1-1** displays the wastewater flow projections in terms of million gallons per day (MGD) for the study area.

Table 1-1: Impact Fee Service Area Wastewater Flow Projections

Year	Average Daily Flow (MGD)	Peak Wet Weather Flow (MGD)
2022	0.03	0.11
2032	0.34	1.35

Chapter 395 of the TLGC states that the maximum impact fee may not exceed the amount determined by dividing the cost of capital improvements required by the total number of service units attributed to new

development during the impact fee eligibility period, less the credit to account for revenues used to finance these capital improvements. The total projected costs include the projected capital improvement costs to serve 10-year development, the projected finance cost for the capital improvements, and the consultant cost for preparing and updating the CIP. A 2.0% interest rate was used to calculate financing costs. **Table 1-2** displays a summary of the maximum allowable wastewater impact fee calculation.

Table 1-2: Maximum Wastewater Impact Fee Calculation

Total Eligible Capital Improvement Costs	\$15,758,705
Total Eligible Financing Costs	\$1,156,784
Total Eligible Impact Fee Costs	\$16,915,489
Growth in Service Units	1,379
Maximum Wastewater Impact Fee per Service Unit ⁽¹⁾	\$12,266
Impact Fee Credit per Service Unit ⁽²⁾	\$6,133
Maximum Allowable Wastewater Impact Fee per Service Unit ⁽³⁾	\$6,133

(1) Total Eligible Costs divided by the Growth in Service Units.

(2) Credit is 50% of Maximum Wastewater Impact Fee per Service Unit.

(3) Maximum Allowable Wastewater Impact Fee is Maximum Wastewater Impact Fee per service unit minus the Impact Fee Credit per Service Unit.

2.0 BACKGROUND AND SCOPE

In April 2021, the City of Harker Heights, Texas (City) authorized Freese and Nichols, Inc. (FNI) to perform an impact fee analysis for the southeast portion of the City’s wastewater system. The purpose of this report is to document the land use assumptions and capital improvements plan which were used in the development and calculation of the maximum allowable wastewater impact fees for the City of Harker Heights. The methodology used herein satisfies the requirements of the Texas Local Government Code (TLGC) Section 395 (**Section 1.1**) for the establishment of impact fees. The City does not currently charge wastewater impact fees to new developments.

2.1 TEXAS LOCAL GOVERNMENT CODE

Chapter 395 of the Texas Local Government Code requires an impact fee analysis before impact fees can be created and assessed. Chapter 395 defines an impact fee as “a charge or assessment imposed by a political subdivision against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to the new development.” In September 2001, Chapter 395 was amended creating the current procedure for implementing impact fees. Chapter 395 identifies the following items as impact fee eligible costs:

- Construction contract price
- Surveying and engineering fees
- Land acquisition costs
- Fees paid to the consultant preparing or updating the capital improvement plan (CIP) and impact fee analysis
- Projected interest charges and other finance costs for projects identified in the CIP

Chapter 395 also identifies items that impact fees cannot be used to pay for, such as:

- Construction, acquisition, or expansion of public facilities or assets other than those identified on the capital improvements plan
- Repair, operation, or maintenance of existing or new capital improvements
- Upgrading, updating, expanding, or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental, or regulatory standards



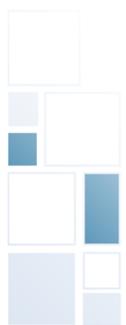
- Upgrading, updating, expanding, or replacing existing capital improvements to provide better service to existing development
- Administrative and operating costs of the political subdivision
- Principal payments and interest or other finance charges on bonds or other indebtedness, except as allowed above

As a funding mechanism for capital improvements, impact fees allow cities to recover the costs associated with new or facility expansion in order to serve future development. Statutory requirements mandate that impact fees be based on a specific list of improvements identified in a capital improvements program and only the cost attributed (and necessitated) by new growth over a 10-year period may be considered. Once established, impact fees are required to be updated at least every five years.

2.2 METHODOLOGY

Wastewater impact fee capital improvement plan (CIP) projects were selected by FNI for the City based on the land use assumptions, input from City staff, and projects developed during previous studies. The recommended improvements will provide the required capacity to meet projected wastewater flows through year 2032. The projects identified are consistent with the Chapter 395 definition of impact fee eligible projects.

As part of the impact fee development, FNI conducted workshops with the City's appointed Capital Improvements Advisory Committee (CIAC) and City Council. FNI calculated the maximum allowable impact fee utilizing the 50% credit methodology identified in TLGC Chapter 395. The CIAC's role included reviewing the land use assumptions and impact fee CIP and recommending an impact fee rate to the City Council. The City Council sets the impact fees to be collected.



2.3 LIST OF ABBREVIATIONS

The list of abbreviations used in this report are presented in **Table 2-1**.

Table 2-1: List of Abbreviations

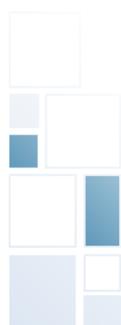
Abbreviation	Actual
AWWA	American Water Works Association
CIAC	Capital Improvement Advisory Committee
CIP	Capital Improvement Plan
FNI	Freese and Nichols, Inc.
MGD	Million Gallons per Day
TCE	Thonhoff Consulting Engineers, Inc.
TLGC	Texas Local Government Code

3.0 LAND USE ASSUMPTIONS

Projected land use is an important element in the analysis of wastewater collection and treatment systems. To assist the City in determining the need and timing of capital improvements to serve future development, a reasonable estimation of future growth is required. These assumptions will become the basis for the preparation of impact fee capital improvement plans for wastewater facilities.

3.1 SERVICE AREA

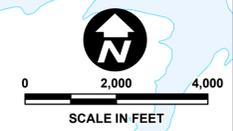
FNI worked with City staff to develop growth projections and land use assumptions for the study area during the development of this report. The City is anticipating the majority of future developments to occur roughly within the southeast portion of the City, and therefore determined to set the wastewater impact fee service area to this boundary, shown on **Figure 3-1**. The City recently adopted an updated future land use plan that was used for this study. The future land use for the service area is presented on **Figure 3-2**.

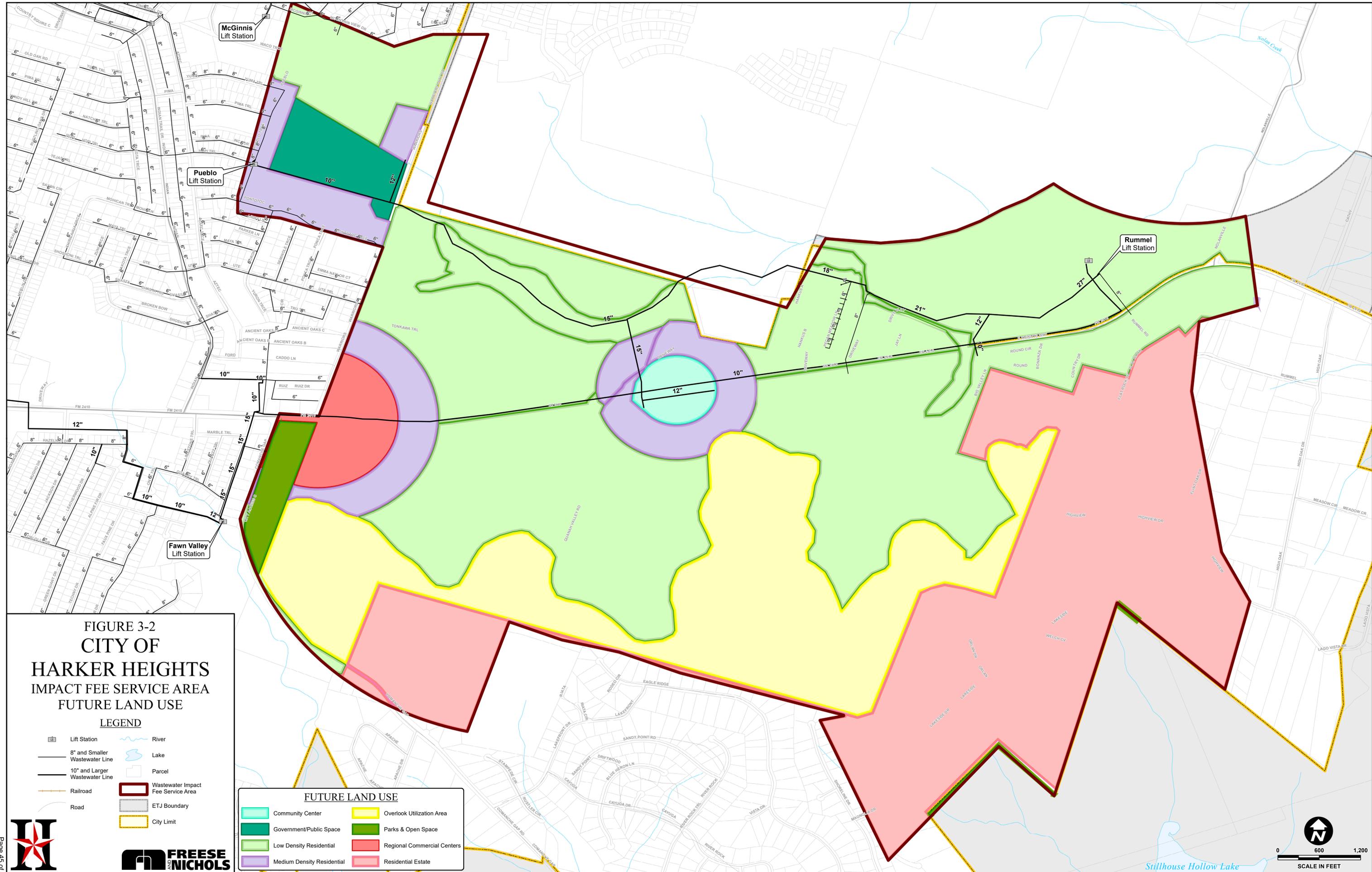


**FIGURE 3-1
CITY OF
HARKER HEIGHTS
WASTEWATER IMPACT FEE
SERVICE AREA**

LEGEND

-  Lift Station
-  Wastewater Treatment Plant
-  8" and Smaller Wastewater Line
-  10" and Larger Wastewater Line
-  Railroad
-  Road
-  River
-  Lake
-  Parcel
-  Wastewater Service Area
-  ETJ Boundary
-  City Limit





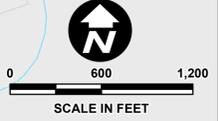
**FIGURE 3-2
CITY OF
HARKER HEIGHTS
IMPACT FEE SERVICE AREA
FUTURE LAND USE**

LEGEND

- Lift Station
- 8" and Smaller Wastewater Line
- 10" and Larger Wastewater Line
- Railroad
- Road
- River
- Lake
- Parcel
- Wastewater Impact Fee Service Area
- ETJ Boundary
- City Limit

FUTURE LAND USE

- Community Center
- Government/Public Space
- Low Density Residential
- Medium Density Residential
- Overlook Utilization Area
- Parks & Open Space
- Regional Commercial Centers
- Residential Estate



3.2 HISTORICAL AND PROJECTED GROWTH

3.2.1 Historical Population

Historical population data was provided in the February 2021 *Wastewater Flow Capacity Analysis Report* developed by Thonhoff Consulting Engineers, Inc. (TCE). The City had an average 2.2% annual growth rate over the past eight years. This historical population information is presented in **Table 3-1**.

Table 3-1: Historical Population within City Limits

Year	Population	Average Annual Growth Rate (%)
2012	27,894	
2013	28,563	2.4%
2014	29,233	2.3%
2015	29,903	2.3%
2016	30,573	2.2%
2017	31,243	2.2%
2018	31,913	2.1%
2019	32,583	2.1%
2020	33,253	2.1%
Average		2.2%

3.2.2 Projected Growth

The magnitude and distribution of the growth in the service area will dictate where future wastewater infrastructure is required. It is important to note that projecting future growth is challenging, especially for relatively small geographic areas such as individual cities or sections of cities, because it can be difficult to predict how fast or slow development will occur when there are a variety of circumstances that can impact it. **Table 3-2** presents the City’s projected growth for the 10-year planning period for the wastewater impact fee service area.

Table 3-2: Wastewater Impact Fee Service Area Growth

Year	Connections
2022	125
2032	1,500

4.0 WASTEWATER IMPACT FEE ANALYSIS

Wastewater CIP projects were developed for the City of Harker Heights in the February 2021 *Wastewater Flow Capacity Analysis Report* by TCE. The wastewater CIP projects that are required to serve growth within the next 10 years were identified for inclusion in the wastewater impact fee analysis.

4.1 WASTEWATER LOAD PROJECTIONS

Wastewater flow projections for 2022 and 2032 were developed using criteria from the February 2021 *Wastewater Flow Capacity Analysis Report*. 2.97 people per connection and 76 gallons per capita per day were assumed for wastewater flow projections. A wet weather peaking factor of 4.0 was applied to calculate the peak wet weather flow. **Table 4-1** presents the projected wastewater flows for the wastewater impact fee service area in million gallons per day (MGD).

Table 4-1: Impact Fee Service Area Wastewater Flow Projections

Year	Average Daily Flow (MGD)	Peak Wet Weather Flow (MGD)
2022	0.03	0.11
2032	0.34	1.35

4.2 WASTEWATER SYSTEM IMPROVEMENTS

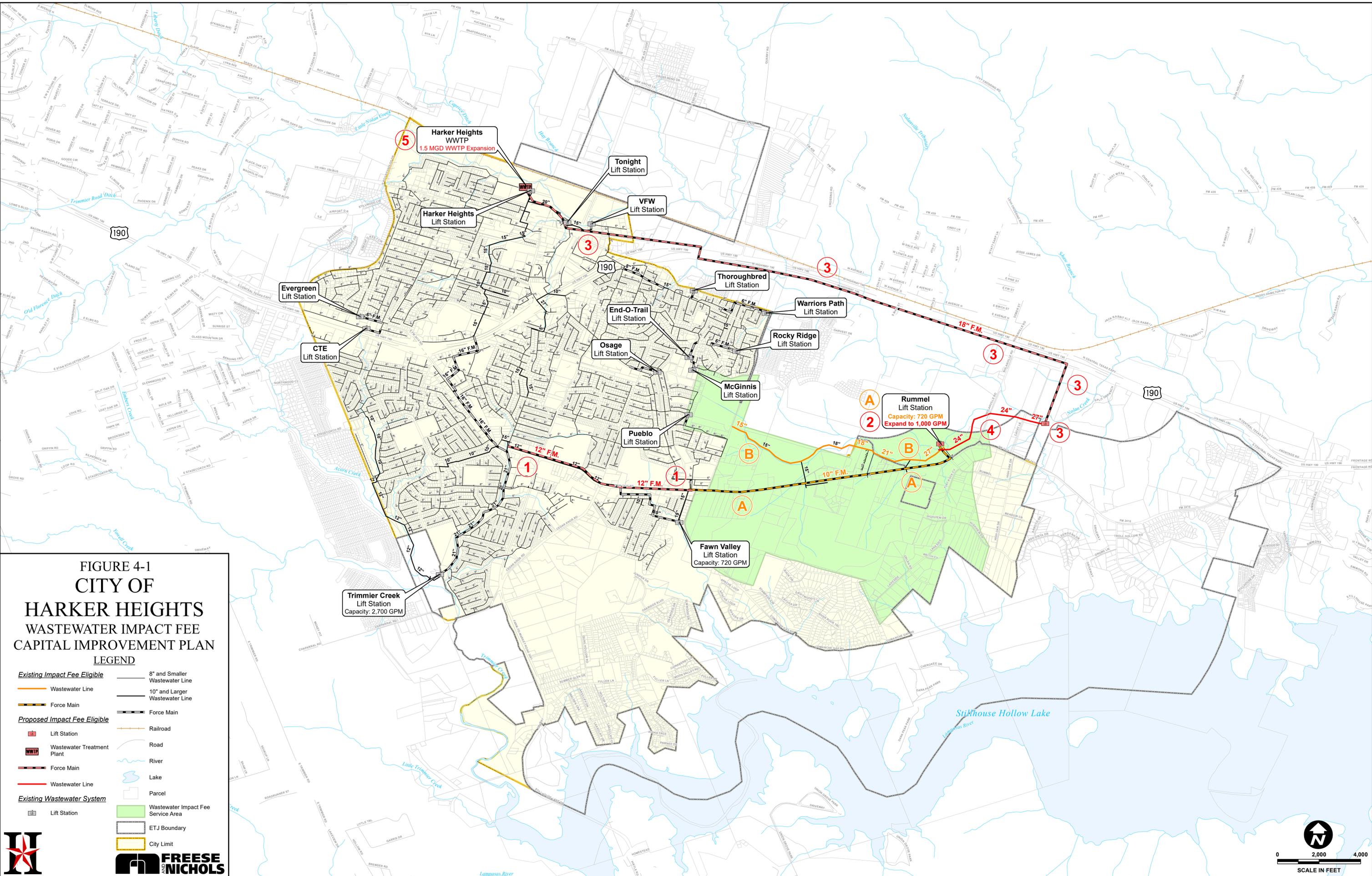
The TCE 2021 *Wastewater Flow Capacity Analysis Report* included proposed wastewater system improvements. A summary of the costs for each of the projects required for the 10-year growth period used in the wastewater system impact fee analysis is shown in **Table 4-2**. Costs listed for the existing projects are based on actual design and construction cost data provided by the City. Detailed cost estimates for the proposed wastewater system projects were provided by TCE and are provided in **Appendix A**. **Table 4-2** shows a 2022 percent utilization, which is the portion of a project's capacity that is required to serve existing development. This portion of the project cost is not impact-fee-eligible. The 2032 percent utilization is the portion of the project's capacity that will be required to serve projected growth in the city in 2032. The 2022-2032 percent utilization is the portion of the project's capacity required to serve development from 2022 to 2032. The impact fee eligible cost for each project is calculated as the total capital cost multiplied by the 2022-2032 percent utilization. Only this portion of

the cost can be used to calculate maximum allowable impact fees. Proposed wastewater projects are shown on **Figure 4-1**.

Table 4-2: Wastewater Impact Fee Eligible Projects

No.	Description of Project	Percent Utilization			Costs Based on 2022 Dollars		
		2022 ⁽¹⁾	2032	2022 - 2032	Capital Cost	Impact Fee Eligible Cost	
Existing	A	Rummel Lift Station and Force Main	10%	100%	90%	\$1,116,502	\$1,004,851
	B	15/18/21/27" Gravity Line	10%	75%	65%	\$1,674,752	\$1,088,589
	C	Impact Fee Study	0%	100%	100%	\$64,000	\$64,000
	Existing Project Sub-total					\$2,855,254	\$2,157,440
Proposed	1	12" Force Main	0%	100%	100%	\$1,975,412	\$1,975,412
	2	Rummel Lift Station Expansion	0%	100%	100%	\$493,853	\$493,853
	3	Proposed Lift Station and 18" Force Main	0%	23%	23%	\$6,330,252	\$1,455,958
	4	24/27" Gravity Line	0%	23%	23%	\$10,569,748	\$2,431,042
	5	1.5 MGD Wastewater Treatment Plant Expansion	0%	23%	23%	\$31,500,000	\$7,245,000
	Proposed Project Sub-total					\$50,869,265	\$13,601,265
Total Capital Improvements Cost					\$53,724,519	\$15,758,705	

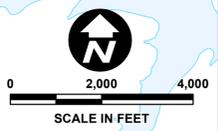
(1) Utilization in 2022 on proposed projects indicates a portion of the project that will be used to address deficiencies within the existing system, and therefore are not eligible for impact fee cost recovery for future growth.



**FIGURE 4-1
CITY OF
HARKER HEIGHTS
WASTEWATER IMPACT FEE
CAPITAL IMPROVEMENT PLAN**

LEGEND

Existing Impact Fee Eligible	8" and Smaller Wastewater Line
Wastewater Line	10" and Larger Wastewater Line
Force Main	Force Main
Proposed Impact Fee Eligible	Railroad
Lift Station	Road
Wastewater Treatment Plant	River
Force Main	Lake
Wastewater Line	Parcel
Existing Wastewater System	Wastewater Impact Fee Service Area
Lift Station	ETJ Boundary
	City Limit



4.3 WASTEWATER IMPACT FEE ANALYSIS

The impact fee analysis involves determining the utilization of existing and proposed projects required as defined by the capital improvement plan to serve new development over the next 10-year period. For existing or proposed projects, the impact fee eligible cost is calculated as a percentage of the total project cost, based upon the percentage of the project’s capacity required to serve development projected to occur between 2022 and 2032. Capacity serving existing development and development projected to occur more than 10 years in the future cannot be included in the maximum allowable impact fee calculations.

4.3.1 Service Units

According to Chapter 395 of the TLGC, the maximum allowable impact fee may not exceed the amount determined by dividing the cost of required capital improvements by the total number of service units attributed to new development during the impact fee eligibility period. A service unit for wastewater is defined as the service equivalent to a water connection for a single-family residence.

Public, commercial, and industrial connections are converted into service units based upon the capacity of each meter used to provide service. The number of service units required to represent each meter size is based on the safe maximum operating capacity of the appropriate meter type. American Water Works Association (AWWA) standards C700 and C710 (Displacement Meters), C715 (Ultrasonic Meters), and C702 (Compound Meters) were used to determine the safe maximum operating capacity, as these meter types represent those in place and stocked by the City. The service unit equivalent for each meter size used by the City is listed in **Table 4-3**.

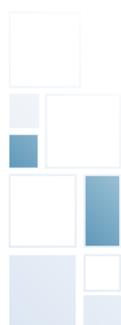




Table 4-3: Service Unit Equivalents

Meter Size	Type	Maximum Flow (gpm)	Service Unit Equivalents
3/4"	Displacement	25	1.0
1"	Displacement	40	1.6
1 1/2"	Displacement	50	2.0
2"	Ultrasonic	100	4.0
3"	Compound	320	12.8
4"	Compound	500	20.0
6"	Compound	1,000	40.0
8"	Compound	1,600	64.0

Typically, in Harker Heights, single-family residences are served with 3/4-inch water meters. Larger meters represent multi-family, public, commercial, and industrial water use. **Table 4-4** shows the service units by meter size for 2022 and the projected service units for 2032.

Table 4-4: Service Units

Meter Size	2022		2032		Growth in Service Units
	Number of Meters	Service Units	Number of Meters	Service Units	
3/4"	120	120	1,489	1,489	1,369
1"	5	8	10	16	8
1 1/2"	0	0	1	2	2
2"	0	0	0	0	0
3"	0	0	0	0	0
4"	0	0	0	0	0
6"	0	0	0	0	0
8"	0	0	0	0	0
Total	125	128	1,500	1,507	1,379

4.3.2 Maximum Impact Fee Calculations

TLGC Chapter 395 outlines the procedures and requirements for calculating maximum allowable impact fees to recover costs associated with capital improvement projects needed due to growth over a 10-year period. Chapter 395 also requires a plan that addresses possible duplication of payments for capital improvements. This plan can either provide a credit for the portion of revenues generated by new

development that is used for the payment of eligible improvements, including payment of debt, or reduce the total eligible project costs by 50 percent. The City of Harker Heights has selected to utilize the reduction of the total eligible project costs by 50 percent to determine the maximum allowable impact fees.

Chapter 395 of the TLGC states that the maximum impact fee may not exceed the amount determined by dividing the cost of capital improvements required by the total number of service units attributed to new development during the impact fee eligibility period less the credit to account for water and wastewater revenues used to finance these capital improvements.

The total projected costs include the projected capital improvement costs to serve 10-year development, the projected finance cost for the capital improvements, and the consultant cost for preparing and updating the CIP. A 2.0% interest rate was used to calculate financing costs. **Table 4-5** displays a summary of the maximum allowable wastewater impact fee calculation.

Table 4-5: Maximum Wastewater Impact Fee Calculation

Total Eligible Capital Improvement Costs	\$15,758,705
Total Eligible Financing Costs	\$1,156,784
Total Eligible Impact Fee Costs	\$16,915,489
Growth in Service Units	1,379
Maximum Wastewater Impact Fee per Service Unit ⁽¹⁾	\$12,266
Impact Fee Credit per Service Unit ⁽²⁾	\$6,133
Maximum Allowable Wastewater Impact Fee per Service Unit ⁽³⁾	\$6,133

(1) Total Eligible Costs divided by the Growth in Service Units.

(2) Credit is 50% of Maximum Wastewater Impact Fee per Service Unit.

(3) Maximum Allowable Wastewater Impact Fee is Maximum Wastewater Impact Fee per Service Unit minus the Impact Fee Credit per Service Unit.

Appendix A
Cost Estimates

CITY OF HARKER HEIGHTS
Rummel Road Lift Station Upgrade
and 12-Inch Force Main Extension

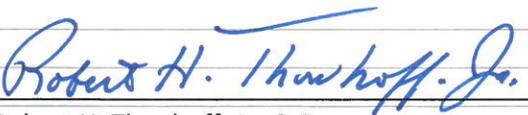
Bid Opening: January 5, 2022
2:00 PM

TCE Job # 21006.1.300

BIDDER	BASE BID AMOUNT	COMMENT
Blackrock Construction Mansfield TX	2,469,265.00	
Bell Contractors Belton, TX	2,530,098.11	

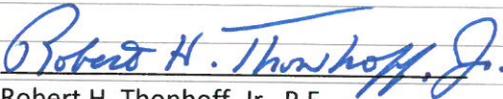
**City of Harker Heights
Phase 5 of FM 2410 Service Area Wastewater Trunk Line
and 4167 GPM Lift Station and 18-inch Force Main
Pumping Back to Existing WWTP Site**

**Update of Initial Engineering Estimate of Total Project Cost
December 6, 2021**

Construction Costs	
Original (11/03/2009) Phase 5 Wastewater Trunk Line Construction Cost Estimate: \$4,890,000	
Updated Construction Cost using ENR Index Est. 7767 (12/2021) ÷ Est. 5390 (11/2009) ≈ 1.44 x	\$7,046,499
Original (5/24/2011) 4167 GPM Lift Station Construction Cost Estimate: \$1,000,000	
Updated Construction Cost using ENR Index Est. 7767 (12/2021) ÷ Est. 5390 (11/2011) ≈ 1.44 x	\$1,441,002
Original (5/24/2011) 18-inch F.M. Construction Cost Estimate: \$1,939,800	
Updated Construction Cost using ENR Index Est. 7767 (12/2021) ÷ Est. 5390 (11/2011) ≈ 1.44 x	<u>\$2,795,255</u>
Construction Subtotal	\$11,282,756
Engineering Costs	
Turnkey Engineering Services at +/- 25%	<u>\$2,820,689</u>
Engineering Subtotal	\$2,820,689
TOTAL COST	\$14,103,445
Contingency at +/- 20%	<u>\$2,796,555</u>
UPDATE OF INITIAL ENGINEERING ESTIMATE OF TOTAL PROJECT COST	\$16,900,000
Prepared by: THONHOFF CONSULTING ENGINEERS, INC.	
 Robert H. Thonhoff, Jr., P.E.	

**City of Harker Heights
Wastewater Treatment Plant Expansion
From 3.0 MGD to 4.5 MGD**

**Initial Engineering Estimate of Total Project Cost
December 3, 2021**

Construction Costs	
Renovation of Existing 3.0 MGD Facility	
3,000,000 GPD x \$1/GPD	\$3,000,000
Expansion of 1.5 MGD Capacity	
1,500,000 GPD x \$14/GPD	<u>\$21,000,000</u>
Construction Subtotal	\$24,000,000
Engineering Costs	
Turnkey Engineering Services at +/- 25%	<u>\$6,000,000</u>
Engineering Subtotal	\$6,000,000
Total	\$30,000,000
Contingency at +/- 20%	<u>\$6,000,000</u>
INITIAL ENGINEERING ESTIMATE OF TOTAL PROJECT COST	\$36,000,000
Prepared by:	
THONHOFF CONSULTING ENGINEERS, INC.	
	
Robert H. Thonhoff, Jr., P.E.	



CITY COUNCIL MEMORANDUM

Z22-01

AGENDA ITEM# VI-2

FROM: THE OFFICE OF THE CITY MANAGER

DATE: MARCH 8, 2022

CONDUCT 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 MODIFICATIONS TO ADJUST DESIGN REQUIREMENTS FOR AN EXISTING STORAGE BUSINESS ON PROPERTY DESIGNATED AS B-5 (GENERAL BUSINESS DISTRICT), ON PROPERTY DESCRIBED AS J P T C ADDITION, BLOCK 001, LOT 4, PT 3, 5.394AC, GENERALLY LOCATED AT 1174 S. AMY LN., HARKER HEIGHTS, BELL COUNTY, TEXAS; AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The applicant was approved for a Conditional Use Permit (CUP) in 2018, to allow for an additional storage building with modified façade requirements. Because no construction occurred within one (1) year of the CUP being approved by City Council, the CUP expired in 2019. The applicant has since contacted staff to re-apply for a CUP. The applicant is requesting additional changes from the 2019 CUP to include an increase in fence height from 8’ to 9’-6”, and to limit the material to metal panels with a stucco finish.

There is currently a screening wall encompassing the site and will need to be removed to allow for the proposed new structure. There will not be sufficient room to extend the screening wall behind the proposed structure because of the proximity of the proposed structure to the property line. As an alternative, the applicant has requested the façade of the proposed structure on the West and North side of the property be allowed to have stucco finish, to match the esthetic of the screening wall existing. However, HB 2439 (Texas Government Code, Title 10, Subtitle Z, Chapter 3000), effective September 1, 2019, restricted a municipality’s ability to enforce façade requirements via ordinance on new construction.

Surrounding Land Uses

Adjacent land uses include:

	Existing Land Use	Land Use Plan	Zoning
North	Regional Center Parks & Open Space	Community Center Parks & Open Space	B-3 (Local Business District) B-4 (Secondary and Highway Business District)
South	Low Density Residential	Low Density Residential	R-1 (One-Family Dwelling District)
East	Medium Density Residential High Density Residential Community Centers Regional Centers	Medium Density Residential	B-4 (Secondary and Highway Business District) R-2 (Two-Family Dwelling District) R-3 (Multi-Family Dwelling District)
West	Parks & Open Space	Parks & Open Space	B-3 (Local Business District)

The 2021 Land Use Plan identifies this area as designated for Community Center use. Therefore, the proposed rezoning with its intended use will not likely have any adverse impact on the neighborhood and would be consistent with the 2021 updates to the City of Harker Heights Comprehensive Plan & Land Use Plan.

Flood Damage Prevention:

A portion of this property lies within the 100 year or 500-year flood hazard areas, see enclosed FEMA Flood Map.

Notices:

Staff sent out seventy-six (76) notices to property owners within the 400-foot notification area. As of March 1, 2022, three (3) responses were received in favor of the request, and zero (0) responses were received in opposition of the request. Any additional responses received after the above date will be provided during the meeting.

RECOMMENDATION:

Staff recommended approval to the Planning and Zoning Commission of an ordinance to change zoning designation from B-5 (General Business District) to B-5 (General Business District) with a Conditional Use Permit (CUP) to allow for modifications to adjust design requirements for an existing storage business on property designated as B-5 (General Business District), on property described as J P T C Addition, Block 001, Lot 4, PT 3, 5.394AC, generally located at 1174 S. Amy Ln., Harker Heights, Bell County, Texas, subject to the following conditions:

1. One Additional Structure shall be allowed to be constructed and shall be consistent with the existing storage facility structures.
2. With the exception of the screening materials and architectural feature requirements, the new structure built on site must meet all other requirements within the Harker Heights Code of Ordinances at the time the Conditional Use Permit is approved.
3. Screening wall shall be allowed at a maximum height of 9ft., 6 in. (9' 6"), and be constructed of metal wall panels with stucco finish.

On February 23, 2022 the applicant submitted an executed voluntary agreement for this case. Staff has consulted with the City Attorney and offers a fourth condition to this item.

4. The applicant agrees that, upon approval of the conditional use permit with the submitted voluntary agreement, the City is authorized to enforce the February 23, 2022 voluntary agreement.

The above recommendations are based on the following:

1. The proposed use and rezoning would likely not have an adverse impact on adjoining uses and zoning districts.
2. The proposed use and rezoning is compatible with existing uses and zoning in the neighborhood.
3. The proposed use and rezoning does not pose an adverse impact to the public health, safety, or general welfare.

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

During the Planning & Zoning Commission meeting held on February 23, 2021, the Planning and Zoning Commission voted (9-0) to recommend approval of an ordinance to change the zoning designation from B-5 (General Business District) to B-5 (General Business District) with a Conditional Use Permit (CUP) to allow for modifications to adjust design requirements for an existing storage business on property designated as B-5 (General Business District), on property described as J P T C Addition, Block 001, Lot 4, PT 3, 5.394AC, generally located at 1174 S. Amy Ln., Harker Heights, Bell County, Texas with the three conditions presented by staff, based on staff's recommendation and findings.

ACTION BY CITY COUNCIL:

1. Motion to **approve / disapprove** an ordinance to change zoning designation from B-5 (General Business District) to B-5 (General Business District) with a Conditional Use Permit (CUP) to allow for modifications to adjust design requirements for an existing storage business on property designated as B-5 (General Business District), on property described as J P T C Addition, Block 001, Lot 4, PT 3, 5.394AC, generally located at 1174 S. Amy Ln., Harker Heights, Bell County, Texas, based on staff's recommendation and findings.

2. Motion to **approve with conditions** an ordinance to change zoning designation from B-5 (General Business District) to B-5 (General Business District) with a Conditional Use Permit (CUP) to allow for modifications to adjust design requirements for an existing storage business on property designated as B-5 (General Business District), on property described as J P T C Addition, Block 001, Lot 4, PT 3, 5.394AC, generally located at 1174 S. Amy Ln., Harker Heights, Bell County, Texas, **with the four conditions presented by staff**, based on staff's recommendation and findings.

3. Any other action deemed necessary.

ATTACHMENTS:

1. Application
2. Voluntary Agreement
3. Original Ordinance #2018-27
4. Conditional Use Permit Requirements
5. Screening Requirements
6. Proposed Elevations
7. Location Map
8. Zoning Map
9. Existing Land Use Map
10. Land Use Plan Map
11. FEMA Map
12. Notification Map
13. Public Responses
14. Proposed Ordinance



Conditional Use Permit Application

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

Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED
This application must be completed and returned to the Planning and Development Department of the City of Harker Heights, Texas along with the following:
1. Pre-Application Meeting Scheduled ✓
2. Payment of \$200.00 to the City of Harker Heights
3. Site Plan please pull from permit TT
4. Letter of Intent
5. Please thoroughly read Section 155.201 - Conditional Use Permits (see attached)

Owner Information:

Property Owner(s) Name: Steven Weinstock **Date:** 1/26/2022

Address: 695 Cross St. **City/State/Zip:** Lakewood, NJ 08701

Phone: 732-374-9051 **E-mail:** _____

Property Information:

Site Address or General Location: 1174 S Amy Ln. Harker Heights, TX 76548

Lot: Part of lot 3, all of lot 4 **Block:** 1 **Subdivision:** JPTC Addition

Acres: 5.394 **Property ID:** 234363 **Survey:** _____

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

Current Zoning Classification: B-5 General Business District **Future Land Use Designation:** Same

Applicant's Representative (if applicable):

Applicant's Representative: Tiffany Townsend

Phone: 254-813-5449 **E-Mail:** attic.storage254@gmail.com

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

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

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

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

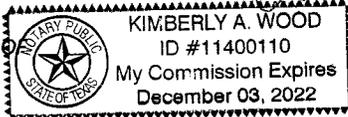
See attached document
Printed Name of Property Owner

Tiffany Townsend
Printed Name of Representative

Signature of Property Owner

[Signature]
Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 26th DAY OF Jan, 2022.
[Signature]
Signature of Notary Public



STAFF ONLY - DO NOT FILL OUT
Date Submitted: _____ Received: _____
Received by: _____ Pre-Application Meeting Case # _____

February 23, 2022

To Whom it May Concern,

The owner of Gefen Self Storage TX2, dba Top Value Storage Harker Heights is requesting to enter into an agreement with the City of Harker Heights, to allow for the following conditions as part of the Conditional Use Permit for property at 1174 S. Amy Lane:

1. One Additional Structure shall be allowed to be constructed and shall be consistent with the existing storage facility structures.
2. With the exception of the screening materials and architectural feature requirements, the new structure built on site must meet all other requirements within the Harker Heights Code of Ordinances at the time the Conditional Use Permit is approved.
3. Screening wall shall be allowed at a maximum height of 9ft., 6 in. (9' 6"), and be constructed of metal wall panels with stucco finish.

Tiffany Townsend, Representative

Gefen Self Storage TX2, LLC dba Top Value Storage Harker Heights



Signature

2/23/2022

Date

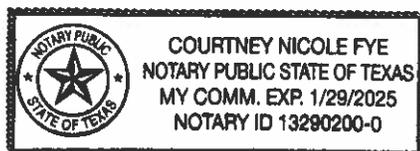
Sworn and subscribed before me on this 23rd day of February, 2022.



Signature of Notary Public

2/23/2022

Date



ORDINANCE NO. 2018-27

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT (CUP) TO ADJUST DESIGN REQUIREMENTS FOR AN EXISTING STORAGE BUSINESS ON PROPERTY DESIGNATED AS B-5 (GENERAL BUSINESS DISTRICT), ON 5.394 ACRES DESCRIBED AS PART OF LOT 3, BLOCK 1, AND ALL OF LOT 4, BLOCK 1, J.P.T.C. ADDITION, GENERALLY LOCATED AT 1174 S. AMY LANE, 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 zoned B-5 (General Business District) is granted a Conditional Use Permit (CUP), to adjust design requirements on property described as:

5.394 acres, being part of Lot 3, Block 1, and all of Lot 4, Block 1, J.P.T.C. Addition to the City of Harker Heights, as shown by the amending plat recorded in Cabinet C, Slide 226-B, Plat Records of Bell County, Texas, and being more particularly described in field notes attached hereto as Exhibit A and incorporated by reference for all relevant purposes as if set forth at length herein, generally located at 1174 South Amy Lane, Harker Heights, Bell County, Texas.

This permit is subject to the following conditions:

1. One Additional Structure Shall be allowed to be constructed with a metal exterior which is consistent with the existing storage facility structures.
2. With the exception of the façade materials and architectural feature requirements, the new structure built on site must meet all other requirements within the Harker Heights Code of Ordinances at the time the Conditional Use Permit is approved.
3. Additionally, an 8-foot screening fence wall shall be required to secure the facility and screen the building, storage of vehicles, and equipment on the site. Acceptable materials shall be wood, metal, masonry, or a combination of these materials, not including chain-link fencing with screening slats.

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

<u>Ord. No.</u>	<u>Date Passed</u>	<u>Description</u>
2018-27	12/11/18	Granting a CUP (Conditional Use Permit), to adjust design requirements for an existing storage business on property designated as B-5 (General Business District), on 5.394 acres described as part of Lot 3, Block 1, and all of Lot 4, Block 1, J.P.T.C. Addition, generally located at 1174 S. Amy Lane, 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 11, 2018



 Spencer H. Smith, Mayor

ATTEST:



 Patricia Brunson, City Secretary

§ 155.201 CONDITIONAL USE PERMITS.

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

(B) *Planning and Zoning Commission consideration.*

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

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

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

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

- (a) The proposed use does not conform with applicable regulations and standards established by this chapter;
- (b) The proposed use will be inconsistent with the objectives and purposes of the zoning district in which the development is located, or the goals, objectives and policies set forth in the city's current Comprehensive Zoning Plan;
- (c) The proposed use will be incompatible with existing or permitted uses on abutting sites because of use, building height, bulk and scale, setbacks and open spaces, coverage, landscaping and screening, drainage, or access and circulation features;
- (d) The proposed use is not suitable to the premises or structure(s) in which it will be conducted;
- (e) The proposed use potentially creates greater unfavorable effects or impacts on existing or permitted uses on abutting sites than those which might reasonably result from the use of the site for a use permitted by right;
- (f) The proposed use will be detrimental to the public health, safety or welfare, or will materially injure property or improvements in the vicinity in a manner specified by the Commission;
- (g) The proposed use fails to reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, odors, or similar hazards or impacts;
- (h) The proposed use will materially and adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be

generated by the proposed use and other uses reasonably anticipated in the area under existing zoning regulations;

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

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

(C) *City Council consideration.*

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

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

(3) *Conditions of approval.* Regardless of whether such conditions have been recommended by the Planning and Zoning Commission, the City Council may establish such conditions of approval as are reasonably necessary to insure compatibility with surrounding uses and to preserve the public health, safety and welfare. Such conditions may include, without limitation, a limited term or duration of the permit; requirements for special yards, lot sizes, open spaces, buffers, fences, walls or screening; requirements for the installation and maintenance of landscaping or erosion control measures; requirements for street improvements, regulation of vehicular ingress or egress and traffic circulation regulation of signs; regulation of hours or other characteristics of operation; establishment of development schedules for performance or completion; and such other reasonable conditions as the City Council may deem necessary to preserve the health, safety, and welfare of the applicant and the public. In any event, no conditional use permit shall be granted unless and until the recipient thereof shall agree in writing to comply with such conditions of approval as may be imposed by the City Council.

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

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

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

(E) *Term.*

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

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

(b) The permit expires by its own terms;

(c) The property is rezoned;

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

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

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

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

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

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

§ 150.35 SCREENING.

(A) Where the side, rear, or service side of property zoned R-3, RM-H, B, or M is adjacent to property zoned R-1, R-2, or R-3, or RT-1, screening of not less than six feet in height shall be erected separating the use from R-1, R-2, R-3, or RT-1 property. Screening shall be erected as the property is developed for use. Screening shall meet the requirements of one of the listed alternates, A, B, or C, as set forth in § 150.36. No screening shall be required adjacent to a street.

(B) For all uses other than R-1, R-2, or RT-1, refuse storage areas shall be visually screened per the regulations found in Chapter 51.

(Ord. 87-20, passed 5-26-87; Am. Ord. 2009-17, passed 6-9-09) Penalty, see § 150.99

§ 150.36 STANDARDS FOR SCREENING.

Where screening is required, the following are the approved types of screening:

(A) *Screening alternate A.* Consists of a solid masonry or concrete wall, eight feet in height measured from the average grade of the nearest property line of the property adjacent to that on which the screening is required.

(B) *Screening alternate B.* Consists of a chain link fence with redwood slats, eight feet in height measured from the average grade of the nearest property line of the property adjacent to that on which the screening is required.

(C) *Screening alternate C.* Consists of a solid wood fence, eight feet in height measured from the average grade of the nearest property line of the property adjacent to that on which screening is required.

(Ord. 87-20, passed 5-26-87; Am. Ord. 2020-08, passed 4-14-20) Penalty, see § 150.99

§ 155.050 SCREENING REQUIREMENTS.

(A) Screening shall be installed and maintained as provided in §§ 150.30 through 150.38, with the exception that perimeter fencing around subdivisions, or between zoning districts, may be increased to seven feet in height

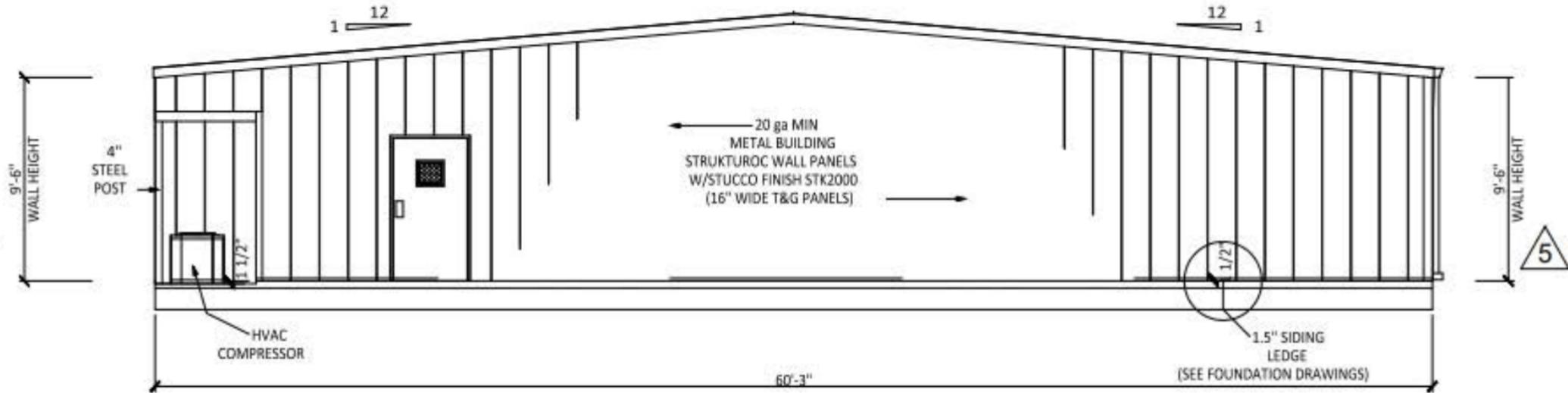
(B) Landscaping, fencing or other material shall be erected to a height not less than six feet, to provide a visual barrier from adjacent properties and streets. Such screening shall be permanently and adequately maintained by the owner of the property on which the screening is required. Except for the landscape buffer, no screening fence or wall shall have more than 40 square inches of openings over any one square foot of fence or wall surface.

(C) Fencing may consist of solid wood panel or a galvanized metal chain link fence with all-weather slats interwoven into the metal fabric. Such fencing shall be constructed on metal posts and placed in concrete footings with bracing.

(D) Fencing may be constructed of native stone, brick, precast concrete panels with decorative finish, or decorative masonry units; constructed with the finish side out. In no case shall more than 25% of the area of the wall be erected with common smooth-faced masonry units.

(Ord. 2001-36, passed 11-13-01; Am. Ord. 2006-40, passed 10-24-06)

5



**RIGHT
ELEVATION**

39'-3 3/4"

39'-4"

5"

5"

26 ga MIN
METAL BUILDING
ROOF PANELS

5"

5" GUTTERS
WITH (5)
5" DOWNSPOUTS

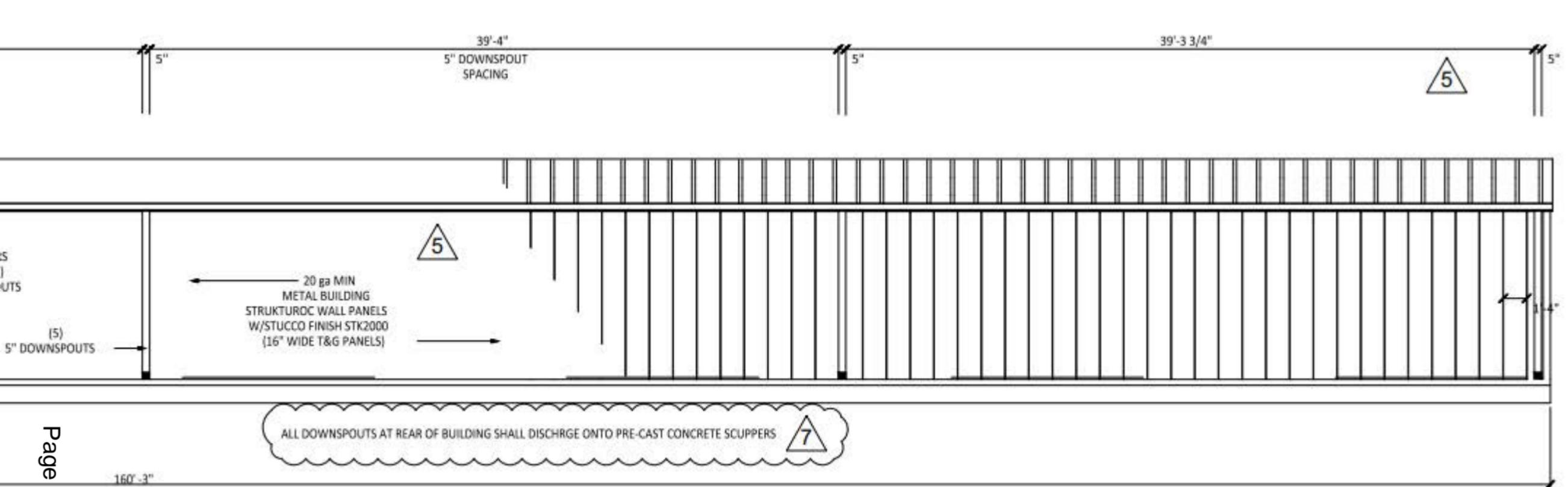
(5)
5" DOWNSPOUTS



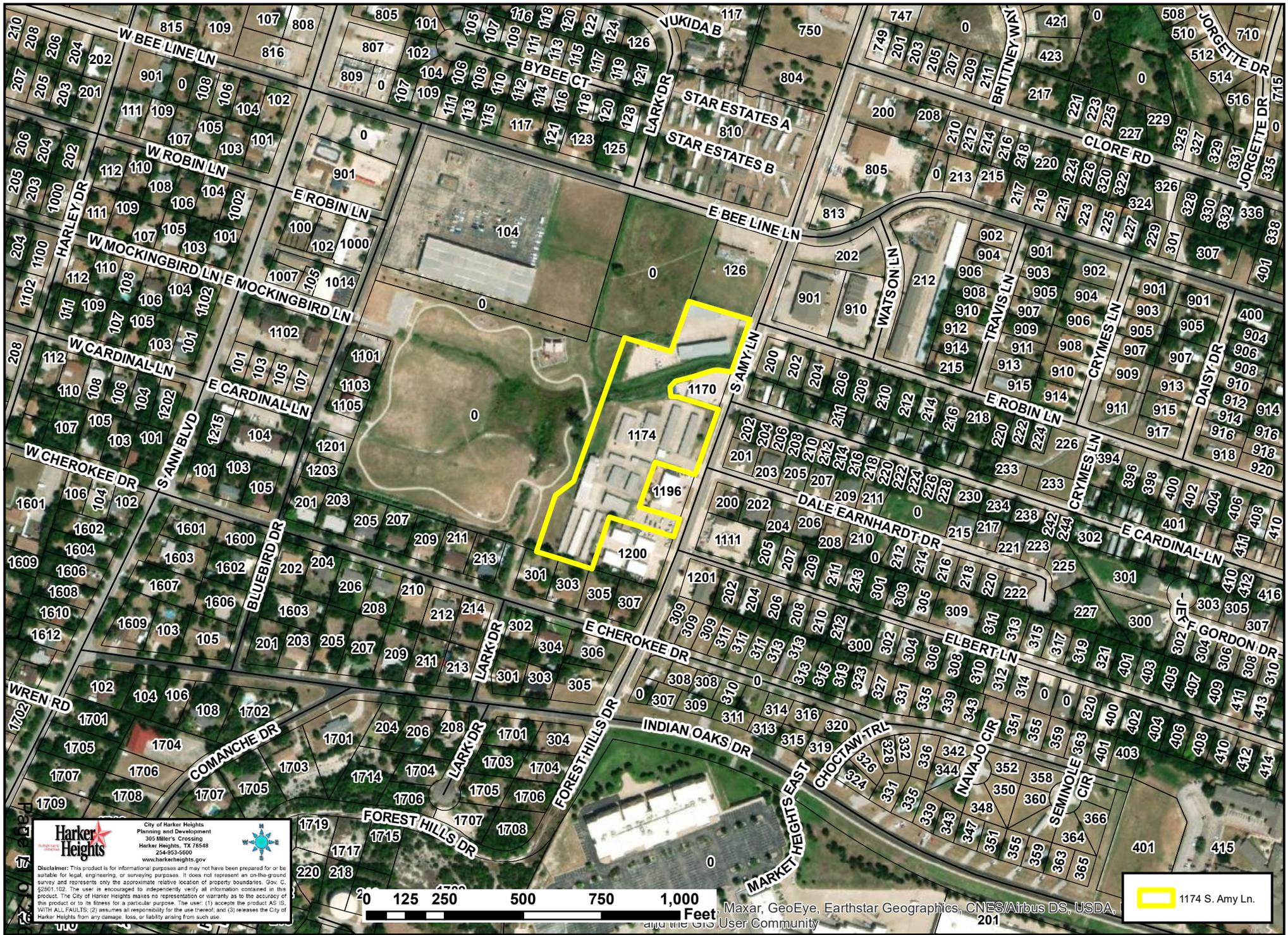
1.5" SIDING
LEDGE
(SEE FOUNDATION DRAWINGS)

160'-3"

**REAR
ELEVATION**



**REAR
ELEVATION**



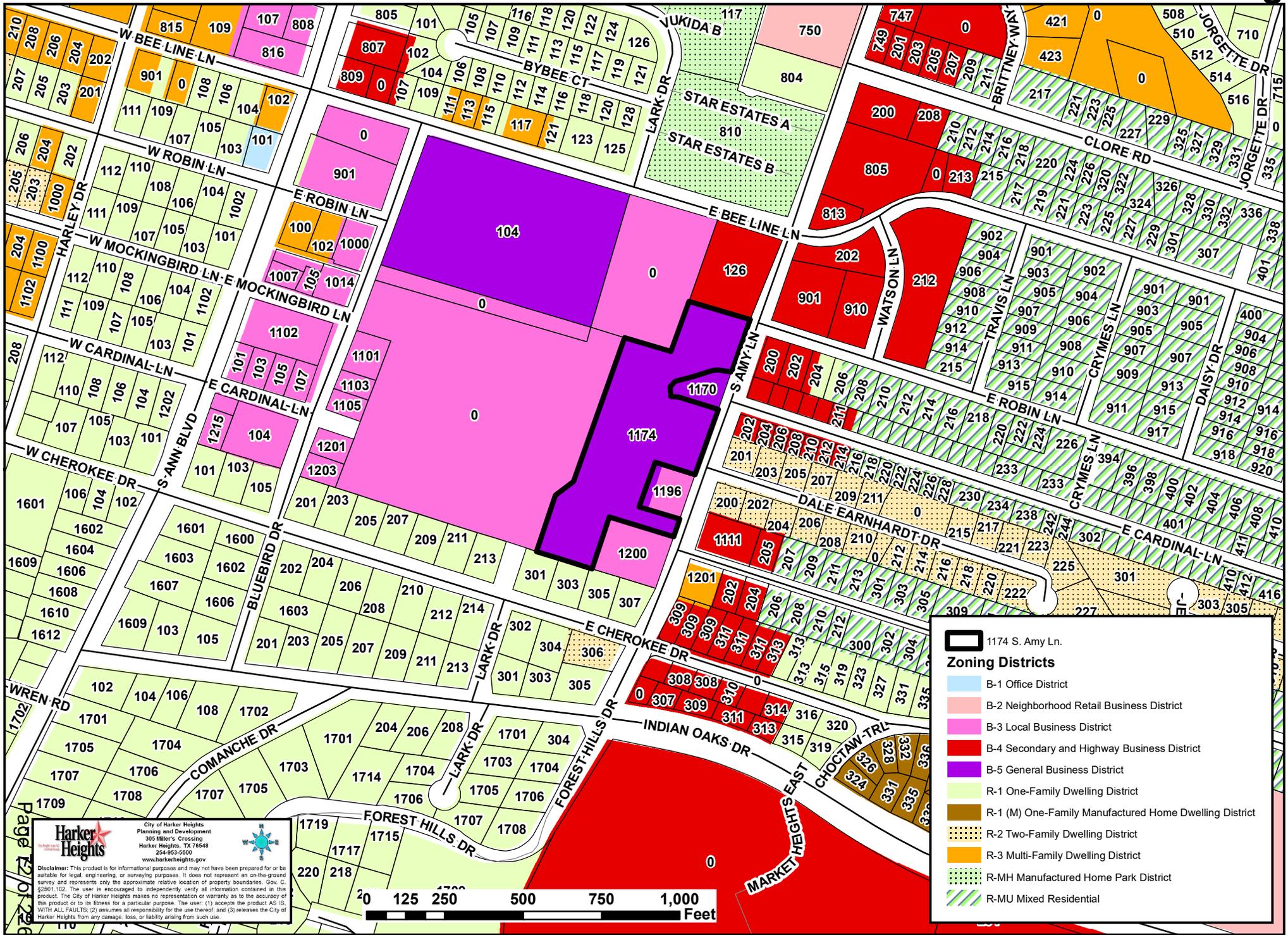
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 City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 78548
 254-953-5600
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Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, and the GIS User Community

1174 S. Amy Ln.



1174 S. Amy Ln.

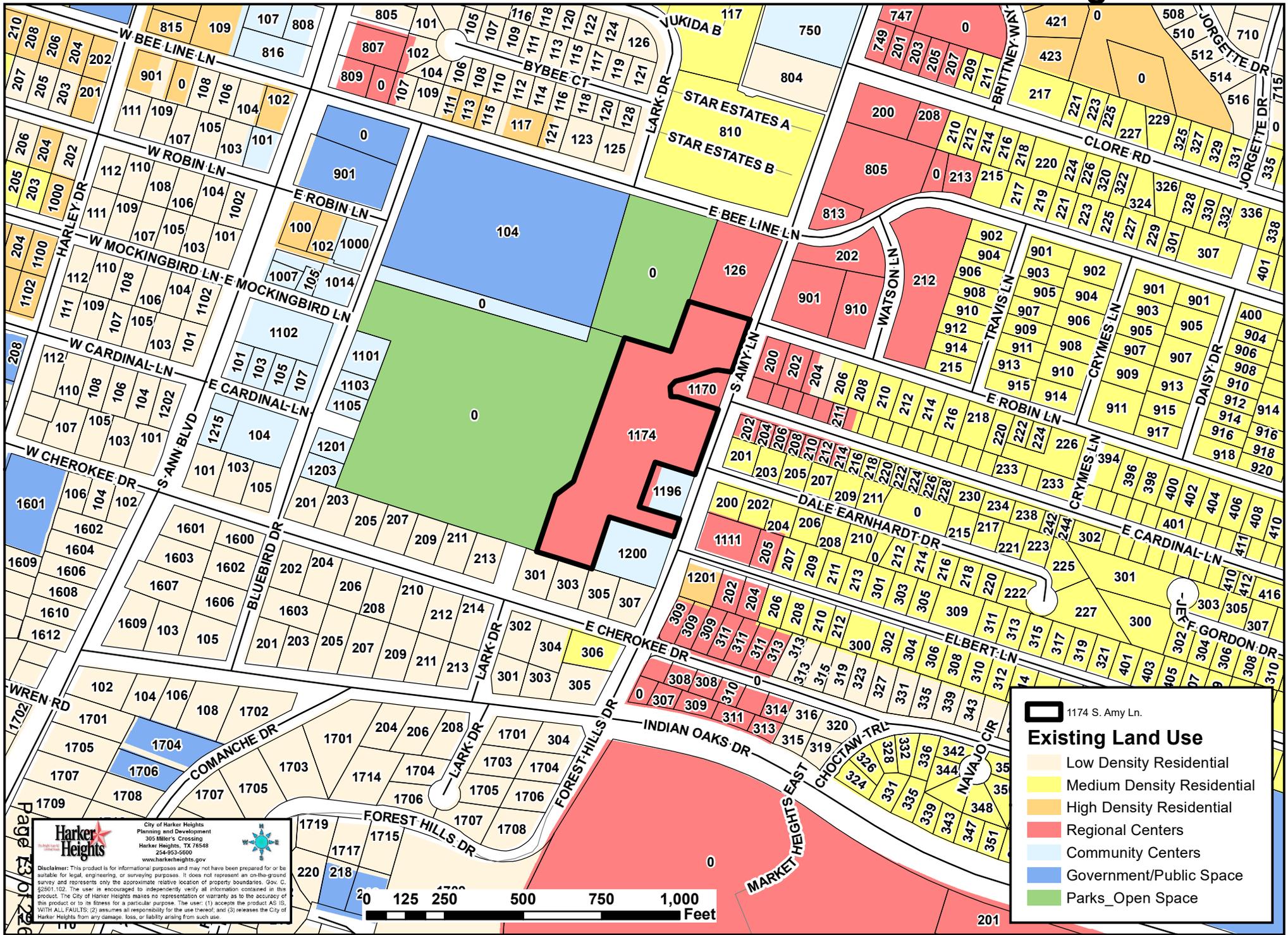
Zoning Districts

- B-1 Office District
- B-2 Neighborhood Retail Business District
- B-3 Local Business District
- B-4 Secondary and Highway Business District
- B-5 General Business District
- R-1 One-Family Dwelling District
- R-1 (M) One-Family Manufactured Home Dwelling District
- R-2 Two-Family Dwelling District
- R-3 Multi-Family Dwelling District
- R-MH Manufactured Home Park District
- R-MU Mixed Residential

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 1174 S. Amy Ln.

Existing Land Use

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

Page 13 of 26

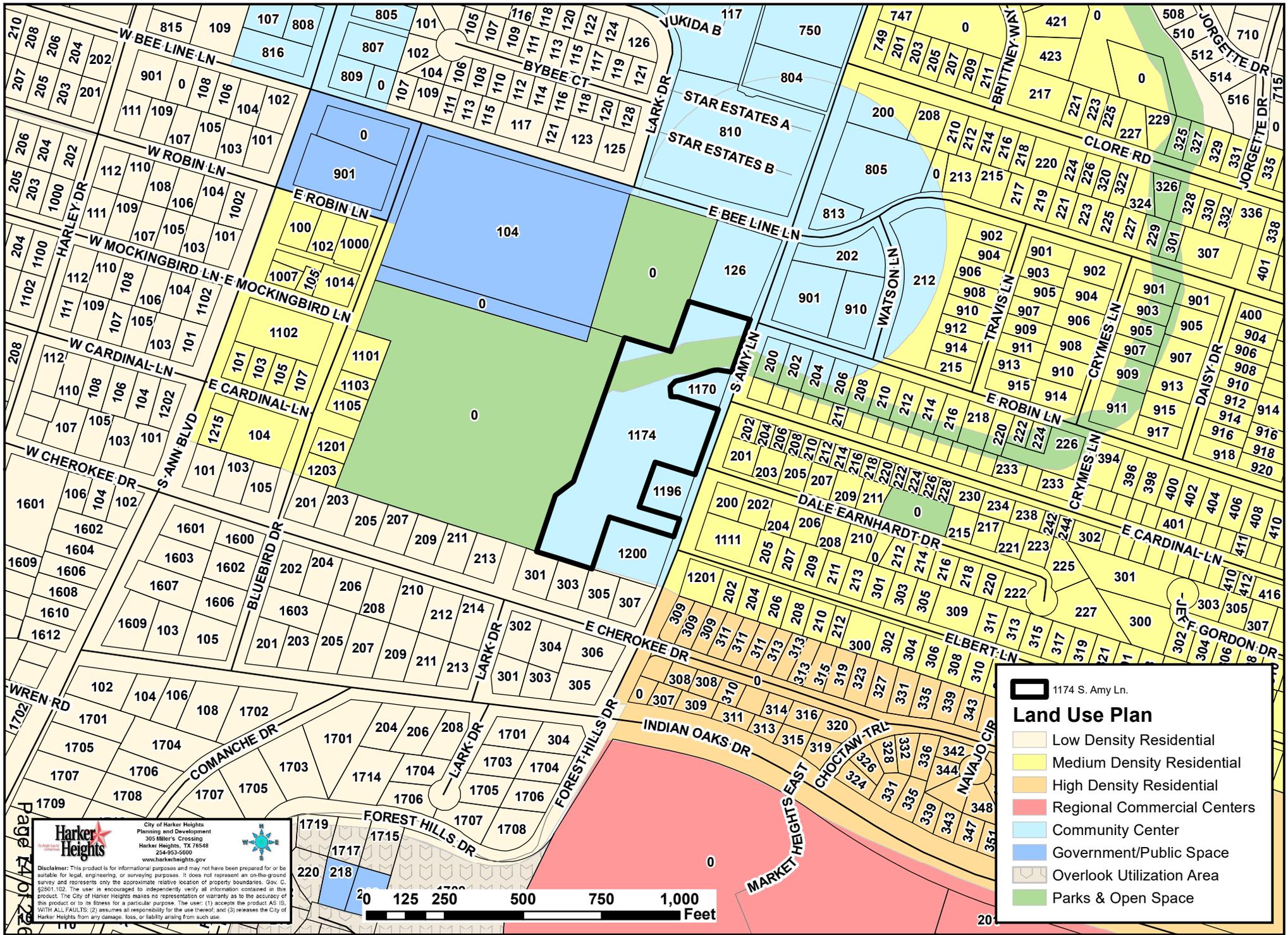
Harker Heights

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0 250 500 750 1,000 Feet



 1174 S. Amy Ln.

Land Use Plan

-  Low Density Residential
-  Medium Density Residential
-  High Density Residential
-  Regional Commercial Centers
-  Community Center
-  Government/Public Space
-  Overlook Utilization Area
-  Parks & Open Space

Page 14 of 26

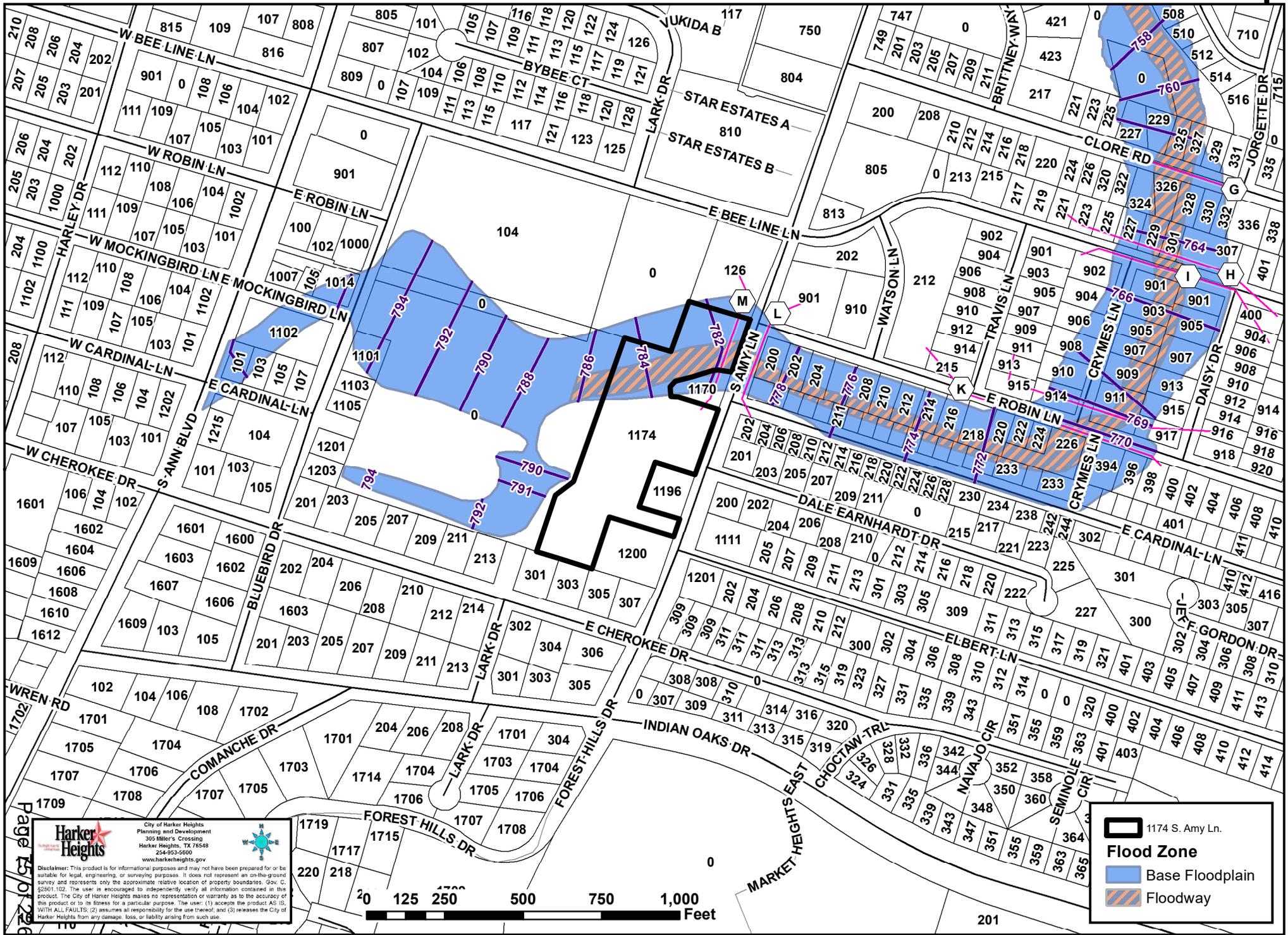


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0 250 500 750 1,000 Feet



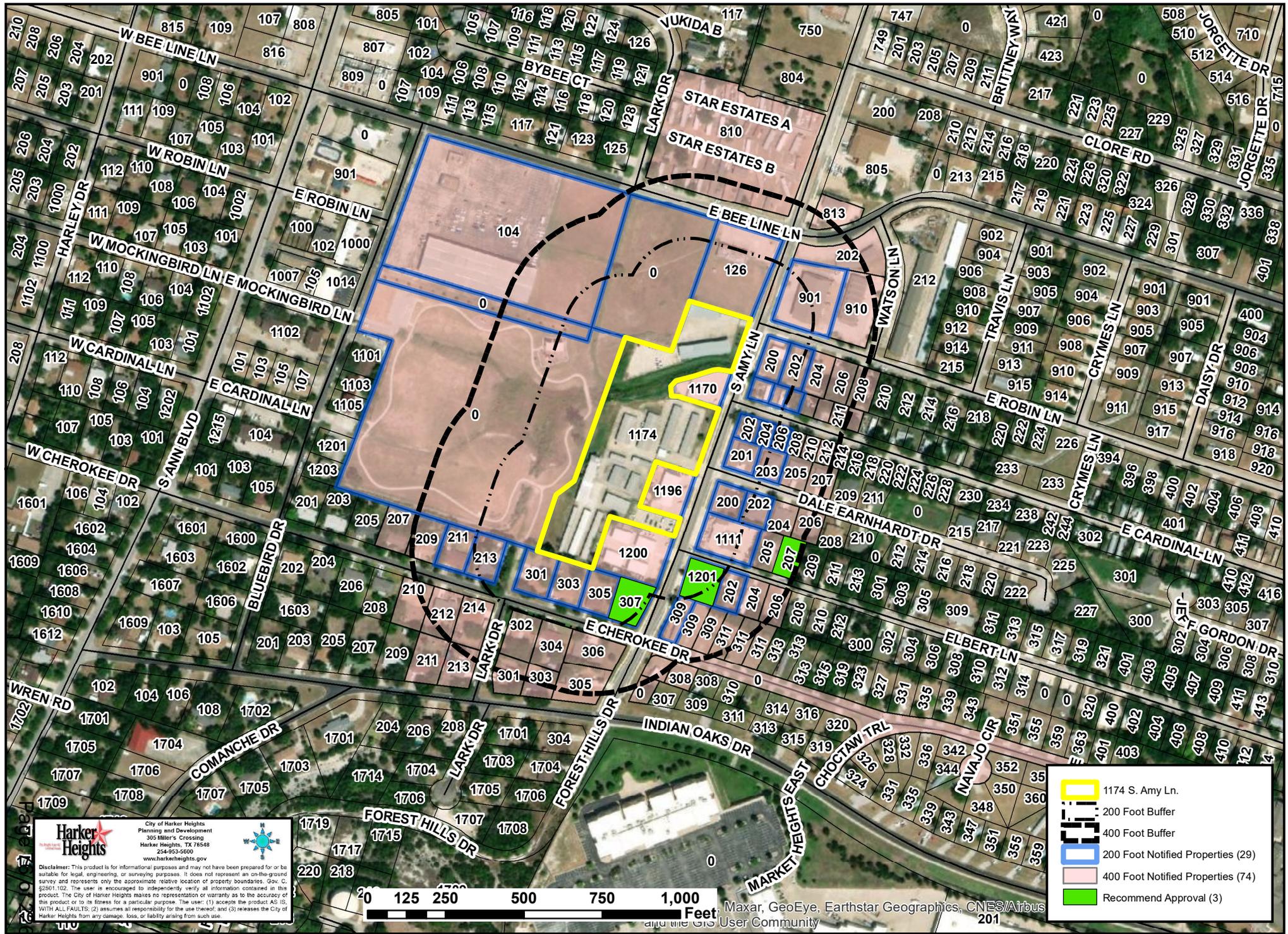
Flood Zone

-  1174 S. Amy Ln.
-  Base Floodplain
-  Floodway



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	1174 S. Amy Ln.
	200 Foot Buffer
	400 Foot Buffer
	200 Foot Notified Properties (29)
	400 Foot Notified Properties (74)
	Recommend Approval (3)

Harker Heights
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20 125 250 500 750 1,000 Feet
Maxar, GeoEye, Earthstar Geographics, CNES/Airbus
and the GIS User Community

SENT: FEBRUARY 2, 2022
DUE BACK: FEBRUARY 16, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON FEBRUARY 16, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: AYCOCK, MATELAND L CONSTRUCTION INC

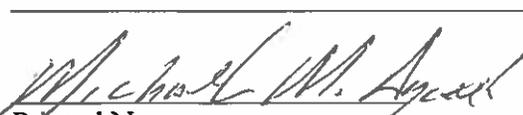
Address(es)/Property ID(s) that could be impacted by this request:

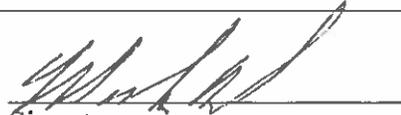
Physical Address	Property ID
1 FM 2410	4530

RE: application has been made to consider a request to change zoning designation from **R-1 (One-Family Dwelling District)** to **B-2 (Neighborhood Retail District)** on property described as *Cedarbrook Ridge Phase II, Lot Tract H, Property ID 505020, generally located south of 1340 E. Knight's Way/E. FM 2410, Harker Heights, Bell County, Texas* (see attached notification map).

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

Comments:


Printed Name


Signature

2-16-22
Date

Received

FEB 16 2022

Planning & Development

SENT: FEBRUARY 2, 2022
DUE BACK: FEBRUARY 16, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON FEBRUARY 16, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: AYCOCK, MATELAND L CONSTRUCTION INC

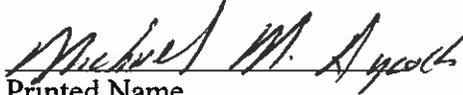
Address(es)/Property ID(s) that could be impacted by this request:

Physical Address	Property ID
1300 FM 2410	4528

RE: application has been made to consider a request to change zoning designation from **R-1 (One-Family Dwelling District)** to **B-2 (Neighborhood Retail District)** on property described as *Cedarbrook Ridge Phase II, Lot Tract H, Property ID 505020, generally located south of 1340 E. Knight's Way/E. FM 2410, Harker Heights, Bell County, Texas* (see attached notification map).

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

Comments:


Printed Name


Signature

2-16-22
Date

Received

FEB 16 2022

Planning & Development

SENT: FEBRUARY 2, 2022
DUE BACK: FEBRUARY 16, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON FEBRUARY 16, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: AYCOCK, MATELAND L CONSTRUCTION INC

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

Physical Address	Property ID
1 FM 2410	4529

RE: application has been made to consider a request to change zoning designation from **R-1 (One-Family Dwelling District)** to **B-2 (Neighborhood Retail District)** on property described as *Cedarbrook Ridge Phase II, Lot Tract H, Property ID 505020, generally located south of 1340 E. Knight's Way/E. FM 2410, Harker Heights, Bell County, Texas* (see attached notification map).

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

Comments:

Michael M. Aycock
Printed Name

[Signature]
Signature

2.16.22
Date

Received
FEB 16 2022
Planning & Development

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW FOR MODIFICATIONS TO ADJUST DESIGN REQUIREMENTS FOR AN EXISTING STORAGE BUSINESS ON PROPERTY DESIGNATED AS B-5 (GENERAL BUSINESS DISTRICT), ON PROPERTY DESCRIBED AS J P T C ADDITION, BLOCK 001, LOT 4, PT 3, 5.394AC, GENERALLY LOCATED AT 1174 S. AMY LN., 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; and

WHEREAS, the owner of this parcel submitted an executed voluntary agreement, attached as “**Exhibit A**”;

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 B-5 (General Business District) to B-5 (General Business District) with a Conditional Use Permit (CUP) to allow for modifications to adjust design requirements for an existing storage business on property designated as B-5 (General Business District), on property described as J P T C Addition, Block 001, Lot 4, PT 3, 5.394AC, generally located at 1174 S. Amy Ln., Harker Heights, Bell County, Texas with the with the following conditions:

1. One Additional Structure shall be allowed to be constructed and shall be consistent with the existing storage facility structures.
2. With the exception of the screening materials and architectural feature requirements, the new structure built on site must meet all other requirements within the Harker Heights Code of Ordinances at the time the Conditional Use Permit is approved.
3. Screening wall shall be allowed at a maximum height of 9ft., 6 in. (9’ 6”), and be constructed of metal wall panels with stucco finish.
4. The applicant agrees that, upon approval of the conditional use permit with the submitted voluntary agreement (**Exhibit A**), the City is authorized to enforce the February 23, 2022 voluntary agreement.

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

<u>Ord. No.</u>	<u>Date Passed</u>	<u>Description</u>
2022-	3/8/2022	Granting a Conditional Use Permit (CUP) to allow for modifications to adjust design requirements for an existing storage business on property designated as B-5 (General Business District), on property described as J P T C Addition, Block 001, Lot 4, PT 3, 5.394AC, generally located at 1174 S. Amy Ln., 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 by the City Council of the City of Harker Heights on March 8, 2022.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



CITY COUNCIL MEMORANDUM

Z22-02

AGENDA ITEM #VI-3

FROM: THE OFFICE OF THE CITY MANAGER

DATE: MARCH 8, 2022

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, TO CHANGE ZONING DESIGNATION FROM PD-R (PLANNED DEVELOPMENT RESIDENTIAL DISTRICT) WITH AN UNDERLYING R-1 (ONE-FAMILY DWELLING DISTRICT) TO B-2 (NEIGHBORHOOD RETAIL DISTRICT) ON PROPERTY DESCRIBED AS CEDARBROOK RIDGE PHASE II, TRACT H, PROPERTY ID 505020, GENERALLY LOCATED SOUTH OF 1340 E. KNIGHT’S WAY/E. FM 2410, HARKER HEIGHTS, BELL COUNTY, TEXAS; AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The applicant is requesting a change from the current zoning of PD-R (Planned Development Residential District) with an underlying R-1 (One-Family Dwelling District) to B-2 (Neighborhood Retail District) on property described as Cedarbrook Ridge Phase II, Tract H, Property ID 505020, generally located south of 1340 E. Knight’s Way/E. FM 2410, Harker Heights, Bell County, Texas. The property was platted as Tract H in the Cedarbrook Ridge Phase II Final Plat. Tract H contains a variable width drainage easement along the western and southern property lines, a 20-foot city exclusive easement along the southern property line, and is connected to Roma Street with a 15-foot access easement.

Surrounding Land Uses

Adjacent land uses include:

	Existing Land Use	Land Use Plan	Zoning
North	Community Center Industrial	Community Center	B-2 (Neighborhood Retail Business District) M-1 (Light Manufacturing District)
South	Low Density Residential	Low Density Residential	PD-R Planned Development Residential
East	Low Density Residential	Low Density Residential	PD-R Planned Development Residential
West	Low Density Residential	Low Density Residential	PD-R Planned Development Residential

The 2021 Land Use Plan identifies this area as designated for Low Density Residential use; therefore, the proposed rezoning is consistent with the 2021 updates to the City of Harker Heights Comprehensive Plan & Land Use Plan. This parcel is also in the Overlay District. As a result, the requirements (parking, screening, landscape, buffers, light, etc.) in the Overlay District Manual will apply to development on this parcel.

Flood Damage Prevention:

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

Notices:

Staff sent out sixty-one (61) notices to property owners within the 400-foot notification area. As of March 1, 2022, four (4) responses were received in favor of the request, and zero (0) responses were received in opposition of the request. Any additional responses received after the above date will be provided during the meeting.

RECOMMENDATION:

Staff recommended approval to the Planning and Zoning Commission of an ordinance to change zoning designation from PD-R (Planned Development Residential District) with an underlying R-1 (One-Family Dwelling District) to B-2 (Neighborhood Retail District) on property described as Cedarbrook Ridge Phase II, Tract H, Property ID 505020, generally located south of 1340 E. Knight's Way/E. FM 2410, Harker Heights, Bell County, Texas, based on the following:

1. The proposed use and rezoning would likely not have an adverse impact on adjoining uses and zoning districts.
2. The proposed use and rezoning is compatible with existing uses and zoning in the neighborhood.
3. The proposed use and rezoning does not pose an adverse impact to the public health, safety, or general welfare.

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

During the Planning & Zoning Commission meeting held on February 23, 2021, the Planning and Zoning Commission voted (9-0) to recommend denial of an ordinance to change the zoning designation from PD-R (Planned Development Residential District) with an underlying R-1 (One-Family Dwelling District) to B-2 (Neighborhood Retail District) on property described as Cedarbrook Ridge Phase II, Tract H, Property ID 505020, generally located south of 1340 E. Knight's Way/E. FM 2410, Harker Heights, Bell County, Texas based on the proposed zoning being substantially inconsistent with the zoning of the neighboring residential development.

ACTION BY CITY COUNCIL:

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

(D) Vote Required

“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.”

1. Motion to **approve / disapprove** an ordinance to change zoning designation from PD-R (Planned Development Residential District) with an underlying R-1 (One-Family Dwelling District) to B-2 (Neighborhood Retail District) on property described as Cedarbrook Ridge Phase II, Tract H, Property ID 505020, generally located south of 1340 E. Knight’s Way/E. FM 2410, Harker Heights, Bell County, Texas, based on staff’s recommendation and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

1. Pharr v. Tippitt Guidance
2. Application
3. B-2 Zoning Requirements
4. Existing Zoning Ordinance # 2015-19
5. Cedarbrook Ridge PhII Final Plat
6. Location Map
7. Zoning Map
8. Existing Land Use Map
9. Land Use Plan Map
10. Notification Map
11. Public Responses
12. Proposed Ordinance

CONSIDERATIONS

Texas Supreme Court in Pharr v. Tippitt (Texas 1981) established general guidelines which the Planning and Zoning Commission and City Council should take the following into consideration when making their respective recommendation and decision on a zoning request.

A. General Factors to Consider:

- 1. Is the request in accordance with the City's comprehensive plan, FLUM, zoning ordinances, or long-range master plans and maps that have been adopted by ordinance?**
 - a. Is the request designed to lessen congestion in the streets; secure safety from fire, panic or other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; or facilitate the adequate provision of transportation, water, wastewater, drainage (stormwater), schools, parks and other public requirements?
 - b. Will the request cause substantial detriment to the surrounding lands or serve no substantial public purpose?
 - c. Is the request arbitrary, capricious and unreasonable?
- 2. What, if any, is the nature and degree of adverse impact upon surrounding properties?**
 - a. Is the proposed zoning substantially inconsistent with the zoning of neighboring lands? (Whether the proposed zoning is more or less restrictive.)
- 3. The suitability or unsuitability of the tract for use as presently zoned.**
 - a. Have there been substantially changed conditions in the neighborhood.
 - b. Is there a substantial public need or purpose for the proposed zoning?
 - c. The size of the tract in relation to the affected neighboring lands – is the tract a small tract or isolated tract asking for preferential treatment that differs from that accorded similar surrounding land without first proving changes in conditions?
- 4. Whether the proposed zoning bears a substantial relationship to the public health, safety, morals or general welfare or protects and preserves historical and cultural places and areas.**



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

*If proposed zoning designation is not in compliance with land use, an application to change land use will also be required.

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

Property Owner(s) Name: Aycock Construction, Inc. Date: 1.24.2022

Address: P.O. Box 2407

City/State/Zip: Harker Heights, Tx 76548

Phone: 254-698-2551 E-mail: Aycock2551@yahoo.com

Legal Description of Property:

Location of Property (Address if available): Tract H of Cedarbrook Ridge Phase 2

Lot: Tract H Block: _____ Subdivision: Cedarbrook Ridge Phase 2

Acres: _____ Property ID: 505020 Survey: _____

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

Proposed Use: _____

Current Zoning Classification: Cedarbrook Ridge Planned Development Proposed Zoning: B-2 (Neighborhood Retail)

Current Land Use: Low Density Residential Proposed Land Use: B-2

Applicant's Representative (if applicable):

Applicant's Representative: Michael Aycock

Phone: 254-698-2551 E-Mail: Aycock2551@yahoo.com

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

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

Michael Aycock
Printed Name of Property Owner

[Signature]
Signature of Property Owner

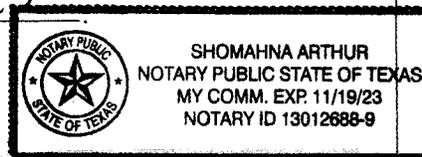
Brad Aycock
Printed Name of Representative

[Signature]
Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 24th DAY OF January, 2022

[Signature]
SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: 11.19.2023



Date Submitted: 1/26/2022

STAFF ONLY -- DO NOT FILL OUT BELOW

Pre-Application Meeting

Receipt #: 01780594

Received By: [Signature]

Revised: 9/2021

Case #: _____

§ 155.029 B-2 NEIGHBORHOOD RETAIL DISTRICT.

(A) *Permitted uses.*

- (1) Any use permitted in the B-1 District that is permitted by right.
- (2) Household appliance sales.
- (3) Bakery shop (retail sales only).
- (4) Cleaning or laundry (pickup station).
- (5) Cleaning or laundry (self service) using fully automatic equipment, as follows:
 - (a) Washer, capacity of not more than 40 pounds.
 - (b) Dryers or extractor, capacity of not more than 60 pounds.
 - (c) Dry-cleaning machines.
- (6) Custom personal service shops, such as health studio, answering service, typing service, tailor, employment agency, FM piped music service, letter or mailing service, secretarial service, or pharmacy.
- (7) Drugstore or pharmacy.
- (8) Florist (retail): Retail sales of flowers and small plants. No flower or plant raising or outside display or storage.
- (9) Home for the aged or nursing home.
- (10) All child care facilities except commercial boarding homes.
- (11) Real estate office.
- (12) Restaurant or café (no drive-in service).
- (13) Retail store, (other than listed): Offering all types of personal consumer goods for retail sales.
- (14) Studio for photography, interior decoration, fine arts instruction, or sales of art objects.
- (15) Low impact telecommunication tower.

(B) *Conditional uses.*

- (1) Any use permitted in a more restricted district that is permitted by a conditional use permit.
- (2) Electric utility substation.
- (3) Grocery store (drive-in).
- (4) Ice retail distributing station, no manufacture, and capacity not to exceed five tons storage.

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

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

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

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

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

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

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

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

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

AN ORDINANCE GRANTING PD-R ZONING ON 144.18 ACRES OF LAND IN BELL COUNTY, TEXAS, OUT OF THE H.R. MORRELL SURVEY, ABSTRACT NO. 579, LUCY O'DELL SURVEY, ABSTRACT NO. 644, AND THE J.T.W.J. HALLMARK SURVEY, ABSTRACT NO. 413, AND ALSO BEING A PORTION OF THE TRACT DESCRIBED AS 490.1 ACRES IN A DEED TO JAMES DENNIS MAGILL DATED MAY 23, 1972 AND RECORDED IN VOLUME 1177, PAGE 145 OF THE BELL COUNTY DEED RECORDS AND LAYING EAST OF F.M. 3481, AND FURTHER DESCRIBED AS PROPERTY ID#433992 AND PROPERTY ID#67413.

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 property delineated in attached Exhibit A (Survey), and identified in attached Exhibit B (Field Notes), previously zoned R-1 (One-Family Dwelling District), be rezoned to PD-R (Planned Development- Residential District), subject to conditions described in the attached Exhibit C (Tuscany Meadows II PD-R Conditions).

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

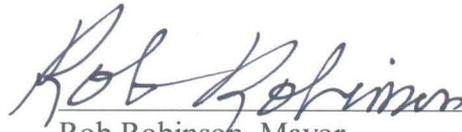
<u>Ord. No.</u>	<u>Date Passed</u>	<u>Description</u>
2015-19	09/08/15	Granting PD-R (Planned Development - Residential District) on 144.18 acres of land in Bell County, Texas, out of the H.R. Morrell Survey, Abstract No. 579, Lucy O'dell Survey, Abstract No. 644, and the J.T.W.J. Hallmark Survey, Abstract No. 413, and also being a portion of the tract described as 490.1 acres in a deed to James Dennis Magill dated May 23, 1972 and recorded in Volume 1177,

Page 145 of the Bell County deed records and laying East of F.M. 3481, and further described as Property Id#433992 and Property Id#67413.

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 September 8, 2015.


Rob Robinson, Mayor

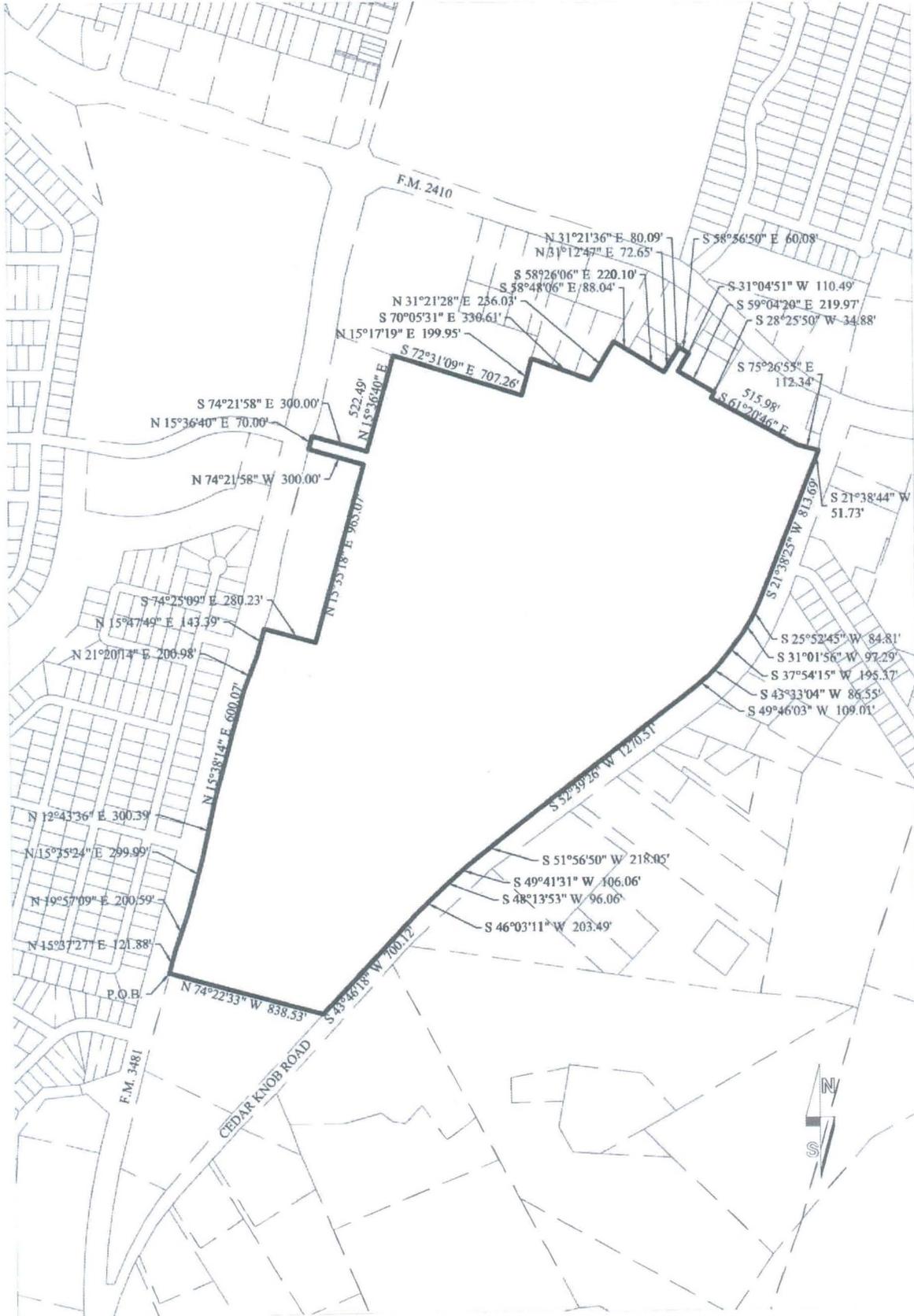
ATTEST:


Patricia Brunson, City Secretary



Exhibit "A"

SKETCH illustrating the location of the easement. It is not intended as an actual survey made on the ground. a metes and bounds description is attached hereto.



GRAPHIC SCALE



0 1" 2" 3"

IN FEET

**FIELD NOTES
144.18 ACRES
TUSCANY MEADOWS II SUBDIVISION
BELL COUNTY, TEXAS**

BEING 144.18 acres of land in Bell County, Texas, out of the H. R. Morrell Survey, Abstract No. 579, Lucy O'Dell Survey, Abstract No. 644, and the J.T.W.J. Hallmark Survey, Abstract No. 413, and also being a portion of the tract described as 490.1 acres in a deed to James Dennis Magill dated May 23, 1972 and recorded in Volume 1177, Page 145 of the Bell County Deed Records and laying east of F.M. 3481, and further described by metes and bounds as follows:

BEGINNING at a ½ inch iron rod with cap set in the east line of F.M. 3481 and in the west line of said Magill tract for the southwest corner of this tract;

THENCE with the west line of said Magill tract and the east line of F.M. 3481 the following thirteen (13) courses:

1. N 15° 37' 27" E, 121.88 feet to a TXDOT Type II concrete monument found;
2. N 19° 57' 09" E, 200.59 feet to a TXDOT Type II concrete monument found;
3. N 15° 35' 24" E, 299.99 feet to a TXDOT Type II concrete monument found;
4. N 12° 43' 36" E, 300.39 feet to a TXDOT Type II concrete monument found;
5. N 15° 38' 14" E, 600.07 feet to a TXDOT Type II concrete monument found;
6. N 21° 20' 14" E, 200.98 feet to a TXDOT Type II concrete monument found;
7. N 15° 47' 49" E, 143.39 feet to a ½ inch iron rod with yellow plastic cap inscribed "CS, LTD" found;
8. S 74° 25' 09" E, 280.23 feet across and upon said Magill tract to a ½ inch iron rod with yellow plastic cap inscribed "CS, LTD" found for an inside corner of this tract;
9. N 15° 35' 18" E, 965.07 feet to a ½ inch iron rod with yellow plastic cap inscribed "CS, LTD" found;
10. N 74° 21' 58" W, 300.00 feet to a ½ inch iron rod with yellow plastic cap inscribed "CS, LTD" found, rejoining the east line of F.M. 3481;
11. N 15° 36' 40" E, 70.00 feet with the east line of said F.M. 3481 to a ½ inch iron rod with yellow plastic cap inscribed "CS, LTD" found;
12. S 74° 21' 58" E, 300.00 feet across and upon said Magill tract to a ½ inch iron rod with yellow plastic cap inscribed "CS, LTD" found for an inside corner of this tract;
13. N 15° 36' 40" E, 522.49 feet to a ½ inch iron rod with yellow plastic cap inscribed "CS, LTD" set in the south line of that tract described as 14.601 acres in a Dedication of the St. Paul's Catholic Church Addition Re-plat to the City of Harker Heights dated November 18, 2008 and recorded as Document No. 200800047739 of said deed records, from which a ½ inch iron rod with yellow plastic cap inscribed "CS, LTD" set in the east line of F.M. 3481 and the west line of said Magill tract for the southwest corner of said Dedication tract bears N 72° 30' 53" W, 318.54 feet;

THENCE along the north line of this tract the following fourteen (14) courses:

1. S 72° 31' 09" E, 707.26 feet to a ½ inch iron rod with blue cap inscribed "B Harmon RPLS 4482" found for the southeast corner of said Dedication tract;
2. N 15° 17' 19" E, 199.96 feet with the east line of said Dedication tract to a ½ inch iron rod with a yellow plastic cap found for the southwest corner of that tract described as Tract#1 in a General Warranty Deed to RAB Management, L.C. executed June 30, 2010 and recorded as Document No. 201000023870 of said deed records;
3. S 70° 05' 31" E, 330.61 feet to a 3/8 inch iron rod found for the southeast corner of that tract described as Tract#3 of said RAB Management, L.C. deed;
4. N 31° 21' 28" E, 236.03 feet with the east line of said Tract#3 to a ½ inch iron rod found for the southwest corner of that tract described in a Warranty Deed to Angleton Properties, Inc. dated October 29, 1999 and recorded in Volume 4102, Page 245 of said deed records;

5. S 58° 48' 06" E, 88.04 feet to a 3/8 inch iron rod found for the southeast corner of said Angleton Properties, Inc. tract and being the southwest corner of that tract described in a Warranty Deed to Cooper & Bright Plumbing Co. dated April 10, 2002 and recorded in Volume 5389, Page 305 of said deed records;
6. S 58° 26' 06" E, 220.10 feet to a 3/8 inch iron rod with yellow plastic cap found for the southeast corner of said Cooper & Bright Plumbing Co. tract;
7. N 31° 12' 47" E, 72.65 feet with the east line of said Cooper & Bright Plumbing Co. tract to a 2 inch pipe found for the southeast corner of that tract described in a Warranty Deed to Cooper & Bright Plumbing Co. dated December 3, 1999 and recorded in Volume 4131, Page 245, said deed records;
8. N 31° 21' 36" E, 80.10 feet with the east line of said Cooper & Bright Plumbing Co. tract (4131/245) to a ½ inch iron rod found in a 1 inch pipe for the southwest corner of Aycok Blvd;
9. S 58° 56' 50" E, 60.08 feet with south line of said Aycok Blvd. to a ½ inch iron rod with yellow plastic cap inscribed "CS, LTD" found in the east line of that tract described in a deed to Matland L. Aycok Construction, Inc. dated June 8, 1978 and recorded in Volume 1547, Page 563 of said deed records, for the southeast corner of said Aycok Blvd.
10. S 31° 04' 51" W, 110.49 feet to a cotton spindle found for the southwest corner of said Matland L. Aycok Construction, Inc. tract;
11. S 59° 04' 20" E, 219.97 feet to a ½ inch iron rod with yellow plastic cap inscribed "CS, LTD" found;
12. S 28° 25' 50" W, 34.88 feet to a ½ inch iron rod with yellow plastic cap inscribed "CS, LTD" found;
13. S 61° 20' 46" E, 515.98 feet to a ½ inch iron rod with yellow plastic cap inscribed "CS, LTD" found;
14. S 75° 26' 55" E, 112.34 feet to a ½ inch iron rod with yellow plastic cap inscribed "CS, LTD" found in the west margin of Cedar Knob Road for the northeast corner of the herein described tract;

THENCE with the west margin of Cedar Knob Road, and the east line of the herein described tract the following fifteen (15) courses:

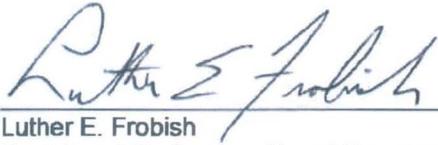
1. S 21° 38' 44" W, 51.73 feet to a ½ inch iron rod with yellow plastic cap inscribed "CS, LTD" found;
2. S 21° 38' 16" W, 264.43 feet to a ½ inch iron rod with yellow plastic cap inscribed "CS, LTD" found;
3. S 21° 38' 29" W, 549.26 feet to a 60D Nail found at the base of a fence corner post;
4. S 25° 52' 45" W, 84.81 feet to a 60D Nail found at the base of a fence corner post;
5. S 31° 01' 56" W, 97.29 feet to a 60D Nail found at the base of a fence corner post;
6. S 37° 54' 15" W, 195.37 feet to a 60D Nail found at the base of a fence corner post;
7. S 43° 33' 04" W, 86.55 feet to a 60D Nail found at the base of a fence corner post;
8. S 49° 46' 03" W, 109.01 feet to a ½ inch iron rod with yellow plastic cap inscribed "CS, LTD" found;
9. S 52° 39' 37" W, 957.07 feet to a ½ inch iron rod with yellow plastic cap inscribed "CS, LTD" found;
10. S 52° 38' 54" W, 313.44 feet to a ½ inch iron rod with yellow plastic cap inscribed "CS, LTD" found;
11. S 51° 56' 50" W, 218.05 feet to a ½ inch iron rod with yellow plastic cap inscribed "CS, LTD" found;
12. S 49° 41' 31" W, 106.06 feet to a ½ inch iron rod with yellow plastic cap inscribed "CS, LTD" found;
13. S 48° 13' 53" W, 96.06 feet to a ½ inch iron rod with yellow plastic cap inscribed "CS, LTD" found;
14. S 46° 03' 11" W, 203.49 feet to a 60D Nail found at the base of a fence corner post;
15. S 43° 46' 18" W, 700.12 feet to a ½ inch iron rod with cap set for the southeast corner of the herein described tract;

THENCE N 74° 22' 33" W, 838.53 feet across and upon said Magill tract to the **POINT OF BEGINNING** containing **144.18 acres** of land, more or less.

NOTE:

The bearings recited hereon are grid bearings based on The Texas State Plane Coordinate System, NAD83 (2011) datum, Texas Central Zone No. 4203, as derived from GPS observations.

All iron rods set are ½ inch in diameter with a yellow cap inscribed "YALGO RPLS 6200".



Luther E. Frobish
Registered Professional Land Surveyor
State of Texas No. 6200

7/1/2015



“EXHIBIT C”- TUSCANY MEADOWS II CONDITIONS

The PD-R will maintain all requirements of the R-1 zoning district and Development Overlay

District 1 – Knight’s Way Corridor with the following exceptions and additions:

- Each lot shall have an average width of not less than 65 feet, a minimum lot frontage of not less than 45 feet, and minimum lot area of not less than 7,800 square feet.
- The subdivision will have an average overall lot area of 8,400 square feet per lot.
- An HOA-maintained masonry perimeter fence along FM 3481/Stillhouse Lake Road.
- An HOA-maintained wooden perimeter fence with masonry columns along Cedar Knob Road.
- Any subdivision signs are the responsibility of the HOA for maintenance and landscaping.
- 1” caliper larger trees than what is currently required by R-1 (3” instead of 2”).
- All first-floor sides of homes that face arterial and collector streets will be masonry, unless there is privacy fence between the house and the street.
- All second-floor sides of homes that face arterial and collector streets will be masonry.
- As used herein, the term “masonry” does not include cinderblock or other split-face material.

Bell County
Shelley Coston
County Clerk
Belton, Texas 76513



70 2015 00035374

Instrument Number: 2015-00035374

Recorded On: September 11, 2015

As
Recordings

Parties: CITY OF HARKER HEIGHTS

To EX PARTE

Billable Pages: 7

Number of Pages: 8

Comment:

(Parties listed above are for Clerks reference only)

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

Recordings	35.00
Total Recording:	35.00

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

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

File Information:

Document Number: 2015-00035374
Receipt Number: 247725
Recorded Date/Time: September 11, 2015 03:31:56P

Record and Return To:

CITY OF HARKER HEIGHTS
305 MILLERS CROSSING
HARKER HEIGHTS TX 76548

User / Station: H Ables - Cash Station 1



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

Shelley Coston
Bell County Clerk

KNOW ALL MEN BY THESE PRESENTS, that WBW Development Group, LLC - Series 009, whose address is 3000 Illinois Ave, Ste. 100, Killen, TX, 76543, being sole owner(s) of the certain tract shown hereon and described in a deed recorded in document number 2020052750, Deed records of Bell County, Texas, do hereby join, approve, and consent to all dedications and plat note requirements shown hereon. I do hereby approve the recordation of this subdivision plat and dedicate to the public use forever any easements and roads that are shown hereon. This subdivision is to be known as CEDARBROOK RIDGE PHASE II. I hereby acknowledge that I am the sole (or co-owner) owner of this property and do hereby state that there are no lienholders or any unpaid debt for which this property represents collateral on any loan.

Grantor does hereby grant, convey, and transfer to the City of Harker Heights, in fee simple, the area shown as Tract B on the plat.

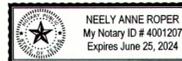
Grantor does hereby grant, convey, and transfer to Cedarbrook Ridge Residential Community, Inc., in fee simple, the area shown as Tract F on the plat.

WITNESS the execution hereof, on this 30th day of Dec, 2020

WBW Development Group, LLC-Series 009

By: Jane Seals, Authorized Agent

This instrument was acknowledged before me on the 30th day of Dec, 2020 by Jane Seals, in her capacity as an Authorized Agent of WBW Development Group, LLC-Series 009, a separate series of WBW Development Group, LLC, a Texas series limited liability company.



Notary Public Signature: Neely Anne Roper, My Commission Expires: 06-25-2024

Approved this 16th day of January, 2021 by the Planning and Zoning Commission of the City of Harker Heights, Texas.

Chairperson, Planning and Zoning Commission

Secretary, Planning and Zoning Commission

Approved this 16th day of January, 2021 by the Director of Planning and Development of the City of Harker Heights, Texas.

Director of Planning and Development

Approved this 8th day of November 2020 by the City Council of the City of Harker Heights, Texas.

Mayor

Attest: City Secretary



FILED FOR RECORD this 15th day of January 2021, in Plat Year 2021. Number 2021-2920, Plat Records of Bell County, Texas, and Instrument No. 2020-1101 Official Records, Bell County, Texas.

NOTES:

- 1. Streets located within a 50 ft. or 60 ft. right-of-way shall have a BOC-BOC width of 36 ft.
2. Streets located within a 70 ft. right-of-way shall have a BOC-BOC width of 42 ft.
3. Lots shown have an average width of not less than 65 feet, a minimum lot frontage of not less than 45 feet, and a minimum lot area of not less than 7,800 square feet.
4. Lots shown have an average overall lot area of 9,650 square feet per lot.
5. An HOA-maintained wooden perimeter fence with masonry columns shall be installed along Cedar Knob Road.
6. Maintenance of all subdivision signs and landscaping shall be the responsibility of the HOA.
7. Trees required for each lot shall be 3" caliper larger trees (not 2", as specified in zoning ordinances for R-1 lots).
8. All first-floor sides of homes that face arterial and collector streets shall be masonry, unless there is a privacy fence between the house and the street.
9. All second-floor sides of homes that face arterial and collector streets shall be masonry.
10. Arrow (---) indicates that the stormwater runoff from one lot must flow directly onto the other lot, without impediment or diversion to other lots. Drainage plans presented by the homebuilder for each individual lot must allow storm water to pass from upstream lots to the downstream lots without impediment. Any owner in the subdivision shall have the right to enforce this restriction.
11. The adjoining property lines between Lots 25 and 26 Block 1, Lots 58 and 91 Block 1, Lots 91 and 92 Block 1, Lots 57 and 91 Block 1, and Lots 57 and 92 Block 1, within the 20' waterline easement, may not have fences built with a post depth more than 2' deep.
12. There are no tracts labeled A, C, D or E on this plat.
13. The bearings recited hereon are grid bearings based on NAD83 (2011) State Plane Coordinate System, Texas Central Zone No. 4203, as derived from GPS observations. All distances are horizontal surface distances. The Combined Correction Factor (CCF) is 0.9998502. Grid distance = Surface distance x CCF. Permanent iron rods found for corner are 1/2 inch in diameter with cap marked "VALGO 6200".

Table with 4 columns: REV., DESCRIPTION, DATE, BY. Contains revision history from 1 to 9.

PROJECT INFORMATION table with fields: PROJECT NUMBER: TM02, CLIENT NAME: WBW DEVELOPMENT GROUP, LLC - SERIES 009, CLIENT LOCATION: KILLEEN, TX.

BENCHMARK table with fields: TOTAL SIZE: 72.18 ACRES, TOTAL BLOCKS: 5, RESIDENTIAL LOTS: 244, COMMERCIAL LOTS: 0, TOTAL TRACTS: 4.

BENCHM table with fields: TXDOT MONUMENT IN EAST ROW BOUNDARY OF HIGHWAY 3481, STATE PLANE NAD83 COORDINATES, TEXAS CENTRAL ZONE 4203, NORTHING: 10355259.40, EASTING: 3134773.81, ELEVATION: 756.76.

LEGAL DESCRIPTION table: BEING PART OF THE H.R. MORRELL SURVEY, ABSTRACT #579, LUCY O'DELL SURVEY, ABSTRACT #644, AND J.T.W. HALLMARK SURVEY, ABSTRACT #413, BELL COUNTY, TEXAS.

OWNER table: WBW Development Group, LLC - Series 009, Bruce Whitis, President, 3000 Illinois Ave., Suite 100, Killen, TX 76543, PH (254) 953-5353, FX (254) 953-5057.

FINAL PLAT FOR CEDARBROOK RIDGE PHASE II CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS

Yalgo, LLC 3000 Illinois Ave., Suite 100 Killen, TX 76543 PH (254) 953-5353 FX (254) 953-5057 Texas Registered Engineering Firm F-10264 Texas Registered Surveying Firm 10194905

SHEET 1 OF 3

STATE OF TEXAS COUNTY OF BELL I, Luther E. Frobish, Registered Public Surveyor No. 6200 in the State of Texas, hereby certify that this plat is true and correct to the best of my knowledge and was prepared from an actual survey of the property, and that the metes and bounds describing said subdivision will describe a closed geometric form.

LUTHER E. FROBISH REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6200



No portion of this tract is within a special flood hazard area per the flood insurance rate map, community plan no. 48027C0295E, dated September, 2008, or Letter of Map Revision Case No. 18-06-3437P. The Surveyor does not certify as to the accuracy or inaccuracy of said information and does not warrant, or imply, that structures placed within the Special Flood Hazard Areas shown hereon, or any of the plated areas, will be free from flooding or flood damage.

The Surveyor would advise landowners having property adjacent to, or within, Special Flood Hazard Areas to contact the appropriate local Floodplain Management Official with regards to any floodplain related questions.

TAX CERTIFICATE

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

Dated this 4th day of January, 2021 A.D.

By: Jenni King, Bell County Tax Appraisal District

LOCATION MAP NOT TO SCALE



LEGEND

- A.E. ACCESS EASEMENT
BM BENCHMARK
DA DRAINAGE AREA
D.E. DRAINAGE EASEMENT
ELEV. ELEVATION
N.T.S. NOT TO SCALE
NO. NUMBER
RE REFERENCE
REV. REVISION
TBM TEMPORARY BENCHMARK
TYP. TYPICAL
P.U.G. PUBLIC UNDERGROUND UTILITY EASEMENT
FENCE, WALL & LANDSCAPE EASEMENT
CITY EXCLUSIVE EASEMENT (ONLY FOR UTILITIES OWNED BY THE CITY)
SEE NOTE 10
LOTS WITH MIN FFE
IRON ROD FOUND
I" IRON ROD SET
CONCRETE MONUMENT FOUND
CHANGE IN BEARING
BLOCK NUMBERS

LOTS DRAINING FRONT TO BACK

Table with 2 columns: BLOCK #, LOT #. Lists lots 1-30 for Block 1.

LOTS DRAINING FRONT TO BACK

Table with 2 columns: BLOCK #, LOT #. Lists lots 3-31 for Block 3.

LOTS DRAINING FRONT TO BACK

Table with 2 columns: BLOCK #, LOT #. Lists lots 4-27 for Block 4.

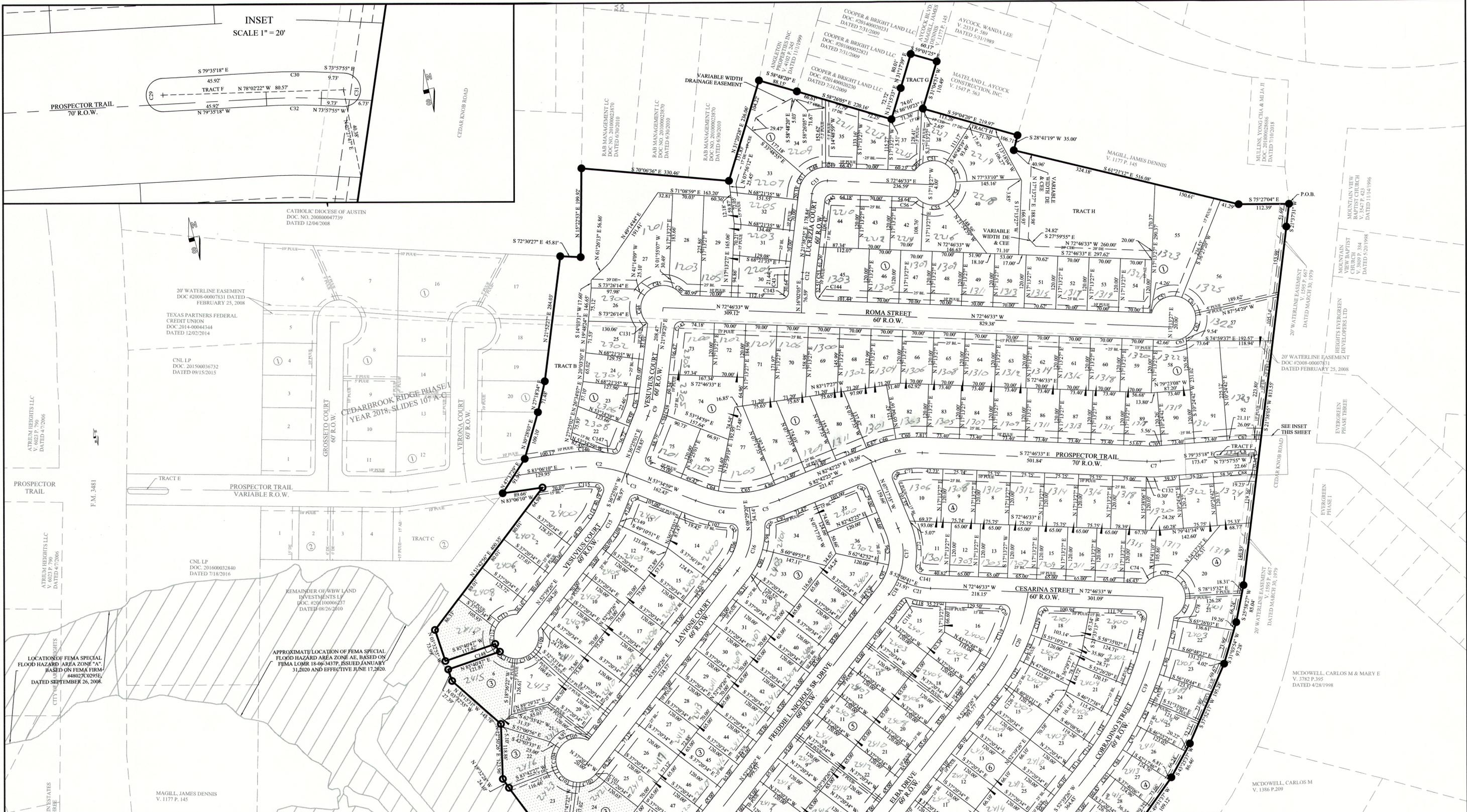
LOTS DRAINING FRONT TO BACK

Table with 2 columns: BLOCK #, LOT #. Lists lots 5-37 for Block 5.

BFE & FFE TABLE

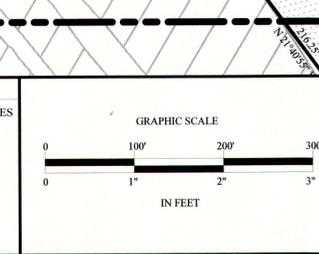
Table with 4 columns: LOT #, BLOCK #, BFE, FFE. Lists BFE and FFE values for lots 5 through 64.

INST# 2021-2920 A



REV.	DESCRIPTION	DATE	BY
9	UPDATED FLOODPLAIN PER APPROVED LOMR	2/5/2020	TTW
8	REVISED LOT LINES ON LAVIGNE AND VESUVIUS TO LINE UP UUE'S	2/4/2020	TTW
7	REVISED LOT WIDTHS ON LAVIGNE COURT AND VESUVIUS COURT	12/17/2019	TTW
6	ADDED 20' WATER LINE EASEMENT TO EASTERN BOUNDARY	3/23/2018	TTW
5	ADDED UE ALONG CEDAR KNOB RD	7/22/2017	TTW
4	UPDATED INSET ANNOTATION	7/19/2017	TTW
3	CITY REQUESTED REVISIONS	5/14/2017	TTW
2	CITY REQUESTED REVISIONS	4/3/2017	TTW
1	ORIGINAL RELEASE	12/23/2016	BTW

PROJECT INFORMATION	
TOTAL SIZE:	72.18 ACRES
TOTAL BLOCKS:	5
RESIDENTIAL LOTS:	244
COMMERCIAL LOTS:	0
TOTAL TRACTS:	4



BENCHMARK
 TXDOT MONUMENT IN EAST ROW BOUNDARY OF HIGHWAY 3481
 STATE PLANE NAD83
 COORDINATES, TEXAS CENTRAL ZONE 4203
 NORTHING: 10355259.40
 EASTING: 3134773.81
 ELEVATION: 756.76

LEGAL DESCRIPTION
 BEING PART OF THE H.R. MORRELL SURVEY, ABSTRACT #579, LUCY O'DELL SURVEY, ABSTRACT #644, AND J.T.W. HALLMARK SURVEY, ABSTRACT #413, BELL COUNTY, TEXAS

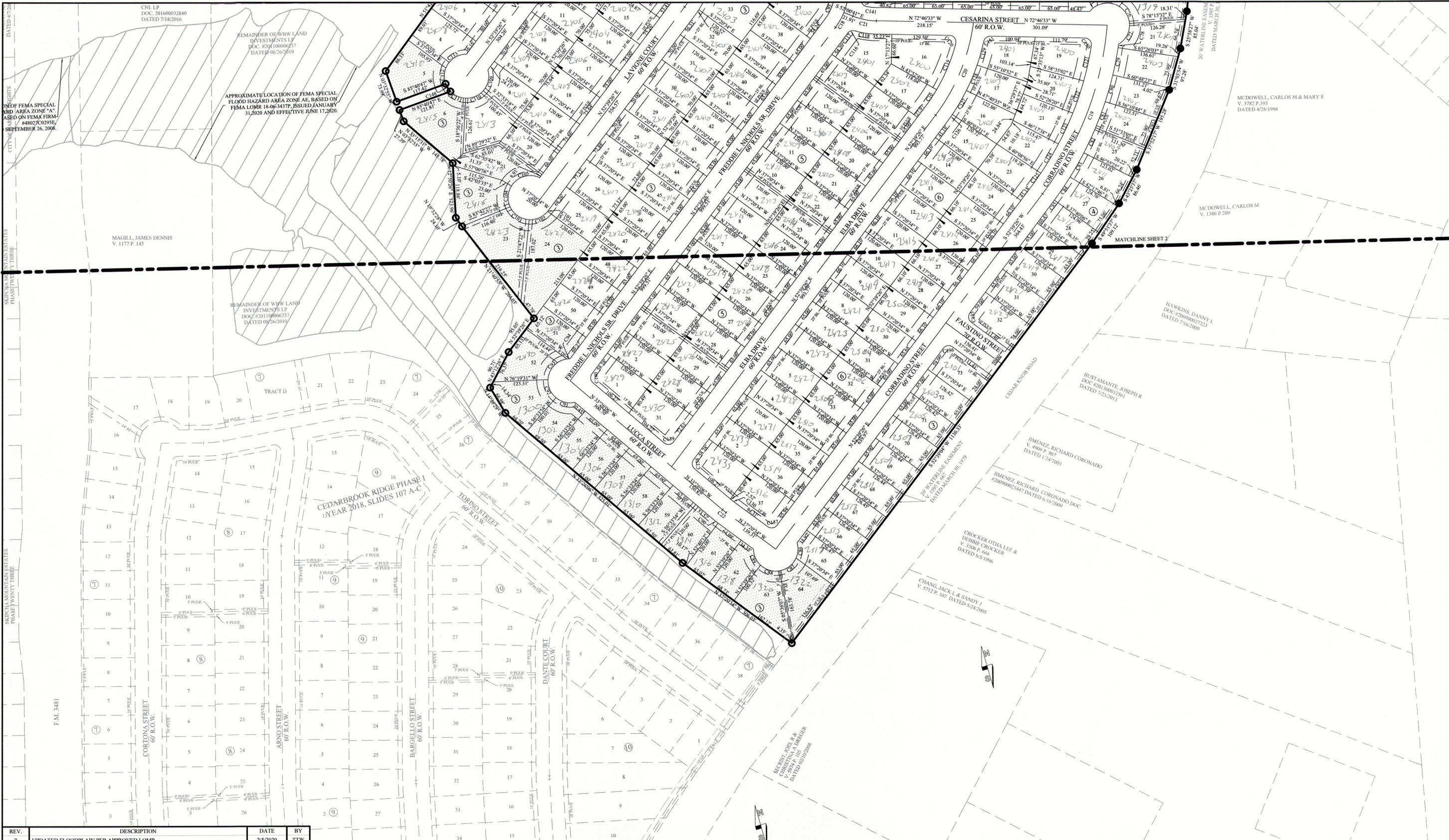
OWNER
 WBW Development Group, LLC - Series 009
 Bruce Whittis, President
 3000 Illinois Ave., Suite 100
 Killeen, TX 76543
 PH (254) 953-5353
 FX (254) 953-5057

**FINAL PLAT FOR
 CEDARBROOK RIDGE PHASE II
 CITY OF HARKER HEIGHTS, BELL
 COUNTY, TEXAS**

Yalgo, LLC
 3000 Illinois Ave., Suite 100
 Killeen, TX 76543
 PH (254) 953-5353
 FX (254) 953-5057

SHEET
2
 OF
3

INST# 2021-2920 B



REV.	DESCRIPTION	DATE	BY
7	UPDATED FLOODPLAIN PER APPROVED LOMR	2/5/2020	TTW
6	REVISED LOT WIDTHS ON LAVIGNE COURT AND VESUVIUS COURT	12/17/2019	TTW
5	ADDED 20' WATER LINE EASEMENT TO EASTERN BOUNDARY	3/23/2018	TTW
4	ADDED UE ALONG CEDAR KNOB RD	9/22/2017	TTW
3	CITY REQUESTED REVISIONS	5/14/2017	TTW
2	CITY REQUESTED REVISIONS	4/3/2017	TTW
1	ORIGINAL RELEASE	12/23/2016	BTW

PROJECT INFORMATION	
TOTAL SIZE:	72.18 ACRES
TOTAL BLOCKS:	5
RESIDENTIAL LOTS:	244
COMMERCIAL LOTS:	0
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BENCHMARK
TXDOT MONUMENT IN EAST ROW BOUNDARY OF HIGHWAY 3481 STATE PLANE NAD83 COORDINATES, TEXAS CENTRAL ZONE 4203 NORTHING:10355259.40 EASTING:3134773.81 ELEVATION:756.76

LEGAL DESCRIPTION
BEING PART OF THE H.R. MORRELL SURVEY, ABSTRACT #579, LUCY O'DELL SURVEY, ABSTRACT #644, AND J.T.W. HALLMARK SURVEY, ABSTRACT #413, BELL COUNTY, TEXAS

OWNER
WBW Development Group, LLC - Series 009 Bruce Whitis, President

FINAL PLAT FOR CEDARBROOK RIDGE PHASE II

CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS

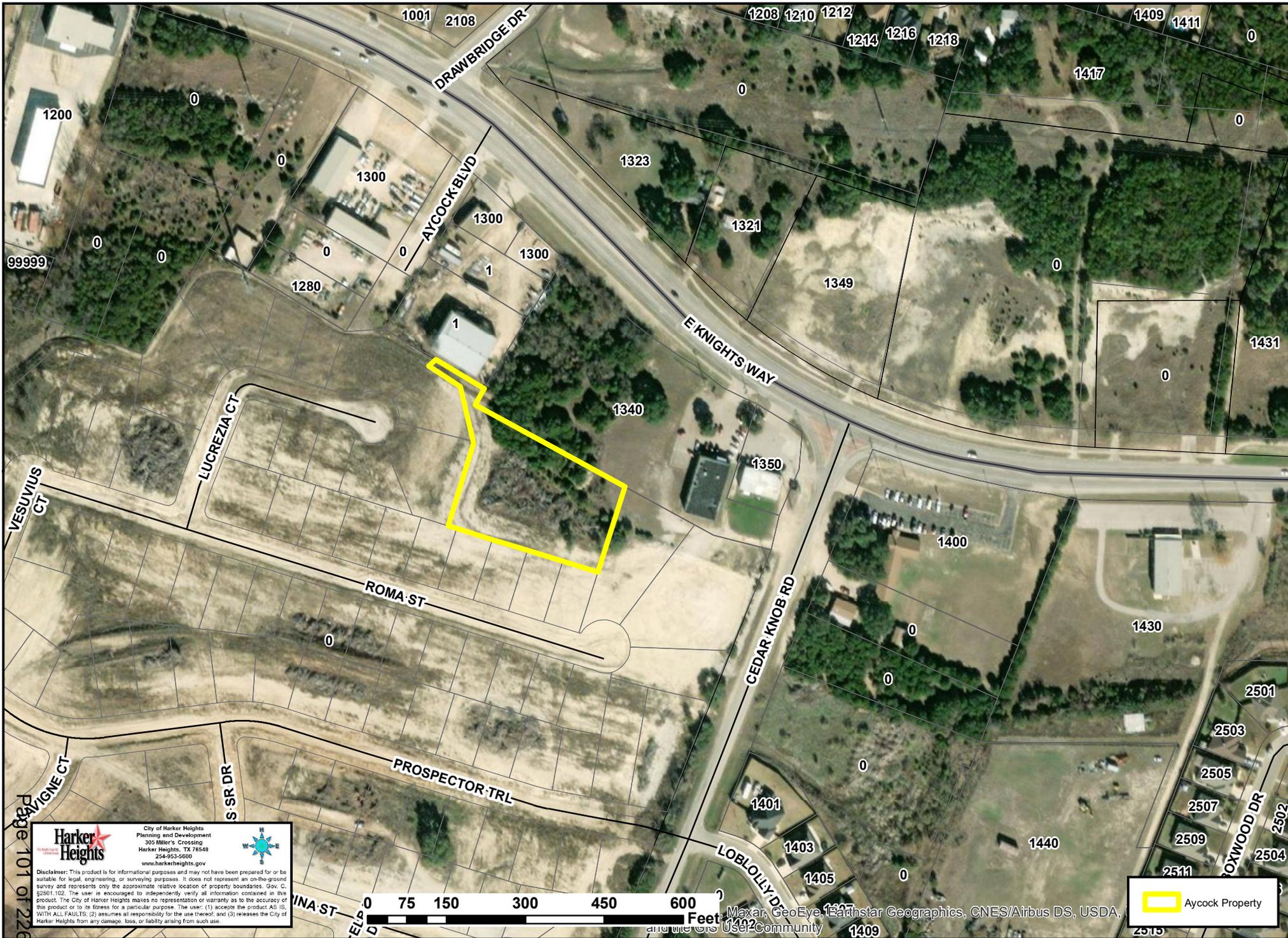
3000 Illinois Ave., Suite 100
Killeen, TX 76543
PH (254) 953-5353
FX (254) 953-5057

Texas Registered Engineering Firm F-10264
Texas Registered Surveying Firm 10194095

Yalgo, LLC

SHEET **3** OF **3**

INST#2021-2920C



Page 101 of 226

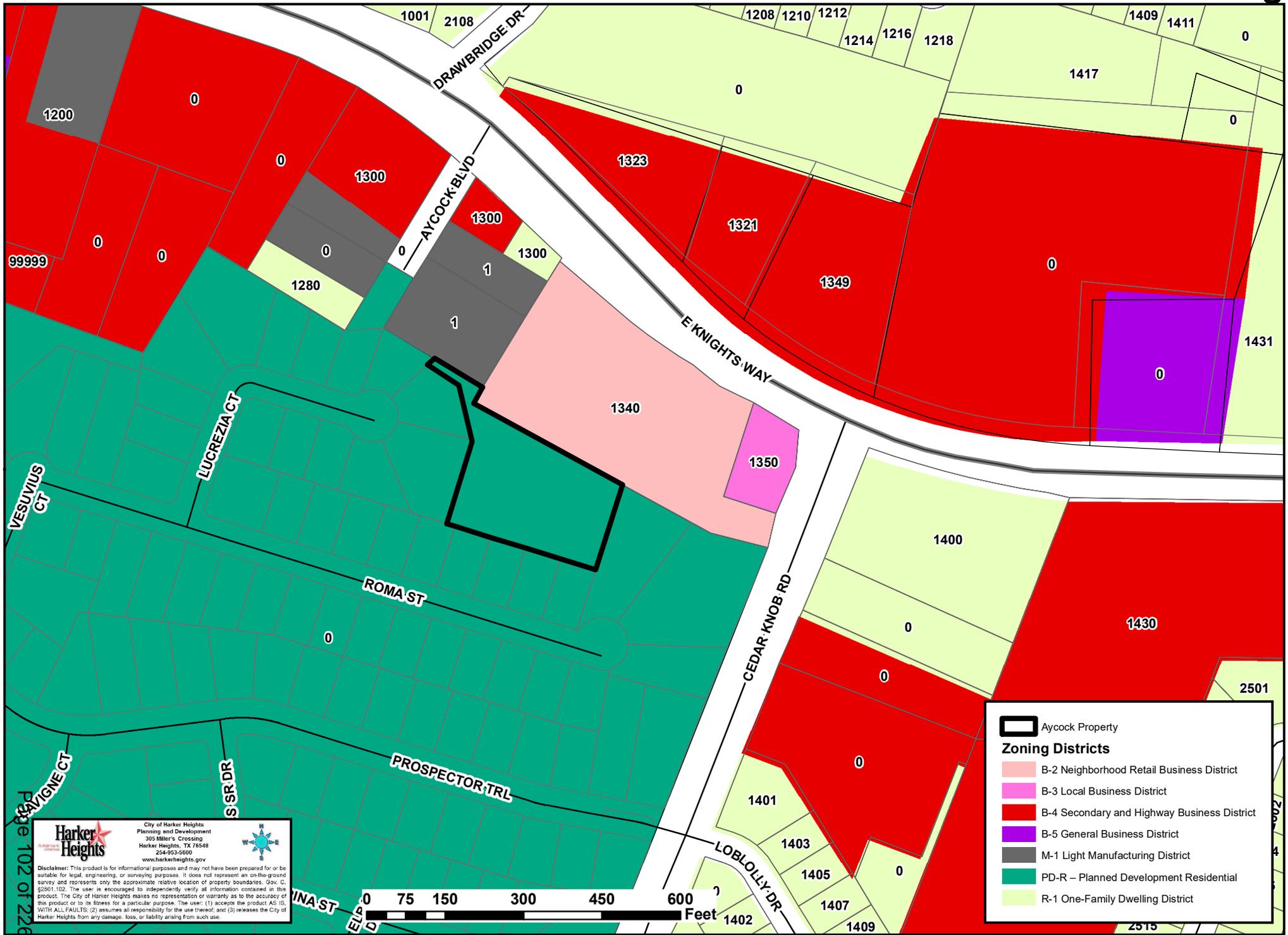
Harker Heights
 City of Harker Heights
 Planning and Development
 300 Miller's Crossing
 Harker Heights, TX 78548
 254-953-5600
 www.harkerheights.gov

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2601.102. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Harker Heights from any damage, loss, or liability arising from such use.



Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, and the GIS User Community

 Aycock Property



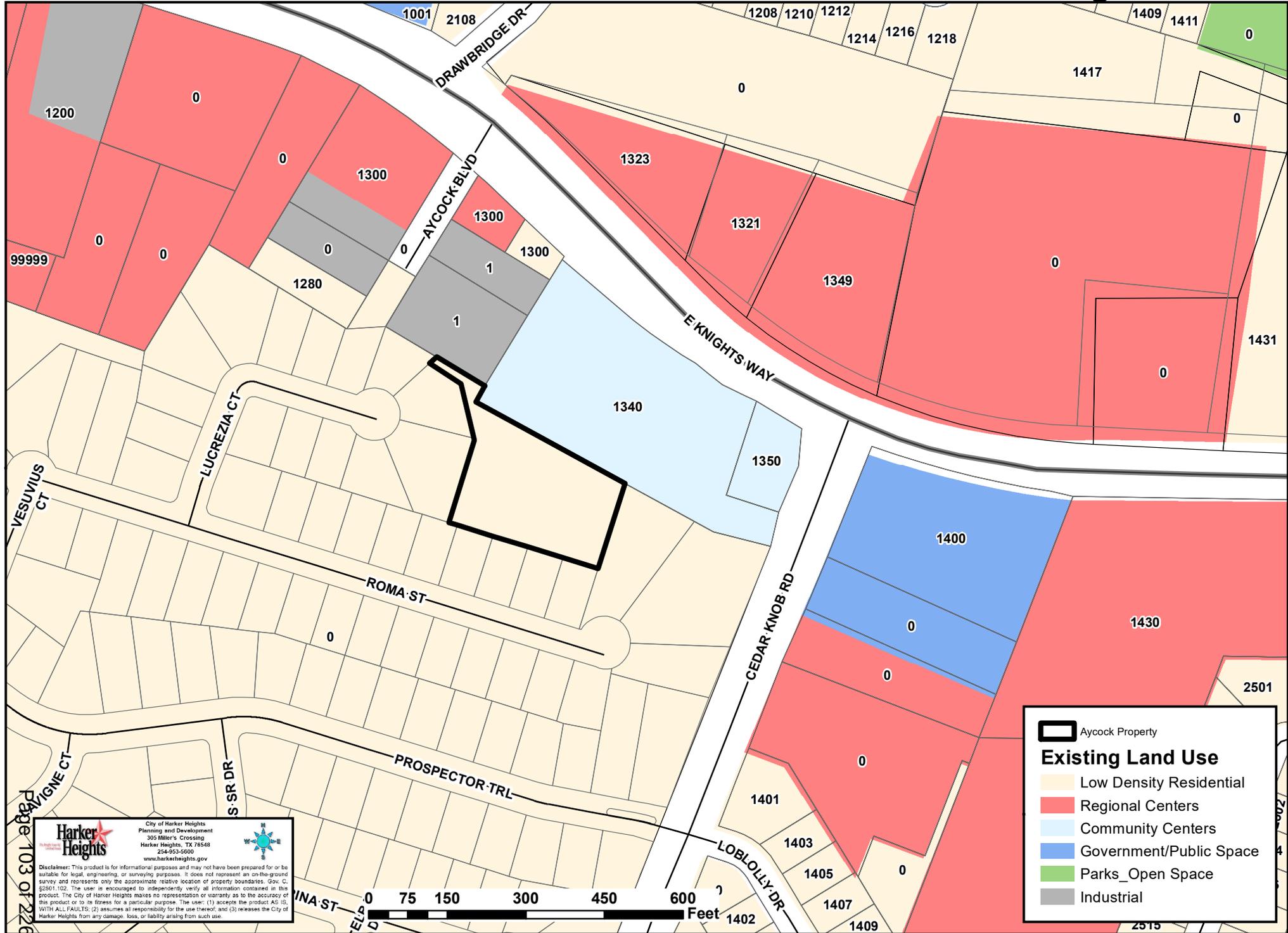
Legend

- Aycock Property
- Zoning Districts**
- B-2 Neighborhood Retail Business District
- B-3 Local Business District
- B-4 Secondary and Highway Business District
- B-5 General Business District
- M-1 Light Manufacturing District
- PD-R – Planned Development Residential
- R-1 One-Family Dwelling District

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Existing Land Use

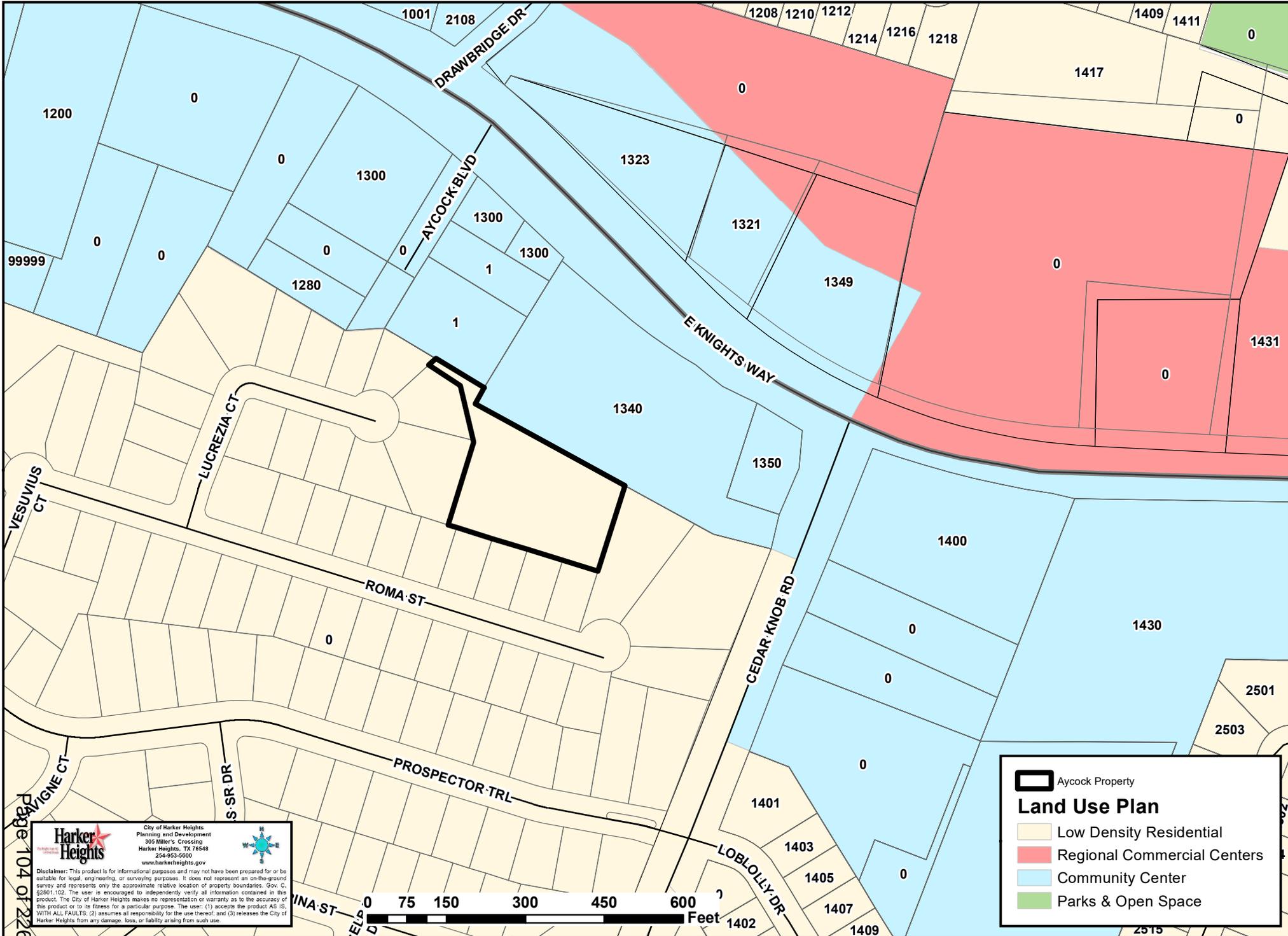
- Aycock Property
- Low Density Residential
- Regional Centers
- Community Centers
- Government/Public Space
- Parks_Open Space
- Industrial

Page 103 of 226

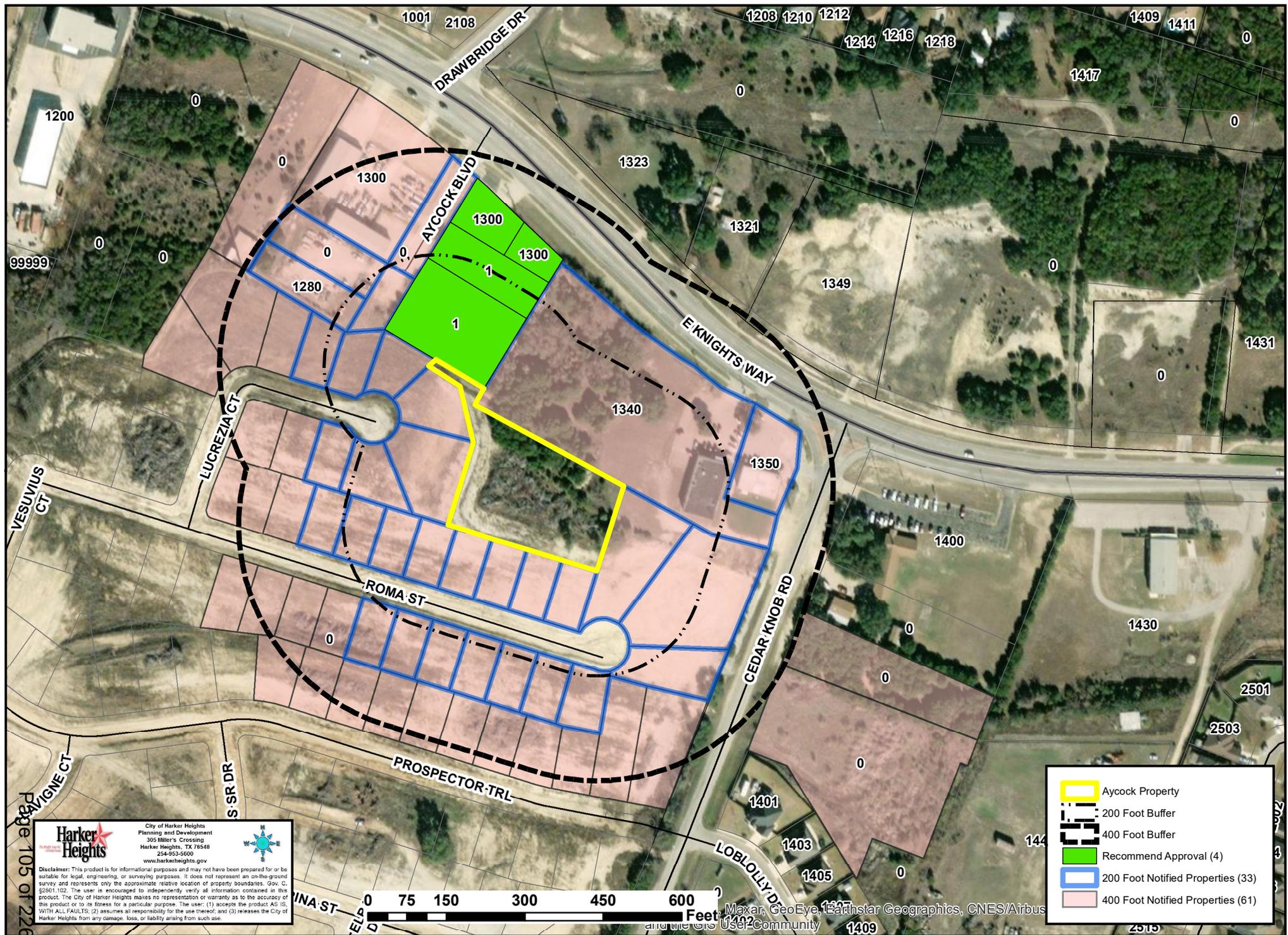
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	Aycock Property
	200 Foot Buffer
	400 Foot Buffer
	Recommend Approval (4)
	200 Foot Notified Properties (33)
	400 Foot Notified Properties (61)

Harker Heights
 City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 78548
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Page 105 of 226



Maxar, GeoEye, Earthstar Geographics, CNES/Airbus and the GIS User Community

SENT: FEBRUARY 2, 2022
DUE BACK: FEBRUARY 16, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON FEBRUARY 16, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: AYCOCK, MATELAND L CONSTRUCTION INC

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

Physical Address	Property ID
1 FM 2410	4530

RE: application has been made to consider a request to change zoning designation from **R-1 (One-Family Dwelling District)** to **B-2 (Neighborhood Retail District)** on property described as *Cedarbrook Ridge Phase II, Lot Tract H, Property ID 505020, generally located south of 1340 E. Knight's Way/E. FM 2410, Harker Heights, Bell County, Texas* (see attached notification map).

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

Comments:

Michael M. Aycock
Printed Name

[Signature]
Signature

2-16-22
Date

Received
FEB 16 2022

Planning & Development

SENT: FEBRUARY 2, 2022
DUE BACK: FEBRUARY 16, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON FEBRUARY 16, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: AYCOCK, MATELAND L CONSTRUCTION INC

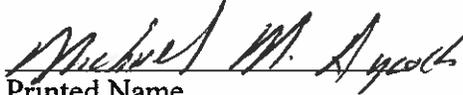
Address(es)/Property ID(s) that could be impacted by this request:

Physical Address	Property ID
1300 FM 2410	4528

RE: application has been made to consider a request to change zoning designation from **R-1 (One-Family Dwelling District)** to **B-2 (Neighborhood Retail District)** on property described as *Cedarbrook Ridge Phase II, Lot Tract H, Property ID 505020, generally located south of 1340 E. Knight's Way/E. FM 2410, Harker Heights, Bell County, Texas* (see attached notification map).

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

Comments:


Printed Name


Signature

2-16-22
Date

Received

FEB 16 2022

Planning & Development

SENT: FEBRUARY 2, 2022
DUE BACK: FEBRUARY 16, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON FEBRUARY 16, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: AYCOCK, MATELAND L CONSTRUCTION INC

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

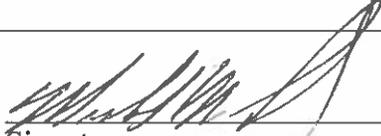
Physical Address	Property ID
1 FM 2410	4529

RE: application has been made to consider a request to change zoning designation from **R-1 (One-Family Dwelling District)** to **B-2 (Neighborhood Retail District)** on property described as *Cedarbrook Ridge Phase II, Lot Tract H, Property ID 505020, generally located south of 1340 E. Knight's Way/E. FM 2410, Harker Heights, Bell County, Texas* (see attached notification map).

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

Comments:


Printed Name


Signature

2.16.22
Date

Received
FEB 16 2022
Planning & Development

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING B-2 (NEIGHBORHOOD RETAIL DISTRICT), ON PROPERTY DESCRIBED AS CEDARBROOK RIDGE PHASE II, TRACT H, PROPERTY ID 505020, GENERALLY LOCATED SOUTH OF 1340 E. KNIGHT’S WAY/E. FM 2410, 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; and

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 PD-R (Planned Development Residential District) with an underlying R-1 (One-Family Dwelling District) to B-2 (Neighborhood Retail District) on property described as Cedarbrook Ridge Phase II, Tract H, Property ID 505020, generally located south of 1340 E. Knight’s Way/E. FM 2410, Harker Heights, Bell County, Texas.

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

<u>Ord. No.</u>	<u>Date Passed</u>	<u>Description</u>
2022-	3/8/2022	Granting B-2 (Neighborhood Retail District) on property described as Cedarbrook Ridge Phase II, Tract H, Property ID 505020, generally located south of 1340 E. Knight’s Way/E. FM 2410, 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 by the City Council of the City of Harker Heights on March 8, 2022.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



CITY COUNCIL MEMORANDUM

Z22-02-F

AGENDA ITEM # VI-4

FROM: THE OFFICE OF THE CITY MANAGER

DATE: MARCH 8, 2022

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, TO CHANGE LAND USE DESIGNATION FROM ‘LOW DENSITY RESIDENTIAL’ TO ‘COMMUNITY CENTER’ ON PROPERTY DESCRIBED AS CEDARBROOK RIDGE PHASE II, TRACT H, PROPERTY ID 505020, GENERALLY LOCATED SOUTH OF 1340 E. KNIGHT’S WAY/E. FM 2410, HARKER HEIGHTS, BELL COUNTY, TEXAS; AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The applicant is requesting a change from the current land use designation of ‘Low Density Residential’ to ‘Community Center’ on property described as Cedarbrook Ridge Phase II, Tract H, Property ID 505020, generally located south of 1340 E. Knight’s Way/E. FM 2410, Harker Heights, Bell County, Texas. The property was platted as Tract H in the Cedarbrook Ridge Phase II Final Plat. Tract H contains a variable width drainage easement along the western and southern property lines, a 20-foot city exclusive easement along the southern property line, and is connected to Roma Street with a 15-foot access easement.

Surrounding Land Uses

Adjacent land uses include:

	Land Use Plan
North	Community Center
South	Low Density Residential
East	Low Density Residential
West	Low Density Residential

The 2021 Land Use Plan identifies this parcel for Low Density Residential use. Staff believes the proposed change in land use will not adversely impact the adjacent residential properties due to the natural buffer created by the easements along the southern property line and the requirements of the Overlay District.

Flood Damage Prevention:

No portion of this property lies within the 100 year or 500-year flood hazard areas. However, the tract does have a variable width drainage easement along the southern and western property lines.

Notices:

Staff sent out sixty-one (61) notices to property owners within the 400-foot notification area. As of March 1, 2022, four (4) responses were received in favor of the request, and zero (0) responses were received in opposition of the request. Any additional responses received after the above date will be provided during the meeting.

RECOMMENDATION:

Since the B-2 zoning classification case for this parcel was recommended for disapproval by the Planning & Zoning Commission, staff recommended disapproval to the Planning & Zoning Commission of this request based on the following:

1. The proposed use is not compatible with the current Comprehensive Plan and Land Use Plan.
2. The proposed use may have an adverse impact on adjoining uses and zoning districts.
3. The proposed use is not compatible with existing uses and zoning in the neighborhood.

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

During the Planning & Zoning Commission meeting held on February 23, 2021, the Planning and Zoning Commission voted (9-0) to recommend denial of an ordinance to change the land use designation from ‘Low Density Residential’ to ‘Community Center’ on property described as Cedarbrook Ridge Phase II, Lot Tract H, Property ID 505020, generally located south of 1340 E. Knight’s Way/E. FM 2410, Harker Heights, Bell County, Texas, based on staff’s recommendation and findings.

ACTION BY CITY COUNCIL:

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

(D) Vote Required

“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.”

1. Motion to recommend approval/disapproval of an ordinance to change land use designation from ‘Low Density Residential’ to ‘Community Center’ on property described as Cedarbrook Ridge Phase II, Lot Tract H, Property ID 505020, generally located south of 1340 E. Knight’s Way/E. FM 2410, Harker Heights, Bell County, Texas, based on staff’s recommendation and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

1. Pharr v. Tippitt Guidelines
2. Application
3. Location Map
4. Zoning Map
5. Land Use Designations
6. Existing Land Use Map
7. Land Use Plan Map
8. Notification Area Map
9. Public Responses
10. Proposed Ordinance

CONSIDERATIONS

Texas Supreme Court in Pharr v. Tippitt (Texas 1981) established general guidelines which the Planning and Zoning Commission and City Council should take the following into consideration when making their respective recommendation and decision on a zoning request.

A. General Factors to Consider:

- 1. Is the request in accordance with the City's comprehensive plan, FLUM, zoning ordinances, or long-range master plans and maps that have been adopted by ordinance?**
 - a. Is the request designed to lessen congestion in the streets; secure safety from fire, panic or other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; or facilitate the adequate provision of transportation, water, wastewater, drainage (stormwater), schools, parks and other public requirements?
 - b. Will the request cause substantial detriment to the surrounding lands or serve no substantial public purpose?
 - c. Is the request arbitrary, capricious and unreasonable?
- 2. What, if any, is the nature and degree of adverse impact upon surrounding properties?**
 - a. Is the proposed zoning substantially inconsistent with the zoning of neighboring lands? (Whether the proposed zoning is more or less restrictive.)
- 3. The suitability or unsuitability of the tract for use as presently zoned.**
 - a. Have there been substantially changed conditions in the neighborhood.
 - b. Is there a substantial public need or purpose for the proposed zoning?
 - c. The size of the tract in relation to the affected neighboring lands – is the tract a small tract or isolated tract asking for preferential treatment that differs from that accorded similar surrounding land without first proving changes in conditions?
- 4. Whether the proposed zoning bears a substantial relationship to the public health, safety, morals or general welfare or protects and preserves historical and cultural places and areas.**



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

*If proposed zoning designation is not in compliance with land use, an application to change land use will also be required.

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

Property Owner(s) Name: Aycock Construction, Inc. Date: 1.24.2022

Address: P.O. Box 2407

City/State/Zip: Harker Heights, Tx 76548

Phone: 254-698-2551 E-mail: Aycock2551@yahoo.com

Legal Description of Property:

Location of Property (Address if available): Tract H of Cedarbrook Ridge Phase 2

Lot: Tract H Block: _____ Subdivision: Cedarbrook Ridge Phase 2

Acres: _____ Property ID: 505020 Survey: _____

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

Proposed Use: _____

Current Zoning Classification: Cedarbrook Ridge Planned Development Proposed Zoning: B-2 (Neighborhood Retail)

Current Land Use: Low Density Residential Proposed Land Use: B-2

Applicant's Representative (if applicable):

Applicant's Representative: Michael Aycock

Phone: 254-698-2551 E-Mail: Aycock2551@yahoo.com

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

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

Michael Aycock
Printed Name of Property Owner

[Signature]
Signature of Property Owner

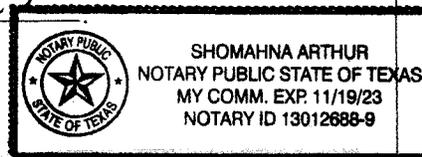
Brad Aycock
Printed Name of Representative

[Signature]
Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 24th DAY OF January, 2022

[Signature]
SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: 11.19.2023



Date Submitted: 1/26/2022

STAFF ONLY -- DO NOT FILL OUT BELOW

Pre-Application Meeting

Receipt #: 01780594

Received By: [Signature]

Revised: 9/2021

Case #: _____



Page 117 of 226

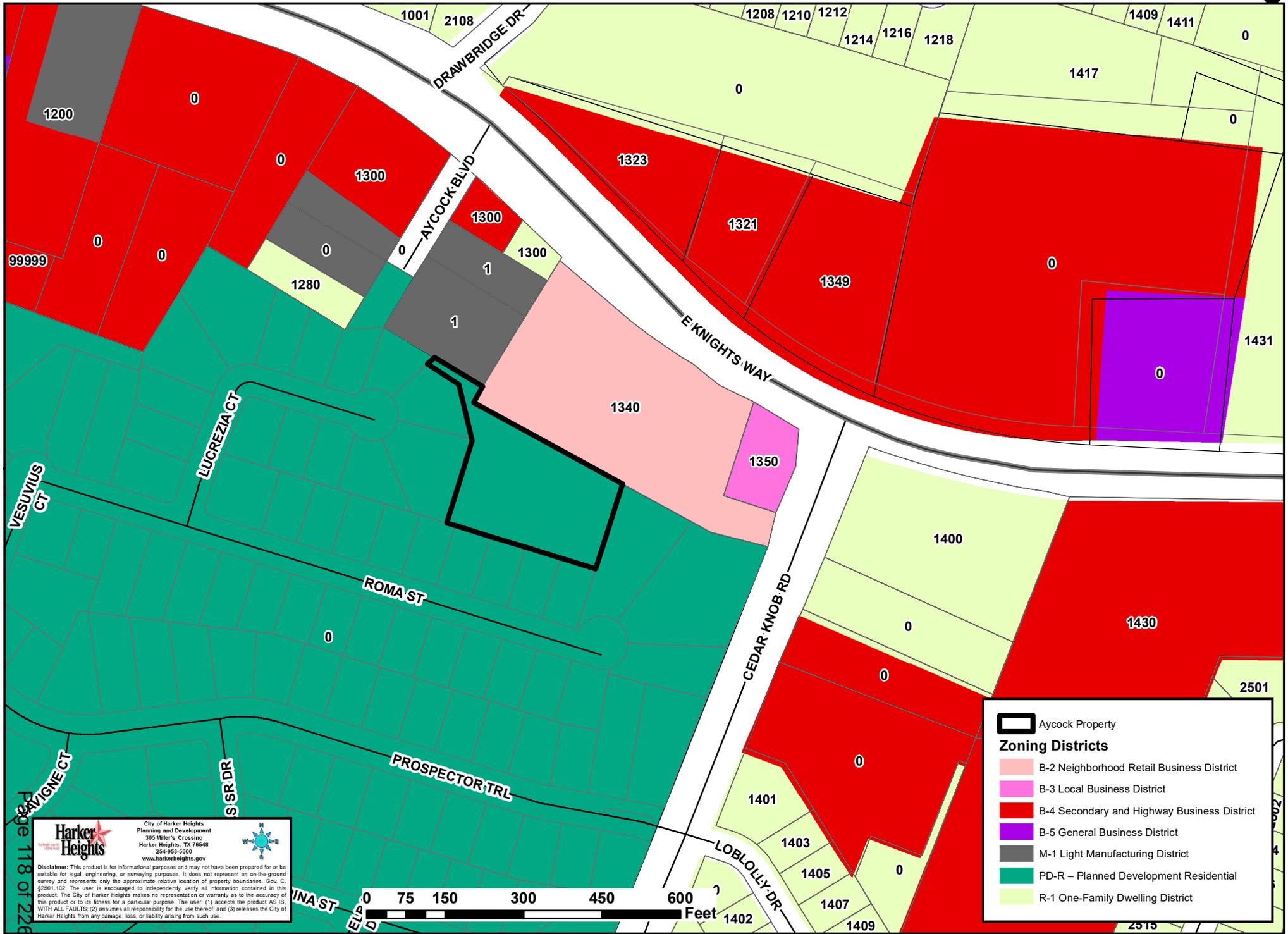
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 City of Harker Heights
 Planning and Development
 300 Miller's Crossing
 Harker Heights, TX 78548
 254-953-5600
 www.harkerheights.gov

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Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, and the GIS User Community

 Aycock Property



Legend

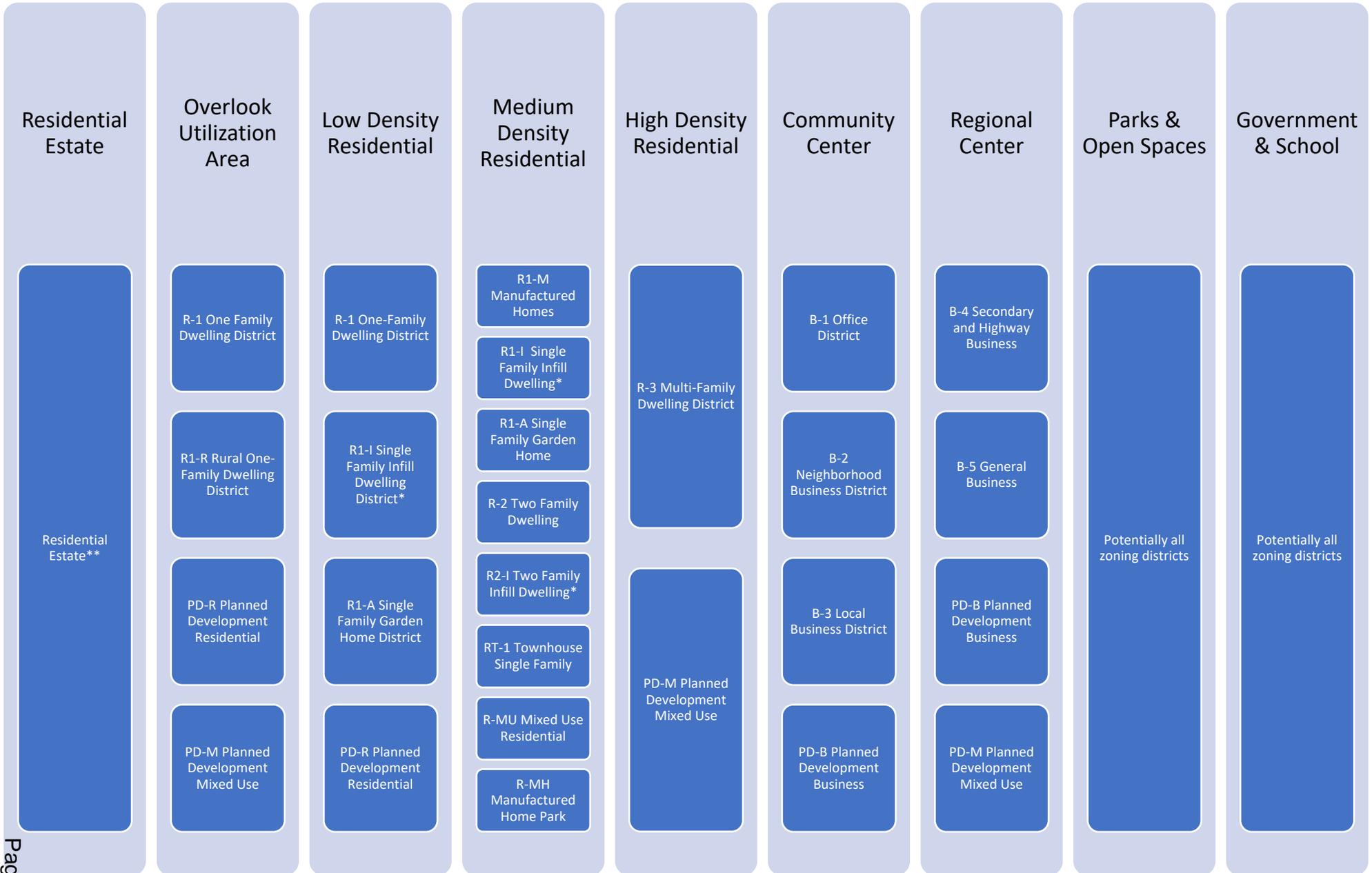
- Aycocck Property
- Zoning Districts**
- B-2 Neighborhood Retail Business District
- B-3 Local Business District
- B-4 Secondary and Highway Business District
- B-5 General Business District
- M-1 Light Manufacturing District
- PD-R – Planned Development Residential
- R-1 One-Family Dwelling District

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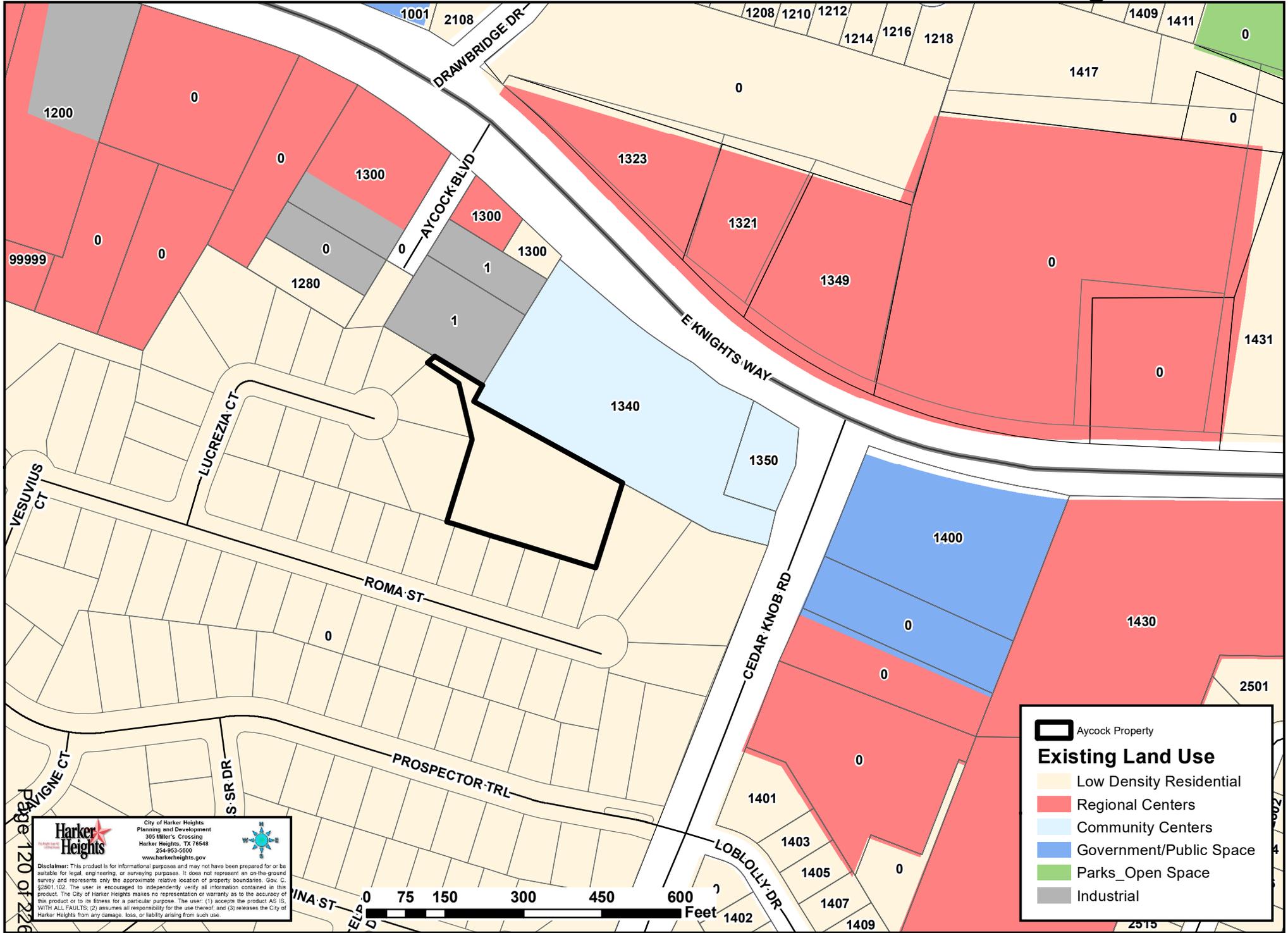
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Zoning Districts Per Land Use*



Adoption of Land Use Plan included definitions for each type of land use. This represents the Zoning Districts that correspond to those definitions.)
 Currently R-1 larger than 0.5 acres and R1-R Zoning Districts are being utilized for Residential Estates proposed Zoning District.



Existing Land Use

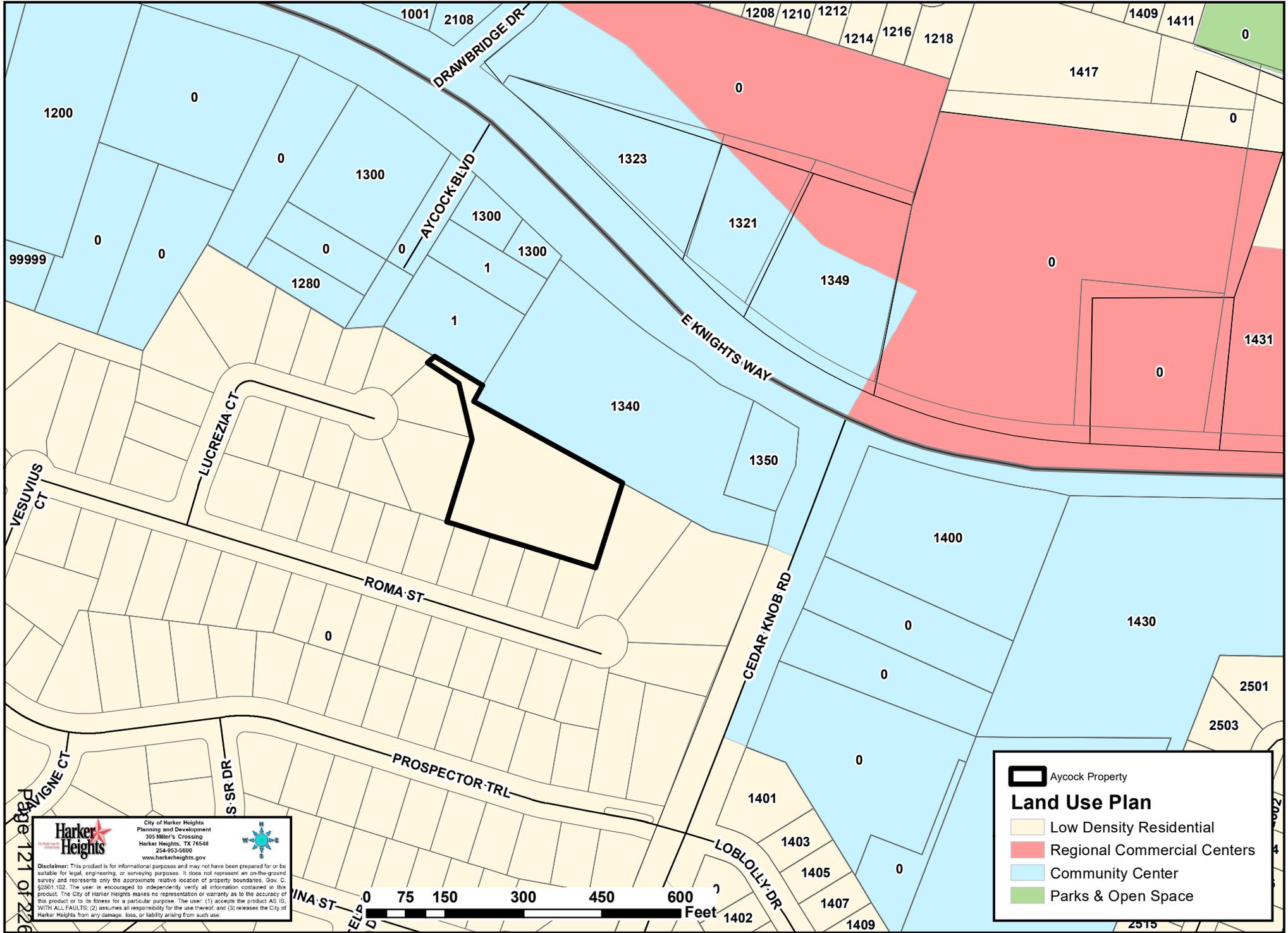
- Aycock Property
- Low Density Residential
- Regional Centers
- Community Centers
- Government/Public Space
- Parks_Open Space
- Industrial

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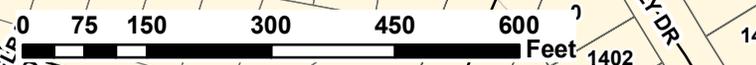
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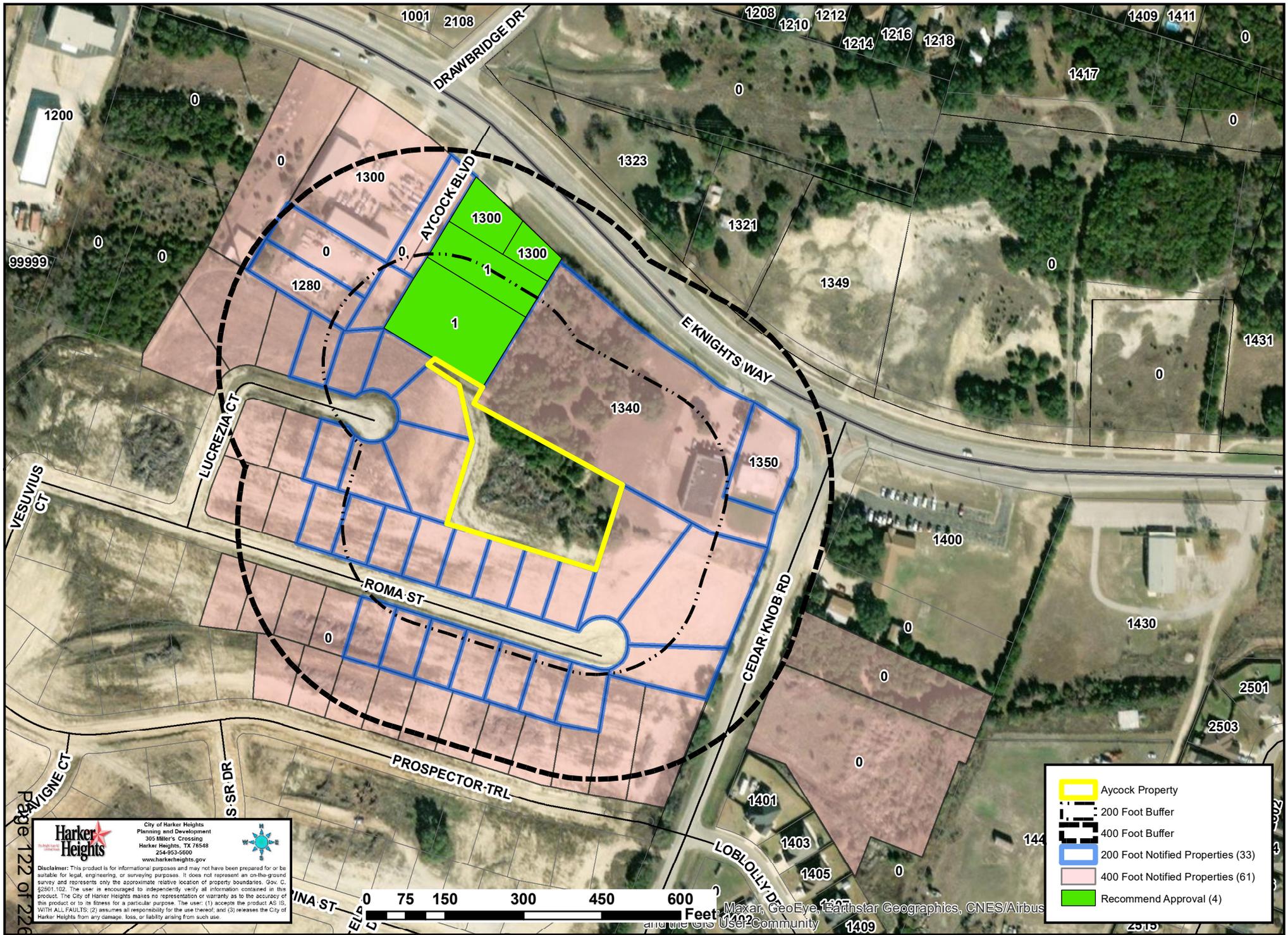
- Aycock Property
- Land Use Plan**
- Low Density Residential
- Regional Commercial Centers
- Community Center
- Parks & Open Space

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	Aycocock Property
	200 Foot Buffer
	400 Foot Buffer
	200 Foot Notified Properties (33)
	400 Foot Notified Properties (61)
	Recommend Approval (4)

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Maxar, GeoEye, Earthstar Geographics, CNES/Airbus and the GIS User Community

SENT: FEBRUARY 2, 2022
DUE BACK: FEBRUARY 16, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON FEBRUARY 16, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: AYCOCK, MATELAND L CONSTRUCTION INC

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

Physical Address	Property ID
1 FM 2410	4530

RE: application has been made to consider a request to change land use designation from **Low Density Residential to Community Center** on property described as Cedarbrook Ridge Phase II, Lot Tract H, Property ID 505020, generally located at south of 1340 E. Knight's Way/E. FM 2410, Harker Heights, Bell County, Texas (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Michael M. Aycock
Printed Name

[Signature]
Signature

2.16.22
Date

Received
FEB 16 2022
Planning & Development

SENT: FEBRUARY 2, 2022
DUE BACK: FEBRUARY 16, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON FEBRUARY 16, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: AYCOCK, WANDA LEE

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

Physical Address	Property ID
1300 FM 2410	241231

RE: application has been made to consider a request to change land use designation from **Low Density Residential to Community Center** on property described as Cedarbrook Ridge Phase II, Lot Tract H, Property ID 505020, generally located at south of 1340 E. Knight's Way/E. FM 2410, Harker Heights, Bell County, Texas (see attached notification map).

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

Comments:

Michael M Aycock
Printed Name

Michael M Aycock
Signature

2.16.22
Date

Received
FEB 16 2022
Planning & Development

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING THE LAND USE PLAN BY CHANGING THE LAND USE DESIGNATION FROM 'LOW DENSITY RESIDENTIAL' USE TO 'COMMUNITY CENTER' USE ON PROPERTY DESCRIBED AS CEDARBROOK RIDGE PHASE II, TRACT H, PROPERTY ID 505020, GENERALLY LOCATED SOUTH OF 1340 E. KNIGHT'S WAY/E. FM 2410, 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; and

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 designated 'Low Density Residential' use, is hereby changed to a 'Community Center' use on property described as Cedarbrook Ridge Phase II, Tract H, Property ID 505020, generally located south of 1340 E. Knight's Way/E. FM 2410, Harker Heights, Bell County, Texas.

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

<u>Ord. No.</u>	<u>Date Passed</u>	<u>Description</u>
2022-	3/8/2022	Amending the Land Use Plan by changing the land use designation from 'Low Density Residential' use to a 'Community Center' use on property described as Cedarbrook Ridge Phase II, Tract H, Property ID 505020, generally located south of 1340 E. Knight's Way/E. FM 2410, 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 by the City Council of the City of Harker Heights on March 8, 2022.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



CITY COUNCIL MEMORANDUM

AGENDA ITEM #VI-5

FROM: THE OFFICE OF THE CITY MANAGER

DATE: MARCH 8, 2022

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING §150.02(J) OF THE HARKER HEIGHTS CODE OF ORDINANCES; ADOPTING AND AMENDING THE 2021 INTERNATIONAL FIRE CODE AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The City of Harker Heights is in the process of amending and adopting the 2021 International Fire Code as promulgated by the International Code Council (ICC). This will enable the City to apply the most current life safety standards, and to maintain our Insurance Service Organization (ISO) rating.

The City's Fire Marshall has attended updated training to understand and properly enforce the new requirements. The proposed 2021 Fire Code and amendments were also presented to City Council at the March 1, 2022, City Council Workshop.

ANALYSIS

The majority of the changes between the adopted 2015 Codes and the 2021 Codes are to provide clarity or to increase the levels of safety for those who live and work in the City. There are some changes that will increase the initial installation costs. However, the overall life cycle costs will be reduced.

STAFF RECOMMENDATION:

Staff recommends approval of an amendment to § 150.02(J) of the Harker Heights Code of Ordinances to adopt the 2021 International Fire Code as amended.

ACTION BY CITY COUNCIL:

1. Motion to Approve/Disapprove an amendment to § 150.02(J) of the Harker Heights Code of Ordinances to adopt and amend the 2021 International Fire Code, based upon staff's recommendation and findings.
2. Any other action desired.

ATTACHMENTS:

1. Draft Ordinance
2. 2021 IFC Amendments Exhibit A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING SECTION 150.02(J) OF THE HARKER HEIGHTS CODE OF ORDINANCES, ADOPTING AND AMENDING THE 2021 INTERNATIONAL FIRE CODE.

WHEREAS, the City of Harker Heights (“*City*”) has previously adopted various fire codes, including the 2015 International Fire Code; and

WHEREAS, the City Council (“*Council*”) finds that to provide for the most current life safety codes as standards for compliance, and to promote the public health, safety and welfare, 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: Section 150.02(J) of the City of Harker Heights’ Code of Ordinances is hereby amended to read as shown in Exhibit “A”.

SECTION 3: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 4: All of the regulations provided in this Ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any city official or employee charged with the enforcement of this Ordinance, acting for the City in the discharge of official duties, shall not thereby become personally liable, and is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of said duties.

SECTION 5: The change in the law made by this Ordinance applies only to an offense committed on or after the effective date of this Ordinance. For purposes of this section, an offense is committed on or after the effective date of this Ordinance if every element of the offense occurs on or after that date.

SECTION 6: An offense committed before the effective date of this Ordinance is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 7: This Ordinance shall be effective from and after **March 8, 2022**, and the City Secretary shall publish the caption or title of hereof within ten days of approval as required by law.

PASSED AND APPROVED by the City Council of the City of Harker Heights on March 8, 2022.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary

§ 150.02 ADOPTION OF VARIOUS STANDARD CODES.

The following codes are hereby adopted by reference as though they were fully copied herein, with deletions, alterations, and additions as indicated:

(J) ***The International Fire Code, 2015 Edition*** as promulgated by the International Code Council Inc., and all subsequently published annual revisions issued, except for the following, which shall amend, and change said code only to the extent referenced:

(1) **Section 101.1 “Title.”** Amend to read: “These regulations shall be known as the Fire Code of The City

(2) **Section 102.1; “Construction and Design provisions.”** Amend #3 to read: “Existing structures, facilities and conditions when required in Chapter 11 or in other sections of this code.”

(3) **Section 103.1 “Creation of Agency.”** Amend to read: “The Harker Heights Fire Department Fire Prevention Division is hereby created and the Fire Chief or his designee shall be known as the *fire code official*. The function of the division shall be the implementation, administration and enforcement of the provisions of this code.”

(4) **Section 103.2 “Appointment.”** Amend to read: “The *fire code official* shall be the Fire Chief or his designee.”

(5) **Section 104.1 “General”.** Amend to read: “The *fire code official* or any peace officer licensed the city of Harker Heights is hereby authorized to enforce the provisions of this code. The *fire code official* shall have the authority to render interpretations of this code and to adopt policies, procedures, rules, and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules, and regulations shall be in compliance with the intent and purpose of this code. Such policies, procedures, rules and regulations shall not have the effect of waiving requirements specifically provided for in this code.”

(6) **Section 104.3.2 “Photographic Documentation.”** Amend by adding: “Members of the Fire Department making such examinations or inspections shall have the right, with proper credentials, and be authorized to take a reasonable number of photographs or videotapes for evidence and for records for use by the Fire Department to document violations, study hazards and scientific control for fire safety.”

(7) **Section 105.3.1 “Expiration.”** Amend by adding an exception to read: “Exception: Construction permits attached to, or in association with, the master commercial permit shall not be subject to the provisions of Section 105.3.1 and shall follow the expiration period of the master commercial permit if applicable.”

(8) **Section 105.3.3 Occupancy Prohibited before Approval.** Amend to read: “The building or structure shall not be occupied prior to the fire code official issuing a permit when required and conducting associated inspections indicating the applicable provisions of this code have been met.”

(9) **Section 105.5 “Required operational permits.”** Amend to read: “The *fire code official* is authorized to issue operational permits for the operations set forth in Sections 105.5.1 through 105.5.53.”

(10) **Section 105.5.53 “Food Booths.”** Add section to read: “An operational permit is required for the operation of a food booth. For permit to operate a food booth, see Section 322.”

(11) **Section 105.6 “Required construction permits.”** Amend to read: “The fire code official is authorized to issue construction permits for work set forth in Sections 105.6.1 through 105.6.25.”

(12) **105.6.25 Electronic access control systems.** Add section to read as follows: “Construction permits are required to install or modify an electronic access control system, as specified in Chapter 10. A separate

construction permit is required for to install or modify a fire alarm system that may be connected to the access control system. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.”

(13) 107.3 Permit valuations. Delete this section in its entirety.

(14) Section 109.6 “Overcrowding.” Amend to read: “Overcrowding or admittance of any person beyond the *approved* capacity of a building or a portion thereof shall not be allowed. The *fire code official*, an officer of the fire department or any peace officer licensed by the City of Harker Heights on finding any overcrowding conditions or obstructions in *aisles*, passageways or other *means of egress*, or on finding any condition that constitutes a life safety hazard, shall be authorized to cause the event to be stopped until such conditions or obstruction is corrected.

(15) Section 109.6.1 “Removal of Occupants”. Add section to read: “The *fire code official*, an officer of the fire department or any peace officer licensed by the City of Harker Heights s is authorized to require the removal of occupants at a location when actual occupancy exceeds the permitted or posted occupant load. A person commits an offense if they refuse to obey an order to vacate.”

(16) Section 111.1 “Board of appeals established”. Delete Sections 111.1, 111.2, 111.3 & 111.4 Amend Section 111.1 to read:” Appeals shall be handled as set forth in Section 113 of the adopted international Building Code.”

(17) Section 112.4 “Violation penalties.” *Amend to read:* “Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the *approved construction documents*, or directive of the *fire code official*, or of a permit or certificate under provisions of this code, shall be guilty of a Misdemeanor and upon conviction shall be punished as provided in Section 10.99 of the Code of Harker Heights. Each day that a violation continues after notice has been served shall be deemed a separate offense.”

(18) SECTION 202, GENERAL DEFINITIONS Amend section by including and or changing the following definitions:

“ALL WEATHER DRIVING SURFACE - A driving surface that is capable of supporting the imposed loads of fire apparatus and consisting of material that is impervious to damage from wet conditions and does not produce dust during dry weather conditions. Accepted materials shall consist of concrete or asphalt correctly applied.

AMBULATORY CARE FACILITY. Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing, or similar care on a less than 24-hour basis to persons who are rendered incapable of self-preservation by the services provided or staff has accepted responsibility for care recipients already incapable. This group may include but not be limited to the following: Dialysis centers, Sedation dentistry, Surgery centers, Colonic centers, Psychiatric centers, or Procedures involving sedation.

AS DEVELOPED - The change of use of a parcel of land from a vacant, unimproved tract to one which is prepared for occupancy by buildings or structures, or which becomes occupied by buildings, structures.

ATRIUM. An opening connecting three or more stories... *{remaining text unchanged}*

DEFEND IN PLACE. A method of emergency response that engages building components and trained staff to provide occupant safety during an emergency. Emergency response involves remaining in place, relocating within the building, or both, without evacuating the building.

FIRE MARSHAL shall mean the designated authority charged with the administration, interpretation, and enforcement of this code, responsible for the investigations of fires and inspection of facilities.

FIRE WATCH. A temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals or *standby personnel* when required by the *fire code official*, for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department.

FIREWORKS. Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, *deflagration*, or *detonation*, and/or activated by ignition with a match or other heat producing device that meets the definition of 1.3G fireworks or 1.4G fireworks. ...
{Remainder of text unchanged} ...

FOSTER CARE FACILITIES. Shall mean an independent residential occupancy that is the primary residence of the caregiver and licensed by the state to provide twenty four (24) hour care for five or fewer children (including those related to the caregiver) up to the age of eighteen (18) years.

HIGH-PILED COMBUSTIBLE STORAGE: *add a second paragraph to read as follows:*

Any building classified as a group S Occupancy or Speculative Building exceeding 6,000 sq. ft. that has a clear height in excess of 14 feet, making it possible to be used for storage in excess of 12 feet, shall be considered to be high-piled storage. When a specific product cannot be identified (speculative warehouse), a fire protection system and life safety features shall be installed as for Class IV commodities, to the maximum pile height.

HIGH-RISE BUILDING. A building with an occupied floor located more than 55 feet (16764 mm) above the lowest level of fire department vehicle access.

MOBILE FOOD PREPARATION VEHICLES. shall mean a mobile food operation using any heat producing equipment for the purpose of preparing and serving food for consumption to the public, from a unit which is wheeled, or otherwise designed to be readily transported from place to place, whether towed or self-propelled, and which is not designed to be permanently connected to domestic water, sanitary sewer systems, or electricity.

MOBILE HOME PARK - For purposes of enforcement of these code provisions, a mobile home park shall be considered as commercial property.

MODIFICATION OF A FIRE PROTECTION SYSTEM To change, alter or upgrade a system from its original design, coverage, and method of actions. This may include but is not limited to the following:

- Changing piping or coverage of a system
- Replacing one single board or FA control unit with a newer model
- Conversion from a horn system to a voice alarm system
- Replacing POTS lines with Cellular Dialers

The following are not considered a modification:

- Replacing painted or corroded heads with same type and temp rating or replacing gauges
- Firmware updates
- Software updates
- Replacing boards of the same model utilizing the same or newer firmware

REPAIR GARAGE. A building, structure or portion thereof used for servicing or repairing motor vehicles. This occupancy shall also include garages involved in minor repair, modification, and servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement, and other such minor repairs.

ROUTE THAT A FIRE HOSE WOULD BE LAID - The routing of fire hose from either a public or approved on-site fire hydrant to the fire apparatus along the length of the public roadway and/or approved private fire lanes.

SELF-SERVICE STORAGE FACILITY. Real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

STANDBY PERSONNEL. Qualified fire service personnel approved by the Fire Chief. When utilized, the number required shall be as directed by the Fire Chief. Charges for utilization shall be as normally calculated by the jurisdiction.

(19) Section 307.1.1 Prohibited Open Burning. Amend to read: Open burning that is offensive or objectionable because of smoke emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

Exception: {No change.}

(20) Section 307.2 Permit Required. Amend to read: “A permit shall be obtained from the *fire code official* in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or open burning. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

Examples of state or local law, or regulations referenced elsewhere in this section may include but not be limited to the following:

1. Texas Commission on Environmental Quality (TCEQ) guidelines and/or restrictions.
2. State, County, or Local temporary or permanent bans on open burning.
3. Local written policies as established by the *fire code official*.”

(21) Section 307.3 Extinguishment Authority. “Amend to read: When open burning creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the fire code official is authorized to order the extinguishment of the open burning operation. The fire code official is authorized to order the extinguishment by the permit holder, another person responsible or the fire department of open burning that creates or adds to a hazardous or objectionable situation.”

(22) Section 307.4 Location. Amend to read: “The location for open burning shall not be less than 300 feet (91 440 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 300 feet (91 440 mm) of any structure.”

Exceptions: {No change.}

(23) Section 307.4.1 Bonfires. Delete entire section.

(24) 307.4.2 Recreational fires. Amend to read: “Allowed without a permit in approved containers at one- and two-family dwellings, subject to the regulations contained herein. Recreational fires shall not be conducted within 15 feet (3048mm) of a structure or combustible material. Conditions that could cause a fire to spread within 15 feet (3048mm) of a structure shall be eliminated prior to ignition. Fires shall be limited to a maximum of three feet in diameter and two feet in height, must be contained in a non-combustible chimney, outdoor fireplace, fire pit, or other method approved by the Fire Code Official. All openings in the container or fire pit must be covered with wire mesh or other screening materials that will prevent the passage of sparks or embers. No such fire or container used for open burning may be used on

any porch, deck, balcony, or other portion of a building. Within any room, space, or under any building overhang.”

(25) Section 307.4.4 Permanent Outdoor Firepit. Add section: “Permanently installed outdoor firepits for recreational fire purposes shall not be installed within 10 feet of a structure or combustible material.

Exception: Permanently installed outdoor fireplaces constructed in accordance with the International Residential Code or International Building Code.”

(26) 307.4.5 Trench Burns. Add section: Trench burns shall be conducted in air curtain trenches and in accordance with Section 307.2.

(27) Section 307.5 Attendance. Amend to read: “*Open burning, trench burns, recreational fires, and use of portable outdoor fireplaces shall be constantly attended until the... {Remainder of section unchanged}*”

(28) Section 308.1.4 Open-flame Cooking Devices. Amend to read: Open-flame cooking devices, charcoal grills and other similar devices used for cooking shall not be located or used on combustible balconies, decks, or within 10 feet (3048 mm) of combustible construction.

Exceptions:

1. One- and two-family dwellings where LP-gas containers are limited to a water capacity not greater than 50 pounds (22.68 kg) [nominal 20 pound (9.08 kg) LP-gas capacity] with an aggregate LP-gas capacity not to exceed 100 pounds (5 containers). All LP-gas containers shall be stored outside, as per Chapter 61.
2. Where buildings, balconies and decks are protected by an approved *automatic sprinkler system*, and LP-gas containers are limited to a water capacity not greater than 50 pounds (22.68 kg) [nominal 20 pound (9.08 kg) LP-gas capacity], with an aggregate LP-gas capacity not to exceed 40 lbs. (2 containers). All LP-gas containers shall be stored outside, as per Chapter 61.
3. LP-gas cooking devices having LP-gas container with a water capacity not greater than 2-1/2 pounds [nominal 1-pound (0.454 kg) LP-gas capacity].

(29) Section 308.1.6.2, Exception #3; Amend to read as follows:

3. Torches or flame-producing devices in accordance with Section 308.1.3.

(30) Section 308.1.6.3 Sky Lanterns. Amend to read: “A person shall not release or cause to be released an unmanned free-floating device containing an open flame or other heat source, such as but not limited to a *sky lantern*.”

(31) Section 311.5 Placards. Amend to read: “The *fire code official* is authorized to require marking of any vacant or abandoned buildings or structures determined to be unsafe pursuant to Section 114 of this code relating to structural or interior hazards, as required by Section 311.5.1 through 311.5.5.

(32) Section 319.11 Add section: “Flammable / Combustible gas containers shall be located and secured on the exterior of the mobile food unit, open to atmosphere or if containers are kept in compartment, said compartment must be separate from the interior food preparation area. Access must be from the exterior of the unit and compartment floor and exterior door must be vented to the atmosphere”.

(33) Section 319.12 Signage. Add section: “All mobile units with combustible / flammable gas shall post a “NO SMOKING” sign next to or directly above the bottle and visible to the public. Such sign shall be posted with a minimum of four-inch red lettering on white background.”

(34) Section 319.13 “Generators” Add section: Units using electrical power for cooling or heating must provide a shutoff or means of disconnect located outside the confines of the unit, which is readily accessible and marked with a sign consisting of three-inch red letters on a white background, which states “ELECTRICAL SHUTOFF.” This shutoff must be placed where it can be readily seen and reached without

endangering the person(s) attempting to shut off the power source in the event of a fire or short circuit.

(35) Section 319.14 Baffles. Add section: "All deep-fat fryers shall have a steel baffle between the fryer and surface flames of an adjacent appliance or shall maintain a 16-inch separation distance. The baffle, if installed, shall be eight inches in height."

(36) SECTION 320 – "FOOD BOOTHS." Add Sections to read:

- (a) "Section 320.1 "Permits."** For permit to operate a food booth, see Section 105.5.53. It shall be unlawful to operate a food booth without a permit.
- (b) Section 320.2 "Fire Protection."** One 2A –10 BC fire extinguisher shall be required for all food booths. Booths containing deep fat fryers shall also have a class K portable fire extinguisher for up to four fryers having a maximum cooking medium capacity of 80 pounds each. For every additional group of four fryers having a maximum cooking capacity of 80 pounds each, an additional class K extinguisher will be required. For individual fryers exceeding 6 square feet in surface area, class K extinguishers will be installed in accordance with manufacturers' recommendations. All fire extinguishers shall have a current (within a year) inspection sticker from a licensed extinguisher company or provide proof (such as a store receipt) that the extinguisher was purchased sometime within the last 12 months.
- (c) Section 320.3 "Location."** Food booths utilized for cooking shall have a minimum of 10 feet clearance on two sides. Booths shall not be placed in fire lanes unless otherwise approved by the fire code official. Booths shall not be placed within 10 feet of amusement rides or devices.
- (d) Section 320.4 "Cooking equipment location."** Barbeque pits shall not be located within 10 feet of combustible materials. Barbeque pits shall not be located under the food booth canopy.
- (e) Section 320.5 "Acceptable Cooking Sources".** The following are the only approved cooking sources for food booths:
 - 1. Wood or charcoal
 - 2. Propane
 - 3. Natural Gas
 - 4. Electricity
- (f) Section 320.6 "Generators."** Fuel tanks shall be of adequate capacity to permit uninterrupted operation during normal operating hours. Generators shall be isolated from contact with the public. Storage of gasoline is not allowed in or near generators or food booths.
- (g) Section 320.7 "Decorations."** All decorative material shall be at least six feet away from any open flame, cooking element, or heat source or be flame resistant.
- (h) Section 320.8 "Escape route."** All concession stands shall have a minimum of a 36-inch aisle for emergency escape.
- (i) Section 320.9" Propane."** All equipment used in conjunction with propane tanks must be UL Listed for the purposes in which they will be used. Tanks shall be secured to prevent falling. Tanks shall only be white or aluminum in color. Only one spare tank will be allowed in a food booth. Emptied propane tanks are to be removed from the site immediately after use. Regulators shall be attached to the tanks as close as possible. Leaks can be detected using a soap and water solution. Tank shutoff valves and/or additional shutoff valves shall be accessible and away from the cooking appliance(s). Propane tanks shall not be within five feet of an ignition source. Propane tanks shall not be located within 10 feet of a building door or window.
- (j) Section 320.10 "Area."** A food booth shall consist of an area 10 feet by 10 feet. Extended food booths that exceed 10 feet by 10 feet space and used for cooking will be charged additional fees. These fees will be charged in one hundred square foot increments and any portion thereof."

(37) Section 401.9 "False Alarms and Nuisance Alarms." Add section to read: "False alarms and

nuisance alarms shall not be given, signaled or transmitted or caused or permitted to be given, signaled or transmitted in any manner.”

(38) Section 403.4 Group E Occupancies. *Amend to read:* An approved fire safety and evacuation plan in accordance with Section 404 shall be prepared and maintained for Group E occupancies and for buildings containing both a Group E occupancy and an atrium. A diagram depicting two evacuation routes shall be posted in a conspicuous location in each classroom. Group E occupancies shall also comply with Sections 403.4.1 through 403.4.3.

(39) Section 404.2.2 Fire safety plans. *Add Number 4.10. to read as follows:*

“4.10. Fire extinguishing system controls.”

(40) Section 501.4 Timing of Installation. *Amend to read:* “When fire apparatus access roads or a water supply for fire protection is required to be installed for any structure or development, they shall be installed, tested, and approved prior to the time of which construction has progressed beyond completion of the foundation of any structure., such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternative methods of protection are provided. Temporary street signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles in accordance with Section 505.2.”

(41) Section 503.2.1 Dimensions. *Amend to read:* “Fire apparatus access roads shall have an unobstructed width of not less than 24 feet (7315 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet (4267 mm).

Exception: Vertical clearance may be reduced; provided such reduction does not impair access by fire apparatus and *approved* signs are installed and maintained indicating the established vertical clearance when approved.”

(42) Section 503.2.3 Surface. *Amend to read:* Fire apparatus access roads shall be designed and maintained to support imposed loads of at least 85,000 Lbs. for fire apparatus and shall be surfaced to provide all-weather driving capabilities. Drivable grass surfaces, or other alternative drivable surfaces, are permitted when approved by the Fire Marshal or his designee and in accordance with all the following conditions:

1. Sealed documents indicating compliance with the provisions of 503.2.3 shall be submitted by a registered design professional for review.
2. The drivable grass surface, or alternative drivable surface, shall not be used as the primary access to the site.
3. The surface shall be capable of supporting the imposed load of fire apparatus weighing at least 85,000 pounds.
4. Red traffic reflectors shall be provided on each side of the surface every 20 feet to clearly mark its boundaries. Vegetation on and surrounding the surface shall be maintained such that said reflectors are always visible.
5. Sod is not permitted to be placed over the drivable base.
6. Concrete curbing, or other approved edging, shall be installed along both sides of the portion to be used as such for enhanced lateral stability.
7. If sand or other free-flowing fill is used as a main structural component for the surface, concrete curbing or other approved edging shall be installed along both sides of the surface for material containment.
8. The surface shall always be maintained in proper working order when utilized as a required fire lane. Should the surface become damaged or fall into disrepair, the Fire Marshal or his designee shall be authorized to require the repair and re-certification of said surface.”

(43) Section 503.2.5 “Dead Ends.” Amend to read: “Required fire apparatus access when not connected at both ends to a public roadway, shall be provided with an approved area for the turning around of fire apparatus. A turn around as approved by the Fire Marshal or as permitted by Appendix D are acceptable. Cul-de-sac as noted in Appendix D shall have a minimum radius of fifty (50) feet.”

(44) Section 503.3 Marking. Amend to read: “Striping, signs, or other markings, when approved by the fire code official, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof, signs and other markings shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

(1) Striping – Fire apparatus access roads shall be continuously marked by painted lines of red traffic paint six inches (6”) in width to show the boundaries of the lane. The words “NO PARKING FIRE LANE” or “FIRE LANE NO PARKING TOW AWAY ZONE” shall appear in four inch (4”) white letters at 25 feet intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.

(2) Signs – Signs shall read “NO PARKING FIRE LANE” or “FIRE LANE NO PARKING” and shall be 12” wide and 18” high. Signs shall be painted on a white background with letters and borders in red, using not less than 2” lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6’6”) above finished grade. Signs shall be spaced not more than fifty feet (50’) apart along both sides of the fire lane. Signs may be installed on permanent buildings or walls or as approved by the Fire Chief.”

(45) Section 503.4 Obstruction of Fire Apparatus Access Roads. Amend to read: “Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 and 503.2.2 and any area marked as a fire lane as described in Section 503.3 shall be maintained at all times.

(46) Section 503.6.1 “Direction of Swing.” Add new section to read: “Security gates installed across a Fire Apparatus Access Road shall swing in the direction of travel or open horizontally to avoid backing up of Fire Apparatus and to allow for an expedited response.”

(47) Section 503.7 “Abandonment of Fire Apparatus Access Roads” Add new section to read: “No owner or person in charge of any premises served by an existing required fire apparatus access road shall abandon or close any such fire apparatus access road without first complying with the following procedure:

1. A request to the Fire Code Official shall be made in writing by the owner, stating the reasons for abandonment of the fire apparatus access road.
2. The Fire Code Official shall determine if said property is no longer subject to the requirements of this Code. The Fire Code Official shall either approve or deny the request for abandonment and notify the owner in writing within 10 working days of receiving the request.
3. No fire apparatus access road may be abandoned until the Fire Code Official has approved the abandonment in writing.”

(48) Section 505.1 Address Identification. Amend to read: New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 6 inches (152.4 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road, buildings do not immediately front a street, and/or the building cannot be viewed from the public way, a monument, pole or other sign with approved 6 inch (152.4 mm) height building numerals or addresses and 4 inch (101.6 mm) height suite/apartment numerals of a color contrasting with the background of the building or other approved means shall be used to identify the structure. Numerals or addresses shall be posted on a minimum 20 inch (508 mm) by 30 inch (762 mm) background on border. Address identification

shall be maintained.

Exception: R-3 Single Family occupancies shall have approved numerals of a minimum 4 inches (101.6 mm) in height and a color contrasting with the background clearly visible and legible from the street fronting the property and rear alleyway where such alleyway exists.

(49) Section 507.3 “Fire flow.” Amend to read: “Fire Flow requirements for buildings or portions of buildings and facilities shall be as per Appendix B of the International Fire Code or *approved* method as determined by the Fire Marshal.”

(50) 507.5 Fire hydrant systems. Amend to read: “Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.10”

(51) Section 507.5.1 Where required. Amend to read: “All Public and/or private fire hydrants and mains are required to be installed as follows:

1. All non-residentially zoned property or use: As the property is developed, fire hydrants shall be located at a maximum spacing of three hundred (300) feet, as measured along the length of the roadway or as determined by the Fire Code Official. No part of the structure shall be further than five hundred (500) feet from the fire hydrant, as measured by the route that a fire hose would be laid.

2. All residentially zoned property or use, except one- and two-family dwellings: As the property is developed, fire hydrants shall be located at a maximum spacing of six hundred (600) feet, as measured along the length of the roadway or as determined by the Fire Code Official. No part of the structure shall be further than five hundred (500) feet from the fire hydrant, as measured by the route that a fire hose would be laid.”

(52) Section 507.5.1.2 “Accessibility.” Add section to read: “No fire flow credit is allowed for hydrants which are located or so obstructed as to make their use impractical, such as, but not limited to, hydrants across railroad tracks, across limited access highway, expressways, primary thoroughfares, minor or principal arterials, across creeks or streams, or walls.”

(53) Section 507.5.4 Obstruction. Amend to read: Unobstructed access to fire hydrants shall be maintained at all times. Posts, fences, vehicles, growth, trash, storage and other materials or objects shall not be placed or kept near fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

(54) Section 507.5.7 “Design Criteria for Water Mains.” Add sections to read: “The minimum diameter for public water mains shall be six inches in single-family residential areas and eight inches in all other areas. Larger mains may be required to accommodate fire flow requirements.

(a) Section 507.5.7.1. Flow Rate. All fire hydrants must be capable of and maintain a minimum flow rate, as measured by Fire Department gauges, of 1,000 gpm in single-family residential areas; 1,250 gpm in commercially zoned areas; and 1,500 gpm in all other areas.

(b) Section 507.5.7.2. Where the fire service mains are used to supply required fire hydrants, the mains shall be sized to flow the required fire flow as determined by Section 507.3.

(c) Section 507.5.7.3. Where the fire service mains are used to supply required fire hydrants plus fire sprinkler and/or fire standpipe systems, the mains shall be sized to flow the larger of the fire hydrant flow demand as determined by Section 507.3, the fire sprinkler demand or the fire standpipe demand as determined by as determined by Chapter 9.

(d) Section 507.5.7.4. When sizing the fire service main, the distribution of the fire flow among the required fire hydrants (as determined by 507.5.7.2 or 507.5.7.3 above) shall be no less than 1,000

gpm at the hydraulically remote fire hydrant, with the remaining fire flow equally distributed among the remaining required fire hydrants, unless otherwise determined by the Fire Marshal.

- (e) **Section 507.5.7.5** Private fire mains shall be hydraulically calculated.
- (f) **Section 507.5.7.6.** Water pressure in private fire mains shall not be less than thirty-five pounds per square inch (35 psi) with no hydrants in use. When hydrants are in use supplying the required fire flow, water pressure in the main at the fire hydrant discharge level shall be not less than 25 pounds per square inch (25 psi) residual.
- (g) **Section 507.5.7.7.** The minimum required number of fire hydrants for the fire flow determined by Section 507.3 shall be specified in Appendix C, Table C 102.1.
- (h) **Section 507.5.7.8.** Except for specific requirements of this code, all hydrants and mains required for private protection shall be designed, constructed, and operated in conformance with the City of Harker Heights criteria, specifications and regulations for public fire hydrants and mains on public streets and NFPA 24.
- (i) **Section 507.5.7.9.** Fire hydrants located on un-looped six inch (6") water mains of more than eighteen hundred feet (1,800'), or on looped six inch (6") water mains of more than three thousand five hundred feet (3,500'), shall not be considered as meeting the requirements of this code."

(55) Section 507.5.8 "Fire Hydrant Installation Criteria." Add section to read: "Fire hydrants shall be installed per the following criteria:

1. All required fire hydrants shall be Mueller Super Centurion or American -Darling three-way break-away-type, painted reflective yellow, no less than five and one-quarter inches (5-1/4") in size, and shall conform to the provisions of the latest AWWA specifications.
2. Fire hydrants shall be right turn only.
3. The steamer (pumper) connection shall have a nominal inside diameter of 4 inches and shall have two other hose connections with a nominal inside diameter of 2.5 inches in addition to the steamer (pumper) connection.
4. Fire hydrants shall be a minimum of two feet (2') and a maximum of six (6') feet from the gutter face of the curb which forms a public way or Fire Lane. Fire hydrants located on private property and/or in parking lots adjacent to a Fire Lane or public way shall meet the same requirement for distance and be located on a curbed island and/or protected from damage in accordance with Section 312.
5. Gate valves shall be placed on all fire hydrant leads.
6. Required fire hydrants shall be installed so the break-away point will be no less than three inches (3") and no greater than five inches (5") from finished grade.
7. All required fire hydrants shall be installed with the steamer connection facing the fire apparatus access road, street, or fire lane, as applicable.
8. All required fire hydrants shall be approved by the Fire Code Official and installed by the contractor in accordance with City Standards prior to the delivery of combustible materials to the construction site.
9. There shall be no parking within fifteen feet (15') of either side of a fire hydrant, along the curb line or within three feet (3') of the backside of any fire hydrant. Fire hydrants shall not be blocked to the front."

(56) Section 507.5.9 "Maintenance." Add sections to read: "All fire hydrants shall be inspected and flushed annually. All such inspections and flushing shall be the responsibility of the Harker Heights Fire Department."

- (a) **Section 507.5.9.1** Any maintenance or repairs required to keep private on-site fire hydrants in proper working order shall be the responsibility of the owner of same, subject to the discretion of the Fire Department's annual inspection and flushing.
- (b) **Section 507.5.9.2** All required private on-site fire hydrants shall be accessible to the Fire Department at all times."

(57) Section 507.5.10 "Required Extension." Add section to read: "The Fire Code Official may require that an individual extend a six-inch (6") or larger water main and install an on-premises fire hydrant conforming to these regulations, in cases where it is determined that a structure will be situated such that

it cannot comply with the maximum distance requirements of subsection 507.5.7 of this code.”

(58) Section 605.4 Fuel oil storage systems. Amend to read: “Fuel oil storage systems shall be installed and maintained in accordance with this code. Tanks and fuel-oil piping systems shall be installed in accordance with Chapter 13 of the *International Mechanical Code* and Chapter 57.”

- (a) **Section 605.4.1 Fuel oil storage in outside, above-ground tanks.** Amend to read: Where connected to a fuel-oil piping system, the maximum amount of fuel oil storage allowed outside above ground without additional protection shall be 660 gallons (2498 L). The storage of fuel oil above ground in quantities exceeding 660 gallons (2498 L) shall comply with NFPA 31 and Chapter 57.
- (b) **Section 605.4.1.1 Approval.** Amend to read: Outdoor fuel oil storage tanks shall be in accordance with UL 142 or UL 2085, and listed as double wall/secondary containment tanks.
- (c) **Section 605.4.2 Fuel oil storage inside buildings.** Amend to read: Fuel oil storage inside buildings shall comply with Sections 605.4.2.2 through 605.4.2.8 and Chapter 57.
- (d) **Section 605.4.2.1 Approval.** Indoor fuel oil storage tanks shall be in accordance with UL 80, UL 142, or UL 2085.
- (e) **Section 605.4.2.2 Quantity limits.** Amend to read: One or more fuel oil storage tanks containing Class II or III *combustible liquid* shall be permitted in a building. The aggregate capacity of all tanks shall not exceed the following:
 - 1. 660 gallons (2498 L) in unsprinklered buildings, where stored in a tank complying with UL 80, UL 142 or UL 2085, and also listed as a double-wall/secondary containment tank for Class II liquids.
 - 2. 1,320 gallons (4996 L) in buildings equipped with an *automatic sprinkler* system in accordance with Section 903.3.1.1, where stored in a tank complying with UL 142 or UL 2085. The tank shall be listed as a secondary containment tank, and the secondary containment shall be monitored visually or automatically.
 - 3. 3,000 gallons (11 356 L) in buildings equipped with an *automatic sprinkler* system in accordance with Section 903.3.1.1, where stored in protected above-ground tanks complying with UL 2085 and Section 5704.2.9.7. The tank shall be listed as a secondary containment tank, as required by UL 2085, and the secondary containment shall be monitored visually or automatically.

(59) Section 609.1 “General.” Amend to read: “Commercial kitchen exhaust hoods shall comply with the requirements of the *International Mechanical Code* and NFPA 96.”

(60) Section 807.5.2.2 Artwork in Corridors. Amend to read: Artwork and teaching materials shall be limited on the walls of corridors to not more than 20 percent of the wall area. Such materials shall not be continuous from floor to ceiling or wall to wall. Curtains, draperies, wall hangings, and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 807 or be noncombustible.

Exception: Corridors protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 shall be limited to 50 percent of the wall area.

(61) Section 807.5.2.3 Artwork in Classrooms. Amend to read: Artwork and teaching materials shall be limited on walls of classrooms to not more than 50 percent of the specific wall area to which they are attached.

Curtains, draperies, wall hangings and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 807 or be noncombustible.

(62) Section 807.5.5.2 Artwork in Corridors. Amend to read: Artwork and teaching materials shall be limited on the walls of corridors to not more than 20 percent of the wall area. Such materials shall not be continuous from floor to ceiling or wall to wall. Curtains, draperies, wall hangings and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of

NFPA 701 in accordance with Section 807 or be noncombustible.

Exception: Corridors protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 shall be limited to 50 percent of the wall area.

(63) Section 807.5.5.3 Artwork in Classrooms. *Amend to read:* Artwork and teaching materials shall be limited on walls of classrooms to not more than 50 percent of the specific wall area to which they are attached. Curtains, draperies, wall hangings and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 807 or be noncombustible.

(64) Section 901.6.1.1 Standpipe Testing. Add section to read: Building owners/managers must maintain and test standpipe systems and FDCs as per NFPA 25 requirements and tagged in accordance with the Texas Administrative Code.

(65) Section 901.6.4 False Alarms and Nuisance Alarms. Add section to read: False alarms and nuisance alarms shall not be given, signaled, or transmitted or caused or permitted to be given, signaled or transmitted in any manner.

(66) 903.2.1.3 “Group A-3.” Amend to read: “An automatic sprinkler system shall be provided for fire areas containing Group A-3 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 12,000 square feet (1115 m²).
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. Any pool hall, billiard parlor or dance hall type occupancies that serves alcohol shall comply with the fire sprinkler requirements for Group A-2 Occupancies in section 903.2.1.2.”

(67) Section 903.2.11 Specific buildings areas and hazards. Amend to read: “In all occupancies other than group U an automatic sprinkler system shall be installed for building design or hazards in locations set forth in Sections 903.2.11.1 through 903.2.11.9.”

(68) Section 903.2.11.3 Buildings 35 feet or more in height. Amend to read: An automatic sprinkler system shall be installed throughout buildings that have one or more stories other than penthouses in compliance with Section 1511 of the *International Building Code*, located 35 feet (10,668 mm) or more above the lowest level of fire department vehicle access, measured to the finished floor.

Exception:

1. One- and two-family dwellings

(69) Section 903.2.11.7 High-Piled Combustible Storage. Add section to read: For any building with a clear height exceeding 12 feet (4572 mm), see Chapter 32 to determine if those provisions apply.

(70) Section 903.2.11.8 Spray Booths and Rooms. Add section to read: New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system

(71) Section 903.2.11.9 “High volume low speed fans in new and existing buildings.” Add section to read: “The use of High-Volume Low Speed (HVLS) or High-Volume Low Velocity (HVLV) fans in fire sprinkled areas of new and existing buildings shall only be permitted as follows:

1. HVLS fans are permitted in rack storage and palletized storage arrangements up to twenty (20) feet in height in buildings with thirty (30) feet or less ceiling clearance, when Early Suppression Fast Response (ESFR) sprinklers are used to protect the storage array.

2. HVLS fans are permitted in light-hazard and ordinary-hazard occupancies as defined in NFPA 13, *Standard for the Installation of Sprinkler Systems*.

3. HVLS fans are not permitted in sprinkled areas with palletized storage greater than twelve feet (12') in height protected by control mode sprinklers.

4. In all cases, HVLS fans are required to be designed and installed to shut down automatically on any fire alarm signal. This includes automatic shut down upon sprinkler system water flow alarm or any manual or automatic fire alarm detection device provided in the space.

5. In all cases, the clearance between the HVLS fans and the ceiling sprinklers and the top of storage shall be in compliance with the obstruction and clearance rules of NFPA 13.

Exception: When a technical opinion and report is provided in accordance with Section 104.8.2, the Fire Marshal or his designee shall analyze the opinion and report and may approve the use of HVLS or HVLV fans in additional areas when it is determined that the effectiveness of the fire sprinkler system is not compromised.”

(72) Section 903.2.4.2 Group F-1 distilled spirits. Amend to read: An automatic sprinkler system shall be provided throughout a Group F-1 fire area used for the manufacture of distilled spirits involving more than 120 gallons of distilled spirits (>16% alcohol) in the fire area at any one time.

(73) Section 903.2.8.1 “Group R-3.” Amend to read: “An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be permitted in Group R-3 occupancies.”

Exceptions:

1. One- and two-family dwellings.
2. FOSTER CARE FAMILY HOME as defined in Section 202 General Definitions.

(74) Section 903.2.8.5 “Group R-2.” Add section to read: “An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be permitted in Group R-3 occupancies.”

Exceptions:

1. Construction of one (1) apartment building containing up to four (4) units on a single lot, constructed with a two (2) hour fire separation (with no penetrations) from slab to the underside of the roof between dwelling units, shall not be required to install a fire sprinkler system.

(75) Section 903.2.9.3 Group S-1 distilled spirits or wine. Amend to read: An automatic sprinkler system shall be provided throughout a Group S-1 fire area used for the bulk storage of distilled spirits or wine involving more than 120 gallons of distilled spirits or wine (>16% alcohol) in the fire area at any one time.

(76) Section 903.3.1.1.1 Exempt Locations. Delete #4

(77) Section 903.3.1.2 NFPA 13R sprinkler systems. Amend to read: Automatic sprinkler systems in Group R occupancies shall be permitted to be installed throughout in accordance with NFPA 13R where the Group R occupancy meets all of the following conditions:

1. Four stories or less above grade plane.
2. The floor level of the highest story is 35 feet (10668 mm) or less above the lowest level of fire department vehicle access.
3. The floor level of the lowest story is 35 feet (10668 mm) or less below the lowest level of fire department vehicle access.

{remainder of text unchanged.}

(78) Section 903.3.1.2.2 Corridors and balconies Amend to read: Sprinkler protection shall be provided in all corridors and for all balconies. *{Delete the rest of this section.}*

(79) Section 903.3.1.3 NFPA 13D sprinkler systems. Amend to read: *Automatic sprinkler systems* installed in one- and two-family *dwelling*s; Group R-3; Group R-4, Condition 1; and *townhouses* shall be permitted to be installed throughout in accordance with NFPA 13D or in accordance with state law.

(80) Section 904.14 Domestic cooking facilities. Amend to read: Cooktops and ranges installed in the following occupancies shall be protected in accordance with Section 904.14.1

1. *{text unchanged}*
2. *{text unchanged}*
3. *{text unchanged}*
4. In Groups B, E F, H, I-4, M and S where domestic cooking facilities are installed in accordance with the International Building Code.

(81) Section 906.1 Where required. Amend section by deleting *Exception 3. text unchanged*

(82) Section 907.2.1 Group A. Amend to read: A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group A occupancies having an occupant load of 300 or more persons, or where the occupant load is more than 100 persons above or below the *lowest level of exit discharge*. Group A occupancies not separated from one another in accordance with Section 707.3.10 of the *International Building Code* shall be considered as a single occupancy for the purposes of applying this section. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

Exception: *{No change.}*

Activation of fire alarm notification appliances shall:

1. Cause illumination of the *means of egress* with light of not less than 1 foot-candle (11 lux) at the walking surface level, and
2. Stop any conflicting or confusing sounds and visual distractions.

(83) Section 907.2.3 Group E. Amend to read: A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E occupancies. When *automatic sprinkler systems* or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An approved smoke detection system shall be installed in Group E day care occupancies. Unless separated by a minimum of 100' open space, all buildings, whether portable buildings or the main building, will be considered one building for alarm occupant load consideration and interconnection of alarm systems.

Exceptions:

{No change to remainder of text.}

(84) Section 907.2.10 Group S. Amend to read: A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group S public- and self-storage occupancies for interior corridors and interior common areas. Visible notification appliances are not required within storage units.

Exception: *{No change to remainder of text.}*

(85) Section 907.2.13 High-rise buildings; Change exception #3 to read as follows:

3. Open air portions of buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the *International Building Code*; however, this exception does not apply to accessory uses including but not limited to sky boxes, restaurants, and similarly enclosed areas.

(86) Section 907.6.3 Initiating device identification. Amend by deleting all four exceptions. The fire alarm system shall identify the specific initiating device address, location, device type, floor level where applicable and status including indication of normal, alarm and supervisory status, as appropriate.

(87) Section 907.6.6 Monitoring Amend by adding a sentence at end of paragraph to read as follows: Fire alarm systems required by this chapter or by the *International Building Code* shall be monitored by an approved supervising station in accordance with NFPA 72. See 907.6.3 for the required information transmitted to the supervising station.

(88) Section 912.2.1 Visible location. Amend to read: Fire department connections shall be remote and freestanding from the building facing *approved* fire apparatus access roads, fully visible and recognizable from the street, fire apparatus access road or nearest point of fire department vehicle access or as otherwise *approved by the fire code official*.

(89) Section 912.2.3 Hydrant Distance. Add section to read: An approved fire hydrant shall be located within 100 feet of the fire department connection as the fire hose lays along an unobstructed path.

(90) Section 1032.2 Reliability. Amend to Read: Required *exit accesses, exits and exit discharges* shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency An *exit or exit passageway* shall not be used for any purpose that interferes with a means of egress.

(91) Section 1103.5 Sprinkler Systems *Amend to read:* An automatic sprinkler system shall be provided in existing buildings in accordance with Section 1105.5.1 through 1103.5.7

(92) Section 1103.5.1 Group A-2 Amend to read: Where alcoholic beverages are consumed in a Group A-2 occupancy having an occupant load of 300 or more, the *fire area* containing the Group A-2 occupancy shall be equipped with an *automatic sprinkler system* in accordance with Section 903.3.1.1. Fire sprinkler system installation shall be completed within 24 months from date of notification by the fire code official.

(93) Section 1103.5.3 Group I-2 Condition 2. Amend to read: In addition to the requirements of Section 1103.5.2 existing buildings of Group I-2 Condition 2 occupancy shall be equipped throughout with an *approved automatic sprinkler system* in accordance with Section 903.3.1.1. The *automatic sprinkler system* shall be installed as established by the adopting ordinance 31 January 2023.

(94) Section 1103.5.6 Spray Booths and Rooms. Add section to read: Existing spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system in accordance with Section 2404.

(95) Section 1103.5.7 Existing R-1, 2, 3, and 4 Occupancies: Add section to read: In R-1, 2, 3, and 4 occupancies where a fire has occurred and displaces more than one occupant, the affected building shall be fire-sprinkled prior to re-occupancy of the unit/building.

(96) Section 1103.7 Fire alarm systems. Amend to read: An approved fire alarm system shall be installed in existing buildings and structures in accordance with Sections 1103.7.1 through 1103.7.7 and provide occupant notification in accordance with Section 907.5 unless other requirements are provided by other sections of this code. *{No change to remainder of text.}*

(97) Section 1103.7.7 Fire Alarm System Design Standards. Add section to read: Where an existing fire alarm system is upgraded or replaced, the devices shall be addressable. Fire alarm systems utilizing more than 20 smoke and/or heat detectors shall have analog initiating devices.

Exception: Existing systems need not comply unless the total building, or fire alarm system, remodel or expansion exceeds 30% of the building. When cumulative building, or fire alarm system, remodel or

expansion initiated after the date of original fire alarm panel installation exceeds 50% of the building, or fire alarm system, the fire alarm system must comply within 18 months of permit application.

(98) Section 1103.7.7.1 Communication requirements. Add section to read: Refer to Section 907.6.6 for applicable requirements.

(99) Section 1203.1 General. Amend to read: Emergency power systems and standby power systems required by this code or the International Building Code shall comply with Sections 1203.1.1 through 1203.1.10.

(100) Section 1203.1.10 Critical Operations Power Systems (COPS). *Add section to read:* For Critical Operations Power Systems necessary to maintain continuous power supply to facilities or parts of facilities that require continuous operation for the reasons of public safety, emergency management, national security, or business continuity, see NFPA 70.

(101) Section 2401.2 Nonapplicability. *Delete this section in its entirety.*

(102) Section 3103.3.1 Special amusement area. *Delete this section in its entirety.*

(103) Table 3206.2; *add footnote j to row titled 'High Hazard' and 'Greater than 300,000' to read as follows:*

j. High hazard high-piled storage areas shall not exceed 500,000 square feet. A 2-hour fire wall constructed in accordance with Section 706 of the *International Building Code* shall be used to divide high-piled storage exceeding 500,000 square feet in area.

(104) Section 3311.1 Required access. *Amend to read:* Approved vehicle access for firefighting and emergency response shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 50 feet (15 240 mm) of temporary or permanent fire department connections. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available. When fire apparatus access roads are required to be installed for any structure or development, access shall be approved prior to the time which construction has progressed beyond completion of the foundation of any structure. Whenever the connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an *approved* sign.

(105) Section 5601.1.3 Fireworks. Amend as to read: The possession, manufacture, storage, sale, handling, and use of fireworks are prohibited.

Exceptions:

1. Only when approved for fireworks displays, the storage and handling of fireworks as allowed in Section 5604 and 5608.
2. The use of fireworks for approved fireworks displays as allowed in Section 5608... *{Delete remainder of text.}*

(106) Section 5704.2.9.6.1 Locations where above ground tanks are prohibited. *Amend to read:* Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is without prior written approval from the fire code official.

(107) Section 5704.2.11.4 Leak Prevention. *Amend to read:* Leak prevention for underground tanks shall comply with Sections 5704.2.11.4.1 and 5704.2.11.4.2 An *approved* method of secondary containment shall be provided for underground tank and piping systems.

(108) Section 5806.2 Limitations. Amend to read: Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited without prior approval from the fire code official.

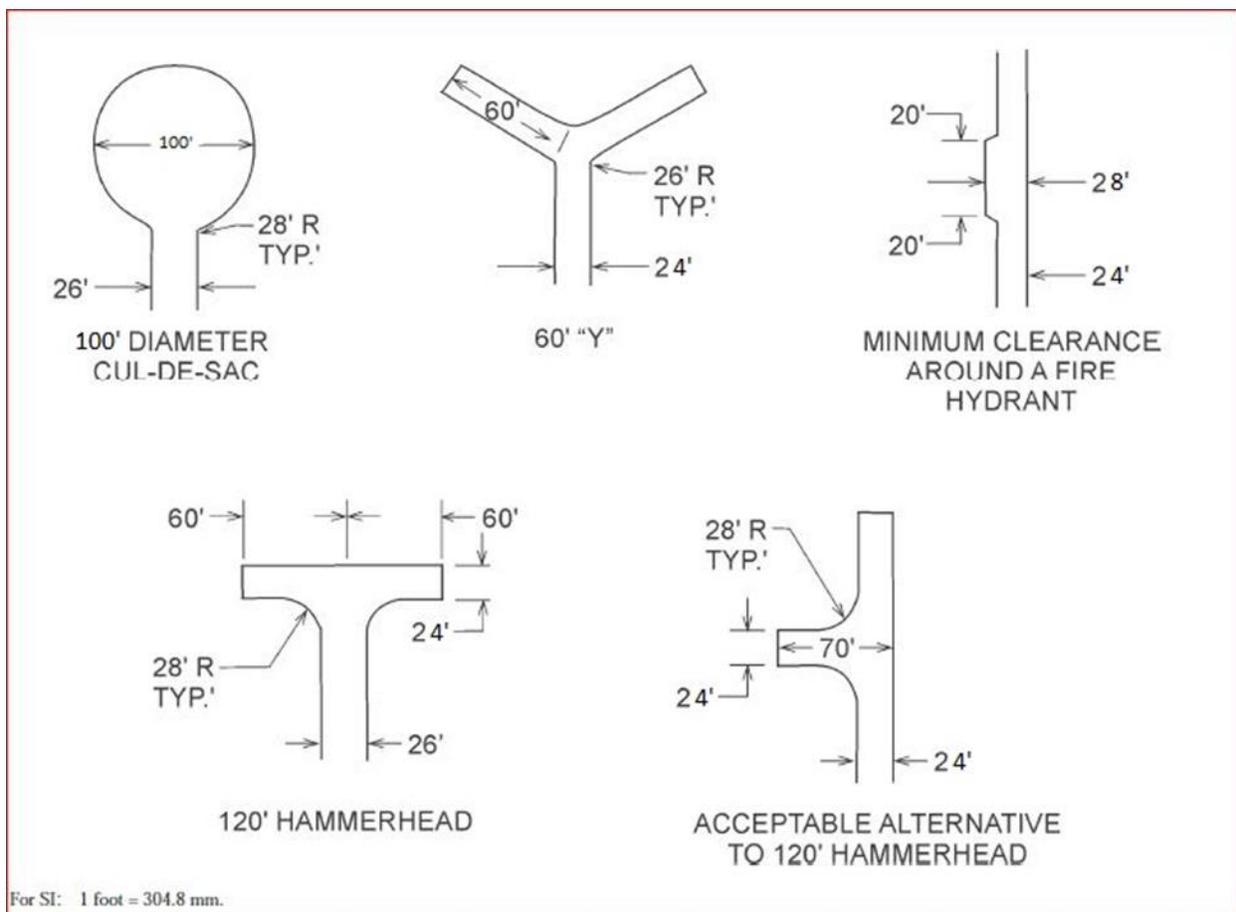
(109) Section 6104.2 Maximum capacity within established limits. Amend to read: Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7579 L) without prior written approval from the fire code official.

(110) Appendices A, J, K, and M are not adopted.

(111) Appendices B, C, D, E, F, G, H, I and L are hereby adopted.

(112) D102.1 Access and loading. Amend to read: Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road with an asphalt, concrete or other *approved* driving surface capable of supporting the imposed load of fire apparatus weighing up to 85,000 pounds (38 556 kg).

(113) Appendix D. "FIRE APPARATUS ACCESS ROADS." Amend accompanying figure D103.1 to show:



(114) "D103.4 Dead ends. Amend to read: Dead-end fire apparatus access roads shall be provided with width and turnaround provisions in accordance with Table D103.4 and 503.2.5.

(115) TABLE D103.4 Amend accompanying table D103.4 to show:

REQUIREMENT FOR DEAD-END FIRE APPARATUS ACCESS *Amend to show:*

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0 - 150	24	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
151 - 500	24	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
501 - 750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
Over 750	Special Approval Required	

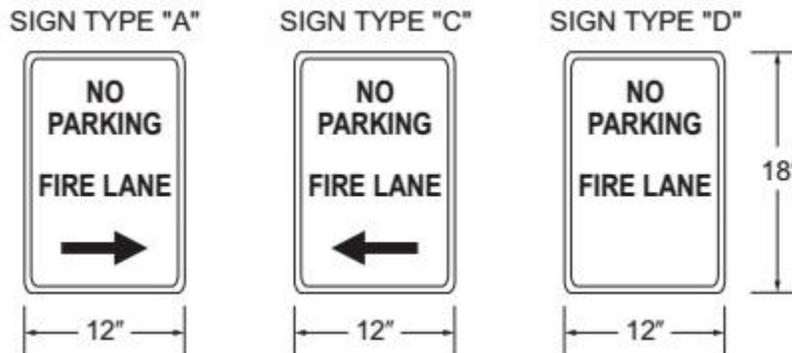
For SI: 1 foot = 304.8 mm

(116) D103.5 Fire apparatus access road gates. *Amend to read:* Change item 1 to read: Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. Where a single gate is provided, the gate width shall be not less than 24 feet (7315.2 mm). Where a fire apparatus road consists of a divided roadway, the gate width shall be not less than 12 feet (3658 mm). *{No change to remainder of text.}*

(117) D103.6 Marking. Amend to read: Striping, signs, or other markings, when approved by the *fire code official*, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Striping, signs and other markings shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

- (1) **Striping** – Fire apparatus access roads shall be continuously marked by painted lines of red traffic paint six inches (6") in width to show the boundaries of the lane. The words "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING TOW AWAY ZONE" shall appear in four inch (4") white letters at 25 feet intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.
- (2) **Signs** – Signs shall read "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" and shall be 12" wide and 18" high (See Figure D103.6). Signs shall have red letters on a white reflective background, using not less than 2" lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6'6") above finished grade. Signs shall be spaced not more than fifty feet (50') apart along both sides of the fire lane. Signs may be installed on permanent buildings or walls or as approved by the Fire Chief.



**FIGURE D103.6
FIRE LANE SIGNS**

(118) D103.6.1 Roads 20 to 26 feet in width. Delete Section:

(119) D103.6.2 Roads more than 26 feet in width. Amend to read: *Fire lane* signs as specified in Section D103.6 shall be posted on one side of fire apparatus access roads 26 feet wide (7925 mm) or more and less than 32 feet wide (9754 mm).

(120) D104.3 Remoteness. Amend to read: Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses, or as *approved* by the *fire code official*.

(121) D105.3 Proximity to building. Amend to read: Unless otherwise approved by the fire code official, one or more of the required access routes meeting this condition shall be located not less than 15 feet (4572 mm) and not greater than 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be *approved* by the *fire code official*.

(122) D106.3 Remoteness. Amend to read: Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses, or as *approved* by the *fire code official*.

(123) D107.2 Remoteness. Amend to read: Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses, or as *approved* by the *fire code official*.



CITY COUNCIL MEMORANDUM

P22-01

AGENDA ITEM VII-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: MARCH 8, 2022

DISCUSS AND CONSIDER APPROVAL OF A PRELIMINARY PLAT REFERRED TO AS PAT KERN SUBDIVISION REPLAT 1, ON PROPERTY DESCRIBED AS BEING ALL OF THAT CERTAIN 2.29 ACRE TRACT OF LAND SITUATED IN THE W.E. HALL SURVEY, ABSTRACT NO. 1086, BELL COUNTY, TEXAS, BEING ALL OF THE CALLED LOT 1, BLOCK 1, PAT KERN SUBDIVISION, AN ADDITION TO THE CITY OF HARKER HEIGHTS, RECORDED IN CABINET D, SLIDE 185-A, PLAT RECORDS OF BELL COUNTY, TEXAS, AND ALL OF THE CALLED 1.127 ACRE TRACT, DESCRIBED IN A DEED TO MOOCHING K, LTD., RECORDED IN INSTRUMENT NO. 2013-00048060, DEED RECORDS OF BELL COUNTY, TEXAS AND TAKE THE APPROPRIATE ACTION.

PROJECT DESCRIPTION:

The applicant submitted an application for preliminary plat approval for approximately 3.56 acres of vacant land located near the southeast corner of Indian Trail/FM 3423 and Veterans Memorial Boulevard. The proposed development will consist of one (1) lot that is currently zoned B-4 (Secondary and Highway Business District). The 2021 Land Use Plan indicates this parcel to be designated as a Community Center land use.

As of February 16, 2022 staff had reviewed the submitted preliminary plat and engineering plans and made comments to address safety, drainage, water and wastewater utilities and other pertinent requirements to ensure that all developmental regulations stipulated in the City of Harker Heights Code of Ordinances will be adhered to.

STAFF RECOMMENDATION:

On February 14, 2022, the applicant submitted revisions based on the February 8, 2022 comments. The applicant has acknowledged the February 18, 2022 staff comment regarding the need for public infrastructure maintenance bonds (water) and performance bonds (streets & drainage) that will be required prior to recordation of the final plat and those that are occurring via The Enclave development. Therefore, comments on revisions have been met for this preliminary plat. Staff therefore recommended approval to the Planning & Zoning Commission for the Preliminary Plat for the subdivision referred to as Pat Kern Subdivision Replat 1.

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

During the Planning & Zoning Commission meeting held on February 23, 2022, the Planning and Zoning Commission voted (9-0) to recommend approval of a Preliminary Plat for the subdivision referred to as Pat Kern Subdivision Replat 1, on property described as being all of

that certain 2.29 acre tract of land situated in the W.E. Hall Survey, Abstract No. 1086, Bell County, Texas, being all of the called Lot 1, Block 1, Pat Kern Subdivision, an addition to the City of Harker Heights, recorded in Cabinet D, Slide 185-A, Plat Records of Bell County, Texas, and all of the called 1.127 acre tract, described in a deed to Moothing K, LTD., recorded in Instrument No. 2013-00048060, Deed Records of Bell County, Texas based on staff's recommendations and findings.

ACTION BY THE CITY COUNCIL:

1. Motion to **approve, approve with conditions, or disapprove with explanation** a request for Preliminary Plat for the subdivision referred to as Pat Kern Subdivision Replat 1, on property described as being all of that certain 2.29 acre tract of land situated in the W.E. Hall Survey, Abstract No. 1086, Bell County, Texas, being all of the called Lot 1, Block 1, Pat Kern Subdivision, an addition to the City of Harker Heights, recorded in Cabinet D, Slide 185-A, Plat Records of Bell County, Texas, and all of the called 1.127 acre tract, described in a deed to Moothing K, LTD., recorded in Instrument No. 2013-00048060, Deed Records of Bell County, Texas

2. Any other action desired.

ATTACHMENTS:

1. Application
2. Field notes
3. Dedication
4. Pat Kern Subdivision Replat 1 - Preliminary Plat
5. Approved Construction Plans for Enclave at Indian Trail (adjacent development)
6. Sidewalk Plan
7. Location Map
8. Staff Comments
9. Applicant's Responses



Preliminary Plat Application

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

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

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

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

Property Information:

Plat Name: Pat Kern Subdivision, Replat No. 1 **Date Submitted:** 01/26/2022

Existing Lot Count: 2 **Proposed Lot Count:** 1 **Proposed Units:** _____ **Acreage:** 2.29

Existing Land Use: Commercial **Proposed Land Use:** Commercial

Site Address or General Location: 201 Indian Trail Dr., Harker Heights

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

Owner Information & Authorization:

Property Owner: Moothing K, LTD

Address: PO Box 2281, Harker Heights, Texas

Phone: N/A E-Mail: _____

Developer: _____

Address: _____

Phone: _____ E-Mail: _____

Engineer/Surveyor: Quintero Engineering, LLC

Address: 1501 W. Stan Schlueter LP, Killeen, Texas

Phone: 254-394-0034 E-Mail: gmeza@quinteroeng.com

CHECK ONE OF THE FOLLOWING:

- I will represent the application myself.
- I hereby designate George J. Meza (QUINTERO ENGINEERING, LLC) (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.

Pat Harvey Kern

Printed Name of Owner

[Signature]

Signature of Owner

SWORN AND SUBSCRIBED BEFORE ME ON THIS 26 DAY OF January, 2022.

[Signature]

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: 3/3/24



STAFF ONLY -- DO NOT FILL OUT

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



QUINTERO ENGINEERING, LLC

CIVIL ENGINEERING • LAND SURVEYING • PLANNING • CONSTRUCTION MANAGEMENT

1501 W. STAN SCHLUETER LP, KILLEEN TEXAS (254) 493-9962

T.B.P.E. FIRM REGISTRATION NO.: 14709

T.B.P.L.S. FIRM REGISTRATION NO.: 10194110

2.29 ACRES BELL COUNTY, TEXAS

BEING all of that certain 2.29 acre tract of land situated in the W.E. Hall Survey, Abstract No. 1086, Bell County, Texas, being all of the called Lot 1, Block 1, Pat Kern Subdivision, an addition to the City of Harker Heights, recorded in Cabinet D, Slide 185-A, Plat Records of Bell County, Texas, and all of the called 1.127 acre tract, described in a deed to Mooching K, LTD., recorded in Instrument No. 2013-00048060, Deed Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 3/8" iron rod with cap stamped "M&A" found in the East right-of-way line of Indian Trail (FM 3423) and at the Northwest corner of Lot 1, Block 1, Texas Tumblers Addition, an addition to the City of Harker Heights, recorded in Cabinet D, Slide 14-A, Plat Records of Bell County, Texas, for the Southwest corner of the herein described tract;

THENCE, along the East right-of-way line of Indian Trail and the West line of the herein described tract, the following three courses and distances:

1. N 12° 06' 02" E, 56.44 feet (Deed N 12° 02' 19" E, 56.45 feet), to a 3/8" iron rod found at the beginning of a curve to the left;
2. 207.90 feet along the arc of the said curve to the left having a Radius of 920.34 feet, and a Chord Bearing and Distance of N 05° 37' 04" E, 207.46 feet, to a 1/2" iron rod with a cap stamped "QUINTERO 10194110" set;
3. N 00° 48' 38" W, 139.56 feet (Plat N 00° 48' 34" W, 139.56 feet), to a to a 1/2" iron rod with a cap stamped "QUINTERO 10194110" set in the East right-of-way line of Indian Trail, at the Southwest corner of a called 1.321 acre tract, described in a deed to BHE, LLP., recorded in Volume 5320, Page 444, Deed Records of Bell County, Texas, for the Northwest corner of the herein described tract;

THENCE, S 76° 41' 36" E, 234.75 feet (Plat S 76° 41' 47" E, 234.87 feet), departing the East right-of-way line of Indian Trail, along the South line of the said 1.321 acre tract to a 3/8" iron rod found at the Southeast corner of the said 1.321 acre tract and in the West line of a called 2.649 acre tract (Parcel 2), described in a deed to Tera Azul Developments, LLC, recorded in Instrument No. 2013-00048429, Deed Records of Bell County, Texas, for the Northeast corner of the herein described tract;

THENCE, along the common line between the herein described tract and the said Parcel 2 and Parcel 1, recorded in the same deed to Tera Azul Development, the following three courses and distances:

1. S 07° 16' 44" W, 234.94 feet (Plat S 07° 18' 36" W, 234.98 feet), to a 3/8" iron rod with a cap stamped "M&A" found;
2. S 75° 05' 01" E, 100.80 feet (Deed S 75° 01' 33" E, 100.86 feet), to a 3/8" iron rod found;
3. S 12° 16' 35" W, 155.26 feet (Deed S 12° 17' 44" W, 155.15 feet), to a 3/8" iron rod with a cap stamped "M&A" found at the Northeast corner of the said Lot 1, Texas Tumblers Addition for the Southeast corner of the herein described tract;

THENCE, N 77° 46' 31" W, 300.04 feet (Deed N 77° 51' 32" W, 300.06 feet), along the North line of the said Lot 1, Texas Tumblers Addition to the **POINT OF BEGINNING** containing 2.29 acres of land, more or less.

The bearings for this description are based upon the Texas State Plane Coordinate System, Central Zone, NAD 83, per Leica Texas Smart Net GPS observations, as surveyed on the ground September 8, 2021, by Quintero Engineering, LLC.

For Interim Review Only

This document is released for the purpose of review and comment under the authority of Seth H. Barton, R.P.L.S., R.P.L.S. No. 6878 on February 15, 2022. This document shall not be recorded for any purpose and shall not

DEDICATION

STATE OF TEXAS §

COUNTY OF _____BELL §

KNOW ALL MEN BY THESE PRESENTS:

That **Mooching K, LTD.** being the sole owner of that certain 2.29 acre tract of land situated in the W. E. Hall Survey, Abstract No. 1086, Bell County, Texas, being all of Lot 1, Block 1, Pat Kern Subdivision, recorded in Cabinet D, Slide 185-A, Plat Records of Bell County, Texas, and all of the called 1.127 acre tract described in a deed to Mooching K, LTD., recorded in Instrument No. 2013-00048060, Deed Records of Bell County, Texas, which is more fully described in the dedication of **Pat Kern Subdivision, Replat No. 1**, an addition to the City of Harker Height, Bell County, Texas, and **Pat Kern Subdivision, Replat No. 1** hereby dedicates to said City all streets, avenues, drives, alleys and drainage tracts shown on the said plat, the same to be used as public thoroughfares and for the installation and maintenance of public utilities when and as authorized by the City of Harker Heights, Bell County, Texas.

The drainage and utility easements shown on said plat are dedicated to the City of Harker Heights, Bell County, Texas for installation and maintenance of any and all public utilities, which the city may elect to install and maintain or permit to be installed or maintained.

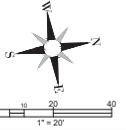
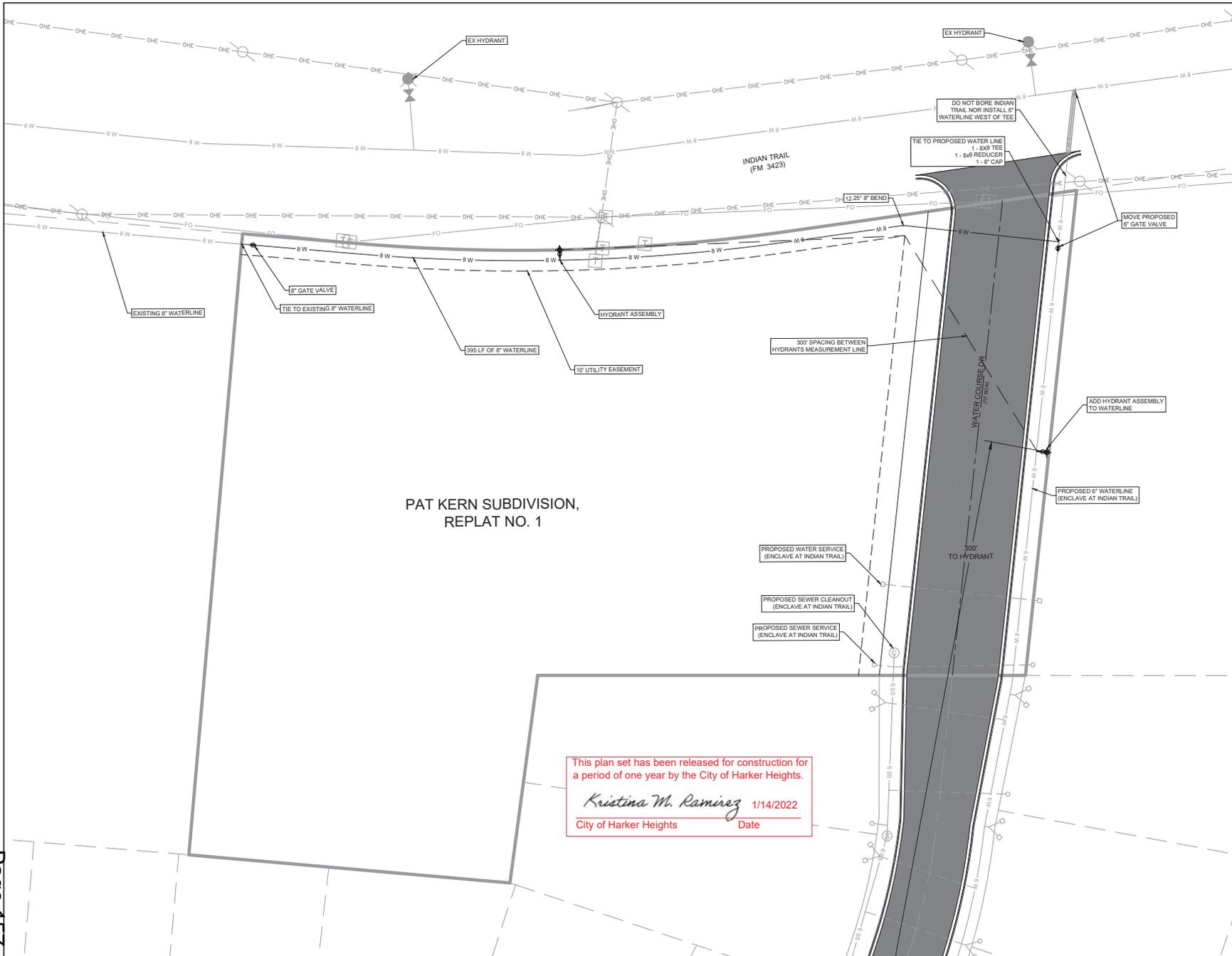
W I T N E S S the execution hereof, on this _____ day of _____, 2022.

For: Mooching K, LTD.

By: _____
Pat Kern
Manager

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

NOTARY PUBLIC STATE OF TEXAS
My Commission Expires:_____



- WATER NOTES:**
1. ALL WATERLINES SHALL BE AWWA C900 PIPE WITH MINIMUM 42" COVER UNLESS OTHERWISE NOTED.
 2. ALL CONSTRUCTION SHOWN HEREIN SHALL BE PER CITY OF HARKER HEIGHTS STANDARDS AND SPECIFICATIONS.
 3. EXISTING UTILITIES SHOWN HEREIN HAVE BEEN LOCATED BY VISIBLE APPURTENANCES AND RECORD DRAWINGS. CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATION AND PROTECTING ALL UTILITIES REGARDLESS OF THEIR DEPICTION HEREIN.
 4. FIRE HYDRANT SYMBOLS ARE FOR REPRESENTATION ONLY. FIRE HYDRANT ORIENTATION SHALL BE PER CITY OF HARKER HEIGHTS STANDARD DETAIL. ALL VALVES FOR HYDRANTS ARE TO BE CONNECTED DIRECTLY TO TEE AND HYDRANT IS TO BE EXTENDED TO PROPERTY LINE.
 5. ALL FIELD BENDS SHALL BE PER PIPE MANUFACTURER RECOMMENDATIONS.
 6. WATER - SEWER CROSSING SHALL MEET THE MINIMUM CURRENT REQUIREMENTS PER TCEQ AND CITY CODE.
 7. THE CONTRACTOR SHALL COORDINATE THE FINAL PLACEMENT OF PROPOSED VALVES AND OTHER APPURTENANCES WITH STREET, SIDEWALK AND UTILITY IMPROVEMENTS TO AVOID CONFLICTS.
 8. SEE SHEETS 26, 27, AND 28 OF THE ENCLAVE AT INDIAN TRAIL PLANS FOR DETAILS.

!!! CAUTION !!!
 DEPTH AND LOCATION OF EXISTING UTILITIES ARE APPROXIMATE AND MUST BE FIELD VERIFIED BY CONTRACTOR BEFORE EXCAVATING IN THE AREA.



**Know what's below.
 Call before you dig.**

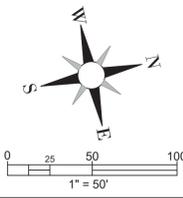
REV	DESCRIPTION	DATE
2	ADDED HYDRANTS	01/14/2022
1	ADDED 8" GATE VALVE	02/05/2022
1	ORIGINAL RELEASE	02/05/2022



**PAT KERN
 WATERLINE
 EXTENSION**

DATE	01/14/2022
BY	JAT
CHECKED	JAT
DESIGNED	JAT
PROJECT #	21-020-001
DRAWING #	1

This plan set has been released for construction for a period of one year by the City of Harker Heights.
Kristina M. Ramirez 1/14/2022
 City of Harker Heights Date



- WATER NOTES:**
1. ALL WATERLINES SHALL BE AWWA C900 PIPE UNLESS OTHERWISE NOTED.
 2. ALL CONSTRUCTION SHOWN HEREIN SHALL BE PER CITY OF HARKER HEIGHTS STANDARDS AND SPECIFICATIONS.
 3. EXISTING UTILITIES SHOWN HEREIN HAVE BEEN LOCATED BY VISIBLE APPURTENANCES AND RECORD DRAWINGS. CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATION AND PROTECTING ALL UTILITIES REGARDLESS OF THEIR DEPICTION HEREIN.
 4. FIRE HYDRANT SYMBOLS ARE FOR REPRESENTATION ONLY. FIRE HYDRANT ORIENTATION SHALL BE PER CITY OF HARKER HEIGHTS STANDARD DETAIL. ALL VALVES FOR HYDRANTS ARE TO BE CONNECTED DIRECTLY TO TEE AND HYDRANT IS TO BE EXTENDED TO PROPERTY LINE.
 5. ALL FIELD BENDS SHALL BE PER PIPE MANUFACTURER RECOMMENDATIONS.
 6. WATER - SEWER CROSSING SHALL MEET THE MINIMUM CURRENT REQUIREMENTS PER TCEQ AND CITY CODE.
 7. THE CONTRACTOR SHALL COORDINATE THE FINAL PLACEMENT OF PROPOSED VALVES AND OTHER APPURTENANCES WITH STREET, SIDEWALK AND UTILITY IMPROVEMENTS TO AVOID CONFLICTS.
 8. SEE SHEETS 26, 27, AND 28 FOR DETAILS.

!!! CAUTION !!!
 DEPTH AND LOCATION OF EXISTING UTILITIES ARE APPROXIMATE AND MUST BE FIELD VERIFIED BY CONTRACTOR BEFORE EXCAVATING IN THE AREA.



**Know what's below.
 Call before you dig.**

REV	DESCRIPTION	DATE
1	ORIGINAL RELEASE	8/13/2021



**THE ENCLAVE AT
 INDIAN TRAIL**

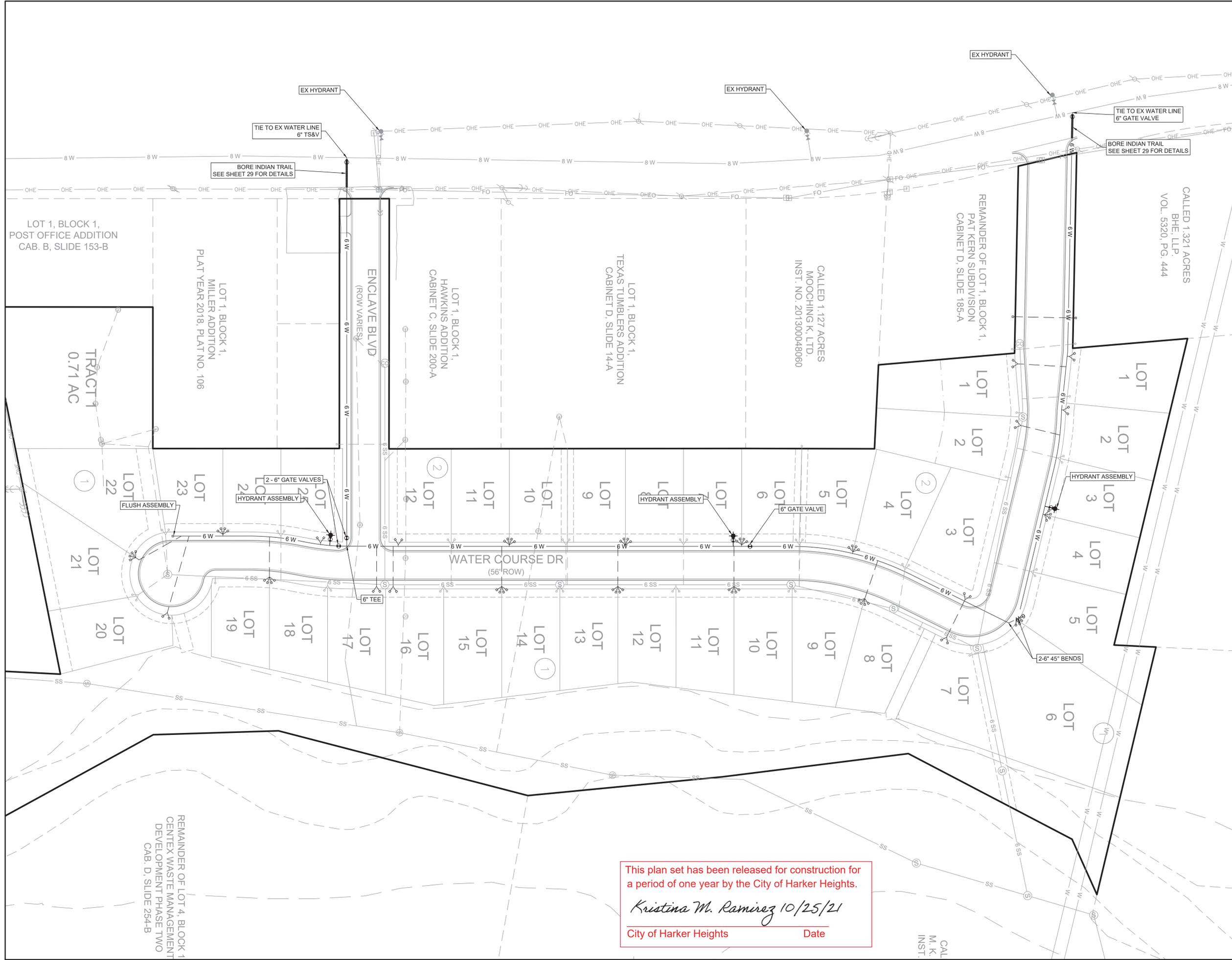
WATER LAYOUT

10/13/2021
 DATE

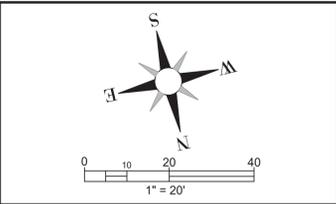
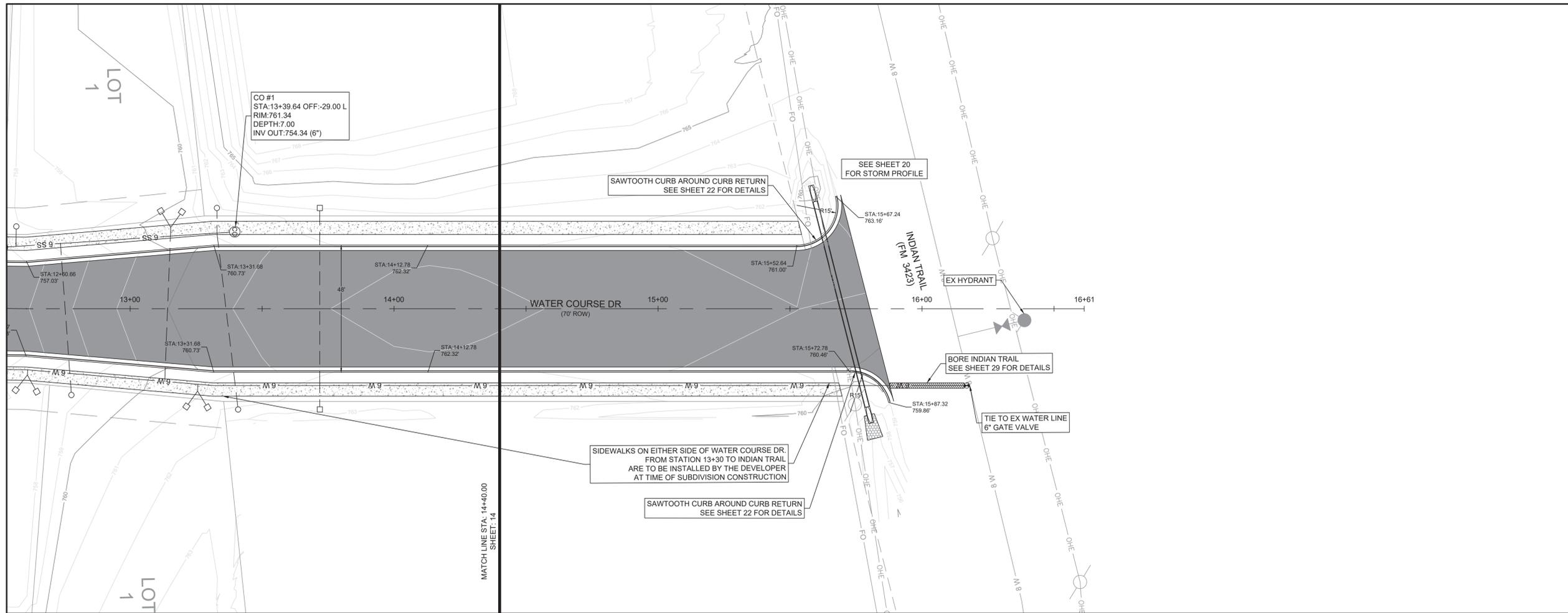
JAT

STATE OF TEXAS
 PROFESSIONAL ENGINEER
 JOSEPH A. THERIOT
 120290

DESIGN	JAT
DRAFTED	JAT
CHECKED	JAT
PROJECT #	21-020-001
DRAWING #	8



This plan set has been released for construction for a period of one year by the City of Harker Heights.
Kristina M. Ramirez 10/25/21
 City of Harker Heights Date



- NOTES:**
- EXISTING UTILITIES SHOWN HEREIN HAVE BEEN LOCATED BY VISIBLE APPURTENANCES AND RECORD DRAWINGS. CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATION AND PROTECTING ALL UTILITIES REGARDLESS OF THEIR DEPICTION HEREIN.
 - WATER - SEWER CROSSING SHALL MEET THE MINIMUM CURRENT REQUIREMENTS PER TCEQ AND CITY CODE.
 - ALL SIDEWALKS ARE 5' WIDE AND 1' FROM PROPERTY LINE. SEE SHEET 10 FOR DETAILS.

!!! CAUTION !!!
DEPTH AND LOCATION OF EXISTING UTILITIES ARE APPROXIMATE AND MUST BE FIELD VERIFIED BY CONTRACTOR BEFORE EXCAVATING IN THE AREA.



**Know what's below.
Call before you dig.**

PROFILE LEGEND

- — — — — EXISTING GRADE
- - - - - DESIGN GRADE (CROWN)
- — — — — LEFT BACK-OF-CURB
- — — — — RIGHT BACK-OF-CURB

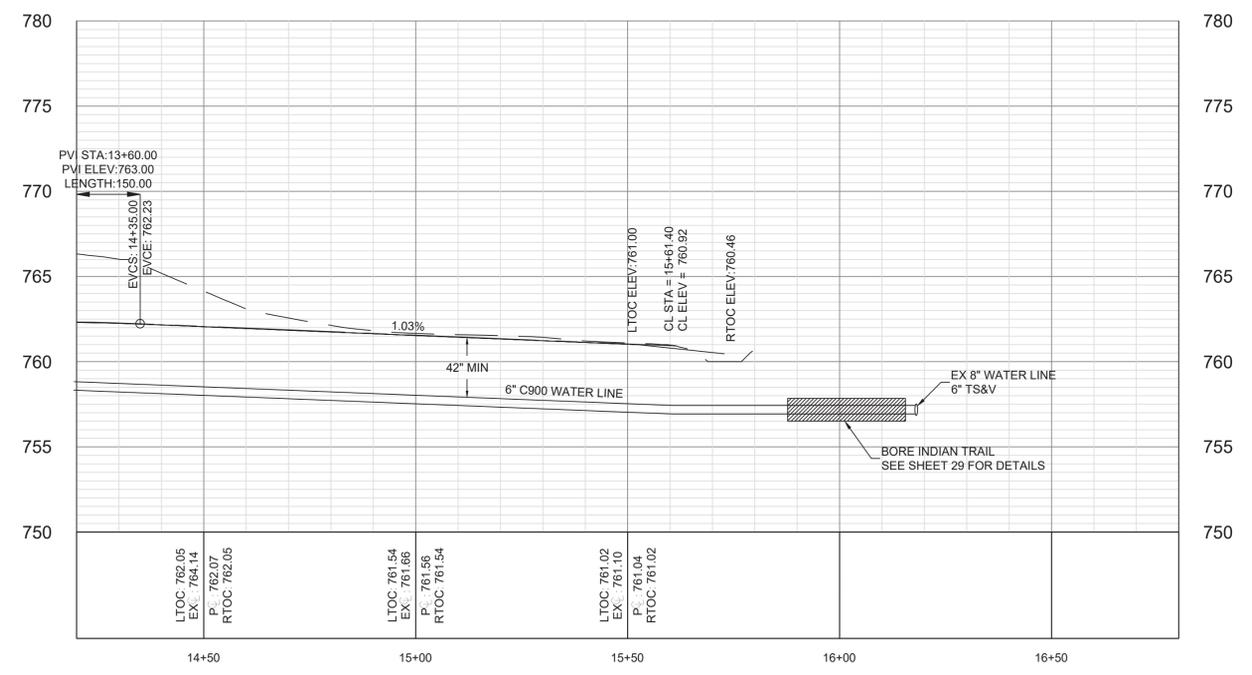
1	ORIGINAL RELEASE	8/13/2021
REV	DESCRIPTION	DATE



**THE ENCLAVE AT
INDIAN TRAIL
WATER COURSE DR
STA 14+40 TO END**

JAT 10/13/2021
DATE

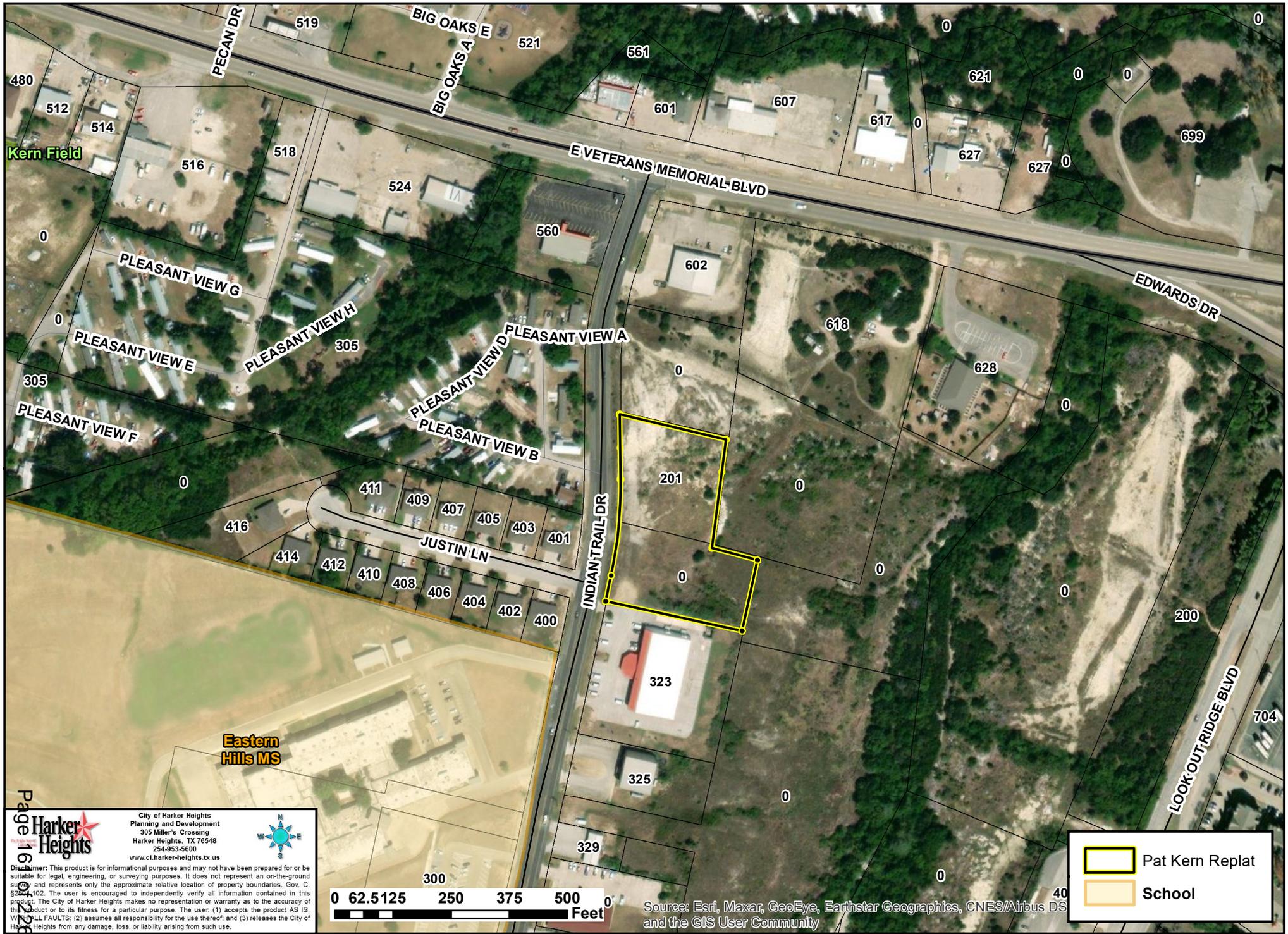
	DESIGN	JAT
	DRAFTED	JAT
	CHECKED	JAT
	PROJECT #	21-020-001
DRAWING #		15



This plan set has been released for construction for a period of one year by the City of Harker Heights.

Kristina M. Ramirez 10/25/21
Date

City of Harker Heights



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

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2201.02. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of the product or to its fitness for a particular purpose. The user: (1) accepts the product "AS IS," WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Harker Heights from any damage, loss, or liability arising from such use.



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS and the GIS User Community

	Pat Kern Replat
	School

PAT KERN SUBDIVISION

REPLAT NO. 1

P22-01 Preliminary Plat – Pat Kern Subdivision Replat No. 1

Plat Distributed to HH Staff: January 28, 2022
Comments Returned to Quintero Engineering, LLC: February 8, 2022
Revisions received: February 14, 2022
Comments on revisions returned to Quintero Engineering.: February 18, 2022

Planning & Development, Kristina Ramirez & Yvonne Spell

1. Plat Dedication Page

- a. Water Course Drive was shown as being dedicated in the preliminary plat for The Enclave at Indian Trail subdivision. Applicant shall clarify ownership of the land area shown for the Water Course Drive ROW and who will be responsible for the construction of the roadway, drainage and sidewalks within said ROW.

(Response – The property that contains the proposed Watercourse drive right-of-way has transferred ownership to Moothing K, LTD. The agreement is still the same, Terra Azul Developments, LLC will still construct the public infrastructure per the approved construction plans submitted to the City.)

(COHH Staff - Applicant is advised that no Certificate of Occupancy will be issued until required public infrastructure has been installed and accepted by the City.)

- b. Applicant shall annotate and illustrate ROW measurements for Indian Trail (90 ft ROW). If the required amount of ROW is not existing, then the Applicant shall provide half of the required remaining ROW. (Met 2/16/2022 Y. Spell)
- c. Per 154.22 (B) (1), applicant shall provide a drawing scale of not less than 1-inch equals 100 feet (can be an inset). (Met 2/16/2022 Y. Spell)
- d. Language on dedication statement on face of plat and separate dedication instrument do not match. (Met 2/16/2022 Y. Spell)
- e. Sum of acreage listed on field notes is greater than acreage shown on face of plat. Clarify total acreage of lot. (Met 2/16/2022 Y. Spell)
- f. Show the following information on face of plat for properties within 100 feet : §154.21 (C) (1) (k) Adjacent property information including present ownership, legal descriptions (recorded volume and page) and property lines within 100 feet; (Met 2/16/2022 Y. Spell)

- g. ~~TX Dot may require a 1' non-access easement be placed along Indian Trail/FM 3423 (Met 2/16/2022 Y. Spell)~~
2. Utilities
 - a. ~~Applicant is advised that the construction plans for the proposed 8" watermain and fire hydrants along Indian Trail has been released and is slightly different from what is shown on the submitted utility plan sheets for this application. The installation, acceptance and maintenance bonding of said line has not occurred to date. Depending on timing of Development the Applicant may need to coordinate with that Developer or construct said offsite main. (Applicant noted response 2/15/2022 Y. Spell)~~
 - b. ~~Applicant is advised that the offsite utility easement and sewer main at the proposed sewer service location have not yet been recorded and constructed. They are part of The Enclave at Indian Trail subdivision's proposed construction. Depending on timing of Development the Applicant may need to coordinate with that Developer or construct said offsite main. (Applicant noted response 2/15/2022 Y. Spell)~~
 - c. ~~Applicant shall provide a sidewalk layout for the proposed plat. (Met 2/16/2022 Y. Spell)~~
 3. The following items can be addressed during construction site plan review and are provided for the Applicant's advanced reference.
 - a. ~~Applicant is advised that sheet flow approximation will be required inside of the proposed subdivision since there is not an existing point discharge location from this proposed subdivision onto the property to the east. (Applicant noted response 2/15/2022 Y. Spell)~~
 - b. ~~Applicant is advised that TXDOT approval of the driveway(s) along Indian Trail will be required prior to final plat and release of construction site plans. This may require a traffic impact analysis, a 1' non-access easement, and/or a 30' internal passage easement to the adjacent lots. (Applicant noted response 2/15/2022 Y. Spell)~~
 - c. ~~Applicant is advised that a driveway entrance onto Water Course Drive or Indian Trail will not be allowed in the AASHTO clear site triangle at the corner of Indian Trail and Water Course Drive. (Applicant noted response 2/15/2022 Y. Spell)~~

Public Works, Mark Hyde

1. ~~Label the proposed utility easements as public utility easements. (Met 2/16/2022 Y. Spell)~~
2. ~~Provide the construction drawings for the 8-inch water line and the section of Water Course Drive including the utilities. Once constructed, the property owner will be required to provide a maintenance bond for the public infrastructure. (Met 2/16/2022 Y. Spell)~~

City Engineer, Otto Wiederhold

1. No comments.

Fire Marshal, Brad Alley

1. No comments.

Building Official, Mike Beard

1. Comments have not been received and may be forthcoming.

ONCOR, Steven Huggins

1. ~~Oncor to keep existing lines and easements.~~ (Applicant noted response 2/15/2022 Y. Spell)

Century Link/ Lumen, Chris McGuire

1. No comments, easement called out for existing facilities.

Spectrum, Shaun Whitehead

1. Comments have not been received and may be forthcoming.

ATMOS, Rusty Fischer

1. Comments have not been received and may be forthcoming.

TXDOT

1. Comments have not been received and may be forthcoming.

Bell County WC&ID #1

1. Comments have not been received and may be forthcoming.

PAT KERN SUBDIVISION

REPLAT NO. 1

P22-01 Preliminary Plat – Pat Kern Subdivision Replat No. 1

Plat Distributed to HH Staff: January 28, 2022
Comments Returned to Quintero Engineering, LLC: February 8, 2022

Responses shown in RED below comments

Planning & Development, Kristina Ramirez & Yvonne Spell

1. Plat Dedication Page

- a. Water Course Drive was shown as being dedicated in the preliminary plat for The Enclave at Indian Trail subdivision. Applicant shall clarify ownership of the land area shown for the Water Course Drive ROW and who will be responsible for the construction of the roadway, drainage and sidewalks within said ROW.

Response – The property that contains the proposed Watercourse drive right-of-way has transferred ownership to Mooching K, LTD. The agreement is still the same, Terra Azul Developments, LLC will still construct the public infrastructure per the approved construction plans submitted to the City.

- b. Applicant shall annotate and illustrate ROW measurements for Indian Trail (90 ft ROW). If the required amount of ROW is not existing, then the Applicant shall provide half of the required remaining ROW.

Response – Based on field observations, it was found that the right-of-way width does not meet the 90 ft requirement. A 5.1 ft strip of right-of-way dedication has been added to the plat, please revised plat.

- c. Per 154.22 (B) (1), applicant shall provide a drawing scale of not less than 1-inch equals 100 feet (can be an inset).

Response – A 1 in to 100 ft inset was added to the plat, please see revised plat.

- d. Language on dedication statement on face of plat and separate dedication instrument do not match.

Response – Language was revised to match on both the separate dedication and the plat, please see revised.

- e. Sum of acreage listed on field notes is greater than acreage shown on face of plat.
Clarify total acreage of lot.

Response – We verified that the correct acreage is 2.29 acres, the acreage shown on Lot 1, does not include the right-of-way dedication for Watercourse or the additional right-of-way along Indian Trail.

- f. Show the following information on face of plat for properties within 100 feet : §154.21 (C) (1) (k) Adjacent property information including present ownership, legal descriptions (recorded volume and page) and property lines within 100 feet;

Response – All adjacent properties were added to the plat, please see revised plat.

- g. TX Dot may require a 1' non access easement be placed along Indian Trail/FM 3423

Response – Added a 1 ft non-access easement along the entire frontage of Lot 1, please see revised plat.

2. Utilities

- a. Applicant is advised that the construction plans for the proposed 8" watermain and fire hydrants along Indian Trail has been released and is slightly different from what is shown on the submitted utility plan sheets for this application. The installation, acceptance and maintenance bonding of said line has not occurred to date.

Depending on timing of Development the Applicant may need to coordinate with that Developer or construct said offsite main.

Response – Duly noted, the submitted Utility Plan was submitted for reference. The approved construction plans shall supersede what is shown with this submittal.

- b. Applicant is advised that the offsite utility easement and sewer main at the proposed sewer service location have not yet been recorded and constructed. They are part of The Enclave at Indian Trail subdivision's proposed construction. Depending on timing of Development the Applicant may need to coordinate with that Developer or construct said offsite main.

Response – Duly noted.

- c. Applicant shall provide a sidewalk layout for the proposed plat.

Response – Please see the attached Sidewalk Layout that was submitted with the Enclave preliminary plat. Please note this will be designed and submitted for City approval with the development of Lot 1, and approved construction plans.

- 3. The following items can be addressed during construction site plan review and are provided for the Applicant's advanced reference.

- a. Applicant is advised that sheet flow approximation will be required inside of the proposed subdivision since there is not an existing point discharge location from this proposed subdivision onto the property to the east.

Response – Duly noted.

- b. Applicant is advised that TXDOT approval of the driveway(s) along Indian Trail will be required prior to final plat and release of construction site plans. This may require a traffic impact analysis, a 1' non-access easement, and/or a 30' internal passage easement to the adjacent lots.

Response – Duly noted.

- c. Applicant is advised that a driveway entrance onto Water Course Drive or Indian Trail will not be allowed in the AASHTO clear site triangle at the corner of Indian Trail and Water Course Drive.

Response – Duly noted.

Public Works, Mark Hyde

1. Label the proposed utility easements as public utility easements.

Response – Revised annotation to PUE, please see revised plat.

2. Provide the construction drawings for the 8-inch water line and the section of Water Course Drive including the utilities. Once constructed, the property owner will be required to provide a maintenance bond for the public infrastructure.

Response – Please see attached for the approved construction plans provided to us from the design engineer.

City Engineer, Otto Wiederhold

1. No comments.

Fire Marshal, Brad Alley

1. No comments.

Building Official, Mike Beard

1. Comments have not been received and may be forthcoming.

ONCOR, Steven Huggins

1. Oncor to keep existing lines and easements.

Response – Duly noted.

Century Link/ Lumen, Chris McGuire

1. No comments, easement called out for existing facilities.

Spectrum, Shaun Whitehead

1. Comments have not been received and may be forthcoming.

ATMOS, Rusty Fischer

1. Comments have not been received and may be forthcoming.

TXDOT

1. Comments have not been received and may be forthcoming.

Bell County WC&ID #1

1. Comments have not been received and may be forthcoming.



CITY COUNCIL MEMORANDUM

P22-02

AGENDA ITEM VII-2

FROM: THE OFFICE OF THE CITY MANAGER

DATE: MARCH 8, 2022

DISCUSS AND CONSIDER APPROVAL OF A FINAL PLAT REFERRED TO AS PAT KERN SUBDIVISION REPLAT 1, ON PROPERTY DESCRIBED AS BEING ALL OF THAT CERTAIN 2.29 ACRE TRACT OF LAND SITUATED IN THE W.E. HALL SURVEY, ABSTRACT NO. 1086, BELL COUNTY, TEXAS, BEING ALL OF THE CALLED LOT 1, BLOCK 1, PAT KERN SUBDIVISION, AN ADDITION TO THE CITY OF HARKER HEIGHTS, RECORDED IN CABINET D, SLIDE 185-A, PLAT RECORDS OF BELL COUNTY, TEXAS, AND ALL OF THE CALLED 1.127 ACRE TRACT, DESCRIBED IN A DEED TO MOOCHING K, LTD., RECORDED IN INSTRUMENT NO. 2013-00048060, DEED RECORDS OF BELL COUNTY, TEXAS AND TAKE THE APPROPRIATE ACTION.

PROJECT DESCRIPTION:

The applicant submitted an application for Final Plat approval for approximately 3.56 acres of vacant land located near the southeast corner of Indian Trail/FM 3423 and Veterans Memorial Boulevard. The proposed development will consist of one (1) lot that is currently zoned B-4 (Secondary and Highway Business District). The 2021 Land Use Plan indicates this parcel to be designated as a Community Center land use.

As of February 16, 2022 staff had reviewed the submitted Final Plat and engineering plans and made comments to address safety, drainage, water and wastewater utilities and other pertinent requirements to ensure that all developmental regulations stipulated in the City of Harker Heights Code of Ordinances will be adhered to.

STAFF RECOMMENDATION:

On February 14, 2022, the applicant submitted revisions based on the February 8, 2022 staff comments. The applicant has acknowledged the February 18, 2022 staff comment regarding the need for public infrastructure maintenance bonds (water) and performance bonds (streets & drainage) that will be required prior to recordation of the final plat and those that are occurring via The Enclave development. Comments on revisions have not yet been fully met; however, staff believes remaining comments could be fully addressed prior to recordation. Staff therefore recommended approval to the Planning & Zoning Commission for the Final Plat for the subdivision referred to as Pat Kern Subdivision Replat 1 with the following conditions:

1. A Guarantee of Performance (bond/letter of credit) shall be provided for 100% of the public infrastructure that has not been constructed as of the date of approval of the final plat by City Council. Said bond shall be vetted and approved by the City Engineer. Additionally,

the final plat shall not be filed for record and no permits issued until the executed Guarantee of Performance is provided to the City.

2. Remaining comments to be adequately addressed per city staff.

Since February 23, 2022, the contractor has completed construction of the public water main required for this development. Said main has passed inspection and had been accepted by the City. Therefore, per the City's code of ordinances, a Maintenance Bond will be required in lieu of the Guarantee of Performance. The applicant submitted a letter on 02/28/22 confirming the amount of the Maintenance Bond and acknowledging that it needs to be submitted. Staff therefore recommends that the City Council consider approval with the following revised conditions:

1. A Maintenance Bond shall be provided in accordance with section 154.24 of the City's adopted Code of Ordinances. Additionally, the final plat shall not be filed for record and no permits issued until the executed approved Maintenance Bond is provided to the City.
2. Remaining comments to be adequately addressed per city staff.

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

During the Planning & Zoning Commission meeting held on February 23, 2022, the Planning and Zoning Commission voted (9-0) to recommend approval of a Final Plat for the subdivision referred to as Pat Kern Subdivision Replat 1, on property described as being all of that certain 2.29 acre tract of land situated in the W.E. Hall Survey, Abstract No. 1086, Bell County, Texas, being all of the called Lot 1, Block 1, Pat Kern Subdivision, an addition to the City of Harker Heights, recorded in Cabinet D, Slide 185-A, Plat Records of Bell County, Texas, and all of the called 1.127 acre tract, described in a deed to Mooching K, LTD., recorded in Instrument No. 2013-00048060, Deed Records of Bell County, Texas with the two conditions as presented by staff and based on staff's recommendations and findings.

ACTION BY THE CITY COUNCIL:

1. Motion to **approve, approve with conditions, or disapprove with explanation** a request for Final Plat for the subdivision referred to as Pat Kern Subdivision Replat 1, on property described as being all of that certain 2.29 acre tract of land situated in the W.E. Hall Survey, Abstract No. 1086, Bell County, Texas, being all of the called Lot 1, Block 1, Pat Kern Subdivision, an addition to the City of Harker Heights, recorded in Cabinet D, Slide 185-A, Plat Records of Bell County, Texas, and all of the called 1.127 acre tract, described in a deed to Mooching K, LTD., recorded in Instrument No. 2013-00048060, Deed Records of Bell County, Texas.
2. Any other action desired.

ATTACHMENTS:

1. Application
2. Field notes
3. Dedication
4. Pat Kern Subdivision Replat 1 - Final Plat

5. Approved Construction Plans for Enclave at Indian Trail (adjacent development)
6. Sidewalk Plan
7. Location Map
8. Staff Comments
9. Applicant's Responses
10. Bond Acknowledgement



Final Plat Application

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

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

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

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

Property Information:

Plat Name: Pat Kern Subdivision, Replat _____ **Date Submitted:** 1/26/2022

Number of Lots: 1 _____ **Number of Units/Suites:** 1 _____ **Acreage:** 2.29 _____

Site Address or General Location: _____

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

Date of Preliminary Plat Approval by P&Z: _____

Owner Information & Authorization:

Property Owner: Mooching K, LTD _____

Address: PO Box 2281, Harker Heights, Texas _____

Phone: 254-723-0936 _____ **E-Mail:** _____

Developer: _____

Address: _____

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

Engineer: Quintero Engineering, LLC _____

Address: 1501 W. Stan Schlueter LP, Killeen, Texas _____

Phone: 254-493-9962 _____ **E-Mail:** gmeza@quinteroeng.com

Surveyor: Quintero Engineering, LLC _____

Address: 1501 W. Stan Schlueter LP, Killeen, Texas _____

Phone: 254-493-9962 _____ **E-Mail:** gmeza@quinteroeng.com

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

I HEREBY UNDERSTAND AND ACKNOWLEDGE:

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

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

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

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

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

Pat Harvey Kern _____

Gorge J. Meza (Quintero Engineering, LLC) _____

Printed Name of Owner

Printed Name of Authorized Agent (Corporation/Partnership)

Pat Harvey Kern

Signature of Owner

Gorge J. Meza

Signature of Authorized Agent (Corporation/Partnership)

SWORN AND SUBSCRIBED BEFORE ME THIS 26 DAY OF

January, 20 22.

Stacie Brumfield

Signature of Notary Public



My Commission Expires: 3/3/24

STAFF ONLY -- DO NOT FILL OUT

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

Rev. 5/20



QUINTERO ENGINEERING, LLC

CIVIL ENGINEERING • LAND SURVEYING • PLANNING • CONSTRUCTION MANAGEMENT

1501 W. STAN SCHLUETER LP, KILLEEN TEXAS (254) 493-9962

T.B.P.E. FIRM REGISTRATION NO.: 14709

T.B.P.L.S. FIRM REGISTRATION NO.: 10194110

2.29 ACRES BELL COUNTY, TEXAS

BEING all of that certain 2.29 acre tract of land situated in the W.E. Hall Survey, Abstract No. 1086, Bell County, Texas, being all of the called Lot 1, Block 1, Pat Kern Subdivision, an addition to the City of Harker Heights, recorded in Cabinet D, Slide 185-A, Plat Records of Bell County, Texas, and all of the called 1.127 acre tract, described in a deed to Mooching K, LTD., recorded in Instrument No. 2013-00048060, Deed Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 3/8" iron rod with cap stamped "M&A" found in the East right-of-way line of Indian Trail (FM 3423) and at the Northwest corner of Lot 1, Block 1, Texas Tumblers Addition, an addition to the City of Harker Heights, recorded in Cabinet D, Slide 14-A, Plat Records of Bell County, Texas, for the Southwest corner of the herein described tract;

THENCE, along the East right-of-way line of Indian Trail and the West line of the herein described tract, the following three courses and distances:

1. N 12° 06' 02" E, 56.44 feet (Deed N 12° 02' 19" E, 56.45 feet), to a 3/8" iron rod found at the beginning of a curve to the left;
2. 207.90 feet along the arc of the said curve to the left having a Radius of 920.34 feet, and a Chord Bearing and Distance of N 05° 37' 04" E, 207.46 feet, to a 1/2" iron rod with a cap stamped "QUINTERO 10194110" set;
3. N 00° 48' 38" W, 139.56 feet (Plat N 00° 48' 34" W, 139.56 feet), to a to a 1/2" iron rod with a cap stamped "QUINTERO 10194110" set in the East right-of-way line of Indian Trail, at the Southwest corner of a called 1.321 acre tract, described in a deed to BHE, LLP., recorded in Volume 5320, Page 444, Deed Records of Bell County, Texas, for the Northwest corner of the herein described tract;

THENCE, S 76° 41' 36" E, 234.75 feet (Plat S 76° 41' 47" E, 234.87 feet), departing the East right-of-way line of Indian Trail, along the South line of the said 1.321 acre tract to a 3/8" iron rod found at the Southeast corner of the said 1.321 acre tract and in the West line of a called 2.649 acre tract (Parcel 2), described in a deed to Tera Azul Developments, LLC, recorded in Instrument No. 2013-00048429, Deed Records of Bell County, Texas, for the Northeast corner of the herein described tract;

THENCE, along the common line between the herein described tract and the said Parcel 2 and Parcel 1, recorded in the same deed to Tera Azul Development, the following three courses and distances:

1. S 07° 16' 44" W, 234.94 feet (Plat S 07° 18' 36" W, 234.98 feet), to a 3/8" iron rod with a cap stamped "M&A" found;
2. S 75° 05' 01" E, 100.80 feet (Deed S 75° 01' 33" E, 100.86 feet), to a 3/8" iron rod found;
3. S 12° 16' 35" W, 155.26 feet (Deed S 12° 17' 44" W, 155.15 feet), to a 3/8" iron rod with a cap stamped "M&A" found at the Northeast corner of the said Lot 1, Texas Tumblers Addition for the Southeast corner of the herein described tract;

THENCE, N 77° 46' 31" W, 300.04 feet (Deed N 77° 51' 32" W, 300.06 feet), along the North line of the said Lot 1, Texas Tumblers Addition to the **POINT OF BEGINNING** containing 2.29 acres of land, more or less.

The bearings for this description are based upon the Texas State Plane Coordinate System, Central Zone, NAD 83, per Leica Texas Smart Net GPS observations, as surveyed on the ground September 8, 2021, by Quintero Engineering, LLC.

For Interim Review Only

This document is released for the purpose of review and comment under the authority of Seth H. Barton, R.P.L.S., R.P.L.S. No. 6878 on February 15, 2022. This document shall not be recorded for any purpose and shall not

DEDICATION

STATE OF TEXAS §

COUNTY OF _____BELL §

KNOW ALL MEN BY THESE PRESENTS:

That **Mooching K, LTD.** being the sole owner of that certain 2.29 acre tract of land situated in the W. E. Hall Survey, Abstract No. 1086, Bell County, Texas, being all of Lot 1, Block 1, Pat Kern Subdivision, recorded in Cabinet D, Slide 185-A, Plat Records of Bell County, Texas, and all of the called 1.127 acre tract described in a deed to Mooching K, LTD., recorded in Instrument No. 2013-00048060, Deed Records of Bell County, Texas, which is more fully described in the dedication of **Pat Kern Subdivision, Replat No. 1**, an addition to the City of Harker Height, Bell County, Texas, and **Pat Kern Subdivision, Replat No. 1** hereby dedicates to said City all streets, avenues, drives, alleys and drainage tracts shown on the said plat, the same to be used as public thoroughfares and for the installation and maintenance of public utilities when and as authorized by the City of Harker Heights, Bell County, Texas.

The drainage and utility easements shown on said plat are dedicated to the City of Harker Heights, Bell County, Texas for installation and maintenance of any and all public utilities, which the city may elect to install and maintain or permit to be installed or maintained.

W I T N E S S the execution hereof, on this _____ day of _____, 2022.

For: Mooching K, LTD.

By: _____
Pat Kern
Manager

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

NOTARY PUBLIC STATE OF TEXAS
My Commission Expires:_____

KNOW ALL MEN BY THESE PRESENTS, THAT **MOOCHING K, LTD.**, BEING THE SOLE OWNER OF THAT CERTAIN 2.29 ACRE TRACT OF LAND SITUATED IN THE W. E. HALL SURVEY, ABSTRACT NO. 1086, BELL COUNTY, TEXAS, BEING ALL OF LOT 1, BLOCK 1, PAT KERN SUBDIVISION, RECORDED IN CABINET D, SLIDE 185-A, PLAT RECORDS OF BELL COUNTY, TEXAS, AND ALL OF THE CALLED 1.127 ACRE TRACT DESCRIBED IN A DEED TO MOOCHING K, LTD., RECORDED IN INSTRUMENT 2019-0048090, DEED RECORDS OF BELL COUNTY, TEXAS, WHICH IS MORE FULLY DESCRIBED IN THE DEDICATION OF **PAT KERN SUBDIVISION, REPLAT NO. 1**, AN ADDITION TO THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS, AND APPROVED BY THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS, AND **PAT KERN SUBDIVISION, REPLAT NO. 1**, DOES HEREBY DEDICATES TO SAID CITY ALL STREETS, AVENUES, DRIVES, ALLEYS AND DRAINAGE TRACTS SHOWN ON SAID PLAT, THE SAME TO BE USED AS PUBLIC THOROUGHFARES AND FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES WHEN AND AS AUTHORIZED BY THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS.

THE DRAINAGE AND UTILITY EASEMENTS SHOWN ON SAID PLAT ARE DEDICATED TO SAID CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS FOR INSTALLATION AND MAINTENANCE OF ANY AND ALL PUBLIC UTILITIES, WHICH THE CITY MAY ELECT TO INSTALL AND MAINTAIN OR PERMIT TO BE INSTALLED OR MAINTAINED.

WITNESS THE EXECUTION HEREOF, ON THIS _____ DAY OF _____, 202____.

FOR: MOOCHING K, LTD.

BY: _____
PAT KERN
MANAGER

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY, PERSONALLY APPEARED **PAT KERN** KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT. IT HAS BEEN ACKNOWLEDGED TO ME THAT HE EXECUTED THE FOREGOING INSTRUMENT AS THE OWNERS OF THE PROPERTY DESCRIBED HEREON.

NOTARY PUBLIC STATE OF TEXAS
 MY COMMISSION EXPIRES: _____

PLANNING AND ZONING COMMISSION

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

CHAIRPERSON, PLANNING AND ZONING COMMISSION _____ SECRETARY, PLANNING AND ZONING COMMISSION _____

CITY COUNCIL

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

MAYOR _____ CITY SECRETARY _____

DIRECTOR OF PLANNING AND DEVELOPMENT

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

DIRECTOR OF PLANNING AND DEVELOPMENT _____

SURVEYORS' CERTIFICATE:

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

For Interim Review Only

This document is released for the purpose of review and comment under the authority of Seth H. Barton, R.P.L.S., R.P.L.S. No. 6878 on February 15, 2022. This document shall not be recorded for any purpose and shall not be used or relied upon as a final survey document.

AFFIDAVIT:

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

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

BELL COUNTY TAX APPRAISAL DISTRICT

By: _____

COUNTY CLERK INFORMATION:

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

BY: _____

SURVEY:	W. E. HALL SURVEY, A- 1086	OWNER:	MOOCHING K, LTD PO BOX 2281 HARKER HEIGHTS, TEXAS 76548
NUMBER OF BLOCKS:	1	SURVEYOR:	QUINTERO ENGINEERING, LLC 1501 W. STAN SCHLUETER LP. KILLEEN, TEXAS 76549 (254) 493-9962
NUMBER OF LOTS:	1		
TOTAL ACREAGE:	2.29 AC		
DATE:	JANUARY 2022		

REMAINDER OF:
 "EXHIBIT B"
 CALLED 6.00 ACRES
 RENA CHANG HOOT
 INST. NO. 200800048579

CALLED 1.321 ACRES
 BHE, LLP.
 VOL. 5320, PG. 444

"PARCEL 2"
 CALLED 2.649 ACRES
 TERA AZUL DEVELOPMENTS, LLC.
 INST. NO. 201300048429

"PARCEL 1"
 CALLED 3.003 ACRES
 TERA AZUL DEVELOPMENTS, LLC.
 INST. NO. 201300048429

LOT 34
 1.88 AC

LOT 1, BLOCK 1,
 TEXAS TUMBLERS ADDITION
 CABINET D, SLIDE 14-A
 T&T ELITE PROPERTIES, LLC
 INSTR. NO. 201200043965

CALLED 7.971 ACRES
 TERA AZUL DEVELOPMENTS, LLC.
 INST. NO. 201300048422

CALLED 11.15 ACRES
 PLEASANTVIEW PLINDY TX, LLC
 (INSTR. NO. 201200014247)

LOT 1, BLOCK 1,
 JB HEIGHT
 (CAB. C, SLIDE 194-C)
 KEITH J. OLIVER
 (INSTR. NO. 200800032679)

LOT 15, BLOCK 1,
 JB HEIGHT
 (CAB. C, SLIDE 194-C)
 VICTORIAN REALTY, LLC
 (INSTR. NO. 201100011904)

CALLED 24.8 ACRES
 KILLEEN IND
 SCHOOL DISTRICT
 (NO DEED
 INFORMATION
 FOUND)

WATER COURSE DRIVE

INDIAN TRAIL
 FM 3423

INSET
 SCALE: 1:100

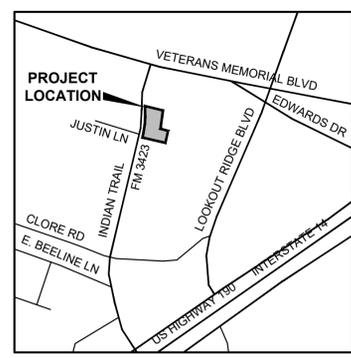
LEGEND

- PROPERTY BOUNDARY
- LOT LINES
- - - - - EASEMENT LINES
- - - - - ADJOINING TRACT PROPERTY LINES
- - - - - OFFSITE EASEMENTS
- IRON ROD FOUND
- 1/2" IRON ROD SET W/ CAP STAMPED "QUINTERO 10194110"
- **UNLESS OTHERWISE NOTED**

NOTES

- THE BEARINGS AND DISTANCES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83, PER LEICA SMART NET GPS OBSERVATION.
- THIS PROPERTY LIES WITHIN FEMA "ZONE X, OTHER AREAS" AS SHOWN ON THE FLOOD INSURANCE RATE MAP, FEMA MAP 48027C0285E WHICH BEARS AN EFFECTIVE DATE OF SEPTEMBER 26, 2008.

FEMA "ZONE X, OTHER AREAS" ARE DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN



LOCATION MAP
 SCALE: NTS

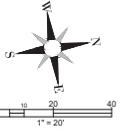
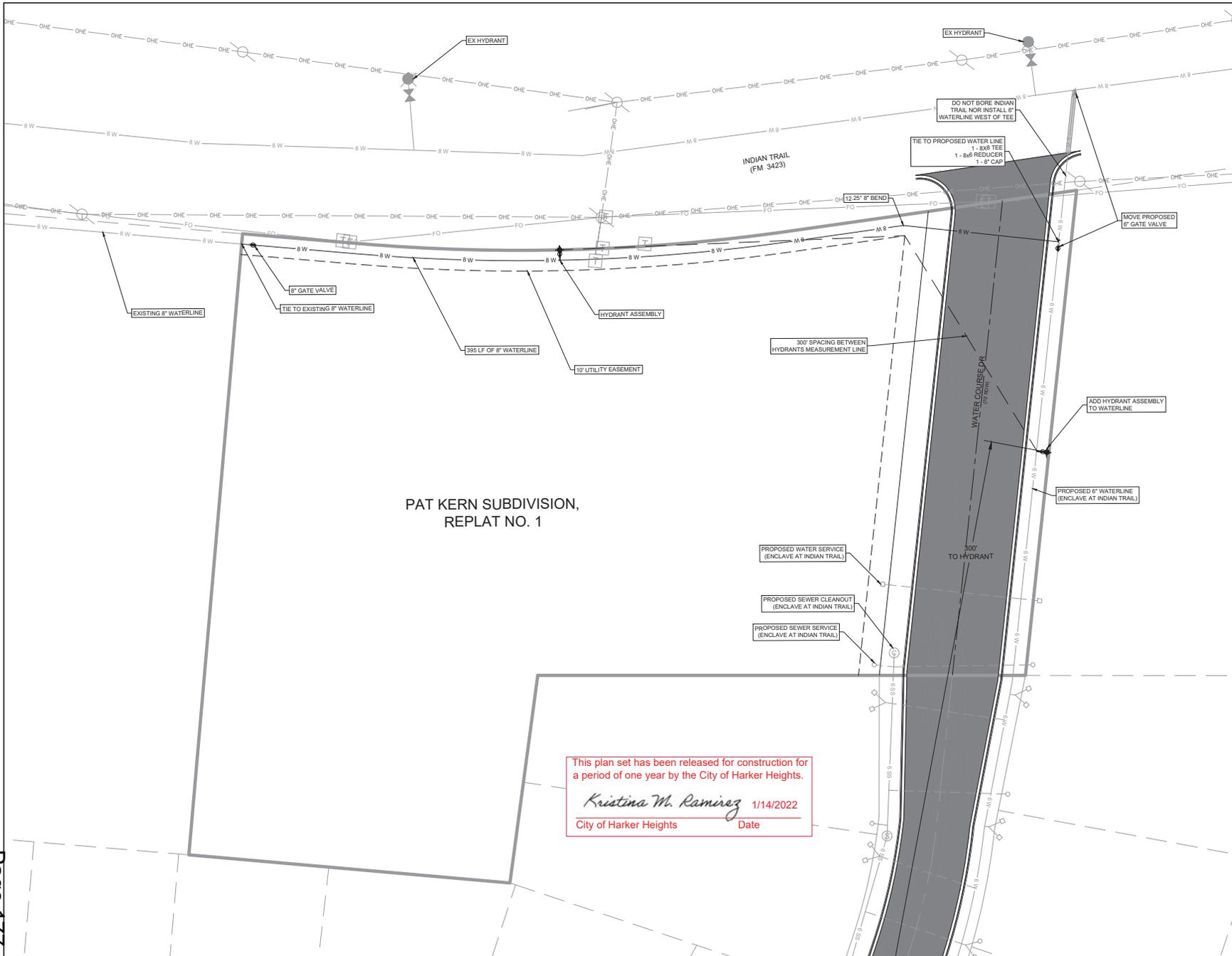


FINAL PLAT FOR:
PAT KERN SUBDIVISION, REPLAT NO. 1
 CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS

PAT KERN SUBDIVISION, REPLAT NO. 1

IS A FINAL PLAT ALL OF LOT 1, BLOCK 1, PAT KERN SUBDIVISION, RECORDED IN CABINET D, SLIDE 185-A, PLAT RECORDS OF BELL COUNTY, TEXAS, AND ALL OF THE CALLED 1.127 ACRE TRACT DESCRIBED IN A DEED TO MOOCHING K, LTD, RECORDED IN INSTRUMENT NO. 2013-00048090, DEED RECORDS OF BELL COUNTY, TEXAS, ALL SITUATED IN THE CITY LIMITS OF THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS.

PROJECT NO.:	025-21
DRAWING NO.:	P1



- WATER NOTES:**
1. ALL WATERLINES SHALL BE AWWA C900 PIPE WITH MINIMUM 42" COVER UNLESS OTHERWISE NOTED.
 2. ALL CONSTRUCTION SHOWN HEREIN SHALL BE PER CITY OF HARKER HEIGHTS STANDARDS AND SPECIFICATIONS.
 3. EXISTING UTILITIES SHOWN HEREIN HAVE BEEN LOCATED BY VISIBLE APPURTENANCES AND RECORD DRAWINGS. CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATION AND PROTECTING ALL UTILITIES REGARDLESS OF THEIR DEPICTION HEREIN.
 4. FIRE HYDRANT SYMBOLS ARE FOR REPRESENTATION ONLY. FIRE HYDRANT ORIENTATION SHALL BE PER CITY OF HARKER HEIGHTS STANDARD DETAIL. ALL VALVES FOR HYDRANTS ARE TO BE CONNECTED DIRECTLY TO TEE AND HYDRANT IS TO BE EXTENDED TO PROPERTY LINE.
 5. ALL FIELD BENDS SHALL BE PER PIPE MANUFACTURER RECOMMENDATIONS.
 6. WATER - SEWER CROSSING SHALL MEET THE MINIMUM CURRENT REQUIREMENTS PER TCEQ AND CITY CODE.
 7. THE CONTRACTOR SHALL COORDINATE THE FINAL PLACEMENT OF PROPOSED VALVES AND OTHER APPURTENANCES WITH STREET, SIDEWALK AND UTILITY IMPROVEMENTS TO AVOID CONFLICTS.
 8. SEE SHEETS 26, 27, AND 28 OF THE ENCLAVE AT INDIAN TRAIL PLANS FOR DETAILS.

!!! CAUTION !!!
 DEPTH AND LOCATION OF EXISTING UTILITIES ARE APPROXIMATE AND MUST BE FIELD VERIFIED BY CONTRACTOR BEFORE EXCAVATING IN THE AREA.



**Know what's below.
 Call before you dig.**

NO.	DESCRIPTION	DATE
1	ORIGINAL RELEASE	05/25/2022
2	ADDED HYDRANTS	01/14/2022
3	ADDED 6" GATE VALVE	05/25/2022



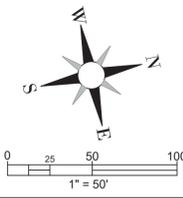
**PAT KERN
 WATERLINE
 EXTENSION**

DATE	01/14/2022
BY	JAT
CHECKED	JAT
DESIGNED	JAT
PROJECT #	21-020-001
DRAWING #	1



**PAT KERN SUBDIVISION,
 REPLAT NO. 1**

This plan set has been released for construction for a period of one year by the City of Harker Heights.
Kristina M. Ramirez 1/14/2022
 City of Harker Heights Date



- WATER NOTES:**
1. ALL WATERLINES SHALL BE AWWA C900 PIPE UNLESS OTHERWISE NOTED.
 2. ALL CONSTRUCTION SHOWN HEREIN SHALL BE PER CITY OF HARKER HEIGHTS STANDARDS AND SPECIFICATIONS.
 3. EXISTING UTILITIES SHOWN HEREIN HAVE BEEN LOCATED BY VISIBLE APPURTENANCES AND RECORD DRAWINGS. CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATION AND PROTECTING ALL UTILITIES REGARDLESS OF THEIR DEPICTION HEREIN.
 4. FIRE HYDRANT SYMBOLS ARE FOR REPRESENTATION ONLY. FIRE HYDRANT ORIENTATION SHALL BE PER CITY OF HARKER HEIGHTS STANDARD DETAIL. ALL VALVES FOR HYDRANTS ARE TO BE CONNECTED DIRECTLY TO TEE AND HYDRANT IS TO BE EXTENDED TO PROPERTY LINE.
 5. ALL FIELD BENDS SHALL BE PER PIPE MANUFACTURER RECOMMENDATIONS.
 6. WATER - SEWER CROSSING SHALL MEET THE MINIMUM CURRENT REQUIREMENTS PER TCEQ AND CITY CODE.
 7. THE CONTRACTOR SHALL COORDINATE THE FINAL PLACEMENT OF PROPOSED VALVES AND OTHER APPURTENANCES WITH STREET, SIDEWALK AND UTILITY IMPROVEMENTS TO AVOID CONFLICTS.
 8. SEE SHEETS 26, 27, AND 28 FOR DETAILS.

!!! CAUTION !!!
 DEPTH AND LOCATION OF EXISTING UTILITIES ARE APPROXIMATE AND MUST BE FIELD VERIFIED BY CONTRACTOR BEFORE EXCAVATING IN THE AREA.



**Know what's below.
 Call before you dig.**

REV	DESCRIPTION	DATE
1	ORIGINAL RELEASE	8/13/2021

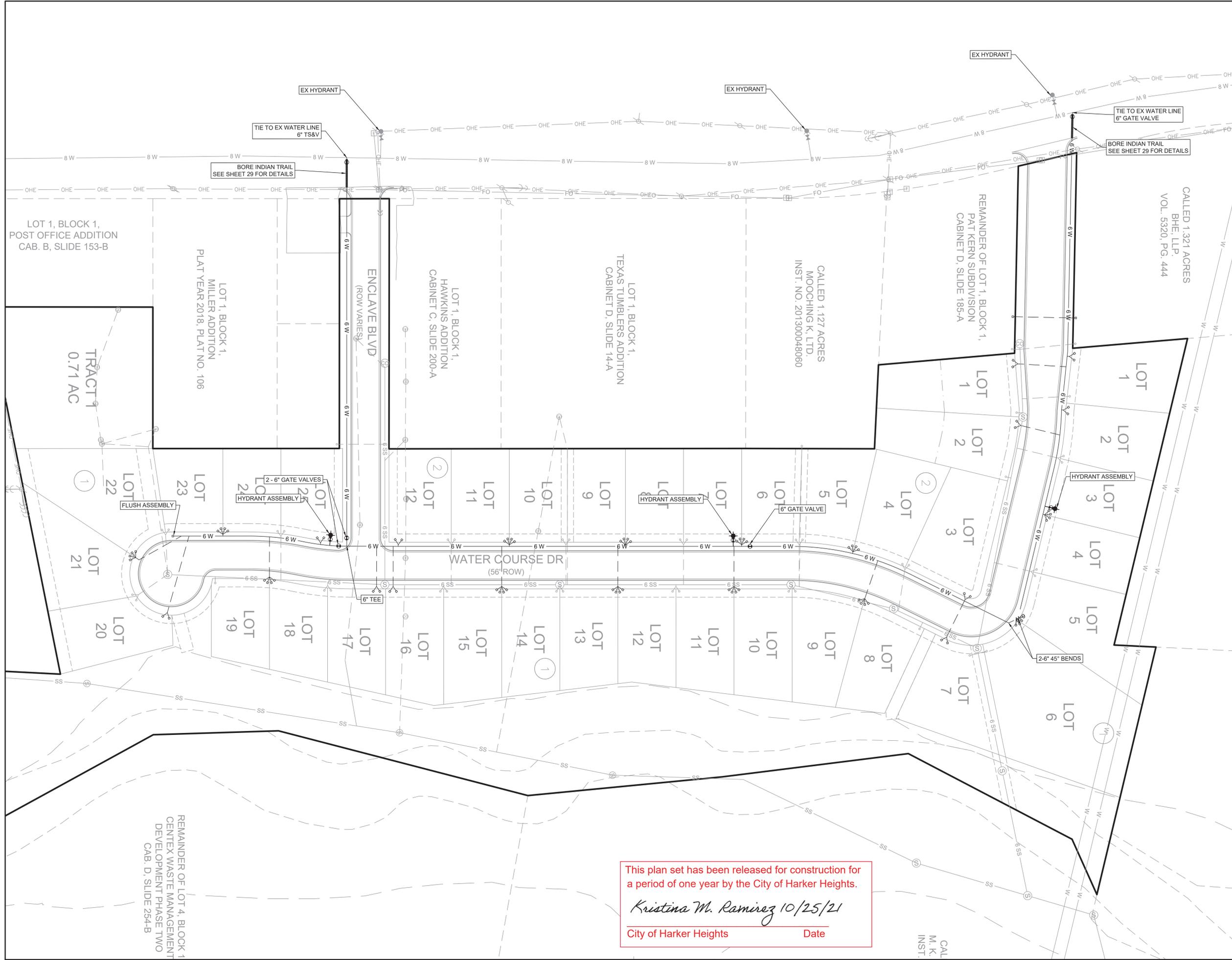


**THE ENCLAVE AT
 INDIAN TRAIL**

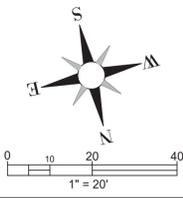
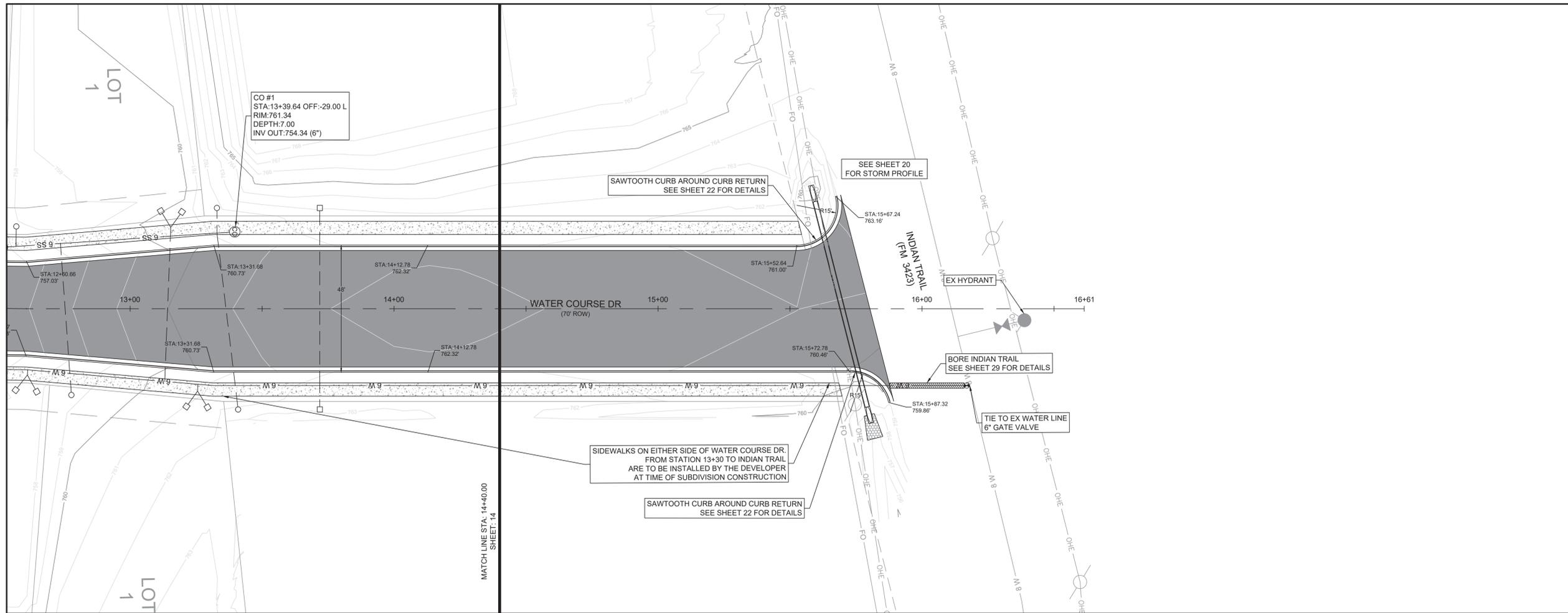
WATER LAYOUT

JAT 10/13/2021
 DATE

DESIGN	JAT
DRAFTED	JAT
CHECKED	JAT
PROJECT #	21-020-001
DRAWING #	8



This plan set has been released for construction for a period of one year by the City of Harker Heights.
Kristina M. Ramirez 10/25/21
 City of Harker Heights Date



- NOTES:**
- EXISTING UTILITIES SHOWN HEREIN HAVE BEEN LOCATED BY VISIBLE APPURTENANCES AND RECORD DRAWINGS. CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATION AND PROTECTING ALL UTILITIES REGARDLESS OF THEIR DEPICTION HEREIN.
 - WATER - SEWER CROSSING SHALL MEET THE MINIMUM CURRENT REQUIREMENTS PER TCEQ AND CITY CODE.
 - ALL SIDEWALKS ARE 5' WIDE AND 1' FROM PROPERTY LINE. SEE SHEET 10 FOR DETAILS.

!!! CAUTION !!!
 DEPTH AND LOCATION OF EXISTING UTILITIES ARE APPROXIMATE AND MUST BE FIELD VERIFIED BY CONTRACTOR BEFORE EXCAVATING IN THE AREA.



**Know what's below.
 Call before you dig.**

PROFILE LEGEND

- — — — — EXISTING GRADE
- - - - - DESIGN GRADE (CROWN)
- — — — — LEFT BACK-OF-CURB
- — — — — RIGHT BACK-OF-CURB

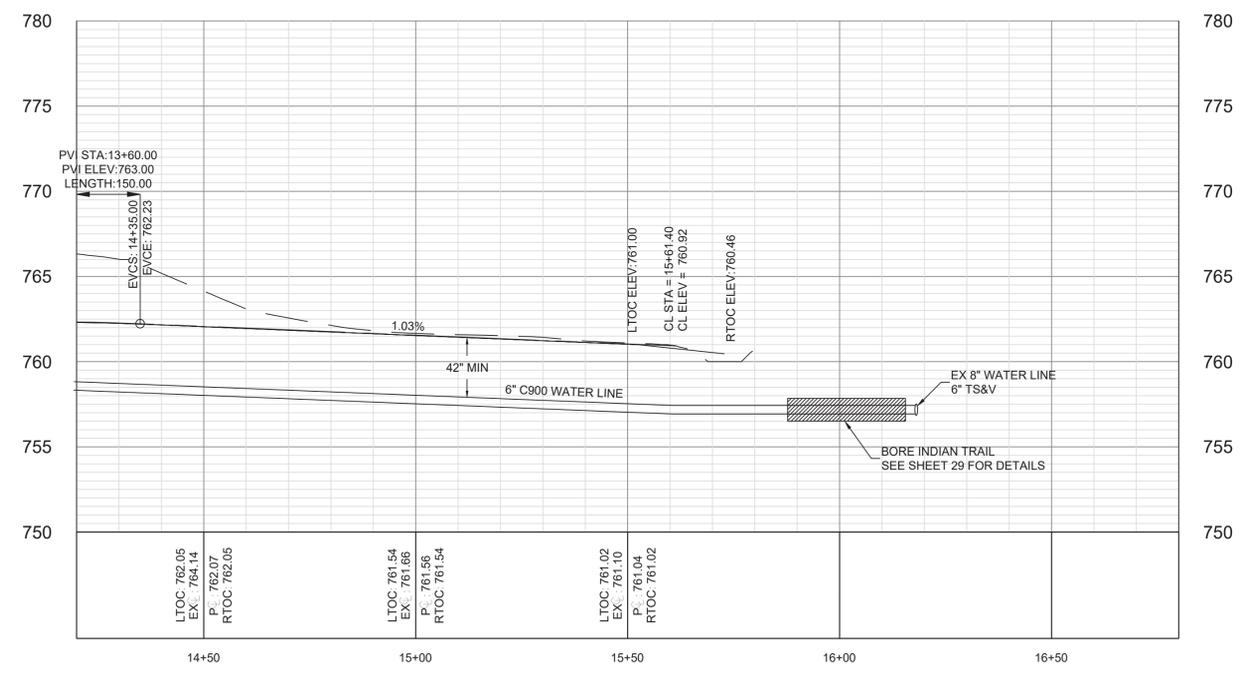
REV	DESCRIPTION	DATE
1	ORIGINAL RELEASE	8/13/2021



**THE ENCLAVE AT
 INDIAN TRAIL
 WATER COURSE DR
 STA 14+40 TO END**

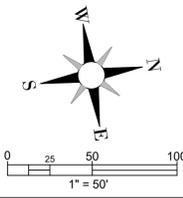
JAT 10/13/2021
 DATE

DESIGN	JAT
DRAFTED	JAT
CHECKED	JAT
PROJECT #	21-020-001
DRAWING #	15



This plan set has been released for construction for a period of one year by the City of Harker Heights.

Kristina M. Ramirez 10/25/21
 City of Harker Heights Date



- SIDEWALK NOTES:**
1. SIDEWALKS WITHIN THE PROJECT BOUNDARY ARE TO BE 5' WIDE AND 1' FROM PROPERTY LINE.
 2. SIDEWALKS AND CURB RAMPS WITHIN THE PROJECT BOUNDARY ARE TO BE BUILT BY HOMEOWNER AT TIME OF HOUSE CONSTRUCTION UNLESS OTHERWISE NOTED ON THIS SHEET
 3. ALL CURB RAMPS ARE STANDARD HARKER HEIGHTS WHEELCHAIR RAMPS UNLESS OTHERWISE NOTED ON THIS SHEET
 4. DEVELOPER IS REQUIRED TO INSTALL ALL SIDEWALKS ACROSS ALL DRAINAGE EASEMENT/TRACT CROSSINGS DURING SUBDIVISION CONSTRUCTION.

2-CURB RAMPS

1	ORIGINAL RELEASE	4/28/2021
REV	DESCRIPTION	DATE

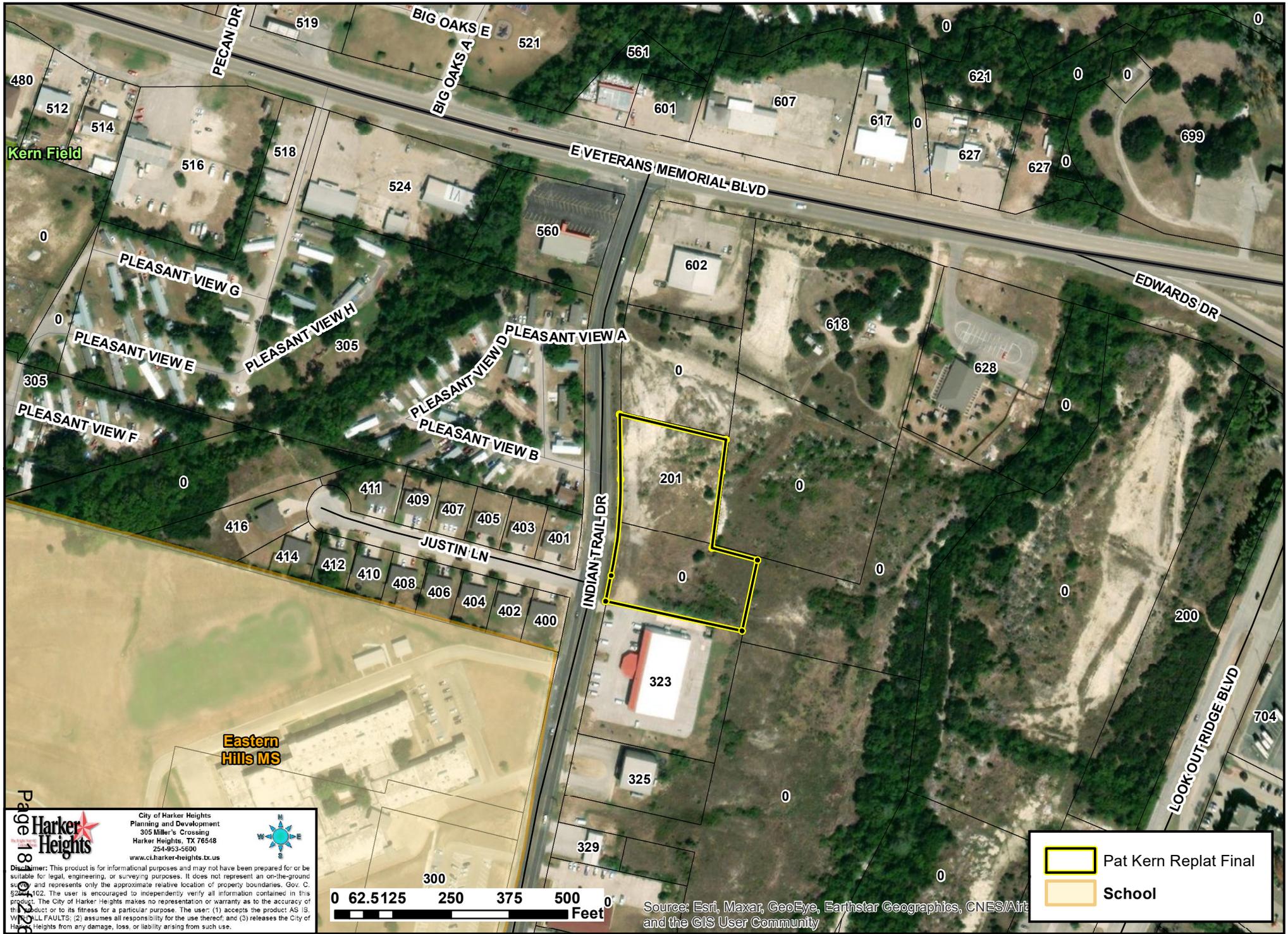


THE ENCLAVE

SIDEWALK LAYOUT

SIGNATURE DATE

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW UNDER THE AUTHORITY OF JOSEPH THERIOT, P.E. 120299 ON 4/28/2021. IT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSES.	PM	JAT
	DESIGN	JAT
	DRAWN	JAT
	CHECKED	JAT
PROJECT #	21-020-001	
DRAWING #	6	



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

Eastern Hills MS

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §22-102. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of the product or to its fitness for a particular purpose. The user: (1) accepts the product "AS IS," WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Harker Heights from any damage, loss, or liability arising from such use.



Pat Kern Replat Final
 School

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Air

PAT KERN SUBDIVISION

REPLAT NO. 1

P22-02 Final Plat – Pat Kern Subdivision Replat No. 1

Plat Distributed to HH Staff: January 28, 2022
Comments Returned to Quintero Engineering: February 7, 2022
Revisions Received: February 15, 2022
Comments Returned to Quintero Engineering: February 8, 2022

Planning & Development, Kristina Ramirez & Yvonne Spell

Since this Final Plat is being submitted concurrently with the preliminary plat many of the comments are the same. Comments that are in addition to those made on the preliminary plat will be labeled as “FINAL PLAT”.

1. Plat Dedication Page

- a. Water Course Drive was shown as being dedicated in the preliminary plat for The Enclave at Indian Trail subdivision. Applicant shall clarify ownership of the land area shown for the Water Course Drive ROW and who will be responsible for the construction of the roadway, drainage and sidewalks within said ROW.

(Response – The property that contains the proposed Watercourse drive right-of-way has transferred ownership to Moothing K, LTD. The agreement is still the same, Terra Azul Developments, LLC will still construct the public infrastructure per the approved construction plans submitted to the City.)

(COHH Staff - Applicant is advised that no Certificate of Occupancy will be issued until required public infrastructure has been installed and accepted by the City.)

- ~~b. Applicant shall annotate and illustrate ROW measurements for Indian Trail (90 ft ROW). If the required amount of ROW is not existing, then the Applicant shall provide half of the required remaining ROW. (Met 2/16/2022 Y. Spell)~~
- ~~c. Per 154.22 (B) (1), applicant shall provide a drawing scale of not less than 1-inch equals 100 feet (can be an inset). (Met 2/16/2022 Y. Spell)~~
- ~~d. FINAL PLAT— Applicant shall provide TXDOT approval of the driveway(s) along Indian Trail This may require a traffic impact analysis, a 1' non-access easement, and/or a 30' internal passage easement to the adjacent lots. (Met 2/16/2022 Y. Spell)~~
- ~~e. FINAL PLAT— Applicant shall provide the required signatory blocks and language in accordance with §154.22 (B)(1)(q). (Met 2/16/2022 Y. Spell)~~

~~f. Surveyors Certificate does not match per COHH §154.22 (B) (1) (q) (1) _____~~

~~1. A surveyor's certificate, in the following format, shall be placed on the final plat:~~

~~KNOW ALL MEN BY THESE PRESENTS:~~

~~That I, _____, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision and Property Development Regulations of the City of Harker Heights, Texas.~~

~~_____~~

~~Signature~~

~~_____~~

~~Texas Reg. No. (Met 2/16/2022 Y. Spell)~~

- ~~g. Language on dedication statement on face of plat and separate dedication instrument do not match.~~
- ~~h. Sum of acreage listed on field notes is greater than acreage shown on face of plat. Clarify total acreage of lot. (Met 2/16/2022 Y. Spell)~~
- ~~i. Show the following information on face of plat for properties within 100 feet : §154.24 (C) (1) (k) Adjacent property information including present ownership, legal descriptions (recorded volume and page) and property lines within 100 feet; (Met 2/16/2022 Y. Spell)~~

2. Utilities

- ~~a. Applicant is advised that the construction plans for the proposed 8" watermain and fire hydrants along Indian Trail has been released and is slightly different from what is shown on the submitted utility plan sheets for this application. The installation, acceptance and maintenance bonding of said line has not occurred to date. Depending on timing of Development the Applicant may need to coordinate with that Developer or construct said offsite main. (Met 2/16/2022 Y. Spell)~~
- ~~b. Applicant is advised that the offsite utility easement and sewer main at the proposed sewer service location have not yet been recorded and constructed. They are part of The Enclave at Indian Trail subdivision's proposed construction. Depending on timing of Development the Applicant may need to coordinate with that Developer or construct said offsite main. (Met 2/16/2022 Y. Spell)~~
- ~~c. Applicant shall provide a sidewalk layout for the proposed plat. (Met 2/16/2022 Y. Spell)~~
- ~~d. FINAL PLAT – Applicant shall provide a Guarantee of Performance per § 154.23 for all public infrastructure (roadways, drainage, water, wastewater) required for this~~

development that has not yet been constructed or accepted. *(Comment Not Met 2/16/2022 Y. Spell)*

3. The following items can be addressed during construction site plan review and are provided for the Applicant's advanced reference.
 - a. ~~Applicant is advised that sheet flow approximation will be required inside of the proposed subdivision since there is not an existing point discharge location from this proposed subdivision onto the property to the east. (Met 2/16/2022 Y. Spell)~~
 - b. ~~Applicant is advised that a driveway entrance onto Water Course Drive or Indian Trail will not be allowed in the AASHTO clear site triangle at the corner of Indian Trail and Water Course Drive. (Met 2/16/2022 Y. Spell)~~

Public Works, Mark Hyde

1. ~~Label the proposed utility easements as public utility easements. (Met 2/16/2022 Y. Spell)~~
2. ~~Provide the construction drawings for the 8-inch water line and the section of Water Course Drive including the utilities. Once constructed, the property owner will be required to provide a maintenance bond for the public infrastructure. (Met 2/16/2022 Y. Spell)~~
3. FINAL PLAT - For final plat approval, the 8-inch diameter water line and the section of Water Course Drive including the utilities must be constructed and accepted by the City of Harker Heights -or- a performance bond or performance letter of credit in the amount of the improvements verified by the City Engineer can be submitted. *(Comment Not Met 2/16/2022 Y. Spell)*

§ 154.23 GUARANTEE OF PERFORMANCE.

(A) *General.* In order to record an approved final plat in which public infrastructure improvements are required, the developer shall construct the improvements to the approval of the city or file a guarantee of performance in lieu of completing the infrastructure prior to recordation of the plat. All such construction shall be inspected while in progress by the Public Works Department and must be approved upon completion by the Public Works Director or his or her designee.

(B) *Filing a guarantee.* If the developer elects to file a guarantee of performance in lieu of completing construction prior to recording the plat, one of the following methods of posting security shall be used, while the city does reserve the right to select which of the following guarantees of performance is utilized.

(1) Unconditional letter of credit from a local bank, local federally insured Savings and Loan Association or other financial institution in a form acceptable to the city and signed by a principal officer of the institution, agreeing to pay to the city, on demand, a stipulated sum

of money to apply to the estimated costs of completion of all required improvements, cost of completion of the required improvements being verified by the City Engineer.

The letter of credit shall be dated to expire not less than one year from the recordation of the final plat. If the required infrastructure is not complete within six months of acceptance of the letter of credit, the city shall use the funds to construct the improvements.

(2) Performance bond submitted with the city by a surety company holding a license to do business in the State of Texas, in a form acceptable to the city, in an amount equal to the estimated costs of completion of required improvements verified by the City Engineer. It shall be dated to expire not less than one year from the recordation of the final plat. If the required infrastructure is not complete within six months of acceptance of the letter of credit, the city shall use the funds to construct the improvements.

(C) *Guarantee of performance.* For the guarantee of performance, as described in this section, the Engineer whose stamp and signature are found on the final plat and final engineering drawings shall prepare a detailed estimate of outstanding infrastructure items to include the cost of each item, the cost of installation of each item and the total cumulative cost of all outstanding infrastructure items. This detailed estimate should be stamped and signed by the Engineer. The city's Engineer shall review this detailed estimate to ensure that all items are accounted for and are valued at costs that are reasonable given the market at the time of which the project occurs. The city may request that the developer make modifications to the detailed estimate to reflect comments from the city's Engineer. Once approved by the city's Engineer, the city will accept the guarantee of performance, as described in this section, for the total cumulative cost as shown on the detailed estimate, and the final plat shall be filed with the county.

(Ord. 2010-08, passed 3-9-10)

City Engineer, Otto Wiederhold

1. No comments.

Fire Marshal, Brad Alley

1. No comments.

Building Official, Mike Beard

1. Comments have not been received and may be forthcoming.

ONCOR, Steven Huggins

1. Oncor to keep existing lines and easements.

Century Link/ Lumen, Chris McGuire

1. No comments, easement called out for existing facilities.

Spectrum, Shaun Whitehead

1. Comments have not been received and may be forthcoming.

ATMOS, Rusty Fischer

1. Comments have not been received and may be forthcoming.

TXDOT

1. Comments have not been received and may be forthcoming.

Bell County WC&ID #1

1. Comments have not been received and may be forthcoming.

PAT KERN SUBDIVISION

REPLAT NO. 1

P22-02 Final Plat – Pat Kern Subdivision Replat No. 1

Plat Distributed to HH Staff: January 28, 2022

Comments Returned to Killeen Engineering and Surveying: February 7, 2022

Planning & Development, Kristina Ramirez & Yvonne Spell

Since this Final Plat is being submitted concurrently with the preliminary plat many of the comments are the same. Comments that are in addition to those made on the preliminary plat will be labeled as “FINAL PLAT”.

Responses shown in RED below comments

1. Plat Dedication Page

- a. Water Course Drive was shown as being dedicated in the preliminary plat for The Enclave at Indian Trail subdivision. Applicant shall clarify ownership of the land area shown for the Water Course Drive ROW and who will be responsible for the construction of the roadway, drainage and sidewalks within said ROW.

Response – The property that contains the proposed Watercourse drive right-of-way has transferred ownership to Mooching K, LTD. The agreement is still the same, Terra Azul Developments, LLC will still construct the public infrastructure per the approved construction plans submitted to the City.

- b. Applicant shall annotate and illustrate ROW measurements for Indian Trail (90 ft ROW). If the required amount of ROW is not existing, then the Applicant shall provide half of the required remaining ROW.

- c. Response – Based on field observations, it was found that the right-of-way width does not meet the 90 ft requirement. A 5.1 ft strip of right-of-way dedication has been added to the plat, please revised plat.

- d. Per 154.22 (B) (1), applicant shall provide a drawing scale of not less than 1-inch equals 100 feet (can be an inset).

Response – A 1 in to 100 ft inset was added to the plat, please see revised plat.

- e. FINAL PLAT – Applicant shall provide TXDOT approval of the driveway(s) along Indian Trail This may require a traffic impact analysis, a 1’ non-access easement, and/or a 30’ internal passage easement to the adjacent lots.

Response – Added a 1 ft non-access easement along the entire frontage of Lot 1, please see revised plat. A TIA was prepared and submitted for the 2 proposed roadways for the Enclave at Indian Trail preliminary plat and construction plans.

- f. FINAL PLAT – Applicant shall provide the required signatory blocks and language in accordance with §154.22 (B)(1)(q).

Response – All signature blocks were added to the face of the plat, please see revised plat.

- g. Surveyors Certificate does not match per COHH §154.22 (B) (1) (q) (1)

- 1. A surveyor’s certificate, in the following format, shall be placed on the final plat:

KNOW ALL MEN BY THESE PRESENTS:

That I, _____, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision and Property Development Regulations of the City of Harker Heights, Texas.

Signature

Texas Reg. No.

Response – Signature block was updated, please see revised plat.

- h. Language on dedication statement on face of plat and separate dedication instrument do not match.

Response – Language was revised to match on both the separate dedication and the plat, please see revised

- i. Sum of acreage listed on field notes is greater than acreage shown on face of plat. Clarify total acreage of lot.

Response – We verified that the correct acreage is 2.29 acres, the acreage shown on Lot 1, does not include the right-of-way dedication for Watercourse or the additional right-of-way along Indian Trail.

- j. Show the following information on face of plat for properties within 100 feet : §154.21 (C) (1) (k) Adjacent property information including present ownership, legal descriptions (recorded volume and page) and property lines within 100 feet;

Response – All adjacent properties were added to the plat, please see revised plat.

2. Utilities

- a. Applicant is advised that the construction plans for the proposed 8” watermain and fire hydrants along Indian Trail has been released and is slightly different from what is shown on the submitted utility plan sheets for this application. The installation,

acceptance and maintenance bonding of said line has not occurred to date. Depending on timing of Development the Applicant may need to coordinate with that Developer or construct said offsite main.

Response – Duly noted, the submitted Utility Plan was submitted for reference. The approved construction plans shall supersede what is shown with this submittal.

- b. Applicant is advised that the offsite utility easement and sewer main at the proposed sewer service location have not yet been recorded and constructed. They are part of The Enclave at Indian Trail subdivision’s proposed construction. Depending on timing of Development the Applicant may need to coordinate with that Developer or construct said offsite main.

Response – Duly noted.

- c. Applicant shall provide a sidewalk layout for the proposed plat.

Response – Please see the attached Sidewalk Layout that was submitted with the Enclave preliminary plat. Please note this will be designed and submitted for City approval with the development of Lot 1, and approved construction plans.

- d. FINAL PLAT – Applicant shall provide a Guarantee of Performance per § 154.23 for all public infrastructure (roadways, drainage, water, wastewater) required for this development that has not yet been constructed or accepted.

Response – The design engineer is currently working with the developer and the City to obtain a cost estimate and get a letter of credit in place.

- 3. The following items can be addressed during construction site plan review and are provided for the Applicant’s advanced reference.
 - a. Applicant is advised that sheet flow approximation will be required inside of the proposed subdivision since there is not an existing point discharge location from this proposed subdivision onto the property to the east.
Response – Duly noted.
 - b. Applicant is advised that a driveway entrance onto Water Course Drive or Indian Trail will not be allowed in the AASHTO clear site triangle at the corner of Indian Trail and Water Course Drive.
Response – Duly noted.

Public Works, Mark Hyde

- 1. Label the proposed utility easements as public utility easements.
Response – Revised annotation to PUE, please see revised plat.
- 2. Provide the construction drawings for the 8-inch water line and the section of Water Course Drive including the utilities. Once constructed, the property owner will be required to provide a maintenance bond for the public infrastructure.
Response – Please see attached for the approved construction plans provided to us from the design engineer.

3. FINAL PLAT - For final plat approval, the 8-inch diameter water line and the section of Water Course Drive including the utilities must be constructed and accepted by the City of Harker Heights -or- a performance bond or performance letter of credit in the amount of the improvements verified by the City Engineer can be submitted.

Response – Duly noted, please see attached for the approved construction plans provided to us from the design engineer.

§ 154.23 GUARANTEE OF PERFORMANCE.

(A) *General.* In order to record an approved final plat in which public infrastructure improvements are required, the developer shall construct the improvements to the approval of the city or file a guarantee of performance in lieu of completing the infrastructure prior to recordation of the plat. All such construction shall be inspected while in progress by the Public Works Department and must be approved upon completion by the Public Works Director or his or her designee.

(B) *Filing a guarantee.* If the developer elects to file a guarantee of performance in lieu of completing construction prior to recording the plat, one of the following methods of posting security shall be used, while the city does reserve the right to select which of the following guarantees of performance is utilized.

(1) Unconditional letter of credit from a local bank, local federally insured Savings and Loan Association or other financial institution in a form acceptable to the city and signed by a principal officer of the institution, agreeing to pay to the city, on demand, a stipulated sum of money to apply to the estimated costs of completion of all required improvements, cost of completion of the required improvements being verified by the City Engineer.

The letter of credit shall be dated to expire not less than one year from the recordation of the final plat. If the required infrastructure is not complete within six months of acceptance of the letter of credit, the city shall use the funds to construct the improvements.

(2) Performance bond submitted with the city by a surety company holding a license to do business in the State of Texas, in a form acceptable to the city, in an amount equal to the estimated costs of completion of required improvements verified by the City Engineer. It shall be dated to expire not less than one year from the recordation of the final plat. If the required infrastructure is not complete within six months of acceptance of the letter of credit, the city shall use the funds to construct the improvements.

(C) *Guarantee of performance.* For the guarantee of performance, as described in this section, the Engineer whose stamp and signature are found on the final plat and final engineering drawings shall prepare a detailed estimate of outstanding infrastructure items

to include the cost of each item, the cost of installation of each item and the total cumulative cost of all outstanding infrastructure items. This detailed estimate should be stamped and signed by the Engineer. The city's Engineer shall review this detailed estimate to ensure that all items are accounted for and are valued at costs that are reasonable given the market at the time of which the project occurs. The city may request that the developer make modifications to the detailed estimate to reflect comments from the city's Engineer. Once approved by the city's Engineer, the city will accept the guarantee of performance, as described in this section, for the total cumulative cost as shown on the detailed estimate, and the final plat shall be filed with the county.

(Ord. 2010-08, passed 3-9-10)

City Engineer, Otto Wiederhold

1. No comments.

Fire Marshal, Brad Alley

1. No comments.

Building Official, Mike Beard

1. Comments have not been received and may be forthcoming.
Response – Duly noted.

ONCOR, Steven Huggins

1. Oncor to keep existing lines and easements.

Century Link/ Lumen, Chris McGuire

1. No comments, easement called out for existing facilities.

Spectrum, Shaun Whitehead

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ATMOS, Rusty Fischer

1. Comments have not been received and may be forthcoming.

TXDOT

1. Comments have not been received and may be forthcoming.

Bell County WC&ID #1

1. Comments have not been received and may be forthcoming.



✉ info@RepublicEDS.com

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

☎ 979.234.0396

February 28, 2022

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

Attn: Harker Heights City Staff

Harker Heights City Staff,

This letter is to establish the amount for a maintenance bond or other surety instrument for the Pat Kern Waterline Extension, shown in the construction plans dated 1/14/2022. The total cost of improvements was \$35,922.00. Per city ordinance, the subdivider shall furnish a maintenance bond or other surety instrument for water and sewer related improvements in an amount equal to 20% of the cost of improvements for a period of one calendar year. The maintenance bond or other surety instrument shall be for the amount of **\$7,184.40**.

Sincerely,

Joseph Theriot, P.E.



CITY COUNCIL MEMORANDUM

P22-03

AGENDA ITEM VII-3

FROM: THE OFFICE OF THE CITY MANAGER

DATE: MARCH 8, 2022

DISCUSS AND CONSIDER APPROVAL OF A FINAL PLAT REFERRED TO AS SAVANNAH COMMERCIAL ADDITION, REPLAT 2, PHASE 2, ON PROPERTY DESCRIBED AS A 3.833 ACRE TRACT OF LAND SITUATED IN THE DANIEL J. KEIGER SURVEY, ABSTRACT NO. 491, BELL COUNTY, TEXAS, AND BEING ALL OF THE REMNANT PORTION OF LOT 2R, BLOCK 1, FINAL PLAT OF LOT 2R, 3R, AND 4R, BLOCK 1, SAVANNAH COMMERCIAL ADDITION REPLAT, RECORDED IN CABINET D, SLIDE 381-B OF THE PLAT RECORDS OF BELL COUNTY, TEXAS AND TAKE THE APPROPRIATE ACTION.

PROJECT DESCRIPTION:

The applicant submitted an application for Final Plat approval for approximately 3.833 acres of vacant land located between Seton Medical Center and Sam’s Club on W. Central Texas Expressway. The proposed development will consist of two (2) lots that are currently zoned B-5 (General Business District). The 2021 Land Use Plan indicates this parcel to be designated as a Community Center land use. This plat is a subdivision of Lot 2 from the 2021 Savannah Commercial Addition Replat 2 Preliminary Plat.

As of February 18, 2022 staff had reviewed the submitted Final Plat and engineering plans and made comments to address safety, drainage, water and wastewater utilities and other pertinent requirements to ensure that all developmental regulations stipulated in the City of Harker Heights Code of Ordinances will be adhered to.

STAFF RECOMMENDATION:

On February 14, 2022, the applicant submitted revisions based on the February 8, 2022 staff comments. As of February 15, 2022, staff has not yet reviewed revisions. However, staff believes remaining comments could be fully addressed prior to recordation of the Final Plat. Staff therefore recommended approval to the Planning & Zoning Commission of the Final Plat for the subdivision referred to as Savannah Commercial Addition, Replat 2, Phase 2, with the following conditions:

1. A Guarantee of Performance (bond/letter of credit) shall be provided for 100% of the public infrastructure that has not been constructed as of the date of approval of the final plat by City Council. Said bond shall be vetted and approved by the City Engineer. Additionally, the final plat shall not be filed for record and no permits issued until the executed Guarantee of Performance is provided to the City.
2. Remaining comments to be adequately addressed per city staff.

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

During the Planning & Zoning Commission meeting held on February 23, 2022, the Planning and Zoning Commission voted (9-0) to recommend approval of a Final Plat for the subdivision referred to as Savannah Commercial Addition, Replat 2, Phase 2, on property described as a 3.833 acre tract of land situated in the Daniel J. Keiger Survey, Abstract No. 491, Bell County, Texas, and being all of the remnant portion of Lot 2R, Block 1, Final Plat of Lot 2R, 3R, and 4R, Block 1, Savannah Commercial Addition Replat, recorded in Cabinet D, Slide 381-B of the plat records of Bell County, Texas with the two conditions as presented by staff and based on staff's recommendations and findings.

ACTION BY THE CITY COUNCIL:

1. Motion to **approve, approve with conditions, or disapprove with explanation** a request for Final Plat for the subdivision referred to as Savannah Commercial Addition, Replat 2, Phase 2, on property described as a 3.833 acre tract of land situated in the Daniel J. Keiger Survey, Abstract No. 491, Bell County, Texas, and being all of the remnant portion of Lot 2R, Block 1, Final Plat of Lot 2R, 3R, and 4R, Block 1, Savannah Commercial Addition Replat, recorded in Cabinet D, Slide 381-B of the plat records of Bell County, Texas.

2. Any other action desired.

ATTACHMENTS:

1. Application
2. Field notes
3. Dedication
4. Savannah Commercial Addition, Replat 2, Phase 2 - Final Plat
5. Utility Plan Sheets
6. Location Map
7. Staff Comments
8. Applicant's Responses
9. Approved Cost Estimate for Bond



Final Plat Application

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

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

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

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

Property Information:

Plat Name: Final Plat of Savannah Commercial Addition, Replat 2 - Phase 2, Lots 2R-1, 2R-2, B1 Date Submitted: 26Jan2022

Number of Lots: 2 Number of Units/Suites: N/A Acreage: 3.833

Site Address or General Location: 700 E CENTRAL TEXAS EXPWY HARKER HEIGHTS, TX

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

Date of Preliminary Plat Approval by P&Z: Unknown

Owner Information & Authorization:

Property Owner: WB WHITIS INVESTMENTS LTD - Travis Parks

Address: 109 W 2ND ST STE 201 GEORGETOWN, TX 78626

Phone: (254) 953 - 5353 E-Mail: tparks@wbdevelopment.com

Developer: CSW Development - Jon Switzer

Address: 1703 W 5th St, Austin, TX 78703

Phone: (512) 861-3550 E-Mail: jon.switzer@am.jll.com

Engineer: Waeltz & Prete, Inc. - Antonio A. Prete, P.E.

Address: 211 N. A.W. Grimes, Round Rock, TX 78665

Phone: 512-423-8730 E-Mail: tony@w-pinc.com

Surveyor: Diamond Surveying, Inc. - Shane Shaffer, RPLS

Address: 116 Skyline Road, Georgetown, TX 78628

Phone: 512-931-3100 E-Mail: shane@diamondsurveying.com

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

I HEREBY UNDERSTAND AND ACKNOWLEDGE:

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

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

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

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

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

Printed Name of Owner

Printed Name of Authorized Agent (Corporation/Partnership)

Signature of Owner

Signature of Authorized Agent (Corporation/Partnership)

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

Signature of Notary Public

My Commission Expires: _____

WAELTZ & PRETE, INC.
CIVIL ENGINEERS

Land owner is out Sick w/ Covid.
We are actively working on getting his signature

512.505.8953
WWW.W-PINC.COM

STAFF ONLY -- DO NOT FILL OUT

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

Rev. 5/20



Final Plat Application

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

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

This application must be completed and returned to the Planning and Development Department of the City of Harker Heights, Texas along with the following:
1. Payment of \$150.00
2. Signed Original Field Notes and Dedication Pages
3. Paper Plan Submissions: Ten (10) Copies of Plat and Seven (7) sets of Final Engineering Plans
4. Electronic Submissions: Plat and Engineering Plans submitted to tdake@harkerheights.gov in PDF format.
5. Completed Final Plat Checklist

Property Information:

Plat Name: Final Plat of Savannah Commercial Addition, Replat 2 - Phase 2, Lots 2R-1, 2R-2, BLDG Date Submitted: 26Jan2022

Number of Lots: 2 Number of Units/Suites: N/A Acreage: 3.833

Site Address or General Location: 700 E CENTRAL TEXAS EXPWY HARKER HEIGHTS, TX

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

Date of Preliminary Plat Approval by P&Z: Unknown

Owner Information & Authorization:

Property Owner: WB WHITIS INVESTMENTS LTD - ^{cto} Travis Parks

Address: 109 W 2ND ST STE 201
GEORGETOWN TX 78626

Phone: (254) 953 - 5353 E-Mail: tparks@wbdevelopment.com

Developer: CSW Development - Jon Switzer

Address: 1703 W 5th St, Austin, TX 78703

Phone: (512) 861-3550 E-Mail: jon.switzer@am.jll.com

Engineer: Waeltz & Prete, Inc. - Antonio A. Prete, P.E.

Address: 211 N. A.W. Grimes, Round Rock, TX 78665

Phone: 512-423-8730 E-Mail: tony@w-pinc.com

Surveyor: Diamond Surveying, Inc. - Shane Shaffer, RPLS

Address: 116 Skyline Road, Georgetown, TX 78628

Phone: 512-931-3100 E-Mail: shane@diamondsurveying.com

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

I HEREBY UNDERSTAND AND ACKNOWLEDGE:

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

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

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

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

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

WB Whitig Investments LTD

Printed Name of Owner

Printed Name of Authorized Agent (Corporation/Partnership)

By: WB Whitig Investments Management, LC

Signature of Owner

Bruce Whitig, President

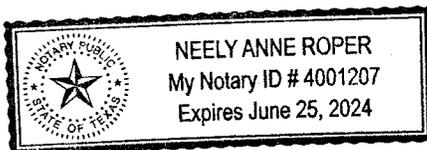
Signature of Authorized Agent (Corporation/Partnership)

SWORN AND SUBSCRIBED BEFORE ME THIS 26th DAY OF

January, 2022.

[Signature]

Signature of Notary Public



My Commission Expires: 06-25-2024

STAFF ONLY – DO NOT FILL OUT

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

Rev. 5/20

METES AND BOUNDS DESCRIPTION

FOR A 3.833 ACRE TRACT OF LAND SITUATED IN THE DANIEL J. KEIGER SURVEY, ABSTRACT NO. 491, BELL COUNTY, TEXAS, AND BEING ALL OF THE REMNANT PORTION OF LOT 2R, BLOCK 1, FINAL PLAT OF LOT 2R, 3R AND 4R, BLOCK 1, SAVANNAH COMMERCIAL ADDITION REPLAT, RECORDED IN CABINET D, SLIDE 381-B OF THE PLAT RECORDS OF BELL COUNTY, TEXAS. SAID 3.833 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found with cap marked "KHA" on the northeast corner of said remnant portion of Lot 2R, Block 1 and the most northerly northwest corner of Lot 3R, Block 1 of said Final Plat of Lot 2R, 3R and 4R, Block 1, Savannah Commercial Addition Replat, same being on a point in the south boundary line of the called 25.49 acre tract of land (Parcel 48) conveyed to State of Texas, recorded in Volume 1237, Page 867 of the Deed Records of Bell County, Texas, same being on the south right-of-way line of W. Central Texas Expressway (variable width right-of-way) for the northeast corner and **POINT OF BEGINNING** hereof, from which a TxDot Type II monument found on an angle point in the north boundary line of said Lot 3R, Block 1, same being on an angle point in said south boundary line of the 25.49 acre State of Texas tract and said south right-of-way line of W. Central Texas Expressway, bears S 72°02'11" E for a distance of 288.46 feet;

THENCE, **S 17°53'43" W** with the east boundary line of said remnant portion of Lot 2R, Block 1 common with said Lot 3R, Block 1, for a distance of **343.38 feet** to an iron rod found with cap marked "JPH Land Surveying" on the southeast corner of said remnant portion of Lot 2R, Block 1 and an interior ell corner of said Lot 3R, Block 1, for the southeast corner hereof;

THENCE, **N 72°06'58" W** with the south boundary line of said remnant portion Lot 2R, Block 1, in part with the boundary line of said Lot 3R, Block 1, and in part with the north boundary line of Lot 1, Block 1, Savannah Commercial Addition Replat 2 Phase 1, recorded in Instrument No. 2021084843 of the Real Property Records of Bell County, Texas, passing at a distance of 146.37 feet an iron rod found with cap marked "KHA" on the northeast corner of said Lot 1, Block 1, Savannah Commercial Addition Replat 2 Phase 1, same being on the most westerly northwest corner of said Lot 3R, Block 1, in all a total distance of **223.26 feet** to a 1/2" iron rod found on an interior ell corner of said remnant portion of Lot 2R, Block 1 and an exterior ell corner of said Lot 1, Block 1 Savannah Commercial Addition Replat 2 Phase 1;

THENCE, with said south boundary line of the remnant portion of Lot 2R, Block 1 and said north boundary line of Lot 1, Block 1, Savannah Commercial Addition Replat 2 Phase 1, the following two (2) courses and distances:

1. **S 17°54'29" W** for a distance of **59.16 feet** to an iron rod found with cap (illegible);
2. **N 72°05'31" W** for a distance of **223.92 feet** to a cotton gin spindle found with washer marked "JPH Land Surveying" on the southwest corner of said remnant portion of Lot 2R, Block 1 and the northwest corner of said Lot 1, Block 1, Savannah Commercial Addition Replat 2 Phase 1, same being on the east boundary line of Lot 1, Block 1 Savannah Commercial Addition, recorded in Cabinet D, Slide 96-D of the Plat Records of Bell County, Texas, for the southwest corner hereof, from which a 1/2" iron rod found on the southwest corner of said Lot 1, Block 1, Savannah Commercial Addition Replat 2 Phase 1 and the southeast corner of said Lot 1, Block 1 Savannah Commercial Addition, bears S 17°53'10" W for a distance of 607.62 feet;

THENCE, **N 17°53'10" E** with the west boundary line of said remnant portion of Lot 2R, Block 1 and said east boundary line of Lot 1, Block 1, Savannah Commercial Addition, for a distance of **403.07 feet** to a PK nail set on the northwest corner of said remnant portion of Lot 2R, Block 1 and the northeast corner of said Lot 1, Block 1, Savannah Commercial Addition, same being on a point in said south boundary line of the 25.49 acre State of Texas tract, same being on said south right-of-way line of W. Central Texas Expressway, for the northwest corner hereof, from which an iron rod found with cap (illegible) bears N 17°53'10" E for a distance of 0.27 feet;

THENCE, **S 72°02'11" E** with the north boundary line of said remnant portion of Lot 2R, Block 1, same being with said south boundary line of the 25.49 acre State of Texas tract and said south right-of-way line of W. Central Texas Expressway, for a distance of **447.26 feet** to the POINT OF BEGINNING hereof and containing 3.833 acres of land more or less.

BEARING BASIS: NAD-83, TEXAS CENTRAL (4203), STATE PLANE SYSTEM.

A survey drawing has been prepared to accompany this metes and bounds description.

 **DIAMOND SURVEYING, INC.**
 116 SKYLINE ROAD, GEORGETOWN, TX 78628
 (512) 931-3100
 T.B.P.E.L.S. FIRM NO. 10006900



JANUARY 25, 2022

SHANE SHAFER, R.P.L.S. NO. 5281 DATE



Z:\WAELTZ & PRETE\CHUYS HARKER HEIGHTS 2021-189_REPLAT\SAVANNAH COMMERCIAL ADDITION REPLAT 2-PHASE 2 M&B 20220125.doc

DEDICATION INSTRUMENT FOR
**SAVANNAH COMMERCIAL ADDITION, REPLAT 2 PHASE 2,
LOTS 2R-1 AND 2R-2, BLOCK 1**
A SUBDIVISION IN THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS

STATE OF TEXAS §
COUNTY OF BELL §

KNOW ALL MEN BY THESE PRESENTS:

That **WB Whitis Investments, Ltd.**, a Texas limited partnership, hereinafter being referred to as Grantor, whether one or more, being the sole owner of those tracts of land containing 3.833 acres described in Field Notes prepared by Shane Shafer, Registered Professional Land Surveyor, dated the 11th day of November 2021, which Field Notes are attached hereto as Exhibit A and made a part hereof as fully as if written verbatim, does hereby name and designate said tract(s) as **SAVANNAH COMMERCIAL ADDITION, REPLAT 2 PHASE 1, LOTS 2R-1 AND 2R-2, BLOCK 1**, a subdivision of the City of Harker Heights, Bell County, Texas, and does hereby adopt the attached map and plat thereof and does hereby agree that all future sales and conveyances of said property shall be by reference to said plat and dedication.

Grantor does hereby give, grant and convey to the City of Harker Heights, Texas, its assignees and franchisees furnishing public utilities in said subdivision, hereinafter collectively referred to as Grantee, the easements as shown on said plat for drainage purposes and for the installation, operation, maintenance, repair, use and replacement of all public utility lines, including electric power, water, sewer, gas and telephone, and reference is hereby made to such plat for the location of such easements.

Grantor does hereby give, grant and convey to the City of Harker Heights, Texas, and to the general public, for public use and for public purposes the streets, avenues and roadways as shown on said plat.

Grantee shall have all other rights and benefits necessary or convenient for the full enjoyment or use of the rights herein granted, included but not limited to, the free right of ingress or egress over and across the roads, streets, easements, and rights of way to construct, reconstruct, remove, and maintain same. To have and to hold said right-of-way and easements unto said Grantee, and the undersigned hereby binds itself, its heirs, administrators, executors, successors and assigns, to warrant and forever defend all and singular said premises unto the said Grantee against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WB WHITIS INYESTMENTS LTD,
a Texas limited partnership

By: WB Whitis Investments Management, LC,
Its general partner

By: _____
Bruce Whitis, President

STATE OF TEXAS
COUNTY OF WILLIAMSON §

This instrument was acknowledged before me on _____, 2022, by Bruce Whitis, President of WB Whitis Investments Management, LC, the general partner of WB Whitis Investments LTD, a Texas limited partnership, on behalf of said limited partnership.

Notary Public in and for the State of TEXAS
My Commission Expires: _____

METES AND BOUNDS DESCRIPTION

FOR A 3.833 ACRE TRACT OF LAND SITUATED IN THE DANIEL J. KEIGER SURVEY, ABSTRACT NO. 491, BELL COUNTY, TEXAS, AND BEING ALL OF THE REMNANT PORTION OF LOT 2R, BLOCK 1, FINAL PLAT OF LOT 2R, 3R AND 4R, BLOCK 1, SAVANNAH COMMERCIAL ADDITION REPLAT, RECORDED IN CABINET D, SLIDE 381-B OF THE PLAT RECORDS OF BELL COUNTY, TEXAS. SAID 3.833 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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BEARING BASIS: NAD-83, TEXAS CENTRAL (4203), STATE PLANE SYSTEM.

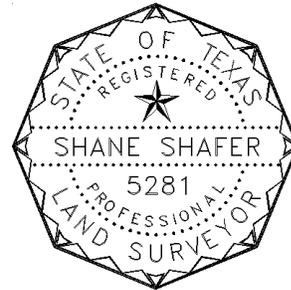
A survey drawing has been prepared to accompany this metes and bounds description.

 **DIAMOND SURVEYING, INC.**
 116 SKYLINE ROAD, GEORGETOWN, TX 78628
 (512) 931-3100
 T.B.P.E.L.S. FIRM NO. 10006900



JANUARY 25, 2022

SHANE SHAFER, R.P.L.S. NO. 5281 DATE



Z:\WAELTZ & PRETE\CHUYS HARKER HEIGHTS 2021-189_REPLAT\SAVANNAH COMMERCIAL ADDITION REPLAT 2-PHASE 2 M&B 20220125.doc

DESIGN PROFESSIONALS:

CIVIL ENGINEER/ APPLICANT:

ANTONIO A. PRETE, P.E.
 WAELTZ & PRETE, INC.
 211 N. A.W. GRIMES BLVD.
 ROUND ROCK, TX 78665
 PH: (512) 505-8953
 EMAIL: tony@w-pinc.com

SURVEYOR:

SHANE SHAFFOR, R.P.L.S.
 DIAMOND SURVEYING, INC.
 116 SKYLINE ROAD
 GEORGETOWN, TX 78628
 PH: (512) 931-3100
 EMAIL: shane@diamondsurveying.com

SUBDIVISION IMPROVEMENTS FOR: SAVANNAH COMMERCIAL ADDITION REPLAT 2 - PHASE 2 LOTS 2R-1, 2R-2, BLK 1

700 E CENTRAL TEXAS EXPWY
 HARKER HEIGHTS, TX 78548

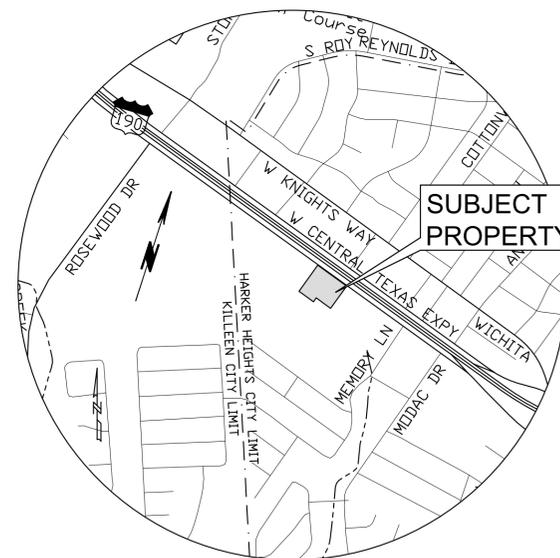
JANUARY, 2022

XXXX-XXX-SIP

UTILITY SERVICE	PROVIDER	PHONE NUMBER
ELECTRIC	ONCOR	(254) 750-5238
WATER	CITY OF HARKER HEIGHTS	(254) 953-5600
WASTEWATER	CITY OF HARKER HEIGHTS	(254) 953-5600
NATURAL GAS	ATMOS ENERGY	(254) 662-7466
COMMS	AT&T	(800) 252-1133

SHEET INDEX

SHT. No.	DESCRIPTION
C-1	COVER SHEET
C-2	PLAT (1 OF 2)
C-3	PLAT (2 OF 2)
C-4	GENERAL NOTES
C-5	EXISTING CONDITIONS
C-6	EROSION & SEDIMENTATION CONTROL PLAN
C-7	DRAINAGE AREA MAP
C-8	STORM SEWER PLAN & PROFILE
C-9	WASTEWATER PLAN & PROFILE
C-10	ESC DETAILS
C-11	WASTEWATER DETAILS
C-12	STORM SEWER DETAILS



LOCATION MAP
 1" = 1000'



NOTES:

1. THESE PLANS ARE NOT TO BE CONSIDERED FINAL FOR CONSTRUCTION UNTIL ACCEPTED BY THE CITY. CHANGES MAY BE REQUIRED PRIOR TO APPROVAL.
2. THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY, AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.
3. THERE ARE NO AREAS WITHIN THE BOUNDARIES OF THIS SUBDIVISION IN THE 100 YEAR FLOODPLAIN AS DEFINED BY FIRM MAP NUMBER 48027C0285E, EFFECTIVE DATE OF SEPTEMBER 26, 2008.

STATE OF TEXAS

COUNTY OF BELL

I, ANTONIO A. PRETE, P.E., DO HEREBY CERTIFY THAT THE PUBLIC WORKS AND DRAINAGE IMPROVEMENTS DESCRIBED HEREIN HAVE BEEN DESIGNED IN COMPLIANCE WITH THE SUBDIVISION AND BUILDING REGULATION ORDINANCES AND STORMWATER DRAINAGE POLICY ADOPTED BY THE CITY OF HARKER HEIGHTS, TEXAS.



14 FEB 22

ANTONIO A. PRETE, P.E.
 STATE OF TEXAS #93759
 WAELTZ & PRETE, INC.
 FIRM TX. REG. #F-10308

DATE

XXXX-XXX-SIP

JOB NO.: 073-017

SITE DATA:

ALL RESPONSIBILITY FOR THE ADEQUACY OF THESE PLANS REMAINS WITH THE ENGINEER WHO PREPARED THEM. IN ACCEPTING THESE PLANS, THE CITY OF HARKER HEIGHTS MUST RELY UPON THE ADEQUACY OF THE WORK OF THE DESIGN ENGINEER.

ZONING DISTRICT: B-5
 PROPOSED LAND USE: GENERAL BUSINESS DISTRICT

TOTAL SITE: 3.88 AC
 TOTAL IMPERVIOUS COVER: 0 AC
 IMPERVIOUS COVER: 0%

OWNER:

MR. MICHAEL HATCHER
 CHUY'S OPCO, INC.
 1623 TOOMEY RD.
 AUSTIN, TX 78704
 PH: (512) 370-2612
 EMAIL: mhatcher@chuys.com

ENGINEER:

WAELTZ & PRETE, INC.
 CIVIL ENGINEERS

211 N. A.W. GRIMES BLVD.
 ROUND ROCK, TX. 78665
 PH (512) 505-8953
 FIRM TX. REG. #F-10308

REVISIONS:

No.	Date	Revision	ACC.	DATE

2/14/2022
 100% SET
 FOR REVIEW ONLY
 NOT FOR CONSTRUCTION



WAELTZ & PRETE, INC.
CIVIL ENGINEERS
 211 N. A.W. GRIMES BLVD.
 ROUND ROCK, TX. 78665
 PH (512) 505-8953
 FIRM TX. REG. #F-10308



PROJECT:
SAVANNAH COMMERCIAL ADDITION REPLAT 2 - PHASE 2 LOTS 2R-1 & 2R-2

CLIENT:
CHUY'S OPCO, INC.

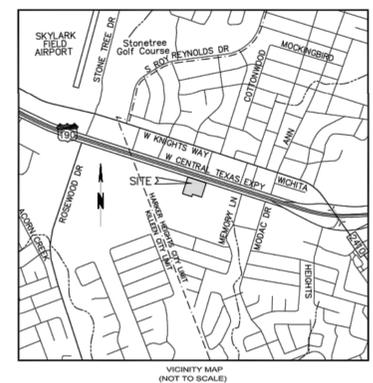
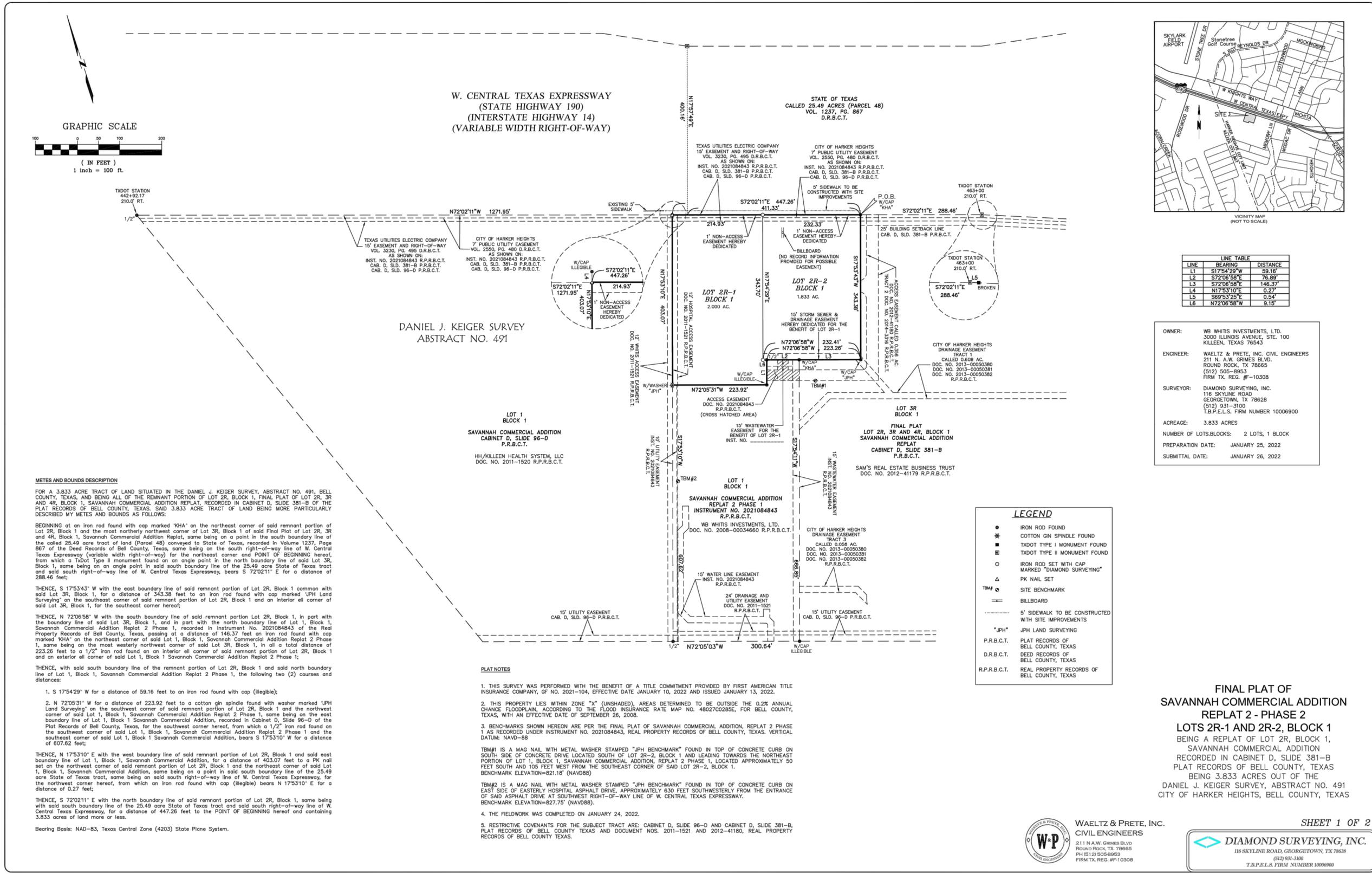
DESIGNED: JBL APPROVED: AAP
 DRAWN: JBL DATE: 2/14/2022

NO.	DATE	REVISIONS
	2/14/2022	100% SUBMITTAL FOR REVIEW ONLY NOT FOR CONSTRUCTION

SHEET TITLE:
PLAT (1 OF 2)

PROJECT NO.:
073-017
 COHH PROJECT NO.:
XXXX-XXX-SIP
 SHEET NO.:

C-2



LINE	BEARING	DISTANCE
L1	S17°54'29" W	59.16'
L2	S72°06'58" E	76.89'
L3	S72°06'58" E	146.37'
L4	N17°53'10" E	0.27'
L5	S69°53'25" E	0.54'
L6	N72°06'58" W	9.15'

OWNER: WB WHITS INVESTMENTS, LTD.
 3000 ILLINOIS AVENUE, STE. 100
 KILLEEN, TEXAS 76543

ENGINEER: WAELTZ & PRETE, INC. CIVIL ENGINEERS
 211 N. A.W. GRIMES BLVD.
 ROUND ROCK, TX 78665
 (512) 505-8953
 FIRM TX. REG. #F-10308

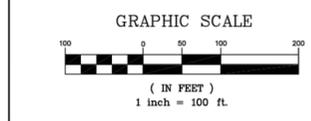
SURVEYOR: DIAMOND SURVEYING, INC.
 116 SKYLINE ROAD
 GEORGETOWN, TX 78628
 (512) 931-3100
 T.B.P.E.L.S. FIRM NUMBER 10006900

ACREAGE: 3.833 ACRES

NUMBER OF LOTS/BLOCKS: 2 LOTS, 1 BLOCK

PREPARATION DATE: JANUARY 25, 2022

SUBMITTAL DATE: JANUARY 26, 2022



Z:\WAELTZ & PRETE\073\HARKER HEIGHTS 2021-188\REPLAT\FINAL PLAT OF SAVANNAH COMMERCIAL ADDITION REPLAT 2 PHASE 2 2022011493.dwg



WAELTZ & PRETE, INC. CIVIL ENGINEERS

211 N. A.W. GRIMES BLVD. ROUND ROCK, TX. 78665 PH (512) 505-8953 FIRM TX. REG. #F-10308



14 FEB 22

PROJECT:

SAVANNAH COMMERCIAL ADDITION REPLAT 2 - PHASE 2 LOTS 2R-1 & 2R-2

CLIENT:

CHUY'S OPCO, INC.

DESIGNED: JBL APPROVED: AAP DRAWN: JBL DATE: 2/14/2022

Table with columns for REVISIONS, DATE, and No. containing a large red stamp: 2/14/2022 100% SUBMITTAL FOR REVIEW ONLY NOT FOR CONSTRUCTION

SHEET TITLE:

PLAT (2 OF 2)

PROJECT NO.:

073-017

COHH PROJECT NO.:

XXXX-XXX-SIP

SHEET NO.:

C-3

PLANNING AND ZONING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, 2022, BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF HARKER HEIGHTS, TEXAS.

CHAIRPERSON, PLANNING AND ZONING COMMISSION

SECRETARY, PLANNING AND ZONING COMMISSION

CITY COUNCIL APPROVAL

APPROVED THIS _____ DAY OF _____, 2022, BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS.

MAYOR

CITY SECRETARY

DIRECTOR OF PLANNING AND DEVELOPMENT APPROVAL

APPROVED THIS _____ DAY OF _____, 2022, BY THE DIRECTOR OF PLANNING AND DEVELOPMENT OF THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS.

DIRECTOR OF PLANNING AND DEVELOPMENT

BELL COUNTY TAX APPRAISAL DISTRICT CERTIFICATE

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

DATED THIS _____ DAY OF _____, A.D. 2022

BELL COUNTY TAX APPRAISAL DISTRICT

BY: _____

COUNTY CLERK CERTIFICATE

FILED FOR RECORD THIS _____ DAY OF _____, 2022, PLAT # _____ PLAT RECORDS OF BELL COUNTY, TEXAS, AND DEDICATION UNDER INSTRUMENT # _____, OFFICIAL PUBLIC RECORDS OF BELL COUNTY, TEXAS.

SHELLEY COSTON, COUNTY CLERK BELL COUNTY, TEXAS

OWNERS DEDICATION

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS

THAT WB WHITIS INVESTMENTS, LTD., A TEXAS LIMITED PARTNERSHIP, AS THE OWNER OF THAT CERTAIN 3.833 ACRE TRACT OF LAND, BEING A PORTION OF THAT TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO WB WHITIS INVESTMENTS, LTD., A TEXAS LIMITED PARTNERSHIP, AS RECORDED UNDER INSTRUMENT NUMBER 2008-00034660, OF THE OFFICIAL PUBLIC RECORDS OF BELL COUNTY, TEXAS, DOES HEREBY ADOPT THIS PLAT, DESIGNATING THE HEREIN PROPERTY DESCRIBED AS FINAL PLAT OF SAVANNAH COMMERCIAL ADDITION, REPLAT 2 - PHASE 2, LOTS 2R-1 AND 2R-2, BLOCK 1, AN ADDITION IN THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS, AND DOES HEREBY DEDICATE TO THE PUBLIC ANY STREETS, EASEMENTS, DRIVES AND ALLEYS SHOWN HEREON, TO THE PUBLIC'S USE FOREVER AND FOR THE PURPOSES INDICATED.

THIS PLAT WAS APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS OF THE CITY OF HARKER HEIGHTS, TEXAS.

WITNESS MY HAND THIS _____ DAY OF _____, 2022.

BRUCE WHITIS, PRESIDENT WB WHITIS INVESTMENTS, LTD. BY WB WHITIS INVESTMENTS MANAGEMENT ITS GENERAL PARTNER

STATE OF TEXAS § KNOW ALL MEN BY THESE PRESENTS: COUNTY OF WILLIAMSON §

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED BRUCE WHITIS, MANAGER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FORGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED AND AS THE ACT AND DEED THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2022.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: _____

SURVEYOR'S CERTIFICATION

KNOWN ALL MEN BY THESE PRESENTS

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

Signature of Shane Shafer, February 14, 2022. SHANE SHAFER, R.P.L.S. TEXAS REGISTRATION NO. 5281 DIAMOND SURVEYING, INC. 116 SKYLINE ROAD GEORGETOWN, TEXAS 78628 T.B.P.E.L.S. FIRM NO. 10006900



ENGINEER'S CERTIFICATION:

STATE OF TEXAS { KNOW ALL MEN BY THESE PRESENTS COUNTY OF WILLIAMSON {

I, ANTONIO A. PRETE, REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS IN COMPLIANCE WITH THE CODES AND ORDINANCES OF THE CITY OF HARKER HEIGHTS, TEXAS.

ANTONIO A. PRETE, P.E. LICENSE NO. 93759 WAELTZ & PRETE, INC. 211 N. A.W. GRIMES BOULEVARD ROUND ROCK, TEXAS 78665 TX FIRM NO. 10308

FINAL PLAT OF SAVANNAH COMMERCIAL ADDITION REPLAT 2 - PHASE 2 LOTS 2R-1 AND 2R-2, BLOCK 1 BEING A REPLAT OF LOT 2R, BLOCK 1, SAVANNAH COMMERCIAL ADDITION RECORDED IN CABINET D, SLIDE 381-B PLAT RECORDS OF BELL COUNTY, TEXAS BEING 3.833 ACRES OUT OF THE DANIEL J. KEIGER SURVEY, ABSTRACT NO. 491 CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS



WAELTZ & PRETE, INC. CIVIL ENGINEERS 211 N. A.W. GRIMES BLVD ROUND ROCK, TX 78665 PH (512) 505-8953 FIRM TX. REG. #F-10308



DIAMOND SURVEYING, INC. 116 SKYLINE ROAD, GEORGETOWN, TX 78628 (512) 931-3100 T.B.P.E.L.S. FIRM NUMBER 10006900

SHEET 2 OF 2



WAELTZ & PRETE, INC.
CIVIL ENGINEERS
 211 N. A.W. GRIMES BLVD.
 ROUND ROCK, TX. 78665
 PH (512) 505-8953
 FIRM TX. REG. #F-10308



PROJECT:
**SAVANNAH
 COMMERCIAL ADDITION
 REPLAT 2 - PHASE 2
 LOTS 2R-1 & 2R-2**

CLIENT:
CHUY'S OPCO, INC.

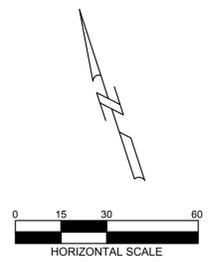
DESIGNED: JBL APPROVED: AAP
 DRAWN: JBL DATE: 2/14/2022

NO.	DATE	REVISIONS
		2/14/2022 100% SUBMITTAL FOR REVIEW ONLY NOT FOR CONSTRUCTION

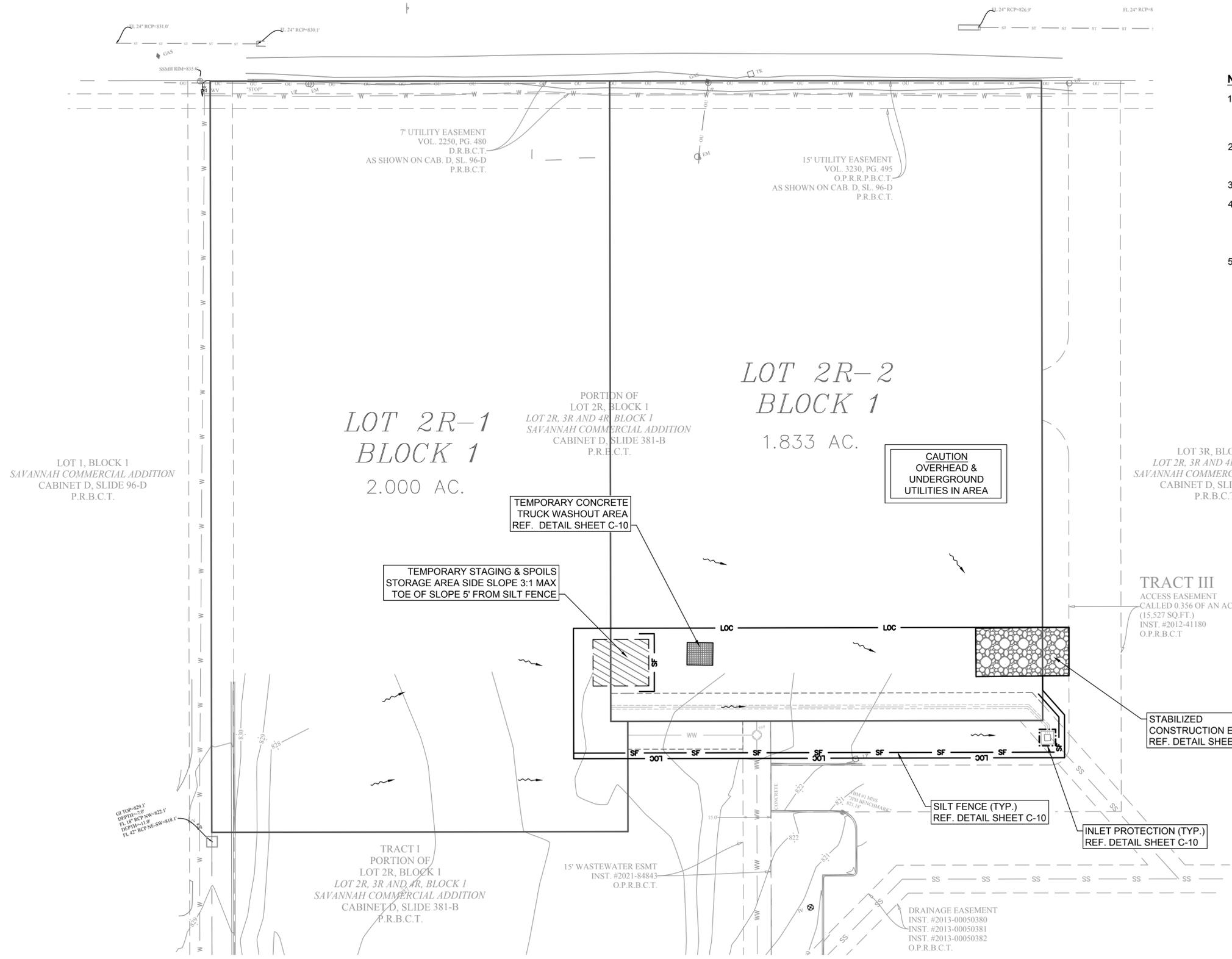
SHEET TITLE:
**EROSION &
 SEDIMENTATION
 CONTROL PLAN**

PROJECT NO.:
073-017
 COHH PROJECT NO.:
XXXX-XXX-SIP

SHEET NO.:
C-6



W. CENTRAL TEXAS EXPRESSWAY
 A.K.A. STATE HIGHWAY NO. 190
 VARIABLE WIDTH R.O.W. AS SHOWN IN
 CABINET D, SLIDE 381-B, P.R.B.C.T.



NOTES:

1. ANY DIRT, MUD, DEBRIS, ETC., SPILLED TRACKED OR OTHERWISE DEPOSITED ON EXISTING PAVED STREETS, DRIVES, AND AREAS USED BY THE PUBLIC, SHALL BE IMMEDIATELY CLEANED UP.
2. THE CONTRACTOR MAY SUBMIT AN ALTERNATE PLAN FOR THE LOCATION OF THE STAGING & SPOILS AREAS AND/OR THE CONCRETE TRUCK WASH OUT AREAS.
3. ALL DISTURBED AREAS SHALL BE REVEGETATED.
4. THE CONTRACTOR SHALL BE REQUIRED TO COMPLY, MAINTAIN, REVISE, AND UPDATE THE PROJECT STORM WATER PREVENTION POLLUTION PLAN (SWPPP), AS REQUIRED IN ACCORDANCE WITH THE GENERAL PERMIT TXR 150000.
5. REFERENCE SHEET C-4 FOR ABBREVIATIONS AND MASTER LEGEND.

LEGEND

- SILT FENCE ——— SF ———
- TREE PROTECTION ——— TP ———
- LIMITS OF CONSTRUCTION ——— LOC ———
- STABILIZED CONSTRUCTION ENTRANCE [Pattern]
- INLET PROTECTION [Symbol]
- DRAINAGE FLOW PATH [Arrow]

**CAUTION
 OVERHEAD &
 UNDERGROUND
 UTILITIES IN AREA**

**TEMPORARY CONCRETE
 TRUCK WASHOUT AREA
 REF. DETAIL SHEET C-10**

**TEMPORARY STAGING & SPOILS
 STORAGE AREA SIDE SLOPE 3:1 MAX
 TOE OF SLOPE 5' FROM SILT FENCE**

**TRACT III
 ACCESS EASEMENT
 CALLED 0.356 OF AN ACRE
 (15,527 SQ.FT.)
 INST. #2012-41180
 O.P.R.B.C.T.**

**STABILIZED
 CONSTRUCTION ENTRANCE
 REF. DETAIL SHEET C-10**

**SILT FENCE (TYP.)
 REF. DETAIL SHEET C-10**

**INLET PROTECTION (TYP.)
 REF. DETAIL SHEET C-10**

**TRACT I
 PORTION OF
 LOT 2R, BLOCK 1
 LOT 2R, 3R AND 4R, BLOCK 1
 SAVANNAH COMMERCIAL ADDITION
 CABINET D, SLIDE 381-B
 P.R.B.C.T.**

**15' WASTEWATER ESMT
 INST. #2021-84843
 O.P.R.B.C.T.**

**DRAINAGE EASEMENT
 INST. #2013-00050380
 INST. #2013-00050381
 INST. #2013-00050382
 O.P.R.B.C.T.**



WAELTZ & PRETE, INC.
CIVIL ENGINEERS

211 N. A.W. GRIMES BLVD.
ROUND ROCK, TX. 78665
PH (512) 505-8953
FIRM TX. REG. #F-10308



PROJECT:
**SAVANNAH
COMMERCIAL ADDITION
REPLAT 2 - PHASE 2
LOTS 2R-1 & 2R-2**

CLIENT:
CHUY'S OPCO, INC.

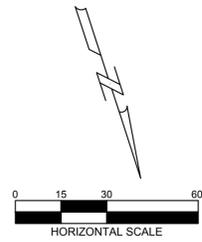
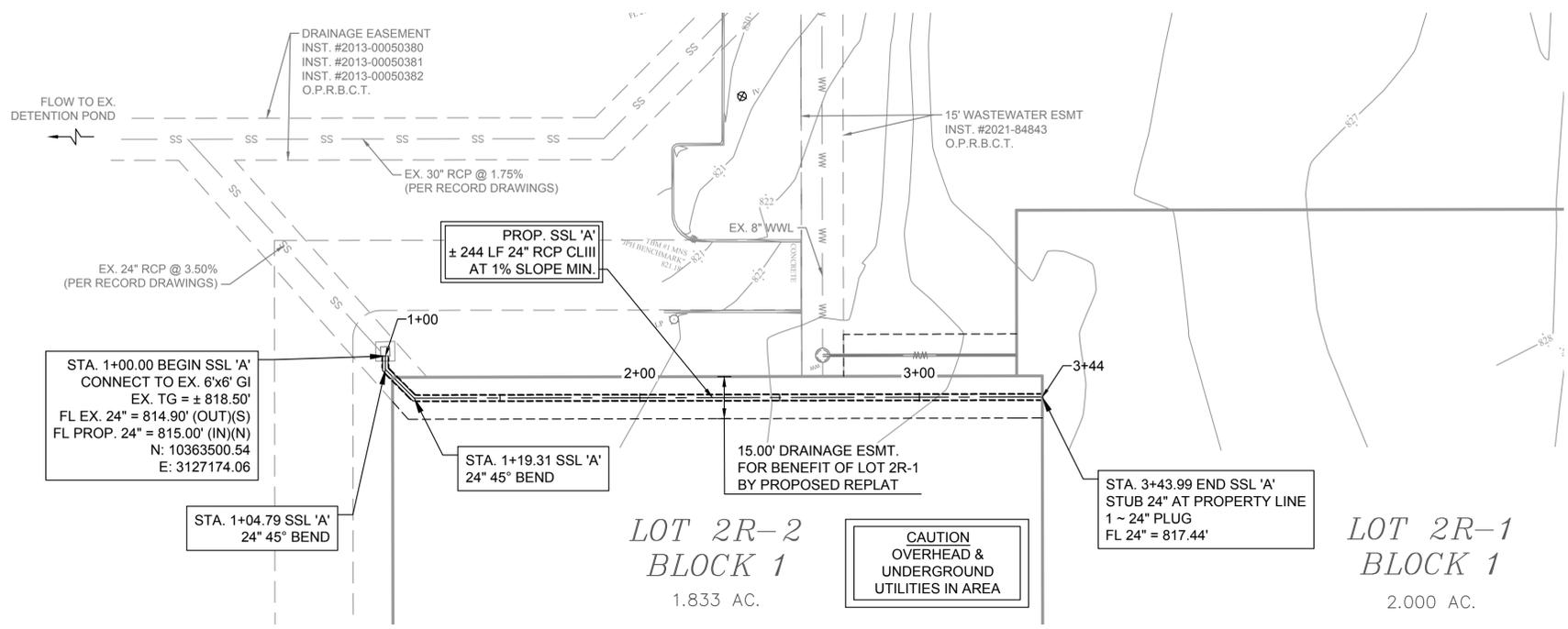
DESIGNED: JBL APPROVED: AAP
DRAWN: JBL DATE: 2/14/2022

NO.	DATE	REVISIONS

SHEET TITLE:
**STORM SEWER
PLAN & PROFILE**

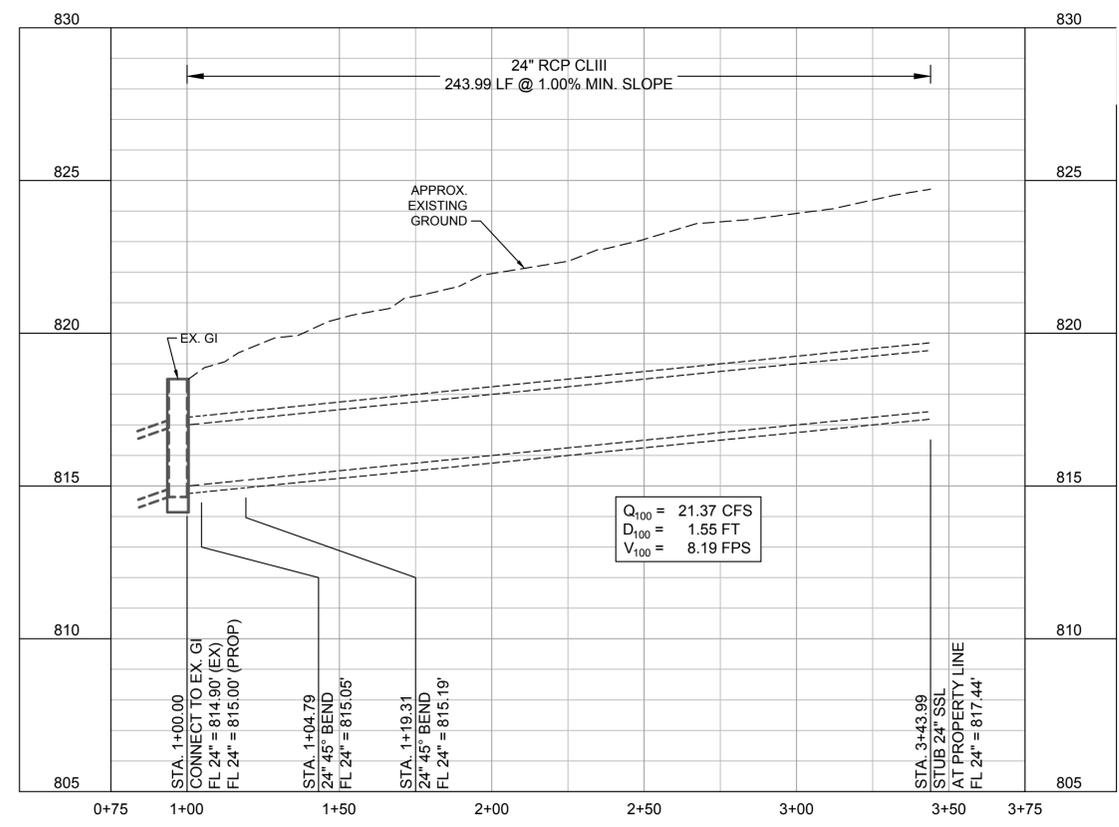
PROJECT NO.:
073-017
COHH PROJECT NO.:
XXXX-XXX-SIP
SHEET NO.:

C-8



NOTES:

1. THE CONTRACTOR SHALL POT HOLE AND FIELD VERIFY THE LOCATION AND DEPTHS OF ALL PROPOSED UTILITY CROSSINGS & CONNECTIONS PRIOR TO ANY CONSTRUCTION OR ORDERING OF MATERIALS. CONTRACTOR SHALL REPORT DISCREPANCIES OF EXISTING UTILITIES TO THE ENGINEER PRIOR TO CONSTRUCTION.
2. THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY, AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.
3. TRENCH SAFETY SYSTEMS SHALL BE REQUIRED FOR TRENCHES EXCEEDING 5' DEPTH. TRENCH SAFETY SYSTEMS TO BE UTILIZED FOR THIS PROJECT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND SHALL BE DESIGNED AND SEALED BY A PROFESSIONAL ENGINEER, LICENSED IN THE STATE OF TEXAS.
4. REFERENCE SHEET C-4 FOR ABBREVIATIONS AND MASTER LEGEND.



PROFILE SCALE:
HORZ: 1"=30'
VERT: 1"=3'

SSL 'A' PROFILE

Page 212 of 226
R:\CADD\2022\17\Projects\Highline - Chuy's\CADD\PLANS\SIP\073-017 UTIL.dwg, STORM, 2/14/2022 2:24:38 PM, _DWG To PDF.pc3, 1:1, W&P, Inc., JBL



WAELTZ & PRETE, INC.
CIVIL ENGINEERS

211 N. A.W. GRIMES BLVD.
ROUND ROCK, TX. 78665
PH (512) 505-8953
FIRM TX. REG. #F-10308



PROJECT:
**SAVANNAH
COMMERCIAL ADDITION
REPLAT 2 - PHASE 2
LOTS 2R-1 & 2R-2**

CLIENT:
CHUY'S OPCO, INC.

DESIGNED: JBL APPROVED: AAP
DRAWN: JBL DATE: 2/14/2022

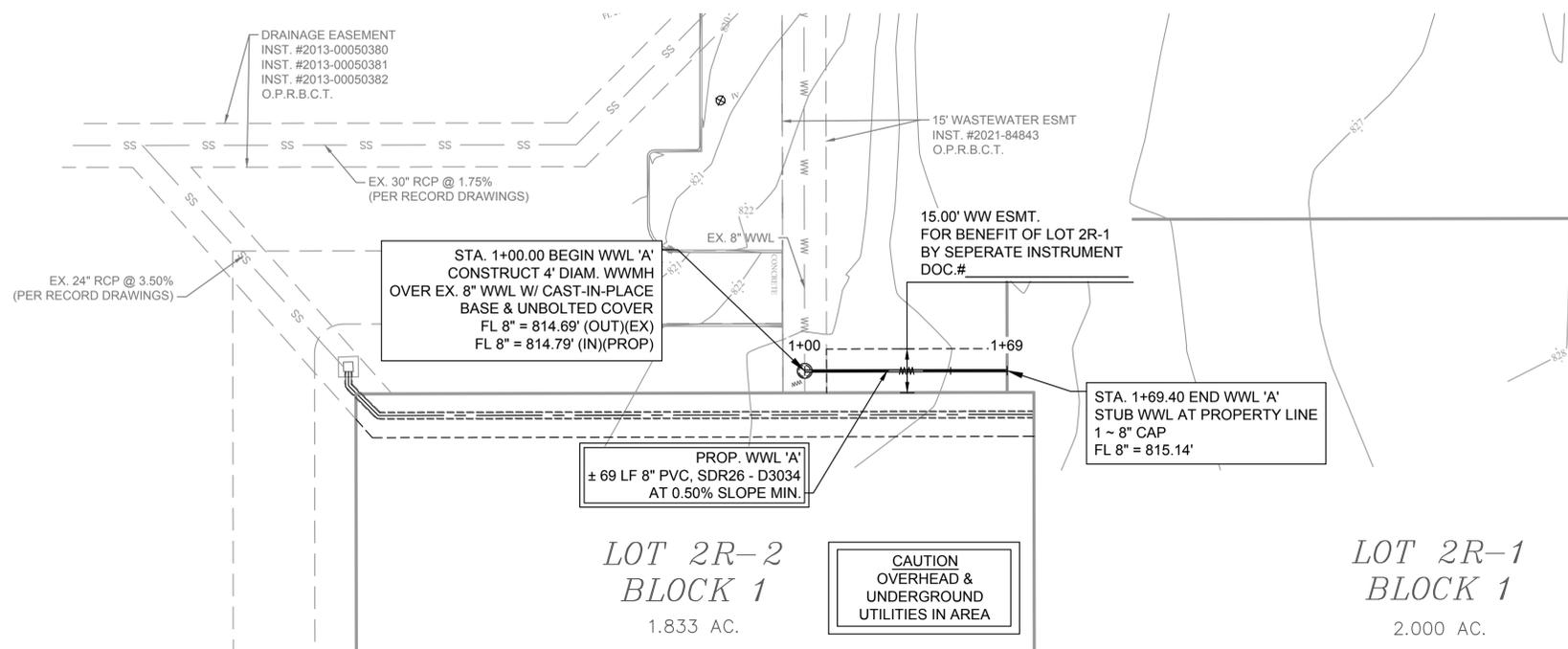
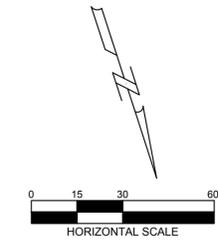
REVISIONS
DATE
No.

2/14/2022
100% SUBMITTAL
FOR REVIEW ONLY
NOT FOR CONSTRUCTION

SHEET TITLE:
**WASTEWATER
PLAN & PROFILE**

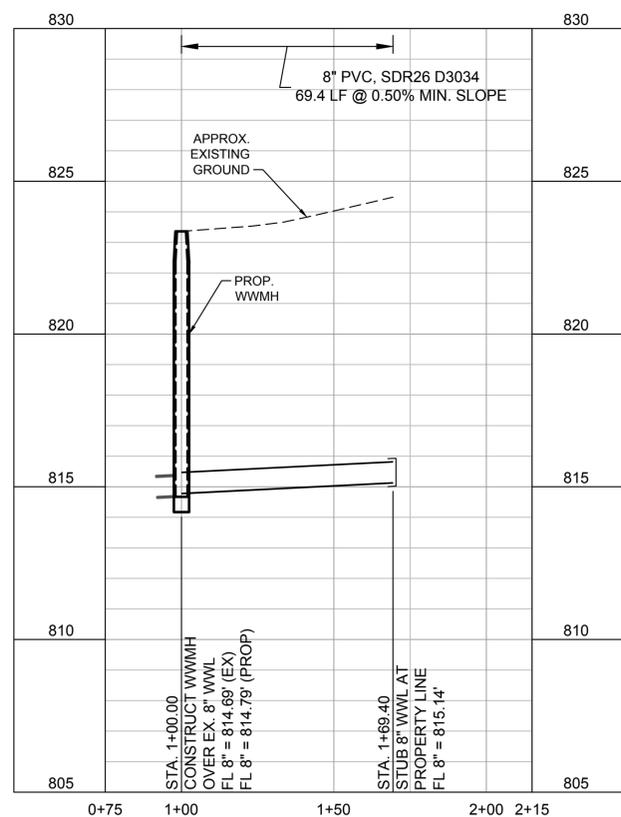
PROJECT NO.:
073-017
COHH PROJECT NO.:
XXXX-XXX-SIP
SHEET NO.:

C-9



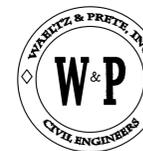
NOTES:

1. THE CONTRACTOR SHALL POT HOLE AND FIELD VERIFY THE LOCATION AND DEPTHS OF ALL PROPOSED UTILITY CROSSINGS & CONNECTIONS PRIOR TO ANY CONSTRUCTION OR ORDERING OF MATERIALS. CONTRACTOR SHALL REPORT DISCREPANCIES OF EXISTING UTILITIES TO THE ENGINEER PRIOR TO CONSTRUCTION.
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4. REFERENCE SHEET C-4 FOR ABBREVIATIONS AND MASTER LEGEND.



PROFILE SCALE:
HORZ: 1"=30'
VERT: 1"=3'

WWL 'A' PROFILE



WAELTZ & PRETE, INC.
 CIVIL ENGINEERS
 2111 N. A.W. GRIMES BLVD.
 ROUND ROCK, TX. 78665
 PH (512) 505-8953
 FIRM TX. REG. #F-10308

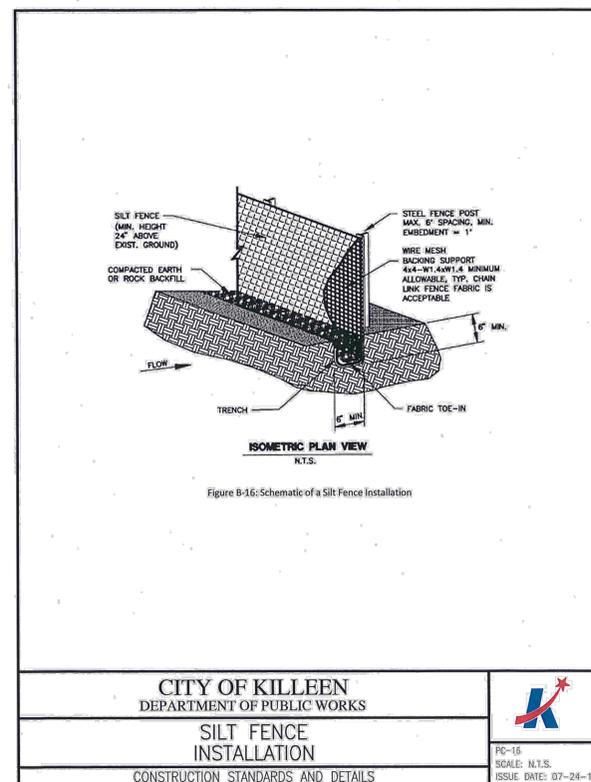


PROJECT:
 SAVANNAH
 COMMERCIAL ADDITION
 REPLAT 2 - PHASE 2
 LOTS 2R-1 & 2R-2

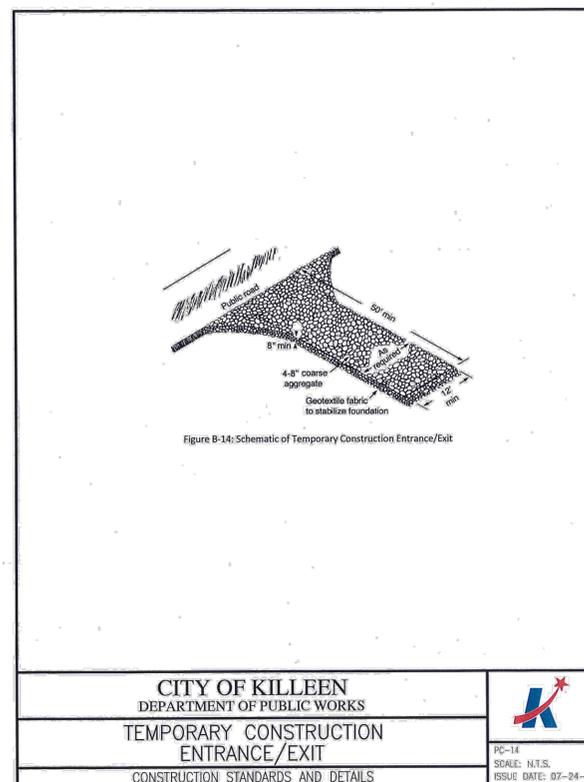
CLIENT:
 CHUY'S OPCO, INC.

DESIGNED: JBL APPROVED: AAP
 DRAWN: JBL DATE: 2/14/2022

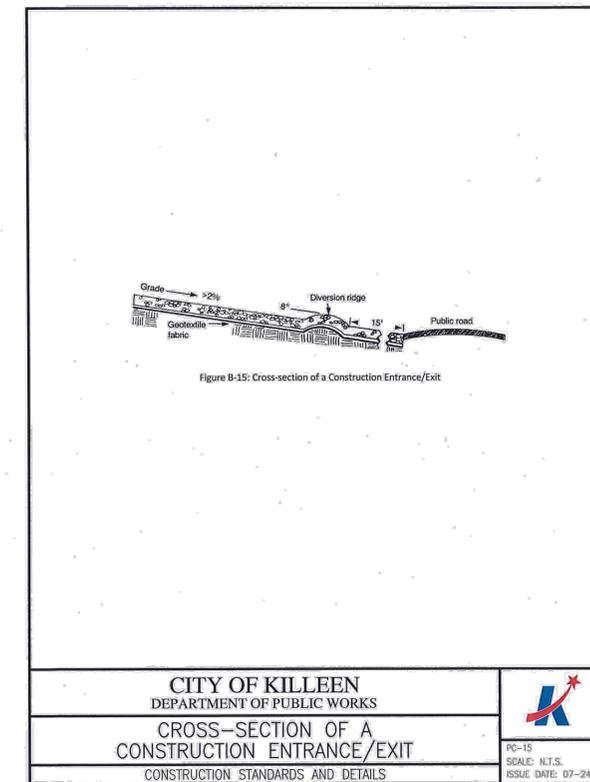
REVISIONS	DATE	NO.
2/14/2022 100% SUBMITTAL FOR REVIEW ONLY NOT FOR CONSTRUCTION		



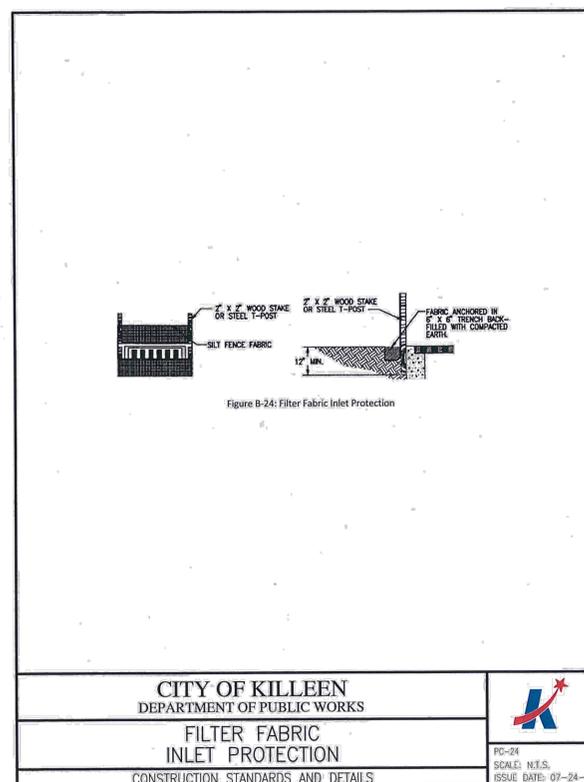
SILT FENCE
 NTS



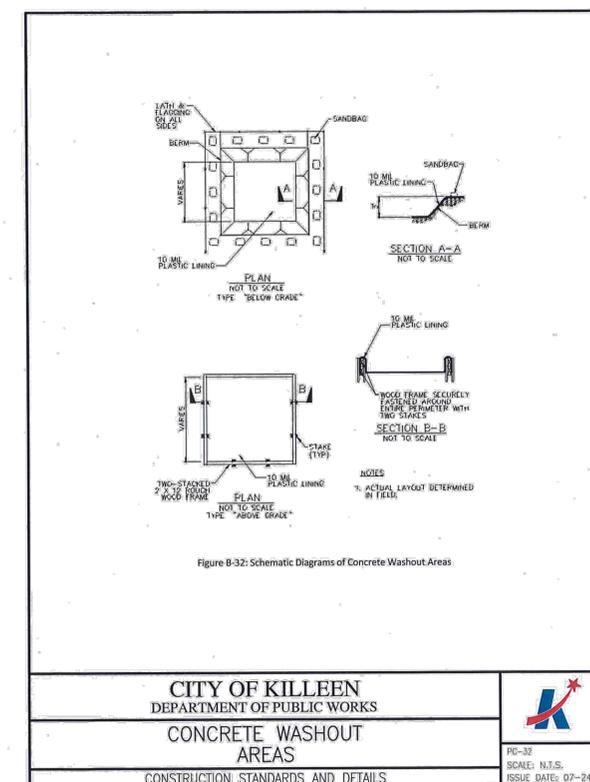
STABILIZED CONSTRUCTION ENTRANCE
 NTS



CROSS-SECTION OF A
 CONSTRUCTION ENTRANCE/EXIT
 CONSTRUCTION STANDARDS AND DETAILS



INLET PROTECTION
 NTS



CONCRETE WASHOUT
 NTS

SHEET TITLE:
 ESC DETAILS

PROJECT NO.:
 073-017
 COHH PROJECT NO.:
 XXXX-XXX-SIP

SHEET NO.:
 C-10



WAELTZ & PRETE, INC.
CIVIL ENGINEERS
 211 N. A.W. GRIMES BLVD.
 ROUND ROCK, TX. 78665
 PH (512) 505-8953
 FIRM TX. REG. #F-10308



PROJECT:
SAVANNAH
COMMERCIAL ADDITION
REPLAT 2 - PHASE 2
LOTS 2R-1 & 2R-2

CLIENT:
CHUY'S OPCO, INC.

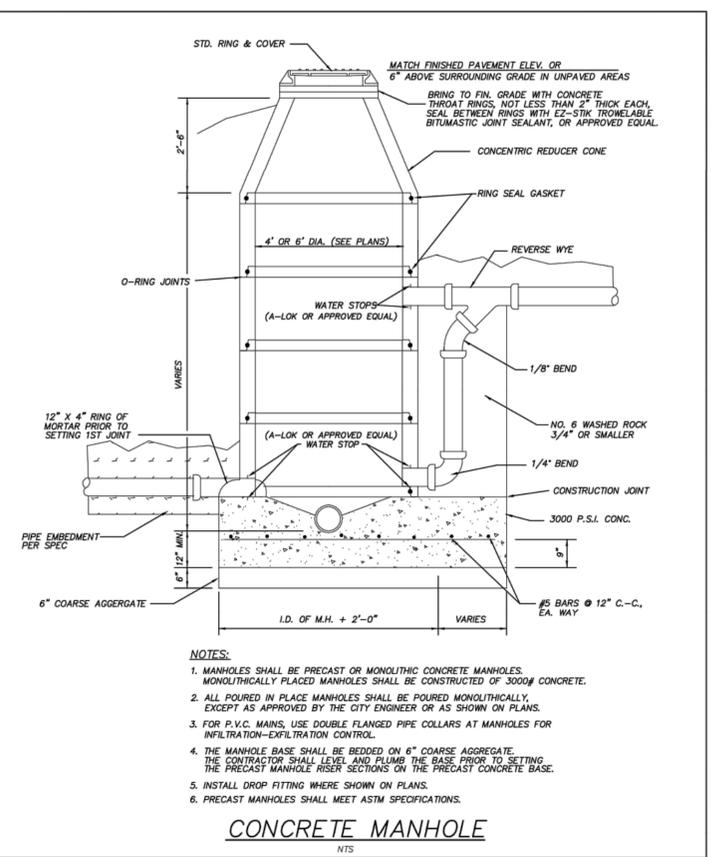
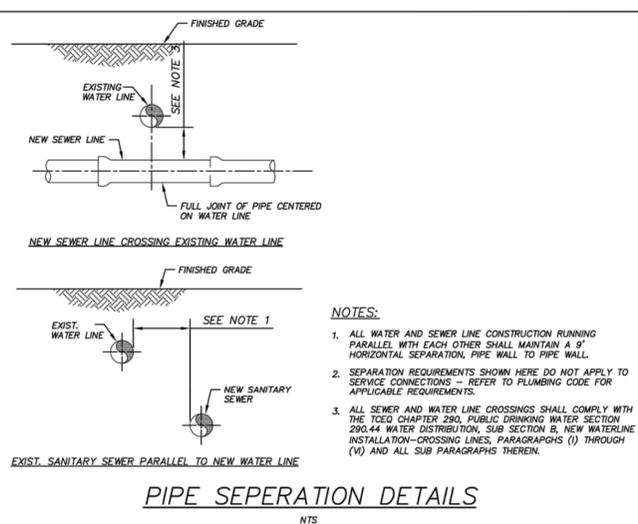
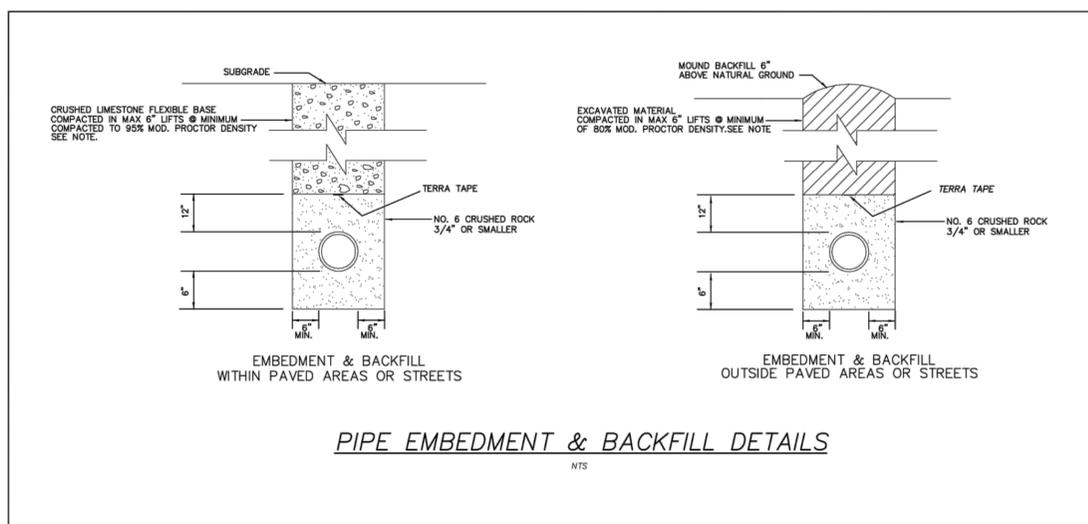
DESIGNED: JBL APPROVED: AAP
 DRAWN: JBL DATE: 2/14/2022

REVISIONS	
DATE	
NO.	

2/14/2022
 100% SUBMITTAL
 FOR REVIEW ONLY
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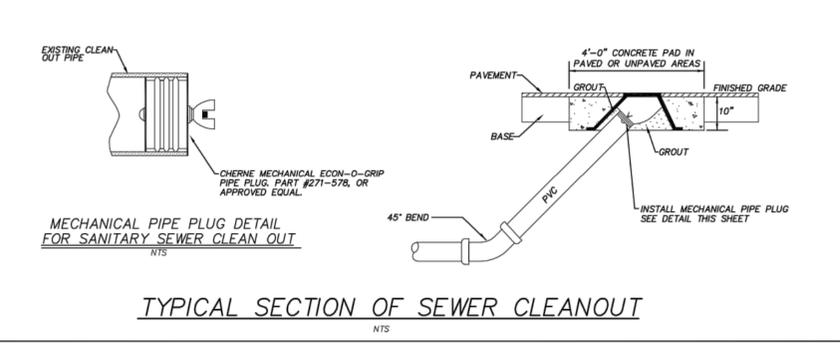
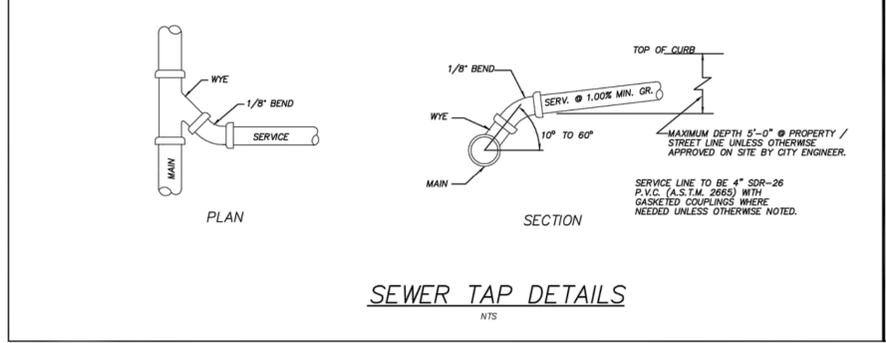
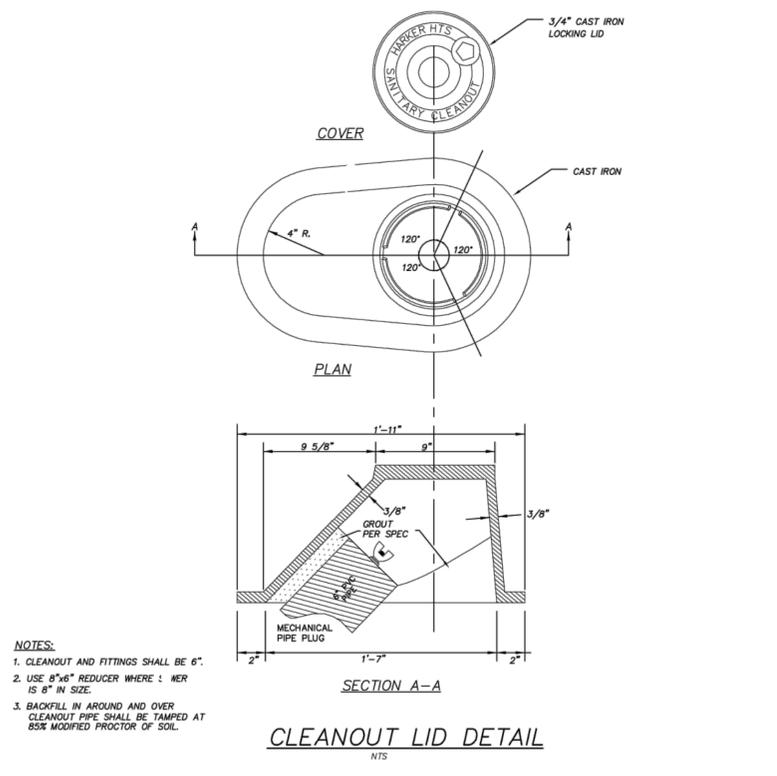
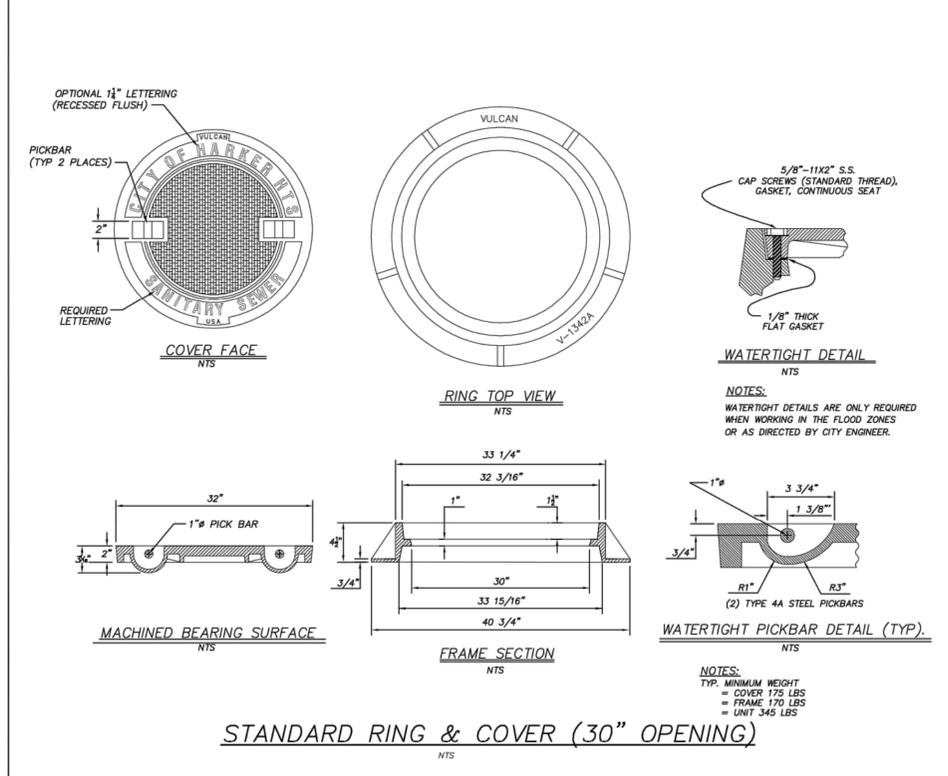
SHEET TITLE:
WASTEWATER
DETAILS

PROJECT NO.: **073-017**
 COHH PROJECT NO.: **XXXX-XXX-SIP**
 SHEET NO.: **C-11**



GENERAL NOTES:

- THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION AND ELEVATION OF ALL UTILITIES BEFORE ANY EXCAVATION BEGINS. THE CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR ANY DAMAGE TO UTILITIES.
- THE CONTRACTOR SHALL CONTACT ALL LOCAL UTILITIES AND TEXAS ONE CALL SYSTEM BEFORE COMMENCING ANY EXCAVATION OR DIGGING OPERATIONS.
- BRACE UTILITY POLES AS REQUIRED TO MAINTAIN STABILITY OF THE POLES DURING CONSTRUCTION.
- NO MANHOLES SHALL BE RAISED MORE THAN 1'-0" THROUGH THE USE OF GRADE RINGS.
- NO PLASTIC OR BRICK MANHOLES SHALL BE BUILT.
- FIBERGLASS MANHOLES ACCEPTABLE ONLY WHERE SHOWN ON PLANS AND AS DETAILED BY SEPARATE DRAWING.
- ALL MATERIALS SHALL BE DOMESTIC / USA.
- WHEN CROSSING ROADWAYS, CRUSHED LIMESTONE BASE MATERIAL SHALL BE TxDOT ITEM 248, TYPE A, GRADE 2 AND SHALL BE COMPACTED TO A MINIMUM OF 95% A.S.T.M. D1557, METHOD D @ + - 2% OPTIMAL MOISTURE AND LIFTS NOT TO EXCEED 6 INCHES.
- ALL INFRASTRUCTURE SHALL MEET MINIMUM CURRENT EFFECTIVE TCEQ STANDARDS.



Harker Heights
 The Bright Star of Central Texas

TEXAS ONE CALL SYSTEM
 1-800-245-4345
 STOP-CALL BEFORE YOU DIG!

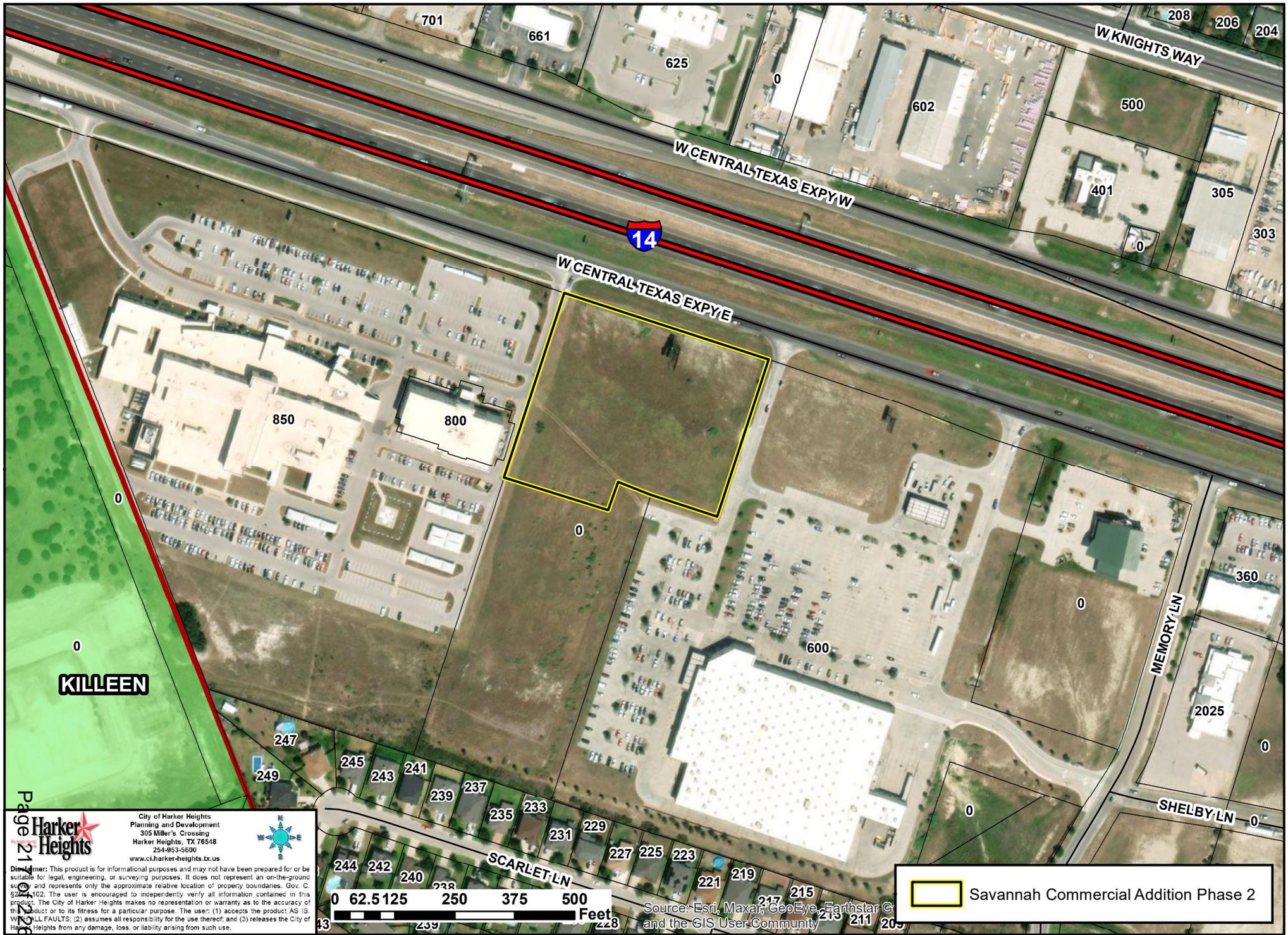
DEPARTMENT OF PUBLIC WORKS

SANITARY SEWER DETAILS

ENGINEER:	SCALE: N.T.S.	DATE: 3/14/11	SHEET #
	DRAWN BY:	CHECKED BY:	OF

HARKER HEIGHTS WASTEWATER DETAILS
NTS

Page 215 of 226
 C:\CD\073-017\Harker Heights - Chuy's OpcO\PLANS\SP073-017\DETAILS.dwg 2:21:42 2/22/2022 2:25:03 PM _DWG To PDF.ppt3 1:1 - W&P, Inc. - UBL



KILLEEN

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



Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §26.102. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product; AS IS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Harker Heights from any damage, loss, or liability arising from such use.

 Savannah Commercial Addition Phase 2

Source: Esri, Maxar, GeoEye, Earthstar © and the GIS User Community

SAVANNAH COMMERCIAL

REPLAT 2 PHASE 2

P22-03 Final Plat – Savannah Commercial Replat 2 Phase 2

Plat Distributed to HH Staff: January 28, 2022

Comments Returned to Waeltz & Prete, Inc.: February 8, 2022

Revisions received: February 14, 2022

Comments on Revisions Returned to Waeltz & Prete, Inc.: February 18, 2022

Planning & Development, Kristina Ramirez & Yvonne Spell

1. Plat Dedication Page

- a. ~~Applicant shall provide a 1' non-access easement along the entire frontage of both proposed Lots. (Comment 2/14/2022 Y. Spell)~~
- b. ~~Signature blocks on plat dedication page include a signature block for Jon Switzer, CSW, yet the separate dedication instrument indicates property is solely owned by WB Whitis Investments. Please clarify ownership of lots. (Comment 2/14/2022 Y. Spell)~~
- c. ~~Engineers certificate statement does not match per COHH §154.22 (B) (1) (q) (1) _____~~

~~1. A surveyor's certificate, in the following format, shall be placed on the final plat:~~

~~KNOW ALL MEN BY THESE PRESENTS:~~

~~That I, _____, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision and Property Development Regulations of the City of Harker Heights, Texas.~~

~~_____~~

~~Signature~~

~~_____~~

~~Texas Reg. No. (Comment 2/14/2022 Y. Spell)~~

2. Utilities

- a. Provide a copy of the proposed offsite utility easement and designate it as for underground utilities only. (Comment Partially Met 2/14/2022 Y. Spell.; Applicant

shall annotate on the plat dedication page and amend the easement document to reflect that the 15' offsite easement is for underground wastewater utilities only. This is due to possible conflicts with the overlying passage easement in the same physical area.)

- b. Provide a copy of the offsite passage easements (Document 2011-1521; Document 2012-41180) showing that the proposed lots have interest in said easements.) *(Comment Partially Met. 2/14/2022 Y. Spell; Due to limitations in Document 2012-41180, applicant shall address how access for delivery vehicles, emergency vehicles, and construction trucks will access Lot 2R-2. Applicant shall provide a 30' passage/access easement across Lot 2R-1 such that connectivity is provided to Lot 2R-2.)*
 - c. Applicant is advised that the offsite sewer main at the proposed sewer service location have not yet been recorded and constructed. They are part of The Savannah Commercial Replat Phase 1 final plat proposed construction. However, the "Guarantee of Performance" has not yet been provided and construction has not begun for said line. Therefore, the Applicant must provide a "Guarantee of Performance" per § 154.23 or said guarantee must be provided by the offsite developer. If the line is not constructed by the offsite developer, the applicant will be responsible for said construction prior to issuance of any building permits. *(Comment Not Met 2/14/2022 Y. Spell. See Public Works Comments 1 and 3 below.)*
 - d. Applicant shall provide a sidewalk layout for the proposed plat. *(Comment Partially Met 2/14/2022 Y. Spell; 2030 Mobility Plan indicates a Connector Sidewalk shall be installed in this area, 6'-8' in width. Sidewalk currently shown is only 5' in width. Applicant shall amend the submission accordingly.)*
3. The following items can be addressed during construction site plan review and are provided for the Applicant's advanced reference.
- a. ~~Applicant is advised that a driveway entrance into the access easements will not be allowed in the AASHTO clear site triangle at the corner with CTE. (Applicant's response is noted. 2/14/2022 Y. Spell)~~
 - b. ~~If during site development additional fire hydrants are required to meet fire standards, then an extension of a public water main and 15' utility easement via separate instrument may be required. (Applicant's response is noted. 2/14/2022 Y. Spell)~~

*****CLARIFICATION COMMENT 2/17/22: Applicant is advised that the submitted construction plans were not reviewed as part of this final plat submittal. Submittal of any site development and additional public infrastructure plans for this subdivision is reviewed through an independent review process. Please contact planning@harkerheights.gov if clarification is needed.**

Public Works, Mark Hyde

1. Provide the executed 15' wastewater easement for the benefit of Lot 2R-1 by separate instrument. (Comment Partially Met 2/14/2022 Y. Spell. Applicant shall provide clarification as to the dedication of said waterwater infrastructure within said easement. The easement indicates dedication to the City of Harker Heights, the materials and sizing indicate public infrastructure, yet annotation in the plan set and responses from the applicant indicate private wastewater infrastructure.)
2. ~~The proposed manhole for the Line "A" wastewater line is not in the 100-year flood plain. A bolted/gasketed manhole lid is not required.~~ (Comment Met 2/14/2022 Y. Spell)
3. Provide a performance bond for all proposed public infrastructure improvements. ~~The engineers probable construction cost to be approved by the City Engineer.~~ (Comment Partially Met 2/14/2022 Y. Spell; The engineer's opinion of probable construction cost was reviewed by the City Engineer and was found to meet the City's requirements on 2/15/22. Please proceed with submission of the Guarantee of Performance (bond).)

City Engineer, Otto Wiederhold

1. No comments.

Fire Marshal, Brad Alley

1. No comments.

Building Official, Mike Beard

1. Comments have not been received and may be forthcoming.

ONCOR, Steven Huggins

1. Oncor to keep existing lines and easements.

Century Link/ Lumen, Chris McGuire

1. No comments, easement called out on plat.

Spectrum, Shaun Whitehead

1. Comments have not been received and may be forthcoming.

ATMOS, Rusty Fischer

1. Comments have not been received and may be forthcoming.

TXDOT

1. Comments have not been received and may be forthcoming.



February 14, 2022

Ms. Yvonne K. Spell, MPA
City Planner
City of Harker Heights
505 Miller's Crossing
Harker Heights, TX 76548

RE: Savannah Commercial Replat 2 Phase 2 Final Plat Review

Dear Ms. Spell:

Below are our responses to comments that were issued for the above referenced project.

Planning & Development Comments:

1. Plat Dedication Page:

- a. Applicant shall provide a 1' nonaccess easement along the entire frontage of both proposed lots.

***Response:** 1' Non-access easement has been added as Hereby dedicated.

- b. Signature blocks on plat dedication page include a signature block for Jon Switzer, CSW, yet the separate dedication instrument indicates property is solely owned by WB Whitis Investments. Please clarify ownership of lots.

***Response:** Jon Switzer will not be signing the plat. It was unclear to us when the lot would be sold. At this point, it is our understanding that the ownership will be changed after the plat is recorded. Hence, WB Whitis Investments is the owner of both lots. We removed the signature block for Jon Switzer.

- c. Engineers certificate statement does not match per COHH §154.22(B)(1)(q)(1)

1. A surveyor's certificate, in the following format, shall be placed on the final plat:

KNOW ALL MEN BY THESE PRESENTS:

That I, _____, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision and Property Development Regulations of the City of Harker Heights, Texas.

Signature

Texas Reg. No.

***Response:** This signature block is for only a surveyor. The ordinance does not have an Engineer's signature block. This is why we provided one that we use in other jurisdictions.

2. Utilities:

- a. Provide a copy of the proposed offsite utility easement and designate it as for underground utilities only.

***Response:** The proposed 15' offsite wastewater easement for the benefit of lot 2R-1 is being attached with the comment responses. If this easement is acceptable to the City, we will get the easement executed by the neighbor and get it recorded.

- b. Provide a copy of the offsite passage easement (Document 2011-1521; Document 2012-1180) showing that the proposed lots have interest in said easements.

***Response:** The requested easements were provided in the digital submittal files CD provided with submittal. We have reattached with resubmittal.

- c. Applicant is advised that the offsite sewer main at the proposed sewer service location have not yet been recorded and constructed. They are part of The Savannah Commercial Replat Phase 1 final plat proposed construction. However, the "Guarantee of Performance" has not yet been provided and construction has not begun for said line. Therefore, the Applicant must provide a "Guarantee of Performance" per § 154.23 or said guarantee must be provided by the offsite developer. If the line is not constructed by the offsite developer, the applicant will be responsible for said construction prior to issuance of any building permits.

***Response:** It is our understanding the offsite developer (to south) has agreed to provide the wastewater line design and construct the line.

- d. Applicant shall provide a sidewalk layout for the proposed plat.

***Response:** A sidewalk layout has been added to the plat.

3. The following items can be addressed during the construction site plan review and are provided for the Applicant's advanced reference.

- a. Applicant is advised that a driveway entrance into the access easement will not be allowed in the AASHTO clear site triangle at the corner with CTE.

***Response:** Noted.

- b. If during site development additional fire hydrants are required to meet the fire standards, then an extension of a public water main and 15' utility easement via separate instrument may be required.

***Response:** Noted.

Public Works Comments:

1. Provide the executed 15' wastewater easement for the benefit of Lot 2R-1 by separate instrument.

***Response:** The proposed 15' offsite wastewater easement for the benefit of lot 2R-1 is being attached with the comment responses. If this easement is acceptable to the City, we will get the easement executed by the neighbor and get it recorded.

2. The proposed manhole for the Line "A" wastewater line is not in the 100-year floodplain. A bolted/gasketed manhole lid is not required.

***Response:** Manhole has been revised to specify unbolted cover.

3. Provide a performance bond for all proposed public infrastructure improvements. The engineers probable construction cost to be approved by the City Engineer.

***Response:** The Engineer's probable construction cost was previously submitted. We have reattached for your approval. A Performance Bond will be provided prior to plat recordation.

City Engineer Comments:

1. No comments.

***Response:** Noted.

Fire Marshal Comments:

1. No comments.

***Response:** Noted.

Building Official Comments:

1. Comments have not been received and may be forthcoming.

***Response:** Noted.

Oncor Comments:

1. Oncor to keep existing lines and easements.

***Response:** Noted.

Century Link/ Lumen Comments:

1. No comments, easement called out on plat.

***Response:** Noted.

Spectrum Comments:

1. Comments have not been received and may be forthcoming.

***Response:** Noted.

ATMOS Comments:

1. Comments have not been received and may be forthcoming.

***Response:** Noted.

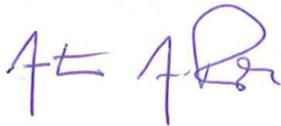
TXDOT Comments:

1. Comments have not been received and may be forthcoming.

***Response:** Noted.

Should you need additional information please don't hesitate to contact us.

Respectfully Submitted,



Antonio A. Prete, P.E.
Waeltz & Prete, Inc.

Preliminary Engineer's Opinion Of Probable Cost

Project: Savannah Commeric
Project No.: 073-017
Location: Harker Heights, Bell County, Texas
Date: 26-Jan-22



WAELTZ & PRETE, INC.
CIVIL ENGINEERS

211 N. A.W. GRIMES BLVD.
 ROUND ROCK, TX. 78665
 PH (512) 505-8953
 FIRM TX. REG. #F-10308

Description	Unit	Est. Qty.	Unit Cost	Cost
Miscellaneous:				
Mobilization	LS	1	\$3,500.00	\$3,500.00
Estimated Cost				\$3,500.00
20% Contingency				\$700.00
Subtotal Estimated Cost (Miscellaneous)				\$4,200.00
Erosion/Sedimentation Controls:				
Stablized Construction Entrance	EA	1	\$1,750.00	\$1,750.00
Inlet Protection	EA	4	\$150.00	\$600.00
Silt Fence	LF	297	\$2.50	\$742.50
Estimated Cost				\$3,092.50
20% Contingency				\$618.50
Subtotal Estimated Cost (Erosion/Sedimentation Controls)				\$3,711.00
Wastewater Line Improvements:				
8" SDR, 26, D3034 (All Depths)	LF	70	\$70.00	\$4,900.00
4' Diam. WWMH (All Depths)	EA	1	\$5,500.00	\$5,500.00
Trench Safety	LF	70	\$2.00	\$140.00
Estimated Cost				\$10,540.00
20% Contingency				\$2,108.00
Subtotal Estimated Cost (Wastewater Line Improvements)				\$12,648.00
Drainage Improvements:				
24" RCP	LF	244	\$85.00	\$20,740.00
Trench Safety	LF	244	\$1.50	\$366.00
Estimated Cost				\$21,106.00
20% Contingency				\$4,221.20
Subtotal Estimated Cost (Drainage/Water Quality Improvements)				\$25,327.20
Miscellaneous:				\$3,500.00
Erosion/Sedimentation Controls:				\$3,092.50
Wastewater Line Improvements:				\$10,540.00
Drainage Improvements:				\$21,106.00
Total Estimated Project Cost:				\$38,238.50
20% Contingency				\$7,647.70
Total Estimated Project Cost:				\$45,886.20
(With 20% Contingency)				

Note:

1 All opinions of probable costs represent the Engineer's best judgment as a professional familiar with the construction industry; but the Engineer does not guarantee, warrantee, or imply that the proposals, bids or actual Project Cost will not vary from this *Engineer's Opinion of Probable Costs*.



A. A. Prete

26Jan22