





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

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

**Mayor**  
Spencer H. Smith

**Mayor Protem**  
Michael Blomquist

**City Council**  
Jennifer McCann  
Jackeline Soriano Fountain  
Lynda Nash  
Jody Nicholas

Notice is hereby given that, beginning at 5:00 p.m. on Tuesday, March 9, 2021, and continuing from day to day thereafter if necessary, the City Council of the City of Harker Heights, Texas, will conduct a telephonic meeting to contain the spread of COVID-19 in accordance with Governor Abbott's declaration of the COVID-19 public health threat and action to temporarily suspend certain provisions of the Texas Open Meetings Act issued on March 16, 2020. The subjects to be discussed are listed in the following agenda:

**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. Mayoral Proclamations and Presentations:**

1. Certificate of Appreciation
  - a) Central Texas Council of Governments (CTCOG)
  - b) Fort Hood
  - c) Arepitas
  - d) Bite the Bagel
2. Proclamation declaring March 8 – 14, 2021 as Harker Heights' Volunteer Appreciation Week.

**V. Consent Items:**

1. Discuss and consider approving the minutes of the meeting held on February 23, 2021, and take the appropriate action.

**VI. Presentations by Citizens:**

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

**VII. Public Hearings:**

1. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change the Zoning Designation from M-1 (Light Manufacturing District) and R-2 (Two Family Dwelling District) to PD-R (Planned Development Residential) on property described as A1086BC W.E. Hall, Acres 2.649, A0723BC J.M. Roberts, & A-1086 W.E. Hall, Acres 3.003, A1086BC W.E. Hall, Acres 7.917, and Centex Waste Management Development Phase Two, Block 001, Lot Pt 4, (SW PT of 4), Acres 2.980, generally located east of Indian Trail (FM 3423) directly behind Harker Heights Central Fire Station, Harker Heights, Bell County, Texas, and take the appropriate action. (Planning and Development Director)
2. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change the Zoning Designation from PD-B (Planned Development Business) to PD-B with a T-Overlay (Tavern Overlay) on property described as A0288BC V.L. Evans, Acres 30.47, generally located at 101 North Roy Reynolds Drive, Harker Heights, Bell County, Texas, and take the appropriate action. (Planning and Development Director)

**VIII. Old Business:**

**IX. New Business:**

1. Discuss and consider approving a Concept Plan referred to as The Enclave at Indian Trail on property described as A1086BC W.E. Hall, Acres 2.649, A0723BC J.M. Roberts, & A-1086 W.E. Hall, Acres 3.003, A1086BC W.E. Hall, Acres 7.917, and Centex Waste Management Development Phase Two, Block 001, Lot Pt 4, (SW Pt of 4), Acres 2.980, generally located east of Indian Trail (FM 3423) directly behind Harker Heights Central Fire Station, Harker Heights, Bell County, Texas, and take the appropriate action. (Planning and Development Director)
2. Discuss and consider approving a Final Plat for the subdivision referred to as Escapology Addition, on property described as 7.07 acre tract of land situated in the Lucy O'Dell Survey, Abstract No. 644, generally located North East at the Intersection of East Knights Way (E. FM 2410) and Cedar Knob Road, Harker Heights, Bell County, Texas, and take the appropriate action. (Planning and Development Director)
3. Discuss and consider approving an Ordinance of the City of Harker Heights, Texas, Adopting Chapter 51 of the Solid Waste Ordinance, as amended, and take the appropriate action. (Public Works Director)
4. Discuss and consider approving a Resolution of the City Council of the City of Harker Heights, Texas, authorizing the City Manager to sign the City of Harker Heights Public Library Annual Report for Fiscal Year 2019-20; and Accreditation in State Library System Application for Local Fiscal Year 2020; and take the appropriate action. (Library Director)
5. Discuss and consider approving the appointment of a Councilmember to fill the vacancy for a Harker Heights Representative on the Hill Country Transit District (HCTD) Board, and take the appropriate action. (City Manager)

**X. Reports of Advisory Boards & Commissions:**

**XI. Items from Council:**

**XII. Staff Reports:**

1. Receive and discuss the City Manager's Report. (City Manager)

**XIII. Announcements:**

**XIV. 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 5<sup>th</sup> day of March 2021, by 4:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.



Julie Helsham  
City Secretary

**The public may participate remotely in this meeting by dialing-in using the toll-free number: United States (Toll Free): [1 866 899 4679](tel:18668994679) and use Access Code: [273-418-349](tel:273418349)**  
**To join the meeting from your computer, tablet, or smartphone, use the following meeting link: <https://global.gotomeeting.com/join/273418349>**

**The public will be permitted to offer public comments telephonically as provided by the agenda. Written questions or comments may be submitted two hours before the meeting to the City Secretary's Office. When submitting your written questions or comments, you must include your Name and Address. This agenda is also available on the City of Harker Heights website at [www.harkerheights.gov](http://www.harkerheights.gov)**

*"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](mailto: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."*



## **Volunteer Appreciation Week Proclamation**

**WHEREAS**, the week of March 8-14, 2021, has been designated as Harker Heights' Volunteer Appreciation Week; and

**WHEREAS**, volunteers, businesses, and organizations faced the unprecedented challenges brought to our community within the past year with courage and care for others; and

**WHEREAS**, Harker Heights believes that government alone cannot meet all the City's needs, so we partner with businesses, faith-based organizations, non-profit organizations, foundations and individuals to make a difference; and

**WHEREAS**, the City of Harker Heights is committed to encouraging volunteerism and service; and

**WHEREAS**, the City of Harker Heights wishes to publicly express its sincere thanks for the time and effort afforded our community;

**NOW, THEREFORE, I**, Spencer H. Smith, Mayor of the City of Harker Heights, hereby do proclaim the week of March 8-14, 2021, as

### **“Volunteer Appreciation Week”**

in the City of Harker Heights, Texas, and urge our residents to recognize the positive impact of volunteerism in our community.

**In Witness Whereof**, I have signed this proclamation and have affixed the Seal of the City of Harker Heights, Texas, this 9<sup>th</sup> day of March, 2021.

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Spencer H. Smith  
Mayor

Minutes of the of the City Council meeting held at 5:00 p.m. on Tuesday, February 23, 2021, by a telephonic meeting to contain the spread of COVID-19 in accordance with Governor Abbott's declaration of the COVID-19 public health threat and action to temporarily suspend certain provisions of the Texas Open Meetings Act issued on March 16, 2020:

<b>Roll Call:</b>	Michael Blomquist	Mayor Pro-tem
	Jennifer McCann	Councilmember Place 1
	Jackeline Soriano Fountain	Councilmember Place 3
	Lynda Nash	Councilmember Place 4
	Jody Nicholas	Councilmember Place 5
	David Mitchell	City Manager
	Julie Helsham	City Secretary

**Absent:** Spencer H. Smith Mayor

**Mayoral Proclamations and Presentations:**

1. Mayor Pro-tem Blomquist presented a Certificate of Recognition to Seton Medical Center Harker Heights for the assistance the City received from them in getting all of the City's First Responders, who so desired, their COVID-19 vaccinations. Joy Custer, Director of the Emergency Department, Heidi Cantrell, Director of Women's Services, Leigh Anders, Pharmacy Director, Calee Travis, Chief Nursing Officer, Valorie Smith, RN and Joy Gaabucayan, Administrative Assistant, were present to receive the Certificate of Recognition.

**Consent Items:**

1. Council discussed and considered approving the minutes of the meeting held on February 9, 2021. Fountain made the motion to approve as written. Seconded by McCann. All in favor. Motion approved 4-0.
2. Council discussed and considered approving an Ordinance of the City of Harker Heights, Texas, amending Ordinance 2020-06 of the Harker Heights to extend the Public Health Emergency Declaration through March 31, 2021. Fountain made the motion to approve. Seconded by Nicholas. All in favor. Motion approved 4-0.

**New Business:**

1. Council discussed and considered approving an Ordinance of the City of Harker Heights, Texas, affirming and extending the Mayor's Declaration of Disaster Due to Severe Winter Weather issued on February 16, 2021. David Mitchell, City Manager, made the presentation. McCann made the motion to approve the Ordinance, declaring a public health emergency due to severe winter weather; Providing that the declaration extends through March 23, 2021; authorizing the City to provide aid and assistance; allow the waiver of permitting fees for repair damage directly related to the winter storms; and providing for an effective date. Seconded by Nicholas. All in favor. Motion approved 4-0.
2. Council discussed and considered approving an Appeal of the False Robbery Alarm Service Charge on Mary A. Bianco at 2026 Herald Drive, Harker Heights. David Mitchell, City Manager, made the presentation. McCann made the motion to approve the appeal. Seconded by Nash. All in favor. Motion approved 4-0.

3. Council discussed and considered approving a Resolution of the City Council of the City of Harker Heights, Texas, authorizing continued participation with the Atmos Cities Steering Committee; and authorizing the payment of five cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation. Ayesha Lealiiee, Finance Director, made the presentation. Fountain made the motion to approve. Seconded by McCann. All in favor. Motion approved 4-0.
4. Council received and discussed the City's Governance Policy. Jerry Bark, Assistant City Manager, made the presentation. No action taken.
5. Council received and discussed a presentation on the Council's Budget Priorities. David Mitchell, City Manager, made the presentation. No action taken.
6. Council received and discussed the Council's Mission and Vision Statements. Jerry Bark, Assistant City Manager, made the presentation. No action taken.

**Items from Council:**

Councilmember Fountain thanked the Parks and Recreation Department Staff for all their hard work and for taking care of our Community and all that needed it. Fountain stated that she went to visit the Parks and Rec Center to see if they needed any support in any way and she ran into the Arepitas personnel and got a chance to thank them for their support to our mission.

Councilmember Nash thanked the Skipcha Community, the VFW Post 3892 and the entire City of Harker Heights for all their help during the severe weather event.

**Staff Reports:**

1. Council received and discussed the City's Racial Profiling Report. Phil Gadd, Police Chief, made the presentation. No action taken.
2. Council received and discussed the City Manager's Report. David Mitchell, City Manager, made the presentation. No action taken.

**Announcements:**

Mayor Pro-tem Blomquist thanked all City Staff for the long hard hours during the blizzard event to keep Harker Heights running and all it's citizens safe. Blomquist thanked the Parks Department Staff for handing out the FEMA water bottles. Blomquist stated that the new trashcans are being delivered.

**Adjournment:**

There being no further business the City of Harker Heights City Council Meeting was adjourned at 6:53 p.m.

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Spencer H. Smith, Mayor

ATTEST:

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Julie Helsham, City Secretary



## CITY COUNCIL MEMORANDUM

**Z21-05**

**AGENDA ITEM # VII-1**

**FROM: THE OFFICE OF THE CITY MANAGER**

**DATE: MARCH 9, 2021**

**CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, TO CHANGE THE ZONING DESIGNATION FROM M-1 (LIGHT MANUFACTURING DISTRICT) AND R-2 (TWO FAMILY DWELLING DISTRICT) TO PD-R (PLANNED DEVELOPMENT RESIDENTIAL) ON PROPERTY DESCRIBED AS A1086BC W.E. HALL, ACRES 2.649, A0723BC J.M. ROBERTS, & A-1086 W.E. HALL, ACRES 3.003, A1086BC W.E. HALL, ACRES 7.917, AND CENTEX WASTE MANAGEMENT DEVELOPMENT PHASE TWO, BLOCK 001, LOT PT 4, (SW PT OF 4), ACRES 2.980, GENERALLY LOCATED EAST OF INDIAN TRAIL (FM 3423) DIRECTLY BEHIND HARKER HEIGHTS CENTRAL FIRE STATION, HARKER HEIGHTS, BELL COUNTY, TEXAS, AND TAKE THE APPROPRIATE ACTION.**

**EXPLANATION:**

The applicant, Terra Azul Development, LLC, has requested consideration of a Planned Development – Residential (PD-R) rezoning to allow R-2 (Two Family Dwelling District) as the base zoning for the purpose of duplex development. The proposed Planned Development-Residential (PD-R) is located along the eastside of Indian Trail behind the Harker Heights Central Fire Station and extends north towards the commercial business known as Texas Tumblers. The subject location consists of approximately 16.54 acres of vacant land.

This subject location was previously granted a PD-R classification by City Council on March 8, 2016 for the purpose of utilizing the R1-A (One Family Garden Home Dwelling District) as the base zoning class for the development. A copy of that PD-R is attached for your reference. Per Code Section 155.036 (G) (1), “Developer’s Responsibility following approval. (1) A PD designation shall be deemed nullified, and the property shall automatically revert to its previous zoning designation, if development does not commence within 12 months of the date of City Council approval.” Due to lack of development initiating within 12 months of March 8, 2016 the property reverted to its original zoning classes, M-1, and R-2, respectively.

**ZONING:**

Approximately 80% of the proposed development is currently located in an area zoned as R-2 Two Family Dwelling District, whereas the remaining 20% lies within an area zoned as M-1 Light Manufacturing. Adjacent and surrounding zoning districts are identified on the attached Zoning Map. The proposed Planned Development District – Residential (PD-R) accommodates planned associations of uses developed as integral land use units such as industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing including attached single-family dwellings or any appropriate combination of uses which may be planned, developed, or operated as integral land use units either by a single

owner or a combination of owners. A PD-R may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this chapter. While greater flexibility is given to allow special conditions or restrictions which would not otherwise allow the development to occur, procedures are established herein to insure against misuse of increased flexibility (City of Harker Heights (COHH) Code §155.036).

**COHH Code §155.036 (B) (1) Permitted Uses:**

Planned Development - Residential (PD-R). All uses permitted in the residential zoning districts are permitted in a PD-R development.

The applicant submitted a list of additions and exceptions for the requested PD-R as outlined in the staff recommendation portion of this report. The applicant also submitted a concurrent concept plan, Case # CP21-03. The applicant’s requested conditions reference the site plan contained in the concurrent concept plan submission. As a result, staff’s analysis of this zoning request was based off the 2007 Comprehensive Plan, the previously submitted PD-R, the current requested conditions, and the site plan submitted in the concept plan submission.

**LAND USE:**

**Existing use:**

The proposed development is currently vacant land. There are mixed uses and public offices adjacent and within close proximity to the properties. Some existing land uses adjacent include the Harker Heights Fire Station and Pet Adoption Center, retail and office uses and some vacant properties. It is also near H-E-B, Harker Heights Public Library and Police Station.

**Adjacent land uses include:**

	<b>Existing Land Use</b>	<b>Future Land Use</b>	<b>Zoning</b>
<b>North</b>	Commercial/Vacant	Medium Density Residential/Commercial	R-2
<b>South</b>	Public/Semi-Public	Commercial	M-1 & B-3
<b>East</b>	Vacant/Drainage	Manufacturing/Industrial & Medium Density Residential	R-2 & M-1
<b>West</b>	Commercial	Commercial	B-5, B-4, B-3, B-2

According to the Future Land Use Map within the 2007 Comprehensive Plan, the property is designated as Manufacturing/Industrial and Medium Density Residential. The zoning classification as PD-R will require that the development consist of at least 5 acres, provide an open space landscape or screening buffer between land uses, and be located along an arterial street. The development complies with all minimum requirements for a Planned Development Residential district. The proposed use will maintain the character, appearance, and base zoning of the R-2 (Two Family Dwelling District) and is consistent with the Medium Density Residential use identified in the 2007 Comprehensive Plan.

**FLOOD DAMAGE PREVENTION:**

A portion of the properties lie within the 100-year and 500-year FEMA special flood hazard area (SFHA). Per this rezoning request all development will occur outside of the identified SFHA. The applicant has proposed the flood area to remain as green space and to be dedicated to the City.

**NOTICES:**

Staff sent out twenty-three (23) notices to property owners within the 400-foot notification area. Zero (0) responses were received in favor of the request and zero (0) responses were received in opposition of the request.

**RECOMMENDATION:**

Staff reviewed the application and plans submitted by the applicant, taking into consideration the development requirements outlined in the City's Ordinance §155.036 PD - Planned Development District reached the following findings and facts:

The proposed rezoning request to PD-R **does not**:

1. Adversely impact existing or permitted uses on abutting sites that cannot be mitigated.
2. 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 considering existing zoning and land uses in the area.
3. Fail to reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.
4. Adversely affect traffic control or adjacent properties by inappropriate location, lighting, or type of signs.

Staff recommended approval to the Planning & Zoning Commission of an ordinance to allow the Planned Development – Residential (PD-R) on property described as A1086BC W.E. Hall, Acres 2.649, A0723BC J.M. Roberts, & A-1086 W.E. Hall, Acres 3.003, A1086BC W.E. Hall, Acres 7.917, and Centex Waste Management Development Phase Two, Block 001, Lot Pt 4, (SW Pt of 4), Acres 2.980, generally located East of Indian Trail (FM 3423) directly behind Harker Heights Central Fire Station, Harker Heights, Bell County, Texas, subject to the following conditions:

1. A waiver is granted to allow a single access and secondary emergency access as depicted in the attached Concept Plan for The Enclave at Indian Trail subdivision.
2. The northern subdivision entrance shall be a minimum of 48 feet wide with a minimum 70-feet of right-of-way for a minimum distance of 200 feet from the intersection.
3. The southern subdivision entrance and internal streets shall be a minimum of 36 feet wide and shall be allowed to vary from a 60' ROW to a 56' ROW.
4. Any interior roadway not connected to a public street on both ends must have a turn around with a minimum radius of eighty (80) feet.

5. No units shall be constructed over existing utility mains or private service lines.
6. Maximize green spaces while minimizing the total amount of driveway coverage.
7. All front facing fences when located between units less than 12 feet apart must have a minimum 3-foot-wide gate.
8. If units are less than 12 feet apart, eaves between the units may not protrude beyond 16 inches from the wall.
9. Develop window configuration that break the line of sight between units.
10. Vary building placement to increase variation in facades and more articulated building edges.
11. Take advantage of existing topography and natural features (i.e., existing trees) to maintain appropriate grade levels consistent with surrounding structures and to enhance the aesthetics of the area.
12. The rear setback for all lots will be reduced from 20 feet to 10 feet.
13. The side yard setback on corner lots will be reduced from 15 feet to 10 feet.
14. The proposed Drainage Tracts A - E shall be dedicated to the City of Harker Heights for drainage and green space purposes.
15. The proposed Tract F shall be dedicated to the City of Harker Heights.
16. A structure constructed on Lot 1 may have the front doors not facing the roadway as long as the front doors are oriented to the east or west.
17. For Lots 4, 5, 6, 19, 20 and 21 the average lot width can be less than the 70 feet minimum if the front yard width at the right-of-way line is 50 foot or greater.
18. The planned development shall adhere to all other residential requirements as directed from the City of Harker Heights Code of Ordinances and all current and adopted Building Codes.

**ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:**

Following a public hearing held on February 24, 2021, the Planning and Zoning Commission voted (8-1) to recommend approval of an ordinance to change zoning designation from M-1 (Light Manufacturing District) and R-2 (Two Family Dwelling District) to PD-R (Planned Development Residential) on property described as A1086BC W.E. Hall, Acres 2.649, A0723BC J.M. Roberts, & A-1086 W.E. Hall, Acres 3.003, A1086BC W.E. Hall, Acres 7.917, and Centex Waste Management Development Phase Two, Block 001, Lot Pt 4, (SW Pt of 4), Acres 2.980, generally located East of Indian Trail (FM 3423) directly behind Harker Heights Central Fire Station, Harker Heights, Bell County, Texas, with the attached conditions.

**ACTION BY THE CITY COUNCIL:**

1. Motion to APPROVE/DISAPPROVE an Ordinance of the City of Harker Heights, Texas, to change zoning designation from M-1 (Light Manufacturing District) and R-2 (Two Family Dwelling District) to PD-R (Planned Development Residential) on property described as A1086BC W.E. Hall, Acres 2.649, A0723BC J.M. Roberts, & A-1086 W.E. Hall, Acres 3.003, A1086BC W.E. Hall, Acres 7.917, and Centex Waste Management Development Phase Two, Block 001, Lot Pt 4, (SW Pt of 4), Acres 2.980, generally located East of Indian Trail (FM 3423) directly behind Harker Heights Central Fire Station, Harker Heights, Bell County, Texas, with the attached conditions.
2. Any other action desired.

**ATTACHMENTS:**

1. Ordinance with 2021 Conditions
2. Application
3. R-2 Ordinance
4. Concept Plan
5. 2016 PD-R
6. Location Map
7. FEMA Map
8. Zoning Map
9. Existing Land Use Map
10. Future Land Use Map
11. Notification Map

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE GRANTING PD-R ZONING ON PROPERTY DESCRIBED AS A1086BC W.E. HALL, ACRES 2.649, A0723BC J.M. ROBERTS, & A-1086 W.E. HALL, ACRES 3.003, A1086BC W.E. HALL, ACRES 7.917, AND CENTEX WASTE MANAGEMENT DEVELOPMENT PHASE TWO, BLOCK 001, LOT PT 4, (SW PT OF 4), ACRES 2.980, GENERALLY LOCATED EAST OF INDIAN TRAIL (FM 3423) DIRECTLY BEHIND HARKER HEIGHTS CENTRAL FIRE STATION, HARKER HEIGHTS, BELL COUNTY, TEXAS.**

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

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

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

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

**SECTION 2:** The hereinafter-described property, as previously zoned of M-1 (Light Manufacturing) and R-2 Two Family Dwelling District), is hereby rezoned to PD-R (Planned Development Residential), and subject to the Conditions described in the attached Exhibit A (Z21-05 Conditions):

A1086BC W.E. Hall, Acres 2.649, A0723BC J.M. Roberts, & A-1086 W.E. Hall, Acres 3.003, A1086BC W.E. Hall, Acres 7.917, and Centex Waste Management Development Phase Two, Block 001, Lot Pt 4, (SW Pt of 4), Acres 2.980, generally located East of Indian Trail (FM 3423) directly behind Harker Heights Central Fire Station, 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>
	03/09/21	Granting PD-R zoning on property described as A1086BC W.E. Hall, Acres 2.649, A0723BC J.M. Roberts, & A-1086 W.E. Hall, Acres 3.003, A1086BC W.E. Hall, Acres 7.917, and Centex Waste Management Development Phase Two, Block 001,

**Lot Pt 4, (SW Pt of 4), Acres 2.980,  
generally located East of Indian Trail  
(FM 3423) directly behind Harker  
Heights Central Fire Station, 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 March 9, 2021

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Spencer H. Smith, Mayor

ATTEST:

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Juliette Helsham, City Secretary

**Exhibit A**

**Z21-05 Conditions**

1. A waiver is granted to allow a single access and secondary emergency access as depicted in the attached Concept Plan for The Enclave at Indian Trail subdivision.
2. The northern subdivision entrance shall be a minimum of 48 feet wide with a minimum 70-foot of right-of-way for a minimum distance of 200 feet from the intersection.
3. The southern subdivision entrance and internal streets shall be a minimum of 36 feet wide and shall be allowed to vary from a 60' ROW to a 56' ROW.
4. Any interior roadway not connected to a public street on both ends must have a turn around with a minimum radius of eighty (80) feet.
5. No units shall be constructed over existing utility mains or private service lines.
6. Maximize green spaces while minimizing the total amount of driveway coverage.
7. All front facing fences when located between units less than 12 feet apart must have a minimum 3-foot-wide gate.
8. If units are less than 12 feet apart, eaves between the units may not protrude beyond 16 inches from the wall.
9. Develop window configuration that break the line of sight between units.
10. Vary building placement to increase variation in facades and more articulated building edges.
11. Take advantage of existing topography and natural features (i.e., existing trees) to maintain appropriate grade levels consistent with surrounding structures and to enhance the aesthetics of the area.
12. The rear setback for all lots will be reduced from 20 feet to 10 feet.
13. The side yard setback on corner lots will be reduced from 15 feet to 10 feet.
14. The proposed Drainage Tracts A - E shall be dedicated to the City of Harker Heights for drainage and green space purposes.
15. The proposed Tract F shall be dedicated to the City of Harker Heights.
16. A structure constructed on Lot 1 may have the front doors not facing the roadway as long as the front doors are oriented to the east or west.
17. For Lots 4, 5, 6, 19, 20 and 21 the average lot width can be less than the 70 feet minimum if the front yard width at the right-of-way line is 50 foot or greater.
18. The planned development shall adhere to all other residential requirements as directed from the City of Harker Heights Code of Ordinances and all current and adopted Building Codes.



# Rezoning Request Application

\*Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED\*

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

This application must be completed and returned to the Planning and Development Department of the City of Harker Heights, Texas along with the following:  
1. Pre-Application Meeting Scheduled  
2. Payment of \$200.00 to the City of Harker Heights

Property Owner(s) Name: Terra Azul Development, LLC Date: 1-26-2021

Address: 2501 - B East Elms Rd

City/State/Zip: Killeen TX 76542

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

**Legal Description of Property:**

Location of Property (Address if available): SEE ATTACHED

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_

Acres: \_\_\_\_\_ Property ID: \_\_\_\_\_ Survey: \_\_\_\_\_

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

Proposed Use: Duplex

Current Zoning Classification: PDR Proposed Zoning: ~~PDR~~ PDR

Current Land Use: Vacant Proposed Land Use: Medium Density Residential

**Applicant's Representative (if applicable):**

Applicant's Representative: Christopher Doose

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

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

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

Christopher Doose  
Printed Name of Property Owner

[Signature]  
Signature of Property Owner

Matthew Howell  
Printed Name of Representative

[Signature]  
Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 26 DAY OF Jan, 20 21

[Signature]  
SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: 3-3-24



Date Submitted: 1-27-2021

**STAFF ONLY -- DO NOT FILL OUT BELOW**

Pre-Application Meeting

Receipt #: 011658504

Received By: Wade Everett

Revised: 5/2020

Case #: 221-05

**§ 155.023 R-2 TWO-FAMILY DWELLING DISTRICT.****(A) Permitted uses.**

- (1) Any use permitted by right in the R-1 District, or (subject to the location requirements for such tracts) in the R1-I Districts.
- (2) Two-family or duplex dwelling.
- (3) Industrialized duplex dwelling, provided such dwelling complies with all regulations applicable to industrialized single-family housing.

**(B) Conditional uses.** Neighborhood association facilities.**(C) Height regulations.** No building shall exceed two and one-half stories or 35 feet in height.

**(D) Area regulations.** Lots in the Wildewood Subdivision, and duplex lots platted prior to November 8, 2006, shall have six-foot-minimum side setbacks, except when siding on a street such setback shall be a minimum of 15 feet. All other duplex lots shall have a minimum of ten-foot-wide side building setbacks, except when siding on a street such setback shall be a minimum of 15 feet.

**(E) Intensity of use.**

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

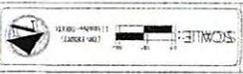
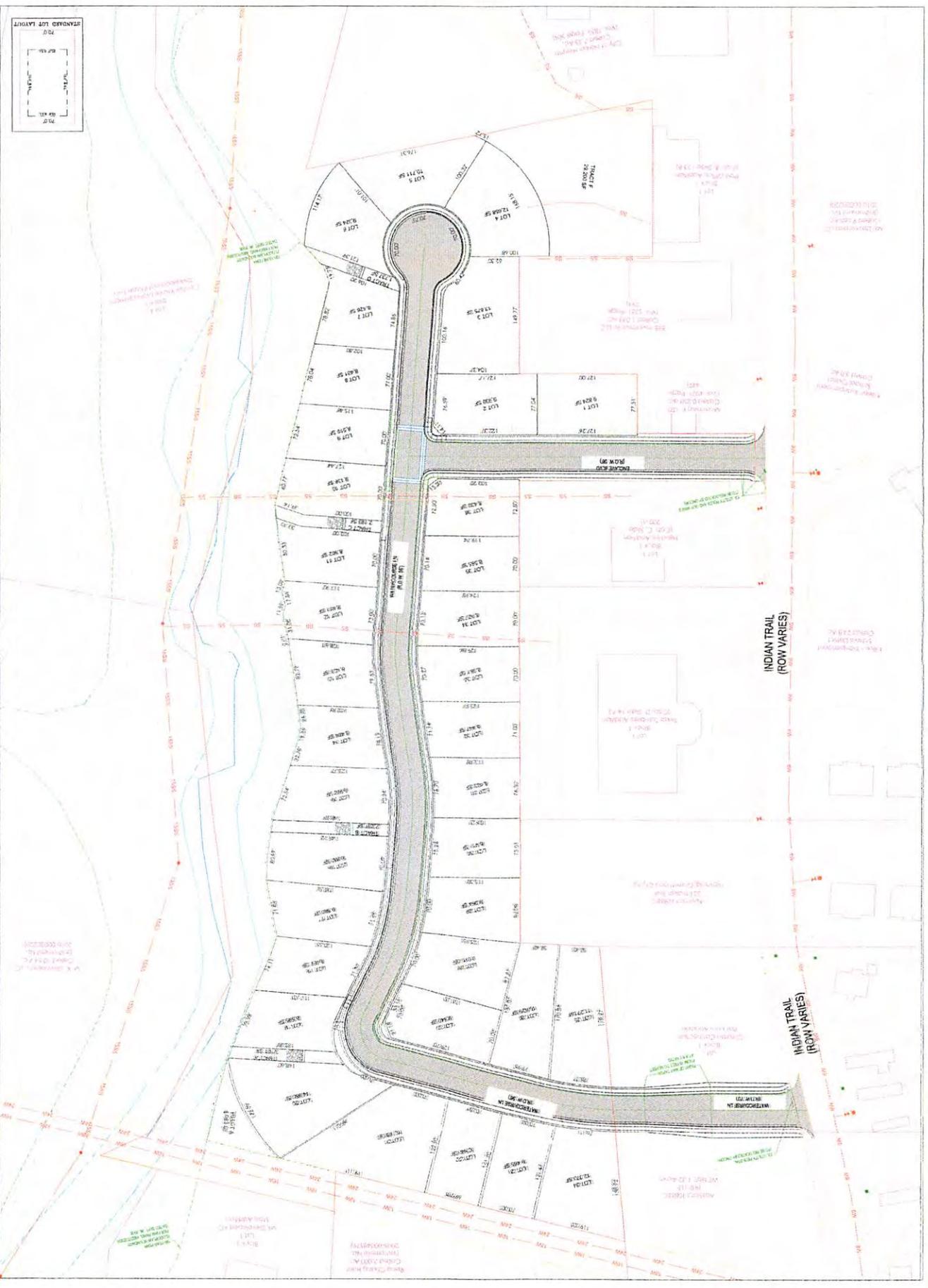
(2) The minimum lot area shall be 7,800 square feet for lots in the Wildewood Subdivision and duplex lots platted prior to November 8, 2006. All other duplex lots shall contain a minimum lot area of 8,400 square feet, and an average width of not less than 70 feet.

**(F) Parking regulations.** As per §§ 155.061 through 155.068.**(G) Additional use, height, and area regulations.** Additional use, height, and area regulations and exceptions are found in § 155.040.**(H) Signs.** Same as in R-1 district.**(I) Storage.** Open storage is prohibited, except for materials for the residents' use such as firewood, gardening materials, and similar materials.

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

**(K) Architectural design.** R-2 buildings shall be designed to avoid repetitions of buildings or roof lines, and the same elevation may not be used within any five lot groupings. Primary entrances shall face the public street. Windows shall be provided with trim or recessed, rather than flush with exterior wall treatment.

(Ord. 2001-36, passed 11-13-01; Am. Ord. 2006-40, passed 10-24-06; Am. Ord. 2012-01, passed 2-14-12; Am. Ord. 2012-04, passed 3-27-12; Am. Ord. 2016-24, passed 10-11-16)



Name: Think Builders  
 Authorized Agent: Cheryl Dierker, LUC  
 Proposed Name: The Enclave at Indian Trail  
 Located On: Indian Trail Road, Durham, NC

CONCEPT PLAN: THE ENCLAVE AT INDIAN TRAIL

ORDINANCE NO. 2016-05

**AN ORDINANCE GRANTING PLANNED DEVELOPMENT-RESIDENTIAL (PD-R) ZONING WITH CONDITIONS ON APPROXIMATELY 13.569 ACRES, BEING THREE PARCELS OUT OF THE W.E. HALL SURVEY, ABSTRACT NO. 1086, THE S.H. OSBORNE SURVEY, ABSTRACT NO. 646, AND THE J.M. ROBERTS SURVEY, ABSTRACT NO. 723, GENERALLY LOCATED NEAR INDIAN TRAIL NORTH OF CLORE ROAD AND SOUTH OF VETERANS MEMORIAL BOULEVARD**

**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 following-described property previously zoned R-2 (Two-Family Dwelling District) and M-1 (Light Manufacturing District), be and is hereby rezoned to PD-R (Planned Development- Residential District), subject to changes shown in the attached Exhibit B (Amended R1-A Single-Family Garden Home Residential District) and conditions described in the attached Exhibit C (The Enclave PD-R Conditions) and attached Exhibit D (The Enclave Lot Layout):

**PARCEL 1:**

±3.003 ACRES OF LAND IN BELL COUNTY, TEXAS, PART OF THE W.E. HALL SURVEY, ABSTRACT NO. 1086 AND THE LAND HEREIN DESCRIBED BEING PART OF THAT CERTAIN 178.6 ACRE PARCEL OF LAND DESCRIBED IN DEED FROM L.L. CHAFIN TO PAT HARVEY HERN, BEING OF RECORD IN VOLUME 814, PAGE 232, DEED RECORDS OF BELL COUNTY, TEXAS, ALSO KNOWN AS PROPERTY ID#133469, BEING MORE PARTICULARLY DESCRIBED IN FIELD NOTES ATTACHED HERETO AS EXHBIIT A AND INCORPORATED BY REFERENCE

**PARCEL 2:**

±2.649 ACRES OF LAND IN BELL COUNTY, TEXAS, PART OF THE S.H. OSBORNE SURVEY, ABSTRACT NO. 646 AND THE W.E. HALL SURVEY, ABSTRACT NO. 1086, AND THE LAND HEREIN DESCRIBED BEING PART OF THAT CERTAIN 50 ACRE PARCEL OF LAND DESCRIBED IN DEED FROM L.L. CHAFIN TO PAT HARVEY HERN, BEING OF RECORD IN VOLUME 652, PAGE 163, DEED RECORDS OF BELL COUNTY, TEXAS, ALSO KNOWN AS PROPERTY ID#453933, BEING MORE PARTICULARLY DESCRIBED IN FIELD NOTES ATTACHED HERETO AS EXHBIIT A AND INCORPORATED BY REFERENCE

**PARCEL 5:**

±7.917 ACRES OF LAND IN BELL COUNTY, TEXAS, PART OF THE W.E. HALL SURVEY, ABSTRACT NO. 1086 AND THE J.M. ROBERTS SURVEY, ABSTRACT NO. 723, AND BEING A PART OF THE ACREAGE DESCRIBED IN WARRANTY DEED RECORDS UNDER INSTRUMENT #2007-00016020, AND CORRECTED UNDER INSTRUMENT #2010-00030220, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY BELL COUNTY, TEXAS, ALSO KNOWN AS PROPERTY ID#453977, BEING MORE PARTICULARLY DESCRIBED IN FIELD NOTES ATTACHED HERETO AS EXHBIIT A AND INCORPORATED BY REFERENCE

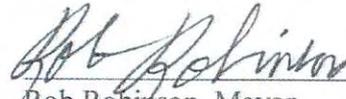
**SECTION 3:** Table VII, Table of Special Ordinances, of the Code is hereby supplemented by adding the following entry:

<u>Ord. No.</u>	<u>Date Passed</u>	<u>Description</u>
2016-05	03/08/16	Granting Planned Development - Residential District (PD-R) with conditions on Approximately 13.569 acres, being three parcels out of the W.E. Hall survey, abstract no. 1086, the S.H. Osborne survey, abstract no. 646, and the J.M. Roberts survey, abstract no. 723

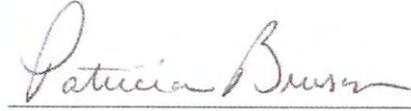
**SECTION 4:** All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

**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 March 8, 2016.

  
\_\_\_\_\_  
Rob Robinson, Mayor

ATTEST:

  
\_\_\_\_\_  
Patricia Brunson, City Secretary



## Field Notes

### Legal Description: Parcels 1 & 2, Harker Heights

#### Parcel 1: Being a Portion of:

Parcel 1: A parcel of land in Bell County, Texas, part of the W.E. Hall Survey, Abstract No. 1086, and the land herein described being part of that certain 178.6 acre parcel of land described in deed from L.L. Chafin to Pat Harvey Hern, being of record in Volume 814, Page 232, Deed Records of Bell County, Texas.

#### Being More Fully Described below:

Commencing at the Concrete monument found on the south Right-of-Way of Veteran's Memorial Highway and the northeast corner of a certain 6 acre tract of land described in a deed from Ross & Rena Hoot, recorded in Volume 6493, Page 299, Deed Records of Bell County, Texas.

Thence  $S14^{\circ} 53' 55''W$ , along the west line of a 6 acre parcel of land, recorded in Volume 2493, Page 299, a distance of 355.96' more or less to the northerly corner of a 3 acre parcel of land, recorded in Volume 3141, Page 615, to a #5 rebar with a red plastic cap (L.S. 3612), this being the Point of Beginning.

Thence  $S64^{\circ} 18' 46''E$  a distance of 305.45' along the north line of the said 3 acre parcel of land, recorded in Volume 3141, Page 615, to a #5 rebar with a red plastic cap (L.S. #6312);

Thence with the east line of said 3 acre parcel of land, the following three courses:

Course 1:  $S77^{\circ} 51' 03''W$ , a distance of 72.84' to a #5 rebar with a red plastic cap (L.S. 6312);

Course 2:  $S39^{\circ} 38' 23''W$ , a distance of 222.42' to a #5 rebar with a red plastic cap (L.S. 6312);

Course 3:  $S05^{\circ} 03' 41''W$ , a distance of 225.98' to a #4 rebar with plastic cap (L.S. illegible); being the Southeast corner of said 3 acre parcel of land;

Thence  $N77^{\circ} 47' 18''W$ , a distance of 393.47' to a #3 rebar (no cap); being the southwest corner of said 3 acre parcel;

Thence  $N11^{\circ} 06' 29''E$ , a distance of 27.78', to a #4 rebar with yellow plastic cap (L.S. Illegible), being the northeast corner of a parcel of land recorded as Lot 1, Block 1, Texas Tumblers Addition, (cab. D Slide 14-A);

Thence  $N12^{\circ} 17' 44''E$ , a distance of 155.15', along the westerly line of said 3 acre parcel of land, to a #3 rebar (no cap) being the northwesterly corner of said 3 acre parcel of land;

Thence  $S75^{\circ} 05' 30''E$ , a distance of 221.22' along the south line of a parcel of land recorded in Volume 2493, page 299, to a #3 rebar (no cap);

Thence  $N14^{\circ} 53' 55''E$ , a distance of 350.74', to the Point of Beginning; Said parcel containing 3.003 +/- Acres, 130,793 SF.

**Parcel 2: Being a portion of:**

Parcel 2: A parcel of land in Bell County, Texas, part of the S.H. Osborne Survey, Abstract No. 646 and the W.E Hall Survey, Abstract No. 1086, and the land herein described being part of that certain 50 acre parcel of land described in deed from L.L. Chafin to Pat Harvey Hern, being of record in Volume 652, Page 163, Deed Records of Bell County, Texas.

**Parcel 2: Being More Fully Described below:**

Commencing at the Concrete monument found on the south Right-of-Way of Veteran's Memorial Highway and the northeast corner of a certain 6 acre tract of land described in a deed from Ross & Rena Hoot, recorded in Volume 6493, Page 299, Deed Records of Bell County, Texas.

Thence S14° 53' 55"W, a distance of 406.86' to a point on the east line of a 6 acre parcel recorded in Volume 2493, page 299, also being a point on the south line of a 50' wide Water Easement Recorded in Volume 500, Page 399, this being the Point of Beginning;

Thence S14° 53' 55"W, a distance of 299.84' to a #3 rebar (no cap) being the southeast corner of said 6 acre parcel;

Thence N75° 05' 30"W, a distance of 221.22', to a #3 rebar (no cap) being the northwesterly corner of a 3 acre parcel recorded in Volume 3141, Page 615;

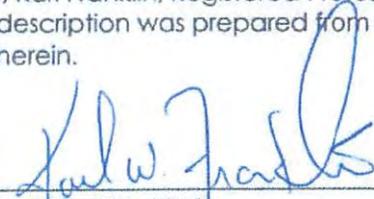
Thence N75° 01' 33"W, a distance of 100.86', to a #4 rebar with a yellow plastic cap (L.S. illegible) being the southwest corner of said 6 acre parcel;

Thence N07° 16' 45"E, a distance of 234.84' to a #3 rebar (no cap) on the west line of said 6 acre parcel;

Thence N07° 19' 01"E, a distance of 138.92', to a #5 rebar (L.S. 6312), on the west line of said 6 acre tract, said point is also on the south line of a 50' water easement recorded in Volume 500, Page 399;

Thence S64° 18' 46"E, a distance of 378.23', more or less, to the Point of Beginning. Said parcel containing 2.649+/- Acres, 115,383 SF.

I, Karl Franklin, Registered Professional Land Surveyor, do hereby certify that the above description was prepared from a survey made on the ground of the property described herein.

  
Karl Franklin, RPLS  
No. 6312, Texas

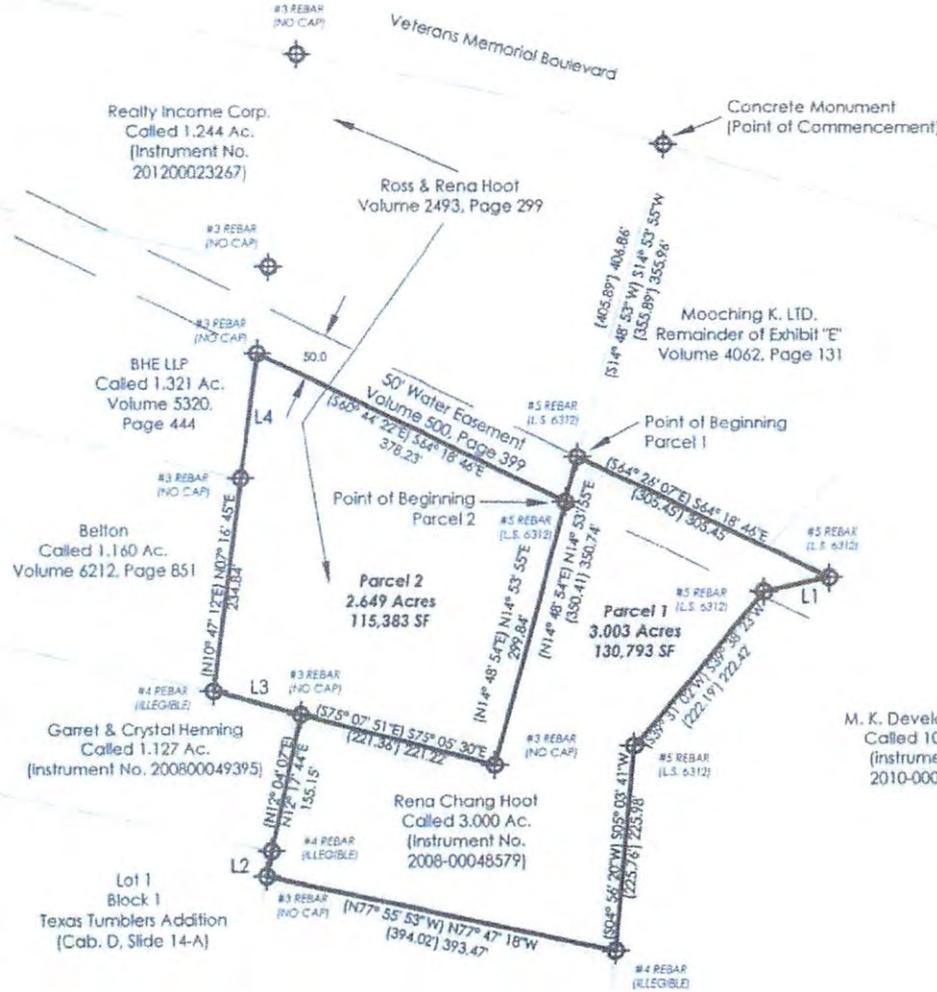


Denver Office:  
1117 Cherokee Street  
Denver, Colorado 80204  
303.670.7242 local

Evergreen Office:  
4602 Plettner Lane - 4D  
Evergreen, Colorado 80439  
866.323.5882 toll free  
[www.evstudio.com](http://www.evstudio.com)

Texas Office:  
913 South Main Street  
Copperas Cove, Texas 76522  
254.547.3930 local

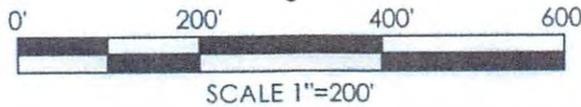
# FIELD NOTES: Parcels 1 & 2 HARKER HEIGHTS, TEXAS



*Karl W. Franklin*  
 STATE OF TEXAS  
 REGISTERED  
 KARL W. FRANKLIN  
 6312  
 PROFESSIONAL  
 LAND SURVEYOR

**Legend:**

- L1 (S78° 02' 05"W) S77° 51' 03"W (72.80') 72.84'
- L2 (N12° 04' 07"E) N11° 06' 29"E 27.78'
- L3 (N71° 36' 00"W) N75° 01' 33"W 100.86'
- L4 (N10° 47' 12"E) N07° 19' 01"E 138.92'

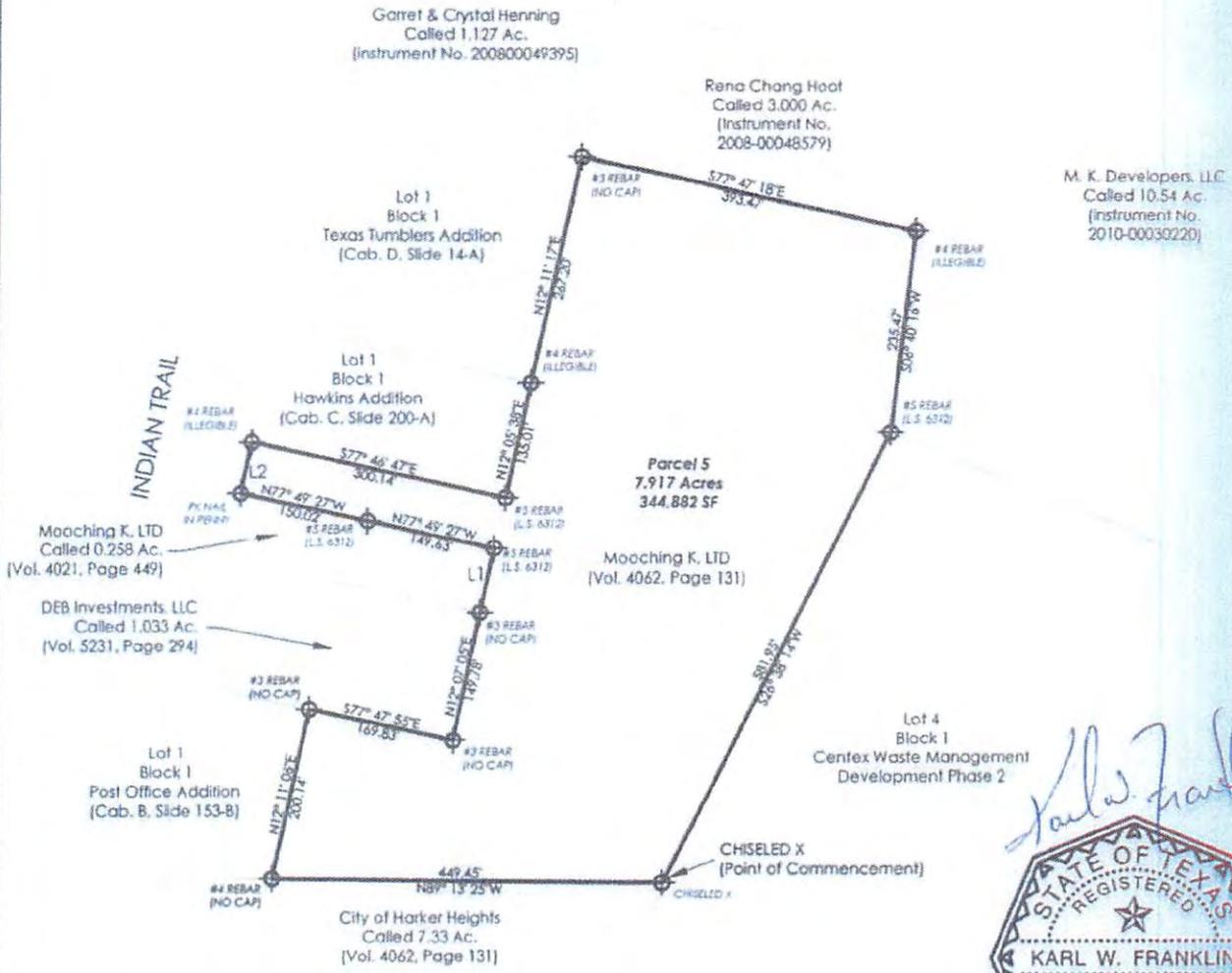


Date: 11/4/13  
 Job No: 13-145

**EVstudio**  
 civil engineering

Evergreen | Denver | Copperas Cove  
 1117 Cherokee St., Suite 100 | Denver | CO 80204  
 p: 303.670.7242 | e: [cvl@evstudio.com](mailto:cvl@evstudio.com)  
 w: [evstudio.com](http://evstudio.com) | [blog.evstudio.info](http://blog.evstudio.info)

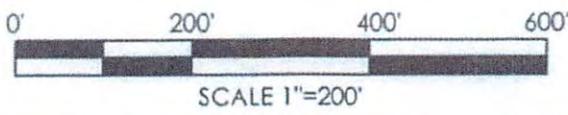
# FIELD NOTES: Parcel 5 HARKER HEIGHTS, TEXAS



*Karl W. Franklin*

11.6.13

**Legend:**  
L1 N12° 07' 05" E 75.14'  
L2 N12° 03' 00" E 60.02'



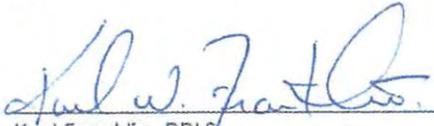
Date: 11/6/13  
 Job No: 13-145

**EVstudio**  
 civil engineering

Evergreen | Denver | Copperas Cove  
 1117 Cherokee St., Suite 100 | Denver, CO 80204  
 p: 303.670.7242 | e: [civil@evstudio.com](mailto:civil@evstudio.com)  
 w: [evstudio.com](http://evstudio.com) | blog: [evstudio.info](http://evstudio.info)

Thence S06° 40' 16"W, a distance of 235.47' to a #5 rebar (L.S. 6312) being a point along the west line of M.K. Developers, LLC parcel;  
Thence S26° 38' 14"W, a distance of 581.95' to a chiseled X, being the Point of Beginning. Said parcel containing 7.917 +/- Acres, 344,882 SF.

I, Karl Franklin, Registered Professional Land Surveyor, do hereby certify that the above description was prepared from a survey made on the ground of the property described herein.

  
Karl Franklin, RPLS  
No. 6312, Texas



Denver Office:  
1117 Cherokee Street  
Denver, Colorado 80204  
303.670.7242 local

Evergreen Office:  
4602 Plattner Lane - 4D  
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[www.evstudio.com](http://www.evstudio.com)

Texas Office:  
913 South Main Street  
Copperas Cove, Texas 76522  
254.547.3930 local



## Field Notes

### Legal Description: Parcel 5, Harker Heights

#### Being a Portion of:

A parcel of land in Bell County, Texas, part of the W.E Hall Survey, Abstract No. 1086 and the J.M. Roberts Survey, Abstract No. 723, and being a part of the acreage described in Warranty Deed Records under Instrument #2007-00016020, and Corrected under Instrument #2010-000030220, Official Public Records of Real Property Bell County, Texas.

#### Being More Fully Described below:

Beginning at a chiseled X being the southeast of Mooching K, LTD parcel recorded at Volume 4062, Page 131 also being the northeast corner of City of Harker Heights parcel;  
 Thence N89° 13' 25"W, a distance of 449.45' to a #4 rebar (no cap) being the southwest corner said Mooching K, LTD parcel and being the southeast corner of Lot 1, Block 1, Post Office Addition parcel;  
 Thence N12° 11' 06"E, a distance of 200.14' to a #3 rebar (no cap) being the northeast corner of said Post Office Addition parcel;  
 Thence S77° 47' 55"E, a distance of 169.83' to a #3 rebar (no cap) being the southeast corner of DEB Investments, LLC parcel called 1.033 acres;  
 Thence N12° 07' 05"E, a distance of 149.78' to a #3 rebar (no cap) being the northeast point of said 1.033 acres parcel;  
 Thence N12° 07' 05"E, a distance of 75.14' to a #5 rebar (L.S. 6312) being a point along said Mooching K, LTD parcel;  
 Thence N77° 49' 27"W, a distance of 149.63' to a #5 rebar (L.S. 6312) being a point along said Mooching K, LTD parcel;  
 Thence N77° 49' 27"W, a distance of 150.02' to a PK nail in penny being a point along the east Right-of-Way line of Indian Trail;  
 Thence N12° 03' 00"W along the east Right-of-Way line of Indian Trail, a distance of 60.02' to a #4 rebar (illegible);  
 Thence S77° 46' 47"E, departing the east Right-of-Way line of Indian Trail, a distance of 300.14' to a #5 rebar (L.S. 6312) being southeast corner of Lot 1, Block 1, Hawkins Addition parcel;  
 Thence N12° 05' 38"E, a distance of 135.01' to a #4 rebar (illegible) being the northeast corner of said Hawkins Addition parcel;  
 Thence N12° 11' 17"E, a distance of 267.20' to a #3 rebar (no cap) being the northwest corner of said Mooching K, LTD parcel and being a point along the east line of Lot 1, Block 1, Texas Tumblers Addition parcel;  
 Thence S77° 47' 18"E, a distance of 393.47' to a #4 rebar (illegible) being the northeast corner of said Mooching K, LTD parcel and being the southeast corner of Rena Chang Hoot parcel called 3.00 acres;

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 Denver, Colorado 80204  
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Texas Office:  
 913 South Main Street  
 Copperas Cove, Texas 76522  
 254.547.3930 local

**§ 155.022 R1-A SINGLE-FAMILY GARDEN HOME RESIDENTIAL DISTRICT.**

(A) *Permitted uses.* Any use permitted by right in the R-1 District, if it meets required standards.

(B) *Conditional uses.* Any conditional use permitted in the R-1 District, if it meets required standards.

(C) *Height regulations.* Same as in R-1 District.

(D) *Area regulations.*

(1) *Front yard.* There shall be a front yard having a depth of not less than 20 feet. Where lots have double frontage running through from one street to another, the required front yard shall be provided on both streets.

(2) *Side yard.* The minimum side yard setback for any corner lot shall be ~~15~~ 5 feet. ~~Other residences may be located such that one of the side yards will be zero; that is, the building may be constructed on the property line, provided:~~

(a) The minimum spacing between residences must be ~~15~~ 10 feet, ~~except that if the "R-1-A" lot is adjacent to and shares a common boundary with a lot zoned "R-1," the required minimum spacing between structures shall not be less than 15 feet;~~

(b) ~~The wall located on the property line shall be constructed and maintained in accordance with all other applicable codes and ordinances; and~~

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

(3) *Rear yard.* There shall be a rear yard having a depth of not less than 20 feet.

(E) *Intensity of use.* All projects must contain a minimum of one and one half acres of property. No subdivision may contain less than ten individual lots.

(1) *Lot area.* No building shall be constructed on any lot less than 4,600 square feet of area.

(2) *Lot width.* The width of the lot shall not be less than 46 feet at the front street building line, nor shall its average width be less than 46 feet. On corner lots, with two street frontages, the minimum width shall be not less than 55 feet.

(3) *Lot depth.* The average depth of the lot shall be not less than 100 feet, except that a corner lot having a minimum width of not less than 55 feet may have an average depth of less than 100 feet, provided that the minimum depth is not less than 90 feet.

(F) *Parking regulations.* Same as in R-1 District.

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

(H) *Floor area.* Minimum livable floor area shall be ~~1,500~~ 1,300 square feet.

(I) *Additional requirements.* All structures shall have brick ~~or stone~~ veneer on ~~75% of the exterior walls.~~

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

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

## *Exhibit "C"*

### ***THE ENCLAVE***

#### ***Planning & Development Department***

#### **Staff Conditions**

1. Maximize green spaces while minimizing the total amount of driveway coverage.
2. All units shall be at least 3-sides masonry with a rear façade of masonry/cementitious material combination. Gables may be a cementitious material. Second floor walls may also be cementitious provided they are not adjacent to another second-story building.
3. No masonry fences will be permitted between units that are less than 12 feet apart as measured from wall to wall.
4. All front facing fences when located between units less than 12 feet apart must have a 3-foot wide gate.
5. All parallel walls less than 25 feet apart must be 100% masonry
6. If units are less than 12 feet apart, eaves between the units may not protrude beyond 16 inches from the wall
7. If possible alternate different textures, colors, materials and architectural treatments on houses to add visual interests to the area
8. Develop window configuration that break the line of sight between houses
9. Vary building placement to increase variation in facades and more articulated building edges
10. Take advantage of existing topography and natural features (i.e. existing trees) to maintain appropriate grade levels consistent with surrounding structures and to enhance the aesthetics of the area.



3441 Perimeter Circle, Suite 125  
Denver, CO 80231  
201 E. 1st Avenue, #113  
Colorado Springs, CO 80903  
info@lititudepro.com  
AUSA@LititudePro.com

# The Enclave at Parker Heights Lot Layout Exhibit

CE-16-70

CONTRACT NO. 2016-0001  
PROJECT NO. 16-0001  
DATE: 08/18/16  
BY: [Signature]

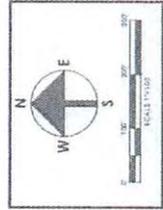
PREPARED BY: [Signature]  
CHECKED BY: [Signature]

CONCEPTUAL  
SITE PLAN

## C1.0



**Typical Lot Size Note:**  
1. The size of each lot shall be based on the average lot size of 10,000 sq. ft. ± 10%.



Bell County  
Shelley Coston  
County Clerk  
Belton, Texas 76513



70 2016 00008968

Instrument Number: 2016-00008968

As  
Recordings

Recorded On: March 11, 2016

Parties: CITY OF HARKER HEIGHTS

To EX PARTE

Billable Pages: 12

Number of Pages: 13

Comment: SHAWN

( Parties listed above are for Clerks reference only )

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

Recordings	55.00
Total Recording:	55.00

\*\*\*\*\* 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: 2016-00008968

Receipt Number: 262619

Recorded Date/Time: March 11, 2016 01:54:26P

User / Station: H Ables - Cash Station 1

**Record and Return To:**

CITY OF HARKER HEIGHTS  
305 MILLERS CROSSING  
HARKER HEIGHTS TX 76548

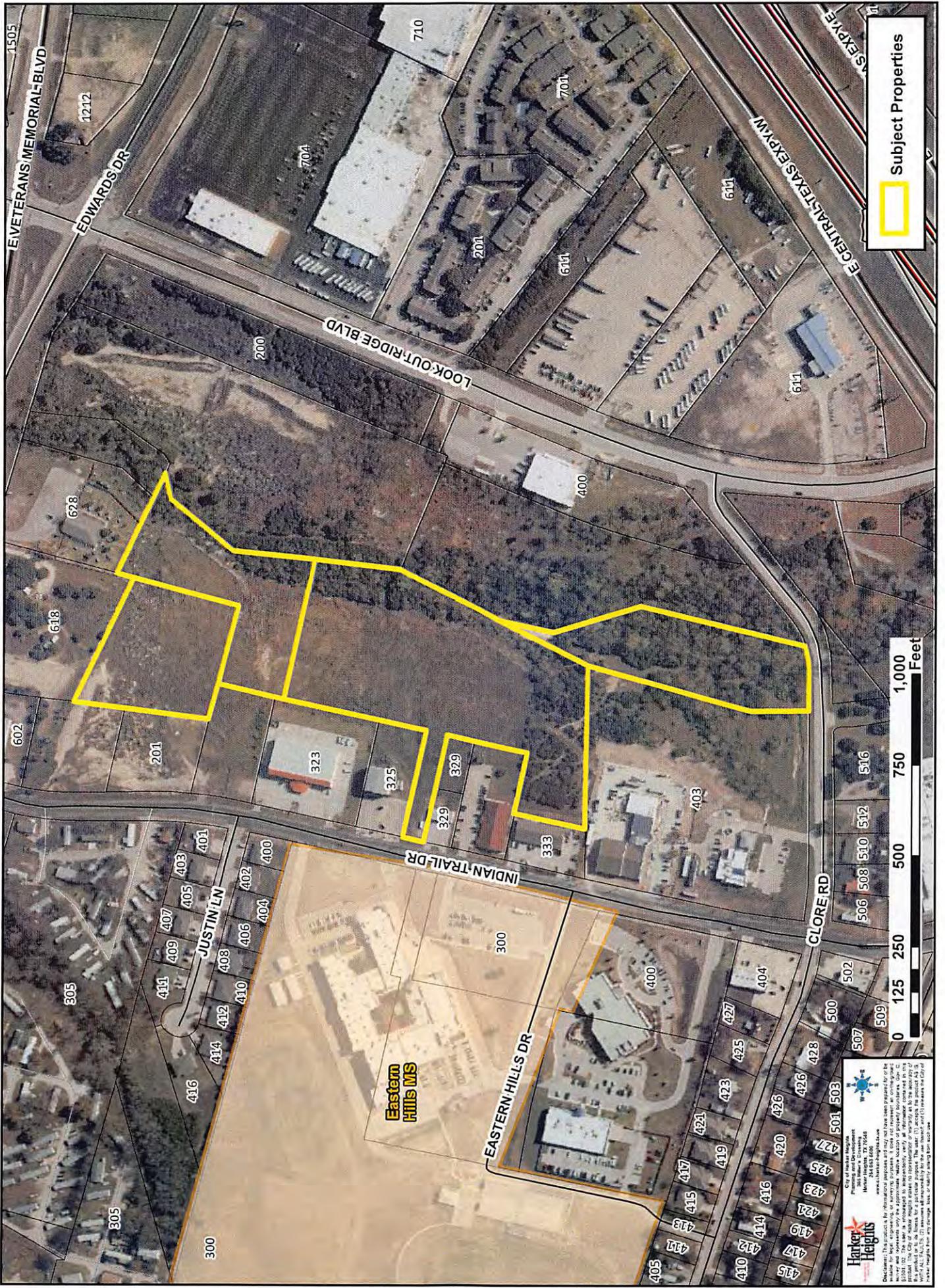


I hereby certify that this instrument was filed on the date and time stamped hereon and was duly recorded in the Real Property Records in Bell County, Texas

Shelley Coston  
Bell County Clerk

Z21-05

Location



**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 Harker Heights, TX 76788  
 254.685.6886  
 www.harkerheights.com

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 Subject Properties



**Legend**

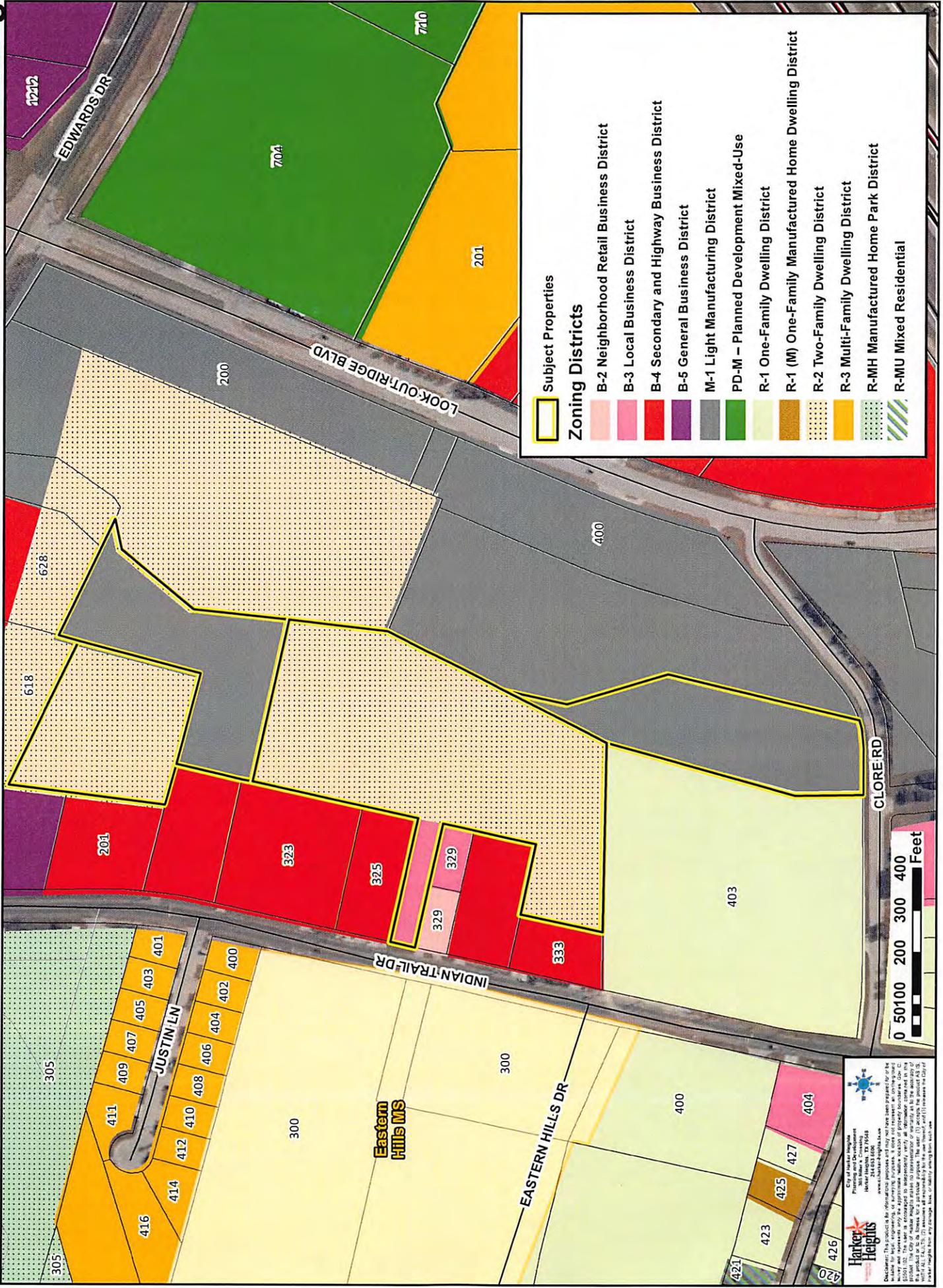
- Subject Properties
- Base Flood Elevation
- Flood Hazard Area
- Flood Zone
- Base Floodplain
- Floodway

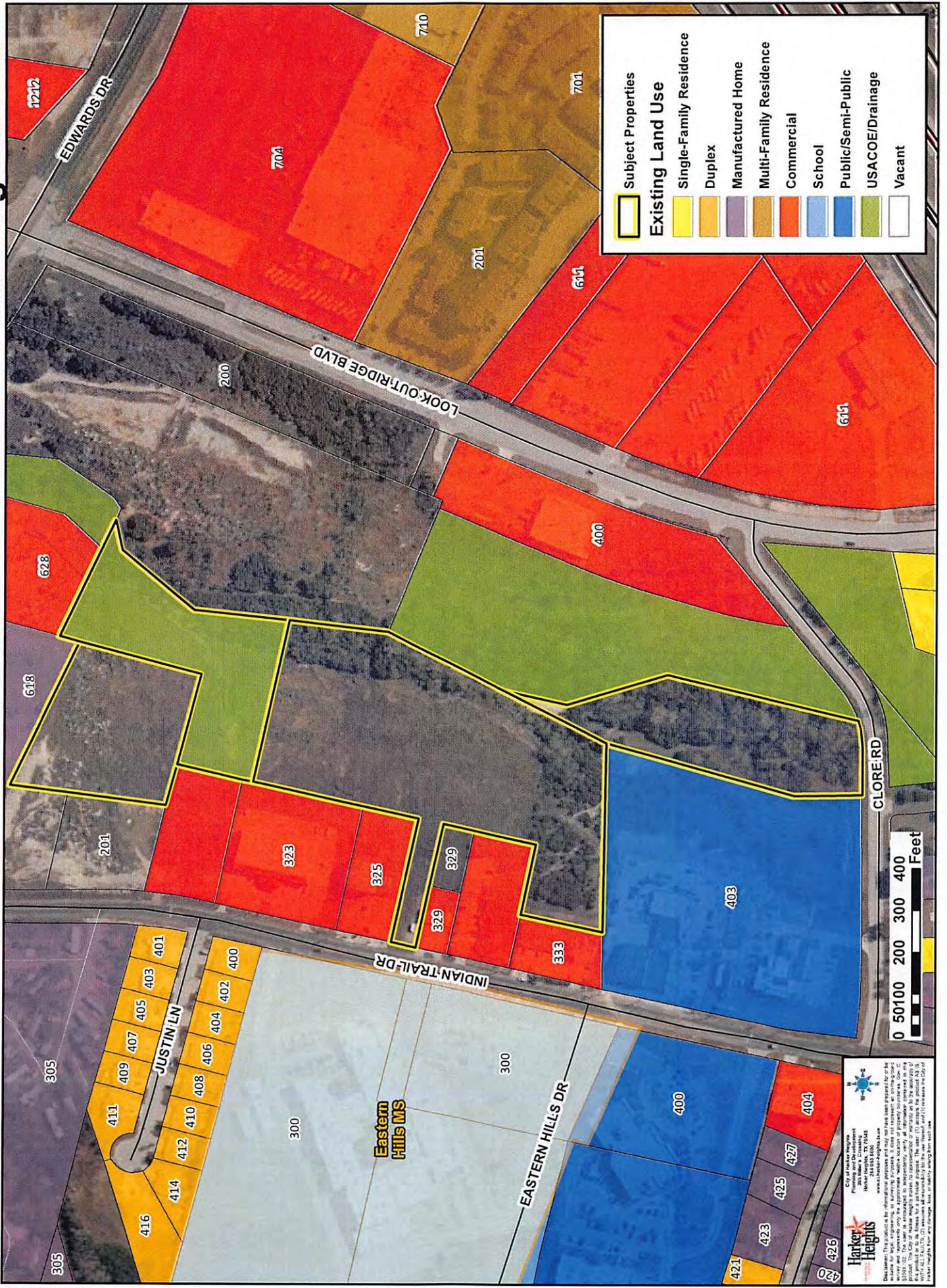


**City of Rockwall**  
 Planning and Development  
 14605 Rockwall Road  
 Rockwall, TX 75087  
 www.cityofrockwall.com

**Harper Heights**

Disclaimer: This project is for informational purposes only and has not been prepared by or for the City of Rockwall. The City of Rockwall does not warrant, represent, or guarantee the accuracy, completeness, or reliability of the information provided herein. The user is encouraged to independently verify all information covered by this project. The user shall be responsible for obtaining all necessary permits and approvals from the appropriate regulatory agencies. The user shall be responsible for obtaining all necessary permits and approvals from the appropriate regulatory agencies. The user shall be responsible for obtaining all necessary permits and approvals from the appropriate regulatory agencies.





City of Hartsville  
 Planning & Development  
 300 West Main Street  
 Hartsville, SC 29525  
 803.535.6000

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## CITY COUNCIL MEMORANDUM

**Z21-06**

**AGENDA ITEM # VII-2**

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**FROM: THE OFFICE OF THE CITY MANAGER**

**DATE: MARCH 9, 2021**

**CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, TO CHANGE THE ZONING DESIGNATION FROM PD-B (PLANNED DEVELOPMENT BUSINESS) TO PD-B WITH A T-OVERLAY (TAVERN OVERLAY) ON PROPERTY DESCRIBED AS A0288BC V.L. EVANS, ACRES 30.47, GENERALLY LOCATED AT 101 NORTH ROY REYNOLDS DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS, AND TAKE THE APPROPRIATE ACTION.**

**EXPLANATION:**

The applicant, OAR (Open Air Resorts) Harker Heights Real Estate Holdings, LLC, has submitted an application to request for a Tavern Overlay on their property located at 101 N. Roy Reynolds Drive. Within Harker Heights Code of Ordinances section 155.035 Tavern Overlay zoning shall be for the sale of alcoholic beverages to include beer and wine for on-premises consumption or for any use permitted in the B zoning of that property. Any premises zoned T shall comply with the underlying zoning, the Texas Alcoholic Beverage Code and the rules and regulations promulgated by the Texas Alcoholic Beverage Commission.

The subject property is currently under construction and falls within the early stages of infrastructure improvements. Once completed the site will aim to accommodate approximately 150 recreation vehicle (RV) spaces. The applicant explained that they desire to have the ability to sell beer and wine (with the appropriate TABC license) from within their on-site clubhouse as a part of their offered amenities. Some other amenities to be offered consist of a pool, playground, walking trails, and other outdoor activities. Since this is a one lot subdivision, the T-Overlay is requested for the entire subdivision area.

**ZONING:**

The applicant and current property owner successfully obtained a Planned Development Business (PD-B) zoning classification from the Planning and Zoning Commission on June 6, 2019, and ultimately approval from City Council on June 11, 2019. The proposed T-Overlay would be an addition to the existing PD-B.

**LAND USE:**

Adjacent land uses include:

	<b>Existing Land Use</b>	<b>Future Land Use</b>	<b>Zoning</b>
<b>North</b>	Public/Semi Public & Vacant	Mobile Home Park & Mixed Residential	R-MH (Manufactured Home Park)
<b>South</b>	Commercial	Commercial	B-4 (Secondary & Highway Business District)
<b>East</b>	Vacant	Mixed Residential & Commercial	R1-(M), R2-I, R-3
<b>West</b>	City of Killeen (Vacant)	City of Killeen (General Commercial)	City of Killeen (B-5 & Special Use Permit)

According to the Future Land Use Map within the 2007 Comprehensive Plan, the property is designated as Mobile Home Park and, in the past, has operated in such a manner as Woodlawn Mobile Home Park. The current PD-B allows for a recreation vehicle park referred to as Open Air RV Resort.

**FLOOD DAMAGE PREVENTION:**

A portion of the properties lie within the 100-year and 500-year FEMA special flood hazard area (SFHA). Reference attached FEMA Flood Map.

**NOTICES:**

Staff sent out eighteen (18) notices to property owners within the 400-foot notification area. There were zero (0) responses received in favor of the request, and zero (0) response received in opposition of the request.

**RECOMMENDATION:**

Staff made no recommendation (as it is staff's policy not to make recommendations on Tavern Overlays) to the Planning & Zoning Commission to change the zoning designation from PD-B (Planned Development Business) to PD-B with a T-Overlay (Tavern Overlay) on property described as A0288BC V.L. Evans, Acres 30.47, generally located at 101 N. Roy Reynolds Drive, Harker Heights, Bell County, Texas, based on the following in accordance to Section 155.035 of the Harker Heights Code of Ordinance, as well as

1. The proposed use will be consistent with the objectives and purposes of the zoning district in which the development is located; and
2. The proposed use will be compatible with existing or permitted uses on abutting sites; and
3. The proposed use will not be detrimental to the public health, safety, or welfare, nor will materially injure property or improvements in the vicinity.

**ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:**

Following a public hearing held on February 24, 2021, the Planning and Zoning Commission voted (6-3) to recommend approval of an ordinance to change the zoning designation from PD-B (Planned Development Business) to PD-B with a T-Overlay (Tavern Overlay) on property described as A0288BC V.L. Evans, Acres 30.47, generally located at 101 N. Roy Reynolds Drive, Harker Heights, Bell County, Texas.

**ACTION BY THE CITY COUNCIL:**

1. Motion to APPROVE/DISAPPROVE an Ordinance to change the zoning designation from PD-B (Planned Development Business) to PD-B with a T-Overlay (Tavern Overlay) on property described as A0288BC V.L. Evans, Acres 30.47, generally located at 101 N. Roy Reynolds Drive, Harker Heights, Bell County, Texas.
2. Any other action deemed necessary.

**ATTACHMENTS:**

1. Ordinance
2. Application
3. Tavern Overlay Code Section 155.035
4. Existing PD-B Ordinance 2019-16
5. Location Map
6. FEMA Flood Map
7. Zoning Map
8. T-Overlay Locations Maps
9. Existing Land Use Map
10. Future Land Use Map
11. Notification Area Map

**AN ORDINANCE GRANTING A TAVERN OVERLAY ON PROPERTY GENERALLY LOCATED AT 101 NORTH ROY REYNOLDS DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS.**

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

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

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

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

**SECTION 2:** The hereinafter-described property, as previously zoned PD-B (Planning Development Business District) is rezoned to PD-B with a Tavern Overlay (T-Overlay). The PD-B base zoning shall remain in accordance with Ordinance 2019-16.

**A0288BC V.L. Evans, Acres 30.47, generally located at 101 N. Roy Reynolds Drive, 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>
	03/09/21	Granting a T-Overlay (Tavern Overlay) on property described as A0288BC V.L. Evans, Acres 30.47, generally located at 101 N. Roy Reynolds Drive, 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 March 9, 2021

---

Spencer H. Smith, Mayor

ATTEST:

---

Juliette Helsham, City Secretary



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

# Rezoning Request Application

**\*Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED\***

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

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

**Property Owner(s) Name:** OAR Harker Heights Real Estate Holdings, LLC **Date:** 1.28.2021

**Address:** 705 Vanguard Street

**City/State/Zip:** Lakeway, TX 78734

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

**Legal Description of Property:**

Location of Property (Address if available): 101 N. Roy Reynolds Drive, Harker Heights, TX

Lot: 1 Block: 1 Subdivision: Woodlawn Addition

Acres: 31.366 Property ID: 77037 Survey: Vincent L. Evans Ab#288, doc 2020023768

*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:** Adding a beer and wine license to sell and consume onsite as one of our amenities

**Current Zoning Classification:** PD-B **Proposed Zoning:** PD-B w/Tavern Overlay

**Current Land Use:** RV Resort **Proposed Land Use:** RV Resort w/Tavern Overlay

**Applicant's Representative (if applicable):**

**Applicant's Representative:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **E-Mail:** \_\_\_\_\_

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

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

Joel Canfield  
 Printed Name of Property Owner

*[Handwritten Signature]*  
 Signature of Property Owner

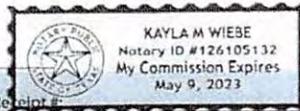
\_\_\_\_\_  
 Printed Name of Representative

\_\_\_\_\_  
 Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 29 DAY OF January, 2021

*[Handwritten Signature]*  
 SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: Mar 09 2023  
**STAFF ONLY -- DO NOT FILL OUT BELOW**



Date Submitted: 2-1-2021

Pre-Application Meeting

Receipt # \_\_\_\_\_

Received By: Widen Everett

Revised: 5/2020

Case #: 221-06

**§ 155.035 T DISTRICT.**

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

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

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

- (a) Be enclosed by a fence or wall six feet in height.
- (b) Be lighted when in use. Lighting shall be sufficient to illuminate the area in use but shall not be less than 100 watts of light for every 500 square feet.
- (c) Have all required fire extinguisher equipment in accordance with the city's adopted Fire Code.

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

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

(4) *Yard regulations.*

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

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

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

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

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

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

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

ORDINANCE NO. 2019-16

**AN ORDINANCE GRANTING PD-B ZONING ON PROPERTY LOCATED AT 101 N. ROY REYNOLDS DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS.**

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

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

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

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

**SECTION 2:** The hereinafter-described property, as previously zoned of R-MH (Manufactured Home Park District) is rezoned to PD-B (Planned Development Business) with conditions listed in "Exhibit 1 – Conditions" as attached:

A0288BC, V.L. Evans, Woodlawn Mobile Home Park, Acres 28.867, generally located at 101 N. Roy Reynolds Drive, Harker Heights, Bell County, Texas

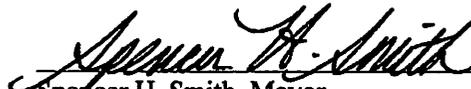
**SECTION 3:** Table VII, Table of Special Ordinances, of the Code is hereby supplemented by adding the following entry:

<u>Ord. No.</u>	<u>Date Passed</u>	<u>Description</u>
2019-16	6/11/2019	Granting PD-B zoning on property located at 101 N. Roy Reynolds Drive, Harker Heights, Texas.

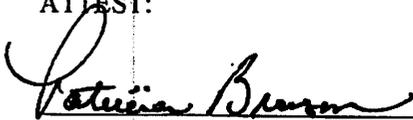
**SECTION 4:** All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

**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 June 11, 2019.

  
Spencer H. Smith, Mayor

ATTEST:

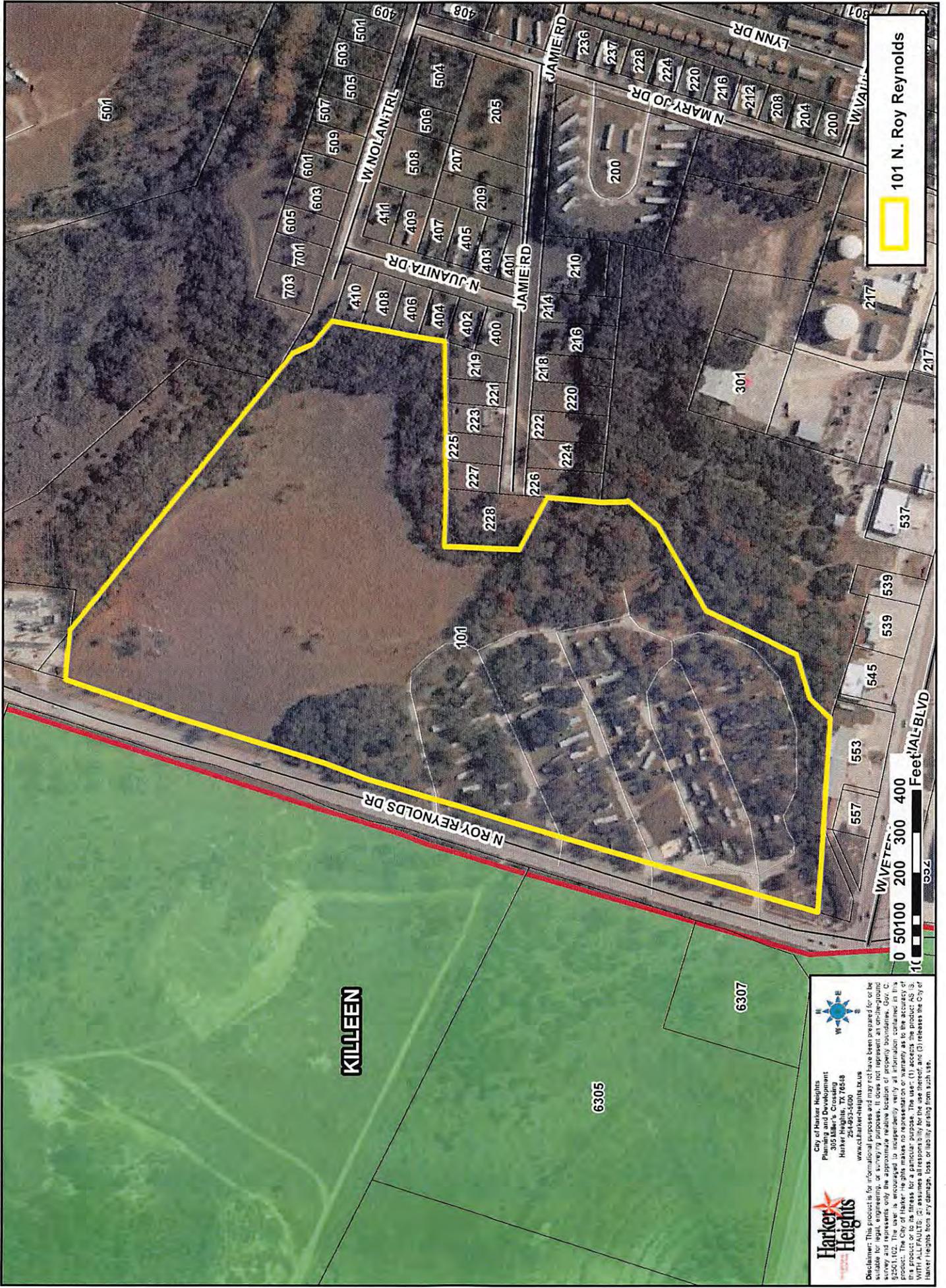
  
Patricia Brunson, City Secretary

# **Exhibit 1 - Conditions**

**Planned Development – Business (PD-B)**

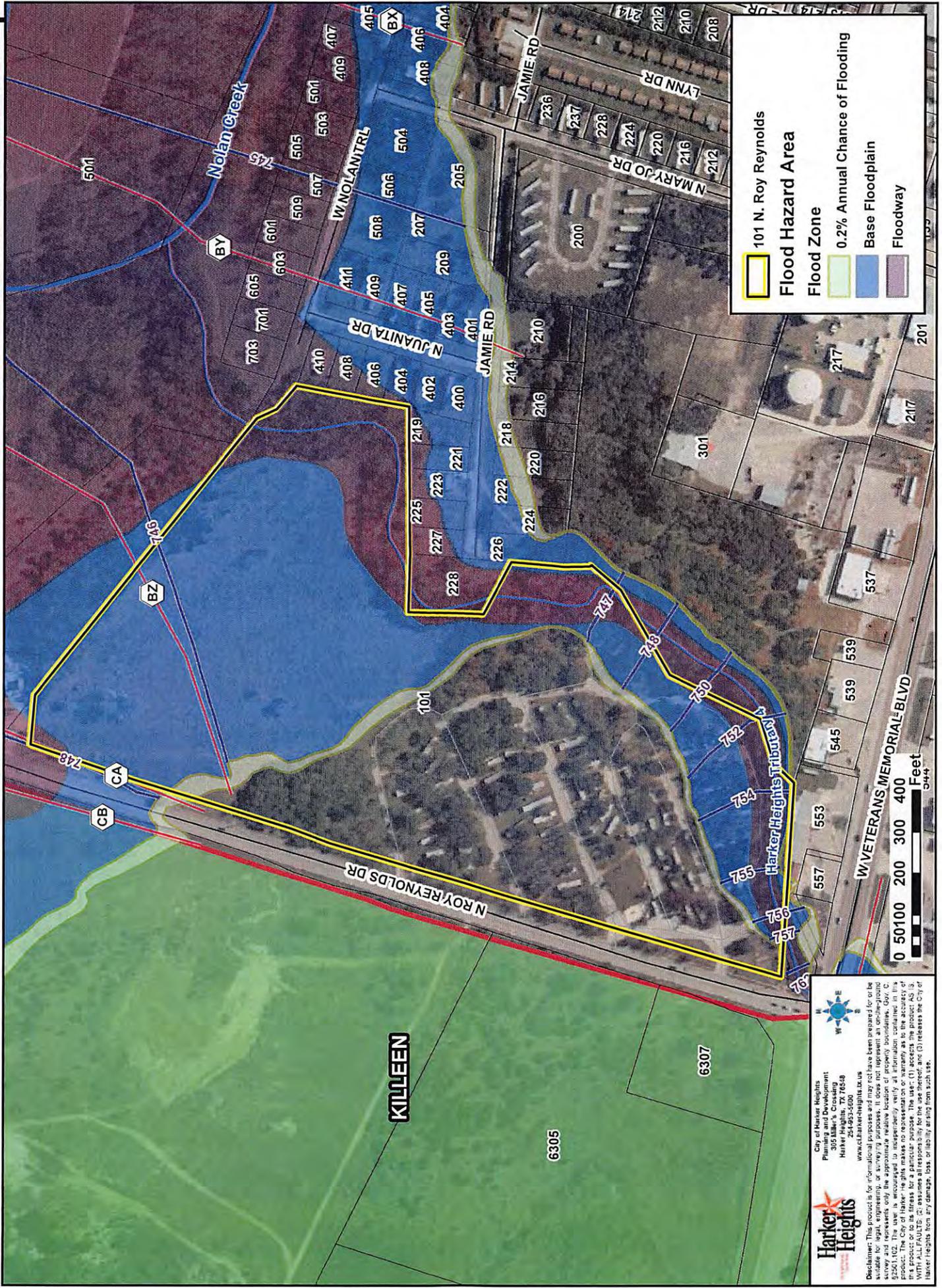
**101 N. Roy Reynolds – Luxury RV Park**

1. Recreation Vehicle housing shall be so harbored on each lot that there shall be at least a thirty-three (33) foot distance between recreational vehicles, measured from utility pedestal to utility pedestal.
2. No recreation vehicle or accessory building shall be located closer than ten (10) feet from any building, roadway, lot line, or from any property line bounding the park.
3. A minimum of one (1) parking space constructed of asphalt or concrete will be provided for off-street parking for each recreational vehicle.
4. All park lots shall abut upon an internal road way of not less than twenty-four (24) feet in width, which shall have unobstructed access to any public street, alley, or highway.
5. All internal roadways shall be well marked in the daytime and lighted at night.
6. All streets and internal roadways within the parks will be a minimum of one-inch hot asphalt cement on a four-inch base of crushed stone.
7. Any interior roadway not connected to a public street on both ends must have a turn around with a minimum radius of eighty (80) feet.
8. Recreational vehicles may occupy the park lot for no more than twelve (12) months. Request of occupancy for any period exceeding six months should be submitted in writing to the Harker Heights Building Official.
9. A recreational vehicle may be placed on a 1,300 square foot lot.
10. The planned development will have a full-time, onsite management.
11. The planned development must comply with the City's sidewalk network. At the time of development a six (6) foot sidewalk must extend from the corner of Roy Reynolds Boulevard and Veterans Memorial Boulevard to the main entrance of the park.
12. Parking – no on street parking with be allowed. Additional parking shall be provided at the entrance of the park consisting of five (5) recreational vehicle parking spaces for the purpose of check-in only.
13. The development shall adhere to all other commercial requirements as directed from the City of Harker Heights Code of Ordinances and all current, adopted building codes.



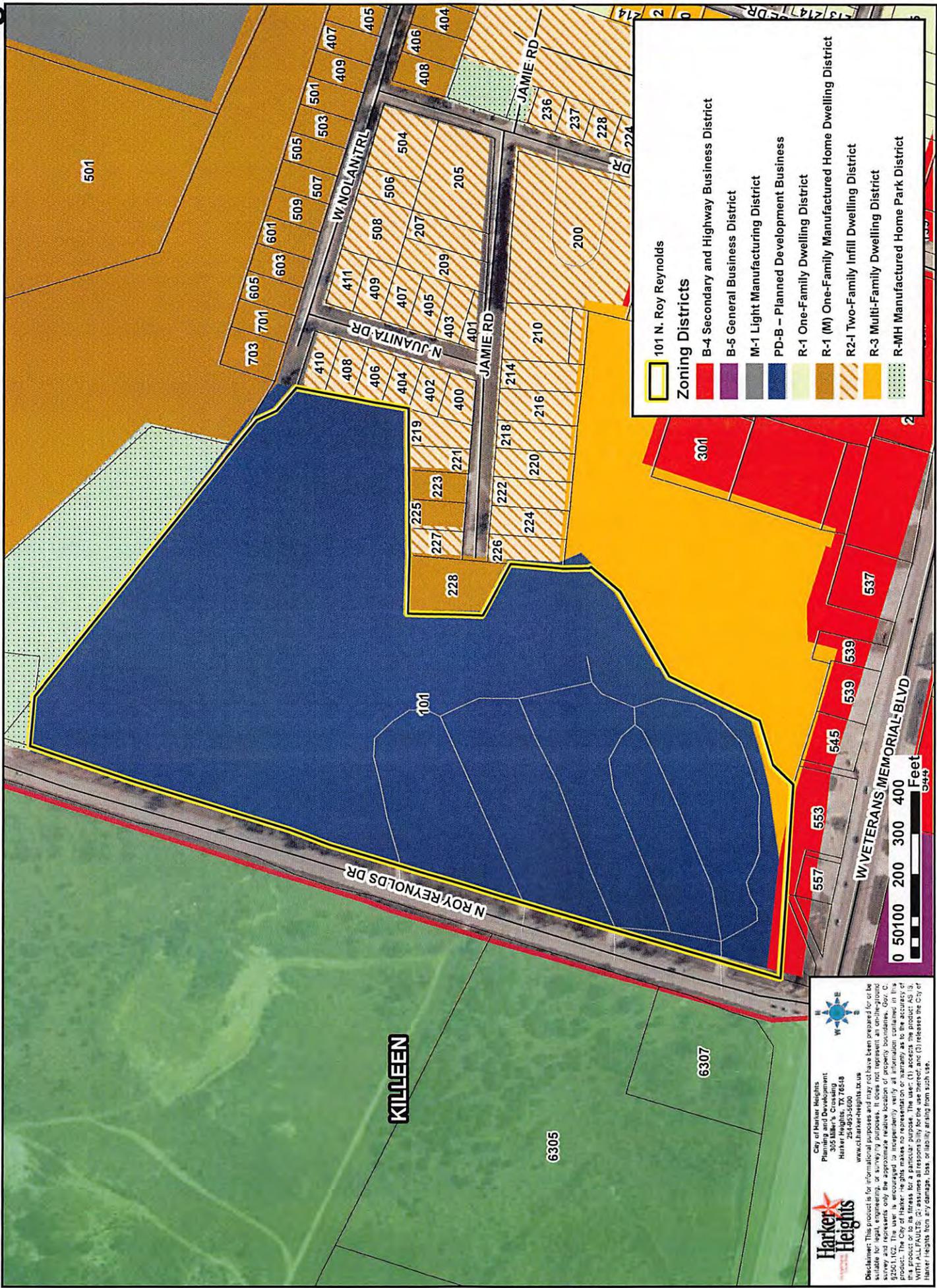
**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 305 Main's Crossing  
 Harker Heights, TX 76648  
 254-993-5600  
 www.ci.harkerheights.tx.us

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**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 305 Main St, Crossing  
 Harker Heights, TX 76548  
 254-983-6000  
 www.ci.harkerheights.tx.us

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**101 N. Roy Reynolds**

**Zoning Districts**

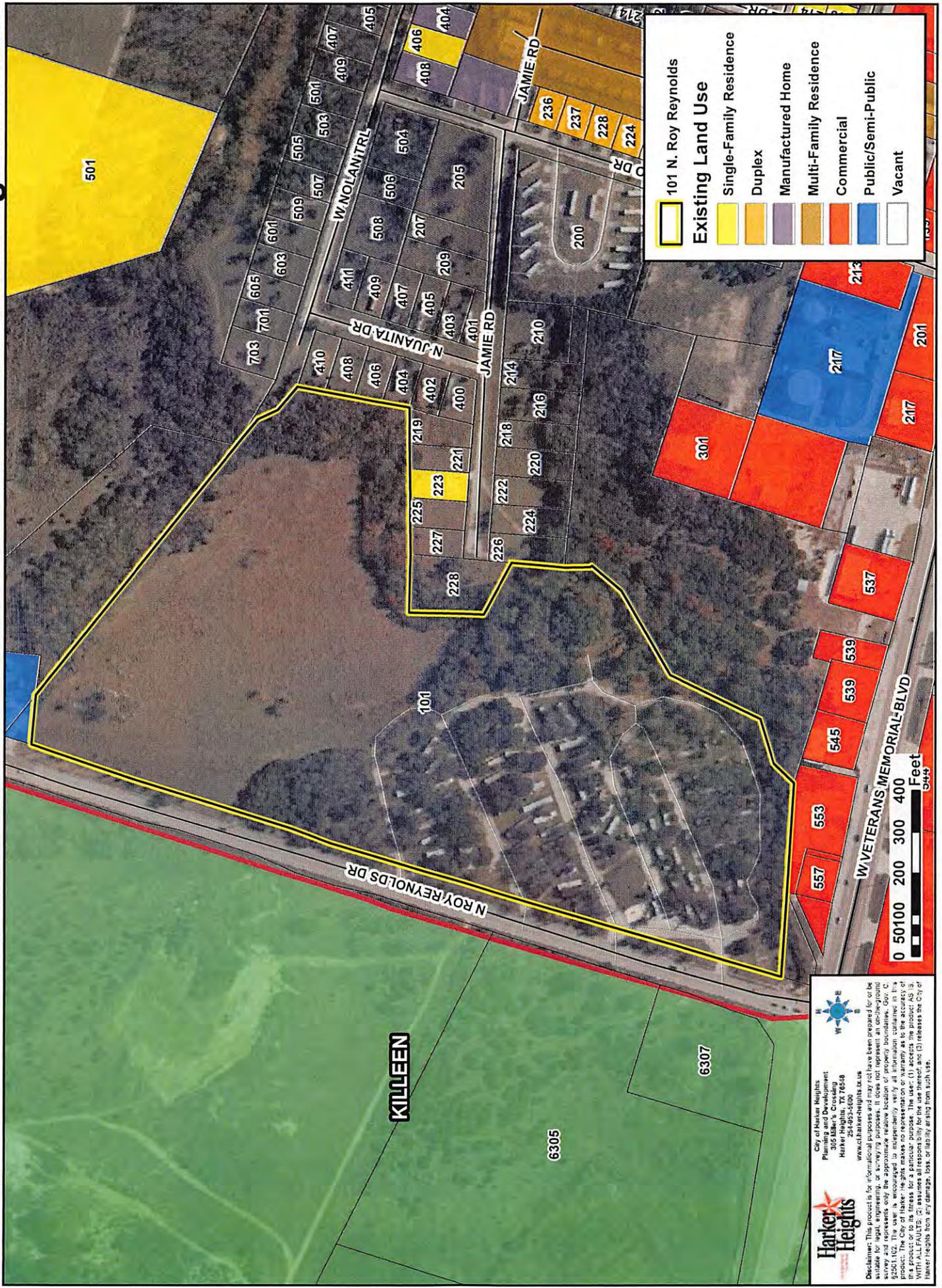
- B-4 Secondary and Highway Business District
- B-5 General Business District
- M-1 Light Manufacturing District
- PD-B – Planned Development Business
- R-1 One-Family Dwelling District
- R-1 (M) One-Family Manufactured Home Dwelling District
- R2-1 Two-Family Infill Dwelling District
- R-3 Multi-Family Dwelling District
- R-MH Manufactured Home Park District

**City of Harker Heights**  
 Planning and Development  
 305 Miller's Crossing  
 Harker Heights, TX 76048  
[www.ci.harkerheights.tx.us](http://www.ci.harkerheights.tx.us)

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101 N. Roy Reynolds

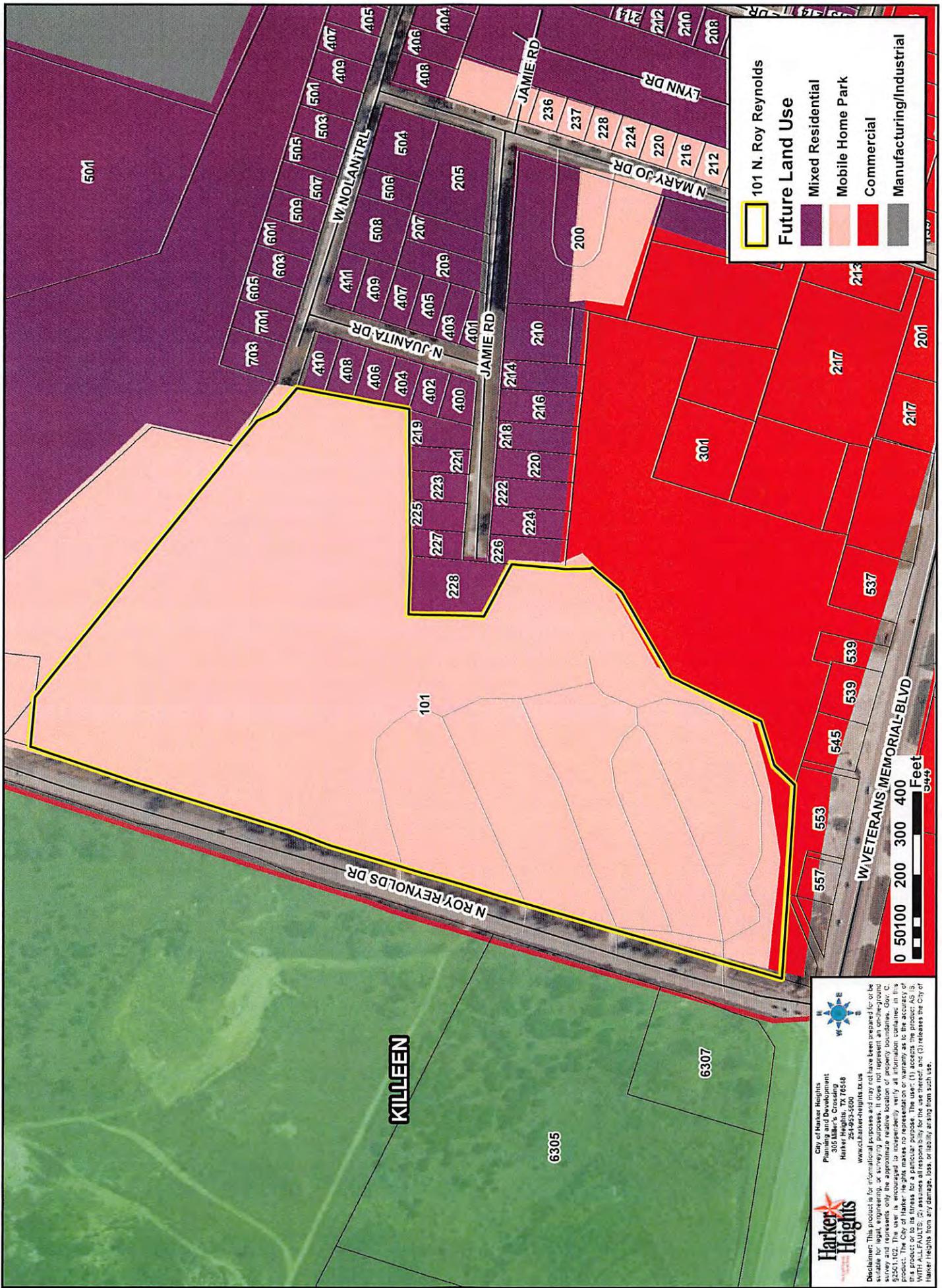
**Existing Land Use**

- Single-Family Residence
- Duplex
- Manufactured Home
- Multi-Family Residence
- Commercial
- Public/Semi-Public
- Vacant

**Harker Heights**

City of Harker Heights  
 Planning and Development  
 305 Maher's Crossing  
 Harker Heights, TX 76648  
 254-935-5606  
[www.ci.harkerheights.tx.us](http://www.ci.harkerheights.tx.us)

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**101 N. Roy Reynolds**

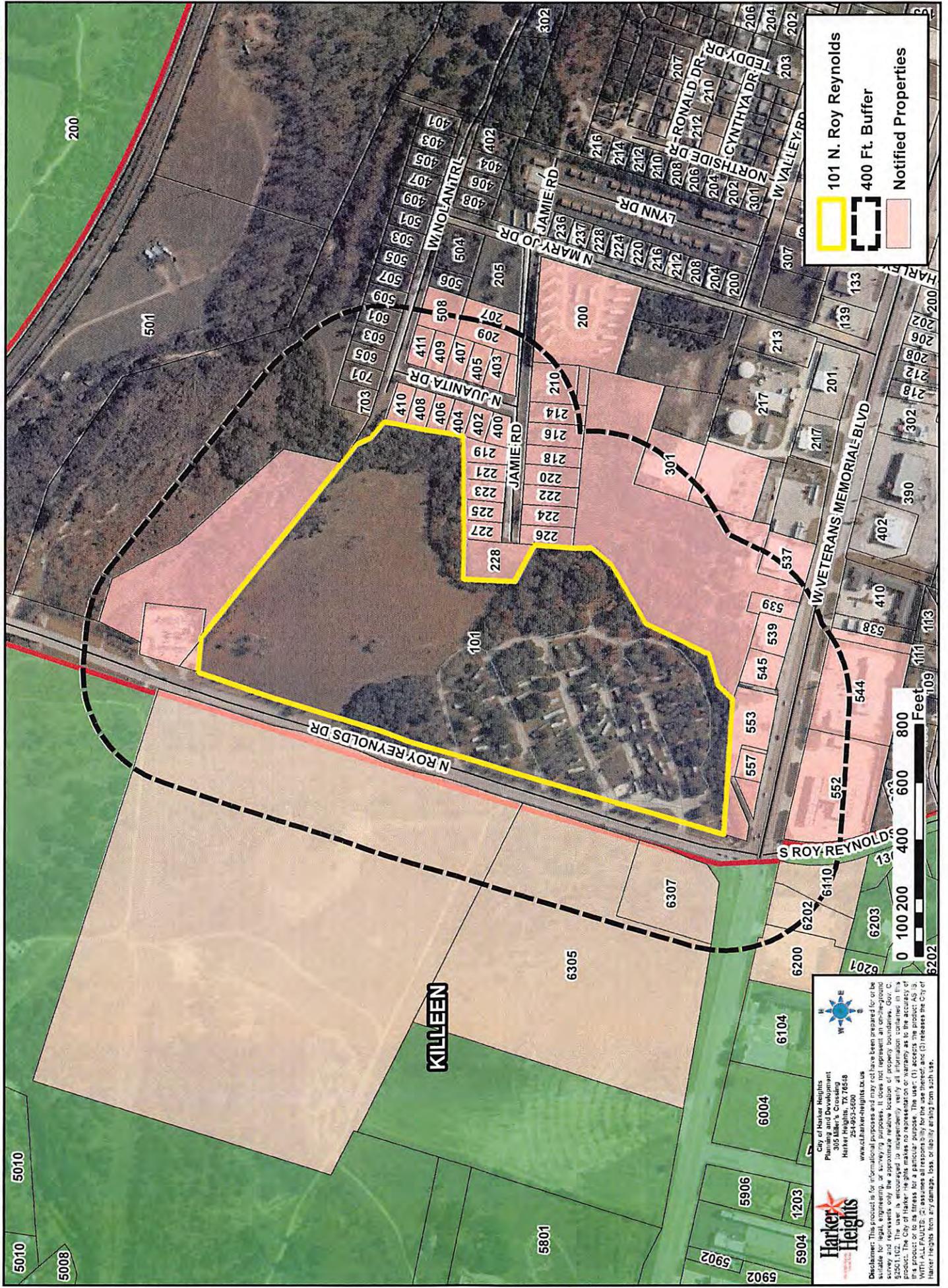
**Future Land Use**

- 101 N. Roy Reynolds
- Mixed Residential
- Mobile Home Park
- Commercial
- Manufacturing/Industrial

**Harker Heights**

City of Harker Heights  
 Planning and Development  
 305 Main's Crossing  
 Harker Heights, TX 76548  
 254-953-5000  
[www.ci.harkerheights.tx.us](http://www.ci.harkerheights.tx.us)

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101 N. Roy Reynolds

400 Ft. Buffer

Notified Properties

**Harker Heights**

City of Harker Heights  
 Planning and Development  
 305 Miller's Crossing  
 Harker Heights, TX 76648  
 254-983-6600  
 www.ci.harkerheights.tx.us

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## CITY COUNCIL MEMORANDUM

CP21-03

AGENDA ITEM # IX-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: MARCH 9, 2021

DISCUSS AND CONSIDER APPROVING A CONCEPT PLAN REFERRED TO AS THE ENCLAVE AT INDIAN TRAIL ON PROPERTY DESCRIBED AS, A1086BC W.E. HALL, ACRES 2.649, A0723BC J.M. ROBERTS, & A-1086 W.E. HALL, ACRES 3.003, A1086BC W.E. HALL, ACRES 7.917, AND CENTEX WASTE MANAGEMENT DEVELOPMENT PHASE TWO, BLOCK 001, LOT PT 4, (SW PT OF 4), ACRES 2.980, GENERALLY LOCATED EAST OF INDIAN TRAIL (FM 3423) DIRECTLY BEHIND HARKER HEIGHTS CENTRAL FIRE STATION, HARKER HEIGHTS, BELL COUNTY, TEXAS, AND TAKE THE APPROPRIATE ACTION.

### PROJECT DESCRIPTION:

The applicant, Terra Azul Developments, LLC, and their representative, Mr. Michael Carubelli, have submitted an application for Concept Plan approval for approximately 16.549 acres of vacant land. The concept plan referred to as, The Enclave at Indian Trail, outlines a single-phase duplex development consisting of thirty-six (36) two family residential lots resulting in a total of 72 dwelling units.

The development is required to extend water and wastewater infrastructure to adequately supply the subdivision. Per Harker Heights Code Section *154.37 Streets (3) Entrances to Subdivision*; new subdivisions must have at least two access streets, and other regulations for new subdivisions include the following:

- Entrances shall be 42 feet wide with a 70-foot-right-of-way for a minimum distance of 100 feet from the intersection.
- A developer may request the approval of one access street if the access street has no connecting streets, terminates in a permanent cul-de-sac, or provides access to not more than a total of 30 single-family dwelling lots or an equivalent housing unit density comprised of duplex or multi-family structures. In addition to the single point of access situation presented by streets that end in permanent cul-de-sac, a single point of access may be dictated by property configuration, safety, or access management restrictions. In determining if a new subdivision may have one point of ingress/egress, consideration shall be given to:
  - Traffic circulation and emergency vehicle access;
  - Topography and visibility distances; and
  - Traffic and pedestrian safety with due consideration given to school bus routes.

The Enclave at Indian Trail concept plan includes two proposed access points onto Indian Trail (Farm-to-Market 3423). Indian Trail is a TXDOT maintained roadway and per the City of Harker Heights (per Mobility 2030 –Thoroughfare Plan) is a designated Minor Arterial street. Staff received review comments from the Texas Department of Transportation stating that, “the northern access will only be permitted for residential subdivision access and the southern access shall be for emergency (fire use) use only and shall be gated and signed as no public access.” Therefore, the applicant has requested a waiver from section 154.37 (A) (3) to allow a single regular access for the proposed development. To offset this request, staff suggests that the back of curb to back of curb width at the subdivision’s northern entrance be increased from 42’ to 48’ and be extended from 100’ to 200’ from the entrance (off Indian Trail). Additionally, per TXDOT’s request, the second entrance will be a gated 36’ roadway for emergency only access onto Indian Trail. These conditions are in line with the conditions submitted with zoning case #Z21-05.

Staff reviewed the submitted concept plan and made comments with respect to non-compliance with code section 154.20 (A) (2) (d) (1-15), and other pertinent requirements to ensure that all developmental regulations stipulated in the City of Harker Heights Code of Ordinances will be adhered to.

#### **RECOMMENDATION:**

As of March 3, 2021, all of staff’s comments had not been addressed. Therefore, the submitted Concept Plan does not meet the standards and ordinances of the City of Harker Heights.

Staff recommended denial to the Planning & Zoning Commission of the request for the Concept Plan referred to as The Enclave at Indian Trail on property described as A1086BC W.E. Hall, Acres 2.649, A0723BC J.M. Roberts, & A-1086 W.E. Hall, Acres 3.003, A1086BC W.E. Hall, Acres 7.917, and Centex Waste Management Development Phase Two, Block 001, Lot Pt 4, (SW Pt of 4), Acres 2.980, generally located East of Indian Trail (FM 3423) directly behind Harker Heights Central Fire Station, Harker Heights, Bell County, Texas.

#### **ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:**

During the Planning & Zoning Commission meeting on February 24, 2021, the Planning and Zoning Commission voted (8-1) to recommend approval with conditions for Concept Plan referred to as The Enclave at Indian Trail on property described as A1086BC W.E. Hall, Acres 2.649, A0723BC J.M. Roberts, & A-1086 W.E. Hall, Acres 3.003, A1086BC W.E. Hall, Acres 7.917, and Centex Waste Management Development Phase Two, Block 001, Lot Pt 4, (SW Pt of 4), Acres 2.980, generally located East of Indian Trail (FM 3423) directly behind Harker Heights Central Fire Station, Harker Heights, Bell County, Texas. The Planning and Zoning stated the following as their condition for approval:

- 1. All outstanding and additional comments made by staff must be addressed and corrected to ensure code compliance prior to the City Council meeting on March 9, 2021.*

**ACTION BY THE CITY COUNCIL:**

1. Motion to APPROVE/DISAPPROVE of the Concept Plan referred to as The Enclave at Indian Trail on property described as A1086BC W.E. Hall, Acres 2.649, A0723BC J.M. Roberts, & A-1086 W.E. Hall, Acres 3.003, A1086BC W.E. Hall, Acres 7.917, and Centex Waste Management Development Phase Two, Block 001, Lot Pt 4, (SW Pt of 4), Acres 2.980, generally located east of Indian Trail (FM 3423) directly behind Harker Heights Central Fire Station, Harker Heights, Bell County, Texas.
  
2. Any other action desired.

**ATTACHMENTS:**

1. Application
2. Submitted Concept Plan – The Enclave at Indian Trail
3. Staff Comments (Comments Sent 2/27/21)
4. Location Map
5. Concept + Location Map
6. FEMA Flood Hazard Map
7. Code Section 154.20 General Residential and Commercial (Concept Plan)



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

# Concept Plan Application

\*Requirements-- MUST BE COMPLETED OR WILL NOT BE ACCEPTED\*

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

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

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

### Property Information:

Subdivision Name: The Enclave @ Indian Trail Date Submitted: 1-26-21

Site Address or General Location: Indian Trail @ Justin Lane

Zoning: PDR Acreage: 16.549 Proposed # of Lots: 36

### Owner Information/Authorization:

Property Owner: Terra Azul Developments, LLC

Address: 2501-B East Elms Rd. Killeen TX 76542

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

Developer: C.A. Doose + Co.

Address: 105 E FM 2410 Harker Heights TX 76548

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

Engineer/Surveyor: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

### CHECK ONE OF THE FOLLOWING:

I will represent the application myself.

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

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

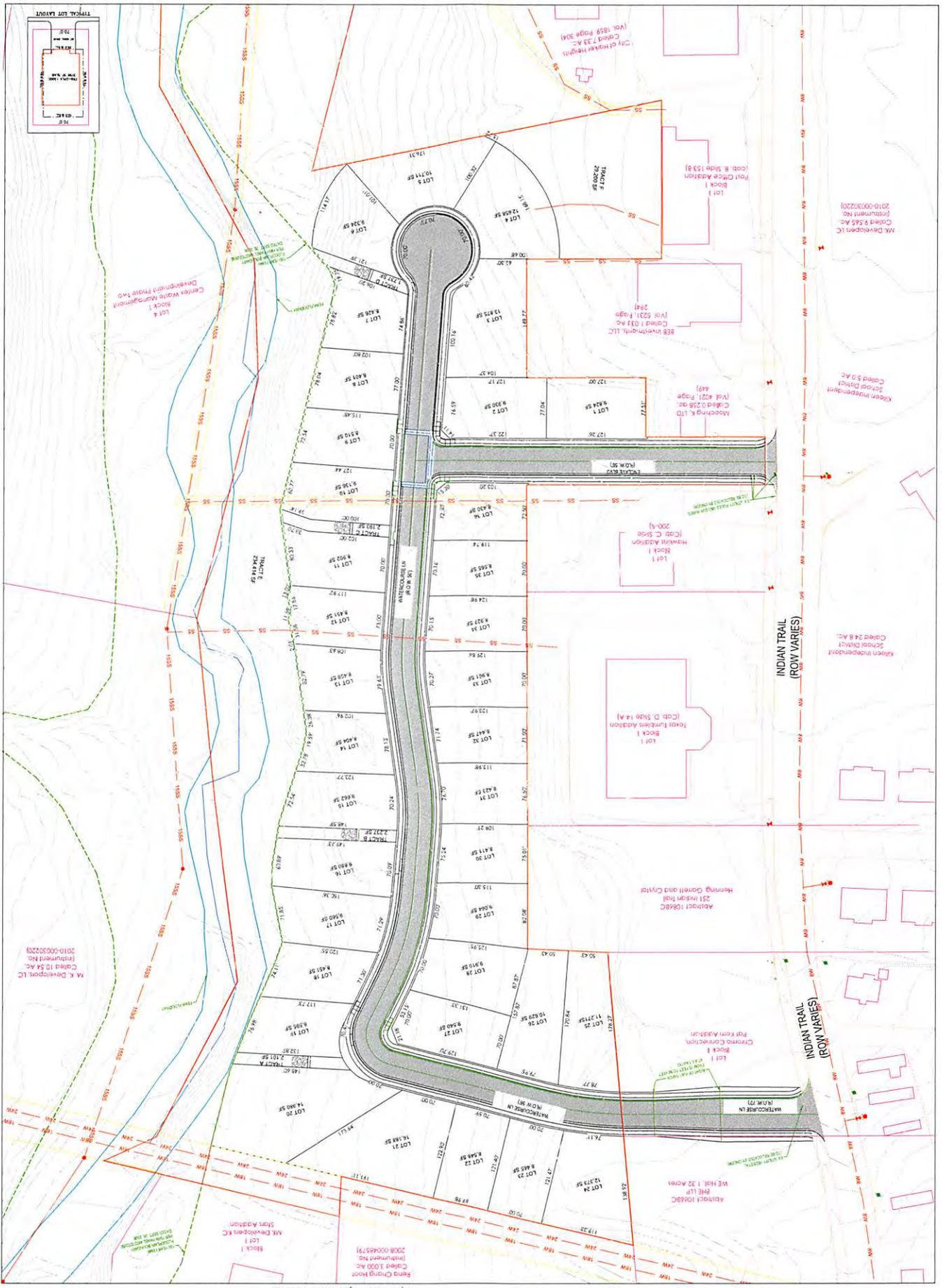
OWNER SIGNATURE: [Signature]

SWORN AND SUBSCRIBED BEFORE ME THIS 26 DAY OF Jan, 2021.

[Signature]  
 NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS MY COMMISSION EXPIRES: 3-3-24



Date Submitted: <u>1-27-2021</u>	STAFF ONLY -- DO NOT FILL OUT BELOW	Receipt #: <u>01058505</u>
Received By: <u>W. Bennett</u>	<input checked="" type="checkbox"/> Pre-Application Meeting	Case #: <u>CP21-03</u>



**SCALE:** 1" = 40' (SEE PLAN)

**Notes:**  
 1. See project size & spacing in accordance with City of Hunter Heights Code of Ordinances.  
 2. Record Owner: Terra Azul Developments, LLC  
 3. Authorized Agent: Chris Dooze  
 4. Name: Flintrock Builders

**CONCEPT PLAN: THE ENCLAVE AT INDIAN TRAIL**

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# THE ENCLAVE AT INDIAN TRAIL

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## CP21-03 – Concept Plan

Plat Distributed to HH Staff: February 26, 2021  
Comments Sent to Engineer/Surveyor: February 26, 2021

### OUTSTANDING COMMENTS/CONCERNS SHOWN AS HIGHLIGHTED TEXT

#### Planning & Development

- ~~1. The parcels within the submitted Concept Plan are currently zoned PD-R with an underlying R-1A (Ordinance 2016-05). It is staff's understanding that this concept plan was submitted concurrently with a zoning case for a PD-R with an underlying R-2. Please provide a copy of the variances being requested in the new PD-R, so that staff may verify compliance with those items. Met 2/26/21.~~
- 2. Per Section 154.20(A)(2)(d)(2), applicant shall illustrate the layout of the entire tract(s). This includes the portions of the tracts that are not identified as being developed and those that are located within the FEMA Flood Hazard area. Partially Met 2/26/21. Applicant shall provide a site layout that illustrates the entire boundary of the area included in the concept plan (southern boundary of Tract E is not illustrated).**
- 3. Per Section 154.20(A)(2)(d)(4), applicant shall clearly illustrate and annotate the line work representing the 100-year floodplain boundaries, the floodway boundaries, and the known regulatory base flood elevations. Applicant is advised that per Section 158.10(A)(3) areas of regulatory floodway shall be wholly contained within dedicated rights-of-way or easements. Partially Met 02/26/21. Applicant's proposed Tract E contains those portions of the regulatory floodway that need to be contained within a ROW or easement. Additionally, Tract E is to be dedicated to the city per zoning case Z21-05. Applicant shall illustrate and annotate the BFEs.**
- ~~4. Applicant is advised that per Section 158.11(C) the lots adjacent to the Special Flood Hazard Area will require the finished floor elevation to be a minimum of 2 feet above the ultimate base flood elevations. Met. 2/26/21 As discussed this is an advisory comment for the preliminary plat.~~
- 5. Per Section 154.20(A)(2)(d)(5), applicant shall identify which properties (tracts) are intended to be dedicated to the City of Harker Heights, the land use for the adjoining properties for a distance of 300 feet and provide a Note on the concept plan that identifies all lots as R-2 (Duplex) Development.**

- ~~6. Per Section 154.20(A)(2)(d)(6), applicant shall illustrate building placement and building envelopes. This can be illustrated within a Typical Lot Layout. Met 2/26/21.~~
- ~~7. Per Section 154.20(A)(2)(d)(7), applicant shall provide a parking layout. This can be illustrated within a Typical Lot Layout. Met 2/26/21.~~
8. Per Section 154.20(A)(2)(d)(8), applicant shall clarify if there is any proposed general landscaping or buffer areas for this development. Not Met 2/26/21. Applicant shall provide a written response that coincides with what was stated during the P&Z meeting regarding landscaping.
9. Per Section 154.20(A)(2)(d)(9), applicant shall provide location of all existing and proposed water and sewer lines. Not Met 2/26/21. See Public Works comment #4.
10. Per Section 154.20(A)(2)(d)(10), applicant shall illustrate and annotate all existing and proposed public utility easements and private easements. Please annotate/provide callouts (i.e., "U.E, D.E., P.U.E.) for all existing and proposed easements (utility, drainage, access, etc.). Not Met 2/26/21. See Public Works comment #4.
11. Per Section 154.20(A)(2)(d)(15), applicant shall provide the location of all existing and proposed fire hydrants. Not Met 2/26/21. See Public Works comment #4.

#### Public Works

1. Annotate the width of the streets on the plan view drawings. Residential streets are required to be 36' wide measured from back of curb with a 60-foot right of way. Not Met 2/26/21. Applicant shall provide a written response that coincides with what was stated during the P&Z meeting regarding the reasoning for the downsizing to a 56' ROW (i.e. only amount of land owned for the secondary entrance; in order to keep the lots outside of the SFHA; etc.)
2. Main street entrances shall be 42 feet wide with a 70-foot right of way for a minimum distance of 100 feet from the intersection. Met 2/26/21. Applicant's revised drawing illustrates the agreed upon 48' wide width and 70' ROW for the northern entrance for a distance of 200' as per the zoning case #Z21-05.
3. Annotate the width of the sidewalks on the drawing.
4. Provide locations of all existing and proposed water lines, sanitary sewer lines and storm sewer lines. Not Met 2/26/21. Applicant shall provide a written response that coincides with what was stated during the P&Z meeting regarding relocation of existing sanitary sewer services crossings through multiple proposed lots, private easements, and coverage of expenses. Additionally, applicant shall provide a proposed water and sanitary sewer public infrastructure layout to include fire hydrants.
5. Provide locations of fire hydrants. Not Met 2/26/21. See Public Works comment #4.
6. This section of Indian Trail (FM 3423) is maintained by TxDOT. Utility Installation Permits for water bore(s) will be required. Met. 2/26/21 As discussed this is an advisory comment for the preliminary plat.
7. Provide all existing and/or proposed public utility easements and private easements. Not Met 2/26/21. See Public Works comment #4.
8. Provide all existing and proposed stormwater drainage easements or onsite detention plan.

9. The volume of storm water crossing the surface of the street at the Enclave Blvd./Watercourse Lane intersection appears excessive. Please see City Ordinance Section 158.05 below.

**158.05 STREET CROSS FLOW.**

—(A) Whenever storm runoff, other than limited sheet flow, moves across a traffic lane, a serious and dangerous impediment to traffic flow occurs. Cross flow is allowed only in case of super elevation of a curve or overflow from the higher gutter on a street with cross flow. When runoff is allowed to cross from one curb line to the opposing curb line, the depth of flow shall not exceed six inches of depth at any point within the street. This policy prohibits the use of concrete valley gutters at points other than intersections. At points of concentration other than intersections, cross flows shall be contained within underground storm conduit. The crown of the street shall not be removed to allow cross flow.

—(B) In the event that underground storm drainage is not practical, cross flow shall be allowed. The crown shall be removed, and a concrete valley shall be required to convey the runoff across the street. Cross flow shall not exceed six inches of depth within the concrete valley.

(Ord. 2007-18, passed 6-26-07) Met. 2/26/21 As discussed this is an advisory comment for the preliminary plat.

Consulting Engineer

1. Drainage will be my biggest concern. I recommend no flumes for the discharge of runoff to the tributary adjacent the back lot lines. Curb inlets and underground storm sewer will be required. The flumes will be subject to erosion at the discharge/outlets and the City will not have access to repair erosion. Met. 2/26/21 As discussed this is an advisory comment for the preliminary plat.

Fire Marshal

1. No proposed water lines or hydrants are shown. Not Met 2/26/21. See Public Works comment #4.

Building Official

1. Plans should indicate the location of the fire hydrants. Not Met 2/26/21. See Public Works comment #4.
2. Provide locations of utilities. Not Met 2/26/21. See Public Works comment #4.
3. Provide storm water drainage and retention plan and calculation. No increase can be added to the adjoining special flood hazard area without a study proving no rise in the SFHA Floodway. Met 2/26/21. As discussed this is an advisory comment for the preliminary plat.
4. Plan should indicate the location of the FEMA floodway. Met 2/26/21.

ONCOR

Century Link

Time Warner Cable/Spectrum

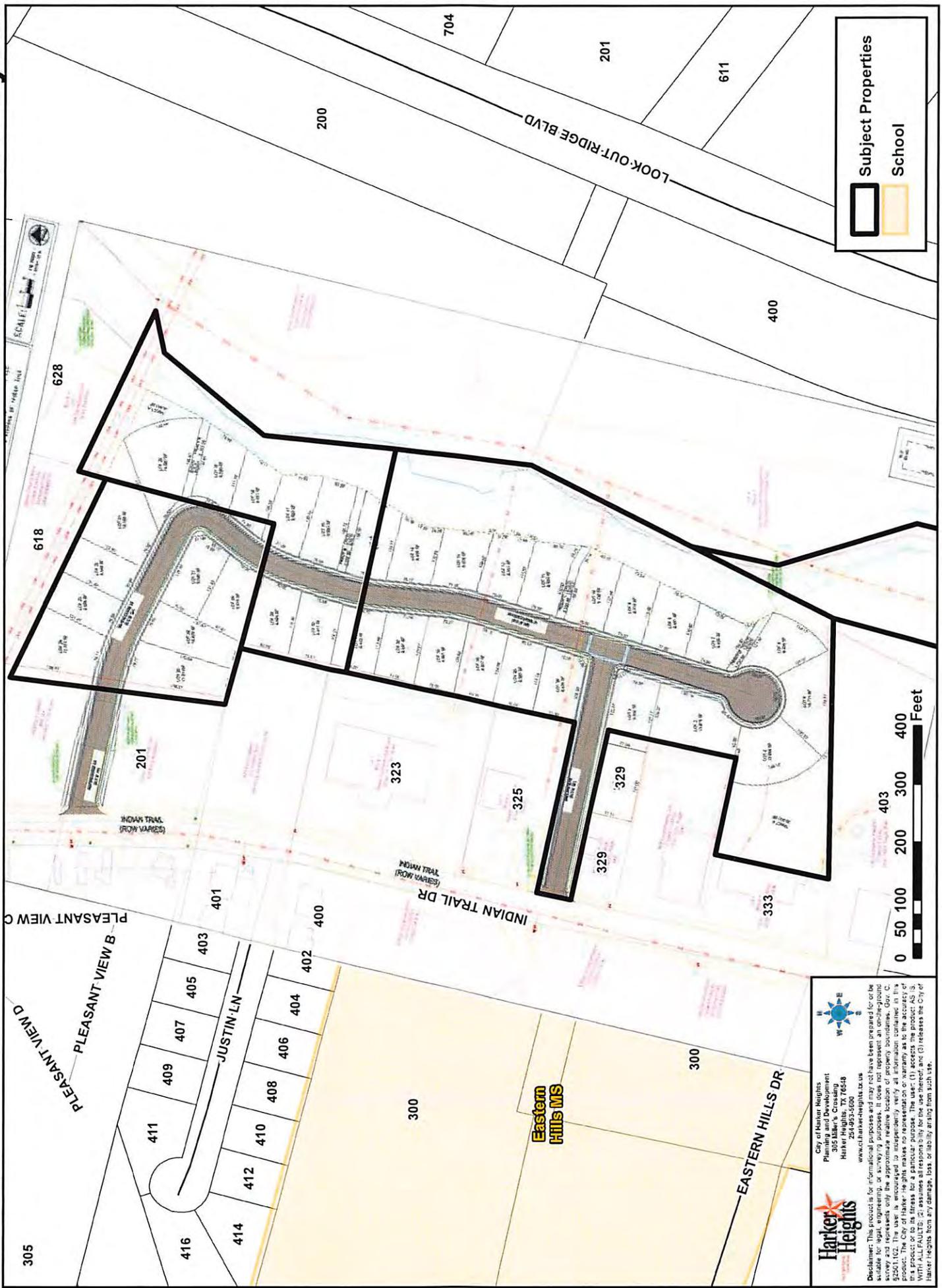
ATMOS

1. Atmos has GAS AVAILABLE at this proposed subdivision. Met 2/26/21. This is an advisory comment.
2. Gas Main (4" Poly) is located along the West Side of Indian Trail. Met 2/26/21. This is an advisory comment.

TXDOT

1. TxDOT will allow the northern access only for the residential subdivision access. The southern access shall be for emergency (fire use) use only and shall be gated and signed as no public access. The gate may be a "crash gate" or simply a locked gate to prevent public access. A traffic impact analysis is required for this development. Not Met 2/26/21. Applicant shall provide a written response that acknowledges TXDOT's response and the requirements in zoning case #Z21-05.





**Subject Properties**

**School**

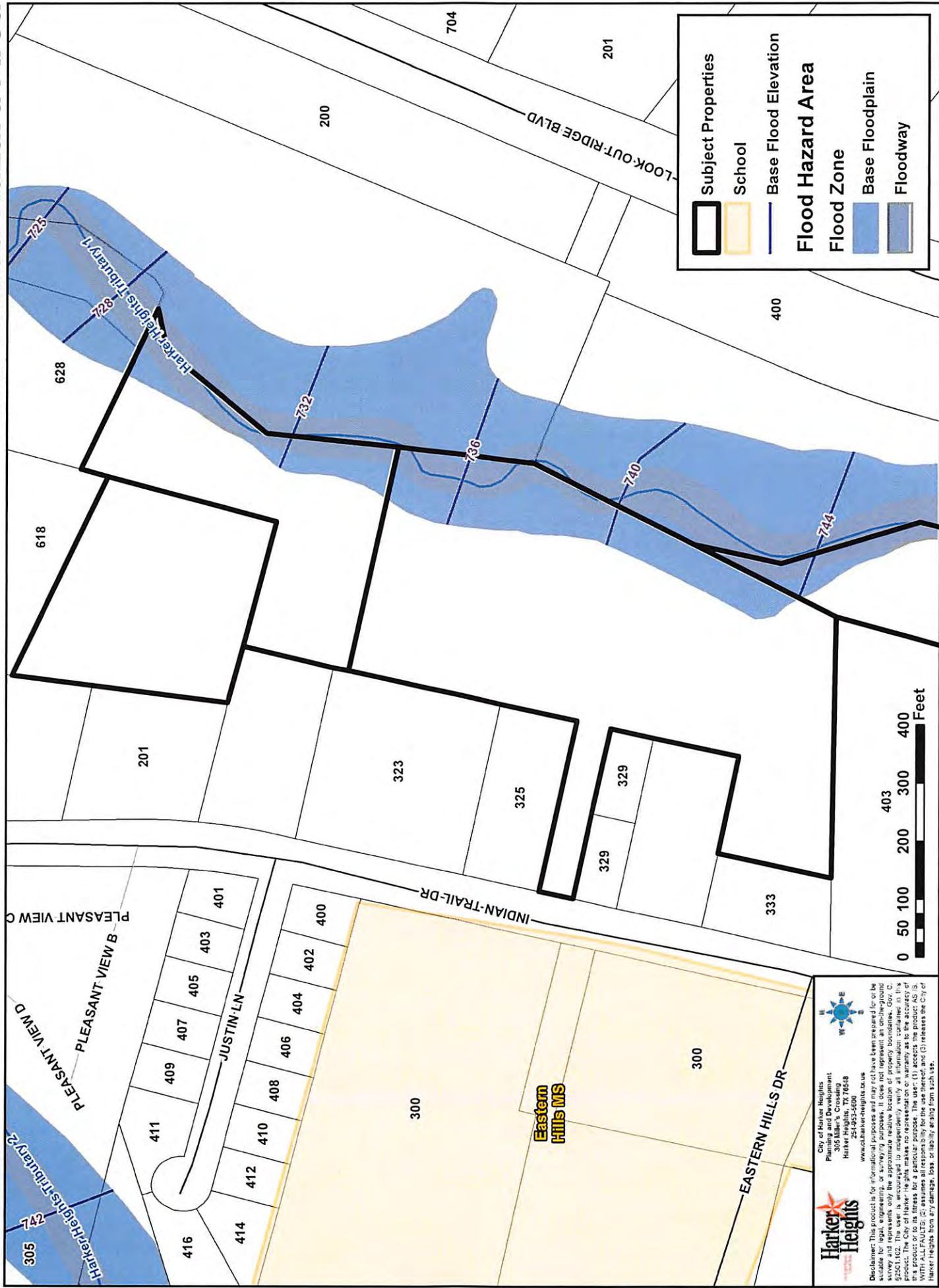


**Harker Heights**

City of Harker Heights  
 Planning and Development  
 305 Miller's Crossing  
 Harker Heights, TX 76548  
 254-953-5900  
[www.ci.harkerheights.tx.us](http://www.ci.harkerheights.tx.us)

**Eastern Hills MS**

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Subject Properties	
	School
	Base Flood Elevation
	Flood Hazard Area
Flood Zone	
	Base Floodplain
	Floodway

**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 305 Main's Crossing  
 Harker Heights, TX 76648  
 254-953-5000  
 www.ci.harkerheights.tx.us

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**§ 154.20 GENERAL RESIDENTIAL AND COMMERCIAL**

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Submission of final engineering drawings and construction of infrastructure by the applicant for approval by the Director of Planning and Development and the Director of Public Works.

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

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

(7) Filing of final plat.

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

(1) *Application.* Completed application form.

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

(3) *Copies.*

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

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

(c) A digital copy of the final plat must be submitted. Digital final plat files should be submitted in DXF, DWG or GIS shapefile/feature class/coverage format. This digital format shall be an exact replica of any required and/or included data represented on the submitted hard copy of the final plat. Engineering drawings are excepted

from this requirement. This data must be provided on standard transfer media or by electronic transfer (three and one-half inch floppy disk or CD-ROM, DVD, e-mail attachment or any other media as approved by the city Planning Department). The submitted transfer media shall be labeled with the project name (subdivision name) and filing date. State Plane 83 Texas South Central Zone 4204 coordinate system should be the base of all submissions whenever possible.

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

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

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

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



## CITY COUNCIL MEMORANDUM

P21-11

AGENDA ITEM # IX-2

FROM: THE OFFICE OF THE CITY MANAGER

DATE: MARCH 9, 2021

**DISCUSS AND CONSIDER APPROVING A FINAL PLAT FOR THE SUBDIVISION REFERRED TO AS ESCAPOLOGY ADDITION, ON PROPERTY DESCRIBED AS 7.07 ACRE TRACT OF LAND SITUATED IN THE LUCY O'DELL SURVEY, ABSTRACT NO. 644, GENERALLY LOCATED NORTH EAST AT THE INTERSECTION OF EAST KNIGHTS WAY (E. FM 2410) AND CEDAR KNOB ROAD, HARKER HEIGHTS, BELL COUNTY, TEXAS, AND TAKE THE APPROPRIATE ACTION.**

### **PROJECT DESCRIPTION:**

The applicant, Escapology of Killeen, Inc., and their representative, Quintero Engineering, have submitted an application for Final Plat approval for approximately 7.07 acres of land located near the intersection of E. Knights Way and Cedar Knob Road.

The proposed development was outlined in the Escapology Addition Concept Plan (see attached) and Preliminary Plat which were both approved by P&Z on July 29, 2020, and City Council on August 11, 2020.

The site is currently adequately serviced by city sewer. A bore beneath the TXDOT maintained roadway, E. Knights Way (E. FM 2410), is needed in order to gain access to city water services. Said bore and extension of a public water main has not yet been constructed. Per Section 154.22(C)(4) of the Harker Heights adopted code of ordinances, **“the final plat and final engineering drawings shall not be approved, conditionally approved or filed for record and no permits shall be issued until the applicant posts with the city a letter of credit/performance bond for any infrastructure construction remaining”**.

Staff reviewed the submitted final plat, drainage, and utility layout plans and made comments to address safety, connectivity, drainage, and other pertinent requirements to ensure that all developmental regulations stipulated in the City of Harker Heights Code of Ordinances will be adhered to.

### **RECOMMENDATION**

As of March 3, 2021, all of staff's comments had not been addressed. The sole unaddressed item is the submission of a performance bond or letter of credit for the public infrastructure that has not yet been constructed and accepted by the City. Therefore, the submitted Final Plat does not currently meet the standards and ordinances of the City of Harker Heights.

Staff recommended denial to the Planning & Zoning Commission of the Final Plat, Escapology Addition, on property described as 7.07-acre tract of land situated in the Lucy O'Dell Survey,

Abstract No. 644, generally located north east at the intersection of E. Knights Way (E. FM 2410) and Cedar Knob Road, Harker Heights, Bell County, Texas.

**ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:**

During the Planning & Zoning Commission meeting held on February 24, 2021, the Planning and Zoning Commission voted (9-0) to disapprove a request for Final Plat approval for the subdivision referred to as Escapology Addition, on property described as 7.07-acre tract of land situated in the Lucy O'Dell Survey, Abstract No. 644, generally located north east at the intersection of E. Knights Way (E. FM 2410) and Cedar Knob Road, Harker Heights, Bell County, Texas. The Planning and Zoning Commission justified their disapproval with the following statement:

- Disapprove based on non-compliance with Harker Heights Code Section 154.22 (C) (3-4), specifically requirements for Bond documentation for water infrastructure and full drainage analysis for the entire lot in question.

**ACTION BY THE CITY COUNCIL:**

1. Motion to APPROVE/DISAPPROVE a request for Final Plat approval for the subdivision referred to as Escapology Addition, on property described as 7.07-acre tract of land situated in the Lucy O'Dell Survey, Abstract No. 644, generally located north east at the intersection of E. Knights Way (E. FM 2410) and Cedar Knob Road, Harker Heights, Bell County, Texas.
2. Any other action desired.

**ATTACHMENTS:**

1. Application
2. Location Map
3. Concept Plan – Escapology Addition
4. Preliminary Plat – Escapology Addition
5. Final Plat – Escapology Addition
6. Final Plat Engineered Plans – Utilities/Drainage (Revised, Submitted 03/01/21)
7. Staff Comments (2/4/2021; 2/17/2021; 3/1/2021)



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

## 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 [tdave@harkerheights.gov](mailto:tdave@harkerheights.gov) in PDF format.
5. Completed Final Plat Checklist

### Property Information:

Plat Name: Escapology Addition Date Submitted: 1/26/2021

Number of Lots: 1 Number of Units/Suites: NA Acreage: 7.07

Site Address or General Location: E. FM 2410, Harker Heights, Tx (Bell CAD ID: 33040)

Residential  Commercial  Both On Site Detention Proposed with Subdivision:  Yes  No  Other

Date of Preliminary Plat Approval by P&Z: Aug 11, 2020

### Owner Information & Authorization:

Property Owner: Escapology of Killeen, Inc.

Address: 2203 Sedona Circle, Killeen, Texas 76543

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

Developer: Escapology of Killeen, Inc.

Address: 2203 Sedona Circle, Killeen, Texas 76543

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

Engineer: Quintero Engineering, LLC

Address: 1501 W. Stan Schlueter Lp., Killeen, Texas 76549

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

Surveyor: Quintero Engineering, LLC

Address: 1501 W. Stan Schlueter Lp., Killeen, Texas 76549

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

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/his 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.*

Candy M Bell  
Printed Name of Owner

Candy Bell (Escapology of Killeen, Inc.)  
Printed Name of Authorized Agent (Corporation/Partnership)

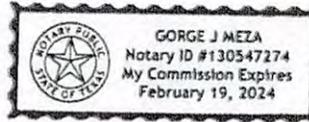
Candy M Bell  
Signature of Owner

Candy M Bell  
Signature of Authorized Agent (Corporation/Partnership)

SWORN AND SUBSCRIBED BEFORE ME THIS 27 DAY OF

January, 2021.

Gorge J. Meza  
Signature of Notary Public



My Commission Expires: 2/19/2024

**STAFF ONLY -- DO NOT FILL OUT**

Date Submitted: 1/27/21 Received By: [Signature] Case #: P21-11 Receipt #: 01658371

Rev. 5/20



















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# ESCAPOLOGY ADDITION

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P21-11 – Final Plat

Plat Distributed to HH Staff: January 27, 2021  
Comments Sent to Engineer/Surveyor: February 4, 2021

**\*\*Comment responses are annotated in "Red" below. \*\***

## Planning & Development

1. Water connectivity ("8-inch Proposed Water Line Bore & Encasement" beneath FM 2410) must be completed prior to request for final plat approval by P&Z and filing with Bell County. Please reference the pertinent section of code (§154.23) below:

- 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.

**Construction plans have been prepared for this development and shall be submitted to the City for your review and comment. Our client has been advised that they will need to file a guarantee prior to the recordation of the final plat.**

2. Per Section 154.22(B)(1)(f), applicant shall amend or remove note 4 on the plat dedication page. The passage easement must permit the free flow of access and can not be blocked by a retaining wall. Additionally, construction of a retaining wall will not be permitted over public water or sewer infrastructure. Please identify the location of said retaining wall (is it parallel to and along the easement line as shown by a thick gray line on the Utility Layout sheet).

**Due to the existing topography of the proposed site and prior coordination with the City on the preliminary plat, a retaining wall is required to maintain free flow access to the adjoiner to the North. The retaining wall is depicted by the thick gray line shown on the Utility Layout and will be located parallel to the passage easement along the East property line. No utilities are being proposed in this underground utility easement at this time.**

3. Per Section 154.22(B)(1)(f), applicant shall provide a note on the plat dedication page clarifying the intent (ownership and maintenance) of the passage easement (i.e. private passage easement and public underground utility easement).

**The annotation has been revised to reflect private passage easement, please see revised plat.**

4. Per Section 154.22(B)(1)(f), applicant shall clarify the purpose of the called 15' PUE. Applicant calls for a 15' PUE along the western property boundary. Said PUE is not labeled as for underground utilities only and is shown to encroach in the proposed parking spaces. As a result, applicant is advised that some parking spaces and the dumpster enclosure may be lost due to above ground utilities.

**The PUE has been removed, please see revised plat.**

5. Per Sections 154.22(B)(1)(i) & 154.22(B)(2)(d), Applicant shall provide a note addressing how wastewater service will be provided to the remaining undeveloped portion of the parcel. If a public collection main is required, then please provide that construction value in the requested performance bond.

**The proposed development will be contained to the improvements shown on the Utility Layout and will be serviced by the sewer service shown on the Utility Layout. The undeveloped portion of this property is to remain undeveloped.**

6. The currently illustrated fire hydrant is located such that access is through the proposed detention basin. As directed by the Fire Marshall during the preliminary plat review, the Applicant

shall adjust the fire hydrant location such that a fire hydrant that is accessible from the passage easement is provided.

**Final placement of the proposed fire hydrant shall be coordinated with the construction plan submittal.**

7. Per Section 154.22(B)(2)(j) and 154.22(B)(2)(n), applicant shall provide a drainage information and calculations for the entire site to include but limited to detention pond locations, approximate size of facilities, flow line elevations, direction of flow. Applicant shall clarify intent of drainage for the entire parcel as presented in the concept plan & Utility Layout sheet, how detention will outfall to TXDOT, and address how the sole point of entry into the subdivision will not be inundated.

**A full drainage analysis shall be submitted with the construction plans for the City's review comment and approval.**

8. Per Section 154.22(B)(2)(n) and TXDOT's comments, the applicant has illustrated over 75 parking spaces, therefore please provide a copy of the TIA showing the feasibility of the driveway location and addressing any TXDOT required passage easements.

**A TIA is currently being prepared and shall be submitted to TxDOT.**

9. Per Section 154.22(B)(2)(n) and TXDOT's comments, applicant shall coordinate with TXDOT to allow for pedestrian access/connectivity of the sidewalk as illustrated on the Utility Layout sheet.

**Duly noted.**

10. Applicant is advised that this final plat will go before Planning & Zoning Commission for approval on February 24, 2021 and a representative of the plat must attend via teleconference or in person.

**Duly noted.**

#### **Public Works**

1. Add an 8-inch gate valve on the west run of the 8-inch tee. The City of Harker Heights will provide the flush assembly typical drawing with automated flush valve. Include the fire hydrant gate valve on the utility layout.

**A gate valve has been added to the fire hydrant. The fire hydrant shall be constructed in accordance to the City's standards and specifications.**

2. Provide a performance bond for the proposed water line public infrastructure.

**Duly noted, please see response for Planning and Development Comment 1.**

3. Public Works is verifying the location of the 8-inch water line.

**Duly noted**

#### **Consulting Engineer**

1. I am not comfortable with final plat approval without a detention design. If the building plan does not go through, we have a final plat without drainage improvements.

**A final drainage design has been prepared and will be submitted for the City to review, comment and approve.**

### Fire Marshal

1. The water line should extend to both the east and west property lines.

**The water line has been revised, please see revised Utility Layout.**

2. Based upon the elevation difference the hydrant should be placed next to the entrance.

**Duly noted, this item will be coordinated with City staff during the construction plan review.**

3. Based upon the listed occupancy types consideration should be given for the addition of the underground portions of an automatic sprinkler system with remote FDC.

**Duly noted, this item will be coordinated with City staff during the construction plan review.**

4. Depending on the construction type additional hydrants may be required. A 19,000 SF bldg. has an approximate 3,000gpm fire flow if type 2B or 3B construction, this would require 3 hydrants

**Duly noted, this item will be coordinated with City staff during the construction plan review.**

5. A 24-foot fire lane will be needed.

**A 24-foot fire lane will be provided.**

### Building Official

1. Note 4 states that a variable height wall shall be permitted within 41' easement. No structures should be allowed within the 41' passage easement.

**Please see response for Planning and Development Comment 2.**

2. Drainage plan shows that onsite detention will be utilized. Proved location of detention.

**The proposed detention pond is located west of the passage easement and is called on sheet D2.1.**

### ONCOR

### Century Link

### Time Warner Cable/Spectrum

### ATMOS

1. Atmos has no gas facilities within the area. No conflict

### TXDOT

1. TxDOT requests a one foot non-access easement to be placed along the entire frontage abutting FM 2410 ending at the western boundary of the 41' wide passage easement. It should also be noted that if the development has 75 or more parking, a TIA will be required.

**A 1 ft non-access easement has been added to the plat, please see revised plat. A TIA is currently being prepared and shall be submitted to TxDOT.**

## **Kristina Ramirez**

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**From:** Kristina Ramirez  
**Sent:** Wednesday, February 17, 2021 2:45 PM  
**To:** Courtney Peres  
**Cc:** Mark Hyde; Otto Wiederhold; Michael Beard; Wilson Everett; Brad Alley  
**Subject:** RE: Revisions - Escapology Addition Final Plat

Below is my review of the other outstanding items.

### **Planning & Development**

1. Not Met. The submission of a cost estimate for review by city staff and the submission of the guarantee must be submitted prior to the final plat being approved by the Planning & Zoning Commission.
2. Met
3. Met
4. Met.
5. Response Noted. Applicant is advised that it will be the responsibility of the land owner to extend water and sewer utilities at such time the back portion of the parcel is developed.
6. Met.
7. Not Met. Applicant shall provide a copy of the final drainage design that was indicated in the response to the City's consulting engineer and as required by code. More specifically, will the drainage design be for the ultimate buildout of the subdivision or only for the currently proposed development at the front of the subdivision and is the illustrated size and location sufficient for the tight development such that the easement/fire lanes and other requirements will fit within the subdivision as illustrated.
8. Noted. Since TXDOT has approved the driveway location per their comments, then the TIA must be submitted prior to release of construction plans for the subdivision.
9. Noted. Since TXDOT has approved the driveway location per their comments, then the TIA must be submitted prior to release of construction plans for the subdivision.
10. As a result of the outstanding items, the Planning & Zoning Commission may make an recommendation to the City Council to approve the plat with conditions. However, said conditions would need to be met prior to the City Council Meeting on February 9, 2021.

### **Public Works**

1. Met.
2. Not Met. See Planning & Development Comment #1 response.
3. Met.

### **Consulting Engineer**

1. Not Met. See Planning & Development Comment #7 response.

### **Building Official**

1. Met.

2. Met.

Respectfully,

Kristina Ramirez  
Planning & Development Director  
City of Harker Heights | 305 Miller's Crossing | Harker Heights, TX 76548  
T: 254-953-5663 | F: 254-953-5666 | [kramirez@harkerheights.gov](mailto:kramirez@harkerheights.gov)



*Vision: Providing public services that empower people to focus on what matters most: their goals, hopes and dreams.*

**From:** Brad Alley <balley@harkerheights.gov>  
**Sent:** Tuesday, February 16, 2021 5:05 PM  
**To:** Courtney Peres <cperes@harkerheights.gov>  
**Cc:** Kristina Ramirez <kramirez@harkerheights.gov>; Mark Hyde <mhyde@harkerheights.gov>; Otto Wiederhold <owiederhold@walkerpartners.com>; Michael Beard <mbeard@harkerheights.gov>; Wilson Everett <weverett@harkerheights.gov>  
**Subject:** Re: Revisions - Escapology Addition Final Plat

All of my comments were addressed.

Brad

Sent from my iPhone

On Feb 16, 2021, at 16:13, Courtney Peres <[cperes@harkerheights.gov](mailto:cperes@harkerheights.gov)> wrote:

All,

Hope everyone is safe and warm! We have received revisions and comment responses to the Escapology Addition Final Plat. Please review the attached documents and reply with **any additional comments/concerns no later than February 18, 2021**. If you have no additional comments and responses from the applicant have been adequately met please respond to this e-mail stating such.

**Best!**

<image003.png>  
Courtney Peres, CNU-A  
City Planner

City of Harker Heights | 305 Millers Crossing | Harker Heights, TX 76548  
T: 254-953-5643 | [cperes@harkerheights.gov](mailto:cperes@harkerheights.gov)

*Vision: Providing public services that empower people to focus on what matters most: their goals, hopes and dreams.*

Links to:

[Harker Heights Website](#)

[My Government Online](#)

[Harker Heights Code of Ordinances](#)

[Harker Heights GIS Map](#)

<P21-11\_Combined Comments\_Escapology Final Plat\_021621\_RESPONSES.pdf>

<P21-11\_Plat\_021621.pdf>

<P21-11\_Utility Layout\_021621.pdf>

**Kristina Ramirez**

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**From:** Kristina Ramirez  
**Sent:** Monday, March 1, 2021 2:44 PM  
**To:** Gorge Meza; Pedro Quintero  
**Cc:** Courtney Peres; Mark Hyde  
**Subject:** RE: Harker Heights - P&Z Results Letter (2/24/21)  
**Attachments:** 12-PerformanceBond.doc; IrrevocableLetterOfCredit-Template-WaterWastewater.doc

George:

Thank you. I have attached two guarantee examples for your use/reference. Please note that they will need to be amended for your particular project and are simple general examples. As long as the documents meet the requirements of the code (see below) they should be good. However, we do ask to review the document prior to execution.

**§ 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.

Respectfully,

Kristina Ramirez  
Planning & Development Director  
City of Harker Heights | 305 Miller's Crossing | Harker Heights, TX 76548  
T: 254-953-5663 | F: 254-953-5666 | [kramirez@harkerheights.gov](mailto:kramirez@harkerheights.gov)



*Vision: Providing public services that empower people to focus on what matters most: their goals, hopes and dreams.*

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**From:** Gorge Meza <[gmeza@quinteroeng.com](mailto:gmeza@quinteroeng.com)>  
**Sent:** Monday, March 1, 2021 2:01 PM  
**To:** Kristina Ramirez <[kramirez@harkerheights.gov](mailto:kramirez@harkerheights.gov)>; Pedro Quintero <[pquintero@quinteroeng.com](mailto:pquintero@quinteroeng.com)>  
**Cc:** Courtney Peres <[cperes@harkerheights.gov](mailto:cperes@harkerheights.gov)>; Mark Hyde <[mhyde@harkerheights.gov](mailto:mhyde@harkerheights.gov)>  
**Subject:** RE: Harker Heights - P&Z Results Letter (2/24/21)

Good afternoon Kristina,

Thank you for the meeting with us earlier today. We feel that it was a great to be able to sit down and get us back on track. Attached please find the Engineer Letter, Cost Estimate and the Overall Drainage Area Maps for the entire development. Our client is working on getting the performance bond based on this new cost estimate and can expect to have it later this week. I have informed her that she can get with Mark Hyde for the verbiage and acceptance as specified below.

Again thank you for your time today.

Please let me know if there is anything else we can do.

Thanks,

Gorge J Meza  
Project Manager  
**Quintero Engineering, LLC**  
1501 W. Stan Schlueter Loop  
Killeen, Texas 76549  
Office: 254-493-9962  
Cell: 254-394-0034  
E-mail: [gmeza@quinteroeng.com](mailto:gmeza@quinteroeng.com)  
[www.quinteroeng.com](http://www.quinteroeng.com)



## CITY COUNCIL MEMORANDUM

### AGENDA ITEM # IX-3

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**FROM:** THE OFFICE OF THE CITY MANAGER

**DATE:** MARCH 9, 2021

**DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, ADOPTING CHAPTER 51 OF THE SOLID WASTE ORDINANCE, AS AMENDED, AND TAKE THE APPROPRIATE ACTION.**

**EXPLANATION:**

With the changes to the residential solid waste collection service, the solid waste ordinance has been amended for automated side load collection utilizing polycart garbage containers.

**RECOMMENDATION:**

Staff recommends approval.

**ACTION BY CITY COUNCIL:**

1. Motion to APPROVE/DISAPPROVE an Ordinance of the City of Harker Heights, Texas, adopting Chapter 51 of the Solid Waste Ordinance, as amended.
2. Any action desired by the City Council.

**ATTACHMENTS:**

1. Redlined Ordinance
2. Polycart Request Form
3. Collection Assistance Application (2 pages)
4. Ordinance

## Redlined Review Copy

### CHAPTER 51: SOLID WASTE

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Section

***General Provisions***

- 51.01 Definitions
- 51.02 General offenses
- 51.03 Inspection and enforcement

***Container Requirements***

- 51.15 ~~Residential owner or occupant to provide containers~~  
Residential owner or occupant required to maintain sufficient capacity.
- 51.16 Dumpster requirements
- 51.17 Other types of containers; nonregulation
- 51.18 Location of containers for collection
- 51.19 Owner or occupant responsible for containers
- 51.20 Existing nonconforming dumpsters

***Collection and Disposal Procedures***

- 51.30 Monthly charges for collection
- 51.31 Holiday collection
- 51.32 Disposal of certain items
- 51.40 Special Collection Services

- 51.99 Penalty

### GENERAL PROVISIONS

#### § 51.01 DEFINITIONS.

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

**APPROVED RECEPTACLE.** A Polycart container of various sizes furnished by the city's solid waste collection contractor to residential and commercial customers to store solid waste for collection. The Polycart containers furnished by the city's solid waste collection contractor hereunder shall remain the property of the contractor.

**BUNDLED BRUSH.** ~~Brush bundled in accordance with the requirements of this chapter.~~ Tree, shrub and brush trimmings securely tied together forming an easily handled package, not to exceed four (4) feet in length, six (6) inches in diameter, or fifty (50) pounds in weight. Bundled brush to be placed in approved receptacles for collection.

**HEAVY BRUSH.** Trees, limbs, shrubs, root balls, weeds, other plant matter, or portions thereof that:

- (1) Will not physically fit within, or that exceed the weight limits of, the containers required by this chapter; and
- (2) Cannot be tied and bundled as provided in this chapter.

**BULKY ITEMS.** Any items, other than heavy brush and construction debris, that will not physically fit within, or that exceed the weight limits of, the containers required by this chapter.

**CITY.** The City of Harker Heights located in Bell County, Texas.

**COLLECTION CONTRACTOR.** The person or entity hired or employed by the city to collect and dispose of solid waste from within the corporate limits of the city.

**CONSTRUCTION DEBRIS.** Dirt, brick, scrap, concrete, tile, plaster, rocks, fence pickets, carpet, carpet padding, lumber, and other materials generally used in construction that will not physically fit within, or that exceed the weight limits of, the containers required by this chapter.

**DISABLED HOUSEHOLD.** A residential dwelling unit where all occupants over the age of sixteen (16) are physically incapable of transporting garbage and/or rubbish to the property curbside. A statement or certification from a licensed medical doctor shall be required to substantiate the incapacity.

**HAZARDOUS WASTE MATERIAL.** Any solid waste identified or listed as a hazardous waste by the administrator of the Environmental Protection Agency (EPA) pursuant to the Federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, section 42 USC, section 6901 et seq., as amended.

**MEDICAL WASTE.** Waste generated by health care related facilities and associated with health care activities, not including Garbage generated from offices, kitchens, or other non-health-care facilities. The term includes Special Waste from health care-related facilities which is comprised of animal waste, bulk blood and blood products, microbiological waste, pathological waste, and sharps as those terms are defined in 25 TAC §1.132 (relating to Definitions).

**POLYART.** A rubber-wheeled receptacle with a maximum capacity of 96 gallons constructed of plastic, metal and/or fiberglass, designed for automated or semi-automated solid waste collection systems, and having a tight-fitting lid capable of preventing entrance into the container by small animals.

**SOLID WASTE, TRASH or GARBAGE.** All manner of wasted or spoiled food, discarded matter, or refuse, other than heavy brush, bulky items, hazardous waste, medical waste, special waste and construction debris, including:

(1) All wasted, discarded or spoiled animal and vegetable matter, including dead animals and waste material and refuse from kitchens, residences, grocery stores, butcher shops, cafes, restaurants, drugstores, hotels, rooming, boarding, and apartment houses; and

(2) All rubbish, such as, but not limited to, feathers, coffee grounds, ashes, tin cans, paper bags, boxes, glass, newspaper, handbills, magazines, other such paper products, product packaging, grass, shrubs, flowers, yard cleaning, bundled brush, grass clippings, leaves and tree trimmings that can be contained within the containers and weight limits for said containers as described in this chapter.

**SPECIAL WASTE.** Any commercial or residential garbage, trash, rubbish, hazardous waste, infectious waste, or other solid waste that because of its quantity, concentration, physical or chemical characteristics or biological properties is not collected by the city's collection contractor.

**SOLID WASTE DROP SITE.** The City's solid waste drop site refers to the location the City has designated to receive bulk items, brush and recycling. It may also be referred to as the City's transfer station or the City's recycling drop center.

(Ord. 85-18, passed 10-22-85; Am Ord. 99-34, passed 10-12-99; Am. Ord. 2009-17, passed 6-9-09)

## § 51.02 GENERAL OFFENSES.

(A) It shall be unlawful for any person to sweep, haul, throw, or deposit any construction debris, solid waste, bulky items, or heavy brush into, upon or along, any drain, gutter, alley, sidewalk, parkway, or street within the corporate limits of the city, or in or upon any automobile except with the consent of the owner thereof.

(B) It shall be unlawful for any person to throw or scatter construction debris, solid waste, heavy brush, or bulky items into, onto or alongside any public street, alley, or sidewalk in the city, or any private property except with the consent of the owner thereof.

(C) It shall be unlawful for any person to store, collect, or dispose of any construction debris, solid waste, bulky items, or heavy brush within the corporate limits of the city except as provided in this chapter.

(Ord. 85-18, passed 10-22-85; Am. Ord. 98-08, passed 4-28-98; Am. Ord. 99-34, passed 10-12-99; Am. Ord. 2009-17, passed 6-9-09) Penalty, see § 51.99

## § 51.03 INSPECTION AND ENFORCEMENT.

It is hereby the duty of the Code Enforcement Officer to make regular inspections as necessary to evaluate compliance with this chapter, and to file a complaint against any person violating any provision of this chapter in order that such person may be prosecuted therefore.

(Ord. 85-18, passed 10-22-85; Am. Ord. 99-34, passed 10-12-99; Am. Ord. 2009-17, passed 6-9-09) Penalty, see § 51.99

## CONTAINER REQUIREMENTS

### § 51.15 ~~RESIDENTIAL OWNER OR OCCUPANT TO PROVIDE CONTAINERS.~~ RESIDENTIAL OWNER OR OCCUPANT REQUIRED TO MAINTAIN SUFFICIENT CAPACITY.

(A) Every owner, occupant, or lessee using or occupying any building, house, or structure for residential purposes within the corporate limits of the city shall maintain on such premises containers adequate in number to hold all solid waste that will normally accumulate on the premises between collections. **The garbage and rubbish to be disposed of is hereby required to be placed in approved receptacles. It is unlawful for any person to place any garbage or rubbish on the ground, or in anything other than an approved receptacle.**

(B) Containers required by this section shall be maintained in good condition, and shall meet the following specifications:

(1) Single-family and duplex residential structures:

(a) ~~Plastic tie-top bags at least 1.5 millimeters in thickness and not less than 20 gallons in capacity, nor more than 40-gallon capacity, with a total weight when filled not to exceed 75 pounds; or~~

(a) **Polycart containers as provided by the city's solid waste collection contractor. The weight of a 96 gallon Polycart and its contents shall not exceed 175 lbs. The weight of a 64 gallon Polycart and its contents shall not exceed 115 lbs.**

(2) All other residential structures.

(a) Dumpsters meeting the requirements for dumpsters in § 51.16; or

(b) **Polycart containers as provided by the city's solid waste collection contractor. The weight of a 96 gallon Polycart and its contents shall not exceed 175 lbs.** Polycarts shall have the following clearly labeled onto the container with alphanumeric adhesive stickers : ~~can and lid the owner's:~~

1. Apartment or unit number; and
2. Address number. The address number shall be stenciled **labeled** below the apartment number.
3. ~~The lid shall be securely tethered to the can.~~ On non-collection days, ~~trash cans and their lids~~ **Polycarts** shall be to or near the side of the residential structure in a location that is not visible from any public roadways,

It shall be the responsibility of the apartment/ multi family residence owner to place the apartment or unit number, and address number, on each Polycart used at it's apartment /multi family residential facility.

(C) All residential structures other than single-family and duplex structures constructed after June 9, 2009, shall be designed in such a manner and shall utilize dumpster collection per the requirements as set forth in § 51.16. Trash cans shall not be used as collection containers for such structures.

(Ord. 85-18, passed 10-22-85; Am. Ord. 99-34, passed 10-12-99; Am. Ord. 2009-17, passed 6-9-09) Penalty, see § 51.99

## § 51.16 DUMPSTER REQUIREMENTS.

(A) Except as otherwise provided herein, every owner, occupant, or lessee using or occupying a building or structure within the corporate limits of the city for other than residential purposes, and all residential structures required by this chapter to have a dumpster, or have an adequate area for a dumpster pad site as described herein, or purposes accessory thereto, shall maintain on such premises a dumpster meeting the requirements of this section.

(B) Dumpsters and associated screening required by this section shall be maintained in good order and condition. When the Code Enforcement Officer determines a container to be unsafe or unsightly, notice shall be given to the occupant of the premises upon which the dumpster is located for corrective action. The occupant of the premises upon which the dumpster is located shall cause corrective action to be taken in conformity with such notice within ten days of receiving such notice.

(C) Dumpsters shall be placed on a concrete pad that meets or exceeds the standards shown in drawings shown in Appendix A.

(D) All dumpsters must be fully screened from view by an enclosure consisting of two side walls and a rear wall, plus a gate in the front, as required by this subsection.

(1) *Minimum height.* Screening walls and gates must be not less than six feet nor more than eight feet in height.

(2) *Screening materials.* Materials approved for use in screening walls are based upon the dumpster's location on the site.

(a) If the enclosure is visible from any public street or right-of-way, dumpster screening must be masonry, brick, stone, reinforced concrete, or other similar masonry materials. Materials allowed by this section must match the materials, style, finish and appearance of the principal building located on the same lot.

(b) If the enclosure is not visible from any public street or right-of-way, dumpster screening must be wood, metal, masonry, brick, stone, reinforced concrete, or other similar masonry materials. Any metal screening must be painted to blend with the primary building on the same lot. Corrugated metal, R panel and U panel sheet metal, and fiberglass panels are prohibited and may not be used as screening material.

(3) *Gates.* Screening gates must be solid metal and must screen the dumpster from view when closed. Gates must swing out to an angle greater than 90

degrees and create an opening at least 12 feet wide for the collection truck to enter the enclosure. Each gate must be equipped with a pin capable of holding the gate in its fully opened position while the dumpster is being accessed. Gates must swing clear of all fire lanes. Persons authorized to use the dumpster must keep the gates closed unless the dumpster or enclosure is in the actual process of being emptied, filled, painted, cleaned, constructed, installed, repaired, or otherwise maintained.

(a) There shall be affixed to the exterior of each gate a sign that is conspicuous and readily visible. The sign shall state "GATES TO REMAIN CLOSED WHEN NOT IN USE" in block letters at least three inches high. All sign lettering must appear in contrasting colors against the background.

(4) *Bollards.* A minimum of four bollards shall be provided within the enclosure, two in the rear, and one on each side, to prevent the dumpster from striking or damaging the screening enclosure. The city's Planning and Development Director may approve another type of protection device in writing if the Director determines that such device protects the enclosure as well as bollards.

(5) *Additional items.* Dumpster pads and screening shall be constructed as displayed in Appendix A.

(E) Notwithstanding division (A) of this section, the City Manager may permit persons using or occupying a structure for commercial purposes to use light commercial hand pickup not to exceed ~~300~~ 175 pounds per 96 gallon Polycart. However, if at any time the amount of garbage removed from such structure exceeds ~~300~~ 175 pounds per 96 gallon Polycart or one cubic yard per week, the City Manager may thereafter require the use of a commercial dumpster as provided herein.

(Ord. 85-18, passed 10-22-85; Am. Ord. 98-08, passed 4-28-98; Am. Ord. 99-08, passed 4-27-99; Am. Ord. 99-34, passed 10-12-99; Am. Ord. 2009-17, passed 6-9-09; Am. Ord. 2018-12, passed 4-10-18) Penalty, see § 51.99

#### **§ 51.17 OTHER TYPES OF CONTAINERS; NONREGULATION.**

Trash and garbage containers not meeting the requirements of either §§ 51.15 or 51.16 may be considered solid waste and may be disposed of as such time of collection.

(Ord. 85-18, passed 10-22-85; Am. Ord. 99-34, passed 10-12-99; Am. Ord. 2009-17, passed 6-9-09) Penalty, see § 51.99

#### **§ 51.18 LOCATION OF CONTAINERS FOR COLLECTION.**

(A) This section does not apply to dumpsters.

(B) Not earlier than 6:00 p.m. on the day before the day of collection, nor later than ~~8:00~~ 7:00 a.m. on the day of collection, the owner, occupant or lessee of the premises from which the solid waste is to be collected and removed shall place the containers for collection in a readily-accessible location within three feet of the nearest public street.

(C) Containers and ~~bundled brush~~ shall not be placed beneath any overhead utility lines, such as electrical lines, telephone lines, and cable television lines, nor over electrical, gas, or water meters, nor in such a manner as to block or unreasonably impede access to a driveway, fire hydrant or mailbox.

(D) The collection contractor shall not be required to service containers or ~~bundled brush~~ situated within a fence or other unopened enclosure other than a dumpster with screening per this chapter.

(E) In the event it is not practical to place the containers for collection as required by this section, the City Manager shall specify an appropriate location for placement of the containers.

(F) Containers shall be removed from the front of the premises by the owner, occupant, tenant, or lessee no later than 11:00 p.m. on the evening of collection.

(G) Except on the designated collection day, solid waste containers and ~~bundled brush~~ shall be stored not closer to the nearest public road than the front of the house or building from where collection is made, provided that if the house or building is situated more than 200 feet from the nearest public road, the containers or ~~bundled brush~~ may be stored at any location which does not pose a hazard and is not visible from the nearest public road.

(Ord. 85-18, passed 10-22-85; Am. Ord. 98-08, passed 4-18-98; Am. Ord. 99-08, passed 4-27-99, Am. Ord. 99-34, passed 10-12-99; Am. Ord. 2009-17, passed 6-9-09)  
Penalty, see § 51.99

#### **§ 51.19 OWNER OR OCCUPANT RESPONSIBLE FOR CONTAINERS.**

Every owner, occupant, tenant, or lessee of a house or building used for residential, public, business, or commercial purposes is required to maintain supervision and surveillance over the containers or dumpsters servicing their premises. If the contents of solid waste containers or ~~bundled brush~~ are not removed by the collection contractor for a period exceeding seven days, such owner, occupant, or lessee must thereafter immediately notify the City Manager. The City Manager shall promptly investigate the matter, and if he finds that the contractor has failed to collect trash or garbage from the subject premises without cause, he shall issue a collection order requiring the contractor to collect such solid waste or bundled brush within 12 hours. (Ord. 85-18, passed 10-22-85; Am. Ord. 99-34, passed 10-12-99; Am. Ord. 2009-17, passed 6-9-09)

#### **§ 51.20 EXISTING NONCONFORMING DUMPSTERS.**

(A) The nonconforming use of a dumpster (such as those dumpsters without concrete pad(s), or screening or gating) at a structure in existence and legally utilizing a dumpster prior to October 12, 1999, may continue until one of the following occurs:

(1) The property the dumpster serves has become vacant and remains unoccupied for a period of one year;

(2) Any structures on the property are enlarged, reconstructed, altered, or moved;

(3) Any structure on the property is damaged by fire, explosion, flood, wind, earthquake, or other calamity or act of God or the public enemy to the extent of 50% or more of its reasonable value; or

(4) The dumpster(s) becomes a hazard to public safety, or a public nuisance.

(B) Thereafter, each dumpster serving the property must be brought into compliance with § 51.16.

(Ord. 2004-44, passed 9-28-04; Am. Ord. 2009-17, passed 6-9-09)

## COLLECTION AND DISPOSAL PROCEDURES

### § 51.30 MONTHLY CHARGES FOR COLLECTION.

(A) Monthly charges for trash and garbage collections shall be set by the City Council.

(B) Each person who opens an account with the city for trash and garbage collection is required to pay the regular collection fees as set by the City Council.

(Ord. 85-18, passed 10-22-85; Am. Ord. 99-34, passed 10-12-99; Am. Ord. 2000-27, passed 9-5-00; Am. Ord. 2001-25, passed 8-28-01; Am. Ord. 2002-19, passed 9-24-02; Am. Ord. 2004-27, passed 8-10-04; Am. Ord. 2009-17, passed 6-9-09)

### § 51.31 HOLIDAY COLLECTION.

There will not be garbage collections on regular holidays. Collections scheduled on a holiday will be picked up on the next regularly scheduled collection day, or on the preceding collection day. Holidays are New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas. The collection contractor shall post notice of such holidays in the local paper.

(Ord. 85-18, passed 10-22-85; Am. Ord. 99-34, passed 10-12-99; Am. Ord. 2009-17, passed 6-9-09)

### § 51.32 DISPOSAL OF CERTAIN ITEMS.

~~—(A) Bundled brush. Brush may be tied and bundled in lengths of four feet or less, with a weight per bundle not to exceed 50 pounds. No more than five bundles of brush will be collected per residence, per collection day.~~

(B) *Heavy brush, bulky items and construction debris.*

(1) Heavy brush, bulky items and construction debris may be hauled by the owner of the property or the current resident where such brush or debris originates

to the city's solid waste drop site located at 1761 FM 2410 during normal hours of operation. The ~~property owner~~ or resident must provide proof that he or she is a resident of the city as shown on a recent city utility bill and drivers license.

(2) Alternatively, ~~property owners and~~ residents may contract with a hauler to have their brush, bulky items and construction debris hauled to a landfill at the ~~property owner's or~~ resident's expense.

(3) Professional landscaping services, tree trimming services, construction companies, **property management companies**, fence builders, contractors, and other commercial operations shall, at their own expense, haul off all brush and construction debris created by their operations, and dispose of same in a lawful manner at the disposal site of their choosing. The city's solid waste drop site shall not accept brush or construction debris from commercial services.

(C) *Dead animals and fowl.*

(1) Except for animals and fowl kept by veterinarians or persons engaged in medical or scientific research, and those mounted by a taxidermist, dead animals and fowl shall be disposed of within 24 hours of the time of death. The manner in which dead animals and fowl are disposed of shall, at minimum, comply with the established regulations of the County Health Department and applicable state laws and regulations.

(2) It shall be unlawful for any person to dispose of any dead animal or fowl upon public property within the city. Public property includes without limitation public streets, alleys, parks, and any drainage channels whether maintained privately or by the city. Public property also includes without limitation trash cans, dumpsters, buildings, and grounds owned, operated, or used by any level of government, including school property.

(Ord. 92-08, passed 4-23-92; Am. Ord. 99-34, passed 10-12-99; Am. Ord. 2009-17, passed 6-9-09) Penalty, see § 51.99

#### **§ 51.40 SPECIAL COLLECTION SERVICES.**

(A) Application

(1) Eligibility: A residential dwelling unit where all occupants over the age of sixteen (16) are physically incapable of transporting garbage and/or rubbish to the property curbside. A statement or certification from a licensed medical doctor shall be required to substantiate the incapacity.

(2) Form

i. Application for participants prior to March 1, 2021 shall be submitted by October 1, 2021 for continued service.

ii. New participants can apply at any time.

iii. Reapply every three years

iv. Permission for Entry

(3) Physician/ Optometrist

i. October 1, 2022

ii. Recertification every three years; must be signed within one year prior to renewal

## Harker Heights Code of Ordinances

### (B) Issuance

#### (1) Verification/Approval Process

- i. Executed Application
- ii. Site Inspection

#### (2) Renewal

- i. Approval for participation in the program expires on October 1st every three years after approval.

### § 51.99 PENALTY.

Any person, firm, or corporation who violates any provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be fined in an amount not exceeding \$1,000. Each day on which a violation of, or failure to comply with, this chapter continues shall constitute a separate violation and shall be punishable as such. The city also is entitled to pursue all other criminal and civil remedies to which it is entitled under the authority of other statutes or other ordinances.

(Ord. 85-18, passed 10-22-85; Am. Ord. 99-34, passed 10-12-99; Am. Ord. 2000-27, passed 9-5-00; Am. Ord. 2002-19, passed 9-24-02; Am. Ord. 2009-17, passed 6-9-09)

### Appendix A

To view Appendix A in a PDF format, please click [HERE](#)



# Solid Waste Poly Cart Request Form

## Customer Information

Date \_\_\_\_\_

First Name \_\_\_\_\_

Last Name \_\_\_\_\_

Service Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

Email Address \_\_\_\_\_

## Cart Information

### Residential

New Construction

Date to start service \_\_\_\_\_

Request to switch from 96 gallon cart to 64 gallon cart

(If at any time the amount of garbage removed from a residence exceeds 115 pounds or the volume of the 64 gallon Polycart, the City of Harker Heights may require the use of either a second 64 gallon Polycart or one 96 gallon Polycart in place of the 64 gallon Polycart)

Additional Carts (\$5.00/month for each additional cart)

64 Gallon Cart Quantity \_\_\_\_\_

96 Gallon Cart Quantity \_\_\_\_\_

### Light Commercial Hand Pickup

Name of Business \_\_\_\_\_

Additional 96 Gallon Cart (\$15.00/month for each additional cart, limited to 2 cans total)

## Customers Acknowledgement

BY PROVIDING YOUR SIGNATURE BELOW, YOU ARE CERTIFYING THAT THE INFORMATION THAT YOU HAVE PROVIDED HEREIN IS TRUE AND CORRECT.

AGREED AND UNDERSTOOD:

CUSTOMERS SIGNATURE: \_\_\_\_\_

Office Use Only:

Date request sent to WM: \_\_\_\_\_

Ticket #: \_\_\_\_\_

Staff Initials: \_\_\_\_\_



## APPLICATION FOR SPECIAL COLLECTION SERVICES

Eligibility: A residential dwelling unit where all occupants over the age of sixteen (16) are physically incapable of transporting garbage and/or rubbish to the property curbside. A statement or certification from a licensed medical doctor may be required to substantiate the incapacity.

### APPLICANT'S SECTION

Name: \_\_\_\_\_

Telephone/Mobile Number: \_\_\_\_\_

Garbage Service Physical Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City/State/Zip \_\_\_\_\_  
(Only if different from physical address)

By signing below, I authorize City of Harker Heights personnel or their solid waste contractor to enter my property for the purpose of retrieving and emptying my garbage container and hereby waive any claim against the City of Harker Heights for any damages on connection with City of Harker Heights personnel or their solid waste contractor entering this property for the above-stated purpose.

Signature of Applicant: \_\_\_\_\_ Date \_\_\_\_\_

### PHYSICIAN/OPTOMETRIST'S CERTIFICATION

(MUST BE COMPLETED BY A LICENSED PHYSICIAN/OPTOMETRIST AND MUST BE LEGIBLE)

I, \_\_\_\_\_, a licensed ( physician / optometrist ) hereby certify that  
(Circle One)

\_\_\_\_\_ is physically disabled and unable to push a loaded wheeled polycart (garbage container) to and from the curb for garbage collection services.

Name of Physician: \_\_\_\_\_

Address: \_\_\_\_\_ City/State/Zip \_\_\_\_\_

Signature of Physician: \_\_\_\_\_ Date: \_\_\_\_\_

#### For City Use Only:

Date Received: \_\_\_\_\_ Received By: \_\_\_\_\_

Investigated By: \_\_\_\_\_ Date: \_\_\_\_\_

Acceptance or Denial

Service Denied On: \_\_\_\_\_ Reason: \_\_\_\_\_

Service Accepted On: \_\_\_\_\_ Date Service Will Start: \_\_\_\_\_



## INVESTIGATION OF SPECIAL COLLECTION SERVICE REQUEST

Applicant's Name: \_\_\_\_\_

Garbage Service Physical Address: \_\_\_\_\_

---

Investigator's Name: \_\_\_\_\_

I have investigated the above-referenced address. The box checked below accurately describes my findings.

Recommend that service be provided. No problems were encountered.

Point of Collection: \_\_\_\_\_

Service can be provided if the following conditions are met:

Pets are restrained.

Access to property is improved.

Other: \_\_\_\_\_

---

Point of Collection: \_\_\_\_\_

Service cannot be provided for the following reasons:

Resident not eligible for service.

Reason: \_\_\_\_\_

Property does not face a public street.

Acceptable collection points are not visible from a public street.

Property cannot be reached safely.

Potentially harmful animals on property are not restrained.

Other: \_\_\_\_\_

Signature of Investigator: \_\_\_\_\_ Date: \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, ADOPTING CHAPTER 51 OF THE SOLID WASTE ORDINANCE, AS AMENDED.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS AS FOLLOWS:**

**WHEREAS**, the City Council ("**Council**") of the City of Harker Heights ("**City**") finds and declares that the amendments to Chapter 51 of the Solid Waste Ordinance promote the health safety and welfare of the public; and

**WHEREAS**, this ordinance is adopted under the authority of the Constitution and laws of the State of Texas, as promulgated by Chapter 212 of the Texas Local Government Code, as well as the Charter for the City; and

**WHEREAS**, the Council has determined that 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:** Chapter 51, Solid Waste of the Code is hereby amended, to read as follows:

## CHAPTER 51: SOLID WASTE

---

### Section

#### ***General Provisions***

- 51.01 Definitions
- 51.02 General offenses
- 51.03 Inspection and enforcement

#### ***Container Requirements***

- 51.15 Residential owner or occupant required to maintain sufficient capacity.
- 51.16 Dumpster requirements
- 51.17 Other types of containers; nonregulation
- 51.18 Location of containers for collection
- 51.19 Owner or occupant responsible for containers
- 51.20 Existing nonconforming dumpsters

#### ***Collection and Disposal Procedures***

- 51.30 Monthly charges for collection
- 51.31 Holiday collection
- 51.32 Disposal of certain items
- 51.40 Special Collection Services

- 51.99 Penalty

## GENERAL PROVISIONS

### § 51.01 DEFINITIONS.

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

**APPROVED RECEPTACLE.** A Polycart container of various sizes furnished by the city's solid waste collection contractor to residential and commercial customers to store solid waste for collection. The Polycart containers furnished by the city's solid waste collection contractor hereunder shall remain the property of the contractor.

**BUNDLED BRUSH.** Tree, shrub and brush trimmings securely tied together forming an easily handled package, not to exceed four (4) feet in length, six (6) inches

in diameter, or fifty (50) pounds in weight. Bundled brush to be placed in approved receptacles for collection.

**HEAVY BRUSH.** Trees, limbs, shrubs, root balls, weeds, other plant matter, or portions thereof that:

(1) Will not physically fit within, or that exceed the weight limits of, the containers required by this chapter; and

(2) Cannot be tied and bundled as provided in this chapter.

**BULKY ITEMS.** Any items, other than heavy brush and construction debris, that will not physically fit within, or that exceed the weight limits of, the containers required by this chapter.

**CITY.** The City of Harker Heights located in Bell County, Texas.

**COLLECTION CONTRACTOR.** The person or entity hired or employed by the city to collect and dispose of solid waste from within the corporate limits of the city.

**CONSTRUCTION DEBRIS.** Dirt, brick, scrap, concrete, tile, plaster, rocks, fence pickets, carpet, carpet padding, lumber, and other materials generally used in construction that will not physically fit within, or that exceed the weight limits of, the containers required by this chapter.

**DISABLED HOUSEHOLD.** A residential dwelling unit where all occupants over the age of sixteen (16) are physically incapable of transporting garbage and/or rubbish to the property curbside. A statement or certification from a licensed medical doctor shall be required to substantiate the incapacity.

**HAZARDOUS WASTE MATERIAL.** Any solid waste identified or listed as a hazardous waste by the administrator of the Environmental Protection Agency (EPA) pursuant to the Federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, section 42 USC, section 6901 et seq., as amended.

**MEDICAL WASTE.** Waste generated by health care related facilities and associated with health care activities, not including Garbage generated from offices, kitchens, or other non-health-care facilities. The term includes Special Waste from health care-related facilities which is comprised of animal waste, bulk blood and blood products, microbiological waste, pathological waste, and sharps as those terms are defined in 25 TAC §1.132 (relating to Definitions).

**POLY CART.** A rubber-wheeled receptacle with a maximum capacity of 96 gallons constructed of plastic, metal and/or fiberglass, designed for automated or semi-automated solid waste collection systems, and having a tight-fitting lid capable of preventing entrance into the container by small animals.

**SOLID WASTE, TRASH or GARBAGE.** All manner of wasted or spoiled food, discarded matter, or refuse, other than heavy brush, bulky items, hazardous waste, medical waste, special waste and construction debris, including:

(1) All wasted, discarded or spoiled animal and vegetable matter, including dead animals and waste material and refuse from kitchens, residences, grocery stores, butcher shops, cafes, restaurants, drugstores, hotels, rooming, boarding, and apartment houses; and

(2) All rubbish, such as, but not limited to, feathers, coffee grounds, ashes, tin cans, paper bags, boxes, glass, newspaper, handbills, magazines, other such paper products, product packaging, grass, shrubs, flowers, yard cleaning, bundled

brush, grass clippings, leaves and tree trimmings that can be contained within the containers and weight limits for said containers as described in this chapter.

**SPECIAL WASTE.** Any commercial or residential garbage, trash, rubbish, hazardous waste, infectious waste, or other solid waste that because of its quantity, concentration, physical or chemical characteristics or biological properties is not collected by the city's collection contractor.

**SOLID WASTE DROP SITE.** The City's solid waste drop site refers to the location the City has designated to receive bulk items, brush and recycling. It may also be referred to as the City's transfer station or the City's recycling drop center.

(Ord. 85-18, passed 10-22-85; Am Ord. 99-34, passed 10-12-99; Am. Ord. 2009-17, passed 6-9-09)

## **§ 51.02 GENERAL OFFENSES.**

(A) It shall be unlawful for any person to sweep, haul, throw, or deposit any construction debris, solid waste, bulky items, or heavy brush into, upon or along, any drain, gutter, alley, sidewalk, parkway, or street within the corporate limits of the city, or in or upon any automobile except with the consent of the owner thereof.

(B) It shall be unlawful for any person to throw or scatter construction debris, solid waste, heavy brush, or bulky items into, onto or alongside any public street, alley, or sidewalk in the city, or any private property except with the consent of the owner thereof.

(C) It shall be unlawful for any person to store, collect, or dispose of any construction debris, solid waste, bulky items, or heavy brush within the corporate limits of the city except as provided in this chapter.

(Ord. 85-18, passed 10-22-85; Am. Ord. 98-08, passed 4-28-98; Am. Ord. 99-34, passed 10-12-99; Am. Ord. 2009-17, passed 6-9-09) Penalty, see § 51.99

## **§ 51.03 INSPECTION AND ENFORCEMENT.**

It is hereby the duty of the Code Enforcement Officer to make regular inspections as necessary to evaluate compliance with this chapter, and to file a complaint against any person violating any provision of this chapter in order that such person may be prosecuted therefore.

(Ord. 85-18, passed 10-22-85; Am. Ord. 99-34, passed 10-12-99; Am. Ord. 2009-17, passed 6-9-09) Penalty, see § 51.99

## **CONTAINER REQUIREMENTS**

### **§ 51.15 RESIDENTIAL OWNER OR OCCUPANT REQUIRED TO MAINTAIN SUFFICIENT CAPACITY.**

(A) Every owner, occupant, or lessee using or occupying any building, house, or structure for residential purposes within the corporate limits of the city shall maintain on such premises containers adequate in number to hold all solid waste that will normally accumulate on the premises between collections. **The garbage and rubbish to be disposed of is hereby required to be placed in approved receptacles. It is unlawful for any person to place any garbage or rubbish on the ground, or in anything other than an approved receptacle.**

(B) Containers required by this section shall be maintained in good condition, and shall meet the following specifications:

(1) Single-family and duplex residential structures:

(a) Polycart containers as provided by the city's solid waste collection contractor. **The weight of a 96 gallon Polycart and its contents shall not exceed 175 lbs. The weight of a 64 gallon Polycart and its contents shall not exceed 115 lbs.**

(2) All other residential structures.

(a) Dumpsters meeting the requirements for dumpsters in

§ 51.16; or

(b) Polycart containers as provided by the city's solid waste collection contractor. **The weight of a 96 gallon Polycart and its contents shall not exceed 175 lbs. Polycarts shall have the following clearly labeled onto the container with alphanumeric adhesive stickers:**

1. Apartment or unit number; and

2. Address number. The address number shall be labeled below the apartment number.

3. On non-collection days, Polycarts shall be to or near the side of the residential structure in a location that is not visible from any public roadways.

It shall be the responsibility of the apartment/ multi family residence owner to place the apartment or unit number, and address number, on each Polycart used at it's apartment /multi family residential facility.

(C) All residential structures other than single-family and duplex structures constructed after June 9, 2009, shall be designed in such a manner and shall utilize dumpster collection per the requirements as set forth in § 51.16. Trash cans shall not be used as collection containers for such structures.

(Ord. 85-18, passed 10-22-85; Am. Ord. 99-34, passed 10-12-99; Am. Ord. 2009-17, passed 6-9-09) Penalty, see § 51.99

## § 51.16 DUMPSTER REQUIREMENTS.

(A) Except as otherwise provided herein, every owner, occupant, or lessee using or occupying a building or structure within the corporate limits of the city for other than residential purposes, and all residential structures required by this chapter to have a dumpster, or have an adequate area for a dumpster pad site as described herein, or purposes accessory thereto, shall maintain on such premises a dumpster meeting the requirements of this section.

(B) Dumpsters and associated screening required by this section shall be maintained in good order and condition. When the Code Enforcement Officer determines a container to be unsafe or unsightly, notice shall be given to the occupant of the premises upon which the dumpster is located for corrective action. The occupant of the premises upon which the dumpster is located shall cause corrective action to be taken in conformity with such notice within ten days of receiving such notice.

(C) Dumpsters shall be placed on a concrete pad that meets or exceeds the standards shown in drawings shown in Appendix A.

(D) All dumpsters must be fully screened from view by an enclosure consisting of two side walls and a rear wall, plus a gate in the front, as required by this subsection.

(1) *Minimum height.* Screening walls and gates must be not less than six feet nor more than eight feet in height.

(2) *Screening materials.* Materials approved for use in screening walls are based upon the dumpster's location on the site.

(a) If the enclosure is visible from any public street or right-of-way, dumpster screening must be masonry, brick, stone, reinforced concrete, or other similar masonry materials. Materials allowed by this section must match the materials, style, finish and appearance of the principal building located on the same lot.

(b) If the enclosure is not visible from any public street or right-of-way, dumpster screening must be wood, metal, masonry, brick, stone, reinforced concrete, or other similar masonry materials. Any metal screening must be painted to blend with the primary building on the same lot. Corrugated metal, R panel and U panel sheet metal, and fiberglass panels are prohibited and may not be used as screening material.

(3) *Gates.* Screening gates must be solid metal and must screen the dumpster from view when closed. Gates must swing out to an angle greater than 90 degrees and create an opening at least 12 feet wide for the collection truck to enter the enclosure. Each gate must be equipped with a pin capable of holding the gate in its fully opened position while the dumpster is being accessed. Gates must swing clear of all fire lanes. Persons authorized to use the dumpster must keep the gates closed unless the dumpster or enclosure is in the actual process of being emptied, filled, painted, cleaned, constructed, installed, repaired, or otherwise maintained.

(a) There shall be affixed to the exterior of each gate a sign that is conspicuous and readily visible. The sign shall state "GATES TO REMAIN CLOSED WHEN NOT IN USE" in block letters at least three inches high. All sign lettering must appear in contrasting colors against the background.

(4) *Bollards.* A minimum of four bollards shall be provided within the enclosure, two in the rear, and one on each side, to prevent the dumpster from striking

or damaging the screening enclosure. The city's Planning and Development Director may approve another type of protection device in writing if the Director determines that such device protects the enclosure as well as bollards.

(5) *Additional items.* Dumpster pads and screening shall be constructed as displayed in Appendix A.

(E) Notwithstanding division (A) of this section, the City Manager may permit persons using or occupying a structure for commercial purposes to use light commercial hand pickup not to exceed 175 pounds per 96 gallon Polycart. However, if at any time the amount of garbage removed from such structure exceeds 175 pounds per 96 gallon Polycart or one cubic yard per week, the City Manager may thereafter require the use of a commercial dumpster as provided herein.

(Ord. 85-18, passed 10-22-85; Am. Ord. 98-08, passed 4-28-98; Am. Ord. 99-08, passed 4-27-99; Am. Ord. 99-34, passed 10-12-99; Am. Ord. 2009-17, passed 6-9-09; Am. Ord. 2018-12, passed 4-10-18) Penalty, see § 51.99

### **§ 51.17 OTHER TYPES OF CONTAINERS; NONREGULATION.**

Trash and garbage containers not meeting the requirements of either §§ 51.15 or 51.16 may be considered solid waste and may be disposed of as such time of collection.

(Ord. 85-18, passed 10-22-85; Am. Ord. 99-34, passed 10-12-99; Am. Ord. 2009-17, passed 6-9-09) Penalty, see § 51.99

### **§ 51.18 LOCATION OF CONTAINERS FOR COLLECTION.**

(A) This section does not apply to dumpsters.

(B) Not earlier than 6:00 p.m. on the day before the day of collection, nor later than 7:00 a.m. on the day of collection, the owner, occupant or lessee of the premises from which the solid waste is to be collected and removed shall place the containers for collection in a readily-accessible location within three feet of the nearest public street.

(C) Containers shall not be placed beneath any overhead utility lines, such as electrical lines, telephone lines, and cable television lines, nor over electrical, gas, or water meters, nor in such a manner as to block or unreasonably impede access to a driveway, fire hydrant or mailbox.

(D) The collection contractor shall not be required to service containers or situated within a fence or other unopened enclosure other than a dumpster with screening per this chapter.

(E) In the event it is not practical to place the containers for collection as required by this section, the City Manager shall specify an appropriate location for placement of the containers.

(F) Containers shall be removed from the front of the premises by the owner, occupant, tenant, or lessee no later than 11:00 p.m. on the evening of collection.

(G) Except on the designated collection day, solid waste containers shall be stored not closer to the nearest public road than the front of the house or building from

where collection is made, provided that if the house or building is situated more than 200 feet from the nearest public road, the containers may be stored at any location which does not pose a hazard and is not visible from the nearest public road.  
(Ord. 85-18, passed 10-22-85; Am. Ord. 98-08, passed 4-18-98; Am. Ord. 99-08, passed 4-27-99, Am. Ord. 99-34, passed 10-12-99; Am. Ord. 2009-17, passed 6-9-09)  
Penalty, see § 51.99

#### **§ 51.19 OWNER OR OCCUPANT RESPONSIBLE FOR CONTAINERS.**

Every owner, occupant, tenant, or lessee of a house or building used for residential, public, business, or commercial purposes is required to maintain supervision and surveillance over the containers or dumpsters servicing their premises. If the contents of solid waste containers are not removed by the collection contractor for a period exceeding seven days, such owner, occupant, or lessee must thereafter immediately notify the City Manager. The City Manager shall promptly investigate the matter, and if he finds that the contractor has failed to collect trash or garbage from the subject premises without cause, he shall issue a collection order requiring the contractor to collect such solid waste or bundled brush within 12 hours.

(Ord. 85-18, passed 10-22-85; Am. Ord. 99-34, passed 10-12-99; Am. Ord. 2009-17, passed 6-9-09)

#### **§ 51.20 EXISTING NONCONFORMING DUMPSTERS.**

(A) The nonconforming use of a dumpster (such as those dumpsters without concrete pad(s), or screening or gating) at a structure in existence and legally utilizing a dumpster prior to October 12, 1999, may continue until one of the following occurs:

(1) The property the dumpster serves has become vacant and remains unoccupied for a period of one year;

(2) Any structures on the property are enlarged, reconstructed, altered, or moved;

(3) Any structure on the property is damaged by fire, explosion, flood, wind, earthquake, or other calamity or act of God or the public enemy to the extent of 50% or more of its reasonable value; or

(4) The dumpster(s) becomes a hazard to public safety, or a public nuisance.

(B) Thereafter, each dumpster serving the property must be brought into compliance with § 51.16.

(Ord. 2004-44, passed 9-28-04; Am. Ord. 2009-17, passed 6-9-09)

## **COLLECTION AND DISPOSAL PROCEDURES**

### **§ 51.30 MONTHLY CHARGES FOR COLLECTION.**

(A) Monthly charges for trash and garbage collections shall be set by the City Council.

(B) Each person who opens an account with the city for trash and garbage collection is required to pay the regular collection fees as set by the City Council. (Ord. 85-18, passed 10-22-85; Am. Ord. 99-34, passed 10-12-99; Am. Ord. 2000-27, passed 9-5-00; Am. Ord. 2001-25, passed 8-28-01; Am. Ord. 2002-19, passed 9-24-02; Am. Ord. 2004-27, passed 8-10-04; Am. Ord. 2009-17, passed 6-9-09)

### **§ 51.31 HOLIDAY COLLECTION.**

There will not be garbage collections on regular holidays. Collections scheduled on a holiday will be picked up on the next regularly scheduled collection day, or on the preceding collection day. Holidays are New Year's Day, Thanksgiving and Christmas. (Ord. 85-18, passed 10-22-85; Am. Ord. 99-34, passed 10-12-99; Am. Ord. 2009-17, passed 6-9-09)

### **§ 51.32 DISPOSAL OF CERTAIN ITEMS.**

(A) *Heavy brush, bulky items and construction debris.*

(1) Heavy brush, bulky items and construction debris may be hauled by the current resident where such brush or debris originates to the city's solid waste drop site during normal hours of operation. The resident must provide proof that he or she is a resident of the city as shown on a recent city utility bill and driver's license.

(2) Alternatively, resident's may contract with a hauler to have their brush, bulky items and construction debris hauled to a landfill at the resident's expense.

(3) Professional landscaping services, tree trimming services, construction companies, property management companies, fence builders, contractors, and other commercial operations shall, at their own expense, haul off all brush and construction debris created by their operations, and dispose of same in a lawful manner at the disposal site of their choosing. The city's solid waste drop site shall not accept brush or construction debris from commercial services.

(C) *Dead animals and fowl.*

(1) Except for animals and fowl kept by veterinarians or persons engaged in medical or scientific research, and those mounted by a taxidermist, dead animals and fowl shall be disposed of within 24 hours of the time of death. The manner in which dead animals and fowl are disposed of shall, at minimum, comply with the established regulations of the County Health Department and applicable state laws and regulations.

(2) It shall be unlawful for any person to dispose of any dead animal or fowl upon public property within the city. Public property includes without limitation public streets, alleys, parks, and any drainage channels whether maintained privately or by the city. Public property also includes without limitation trash cans, dumpsters, buildings, and grounds owned, operated, or used by any level of government, including school property.

(Ord. 92-08, passed 4-23-92; Am. Ord. 99-34, passed 10-12-99; Am. Ord. 2009-17, passed 6-9-09) Penalty, see § 51.99

#### **§ 51.40 SPECIAL COLLECTION SERVICES.**

##### **(A) Application**

(1) **Eligibility: A residential dwelling unit where all occupants over the age of sixteen (16) are physically incapable of transporting garbage and/or rubbish to the property curbside. A statement or certification from a licensed medical doctor shall be required to substantiate the incapacity.**

##### **(2) Form**

- i. Application for participants prior to March 1, 2021 shall be submitted by October 1, 2021 for continued service.
- ii. New participants can apply at any time.
- iii. Reapply every three years
- iv. Permission for Entry

##### **(3) Physician/ Optometrist**

- i. October 1, 2022
- ii. Recertification every three years; must be signed within one year prior to renewal

##### **(B) Issuance**

##### **(1) Verification/Approval Process**

- i. Executed Application
- ii. Site Inspection

##### **(2) Renewal**

- i. Approval for participation in the program expires on October 1st every three years after approval.

#### **§ 51.99 PENALTY.**

Any person, firm, or corporation who violates any provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be fined in an amount not exceeding \$1,000. Each day on which a violation of, or failure to comply with, this chapter continues shall constitute a separate violation and shall be punishable as such. The city also is entitled to pursue all other criminal and civil remedies to which it is entitled under the authority of other statutes or other ordinances.

(Ord. 85-18, passed 10-22-85; Am. Ord. 99-34, passed 10-12-99; Am. Ord. 2000-27, passed 9-5-00; Am. Ord. 2002-19, passed 9-24-02; Am. Ord. 2009-17, passed 6-9-09)

**Appendix A**

To view Appendix A in a PDF format, please click [HERE](#)

**PASSED AND APPROVED** by the City Council of the City of Harker Heights on March 9, 2021.

**CITY OF HARKER HEIGHTS, TEXAS**

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Spencer H. Smith, Mayor  
City of Harker Heights

ATTEST:

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Juliette Helsham, City Secretary  
City of Harker Heights



## CITY COUNCIL MEMORANDUM

### AGENDA ITEM # IX-4

FROM: THE OFFICE OF THE CITY MANAGER

DATE: MARCH 9, 2021

**DISCUSS AND CONSIDER APPROVING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, AUTHORIZING THE CITY MANAGER TO SIGN THE CITY OF HARKER HEIGHTS PUBLIC LIBRARY ANNUAL REPORT FOR FISCAL YEAR 2019-20; AND ACCREDITATION IN STATE LIBRARY SYSTEM APPLICATION FOR LOCAL FISCAL YEAR 2020; AND TAKE THE APPROPRIATE ACTION.**

#### **EXPLANATION:**

The Texas State Library and Archives Commission operates under two distinct mandates: to administer the Library Systems Act by meeting the requirements for compliance and accountability and to help local libraries improve quality of service they offer to their patrons. Through the Library Systems Act that was adopted in 1969, the Texas State Library and Archives Commission receives funds from the State of Texas to provide services for member libraries.

Membership within the Texas State Library System is important to public libraries for many reasons. First, membership within the Texas State Library and Archives gives public libraries opportunities to network with each other to provide better library services to patrons. Second, membership allows public libraries to take advantage of the varying training, materials, the TexShare Database program, Inter Library Loan services, and expertise of Texas State Library and Archives Commission consultants. Third, many funding opportunities are only available to system members.

A completed application and annual report are required each fiscal year for membership within the Texas State Library. This has been an unprecedented year for both challenges and creativity. The preliminary report that accompanies this memorandum has already been filed with the Texas State Library and Archives Commission. The report reflects changes in statistics requested and the services that were provided. The signed application form will be mailed to the Texas State Library and Archives Commission.

#### **RECOMMENDATION:**

Staff recommends approving the resolution authorizing the City Manager to sign the City of Harker Heights Public Library Annual Report for Fiscal Year 2019-20, and 2020 System membership application Accreditation in State Library System Application for the Texas State Library System.

**ACTION BY COUNCIL:**

1. Motion to APPROVE/DISAPPROVE a Resolution authorizing the City Manager to sign the City of Harker Heights Public Library Annual Report for Fiscal Year 2019-20, and the 2020 Accreditation in State Library System Application.
2. Any other action desired by council.

**ATTACHMENTS:**

1. Resolution
2. Harker Heights Public Library Annual Report for Fiscal Year 2019-20 and 2020 Accreditation in Sate Library System Application for the Texas State Library System
- 3.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, AUTHORIZING THE CITY MANAGER TO SIGN THE CITY OF HARKER HEIGHTS PUBLIC LIBRARY ANNUAL REPORT FOR FISCAL YEAR 2019-2020 AND ACCREDITATION IN STATE LIBRARY SYSTEM APPLICATION FOR LOCAL FISCAL YEAR 2020.**

**WHEREAS**, the Texas State Library and Archives Commission administers the Library Systems Act by meeting the requirements for compliance and accountability and helps local libraries improve quality of service they offer to their patrons; and

**WHEREAS**, the Texas State Library and Archives Commission operates the Texas State Library System; and

**WHEREAS**, the Stewart C. Meyer Harker Heights Public Library has completed the Annual Report for Fiscal Year 2019-20 and the System Membership Application Form for the Texas State Library System;

**NOW, THEREFORE, BE IT RESOLVED BY** the City Council of the City of Harker Heights, Texas authorizes the City Manager sign the Harker Heights Public Library Annual Report for the Fiscal Year 2019-20 and System Membership Application Form for the Texas State Library System.

**PASSED AND APPROVED THIS 9<sup>th</sup> DAY OF MARCH, 2021, AT WHICH MEETING A QUORUM WAS PRESENT AND HELD IN STRICT ACCORDANCE WITH THE PROVISIONS OF TEXAS GOVERNMENT CODE, CHAPTER 557.**

**CITY OF HARKER HEIGHTS, TEXAS:**

\_\_\_\_\_  
Spencer H. Smith, Mayor

**ATTEST:**

\_\_\_\_\_  
Julie Helsham, City Secretary



# TEXAS PUBLIC LIBRARIES

## ANNUAL REPORT FOR LOCAL FISCAL YEAR 2020

This report is due to the Texas State Library and Archives Commission by April 30, 2021. We strongly urge libraries to report no later than March 31, 2021, to allow staff enough time to process all reports.

The Texas State Library and Archives Commission participates in a national public library data collection system. The purpose of this system is to ensure the collection of comparable data in all states. The data is used for the creation of a composite report on the public libraries of the United States and for state-to-state comparisons by the Institute of Museum and Library Services (IMLS). It is seen and used by researchers as well as policymakers at all levels of government. This report is also used to accredit Texas public libraries and some data elements are used for that purpose. Accreditation-related questions are marked within the questionnaire (◆).

All questions relate to the library's local fiscal year 2020: the year that ended in calendar year 2020 and included January 1, 2020. If there was a change in the fiscal year, please contact LDN staff to update that information. All information must be entered into LibPAS, the online data collection portal at <https://tx.countingopinions.com>.

**Texas State Library and Archives Commission**  
**Library Development and Networking (LDN)**  
**Statistics and Accreditation Staff**  
[accreditation@tsl.texas.gov](mailto:accreditation@tsl.texas.gov)

**SECTION 1: LIBRARY INFORMATION - Central/Administrative Library**

Library Contact Information. This section requests information for contacting the library, its staff, board, and friends group. The information you submit on this form is Public Information (<https://www.tsl.texas.gov/agency/customer/pia.html>). In addition, the information being entered may be subject to interception via common Internet tools. Please read our Web Policies and Disclaimers (<https://www.tsl.texas.gov/landing/webpolicies.html>).

1.1 Library Name	Stewart C Meyer Library	1.2 County	Bell
The local fiscal year covered by this report		1.3 Start	1.4 End
		10/01/2019	09/30/2020
1.5 Mailing Address - Street	400 Indian Trl	1.6 Mail City	1.7 Mail Zip 1.8 (Zip)+4
		Harker Heights	76548 ~ 7208
1.9 Physical/Shipping address - Street	400 Indian Trl	1.10 City	1.11 Zip 1.12 (Zip)+4
		Harker Heights	76548 ~ 7208
◆ 1.13 Does the library have a published telephone number? 13 TAC §1.83			Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1.14 Phone number	(254) 953-5491	1.15 Telefax	(254) 699-4772
1.16 Library Director/Head Librarian First Name	Lisa	1.17 Library Director/Head Librarian Last Name	Youngblood
1.18 Director's Email Address	lyoungblood@harkerheights.gov	1.19 Library General Email Address	lyoungblood@harkerheights.gov
◆ 1.20 Website			Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1.21 Website URL	<a href="https://harkerheights.gov/departments/library">https://harkerheights.gov/departments/library</a>		
1.22 Is the information provided in 1.1 through 1.21 correct?			Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

◆ Accreditation-related question

<b>Contact information on the person who completed this report</b>			
	Lisa	Youngblood	lyoungblood@harkerheights.gov
1.23 Contact First Name		1.24 Contact Last Name	1.25 Contact Email
<b>Library Advisory Board Information - leave blank if not applicable.</b>			
	Barbara		Kelly
1.26 Board Chair First Name		1.27 Board Chair Last Name	
<b>Friends' Group Information - leave blank if not applicable.</b>			
	Vivian		Marschick
1.28 Friends' President First Name		1.29 Friends' President Last Name	
<b>SECTION 2: LIBRARY OUTLETS</b>			
This section requests information on public service outlets. Report figures as of the last day of the fiscal year. If there is a new branch, but it was not open for business before the end of the library's local fiscal year, it should not be included on this report.			
2.1 Number of Branch Libraries	0		
2.2 Number of Bookmobiles	0		
2.3 Renovations, Expansions, new construction		Yes	<input checked="" type="checkbox"/>
2.4 Square Footage of the Main Library	16,893	square feet	
<b>SECTION 3: EXPENDITURES</b>			
<b>REPORT ACTUAL EXPENDITURES, NOT BUDGETED AMOUNTS</b>			
Local accounting practice will generally determine whether a particular expense is classified as operating or capital expense. These expenditures are from all sources of revenue, including federal, state, Friends group revenue to the library, and foundation monies. The information reported in Expenditures may differ from the information reported in Library Revenue by Source.			
<b>Library Operating Expenditures</b>			
Operating Expenditures are those current and recurrent costs necessary to support library services. Only such funds that are supported by expenditures documents such as invoices, contracts, payroll records, etc. at the point of disbursement should be included.			
<b>Staff Expenditures</b>			
<b>REPORT ACTUAL EXPENDITURES, NOT BUDGETED AMOUNTS</b>			
3.1 Salaries and Wages Expenditures		\$417,013	
3.2 Employee Benefits Expenditures		\$144,683	
<b>3.3 Total Staff Expenditures</b>		Sum of 3.1 and 3.2	\$561,696
3.3a Of these staffing expenditures, how much was from non-local grant funding?		\$0	
3.3b Local funds used for library staff expenditures (3.3 - 3.3a)		\$561,696	
<b>Collection Expenditures</b>			
<b>REPORT ACTUAL EXPENDITURES, NOT BUDGETED AMOUNTS</b>			

3.4 Print Materials Expenditures		\$31,577	
Report all operating expenditures for these print materials: books, current serial subscriptions, government documents, and any other print acquisitions.			
3.5 Electronic Materials Expenditures		\$31,164	
3.6 Other Materials Expenditures		\$15,854	
<b>3.7 Total Library Collection Expenditures</b>		Sum of 3.4, 3.5, 3.6	\$78,595
3.7a Of these expenditures, how much was from non-local grant funding,			
3.7b Local funds used for library collection material expenditures (3.7 - 3.7a). This amount will be reported in Question 4.1.		\$78,595	
3.8 Other Operating Expenditures			\$80,604
3.8a Of these expenditures, how much was from non-local grant funding,		\$0	
3.8b Local funds used for other library operating expenditures expenditures. (3.8 - 3.8a)		\$80,604	
<b>3.9 Total Direct Library Operating Expenditures</b>		Sum of 3.3, 3.7, 3.8	\$720,895
3.9a Total expended from non-local grant funding.		\$0	Sum of 3.3a, 3.7a, 3.8a
3.9b Local funds used for library operating expenditures expenditures. This amount, plus 3.10, Indirect Costs (if needed), is reported in Question 4.2.		\$720,895	Sum of 3.3b, 3.7b, 3.8b
3.10 Indirect Costs (if needed to meet maintenance of effort)		Documentation Required	\$0
<b>3.11 Total Library Operating Expenditures</b>		Sum of 3.9, 3.10	\$720,895
<b>3.12 Capital Expenditures</b>			\$0
<b>REPORT ACTUAL EXPENDITURES, NOT BUDGETED AMOUNTS</b>			
<b>SECTION 4: LOCAL FINANCIAL EFFORT</b>			
This section contains questions which will help determine whether the library meets the minimum accreditation criteria. Local Operating Expenditures, question 4.2, is used in determining whether a library has met the maintenance of effort (MOE) criteria. 13 TAC §1.74			
In the online form, questions 4.1 and 4.2 are calculated fields. They will reflect the total expenditures, less any non-local and/or grant funding.			
◆ 4.1 Local expenditures on collections (3.7b)		\$78,595	
This is the amount of Total Collection Expenditures expended from local funds. This amount is included in the amount reported in question 4.2, Local Funds Expenditures.			
◆ 4.2 Local funds used for library operating expenditures (3.9b + 3.10)		\$720,895	
This is the amount of Total Operating Expenditures, including indirect costs, if needed. expended from local funds.			
◆ 4.3 Local government funds used for library operating expenditures		\$720,895	
This is the amount reported in Total Operating Expenditures, question 3.11, that was expended from local government revenue. This amount is included in the amount reported in question 4.2, Local Funds Expenditures. As this is based on actual expenditures, it should not be greater than the amounts totaled in 3.11, 4.2 or 5.4.			

SECTION 5: REVENUE		
<b>Revenue Used for Library Operating Expenditures</b>		
Report revenue received by the library used for the current and recurrent costs of operation, including grants. Report by source of revenue.		
<b>Local Government Revenue – Operating Expenditures</b>		
5.1	City, Cities, or Library District Revenue used for operating expenditures. Include revenue from other cities, as calculated in 5.19.	\$720,195
5.2	County or Counties Revenue used for operating expenditures. Include revenue from other counties, as calculated in 5.19.	\$0
5.3	School District Revenue used for operating expenditures.	\$0
<b>5.4</b>	<b>Local Government Operating Revenue</b>	Sum of 5.1, 5.2, 5.3 <b>\$720,195</b>
This amount should not be less than the amount reported in question 4.3, Local Government Operating Expenditures.		
5.5	State Revenue - Operating Expenditures	\$0
5.6	Federal Revenue - Operating Expenditures	\$0
5.7	Foundation and Corporate Grant Revenue - Operating Expenditures	\$0
5.8	Other Local Sources of Revenue	\$700
<b>5.9</b>	<b>Total Revenue Used for Library Operating Expenditures</b>	Sum of 5.4 through 5.8 <b>\$720,895</b>
<b>Revenue Used for Major Capital Expenditures</b>		
Do not report revenue that has already been reported in operating revenue.		
<b>Local Government Revenue – Capital Expenditures</b>		
5.10	City, Cities, or Library District Revenue used for major capital expenditures. Include revenue from other cities, as calculated in question 5.19.	\$0
5.11	County or Counties Revenue used for major capital expenditures. Include revenue from other counties, as calculated in question 5.19.	\$0
5.12	School District Revenue used for major capital expenditures.	\$0
5.13	State Revenue - Capital Expenditures	\$0
5.14	Federal Revenue - Capital Expenditures	\$0
5.15	Foundation and Corporate Grant Revenue - Capital Expenditures	\$0
5.16	Other Local Sources of Revenue - Capital Expenditures	\$0
<b>5.17</b>	<b>Total Revenue Used for Library Capital Expenditures</b>	Sum of 5.10 through 5.16 <b>\$0</b>
<b>Skip</b> the following section if the library did <u>not</u> receive funds from a city or county <u>outside</u> of the one in which the library is located.		

5.18 Government Revenue Sources Outside Local City or County		5.19 Total Amount Received <input type="text"/>
City or County Providing Funds (outside home county)	Amount	
<input type="text"/>	<input type="text"/>	Include total in 5.1 or 5.2, as appropriate
<input type="text"/>	<input type="text"/>	
<input type="text"/>	<input type="text"/>	
<b>Total (report in 5.19)</b>	<input type="text"/>	

**SECTION 6: LIBRARY COLLECTION**

This section collects data on selected types of materials. It does not cover all materials for which expenditures are reported in the Collection Expenditures section.

◆ 6.1 Library Catalog	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
◆ 6.2 Collection has 1% published in last five years	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Physical Material Counts	
6.3 Books in Print	Number of volumes, items or physical units <input type="text" value="54,236"/>
6.4 Audio Materials — Physical format	Number of volumes, items or physical units <input type="text" value="4,438"/>
6.5 Video Materials - Physical Format	Number of volumes, items or physical units <input type="text" value="4,028"/>

Electronic Material Counts	
6.6 Electronic Books (Ebooks)	<input type="text" value="21,524"/>
6.7 Audio Materials — Downloadable Units	<input type="text" value="14,132"/>
6.8 Video Materials — Downloadable Units	<input type="text" value="143"/>

Electronic Collections/Databases	
6.9 Electronic Collections/Databases	6.9a Local license <input type="text" value="2"/>
	6.9b Consortium license <input type="text" value="0"/>
6.10 TexShare - State Licensed Databases	<input type="text" value="63"/>
<b>6.11 Total Electronic Collections/Databases</b>	Sum of 6.9 and 6.10 <input type="text" value="65"/>

Collection Totals	
◆ 6.12 Number of volumes, items or physical units	Sum of 6.3, 6.4 ,6.5, 6.6, 6.7, 6.8, 6.9a <input type="text" value="98,503"/>

**SECTION 7: LOCAL LIBRARY SERVICES**

◆ 7.0 Long-Range Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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Service Measures	
7.1 Number of Reference Transactions	Not Tracked <input type="checkbox"/> <input type="text" value="8,956"/>
7.1a Regarding the number of reference transactions, is this an annual count or an annual estimate?	<input checked="" type="checkbox"/> Count <input type="checkbox"/> Estimate

7.2 Library Visits		Not Tracked	<input type="checkbox"/>	47,145
Frequently referred to as the gate count, this is the number of persons entering the library for any purpose during the year.				
7.2a Regarding the number of library visits, is this an annual count or an annual estimate?			Count <input checked="" type="checkbox"/>	Estimate <input type="checkbox"/>
7.3 Registered Users				57,725
7.4 Circulation of Children's Materials — Physical formats			36,437	
The National Center for Education Statistics NCES: Children and Young Adults Defined [ <i>Services and Resources for Children and Young Adults in Public Libraries</i> , August 1995, NCES 95357] defines children as persons age 11 and under.				
7.5 Circulation of Children's Materials — Digital Formats		Downloadable Materials	3,941	
7.6 Circulation Other than Children's — Physical formats			56,329	
7.7 Circulation Other than Children's — Digital Formats		Downloadable Materials	15,767	
7.8 Total Circulation			Sum of 7.4, 7.5, 7.6, 7.7	112,474
7.9 Successful Retrieval of Electronic Information			2,434	
<b>Programs and Program Attendance</b>				
<b>Children's Programs and Attendance</b>				
7.10 Number of programs	176	7.11 Total in Attendance	Count both adults and children at these programs	6,095
The National Center for Education Statistics NCES: Children and Young Adults Defined [ <i>Services and Resources for Children and Young Adults in Public Libraries</i> , August 1995, NCES 95357] defines children as persons age 11 and under.				
<b>Young Adult Programs and Attendance</b>				
7.12 Number of programs	40	7.13 Total in Attendance	Count both adults and children at these programs	1,874
The Young Adult Services Association (YALSA) defines young adults as ages 12 through 18.				
<b>Adult Programs and Attendance</b>				
7.14 Number of programs	30	7.15 Total in Attendance	Count both adults and children at these programs	263
<b>Program and Program Attendance Totals</b>				
7.16 Total Number of Library Programs	246	7.17 Total Attendance at Library Programs	Count both adults and children at these programs	8,232
Sum of 7.10, 7.12, 7.14		Sum of 7.11, 7.13, 7.15		
<b>SECTION 8: LIBRARY STAFFING AND SALARIES</b>				
Include all positions funded in the library's budget whether those positions are filled or not. Report figures as of the last day of the fiscal year. Report all hours worked for each employee type and report as total hours worked per week.				
Report number of hours worked per week, not the number of employees.				
◆ 8.1 Professional (MLS) Librarians - Weekly Hours Worked			120.00	
8.2 Other (Non-MLS) Librarians - Weekly Hours Worked			40.00	
8.3 All Other Library Staff - Weekly Hours Worked			198.00	
8.4 All Library Staff - Total Weekly Hours Worked			Sum of 8.1, 8.2, 8.3	358.00

8.5 Volunteer Hours – Annual Total		1,475
8.6 Head Librarian's Annual Rate Of Salary		\$96,579
◆ 8.7 Head Librarian's Hours Worked per Week		40.00
◆ 8.8 Director Obtained 10 Units of Continuing Education (CEU)	Yes	No
◆ 8.9 Photocopier Available for Staff	Yes	No
◆ 8.10 Internet Computer Available for Staff	Yes	No
<b>SECTION 9: RESOURCE SHARING</b>		
<b>Interlibrary Loans</b>		
An item of library material, or a copy of the material, is made available by one autonomous library to another upon request. The libraries involved in interlibrary loan are not under the same library administration.		
◆ 9.1 Does the library have the statewide interlibrary loan service available to patrons?	Yes	No
9.2 Interlibrary Loans Received from Other Libraries (Borrows)		95
9.3 Interlibrary Loans Provided to Other Libraries (Lends)		152
9.4 What automation/integrated library system (ILS) is currently used?		
Book Systems (Atrium, Concourse)	Other:	Atrium
<b>SECTION 10: INTERNET AND ELECTRONIC SERVICES</b>		
◆ 10.1 Public Internet Access Computer with Printer/Copier	Yes	No
10.2 Number of Public Internet Access Computer Terminals		6
10.3 Annual Uses of Public Internet Computer		17,458
10.4 Annual Wi-Fi Sessions	0	Data Not Collected No Wi-Fi Available
10.5 Annual Website Visits		Data Not Collected No Website
<b>SECTION 11: LIBRARY HOURS</b>		
11.1 Annual Public Service Hours for Central Library		2,198
11.2 Annual Public Service Weeks for Central Library		47
◆ 11.3 Weekly Service Hours All Facilities Available		55
11.4 Weekly Hours Central Library Open - Regular Schedule		55
11.5 Weekly Hours Central Library Open - Summer Schedule		55

SPECIAL SECTION CONCERNING COVID.19 HEALTH CRISIS				
<b>Facilities During COVID-19 Crisis</b>				
C19.1.0 Closed Outlets due to COVID-19			<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Were any of the library's outlets physically closed to the public for any period of time due to the Coronavirus (COVID-19) pandemic?				
Number of weeks library facility was closed to the public. Count any week where the library building was closed for more than half of its scheduled hours as a full week.			C19.1.1	5
Number of weeks library facility had limited occupancy. Count any week where the library building was closed for more than half of its scheduled hours as a full week.			C19.1.2	21
<b>Services During COVID-19 Crisis</b>				
C19.2.0 Public Services During COVID-19			<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Did library staff continue to provide services to the public during any portion of the period when the building was physically closed to the public due to the Coronavirus (COVID-19) pandemic?				
C19.3.0 Electronic Materials Added due to COVID-19			<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Did the library add or increase access to electronic collection materials due to the Coronavirus (COVID-19) pandemic?				
C19.4.1 Electronic Library Cards Issued Before COVID-19			<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Did the library allow users to complete registration for library cards online without having to come to the library before the Coronavirus (COVID-19) pandemic?				
C19.4.2 Electronic Library Cards Issued During COVID-19			<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Did the library allow users to complete registration for library cards online without having to come to the library during the Coronavirus (COVID-19) pandemic?				
C19.5.0 Reference Service During COVID-19			<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Did the library provide reference service via the Internet or telephone when the building was physically closed to the public during the Coronavirus (COVID-19) pandemic?				
C19.6.0 Outside Service During COVID-19			<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Did the library provide 'outside' service for circulation of physical materials at one or more outlets during the Coronavirus (COVID-19) pandemic?				
C19.7.0 Live Virtual Programs During COVID-19			<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Did the library provide live, virtual programs via the Internet during the Coronavirus (COVID-19) pandemic?				
	Total number of live virtual programs offered. Include all programs, regardless of age of targeted audience. These totals should be included in questions 7.10 (Children's), 7.12 (Young Adult), and 7.14 (Adult) Library Programs.	C19.7.1	Children's	104
		C19.7.3	YA	0
		C19.7.5	Adult	5
	Total attendance at live virtual programs offered. These totals should be included in questions 7.11 (Children's), 7.13 (Young Adult), and 7.15 (Adult) Library Programs.	C19.7.2	Children's	2,088
		C19.7.4	YA	0
		C19.7.6	Adult	158

C19.8.0 Recordings of Program Content During COVID-19		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Did the library create and provide recordings of program content via the Internet during the Coronavirus (COVID-19) pandemic?			
Total number of recorded programs offered. This total should NOT be included in question 7.16, Total Library Programs.		C19.8.1	350
Total attendance at recorded programs offered. This total should NOT be included in question 7.16, Total Attendance at Library Programs.		C19.8.2	8,193
C19.9.1 External WiFi Access Before COVID-19		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Did the library provide Wi-Fi Internet access to users outside the building at one or more outlets before the Coronavirus (COVID-19) pandemic?			
C19.9.2 External WiFi Access Added During COVID-19		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Did the library intentionally provide Wi-Fi Internet access to users outside the building at one or more outlets during the Coronavirus (COVID-19) pandemic?			
C19.9.3 External WiFi Access Increased During COVID-19		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Did the library increase access to Wi-Fi Internet access to users outside the building at one or more outlets during the Coronavirus (COVID-19) pandemic?"			
<b>Staff During COVID-19 Crisis</b>			
C19.10.0 Staff Re-Assigned During COVID-19		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Did library staff work for other government agencies or nonprofit organizations instead of, or in addition to, their normal duties during the Coronavirus (COVID-19) pandemic?			



**ACCREDITATION IN STATE LIBRARY SYSTEM  
APPLICATION  
Local Fiscal Year 2020**

**LIBRARY NAME** \_\_\_\_\_ **CITY** \_\_\_\_\_

This authorization for application should only be completed if the library is applying for membership in the Texas Library System for State fiscal year 2022, Sept 1, 2021 – Aug 31, 2022. It must be submitted as part of its 2020 Annual Report on or before April 30, 2021, if the library is applying for accreditation.

**The below signed certify, to the best of their ability, that the information contained in this Annual Report is complete and accurate for local fiscal year 2020.**

<b>Governing Authority*</b>		
<b>Printed Name and Title</b>	<b>Date</b>	<b>Signature</b>
<b>Library Director</b>		
<b>Printed Name</b>	<b>Date</b>	<b>Signature</b>
<b>Library Board Chair</b>		
<b>Printed Name</b>	<b>Date</b>	<b>Signature</b>

*\* All applicable signatures are necessary, based on library's legal establishment. Signatures of the City Secretary, County Clerk or similar positions are not valid substitutions for the signatures of Mayor, City Manager or County Judge. Electronic signatures are acceptable.*

**Check one:**

- The library has met all minimum standards of library accreditation, per 13 TAC §1.71-§1.85.
- The library has **not** met all minimum standards of library accreditation.

To prevent hardship to libraries and their communities due to the current community health situation, the Commission has adopted an emergency rule creating a waiver for libraries for certain standards, including, but not limited to, §1.74 (relating to Local Operating Expenditures) and §1.81 (relating to Quantitative Standards for Accreditation of Library), particularly the subsections pertaining to minimum expenditures and weekly hours open for service.

The new emergency waiver provision offers assurance to libraries that they will not necessarily lose accreditation if they fail to meet an accreditation standard due to a situation created by a disaster, emergency, or other extraordinary hardship. In these very challenging times, the Commission is committed to supporting libraries throughout the state and working to ensure that we continue to serve the people of Texas. Now more than ever, libraries are desperately needed, and the Commission stands ready to help libraries meet the information needs of people throughout the state.

In discussion with TSLAC accreditation staff, please complete the form below.



**SECTION 12: LIBRARY INFORMATION – Branch and/or Bookmobile**

12.1 Check one:  Branch  Bookmobile

This section requests information for contacting the library branch or bookmobile and its staff. By entering this information, you understand that this will be published and become public information. The information you submit on this form is Public Information (<https://www.tsl.texas.gov/agency/customer/pia.html>). In addition, the information being entered may be subject to interception via common Internet tools. Business email addresses are not considered confidential under the Texas Public Information Act. **To help ensure your privacy, always enter your business email address rather than your personal email address when such an address is requested.**

Please read our Web Policies and Disclaimers (<https://www.tsl.texas.gov/landing/webpolicies.html>).

12.2 Library Name			
12.3 Mailing Address - Street		12.4 Mail City	12.5 Mail Zip 12.6 (Zip)+4
12.7 Physical/Shipping address - Street		12.8 City	12.9 Zip 12.10 (Zip)+4
12.11 Phone number	12.12 Telefax	12.13 Library General Email Address	
12.14 Library Director/Head Librarian First Name		12.15 Library Director/Head Librarian Last Name	
12.16 Square Footage of the Branch Library <input type="text"/> square feet This is the area on all floors enclosed by the outer walls of the library. Include all areas occupied by the library, including those areas off-limits to the public. Include areas shared with another agency or agencies if the library has use of that area.			
12.17 Established Schedule			Yes <input type="checkbox"/> No <input type="checkbox"/>
Does the branch have an <b>established schedule</b> in which the services of the staff are available to the public?			
12.18 Annual Total of Public Service Hours - Branch or Bookmobile			<input type="text"/>
Report every hour that the facility is open to the public during all of last year. Branch hours open per year will be reported in each branch sub-report.  This is the number of hours open for public service at the branch or bookmobile. For each bookmobile, count only the hours the bookmobile is open for service to the public. Extensive hours closed to the public due to natural disasters or other events should be excluded from the count.			
12.19 Annual Total of Public Service Weeks - Branch or Bookmobile			<input type="text"/>
This is the number of weeks open for public service. The count should be based on number of weeks open for half or more of its scheduled service hours. Extensive weeks closed to the public due to natural disasters or other events should be excluded from the count.  Round to the nearest whole number of weeks. If the branch or bookmobile was open half or more of its scheduled hours in a given week, round up to the next week. If the branch or bookmobile was open less than half of its scheduled hours, round down. Do not calculate based on total number of service hours per year: do not divide total hours by 52 weeks.			

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## CITY COUNCIL MEMORANDUM

### AGENDA ITEM # IX-5

FROM: THE OFFICE OF THE CITY MANAGER

DATE: MARCH 9, 2021

**DISCUSS AND CONSIDER APPROVING THE APPOINTMENT OF A COUNCILMEMBER TO FILL THE VACANCY FOR A HARKER HEIGHTS REPRESENTATIVE ON THE HILL COUNTRY TRANSIT DISTRICT (HCTD) BOARD, AND TAKE THE APPROPRIATE ACTION.**

**BACKGROUND:**

The representative for the City of Harker Heights on the Hill Country Transit District (HCTD) Board was prior Councilmember John Reider. Since Mr. Reider is no longer serving as a Councilmember, his position on the board automatically became vacant. Action is needed by the Council to appoint a replacement to the HCTD board.

The HCTD board representatives are elected officials from each municipality and county throughout the nine (9) counties in the Hill Country Transit District. Judge David Blackburn is the current Chairman for the board.

The HCTD board normally meets 3-4 times a year. Special meetings are being called more frequently due to the transit study project. Regular meetings are scheduled on the 3<sup>rd</sup> or 4<sup>th</sup> Thursday, at 1:30 p.m.

All meetings will be in-person at the Hill Country Transit District – Central Texas HOP office in Belton, Texas. The next special meeting is scheduled on Thursday, March 18, 2021.

**RECOMMENDATION:**

None.

**ACTION BY THE CITY COUNCIL:**

1. Motion to Approve Mayor/Councilmember \_\_\_\_\_ as the City of Harker Heights Representative to the Hill Country Transit District Board.
2. Any other action desired.

**ATTACHMENT:**

None.