

Minutes of the Regular Meeting of the Harker Heights
Planning & Zoning Commission held at the City Hall Building,
November 30, 2016

Present:	Michael Schulte	Chairman
	Jeffery Petzke	Vice Chairman
	Jeff Orlando	Secretary
	David Kingsley	Commissioner
	Noel Webster	Commissioner
	Darrel Charlton	Commissioner
	Jan Anderson	Commissioner
Staff:	Joseph Molis	Planning & Development Director
	Leo Mantey	City Planner
	Courtney Peres	Planner/GIS Coordinator
	Randy Ray	Fire Inspector
	Mark Hyde	Public Works Director
	Ty Hendrick	Planning & Development Administrative Assistant

A quorum was established and the meeting was called to order at 6:30 P.M.

The first item on the agenda was the approval of the minutes from the October 26, 2016, regular meeting. Commissioner Kingsley made a motion to approve the minutes and Commissioner Charelton seconded the motion. The motion passed in favor (7-0).

The next item on the agenda was to recognize affidavits for Conflict-of-Interest. Mr. Molis stated that there were no conflicts of interest.

Mr. Molis reported the actions from the City Council meeting which was held on October 11, 2016. City Council voted unanimously (5-0) to table a request by Luree Inc. for Concept Plan approval of a 45 acre tract of land to accommodate Single Family Residences in an R-1 Zone (One Family Dwelling District) within the Oakridge Terrace Subdivision, also known as 1901 Valley Oaks Drive, Harker Heights, Bell County, Texas. The City Council also voted in favor (5-0) to approve the preliminary plat for Tuscany Meadows II described as 114.18 acres of land in Bell County, Texas, out of the H.R. Morrell survey, abstract NO. 579, Lucy O'Dell Survey, abstract NO. 644, and the J.T.W.J. Hallmark survey, abstract NO 413, and also being a portion of the tract described as 490.1 acres in a deed to James Dennis Magill dated May 23, 1972 and recorded in volume 1177, page 145 of the Bell County deed records and laying east of F.M. 3481, and further described as property ID#433992 and property ID#67413.

Next, Courtney Peres presented the update on development activity for the City. She stated the City issued zero commercial construction permits for the month of October 1st to October 25th. Nine (9) single-family residential construction permits had been issued and one (1) permit was issued for a two-family (duplex) for the month of October.

Under Public Hearings, Mr. Molis presented Z16-18 to conduct a public hearing and consider an ordinance to change zoning designation from PD-R (Planned Development District-Residential) to PD-R (Planned Development District-Residential), on 114.18 acres of land in Bell County, Texas, out of the H.R. Morrell survey, abstract NO. 579, Lucy O'Dell Survey, abstract NO. 644,

and the J.T.W.J. Hallmark survey, abstract NO 413, and also being a portion of the tract described as 490.1 acres in a deed to James Dennis Magill dated May 23, 1972 and recorded in volume 1177, page 145 of the Bell County deed records and laying east of F.M. 3481, and further described as property ID#433992 and property ID#67413.

Mr. Molis stated that during the preliminary platting stages, the project underwent some development requirements challenges; hence, amendment had to be made to the overall PD-R in order to meet all City standards and regulations. After consultations with staff, the applicant submitted a new application with revised conditions to the PD-R and Preliminary Plat that ensures safety, compatible land use development and conformance with City Ordinance and the Knights Way Overlay regulations.

Mr. Molis explained that the PD-R would maintain all requirements of the Knight's Way Overlay and the approved conditions that were attached to the PDR on September 8, 2015. In addition the applicant has proposed the following conditions to be added to the revised PD-R;

- Sidewalk will be provided along Cedar Knob between Torrino and some other point north in the Subdivision as indicated in Attachment A
- Landscaped medians shall be provided at the entrances to the subdivision on Prospector Trail and shall be maintained by the HOA
- More unique light fixtures will be installed along Prospector Trail that would be similar to the ones on Hudson BLVD.
- Pedestrian cross walk with hardware will be provided at the intersection of Prospector Trail and Stillhouse Lake Road to enable the residents of the subdivision to access the sidewalk we are constructing on the west side of Stillhouse Lake Road to FM 2410

Mr. Molis stated that the subject property is currently designated as Vacant. There are mixed uses adjacent and within close proximity to the properties. Some existing land uses adjacent include single family homes, offices, church and the property to the south of the site has been allocated for the Stillhouse Lake Flats which is in its construction stages. The proposed site is also located in the Knights Way development corridor, which is a development overlay district with specific design standards intended to improve the appearance and quality of development in the area. If approved the proposed PD-R will take into consideration the design requirements and regulations of the overlay district.

Mr. Molis stated that staff believes the proposed rezoning from PD-R to PD-R district will not likely have any adverse effects on the surrounding residential zoning districts and that the intended use would be consistent with the 2007 City of Harker Heights Comprehensive Plan. Staff sent out one-hundred two (102) notices to property owners within the 400 foot notification area. There was one (1) response received in favor of the request, two (2) responses received in opposition of the request and one (1) response received that was undecided.

Lastly, Mr. Molis stated that staff recommends approval of an ordinance to change the zoning designation from PD-R (Planned Development- Residential) to PD-R (Planned Development District-Residential), on 144.18 acres of land in Bell County, Texas, out of the H.R. Morrell Survey, Abstract No. 579, Lucy O'Dell Survey, Abstract No. 644, and the J.T.W.J. Hallmark Survey, Abstract No. 413, and also being a portion of the tract described as 490.1 acres in a deed to James Dennis Magill dated May 23, 1972 and recorded in Volume 1177, Page 145 of the Bell County Deed Records and laying east of F.M. 3481, and further described as Property ID#433992 and Property ID#67413 with the attached conditions based on the findings and facts.

Next, Chairman Schulte opened the public hearing and asked if there was anyone to speak for or against the agenda item. There was no one to speak for or against. Chairman Schulte then closed the public hearing.

Chairman Schulte asked for a motion to approve or disapprove agenda item Z16-18. Commissioner Kingsley made a motion for approval and Commissioner Anderson seconded the motion to approve. The motion passed in favor (7-0)

Next Ms. Peres presented Z16-19 to discuss and consider recommending an ordinance granting a conditional use permit (CUP) to allow an accessory dwelling unit for a relative on property described as Summer Glenn, Block 001, Lot 0004, Property ID#318084, also known as 1407 Summer Glenn Dr. Harker Heights, Bell County, Texas.

Ms. Peres stated that the property has an existing 18 ft. by 20 ft. accessory structure which was built in compliance to setbacks, building materials and all other development regulations prescribed in the Harker Heights Code of Ordinances. The applicant informed staff he intends to convert the accessory structure which has been a storage building into a residential dwelling for his relative. The accessory building is located at the rear of the main house and therefore not visible from the street (Summer Glenn Drive). Major construction work will include adding plumbing to the building, electrical wiring, and other internal and external modifications that will comply with the City's Residential Building Code.

Ms. Peres also stated that the property is currently a single family home with an existing accessory structure. The neighborhood is made up of single family residences with a few vacant lots. A reconnaissance survey of the area showed that a sizable number of houses in the subdivision have accessory structures mostly located at the rear of the primary house. This CUP if granted will not interfere with the property's primary use as a single family home. The proposed change would not alter or have any significant impact on the square footage of the house, setbacks or any other development regulations. The proposed use would therefore not likely have any adverse impact on adjoining land uses in the neighborhood.

Ms. Peres further commented that the subject property has the correct zoning and would hold consistent with the 2007 City of Harker Heights Comprehensive Plan. Ms. Peres stated that staff sent out thirty-two (32) notices to property owners within the 400 foot notification area. There were zero (0) responses received in favor of the request, and two (2) responses received in opposition of the request.

Commissioner Schulte then asked if the applicant if he would like to speak.

The applicant Michael Denison stated that he believed that there was some confusion as to the work that was going to be done. He stated that there was no any major construction work that was going to be done. He stated that the work that was being done was only to add a 12x7 extension with a with a window to the existing accessory structure. He stated that they would not be adding plumbing to the building, electrical wiring or any other internal and external modifications. He also stated that the room was used for storage and on occasion was used as a "man cave" and or place for family to stay when visiting during the holidays.

Ms. Cyd West of 1407 Gomer rose to speak out against the request for a conditional use permit at 1407 Summer Glenn.

Commissioner Schulte then asked the applicant if he had any additional comments before the public hearing was closed.

The applicant Michael Denison stated that he understood his neighbors concerns. He assured them that if there were ever a complaint he would do his best to resolve the issue to the best of his ability. He also thanked the commissioners for their consideration.

Commisioner Schulte then closed the public hearing.


Members of the commission then discussed the Conditional Use Permit (CUP) plat with Mr. Molis and Ms. Peres.

Chairman Schulte asked for a motion to approve or disapprove agenda item Z16-19. Commissioner Kingsley made a motion for conditional approval based upon staff's recommendations and Commissioner Petzke seconded the motion to approve. The motion passed in favor (6-0-1) with Mr. Charlton in abstention.

Chairman Schulte adjourned the meeting at 8:30 pm.

Chairman

ATTEST:


Secretary