



**Harker Heights  
Planning and Zoning  
Commission Meeting  
& Workshop**

**Wednesday,  
June 29, 2022**

**Immediately following  
BSC meeting at 5:30 p.m.**



**PLANNING & ZONING COMMISSION  
MEETING & WORKSHOP  
HARKER HEIGHTS CITY HALL  
WEDNESDAY, JUNE 29, 2022**

Notice is hereby given that immediately following the Building and Standards Commission meeting at 5:30 P.M., on Wednesday, June 29, 2022, and continuing from day to day thereafter if necessary, the Planning and Zoning Commission (P&Z) of the City of Harker Heights will conduct a regular meeting to be followed by a workshop. The meeting and workshop will be held in the Kitty Young Council Chambers of the Harker Heights City Hall, located at 305 Miller's Crossing, Harker Heights, Texas, 76548. The subjects to be discussed are listed in the following Agenda:

**MEETING AGENDA**

**I. CALL TO ORDER** - Convene Regular Meeting of the Planning and Zoning Commission and establish a quorum.

**II. INVOCATION**

**III. 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.

**IV. APPROVAL OF AGENDA**

1. Consider approval of the agenda for the regular meeting of the Planning and Zoning Commission for June 29, 2022.

**V. CONSENT AGENDA**

1. Consider approval of Minutes from the Regular Planning and Zoning Meeting held on May 25, 2022.

**VI. Report on planning & development related items from the City Council's meetings and workshops between May 24, 2022 and June 28, 2022.**

**VII. Recognition of Affidavits for Conflict of Interest.**

**VIII. PUBLIC COMMENTS**

1. At this time, comments will be taken from the audience on non-agenda related topics, for a length of time not to exceed three minutes per person. To address the Planning and Zoning Commission, please clearly state your name and address for the Planning & Development Administrative Assistant prior to making a comment.

*No action may be taken by the Planning and Zoning Commission during Public Comments.*

**IX. PUBLIC HEARING**

- 1. Z22-18 Conduct a public hearing to discuss and consider a change in zoning designation from R-1 (One-Family Dwelling District) to R-3 (Multi-Family Dwelling District) on property described as Kern Acres 2<sup>nd</sup> Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas.**
- 2. Z22-18-F Conduct a public hearing to discuss and consider a change in land use designation from Low Density Residential to High Density Residential on property described as Kern Acres 2<sup>nd</sup> Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas.**
- 3. Z22-14-F Conduct a public hearing to discuss and consider a change in land use designation from Low Density Residential to Medium Density Residential on properties described as Meadow Acres, Block 005, Lot PT 2, (E 1/2 of 2), generally located at 214 W. Bob White Lane, Harker Heights, Bell County, Texas, and Meadow Acres, Block 005, Lot PT 2 (W 1/2 of 2), generally located at 216 W. Bob White Lane, Harker Heights, Bell County, Texas.**
- 4. Z22-15 Conduct a public hearing to discuss and consider a request for a Conditional Use Permit (CUP) to allow for an Accessory Dwelling Unit (ADU) on property described as Lakeside Hills Section One, Lot Tract 15, Acres 5.3 generally located at 4001 High Oak Drive, Harker Heights, Bell County, Texas and locally known as 4001 High Oak Drive, Belton, Bell County, Texas.**
- 5. Z22-15-F Conduct a public hearing to discuss and consider a change in land use designation from Medium Density Residential and Residential Estate to Residential Estate on property described as Lakeside Hills Section One, Lot Tract 15, Acres 5.3 generally located at 4001 High Oak Drive, Harker Heights, Bell County, Texas and locally known as 4001 High Oak Drive, Belton, Bell County, Texas.**
- 6. Z22-16 Conduct a public hearing to discuss and consider a change in zoning designation from R1-M (One-Family Manufactured Home Dwelling District) to R-2 (Two-Family Dwelling District) on property described as A0288BC VL Evans, Acres .78, Property ID #77900, generally located northwest of the intersection of N. Mary Jo Drive and W. Valley Road, Harker Heights, Bell County, Texas.**
- 7. Z22-16-F Conduct a public hearing to discuss and consider a change in land use designation from Regional Commercial Center to Medium Density Residential on property described as A0288BC VL Evans, Acres .78, Property ID #77900, generally located northwest of the intersection of N. Mary Jo Drive and W. Valley Road, Harker Heights, Bell County, Texas.**

8. **Z22-17 Conduct a public hearing to discuss and consider a change in zoning designation from B-4 (Secondary and Highway Business District), R-1 (One-Family Dwelling District), and R1-M (One-Family Manufactured Home Dwelling District) to R-3 (Multi-Family Dwelling District) on properties described as all land located within Mobile Manor Estates Section One, generally located at the northeast corner of the intersection of Indian Oaks Drive and S. Amy Lane, Harker Heights, Bell County, Texas.**

**X. NEW BUSINESS**

1. **P22-17 Discuss and consider a request for a Final Plat review for The Enclave at Indian Trail, on property described as being all that certain 16.55 acre tract of land situated in the W.E. Hall Survey, Abstract No. 1086, and the J. M. Roberts Survey, Abstract No. 723, and being all of the called 2.980 acre tract of land described in a deed to Terra Azul Developments, LLC, recorded in Instrument No. 201300048431, Deed Records of Bell County, Texas, all of the called 7.971 acre tract of land described in a deed to Terra Azul Developments, LLC, recorded in Instrument No. 201300048422, Deed Records of Bell County, Texas, all of the “Parcel 1” called 3.003 acre tract of land described in a deed to Terra Azul Developments, LLC, recorded in Instrument No. 201300048429, Deed Records of Bell County, Texas, all of the “Parcel 2” called 2.649 acre tract of land described in a deed to Terra Azul Developments, LLC, recorded in Instrument No. 201300048429, Deed Records of Bell County, Texas. Your application has been accepted and processed by the Planning and Development Department.**

**XI. REPORTS FROM COMMISSIONERS**

**XII. STAFF COMMENTS**

**XIII. ADJOURNMENT OF PLANNING & ZONING COMMISSION MEETING**

I, the undersigned authority, do hereby certify that pursuant to the Texas Open Meetings Act, the above Notice of Meeting of the Planning and Zoning Commission of the City of Harker Heights, Texas, was posted at the Harker Heights Municipal Building and the City of Harker Heights website which is readily accessible to the public at all times, by **10:00 A.M. on Friday, June 24, 2022**. Please contact the Planning and Development Department at (254) 953-5648 for further information.

*Yvonne K. Spell*

Yvonne K. Spell, City Planner

*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 254-953-5605, or email [planning@harkerheights.gov](mailto:planning@harkerheights.gov) for further information.*



**Minutes of the Harker Heights Planning & Zoning Commission Meeting  
May 25, 2022**

Present:

**Commission**

Larry Robison	Chairman
Robert Robinson III	Vice Chairman
Joshua McCann	Commissioner
Stephen Watford	Commissioner
Natalie Austin	Commissioner
Bary Heidtbrink	Commissioner
Rodney Shine	Commissioner

**Staff**

Yvonne K. Spell	City Planner
Michael Beard	Building Official
Daniel Phillips	GIS Analyst/ Planner
Brad Alley	Fire Marshal
Courtney Fye	Building Official Secretary
Raelin Fiscus	Planning & Development Administrative Assistant

Absent:

Michael Stegmeyer	Secretary
Jerry Bess	Commissioner
Allen Strickland	Alternate Commissioner
Elizabeth McDaniel	Alternate Commissioner
Kristina Ramirez	Planning and Development Director

**Meeting Agenda:**

Agenda Item I: A quorum was established, and the regular meeting for the Planning and Zoning Commission was called to order at 5:30 P.M.

Agenda Item II: Invocation

Agenda Item III: Pledge of Allegiance

Agenda Item IV: The next agenda item was approval of the agenda from the regular Planning and Zoning Meeting for May 25, 2022. Commissioner Heidtbrink made a motion to approve the agenda, and Commissioner Austin seconded the motion. **The motion was approved (7-0).**

Agenda Item V: The next agenda item was approval of the meeting minutes from the regular Planning and Zoning Meeting held on April 27, 2022. Commissioner McCann made a motion to approve the meeting minutes, and Commissioner Watford seconded the motion. **The motion was approved (7-0).**

Agenda Item VI: Mrs. Spell provided a summary of the City Council results from meetings and workshops between April 27, 2022 and May 24, 2022.

Agenda Item VII: Recognition of Affidavits for Conflict of Interest.

Agenda Item VIII: Public Comments: There was no one present who wished to address the Planning & Zoning Commission at this time.

Agenda Item IX: Public Hearing:

**1. Z22-12 Conduct a public hearing to discuss and consider recommending an ordinance for a Conditional Use Permit to allow for a pet grooming business to operate as a Home Occupation on property described as Highland Oaks Estates Section 1, Block 00F, Lot 14, PT 15, (W 1/2 of 15), Acres 0.441, generally located at 100 E. Woodlawn Drive, Harker Heights, Bell County, TX.**

Mrs. Spell explained the applicants request a Conditional Use Permit to allow for a pet grooming business to operate as a Home Occupation.

Sylvia and Frank Acevedo of 100 E. Woodlawn Drive, Harker Heights, Texas 76548 were present to represent this case.

Mari Meyer of 303 Highland Oaks Drive, Harker Heights, Texas 76548 spoke in opposition of this request.

Mike Acosta of 103 E Woodlawn Drive, Harker Heights, Texas 76548 spoke in opposition of this request.

Kristi Dominguez of 208 Highland Oaks Drive, Harker Heights, Texas 76548 spoke in approval of this request.

Ruby Waymon of 110 E Woodlawn Drive, Harker Heights, Texas 76548 spoke in approval of this request.

Elizabeth Ramirez of 607 Cagle Lane, Harker Heights, Texas 76548 spoke in approval of this request.

Vice Chairman Robinson made a motion to recommend approval of an ordinance for a Conditional Use Permit to allow for a pet grooming business to operate as a Home Occupation on property described as Highland Oaks Estates Section 1, Block 00F, Lot 14, PT 15, (W 1/2 of 15), Acres 0.441, generally located at 100 E. Woodlawn Drive, Harker Heights, Bell County, TX. The motion did not have a second. Commissioner McCann made a motion to recommend denial of an ordinance for a Conditional Use Permit to allow for a pet grooming business to operate as a Home Occupation on property described as Highland Oaks Estates Section 1, Block 00F, Lot 14, PT 15, (W 1/2 of 15), Acres 0.441, generally located at 100 E. Woodlawn Drive, Harker Heights, Bell County, TX based on the proposed rezoning being substantially inconsistent with the zoning of neighboring lands. Commissioner Heidtbrink seconded the motion. **The motion to recommend denial passed (6-1).**

**2. Z22-11 Conduct a public hearing to discuss and consider recommending an ordinance to change zoning designation from R-1 (One-Family Dwelling District) to R-2 (Two-Family**

**Dwelling District) on property described as Valley View, Block 002, Lot 0009, generally located at 117 E. Valley Rd., Harker Heights, Bell County, Texas.**

Mrs. Spell explained the applicants request for a change zoning designation from R-1 (One-Family Dwelling District) to R-2 (Two-Family Dwelling District).

Ace Reneau of Mitchell & Associates offices located at 102 N. College Street, Killeen, Texas 76548, was present to represent this case.

Commissioner Austin made a motion to recommend approval of an ordinance to change zoning designation from R-1 (One-Family Dwelling District) to R-2 (Two-Family Dwelling District) on property described as Valley View, Block 002, Lot 0009, generally located at 117 E. Valley Rd., Harker Heights, Bell County, Texas. Commissioner Heidtbrink seconded the motion. **The motion to recommend approval passed (7-0).**

**3. Z22-13 Conduct a public hearing to discuss and consider recommending an ordinance to change zoning designation R-1 (One-Family Dwelling District) to R-1 (M) (One-Family Manufactured Home Dwelling District) on a portion of the property described as McLaughlin Way, Block 001, Lot 0001, Acres 4.46, generally located at 1517 Waco Trace, Harker Heights, Bell County, Texas.**

Mrs. Spell explained the applicants request for a change in zoning designation R-1 (One-Family Dwelling District) to R-1 (M) (One-Family Manufactured Home Dwelling District).

Staci Guice of 1601 Waco Trace, Harker Heights, Texas 76548 was present to represent this case.

Abel and Jennifer Trevino of 1900 Rocky Mountain Trail, Harker Heights, Texas 76548 spoke in opposition of this request.

Trisha Ratliff of 1802 McGinnis Court, Harker Heights, Texas 76548 spoke in opposition of this request.

Evan Hodson of 1102 Mountain View Drive, Harker Heights, Texas 76548 spoke in opposition of this request.

Raphael Baumgartel of 1806 Rocky Mountain Trail, Harker Heights, Texas 76548 spoke in opposition of this request.

Ronald Deshotel of 1103 Mountain View Drive, Harker Heights, Texas 76548 spoke in opposition of this request.

Cathleen Binion of 1807 McGinnis Court, Harker Heights, Texas 76548 spoke in opposition of this request.

Jennifer Ellison of 1800 McGinnis Court, Harker Heights, Texas 76548 spoke in opposition of this request.

Warren and Stephanie Gauer of 1801 Meagan Court, Harker Heights, Texas 76548 spoke in opposition of this request.

Spencer Smith of 1805 Meagan Court, Harker Heights, Texas 76548 spoke in opposition of this request.

Commissioner McCann made a motion to recommend denial of an ordinance to change the zoning designation R-1 (One-Family Dwelling District) to R-1 (M) (One-Family Manufactured

Home Dwelling District) on a portion of the property described as McLaughlin Way, Block 001, Lot 0001, Acres 4.46, generally located at 1517 Waco Trace, Harker Heights, Bell County, Texas based on the proposed zoning being substantially inconsistent with the zoning of neighboring lands. Commissioner Heidtbrink seconded the motion. **The motion to recommend denial passed (7-0).**

**4. Z22-14 Conduct a public hearing to discuss and consider recommending an ordinance to change zoning designation from R-3 (Multi-Family Dwelling District) to R2-I (Two-Family Infill Dwelling District) on properties described as Meadow Acres, Block 005, Lot PT 2, (E 1/2 of 2), generally located at 214 W. Bob White Lane, Harker Heights, Bell County, Texas, and Meadow Acres, Block 005, Lot PT 2 (W 1/2 of 2), generally located at 216 W. Bob White Lane, Harker Heights, Bell County, Texas.**

Mrs. Spell explained the applicants request for a change in zoning designation from R-3 (Multi-Family Dwelling District) to R2-I (Two-Family Infill Dwelling District) with a Conditional Use Permit (CUP).

Ace Reneau of Mitchell & Associates offices located at 102 N. College Street, Killeen, Texas, 76548, was present to represent this case.

Commissioner Heidtbrink made a motion to recommend approval of an ordinance to change zoning designation from R-3 (Multi-Family Dwelling District) to R2-I (Two-Family Infill Dwelling District) on properties described as Meadow Acres, Block 005, Lot PT 2, (E 1/2 of 2), generally located at 214 W. Bob White Lane, Harker Heights, Bell County, Texas, and Meadow Acres, Block 005, Lot PT 2 (W 1/2 of 2), generally located at 216 W. Bob White Lane, Harker Heights, Bell County, Texas. Commissioner McCann seconded the motion. **The motion to recommend approval passed (7-0).**

**Agenda Item XI: New Business:**

**1. P22-14 Discuss and consider a request for a Final Plat review for FilmTech Addition, on property described as a 1.454 acre tract of land in Bell County, Texas, being part of the Uriah Hunt Survey, Abstract No. 401, the land herein being all of a called 1.455 acre tract of land conveyed in a Warranty Deed with Vendor's Lien to Filmtech.com, LLC, being described in Exhibit "A" of record in Instrument No. 2020027121, Official Public Records of Real Property, Bell County, Texas (O.P.R.R.P.B.C.T.).**

Mrs. Spell explained the applicant's request for a Final Plat referred to as FilmTech Addition.

Ace Reneau of Mitchell & Associates offices located at 102 N. College Street, Killeen, Texas 76548, was present to represent this case.

Commissioner Heidtbrink made a motion to recommend approval with conditions as presented of a Final Plat referred to as FilmTech Addition, on property described as a 1.454 acre tract of land in Bell County, Texas, being part of the Uriah Hunt Survey, Abstract No. 401, the land herein being all of a called 1.455 acre tract of land conveyed in a Warranty Deed with Vendor's Lien to Filmtech.com, LLC, being described in Exhibit "A" of record in Instrument No. 2020027121, Official Public Records of Real Property, Bell County, Texas (O.P.R.R.P.B.C.T.)



with conditions. Commissioner Shine seconded the motion. **The motion to recommend approval with conditions passed (7-0).** The conditions are as follows:

1. Delineate the location of the proposed driveway and provide a 1' non-access easement along the remaining frontage of FM 2410.
2. Dedicate a 30' passage/access easement to property on east side of this platted area, to plan for future development. Access only need be dedicated at this point, applicant will not be required to install an improved surface for this easement at this time.

**2 P22-15 Discuss and consider a request for a Final Plat review for Fireside Heights Addition, on property described as a 0.799 acre tract of land in Bell County, Texas, being part of the Elizabeth Dawson Survey, Abstract No. 258, the land herein being part of Lot 1, Block 1, Fireside Addition, an addition to the City of Harker Heights, Texas, being of record in Cabinet C, Slide 199-D, Plat Records of Bell County, Texas (P.R.B.C.T.), and being a called 0.80 acre tract of land conveyed in a General Warranty Deed to J & U Properties, LLC, being described in Exhibit "A" of record Instrument No. 2015-00008355, Official Public Records of Real Property, Bell County, Texas (O.P.R.R.P.B.C.T.).**

Mrs. Spell explained the applicant's request for a Final Plat review for Fireside Heights Addition.

Ace Reneau of Mitchell & Associates offices located at 102 N. College Street, Killeen, Texas 76548, was present to represent this case.

Commissioner McCann made a motion to recommend approval with conditions of a Final Plat referred to as Fireside Heights Addition, on property described as a 0.799 acre tract of land in Bell County, Texas, being part of the Elizabeth Dawson Survey, Abstract No. 258, the land herein being part of Lot 1, Block 1, Fireside Addition, an addition to the City of Harker Heights, Texas, being of record in Cabinet C, Slide 199-D, Plat Records of Bell County, Texas (P.R.B.C.T.), and being a called 0.80 acre tract of land conveyed in a General Warranty Deed to J & U Properties, LLC, being described in Exhibit "A" of record Instrument No. 2015-00008355, Official Public Records of Real Property, Bell County, Texas (O.P.R.R.P.B.C.T.) with conditions. Commissioner Austin seconded the motion. **The motion to recommend approval with conditions passed (7-0).** The condition are as follows:

1. Delineate the location of the proposed driveway and provide a 1' non-access easement along the remaining portion of FM 2410.

**P22-16 Discuss and consider a request for a Minor Plat review for Comanche Land Third Unit Amending, on property described as all that certain 0.77 acre tract of land situated in the H.B. Littlefield Survey, A-511, Bell County, Texas, being all of Lots 1 and 18, Block 37, Comanche Land Third Unit, an un-recorded subdivision in the City of Harker Heights, Bell County, Texas, said lots being described in a deed to Monica Kankelfitz, recorded in Volume 3757, Page 245, Deed Records of Bell County, Texas, and said Lots being further described as "Tract I" called 0.346 acre tract and "Tract III" called 0.42 acre tract in a deed to James L. Dahm & Wife, Paola Dahm, recorded in Volume 1312, Page 582, Deed Records of Bell County, Texas.**

Mrs. Spell explained the applicant's request for a Minor Plat referred to as Comanche Land Third Unit Amending.

Gorge Meza of Quintero Engineering 1501 W Stan Schlueter Loop, Killeen, Texas 76542 was present to represent this case.

Commissioner Heidtbrink made a motion to recommend approval of a Minor Plat referred to as Comanche Land Third Unit Amending, on property described as all that certain 0.77 acre tract of land situated in the H.B. Littlefield Survey, A-511, Bell County, Texas, being all of Lots 1 and 18, Block 37, Comanche Land Third Unit, an un-recorded subdivision in the City of Harker Heights, Bell County, Texas, said lots being described in a deed to Monica Kankelfitz, recorded in Volume 3757, Page 245, Deed Records of Bell County, Texas, and said Lots being further described as "Tract I" called 0.346 acre tract and "Tract III" called 0.42 acre tract in a deed to James L. Dahm & Wife, Paola Dahm, recorded in Volume 1312, Page 582, Deed Records of Bell County, Texas. Commissioner Watford seconded the motion. **The motion to recommend approval passed (7-0).**

Agenda Item XI: Reports from commissioners

Agenda Item XII: Staff comments

Agenda Item XIII: Adjournment of P&Z Meeting. **Chairman Robison then adjourned the meeting of the Planning and Zoning Commission at 7:35 P.M.**

**Larry Robison, Chairman**

**DATE:**

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**Michael Stegmeyer, Secretary**

**DATE:**

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AGENDA ITEM IX-1  
PLANNING AND ZONING COMMISSION  
MEMORANDUM

Z22-18

FROM: THE OFFICE OF THE PLANNING AND DEVELOPMENT DIRECTOR  
DATE: JUNE 29, 2022

**CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER A CHANGE IN ZONING DESIGNATION FROM R-1 (ONE-FAMILY DWELLING DISTRICT) TO R-3 (MULTI-FAMILY DWELLING DISTRICT) ON PROPERTY DESCRIBED AS KERN ACRES 2ND EXTENSION & REVISION, BLOCK 012, LOT 0016, (TOD DEED), GENERALLY LOCATED AT 132 E. RUBY ROAD, HARKER HEIGHTS, BELL COUNTY, TEXAS**

**EXPLANATION:**

The applicant is requesting a change from the current zoning of R-1 (One-Family Dwelling District) to R-3 (Multi-Family Dwelling District) on property generally located at 132 E. Ruby Road.

Parcel History

This property is located within the original area of the city incorporation (1960) and was platted as part of the Kern Acres 2<sup>nd</sup> Extension and Revision plat.

An application to rezone the property was received in April 2019. The Planning & Zoning Commission voted unanimously (8-0) to recommend denial. The applicant requested the case be withdrawn on May 1, 2019, prior to being considered by City Council.

**STAFF ANALYSIS:**

Surrounding Land Uses

Adjacent land uses and zoning districts include those identified in the table below:

	<b>Existing Land Use</b>	<b>Land Use Plan</b>	<b>Zoning</b>
<b>North</b>	Low Density Residential	Low Density Residential	R-1 (One-Family Infill Dwelling District)
<b>South</b>	High Density Residential	Medium Density Residential	R-3 (Multi-Family Dwelling District)
<b>East</b>	High Density Residential	Medium Density Residential	R-3 (Multi-Family Dwelling District)
<b>West</b>	Low Density Residential	Low Density Residential	R-1 (One-Family Infill Dwelling District)

The 2021 Land Use Plan and Comprehensive Plan identifies this area is designated as Low Density Residential; the proposed R-3 zoning with its intended use will likely have an adverse impact on the neighborhood and is not consistent with the 2021 updates to the City of Harker Heights Comprehensive Plan and Land Use Plan.

Thoroughfare Plan

E. Ruby Road is classified as a residential street. Per §154.01 of the City’s code of ordinances, Residential Streets are defined as: “Streets that serve individual residential lots. They carry low traffic volumes at low speeds. RESIDENTIAL STREETS shall be 36 feet in width back-of-curb to back-of-curb with a minimum 60 feet of right-of-way. These are streets that serve individual residential lots”.

S. Amy Lane is classified as a collector street per the most recently adopted Comprehensive Plan. Per City of Harker Heights Code of Ordinances §154.01:

- Minor Collectors are defined as: Streets generally located within subdivisions or between subdivisions to collect traffic from residential streets and to channel this traffic to major collectors. Residential lots may front on these streets. MINOR COLLECTORS shall be 42 feet wide, with a minimum of 70 feet of right-of-way.
- Major Collectors are defined as: Streets generally located along borders of neighborhoods and within commercial areas to collect and to channel this traffic to the arterial system. MAJOR COLLECTORS shall be 48 feet wide with a minimum of 80 feet of right-of-way. These are limited access roads on which no single-family or two-family residential lots may front (i.e., no driveways shall be allowed) unless there is no other reasonable and safe access to the lot.

Flood Damage Prevention:

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

Pharr vs. Tippett Considerations

1. The proposed use and rezoning are not compatible with the current Comprehensive Plan and Land Use Plan.
2. The proposed use and rezoning will likely have an adverse impact on surrounding properties.
3. The proposed use and rezoning are not compatible with existing uses and zoning in the neighborhood.
4. The proposed use and rezoning may pose an adverse impact to the public health, safety, or general welfare.

NOTICES:

Based on the most recently approved tax roll available, staff sent out fifty-two (52) notices to property owners within the 400-foot notification area. As of June 23, 2022, two (2) responses were received in favor of the request, and nineteen (19) responses were received in opposition of the request. Of the nineteen responses in opposition:

- Twelve (12) responses are from property owners (2 are located within the 200' notification area, 4 are located within the 400' notification area, and 6 are located outside of the 400' notification area)
- Three (3) responses are from tenants (1 is located within the 400' notification area, 2 are located outside of the 400' notification area)
- Four (4) responses are unverified (i.e. staff could not determine if it was the property owner or tenant who responded). Of these four responses, 3 are located within the 200' notification area, and 1 is located within the 400' notification area.

Total area of land within the 200-foot notification area is: 137,443.38 sq. ft.

Total area of land within the 200-foot notification area recommending denial is: 1,375.90 sq. Ft.

Percentage of land area recommending denial: 1.00%

Per Texas Local Government Code Section 211.006, opposition that is written and signed by the owners of at least 20% of the area of the lots within the 200-foot buffer requires a super majority vote for approval. Note that when 20% of the number of landowners within the 200 foot buffer have provided written and signed opposition, there is not a requirement of Texas Local Government Code nor the City's Code of Ordinances for a super majority vote by the Planning & Zoning Commission.

Any additional responses received after the above date will be provided during the meeting.

**RECOMMENDATION:**

**Alternatives Considered**

Staff considered three (3) alternatives for this case.

1. Recommend approval of the applicant's zoning request as presented.
2. Recommend disapproval of the applicants zoning request based on Pharr & Tippett.
3. Recommend the applicant proceed with a more restrictive zoning classification for this parcel.

**Staff Recommendation**

Staff recommends disapproval of an ordinance to change zoning designation from R-1 (One-Family Dwelling District) to R-3 (Multi-Family Dwelling District) on property generally located at the 132 E. Ruby Road.

**ACTION BY PLANNING AND ZONING COMMISSION:**

1. Motion to recommend approval/disapproval of an ordinance to change zoning designation R-1 (One-Family Dwelling District) to R-3 (Multi-Family Dwelling District) on property described as Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas, based on staff's recommendation and findings.
2. Any other action deemed necessary.

**ATTACHMENTS:**

1. Application
2. Applicable Ordinances
3. Location Map
4. Existing Land Use Map
5. Zoning Map
6. Land Use Plan Map
7. Notification Area Map
8. Responses Received



# 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
3. If zoning change will require amendment to the Land Use Plan (aka FLUM), there will be an additional fee of \$100.00.

**City of Harker Heights**  
 Planning & Development  
 305 Millers Crossing  
 Harker Heights, TX 76548  
 Phone: (254) 953-5600  
 Email:

[planning@harkerheights.gov](mailto:planning@harkerheights.gov)

Property Owner(s) Name: Eddie J. Bass Date: 1 June 22

Address: 106 Concho Ct.

City/State/Zip: Harker Heights Texas 76548

Phone: 254-681-1105 E-mail: Ebass3@Hot.RR.com

### Legal Description of Property:

Location of Property (Address if available): 132 East Ruby

Lot: 0016 Block: 012 Subdivision: 51163 HH

Acres: 0.24 Property ID: 17255 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: Multi Family Apartment

Current Zoning Classification: R-1 Proposed Zoning: R-3

Current Land Use: Empty Lot Proposed Land Use: 1 bedroom Apartment

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

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

Phone: 254-681-1105 E-Mail: Ebass3@Hot.RR.com

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

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

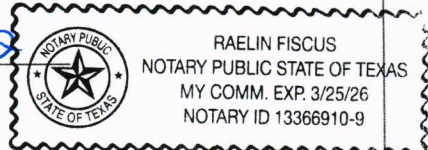
BASS, Eddie J. Dierdre  
Printed Name of Property Owner

[Signature]  
Signature of Property Owner

Printed Name of Representative

Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 1st DAY OF June, 2022



[Signature]  
SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: 03/25/2026

### STAFF ONLY - DO NOT FILL OUT BELOW

Date Submitted: 06/01/2022

Pre-Application Meeting

Receipt #: 01832502

Received By: [Signature]

Revised: 10/2021

Case #: \_\_\_\_\_

**§ 155.020 R-1 ONE FAMILY DWELLING DISTRICT.**

(A) *Permitted uses.* The following uses are permitted by right:

- (1) Site-built, single-family dwellings and industrialized housing.
- (2) Church or other place of worship.
- (3) Municipal buildings, non-profit libraries or museums, police and fire stations, public utilities (without outside storage yards or electric substations), public parks, playgrounds, municipal golf courses, public recreation facilities, and community buildings.
- (4) Customary home occupations as defined in §155.003.
- (5) *Accessory structure.*

(a) One small accessory building (not exceeding 144 square feet) per residence customarily incident to the above uses (not involving the conduct of a business) subject to the following requirements:

1. Structure must be built upon a moveable foundation;
2. Structure cannot exceed 12 feet in height;
3. Structure must set behind the rear facade of the main residence building and must be setback five feet from the rear property line and six feet from the side property line; and
4. Materials, building design, and construction must comply with the requirements of Ch. 150.

(b) Large accessory buildings customarily incident to the above uses (not involving the conduct of a business) subject to the following requirements:

1. Building materials and facade must be consistent with the main residence building materials and facade;
2. Large accessory building must be behind the front facade of the main residence;
3. The height of the large accessory building cannot exceed that of the main residence building;
4. Number, size, setbacks and height requirements based on the size of the lot as follows:

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

- (6) Private garage.
- (7) Home based child care.
- (8) Real estate sales office, or temporary living quarters to provide security during the development of residential subdivisions, but not to exceed two years.
- (9) Low impact telecommunication towers.
- (10) Public schools.

(B) *Conditional uses.* The following require conditional use permits:

- (1) Private schools having a curriculum equal to a public elementary, high school, or institution of higher learning (except home schooling).

(2) Neighborhood association facilities.

(3) Farms, nurseries, truck gardens and greenhouses, provided no sales offices are maintained and no livestock are kept within 250 feet of a residence of any person other than the farm owner.

(4) Accessory dwelling for a relative or servant (not for rent).

(5) Accessory structure as provided by § 155.040.

(C) *Height regulations.* No building shall exceed two and one-half stories or 35 feet in height.

(D) *Front yard, side yard, and rear yard.* As per Table 21-A.

(E) *Intensity of use.* Every lot or tract of land shall have an area of not less than 8,400 square feet and an average overall width of not less than 70 feet and a minimum lot frontage of not less than 45 feet. Except that if a lot or tract should have less area or width than is herein required and its boundary lines along their entire length should touch lands under other ownership on the effective date of this chapter and shall not have changed since the date, such parcel of land may be used for a single family dwelling.

(F) *Additional use, height, and area regulation.* Additional use, height, and area regulations and exceptions are found in § 155.040.

(G) *R-1(M) zoning designation.* R-1(M) is a one family residential lot that also allows manufactured homes. All manufactured housing structures installed after December 31, 1999, must be installed on a permanent foundation, as that term is defined in § 152.01.

(1) In order to be approved, the manufactured home must be found to have design compatibility with other dwellings in the neighborhood.

(2) The following standards apply to any placement of a manufactured home on a lot after December 31, 1999:

(a) Roofing shall be similar in color, material and appearance to the roofing material commonly used on residential dwellings within the community or comparable to the predominant materials used on dwellings within the neighborhood.

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

(b) Exterior siding shall be similar in color, material, and appearance to the exterior siding material commonly used on residential dwellings within the community or comparable to predominant materials used on dwellings within the neighborhood. Exterior siding shall be of brick, wood, stucco, plaster, concrete or other material which is finished in a non-glossy and non-reflective manner.

(c) If a garage/carport is constructed, it must be similar in appearance to others in the neighborhood and constructed of like materials as that of the primary home.

(d) Two all-weather surface off street parking spaces meeting the requirements of §155.061 shall be provided.

(3) Every manufactured home shall be placed so that the entrance or front of the home faces or parallels the principal street frontage, except:

(a) In cases where the lot is one acre or greater and the home is located more than 50 feet from the street; or

(b) Where the lot width is 60 feet or less.

(4) All entrances to a manufactured home shall be provided with permanent steps, porch or similar suitable entry.

(5) The lot must meet all applicable requirements of Chapter 154, and shall comply with the area regulations in (D) of this section. Variance in setbacks may be given in inches not to exceed one foot at the Building Official's discretion.

(H) *Signs* As per Chapter 151.

(I) *Parking.* As per §§ 155.061 through 155.068.

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

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

(L) *Industrialized housing.*

(1) Industrialized housing shall be considered real property and must:

(a) Have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for the county;



(b) Have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located;

(c) Comply with city aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single-family dwellings;

(d) Be securely fixed to a permanent foundation; and

(e) Have all local permits and licenses that are applicable to site-built housing.

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

(2) Any owner or authorized agent who intends to construct, erect, install or move any industrialized housing into the city shall first make application to the Building Official and obtain the required permits. In addition to any other information otherwise required for such permits, the application shall:

(a) Identify each single-family dwelling located within 500 feet of the lot on which the industrialized housing is to be located, and show the taxable value for each such dwelling, as determined by the most recent certified tax appraisal roll for the county;

(b) Describe the exterior siding, roofing, roof pitch, foundation fascia, and fenestration for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is to be located;

(c) Describe the permanent foundation and method of attachment proposed for the industrialized housing; and

(d) State the anticipated taxable value of the industrialized housing and the lot after installation of the industrialized housing.

(3) A person commits an offense if the person:

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

(b) Constructs, erects, installs or moves any industrialized housing into the city unless such industrialized housing complies with this section.

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

#### **§ 155.025 R-3 MULTI-FAMILY DWELLING DISTRICT.**

(A) *Permitted uses.*

(1) Any use permitted by right in the R-2 District.

(2) Multi-family dwellings.

(3) Apartment houses.

(4) Boarding, lodging, and rooming houses.

(5) Dormitories for students.

(6) Neighborhood association facilities.

(7) Institutions of a religious, educational, charitable, or philanthropic nature, but not a penal or mental institution.

(B) *Conditional uses.*

(1) Fraternity/sorority house.

(2) Fitness center.

(3) Any conditional use permitted in the R-1 and R-2 Districts.

(C) *Height regulations.* When adjacent to one or more single-family detached homes, the height shall not exceed that of the shortest adjacent house, except that an additional setback of one foot shall be exchanged for each additional foot in height. However, in no event may a building exceed three and one-half stories or 45 feet in height.

(D) *Area regulations.* Front building setbacks shall be a minimum of 25 feet. Side setbacks shall be a minimum of ten feet, except when siding on a street they shall be a minimum of 15 feet. Rear setbacks shall be no less than 20 feet. See also Table 21-A.

(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) A lot for a two-family dwelling shall contain an area of not less than 8,400 square feet, and an average width of not less than 70 feet.

(3) A lot for a four-plex shall contain an area of not less than 10,000 square feet. The minimum lot area shall be increased by 2,500 square feet per additional dwelling unit.

(4) Where a lot or tract has less area than herein required and its boundary lines along their entire length touches lands under other ownership on the effective date of this chapter and have not since been changed, such parcel of land may be used for a single-family dwelling.

(5) In no case shall more than 40% of the total lot area be covered by a main building.

(F) *Parking regulations.* As per §§ 155.061 through 155.068. In addition, parking is prohibited within the front 25-foot building setback.

(G) *Additional use, height, and area regulations.* Additional use, height, and area regulations and exceptions are found in § 155.040.

(H) *Storage.* Open storage is prohibited, except for materials for the residents' use such as firewood, gardening materials, and similar materials. Trash shall be stored only in approved dumpsters located on private property.

(I) *Landscaping.* All yards shall have vegetative groundcover of sufficient quality and quantity, or other city-approved groundcover, to control dust, erosion and sediment. For each dwelling unit, a minimum of one six-foot-tall tree with two-inch caliper, and three three-gallon shrubs, are required. All landscaping must be in place upon final inspection.

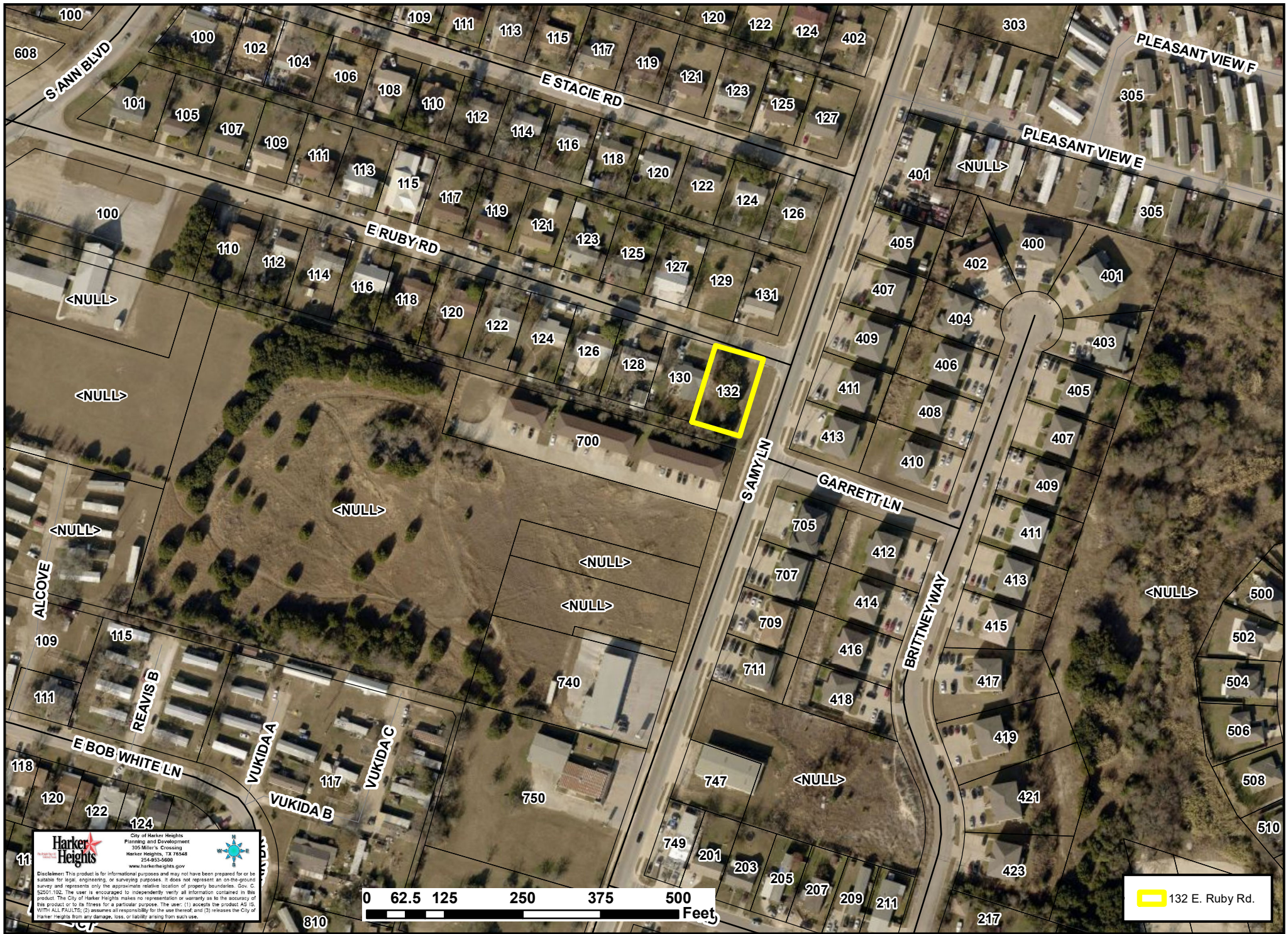
(J) *Architectural design.*

(1) Facades should be articulated to minimize the massive scale appearance of the building. At least 25% of the facade of the wall facing the street shall consist of doors or windows in buildings that are located within 30 feet of the property line adjacent to a front yard. Primary entrances shall face the public street. Windows shall be provided with trim or recesses, rather than flush with exterior wall treatment.

(2) The same elevation may not be used within any five lot groupings.

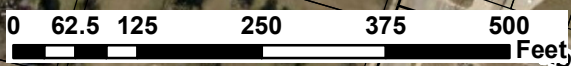
(3) Developments of 20 or more units shall have an area equal to at least 8% of the lot area, excepting required setbacks, dedicated to open space for recreational use by the occupants of the development.


(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)

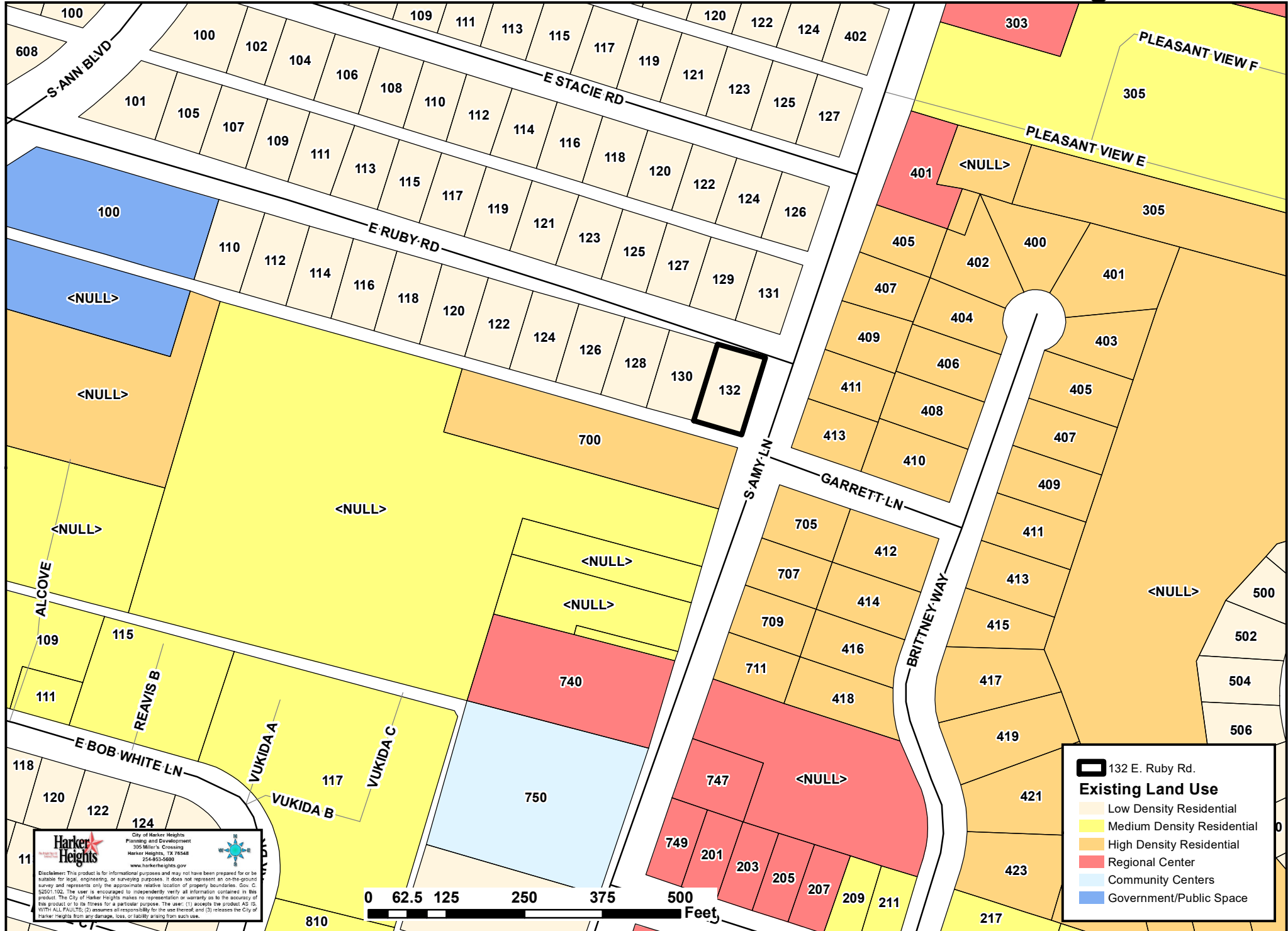


**Harker Heights**  
City of Harker Heights  
Planning and Development  
300 Mill's Crossing  
Harker Heights, TX 78548  
254-853-5699  
www.harkerheights.gov

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. 52201.02. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAILURES; (2) assumes all responsibility for the use thereof; and (3) releases the City of Harker Heights from any damage, loss, or liability arising from such use.



 132 E. Ruby Rd.



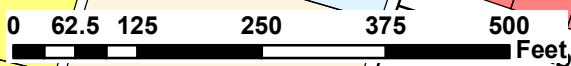
132 E. Ruby Rd.

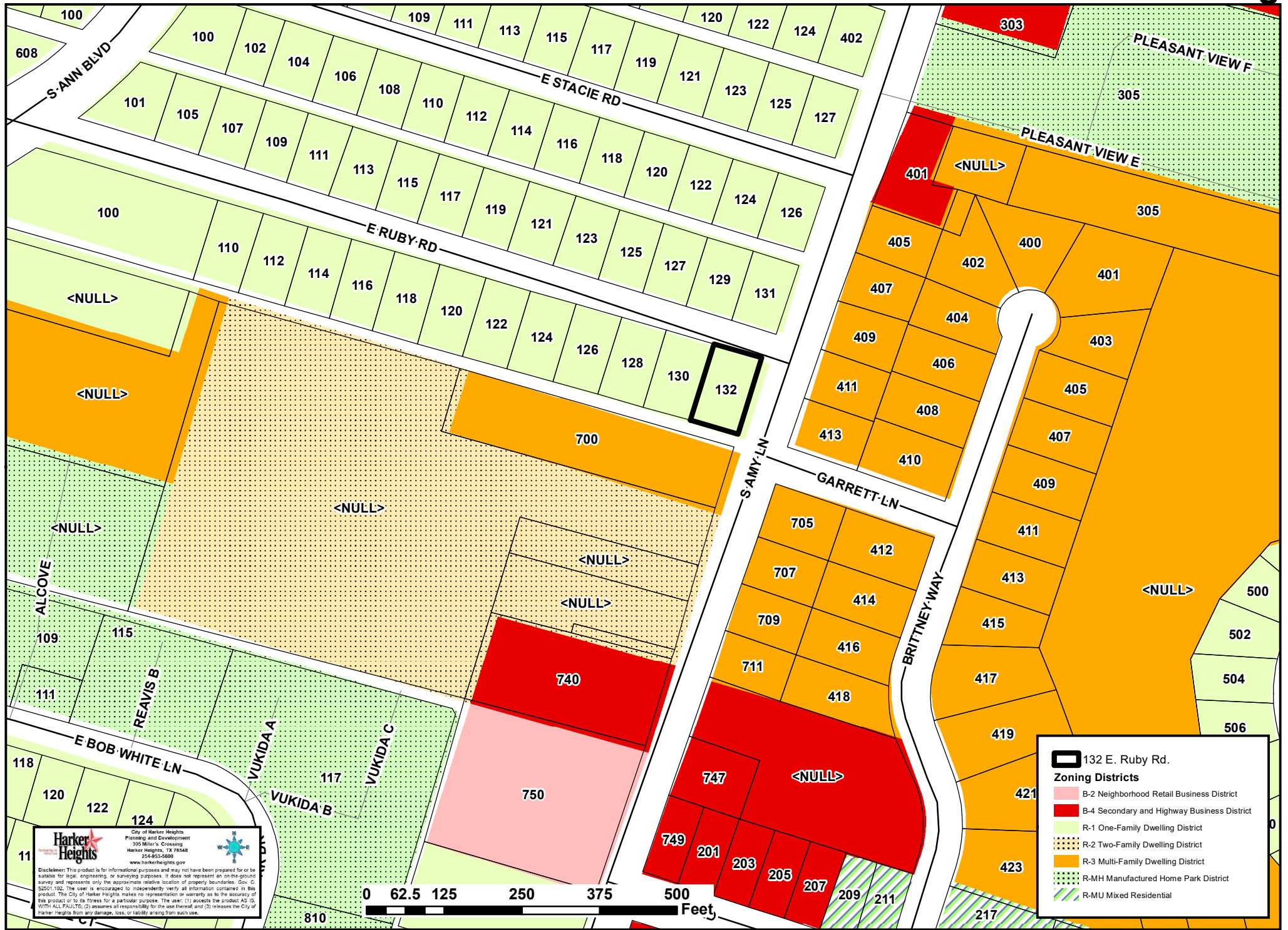
**Existing Land Use**

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

**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 300 Milam's Crossing  
 Harker Heights, TX 78548  
 254-853-5690  
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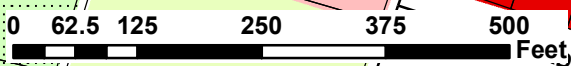
Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. 52201.102. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAILURES; (2) assumes all responsibility for the use thereof; and (3) releases the City of Harker Heights from any damage, loss, or liability arising from such use.





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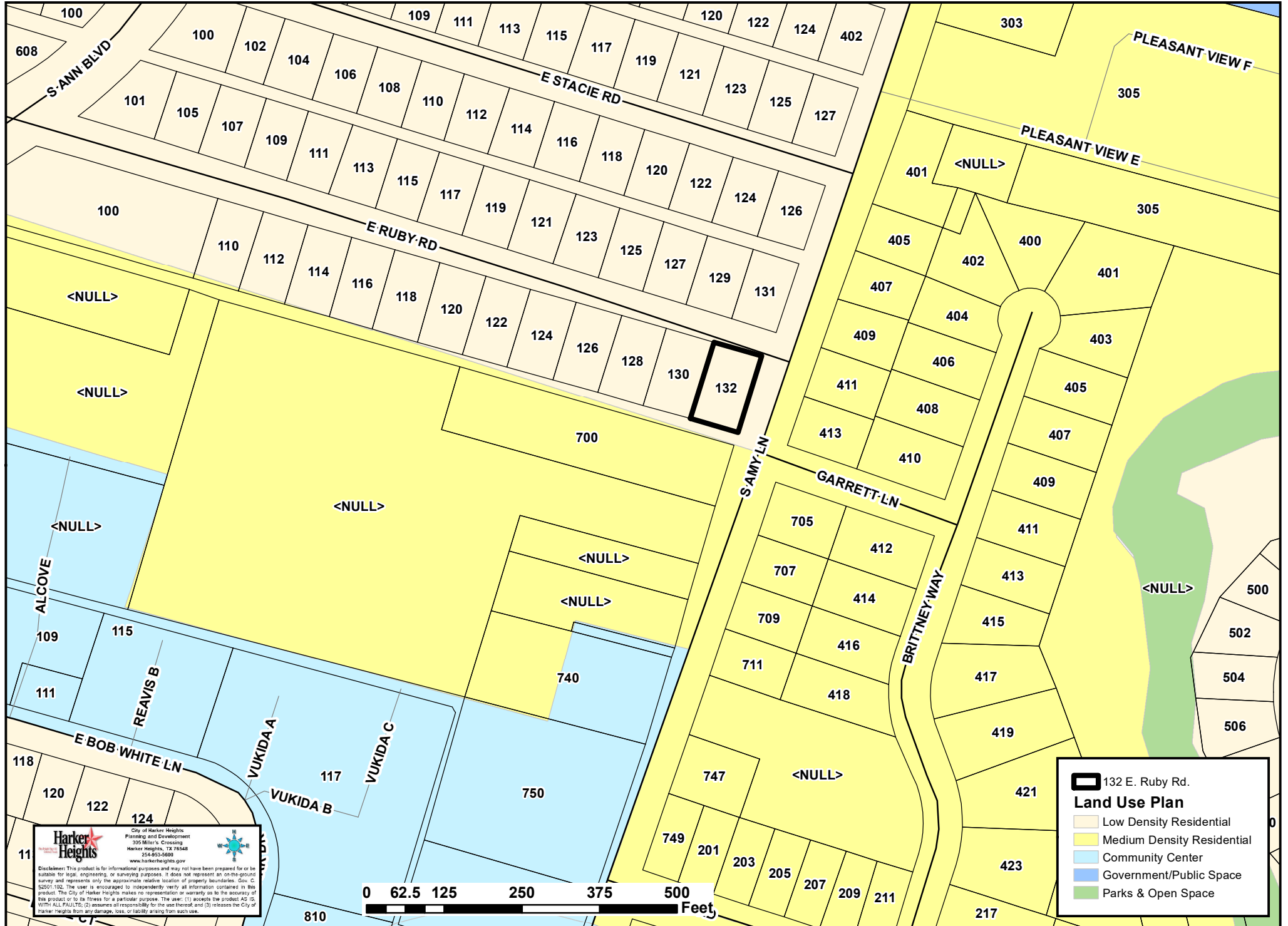
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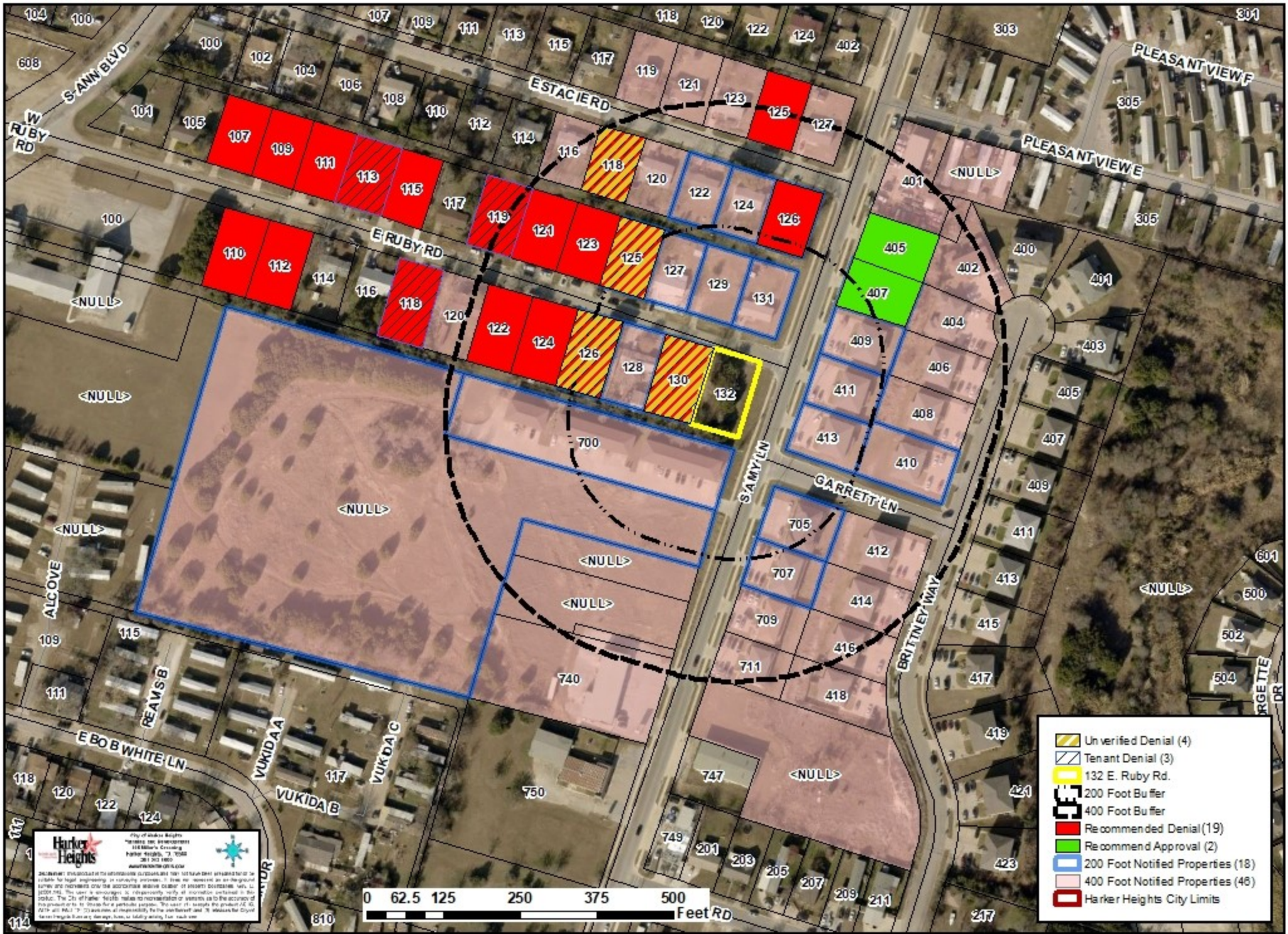


**132 E. Ruby Rd.**

**Zoning Districts**

- B-2 Neighborhood Retail Business District
- B-4 Secondary and Highway Business District
- R-1 One-Family Dwelling District
- R-2 Two-Family Dwelling District
- R-3 Multi-Family Dwelling District
- R-MH Manufactured Home Park District
- R-MU Mixed Residential





**Harker Heights**  
City of Harker Heights  
11400 W. Greengate  
Harker Heights, TX 76048  
817.253.1800  
www.harkerheights.com

DISCLAIMER: This map is provided for informational purposes only. It is not intended to be used for legal, engineering, or planning purposes. It is not intended to be used for any purpose other than the specific purpose for which it was prepared. The City of Harker Heights makes no representation or warranty as to the accuracy or completeness of the information contained on this map. The user is encouraged to independently verify all information contained on this map. The City of Harker Heights makes no representation or warranty as to the accuracy or completeness of the information contained on this map. The user is encouraged to independently verify all information contained on this map. The City of Harker Heights makes no representation or warranty as to the accuracy or completeness of the information contained on this map.

0 62.5 125 250 375 500 Feet

Property ID	Address	Street	Owner Tenant Unverified	Inside 200' Notification Area	Inside 400' Notification Area	Outside Notification Area	Deny or Approve
75481	107	E. Ruby	Owner			X	D
96466	109	E. Ruby	Owner			X	D
129133	110	E. Ruby	Owner			X	D
36712	111	E. Ruby	Owner			X	D
92358	112	E. Ruby	Owner			X	D
64601	115	E. Ruby	Owner			X	D
46654	121	E. Ruby	Owner		X		D
43385	122	E. Ruby	Owner		X		D
17251	123	E. Ruby	Owner		X		D
46299	124	E. Ruby	Owner		X		D
40468	125	E. Stacie	Owner	X			D
78340	126	E. Stacie	Owner	X			D
350598	405	S. Amy	Owner		X		A
350597	407	S. Amy	Owner	X			A
46297	119	E. Ruby	Tenant		X		D
46300	118	E. Ruby	Tenant			X	D
38973	113	E. Ruby	Tenant			X	D
118469	118	E. Stacie	Unverified		X		D
60208	125	E. Ruby	Unverified	X			D
68165	126	E. Ruby	Unverified	X			D
17252	130	E. Ruby	Unverified	X			D

Total Denials 19  
Total Approval 2



SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022. 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: HART, CLEO J ETUX MELVINA L

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

Physical Address	Property ID
121 E RUBY RD	46654

**Z22-18** RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R-3 (Multi-Family Dwelling District)** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas.* (see attached notification map).

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

**Because our R1 zoning designation is a well established neighborhood and community, the ones who have made the area their home, do not approve of zoning 132 East Ruby from R1 to R3. It is not in the best interest of the people. Since the construction of the nearby multi family dwellings, there has been a diminished safety presence due to an increase in people walking in the street and in people's yards, mainly going to and coming from Harker Heights Elementary School. There has also been a great increase in vehicle traffic. A rezoning from R1 to R3 is not beneficial to the community.**

**Z22-18-F** RE: application has been made to consider a request to change land use designation from **Low Density Residential to High Density Residential** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas.* (see attached notification map).

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

Comments:

*For the same reasons listed above.*

*Melvina L. Hart*                      *Melvina L. Hart*                      *June 22, 2022*  
 Printed Name                                      Signature                                      Date

**Received**  
JUN 21 2022

SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: SWAIN, KATIE LEE & EVA SHANE AVANS

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

Physical Address	Property ID
122 E RUBY RD	4385

Z22-18 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R-3 (Multi-Family Dwelling District)** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas.* (see attached notification map).

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

Comments:

Z22-18-F RE: application has been made to consider a request to change land use designation from **Low Density Residential** to **High Density Residential** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas.* (see attached notification map).

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

Comments:

I AM STRONGLY AGAINST CHANGING THE ZONING FOR THE ADDRESS LISTED ABOVE.

KATIE L. SWAIN  
Printed Name

Katie L. Swain  
Signature

06/22/22  
Date

(planning@harkerheights.gov)

TO: CITY OF HARKER HEIGHTS  
PLANNING & DEVELOPMENT DEPARTMENT  
planning@harkerheights.gov

FROM: ROBERSON, DONNA & MICHAEL METZGER

PHYSICAL ADDRESS                      PROPERTY ID  
124 E RUBY ROAD

Z22-18                      APPLICATION HAS BEEN MADE TO CHANGE ZONING FROM R-1 TO R-3

**I RECOMMEND DENIAL OF REQUEST**

Z22-18F                      APPLICATION HAS BEEN MADE TO CHANGE ZONING FROM LOW DENSITY  
TO HIGH DENSITY RESIDENTIAL.

**I RECOMMEND DENIAL OF REQUEST**

DONNA A ROBERSON

*Donna A Roberson*  
*6/22/22 3:00pm*

SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: GORDON-WELLS, STORMIE N

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

Physical Address	Property ID
125 E STACIE RD	40468

**Z22-18 RE:** application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R-3 (Multi-Family Dwelling District)** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas, (see attached notification map).*

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

*Would like to keep a residential type neighborhood of home owners & houses, it keeps it more family friendly, the more "rentals" or multi-type dwellings tends to create a bad element within the neighborhood due to the constant changing of people moving in & out - that address is also close to a church & school which would prefer a more stable environment in the neighborhood.*

**Z22-18-F RE:** application has been made to consider a request to change land use designation from **Low Density Residential to High Density Residential** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas, (see attached notification map).*

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

*SAME REASONS AS ABOVE*

*Stormie Gordon-Wells* *Stormie Gordon-Wells* *June 17, 2022*  
Printed Name Signature Date

**Received**

JUN 17 2022

SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: BASS, DIERDE M & EDDIE J

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

Physical Address	Property ID
405 S AMY LN	350598

**Z22-18** RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R-3 (Multi-Family Dwelling District)** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas, (see attached notification map).*

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

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**Z22-18-F** RE: application has been made to consider a request to change land use designation from **Low Density Residential to High Density Residential** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas, (see attached notification map).*

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

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**Received**

JUN 16 2022

**Planning & Development**

*Bass Eddie J.*

Printed Name

Signature

*6/16/2022*

Date

SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: BASS, EDDIE J ETUX DIERDRE M

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

Physical Address	Property ID
407 AMY LN	350597

**Z22-18** RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R-3 (Multi-Family Dwelling District)** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas.* (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

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**Z22-18-F** RE: application has been made to consider a request to change land use designation from **Low Density Residential** to **High Density Residential** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas.* (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

**Received**

JUN 16 2022

**Planning & Development**

Eddie J. Bass  
Printed Name

  
Signature

6/16/2022  
Date

We the citizens of Harker Heights that live on East Ruby RD. signed below are against the rezoning of 132 E Ruby from R1 to R3.

Many citizens travel on E Ruby Rd. to take their kids to the Elementary School on south Ann Blvd. driving and walking, and a large number of Kids that live in the fourplexes on Brittney way and the east side of Amy Ln going to school and going to the park on south Ann Blvd. This has created a high volume of traffic of people walking on east Ruby, keep in mind that there are No sidewalks on east Ruby. This is very Unsafe, because we have a Large number of people walking in the Street, not all of the vehicles that travel on east Ruby are doing the speed limit 30 mph, a lot of them are going faster especially in the morning going to work which is very Dangerous. As you all know, the whole east end of Ruby Rd. is zoned R-1 with the exception of the Church on the corner of East Ruby Rd. and South Ann Blvd. If 132 E Ruby were to be rezoned from R-1 to R-3 this would make it even more Dangerous for our Citizens, Parents, and Children walking on East Ruby Rd. Because this would just be adding more volume of people than we already have. Also it would diminish the integrity of the whole east end of Ruby Rd. allowing part of it to be zoned differently than the rest of East Ruby. 129 East Ruby is a empty Lot across the street from 132 East Ruby if 132 East Ruby were to be rezoned to R-3 what would stop someone from getting 129 East Ruby rezoned to R-3 ? these two Properties are within 100 Ft of each other. The rezoning of one Property on East Ruby could very easily cause a Domino Effect on the Whole East end of Ruby as prosperities are bought and sold. Please help us keep the Whole East End of Ruby Rd zoned R-1 to keep everyone Safe. Please see the attached Map showing the route people take walking to school and the Park on East Ruby RD. Thank You.

- |   |   |
|---|---|
| 1. <u>Enid &amp; Michelle Lorenz 115 E. Ruby</u>        | 13. <u>Melinda L. Hart 121 E. Ruby</u>    |
| 2. <u>Kerin L Crocker 116 E. Ruby</u>                   | 14. <u>William J. ... 123 E Ruby</u>      |
| 3. <u>Carolyn Crocker 116 E. Ruby</u>                   | 15. <u>B. P. ... 125 E Ruby</u>           |
| 4. <u>Linda A Jackson 114 E. Ruby Rd<br/>Harker Hts</u> | 16. <u>... 126 E. Ruby</u>                |
| 5. <u>... 111 E. Ruby Rd</u>                            | 17. <u>... 130 E. RUBY</u>                |
| 6. <u>... 111 E. Ruby Rd</u>                            | 18. <u>Kim Schuman 126 E Stacie</u>       |
| 7. <u>... 112 E. Ruby Rd</u>                            | 19. <u>Justin ... 126 E Stacie</u>        |
| 8. <u>Ti Sam 110 E. Ruby</u>                            | 20. <u>Janice Williams 126 E Stacie</u>   |
| 9. <u>Sandra Montes 107 E. Ruby</u>                     | 21. <u>Arnold Cochran 118 E Stacie Rd</u> |
| 10. <u>Marc Lopez 119 EAST Ruby Rd.</u>                 | 22. <u>Kelga Presley 113 E Ruby Rd</u>    |
| 11. <u>Lester E. Carter 118 E. Ruby</u>                 | 23. _____                                 |
| 12. <u>Jodi Renee Adams 109 E. Ruby</u>                 | 24. _____                                 |

Legend

# EAST RUBY RD

Write a description for your map.







AGENDA ITEM IX-2  
PLANNING AND ZONING COMMISSION  
MEMORANDUM

Z22-18-F

FROM: THE OFFICE OF THE PLANNING AND DEVELOPMENT DIRECTOR  
DATE: JUNE 29, 2022

**CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER A CHANGE IN LAND USE DESIGNATION FROM LOW DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL ON PROPERTY DESCRIBED AS KERN ACRES 2ND EXTENSION & REVISION, BLOCK 012, LOT 0016, (TOD DEED), GENERALLY LOCATED AT 132 E. RUBY ROAD, HARKER HEIGHTS, BELL COUNTY, TEXAS**

**EXPLANATION:**

The applicant is requesting a change in land use designation from Low Density Residential to High Density Residential on property generally located at 132 E. Ruby Road.

Parcel History

This property is located within the original area of the city incorporation (1960) and was platted as part of the Kern Acres 2<sup>nd</sup> Extension and Revision plat.

An application to rezone the property was received in April 2019. The Planning & Zoning Commission voted unanimously (8-0) to recommend denial. The applicant requested the case be withdrawn on May 1, 2019, prior to being considered by City Council.

**STAFF ANALYSIS:**

Surrounding Land Uses

Adjacent land uses and zoning districts include those identified in the table below:

	<b>Land Use Plan</b>
<b>North</b>	Low Density Residential
<b>South</b>	Medium Density Residential
<b>East</b>	Medium Density Residential
<b>West</b>	Low Density Residential

The 2021 Land Use Plan and Comprehensive Plan identifies this area is designated as Low Density Residential; the proposed R-3 zoning with its intended use will likely have an adverse impact on the neighborhood and is not consistent with the 2021 updates to the City of Harker Heights Comprehensive Plan and Land Use Plan.

Thoroughfare Plan

E. Ruby Road is classified as a residential street. Per §154.01 of the City’s code of ordinances, Residential Streets are defined as: “Streets that serve individual residential lots. They carry low traffic volumes at low speeds. RESIDENTIAL STREETS shall be 36 feet in width back-of-curb to back-of-curb with a minimum 60 feet of right-of-way. These are streets that serve individual residential lots”.

S. Amy Lane is classified as a collector street per the most recently adopted Comprehensive Plan. Per City of Harker Heights Code of Ordinances §154.01:

- Minor Collectors are defined as: Streets generally located within subdivisions or between subdivisions to collect traffic from residential streets and to channel this traffic to major collectors. Residential lots may front on these streets. MINOR COLLECTORS shall be 42 feet wide, with a minimum of 70 feet of right-of-way.
- Major Collectors are defined as: Streets generally located along borders of neighborhoods and within commercial areas to collect and to channel this traffic to the arterial system. MAJOR COLLECTORS shall be 48 feet wide with a minimum of 80 feet of right-of-way. These are limited access roads on which no single-family or two-family residential lots may front (i.e., no driveways shall be allowed) unless there is no other reasonable and safe access to the lot.

Flood Damage Prevention:

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

Pharr vs. Tippett Considerations

1. The proposed use and rezoning are not compatible with the current Comprehensive Plan and Land Use Plan.
2. The proposed use and rezoning will likely have an adverse impact on surrounding properties.
3. The proposed use and rezoning are not compatible with existing uses and zoning in the neighborhood.
4. The proposed use and rezoning may pose an adverse impact to the public health, safety, or general welfare.

NOTICES:

Based on the most recently approved tax roll available, staff sent out fifty-two (52) notices to property owners within the 400-foot notification area. As of June 23, 2022, two (2) responses were received in favor of the request, and nineteen (19) responses were received in opposition of the request. Of the nineteen responses in opposition:

- Twelve (12) responses are from property owners (2 are located within the 200' notification area, 4 are located within the 400' notification area, and 6 are located outside of the 400' notification area)
- Three (3) responses are from tenants (1 is located within the 400' notification area, 2 are located outside of the 400' notification area)
- Four (4) responses are unverified (i.e. staff could not determine if it was the property owner or tenant who responded). Of these four responses, 3 are located within the 200' notification area, and 1 is located within the 400' notification area.

Total area of land within the 200-foot notification area is: 137,443.38 sq. ft.

Total area of land within the 200-foot notification area recommending denial is: 1,375.90 sq. Ft.

Percentage of land area recommending denial: 1.00%

Per Texas Local Government Code Section 211.006, opposition that is written and signed by the owners of at least 20% of the area of the lots within the 200-foot buffer requires a super majority vote for approval. Note that when 20% of the number of landowners within the 200 foot buffer have provided written and signed opposition, there is not a requirement of Texas Local Government Code nor the City's Code of Ordinances for a super majority vote by the Planning & Zoning Commission.

Any additional responses received after the above date will be provided during the meeting.

**RECOMMENDATION:**

**Staff Recommendation**

If the R-3 zoning classification case for this parcel is recommended for disapproval by the Planning & Zoning Commission, then staff recommends disapproval of this request based on the following:

1. The proposed use is not compatible with the current Comprehensive Plan and Land Use Plan.
2. The proposed use may have an adverse impact on adjoining uses and zoning districts.
3. The proposed use is not compatible with existing uses and zoning in the neighborhood.
4. The proposed use and rezoning may pose an adverse impact to the public health, safety, or general welfare.

If the R-3 zoning classification case for this parcel is recommended for approval by the Planning & Zoning Commission, then staff recommends approval of an ordinance to change the Land Use Plan designation from Low Density Residential to High Density Residential on property described as Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas, based on the following:

1. This action would amend the current Comprehensive Plan and Land Use Plan such that the proposed use would be compatible with the new R-3 zoning.

**ACTION BY PLANNING AND ZONING COMMISSION:**

1. Motion to recommend approval/disapproval of an ordinance to change land use designation from Low Density Residential to High Density Residential on property described as Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas, based on staff's recommendation and findings.
2. Any other action deemed necessary.

**ATTACHMENTS:**

1. Application
2. Land Use Designation
3. Location Map
4. Existing Land Use Map
5. Zoning Map
6. Land Use Plan Map
7. Notification Area Map
8. Responses Received



# 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
3. If zoning change will require amendment to the Land Use Plan (aka FLUM), there will be an additional fee of \$100.00.

**City of Harker Heights**  
 Planning & Development  
 305 Millers Crossing  
 Harker Heights, TX 76548  
 Phone: (254) 953-5600  
 Email:

[planning@harkerheights.gov](mailto:planning@harkerheights.gov)

Property Owner(s) Name: Eddie J. Bass Date: 1 June 22

Address: 106 Concho Ct.

City/State/Zip: Harker Heights Texas 76548

Phone: 254-681-1105 E-mail: Ebass3@Hot.RR.com

### Legal Description of Property:

Location of Property (Address if available): 132 East Ruby

Lot: 0016 Block: 012 Subdivision: 51163 HH

Acres: 0.24 Property ID: 17255 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: Multi Family Apartment

Current Zoning Classification: R-1 Proposed Zoning: R-3

Current Land Use: Empty Lot Proposed Land Use: 1 bedroom Apartment

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

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

Phone: 254-681-1105 E-Mail: Ebass3@Hot.RR.com

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

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

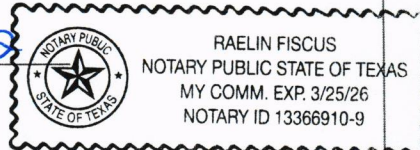
BASS, Eddie J. Dierdre  
Printed Name of Property Owner

[Signature]  
Signature of Property Owner

Printed Name of Representative

Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 1st DAY OF June, 2022



[Signature]  
SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: 03/25/2026

### STAFF ONLY - DO NOT FILL OUT BELOW

Date Submitted: 06/01/2022

Pre-Application Meeting

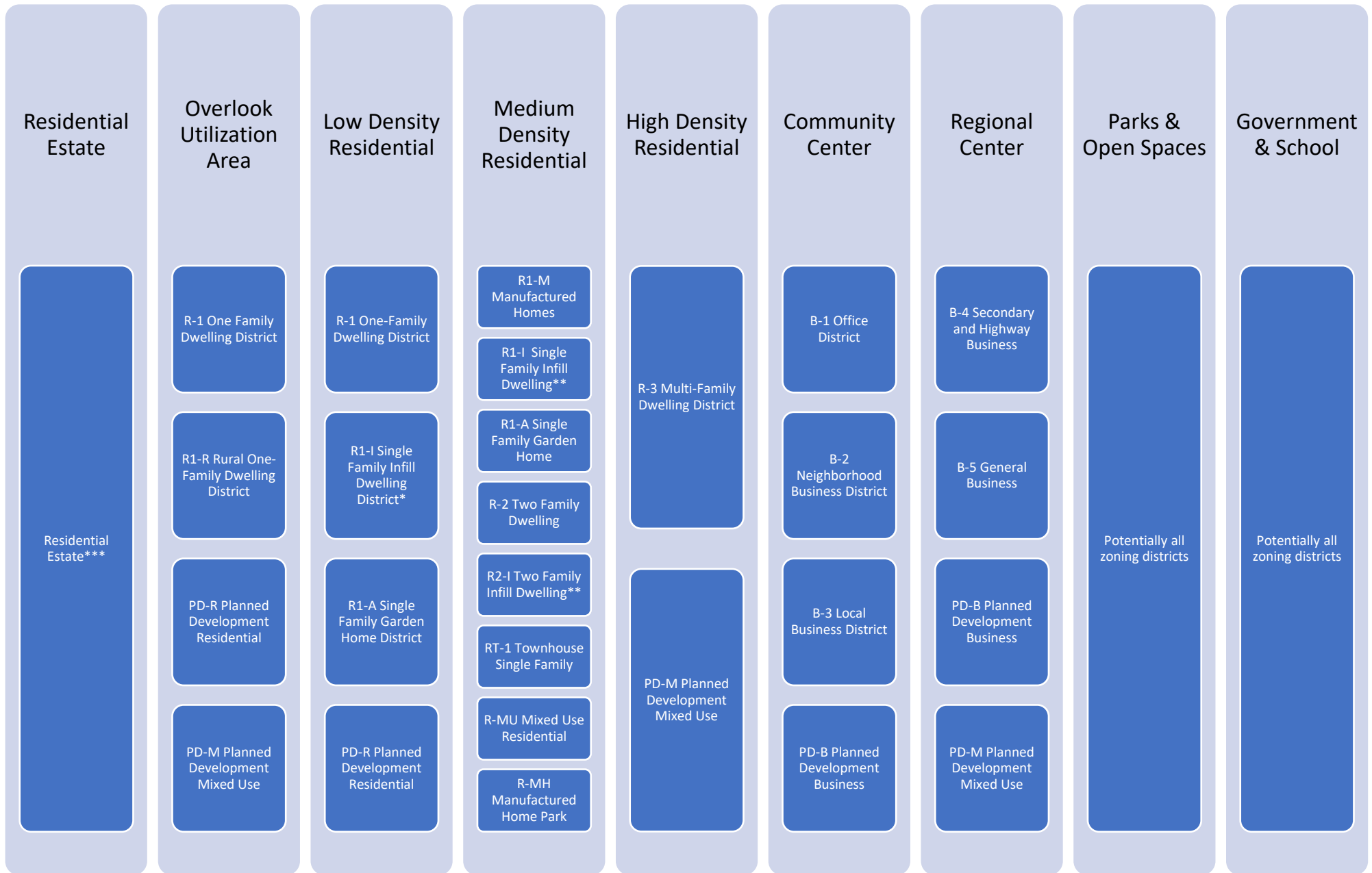
Receipt #: 01832502

Received By: RF

Revised: 10/2021

Case #: \_\_\_\_\_

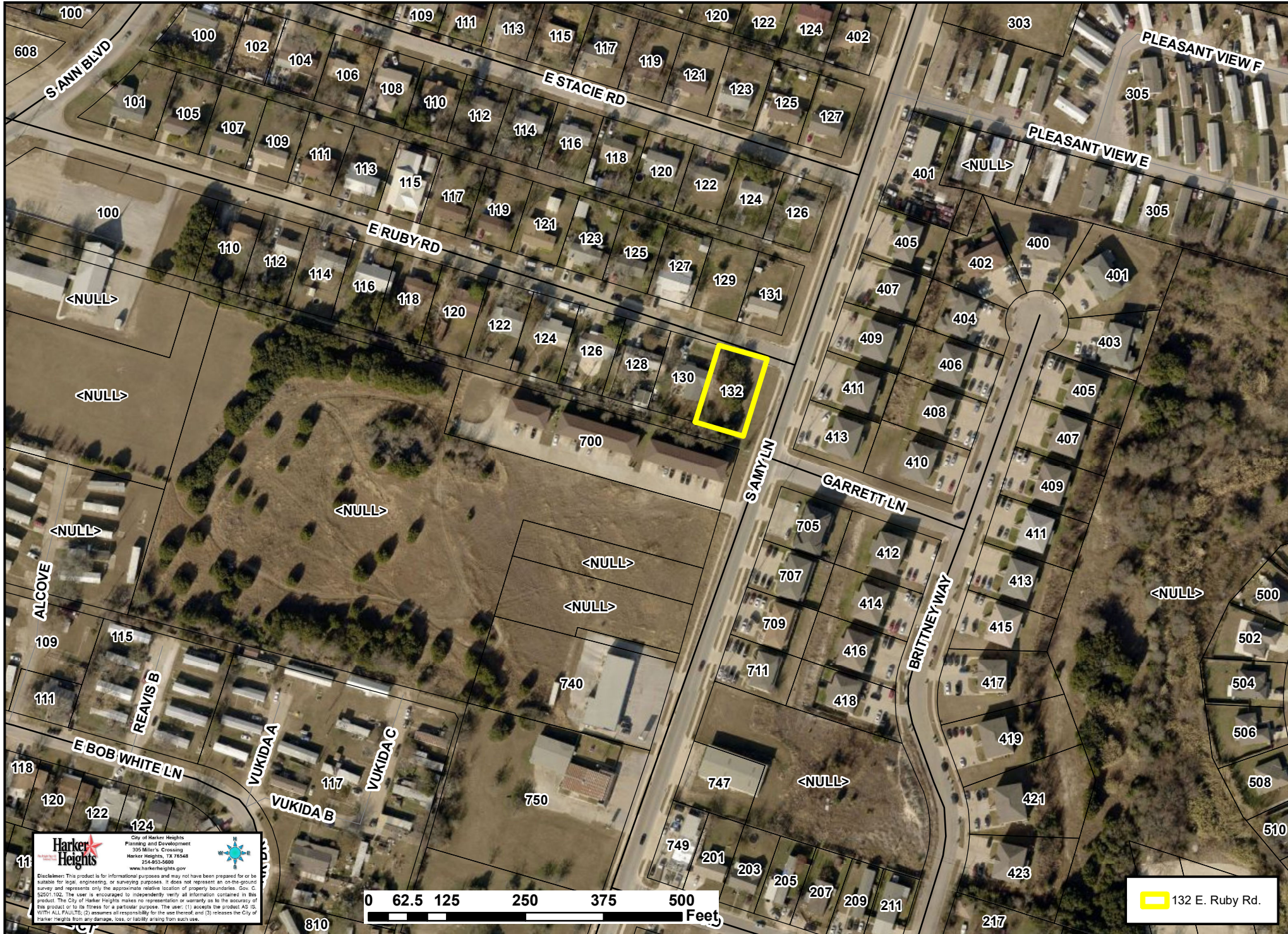
# Zoning Districts Per Land Use\*



\*Adoption of Land Use Plan included definitions for each type of land use. This represents the Zoning Districts that correspond to those definitions.

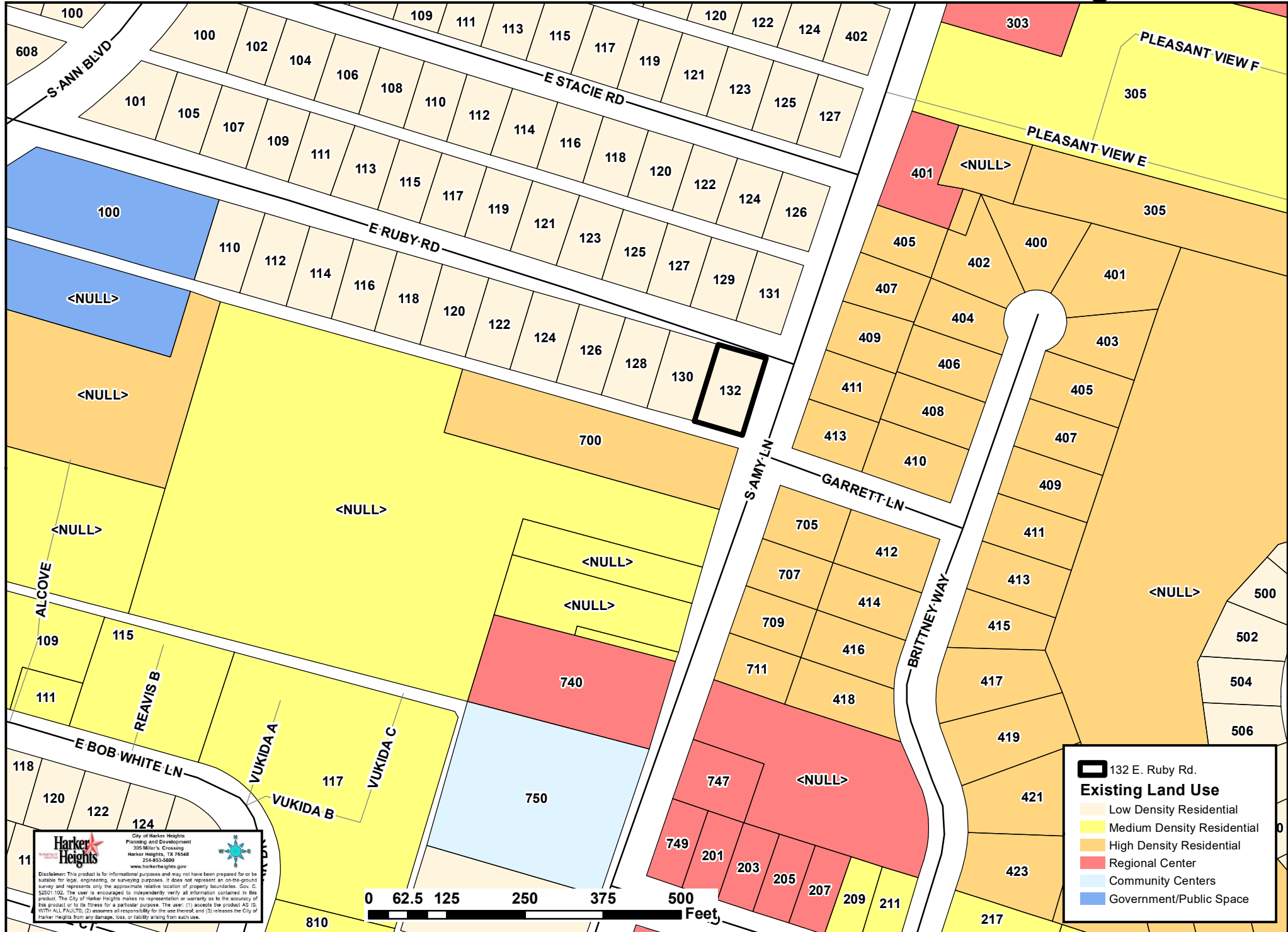
\*\*Zoning Districts are only allowed in areas as shown on maps/exhibits included with respective adopted ordinances

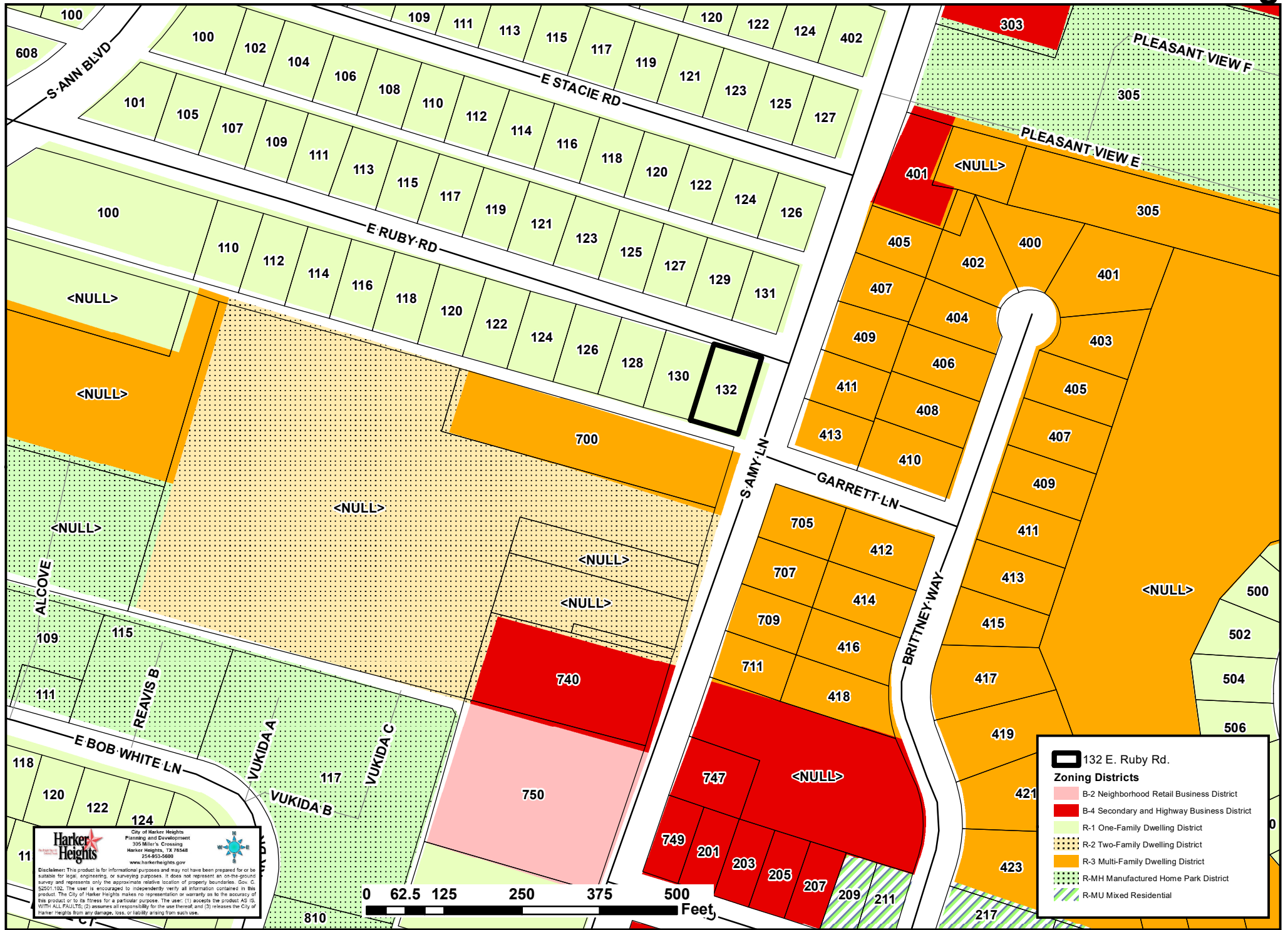
\*\*\*Currently R-1 larger than 0.5 acres and R1-R Zoning Districts are being utilized for Residential Estates proposed Zoning District.



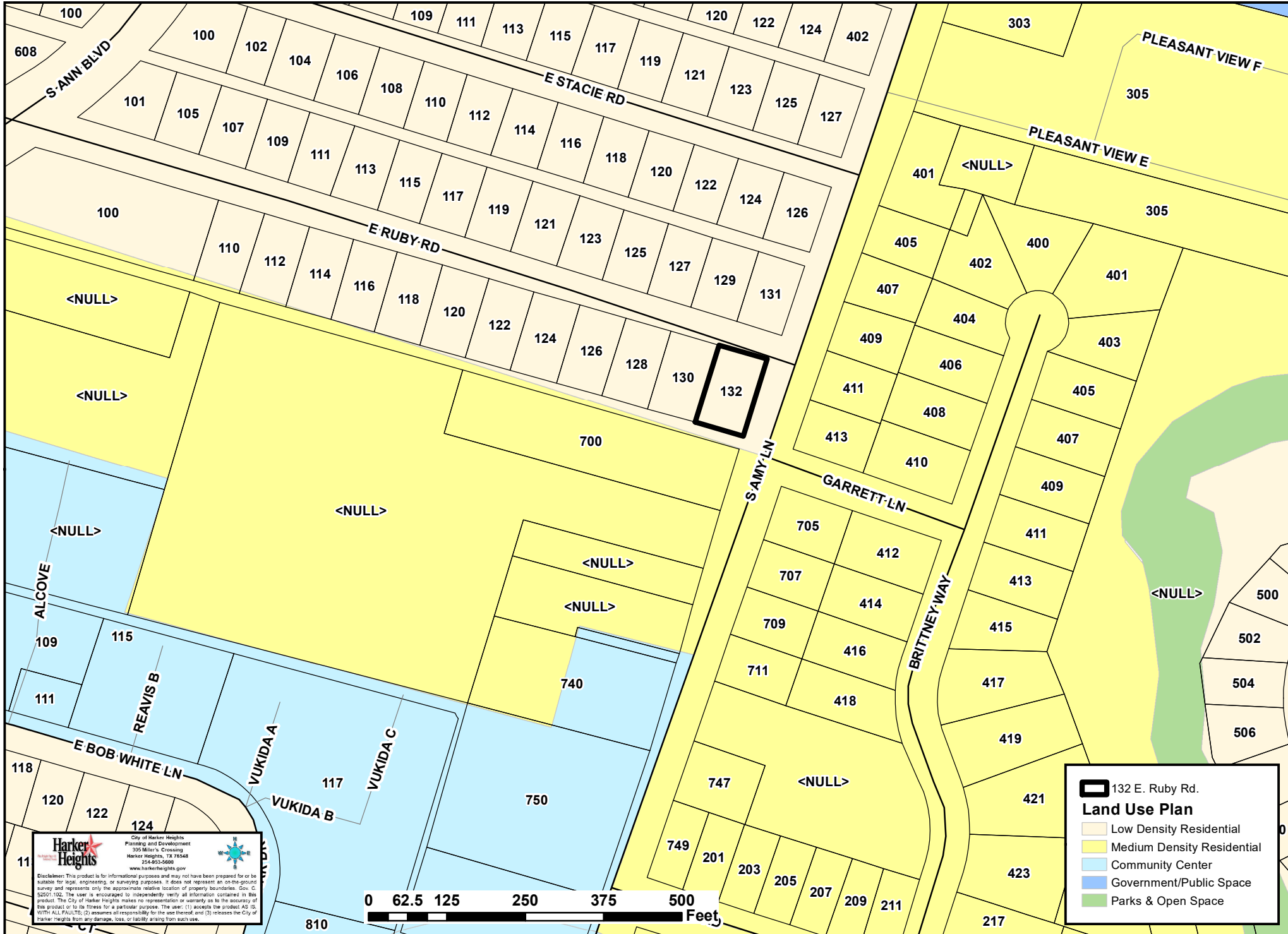
**Harker Heights**  
City of Harker Heights  
Planning and Development  
300 Miller's Crossing  
Harker Heights, TX 78548  
254-853-5699  
www.harkerheights.gov


Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. 52201.002. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAILURES; (2) assumes all responsibility for the use thereof; and (3) releases the City of Harker Heights from any damage, loss, or liability arising from such use.














 132 E. Ruby Rd.

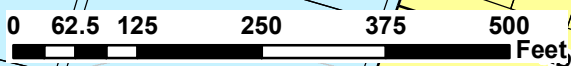
**Land Use Plan**

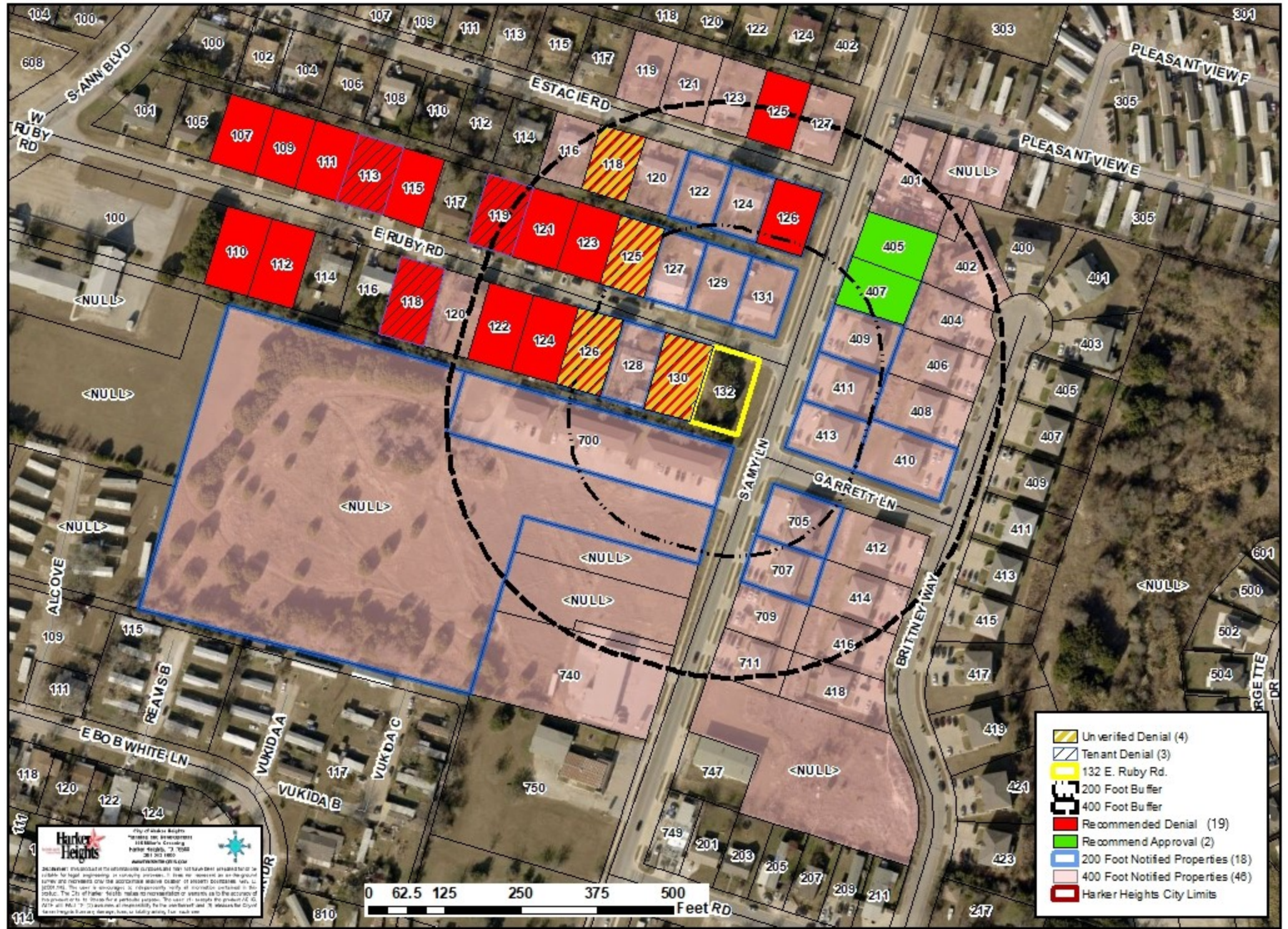
-  Low Density Residential
-  Medium Density Residential
-  Community Center
-  Government/Public Space
-  Parks & Open Space

**Harker Heights**

City of Harker Heights  
Planning and Development  
300 Miller's Crossing  
Harker Heights, TX 78548  
254-853-5690  
www.harkerheights.gov

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Property ID	Address	Street	Owner Tenant Unverified	Inside 200' Notification Area	Inside 400' Notification Area	Outside Notification Area	Deny or Approve
75481	107	E. Ruby	Owner			X	D
96466	109	E. Ruby	Owner			X	D
129133	110	E. Ruby	Owner			X	D
36712	111	E. Ruby	Owner			X	D
92358	112	E. Ruby	Owner			X	D
64601	115	E. Ruby	Owner			X	D
46654	121	E. Ruby	Owner		X		D
43385	122	E. Ruby	Owner		X		D
17251	123	E. Ruby	Owner		X		D
46299	124	E. Ruby	Owner		X		D
40468	125	E. Stacie	Owner	X			D
78340	126	E. Stacie	Owner	X			D
350598	405	S. Amy	Owner		X		A
350597	407	S. Amy	Owner	X			A
46297	119	E. Ruby	Tenant		X		D
46300	118	E. Ruby	Tenant			X	D
38973	113	E. Ruby	Tenant			X	D
118469	118	E. Stacie	Unverified		X		D
60208	125	E. Ruby	Unverified	X			D
68165	126	E. Ruby	Unverified	X			D
17252	130	E. Ruby	Unverified	X			D

Total Denials 19  
Total Approval 2

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

FROM: HART, CLEO J ETUX MELVINA L

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

Physical Address	Property ID
121 E RUBY RD	46654

**Z22-18** RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R-3 (Multi-Family Dwelling District)** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas.* (see attached notification map).

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

**Because our R1 zoning designation is a well established neighborhood and community, the ones who have made the area their home, do not approve of zoning 132 East Ruby from R1 to R3. It is not in the best interest of the people. Since the construction of the nearby multi family dwellings, there has been a diminished safety presence due to an increase in people walking in the street and in people's yards, mainly going to and coming from Harker Heights Elementary School. There has also been a great increase in vehicle traffic. A rezoning from R1 to R3 is not beneficial to the community.**

**Z22-18-F** RE: application has been made to consider a request to change land use designation from **Low Density Residential to High Density Residential** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas.* (see attached notification map).

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

Comments:

*For the same reasons listed above.*

*Melvina L. Hart*                      *Melvina L. Hart*                      *June 22, 2022*  
 Printed Name                                      Signature                                      Date

**Received**  
JUN 21 2022

SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: SWAIN, KATIE LEE & EVA SHANE AVANS

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

Physical Address	Property ID
122 E RUBY RD	4385

Z22-18 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R-3 (Multi-Family Dwelling District)** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas.* (see attached notification map).

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

Comments:

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Z22-18-F RE: application has been made to consider a request to change land use designation from **Low Density Residential** to **High Density Residential** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas.* (see attached notification map).

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

Comments:

I AM STRONGLY AGAINST CHANGING THE ZONING FOR THE ADDRESS LISTED ABOVE.

KATIE L. SWAIN  
Printed Name

Katie L. Swain  
Signature

06/22/22  
Date

(planning@harkerheights.gov)

TO: CITY OF HARKER HEIGHTS  
PLANNING & DEVELOPMENT DEPARTMENT  
planning@harkerheights.gov

FROM: ROBERSON, DONNA & MICHAEL METZGER

PHYSICAL ADDRESS                      PROPERTY ID  
124 E RUBY ROAD

Z22-18                      APPLICATION HAS BEEN MADE TO CHANGE ZONING FROM R-1 TO R-3

**I RECOMMEND DENIAL OF REQUEST**

Z22-18F                      APPLICATION HAS BEEN MADE TO CHANGE ZONING FROM LOW DENSITY  
TO HIGH DENSITY RESIDENTIAL.

**I RECOMMEND DENIAL OF REQUEST**

DONNA A ROBERSON

*Donna A Roberson*  
*6/22/22 3:00pm*

SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

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

FROM: GORDON-WELLS, STORMIE N

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

Physical Address	Property ID
125 E STACIE RD	40468

**Z22-18 RE:** application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R-3 (Multi-Family Dwelling District)** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas, (see attached notification map).*

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

*Would like to keep a residential type neighborhood of home owners & houses, it keeps it more family friendly, the more "rentals" or multi-type dwellings tends to create a bad element within the neighborhood due to the constant changing of people moving in & out - that address is also close to a church & school which would prefer a more stable environment in the neighborhood.*

**Z22-18-F RE:** application has been made to consider a request to change land use designation from **Low Density Residential to High Density Residential** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas, (see attached notification map).*

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

*SAME REASONS AS ABOVE*

Stormie Gordon-Wells Stormie Gordon-Wells June 17, 2022  
Printed Name Signature Date

**Received**

JUN 17 2022

SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

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

FROM: BASS, DIERDE M & EDDIE J

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

Physical Address	Property ID
405 S AMY LN	350598

**Z22-18** RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R-3 (Multi-Family Dwelling District)** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas, (see attached notification map).*

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

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**Z22-18-F** RE: application has been made to consider a request to change land use designation from **Low Density Residential to High Density Residential** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas, (see attached notification map).*

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

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Bass Eddie J.  
Printed Name

Signature

6/16/2022  
Date

**Received**

JUN 16 2022

**Planning & Development**



SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: BASS, EDDIE J ETUX DIERDRE M

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

Physical Address	Property ID
407 AMY LN	350597

**Z22-18** RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District) to R-3 (Multi-Family Dwelling District)** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas.* (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

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**Z22-18-F** RE: application has been made to consider a request to change land use designation from **Low Density Residential to High Density Residential** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas.* (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

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**Received**

JUN 16 2022

**Planning & Development**

*Eddie J. Bass*

Printed Name

*[Signature]*  
Signature

*6/16/2022*

Date

We the citizens of Harker Heights that live on East Ruby RD. signed below are against the rezoning of 132 E Ruby from R1 to R3.

Many citizens travel on E Ruby Rd. to take their kids to the Elementary School on south Ann Blvd. driving and walking, and a large number of Kids that live in the fourplexes on Brittney way and the east side of Amy Ln going to school and going to the park on south Ann Blvd. This has created a high volume of traffic of people walking on east Ruby, keep in mind that there are No sidewalks on east Ruby. This is very Unsafe, because we have a Large number of people walking in the Street, not all of the vehicles that travel on east Ruby are doing the speed limit 30 mph, a lot of them are going faster especially in the morning going to work which is very Dangerous. As you all know, the whole east end of Ruby Rd. is zoned R-1 with the exception of the Church on the corner of East Ruby Rd. and South Ann Blvd. If 132 E Ruby were to be rezoned from R-1 to R-3 this would make it even more Dangerous for our Citizens, Parents, and Children walking on East Ruby Rd. Because this would just be adding more volume of people than we already have. Also it would diminish the integrity of the whole east end of Ruby Rd. allowing part of it to be zoned differently than the rest of East Ruby. 129 East Ruby is a empty Lot across the street from 132 East Ruby if 132 East Ruby were to be rezoned to R-3 what would stop someone from getting 129 East Ruby rezoned to R-3 ? these two Properties are within 100 Ft of each other. The rezoning of one Property on East Ruby could very easily cause a Domino Effect on the Whole East end of Ruby as prosperities are bought and sold. Please help us keep the Whole East End of Ruby Rd zoned R-1 to keep everyone Safe. Please see the attached Map showing the route people take walking to school and the Park on East Ruby RD. Thank You.

1. Enid & Michelle Loren 115 E. Ruby
2. Kevin L Crocker 116 E. Ruby
3. Carolyn Crocker 116 E. Ruby
4. Linda A Jackson 114 E. Ruby Rd  
Harker Hts
5. Joe R... 111 E. Ruby Rd
6. Joe R... 111 E. Ruby Rd
7. Carla R... 112 E. Ruby Rd
8. Ti Sam 110 E. Ruby
9. Sandra Montes 107 E. Ruby
10. Marc Lopez 119 EAST Ruby Rd.
11. Lester E. Carter 118 E. Ruby
12. Jodi Renee Adams 109 E. Ruby
13. Melinda L. Hart 121 E. Ruby
14. William J... 123 E Ruby
15. B. R... 125 E Ruby
16. John J... 126 E. Ruby
17. John J... 130 E. RUBY
18. Kim Schuman 126 E Stacie
19. Justin D... 126 E Stacie
20. Janice Williams 126 E Stacie
21. Arnold Cochran 118 E Stacie Rd
22. Kelga Presley 113 E Ruby Rd
23. \_\_\_\_\_
24. \_\_\_\_\_

# Legend

# EAST RUBY RD

Write a description for your map.





AGENDA ITEM IX-3  
PLANNING AND ZONING COMMISSION  
MEMORANDUM

Z22-14-F

FROM: THE OFFICE OF THE PLANNING AND DEVELOPMENT DIRECTOR  
DATE: JUNE 29, 2022

**CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER RECOMMENDING APPROVAL OF A REQUEST TO CHANGE LAND USE DESIGNATION FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL ON PROPERTIES DESCRIBED AS MEADOW ACRES, BLOCK 005, LOT PT 2, (E 1/2 OF 2), GENERALLY LOCATED AT 214 W. BOB WHITE LANE, HARKER HEIGHTS, BELL COUNTY, TEXAS, AND MEADOW ACRES, BLOCK 005, LOT PT 2 (W 1/2 OF 2), GENERALLY LOCATED AT 216 W. BOB WHITE LANE, HARKER HEIGHTS, BELL COUNTY, TEXAS.**

**EXPLANATION:**

The applicant is requesting a change from the current land use designation of Low Density Residential to Medium Density Residential on properties generally located at 214 & 216 W. Bob White Lane.

Parcel History

This parcel is located within the original area of the city incorporation (1960), as part of the Meadow Acres Subdivision.

**STAFF ANALYSIS:**

Surrounding Land Uses

Adjacent land uses include those identified in the table below:

	<b>Land Use Plan</b>
<b>North</b>	Low Density Residential
<b>South</b>	Low Density Residential
<b>East</b>	Low Density Residential
<b>West</b>	Low Density Residential

The 2021 Land Use Plan and Comprehensive Plan identifies this area is designated as Low Density Residential; staff believes the proposed rezoning with its intended use will not likely have any adverse impact on the neighborhood.

Thoroughfare Plan

Bob White Lane is classified as a residential street. Per §154.01 of the City’s code of ordinances, Residential Streets are defined as: “Streets that serve individual residential lots. They carry low traffic volumes at low speeds. RESIDENTIAL STREETS shall be 36 feet in width back-of-curb to back-of-curb with a minimum 60 feet of right-of-way. These are streets that serve individual residential lots”.

Flood Damage Prevention:

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

**Pharr vs. Tippett Considerations**

1. The proposed use and rezoning are not compatible with the current Comprehensive Plan and Land Use Plan.
2. The proposed use and rezoning will have no adverse impact on surrounding properties.
3. The proposed use and rezoning are compatible with existing uses and zoning in the neighborhood.
4. The proposed use and rezoning do not pose an adverse impact to the public health, safety, or general welfare.

**NOTICES:**

Based on the most recently approved tax roll available, staff sent out fifty-three (53) notices to property owners within the 400-foot notification area. As of June 23, 2022, two (2) responses were received in favor of the request, and zero (0) responses were received in opposition of the request. Any additional responses received after the above date will be provided during the meeting.

**RECOMMENDATION:**

The request to change zoning designation from R-3 (Multi-Family Dwelling District) to R2-I (Two-Family Infill Dwelling District) was recommended for approval by the Planning & Zoning Commission unanimously (7-0) on May 25, 2022, and was approved by City Council unanimously (5-0) on June 14, 2022. Therefore, staff recommends approval of an ordinance to change the Land Use Plan designation from Low Density Residential use to Medium Density Residential use on properties described as Meadow Acres, Block 005, Lot PT 2, (E 1/2 of 2), generally located at 214 W. Bob White Lane, Harker Heights, Bell County, Texas, and Meadow Acres, Block 005, Lot PT 2 (W 1/2 of 2), generally located at 216 W. Bob White Lane, Harker Heights, Bell County, Texas, based on the following:

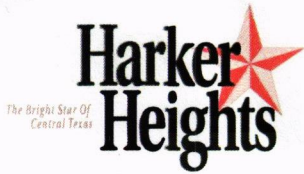
1. This action would amend the current Comprehensive Plan and Land Use Plan such that the proposed use would be compatible with the new R2-I zoning.
2. The proposed use is compatible with the new R2-I zoning in the vicinity.

**ACTION BY PLANNING AND ZONING COMMISSION:**

1. Motion to recommend approval/disapproval of an ordinance to change land use designation from Low Density Residential to Medium Density Residential on properties described as Meadow Acres, Block 005, Lot PT 2, (E 1/2 of 2), generally located at 214 W. Bob White Lane, Harker Heights, Bell County, Texas, and Meadow Acres, Block 005, Lot PT 2 (W 1/2 of 2), generally located at 216 W. Bob White Lane, Harker Heights, Bell County, Texas, based on staff's recommendation and findings.
2. Any other action deemed necessary.

**ATTACHMENTS:**

1. Application
2. Land Use Designations
3. Location Map
4. Existing Land Use Map
5. Zoning Map
6. Land Use Plan Map
7. Notification Area Map
8. Responses Received



# 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
3. If zoning change will require amendment to the Land Use Plan (aka FLUM), there will be an additional fee of \$100.00.

**City of Harker Heights**  
 Planning & Development  
 305 Millers Crossing  
 Harker Heights, TX 76548  
 Phone: (254) 953-5600  
 Email:

[planning@harkerheights.gov](mailto:planning@harkerheights.gov)

**Property Owner(s) Name:** Pamela Flohr **Date:** 04/27/2022

**Address:** 216 W Bob White Lane

**City/State/Zip:** Harker Heights, TX 76548

**Phone:** (254) 289-7417 **E-mail:** \_\_\_\_\_

### Legal Description of Property:

Location of Property (Address if available): 214 and 216 W Bob White Lane

Lot: W part of 2/E part of 2 Block: 5 Subdivision: Meadow Acres

Acres: +/-1 Property ID: 46161 & 11415 Survey: n/a

*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:** Residential

**Current Zoning Classification:** R3 **Proposed Zoning:** R2-I

**Current Land Use:** LOW DENSITY RESIDENTIAL **Proposed Land Use:** MEDIUM DENSITY RESIDENTIAL

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

**Applicant's Representative:** Ace Reneau - Mitchell and Associates

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

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 ACE RENEAU MITCHELL & ASSOC. will represent the owner.

Pamela Flohr  
Printed Name of Property Owner

Pamela S Flohr  
Signature of Property Owner

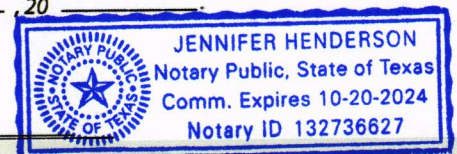
Ace Reneau  
Printed Name of Representative

Ace Reneau  
Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 27th DAY OF April, 2022

Jennifer Henderson  
SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: 10-20-2024



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

Date Submitted: \_\_\_\_\_

Pre-Application Meeting

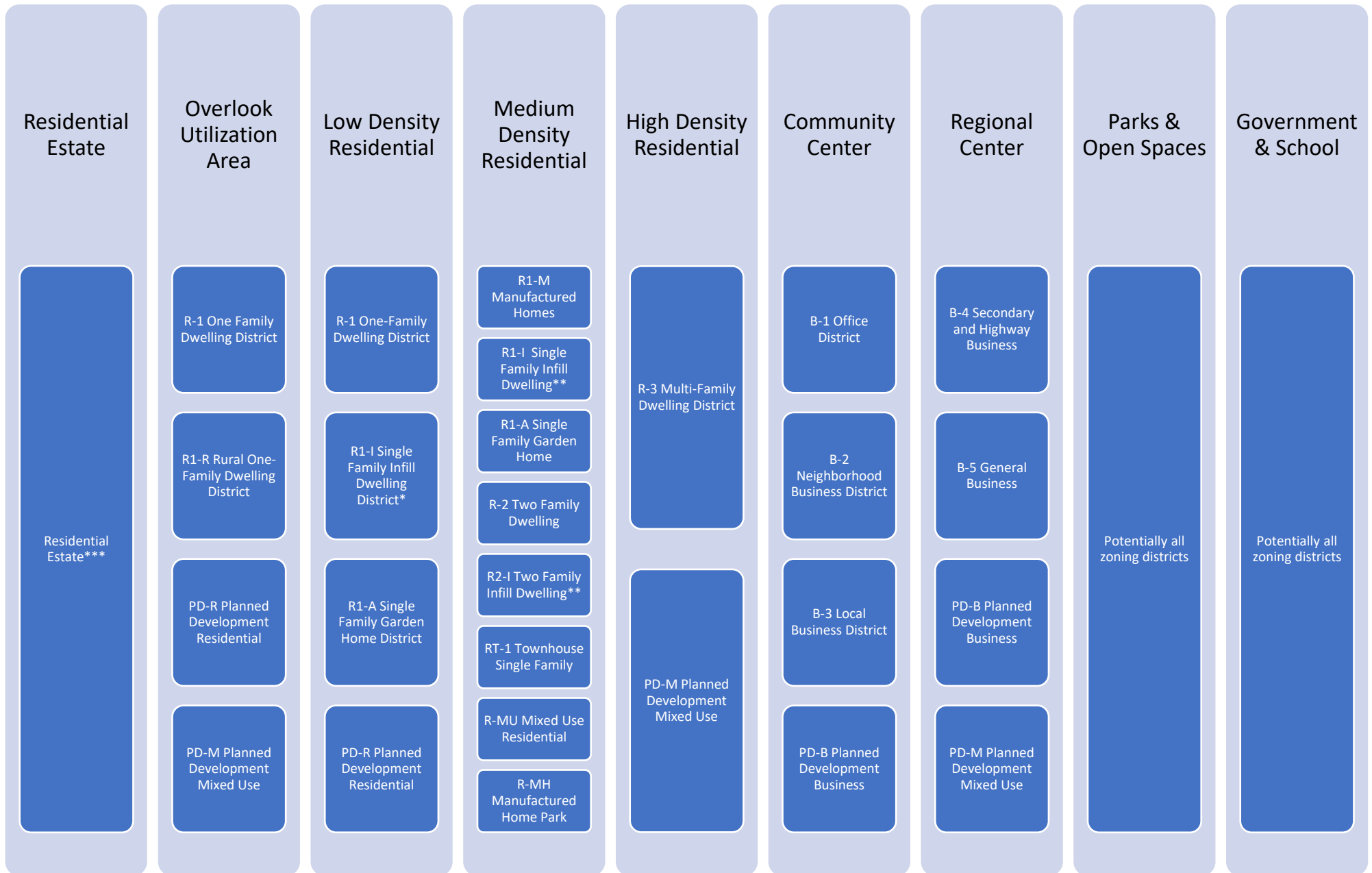
Receipt #: \_\_\_\_\_

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

Revised: 10/2021

Case #: \_\_\_\_\_

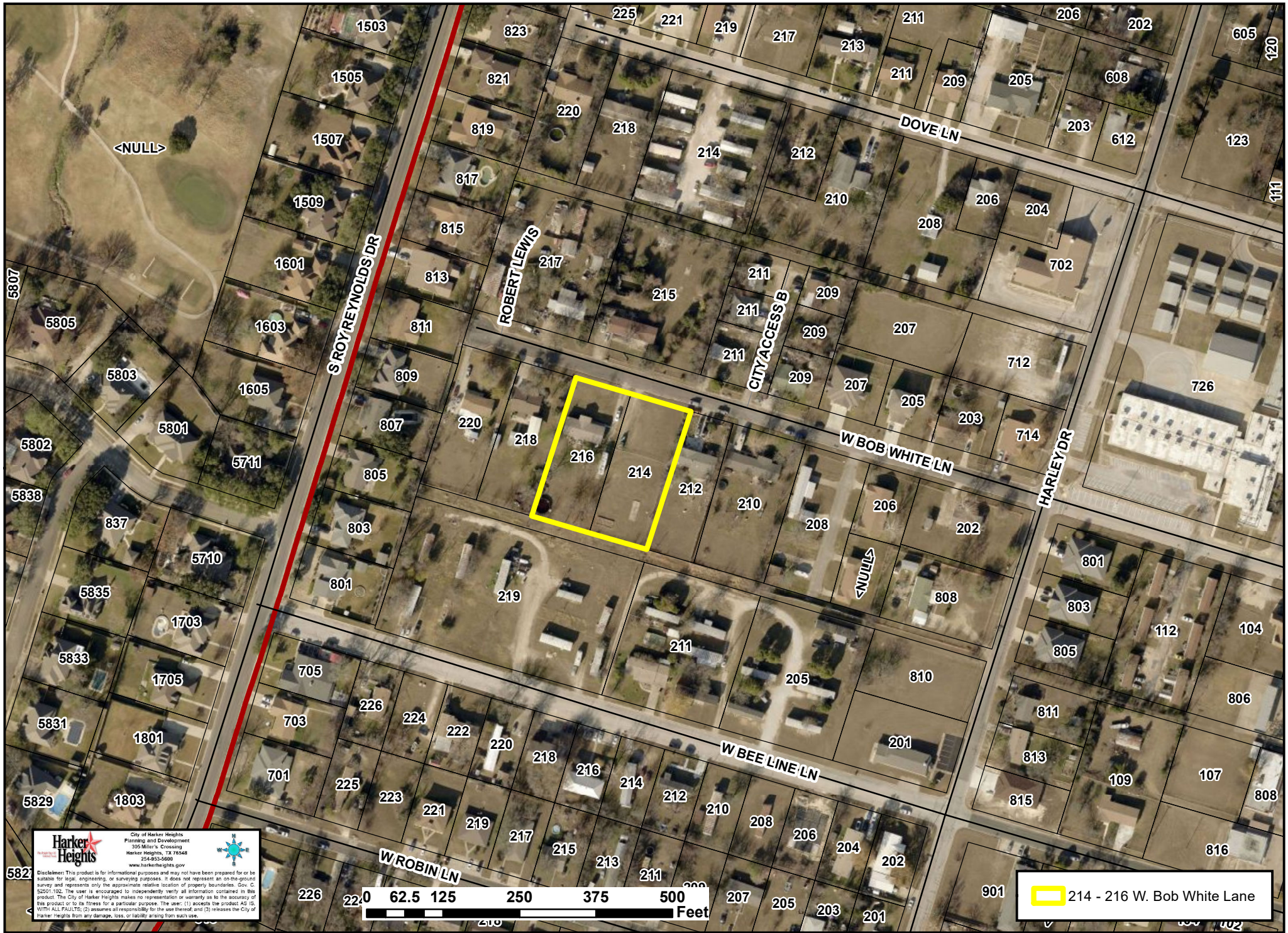
# Zoning Districts Per Land Use\*



\*Adoption of Land Use Plan included definitions for each type of land use. This represents the Zoning Districts that correspond to those definitions.

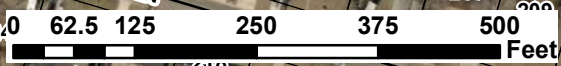
\*\*Zoning Districts are only allowed in areas as shown on maps/exhibits included with respective adopted ordinances


\*\*\*Currently R-1 larger than 0.5 acres and R1-R Zoning Districts are being utilized for Residential Estates proposed Zoning District.



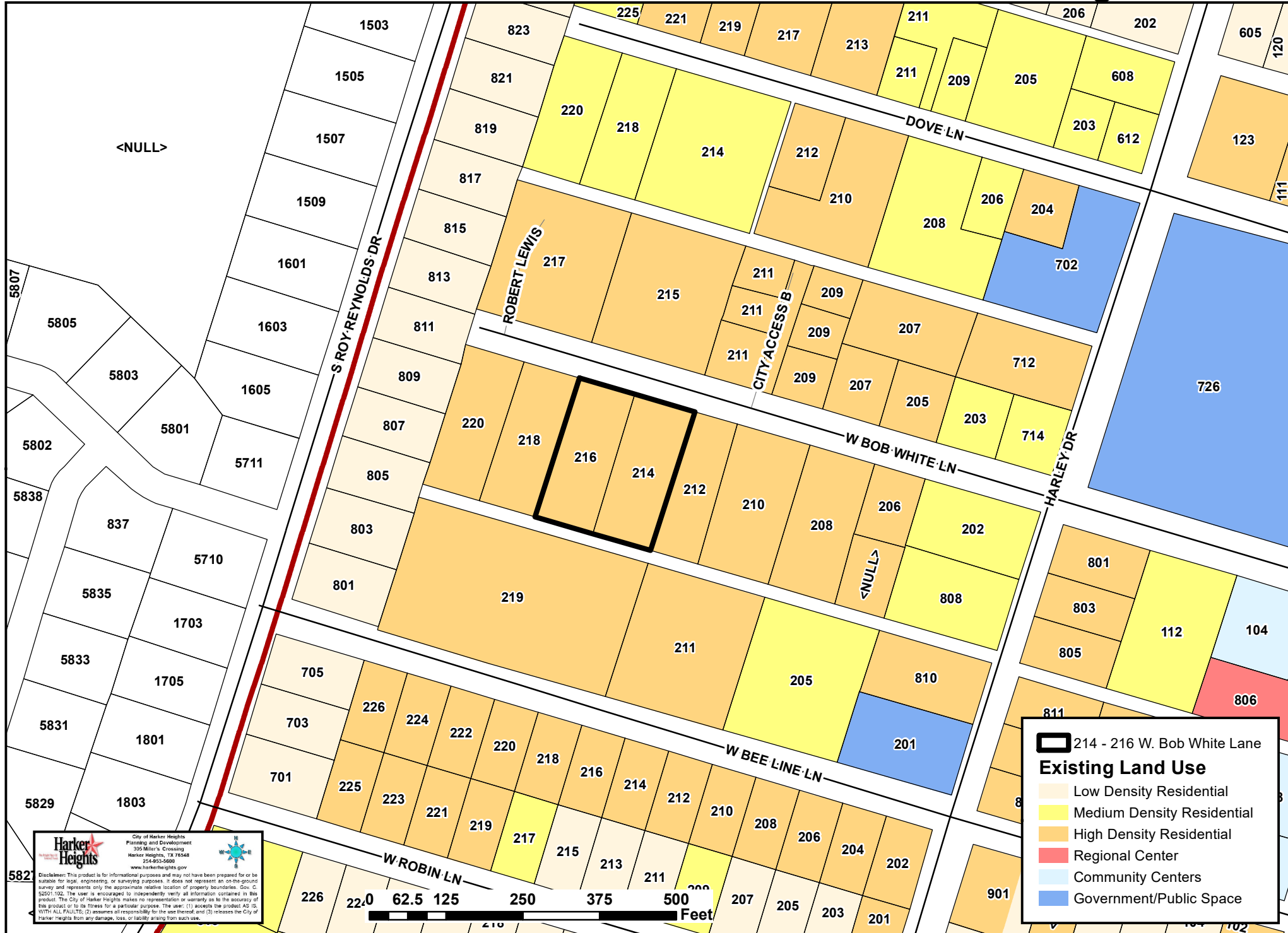
**Harker Heights**  
City of Harker Heights  
Planning and Development  
300 Mill's Crossing  
Harker Heights, TX 78548  
254-853-5690  
www.harkerheights.gov

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. 52201.102. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAILURES; (2) assumes all responsibility for the use thereof; and (3) releases the City of Harker Heights from any damage, loss, or liability arising from such use.



 214 - 216 W. Bob White Lane





**214 - 216 W. Bob White Lane**

**Existing Land Use**

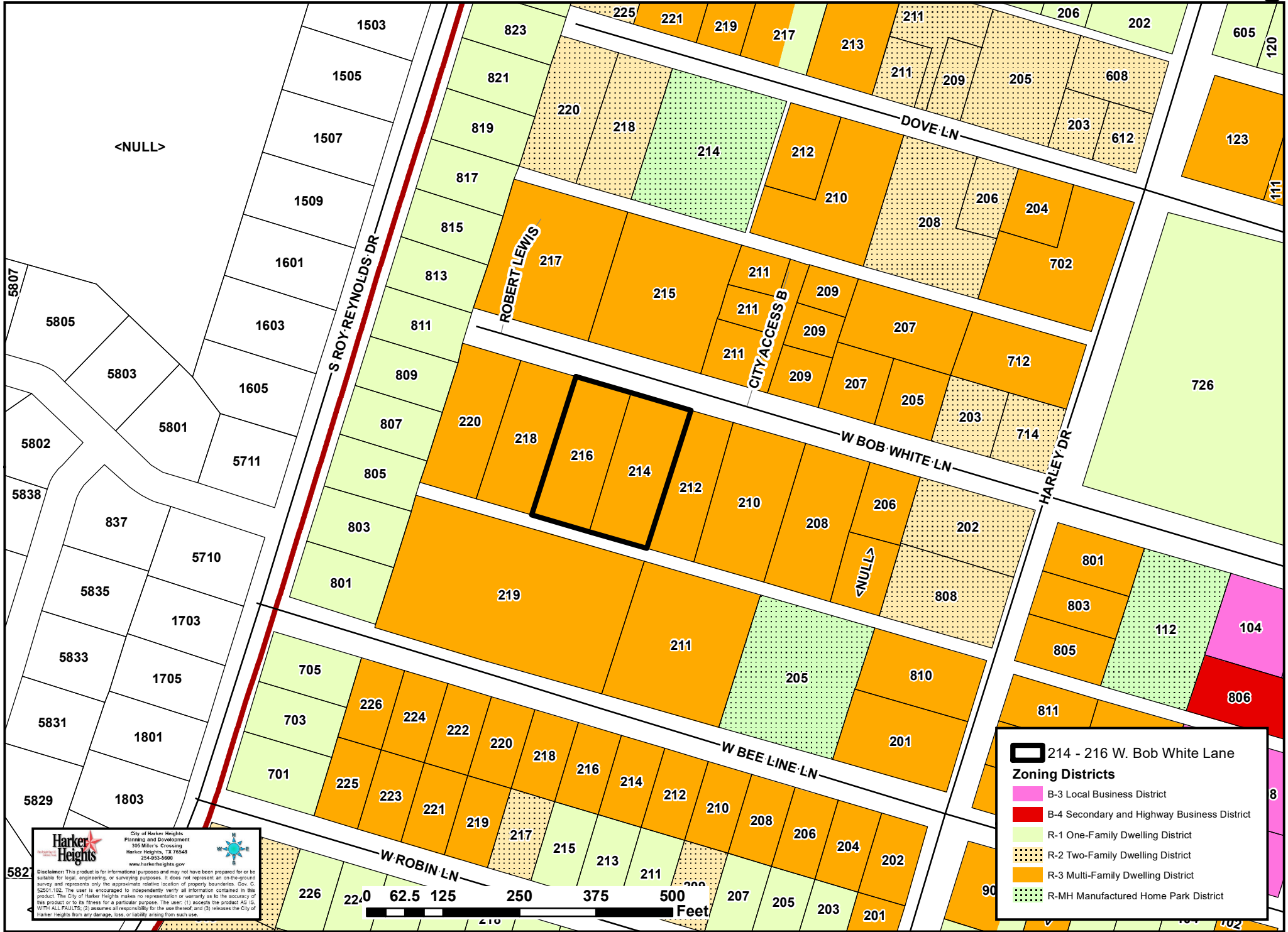
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Regional Center
- Community Centers
- Government/Public Space

**Harker Heights**

City of Harker Heights  
 Planning and Development  
 300 Miles Crossing  
 Harker Heights, TX 78548  
 254-853-5690  
 www.harkerheights.gov

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**214 - 216 W. Bob White Lane**

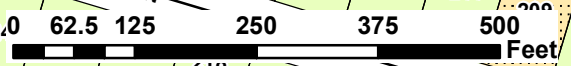
**Zoning Districts**

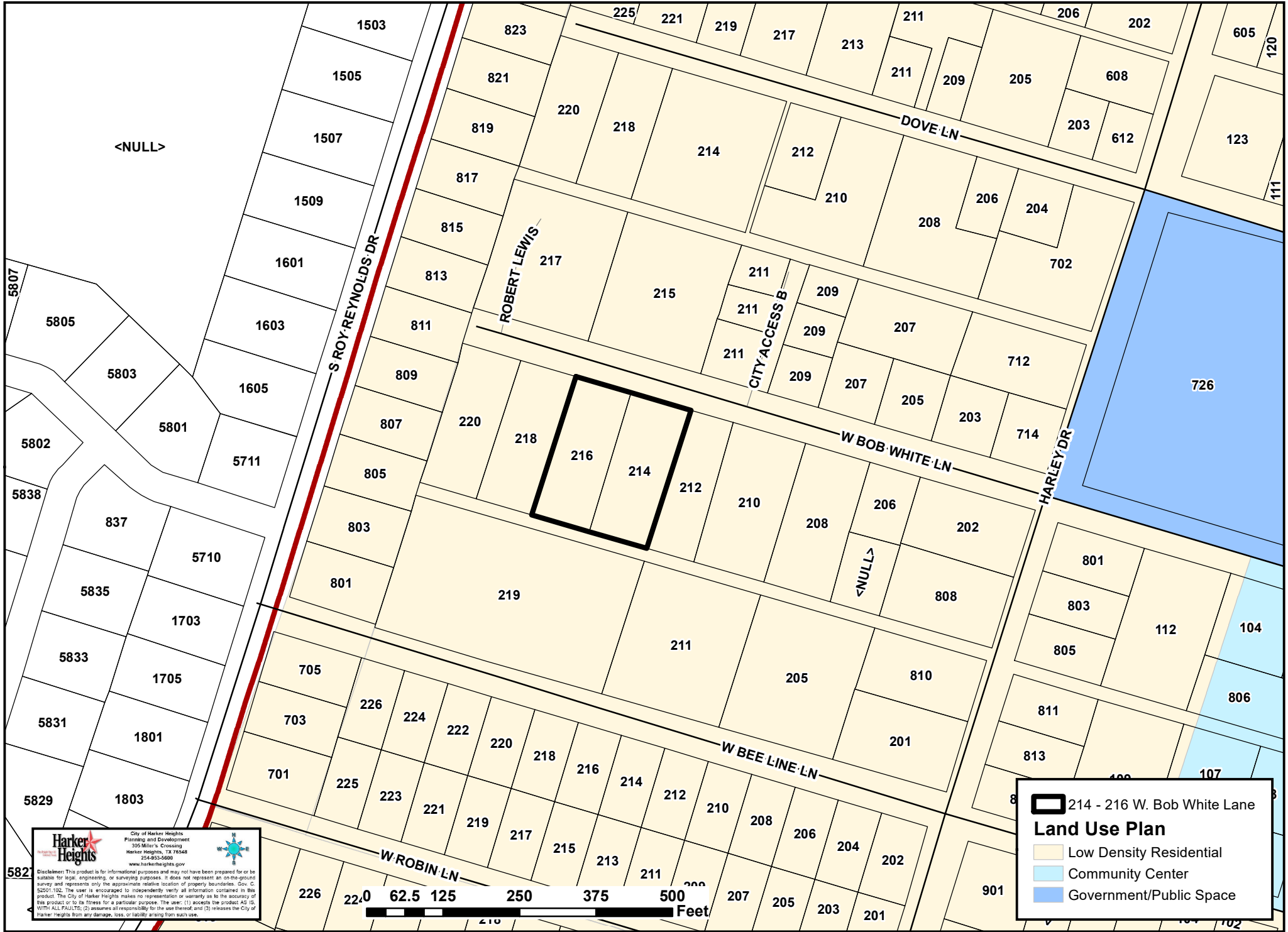
- B-3 Local Business District
- B-4 Secondary and Highway Business District
- R-1 One-Family Dwelling District
- R-2 Two-Family Dwelling District
- R-3 Multi-Family Dwelling District
- R-MH Manufactured Home Park District

**Harker Heights**

City of Harker Heights  
 Planning and Development  
 300 Miller's Crossing  
 Harker Heights, TX 78548  
 254-853-5690  
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



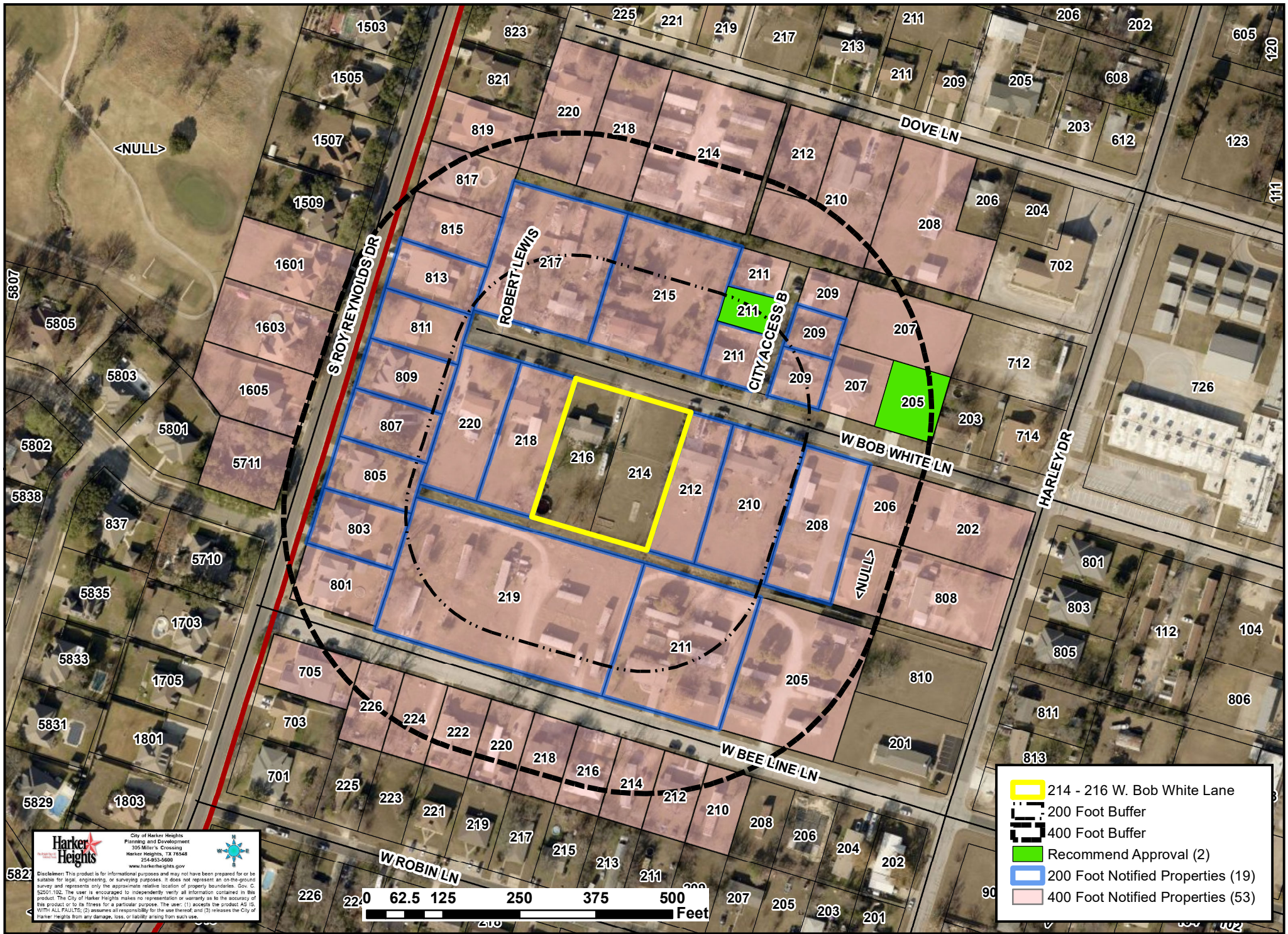
**Harker Heights**  
City of Harker Heights  
Planning and Development  
300 Miles Crossing  
Harker Heights, TX 78548  
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 214 - 216 W. Bob White Lane

**Land Use Plan**

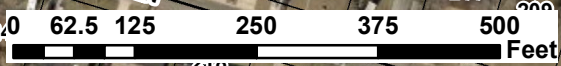
-  Low Density Residential
-  Community Center
-  Government/Public Space



- 214 - 216 W. Bob White Lane
- 200 Foot Buffer
- 400 Foot Buffer
- Recommend Approval (2)
- 200 Foot Notified Properties (19)
- 400 Foot Notified Properties (53)

**Harker Heights**  
City of Harker Heights  
Planning and Development  
300 Mill's Crossing  
Harker Heights, TX 78548  
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SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: DOSSO, IBRAHIM

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

Physical Address	Property ID
205 BOB WHITE LN	470293

**Z22-14-F** RE: application has been made to consider a change in land use designation from **Low Density Residential to Medium Density Residential** on properties described as *Meadow Acres, Block 005, Lot PT 2, (E 1/2 of 2), generally located at 214 W. Bob White Lane, Harker Heights, Bell County, Texas, and Meadow Acres, Block 005, Lot PT 2 (W 1/2 of 2), generally located at 216 W. Bob White Lane, Harker Heights, Bell County, Texas, (see attached notification map).*

**I RECOMMEND APPROVAL OF THE REQUEST**

**I RECOMMEND DENIAL OF THE REQUEST**

Comments:


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DOSSO, IBRAHIM  
Printed Name

  
Signature

06/13/2022  
Date

**Received**

JUN 14 2022

**Planning & Development**

SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: ROBERT, MARK D

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

Physical Address	Property ID
211 W BOBWHITE LN	75483

**Z22-14-F** RE: application has been made to consider a change in land use designation from **Low Density Residential to Medium Density Residential** on properties described as *Meadow Acres, Block 005, Lot PT 2, (E 1/2 of 2), generally located at 214 W. Bob White Lane, Harker Heights, Bell County, Texas, and Meadow Acres, Block 005, Lot PT 2 (W 1/2 of 2), generally located at 216 W. Bob White Lane, Harker Heights, Bell County, Texas, (see attached notification map).*

**I RECOMMEND APPROVAL OF THE REQUEST**

**I RECOMMEND DENIAL OF THE REQUEST**

Comments:

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MARK D Robert

Printed Name



Signature

15 Jun 2022

Date

**Received**

JUN 16 2022

**Planning & Development**



**AGENDA ITEM IX-4  
PLANNING AND ZONING COMMISSION  
MEMORANDUM**

**Z22-15**

FROM: THE OFFICE OF THE PLANNING AND DEVELOPMENT DIRECTOR  
DATE: JUNE 29, 2022

**CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT (CUP) TO ALLOW FOR AN ACCESSORY DWELLING UNIT (ADU) ON PROPERTY DESCRIBED AS LAKESIDE HILLS SECTION ONE, LOT TRACT 15, ACRES 5.3 GENERALLY LOCATED AT 4001 HIGH OAK DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS AND LOCALLY KNOWN AS 4001 HIGH OAK DRIVE, BELTON, BELL COUNTY, TEXAS**

**EXPLANATION:**

The applicant is requesting a change from the current zoning of R1-R (Rural One-Family Dwelling District) to R1-R (Rural One-Family Dwelling District) with a Conditional Use Permit (CUP) to allow for an Accessory Dwelling Unit (ADU) on property generally located at 4001 High Oak Drive. The applicant indicated that the intent is to allow a family member to reside in the ADU. The existing 30' X 50' detached garage/shop building was permitted for construction in 2017. The site plan included with the CUP/ADU application showed approximately half of the 2-story structure will be maintained as a shop/garage, and the remaining half to be converted to the accessory dwelling unit. Square footage of each floor is approximately 1,500 square feet, with half of the floor area for both stories being requested as living space, resulting in the applicants square foot area request for the accessory dwelling unit to be approximately 1,500 square feet (not including porches/awnings).

**Parcel History**

The parcel is located within Lakeside Hills Section 1, a plat that was recorded on May 8, 1979. The area was annexed into the city limits in November 2008, as R-1 (One-Family Dwelling District). The parcel was rezoned from R-1 (One-Family Dwelling District) to R1-R (Rural One-Family Dwelling District) in August of 2011.

**STAFF ANALYSIS:**

**Surrounding Land Uses**

Adjacent land uses and zoning districts include those identified in the table below:

	<b>Existing Land Use</b>	<b>Land Use Plan</b>	<b>Zoning</b>
<b>North</b>	Low Density Residential	Medium Density Residential Regional Center	R1-R (Rural One-Family Dwelling District)
<b>South</b>	Low Density Residential	Residential Estate	R-1 (One-Family Dwelling District)
<b>East</b>	ETJ Area Low Density Residential	ETJ Area Medium Density Residential Residential Estate	ETJ Area R-1 (One-Family Dwelling District)
<b>West</b>	Low Density Residential	Medium Density Residential Residential Estate	R-1 (One-Family Dwelling District)

The 2021 Land Use Plan and Comprehensive Plan identifies this area is designated as Medium Density Residential and Regional Center; staff believes the proposed rezoning with its intended use will not likely have any adverse impact on the neighborhood.

Thoroughfare Plan

High Oak Drive is classified as a collector street per the most recently adopted Comprehensive Plan. Per City of Harker Heights Code of Ordinances §154.01:

- Minor Collectors are defined as: Streets generally located within subdivisions or between subdivisions to collect traffic from residential streets and to channel this traffic to major collectors. Residential lots may front on these streets. MINOR COLLECTORS shall be 42 feet wide, with a minimum of 70 feet of right-of-way.
  
- Major Collectors are defined as: Streets generally located along borders of neighborhoods and within commercial areas to collect and to channel this traffic to the arterial system. MAJOR COLLECTORS shall be 48 feet wide with a minimum of 80 feet of right-of-way. These are limited access roads on which no single-family or two-family residential lots may front (i.e., no driveways shall be allowed) unless there is no other reasonable and safe access to the lot.

Flood Damage Prevention:

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

Pharr vs. Tippett Considerations

1. The proposed use and rezoning are not compatible with the current Comprehensive Plan and Land Use Plan.
2. The proposed use and rezoning will have no adverse impact on surrounding properties.
3. The proposed use and rezoning are compatible with existing uses and zoning in the neighborhood.
4. The proposed use and rezoning do not pose an adverse impact to the public health, safety, or general welfare.

**NOTICES:**

Based on the most recently approved tax roll available, staff sent out ten (10) notices to property owners within the 400-foot notification area. As of June 23, 2022, two (2) responses were received in favor of the request, and one (1) response was received in opposition of the request. Any additional responses received after the above date will be provided during the meeting.

**RECOMMENDATION:**

Alternatives Considered

Staff considered two (2) alternatives for this case.

1. Recommend approval of the applicant’s zoning request as presented.
2. Recommend disapproval of the applicants zoning request based on Pharr & Tippett.

Staff Recommendation

Staff recommends approval of an ordinance to change zoning designation from R1-R (Rural One-Family Dwelling District) to R1-R (Rural One-Family Dwelling District) with a Conditional use Permit (CUP) for the property in this case with the following conditions:

1. The accessory dwelling unit shall be used as a living space for a relative (not for rent).
2. The accessory dwelling unit will be located behind the front façade of the primary structure.
3. The accessory dwelling unit will gain access from the existing private driveway.
4. The accessory dwelling unit will have a maximum dwelling area footprint of 1,700 square feet.

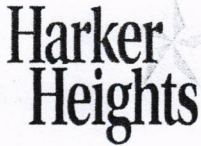


**ACTION BY PLANNING AND ZONING COMMISSION:**

1. Motion to recommend approval/disapproval of an ordinance for a Conditional Use Permit (CUP) to allow for an Accessory Dwelling Unit (ADU) on property described as Lakeside Hills Section One, Lot Tract 15, Acres 5.3 generally located at 4001 High Oak Drive, Harker Heights, Bell County, Texas and locally known as 4001 High Oak Drive, Belton, Bell County, Texas, based on staff's recommendation and findings.
2. Any other action deemed necessary.

**ATTACHMENTS:**

1. Application
2. Applicable Ordinances
3. Location Map
4. Existing Land Use Map
5. Zoning Map
6. Land Use Plan Map
7. Notification Area Map
8. Responses Received



# Conditional Use Permit 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
- 3. Site Plan
- 4. Letter of Intent
- 5. Please thoroughly read Section 155.201 - Conditional Use Permits (see attached)

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

Property Owner(s) Name: Amy Katherine Mason  
Kieran Jesse Martin  
Sarah Lentz Martin Date: 6/1/2022

Address: 4001 High Oak Dr.

City/State/Zip: Harker Heights, TX 76513

Phone: 406-214-5294 E-mail: Firedancerranch@gmail.com

### Legal Description of Property:

Location of Property (Address if available): 4001 High Oak Dr., Harker Heights TX 76513

Lot: Tract 15 Block: \_\_\_\_\_ Subdivision: Lakeside Hills Section 1

Acres: 5.3 Property ID: 53509 Survey: \_\_\_\_\_

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

Current Zoning Classification: R1R Future Land Use Designation: R1R with a CUP

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

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

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

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

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

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

Amy Katherine Mason  
Kieran Jesse Martin Sarah Lentz Martin Printed Name of Property Owner  
Amy Katherine Mason Signature of Property Owner

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

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

Date Submitted: 06/01/22

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

Pre-Application Meeting

Receipt #: 01832402

Received By: PF

upell

Case #: \_\_\_\_\_

Amy Katherine Mason  
2521 Bargello St.  
Harker Heights, TX 73548

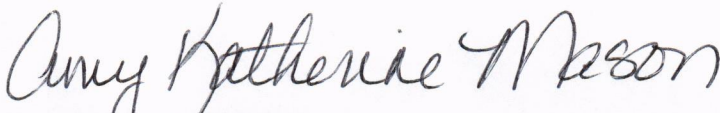
June 1, 2022

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

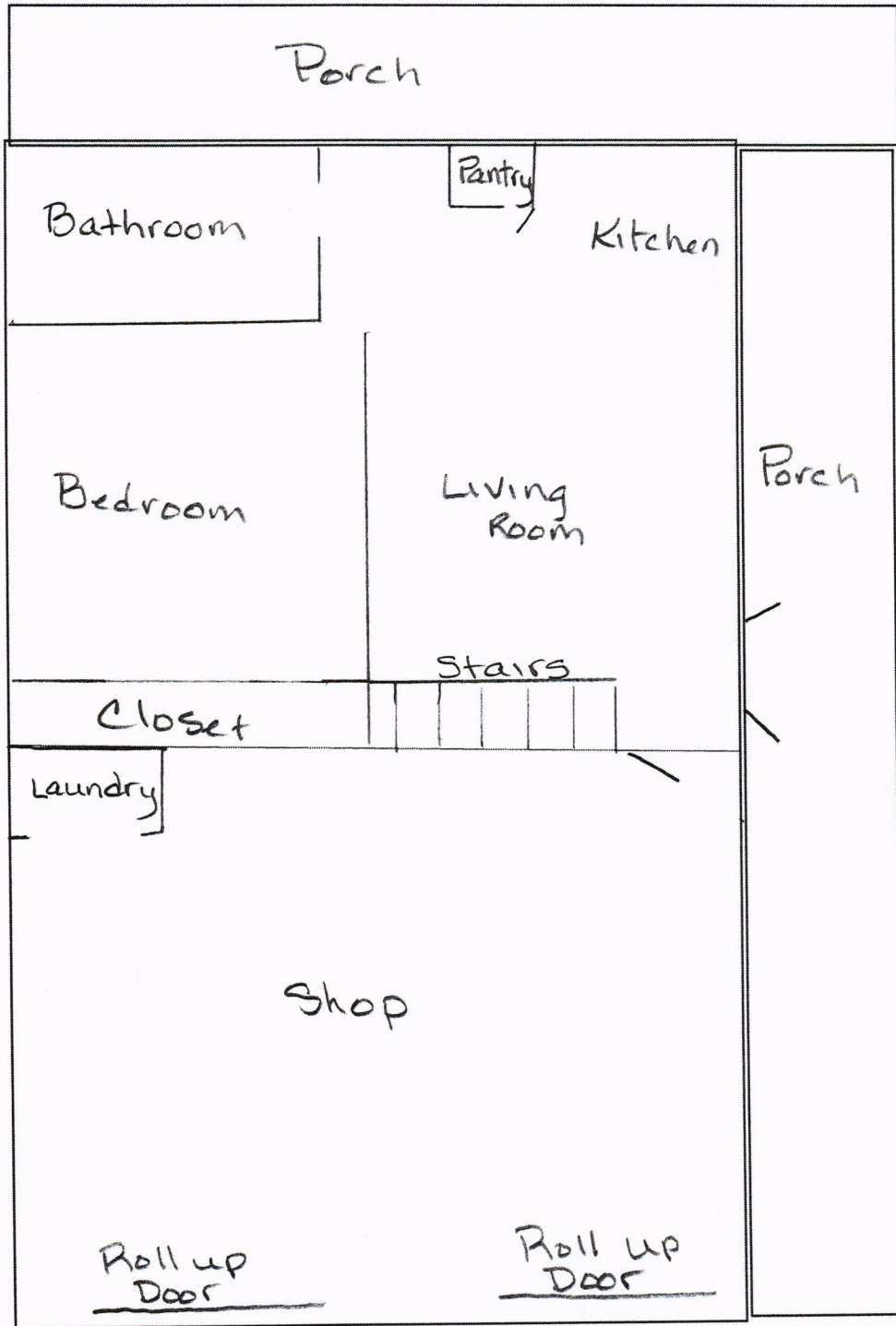
To whom it may concern:

I am applying for a conditional use permit for 4001 High Oak Dr., Harker Heights, TX 76513. I recently purchased the property with my son and his family. Our intent is that they will live in the main house, and I would like to build an apartment for my living space in the 30'x50' shop that already exists on the property. The apartment will be approximately 1,000 square feet with two bedrooms, a full bathroom, a half bath on the second floor, and a kitchen. I would also like to add a deck on two sides of the building. There will be no changes made to landscaping, parking or intended usage of the land.

Thank you for your consideration.

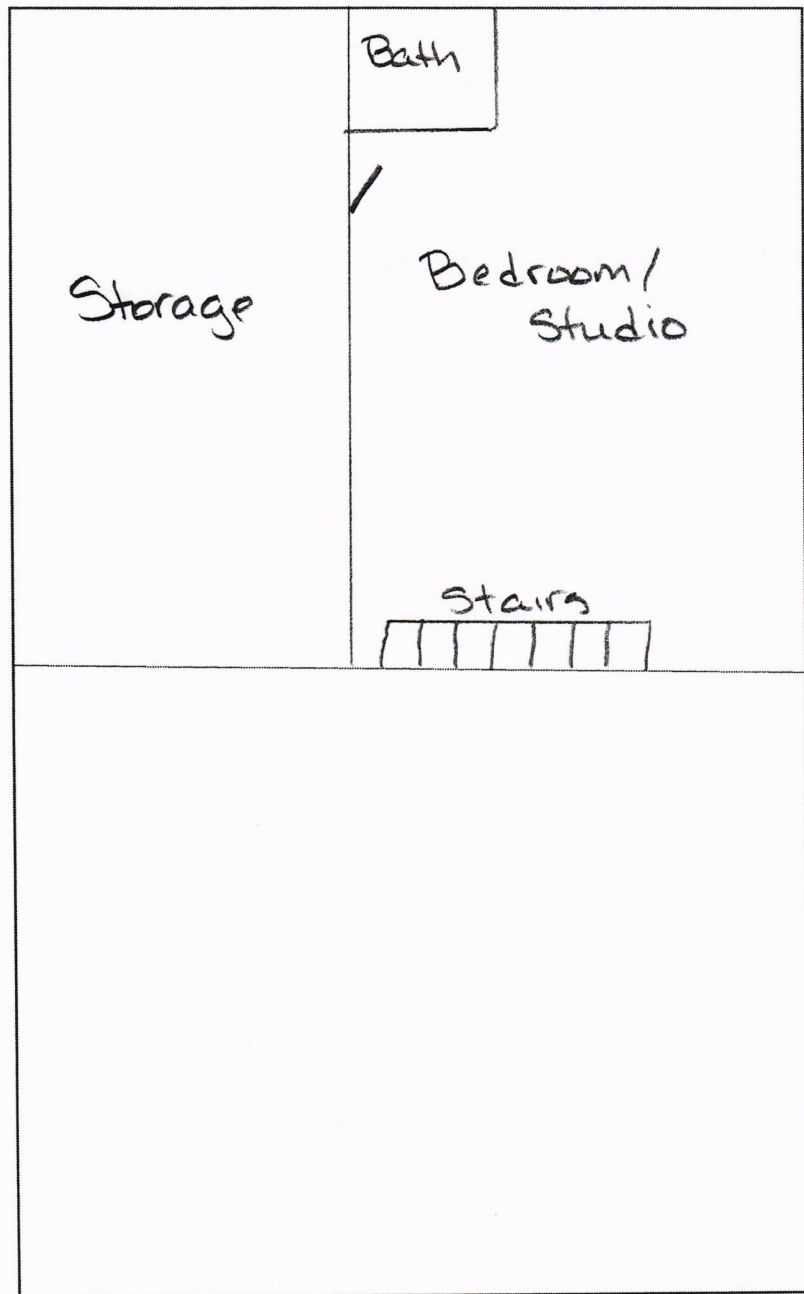
A handwritten signature in black ink that reads "Amy Katherine Mason". The signature is written in a cursive style with a large initial "A".

Amy Katherine Mason  
406-214-5294



First Floor

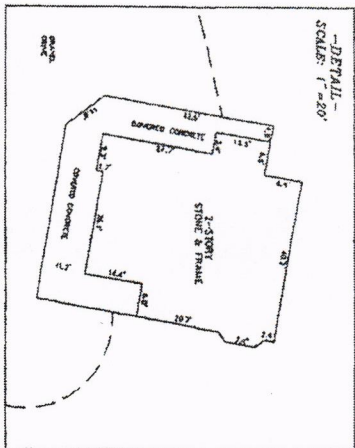
Amy Katherine Mason  
4001 High Oak Dr.  
Harker Heights, TX 76513



Second floor

Amy Katherine Mason  
4001 High Oak Dr.  
Harker Heights, TX 76513

4001 HIGH OAK DRIVE  
(60.0' R.O.W.)



**NOTES:**  
 1. ALL DIMENSIONS ARE GIVEN UNLESS OTHERWISE NOTED.  
 2. THE PROPERTY IS TO BE USED FOR RESIDENTIAL PURPOSES ONLY.  
 3. THE PROPERTY IS TO BE USED FOR RESIDENTIAL PURPOSES ONLY.  
 4. THE PROPERTY IS TO BE USED FOR RESIDENTIAL PURPOSES ONLY.  
 5. THE PROPERTY IS TO BE USED FOR RESIDENTIAL PURPOSES ONLY.  
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 8. THE PROPERTY IS TO BE USED FOR RESIDENTIAL PURPOSES ONLY.  
 9. THE PROPERTY IS TO BE USED FOR RESIDENTIAL PURPOSES ONLY.  
 10. THE PROPERTY IS TO BE USED FOR RESIDENTIAL PURPOSES ONLY.

UNLESS NOTED OTHERWISE  
 USE THE FOLLOWING

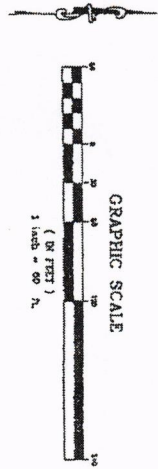
N 81°28'05" W 743.88'  
 Plus 8' 2" 10' 0" W 743.88'

S 81°07'28" E 751.97'

TRACT 14

TRACT 15

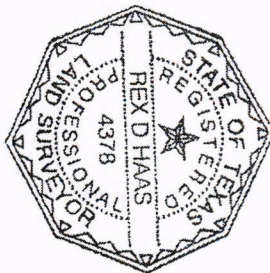
NOT TO SCALE



STATE OF TEXAS  
 COUNTY OF BELL

KNOW ALL MEN BY THESE PRESENTS, that I, Rex D. Haas, Registered Professional Land Surveyor, do hereby certify that the above and to the best of my knowledge and belief, the said description of land and corner survey is true and correct.  
 Survey completed on the ground on July 5, 2013.

<SEE FIELD NOTES>



Registered Professional  
 Land Surveyor, No. 4378

**MITCHELL & ASSOCIATES, INC.**  
 ENGINEERING & SURVEYING  
 102 N. COLLEGE  
 KILLEEN, TEXAS 78541  
 PHONE: (254) 634-5541  
 FAX: (254) 634-2141

TEXAS BOARD OF PROFESSIONAL ENGINEERS / NEW REGISTRATION NO. 3471  
 T. A. P. & S. FIRM REGISTRATION NO. 100364-00

TRACT 15, LAKESIDE HILLS SECTION ONE,  
 BELL COUNTY, TEXAS.  
 RECORDED IN CABINET A, SLIDE 43-B,  
 PLAT RECORDS OF BELL COUNTY TEXAS.

SHEET TITLE: BOUNDARY & IMPROVEMENT SURVEY

DWG No.	DRAWN BY:	DATE:	SCALE:	REV:	CLIENT:
12-127-C	MDH	07/06/12	AS SHOWN	1715/40	GPS

**§ 155.020 R-1 ONE FAMILY DWELLING DISTRICT.**

(A) *Permitted uses.* The following uses are permitted by right:

- (1) Site-built, single-family dwellings and industrialized housing.
- (2) Church or other place of worship.
- (3) Municipal buildings, non-profit libraries or museums, police and fire stations, public utilities (without outside storage yards or electric substations), public parks, playgrounds, municipal golf courses, public recreation facilities, and community buildings.
- (4) Customary home occupations as defined in §155.003.
- (5) *Accessory structure.*

(a) One small accessory building (not exceeding 144 square feet) per residence customarily incident to the above uses (not involving the conduct of a business) subject to the following requirements:

- 1. Structure must be built upon a moveable foundation;
- 2. Structure cannot exceed 12 feet in height;
- 3. Structure must set behind the rear facade of the main residence building and must be setback five feet from the rear property line and six feet from the side property line; and
- 4. Materials, building design, and construction must comply with the requirements of Ch. 150.

(b) Large accessory buildings customarily incident to the above uses (not involving the conduct of a business) subject to the following requirements:

- 1. Building materials and facade must be consistent with the main residence building materials and facade;
- 2. Large accessory building must be behind the front facade of the main residence;
- 3. The height of the large accessory building cannot exceed that of the main residence building;
- 4. Number, size, setbacks and height requirements based on the size of the lot as follows:

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

- (6) Private garage.
- (7) Home based child care.
- (8) Real estate sales office, or temporary living quarters to provide security during the development of residential subdivisions, but not to exceed two years.
- (9) Low impact telecommunication towers.
- (10) Public schools.

(B) *Conditional uses.* The following require conditional use permits:

- (1) Private schools having a curriculum equal to a public elementary, high school, or institution of higher learning (except home schooling).

(2) Neighborhood association facilities.

(3) Farms, nurseries, truck gardens and greenhouses, provided no sales offices are maintained and no livestock are kept within 250 feet of a residence of any person other than the farm owner.

(4) Accessory dwelling for a relative or servant (not for rent).

(5) Accessory structure as provided by § 155.040.

(C) *Height regulations.* No building shall exceed two and one-half stories or 35 feet in height.

(D) *Front yard, side yard, and rear yard.* As per Table 21-A.

(E) *Intensity of use.* Every lot or tract of land shall have an area of not less than 8,400 square feet and an average overall width of not less than 70 feet and a minimum lot frontage of not less than 45 feet. Except that if a lot or tract should have less area or width than is herein required and its boundary lines along their entire length should touch lands under other ownership on the effective date of this chapter and shall not have changed since the date, such parcel of land may be used for a single family dwelling.

(F) *Additional use, height, and area regulation.* Additional use, height, and area regulations and exceptions are found in § 155.040.

(G) *R-1(M) zoning designation.* R-1(M) is a one family residential lot that also allows manufactured homes. All manufactured housing structures installed after December 31, 1999, must be installed on a permanent foundation, as that term is defined in § 152.01.

(1) In order to be approved, the manufactured home must be found to have design compatibility with other dwellings in the neighborhood.

(2) The following standards apply to any placement of a manufactured home on a lot after December 31, 1999:

(a) Roofing shall be similar in color, material and appearance to the roofing material commonly used on residential dwellings within the community or comparable to the predominant materials used on dwellings within the neighborhood.

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

(b) Exterior siding shall be similar in color, material, and appearance to the exterior siding material commonly used on residential dwellings within the community or comparable to predominant materials used on dwellings within the neighborhood. Exterior siding shall be of brick, wood, stucco, plaster, concrete or other material which is finished in a non-glossy and non-reflective manner.

(c) If a garage/carport is constructed, it must be similar in appearance to others in the neighborhood and constructed of like materials as that of the primary home.

(d) Two all-weather surface off street parking spaces meeting the requirements of §155.061 shall be provided.

(3) Every manufactured home shall be placed so that the entrance or front of the home faces or parallels the principal street frontage, except:

(a) In cases where the lot is one acre or greater and the home is located more than 50 feet from the street; or

(b) Where the lot width is 60 feet or less.

(4) All entrances to a manufactured home shall be provided with permanent steps, porch or similar suitable entry.

(5) The lot must meet all applicable requirements of Chapter 154, and shall comply with the area regulations in (D) of this section. Variance in setbacks may be given in inches not to exceed one foot at the Building Official's discretion.

(H) *Signs* As per Chapter 151.

(I) *Parking.* As per §§ 155.061 through 155.068.

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

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

(L) *Industrialized housing.*

(1) Industrialized housing shall be considered real property and must:

(a) Have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for the county;



(b) Have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located;

(c) Comply with city aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single-family dwellings;

(d) Be securely fixed to a permanent foundation; and

(e) Have all local permits and licenses that are applicable to site-built housing.

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

(2) Any owner or authorized agent who intends to construct, erect, install or move any industrialized housing into the city shall first make application to the Building Official and obtain the required permits. In addition to any other information otherwise required for such permits, the application shall:

(a) Identify each single-family dwelling located within 500 feet of the lot on which the industrialized housing is to be located, and show the taxable value for each such dwelling, as determined by the most recent certified tax appraisal roll for the county;

(b) Describe the exterior siding, roofing, roof pitch, foundation fascia, and fenestration for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is to be located;

(c) Describe the permanent foundation and method of attachment proposed for the industrialized housing; and

(d) State the anticipated taxable value of the industrialized housing and the lot after installation of the industrialized housing.

(3) A person commits an offense if the person:

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

(b) Constructs, erects, installs or moves any industrialized housing into the city unless such industrialized housing complies with this section.

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

#### **§ 155.021 R1-R RURAL ONE-FAMILY DWELLING DISTRICT.**

(A) *Permitted uses.*

(1) Any use permitted by right in the R-1 District.

(2) Non-commercial/small scale agricultural related uses to include:

(a) 1. Farm animals kept and/or maintained for family food production, education, or recreation but excluding retail sales or commercial production.

2. All farm animals kept and/or maintained for family food production, education or recreation shall be subject to all regulations stated in Chapter 90 of this code.

(b) The raising of and harvesting of tree crops, row crops, or field crops for family food production but excluding retail sales or commercial production.

(c) The growing of horticultural and floricultural specialties such as flowers, shrubs, or trees intended for ornamental or landscaping purposes but excluding retail sales or commercial production.

(3) *Accessory buildings.*

(a) Accessory building or buildings whose use is incidental to the above uses (not involving the conduct of a business or to be used as a dwelling unit), when located on the same lot, other than private garage for one or more cars. Accessory buildings that fall under this category shall include such buildings as private stables, barns, farm equipment storage buildings and other buildings incidental to small agricultural production and storage are permitted provided they meet the following standards:

1. The maximum number of accessory buildings shall not exceed one per acre;

2. Accessory buildings shall be no greater than 5,000 square feet in size;

3. The maximum aggregate square footage of all accessory buildings shall not exceed 1,000 square feet per acre and not to exceed a total of 10,000 square feet on any one tract;

4. Materials, building design and construction must comply with the requirements of Chapter 150 of this code.

(b) Accessory buildings with metal exteriors shall be allowed in an R1-R District provided they meet the following

standards:

1. The accessory building shall meet all the requirements of division (A)(3)(a) above;
2. Metal exteriors must be constructed using permanently painted 26 gauge or higher steel.

(B) *Conditional uses.*

- (1) Any conditional use permitted in the R-1 District.
- (2) Commercial or large scale agriculture provided that the density of the lot or tract of land is ten acres or greater and that all farm animals kept and/or maintained shall be subject to all regulations stated in Chapter 90 of this code.

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

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

(1) *Front yard.* There shall be a front yard along the front property line of the lot. The minimum depth of such front yard shall be 40 feet.

(2) *Side yard.* There shall be a side yard on each side of a building of not less than ten feet. A side yard adjacent to a street shall not be less than 25 feet.

(3) *Rear yard.* The depth of a rear yard shall be a minimum of 25 feet.

(E) *Intensity of use.*

- (1) Every lot or tract of land shall have an area of not less than two acres. The lot width shall be a minimum of 100 feet.
- (2) If a long narrow strip of land is utilized for lot access to a public right-of-way it shall have a minimum width of 60 feet and shall not be included when calculating the overall density of the lot.

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

(G) *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; Am. Ord. 2010-26, passed 9-14-10)

## **§ 155.201 CONDITIONAL USE PERMITS.**

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

(B) *Planning and Zoning Commission consideration.*

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

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

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

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

- (a) The proposed use does not conform with applicable regulations and standards established by this chapter;
- (b) The proposed use will be inconsistent with the objectives and purposes of the zoning district in which the development is located, or the goals, objectives and policies set forth in the city's current Comprehensive Zoning Plan;
- (c) The proposed use will be incompatible with existing or permitted uses on abutting sites because of use, building height, bulk and scale, setbacks and open spaces, coverage, landscaping and screening, drainage, or access and circulation features;
- (d) The proposed use is not suitable to the premises or structure(s) in which it will be conducted;

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

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

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

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

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

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

(C) *City Council consideration.*

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

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

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

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

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

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

(E) *Term.*

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

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

(b) The permit expires by its own terms;

(c) The property is rezoned;

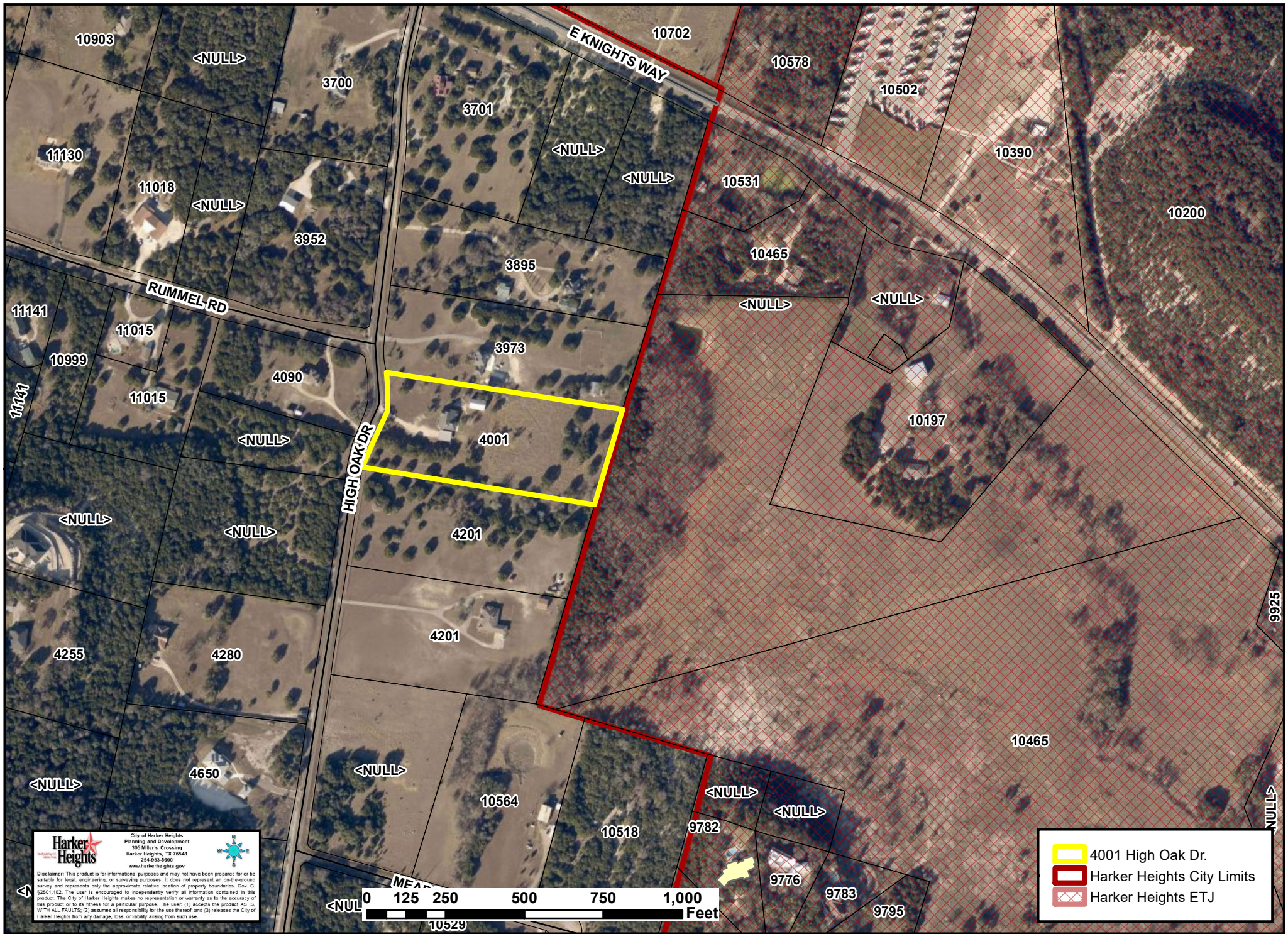
(d) Another conditional use permit is approved for the site;

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

- (f) The use of the building or premises is materially expanded, increased or otherwise altered; or
- (g) The violation of any one or more of the conditions of approval.




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

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

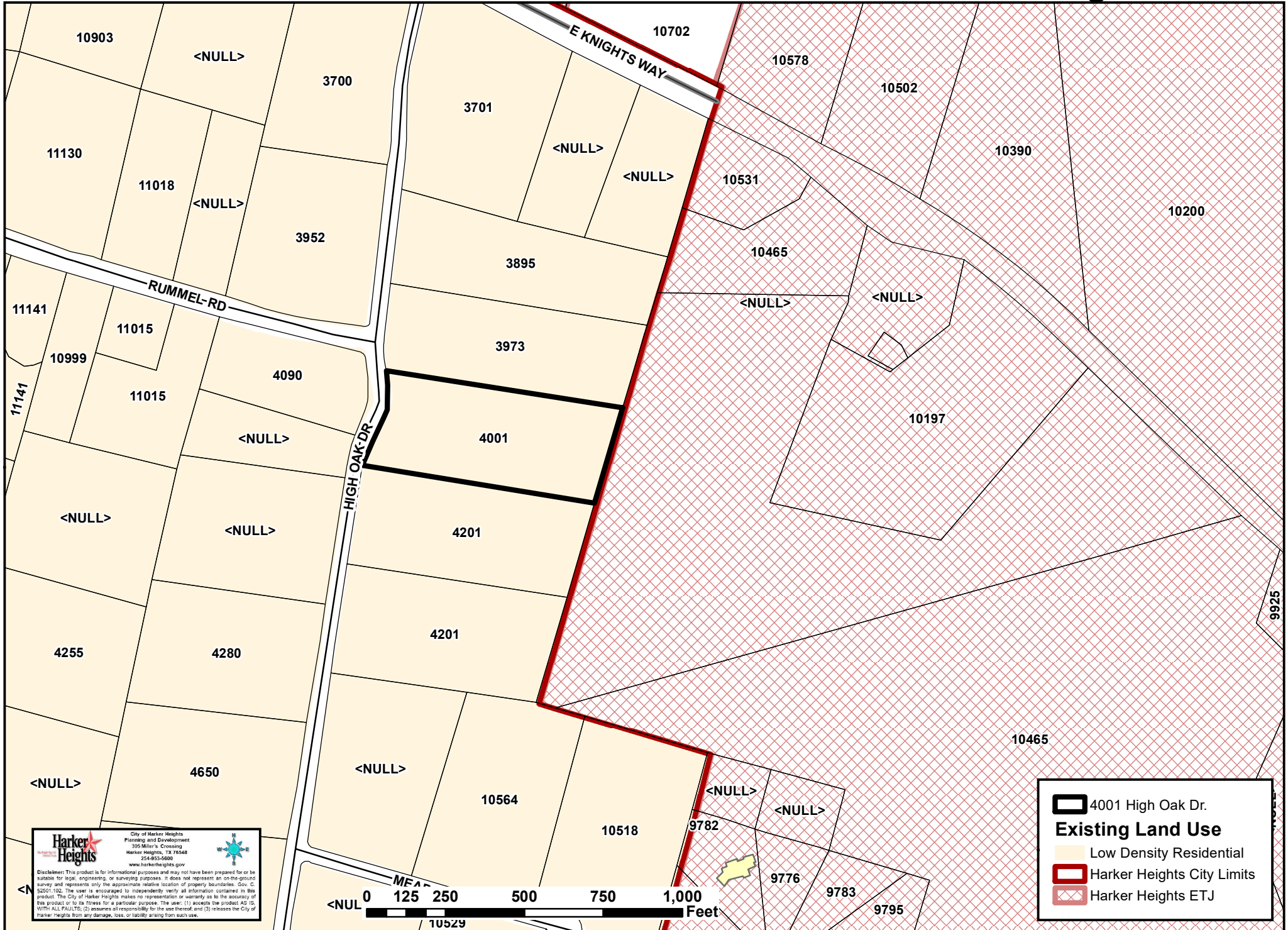


**Harker Heights**  
City of Harker Heights  
Planning and Development  
300 Miller's Crossing  
Harker Heights, TX 78548  
254-853-5699  
www.harkerheights.gov

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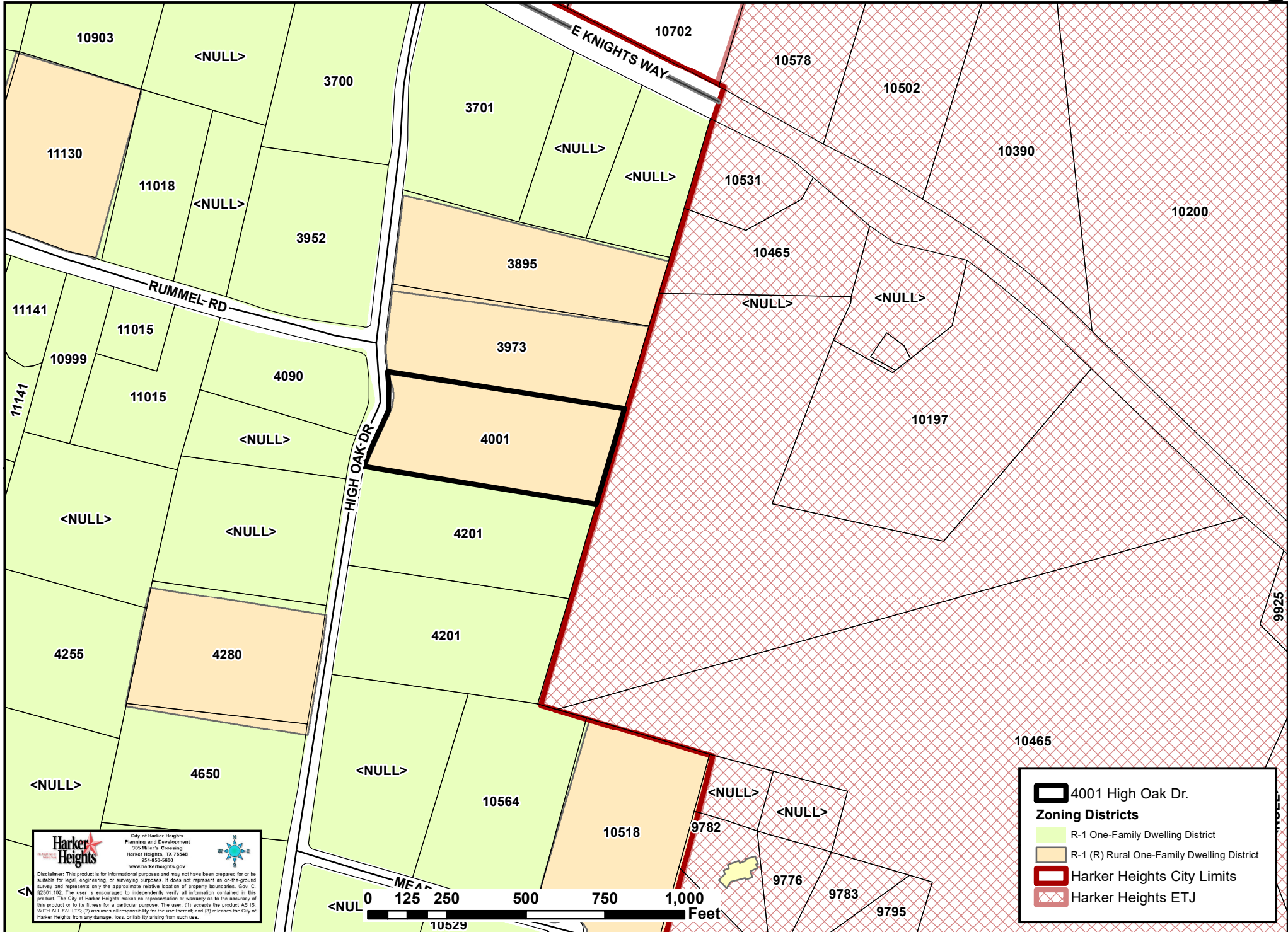
 4001 High Oak Dr.  
 Harker Heights City Limits  
 Harker Heights ETJ

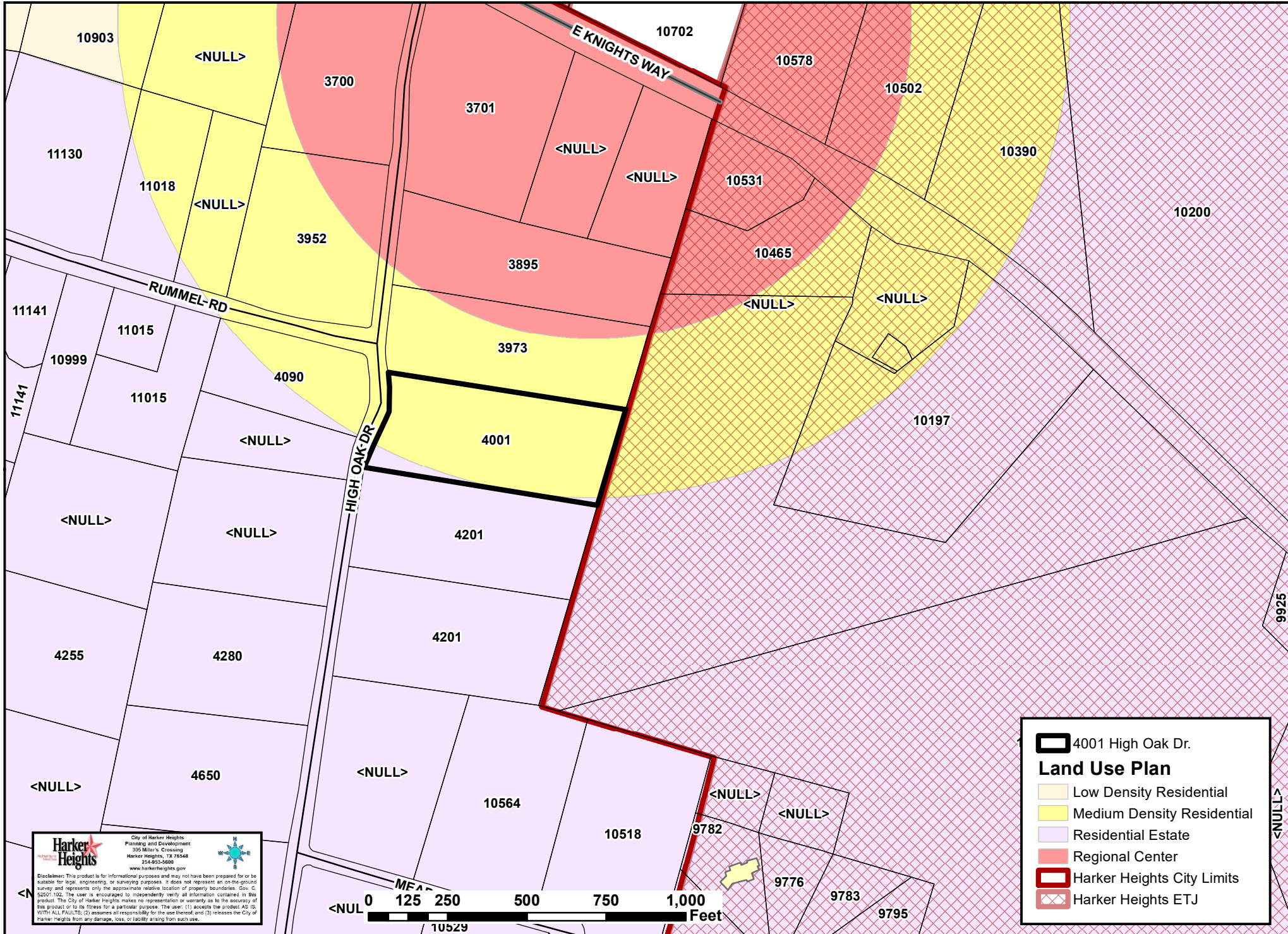




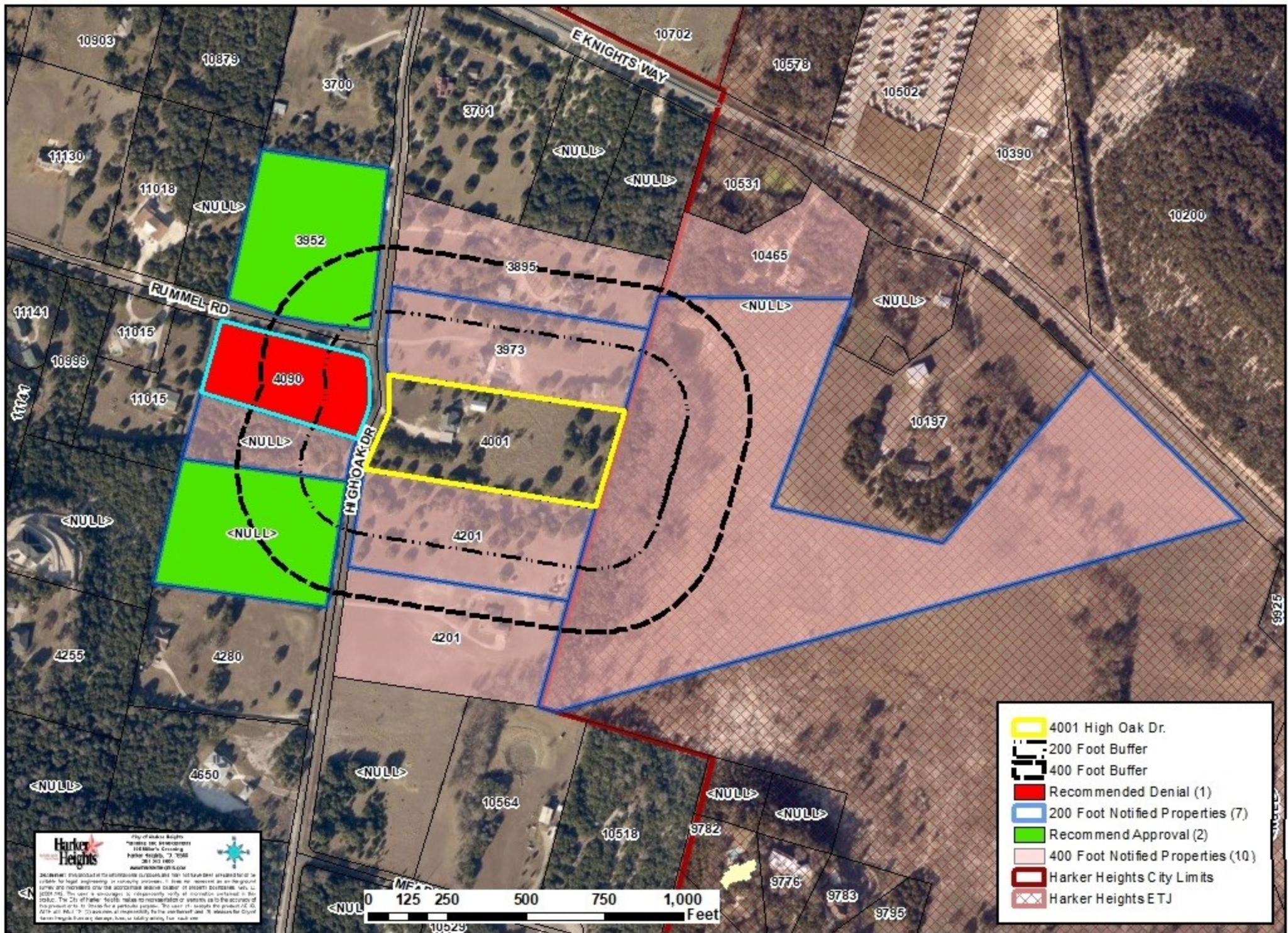
**Harker Heights**  
City of Harker Heights  
Planning and Development  
300 Miller's Crossing  
Harker Heights, TX 78548  
(254) 853-5699  
www.harkerheights.gov

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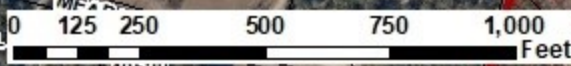




- 4001 High Oak Dr.
- 200 Foot Buffer
- 400 Foot Buffer
- Recommended Denial (1)
- 200 Foot Notified Properties (7)
- Recommend Approval (2)
- 400 Foot Notified Properties (10)
- Harker Heights City Limits
- Harker Heights ETJ

**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 1100 W. 10th St.  
 Harker Heights, TX 76047  
 817.252.1800  
[www.harkerheights.com](http://www.harkerheights.com)

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RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: CRAWFORD, KEITH A

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

Physical Address	Property ID
3952 HIGH OAK RD	31562

**Z22-15** RE: application has been made to consider a request for a **Conditional Use Permit (CUP) to allow for an Accessory Dwelling Unit (ADU)** on property described as *Lakeside Hills Section One, Lot Tract 15, Acres 5.3 generally located at 4001 High Oak Drive, Harker Heights, Bell County, Texas and locally known as 4001 High Oak Drive, Belton, Bell County, Texas* (see attached notification map).

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

Comments:

**Z22-15-F** RE: application has been made to consider a request to change land use designation from **Medium Density Residential and Residential Estate to Residential Estate** on property described as *Lakeside Hills Section One, Lot Tract 15, Acres 5.3 generally located at 4001 High Oak Drive, Harker Heights, Bell County, Texas and locally known as 4001 High Oak Drive, Belton, Bell County, Texas* (see attached notification map).

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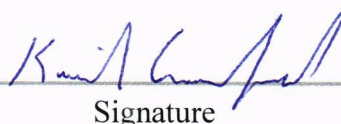
Comments:

**Received**

JUN 21 2022

**Planning & Development**

KEITH CRAWFORD



6-16-2022

Printed Name

Signature

Date

SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

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

FROM: CHEADLE, DAVID L & CATHY L

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

Physical Address	Property ID
4090 HIGH OAK DR	20042

**Z22-15** RE: application has been made to consider a request for a **Conditional Use Permit (CUP) to allow for an Accessory Dwelling Unit (ADU)** on property described as *Lakeside Hills Section One, Lot Tract 15, Acres 5.3 generally located at 4001 High Oak Drive, Harker Heights, Bell County, Texas and locally known as 4001 High Oak Drive, Belton, Bell County, Texas* (see attached notification map).

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**Received**

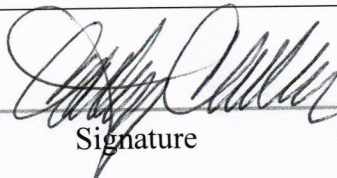
JUN 21 2022

Comments:

NOT ENOUGH INFORMATION

**Planning & Development**

CATHY CHEADLE



6-15-2022

Printed Name

Signature

Date

SENT: JUNE 10, 2022

DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: NORMAN, MARGARET ELAINE

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

Physical Address	Property ID
HIGH OAK DR	128115

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**I RECOMMEND APPROVAL OF THE REQUEST**

**I RECOMMEND DENIAL OF THE REQUEST**

Comments:

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**I RECOMMEND APPROVAL OF THE REQUEST**

**I RECOMMEND DENIAL OF THE REQUEST**

Comments:

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---



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**Received**

JUN 17 2022

**Planning & Development**

margaret Norman  
Printed Name

Margaret Norman  
Signature

15 Jun 22  
Date



AGENDA ITEM IX-5  
PLANNING AND ZONING COMMISSION  
MEMORANDUM

Z22-15-F

FROM: THE OFFICE OF THE PLANNING AND DEVELOPMENT DIRECTOR  
DATE: JUNE 29, 2022

**CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER A CHANGE IN LAND USE DESIGNATION FROM MEDIUM DENSITY RESIDENTIAL AND RESIDENTIAL ESTATE TO RESIDENTIAL ESTATE ON PROPERTY DESCRIBED AS LAKESIDE HILLS SECTION ONE, LOT TRACT 15, ACRES 5.3 GENERALLY LOCATED AT 4001 HIGH OAK DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS AND LOCALLY KNOWN AS 4001 HIGH OAK DRIVE, BELTON, BELL COUNTY, TEXAS**

**EXPLANATION:**

The applicant is requesting a change in land use designation from Medium Density Residential and Residential Estate to Residential Estate on property generally located at 4001 High Oak Drive. Because of the previous public hearing case regarding a change in zoning, staff feels it would be appropriate to also update the land use designation to be in conformance with the present use of this parcel.

Parcel History

The parcel is located within Lakeside Hills Section 1, a plat that was recorded on May 8, 1979. The area was annexed into the city limits in November 2008, as R-1 (One-Family Dwelling District). The parcel was rezoned from R-1 (One-Family Dwelling District) to R1-R (Rural One-Family Dwelling District) in August of 2011.

**STAFF ANALYSIS:**

Surrounding Land Uses

Adjacent land uses and zoning districts include those identified in the table below:

	<b>Land Use Plan</b>
<b>North</b>	Medium Density Residential Regional Center
<b>South</b>	Residential Estate
<b>East</b>	ETJ Area Medium Density Residential Residential Estate
<b>West</b>	Medium Density Residential Residential Estate

The 2021 Land Use Plan and Comprehensive Plan identifies this area is designated as Medium Density Residential and Residential Estate; staff believes the proposed rezoning with its intended use will not likely have any adverse impact on the neighborhood.

Thoroughfare Plan

High Oak Drive is classified as a collector street per the most recently adopted Comprehensive Plan. Per City of Harker Heights Code of Ordinances §154.01:

- Minor Collectors are defined as: Streets generally located within subdivisions or between subdivisions to collect traffic from residential streets and to channel this traffic to major collectors. Residential lots may front on these streets. MINOR COLLECTORS shall be 42 feet wide, with a minimum of 70 feet of right-of-way.
  
- Major Collectors are defined as: Streets generally located along borders of neighborhoods and within commercial areas to collect and to channel this traffic to the arterial system. MAJOR COLLECTORS shall be 48 feet wide with a minimum of 80 feet of right-of-way. These are limited access roads on which no single-family or two-family residential lots may front (i.e., no driveways shall be allowed) unless there is no other reasonable and safe access to the lot.

Flood Damage Prevention:

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

Pharr vs. Tippet Considerations

1. The proposed use and rezoning are not compatible with the current Comprehensive Plan and Land Use Plan.
2. The proposed use and rezoning will have no adverse impact on surrounding properties.
3. The proposed use and rezoning are compatible with existing uses and zoning in the neighborhood.
4. The proposed use and rezoning do not pose an adverse impact to the public health, safety, or general welfare.

**NOTICES:**

Based on the most recently approved tax roll available, staff sent out ten (10) notices to property owners within the 400-foot notification area. As of June 23, 2022, two (2) responses were received in favor of the request, and one (1) response was received in opposition of the request. Any additional responses received after the above date will be provided during the meeting.

**RECOMMENDATION:**

Staff Recommendation

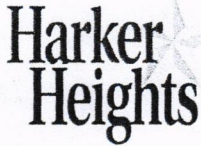
Staff recommends approval of an ordinance to change land use designation from Medium Density Residential and Residential Estate to Residential Estate on property described as Lakeside Hills Section One, Lot Tract 15, Acres 5.3 generally located at 4001 High Oak Drive, Harker Heights, Bell County, Texas and locally known as 4001 High Oak Drive, Belton, Bell County, Texas.

**ACTION BY PLANNING AND ZONING COMMISSION:**

1. Motion to recommend approval/disapproval of an ordinance to change land use designation from Medium Density Residential and Residential Estate to Residential Estate on property described as Lakeside Hills Section One, Lot Tract 15, Acres 5.3 generally located at 4001 High Oak Drive, Harker Heights, Bell County, Texas and locally known as 4001 High Oak Drive, Belton, Bell County, Texas, based on staff's recommendation and findings.
2. Any other action deemed necessary.

**ATTACHMENTS:**

- |                          |                          |
|--------------------------|--------------------------|
| 1. Application           | 5. Zoning Map            |
| 2. Land Use Designation  | 6. Land Use Plan Map     |
| 3. Location Map          | 7. Notification Area Map |
| 4. Existing Land Use Map | 8. Responses Received    |



# Conditional Use Permit 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
- 3. Site Plan
- 4. Letter of Intent
- 5. Please thoroughly read Section 155.201 - Conditional Use Permits (see attached)

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

Property Owner(s) Name: Amy Katherine Mason  
Kieran Jesse Martin  
Sarah Lentz Martin Date: 6/1/2022

Address: 4001 High Oak Dr.

City/State/Zip: Harker Heights, TX 76513

Phone: 406-214-5294 E-mail: Firedancerranch@gmail.com

### Legal Description of Property:

Location of Property (Address if available): 4001 High Oak Dr., Harker Heights TX 76513

Lot: Tract 15 Block: \_\_\_\_\_ Subdivision: Lakeside Hills Section 1

Acres: 5.3 Property ID: 53509 Survey: \_\_\_\_\_

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

Current Zoning Classification: R1R Future Land Use Designation: R1R with a CUP

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

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

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

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

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

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

Amy Katherine Mason  
Kieran Jesse Martin Sarah Lentz Martin Amy Katherine Mason  
 Printed Name of Property Owner Signature of Property Owner

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

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

Date Submitted: 06/01/22

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

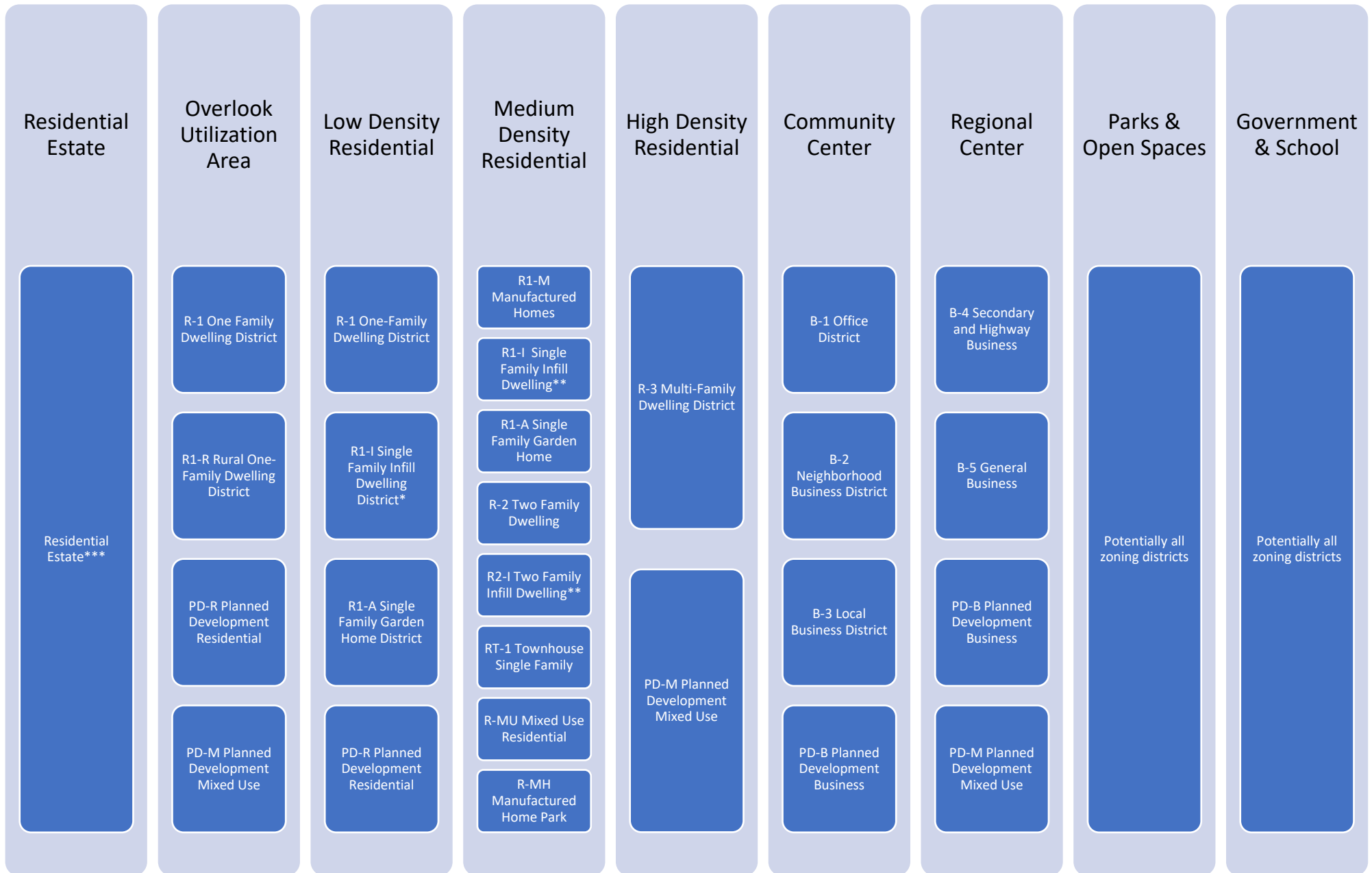
Received By: RF

Pre-Application Meeting  
upell

Receipt #: 01832402

Case #: \_\_\_\_\_

# Zoning Districts Per Land Use\*



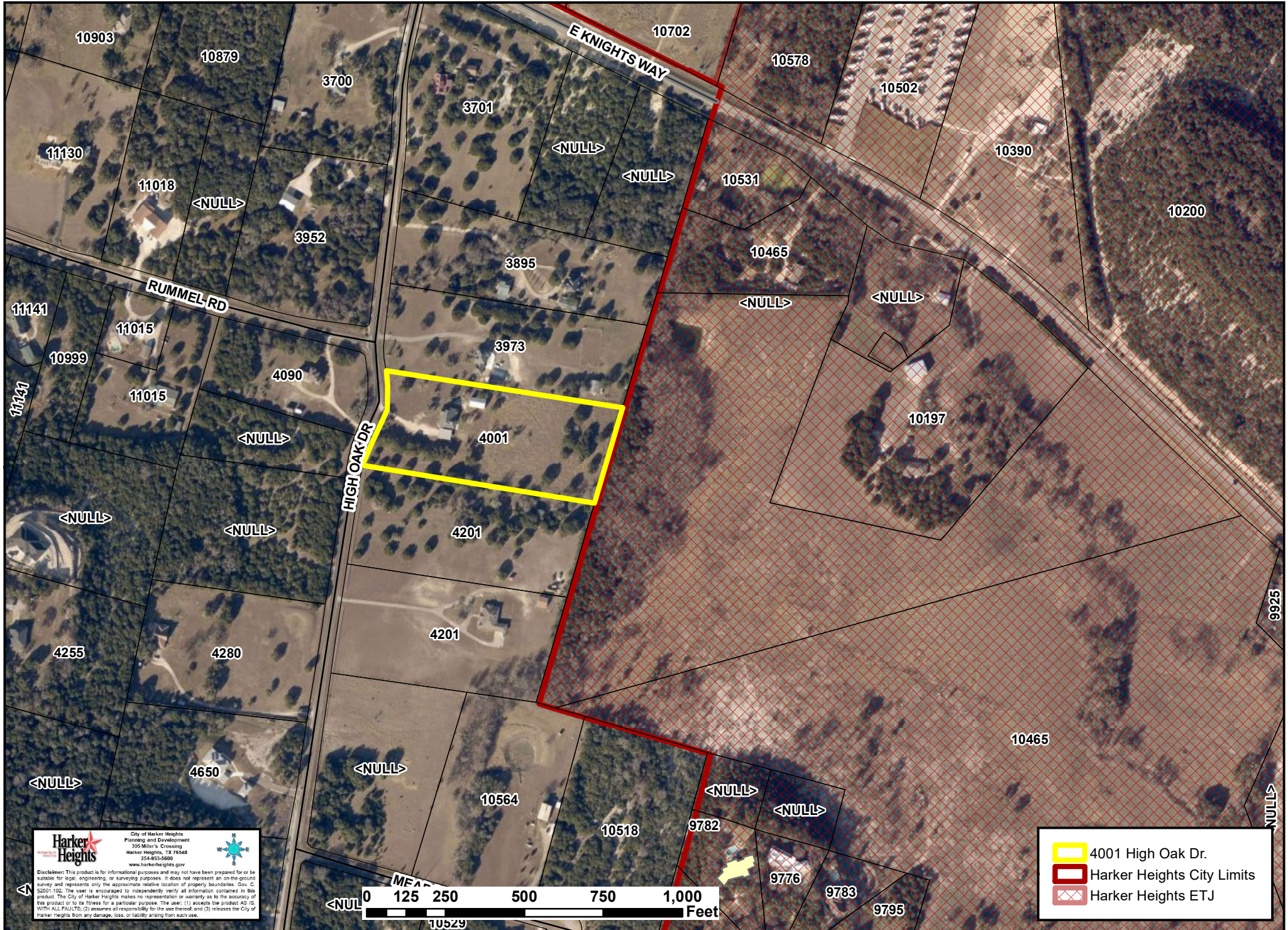
\*Adoption of Land Use Plan included definitions for each type of land use. This represents the Zoning Districts that correspond to those definitions.

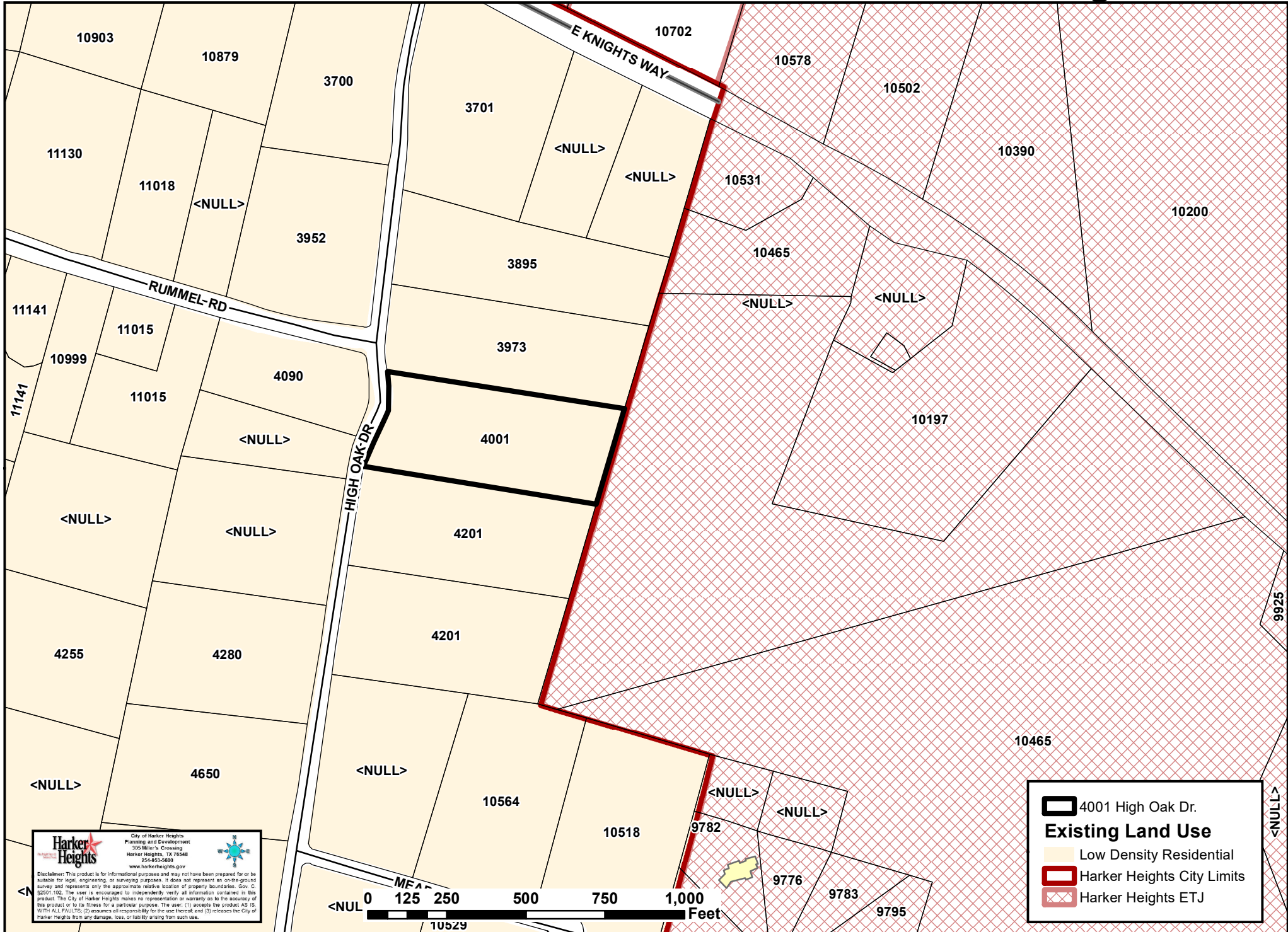
\*\*Zoning Districts are only allowed in areas as shown on maps/exhibits included with respective adopted ordinances

\*\*\*Currently R-1 larger than 0.5 acres and R1-R Zoning Districts are being utilized for Residential Estates proposed Zoning District.

**Updated March 24, 2022**

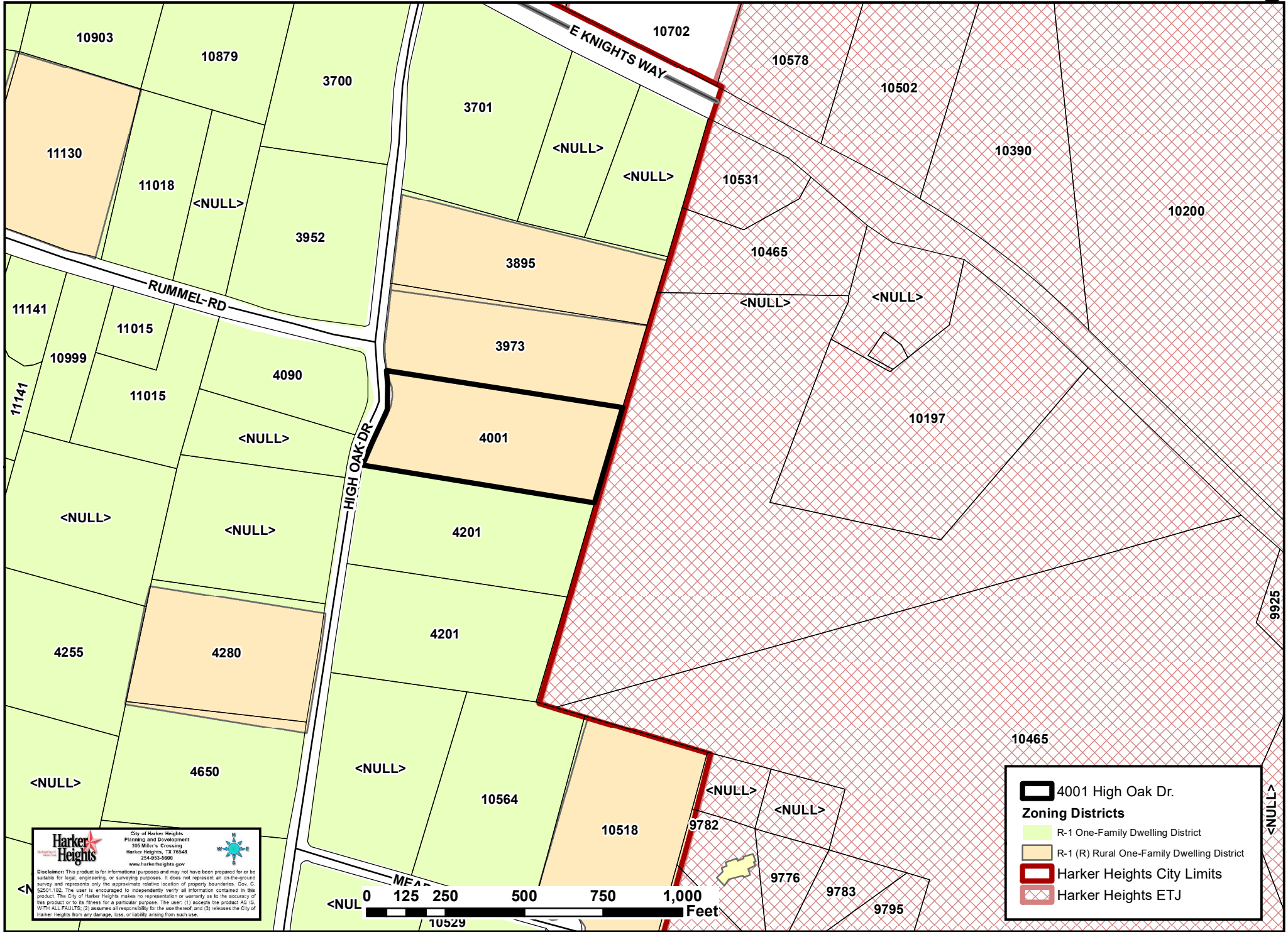






**Harker Heights**  
City of Harker Heights  
Planning and Development  
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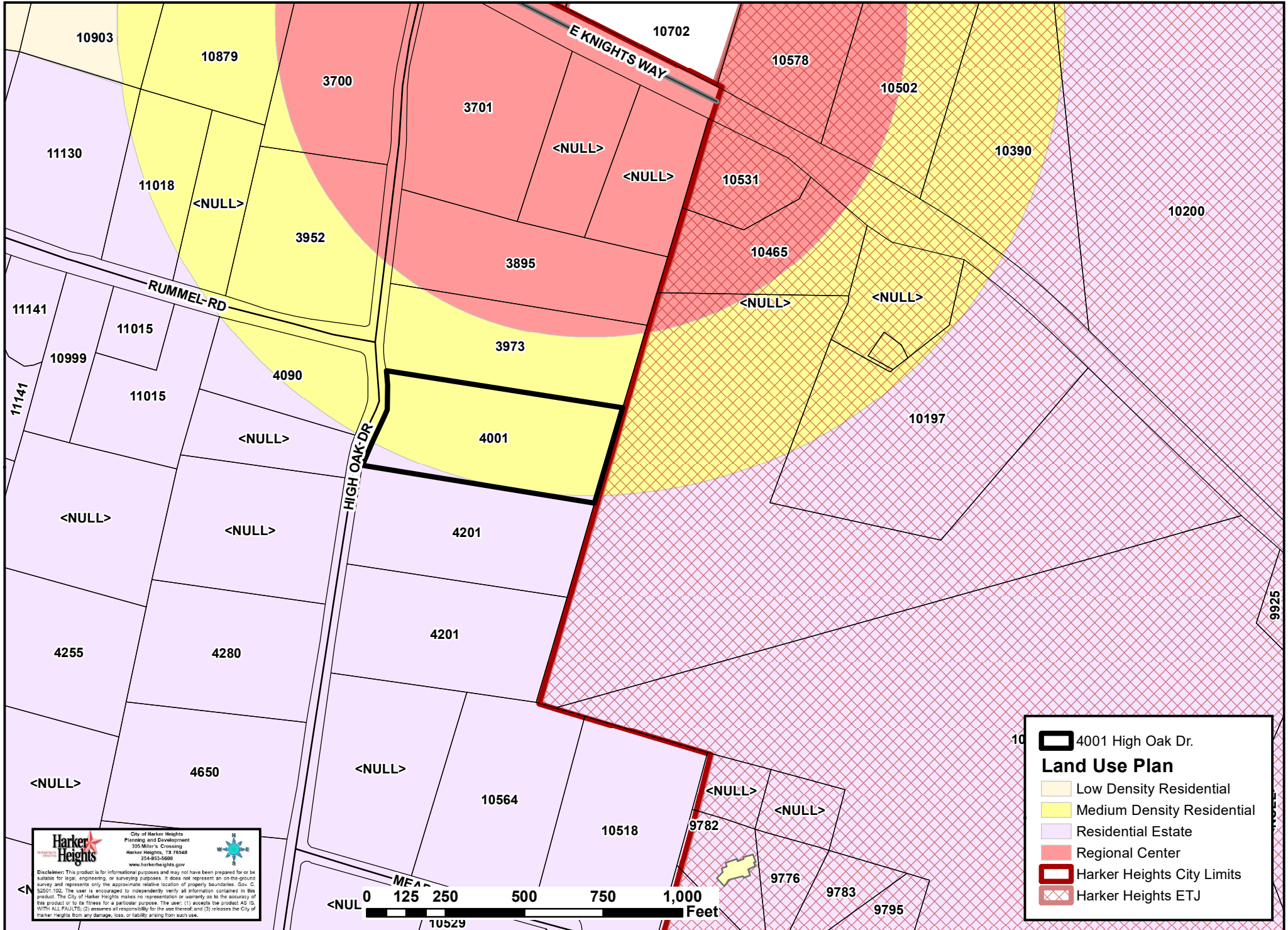
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**401 High Oak Dr.**








**Zoning Districts**

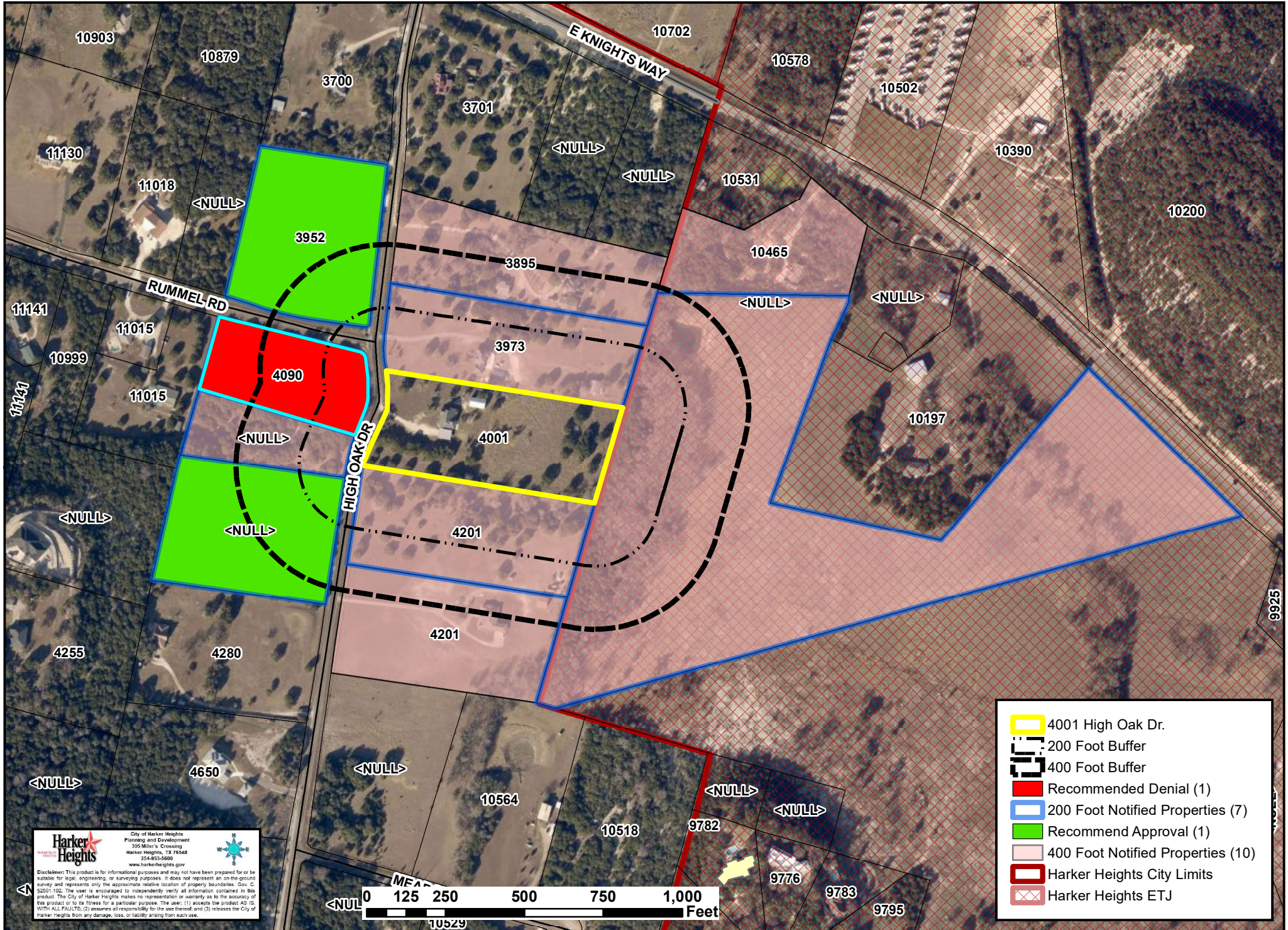
- R-1 One-Family Dwelling District
- R-1 (R) Rural One-Family Dwelling District
- Harker Heights City Limits
- Harker Heights ETJ




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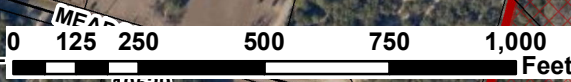
 4001 High Oak Dr.  
**Land Use Plan**  
 Low Density Residential  
 Medium Density Residential  
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 Regional Center  
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	400 Foot Buffer
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TO: **City of Harker Heights  
Planning & Development Department**

FROM: CRAWFORD, KEITH A

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

Physical Address	Property ID
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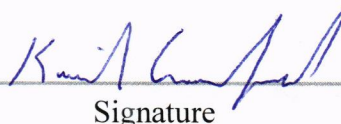
Comments:

**Received**

JUN 21 2022

**Planning & Development**

KEITH CRAWFORD



6-16-2022

Printed Name

Signature

Date

SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

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

FROM: CHEADLE, DAVID L & CATHY L

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

Physical Address	Property ID
4090 HIGH OAK DR	20042

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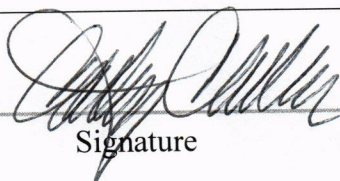
JUN 21 2022

Comments:

NOT ENOUGH INFORMATION

**Planning & Development**

CATHY CHEADLE



6-15-2022

Printed Name

Signature

Date

SENT: JUNE 10, 2022

DUE BACK: JUNE 22, 2022, 5:00 P.M.

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

FROM: NORMAN, MARGARET ELAINE

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

Physical Address	Property ID
HIGH OAK DR	128115

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**I RECOMMEND DENIAL OF THE REQUEST**

Comments:

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**Z22-15-F** RE: application has been made to consider a request to change land use designation from **Medium Density Residential and Residential Estate to Residential Estate** on property described as *Lakeside Hills Section One, Lot Tract 15, Acres 5.3 generally located at 4001 High Oak Drive, Harker Heights, Bell County, Texas and locally known as 4001 High Oak Drive, Belton, Bell County, Texas* (see attached notification map).

**I RECOMMEND APPROVAL OF THE REQUEST**

**I RECOMMEND DENIAL OF THE REQUEST**

Comments:

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**Received**

JUN 17 2022

**Planning & Development**

margaret Norman  
Printed Name

Margaret Norman  
Signature

15 Jun 22  
Date





**AGENDA ITEM IX-6  
PLANNING AND ZONING COMMISSION  
MEMORANDUM**

**Z22-16**

FROM: THE OFFICE OF THE PLANNING AND DEVELOPMENT DIRECTOR  
DATE: JUNE 29, 2022

**CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER A CHANGE IN ZONING DESIGNATION FROM R1-M (ONE-FAMILY MANUFACTURED HOME DWELLING DISTRICT) TO R-2 (TWO-FAMILY DWELLING DISTRICT) ON PROPERTY DESCRIBED AS A0288BC VL EVANS, ACRES .78, PROPERTY ID #77900, GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF N. MARY JO DRIVE AND W. VALLEY ROAD, HARKER HEIGHTS, BELL COUNTY, TEXAS**

**EXPLANATION:**

The applicant is requesting a change from the current zoning of R1-M (One-Family Manufactured Home Dwelling District) to R-2 (Two-Family Dwelling District) on property generally located Northwest of the intersection of N. Mary Jo Drive and W. Valley Road (Property ID #77900). The application submitted indicates the intended zoning use for the property is R-2 (Two-Family Dwelling).

**Parcel History**

This parcel is located within the original area of the city incorporation (1960) and is not platted. Bell County Appraisal District information shows this parcel is approximately .78 acres and is vacant.

**STAFF ANALYSIS:**

**Surrounding Land Uses**

Adjacent land uses and zoning districts include those identified in the table below:

	<b>Existing Land Use</b>	<b>Land Use Plan</b>	<b>Zoning</b>
<b>North</b>	Medium Density Residential	Medium Density Residential	R2-I Two-Family Infill Dwelling District
<b>South</b>	Regional Center	Regional Center	B-4 (Secondary and Highway Business District)
<b>East</b>	Medium Density Residential	Medium Density Residential	R2-I Two-Family Infill Dwelling District
<b>West</b>	Regional Center	Regional Center	B-4 (Secondary and Highway Business District)

The 2021 Land Use Plan and Comprehensive Plan identifies this area is designated as Regional Center; staff believes the proposed rezoning with its intended use will not likely have any adverse impact on the neighborhood.

**Thoroughfare Plan**

N. Mary Jo Drive is classified as a residential street. Per §154.01 of the City’s code of ordinances, Residential Streets are defined as: “Streets that serve individual residential lots. They carry low traffic volumes at low speeds. RESIDENTIAL STREETS shall be 36 feet in width back-of-curb to back-of-curb with a minimum 60 feet of right-of-way. These are streets that serve individual residential lots”.

Flood Damage Prevention:

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

Pharr vs. Tippett Considerations

1. The proposed use and rezoning are not compatible with the current Comprehensive Plan and Land Use Plan.
2. The proposed use and rezoning will have no adverse impact on surrounding properties.
3. The proposed use and rezoning are compatible with existing uses and zoning in the neighborhood.
4. The proposed use and rezoning do not pose an adverse impact to the public health, safety, or general welfare.

**NOTICES:**

Based on the most recently approved tax roll available, staff sent out forty-seven (47) notices to property owners within the 400-foot notification area. As of June 23, 2022, four (4) responses were received in favor of the request, and zero (0) responses were received in opposition of the request. Any additional responses received after the above date will be provided during the meeting.

**RECOMMENDATION:**

Alternatives Considered

Staff considered three (3) alternatives for this case.

1. Recommend approval of the applicant's zoning request as presented.
2. Recommend disapproval of the applicants zoning request based on Pharr & Tippett.
3. Recommend the applicant proceed with a more restrictive zoning classification for this parcel.

Staff Recommendation

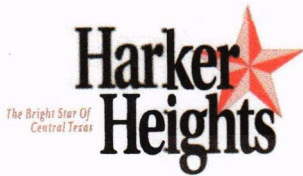
Although the request to change zoning designation is not in compliance with the 2021 Land Use Plan, staff would not be opposed to a duplex subdivision that was no larger than a depth of one lot off N. Mary Jo Drive. Future development of the lot immediately to the south would require a connection to W. Valley Road and would not support development of back to back lots on this parcel that is being considered for rezoning.

**ACTION BY PLANNING AND ZONING COMMISSION:**

1. Motion to recommend approval/disapproval of an ordinance to change zoning designation from R1-M (One-Family Manufactured Home Dwelling District) to R-2 (Two-Family Dwelling District) on property described as A0288BC VL Evans, Acres .78, Property ID #77900, generally located northwest of the intersection of N. Mary Jo Drive and W. Valley Road, Harker Heights, Bell County, Texas, based on staff's recommendation and findings.
2. Any other action deemed necessary.

**ATTACHMENTS:**

1. Application
2. Applicable Ordinances
3. Location Map
4. Existing Land Use Map
5. Zoning Map
6. Land Use Plan Map
7. Notification Area Map
8. Responses Received



# 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
3. If zoning change will require amendment to the Land Use Plan (aka FLUM), there will be an additional fee of \$100.00.

**City of Harker Heights**  
 Planning & Development  
 305 Millers Crossing  
 Harker Heights, TX 76548  
 Phone: (254) 953-5600  
 Email:

[planning@harkerheights.gov](mailto:planning@harkerheights.gov)

**Property Owner(s) Name:** Patricia Purkey **Date:** May 20, 2022

**Address:** 1405 Duvall Dr

**City/State/Zip:** Killeen Tx 76541

**Phone:** 254-432-1480 **E-mail:** triciapurkey@live.com

**Legal Description of Property:**

Location of Property (Address if available): 000 Jamie Rd, Harker Heights

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: A0288BC V L EVANS, ACRES .78

Acres: \_\_\_\_\_ Property ID: 77900 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:** Duplexes

**Current Zoning Classification:** R1M **Proposed Zoning:** R-2

**Current Land Use:** NA **Proposed Land Use:** Build Duplexes

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

**Applicant's Representative:** Andrea Thompson

**Phone:** 254-291-3685 **E-Mail:** homeskilleen@gmail.com

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

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

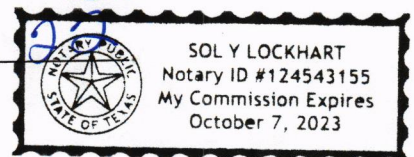
Patricia Purkey  
Printed Name of Property Owner

Patricia Purkey  
Signature of Property Owner

Andrea Thompson  
Printed Name of Representative

[Signature]  
Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 31 DAY OF May, 2022



[Signature]  
SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: 10/7/23

Date Submitted: 6/1/22

Received By: C. Jye

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

Pre-Application Meeting

Receipt #: 01832507

Case #: \_\_\_\_\_

**§ 155.020 R-1 ONE FAMILY DWELLING DISTRICT.**

(A) *Permitted uses.* The following uses are permitted by right:

- (1) Site-built, single-family dwellings and industrialized housing.
- (2) Church or other place of worship.
- (3) Municipal buildings, non-profit libraries or museums, police and fire stations, public utilities (without outside storage yards or electric substations), public parks, playgrounds, municipal golf courses, public recreation facilities, and community buildings.
- (4) Customary home occupations as defined in §155.003.
- (5) *Accessory structure.*

(a) One small accessory building (not exceeding 144 square feet) per residence customarily incident to the above uses (not involving the conduct of a business) subject to the following requirements:

1. Structure must be built upon a moveable foundation;
2. Structure cannot exceed 12 feet in height;
3. Structure must set behind the rear facade of the main residence building and must be setback five feet from the rear property line and six feet from the side property line; and
4. Materials, building design, and construction must comply with the requirements of Ch. 150.

(b) Large accessory buildings customarily incident to the above uses (not involving the conduct of a business) subject to the following requirements:

1. Building materials and facade must be consistent with the main residence building materials and facade;
2. Large accessory building must be behind the front facade of the main residence;
3. The height of the large accessory building cannot exceed that of the main residence building;
4. Number, size, setbacks and height requirements based on the size of the lot as follows:

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

- (6) Private garage.
- (7) Home based child care.
- (8) Real estate sales office, or temporary living quarters to provide security during the development of residential subdivisions, but not to exceed two years.
- (9) Low impact telecommunication towers.
- (10) Public schools.

(B) *Conditional uses.* The following require conditional use permits:

- (1) Private schools having a curriculum equal to a public elementary, high school, or institution of higher learning (except home schooling).

(2) Neighborhood association facilities.

(3) Farms, nurseries, truck gardens and greenhouses, provided no sales offices are maintained and no livestock are kept within 250 feet of a residence of any person other than the farm owner.

(4) Accessory dwelling for a relative or servant (not for rent).

(5) Accessory structure as provided by § 155.040.

(C) *Height regulations.* No building shall exceed two and one-half stories or 35 feet in height.

(D) *Front yard, side yard, and rear yard.* As per Table 21-A.

(E) *Intensity of use.* Every lot or tract of land shall have an area of not less than 8,400 square feet and an average overall width of not less than 70 feet and a minimum lot frontage of not less than 45 feet. Except that if a lot or tract should have less area or width than is herein required and its boundary lines along their entire length should touch lands under other ownership on the effective date of this chapter and shall not have changed since the date, such parcel of land may be used for a single family dwelling.

(F) *Additional use, height, and area regulation.* Additional use, height, and area regulations and exceptions are found in § 155.040.

(G) *R-1(M) zoning designation.* R-1(M) is a one family residential lot that also allows manufactured homes. All manufactured housing structures installed after December 31, 1999, must be installed on a permanent foundation, as that term is defined in § 152.01.

(1) In order to be approved, the manufactured home must be found to have design compatibility with other dwellings in the neighborhood.

(2) The following standards apply to any placement of a manufactured home on a lot after December 31, 1999:

(a) Roofing shall be similar in color, material and appearance to the roofing material commonly used on residential dwellings within the community or comparable to the predominant materials used on dwellings within the neighborhood.

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

(b) Exterior siding shall be similar in color, material, and appearance to the exterior siding material commonly used on residential dwellings within the community or comparable to predominant materials used on dwellings within the neighborhood. Exterior siding shall be of brick, wood, stucco, plaster, concrete or other material which is finished in a non-glossy and non-reflective manner.

(c) If a garage/carport is constructed, it must be similar in appearance to others in the neighborhood and constructed of like materials as that of the primary home.

(d) Two all-weather surface off street parking spaces meeting the requirements of §155.061 shall be provided.

(3) Every manufactured home shall be placed so that the entrance or front of the home faces or parallels the principal street frontage, except:

(a) In cases where the lot is one acre or greater and the home is located more than 50 feet from the street; or

(b) Where the lot width is 60 feet or less.

(4) All entrances to a manufactured home shall be provided with permanent steps, porch or similar suitable entry.

(5) The lot must meet all applicable requirements of Chapter 154, and shall comply with the area regulations in (D) of this section. Variance in setbacks may be given in inches not to exceed one foot at the Building Official's discretion.

(H) *Signs* As per Chapter 151.

(I) *Parking.* As per §§ 155.061 through 155.068.

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

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

(L) *Industrialized housing.*

(1) Industrialized housing shall be considered real property and must:

(a) Have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for the county;

(b) Have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located;

(c) Comply with city aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single-family dwellings;

(d) Be securely fixed to a permanent foundation; and

(e) Have all local permits and licenses that are applicable to site-built housing.

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

(2) Any owner or authorized agent who intends to construct, erect, install or move any industrialized housing into the city shall first make application to the Building Official and obtain the required permits. In addition to any other information otherwise required for such permits, the application shall:

(a) Identify each single-family dwelling located within 500 feet of the lot on which the industrialized housing is to be located, and show the taxable value for each such dwelling, as determined by the most recent certified tax appraisal roll for the county;

(b) Describe the exterior siding, roofing, roof pitch, foundation fascia, and fenestration for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is to be located;

(c) Describe the permanent foundation and method of attachment proposed for the industrialized housing; and

(d) State the anticipated taxable value of the industrialized housing and the lot after installation of the industrialized housing.

(3) A person commits an offense if the person:

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

(b) Constructs, erects, installs or moves any industrialized housing into the city unless such industrialized housing complies with this section.

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

#### **§ 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.

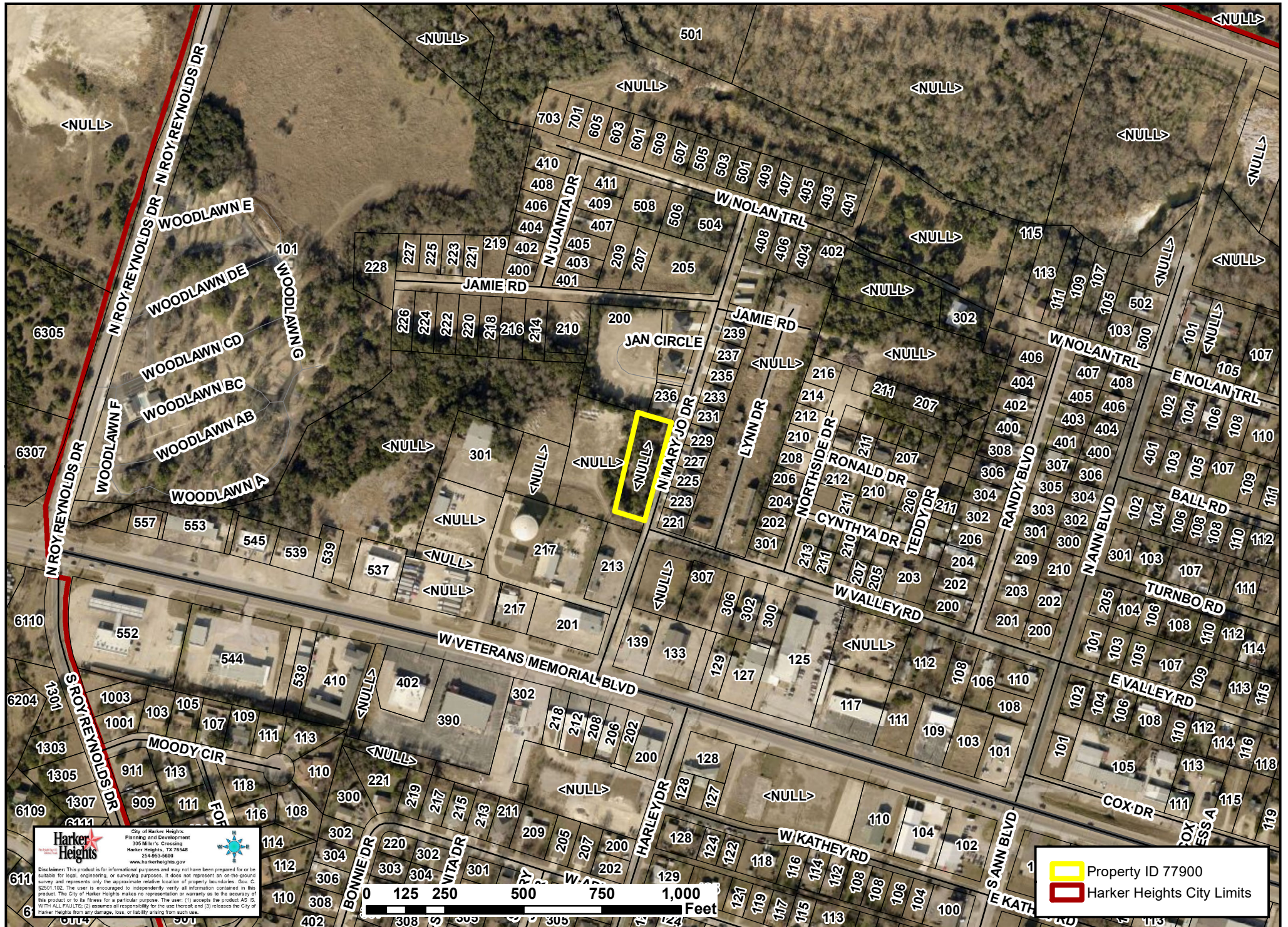
(I) *Storage.* Open storage is prohibited, except for materials for the residents' use such as firewood, gardening materials,

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)



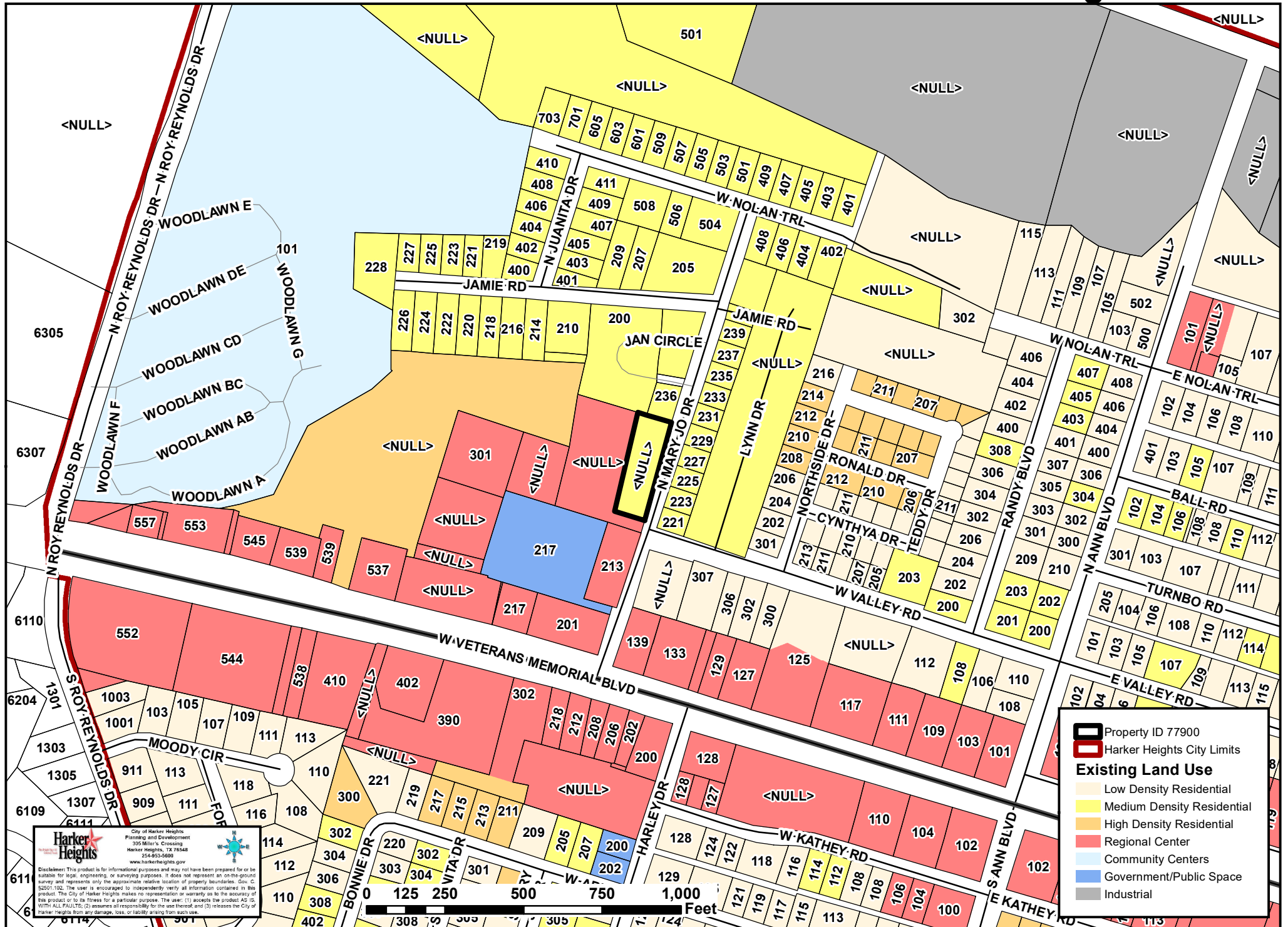
City of Harker Heights  
 Planning and Development  
 300 Miller's Crossing  
 Harker Heights, TX 78548  
 254-853-5699  
 www.harkerheights.gov










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- Property ID 77900
- Harker Heights City Limits



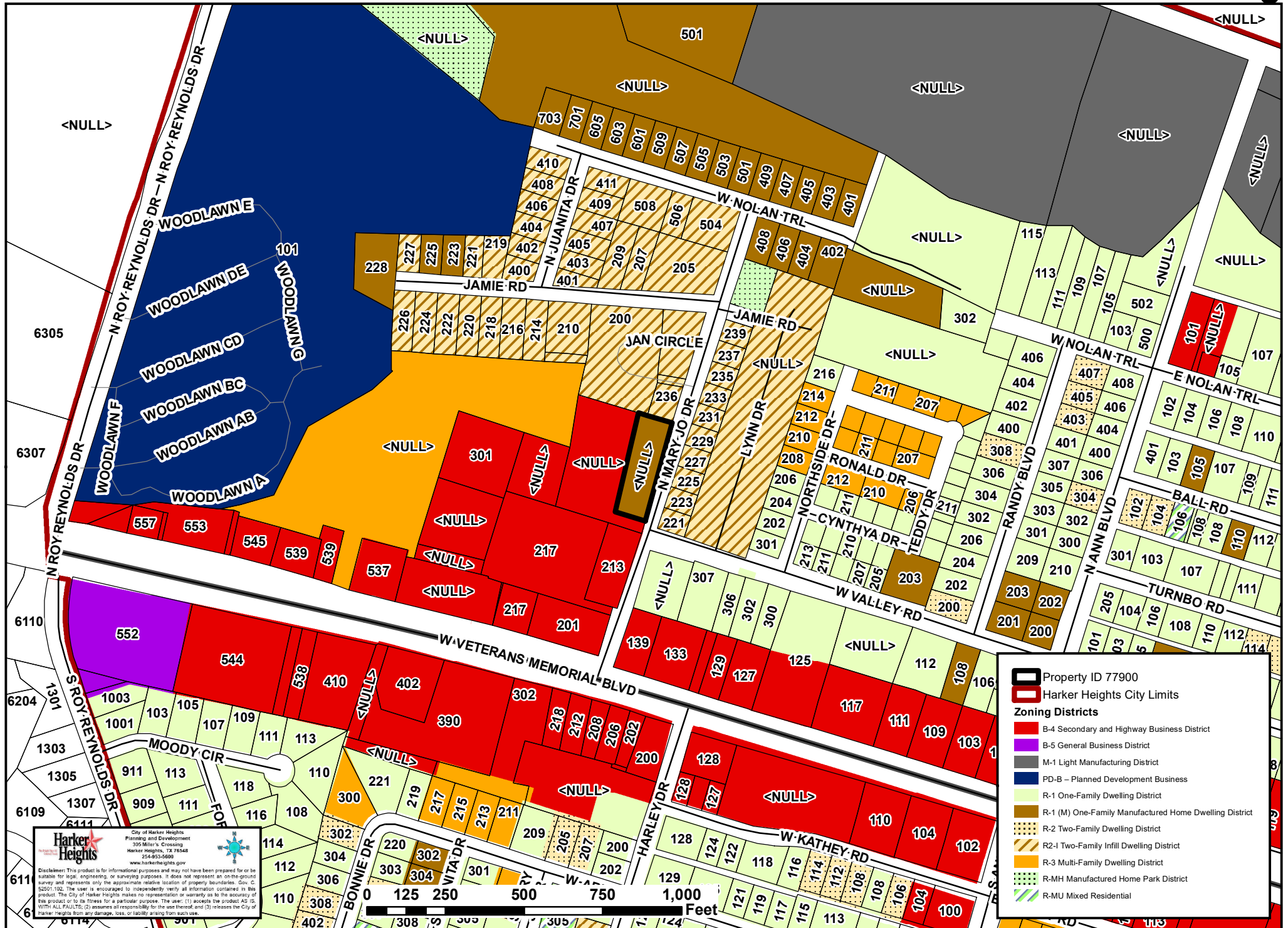


 Property ID 77900  
 Harker Heights City Limits  
**Existing Land Use**  
 Low Density Residential  
 Medium Density Residential  
 High Density Residential  
 Regional Center  
 Community Centers  
 Government/Public Space  
 Industrial


 City of Harker Heights  
 Planning and Development  
 300 Miller's Crossing  
 Harker Heights, TX 78548  
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0 125 250 500 750 1,000 Feet



**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 300 Miller's Crossing  
 Harker Heights, TX 78548  
 254-853-5699  
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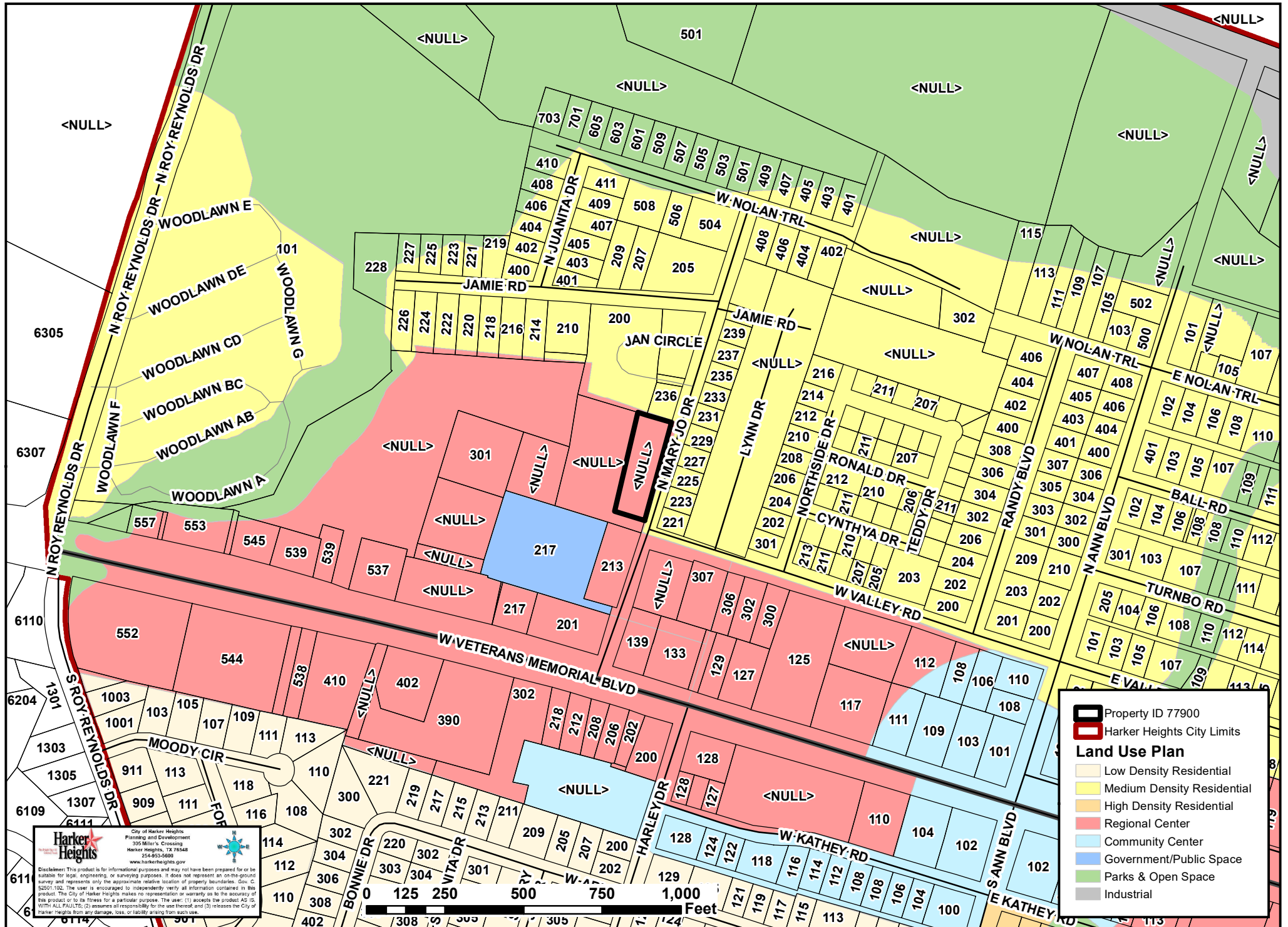
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






Property ID 77900


Harker Heights City Limits

**Zoning Districts**

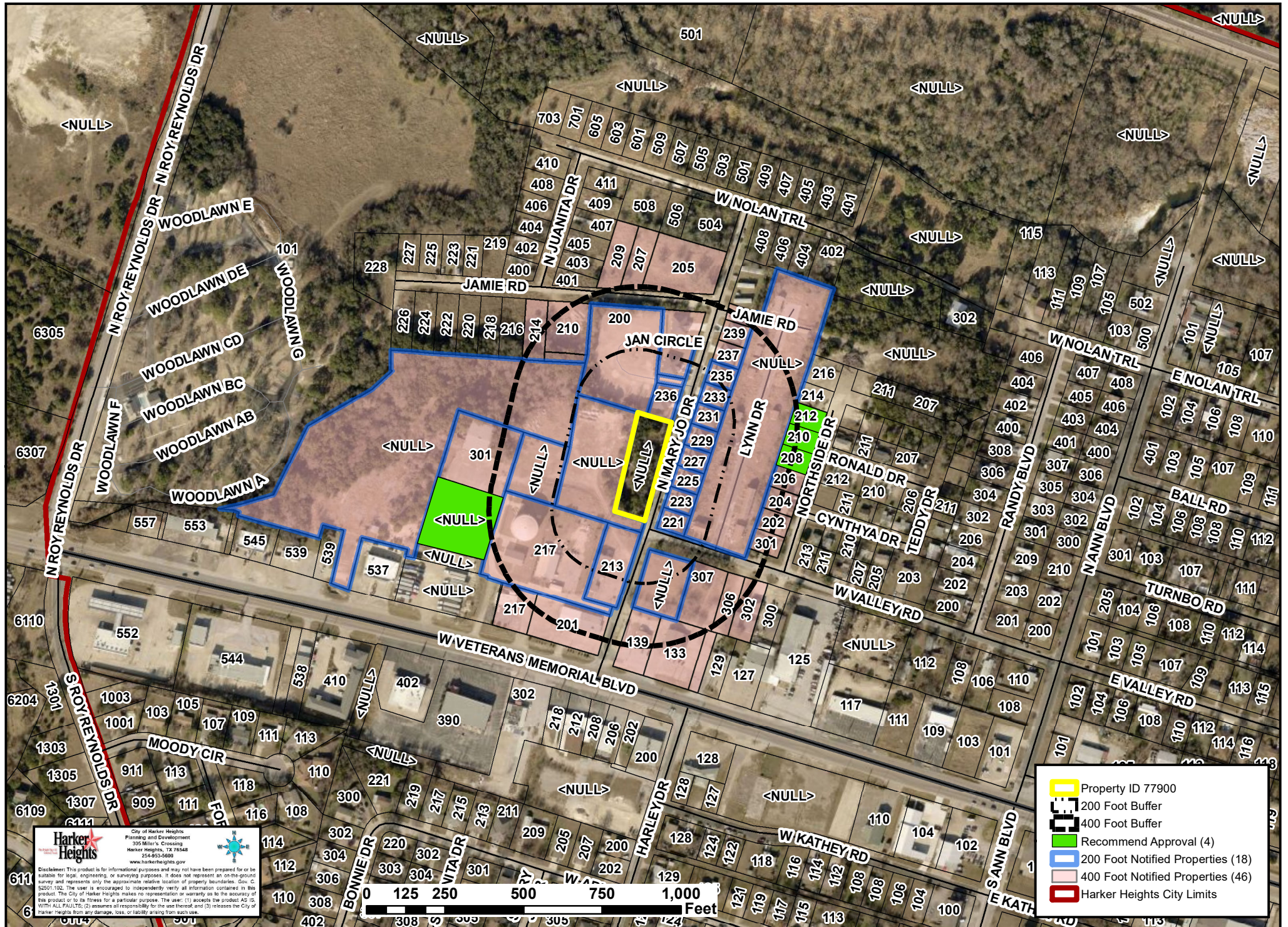
- B-4 Secondary and Highway Business District
- B-5 General Business District
- M-1 Light Manufacturing District
- PD-B - Planned Development Business
- R-1 One-Family Dwelling District
- R-1 (M) One-Family Manufactured Home Dwelling District
- R-2 Two-Family Dwelling District
- R-2-1 Two-Family Infill Dwelling District
- R-3 Multi-Family Dwelling District
- R-MH Manufactured Home Park District
- R-MU Mixed Residential



 Property ID 77900  
 Harker Heights City Limits  
**Land Use Plan**  
 Low Density Residential  
 Medium Density Residential  
 High Density Residential  
 Regional Center  
 Community Center  
 Government/Public Space  
 Parks & Open Space  
 Industrial


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- Property ID 77900
- 200 Foot Buffer
- 400 Foot Buffer
- Recommend Approval (4)
- 200 Foot Notified Properties (18)
- 400 Foot Notified Properties (46)
- Harker Heights City Limits

SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: FORT HOOD AREA HABITAT FOR HUMANITY INC

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

Physical Address	Property ID
208 NORTHSIDE DR	39738

**Z22-16** RE: application has been made to request a change in zoning designation from **R1-M (One-Family Manufactured Home Dwelling District) to R-2 (Two-Family Dwelling District)** on property described as *A0288BC VL Evans, Acres .78, Property ID #77900, generally located northwest of the intersection of N. Mary Jo Drive and W. Valley Road, Harker Heights, Bell County, Texas*, (see attached notification map).

**I RECOMMEND APPROVAL OF THE REQUEST**

**I RECOMMEND DENIAL OF THE REQUEST**

Comments:

**Received**

JUN 16 2022

**Planning & Development**

**Z22-16-F** RE: application has been made to consider a request to change land use designation from **Regional Commercial Center to Medium Density Residential** on property described as *A0288BC VL Evans, Acres .78, Property ID #77900, generally located northwest of the intersection of N. Mary Jo Drive and W. Valley Road, Harker Heights, Bell County, Texas*, (see attached notification map).

**I RECOMMEND APPROVAL OF THE REQUEST**

**I RECOMMEND DENIAL OF THE REQUEST**

Comments:

*Kristin Smith*

Printed Name

*Kristin Smith, COO*

Signature

*6/13/22*

Date

SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: FORT HOOD AREA HABITAT FOR HUMANITY INC

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

Physical Address	Property ID
210 NORTHSIDE DR	39739

**Z22-16** RE: application has been made to request a change in zoning designation from **R1-M (One-Family Manufactured Home Dwelling District)** to **R-2 (Two-Family Dwelling District)** on property described as *A0288BC VL Evans, Acres .78, Property ID #77900, generally located northwest of the intersection of N. Mary Jo Drive and W. Valley Road, Harker Heights, Bell County, Texas*, (see attached notification map).

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

**Received**

JUN 16 2022

**Planning & Development**

Comments:

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**Z22-16-F** RE: application has been made to consider a request to change land use designation from **Regional Commercial Center to Medium Density Residential** on property described as *A0288BC VL Evans, Acres .78, Property ID #77900, generally located northwest of the intersection of N. Mary Jo Drive and W. Valley Road, Harker Heights, Bell County, Texas*, (see attached notification map).

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Comments:

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*Kristin Smith*  
Printed Name

*Kristin Smith, COO*  
Signature

*6/13/2022*  
Date

SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: FORT HOOD AREA HABITAT FOR HUMANITY INC

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

Physical Address	Property ID
212 NORTHSIDE DR	39740

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*Kristin Smith*  
Printed Name

*Kristin Smith, COO*  
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TO: **City of Harker Heights  
Planning & Development Department**

FROM: COCKRELL & GIBBS ENTERPRIZES

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

Physical Address	Property ID
N MARY JO DR	22781

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Comments:

**Received**

JUN 21 2022

**Planning & Development**

Cynthia DYKER  
Printed Name

Cynthia Dyker  
Signature

6-16-22  
Date





AGENDA ITEM IX-7  
PLANNING AND ZONING COMMISSION  
MEMORANDUM

Z22-16-F

FROM: THE OFFICE OF THE PLANNING AND DEVELOPMENT DIRECTOR  
DATE: JUNE 29, 2022

**CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER A CHANGE IN LAND USE DESIGNATION FROM REGIONAL COMMERCIAL CENTER TO MEDIUM DENSITY RESIDENTIAL ON PROPERTY DESCRIBED AS A0288BC VL EVANS, ACRES .78, PROPERTY ID #77900, GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF N. MARY JO DRIVE AND W. VALLEY ROAD, HARKER HEIGHTS, BELL COUNTY, TEXAS**

**EXPLANATION:**

The applicant is requesting a change in land use designation from Regional Center to Medium Density Residential on property generally located Northwest of the intersection of N. Mary Jo Drive and W. Valley Road.

Parcel History

This parcel is located within the original area of the city incorporation (1960) and is not platted. Bell County Appraisal District information shows this parcel is approximately .78 acres and is vacant.

**STAFF ANALYSIS:**

Surrounding Land Uses

Adjacent land uses and zoning districts include those identified in the table below:

	<b>Land Use Plan</b>
<b>North</b>	Medium Density Residential
<b>South</b>	Regional Center
<b>East</b>	Medium Density Residential
<b>West</b>	Regional Center

The 2021 Land Use Plan and Comprehensive Plan identifies this area is designated as Regional Center; staff believes the proposed rezoning with its intended use will not likely have any adverse impact on the neighborhood.

Thoroughfare Plan

N. Mary Jo Drive is classified as a residential street. Per §154.01 of the City’s code of ordinances, Residential Streets are defined as: “Streets that serve individual residential lots. They carry low traffic volumes at low speeds. RESIDENTIAL STREETS shall be 36 feet in width back-of-curb to back-of-curb with a minimum 60 feet of right-of-way. These are streets that serve individual residential lots”.

Flood Damage Prevention:

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

Pharr vs. Tippett Considerations

1. The proposed use and rezoning are not compatible with the current Comprehensive Plan and Land Use Plan.
2. The proposed use and rezoning will have no adverse impact on surrounding properties.
3. The proposed use and rezoning are compatible with existing uses and zoning in the neighborhood.
4. The proposed use and rezoning do not pose an adverse impact to the public health, safety, or general welfare.

**NOTICES:**

Based on the most recently approved tax roll available, staff sent out forty-seven (47) notices to property owners within the 400-foot notification area. As of June 23, 2022, four (4) responses were received in favor of the request, and zero (0) responses were received in opposition of the request. Any additional responses received after the above date will be provided during the meeting.

**RECOMMENDATION:**

Staff Recommendation

If the R-2 zoning classification case for this parcel is recommended for disapproval by the Planning & Zoning Commission, then staff recommends disapproval of this request based on the following:

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

If the R-2 zoning classification case for this parcel is recommended for approval by the Planning & Zoning Commission, then staff recommends approval of an ordinance to change the Land Use Plan designation from Regional Center use to Medium Density Residential use on property described as A0288BC VL Evans, Acres .78, Property ID #77900, generally located northwest of the intersection of N. Mary Jo Drive and W. Valley Road, Harker Heights, Bell County, Texas, based on the following:

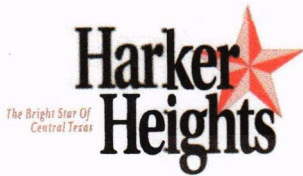
1. This action would amend the current Comprehensive Plan and Land Use Plan such that the proposed use would be compatible with the new R-2 zoning.
2. The proposed use is compatible with existing R-2 zoning in the vicinity.

**ACTION BY PLANNING AND ZONING COMMISSION:**

1. Motion to recommend approval/disapproval of an ordinance to change land use designation from Regional Center to Medium Density Residential on property described as A0288BC VL Evans, Acres .78, Property ID #77900, generally located northwest of the intersection of N. Mary Jo Drive and W. Valley Road, Harker Heights, Bell County, Texas based on staff's recommendation and findings.
2. Any other action deemed necessary.

**ATTACHMENTS:**

1. Application
2. Land Use Designation
3. Location Map
4. Existing Land Use Map
5. Zoning Map
6. Land Use Plan Map
7. Notification Area Map
8. Responses Received



# 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
3. If zoning change will require amendment to the Land Use Plan (aka FLUM), there will be an additional fee of \$100.00.

**City of Harker Heights**  
 Planning & Development  
 305 Millers Crossing  
 Harker Heights, TX 76548  
 Phone: (254) 953-5600  
 Email:

[planning@harkerheights.gov](mailto:planning@harkerheights.gov)

**Property Owner(s) Name:** Patricia Purkey **Date:** May 20, 2022

**Address:** 1405 Duvall Dr

**City/State/Zip:** Killeen Tx 76541

**Phone:** 254-432-1480 **E-mail:** triciapurkey@live.com

**Legal Description of Property:**

Location of Property (Address if available): 000 Jamie Rd, Harker Heights

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: A0288BC V L EVANS, ACRES .78

Acres: \_\_\_\_\_ Property ID: 77900 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:** Duplexes

**Current Zoning Classification:** R1M **Proposed Zoning:** R-2

**Current Land Use:** NA **Proposed Land Use:** Build Duplexes

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

**Applicant's Representative:** Andrea Thompson

**Phone:** 254-291-3685 **E-Mail:** homeskilleen@gmail.com

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

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

Patricia Purkey  
Printed Name of Property Owner

Patricia Purkey  
Signature of Property Owner

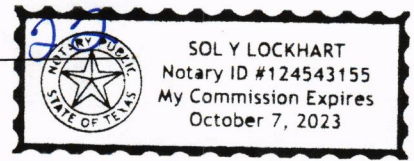
Andrea Thompson  
Printed Name of Representative

[Signature]  
Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 31 DAY OF May, 2022

[Signature]  
SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: 10/7/23



Date Submitted: 6/1/22  
Received By: C. Jye

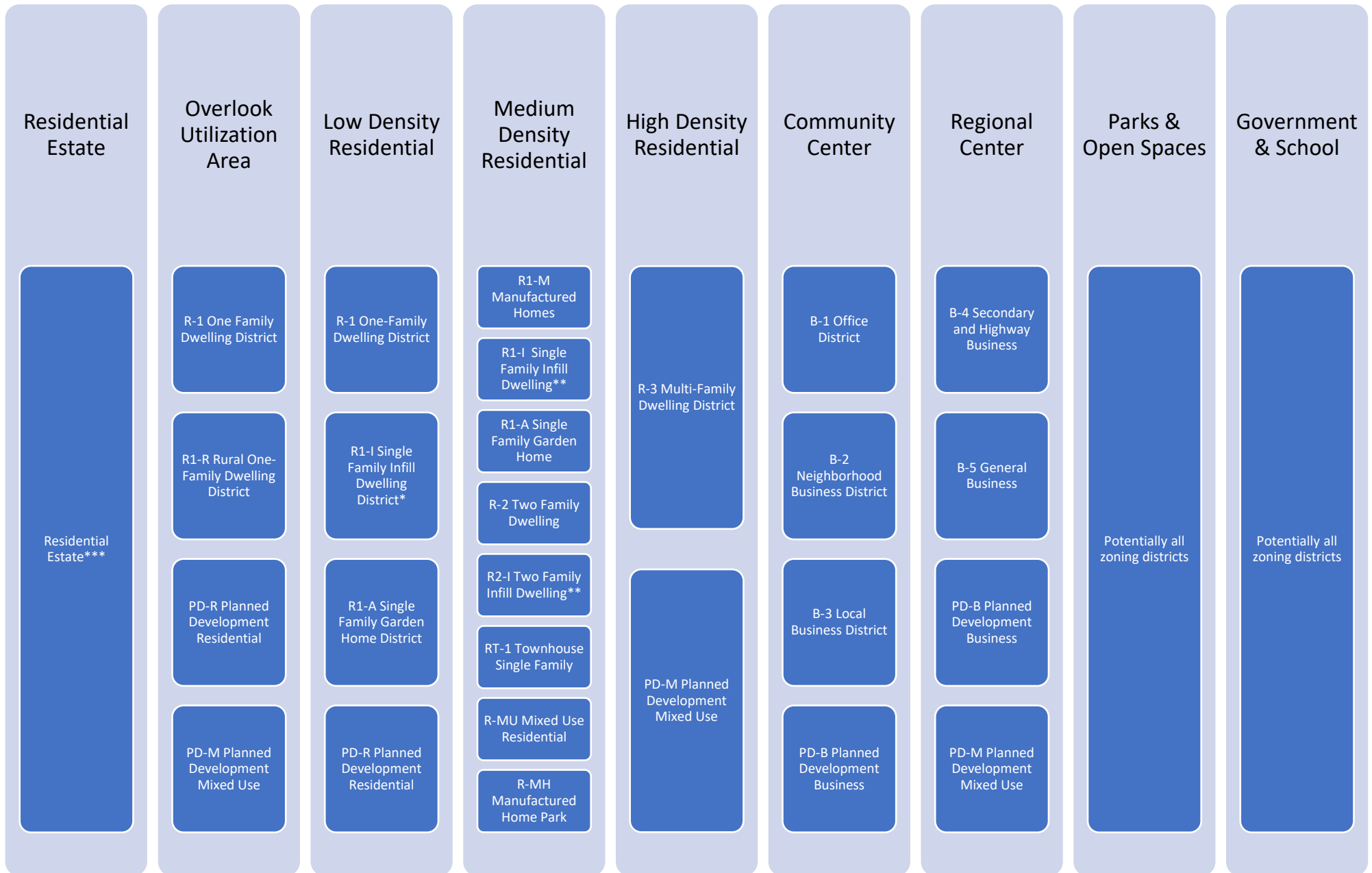
**STAFF ONLY -- DO NOT FILL OUT BELOW**

Pre-Application Meeting

Receipt #: 01832507

Case #: \_\_\_\_\_

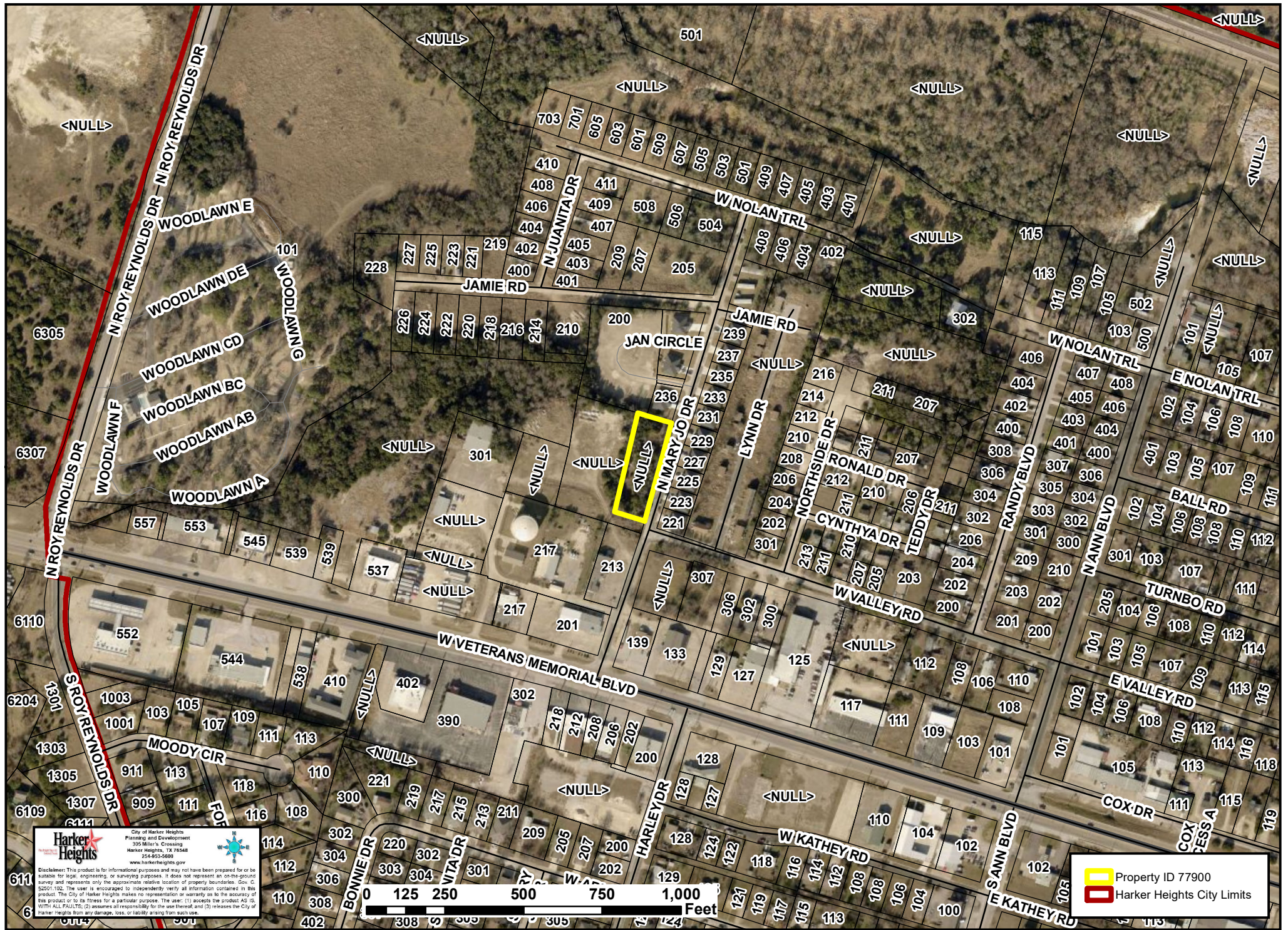
# Zoning Districts Per Land Use\*



\*Adoption of Land Use Plan included definitions for each type of land use. This represents the Zoning Districts that correspond to those definitions.

\*\*Zoning Districts are only allowed in areas as shown on maps/exhibits included with respective adopted ordinances

\*\*\*Currently R-1 larger than 0.5 acres and R1-R Zoning Districts are being utilized for Residential Estates proposed Zoning District.

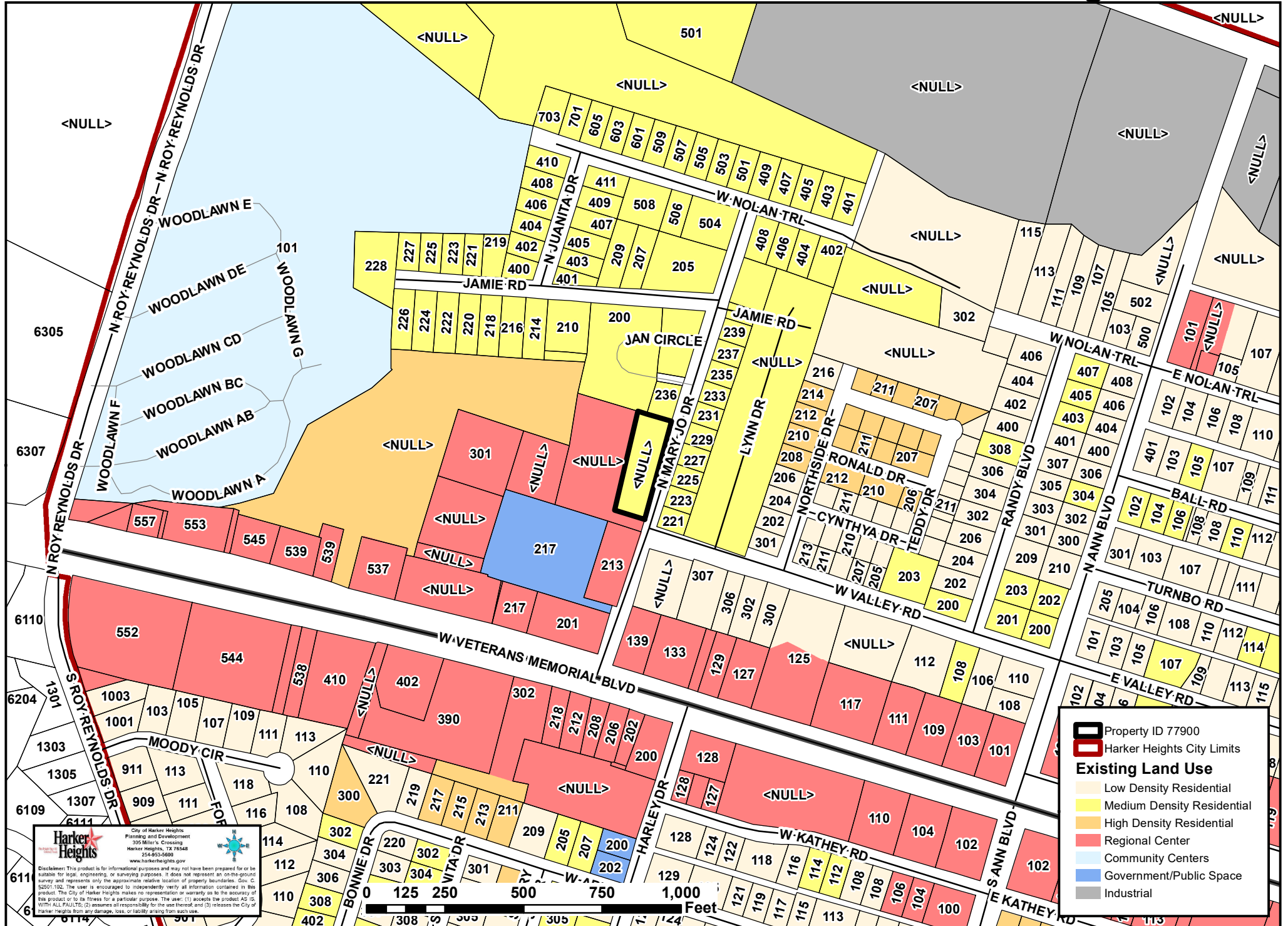


City of Harker Heights  
Planning and Development  
300 Mil's Crossing  
Harker Heights, TX 78548  
254-853-5699  
www.harkerheights.gov

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. 52201.102. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAILURES; (2) assumes all responsibility for the use thereof; and (3) releases the City of Harker Heights from any damage, loss, or liability arising from such use.



Property ID 77900  
Harker Heights City Limits



Property ID 77900

Harker Heights City Limits

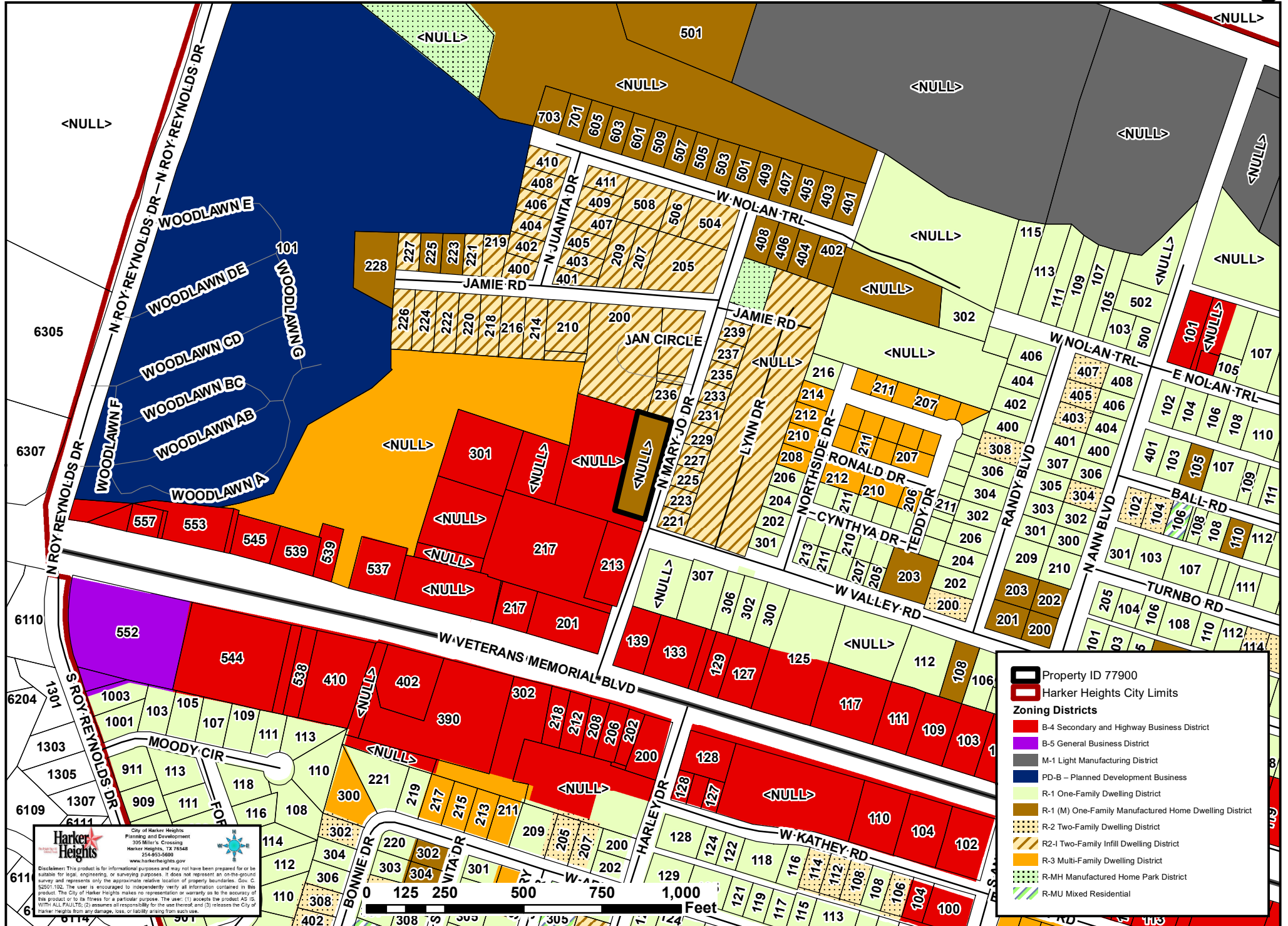
**Existing Land Use**

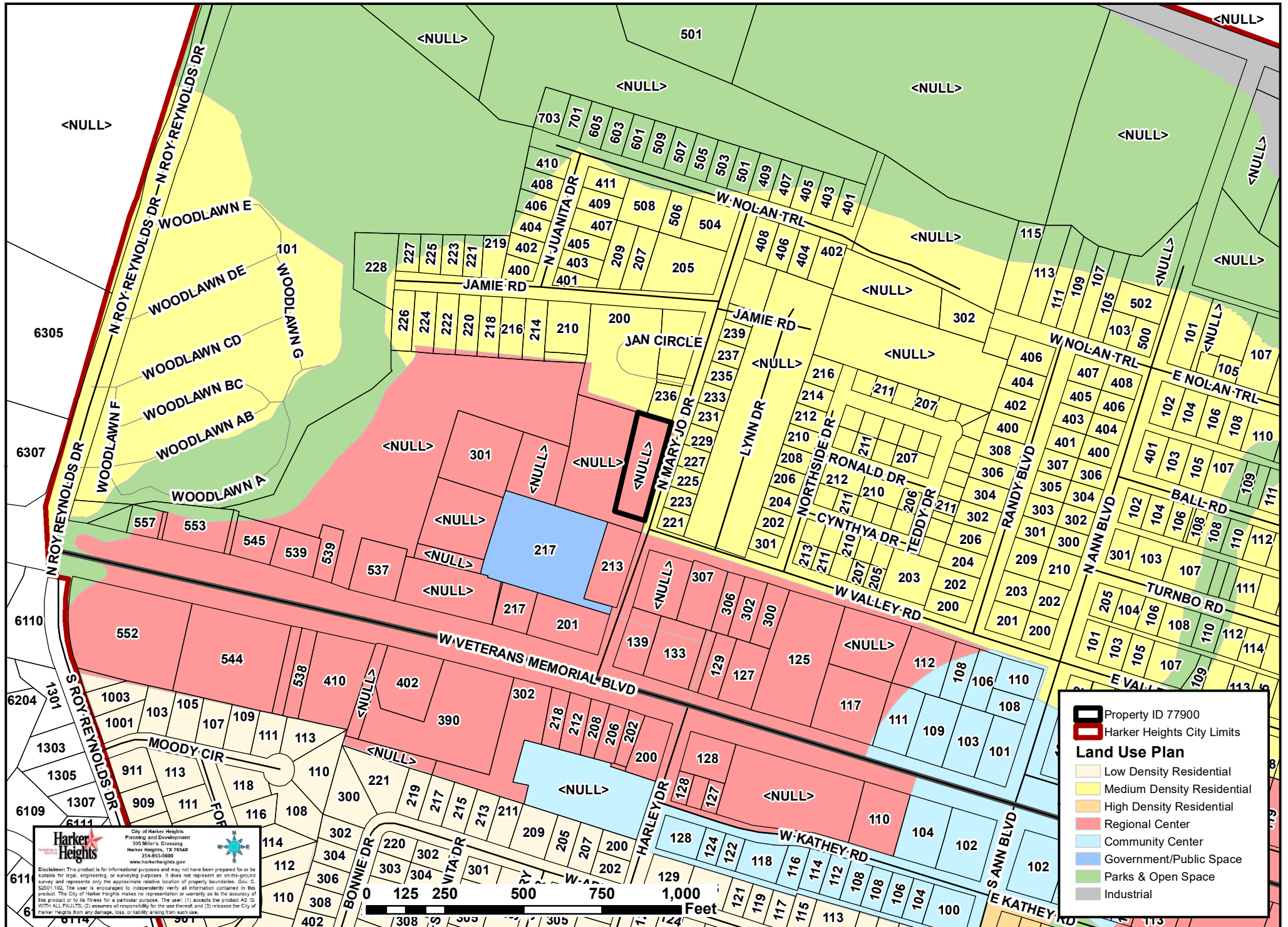
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Regional Center
- Community Centers
- Government/Public Space
- Industrial











**Harker Heights**


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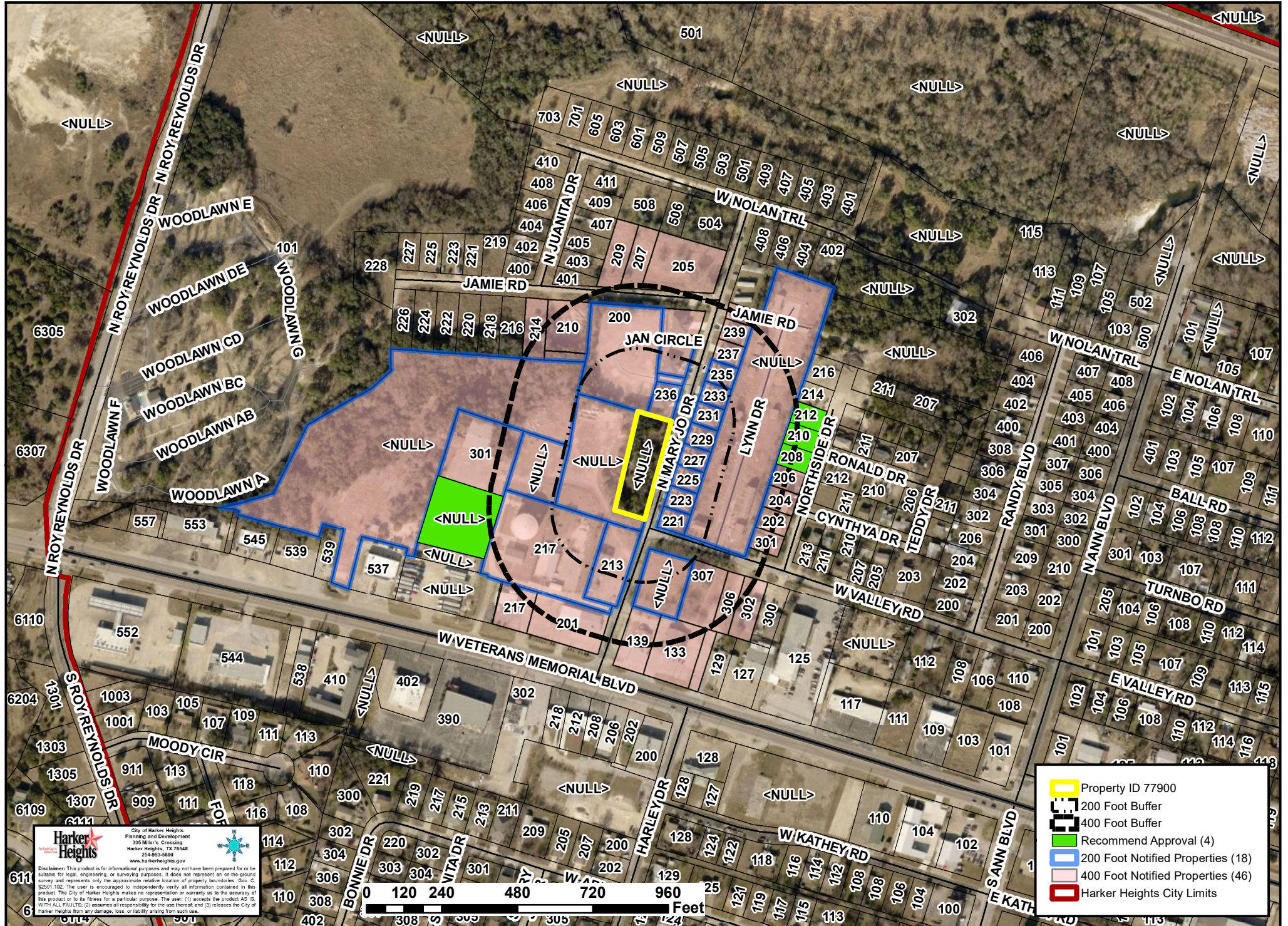


 Property ID 77900  
 Harker Heights City Limits  
**Land Use Plan**  
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 Medium Density Residential  
 High Density Residential  
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 Community Center  
 Government/Public Space  
 Parks & Open Space  
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- Property ID 77900
- 200 Foot Buffer
- 400 Foot Buffer
- Recommend Approval (4)
- 200 Foot Notified Properties (18)
- 400 Foot Notified Properties (46)
- Harker Heights City Limits

SENT: JUNE 10, 2022  
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**I RECOMMEND APPROVAL OF THE REQUEST**

**I RECOMMEND DENIAL OF THE REQUEST**

Comments:

**Received**

JUN 16 2022

**Planning & Development**

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Comments:

*Kristin Smith*

Printed Name

*Kristin Smith, COO*

Signature

*6/13/22*

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Printed Name

*Kristin Smith, COO*  
Signature

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Comments:

**Received**

JUN 21 2022

**Planning & Development**

Cynthia DYKER  
Printed Name

Cynthia Dyker  
Signature

6-16-22  
Date



**AGENDA ITEM IX-8  
PLANNING AND ZONING COMMISSION  
MEMORANDUM**

**Z22-17**

FROM: THE OFFICE OF THE PLANNING AND DEVELOPMENT DIRECTOR  
DATE: JUNE 29, 2022

**CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER A CHANGE IN ZONING DESIGNATION FROM B-4 (SECONDARY AND HIGHWAY BUSINESS DISTRICT), R-1 (ONE-FAMILY DWELLING DISTRICT), AND R1-M (ONE-FAMILY MANUFACTURED HOME DWELLING DISTRICT) TO R-3 (MULTI-FAMILY DWELLING DISTRICT) ON PROPERTIES DESCRIBED AS ALL LAND LOCATED WITHIN MOBILE MANOR ESTATES SECTION ONE, GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF INDIAN OAKS DRIVE AND S. AMY LANE, HARKER HEIGHTS, BELL COUNTY, TEXAS**

**EXPLANATION:**

The applicant is requesting a change from the current zoning of B-4 (Secondary and Highway Business District), R-1 (One-Family Dwelling District), and R1-M (One-Family Manufactured Home Dwelling District) to R-3 (Multi-Family Dwelling District) on property generally located at the Northeast corner of Indian Oaks and S. Amy Lane, locally known as Mobile Manor Estates.

**Parcel History**

A portion of properties located within this requested are located within the original area of the city incorporation (1960) and the remainder properties were annexed in 1963. The properties were platted as the subdivision referred to Mobile Manor Estates, filed with the county on June 5, 1973.

**STAFF ANALYSIS:**

**Surrounding Land Uses**

Adjacent land uses and zoning districts include those identified in the table below:

	<b>Existing Land Use</b>	<b>Land Use Plan</b>	<b>Zoning</b>
<b>North</b>	Medium Density Residential	Medium Density Residential	R2-I Two-Family Infill Dwelling District
<b>South</b>	Regional Center	Regional Center	B-4 (Secondary and Highway Business District)
<b>East</b>	Medium Density Residential	Medium Density Residential	R2-I Two-Family Infill Dwelling District
<b>West</b>	Regional Center	Regional Center	B-4 (Secondary and Highway Business District)

The 2021 Land Use Plan and Comprehensive Plan identifies this area is designated as High Density Residential; staff believes the proposed rezoning with its intended use will not likely have any adverse impact on the neighborhood.

**Thoroughfare Plan**

Indian Oaks and S. Amy Lane are both classified as collector streets per the most recently adopted Comprehensive Plan. Per City of Harker Heights Code of Ordinances §154.01:

- Minor Collectors are defined as: Streets generally located within subdivisions or between subdivisions to collect traffic from residential streets and to channel this traffic to major collectors. Residential lots

may front on these streets. MINOR COLLECTORS shall be 42 feet wide, with a minimum of 70 feet of right-of-way.

- Major Collectors are defined as: Streets generally located along borders of neighborhoods and within commercial areas to collect and to channel this traffic to the arterial system. MAJOR COLLECTORS shall be 48 feet wide with a minimum of 80 feet of right-of-way. These are limited access roads on which no single-family or two-family residential lots may front (i.e., no driveways shall be allowed) unless there is no other reasonable and safe access to the lot.

**Flood Damage Prevention:**

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

**Pharr vs. Tippett Considerations**

1. The proposed use and rezoning are compatible with the current Comprehensive Plan and Land Use Plan.
2. The proposed use and rezoning will have no adverse impact on surrounding properties.
3. The proposed use and rezoning are compatible with existing uses and zoning in the neighborhood.
4. The proposed use and rezoning do not pose an adverse impact to the public health, safety, or general welfare.

**NOTICES:**

Based on the most recently approved tax roll available, staff sent out ninety-three (93) notices to property owners within the 400-foot notification area. As of June 23, 2022, three (3) responses were received in favor of the request, and three (3) responses were received in opposition of the request. Any additional responses received after the above date will be provided during the meeting.

**RECOMMENDATION:**

**Alternatives Considered**

Staff considered three (3) alternatives for this case.

1. Recommend approval of the applicant’s zoning request as presented.
2. Recommend disapproval of the applicants zoning request based on Pharr & Tippett.
3. Recommend the applicant proceed with a more restrictive zoning classification for this parcel.

**Staff Recommendation**

Staff recommends approval of an ordinance to change zoning designation from B-4 (Secondary and Highway Business District), R-1 (One-Family Dwelling District), and R1-M (One-Family Manufactured Home Dwelling District) to R-3 (Multi-Family Dwelling District).

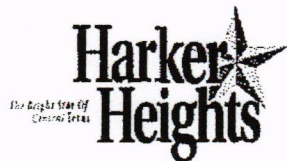
**ACTION BY PLANNING AND ZONING COMMISSION:**

1. Motion to recommend approval/disapproval of an ordinance to change zoning designation from B-4 (Secondary and Highway Business District), R-1 (One-Family Dwelling District), and R1-M (One-Family Manufactured Home Dwelling District) to R-3 (Multi-Family Dwelling District) on properties described as all land located within Mobile Manor Estates Section One, generally located at the northeast corner of the intersection of Indian Oaks Drive and S. Amy Lane, Harker Heights, Bell County, Texas, based on staff’s recommendation and findings.
2. Any other action deemed necessary.

**ATTACHMENTS:**

1. Application
2. Applicable Ordinances
3. Location Map
4. Existing Land Use Map
5. Zoning Map
6. Land Use Plan Map
7. Notification Area Map
8. Responses Received





# 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
3. If zoning change will require amendment to the Land Use Plan (aka FLUM), there will be an additional fee of \$100.00.

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

Killeen Associates, LLC, a California limited liability company

Date: May 31, 2022

Property Owner(s) Name:

Address: 16126 Sherman Way

City/State/Zip: Van Nuys, CA 91406

Phone: (818) 373-1170

E-mail: michael@mtnovick.com

### Legal Description of Property:

Location of Property (Address if available): North East Corner of S Amy & Indian Oaks

Lot: See attached table. 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: Multi-Family Apartments

Current Zoning Classification: R1

Proposed Zoning: 155.025 R-3 Multi Family Dwelling District

Current Land Use: Mobile Home Park

Proposed Land Use: \_\_\_\_\_

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

Applicant's Representative: Prudhvi Chowdary Chekuri

Phone: (719) 452) 9151

E-Mail: prudhvichowdary254@gmail.com

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

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

Michael T. Novick, as Manager of Killeen Associates, LLC

Printed Name of Property Owner

[Signature] MANAGER  
Signature of Property Owner

PRUDHVI CHOWDARY CHEKURI

Printed Name of Representative

[Signature]  
Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS MAY DAY OF 31<sup>st</sup>, 20 22.

See attached Certificate.

SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

STAFF ONLY -- DO NOT FILL OUT BELOW

Date Submitted: 6/1/22

Pre-Application Meeting

Receipt #: 01832627

Received By: C. Jefe

Revised: 10/2021

Case #: \_\_\_\_\_

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of LOS ANGELES

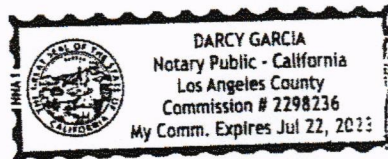
On 5/31/2022, before me, Darcy Garcia, Notary Public, personally appeared MICHAEL T. NOVICK, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

*Darcy Garcia*



(Seal)

Block, Lot	Zoning	Code	Block, Lot	Zoning	Code
BLOCK 001, LOT 0002	R-1	\$155.020	BLOCK 004, LOT 0002	R-1	\$155.020
BLOCK 001, LOT 0003	R-1	\$155.020	BLOCK 004, LOT 0003	R-1	\$155.020
BLOCK 001, LOT 0004	R-1	\$155.020	BLOCK 004, LOT 0004	R-1	\$155.020
BLOCK 001, LOT 0005	R-1	\$155.020	BLOCK 004, LOT 0005	R-1	\$155.020
BLOCK 001, LOT 0006	R-1	\$155.020	BLOCK 005, LOT 0001	B-4	\$155.031
BLOCK 001, LOT 0007	R-1	\$155.020	BLOCK 005, LOT 0002	B-4	\$155.031
BLOCK 001, LOT 0008	R-1	\$155.020	BLOCK 005, LOT 0003	B-4	\$155.031
BLOCK 001, LOT 0009	R-1	\$155.020	BLOCK 005, LOT 0004	B-4	\$155.031
BLOCK 001, LOT 0010	R-1	\$155.020	BLOCK 005, LOT 0005	B-4	\$155.031
BLOCK 001, LOT 0011	R-1	\$155.020	BLOCK 005, LOT 0006	B-4	\$155.031
BLOCK 001, LOT 0012	R-1	\$155.020	BLOCK 005, LOT 0007	B-4	\$155.031
BLOCK 001, LOT 0013	R-1	\$155.020	BLOCK 005, LOT 0008	B-4	\$155.031
BLOCK 001, LOT 0014	R-1	\$155.020	BLOCK 005, LOT 0009	B-4	\$155.031
BLOCK 001, LOT 0015	R-1	\$155.020	BLOCK 005, LOT 0010	B-4	\$155.031
BLOCK 001, LOT 0016	R-1	\$155.020	BLOCK 005, LOT 0011	B-4	\$155.031
BLOCK 003, LOT 0001	R-1(M)	\$155.020 (G)	BLOCK 006, LOT 0001	B-4	\$155.031
BLOCK 003, LOT 0002	R-1(M)	\$155.020 (G)	BLOCK 006, LOT 0002	B-4	\$155.031
BLOCK 003, LOT 0003	R-1(M)	\$155.020 (G)	BLOCK 006, LOT 0003	B-4	\$155.031
BLOCK 003, LOT 0004	R-1(M)	\$155.020 (G)	BLOCK 006, LOT 0004	B-4	\$155.031
BLOCK 003, LOT 0005	R-1(M)	\$155.020 (G)	BLOCK 006, LOT 0005	B-4	\$155.031
BLOCK 003, LOT 0006	R-1(M)	\$155.020 (G)	BLOCK 006, LOT 0006	B-4	\$155.031
BLOCK 003, LOT 0007	R-1(M)	\$155.020 (G)	BLOCK 006, LOT 0007	B-4	\$155.031
BLOCK 003, LOT 0008	R-1(M)	\$155.020 (G)	BLOCK 006, LOT 0008	R-1	\$155.020
BLOCK 003, LOT 0009	R-1(M)	\$155.020 (G)	BLOCK 006, LOT 0009	R-1	\$155.020
BLOCK 003, LOT 0010	R-1(M)	\$155.020 (G)	LOT ABANDONED ROADS, ACRES 2.55	NULL	NULL
BLOCK 003, LOT 0011	R-1(M)	\$155.020 (G)			
BLOCK 003, LOT 0012	R-1(M)	\$155.020 (G)			
BLOCK 003, LOT 0013	R-1(M)	\$155.020 (G)			
BLOCK 003, LOT 0014	R-1(M)	\$155.020 (G)			
BLOCK 003, LOT 0015	R-1(M)	\$155.020 (G)			
BLOCK 003, LOT 0016	R-1(M)	\$155.020 (G)			
BLOCK 003, LOT 0017	R-1(M)	\$155.020 (G)			
BLOCK 003, LOT 0018	R-1(M)	\$155.020 (G)			
BLOCK 003, LOT 0019	R-1(M)	\$155.020 (G)			
BLOCK 003, LOT 0020	R-1(M)	\$155.020 (G)			
BLOCK 003, LOT 0021	R-1(M)	\$155.020 (G)			
BLOCK 003, LOT 0022	R-1(M)	\$155.020 (G)			
BLOCK 003, LOT 0023	R-1(M)	\$155.020 (G)			
BLOCK 003, LOT 0024	R-1(M)	\$155.020 (G)			
BLOCK 003, LOT 0025	R-1(M)	\$155.020 (G)			
BLOCK 003, LOT 0026	R-1(M)	\$155.020 (G)			
BLOCK 003, LOT 0027	R-1(M)	\$155.020 (G)			

**§ 155.020 R-1 ONE FAMILY DWELLING DISTRICT.**

(A) *Permitted uses.* The following uses are permitted by right:

- (1) Site-built, single-family dwellings and industrialized housing.
- (2) Church or other place of worship.
- (3) Municipal buildings, non-profit libraries or museums, police and fire stations, public utilities (without outside storage yards or electric substations), public parks, playgrounds, municipal golf courses, public recreation facilities, and community buildings.
- (4) Customary home occupations as defined in §155.003.
- (5) *Accessory structure.*

(a) One small accessory building (not exceeding 144 square feet) per residence customarily incident to the above uses (not involving the conduct of a business) subject to the following requirements:

1. Structure must be built upon a moveable foundation;
2. Structure cannot exceed 12 feet in height;
3. Structure must set behind the rear facade of the main residence building and must be setback five feet from the rear property line and six feet from the side property line; and
4. Materials, building design, and construction must comply with the requirements of Ch. 150.

(b) Large accessory buildings customarily incident to the above uses (not involving the conduct of a business) subject to the following requirements:

1. Building materials and facade must be consistent with the main residence building materials and facade;
2. Large accessory building must be behind the front facade of the main residence;
3. The height of the large accessory building cannot exceed that of the main residence building;
4. Number, size, setbacks and height requirements based on the size of the lot as follows:

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

- (6) Private garage.
- (7) Home based child care.
- (8) Real estate sales office, or temporary living quarters to provide security during the development of residential subdivisions, but not to exceed two years.
- (9) Low impact telecommunication towers.
- (10) Public schools.

(B) *Conditional uses.* The following require conditional use permits:

- (1) Private schools having a curriculum equal to a public elementary, high school, or institution of higher learning (except home schooling).

(2) Neighborhood association facilities.

(3) Farms, nurseries, truck gardens and greenhouses, provided no sales offices are maintained and no livestock are kept within 250 feet of a residence of any person other than the farm owner.

(4) Accessory dwelling for a relative or servant (not for rent).

(5) Accessory structure as provided by § 155.040.

(C) *Height regulations.* No building shall exceed two and one-half stories or 35 feet in height.

(D) *Front yard, side yard, and rear yard.* As per Table 21-A.

(E) *Intensity of use.* Every lot or tract of land shall have an area of not less than 8,400 square feet and an average overall width of not less than 70 feet and a minimum lot frontage of not less than 45 feet. Except that if a lot or tract should have less area or width than is herein required and its boundary lines along their entire length should touch lands under other ownership on the effective date of this chapter and shall not have changed since the date, such parcel of land may be used for a single family dwelling.

(F) *Additional use, height, and area regulation.* Additional use, height, and area regulations and exceptions are found in § 155.040.

(G) *R-1(M) zoning designation.* R-1(M) is a one family residential lot that also allows manufactured homes. All manufactured housing structures installed after December 31, 1999, must be installed on a permanent foundation, as that term is defined in § 152.01.

(1) In order to be approved, the manufactured home must be found to have design compatibility with other dwellings in the neighborhood.

(2) The following standards apply to any placement of a manufactured home on a lot after December 31, 1999:

(a) Roofing shall be similar in color, material and appearance to the roofing material commonly used on residential dwellings within the community or comparable to the predominant materials used on dwellings within the neighborhood.

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

(b) Exterior siding shall be similar in color, material, and appearance to the exterior siding material commonly used on residential dwellings within the community or comparable to predominant materials used on dwellings within the neighborhood. Exterior siding shall be of brick, wood, stucco, plaster, concrete or other material which is finished in a non-glossy and non-reflective manner.

(c) If a garage/carport is constructed, it must be similar in appearance to others in the neighborhood and constructed of like materials as that of the primary home.

(d) Two all-weather surface off street parking spaces meeting the requirements of §155.061 shall be provided.

(3) Every manufactured home shall be placed so that the entrance or front of the home faces or parallels the principal street frontage, except:

(a) In cases where the lot is one acre or greater and the home is located more than 50 feet from the street; or

(b) Where the lot width is 60 feet or less.

(4) All entrances to a manufactured home shall be provided with permanent steps, porch or similar suitable entry.

(5) The lot must meet all applicable requirements of Chapter 154, and shall comply with the area regulations in (D) of this section. Variance in setbacks may be given in inches not to exceed one foot at the Building Official's discretion.

(H) *Signs* As per Chapter 151.

(I) *Parking.* As per §§ 155.061 through 155.068.

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

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

(L) *Industrialized housing.*

(1) Industrialized housing shall be considered real property and must:

(a) Have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for the county;

(b) Have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located;

(c) Comply with city aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single-family dwellings;

(d) Be securely fixed to a permanent foundation; and

(e) Have all local permits and licenses that are applicable to site-built housing.

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

(2) Any owner or authorized agent who intends to construct, erect, install or move any industrialized housing into the city shall first make application to the Building Official and obtain the required permits. In addition to any other information otherwise required for such permits, the application shall:

(a) Identify each single-family dwelling located within 500 feet of the lot on which the industrialized housing is to be located, and show the taxable value for each such dwelling, as determined by the most recent certified tax appraisal roll for the county;

(b) Describe the exterior siding, roofing, roof pitch, foundation fascia, and fenestration for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is to be located;

(c) Describe the permanent foundation and method of attachment proposed for the industrialized housing; and

(d) State the anticipated taxable value of the industrialized housing and the lot after installation of the industrialized housing.

(3) A person commits an offense if the person:

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

(b) Constructs, erects, installs or moves any industrialized housing into the city unless such industrialized housing complies with this section.

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

#### **§ 155.025 R-3 MULTI-FAMILY DWELLING DISTRICT.**

(A) *Permitted uses.*

(1) Any use permitted by right in the R-2 District.

(2) Multi-family dwellings.

(3) Apartment houses.

(4) Boarding, lodging, and rooming houses.

(5) Dormitories for students.

(6) Neighborhood association facilities.

(7) Institutions of a religious, educational, charitable, or philanthropic nature, but not a penal or mental institution.

(B) *Conditional uses.*

(1) Fraternity/sorority house.

(2) Fitness center.

(3) Any conditional use permitted in the R-1 and R-2 Districts.

(C) *Height regulations.* When adjacent to one or more single-family detached homes, the height shall not exceed that of the shortest adjacent house, except that an additional setback of one foot shall be exchanged for each additional foot in height. However, in no event may a building exceed three and one-half stories or 45 feet in height.

(D) *Area regulations.* Front building setbacks shall be a minimum of 25 feet. Side setbacks shall be a minimum of ten feet, except when siding on a street they shall be a minimum of 15 feet. Rear setbacks shall be no less than 20 feet. See also Table 21-A.

(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) A lot for a two-family dwelling shall contain an area of not less than 8,400 square feet, and an average width of not less than 70 feet.

(3) A lot for a four-plex shall contain an area of not less than 10,000 square feet. The minimum lot area shall be increased by 2,500 square feet per additional dwelling unit.

(4) Where a lot or tract has less area than herein required and its boundary lines along their entire length touches lands under other ownership on the effective date of this chapter and have not since been changed, such parcel of land may be used for a single-family dwelling.

(5) In no case shall more than 40% of the total lot area be covered by a main building.

(F) *Parking regulations.* As per §§ 155.061 through 155.068. In addition, parking is prohibited within the front 25-foot building setback.

(G) *Additional use, height, and area regulations.* Additional use, height, and area regulations and exceptions are found in § 155.040.

(H) *Storage.* Open storage is prohibited, except for materials for the residents' use such as firewood, gardening materials, and similar materials. Trash shall be stored only in approved dumpsters located on private property.

(I) *Landscaping.* All yards shall have vegetative groundcover of sufficient quality and quantity, or other city-approved groundcover, to control dust, erosion and sediment. For each dwelling unit, a minimum of one six-foot-tall tree with two-inch caliper, and three three-gallon shrubs, are required. All landscaping must be in place upon final inspection.

(J) *Architectural design.*

(1) Facades should be articulated to minimize the massive scale appearance of the building. At least 25% of the facade of the wall facing the street shall consist of doors or windows in buildings that are located within 30 feet of the property line adjacent to a front yard. Primary entrances shall face the public street. Windows shall be provided with trim or recesses, rather than flush with exterior wall treatment.

(2) The same elevation may not be used within any five lot groupings.

(3) Developments of 20 or more units shall have an area equal to at least 8% of the lot area, excepting required setbacks, dedicated to open space for recreational use by the occupants of the development.

(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)

#### **§ 155.031 B-4 SECONDARY AND HIGHWAY BUSINESS DISTRICT.**

(A) *Permitted uses.*

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

(2) Automobile parking lots.

(3) Bakery (wholesale).

(4) Dance hall and skating rink.

(5) Frozen food locker plant.

(6) Garage, public.

(7) Drive-in theater.

(8) Bowling alley.

(9) Tourist court or motel.

(10) Antique shop.

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

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

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

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

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

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

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

(f) Gasoline storage tanks must be underground.

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

(14) Cleaning, pressing and dyeing.

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

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

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

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

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

(18) Cabinet, upholstery, woodworking shop.

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

(20) Trade or business school.

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

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

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

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

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

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

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

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

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

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

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

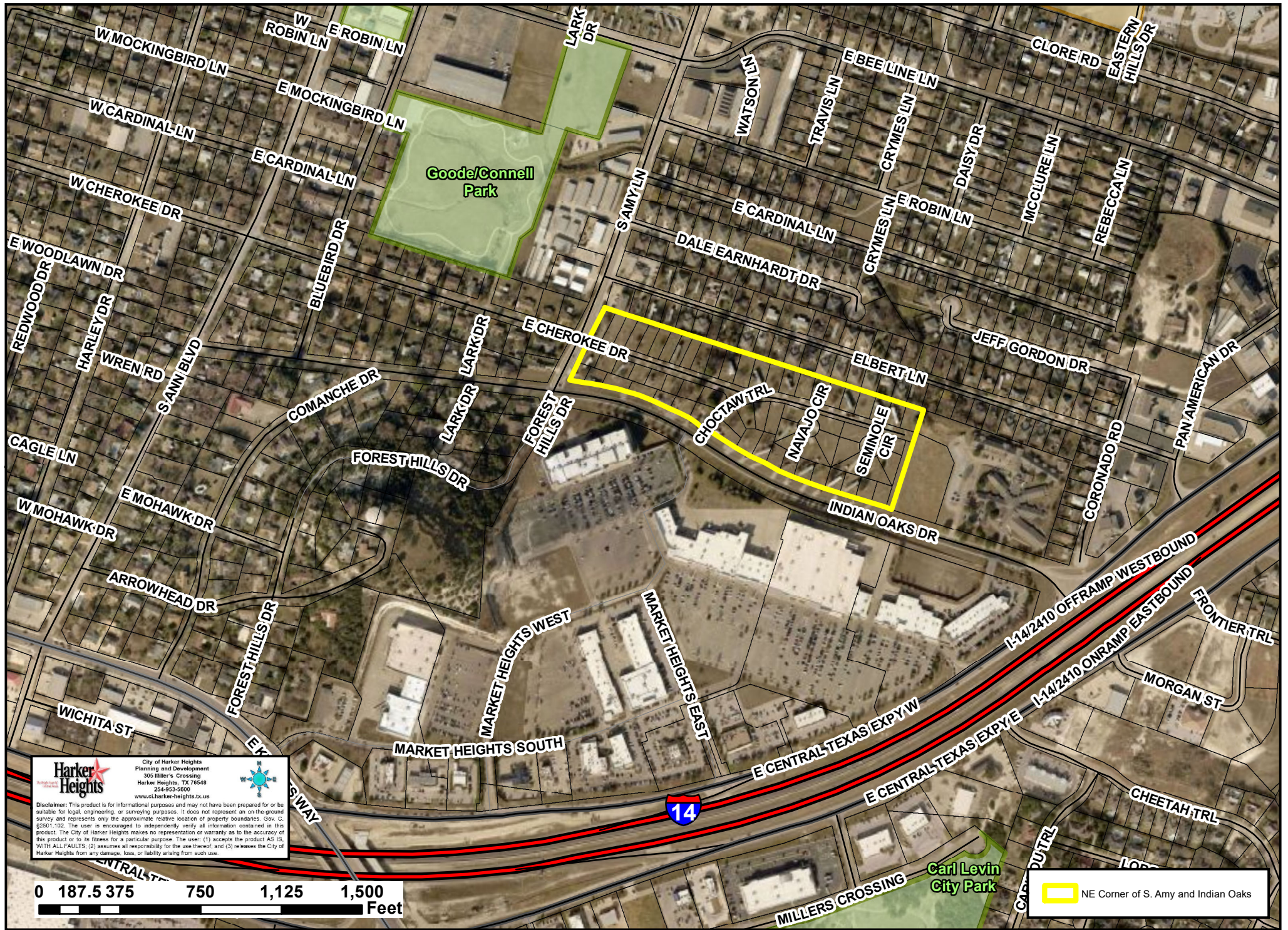
(H) *Screening requirements.* As per § 155.050.

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

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

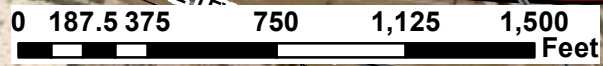
(Ord. 2001-36, passed 11-13-01; Am. Ord. 2019-14, passed 5-28-19)




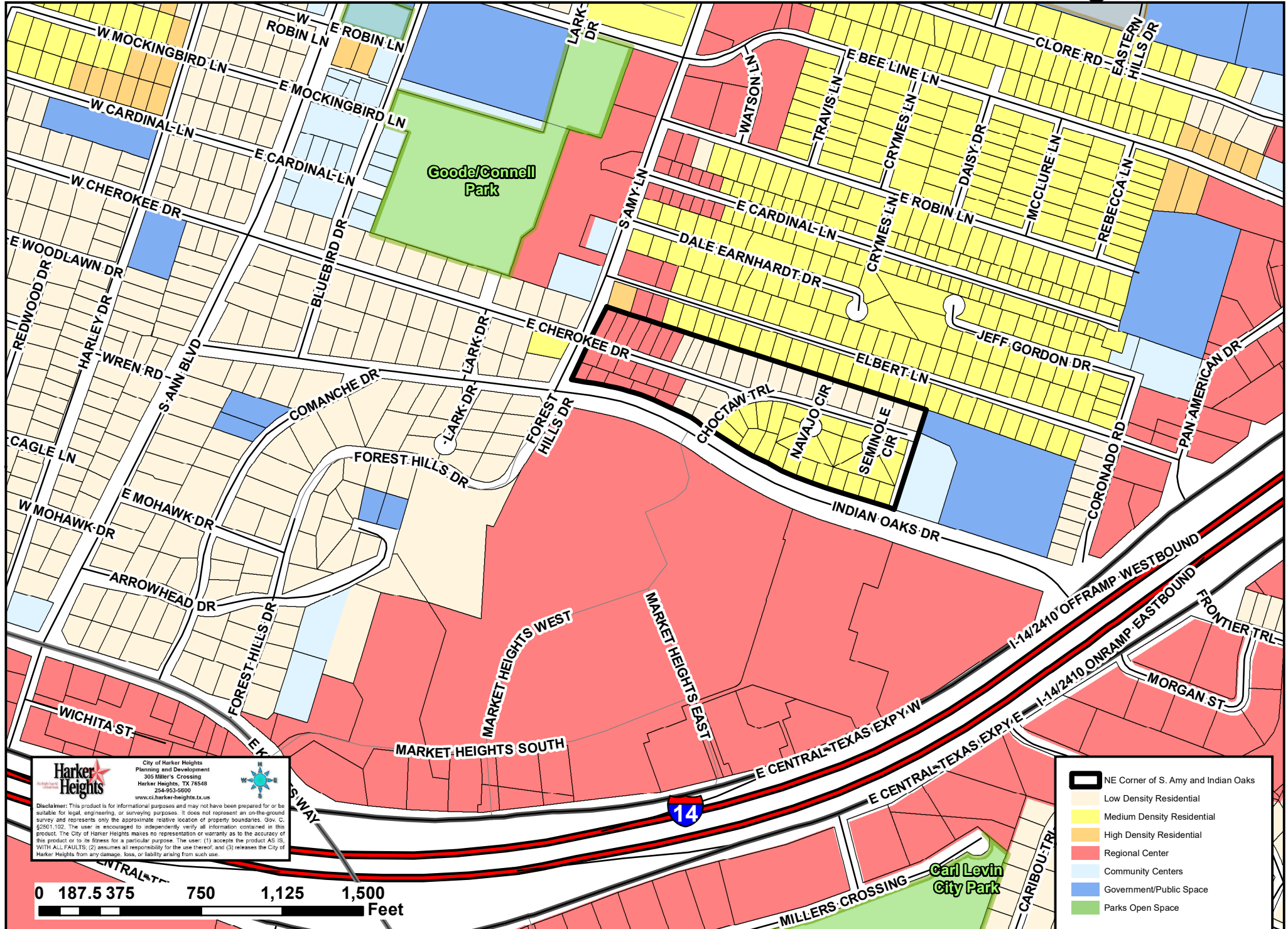


**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 305 Miller's Crossing  
 Harker Heights, TX 78648  
 254-953-5600  
 www.ci.harkerheights.tx.us

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §5501.102. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Harker Heights from any damage, loss, or liability arising from such use.



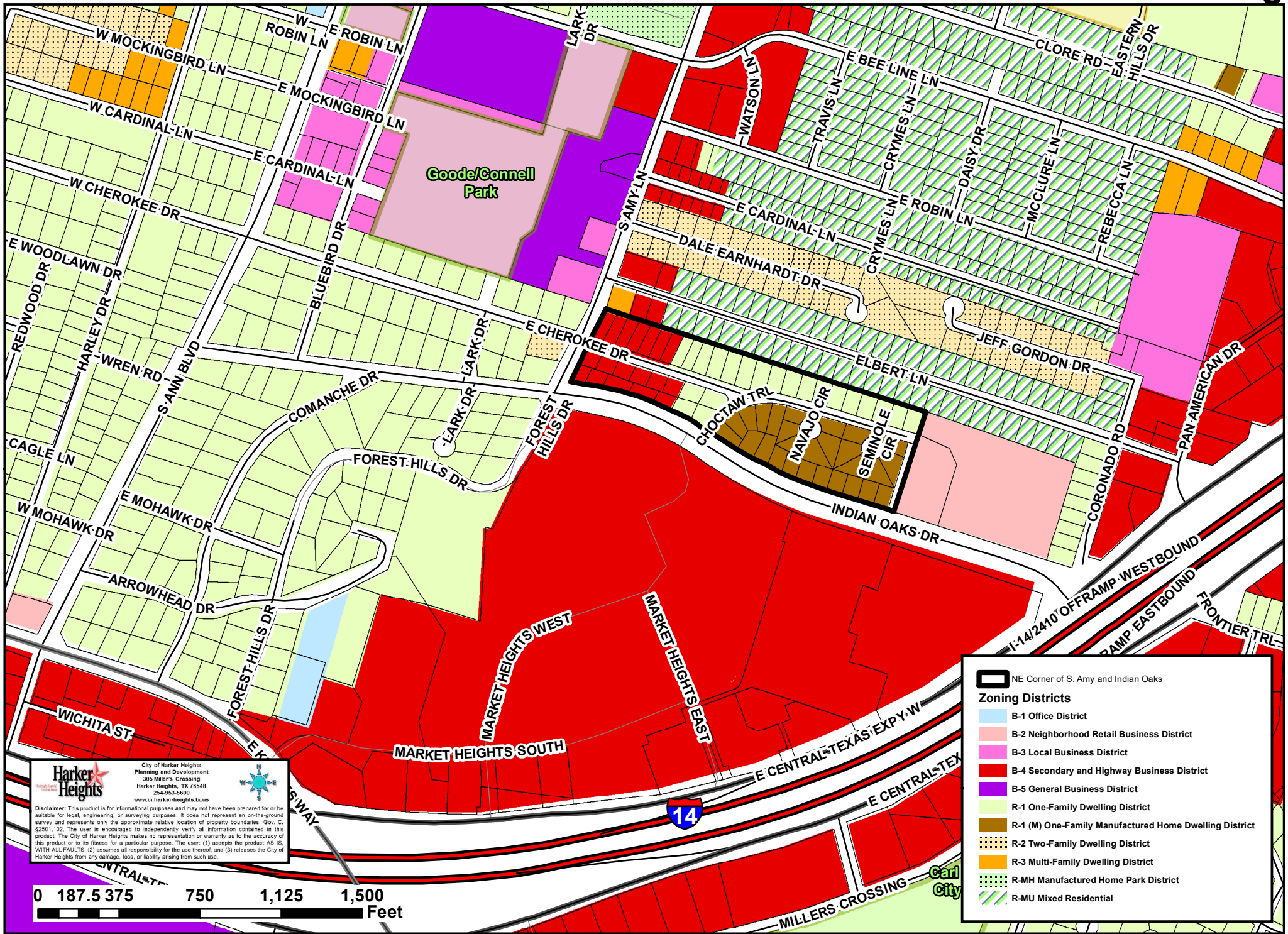
 NE Corner of S. Amy and Indian Oaks



**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 305 Miller's Crossing  
 Harker Heights, TX 78648  
 254-953-5600  
 www.ci.harker-heights.tx.us

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- NE Corner of S. Amy and Indian Oaks
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Regional Center
- Community Centers
- Government/Public Space
- Parks Open Space



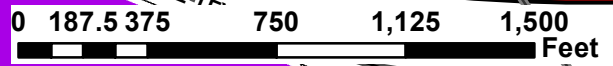
NE Corner of S. Amy and Indian Oaks

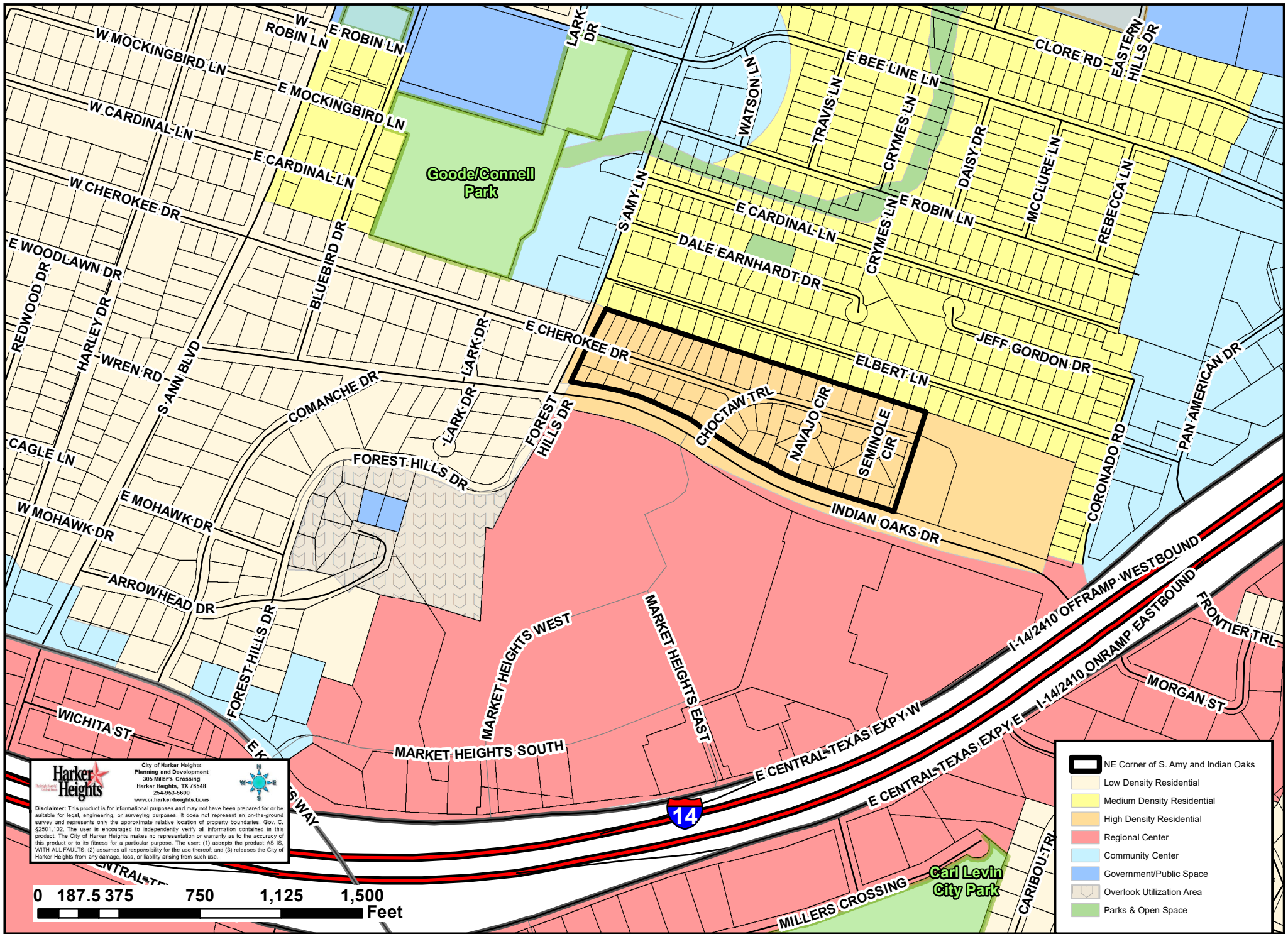
**Zoning Districts**

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

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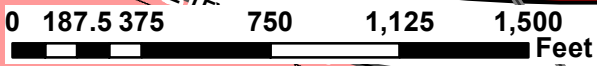
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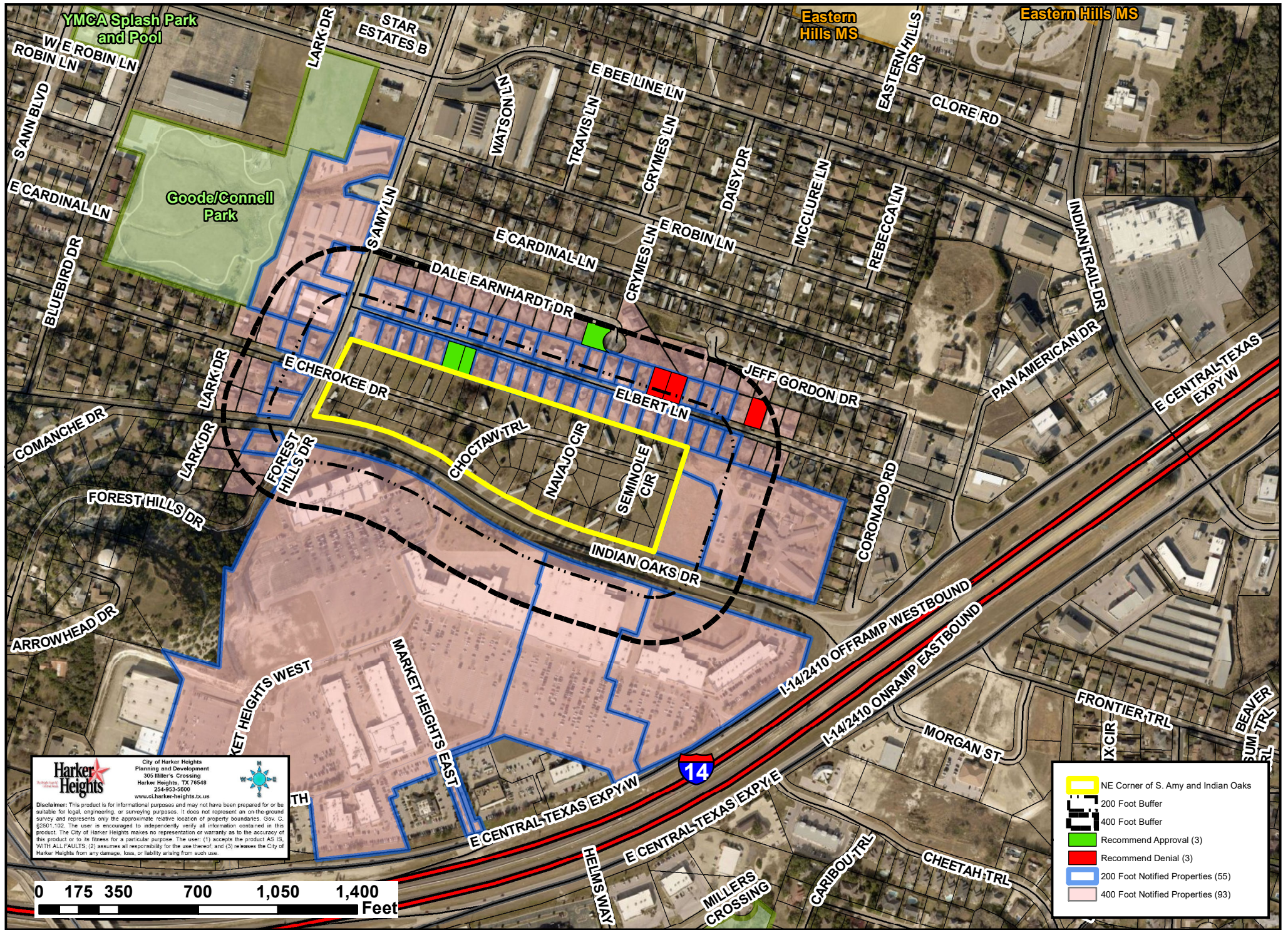


**Harker Heights**  
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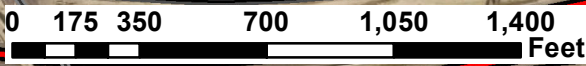


- NE Corner of S. Amy and Indian Oaks
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Regional Center
- Community Center
- Government/Public Space
- Overlook Utilization Area
- Parks & Open Space



**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 305 Miller's Crossing  
 Harker Heights, TX 78548  
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	NE Corner of S. Amy and Indian Oaks
	200 Foot Buffer
	400 Foot Buffer
	Recommend Approval (3)
	Recommend Denial (3)
	200 Foot Notified Properties (55)
	400 Foot Notified Properties (93)

SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: AN, HO S ETAL

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

Physical Address	Property ID
210 ELBERT LN	382625

**Z22-17** RE: application has been made to request a change in zoning designation from **B-4 (Secondary and Highway Business District)**, **R-1 (One-Family Dwelling District)**, and **R1-M (One-Family Manufactured Home Dwelling District)** to **R-3 (Multi-Family Dwelling District)** on properties described as *all land located within Mobile Manor Estates Section One, generally located at the northeast corner of the intersection of Indian Oaks Drive and S. Amy Lane, Harker Heights, Bell County, Texas, (see attached notification map).*

**I RECOMMEND APPROVAL OF THE REQUEST**

**I RECOMMEND DENIAL OF THE REQUEST**

Comments:

*Great Idea*

*Ho S. An*  
Printed Name

*[Signature]*  
Signature

*6/13/2022*  
Date

**Received**

JUN 15 2022

**Planning & Development**

SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: MEHTA, VIJAY & VINODINI

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

Physical Address	Property ID
212 ELBERT LN	72502

**Z22-17** RE: application has been made to request a change in zoning designation from **B-4 (Secondary and Highway Business District), R-1 (One-Family Dwelling District), and R1-M (One-Family Manufactured Home Dwelling District)** to **R-3 (Multi-Family Dwelling District)** on properties described as *all land located within Mobile Manor Estates Section One, generally located at the northeast corner of the intersection of Indian Oaks Drive and S. Amy Lane, Harker Heights, Bell County, Texas, (see attached notification map).*

**I RECOMMEND APPROVAL OF THE REQUEST**

**I RECOMMEND DENIAL OF THE REQUEST**

Comments:

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Vijay Mehta  
Printed Name

[Signature]  
Signature

6/16  
Date

**Received**

JUN 21 2022

**Planning & Development**

SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: DINWIDDIE-MALICKI, CATHERINE GAIL

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

Physical Address	Property ID
222 DALE EARNHARDT DR	387749

**Z22-17** RE: application has been made to request a change in zoning designation from **B-4 (Secondary and Highway Business District)**, **R-1 (One-Family Dwelling District)**, and **R1-M (One-Family Manufactured Home Dwelling District)** to **R-3 (Multi-Family Dwelling District)** on properties described as *all land located within Mobile Manor Estates Section One, generally located at the northeast corner of the intersection of Indian Oaks Drive and S. Amy Lane, Harker Heights, Bell County, Texas*, (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

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Catherine G Dinwiddie Malicki  
Printed Name

*Catherine G Dinwiddie Malicki*  
Signature

06-13-2022  
Date

**Received**

JUN 16 2022

**Planning & Development**



SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: FREEMAN, KARIN C

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

Physical Address	Property ID
321 ELBERT LN	15609

**Z22-17** RE: application has been made to request a change in zoning designation from **B-4 (Secondary and Highway Business District), R-1 (One-Family Dwelling District), and R1-M (One-Family Manufactured Home Dwelling District)** to **R-3 (Multi-Family Dwelling District)** on properties described as *all land located within Mobile Manor Estates Section One, generally located at the northeast corner of the intersection of Indian Oaks Drive and S. Amy Lane, Harker Heights, Bell County, Texas, (see attached notification map).*

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

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Karin Freeman

Printed Name

*Karin Freeman*

Signature

6-14-22

Date

**Received**

JUN 16 2022

**Planning & Development**

SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: FREEMAN, KARIN C

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

Physical Address	Property ID
401 ELBERT LN	15610

**Z22-17** RE: application has been made to request a change in zoning designation from **B-4 (Secondary and Highway Business District)**, **R-1 (One-Family Dwelling District)**, and **R1-M (One-Family Manufactured Home Dwelling District)** to **R-3 (Multi-Family Dwelling District)** on properties described as *all land located within Mobile Manor Estates Section One, generally located at the northeast corner of the intersection of Indian Oaks Drive and S. Amy Lane, Harker Heights, Bell County, Texas, (see attached notification map).*

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

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Karin Freeman

Printed Name

*Karin Freeman*

Signature

6-14-22

Date

**Received**

JUN 16 2022

**Planning & Development**



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FROM: THE OFFICE OF THE PLANNING AND DEVELOPMENT DIRECTOR  
DATE: JUNE 29, 2022

**DISCUSS AND CONSIDER A REQUEST FOR A FINAL PLAT REFERRED TO AS THE ENCLAVE AT INDIAN TRAIL, ON PROPERTY DESCRIBED AS BEING ALL THAT CERTAIN 16.55 ACRE TRACT OF LAND SITUATED IN THE W.E. HALL SURVEY, ABSTRACT NO. 1086, AND THE J. M. ROBERTS SURVEY, ABSTRACT NO. 723, AND BEING ALL OF THE CALLED 2.980 ACRE TRACT OF LAND DESCRIBED IN A DEED TO TERRA AZUL DEVELOPMENTS, LLC, RECORDED IN INSTRUMENT NO. 201300048431, DEED RECORDS OF BELL COUNTY, TEXAS, ALL OF THE CALLED 7.971 ACRE TRACT OF LAND DESCRIBED IN A DEED TO TERRA AZUL DEVELOPMENTS, LLC, RECORDED IN INSTRUMENT NO. 201300048422, DEED RECORDS OF BELL COUNTY, TEXAS, ALL OF THE "PARCEL 1" CALLED 3.003 ACRE TRACT OF LAND DESCRIBED IN A DEED TO TERRA AZUL DEVELOPMENTS, LLC, RECORDED IN INSTRUMENT NO. 201300048429, DEED RECORDS OF BELL COUNTY, TEXAS, ALL OF THE "PARCEL 2" CALLED 2.649 ACRE TRACT OF LAND DESCRIBED IN A DEED TO TERRA AZUL DEVELOPMENTS, LLC, RECORDED IN INSTRUMENT NO. 201300048429, DEED RECORDS OF BELL COUNTY, TEXAS**

**PROJECT DESCRIPTION:**

The applicant submitted an application for final plat approval for 16.55 acres for land located east of Indian Trail and north of Clore Rd. The preliminary plat for this case was recommended for approval (7-0) by the Planning & Zoning Commission on May 26, 2021 and was approved by City Council (5-0) on June 8, 2021. The 2021 Land Use Plan identifies this development for Medium Density Residential use.

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

**STAFF RECOMMENDATION:**

On June 16, 2022, staff returned comments to the applicant. As of June 23, 2022, revisions based on staff comments have not been received. Staff has had on going correspondence with the applicants engineer regarding performance and maintenance bonds, and therefore recommends approval with conditions of the Final Plat for the subdivision referred to as The Enclave at Indian Trail with the following conditions:

1. The applicant will provide a performance bond in an amount equal to the estimated costs of completion of required improvements verified by the City Engineer, prior to the plat being filed for record with Bell County.
2. The applicant will provide a maintenance bond for all public infrastructure improvements within the subdivision, with the exception of Enclave Blvd, prior to the plat being filed for record with Bell County.
3. Address outstanding comments regarding linework of drainage easement and required signature blocks on face of plat prior to the plat being filed for record with Bell County.

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

1. Motion to **approve, approve with conditions, or disapprove with explanation** a request for a Final Plat referred to as the Enclave at Indian Trail, on property described as being all that certain 16.55 acre tract of land situated in the W.E. Hall Survey, Abstract No. 1086, and the J. M. Roberts Survey, Abstract No. 723, and being all of the called 2.980 acre tract of land described in a deed to Terra Azul Developments, LLC, recorded in Instrument No. 201300048431, Deed Records of Bell County, Texas, all of the called 7.971 acre tract of land described in a deed to Terra Azul Developments, LLC, recorded in Instrument No. 201300048422, Deed Records of Bell County, Texas, all of the “Parcel 1” called 3.003 acre tract of land described in a deed to Terra Azul Developments, LLC, recorded in Instrument No. 201300048429, Deed Records of Bell County, Texas, all of the “Parcel 2” called 2.649 acre tract of land described in a deed to Terra Azul Developments, LLC, recorded in Instrument No. 201300048429, Deed Records of Bell County, Texas, with the conditions as presented by staff and based on staff’s recommendations and findings.
2. Any other action desired.

**ATTACHMENTS:**

1. Application
2. Field notes
3. Dedication
4. The Enclave at Indian Trail – Final Plat
5. Location Map
6. Staff Comments



# Final Plat Application

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

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

1. Payment of \$150.00
2. Signed Original Field Notes and Dedication Pages
3. Paper Plan Submissions: Ten (10) Copies of Plat and Seven (7) sets of Final Engineering Plans
4. Electronic Submissions: Plat and Engineering Plans submitted to [tdake@harkerheights.gov](mailto:tdake@harkerheights.gov) in PDF format.
5. Completed Final Plat Checklist

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

## Property Information:

**Plat Name:** The Enclave at Indian Trail Date Submitted: \_\_\_\_\_

Number of Lots: 37 Number of Units/Suites: NA Acreage: 16.55

Site Address or General Location: Indian Trail, Harker Heights

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

Date of Preliminary Plat Approval by P&Z: \_\_\_\_\_

## Owner Information & Authorization:

**Property Owner:** Terra Azul Developments, LLC

Address: 2501-B East Elms Rd, Killeen, Tx

Phone: 512-944-4820 E-Mail: chris@flintrockbuilders.com

**Developer:** Flintrock Builders

Address: 105 E. FM 2410, Harker Heights, Texas

Phone: 512-944-4820 E-Mail: chris@flintrockbuilders.com

**Engineer:** Republic Engineering & Development Services, LLC

Address: PO Box 3123, Harker Heights, Texas

Phone: 512-665-8910 E-Mail: jtheriot@republiceds.com

**Surveyor:** Quintero Engineer, LLC

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

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

For more information reference Section 154.22 Final Plat of the Harker Heights Code of Ordinances

**I HEREBY UNDERSTAND AND ACKNOWLEDGE:**

The final plat must be prepared in accordance with the City's subdivision rules and regulations and shall conform substantially to preliminary plat layout as approved. The subdivider will be required to install at his/her own expense all water lines, streets, sewer lines, drainage facilities, and structures within the subdivision accords to Section 154.36 of the Harker Heights Code of Ordinances.

All required improvements must be completed unless a Bond or Letter of Credit has been posted and attached in sufficient amount to assure completion.

A maintenance bond/surety instruments has been furnished to assure the quality of materials and workmanship and maintenance of all required improvements including the City's cost for collecting the guaranteed funds and administering the correction and/or replacement of covered improvements in the even the subdivider defaults.

The maintenance bond or other surety instrument shall be satisfactory to the city as to form, sufficiency and manner of execution. For water and sewer related improvements, the bond or other instrument shall be in an amount equal to 20% of the cost of improvements verified by the city Engineer and shall run for a period of one calendar year. Bonds or other instruments for streets and drainage facilities shall be in an amount equal to 40% of the improvements verified by the city Engineer and shall run for a period of two calendar years.

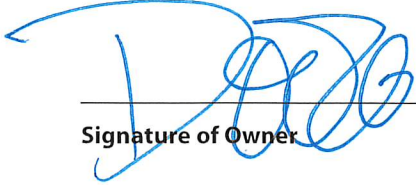
*The applicant or their authorized representative must be present at all Planning and Zoning Commission and City Council Meetings at which their plat is on the agenda for discussion or action. Failure of the applicant or their authorized representative to appear before the Planning and Zoning Commission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

Christopher Doose \_\_\_\_\_

**Printed Name of Owner**

Gorge J. Meza (Quintero Engineering, LLC) \_\_\_\_\_

**Printed Name of Authorized Agent (Corporation/Partnership)**

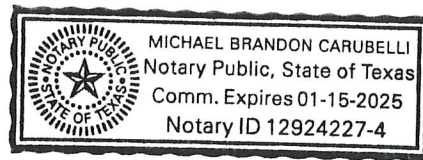
  
\_\_\_\_\_  
**Signature of Owner**

  
\_\_\_\_\_  
**Signature of Authorized Agent (Corporation/Partnership)**

SWORN AND SUBSCRIBED BEFORE ME THIS 31<sup>ST</sup> DAY OF

May, 20 22.

  
\_\_\_\_\_  
**Signature of Notary Public**



My Commission Expires: 01/15/2025

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

Date Submitted: \_\_\_\_\_ Received By: \_\_\_\_\_ Case #: \_\_\_\_\_ Receipt #: \_\_\_\_\_

Rev. 5/20



# QUINTERO ENGINEERING, LLC

CIVIL ENGINEERING • LAND SURVEYING • PLANNING • CONSTRUCTION MANAGEMENT

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

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

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

## FIELD NOTES 16.55 ACRES BELL COUNTY, TEXAS

**BEING** all that certain 16.55 acre tract of land situated in the W. E. Hall Survey, Abstract No. 1086, and the J. M. Roberts Survey, Abstract No. 723, and being all of the called 2.980 acre tract of land described in a deed to Terra Azul Developments, LLC., recorded in Instrument No. 201300048431, Deed Records of Bell County, Texas, all of the called 7.971 acre tract of land described in a deed to Terra Azul Developments, LLC., recorded in Instrument No. 201300048422, Deed Records of Bell County, Texas, all of the "Parcel 1" called 3.003 acre tract of land described in a deed to Terra Azul Developments, LLC., recorded in Instrument No. 201300048429, Deed Records of Bell County, Texas, all of the "Parcel 2" called 2.649 acre tract of land described in a deed to Terra Azul Developments, LLC., recorded in Instrument No. 201300048429, Deed Records of Bell County, Texas, being more particularly described as follows:

**BEGINNING** at a PK nail found in concrete in the East line of Indian Trail, in a West line of the said 7.971 acre tract, at the Northwest corner of a called 0.258 acre tract of land described in a deed to Mooching K, LTD., recorded in Volume 4021, Page 449, Deed Records of Bell County, Texas, for a corner in a West line of the herein described tract;

**THENCE**, N 12° 04' 55" E, 60.02 feet (Deed N 12° 03' 00" E, 60.02 feet), along the East line of Indian Trail, to a 3/8" iron rod with cap stamped "M A K" found, at the Southwest corner of Lot 1, Block 1, Hawkins Addition, recorded in Cabinet C, Slide 200-A, Plat Records of Bell County, Texas;

**THENCE**, along the South and East lines of the said Hawkins Addition the following two courses and distances:

1. S 77° 47' 38" E, 300.14 feet (Deed S 77° 46' 47" E, 300.14 feet), to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set;
2. N 12° 04' 47" E, 134.97 feet (Deed N 12° 05' 38" E, 135.01 feet), to a 3/8" iron rod with cap stamped "M A K" found, for the Northeast corner of the said Hawkins Addition, being the Southeast corner of Lot 1, Block 1, Texas Tumblers Addition, recorded in Cabinet D, Slide 14-A, Plat Records of Bell County, Texas;

**THENCE**, N 12° 05' 03" E, 294.96 feet (Adj. Plat N 12° 01' 51" E, 295.00 feet), along the East line of the said Texas Tumblers Addition, to a 3/8" iron rod with cap stamped "M A K" found, for the Northeast corner of the said Texas Tumblers Addition, being the Southeast corner of the called Lot 1, Block 1, Pat Kern Subdivision, Replat No. 1, City approved, unrecorded at this time;

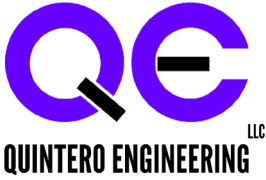
**THENCE**, along the East and North lines of the said Lot 1, Pat Kern Subdivision, Replat No. 1, the following three courses and distances:

1. N 12° 16' 35" E, 155.26 feet (Deed N 12° 17' 44" E, 155.15 feet), to a 3/8" iron rod found;
2. N 75° 06' 22" W, 100.79 feet (Deed N 75° 01' 33" W, 100.86 feet), to a 3/8" iron rod with cap stamped "M A K" found;
3. N 07° 16' 44" E, 234.98 feet (Deed N 07° 16' 45" E, 234.84), to a 3/8" iron rod found, at the Southeast corner of a called 1.321 acre tract of land described in a deed to BHE, LLP., recorded in Volume 5320, Page 444, Deed Records of Bell County, Texas, being the original Northeast corner of the said Pat Kern Subdivision, Replat No. 1;

**THENCE**, N 07° 19' 58" E, 138.92 feet (Deed N 07° 19' 01" E, 138.92 feet), along the East line of the said 1.321 acre tract, to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set, at the Southwest corner of the remainder of a called 6.00 acre tract of land described as "Exhibit B" in a deed to Rena Chang Hoot, recorded in instrument No. 200800048579, Deed Records of Bell County, Texas, for the Northernmost Northwest corner of the herein described tract;

"EXHIBIT A"





# QUINTERO ENGINEERING, LLC

CIVIL ENGINEERING • LAND SURVEYING • PLANNING • CONSTRUCTION MANAGEMENT

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

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

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

**THENCE**, along the South and East lines of the said Rena Chang Hoot tract the following two courses and distances:

1. S 64° 18' 22" E, 378.23 feet (Deed S 64° 18' 46" E, 378.23 feet), to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set;
2. N 14° 57' 23" E, 50.59 feet (Deed N 14° 53' 55" E), to a 3/8" iron rod with cap stamped "QUINTERO 10194110" set, in the East line of the said Rena Chang Hoot tract, at the Southwest corner of Lot 1, Block 1, KC Stars Addition, recorded in Cabinet D, Slide 303-D, Plat Records of Bell County, Texas;

**THENCE**, S 64° 21' 57" E, 305.35 feet (Deed S 64° 18' 46" E, 345.45 feet), along the South line of the said KC Stars Addition, to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set, in the South line of a Drainage Reserve tract within the said KC Stars Addition, being in the West line of a called 10.54 acre tract of land described in a deed to M. K. Developers, L.C., recorded in Instrument No. 201000030220, Deed Records of Bell County, Texas, for the Northeast corner of the herein described tract;

**THENCE**, along the West lines of the said 10.54 acre tract and the remainder of Lot 4, Block 1, Centex Waste Management Development Phase Two, recorded in Cabinet D, Slide 254-B, Plat Records of Bell County, Texas, the following eight courses and distances:

1. S 77° 51' 03" W, 72.84 feet (Deed S 77° 51' 03" W, 72.84 feet), to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set;
2. S 39° 38' 23" W, 222.42 feet (Deed S 39° 38' 23" W, 222.42 feet), to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set;
3. S 05° 03' 41" W, 225.98 feet (Deed S 05° 03' 41" W, 225.98 feet), to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set;
4. S 06° 40' 16" W, 235.47 feet (Deed S 06° 40' 16" W, 235.47 feet), to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set;
5. S 26° 38' 14" W, 310.40 feet (Deed S 26° 38' 14" W), to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set;
6. S 10° 21' 37" W, 151.05 feet (Deed S 10° 21' 09" W, 151.05 feet), to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set;
7. S 16° 28' 05" E, 249.50 feet (Deed S 16° 27' 16" E, 249.50 feet), to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set;
8. S 13° 20' 51" W, 466.67 feet (Deed S 13° 21' 40" W, 466.67 feet), to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set, in a curve to the right in the North line of Clore Road for the Southernmost Southeast corner of the herein described tract;

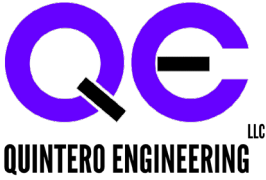
**THENCE**, along the North line of Clore Road the following three courses and distances:

1. 67.87 feet along the Arc of the said curve to the Right, which has a Radius of 223.72 feet, and a Chord Bearing and Distance of S 81° 05' 37" W, 67.61 feet, to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set;
2. S 89° 38' 20" W, 110.21 feet (Deed S 89° 39' 09" W, 110.08 feet), to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set;
3. N 03° 11' 19" W, 3.03 feet (Deed N 03° 13' 34" W, 2.89 feet), to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set, at the Southeast corner of Lot 1, Block 1, Harker Heights Municipal Complex Subdivision, recorded in Cabinet D, Slide 277-A, Plat Records of Bell County, Texas;

**THENCE**, along the East and North lines of the said Harker Heights Municipal Complex Subdivision the following three courses and distances:

1. N 00° 19' 34" W, 159.70 feet (Deed N 00° 21' 49" W, 159.63 feet), to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set;
2. N 15° 03' 58" E, 463.56 feet (Deed N 15° 04' 48" E, 463.66 feet), to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set;

"EXHIBIT A"



# QUINTERO ENGINEERING, LLC

CIVIL ENGINEERING • LAND SURVEYING • PLANNING • CONSTRUCTION MANAGEMENT

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

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

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

3. N 89° 12' 32" W, 449.43 feet (Deed N 89° 13' 25" W, 449.45 feet), to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set, at the Southeast corner of Lot 1, Block 1, Post Office Addition, recorded in Cabinet B, Slide 153-B, Plat Records of Bell County, Texas;

**THENCE**, N 12° 12' 12" E, 199.91 feet (Deed N 12° 11' 06" E, 200.14 feet), along the East line of the said Post Office Addition, to a 3/8" iron rod found, for the Northeast corner of the said Post Office Addition, being in the South line of Lot 1, Block 1, Miller Addition, recorded in Plat Year 2018, Plat No. 106, Plat Records of Bell County, Texas;

**THENCE**, along the South and East lines of the said Miller Addition the following two courses and distances:

1. S 77° 50' 30" E, 169.75 feet (Deed S 77° 47' 55" E, 169.83 feet), to a 3/8" iron rod found;
2. N 12° 06' 29" E, 149.87 feet (Deed N 12° 07' 05" E, 149.78 feet), to a 3/8" iron rod found, at the Southeast corner of a tract of land described in a deed to Mooching K, LTD., recorded in Volume 4062, Page 131, Deed Records of Bell County, Texas;

**THENCE**, N 12° 07' 08" W, 74.96 feet (Deed N 12° 07' 05" E, 75.14 feet), along the East line of the said Mooching K, LTD tract, to a 3/8" iron rod found;

**THENCE**, N 77° 49' 39" W, 299.62 feet (Deed N 77° 49' 27" W), along the North lines of the said Mooching K, LTD. tract and the said 0.258 acre tract, to the **POINT OF BEGINNING** and containing 16.92 acres of land, more or less.

The bearings for this description are based upon the Texas State Plane Coordinate System, Central Zone, NAD 83, per Leica Texas Smart Net GPS observations, as surveyed on the ground May 24, 2022 by Quintero Engineering, LLC.

05/31/2021

Seth H. Barton, R.P.L.S.  
Registered Professional Land Surveyor  
No. 6878, Texas



# DEDICATION

STATE OF TEXAS § KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF BELL §

That **Terra Azul Development, LLC**, being the sole owner(s) of the land situated in the W. E. Hall Survey, Abstract No. 1086, and the J. M. Roberts Survey, Abstract No. 723, and being all of the called 2.980 acre tract of land described in a deed to Terra Azul Developments, LLC., recorded in Instrument No. 201300048431, Deed Records of Bell County, Texas, all of the called 7.971 acre tract of land described in a deed to Terra Azul Developments, LLC., recorded in Instrument No. 201300048422, Deed Records of Bell County, Texas, all of the "Parcel 1" called 3.003 acre tract of land described in a deed to Terra Azul Developments, LLC., recorded in Instrument No. 201300048429, Deed Records of Bell County, Texas, all of the "Parcel 2" called 2.649 acre tract of land described in a deed to Terra Azul Developments, LLC., recorded in Instrument No. 201300048429, Deed Records of Bell County, Texas, which is more fully described in the dedication of **The Enclave at Indian Trails**, as an addition to the City of Harker Heights and, Bell County, Texas, and hereby dedicates to the City of Harker Heights, Bell County, Texas, all streets, avenues, roads, drives, alleys and associated potable water, sanitary sewer, and storm sewer systems as shown on said plat, and final construction drawings the same to be used as public thoroughfares and public utilities when and as authorized by the City of Harker Heights, Bell County, Texas.

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

Tract 1 and Tract 2 shown on said plat are being dedicated Fee Simple to the City of Harker Heights.

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

\_\_\_\_\_  
**Christopher Doose**  
Member

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

\_\_\_\_\_  
NOTARY PUBLIC STATE OF TEXAS  
My Commission Expires: \_\_\_\_\_

LEGEND

- PROPERTY BOUNDARY
LOT LINES
EASEMENT LINES
DRAINAGE EASEMENT LINES
ADJOINING TRACT PROPERTY LINES
OFFSITE EASEMENTS
1-1/2" IRON PIPE FOUND
PK NAIL FOUND
3/8" IRON ROD FOUND W/ CAP STAMPED
"MITCHELL & ASSOC. KILLEEN"
3/8" IRON ROD FOUND
1/2" IRON ROD SET W/ CAP STAMPED "QE"
\*\*UNLESS OTHERWISE NOTED\*\*

Table with 3 columns: LINE #, BEARING, LENGTH. Contains 7 rows of line data.

NOTES

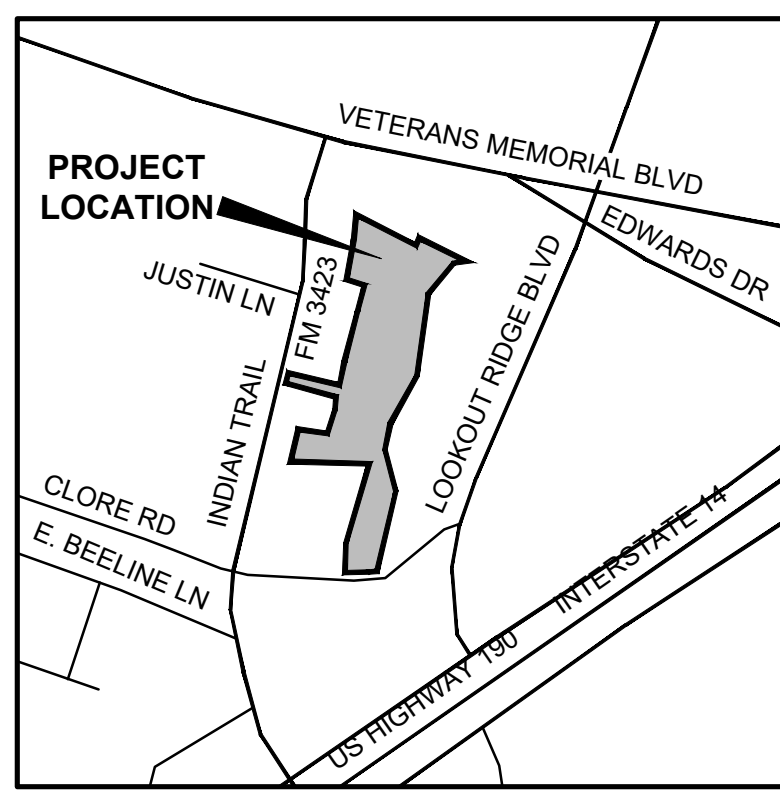
- 1. THE BEARINGS AND DISTANCES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM...
2. A PORTION OF THIS PROPERTY LIES WITHIN FEMA "ZONE AE" AS SHOWN ON THE FLOOD INSURANCE RATE MAP...
3. THIS PROPERTY IS SUBJECT TO ALL THE CONDITIONS OUTLINED IN ORDINANCE 2021-19.

CENTER LINE - CURVE TABLE. Table with 6 columns: CURVE #, RADIUS, ARC LENGTH, CHORD BEARING, CHORD LENGTH, DELTA.

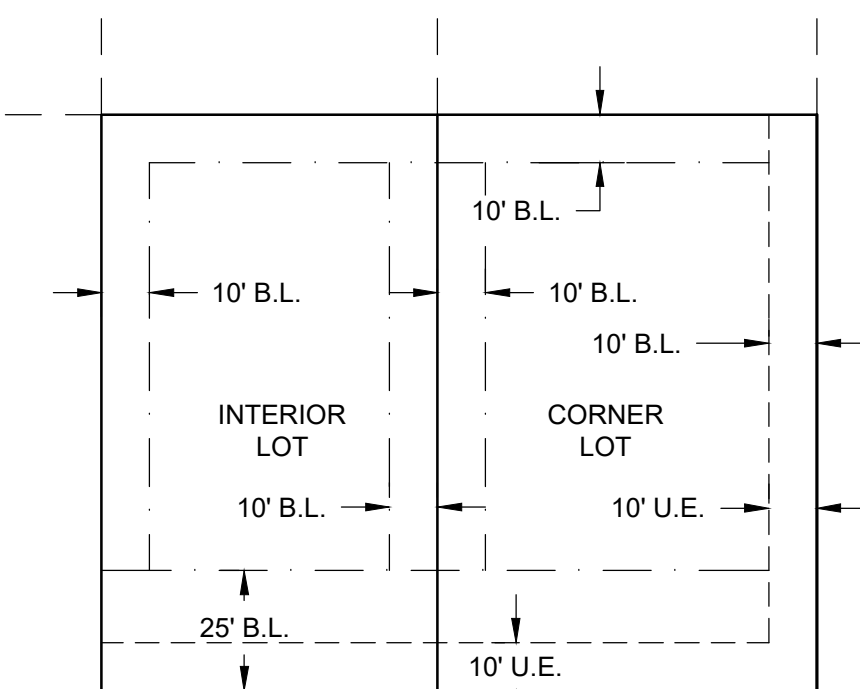
LOT - CURVE TABLE. Table with 6 columns: CURVE #, RADIUS, ARC LENGTH, CHORD BEARING, CHORD LENGTH, DELTA.

LOT NUMBER CHANGES. Table with 2 columns: PROPOSED PLAT, ORDINANCE 2021-19.

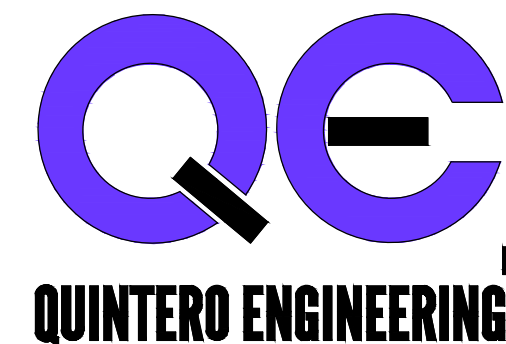
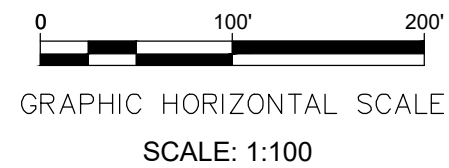
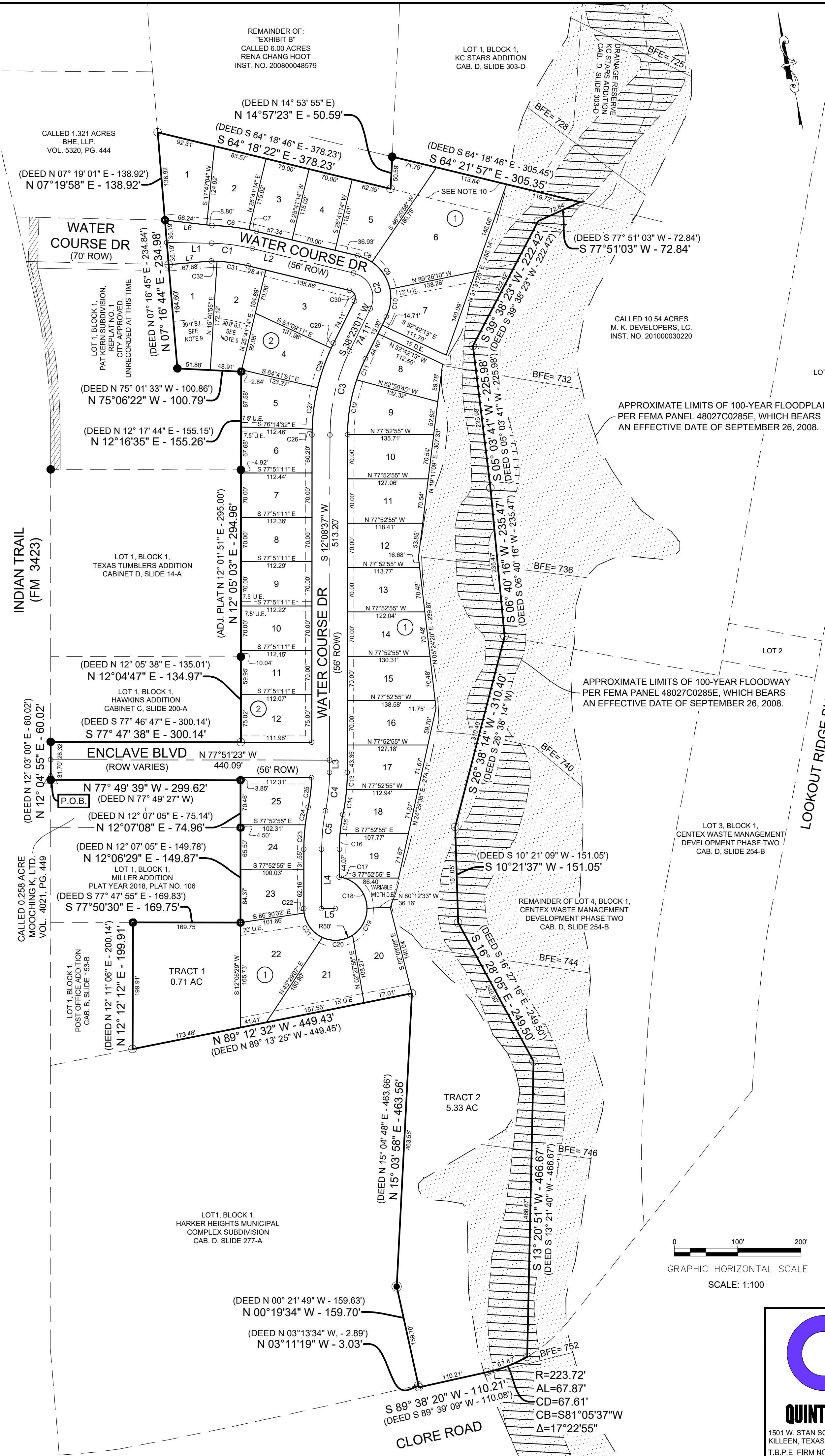
- 4. ALL UTILITY EASEMENTS SHALL BE 10.0' WIDE. UTILITY EASEMENTS CONTAINING PROPOSED WATER AND SEWER INFRASTRUCTURE SHALL BE 15.0' WIDE...
5. FINISHED FLOOR ELEVATIONS SHALL BE A MINIMUM OF 1 FOOT ABOVE THE AVERAGE TOP OF CURB...
6. FOR EACH DWELLING UNIT, 2 OFF-STREET PARKING SPACES MUST BE PROVIDED.



LOCATION MAP SCALE: NTS



TYPICAL LOT LAYOUT SCALE: N.T.S.



1501 W. STAN SCHLUETER LP. PHONE: (254) 493-9962
KILLEEN, TEXAS 76549 FAX: (254) 432-7070
T.B.P.E. FIRM NO.: 14709 T.B.P.L.S. FIRM NO.: 10194110

FINAL PLAT FOR: THE ENCLAVE AT INDIAN TRAIL CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS

PROJECT NO.: 025-21
DRAWING NO.: P1

KNOW ALL MEN BY THESE PRESENTS, THAT TERRA AZUL DEVELOPMENTS, LLC, BEING THE SOLE OWNERS OF THAT CERTAIN 16.55 ACRE TRACT OF LAND SITUATED IN THE W. E. HALL SURVEY, ABSTRACT NO. 1086...

THE DRAINAGE AND UTILITY EASEMENTS SHOWN ON SAID PLAT ARE DEDICATED TO SAID CITY OF HARKER HEIGHTS FOR INSTALLATION AND MAINTENANCE OF ANY AND ALL PUBLIC UTILITIES...

TRACT 1 AND TRACT 2 SHOWN ON SAID PLAT ARE BEING DEDICATED FEE SIMPLE TO THE CITY OF HARKER HEIGHTS.

WITNESS THE EXECUTION HEREOF, ON THIS DAY OF 2022.

FOR: TERRA AZUL DEVELOPMENTS, LLC

BY: CHRISTOPHER DOOSE MEMBER

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY, PERSONALLY APPEARED CHRISTOPHER DOOSE KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT...

NOTARY PUBLIC STATE OF TEXAS MY COMMISSION EXPIRES:

PLANNING

APPROVED THIS DAY OF 20 A.D. BY THE DIRECTOR OF PLANNING AND DEVELOPMENT OF THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS.

DIRECTOR OF PLANNING AND DEVELOPMENT ATTEST: CITY SECRETARY

PLANNING AND ZONING COMMISSION

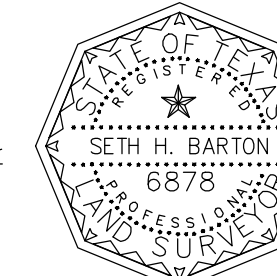
APPROVED THIS DAY OF 20 A.D. BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF HARKER HEIGHTS, TEXAS.

CHAIRPERSON, PLANNING AND ZONING COMMISSION SECRETARY, PLANNING AND ZONING COMMISSION

SURVEYORS' CERTIFICATE:

I, SETH H. BARTON, DO HEREBY CERTIFY THAT AN ACTUAL AND ACCURATE SURVEY WAS MADE ON THE GROUND OF THE PLATTED LAND, AND THAT THE CORNER MONUMENTS SHOWN ON THE FOREGOING PLAT WERE FOUND, OR PLACED, IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS.

Seth H. Barton, R.P.L.S. Registered Professional Land Surveyor R.P.L.S. No. 6878, Texas



AFFIDAVIT:

THE TAX APPRAISAL DISTRICT OF BELL COUNTY DOES HEREBY CERTIFY THERE ARE CURRENTLY NO DELINQUENT TAXES DUE TO THE TAX APPRAISAL DISTRICT OF BELL COUNTY ON THE PROPERTY DESCRIBED BY THIS PLAT.

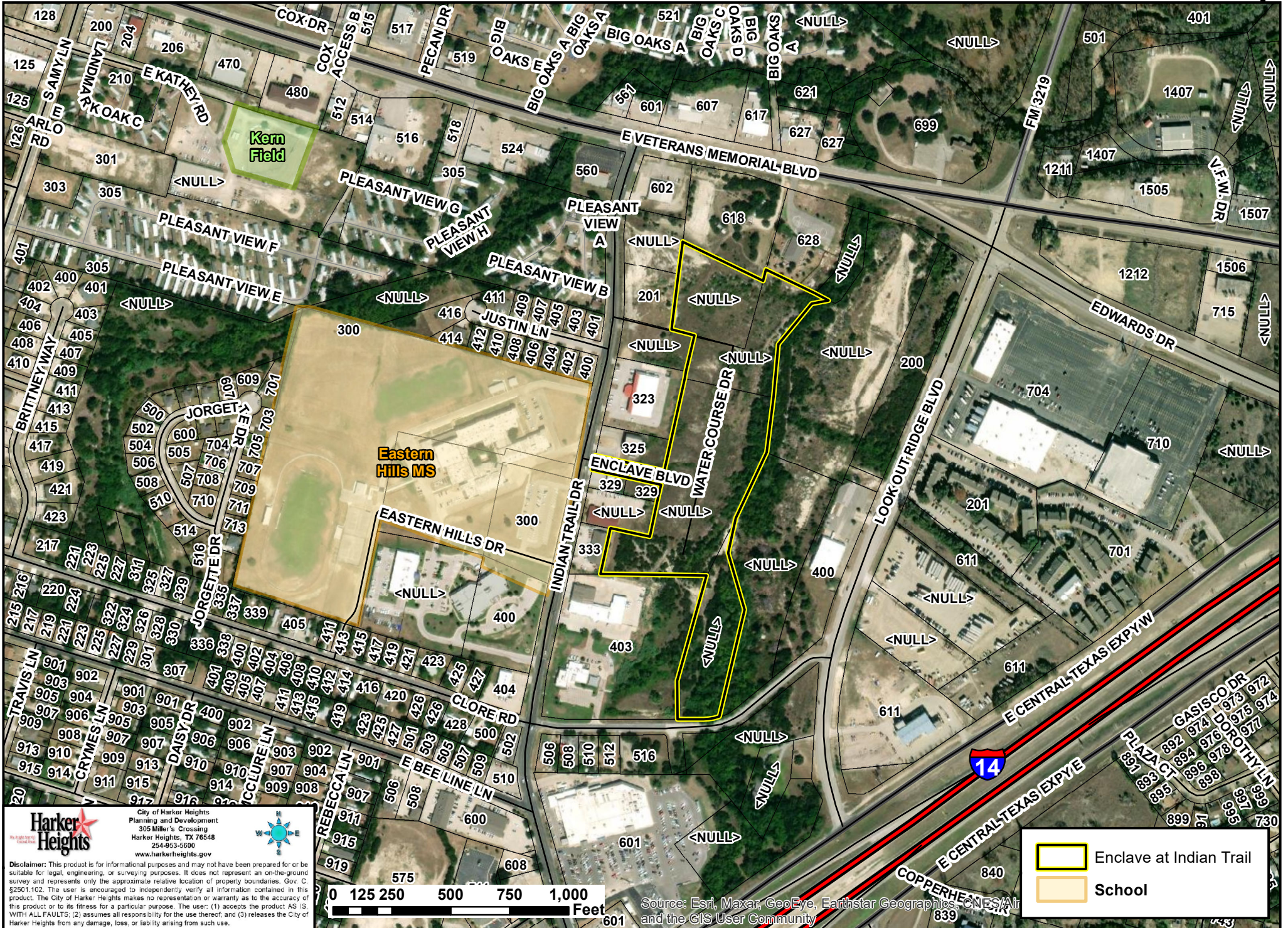
DATED THIS THE DAY OF 20 A.D.

By: BELL COUNTY TAX APPRAISAL DISTRICT

COUNTY CLERK INFORMATION:

FILED FOR RECORD THIS DAY OF 20 IN YEAR PLAT # PLAT RECORDS OF BELL COUNTY, TEXAS, AND DEDICATION INSTRUMENT # OFFICIAL RECORDS OF REAL PROPERTY, BELL COUNTY, TEXAS.

BY: SURVEY: W. E. HALL SURVEY, A-1086 J. M. ROBERTS SURVEY, A-723 OWNER: TERRA AZUL DEVELOPMENTS, LLC 2501-B EAST ELMS RD KILLEEN, TEXAS 76542 NUMBER OF BLOCKS: 2 NUMBER OF LOTS: 37 NUMBER OF TRACTS: 2 TOTAL ACREAGE: 16.55 AC DATE: MAY 2022



City of Harker Heights  
 Planning and Development  
 305 Miller's Crossing  
 Harker Heights, TX 76548  
 254-953-5600  
 www.harkerheights.gov



Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2501.102. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Harker Heights from any damage, loss, or liability arising from such use.

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# THE ENCLAVE AT INDIAN TRAIL

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P22-17 Final Plat – The Enclave at Indian Trail

Plat Distributed to HH Staff: June 3, 2022

Comments returned to Quintero Engineering: June 16, 2022

## **Planning & Development**

1. Please make sure the 3 signature blocks included below are on the face of the plat, per §154.22 (B) (1) (q) (1),

Approved this \_\_\_\_\_ day of \_\_\_\_\_, by the Planning and Zoning Commission of the City of Harker Heights, Texas.

\_\_\_\_\_

Chairperson, Planning and Zoning Commission

\_\_\_\_\_

Secretary, Planning and Zoning Commission

Approved this \_\_\_\_\_ day of \_\_\_\_\_, by the City Council of the City of Harker Heights, Texas.

\_\_\_\_\_

Mayor

\_\_\_\_\_

City Secretary

Approved this the \_\_\_\_\_ day of \_\_\_\_\_, by the Director of Planning and Development of the City of Harker Heights, Bell County, Texas.

\_\_\_\_\_

Director of Planning and Development

2. Provide linework clarification that the called variable width drainage easement between Lots 19 & 20 of Block 1 and the called 15' drainage easement between Lots 7 & 8 of Block 1 are part of Tract 2.
3. See bond comments by Public Works Director.

**Public Works, Mark Hyde**

1. A performance bond in the amount of 100% of the cost of the street infrastructure improvements must be submitted to the City of Harker Heights and approved by the City Engineer for the completion of Enclave Blvd.
2. Provide a maintenance bond for all public infrastructure improvements within the subdivision less Enclave Blvd.

**City Engineer, Otto Wiederhold**

**Fire Marshal, Brad Alley**

1. No Comments - Approved

**Building Official, Mike Beard**

**ONCOR, Steven Huggins**

**Century Link, Chris McGuire**

**Time Warner Cable/Spectrum, Shaun Whitehead**

**ATMOS, Rusty Fischer**

**Clearwater UWCD, Dirk Aaron**

**(See attached Memo)**

**Item 1:** Database review and site visit (06JUN22) determined no wells exist on the proposed subdivision known as the Enclave at Indian Trail Subdivision.

**Item 2:** Once the subdivision replat is approved and subdivided as requested, future drilling of groundwater production wells will not be possible, as all lots and tracts will be smaller than 2 acres. Tract 2, while large enough to be eligible for a non-exempt well, is reserved for drainage, and so is ineligible.

**Item 3:** The proposed subdivision lies in the City of Harker Heights' CCN #13079, thus public water supply to the proposed subdivision is solely the responsibility of the City of Harker Heights.

**Item 4:** *CUWCD is the regulatory authority for groundwater wells in Bell County and hereby certifies that this proposed subdivision has been evaluated for on-site groundwater production wells. In its current condition, the proposed subdivision meets our expectations described by District Policy and affirmed by District Staff, and thus requires no signature block.*

**TxDOT, Richard Rangel & Stephen Kasberg**

1. TxDOT has no comments.

**WCID, Ricky Garrett**

- Put "See note 10" in size 24 bold font.