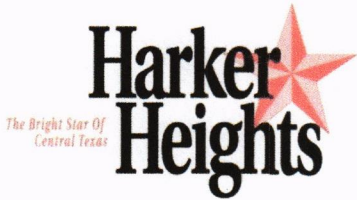




**Harker Heights  
Planning and Zoning  
Commission  
Workshop and Meeting  
Wednesday,  
June 26, 2019  
5:30 P.M.**



**PLANNING & ZONING COMMISSION  
WORKSHOP AND MEETING AGENDA  
HARKER HEIGHTS CITY HALL  
WEDNESDAY, JUNE 26, 2019 – 5:30 P.M.**

Notice is hereby given that, beginning at 5:30 P.M. on June 26, 2019, the Planning and Zoning Commission (P&Z) of the City of Harker Heights will hold a Workshop; then, beginning at 6:30 P.M. on June 26, 2019, and continuing from day to day thereafter if necessary the Planning and Zoning Commission (P&Z) of the City of Harker Heights, Texas will hold a Meeting, both being in the Kitty Young Council Chambers of the Harker Heights City Hall at 305 Millers Crossing, Harker Heights, Texas 76548. The subjects to be discussed are listed in the following Agenda:

**WORKSHOP AGENDA**

- I.* Convene Workshop at 5:30 P.M.
- II.* Discuss impacts of State Legislation on the City of Harker Heights.
- III.* Discuss the Residential Development History of the City of Harker Heights.
- IV.* Discuss the Revised Sign Code.
- V.* Adjournment of Workshop.

**MEETING AGENDA**

- VI.* **CALL TO ORDER** – Convene Regular Meeting of the Planning and Zoning Commission and establish a quorum.
- VII.* **INVOCATION**
- VIII.* **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.

- IX.* **CONSENT AGENDA**

1. Approval of Minutes from the Regular Planning and Zoning Meeting held on May 29, 2019 and the Special Planning and Zoning Meeting held on June 6, 2019.
- X.* Report on City Council actions results from the June 11, 2019 meeting.
- XI.* Recognition of Affidavits for Conflict of Interest.

**XII.** Report on Development Activity.

**XIII. 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 submit a Citizen's Comment Form to the Planning & Development Administrative Assistant prior to the start of the meeting. *No action may be taken by the Planning and Zoning Commission during Public Comments.*

**XIV. PUBLIC HEARINGS:**

1. **Z19-13** Conduct a public hearing to discuss and consider recommending an ordinance granting a Conditional Use Permit (CUP) to allow uses associated with a B-1 zoning district or a real estate office on property described as Lot Four (4), Block Ten (10), Highland Oaks Estates Section Three (3), a subdivision in the City of Harker Heights according to the plat in Cabinet A, Slide 215-C, Plat Records of Bell County, Texas, and Lot One A (1A), Block One (1), Replat of Lot 4, Block B, Highland Oaks Estates, Section One, and Lots 1 & 5, Block 10, Highland Oaks Estates, Section Three, an addition to the City of Harker Heights, according to the plat of record in Cabinet C, Slide 339-C, Plat Records of Bell County, Texas, generally located at 703 W. Knights Way (W. FM 2410), Harker Heights, Bell County, Texas.
2. **Z19-14** Conduct a public hearing to discuss and consider recommending an ordinance granting a Conditional Use Permit (CUP) to adjust design requirements for 4C Headstart Program on property described as a 0.294 acre tract of land in Bell County Texas and the land herein described being part of Lot One (1), Block One (1), City of Harker Heights Harley Drive Addition, of record in Plat Year 2018, Number 119, Plat Records of Bell County, Texas, generally located at 120 Harley Drive, Harker Heights, Bell County, Texas.
3. **MC19-01** Discuss and consider a request by Mike Garcia for a home based business described as Waggy Tails, a professional K9 training and behavioral modification business within a R-1 (One Family Dwelling District) district, on property described as Evergreen Phase One (1), Block Eight (8), Lot Eleven (11), generally located at 2520 Jackson Drive, Harker Heights, Bell County, Texas.

**XV. NEW BUSINESS:**

1. **CP19-02** Discuss and consider a request by Will Properties, Inc. and Adonias Frias for Concept Plan approval of a semi- truck parking facility on property described as a 4.149 acre tract of land in Bell County, Texas, being part of the Francis Hughes Survey, Abstract No. 396, and the land herein described being all of a called 0.725 acre tract conveyed to Will Properties, Inc., of record in Volume 5168, Page 659, Official Public Records of Real Property, Bell County, Texas, all of a called 1.017 acre tract conveyed to Will Properties, Inc., of record in Volume 5168, Page 730, and all of a called 2.407 acre tract conveyed to Will Properties, Inc., of record in Volume 5168, Page 708, Official Public Records of Real Property, Bell County, Texas, generally located within the peninsula between E.

Veterans Memorial Boulevard and Edwards Drive, approximate address of 1212  
E. Veterans Memorial Boulevard, Harker Heights, Bell County, Texas.

**XVI. REPORTS FROM COMMISSIONERS**

**XVII. STAFF COMMENTS**

**XVIII. ADJOURNMENT**

I, the undersigned authority, do hereby certify that 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, which is readily accessible to the public at all times, by **10:00 A.M. on Friday, June 21, 2019.**

*Tiffany Dake*

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***Tiffany Dake***  
***Planning and Development Administrative Assistant***



Minutes of the Regular Meeting of the Harker Heights  
Planning & Zoning Commission held at the City Hall Building,  
May 29, 2019

Present:

Larry Robison	Chairman
Robert Robinson III	Vice Chair
Adam Parker	Secretary
Stephen Watford	Commissioner
Kay Carey	Commissioner
Joshua McCann	Commissioner
Noel Webster	Commissioner
Darrel Charlton	Commissioner
Dustin Hallmark	Alternate Commissioner

Absent:

Jan Anderson	Commissioner
Kendall Cox	Alternate Commissioner
Nuala Taylor	Alternate Commissioner
Rodney Shine	Alternate Commissioner

Staff:

Joseph Molis	Director Planning&Development
Mark Hyde	Director Public Works
Courtney Pate	Senior Planner/GIS Coordinator
Dan Phillips	GIS Analyst/Planner
Mike Beard	Building Inspector
Brad Alley	Fire Marshal
Tiffany Dake	Planning Admin. Assistant

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

The first item on the agenda was the approval of the minutes from the April 24, 2019 meeting. Commissioner Parker made the motion to approve the meeting minutes and Commissioner Webster seconded the motion. The motion passed (8-0).

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

Next, Mrs. Pate presented the update on development activity for the City.

Next was the report on City Council actions regarding recommendations resulting from the April 24, 2019 Planning and Zoning Commission meeting.

Next under Public Hearings, Mr. Molis presented **Z19-10** Conduct a public hearing to discuss and consider recommending an ordinance to change zoning designation from R-1(M) (One-Family Manufactured Home Dwelling District) to R2-I (Two-Family Infill Dwelling District) on properties described as Kern Terrace 2<sup>nd</sup> Extension Block 2, Lots 1-8, 11; Block 3, Lots 6-7; Block 3 Lots 8-14 & Strips Adjacent 70'x30'; and Block 4, Lots 1-16; generally located at 205, 207, 209, 210, 214, 216, 218, 219, 220, 221, 222, 224, 226, 227 Jamie Road; 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411 N Juanita Drive; and 504, 506, 508 W Nolan Trail, Harker Heights, Bell County, Texas.

The applicant, Mr. Henry Moore, of 268 D N Watts Ln., Belton, TX 76513 was present to speak about the rezoning of this property for duplexes. Mr. Moore stated thanks to Donald Trump's Economic Plan this is a long term investment. Mr. Moore also stated he would like to do a big cleanup of the area and is trying to purchase commercial property in this area as well. Mr. Moore did state they will be putting in a new water line. They will also move the rest of the mobile homes all at one time instead of the ten (10) a month they had worked out with the Planning Department.

Chairman Robison then opened the public hearing and asked if there was anyone to speak in favor or against the agenda item. There was no one present to speak for or against the agenda item.

Chairman Robison then closed the public hearing. A motion was made by Commissioner Parker to approve the rezoning of the properties. Commissioner Robinson seconded the motion. The motion passed unanimously (8-0).

Next under Public Hearings, Mr. Molis presented **Z19-12** 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 5.461 acres, being part of the H.B. Littlefield Survey, Abstract No. 511, being all of a called 5.44 acre tract of record in Volume 1380, Page 255, Deed Records of Bell County, Texas, also being known as all of Lots 6 thru 13, Block 35, all of Lots 6 thru 13, Block 36, and a portion of Kiowa Trace, of Comanche Land, an unrecorded subdivision in Bell County, Texas, generally located at the corner of Ute Trail and Warriors Path Road, Harker Heights, Bell County, Texas.

The applicant, Mr. Jerome Gomer of 1524 Indian Trail, Harker Heights, TX 76548 was present to answer questions. Mr. Gomer stated he would like to turn the five (5) acres into duplex lots just like he did on Yuma and Pima. Mr. Gomer was asked what size the duplexes would be and he stated three (3) bedrooms with garage and all brick. Commissioner Webster did ask about widening of Warrior's Path Rd and the Right-of-way. Mr. Molis did state this was all part of Regional KTMPO Funding through 2025.

Then Chairman Robison opened the public hearing and asked if there was anyone to speak in favor or against the agenda item. There was no one present to speak for or against the agenda item.

Chairman Robison closed the Public Hearing. A motion to approve was made by Commissioner Parker and second motion was made by Commissioner Watford. The motion passed unanimously (8-0).

Next under New Business, Mrs. Pate presented **CP19-01** Discuss and consider a request by Jerome and Rachel Gomer for concept plan approval of 5.461 acre tract of land to accommodate single family residences in a R-1 (One Family Residential Dwelling District) on property described as 5.461 acres, being part of the H.B. Littlefield Survey, Abstract No. 511, being all of a called 5.44 acre tract of record in Volume 1380, Page 255, Deed Records of Bell County, Texas, also being known as all of Lots 6 thru 13, Block 35, all of Lots 6 thru 13, Block 36, and a portion of Kiowa Trace, of Comanche Land, an unrecorded subdivision in Bell County, Texas, generally located at the corner of Ute Trail and Warriors Path Road, Harker Heights, Bell County, Texas.

Chairman Robison then asked if there was anyone present to speak in favor or against the agenda item. There was no one present to speak for or against the agenda item. The applicant Mr. Jerome Gomer, was present to answer any questions.

Commissioner Carey stated her concern with the number of approvals that had been made for duplexes within the city. Commissioner Carey did not want to see the city turned into a "duplex city." Commissioner Webster was concerned about the width of the road and the sidewalk that will be along the fence on the property line. Mr. Hyde was asked to look at the sidewalk and a possible pedestrian easement if needed.

Chairman Robison asked for a motion to recommend approval of agenda item CP19-01. Commissioner Parker made a motion to approve the agenda item based on staff's recommendations. Commissioner McCann seconded the motion. The motion passed unanimously (8-0).

Next under New Business, Mrs. Pate presented **P19-03** Discuss and consider a request by Jerome and Rachel Gomer for preliminary plat approval for the proposed Sapiah Plains Addition, on property described as 5.461 acres, being part of the H.B. Littlefield Survey, Abstract No. 511, being all of a called 5.44 acre tract of record in Volume 1380, Page 255, Deed Records of Bell County, Texas, also being known as all of Lots 6 thru 13, Block 35, all of Lots 6 thru 13, Block 36, and a portion of Kiowa Trace, of Comanche Land, an unrecorded subdivision in Bell County, Texas, generally located at the corner of Ute Trail and Warriors Path Road, Harker Heights, Bell County, Texas.

Chairman Robison then asked if there was anyone present to speak in favor or against the agenda item. There was no one present to speak for or against the agenda item. The applicant Mr. Jerome Gomer, was present to answer any questions.

Chairman Robison asked for a motion to recommend approval of agenda item P19-03. Commissioner Webster made a motion to table this agenda item and Mr. Molis explained that they could not table this item but they could make a motion to deny. Commissioner Webster made a motion to deny this agenda item and Commissioner Charlton seconded the motion. The motion failed four (4) to four (4). Commissioner Parker made an amended motion to approve but remove Lot 9 and Commissioner McCann seconded the motion. The motion passed unanimously (8-0).

Next under New Business, Mrs. Pate presented **P19-04** Discuss and consider a request by UBET Investments, LLC for preliminary plat approval for a proposed replat of property

described as Lot One (1), Block Fifteen (15), and Lot One (1) and part of Lot Two (2), Block Twenty-One (21), an addition to the City of Harker Heights in Bell County, Texas, as it appears upon the map recorded in Cabinet A, Slide 184-A of the Bell County Plat Records, and embracing the tract described to UBET Investments, LLC, Series 102, Property #2, recorded in Document Number 2018-00031165 of the Bell County Official Public Records, generally located at 1300 Chiricahua Trace and 1416 Shoshoni Trail, Harker Heights, Bell County, Texas.

Chairman Robison then asked if there was anyone present to speak in favor or against the agenda item. There was no one present to speak for or against the agenda item. The applicant Mr. Jeff Lackmeyer, of 1201 WS Young Drive, Killeen, TX 76543 was present to answer any questions. Mr. Lackmeyer was asked what size the duplexes would be and he stated two (2) bedroom, two (2) bath with a single car garage.

Chairman Robison asked for a motion to recommend approval of agenda item P19-04. Commissioner McCann made a motion to approve the agenda item based on staff's recommendations. Commissioner Carey seconded the motion. The motion passed unanimously (8-0).

Chairman Robison then adjourned the meeting of the Planning and Zoning Commission at 8:03 P.M.

**Larry Robison, Chairman**

**DATE:**

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**Adam Parker, Secretary**

**DATE:**

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Minutes of the Special Meeting of the Harker Heights  
Planning & Zoning Commission held at the City Hall Building,  
June 6, 2019

Present:

Larry Robison	Chairman
Robert Robinson III	Vice Chair
Kay Carey	Commissioner
Joshua McCann	Commissioner
Darrel Charlton	Commissioner
Jan Anderson	Commissioner

Absent:

Adam Parker	Secretary
Noel Webster	Commissioner
Stephen Watford	Commissioner
Dustin Hallmark	Alternate Commissioner
Kendall Cox	Alternate Commissioner
Nuala Taylor	Alternate Commissioner
Rodney Shine	Alternate Commissioner

Staff:

Joseph Molis	Director Planning&Development
Courtney Pate	Senior Planner/GIS Coordinator
Mike Beard	Building Inspector
Brad Alley	Fire Marshal
Tiffany Dake	Planning Admin. Assistant

A quorum was established and the meeting was called to order at 6:00 P.M.

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

Next under Public Hearings, Mr. Molis presented **Z19-11** Conduct a public hearing to discuss and consider recommending an ordinance to change zoning designation from R-MH (Manufactured Home Park District) to PD-B (Planned Development Business) on property described as A0288BC V.L. Evans, Woodlawn Mobile Home Park, Acres 28.867, generally located at 101 N. Roy Reynolds Drive, Harker Heights, Bell County, Texas.

The Commissioners had a few questions for the applicant. The applicant, Mr. Joel Canfield with Open Air Resorts, of 705 Vanguard Street, Lakeway, TX 78734 was there to represent the request. Commissioner Robinson asked about the condition of the sewer and water, he wanted to know if it is adequate for this and Mr. Molis stated yes they were. Commissioner McCann asked about a dumping station on the property and there will not be one. Mr. Canfield stated each individual site will be able to hook into water and sewer at their individual sites and dump that way. Commission Charlton was questioning the entrances and exits to the west of the property. There are four (4) entrances on Roy Reynolds.

Commissioner Charlton did ask about who would be responsible for clearing out the other mobile homes, it will be the applicant. Commissioner Carey asked if all the mobile homes are currently vacant and the answer was yes.

Mr. Canfield explained Open Air Resorts are hospitality resorts. They service existing clientele for RV space as well as new people. There will be an Open Air Resort in Spicewood, TX outside of Austin. Mr. Canfield stated they will get bids to move out mobile homes, having units removed in 30 days.

Mr. Canfield was asked about the sewer line size and if they were good. He stated they were good but could not remember the size of the sewer line. Mr. Canfield did state they will run all new water and sewer if need be. Commissioner McCann asked about the leach field and Mr. Canfield stated again the connections for water and sewer will be at each one of the RV sites. When asked about who would pay for this Mr. Canfield stated the park would. Mr. Moore did tell the Commissioners that ONCOR is upgrading the electric for the whole area. Commissioner Robinson asked if this will be like a Super KOA. Mr. Canfield said that they want to be the Courtyard Marriott of the RV Parks. They will have a company store, propane station, golf carts, general use fire pits and community grills. Commissioner Carey asked what the pull was for this area. Mr. Canfield said the two (2) lakes, seasonal workers, military base, and large groups of transients – millennials, home school groups and retirees. Commissioner Robison asked about a pool, new lighting in the RV Park and pets. Mr. Canfield stated yes to a pool at some point, new lighting and pets. When asked about a gate Mr. Canfield stated they would like to not put one up since it can have a negative effect but if they needed they could get a security officer. Commissioner Anderson thought that with the RV Park going in this would also bring in new businesses as well.

Chairman Robison then opened the public hearing and asked if there was anyone to speak in favor or against the agenda item. Mr. Mike Stegmeyer, of 715 Blackhills Trail, Harker Heights, TX 76548 did ask if there would be enough room for larger RV's and trailers. They answer was yes. Mr. Stegmeyer did ask the applicant to confirm there would be fulltime management on site as well.

Chairman Robison then closed the public hearing. A motion was made by Commissioner Carey to approve the rezoning of this property. Commissioner McCann seconded the motion. The motion passed unanimously (6-0).

Chairman Robison then adjourned the special meeting of the Planning and Zoning Commission at 6:48 P.M.

**Larry Robison, Chairman**

**DATE:**

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**Adam Parker, Secretary**

**DATE:**

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## PLANNING AND ZONING COMMISSION MEMORANDUM

**Z19-13**

**AGENDA ITEM XIII-1**

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING & DEVELOPMENT

DATE: JUNE 26, 2019

DISCUSS AND CONSIDER RECOMMENDING AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW USES ASSOCIATED WITH A B-1 ZONING DISTRICT OR A REAL ESTATE OFFICE ON PROPERTY DESCRIBED AS LOT FOUR (4), BLOCK TEN (10), HIGHLAND OAKS ESTATES SECTION THREE (3), A SUBDIVISION IN THE CITY OF HARKER HEIGHTS ACCORDING TO THE PLAT IN CABINET A, SLIDE 215-C, PLAT RECORDS OF BELL COUNTY, TEXAS, AND LOT ONE A (1A), BLOCK ONE (1), REPLAT OF LOT 4, BLOCK B, HIGHLAND OAKS ESTATES, SECTION ONE, AND LOTS 1 & 5, BLOCK 10, HIGHLAND OAKS ESTATES, SECTION THREE, AN ADDITION TO THE CITY OF HARKER HEIGHTS, ACCORDING TO THE PLAT OF RECORD IN CABINET C, SLIDE 339-C, PLAT RECORDS OF BELL COUNTY, TEXAS, GENERALLY LOCATED AT 703 W. KNIGHTS WAY (W. FM 2410), HARKER HEIGHTS, BELL COUNTY, TEXAS.

**EXPLANATION:**

The applicant is requesting a Conditional Use Permit (CUP) for the purpose of establishing an office space for their business. The CUP will allow for the conversion of the use of the structure from a single family residence into a professional office. The proposed CUP would introduce conditions to include, but not limited to: allowing any use within the B-1 zoning district and a real estate office, additional screening, parking in the rear, and would also incorporate the potential for a monument sign. The Planning and Development Department has processed and reviewed several other similar Conditional Use Permits for the transition from a residence to an office space, specifically along the area of Knights Way where the applicant is requesting to locate their business office. Other like companies that have done this are Fairway Mortgage at 103 E. Knights Way, and Flintrock Custom Homes at 105 E. Knights Way.

Under a CUP, specific design considerations can be applied to the proposed use that is intended to reduce potential negative impacts on surrounding properties. The applicant's proposed use is not prohibited in the City; however the proposed location would need to be properly regulated with conditions to ensure the development is safe, aesthetically pleasing, and harmonious with the neighborhood and the City.

**EXISTING USE**

The property is currently occupied by a single-family residence and connecting property to the west is primarily vacant with the exception of a storage shed. Existing land uses to the north, and west of the property are single family residences. Immediately north is a vacant property along E. Briarwood Lane. The property sits on the edge of a residential subdivision and faces commercial centers across the street (E. Knights Way). The proposed CUP would not severely alter or have any significant

impact on the square footage and external character and appearance of the building, setbacks, or any other development regulations. With regard to the location of surrounding uses, location of the structure, and the conditions imposed, staff believes the proposed use would not likely have any adverse impacts on adjoining land uses in the neighborhood.

### **ZONING**

Current zoning for the property is R-1 (One-Family Dwelling District). Properties immediately to the north, east and west are zoned R-1 (One-Family Dwelling District). Properties to the south are zoned B-4 (Secondary and Highway Business District). The proposed use will not significantly impact or alter the zoning of the area. The proposed use will take into consideration and develop in accordance to all zoning and subdivision regulations. The proposed business with its conditions will therefore not likely have any adverse effects on the surrounding zoning districts.

### **FUTURE LAND USE**

Per the City's Future Land Use Map, the subject property is currently located in an area designated as Single Family Residential (SFR). Surrounding future land use designations are Commercial to the south and west, with Single Family Residential (SFR) to the north, east, and west of the property. The proposed use will not change the purpose of the future land use designation of the area, but the CUP does introduce a commercial aspect to the use of the property. However, Staff believes the character of the area is undergoing changes with the widening of Knight's Way (FM 2410), and the intended use by the applicant would be consistent with that changing dynamic.

### **FLOOD DAMAGE PREVENTION**

No part of this property lies within flood hazard areas.

### **NOTICES:**

Staff sent out thirty (30) notices to property owners within the 400 foot notification area. To date, there were zero (0) responses received in favor of the request, and there was one (1) response received in opposition of the request.

### **RECOMMENDATION:**

Staff has negotiated with the applicant to create conditions that consider the applicant's needs as well as the wellbeing of the neighborhood and the City. Staff recommends approval of an ordinance granting a conditional use permit for the property described as Lot Four (4), Block Ten (10), Highland Oaks Estates Section Three (3), a subdivision in the City of Harker Heights according to the plat in Cabinet A, Slide 215-C, Plat Records of Bell County, Texas, and Lot One A (1A), Block One (1), Replat of Lot 4, Block B, Highland Oaks Estates, Section One, and Lots 1 & 5, Block 10, Highland Oaks Estates, Section Three, an addition to the City of Harker Heights, according to the plat of record in Cabinet C, Slide 339-C, Plat Records of Bell County, Texas, generally located at 703 W. Knights Way (W. FM 2410), Harker Heights, Bell County, Texas subject to the following conditions:

1. The property can operate as a business office, specifically any of the permitted uses within the B-1 Office District of the Harker Heights Code of Ordinances or a real estate office.
2. A six (6') foot masonry fence shall be constructed along the rear property boundary. Fences along neighboring properties to either side of the site must be constructed of cedar or pressure treated materials, with support posts located eight feet on center, or other materials and designs as may be approved by the Director of Planning and Development. Additionally, all screening requirements must be completed prior to receiving a Certificate of Occupancy on the property.

3. The architectural style and appearance of the structure shall maintain a residential character.
4. Parking in the rear yard must consist of a permanent, all-weather surface, or decomposed granite. All patrons must park in the designated parking areas. Parking for patrons will not be allowed on the street or on landscaped areas.
5. Any trees removed from the property shall be replaced onsite by trees of a similar type.
6. All exterior lighting shall be fully shielded and down-lit to prevent light trespass onto surrounding properties.
7. Signage shall consist of either:
  1. One (1) wall sign not to exceed twenty four (24) square feet may be placed on the front façade wall parallel to the surface to which it is attached. If illuminated, signage must be externally illuminated, shielded and down lit. In addition, one monument sign listed below may be permitted on site.
  2. One (1) Monument sign out of the public right-of-way shall be permitted. The sign shall not exceed thirty (30) square feet in area and may not be more than six (6') feet in height. Signage must be externally illuminated, shielded and down lit.
8. No box or channel letter type signs are permitted.
9. No outside storage will be allowed.
10. Site plan approval is required prior to the issuance of any development permits, including clearing, grading and Storm Water Pollution Prevention Plans (SWPPP). Site Plans may be approved by the Director or Planning and Development upon determination that the proposal complies with the requirements of Ordinance 2013-16 (Development Overlay District No. 1).
11. The site will comply with all other regulations and requirements within the Harker Heights Code of Ordinances.

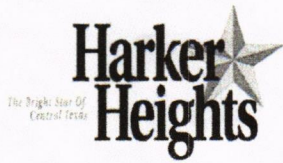
**ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:**

1. Motion to recommend/not recommend an ordinance granting a Conditional Use Permit (CUP) to allow uses associated with a B-1 zoning district or a real estate office on property described as Lot Four (4), Block Ten (10), Highland Oaks Estates Section Three (3), a subdivision in the City of Harker Heights according to the plat in Cabinet A, Slide 215-C, Plat Records of Bell County, Texas, and Lot One A (1A), Block One (1), Replat of Lot 4, Block B, Highland Oaks Estates, Section One, and Lots 1 & 5, Block 10, Highland Oaks Estates, Section Three, an addition to the City of Harker Heights, according to the plat of record in Cabinet C, Slide 339-C, Plat Records of Bell County, Texas, generally located at 703 W. Knights Way (W. FM 2410), Harker Heights, Bell County, Texas.
2. Any other action deemed necessary.

**ATTACHMENTS:**

1. Application
2. Letter of Intent from Applicant
3. Site Plan
4. Proposed Conditions
5. Location Map
6. Existing Land Use Map
7. Zoning Map

8. Future Land Use Map
9. Notification Area Map
10. Citizen Response



# 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

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

Property Owner(s) Name: Kevin and Julie Tramp Date: 5/14/19

Address: 703 W FM 2410 (and neighboring lot to west)

City/State/Zip: Harker Heights, Tx 76548

Phone: Agent: 254-466-4996 E-mail: barryhinshaw@johnreider.com

**Legal Description of Property:**

Location of Property (Address if available): 703 W FM 2410 (and neighboring lot to west)

Lot: 4 Block: 10 Subdivision: Highland Oaks Estates sec 3  
1A 1 Highland Oaks Replat

Acres: .75 +/- Property ID: 546079, 542127 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: RESIDENTIAL R1 Future Land Use Designation: CUP(B1)

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

Applicant's Representative: Barry Hinshaw

Phone: 254-466-4996 E-Mail: barryhinshaw@johnreider.com

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

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

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

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

Kevin Tramp and Julie Tramp

Printed Name of Property Owner

[Signature]

Signature of Property Owner

Barry Hinshaw

Printed Name of Representative

[Signature]

Signature of Representative

Date Submitted: 5/14/19

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

Pre-Application Meeting

Receipt #: 014399027

Received By: Wendy Everett

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



455 E. Central Texas Expressway, Ste 101, Harker Heights, Texas 76548

[www.JohnReider.com](http://www.JohnReider.com)

**CELEBRATING OVER 20 YEARS IN BUSINESS**

**Est. 1995**

5/14/2019

To: The City of Harker Heights  
From: John Reider Properties, Agent for Kevin and Julie Tramp  
Ref: Conditional Use Permit  
703 W FM 2410 Harker Heights (and neighboring lot to the west)

To Whom It May Concern:

It is the intent of the owners of the Property to obtain a conditional use permit for the Property allowing commercial use that would follow B1 zoning and real estate office use.

Thank you for your consideration of the conditional use permit. Please advise if any further information is needed for consideration.

Barry Hinshaw, Realtor



TAX APPRAISAL DISTRICT OF BELL COUNTY  
 PROPERTY 23846  
 R  
 Legal Description  
 HIGHLAND OAKS ESTATES SECTION 3, BLOCK 010, LOT  
 0004

OWNER ID  
 542127  
 OWNERSHIP  
 100.00%

PROPERTY APPRAISAL INFORMATION 2019  
 CONFIDENTIAL OWNER  
 703 W FM 2410 RD  
 HARKER HTS, TX 76648-1607

Values  
 IMPROVEMENTS 150,634  
 LAND MARKET + 13,020  
 MARKET VALUE = 163,654  
 PRODUCTIVITY LOSS - 0  
 APPRAISED VALUE = 163,654  
 HS CAP LOSS - 0  
 ASSESSED VALUE = 163,654

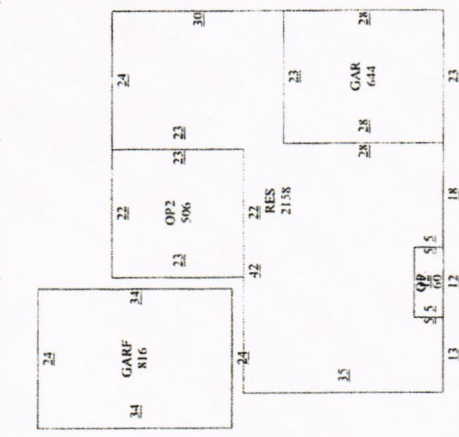
Entities  
 CAD 100%  
 CB 100%  
 JCTC 100%  
 RRD 100%  
 SKIL 100%  
 THH 100%  
 WCLW 100%

Ref ID1: 00426800224  
 0294400046  
 Ref ID2: K1  
 Map ID 30C07 W17

ACRES:  
 EFF. ACRES:

APPR VAL METHOD: Cost

SKETCH for Improvement #1 (RESIDENTIAL)



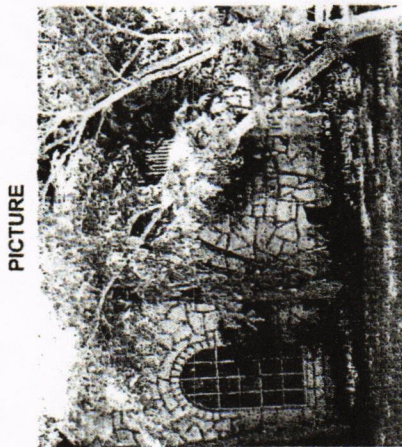
GENERAL  
 LAST APPR. HEIGHTS  
 LAST APPR. YR 2013  
 LAST INSP. DATE 10/02/2007  
 NEXT INSP. DATE 01/01/2001  
 BUILDER  
 NEXT REASON OTH = GARDEN ROOM  
 REMARKS

BUILDING PERMITS  
 PERMIT TYPE PERMIT AREA ST PERMIT VAL  
 07/03/2007 ADD 0 18,000  
 01/01/1991 2,150  
 SALE DT PRICE GRANTOR DEED INFO  
 06/25/2003 \*\*\*\*\* 16 / 01653 / 00711  
 06/24/2003 \*\*\*\*\* CONNELL, ACE M 1 / 5056 / 723

SUBD: S1151HH 100.00% NBHD:HHROY SUBS:0.00%  
 # TYPE DESCRIPTION MTHD CLASS/SUBCL AREA UNIT PRICE/UNITS BUILT EFF YR COND. VALUE DEPR PHYS ECON FUNC COMP ADJ. VALUE  
 RES RESIDENCE T MSRV06/AVG 2,158.0 76.52 1 1976 1976 1,148 80% 100% 100% 100% 100% 118,894  
 OP OPEN PORCH T 1976 1976 38.26 1 1976 1976 24,639 80% 100% 100% 100% 100% 19,711  
 GAR GARAGE T 1976 1976 2,775.00 1 1976 1976 5,680 80% 100% 100% 100% 100% 7,744  
 FP3 GOOD QUAL FI T 1976 1976 20.00 1 2007 2007 16,320 96% 100% 100% 100% 100% 15,667  
 OP2 OPEN PORCH T 1976 1976 20.00 1 2007 2007 16,320 96% 100% 100% 100% 100% 15,667  
 GARF DETACHED GAR T EXCEL/AVG 816.0 4,185.0  
 STCD: A1  
 1. RESIDENTIAL

IMPROVEMENT INFORMATION  
 BUILT EFF YR COND. VALUE DEPR PHYS ECON FUNC COMP ADJ. VALUE  
 1976 1976 1,148 80% 100% 100% 100% 100% 118,894  
 1976 1976 38.26 1 1976 1976 24,639 80% 100% 100% 100% 19,711  
 1976 1976 2,775 80% 100% 100% 100% 100% 7,744  
 1976 1976 5,680 80% 100% 100% 100% 100% 15,667  
 2007 2007 16,320 96% 100% 100% 100% 100% 15,667  
 219,692  
 Homesite: Y (100%)  
 165,154

IMPROVEMENT FEATURES  
 Number of Bedrooms 1 0  
 Roof Style 1 RSCB 0  
 Roof Covering 1 RCCS 0  
 Exterior Wall 1 EXST 0  
 Interior Finish 1 INSR 0  
 Interior Finish 1 INPR 0  
 Interior Finish 1 INWD 0  
 Heating/Cooling 1 HCCH 0  
 Heating/Cooling 1 HCCA 0  
 Flooring 1 FLTL 0  
 Flooring 1 FLCP 0  
 Bath BATH 2 0  
 Other Feature COND GOOD 0  
 Foundation 1 FNCS 0



SUBD: S1151HH  
 L# DESCRIPTION  
 1. RESIDENTIAL

LAND INFORMATION  
 UNIT PRICE 140.00  
 DIMENSIONS 93X140  
 IRR Wells: 0  
 Capacity: 0  
 ADJ MASS ADJ VAL SRC 1.00 A  
 GROSS VALUE 13,020 1.00  
 IRR Acres: 0  
 Oil Wells: 0  
 MKT VAL AG APPLY AG CLASS AG TABLE AG UNIT PRC AG VALUE  
 13,020 NO 0.00

IRR Acres: 0  
 Oil Wells: 0  
 MKT VAL AG APPLY AG CLASS AG TABLE AG UNIT PRC AG VALUE  
 13,020 NO 0.00

TAX APPRAISAL DISTRICT OF BELL COUNTY  
 PROPERTY 23846  
 Legal Description  
 HIGHLAND OAKS ESTATES SECTION 3, BLOCK 010, LOT 0004

OWNER ID  
 542127

OWNERSHIP  
 100.00%

703 W FM 2410 RD  
 HARKER HTS, TX 76548-1607

Ref ID1: 00426800224  
 Map ID 30C07 W17

Ref ID2: K1  
 Map ID 30C07 W17

ACRES:  
 EFF. ACRES:

APPR VAL METHOD: Cost

SITUS 703 FM 2410 HARKER HEIGHTS, TX

PROPERTY APPRAISAL INFORMATION 2019  
 CONFIDENTIAL OWNER

Entitles  
 CAD 100%  
 CB 100%  
 JCTC 100%  
 RRD 100%  
 SKIL 100%  
 THH 100%  
 WCLW 100%

Values  
 IMPROVEMENTS 150,634  
 LAND MARKET + 13,020  
 MARKET VALUE = 163,654  
 PRODUCTIVITY LOSS - 0  
 APPRAISED VALUE = 163,654  
 HS CAP LOSS - 0  
 ASSESSED VALUE = 163,654

GENERAL  
 UTILITIES  
 TOPOGRAPHY  
 ROAD ACCESS  
 ZONING  
 BUILDER  
 NEXT REASON  
 REMARKS

LAST APPR.  
 LAST APPR. YR 2013  
 LAST INSP. DATE 10/02/2007  
 NEXT INSP. DATE 01/01/2001

OTH = GARDEN ROOM

BUILDING PERMITS  
 PERMIT TYPE PERMIT AREA ST PERMIT VAL  
 0 1 18,000  
 2,150

GRANTOR DEED INFO  
 CONNELL, ACE M 16 / 01653 / 00711  
 1 / 5056 / 723

SKETCH for Improvement #2 (RESIDENTIAL)

IMPROVEMENT INFORMATION

#	TYPE	DESCRIPTION	MTHD	CLASS/SUBCL	AREA	UNIT PRICE	UNITS	BUILT	EFF YR	COND. VALUE	DEPR	PHYS	ECON	FUNC	COMP	ADJ	ADJ VALUE
1	OTH	OTHER	SP	EXCPV	276.0	18 00	1	1976	1976	4,968	91%	100%	100%	100%	100%	0.91	4,521
2	GARDEN ROOM	STCD. A1			276.0					4,968							4,521
3	SPKLR	SPRINKLER	SP	*AVG	1.0	1,500	00	1	1976	1,500	100%	100%	100%	100%	100%	1.00	1,500
3	SPNK	STCD. A1			1.0					1,500							1,500

LAND INFORMATION

DIMENSIONS	UNIT PRICE	GROSS VALUE	ADJ MASSADJ	VAL SRC	IRR Wells: 0	Capacity: 0	IRR Acres: 0	AG CLASS	AG TABLE	AG UNIT	PRC	AG VALUE
100.00%												

EXEMPTIONS  
 HS HOMESTEAD

PICTURE

IMPROVEMENT FEATURES

Effective Date of Appraisal: January 1

Date Printed: 05/06/2019 08:27:04AM

by williamstl

Page 2 of 2

TAX APPRAISAL DISTRICT OF BELL COUNTY  
 PROPERTY 331939 R 10/03/2003  
 Legal Description  
 HIGHLAND OAKS ESTATES REPLAT, BLOCK 001, LOT 001A

0293199500 Ref ID2: K1  
 Map ID 30C07

SITUS FM 2410 HARKER HEIGHTS, TX

APPR VAL METHOD: Cost

PROPERTY APPRAISAL INFORMATION 2019  
 CONFIDENTIAL OWNER  
 703 W FM 2410 RD  
 HARKER HTS, TX 76548-1607

Entities  
 CAD 100%  
 CB 100%  
 JCTC 100%  
 RRD 100%  
 SKIL 100%  
 THH 100%  
 WCLW 100%

Values  
 IMPROVEMENTS + 12,980  
 LAND MARKET = 12,980  
 MARKET VALUE = 12,980  
 PRODUCTIVITY LOSS - 0  
 APPRAISED VALUE = 12,980  
 HS CAP LOSS - 0  
 ASSESSED VALUE = 12,980

**GENERAL**

UTILITIES  
 TOPOGRAPHY  
 ROAD ACCESS  
 ZONING  
 BUILDER  
 NEXT REASON  
 REMARKS

LAST APPR. HEIGHTS  
 LAST APPR. YR 2013  
 LAST INSP. DATE 01/01/2005  
 NEXT INSP. DATE

**BUILDING PERMITS**

ISSUE DT PERMIT TYPE PERMIT AREA ST PERMIT VAL

SALE DT PRICE GRANTOR DEED INFO  
 10/28/2003 \*\*\*\*\* DAVIS, H B & JEA 1 / 5185 / 771  
 04/18/2003 \*\*\*\*\* DAVIS, H B & JEA 4 / 5036 / 331

SUBD: S3327HH 100.00% NBHD:R KIHHRUR160.00%  
 # TYPE DESCRIPTION MTHD CLASS/SUBCL AREA UNIT PRICE/UNITS BUILT EFF YR COND VALUE DEPR PHYS ECON FUNC COMP ADJ ADJ VALUE

**IMPROVEMENT INFORMATION**

**IMPROVEMENT FEATURES**

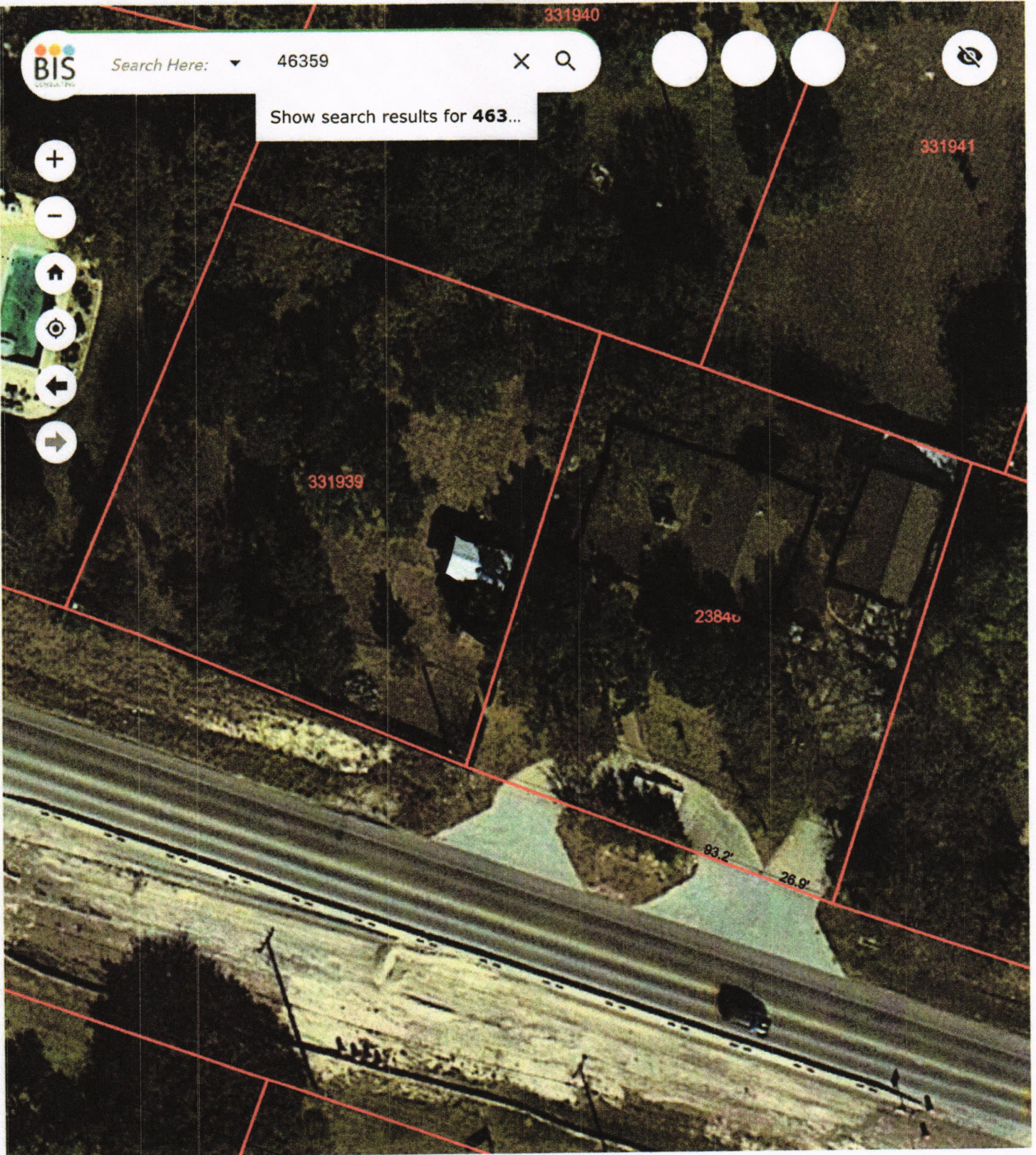
**EXEMPTIONS**

**SKETCH COMMANDS**

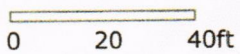
SUBD: S3327HH 100.00% NBHD:R KIHHRUR100.00%  
 L# DESCRIPTION  
 1. VACANT

LAND INFORMATION  
 DIMENSIONS 118X131 110.00 12.980 1.00 1.00 A  
 UNIT PRICE GROSS VALUE ADJ MASS ADJ VAL SRC  
 IRR Wells: 0 Capacity: 0  
 MKT VAL AG APPLY AG TABLE AG UNIT PRC AG VALUE  
 12,980 0.00 0

Oil Wells: 0  
 IRR Acres: 0  
 12,980  
 0

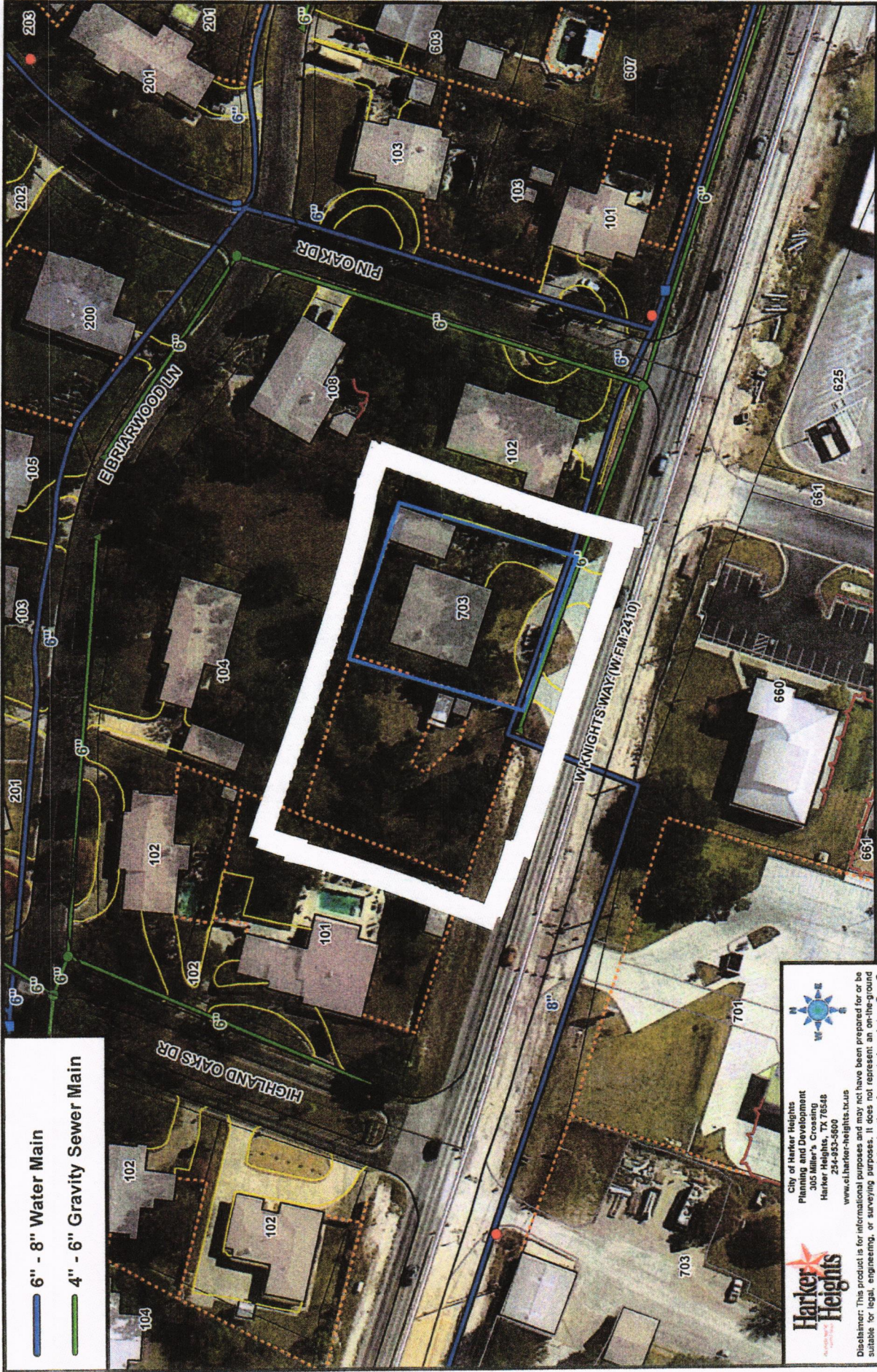


31°04'34"N 97°40'47"W



Map Date: 9/13/2018

# 703 W Knights Way



6" - 8" Water Main  
4" - 6" Gravity Sewer Main

**Harker Heights**  
City of Harker Heights  
Planning and Development  
300 W. Main St., Suite 200  
Harker Heights, TX 78046  
281-853-5600  
www.ci.harker-heights.tx.us

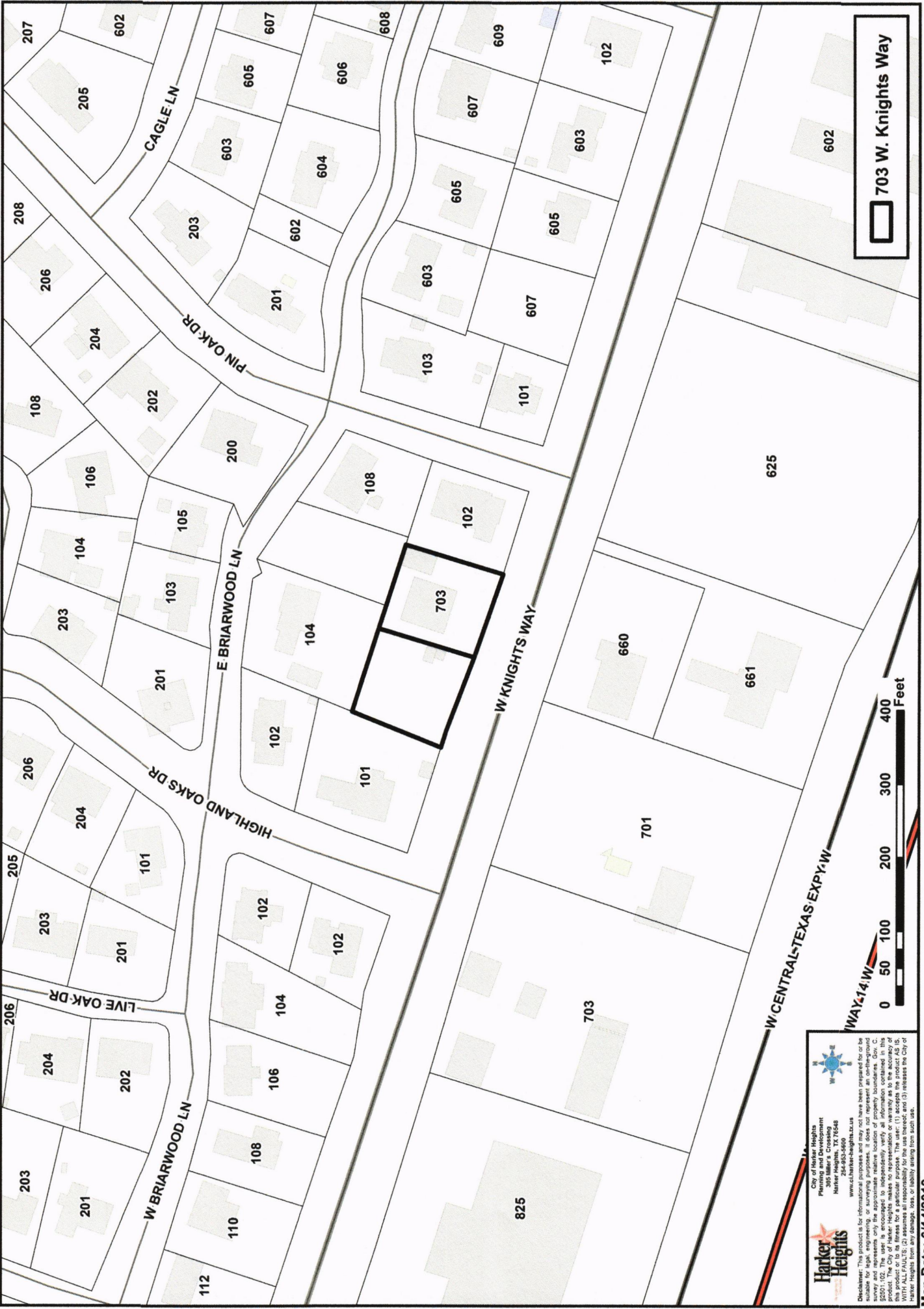
Disclaimer: This product is for informational purposes and may not have been prepared for or be used for engineering, planning, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. 82501.02. The user 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; (2) WITH ALL FAULTS; (3) 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.



# Proposed Conditions

Conditional Use Permit – 703 W. Knights Way (W. FM 2410) (Z19-14)

1. The property can operate as a business office, specifically any of the permitted uses within the B-1 Office District of the Harker Heights Code of Ordinances or a real estate office.
2. A six (6') foot masonry fence shall be constructed along the rear property boundary. Fences along neighboring properties to either side of the site must be constructed of cedar or pressure treated materials, with support posts located eight feet on center, or other materials and designs as may be approved by the Director of Planning and Development. Additionally, all screening requirements must be completed prior to receiving a Certificate of Occupancy on the property.
3. The architectural style and appearance of the structure shall maintain a residential character.
4. Parking in the rear yard must consist of a permanent, all-weather surface, or decomposed granite. All patrons must park in the designated parking areas. Parking for patrons will not be allowed on the street or on landscaped areas.
5. Any trees removed from the property shall be replaced onsite by trees of a similar type.
6. All exterior lighting shall be fully shielded and down-lit to prevent light trespass onto surrounding properties.
7. Signage shall consist of either:
  - a. One (1) wall sign not to exceed twenty four (24) square feet may be placed on the front façade wall parallel to the surface to which it is attached. If illuminated, signage must be externally illuminated, shielded and down lit. In addition, one monument sign listed below may be permitted on site.
  - b. One (1) Monument sign out of the public right-of-way shall be permitted. The sign shall not exceed thirty (30) square feet in area and may not be more than six (6') feet in height. Signage must be externally illuminated, shielded and down lit.
8. No box or channel letter type signs are permitted.
9. No outside storage will be allowed.
10. Site plan approval is required prior to the issuance of any development permits, including clearing, grading and Storm Water Pollution Prevention Plans (SWPPP). Site Plans may be approved by the Director or Planning and Development upon determination that the proposal complies with the requirements of Ordinance 2013-16 (Development Overlay District No. 1).
11. The site will comply with all other regulations and requirements within the Harker Heights Code of Ordinances.

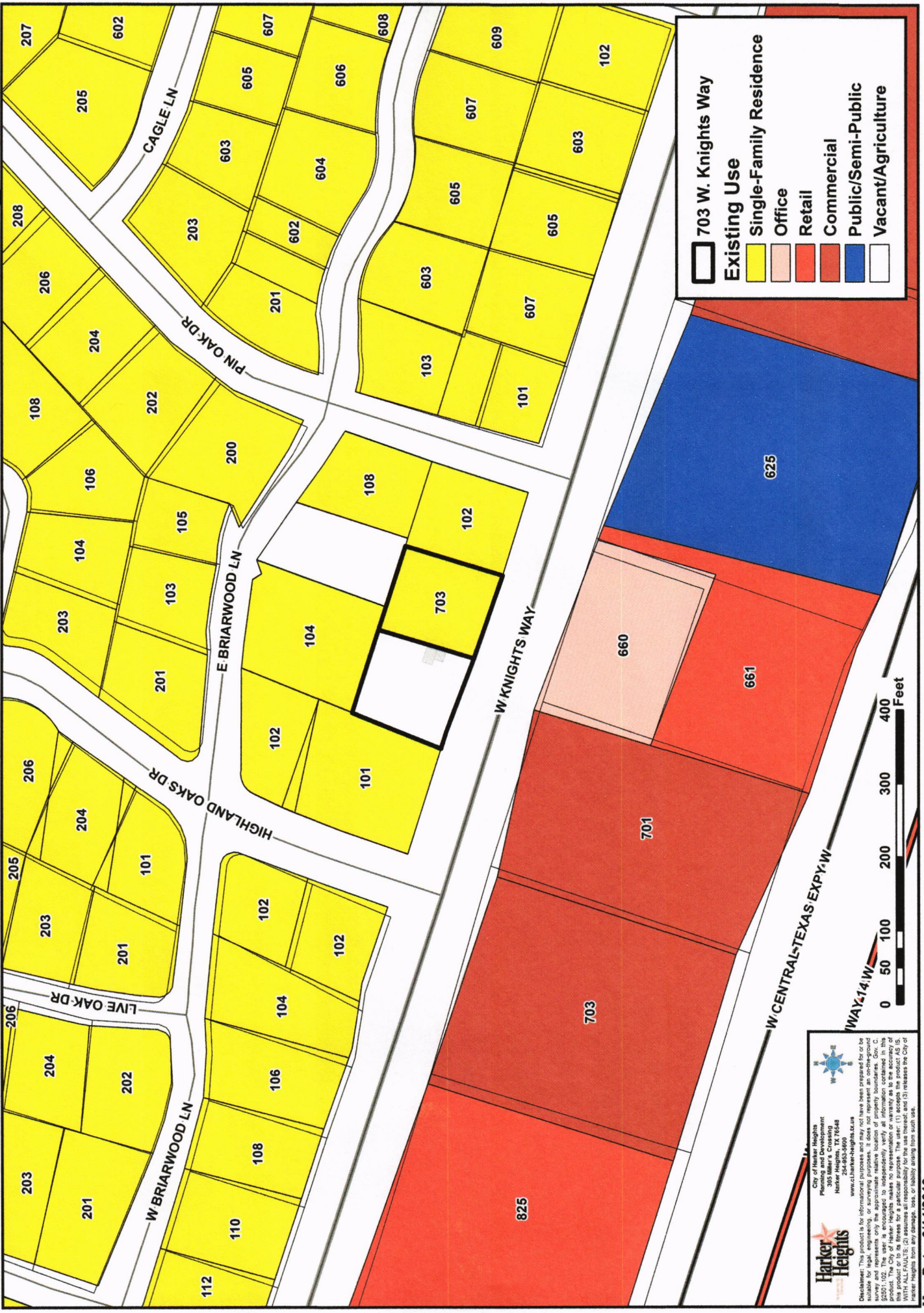


**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 395 Jester's Crossing  
 Harker Heights, TX 78646  
 Harker Heights 281-952-5600  
[www.ci.harker-heights.tx.us](http://www.ci.harker-heights.tx.us)

Disclaimer: This product is for informational purposes and may not have been prepared for or be used for any other purpose. It is not a warranty, representation, or agreement of any kind. The user is encouraged to independently verify all information contained in this product or to its terms 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.

# Z19-13

# Existing Land Use



**703 W. Knights Way**

**Existing Use**

- Single-Family Residence
- Office
- Retail
- Commercial
- Public/Semi-Public
- Vacant/Agriculture

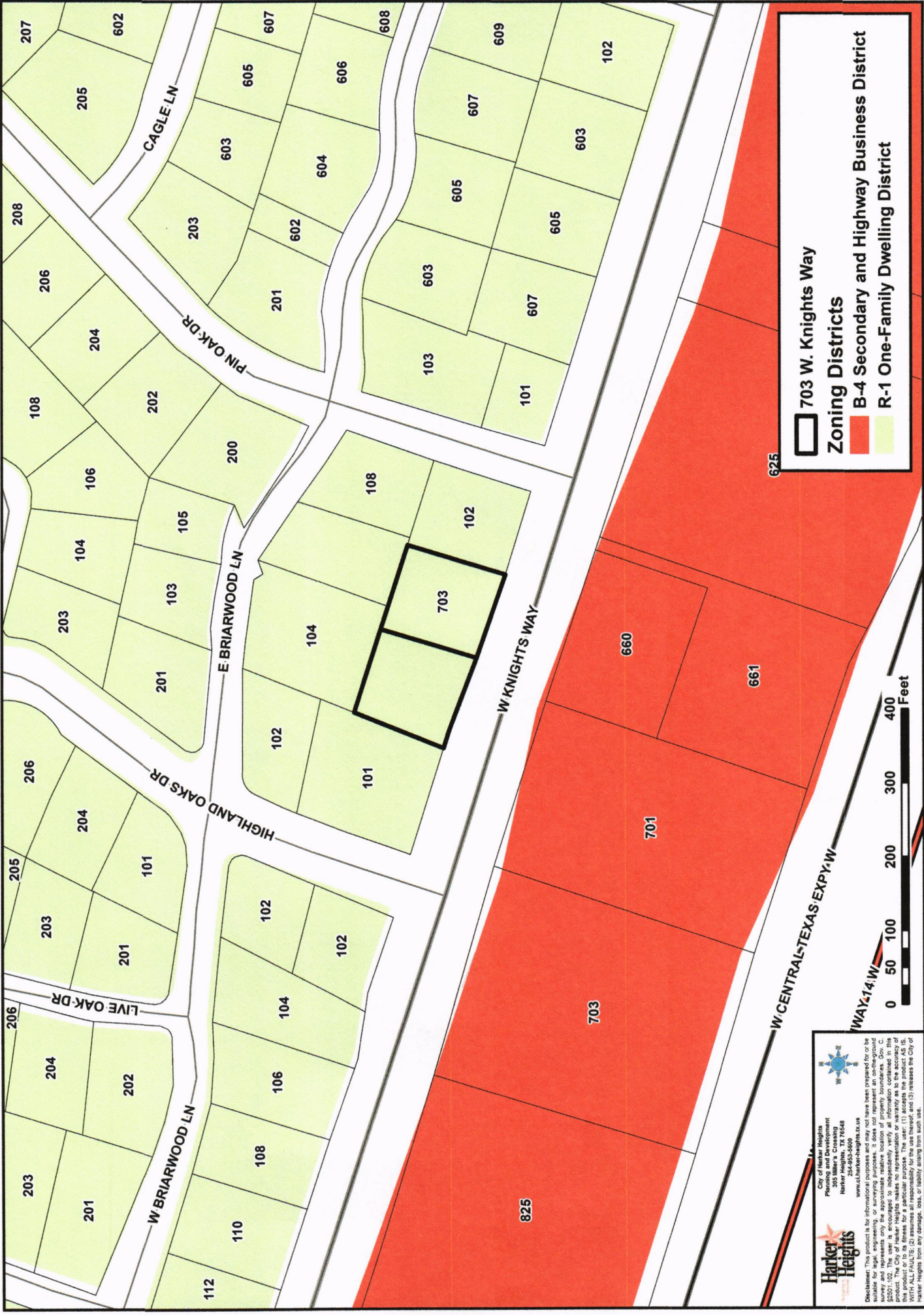
**Harker Heights**

City of Harker Heights  
 Planning and Development  
 395 Main St. Crossing  
 Harker Heights, TX 76548  
 254-862-5600  
[www.ci.harkerheights.tx.us](http://www.ci.harkerheights.tx.us)

Disclaimer: This product is for informational purposes and may not have been prepared for or by a licensed surveyor. The City of Harker Heights does not warrant the accuracy of the survey and represents only the approximate relative location of property boundaries. Gov. C 65201-102. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of the information contained in this product. THE CITY OF HARKER HEIGHTS, TEXAS, ACCEPTS NO LIABILITY 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.

Map Date: 6/14/2019





**703 W. Knights Way**

**Zoning Districts**

- B-4 Secondary and Highway Business District
- R-1 One-Family Dwelling District

**Harker Heights**

City of Harker Heights  
 Planning and Development  
 254-953-5000  
 www.ci.harkerheights.tx.us

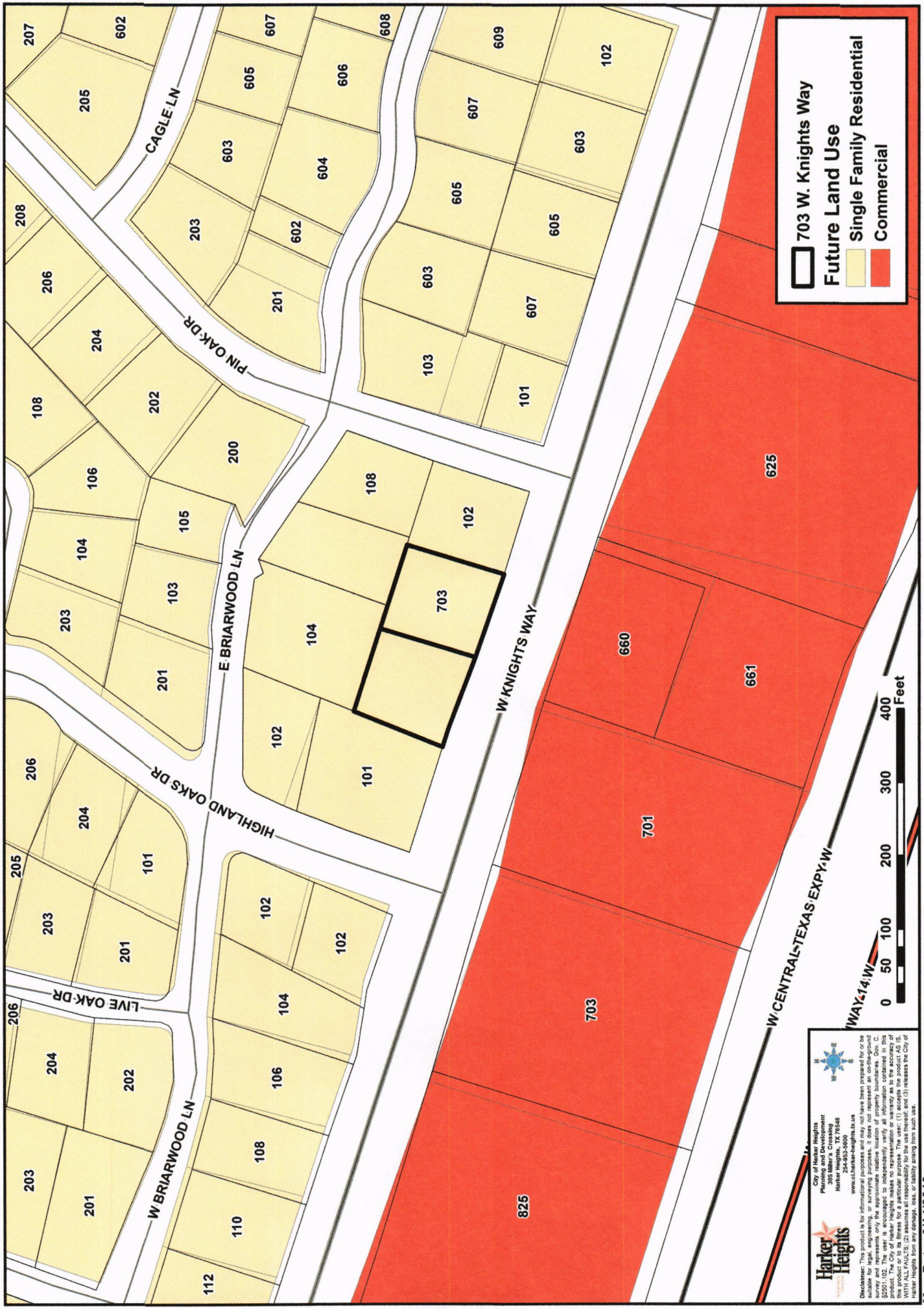
W  
 Harker Heights, TX 76748

**Disclaimer:** This product is for informational purposes and may not have been prepared for or based on a specific project. The user is encouraged to independently verify all information contained in this product to its fullest extent possible. 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.



# Z19-13

# Future Land Use



**703 W. Knights Way**

**Future Land Use**

- Single Family Residential
- Commercial

**Harker Heights**

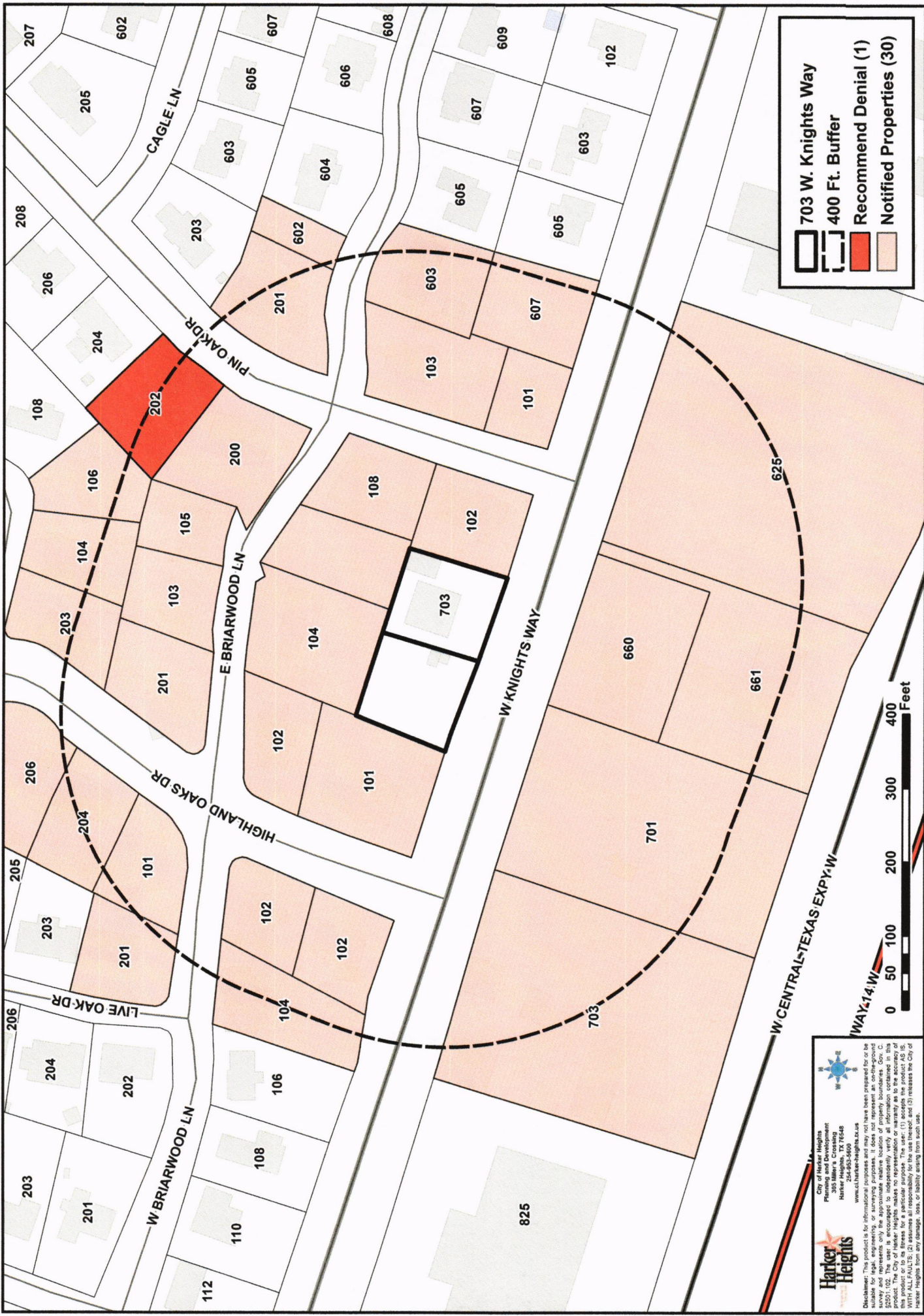
City of Harker Heights  
Planning and Development  
395 Lamar's Crossing  
Harker Heights, TX 76744  
Harker Heights 254-852-5000  
www.ci.harker-heights.tx.us

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for any other purpose. The user is responsible for verifying the accuracy of the information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of the information contained in this product. THE CITY OF HARKER HEIGHTS ASSUMES NO LIABILITY FOR THE USE HEREOF, AND (3) RELEASES THE CITY OF HARKER HEIGHTS FROM ANY DAMAGE, LOSS, OR LIABILITY ARISING FROM SUCH USE.

Map Date: 6/14/2019

# Z19-13

# Notification



City of Harker Heights  
Planning and Development  
395 Miner's Crossing  
Harkey, TX 77066  
www.ci.harkeyheights.tx.us

Disclaimer: This product is for informational purposes and may not have been prepared for or be based on a survey. The user is encouraged to independently verify all information contained in this product. The user assumes all responsibility for the use thereof and (1) releases the City of Harker Heights from any damage, loss, or liability arising from such use.

Map Date: 6/21/2019

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

FROM: 202 Pin Oak Drive

(Address of Your Property that Could  
Be **Impacted** by this Request)

RE: An application has been made to consider an ordinance granting a Conditional Use Permit (CUP) to allow uses associated with a B-1 zoning district or a real estate office on property described as Lot Four (4), Block Ten (10), Highland Oaks Estates Section Three (3), a subdivision in the City of Harker Heights according to the plat in Cabinet A, Slide 215-C, Plat Records of Bell County, Texas, and Lot One A (1A), Block One (1), Replat of Lot 4, Block B, Highland Oaks Estates, Section One, and Lots 1 & 5, Block 10, Highland Oaks Estates, Section Three, an addition to the City of Harker Heights, according to the plat of record in Cabinet C, Slide 339-C, Plat Records of Bell County, Texas, **generally located at 703 W. Knights Way (W. FM 2410)**, Harker Heights, Bell County, Texas (see attached notification map).

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

Comments:

- 1) The rezoning will devalue our property
- 2) The possibility of a "small office building" in 2019 expands into a strip mall at a later date.
- 3) Trash created from general public coming and going without concern for neighborhood.
4. Increase in traffic pulling in (turning) & coming out of driveway.
5. Real estate customers parking on Knights Way.

Judy A. Winkler  
Printed Name

Judy A. Winkler  
Signature

6/14/19  
Date

**Received**

JUN 19 2019

**Planning & Development**

SENT: JUNE 12, 2019  
DUE BACK NO LATER THAN: JUNE 20, 2019

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

FROM: Richard B. Marsh Jr.  
201 Pin Oak Drive  
(Address of Your Property that Could  
Be **Impacted** by this Request)

RE: An application has been made to consider an ordinance granting a Conditional Use Permit (CUP) to allow uses associated with a B-1 zoning district or a real estate office on property described as Lot Four (4), Block Ten (10), Highland Oaks Estates Section Three (3), a subdivision in the City of Harker Heights according to the plat in Cabinet A, Slide 215-C, Plat Records of Bell County, Texas, and Lot One A (1A), Block One (1), Replat of Lot 4, Block B, Highland Oaks Estates, Section One, and Lots 1 & 5, Block 10, Highland Oaks Estates, Section Three, an addition to the City of Harker Heights, according to the plat of record in Cabinet C, Slide 339-C, Plat Records of Bell County, Texas, **generally located at 703 W. Knights Way (W. FM 2410)**, Harker Heights, Bell County, Texas (see attached notification map).

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

Comments: It reduces the value of  
my home!

Richard B. Marsh Jr.  
Printed Name

Richard B. Marsh Jr.  
Signature

19 Jun 2019  
Date

**Received**

JUN 24 2019

**Planning & Development**

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

FROM: Moehnke Revocable Living Trust, Larry W. and Deborah C.  
200 Pin Oak, Harker Heights, Texas 76548  
(Address of Your Property that Could Be **Impacted** by this Request)

RE: An application has been made to consider an ordinance granting a Conditional Use Permit (CUP) to allow uses associated with a B-1 zoning district or a real estate office on property described as Lot Four (4), Block Ten (10), Highland Oaks Estates Section Three (3), a subdivision in the City of Harker Heights according to the plat in Cabinet A, Slide 215-C, Plat Records of Bell County, Texas, and Lot One A (1A), Block One (1), Replat of Lot 4, Block B, Highland Oaks Estates, Section One, and Lots 1 & 5, Block 10, Highland Oaks Estates, Section Three, an addition to the City of Harker Heights, according to the plat of record in Cabinet C, Slide 339-C, Plat Records of Bell County, Texas, **generally located at 703 W. Knights Way (W. FM 2410)**, Harker Heights, Bell County, Texas (see attached notification map).

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

Comments:

Please see Attachment  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Larry W. Moehnke  
Printed Name

Larry W. Moehnke  
Signature

6-19-19  
Date

**Received**

JUN 21 2019

**Planning & Development**

## **Attachment: Conditional Use Permit - 703 W. Knights Way, Harker Heights**

We oppose the rezoning of this property for a number of reasons.

Rezoning a single property in our neighborhood will result in the lowering of property values. Exhibit A shows that the Bell County Appraisal District has already lowered the value of our home and property on the 2019 Notice of Appraised Value from \$248,868 in 2018 to a proposed \$214,635 in 2019, a net loss of \$65,767 or a decrease 26.4%. This may already consider the possibility of the commercial property and certainly exceeds the 15-20% decline in value of a neighbor's property that might find substantial damage to a substantial interest. When the property is further developed as a business, the result will be an additional decrease in value. Since I am 72, at some point in time we will probably need to sell our property because it has a fairly substantial slope near the street curb on all sides. Lower property value means the selling price will be lower and the result will be that we have fewer funds to go into another residence or a retirement home.

Property values are considered on the issue of standing. The decrease is greatly different than the community in general since appraised property values are increasing significantly in the Harker Heights area, including our area. We do have a substantial interest in the zoning decision, and second, this interest is in danger of suffering some special damage or injury not common to all property owners similarly situated. Specifically, the quality of life will suffer due to the development of the property because of great increase of road noise. While sound barriers were installed along Knight's Way to shelter the residents, this will result in just the opposite. The house provides some barrier but even greater value is the privacy fence that is located on a slope above street level on the adjoining lot. If this is cleared for parking or other purposes, there will be no barrier. This will greatly increase the noise level since we are directly north of the property on the next block. This will again cause us problems not only from not being able to use the back yard because of noise, but also increasing the likelihood of finding a buyer. We will not be the only ones who will meet the standing test if that is required to be pursued.

This is also spot zoning and it singles out one residence in the block. The result is harm to an older neighborhood, not one that is located in a congested area as the one at 301 Knights Way, A+ Salon Suites. The business has 22 parking slots and it is not unusual to see all of them filled and overflow of autos down the street into the neighborhood. It did not start out that way. It originally was a print shop. Now it is an extreme problem for the neighborhood and home owners have no chance to sell their property, or if they do sell it, it will not receive the value that a similar house in a nearby neighborhood will get. In similar fashion, whatever business purchases this property may not be the business located at the site two or more years from now. They could sell it to make a quick profit.

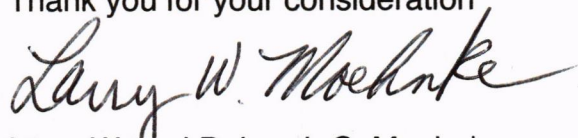
Another major issue is the fact that it appears that the Planning and Zoning Commission and City Council are just going through the motion, and will simply rubber stamp a decision that has already been reached. Exhibit B 1 and 2 provide a picture of the "for

sale sign" that was posted throughout this process, It clearly states that it is "Commercial For Sale" and it lists a City Councilman that confirms it. This is problematic and a legal issue, clearly a conflict of interest. I consider myself a good friend of John's but do need to point out the issue.

I realize the property owners have heavy traffic just off the property line, but there was no doubt that traffic would increase because FM 2410 has always been a major traffic artery. Any decision to rezone would affect many property owners negatively, all of whom are in an old neighborhood of Harker Heights.

Please use some good judgment when you consider the request. It is apparent that this is ill conceived.

Thank you for your consideration

A handwritten signature in cursive script that reads "Larry W. Moehnke". The signature is written in black ink and is positioned above the printed name.

Larry W. and Deborah C. Moehnke  
DLM Moehnke Revocable Living Trust



This is NOT a Tax Statement

Do Not Pay From This Notice

# 2019 Notice of Appraised Value

Exhibit A

**TAX APPRAISAL DISTRICT**  
PO BOX 390  
BELTON, TX 76513-0390  
Phone: (254) 939-5841

**Property ID: 126327**  
**Ownership %: 100.00**  
**Legal:**HIGHLAND OAKS ESTATES SECTION 3, BLOCK 009, LOT 0010  
**Legal Acres:**  
**Situs:**200 PIN OAK DR HARKER HEIGHTS, TX  
**Owner ID :** 644926  
**EFile PIN:** E2Pupuk8HMkw

DATE OF NOTICE: April 1, 2019

66702 1 AV 0.383\*\*\*\*\*AUTO\*\*5-DIGIT 76548 5DG 2 FT 201  
|||

MOEHNKE REVOCABLE LIVING TRUST  
C/O MOEHNKE, LARRY W & DEBORAH C TRUSTEE  
200 PIN OAK DR  
HARKER HEIGHTS TX 76548-1630

**PROTEST FILING DEADLINE: May 15, 2019**

Appraisal Information	Last Year - 2018	Proposed - 2019
Structure & Improvement Market Value	231,579	197,345
Market Value of Non Ag/Timber Land	17,290	17,290
Market Value of Ag/Timber Land	0	0
Market Value of Personal Property/Minerals	0	0
<b>Total Market Value</b>	<b>248,869</b>	<b>214,635</b>
Productivity Value of Ag/Timber Land	0	0
Appraised Value * (Possible Homestead Limitations, see asterisk on back)	248,869	214,635
Homestead Cap Value excluding Non-Homesite Value (i.e. Ag, Commercial)	248,869	214,635
Exemptions (DV - Disabled Vet; DP-Disabled Person; HS-Homestead; OV65-Over 65)	HS, OV65	HS, OV65

The difference between the 2014 appraised value and the 2019 appraised value is -2.59%. This percentage information is required by Tax Code section 25.19(b-1).

### UNSCHEDULED WALK-IN PROTEST PERIOD

If you disagree with the proposed value or any other action the appraisal district may have taken on your property, you may visit the **BELTON** office (411 E. Central Ave, Belton, TX) by **May 15th, 2019** during our unscheduled walk-in period. Our staff is available to discuss your property concerns **Monday-Friday (8:00am – 4:30pm)**, with limited availability during lunch. Daily customer volume may limit the number of properties seen per visit. If you are unable to resolve the situation with the appraisal district, you have the right to file a protest and receive a formal hearing with the Appraisal Review Board (ARB).

### SCHEDULED PROTEST FILING PROCEDURE

#### Online:

- \* Access the [www.bellcad.org](http://www.bellcad.org) website prior to the indicated Protest Filing Deadline and Select Online Protest
- \* Using your Owner ID & EFile Pin (located in the upper right corner of this notice) create a new *user account* or *logon with your credentials from your previous years login*

#### In Person or By Mail

- \* Complete and sign the Notice of Protest form included with this notice or protest by letter including your name, property description, and reason for protesting
- \* File with Bell CAD staff by the Protest Filing Deadline or mail to the Bell CAD office on/before the Protest Filing Deadline

The ARB will mail you notification at least 15 days prior of the date and time of your formal hearing. ARB hearings will begin on May 21, 2019 and be held at the Tax Appraisal District of Bell County 411 E Central Ave Belton, TX 76513.

Sincerely,

*Billy White*

Billy White  
Chief Appraiser

**THIS IS NOT A BILL: DO NOT PAY FROM THIS NOTICE**

00 00528240064744 1/2 150458

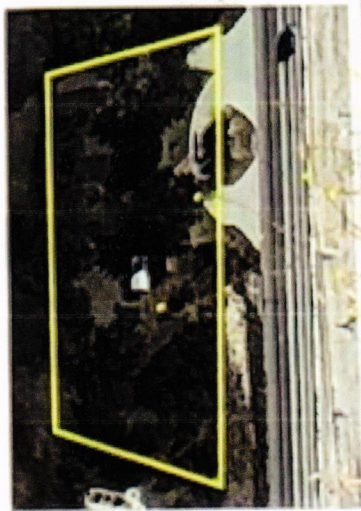


**John Reider**

**P R O P E R T I E S**

455 E Central Texas Exp, Ste 101  
Harker Heights, Tx 76548

JohnReider.com



# Commercial For Sale

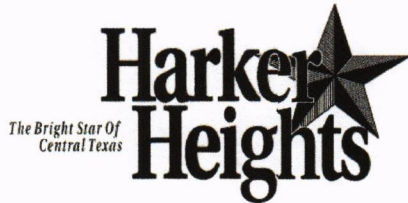
Barry Hinshaw, Realtor

[BarryHinshaw@JohnReider.com](mailto:BarryHinshaw@JohnReider.com)

C: (254)466-4996 O: (254)699-8300

- 2 Lots totaling approximately .75 Acres
- 3,083+/- SqFt 3Br, 2Ba, 2Car Home
- 800+/- SqFt Shop
- Approx. 240 feet of FM 2410 frontage





## PLANNING AND ZONING COMMISSION MEMORANDUM

**Z19-14**

**AGENDA ITEM XIII-2**

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING & DEVELOPMENT

DATE: JUNE 26, 2019

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER RECOMMENDING AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT (CUP) TO ADJUST DESIGN REQUIREMENTS FOR 4C HEADSTART PROGRAM ON PROPERTY DESCRIBED AS A 0.294 ACRE TRACT OF LAND IN BELL COUNTY TEXAS AND THE LAND HEREIN DESCRIBED BEING PART OF LOT ONE (1), BLOCK ONE (1), CITY OF HARKER HEIGHTS HARLEY DRIVE ADDITION, OF RECORD IN PLAT YEAR 2018, NUMBER 119, PLAT RECORDS OF BELL COUNTY, TEXAS, GENERALLY LOCATED AT 120 HARLEY DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS.

### **BACKGROUND:**

The subject property consists of 1.912 acres owned by the City of Harker Heights, the former site of Police Department. The applicant has proposed to develop only 0.294 acres of the property for the expansion of the 4C Headstart program. On behalf of the applicant, 4C Headstart, Ms. Janell Frazier, has met with staff to discuss the construction of a new building to expand their program. The facility will consist of approximately 6,000 square feet and would be located adjacent to the current Headstart pre-k facility at 200 Harley Drive.

### **EXPLANATION:**

On May 23, 2019, the applicant and staff met to discuss requirements for construction. The applicant would like to redevelop an approximately 0.294 acres of vacant property to construct a new facility for 4C Headstart. The applicant has proposed a primarily metal structure with a stone wainscoting along the front façade. After consulting with staff the applicant is requesting a Conditional Use Permit (CUP) to modify the design requirements within the Code of Ordinances §155.040 (A) (2), which requires all commercial facades to be comprised of masonry products. This requirement has historically limited the development of warehouses and other larger facilities because of costs associated with masonry construction.

### **Existing Use:**

The property generally located at 120 Harley Drive is currently vacant. Properties to the immediate north and west of the property are vacant as well. Beyond the subject property to the north are various retail and commercial properties along Veterans Memorial Boulevard. Property to the south is the existing Headstart building and is considered Public/Semi-Public. Across Harley Drive are properties identified as Single-Family residences. Staff therefore believes the proposed commercial use of the site will likely not have any significant impact on surrounding land uses.

**Zoning:**

Current zoning designation for the property is R-1 (Secondary and Highway Business District), and is surrounded by B-4 zoning districts to the North, East, and West. To the south of the property are R-1 (One Family Dwelling District) residential zoned properties. The proposed CUP, if approved, will not violate the zoning regulations of the B-4 district, will not alter the use and zoning of the property, and will not likely have any adverse impacts on the surrounding properties.

**Future Land Use:**

According to the Future Land Use Map within the 2007 Comprehensive Plan, the property is designated as Commercial, as are the surrounding properties to the North and East. Properties to the South are designated as Mixed Residential and properties to the West are Medium Density Residential. The proposed use will maintain the character, appearance and zoning of commercial property and does not conflict with the 2007 Comprehensive Plan.

**Flood Damage Prevention:**

No part of this property lies within flood hazard areas.

**Notices:**

Staff sent out thirty-five (35) notices to property owners within the 400 foot notification area. One (1) response was received in favor of the request and zero (0) responses were received in opposition of the request.

**PROPOSED CONDITIONS:**

Staff has worked with the applicant to create the following conditions for the CUP, which are based heavily on the design guidelines created by the Planning and Zoning Commission over the past two years in preparation for a potential Veterans Memorial Boulevard Development Overlay District:

1. The ground level of the front façade (facing Harley Drive) of the proposed 4C Headstart structure must consist of at least 15% masonry products, preferably consisting of different materials and patterns. Architectural distinctiveness shall be maintained by the use of pilasters, canopies, parapets, banding, and any other architectural features approved by the Planning Director.
2. Side and rear facades (non-street facing) must consist of masonry products, but metal materials may be used provided they are in keeping with the architectural theme of the front façade. Further, these materials must vary in color or pattern to avoid the appearance of large, unbroken surfaces.
3. Landscaping shall be placed to maintain high aesthetic qualities for the development, and shall accentuate the front façade of the site. Landscaping materials shall consist of native and adaptive plants consistent with the Central Texas ecosystem. Landscaping plan shall be approved by the Director of Planning and Development.
4. A free-standing or monument sign out of the public right-of-way shall be permitted. The sign shall be designed in a consistent architectural style that complements the building, and shall not exceed 120 square feet in area and may not be more than 10 feet in height. Signage must be externally illuminated, shielded, and down lit. Wall and other signage shall be allowed as per the requirements of the Code of Ordinances.

5. Dumpsters that are placed in locations visible from the street must have an enclosure that matches the front façade of the building, and gates must not be visible from the street. Enclosures not visible from the street may consist of wood or metal, and dumpsters located behind screening or security fences that are not visible by the public may be placed without enclosures.
6. Mechanical and support systems such as HVAC and electrical panels must not be visible from the street. They must either be located in the back of the building or screened from the street with an enclosure consistent with the architectural style of the building.
7. The site will comply with all other regulations and requirements within the Harker Heights Code of Ordinances.

**RECOMMENDATION:**

Staff recommends approval of an ordinance granting a Conditional Use Permit (CUP) to adjust design requirements for 4C Headstart Program on property described as a 0.294 acre tract of land in Bell County Texas and the land herein described being part of Lot One (1), Block One (1), City of Harker Heights Harley Drive Addition, of record in Plat Year 2018, Number 119, Plat Records of Bell County, Texas, generally located at 120 Harley Drive, Harker Heights, Bell County, Texas, with the aforementioned conditions, and based upon the Staff's findings that:

1. The proposed use conforms with applicable regulations and standards established by the City's Building and Development Code;
2. The proposed use will be consistent 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 2007 City of Harker Heights Comprehensive Plan;
3. The proposed use will be compatible with existing or permitted uses on abutting sites because of use, building height, setbacks, square footage, landscaping and access to the site;
4. The proposed use is suitable to the premises or structure(s) in which it will be conducted;
5. The proposed use will not be detrimental to the public health, safety or welfare, or will materially injure property or improvements in the vicinity;
6. The proposed use will not materially and adversely affect traffic control or adjacent properties by inappropriate location, lighting or types of signs;
7. The proposed use is suitable to the premises or structure(s) in which it will be conducted.

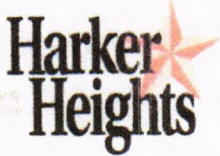
**ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:**

1. Motion to recommend/not recommend an ordinance granting a Conditional Use Permit (CUP) to adjust design requirements for 4C Headstart Program on property described as a 0.294 acre tract of land in Bell County Texas and the land herein described being part of Lot One (1), Block One (1), City of Harker Heights Harley Drive Addition, of record in Plat Year 2018, Number 119, Plat Records of Bell County, Texas, generally located at 120 Harley Drive, Harker Heights, Bell County, Texas, based upon Staff's recommendations and findings.
2. Any other action deemed necessary.

**ATTACHMENTS:**

1. Application

2. Letter of Intent
3. Site Plan
4. Proposed Conditions
5. Location Map
6. Existing Land Use Map
7. Zoning Map
8. Future Land Use Map
9. Notification Area Map
10. Citizen Responses



# 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

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

**Property Owner(s) Name:** City of Harker Heights **Date:** May 24, 2019

**Address:** Old PD Lot Central Texas 4C Inc. P.O. Box 367 Temple, TX 76503 - CP

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

**Phone:** 254-778-0489 **E-mail:** 4c@ct4c.org

**Legal Description of Property:**

Location of Property (Address if available): Property ID 483670

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

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

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

**Current Zoning Classification:** R 1 **Future Land Use Designation:** R 1 with a CUP

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

**Applicant's Representative:** Janell J. Frazier on behalf of Central Texas 4C, Inc. (Head Start Programs)

**Phone:** 254-778-0489 Extension 114 **E-Mail:** 4c@ct4c.org

**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 Marina Tharpe, 4C Head Start Director will represent the owner.

\_\_\_\_\_  
 Printed Name of Property Owner

\_\_\_\_\_  
 Signature of Property Owner

Janell J. Frazier, Executive Director, Central Texas 4C, Inc.

Janell J. Frazier  
 Signature of Representative

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

Date Submitted: 5/24/19

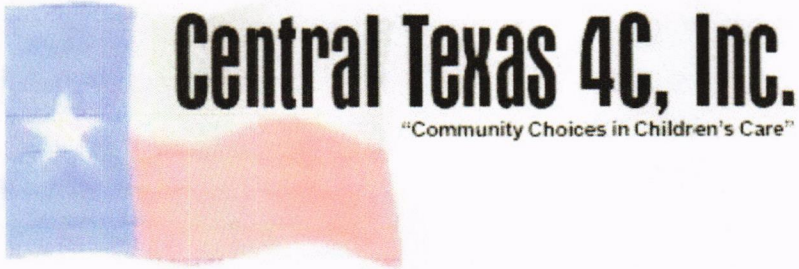
Received By: CPate

**STAFF ONLY -- DO NOT FILL OUT BELOW**  
 Pre-Application Meeting  
5/23/19  
 Revised: 07/31/18

Receipt #: 01463999

Case #: 27-04





Head Start Program  
Early Head Start Program

[www.ct4c.org](http://www.ct4c.org)

May 24, 2019

To: Harker Heights Planning and Development  
Attention: Courtney Peres  
Re: Conditional Use Permit Application  
From: Central Texas 4C, Inc.

Dear Ms. Peres,

I am submitting this letter of intent with Central Texas 4C, Inc.'s *Conditional Use Permit Application*. Our community based non-profit organization desires to build a facility for the purpose of expanding our Head Start services for low-income children and families in Harker Heights, Texas.

We are proposing to build a new facility to house three classrooms serving children ages 0-3 with comprehensive services. The facility will be a 6,000 square foot building and will be located adjacent to our current Head Start pre-K facility which serves children 3-5 years old.

We would appreciate the city's consideration of our request.

Sincerely,

  
Executive Director

# NOTES

1. SITE INFORMATION WAS GENERATED FROM RECORD DATA AND DOES NOT REPRESENT AND ON THE GROUND SURVEY.
2. THE INFORMATION SHOWN HEREIN IS CONCEPTUAL IN NATURE AND DOES NOT REPRESENT AN ENGINEERING DESIGN.

Released for Construction  
for a period of 12 months  
from the date shown.



CITY REPRESENTATIVE: \_\_\_\_\_ DATE: \_\_\_\_\_

AREA: 17.06	REF: 111
DATE: 04/20/19	REF: 111
SCALE: AS SHOWN	DATE: 04/20/19
DRAWN BY: AR	DATE: 04/20/19

AREA: 17.06	REF: 111
DATE: 04/20/19	REF: 111
SCALE: AS SHOWN	DATE: 04/20/19
DRAWN BY: AR	DATE: 04/20/19



**MITCHELL & ASSOCIATES, INC.**  
ENGINEERING & SURVEYING  
1000 WEST 13TH STREET  
KILLEEN, TEXAS 76841  
PHONE: (254) 634-5541 FAX: (254) 634-2141  
TEXAS BOARD OF PROFESSIONAL ENGINEERS REGISTRATION NO. 5411  
T. & A. P. E. S. REG. REGISTRATION NO. 10001-01

**CENTRAL TEXAS 4C**  
**HARLEY DRIVE**  
HARKER HEIGHTS, BELL COUNTY, TEXAS  
**CONCEPT PLAN**

**CALCULATED ONLY**  
This plan was calculated on  
May 20, 2019 at 10:00 AM  
and is for informational purposes  
only. It is not to be used  
for construction purposes.

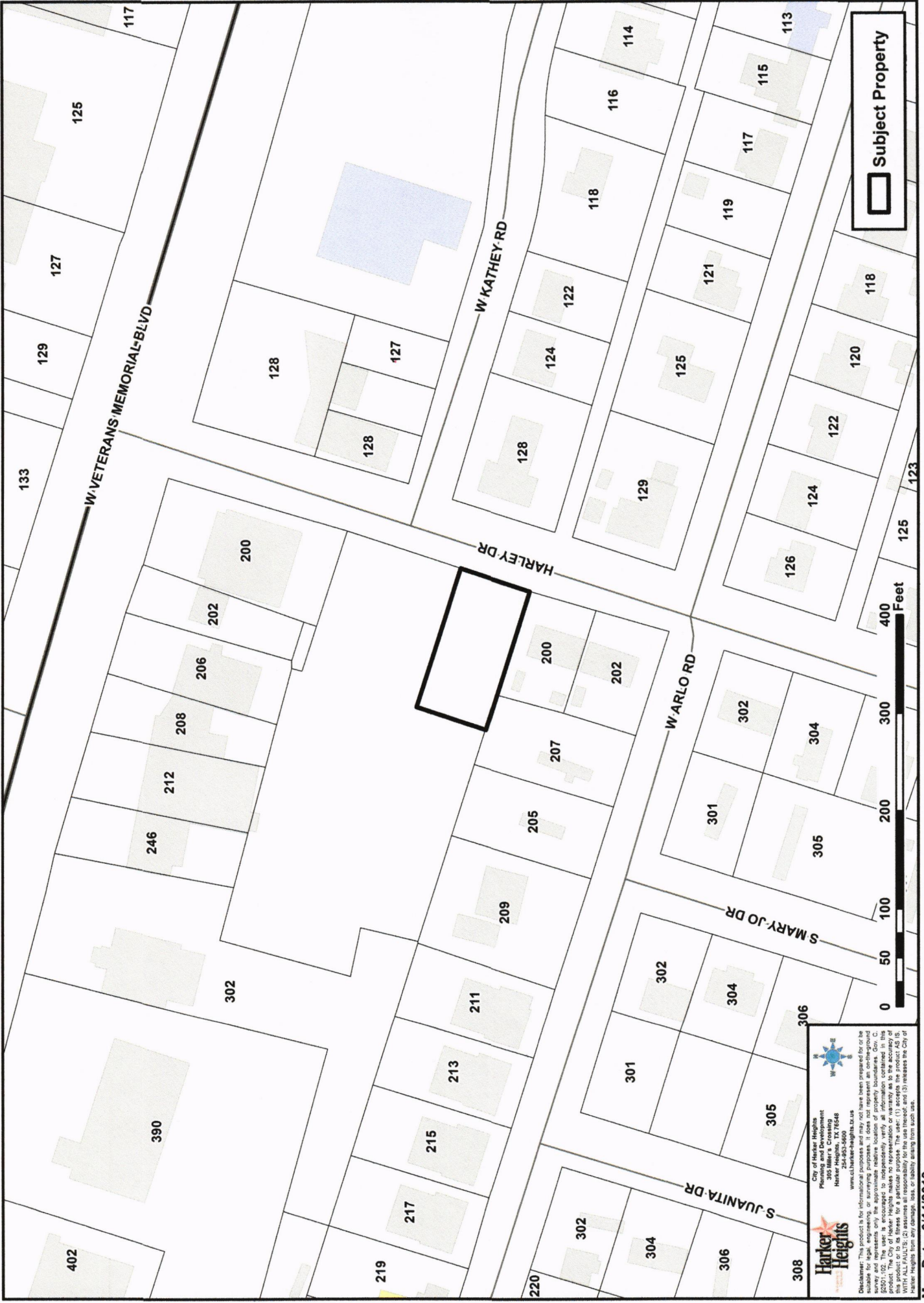
NO.	DATE	REVISIONS	BY



# Proposed Conditions

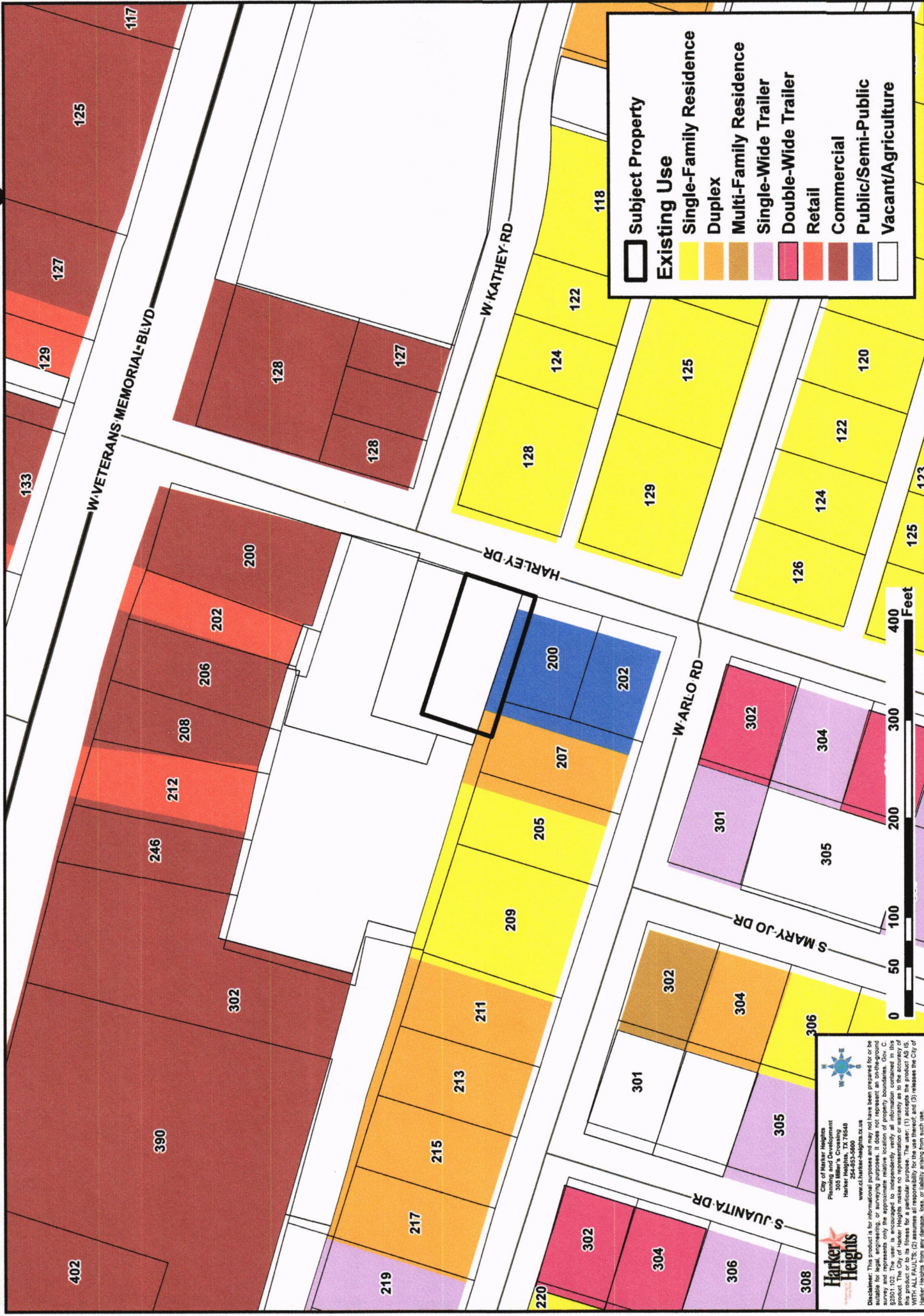
Conditional Use Permit - Harley Dr. Headstart (Z19-14)

1. The ground level of the front façade (facing Harley Drive) of the proposed 4C Headstart structure must consist of at least 15% masonry products, preferably consisting of different materials and patterns. Architectural distinctiveness shall be maintained by the use of pilasters, canopies, parapets, banding, and any other architectural features approved by the Planning Director.
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7. The site will comply with all other regulations and requirements within the Harker Heights Code of Ordinances.



**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 305 Miller's Crossing  
 Harker Heights, TX 76048  
 254-952-5600  
 www.ci.harker-heights.tx.us

Disclaimer: This product is for informational purposes and may not have been prepared for or by the City of Harker Heights. It is not a survey and should not be used for any legal or financial purposes. The City of Harker Heights does not warrant the accuracy or completeness of the information contained in this product. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights is not responsible for any errors or omissions in this product. AS WITH ALL PRODUCTS, THE CITY OF HARKER HEIGHTS ASSUMES NO LIABILITY FOR THE USE THEREOF, AND (3) RELEASES THE CITY OF HARKER HEIGHTS FROM ANY DAMAGE, LOSS, OR LIABILITY ARISING FROM SUCH USE.



**Subject Property**

**Existing Use**

- Single-Family Residence
- Duplex
- Multi-Family Residence
- Single-Wide Trailer
- Double-Wide Trailer
- Retail
- Commercial
- Public/Semi-Public
- Vacant/Agriculture

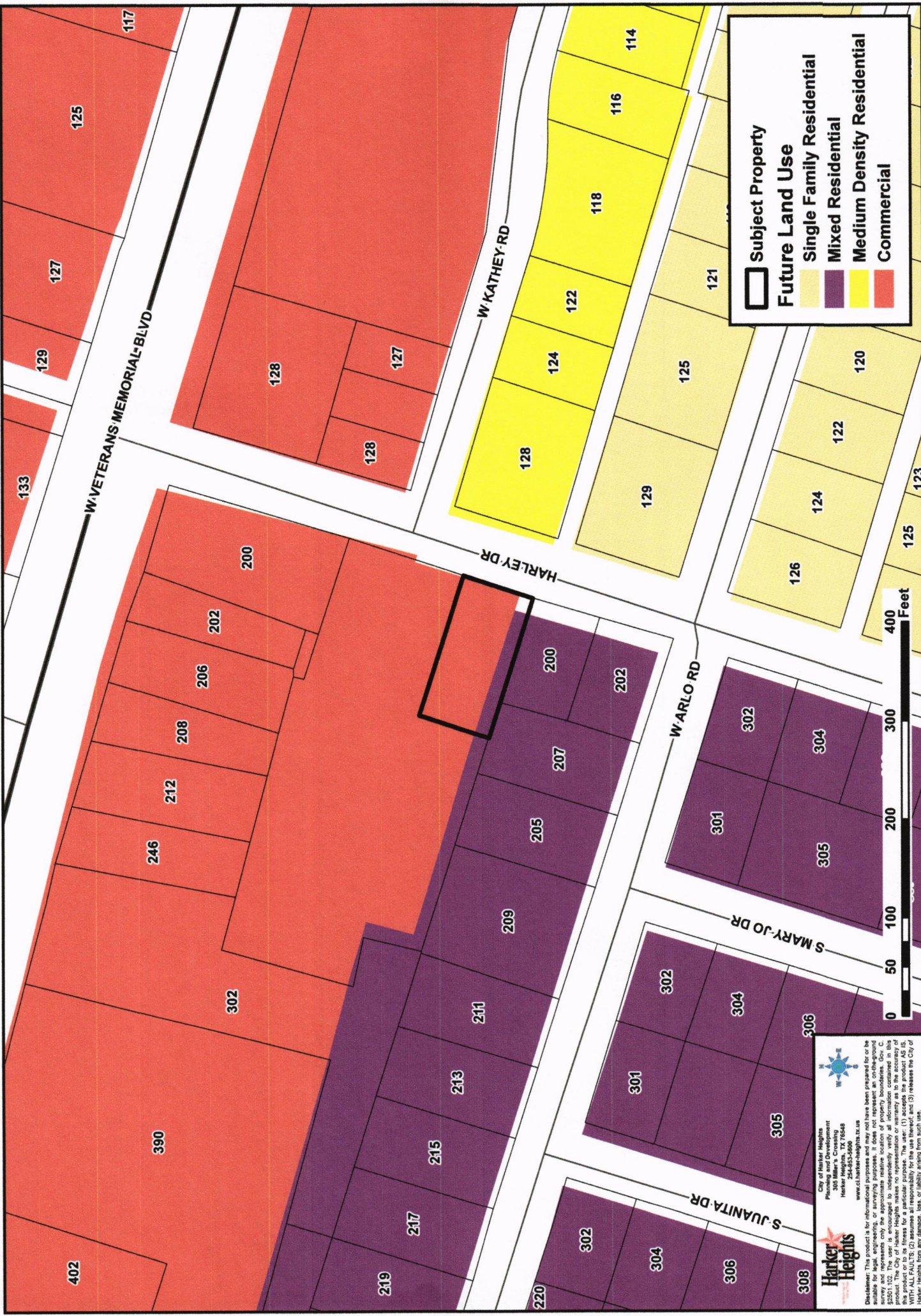
City of Harker Heights  
 Planning and Zoning Department  
 300 Miller's Crossing  
 Harker Heights, TX 76648  
 254-833-5600  
 www.ci.harkerheights.tx.us

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**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 Harker Heights, TX 78648  
 254-893-5400  
 www.ci.harkerheights.tx.us

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	Subject Property
	400 Ft. Buffer
	Recommend Approval (1)
	Notified Properties (35)

**Harker Heights**  
 City of Harker Heights  
 Planning Department  
 305 Main Street  
 Harker Heights, TX 76548  
 254-952-5600  
 www.ci.harkerheights.tx.us

Disclaimer: This product is for informational purposes only and has not 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. City, County, and State are not responsible for any errors or omissions 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 and all claims, damages, or liability during its term.



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

FROM: 210, 212, 218 (246)  
W. Vets Mem Blvd  
(Address of Your Property that Could  
Be **Impacted** by this Request)

RE: An application has been made to consider a Conditional Use Permit (CUP) to adjust design requirements for 4C Headstart Program on property described as a 0.294 acre tract of land in Bell County Texas and the land herein described being part of Lot One (1), Block One (1), City of Harker Heights Harley Drive Addition, of record in Plat Year 2018, Number 119, Plat Records of Bell County, Texas, generally located at 120 Harley Drive, 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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Jerry M Wright  
Printed Name

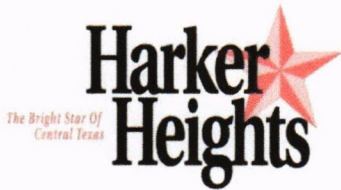
Jerry M Wright  
Signature

6-19-19  
Date

**Received**

JUN 20 2019

**Planning & Development**



## PLANNING AND ZONING COMMISSION MEMORANDUM

**MC19-01**

**AGENDA ITEM XIII-3**

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING AND DEVELOPMENT  
DATE: JUNE 26, 2019

DISCUSS AND CONSIDER A REQUEST BY MIKE GARCIA FOR A HOME BASED BUSINESS DESCRIBED AS WAGGY TAILS, A PROFESSIONAL K9 TRAINING AND BEHAVIORAL MODIFICATION BUSINESS WITHIN A R-1 (ONE FAMILY DWELLING DISTRICT) DISTRICT, ON PROPERTY DESCRIBED AS EVERGREEN PHASE ONE (1), BLOCK EIGHT (8), LOT ELEVEN (11), GENERALLY LOCATED AT 2520 JACKSON DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS.

### **PROJECT DESCRIPTION:**

The applicant, Mr. Mike Garcia, approached staff with his desire for a home occupation license for his business, Waggy Tails, with the intent of K9 training and behavioral modification. Mr. Garcia explained that a majority of his business will be done at his clients' homes and that on rare occasion would he bring a client's pet to his home for specialized training (i.e. search and rescue, detection, sporting, water sports). He intends to operate the administrative side of the business from his home but will be travelling to his clients' homes in order to perform the services they have requested.

Within the Harker Heights Code of Ordinances section 155.084 (E) (1), "persons wishing to operate home occupation which are not expressly permitting or prohibited by the section may make written request to the Planning Development Director for a formal review of the proposed home occupation." The proposed home business is neither affirmed nor denied within the Code of Ordinances Chapter 155, Section 084 Home Occupations. Per subsection (E) (2) of that chapter, the Planning Director has made a favorable determination on the case based on the following factors outlined in section 155.084 (2) (a, c, d, e, f, i):

1. The outside appearance of the dwelling will not be altered from its residential character; and
2. Performance of the occupation activity will not be visible from the street; and
3. The use will not increase vehicular or pedestrian traffic flow beyond what normally occurs in the R-1 (One-Family Dwelling District) zoning district. Additionally, there will not be more than two additional cars parking on the premises or adjacent to it for non-residents, including clients and employees; and
4. There will not be any outside storage or display related to the home occupation; and
5. The home occupation use will not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the R-1 zoning district.

After discussing his business model with staff a favorable recommendation was given and concluded that the applicant should ask for a hearing by the Planning and Zoning Commission and City Council prior to moving forward with his home occupation request.

**RECOMMENDATION**

Staff recommends approval of the request by Mike Garcia for a home based business described as Waggy Tails, a professional K9 training and behavioral modification business within a R-1 (One Family Dwelling District) district, on property described as Evergreen Phase One (1), Block Eight (8), Lot Eleven (11), generally located at 2520 Jackson Drive, Harker Heights, Bell County, Texas

**ACTION BY PLANNING AND ZONING COMMISSION:**

1. Motion to recommend approval/disapproval a request by Mike Garcia for a home based business described as Waggy Tails, a professional K9 training and behavioral modification business within a R-1 (One Family Dwelling District) district, on property described as Evergreen Phase One (1), Block Eight (8), Lot Eleven (11), generally located at 2520 Jackson Drive, Harker Heights, Bell County, Texas
2. Any other action desired.

**ATTACHMENTS:**

1. Application
2. Location Map
3. Notification Map
4. Citizen Responses



# BUSINESS REGISTRATION FORM *Home*

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

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

1. Copy of DBA (Doing-Business-As), LLC or Articles of Incorporation.
2. Payment of \$25.00
3. Fire Marshal Walk-Through - Call (254) 699-2688 to schedule.
4. Building Walk-Through - Call (254) 953-5648 to schedule.
5. Bell County Food Permit - Call (254) 771-2106

RENEWAL:  NEW:

DATE: 30 May 2019

NAME OF BUSINESS: waggy-tails LLC PHONE # OF BUSINESS: 833-waggy TL

LOCATION OF BUSINESS: 2520 Jackson dr. Harker Heights TX 76548

MAILING ADDRESS (if different than location): \_\_\_\_\_

TYPE OF BUSINESS (detail description): Professional K9 Training & Behavior Modification Therapy Specialist

Texas Sales Tax ID #: [REDACTED] E-Mail (Primary Contact): MIKE@waggy-tails.com

\* Business Owner: Mike T. Garcia

Date of Birth: [REDACTED] Home Address: 2520 Jackson dr. Harker Heights TX 76548

Phone #: [REDACTED] Drive License #: [REDACTED]

Manager: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Home Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Drive License #: \_\_\_\_\_

\* Emergency Contact: Sara Garcia

Phone #: [REDACTED] Address: 2520 Jackson dr. Harker Heights TX

Security Lighting on Premise?  YES  NO  N/A

Alarm System?  YES  NO  N/A If YES:  Silent  Audible  Fire  Intruder

Subscribe to Security Service?  YES  NO  N/A

Security Service Company Name: VIVINT Phone #: \_\_\_\_\_

Building Owner (if different from bus. owner) N/A

Phone #: \_\_\_\_\_

# BUSINESS REGISTRATION FORM

**VEHICLE INFORMATION: PLEASE LIST INFORMATION ON OWNER AND EMPLOYEE(S) AS WELL AS VEHICLES THAT MAY BE ON THE BUSINESS PREMISE AT ODD HOURS.**

DRIVER	VEHICLE (MAKE, MODEL, AND YEAR)	LICENSE PLATE #
Mike & Sara Garcia	BAM 3500 Dually	
Mike & Sara Garcia	Ford Raptor SVT	

Hazardous Material on Premise?  YES  NO  N/A

If YES, list items (attach separate sheet if needed): NA

Does Building Have Exterior Electrical Shut Off?  YES  NO      If YES, on which side?  North  South  East  West

Is the building equipped with automatic Fire Sprinklers?  YES  NO

Are street address numbers installed on building?  YES  NO      If YES, are they visible from the street?  YES  NO

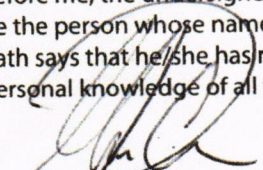
Will this business create additional solid waste?  YES  NO

Date Business Opens Under New Owner: \_\_\_\_\_ No. of Employees: \_\_\_\_\_ Business Hours: 24/7

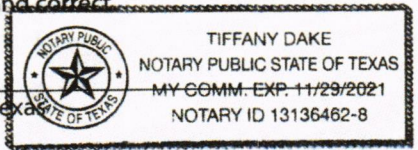
Type of Business (select one or provide "other" description) General Partnership, Limited Partnership, Corporation, Association, Individual:  
LLC

**WARNING:** A person commits an offense, with intent to deceive and with knowledge of the statement's meaning, he/she makes a false statement under oath or swears to the truth of a false statement previously made and the statement is required or authorized by law to be made under oath.

Before me, the undersigned authority, this day personally appeared Mike Torres Garcia, known to me to be the person whose name is subscribed to the foregoing Business Registration Form, who being by me first duly sworn, upon oath says that he/she has read the said form in its entirety, together with any supporting documentations, that he/she has personal knowledge of all the information set forth therein, and that such information is true and correct.


  
Applicant's Signature

Dahe  
Notary Public, State of Texas



SUBSCRIBED AND SWORN TO BEFORE ME THIS 30th DATE OF May, 2019.

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

Date Submitted: 5/30/19 Received By:  Receipt #: \_\_\_\_\_

Secretary of State  
P.O. Box 13697  
Austin, TX 78711-3697  
Phone: 512/463-5709



**Certificate of Formation  
Limited Liability Company**

Filed in the Office of the  
Secretary of State of Texas  
Filing #: 803298248 4/23/2019  
Document #: 883743270002  
Image Generated Electronically  
for Web Filing

Filing Fee: \$300

**Article 1 - Entity Name and Type**

The filing entity being formed is a limited liability company. The name of the entity is:

**WAGGY-TAILS LLC**

**Article 2 - Registered Agent and Registered Office**

A. The initial registered agent is an organization (cannot be company named above) by the name of:

**LEGALINC CORPORATE SERVICES INC.**

OR

B. The initial registered agent is an individual resident of the state whose name is set forth below:

C. The business address of the registered agent and the registered office address is:

Street Address:

**10601 CLARENCE DR  
SUITE 250 FRISCO TX 75033**

**Consent of Registered Agent**

A. A copy of the consent of registered agent is attached.

OR

B. The consent of the registered agent is maintained by the entity.

**Article 3 - Governing Authority**

A. The limited liability company is to be managed by managers.

OR

B. The limited liability company will not have managers. Management of the company is reserved to the members.

The names and addresses of the governing persons are set forth below:

Managing Member 1: **MIKE GARCIA** Title: **Managing Member**

Address: **2520 JACKSON DR HARKER HEIGHTS TX, USA 76548**

**Article 4 - Purpose**

The purpose for which the company is organized is for the transaction of any and all lawful business for which limited liability companies may be organized under the Texas Business Organizations Code.

Supplemental Provisions / Information

[The attached addendum, if any, is incorporated herein by reference.]

**Organizer**

The name and address of the organizer are set forth below.

**MARSHA SIHA      17350 STATE HWY 249 #220 HOUSTON TX 77064**

**Effectiveness of Filing**

A. This document becomes effective when the document is filed by the secretary of state.

**OR**

B. This document becomes effective at a later date, which is not more than ninety (90) days from the date of its signing. The delayed effective date is:

**Execution**

The undersigned affirms that the person designated as registered agent has consented to the appointment. The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized under the provisions of law governing the entity to execute the filing instrument.

**MARSHA SIHA**

Signature of Organizer

**FILING OFFICE COPY**



## Office of the Secretary of State

April 24, 2019

Attn: INCFILE.COM LLC

INCFILE.COM LLC  
17350 STATE HWY 249, SUITE 220  
Houston, TX 77064 USA

RE: WAGGY-TAILS LLC  
File Number: 803298248

-----  
It has been our pleasure to file the certificate of formation and issue the enclosed certificate of filing evidencing the existence of the newly created domestic limited liability company (llc).

Unless exempted, the entity formed is subject to state tax laws, including franchise tax laws. Shortly, the Comptroller of Public Accounts will be contacting the entity at its registered office for information that will assist the Comptroller in setting up the franchise tax account for the entity. Information about franchise tax, and contact information for the Comptroller's office, is available on their web site at <http://window.state.tx.us/taxinfo/franchise/index.html>.

The entity formed does not file annual reports with the Secretary of State. Documents will be filed with the Secretary of State if the entity needs to amend one of the provisions in its certificate of formation. It is important for the entity to continuously maintain a registered agent and office in Texas. Failure to maintain an agent or office or file a change to the information in Texas may result in the involuntary termination of the entity.

If we can be of further service at any time, please let us know.

Sincerely,

Corporations Section  
Business & Public Filings Division  
(512) 463-5555

Enclosure



**LIMITED LIABILITY COMPANY  
OPERATING AGREEMENT OF  
WAGGY-TAILS LLC**

This agreement is made effective on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
among the member(s) and the company.

**1. Formation.** A limited liability company (LLC) of the above name has been formed under the laws of the State of Texas by filing Articles of Organization (or similar organizing document) with the Secretary of State (or other appropriate office) on 04/23/2019. The purpose of the business shall be to carry on any activity which is lawful under the jurisdiction in which it operates. The LLC may operate under a fictitious name or names as long as the LLC is in compliance with applicable fictitious name registration laws. The term of the LLC shall be perpetual or until dissolved as provided by law or by vote of the member(s) as provided in this agreement. Upon dissolution the remaining members shall have the power to continue the operation of the LLC as long as necessary and allowable under state law until the winding up of the affairs of the business has been completed.

**2. Members.** The name and address of each initial limited liability company member is:

MIKE GARCIA  
2520 JACKSON DR  
HARKER HEIGHTS , TX 76548

**3. Contributions.** The capital contribution of each limited liability company member in exchange for their LLC ownership is:

<b>Name</b>	<b>LLC Ownership</b>	<b>Capital Contribution</b>
MIKE GARCIA	100%	\$ _____

**NOTE:** The capital contribution may be in the form of cash (or cash equivalents), labor or services (past or future), or property/equipment/assets other than cash. Regardless of the type of capital contribution, it should be expressed above in a dollar equivalent value that is agreed upon by all limited liability company members. Additionally, there may be accounting/tax ramifications for individuals contributing capital other than cash.

**4. Profit and Loss.** The profits and losses of the limited liability company shall be distributed amongst the members in proportion with the ownership of each member by default, but this may be changed at any time upon a unanimous vote of the members.

**5. Distributions.** The limited liability company shall have the power to make distributions to its members in such amounts and at such intervals as a majority of the members deem appropriate according to law.



Waggy-Tails!

Waggy Tails!...Happy Trails!

Mike T Garcia

Owner-ceo & Trainer

2520 Jackson Dr.

Harker Heights Texas

1-833-WAGGYTL (toll free)

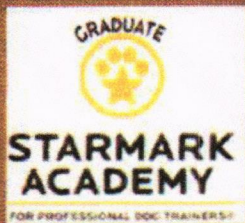
WAGGY-TAILS.COM

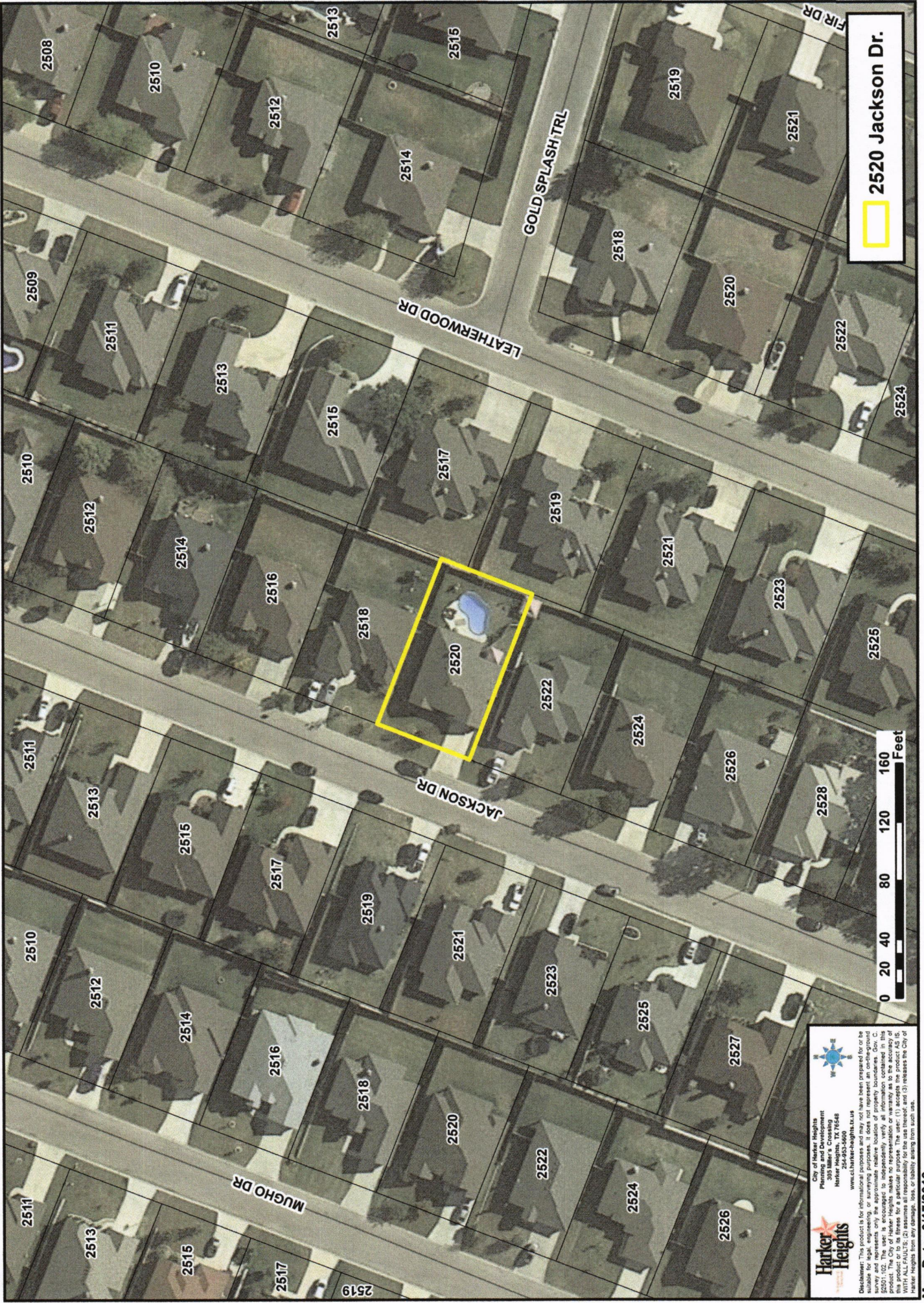
mike@waggy-tails.com

Certified Professional canine trainer & behavior modification specialist. US Army DCV (ret) & Starmark Academy for professional dog trainers grad. Proud dog owner making....

## Waggy-Tails!

Waggy Tails! ...Happy Trails!



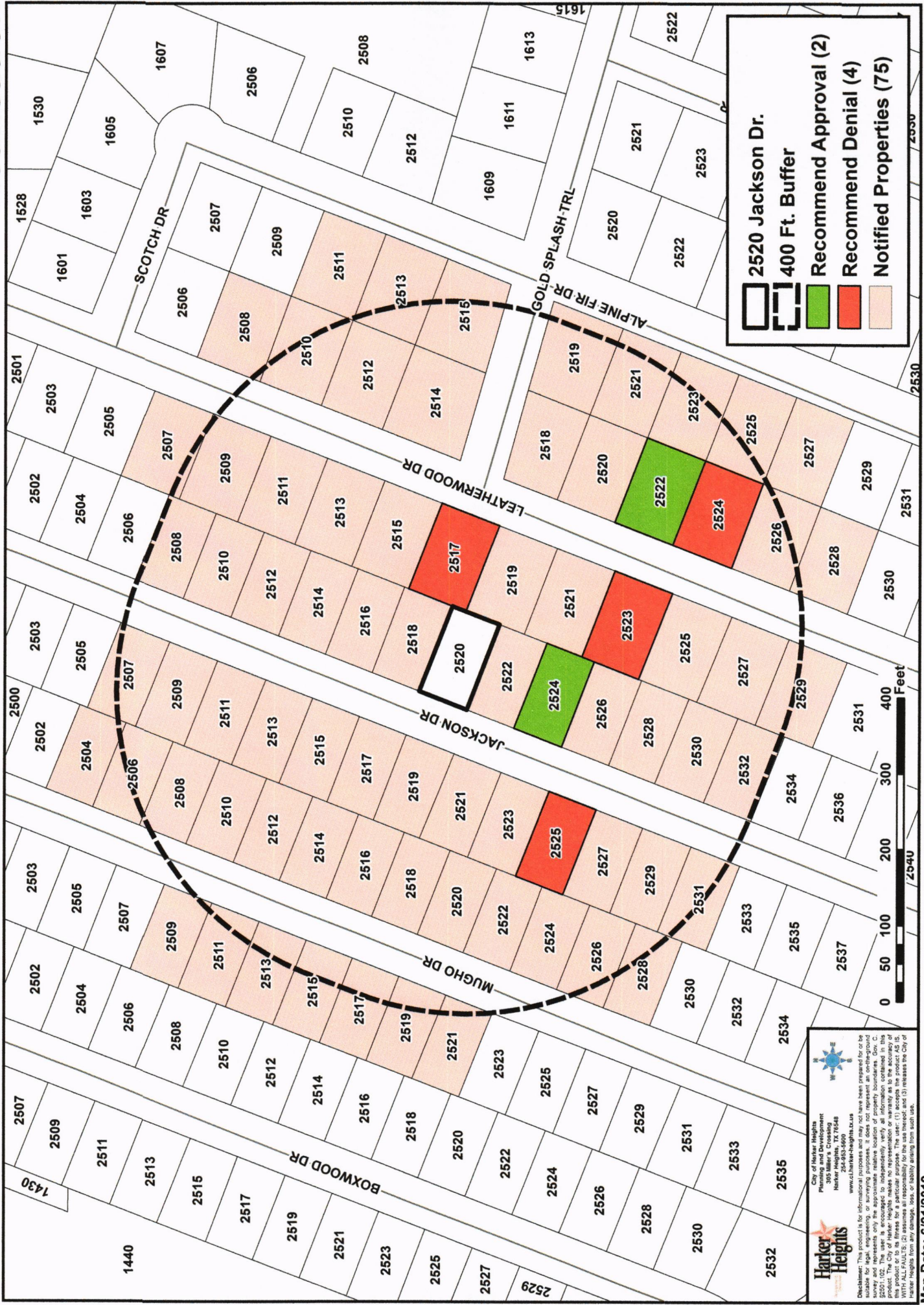


**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 300 Lamar's Crossing  
 Harker Heights, TX 76788  
 www.ci.harker-heights.tx.us  
 254-952-5400

Disclaimer: This product is for informational purposes and may not have been prepared for or by a licensed surveyor. The City of Harker Heights makes no representation or warranty as to the accuracy of the information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of the information contained in this product. THE CITY OF HARKER HEIGHTS, TEXAS, ASSUMES ALL LIABILITY FOR THE USE THEREOF AND (3) RELEASES THE CITY OF HARKER HEIGHTS FROM ANY DAMAGE, LOSS, OR LIABILITY ARISING FROM SUCH USE.

# MC19-01

# Notification



**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 395 Miller's Crossing  
 Harker Heights, TX 78648  
 www.ci.harkerheights.tx.us

Disclaimer: This product is for informational purposes and may not have been prepared for or be based on a specific project. It is not intended to be used as a basis for any legal action. The survey and represents only the approximate relative location of property boundaries. One (1) lot shown on this map is not necessarily the same as the actual lot. The user is encouraged to independently verify all information contained in this product or to its files 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.

Map Date: 6/21/2019

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

FROM: Sixto Gonzalez / Frances T. Gonzalez  
2517 Letherwood Dr. Harker Heights  
(Address of Your Property that Could  
Be **Impacted** by this Request)

RE: An application has been made to consider a home based business described as, Waggy Tails, a professional K9 training and behavioral modification business within a R-1 (One Family Dwelling District) district, on property described as Evergreen Phase One (1), Block Eight (8), Lot Eleven (11), generally located at **2520 Jackson Drive**, Harker Heights, Bell County, Texas (see attached notification map).

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

Comments:  
I am disagree on the proposal to have a K-9 training and Behavioral Business in a residential area due to the disturbing the Peace causing excessively loud and unreasonable noise Section 30-1 loud and disturbing noise. not just the noise but the smell of dog urine and feces and another problem chargers and aggressive dogs. If this Business owners try to cut down on operating cost by no renting in a Business area They should Travel To the client home or the boarding facilities.  
I Recommend the Denial of this request.

Sixto Gonzalez  
Printed Name

[Signature]  
Signature

6/14/19  
Date

**Received**  
JUN 17 2019  
**Planning & Development**

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

FROM: LORAN REPP  
2522 LEATHERWOOD DR  
(Address of Your Property that Could Be **Impacted** by this Request) HARKER HTS,

RE: An application has been made to consider a home based business described as, Waggy Tails, a professional K9 training and behavioral modification business within a R-1 (One Family Dwelling District) district, on property described as Evergreen Phase One (1), Block Eight (8), Lot Eleven (11), generally located at **2520 Jackson Drive**, 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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LORAN REPP  
Printed Name

Loran Repp  
Signature

6/17/19  
Date

**Received**

JUN 20 2019

**Planning & Development**

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

FROM: Justin Carter  
2524 Jackson Drive  
(Address of Your Property that Could  
Be **Impacted** by this Request)

RE: An application has been made to consider a home based business described as, Waggy Tails, a professional K9 training and behavioral modification business within a R-1 (One Family Dwelling District) district, on property described as Evergreen Phase One (1), Block Eight (8), Lot Eleven (11), generally located at **2520 Jackson Drive**, 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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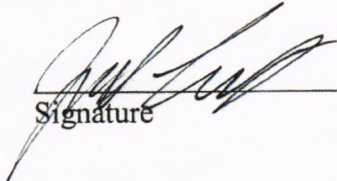
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Justin Carter  
Printed Name

  
Signature

6/20/19  
Date

**Received**  
JUN 20 2019  
Planning & Development



TO: City of Harker Heights  
Planning & Development Department

FROM: JAMES & TAMARA HARPER  
2525 JACKSON DR.  
(Address of Your Property that Could  
Be **Impacted** by this Request)

RE: An application has been made to consider a home based business described as, Waggy Tails, a professional K9 training and behavioral modification business within a R-1 (One Family Dwelling District) district, on property described as Evergreen Phase One (1), Block Eight (8), Lot Eleven (11), generally located at **2520 Jackson Drive**, Harker Heights, Bell County, Texas (see attached notification map).

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

Comments:

MY CONCERN IS OFTEN THINGS  
LIKE THIS ARE NEVER MONITORED  
OUR CONCERNS ARE EXCESSIVE TRAFFIC  
NOISE, SMELL AND THE SAFETY OF  
CHILDREN PLAYING & FAMILY'S OUT FOR  
A WALK. WE HAVE TO BE AWARE OF  
POSSIBILITIES LIKE A DOG GETTING  
LOOSE THAT COULD ATTACK AN INNOCENT  
CHILD OR WALKER. OUR CONCERNS  
ARE ADVERTIZEMENT IN THE YARD OR  
POSTED ON THE HOUSE. OUR NEIGHBORHOOD  
SHARES VERY SMALL SEPERATION FROM ONE

Tamara & James Harper  
Printed Name

James Harper  
Signature

6-19-19  
Date

**Received**

JUN 20 2019

Planning & Development

BACK TO ANOTHER. OUR NOISE LEVEL WITH  
FAMILIES HAVING PETS CAN BE AT TIME  
EXCESSIVE LET ALONG HAVING A BUSINESS OPERATE  
ON A DAILY BASES. MINE AND MANY OTHERS HAVE  
MANY CONCERNS.

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

FROM: Sharyn Hall  
2523 Leatherwood Drive  
(Address of Your Property that Could  
Be **Impacted** by this Request)

RE: An application has been made to consider a home based business described as, Waggy Tails, a professional K9 training and behavioral modification business within a R-1 (One Family Dwelling District) district, on property described as Evergreen Phase One (1), Block Eight (8), Lot Eleven (11), generally located at **2520 Jackson Drive**, Harker Heights, Bell County, Texas (see attached notification map).

**I RECOMMEND APPROVAL OF THE REQUEST**

**I RECOMMEND DENIAL OF THE REQUEST**

Comments:

Traffic is already so bad with  
the housing in this area.  
Additional traffic added because of  
this request, would definitely be  
a negative impact to our housing  
development, not to mention  
the noise factor.

Sharyn Hall  
Printed Name

6/20/19  
Date

Sharyn Hall  
Signature

**Received**

JUN 20 2019

**Planning & Development**

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

FROM: \_\_\_\_\_  
**Mrs. Evelyn Smith**  
2524 Mugho Dr  
Harker Hts, TX 76548



\_\_\_\_\_  
(Address of Your Property that Could  
Be **Impacted** by this Request)

RE: An application has been made to consider a home based business described as, Waggy Tails, a professional K9 training and behavioral modification business within a R-1 (One Family Dwelling District) district, on property described as Evergreen Phase One (1), Block Eight (8), Lot Eleven (11), generally located at **2520 Jackson Drive**, Harker Heights, Bell County, Texas (see attached notification map).

**I RECOMMEND APPROVAL OF THE REQUEST**

**I RECOMMEND DENIAL OF THE REQUEST**

Comments:

*please - please deny this request.  
one animal may not be a problem,  
but who is going to monitor how  
many animals will be on the property  
at the time.  
Please consider if you would want this  
next door to you or behind your home.  
Thank you,*

Evelyn Smith  
Printed Name

E Smith  
Signature

6-17-19  
Date

Mrs. Evelyn Smith  
2524 Mugho Dr  
Harker Hts, TX 76548



**Received**

JUN 20 2019

**Planning & Development**

TO: City of Harker Heights  
Planning & Development Department

FROM: 2528 Jackson Drive  
Harker Heights 76548  
(Address of Your Property that Could  
Be **Impacted** by this Request)

RE: An application has been made to consider a home based business described as, Waggy Tails, a professional K9 training and behavioral modification business within a R-1 (One Family Dwelling District) district, on property described as Evergreen Phase One (1), Block Eight (8), Lot Eleven (11), generally located at **2520 Jackson Drive**, Harker Heights, Bell County, Texas (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

- \*1 Main Concerns - opens door to other home businesses in a RESIDENTIAL NEIGHBORHOOD
- \*2 - increase traffic, noise, litter on Jackson Drive
- \*3 - controls on the size of business; who monitors the business; where do residents go with complaints; neighbors act as watchdogs? not acceptable
- \*4 - seems to be primarily for convenience of owner and a few clients, not necessity

By all accounts, Mr. Garcia is a great neighbor and trainer. Unfortunately, that's not sufficient grounds for opening a home business that has the potential to negatively impact his neighbors and the quality of life on this street and neighborhood in the four ways described above.

Amy & Paul De Rosa  
Printed Name

Amy De Rosa  
Signature  
Paul De Rosa

06-20-2019  
Date

**Received**

JUN 21 2019

**Planning & Development**

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

FROM: 2521 Alpine Fir Drive  
HH, TX 76548  
(Address of Your Property that Could  
Be **Impacted** by this Request)

RE: An application has been made to consider a home based business described as, Waggy Tails, a professional K9 training and behavioral modification business within a R-1 (One Family Dwelling District) district, on property described as Evergreen Phase One (1), Block Eight (8), Lot Eleven (11), generally located at **2520 Jackson Drive**, Harker Heights, Bell County, Texas (see attached notification map).

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

Comments:

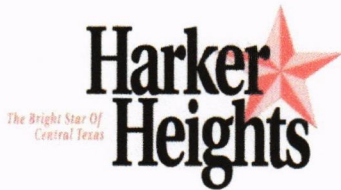
I have enjoyed living in our relatively  
quiet neighborhood for the last three years.  
I believe bringing this business into our  
neighborhood will bring more traffic and  
a higher noise level here. I believe this  
will have an adverse affect on our  
property values.  
Thank you for considering my plea for  
this petition to be denied.

Mary Oszust  
Printed Name

Mary Oszust  
Signature

6-26-19  
Date

**Received**  
JUN 26 2019  
Planning & Development



## PLANNING AND ZONING COMMISSION MEMORANDUM

**CP19-02**

**AGENDA ITEM XIV-1**

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FROM: THE OFFICE OF THE DIRECTOR OF PLANNING AND DEVELOPMENT  
DATE: JUNE 26, 2019

DISCUSS AND CONSIDER A REQUEST BY WILL PROPERTIES, INC. AND ADONIAS FRIAS FOR CONCEPT PLAN APPROVAL OF A SEMI- TRUCK PARKING FACILITY ON PROPERTY DESCRIBED AS A 4.149 ACRE TRACT OF LAND IN BELL COUNTY, TEXAS, BEING PART OF THE FRANCIS HUGHES SURVEY, ABSTRACT NO. 396, AND THE LAND HEREIN DESCRIBED BEING ALL OF A CALLED 0.725 ACRE TRACT CONVEYED TO WILL PROPERTIES, INC., OF RECORD IN VOLUME 5168, PAGE 659, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, BELL COUNTY, TEXAS, ALL OF A CALLED 1.017 ACRE TRACT CONVEYED TO WILL PROPERTIES, INC., OF RECORD IN VOLUME 5168, PAGE 730, AND ALL OF A CALLED 2.407 ACRE TRACT CONVEYED TO WILL PROPERTIES, INC., OF RECORD IN VOLUME 5168, PAGE 708, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, BELL COUNTY, TEXAS, GENERALLY LOCATED WITHIN THE PENINSULA BETWEEN E. VETERANS MEMORIAL BOULEVARD AND EDWARDS DRIVE, APPROXIMATE ADDRESS OF 1212 E. VETERANS MEMORIAL BOULEVARD, HARKER HEIGHTS, BELL COUNTY, TEXAS.

**PROJECT DESCRIPTION:**

The applicant, Mr. Adonias Frias, has submitted an application for concept plan approval for approximately 4.149 acres of land currently zoned B-5 (General Business District) located within the peninsula between Edwards Drive and E. Veterans Memorial Boulevard. The Concept Plan proposes a semi-truck maintenance/truck wash, parking and fueling station. The land is predominately vacant with the exception of a small structure near the intersection of Edwards Drive and Lookout Ridge Boulevard. The applicant has designated the structure as a proposed commercial building.

The applicant will be required to extend a 6" water line along Veterans Memorial Boulevard in order to accommodate their development and any other development in the future. Also, the applicant will need to gain support and compliance from the Texas Department of Transportation (TXDOT) for both ingress/egress of the proposed commercial sites as well as drainage acceptance. Currently Veterans Memorial Boulevard is maintained by TXDOT and Edwards Drive is maintained by the City of Harker Heights.

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

### **RECOMMENDATION**

The comments provided by Staff have been addressed or will be resolved during the platting process, and the submitted concept plan meets the standards and ordinances of the City of Harker Heights. Therefore, staff recommends approval of the concept plan request by Adonias Frias for Concept Plan approval of a semi- truck parking facility on property described as a 4.149 acre tract of land in Bell County, Texas, being part of the Francis Hughes Survey, Abstract No. 396, and the land herein described being all of a called 0.725 acre tract conveyed to Will Properties, Inc., of record in Volume 5168, Page 659, Official Public Records of Real Property, Bell County, Texas, all of a called 1.017 acre tract conveyed to Will Properties, Inc., of record in Volume 5168, Page 730, and all of a called 2.407 acre tract conveyed to Will Properties, Inc., of record in Volume 5168, Page 708, Official Public Records of Real Property, Bell County, Texas, generally located within the peninsula between E. Veterans Memorial Boulevard and Edwards Drive, approximate address of 1212 E. Veterans Memorial Boulevard, Harker Heights, Bell County, Texas.

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

1. Motion to approve/disapprove a request for Concept Plan for a semi- truck parking facility on property described as a 4.149 acre tract of land in Bell County, Texas, being part of the Francis Hughes Survey, Abstract No. 396, and the land herein described being all of a called 0.725 acre tract conveyed to Will Properties, Inc., of record in Volume 5168, Page 659, Official Public Records of Real Property, Bell County, Texas, all of a called 1.017 acre tract conveyed to Will Properties, Inc., of record in Volume 5168, Page 730, and all of a called 2.407 acre tract conveyed to Will Properties, Inc., of record in Volume 5168, Page 708, Official Public Records of Real Property, Bell County, Texas, generally located within the peninsula between E. Veterans Memorial Boulevard and Edwards Drive, approximate address of 1212 E. Veterans Memorial Boulevard, Harker Heights, Bell County, Texas..
2. Any other action desired.

### **ATTACHMENTS:**

1. Application
2. Location Map
3. Concept Plan
4. Survey
5. Field Notes
6. Staff Comments



APPLICATION FOR DEVELOPMENT CONCEPT PLAN APPROVAL
Application Fee \$ 50.00

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

SUBDIVISION NAME: WILL PROPERTIES ADDITION

NUMBER OF LOTS: (if known) 1 NUMBER OF ACRES 4.149

PROPERTY OWNER: WILL PROPERTIES, INC.

ADDRESS: P.O. BOX 578
PHONE:

DEVELOPER: ADONIAS FRIAS

ADDRESS:
PHONE:

SURVEYOR/ENG: MITCHELL & ASSOCIATES

ADDRESS: 102 N. COLLEGE ST. KILLEEN, TX
PHONE:

THIS IS TO CERTIFY THAT I/WE, THE UNDERSIGNED, AM/ARE THE SOLE OWNER(S) OF THE PROPERTY COMBINED WITH THE ABOVE DESCRIBED PLAT

BRITTANY WILLIAMS (NAME) [Signature] (SIGNATURE)
PO Box 578 Killeen, TX 76540 (ADDRESS)

NAME (PRINT) SIGNATURE
ADDRESS

TO BE USED FOR CORPORATION/PARTNERSHIP

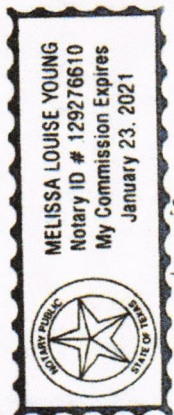
NAME (PRINT) CORP/PARTNERSHIP
ADDRESS

BY: AUTHORIZED AGENT TELEPHONE NO.

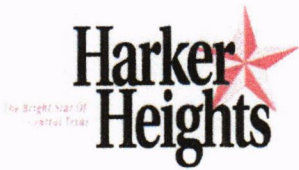
- THE DEVELOPER, THROUGH HIS ENGINEER OR AUTHORIZED REPRESENTATIVE, SHALL ACQUIRE ALL REQUIRED NATIONWIDE PERMITS, SUCH AS 401, 402 AND/OR 404, AS APPROPRIATE FROM ENVIRONMENTAL PROTECTIVE AGENCY, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND/OR THE U.S ARMY CORPS OF ENGINEERS.
The developer or their authorized representative must be present at all Planning and Zoning Commission Meetings and City Council Meetings at which their plan or plat is on the agenda for discussion or action. Failure of the developer or their authorized representative to appear before the Planning and Zoning Commission or City Council during a meeting on which the plan or plat is on the agenda for discussion or action may be deemed a withdrawal of the plat or plan.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 30 DAY OF May, 20 19.
MY COMMISSION EXPIRES: January 23, 2021

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS







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

# Concept Plan Application

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

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

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

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

## Property Information:

Subdivision Name: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

Site Address or General Location: \_\_\_\_\_

Zoning: \_\_\_\_\_ Acreage: \_\_\_\_\_ Proposed # of Lots: \_\_\_\_\_

## Owner Information/Authorization:

Property Owner: \_\_\_\_\_

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

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

Developer: \_\_\_\_\_

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

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

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

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

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

## CHECK ONE OF THE FOLLOWING:

I will represent the application myself.

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

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

OWNER SIGNATURE: \_\_\_\_\_

SWORN AND SUBSCRIBED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS MY COMMISSION EXPIRES: \_\_\_\_\_

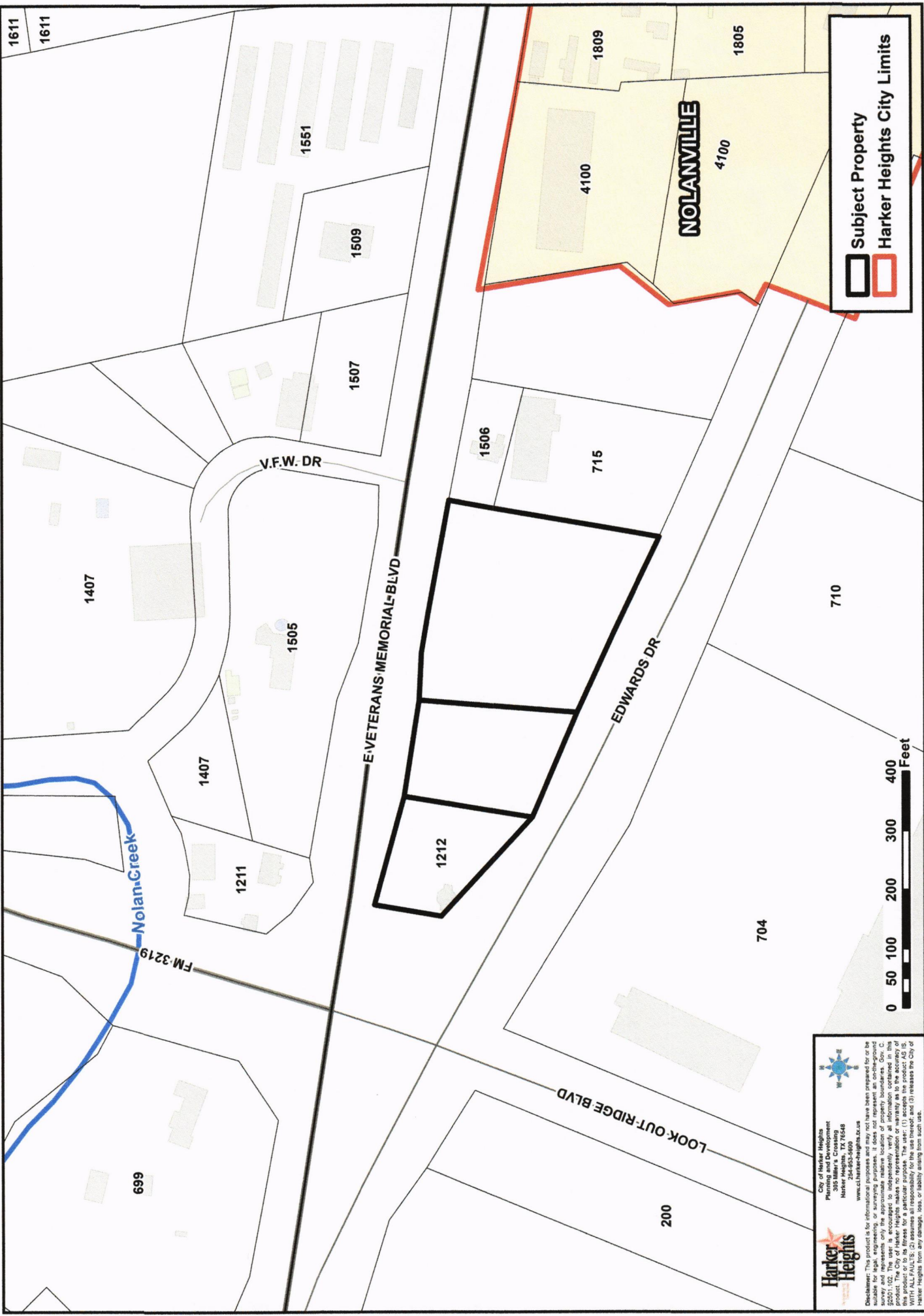
Date Submitted: _____	<b>STAFF ONLY -- DO NOT FILL OUT BELOW</b>	Receipt #: _____
Received By: _____	<input type="checkbox"/> Pre-Application Meeting	Case #: _____



Table

Parcel

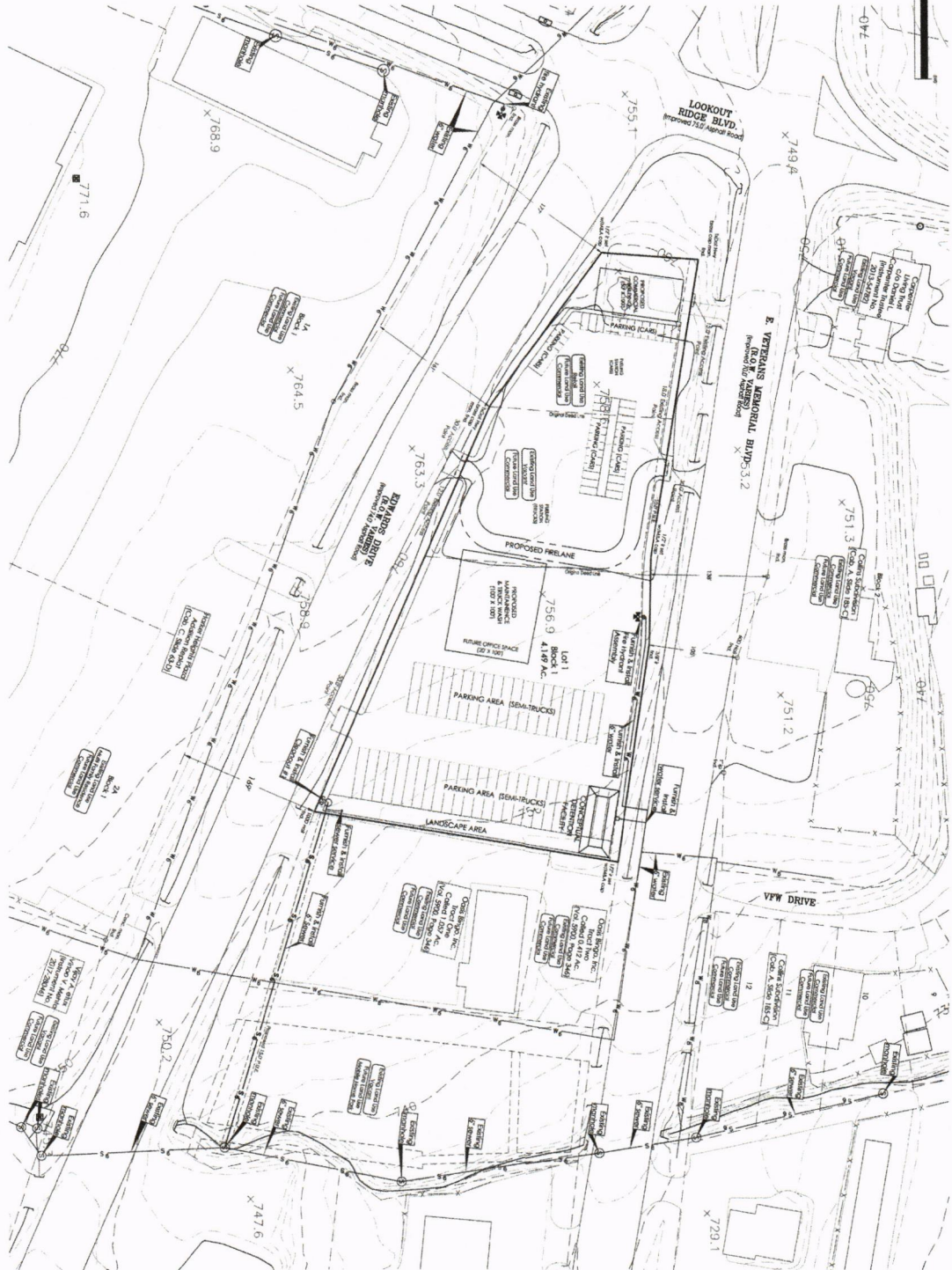
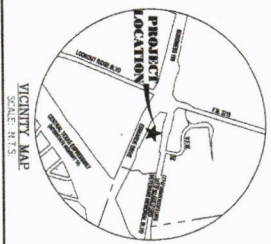
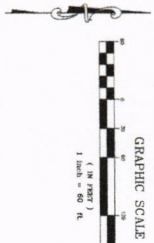
Parcel	abs_subdr_cd	legal_desc	StateCodes	C ADDRESS
A0398BC		A0398BC F HUOHS ACRES 7.077	CT	E VETERANS MEMORIAL
A0398BC		A0398BC F HUOHS ACRES 2.407	CT	EDWARDS DR
A0398BC		A0398BC F HUOHS ACRES 0.725	FL	1212 E VETERANS MEMORIAL



**Harker Heights**

City of Harker Heights  
 Planning and Development  
 305 Millers Crossing  
 Harker Heights, TX 76048  
 254-932-5600  
[www.ci.harker-heights.tx.us](http://www.ci.harker-heights.tx.us)

Disclaimer: This product is for informational purposes and may not have been prepared for or be used for any other purpose. The City of Harker Heights is not responsible for any errors, omissions, or inaccuracies in this product. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights is not responsible for any damages, including consequential damages, arising from the use of this product. THIS PRODUCT IS PROVIDED "AS IS" WITHOUT WARRANTIES, EXPRESS OR IMPLIED. THE USER 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 OWNER:**  
Will Properties Inc.  
P.O. Box 578  
Killeen, TX 76540

**DEVELOPER:**  
Adorns Plus

**SUPERVISOR/ENGINEER:**  
Mitchell & Associates, Inc.  
P.O. Box 1088  
Killeen, TX 76540

**MITCHELL & ASSOCIATES, INC.**  
ENGINEERING & SURVEYING  
102 N. COLLEGE  
KILLEEN, TEXAS 76541  
PHONE: (254) 634-5541  
FAX: (254) 634-2141  
TEXAS BOARD OF PROFESSIONAL ENGINEERS FIRM REGISTRATION NO. 2261  
T. & R. L. S. FIRM REGISTRATION NO. T60204-02

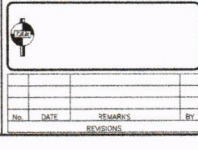
DWG. NO. 19-043-D-5  
DATE: FEB  
SCALE: 1/8" = 1' - 0"  
DRAWN BY: WRT  
DATE: 10/12/02  
AS SHOWN  
1 BLOCK  
AREA: 4.318 AC.



**WILL PROPERTIES ADDITION**  
**HARKER HEIGHTS, BELL COUNTY, TEXAS**  
**CONCEPT PLAN**

SHEET TITLE

NO.	DATE	REVISIONS	BY



\\s01\proj\19-043-D-5\19-043-D-5-1.dwg - 10/12/02 11:05 AM

\*\*\* SEE FIELD NOTES \*\*\*

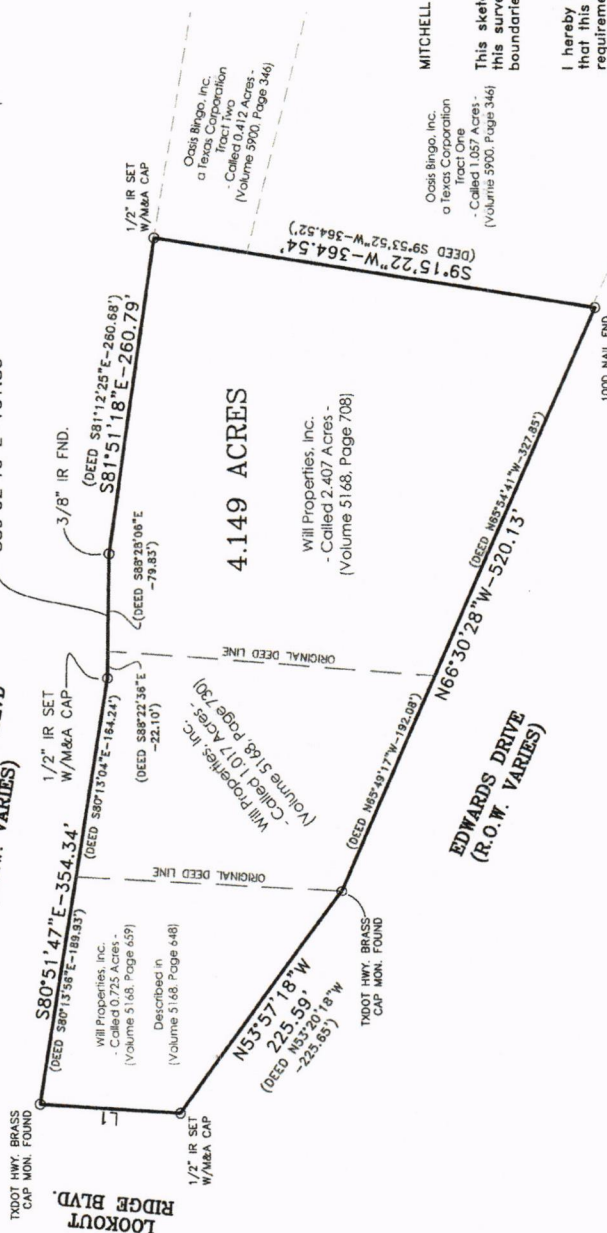
4.149 Acres of land out of the  
FRANCIS HUGHES SURVEY, Abstract No. 396  
in Bell County, Texas

LINE TABLE			
LINE	BEARING	LENGTH	DEED CALL
L1	N4°07'50"E	114.94'	N4°48'18"E - 115.00'

NOTES:

- (1) BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE, NAD 83 (CORS 96), AS DETERMINED BY LEICA TEXAS SMARTNET GPS OBSERVATIONS. ALL DISTANCES ARE SURFACE DISTANCE. COMBINED SCALE FACTOR=1.0001168.
- (2) SURVEY PREPARED WITHOUT THE BENEFIT OF TITLE COMMITMENT.

E. VETERANS MEMORIAL BLVD  
(R.O.W. VARIES)



MITCHELL & ASSOC., INC. does not make or warrant any flood zone designation.

This sketch represents a survey made on the ground. During the performance of this survey persons working under my supervision observed conditions along the boundaries and to best of my knowledge they are as shown.

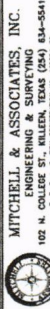
I hereby state that to best of my professional knowledge and belief that this plat and the survey on which it is based meets the requirements for land surveys in the State of Texas.

This the 1st day of March, 2019.



REX D. HAAS R.P.L.S. 4378

D.R.B.C.T. = Deed Records of Bell County, Texas.  
O.P.R.P.B.C.T. = Official Public Records of Real Property, Bell County, Texas.



MITCHELL & ASSOCIATES, INC.  
ENGINEERING & SURVEYING  
102 N. COLLEGE ST., WILLEN, TEXAS (284) 634-5841  
P.O. BOX 5, WILLEN, TEXAS 76798-0005



DATE	REVISION

E. VETERANS MEMORIAL  
4.149 ACRES

FIELD NOTES for a 4.149 acre tract of land in Bell County, Texas, being part of the Francis Hughes Survey, Abstract No. 396, and the land herein described being all of a called 0.725 acre tract conveyed to Will Properties, Inc., of record in Volume 5168, Page 659, Official Public Records of Real Property, Bell County, Texas (O.P.R.R.P.B.C.T.), all of a called 1.017 acre tract conveyed to Will Properties, Inc., of record in Volume 5168, Page 730, O.P.R.R.P.B.C.T., and all of a called 2.407 acre tract conveyed to Will Properties, Inc., of record in Volume 5168, Page 708, O.P.R.R.P.B.C.T., and being more particularly described as follows:

BEGINNING at a brass cap highway monument found at the intersection of the south right-of-way line of East Veterans Memorial Boulevard with the east right-of-way line of Lookout Ridge Boulevard, being the northwest corner of said 0.725 acre tract, for the northwest corner of this tract;

THENCE in an easterly direction with the south right-of-way line of said East Veterans Memorial Boulevard and the north line of said 0.725 acre, 1.107 acre and 2.407 acre tracts, the following three (3) calls:

1. **S. 80° 51' 47" E., 354.34 feet**, to a 1/2" iron rod with cap stamped "M&A" set for an angle corner of this tract;
2. **S. 89° 02' 10" E., 101.80 feet**, to a 3/8" iron rod found for an angle corner of this tract;
3. **S. 81° 51' 18" E., 260.79 feet**, to a 1/2" iron rod with cap stamped "M&A" set at the northeast corner of said 2.407 acre tract and the northwest corner of a called 0.412 acre tract designated Tract Two, conveyed to Oasis Bingo, Inc., of record in Volume 5900, Page 346, O.P.R.R.P.B.C.T., for the northeast corner of this tract;

THENCE **S. 09° 15' 22" W., 364.54 feet**, with the east line of said 0.412 acre tract and the east line of a called 1.057 acre tract designated Tract One, conveyed to Oasis Bingo, Inc., of record in said Volume 5900, Page 346, O.P.R.R.P.B.C.T., to a 100D nail found on the north right-of-way line of Edwards Drive at the southeast corner of said 2.407 acre tract and the southwest corner of said 1.057 acre tract, for the southeast corner of this tract;

THENCE in a westerly direction with the north right-of-way line of said Edwards Drive and the south line of said 0.725 acre, 1.107 acre and 2.407 acre tracts, the following two (2) calls:

1. **N. 66° 30' 28" W., 520.13 feet**, to a brass cap highway monument found for an angle corner of this tract;
2. **N. 53° 57' 18" W., 225.59 feet**, to a 1/2" iron rod with cap stamped "M&A" set at the southwest corner of said 0.725 acre tract, being at the intersection of the north right-of-way line of said Edwards Drive with the east right-of-way line of said Lookout Ridge Boulevard, for the southwest corner of this tract;

THENCE **N. 04° 07' 50" E., 114.94 feet**, with the west line of said 0.725 acre tract, to the POINT OF BEGINNING containing 4.149 acres of land.

The bearings for the above description are grid bearings based on the Texas Coordinate System, Central Zone (NAD 83), as determined by Leica Texas SmartNet GPS observations.


See accompanying drawing.

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS, that I, Rex D. Haas, Registered Professional Land Surveyor, do hereby certify that the above described tract was surveyed on the ground and that this description is true and correct to the best of my knowledge and belief. Survey completed on the ground February 25, 2019.

COUNTY OF BELL

IN WITNESS THEREOF, my hand and seal this the 1st day of March, 2019.

  
Rex D. Haas  
Registered Professional  
Land Surveyor, No. 4378



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# WILL PROPERTIES ADDITION

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CP19-02 — Concept Plan

Comments Sent: June 14, 2019

**Planning & Development**

Approval

**Public Works, Mark Hyde**

Approval

**Consulting Engineer, Otto Wiederhold**

1. 6" water should be extended along Veterans the full length to accommodate future improvements on the west end. Same with sanitary/sewer.
2. Drainage Plans will need to be submitted to TXDOT and approved prior to Platting.

**Fire Marshal, Brad Alley**

Approval per phone conversation on 6/14/19 with Tiffany

**Utilities Superintendent, Joe Hines**

**Building Official, Steve/Mike**

**Atmos, Shawn Kelley**

1. Atmos Energy does have gas facilities/mains on the North & South side of E Veterans Memorial Blvd near this property plat being used to serve customers.
  - I approve of the plat.

**Time Warner/Spectrum, Shaun Whitehead**

**ONCOR, Donna McGinnis**

**Century Link, Chris McGuire**

Approval Subject to Comments