



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

**Wednesday,
June 27, 2018
5:30 P.M.**



**PLANNING & ZONING COMMISSION
WORKSHOP AND MEETING AGENDA
HARKER HEIGHTS CITY HALL
WEDNESDAY, JUNE 27, 2018 - 5:30 P.M.**

Notice is hereby given that, beginning at 5:30 P.M. on June 27, 2018, the Planning and Zoning Commission (P&Z) of the City of Harker Heights, Texas, will hold a Workshop; then, beginning at 6:30 P.M. on June 27, 2018, 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 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.** New Business:
 - 1.** Receive & discuss a presentation by Staff regarding the Veteran's Memorial Boulevard Overlay District.
- III.** Adjourn Workshop.

MEETING AGENDA

- I.** Convene Regular Meeting of the Planning and Zoning Commission and establish a quorum.
- II.** Approval of Minutes from the Regular Planning and Zoning Meeting held on May 30, 2018.
- III.** Recognition of Affidavits for Conflict-of Interest.
- IV.** Report on Development Activity.
- V.** Report on City Council actions results of the June 12, 2018 meeting.
- VI.** Public Hearings:
 - 1. Z18-08** Conduct a public hearing to discuss and consider recommending an ordinance granting a Conditional Use Permit (CUP) to allow a small animal veterinarian hospital and indoor boarding facility on properties described as A0838BC R W TOM, 2-4, ACRES .551, Property ID# 126104, generally located at 111 Mountain Lion Drive, Harker Heights, Bell County, Texas and property

described as JAYLINN ADDITION, BLOCK 001, LOT 0001, ACRES .827, Property ID#385000 generally located at 109 Mountain Lion Drive, Harker Heights, Bell County, Texas.

2. **Z18-09** Conduct a public hearing to discuss and consider recommending an ordinance to change zoning designation from R-1 (One-Family Dwelling District) to B-4 (Secondary and Highway Business District) on property described as A0258BC E DAWSON, 4, ACRES 3.007, identified as Property ID# 393005, generally located on Cedar Knob Road between Loblolly Drive and E. Knights Way, Harker Heights, Bell County, Texas.

VII. Citizens to be heard.

VIII. Reports from Commissioners.

IX. Staff Comments.

X. Adjournment.

Posted: June 22, 2018

Time: 10:00 A.M.

Ty Hendrick

Ty Hendrick

Planning & Development Administrative Assistant – City of Harker Heights



Minutes of the Regular Meeting of the Harker Heights
Planning & Zoning Commission held at the City Hall Building,
May 30, 2018

Present:	Larry Robison	Chairman
	Darrel Charlton	Vice-Chair
	Noel Webster	Secretary
	Stephen Watford	Commissioner
	Colen Wilson	Commissioner
	Joseph Welch	Commissioner
	Joshua McCann	Commissioner
	Jan Anderson	Commissioner
	Kay Carey	Commissioner
Absent:	Kendall Cox	Alternate-Commissioner
Staff:	Joseph Molis	Director of Planning & Development
	Ty Hendrick	Planning Administrative Assistant
	Courtney Peres	Senior Planner
	Dan Phillips	GIS Analyst/Planner
	Brad Alley	Fire Marshal
	Mark Hyde	Public Works Director

A quorum was established and the meeting was called to order at 6:31 P.M.

The First item on the agenda was the approval of the minutes from the April 25, 2018 meeting. Commissioner Welch made the motion to approve the minutes and Commissioner Wilson seconded the motion. The motion passed unanimously (9-0).

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, Ms. Peres presented the update on development activity for the City. She stated the City issued (0) zero commercial construction permits, twenty three (23) single-family residential construction permits, and two (2) duplex permits had been issued for the month of May.

Next was the report on City Council action regarding recommendations resulting from the April 25, 2018 Planning and Zoning Commission meeting.

Under Public Hearings, Ms. Peres presented Z18-07; Conduct a public hearing to discuss and consider a rezoning request from R-1 (One-Family Dwelling District) to R1-R (Rural One-Family Dwelling District) on properties described as WITHERS WAY, BLOCK

001, LOT 0001, 3.391AC, identified as Property ID# 467874, generally located at 3200 Comanche Gap Road and property described as A1049BC W H RUSSELL, 2, ACRES 3.3, identified as Property ID# 424038, generally located at 3202 Comanche Gap Road, Harker Heights, Bell County, Texas.

Chairman Robison then opened the public hearing and asked if there was anyone to speak in favor or against the agenda item. Donald Mathes from 3204 Comanche Gap Road spoke in favor of the request. The applicant Mr. Withers was present to answer any questions.

Chairman Robison then closed the public meeting. Members of the commission then discussed the request with City Staff. Chairman Robison asked for a motion to approve or disapprove agenda item Z18-07. Commissioner Wilson made a motion for approval based upon staff's recommendations. Commissioner Watford seconded the motion. The motion passed unanimously (9-0).

Under New Business, Mr. Molis presented P18-107; Discuss and consider a request for Preliminary/Final Plat approval for the purpose of extending City infrastructure on property described as A1086BC W E HALL, ACRES 1.033, further identified with Property ID# 130894, generally located at 331 Indian Trail, Harker Heights, Bell County, Texas.

Chairman Robison asked if there was anyone present to represent the request. The applicant Mike Miller, from 331 Indian Trail and Engineer Michelle Lee was present to answer any questions.

Chairman Robison and members of the commission then discussed the request with the applicant and Mr. Molis. Chairman Robison asked for a motion to approve or disapprove agenda item P18-107. Commissioner Welch made a motion to approve the agenda item. Commissioner Carey seconded the motion. The motion passed unanimously (9-0).

Chairman Robison asked if there were any staff comments. Mr. Molis stated that there were no staff comments.

Chairman Robison then adjourned the meeting of the Planning and Zoning Commission at 7:06 P.M.

Chairman

ATTEST:



**PLANNING AND ZONING
COMMISSION MEMORANDUM**

AGENDA ITEM #III

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING AND DEVELOPMENT
DATE: June 27, 2018

Recognize Affidavits for Conflict-of-Interest – Joseph Molis, Director of Planning & Development



**PLANNING AND ZONING
COMMISSION MEMORANDUM**

AGENDA ITEM #IV

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING AND DEVELOPMENT
DATE: June 27, 2018

Report on Development Activity – Courtney Peres.



PLANNING AND ZONING COMMISSION MEMORANDUM

AGENDA ITEM #V

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING AND DEVELOPMENT

DATE: June 27, 2018

At the regular called meeting of the Planning and Zoning Commission held May 30, 2018, the Commission forwarded the items below to the City Council at their regular meeting on June 12, 2018.

Z18-07 Conduct a public hearing to discuss and consider a rezoning request from R-1 (One Family Dwelling District) to R1-R (One Family Rural Dwelling District) on properties described as WITHERS WAY, BLOCK 001, LOT 0001, 3.391AC, identified as Property ID# 467874 generally located at 3200 Comanche Gap Road and property described as A1049BC W H RUSSELL, 2, ACRES 3.3, identified as Property ID# 424038, generally located at 3202 Comanche Gap Road, Harker Heights, Bell County, Texas.

Planning and Zoning Commission – Approved (9-0)

City Council – Approved (5-0)

P18-107 Discuss and consider a request for Preliminary/Final Plat approval for the purpose of extending City infrastructure on property described as A1086BC W E HALL, ACRES 1.033, further identified with Property ID# 130894, generally located at 331 Indian Trail, Harker Heights, Bell County, Texas.

Planning and Zoning Commission – Approved (9-0)

City Council – Approved (5-0)



PLANNING AND ZONING COMMISSION MEMORANDUM

Z18-08

AGENDA ITEM VI-1

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING AND DEVELOPMENT
DATE: JUNE 27, 2018

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER RECOMMENDING AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO ALLOW A SMALL ANIMAL VETERINARY HOSPITAL AND INDOOR BOARDING FACILITY ON PROPERTIES DESCRIBED AS A0838BC R W TOM, 2-4, ACRES .551, PROPERTY ID# 126104, GENERALLY LOCATED AT 111 MOUNTAIN LION DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS AND PROPERTY DESCRIBED AS JAYLINN ADDITION, BLOCK 001, LOT 0001, ACRES .827, PROPERTY ID# 385000 GENERALLY LOCATED AT 109 MOUNTAIN LION DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS.

EXPLANATION:

The applicant is requesting a Conditional Use Permit (CUP) for the purpose of converting an existing residential structure into a veterinary clinic in an R-1 District (One-Family Dwelling District) on property located at 109 Mountain Lion Road. The applicant intends to move his current business in the neighboring city to the west to the Harker Heights area. Along with small animal care and medical procedures the business will also offer indoor boarding of animals overnight. Services to be provided but not limited to: Anesthesia, dental care, bathing, boarding, wellness exams, micro chipping, emergency and critical care, vaccinations, nutritional counseling and hospice and euthanasia services.

The CUP is an alternative to rezoning the property to a commercial zoning district. Under a CUP, specific design considerations can be applied to the redevelopment proposal. These extra measures are intended to reduce potential negative impacts on surrounding properties. The use in question is a worthy project that is not prohibited in the City; however the proposed location would need to be properly regulated with conditions in to ensure the development is safe, aesthetically pleasing and harmonious with the neighborhood and the City.

Existing Use:

The subject property is a single family home located on two lots with a total of 1.4 acres combined. The property is surrounded by single family homes to the north and east of the property. Neighboring to the west is the ASYMCA's off-site parking lot. The ASYMCA facility and Purser Family Park are located across the street to the south. The proposed conversion and use would not alter or have any significant impact on the external character and appearance of the house, setbacks, or any other development regulations. The proposed use would therefore not likely have any adverse impact on adjoining land uses in the neighborhood.

Zoning:

Current zoning for the property is R-1 (One-Family Dwelling District). All adjacent and surrounding properties are zoned R-1 (One-Family Dwelling District), R-1 with a CUP (Tap Tap Art School at 103 Mountain Lion) and PD-B (Planned Development – Business District; ASYMCA). The proposed use will likely 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 such as parking, signs and screening. The proposed veterinarian clinic 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). The propose 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 will be changed with the existing ASYMCA facility, and the intended use of the applicant would be consistent with that changing dynamic.

Flood Damage Prevention:

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

Notices:

Staff sent out fifty (50) notices to property owners within the 400 foot notification area. There was one (1) response received in favor of the request, and one (1) response received in opposition of the request.

RECOMMENDATION:

Staff recommends approval of an ordinance granting a conditional use permit to allow a small animal veterinarian hospital and indoor boarding facility on properties described as A0838BC R W Tom 2-4, Acres .551, Property ID# 126104, generally located at 111 Mountain Lion Drive, Harker Heights, Bell County, Texas and property described as Jaylinn Addition, Block 001, Lot 0001, Acres .827, Property ID# 385000, generally located at 109 Mountain Lion Drive, Harker Heights, Bell County, Texas subject to the following conditions:

1. The property can only operate as a Single Family Residential Home (R-1 One-Family Dwelling) OR a Small Animal Veterinarian Clinic/Hospital.
2. The property must maintain the overall external character and appearance of a Single Family Home.
3. Clinic activities shall be restricted to the medical care and treatment of small animals during regular office hours, and indoor overnight boarding of animals.
4. All refuse shall be screened behind perimeter fencing to minimize potential odor impacts to any adjacent residential areas. The applicant shall keep all outdoor areas in a sanitary condition.
5. Outdoor boarding shall be prohibited.
6. Site plan approval is required prior to the issuance of any development permits.
7. Sign Standards:
 - a. One monument sign shall be permitted and shall be consistent with an approved Master Signage Plan.

- b. The sign shall not exceed thirty (30) square feet in area and may not be more than six (6') feet in height.
 - c. Signage must be down lit so as not to light trespass beyond the boundary lines of the source property.
 - d. Electronic and monopole signs are prohibited.
 - e. All signage must comply with the visibility sight triangle requirement.
8. A six (6) or eight (8) foot perimeter fence around the sides and rear yard of the property is required for adequate screening per Section 155.050 of the City of Harker Heights Code of Ordinances. All fences shall be well maintained and in good condition at all times.
 9. All employee parking must be located behind the front façade of the primary structure.
 10. The development must meet parking requirements of 1 space per 200 square feet of gross floor area.
 11. The development shall adhere to all other commercial requirements as directed from the City of Harker Heights Code of Ordinances and all current, adopted building codes.
 12. A copy of the conditions of approval for the conditional use permit must be kept by the business/property owners and shall notify of conditions of approval upon transfer of business or ownership of land.

Staff believes if the conditions outlined above are considered for approval, the Conditional Use Permit will satisfy the requirements stipulated in Section 155.201-4 (Criteria for Conditional Use Approval) of the Harker Heights Code of Ordinance which seeks to ensure that:

- The proposed conforms with applicable regulations and standards established by the City's Building and Development Code;
- 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;
- 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;
- The proposed use is suitable to the premises or structure(s) in which it will be conducted;
- The proposed use will not be detrimental to the public health, safety or welfare, or will materially injure property or improvements in the vicinity;
- The proposed use will not materially and adversely affect traffic control or adjacent properties by inappropriate location, lighting or types of signs;
- The proposed use is suitable to the premises or structure(s) in which it will be conducted.

ACTION BY PLANNING AND ZONING COMMISSION:

1. Motion to recommend approval/disapproval of an ordinance granting a conditional use permit to allow a small animal veterinarian hospital and indoor boarding facility on properties described as A0838BC R W Tom 2-4, Acres .551, Property ID# 126104, generally located at 111 Mountain Lion Drive, Harker Heights, Bell County, Texas and property described as Jaylinn Addition, Block 001, Lot 0001, Acres .827, Property ID# 385000,

generally located at 109 Mountain Lion Drive, Harker Heights, Bell County, Texas based on staff's recommendation and findings.

2. Any other action deemed necessary.

ATTACHMENTS:

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



Conditional Use Permit Application

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

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

Property Owner(s) Name: WEISS, BARBARA G. Date: 5/18/18

Address: 111 MOUNTAIN LION

City/State/Zip: HARKER HEIGHTS TX

Phone: (254) 702-1527 E-mail: BWEISS@HOT.RA.COM

Legal Description of Property:

Location of Property (Address if available): 111 MOUNTAIN LION, A0838 BC RW TOM 2-4, AND JAYLINA ADDITION

Lot: 0001 Block: 0001 Subdivision: _____

Acres: 0.827 & 0.551 Property ID: 38500 & 126104 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 Future Land Use Designation: SMALL ANIMAL VETERINARY HOSPITAL AND INDOOR BOARDING

Applicant's Representative (if applicable):

Applicant's Representative: DUDLEY LOGAN BEENE

Phone: (254) 289-3791 E-Mail: LOGOVET@AOL.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 155.021 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 LOGAN BEENE will represent the owner.

Barbara Weiss
Printed Name of Property Owner

Barbara Weiss
Signature of Property Owner

D. LOGAN BEENE
Printed Name of Representative

[Signature]
Signature of Representative

Date Submitted: 5/23/18

STAFF ONLY - DO NOT FILL OUT BELOW

Pre-Application Meeting

Receipt #: 01346930

Received By: Ty Hendrick

Revised: 2/28/18

Case #: 218-08-111 Mountain Lion Dr.

Letter of Intent

Regarding the two parcels located in Harker Heights, we intend to use the buildings and land as a small animal veterinary hospital with indoor pet boarding, or residential use.

The two parcels in question are property ID 126104 and 385000, both owned by Barbara G Weiss. 126104 is A0838BC R W Tom, 2-4, and 385000 is the Jaylinn Addition.

We at Stagecoach Pet Hospital intend to mainly remodel the home on ID 126104 into a professional veterinary business. The appearance will stay in keeping with the other local businesses that have already been approved for conditional use, which is to keep a residential appearance that will blend well with the homes around the hospital. We intend to add kennel space across the back of the house even with the back edge of the garage, extend a fenced in dog walking yard across into the Jaylinn Addition behind the home, and make space for employee parking behind the dog yard.

In the front, we intend to add only enough to the front to allow an open entrance and waiting room. We hope to only trim the trees enough to allow spots of parking around the trees without having to remove any of them. A monument sign at the street built to code will be placed, and the circular drive already present will be resurfaced and utilized. A privacy fence will be built along the east edge of the property to exactly match the one located on the west edge that separates the parcels in question from the YMCA parking lot.

We believe this is the perfect business for this particular location where historically residential zoning is transitioning into commercial activity. We only intend to be open during daytime hours, thus not interrupting homes in the area at times that families return from work. We intend to contact the YMCA about helping teach classes on animal care and pet training. Most of all, to have a veterinary clinic across the street from the local dog walking park of Purser Park would not only match the intended use and direction of what the city has already placed in the area, we would be immediately available for medical emergencies that accidentally happen there during office hours, thus improving the safety for pets drawn to the area by the park's design.

STAFF
PARKING

385000

YARD

TRUCK
PARKING

120000

CLIENT
PARKING
BETWEEN
TREES



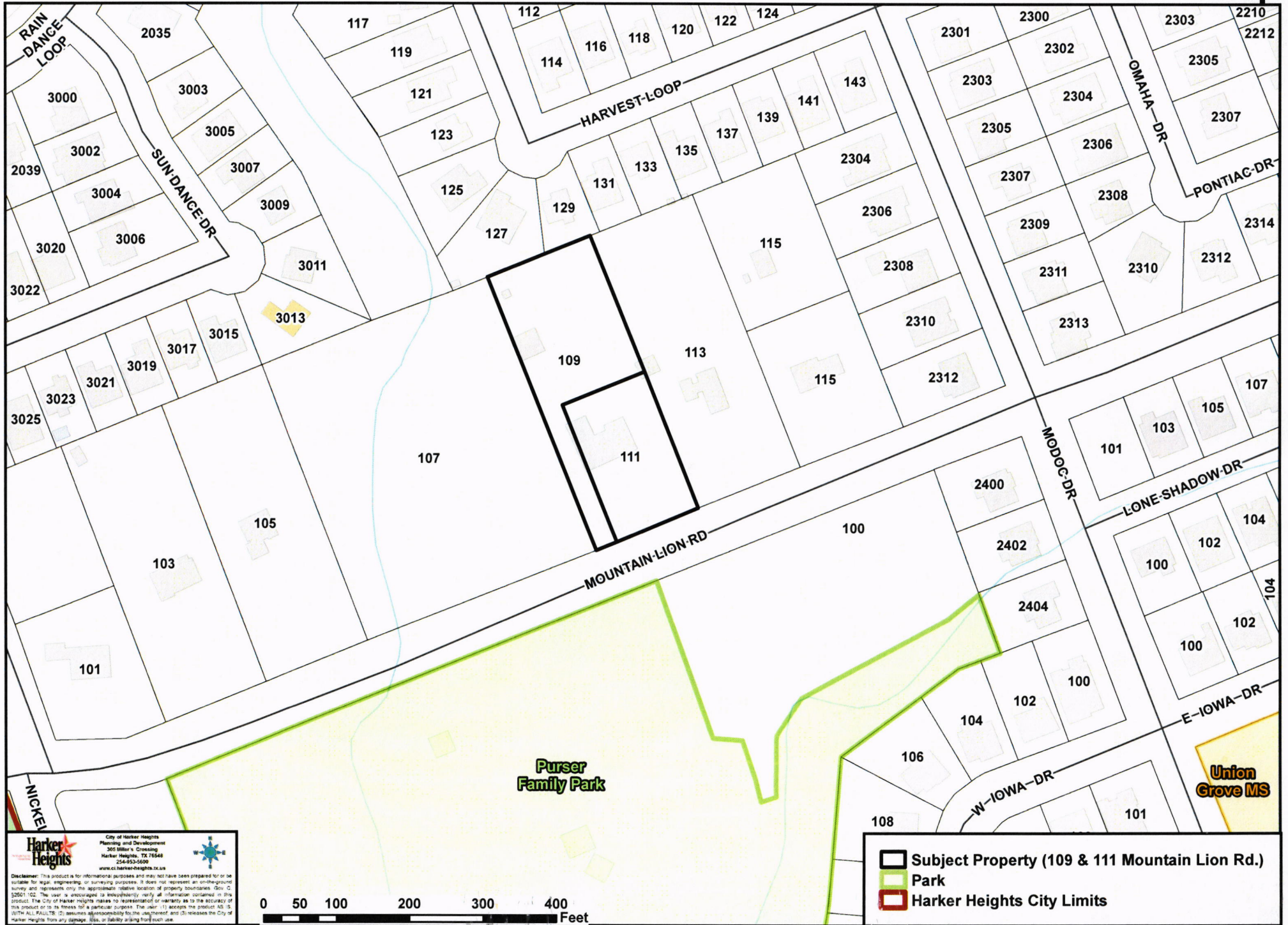
109 & 111 Mountain Lion Road – Conditional Use Permit For Small Animal Hospital

Intent:

At all times the business shall be conducted in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with the Harker Heights Code of Ordinances and conditions listed below.

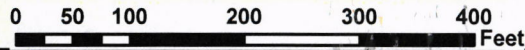
Conditions:

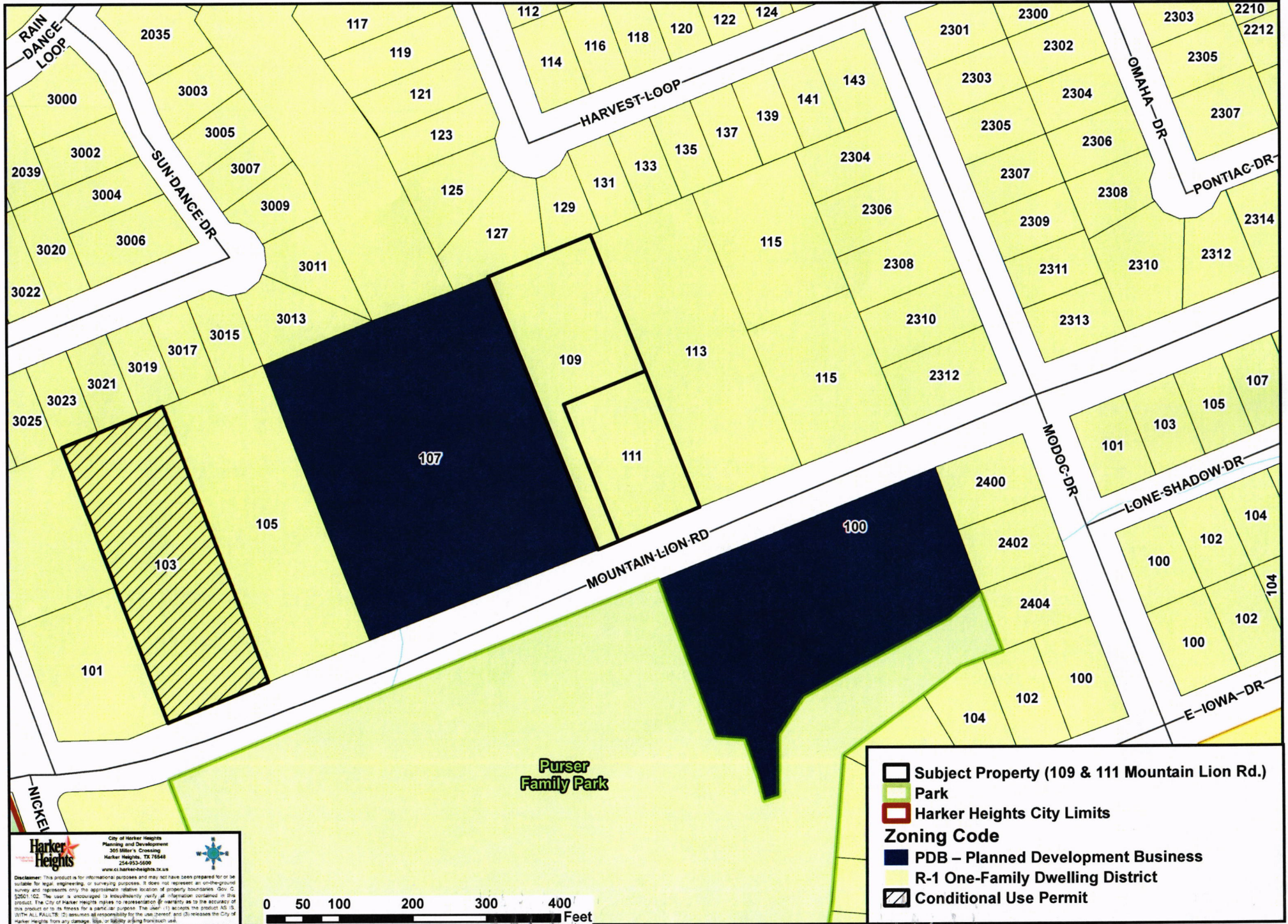
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12. A copy of the conditions of approval for the conditional use permit must be kept by the business/property owners and shall notify of conditions of approval upon transfer of business or ownership of land.



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www.ci.harker-heights.tx.us

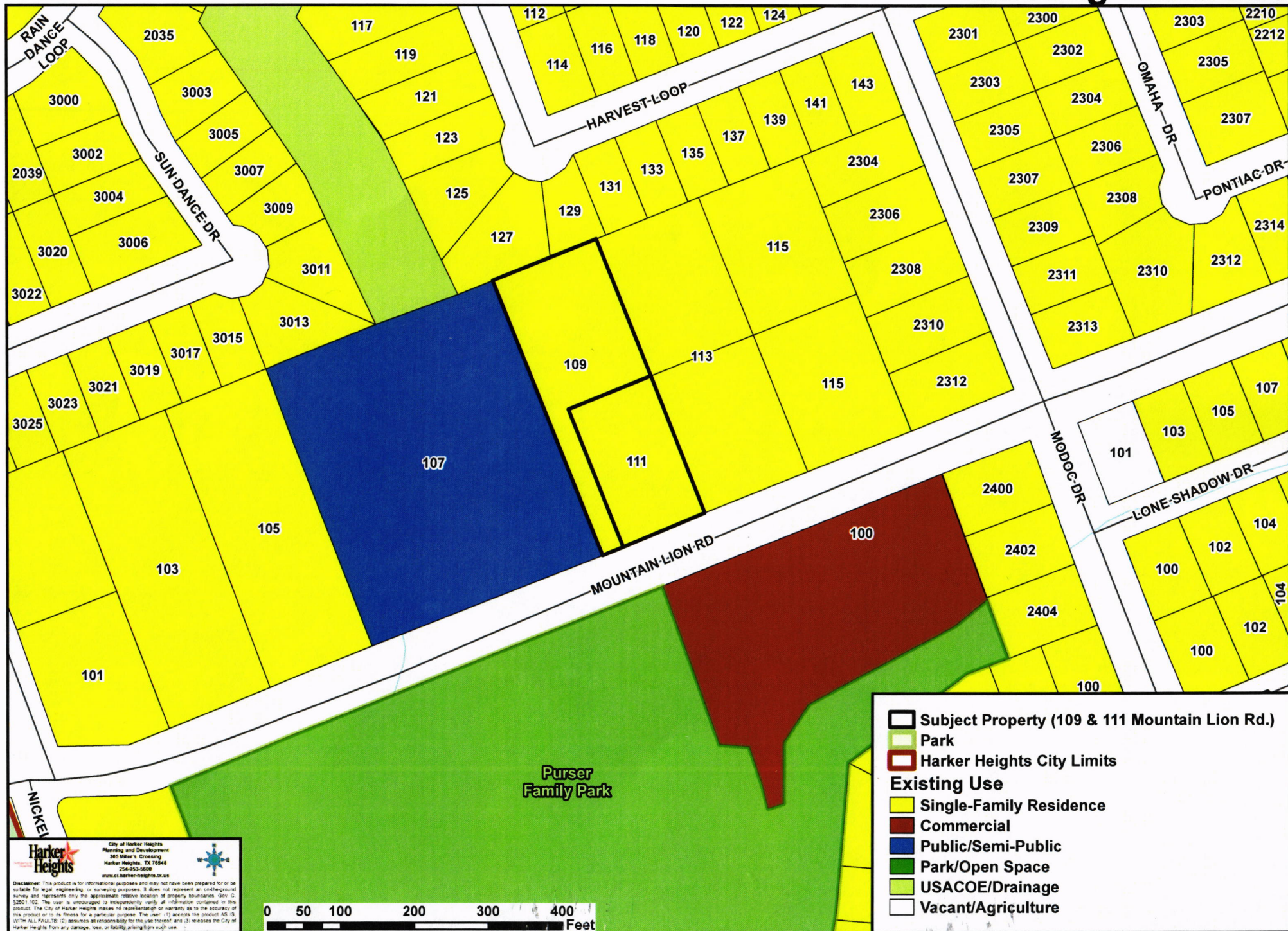
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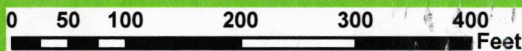
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 Planning and Development
 300 W. W. Crossing
 Harker Heights, TX 76548
 254-923-5690
 www.ci.harker-heights.tx.us

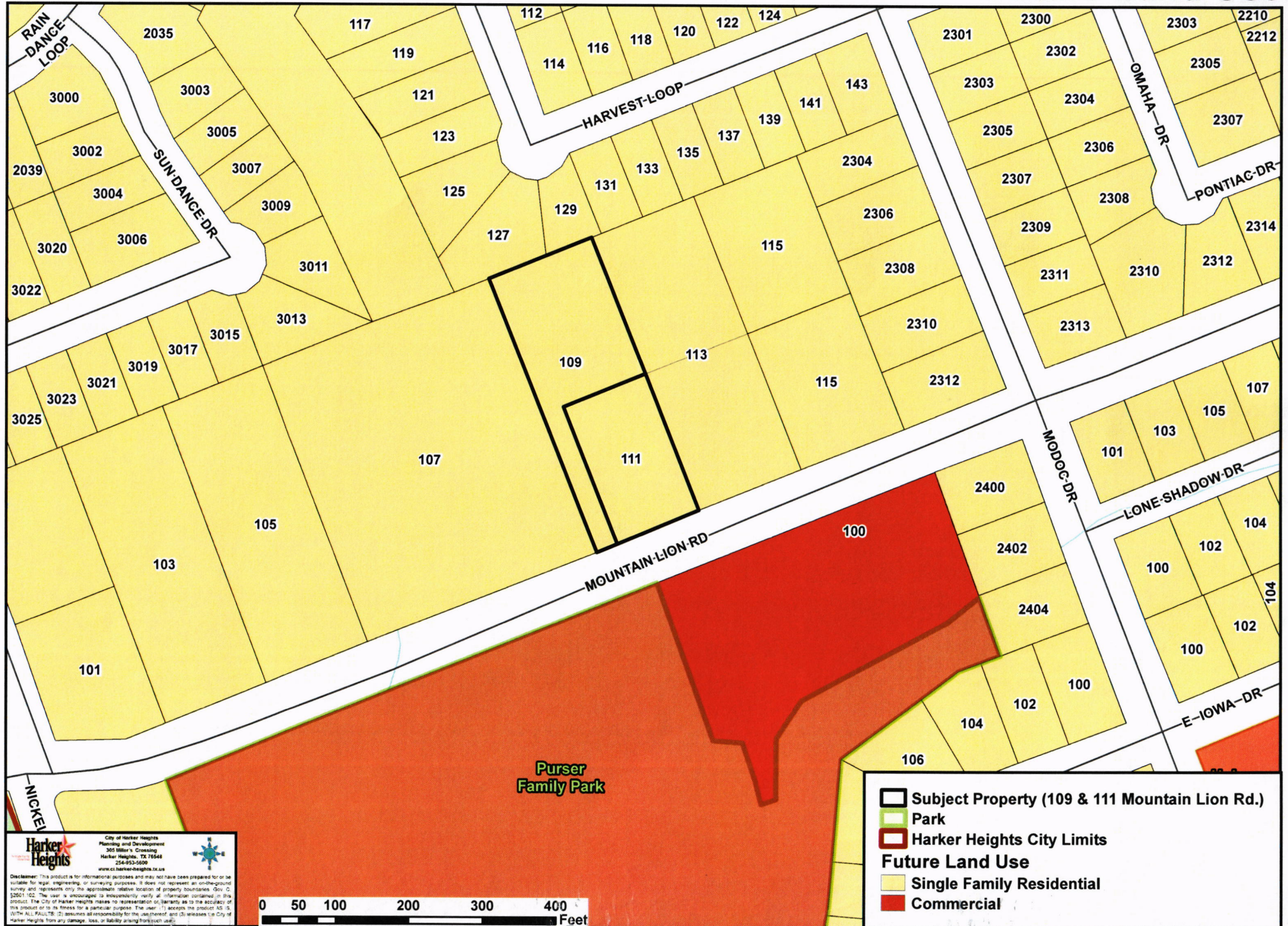
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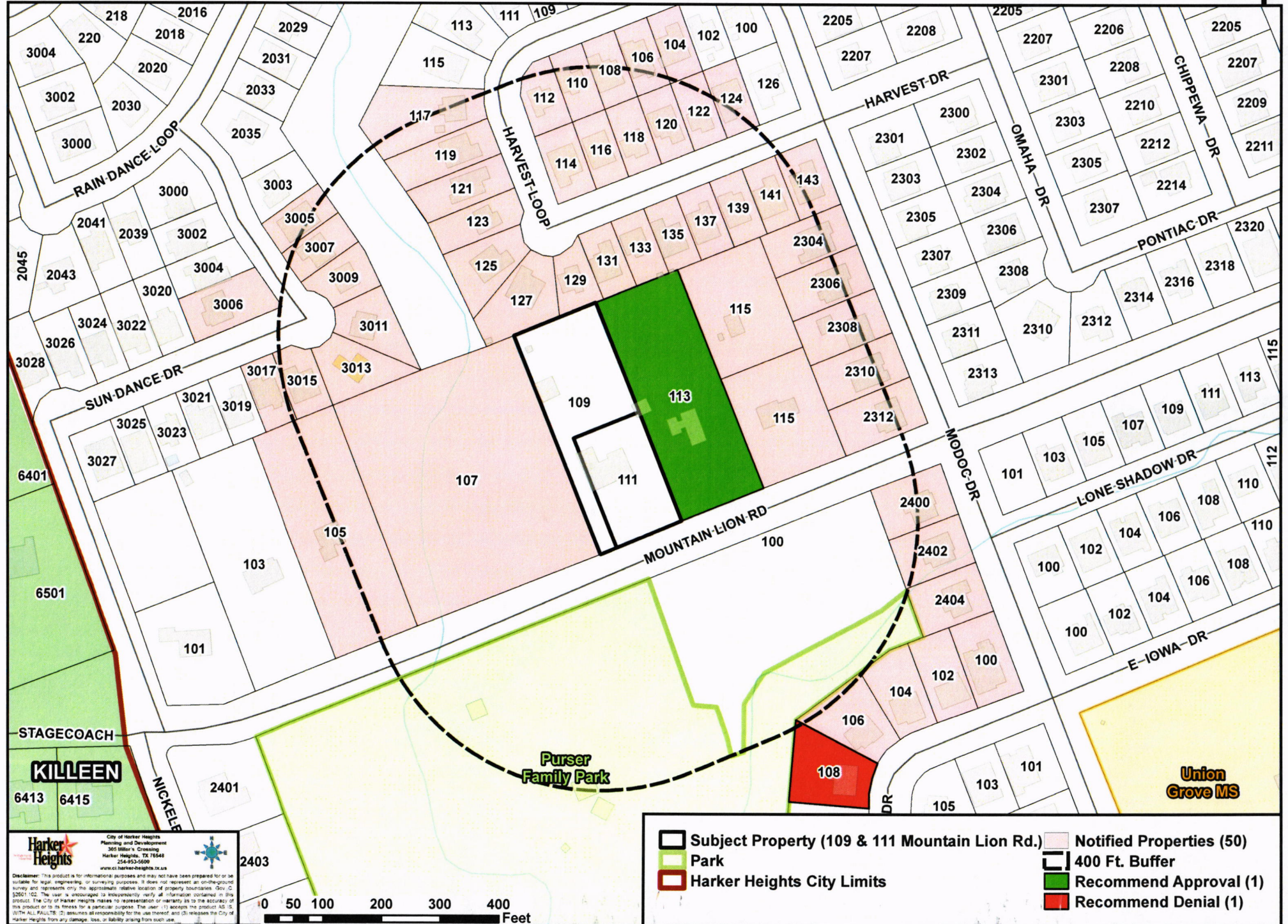


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- Subject Property (109 & 111 Mountain Lion Rd.)
- Park
- Harker Heights City Limits
- Future Land Use**
- Single Family Residential
- Commercial



Harker Heights
 City of Harker Heights
 Planning and Development
 305 Biller's Crossing
 Harker Heights, TX 75848
 254-953-5600
www.ci.harker-heights.tx.us

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Subject Property (109 & 111 Mountain Lion Rd.)	Notified Properties (50)
Park	400 Ft. Buffer
Harker Heights City Limits	Recommend Approval (1)
	Recommend Denial (1)

Received

Received

JUN 18 2018

Planning & Development

TO: **City of Harker Heights**

JUN 18 2018

Planning & Development

FROM: Elwood / JEANNE HARMAN
113 Mountain Lion Harker Heights, TX
(Address of Your Property that Could
Be **Impacted** by this Request)

RE: An application has been made to consider recommending a Conditional Use Permit (CUP) to allow a small animal veterinarian hospital and indoor boarding facility on properties described as A0838BC R W TOM, 2-4, ACRES .551, Property ID# 126104, generally located at **111 Mountain Lion Drive**, Harker Heights, Bell County, Texas and property described as JAYLINN ADDITION, BLOCK 001, LOT 0001, ACRES .827, Property ID#385000 generally located at **109 Mountain Lion Drive**, Harker Heights, Bell County, Texas (see attached location map).

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

Comments:

Elwood / JEANNE HARMAN
JEANNE HARMAN
Printed Name

[Signature]
Signature

6-18-18
Date

TO: **City of Harker Heights**

FROM: 108 West Tawa Dr
Harker Heights TX 76548
(Address of Your Property that Could
Be **Impacted** by this Request)


RE: An application has been made to consider recommending a Conditional Use Permit (CUP) to allow a small animal veterinarian hospital and indoor boarding facility on properties described as A0838BC R W TOM, 2-4, ACRES .551, Property ID# 126104, generally located at **111 Mountain Lion Drive**, Harker Heights, Bell County, Texas and property described as JAYLINN ADDITION, BLOCK 001, LOT 0001, ACRES .827, Property ID#385000 generally located at **109 Mountain Lion Drive**, Harker Heights, Bell County, Texas (see attached location map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Carlton Dozier
Printed Name


Signature

17 June 18
Date

Received
JUN 20 2018
Planning & Development

TO: **City of Harker Heights**

FROM: JAMES R. MOBLEY & BONNIE S. MOBLEY
115 MOUNTAIN LION RD HARKER HEIGHTS, TX 76548
(Address of Your Property that Could
Be **Impacted** by this Request)

RE: An application has been made to consider recommending a Conditional Use Permit (CUP) to allow a small animal veterinarian hospital and indoor boarding facility on properties described as A0838BC R W TOM, 2-4, ACRES .551, Property ID# 126104, generally located at **111 Mountain Lion Drive**, Harker Heights, Bell County, Texas and property described as JAYLINN ADDITION, BLOCK 001, LOT 0001, ACRES .827, Property ID#385000 generally located at **109 Mountain Lion Drive**, Harker Heights, Bell County, Texas (see attached location map).

- I RECOMMEND APPROVAL OF THE REQUEST
- ^{We} RECOMMEND DENIAL OF THE REQUEST

Comments:

SEE OUR LETTER WITH ATTACHMENTS BEHIND
THIS PAGE.

JAMES R. MOBLEY Bonnie S. Mobley James R. Mobley Bonnie S. Mobley
 Printed Name Signature

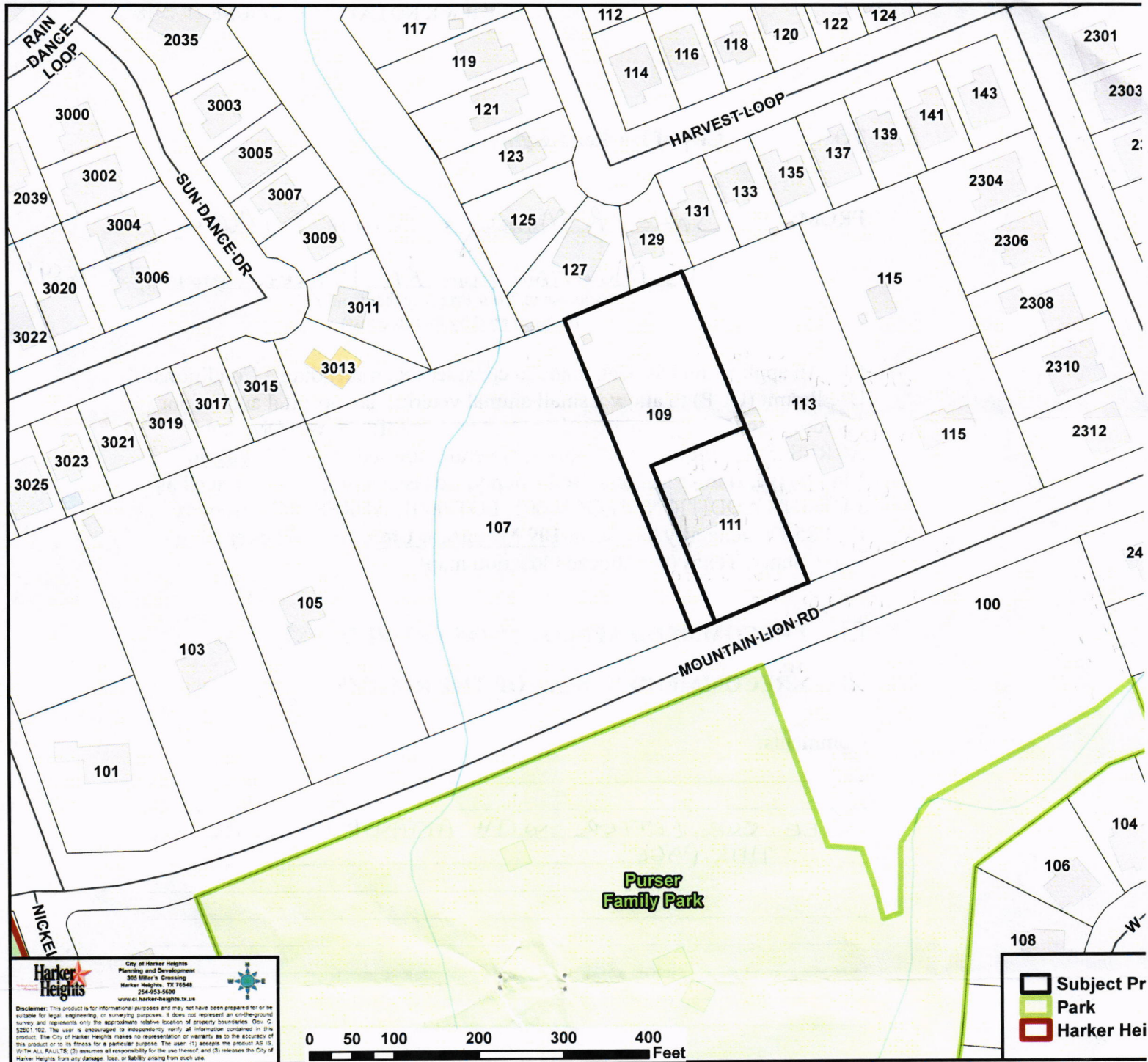
June 21, 2018
 Date

Received

JUN 21 2018

Planning & Development

Z18-08



Harker Heights
City of Harker Heights
Planning and Development
305 Billie's Crossing
Harker Heights, TX 76548
254-953-5600
www.ci.harkerheights.tx.us

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Item C (2001) 102. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, (2) 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.

Legend

- Subject Pr
- Park
- Harker Hei

Map Date: 6/5/2018

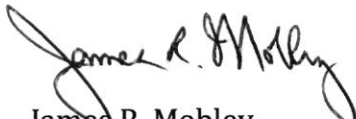
To the City of Harker Heights

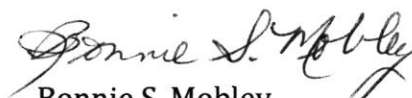
RE: Conditional Use Permit Request

We recommend a denial of the request for the reasons listed below:

1. We, James R. Mobley and Bonnie S. Mobley who reside at 115 Mountain Lion Rd., Harker Heights, TX, feel that this request for a Conditional Use Permit (CUP) does not conform to the City of Harker Heights Comprehensive Plan 2007 as far as the land use goals listed on page 92. Please see Goals 1, 2 and 5 in Attachment 1.
2. We feel that a CUP request to allow a small animal veterinarian hospital and indoor boarding facility does not meet any of the conditional uses listed under Code Section 155.02 Part (B) of the Harker Heights Code of Ordinance (Code). (See Attachment 2)
3. Property ID #385000, which is part of this request, does not show any improvements on the Bell County CAD property description. There is a small house on this tract. One would have thought the building permit would have triggered the inclusion of this house on the Bell County Tax roll. This houses exclusion, over the years, means lost revenues to the City of Harker Heights and other jurisdictions. We are not sure how or if this affects the request.
4. To us, this request would only be allowed (see Attachment 3) under Section 155.028 B-1 Office District. It would not be allowed under the criterion of Section 155.020 (B) (see item 2 above) or Section 155.084 Home Occupations item (C) which specifically does not allow (1) animal hospitals or (4) veterinarians. (See Attachment 4).
5. We also feel parking would be an issue. We estimate at least twenty parking will be needed per the Code based on the size of the existing buildings. These required parking spaces would likely require the removal of legacy live oak and elm trees. This would dramatically alter the outward appearance of the site.
6. Code Section 155.201 Conditional Use Permits, item (B)(4), criterion for approval lists ten items, (a) through (j), which could be reasons for dismissal of the request if one or more items are true. We feel that items (a) through (j) are all issues with this request. (See Attachment 5)

Sincerely,


James R. Mobley


Bonnie S. Mobley

ATTACHMENT 1

PLANNING AND DEVELOPMENT

LAND USE GOALS

Goal 1: Recognize that the physical environment is the most important element in determining the City's desirability as a place to live.

Goal 2: To plan land use activities in a way that results in an efficient, convenient and complementary land use pattern with the aim of reducing incompatible and conflicting land uses.

Goal 4: To provide for the health, safety and welfare of the people through effective land use planning

Goal 5: Promote the preservation of amenities in residential neighborhoods.

Objective 5.1: To control the location of land uses that may interfere with the integrity of residential areas.

Policy 1.1 – The City should use land use control ordinances to encourage the development of clean and safe neighborhoods.

Policy 1.2 – The City should encourage developers to utilize thoroughfares and natural topographic features to define the boundary of a neighborhood and concentrate the higher intensity uses at the periphery of the neighborhood.

Policy 1.3 - Harker Heights should continue to protect the integrity of residential areas by minimizing incompatible land uses and densities.

Policy 1.4: Harker Heights should encourage compatible in-fill development in areas between neighborhoods, such as neighborhood retail and/or other appropriate land uses.

Policy 1.5 – The City should encourage the location of land uses which support the neighborhood on the periphery of the neighborhood (e.g. shopping centers and churches)

Objective 5.2: Recognize that different types of residential uses have different land requirements and that land developed at one density should not be used for development with greater densities.

STRUCTURES. Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including, but without limiting the general inclusiveness of the foregoing, advertising signs, billboards, poster boards, and pergolas.

TOURIST COURT (AUTO COURTS, MOTELS, OR MOTOR LODGES). A group of attached, semi-detached, or detached buildings containing individual sleeping or living units, designed for or used temporarily by automobile tourists, or transients, with garage attached or parking space conveniently located to each unit, and offering to the public daily as well as for other longer term rental rates, and maintaining a register of guests and/or their vehicles.

TOWNHOUSE. One of a series of single family dwelling units which are either structurally connected, or which are constructed immediately adjacent to each other without side yards between the dwelling units. The terms **TOWNHOME** and **ROW HOUSE** are similarly defined and may be used interchangeably.

TOWNHOUSE GROUP. Two or more townhouses as an integral part of a townhouse project.

TOWNHOUSE PROJECT. One or more townhouse groups, together with commonly owned structures or areas.

TOWNHOUSE SUBDIVISION. One or more townhouse projects.

YARD. An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a **YARD** for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the horizontal distance between the lot line and the main building shall be used.

YARD, FRONT. A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projection of the usual steps, unenclosed balconies or open porch.

YARD, REAR. A yard extending across the rear of a lot, measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots, the **REAR YARD** shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lot the **REAR YARD** shall in all cases be at the opposite end of a lot from the front yard.

YARD, SIDE. A yard between the main building and the side of the lot, and extending from the front lot line to the yard line. A quasi-judicial board appointed by the City Council to hear and decide appeals, and to consider variance requests, and the like.

ZONING BOARD OF ADJUSTMENT. A quasi-judicial board appointed by the City Council to hear and decide appeals, and to consider variance requests, and the like.

(Ord. 2001-36, passed 11-13-01; Am. Ord. 2004-06, passed 3-9-04; Am. Ord. 2006-40, passed 10-24-06; Am. Ord. 2010-26, passed 9-14-10)

§ 155.020 R-1 ONE FAMILY DWELLING DISTRICT.

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

> 1 acre	4	1,500 square feet	Side: 6 feet Rear: 20 feet	24 feet
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ATTACHMENT L

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

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

- (1) Private schools having a curriculum equal to a public elementary, high school, or institution of higher learning (except home schooling).
- (2) Neighborhood association facilities.
- (3) Farms, nurseries, truck gardens and greenhouses, provided no sales offices are maintained and no livestock are kept within 250 feet of a residence of any person other than the farm owner.
- (4) Accessory dwelling for a relative or servant (not for rent).
- (5) Accessory structure as provided by § 155.040.

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

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

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

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

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

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

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

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

single-family dwellings;

- (d) Be securely fixed to a permanent foundation; and
- (e) Have all local permits and licenses that are applicable to site-built housing.

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

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

- (a) Identify each single-family dwelling located within 500 feet of the lot on which the industrialized housing is to be located, and show the taxable value for each such dwelling, as determined by the most recent certified tax appraisal roll for the county;
- (b) Describe the exterior siding, roofing, roof pitch, foundation fascia, and fenestration for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is to be located;
- (c) Describe the permanent foundation and method of attachment proposed for the industrialized housing; and
- (d) State the anticipated taxable value of the industrialized housing and the lot after installation of the industrialized housing.

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

- (a) Constructs, erects, installs or moves any industrialized housing in the city without first obtaining a permit as required by this section; or
- (b) Constructs, erects, installs or moves any industrialized housing into the city unless such industrialized housing complies with this section.

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

§ 155.028 B-1 OFFICE DISTRICT.

(A) *Permitted uses.*

- (1) Office, general business.
- (2) Offices of practitioners of the recognized professions, as herein defined:

(a) *Professional building.* Any structure used solely for the housing of professional offices of recognized professions.

(b) *Recognized professions.* Members of a recognized profession include those persons and customary staff normally considered as professional and shall be deemed to include doctors, veterinarians, dentists, lawyers, architects, certified public accountants, registered engineers and surveyors, and professions providing personal services, and the like.

(4) *Storage*. No outside storage shall be permitted in this district.

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

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

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

(Ord. 2001-36, passed 11-13-01; Am. Ord. 2004-01, passed 1-13-04)

§ 155.066 NUMBER OF PARKING SPACES REQUIRED.

(A) Parking facilities for each use shall be provided in accordance with the minimum requirements as set forth in Table 21-D.

(B) The off street parking requirements for a use not specifically listed herein shall be the same as required for a use of a similar nature as determined by the Director of Planning and Development.

(C) All commercial or manufacture uses shall provide parking spaces, in addition to those provided herein, to accommodate all trucks and other vehicles used in connection therewith.

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

§ 155.084 HOME OCCUPATIONS.

(A) *Definition*. A **HOME OCCUPATION** is an incidental use of a dwelling unit (not an accessory structure) for gainful employment, involving the provision of limited goods and/or services.

(1) Persons conducting a home occupation are required to comply with, and are subject to, any other laws, rules and regulations affecting the occupation and the property.

(2) Home occupations are permitted incidental uses only so long as all the following conditions are observed:

(a) The Texas tax identification number must be provided with the application.

(b) A sign not larger than 324 square inches (e.g., 18 inches by 18 inches) affixed to the wall or door is permitted. The home occupation shall not involve the use of advertising signs or window displays on the premises or any other local advertising media which call attention to the fact that the home is being used for business purposes; except that, for such purposes, a telephone number, but no business address, may be published.

(c) In no way shall the outside appearance of the dwelling be altered from its residential character;

(d) Performance of the occupation activity shall not be visible from the street (curtains or blinds may be used to accomplish this purpose);

(e) The use shall not increase vehicular or pedestrian traffic flow beyond what normally occurs in the applicable zoning district. Additionally, except as provided in division (g), there shall be no more than two additional cars parked on the premises or adjacent to it for non-residents, including clients and employees. Parking shall not be permitted in the front or side yards, unless paved according to city standards;

(f) There shall be no outside storage (to include trailers) or display related to the home occupation;

(g) One commercial vehicle, not for advertising, having a capacity of one ton or less (excluding attached trailers), may be used or parked on appropriate pavement on the property in connection with the home occupation;

(h) No mechanical or electrical equipment shall be employed other than the quality and quantity of machinery or equipment customarily found in a home associated with a hobby or avocation not conducted for gain or profit; and

(i) The home occupation use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the applicable zoning district.

(B) *Occupations included.* Home occupations may include, but are not necessarily limited to, the following:

(1) Office facility of an accountant, architect, attorney, engineer, consultant, insurance agent, real estate broker or member of similar professions;

(2) Author, artist or sculptor, photographer;

(3) Dressmaker, seamstress or tailor;

(4) Music/dance teacher or other type of instruction;

(5) Individual tutoring;

(6) Home crafts such as rug weaving, model making;

(7) Office facility of a salesman, sales representative, manufacturer's representative, or service provider, for sale of goods or services, whether such individual or individuals are self-employed or otherwise; and provided that no retail or wholesale transactions or provision of services are made on the premises;

(8) Repair shops for small electrical appliances (such as irons, portable fans and the like), typewriters, cameras and other similar small items; provided the item does not have an internal combustion engine;

(9) Food preparation establishments such as cake maker, provided there is compliance with all state health laws and no consumption of food items by customers on the premises;

(10) Personal grooming with one customer at a time, by appointment only.

(C) *Occupations not included.* Permitted home occupations shall not in any event be deemed to include:

(1) Animal hospitals or clinics, commercial stables or commercial kennels;

(2) Restaurants;

(3) Automobile, boat or trailer paint or repair shops (major or minor);

(4) Doctor, dentist, veterinarian, sex therapy, massage therapy or other medically related offices;

(5) On-premise retail sales, except garage sales as otherwise provided in this code:

altered, or enlarged, together with a true statement in writing, signed by the applicant, showing the use for which such building is arranged, intended, or designed, and furnishing such other information as the Building Official may require in the enforcement of the provisions of this Code, and any failure to comply with the provisions of such Code shall be good cause for the revocation of any such building permit by the Building Official. A record of such application and plots shall be kept in the office of the Building Official.

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

§ 155.201 CONDITIONAL USE PERMITS.

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

(B) *Planning and Zoning Commission consideration.*

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

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

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

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

(a) The proposed use does not conform with applicable regulations and standards established by this chapter;

(b) The proposed use will be inconsistent with the objectives and purposes of the zoning district in which the development is located, or the goals, objectives and policies set forth in the city's current Comprehensive Zoning Plan;

(c) The proposed use will be incompatible with existing or permitted uses on abutting sites because of use, building height, bulk and scale, setbacks and open spaces, coverage, landscaping and screening, drainage, or access and circulation features;

(d) The proposed use is not suitable to the premises or structure(s) in which it will be conducted;

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

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

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

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

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

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

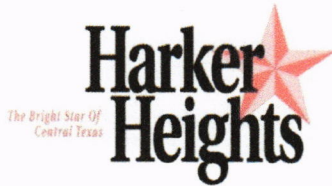
(C) *City Council consideration.*

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

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

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

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



PLANNING AND ZONING COMMISSION MEMORANDUM

Z18-09

AGENDA ITEM # VI-2

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING AND DEVELOPMENT
DATE: JUNE 27, 2018

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER RECOMMENDING AN ORDINANCE TO CHANGE ZONING DESIGNATION FROM R-1 (ONE-FAMILY DWELLING DISTRICT) TO B-4 (SECONDARY AND HIGHWAY BUSINESS DISTRICT) ON PROPERTY DESCRIBED AS A0258BC E DAWSON, 4, ACRES 3.007, IDENTIFIED AS PROPERTY ID# 393005, GENERALLY LOCATED ON CEDAR KNOB ROAD BETWEEN LOBLOLLY DRIVE AND E. KNIGHTS WAY, HARKER HEIGHTS, BELL COUNTY, TEXAS.

EXPLANATION:

The applicant is requesting a change from the current zoning classification of R-1 (One-Family Dwelling District) to B-4 (Secondary and Highway Business District). The parcel is located just north of Loblolly Drive near the entrance to Evergreen Estates subdivision. The proposed rezone would facilitate a local landscape company's headquarters. The site consists of approximately three (3) acres of vacant land located within the Knights Way Overlay Development District. The Knights Way Overlay enforces specific design standards intended to improve the appearance and quality of development in the area. The proposed development would have to conform to the stipulated design standards of the overlay district.

Existing Uses:

The subject property is currently vacant. Surrounding uses include public/semi-public uses to the north consisting of a Church and to the east are commercial and residential uses. The south and east of the property is made up of residential uses as well, primarily Evergreen Estates Subdivision and Cedarbrook Ridge Subdivision (under development).

Future Land Use:

The subject parcel is located in an area designated as Commercial with other Commercial uses designated to the north, east, and west; Single Family Residential to the south of the property. The proposed rezoning of the property from R-1 to B-4 would be consistent with the 2007 City of Harker Heights Comprehensive Plan.

Zoning:

Current zoning for this property is R-1 (One-Family Dwelling District). Adjacent and surrounding zoning includes a mixture of R-1 (One-Family Dwelling District), B-4

(Secondary and Highway Business District), and PD-R (Planned Development Residential).

Flood Damage Prevention:

No part of the lot lies within the 100 year or 500 year flood hazard area.

Notices:

Staff sent out thirty-three (33) notices to property owners within the 400 foot notification area. Zero (0) responses were received in favor of the request, and one (1) response were received in opposition of the request.

RECOMMENDATION:

Staff recommends approval of a request to change zoning designation from R-1 (One-Family Dwelling District) to B-4 (Secondary and Highway Business District), on property described as A0258BC E Dawson, 4, Acres 3.007, identified as Property ID# 393005, generally located on Cedar Knob Road between Loblolly Drive and E. Knights Way, Harker Heights, Bell County, Texas based on the following:

1. The rezoning request is consistent with the Future Land Use Plan.
2. The property's location within the Knights Way Overlay District would add additional protections to adjacent residences.

ACTION BY PLANNING AND ZONING COMMISSION:

1. Motion to recommend approval/disapproval of an ordinance to change zoning designation from R-1 (One-Family Dwelling District) to B-4 (Secondary and Highway Business District), on property described as A0258BC E Dawson, 4, Acres 3.007, identified as Property ID# 393005, generally located on Cedar Knob Road between Loblolly Drive and E. Knights Way, Harker Heights, Bell County, Texas based on staff's recommendation and findings.
2. Any other Motion deemed necessary.

ATTACHMENTS:

1. Application
2. Survey
3. Field Notes
4. Location Map
5. Existing Land Use Map
6. Future Land Use Map
7. Zoning Map
8. Notification Area Map
9. Citizen Response



Rezoning Request Application

Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED

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

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

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

Property Owner(s) Name: Heights Evergreen Developers, Ltd **Date:** May 23, 2018

Address: P.O. Box 1183

City/State/Zip: Killeen, Texas 76540

Phone: 254-699-5907 **E-mail:** bluffviewrealestate@gmail.com

Legal Description of Property:

Location of Property (Address if available): East side of Cedar Knob Road between Knight's Way and Loblolly Drive

Lot: _____ Block: _____ Subdivision: _____

Acres: 3.0 Property ID: 393005 Survey: A0258BC E Dawson, 4, Acres 3.007

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

Proposed Use: NA

Current Zoning Classification: R-1 **Proposed Zoning:** B-4

Current Land Use: Undeveloped **Proposed Land Use:** NA

Applicant's Representative (if applicable):

Applicant's Representative: Justin Fuller, PE, CFM - Clark & Fuller, PLLC

Phone: 254-899-0899 **E-Mail:** jfuller@clark-fuller.com

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

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

William Hickman

Printed Name of Property Owner

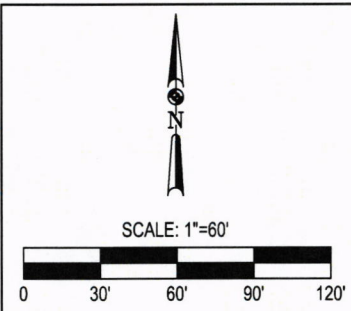
Justin Fuller

Signature of Property Owner

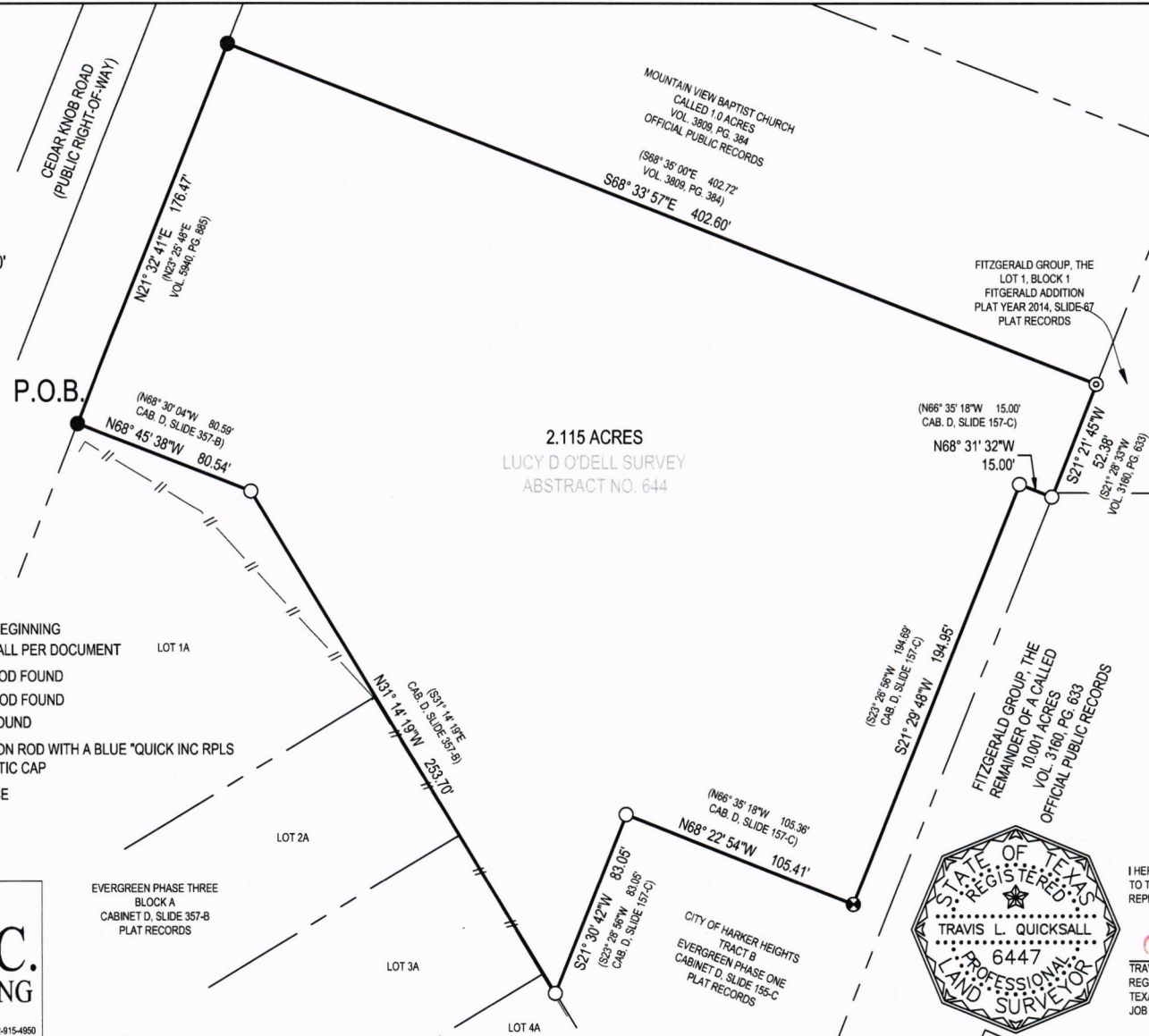
Printed Name of Representative

Signature of Representative

Date Submitted: <u>5/29/18</u>	STAFF ONLY - DO NOT FILL OUT BELOW	Receipt #: <u>01347800</u>
Received By: <u>CFeres</u>	<input checked="" type="checkbox"/> Pre-Application Meeting	Case #: <u>218-</u>
	Revised: 2/28/18	



BOUNDARY SURVEY SHOWING A 2.115 ACRE TRACT OF LAND, LOCATED IN THE LUCY D O'DELL SURVEY, ABSTRACT NO. 644, BELL COUNTY, TEXAS, SAID 2.115 ACRE TRACT OF LAND, BEING A REMAINING PORTION OF A CALLED 277.369 ACRE TRACT OF LAND RECORDED IN VOLUME 5940, PAGE 885, OFFICIAL PUBLIC RECORDS, BELL COUNTY, TEXAS.



2.115 ACRES
LUCY D O'DELL SURVEY
ABSTRACT NO. 644

- NOTES:
- 1) FIELD WORK PERFORMED ON: JUNE 4, 2018
 - 2) CLIENT: CLARK & FULLER ENGINEERING
 - 3) ADDRESS: HARKER HEIGHTS, TX
 - 4) BASIS OF BEARING: TEXAS STATE PLANE, CENTRAL ZONE, NAD83
 - 5) THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT, THEREFORE ALL SETBACKS, EASEMENTS, ENCUMBRANCES AND RESTRICTIONS MAY NOT BE SHOWN HEREON. THE SURVEYOR DID NOT COMPLETE AN ABSTRACT OF TITLE.
 - 6) A METES AND BOUNDS DESCRIPTION WAS PREPARED BY A SEPARATE DOCUMENT.
 - 7) ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR BELL COUNTY, TEXAS, MAP NUMBER 48027C0285E, EFFECTIVE DATE 09/26/2008, THIS PROPERTY LIES IN ZONE X, WHICH IS DEFINED AS AREAS DETERMINED TO BE OUTSIDE OF THE 100 YEAR FLOOD PLAIN. THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP IS FOR USE IN ADMINISTERING THE NATIONAL FLOOD INSURANCE PROGRAM; IT DOES NOT NECESSARILY IDENTIFY ALL AREAS SUBJECT TO FLOODING, PARTICULARLY FROM LOCAL DRAINAGE SOURCES OF SMALL SIZE, OR ALL PLANIMETRIC FEATURES OUTSIDE SPECIAL FLOOD HAZARD AREAS. THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR STRUCTURES LOCATED THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. THE FLOOD HAZARD AREA IS SUBJECT TO CHANGE AS DETAILED STUDIES OCCUR AND/OR WATERSHED OR CHANNEL CONDITIONS CHANGE. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.
 - 8) ONLY APPARENT UTILITIES WERE LOCATED. NO ATTEMPT HAS BEEN MADE AS PART OF THIS SURVEY TO SHOW THE EXISTENCE, SIZE, DEPTH, CONDITION, OR LOCATION OF ANY UNDERGROUND UTILITY. FOR INFORMATION REGARDING UNDERGROUND UTILITIES PLEASE CONTACT THE APPROPRIATE AGENCY.
 - 9) THE IMPROVEMENTS SHOWN HEREON ARE FOR GENERAL LOCATIVE PURPOSES ONLY AND HAVE NOT BEEN DETAILED IN THEIR ENTIRETY.

LEGEND

- P.O.B.
- () RECORD CALL PER DOCUMENT
- LOT 1A
- ⊙ 1/2" IRON ROD FOUND
- ⊕ 3/8" IRON ROD FOUND
- ⊙ 60D NAIL FOUND
- SET 1/2" IRON ROD WITH A BLUE "QUICK INC RPLS 6447" PLASTIC CAP
- X—X—X WIRE FENCE

QUICK INC.
LAND SURVEYING

FIRM NUMBER: 10194104
OFFICE: 3303 SHELL ROAD, SUITE 4, GEORGETOWN, TX, 78628 PHONE: 512-915-4950



I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THIS SURVEY.

Travis L. Quicksall

TRAVIS L. QUICKSALL DATE: JUNE 7, 2018
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6447
JOB NO. 18-2154

QUICK INC.

LAND SURVEYING

Office Address: 3303 Shell Rd. Suite 4, Georgetown, Texas 78628
Phone: 512-915-4950

FIELD NOTES FOR A 2.115 ACRE TRACT OF LAND:

BEING A 2.115 ACRE TRACT OF LAND LOCATED IN THE LUCY D. O'DELL SURVEY, ABSTRACT NO. 644, BELL COUNTY, TEXAS, SAID 2.115 ACRE TRACT BEING THE REMAINING PORTION OF THAT CALLED 277.369 ACRE TRACT OF LAND RECORDED IN VOLUME 5940, PAGE 885, OFFICIAL PUBLIC RECORDS, BELL COUNTY, TEXAS; SAID 2.115 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod located in the east right-of-way line of Cedar Knob Road, said point located in the west line of the remainder of said 277.369 acre tract, the northwest corner of Lot 1A, Block A, Evergreen Phase Three, according to the plat of record in Cabinet D, Slide 357-B, Plat Records, and being the northernmost southwest corner of the herein described tract of land;

1. **Thence**, with the east right-of-way line of Cedar Knob Road, the west line of the remainder of said 277.369 acre tract, **N 21° 32' 41" E**, a distance of **176.47'** (Record: N 23° 25' 48" E), to a 1/2" iron rod located for the southwest corner of a called 1.0 acre tract of land recorded in Volume 3809, Page 384, Official Public Records, Bell County, Texas, said point being the northwest corner of the herein described tract of land;
2. **Thence**, with the south line of said 1.0 acre tract, **S 68° 33' 57" E**, a distance of **402.60'** (Record: S 68° 35' 00" E, 402.72'), to a 3/8" iron rod located at the southeast corner of said 1.0 acre tract, in the west line of Lot 1, Block 1, Fitzgerald Addition, according to the plat of record in Plat Year 2014, Slide 67, Plat Records, Bell County, Texas, and being the northeast corner of the herein described tract of land;
3. **Thence**, with the west line of Lot 1, Fitzgerald Addition, **S 21° 21' 45" W**, a distance of **52.38'** (Record: S 21° 28' 33" W), to a 1/2" iron rod with a blue "Quick Inc. RPLS 6447" plastic cap set at the northeast corner of Tract B, Evergreen Phase One, according to the plat of record in Cabinet D, Slide 155-C, Plat Records, Bell County, Texas, said point being an exterior corner of the herein described tract of land;

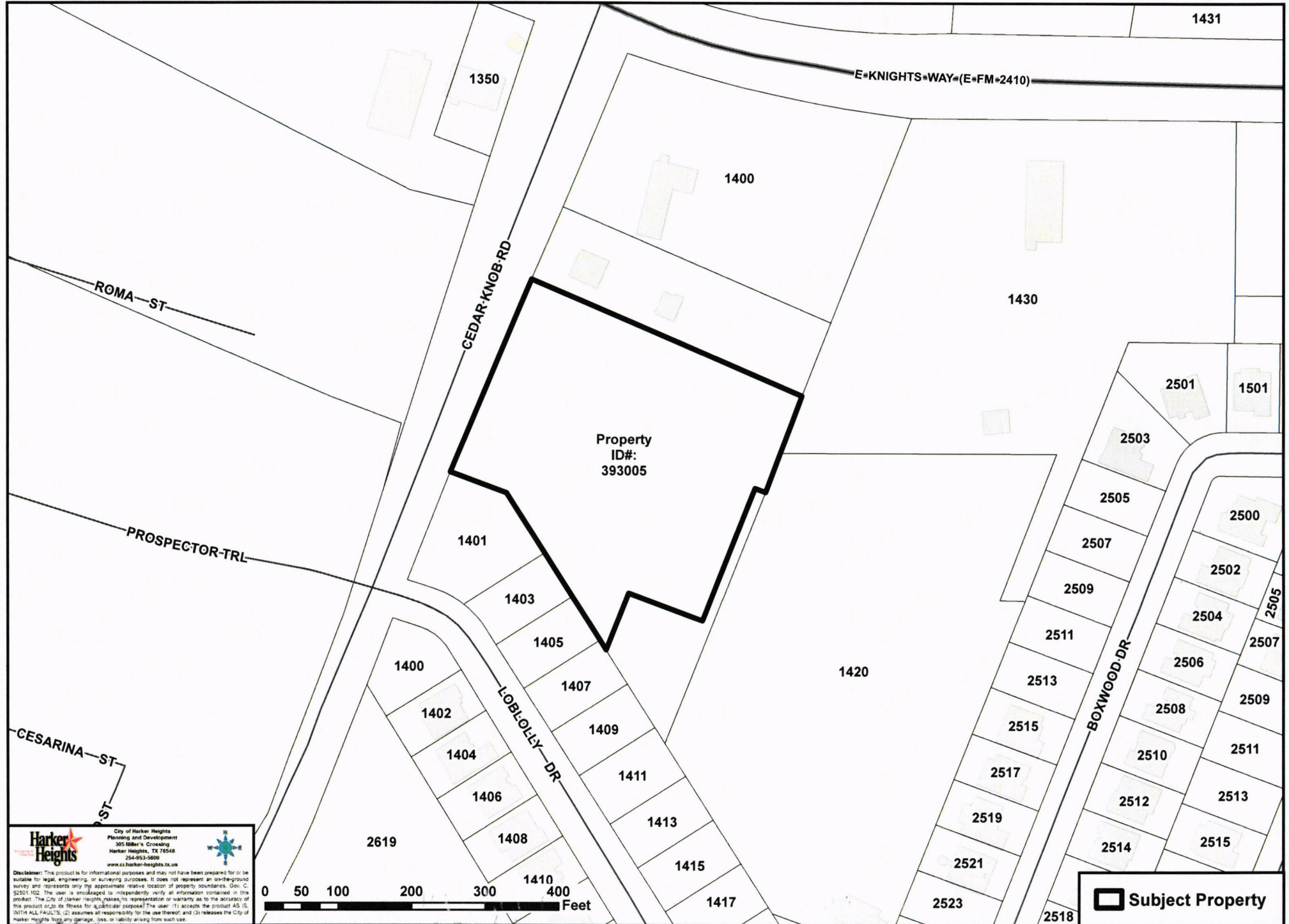
Thence, with the northeast and northwest lines of said Tract, the following four (4) courses and distances:

4. **N 68° 31' 32" W**, a distance of **15.00'** (Record: N 66° 35' 18" W, 15.00'), to a 1/2" iron rod with a blue "Quick Inc. RPLS 6447" plastic cap set at the northernmost northwest corner of said Tract B, said point being an interior corner of the herein described tract of land;
5. **S 21° 29' 48" W**, a distance of **194.95'** (Record: S 23° 26' 56" W, 194.95'), to a 60D nail located for an interior corner of said Tract B, said point being the southeast corner of the herein described tract of land;
6. **N 68° 22' 54" W**, a distance **105.41'** (Record: N 66° 35' 18" W, 105.36'), to a 1/2" iron rod with a blue "Quick Inc. RPLS 6447" plastic cap set for the southernmost northwest corner of said Tract B, said point being an interior corner of the herein described tract of land;
7. **S 21° 30' 42" W**, a distance **83.05'** (Record: S 23° 28' 56" W, 83.05'), to a 1/2" iron rod with a blue "Quick Inc. RPLS 6447" plastic cap set in the northeast line of Lot 4A, Block A, Evergreen Phase Three, according to the plat of record in Cabinet D, Slide 357-B, Plat Records, Bell County, Texas, said point being the southernmost southwest corner of the herein described tract of land;
8. **Thence**, with the northeast line of Lot 4A, **N 31° 14' 19" W**, a distance of **253.70'** (Record: N 31° 14' 19" E), to a 1/2" iron rod with a blue "Quick Inc. RPLS 6447" plastic cap set for an angle point in the northeast line of said Lot 1A, said point being an angle point of the herein described tract of land;
9. **N 31° 14' 19" W**, a distance of **253.70'** (Record: N 68° 30' 04" W, 80.59'), to the **POINT OF BEGINNING** containing **2.115 acres** of land.

Note: This survey was completed on the ground under my supervision. Basis of Bearing is Texas State Plane, Central Zone, NAD 83.



Travis L. Quicksall Date: 06/07/2018
RPLS #6447
Job #18-2154

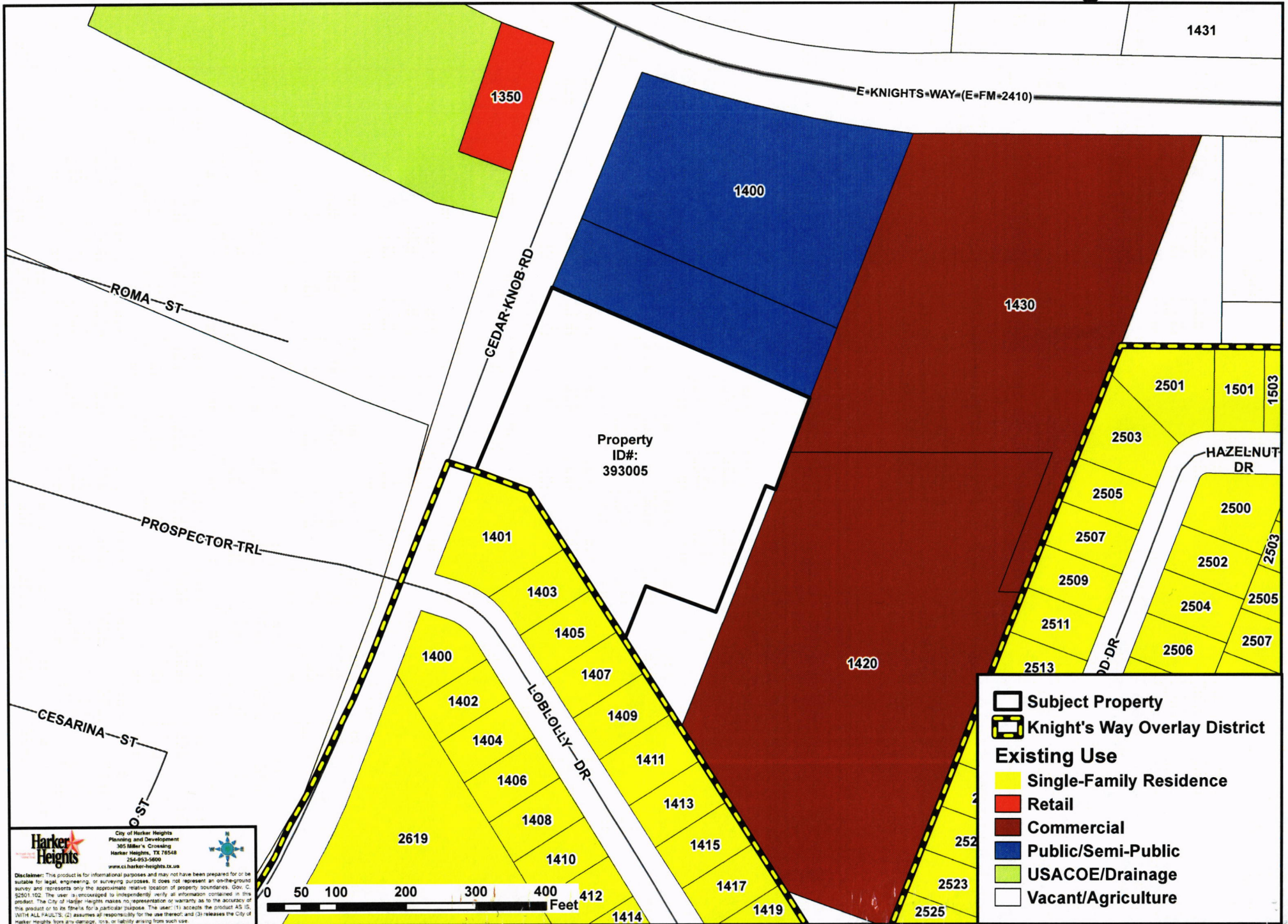


Harker Heights
 City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 78548
 254-993-5600
 www.ci.harker-heights.tx.us

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 Subject Property

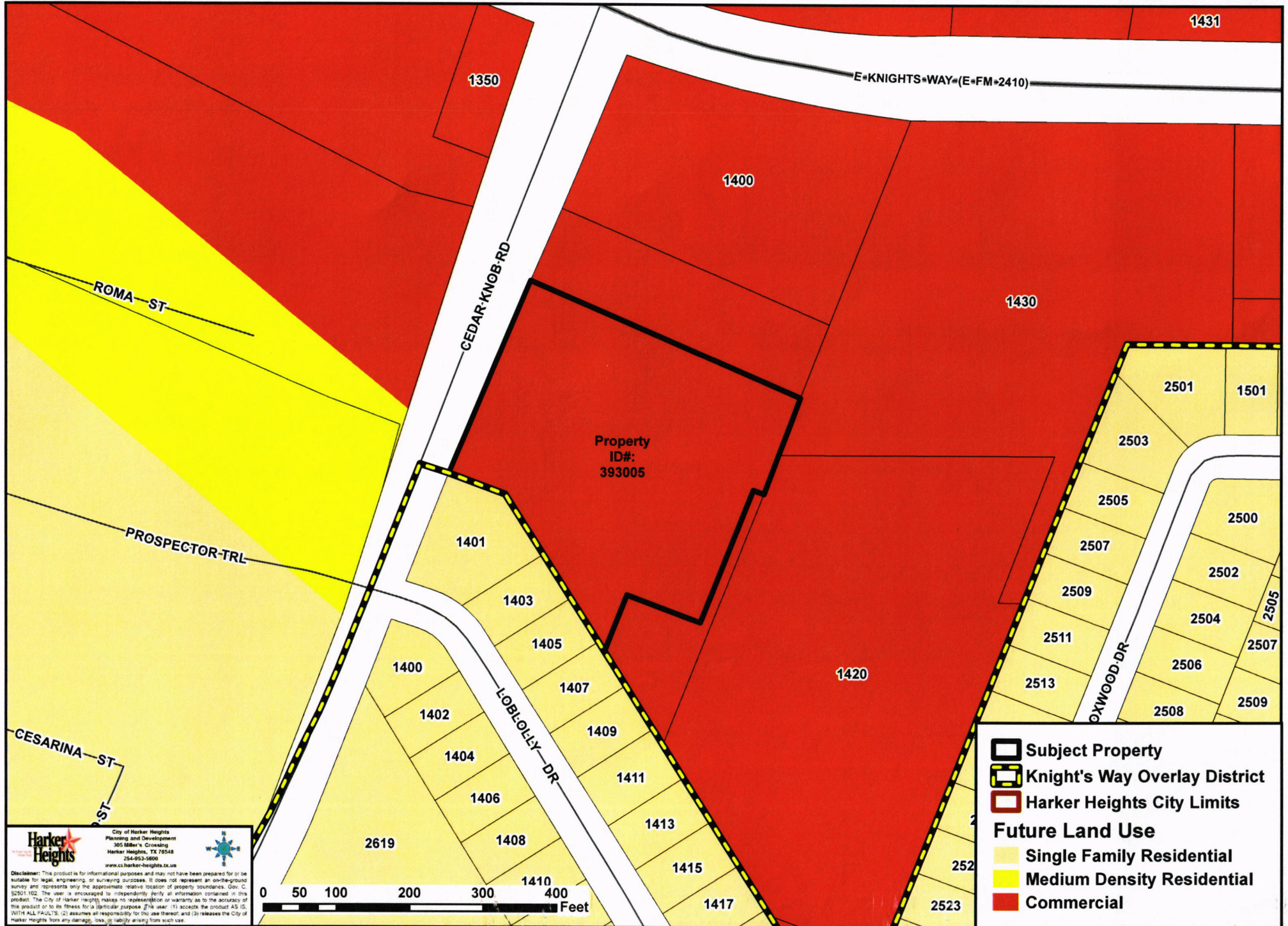


Legend

- Subject Property
- Knight's Way Overlay District
- Existing Use**
- Single-Family Residence
- Retail
- Commercial
- Public/Semi-Public
- USACOE/Drainage
- Vacant/Agriculture

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Legend

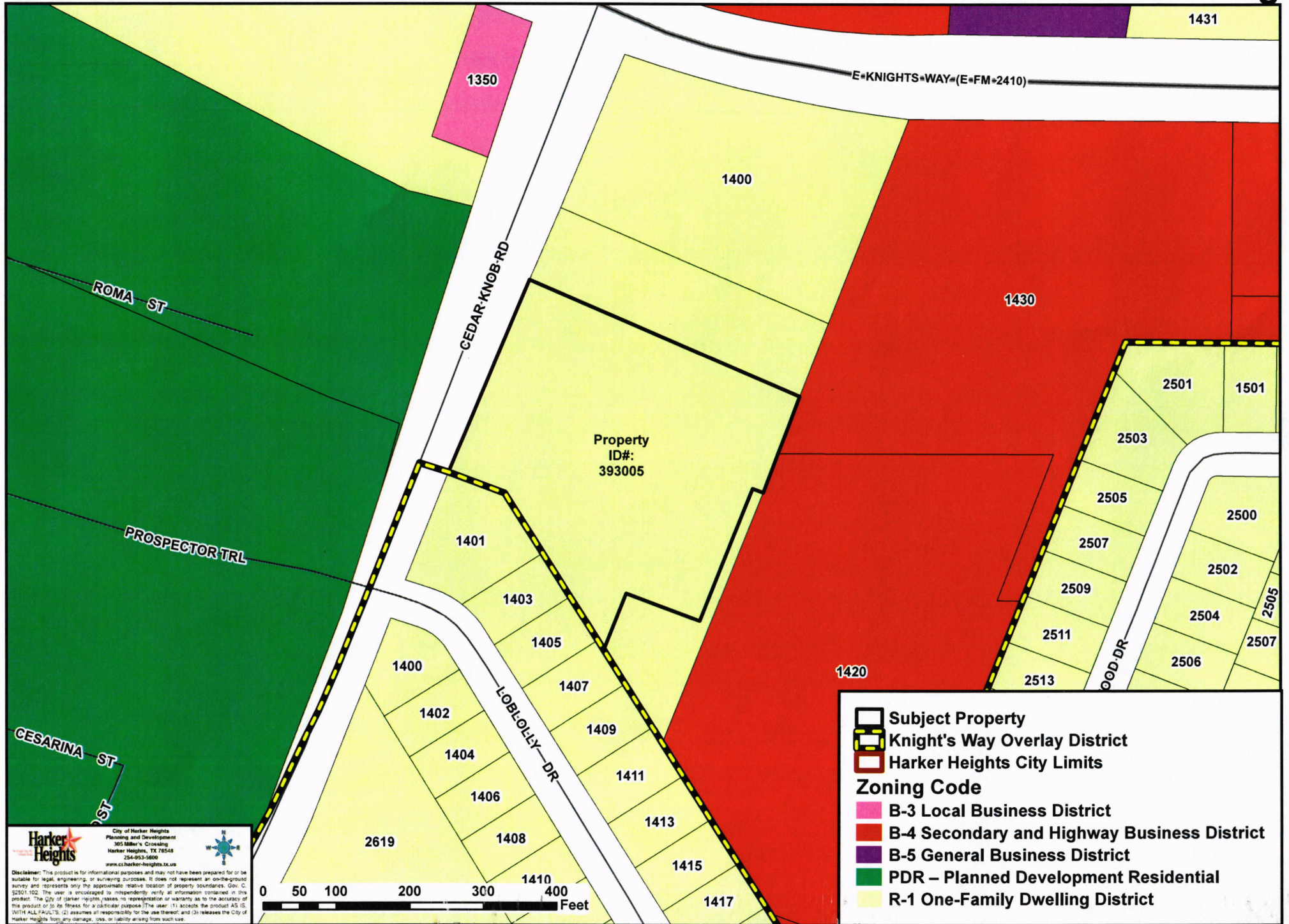
- Subject Property
- Knight's Way Overlay District
- Harker Heights City Limits


Future Land Use

- Single Family Residential
- Medium Density Residential
- Commercial

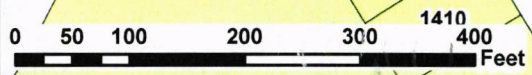
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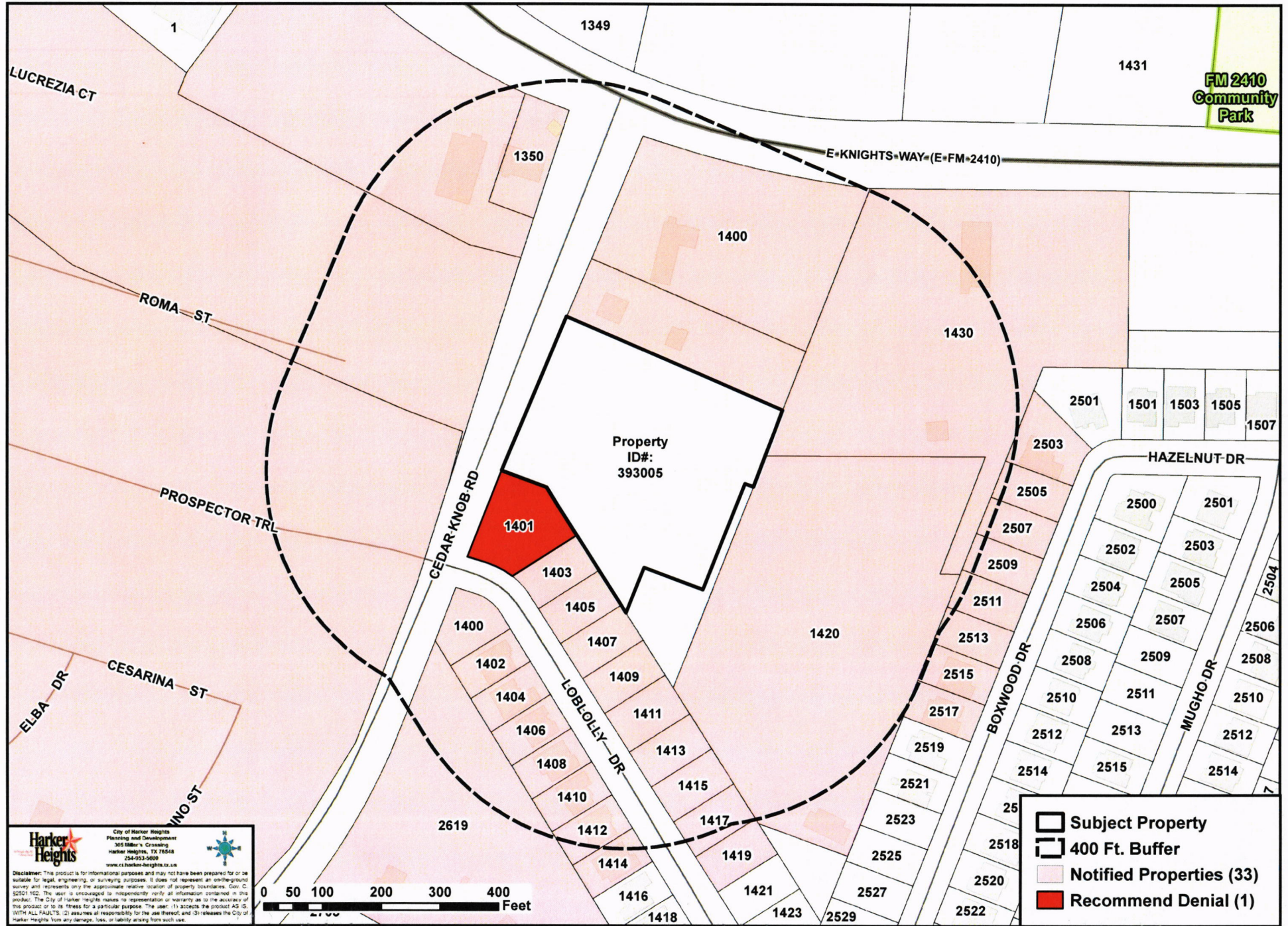



 City of Harker Heights
 Planning and Development
 305 Miller's Crossing
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 Subject Property
 Knight's Way Overlay District
 Harker Heights City Limits
Zoning Code
 B-3 Local Business District
 B-4 Secondary and Highway Business District
 B-5 General Business District
 PDR - Planned Development Residential
 R-1 One-Family Dwelling District



Harker Heights
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 Planning and Development
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FM 2410
Community
Park

LUCREZIA CT

ROMA ST

PROSPECTOR TRL

ELBA DR

CESARINA ST

WIND ST

CEDAR-KNOB RD

LOBLOLLEY DR

BOXWOOD DR

HAZELNUT DR

MUGHO DR

E=KNIGHTS-WAY=(E+FM+2410)

Property
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TO: **City of Harker Heights**

FROM: 1401 LOBLOLLY DR
HARKER HEIGHTS, TX, 76548
(Address of Your Property that Could
Be **Impacted** by this Request)

RE: An application has been made to consider recommending a rezone request from R-1 (One-Family Dwelling District) to B-4 (Secondary and Highway Business District) on property described as A0258BC E DAWSON, 4, ACRES 3.007, identified as Property ID# 393005, generally located on Cedar Knob Road between Loblolly Drive and E. Knights Way, Harker Heights, Bell County, Texas (see attached location map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Is it not enough noise, traffic and
trash in this neighborhood as is?
Why do this?

With 430 homes going in across the street,
now you want to add business behind the
house. Unbelievable!

CARROLL
Printed Name

[Signature]
Signature

June 17, 18
Date

Received
JUN 21 2018
Planning & Development

TO: **City of Harker Heights**

FROM: Sam Wright

1420 FM 2410

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

RE: An application has been made to consider recommending a rezone request from R-1 (One-Family Dwelling District) to B-4 (Secondary and Highway Business District) on property described as A0258BC E DAWSON, 4, ACRES 3.007, identified as Property ID# 393005, generally located on Cedar Knob Road between Loblolly Drive and E. Knights Way, Harker Heights, Bell County, Texas (see attached location map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

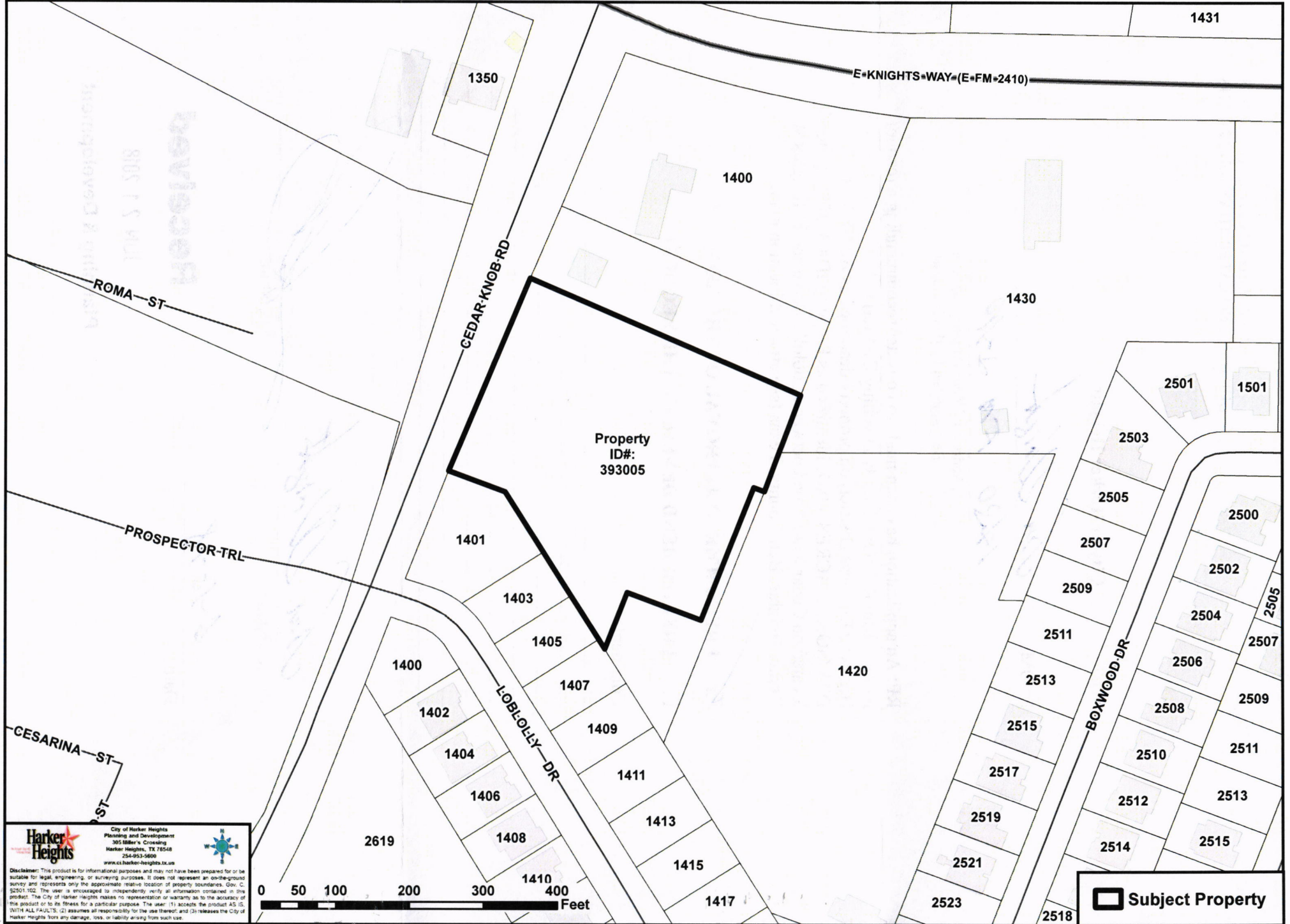
Comments:

Sam Wright
Printed Name

[Signature]
Signature

6-18-18
Date

Received
JUN 21 2018
Planning & Development



Harker Heights
City of Harker Heights
Planning and Development
305 Hillery's Crossing
Harker Heights, TX 76548
254-953-5600
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