

The background of the entire page is a map of Harker Heights, Texas. The map shows a network of streets, some with building footprints, and a large body of water in the lower right. The map is rendered in shades of gray and black. Overlaid on the map is the main title text in a large, bold, black, sans-serif font.

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

**Wednesday  
5:30 P.M.  
May 31, 2017**



**PLANNING & ZONING COMMISSION  
WORKSHOP AND MEETING AGENDA  
HARKER HEIGHTS CITY HALL  
WEDNESDAY, MAY 31, 2017 - 5:30 P.M.**

Notice is hereby given that, beginning at 5:30 P.M. on May 31<sup>st</sup>, 2017, the Planning & Zoning Commission (P&Z) of the City of Harker Heights, Texas, will hold a Workshop; then, beginning at 6:30 P.M. on May 31<sup>st</sup>, 2017, and continuing from day to day thereafter if necessary, the Planning & 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:

- I.** Convene workshop at 5:30 PM
- II.** Continue discussion regarding possible Overlay District for Veterans Memorial Boulevard.
- III.** Adjournment of Workshop
- IV.** Convene regular meeting and establish a quorum at 6:30 P.M.
- V.** Approval of minutes from regular Planning and Zoning Commission meeting held on March 29, 2017.
- VI.** Recognition of Affidavits for Conflict-of-Interest.
- VII.** Report on City Council action regarding recommendations resulting from the March 29, 2017 Planning and Zoning meeting; including an item that was tabled by the City Council from a previous Planning and Zoning meeting.
- VIII.** Report on Development Activity.
- IX.** Public Hearings:
  1. **Z17-06** – Conduct a public hearing to discuss and consider recommending an ordinance granting a Conditional Use Permit to modify existing conditions on property described as Forest Hills, Block 017, Lot 0005, with property ID#106793, and generally located at 1909 Forest Hills, Harker Heights, Bell County, Texas.
- X.** Citizens to be heard
- XI.** Staff Comments
- XII.** Adjournment

**Posted: May 26, 2017**

**Time: 10:00 A.M.**

***Ty Hendrick***

***Planning and 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,  
March 29, 2017

Present:	Larry Robison	Chairman
	Jeffery Petzke	Vice Chairman
	Jeff Orlando	Secretary
	David Kingsley	Commissioner
	Noel Webster	Commissioner
	Darrel Charlton	Commissioner
	Stephen Watford	Commissioner
	Jan Anderson	Commissioner
	Dustin King	Alternate Commissioner
Staff:	Joseph Molis	Director of Planning and Development
	Brad Alley	Fire Marshal
	Ty Hendrick	Planning & Development Administrative Assistant
	Leo Mantey	Senior Planner
	Courtney Peres	City Planner/GIS Coordinator
	Steve Philen	Building Official

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 January 25, 2017 meeting. Mr. Kingsley made the motion to approve the minutes and Mr. Orlando seconded the motion. The motion passed unanimously (8-0).

The next item on the agenda was to recognize affidavits for Conflict-of-Interest. Mr. Molis stated that Commissioner Orlando was going to step down for a conflict of interest.

Next, Ms. Peres presented the update on development activity for the City. She stated the City issued (0) zero commercial construction permits for the month of March 1st to March 29th. Eighteen (18) single-family residential construction permits and zero duplex permits have been issued for the month of March.

Under Public Hearings, Mr. Molis presented Z17-02 to discuss and consider an ordinance granting a conditional use permit (CUP) for a Micro Educational Farm, on property described as A1032BC D R Hughes, 2, Acres 18.498 with property ID #16734, generally located at Oakridge Boulevard and Mesa Oaks Circle, Harker Heights, Bell County, Texas.

Mr. Molis stated that the applicant is requesting a Conditional Use Permit (CUP) for approximately eighteen (18) acres of land generally located at Oakridge Boulevard and Mesa Oaks Circle. The purpose of the Conditional Use Permit is to identify those land uses which may be appropriate within a zoning district but, due to their location, function or operation could have a harmful impact on adjacent properties or the surrounding area. By enforcing further conditions on the property, the permit acts to mitigate or eliminate any potential adverse impacts that the proposed use may bring about. The Conditional Use Permit remains with the land, regardless of ownership, and the applicant has agreed to an annual renewal of the Conditional Use Permit.

Should the applicant not renew, the Conditional Use Permit is considered void, and the original R-1 (One Family Dwelling District) zoning shall remain in place. The property generally located at the intersection of Oakridge Boulevard and Mesa Oaks Circle is vacant and used primarily as agricultural land for horses. To the south of the property is the Oakridge Terrace subdivision and comprised of single family residences. To the north and east of the subject property are existing vacant properties. To the west of the property are single family residences mixed with vacant/agricultural land. Much of the land surrounding the subject property is vacant or currently being used as agricultural land for animals and therefore staff believes that a Micro Educational Farm will likely not have any significant impacts on surrounding land uses.

The current zoning designation for the property is R-1 (One-Family Dwelling District). All surrounding properties are zoned the same with the exception of the property immediately to the West zoned as PD-R (Planned Development Residential District) to accommodate a large accessory dwelling. The Conditional Use Permit will maintain the existing zoning of the property, but allow a commercial agricultural use on the property. At this time, the applicant does not intend to build any permanent structures on the site, however, should the applicant decide to erect permanent structures, the Conditional Use Permit will need to be amended. The future land use for the property is designated as single family residential, as are the surrounding properties. However, this property and its surrounding properties have been utilized in an open or agricultural nature, and the proposed use will maintain this agricultural nature. Based upon the pre-existing condition of the property, the proposed use will not dramatically change the character of the area, but the CUP does introduce a commercial aspect to the use of the property. However, Staff believes that with the imposed conditions, the applicants proposed use would be consistent with the dynamic of the neighborhood.

Mr. Molis stated that no portion of this property lies within the 100 year or 500 year flood hazard areas. Mr. Molis stated that staff sent out twenty-eight (28) notices to property owners within the 400 foot notification area. There were four (4) responses received in favor of the request, and six (6) responses received in opposition of the request.

Staff recommends approval for an ordinance granting a Conditional Use Permit for a Micro Educational Farm, on property described as A1032BC D R Hughes, 2, Acres 18.498 with property ID# 16734, generally located at Oakridge Boulevard and Mesa Oaks Circle. If approved, all development regulations in the Code of Ordinances will apply to include:

1. The Conditional Use Permit will expire one (1) year from the date of the City Council approval of the permit request. An application to extend the request for additional time must be received by the City of Harker Heights ninety (90) days prior to the expiration of the Conditional Use Permit.
2. No permanent buildings may be erected on the property.
3. A fence must be installed and properly maintained for the entire perimeter of property containing animals.
4. A native vegetated buffer consisting of trees and shrubs shall be located ten (10) feet from the property line for the entire distance of any parking facilities along any street frontages.
5. The parking lot must consist of a permanent, all weather surface or decomposed granite and provide two twenty-four (24) foot wide driveways for ingress/egress.
  - The driveways must have a ribbon curb at the street.
  - The parking area must include a twenty-four (24) foot drive aisle to accommodate emergency vehicles.

- All patrons must park within the designated parking lot. Parking for patrons will not be allowed on the street or on landscaped areas.
6. The property is allowed two (2) signs that shall not exceed thirty (30) square feet in area and may not be more than twelve (12) feet in height with letter font measuring no less than six (6) inches in height.
  7. Regular hours of operation will be daylight hours from Monday through Sunday. Any activities occurring past dusk will require City Council permission.
  8. This property must comply with all other City of Harker Heights Code of Ordinance requirements.

Mr. Robison asked the applicant to step forward and give his name and address. Teresa Anderson from 3511 Oakridge Blvd. stated that she was there to represent the request. The commissioners then spoke with Ms. Anderson in reference to his request. Chairman Robison then opened the public hearing and asked if there was anyone present to speak in favor or against the request.

Lee Ann Boore, 4314 Tahuaya Drive, spoke in favor of the Conditional Use Permit.  
Patrick Kerr, 1811 Mesa Oaks Circle, spoke out in opposition to the Conditional Use Permit.  
Marilyn Newkirk, 3401 Oakridge Boulevard spoke out in favor of the Conditional Use Permit.  
Barbara Kerr, 1811 Mesa Oaks, spoke out in opposition to the Conditional Use Permit.

Chairman Robison then closed the public hearing. Members of the commission then discussed the conditional use permit with Mr. Molis.

Chairman Robison asked for a motion to approve or disapprove agenda item Z17-02. Commissioner Kingsley made a motion for approval based upon staff's recommendations and Commissioner Petzke seconded the motion to approve. The motion passed in favor (8-0).

Next, Ms. Peres presented Z17-03 to discuss and consider an ordinance to change Zoning Designation from R1-R (Rural One-Family Dwelling District) to R-1 (One Family Dwelling District) for the property described as Sanders Addition Block 1, Lot 1 and 3, a replat of tract 65 Lakeside Hills, Section Two, and generally located at 4972 Lakeside Dr, Harker Heights, Bell County, Texas.

Ms. Peres stated that the applicant is requesting a change from the current zoning of R1-R (Rural One-Family Dwelling District) to R-1 (Single Family Dwelling District) on lots one (1) and three (3), Block 1, replat of tract 65 on the property generally located at 4972 Lakeside Drive. The existing lot is currently being subdivided into three lots. If approved lots one (1) and three (3) would be re-zoned to R-1 (Single Family Dwelling District) while lot two (2) would maintain its current zoning of R1-R (Rural One-Family Dwelling District). This request is to enable the applicant to construct single family homes on lots one (1) and three (3). The properties zoning of R1-R currently restricts the acreage of each lot to be comprised of at least two acres, by subdividing the larger parcel, two parcels will not meet the zoning requirement. The surrounding land uses include single family homes to the north, south, east and west of the property. Generally the area is comprised of single family dwellings. Staff believes the proposed use and zoning of the lots is consistent with the existing zoning regulations of the lots. Also, there are existing single family homes in the area, and as such, the proposed use will be compatible with existing land uses in the neighborhood. The current zoning for the property is R1-R (Rural One-Family Dwelling District). Adjacent and surrounding zoning includes R-1 (Single Family Dwelling District) to the west, north, east and south. Due to the presence of existing R-1 zones in general vicinity of the property, the proposed rezoning from R1-R to R-1 district will be compatible with the

neighborhood, and will likely not have any adverse impacts on surrounding residential zoning districts. Per the City's Future Land Use Map, the subject property is currently located in an area designated as Single Family Residential (SFR). Surrounding properties to the north, west, east and south are designated as Single Family Residential (SFR). Per the 2007 Comprehensive Plan the SFR designation is acceptable for new development in areas zoned appropriately within the City. The proposed rezoning from R1-R to R-1 will allow for the construction of single family homes on lots one (1) and three (3). Hence the proposed rezoning and intended use would be consistent with the 2007 City of Harker Heights Comprehensive Plan.

Ms. Peres stated that no portion of this property lies within the 100 year or 500 year flood hazard areas. Staff sent out forty-seven (47) notices to property owners within the 400 foot notification area. There were zero (0) responses received in favor of the request, and zero (0) responses received in opposition of the request. Ms. Peres stated that staff recommends approval of an ordinance to change the zoning designation from R1-R (Rural One-Family Dwelling District) to R-1 (One Family Dwelling District) for the property described as Sanders Addition Block 1, Lot 1 and 3, a replat of Tract 65 Lakeside Hills, Section Two, and generally located at 4972 Lakeside Hills Dr., Harker Heights, Bell County, Texas based on the following;

1. The rezoning request is consistent with the Future Land Use Plan.
2. The proposed use is compatible with the neighborhood and would not likely have any adverse impacts on adjoining uses.

Chairman Robison then opened the public hearing and asked if there was anyone to speak for or against the request. There was no one to speak for or against. Chairman Robison then closed the public hearing.

Chairman Robison then asked for a motion to approve or disapprove agenda item Z17-03. Commissioner Anderson made a motion to approve the request and Commissioner Kingsley seconded the motion. The motion passed unanimously (8-0).

Under new business, Commissioner Orlando stepped down for a conflict of interest.

Mr. Mantey then presented P17-103 to discuss and consider a request by Central-West Development LLC, for preliminary plat approval for the Shoshoni Trail Garden Homes Filing Number 2, development on property described as Shoshoni Trail Garden Homes Re-Sub of Lot 3, Block 1 and Lot 4, Block 1 and Lot 4, Block 1, Harker Heights, Bell County, Texas.

Mr. Mantey stated that the applicant from Central West Development, LLC has submitted a Preliminary Plat for Shoshoni Trail Garden Homes on 0.513 acres of land located off Shoshoni Trail at the north-eastern corner of Shoshoni Trail and Chiricahua Trace. The lots are being platted for the construction of single family homes that conform to the R1-I zoning district regulations.

The subject property is zoned appropriately as R-MU, (Residential Mixed Use) and allows for the zoning regulations of the R1-I district. The Shoshoni Trail Garden Homes site will access the City of Harker Heights water and wastewater utilities and will be required to extend utilities to accommodate development.

Preliminary engineering plans provided to staff have been reviewed to meet the requirements of the Comprehensive Plan and Zoning district, and the layout will be finalized during final platting to ensure applicable elements to the site are carried throughout.

Mr. Mantey stated that the applicant has met all standards as outlined in the Harker Heights Code of Ordinances and has answered all staff comments on the Preliminary Plat. Therefore, Staff recommends approval of the Preliminary Plat request by Central West LLC for the Shoshoni Trail Garden Homes development on property described as Shoshoni Trail garden Homes Re-Sub of Lot 3, Block 1 and Lot 4, Block 1, Harker Heights, Bell County, Texas.

Chairman Robison then asked if there was a motion to approve or disapprove of agenda item P17-103. Commissioner Anderson made a motion to approve and Commissioner Petzke seconded the motion. The motion passed unanimously (8-0).

Chairman Robison then adjourned the meeting at 7:28pm.

**Chairman**

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**ATTEST:**

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**PLANNING AND ZONING  
COMMISSION MEMORANDUM**

**AGENDA ITEM #VI**

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FROM: THE OFFICE OF THE DIRECTOR OF PLANNING AND DEVELOPMENT  
DATE: MAY 31, 2017

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





# PLANNING AND ZONING COMMISSION MEMORANDUM

## AGENDA ITEM #VII

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FROM: THE OFFICE OF THE DIRECTOR OF PLANNING AND DEVELOPMENT  
DATE: MAY 31, 2017

At the regular called meeting of the Planning and Zoning Commission held March 29, 2017, the Commission forwarded the items below to the City Council at their regular meeting on April 11, 2017.

Conduct a public hearing to discuss and consider a Conditional Use Permit (CUP) for a Micro Educational Farm, on property described as A1032BC D R HUGHES, 2, ACRES 18.498 with Property ID#16734, generally located at Oakridge Blvd and Mesa Oaks Cir, Harker Heights, Bell County, Texas.

**Planning and Zoning Commission – Approved (8-0)**  
**City Council – Disapproved – (3-1)**

Conduct a public hearing to discuss and consider an ordinance to change zoning designation from R1-R (Rural One-Family Dwelling District) to R-1 (One-Family Dwelling District) on property described as Sanders Addition Block 1, Lot 1 and 3, a replat of tract 65 Lakeside Hills, Section Two, and generally located at 4972 Lakeside Drive, Harker Heights, Bell County, Texas.

**Planning and Zoning Commission – Approved (8-0)**  
**City Council – Approved (4-0)**

Discuss and consider a request by Central West LLC, for preliminary plat approval for the Shoshoni Trail Garden Homes development on property described as Shoshoni Trail garden Homes Re-Sub of Lot 3, Block 1 and Lot 4, Block 1, Harker Heights, Bell County, Texas.

**Planning and Zoning Commission – Approved (8-0)**  
**City Council – Approved (4-0)**

The Council conducted a Public Hearing to discuss and consider approving a request by LUREE Inc. for Concept Plan approval of a 45 Acre Tract of land to accommodate Single Family Residences in an R-1 Zoning District (One Family Dwelling District) within the Oakridge Terrace Subdivision, also known as 1901 Valley Oaks Drive, Harker Heights, Bell County, Texas.

**Planning and Zoning Commission – October 26, 2016 – Approved (6-0)**  
**City Council – November 14, 2016 – Tabled (4-0)**  
**City Council – April 11, 2017 – Disapprove (4-0)**



**PLANNING AND ZONING  
COMMISSION MEMORANDUM**

**AGENDA ITEM #VIII**

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FROM: THE OFFICE OF THE DIRECTOR OF PLANNING AND DEVELOPMENT  
DATE: MAY 31, 2017

Report on Development Activity – Courtney Peres



# PLANNING AND ZONING COMMISSION MEMORANDUM

## AGENDA ITEM IX-1

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FROM: THE OFFICE OF THE DIRECTOR OF PLANNING & DEVELOPMENT  
DATE: MAY 31, 2017

DISCUSS AND CONSIDER RECOMMENDING AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO MODIFY EXISTING CONDITIONS ON PROPERTY DESCRIBED AS FOREST HILLS, BLOCK 017, LOT 0005, WITH PROPERTY ID# 106793, AND GENERALLY LOCATED AT 1909 FOREST HILLS, HARKER HEIGHTS, BELL COUNTY, TEXAS.

### **EXPLANATION:**

The applicant is requesting a Conditional Use Permit (CUP) for the purpose of modifying the existing conditions on the property to accommodate businesses allowed within the B-2 Zoning District (Neighborhood Retail Business District). The single-family residence at 1909 Forest Hills Drive previously housed a Sign Shop and a Credit Card business and conditions from 2009 were written specifically for the two businesses. The applicant wishes to operate a beauty salon (nails) and allow a maximum of two (2) other businesses to occupy the building. Under a CUP, specific design considerations can be applied to the proposed use that are intended to reduce potential negative impacts on surrounding properties. The applicants proposed use is not prohibited in the City; however the proposed location would need to be properly regulated with conditions in order to ensure the development is safe, aesthetically pleasing and harmonious with the neighborhood and the City.

### **Existing Use:**

The subject property is a commercial enterprise within a one story single family residence located at the corner of Forest Hills and E. Knights Way (E. FM 2410). The property sits on the edge of a residential subdivision with several shopping centers across the street. The proposed businesses would not alter or have any significant impact on the square footage and external character and appearance of the building, setbacks, or any other development regulations; the house is currently allowed to have two businesses with conditions. Considering the location of

surrounding uses, location of the house 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) with a portion zoned as B-4 (Secondary Highway Business District) for the parking lot, both under a CUP. Properties immediately to the north and west are zoned R-1 (One-Family Dwelling District). Properties to the south and east are zoned B-1 (Office District) and B-4 (Secondary Highway Business District). The proposed use will not significantly impact or alter the zoning of the area. Another residence zoned R-1 along East FM 2410 is being used for commercial purposes under a CUP. The requested CUP will allow the house to be converted back into a single family residence if the businesses cease to operate. The proposed use will take into consideration and develop in accordance to all zoning and subdivision regulations such as parking, signage, and screening. The proposed businesses 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 east, with Single Family Residential (SFR) to the north and west of the property. 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 that has existed since 2007. 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 portion of this property lies within the 100 year or 500 year flood hazard areas.

Notices:

Staff sent out twenty-one (21) notices to property owners within the 400 foot notification area. There were three (3) responses received in favor of the request, and zero (0) responses received in opposition of the request.

**RECOMMENDATION:**

Staff had several correspondences with the applicant in order 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 to modify the existing conditions for the property described as Forest Hills, Block 017, Lot 0005, with Property ID # 106793, 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 businesses allowed within the B-2 Neighborhood Retail Business District of the Harker Heights Code of Ordinances.
2. A maximum of three (3) business may occupy the building.
3. Sign Standards:
  - a. One Monument Sign out of the public right-of-way 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. All signage shall comply with the visibility sight triangle requirements.
  - d. Monopole Signs are prohibited.
  - e. Signage must be located on the south side of the property and front E. Knights Way (E. FM 2410).
  - f. Signage must be externally illuminated, shielded, down lit and shall maintain a warm color temperature.
4. The architectural style and appearance of the structure shall maintain a residential character along the Forest Hills Drive frontage.
5. The business entrances must front E. Knights Way (E. FM 2410).
6. Parking for businesses must only be on the south side accessible from E. Knights Way (E. FM 2410).
7. Screening shall be maintained as a six (6') foot fence between all adjacent homes to be constructed of masonry, cedar, or pressure treated materials with support post located eight feet on center, or other materials and designs as may be approved by the Director of Planning and Development.
8. Existing trees must be maintained. Only vegetation adjacent to the south side of the fence may be removed to provide parking and access.
9. Exterior lighting shall comply with R-1 zoning code requirements. Any additional lighting shall be of a bollard style and not exceed three feet (3') in height.
10. No outside storage will be allowed.
11. The site will comply with all other regulations and requirements within the Harker Heights Code of Ordinances.

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

1. The proposed conforms with applicable regulations and standards established by the City's Building and Development Code;
2. 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;
3. The proposed use is suitable to the premises or structure(s) in which it will be conducted;
4. The proposed use will not be detrimental to the public health, safety or welfare, or will materially injure property or improvements in the vicinity;
5. The proposed use will not materially and adversely affect traffic control or adjacent properties by inappropriate location, lighting or types of signs;
6. 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/not recommend an ordinance granting a conditional use permit to modify existing conditions on property described as Forest Hills Addition, Block 17, Lot 05 with Property ID# 106793 and generally located at 1909 Forest Hills Drive Harker Heights, Bell County, Texas based on staff's recommendation and findings.
2. Any other action deemed necessary.

**ATTACHMENTS:**

1. Application
2. Letter from Applicant
3. Site Plan
4. Proposed Conditions
5. Initial Conditions (Ord. #2007-22)
6. Follow Up Letter from July 28, 2009 Meeting
7. Location Map
8. Zoning Map
9. Existing Land Use Map
10. Future Land Use Map
11. Notification Area Map
12. Citizen Responses



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

# CONDITIONAL USE PERMIT APPLICATION

Fee \$ 200.00

dehinva@gmail.com

PROPERTY OWNER(S) NAME DONALD . E. HOWELL

ADDRESS: 14561 Stephen St.

CITY/STATE/ZIP: Nokesville VA 20181 PHONE: 571-486-6806

LOCATION OF PROPERTY 1909 FOREST HILLS DR HARKER HEIGHTS 76548

LEGAL DESCRIPTION OF PROPERTY: TX

LOT 0005 BLOCK 017 SUBDIVISION S 4438 # #

NUMBER OF ACRES .5 SURVEY ON FILE

*For properties not in a recorded subdivision, submit a copy of a current survey or plat showing the properties proposed to be changed and of a complete legal field note description.*

PROPOSED USE: \_\_\_\_\_

**ATTACH A LETTER** describing all processes and activities involved with the proposed uses.

**ATTACH A SITE PLAN** including the information described below. The plan must be drawn to scale.

- Boundaries of the area covered by the site plan
- Location of each existing and proposed building and structures in the area covered, gross floor area and location of building entrances and exits

I, being the undersigned applicant, understand that all of the conditions, dimensions, building sizes, and parking areas depicted on the site plan shall be adhered to as amended and approved by the City Council.

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

Donald E Howell  
Signature of Property Owner

4-24-2017  
Date

Thang  
Signature of Designated Representative

4-25-2017  
Date

From: Ann Nguyen

1710 Goode Dr.,

Killeen, TX 76543

To: Harker Heights City Council

Date: April 26, 2017

To whom it may concern:

My name is Ann Nguyen, a future owner of the property 1909 Forest Hill Dr., Harker Height TX, 76548.

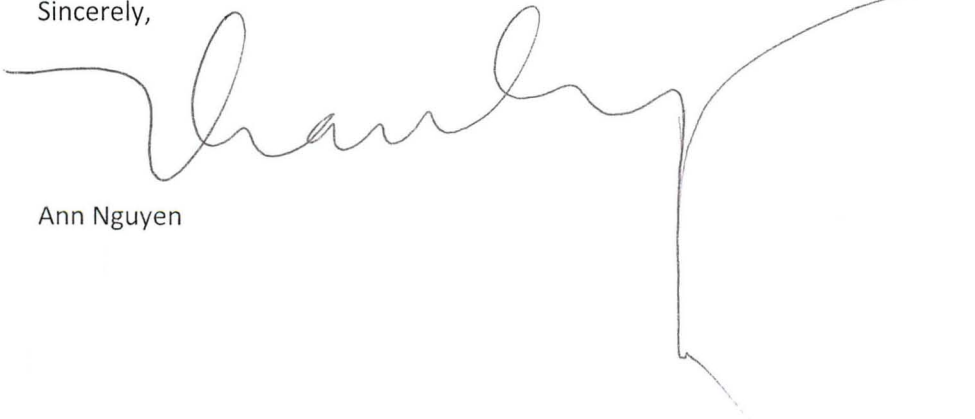
I write this letter to request the modification the existing Condition Use Permit of the above property.

The back part of this property will be planned for my beauty salon. The front part will be rented for a B4 zoning business or any business withing city's requirements.

If any questions or concerns, please feel free to contact me at 267 288 7272 or via email:

[spa\\_ann@yahoo.com](mailto:spa_ann@yahoo.com)

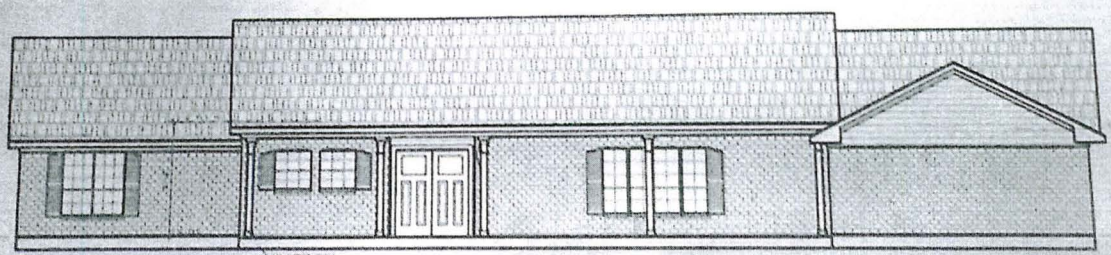
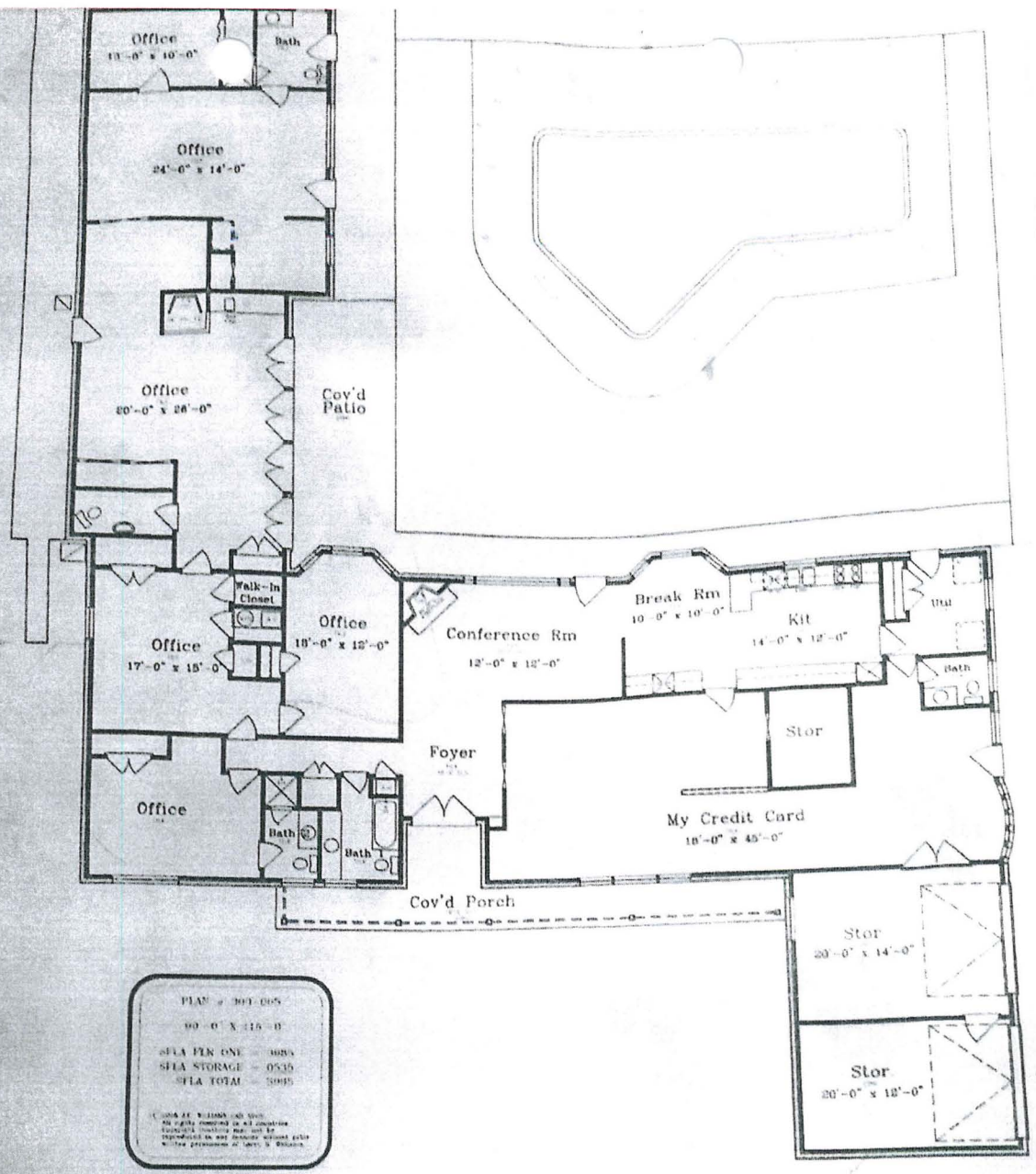
Sincerely,

A handwritten signature in black ink, appearing to read 'Ann Nguyen', written over a horizontal line. The signature is fluid and cursive, with a long horizontal stroke extending to the left and a vertical stroke extending downwards to the right.

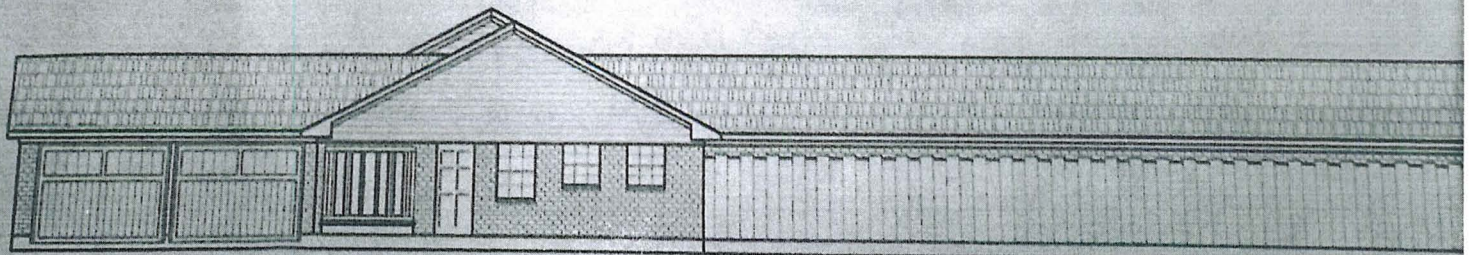
Ann Nguyen



1909 Forest Hills Dr  
 Harter Heights, TX 76548



FRONT ELEVATION



RIGHT ELEVATION

# CONDITIONAL USE PERMIT

1909 FOREST HILLS DRIVE

1. The property can only operate as a Single Family Residential Home (R-1 One Family Dwelling) OR businesses allowed within the B-2 Neighborhood Retail Business District of the Harker Heights Code of Ordinances.
2. A maximum of three (3) business may occupy the building.
3. Sign Standards:
  - a. One Monument Sign out of the public right-of-way 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. All signage shall comply with the visibility sight triangle requirements.
  - d. Monopole Signs are prohibited.
  - e. Signage must be located on the south side of the property and must front E. Knights Way (E. FM 2410).
  - f. Signage must be externally illuminated, shielded, down lit and shall maintain a warm color temperature.
4. The architectural style and appearance of the structure shall maintain a residential character along the Forest Hills Drive frontage.
5. The business entrances must front E. Knights Way (E. FM 2410).
6. Parking for businesses must only be on the south side accessible from E. Knights Way (E. FM 2410).
7. Screening shall be maintained as a six (6') foot fence between all adjacent homes to be constructed of masonry, cedar, or pressure treated materials with support post located eight feet on center, or other materials and designs as may be approved by the Director of Planning and Development.
8. Existing trees must be maintained. Only vegetation adjacent to the south side of the fence may be removed to provide parking and access.
9. Exterior lighting shall comply with R-1 zoning code requirements. Any additional lighting shall be of a bollard style and not exceed three feet (3') in height.
10. No outside storage will be allowed.
11. The site will comply with all other regulations and requirements within the Harker Heights Code of Ordinances.



**STATE OF TEXAS**

**COUNTY OF BELL**

**CITY OF HARKER HEIGHTS**

**AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT IN THE R-1 DISTRICT (ONE-FAMILY DWELLING DISTRICT) ON PROPERTY LOCATED AT 1909 FOREST HILLS DRIVE, DESCRIBED AS LOT 5, BLOCK 17, FOREST HILLS SUBDIVISION, UNDER THE CONDITIONS CONTAINED IN THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, David Griffard presented to the City of Harker Heights a request for issuance of a permit for the purpose of a Conditional Use Permit to conduct a commercial business on the following described property:

**1909 Forest Hills Drive, described as Lot 5, Block 17,  
Forest Hills Subdivision**

**WHEREAS**, after due notice public hearings on said permit request were held by the Planning and Zoning Commission at 6:00 p.m. on the 25<sup>th</sup> day of July, 2007, and by the City Council at 5:00 p.m. on the 14<sup>th</sup> day of August, 2007, at the City Hall Building, 305 Miller's Crossing; and

**WHEREAS**, the City Council at said hearing duly considered the recommendation of the Planning and Zoning Commission; and the City Council being of the opinion that the application to amend the Zoning Ordinance of the City of Harker Heights by conditional use permit should be approved;

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

**Section 1**

**That the zoning classification of the above described location be amended by Permit #C07-02 to allow a commercial business on the above described property, subject to the following conditions:**

1. The existing structure must maintain its appearance as a home.
2. The business entrance must face FM 2410.
3. Parking for business must be on the south side accessible from FM 2410.
4. Total signage square footage must not exceed 120 square feet in size.
5. Hours of operation shall be from 8:00 A.M. until 8:00 P.M., Monday through Friday.
6. Screening shall be maintained between this site and adjacent homes.
7. Landscaping shall comply with zoning code requirements.
8. Exterior lighting shall comply with zoning code requirements.
9. Compliance with all applicable regulations is required.
10. No outside storage.

11. Allowable use is for one (1) sign shop and one (1) office business only.
12. Enclose the carport and keep the door closed during operating hours.
13. City Council will review within a twelve (12) month period for compliance.

**Section 2**


**Table VII, Table of Special Ordinance, Code of Harker Heights is hereby supplemented by adding the following entry:**

<u>Ord. No.</u>	<u>Date Passed</u>	<u>Description</u>
2007-22	08/14/07	<b>Granting a CUP, to allow a commercial business on property located at 1909 Forest Hills Drive, described as Lot 5, Block 17, Forest Hills Subdivision, subject to the conditions stated in the ordinance.</b>

**PASSED AND APPROVED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, THE 14th DAY OF August, 2007, AT WHICH MEETING A QUORUM WAS PRESENT, HELD IN STRICT ACCORDANCE WITH THE PROVISIONS OF TEXAS GOVERNMENT CODE, CHAPTER, 551.**

  
\_\_\_\_\_  
**Ed Mullen, Mayor**

**ATTEST:**

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



*The City Of Harker Heights*

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

**Mayor**

Ed Mullen

**Mayor-Protem**

John Reider

**City Council**

Sam Murphey  
Mike Aycock  
Rob Robinson  
Spencer H. Smith

July 30, 2009

Mr. David Griffard  
1909 Forest Hills Drive  
Harker Heights, TX 76548

RE: Conditional Use Permit

Dear Mr. Griffard:

This letter is to inform you of the results of the City Council actions regarding an annual review of your Conditional Use Permit (CUP) operation. On Tuesday, July 28, 2009, the City Council took no action on the CUP. Therefore, the CUP will continue with the following conditions:

1. Allowable use is for one (1) sign shop and one (1) office business only.
2. Enclose the carport and keep the door closed during operating hours.
3. Hours of operation shall be from 8:00 A.M. to 8:00 P.M., Monday through Friday.
4. The existing structure must maintain its appearance as a home on the Forest Hills side.
5. The business entrance must face FM 2410.  
Parking for business must only be on the south side accessible from FM 2410. Parking on Forest Hills only for residence.
6. Signage shall not be illuminated. Total signage square footage must not exceed 120 square feet in size.
7. Screening shall be maintained between this site and adjacent homes.
8. Existing trees must be maintained. Only vegetation adjacent to the south side of the fence may be removed to provide proposed parking.
9. Exterior lighting shall comply with zoning code requirements.
10. No outside storage.
11. Compliance with all applicable regulations is required.

Sincerely,

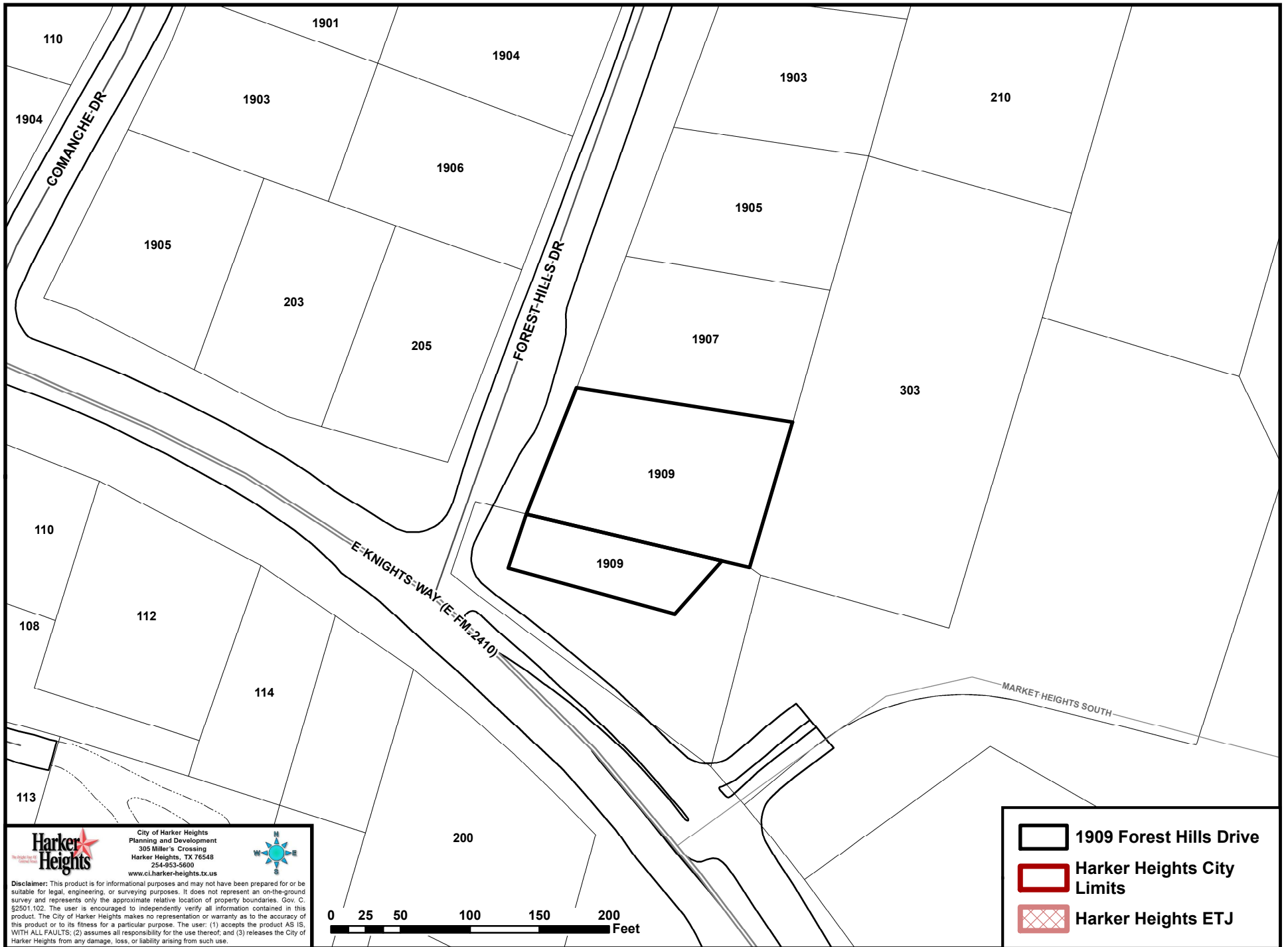
*David R. Mitchell*

David R. Mitchell  
Director of Planning & Development

DRM/mjn

# 1909 Forest Hills - CUP

# Location



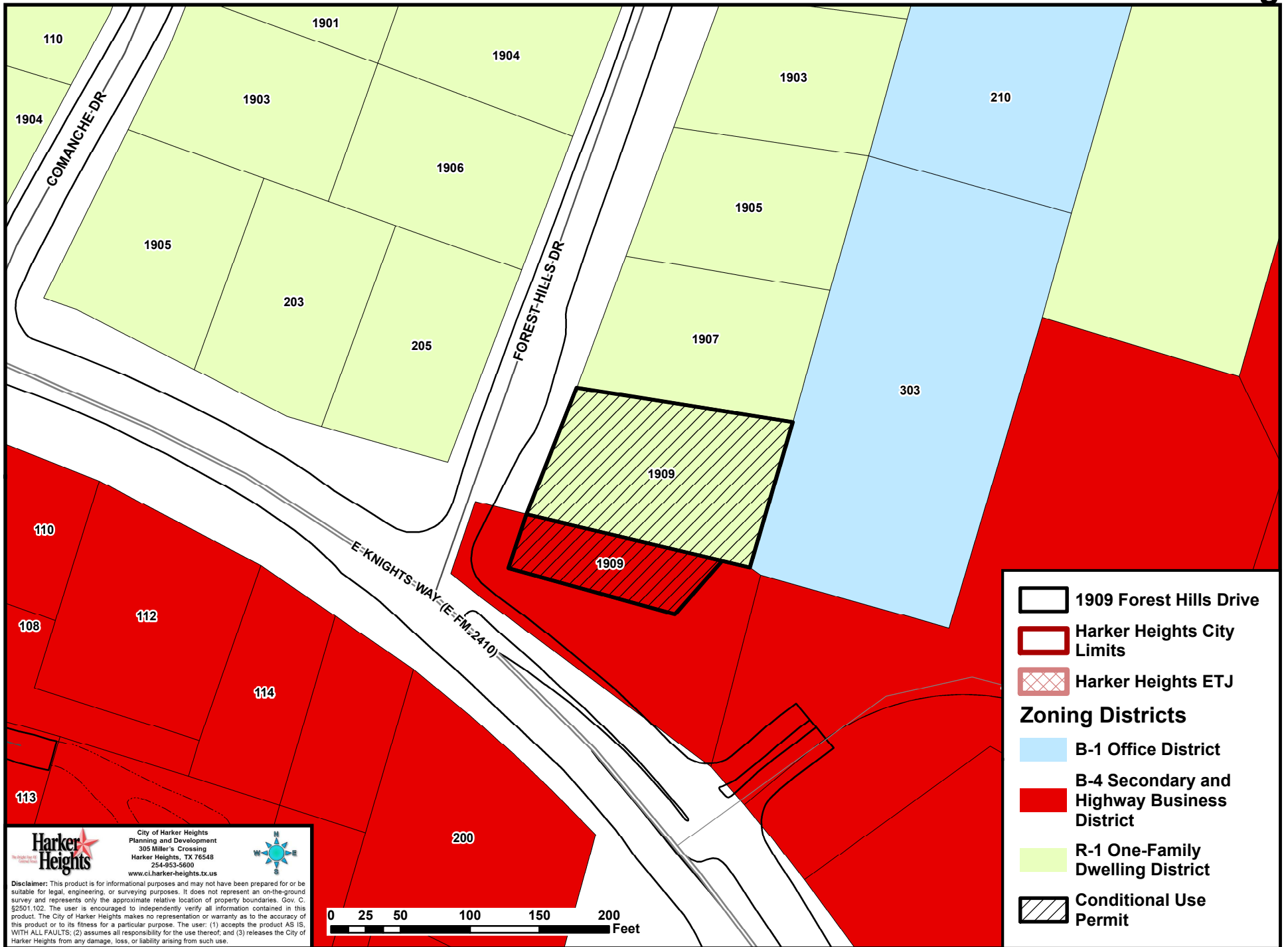
**Harker Heights**  
City of Harker Heights  
Planning and Development  
305 Miller's Crossing  
Harker Heights, TX 76548  
254-853-5600  
www.ci.harker-heights.tx.us

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2501.102. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof, and (3) releases the City of Harker Heights from any damage, loss, or liability arising from such use.

Map Date: 5/9/2017 1:1,100

# 1909 Forest Hills - CUP

# Zoning

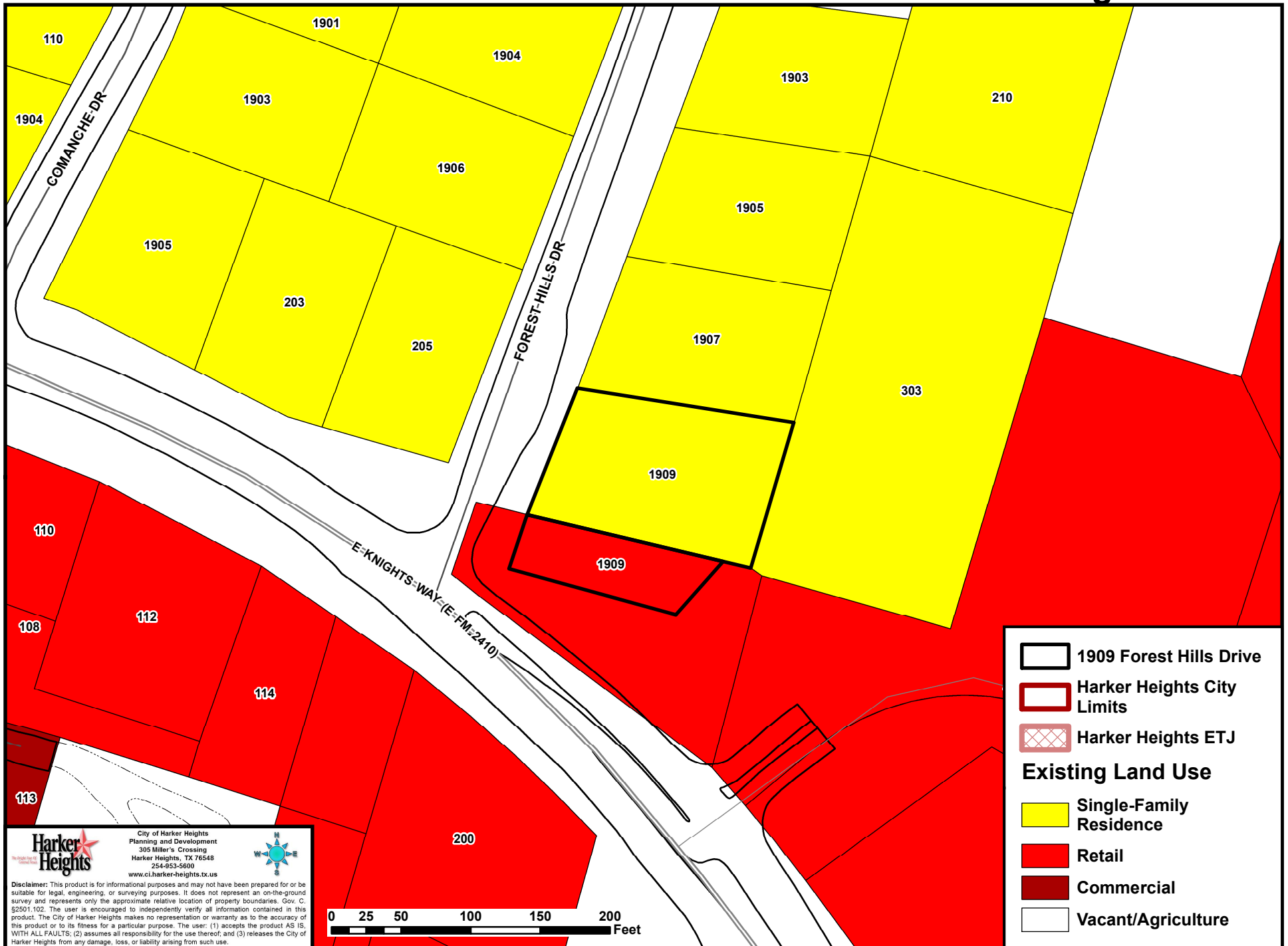


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# 1909 Forest Hills - CUP

# Existing Land Use



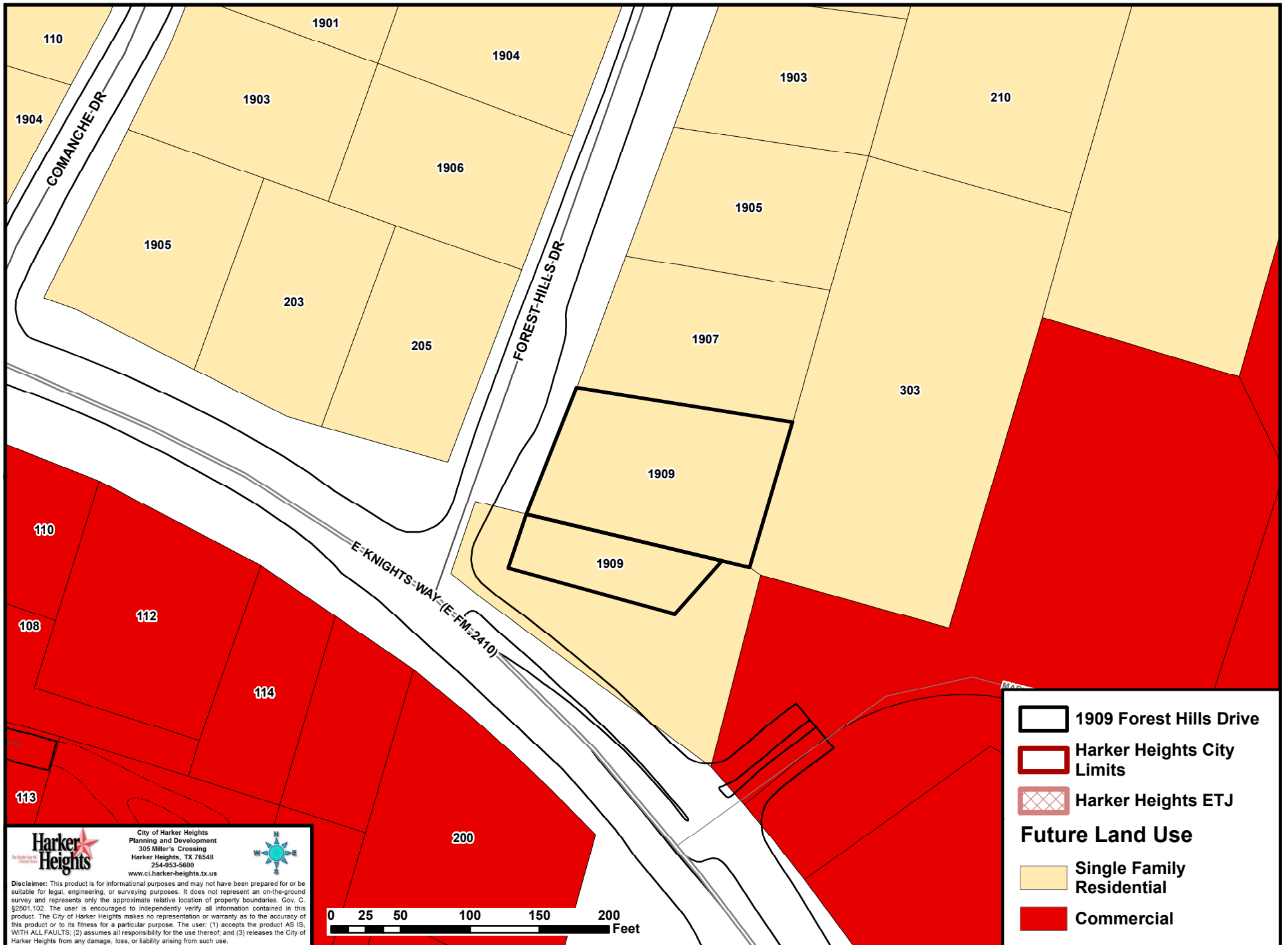
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# 1909 Forest Hills - CUP

# Future Land Use



	1909 Forest Hills Drive
	Harker Heights City Limits
	Harker Heights ETJ
<b>Future Land Use</b>	
	Single Family Residential
	Commercial

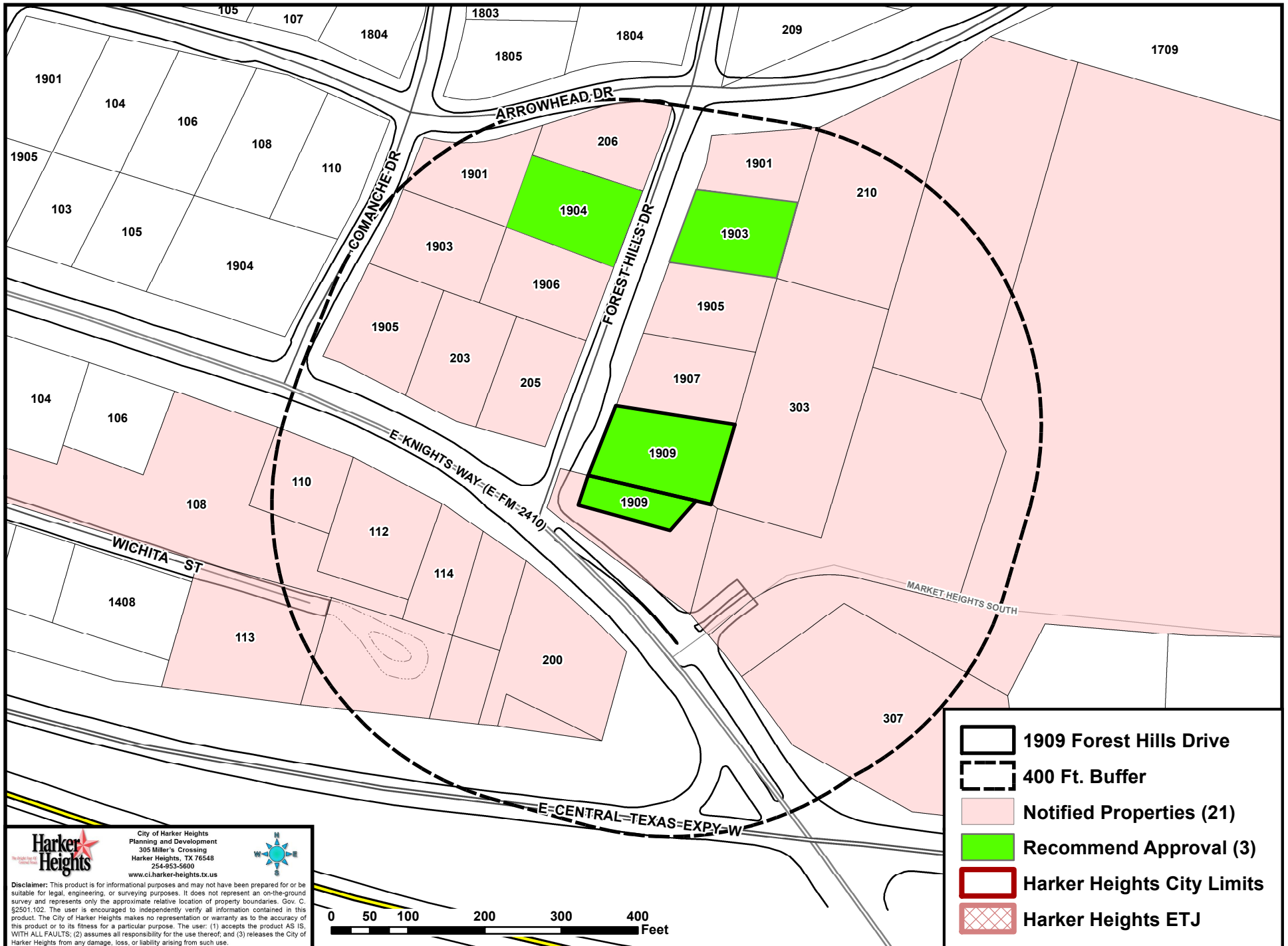
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# 1909 Forest Hills - CUP

# Notification



**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 305 Miller's Crossing  
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**Received**

MAY 22 2017

**Planning & Development**

TO: **City of Harker Heights**

FROM: CARROLL SMITH

1903 FOREST HILLS DR

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

RE: Request to consider a Conditional Use Permit (CUP) to modify existing conditions on property described as FOREST HILLS, BLOCK 017, LOT 05, Bell County, Texas, Property ID# 106793 known as 1909 Forest Hills Drive (See attached location map).

**I RECOMMEND APPROVAL OF THE REQUEST**

**I RECOMMEND DENIAL OF THE REQUEST**

Comments:

I do not believe the business request  
would cause any adverse affects to the neighborhood.  
This building has been a business for several years  
and there has not been any complaints on my part  
nor do I see any from others in the neighborhood.

Please consider granting this request for the  
business to operate.

CARROLL SMITH  
Printed Name

Carroll Smith  
Signature

May 20, 2017  
Date

**Received**

MAY 22 2017

**Planning & Development**



Harker Heights City Council and Commercial Planning Commission  
Business Development

Dear City Council

It has been my great fortune to live and work in the Harker Heights area, including military service at Fort Hood since 2006. During that time, I purchased a property at 1909 Forest Hills Drive in Harker Heights. As time went on, I leased the property to begin a commercial-community property there, which included a vehicle custom wrap company and then a Credit Card equipment company. Also, the property has served as a temporary chapel-church and also as a residence. In each transition, the city of Harker Heights has supported my endeavors—I thank you.

Now, I am in the prospects to sell the property to Ms. Ann Nguyen, who is greatly excited to open another community focused business in the way of a full service beauty salon which will include hair care and nail care. This location is convenient and brings additional solid growth to the Harker Heights district.

I ask that you approve her plan to improve the property and request for modification to the business approval you granted in 2007. I ask that you support her in every way possible and get her involved in the Chamber of Commerce and other ways. She has proven her business acuity with successful real estate and business dealings in Killeen. She currently has a salon in the Killeen Mall. I know that she will be a great asset for Harker Heights.

As I understand her plan, she will change the current signage to be replaced with a pleasing Beauty Salon sign at the front of the property and then to reconfigure the interior of the property to accommodate individual salon stations. I know that her intent is to improve the property and meet all city requirements. Ann and her husband are actively involved in community projects, specifically supporting the Vietnamese community in the area—and she will continue to generate business for Harker Heights.

Please let me know if I can be of any assistance. I greatly appreciate the work being done in Harker Heights and especially salute you all for supporting our great military at Fort Hood. I loved my duty there and the community. Many thanks!

*Donald Howell*

Donald Howell

Colonel, US Army (Ret)

**Currently--Commonwealth of Virginia Industrial Hygienist**

**Currently--Pastor and leader for Bread of Life International Ministry**

**9400 Innovation Drive Suite 120**

**Manassas, VA 20110**

*H: 571-486-6806*

*O: 703-392-0900 Ext 109*

**Received**

MAY 24 2017

**Planning & Development**

TO: **City of Harker Heights**

FROM: Merdie Kothman

1904 Forest Hills Dr.

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

RE: Request to consider a Conditional Use Permit (CUP) to modify existing conditions on property described as FOREST HILLS, BLOCK 017, LOT 05, Bell County, Texas, Property ID# 106793 known as 1909 Forest Hills Drive (See attached location map).

**I RECOMMEND APPROVAL OF THE REQUEST**

**I RECOMMEND DENIAL OF THE REQUEST**

Comments:

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Merdie Kothman  
Printed Name

Merdie Kothman  
Signature

5-24-2017  
Date