



August 10, 2021

5:00 P.M.

**CITY COUNCIL
MEETING AGENDA**





**NOTICE OF MEETING OF THE CITY COUNCIL OF
THE CITY OF HARKER HEIGHTS, TEXAS**

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

Mayor
Spencer H. Smith

Mayor Protem
Jennifer McCann

City Council
Michael Blomquist
Jackeline Soriano Fountain
Lynda Nash
Sam Halabi

Notice is hereby given that, beginning at 5:00 p.m. on Tuesday, August 10, 2021, and continuing from day to day thereafter if necessary, the City Council of the City of Harker Heights, Texas, will hold a meeting in the Kitty Young Council Chamber at 305 Miller's Crossing, Harker Heights, Texas 76548. The subjects to be discussed are listed in the following agenda:

MEETING AGENDA

I. Invocation:

II. Pledge of Allegiance:

I Pledge Allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

Honor the Texas Flag. I pledge allegiance to thee Texas; one State under God, one and indivisible.

III. Roll Call:

IV. Mayoral Proclamations and Presentations:

- 1. Proclamation declaring Darrien Nicholas a "Bright Star of Central Texas".

V. Consent Items:

- 1. Discuss and consider approving the minutes of the meeting held on July 27, 2021, and take the appropriate action.

VI. Presentations by Citizens:

- 1. Citizens who desire to address the Council on any matter may do so during this item. Please understand that while the Council appreciates hearing your comments, State law (Texas Gov't Code §551.042) prohibits them from: (1) engaging in discussion other than providing a statement of specific factual information or reciting existing City policy, and (2) taking action other than directing Staff to place the matter on a future agenda. Please state your name and address for the record and limit your comments to three minutes.

VII. Public Hearing:

- 1. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change zoning designation from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as Meadow Acres 1st Extension, Lot Eighteen (18), Block Eight (8), generally located at 209 W. Robin Lane, Harker Heights, Bell County, Texas; and take the appropriate action. (Planning and Development Director)

2. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change zoning designation from R-1 (One Family Dwelling District), R1-M (One Family Manufactured Home Dwelling District) and B-4 (Secondary and Highway Business District) to PD (Planned Development) with R-2 (Two Family Dwelling District) on property described as all land located within Mobile Manor Estates Section One (1), generally located near the intersection of Indian Oaks and S. Amy Lane, Harker Heights, Bell County, Texas; and take the appropriate action. (Planning and Development Director)
3. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change zoning designation from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as Comanche Land 1st Unit, Lot Eight (8), Block Six (6), generally located at 1515 Indian Trail Drive, Harker Heights, Bell County, Texas; and take the appropriate action. (Planning and Development Director)
4. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change zoning designation from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as Comanche Land 1st Unit, Lots Eighteen (18), Nineteen (19), and Twenty (20), Block Seven (7), generally located at 1403 Natchez Trail and 1405 Natchez Trail, Harker Heights, Bell County, Texas; and take the appropriate action. (Planning and Development Director)
5. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to amend Ordinance 2018-29, granting a Conditional Use Permit (CUP) to allow for a 1,850 square foot accessory dwelling unit to be occupied by a relative, on property described as Leasure Addition, Block One (1), Lot One (1), Acres 1.432, generally located at 1801 Ponca Trace, Harker Heights, Bell County, Texas; and take the appropriate action. (Planning and Development Director)
6. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to allow Harker Heights Ceramic Coatings, LLC to conduct a car detailing business as a Home Occupation on Stonewall Ridge Phase II, Lot Four (4), Block Three (3), generally located at 1206 Stonewall Ridge, Harker Heights, Bell County, Texas; and take the appropriate action. (Planning and Development Director)

VIII. Old Business:

IX. New Business:

1. Discuss and consider approving a request for a Minor Plat with conditions, for the subdivision referred to as Krohn Valley Addition, on property described as a 0.322 acre tract of land in Bell County, Texas, being part of the Peter Williamson Survey, Abstract No. 1099, the land herein described being all of a called 0.322 acre tract of land conveyed to Angel K. Krohn, being of record in Volume 5172, Page 415, Official Public Records of Real Property, Bell County, Texas (O.P.R.R.P.B.C.T.), generally located at 3910 Hilltop Drive, Harker Heights, Bell County, Texas; and take the appropriate action. (Planning and Development Director)

2. Discuss and consider approving a Resolution of the City Council of the City of Harker Heights, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the Company’s 2021 Rate Review Mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the Company to reimburse the ACSC’s reasonable ratemaking expenses; determining that this resolution was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this resolution to the Company and the ACSCs legal counsel, and take the appropriate action. (Finance Director)
3. Discuss and consider approving a Resolution of the City Council of the City of Harker Heights, Texas, authorizing the City Manager to negotiate a contract with Pattillo, Brown & Hill, LLP to audit the City of Harker Heights for Fiscal Year 2020-2021 with the option to audit for four subsequent years, and take the appropriate action. (Finance Director)
4. Discuss and consider approving a Resolution of the City Council of the City of Harker Heights, Texas, authorizing the creation of the Central Texas Regional 9-1-1 Emergency Communications District, and take the appropriate action. (City Manager)

X. Reports of Advisory Boards & Commissions:

XI. Staff Reports:

1. Receive and discuss the City Manager’s Report. (City Manager)

XII. Items from Council:

1. Council member closing statements.

XIII. Announcements:

1. Updates and comments from the Mayor.

XIV. Adjournment:

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Harker Heights, Texas, a place readily accessible to the general public at all times, on the 6th day of August 2021, by 4:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.



Julie Helsham
City Secretary

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 254-953-5600, or FAX 254-953-5614, or email jhelsham@harkerheights.gov for further information.

Pursuant to Chapter 551 of the Government Code the City Council reserves the right to go into Closed Meeting on any item listed above if deemed necessary.

Note: On occasion the City Council may consider agenda items out of order.

The public may listen to live-stream audio of this meeting by dialing-in using your phone or join the meeting from your computer, tablet, or smartphone. Use the following information to connect to the meeting:

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/958421525>

You can also dial in using your phone.

United States (Toll Free): [1 877 309 2073](tel:18773092073)

United States: [+1 \(571\) 317-3129](tel:+15713173129)

Access Code: 958-421-525



Proclamation

Whereas, the true meaning of bravery is: the quality or state of having or showing mental or moral strength to face danger, fear, or difficulty; and

Whereas, on July 10, 2021 a volatile armed confrontation occurred at the Harker Heights youth volleyball tournament; and

Whereas, Darrien Nicholas, Harker Heights Athletics & Aquatics Coordinator, acted in a calm, and selfless manner to quickly deescalate and prevent a life-threatening act from occurring prior to officers arriving to the scene of the armed confrontation; and

Whereas, Mr. Nicholas showed true bravery in working to deescalate the situation in order to allow citizens to leave the scene; and

Whereas, Mr. Nicholas's action shows his commitment to the City and its citizens.

Now therefore, I, Spencer H. Smith, Mayor of the City of Harker Heights declare Darrien Nicholas to be a

"Bright Star of Central Texas"

In Testimony Thereof, I have signed this Proclamation and have affixed the Seal of the City of Harker Heights this 10th day of August 2021.

Spencer H. Smith, Mayor
Harker Heights, Texas

Minutes of the City of Harker Heights Council Meeting held at 5:00 p.m. on Tuesday, July 27, 2021, in the Kitty Young Council Chamber at the Harker Heights City Hall at 305 Miller's Crossing, Harker Heights, Texas 76548:

Roll Call:	Spencer H. Smith	Mayor
	Jennifer McCann	Mayor Pro-tem
	Michael Blomquist	Councilmember Place 2
	Jackeline Soriano Fountain	Councilmember Place 3
	Lynda Nash	Councilmember Place 4
	Sam Halabi	Councilmember Place 5
	David Mitchell	City Manager
	Julie Helsham	City Secretary
	Charlie Olson	City Attorney

Consent Items:

1. Council discussed and considered approving the minutes of the meeting held on July 13, 2021.

Blomquist made the motion to approve the minutes of the meetings held on July 13, 2021 as written. Seconded by Fountain. All in favor. Motion approved 5-0.

Presentations by Citizens:

1. Council received a presentation by Simone Maynard regarding breeding license requirements in the City of Harker Heights and the importance of restrictions.

Recess into Executive Session:

At 5:09 p.m. the Mayor announced a closed meeting for the following purposes:

1. Pursuant to the following designated section of the Texas Government Code, Annotated, Chapter 551, the Council may convene into executive session to discuss the following:
 - (A) Section 551.071 Consultation with Attorney – Conference with City Attorney to discuss confidential legal matters and to receive advice on matters in which the duty of the attorney to the governmental body conflicts with the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas and this chapter.
 - (B) Section 551.074 Personnel – Discuss and deliberate the employment, evaluation and duties of the City Manager.

Reconvene into Open Session:

Mayor Smith reconvened the Regular Meeting at 5:56 p.m.

1. Council took the following action, on matters discussed in Executive Session.

Blomquist made the motion to extend the contract for the City Manager David Mitchell. Contract is to remain the same with the following changes:

1. Salary raise of 5% with contract extension to September 30, 2025.
2. Increase deferred compensation City contribution \$6,500 after 50th Birthday.
3. At 10-year anniversary, receive a \$30,000 retention incentive.

Seconded by Halabi. All in favor. Motion approved 5-0.

Public Hearing:

1. Council conducted a public hearing to discuss and consider approving an Amendment to §151.001 and §151.003 of the Harker Heights Code of Ordinances to add a definition and exemption for “Wall Art”. Kristina Ramirez, Planning and Development Director, made the presentation.

McCann made the motion to approve an amendment to § 151.001 and § 151.003 of the Harker Heights Code of Ordinances to add a definition and exemption for “WALL ART”, to include the words “*designed or*” in front of the definition, based upon staff’s recommendation and findings. Seconded by McCann. McCann, Blomquist, Fountain, and Nash in favor. Halabi against. Motion approved 4-1.

New Business:

1. Council discussed and considered approving a Resolution adopting the Investment Policy of the City of Harker Heights, Texas; authorizing the City’s Investment Broker / Dealer List; and approving a list of Investment Training Sponsors. Ayesha Lealiiee, Finance Director, made the presentation.

Fountain made the motion to approve a Resolution adopting the Investment Policy of the City of Harker Heights, Texas; authorizing the City’s Investment Broker / Dealer List; and approving a list of investment training sponsors. Seconded by Nash. All in favor. Motion approved 5-0.

Reports of Advisory Boards & Commissions:

1. Council received and discussed a presentation by Angie Wilson, Parks & Recreation Advisory Board and Tree Advisory Board Chair, regarding an Annual Update on Board Activities in 2020-2021. Jeff Achee, Parks and Recreation Director and Angie Wilson, Parks and Recreation/Tree Advisory Board Chair made the presentation. No action taken.

Staff Reports:

1. Council received and discussed the Fiscal Year 2020 - 2021 Third Quarter Investment Report. Ayesha Lealiiee, Finance Director, made the presentation. No action taken.
2. Council received and discussed the Fiscal Year 2020 - 2021 Third Quarter Unaudited Financial Statement Report. Ayesha Lealiiee, Finance Director, made the presentation. No action taken.
3. Council received and discussed the City Manager’s Report. David Mitchell, City Manager, made the presentation. No action taken.

Items from Council:

1. Council member closing statements.

Councilmember Blomquist stated that he attended the following events:

- July 17th and 24th – Harker Heights Farmer’s Market
- July 14th – Harker Heights Big Truck Day

Councilmember Nash stated that she attended the following events:

- July 14th – Volunteer Appreciation Event at Carl Levin Park
- July 15th – Conducting Effective Meetings training at the Harker Heights Activities Center
- July 17th – Cornhole Tournament with the Vision 21 class
- July 21st – 1st Cavalry Division Change of Command with Major General Richardson on Fort Hood
- July 22nd – Town Hall for Seniors at Lions Park
- July 24th – Taste of Africa Event at the Killeen Civic Center

Councilmember Fountain showed a picture of Brent Hammer, a Harker Heights citizen that volunteers for the City and stated that Mr. Hammer goes out and waters the trees daily. Fountain asked for Jeff Achee, Parks and Recreation Director to let Mr. Hammer know how much the City appreciates him.

Mayor Pro-tem McCann stated that she frequently visits the City Parks and that they look beautiful still. McCann stated that everything looks great and that the programs are going great.

Announcements:

1. Updates and comments from the Mayor.

Mayor Smith stated that he attended the following events:

- July 13th – Harker Heights City Council Meeting and Executive Session
- July 14th – Meeting with Harker Heights City Staff
- July 14th – Harker Heights Big Truck Day at Harker Heights Library
- July 15th – Harker Heights City Council Training with City Attorney at the Harker Heights Activity Center
- July 20th – Two meeting with Harker Heights City Staff and concerned Citizens
- July 20th – Harker Heights City Council Workshop
- July 22nd – Central Texas Council of Governments Executive Board Meeting (Virtual)
- July 22nd – III Corps Phantom Honors Welcome Ceremony for Major General and Mrs. Gilland
- July 23rd – Commanding General III Corps Mayors Engagement and Luncheon in Gatesville

Adjournment:

There being no further business the City of Harker Heights City Council Meeting was adjourned at 7:03 p.m.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



CITY COUNCIL MEMORANDUM

Z21-12

AGENDA ITEM# VII-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: AUGUST 10, 2021

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, TO CHANGE THE ZONING DESIGNATION FROM R-1 (ONE FAMILY DWELLING DISTRICT) TO R-2 (TWO FAMILY DWELLING DISTRICT) ON PROPERTY DESCRIBED AS MEADOW ACRES 1ST EXTENSION, LOT EIGHTEEN (18), BLOCK EIGHT (8), GENERALLY LOCATED AT 209 W. ROBIN LANE, HARKER HEIGHTS, BELL COUNTY, TEXAS; AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The applicant is requesting a change from the current zoning of R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property addressed as 209 W. Robin Lane. The property consists of approximately 9,821 square feet and the request will enable the applicant to construct a two-family dwelling house on the property.

Surrounding Land Uses

Adjacent land uses include:

	Existing Land Use	Future Land Use	Zoning
North	Manufactured Home	High Density Residential	R-3 Multi-Family Dwelling District
South	Manufactured Home	Medium Density Residential	R-1 One Family Dwelling District
East	Single Family Residence	High Density Residential	R-1 One Family Dwelling District
West	Manufactured Home	Single Family Residential	R-1 One Family Dwelling District

A survey of the area identified surrounding properties to be single family residences, manufactured homes, and duplexes. Per the 2007 Comprehensive Plan the applicant’s property is located in an area designated as Medium Density Residential. The rezone request is consistent with the 2007 City of Harker Heights Comprehensive Plan. Staff therefore believes the proposed rezoning with its intended use will not likely have any adverse impact on the surrounding area.

Flood Damage Prevention

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

Notices

Staff sent out fifty-five (55) notices to property owners within the 400-foot notification area. As of July 30, 2021, two (2) responses were received in favor of the request, and four (4) responses were received in opposition of the request. The one (1) response in opposition is located within

the regulatory 200-foot notification buffer. Any additional responses received after the above date will be provided during the meeting.

STAFF RECOMMENDATION:

Staff recommended approval to the Planning and Zoning Commission of an ordinance to change the zoning designation from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as Meadow Acres 1st Extension, Block Eight (8), Lot Eighteen (18), generally located at 209 W. Robin Lane, Harker Heights, Bell County, Texas, based on the following:

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

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

During the Planning & Zoning Commission meeting held on July 28, 2021, the Planning and Zoning Commission voted (6-2) to recommend approval of an ordinance to change the zoning designation from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as Meadow Acres 1st Extension, Block Eight (8), Lot Eighteen (18), generally located at 209 W. Robin Lane, Harker Heights, Bell County, Texas, based on staff's recommendation and findings.

ACTION BY CITY COUNCIL:

1. Motion to APPROVE/DISAPPROVE an Ordinance to change the zoning designation from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as Meadow Acres 1st Extension, Lot Eighteen (18), Block Eight (8), generally located at 209 W. Robin Lane, Harker Heights, Bell County, Texas, based on staff's recommendation and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING R-2 ZONING ON PROPERTY DESCRIBED AS MEADOW ACRES 1ST EXTENSION, LOT EIGHTEEN (18), BLOCK EIGHT (8), GENERALLY LOCATED AT 209 W. ROBIN LANE, HARKER HEIGHTS, BELL COUNTY, TEXAS.

WHEREAS, the City Council ("**Council**") of the City of Harker Heights ("**City**") finds that after due notice and public hearings as required by law, and after consideration of the recommendation of the Planning and Zoning Commission, it is necessary and desirable to amend the Code of Harker Heights ("**Code**") as hereinafter provided; and

WHEREAS, the meeting at which this Ordinance was passed was open to the public, and notice of the time, place and purpose of said meeting was given as required by law, all in strict accordance with the requirements of the Texas Open Meetings Act;

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

SECTION 1: The Council officially finds and declares that the facts and recitations set forth in the preamble to this Ordinance are true and correct.

SECTION 2: The hereinafter-described property, as previously zoned of R-1 (One Family Dwelling District), is hereby rezoned to R-2 (Two Family Dwelling District):

Meadow Acres 1st Extension, Block eight (8), lot eighteen (18), generally located at 209 W. Robin Lane, Harker Heights, Bell County, Texas.

SECTION 3: Table VII, Table of Special Ordinances, of the Code is hereby supplemented by adding the following entry:

<u>Ord. No.</u>	<u>Date Passed</u>	<u>Description</u>
2021-	08/10/21	Granting R-2 zoning on property described as Meadow Acres 1st Extension, Lot eighteen (18), Block eight (8), generally located at 209 W. Robin Lane, Harker Heights, Bell County, Texas.

SECTION 4: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 5: This Ordinance shall be effective from and after its passage, and the City Clerk shall publish the caption or title of hereof within ten days as required by law.

PASSED AND APPROVED on August 10, 2021.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



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: Cornerstone Contractors, Inc. Date: 6/30/2021

Address: PO Box 2434

City/State/Zip: Harker Heights, TX 76548

Phone: [REDACTED] E-mail: [REDACTED]

Legal Description of Property:

Location of Property (Address if available): 209 W Robin Lane

Lot: 18 Block: 8 Subdivision: Meadow Acres 1st Extension

Acres: 00.23 Property ID: 76860 Survey: N/A

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

Proposed Use: new construction duplex

Current Zoning Classification: R-1 Proposed Zoning: R-2

Current Land Use: Medium Density Residential Proposed Land Use: Duplex

Applicant's Representative (if applicable):

Applicant's Representative: Raymond Hamden

Phone: [REDACTED] E-Mail: [REDACTED]

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.

Tim Boose
Printed Name of Property Owner

Tim Boose
Signature of Property Owner

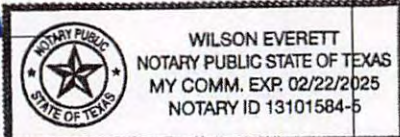
Raymond Hamden
Printed Name of Representative

[Signature]
Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 30 DAY OF June, 2021

Wilson Everett
SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: 212212025



Date Submitted: 6/30/21 Pre-Application Meeting Receipt #: 01711042
 Received By: Wilson Everett Case #: 221-12
 Revised: 5/2020

§ 155.023 R-2 TWO-FAMILY DWELLING DISTRICT.

(A) *Permitted uses.*

- (1) Any use permitted by right in the R-1 District, or (subject to the location requirements for such tracts) in the R1-I Districts.
- (2) Two-family or duplex dwelling.
- (3) Industrialized duplex dwelling, provided such dwelling complies with all regulations applicable to industrialized single-family housing.

(B) *Conditional uses.* Neighborhood association facilities.

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

(D) *Area regulations.* Lots in the Wildewood Subdivision, and duplex lots platted prior to November 8, 2006, shall have six-foot-minimum side setbacks, except when siding on a street such setback shall be a minimum of 15 feet. All other duplex lots shall have a minimum of ten-foot-wide side building setbacks, except when siding on a street such setback shall be a minimum of 15 feet.

(E) *Intensity of use.*

(1) A lot on which there is erected a single-family dwelling shall conform to the same intensity of use requirements as those in the R-1 (Single-Family Dwelling District) as noted in § 155.020(E).

(2) The minimum lot area shall be 7,800 square feet for lots in the Wildewood Subdivision and duplex lots platted prior to November 8, 2006. All other duplex lots shall contain a minimum lot area of 8,400 square feet, and an average width of not less than 70 feet.

(F) *Parking regulations.* As per §§ 155.061 through 155.068.

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

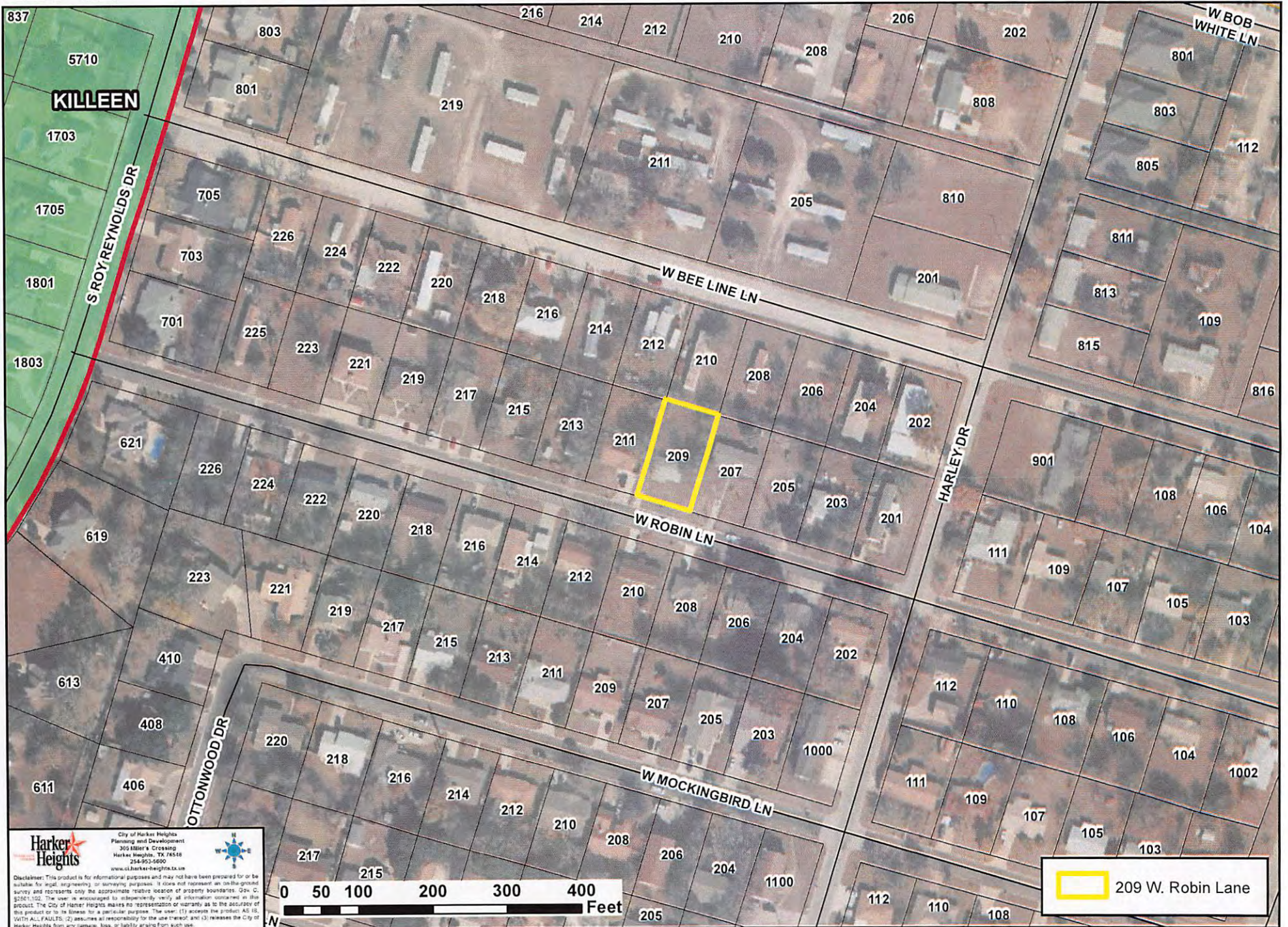
(H) *Signs.* Same as in R-1 district.

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

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


(K) *Architectural design.* R-2 buildings shall be designed to avoid repetitions of buildings or roof lines, and the same elevation may not be used within any five lot groupings. Primary entrances shall face the public street. Windows shall be provided with trim or recessed, rather than flush with exterior wall treatment.

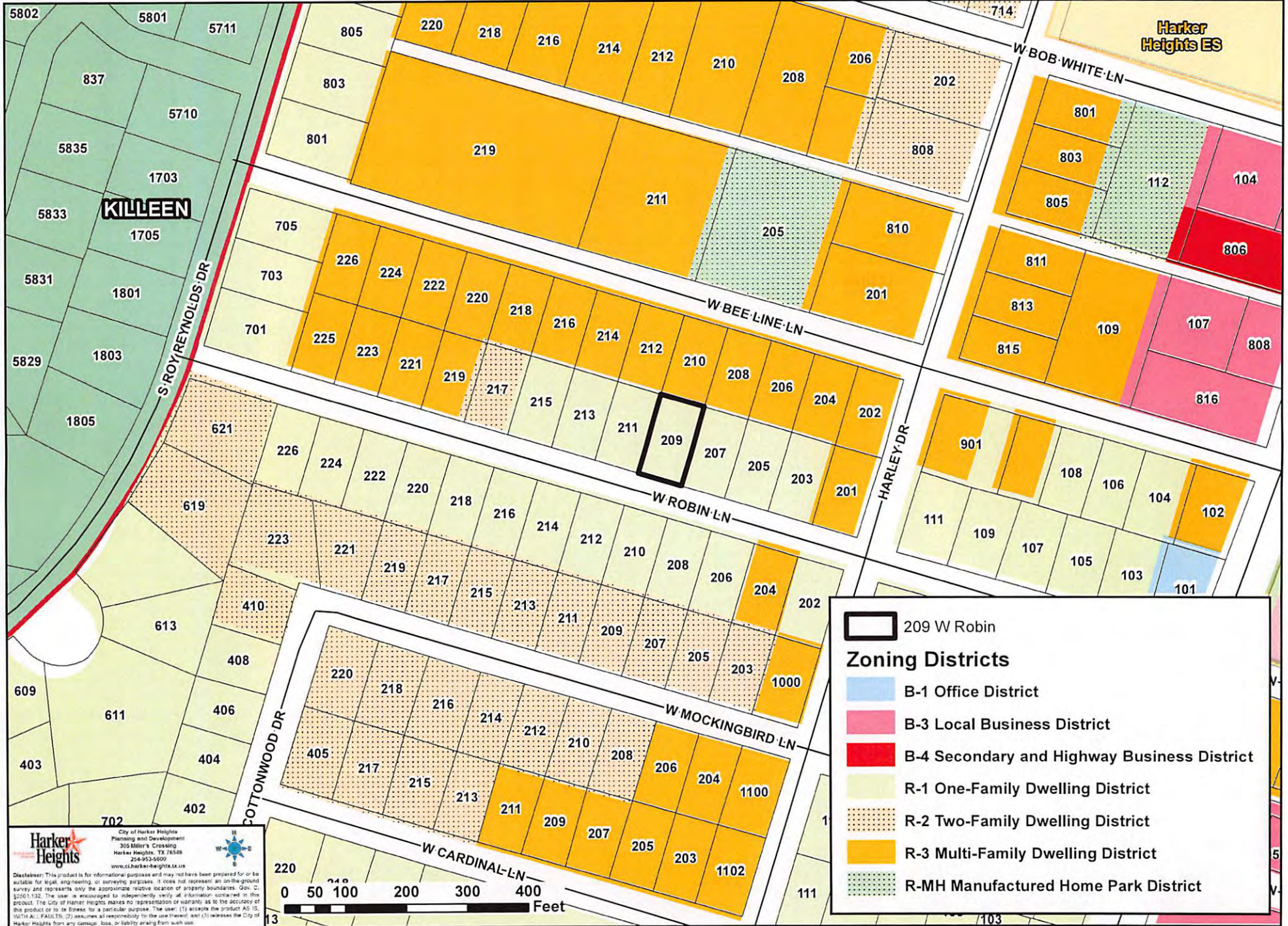
(Ord. 2001-36, passed 11-13-01; Am. Ord. 2006-40, passed 10-24-06; Am. Ord. 2012-01, passed 2-14-12; Am. Ord. 2012-04, passed 3-27-12; Am. Ord. 2016-24, passed 10-11-16)



Harker Heights
City of Harker Heights
Planning and Development
309 Eldora's Crossing
Harker Heights, TX 78548
354-953-6600
www.ci.harker-heights.tx.us

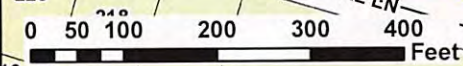
Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. (2) 52061.102. The user is 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 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.

 209 W. Robin Lane



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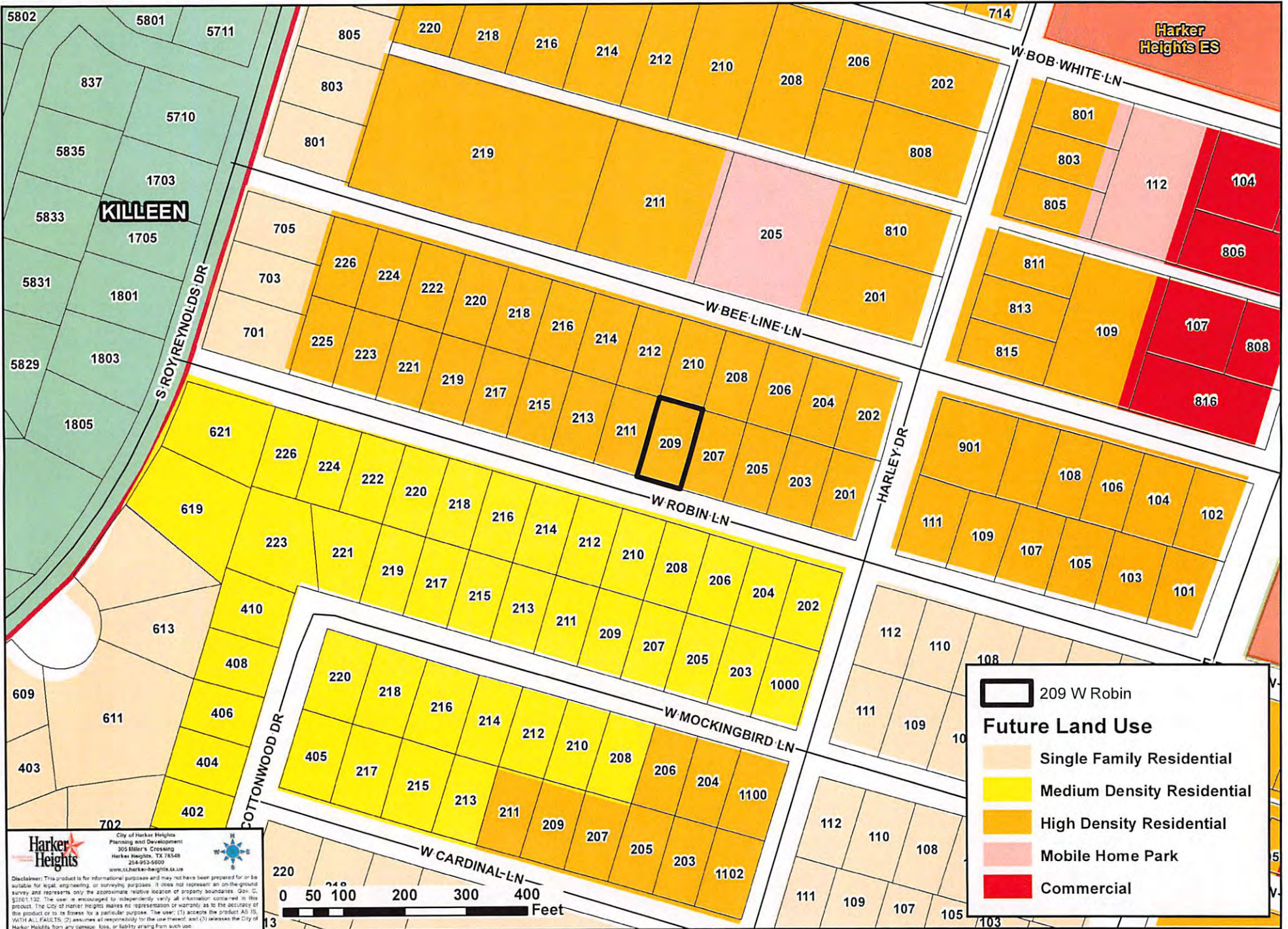
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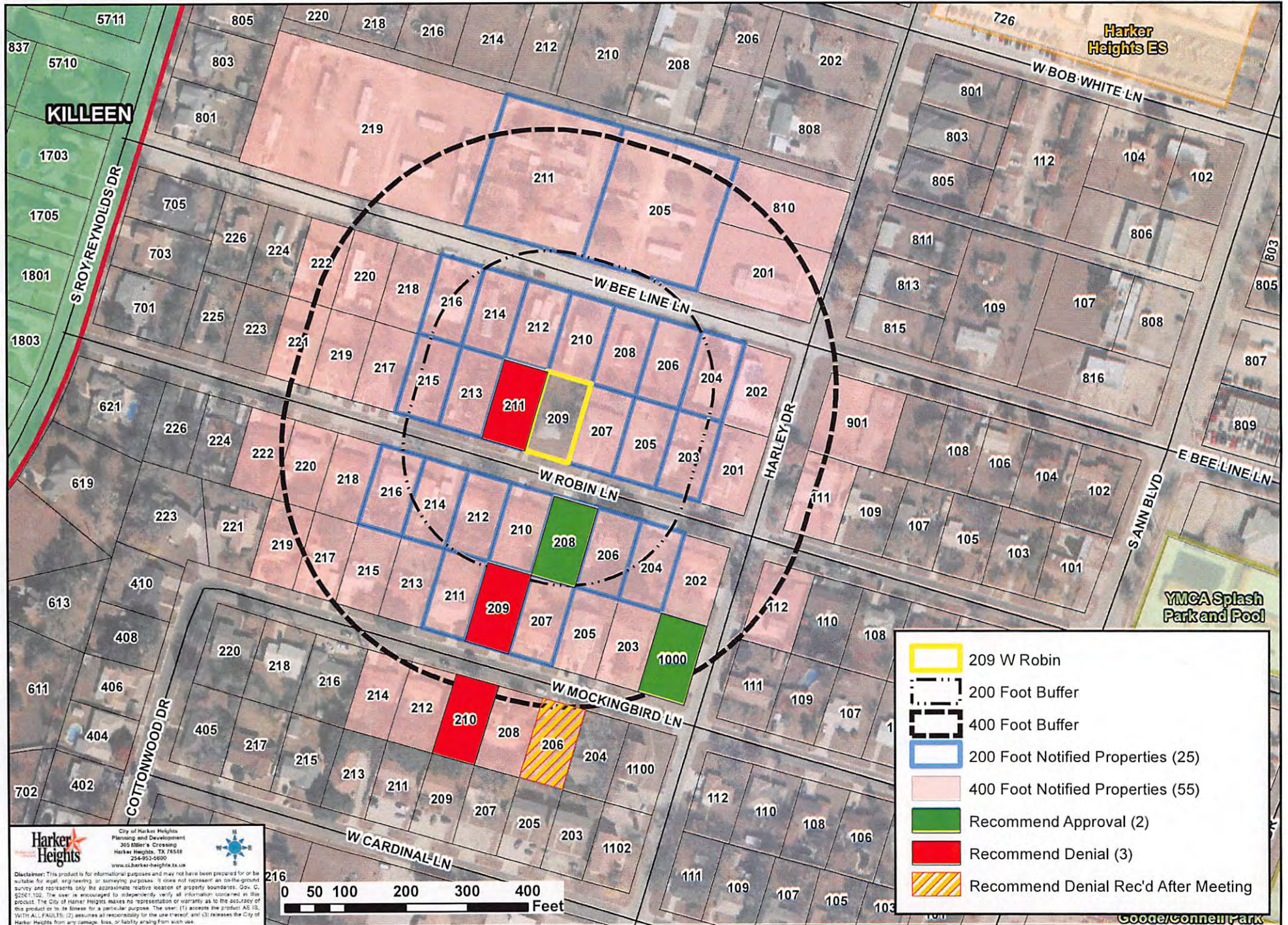
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 254-993-5000
 www.ci.harker-heights.tx.us

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. (Q) (C) 2020/1/13. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation of warranty as to the accuracy of this product or its use for any 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.



Harker Heights
 City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 76548
 254-923-5000
 www.ci.harker-heights.tx.us

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TO: City of Harker Heights
Planning & Development Department

FROM: 318 Elbert (208 W ROBIN)

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

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as Meadow Acres 1st Extension, Lot Eighteen (18), Block Eight (8), generally located at 209 W. Robin Lane, Harker Heights, Bell County, Texas (see attached notification map).

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

Comments:

Bease Properties
Printed Name

Vin Bease
Signature

7/20/21
Date

Received

JUL 21 2021

Planning & Development

Received

JUL 29 2021

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

FROM: RUDOLPH DIAC

206 W MOCKING HARKER HEIGHTS
(Address of Your Property that Could
Be **Impacted** by this Request)

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as Meadow Acres 1st Extension, Lot Eighteen (18), Block Eight (8), generally located at 209 W. Robin Lane, Harker Heights, Bell County, Texas (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

I WOULD LIKE TO KEEP THE AREA
MORE RESIDENTIAL

RUDOLPH DIAC
Printed Name

Rudolph Diac
Signature

7/25/21
Date

TO: City of Harker Heights
Planning & Development Department

FROM: Percy and Toni Brown
209 West Mockingbird Lane H.H. Tx 76548
(Address of Your Property that Could
Be Impacted by this Request)

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as Meadow Acres 1st Extension, Lot Eighteen (18), Block Eight (8), generally located at 209 W. Robin Lane, Harker Heights, Bell County, Texas (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

We are retirees, and have been living in R-1 (One Family Dwelling) for 28 years. There is no need to change from One Family Dwelling District to R-2 (two family Dwelling District) because who ever put in an application to consider rezoning most likely would benefit from it financially. My husband and I are senior citizens and have lived in this neighborhood longer than any other home owner on our street. We have good neighbors and going from R-1 to R2 would change the whole dynamic of our neighborhood.

Toni Brown
Printed Name

Toni Brown
Signature

07-20-21
Date

Received

JUL 28 2021

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

FROM: Linda J. Michelsen
210 W Mockingbird Ln
(Address of Your Property that Could
Be Impacted by this Request)

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as Meadow Acres 1st Extension, Lot Eighteen (18), Block Eight (8), generally located at 209 W. Robin Lane, Harker Heights, Bell County, Texas (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Rezoning from R-1 to R-2 - will decrease my property value - I don't know what is going on I get offer all the time to buy my house - These big companies from Cal - buying up as much property that they can - I don't trust H. H. planning dept - Example 19035 Ann Blvd 2nd house from the corner - supposedly got a permit for driveway - ~~the~~ 70% of his front yard laid out for a parking lot - My sister in law called + was informed - that was a driveway even though initially they had to move over 2 feet because they were ^{anyway}

Linda J Michelsen Linda J Michelsen
Printed Name Signature

7-21-21
Date

3' 2 ft into my sister in law yard - made a call again + requested to come out + check the so-called driveway - At time she informed that it was a driveway + she didn't have come out + check + all the employees were busy - The occupant 1603 in former said this was an over low car parking for his employees + or customers from his business across the street at that little strip mall - How can I trust plan. + Dev Dept

I believe the city will be doing an injustice to us that will be effected by this rezoning.

I wish H. H. city would take a second look + thing about the citizens.

I strongly recommend denial.

Respectfully

Linda J Michelsen

Linda J Michelsen

Received

JUL 28 2021

Planning & Development

TO: City of Harker Heights
Planning & Development Department

FROM:

Joseph Searle 211 WEST ROBIN LANE
HARKER HEIGHTS TEXAS, 76548
(Address of Your Property that Could
Be **Impacted** by this Request)

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as Meadow Acres 1st Extension, Lot Eighteen (18), Block Eight (8), generally located at 209 W. Robin Lane, Harker Heights, Bell County, Texas (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

I AM STRONGLY AGAINST A TWO FAMILY DWELLING
APPROVAL ON 209 WEST ROBIN LANE LOT.
I AM DIRECTLY NEXT DOOR TO THIS LOT AND
FEEL THIS WILL SIGNIFICANTLY IMPACT MY PROPERTY
VALUE AS WELL AS OTHERS IN THE NEIGHBORHOOD.
HIGHER DENSITY HOUSING ARE MORE LIKELY TO ENGAGE
IN CRIMINAL ACTIVITY, ALONG WITH MORE TRAFFIC
AND PARKING PROBLEMS. I FEEL THIS WILL MAKE
MY PROPERTY VALUE DECREASE, AND BE LESS DESIRABLE
WHEN SELLING IN THE FUTURE.

Joseph Searle
Printed Name

[Signature]
Signature

7-16-2021
Date

Received

JUL 21 2021

Planning & Development



CITY COUNCIL MEMORANDUM

Z21-13

AGENDA ITEM# VII-2

FROM: THE OFFICE OF THE CITY MANAGER

DATE: AUGUST 10, 2021

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, TO CHANGE THE ZONING DESIGNATION FROM R-1 (ONE FAMILY DWELLING DISTRICT), R1-M (ONE FAMILY MANUFACTURED HOME DWELLING DISTRICT) AND B-4 (SECONDARY AND HIGHWAY BUSINESS DISTRICT) TO PD (PLANNED DEVELOPMENT) WITH R-2 (TWO FAMILY DWELLING DISTRICT) ON PROPERTY DESCRIBED AS ALL LAND LOCATED WITHIN MOBILE MANOR ESTATES SECTION ONE (1), GENERALLY LOCATED NEAR THE INTERSECTION OF INDIAN OAKS DRIVE AND S. AMY LANE, HARKER HEIGHTS, BELL COUNTY, TEXAS; AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The applicant is requesting a change from the current zoning of R-1 (One Family Dwelling District), R1-M (One Family Manufactured Home Dwelling District) and B-4 (Secondary and Highway Business District) to PD (Planned Development) with R-2 (Two Family Dwelling District) on property described as all land located within Mobile Manor Estates Section One (1). The property consists of approximately 19.578 acres and the request will enable the applicant to construct two-family dwelling houses.

Surrounding Land Uses

Adjacent land uses include:

	Existing Land Use	Future Land Use	Zoning
North	Multi-Family Residence Manufactured Home Single Family Residence Duplex Drainage	High Density Residential Commercial Mixed Residential	R-3 Multi-Family Dwelling District B-4 Secondary and Highway Business District R-MU Mixed Use Residential
South	Commercial/Retail	Commercial	B-4 Secondary and Highway Business District
East	Vacant Public/Semi-Public	Commercial	B-2 Neighborhood Retail Business District
West	Single Family Residence Duplex	Commercial Single Family Residential	R-1 One Family Dwelling District R-2 Two Family Dwelling District

A survey of the area identified most of the properties to consist of multi-family housing, duplexes, single family residences, commercial/retail, and public/semi-public use. Per the 2007 Comprehensive Plan, the applicant's property is located in an area designated as Commercial/Office/Retail and Manufactured Home Park. This area is designated as an acceptable replacement for aging manufactured housing or for new development. Staff believes the proposed rezoning with its intended use will not likely have any adverse impact on the neighborhood and would be consistent with the intent of the non-commercial land use classification for this property as identified in the 2007 City of Harker Heights Comprehensive Plan.

Flood Damage Prevention

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

Notices

Staff sent out ninety-three (93) notices to property owners within the 400-foot notification area. As of July 28, 2021, thirteen (13) responses we received in favor of the request, and ten (10) responses were received in opposition of the request. Eight (8) of the responses in opposition are located within the regulatory 200-foot notification buffer. Any additional responses received after the above date will be provided during the meeting.

STAFF RECOMMENDATION:

Staff recommended approval to the Planning and Zoning Commission of an ordinance to change the zoning designation from R-1 (One Family Dwelling District), R1-M (One Family Manufactured Home Dwelling District) and B-4 (Secondary and Highway Business District) to PD (Planned Development) with R-2 (Two Family Dwelling District) on property described as all land located within Mobile Manor Estates Section One (1), generally located at Indian Oaks Drive and S. Amy Lane, Harker Heights, Bell County, Texas, in accordance to Section 155.036 of the Harker Heights Code of Ordinance and based on the following:

1. The proposed use and rezoning is compatible with the current Comprehensive Plan and Future Land Use Map (FLUM).
2. The proposed use and rezoning would not likely have any adverse impact on adjoining uses and zoning districts.
3. The proposed use and rezoning is compatible with existing uses in the neighborhood.
4. The proposed use and rezoning does not pose an adverse impact to the public health, safety, or general welfare.
5. The proposed PD as discussed with staff prior to July 20, 2021 would meet the intent of the City's codes.

The applicant submitted a concept plan and list of identified PD requirements for consideration after the Planning & Zoning Commission's (P&Z) packets were assembled, and the cases were evaluated by staff. These items were provided to the P&Z for consideration at their July 28, 2021 meeting. Staff has since reviewed the requested PD requirements and offers the following suggested conditions to the PD:

1. Underlying R-2 zoning district shall apply to the land in this planned development.
2. All duplex lots shall have 6 feet wide side building setbacks, except when siding on a street such setback shall be a minimum of 10 feet.

3. All duplex lots shall have a minimum of 10 feet side building setback when adjacent to a drainage tract, parcel, or easement.
4. Duplex lots shall have a front yard having a depth of not less than 20 feet of there is a garage in the front, or ten feet in all other circumstances.
5. Where lots have double frontage running through from one street to another, the required front yard shall be provided on both streets.
6. Duplex lots shall have a backyard having a depth of not less than 10 feet.
7. All duplex lots shall contain a minimum lot area of 6,000 square feet, and an average width of not less than 60 feet.
8. The street width of the proposed street shall be a minimum of 36 feet.
9. Lots D1 and D2 shall be used for stormwater conveyance.
10. The right of way of the proposed street shall be a minimum of 50 feet except at the subdivision entrances which shall be a minimum of 60 feet for a distance of 100 feet to enable a left turn lane.
11. 10 foot wide front yard public utility easements shall be provided on all lots.
12. Lots 30 and 31 (facing Amy Lane at the corner with Indian Oaks Drive) shall have rear yard parking and a shared driveway that exists on Indian Oaks.

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

During the Planning & Zoning Commission (P&Z) meeting held on July 28, 2021, the P&Z voted (8-0) to recommend denial of an ordinance to change the zoning designation from R-1 (One Family Dwelling District), R1-M (One Family Manufactured Home Dwelling District) and B-4 (Secondary and Highway Business District) to PD (Planned Development) with R-2 (Two Family Dwelling District) on property described as all land located within Mobile Manor Estates Section One (1), generally located at Indian Oaks Drive and S. Amy Lane, Harker Heights, Bell County, Texas based on not being in accordance with the 2007 Comprehensive Plan and Future Land Use Map.

1. **Since the recommendation of the property was not approved by the P&Z, per §155.212(D) (2) of the City of Harker Heights Code of Ordinances, a zoning district change will require a three-fourths (super-majority) approval vote from the City Council.**
 - . ***(D) Vote Required***
 - ii. ***If such proposed amendment, supplement, or change has not been approved by the Planning and Zoning Commission, the amendment, supplement or change shall not become effective except by a three-fourths approval vote by the City Council.***

ACTION BY CITY COUNCIL:

1. Motion to APPROVE/DISAPPROVE an Ordinance to change the zoning designation from R-1 (One Family Dwelling District), R1-M (One Family Manufactured Home Dwelling District) and B-4 (Secondary and Highway Business District) to PD-R (Planned Development - Residential District) with R-2 (Two Family Dwelling District) on property described as all land located within Mobile Manor Estates Section One (1), generally

located at Indian Oaks Drive and S. Amy Lane, Harker Heights, Bell County, Texas, based on staff's recommendation and findings and with the following conditions:

1. Underlying R-2 zoning district shall apply to the land in this planned development.
 2. All duplex lots shall have 6 feet wide side building setbacks, except when siding on a street such setback shall be a minimum of 10 feet.
 3. All duplex lots shall have a minimum of 10 feet side building setback when adjacent to a drainage tract, parcel, or easement.
 4. Duplex lots shall have a front yard having a depth of not less than 20 feet if there is a garage in the front, or ten feet in all other circumstances.
 5. Where lots have double frontage running through from one street to another, the required front yard shall be provided on both streets.
 6. Duplex lots shall have a backyard having a depth of not less than 10 feet.
 7. All duplex lots shall contain a minimum lot area of 6,000 square feet, and an average width of not less than 60 feet.
 8. The street width of the proposed street shall be a minimum of 36 feet.
 9. Lots D1 and D2 shall be used for stormwater conveyance.
 10. The right of way of the proposed street shall be a minimum of 50 feet except at the subdivision entrances which shall be a minimum of 60 feet for a distance of 100 feet to enable a left turn lane.
 11. A 10 foot wide front yard public utility easements shall be provided on all lots.
 12. Lots 30 and 31 (facing Amy Lane at the corner with Indian Oaks Drive) shall have rear yard parking and a shared driveway that exists on Indian Oaks.
2. Any other action deemed necessary.

ATTACHMENTS:

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

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING PD-R WITH R-2 ZONING ON PROPERTY DESCRIBED AS ALL LAND LOCATED WITHIN MOBILE MANOR ESTATES SECTION ONE (1), GENERALLY LOCATED NEAR THE INTERSECTION OF INDIAN OAKS DRIVE AND S. AMY LANE, HARKER HEIGHTS, BELL COUNTY, TEXAS.

WHEREAS, the City Council ("*Council*") of the City of Harker Heights ("*City*") finds that after due notice and public hearings as required by law, and after consideration of the recommendation of the Planning and Zoning Commission, it is necessary and desirable to amend the Code of Harker Heights ("*Code*") as hereinafter provided; and

WHEREAS, the meeting at which this Ordinance was passed was open to the public, and notice of the time, place and purpose of said meeting was given as required by law, all in strict accordance with the requirements of the Texas Open Meetings Act;

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

SECTION 1: The Council officially finds and declares that the facts and recitations set forth in the preamble to this Ordinance are true and correct.

SECTION 2: The hereinafter-described property, as previously zoned of R-1 (One Family Dwelling District), R1-M (One Family Manufactured Home Dwelling District) and B-4 (Secondary And Highway Business District) is hereby rezoned to PD-R (Planned Development - Residential District) with R-2 (Two Family Dwelling District), and subject to the Conditions described in the attached Exhibit A (Z21-13 Conditions):

All land located within Mobile Manor Estates Section One (1), generally located near the intersection of Indian Oaks Drive and S. Amy Lane, Harker Heights, Bell County, Texas.

SECTION 3: Table VII, Table of Special Ordinances, of the Code is hereby supplemented by adding the following entry:

<u>Ord. No.</u>	<u>Date Passed</u>	<u>Description</u>
2021-	08/10/21	Granting PD-R with R-2 zoning on property described as all land located within Mobile Manor Estates Section One (1), generally located near the intersection of Indian Oaks Drive and S. Amy Lane, Harker Heights, Bell County, Texas.

SECTION 4: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 5: This Ordinance shall be effective from and after its passage, and the City Clerk shall publish the caption or title of hereof within ten days as required by law.

PASSED AND APPROVED on August 10, 2021.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary

EXHIBIT A

Z21-13 Conditions

1. Underlying R-2 zoning district shall apply to the land in this planned development.
2. All duplex lots shall have 6 feet wide side building setbacks, except when siding on a street such setback shall be a minimum of 10 feet.
3. All duplex lots shall have a minimum of 10 feet side building setback when adjacent to a drainage tract, parcel, or easement.
4. Duplex lots shall have a front yard having a depth of not less than 20 feet of there is a garage in the front, or ten feet in all other circumstances.
5. Where lots have double frontage running through from one street to another, the required front yard shall be provided on both streets.
6. Duplex lots shall have a backyard having a depth of not less than 10 feet.
7. All duplex lots shall contain a minimum lot area of 6,000 square feet, and an average width of not less than 60 feet.
8. The street width of the proposed street shall be a minimum of 36 feet.
9. Lots D1 and D2 shall be used for stormwater conveyance.
10. The right of way of the proposed street shall be a minimum of 50 feet except at the subdivision entrances which shall be a minimum of 60 feet for a distance of 100 feet to enable a left turn lane.
11. A 10 foot wide front yard public utility easements shall be provided on all lots.
12. Lots 30 and 31 (facing Amy Lane at the corner with Indian Oaks Drive) shall have rear yard parking and a shared driveway that exists on Indian Oaks.



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: Killken Associates, LLC Date: 6/25/2021
 Address: 16126 Sherman Way
 City/State/Zip: Van Nuys CA 91406
 Phone: [REDACTED] E-mail: [REDACTED]

Legal Description of Property:

Location of Property (Address if available): Northeast corner of Amyln & Indian Oaks Dr.
 Lot: _____ Block: _____ Subdivision: Mobile Manor Estates
 Acres: 15 Property ID: _____ Survey: _____

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

Proposed Use: Duplex
 Current Zoning Classification: B-4 / B-4, R-1, R-1M, Y/111 Proposed Zoning: PD W1 R2I
 Current Land Use: Mobile Home Park Proposed Land Use: Duplex subdivision

Applicant's Representative (if applicable):

Applicant's Representative: Arrowhead Developers LLC
 Phone: [REDACTED] E-Mail: _____

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

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

Michael T. Novak, as Manager
 Printed Name of Property Owner

[Signature] MANAGER
 Signature of Property Owner

Jacome Gomez
 Printed Name of Representative

[Signature]
 Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS _____ DAY OF _____, 20_____.

See attached certificate
 SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

STAFF ONLY - DO NOT FILL OUT BELOW

Date Submitted: 6/30/21
 Received By: Wilson Green

Pre-Application Meeting

Revised: 5/2020

Receipt #: 01711291
 Case #: 221-13

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

State of California

County of LOS ANGELES

On June 25, 2021, before me, Darcy Garcia, Notary Public, personally appeared Michael T. Novick, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.



Signature

Darcy Garcia

(Seal)

§ 155.023 R-2 TWO-FAMILY DWELLING DISTRICT.

(A) *Permitted uses.*

- (1) Any use permitted by right in the R-1 District, or (subject to the location requirements for such tracts) in the R-1-I Districts.
- (2) Two-family or duplex dwelling.
- (3) Industrialized duplex dwelling, provided such dwelling complies with all regulations applicable to industrialized single-family housing.

(B) *Conditional uses.* Neighborhood association facilities.

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

(D) *Area regulations.* Lots in the Wildewood Subdivision, and duplex lots platted prior to November 8, 2006, shall have six-foot-minimum side setbacks, except when siding on a street such setback shall be a minimum of 15 feet. All other duplex lots shall have a minimum of ten-foot-wide side building setbacks, except when siding on a street such setback shall be a minimum of 15 feet.

(E) *Intensity of use.*

(1) A lot on which there is erected a single-family dwelling shall conform to the same intensity of use requirements as those in the R-1 (Single-Family Dwelling District) as noted in § 155.020(E).

(2) The minimum lot area shall be 7,800 square feet for lots in the Wildewood Subdivision and duplex lots platted prior to November 8, 2006. All other duplex lots shall contain a minimum lot area of 8,400 square feet, and an average width of not less than 70 feet.

(F) *Parking regulations.* As per §§ 155.061 through 155.068.

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

(H) *Signs.* Same as in R-1 district.

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

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

(K) *Architectural design.* R-2 buildings shall be designed to avoid repetitions of buildings or roof lines, and the same elevation may not be used within any five lot groupings. Primary entrances shall face the public street. Windows shall be provided with trim or recessed, rather than flush with exterior wall treatment.

(Ord. 2001-36, passed 11-13-01; Am. Ord. 2006-40, passed 10-24-06; Am. Ord. 2012-01, passed 2-14-12; Am. Ord. 2012-04, passed 3-27-12; Am. Ord. 2016-24, passed 10-11-16)

§ 155.036 PD -PLANNED DEVELOPMENT DISTRICT.

(A) *Purpose and definition.* The Planned Development District accommodates planned associations of uses developed as integral land use units such as industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A Planned Development District may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this chapter. While greater flexibility is given to allow special conditions or restrictions which would not otherwise allow the development to occur, procedures are established herein to insure against misuse of increased flexibility.

(B) *Permitted uses.* Any use or combination of uses authorized by the Planning and Zoning Commission and City Council is permitted in a Planned Development District if the use is consistent with the following categories:

(1) *Planned Development - Residential (PD-R).* All uses permitted in the residential zoning districts are permitted in a PD-R development.

(2) *Planned Development - Business (PD-B).* All uses permitted in the B-1 through B-5 zoning districts (except sexually-oriented businesses) are permitted in a PD-B development. Alcoholic beverages sale and service are allowed in the wet area only, subject to applicable regulations.

(3) *Planned Development - Industrial (PD-I).* All uses permitted in the M-1 and M-2 zoning district are permitted in a PD-I development.

(4) *Planned Development - Mixed Use (PD-M).* All uses permitted in all zoning districts (except sexually-oriented businesses) are permitted in a PD-M development. Alcoholic beverages sales and service are allowed in the wet area only.

(C) *Minimum requirements.* All planned developments shall comply with the following standards:

(1) Unless otherwise specified in the approved development plan, the minimum requirements for each development shall be those stated in the subdivision and zoning requirements of the most restrictive zoning district in which designated uses are permitted.

(2) The minimum acreage for a planned development shall be five acres.

(3) Open space landscaped buffers and/or screening shall be required to separate land uses within the planned development from land uses adjacent to the planned development. No structure, parking lot, equipment pad, or other man-made construction not approved by the city shall be placed in an open space buffer. The size and location of these buffers shall be determined by the City Council, upon receiving the Planning and Zoning Commission's recommendations after review of the development plan for the proposed development. The minimum size of an open space buffer shall be 25 feet, measured from the exterior property line. Screening and/or landscaping may be required within the buffer, based on the location of existing development, the type of development, topography, or other criteria established by the City Council.

(4) Where structures within the planned development that exceed 35 feet in height are proposed to be erected on lots adjacent to R-1 and R-2 zoning districts, such structures shall be located one foot from the boundary of the open space buffer for each two feet of height over 35 feet.

(5) Planned developments designated as PD-B, PD-I, PD-M are prohibited on local and minor streets.

(6) An owners' association will be required if other satisfactory arrangements have not been made for providing, operating, and maintaining common facilities including streets, drives, service and parking areas, common open spaces, and common recreational areas at the time the development plan is submitted. If an owners' association is required, the articles for incorporation of an owners' association shall be reviewed by the city to assure compliance with the provisions this section.

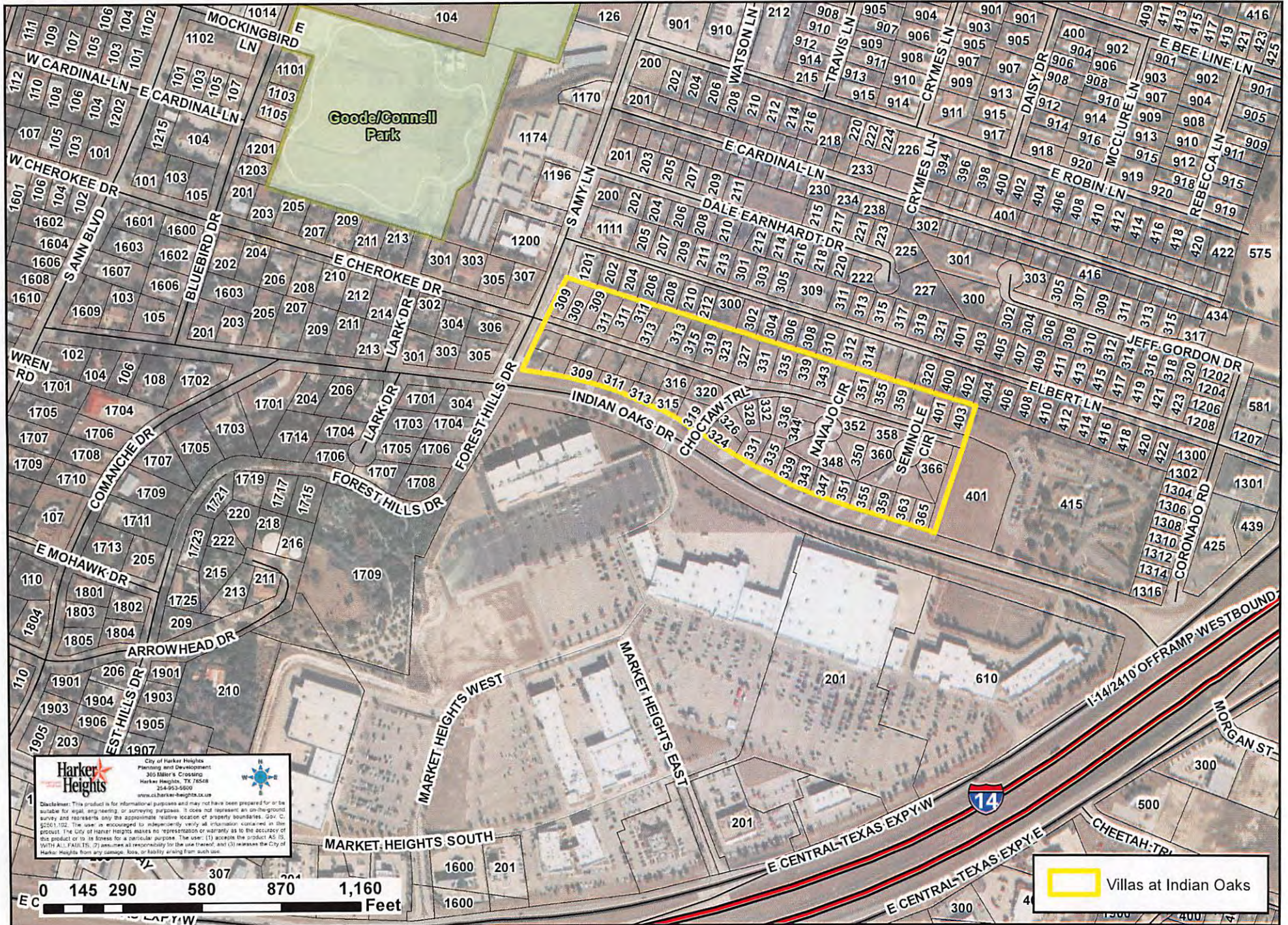
(D) *Requests for PD approval.* Requests for a PD designation shall be processed as a rezoning request unless otherwise specified in this section. A development plan for the proposed planned development shall be filed with the Director of Planning and Development showing the location of the planned development and the relationship of the various land uses included in the development.

(1) The form and content of the site development plan shall consist of a site plan showing the proposed land uses, landscaping, parking, height of buildings, driveways, screening, setbacks, project phasing, and other items that may be required by the Planning and Development Director.

(2) Preliminary and final plats for the development shall be prepared in accordance with the provisions of Chapter 154, with any modifications to the development plan approved by the City Council and Planning and Zoning Commission.


(E) *Review of request.* Each proposed development shall be reviewed to determine the compatibility of the development with surrounding land uses. No planned development should be approved if it is found that the proposed development:

- (1) Adversely impacts existing or permitted uses on abutting sites that cannot be mitigated;
 - (2) Adversely affects 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 considering existing zoning and land uses in the area;
 - (3) Fails to reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts; or
 - (4) Adversely affects traffic control or adjacent properties by inappropriate location, lighting, or type of signs.
- (F) *Administration.* All planned development districts approved in accordance with the provisions of this section shall be referenced on the zoning map, and a list of such planned development districts, together with the category of uses permitted therein, shall be maintained in the Table of Special Ordinances. An ordinance granting a PD District shall include a statement as to the purpose and intent of the planned development granted therein.
- (G) *Developer's responsibilities following approval.*
- (1) A PD designation shall be deemed nullified, and the property shall automatically revert to its previous zoning designation, if development does not commence within 12 months of the date of City Council approval.
 - (2) The granting of a PD designation shall not relieve the developer from responsibility for complying with all other applicable codes and ordinances of the city except to the extent expressly specified in the approved development plan.
- (Ord. 2001-36, passed 11-13-01; Am. Ord. 2006-40, passed 10-24-06; Am. Ord. 2013-19, passed 8-13-13)

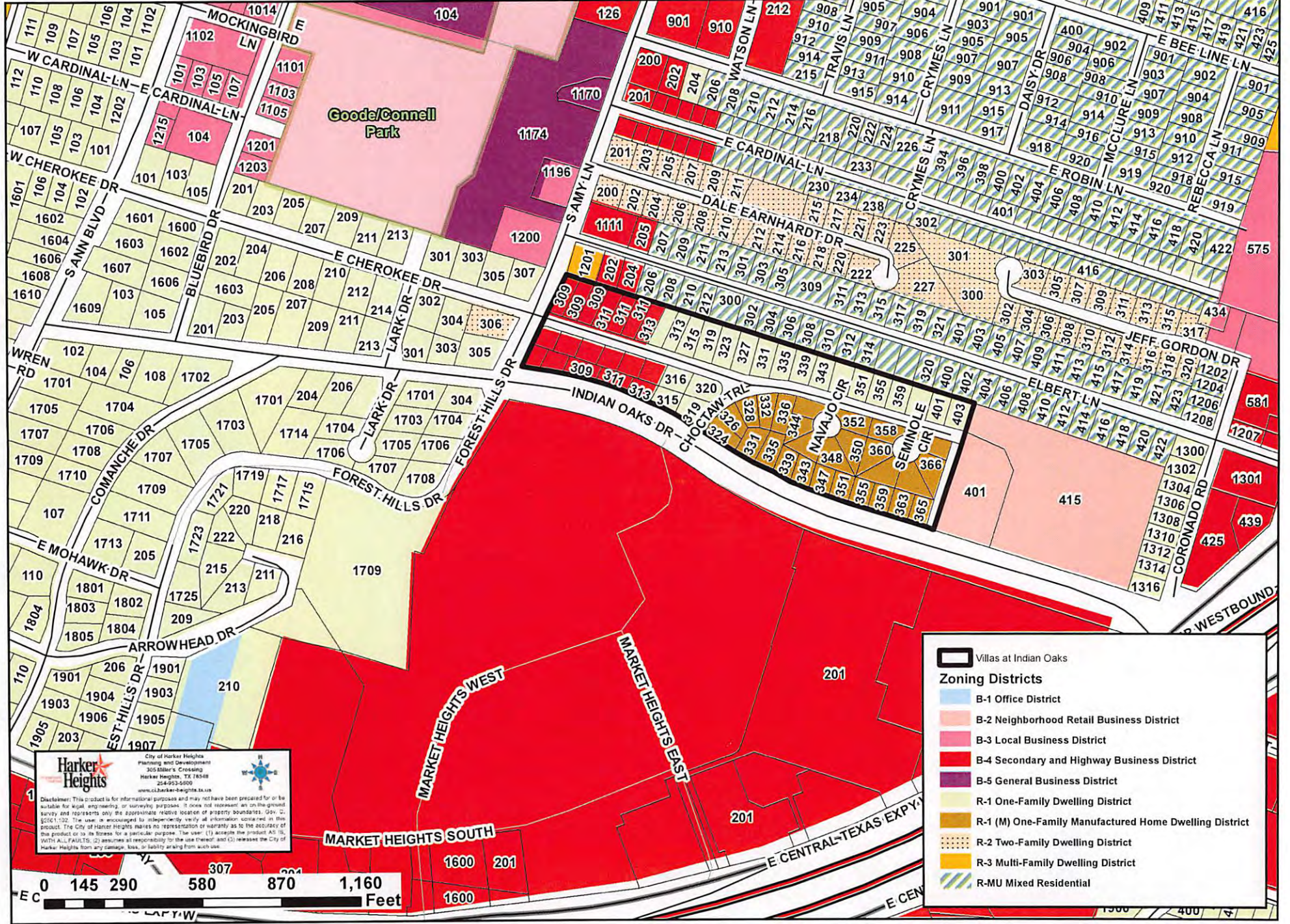


Harker Heights
City of Harker Heights
Planning and Development
300 Water Crossing
Harker Heights, TX 76548
254-993-5600
www.ci.harkerheights.tx.us

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. 82501.152. 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 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.

 Villas at Indian Oaks

0 145 290 580 870 1,160 Feet



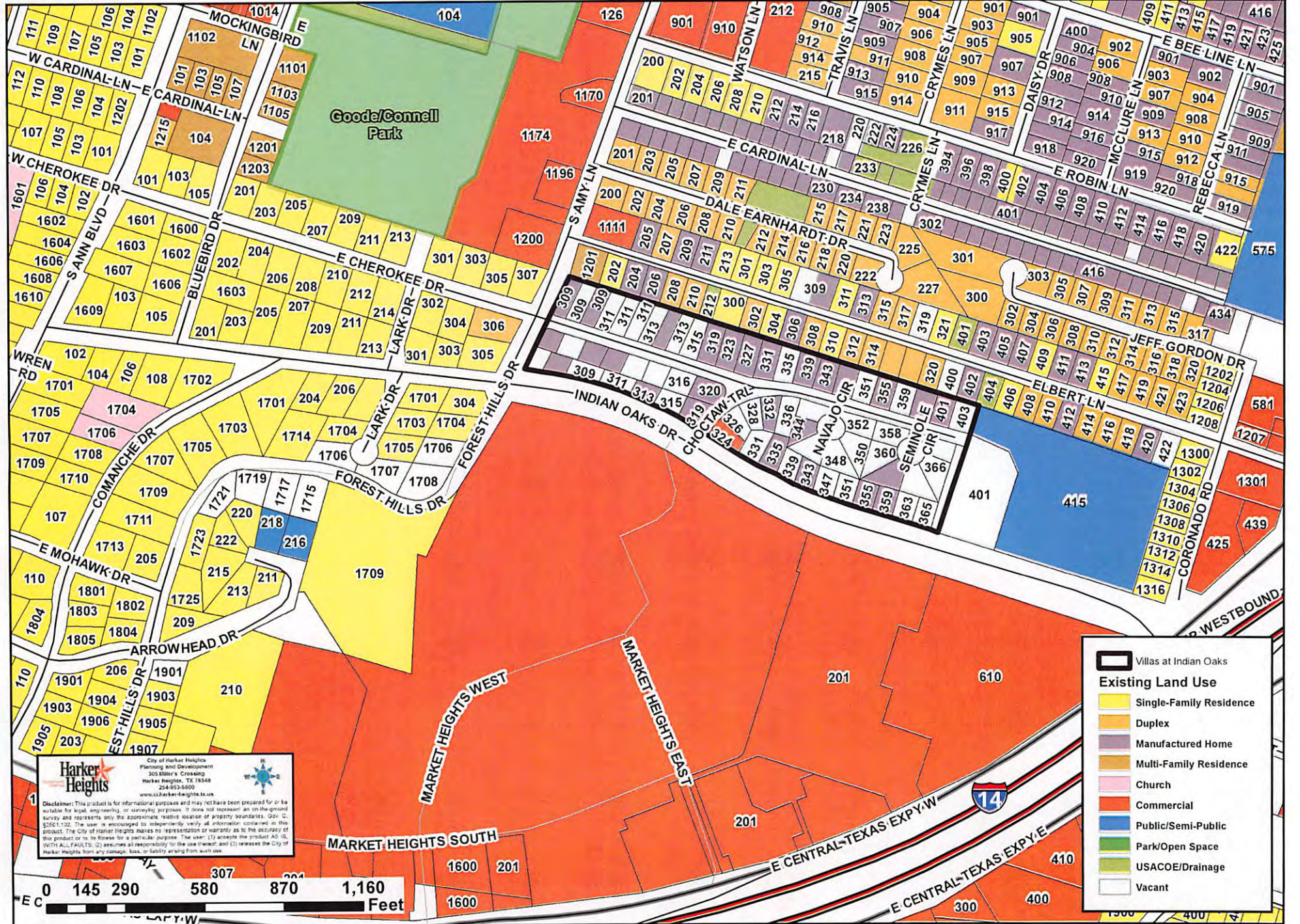
Harker Heights
 City of Harker Heights
 Planning and Development
 305 Star's Crossing
 Harker Heights, TX 78349
 254-953-5500
 www.ci.harkerheights.tx.us

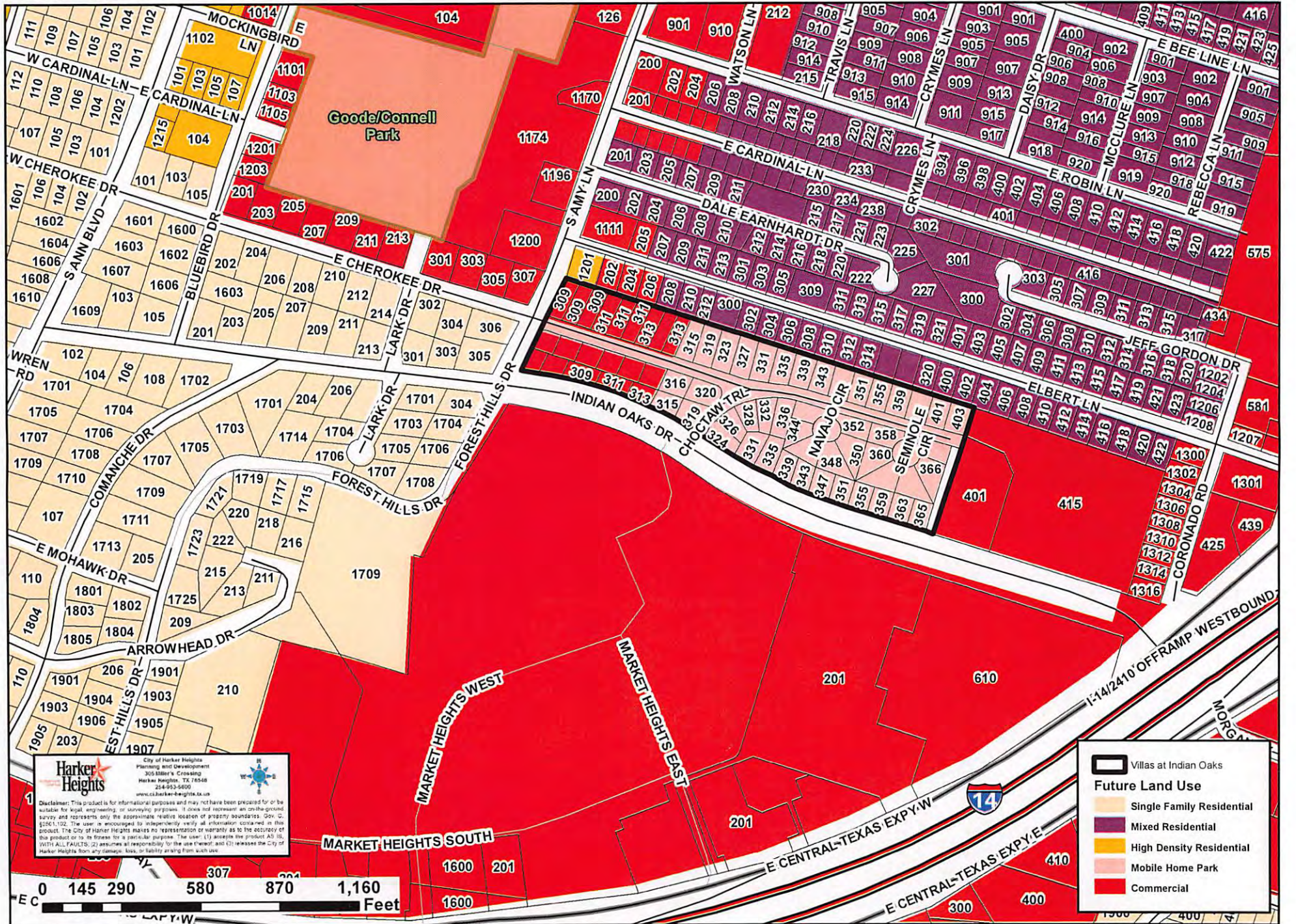
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Villas at Indian Oaks

Zoning Districts

- B-1 Office District
- B-2 Neighborhood Retail Business District
- B-3 Local Business District
- B-4 Secondary and Highway Business District
- B-5 General Business District
- R-1 One-Family Dwelling District
- R-1 (M) One-Family Manufactured Home Dwelling District
- R-2 Two-Family Dwelling District
- R-3 Multi-Family Dwelling District
- R-MU Mixed Residential





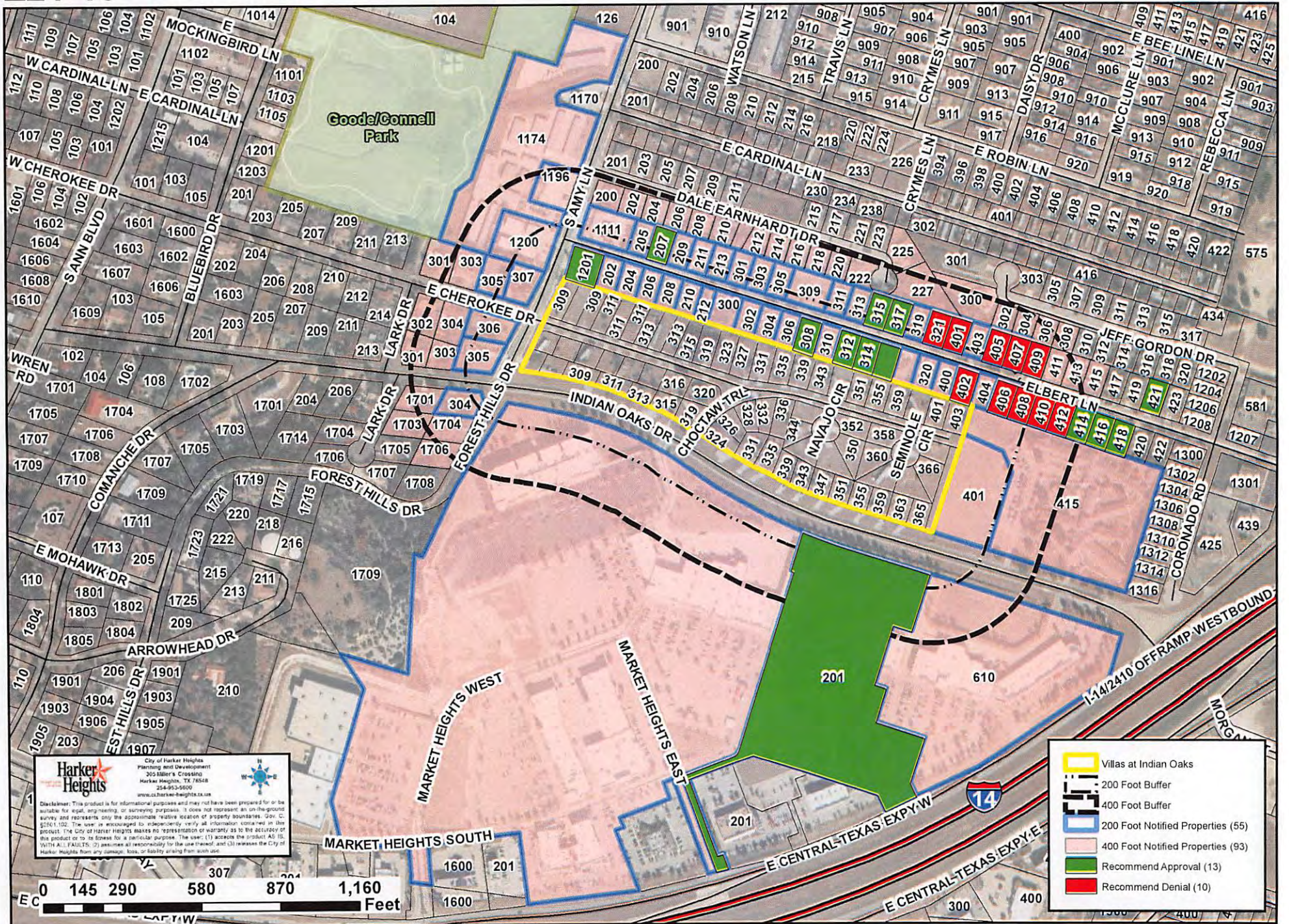
Harker Heights
City of Harker Heights
Planning and Development
305 Miller's Crossing
Harker Heights, TX 76548
254-923-5600
www.ci.harker-heights.tx.us

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Villas at Indian Oaks

Future Land Use

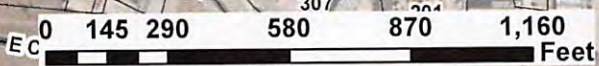
- Single Family Residential
- Mixed Residential
- High Density Residential
- Mobile Home Park
- Commercial



Harker Heights
 City of Harker Heights
 Planning and Development
 200 Miller's Crossing
 Harker Heights, TX 78648
 254-953-5600
 www.ci.harkerheights.tx.us

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- Villas at Indian Oaks
- 200 Foot Buffer
- 400 Foot Buffer
- 200 Foot Notified Properties (55)
- 400 Foot Notified Properties (93)
- Recommend Approval (13)
- Recommend Denial (10)



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

FROM: DRP Market Heights Property Owner LLC
201 E. CENTRAL TEXAS EXPRESSWAY

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

Harker Heights, Texas 76548

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District), R1-M (One Family Manufactured Home Dwelling District) and B-4 (Secondary and Highway Business District) to PD (Planned Development) with R2 (Two Family Dwelling District) on property described as all land located with Mobile Manor Estates Section One (1), generally located near the intersection of Indian Oaks and S. Amy Lane, Harker Heights, Bell County, Texas (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

BRUCE A. SIFFORD
Printed Name

Bruce A. Sifford
Signature

7-20-21
Date

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

FROM: 207 Elbert

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

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District), R1-M (One Family Manufactured Home Dwelling District) and B-4 (Secondary and Highway Business District) to PD (Planned Development) with R2 (Two Family Dwelling District) on property described as all land located with Mobile Manor Estates Section One (1), generally located near the intersection of Indian Oaks and S. Amy Lane, Harker Heights, Bell County, Texas (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Boose Properties
Printed Name

Jim Boose
Signature

7/20/21
Date

Received

JUL 21 2021

Planning & Development

TO: City of Harker Heights
Planning & Development Department

FROM: 308 E/bert

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

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District), R1-M (One Family Manufactured Home Dwelling District) and B-4 (Secondary and Highway Business District) to PD (Planned Development) with R2 (Two Family Dwelling District) on property described as all land located with Mobile Manor Estates Section One (1), generally located near the intersection of Indian Oaks and S. Amy Lane, Harker Heights, Bell County, Texas (see attached notification map).

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

Comments:

Boose Properties
Printed Name

Yin Base
Signature

7/20/21
Date

Received
JUL 21 2021
Planning & Development

TO: City of Harker Heights
Planning & Development Department

FROM: 314 Elbert

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

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District), R1-M (One Family Manufactured Home Dwelling District) and B-4 (Secondary and Highway Business District) to PD (Planned Development) with R2 (Two Family Dwelling District) on property described as all land located with Mobile Manor Estates Section One (1), generally located near the intersection of Indian Oaks and S. Amy Lane, Harker Heights, Bell County, Texas (see attached notification map).

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

Comments:

Boase Properties
Printed Name

7/20/21
Date

Min Boase
Signature

Received
JUL 21 2021
Planning & Development

TO: City of Harker Heights
Planning & Development Department

FROM: 315 Elbert

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

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District), R1-M (One Family Manufactured Home Dwelling District) and B-4 (Secondary and Highway Business District) to PD (Planned Development) with R2 (Two Family Dwelling District) on property described as all land located with Mobile Manor Estates Section One (1), generally located near the intersection of Indian Oaks and S. Amy Lane, Harker Heights, Bell County, Texas (see attached notification map).

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

Comments:

Boose Properties
Printed Name

Yim Boose
Signature

7/20/21
Date

Received

JUL 21 2021

Planning & Development

TO: City of Harker Heights
Planning & Development Department

FROM: 316 Elbert

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

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District), R1-M (One Family Manufactured Home Dwelling District) and B-4 (Secondary and Highway Business District) to PD (Planned Development) with R2 (Two Family Dwelling District) on property described as all land located with Mobile Manor Estates Section One (1), generally located near the intersection of Indian Oaks and S. Amy Lane, Harker Heights, Bell County, Texas (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Boose Properties
Printed Name

Yim Boose
Signature

7/20/21
Date

Received
JUL 21 2021
Planning & Development

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

FROM: 317 Elbert

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

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District), R1-M (One Family Manufactured Home Dwelling District) and B-4 (Secondary and Highway Business District) to PD (Planned Development) with R2 (Two Family Dwelling District) on property described as all land located with Mobile Manor Estates Section One (1), generally located near the intersection of Indian Oaks and S. Amy Lane, Harker Heights, Bell County, Texas (see attached notification map).

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

Comments:

Boase Properties
Printed Name

Mum Boase
Signature

7/20/21
Date

Received

JUL 21 2021

Planning & Development

TO: City of Harker Heights
Planning & Development Department

FROM: 414 Elbert

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

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District), R1-M (One Family Manufactured Home Dwelling District) and B-4 (Secondary and Highway Business District) to PD (Planned Development) with R2 (Two Family Dwelling District) on property described as all land located with Mobile Manor Estates Section One (1), generally located near the intersection of Indian Oaks and S. Amy Lane, Harker Heights, Bell County, Texas (see attached notification map).

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

Comments:

Boose Properties

Printed Name

Yvonne Boose

Signature

7/20/21

Date

Received
JUL 21 2021
Planning & Development

TO: City of Harker Heights
Planning & Development Department

FROM: 416 E/bert

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

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District), R1-M (One Family Manufactured Home Dwelling District) and B-4 (Secondary and Highway Business District) to PD (Planned Development) with R2 (Two Family Dwelling District) on property described as all land located with Mobile Manor Estates Section One (1), generally located near the intersection of Indian Oaks and S. Amy Lane, Harker Heights, Bell County, Texas (see attached notification map).

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

Comments:

Yun Bose Boase Properties
Printed Name Signature

7/20/21
Date

Received
JUL 21 2021
Planning & Development

TO: City of Harker Heights
Planning & Development Department

FROM: 418 Elbert

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

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District), R1-M (One Family Manufactured Home Dwelling District) and B-4 (Secondary and Highway Business District) to PD (Planned Development) with R2 (Two Family Dwelling District) on property described as all land located with Mobile Manor Estates Section One (1), generally located near the intersection of Indian Oaks and S. Amy Lane, Harker Heights, Bell County, Texas (see attached notification map).

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

Comments:

Boose Properties

Printed Name

Yimberse

Signature

7/20/21

Date

Received

JUL 21 2021

Planning & Development

TO: City of Harker Heights
Planning & Development Department

FROM: 421 E/loert

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

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District), R1-M (One Family Manufactured Home Dwelling District) and B-4 (Secondary and Highway Business District) to PD (Planned Development) with R2 (Two Family Dwelling District) on property described as all land located with Mobile Manor Estates Section One (1), generally located near the intersection of Indian Oaks and S. Amy Lane, Harker Heights, Bell County, Texas (see attached notification map).

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

Comments:

Bease Properties
Printed Name

Yim Bease
Signature

7/20/21
Date

Received
JUL 21 2021
Planning & Development

TO: City of Harker Heights
Planning & Development Department

FROM: 1201 S. Amy

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

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District), R1-M (One Family Manufactured Home Dwelling District) and B-4 (Secondary and Highway Business District) to PD (Planned Development) with R2 (Two Family Dwelling District) on property described as all land located with Mobile Manor Estates Section One (1), generally located near the intersection of Indian Oaks and S. Amy Lane, Harker Heights, Bell County, Texas (see attached notification map).

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

Comments:

Base Properties
Printed Name

Yum Base
Signature

7/20/21
Date

Received

JUL 21 2021

Planning & Development

TO: City of Harker Heights
Planning & Development Department

FROM: Karin C. Freeman

321 Elbert Ln Harker Heights TX 76548

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

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District), R1-M (One Family Manufactured Home Dwelling District) and B-4 (Secondary and Highway Business District) to PD (Planned Development) with R2 (Two Family Dwelling District) on property described as all land located with Mobile Manor Estates Section One (1), generally located near the intersection of Indian Oaks and S. Amy Lane, Harker Heights, Bell County, Texas (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Mailing Address

23343 W US Highway 281
San Benito, TX 78586

Karin C. Freeman
Printed Name

Karin C. Freeman
Signature

7-20-21
Date

Received

JUL 22 2021

Planning & Development

TO: City of Harker Heights
Planning & Development Department

FROM: Karin C. Freeman
401 Elbert Ln Harker Heights
(Address of Your Property that Could
Be Impacted by this Request)

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District), R1-M (One Family Manufactured Home Dwelling District) and B-4 (Secondary and Highway Business District) to PD (Planned Development) with R2 (Two Family Dwelling District) on property described as all land located with Mobile Manor Estates Section One (1), generally located near the intersection of Indian Oaks and S. Amy Lane, Harker Heights, Bell County, Texas (see attached notification map).

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

Comments:

Karin Freeman
Printed Name

Karin C. Freeman
Signature

7-20-21
Date

Received

JUL 22 2021

Planning & Development

TO: City of Harker Heights
Planning & Development Department


FROM: DAVID PHILLIPS
402 ELBERT
(Address of Your Property that Could
Be Impacted by this Request)

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District), R1-M (One Family Manufactured Home Dwelling District) and B-4 (Secondary and Highway Business District) to PD (Planned Development) with R2 (Two Family Dwelling District) on property described as all land located with Mobile Manor Estates Section One (1), generally located near the intersection of Indian Oaks and S. Amy Lane, Harker Heights, Bell County, Texas (see attached notification map).

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

Comments: NO R.P. ZONING
TO MUCH FLEXIBILITY
R-2 OK.
155.036

DAVID PHILLIPS
Printed Name


Signature

7-19-21
Date

602-3460

TO: City of Harker Heights
Planning & Development Department

FROM: DAVID PAIKOFF
405 ELBERT
(Address of Your Property that Could
Be Impacted by this Request)

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District), RI-M (One Family Manufactured Home Dwelling District) and B-4 (Secondary and Highway Business District) to PD (Planned Development) with R2 (Two Family Dwelling District) on property described as all land located with Mobile Manor Estates Section One (1), generally located near the intersection of Indian Oaks and S. Amy Lane, Harker Heights, Bell County, Texas (see attached notification map).

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

Comments: NO P.D. ZONING. R-2 O.K.
TO MUCH FLEXIBILITY
IN P.D. ZONING.
155.036

DAVID PAIKOFF
Printed Name

[Signature]
Signature

7-19-21
Date

698-3460

TO: City of Harker Heights
Planning & Development Department

FROM: DAVID PHILLIPS
406 ELBERT
(Address of Your Property that Could
Be Impacted by this Request)

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District), R1-M (One Family Manufactured Home Dwelling District) and B-4 (Secondary and Highway Business District) to PD (Planned Development) with R2 (Two Family Dwelling District) on property described as all land located with Mobile Manor Estates Section One (1), generally located near the intersection of Indian Oaks and S. Amy Lane, Harker Heights, Bell County, Texas (see attached notification map).

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

Comments: P.D. UNACCEPTABLE, R-2 OK.
NO BUSINESS ZONING
TO MUCH FLEXIBILITY
IN P.D. ZONING!
155.036

DAVID PHILLIPS
Printed Name

[Signature]
Signature

7-19-21
Date

698-3460

TO: City of Harker Heights
Planning & Development Department

FROM: DAVID PHILLIPS
407 ELBERT
(Address of Your Property that Could
Be Impacted by this Request)

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District), R1-M (One Family Manufactured Home Dwelling District) and B-4 (Secondary and Highway Business District) to PD (Planned Development) with R2 (Two Family Dwelling District) on property described as all land located with Mobile Manor Estates Section One (1), generally located near the intersection of Indian Oaks and S. Amy Lane, Harker Heights, Bell County, Texas (see attached notification map).

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

Comments:

NO P.D. ZONING,
R-2 OK.
TO MUCH FLEXIBILITY IN
P.D. ZONING!
155.036

DAVID PHILLIPS
Printed Name

[Signature]
Signature

7-19-21
Date

698-3460

TO: City of Harker Heights
Planning & Development Department

FROM: DAVID PHILLIPS
408 ELBERT
(Address of Your Property that Could
Be Impacted by this Request)

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District), R1-M (One Family Manufactured Home Dwelling District) and B-4 (Secondary and Highway Business District) to PD (Planned Development) with R2 (Two Family Dwelling District) on property described as all land located with Mobile Manor Estates Section One (1), generally located near the intersection of Indian Oaks and S. Amy Lane, Harker Heights, Bell County, Texas (see attached notification map).

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

Comments:

NO P.D. ZONING
R-2 OK
NO BUSINESS IN ZONE
TO MUCH FLEXIBILITY
155,036 IN P.D. ZONING!

DAVID PHILLIPS
Printed Name

[Signature]
Signature

7-19-21
Date

698-3460

TO: City of Harker Heights
Planning & Development Department

FROM: DAVID PHILLIPS
409 BELBERT
(Address of Your Property that Could
Be **Impacted** by this Request)

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District), R1-M (One Family Manufactured Home Dwelling District) and B-4 (Secondary and Highway Business District) to PD (Planned Development) with R2 (Two Family Dwelling District) on property described as all land located with Mobile Manor Estates Section One (1), generally located near the intersection of Indian Oaks and S. Amy Lane, Harker Heights, Bell County, Texas (see attached notification map).

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

Comments: NO PD, ZONING. R-2 OK.
TO MUCH FLEXIBILITY!
#155,036

DAVID PHILLIPS
Printed Name

[Signature]
Signature

7-19-21
Date

698-3460

TO: City of Harker Heights
Planning & Development Department

FROM: DAVID PHILLIPS
410 ELBERT
(Address of Your Property that Could
Be Impacted by this Request)

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District), R1-M (One Family Manufactured Home Dwelling District) and B-4 (Secondary and Highway Business District) to PD (Planned Development) with R2 (Two Family Dwelling District) on property described as all land located with Mobile Manor Estates Section One (1), generally located near the intersection of Indian Oaks and S. Amy Lane, Harker Heights, Bell County, Texas (see attached notification map).

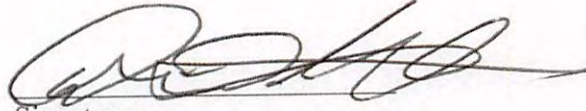
- I RECOMMEND APPROVAL OF THE REQUEST
 I RECOMMEND DENIAL OF THE REQUEST

Comments:

P.D. UNACCEPTABLE, NO
BUSINESS ZONING. R-2 OK,
TO MUCH FLEXIBILITY IN
P.D. ZONING!

155-036

DAVID PHILLIPS
Printed Name


Signature

7-19-21
Date

698-3460

TO: City of Harker Heights
Planning & Development Department

FROM: DAVID PHILLIPS
412 EUBERT
(Address of Your Property that Could
Be Impacted by this Request)

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District), R1-M (One Family Manufactured Home Dwelling District) and B-4 (Secondary and Highway Business District) to PD (Planned Development) with R2 (Two Family Dwelling District) on property described as all land located with Mobile Manor Estates Section One (1), generally located near the intersection of Indian Oaks and S. Amy Lane, Harker Heights, Bell County, Texas (see attached notification map).

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

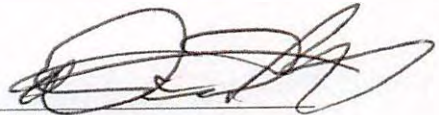
Comments:

P.D. UNACCEPTABLE, NO
BUSINESS ZONING. R-2 OK.

TO MUCH FLEXIBILITY IN
P.D. ZONING!

#155,036

DAVID PHILLIPS
Printed Name


Signature

7-19-21
Date

698-3460



CITY COUNCIL MEMORANDUM

Z21-14

AGENDA ITEM# VII-3

FROM: THE OFFICE OF THE CITY MANAGER

DATE: AUGUST 10, 2021

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, TO CHANGE THE ZONING DESIGNATION FROM R-1 (ONE FAMILY DWELLING DISTRICT) TO R-2 (TWO FAMILY DWELLING DISTRICT) ON PROPERTY DESCRIBED AS COMANCHE LAND 1ST UNIT, LOT EIGHT (8), BLOCK SIX (6), GENERALLY LOCATED AT 1515 INDIAN TRAIL DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS; AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The applicant is requesting a change from the current zoning of R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as Comanche Land 1st Unit, Lot Eight (8), Block Six (6), generally located at 1515 Indian Trail Dr. The property consists of approximately 10,661 square feet and the request will enable the applicant to construct a two-family dwelling house on the property.

Surrounding Land Uses

Adjacent land uses include:

	Existing Land Use	Future Land Use	Zoning
North	Duplex	Medium Density Residential	R-1 One Family Dwelling District
South	Single Family Residence	Medium Density Residential	R-1 One Family Dwelling District
East	Manufactured Housing	Medium Density Residential	R-1 One Family Dwelling District
West	Single Family Residence	Medium Density Residential	R-1 One Family Dwelling District

A survey of the area identified most of the properties to consist of duplexes, single family residences, and manufactured housing. Per the 2007 Comprehensive Plan, the applicant's property is located in an area designated as Medium Density Residential. The rezone request is consistent with the 2007 City of Harker Heights Comprehensive Plan. Staff therefore believes the proposed rezoning with its intended use will not likely have any adverse impact on the surrounding area.

Flood Damage Prevention

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

Notices

Staff sent out fifty-one (51) notices to property owners within the 400-foot notification area. As of July 27, 2021, three (3) responses were received in favor of the request, and four (4) responses were received in opposition of the request. Any additional responses received after the above date will be provided during the meeting.

STAFF RECOMMENDATION:

Staff recommended approval to the Planning and Zoning Commission of an ordinance to change the zoning designation from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as Comanche Land 1st Unit, Lot Eight (8), Block Six (6), generally located at 1515 Indian Trail Dr., Harker Heights, Bell County, Texas, based on the following:

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

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

During the Planning & Zoning Commission meeting held on July 28, 2021, the Planning and Zoning Commission voted (8-0) to recommend approval of an ordinance to change the zoning designation from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as Meadow Acres 1st Extension, Block Eight (8), Lot Eighteen (18), generally located at 209 W. Robin Lane, Harker Heights, Bell County, Texas, based on staff's recommendation and findings.

ACTION BY CITY COUNCIL:

1. Motion to APPROVE/DISAPPROVE an Ordinance to change the zoning designation from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as Comanche Land 1st Unit, Lot Eight (8), Block Six (6), generally located at 1515 Indian Trail Drive, Harker Heights, Bell County, Texas, based on staff's recommendation and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING R-2 ZONING ON PROPERTY DESCRIBED AS COMANCHE LAND 1ST UNIT, LOT EIGHT (8), BLOCK SIX (6), GENERALLY LOCATED AT 1515 INDIAN TRAIL DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS.

WHEREAS, the City Council ("*Council*") of the City of Harker Heights ("*City*") finds that after due notice and public hearings as required by law, and after consideration of the recommendation of the Planning and Zoning Commission, it is necessary and desirable to amend the Code of Harker Heights ("*Code*") as hereinafter provided; and

WHEREAS, the meeting at which this Ordinance was passed was open to the public, and notice of the time, place and purpose of said meeting was given as required by law, all in strict accordance with the requirements of the Texas Open Meetings Act;

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

SECTION 1: The Council officially finds and declares that the facts and recitations set forth in the preamble to this Ordinance are true and correct.

SECTION 2: The hereinafter-described property, as previously zoned of R-1 (One Family Dwelling District), to R-2 (Two Family Dwelling District):

Comanche Land 1st Unit, Lot Eight (8), Block Six (6), generally located at 1515 Indian Trail Dr., Harker Heights, Bell County, Texas.

SECTION 3: Table VII, Table of Special Ordinances, of the Code is hereby supplemented by adding the following entry:

<u>Ord. No.</u>	<u>Date Passed</u>	<u>Description</u>
2021-	08/10/21	Granting R-2 zoning on property described as Comanche Land 1st Unit, Lot Eight (8), Block Six (6), generally located at 1515 Indian Trail Drive, Harker Heights, Bell County, Texas.

SECTION 4: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 5: This Ordinance shall be effective from and after its passage, and the City Clerk shall publish the caption or title of hereof within ten days as required by law.

PASSED AND APPROVED on August 10, 2021.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



Rezoning Request 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

Property Owner(s) Name: Richard A, Heidi ic Oaks Date: June 25, 2021

Address: 1517 Indian Trail

City/State/Zip: Harker Heights, Tx 76548

Phone: [Redacted] E-mail: [Redacted]

Legal Description of Property:

Location of Property (Address if available): 1515 Indian Trail Harker Heights, Tx 76548

Lot: 8 Block: 6 Subdivision: Cowpoke Bend 1st unit

Acres: _____ Property ID: 80287 Survey: _____

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

Proposed Use: Duplex

Current Zoning Classification: R-1 Proposed Zoning: R-2

Current Land Use: Vacant Lot Proposed Land Use: Duplex

Applicant's Representative (if applicable):

Applicant's Representative: Arrowhead Developers LLC

Phone: [Redacted] E-Mail: _____

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 Jerome Gomer will represent the owner.

Richard A Oaks
Printed Name of Property Owner

[Signature]
Signature of Property Owner

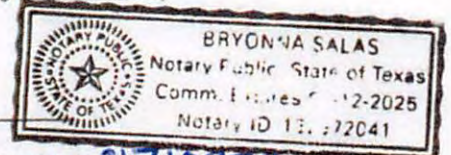
Jerome Gomer
Printed Name of Representative

[Signature]
Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 25th DAY OF June, 2021

Bryonna Salas
SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: 03-12-2025
STAFF ONLY -- DO NOT FILL OUT BELOW



Date Submitted: 6/20/21

Pre-Application Meeting

Receipt #: 01710972

Received By: Wilson Gunch

Case #: 221-14

§ 155.023 R-2 TWO-FAMILY DWELLING DISTRICT.

(A) *Permitted uses.*

- (1) Any use permitted by right in the R-1 District, or (subject to the location requirements for such tracts) in the R1-I Districts.
- (2) Two-family or duplex dwelling.
- (3) Industrialized duplex dwelling, provided such dwelling complies with all regulations applicable to industrialized single-family housing.

(B) *Conditional uses.* Neighborhood association facilities.

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

(D) *Area regulations.* Lots in the Wildewood Subdivision, and duplex lots platted prior to November 8, 2006, shall have six-foot-minimum side setbacks, except when siding on a street such setback shall be a minimum of 15 feet. All other duplex lots shall have a minimum of ten-foot-wide side building setbacks, except when siding on a street such setback shall be a minimum of 15 feet.

(E) *Intensity of use.*

(1) A lot on which there is erected a single-family dwelling shall conform to the same intensity of use requirements as those in the R-1 (Single-Family Dwelling District) as noted in § 155.020(E).

(2) The minimum lot area shall be 7,800 square feet for lots in the Wildewood Subdivision and duplex lots platted prior to November 8, 2006. All other duplex lots shall contain a minimum lot area of 8,400 square feet, and an average width of not less than 70 feet.

(F) *Parking regulations.* As per §§ 155.061 through 155.068.

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

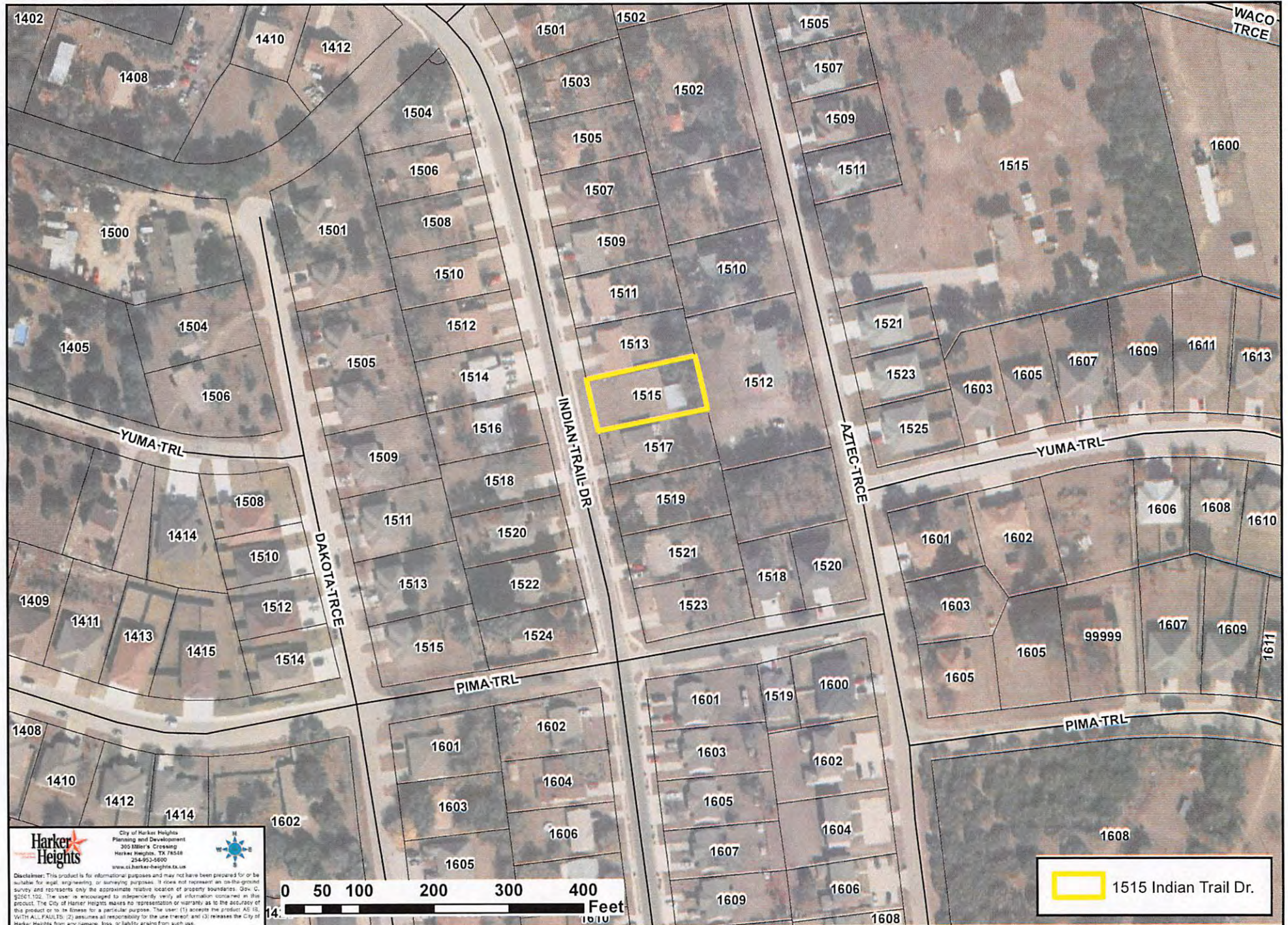
(H) *Signs.* Same as in R-1 district.

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

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


(K) *Architectural design.* R-2 buildings shall be designed to avoid repetitions of buildings or roof lines, and the same elevation may not be used within any five lot groupings. Primary entrances shall face the public street. Windows shall be provided with trim or recessed, rather than flush with exterior wall treatment.

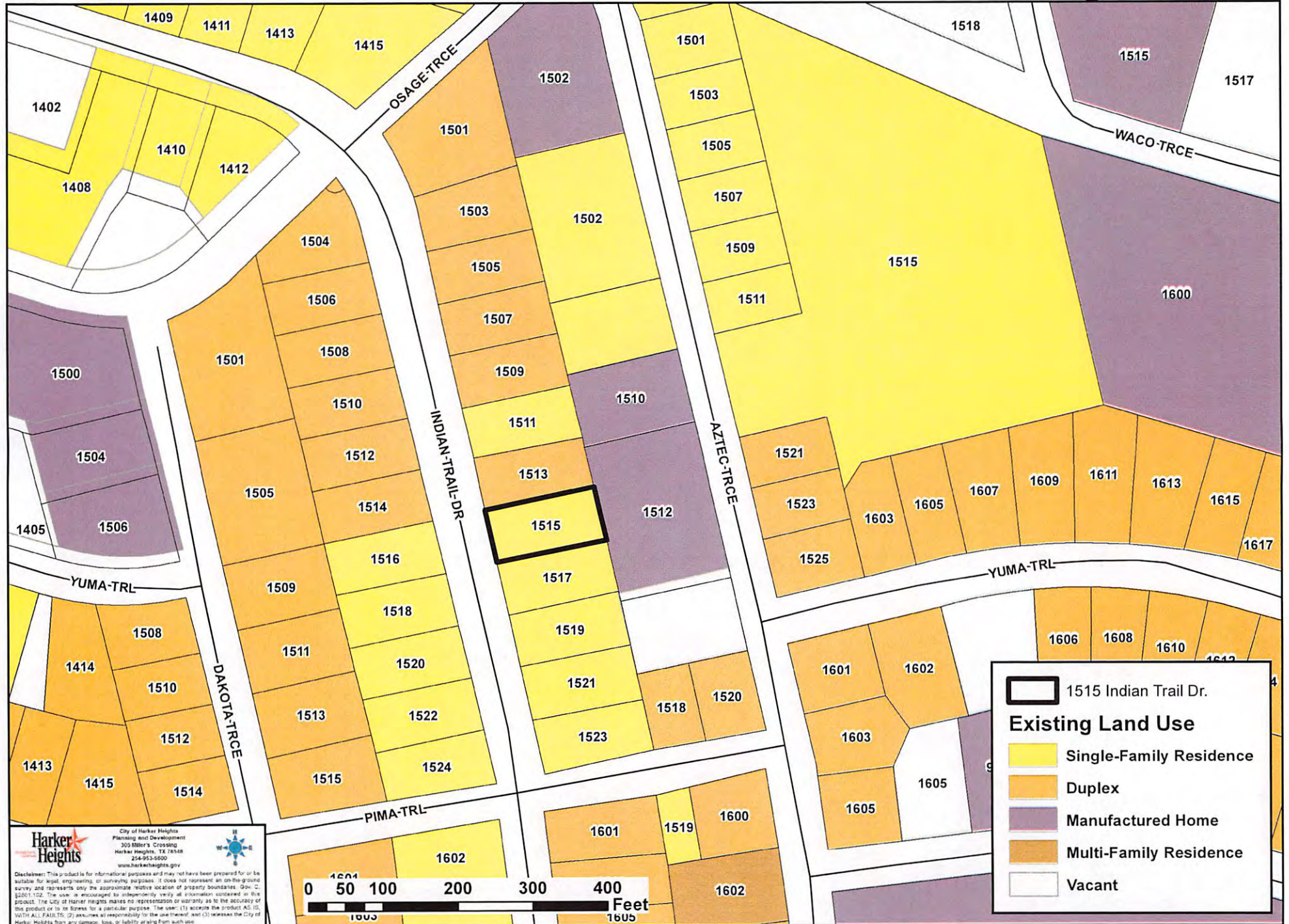
(Ord. 2001-36, passed 11-13-01; Am. Ord. 2006-40, passed 10-24-06; Am. Ord. 2012-01, passed 2-14-12; Am. Ord. 2012-04, passed 3-27-12; Am. Ord. 2016-24, passed 10-11-16)



Harker Heights
City of Harker Heights
Planning and Development
305 Miller's Crossing
Harker Heights, TX 78588
254-992-5600
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. 52061.102. 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 be fit for a particular purpose. The user: (1) accepts the product AS IS; (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.

 1515 Indian Trail Dr.





1515 Indian Trail Dr.

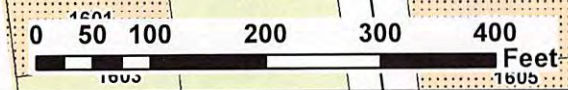
Zoning Districts

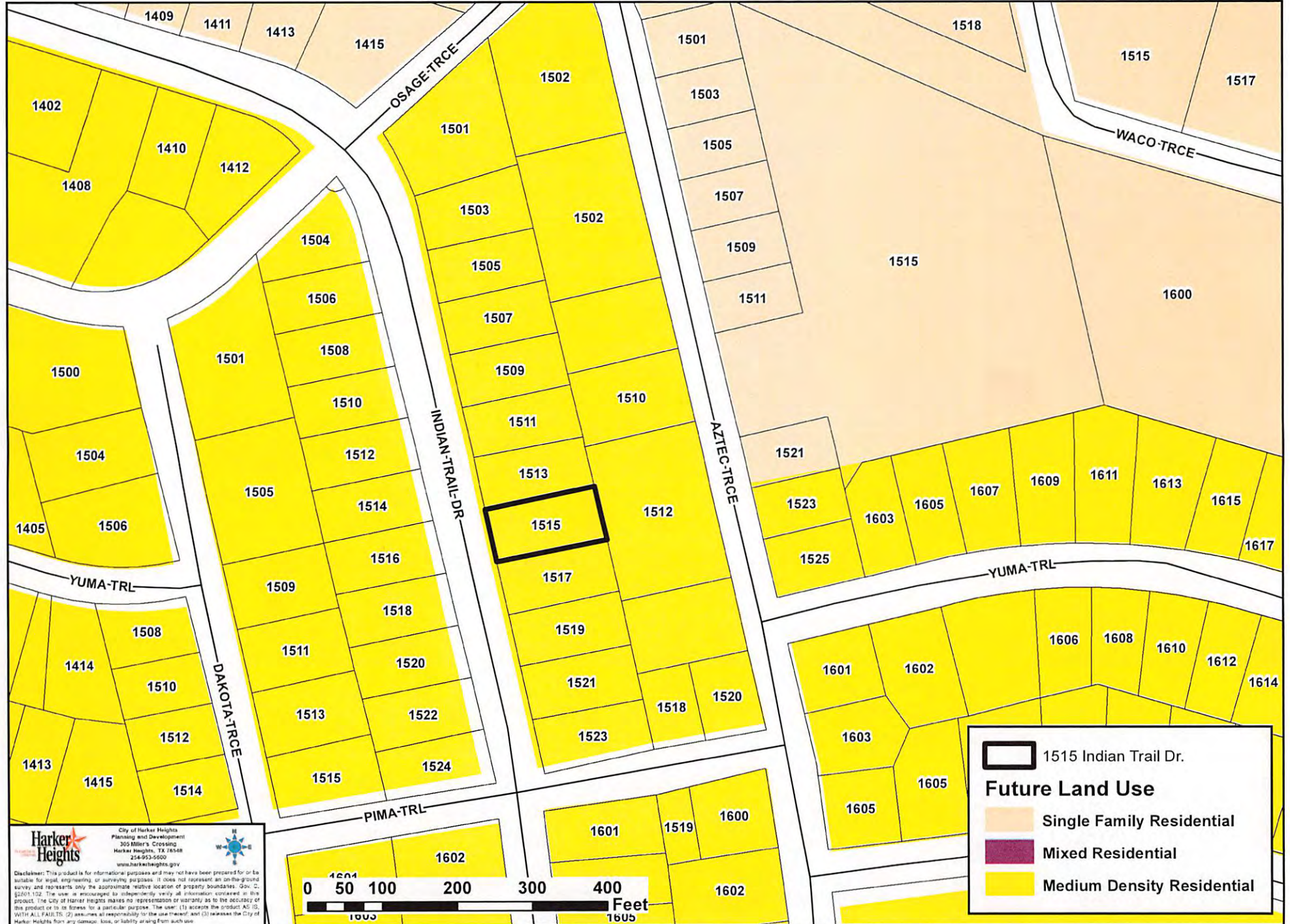
- R-1 One-Family Dwelling District
- R-1 (M) One-Family Manufactured Home Dwelling District
- R-2 Two-Family Dwelling District
- R-3 Multi-Family Dwelling District

Harker Heights

City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 78748
 254-953-5600
 www.harkerheights.gov

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. (Rev. 01/2001) 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 its use for any 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.





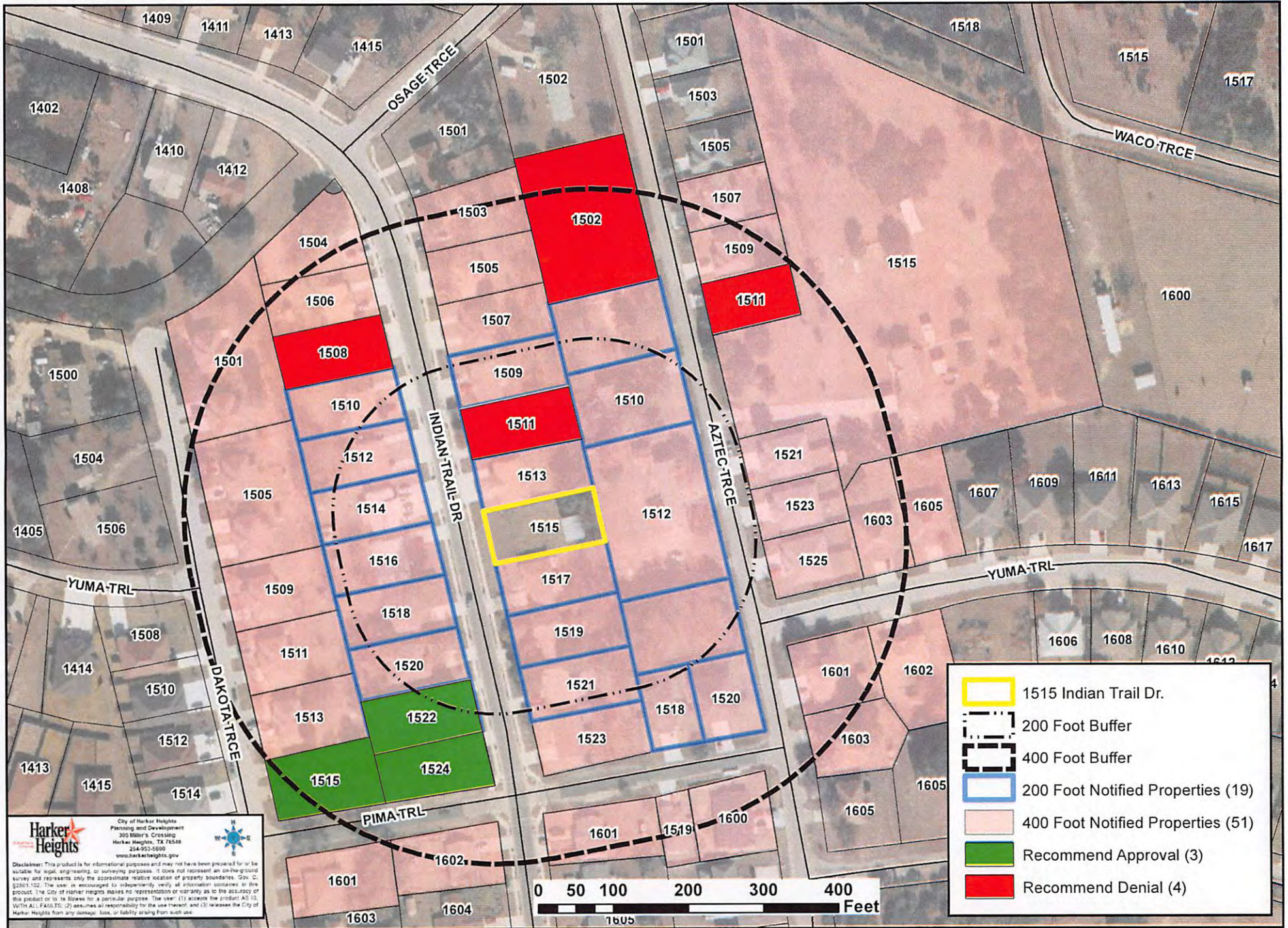
Harker Heights
City of Harker Heights
Planning and Development
305 Miller's Crossing
Harker Heights, TX 78748
254-953-5000
www.harkerheights.gov

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2201.152. 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 its use for any 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.

 1515 Indian Trail Dr.

Future Land Use

-  Single Family Residential
-  Mixed Residential
-  Medium Density Residential



Harker Heights
City of Harker Heights
Planning and Development
305 Miller's Crossing
Harker Heights, TX 76788
254-952-6900
www.harkerheights.gov

Disclaimer: This product is for informational purposes and may not have been provided 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. §2501.152. 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 be liable 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.

TO: City of Harker Heights
Planning & Development Department

FROM: 1524 Indian Trl (1515 DAKOTA TRACE)
Harker Heights
(Address of Your Property that Could
Be **Impacted** by this Request)

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as Comanche Land 1st Unit, Lot Eight (8), Block Six (6), generally located at 1515 Indian Trail Dr., Harker Heights, Bell County, Texas (see attached notification map).

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

Comments:

Jerome Gomer
Printed Name

Jerome Gomer
Signature

7-20-21
Date

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

FROM: 1524 Indian Trl (1522 INDIAN TRAIL)
Harker Heights
(Address of Your Property that Could
Be **Impacted** by this Request)

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as Comanche Land 1st Unit, Lot Eight (8), Block Six (6), generally located at 1515 Indian Trail Dr., Harker Heights, Bell County, Texas (see attached notification map).

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

Comments:

Jerome Gomer
Printed Name

Jerome Gomer
Signature

7-20-21
Date

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

FROM: 1524 Indian Trl
Harker Heights
(Address of Your Property that Could
Be Impacted by this Request)

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as Comanche Land 1st Unit, Lot Eight (8), Block Six (6), generally located at 1515 Indian Trail Dr., Harker Heights, Bell County, Texas (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Jerome Gomer
Printed Name

Jerome Gomer
Signature

7-20-21
Date

TO: City of Harker Heights
Planning & Development Department

FROM: JOSE G. FLORES

1502 AZTEC TRACE HARKER HIGHTS, TX. 76548
(Address of Your Property that Could
Be Impacted by this Request)

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as Comanche Land 1st Unit, Lot Eight (8), Block Six (6), generally located at 1515 Indian Trail Dr., Harker Heights, Bell County, Texas (see attached notification map).

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

Comments:
 It's just not a home where is most for Residential family houses. I see what goes on behind on the south side of Kinn St. (Aztec Trace) occupants just don't clean up messes, the east side house keeping at all. I would say to make our area look good with just family houses. Indian Trail is another poor spot for the city. We need our city to improve in its look and able to enjoy life instead of just building two flats for rent. Thank you

JOSE G. FLORES
Printed Name

Jose G. Flores
Signature

22 July 2021
Date

Received
JUL 22 2021
Planning & Development

TO: City of Harker Heights
Planning & Development Department

FROM: 1508 Indian Trail
Harker Heights, TX
(Address of Your Property that Could
Be **Impacted** by this Request)

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as Comanche Land 1st Unit, Lot Eight (8), Block Six (6), generally located at 1515 Indian Trail Dr., Harker Heights, Bell County, Texas (see attached notification map).

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

Comments:

Sheree Bizzell
Printed Name

Sheree Bizzell
Signature

7-18-21
Date

Received
JUL 21 2021
Planning & Development

TO: City of Harker Heights
Planning & Development Department

FROM: Louis C. Smit
1511 AZTEC TRACE #11, 4x27658
(Address of Your Property that Could Be Impacted by this Request)

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as Comanche Land 1st Unit, Lot Eight (8), Block Six (6), generally located at 1515 Indian Trail Dr., Harker Heights, Bell County, Texas (see attached notification map).

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

Comments:
IN SPEAKING W/ A LOCAL REALTOR, I/WE
WERE ADVISED THAT W/ TOO MANY DUPLEX'S
SURROUNDING OUR HOME, THAT IN THE LONG-TERM,
TOO MANY DUPLEX'S WILL HAVE A NEGATIVE EFFECT
ON HOUSING PRICES.

WE WOULD PREFER THAT SINGLE FAMILY HOMES
REMAIN AS SUCH.

THANK YOU

Louis C. Smit
Printed Name

[Signature]
Signature

07/16/2021
Date

Received
JUL 21 2021
Planning & Development

TO: City of Harker Heights
Planning & Development Department

FROM: 1511 Indian Trail Drive
Harker Heights, Texas 76548
(Address of Your Property that Could
Be Impacted by this Request)

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as Comanche Land 1st Unit, Lot Eight (8), Block Six (6), generally located at 1515 Indian Trail Dr., Harker Heights, Bell County, Texas (see attached notification map).

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

Comments:

Matthew Martin Moser
Printed Name

Matthew Martin Moser
Signature

7-16-2021
Date

Received
JUL 21 2021
Planning & Development



CITY COUNCIL MEMORANDUM

Z21-15

AGENDA ITEM# VII-4

FROM: THE OFFICE OF THE CITY MANAGER

DATE: AUGUST 10, 2021

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, TO CHANGE THE ZONING DESIGNATION FROM R-1 (ONE FAMILY DWELLING DISTRICT) TO R-2 (TWO FAMILY DWELLING DISTRICT) ON PROPERTY DESCRIBED AS COMANCHE LAND 1ST UNIT, LOTS EIGHTEEN (18), NINETEEN (19), AND TWENTY (20), BLOCK SEVEN (7), GENERALLY LOCATED AT 1403 NATCHEZ TRAIL AND 1405 NATCHEZ TRAIL, HARKER HEIGHTS, BELL COUNTY, TEXAS; AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The applicant is requesting a change from the current zoning of R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property addressed as 1403 & 1405 Natchez Trail. Each addressed parcel consists of approximately 16,000 square feet. The request will enable the applicant to construct a two-family dwelling house on each parcel.

Surrounding Land Uses

Adjacent land uses include:

	Existing Land Use	Future Land Use	Zoning
North	Two Family Residence	Mixed Use Residential	R-2 Two Family Dwelling District R-3 Multi-Family Dwelling District
South	Two Family Residence	Mixed Use Residential	R-2 Two Family Dwelling District
East	Two Family Residence	Mixed Use Residential	R-2 Two Family Dwelling District
West	Single Family Residence	Single Family Residential	R-1 One Family Dwelling District

A survey of the area identified surrounding properties to be single family residences and duplexes. Per the 2007 Comprehensive Plan the applicant’s property is located in an area designated as Medium Density Residential. The rezone request is consistent with the 2007 City of Harker Heights Comprehensive Plan. Staff therefore believes the proposed rezoning with its intended use will not likely have any adverse impact on the surrounding area.

Flood Damage Prevention

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

Notices

Staff sent out sixty-three (63) notices to property owners within the 400-foot notification area. As of July 20, 2021, three (3) responses were received in favor of the request, and one (1) responses were received in opposition of the request. Zero (0) of the responses in opposition are located within the regulatory 200-foot notification buffer. Any additional responses received after the above date will be provided during the meeting.

STAFF RECOMMENDATION:

Staff recommended approval to the Planning and Zoning Commission of an ordinance to change the zoning designation from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as Block Seven (7), Lots Eighteen (18), Nineteen (19), and Twenty (20), Comanche Land 1st Unit, generally located at 1403 & 1405 Natchez Trail, Harker Heights, Bell County, Texas, based on the following:

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

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

During the Planning & Zoning Commission meeting held on July 28, 2021, the Planning and Zoning Commission voted (8-0) to recommend approval of an ordinance to change the zoning designation from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as Block Seven (7), Lots Eighteen (18), Nineteen (19), and Twenty (20), Comanche Land 1st Unit, generally located at 1403 & 1405 Natchez Trail, Harker Heights, Bell County, Texas, based on staff's recommendation and findings.

ACTION BY CITY COUNCIL:

1. Motion to APPROVE/DISAPPROVE an Ordinance to change the zoning designation from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as Comanche Land 1st Unit, Lots Eighteen (18), Nineteen (19), and Twenty (20), Block Seven (7), generally located at 1403 & 1405 Natchez Trail, Harker Heights, Bell County, Texas, based on staff's recommendation and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

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

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS TEXAS, GRANTING R-2 ZONING ON PROPERTY DESCRIBED AS COMANCHE LAND 1ST UNIT, LOTS EIGHTEEN (18), NINETEEN (19), AND TWENTY (20), BLOCK SEVEN (7), GENERALLY LOCATED AT 1403 NATCHEZ TRAIL AND 1405 NATCHEZ TRAIL, HARKER HEIGHTS, BELL COUNTY, TEXAS

WHEREAS, the City Council (“*Council*”) of the City of Harker Heights (“*City*”) finds that after due notice and public hearings as required by law, and after consideration of the recommendation of the Planning and Zoning Commission, it is necessary and desirable to amend the Code of Harker Heights (“*Code*”) as hereinafter provided; and

WHEREAS, the meeting at which this Ordinance was passed was open to the public, and notice of the time, place and purpose of said meeting was given as required by law, all in strict accordance with the requirements of the Texas Open Meetings Act;

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

SECTION 1: The Council officially finds and declares that the facts and recitations set forth in the preamble to this Ordinance are true and correct.

SECTION 2: The hereinafter-described property, as previously zoned of R-1 (One Family Dwelling District), to R-2 (Two Family Dwelling District):

Comanche Land 1st Unit, Lots Eighteen (18), Nineteen (19), and Twenty (20), Block Seven (7), generally located at 1403 & 1405 Natchez Trail, Harker Heights, Bell County, Texas.

SECTION 3: Table VII, Table of Special Ordinances, of the Code is hereby supplemented by adding the following entry:

<u>Ord. No.</u>	<u>Date Passed</u>	<u>Description</u>
2021-	08/10/21	Granting R-2 zoning on property described as Comanche Land 1st Unit, Lots Eighteen (18), Nineteen (19), and Twenty (20), Block Seven (7), generally located at 1403 & 1405 Natchez Trail, Harker Heights, Bell County, Texas.

SECTION 4: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 5: This Ordinance shall be effective from and after its passage, and the City Secretary shall publish the caption or title of hereof within ten days as required by law.

PASSED AND APPROVED on August 10, 2021.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



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: Corina Schumacher Date: _____
 Address: 1405 Natchez Trail
 City/State/Zip: Harker Heights TX, 76548
 Phone: _____ E-mail: _____

Legal Description of Property:

Location of Property (Address if available): _____
 Lot: 20, 19, 18 Block: 7 Subdivision: Comanche Land 1st unit
 Acres: _____ Property ID: _____ Survey: _____

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

Proposed Use: Duplex
 Current Zoning Classification: R-1 Proposed Zoning: 2-2
 Current Land Use: Trailer / Decant Lot Proposed Land Use: Duplex

Applicant's Representative (if applicable):

Applicant's Representative: Jecome Gomez
 Phone: _____ E-Mail: _____

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.

Corina Schumacher
 Printed Name of Property Owner

[Signature]
 Signature of Property Owner

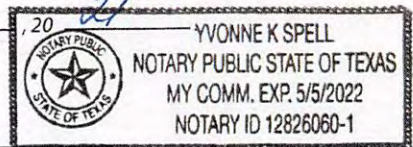
Jecome Gomez
 Printed Name of Representative

[Signature]
 Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 11 DAY OF June

[Signature]
 SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: 5/5/2022



Date Submitted: 6/30/2021

STAFF ONLY -- DO NOT FILL OUT BELOW

Received By: [Signature]

Pre-Application Meeting

Revised: 5/2020

Receipt #: 0711595

Case #: 221-15

§ 155.023 R-2 TWO-FAMILY DWELLING DISTRICT.

(A) *Permitted uses.*

- (1) Any use permitted by right in the R-1 District, or (subject to the location requirements for such tracts) in the R1-I Districts.
- (2) Two-family or duplex dwelling.
- (3) Industrialized duplex dwelling, provided such dwelling complies with all regulations applicable to industrialized single-family housing.

(B) *Conditional uses.* Neighborhood association facilities.

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

(D) *Area regulations.* Lots in the Wildewood Subdivision, and duplex lots platted prior to November 8, 2006, shall have six-foot-minimum side setbacks, except when siding on a street such setback shall be a minimum of 15 feet. All other duplex lots shall have a minimum of ten-foot-wide side building setbacks, except when siding on a street such setback shall be a minimum of 15 feet.

(E) *Intensity of use.*

(1) A lot on which there is erected a single-family dwelling shall conform to the same intensity of use requirements as those in the R-1 (Single-Family Dwelling District) as noted in § 155.020(E).

(2) The minimum lot area shall be 7,800 square feet for lots in the Wildewood Subdivision and duplex lots platted prior to November 8, 2006. All other duplex lots shall contain a minimum lot area of 8,400 square feet, and an average width of not less than 70 feet.

(F) *Parking regulations.* As per §§ 155.061 through 155.068.

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

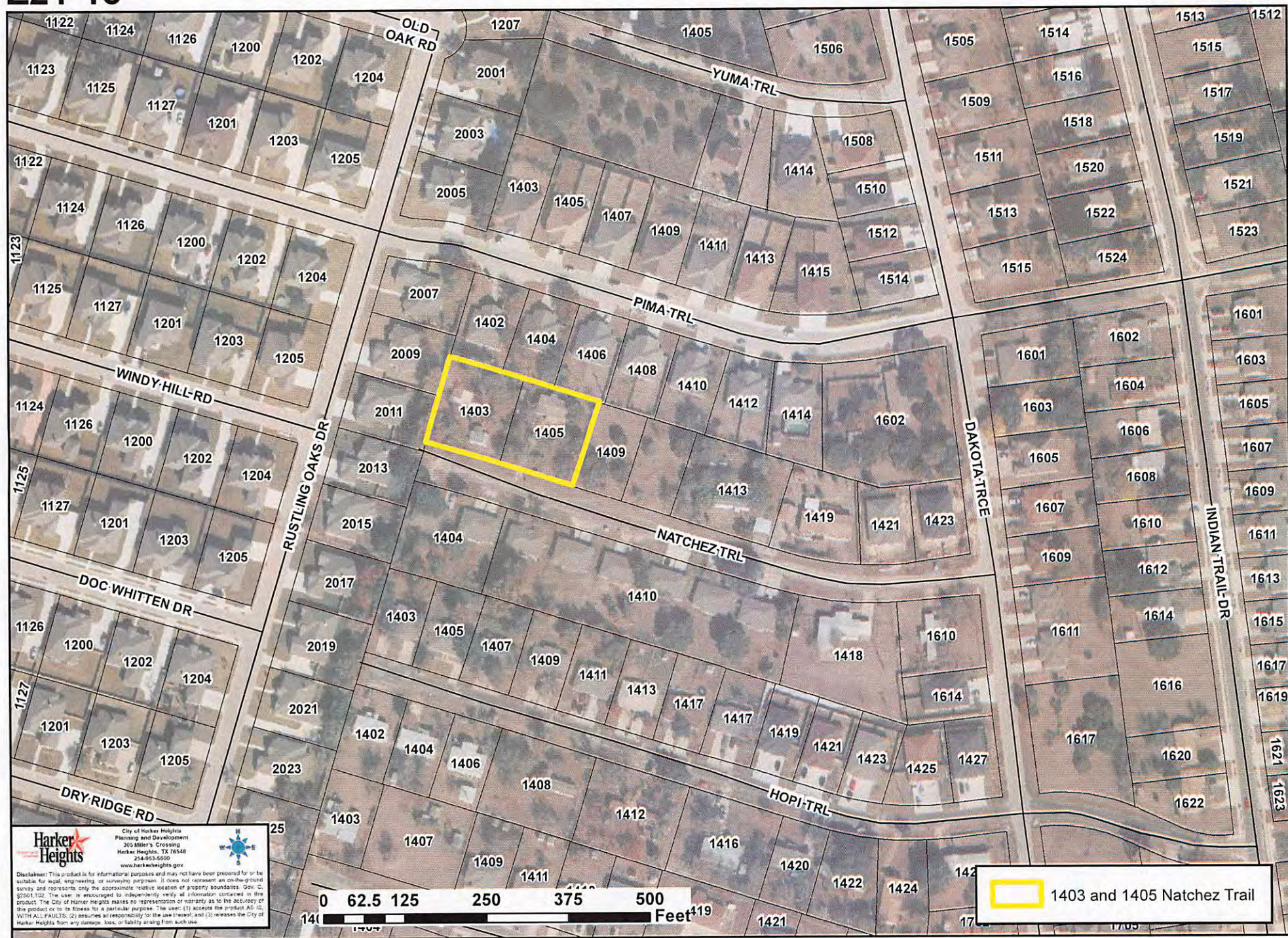
(H) *Signs.* Same as in R-1 district.

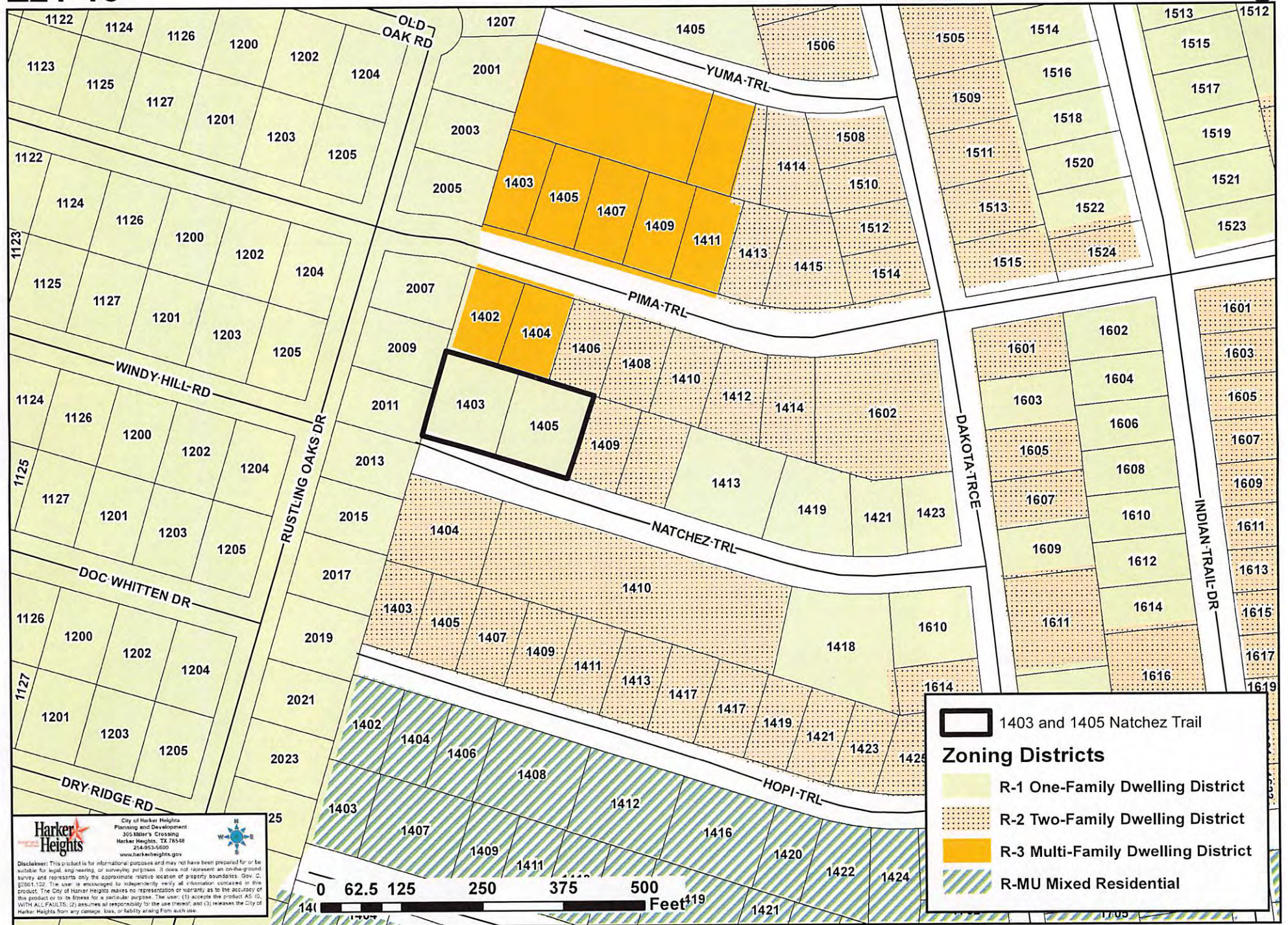
(I) *Storage.* Open storage is prohibited, except for materials for the residents' use such as firewood, gardening materials, and similar materials.

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

(K) *Architectural design.* R-2 buildings shall be designed to avoid repetitions of buildings or roof lines, and the same elevation may not be used within any five lot groupings. Primary entrances shall face the public street. Windows shall be provided with trim or recessed, rather than flush with exterior wall treatment.

(Ord. 2001-36, passed 11-13-01; Am. Ord. 2006-40, passed 10-24-06; Am. Ord. 2012-01, passed 2-14-12; Am. Ord. 2012-04, passed 3-27-12; Am. Ord. 2016-24, passed 10-11-16)





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 City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 76548
 254.953.6200
 www.harkerheights.gov

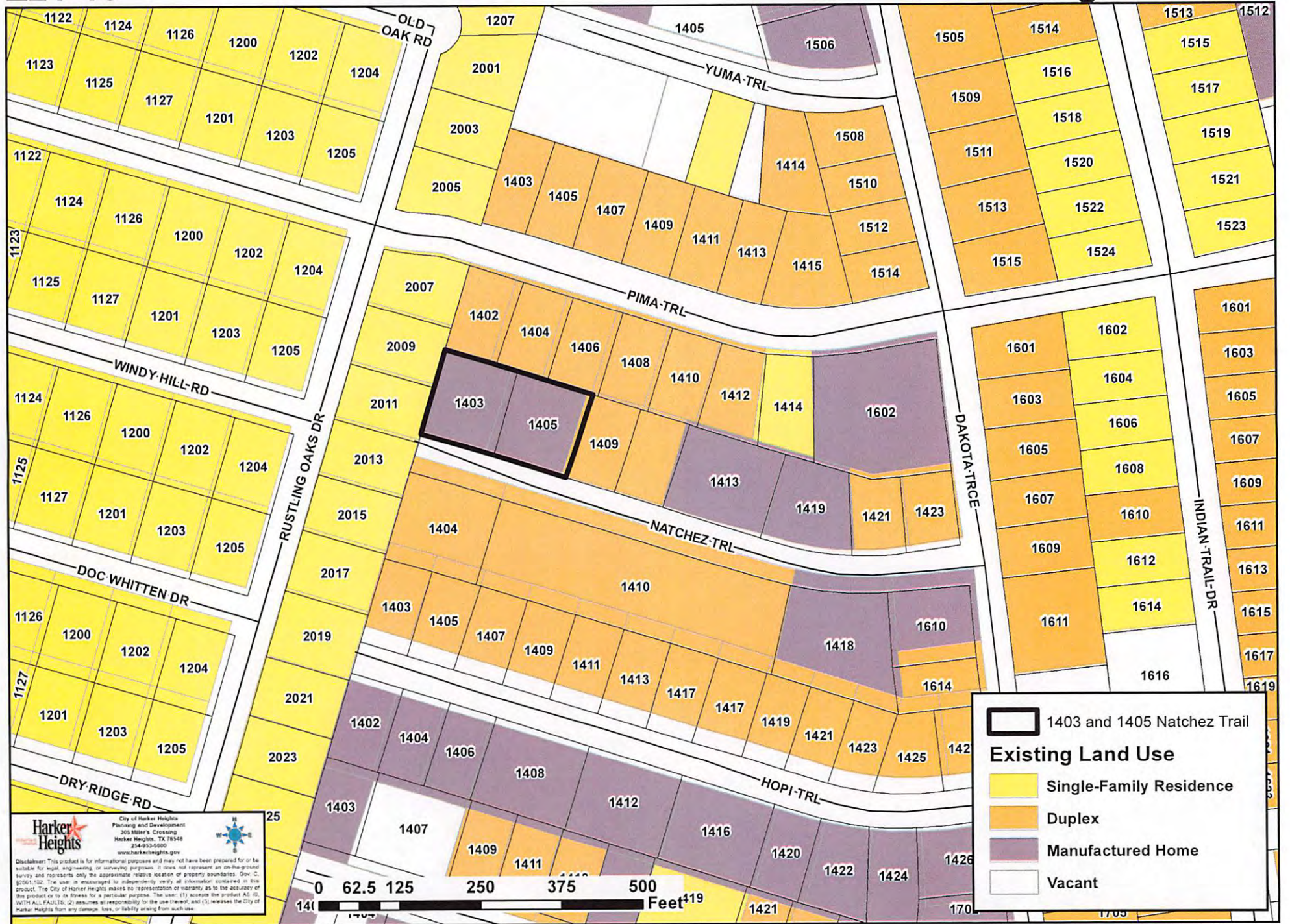
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Zoning Districts

- R-1 One-Family Dwelling District
- R-2 Two-Family Dwelling District
- R-3 Multi-Family Dwelling District
- R-MU Mixed Residential

1403 and 1405 Natchez Trail



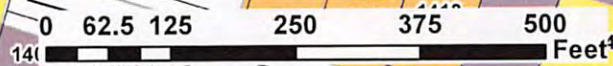


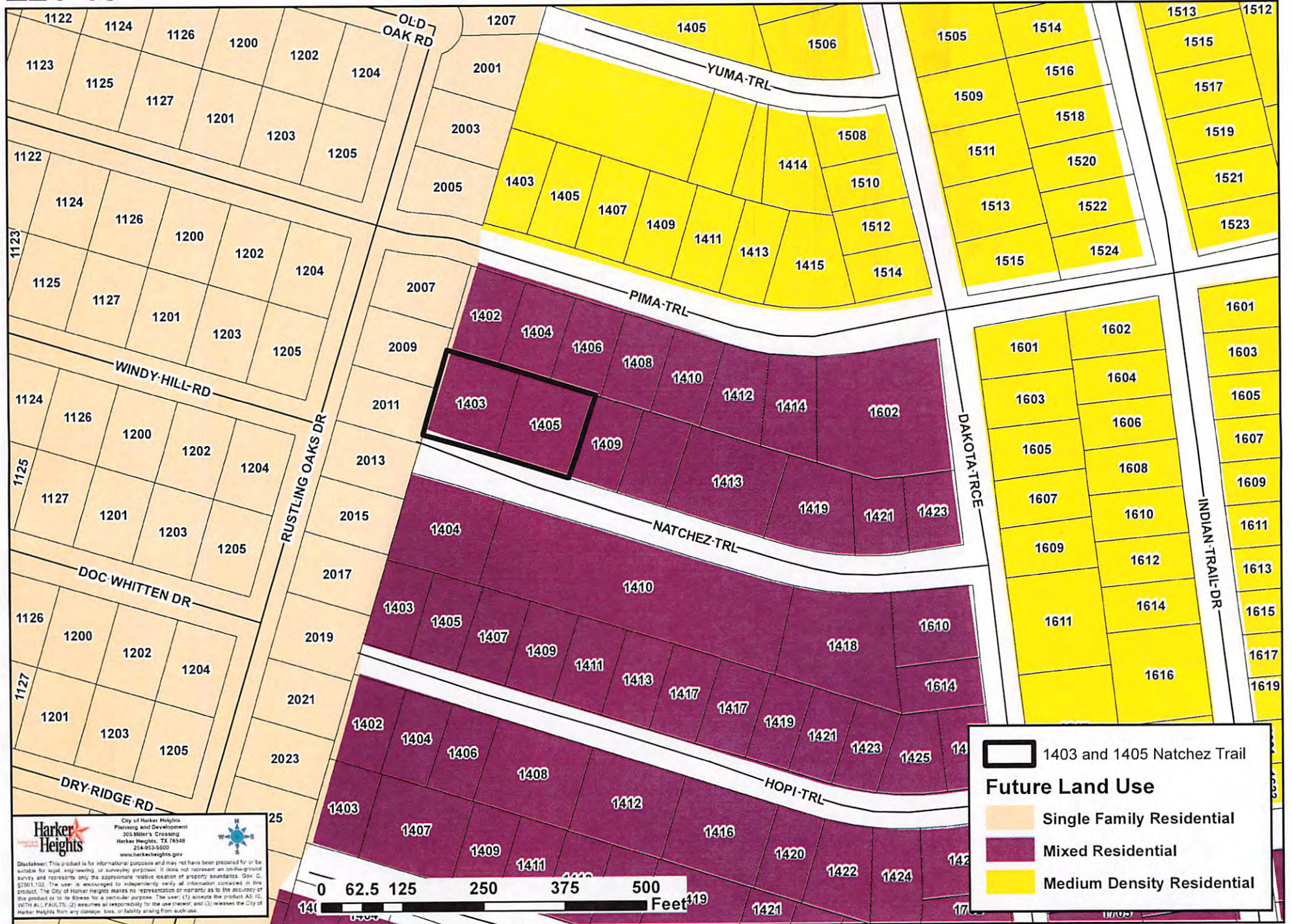
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248-923-5600
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Existing Land Use

- 1403 and 1405 Natchez Trail
- Single-Family Residence
- Duplex
- Manufactured Home
- Vacant





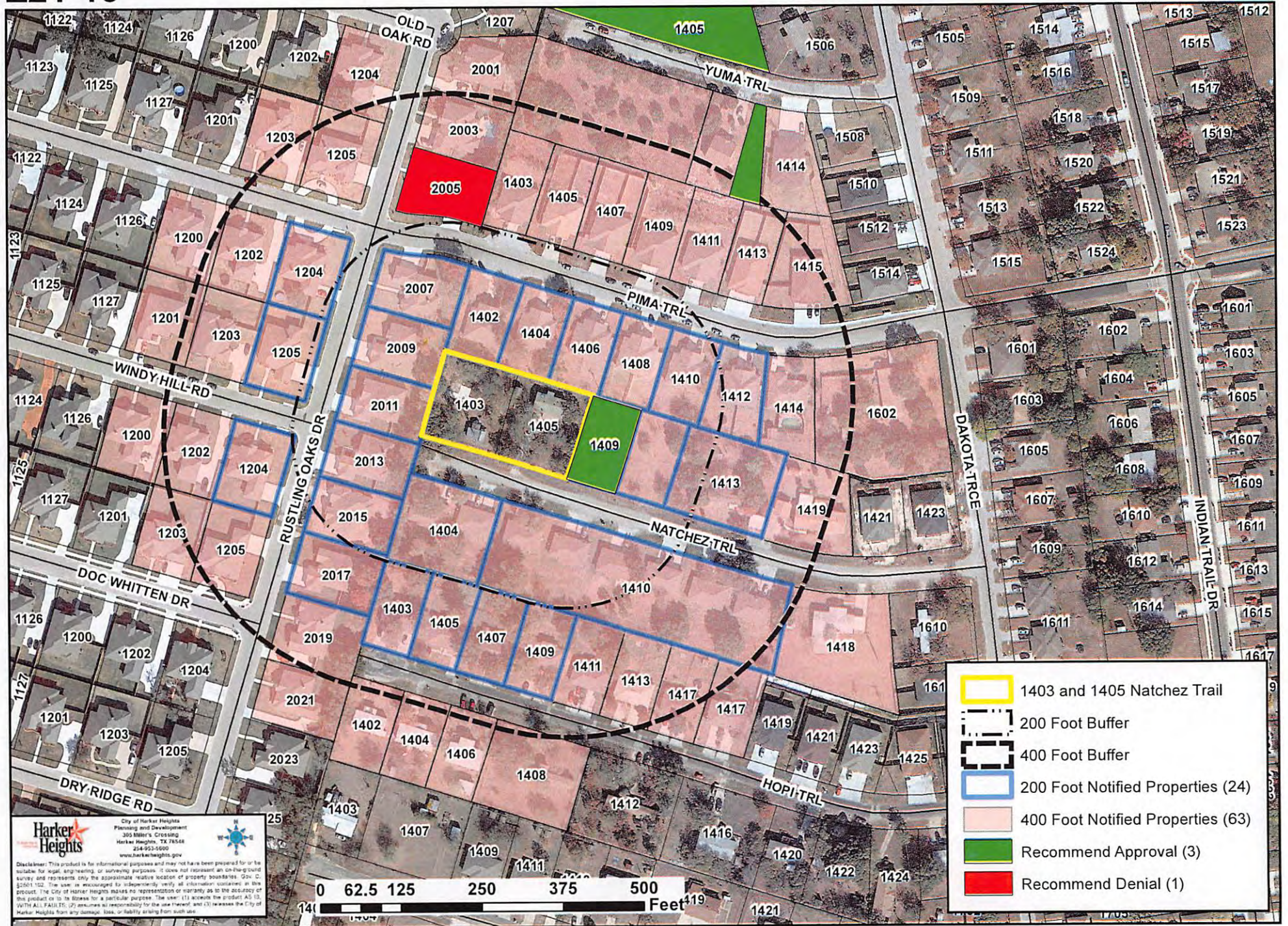
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 1403 and 1405 Natchez Trail

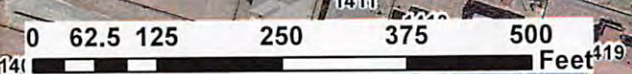
Future Land Use

-  Single Family Residential
-  Mixed Residential
-  Medium Density Residential



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- 1403 and 1405 Natchez Trail
- 200 Foot Buffer
- 400 Foot Buffer
- 200 Foot Notified Properties (24)
- 400 Foot Notified Properties (63)
- Recommend Approval (3)
- Recommend Denial (1)

TO: City of Harker Heights
Planning & Development Department

FROM: DAVID PHILLIPS
1405 YOMA
(Address of Your Property that Could
Be Impacted by this Request)

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as Comanche Land 1st Unit, Lots Eighteen (18), Nineteen (19) and Twenty (20), Block 7, generally located at 1403 Natchez Trail and 1405 Natchez Trail, Harker Heights, Bell County, Texas (see attached notification map).

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

Comments: R-2 O.K.

DAVID PHILLIPS
Printed Name

[Signature]
Signature

7-19-21
Date

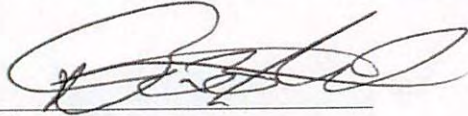
TO: City of Harker Heights
Planning & Development Department

FROM: DAVID PHILLIPS
1412 YOMA
(Address of Your Property that Could
Be **Impacted** by this Request)

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as Comanche Land 1st Unit, Lots Eighteen (18), Nineteen (19) and Twenty (20) Block 7, generally located at 1403 Natchez Trail and 1405 Natchez Trail, Harker Heights, Bell County, Texas (see attached notification map).

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

Comments: R-2 OK.

DAVID PHILLIPS 
Printed Name Signature

7-19-21
Date

TO: City of Harker Heights
Planning & Development Department

FROM: 1524 Indian Trl (1409 NATCHEZ)
Harker Heights
(Address of Your Property that Could Be **Impacted** by this Request)

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as Comanche Land 1st Unit, Lots Eighteen (18), Nineteen (19) and Twenty (20), Block 7, generally located at 1403 Natchez Trail and 1405 Natchez Trail, Harker Heights, Bell County, Texas (see attached notification map).

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

Comments:

Jerome Gomer
Printed Name

Jerome Gomer
Signature

7-20-21
Date

TO: City of Harker Heights
Planning & Development Department

FROM: ERIC P. WALTON
2005 Rustling Oaks Dr, H+H
(Address of Your Property that Could Be Impacted by this Request) 76548

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as Comanche Land 1st Unit, Lots Eighteen (18), Nineteen (19) and Twenty (20), Block 7, generally located at 1403 Natchez Trail and 1405 Natchez Trail, Harker Heights, Bell County, Texas (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

If approved will ↓ Value of Eq
Familt Home, Will Also change the Fabrik
of the Neighborhood in a bad way.

ERIC P. WALTON
Printed Name

Eric P. Walton
Signature

7/16/21
Date



CITY COUNCIL MEMORANDUM

Z21-16

AGENDA ITEM# VII-5

FROM: THE OFFICE OF THE CITY MANAGER

DATE: AUGUST 10, 2021

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, TO AMEND ORDINANCE 2018-29, GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW FOR A 1,850 SQUARE FOOT ACCESSORY DWELLING UNIT TO BE OCCUPIED BY A RELATIVE, ON PROPERTY DESCRIBED AS LEASURE ADDITION, BLOCK ONE (1), LOT ONE (1), ACRES 1.432, GENERALLY LOCATED AT 1801 PONCA TRACE, HARKER HEIGHTS, BELL COUNTY, TEXAS; AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The applicant previously received a Conditional Use Permit (Ordinance 2018-29) to allow for an 1,850 square foot accessory dwelling unit (ADU) for a relative (not for rent) at 1801 Ponca Trace. In the City’s Code of Ordinances, square footage for residential units is tied to the entire structure. During construction inspections, it was found that there were differences in square footages between the zoning case recommendations, the submitted permit items and what was actually constructed. Staff’s investigation into this case found the following discrepancies:

1. The current square footage of the ADU exceeds the 1,850 sq. ft. allowed in the existing Conditional Use Permit (CUP);
2. The driveway connection is different than presented in the original public hearings; and
4. The amount of the square footage for the constructed ADU (3,737 square feet) exceeds that of the primary residential structure (2,747 square feet).

Some of the discrepancies are believed to be due to the inconsistent references to area of the structure. The applicant is requesting that the previous CUP be amended to allow for the constructed a dwelling with a gross foundation footprint of 3,737 square feet.

Surrounding Land Uses

Adjacent land uses include:

	Existing Land Use	Future Land Use	Zoning
North	Single Family Residence	High Density Residential	R-3 Multi Family Dwelling District
South	Manufactured Housing	Single Family Residential	R-2 Two Family Dwelling District
East	Single Family Residence	Single Family Residential	R-1 One Family Dwelling District
West	Manufactured Housing	Mixed Residential	R-MU Mixed Use Residential

A survey of the area identified surrounding properties to be single family residences, manufactured homes and duplexes. Per the 2007 Comprehensive Plan, the applicant’s property is located in an area designated as Single Family Residential.

Flood Damage Prevention

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

Notices

Staff sent out thirty (30) notices to property owners within the 400-foot notification area. As of July 20, 2021, one (1) response was received in favor of the request, and zero (0) responses were received in opposition of the request. Any responses received after the above date will be provided during the meeting.

STAFF RECOMMENDATION:

Staff recommended approval to the Planning and Zoning Commission of an amendment to Ordinance 2018-29, granting an Conditional Use Permit (CUP) to allow for an accessory dwelling unit with a gross foundation footprint of 3,736 square foot to be occupied by a relative, on property described as Leasure Addition, Block One (1), Lot One (1), Acres 1.432, generally located at 1801 Ponca Trace, Harker Heights, Bell County, Texas, subject to the following conditions:

1. The accessory dwelling unit shall have a maximum gross foundation footprint of 3,737 square feet;
2. One ADU driveway connection to the section of Ponca Trace constructed in Sapiah Plains Phase 3 shall be allowed; and
3. No interior cross fencing of the lot shall be allowed to extend from the eastern property line to the western property line or be placed such that there is an appearance of two independent lots.

The above recommendation is based on the following:

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

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

During the Planning & Zoning Commission meeting held on July 28, 2021, the Planning and Zoning Commission voted (8-0) to recommend approval of an amendment to Ordinance 2018-29, granting an Conditional Use Permit (CUP) to allow for an accessory dwelling unit with a gross foundation footprint of 3,736 square foot to be occupied by a relative, on property described as Leasure Addition, Block One (1), Lot One (1), Acres 1.432, generally located at 1801 Ponca Trace, Harker Heights, Bell County, Texas, based on staff's recommendation and findings subject to the following conditions:

1. The accessory dwelling unit shall have a maximum gross foundation footprint of 3,737 square feet;
2. One ADU driveway connection to the section of Ponca Trace constructed in Sapiah Plains Phase 3 shall be allowed; and
3. No interior cross fencing of the lot shall be allowed to extend from the eastern property line to the western property line or be placed such that there is an appearance of two independent lots.

ACTION BY CITY COUNCIL:

1. Motion to APPROVE/DISAPPROVE an amendment to Ordinance 2018-29, granting a Conditional Use Permit (CUP) to allow for an accessory dwelling unit with a gross foundation footprint of 3,737 square foot to be occupied by a relative, on property described as Leasure Addition, Block One (1), Lot One (1), Acres 1.432, generally located at 1801 Ponca Trace, Harker Heights, Bell County, Texas, based on staff's recommendation and findings and subject to the following conditions:
 1. The accessory dwelling unit shall have a maximum gross foundation footprint of 3,737 square feet;
 2. One ADU driveway connection to the section of Ponca Trace constructed in Sapiah Plains Phase 3 shall be allowed; and
 3. No interior cross fencing of the lot shall be allowed to extend from the eastern property line to the western property line or be placed such that there is an appearance of two independent lots.
2. Any other action deemed necessary.

ATTACHMENTS:

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

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING AN AMENDMENT TO ORDINANCE 2018-29, A CONDITIONAL USE PERMIT (CUP) TO ALLOW FOR AN ACCESSORY DWELLING UNIT WITH A GROSS FOUNDATION FOOTPRINT OF 3,737 SQUARE FOOT TO BE OCCUPIED BY A RELATIVE, ON PROPERTY DESCRIBED AS LEASURE ADDITION, BLOCK ONE (1), LOT ONE (1), ACRES 1.432, GENERALLY LOCATED AT 1801 PONCA TRACE, HARKER HEIGHTS, BELL COUNTY, TEXAS

WHEREAS, the City Council ("*Council*") of the City of Harker Heights ("*City*") finds that after due notice and public hearings as required by law, and after consideration of the recommendation of the Planning and Zoning Commission, it is necessary and desirable to amend the Code of Harker Heights ("*Code*") as hereinafter provided; and

WHEREAS, the meeting at which this Ordinance was passed was open to the public, and notice of the time, place and purpose of said meeting was given as required by law, all in strict accordance with the requirements of the Texas Open Meetings Act;

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

SECTION 1: The Council officially finds and declares that the facts and recitations set forth in the preamble to this Ordinance are true and correct.

SECTION 2: The hereinafter-described property, is granted an amendment to Ordinance 2018-29 a Conditional Use Permit (CUP) to allow for an Accessory Dwelling Unit with a gross foundation footprint of 3,737 square foot to be occupied by a relative, on property described as:

Leasure Addition, Block One (1), Lot One (1), Acres 1.432, generally located at 1801 Ponca Trace, Harker Heights, Bell County, Texas

This permit is also subject to the following conditions:

1. The accessory dwelling unit shall have a maximum gross foundation footprint of 3,737 square feet;
2. One ADU driveway connection to the section of Ponca Trace constructed in Sapiyah Plains Phase 3 shall be allowed; and
3. No interior cross fencing of the lot shall be allowed to extend from the eastern property line to the western property line or be placed such that there is an appearance of two independent lots.

SECTION 3: Table VII, Table of Special Ordinances, of the Code is hereby supplemented by adding the following entry:

<u>Ord. No.</u>	<u>Date Passed</u>	<u>Description</u>
2021-	08/10/21	Granting a CUP (Conditional Use Permit), to allow an accessory dwelling unit to be occupied by a relative, on property described as Leasure Addition, Block One (1), Lot One (1), Acres 1.432, Property ID# 408903, generally located at 1801 Ponca Trace, Harker Heights, Bell County, Texas.

SECTION 4: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 5: This Ordinance shall be effective from and after its passage, and the City Secretary shall publish the caption or title of hereof within ten days as required by law.

PASSED AND APPROVED on August 10, 2021.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



Conditional Use Permit Application

Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED

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

1. Pre-Application Meeting Scheduled
2. Payment of \$200.00 to the City of Harker Heights
3. Site Plan
4. Letter of Intent
5. Please thoroughly read Section 155.201 - Conditional Use Permits (see attached)

City of Harker Heights
 Planning & Development
 305 Millers Crossing
 Harker Heights, TX 76548
 Phone: (254) 953-5647
 Fax: (254) 953-5666

Owner Information:

Property Owner(s) Name: Chrystal Leasure Date: 06/29/2021

Address: 1801 Ponca Trace City/State/Zip: Harker Heights

Phone: _____ E-mail: _____

Property Information:

Site Address or General Location: 1801 Ponca Trace

Lot: 1 Block: 1 Subdivision: Leasure Addition

Acres: 1.432 Property ID: 408903 Survey: _____

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

Current Zoning Classification: R-1 CUP Future Land Use Designation: Single Family Residential

Applicant's Representative (if applicable):

Applicant's Representative: Mitchell & Associates, Inc.

Phone: _____ E-Mail: _____

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

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

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

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

Chrystal Leasure
Printed Name of Property Owner

[Signature]
Signature of Property Owner

ACE RENEAL
Printed Name of Representative

[Signature]
Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 29th DAY OF July, 2021.

[Signature]
Signature of Notary Public



Date Submitted: <u>10/20/21</u>	STAFF ONLY -- DO NOT FILL OUT	Receipt #: <u>N/A</u>
Received By: <u>Wilson Everett</u>	<input type="checkbox"/> Pre-Application Meeting	Case #: <u>221-16</u>

Mitchell & Associates, Inc.

Engineering & Surveying

June 30, 2021

Kristina Ramirez, PE CFM
Director of Planning and Development
Planning and Development
305 Millers Crossing
Harker Heights, TX 76548

Dear Mrs. Ramirez:

Chrystal Leasure has engaged us to obtain a revision to the existing Conditional Use Permit (CUP) for her property located at 1801 Ponca Trace. This request is made pursuant to the City of Harker Heights Code of Ordinances Section § 155.020 (B)(4) and § 155.201. The intent of the revision is to provide clarity and continuity between the constructed accessor dwelling unit (ADU) and the CUP. The ADU is to be inhabited by the property owner's mother. The proposed use appears to be compatible with the surrounding land uses.

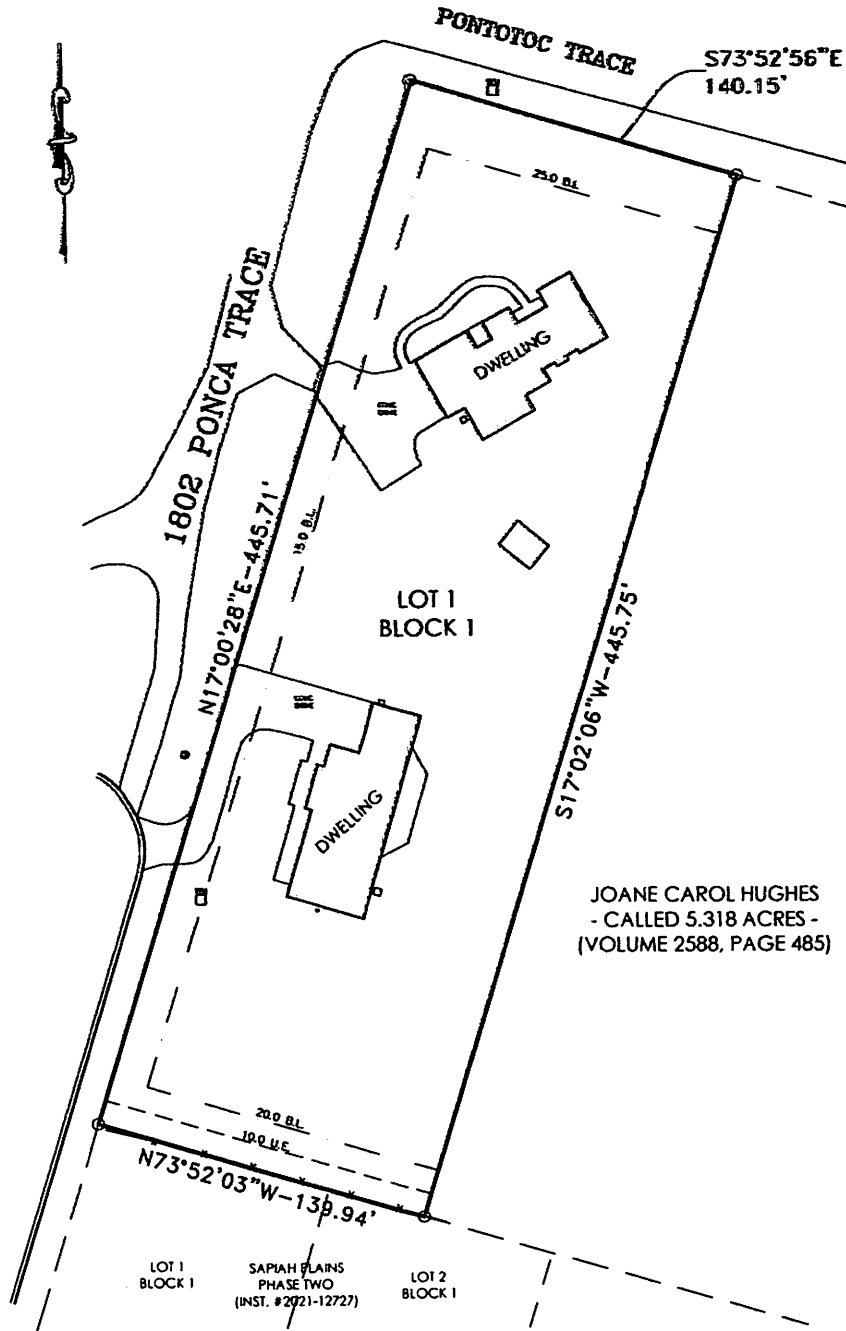
The existing residence has an approximate gross floor area of 3,008 square feet and contains 1,947 square feet of conditioned area. The constructed ADU has an approximate gross floor area of 3,737 square feet and contains 2,064 square feet of conditioned area.

Kind regards,


Ace Reneau

**LOT 1, BLOCK 1, LEASURE ADDITION
 AN ADDITION TO THE CITY OF HARKER HEIGHTS, TEXAS
 ACCORDING TO THE PLAT OR MAP OF RECORD IN
 CABINET D, SLIDE 246-D, PLAT RECORDS OF BELL COUNTY, TEXAS**

PLOT PLAN



JOANE CAROL HUGHES
 - CALLED 5.318 ACRES -
 (VOLUME 2588, PAGE 485)

REQUESTED BY: WHO ORDERED IT (TAX I.D. NO. 40890.3) (S:\Certs\1802 Ponca Trace.dwg) 1802 Ponca Trace.dwg 6/30/2021 4:03 PM (FIELD CREW: WC/ZF) (FIELD BOOK: 1983/73) (DRAWN BY: FREQ)



102 N. COLLEGE ST., KILLEEN, TEXAS (784) 834-8841
 I. B. P. L. S. FIRM REGISTRATION NO. 10078100
 411 S. WESTERN AVE. (P.O. BOX 349) LAUDERDALE, TEXAS (817) 556-6858
 I. B. P. L. S. FIRM REGISTRATION NO. 10078100
 600 AUSTIN AVE. STE. 29 WACO, TEXAS (264) 778-5181
 I. B. P. L. S. FIRM REGISTRATION NO. 10140041

MITCHELL & ASSOCIATES, INC.
 ENGINEERING & SURVEYING



ALL RIGHTS RESERVED
 BY: MITCHELL & ASSOC., INC. 2021

SEAL

NOTE:

This Plot Plan does not represent a valid Land Boundary Survey, but portrays the siting of a residential home on a platted subdivision lot. Dimensions for the lot are taken from the recorded plat, and not field verified. The dwelling shown has been copied from plans provided by the Builder, and placed on the Plot Plan to verify that it will fit. Topographical conditions may exist that could present difficulties in the placement of the dwelling as shown. Easements and Building Setbacks shown are shown on the recorded plat for this subdivision. There has been no further search for easements outside of what has been shown on the recorded plat, and this Company has not reviewed or researched on Restrictive Covenants that might be of record.

ORDINANCE NO. 2018-29

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW AN ACCESSORY DWELLING UNIT TO BE OCCUPIED BY A RELATIVE, ON PROPERTY DESCRIBED AS LEASURE ADDITION, BLOCK ONE (1), LOT ONE (1), ACRES 1.432, PROPERTY ID# 408903, GENERALLY LOCATED AT 1801 PONCA TRACE, HARKER HEIGHTS, BELL COUNTY, TEXAS.

WHEREAS, the City Council ("**Council**") of the City of Harker Heights ("**City**") finds that after due notice and public hearings as required by law, and after consideration of the recommendation of the Planning and Zoning Commission, it is necessary and desirable to amend the Code of Harker Heights ("**Code**") as hereinafter provided; and

WHEREAS, the meeting at which this Ordinance was passed was open to the public, and notice of the time, place and purpose of said meeting was given as required by law, all in strict accordance with the requirements of the Texas Open Meetings Act;

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

SECTION 1: The Council officially finds and declares that the facts and recitations set forth in the preamble to this Ordinance are true and correct.

SECTION 2: The hereinafter-described property is granted a Conditional Use Permit (CUP), to allow an accessory dwelling unit on property described as:

Lot One (1), Block One (1), Leasure Addition to the City of Harker Heights, according to the plat of record in Cabinet D, Slide 246-D, Plat Records of Bell County, Texas

This permit is subject to the following conditions:

1. Net square footage of the accessory dwelling unit will consist of approximately 1,850 square feet.

SECTION 3: 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>
2018-29	11/13/18	Granting a CUP (Conditional Use Permit), to allow an accessory dwelling unit to be occupied by a relative, on property described as Leasure Addition, Block One (1), Lot One (1), Acres 1.432, Property ID# 408903, generally located at 1801 Ponca Trace, Harker Heights, Bell County, Texas.

SECTION 4: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

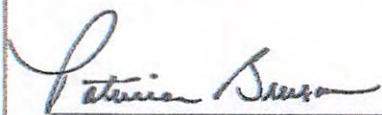
SECTION 5: This Ordinance shall be effective from and after its passage, and the City Clerk shall publish the caption or title of hereof within ten days as required by law.

PASSED AND APPROVED on November 13, 2018



Spencer H. Smith, Mayor

ATTEST:



Patricia Brunson, City Secretary

§ 155.020 R-1 ONE FAMILY DWELLING DISTRICT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) In order to be approved, the manufactured home must be found to have design compatibility with other dwellings in the neighborhood.
- (2) The following standards apply to any placement of a manufactured home on a lot after December 31, 1999:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(L) *Industrialized housing*.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 155.201 CONDITIONAL USE PERMITS.

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

(B) *Planning and Zoning Commission consideration*.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) City Council consideration.

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

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

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

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

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

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

(E) Term.

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

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

(b) The permit expires by its own terms;

(c) The property is rezoned;

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

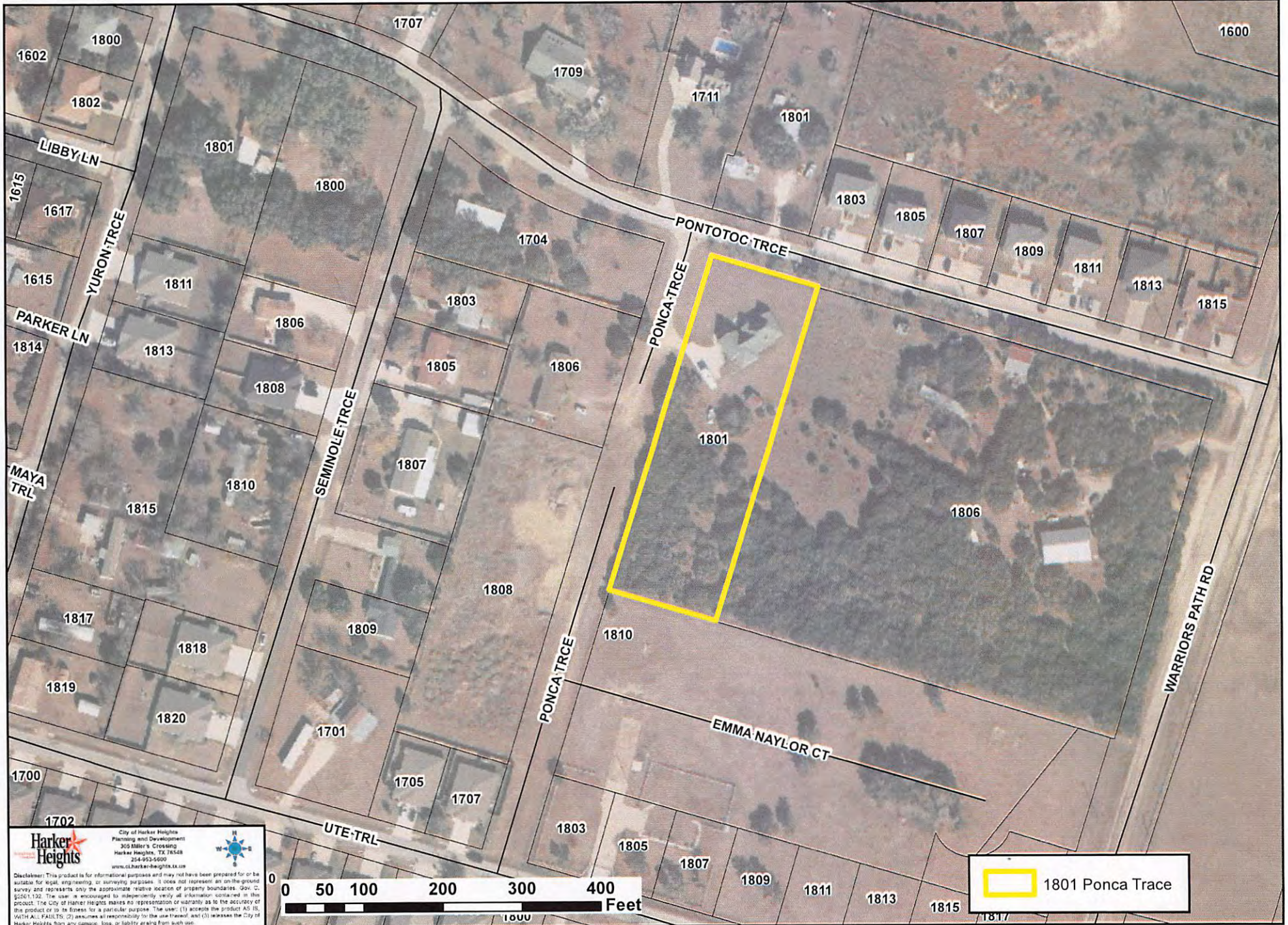
(e) The building or premises is substantially enlarged, extended, reconstructed or altered;

(f) The use of the building or premises is materially expanded, increased or otherwise altered; or

(g) The violation of any one or more of the conditions of approval.


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

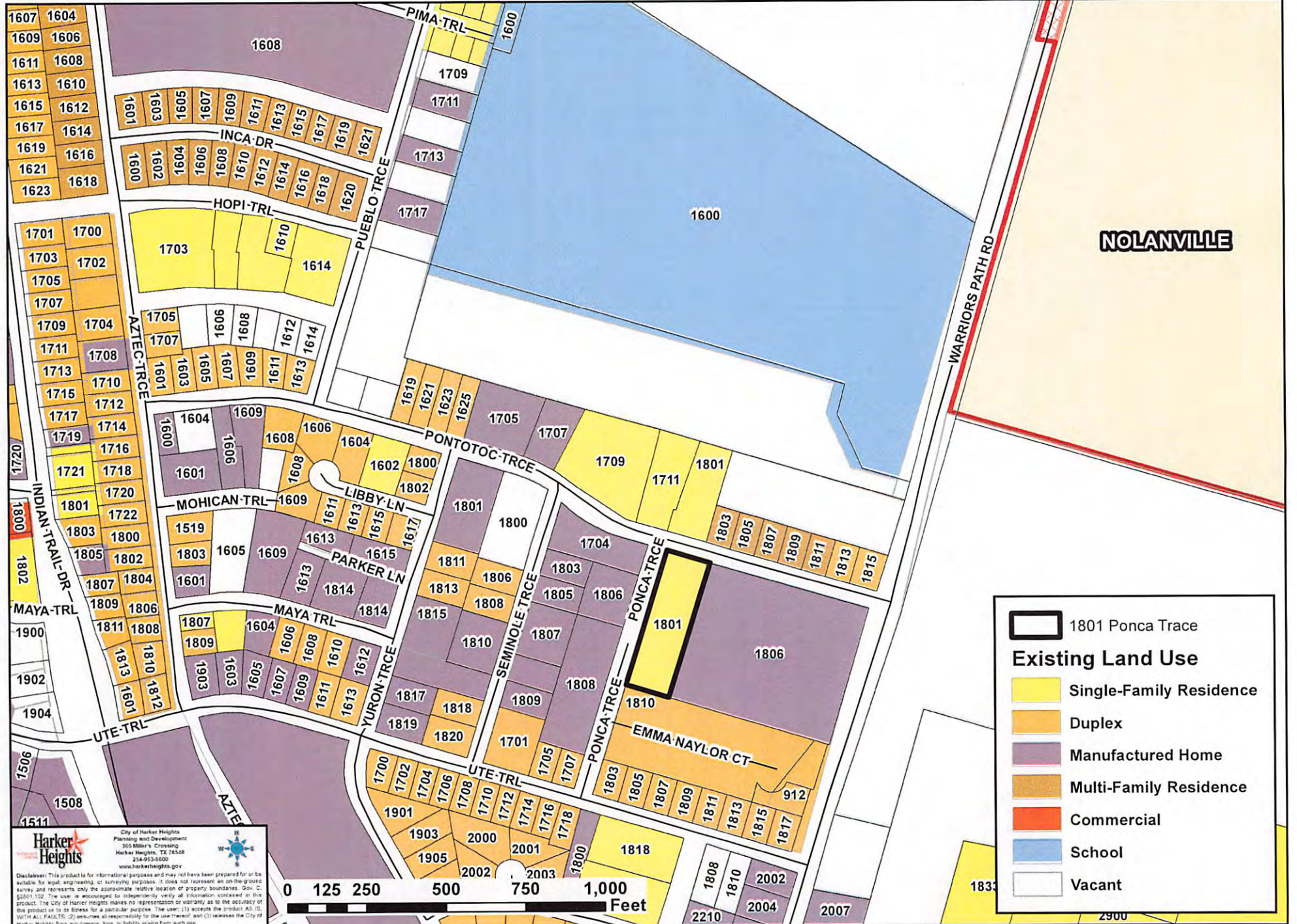
(Ord. 2001-36, passed 11-13-01)

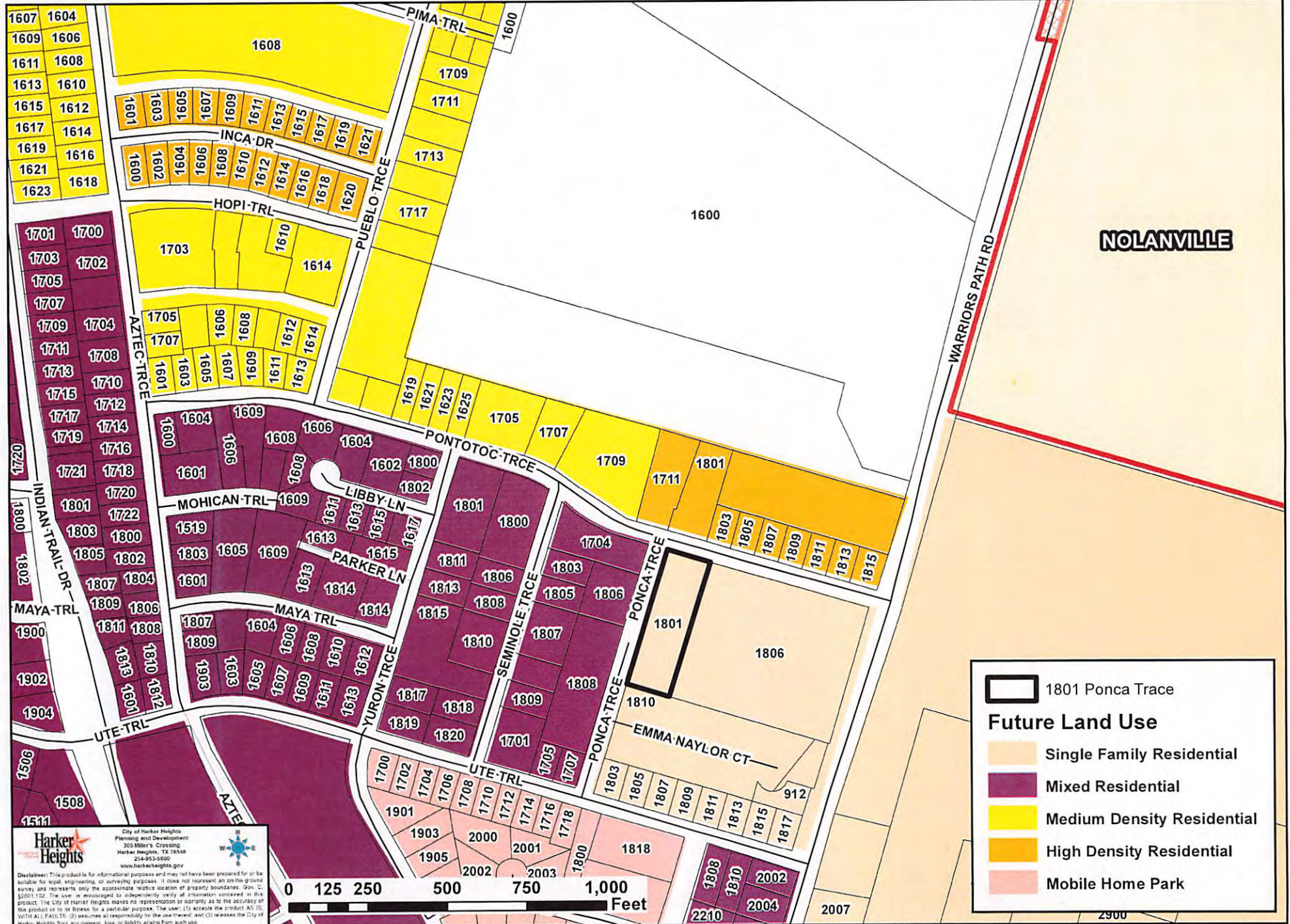


Harker Heights
City of Harker Heights
Planning and Development
305 Steiner's Crossing
Harker Heights, TX 78548
254-953-5600
www.ci.harkerheights.tx.us

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 1801 Ponca Trace





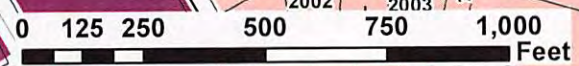
1801 Ponca Trace

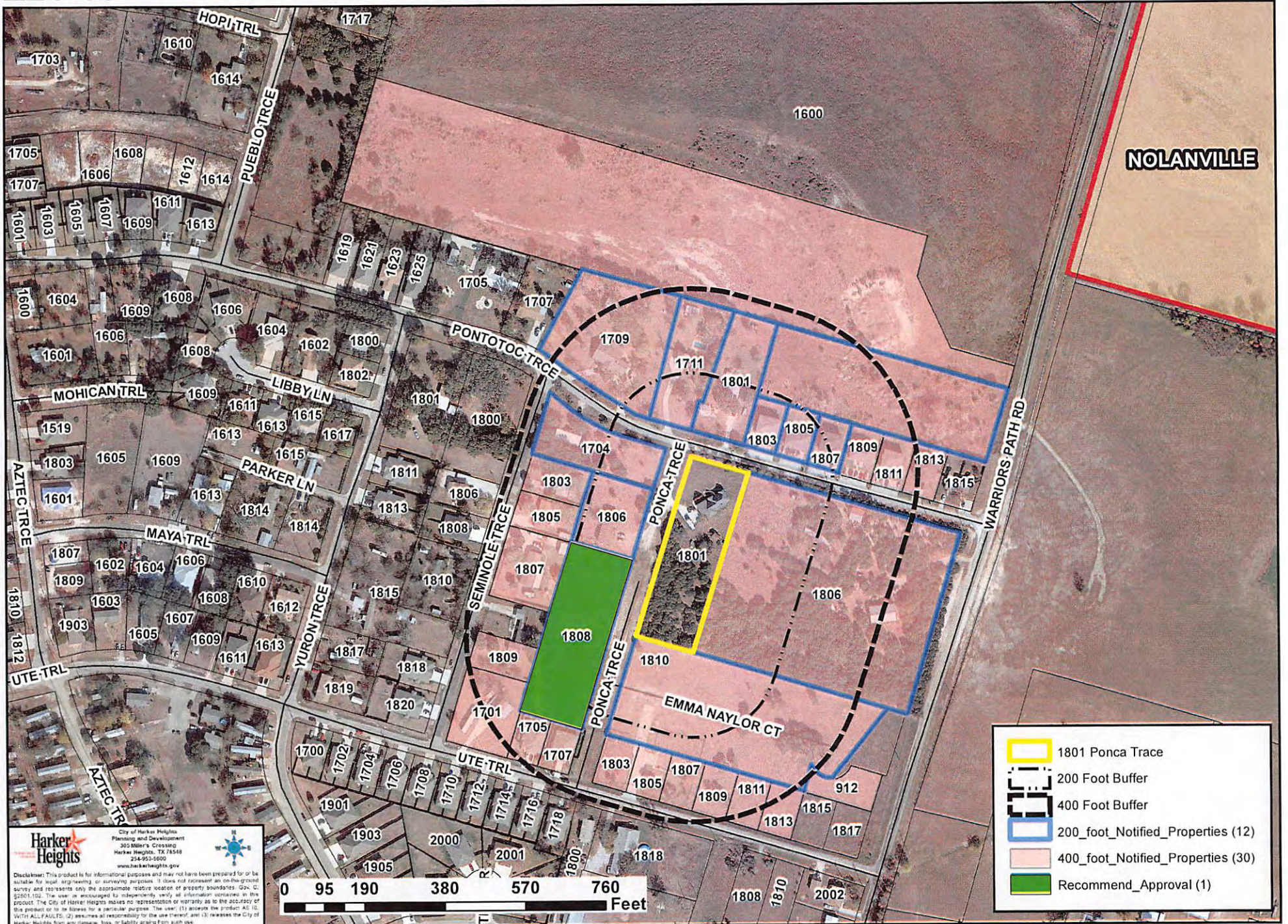
Future Land Use

- Single Family Residential
- Mixed Residential
- Medium Density Residential
- High Density Residential
- Mobile Home Park

City of Harker Heights
Planning and Development
305 Miller's Crossing
Harker Heights, TX 76788
254-953-5900
www.harkerheights.gov

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NOLANVILLE

Harker Heights

City of Harker Heights
 Planning and Development
 302 Star's Crossing
 Harker Heights, TX 78548
 214-953-5000
 www.harkerheights.gov



TO: City of Harker Heights
Planning & Development Department

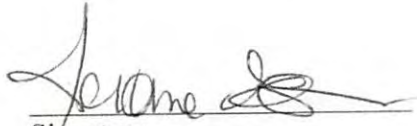
FROM: 1524 Indian Tr (1808 Ponca Trace)
Harker Heights
(Address of Your Property that Could Be Impacted by this Request)

RE: An application has been made to make an amendment to Ordinance 2018-29, granting a Conditional Use Permit (CUP) to allow for a 1,850 square foot accessory dwelling unit to be occupied by a relative, on property described as Leasure Addition, Block One (1), Lot One (1), Acres 1.432, Property ID #408903, generally located at 1801 Ponca Trace, Harker Heights, Bell County, Texas (see attached notification map).

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

Comments:

Jerome Gomer
Printed Name


Signature

7-20-21
Date



CITY COUNCIL MEMORANDUM

Z21-17

AGENDA ITEM# VII-6

FROM: THE OFFICE OF THE CITY MANAGER

DATE: AUGUST 10, 2021

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, TO ALLOW HARKER HEIGHTS CERAMIC COATINGS, LLC TO CONDUCT A CAR DETAILING BUSINESS AS A HOME OCCUPATION ON STONEWALL RIDGE, PHASE II, LOT FOUR (4), BLOCK THREE (3), GENERALLY LOCATED AT 1206 STONEWALL RIDGE, HARKER HEIGHTS, BELL COUNTY, TEXAS; AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The applicant has applied for a Home Occupation license to conduct a car detailing business located at their residence. The applicant has indicated that said car detailing will be by appointment only, conducted inside his garage, and will not have any runoff into the public right-of-way. The applicant is requesting this allowance pursuant to Section 155.084(E) of the Harker Heights Code of Ordinances.

Surrounding Land Uses

Adjacent land uses include:

	Existing Land Use	Future Land Use	Zoning
North	Single Family Residence	Commercial	PD-R Planned Development – Residential
South	Single Family Residence	Single Family Residential	R-1 One Family Dwelling
East	Single Family Residence	Commercial	PD-R Planned Development – Residential
West	Single Family Residence	Commercial	PD-R Planned Development – Residential

A survey of the area identified surrounding properties to currently be single family residences. Per the 2007 Comprehensive Plan the applicant’s property is located in an area designated as Commercial/Office/Retail. However, in 2015 approval for a Planned Development Residential District was approved by City Council in Ordinance 2015-02. Staff believes the proposed Home Occupation will not likely have any adverse impact on the surrounding area.

Flood Damage Prevention

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

Notices

Staff sent out sixty-nine (69) notices to property owners within the 400-foot notification area. As of July 20, 2021, nine (9) responses were received in favor of the request, and one (1)

response was received in opposition of the request. There was one response in favor of the request that was a second submission for the same property and one response in favor that staff was unable to verify who submitted the response. One (1) of the responses in opposition is located within the regulatory 200-foot notification buffer. Any additional responses received after the above date will be provided during the meeting.

STAFF RECOMMENDATION:

Staff recommends approval to allow Harker Heights Ceramic Coatings, LLC to conduct a car detailing business as a Home Occupation on Stonewall Ridge, Phase II, Lot Four (4), Block Three (3), generally located at 1206 Stonewall Ridge, Harker Heights, Bell County, Texas, based on the following:

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

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

During the Planning & Zoning Commission meeting held on July 28, 2021, the Planning and Zoning Commission voted (7-0) to recommend approval of an ordinance to allow Harker Heights Ceramic Coatings, LLC to conduct a car detailing business as a Home Occupation on Stonewall Ridge, Phase II, Lot Four (4), Block Three (3), generally located at 1206 Stonewall Ridge, Harker Heights, Bell County, Texas, based on staff's recommendation and findings.

ACTION BY CITY COUNCIL:

1. Motion to APPROVE/DISAPPROVE an Ordinance to allow Harker Heights Ceramic Coatings, LLC to conduct a car detailing business as a Home Occupation on Stonewall Ridge, Phase II, Lot Four (4), Block Three (3), generally located at 1206 Stonewall Ridge, Harker Heights, Bell County, Texas, based on staff's recommendation and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

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

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING HARKER HEIGHTS CERAMIC COATINGS, LLC APPROVAL TO CONDUCT A CAR DETAILING BUSINESS AS A HOME OCCUPATION ON STONEWALL RIDGE, PHASE II, LOT FOUR (4), BLOCK THREE (3), GENERALLY LOCATED AT 1206 STONEWALL RIDGE, HARKER HEIGHTS, BELL COUNTY, TEXAS

WHEREAS, the City Council ("*Council*") of the City of Harker Heights ("*City*") finds that after due notice and public hearings as required by law, and after consideration of the recommendation of the Planning and Zoning Commission, it is necessary and desirable to amend the Code of Harker Heights ("*Code*") as hereinafter provided; and

WHEREAS, the meeting at which this Ordinance was passed was open to the public, and notice of the time, place and purpose of said meeting was given as required by law, all in strict accordance with the requirements of the Texas Open Meetings Act;

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

SECTION 1: The Council officially finds and declares that the facts and recitations set forth in the preamble to this Ordinance are true and correct.

SECTION 2: Harker Heights Ceramic Coatings, LLC is approved to conduct a car detailing business as a Home Occupation on the hereinafter-described property, zoned R-1 (One Family Dwelling District):

Stonewall Ridge, Phase II, Lot Four (4), Block Three (3), generally located at 1206 Stonewall Ridge, Harker Heights, Bell County, Texas

SECTION 3: Table VII, Table of Special Ordinances, of the Code is hereby supplemented by adding the following entry:

<u>Ord. No.</u>	<u>Date Passed</u>	<u>Description</u>
2021-	08/10/21	Granting Harker Heights Ceramic Coatings, LLC approval to conduct a car detailing business as a Home Occupation on Stonewall Ridge, Phase II, Lot Four (4), Block Three (3), generally located at 1206 Stonewall Ridge, Harker Heights, Bell County, Texas.

SECTION 4: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 5: This Ordinance shall be effective from and after its passage, and the City Clerk shall publish the caption or title of hereof within ten days as required by law.

PASSED AND APPROVED on August 10, 2021.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



BUSINESS REGISTRATION FORM

APPLICATION MUST BE FULLY COMPLETED OR WILL NOT BE ACCEPTED

1. Copy of DBA (Doing-Business-As), LLC or Articles of Incorporation.
2. Payments: Home Based & Property Management - \$25.00
Mobile Business - \$35.00
Commercial - \$75.00
3. Fire Marshal Walk-Through - Call (254) 699-2688 to schedule.
4. Building Walk-Through - Call (254) 953-5648 to schedule.
5. Bell County Food Permit - Call (254) 771-2106

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

RENEWAL: NEW:

DATE: 18 Jun 21

NAME OF BUSINESS: Harker Heights Ceramic Coatings, LLC

PHONE # OF BUSINESS: [REDACTED]

LOCATION OF BUSINESS: 1206 Stonewall Ridge

MAILING ADDRESS (if different than location): Same

TYPE OF BUSINESS (detail description): Auto detailing (not painting, body work, or mechanical)

Texas Sales Tax ID #: 87-0849025

E-Mail (Primary Contact): [REDACTED]

Business Owner: Matthew Jones

Date of Birth: 30 Mar 81

Home Address: 1206 Stonewall Ridge

Phone #: [REDACTED]

Driver License #: [REDACTED]

Manager:

Date of Birth:

Home Address:

Phone #:

Driver License #:

Emergency Contact: Patricia Jones

Phone #: [REDACTED]

Address: 1206 Stonewall Ridge

Security Lighting on Premise? YES NO N/A

Alarm System? YES NO N/A

If YES: Silent Audible Fire Intruder

Subscribe to Security Service? YES NO N/A

Security Service Company Name: Vivint

Phone #: 855-832-1550

Building Owner (if different from bus. owner)

Phone #:

BUSINESS REGISTRATION FORM

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

DRIVER	VEHICLE (MAKE, MODEL, AND YEAR)	LICENSE PLATE #
Matthew Jones	2020 Ford F250	NPH5065

Hazardous Material on Premise? YES NO N/A

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

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

Is the building equipped with automatic Fire Sprinklers? YES NO

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

Will this business require: Commercial Dumpster Commercial Hand Pick-Up

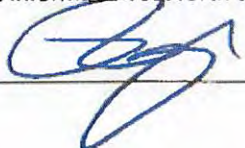
Date Business Opens Under New Owner: 18 Jun 21 No. of Employees: 1 Business Hours: 8-5pm

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

Corporation ▼

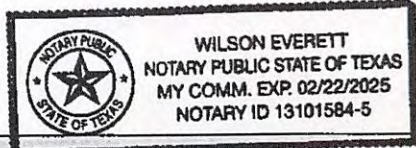
WARNING: A person commits an offense, with intent to deceive and with knowledge of the statement's meaning, he/she makes a false statement under oath or swears to the truth of a false statement previously made and the statement is required or authorized by law to be made under oath.

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

Applicant's Signature 

Wilson Everett
Notary Public, State of Texas

SWORN AND SUBSCRIBED BEFORE ME THIS 18 DAY OF June, 2021.



STAFF ONLY -- DO NOT FILL OUT

Date Submitted: 6/18/2021 Received By: Wilson Everett Receipt #: 01707218



HOME OCCUPATION

This guideline is meant to provide the prospective home business operator with information that will assist him/her in complying with applicable City Ordinances while still maintaining a viable business operation. This guideline is not intended to be all-inclusive; therefore, if you have any questions that are not answered here, please contact the Planning and Development Director.

Normally, business operations are confined to established commercial areas and are prohibited in established residential areas. The reason for this is two-fold: First, commercial business operations tend to be highly visible due to advertising signs, increased traffic and vehicle parking, increased noise, and so forth. This detracts from the "quiet enjoyment" that people have a right to expect in a residential neighborhood. Secondly, any "mixing" of land use in a given area tends to severely affect the value of all the properties in a negative way. This is why zoning ordinances are enacted and enforced.

City governments realize, however, that some types of businesses are "low key" and do not tend to negatively impact their neighbors or the property values in the immediate area. These businesses tend to be small enough that location in a commercial area would be prohibitively expensive and would tend to stifle new business growth. Therefore, most cities have set aside a class of businesses that, due to their nature or size, may be operated in a residential area.

Home occupations are regulated by Chapter 155.084 of the City of Harker Heights Code of Ordinances.

§ 155.084 HOME OCCUPATIONS. (8/17/09)

(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;

(6) Mortuaries;

(7) Private clubs;

(8) Trailer rentals;

(9) Carpentry work;

(10) Photo developing using chemicals;

(11) Gift shops;

(12) Repair shops for any item with an internal combustion engine; and

(13) Those home occupation uses which, without regard to principal or accessory use conditions, would be classified as assembly, factory-industrial, hazardous, institutional or mercantile occupancies as defined by the 1988 Standard Building Code, as amended.

(D) *Application of provisions.* The provisions of this section shall apply to all home occupations, regardless of the date of inception, unless previously authorized in writing by the city.

(E) *Home occupations not listed in this section.*

(1) Persons wishing to operate home occupations which are not expressly permitted or prohibited by this section may make written request to the Planning and Development Director for a formal review of the proposed home occupation.

(2) The Planning and Development Director shall review the request to determine the appropriateness within the established general guidelines. If the Director makes a favorable determination, the request shall be forwarded to the Planning and Zoning Commission for hearing.

(3) The Planning and Zoning Commission shall, in accordance with applicable law, review all requests forwarded by the Director, and submit a final report and recommendation to the City Council.

(4) The City Council shall then, in accordance with applicable law, review and consider action on the request.

(5) Any person requesting a formal review to permit a particular use not otherwise permitted shall, at the time such request is submitted, pay a non-refundable fee established by the City Council.

(F) *License revocation.* Home occupations are subject to review by the city, should violations be reported or observed. Licenses shall be revoked for noncompliance.

(Ord. 2006-40, passed 10-24-06)

I hereby declare that I have read this information and do comply with the definition of a home occupation as defined by the City of Harker Heights, and acknowledge that violation of the Code of Ordinances or any misrepresentation of this application does constitute the invalidation of the business registration.

Signed  Date 10 Jun 21

Please generally describe the home occupation:

Auto detailing - no painting, no body work, no sanding, no mechanical
repairs. No signs or storage. One customer at a time only by appointment
and customer does not stay. All work done inside garage with door closed
and battery-operated polisher that cannot be heard outside (already use
it on my car). Most times customer vehicle will never be seen in
neighborhood. Only 1-2 customers usually per week more as a hobby.
Wash, seal, polish mainly.

HOME OCCUPATIONS

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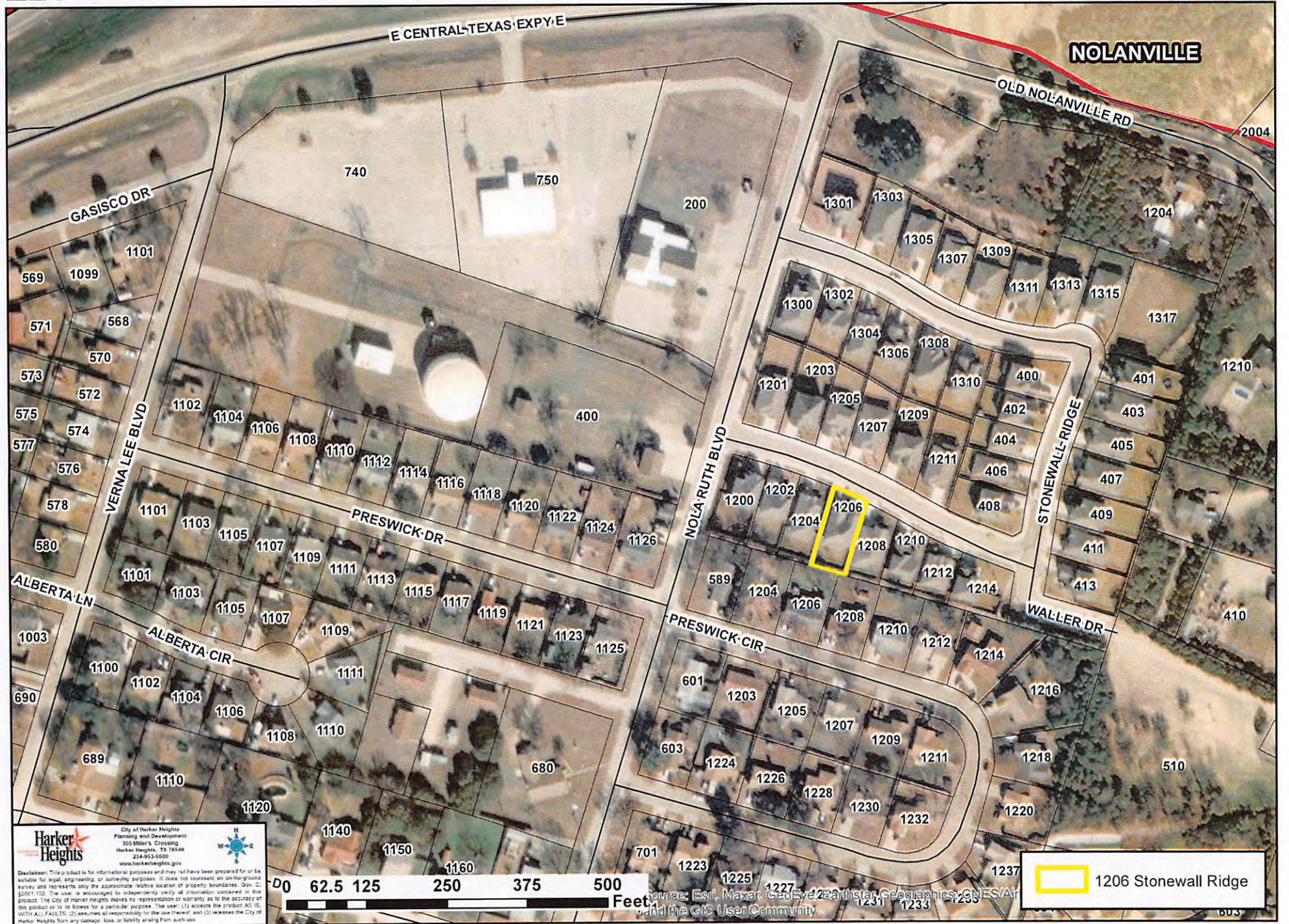
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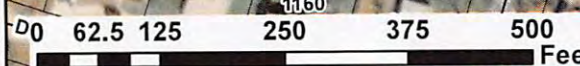
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
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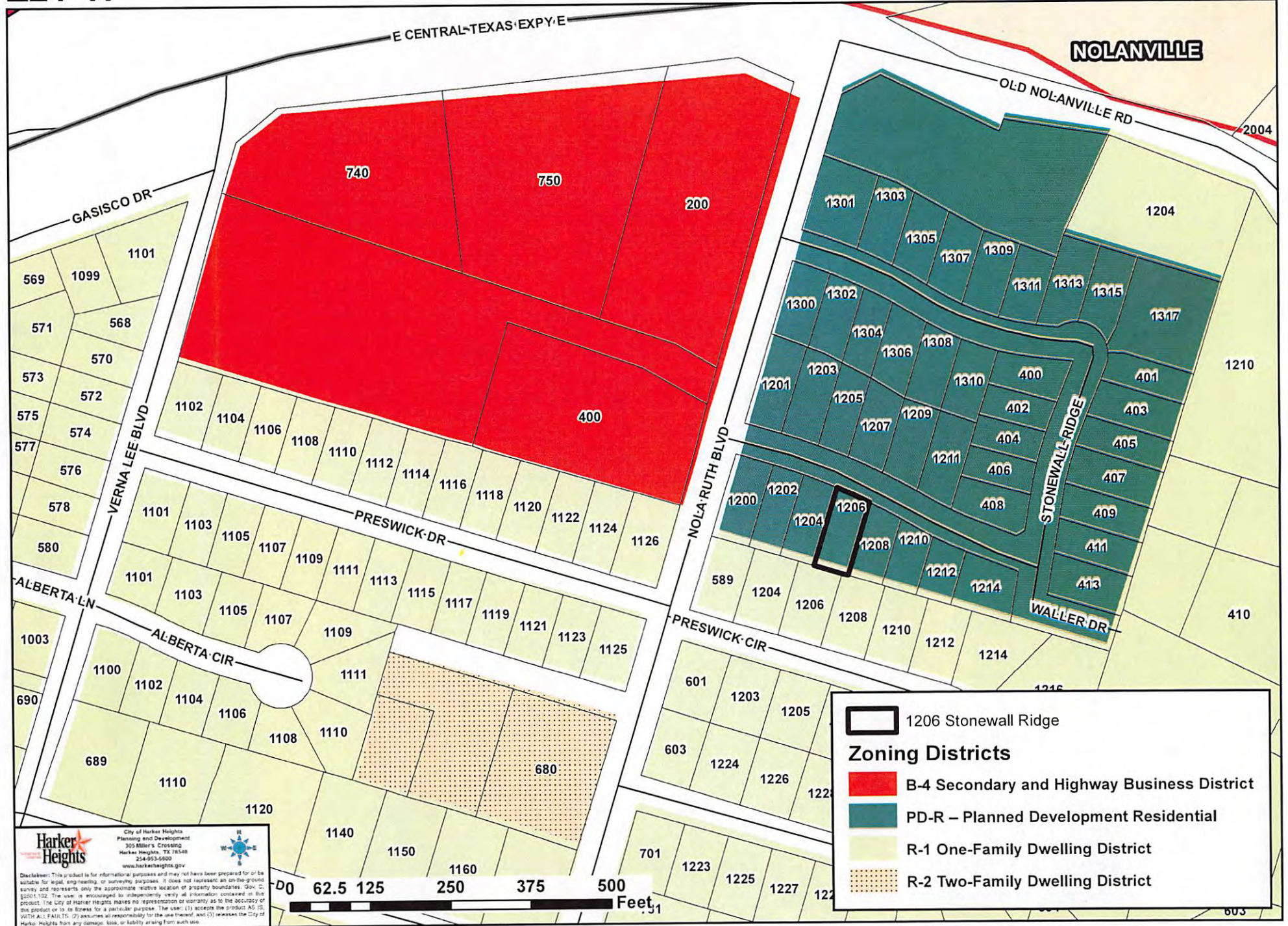
Harker Heights
 City of Harker Heights
 Planning and Development
 305 Blinn's Crossing
 Harker Heights, TX 76748
 254-953-5500
 www.harkerheights.gov

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. 2001-112. 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) WAIVES ALL RIGHTS; (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.



 1206 Stonewall Ridge

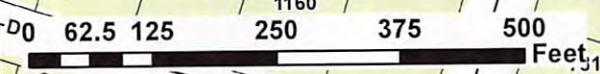
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus, and the GIS User Community

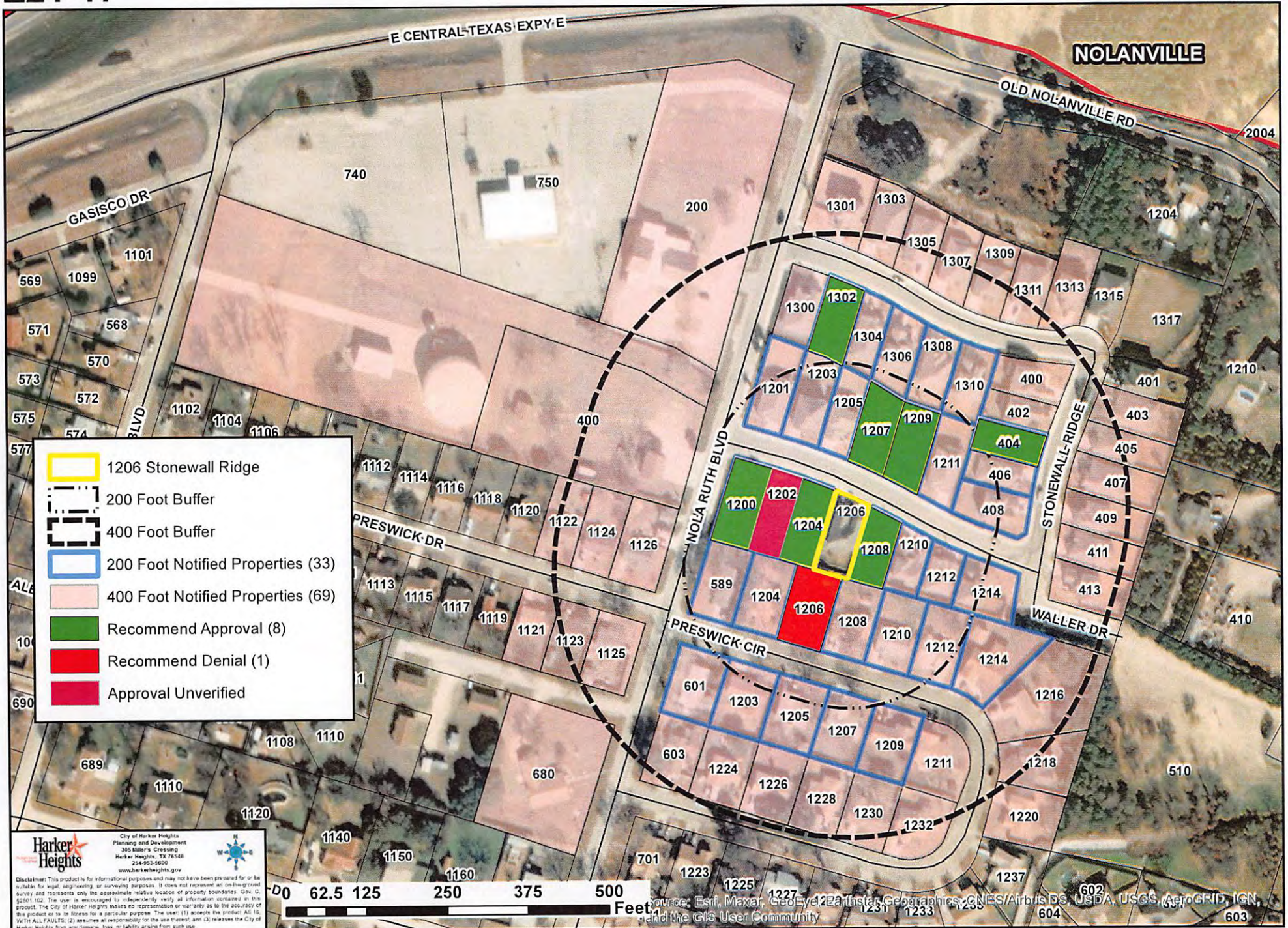










1206 Stonewall Ridge
Zoning Districts
 B-4 Secondary and Highway Business District
 PD-R – Planned Development Residential
 R-1 One-Family Dwelling District
 R-2 Two-Family Dwelling District

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 Harker Heights, TX 76548
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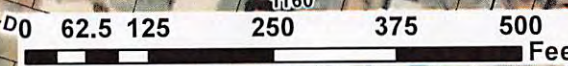




-  1206 Stonewall Ridge
-  200 Foot Buffer
-  400 Foot Buffer
-  200 Foot Notified Properties (33)
-  400 Foot Notified Properties (69)
-  Recommend Approval (8)
-  Recommend Denial (1)
-  Approval Unverified

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Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. (2014-01-22). 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 its use for any 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.



Source: Esri, Maxar, GeoEye, DigitalGlobe, GeoEye, IGN, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

TO: City of Harker Heights
Planning & Development Department

FROM: 404 Stonewall Ridge
Harker Heights TX 76548
(Address of Your Property that Could
Be **Impacted** by this Request)

RE: An application has been made to consider recommending allowance of Harker Heights Ceramic Coatings, LLC to conduct a car detailing business as a Home Occupation on Stonewall Ridge Phase II, Lot Four (4), Block Three (3), generally located at 1206 Stonewall Ridge, Harker Heights, Bell County, Texas (see attached notification map).

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

Comments:

Christina Bennett
Printed Name


Signature

7/21/2021
Date

Received
JUL 21 2021
Planning & Development

AARON AND RACHEL GRIFFITH

1200 Stonewall Ridge, Harker Heights, TX 76548 | 561-386-4576 | wagraggriffs@gmail.com

June 27, 2021

To whom it may concern:

We are writing to express our full support of our neighbor, Matthew Jones, to operate his business from his home in our neighborhood. Matthew is a valued member of our community, and we trust that he will run an honest business while respecting his fellow residents of Stonewall Ridge. We hope you will approve his request so that he may continue on his endeavor to operate Harker Heights Ceramic Coatings.

Sincerely,

Aaron and Rachel Griffith

Handwritten signatures of Rachel Griffith and Aaron Griffith in blue ink. The signature of Rachel Griffith is on top, and the signature of Aaron Griffith is below it.


Sir or ma'am,

I live at 1204 Stonewall Ridge, and I am Matthew's next-door neighbor. Matthew and I worked together to ensure our shared fence line was protected and he seems to care about his house and his property.

We are a fairly close community, and have not had an issue with extra cars, noise, or anything else from his house.

When he had friends and family in for his wedding, even then there was not an excessive number of vehicles blocking the road or traffic.

I support his efforts to open his business from his garage and hope you will too.


Jacqueline Grimes

To whom it may concern,

My wife and I live across from Matthew at 1207 Stonewall Ridge.

Even in February, before they closed on their house, Matthew and Patricia spent time talking to the neighbors and joined our local Facebook group. Like me, Matthew is nearly retired from the Army after more than 20 years, and is looking to stay occupied in his free time.

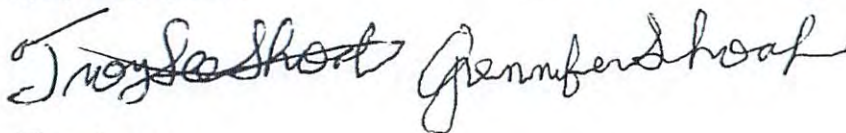
He has detailed his own car and truck, and it was not noisy or troublesome. He has helped my daughter's friend fix her car as a friend, he spent several hours showing me how to wash/clean/seal my own cars, and he is actively involved in the community with fundraisers and other events.

He began improvements upon his house to ensure it was as nice as possible from the moment he moved in and is always speaking about how he will live here for the rest of his life.

I have no doubt that he would not jeopardize the quality of the neighborhood and his standing within the community for his business, and hope you will approve it, so he can do what he loves during retirement.

Troy & Jennifer Shoaf
1207 Stonewall Ridge
Harker Heights, TX 76548
253-486-3494

June 29, 2021

Handwritten signatures of Troy Shoaf and Jennifer Shoaf.

Thank you

TO: City of Harker Heights
Planning & Development Department

FROM: Troy Shoaf
1207 Stonewall Ridge
(Address of Your Property that Could
Be **Impacted** by this Request)

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

Comments:
I feel small business need to exist
and a good business such as his is
good for the community.

Troy Shoaf
Printed Name

Troy Shoaf
Signature

7-15-2021
Date

Received
JUL 21 2021
Planning & Development

Dear commission / council,

I live directly next to Matthew and Patricia Jones at 1208 Stonewall Ridge. Since moving in, in March, they have been an active part in the community. They have never disturbed anyone, and even apologize if they have to park in front of our house if someone like a contractor is at their house to install solar panels (or similar).

Matthew spoke to us about his business and not only are we sure that it would not interfere with the neighborhood, but we know that if there was ever an issue he would address it. The things he does he has done to his own vehicles, and you wouldn't even know it if he didn't show you specifically as the garage doors are closed and doesn't make a lot of noise.

We are a close community and help each other out. We would like to see Matthew succeed with his business and stay occupied during retirement

A handwritten signature in cursive script, reading "Ingrid Sambrine". The signature is written in black ink and is positioned below the main body of text.

City council,

I live across the street and catacorner to Matthew. Matthew posted on social media about his business and how he planned to minimize any disruption to the neighborhood. I have never had an issue with him or his wife, and do not see why his business would change anything. Please accept his request to have his business officially registered in Harker Heights.

Albert Christy  1209 Stonewall Rdg.

Billy & Domonique Edwards
1302 Stonewall Ridge
Harker Heights, TX 76548

To whom it may concern,

I reached out to Matthew after he posted in our Facebook group explaining what he was trying to do with his small home business. I travel through our neighborhood regularly and have never noticed any increased traffic or waste from his house. He explained that he would not cause issues within the neighborhood, and always seems to be trying to help improve the neighborhood in the Facebook group. He has never given anyone a reason to think differently.

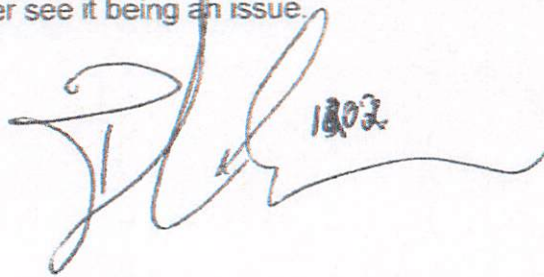
I hope you will consider his request and allow him to operate in our area.

Thank you,
Billy Edwards
Domonique Edwards

B. Edwards
D. Edwards

Council/commission,

My husband and I recently moved into the neighborhood. We have noticed that the neighborhood is welcoming and have spoken to Matthew about his business. We see no issues whatsoever with what he is doing or plans to do. There is almost no way to even know what is going on and no one around here that I have spoken to has any issues with it, unless they have excessive vehicles parked in front of their own house. However, Matthew doesn't even have excessive vehicles parked in front of his house, let alone other people's, so I don't ever see it being an issue.

A handwritten signature in black ink, appearing to be 'J. H.', with the number '1802' written next to it.

Received

JUL 21 2021

Planning & Development

TO: City of Harker Heights
Planning & Development Department

FROM:



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

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I RECOMMEND DENIAL OF THE REQUEST

Comments:

Looking at the enclosed map, it appears that the main road to get to the proposed business is Nola Ruth Blvd which is a heavy traveled road now and is in very poor condition so I cannot recommend that this business be approved.

DARVIN D. THOMAS

Printed Name

Signature

7-16-2021

Date



CITY COUNCIL MEMORANDUM

P21-24

AGENDA ITEM# IX-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: AUGUST 10, 2021

DISCUSS AND CONSIDER APPROVING A REQUEST FOR A MINOR PLAT WITH CONDITIONS, FOR THE SUBDIVISION REFERRED TO AS KROHN VALLEY ADDITION, ON PROPERTY DESCRIBED AS A 0.322 ACRE TRACT OF LAND IN BELL COUNTY, TEXAS, BEING PART OF THE PETER WILLIAMSON SURVEY, ABSTRACT NO. 1099, THE LAND HEREIN DESCRIBED BEING ALL OF A CALLED 0.322 ACRE TRACT OF LAND CONVEYED TO ANGEL K. KROHN, BEING OF RECORD IN VOLUME 5172, PAGE 415, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, BELL COUNTY, TEXAS (O.P.R.P.B.C.T.), GENERALLY LOCATED AT 3910 HILLTOP DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS; AND TAKE THE APPROPRIATE ACTION.

PROJECT DESCRIPTION:

The applicant submitted an application for minor plat approval for approximately 0.322 acres of occupied land south of Fuller Lane on property locally known as 3910 Hilltop Drive. The proposed development will consist of 1 lot that is presently zoned as One Family Dwelling District (R-1). There is currently a 3-bedroom manufactured home on the parcel. The applicant indicated that the proposed use for this parcel is to install a new 5-bedroom manufactured home. The 2007 Future Land Use Map shows the future use of this property to be Single Family Residential.

STAFF RECOMMENDATION:

As of July 20, 2021 staff had reviewed the submitted minor plat and made comments to address pertinent requirements to ensure that all developmental regulations stipulated in the City of Harker Heights Code of Ordinances will be adhered to. There are restrictions on the size of house that may be installed due to the parcel being serviced by a septic system (On-Site Sewage Facility/OSSF).

Staff recommended approval of the minor plat to the Planning and Zoning Commission with the following conditions:

1. All outstanding comments from Bell County Public Health shall be resolved prior to issuance of any building permits or replacement of a manufactured home on this parcel.

Staff recommended approval with conditions to the Planning & Zoning Commission in accordance with Texas Local Government Code Section 212.065 and the City of Harker Heights' Code of Ordinances §154.26(B)(2).

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

During the Planning & Zoning Commission meeting held on July 28, 2021, the Planning and Zoning Commission voted (7-0) to approve a Minor Plat for the subdivision referred to as Krohn Valley Addition, on property described as a 0.322 acre tract of land in Bell County, Texas, being part of the Peter Williamson Survey, Abstract No. 1099, the land herein described being all of a called 0.322 acre tract of land conveyed to Angel K. Krohn, being of record in Volume 5172, Page 415, Official Public Records of Real Property, Bell County, Texas (O.P.R.P.B.C.T.) generally located South of Fuller Lane and West of Hilltop Drive, Harker Heights, Bell County, Texas subject to the following condition:

1. All outstanding comments from Bell County Public Health shall be resolved prior to issuance of any building permits or replacement of a manufactured home on this parcel.

ACTION BY THE CITY COUNCIL:

1. Motion to **approve, approve with conditions, or disapprove with explanation** a request for Minor Plat for the subdivision referred to as Krohn Valley Addition, on property described as a 0.322 acre tract of land in Bell County, Texas, being part of the Peter Williamson Survey, Abstract No. 1099, the land herein described being all of a called 0.322 acre tract of land conveyed to Angel K. Krohn, being of record in Volume 5172, Page 415, Official Public Records of Real Property, Bell County, Texas (O.P.R.P.B.C.T.), generally located at 3910 Hilltop Drive, Harker Heights, Bell County, Texas.
2. Any other action desired.

ATTACHMENTS:

1. Application
2. Krohn Valley Addition - Minor Plat
3. Location Map
4. Staff Comments with Responses (Sent 07/09/2021; Received 07/15/2021)



City of Harker Heights
 Planning & Development
 305 Millers Crossing
 Harker Heights, TX 76548
 Phone: (254) 953-5647
 Fax: (254) 953-5666

Minor/Amending Plat Application

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

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

1. Pre-Application Meeting with Staff to ensure applicability
2. Payment of \$150.00 + \$3.00 per acre
3. Signed & Original Field Notes and Dedication

Property Information:

Plat Name: KROHN VALLEY ADDITION Date Submitted: Jun 2, 2021

Existing Lot Count: 1 Proposed Lot Count: 1 Acreage: 0.322

Site Address or General Location: 3910 Hilltop Drive, Harker Heights, TX 76548

Reason for Amendment/
 Description of Subdivision:

CLIENT REQUESTED A 1 LOT SUBDIVISION

Zoning Classification: R1 Existing Land Use: Residential

Located in Overlay District?: Yes No

Owner Information/Authorization:

Property Owner: Angel Kaye Krohn

Address: 3910 Hilltop Drive, Harker Heights, TX 76548

Phone: [REDACTED] E-mail: [REDACTED]

Developer: _____

Address: _____

Phone: _____ E-mail: _____

Engineer/Surveyor: Mitchell & Associates, Inc.

Address: 102 N. College/P.O. Box 1088 Killeen, TX 76540

Phone: [REDACTED] E-mail: [REDACTED]

I HEREBY UNDERSTAND AND ACKNOWLEDGE:

THE MINOR PLAT INVOLVES FOUR OR FEWER LOTS FRONTING ONTO AN EXISTING STREET WHERE THE CREATION OF A NEW STREET OR THE EXTENSION OF MUNICIPAL FACILITIES ARE NOT REQUIRED

OR

THE AMENDEND PLAT DOES NOT INCREASE THE NUMBER OF LOTS AND DOES NOT REQUIRE A NEW STREET OR EXTENSION OF MUNICIPAL FACILITIES.

Angel Krohn
 PRINTED NAME OF OWNER:

Angel Krohn
 OWNER SIGNATURE:

SWORN TO AND SUBSCRIBED BEFORE ME ON THIS 2 DAY OF June, 2021

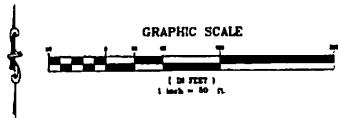
Brittney Rodriguez MY COMMISSION EXPIRES: MARCH 8, 2025
 NOTARY PUBLIC SIGNATURE



STAFF ONLY -- DO NOT FILL OUT BELOW

Date Submitted: 6/30/21 Receipt #: 01711419

Received By: W. Anderson Pre-Application Meeting Case #: 21-24



KROHN VALLEY ADDITION

SHOW ALL MEN BY THESE PRESENTS, that Angel K. Krohn, whose address is 3910 Hilltop Drive, Harker Heights, Texas 76548, here the sole owner of that certain 0.322 acre tract of land in Bell County, Texas, the land herein described being all of a certain 0.322 acre tract of land conveyed to Angel K. Krohn, being all of record to Volume 1372, Page 423, Official Public Records of said Precinct, Bell County, Texas (S.P. 43,232 & C-1), which is more fully described in the Declaration of **KROHN VALLEY ADDITION** as shown by the map hereto attached hereto, and made a part hereof, and approved by the City of Harker Heights, Bell County, Texas, **Block 7**, which does hereby amend said **KROHN VALLEY ADDITION** as an addition to the City of Harker Heights, Bell County, Texas, and hereby declares to said city of streets, avenues, roads, drives and alleys shown on said plat, the same to be used as public thoroughfares and for the installation and maintenance of public utilities when and as authorized by the City of Harker Heights. The utility and drainage easements shown on said plat are dedicated to said city for the installation and maintenance of any and all public utilities, which the city may wish or permit to be installed or maintained.

WITNESSE the execution hereof, on this _____ day of _____, 2011.
 Angel K. Krohn

Before me, the undersigned authority, on this day personally appeared Angel K. Krohn known to me to be the person whose name is subscribed to the foregoing instrument, it has been acknowledged to me that he executed the foregoing instrument as the owner of the property described herein.

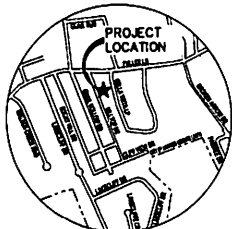
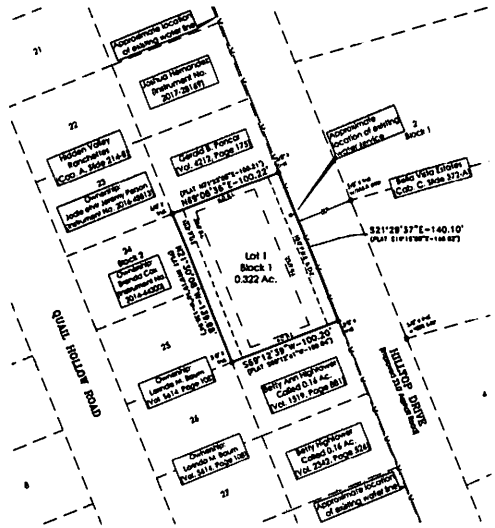
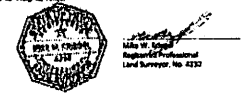
NOTARY PUBLIC STATE OF TEXAS
 My Commission Expires: _____

APPROVED this _____ day of _____, 2011, by the Director of Planning and Development of the City of Harker Heights, Bell County, Texas.

DIRECTOR OF PLANNING AND DEVELOPMENT

ATTORNEY AT LAW

SHOW ALL MEN BY THESE PRESENTS:
 That I, Mike W. Engel, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision and Property Development Regulations of the City of Harker Heights, Texas.



VICINITY MAP
 SCALE: N.T.S.

PROPERTY OWNER:
 Angel Kaya Krohn
 3910 Hilltop Dr.
 Harker Heights, TX 76548

SURVEYOR/ENGINEER:
 Mitchell & Associates, Inc.
 P.O. Box 1088
 KDean, TX 76540

- NOTES:**
- All bearings are based upon the Texas Coordinate System, NAD 83 (GCS T83), Texas Central Zone as determined by Leica Texas Smartnet GPS observations. All distances are surface distances. Combined scale factor=1.000146.
 - This subdivision is located in zone X, areas determined to be outside the 0.7% annual chance floodplain as indicated on the U.S. FEMA Agency boundary Map, (Flood Insurance Rate Map), Map No. 4907C0325E, effective date September 2A, 2008 for Bell County, Texas.
 - This subdivision will be served by on site sewerage facilities (OSF). The Bell County Health Department must approve any on site sewerage facilities installation prior to construction.

I, the undersigned, a registered profession in the State of Texas, hereby certify that this subdivision has been reviewed for compliance with applicable state and county regulations governing On-Site Sewerage Facilities and I hereby recommend for approval.

Signature _____ Date: _____
 Title _____ Bell County Public Health District

APPROVE:
 The Tax Appraiser District of Bell County, does hereby certify there are no claims or taxes due to the Tax Appraiser District of Bell County on the property described by this plat.

Dated this _____ day of _____, 20... A. D.
 By: _____
 Bell County Tax Appraiser District

FILED FOR RECORD this _____ day of _____, 20____, Plat Records of Bell County, Texas and Dedication Instrument # _____ Official Public Records of Real Property, Bell County, Texas.

1	2011	1	LOT	0.322	Ac.
2	2011	1	BLK	7	
3	2011	1	ADD		
4	2011	1	PLAT		
5	2011	1	MINOR		

KROHN VALLEY ADDITION
HARKER HEIGHTS, BELL COUNTY, TEXAS
MINOR PLAT

MITCHELL & ASSOCIATES, INC.
 ENGINEERING & SURVEYING
 7000 W. 10TH STREET
 WILLOW, TEXAS 75151
 PHONE: (254) 834-5541
 FAX: (254) 834-2141
 E-MAIL: info@mitassoc.com

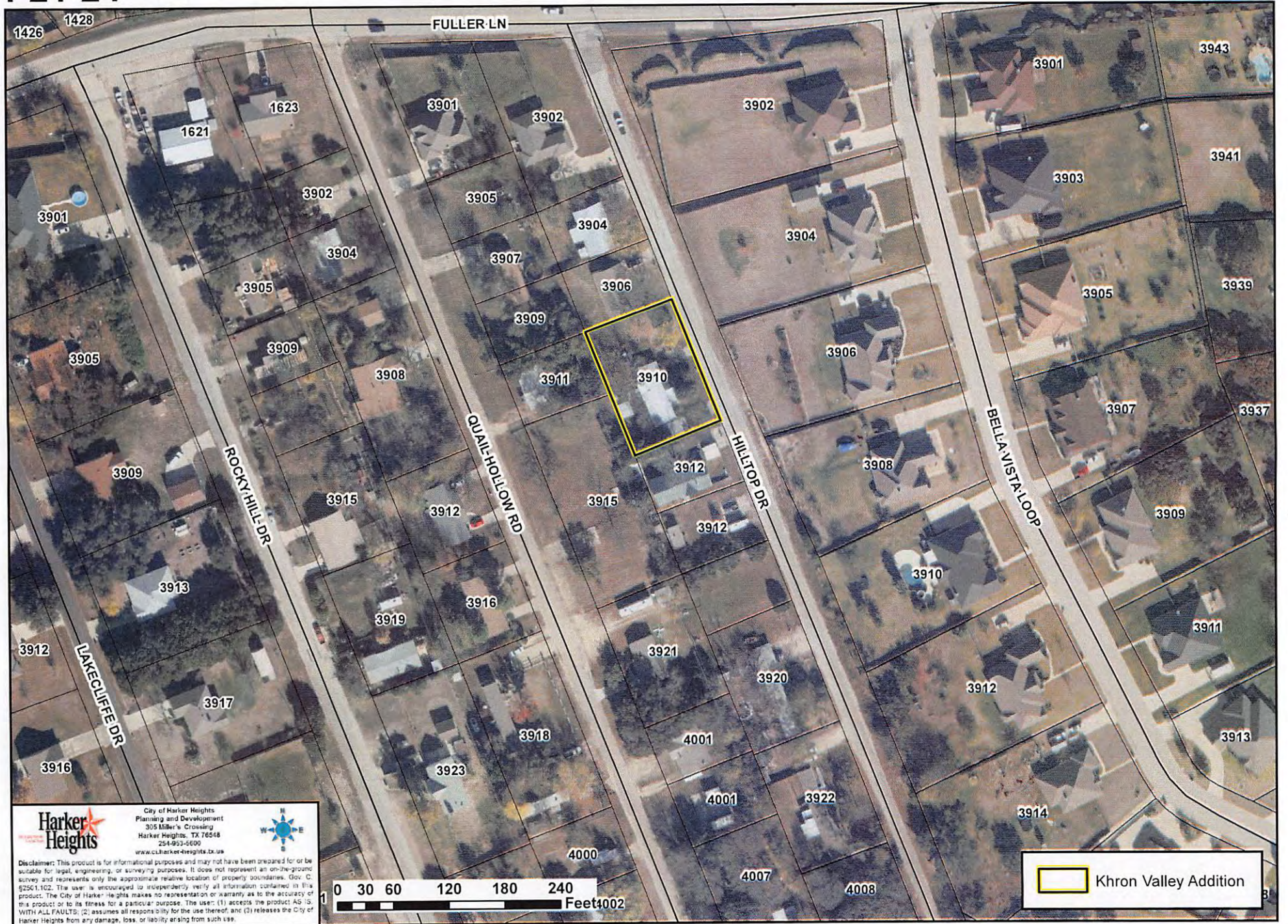
DATE: _____ BY: _____ TITLE: _____

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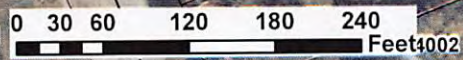
DATE: _____ BY: _____ TITLE: _____



City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 76548
 254-952-5600
 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. §2501.162. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of the 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.



 Khron Valley Addition

KROHN VALLEY ADDITION

P21-24 Minor Plat – Krohn Valley Addition

Plat Distributed to HH Staff: July 2, 2021

Comments Returned to Mitchell & Associates: July 9, 2021

Response by Mitchell & Associates: July 15, 2021

Planning & Development, Kristina Ramirez & Yvonne Spell

1. Applicant shall clarify ownership or amend the owners note or the signature block such that all owners are identified and sign the dedication statement. Bell County Tax records show the owners as KROHN, ANGEL KAYE ETVIR TIMOTHY PATRICK.

The property deed (Vol. 5172, Pg. 415) lists Angel Krohn as the sole owner. The listed marriage certificate is dated prior to the subject deed.

2. Applicant shall amend the Surveyor's Certificate & Tax Certification block such that they match the required language in § 154.22 (B) (1) (q) of the City of Harker Heights' Code of Ordinance.

Revised per ordinance.

3. Applicant shall amend the plat dedication page such that the required 1/100 scale is provided.

Applicant can also provide insets at a different scale in order to be legible. According to City of Harker Heights Code of Ordinances, 154.22 (B) (1) the scale requested must be 1 inch to 100 feet (1"=100') or larger. This plat is drawn at 1 inch to 50 feet (1"=50') meeting the scale requirement.

Public Works, Mark Hyde

1. The project location map is wrong. The lot is located between Hilltop Drive and Quail Hollow Road. The location map shows it between Hilltop Drive and Bella Vista Loop.

Revised.

Consulting Engineer, Otto Wiederhold

1. No Comments.

Fire Marshal, Brad Alley

1. City of Harker Heights Planning Department has not heard back from the fire department and comments may be forthcoming as of 07/09/2021.

Building Official, Mike Beard

1. No Comments.

ONCOR

1. Does not indicate any changes to Oncor easements/facilities.

Century Link, Chris McGuire

1. No Objections.

Time Warner Cable/Spectrum, Shaun Whitehead

ATMOS, Burton Jones

1. Atmos no conflict with the proposed plat.

Bell County Public Health, Kent Stephens & Sarah Little

Upgrading the size of structure requires an upgraded septic system to support the increased Mobile Home size. A 3 bedroom septic system will not support a 5 bedroom home. The size of the tank and drainfield for the 3 bedroom structure does not meet the State Laws for sizing. When the Health District originally gave approval, it was not known that the size of the home was to be increased. With this new information, we cannot approve the subdivision without a new system proposed to fit on the property.

If more information is needed or if this department can be of any further service to you, please contact Kent Stephens, R.S. in our Temple office at (254) 778-7557.

[Noted. We have proved this comment to the client and their builder for further action.](#)



CITY COUNCIL MEMORANDUM

AGENDA ITEM # IX-2

FROM: THE OFFICE OF THE CITY MANAGER

DATE: AUGUST 10, 2021

DISCUSS AND CONSIDER APPROVING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2021 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The City of Harker Heights, along with 171 other Mid-Texas cities served by Atmos Energy Corporation, Mid-Tex Division (“Atmos Mid-Tex” or “Company”), is a member of the Atmos Cities Steering Committee (“ACSC”). In 2007, ACSC and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a Gas Reliability Infrastructure Program (GRIP) filing. That settlement created a substitute rate review process, referred to as Rate Review Mechanism (“RRM”), as a substitute for future filings under the GRIP statute.

Since 2007, there have been several modifications to the original RRM Tariff. The most recent iteration of an RRM Tariff was reflected in an ordinance adopted by ACSC members in 2018 (adopted by Harker Heights on March 13, 2018). On or about April 1, 2021, the Company filed a rate request pursuant to the RRM Tariff adopted by ACSC members. The Company claimed that its cost-of-service in a test year ending December 31, 2020, entitled it to additional system-wide revenues of \$43.4 million.

ACSC’s Executive Committee and Atmos Mid-Tex negotiated a settlement where the Company would receive an increase of \$22.78 million from ACSC Cities with an effective date of December 1, 2021, saving ACSC cities approximately \$3.8 million. The impact of the settlement on average residential rates is an increase of \$1.28 on a monthly basis, or 2.2 percent. The increase for average commercial usage will be \$4.03 or 1.61 percent.

RECOMMENDATION:

Staff recommends approving the Resolution.

ACTION BY THE CITY COUNCIL:

1. Motion to APPROVE/DISAPPROVE a Resolution of the City Council of the City of Harker Heights, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the Company’s 2021 Rate Review Mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the Company to reimburse the ACSC’s reasonable ratemaking expenses; determining that this resolution was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this resolution to the Company and the ACSCs legal counsel.
2. Any other action desired.

ATTACHMENTS:

1. Resolution.
2. Exhibit A to 2021 RRM Resolution or Ordinance – Mid-Tex Tariffs Effective December 1, 2021
3. Exhibit B to 2021 RRM Resolution or Ordinance – Mid-Tex 2021 Benchmark for Pensions and Retiree Benefits.
4. Exhibit C to 2021 RRM Resolution or Ordinance – Mid-Tex 2021 Schedule for Amortization for Regulatory Liability

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2021 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.

WHEREAS, the City of Harker Heights, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), and a regulatory authority with an interest in the rates, charges, and services of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of similarly-situated cities served by Atmos Mid-Tex (“ACSC Cities”) that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, ACSC and the Company worked collaboratively to develop a Rate Review Mechanism (“RRM”) tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program (“GRIP”) process instituted by the Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and

WHEREAS, the current RRM tariff was adopted by the City in a rate ordinance in 2018; and

WHEREAS, on about April 1, 2021, Atmos Mid-Tex filed its 2021 RRM rate request with ACSC Cities based on a test year ending December 31, 2020; and

WHEREAS, ACSC coordinated its review of the Atmos Mid-Tex 2021 RRM filing through its Executive Committee, assisted by ACSC’s attorneys and consultants, to resolve issues identified in the Company’s RRM filing; and

WHEREAS, the Executive Committee, as well as ACSC’s counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$22.78 million applicable to ACSC Cities with an Effective Date of December 1, 2021; and

WHEREAS, ACSC agrees that Atmos’ plant-in-service is reasonable; and

WHEREAS, with the exception of approved plant-in-service, ACSC is not foreclosed from future reasonableness evaluation of costs associated with incidents related to gas leaks; and

WHEREAS, the two-month delayed Effective Date from October 1 to December 1 will save ACSC ratepayers approximately \$3.8 million off new rates imposed by the attached tariffs (Exhibit A); and

WHEREAS, the attached tariffs (Exhibit A) implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and

WHEREAS, the settlement agreement sets a new benchmark for pensions and retiree medical benefits (Exhibit B); and

WHEREAS, the settlement agreement establishes an amortization schedule for regulatory liability prepared by Atmos Mid-Tex (Exhibit C); and

WHEREAS, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS:

Section 1. That the findings set forth in this Resolution are hereby in all things approved.

Section 2. That, without prejudice to future litigation of any issue identified by ACSC, the City Council finds that the settled amount of an increase in revenues of \$22.78 million for ACSC Cities represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2021 RRM filing, is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

Section 3. That despite finding Atmos Mid-Tex's plant-in-service to be reasonable, ACSC is not foreclosed in future cases from evaluating the reasonableness of costs associated with incidents involving leaks of natural gas.

Section 4. That the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as Exhibit A, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$22.78 million from customers in ACSC Cities, over the amount allowed under currently approved rates. Such tariffs are hereby adopted.

Section 5. That the ratemaking treatment for pensions and retiree medical benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on Exhibit B, attached hereto and incorporated herein.

Section 6. That subject to any future settlement or decision regarding the balance of Excess Deferred Income Tax to be refunded to ratepayers, the amortization of regulatory liability shall be consistent with the schedule found in Exhibit C, attached hereto and incorporated herein.

Section 7. That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company's 2021 RRM filing.

Section 8. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Resolution, it is hereby repealed.

Section 9. That the meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 10. That if any one or more sections or clauses of this Resolution is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

Section 11. That consistent with the City Ordinance that established the RRM process, this Resolution shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after December 1, 2021.

Section 12. That a copy of this Resolution shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Thomas Brocato, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE 10TH DAY OF AUGUST, 2021.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary

Exhibit A
to 2021 RRM Resolution or Ordinance

Mid-Tex Tariffs
Effective December 1, 2021

RATE SCHEDULE:	R – RESIDENTIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2021	PAGE:

Application

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 20.85 per month
Rider CEE Surcharge	\$ 0.05 per month ¹
Total Customer Charge	\$ 20.90 per month
Commodity Charge – All Ccf	\$0.27979 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2021.

RATE SCHEDULE:	C – COMMERCIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2021	PAGE: Page

Application

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 56.50 per month
Rider CEE Surcharge	\$ 0.01 per month ¹
Total Customer Charge	\$ 56.51 per month
Commodity Charge – All Ccf	\$ 0.12263 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹ Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2021.

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2021	PAGE:

Application

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 1,054.75 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.4330 per MMBtu
Next 3,500 MMBtu	\$ 0.3171 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0680 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailement Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2021	PAGE:

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2021	PAGE:

Application

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 1,054.75 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.4330 per MMBtu
Next 3,500 MMBtu	\$ 0.3171 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0680 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

Monthly Imbalance Fees

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2021	PAGE:

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

A transportation agreement is required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2021	PAGE:

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

- Where
- i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification
 - $WNAF_i$ = Weather Normalization Adjustment Factor for the i^{th} rate schedule or classification expressed in cents per Ccf
 - R_i = Commodity Charge rate of temperature sensitive sales for the i^{th} schedule or classification.
 - HSF_i = heat sensitive factor for the i^{th} schedule or classification divided by the average bill count in that class
 - NDD = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.
 - ADD = billing cycle actual heating degree days.
 - BL_i = base load sales for the i^{th} schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the j th customer in i th rate schedule is computed as:

$$WNA_j = WNAF_i \times q_{ij}$$

Where q_{ij} is the relevant sales quantity for the j th customer in i th rate schedule.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2021	PAGE:

Base Use/Heat Use Factors

Weather Station	<u>Residential</u>		<u>Commercial</u>	
	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>
Abilene	11.88	0.1459	85.39	0.6996
Austin	10.34	0.1452	194.82	0.9398
Dallas	15.21	0.1915	148.19	1.0986
Waco	10.63	0.1373	130.39	0.7436
Wichita Falls	12.63	0.1398	109.17	0.5803

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at atmosenergy.com/mtx-wna, in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNA factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and an Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

Exhibit B
to 2021 RRM Resolution or Ordinance

Mid-Tex
2021 Benchmark for Pensions
and Retiree Benefits

**ATMOS ENERGY CORP., MID-TEX DIVISION
PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL
TEST YEAR ENDING DECEMBER 31, 2020**

Line No.	Description	Shared Services		Mid-Tex Direct			Adjustment Total
		Pension Account Plan	Post-Employment Benefit Plan	Pension Account Plan	Supplemental Executive Benefit Plan	Post-Employment Benefit Plan	
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Proposed Benefits Benchmark - Fiscal Year 2021 Willis Towers Watson Report as adjusted (1) (2) (3)	\$ 2,917,949	\$ 4,908,358	\$ 5,447,063	\$ 293,818	\$ 6,600,073	
2	Allocation to Mid-Tex	43.68%	43.68%	76.11%	100.00%	76.11%	
3	Proposed Benefits Benchmark Costs Allocated to Mid-Tex (Ln 1 x Ln 2)	\$ 1,274,655	\$ 2,144,130	\$ 4,145,546	\$ 293,818	\$ 5,023,057	
4	O&M and Capital Allocation Factor	100.00%	100.00%	100.00%	100.00%	100.00%	
5	Proposed Benefits Benchmark Costs to Approve (Ln 3 x Ln 4) (3)	\$ 1,274,655	\$ 2,144,130	\$ 4,145,546	\$ 293,818	\$ 5,023,057	\$ 12,881,205
6							
7							
8	Summary of Costs to Approve (1):						
9							
10	O&M Expense Factor (WP_F-2.3, Ln 2)	75.07%	75.07%	38.66%	11.00%	38.66%	
11							
12							
13	Total Pension Account Plan	\$ 956,873		\$ 1,602,484			\$ 2,559,357
14	Total Post-Employment Benefit Plan		\$ 1,609,582			\$ 1,941,691	3,551,272
15	Total Supplemental Executive Benefit Plan				\$ 32,322		32,322
16	Total (Ln 13 + Ln 14 + Ln 15)	\$ 956,873	\$ 1,609,582	\$ 1,602,484	\$ 32,322	\$ 1,941,691	\$ 6,142,952

17 Notes:

- 18 1. Studies not applicable to Mid-Tex or Shared Services are omitted.
- 19 2. Mid-Tex is proposing that the Fiscal Year 2021 Willis Towers Watson actuarial amounts shown on WP_F-2.3 and WP_F-2.3.1, be approved by the RRM Cities as the
- 20 benchmark amounts to be used to calculate the regulatory asset or liability for future periods. The benchmark amount approved by the RRM Cities for future periods
- 21 includes only the expense amount. The amount attributable to capital is recorded to utility plant through the overhead process as described in the CAM.
- 22 3. SSU amounts exclude cost centers which do not allocate to Mid-Tex for rate making purposes.
- 23

Exhibit C
to 2021 RRM Resolution or Ordinance

Mid-Tex 2021 Schedule for
Amortization for Regulatory Liability

**ATMOS ENERGY CORP., MID-TEX DIVISION
RATE BASE ADJUSTMENTS
TEST YEAR ENDING DECEMBER 31, 2020
AMORTIZATION OF REGULATORY LIABILITY**

Line No.	Year Ended Dec. 31	Beginning Protected Balance	Protected Amortization	Ending Protected Balance	Beginning Unprotected Balance	Unprotected Amortization	Ending Unprotected Balance	Total Protected & Unprotected Amortization	Total Protected & Unprotected Balance
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
1	2017 (3)	\$ -	\$ -	\$ (51,477,654)	\$ -	\$ -	\$ 343,746,535	\$ -	\$ 292,268,881
2	2018	(51,477,654)	494,977	(50,982,677)	343,746,535	(3,513,868)	340,232,667	(3,018,891)	289,249,991
3	2019	(50,982,677)	1,979,910	(49,002,767)	340,232,667	(14,057,872)	326,174,795	(12,077,963)	277,172,028
4	2020	(49,002,767)	1,979,910	(47,022,857)	326,174,795	(13,988,908)	312,185,886	(12,008,999)	265,163,029
5	2021	(47,022,857)	3,464,842	(43,558,015)	312,185,886	(26,390,127)	285,795,760	(22,925,284)	242,237,745
6	2022	(43,558,015)	1,979,910	(41,578,105)	285,795,760	(60,167,528)	225,628,231	(58,187,619)	184,050,126
7	2023	(41,578,105)	1,979,910	(39,598,195)	225,628,231	(60,167,528)	165,460,703	(58,187,619)	125,862,508
8	2024	(39,598,195)	1,979,910	(37,618,286)	165,460,703	(60,167,528)	105,293,175	(58,187,619)	67,674,889
9	2025	(37,618,286)	1,979,910	(35,638,376)	105,293,175	(60,167,528)	45,125,646	(58,187,619)	9,487,270
10	2026	(35,638,376)	1,979,910	(33,658,466)	45,125,646	(45,125,646)	(0)	(43,145,737)	(33,658,466)
11	2027	(33,658,466)	1,979,910	(31,678,556)	(0)	(0)		1,979,910	(31,678,556)
12	2028	(31,678,556)	1,979,910	(29,698,647)	-	-		1,979,910	(29,698,647)
13	2029	(29,698,647)	1,979,910	(27,718,737)	-	-		1,979,910	(27,718,737)
14	2030	(27,718,737)	1,979,910	(25,738,827)	-	-		1,979,910	(25,738,827)
15	2031	(25,738,827)	1,979,910	(23,758,917)	-	-		1,979,910	(23,758,917)
16	2032	(23,758,917)	1,979,910	(21,779,007)	-	-		1,979,910	(21,779,007)
17	2033	(21,779,007)	1,979,910	(19,799,098)	-	-		1,979,910	(19,799,098)
18	2034	(19,799,098)	1,979,910	(17,819,188)	-	-		1,979,910	(17,819,188)
19	2035	(17,819,188)	1,979,910	(15,839,278)	-	-		1,979,910	(15,839,278)
20	2036	(15,839,278)	1,979,910	(13,859,368)	-	-		1,979,910	(13,859,368)
21	2037	(13,859,368)	1,979,910	(11,879,459)	-	-		1,979,910	(11,879,459)
22	2038	(11,879,459)	1,979,910	(9,899,549)	-	-		1,979,910	(9,899,549)
23	2039	(9,899,549)	1,979,910	(7,919,639)	-	-		1,979,910	(7,919,639)
24	2040	(7,919,639)	1,979,910	(5,939,729)	-	-		1,979,910	(5,939,729)
25	2041	(5,939,729)	1,979,910	(3,959,820)	-	-		1,979,910	(3,959,820)
26	2042	(3,959,820)	1,979,910	(1,979,910)	-	-		1,979,910	(1,979,910)
27	2043	(1,979,910)	1,979,910	0	-	-		1,979,910	0
28									
29	Revenue Related Tax Factor					See WP_F-5.1		6.79%	
30	Revenue Related Taxes on Annual Amortization					Amortization * Tax Factor		\$ 3,949,355	
31	Amortization Including Revenue Related Taxes					Amortization + Taxes		\$ 62,136,973	

Notes:

1. The annual amortization of the protected balance is a 26 year recovery period based on the Reverse South Georgia Method. The annual amortization of the unprotected balance is 5 years.
2. The Regulatory Liability is recorded to FERC Accounts 253 and 242, Sub Account 27909.
3. This is the final Mid-Tex liability balance filing the Fiscal Year 2018 tax return.



CITY COUNCIL MEMORANDUM

AGENDA ITEM # IX-3

FROM: THE OFFICE OF THE CITY MANAGER

DATE: AUGUST 10, 2021

DISCUSS AND CONSIDER APPROVING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT WITH PATILLO, BROWN & HILL, LLP TO AUDIT THE CITY OF HARKER HEIGHTS FOR FISCAL YEAR 2020-2021 WITH THE OPTION TO AUDIT FOR FOUR SUBSEQUENT FISCAL YEARS, AND TAKE APPROPRIATE ACTION.

BACKGROUND:

The City of Harker Heights advertised a Request for Proposals – Professional Auditing Services on April 18 and April 25, 2021. Packets were sent out to eight firms. On June 1st at 2:00 p.m., the receipt of three responses were confirmed. Those firms were Pattillo, Brown & Hill, LLP (Waco); Lott, Vernon & Company, P.C. (Temple); and Singleton, Clark & Company, P.C. (Cedar Park).

Each firm was evaluated based on the following criteria:

- Experience and performance on comparable government engagements.
- Quality of professional personnel to be assigned to the engagement and the quality of the management support personnel to be available for technical consultation.
- Adequacy of the proposed staffing plan for various segments of the engagement.
- Past experience with the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting Program.
- Ability to perform additional service and provide technical support throughout the year.
- Five references.
- Price.

Firm's Name	Total Score (out of 100)
Pattillo, Brown & Hill, LLP	98
Lott, Vernon & Company, P.C.	91
Singleton, Clark & Company, P.C.	82

The Selection Committee recommends a contract be negotiated with Pattillo, Brown & Hill, LLP.

RECOMMENDATION:

Staff recommends approving the Resolution.

ACTION BY THE CITY COUNCIL:

1. Motion to APPROVE/DISAPPROVE a Resolution authorizing the City Manager to negotiate a contract with Pattillo, Brown & Hill, LLP to audit the City of Harker Heights for Fiscal Year 2020-2021 with the option to audit for four subsequent years.
2. Any other action desired.

ATTACHMENTS:

1. Resolution.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT WITH PATTILLO, BROWN & HILL, LLP TO AUDIT THE CITY OF HARKER HEIGHTS FOR FISCAL YEAR 2020-2021 WITH THE OPTION FOR FOUR SUBSEQUENT FISCAL YEARS

WHEREAS, the City charter and State law require the City to be audited by an independent auditor annually; and

WHEREAS, the City of Harker Heights advertised a Request for Proposals for Professional Auditing Services on April 18 and April 25, 2021; and

WHEREAS, Request for Proposal packets were sent to eight firms; and

WHEREAS, the Selection Committee has determined that Pattillo, Brown & Hill, LLP is the best choice for the City's auditor.

THEREFORE, BE IT RESOLVED by the City Council of the City of Harker Heights, Texas that the City Manager is authorized to negotiate a contract with Pattillo, Brown & Hill, LLP to audit the City of Harker Heights for Fiscal Year 2020-2021 with the option to audit for four subsequent fiscal years.

PRESENTED AND PASSED on this the 10th day of August 2021, by a vote of _____ ayes and _____ nays at a regular meeting of the City Council of the City of Harker Heights, Texas.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



CITY COUNCIL MEMORANDUM

AGENDA ITEM # IX-4

FROM: THE OFFICE OF THE CITY MANAGER

DATE: AUGUST 10, 2021

DISCUSS AND CONSIDER APPROVING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, AUTHORIZING THE CREATION OF THE CENTRAL TEXAS REGIONAL 9-1-1 EMERGENCY COMMUNICATIONS DISTRICT, AND TAKE THE APPROPRIATE ACTION.

BACKGROUND:

The State's 9-1-1 Program for Bell County is currently administered by the Central Texas Council of Governments (CTCOG). Citizens and businesses are charged 50 cents on their phone bills to pay for 9-1-1 services. This money is remitted to and held by the State until the legislature appropriates all or part of the funds collected to the Texas Commission on State Emergency Communications (CSEC). CSEC then allocates and distributes these funds. The Legislature does not always appropriate all the funds collected, but rather retains some of the funds to show (on paper) a balanced state budget.

The Health and Safety Code was amended to allow the establishment of Regional Emergency Communications Districts (ECD). If CTCOG creates an Emergency Communication District (ECD), the monies collected through the maximum 50 cent fee would be remitted in their entirety back to CTCOG. Aside from all the funds collected in our region coming back to our region, a long-range strategic plan could be adopted outlining future capital improvements and replacements for the dispatch center based on a known and reliable stream of revenue.

Policy and budgetary matters would be decided by a Board of Directors consisting of local elected officials from entities served by the CTCOG 9-1-1 Program. The councils of governments, CTCOG in our case, will continue to staff the district. This assures that there will be no disruption to the current services provided to our citizens and businesses. The CTCOG Board of Directors have indicated an interest in creating an ECD but the law requires the governing body of each entity now served by CTCOG to pass a Resolution allowing the creation of the ECD in Bell County.

RECOMMENDATION:

Staff recommends approving the Resolution.

ACTION BY THE CITY COUNCIL:

1. Motion to APPROVE/DISAPPROVE a Resolution of the City Council of the City of Harker Heights, Texas, authorizing the creation of the Central Texas Regional 9-1-1 Emergency Communications District.
2. Any other action desired.

ATTACHMENTS:

1. Resolution.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, AUTHORIZING THE CREATION OF THE CENTRAL TEXAS REGIONAL 9-1-1 EMERGENCY COMMUNICATIONS DISTRICT

WHEREAS, Chapter 772, Subchapter H, of the Texas Health and Safety Code, cited as the Regional Emergency Communications District Act (the “act”), provides the creation of a Regional Emergency Communications District: and

WHEREAS, the act applies to a state planning region established under Chapter 391 of the Texas Local Government Code with a population of under 1.5 million, composed of counties and municipalities that operate a 9-1-1 system solely through a regional planning commission: and

WHEREAS, the Act requires that the governing bodies of each participating county and municipality in the region adopt a resolution approving the creation of the Regional Emergency Communications District (the “District”): and

WHEREAS, as of May 25, 1989, the City of Harker Heights exclusively receives 9-1-1 system services operated through the Council of Governments, a regional planning commission.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY OF HARKER HEIGHTS, TEXAS, AUTHORIZES THE CREATION OF 9-1-1 EMERGENCY COMMUNICATIONS DISTRICT.

Passed and approved on the 10th day of August 2021 at a regularly scheduled Council Meeting of the City of Harker Heights, Texas.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary