

HEWITT TEXAS

PLANNING & ZONING COMMISSION NOTICE OF MEETING

December 5, 2023 at 6:00 PM

Hewitt City Hall, 200 Patriot Court, Hewitt, TX 76643

AGENDA

Commission: Walter H. Peterson, Chairman

Travis Bailey, Bobby Drake, Dustin Crawford, Brian Dalrymple, Michael Lee Hix, Paul Lasater

City Staff: Bo Thomas - City Manager, Miles Whitney - City Engineer, Tracy Lankford -

Community Development Director, Brittney Cantu - Zoning Secretary

Planning and Zoning meetings are held as needed on the first Tuesday of each month at 6 PM in the City of Hewitt Council Chambers unless otherwise posted.

CALL TO ORDER

PUBLIC HEARING(S) AND RELATED ACTION

1. Consider a request by Indiana Cahill for a special permit request for a daycare to be located at 428 Sagewood Drive, more particularly described as Chapman Farms Addition Phase II, Lot 7, Block 4.

REGULAR AGENDA ITEMS

2. Consider a request by Indiana Cahill for a special permit request for a daycare to be located at 428 Sagewood Drive, more particularly described as Chapman Farms Addition Phase II, Lot 7, Block 4.
3. Minute Approval

ADJOURNMENT

I, the undersigned authority, do hereby certify that the above notice of a meeting of the Planning and Zoning Commission of the City of Hewitt, Texas was posted on a Public Notice Board located in front of City Hall on December 1, 2023, by 5:00 PM.

CITY OF HEWITT

A handwritten signature in black ink that reads "Brittney Cantu". The signature is written in a cursive, flowing style.

Brittney Cantu
City of Hewitt Zoning Secretary

In compliance with the Americans with Disabilities Act, the City of Hewitt will provide reasonable accommodations for persons attending and/or participating in City Council meetings. The facility is wheelchair accessible, with accessible parking available at the front of the building. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting by calling the Zoning Secretary at 254.666.6173.

PART 4. - SPECIAL PERMITS

Section 4.1. - Certain uses may be located by special permit.

- Uses listed in section 4.101 may locate in certain zones under certain conditions by a special permit granted by the council after a report and recommendation by the planning and zoning commission. After receiving an application for permit, the planning and zoning commission shall hold a public hearing to determine the effect of such proposed use upon the neighborhood character, traffic, public utilities, public health, public safety, and general welfare. Such public hearing shall be substantially the same and notices shall be given in accordance with state statutes and city ordinances regulating the rezoning of property. After receiving the report and recommendation of the planning and zoning commission, the city council shall also hold a public hearing to be substantially the same required by state statute and city ordinance regulating the rezoning of property.

Section 4.101. - [Specific uses and conditions.]

- Uses for which special permits must be secured, conditions that must be observed, and districts in which use may be allowed are:

Use	Specific Conditions	District
Electric substations, gas odorizing stations and gate stations	As prescribed by the planning and zoning commission and approved by the city council	Any
Heliport	As prescribed by the planning and zoning commission and approved by the city council with prior approval of Civil Aeronautics Admin	C-1, C-2, C-O, M
Telecommunication towers	As prescribed by planning and zoning commission and approved by city council and FCC	Any
Model homes sales office	As prescribed by planning and zoning commission and approved by city council	R-1, R-2, R-3, R-4 and R-5
Nursery, pre-kindergarten, kindergarten, play, day care, special and other private schools*	As prescribed by planning and zoning and approved by city council following a favorable response of 60% of the owners of the property located within 200 feet	R-1 and R-2
Temporary fundraising activities by recognized charitable or religious entities, however organized, while conducting said fundraising activities on its own real property	As prescribed by planning and zoning commission and approved by city council	R-1, R-2, R-3, R-4, and R-5

* The keeping of six or less children for compensation, shall be a home occupation and shall be exempt from this section [appendix].

Section 4.102. - Application fees.

- Any application for a special use permit under provisions of this ordinance shall be accompanied by a fee as established by resolution of the city council.

Section 4.103. - Expiration.

- Special use permits shall expire at such time as shall be prescribed by the city council.
- Shall be reviewed at anytime conditions change or staff recommends.

HEWITT TEXAS

PLANNING AND ZONING SPECIAL PERMIT APPLICATION

Legal Description of Property: Lot (7) in Block (4) of the Chapman Farm addition Phase II to the City of Hewitt, McLennan County.

Describe the location of the property as submitted by this application. This may be in the form of a street address, general description, or nearest intersection.

425 Sagewood Drive Hewitt TX, 76643

Proposed Special Permit: Licensed Child-Care Home

Please describe the interest in property:

We would like to open a licensed child care home to make a difference in children's lives by helping and teaching.

Existing Building(s) on Property: Single Family

Total square feet of all Buildings on Property: 2,240 sqft

Please provide the following recording information and a copy of the document(s) listed below with this application:

Ownership (deed): Doc. #/MCC No.: 2019037497

Please provide the proposed meeting date for this application to be considered (See Meeting Schedule): _____

The rezoning application must be completed along with the following information:

1. A notarized letter from the property owner authorizing applicant to present the request, if the property owner will not be presenting the request and stating reasons for request.
2. Submit one (1) PDF file, one (1) hardcopy, one (1) CAD file of plat for review purposes – Must be in State Plane Coordinates using the Texas Central Zone NAD 83.
3. Submit one (1) copy of building plans, if existing building(s) exist.
4. Non-refundable application fee (see Fee Schedule)
5. Application, fee, documents, etc., in completed form must be submitted to the Planning Department before or no later than 12:00 noon on the deadline date (see schedule).

I attest that the above information is true and correct to the best of my knowledge and I am now or will be fully prepared to present the above proposal at the Planning and Zoning Commission hearing. I understand that if any of the above information is found to be wrong or inaccurate that my application may be removed from consideration prior to the time the application is voted upon by the governing body of the City.

I, understand that in the event the undersigned is not present or represented at the public hearing, the Planning and Zoning Commission shall have the power to dismiss this proposal either at the call of the case or after hearing and such dismissal shall constitute a denial by both the Planning and Zoning Commission and the City Council.

I reserve the right to withdraw this proposal. However, written withdrawals filed at any time after the giving of notice to the Planning and Zoning Commission shall constitute a denial by the Commission and City Council. I understand that the filing fee is not refundable upon withdrawal of proposal.

Name of Property Owner:

Indiana Ley Cahill

Telephone Number:

648 wildflower Mcgregor TX 76657

Mailing Address:

786 600 5337

Email Address:

Indianeley16@gmail.com

Signature of Property Owner:

11/14/2023

Date:

~~11/14/2023~~

Name of Applicant/Representative:

Marlene Chariano

Telephone Number:

786 416 4344

Mailing Address:

428 Segewood Dr Hewitt TX 76643

Email Address:

MarleneChariano@gmail.com

Signature of Applicant/Representative:

Marlene Chariano

Date:

11/14/2023

November 14, 2023

To Whom It May Concern,

I, Marlene Chaviano, residing at 425 Sagewood Drive, Hewitt, TX 76643, am submitting a request for a special permit to establish a Licensed Child-Care Home at the same address. My primary objective is to contribute to the community and impact the lives of children positively by providing nurturing care and early education.

With over 25 years of combined experience in childcare and teaching, I relocated to Texas in August with the aim of realizing my dream of opening a childcare facility. I am duly approved by the Texas Health and Human Services Commission and have obtained the childcare license with a total capacity of 12 students. My daughter Indiana Cahill will volunteer and help me operate the child-care. Our facility successfully passed inspection, and the permit was granted on November 10, 2023.

Throughout this process, we have been meticulous in ensuring full compliance with all relevant laws and standards. Our stringent rules and policies cover areas such as drop-off, pickup, and parking, with a commitment to minimizing any impact on the surrounding neighborhood. We assure you that there will be no vehicles parked outside the residence, and traffic will be inconspicuous as every child is picked up and dropped off in accordance with their family's specific needs.

We kindly request your favorable consideration of our special permit request as we aspire to make a positive and meaningful contribution to this community.

Sincerely,

Marlene Chaviano

[786-416-4344]

Marlenechaviano@gmail.com

www.Dreamhousechildcare.com

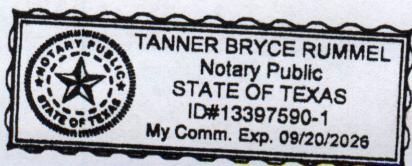
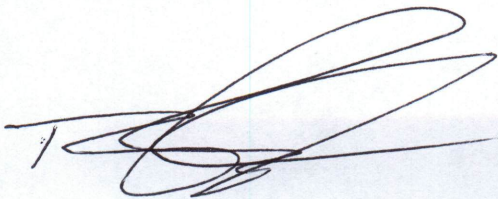
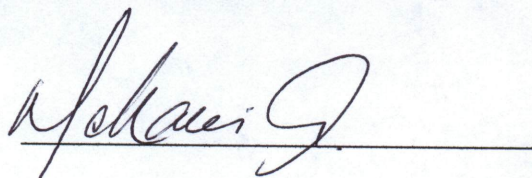
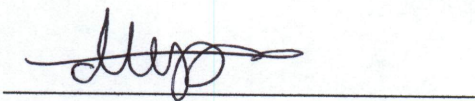
November 14, 2023

Notarized Letter from The Property Owner

I Indiana Ley Cahill owner of 425 Sagewood Drive Hewitt, TX, 76643 authorize Marlene Chaviano who is the current residence of 425 Sagewood Drive Hewitt, TX, 76643 to present the request for a Licensed Child-Care home to the city of Hewitt Texas for the planning and zoning special permit application.

Indiana Ley Cahill Signature

Marlene Chaviano Signature



TEXAS HEALTH AND HUMAN SERVICES COMMISSION

CHILD CARE LICENSING

This is to certify:

Dream House Childcare

425 SAGEWOOD DR
HEWITT, TX 76643 -3347

has been issued a License to operate as a
Licensed Child-Care Home
Under the provisions of Chapter 42, Human Resources Code.

Located at:

Dream House Childcare

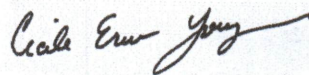
425 SAGEWOOD DR
HEWITT, TX 76643 -3347

Ages:
Toddlers, Pre-Kindergarten, School

Total Capacity: 12

License Number: 1786587

INITIAL PERMIT
Issuance Date: November 10, 2023
Effective until: May 10, 2024.



Cecile Erwin Young, Executive Commissioner

Attention:

- . This permit must be posted in a prominent place on premises where parents and others may see it during operating hours.
- . This permit is non-transferable and shall remain in effect until it expires, the Texas Health and Human Services Commission revokes or suspends it, or the Holder surrenders it.

Parents:

To verify the status of this permit or to check the compliance history, please call your local licensing office or visit www.txchildcaresearch.org.

We Certify That This Document is a True
And Correct Copy of the Original Document
Alamo Title Company
By: _____

After Recording Return To:
EXTRACO BANKS, N.A. DBA EXTRACO MORTGAGE
200 HEWITT
WACO, TEXAS 76712

This instrument was prepared by:
EXTRACO BANKS, N.A. DBA EXTRACO MORTGAGE
P.O. BOX 7595
WACO, TX 76714
254-761-2108

(Space Above This Line For Recording Data)

DEED OF TRUST

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

DEFINITIONS

Words used in multiple sections of this document are defined below and other words are defined in Sections 3, 11, 13, 18, 20 and 21. Certain rules regarding the usage of words used in this document are also provided in Section 16.

- (A) "Security Instrument" means this document, which is dated **August 25, 2021**, together with all Riders to this document.
- (B) "Borrower" is **ANTHONY P CAHILL AND INDIANA LEY, HUSBAND AND WIFE**. Borrower is the grantor under this Security Instrument.
- (C) "Lender" is **EXTRACO BANKS, N.A. DBA EXTRACO MORTGAGE**, organized and existing under the laws of **TEXAS**. Lender's address is **1700 N VALLEY MILLS DR, WACO, TEXAS 76710**. Lender is the beneficiary under this Security Instrument.
- (D) "Trustee" is **CHRIS KINCAID**. Trustee's address is **PO BOX 7595, WACO, TEXAS 76714, MCLENNAN County**.
- (E) "Note" means the promissory note signed by Borrower and dated **August 25, 2021**. The Note states that Borrower owes Lender **TWO HUNDRED SIXTY-THREE THOUSAND AND NO/100 Dollars (U.S. \$263,000.00)** plus interest. Borrower has promised to pay this debt in regular Periodic Payments and to pay the debt in full not later than **September 1, 2036**.
- (F) "Property" means the property that is described below under the heading "Transfer of Rights in the Property."
- (G) "Loan" means the debt evidenced by the Note, plus interest, any prepayment charges and late charges due under the Note, and all sums due under this Security Instrument, plus interest.

TEXAS-Single Family-Fannie Mae/Freddie Mac UNIFORM INSTRUMENT

IDS, Inc. - 31656

Page 1 of 13

Form 3044 1/01 (rev. 10/17)

Borrower(s) Initials

IL



(H) "Riders" means all Riders to this Security Instrument that are executed by Borrower. The following Riders are to be executed by Borrower (check box as applicable):

- | | | |
|---|---|--|
| <input type="checkbox"/> Adjustable Rate Rider | <input type="checkbox"/> Condominium Rider | <input type="checkbox"/> Second Home Rider |
| <input type="checkbox"/> Balloon Rider | <input type="checkbox"/> Planned Unit Development Rider | <input type="checkbox"/> VA Rider |
| <input type="checkbox"/> 1-4 Family Rider | <input type="checkbox"/> Biweekly Payment Rider | |
| <input checked="" type="checkbox"/> Other (Specify) | | |

(I) "Applicable Law" means all controlling applicable federal, state and local statutes, regulations, ordinances and administrative rules and orders (that have the effect of law) as well as all applicable final, non-appealable judicial opinions.

(J) "Community Association Dues, Fees, and Assessments" means all dues, fees, assessments and other charges that are imposed on Borrower or the Property by a condominium association, homeowners association or similar organization.

(K) "Electronic Funds Transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, computer, or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account. Such term includes, but is not limited to, point-of-sale transfers, automated teller machine transactions, transfers initiated by telephone, wire transfers, and automated clearinghouse transfers.

(L) "Escrow Items" means those items that are described in Section 3.

(M) "Miscellaneous Proceeds" means any compensation, settlement, award of damages, or proceeds paid by any third party (other than insurance proceeds paid under the coverages described in Section 5) for: (i) damage to, or destruction of, the Property; (ii) condemnation or other taking of all or any part of the Property; (iii) conveyance in lieu of condemnation; or (iv) misrepresentations of, or omissions as to, the value and/or condition of the Property.

(N) "Mortgage Insurance" means insurance protecting Lender against the nonpayment of, or default on, the Loan.

(O) "Periodic Payment" means the regularly scheduled amount due for (i) principal and interest under the Note, plus (ii) any amounts under Section 3 of this Security Instrument.

(P) "RESPA" means the Real Estate Settlement Procedures Act (12 U.S.C. § 2601 *et seq.*) and its implementing regulation, Regulation X (12 C.F.R. Part 1024), as they might be amended from time to time, or any additional or successor legislation or regulation that governs the same subject matter. As used in this Security Instrument, "RESPA" refers to all requirements and restrictions that are imposed in regard to a "federally related mortgage loan" even if the Loan does not qualify as a "federally related mortgage loan" under RESPA.

(Q) "Successor in Interest of Borrower" means any party that has taken title to the Property, whether or not that party has assumed Borrower's obligations under the Note and/or this Security Instrument.

TRANSFER OF RIGHTS IN THE PROPERTY

This Security Instrument secures to Lender: (i) the repayment of the Loan, and all renewals, extensions and modifications of the Note; and (ii) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in the County of MCLENNAN:

BEING LOT SEVEN (7) IN BLOCK FOUR (4) OF THE CHAPMAN FARM ADDITION, PHASE II TO THE CITY OF HEWITT, MCLENNAN COUNTY, TEXAS AS PER PLAT RECORDED AS INSTRUMENT #2004000581 OF THE OFFICIAL PUBLIC RECORDS OF MCLENNAN COUNTY, TEXAS

which currently has the address of **425 SAGEWOOD DR
HEWITT, TX 76643-3347**

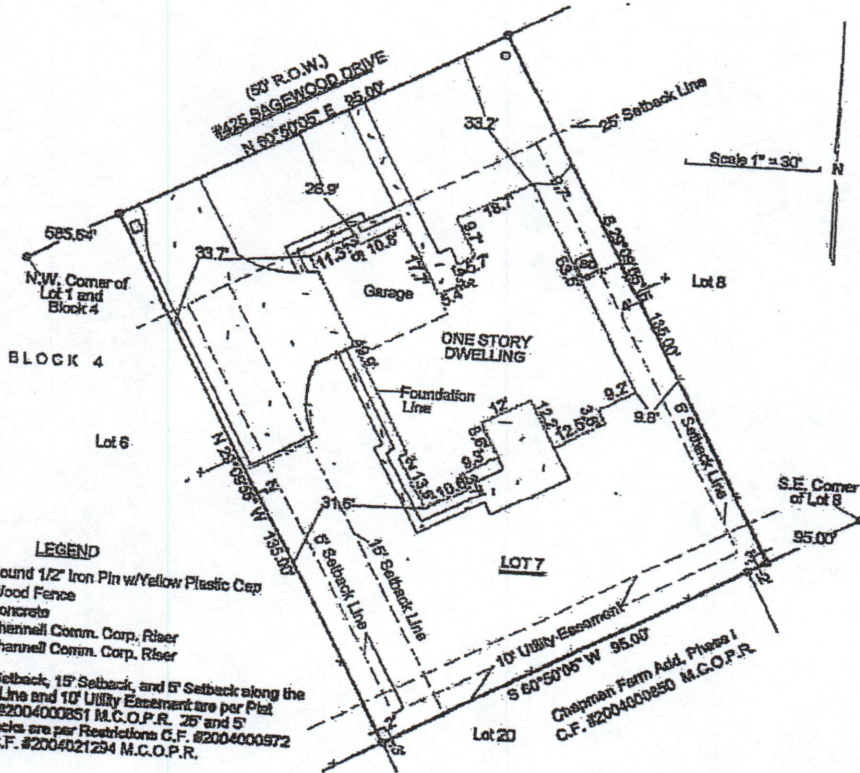
("Property Address"):

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, appurtenances, and fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property."



20141672

TRACT: Being Lot Seven (7) in Block Four (4) of the Chapman Farm Addition, Phase II to the City of Hewitt, McLennan County, Texas as per plat recorded as instrument #2004000851 of the Official Public Records of McLennan County, Texas.



[Handwritten signature]

LEGEND

- Found 1/2" Iron Pin w/Yellow Plastic Cap
- x- Wood Fence
- Concrete
- Channel Comm. Corp. Riser
- Channel Comm. Corp. Riser

Note: 25' Setback, 15' Setback, and 6' Setback along the N.E. Line and 10' Utility Easement are per Plat C.F. #2004000851 M.C.O.P.R. 29' and 5' Setbacks are per Restrictions C.F. #2004000972 and C.F. #2004021294 M.C.O.P.R.

Certified correct plat of an actual on-the-ground survey performed under my supervision during the month of April 2006; there are no visible discrepancies, conflicts, or shortages in area or boundary lines, or any visible encroachments, protrusions or any overlapping of improvements except as shown herein; and certify only to the legal description and easements shown on the referenced title commitment. No part of this tract appears to lie within the 100 year flood zone based on what can be ascertained from the graphics shown on F.L.R.M. Community-Panel No. 480452 0001 B, Zone C, dated May 1, 1978. This Flood Statement does not imply this tract will never flood.

April 20, 2006
 GF # 20060808
 Home Abstract Title Co. of Waco



R.S. Martin, Jr.
 R.P.L.S. No. 2170

[Handwritten signature]

HEWITT TEXAS

PLANNING & ZONING COMMISSION NOTICE OF MEETING

August 1, 2023 at 6:00 PM
Hewitt City Hall, 200 Patriot Court, Hewitt, TX 76643

MINUTES

Commission: Walter H. Peterson, Chairman
Travis Bailey, Bobby Drake, Dustin Crawford, Brian Dalrymple, Michael Lee Hix, Paul Lasater

City Staff: Bo Thomas - City Manager, Miles Whitney - City Engineer, Tracy Lankford -
Community Development Director, Brittney Cantu - Zoning Secretary

CALL TO ORDER

Members Present: Chairman Walt Peterson, Travis Bailey, Dustin Crawford, Bobby Drake, Mike Hix
Members Absent: Brian Dalrymple, Paul Lasater
Staff Present: Tracy Lankford, Community Development Director
Brittney Cantu, Community Development Coordinator

Chairman Walt Peterson called the meeting to order at 6:00PM.

PUBLIC HEARINGS

1. Consider a request made by Jonathan Garza to rezone properties located at 1400 Agile, 1450 Round Table, and 1500 Round Table located in Moonlight Park Phase IV, Lot 1, Blocks 22, 23 & 24, from R-1 Single Family Residential to C-2 General Commercial.
Public Hearing opened 6:00PM, no one spoke for or against project. Public Hearing closed 6:01PM.

REGULAR AGENDA ITEMS

2. Consider a request made by Jonathan Garza to rezone properties located at 1400 Agile, 1450 Round Table, and 1500 Round Table located in Moonlight Park Phase IV, Lot 1, Blocks 22, 23 & 24, from R-1 Single Family Residential to C-2 General Commercial.
A motion was made by Travis Bailey, seconded by Mike Hix, to approve rezone request. All five in favor, motion to go before City Council Monday, August 7, 2023.

3. Consider approval of minutes for the July 11, 2023, Planning and Zoning Commission regular meeting.

A motion was made by Travis Bailey, seconded by Mike Hix, to approve the minutes as submitted, but allow for corrections. All five in favor, motion passed.

ADJOURNMENT

Meeting is adjourned at 6:03PM.

Approved: _____

ATTEST:

Brittney Cantu
City of Hewitt Zoning Secretary
