



PLANNING AND ZONING COMMISSION

Regular Meeting



Notice of Meeting of the Planning and Zoning Commission of the City of Hewitt, Texas

Notice is hereby given that a **Regular** meeting of the Planning and Zoning Commission of the City of Hewitt will be held on Tuesday, **September 4 at 7:00 p.m.** in the **City Council Chambers at Hewitt City Hall, 105 Tampico, Hewitt, Texas**, at which time the following subjects will be discussed:

1. Consider approval of minutes for August 7, 2012.
2. Public Hearing – Consider and make recommendation to City Council concerning the Rezoning from R-1, Single Family, to R-3, Multi-Family Low Density District, of a 2.08 acre tract of land out of the Carlos O'Campo Grant.
3. Consider and discuss minimum square footage of R-1, Single Family Homes and minimum square footage of R1 lot sizes.
4. Adjourn.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the **Planning and Zoning** Commission of the above named City of Hewitt, Texas, is a true and correct copy of said Notice and that I posted a true and correct copy of said Public Notice Board located in front of the City Hall of said City of Hewitt, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on: **August 28, 2012 by 5:00 p.m.**

City of Hewitt

A handwritten signature in cursive script that reads "Denise Rodriguez".

Denise Rodriguez
Community Development Coordinator

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services should contact the Hewitt Zoning Secretary at (254.666.6173) twenty-four hours prior to the meeting, so that appropriate arrangements can be made.

Item 1

Approval of Minutes August 7, 2012

A motion made by _____ and second by _____

**CITY OF HEWITT
PLANNING AND ZONING COMMISSION
MINUTES OF THE PUBLIC MEETING**

Members present: Chairman Jerral Knox (presiding), Betty Orton, Billy Green, Scott Bryant, John Baker. Quorum was present.

Members absent: David Dossey

Staff present: Bruce Braley, Building Official;

1. ***Approval of minutes for July 10, 2012.*** *A motion was made by Betty Orton and second by John Baker to approve the minutes as submitted, but allow for additional corrections; all in favor, motion passed.*

a. Corrections made as followed:

Consider and make recommendation to City Council on increasing minimum square footage of R-1, single family home, from 1450 sq. ft to 1750 sq. ft. *A motion was made by Scott Bryant and, second by John Baker to make recommendation to City Council on increasing the **minimum house structure** by 300 sq. ft. per category (one, two, or three bedroom); all in favor, motion passed.*

2. **Public Hearing - Consider and make recommendation to City Council on the Re-zoning from C-1, Restricted Commercial, to R-1, Single Family, of a 27.988 acre tract of land out of the Carlos O' Campo Grant.** *Anthony Tomchesson, 981 FM 56, Valley Mills, Texas presented the request. James Vidrine at 504 Rowan Oak, Hewitt, Texas and Woody Butler of 207 Sun Valley Blvd, Hewitt, Texas spoke in favor of the request and said this will allow the property to become more marketable to potential home owners wanting to relocate to the City of Hewitt. A motion was moved by Billy Green and second by John Baker to make a recommendation to City Council on Re-zoning from C-1, Restricted Commercial, to R-1, Single Family, of a 27.988 acre tract of land out of the Carlos O' Campo Grant; all in favor, motion passed.*

**CITY OF HEWITT
PLANNING AND ZONING COMMISSION
MINUTES OF THE PUBLIC MEETING**

- 3. Consider approval of preliminary plat for Ellis Farm South Addition of a 27.988 acre tract of land out of the Carlos O’Campo Grant.** *Anthony Tomchesson, 981 FM 56, Valley Mills, Texas presented the request. A motion was made by Scott Bryant and second by John Baker to make an approval for the preliminary plat for the Ellis Farm South Addition of a 27.988 acre tract of land out of the Carlos O’ Campo Grant contingent on City Council approve zone change from C1 to R1 and providing for the correction as provided from our City Engineer Nancy Turner; all in favor, motion passed.*
- 4. Discuss and consider time of change for meetings.** *A motion was made by Betty Orton and second by John Baker to keep the meeting time at 7:00 pm; all in favor, motion passed.*
- 5. Adjourn.** *A motion was made by Betty Orton , second by John Baker to adjourn the meeting at 6:30 p.m.*

Jerral Knox, Chairman

Approved

Bruce Braley, Community Development Director

Item 2

Public Hearing – Consider and make
recommendation to City Council concerning the
Rezoning from R-1, Single Family, to R-3, Multi-
Family Low Density District, of a 2.08 acre tract of
land out of the Carlos O’Campo Grant.

A motion made by _____ and second by _____

DATE _____

The abstract of title of this property and/or the county deed records have been examined and there are no recorded restrictions which would prohibit any of the uses permitted in the requested zoning classification.

Hollyn Valley, LLC

Property Owner or Agent

**APPLICATION FOR AMENDMENT OF THE ZONING ORDINANCE
CITY OF HEWITT, TEXAS**

2.08 ACRES IN THE CARLOS O'CAMPO GRANT, ABSTRACT
NUMBER 32, MCLENNAN COUNTY, TEXAS.

1. Legal description of property: 2.08 ACRES IN THE CARLOS O'CAMPO GRANT, ABSTRACT
NUMBER 32, MCLENNAN COUNTY, TEXAS.
Volume No. INSTR. NO. 2012021118 OPR
Page No. _____
Block No. 1
Lot No. 1
Addition Bertha K. Ellis Addition
2. If the above does not adequately identify the property, submit a complete description of property on a separate sheet.
3. Address of property RITCHIE ROAD AND DEVONSHIRE ROAD
4. Existing zoning district in which property is located R-1 SINGLE FAMILY RESIDENTIAL
5. Zoning district requested R-3 MULTI-FAMILY LOW DENSITY
6. Has this request been made before NO. If so, date _____
Action taken _____
7. Submit one copy of reasons for request on separate standard letter size paper.
8. Submit one copy of a map or plat showing the properties proposed to be changed. The existing zoning and use of all such properties should be indicated.
9. Name of owner if other than applicant HOLLYN VALLEY, LLC
10. Address of owner if other than applicant 5015 FORT AVE. WACO, TEXAS 76710
11. Name of applicant (please print) Scott Bryant

RECEIVED

AUG 10 2012

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5015 FORT AVE. WACO, TEXAS 76710
(254) 644-2375

12. Address and phone number of applicant _____

13. Application, fee, documents, etc., in completed form must be submitted to the Permit's Office before or no later than **12:00 NOON** on the deadline dates specified on the attached sheet.

Signature of applicant _____

(If attorney for an owner, so state)

THIS APPLICATION MUST BE ACCOMPANIED BY \$^{\$250.00}~~50.00~~ FILING FEE

NOT TO BE FILLED IN BY APPLICANT

Application number _____

Date _____

Received by _____

Filing fee paid _____

Date of P.C. _____

Action of P.C. _____

Date of C. C. Hearing _____

Action of C. C. _____

RECEIVED

AUG 10 2000

LETH LTD

P.O. Box 23414 Waco, Texas 76702
6801 Sanger Avenue, Suite 111
Waco, Texas 76710
254.776-5151 FAX 254.776-5152

August 9, 2012

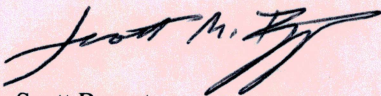
City of Hewitt
Commission of Planning and Zoning
105 Tampico – P.O. Box 610
Hewitt, Texas 76643

RE: Request for Re-Zoning 2.08 Acres on Ritchie Road.

Dear Members,

I respectfully request your consideration to re-zone the 2.08 acre parcel of land located at the intersections of Ritchie Road, and Devonshire Road from R-1 Single Family District to R-3 Multi-Family Low Density District. This will allow the property to become more marketable to potential families wanting to relocate to our City.

Respectfully,



Scott Bryant

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AUG 10 2012

LETH LTD.

6801 Sanger Avenue Suite 111
WACO, TEXAS 76712
254.776-5151
FAX 254.776.5152

DATE: 08/10/2012

ATTENTION: Bruce Braley

COMPANY: City of Hewitt

NOTES:

Attached are the (13) 11x17 copies of the Exhibit, (13) copies of the metes and bounds description of the tract of land belonging to Hollyn Valley, LLC to be rezoned, (1) letter of Request and the Application for request of rezoning. If there is any additional information needed please call.

Thank you.

John B. Montemayor
John@lethltd.com

254-776-5151

Job No. 12-08-6100

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AUG 10 2012

LETH LTD

P.O. Box 23414 Waco, Texas 76702
6801 Sanger Avenue, Suite 111
Waco, Texas 76710
254.776-5151 FAX 254.776-5152

DESCRIPTION PREPARED FOR CITY OF HEWITT, MCLENNAN COUNTY, TEXAS ZONING

Field notes for 2.08 Acres of land in the **Carlos O'Campo Grant, Abstract No. 32** in the City of Hewitt McLennan County, Texas and being all of **Lot 1, Block 1 of the Bertha K. Ellis Addition**, plat of record in County Clerk's File Number 2009021709 of the Official Public Records of McLennan County, Texas, as conveyed by deed to **Hollyn Valley, LLC**, of record in County Clerk's File Number 2012021118 of the Official Public Records of McLennan County, Texas. Said 2.08 Acres being shown on the attached plat being more particularly described by metes and bounds as follows:

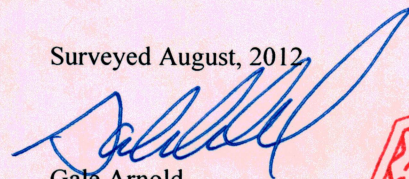
Commencing at a 4 inch Aluminum Disc found in the east right-of-way line of Ritchie Road, marking the northeast corner of that called 3.872 acres of land described in a deed to the City of Hewitt of record as County Clerk's File Number 2003041172 of the Official Public Records of McLennan County, the northwest corner of that called 5.964 acre tract of land described in a deed to Hollyn Valley, LLC, of record in County Clerk's File Number 2012021727 of the Official Public Records of McLennan County, Texas, being the southwest corner of that called 19.44 acres described in a deed to Richard S. Clark of record as County Clerk's File Number 2009005429 of the said public records and the northwest corner of the residue of the said 62.4 acres, Thence 465.39 feet with the west line of the said 5.964 acre tract, east line of the said 3.872 acres, the east right-of-way line of the said Ritchie Road, a curve to the left having a Radius of 787.00 feet and Chord Bearing S 51degrees 19minutes 58seconds E 458.63 feet to a 1/2 inch iron rod with "3879" cap found at the southwest corner of the said 5.964 acre tract, the northwest corner of the said Lot 1, in the said east right-of-way line of the said Ritchie Road for the northwest corner and **POINT OF BEGINNING** of the herein described tract of land;

Thence N 61degrees 35minutes 43seconds E 504.84 feet along the north line of the said Lot 1, the south line of the said 5.964 acre tract, to a 1/2 inch iron rod with "3879" cap found, in the west line of that called 6.2323 acre tract of land described in a deed to Corporation of the Presiding Bishop of the Church of Latter Day Saints, of record in County Clerk's File Number 2010035165 of the Official Public Records of McLennan County, Texas, at the northeast corner of the said Lot 1, the southeast corner of the said 5.964 acre tract, for the northeast corner of the herein described tract of land;

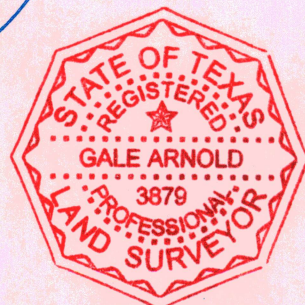
Thence S 28degrees 24minutes 17seconds E 276.18 feet with west line of the said 6.2323 acre tract, the east line of the said Lot 1, to a 1/2 inch iron rod with "3879" cap found in the north right-of-way line of the said Ritchie Road and the 3.872 acres, at the south corner of the said Lot 1, the southwest corner of the said 6.2323 acre tract, for the south corner of the herein described tract of land, from which a 4 inch Aluminum Disc found at the northeast corner of the above referenced City of Hewitt 3.872 acres bears 99.81 feet along a curve to the left having a Radius of 787.00 feet and Chord Bearing N 65degrees 12minutes 00seconds E 99.74 feet;

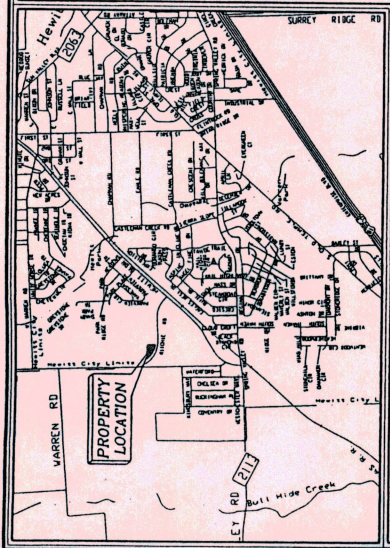
Thence 589.10 feet along the northeast right-of-way line of the said Ritchie Road and the referenced 3.872 acres, the southwest line of the said Lot 1, with a curve to the right having a **Radius of 787.00 feet** and Chord Bearing of N 89degrees 43minutes 22seconds W 575.45 feet to the **Point of Beginning**.

Surveyed August, 2012



Gale Arnold
Registered Professional
Land Surveyor No. 3879
W.O. No. 12-03-5781





VICINITY MAP SCALE = 1" = 4000'

Exhibit for the Rezoning from R-1, Single Family District to R-3, Multi-Family Low Density District, of a 2.08 Acre tract of land, in the City of Hewitt and Carlos O'Campo Grant, Abstract No. 32 McLennan County, Texas, being all of that called Lot 1, Block 1 of the Bertha K. Ellis Addition, plat of record in County Clerk's File Number 2009021709 of the Official Public Records of McLennan County, Texas, as conveyed in a deed to Hollyn Valley, LLC, of record in County Clerk's File Number 2012021118 of the Official Public Records of McLennan County, Texas.

SWC Richard S. Clark 19.44 Acres
Instrument No. 2009005429 OPR
NWC Lorraine Ellis 62.4 Acre Residue
Volume 730, Page 207 Deed Records
NEC City of Hewitt
Called 3.872 Acres
Instrument No. 2003041172
Official Public Records

HOLLYN VALLEY, LLC
AS SUCCESSOR TO
INSTR. NO. 2012021727 OPR

LENGTH = 465.39'
RADIUS = 787.00'
CHORD = S51°19'58"E 438.63'

FIELD NOTE POINT
OF BEGINNING

DEVONSHIRE
ROAD

City of Hewitt 3.872 Acres
Instrument No. 2003041172
Official Public Records

PROPOSED ZONING R-3
LOT 1, BLOCK 1
BERTHA K. ELLIS ADDITION
INSTR. NO. 2009021709 OPR

2.08 ACRES

N61°35'43"E 504.84'

1/2" IRON ROD FOUND WITH 1/8" DISC

1/2" IRON ROD FOUND WITH 1/8" DISC

1/2" IRON ROD FOUND WITH 1/8" DISC

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1/2" IRON ROD FOUND WITH 1/8" DISC

CORPORATION OF THE PRESIDING BISHOP
OF THE CHURCH OF KRISTUS CHRIST OF
LATTER-DAY SAINTS
CALLED 6.2323 ACRES
INSTR. NO. 2010035165 OPR

LENGTH = 99.81'
CHORD = N65°12'00"E 98.74'
RADIUS = 787.00'

RESIDUE OF
JEV PROPERTIES, LLP
CALLED 63.210 ACRES
INSTR. NO. 2007033160 OPR

CURVE	CHORD BEARING	CHORD LENGTH	ARC LENGTH	RADIUS
C1	N89°43'22"W	575.45'	589.10'	787.00'

PO Box 23414
Waco, Texas 76702
(254-776-5151) (FAX: 254-776-5152)

LETH LTD
6801 Sanger, Suite 111
Waco, Texas 76702
(254-776-5151) (FAX: 254-776-5152)

0 100 200 ADDRESS: RITCHIE ROAD AND DEVONSHIRE DATE 08-09-2012

SCALE WORK ORDER NO. 12-08-6100 DRAWN BY JBM

DIGITAL FILE 12-08-6100.dwg FIELDBOOK/PG -

Z:\2012 PROJECTS\12-08-6100 RITCHIE ROAD - SCOTT BRYANT\dwg\12-08-6100.dwg 8/08/2012

Copyright: LETH LTD, 2012.

FIELD NOTE DESCRIPTION ATTACHED

Re-Zoning of 2.08 Acres from R-1 Single Family to R-3 Multi-Family Low Density District

200 ft Letters sent to the following:

1. Church of Christ of Latter Day Saints
50 E North Temple St, Salt Lake City, Utah 84150-9700
2. JEV Properties James Vidrine
P.O. Box 1241, Hewitt, Texas 76643

**Legal Notice
City of Hewitt
Notice of Public Hearing**

A Public Hearing will be held before the Planning and Zoning Commission of the City of Hewitt, at the Hewitt City Hall, 105 Tampico Drive, on **Tuesday, September 4, 2012**, at **7:00 p.m.** and on **Monday, September 17, 2012**, the City Council of the City of Hewitt, at the Hewitt City Hall, 105 Tampico Drive, will conduct a public hearing at 7:00 p.m. to consider the following:

Public Hearing – Request for Zoning change from R-1 Single Family District to R-3 Multi-Family Low Density District of a 2.08 acre parcel of land located at the intersections of Ritchie Road, and Devonshire Road

Any interested parties may attend the meeting or may file information with the Zoning Secretary or City Secretary prior to the date of the Public Hearing.

Notice to be Published by : **August 20, 2012**

Item 3

Consider and discuss minimum square footage of
R-1, Single Family Homes and minimum Square
Footage of R-1lot sizes.

A motion made by _____ and second by _____

SHEEHY, LOVELACE & MAYFIELD, P. C.

ATTORNEYS AND COUNSELORS AT LAW

Established 1893

STEVEN M. BURTON
E-MAIL: sburton@slmpc.com

510 NORTH VALLEY MILLS DRIVE, SUITE 500
WACO, TEXAS 76710

FIRM WEBSITE: www.slmpc.com

TELEPHONE: (254) 772-8022
FACSIMILE: (254) 772-9297

August 27, 2012

VIA HAND DELIVERY

Wilbert Wachtendorf, Mayor
Charlie Turner, Council Member Ward 1
Bill Fuller, Council Member Ward 2
James Vidrine, Council Member Ward 2
Ed Passalugo, Council Member Ward 3
Ronnie McNiel, Council Member Ward 3
Vincent "Pike" Anderson, Council Member at Large
CITY OF HEWITT
105 Tampico
Hewitt, Texas 76643

Re: Planning and Zoning recommendation to increase minimum square footage of R-1,
single family home to 1750 square feet.

Dear Mayor Wachtendorf and Council Members:

This firm represents the Heart of Texas Builders Association. The purpose of this letter is to express the Association's strong opposition to Planning and Zoning Commission's recommendation to increase the minimum square footage of R-1, single family homes from 1450 square feet to 1750 square feet. This decision is a matter of vital importance to current and future citizens of Hewitt and to the individual members of the Association.

Most economic experts agree that one of the most important keys to a thriving middle-class is home ownership. New home starts are a leading indicator of the health of the economy, both nationally and in central Texas. Affordable housing is one of the important elements companies and individuals consider when relocating.

The immediate effect of increasing the minimum square footage requirement of a new single family residence will be a dramatic increase in the price of the home. The home builders that I have consulted believe that the price of an entry level home in Hewitt will increase by a minimum of \$25,000 to \$30,000 if the proposal is adopted. In today's economic environment, such an increase will virtually eliminate the ability of young people, the majority of first-time home buyers, to locate in Hewitt. Because of tightened credit requirements and loan-to-value guidelines, a \$25,000 increase in the price of a new home means that the down payment would likely increase by \$5,000 (20%).

The principal and interest payment for a typical mortgage at a 5% rate would increase by approximately \$105 per month.

Hewitt has experienced significant growth in recent years led by several commercial, multi-family and single family developments. Market forces have dictated the growth, and builders and developers have made considerable investments in the community as a result. The proposal to increase minimum square footage can definitely be interpreted as the government using its powers to alter market forces. Traditionally those efforts have failed and, in the case of homebuilding, resulted in many builders and developers looking to other markets for new opportunities.

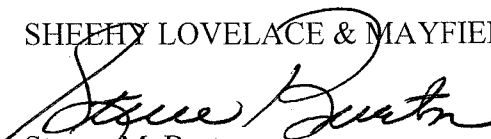
Members of the Heart of Texas Builders Association understand local market conditions and can provide you with current information about how the proposed increase in square footage requirements will impact new construction in Hewitt. They stand ready, willing and able to work with you to make Hewitt an attractive alternative for prospective home buyers. They understand the changing market conditions because they are involved in the industry on a daily basis.

I encourage you to give the issues raised in this letter serious consideration as you deliberate the proposed change in minimum square footage requirements. After careful consideration of the issues, I believe you will conclude that it is not in the best long-term interests of Hewitt to adopt the proposed change. Your decision will have consequences on the future of development and home ownership in Hewitt.

Please feel free to contact Kay Vinzant, the Executive Director of the Heart of Texas Builders Association for additional information about the concerns of area builders and developers. On behalf of the Heart of Texas Builders Association I remain,

Respectfully yours,

SHEEHY LOVELACE & MAYFIELD, P.C.



Steven M. Burton

Item 4

Adjourn.

A motion made by _____ and second by _____