



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

Notice is hereby given that a **Regular** meeting of the **Planning & Zoning Commission** of the City of Hewitt will be held on **Tuesday, August 6, 2013 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. Introduction of new member.
2. Consider and take appropriate action on the designation of chair and vice-chair.
3. Consider approval of minutes for June 4, 2013.
4. Consider and take appropriate action for the Preliminary Plat of Imperial Estates Addition, Phase VII & VIII.
5. Consider and take appropriate action for the Final Plat of Imperial Estates Addition, Phase Seven.
6. Briefing and discussion concerning accessory structures and carports.
7. Adjourn.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the **Planning & Zoning Commission** of the above named City of Hewitt, Texas was posted on the Public Notice Board located in front of the City Hall by 5:00 p.m. on August 2, 2013.

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 such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact the Community Development Coordinator at (254) 666.6171 at least 24 hours prior to the meeting, so that appropriate arrangements can be made.

City of Hewitt

Planning & Zoning Commission – Agenda Item

Agenda Item: #1

Item Description

Introduction of new member.

Item Summary

The Planning and Zoning Commission currently has two vacancies. Bobby Wolske applied to the Planning and Zoning Commission and was appointed by the City Council on June 17, 2013. Applications are being reviewed and considered to fill the remaining two vacancies.

Attachments

Application

APPLICATION FOR BOARDS & COMMISSION TO THE CITY OF HEWITT

The City of Hewitt appreciates your interest in serving the community. A listing of the boards and commissions is found behind your application. Appointments are made during the year as vacancies occur. This is great opportunity for to play a vital role in shaping your community.

NAME OF APPLICANT: Bobby Wolske
HOME ADDRESS: 109 Devonshire
DAYTIME TELEPHONE NUMBER: 366-4743 E-MAIL ADDRESS: b.wolske@gmail.com

PLEASE CHECK APPROPRIATE STATEMENTS: ☒ I reside within the city limits of Hewitt, Texas.*
☐ I do ☐ I do not . . . own property located in Hewitt, Texas.

* **IMPORTANT** -- By checking this box and signing this form, you are indicating that your legal residence or domicile - your home and fixed place of habitation to which you intend to return after any temporary absence - is located within the city limits of Hewitt, Texas.

LENGTH OF TIME APPLICANT HAS RESIDED IN THE HEWITT CITY LIMITS: 30 yrs

PLEASE INDICATE BELOW HOW YOU WOULD LIKE TO SERVE THE CITY OF HEWITT. (**IMPORTANT**: IF MORE THAN ONE AREA IS INDICATED, **NUMBER YOUR PREFERENCES** WITH "1" BEING YOUR FIRST CHOICE, "2" BEING YOUR SECOND CHOICE, ETC.). PLEASE SEE REVERSE SIDE FOR DESCRIPTIVE INFORMATION.

- ☐ Board of Adjustment (must be resident and owner of property in Hewitt)
☐ Civil Service Commission (must be resident of Hewitt)
☐ Library Board (must be resident of Hewitt)
☐ Parks and Beautification Committee (must be resident of Hewitt)
☒ Planning and Zoning Commission (must be resident and owner of property in Hewitt)

OTHER WAYS YOU SERVE YOUR COMMUNITY: _____

SPECIAL INTERESTS/SKILLS/EXPERIENCE/EDUCATION YOU FEEL MAY BE HELPFUL: _____

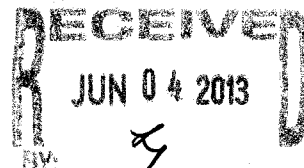
BBA Degree Baylor Univ (69) 30 yrs Experience Savings Loan & Credit Union
30+ years in various real estate investments

OCCUPATION/EMPLOYER: Retired Real Estate Investment

REFERENCES (MUST BE HEWITT RESIDENTS): Tom Greip TELEPHONE #: 782-2221
James Vignone TELEPHONE #: 744-0035

SIGNATURE OF APPLICANT: Bobby Wolske DATE: 6-3-13

Return Application to:
Lydia Lopez, City Secretary
P.O. Box 610
105 Tampico Dr.
Hewitt, Texas 76643
(Fax # 666-6014)



OFFICE USE ONLY

Date attended board meeting: 06-04-2013
Date interviewed by Council: _____
Date appointed by Council: _____
Date sworn in by Council: _____
Reappointed: _____

Term to expire: _____
Term to expire: _____

Planning & Zoning Commission – Agenda Item

Agenda Item: #2

Item Description

Consider and take appropriate action on the designation of chair and vice-chair.

Item Summary

Jerral Knox (past chairman) and Betty Orton's terms expired in June 2013 and the City Council opted not to re-appoint them. Since Katherine Aufman's resignation, the Commission has not elected a vice-chair. The Commission's Rules of Procedures require the membership to select their replacement upon vacancy. The Chair or in his absence the Vice-Chair are responsible for presiding at all meetings; therefore, staff recommends the approval or designation of a chair and vice-chair.

Attachments

City of Hewitt Code of Ordinances – Article X

ARTICLE X. PLANNING AND ZONING COMMISSION AND BOARD OF ADJUSTMENT ^[6]



Sec. 10.1. The planning and zoning commission.

Sec. 10.2. The planning and zoning commission—Powers and duties.

Sec. 10.3. Board of adjustment.

Sec. 10.4. Board of adjustment—Duties and powers.

Sec. 10.1. The planning and zoning commission.



There shall be a planning and zoning commission which shall consist of seven (7) citizens of the City of Hewitt who own real property within the city, and such other ex-officio members as are provided herein. The members of the present commission shall continue in office until their term expires. Thereafter, the members of said commission, except the ex-officio members, shall be appointed by the council for a term of three (3) years. Vacancies shall be filled for the unexpired term by the council. The ex-officio members shall include the city manager, and such other ex-officio members as the council shall by ordinance or resolution provide. Ex-officio members shall participate in the work of the commission, but shall not have a vote in its official actions.

The commission shall elect a **chairman** from its appointed members. A majority of the appointed members shall constitute a quorum.

The commission shall keep minutes of its proceedings, which shall be a public record.

Sec. 10.2. The planning and zoning commission—Powers and duties.



The planning and zoning commission shall be responsible to and act as an advisory body to the council and shall:

- (a) Recommend a city plan for the physical development of the city with amendments thereto;
- (b) Recommend to the council approval or disapproval of proposed changes in the zoning plan;
- (c) Exercise control over platting or subdividing land within the corporate limits of the city and outside said corporate limits to the extent authorized by law;

(d)

Submit annually to the city manager, not less than ninety (90) days prior to the beginning of the budget year, a list of recommended capital improvements which in the opinion of the commission are necessary or desirable during the forthcoming five-year period; and

(e)

Have all other powers, duties and responsibilities given it by law.

Planning & Zoning Commission – Agenda Item

Agenda Item: #3

Item Description

Consider approval of minutes for June 4, 2013.



Minutes of Planning & Zoning Commission
Regular Meeting
June 4, 2013 – 7:00 PM

Members present: Chairman Jerral Knox (presiding), David Dossey, Betty Orton, John Baker. Quorum was present.

Members absent: Scott Bryant

Staff present: Bruce Braley, Building Official; Denise Rodriguez, Community Development Coordinator; Bill Aston, City Engineer

Chairman Jerral Knox called the meeting to order at 7:00 p.m.

- 1. Consider approval of minutes for April 2, 2013.** *A motion was made by Betty Orton and second by John Baker to approve the minutes as submitted; all in favor, motion passed.*
- 2. Consider and take appropriate action for the Preliminary Plat of Ellis Farms East Addition, Lots 1 and 2, Block 1.** – Gale Arnold, Leth Ltd., 6801 Sanger Avenue, Suite 11, Waco, Texas 76710, presented the request and answered questions. *A motion was made by Betty Orton and second by John Baker to approve the request; all in favor, motion passed.*
- 3. Consider and take appropriate action concerning for the Final Plat of Ellis Farms East Addition, Lots 1 and 2, Block 1.** – Gale Arnold, Leth Ltd., 6801 Sanger Avenue, Suite 11, Waco, Texas 76710, presented the request and answered questions. *A motion was made by Betty Orton and second by John Baker to approve the request; all in favor, motion passed.*
- 4. Adjourn.** *A motion was made by Dave Dossey and second by John Baker to adjourn the meeting at 7:10 p.m.*

Chair

Approved

Denise Rodriguez, Zoning Secretary

Planning & Zoning Commission – Agenda Item

Agenda Item: #4

Applicant/Developer: LuAnne Butler, Woody Butler Homes Inc.

Item Description

Consider and take appropriate action for the Preliminary Plat of Imperial Estates Addition, Phase VII & VIII.

Item Location

Address: Off E Jade Dr & Topaz Cir

Property ID: 138724

Legal Description: O'Campo C A-32 Tract 94 Acres 5.616

Item Summary

The Development Review Committee reviewed the **Preliminary Plat of Imperial Estates Addition, Phase VII & VIII** in the month of **July**. The Development Review Committee deemed the plat administratively complete on **July 31, 2013**. The plat is in compliance with the Subdivision Regulations of the City of Hewitt Code of Ordinances. The purpose of this plat is to provide for the construction of single family dwellings.

Staff Recommendation:

Staff recommends approval of the **Preliminary Plat of Imperial Estates Addition, Phase VII & VIII**.

Attachments:

1. City Engineer's Letter
2. Plat

Duff Consulting Engineers, Inc.

Texas Registered Engineering Firm F-400

4201 No. 19TH St. - WACO, TEXAS 76708
(254)756-5414 FAX: (254)753-2642

E-Mail: b.aston@duffengineering.com

July 30, 2013

Planning & Zoning Commission
City of Hewitt
Via: E-mail

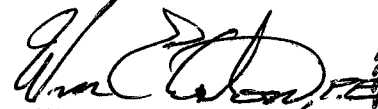
Re: Imperial Estates Addition, Phase VII & VIII – Preliminary Plat

Dear Commission:

I have reviewed the preliminary plat for Imperial Estates Addition, Phases VII and VIII and find that it appears to meet the requirements of the City's Subdivision Ordinance.

It is my recommendation that the plat be approved.

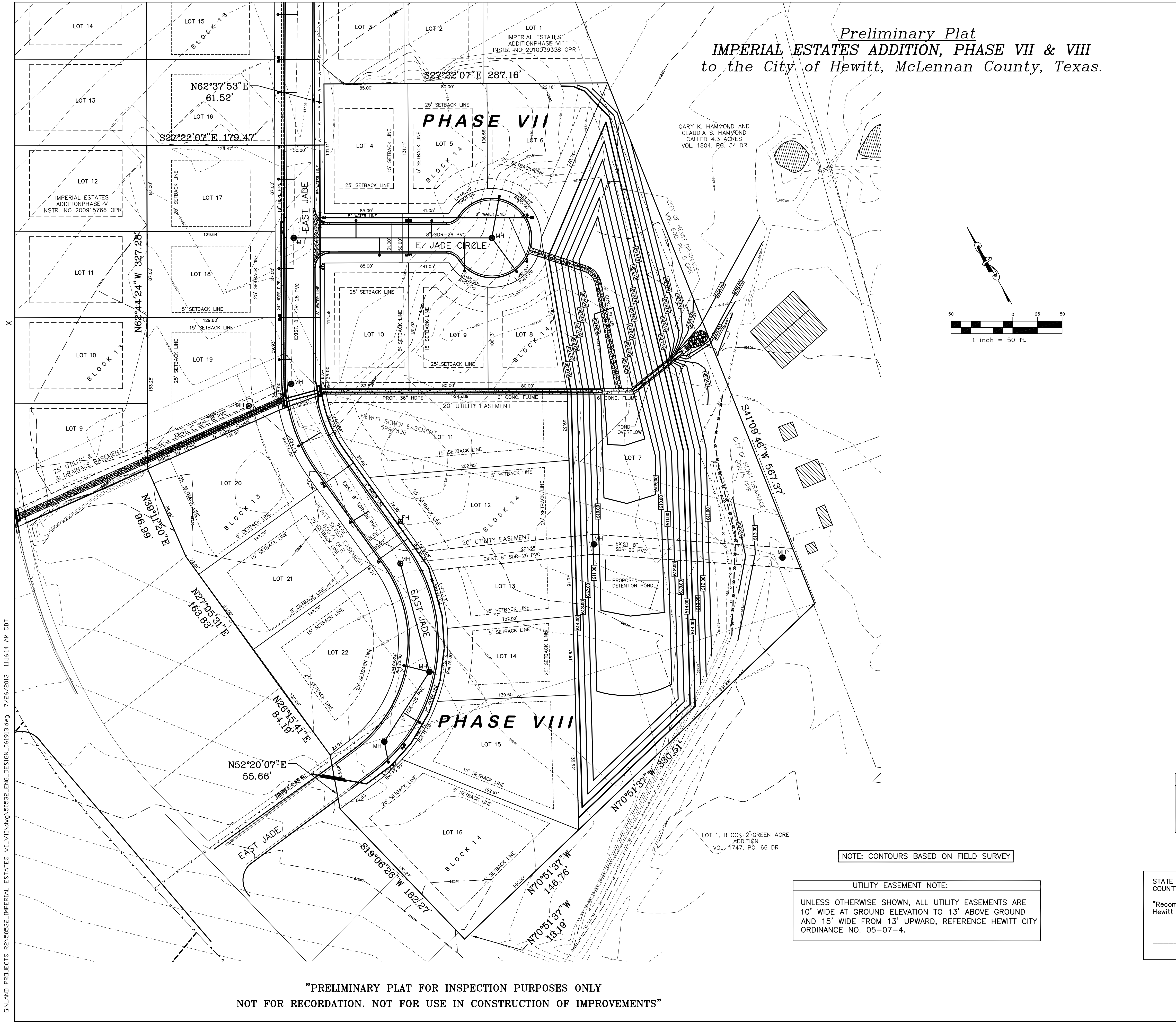
Sincerely:



William E. Aston, P.E.



cc: Denise Rodrigues
Bruce Braley



G:\LAND PROJECTS R2\50532 IMPERIAL ESTATES V1\VI\dwg\50532-ENG_DESIGN_061913.dwg 7/26/2013 11:04:14 AM CDT

Planning & Zoning Commission – Agenda Item

Agenda Item: #5

Applicant:/Developer LuAnne Butler, Woody Butler Homes Inc.

Item Description

Consider and take appropriate action for the Final Plat of Imperial Estates Addition, Phase Seven.

Item Location

Address: Off E Jade Dr & Topaz Cir

Property ID: 138724

Legal Description: O'Campo C A-32 Tract 94 Acres 5.616

Item Summary

The Development Review Committee reviewed the **Final Plat of Imperial Estates Addition, Phase Seven** in the month of **July**. The Development Review Committee deemed the plat administratively complete on **July 31, 2013**. The plat is in compliance with the Subdivision Regulations of the City of Hewitt Code of Ordinances. The purpose of this plat is to provide for the construction of single family dwellings.

On July 29th, the City Council approved an ordinance vacating and abandoning a 0.59 acre Utility Easement tract, out of the Carlos O'Campo Grant, Abstract 32 in McLennan County, Texas as requested by the applicant.

Staff Recommendation:

Staff recommends approval of the **Final Plat of Imperial Estates Addition, Phase Seven**.

Attachments:

1. City Engineer's Letter
2. Plat
3. Map
4. Legal Description and Survey of the Utility Easement Tract

Duff Consulting Engineers, Inc.

Texas Registered Engineering Firm F-400

4201 No. 19TH St. - WACO, TEXAS 76708
(254)756-5414 FAX: (254)753-2642

E-Mail: b.aston@duffengineering.com

July 30, 2013

Planning & Zoning Commission
City of Hewitt
Via: E-mail

Re: Imperial Estates Addition, Phase VII – Final Plat

Dear Commission:

I have reviewed the final plat for Imperial Estates Addition, Phases VII and find that it appears to meet the requirements of the City's Subdivision Ordinance.

It is my recommendation that the plat be approved.

Sincerely:



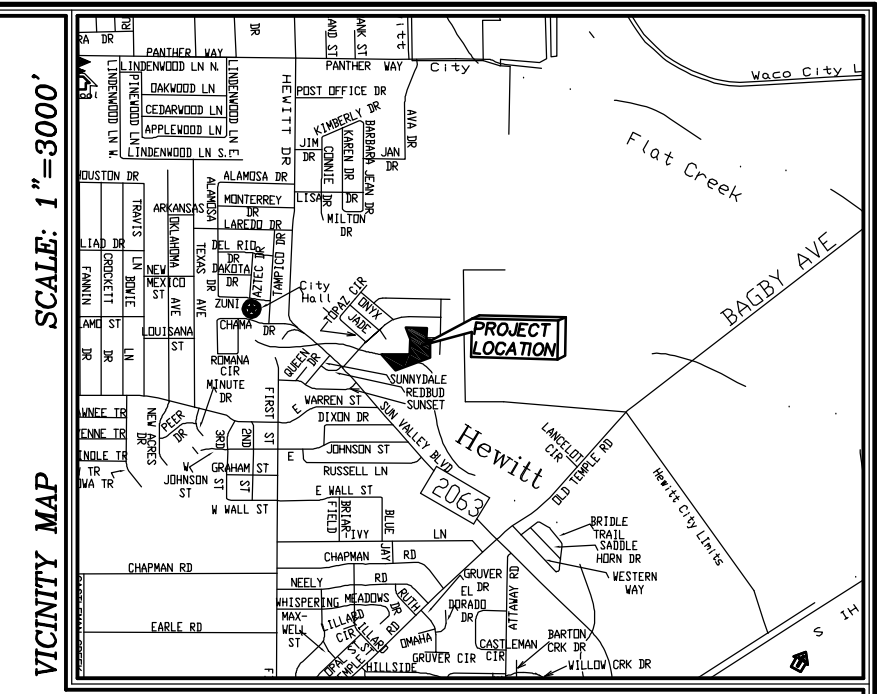
William E. Aston, P.E.



cc: Denise Rodrigues
Bruce Braley

Final Plat Of
IMPERIAL ESTATES ADDITION, PHASE SEVEN
to the City of Hewitt, McLennan County, Texas.

—●— = 1/2" Iron Rod PLACED WITH CAP
(unless otherwise noted)



Based upon what can be scaled from the graphics shown on Federal Insurance Rate Map (FIRM), Community Panel No. 48309C0530C, Dated SEPTEMBER 26, 2008, the property shown on this plat appears to be situated in Zone "X". Zone "X" defined as "Areas determined to be outside the 0.2% annual chance floodplain. This flood statement does not imply that this tract will never flood, nor does it create any liability in such event on the part of this surveyor or this company.

LETH LTD. DOES NOT MAKE OR WARRANT ANY FLOOD ZONE DETERMINATION.

5.34 Acres
10 Lots, 2 Blocks
Water provided by City of Hewitt CCN# 10038
Sanitary Sewer provided by the City of Hewitt.
Electric Service provided by ONCOR
Land Use: R-1 : Single Family District

Utility Easement Note:

Unless otherwise shown, all utility easements are 10' wide at ground elevation to 13' above ground and 15' wide from 13' upward, reference Hewitt City Ordinance No. 05-07-4.

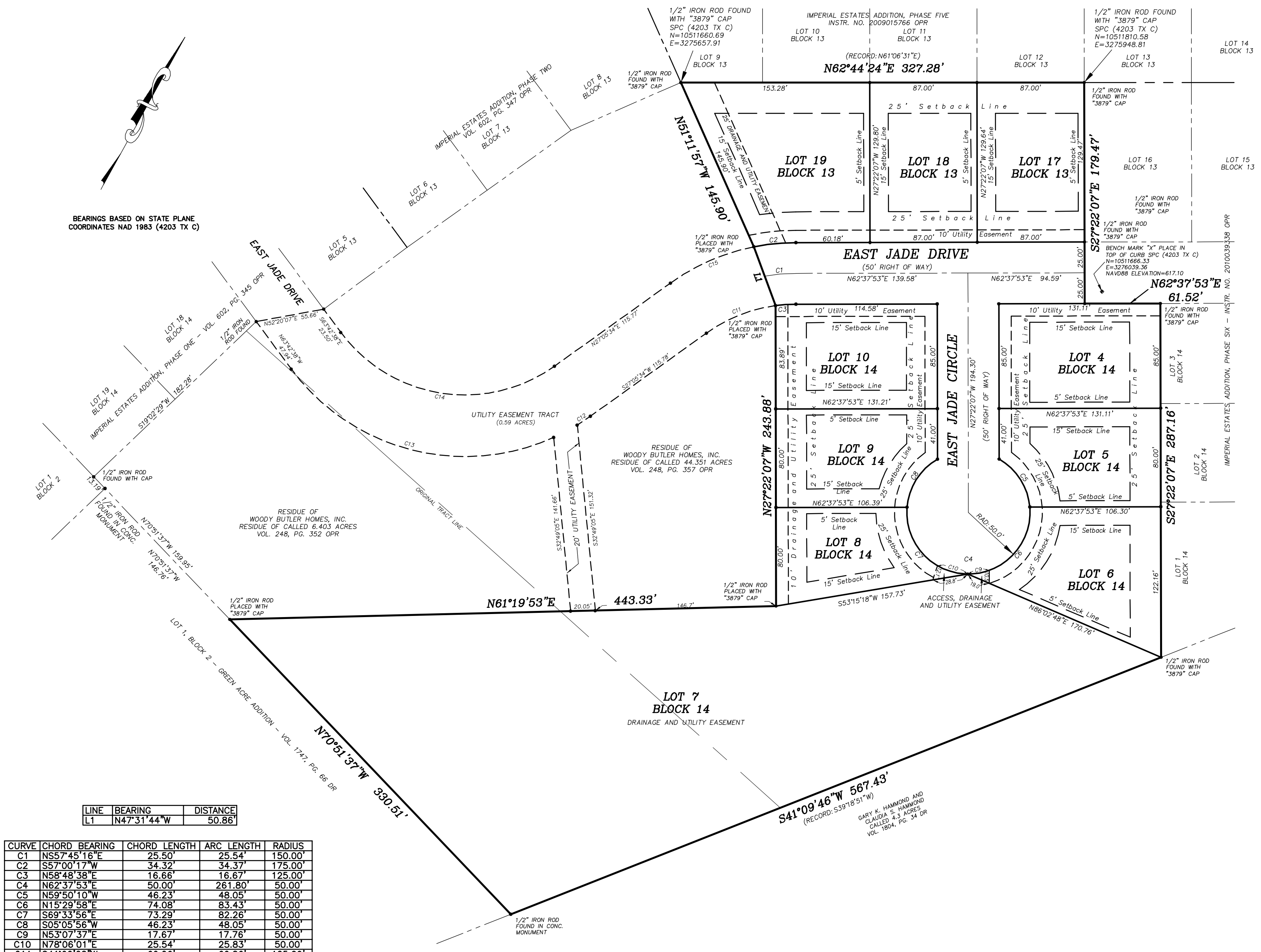
NOTE: 1/2" diameter rebars will be placed at all lot corners and 1/2" diameter rebars in concrete will be placed at all block corners, points of curvature and points of tangency after completion of street and utility construction.

OWNER/DEVELOPER:

Woody Butler
"Woody Butler Homes, Inc."
207 Sun Valley Blvd.
Hewitt, Texas 76643

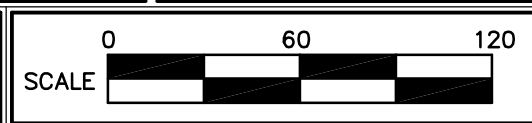
SURVEYOR:

Gale Arnold, R.P.L.S. # 3879
Leth Ltd.
P.O. Box 23414
Waco, Texas 76702



LINE	BEARING	DISTANCE
L1	N47°31'44"W	50.86'

CURVE	CHORD BEARING	CHORD LENGTH	ARC LENGTH	RADIUS
C1	NS57°45'16"E	25.50'	25.54'	150.00'
C2	S57°00'17"W	34.32'	34.37'	175.00'
C3	N58°48'38"E	16.66'	16.67'	125.00'
C4	N62°37'53"E	50.00'	261.80'	50.00'
C5	N59°50'10"W	46.23'	48.05'	50.00'
C6	N15°29'58"E	74.08'	83.43'	50.00'
C7	S69°33'56"E	73.29'	82.26'	50.00'
C8	S05°05'56"W	46.23'	48.05'	50.00'
C9	N53°07'37"E	17.67'	17.76'	50.00'
C10	N78°06'01"E	25.54'	25.83'	50.00'
C11	S41°02'28"W	60.26'	60.86'	125.00'
C12	S29°12'13"W	12.89'	12.89'	175.00'
C13	S77°20'37"W	220.01'	237.91'	175.00'
C14	N71°41'28"E	175.53'	194.60'	125.00'
C15	N39°14'07"E	73.62'	74.17'	175.00'



LETH LTD

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

8601 Sanger, Suite 111
Waco, Texas 76710
(FAX: 254-776-5152)

Z:\2013 PROJECTS\13-06-6779 AMENDED IMPERIAL ESTATES PH 6 PT 2 - WOODY BUTLER\dwg\13-06-6779.dwg 7/17/2013

Field notes for a 5.34 acre tract of land out of the Carlos O'Campo Grant, Abstract No. 32 in McLennan County, Texas and being a portion of that called Tract One, being a 44.351 acre tract of land described in a deed to Woody Butler Homes, Inc. deed of record in Volume 248, Page 357 of the Official Public Records of McLennan County, Texas and a portion of that called 6.403 acre tract of land described in a deed to Woody Butler Homes, Inc. deed of record in Volume 248, Page 352 of the Official Public Records of McLennan County, Texas. Said 5.34 acres being more particularly described by metes and bounds as follows with bearings based on State Plane Coordinates NAD 1983 (4203 TX C):

Beginning at a 1/2" iron rod with ¯879° cap found at the southwest corner of Lot 9, Block 13, of the Imperial Estates Addition, Phase Five, plat of record in County Clerk's File Number 2009015766 of the Official Public Records of McLennan County, Texas, the southeast corner of Lot 8, Block 13, of the Imperial Estates Addition, Phase Two, plat of record in Volume 602, Page 347 of the Official Public Records of McLennan County, Texas, for the northwest corner of the herein described tract of land;

Thence N 62deg. 44min. 24sec. E 327.28 ft. along the south line of the Imperial Estates Addition, Phase Five, to a 1/2" iron rod with ¯879° cap found, at the southwest corner of Lot 13, Block 13 of the said Phase Five, the southeast corner of Lot 12, Block 13 of the said Phase Five, the northwest corner of Lot 16, Block 13, of the Imperial Estates Addition, Phase Six, plat of record in County Clerk's File Number 2010039338 of the Official Public Records of McLennan County, Texas, for the northeast corner of the herein described tract of land;

Thence S 27deg. 22min. 07sec. E 179.47 ft. along the west line of the said Phase Six, to a 1/2" iron rod with ¯879° cap found, for an inside ell corner of the herein described tract of land;

Thence N 62deg. 37min. 53sec. E 61.52 ft. along the south right-of-way line of East Jade Drive, to a 1/2° iron rod with ¯879° cap found, at the northwest corner of Lot 3, Block 14, of the said Imperial Estates Addition, Phase Six, for an outside ell corner of the herein described tract of land;

Thence S 27deg. 22min. 07sec. E 287.16 ft. along the west line of the said Imperial Estates Addition, Phase Six, to a 1/2° iron rod with ¯879° cap found, in the south line of the said 44.351 acre tract, the north line of that called 4.3 acre tract of land described in a deed to Gary K. Hammond and Claudia S. Hammond, of record in Volume 1804, Page 34 of the Deed Records of McLennan County, Texas, at the southwest corner of the said Imperial Estates Addition, Phase Six, for the southeast corner of the herein described tract of land;

Thence S 41deg. 09min. 46sec. W 567.43 ft. along the north line of the said 4.3 acre tract, part of the way with the south line of the said 44.351 acre tract, and part of the way with the south line of the said 6.403 acre tract, to a 1/2° iron rod found in concrete monument, at the southwest corner of the said 6.403 acre tract, in the north line of the said 4.3 acre tract, at the southeast corner of Lot 1, Block 2, of the Green Acre Addition, plat of record in Volume 1747, Page 66 of the Deed Records of McLennan County, Texas, for the southwest corner of the herein described tract of land;

Thence N 70deg. 51min. 37sec. W 330.51 ft. along the west line of the said 6.403 acre tract, with the east line of the said Lot 1, Block 2 of the said Green Acre Addition, to a 1/2° iron rod with ¯879° cap placed, in the west line of the said 6.403 acre tract, with the east line of the said Lot 1, Block 2 of the said Green Acre Addition, for the most westerly northwest corner of the herein described tract of land;

Thence crossing the said 6.403 acre tract and the 44.351 acre tract the following four (4) courses and distances:
1.) N 61deg. 19min. 53sec. E 443.33 ft. to a 1/2" iron rod with ¯879° cap placed, for an angle point in the west line of the herein described tract of land
2.) N 27deg. 22min. 07sec. W 243.88 ft. to a 1/2" iron rod with ¯879° cap placed, for an angle point in the west line of the herein described tract of land;
3.) N 47deg. 31min. 44sec. W 50.86 ft. to a 1/2" iron rod with ¯879° cap placed, for an angle point in the west line of the herein described tract of land;
4.) N 51deg. 11min. 57sec. W 145.90 ft. to the Point of Beginning.

STATE OF TEXAS
COUNTY OF MCLENNAN

That, Woody Butler Homes, Inc., being the owner of the property described above and wishing to subdivide same into lots and blocks do hereby adopt the plat attached hereto and titled Final Plat of **IMPERIAL ESTATES ADDITION, PHASE SEVEN**, to the City of Hewitt, McLennan County, Texas. I do hereby dedicate all rights-of-way and easements shown hereon to the use of the public forever. Any private improvements placed in said rights-of-way and easements shall be placed there at no risk or obligation to the public and/or the City of Hewitt, trustee for the public to hold these easements, and the City shall have no responsibility to repair or replace such improvements if they are damaged or destroyed in the utilization of these rights-of-way or easements. The sale of the lots shown on this plat shall be made in accordance therewith, subject to all restrictions and conditions recorded in the McLennan County, Texas Real Property Records, pertaining to said subdivision.

"Woody Butler Homes, Inc."

By: _____
Woody Ray Butler, President
207 Sun Valley Blvd.
Hewitt, Texas 76643

STATE OF TEXAS
COUNTY OF MCLENNAN

Before me, the undersigned authority, Notary Public in and for the State of Texas, on this day personally appeared Woody Ray Butler, known to be the person whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office this the _____ day of _____, 2013.

Notary Public in and for the State of Texas

STATE OF TEXAS
COUNTY OF MCLENNAN

Approved this _____ day of _____, 2013 by the Hewitt Planning and Zoning Commission of the City of Hewitt, Texas.

CHAIRMAN

Secretary

LETH LTD PO Box 23414 Waco, Texas 76702 (254-776-5151) 6801 Sanger, Suite 111 Waco, Texas 76710 (FAX: 254-776-5152)		"KNOW ALL MEN BY THESE PRESENTS: That I, Gale Arnold, do hereby certify that I made an actual and accurate survey of the platted land and that the corner monuments shown on the foregoing plat were properly placed under my personal supervision, in accordance with the Subdivision Regulations of the City of Hewitt, Texas." Gale Arnold R.P.L.S. 3879	
Sheet: 2 of 2	060120 SCALE	ADDRESS: JADE AND TOPAZ 13-06-6779 DIGITAL FILE 13-06-6779.dwg	DATE 07-17-13 DRAWN BY JBM FIELDBOOK/PG. TNFDS -

Copyright: LETH LTD, 2013.

[illegible]**Account**

Geo ID: 360032000147009

Type: Real

Legal Description: O'CAMPO C A-32 Tract 95 Acres 5.616

Location

Situs Address: OFF E JADE DR & TOPEZ CIR TX

Neighborhood: M - R Hewitt, Sun Valley, Old Temple Rds

Mapsc0: 328

Jurisdictions: 36, 62, 86, 00, 08, CAD

Owner

Owner Name: WOODY BUTLER HOMES INC

Mailing Address: , 207 SUN VALLEY BLVD, HEWITT, TX 76643-3510

Property

Appraised Value: \$33,700.00

<https://propaccess.trueautomation.com/Map/View/Map/20/138724/2013>

powered by:
PropertyACCESS
www.trueautomation.com

Map Disclaimer: This product is for informational purposes only 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. The McLennan County Appraisal District expressly disclaims any and all liability in connection herewith.



COUNCIL AGENDA ITEM FORM

MEETING DATE: July 29, 2013

AGENDA ITEM #: 12

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Consideration of and action on an ordinance of the City of Hewitt, Texas vacating and abandoning a 0.59 acre utility easement tract, out of the Carlos O'Campo Grant, Abstract Number 32 in McLennan County, Texas as requested by Woody Butler Homes, Inc.

STAFF RECOMMENDATION/ITEM SUMMARY:

In February of 2000 the City of Hewitt worked with Woody Butler Homes, Inc. to secure appropriate drainage and utility easements to allow for development of Imperial Estates and the future extension of East Jade Drive. As the development has progressed, Woody Butler is now asking the City to vacate and abandon portions of these easements so that the next phase of his development can continue. City staff has reviewed the request and overall plan for development. Currently, no city facilities are currently located in this easement and staff is recommending approval of this item. If approved, the existing easements would be vacated and abandoned with new easements and right-of-way being dedicated in the Final Plat of the next Phase of Imperial Estates. A legal description and survey of the Utility Easement Tract to be vacated and abandoned is included as part of the back-up material for this item.

ATTACHMENTS:

Ordinance

ORDINANCE NO. 2013-07-29-2

**AN ORDINANCE OF THE CITY OF HEWITT, TEXAS
VACATING AND ABANDONING A 0.59 ACRE UTILITY
EASEMENT TRACT, OUT OF THE CARLOS O'CAMPO
GRANT, ABSTRACT NUMBER 32 IN MCLENNAN
COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE;
REPEALING ORDINANCES IN CONFLICT THEREWITH
AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Hewitt has received a request to vacate and abandoned a 0.59 acre Utility Easement tract, out of the Carlos O'Campo Grant, Abstract Number 32 in McLennan County, Texas as shown on the attached plat and field notes marked as “**Exhibit “A”**” which is incorporated herein by reference; and

WHEREAS, Woody Butler Homes, Inc., the adjoining property owner, is the applicant requesting the abandonment; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF HEWITT, TEXAS;**

Section 1: That the City of Hewitt desires to abandon the following land and territory in the City of Hewitt and that the same shall be and is hereby in all things VACATED and ABANDONED; to wit:

A 0.59 acre Utility Easement tract, out of the Carlos O'Campo Grant, Abstract Number 32 in McLennan County, Texas and being across a portion of that called Tract One, being a 44.351 acre tract of land described in a deed to Woody Butler Homes, Inc. deed of record in Volume 248, Page 357 of the official public records of McLennan County, Texas and across a portion of that called 6.403 acre tract of land described in a deed to Woody Butler Homes, Inc. deed of record in Volume 248, Page 352 of the official records of McLennan County, Texas be and is hereby vacated and abandoned.

Section 2: If any term, provision or section of this ordinance is unenforceable, then in that event, the remaining terms, provisions or sections shall remain in full forces and effect.

Section 3: All ordinances or parts of ordinances in conflict with provisions of this ordinance are to the extent of such conflict hereby repealed.

Section 4: It is found that an emergency and urgent public necessity which requires the immediate passage of this ordinance.

PASSED AND ADOPTED this the 29th day of July, 2013

CITY OF HEWITT

BY: _____
Ed Passalugo, Mayor

ATTEST:

Lydia Lopez, City Secretary

LETH LTD

6801 Sanger Avenue Suite 111
Waco, Texas 76712
254.776.5151
FAX 254.776.5152

0.59 ACRE UTILITY EASEMENT

Field notes for a 0.59 acre Utility Easement across the **Carlos O'Campo Grant, Abstract No. 32 in McLennan County, Texas** and being across a portion of that called Tract One, being a 44.351 acre tract of land described in a deed to **Woody Butler Homes, Inc.** deed of record in Volume 248, Page 357 of the Official Public Records of McLennan County, Texas and a portion of that called 6.403 acre tract of land described in a deed to **Woody Butler Homes, Inc.** deed of record in Volume 248, Page 352 of the Official Public Records of McLennan County, Texas. Said 0.59 acres being more particularly described by metes and bounds as follows with bearings based on State Plane Coordinates NAD 1983 (4203 TX C):

Beginning at a 1/2" iron rod found at the northeast corner of Lot 18, Block 14, of the Imperial Estates Addition, Phase One, plat of record in Volume 602, Page 345 of the Official Public Records of McLennan County, Texas, in the south right-of-way line of the said East Jade Drive, for the most westerly southwest corner of the herein described easement;

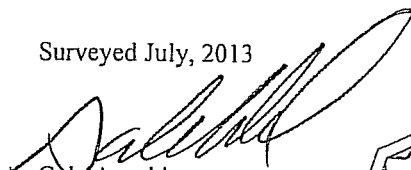
Thence N 52deg. 20min. 07sec. E 55.66 ft. along the east line of the Imperial Estates Addition, Phase One, crossing the said East Jade Street, to a 1/2" iron rod found, in the north right-of-way line of the said East Jade Drive, at the southeast corner of Lot 5, Block 13 of the said Imperial Estates Addition, Phase One, for the northwest corner of the herein described easement;

Thence crossing the said 44.351 acre tract and the said 6.403 acre tract, the following thirteen (13) courses and distances:

- 1.) S 63deg. 42min. 38sec. E 23.50 ft. to a 1/2" iron rod with "3879" cap placed, at the beginning of a curve to the left, for an angle point in the herein described easement;
- 2.) 194.60 ft. along with said curve to the left, having a radius of 125.00 ft. and a chord bearing of N 71deg. 41min. 28sec. E 175.53 ft. to a 1/2" iron rod with "3879" cap placed, at the end of the said curve to the left, for an angle point in the herein described easement;
- 3.) N 27deg. 05min. 34sec. E 115.77 ft. to a 1/2" iron rod with "3879" cap placed, at the beginning of a curve to the right, for an angle point in the herein described easement;
- 4.) 74.17 ft. along with said curve to the right, having a radius of 175.00 ft. and a chord bearing of N 39deg. 14min. 07sec. E 73.62 ft. to a 1/2" iron rod with "3879" cap placed, at the southeast corner of the proposed Lot 19, Block 13, of the proposed Imperial Estates Addition, Phase Seven, for the northeast corner of the herein described easement;
- 5.) S 47deg. 31min. 44sec. E 50.86 ft. to a 1/2" iron rod with "3879" cap placed at the southwest corner of the proposed Lot 10, Block 14 of the proposed Imperial Estates Addition, Phase Seven, for the southeast corner of the herein described easement;
- 6.) 60.86 ft. along with a curve to the left, having a radius of 125.00 ft. and a chord bearing of S 41deg. 02min. 28sec. W 60.26 ft. to a 1/2" iron rod with "3879" cap placed, for angle point of the herein described easement;
- 7.) S 27deg. 05min. 34sec. W 115.78 ft. to a 1/2" iron rod with "3879" cap placed at the beginning of a curve to the right;
- 8.) 12.89 ft. along with said curve to the right, having a radius of 175.00 ft. and a chord bearing of S 29deg. 12min. 13sec. W 12.89 ft. to a 1/2" iron rod with "3879" cap placed, for angle point of the herein described easement;
- 9.) S 32deg. 49min. 05sec. E 151.32 ft. to a 1/2" iron rod with "3879" cap placed in the west line of the proposed Lot 7, Block 14, of the proposed Imperial Estates Addition, Phase Seven, for an outside ell corner of the herein described easement;

- 10.) S 61deg. 19min. 53sec. W 20.05 ft. along the west line of the proposed Lot 7, Block 14, of the said proposed Imperial Estates Addition, Phase Seven, to a 1/2" iron rod with "3879" cap placed for an outside ell corner of the herein described easement,
- 11.) N 32deg. 49min. 05sec. W 141.66 ft. to a 1/2" iron rod with "3879" cap placed at the beginning of a curve to the right, for an inside ell corner of the herein described easement;
- 12.) 237.91 ft. along said curve to the right **having a radius of 175.00 ft.** and a chord bearing of S 77deg. 20min. 37sec. W 220.01 ft. along said curve to the right, to a 1/2" iron rod with "3879" cap placed for an angle point of the herein described easement;
- 13.) N 63deg. 42min. 38sec. W 47.94 ft. to the Point of Beginning.

Surveyed July, 2013



Gale Arnold
Registered Professional
Land Surveyor No. 3879
W.O. No. 13-06-6779

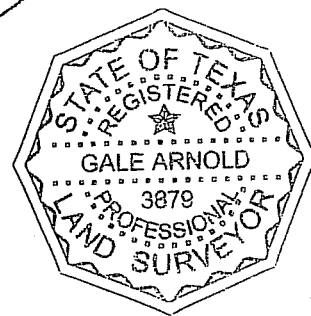
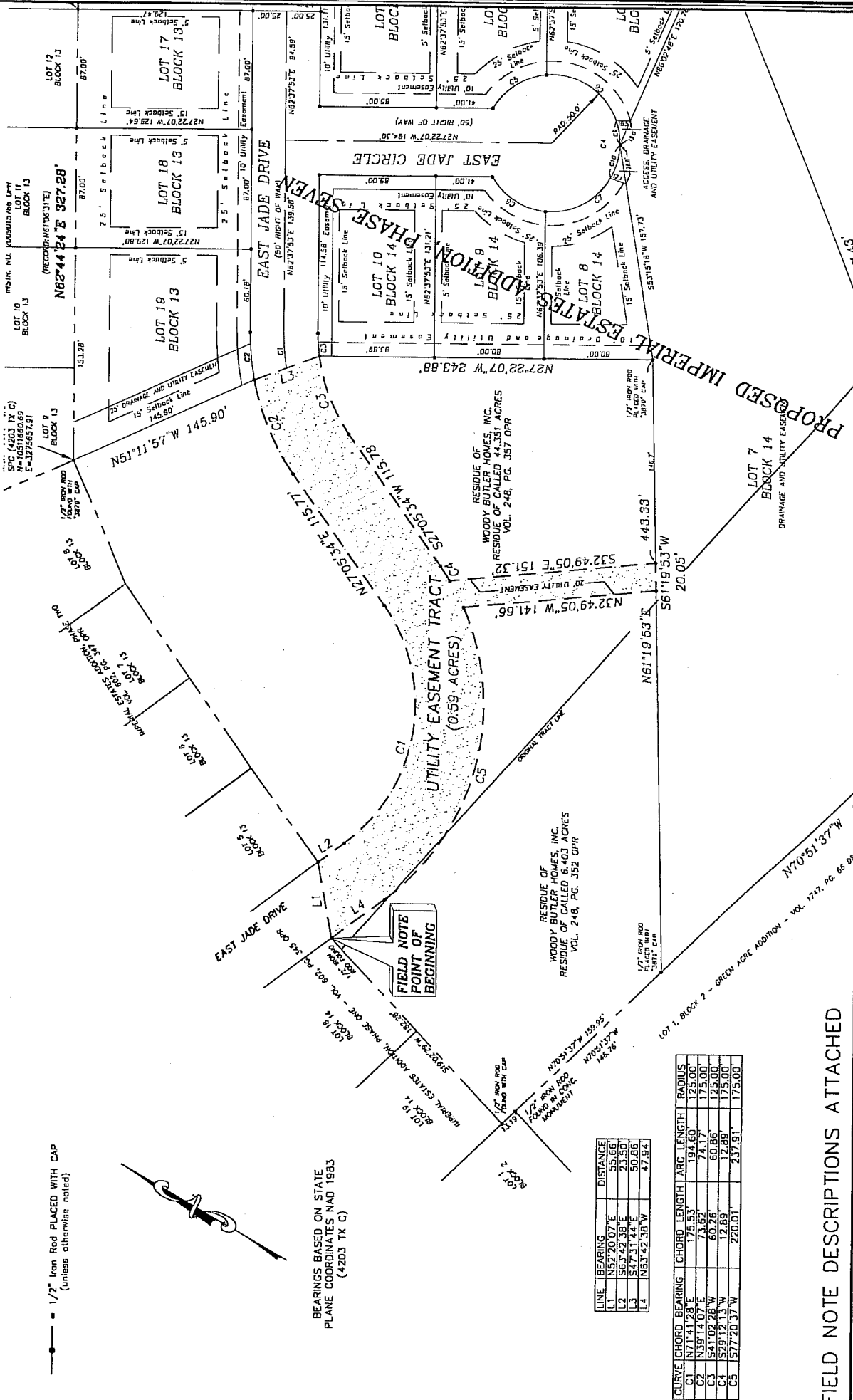


EXHIBIT Showing a 0.59 Acre Utility Easement tract, out of the Carlos O'Campo Grant, Abstract Number 32 in McLennan County, Texas and being across a portion of that called Tract One, being a 44.351 acre tract of land described in a deed to Woody Butler Homes, Inc. deed of record in Volume 248, Page 357 of the Official Public Records of McLennan County, Texas and across a portion of that called 8.403 acre tract of land described in a deed to Woody Butler Homes, Inc. deed of record in Volume 248, Page 352 of the Official Public Records of McLennan County, Texas.



1/2" Iron Rod PLACED WITH CAP
(unless otherwise noted)

BEARINGS BASED ON STATE
PLANE COORDINATES NAD 1983
(4203 TX C)

LINE	BEARING	DISTANCE
L1	N52°20'07"E	175.53
L2	S63°42'38"E	21.50
L3	S47°11'44"E	50.86
L4	N63°42'38"W	47.94

CURVE	CHORD	BEARING	CHORD LENGTH	RADIUS
C1	N71°41'28"E	175.53	175.53	175.00
C2	N38°14'07"E	21.50	21.50	125.00
C3	S41°02'28"W	60.26	60.26	125.00
C4	S28°12'13"W	12.89	12.89	125.00
C5	S77°20'37"W	220.01	237.91	175.00

FIELD NOTE DESCRIPTIONS ATTACHED



LETH LTD

6801 Sanger Ave., Suite 111
Waco, Texas 76710
(254) 776-5151
Fax (254) 776-5152

REQUESTED BY: Woody Butler
Homes, Inc.

Planning & Zoning Commission – Agenda Item

Agenda Item: #6

Item Description

Briefing and discussion concerning accessory structures and carports.

Attachments

1. Letter from the City Manager
2. City of Hewitt Zoning Ordinance - Sections 9.101, 9.102, 1.304a



MEMORANDUM

FROM: Adam Miles, City Manager
TO: Mayor and City Council
DATE: July 31, 2013
RE: Accessory structures and carports

During Monday's City Council meeting we discussed issues concerning accessory structures and carports. I have researched this issue and talked with our Building Official, Bruce Braley. Generally speaking we do not require permits for any accessory structure less than 120 square feet. However, detached accessory structures larger than that require a permit and may have additional requirements.

Many of the smaller storage sheds and backyard buildings do not require a permit. The Building Department does have questions from citizens about these buildings from time to time, but for the most part many of these have been put up without a permit or knowledge of their construction by the city. When a permit is required or a violation has been reported we have acted to ensure compliance with our codes. I am not aware of any existing structures that were constructed out of compliance of our codes that we have not addressed. Of course, we continually investigate reports of violations as they arise.

The main item of discussion had to do with a detached carport that was erected at 604 Wall Street. Bruce was aware of the structure and our Building Department issued the permit. Based on our current practice this structure is permitted and erected in compliance with Hewitt's Codes. In my discussion with Bruce he referred to the following excerpts from Hewitt's Zoning Regulations. I have underlined specific portions relevant to the discussion.

EXCERPT from Hewitt Code of Ordinances (Online)

Appendix "A" Zoning

Part 9. Accessory Uses and Buildings are Regulated

Section 9.102. [Residential accessory buildings.]

Temporary buildings for construction purposes only are permitted in any district during the course of construction.

A. The following regulations shall govern the location, size, and use of any accessory

buildings:

- (1) No accessory building shall be erected in any required yard area as stipulated in this ordinance, except as allowed in the following subparagraphs.
- (2) No detached residential garage or carport shall be erected or placed closer to any street or alley right-of-way line than the minimum yard requirements (building setback line) governing the district in which such garage or carport is located.
- (3) Residential accessory buildings and storage buildings housing domestic lawn and garden equipment and all other household effects may be detached or attached to the main building but shall not encroach in any required front yard and may not occupy more than 30 percent of the rear yard. If detached, no accessory building shall be erected within ten feet of any other building, except detached residential garages may be located within five feet of the main dwelling.
- (4) No accessory building shall be higher than the main buildings.
- (5) An accessory building more than five feet from a main building may be erected within two feet of a side or rear lot line, but must be located at least 60 feet from the front street line.

Additionally, Bruce referred to Hewitt's regulations concerning masonry on accessory structures.

EXCERPT from Hewitt Code of Ordinances

Appendix "A" Zoning

Part 1. Districts

Section 1.3 Effect of the Ordinance

1.304. Other construction requirements.

- A. To add a requirement that in residential zoned districts R-1, R-2, R-3, and R-5 masonry veneering shall cover 75 percent of the front and two sides of the first floor of all residential structures excluding doors and windows. Accessory buildings in residential zoned districts R-1, R-2, R-3, and R-5 that are larger than 400 square feet or have a door(s) larger than six feet (6') wide shall cover 75 percent of the front and two sides of the first floor of the structures, excluding doors and windows, with a masonry veneer.

Note: It appears that the masonry requirement first appeared in April of 2006. Prior to that most accessory structures were not constructed with a masonry façade.

Bruce explained that our code addresses carports and garages differently than other accessory structures. According to the Code, while accessory buildings must be 60 feet behind the property line Hewitt's Code currently allows carports and garages to be placed within 5 feet of a home as long as the garage or carport is no closer to the front yard setback than the primary structure.

The practice of allowing these carports and this interpretation of the code has not changed. Bruce has consistently permitted carports throughout Hewitt based on Hewitt's current regulations. In

fact several neighborhoods in Hewitt have these type of carports erected and in use. Since Monday night, I drove through several neighborhoods in town and have seen many examples of metal carports lawfully erected in the same manner as the one at 604 Wall Street.

The metal carport placed at 604 Wall Street meets the requirements of the current code. However unsightly it may appear, it is not in violation of the current regulations and is not an enforceable violation of the code.

As far as allowing a metal carport, the Code does not require carports to be masonry, there is no “front and two sides” of a carport and there is no restriction that disallows metal structures. In fact, under current regulations a carport may also be constructed with wood poles or other material.

All this being said, I believe some of the discussion at the Council meeting Monday evening had to do with finding a way to disallow metal carports visible from the street. The main idea is to ensure property values are maintained or increased and quality construction techniques are utilized. I believe the Council has many options to choose from relating to regulating accessory structures.

One regulation that might be considered is requiring support columns for detached carports less than 60 feet from the front property line to have a masonry covering. This would allow metal back yard awnings, but require masonry columns when the building is located next to a home or in a driveway clearly visible from the street. I believe there are some other options to consider that will improve the aesthetics of our neighborhoods in the manner discussed Monday evening.

I believe the other issue brought up at the Council workshop had to do with height of accessory structures. Our current regulations state, “No accessory building shall be higher than the main buildings.” In R1 districts (Single Family District) the current maximum height is 35 feet for a regular home. We have had several instances where home owners have constructed carports or other buildings as accessory structures in the rear yard for R.V.’s that are tall, but do not exceed the height of the main structure. Again, these structures are currently allowed in our current ordinance.

Understandably, setting one maximum height for accessory structures “across the board” poses some issues. The average pitch of roof has changed over the years. Generally, older homes in some areas are not nearly as tall as newer homes in other areas. In other words, setting a maximum height can certainly be done, but what may be considered “short” for a newer home, may actually be higher than some older homes. Additional problems arise when discussing two story homes. In R1 right now, basing the height of accessory structures off the main structure is, in practice, simpler to explain to citizens and much easier to consistently enforce.

However, one solution that might be considered is to set a maximum or base height for an accessory structure. This could be set at something like 15 feet in height. Then if an owner wanted to go up to the same height as the primary structure, they could do so if they also increased the setback from property lines by one foot for each foot in height above 15 feet. In this example, if a home was at 25 feet, then an additional 10 feet of setback would be required from the property lines if the owner wanted to go up to 25 feet in height. It is something to consider.

In any case, it appears that some adjustments need to be made to our current regulations. At this time, we are preparing an agenda item that would issue a moratorium on new accessory structures for your consideration at the next Council meeting. We plan to write this primarily for carports, but can add any accessory structure. We will also have this item on the workshop agenda to gather further input from you as to how to proceed.

Just as a reminder, changes to the Zoning regulations would need to go before the Planning and Zoning Commission prior to consideration by the Council. I will need further input from the Council to prepare a proposed change to these regulations. It looks like the earliest the P&Z could consider a change would be in September. Their recommendation would be forwarded to you for consideration at your second meeting in September.

Obviously, we want to establish requirements that meet your policy guidelines and reflect the direction of the Council. I look forward to hearing from you as we work to update these regulations.

Section 9.101. General provisions enumerated.

The following **accessory** uses are permitted:

A.R-1, R-2, R-3, R-4, and R-5 districts:

- 1.An attached or detached private garage.
- 2.Nonpaying guest houses or rooms for guests within an **accessory** building, provided such facilities are used only for the occasional and gratuitous housing of guests of the occupant of principal building and not for permanent occupancy by others as a dwelling unit.
- 3.Sheds or tool rooms.
- 4.Children's playhouse.
- 5.Vegetable or flower gardens.
- 6.Garden houses.
- 7.Private greenhouses.
- 8.Private tennis courts.
- 9.Private swimming pools.

B.In C-1, C-2, C-O and M districts there may be any **accessory** use as authorized herein:

- 1.Shall obtain a building permit from the City of Hewitt prior to construction or locating on any property;
- 2.Shall have express written permission of the property owner if the property is not owned by permit applicant;
- 3.Shall meet setback requirements as specified within the zoning districts but in no case be closer to the front property line than the main building;
- 4.Shall not be established on any lot prior to the establishment of a principal use;
- 5.Shall comply with all city codes including but not limited to electrical, plumbing, and health and sanitation;
- 6.Shall not create any condition which is hazardous to the health and welfare of the public.

C.In C-1, C-2, C-O and M districts there may be any temporary commercial use authorized herein:

- 1.Shall obtain a building permit from the City of Hewitt prior to locating on any property. Permit shall be for 90 days with allowance for one renewal within a 12-month period. Permit fee shall be \$25.00 for first 90-day permit and no fee for renewal permit.

2. Shall have the express written permission of the property owner if the property is not owned by permit applicant.
3. Shall meet setback requirements as specified within the zoning districts or if the principal building is a nonconforming use, as to setbacks, the temporary commercial building shall not encroach into the required yard(s) any more than the existing principal building.
4. Shall not be established on any lot prior to the establishment of a principal use.
5. Shall comply with all city codes including but not limited to electrical, plumbing, and health and sanitation, or shall provide for proper electrical and water service, disposal of solid waste and sewage meeting city approval.
6. Shall not create any conditions which are hazardous to the health and welfare of the public.
7. Nonprofit, charitable, and uses not exceeding 72 hours shall be exempt from numbers 1, 3, 4 and 5 of this subparagraph C.
8. Exempted uses not exceeding 72 hours, as specified in number 7, may be granted one additional 72-hour period for operation, by the building official.

(Ord. of 11-15-99; Ord. No. 2006-04-03, § 12, 14, 4-3-06)

Section 9.102. [Residential accessory buildings.]

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A. The following regulations shall govern the location, size, and use of any **accessory** buildings:

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- (4) No **accessory** building shall be higher than the main buildings.

(5) An accessory building more than five feet from a main building may be erected within two feet of a side or rear lot line, but must be located at least 60 feet from the front street line.

1.304. Other construction requirements.

A.To add a requirement that in residential zoned districts R-1, R-2, R-3, and R-5 masonry veneering shall cover 75 percent of the front and two sides of the first floor of all residential structures excluding doors and windows. Accessory buildings in residential zoned districts R-1, R-2, R-3, and R-5 that are larger than 400 square feet or have a door(s) larger than six feet (6') wide shall cover 75 percent of the front and two sides of the first floor of the structures, excluding doors and windows, with a masonry veneer.

Planning & Zoning Commission – Agenda Item

Agenda Item: #7

Item Description

Adjourn.