

HEWITT TEXAS

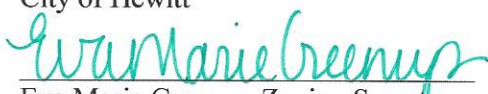
Notice of Meeting of the Planning & Zoning Commission of the City of Hewitt, Texas

Notice is hereby given that meeting of the Planning & Zoning Commission will be held on **Tuesday, April 7, 2015, at 7:00p.m.** in the **City Council Chambers at Hewitt City Hall, 105 Tampico, Hewitt, Texas** at which time the following subjects will be discussed:

1. Call Planning and Zoning Commission Meeting to order.
2. Consider approval of minutes for the March 3, 2015, Planning & Zoning Commission Regular Meeting.
3. Consider and take appropriate action concerning request for zoning change of property on SW Corner of Spring Valley and Old Temple Road, legally known as Pat Barcus Addition, Part 4, 1.35 Acres, Lot 32, Block 4, from R5 (Single Family Attached Dwelling District), to R-4 (Multi Family Residential District). **This item was tabled from the last meeting, March 3, 2015, to allow additional information to be submitted by the requestor, Luke Morton, Morton Construction.**
4. Consider and take appropriate action concerning request for zoning change of 142 2nd Street (Also known as the Old Fire Department, being Lot 8, a portion of Lot 9, and a 10 foot by 75 foot strip out of the 20 foot wide alley, Block 1, Original City of Hewitt, McLennan County, Texas, Plat of record in Volume 94, Page 114, Deed Records, McLennan County, Texas) from R1 (Single Family Residential) to C2 (General Business District) as requested by the City of Hewitt. **This item was tabled from the last meeting, March 3, 2015, to allow for a Town Hall Meeting which was held on March 23, 2015.**
5. Consider and take appropriate action concerning request for an ordinance change to the City of Hewitt Ordinance Section 9.103. Walls and Fences. **This was originally brought before the Board of Adjustment on March 19, 2015, for a commercial electrical fence and was approved. The board requested a change to the ordinance to reflect electric fencing requirements for commercial property.**
6. Adjourn.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the **Planning & Zoning Commission and Governing Body** of the above named City of Hewitt, Texas was posted on the Public Notice Board located in front of the City Hall by 5:00pm on April 2, 2015.

City of Hewitt


Eva Marie Greenup-Zoning Secretary

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 Zoning Secretary at (254) 666-6173 at least 24 hours prior to the meeting, so that appropriate arrangements can be made.

Planning & Zoning Commission – Agenda Item

Agenda Item #2

Item Description

Consider approval of minutes for the March 3, 2015, Planning & Zoning Commission Regular Meeting

HEWITT TEXAS

Minutes of the Planning & Zoning Commission March 3, 2015 – 7:00PM

Members present: Charlie Turner, John Baker, Kurt Krakowian, Bobby Wolske, Walter Peterson, Michael Hix. Quorum was present.

Members absent: None

Staff present: Adam Miles, City Manager, Eva Marie Greenup, Zoning Secretary

Item #1. **Call Planning and Zoning Meeting to order.** *Charlie Turner called the meeting to order at 7:00p.m.*

Item #2. **Minutes** – *a motion was made by Walter Peterson to accept but to allow for corrections and seconded by John Baker to approve the minutes as submitted. No Corrections noted, all six in favor, motion passed. Minutes dated January 6, 2015 stand approved.*

Item #3. **Consider and take appropriate action concerning request for zoning change of property on SW Corner of Spring Valley and Old Temple Road, legally known as Pat Barcus Addition, Part 4, 1.35 Acres, Lot 32, Block 4, from R5 (Single Family Attached Dwelling District), to R-4 (Multi Family Residential District).** *Luke Morton, 1639 Hannah Hill Road, Waco TX 76712 presented his proposal for the rezoning. None were in favor and those in opposition were: Tommy Griffith, 224 Keswick, Hewitt TX 76643 and Johnny Bates, 200 Keswick, Hewitt TX 76643. Adam Miles, City Manager answered questions from the board. A motion was made by Kurt Krakowian to table this item until the developer could present more information. Walter Peterson seconded, all six in favor, motion passed.*

Item #4. **Consider and take appropriate action concerning request for zoning change of 142 2nd Street (Also known as the Old Fire Department, being Lot 8, a portion of Lot 9, and a 10 foot by 75 foot strip out of the 20 foot wide alley, Block 1, Original City of Hewitt, McLennan County, Texas, Plat of record in Volume 94, Page 114, Deed Records, McLennan County, Texas) from R1 (Single Family Residential) to C2 (General Business District) as requested by the City of Hewitt.** *Adam Miles, City Manager, stated the City of Hewitt is in favor of this zoning change request. Against the request is Cynthia Stewart, 141 2nd Street, Hewitt TX, Bob Pugh 1168 Chapel Road, Waco TX, Lindsey Lee, 201 2nd Street, Hewitt TX, Lisa Russell, 201 S. 1st Street, Hewitt TX, Steve Russell, 201 1st Street, Hewitt TX. A motion was made by Kurt Krakowian to table this item until a Town Meeting could be held within the next two months, to allow more time for residents to speak and express their concerns without a five minute limit. John Baker seconded, all six in favor, motion passed.*

Item #5. **Adjourn.** *Motion was made by John Baker and seconded by Michael Hix to adjourn the meeting at 8:10 PM, all six in favor, motion passed.*

Chair

Approved

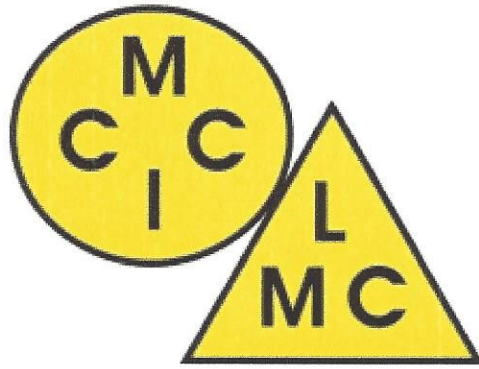

Eva Marie Greenup, Zoning Secretary

Planning & Zoning Commission – Agenda Item

Agenda Item #3

Item Description

Consider and take appropriate action concerning request for zoning change of property on SW Corner of Spring Valley and Old Temple Road, legally known as Pat Barcus Addition, Part 4, 1.35 Acres, Lot 32, Block 4, from R5 (Single Family Attached Dwelling District), to R-4 (Multi Family Residential District). This item was tabled from the last meeting, March 3, 2015, to allow additional information to be submitted by the requestor, Luke Morton, Morton Construction.



MORTON CONSTRUCTION HOLDINGS, L.L.C.

3825 W. Waco Drive

Waco, Texas 76710

254-230-9016

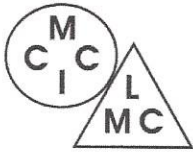
254-752-1416 fax

Charles R Morton, Owner (Bobby)

Charles L Morton, Owner (Luke)

Shelly Stone, Office Manager

SW Corner of Spring Valley and Old Temple Road, legally know as
Pat Barcus Addition, Part 4, 1.35 Acres, Lot 32, Block 4



Morton Construction
3825 W Waco Drive
Waco, Texas 76712
254-230-9016 / 254-752-1416 fax

April 1, 2015

To The Esteemed Members of the Hewitt Planning & Zoning Board:

My father, Bobby Morton and I have been partners in Morton Construction Holdings, L.L.C. since 2005 but together we have a combined industry experience of over 55 years. We have lived in the Waco area since 1983. My father moved us from East Texas (Crockett Texas) where my father built homes as well as owned a saw mill with one of his brothers and father. In our time in Waco, my father has built houses (single & multi-family) as well as some light industrial all over McLennan County but primarily in the Hewitt, Robinson & Baylor areas.

In 2003, we purchased 50 acres in Robinson off Old Robinson Rd. just behind the high school. We developed the land into a 95+ lot subdivision called Cedar Ridge. Between 2003 & 2008, we built approximately 40% of the houses in that subdivision. Also between those years and up to current, we have worked with several property investors in and out of town and have built almost 25 single and multi-family properties around Baylor University. Currently, we are working with 3 individual investors designing additional student housing for the fall 2016 school year.

During the expansion of the Stoneridge & Winter Park additions, my father built many, many houses and we have recently bought several lots from James Vidrine in his Ellis Farm addition and have our last speculative house under contract closing the first part of May. We have 2 vacant lots left in inventory within Ellis Farm with plans to start construction this fall. As well, we have some lots in Hidden Valley and are currently looking for a large tract of land to develop another single-family home subdivision.

In addition to speculative and custom work, we have purchased and built income producing property that includes single-family homes, duplexes, 4-plexes (quad-plex) & an apartment complex. These income properties are located in Hewitt, Waco, the Baylor area & Robinson. Currently, we are obviously working with the City of Hewitt as well as the City of McGregor & Waco (for the China Spring area) to build additional income property.

What we are planning on constructing on our property at Old Temple Rd. & Spring Valley Rd. (F.M. 2113) is a high-end townhouse complex. The buildings will be no taller than 2-stories and will have a perimeter fence with electronic security gates. Again, this complex will target a higher-end market because the rent will reflect the higher-end construction (interior & exterior) as well as finish-out (i.e. granite tops, oak or knotty alder cabinets, upper-end brand appliances, plumbing & lighting fixtures, etc.).

The name of our management company is Red Oak Properties. We currently manage all our income property under this company. We will retain ownership of the townhouse complex and manage it with the Red Oak Company as well.

We have established ourselves resolutely in the real estate market in McLennan County. My father raised his family here and I am currently raising my family here as well. We firmly believe in what we do and our honesty and integrity is reflected in every house we build and every deal that we close. Our reputation is more important to us than most anything we do in our profession and we have worked extremely long and hard to have established a positive one. We will never deviate from our goals and beliefs in any way to alter that reputation.

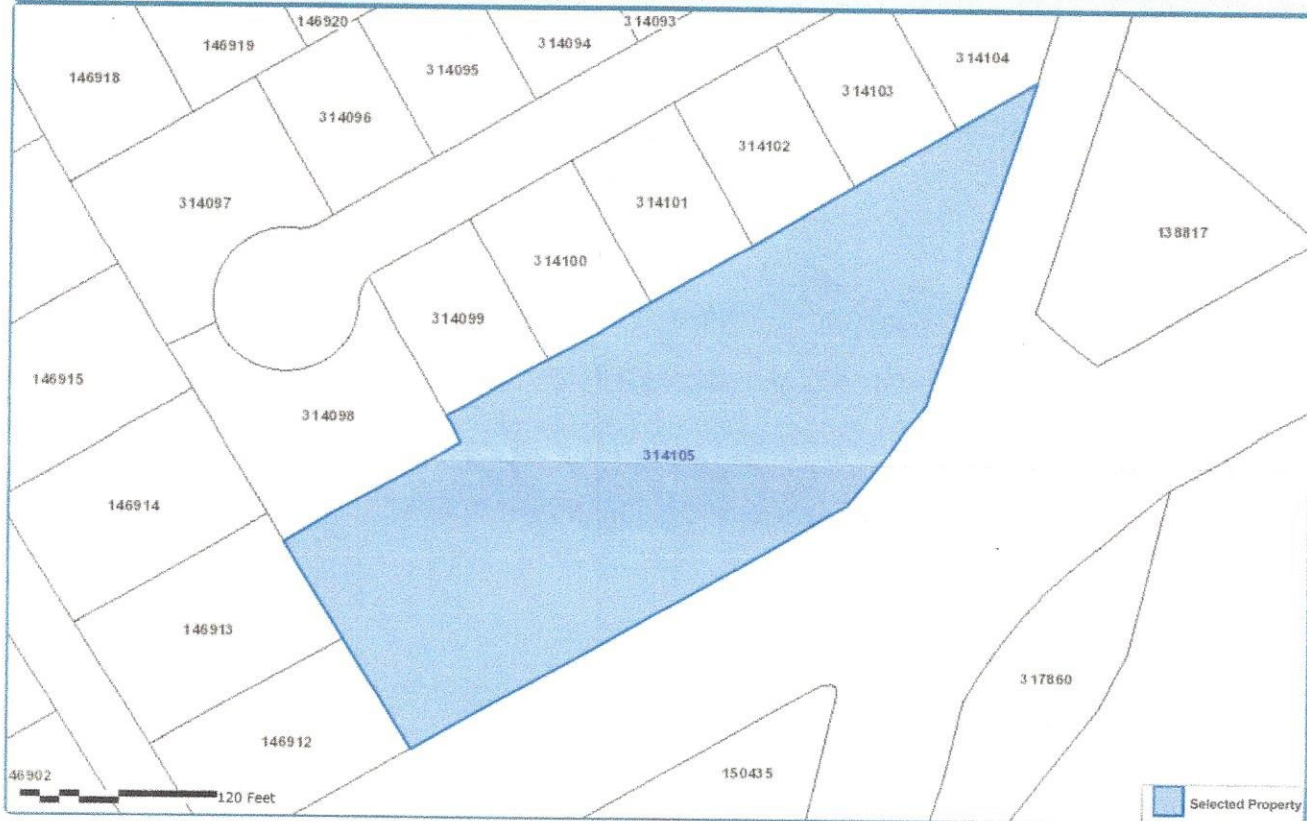
This townhouse complex is very important to us. Not only as an investment but also as a reflection of our desire to provide a very nice & safe place for others to call home. As developers, we strive to offer a positive addition to the city--one that will reflect positively on the community. This townhouse complex will be our offering to Hewitt...one that we will be proud to say we developed and one that will be a wonderful addition to the community.

Regards,

Luke Morton

Luke Morton
Morton Construction Holdings, L.L.C.

McLennan CAD - Map of Property ID 314105 for Year 2015



Property Details

Account

Property ID: 314105

Geo ID: 363030000027170

Type: Real

Legal Description: BARCUS PAT Block 4 Lot 32 Acres 1.35

Location

Situs Address: SPRING VALLEY RD TX

Neighborhood: RES BARCUS PAT

Mapsco: 359

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

Owner

Owner Name: MORTON CONSTRUCTION CO INC

Mailing Address: , 3825 W. WACO DR, WACO, TX 76710

Property

Appraised Value: N/A

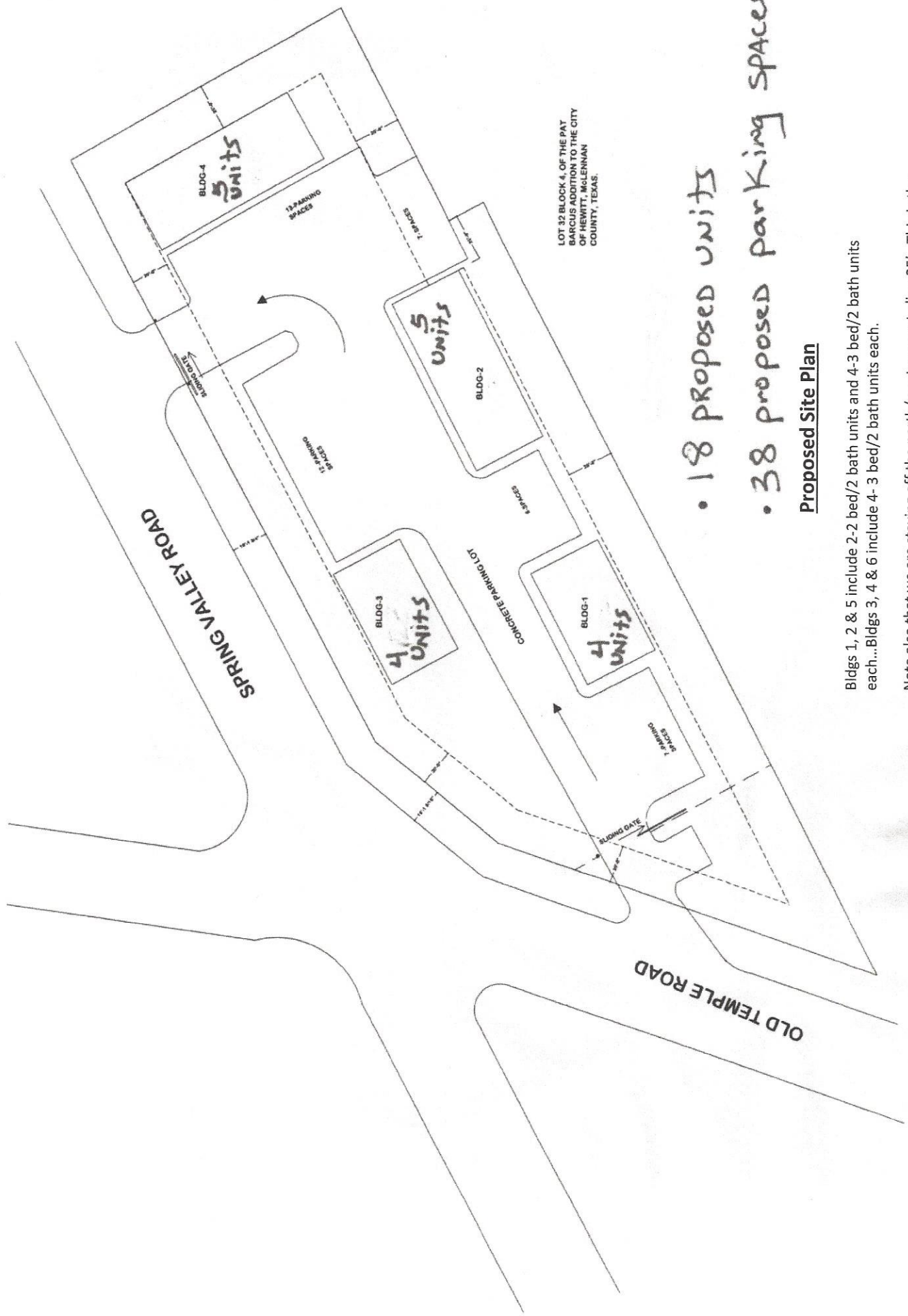
<https://propaccess.trueautomation.com/Map/View/Map/20/314105/2015>

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.

These pictures reflect how we plan on the exterior of the town houses to look. However, please note and as stated in the letter, we will not build anything over 2 stories.





LOT 32 BLOCK 4, OF THE PAT
BARCUS ADDITION TO THE CITY
OF HEWITT, McLENNAN
COUNTY, TEXAS.

- 18 proposed units
- 38 proposed parking spaces

Proposed Site Plan

Bldgs 1, 2 & 5 include 2-2 bed/2 bath units and 4-3 bed/2 bath units each...Bldgs 3, 4 & 6 include 4- 3 bed/2 bath units each.

Note also that we are staying off the north/west property line 25'. This is the property line that is contiguous to the residences on Keswick Dr.

Additional "fine tuning" needs to be done to the site plan. The parking needs to be detailed more as well as the landscaping, etc., however, this is generally how the townhouses will be laid out on the property.

Planning & Zoning Commission – Agenda Item

Agenda Item #4

Item Description

Consider and take appropriate action concerning request for zoning change of 142 2nd Street (Also known as the Old Fire Department, being Lot 8, a portion of Lot 9, and a 10 foot by 75 foot strip out of the 20 foot wide alley, Block 1, Original City of Hewitt, McLennan County, Texas, Plat of record in Volume 94, Page 114, Deed Records, McLennan County, Texas) from R1 (Single Family Residential) to C2 (General Business District) as requested by the City of Hewitt. This item was tabled from the last meeting, March 3, 2015, to allow for a Town Hall Meeting which was held on March 23, 2015.

HEWITT TEXAS

City of Hewitt Town Hall Meeting Minutes March 23, 2015 – 6:00PM

A Town Hall meeting was held on March 23, 2015, at 6:00pm, with Charlie Turner officiating. Planning and Zoning members present were Kurt Krawkian and Michael Hix, City Manager Adam Miles and Zoning Secretary, Eva Marie Greenup.

A meeting was called to discuss the request for zoning change of 142 2nd Street (Also known as the Old Fire Department, being Lot 8, a portion of Lot 9, and a 10 foot by 75 foot strip out of the 20 foot wide alley, Block 1, Original City of Hewitt, McLennan County, Texas, Plat of record in Volume 94, Page 114, Deed Records, McLennan County, Texas) from R1 (Single Family Residential) to C2 (General Business District) as requested by the City of Hewitt. This item had been tabled from the last Planning and Zoning meeting which was held on March 3, 2015, to allow for the Town Hall Meeting.

Residents were present to express their concerns. Adam Miles presented a visual map to review with the boundaries and property to be discussed. Residents voiced their concern on the drainage issues that they encounter around Wall, Third Street and First Street. Charlie Turner stated regardless if the property is residential or commercial, drainage will always be an issue. This meeting is to get some ideas as far as zoning and possibly placing deed restrictions for commercial property. Mr. Turner stated deed restrictions are not permanent and could be overturned any time in the future. It was suggested that if the property was zoned C-2 (General Commercial District), there would be some restrictions on the use since there would be some undesirable uses in C-2 which also encompasses C-1 (Restricted Commercial District). Some restrictions that were suggested, would be the hours of operation, restriction on outdoor storage, disallow additional signage, limit noise or night pollution and limit the ability to expand the building. The concerns expressed from the citizens present were the integrity of the neighborhood, safety, parking restrictions and additional traffic.

While the citizens remained opposed to the commercial zoning, they were advised it will be brought before the Planning and Zoning Commission on April 7, 2015, then to City Council on April 20, 2015, for a decision.

Meeting was adjourned at 7:33pm.


Eva Marie Greenup, Zoning Secretary

The facility at 142 2nd Street was constructed and used as a Fire Department for many years. This use is allowed in the R1 Zoning District. With the recent completion of the Public Safety Facility on Patriot Court and subsequent move by the Fire Department personnel, the building is no longer utilized for its original intended purpose and the City Council is considering the sale of the property in the near future.

One of the main concerns is that the building was constructed as a Fire Department. Clearly, the building is more similar to a commercial building than a residential home. The City is proposing a rezoning of the property that would change the zoning from R1 Residential to C2 General Business District.

The City acknowledges that the C2 Zoning would allow some uses that are potentially undesirable or in conflict with the residential nature of the surrounding property. Included in this letter is a list of land uses that are allowed in the C2 General Commercial District. As you can see the C2 district includes all C1 (Restricted Commercial District) uses. A list of those uses has also been provided.

Again, the C2 (General Business District) zoning allows some uses that may be undesirable or in conflict with surrounding residential uses. While the rezoning is under consideration as a separate action, the City can also consider imposition of deed restrictions intended to further limit the use of the property in order to maintain the integrity of the neighborhood.

In this specific case, because the City of Hewitt is the owner of the property, the City can impose and enforce Deed Restrictions on the property. Included with this letter is a specific list of uses proposed to be prohibited by deed restriction that would otherwise be allowed in the C2 District.

Furthermore, the City Council will consider the following restrictions based on feedback from the neighborhood and comments received during the public hearings.

- Limited hours of operation
- Restrictions on outdoor storage
- Disallow additional signage
- Limit noise or light pollution
- Limit ability to expand the building (including height)

The following is an Excerpt from Appendix A: Zoning, of the Code of Ordinances of the City of Hewitt. The entire code may be found at www.cityofhewitt.com.

C1 Restricted Commercial District

1. Banks and other financial institutions.
2. Barber and beauty shops.
3. Business or professional offices.
4. Churches, convents, parish houses.
5. Commercial or private schools.
6. Convalescent or rest homes.
7. Dressmaking, millinery, tailor shops, shoe repair shops and similar shops.
8. Existing residential dwelling units used as such on the effective date of this ordinance.
9. Hospitals other than veterinary.
10. Nursery, kindergarten and other special schools.
11. Public office buildings used by schools, city, county, state or federal governments.
12. Public and private schools
13. Religious, educational and philanthropic institutions, but not animal care.
14. Retail bakery shop.
15. Retail candy shop.
16. Retail sales, excluding automobiles, trucks, motorcycles, farm machinery, construction machinery and equipment, building materials and agricultural and farm supplies, and subject to the following conditions:
 - (a) That all uses or activities be conducted wholly within an enclosed building.
 - (b) That yards be not used for display, sale, or storage of merchandise, for service to customers, or for the storage of vehicles, equipment, containers or waste materials.
 - (c) That all merchandise be firsthand and be sold at retail on the premises except merchandise considered to be antiques.
 - (d) That such use be not objectionable because of odor, excessive light, vapor, dust, steam or other airborne material, pollutants, presence of vermin or rodents, or similar nuisances.
17. Studios [studios] of artists and photographers.
18. Telephone exchange.

C2 General Business District

Uses permitted.

- (1) Any use permitted in the C-1 district;
- (2) Auction rooms;
- (3) Auto body operations;
- (4) Automobile accessory stores;
- (5) Automobile service facilities;
- (6) Automobile washes;
- (7) Blueprinting and photostating establishments;
- (8) Bus passenger station;
- (9) Business machine sales and service establishments;
- (10) Carpet and rug stores;
- (11) Catering establishments;
- (12) Cleaning and dyeing facilities;

C2 General Business District continued

- (13) Commercial recreation uses, including bowling alleys, arcades, golf driving range, gymnasiums, miniature golf courses, pool halls, swimming pools and skating rinks;
- (14) Department stores;
- (15) Drive-in eating establishments;
- (16) Dry goods stores;
- (17) Employment agencies;
- (18) Existing residential dwelling units and lodging uses as such on the effective date of this ordinance;
- (19) Exterminating shops;
- (20) Floor covering, sales and installation;
- (21) Fraternal, philanthropic and eleemosynary uses;
- (22) Furniture shops;
- (23) Furrier shops, including the incidental storage and conditioning of furs;
- (24) Hotels, apartment hotels and motels;
- (24.1) Hospitals, sanitariums, nursing homes and personal care centers;
- (25) Interior decorating shops, including upholstering and making of draperies, slipcovers, and other similar articles when conducted as part of the retail operation and secondary to the principal use;
- (26) Laboratories for research development and testing;
- (27) Laundries;
- (28) Leather goods and luggage stores;
- (29) Loan offices;
- (30) Locksmith shops;
- (31) Meat markets, including sale of meat and meat products to restaurants, hotels, clubs and other similar establishments when such sale is conducted as part of the retail business on the premises;
- (32) Mortuaries;
- (33) Musical instruments sales and repair;
- (34) Office supply stores;
- (35) Orthopedic and medical appliance and supply stores;
- (36) Other retail and wholesale sales, rental and service uses which are similar in character to those enumerated in this subsection, and which will not be dangerous or otherwise detrimental to persons residing or working in the vicinity thereof, or to the public welfare, and will not impair the use, enjoyment or value of any property, but not including any of the following uses:
 - (a) Any use permitted only in the M industrial district;
 - (b) Any use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration or noise, or which may impose hazard to health or property.
- (37) Paint and wallpaper stores;
- (38) Painters and plumbers shops;
- (39) Pawnshops;
- (40) Phonograph, record, sound equipment and sheet music stores;
- (41) Physical culture and health services and reducing salons;
- (42) Printer;
- (43) Repair and storage garages;
- (44) Restaurants;
- (45) Sanitariums;
- (46) Schools for music, dance, business or trade;
- (47) Sewing machine sales and service, household appliances only;
- (48) Sporting goods stores;
- (49) Spray-painting operations;
- (50) Taxidermists;
- (51) Telegraph offices;
- (52) Theaters, lodges, assembly halls, auditoriums, clubs;

- (53) Ticket agencies, amusement;
- (54) Tire repair shops;
- (55) Travel bureaus and transportation ticket offices;
- (56) Upholstery shops;
- (57) Water softener sales and service;
- (58) Vehicle service centers;
- (59) Veterinary services for the care and temporary boarding, within an enclosed building, of domestic household pets;
- (60) The assembly of goods from previously processed or fabricated materials and the warehousing of these goods. Such uses shall be in conjunction with permitted commercial sales and service uses, shall be conducted wholly within a building, and there shall be no storage of hazardous materials. Such uses shall not emit any vibration, noise, dust, glare, heat, smoke or odor which is detectable beyond the lot on which the use is located;
- (61) Ministorage facilities;
- (62) Storage of rental trucks and trailers, except that vehicles or equipment shall not be parked within the public right-of-way.

Proposed List of Prohibited Uses

- (3) Auto body operations;
- (5) Automobile service facilities;
- (6) Automobile washes;
- (13) Commercial recreation uses, including bowling alleys, arcades, golf driving range, gymnasiums, miniature golf courses, pool halls, swimming pools and skating rinks;
- (15) Drive-in eating establishments;
- (24) Hotels, apartment hotels and motels;
- (24.1) Hospitals, sanitariums, nursing homes and personal care centers;
- (26) Laboratories for research development and testing;
- (31) Meat markets, including sale of meat and meat products to restaurants, hotels, clubs and other similar establishments when such sale is conducted as part of the retail business on the premises;
- (32) Mortuaries;
- (39) Pawnshops;
- (44) Restaurants;
- (45) Sanitariums;
- (49) Spray-painting operations;
- (52) Theaters, lodges, assembly halls, auditoriums, clubs;
- (54) Tire repair shops;
- (58) Vehicle service centers;
- (61) Ministorage facilities;

Planning & Zoning Commission – Agenda Item

Agenda Item #5

Item Description

Consider and take appropriate action concerning request for an ordinance change to the City of Hewitt Ordinance Section 9.103. Walls and Fences. This was originally brought before the Board of Adjustment on March 19, 2015, for a commercial electrical fence and was approved. The board requested a change to the ordinance to reflect electric fencing requirements for commercial property.

Proposed Language

APPENDIX A - ZONING

PART 9. - ACCESSORY USES AND BUILDINGS ARE REGULATED

Section 9.103. - Walls and fences.

D. *Safety.* No wall or fence shall be constructed or maintained in such a manner as would endanger the health or safety of the general public. Residential fences constructed of barbed wire (except for livestock fences) and walls topped with broken glass or surfaced with like material shall be prohibited; provided, however, a security fence of not less than six feet in height may be topped by barbed wire.

An electric fence shall be prohibited except as follows:

(1) An electric fence shall be permitted in an Agricultural or Residential zoning district in conjunction with retaining animals.

(2) An electric fence not exceeding ten (10) feet in height shall be permitted on any non-residential outdoor storage areas. No electric fence shall be installed or used unless it is completely surrounded by a non-electrical fence or wall that is not less than six feet in height. Electric fences shall be clearly identified with warning signs that read: "Warning-Electric Fence" at intervals of not less than sixty (60) feet. An electric fence must meet the following standards:

(a) Electric fences shall be constructed or installed in conformance with the specifications set forth in International Electro technical Commission (IEC) Standard No. 60335-2-76.

(b) The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of IEC Standard No. 60335-2-76.

(c) The electric fence controller and emergency entry key safe (KNOX box) for the electric fence must be located in a single accessible location for the entire fence.

(3). It shall be unlawful for any person to install, maintain, or operate an electric fence in violation of this section.

Current Code

APPENDIX A - ZONING

PART 9. - ACCESSORY USES AND BUILDINGS ARE REGULATED

Section 9.103. - Walls and fences.

D. Safety. No wall or fence shall be constructed or maintained in such a manner as would endanger the health or safety of the general public. Residential fences constructed of barbed wire (except for livestock fences) and walls topped with broken glass or surfaced with like material shall be prohibited; provided, however, a security fence of not less than six feet in height may be topped by barbed wire. No electric fence shall be permitted except where provided for the actual enclosure of farm animals or for dogs. Such fence shall be posted at least once along each boundary line and at intervals of not more than 100 feet warning persons of the existence of said electric fence.

Planning & Zoning Commission – Agenda Item

Agenda Item #6

Item Description

Adjourn.