



**NOTICE OF MEETING
OF THE PLANNING AND ZONING COMMISSION**

Notice is given that a **PUBLIC** meeting will be held before the Planning and Zoning Commission of the City of Hewitt, on **Tuesday, August 2, 2016, at 6:00PM in the City Council Room at Hewitt City Hall, 200 Patriot Court, 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 July 12, 2016, Planning and Zoning Commission regular meeting.
3. Discussion and possible action: Change the Comprehensive Plan Future Land Use Map from Low Density Residential to Commercial on property located at the intersection of Old Temple and Spring Valley, more particularly described as, Lot 42 Block 3 Wintergarden Addition, being approximately +/-1.6 acres. This was item was tabled from the July 12, 2016 Planning and Zoning Commission meeting.
4. Discussion and possible action: Change the Zoning from C-1 Restricted Commercial to C-O Outdoor Commercial property located at the intersection of Old Temple and Spring Valley, more particularly described as, Lot 42 Block 3 Wintergarden Addition, being approximately +/-1.6 acres. This was item was tabled from the July 12, 2016 Planning and Zoning Commission meeting.
5. Discussion and possible action: New addition to the Code of Ordinances Appendix A Zoning, 2.107.MH manufactured home park district, to include Nonconforming Mobile Home Parks subsections (A)(B)(C)(D)(E).

NOTICE OF PLANNING AND ZONING COMMISSION MEETING

August 2, 2016

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6. 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 was posted on the Public Notice Board located in front of the City Hall before 5pm on July 29, 2016.

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.

HEWITT TEXAS

PLANNING AND ZONING COMMISSION

Charlie Turner – Chairman

Bobby Wolske

John J. Baker

Kurt Krakowian

Michael Lee Hix

Walter H. Peterson

Jonathan Denton Dulus

CITY STAFF

Adam Miles, City Manager

Miles Whitney, City Engineer

Tracy Lankford, Community Development Director

Eva Marie Greenup, Zoning Secretary



**MINUTES OF THE PLANNING AND ZONING COMMISSION
JULY 12, 2016 – 6:00PM**

Members present: Charlie Turner, Walt Peterson, Bobby Wolske, Michael Hix, Kurt Krakowian, Jonathan Dulus

Members absent: John Baker

Staff present: Tracy Lankford, Community Development Director
Eva Marie Greenup, Zoning Secretary

Item #1. Call Planning and Zoning Meeting to order. *Charlie Turner called the meeting to order at 6:05PM.*

Item #2. Minutes. *A motion was made by Walt Peterson to accept but allow for corrections and seconded by Kurt Krakowian. No corrections noted; all six in favor, motion passed. Minutes dated June 7, 2016, stand approved.*

Item #3. Discussion and possible action: Change the Comprehensive Plan Future LandUse Map from Low Density Residential to Commercial and zoning from C-1 Restricted Commercial to C-O Outdoor Commercial on property located at the intersection of Old Temple and Spring Valley, more particularly described as, Lot 42 Block 3 Wintergarden Addition, being approximately +/- 1.6 acres. *Those who spoke in favor: None. Those who spoke against: Mary Lynna Jackson, 302 April Lane and Jerry Hann, 314 April Lane. Motion was made by Kurt Krakowian to table this agenda item to the next Planning and Zoning meeting on August 2, 2016 and seconded by Jonathan Dulus. Five in favor, one opposed by Charlie Turner, motion passed.*

Item #4. Discussion and possible action: Change the Comprehensive Plan Future Land Use Map from Low Density Residential to High Density Residential and change zoning from R-1 Single Family Residential to R-5 Single-Family. Attached Dwelling on property located at 506 Sun Valley Boulevard, also

Planning and Zoning Commission Minutes

July 12, 2016

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known as, O'Campo C Abstract 32 Tract 9 being approximately +/- 8.187 acres.

Those who spoke in favor: Joe Seeber, 506 Sun Valley; David Hodson, 14010 Horseshoe Circle, Woodway TX. Those who spoke against: Paul Buxkemper, 330 Ivy Ann; Freda Gunn, 320 Ivy Lane; Jeffrey Tweed, 329 Ivy Lane; Brooks Gunn, 320 Ivy Lane; Randy Luster, 402 Ivy Lane. A motion was made by Bobby Wolske to deny the rezoning due to it being high density and seconded by Michael Hix. All six in favor, no opposition, motion passed. Recommendation will go before the next City Council Meeting to be held on July 18, 2016.

Item #5. Adjourn. *A motion was made by Kurt Krakowian and seconded by Walt Peterson to adjourn the meeting at 6:51PM, all six in favor, motion passed.*

Chairman

Date Approved


Eva Marie Greenup, Zoning Secretary

APPLICATION REVIEW

Z-2016-4

HEARING DATE: **July 12, 2016**

1. **CASE #** Z-2016-4
PROPERTY ADDRESS: S. Old Temple Rd.
LEGAL DESCRIPTION: Wintergarden Block 3 Lot 42

2. **APPLICANT:** Joe Seeber
MAILING ADDRESS: 506 Sun Valley Blvd, Hewitt, TX. 76643

When a zoning proposal is received that is not consistent with the Comprehensive Land Use Plan, the City may consider a change in the plan's policies or the Future Land Use Map. The review of the proposal should consider the following criteria:

- Will the proposed change enhance the site and the surrounding area
- Is the proposed change a better use than that recommended by the existing Future Land Use Map
- Will the proposed use impact adjacent residential areas in a negative manner, or will the proposed use be compatible with, and/or enhance adjacent residential areas
- Are the uses adjacent to the proposed use similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility
- Does the proposed change do an equally good job of achieving the Comprehensive Plan's other policies related to livability and growth
- Can the proposed use be served by available public facilities and services
- Does the proposed use present a significant benefit to the public health, safety, and welfare of the community, and would it contribute to the City's long-term economic well-being

3. **REQUEST:**

LAND USE DESIGNATION:

From **LOW DENSITY RESIDENTIAL** to **COMMERCIAL**

(Land Use designation of RESIDENTIAL to COMMERCIAL DISTRICT)

ZONING:

From **C-1 RESTRICTED COMMERCIAL** to **C-O OUTDOOR COMMERCIAL**

SUMMARY DESCRIPTION OF USES IN C-O: The C-O outdoor commercial district is intended to permit a wide variety of businesses characterized by those uses that require an extensive amount of land for the conduct of business. Uses permitted in the C-O districts shall include uses permitted in the C-1 and C-2 districts and such uses when the use entails outdoor facilities or display or sale of items for sale outside of a building, in excess of five percent of the total lot area. Permitted Uses are as shown in Section 2.111.

PLANNING SERVICES REVIEW

NEIGHBORHOOD CHARACTER:

This property is located within an area of Residential uses. The large majority of the surrounding area is residential in nature.

PLANNING SERVICES RECOMMENDATION:

LAND USE:

Community Development recommends ***APPROVAL*** of the land use designation change from ***LOW DENSITY RESIDENTIAL to COMMERCIAL*** based on the following findings:

- 1) Residential land use is the dominant land use designation for the surrounding neighborhood. The encroachment of the commercial land use designation into this residential neighborhood is considered compatible.
- 2) The public infrastructure is adequate to provide for zoning districts allowed in the proposed residential land use designation.
- 3) The property is located along a public street.
- 4) There is an inadequate supply of vacant land currently designated for commercial and retail land use located in the surrounding area.

ZONING:

Community Development recommends ***APPROVAL*** of this request to change the zoning from ***C-1 to C-O*** based on the following findings:

- 1) The proposed zoning is in keeping with the land use component of the Comprehensive Plan.
- 2) The public infrastructure is adequate to provide for uses allowed in C-O zoning district.
- 3) The property meets all the size and width requirements for C-O zoning.
- 4) The property is located on a public street.

Notices: 17 mailed; 0 returned,

ENGINEERING SERVICES DATA

1. Street condition: Good_____ Acceptable_X Needs Reconstruction_____

2. Street width: Existing: ROW 50' Pavement 30'

Required: ROW__ Pavement

3. Curb and Gutter:
Needs to be installed_____ Exists_____ Needs Reconstruction_____

4. Offsite Drainage facilities are adequate to meet additional runoff resulting from the rezoning.

5. Water is available to the property, and it will serve the heaviest uses allowed under the requested zoning.

6. Sewer is available to the property.

Engineering Department comments and recommendations:

No Comments

INSPECTION SERVICES REVIEW

Comments

No objections.

FIRE DEPARTMENT REVIEW:

ANTICIPATED FIRE RESPONSE TIME:

IS THE FIRE RESPONSE TIME ADEQUATE?: Y (Y) YES (N) NO

Fire Department Comments and Recommendations:

No Comments

HEALTH DEPARTMENT REVIEW

INSPECTION/PERMIT REQUIRED N (Y) YES (N) NO

DATE OF INSPECTION: To be determined

Health Department Comments and Recommendations: None

POLICE DEPARTMENT REVIEW

No Comments

CASE #Z-2016-4

PROPERTY OWNERS LIST

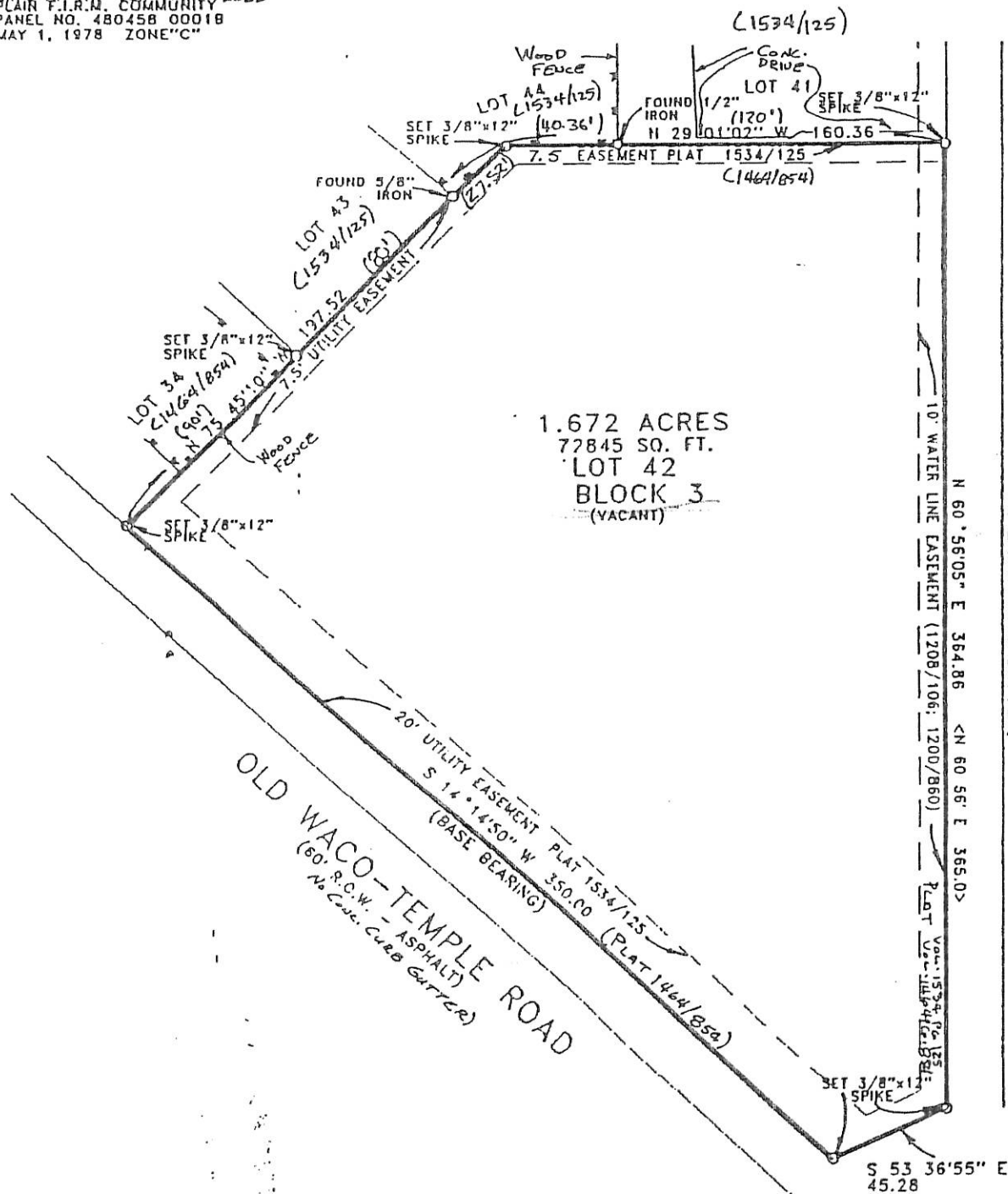
Applicant: Joe Seeber

Owner: Joe Seeber

SURVEY PLAT
ALL PARTIES INTERESTED IN PREMISES SURVEYED: This is to certify that I have, this date made a careful and accurate survey on the ground of property located at Spring Valley Road and the Old Waco-Temple Road, in the city of Hewitt, Texas, Lot 42, Block 3 WINTERGARDEN ADDITION, being a resubdivision of Lots 1-10, Lot 32 and Lot 33, Block 3, Wintergarden Addition, Part 1, to the City of Hewitt, McLennan County, Texas recorded in Volume 1464, Page 854 of the Deed Records of McLennan County, Texas. (Plat 1534/125)

SCALE: 1" = 50'

THIS TRACT IS NOT IN THE
AREA OF THE 100 YEAR FLOOD
PLAIN F.I.R.N. COMMUNITY
PANEL NO. 480458 0001B
MAY 1, 1978 ZONE "C"



I hereby certify that this survey was performed by persons working under my supervision and the plat hereon is a true, correct, and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by the plat; the size, location, and type of buildings and improvements being within the boundaries of the property, set back from the property lines the distance indicated and that the distance from the nearest intersection street or road is as shown on said plat. THERE ARE NO ENCROACHMENTS OR PROTRUSIONS. (VACANT LOT)

JAHN COMPANY, INC
6614 SANGER #23
WACO, TEXAS 76710

SCALE: 1" = 50' DATE: 12/29/94
JOB: #94494
RICK J. JAHN

Stanley L. Jahn
STANLEY L. JAHN



June 3, 2016

REQUEST FOR ZONING CHANGE (C-1 TO C-0)

1.66 ACRES @ SOUTHWEST CORNER

OLD TEMPLE ROAD & SPRING VALLEY BLVD.

I Joe Seeber would like to request that the subject property be changed in zoning from C-1 to C-0. It is in the best interest of the community and produces the highest use for the community because:

- Convenience. Across both Old Temple Road and Spring Valley Blvd. new housing developments have begun. They will result in approximately 80 new homes. These residence will require a nearby convenience store. None could be more convenient than this location.
- Revenue to the City. This tract has only a couple of uses: Offices such as dentist, doctor or insurance. Or a convenience store. A convenience store, because of the high taxes related to gasoline sales, would probably produce three to four times more tax revenue, to the City, than an office of some kind.

In the past, there have been requests for the same zoning change. The requests were turned down. In the discussions the Commission and Council seemed to agree that the convenience store was the better use for the property. But, there was some concern about related traffic congestion.

It was suggested by more than one Council member that we resubmit the request, after the intersection was signalized. Since that time, TxDOT has installed a state of the art signal system that is the equal of any intersection signals. Thus the traffic congestion is mitigated as well as possible.

Respectfully, I would request that the Zoning Commission and the City Council change the zoning of the subject property from C-2 to C-0.

Best Regards



Joe Seeber

New addition to ordinance.

2.107. MH manufactured home park district.

- A. Purpose of district. The manufactured home park district is intended to provide basic and uniform regulations and performance objectives to establish reasonable standards and safeguards and ensure the safety and health and welfare of the occupants and users of manufactured homes. Manufactured home park districts shall not have a density of more than ten dwelling units per acre.
- B. Permitted uses. The following are the only permitted uses within the MH manufactured home park district and are subject only to the general conditions of this section and such other sections as are applicable:

Manufactured Home Parks.

(1) General conditions. Manufactured home area requirements:

- (a) Minimum park size: Every park within this zoning district shall be at least three acres in area.
- (b) Minimum park width: Every park within this zoning district shall be at least 250 feet in width at all points.
- (c) Minimum park depth: Every park within this zoning district shall be at least 250 feet in depth.
- (d) Maximum coverage: No more than 30 percent of the total park area shall be covered by buildings, or manufactured homes.
- (e) Open space: In addition to paved parking and driving areas, at least ten percent of the park shall be maintained in landscaped open area.
- (f) Recreation space: In addition to the required open space, at least ten percent of the total developed area shall be maintained in minimum recreation space.
- (g) Height restrictions: No building shall exceed 35 feet in height.
- (h) Accessory buildings:
 - (1) There shall be storage facilities which shall not be within any required yard with a minimum capacity of 200 cubic feet per manufactured home

space. These shall be provided for each space or in compounds located within 100 feet of each space. Wherever provided, storage facilities shall be constructed of noncombustible materials.

(2) Additional accessory buildings, including office for the park, community facilities, house for owner or manager, not exceeding ten percent of the park area shall be permitted behind any building line; provided, however, such accessory buildings shall be solely for the convenience and necessity of the inhabitants of the park.

(i) [Reserved.]

(j) Minimum dwelling unit size: Every dwelling unit in this district shall have a floor area of at least 600 square feet.

(2) Special requirements. Manufactured home space requirements:

(a) Minimum size: Every manufactured home space within this zoning district shall be at least 3,500 square feet in area.

(b) Minimum width: Every manufactured home space within this zoning district shall be at least 40 feet in width at all points.

(c) Minimum depth: Every manufactured home space within this zoning district shall be at least 80 feet in depth.

(d) Manufactured home yards: The manufactured home may be placed anywhere on the space so long as the minimum separation from another manufactured home space is maintained. The minimum separation requirements are:

(1) Ten feet from any adjoining manufactured home space;

(2) Twenty-five feet from any adjacent interior private street.

(e) Access: There shall be provided a minimum of two parking spaces per manufactured home space, no portion of which shall be any closer than ten feet to adjacent lot lines. No manufactured home space shall have direct access to a public street. Each manufactured home space shall have direct access to an internal private street. Internal private streets shall be provided to allow access to public streets to allow for the rapid and safe movement of vehicles used for emergency purposes of providing health and public safety services. Each emergency access or internal street shall have a clear unobstructed width of 24 feet and shall have a turnaround of 80 feet diameter, and corners of intersection streets shall have sufficient turning area to permit free movement of emergency vehicles.

(f) Improvements:

(1) Paving: Each manufactured home space shall have a five-inch thick concrete pad for the purpose of placing the manufactured home and shall be of at least the same length and width of the manufactured home placed upon it.

(2) Sanitary facilities: Each manufactured home space shall contain underground water and sewer connections to the city water system. Each manufactured home space shall be provided with containers for the collection and disposal of trash, garbage and other refuse.

(3) Anchoring devices: Each manufactured home space shall be provided with tie-down anchors as provided by state and federal regulations.

(4) Utilities: All utility service shall be underground.

(5) Skirting: From the date of enactment of this ordinance, it shall be unlawful for any person to rent, offer for rent, occupy or maintain a manufactured home upon any private lot, or within any mobile home park within the city limits of the City of Hewitt unless or until said manufactured home is skirted with material consistence with the siding of the home and anchored according to the provisions of this ordinance.

(3) Manufactured homes restricted to manufactured home parks.

(a) Except as otherwise provided for under the zoning ordinance, it shall be unlawful for any person to occupy any recreational vehicle, travel trailer or manufactured home within the city, which is not then and there within an area zoned as a manufactured home park.

NONCONFORMING MOBILE HOME PARKS.

(A) Within the city there may exist mobile home parks as of the date of adoption of the ordinance codified in this chapter, or amendments thereto which were lawful before the effective date of applicable regulations, but which would otherwise be prohibited, regulated or restricted under this chapter. Such existing nonconforming parks are permitted to continue subject to the provisions of this section, but shall not be expanded except in accordance with this chapter.

(B) Nothing in this chapter shall require the relocation or removal of mobile home parks existing or at the time of adoption of the ordinance codified in this chapter if such use was lawful at the time of its construction. No mobile home park shall be constructed or operated except in accordance with these regulations, except to the extent it was in existence or under actual construction as of the effective date of the ordinance codified in this chapter or amendment thereto. "Actual construction" is defined as the substantial placement of construction materials and performance of labor for construction of facilities which cannot reasonably be used except in a manner which does not conform with these regulations.

(C) Mobile home parks under construction or in existence as of the date of the ordinance codified in this chapter shall apply for, and may obtain approval of, the mobile home park within 120 days of the effective date of the ordinance codified in this chapter. The community development director shall grant approval of the mobile home park if it complies with the requirements of this chapter, excepting only those facilities and improvements which were under construction or in existence prior to the effective date of the respective regulation. The mobile home park shall meet all other requirements of this chapter which are not in conflict with the pre-existing use or construction.

(D) No existing mobile home park shall be expanded in area or in number of dwelling units permitted unless the area of expansion meets the requirements of this chapter. No area of a mobile home park which is abandoned shall be used as a mobile home park unless it meets the requirements of this chapter. "Abandonment" is defined as a discontinuation of use of a mobile home park or a discrete portion or parcel thereof, or the failure to complete construction and begin use, for a continuous period of more than one year. If abandoned, the land shall not thereafter be used except in conformity with the requirements of this chapter.

(E) Minimum yards: Minimum yard setbacks for individual spaces in existing mobile home parks shall be five (5) feet on all sides, except for any side or rear yard abutting the project property line, in which case the minimum yard setback shall be ten (10) feet.