

HEWITT TEXAS

BOARD OF ADJUSTMENTS

Jim Winton – Chairman

Douglas Bergen

Royce “Rusty” Smith

Scott Hedges

Bradley T. Turner

Charles “Chuck” Howard

R. Don Vardeman

CITY STAFF

Bo Thomas – City Manager

Miles Whitney – City Engineer

Tracy Lankford – Community Development Director

Brittney Cantu – Zoning Secretary

Board of Adjustment meetings are held as needed on the third Thursday of each month at 6PM in the City of Hewitt Council Chambers located at 200 Patriot Court, Hewitt, Texas 76643.

HEWITT TEXAS

NOTICE OF MEETING OF THE BOARD OF ADJUSTMENT

Notice is given that a **PUBLIC** meeting will be held before the Board of Adjustment of the City of Hewitt on **Thursday, October 15, 2020 at 6:00PM in the Training Room at Hewitt Public Safety, located at 100 Patriot Court, Hewitt, Texas** at which time the following subjects will be discussed:

1. Call of Board of Adjustments Meeting to order.
2. Consider approval of minutes for the July 24, 2020 Board of Adjustments regular meeting.
3. **Public Hearing:**
 - a. Consider a variance request to section 5.101A (1) by Brad Gebhard on Block 1 Lot 16 Commerce Park @ I-35. The variance request is to the R-4 district height maximum being two stories or 35 feet.
 - b. Consider a variance request to section 2.104B (1) by Brad Gebhard on Block 1 Lot 16 Commerce Park @ I-35. The variance request is to the R-4 district ordinance to not exceed 20 living units per acre.
4. Discussion and possible action:
 - a. Consider a variance request to section 5.101A (1) by Brad Gebhard on Block 1 Lot 16 Commerce Park @ I-35. The variance request is to the R-4 district height maximum being two stories or 35 feet.
 - b. Consider a variance request to section 2.104B (1) by Brad Gebhard on Block 1 Lot 16 Commerce Park @ I-35. The variance request is to the R-4 district ordinance to not exceed 20 living units per acre.
5. Adjourn.

In accordance with social distancing guidelines, the Board of Adjustment meeting will not be open to the public.

There will be an opportunity for the public to submit written comments on items listed on the agenda. Complete a Public Comment form available online and submit via email to the City Secretary. Comments must be received no later than noon on the date of the meeting.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Board of Adjustment of the City of Hewitt, Texas was posted on a Public Notice Board located in front of City Hall before 5:00PM on October 12, 2020.

Brittney Cantu, City of Hewitt 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 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

MINUTES OF THE BOARD OF ADJUSTMENT

July 24, 2020 – 6:00PM

Members Present: Chairman Jim Winton, Doug Bergen, Brad Turner, Don Vardeman

Members Absent: Scott Hedges, Chuck Howard, Rusty Smith

Staff Present: Tracy Lankford, Community Development Director
Brittney Cantu, Zoning Secretary

1. **Call of Board of Adjustments Meeting to Order.** *Chairman Jim Winton called the meeting to order at 6:01PM.*
2. **Consider approval of minutes for the May 21, 2020 Board of Adjustment regular meeting.** *A motion was made by Don Vardeman, seconded by Doug Bergen, to approve the minutes as submitted but allow for corrections. All four in favor, motion passed.*
3. **Public Hearing: Consider a request for a variance to Section 6.101 by John Morris on Lot 10 Block 1 Sunflower Ridge Addition also known as 209 Rosetree Court, Hewitt, TX. The variance request is to the minimum rear yard setback encroachment for the R-1 zoning district.** *Public Hearing opened at 6:02PM. Speaking in favor, Jeremy Kosier, residing at 1004 Steamboat, Hewitt. Mr. Kosier is home builder for the project in request and is wanting this variance due to the lot not being able to fit a home within the building setbacks. No one spoke against the variance, public hearing closed at 6:04PM. Brad Turner asked if there would ever be any homes behind 209 Rosetree, Tracy Lankford, Community Development Director, stated there would not be as there is a detention pond behind this property. A motion was made by Don Vardeman, seconded by Brad Turner, to approve the requested variance. All four in favor, motion passed.*
4. **Adjourn.** *A motion was made by Brad Turner, seconded by Doug Bergen, to adjourn the meeting at 6:06PM. All four in favor, motion passed.*

Chairman Jim Winton

Date Approved

Brittney Cantu, Zoning Secretary

HEWITT TEXAS

Board of Adjustment Application of Variance

Legal Description of Property: Commerce Park at I-35 Hewitt Block 1 Lot 16
Acres 10.529
Describe the location of the property as submitted by this application. This may be in the form of a street address, general description, or nearest intersection.

Near the intersection of Alliance Pkwy and Legacy Dr.

Number of Lots: 1 Number of Acres: 10.529 Flood Zone: none

Zoning Classification: R-4

Existing Building(s) on Property: none

Total Square footage of all buildings on Property: N/A

I, the undersigned property owner or applicant of the following described real property located in the City of Hewitt, Texas hereby make this application by variance, by requesting approval for the following project: (Include how the project plans vary from the Zoning Ordinance): Bryan Properties Multi Family Development.

Variations requested: ① Building height up to 3 stories or 45 feet. ② Density to 22 units per acre. ③ ~~Garage spaces plus covered parking equals \geq 50%.~~

Indicated the number and give a brief description of the Section of the Zoning Ordinance for which the variance is being requested.

- 1) Section 5.101A(1): R-4 district height @ 2 stories or 35 feet
- 2) Section 2.104B(1): R-4 not to exceed 20 living units per acre
- ~~3) Section 2.104C(3): R-4 garages for 50% of living units~~

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

Ownership (deed): Doc. #/MCC No.: 361676

Please provide the proposed meeting date for this application to be considered (See Meeting Schedule): October 15, 2020

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

1. A notarized letter from the property owner authorizing applicant to present the request, if the property owner will not be presenting the request and stating reasons for request.
2. Submit one (1) copy of survey and one (1) copy of building plans.
3. Non-refundable application fee (see fee schedule).
4. Application, fee, documents, etc., in completed form must be submitted to the Planning Department before or no later than 12:00 noon on the deadline date (see schedule).

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

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

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

Name of Property Owner: Curt Liles
Telephone Number: 254-717-4143
Mailing Address: PO Box 20545 Waco, TX
Email Address: cliles@hotmail.com
Signature of Property Owner: Curt Liles
Date: 9/25/2020

Name of Applicant/Representative: Brad Gebhard
Telephone Number: 417-860-9651
Mailing Address: 519 E. Walnut Springfield, MO
Email Address: brad@bryan-properties.net
Signature of Applicant/Representative: BRAD GEBHARD CFC
Date: 9/25/2020

September 23, 2020

City of Hewitt, - Planning and Zoning
200 Patriot Court
Hewitt, Tx 76643

RE: Commerce Park – Application for Variance by Bryan Properties

To whom it may concern:

On behalf of Intrust Properties LTD, I, Curt Liles, hereby authorize Bryan Properties Management Company LLC to apply for a Variance on 10.529 acres+/- at Commerce Park.

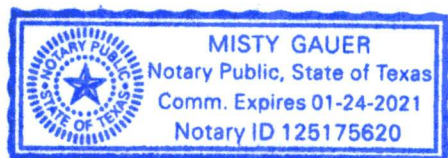


Curt Liles

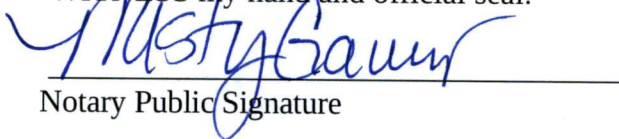
STATE OF TEXAS
COUNTY OF MCLENNAN

Curt Liles personally appeared and acknowledged to me that he authorized capacity, and that by his signature on the instrument, executed the instrument.

Sworn and subscribed before me on the 23 day of September, 2020.



WITNESS my hand and official seal.



Notary Public Signature

CALLED 74.54 ACRES
 Official Public Record
 Volume 1740, Page 489
 Deed Records



• 1/2" HIGH ROD CAPRED MARK PLACED UNLESS OTHERWISE STATED
 [N41°10'W 1115.41'] = REATED RECORD CALL

Arc=536.80'
 Arc=808.97'
 Radius=11503.16'
 Chord=509713.20' W. 936.72'
 [S25°14.1' W. 208.54']

STATE OF TEXAS
 COUNTY OF DALLAS
 OFFICIAL PUBLIC RECORD

APPLICATION REVIEW
BOA-2020-3

CASE #: BOA-2020-3

NOTICES: 6 mailed; returned,

HEARING DATE: October 15, 2020

PROPERTY ADDRESS: Alliance Pkwy

LEGAL DESCRIPTION: Lot 10 Block 1 Commerce Park@ I-35 Hewitt Addition

APPLICANT: Bryan Properties Management Company LLC

MAILING ADDRESS: 519 E. Walnut, Springfield, Missouri

Comprehensive Plan Future Land Use Plan Staff Review

The City of Hewitt adopted “Comprehensive Plan 2022” A Comprehensive Plan for the City of Hewitt, Texas, under Ordinance No. 2003-04-21 on April 21, 2003. When a zoning change is received, the City evaluates it to determine whether it is consistent with the Comprehensive Plan. This evaluation will be based on the goals and objectives and policies of the plan, as well as the land use categories depicted on the Future Land Use Map. A zoning change proposal has been submitted by the applicant that is not consistent with the Comprehensive Plan. The City may consider to uphold the current land use category or a change in the plan’s Future Land Use Map.

LAND USE DESIGNATION REQUEST: GENERAL COMMERCIAL and INDUSTRIAL to RESIDENTIAL

The applicant is requesting a land use designation change from Industrial to High Density Residential **P&Z recommended approval to Council on October 6, 2020.**

ZONING:

The applicant requests a zone change from **B-P Business Park to R-4 Multi-family High Density**

SUMMARY DESCRIPTION OF USES IN R-4: The High density multiple-family zoning is primarily intended as the appropriate designation for lands suitable for higher impact development and higher volume traffic, while serving the residential needs for higher density living quarters.

PLANNING & COMMUNITY DEVELOPMENT REVIEW

NEIGHBORHOOD CHARACTER:

The neighborhood is generally characterized as an area of commercial uses. The majority of the surrounding properties are commercial based.

STAFF RECOMMENDATION

ZONING:

Planning Services recommends **approval** of these requests to change the Land Use from Industrial to High Density Residential and change the zoning from **B-P to R-4** 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 R-4 zoning district.
- 3) The property meets all the size and width requirements for R-4 zoning.
- 4) The property is located along Alliance PRKY. and is currently vacant.

P&Z recommended approval to Council on October 6, 2020.

TRAFFIC DATA

1. Description of the adjacent street system:

<u>Road</u>	<u>Classification</u>	<u># of Lanes</u>	<u>Avg. Daily Traffic</u>
Alliance	Arterial	2	data not available

Estimated increase in traffic on adjacent streets at full build out:

Immediate: none

Future: none

3. Will the development's impact be of sufficient magnitude to require mitigation for:
 - a) Access problems: no
 - b) Increased traffic congestion: no
 - c) Pedestrian traffic: no
 - d) Visibility problems: no

4. Traffic Department comments and recommendations:

No significant traffic impact anticipated.

PUBLIC WORKS DATA

1. Street condition: Good X Acceptable Needs Reconstruction

2. Street width: Existing: ROW 65' Pavement 45'

Required: ROW 65' Pavement 45'

3. Curb and Gutter:

Does not apply Needs to be installed Exists X 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.

7. Public Works comments and recommendations:

The property is served with public water and there has been no damage reported.

INSPECTION DEPARTMENT REVIEW

Comments

None

FIRE DEPARTMENT REVIEW:

Anticipated Fire Response Time:

Is the Fire Response Time Adequate?: (Y) Yes (N) No

Fire Department Comments and Recommendations:

MCLENNAN COUNTY HEALTH DISTRICT REVIEW

Inspection/Permit Required N (Y) Yes (N) No

Date of Inspection: None

Comments

POLICE DEPARTMENT REVIEW

Comments None

PROPERTY OWNERS LIST

Applicant: Brad Gebhard, Bryan Properties Management Company LLC

Owner: Curt Liles