



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 6, 2019 at 6:00PM in the City Council Chambers at Hewitt City Hall, located at 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 June 25, 2019 Planning and Zoning Commission special called meeting.
3. Discussion, consideration, and action on designating a new Chairman for the Planning & Zoning Commission due to former Chairman Charlie Turner winning the May 4, 2019 election for Councilman of Ward 1 for the City of Hewitt.
4. **Public Hearing:** Consider a request of Clark & Fuller for a variance to Section 6.03.C.1 on Moonlight Park Addition Phase 2. The variance request is to drainage requirements of the Subdivision Ordinance.
5. Discussion, consideration, action if any: Consider a request of Clark & Fuller for a variance to Section 6.03.C.1 on Moonlight Park Addition Phase 2. The variance request is to drainage requirements of the Subdivision Ordinance.
6. Adjourn.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Planning and Zoning Commission of the City of Hewitt, Texas was posted on a Public Notice Board located in front of City Hall before 5:00PM on Friday, August 2, 2019.


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

Application of Variance

Legal Description of Property: Moonlight Park Phase 2 Residential Subdivision

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.

Northwest corner of the intersection of FM 1695 (S. Hewitt Dr.) and Old Temple Highway.

Number of Lots: 82 Number of Acres: 28.0 Flood Zone: X

Zoning Classification: R-1

Existing Building(s) on Property: No

Total Square footage of all buildings on Property: NA

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 Subdivision Ordinance): Moonlight Park Phase 2. Project varies from the Subdivision Ordinance because of the identification of Jurisdictional Waters of the US and Wetlands on the subject property.

Indicated the number and give a brief description of the Section of the Subdivision Ordinance for which the variance is being requested. Section 6.03.C.1-Existing drainage channel has been determined to be Jurisdictional Waters of the US which will not allow construction of reinforced concrete lining.

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

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

Please provide the proposed meeting date for this application to be considered (See Meeting Schedule): August 2019

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:

Cody Turner

Telephone Number:

254-640-2545

Mailing Address:

P.O. BOX 1818, WACO, TX 76703

Email Address:

cody@kunkelcustomhome.com

Signature of Property Owner:



Date:

7.17.19

Name of Applicant/Representative:

Justin Fuller / Clark + Fuller, PLLC

Telephone Number:

254-899-0894

Mailing Address:

215 N. Main St Temple TX 76501

Email Address:

jfuller@clark-fuller.com

Signature of Applicant Representative:



Date:

7/17/19

APPOINTMENT OF AGENT/APPLICANT

As owner of the subject property, I hereby appoint the person/firm designated below to act for me, as my agent/applicant in this request.

Name of Agent: CLARK & FULLER, PLLC
Mailing Address: 215 N. Main Street
City: Temple State: Texas Zip: 76501
Phone: 254-899-0899
Email: jfuller@clark-fuller.com

I acknowledge and affirm that the agent/applicant will be an authorized representative at any board, commission, or City Council meetings.

Signature of Agent/Applicant: _____

Printed Name of Agent/Applicant: Justin Fuller, P.E.

Date: 7/17/19

Signature of Property Owner: _____

Printed Name of Property Owner: Cody Turner

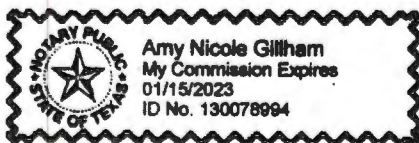
Date: 7/17/19

THE STATE OF Texas §

County of Marennan §

BEFORE ME, the undersigned authority, on this day personally appeared Cody Turner known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that (s)he executed same for the purpose and consideration therein expressed.

GIVEN under my hand and seal of office on this 17 day of July, 2019



Amy Gillham
NOTARY PUBLIC

Amy Gillham
Typed or Printed Name of Notary

MY COMMISSION EXPIRES: 1-15-2023

FINAL PLAT
MOONLIGHT PARK,
PHASE TWO

TURNER BEHRINGER DEVELOPMENT LLC
REMAINDER OF CALLED 106.408 ACRES
DOCUMENT NO. 2017023208

THE STATE OF TEXAS §

COUNTY OF MCLENNAN §

THAT I, _____, BEING THE OWNER(S) OF THE PROPERTY DESCRIBED BELOW AND WISHING TO SUBDIVIDE SAME INTO LOT(S) AND BLOCK(S), DO HEREBY ADOPT THIS PLAT ATTACHED HERETO AND TITLED FINAL PLAT OF MOONLIGHT PARK PHASE TWO TO THE CITY OF HEWITT, TEXAS AS MY (OUR) LEGAL SUBDIVISION OF SAME AND DO HEREBY DEDICATE ALL RIGHTS-OF-WAY AND/OR EASEMENTS SHOWN HEREON TO THE USE OF THE PUBLIC FOREVER. ANY PRIVATE IMPROVEMENTS PLACED IN SAID RIGHTS-OF-WAY AND/OR EASEMENTS SHALL BE PLACED AT NO RISK OR OBLIGATION TO THE PUBLIC AND MCLENNAN COUNTY AND THE COUNTY SHALL HAVE NO RESPONSIBILITY TO REPAIR OR REPLACE SUCH IMPROVEMENTS IF THEY ARE DAMAGED OR DESTROYED IN THE UTILIZATION OF THESE RIGHTS-OF-WAY AND/OR EASEMENTS. THE SALE OF THE LOT(S) SHOWN ON THIS PLAT SHALL BE MADE THEREWITH SUBJECT TO THE RESTRICTIONS AND CONDITIONS RECORDED IN THE TEXAS REAL PROPERTY RECORDS OF MCLENNAN COUNTY PERTAINING TO SAID SUBDIVISION.

CODY TURNER
TURNER BEHRINGER DEVELOPMENT LLC
8416 OLD MCGREGOR ROAD
WACO, TEXAS 76712

STATE OF TEXAS

COUNTY OF MCLENNAN

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____ KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE ____ DAY OF _____, 2019.

NOTARY PUBLIC, STATE OF TEXAS



SURVEYOR'S CERTIFICATION

I, TRAVIS QUICKSALL, 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.

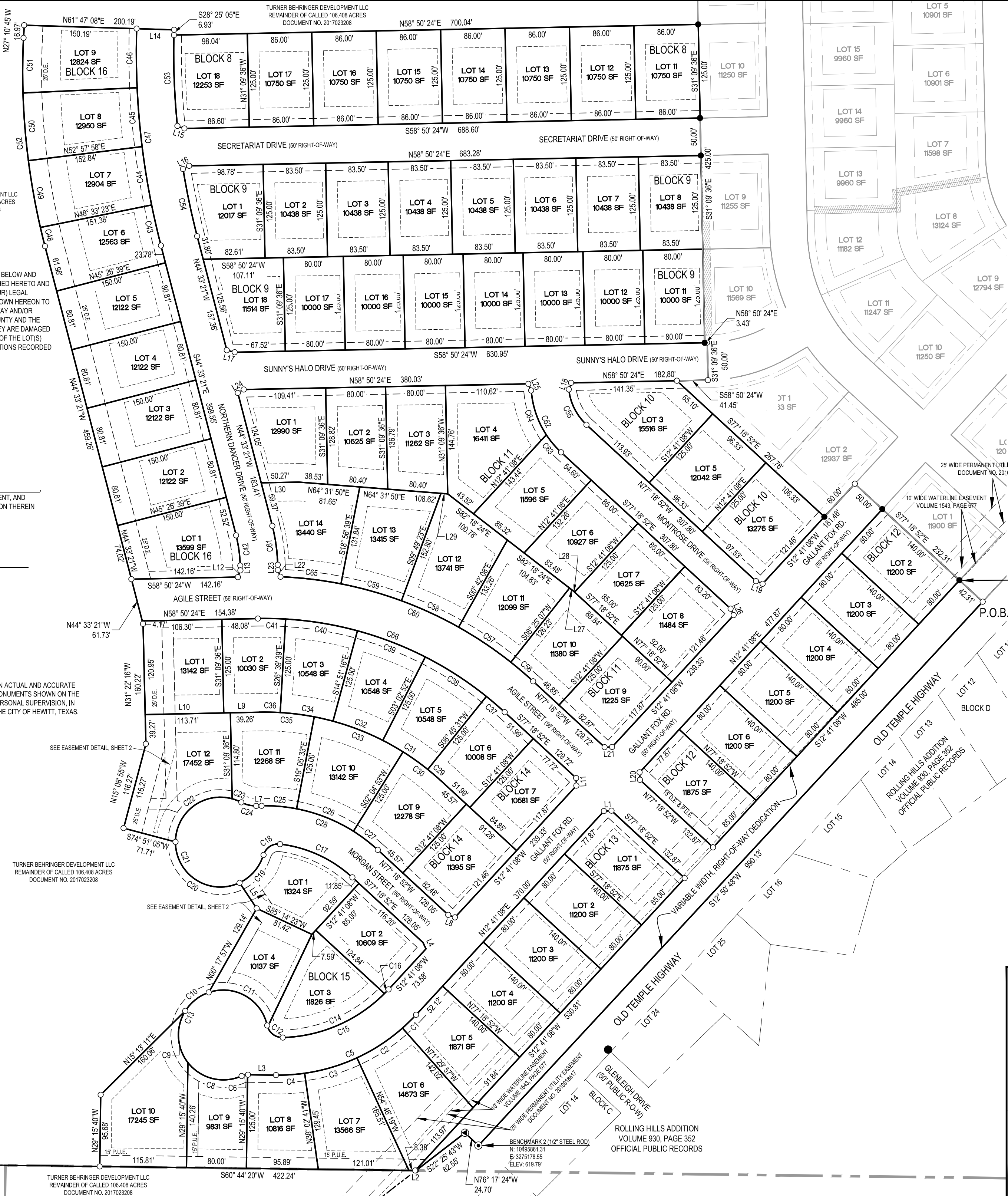
BY:
TRAVIS L. QUICKSALL
RPLS #6447

FEMA FLOOD NOTE:

ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR MCLENNAN COUNTY, TEXAS, MAP NUMBER 48309C0550C, EFFECTIVE DATE SEPTEMBER 26, 2008, THIS PROPERTY LIES IN ZONE X, WHICH IS DEFINED AS AREAS DETERMINED TO BE OUTSIDE OF THE 100 YEAR FLOOD PLAIN. THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP IS FOR USE IN ADMINISTERING THE NATIONAL FLOOD INSURANCE PROGRAM. IT DOES NOT NECESSARILY IDENTIFY ALL AREAS SUBJECT TO FLOODING, PARTICULARLY FROM LOCAL DRAINAGE SOURCES OF SMALL SIZE, OR ALL PLANIMETRIC FEATURES OUTSIDE SPECIAL FLOOD HAZARD AREAS. THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR STRUCTURES LOCATED THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. THE FLOOD HAZARD AREA IS SUBJECT TO CHANGE AS DETAILED STUDIES OCCUR AND/OR WATERSHED OR CHANNEL CONDITIONS CHANGE. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

QUICK INC. LAND SURVEYING DOES NOT MAKE OR WARRANT ANY FLOOD ZONE DETERMINATION

TURNER BEHRINGER DEVELOPMENT LLC
REMAINDER OF CALLED 106.408 ACRES
DOCUMENT NO. 2017023208



LEGEND

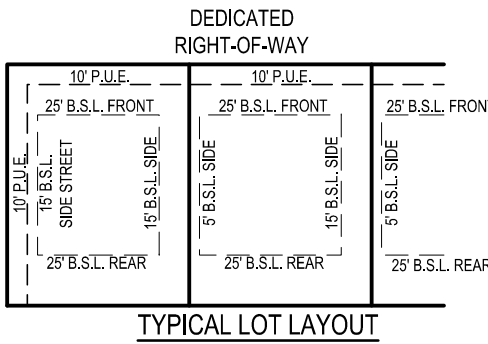
- P.O.B. POINT OF BEGINNING
- FOUND PROPERTY CORNER
- BLOCK AND PHASE CORNERS, 1/2" IRON ROD SET IN CONCRETE
- D.E. DRAINAGE EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- E.E. ELECTRIC EASEMENT
- B.S.L. BUILDING SETBACK LINE

PROPERTY DETAILS
- 28.960 TOTAL ACRES
- 6.998 ACRES DEDICATED RIGHT-OF-WAY
- 82 LOTS, 9 BLOCKS
- LOT AVERAGE: 0.353 ACRES

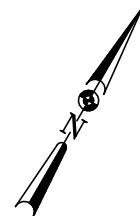
BENCHMARK 1 (1/2" IRON ROD)
N: 10496970.92
E: 3275439.54
ELEV: 621.79'

BENCHMARK 2 (1/2" STEEL ROD)
N: 10496861.31
E: 3275178.55
ELEV: 619.79'

NOTE: ALL PROPERTY CORNERS WILL BE SET WITH A 1/2" IRON ROD PRIOR TO RECORDING THE FINAL PLAT. MONUMENTS WILL MEET THE MINIMUM STANDARDS SET FORTH BY THE CITY OF HEWITT.



SCALE: 1"=100'



CERTIFICATE OF APPROVAL BY PLANNING & ZONING COMMISSION

THE STATE OF TEXAS §

COUNTY OF MCLENNAN §

APPROVED THIS _____ DAY OF _____, 2019,
BY THE HEWITT PLANNING AND ZONING COMMISSION OF THE CITY OF HEWITT, TEXAS

CHAIRMAN

ZONING SECRETARY

COUNTY CLERK'S FILE NUMBER

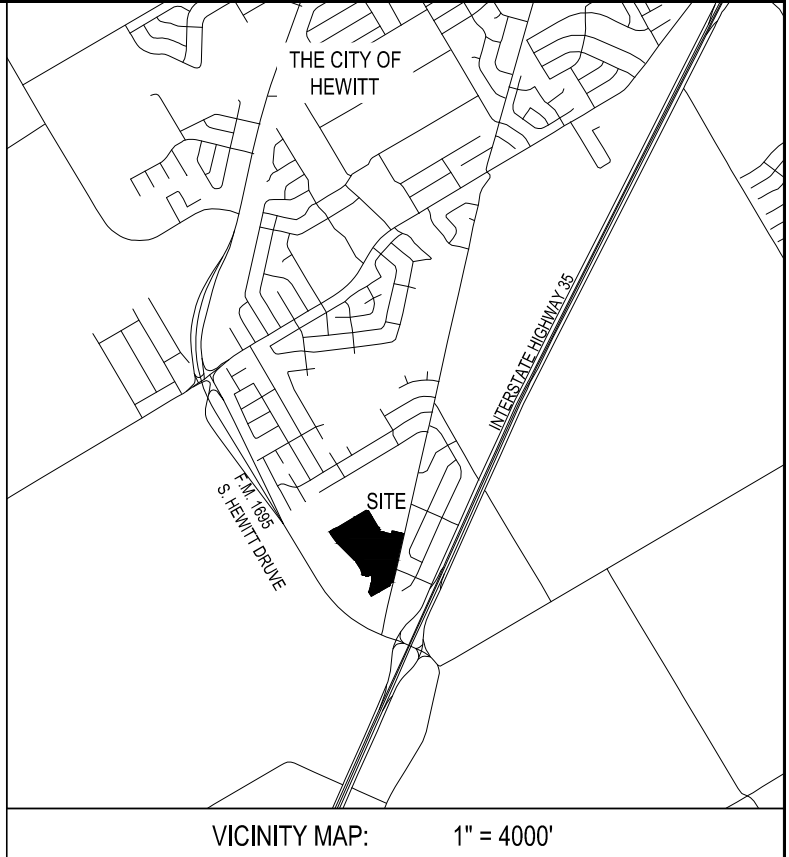


FIRM NUMBER: 10194104 PHONE: 512-915-4950
OFFICE: 1430 N. ROBERTSON ROAD, SALADO, TEXAS 76751

DATE: JULY 17, 2019

JOB NO. 17-2038.2

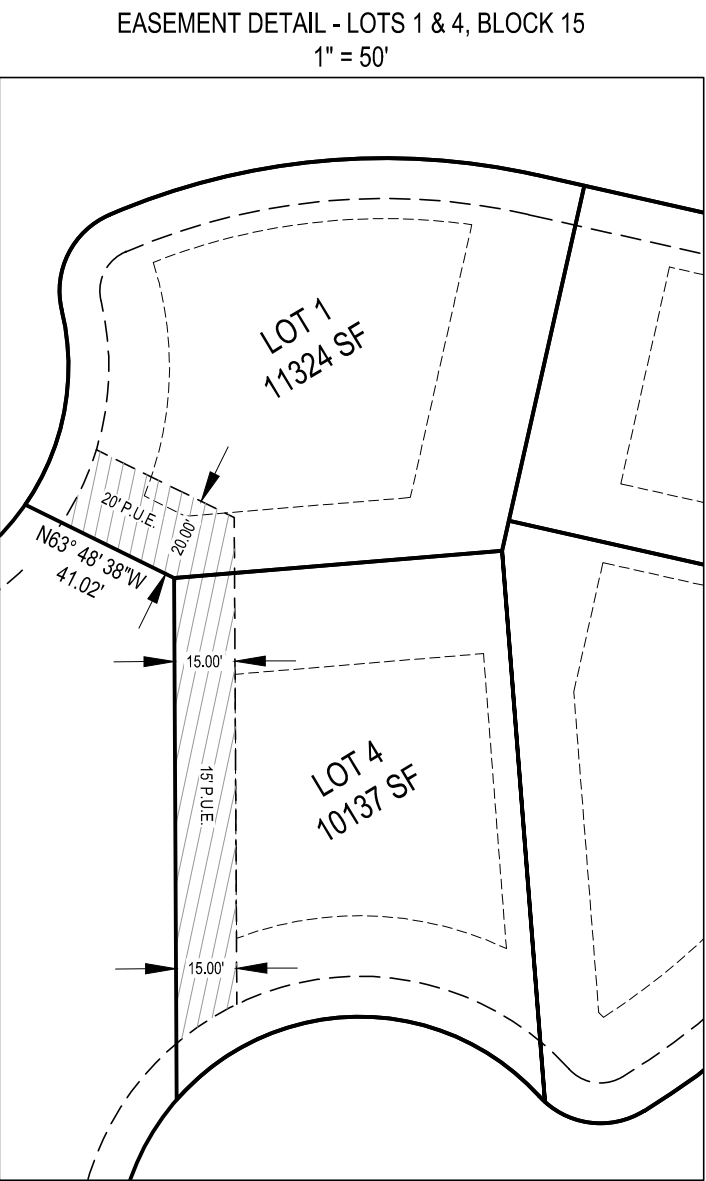
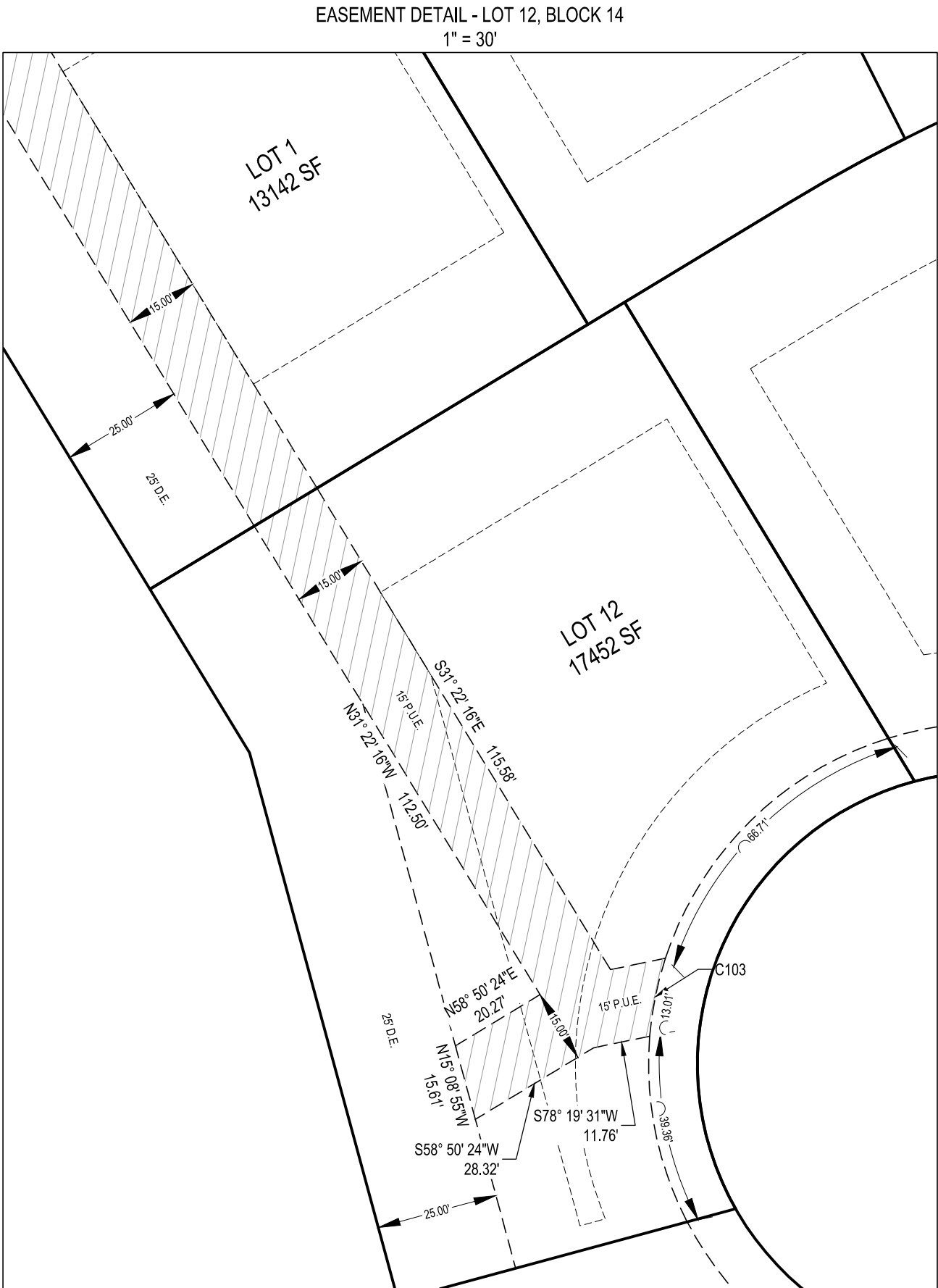
SHEET 1 OF 2

[illegible]

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	250.0'	25.37	5°48'55"	N15° 35' 35"E	25.36'
C2	250.0'	72.99	16°43'38"	N26° 51' 52"E	72.73'
C3	250.0'	72.99	16°43'38"	N43° 35' 30"E	72.73'
C4	250.0'	38.33	8°47'02"	S56° 20' 50"W	38.29'
C5	250.0'	208.67	48°03'12"	N36° 42' 44"E	203.58'
C6	20.71	8.25	22°50'17"	N47° 30' 30"E	8.20'
C8	60.0'	79.77	76°10'45"	N74° 07' 13"E	74.03'
C9	60.0'	74.40	71°12'46"	S32° 16' 01"E	69.72'
C10	60.0'	39.61	37°49'35"	N22° 10' 09"E	38.90'
C11	60.0'	101.28	96°43'04"	N88° 26' 29"E	89.68'
C12	20.50'	26.44	73°54'23"	S84° 41' 15"E	24.65'
C13	60.0'	295.08	281°46'20"	S03° 05' 04"E	75.71'
C14	200.0'	151.55	43°25'01"	N36° 39' 03"E	147.95'
C15	200.0'	159.43	45°40'25"	S35° 31' 21"W	155.24'
C16	200.0'	7.88	2°15'24"	N13° 48' 50"E	7.88'
C17	172.0'	108.66	35°59'51"	N14° 41' 13"E	106.29'
C18	20.50'	28.87	80°07'58"	N26° 37' 19"E	28.39'
C19	60.0'	50.48	48°12'05"	S10° 39' 24"W	46.00'
C20	60.0'	121.08	115°37'13"	N87° 25' 57"W	101.55'
C21	60.0'	294.53	281°15'22"	S22° 48' 58"E	76.12'
C22	60.0'	109.80	104°39'35"	S52° 42' 27"W	94.98'
C23	60.0'	13.38	12°46'29"	S81° 25' 29"W	13.35'

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C24	40.50'	20.48'	26°58'20"	S73° 19' 33"W	20.26'
C25	222.00'	66.76'	12°04'03"	S64° 52' 25"W	46.67'
C26	222.00'	82.04'	21°10'27"	S81° 29' 40"W	81.58'
C27	222.00'	41.09'	10°36'15"	N82° 36' 59"W	41.03'
C28	222.00'	169.89'	43°59'45"	S89° 45' 46"W	165.77'
C29	347.00'	23.78'	3°55'37"	S79° 16' 40"E	23.78'
C30	347.00'	64.22'	10°36'15"	S82° 36' 59"E	64.13'
C31	347.00'	71.50'	11°48'23"	S87° 08' 40"E	71.38'
C32	347.00'	71.50'	11°48'23"	N81° 02' 56"E	71.38'
C33	347.00'	128.24'	21°10'27"	N81° 29' 40"E	127.51'
C34	347.00'	71.50'	11°48'23"	N69° 14' 33"E	71.38'
C35	347.00'	73.08'	12°04'03"	N64° 52' 25"E	72.95'
C36	347.00'	27.25'	4°29'57"	N81° 05' 22"E	27.24'
C37	472.00'	32.35'	3°55'37"	N79° 16' 40"W	32.34'
C38	472.00'	97.26'	11°48'23"	N87° 08' 40"W	97.09'
C39	472.00'	97.26'	11°48'23"	S81° 02' 56"W	97.09'
C40	472.00'	97.26'	11°48'23"	S69° 14' 33"W	97.09'
C41	472.00'	37.06'	4°29'57"	S60° 05' 22"W	37.06'
C42	175.00'	40.91'	13°23'45"	S37° 51' 29"E	40.82'
C43	1025.00'	55.88'	3°06'44"	N42° 59' 59"W	55.67'
C44	1025.00'	78.89'	4°24'35"	S39° 14' 20"E	78.87'
C45	1025.00'	78.89'	4°24'35"	N34° 49' 44"W	78.87'

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C46	1025.00	78.89	4°24'35"	N30° 25' 00"W	78.87
C47	1025.00	292.34	16°20'29"	S36° 23' 06"E	291.35
C48	925.00	25.67	1°35'23"	N43° 45' 30"W	25.67
C49	925.00	90.62	5°36'48"	N40° 09' 34"W	90.59
C50	925.00	90.65	5°36'54"	S34° 32' 42"E	90.61
C51	925.00	73.60	4°33'31"	N29° 27' 31"W	73.58
C52	925.00	280.53	17°22'36"	N35° 52' 03"W	279.46
C53	975.00	128.73	7°33'54"	N31° 59' 48"W	128.64
C54	975.00	91.69	5°23'17"	N41° 51' 43"W	91.65
C55	75.00	54.02	4°11'16"14"	N56° 40' 45"W	52.86
C56	528.00	39.32	4°16'01"	N79° 26' 53"W	39.31
C57	528.00	84.05	9°07'15"	N86° 08' 31"W	83.96
C58	528.00	84.05	9°07'15"	S84° 44' 14"W	83.96
C59	528.00	84.05	9°07'15"	S75° 36' 59"W	83.96
C60	528.00	372.70	40°26'38"	S82° 27' 49"W	365.01
C61	225.00	52.60	13°23'45"	N37° 51' 29"W	52.49
C62	125.00	93.85	43°03'55"	S55° 46' 55"E	91.76
C63	125.00	30.71	14°04'35"	N70° 16' 34"W	30.63
C64	125.00	63.24	28°59'19"	N48° 44' 37"W	62.57
C65	528.00	81.23	8°45'51"	S66° 38' 56"W	81.15
C66	472.00	361.20	43°50'45"	N80° 45' 46"E	352.45



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N57° 41' 08"E	10.08'
L2	N60° 44' 20"E	1.15'
L3	N60° 44' 20"E	37.35'
L4	S55° 23' 30"E	9.49'
L5	N58° 48' 38"W	41.02'
L6	S74° 51' 05"W	46.71'
L7	S58° 50' 24"W	7.31'
L8	S80° 45' 33"W	9.48'
L9	N58° 50' 24"E	48.08'
L10	N58° 50' 24"E	79.89'
L11	S32° 18' 52"E	10.08'
L12	S09° 14' 14"E	9.49'
L13	S31° 09' 36"E	6.32'
L14	S61° 47' 08"W	50.00'
L15	S78° 30' 19"W	9.80'

LINE TABLE		
LINE	BEARING	DISTANCE
L16	N32° 50' 32"E	9.14'
L17	S74° 03' 54"W	10.88'
L18	N10° 35' 04"W	9.21'
L19	S80° 45' 33"W	9.48'
L20	N32° 18' 52"W	10.08'
L21	S57° 41' 08"W	10.08'
L22	N51° 17' 15"W	9.73'
L23	N31° 09' 36"W	6.92'
L24	N30° 12' 56"E	9.04'
L25	S53° 48' 14"E	9.72'
L26	S55° 23' 30"E	9.49'
L27	S82° 18' 24"E	6.72'
L28	N77° 18' 52"W	1.84'
L29	N64° 31' 50"E	9.05'
L30	N58° 50' 24"E	50.27'

From: Miles Whitney <miles@cayotecon.com>
Sent: Thursday, July 25, 2019 4:43 PM
To: Tracy Lankford <tlankford@cityofhewitt.com>
Subject: Hewitt - Moonlight Phase 2, Variance Request

Tracy,

In regards to the variance request for Phase 2 of the Moonlight Subd., see the below items in yellow. In regards to the variance request for Phase 3, it may be premature to consider this variance since they have yet to submit anything for this phase. In addition, the development has submitted a revised plat, from the originally approved plat, that changed the lots depths for those that backed up to the channel and then also removed the platting of the proposed retention/detention pond parcel, see the attached, for it and is to be platted at a later date when Phase 3 is considered.

Description;

P&Z's consideration on granting a variance request to the City's Drainage Ordinance due to a conflict between it and Section 404 of the Clean Water Act.

Recommendation/Item Summary;

Moonlight Subd. Phase 2, is requesting variances to the City of Hewitt's, Code of Ordinances, Section 6.03, C, 1. The development's representative has determined that the existing channel to be Jurisdictional Waters of the U.S., under Section 404 of the Clean Water Act. Under the requirements of Section 404, the activities in waters of the United States regulated include fill for development, water resource projects, infrastructure development and mining projects. If the development were to follow the requirements of the City's Ordinances, then they would be in violation of the Clean Water Act's Section 404.

Under the requirements of the City's Ordinances, this development would be required to reconstruct the existing drainage channel utilizing reinforced concrete lining, however given the channels determination to be Jurisdictional Waters of the U.S., this concrete channel lining would be in conflict with the allowed improvements within the channel.

Since the City's Ordinances cannot be met, as written, the City has requested additional consideration be given to the existing channel to include but not limited to;

1. Extra width of the proposed Drainage Easements.
2. Gate access to the channel for all homes backing up to the channel. So the homeowners can maintain the channel.
3. Channel stabilization structures, to prevent channel migration.

Staff is recommending approval of this request with additional considerations. Also the City will be working towards a revision to the City's current Ordinance to allow the Staff to handle future conflict of this nature, with Federal/State laws, to be handled on a case by case basis on the Staff level.

What are your thoughts? Revise if you see fit and if I see anything else I'll let you know.

Sincerely,
Miles Whitney, P.E.
Cayote Consulting, LLC
T.B.P.E. F-16387

From: [Tracy Lankford](#)
To: [Brittney Cantu](#)
Subject: drainage ordinance
Date: Tuesday, July 30, 2019 11:47:44 AM
Attachments: [image001.png](#)

Section 6.03. - Drainage features and policies.

C. Reinforced concrete lined open channels should be used when the criteria outlined in [section 6.03\(B\)\(1\)](#) above is exceeded:

1. Reinforced concrete lined channels shall conform to the following:

- a. Channels draining an area with a "CA" factor of 250 or less shall be lined with reinforced concrete in a manner which will contain the design frequency storm plus one foot of freeboard within the concrete lining.
- b. Channels draining an area with a "CA" factor of more than 250 but less than 500 shall be concrete lined to contain the runoff from a five-year return frequency storm with the balance of the required design frequency storm contained within grassed slopes no steeper than four horizontal to one vertical and with a minimum of one foot freeboard.
- c. Channels draining an area with a "CA" factor of more than 500 but less than 2,000 shall be constructed with a reinforced concrete pilot channel not less than 12 feet in width and having at least six-inch curbs, a four-inch depressed invert, and an appropriate edge protection as accepted by the city engineer or his/her authorized designee. The remainder of the channel shall consist of earthen side slopes with proper vegetative cover on slopes not steeper than four to one.



TRACY LANKFORD

Community Development Director

254.666.6173

tlankford@cityofhewitt.com

103 N. Hewitt Drive • Hewitt, Texas 76643