



## PLANNING AND ZONING COMMISSION MEETING

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City Hall Council Chambers, 298 W. Washington

Wednesday, January 18, 2023 at 5:30 PM

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### MINUTES

The Planning and Zoning Commission of the City of Stephenville, Texas, convened on Wednesday, January 18, 2023 at 5:30 PM, in the Council Chambers at City Hall, 298 West Washington Street, for the purpose of a Regular Business Meeting, with the meeting being open to the public and notice of said meeting, giving the date, time, place and subject thereof, having been posted as prescribed by Chapter 551, Government Code, Vernon's Texas Codes Annotated, with the following members present, to wit:

**COMMISSIONERS PRESENT:** Lisa LaTouche, Chairperson  
Brian Lesley, Vice Chair  
Justin Allison  
Mary Beach McGuire  
Nick Robinson  
Paul Ashby  
Tyler Wright, Alternate 1

**COMMISSIONERS ABSENT:** Allen Barnes

**OTHERS ATTENDING:** Steve Killen, Director of Development Services  
Tina Cox, Commission Secretary

#### CALL TO ORDER

Chairperson LaTouche called the meeting to order at 5:30 p.m.

#### OATH OF OFFICE

Oath of office administered by Sarah Lockenour, City Secretary to Lisa LaTouche, Nick Robinson, Paul Ashby and Taylor Wright.

#### ELECTION OF OFFICERS

Nomination for Chair. MOTION by Brian Lesley, second by Mary Beach McGuire to nominate Lisa LaTouche for Chair. MOTION CARRIED by unanimous vote.

Nomination for Vice Chair. MOTION by Mary Beach McGuire, second by Nick Robinson to nominate Brian Lesley for Vice Chair. MOTION CARRIED by unanimous vote.

## MINUTES

### 1. Consider Approval of Minutes - December 21, 2022

MOTION by Brian Lesley, second by Mary Beach McGuire to approve the minutes for December 21, 2022. MOTION CARRIED by unanimous vote.

## PUBLIC HEARING

### 2. Case No.: FP2023-001

**Applicant Taylor Kanute, representing Bosque Clark, LLC is requesting approval of a final plat of property located at 110 Clark Lane, Parcel R63366 of the City Addition, being Block 85, Lots 1 and 2A (parts of) to the City of Stephenville, Erath County, Texas.**

Development Services Director, Steve Killen briefed the Commission in regard to the final plat that was being presented. Mr. Killen stated that the Commissioners could approve the final plat with the following conditions:

1. Public Improvements be accepted by the City of Stephenville Public Works Department.
2. A maintenance bond be submitted to the City of Stephenville Public Works Department.
3. Ensure plat reflects the required city language for the owner's certificate section.
4. Clark lane will require additional land dedication to enable a 50' ROW. Note ROW is dedicated to the City of Stephenville and show Clark Lane as a 50' ROW.
5. Show Washington St. as a 100' ROW.
6. Add front, rear and side setbacks. R-2.5 zoning requires setbacks of 15' front and rear, 5' for side and 15' from intersecting streets.
7. Add a plat note that common areas are privately maintained.
8. Establish a HOA per requirements of Section 155.6.09 of the City of Stephenville Code of Ordinances.
9. Drainage study may require dedicated drainage easements to be reflected on final plat.
10. Label retaining wall note as privately maintained.
11. Verify the accuracy of the reference to Blk 85, Lot 1, being owned by the City of Stephenville.
12. Add a utility easement for all lots of 8' in width for sides and back.
13. Townhomes are to be individually platted - shared access drive not permitted. Establish as privately maintained street and adjust lot dimensions accordingly.
14. Add a plat note that "private streets are not provided city services, specifically, police patrols or accident reports, traffic or parking enforcement.
15. The Final Plat shall contain the following language:
  - a. Whereby the Homeowners' or Property Owners' Association, as owner of the private streets and appurtenances, agrees to release, indemnify, defend and hold harmless the City, any governmental entity and public utility:
  - b. For damages to the private street occasioned by the reasonable use of the private street by the City, governmental entity of public utility.
  - c. For damages and injury (including death) arising from the condition of said private street.

- d. For damages and injury (including death) arising out of the use by the City, governmental entity or public utility of any restricted access gate or entrance; and
- e. For damages and injury (including death) arising out of any use of the subdivision by the City, governmental entity or public utility.
- f. Lot owners shall release the City, governmental entities and public utilities for such damages and injuries, regardless of whether or not such damages and injury (including death) are caused by the negligent act or omission of the City, governmental entity or public utility, or their representative officers, employees or agents.

Malcolm Kanute was present to answer any questions that the Commission may have.

Chairperson LaTouche opened the public hearing at 5:35 PM.

No one spoke in favor or against the final plat request.

The public hearing was closed at 5:35 PM.

MOTION by Brian Lesley, second by Nick Robinson to approve with conditions the final plat of property located at located at 110 Clark Lane, Parcel R63366 of the City Addition, being Block 85, Lots 1 and 2A (parts of) of the City of Stephenville, Erath County, Texas. MOTION CARRIED by unanimous vote.

### **3. Case Nos.: RZ2023-001 and RP2023-001**

**Applicant Andrew Hansen of Swiss Management, LLC, representing John Wayland is requesting a rezone of property located at 3050 W Washington, Parcel R44948, being 13.836 acres out of 40.740 Acres, A0613 PEARSON HENRY of the City of Stephenville, Erath County, Texas from (B-2) Retail & Commercial Business to (R-3) Multi-Family Residential District with simultaneous platting.**

Steve Killen, Development Services Director, briefed the Commissioners on the rezone request of the property. Mr. Killen stated that the applicant is requesting the simultaneous consideration of the rezone and replat of the property in order for a future multi-family project to be developed. The Comprehensive Plan for future land use designates this property to be Retail and Commercial Business. Mr. Killen concluded his brief with affirming that staff approves this request and if the zoning request is approved, the Conveyance Plat will also be approved.

Andrew Hansen was present to answer any questions that the Commission may have.

Chairperson LaTouche opened the public hearing at 5:40 PM.

No one spoke in favor of the rezone request.

The public hearing was closed at 5:40 PM.

MOTION by Mary Beach-McGuire, second by Brian Lesley to recommend approval to the City Council for the rezone of property located at 3050 W Washington, Parcel R44948, being 13.836 acres out of 40.740 Acres, A0613 PEARSON HENRY of the City of Stephenville, Erath County, Texas from (B-2) Retail & Commercial Business to (R-3) Multi-Family Residential District with simultaneous platting. MOTION CARRIED by unanimous vote.

### **4. Case No.: AS2023-001**

**Applicant City of Stephenville is requesting to abandon a 20-foot alleyway located East of Ivy, West of Bates and South of Elm in Block 8 of the Cage Addition of the City of Stephenville.**

