



PLANNING AND ZONING COMMISSION MEETING

City Hall Council Chambers, 298 W. Washington
Wednesday, October 19, 2022 at 5:30 PM

MINUTES

The Planning and Zoning Commission of the City of Stephenville, Texas, convened on Wednesday, October 19, 2022 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
Bruce Delater
Nick Robinson

Mary Beach McGuire
Paul Ashby, Alternate 1

COMMISSIONERS ABSENT: Justin Allison
Tom Hines

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

CALL TO ORDER

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

MINUTES

1. Consider Approval of Minutes – September 21, 2022

MOTION by Nick Robinson, second by Brian Lesley to approve the minutes for September 21, 2022. MOTION CARRIED by unanimous vote.

PUBLIC HEARING

2. Case No.: RZ2022-016

Applicant Beau Mayo is requesting a rezone of property located at 0 Bates, Parcel R29961, being BLOCK 92; LOT 3 (E PT. OF) of CITY ADDITION to the City of Stephenville, Erath County, Texas from Industrial District (I) to Multi-family Residential District (R-3).

Development Services Director, Steve Killen briefed the Commission in regards to the case. Mr. Killen stated that the current zoning and Future Land Use for this property is designated as (I), Industrial District. However, the applicant is requesting the zoning for a future multi-family project.

Chairperson LaTouche opened the public hearing at 5:36 PM.

Developer Beau Mayo, 2699 CR 223, Stephenville spoke in favor of the rezone request. Mr. Mayo stated that

the one-bedroom efficiency apartments will be 550 square feet in size. He estimated that there will be a total of 30 units for the 2.14-acre parcel.

Three letters of opposition were received.

The public hearing was closed at 5:44 PM.

MOTION by Mary Beach-McGuire, second by Brian Lesley, to recommend approval to the City Council for the rezone of property located at 0 Bates, Parcel R29961, being BLOCK 92; LOT 3 (E PT. OF) of CITY ADDITION to the City of Stephenville, Erath County, Texas from Industrial District (I) to Multi-family Residential District (R-3). MOTION CARRIED by a 4/1 vote.

AYES: Mary Beach-McGuire, Lisa LaTouche, Brian Lesley, Nick Robinson

NOES: Bruce Delater

Chairperson LaTouche stopped the meeting at 5:49 PM in order for Paul Ashby, Alternate 1, to be sworn in by Notary Public, Tina Cox.

Chairperson LaTouche resumed the meeting at 5:51 PM.

3. Case No.: RZ2022-017

Applicant Beau Mayo is requesting a rezone of property located at 378 Elm, Parcel 28920, being BLOCK 8; LOT 1&2 (E&70) of the CAGE ADDITION to the City of Stephenville, Erath County, Texas from One and Two-Family Residential District (R-2) to Multi-family Residential District (R-3).

Steve Killen, Development Services Director, briefed the Commission on this case. He reported current zoning for this property is (R-2), One- and Two-Family Residential District and the Future Land Use for this property is designated as (B-2), Retail and Commercial District. Mr. Killen did not have anything further to add to his brief other than the differences in the current and future zoning for said property.

Mr. Beau Mayo was present to answer any of the Commissioners questions.

Chairperson LaTouche opened the public hearing at 5:52 PM.

No one spoke in favor of the rezone request.

Three letters of opposition were received.

The public hearing was closed at 5:52 PM.

MOTION by Mary Beach-McGuire, second by Bruce Delater, to recommend approval to the City Council for the rezone of property located at 378 Elm, Parcel 28920, being BLOCK 8; LOT 1&2 (E&70) of the CAGE ADDITION to the City of Stephenville, Erath County, Texas from One and Two-Family Residential District (R-2) to Multi-family Residential District (R-3). MOTION CARRIED by unanimous vote.

4. Case No.: RZ2022-018

Applicant Beau Mayo is requesting a rezone of property located at 1273 Ivy, Parcel R28921, being BLOCK 8; LOTS 3,4,5,6,7 & 8 of the CAGE ADDITION to the City of Stephenville, Erath County, Texas from One and Two-Family Residential District (R-2) to Multi-family Residential District (R-3).

Development Services Director, Steve Killen, did not have any additional information in regard to this case since it was similar to Case Nos. RZ2022-17.

Mr. Beau Mayo was present to answer any of the Commissioners questions.

Chairperson LaTouche opened the public hearing at 5:53 PM.

No one spoke in favor of the rezone request.

Three letters of opposition were received.

The public hearing was closed at 5:53 PM.

MOTION by Brian Lesley, second by Mary Beach-McGuire, to recommend approval to the City Council for the rezone of property located at 1273 Ivy, Parcel R28921, being BLOCK 8; LOTS 3,4,5,6,7 & 8 of the CAGE ADDITION to the City of Stephenville, Erath County, Texas from One and Two-Family Residential District (R-2) to Multi-family Residential District (R-3). MOTION CARRIED by unanimous vote.

5. Case No.: RZ2022-019

Applicant Beau Mayo is requesting a rezone of property located at 1275 Ivy, Parcel R28919, being BLOCK 8; LOTS 1&2 (W70 OF 1&2) of the CAGE ADDITION to the City of Stephenville, Erath County, Texas from One and Two-Family Residential District (R-2) to Multi-family Residential District (R-3).

Development Services Director, Steve Killen, did not have any additional information in regard to this case since it was similar to Case Nos. RZ2022-17 and RZ2022-18.

Mr. Beau Mayo was present to answer any of the Commissioners questions.

Chairperson LaTouche opened the public hearing at 5:54 PM.

No one spoke in favor of the rezone request.

Three letters of opposition were received.

The public hearing was closed at 5:54 PM.

MOTION by Brian Lesley, second by Mary Beach-McGuire to recommend approval to the City Council for the rezone of property located at 1275 Ivy, Parcel R28919, being BLOCK 8; LOTS 1&2 (W70 OF 1&2) of the CAGE ADDITION to the City of Stephenville, Erath County, Texas from One and Two-Family Residential District (R-2) to Multi-family Residential District (R-3). MOTION CARRIED by unanimous vote.

6. Case No.: RZ2022-021

Applicant Ophelia Mosbey is requesting a rezone of property located at 760 College Farm Rd, Parcel R29950, 0.809 acres out of 5.490 acres, being BLOCK 91; LOT 1 & 3; & BLOCK 88; LOT 2, HOUSE & BARNS, of the CITY ADDITION to the City of Stephenville, Erath County, Texas from Industrial (I) to Multi-family Residential District (R-3).

Steve Killen, Development Services Director, advised the Commission on this case. He reported that Ms. Mosbey bought 0.809 acres out of a 5.490 acre parcel and is wanting to rezone her part of the property to (R-3) Multi-family Residential District. Mr. Killen stated that the original owners of the property will be dividing and selling off the remainder of the land in the future. He informed the Commissioners that the property has a current zoning of (B-1), Neighborhood Business and (I), Industrial with the future land use for the property being (R-2) One- and Two-Family Residential District. Mr. Killen concluded his brief by informing the Commissioners that the rezone is requested for a future multifamily project.

Ms. Ophelia Mosbey was present to answer any of the Commissioners questions.

Chairperson LaTouche opened the public hearing at 6:02 PM.

No one spoke in favor of the rezone request.

Two letters of opposition were received.

The public hearing was closed at 6:02 PM.

MOTION by Brian Lesley, second by Nick Robinson, to recommend approval to the City Council for the rezone of property located at 760 College Farm Rd, Parcel R29950, 0.809 acres out of 5.490 acres, being BLOCK 91; LOT 1 & 3; & BLOCK 88; LOT 2, HOUSE & BARNS, of the CITY ADDITION to the City of Stephenville, Erath County, Texas from Industrial (I) to Multi-family Residential District (R-3). MOTION CARRIED by a 4/1/1 vote.

AYES: Paul Ashby, Lisa LaTouche, Brian Lesley, Nick Robinson

NOES: Bruce Delater

ABSTAINING: Mary Beach-McGuire

7. Case No.: RZ2022-024

Applicant Mindy Scrivner is requesting a rezone of property located at 3141 Bob White, Parcel R39977, being BLOCK 1; LOTS 6 & 7; & MH, of the S5530 QUAIL RUN SUBDIVISION to the City of Stephenville, Erath County, Texas from Single Family Residential District (R-1) to Integrated Housing District (R-2.5).

Steve Killen, Development Services Director, briefed the Commission on this case. He reported that the property has a current zoning of R-1, Single Family Residential District. The Future Land Use for this property is designated as MH, Manufactured Homes District. However, the rezone is requested to build two, single-family homes on a smaller lot size. Mr. Killen concluded his brief by stating this is not spot zoning since the R-2.5 District was created to meet specific lot size needs.

Applicant was not present to answer questions.

Chairperson LaTouche opened the public hearing at 6:07 PM.

No one spoke in favor or against the rezone request.

The public hearing was closed at 6:07 PM.

MOTION by Bruce Delater, second by Nick Robinson, to recommend approval to the City Council for the rezone of property located at 3141 Bob White, Parcel R39977, being BLOCK 1; LOTS 6 & 7; & MH, of the S5530 QUAIL RUN SUBDIVISION to the City of Stephenville, Erath County, Texas from Single Family Residential District (R-1) to Integrated Housing District (R-2.5).

MOTION CARRIED by a 5/1 vote.

AYES: Bruce Delater, Paul Ashby, Lisa LaTouche, Brian Lesley, Nick Robinson

NOES: Mary Beach-McGuire

8. Case No.: RP2022-009

Applicant Jacob Martin LLC, representing Chris Orr, is requesting a replat of property located at 1710 W South Loop, Parcel R33751, Acres 0.832, being BLOCK 32; LOT 20, 21; (PT OF 21) and 910 S Harbin, Parcel R73557, Acres 0.049, being BLOCK 32; LOT 30. Both parcels are of the SOUTH SIDE ADDITION to the City of Stephenville, Erath County, Texas.

Steve Killen, Development Services Director, briefed the Commission on this case. He reported that the applicant is requesting a preliminary replat to combine two parcels into one parcel to allow for future development. Mr. Killen concluded by stating that staff recommends approval of the replat. If approved by the Commission, no further action will be necessary for recordation.

Sunny Orr was present to answer questions.

Chairperson LaTouche opened the public hearing at 6:12 PM.

No one spoke in favor or against the rezone request.

The public hearing was closed at 6:12 PM.

MOTION by Mary Beach-McGuire, second by Bruce Delater, to approve the replat of property located at 1710 W South Loop, Parcel R33751, Acres 0.832, being BLOCK 32; LOT 20, 21; (PT OF 21) and 910 S Harbin, Parcel R73557, Acres 0.049, being BLOCK 32; LOT 30. Both parcels are of the SOUTH SIDE ADDITION to the City of Stephenville, Erath County, Texas. MOTION CARRIED by a unanimous vote.

9. **Case No.: RP2022-009 – This case was pulled from the agenda.**

Applicant Joel Allen, representing Pecan Landing, LLC is requesting a rezone of property located at 0 Forest Rd, Parcel R77150, Acres 36.765, A0515 MOTLEY WILLIAM, of the City of Stephenville, Erath County, Texas from (R-1) Single Family and (R-2) Integrated Housing to (PD) Planned Development. The Applicant will be presenting the Development Plan.

10. **Consider Proposed Revision to Chapter 154.20.2.K of the Zoning Ordinance**

Steve Killen, Development Services Director, briefed the Commission on the proposed revision. He reported that the City Council Development Services Committee convened September 20, 2022, to consider a proposed revision to Section 154.20.2.K of the Subdivision Ordinance, striking Paragraph 3(a) and (b) as reflected in the following excerpt and creating a new (4) as follows:

Sec. 154.20.2. Planning and zoning commission—Rules of procedure.

Roberts Rules of Order, the latest revision, shall be the Commission's final authority on all questions of procedures and parliamentary law not covered by these Rules of Procedures.

20.2.K Motions.

- (1) A motion may be made by any member other than the presiding officer.
- (2) A motion to approve any matter before the Commission or to recommend approval of any request requiring Council action shall require two-thirds favorable votes of the members present.
- (3) A motion to deny any matter before the Commission or to recommend denial of any request requiring Council action shall require a majority vote of those present. ~~(a) When fewer than all the members are present for the voting and when all motions to recommend on a given application fail to carry by two-thirds votes, consideration of the application shall be continued to the next regular meeting upon motion carried by a majority of those present.~~
~~(b) Provided further that no request or application shall be continued under this rule beyond the next regular meeting; failure of the Commission to secure two-thirds concurring votes to approve or recommend approval at the next regular meeting shall be recorded in the minutes as a denial of the proposal under this rule.~~
- (4) If the Commission fails to obtain the minimum votes required, the item before the Commission requiring Council action shall be forwarded with no recommendation.

The Development Services Committee, by a unanimous vote of 4/0, assigned the Planning and Zoning Commission to hold a public hearing to consider the proposed revisions as presented and make a recommendation to the City Council for adoption. Mr. Killen concluded his brief by stating the revision will clarify the voting process in relation to the recommendations sent to City Council and ensure adherence to recent legislative actions relating to approval timelines.

Chairperson LaTouche opened the public hearing at 6:16 PM.

No one spoke in favor or against of the proposed revision change.

The public hearing was closed at 6:16 PM.

MOTION by Mary Beach-McGuire, second by Brian Lesley to recommend approve the proposed revision to Chapter 154.20.2.K of the Zoning Ordinance as presented. MOTION CARRIED by a unanimous vote.

ADJOURN

The meeting was adjourned at 6:17 PM.

APPROVED:

 /S/ Lisa LaTouche
Lisa LaTouche, Chair

ATTEST:

 /S/ Tina Cox
Tina Cox, Commission Secretary