



PLANNING AND ZONING COMMISSION

City Hall Council Chambers, 298 W. Washington
Wednesday, June 16, 2021 at 5:30 PM

AGENDA

CALL TO ORDER

1. Oath of Office for New Members

MINUTES

- [2.](#) Consider Approval of Minutes - May 19, 2021

PUBLIC HEARINGS

- [3.](#) Case No.: RZ2021-008

Applicant Tobiah and Mandy O'Neal are requesting a rezone of property located at 1065 W. Frey, Parcel R32261, of KIGHT SECOND ADDITION, BLOCK 5, LOT 2, of the City of Stephenville, Erath County, Texas, from (R-1) Single Family Residential to (R-3) Multifamily.

- [4.](#) Case No.: RZ2021-009

Applicant Tobiah O'Neal, representing Ontade LLC, is requesting a rezone of property located at 1083 Frey, Parcel R32260, of KIGHT SECOND ADDITION, BLOCK 5, LOT 1, of the City of Stephenville, Erath County, Texas, from (R-1) Single Family Residential to (R-3) Multifamily.

- [5.](#) Case No.: RZ2021-011

Applicant Erath County Habitat for Humanity, is requesting a rezone of property located at 750 Sloan, Parcel R32729, of PARK PLACE ADDITION, BLOCK 4, LOT 4, of the City of Stephenville, Erath County, Texas from (R-3) Multi-Family to (B-2) Retail and Commercial Business.

- [6.](#) Case No.: CP2021-001

Applicant Justin Willis is requesting a Conditional Use Permit, pursuant to Section 154.05.03.C(1), for a Home Occupation as defined in Section 154.03, for property located at 1422 Prairie Wind, Parcel R31592, of GOLF COUNTY ESTATES ADDITION, BLOCK 4, LOT 5, of the City of Stephenville, Erath County, Texas.

STAFF UPDATE - MOBILE HOME ZONING

- [7.](#) Update on Mobile Home Zoning

ADJOURN

Pursuant to Section 418.108(g) of the Texas Government Code, a Declaration of Local Disaster issued on April 22, 2020, and in the interest of public health, the city has exercised its right to limit ingress and egress in public

buildings. As such, the public will be allowed into city facilities to attend the meeting on a limited basis.

Those wishing to address the Planning and Zoning Commission may do so in person. Written correspondence may also be mailed to City Hall or emailed to Steve Killen, Director of Development Services, at skillen@stephenvilletx.gov. Written correspondence must be received by 3:00 p.m. on, June 16, 2021. For alternate arrangements, please contact Steve at least 48 hours prior to the meeting.

The meeting is available for viewing via livestream on the City's Facebook Page (City of Stephenville – City Hall).

In accordance with the Americans with Disabilities Act, persons who need accommodation to attend or participate in this meeting should contact City Hall at 254-918-1287 within 48 hours prior to the meeting to request such assistance.



PLANNING AND ZONING COMMISSION

City Hall Council Chambers, 298 W. Washington
Wednesday, May 19, 2021 at 5:30 PM

MINUTES

The Planning and Zoning Commission of the City of Stephenville, Texas, convened on May 19, 2021 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
Bruce Delater
Justin Allison
Cliff McCrury
Brian Lesley
Todd McEvoy

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.

MINUTES

- 1. Consider Approval of Minutes – April 21, 2021**
MOTION by Brian Lesley, second by Cliff McCrury, to approve the minutes for April 21, 2021.
MOTION CARRIED by unanimous vote.

PUBLIC HEARINGS

- 5. Case No.: RP2021-001**

Applicant Matthew Hilbig with KFW Engineering, representing EG Tejas, LLC, is requesting a replat of properties located at 2798 W. Washington, being Parcels R22338 and R22351 of the MOTLEY WILLIAM ABSTRACT, Parcel R76366 of CITY ADDTION, BLOCK 157, LOT 12 (PT. OF) and Parcel R22391 of CITY ADDITION, BLOCK 157, LOT 10, of the City of Stephenville, Erath County, Texas.

Steve Killen, Director of Development Services, briefed the commission on the case. Mr. Killen stated that this is a preliminary plat with a center that will have tenant use that will comply with the permitted uses that are allowed in an Industrial Zone. Mr. Killen stated that the majority of the development will be restaurants. The future land use is Commercial with one parcel maintaining the current Industrial zoning. Mr. Killen shared with the Commission that the property is served by adequate water and sewer connections. Mr. Killen concluded his brief with providing to the commission the information that this

preliminary plat will take four lots and combine them into nine lots with two lots being set apart for drainage purposes.

Armando Niebla, representing KFW engineers, stated that the plans that were the Commission are the most recent. He also stated that this project has been two years in the development stage and they feel confident that the flood plain and traffic issues have been resolved.

Chairperson LaTouche opened the public hearing.

No one came forward to speak in favor of the replat request.

Don Cohn spoke against the replat, expressing his concerns regarding drainage issues, property values and the masterplan.

Chairperson LaTouche closed the public hearing.

MOTION by Todd McEvoy, second by Brian Lesley, to approve Case No. RP2021-001 and forward a positive recommendation to Council. MOTION CARRIED with a unanimous vote.

6. Case No.: RZ2021-008

Applicant Tobiah and Mandy O’Neal are requesting a rezone of property located at 1065 W. Frey, Parcel R32261, of KIGHT SECOND ADDITION, BLOCK 5, LOT 2, of the City of Stephenville, Erath County, Texas, from (R-1) Single Family Residential to (R-3) Multifamily.

Steve Killen, Director of Development Services, briefed the commission on the case. Mr. Killen stated that the applicant wants to rezone the property from R-1 to R-3 for its highest and best use possible. This property is currently zoned R-1 Single Family Residential and the future land use is R-1 as well. The property has adequate water and sewer. Mr. Killen shared with the Commission that there are two letters of opposition to the case. Those letters were from Scott Hooper and Brad and Melody Warmerdam.

Tobiah O’Neal, applicant, stated that he wanted to start renovations on the mansion while maintaining control over the back half of the property in regards to future development. He assured the Commission that the mansion will have deed restrictions so that it will not be demolished.

After discussion with the Commission, applicant requested that the case be tabled until the next Planning and Zoning meeting.

No action taken.

9. Case No.: RZ2021-009

Applicant Tobiah O’Neal, representing Ontade LLC, is requesting a rezone of property located at 1083 Frey, Parcel R32260, of KIGHT SECOND ADDITION, BLOCK 5, LOT 1, of the City of Stephenville, Erath County, Texas, from (R-1) Single Family Residential to (R-3) Multifamily.

After discussion with the Commission, applicant requested that the case be tabled until the next Planning and Zoning meeting.

No action taken.

10. Case No.: RZ2021-010

Applicant, Oakdale United Methodist Non-Profit, representing Oakdale United Methodist Church, is requesting a rezone of property located at 2675 W. Overhill Drive, Parcel R22423, of A0515 MOTLEY WILLIAM, of the City of Stephenville, Erath County, Texas, from (R-1) Single Family Residential to (B-1) Neighborhood Business.

Steve Killen, Director of Development Services, briefed the commission on the case. Mr. Killen stated that the property is intended to be Neighborhood Business according to the comprehensive plan and that the current zoning on this property is (R-1) and does not permit medical office strip center which is what the applicant would like to open. Staff recommends approval of the rezone request as it is a requirement set forth by city ordinance.

Chairperson LaTouche opened the public hearing.

Rhyné Gailey, contractor for Oakdale Methodist Church, spoke in favor of the rezone request.

Corey Cook, pastor of Oakdale Methodist Church, spoke in favor of the rezone request.

Chairperson LaTouche closed the public hearing.

MOTION by Bruce Delater, second by Brian Leslie, to approve Case No. RZ2021-010 and forward a positive recommendation to Council. MOTION CARRIED with a unanimous vote.

11. Case No.: PD2021-001

Property owner Taylor Kanute of Harbin Street LLC is requesting a rezone of property 0 S. Harbin Drive, Parcel R73763, of SOUTH SIDE ADDITION, BLOCK 19, LOT 15, of the City of Stephenville, Erath County, Texas, from (B-2) Retail and Commercial Business to (PD) Planned Development.

Steve Killen, Director of Development Services, briefed the commission on the case. Mr. Killen stated that Mr. Kanute presented a conceptual plan to the Planning and Zoning Commission on March 17, 2021. Mr. Killen wanted it to be noted that the PD request has changed in nature from the original conceptual plan and the property will need to be replatted into two parcels to allow the rezoning necessary for the current and future project. Mr. Killen concluded by stating that by City ordinance, a request to rezone is to be acted upon prior to replatting; therefore, should the Commission recommend approval of the request, it is suggested that the approval be upon the condition that a replat is to be completed within 30 days of the final action to approve.

Chairperson LaTouche opened the public hearing.

Taylor Kanute, applicant, was present to answer any questions.

No one came forward to speak in favor of or in opposition to the planned development request.

Chairperson LaTouche closed the public hearing.

MOTION by Todd McEvoy to deny the request. MOTION FAILED for lack of second.

MOTION by Brian Leslie, second by Justin Allen, to approve Case No. PD2021-001 with the condition that the replat to be completed within 30 days and forward a positive recommendation to Council. MOTION CARRIED with Todd McEvoy casting the dissenting vote.

12. Permitted Use Work Session

1. MOTION by Todd McEvoy, second by Bruce Delater to allow Tattoo Parlor/Body Piercing Studios as a permitted use in B-2 and B-3 districts, removing from Industrial. MOTION CARRIED by unanimous vote.

- 2. MOTION by Todd McEvoy, second by Bruce Delater to allow Tattoo Parlor/Body Piercing Studios as a permitted use in the DT district. MOTION CARRIED with the following votes:

Ayes: Brian Lesley, Lisa LaTouche, Bruce Delater
 Noes: Cliff McCrury, Justin Allison

- 3. Commission recommends leaving Personal Service Shop (beauty, barber and the like) as currently listed in B- 1, B-2, B-3 and DT zoning districts.
- 4. MOTION by Todd McEvoy, second by Brian Leslie to combine Bed and Breakfast and Bed and Breakfast/Boarding House as one permitted use as Bed and Breakfast/Boarding House in zoning districts B-1, B-3 and DT. MOTION CARRIED by unanimous vote.
- 5. MOTION by Brian Leslie, second by Todd McEvoy to allow Bicycle Sales and Rentals as a permitted use in zoning districts B-2, B-3 and DT.

MOTION by Bruce Delater, second by Justin Allen to amend the original MOTION to allow Bicycle Sales and Rentals as a permitted use in zoning district B-1 as well. MOTION WAS NOT CARRIED with the following votes:

Ayes: Justin Allen, Bruce Delater
 Noes: Todd McEvoy, Cliff McCrury, Brian Leslie

ORIGINAL MOTION CARRIED by unanimous vote.

- 6. MOTION by Bruce Delater, second by Justin Allen to combine all Bakery and Confectionary Shops with related permitted use, with exception to wholesale and distribution, into Bakery Retail for zoning districts B-1, B-2, B-3 and DT. MOTION CARRIED with Todd McEvoy casting the dissenting vote.
- 7. Commission recommends leaving Bakery Wholesale/Distribution as currently listed in the Industrial zoning district.

ADJOURN

The meeting was adjourned at 7:38 p.m.

APPROVED:

 Lisa LaTouche, Chair

ATTEST:

 Tina Cox, Commission Secretary



STAFF REPORT

SUBJECT: Case No.: RZ2021-008

Applicant Tobiah and Mandy O’neal are requesting a rezone of property located at 1065 W. Frey, Parcel R32261, of KIGHT SECOND ADDITION, BLOCK 5, LOT 2, of the City of Stephenville, Erath County, Texas, from (R-1) Single Family Residential to (R-3) Multifamily.

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

RECOMMENDATION:

The Comprehensive Plan for future land use designates this property to be Single Family.

BACKGROUND:

The applicant is requesting a rezone to multifamily, R-3, to allow for the highest and best land use per the applicant.

CURRENT ZONING:

R-1 – Single Family

FUTURE LAND USE:

Single Family

WATER:

The property is currently served by water mains in Pecan, Ollie, Frey and Kight streets.

SEWER:

The property is currently served by sanitary sewer mains in Pecan, Ollie, Frey and Kight streets.

STREET:

The property is served by Pecan, Ollie, Frey and Kight Streets.

ZONING AND LAND USE:

Location	Zoning	Future Land Use
Subject Site	R-1 – Single Family	Single Family
North	R-3, Multifamily	Single Family
South	R-1, Single Family	Multifamily
East	R-1 – Single Family	Single Family

DESCRIPTION OF REQUESTED ZONING

Sec. 154.05.6. Multiple family residential district (R-3).

5.6.A Description. This residential district provides for medium to high-density city neighborhood development. The primary land use allows for single-family dwellings, two-to-four family dwelling units, and multiple family housing buildings and complexes. All R-3 zoning will be appropriate to a city-style neighborhood. Recreational, religious and educational uses are also permitted so as to contribute to the natural elements of a convenient, balanced and attractive neighborhood. Development within this district is intended to be protected from the encroachment of land activities that do not contribute to the esthetic and functional well being of the intended district environment.

5.6.B Permitted Uses.

- (1) Single-family detached dwelling, limited to occupancy by a family having no more than three individuals who are unrelated by blood, legal adoption, marriage or conservatorship. The owner and any agent of the owner shall be legally responsible for directly or indirectly allowing, permitting, causing, or failing to prohibit residential use of a dwelling in this district by more than three unrelated individuals;
- (2) Two-to-four family dwellings, with each family limited as in division (1) above;
- (3) Townhouse dwellings, with each family limited as in division (1) above;
- (4) Condominium dwellings, with each family limited as in division (1) above;
- (5) Multiple family dwellings, with each family limited as in division (1) above;
- (6) Assisted living center;
- (7) Convalescent, nursing or long term-care facility;
- (8) Retirement housing complex;
- (9) Accessory buildings;
- (10) Churches, temples, mosques and related facilities;
- (11) Community home;
- (12) Park or playground;
- (13) SISD school—public;
- (14) Bed and breakfast/boarding house;
- (15) Group day care home;
- (16) Registered family home;
- (17) Day care center; and
- (18) Fraternity or sorority house.

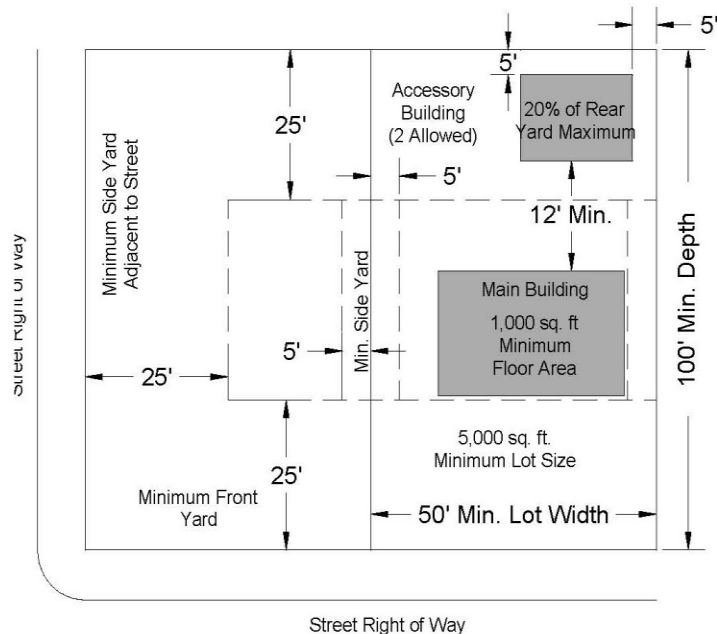
5.6.C Conditional Uses.

- (1) Home occupation;
- (2) Common facilities as the principal use of one or more platted lots in a subdivision;
- (3) Adult and/or children's day care centers;
- (4) Foster group home; and
- (5) Residence hall.

5.6.D Height, Area, Yard and Lot Coverage Requirements.

(A) *Single family dwelling.*

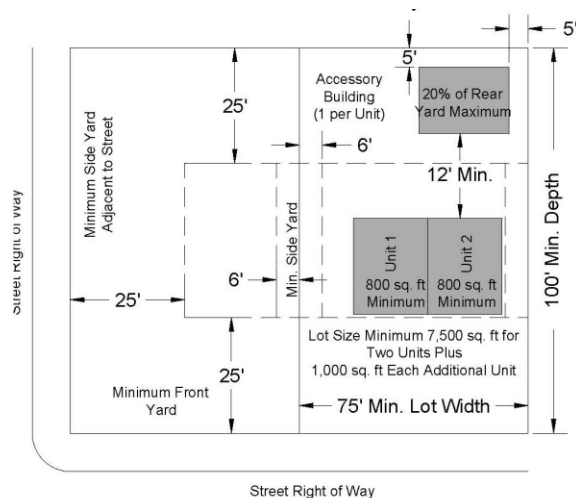
- (1) Minimum lot area: 5,000 ft².
- (2) Minimum lot width and lot frontage: 50 feet.
- (3) Minimum lot depth: 100 feet.
- (4) Minimum depth of front setback: 25 feet.
- (5) Minimum depth of rear setback: 25 feet.
- (6) Minimum width of side setback:
 - (a) Internal lot: five feet.
 - (b) Corner lot: 25 feet from intersecting side street.
- (7) Building size:
 - (a) Maximum coverage as a percentage of lot area: 40%.
 - (b) Single family dwelling: 1,000 ft².
- (8) Accessory buildings:
 - (a) Maximum accessory buildings coverage of rear yard: 20%.
 - (b) Maximum number of accessory buildings: one.
 - (c) Minimum depth of side setback: five feet.
 - (d) Minimum depth of rear setback: five feet.
 - (e) Minimum depth from the edge of the main building: 12 feet.
- (9) Maximum height of structures: 35 feet.
- (10) Public, semi-public or public service buildings, hospitals, institutions or schools may not exceed a height of 60 feet. Churches, temples and mosques may not exceed 75 feet, if the building is set back from each yard line at least one foot for each two feet additional height above the height limit in this district.



5.6.E Parking Regulations. A Single-Family, R-3 District lot shall provide a minimum of two vehicle parking spaces per dwelling unit, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in this ordinance, Section 11, Parking Regulations of this ordinance.

(B) *Two-to-four family.*

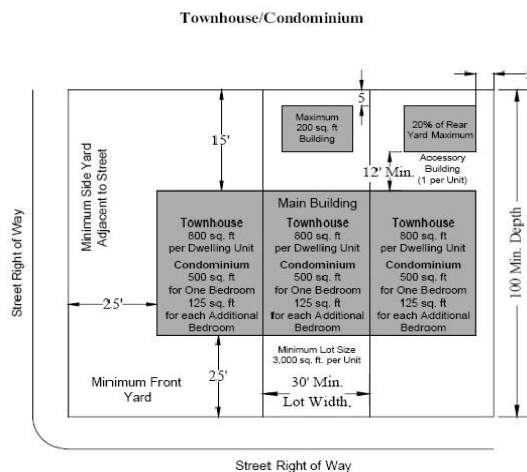
- (1) Minimum lot area: 7,500 ft² for two dwelling units, plus 1,000 ft² for each additional dwelling unit.
- (2) Minimum lot width and lot frontage: 75 feet.
- (3) Minimum lot depth: 100 feet.
- (4) Minimum depth of front setback: 25 feet.
- (5) Minimum depth of rear setback: 25 feet.
- (6) Minimum width of side setback:
 - (a) Internal lot: six feet.
 - (b) Corner lot: 25 feet from intersecting side street.
- (7) Building size:
 - (a) Maximum coverage as a percentage of lot area: 40%.
 - (b) Minimum area of each dwelling unit: 800 ft².
- (8) Accessory buildings:
 - (a) Maximum accessory building coverage of rear yard: 20%.
 - (b) Maximum area of each accessory building: 200 ft².
 - (c) Maximum number of accessory buildings: one per unit.
 - (d) Minimum depth of side setback: five feet.
 - (e) Minimum depth of rear setback: five feet.
 - (f) Minimum depth from the edge of the main building: 12 feet.
- (9) Maximum height of structures: 35 feet.
- (10) Public, semi-public or public service buildings, hospitals, institutions or schools may not exceed a height of 60 feet. Churches, temples and mosques may not exceed 75 feet, if the building is set back from each yard line at least one foot for each two feet additional height above the height limit in this district.



A Two to Four-Family, R-3 District lot shall provide a minimum of two vehicle parking spaces per dwelling unit, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in this ordinance, Section 11, Parking Regulations of this ordinance.

(C) *Townhouse/Condominium.*

- (1) Minimum lot area: 3,000 ft² per unit.
- (2) Minimum average lot width and lot frontage: 30 feet.
- (3) Minimum lot depth: 100 feet.
- (4) Minimum depth of front setback: 25 feet.
- (5) Minimum depth of rear setback: 15 feet.
- (6) Minimum width of side setback:
 - (a) Internal lot: five feet.
 - (b) Corner lot: 25 feet from intersecting side street.
- (7) Building size:
 - (a) Maximum building coverage as a percentage of lot area: 40%
 - (b) Minimum area of each Townhouse dwelling unit: 800 ft².
 - (c) Minimum area of each Condominium of each dwelling unit: 500 ft² for one bedroom or less, plus 125 ft² of floor area for each additional bedroom.
- (8) Accessory buildings:
 - (a) Maximum accessory building coverage of rear yard: 20%.
 - (b) Maximum area of each accessory building: 200 ft².
 - (c) Maximum number of accessory buildings: one per unit.
 - (d) Minimum depth of side setback: five feet.
 - (e) Minimum depth of rear setback: five feet.
 - (f) Minimum depth from the edge of the main building: 12 feet.
- (9) Maximum height of structures: 35 feet.
- (10) Public, semi-public or public service buildings, hospitals, institutions or schools may not exceed a height of 60 feet. Churches, temples and mosques may not exceed 75 feet, if the building is set back from each yard line at least one foot for each two feet additional height above the height limit in this district.



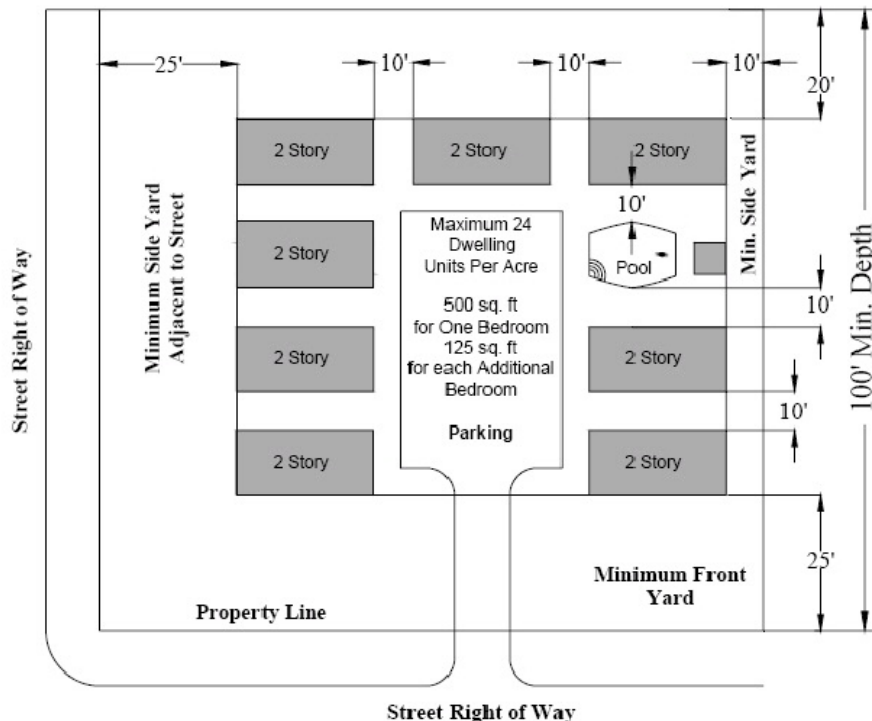
A Townhouse/Condominium, R-3 District lot shall provide a minimum of two vehicle parking spaces per dwelling unit, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in this ordinance, Section 11, Parking Regulations of this Ordinance.

(D) *Multiple family dwellings.*

- (1) Minimum lot area: maximum density of 24 dwelling units per acre, which includes parking, access and all other area improvements.
- (2) Minimum lot depth: 100 feet.
- (3) Minimum depth of front setback: 25 feet.
- (4) Minimum depth of rear setback: 20 feet.
- (5) Minimum width of side setback:
 - (a) Internal lot: ten feet.
 - (b) Corner lot: 25 feet from intersecting side street.
- (6) Building size: Minimum area of each dwelling unit: 500 ft² for one bedroom or less plus 125 ft² of floor area for each additional bedroom.
- (7) Maximum height of structures: 35 feet.
- (8) Public, semi-public or public service buildings, hospitals, institutions or schools may not exceed a height of 60 feet. Churches, temples and mosques may not exceed 75 feet, if the building is set back from each yard line at least one foot for each two feet additional height above the height limit in this district.

5.6.D Height, Area, Yard and Lot Coverage Requirements

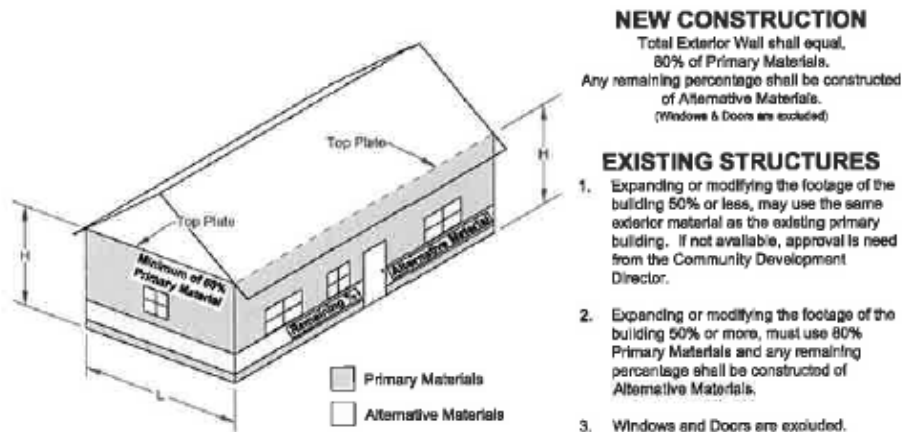
Multiple Family Dwelling



A Multiple-Family, R-3 District lot shall provide a minimum of two vehicle parking spaces per dwelling unit, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in this ordinance, Section 11, Parking Regulations of this ordinance.

5.6.F Type of Construction.

- (1) The exterior walls of all new dwellings to the top plate, shall be constructed of at least 80% of the total exterior walls of primary materials, excluding doors, windows, and porches. See Section 10.E(1): Exterior Building Material Standard—Primary Materials.
- (2) Any remaining exterior walls of all new dwellings shall construct the remaining exterior walls of alternative materials. See Section 10.E(2): Exterior Building Material Standard—Alternative Materials.
- (3) Existing dwellings expanding the total square footage of the building 50% or less, or modifying the exterior walls, may use the same exterior construction material as the existing primary building. If the material is not available, similar material may be used if approved by the Community Development Director.
- (4) Existing dwellings expanding the total square footage of the building more than 50%, or proposing to use a material inconsistent with the primary structure for any expansion, must meet the 80% minimum primary materials, Section 10.E: Exterior Building Material Standard, for the total exterior walls of the structure.



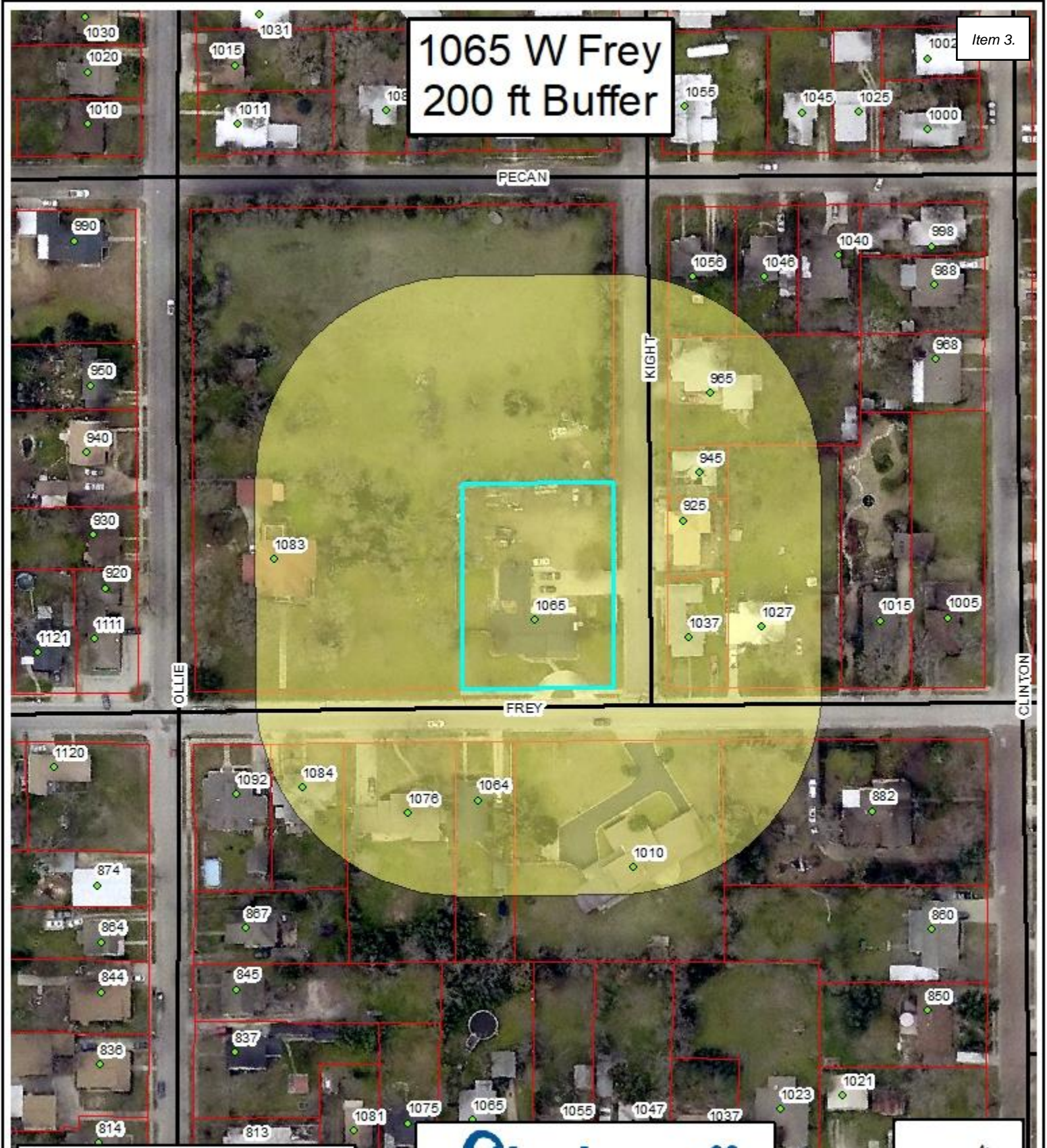
(Am. Ord. 2007-24, passed 12-4-2007; Am. Ord. 2008-13, passed 7-1-2008; Ord. 2011-26, passed 12-6-2011)

ALTERNATIVES

- 1) Recommend the City Council approve the rezoning request.
- 2) Recommend the City Council approve zoning other than requested.
- 3) Recommend the City Council deny the request for rezoning.

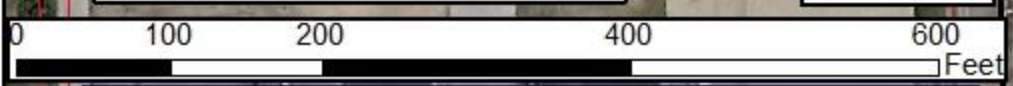
1065 W Frey 200 ft Buffer

Item 3.



Legend

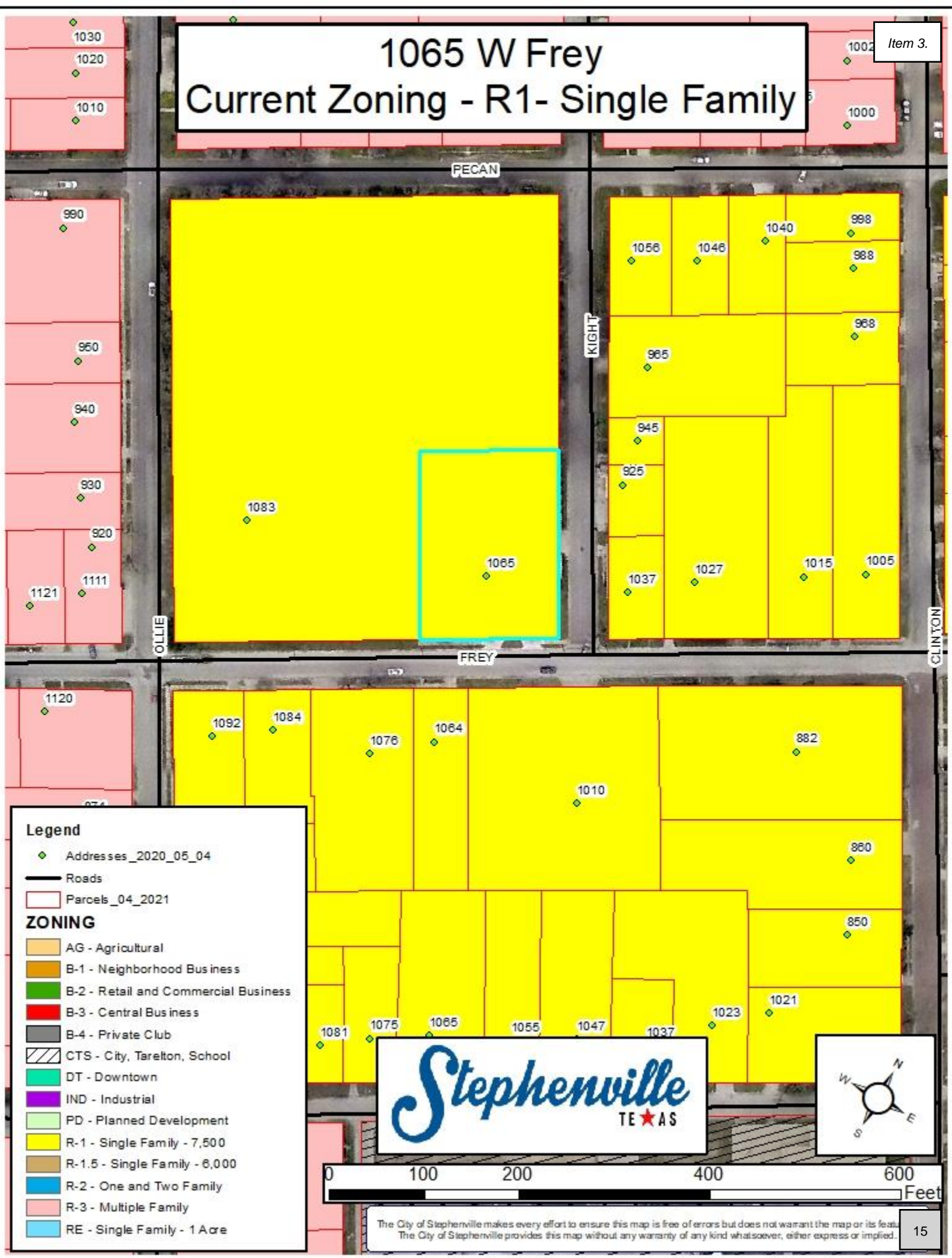
- ◆ Addresses_2020_05_04
- Roads
- ▭ Parcels_04_2021
- 1065_Frey_Buff



The City of Stephenville makes every effort to ensure this map is free of errors but does not warrant the map or its features. The City of Stephenville provides this map without any warranty of any kind whatsoever, either express or implied.

1065 W Frey Current Zoning - R1- Single Family

Item 3.

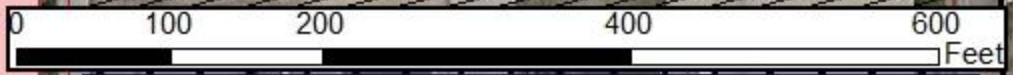


Legend

- ◆ Addresses_2020_05_04
- Roads
- ▭ Parcels_04_2021

ZONING

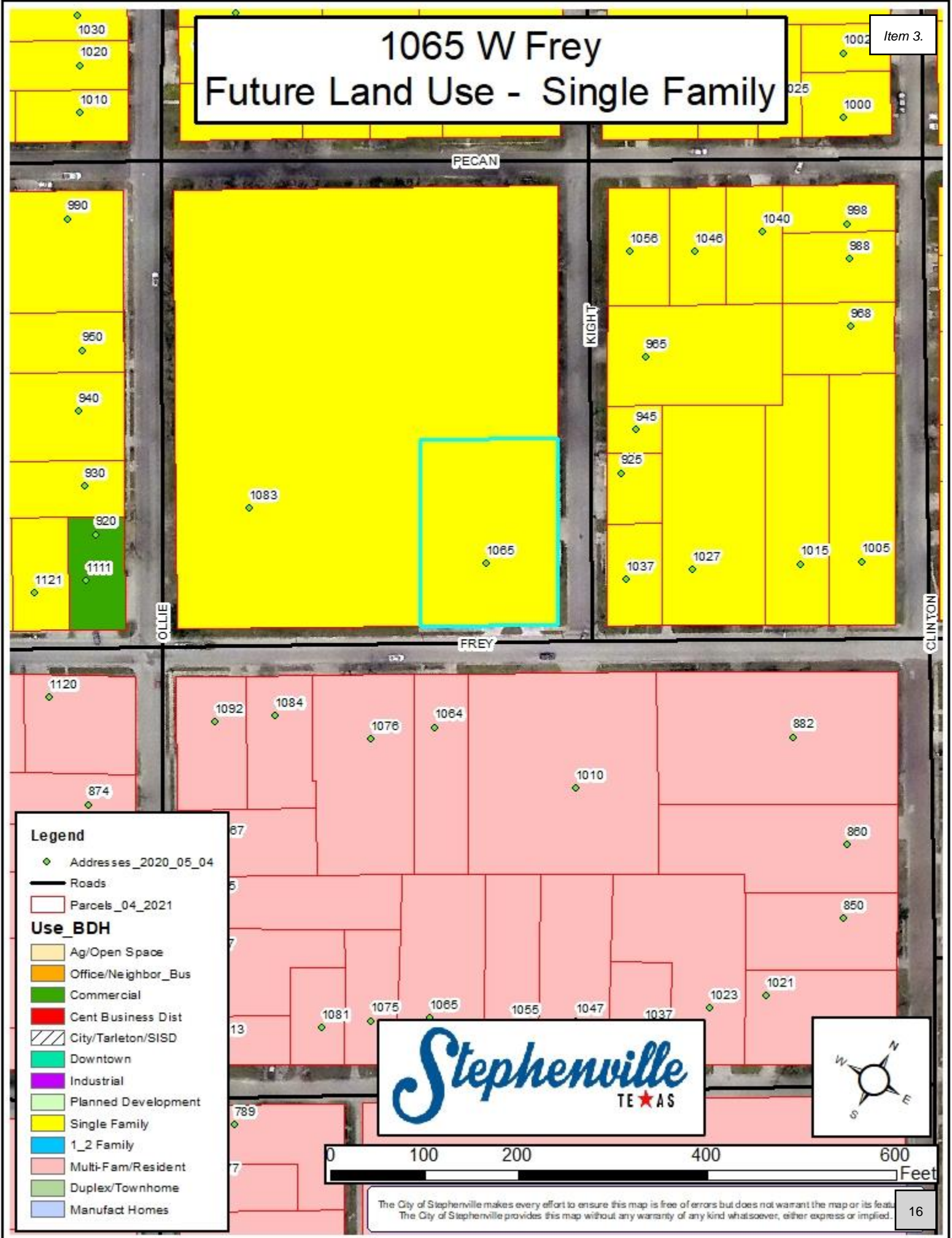
- AG - Agricultural
- B-1 - Neighborhood Business
- B-2 - Retail and Commercial Business
- B-3 - Central Business
- B-4 - Private Club
- CTS - City, Tarrant, School
- DT - Downtown
- IND - Industrial
- PD - Planned Development
- R-1 - Single Family - 7,500
- R-1.5 - Single Family - 6,000
- R-2 - One and Two Family
- R-3 - Multiple Family
- RE - Single Family - 1 Acre



The City of Stephenville makes every effort to ensure this map is free of errors but does not warrant the map or its features. The City of Stephenville provides this map without any warranty of any kind whatsoever, either express or implied.

1065 W Frey Future Land Use - Single Family

Item 3.



Legend

- ◆ Addresses_2020_05_04
- Roads
- ▭ Parcels_04_2021

Use_BDH

- ▭ Ag/Open Space
- ▭ Office/Neighbor_Bus
- ▭ Commercial
- ▭ Cent Business Dist
- ▭ City/Tarleton/SISD
- ▭ Downtown
- ▭ Industrial
- ▭ Planned Development
- ▭ Single Family
- ▭ 1_2 Family
- ▭ Multi-Fam/Resident
- ▭ Duplex/Townhome
- ▭ Manufact Homes



The City of Stephenville makes every effort to ensure this map is free of errors but does not warrant the map or its features. The City of Stephenville provides this map without any warranty of any kind whatsoever, either express or implied.

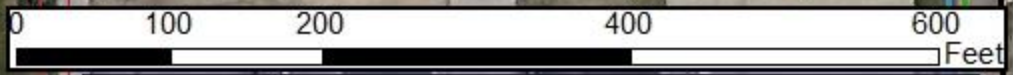
1065 W Frey Water & Sewer Utilities

Item 3.



Legend

- ◆ Addresses_2020_05_04
- Roads
- ▭ Parcels_04_2021
- Manhole
- Sewer_Lines
- Water_Lines
- Well_Line



The City of Stephenville makes every effort to ensure this map is free of errors but does not warrant the map or its features. The City of Stephenville provides this map without any warranty of any kind whatsoever, either express or implied.

1065 W Frey Addresses

Parcel ID	Parcel Address	Parcel Owner	Owner Address	City	State	Zip Code
R000032212	965 KIGHT	BRYANT JOHN CLANCY	965 KIGHT	STEPHENVILLE	TX	76401
R000032211	1056 PECAN	COMMUNITY OUTREACH HOUSING	3436 LIVINGSTON	CARROLLTON	TX	75007
R000030779	1092 W FREY	DOWELL JAMES DANIEL	1092 W FREY	STEPHENVILLE	TX	76401
R000030780	1076 FREY	GARRISON PROPERTIES LLC	740 W COLLEGE	STEPHENVILLE	TX	76401
R000032213	945 KIGHT	GODWIN EDWARD	1804 DEEPWOOD DR	ROUND ROCK	TX	78681
R000030790	1084 W FREY	HARLOW JEREMY & MARIE	1084 W FREY	STEPHENVILLE	TX	76401-0000
R000032215	1037 FREY	JRSR PROPERTIES LLC	5303 COLLEYVILLE BLVD, SUITE A	COLLEYVILLE	TX	76034
R000032210	1046 PECAN	LOWERY CLARENCE DAVID	410 E CLIFTON	STEPHENVILLE	TX	76401-4918
R000032261	1065 W FREY	ONEAL TOBIAH & MANDY	1065 W FREY	STEPHENVILLE	TX	76401
R000032260	1083 FREY	ONTADE LLC	115 N GRAHAM ST #202	STEPHENVILLE	TX	76401
R000030788	882 CLINTON	SULT GREGORY R & KELLY M	882 N CLINTON	STEPHENVILLE	TX	76401-0000
R000030789	1010 FREY	TRIMBLE TOMMY WAYNE & REBECCA ANN	1010 FREY	STEPHENVILLE	TX	76401
R000032208	1027 W FREY	TUCKER LOIS LAVONNE	1027 W FREY	STEPHENVILLE	TX	76401
R000030781	1064 FREY	WARMERDAM BRADLEY STEPHEN & MELODY JILL	3721 OAKBRIAR LANE	COLLEYVILLE	TX	76034
R000032214	925 KIGHT	WILHELM DONNA	PO BOX 201	BROWNWOOD	TX	76804



City of Stephenville
298 W. Washington
Stephenville, TX 76401
(254) 918-1213

NO. 4050
RZ 2021-008

ZONING AMENDMENT APPLICATION

CITY OF STEPHENVILLE
TOBIAH & MANDY ONEAL

1. **APPLICANT/OWNER:** TOBIAH & MANDY ONEAL
 First Name TOBIAH Last Name ONEAL
ADDRESS: 115 N GRAHAM SUITE 202 254-413-4950
 Street/P.O. Box 115 N GRAHAM SUITE 202 Phone No. 254-413-4950
STEPHENVILLE TX 76401
 City State Zip Code

2. **PROPERTY DESCRIPTION:** 1065 FREY
Street Address

3. **LEGAL DESCRIPTION:** 2 5 RIGHT SECOND ADDIT
Lot(s) Block(s) Addition

4. **PRESENT ZONING:** R-1 SINGLE FAM
Zoning District Title

PROPOSED ZONING: R-S3 MULTI FAM
Zoning District Title

5. **APPLICANTS REQUEST FOR ZONING CHANGE IS AS FOLLOWS:** ZONING
THE BLOCK FOR ITS HIGHEST & BEST USE
POSSIBLE

(Attach an additional sheet if necessary)

[Signature]
Signature of Applicant

3-31-21
Date

[Signature]
Signature of City Official Received

4/28/21
Date Received

From: BS Warmer <bswarmer@gmail.com>
Sent: Wednesday, May 19, 2021 10:13 AM
To: Steve Killen <SKillen@stephenvilletx.gov>
Subject: Planning and Zoning Cases RZ2021-008 & RZ2021-009

Stephenville Planning and Zoning Commission,

This committee has the challenge of managing the inevitable (and welcomed) growth of Stephenville, while also safeguarding the city character. The Chandler Mansion is an icon that you build around, not one to be rezoned to Multifamily. I am writing to express my strong opposition to the proposed rezoning of the Chandler Mansion block (Cases RZ2021-008 & RZ2021-009) . My opposition is based on a variety of factors:

1. Desire to maintain the character and charm of the neighborhood.
2. The area is already approaching saturation with multifamily dwellings. Based on a quick google map search - there are 15 apartment complexes within 1 mile (most within .5 mile) of the Chandler Mansion. In addition to this, there are 5 college dorms and several duplexes (W Oak St, N Columbia, N Belknap, etc.).
3. Uncertainty of the plans for the property. I had a good conversation with one of the owners. He is a genuine person that shares my desire to maintain the charm of this property and the city. However, rezoning with no concrete plans equates to a blank check that I am not comfortable agreeing to.
4. Property values are likely to be negatively impacted if we continue saturating the area with multi-family dwellings. MFDU's are inconsistent with the predominantly SFDU neighborhood.
5. Frey street is already narrow / congested and adding multiple units concentrated on this property will make matters worse. Elevated traffic makes the streets less pedestrian friendly. With Hook Elementary right around the corner – this is a real concern.

I urge you to disapprove the proposed rezoning, and from recent meetings / discussions with my neighbors, I know my opinions are shared by others who have not managed to communicate these desires. Thank you for your continued service and support of our community.

Best regards,

Brad & Melody Warmerdam

1064 W Frey St

817-629-4450

Steve Killen

From: Steve Killen
Sent: Wednesday, May 19, 2021 11:38 AM
To: 'BS Warmer'
Subject: RE: Planning and Zoning Cases RZ2021-008 & RZ2021-009

Received. I will provide this to the Commission.

Thank you.

Steve Killen

Director
Development Services



P: (254) 918-1222 | **C:** (214) 677-8352
E: skillen@stephenvilletx.gov



[Subscribe to Meeting Notifications Here](#)

*This e-mail contains the thoughts and opinions of Steve Killen and does not represent official City of Stephenville policy.
Note to elected officials: Please respond only to the sender of this message. Reply to all may result in a violation of the Texas Open Meetings Act.*

From: BS Warmer <bswarmer@gmail.com>
Sent: Wednesday, May 19, 2021 10:13 AM
To: Steve Killen <SKillen@stephenvilletx.gov>
Subject: Planning and Zoning Cases RZ2021-008 & RZ2021-009

Stephenville Planning and Zoning Commission,

This committee has the challenge of managing the inevitable (and welcomed) growth of Stephenville, while also safeguarding the city character. The Chandler Mansion is an icon that you build around, not one to be rezoned to Multifamily. I am writing to express my strong opposition to the proposed rezoning of the Chandler Mansion block (Cases RZ2021-008 & RZ2021-009) . My opposition is based on a variety of factors:

1. Desire to maintain the character and charm of the neighborhood.
2. The area is already approaching saturation with multifamily dwellings. Based on a quick google map search - there are 15 apartment complexes within 1 mile (most within .5 mile) of the Chandler Mansion. In addition to this, there are 5 college dorms and several duplexes (W Oak St, N Columbia, N Belknap, etc.).
3. Uncertainty of the plans for the property. I had a good conversation with one of the owners. He is a genuine person that shares my desire to maintain the charm of this property and the city. However, rezoning with no concrete plans equates to a blank check that I am not comfortable agreeing to.
4. Property values are likely to be negatively impacted if we continue saturating the area with multi-family dwellings. MFDU's are inconsistent with the predominantly SFDU neighborhood.
5. Frey street is already narrow / congested and adding multiple units concentrated on this property will make matters worse. Elevated traffic makes the streets less pedestrian friendly. With Hook Elementary right around the corner – this is a real concern.

I urge you to disapprove the proposed rezoning, and from recent meetings / discussions with my neighbors, I know my opinions are shared by others who have not managed to communicate these desires. Thank you for your continued service and support of our community.

Best regards,

Brad & Melody Warmerdam

1064 W Frey St

817-629-4450

TO: **Stephenville Planning and Zoning Commission & City Council**

FROM: **Scott Hooper
849 N. Clinton
Stephenville, TX 76401**

RE: **Chandler Mansion Block Re-zoning**

To the committee members on the PZ commission and the City Council,

I was recently made aware of a plan to re-zone the Chandler Mansion block. While I am all for land development and improvement, I am asking for the board to not approve this request for several reasons:

- The Chandler Mansion is one of the iconic homes left in Stephenville. I am one of many people in the area who own homes that we are working to rehab not for a quick buck or to flip and rent on the cheap, but to restore the original beauty and charm of a property. My properties are around the corner from this block and would hate to see it wasted.
- The multifamily units that I have seen on the north side of Frey in those neighborhoods are not kept up and, in my opinion, have actually reduced the value of the homes close to it. A greater value would be to build small homes along the back of the block to help raise the value of the surrounding properties and continue regentrification.
- The traffic is already horrible and parking on Frey makes it hard for traffic flow as it is. The amount of money it would take for the city to improve/ create safe access and egress (ie driveways and turning lanes) could easily outweigh the benefit and the traffic would surely overtax Ollie and Frey which is already one of the busiest intersections in Stephenville.
- The inevitable need for improved access to water, sewer and gas will also contribute to the overall chaos of road issues and seems like it will divert tax dollars away from other things we need to see worked on in Stephenville.

I ask that you please deny this request.

Thank you for working hard at what you do. It is difficult navigating the razor edge of making sure Stephenville moves forward yet stays "hometown".

Sincerely,
Scott Hooper



Steve Killen

From: Ashley Ritchey <awinbourn@hotmail.com>
Sent: Wednesday, June 16, 2021 3:10 PM
To: Steve Killen; Josh Ritchey; Ashley Ritchey
Subject: Planning and Zoning Cases RZ2021-008 & RZ2021-009

Dear Stephenville Planning and Zoning Commission,

As a neighbor of the Chandler Mansion located at 1083 Frey, we would like to express our opposition to the rezoning of this property to R3 multifamily. The following are just a few of our reasons:

1. We are a family of 5 with children at Stephenville ISD and Hook Elementary. This will bring increased traffic to the already busy streets of Frey & Ollie which our children use to walk home from school and could jeopardize their safety.
2. There is uncertainty for plans with this property and rezoning without concrete plans is not something we or our city should be comfortable with considering.
3. We desire to maintain the character and charm of the neighborhood.
4. Property values are likely to be negatively impacted when living within such close proximity to a multifamily complex.

I urge you to decline their request for rezoning to R-3 multifamily. Thank you for your consideration and continued support and service to our community.

Sincerely,
Josh & Ashley Ritchey
990 N. Ollie
940.445.1290

Steve Killen

From: Rebecca <bosqueriverranch@aol.com>
Sent: Wednesday, June 16, 2021 2:59 PM
To: Steve Killen
Subject: Case RZ2021-008

Regarding case No: RZ2021-008
Toby & Mandy O'Neal

To the Planning and Zoning Commission: I respectfully request that you take time to read the letters that people have written to see the different points of view. Due to scheduling conflicts, some neighbors were not able to attend in person.

We would like to request that you deny the R3 request for the rezoning of the entire block that includes the Chandler mansion and the O'Neill residence. The R3 will open Pandora's box for some out-of-town or out-of-state investor to come in and build a multi-apartment complex that could look like the Edge. While large complexes don't seem out of place in commercial zoning areas, they really reduce the charm and property values for homeowners and small residential areas.

I cannot imagine walking out my front door and seeing a three or five story apartment complex on that block. Currently, I see two charming homes and large mature trees on the block; it feels quaint, it feels cozy, it feels nice and welcoming.

I am absolutely concerned about traffic when school is in session. The pick-up line reduces Frey Street to only a one lane street, and it's very difficult for cars to see around school traffic lines.

When picking out a home to buy in Stephenville it's never on someone's wish list to hopefully live across from an apartment complex, so please protect our quaint neighborhood and protect our home values, protect the look and feel of this neighborhood we love so much.

Sincerely,
Rebecca Trimble
1010 W Frey St
Stephenville

June 16, 2021

Re: Case RZ2021-008, 009

Dear Planning and Zoning Commission,

My name is Wayne Trimble. My wife and I live at 1010 W Frey Street with our 2 children, directly across the street from the properties in this application. We moved to this neighborhood 2 years ago, but have resided in Erath County for the past 20 years.

We are strongly opposed to the rezone of this property to R3, and here is why:

- 1) Since the properties were recently listed for sale for \$2.1 million, an R3 would pave the way for the sale of this property to an investor who would need to fill the entire block with high-density, multi-family, multi-level apartment complexes just to recoup their initial \$2.1 million investment. Certainly, R3 would raise the monetary value of the property itself, but it would not bring more value to the neighborhood, its neighbors, and would likely negatively impact *our* property values long term.
- 2) If rezoned, R3 multi-family apartment complexes would lead to more traffic on an already busy Frey Street, which, on school days, sees a line of cars backed up from Hook Elementary blocks away, wrapping all the way around Frey in between our houses. I would suggest a study on traffic impact on our already narrow and congested streets before considering a rezoning to allow apartment complexes.
- 3) Last month we heard this commission's desire to protect the Chandler mansion, calling it one of the "iconic properties of the city." We couldn't agree more. Our house at 1010 Frey Street is also known as the "Wolfe house," or to younger generations as the "stained glass" house. I would consider it "iconic" too, in its own way. In fact, I can't think of 2 more iconic residential homes in such close proximity to one another in our town than the Wolfe house and the Chandler mansion - which makes the need of preserving the neighborhood around these two properties, and the other unique and charming homes around them, even more crucial.

- 4) The original application mentions rezoning for the “highest and best use possible.” and in my opinion, the highest and best use is not large apartment complexes, but developing the raw land behind the 2 houses with more single family homes for the young families of this neighborhood, and here’s why: Stephenville has a shortage of single-family residences, and this block is within 3/10ths of a mile from not one, but 2 elementary schools - schools with children of families that no doubt want to live the American dream and own their own homes. I believe the highest and best use of this property is for single family residences that will revitalize this neighborhood and preserve it for the generations to come.

Finally, let me conclude by pointing out that Tarleton’s master plan stops short of this block and this neighborhood, and the City of Stephenville has designated current and future use for this block as single-family R1. I respectfully ask you to adhere to long-term vision of both of these plans, which is in the best interest of our neighborhood, our school children, our young families, and the city we all love so much. Thank you.

Sincerely,
Wayne & Rebecca Trimble
1010 W Frey Street
Stephenville, TX 76401
254-485-6537

TO:

Stephenville Planning and Zoning Commission & City Council

FROM:

**Scott Hooper
849 N. Clinton
Stephenville, TX 76401**

RE:

Chandler Mansion Block Re-zoning

To the committee members on the PZ commission and the City Council,

This is my second letter regarding a plan to re-zone the Chandler Mansion block. Without knowing for sure, it appears that the owners are seeking to capitalize on gaining a per-square-foot pricing on the block. Again, while I am all for capitalism, land development and improvement, I am asking for the board to not approve this request for several reasons:

- It's not improvement. The Chandler Mansion is one of the iconic homes left in Stephenville. I am one of many people in the area who own homes that we are rehabilitating not for a quick buck or to flip and rent on the cheap, but to restore the original beauty and charm of a property. My properties are around the corner from this block and would hate to see my effort wasted.
- The multifamily units that I have seen on the north side of Frey in those neighborhoods are not that old, few are kept up and, in my opinion, have actually reduced the value of the homes close to it. A greater value would be to build small starter homes which would help raise the value of the surrounding properties and continue regentrification.
- According to <https://www.stephenvilletx.gov/administration/page/core-values-mission-vision> ***"Stephenville's vision is to create a community that is ready for what the future holds. It will be innovative, financially stable, safe, and attractive. Stephenville will remain the family-oriented Cowboy Capital of the World and the City of Champions."*** While this is a relatively generic vision and open for much interpretation, apartments and multifamily housing rarely ever does anything but become dated and reduce land value over time. THEY USUALLY DO NOT REMAIN SAFE AND ATTRACTIVE. What will this area look like in the next 80-100 years? I believe the Chandler mansion, two of my homes, the Wolfe house, the Victorian on the corner and many other homes surrounding this block are this age. Very few apartments that I know of are more than slums after 40 years let alone 60-80 years. This has long-term effects.
- The traffic is already horrible and parking on Frey makes it hard for traffic flow as it is. The amount of money it would take for the city to improve/ create safe access and egress (ie driveways and turning lanes) could easily outweigh the benefit and the traffic would surely overtax Ollie and Frey which is already one of the busiest intersections in Stephenville.
- The inevitable need for improved access to water, sewer and gas will also contribute to the overall chaos of road issues AND will most likely divert tax dollars away from other things we need to see worked on in Stephenville.

I ask that you please deny this request. Thank you for working hard at what you do. Please continue to guard Stephenville—a champion community that's safe and attractive for everyone.

Sincerely,
Scott Hooper



June 15, 2021

To: Stephenville Planning and Zoning Commission and Stephenville City Council

From: Greg and Kelly Sult
882 N Clinton
Stephenville, TX 76401

Re: Case No. RZ2021-008 & RZ2021-009 Rezoning requests - Chandler Mansion Block

We are writing to express our opposition to the rezoning request of this property very near to us.

We have been fortunate enough to live in the stately Victorian Scott house, or some know it as the old Malloy house, for the past 23 years and we have loved the history of our home and have always been happy to be a part of Stephenville's legacy and that of our neighborhood which includes the historical Chandler mansion. We are also excited to celebrate with the city council the selection of Stephenville to the Texas Main Street program. With this in mind, I find it inconceivable that the commission would consider allowing such a wonderful property to be torn down. It seems at this very time we should be preserving our wonderful history!

It has been brought to our attention that the current owners want to sell the entire block, firstly obtaining a re-zone of R3, so that they may then sell to a more-than-likely out of town or out of state developer who would then tear down the lovely mansion and erect very profitable (for them) apartments. I can't even image looking out my front door and staring at a huge concrete and brick structure.

In addition to the possibility of apartments just not being attractive, there are some very real concerns with an over-abundance of people living on that corner. The traffic is already bottle-necked on that corner, the streets certainly not wide enough for the huge amount of influx that would come from an apartment complex. If you have every travelled down Frey street in that area around school drop off or pick up times, you certainly will understand this point.

As property owners in this area for many years, of course we have concerns about a project such as this lowering the property values of all of those beautiful homes in the neighborhood. We understand progress and growth and know that Stephenville must cater to Tarleton and the needs of the students, but we just strongly feel that this corner is not the appropriate location for a zoning of R3.

Thank you very much for your consideration of our request.

Regards,

Greg and Kelly Sult



STAFF REPORT

SUBJECT: Case No.: RZ2021-009

Applicant Tobiah O’Neal, representing Ontade LLC, is requesting a rezone of property located at 1083 Frey, Parcel R32260, of KIGHT SECOND ADDITION, BLOCK 5, LOT 1, of the City of Stephenville, Erath County, Texas, from (R-1) Single Family Residential to (R-3) Multifamily.

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

RECOMMENDATION:

The Comprehensive Plan for future land use designates this property to be Single Family.

BACKGROUND:

The applicant is requesting a rezone to multifamily, R-3, to allow for the highest and best land use per the applicant.

CURRENT ZONING:

R-1 – Single Family

FUTURE LAND USE:

Single Family

WATER:

The property is currently served by water mains in Pecan, Ollie, Frey and Kight streets.

SEWER:

The property is currently served by sanitary sewer mains in Pecan, Ollie, Frey and Kight streets.

STREET:

The property is served by Pecan, Ollie, Frey and Kight Streets.

ZONING AND LAND USE:

Location	Zoning	Future Land Use
Subject Site	R-1 – Single Family	Single Family
North	R-3, Multifamily	Single Family
South	R-1, Single Family	Multifamily
East	R-1 – Single Family	Single Family

DESCRIPTION OF REQUESTED ZONING

Sec. 154.05.6. Multiple family residential district (R-3).

5.6.A Description. This residential district provides for medium to high-density city neighborhood development. The primary land use allows for single-family dwellings, two-to-four family dwelling units, and multiple family housing buildings and complexes. All R-3 zoning will be appropriate to a city-style neighborhood. Recreational, religious and educational uses are also permitted so as to contribute to the natural elements of a convenient, balanced and attractive neighborhood. Development within this district is intended to be protected from the encroachment of land activities that do not contribute to the esthetic and functional well being of the intended district environment.

5.6.B Permitted Uses.

- (1) Single-family detached dwelling, limited to occupancy by a family having no more than three individuals who are unrelated by blood, legal adoption, marriage or conservatorship. The owner and any agent of the owner shall be legally responsible for directly or indirectly allowing, permitting, causing, or failing to prohibit residential use of a dwelling in this district by more than three unrelated individuals;
- (2) Two-to-four family dwellings, with each family limited as in division (1) above;
- (3) Townhouse dwellings, with each family limited as in division (1) above;
- (4) Condominium dwellings, with each family limited as in division (1) above;
- (5) Multiple family dwellings, with each family limited as in division (1) above;
- (6) Assisted living center;
- (7) Convalescent, nursing or long term-care facility;
- (8) Retirement housing complex;
- (9) Accessory buildings;
- (10) Churches, temples, mosques and related facilities;
- (11) Community home;
- (12) Park or playground;
- (13) SISD school—public;
- (14) Bed and breakfast/boarding house;
- (15) Group day care home;
- (16) Registered family home;
- (17) Day care center; and
- (18) Fraternity or sorority house.

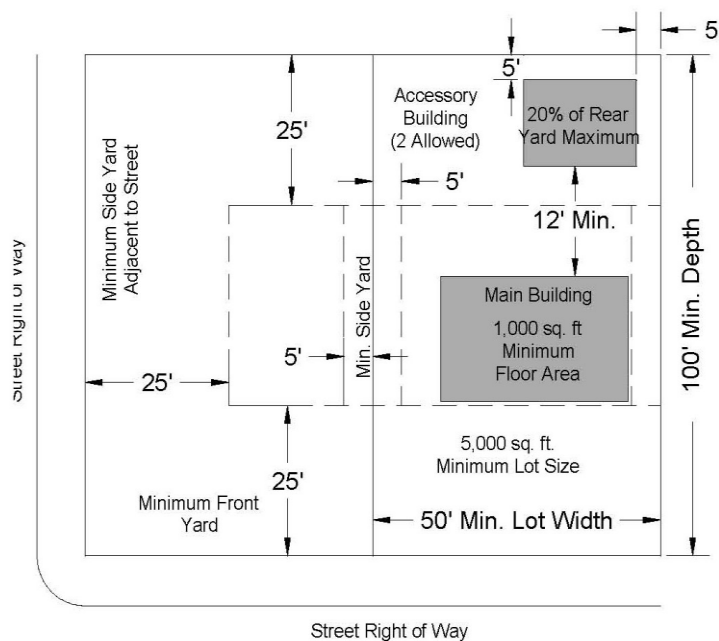
5.6.C Conditional Uses.

- (1) Home occupation;
- (2) Common facilities as the principal use of one or more platted lots in a subdivision;
- (3) Adult and/or children's day care centers;
- (4) Foster group home; and
- (5) Residence hall.

5.6.D Height, Area, Yard and Lot Coverage Requirements.

(A) *Single family dwelling.*

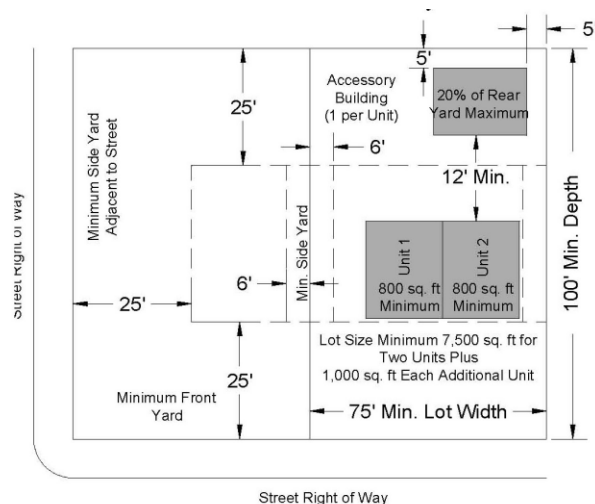
- (1) Minimum lot area: 5,000 ft².
- (2) Minimum lot width and lot frontage: 50 feet.
- (3) Minimum lot depth: 100 feet.
- (4) Minimum depth of front setback: 25 feet.
- (5) Minimum depth of rear setback: 25 feet.
- (6) Minimum width of side setback:
 - (a) Internal lot: five feet.
 - (b) Corner lot: 25 feet from intersecting side street.
- (7) Building size:
 - (a) Maximum coverage as a percentage of lot area: 40%.
 - (b) Single family dwelling: 1,000 ft².
- (8) Accessory buildings:
 - (a) Maximum accessory buildings coverage of rear yard: 20%.
 - (b) Maximum number of accessory buildings: one.
 - (c) Minimum depth of side setback: five feet.
 - (d) Minimum depth of rear setback: five feet.
 - (e) Minimum depth from the edge of the main building: 12 feet.
- (9) Maximum height of structures: 35 feet.
- (10) Public, semi-public or public service buildings, hospitals, institutions or schools may not exceed a height of 60 feet. Churches, temples and mosques may not exceed 75 feet, if the building is set back from each yard line at least one foot for each two feet additional height above the height limit in this district.



5.6.E Parking Regulations. A Single-Family, R-3 District lot shall provide a minimum of two vehicle parking spaces per dwelling unit, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in this ordinance, Section 11, Parking Regulations of this ordinance.

(B) *Two-to-four family.*

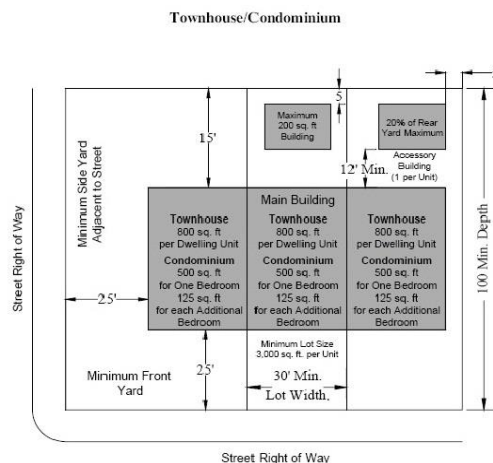
- (1) Minimum lot area: 7,500 ft² for two dwelling units, plus 1,000 ft² for each additional dwelling unit.
- (2) Minimum lot width and lot frontage: 75 feet.
- (3) Minimum lot depth: 100 feet.
- (4) Minimum depth of front setback: 25 feet.
- (5) Minimum depth of rear setback: 25 feet.
- (6) Minimum width of side setback:
 - (a) Internal lot: six feet.
 - (b) Corner lot: 25 feet from intersecting side street.
- (7) Building size:
 - (a) Maximum coverage as a percentage of lot area: 40%.
 - (b) Minimum area of each dwelling unit: 800 ft².
- (8) Accessory buildings:
 - (a) Maximum accessory building coverage of rear yard: 20%.
 - (b) Maximum area of each accessory building: 200 ft².
 - (c) Maximum number of accessory buildings: one per unit.
 - (d) Minimum depth of side setback: five feet.
 - (e) Minimum depth of rear setback: five feet.
 - (f) Minimum depth from the edge of the main building: 12 feet.
- (9) Maximum height of structures: 35 feet.
- (10) Public, semi-public or public service buildings, hospitals, institutions or schools may not exceed a height of 60 feet. Churches, temples and mosques may not exceed 75 feet, if the building is set back from each yard line at least one foot for each two feet additional height above the height limit in this district.



A Two to Four-Family, R-3 District lot shall provide a minimum of two vehicle parking spaces per dwelling unit, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in this ordinance, Section 11, Parking Regulations of this ordinance.

(C) *Townhouse/Condominium.*

- (1) Minimum lot area: 3,000 ft² per unit.
- (2) Minimum average lot width and lot frontage: 30 feet.
- (3) Minimum lot depth: 100 feet.
- (4) Minimum depth of front setback: 25 feet.
- (5) Minimum depth of rear setback: 15 feet.
- (6) Minimum width of side setback:
 - (a) Internal lot: five feet.
 - (b) Corner lot: 25 feet from intersecting side street.
- (7) Building size:
 - (a) Maximum building coverage as a percentage of lot area: 40%
 - (b) Minimum area of each Townhouse dwelling unit: 800 ft².
 - (c) Minimum area of each Condominium of each dwelling unit: 500 ft² for one bedroom or less, plus 125 ft² of floor area for each additional bedroom.
- (8) Accessory buildings:
 - (a) Maximum accessory building coverage of rear yard: 20%.
 - (b) Maximum area of each accessory building: 200 ft².
 - (c) Maximum number of accessory buildings: one per unit.
 - (d) Minimum depth of side setback: five feet.
 - (e) Minimum depth of rear setback: five feet.
 - (f) Minimum depth from the edge of the main building: 12 feet.
- (9) Maximum height of structures: 35 feet.
- (10) Public, semi-public or public service buildings, hospitals, institutions or schools may not exceed a height of 60 feet. Churches, temples and mosques may not exceed 75 feet, if the building is set back from each yard line at least one foot for each two feet additional height above the height limit in this district.



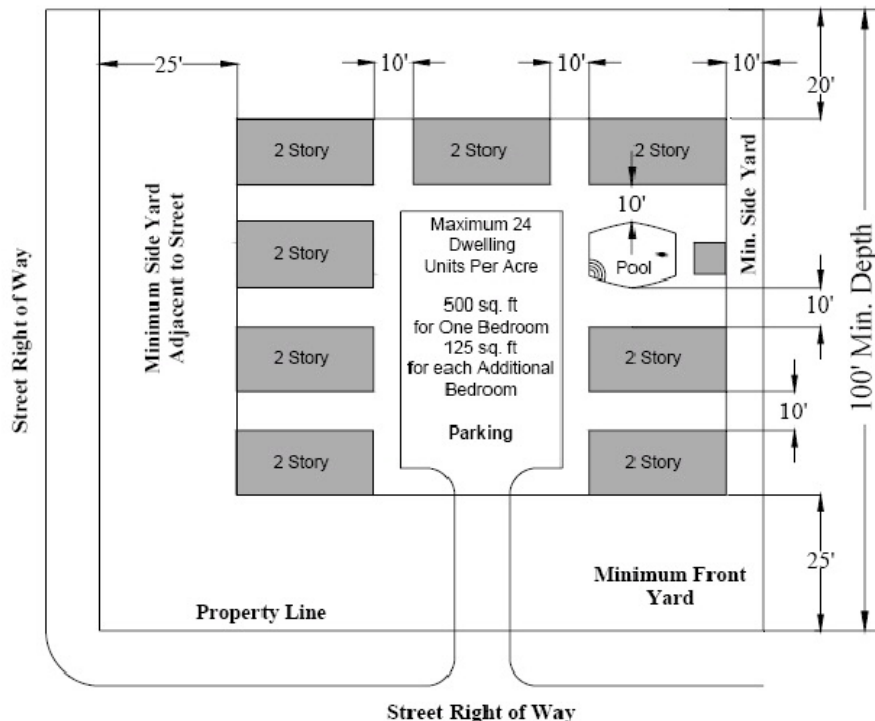
A Townhouse/Condominium, R-3 District lot shall provide a minimum of two vehicle parking spaces per dwelling unit, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in this ordinance, Section 11, Parking Regulations of this Ordinance.

(D) *Multiple family dwellings.*

- (1) Minimum lot area: maximum density of 24 dwelling units per acre, which includes parking, access and all other area improvements.
- (2) Minimum lot depth: 100 feet.
- (3) Minimum depth of front setback: 25 feet.
- (4) Minimum depth of rear setback: 20 feet.
- (5) Minimum width of side setback:
 - (a) Internal lot: ten feet.
 - (b) Corner lot: 25 feet from intersecting side street.
- (6) Building size: Minimum area of each dwelling unit: 500 ft² for one bedroom or less plus 125 ft² of floor area for each additional bedroom.
- (7) Maximum height of structures: 35 feet.
- (8) Public, semi-public or public service buildings, hospitals, institutions or schools may not exceed a height of 60 feet. Churches, temples and mosques may not exceed 75 feet, if the building is set back from each yard line at least one foot for each two feet additional height above the height limit in this district.

5.6.D Height, Area, Yard and Lot Coverage Requirements

Multiple Family Dwelling



A Multiple-Family, R-3 District lot shall provide a minimum of two vehicle parking spaces per dwelling unit, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in this ordinance, Section 11, Parking Regulations of this ordinance.

5.6.F Type of Construction.

- (1) The exterior walls of all new dwellings to the top plate, shall be constructed of at least 80% of the total exterior walls of primary materials, excluding doors, windows, and porches. See Section 10.E(1): Exterior Building Material Standard—Primary Materials.
- (2) Any remaining exterior walls of all new dwellings shall construct the remaining exterior walls of alternative materials. See Section 10.E(2): Exterior Building Material Standard—Alternative Materials.
- (3) Existing dwellings expanding the total square footage of the building 50% or less, or modifying the exterior walls, may use the same exterior construction material as the existing primary building. If the material is not available, similar material may be used if approved by the Community Development Director.
- (4) Existing dwellings expanding the total square footage of the building more than 50%, or proposing to use a material inconsistent with the primary structure for any expansion, must meet the 80% minimum primary materials, Section 10.E: Exterior Building Material Standard, for the total exterior walls of the structure.



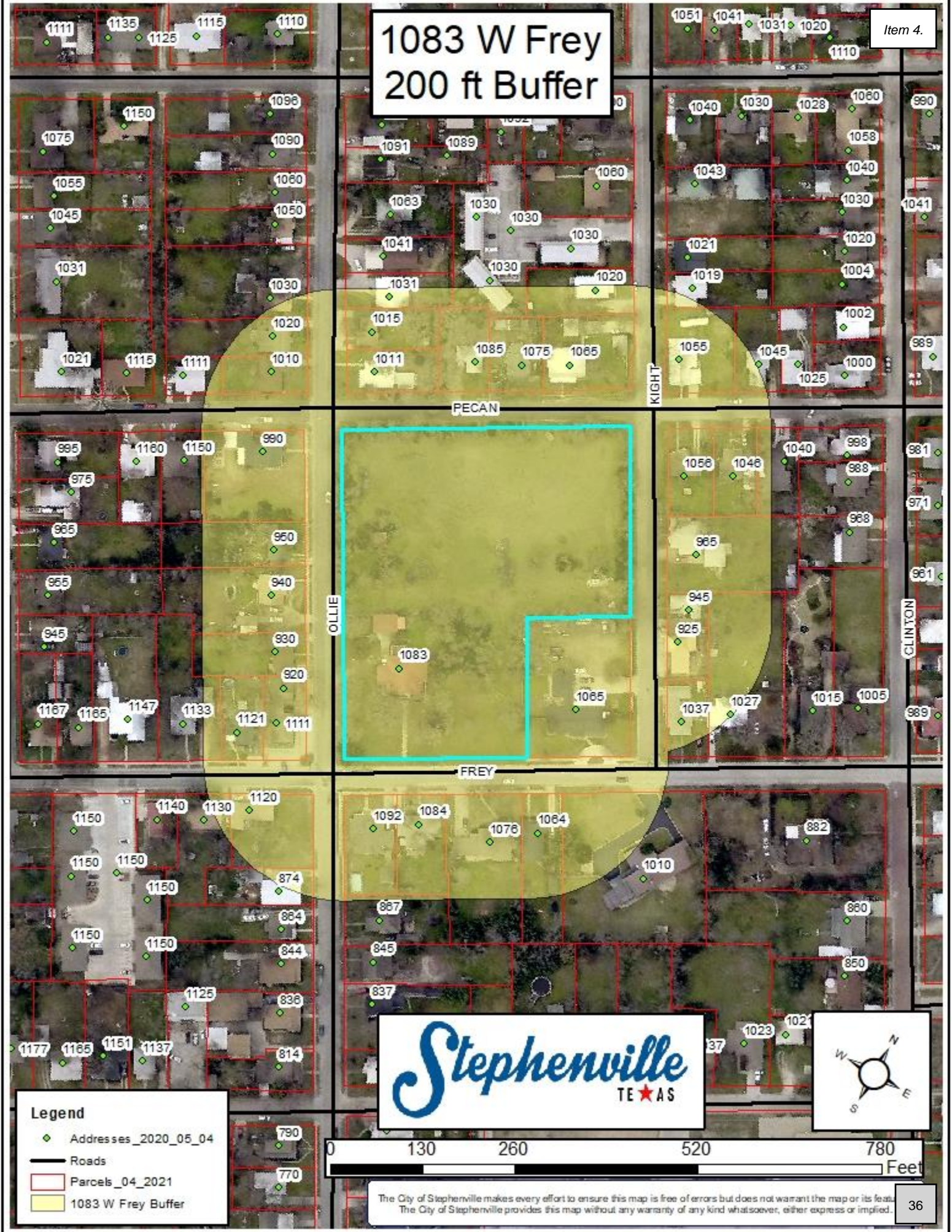
(Am. Ord. 2007-24, passed 12-4-2007; Am. Ord. 2008-13, passed 7-1-2008; Ord. 2011-26, passed 12-6-2011)

ALTERNATIVES

- 1) Recommend the City Council approve the rezoning request.
- 2) Recommend the City Council approve zoning other than requested.
- 3) Recommend the City Council deny the request for rezoning.

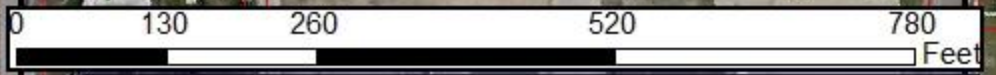
1083 W Frey 200 ft Buffer

Item 4.



Legend

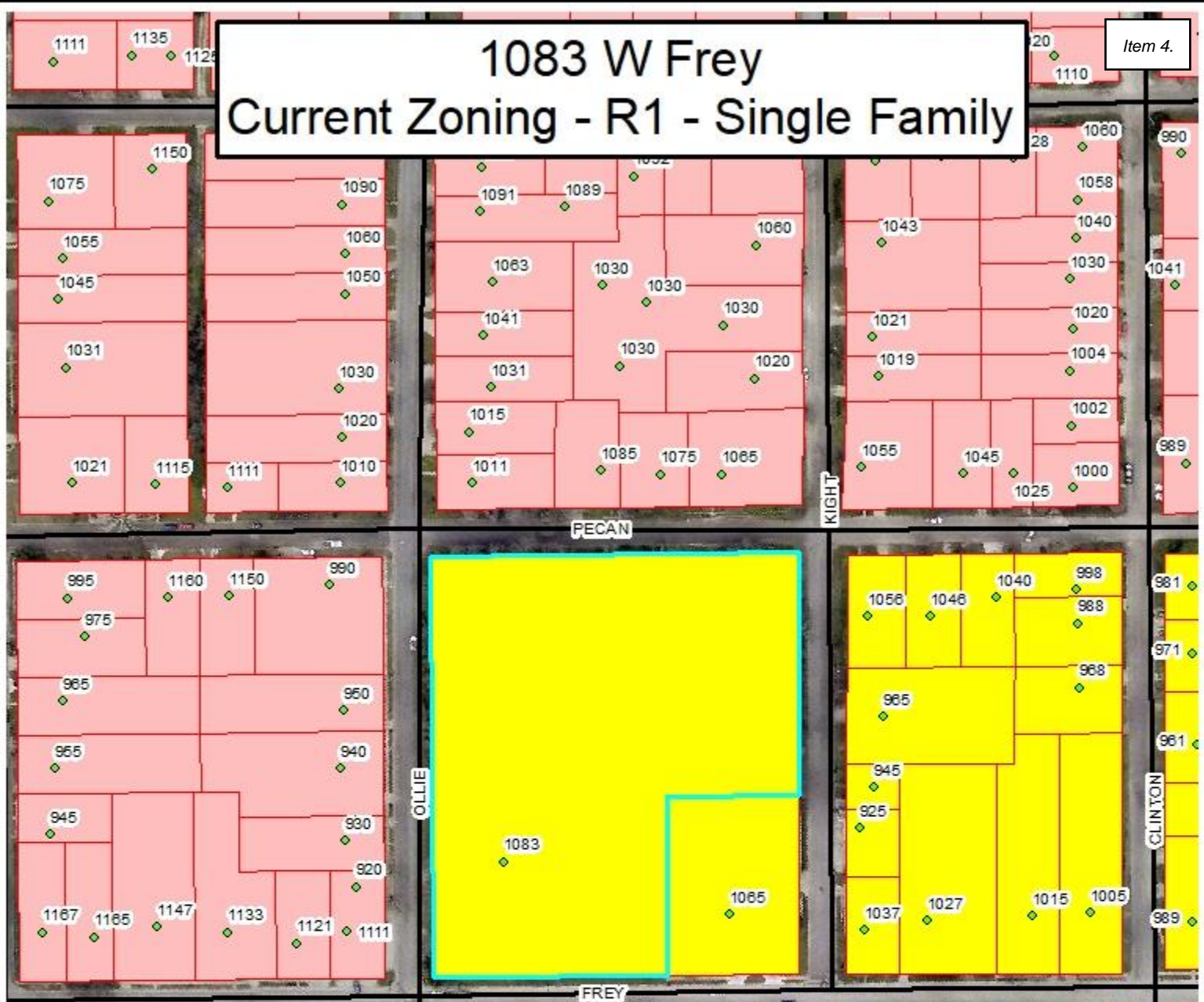
- ◆ Addresses_2020_05_04
- Roads
- ▭ Parcels_04_2021
- ▭ 1083 W Frey Buffer



The City of Stephenville makes every effort to ensure this map is free of errors but does not warrant the map or its features. The City of Stephenville provides this map without any warranty of any kind whatsoever, either express or implied.

1083 W Frey Current Zoning - R1 - Single Family

Item 4.

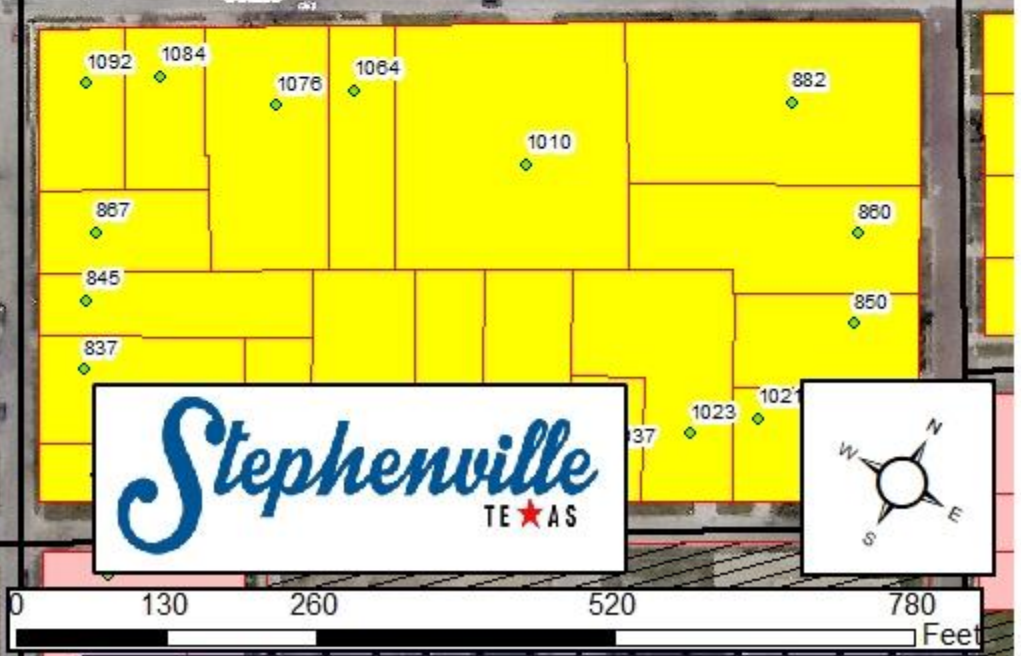


Legend

- ◆ Addresses_2020_05_04
- Roads
- Parcels_04_2021

ZONING

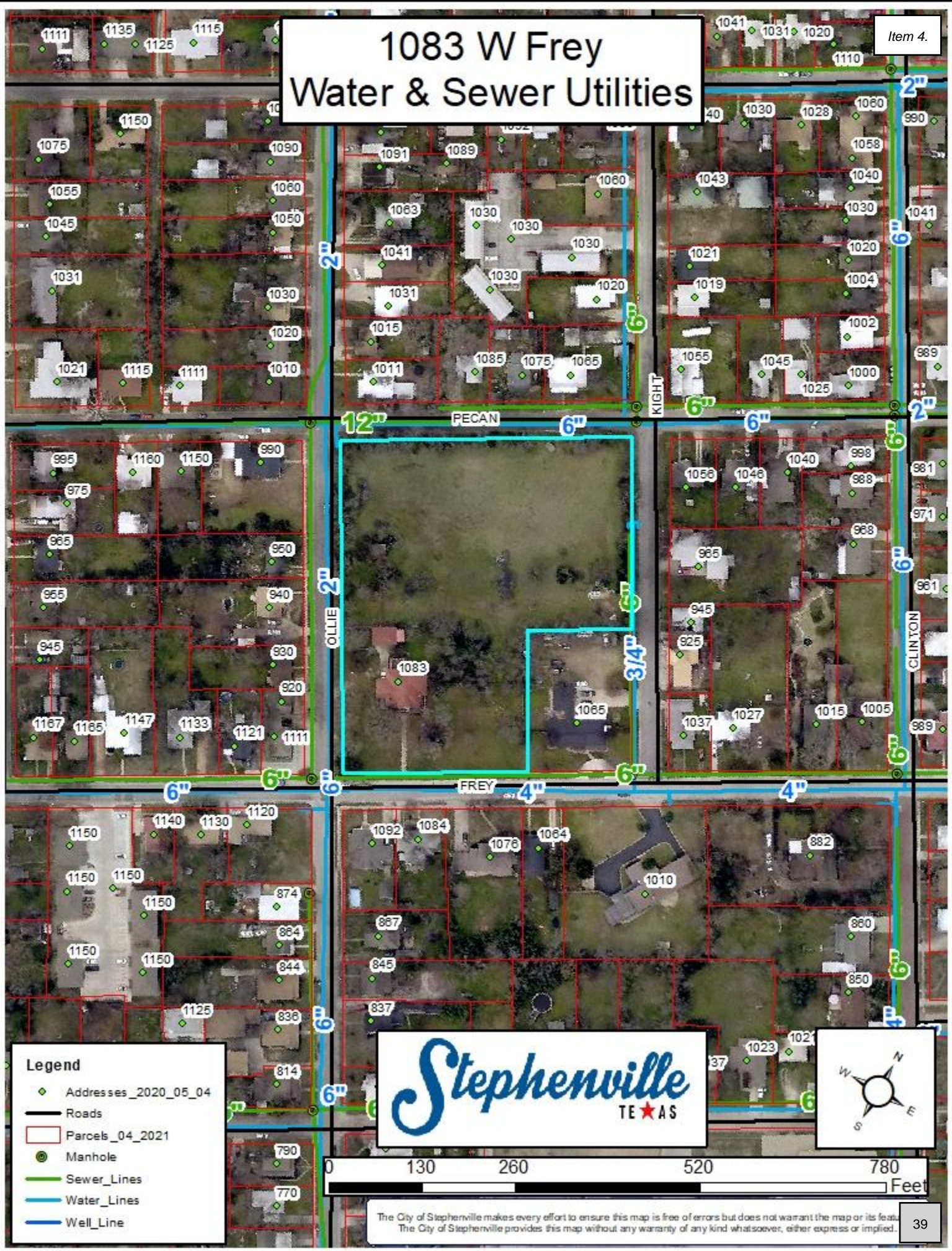
- AG - Agricultural
- B-1 - Neighborhood Business
- B-2 - Retail and Commercial Business
- B-3 - Central Business
- B-4 - Private Club
- CTS - City, Tarranton, School
- DT - Downtown
- IND - Industrial
- PD - Planned Development
- R-1 - Single Family - 7,500
- R-1.5 - Single Family - 6,000
- R-2 - One and Two Family
- R-3 - Multiple Family
- RE - Single Family - 1 Acre



The City of Stephenville makes every effort to ensure this map is free of errors but does not warrant the map or its features. The City of Stephenville provides this map without any warranty of any kind whatsoever, either express or implied.

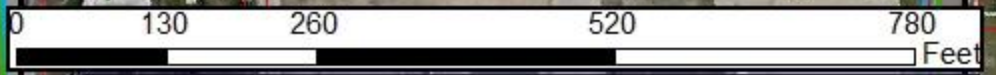
1083 W Frey Water & Sewer Utilities

Item 4.



Legend

- ◆ Addresses_2020_05_04
- Roads
- Parcels_04_2021
- Manhole
- Sewer_Lines
- Water_Lines
- Well_Line



The City of Stephenville makes every effort to ensure this map is free of errors but does not warrant the map or its features. The City of Stephenville provides this map without any warranty of any kind whatsoever, either express or implied.

1065 W Frey Addresses

Parcel ID	Parcel Address	Owner Name	Owner Address	City	State	Zip Code
R000032229	1055 W PECAN	BABKOWSKI MICHAEL JAMES	1055 W PECAN	STEPHENVILLE	TX	76401
R000032263	940 OLLIE	BEGGS DIXIE EARLENE & LARRY DON	509 HILLTOP	TROY	TX	76579
R000032262	930 OLLIE	BEUKE EMMA	930 N OLLIE	STEPHENVILLE	TX	76401
R000032268	1133 FREY	BLACK CYNTHIA K	1133 W FREY	STEPHENVILLE	TX	76401
R000032212	965 KIGHT	BRYANT JOHN CLANCY	965 KIGHT	STEPHENVILLE	TX	76401
R000032228	1019 KIGHT	CHAVEZ MARIA E	1019 N KIGHT	STEPHENVILLE	TX	76401
R000032211	1056 PECAN	COMMUNITY OUTREACH HOUSING	3436 LIVINGSTON	CARROLLTON	TX	75007
R000030779	1092 W FREY	DOWELL JAMES DANIEL	1092 W FREY	STEPHENVILLE	TX	76401
R000032269	1121 FREY	FRAGA MIGUEL A	1121 W FREY ST	STEPHENVILLE	TX	76401
R000030780	1076 FREY	GARRISON PROPERTIES LLC	740 W COLLEGE	STEPHENVILLE	TX	76401
R000032213	945 KIGHT	GODWIN EDWARD	1804 DEEPWOOD DR	ROUND ROCK	TX	78681
R000030790	1084 W FREY	HARLOW JEREMY & MARIE	1084 W FREY	STEPHENVILLE	TX	76401-0000
R000032271	950 OLLIE	HARRIS DALE & DEBBY	102 WILLOW LANE	STEPHENVILLE	TX	76401
R000032273	1150 PECAN	HAYES BRAD	1150 FM2303	STEPHENVILLE	TX	76401-7641
R000032250	1075 PECAN	IRBY DAVID	3314 CALHOUN ST	GRANBURY	TX	76048-4224
R000032215	1037 FREY	JRSR PROPERTIES LLC	5303 COLLEYVILLE BLVD, SUITE A	COLLEYVILLE	TX	76034
R000032915	1030 OLLIE	KING RICKY	PO BOX 3304	EARLY	TX	76803-3304
R000073953	1031 OLLIE	KING RICKY	PO BOX 3304	EARLY	TX	76802
R000032210	1046 PECAN	LOWERY CLARENCE DAVID	410 E CLIFTON	STEPHENVILLE	TX	76401-4918
R000032248	1020 KIGHT	MARTIN AARON BYRON & JAYCE NOLAN MARTIN	412 BLUEBONNET	STEPHENVILLE	TX	76401
R000030759	1130 FREY	MASON MICHAEL	1130 WEST FREY	STEPHENVILLE	TX	76401
R000032230	1045 PECAN	MILOTTE JOSEPH R	3913 CR801	CLEBURNE	TX	76031
R000032255	1085 PECAN	MULBARGER TODD	153 VALLEY OAK PLACE	WOODBIDGE	CA	95258
R000032261	1065 W FREY	ONEAL TOBIAH & MANDY	1065 W FREY	STEPHENVILLE	TX	76401
R000032260	1083 FREY	ONTADE LLC	115 N GRAHAM ST #202	STEPHENVILLE	TX	76401
R000030752	874 OLLIE	ORDUNA JAIME ANGEL	765 W SHIRLEY ST	STEPHENVILLE	TX	76401
R000030791	867 OLLIE	RENFIELD LLC	115 N GRAHAM ST #202	STEPHENVILLE	TX	76401
R000032253	1011 OLLIE	RICHARDSON RANDAL & KARA M RICHARDSON	1409 SUNSA LANE	CARROLLTON	TX	75007
R000032272	990 N OLLIE	RITCHEY JOSHUA RAY & ASHLEY VICTORIA	990 N OLLIE	STEPHENVILLE	TX	76401
R000032254	1015 OLLIE	SHOCKLEY JONATHAN J & HAROLD J	1015 N OLLIE	STEPHENVILLE	TX	76401
R000032914	1020 OLLIE	SILHAVEY MARK S & LISA	505 CLUE COURT	AZLE	TX	76020
R000032913	1111 PECAN	SIMPER CHAD	5905 WATERFORD LANE	MCKINNEY	TX	75071
R000032249	1030 KIGHT	SINCLAIR SMV LLC	3725 HAMILTON AVE	FORT WORTH	TX	76107
R000032270	1111 W FREY	SLAYDEN MARK & ANN	1111 W FREY ST	STEPHENVILLE	TX	76401
R000030758	1120 W FREY	STOVER THOMAS EDWARD	1120 W FREY	STEPHENVILLE	TX	76401
R000032912	1010 OLLIE	TOUCHSTONE RANCH LAND LLC	PO BOX 2476	STEPHENVILLE	TX	76401
R000030789	1010 FREY	TRIMBLE TOMMY WAYNE & REBECCA ANN	1010 FREY	STEPHENVILLE	TX	76401
R000032208	1027 W FREY	TUCKER LOIS LAVONNE	1027 W FREY	STEPHENVILLE	TX	76401
R000032209	1040 PECAN	WAGERS PAMELA	1040 W PECAN ST	STEPHENVILLE	TX	76401
R000030781	1064 FREY	WARMERDAM BRADLEY STEPHEN & MELODY JILL	3721 OAKBRIAR LANE	COLLEYVILLE	TX	76034
R000032214	925 KIGHT	WILHELM DONNA	PO BOX 201	BROWNWOOD	TX	76804
R000032252	1065 PECAN	WOOLEY WILLIS W	1065 W PECAN	STEPHENVILLE	TX	76401



City of Stephenville
298 W. Washington
Stephenville, TX 76401
(254) 918-1213

NO. 4051
RZ 2021-009

ZONING AMENDMENT APPLICATION

CITY OF STEPHENVILLE

1. **APPLICANT/OWNER:** ONTADE LLC

	First Name	Last Name
ADDRESS:	<u>115 N GRAHAM SUITE 202</u>	254-413-4950
	Street/P.O. Box	Phone No.
	<u>STEPHENVILLE TX</u>	76401
	City	State
		Zip Code

2. **PROPERTY DESCRIPTION:** 1083 FREY

Street Address

3. **LEGAL DESCRIPTION:** 1 5 RIGHT SECOND ADDN

Lot(s) Block(s) Addition

4. **PRESENT ZONING:** R-1 SINGLE FAM

Zoning District Title

PROPOSED ZONING: R-S3 PA MULTI FAM

Zoning District Title

5. **APPLICANTS REQUEST FOR ZONING CHANGE IS AS FOLLOWS:** ZONING
THE BLOCK FOR ITS HIGHEST & BEST USE
POSSIBLE.

(Attach an additional sheet if necessary)

[Signature]
Signature of Applicant

3-31-21
Date

[Signature]
Signature of City Official Received

4/28/21
Date Received

Steve Killen

From: Steve Killen
Sent: Wednesday, May 19, 2021 11:38 AM
To: 'BS Warmer'
Subject: RE: Planning and Zoning Cases RZ2021-008 & RZ2021-009

Received. I will provide this to the Commission.

Thank you.

Steve Killen

Director
Development Services



P: (254) 918-1222 | **C:** (214) 677-8352
E: skillen@stephenvilletx.gov



[Subscribe to Meeting Notifications Here](#)

*This e-mail contains the thoughts and opinions of Steve Killen and does not represent official City of Stephenville policy.
Note to elected officials: Please respond only to the sender of this message. Reply to all may result in a violation of the Texas Open Meetings Act.*

From: BS Warmer <bswarmer@gmail.com>
Sent: Wednesday, May 19, 2021 10:13 AM
To: Steve Killen <SKillen@stephenvilletx.gov>
Subject: Planning and Zoning Cases RZ2021-008 & RZ2021-009

Stephenville Planning and Zoning Commission,

This committee has the challenge of managing the inevitable (and welcomed) growth of Stephenville, while also safeguarding the city character. The Chandler Mansion is an icon that you build around, not one to be rezoned to Multifamily. I am writing to express my strong opposition to the proposed rezoning of the Chandler Mansion block (Cases RZ2021-008 & RZ2021-009) . My opposition is based on a variety of factors:

1. Desire to maintain the character and charm of the neighborhood.
2. The area is already approaching saturation with multifamily dwellings. Based on a quick google map search - there are 15 apartment complexes within 1 mile (most within .5 mile) of the Chandler Mansion. In addition to this, there are 5 college dorms and several duplexes (W Oak St, N Columbia, N Belknap, etc.).
3. Uncertainty of the plans for the property. I had a good conversation with one of the owners. He is a genuine person that shares my desire to maintain the charm of this property and the city. However, rezoning with no concrete plans equates to a blank check that I am not comfortable agreeing to.
4. Property values are likely to be negatively impacted if we continue saturating the area with multi-family dwellings. MFDU's are inconsistent with the predominantly SFDU neighborhood.
5. Frey street is already narrow / congested and adding multiple units concentrated on this property will make matters worse. Elevated traffic makes the streets less pedestrian friendly. With Hook Elementary right around the corner – this is a real concern.

I urge you to disapprove the proposed rezoning, and from recent meetings / discussions with my neighbors, I know my opinions are shared by others who have not managed to communicate these desires. Thank you for your continued service and support of our community.

Best regards,

Brad & Melody Warmerdam

1064 W Frey St

817-629-4450

From: BS Warmer <bswarmer@gmail.com>
Sent: Wednesday, May 19, 2021 10:13 AM
To: Steve Killen <SKillen@stephenvilletx.gov>
Subject: Planning and Zoning Cases RZ2021-008 & RZ2021-009

Stephenville Planning and Zoning Commission,

This committee has the challenge of managing the inevitable (and welcomed) growth of Stephenville, while also safeguarding the city character. The Chandler Mansion is an icon that you build around, not one to be rezoned to Multifamily. I am writing to express my strong opposition to the proposed rezoning of the Chandler Mansion block (Cases RZ2021-008 & RZ2021-009) . My opposition is based on a variety of factors:

1. Desire to maintain the character and charm of the neighborhood.
2. The area is already approaching saturation with multifamily dwellings. Based on a quick google map search - there are 15 apartment complexes within 1 mile (most within .5 mile) of the Chandler Mansion. In addition to this, there are 5 college dorms and several duplexes (W Oak St, N Columbia, N Belknap, etc.).
3. Uncertainty of the plans for the property. I had a good conversation with one of the owners. He is a genuine person that shares my desire to maintain the charm of this property and the city. However, rezoning with no concrete plans equates to a blank check that I am not comfortable agreeing to.
4. Property values are likely to be negatively impacted if we continue saturating the area with multi-family dwellings. MFDU's are inconsistent with the predominantly SFDU neighborhood.
5. Frey street is already narrow / congested and adding multiple units concentrated on this property will make matters worse. Elevated traffic makes the streets less pedestrian friendly. With Hook Elementary right around the corner – this is a real concern.

I urge you to disapprove the proposed rezoning, and from recent meetings / discussions with my neighbors, I know my opinions are shared by others who have not managed to communicate these desires. Thank you for your continued service and support of our community.

Best regards,

Brad & Melody Warmerdam

1064 W Frey St

817-629-4450

TO: **Stephenville Planning and Zoning Commission & City Council**

FROM: **Scott Hooper**
849 N. Clinton
Stephenville, TX 76401

RE: **Chandler Mansion Block Re-zoning**

To the committee members on the PZ commission and the City Council,

I was recently made aware of a plan to re-zone the Chandler Mansion block. While I am all for land development and improvement, I am asking for the board to not approve this request for several reasons:

- The Chandler Mansion is one of the iconic homes left in Stephenville. I am one of many people in the area who own homes that we are working to rehab not for a quick buck or to flip and rent on the cheap, but to restore the original beauty and charm of a property. My properties are around the corner from this block and would hate to see it wasted.
- The multifamily units that I have seen on the north side of Frey in those neighborhoods are not kept up and, in my opinion, have actually reduced the value of the homes close to it. A greater value would be to build small homes along the back of the block to help raise the value of the surrounding properties and continue regentrification.
- The traffic is already horrible and parking on Frey makes it hard for traffic flow as it is. The amount of money it would take for the city to improve/ create safe access and egress (ie driveways and turning lanes) could easily outweigh the benefit and the traffic would surely overtax Ollie and Frey which is already one of the busiest intersections in Stephenville.
- The inevitable need for improved access to water, sewer and gas will also contribute to the overall chaos of road issues and seems like it will divert tax dollars away from other things we need to see worked on in Stephenville.

I ask that you please deny this request.

Thank you for working hard at what you do. It is difficult navigating the razor edge of making sure Stephenville moves forward yet stays "hometown".

Sincerely,
Scott Hooper



Steve Killen

From: Ashley Ritchey <awinbourn@hotmail.com>
Sent: Wednesday, June 16, 2021 3:10 PM
To: Steve Killen; Josh Ritchey; Ashley Ritchey
Subject: Planning and Zoning Cases RZ2021-008 & RZ2021-009

Dear Stephenville Planning and Zoning Commission,

As a neighbor of the Chandler Mansion located at 1083 Frey, we would like to express our opposition to the rezoning of this property to R3 multifamily. The following are just a few of our reasons:

1. We are a family of 5 with children at Stephenville ISD and Hook Elementary. This will bring increased traffic to the already busy streets of Frey & Ollie which our children use to walk home from school and could jeopardize their safety.
2. There is uncertainty for plans with this property and rezoning without concrete plans is not something we or our city should be comfortable with considering.
3. We desire to maintain the character and charm of the neighborhood.
4. Property values are likely to be negatively impacted when living within such close proximity to a multifamily complex.

I urge you to decline their request for rezoning to R-3 multifamily. Thank you for your consideration and continued support and service to our community.

Sincerely,
Josh & Ashley Ritchey
990 N. Ollie
940.445.1290

June 16, 2021

Re: Case RZ2021-008, 009

Dear Planning and Zoning Commission,

My name is Wayne Trimble. My wife and I live at 1010 W Frey Street with our 2 children, directly across the street from the properties in this application. We moved to this neighborhood 2 years ago, but have resided in Erath County for the past 20 years.

We are strongly opposed to the rezone of this property to R3, and here is why:

- 1) Since the properties were recently listed for sale for \$2.1 million, an R3 would pave the way for the sale of this property to an investor who would need to fill the entire block with high-density, multi-family, multi-level apartment complexes just to recoup their initial \$2.1 million investment. Certainly, R3 would raise the monetary value of the property itself, but it would not bring more value to the neighborhood, its neighbors, and would likely negatively impact *our* property values long term.
- 2) If rezoned, R3 multi-family apartment complexes would lead to more traffic on an already busy Frey Street, which, on school days, sees a line of cars backed up from Hook Elementary blocks away, wrapping all the way around Frey in between our houses. I would suggest a study on traffic impact on our already narrow and congested streets before considering a rezoning to allow apartment complexes.
- 3) Last month we heard this commission's desire to protect the Chandler mansion, calling it one of the "iconic properties of the city." We couldn't agree more. Our house at 1010 Frey Street is also known as the "Wolfe house," or to younger generations as the "stained glass" house. I would consider it "iconic" too, in its own way. In fact, I can't think of 2 more iconic residential homes in such close proximity to one another in our town than the Wolfe house and the Chandler mansion - which makes the need of preserving the neighborhood around these two properties, and the other unique and charming homes around them, even more crucial.

- 4) The original application mentions rezoning for the “highest and best use possible.” and in my opinion, the highest and best use is not large apartment complexes, but developing the raw land behind the 2 houses with more single family homes for the young families of this neighborhood, and here’s why: Stephenville has a shortage of single-family residences, and this block is within 3/10ths of a mile from not one, but 2 elementary schools - schools with children of families that no doubt want to live the American dream and own their own homes. I believe the highest and best use of this property is for single family residences that will revitalize this neighborhood and preserve it for the generations to come.

Finally, let me conclude by pointing out that Tarleton’s master plan stops short of this block and this neighborhood, and the City of Stephenville has designated current and future use for this block as single-family R1. I respectfully ask you to adhere to long-term vision of both of these plans, which is in the best interest of our neighborhood, our school children, our young families, and the city we all love so much. Thank you.

Sincerely,
Wayne & Rebecca Trimble
1010 W Frey Street
Stephenville, TX 76401
254-485-6537

TO:

Stephenville Planning and Zoning Commission & City Council

FROM:

**Scott Hooper
849 N. Clinton
Stephenville, TX 76401**

RE:

Chandler Mansion Block Re-zoning

To the committee members on the PZ commission and the City Council,

This is my second letter regarding a plan to re-zone the Chandler Mansion block. Without knowing for sure, it appears that the owners are seeking to capitalize on gaining a per-square-foot pricing on the block. Again, while I am all for capitalism, land development and improvement, I am asking for the board to not approve this request for several reasons:

- It's not improvement. The Chandler Mansion is one of the iconic homes left in Stephenville. I am one of many people in the area who own homes that we are rehabilitating not for a quick buck or to flip and rent on the cheap, but to restore the original beauty and charm of a property. My properties are around the corner from this block and would hate to see my effort wasted.
- The multifamily units that I have seen on the north side of Frey in those neighborhoods are not that old, few are kept up and, in my opinion, have actually reduced the value of the homes close to it. A greater value would be to build small starter homes which would help raise the value of the surrounding properties and continue regentrification.
- According to <https://www.stephenvilletx.gov/administration/page/core-values-mission-vision> ***"Stephenville's vision is to create a community that is ready for what the future holds. It will be innovative, financially stable, safe, and attractive. Stephenville will remain the family-oriented Cowboy Capital of the World and the City of Champions."*** While this is a relatively generic vision and open for much interpretation, apartments and multifamily housing rarely ever does anything but become dated and reduce land value over time. THEY USUALLY DO NOT REMAIN SAFE AND ATTRACTIVE. What will this area look like in the next 80-100 years? I believe the Chandler mansion, two of my homes, the Wolfe house, the Victorian on the corner and many other homes surrounding this block are this age. Very few apartments that I know of are more than slums after 40 years let alone 60-80 years. This has long-term effects.
- The traffic is already horrible and parking on Frey makes it hard for traffic flow as it is. The amount of money it would take for the city to improve/ create safe access and egress (ie driveways and turning lanes) could easily outweigh the benefit and the traffic would surely overtax Ollie and Frey which is already one of the busiest intersections in Stephenville.
- The inevitable need for improved access to water, sewer and gas will also contribute to the overall chaos of road issues AND will most likely divert tax dollars away from other things we need to see worked on in Stephenville.

I ask that you please deny this request. Thank you for working hard at what you do. Please continue to guard Stephenville—a champion community that's safe and attractive for everyone.

Sincerely,
Scott Hooper



June 15, 2021

To: Stephenville Planning and Zoning Commission and Stephenville City Council

From: Greg and Kelly Sult
882 N Clinton
Stephenville, TX 76401

Re: Case No. RZ2021-008 & RZ2021-009 Rezoning requests - Chandler Mansion Block

We are writing to express our opposition to the rezoning request of this property very near to us.

We have been fortunate enough to live in the stately Victorian Scott house, or some know it as the old Malloy house, for the past 23 years and we have loved the history of our home and have always been happy to be a part of Stephenville's legacy and that of our neighborhood which includes the historical Chandler mansion. We are also excited to celebrate with the city council the selection of Stephenville to the Texas Main Street program. With this in mind, I find it inconceivable that the commission would consider allowing such a wonderful property to be torn down. It seems at this very time we should be preserving our wonderful history!

It has been brought to our attention that the current owners want to sell the entire block, firstly obtaining a re-zone of R3, so that they may then sell to a more-than-likely out of town or out of state developer who would then tear down the lovely mansion and erect very profitable (for them) apartments. I can't even image looking out my front door and staring at a huge concrete and brick structure.

In addition to the possibility of apartments just not being attractive, there are some very real concerns with an over-abundance of people living on that corner. The traffic is already bottle-necked on that corner, the streets certainly not wide enough for the huge amount of influx that would come from an apartment complex. If you have every travelled down Frey street in that area around school drop off or pick up times, you certainly will understand this point.

As property owners in this area for many years, of course we have concerns about a project such as this lowering the property values of all of those beautiful homes in the neighborhood. We understand progress and growth and know that Stephenville must cater to Tarleton and the needs of the students, but we just strongly feel that this corner is not the appropriate location for a zoning of R3.

Thank you very much for your consideration of our request.

Regards,

Greg and Kelly Sult



STAFF REPORT

SUBJECT: Case No.: RZ2021-011

Applicant Erath County Habitat for Humanity, is requesting a rezone of property located at 750 Sloan, Parcel R32729, of PARK PLACE ADDITION, BLOCK 4, LOT 4, of the City of Stephenville, Erath County, Texas from (R-3) Multi-Family to (B-2) Retail and Commercial Business.

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

RECOMMENDATION:

The Comprehensive Plan for future land use designates this property to be Multifamily.

BACKGROUND:

Ms. Staci Morrison, representing Erath County Habitat for Humanity, is requesting a rezone to B-2, Retail and Commercial Business, to allow for the construction of administrative offices and connecting storage space for the Habitat of Humanity. Assuming the rezone is approved, the applicant will submit a replat to combine this parcel with 754 Sloan.

CURRENT ZONING:

R-3 – Multifamily

FUTURE LAND USE:

Multifamily

WATER:

The property is currently served by a 1” water main in Sloan.

SEWER:

The property is currently served by a 4" sanitary sewer main in Sloan.

STREET:

The property is served by Sloan St.

ZONING AND LAND USE:

Location	Zoning	Future Land Use
Subject Site	R-3 – Multifamily	Multifamily
North	CTS, City, Tarleton, School	City, Tarleton, School
South	B-2, Retail and Commercial	Multifamily

East	R-3, Multifamily	Multifamily
West	B-2, Retail and Commercial	Multifamily

DESCRIPTION OF REQUESTED ZONING

Sec. 154.06.2. Retail and commercial business district (B-2).

6.2.A Description. The Retail and Commercial Business District provides areas for the grouping of retail shops and stores offering goods and services for the residents in general. These shopping areas will generally be more densely concentrated and more traffic intensive than allowed in the Neighborhood Business Districts.

6.2.B Permitted Uses.

- (1) Animal grooming;
- (2) Antique shop/art gallery—sales in building;
- (3) Assisted living center;
- (4) Athletic field;
- (5) Automobile service station and car care center;
- (6) Auto parking lot or building (commercial);
- (7) Auto parts sales;
- (8) Auto repair/mechanic garage;
- (9) Auto sales;
- (10) Automobile rental;
- (11) Bail bond service;
- (12) Bakery and confectionery—retail sales only;
- (13) Bakery and confectionery;
- (14) Banks or other financial institutions;
- (15) Boat sales;
- (16) Bottling works (wholesale);
- (17) Building material sales;
- (18) Cabinet and upholstery shop;
- (19) Car wash;
- (20) Care facility for narcotic, alcoholic or psychiatric patients;
- (21) Cemetery/mausoleum;
- (22) Church, temple or mosque;
- (23) Civic/community center;
- (24) Cleaning and pressing—small shop, pickup and delivery;
- (25) Clinic;
- (26) College or university;
- (27) Commercial amusement (indoor);
- (28) Commercial amusement (outdoor);
- (29) Convalescent, nursing or long term care facility;

- (30) Convenience/grocery store (without pumps) convenience store (with pumps);
- (31) Construction equipment rental and sales;
- (32) Construction yard (temporary);
- (33) Contractor shop and storage yard;
- (34) Department store;
- (35) Discount warehouse store;
- (36) Drapery, needlework or weaving shop;
- (37) Farmers Market;
- (38) Feed, seed and fertilizer store—no bulk storage;
- (39) Field office (temporary);
- (40) Florist;
- (41) Fraternal organization, lodge or civic club;
- (42) Furniture or appliance store;
- (43) Golf course or country club, driving range;
- (44) Greenhouse or nursery for retail plant sales with outside storage;
- (45) Handcraft shop;
- (46) Health club, weight and aerobic center;
- (47) Home improvement center;
- (48) Hospital—general acute care (human);
- (49) Hotels and motels;
- (50) Household appliance service and repair;
- (51) Kennel;
- (52) Kiosk;
- (53) Laboratory (medical);
- (54) Landscaping service;
- (55) Laundry and cleaning (self service);
- (56) Lawn equipment and small engine sales and services;
- (57) Micro brewery;
- (58) Mini storage/warehouses;
- (59) Monument retail sales (outside storage);
- (60) Mortuary or funeral home;
- (61) Moving company;
- (62) Neighborhood grocery store (no fuel service);
- (63) Office—professional and general administration;**
- (64) Park, playground, public community recreation center;
- (65) Pawn shop;
- (66) Personal service shop (beauty, barber and the like);
- (67) Pet shop—small animals within building;
- (68) Plumbing shop;

- (69) Portable building sales;
- (70) Printing;
- (71) Produce stand;
- (72) Psychic/Tarot card reader;
- (73) Recreational vehicle sales;
- (74) Recycling kiosk;
- (75) Research lab (non-hazardous);
- (76) Restaurant (drive-in type);
- (77) Restaurant or cafeteria—without drive-in service;
- (78) Retail shops and stores other than listed;
- (79) Roofing and siding supply;
- (80) Schools—public, private and parochial;
- (81) Shopping center;
- (82) Storage or repair of furniture and appliances (display inside of building);
- (83) Studio (photographer, musician, artist);
- (84) Studio for radio and television;
- (85) Taxidermy;
- (86) Theater—indoor;
- (87) Tobacco shop;
- (88) Tool and equipment rental shop;
- (89) Trailer rental and sales;
- (90) Veterinary clinic or hospital; and
- (91) Veterinary services.
- (92) Restaurant with alcoholic beverage service.

6.2.C Conditional Uses (Special Use Permit required).

- (1) Day care center—12 or more children;
- (2) Flea market;
- (3) Frozen foods locker;
- (4) Scientific and research laboratories;
- (5) Theater (drive-in); and
- (6) Trade and commercial schools.

6.2.D Height, Area, Yard and Lot Coverage Requirements.

- (1) Maximum density: There is no maximum density requirement.
- (2) Minimum lot area: There is no minimum area requirement.
- (3) Minimum lot width: There is no minimum width requirement.
- (4) Minimum lot depth: There is no minimum depth requirement.
- (5) Minimum depth of front setback: 20 feet.
- (6) Minimum depth of rear setback: There is no minimum rear setback requirement unless the lot abuts upon a Residential District, then a minimum ten feet is required.

- (7) Minimum width of side setback:
- Internal lot: There is no minimum side setback requirement unless the lot abuts upon a Residential District, then a minimum five feet is required.
 - Corner lot: 20 feet.
- (8) Building size: There are no minimum size regulations.
- (9) Maximum height of structures: 35 feet.
- (10) Public, semi-public or public service buildings, hospitals, institutions or schools may not exceed a height of 60 feet. Churches, temples and mosques may not exceed 75 feet, if the building is set back from each yard line at least one foot for each two feet additional height above the height limit in this district.



Note: No rear or side yard except when the lot abuts upon a Residential District, then the minimum setback for rear yard is 10 feet and side yard is five feet.

6.2.E Parking Regulations. All uses permitted in the B-2 District: See Section 11 Parking Regulations.

6.2.F Sign Regulation. See Section 12 for Sign Regulations.

6.2.G Exceptions to Use, Height and Area Regulations. See Section 10.

6.2.H Garbage Regulations. Retail and Commercial District businesses will provide a serviceable area specifically for refuse collection designed for refuse canisters. Each designated canister area will be nine feet wide and eight feet deep (72 square feet), with a cement slab base. If the location of the cement slab is adjacent to a residential district, the slab must be at least five feet from the property line. The refuse area will be enclosed on three sides by a privacy fence. Approach areas will meet the requirements of Subsection 6.2.I.

6.2.I Loading and Unloading Regulations. All loading, unloading and maneuvering of vehicles connected with the activity must be on the premises and will not be permitted in any street. Loading and unloading areas must be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced.

(Am. Ord. 2008-07, passed 5-6-2008; Am. Ord. 2009-23, passed 12-1-2009; Am. Ord. No. 2018-O-25 , § 1, 8-7-2018)

FACTORS TO CONSIDER:

- Compliance with Comprehensive Plan?
- Is application consistent with Plan?
- If not, have conditions changed or new information been offered to support change?
- Surrounding Zoning and Land Use
- Infrastructure Impacts
- Size and Location of Parcel - is land large enough and in proper location for proposed use?
- Reasonable Use of Property - does proposed change provide reasonable use of property?
- Zoning has great discretion - deny if applicant has not proven it is in the best interest of City to rezone

ALTERNATIVES

- 1) Recommend the City Council approve the rezoning request.
- 2) Recommend the City Council approve zoning other than requested.
- 3) Recommend the City Council deny the request for rezoning.



City of Stephenville
298 W. Washington
Stephenville, TX 76401
(254) 918-1213

NO. RZ 2021-11

Permit # 4208

ZONING AMENDMENT APPLICATION

CITY OF STEPHENVILLE

1. APPLICANT/OWNER: Erath Co. Habitat for Humanity
First Name Last Name

ADDRESS: P.O. Box 505 254 413 5869
Street/P.O. Box Phone No. 432-631-2258 #
Stephenville Tx 76401
City State Zip Code

2. PROPERTY DESCRIPTION: 750 W Sloan
Street Address

3. LEGAL DESCRIPTION: 4 4 Park
Lot(s) Block(s) Addition
Place Addition 55400

4. PRESENT ZONING: _____
Zoning District Title

PROPOSED ZONING: _____
Zoning District Title

5. APPLICANTS REQUEST FOR ZONING CHANGE IS AS FOLLOWS: _____

From B-3 to B-2 to match the zoning on the adjoining lot at 754 W Sloan of B-2. EC/HH owns both properties & is planning to build an office/storage facility.

(Attach an additional sheet if necessary)

[Signature]
Signature of Applicant

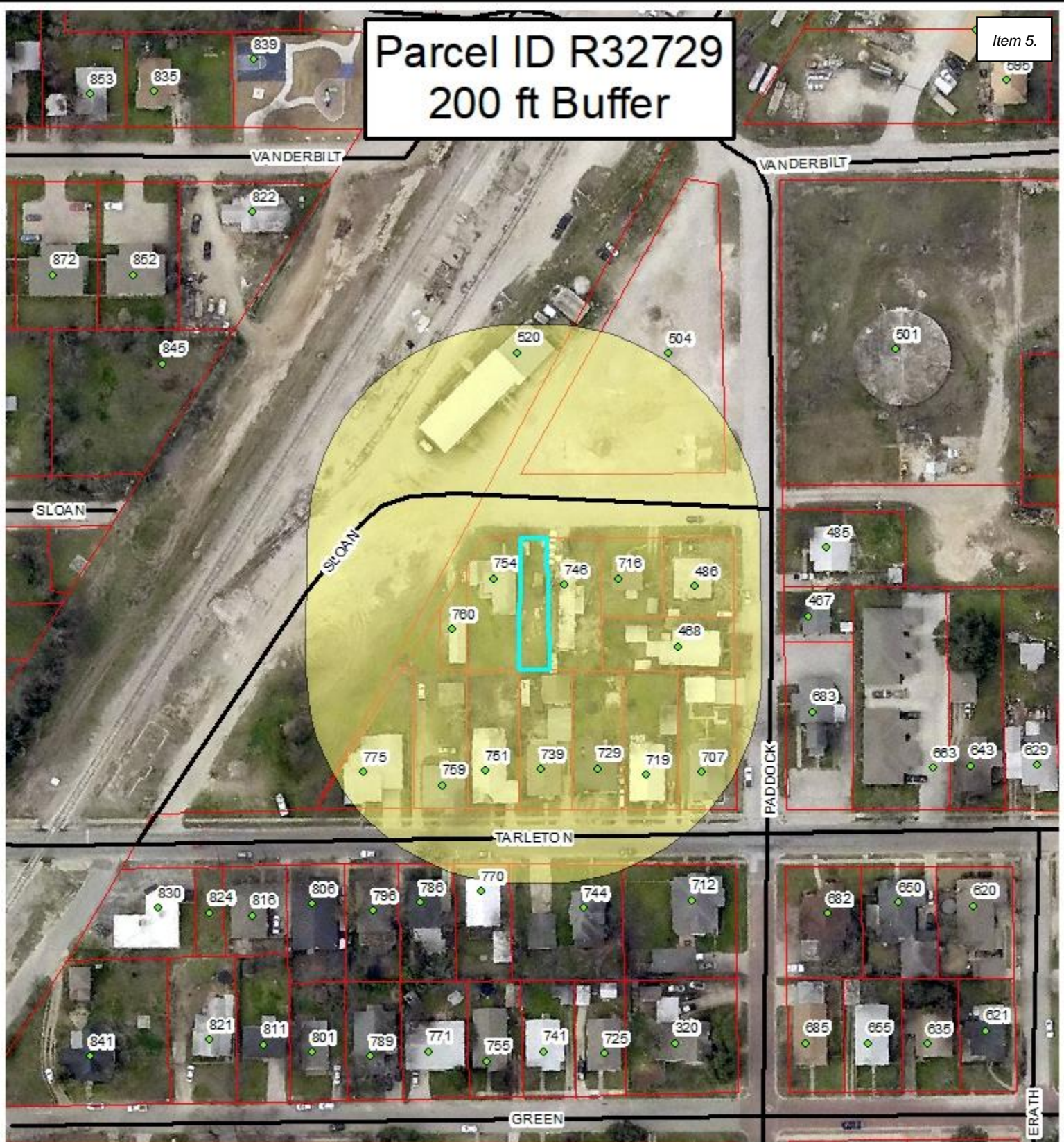
5-18-2021
Date

[Signature]
Signature of City Official Received

5-
Date Received

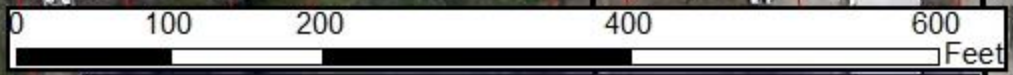
Parcel ID R32729 200 ft Buffer

Item 5.



Legend

- ◆ Addresses_2021_05_26
- Roads
- R32729 Buffer
- Parcels_05_2021



The City of Stephenville makes every effort to ensure this map is free of errors but does not warrant the map or its features. The City of Stephenville provides this map without any warranty of any kind whatsoever, either express or implied.

Parcel ID R32729

Current Zoning - R3 Multi Family

Item 5.

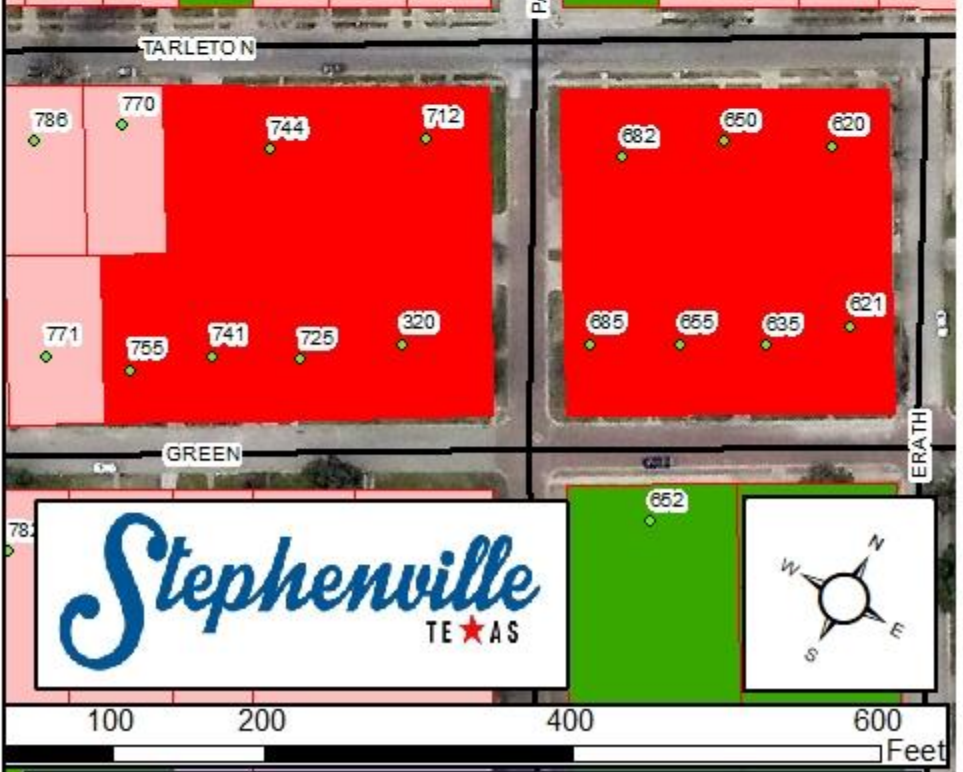


Legend

- ◆ Addresses_2021_05_26
- Roads
- Parcels_05_2021

ZONING

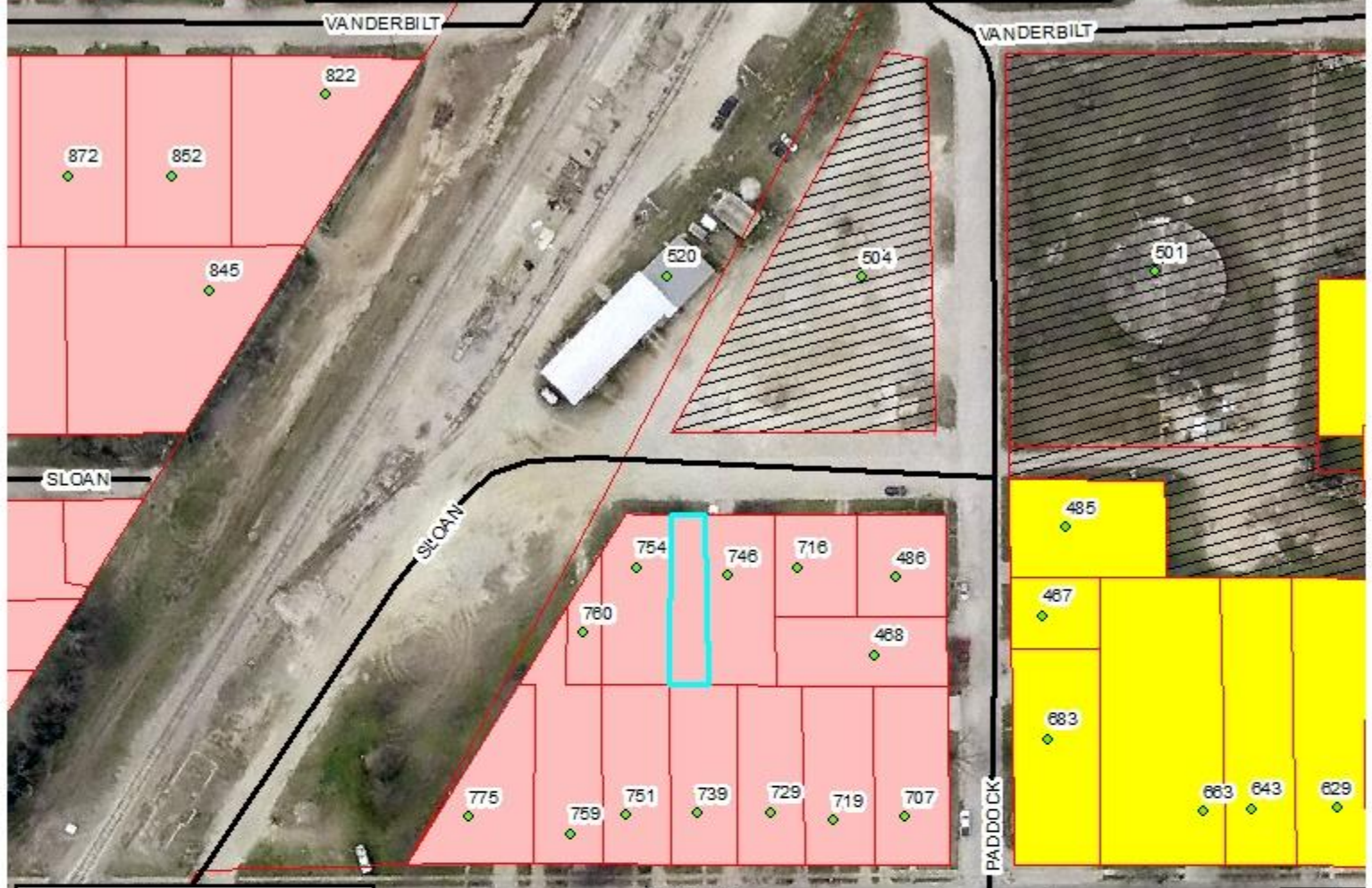
- AG - Agricultural
- B-1 - Neighborhood Business
- B-2 - Retail and Commercial Business
- B-3 - Central Business
- B-4 - Private Club
- CTS - City, Tarelton, School
- DT - Downtown
- IND - Industrial
- PD - Planned Development
- R-1 - Single Family - 7,500
- R-1.5 - Single Family - 6,000
- R-2 - One and Two Family
- R-3 - Multiple Family
- RE - Single Family - 1 Acre



The City of Stephenville makes every effort to ensure this map is free of errors but does not warrant the map or its features. The City of Stephenville provides this map without any warranty of any kind whatsoever, either express or implied.

Parcel ID R32729 Future Land Use - Multi Family

Item 5.



Legend

- ◆ Addresses_2021_05_26
- Roads
- ▭ Parcels_05_2021

Future Use

- ▭ Ag/Open Space
- ▭ Office/Neighbor_Bus
- ▭ Commercial
- ▭ Cent Business Dist
- ▭ City/Tarleton/SISD
- ▭ Downtown
- ▭ Industrial
- ▭ Planned Development
- ▭ Single Family
- ▭ 1_2 Family
- ▭ Multi-Fam/Resident
- ▭ Duplex/Townhome
- ▭ Manufact Homes

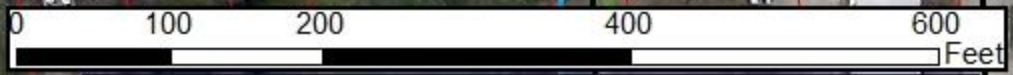
The City of Stephenville makes every effort to ensure this map is free of errors but does not warrant the map or its features. The City of Stephenville provides this map without any warranty of any kind whatsoever, either express or implied.

Parcel ID R32729 Water & Sewer Utilities

Item 5.



- Legend**
- ◆ Addresses_2021_05_26
 - Roads
 - ▭ Parcels_05_2021
 - Manhole
 - Sewer_Lines
 - Water_Lines
 - Well_Line



The City of Stephenville makes every effort to ensure this map is free of errors but does not warrant the map or its features. The City of Stephenville provides this map without any warranty of any kind whatsoever, either express or implied.

Parcel R32729 Addresses

Parcel ID	Parcel Address	Owner Name	Owner Address	City	State	Zip Code
R000029572	712 TARLETON	6 + 6 HOUSING CORPORATION	PO BOX 15173	SAN ANTONIO	TX	78212
R000032740	775 TARLETON	BRANDON COLBY LEE & LACEY JO CROSS	775 TARLETON	STEPHENVILLE	TX	76401
R000030182	786 TARLETON	BURDICK TERESA	PO BOX 607	STEPHENVILLE	TX	76401
R000032741	500 N PADDOCK	CITY OF STEPHENVILLE	298 W WASHINGTON	STEPHENVILLE	TX	76401-4257
R000030181	770 TARLETON	CLARK WILLIAM & MONICA	623 CR2635	WALNUT SPRINGS	TX	76690
R000032728	754 W SLOAN	ERATH COUNTY HABITAT FOR HUMANITY	PO BOX 505	STEPHENVILLE	TX	76401
R000032729	750 SLOAN	ERATH COUNTY HABITAT FOR HUMANITY	PO BOX 505	STEPHENVILLE	TX	76401
R000014966	0 N PADDOCK & VANDERBILT	FORT WORTH & WESTERN RAILROAD	6300 RIDGLEA PLACE STE 1200	FORT WORTH	TX	76116-5738
R000032736	719 TARLETON	GODWIN LEONOR ELENA	575 N CHARLOTTE	STEPHENVILLE	TX	76401
R000032727	760 SLOAN	HERNANDEZ HECTOR SR	6118 FM2214	DESDEMONA	TX	76445
R000032739	751 TARLETON	LEWIS PERRY M	2814 METZ DR	MIDLAND	TX	79705
R000032726	759 W TARLETON	MCCOMBS FAMILY TRUST	507 INDIAN CREEK DR	COMANCHE	TX	76442-2928
R000032734	468 PADDOCK	MOORE JOHN M & CHARLE	24520 N US281	STEPHENVILLE	TX	76401-6310
R000032738	739 TARLETON	OLIVER MARGRET LEIGH	739 W TARLETON	STEPHENVILLE	TX	76401-0000
R000032730	746 SLOAN	RODRIGUEZ JOSE A	2591 DENMAN ST	STEPHENVILLE	TX	76401
R000032733	716 SLOAN	TOUCHON BARBARA & CALE DAVIS	486 N PADDOCK	STEPHENVILLE	TX	76401
R000032732	486 PADDOCK	TOUCHON BARBARA LIVELY	486 N PADDOCK	STEPHENVILLE	TX	76401
R000029571	744 TARLETON	VANNOY DALE E & LUCINDA	1011 OVERLOOK BEND	LEANDER	TX	78641
R000032737	729 TARLETON	W TARLETON PROPERTIES	PO BOX 159	GRANBURY	TX	76048
R000032735	707 W TARLETON	YOUNG RYAN	707 W TARLETON	STEPHENVILLE	TX	76401



STAFF REPORT

SUBJECT: Case No.: CP2021-001

Applicant Justin Willis is requesting a Conditional Use Permit, pursuant to Section 154.05.03.C(1), for a Home Occupation as defined in Section 154.03, for property located at 1422 Prairie Wind, Parcel R31592, of GOLF COUNTY ESTATES ADDITION, BLOCK 4, LOT 5, of the City of Stephenville, Erath County, Texas.

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

RECOMMENDATION:

To consider granting a Conditional Use Permit for 1422 Prairie Wind.

BACKGROUND:

The applicant was recently contacted by the Alcohol, Tobacco and Firearms (ATF) Division of the Federal Government. Agent Dee Robinson requested assistance from the City of Stephenville and upon an on-site inspection at the consent of the applicant, Agent Robinson suspended Mr. Willis' license for the following:

1. Per Agent Robinson, any transaction involving firearm transfers must occur at the locale listed on the licensee's application and;
2. The licensee must comply with all local ordinances and regulations

The Zoning Code, Section 154.03, defines home occupation and lists criteria for compliance. The generation of traffic to the neighborhood and inventory for sale are the criteria that have resulted in the application for a Conditional Use in order to be compliant with ATF regulations.

CURRENT ZONING:

R-1 – Single Family

FUTURE LAND USE:

Single Family

ZONING

Sec. 154.05.3. Single-family residential district (R-1) (7,500 ft²).

5.3.A Description. This residential district provides for a generally lesser density city neighborhood development. The primary land use allows for single-family dwelling development appropriate to a city-style neighborhood. Other uses within this district shall contribute to the nature of the neighborhood. Development within this district is intended to be separate from and protected from the encroachment of land activities that do not contribute to the esthetic and functional well being of the intended district environment.

5.3.B Permitted Uses.

- (1) Single-family detached dwelling, limited to occupancy by a family having no more than three individuals who are unrelated by blood, legal adoption, marriage or conservatorship. The owner and

any agent of the owner shall be legally responsible for directly or indirectly allowing, permitting, causing or failing to prohibit residential use of a dwelling in this district by more than three unrelated individuals;

- (2) Accessory buildings;
- (3) Churches, temple, mosques and related facilities;
- (4) Community home;
- (5) Park or playground; and
- (6) SISD school—public.

5.3.C Conditional Uses.

- (1) Home occupation;

HOME OCCUPATION

Sec. 154.03 - Definitions.

Home occupation. An occupation carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises, which occupation is clearly incidental and secondary to the use of the premises zoned for residential purposes. A *home occupation* must comply with all the following specific criteria:

- (1) Home occupations shall be allowed without the necessity of a conditional use permit, if such uses relate solely to the use of home areas as further detailed herein by the resident of the premises, and such use does not create on-street parking, significant neighborhood traffic, or other disruption to the residential character of the property.
- (2) The occupation shall produce no alterations or change in the character appearance of the principal building from that of a dwelling and no signage or advertisement of the home occupation or property address is allowed in the yellow pages advertisements in a telephone directory nor via electronic media, or classified advertisements of the property where the home occupation is being conducted.
- (3) The occupation shall not require or provide for the employment of more than one additional person other than members of the household in which the home occupation occurs.
- (4) Not more than two business-related vehicles shall be present at one time, and the proprietor shall provide adequate, paved off-street parking for such vehicles and customer vehicles on the property where the use is located.
- (5) Such use shall be incidental and secondary to the use of the premises for residential purposes and shall not utilize an area exceeding 20% of combined gross floor area of the dwelling units and accessory building used for the home occupation and no outdoor/exterior storage (related to the home occupation) will be allowed.
- (6) The occupation shall not violate any other rules or regulations in the Code of Ordinances.
- (7) The occupation shall not offer a ready inventory of any commodity for sale on the premises.

FACTORS TO CONSIDER:

Sec. 154.20.3. Planning and zoning commission—Conditional use permit.

20.3.A Definition. A conditional use permit is defined in Section 154.03. The terms "Conditional Use Permit" and "Special Use Permit" may be used interchangeably.

20.3.B Effective Date. A Conditional Use Permit shall be deemed effective upon the date approved by the City Council.

20.3.C Termination of Conditional Use Permit. A Conditional Use Permit shall terminate and become null and void as follows:

- (1) Failure to Commence the Use: Upon a finding by the City Manager that the conditional use for which the Conditional Use Permit was issued has not commenced within 180 calendar days after the effective date of the Conditional Use Permit or the date set forth in the Conditional Use Permit, whichever is applicable. For purposes of this paragraph, the use shall be deemed to have commenced:
 - a. If no new construction or renovation of an existing building is required, when actual use for the purposes described in the permit commences; or
 - b. If new construction or renovation of an existing building is required before the use can commence, when a completed application for a building permit, all required construction drawings, and the applicable permit fees have been delivered to the City Building Inspections Department;
- (2) Failure to Commence Actual Use Within Two Years of New Construction or Renovation: If new construction or renovation of an existing building is required before the use can commence, upon a finding by the City Manager that actual use of the property has not commenced within two (2) years after the effective date of the Conditional Use Permit or the date set forth in the permit, whichever is applicable;
- (3) Cessation of Use Not Related to Destruction of Property: After commencement of the actual use of the property for the purpose set forth in the permit, upon a finding by the City Manager that actual use of the property for the purpose for which the Conditional Use Permit was approved:
 - a. Has not occurred for a period of 180 consecutive days after the commencement of the actual use for which the Conditional Use Permit was approved; and
 - b. That the conditional use ceased for reasons other than destruction of buildings due to fire, flood, or windstorm;
- (4) Cessation of Use Related to Destruction of Property: After commencement of the actual use of the property for the purpose set forth in the permit, upon a finding by the City Manager that actual use of the property for the purpose for which the Conditional Use Permit was approved has not occurred for a period of two consecutive years after the date of destruction by fire, flood, or windstorm of the buildings in which the use was occurring;

Upon a finding of the City Manager that the use of the property has not been or is not in compliance with the provisions of the permit, the City Manager shall send written notice that the permit will be terminated fifteen (15) days from the date of the receipt of the notice, said notice to be sent by certified mail, return receipt requested to the owner of the property at the last known address indicated on the property rolls of the Erath County Appraisal District, a copy of which notice shall also be placed on the property. Said notification shall contain a summary of the findings by the City Manager citing the provisions of the permit or City Code which have been violated.

20.3. D Appeals.

- (1) Appeal of Termination for Non-Compliance: The owner of the property may file a written appeal of the City Manager's decision with the City Council by delivering to the City Secretary a summary of the property owner's basis for appeal not later than ten (10) calendar days from receipt of the City Manager's notice. The appeal shall be heard at the next regular City Council meeting which occurs on or after the tenth calendar day following the receipt of the notice of appeal. The appeal to the City Council shall be conducted in accordance with procedures adopted by the City Council.

On appeal, the City Council may:

 - a. Uphold the decision of the City Manager and terminate the permit;
 - b. Uphold the decision of the City Manager, but grant additional time for compliance, after which date the permit shall terminate if the City Council determines that compliance has not been achieved during the additional time; or
 - c. Overrule the decision of the City Manager. The decision of the City Council shall be final.
- (2) Failure to File an Appeal: If the owner of the property fails to file an appeal as set forth in Section 1, above, on the fifteenth day following delivery of written notice to the owner of the property for which a Conditional Use Permit is issued that the City Manager has determined that violates the provisions of the permit, the conditional use permit will be terminated.

(Ord. No. 2018-O-28 , 8-7-2018)

ALTERNATIVES

- 1) Recommend the City Council approve the request for a conditional use.
- 2) Recommend the City Council deny the request for a conditional use.

FOR OFFICE USE ONLY

CHECKLIST

	<i>Initial(s)</i>	<i>Date</i>
1. Application Received:	_____	_____
2. Application Reviewed as Follows:		
a. General Description of Location (Street, address, or "Northwest Corner of Avenue C and Avenue E").	_____	_____
b. Legal Description of Property (Lot and Block Number/Metes and bounds, Survey and Abstract).	_____	_____
c. Size of Tract by Dimensions and Area. (Shown on Plat drawn to scale).	_____	_____
d. Present Zoning Classification	_____	_____
3. Applicant's Fee \$_____ received.	_____	_____
4. Site Plan Attached.	_____	_____
5. Property owners of record within 200 feet notified by mail.	_____	_____
6. Notice of public hearing posted.	_____	_____
7. Notice of public hearing delivered to newspaper.	_____	_____
8. Application reviewed by city officials: (Initial where applicable)		
a. Community Development Dept.	_____	_____
b. Public Works Department	_____	_____
c. Fire Department	_____	_____
d. Police Department	_____	_____
e. Other Departments (Specify)	_____	_____
9. Agenda packet mailed to board members.	_____	_____

To Whom it May Concern:

My name is Justin Willis and I am the owner/operator of Mild to Wild Gun Graphics. Mild to Wild Gun Graphics is the business name for a hobby of mine that includes making gun holsters, airbrushing firearm finishes, and some transfer of ownership on firearms. My transfer of ownership is limited to family and close friends. I do not advertise, keep inventory, or sale firearms from my business location.

Mild to Wild Gun Graphics started as airbrush painting which was a hobby of mine. My canvas materials soon spread to firearms as there is a niche for camouflage finishes on hunting firearms. Most of my work takes several days to complete. The ATF requires a Federal Firearms License if the firearm is left in my possession overnight. I have retained a Federal Firearms License for over 9 years resulting in only 129 transfers since start-up. I originally started this hobby when I lived outside the city limits of Dublin, TX and I now reside inside the city limits of Stephenville. I have lived at my current address (1422 Prairie Wind Blvd. Stephenville, TX 76401) for over 3 years now. During this time, I have continued to paint firearms unaware of the city's regulations against operating a business at a residential address inside the city limits. Now that this issue has been brought to my attention, I would like to pursue a path that would allow me to continue with my hobby.

I have recently applied for a new Federal Firearms License that would allow me to buy gun parts, assemble them, paint them, and then sell them to my family and friends. Again, my business is only a hobby and I do not keep inventory, nor do I plan on selling these to the general public. My intentions for selling would be strictly to family and friends as I do not advertise my business. The new company name would be Whiskey Six Tactical, a new business name for a new chapter in my life.

As previously stated, this is more of a hobby than part time business, so there no set hours of operation as the majority of my time utilized by this business is over the weekend and since my transaction history is so low, I only see 2-3 people at my house per month. My full-time job does not allow for any hours of operation during the normal work week. I do not have any employees that work for me nor do I intend to have any in the future.

This hobby of mine does not require any specialized chemicals. All materials including paint, cleaners and solvents can all be bought at the local hardware store and I do not have more than 2 gallons worth of paint and solvent on the property at any given time. I do not have any machinery for manufacturing gun parts nor do I have any lead and gun powder for manufacturing ammunition. There are no chemicals or machines that pose any risk to my neighbors or surrounding occupants. All activities take place in my 400 square foot garage attached to the house where I store my golf cart and camper trailer. I do keep a fire extinguisher on hand just a precaution.

All activities associated with this hobby will not negatively affect the environment around me. The air compressor that I use is hand held and not any louder than a house hold appliance. There are no other byproducts other than fumes from painting which are contained in my garage during the process and removed when the garage door is opened. The amount of paint that I go through on one project is less than the size of a typical aerosol can that you would buy at the hardware store. This means that I average one to two cans of spray paint per month.

All Firearm transactions that occur at my house are no different that what you would find at the local gun store. A federal background check is required for all transactions relating to purchases or transfers. I do not keep any inventory for sale but I do allow family and friends to purchase firearms online and have them shipped to my residence. This allows them to have a more personable experience when purchasing a firearm. Any online purchases of a firearm require that the item be shipped to another licensed individual so they can perform the background check prior to the purchaser receiving the firearm. I do require that all sellers receive permission from myself before shipping items that way I can limit who, what and when an item is shipped to me as I do not do firearm transfers for people that I do not know personally.

Thank you for your consideration,

Justin Willis

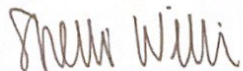
254-413-5503

May 27, 2021

To Whom it May Concern:

My name is Shelbie (Simpson) Willis and I am the property owner of 1422 Prairie Wind Blvd in Stephenville, TX 76401. I am granting permission to Justin Willis to conduct business as Whiskey Six Tactical at the property mentioned above. Please accept this letter as me granting permission to Justin for any paperwork and applications necessary regarding Whiskey Six Tactical.

Best Regards,



Shelbie Willis

254.485.5384

To: Steve Killen
Director Development Services
skillen@stephenvilletx.gov
+1 (254) 918-1222

Steve , my name is Scott Fields.

I live at:
1425 Prairie Wind Blvd
Stephenville TX , 76401

I received your mail concerning the Justin Willis request for a Conditional Use Permit. Unfortunately , I will be traveling on vacation then.

I am contacting you by email with a copy of this document inside a PDF file.

Justin Willis contacted me and explained what he is doing and the need for a permit. I feel that Justin is and fair and accurate person , I believe that he is fully capable of performing the tasks associated his request. I further believe that the permit(s) should be issued to him. In this day and age , I believe we should give encouragement to help all others to succeed.

I strongly encourage you issue him the permit and wish him success in his future endeavors.

Thank you.

Scott Fields
1425 Prairie Wind Blvd
Stephenville TX , 76401
cash_fields@yahoo.com
+1 (608) 201-0473

Steve Killen

From: Robison, Adeana A. <>
Sent: Wednesday, June 9, 2021 11:00 AM
To: Steve Killen
Subject: ATF Regulations and Home-based manufacturers/dealers

Steve

ATF Federal Firearms Regulations 27 CFR 478.58 states that no licensee has not right or privilege to conduct business or activity contrary to State and local laws. Similarly, compliance with the provisions of any State or local laws affords no immunity under Federal law or regulations.

ATF Federal Firearms Regulations 27 CFR 478.50 states all business must be conducted at the licensed business location only. No transfers or sales may take place anywhere other than the licensed business premises.

ATF does not prohibit home-based businesses, the business just has to be in compliance with local laws and ordinances. Stephenville's ordinance for home occupations:

(7)

The **occupation** shall not offer a ready inventory of any commodity for sale on the premises.

All sales of firearms, all manufacturing of firearms would have to take place on the premises.

Let me know if you need further information and if you need me to attend the meeting next week.



Dee Robison
ATF Senior Investigator
Fort Worth Area Office



STAFF REPORT

SUBJECT: Mobile Homes

On May 19, 2021, the Planning and Zoning Commission requested staff research what actions would be necessary for the Commission to establish a mobile home district.

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

BACKGROUND:

The Zoning Code, Section 154.03, defines the following:

Manufactured housing or home. A HUD-Code manufactured home or a mobile home, as defined in Tex. Rev. Civ. Stat., Art. 5221f. This term shall not include any of the following:

- (1) Industrialized housing or buildings, as defined in Tex. Rev. Civ. Stat., Art. 5221f-1;
- (2) Ready-built homes or portable buildings built as a single unit or section at a temporary location for the purpose of selling it and moving it to another location; and/or
- (3) Recreational vehicles.

Mobile home. A movable, detached single-family dwelling unit conforming to the minimum housing code requirements of both the State of Texas and the City of Stephenville for permanent long-term occupancy; is constructed or fabricated within a factory, complete with an integral utility system capable of being connected to an outside system; can be transported over the road on its own chassis and wheels to the site where it is to be connected semi-permanently to a separate utility system and is not permanently attached to any foundation as required for a permanent conventional dwelling or structure.

Mobile home park. Any development site, parcel or tract of land designed, maintained or intended to be used for the purpose of providing long-term occupancy of more than 30 days for the placement of ten or more mobile homes, including all buildings used or maintained for the use of the residents of the development. This term is not to be used in conjunction with any mobile home or trailer sales lots which contain unoccupied units that are intended for purposes of inspection and sale.

Nonconformance. A structure or tract of land which does not conform to the regulations of the zoning district in which it is situated.

Nonconforming use. A structure or tract of land occupied by a land use activity that does not conform to the regulations of the zoning district where it is located.

Mobile Home Parks are regulated by Chapter 153. Any existing park that is to be expanded, or any new park to be constructed, must meet the requirements set forth by Chapter 153. Also notable, Chapter 153 further defines a Mobile Home Park as "A unified development of ten or more mobile home spaces arranged on a tract of land under single person ownership, meeting all requirements of this chapter."

There are no Manufactured Housing Districts under current zoning; however, there is such district under futureland use as illustrated below.

DESCRIPTION OF EXISTING ZONING

Sec. 154.05.7. Manufactured housing district (MH).

5.7.A Description. The Manufactured Housing District is intended to serve as a residential district for persons living in manufactured homes outside of a mobile home park. The primary use of land is for single-family dwellings, along with related uses to provide the basic elements of an attractive living area.

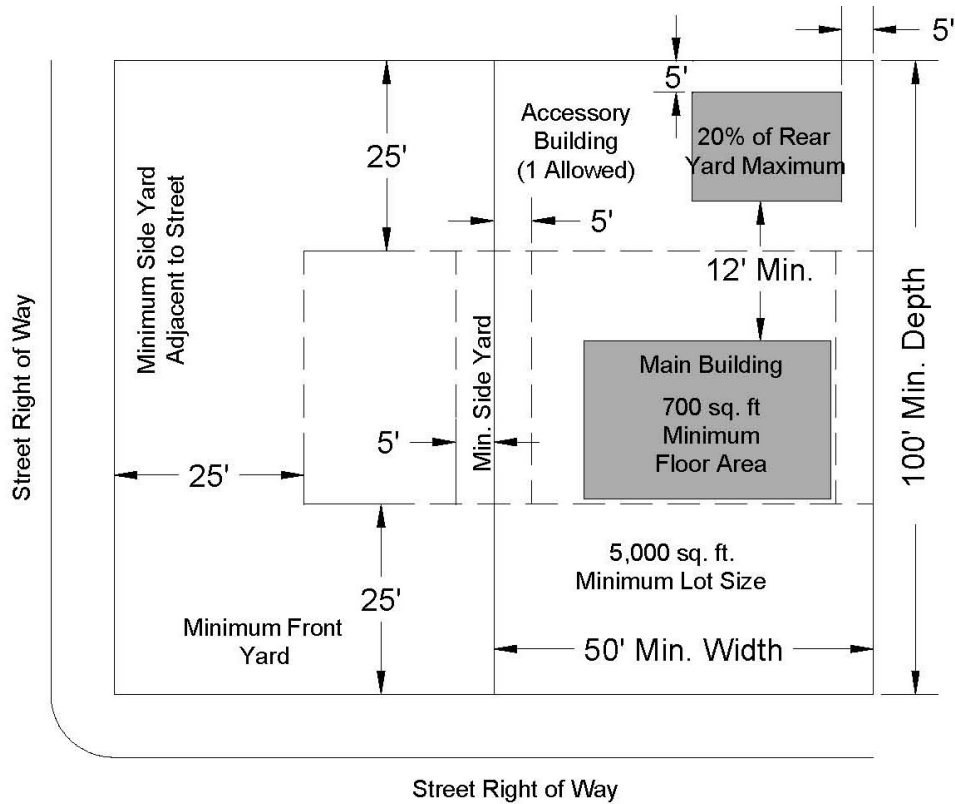
5.7.B Permitted Uses.

- (1) Single-family detached dwelling, limited to occupancy by a family having no more than three individuals who are unrelated by blood, legal adoption, marriage or conservatorship. The owner and any agent of the owner shall be legally responsible for directly or indirectly allowing, permitting, causing or failing to prohibit residential use of a dwelling in this district by more than three unrelated individuals;
- (2) Accessory building to main use;
- (3) Manufactured homes; and
- (4) Home occupation.

5.7.C Conditional Uses. None.

5.7.D Height, Area, Yard and Lot Coverage Requirements.

- (1) Maximum density: one dwelling unit per lot.
- (2) Minimum lot area: 5,000 ft².
- (3) Minimum lot width and lot frontage: 50 feet.
- (4) Minimum lot depth: 100 feet.
- (5) Minimum depth of front setback: 25 feet.
- (6) Minimum depth of rear setback: 25 feet.
- (7) Minimum width of side setback:
 - (a) Internal lot: five feet.
 - (b) Corner lot: 25 feet from intersecting side street.
- (8) (a) Minimum area of main building: 700 ft².
 - (b) Maximum main building coverage as a percentage of lot area: 40%.
- (9) Accessory buildings:
 - (a) Maximum accessory building coverage of rear yard: 20%.
 - (b) Maximum number of accessory buildings: one.
 - (c) Minimum depth of side setback: five feet.
 - (d) Minimum depth of rear setback: five feet.
 - (e) Minimum depth from the edge of the main building: 12 feet.
- (10) Maximum height of structures: 35 feet.
- (11) Public, semi-public or public service buildings, hospitals, institutions or schools may not exceed a height of 60 feet. Churches, temples, and mosques may not exceed 75 feet, if the building is set back from each yard line at least one foot for each two feet additional height above the height limit in this district.



5.7.E Parking Regulations. A Single-Family, MH District lot shall provide a minimum of two vehicle parking spaces, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in this ordinance, Section 11, Parking Regulations of this ordinance.

5.7.F Development and Installation Regulations. Any property developed within the MH district as a HUD Code Manufactured Home or as a Manufactured Housing Subdivision shall meet the following requirements:

- (A) The axles, wheels and tow bar or tongue shall be removed.
- (B) Secured to a permanent foundation or footing and piers, in accordance with manufacturer's specifications.
- (C) Permanent steps installed at all exits.
- (D) Skirting will be installed on all sides within 30 days of home installation. Skirting materials shall consist of materials compatible with the design of the home, enhancing its appearance. Unpainted or untreated corrugated metal, screen or wire, or lattice-style skirting is prohibited.
- (E) A building official of the City of Stephenville must approve any structural alteration or modification made on site. All structural additions shall comply with the city's building codes and ordinances.

LOCAL GOVERNMENT CODE CHAPTER 211

Sec. 211.006. PROCEDURES GOVERNING ADOPTION OF ZONING REGULATIONS AND DISTRICT BOUNDARIES. (a) The governing body of a municipality wishing to exercise the authority relating to zoning regulations and zoning district boundaries shall establish procedures for adopting and enforcing the regulations and boundaries. A

regulation or boundary is not effective until after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard. Before the 15th day before the date of the hearing, notice of the time and place of the hearing must be published in an official newspaper or a newspaper of general circulation in the municipality.

(b) In addition to the notice required by Subsection (a), a general-law municipality that does not have a zoning commission shall give notice of a proposed change in a zoning classification to each property owner who would be entitled to notice under Section [211.007](#)(c) if the municipality had a zoning commission. That notice must be given in the same manner as required for notice to property owners under Section [211.007](#)(c). The governing body may not adopt the proposed change until after the 30th day after the date the notice required by this subsection is given.

(c) If the governing body of a home-rule municipality conducts a hearing under Subsection (a), the governing body may, by a two-thirds vote, prescribe the type of notice to be given of the time and place of the public hearing. Notice requirements prescribed under this subsection are in addition to the publication of notice required by Subsection (a).

(d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either:

(1) the area of the lots or land covered by the proposed change; or

(2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

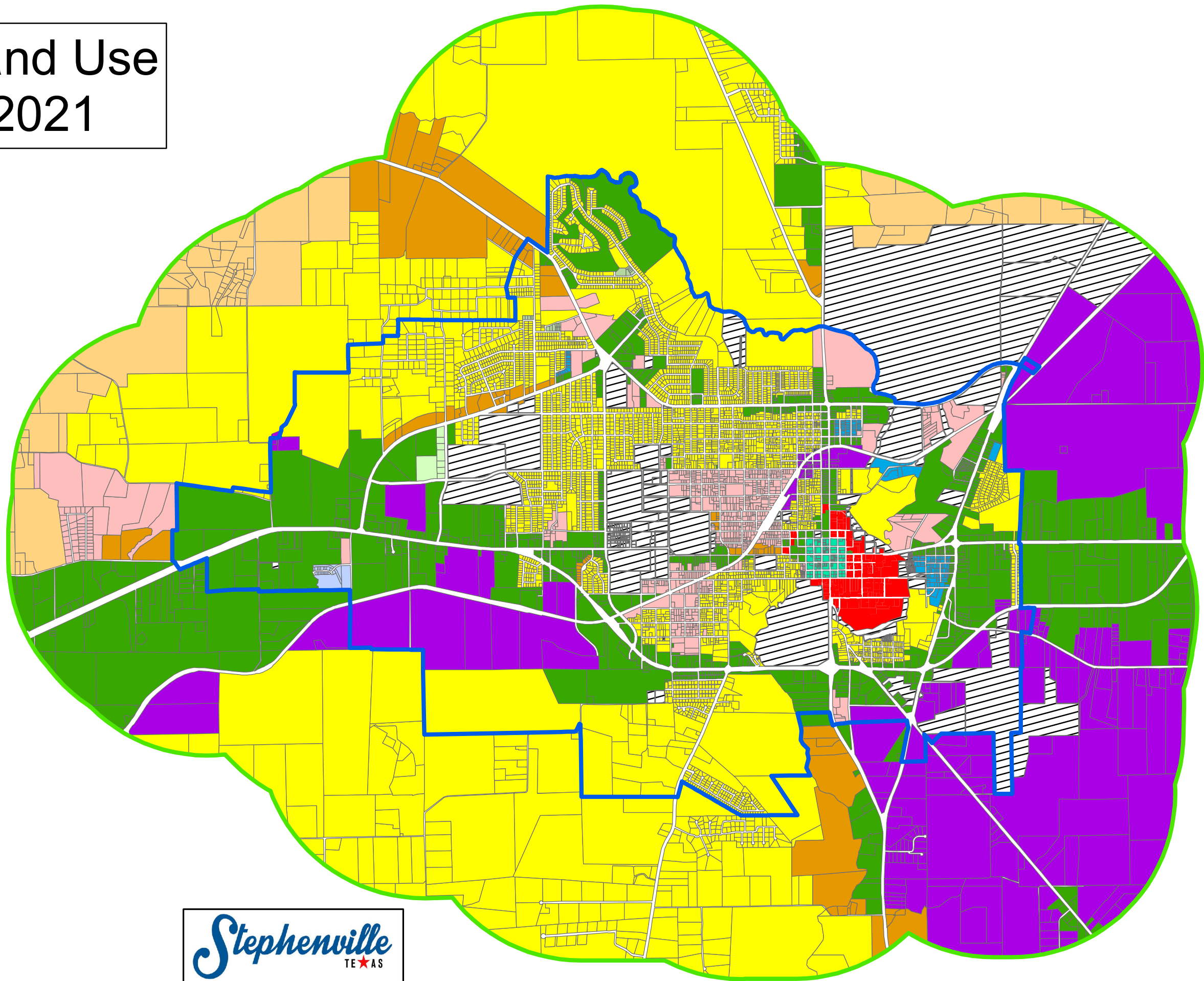
(e) In computing the percentage of land area under Subsection (d), the area of streets and alleys shall be included.

(f) The governing body by ordinance may provide that the affirmative vote of at least three-fourths of all its members is required to overrule a recommendation of the municipality's zoning

commission that a proposed change to a regulation or boundary be denied.

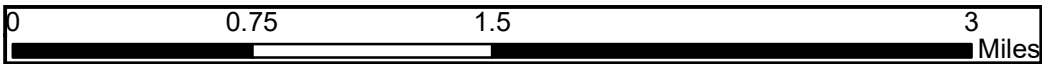
Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Future Land Use June, 2021



Legend

- City Limits
- Extra Territorial Jurisdiction
- Land Use**
- Ag/Open Space
- Office/Neighbor_Bus
- Commercial
- Cent Business Dist
- City/Tarleton/SISD
- Downtown
- Industrial
- Planned Development
- Single Family
- 1_2 Family
- Multi-Fam/Resident
- Duplex/Townhome
- Manufact Homes



The City of Stephenville makes every effort to ensure this map is free of errors but does not warrant the map or its features. The City of Stephenville provides this map without any warranty of any kind whatsoever, either expressed or implied.

