



PLANNING AND ZONING COMMISSION MEETING

City Hall Council Chambers, 298 W. Washington
Wednesday, August 21, 2024 at 5:30 PM

AGENDA

CALL TO ORDER

CITIZENS GENERAL DISCUSSION

MINUTES

1. Consider Approval of July 17, 2024 Minutes

PUBLIC HEARING

2. **Case No.: RZ2024-010**

Applicant Ishmael Calvillo is Requesting a Rezone of Property Located 1125 Alexander Rd, Being Parcel R17553, Acres 1.380, A0196 DUPUY JOHN B; & HOUSE of The City of Stephenville, Erath County, Texas From (R-1) Single Family Residential To (R-2) One-And Two-Family Residential District

3. **Case No.: FP2024-002**

Applicant Troy Kunkel, Owner of Ironfund LLC, and Representative Reece Flanagan with Flanagan Land Solutions, are Requesting an Approval of a Final Plat of Property Located at 525 Collins, Parcel R33237, of S5700 SHAPARD & COLLINS, BLOCK 6, LOT 1 & 2 of The City of Stephenville, Erath County, Texas

4. **Case No.: FP2024-001 - PULLED**

Applicant Taylor Kanute, Representing Keewaydin Developments, LLC, is Requesting Approval of a Final Plat for Phase II of the Property Located at Clark Lane, Parcel R63366, Acres 1.045, S2630 TERRACES of CLARK LANE; PHASE 1; BLOCK 85; LOT 1 & 2A(PTS OF)(CITY ADDITION) COMMON AREAS & FUTURE DEVELOPMENT, of The City of Stephenville, Erath County, Texas

5. **Case No.: FP2023-002**

Applicant Taylor Kanute, Representing Harbin Street, LLC, is Requesting Approval of a Final Plat of the Property Located at 0 Harbin, Parcel R73763 Of S6200 South Side Addition, Block 19, Lot 15 of The City of Stephenville, Erath County, Texas

6. **Case No.: PD2021-001 - UPDATE**

Applicant Taylor Kanute of Harbin Street, LLC, Pursuant to the Requirements Set Forth by Section 154.08 of the City of Stephenville Zoning Ordinance, is Presenting an Update and Requesting an Extension of the Development Schedule for the Planned Development Located at 0 S. Harbin Drive, Parcel R73763, of SOUTH SIDE ADDITION, BLOCK 19; LOT 15 (PT OF) of the City of Stephenville, Erath County, Texas

7. **Case No.: PD2022-009 - PULLED**

Applicant Joel Allen, Representing Pecan Landing, LLC, Pursuant to the Requirements Set Forth by Section 154.08 of the City of Stephenville Zoning Ordinance, is Presenting an Update and Requesting an Extension of the Development Schedule for the Planned Development Located at 0 Forest Rd, Parcel R77510, Acres 36.77, A0515 MOTLEY WILLIAM, of the City of Stephenville, Erath County, Texas From (R-1) Single Family And (R-2) One-And-Two Family to (PD) Planned Development

ADJOURN

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 MEETING

City Hall Council Chambers, 298 W. Washington
Wednesday, July 17, 2024 at 5:30 PM

MINUTES

The Planning and Zoning Commission of the City of Stephenville, Texas, convened on Wednesday, July 17, 2024, at 5:30 PM, in the Council Chambers at City Hall, 298 West Washington Street, for the purpose of a Regular Business Meeting, with the meeting being open to the public and notice of said meeting, giving the date, time, place and subject thereof, having been posted as prescribed by Chapter 551, Government Code, Vernon's Texas Codes Annotated, with the following members present, to wit:

COMMISSIONERS PRESENT: Lisa LaTouche, Chairperson
Brian Lesley, Vice Chair
Nick Robinson
Bonnie Terrell
Paul Ashby
Tyler Wright
Justin Slawson – Alternate 1

COMMISSIONERS ABSENT: None

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 PM.

CITIZENS GENERAL DISCUSSION

No discussion at this meeting.

MINUTES

1. Consider Approval of Minutes – June 19, 2024

MOTION by Brian Lesley, second by Nick Robinson, to approve the minutes for June 19, 2024. MOTION CARRIED by unanimous vote of Commissioners that were present at the June 19, 2024, meeting.

PUBLIC HEARING

2. Case No.: PP2024-002

Applicant Ryan Spears with GMcivil, representing SID Partners, LLC, is requesting a preliminary plat of property located on N US 281, Parcel R26347. This property is approximately 10 acres located North of 1350 N US HWY 281 and South of 1800 N US HWY 281, being part of A0804 WILLIAMS MR; to the City of Stephenville, Erath County, Texas.

Development Services Director, Steve Killen, briefed the Commission regarding the preliminary plat that was being presented. Mr. Killen stated that the applicant has submitted a Preliminary Plat and civil plans that have been reviewed by staff. Final steps for approval of the civil plan-set include the completion of any remaining review items and approval of the Preliminary Plat. A Final Plat will be submitted to the Commission upon completion and acceptance of public improvements. Director Killen concluded his comments by stating that staff recommends approval of the Preliminary Plat upon completion of the following conditions:

1. The plat must conform to the Subdivision Ordinance upon conclusion of reviews.
2. Completion of the Utilities Acceptance Form.
3. Structures may not be placed over easements.
4. The Preliminary Plat must conform to design requirements and construction standards as set forth in the Engineering Standards Manual.
5. Additional easements as required for Backflow Preventor Assembly Vaults, Access & Utility Easements, retaining wall easements, Floodplain and others that may be required as identified during the review process.
6. A Title Commitment/Proof of Ownership must be provided and approved by the City Attorney.
7. Final Plat to be recorded after acceptance of improvements and floodplain modeling.
8. Ensure all required Plat language is provided.

Developer, Ryan Spears with GMcivil, was present to answer the Commissioners questions.

Chairperson LaTouche opened the public hearing at 5:34 PM.

No one spoke in favor of or against the rezone request.

Chairperson LaTouche closed the public hearing at 5:34 PM.

MOTION by Brian Lesley, second by Nick Robinson, to approve the preliminary plat with conditions of property located at N US 281, Parcel R26347. This property is approximately 10 acres located North of 1350 N US HWY 281 and South of 1800 N US HWY 281, being part of A0804 WILLIAMS MR; to the City of Stephenville, Erath County, Texas. MOTION CARRIED by a unanimous vote.

3. Case No.: PP2024-003

Applicant Marissa Volk with Kimley-Horn, representing Oncor Electric Delivery Company requesting a preliminary plat of property located at 2450 W Lingleville Rd, Parcel R78331, Acres 10.011, A0520 MENELEE JARRETT; to the City of Stephenville, Erath County, Texas.

Development Services Director, Steve Killen, briefed the Commission regarding the preliminary plat that was being presented. Mr. Killen stated that the applicant submitted a Preliminary Plat and civil plans that have been reviewed by staff. Final steps for approval of the civil plan-set include the completion of any remaining review items and approval of the Preliminary Plat. A Final Plat will be submitted to the Commission upon completion and acceptance of public improvements. Director Killen concluded his comments by stating that staff recommends approval of the Preliminary Plat upon completion of the following conditions:

1. Please title as "Preliminary Plat - Not for Recording Purposes."
2. The Preliminary Plat must conform to design requirements and construction standards as set forth in the Engineering Standards Manual.
3. The plat must conform to the Subdivision Ordinance upon conclusion of reviews.

4. Structures may not be placed over easements.
5. Additional easements as required for Backflow Preventor Assembly Vaults, Access & Utility Easements, retaining wall easements, Floodplain and others that may be required as identified during the review process.
6. Fire lanes must remain open.
7. Final Plat to be recorded after acceptance of improvements and floodplain modeling.
8. Ensure all required Plat language is provided.

Developer, Marissa Volk with Kimley-Horn was present to answer the Commissioners questions.

Chairperson LaTouche opened the public hearing at 5:38 PM.

No one spoke in favor of or against the rezone request.

Chairperson LaTouche closed the public hearing at 5:38 PM.

MOTION by Nick Robinson, second by Brian Lesley, to approve the preliminary plat with conditions of property located at 2450 W Lingleville Rd, Parcel R78331, Acres 10.011, A0520 MENELEE JARRETT; to the City of Stephenville, Erath County, Texas. MOTION CARRIED by a unanimous vote.

4. Case No.: RZ2024-009

Applicant Zane Cole is requesting a rezone of property located at 185 W Park, being Parcel R31466, S3500 FREY FIRST ADDITION, BLOCK 35;, LOT 7;8, of the City of Stephenville, Erath County, Texas from (R-1) Single Family Residential to (R-2.5) Integrated Housing District.

Development Services Director, Steve Killen gave the following report: The property has current zoning of Single-Family Residential with Future Land Use being Retail and Commercial. The applicant is requesting a rezone to construct an additional single-family home. R-2.5 zoning includes single-family homes as permitted use with lot dimension requirements being 50'x60'.

Developer, Zane Cole, was present to answer the Commissioners questions.

Chairperson LaTouche opened the public hearing at 5:41 PM.

Sara Mize, 150 W Hurbert St., spoke against the rezone request.

No one spoke in favor of the rezone request.

Chairperson LaTouche closed the public hearing at 5:45 PM.

MOTION by Nick Robinson, second by Bonnie Terrell, to recommend to the City Council to approve the rezone of property located at 185 W Park, being Parcel R31466, S3500 FREY FIRST ADDITION, BLOCK 35;, LOT 7;8, of the City of Stephenville, Erath County, Texas from (R-1) Single Family Residential to (R-2.5) Integrated Housing District. MOTION failed to receive a two-thirds majority vote. Case was forwarded to City Council with no recommendation.

AYES: Justin Slawson, Bonnie Terrell, Lisa LaTouche, Nick Robinson

NOES: Tyler Wright, Brian Lesley, Paul Ashby

5. Case No.: PD2024-001

Applicant Southwestern Pigeon Rd, LLC, is requesting a rezone of property located at 315 FM 2303, Parcel R65090 being Acres 3.020, A0520 MENELEE JARRETT; and Parcel R22587, being 91.830 acres of the A0520 of MENELEE JARRETT; HOUSE & BARN, to the City of Stephenville, Erath County, Texas from (R-1) Single Family Residential and To Be Determined to (PD) Planned Development. The applicant will present the Development Plan.

Development Services Director, Steve Killen gave the following report: City Council annexed the 91.83 acres of the property on May 7, 2024, with the 3.02 acres currently zoned within the city. On May 15, 2024, a Conceptual Plan was presented to the Planning and Zoning Commission for the 94.8-acre property. The applicant returned to the Planning and Zoning Commission on July 17, 2024, requesting approval of the Development Plan and assignment of zoning to Planned Development.

Mr. Killen continued by informing the Commission that water, sewer, and drainage plans have been submitted and staff comments were provided on June 28. The site plan has been reviewed by Development Services, Public Works and Fire as well. In response to comments received from the Conceptual Plan presentation, certain modifications have been made including increasing side and rear yard setbacks to 30' (requirement is 10' and 20", respectively). Landscape buffering will also be provided and storage building heights have been reduced. Director Killen did note that the site plan references Short-Term rentals, which are currently not regulated by the City of Stephenville

Development Services Director Killen concluded that a TIA has been conducted and a TXDOT driveway application is in progress.

John Allender with Architexas was present to answer the Commissioners' questions.

Chairperson LaTouche opened the public hearing at 6:13 PM.

Judy Addison, 381 FM 2303, spoke and wrote a letter in opposition to the rezone request.

Karen Dickerson, 2537 FM 108, spoke in opposition to the rezone request.

Casey Hammond, 909 FM 2303, spoke in opposition to the rezone request.

Kim Winfrey, 615 FM 2303, spoke in opposition to the rezone request.

Southwestern Pigeon, owner of the property spoke in favor of the rezone request.

Chairperson LaTouche closed the public hearing at 6:29 PM.

Commissioner Bonnie Terrell recused herself from voting on case.

MOTION by Nick Robinson, second by Paul Ashby, to recommend to the City Council to approve the rezone of property located at 315 FM 2303, Parcel R65090 being Acres 3.020, A0520 MENELEE JARRETT; and Parcel R22587, being 91.830 acres of the A0520 of MENELEE JARRETT; HOUSE & BARN, to the City of Stephenville, Erath County, Texas from (R-1) Single Family Residential and To Be Determined to (PD) Planned Development. MOTION failed to receive a two-thirds vote. Case was forwarded to City Council with no recommendation.

AYES: Lisa LaTouche, Nick Robinson

NOES: Tyler Wright, Justin Slawson, Brian Lesley, Paul Ashby

ADJOURN

The meeting was adjourned at 6:39 PM.

APPROVED:

Lisa LaTouche, Chair

ATTEST:

Steve Killen, Development Services Director

STAFF REPORT



SUBJECT: Case No.: RZ2024-010

Applicant Ishmael Calvillo is requesting a rezone of property located at 1125 Alexander Rd, being Parcel R17553, Acres 1.380, A0196 DUPUY JOHN B; & HOUSE of the City of Stephenville, Erath County, Texas from (R-1) Single Family Residential to (R-2) One and Two Family Residential District.

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen, Director of Development Services

RECOMMENDATION:

To provide the City Council with a recommendation for the rezone request.

BACKGROUND:

The property has current and future zoning of Single Family Residential. The applicant is requesting the rezone to build duplex homes. R-2 zoning includes single-family and two-family dwellings as permitted uses. Duplex style housing will require 75x100 lot dimensions. Water and sewer is available in the vicinity.

PROPERTY PROFILE:



Sec. 154.05.5. One- and two-family residential district (R-2).

5.5.A Description. This residential district provides for a neighborhood development of medium density. The primary land use allows for single-family dwellings, along with two family dwelling units. Recreational, religious and educational uses normally appropriate to such a residential neighborhood are also permitted to contribute to the natural elements of a convenient, balanced and attractive 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.

5.5.B Permitted Uses.

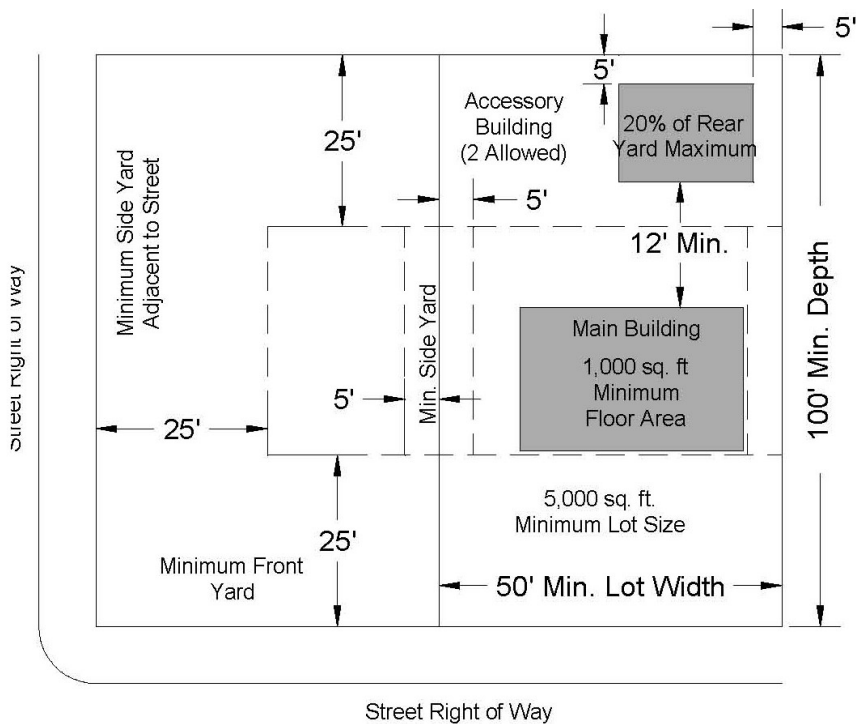
- (1) Single-family detached dwelling, limited to occupancy by a family having no more than three individuals who are unrelated by blood, legal adoption, marriage or conservatorship. The owner and any agent of the owner shall be legally responsible for directly or indirectly allowing, permitting, causing or failing to prohibit residential use of a dwelling in this district by more than three unrelated individuals;
- (2) Two-family dwelling units, with each family limited as in division (1) above;
- (3) Accessory buildings;
- (4) Churches, temples, mosques and related facilities;
- (5) Community home;
- (6) Park or playground; and
- (7) SISD school—public.

5.5.C Conditional Uses.

- (1) Home occupation;
- (2) Common facilities as the principal use of one or more platted lots in a subdivision;
- (3) Child care—registered family home and group day care home; and
- (4) Foster group home.

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

- (A) *Single family.*
 - (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 main building coverage as a percentage of lot area: 40%.
 - (b) Minimum area of main building: 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.

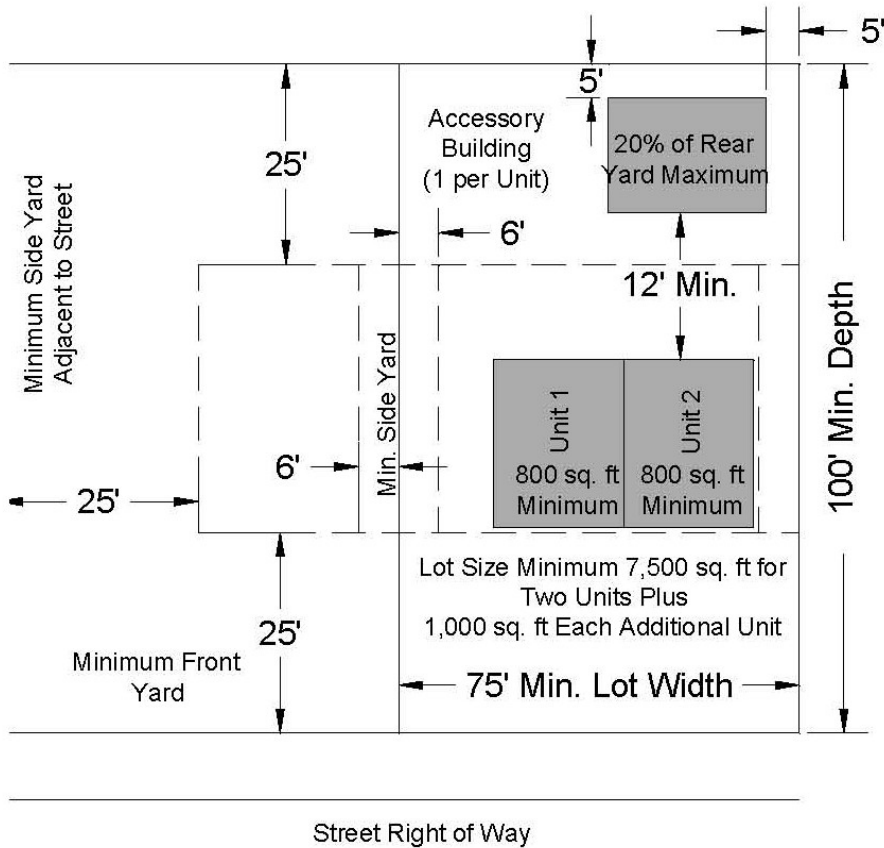


5.5. EParking Regulations. A Single-Family, R-2 District lot shall provide a minimum of two vehicle parking spaces, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in this ordinance, Section 11, Parking Regulations of this ordinance.

(B) *Two-family.*

- (1) Minimum lot area: minimum of 7,500 ft² for two-family 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 main building coverage as a percentage of lot area: 40%.
 - (b) Minimum area of each dwelling unit: 800 (two-family unit = 1,600 ft²; two units of 800 ft² each).
- (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.

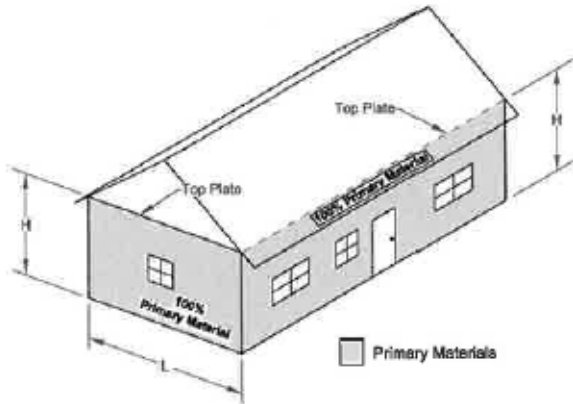
- (10) Public, semi-public or public service buildings, hospitals, institutions or schools may not exceed a height of 60 feet. Churches, temples and mosques may not exceed 75 feet, if the building is set back from each yard line at least one foot for each two feet additional height above the height limit in this district.



A Two-Family, R-2 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.

5.5.F Type of Construction.

- (1) The exterior walls of all new dwellings to the top plate, shall be constructed exclusively of primary materials, excluding doors, windows, and porches. See Section 10.E(1): Exterior Building Material Standard—Primary Materials.
- (2) 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.
- (3) Existing dwellings expanding the total square footage of the building by more than 50%, or proposing to use a material consistent with the primary structure for any expansion must use primary materials, Section 10.E(1): Exterior Building Material Standard—Primary Materials, for the expansion area.



NEW CONSTRUCTION

Total Exterior Wall shall equal,
100% of Primary Materials.
(Windows & Doors are excluded)

EXISTING STRUCTURES

1. Expanding or modifying the footage of the building 50% or less, may use the same exterior material as the existing primary building. If not available, approval is need from the Community Development Director.
2. Expanding or modifying the footage of the building 50% or more, must use 100% Primary Materials of the exterior wall.
3. Windows and Doors are excluded.

(Ord. 2011-26, passed 12-6-2011)

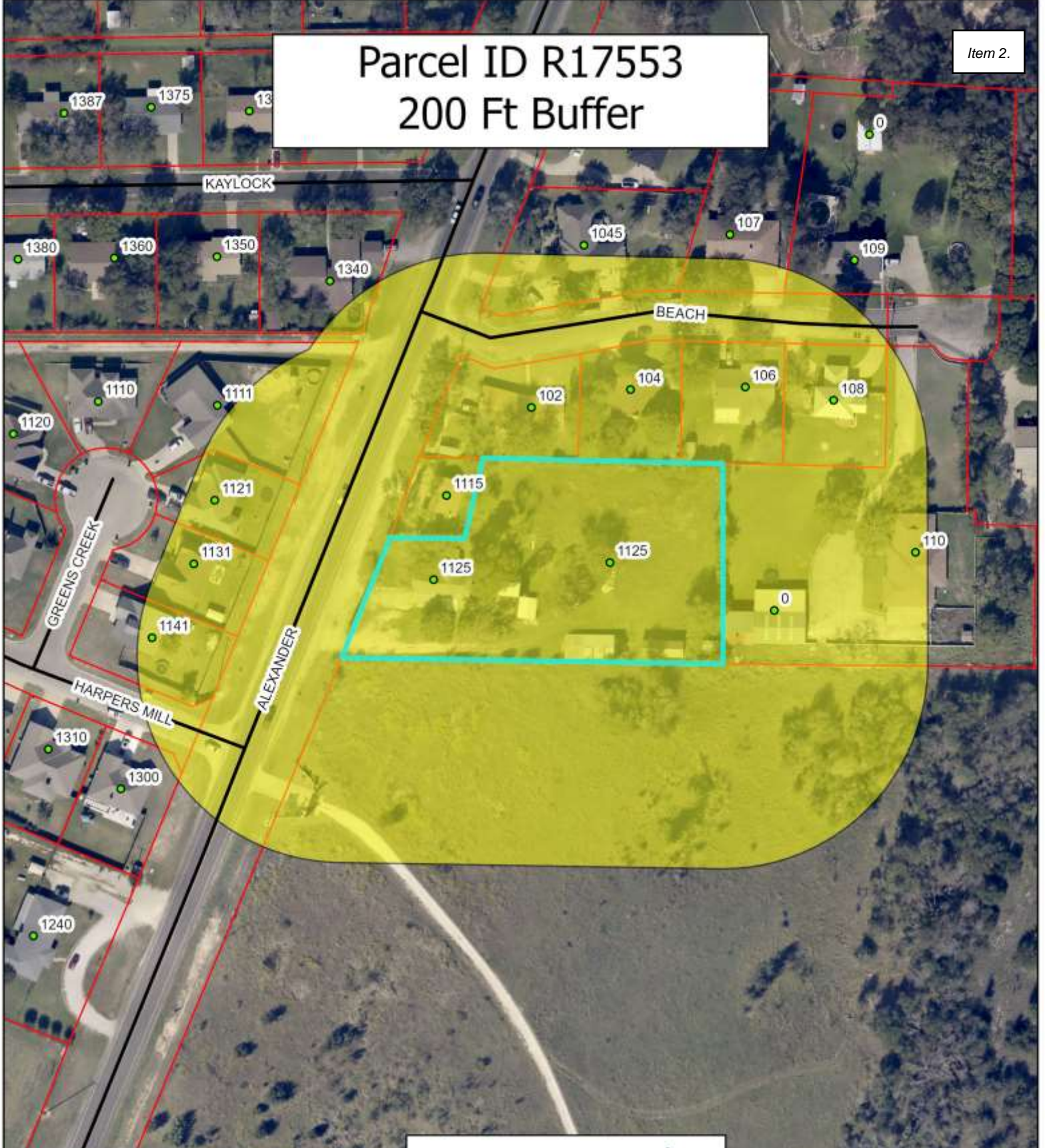
FACTORS TO CONSIDER:

- 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 property 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 approve.

ALTERNATIVES:

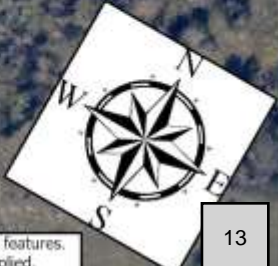
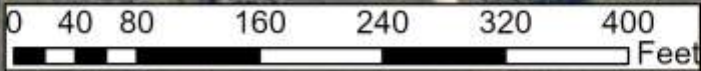
- 1) Recommend the City Council approve the rezoning request.
- 2) Recommend the City Council deny the rezoning request.

Parcel ID R17553 200 Ft Buffer



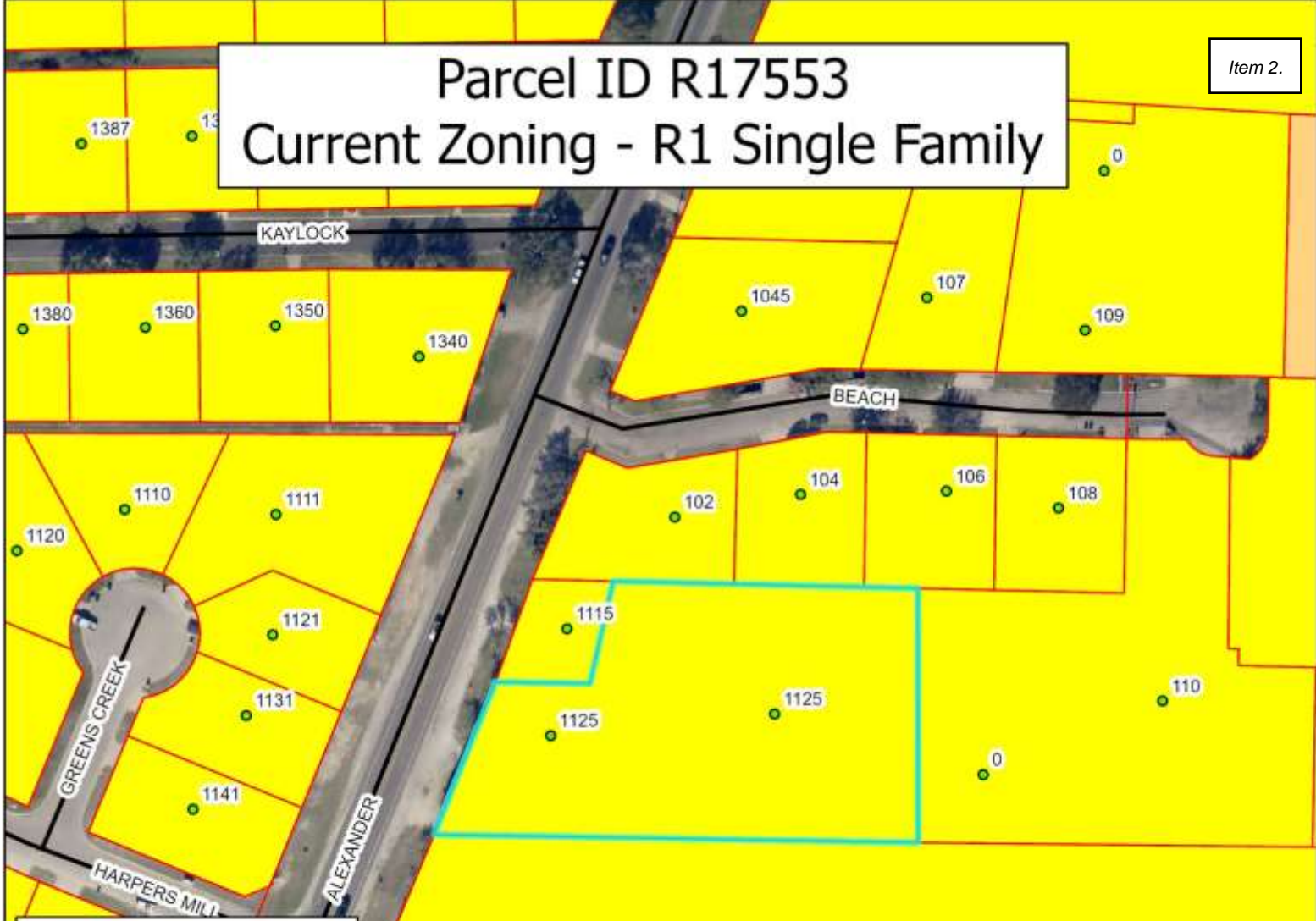
Legend

- ▭ Parcels
- Addresses
- Roads
- 200 Ft Buffer



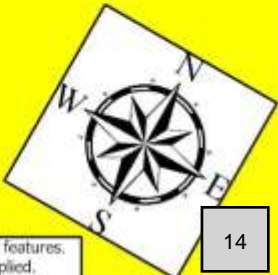
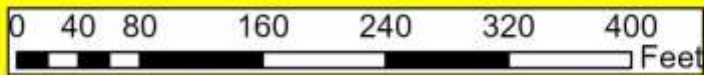
The City of Stephenville makes every effort to ensure this map is free of errors, but does not warrant the map or its features. The City of Stephenville provides this map without any warranty of any kind whatsoever, either expressed or implied.

Parcel ID R17553 Current Zoning - R1 Single Family



Legend

- Parcels
- Addresses
- Roads
- ZONING
- AG - Agricultural
- B-1 - Neighborhood Business
- B-2 - Retail and Commercial Business
- B-3 - Central Business
- B-4 - Private Club
- CTS - City, Tarleton, 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-2.5 - Integrated Housing
- R-3 - Multiple Family
- RE - Single Family - 1 Acre



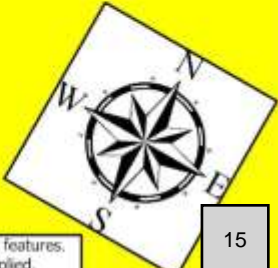
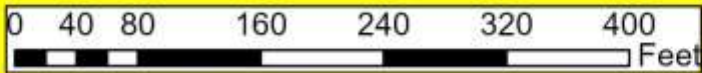
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Parcel ID R17553 Future Land Use - Single Family



Legend

- Parcels
- Addresses
- Roads
- Land Use
- Ag/Open Space
- Office/Neighbor Bus
- Commercial
- Cent Business Dist
- City/Tarleton/SISD
- Downtown
- Industrial
- Planned Development
- Single Family
- One and Two Family
- Multi-Fam/Resident
- Duplex/Townhome
- Manufact Homes



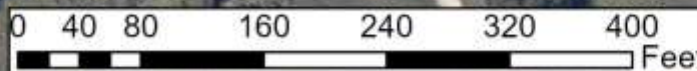
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Parcel ID R17553 Water & Sewer Utilities



Legend

- ▭ Parcels
- Addresses
- Roads
- Sewer Lines
- Water Lines



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Parcel R17553

200 ft Buffer Addresses

Parcel ID	Parcel Address	Parcel Owner	Owner Address	City	State	Zip Code
R000073444	1300 HARPERS MILL RD	BRAND JONI & FRANK	3251 HWY 2486	GUSTINE	TX	76455
R000073478	1121 GREENS CREEK CIRCLE	BRIDGES BARBARA M REVOCABLE TRUST	PO BOX 1532	WILSON	WY	83014
R000032398	109 BEACH DR	BULLION BETHANY & CLAYTON BULLION	109 BEACH DR	STEPHENVILLE	TX	76401
R000073443	0 HARPERS MILL RD	CITY OF STEPHENVILLE	298 W WASHINGTON	STEPHENVILLE	TX	76401-4257
R000078203	0 BEACH DR	CITY OF STEPHENVILLE	298 W WASHINGTON	STEPHENVILLE	TX	76401-4257
R000032394	104 BEACH DR	COCHRAN JASON V	104 BEACH DR	STEPHENVILLE	TX	76401-5200
R000032393	102 BEACH DR	CRAIG NORMAN A JR	102 BEACH DR	STEPHENVILLE	TX	76401-0000
R000017570	1255 ALEXANDER RD	ELLIOTT STEPHANY L	PO BOX 18	STEPHENVILLE	TX	76401
R000017554	110 BEACH DR	EVANS WILLIAM R & NANETTE V	112 BEACH DR	STEPHENVILLE	TX	76401-0000
R000073479	1131 GREENS CREEK CIRCLE	HARMON MATTHEW TAYLOR	1131 GREENS CREEK CIRCLE	STEPHENVILLE	TX	76401
R000017553	1125 ALEXANDER RD	HOANG PHUONG & ISMAEL CALVILLO	1125 ALEXANDER RD	STEPHENVILLE	TX	76401
R000073480	1141 GREENS CREEK CIRCLE	LESLEY BRIAN & JENNIFER LESLEY	1141 GREENS CREEK CIR	STEPHENVILLE	TX	76401-5176
R000032397	107 BEACH DR	LYON TIM D & DEBRA A LYON	13204 CR209	HICO	TX	76457
R000073477	1111 GREENS CREEK CIRCLE	MAGNUS JOHN & MELODY	1111 GREENS CREEK CIRCLE	STEPHENVILLE	TX	76401
R000017558	1045 ALEXANDER RD	MCCLENDON ANDREA	1045 ALEXANDER RD	STEPHENVILLE	TX	76401
R000017611	1115 ALEXANDER RD	MURRAY ANGIE	1395 MELISSA	STEPHENVILLE	TX	76401
R000032396	108 BEACH DR	SHIPP LEE D	306 PR881	STEPHENVILLE	TX	76401-9318
R000032395	106 BEACH DR	WINGEREID ERIC	106 BEACH ST	STEPHENVILLE	TX	76401
R000032499	1340 KAYLOCK	WOODLEE KEVIN G & MARGARET L WOODLEE	1340 KAYLOCK	STEPHENVILLE	TX	76401



STAFF REPORT

SUBJECT: FP2024-002

Applicant Troy Kunkel, Owner of Ironfund LLC, and representative Reece Flanagan with Flanagan Land Solutions, are requesting an approval of a Final Plat of property located at 525 Collins, Parcel R33237, of S5700 SHAPARD & COLLINS, BLOCK 6, LOT 1 & 2 of the City of Stephenville, Erath County, Texas.

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

RECOMMENDATION:

The applicant has submitted a Final Plat for PD 2021-002. Staff is requesting the Planning and Zoning Commission grant Conditional Approval of the Final Plat pending completion, verified by city staff, of the following items required by the Subdivision Ordinance, Chapter 155:

1. All public improvements must be completed and accepted through the submission of an Engineers' Letter of Certification of Completed Record Drawings – 155.5.06.D
2. A two-year maintenance bond for public improvements must be provided.
3. Tax Certificates must be obtained for Recordation with the County. 115.04.06.H.4.e
4. Alternatively, in relation to items 1-2 above, Execute an Escrow Agreement with the City as a surety of completion and acceptance of all public improvements.
5. Confirm all applicable statements have been added in accordance with Ord. Sec. 155.6.08 - Easements and dedications.
6. Proposed water and sewer easements to be updated, as applicable, based on as-built location of water and sewer lines and appurtenances. Final review by Public Works pending receipt of as-built survey/Record Drawings.
7. Label all drainage easements as "private".
8. Provide Proof of Ownership.
9. Provide Homeowner's Association Documents for review and approval by City Attorney.
10. The Homeowner's or Property Owner's Association for the subdivision, as applicable, shall be responsible for maintenance of private drainage improvements, and a note shall be included to this effect.
11. Show sanitary sewer easements along Race St. as private.
12. Show building setbacks.
13. Lot 34X must show a 20x20 site clip visibility easement.
14. Correct title errors for Director of Development Services.
15. Pay all fees related to the project.

Upon completion, the Final Plat may be submitted to the County for recordation purposes.

BACKGROUND:

The Planning and Zoning Commission convened on October 20, 2021, and recommended the City Council approve the Planned Development. Subsequently, on November 2, 2021, the City Council approved the rezone from Industrial (I) to Planned Development by Ordinance 2021-O-38.



DESCRIPTION OF ZONING

Sec. 154.08. Planned development district (PD).

8.A Description.

- (1) Planned development districts are designed for greater flexibility and discretion in the application of residential and non-residential zoning and for increased compatibility and the more effective mitigation of potentially adverse impacts on adjacent land than in possible under standard district regulations. It is recognized that it is desirable for certain areas of the city to be developed in accordance with development plans prepared and approved as a part of the ordinance authorizing the zoning necessary for the proposed development.
- (2) Improvements in a "PD" District are subject to conformance with a development plan approved by the City Council on Planning and Zoning Commission recommendation and after public hearing thereon. No development plan may increase gross density in excess of that allowed by the base district.

8.B Permitted Uses. In a PD Development District, no land shall be used, and no building shall be installed, erected for/or converted to any use other than a hereinafter provided.

NON-RESIDENTIAL PLANNED DEVELOPMENTS. Considered appropriate where the following conditions prevail:

- (1) The project utilized innovative land development concepts and is consistent with the Comprehensive Land Use plan and the goals and objectives of the city;
- (2) Non-residential uses are situated such that an appreciable amount of land is available for open space or joint use as parking space and is integrated throughout the planned development;
- (3) The site exhibits environmentally natural features which should be considered for preservation and/or enhancement;
- (4) Aesthetic amenities may be provided in the planned development design which are not economically feasible to provide in conventional non-residential projects; and

- (5) The project provides a compatible transition between adjacent existing single-family residential projects and provides a compatible transition for the extension of future single-family projects into adjacent undeveloped areas.

RESIDENTIAL PLANNED DEVELOPMENT. Considered appropriate where the following conditions prevail:

- (1) The project utilized innovative land development concepts and is consistent with the Comprehensive Land Use plan and the goals and objectives of the city;
- (2) Dwelling units are situated such that an appreciable amount of land for open space is available and is integrated throughout the planned development;
- (3) The project utilizes an innovative approach in lot configuration and mixture of single-family housing types;
- (4) Higher densities than conventional single-family projects of the same acreage is achievable with appropriate buffering between existing conventional single-family developments and increased open space;
- (5) The site exhibits environmentally natural features which should be considered for preservation and/or enhancement;
- (6) Aesthetic amenities may be provided in the planned development design which are not economically feasible to provide in conventional single-family projects; and
- (7) The project provides a compatible transition between adjacent existing conventional single-family residential projects and provides a compatible transition for the extension of future conventional single-family projects into adjacent undeveloped areas.

8.C Prohibited Uses.

- (1) Any building erected or land used for other than the use shown on the Planned Development Site Plan, as approved by the City Council.
- (2) Any use of property that does not meet the required minimum lot size; front, side and rear yard dimensions; and/or lot width, or exceeds the maximum height, building coverage or density per gross acreage as shown in the development's recorded Planned Development Site Plan, as approved by City Council.
- (3) Any use deemed by the City Council as being detrimental to the health, safety or general welfare of the citizens of Stephenville.

8.D Ownership. An application for approval of a Planned Development Plan under the Planned Development District regulations may be filed by a person having legal ownership of the property to be included in the Development Plan. In order to ensure unified planning and development of the property, the applicant shall provide evidence, in form satisfactory to the City Attorney, prior to final approval of the Development Plan, that the property is held in single ownership or is under single control. Land shall be deemed to be held in single ownership or under single control if it is in joint tenancy, tenancy in common, a partnership, a trust or a joint venture. The Development Plan shall be filed in the name(s) of the record owner(s) of the property, which shall be included in the application.

8.E Development Schedule.

- (1) An application for a Planned Development District shall be accompanied by a development schedule indicating the approximate date on which construction is expected to begin and the rate of anticipated development to completion. The development schedule, adopted and approved by the City Council, shall become part of the Planned Development Ordinance and shall be adhered to by the owner, developer and their assigns of successors in interest.

- (2) Annually, upon the anniversary date, or more frequently if required, the developer shall provide a written report to the Planning and Zoning Commission concerning the actual development accomplished as compared with the development schedule.
- (3) The Planning and Zoning Commission may, if in its opinion the owner or owners of the property are failing or have failed to meet the approved development schedule, initiate proceedings to amend the Official Zoning map or the Planned Development District by removing all or part of the Planned Development District from the Official Zoning Map and placing the area involved in another appropriate zoning district. After the recommendation of the Planning and Zoning commission and for good cause shown by the owner and developer, the City Council may extend the development schedule as may be indicated by the facts and conditions of the case.

8.F Plat Requirements. No application for a building permit for the construction of a building or structure shall be approved unless a plat, meeting all requirement of the City of Stephenville has been approved by the City Council and recorded in the official records of Erath County.

8.G Concept Plan. The applicant for any PD Planned Development shall submit a concept plan to the Planning and Zoning Commission for review prior to submitting a Development Plan. The concept plan shall contain appropriate information to describe the general land use configuration, proposed densities or lot sizes, proposed amenities and proposed regulation.

8.H Development Plan Approval Required. No building permit or certificate of occupancy shall be issued and no use of land, buildings or structures shall be made in the "PD" District until the same has been approved as part of a development plan in compliance with the procedures, terms and conditions of this section of the ordinance.

8.I Approval Procedures.

- (1) An application for development plan approval shall be filed with the Director of Community Development accompanied by a development plan.
- (2) The procedures for hearing a request for a zoning change to "PD" shall be the same as for a requested change to any other district as set forth Section 20 of the Zoning Ordinance.
- (3) Any substantive revision to a development plan between the public hearing before the Planning and Zoning Commission and the public hearing before the City Council shall necessitate the development plan being referred back to the Planning and Zoning Commission for review and evaluation unless the revision constitutes a minor change as provided below, or the change was condition of the approval.
- (4) Any revisions to the development plan after the public hearing before the City Council shall be submitted to the Director of Community Development for distribution, review and written evaluation by city staff prior to submission to and approved by the City Council.
- (5) Minor changes to an approved development plan, which will not cause any of the following circumstances to occur, may be authorized by the Director of Community Development or his or her designee:
 - (a) A change in the character of the development;
 - (b) An increase in the gross floor areas in structures;
 - (c) An increase in the intensity of use;
 - (d) A reduction in the originally approved separations between buildings;
 - (e) Any adverse changes in traffic circulation, safety, drainage and utilities;

- (f) Any adverse changes in such external effects on adjacent property as noise, heat, light, glare, vibration, height scale or proximity;
 - (g) A reduction in the originally approved setbacks from property lines;
 - (h) An increase in ground coverage by structures;
 - (i) A reduction in the ratio of off-street parking and loading space; and
 - (j) A change in the size, height, lighting or orientation of originally approved signs.
- (6) The decision of the Director of Community Development or his or her designee as to whether minor changes are being requested may be appealed to the Planning and Zoning Commission. Any change deemed not to be minor change, as indicated above, shall be processed as a new application in accordance with the provisions of this section and Section 20.1 of the Zoning Ordinance.

8.J Development Plan Requirements. The development plan submitted in support of a request for development plan approval shall contain sufficient information delineating the characteristics of the site, changes in those characteristics as may be proposed by the development, how the development will relate to public services and facilities and what protection features are included to insure that the development will be compatible with existing and allowable development on adjacent property. The development plan shall show at least the following items of information:

- (1) The location of all existing and planned non-single-family structures on the subject property;
- (2) Landscaping lighting and/or fencing and/or screening of common areas;
- (3) General locations of existing tree clusters, providing average size and number and indication of species;
- (4) Location and detail of perimeter fencing if applicable;
- (5) General description/location of ingress and egress with description of special pavement treatment if proposed;
- (6) Off-street parking and loading facilities, and calculations showing how the quantities were obtained for all non single-family purposes;
- (7) Height of all non-single-family structures;
- (8) Proposed uses;
- (9) Location and description of subdivision signage and landscaping at entrance areas;
- (10) Street names on proposed streets;
- (11) Proposed minimum area regulations including, set-backs, lot-sizes, widths, depths, side-yards, square footage or residential structures;
- (12) Indication of all development phasing and platting limits; and
- (13) Such additional terms and conditions, including design standards, as the Planning and Zoning Commission and the City Council deem necessary.

8.K Conditions for Development Plan Approval.

- (1) A development plan shall be approved only if all of the following conditions have been found during the review and process:
 - (a) That the uses will be compatible with and not injurious to the use and enjoyment of other property, nor significantly diminish or impair property values with the immediate vicinity;

- (b) That the establishment of the use or uses will not impede the normal and orderly development and improvements of surrounding vacant property;
 - (c) That adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;
 - (d) That the design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;
 - (e) That adequate nuisance prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;
 - (f) That directional lighting will be provided so as not to disturb or adversely affect neighboring properties.
- (2) In approving a development plan, the City Council may impose additional conditions necessary to protect the public interest and welfare of the community.

8.L Additional Conditions. Every Planned Development District approved under the provisions of this Ordinance shall be considered as an amendment to the Ordinance applicable to the property involved. In an approved Planned Development District, the City Council may impose conditions relative to the standard of development, and such conditions shall be complied with before a certificate of occupancy is issued for the use of the land or any structure which is part of the Planned Development District; and such condition shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be constructed as conditions precedent to the granting of a certificate of occupancy.

8.M Revocation.

- (1) Approval of a development plan may be revoked or modified, after notice and hearing, for either of the following reasons:
 - (a) Approval was obtained or extended by fraud or deception; or
 - (b) That one or more of the conditions imposed by the City Council on the development plan has not been met or has been violated.
- (2) Development controls:
 - (a) The City Council may impose more restrictive requirements than those proposed in the development plan in order to minimize incompatibilities;
 - (b) A "PD" District shall have a minimum lot area of not less than one acre under unified control;
 - (c) The parking requirements of the Zoning Ordinance shall apply to all uses in the "PD" District unless otherwise specified on the development plan; and
 - (d) "PD" provisions may vary setbacks with approval.

FACTORS TO CONSIDER:

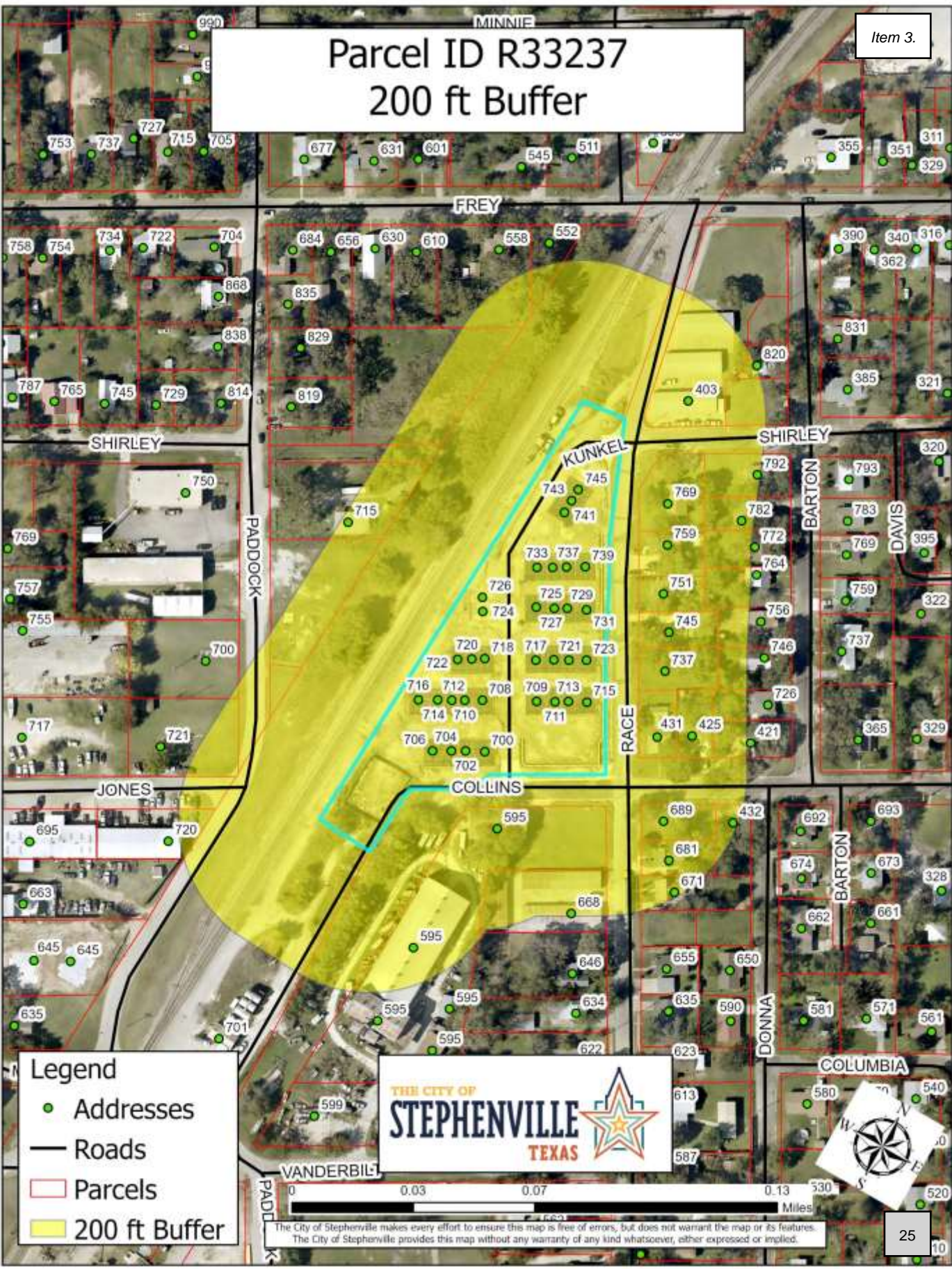
- Compliance with Comprehensive Plan?
- Is application consistent with Plan?
- If not, have conditions changed or new information been offered to support change?
- Surrounding Zoning and Land Use
- Infrastructure Impacts
- Size and Location of Parcel - is land large enough and in proper location for 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. Approve the Final Plat;
2. Approve the Final Plat with conditions, which shall mean that the Final Plat shall be considered to have been approved once such conditions are fulfilled, and until the conditions are satisfied, it is considered denied; or
3. Deny the Final Plat.

Parcel ID R33237 200 ft Buffer



Legend

- Addresses
- Roads
- Parcels
- 200 ft Buffer

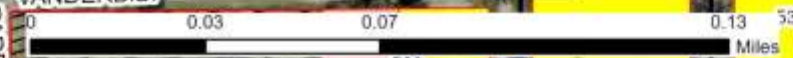


The City of Stephenville makes every effort to ensure this map is free of errors, but does not warrant the map or its features. The City of Stephenville provides this map without any warranty of any kind whatsoever, either expressed or implied.

Parcel ID R33237 Current Zoning - PD Planned Development

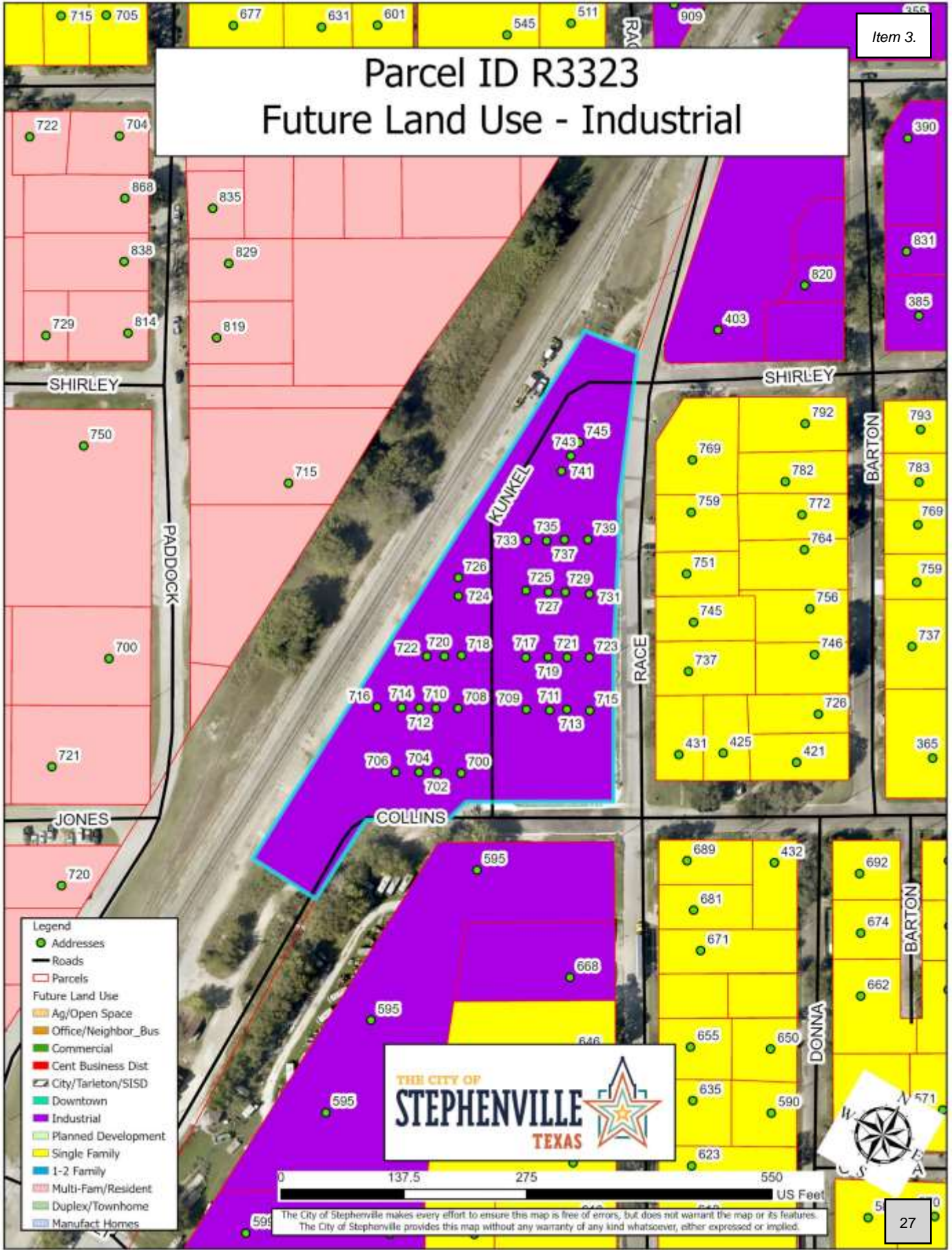


- Legend**
- Addresses
 - Roads
 - ▭ Parcels
- Zoning**
- ZONING**
- AG - Agricultural
 - B-1 - Neighborhood Business
 - B-2 - Retail and Commercial Business
 - B-3 - Central Business
 - B-4 - Private Club
 - CTS - City, Tarleton, School
 - DT - Downtown
 - IND - Industrial
 - PD - Planned Development
 - R-1 - Single Family - 7,500
 - R-1.5 - Single Family - 6,000
 - R-2 - One and Two Family
 - R-2.5 - Integrated Housing
 - R-3 - Multiple Family
 - RE - Single Family - 1 Acre



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Parcel ID R3323 Future Land Use - Industrial



- Legend**
- Addresses
 - Roads
 - ▭ Parcels
 - Future 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



0 137.5 275 550 US Feet

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Parcel R33237

200 Ft Buffer Addresses

Item 3.

Parcel_ID	Parcel Address	Parcel Owner	Owner Address	City	State	Zip Code
R000033232	746 BARTON	AGUILAR ISIDRO ARMANDO & EVERADO	746 N BARTON ST	STEPHENVILLE	TX	76401
R000042859	400 W SHIRLEY	BACHUS JAMES O FAMILY TRUST	PO BOX 552	STEPHENVILLE	TX	76401-0552
R000033213	810 BARTON	BACHUS JAMES P FAMILY TRUST	PO BOX 552	STEPHENVILLE	TX	76401-7640
R000033231	764 BARTON	CHRISTENSEN REGINA T	6618 ASPEN HILLS DR	MOORPARK	CA	93021
R000033268	690 N PADDOCK	CITY OF STEPHENVILLE	298 W WASHINGTON	STEPHENVILLE	TX	76401-4257
R000076895	0 N PADDOCK	CITY OF STEPHENVILLE	298 W WASHINGTON	STEPHENVILLE	TX	76401-4257
R000033226	421 W COLLINS	COLTON CARVER & JORDAN A	421 W COLLINS	STEPHENVILLE	TX	76401
R000033214	820 BARTON	ELSNER PAMELA D	820 N BARTON	STEPHENVILLE	TX	76401
R000033224	756 N BARTON	EQUITY TRUST COMPANY FBO SCOTT VOSS IRA	112 WHITNEY DR	HICKORY CREEK	TX	75065
R000014966	0 N PADDOCK & VANDERBILT	FORT WORTH & WESTERN RAILROAD	6300 RIDGLEA PLACE STE 1200	FORT WORTH	TX	76116-5738
R000033245	558 W FREY	FOSTER DAVID	558 W FREY	STEPHENVILLE	TX	76401
R000033223	772 BARTON	GONZALES DANIEL CECILIO & GERARDO CECILIO	580 SECOND	STEPHENVILLE	TX	76401
R000033269	721 W JONES	HALE & HALE RENTALS, LLC	150 HARBIN DR, SUITE 430	STEPHENVILLE	TX	76401
R000033222	792 BARTON	HAMMOND JORY W & YEVA G SLAUGHTER	792 N BARTON	STEPHENVILLE	TX	76401
R000033240	668 RACE	HARRIS DALE & DEBBY	102 WILLOW LANE	STEPHENVILLE	TX	76401
R000033244	552 FREY	HURST TAMATHA	6302 SIOUX DR	GRANBURY	TX	76049
R000033237	700 KUNKEL LN	IRONFUND, LLC	PO BOX 12324	FORT WORTH	TX	76110
R000033253	715 N PADDOCK	JPW CONSULTING COMPANY	1029 NORTHWEST HWY #282	GARLAND	TX	75041
R000033254	713 N PADDOCK	JPW CONSULTING COMPANY	1029 NORTHWEST HWY #282	GARLAND	TX	75041
R000076957	0 PADDOCK (OFF)	JPW CONSULTING COMPANY	1029 NORTHWEST HWY #282	GARLAND	TX	75041
R000077303	0 W SHIRLEY ST	JPW CONSULTING COMPANY	1029 NORTHWEST HWY #282	GARLAND	TX	75041
R000033229	431 COLLINS	KEELER GORDON WAYNE	2111 4TH ST	BROWNWOOD	TX	76801-4847
R000033239	595 W VANDERBILT	LEE MARCHELLE	695 PRAIRIE WIND BLVD	STEPHENVILLE	TX	76401
R000033235	759 RACE	MANRRIQUEZ GERARDO & CLARA	759 N RACE	STEPHENVILLE	TX	76401
R000060763	720 W JONES	MCDONALD RICHARD & JANE MCDONALD FAMILY TRUST	PO BOX 1783	STEPHENVILLE	TX	76401-0000
R000033230	782 BARTON	NEUBERT KATE	5676 CR258	DUBLIN	TX	76446
R000033236	769 RACE	PAUL JAMES & KARLA	2836 DOSS ROAD	BURLESON	TX	76028
R000033233	737 RACE	ROETZEL'S RESTORATIONS LLC	1800 NUTT GROVE CT	GRANBURY	TX	76049
R000033227	745 RACE	SAMORA IMELDA	745 N RACE	STEPHENVILLE	TX	76401
R000033256	661 MCCART	SOTO JOE FERNANDO	663 N MCCART	STEPHENVILLE	TX	76401
R000032535	681 N RACE	STARRX PROPERTIES LLC	1755 BIG VALLEY CIR	LIPAN	TX	76462
R000033225	726 BARTON	STE MARIE JASON & SARAH	846 SUN DOWN	STEPHENVILLE	TX	76401-4643
R000077632	0 RACE AVE	STEPHENVILLE RENTALS LLC	181 S GRAHAM	STEPHENVILLE	TX	76401
R000033241	646 N RACE	STUART BRANDI M & JAMES L STUART, JR	646 N RACE	STEPHENVILLE	TX	76401
R000032538	671 N RACE	TEVIS ROBERT AND APRIL TEVIS	2715 CR 299	DUBLIN	TX	76446
R000033228	425 W COLLINS	TUGGLE TYLER	425 W COLLINS STREET	STEPHENVILLE	TX	76401
R000032536	432 COLLINS	WELCH CRAIG & LISA WELCH	2215 CEDAR AVE	LEWISTON	ID	83501
R000032534	689 RACE	WELCH KELLIE AND CRAIG WELCH & LISA WELCH	4472 N US108	STEPHENVILLE	TX	76401
R000033234	751 RACE	YORK CAMERON ALLEN DUDZINSKI & ALYSSA MARIE LOREDO	751 RACE ST	STEPHENVILLE	TX	76401

UTILITY EASEMENTS

The easements shown thereon are hereby reserved for the purposes as indicated. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed, reconstructed, or placed upon, over or across the easements shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use the same. Any and all public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective system on the easements and all public utilities shall at all times have full right of ingress and egress to or from and upon reconstructing, inspecting, patrolling, maintaining, respective systems without the necessity at any time of procuring the permission of anyone.

Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and/or for any maintenance and service required or ordinarily performed by that utility. The easements dedicated are for the specific use of installing and maintaining water, sewer, electrical, natural gas, telephone, fiber or cablevision lines, and are not intended to be used for garbage dumpsters, the collection of garbage, or for the use of garbage vehicles in any manner.

W.L.E. - Water Line Easement & S.S.E. - Sanitary Sewer Easement (See Page 2)

CONSTRUCTION OVER EASEMENTS

No permanent buildings or structures shall be constructed over any existing or platted water, sanitary sewer, gas, electric, cable or other utility easement of any type.

UNDERGROUND UTILITIES

Underground utilities were not located during this survey. Call 811 and/or Utility Providers before excavation or construction.

FLOOD HAZARD NOTE

This tract appears to be located within Other Areas, Zone "X" - areas determined to be located outside of the 0.2% Annual Chance Flood Plain, according to the F.I.R.M. Community Panel 48143C0430D, dated November 16, 2011.

SPECIAL NOTICE

Selling a portion of this addition by metes and bounds is a violation of City Ordinance and State Law and is subject to fines, withholding of utilities, and/or building permits.

ADDITIONAL NOTES

No abstract of title or title commitment was provided to this surveyor. Record research performed by this surveyor was made only for the purpose of determining the boundary of this property and of the adjoining parcels. Record documents other than those shown on this survey may exist and encumber this property.

Please consult all applicable governing entities regarding rules & regulations, that may affect construction on this property.

All corners are set 1/2" iron rods with red plastic caps stamped "TEXAS SURVEYING INC.", set p.k. nail, or cut "X" in concrete, unless otherwise noted. Corners will be set upon completion of development and/or construction activities.

Lot X Note

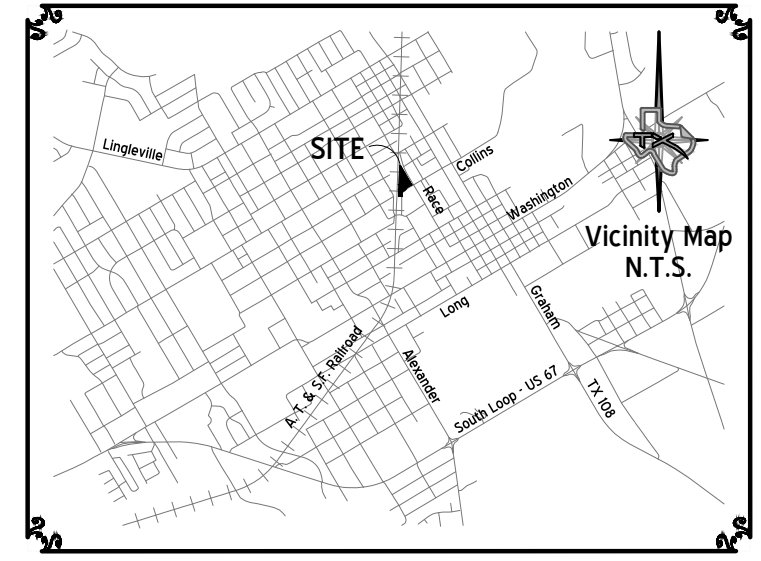
Lot 34X, Lot 35X, Lot 36X, Lot 37X & Lot 38X are Common Areas, Utility Easements & Drainage Easements.

Lot 39X is a twenty five foot (25') Utility, Drainage, Private Access Easement & Fire Lane.

The City of Stephenville will never accept or maintain the roads and/or common areas shown hereon. Additionally, the City will not be responsible for providing enforcement of traffic control within this subdivision.

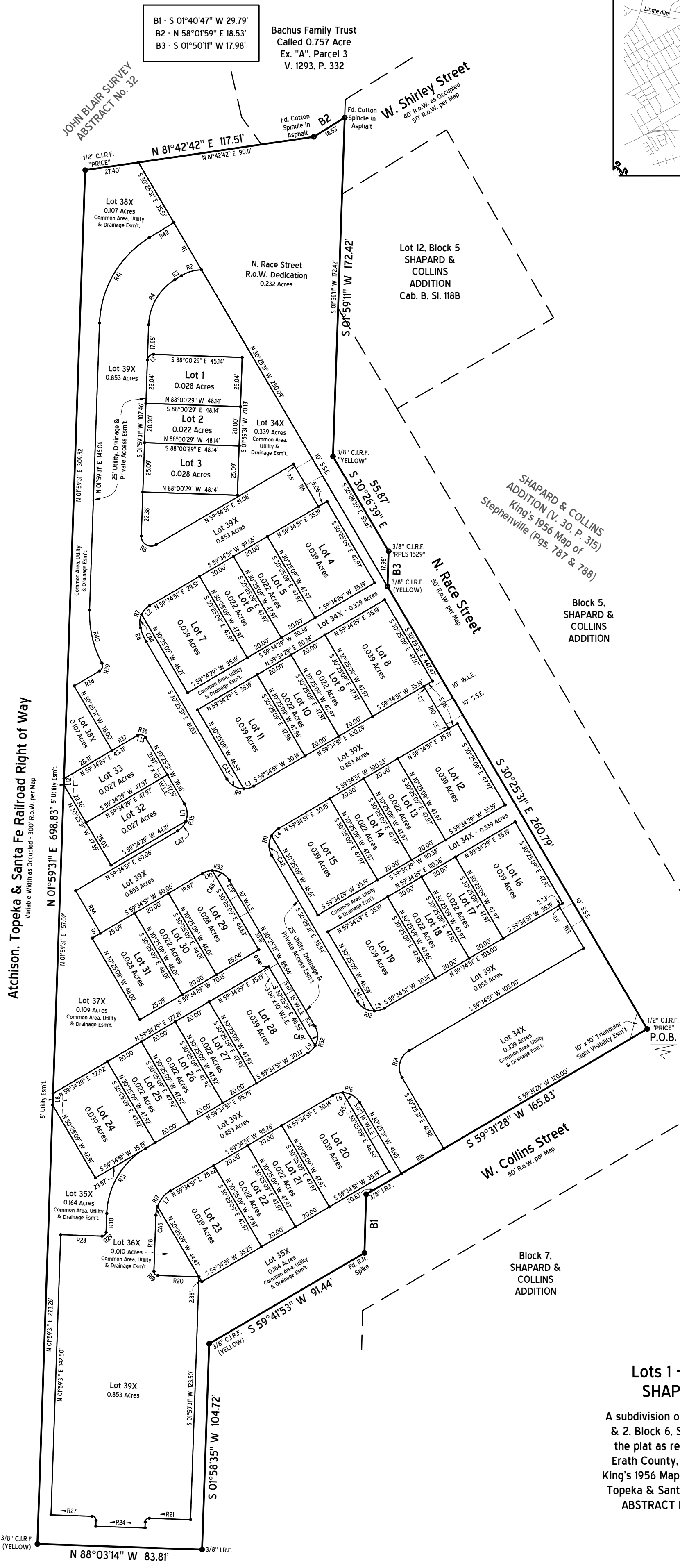
Notice to grantee(s) that all roads and/or common areas are private. The property owners shall be perpetually liable for maintenance and that the roads and/or common areas shall be maintained in such a standard which will not affect access by public service agencies such as police, fire and emergency medical services.

The City of Stephenville will never be responsible to maintain or repair the private water and/or sewer utilities within this subdivision and the property owners shall be perpetually liable for maintenance of said systems.



B1 - S 01°40'47" W 29.79'
 B2 - N 58°01'59" E 18.53'
 B3 - S 01°50'11" W 17.98'

Bachus Family Trust
 Called 0.757 Acre
 Ex. "A", Parcel 3
 V. 1293, P. 332



Lot 39X

Call	Bearing	Distance	Radius	Arc	Delta
R1	S 30°25'31" E	27.89'	20.00'	10.88'	31°10'20"
R2	S 73°59'19" W	10.75'	20.00'	10.88'	31°10'20"
R3	S 58°24'09" W	3.87'			
R4	S 30°11'50" W	26.47'	28.00'	27.57'	56°24'38"
R5	S 59°12'49" E	8.76'	5.00'	10.68'	122°24'40"
R6	S 30°25'09" E	25.00'			
R7	S 22°29'40" W	12.06'	10.00'	12.95'	74°10'22"
R8	S 22°30'31" E	7.71'	28.00'	7.74'	15°50'00"
R9	S 75°25'20" E	14.14'	10.00'	15.71'	89°59'38"
R10	S 30°25'09" E	25.00'			
R11	S 14°34'40" W	14.14'	10.00'	15.71'	90°00'22"
R12	S 75°25'20" E	14.14'	10.00'	15.71'	89°59'38"
R13	S 30°25'09" E	25.00'			
R14	S 14°34'40" W	14.14'	10.00'	15.71'	90°00'22"
R15	S 59°31'28" W	25.00'			
R16	N 75°25'20" W	14.14'	10.00'	15.71'	89°59'38"
R17	S 30°47'11" W	14.45'	15.00'	15.08'	57°35'20"
R18	S 01°59'31" W	28.56'			
R19	S 43°00'29" E	2.83'	2.00'	3.14'	90°00'00"
R20	S 88°00'29" E	21.00'			
R21	N 88°00'29" W	21.00'			
R22	S 46°59'31" W	2.83'	2.00'	3.14'	90°00'00"
R23	S 01°59'31" W	3.00'			
R24	N 88°00'29" W	25.00'			
R25	N 01°59'31" E	3.00'			
R26	N 43°00'29" W	2.83'	2.00'	3.14'	90°00'00"
R27	N 88°00'29" W	21.00'			
R28	S 88°00'29" E	21.00'			
R29	N 46°59'31" E	2.83'	2.00'	3.14'	90°00'00"
R30	N 01°59'31" E	9.56'			
R31	N 30°47'11" E	38.53'	40.00'	40.20'	57°35'20"
R32	N 14°34'40" E	14.14'	10.00'	15.71'	90°00'22"
R33	N 75°25'20" W	14.14'	10.00'	15.71'	89°59'38"
R34	N 30°25'09" W	25.00'			
R35	N 14°34'40" E	14.14'	10.00'	15.71'	90°00'22"
R36	N 30°25'31" W	39.16'			
R37	N 75°25'30" W	4.24'	3.00'	4.71'	89°59'58"
R38	S 59°34'31" W	15.00'			
R39	N 59°34'29" E	15.04'			
R40	N 15°40'08" E	4.16'	3.00'	4.60'	87°48'43"
R41	N 13°07'22" W	27.64'	53.00'	27.96'	30°13'45"
R42	N 30°11'50" E	50.10'	53.00'	52.18'	56°24'38"
R43	N 58°24'09" E	14.79'			

Lots 1 - 33

Call	Bearing	Distance	Radius	Arc	Delta
L1	N 46°59'31" E	4.24'	3.00'	4.71'	90°00'00"
L2	N 42°16'39" E	5.95'	10.00'	6.04'	34°36'25"
L3	S 74°46'15" W	5.24'	10.00'	5.30'	30°22'47"
L4	N 44°25'26" E	5.23'	10.00'	5.29'	30°18'51"
L5	S 74°46'06" W	5.24'	10.00'	5.30'	30°22'29"
L6	N 74°46'15" E	5.24'	10.00'	5.30'	30°22'47"
L7	N 39°37'29" E	10.24'	15.00'	10.45'	39°54'44"
L8	N 01°59'31" E	5.93'			
L9	S 44°22'26" W	5.25'	10.00'	5.31'	30°24'51"
L10	N 74°48'25" E	5.25'	10.00'	5.31'	30°27'07"
L11	S 04°36'28" E	8.71'	10.00'	9.01'	51°38'05"
L12	N 01°59'31" E	3.10'			
L13	S 75°25'30" E	4.24'	3.00'	4.71'	89°59'58"

Lots 34X - 38X

Call	Bearing	Distance	Radius	Arc	Delta
CA1	N 60°14'05" W	9.94'	10.00'	10.41'	59°37'09"
CA2	N 00°34'45" W	9.95'	10.00'	10.42'	59°41'31"
CA3	N 60°13'56" W	9.94'	10.00'	10.40'	59°36'51"
CA4	N 05°11'28" E	6.77'	10.00'	6.91'	39°33'57"
CA5	S 60°13'56" E	9.94'	10.00'	10.40'	59°36'51"
CA6	N 10°49'49" E	4.61'	15.00'	4.63'	17°40'36"
CA7	S 40°23'43" W	6.57'	10.00'	6.70'	38°22'17"
CA8	S 60°11'46" E	9.93'	10.00'	10.39'	59°32'31"
CA9	S 00°37'45" E	9.94'	10.00'	10.40'	59°35'31"

Final Plat

Lots 1 - 33, Lots 34X - 39X, Block 6 SHAPARD & COLLINS ADDITION

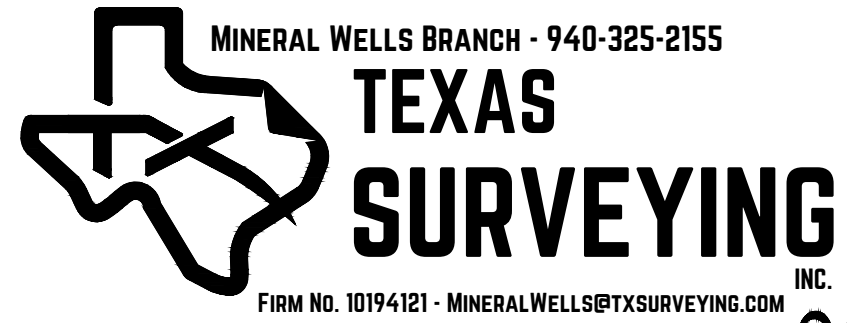
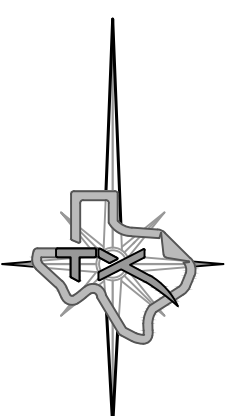
A subdivision of a 2.774 acres tract of land being all of Lots 1 & 2, Block 6, SHAPARD & COLLINS ADDITION, according to the plat as recorded Volume 30, Page 315, Deed Records, Erath County, Texas, as shown on pages 787 & 788 of the King's 1956 Map of Stephenville, and a portion of the Atchison, Topeka & Santa Fe Railroad out of the JOHN BLAIR SURVEY, ABSTRACT No. 32, all in the City of Stephenville, Erath County, Texas.

Page 1 of 2
 July 2024

Surveyor:
 Texas Surveying, Inc.
 Mineral Wells Branch
 112 S.E. 1st Street
 Mineral Wells, TX 76067
 940-325-2155
 Firm No. 10194121

Owner:
 Ironfund, LLC
 P.O. Box 12324
 Fort Worth, TX 76110

Engineer:
 Flanagan Land Solutions
 Dallas, TX
 www.flanagan-ls.com
 Firm No. F-22910



SURVEY DESCRIPTION

STATE OF TEXAS
COUNTY OF ERATH

Of a 2.774 acres tract of land out of the JOHN BLAIR SURVEY, ABSTRACT No. 32, and the SHAPARD & COLLINS ADDITION, City of Stephenville, Erath County, Texas; being all of Lots 1 & 2, Block 6, SHAPARD & COLLINS ADDITION, according to the plat as recorded Volume 30, Page 315, Deed Records, Erath County, Texas, as shown on pages 787 & 788 of the King's 1956 Map of Stephenville, and a portion of the Atchison, Topeka & Santa Fe Railroad, same being all of Tract One, Tract Two & Tract Three as conveyed to Ironfund, LLC in Clerk File No. 2023-05030, Official Public Records, Erath County, Texas; being further described by metes and bounds as follows:

The following Bearings, Distances, and/or Areas derived from GNSS observations performed by Texas Surveying, Inc. and reflect Surface Adjusted, N.A.D. 1983, Texas State Plane Coordinate System, North Central Zone 4202, using Texas Department of Transportation Surface Adjustment Factor of 1.00012.

BEGINNING at a found 1/2" Iron rod with red plastic cap stamped "PRICE", at the southeast corner of said Lot 2, Block 6, same being the intersection of the north right of way line of W. Collins Street with the west right of way line of N. Race Street, for the easterly southeast and beginning corner of this tract.

THENCE S 59°31'28" W 165.83 feet along the north line of said W. Collins Street to a found 3/8" iron rod, in the east line of said Atchison, Topeka & Santa Fe Railroad, at the southwest corner of said Lot 2, Block 6, for a corner of this tract.

THENCE along the east & south lines of said Tract Three as follows:
S 01°40'47" W 29.79 feet to a found railroad spike, for a southeast corner of this tract.
S 59°41'53" W 91.44 feet to a found 3/8" iron rod with yellow plastic cap;
S 01°58'35" W 104.72 feet to a found 3/8" iron rod, for the southeast corner of this tract.
N 88°03'14" W 83.81 feet to a found 3/8" iron rod with yellow plastic cap, for the southwest corner of this tract.

THENCE N 01°59'31" E 698.83 feet thirty-nine feet east of (39' E.) & parallel to (//) the railroad main line to a found 1/2" iron rod with red plastic cap stamped "PRICE", for the northwest corner of this tract.

THENCE N 81°42'42" E 117.51 feet to a found cotton spindle within the pavement of W. Shirley Street, at a corner of that called 0.757 acre tract of land described in Exhibit "A", Parcel 3 in Volume 1293, Page 332, O.P.R.E.C.T., for a corner of this tract.

THENCE N 58°01'59" E 18.53 feet within the pavement of said W. Shirley Street along the south line of said 0.757 acre tract to a found cotton spindle, for the northeast corner of this tract.

THENCE along the east line of said Tract Three as follows:
S 01°59'11" W 172.42 feet to a found 3/8" iron rod with yellow plastic cap;
S 30°26'39" E 55.87 feet to a found 3/8" iron rod with plastic cap stamped "RPLS 1529";
S 01°50'11" W 17.98 feet to a found 3/8" iron rod with yellow plastic cap, at the northerly corner of said Lot 1, Block 6, for a corner of this tract.

THENCE S 30°25'31" E 260.79 feet along the west right of way line of said N. Race Street to the POINT OF BEGINNING.

SURVEYOR CERTIFICATION

That I, Micah Hamilton, a Registered Professional Land Surveyor of the State of Texas, Registration No. 5865, do hereby certify that the plat hereon was prepared from an actual on the ground survey of the legally described property shown hereon.

Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.

Micah Hamilton, Registered Professional Land Surveyor No. 5865
M21345-PLAT-R7 - July 2024

KNOW ALL MEN BY THESE PRESENTS

That, Cowtown Properties, LLC, being the sole owner, do hereby adopt this plat designating the herein described real property as Lots 1 - 33 & Lots 34X - 39X, Block 6, SHAPARD & COLLINS ADDITION, City of Stephenville, Erath County, Texas, and I do hereby dedicate to the public's use forever the easements and rights-of-way shown hereon, witness my hand, this _____ day of _____, 2024.

OWNER

Agent and/or Representative

Title

STATE OF TEXAS

Before me, the undersigned, a Notary Public in and for the State of Texas on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.
Given under my hand and seal of office, this _____ day of _____, 2024.

APPROVAL STATEMENT

Approved by the Director of Building Services of the City of Stephenville, Erath County, Texas.

Approved: _____ 2024

City of Stephenville

Erath County, Texas

By: _____
Directory of Building Services

Attest: _____
City Secretary

County Clerk Statement

I, Gwinda Jones, Clerk of the County Court of Erath County, do hereby certify that the foregoing instrument in writing, with this certificate of authentication was filed for record and duly recorded at my office this _____ day of _____, 2024, at _____ o'clock, _____, in the Official Public Records of Erath County, Texas, in Document No. _____ Cabinet _____ Slide _____.

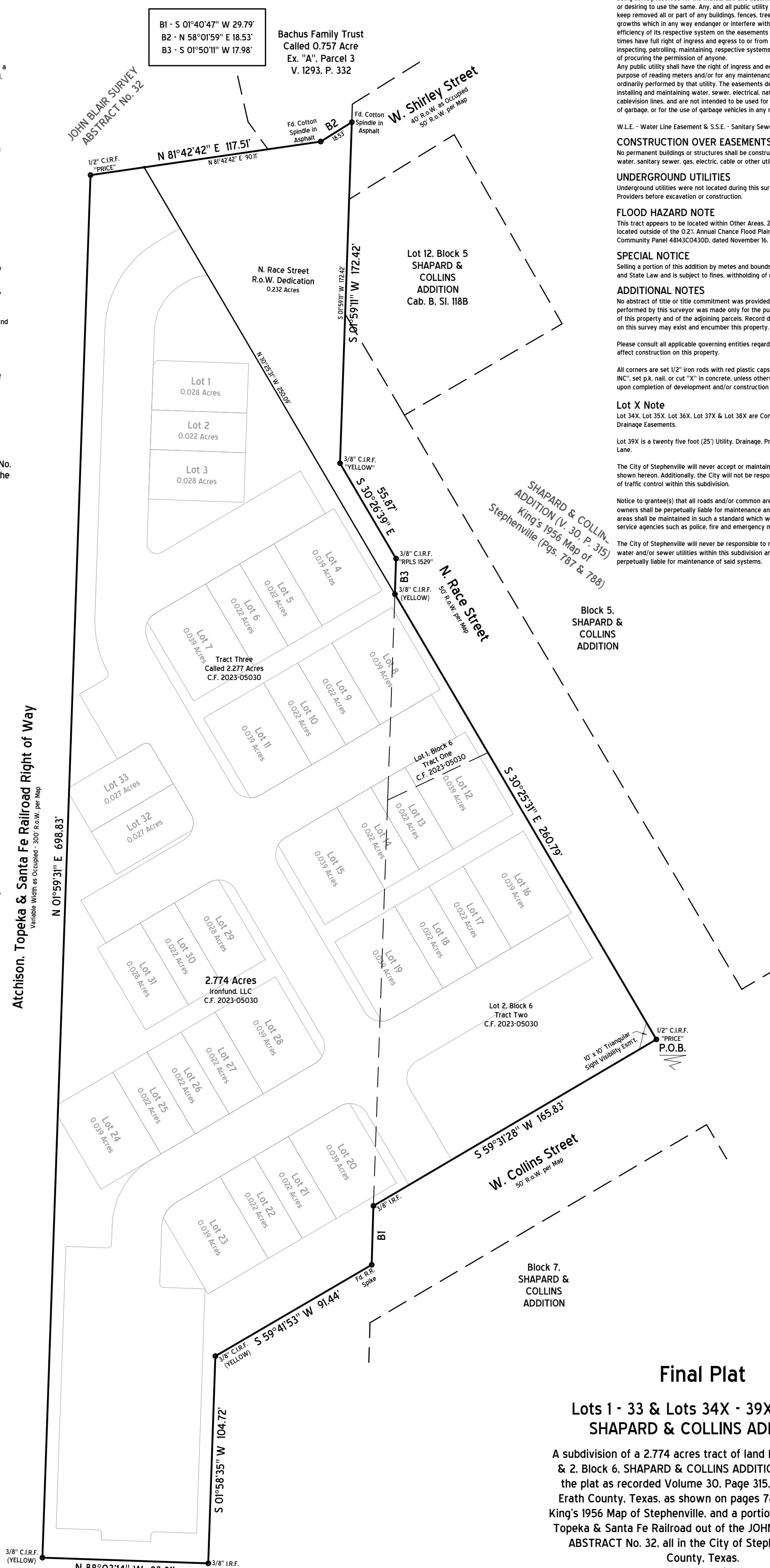
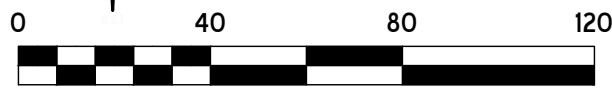
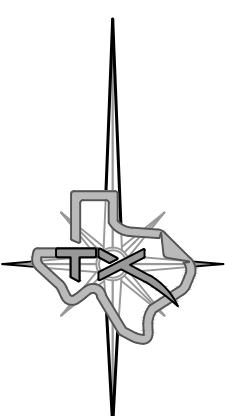
Gwinda Jones, Clerk of County Court of Erath County, Texas

Deputy

Surveyor:
Texas Surveying, Inc.
Mineral Wells Branch
112 S.E. 1st Street
Mineral Wells, TX 76067
940-325-2155
Firm No. 10194121

Owner:
Ironfund, LLC
P.O. Box 12324
Fort Worth, TX 76110

Engineer:
Flanagan Land Solutions
Dallas, TX
www.flanagan-ls.com
Firm No. F-22910



UTILITY EASEMENTS
The easements shown thereon are hereby reserved for the purposes as indicated. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed, reconstructed, or placed upon, over or across the easements shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use the same. Any, and all public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, efficiency of its respective system on the easements and all public utilities shall at all times have full right of ingress and egress to or from and upon reconstructing, inspecting, patrolling, maintaining, respective systems without the necessity at any time of procuring the permission of anyone.
Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and/or for any maintenance and service required or ordinarily performed by that utility. The easements dedicated are for the specific use of installing and maintaining water, sewer, electrical, natural gas, telephone, fiber or cablevision lines, and are not intended to be used for garbage dumpsters, the collection of garbage, or for the use of garbage vehicles in any manner.

W.L.E. - Water Line Easement & S.S.E. - Sanitary Sewer Easement
CONSTRUCTION OVER EASEMENTS
No permanent buildings or structures shall be constructed over any existing or platted water, sanitary sewer, gas, electric, cable or other utility easement of any type.

UNDERGROUND UTILITIES
Underground utilities were not located during this survey. Call 811 and/or Utility Providers before excavation or construction.

FLOOD HAZARD NOTE
This tract appears to be located within Other Areas, Zone "X" - areas determined to be located outside of the 0.2% Annual Chance Flood Plain, according to the F.I.R.M. Community Panel 4843C0430D, dated November 16, 2011.

SPECIAL NOTICE
Selling a portion of this addition by metes and bounds is a violation of City Ordinance and State Law and is subject to fines, withholding of utilities, and/or building permits.

ADDITIONAL NOTES
No abstract of title or title commitment was provided to this surveyor. Record research performed by this surveyor was made only for the purpose of determining the boundary of this property and of the adjoining parcels. Record documents other than those shown on this survey may exist and encumber this property.

Please consult all applicable governing entities regarding rules & regulations, that may affect construction on this property.
All corners are set 1/2" iron rods with red plastic caps stamped "TEXAS SURVEYING INC.", set p.k. nail, or cut "X" in concrete, unless otherwise noted. Corners will be set upon completion of development and/or construction activities.

Lot X Note
Lot 34X, Lot 35X, Lot 36X, Lot 37X & Lot 38X are Common Areas, Utility Easements & Drainage Easements.
Lot 39X is a twenty five foot (25') Utility, Drainage, Private Access Easement & Fire Lane.

The City of Stephenville will never accept or maintain the roads and/or common areas shown hereon. Additionally, the City will not be responsible for providing enforcement of traffic control within this subdivision.

Notice to grantee(s) that all roads and/or common areas are private, the property owners shall be perpetually liable for maintenance and that the roads and/or common areas shall be maintained in such a standard which will not affect access by public service agencies such as police, fire and emergency medical services.

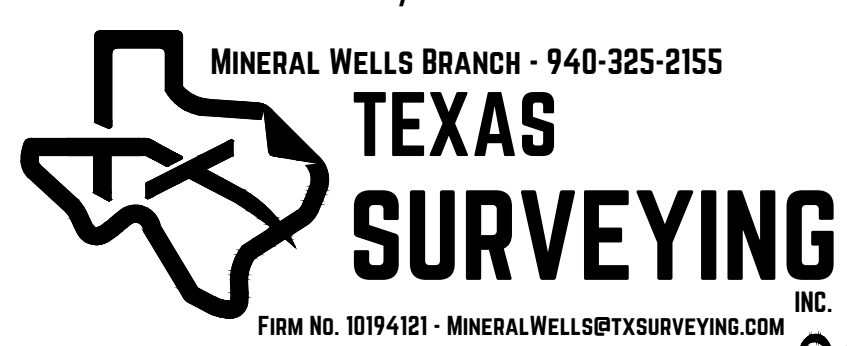
The City of Stephenville will never be responsible to maintain or repair the private water and/or sewer utilities within this subdivision and the property owners shall be perpetually liable for maintenance of said systems.

Final Plat

Lots 1 - 33 & Lots 34X - 39X, Block 6
SHAPARD & COLLINS ADDITION

A subdivision of a 2.774 acres tract of land being all of Lots 1 & 2, Block 6, SHAPARD & COLLINS ADDITION, according to the plat as recorded Volume 30, Page 315, Deed Records, Erath County, Texas, as shown on pages 787 & 788 of the King's 1956 Map of Stephenville, and a portion of the Atchison, Topeka & Santa Fe Railroad out of the JOHN BLAIR SURVEY, ABSTRACT No. 32, all in the City of Stephenville, Erath County, Texas.

Page 2 of 2
July 2024





STAFF REPORT

SUBJECT: FP2023-002

Applicant Taylor Kanute, representing Harbin Street, LLC, is requesting approval of a Final Plat of the property located at 0 Harbin, Parcel R73763 of S6200 South Side Addition, Block 19, Lot 15 of the City of Stephenville, Erath County, Texas.

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

RECOMMENDATION:

The applicant has submitted a Final Plat that has been reviewed by staff. Staff is requesting the Planning and Zoning Commission grant Conditional Approval of the Final Plat pending completion, verified by city staff, of the following items required by the Subdivision Ordinance, Chapter 155:

1. Tax Certificates must be obtained for Recordation with the County. 115.04.06.H.4.e
2. Provide Homeowner's Association Documents for review and approval by City Attorney.
3. Pay all fees related to the project.
4. Correct plat title, block and lot discrepancies.

Upon completion, the Final Plat may be submitted to the County for recordation.

BACKGROUND:

The Planning and Zoning Commission convened on May 19, 2021, and by a vote of 5/1, recommended the City Council approve the rezoning request. Subsequently, on June 1, 2021, the City Council approved Ordinance No. 2021-O-19, rezoning the property from Retail and Commercial Business (B-2) to Planned Development District.

Significant project delays occurred due to the developer having to obtain an easement from the railroad to extend the sewer line along Harbin Street. The easement was secured, and public improvements have started. An updated Development Schedule was approved in August 2023. Mr. Kanute is now requesting approval of the Final Plat to begin vertical construction in conjunction with the construction of the public improvements.



DESCRIPTION OF ZONING

Sec. 154.08. Planned development district (PD).

8.A Description.

- (1) Planned development districts are designed for greater flexibility and discretion in the application of residential and non-residential zoning and for increased compatibility and the more effective mitigation of potentially adverse impacts on adjacent land than in possible under standard district regulations. It is recognized that it is desirable for certain areas of the city to be developed in accordance with development plans prepared and approved as a part of the ordinance authorizing the zoning necessary for the proposed development.
- (2) Improvements in a "PD" District are subject to conformance with a development plan approved by the City Council on Planning and Zoning Commission recommendation and after public hearing thereon. No development plan may increase gross density in excess of that allowed by the base district.

8.B Permitted Uses. In a PD Development District, no land shall be used, and no building shall be installed, erected for/or converted to any use other than a hereinafter provided.

NON-RESIDENTIAL PLANNED DEVELOPMENTS. Considered appropriate where the following conditions prevail:

- (1) The project utilized innovative land development concepts and is consistent with the Comprehensive Land Use plan and the goals and objectives of the city;

- (2) Non-residential uses are situated such that an appreciable amount of land is available for open space or joint use as parking space and is integrated throughout the planned development;
- (3) The site exhibits environmentally natural features which should be considered for preservation and/or enhancement;
- (4) Aesthetic amenities may be provided in the planned development design which are not economically feasible to provide in conventional non-residential projects; and
- (5) The project provides a compatible transition between adjacent existing single-family residential projects and provides a compatible transition for the extension of future single-family projects into adjacent undeveloped areas.

RESIDENTIAL PLANNED DEVELOPMENT. Considered appropriate where the following conditions prevail:

- (1) The project utilized innovative land development concepts and is consistent with the Comprehensive Land Use plan and the goals and objectives of the city;
- (2) Dwelling units are situated such that an appreciable amount of land for open space is available and is integrated throughout the planned development;
- (3) The project utilizes an innovative approach in lot configuration and mixture of single-family housing types;
- (4) Higher densities than conventional single-family projects of the same acreage is achievable with appropriate buffering between existing conventional single-family developments and increased open space;
- (5) The site exhibits environmentally natural features which should be considered for preservation and/or enhancement;
- (6) Aesthetic amenities may be provided in the planned development design which are not economically feasible to provide in conventional single-family projects; and
- (7) The project provides a compatible transition between adjacent existing conventional single-family residential projects and provides a compatible transition for the extension of future conventional single-family projects into adjacent undeveloped areas.

8.C Prohibited Uses.

- (1) Any building erected or land used for other than the use shown on the Planned Development Site Plan, as approved by the City Council.
- (2) Any use of property that does not meet the required minimum lot size; front, side and rear yard dimensions; and/or lot width, or exceeds the maximum height, building coverage or density per gross acreage as shown in the development's recorded Planned Development Site Plan, as approved by City Council.
- (3) Any use deemed by the City Council as being detrimental to the health, safety or general welfare of the citizens of Stephenville.

8.D Ownership. An application for approval of a Planned Development Plan under the Planned Development District regulations may be filed by a person having legal ownership of the property to be included in the Development Plan. In order to ensure unified planning and development of the property, the applicant shall provide evidence, in form satisfactory to the City Attorney, prior to final approval of the Development Plan, that the property is held in single ownership or is under single control. Land shall be deemed to be held in single ownership or under single control if it is in joint tenancy, tenancy in common, a partnership, a trust or a joint venture. The Development Plan shall be filed in the name(s) of the record owner(s) of the property, which shall be included in the application.

8.E Development Schedule.

- (1) An application for a Planned Development District shall be accompanied by a development schedule indicating the approximate date on which construction is expected to begin and the rate of anticipated development to completion. The development schedule, adopted and approved by the City Council, shall become part of the Planned Development Ordinance and shall be adhered to by the owner, developer and their assigns or successors in interest.
- (2) Annually, upon the anniversary date, or more frequently if required, the developer shall provide a written report to the Planning and Zoning Commission concerning the actual development accomplished as compared with the development schedule.
- (3) The Planning and Zoning Commission may, if in its opinion the owner or owners of the property are failing or have failed to meet the approved development schedule, initiate proceedings to amend the Official Zoning map or the Planned Development District by removing all or part of the Planned Development District from the Official Zoning Map and placing the area involved in another appropriate zoning district. After the recommendation of the Planning and Zoning Commission and for good cause shown by the owner and developer, the City Council may extend the development schedule as may be indicated by the facts and conditions of the case.

8.F Plat Requirements. No application for a building permit for the construction of a building or structure shall be approved unless a plat, meeting all requirements of the City of Stephenville has been approved by the City Council and recorded in the official records of Erath County.

8.G Concept Plan. The applicant for any PD Planned Development shall submit a concept plan to the Planning and Zoning Commission for review prior to submitting a Development Plan. The concept plan shall contain appropriate information to describe the general land use configuration, proposed densities or lot sizes, proposed amenities and proposed regulation.

8.H Development Plan Approval Required. No building permit or certificate of occupancy shall be issued and no use of land, buildings or structures shall be made in the "PD" District until the same has been approved as part of a development plan in compliance with the procedures, terms and conditions of this section of the ordinance.

8.I Approval Procedures.

- (1) An application for development plan approval shall be filed with the Director of Community Development accompanied by a development plan.
- (2) The procedures for hearing a request for a zoning change to "PD" shall be the same as for a requested change to any other district as set forth Section 20 of the Zoning Ordinance.
- (3) Any substantive revision to a development plan between the public hearing before the Planning and Zoning Commission and the public hearing before the City Council shall necessitate the development plan being referred back to the Planning and Zoning Commission for review and evaluation unless the revision constitutes a minor change as provided below, or the change was a condition of the approval.
- (4) Any revisions to the development plan after the public hearing before the City Council shall be submitted to the Director of Community Development for distribution, review and written evaluation by city staff prior to submission to and approved by the City Council.
- (5) Minor changes to an approved development plan, which will not cause any of the following circumstances to occur, may be authorized by the Director of Community Development or his or her designee:
 - (a) A change in the character of the development;

- (b) An increase in the gross floor areas in structures;
 - (c) An increase in the intensity of use;
 - (d) A reduction in the originally approved separations between buildings;
 - (e) Any adverse changes in traffic circulation, safety, drainage and utilities;
 - (f) Any adverse changes in such external effects on adjacent property as noise, heat, light, glare, vibration, height scale or proximity;
 - (g) A reduction in the originally approved setbacks from property lines;
 - (h) An increase in ground coverage by structures;
 - (i) A reduction in the ratio of off-street parking and loading space; and
 - (j) A change in the size, height, lighting or orientation of originally approved signs.
- (6) The decision of the Director of Community Development or his or her designee as to whether minor changes are being requested may be appealed to the Planning and Zoning Commission. Any change deemed not to be minor change, as indicated above, shall be processed as a new application in accordance with the provisions of this section and Section 20.1 of the Zoning Ordinance.

8.J Development Plan Requirements. The development plan submitted in support of a request for development plan approval shall contain sufficient information delineating the characteristics of the site, changes in those characteristics as may be proposed by the development, how the development will relate to public services and facilities and what protection features are included to insure that the development will be compatible with existing and allowable development on adjacent property. The development plan shall show at least the following items of information:

- (1) The location of all existing and planned non-single-family structures on the subject property;
- (2) Landscaping lighting and/or fencing and/or screening of common areas;
- (3) General locations of existing tree clusters, providing average size and number and indication of species;
- (4) Location and detail of perimeter fencing if applicable;
- (5) General description/location of ingress and egress with description of special pavement treatment if proposed;
- (6) Off-street parking and loading facilities, and calculations showing how the quantities were obtained for all non single-family purposes;
- (7) Height of all non-single-family structures;
- (8) Proposed uses;
- (9) Location and description of subdivision signage and landscaping at entrance areas;
- (10) Street names on proposed streets;
- (11) Proposed minimum area regulations including, set-backs, lot-sizes, widths, depths, side-yards, square footage or residential structures;
- (12) Indication of all development phasing and platting limits; and
- (13) Such additional terms and conditions, including design standards, as the Planning and Zoning Commission and the City Council deem necessary.

8.K Conditions for Development Plan Approval.

- (1) A development plan shall be approved only if all of the following conditions have been found during the review and process:
 - (a) That the uses will be compatible with and not injurious to the use and enjoyment of other property, nor significantly diminish or impair property values with the immediate vicinity;
 - (b) That the establishment of the use or uses will not impede the normal and orderly development and improvements of surrounding vacant property;
 - (c) That adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;
 - (d) That the design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;
 - (e) That adequate nuisance prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;
 - (f) That directional lighting will be provided so as not to disturb or adversely affect neighboring properties.
- (2) In approving a development plan, the City Council may impose additional conditions necessary to protect the public interest and welfare of the community.

8.L Additional Conditions. Every Planned Development District approved under the provisions of this Ordinance shall be considered as an amendment to the Ordinance applicable to the property involved. In an approved Planned Development District, the City Council may impose conditions relative to the standard of development, and such conditions shall be complied with before a certificate of occupancy is issued for the use of the land or any structure which is part of the Planned Development District; and such condition shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be constructed as conditions precedent to the granting of a certificate of occupancy.

8.M Revocation.

- (1) Approval of a development plan may be revoked or modified, after notice and hearing, for either of the following reasons:
 - (a) Approval was obtained or extended by fraud or deception; or
 - (b) That one or more of the conditions imposed by the City Council on the development plan has not been met or has been violated.
- (2) Development controls:
 - (a) The City Council may impose more restrictive requirements than those proposed in the development plan in order to minimize incompatibilities;
 - (b) A "PD" District shall have a minimum lot area of not less than one acre under unified control;
 - (c) The parking requirements of the Zoning Ordinance shall apply to all uses in the "PD" District unless otherwise specified on the development plan; and
 - (d) "PD" provisions may vary setbacks with approval.

FACTORS TO CONSIDER:

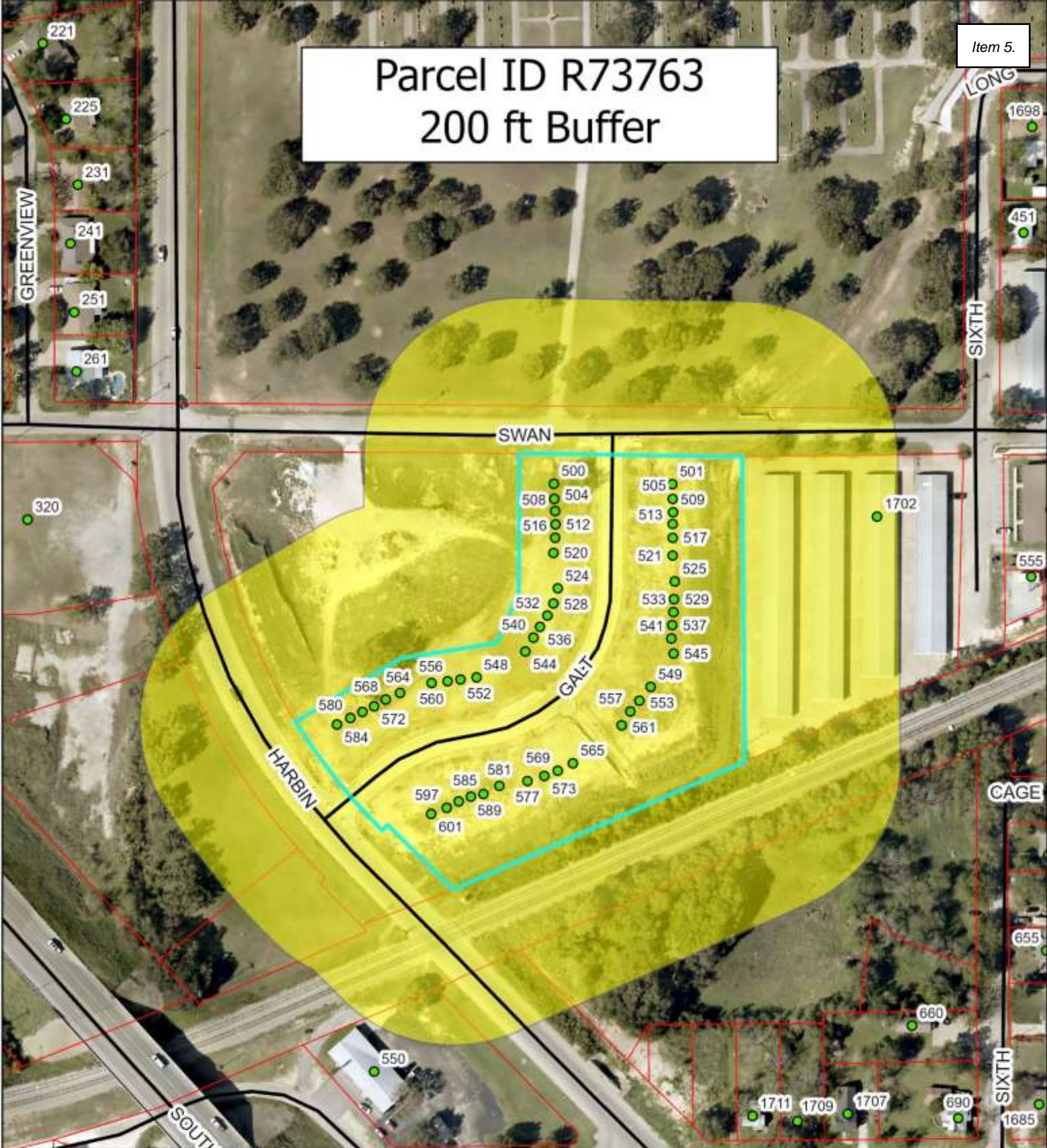
- Compliance with Comprehensive Plan?
- Is application consistent with Plan?
- If not, have conditions changed or new information been offered to support change?

- 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. Approve the Final Plat;
2. Approve the Final Plat with conditions, which shall mean that the Final Plat shall be considered to have been approved once such conditions are fulfilled, and until the conditions are satisfied, it is considered denied; or
3. Deny the Final Plat.

Parcel ID R73763 200 ft Buffer



Legend

- Addresses
- Roads
- ▭ Parcels
- 200 ft Buffer



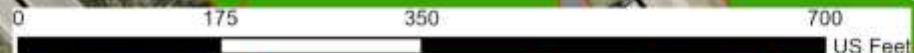
The City of Stephenville makes every effort to ensure this map is free of errors, but does not warrant the map or its features. The City of Stephenville provides this map without any warranty of any kind whatsoever, either expressed or implied.

Item 5.

Parcel ID R73763 Current Zoning - Planned Development



- Legend**
- Addresses
 - Roads
 - ▭ Parcels
- Zoning**
- AG - Agricultural
 - B-1 - Neighborhood Business
 - B-2 - Retail and Commercial Business
 - B-3 - Central Business
 - B-4 - Private Club
 - CTS - City, Tarleton, 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-2.5 - Integrated Housing
 - 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 expressed or implied.

Parcel ID R73763 Future Land Use - Commercial

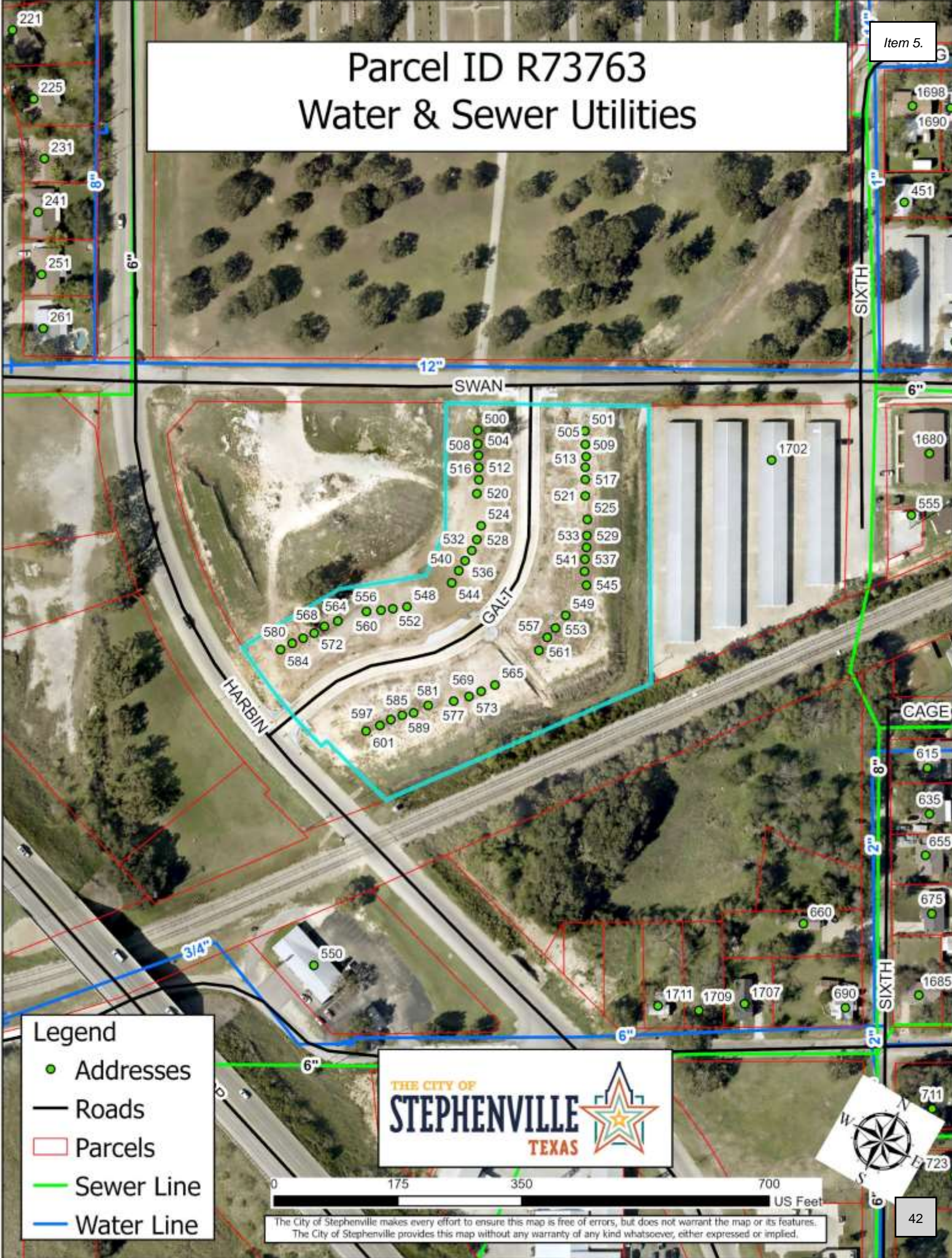
Item 5.



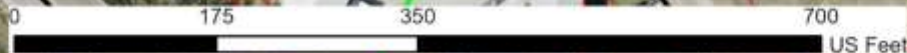
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Item 5.

Parcel ID R73763 Water & Sewer Utilities



- Legend**
- Addresses
 - Roads
 - Parcels
 - Sewer Line
 - Water Line



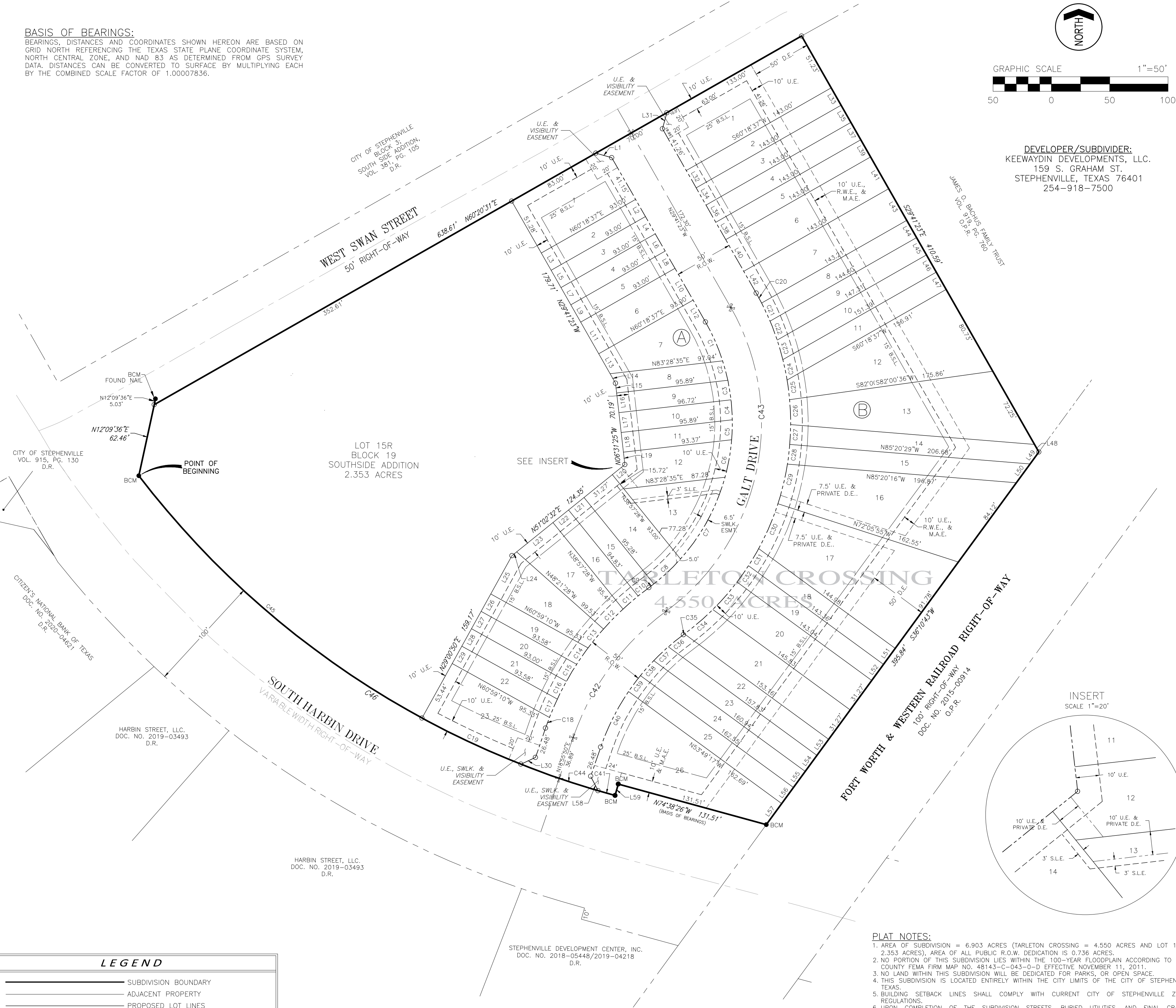
The City of Stephenville makes every effort to ensure this map is free of errors, but does not warrant the map or its features. The City of Stephenville provides this map without any warranty of any kind whatsoever, either expressed or implied.

Parcel R73763

200 ft Buffer Addresses

Parcel ID	Parcel Address	Owner Name	Owner Address	City	State	Zip Code
R000033593	1702 W SWAN ST	BACHUS JAMES O FAMILY TRUST	PO BOX 552	STEPHENVILLE	TX	76401-0552
R000033595	610 SIXTH	BACHUS JAMES O FAMILY TRUST	PO BOX 552	STEPHENVILLE	TX	76401-0552
R000033485	0 S LILLIAN	CITY OF STEPHENVILLE	298 W WASHINGTON	STEPHENVILLE	TX	76401-4257
R000014966	0 N PADDOCK & VANDERBILT	FORT WORTH & WESTERN RAILROAD	6300 RIDGLEA PLACE STE 1200	FORT WORTH	TX	76116-5738
R000078447	0 S HARBIN DR	GREENHAW MORRIS	PO BOX 37	DESDEMONA	TX	76445-1673
R000073763	0 GALT DR	KEEWAYDIN DEVELOPMENTS, LLC	159 S GRAHAM	STEPHENVILLE	TX	76401
R000030481	0 S HARBIN DR	MOSHER FAMILY LP, LLC	300 JOE BEATY RD	EASTLAND	TX	76448
R000033594	0 S HARBIN DR	MOSHER FAMILY LP, LLC	300 JOE BEATY RD	EASTLAND	TX	76448
R000033602	550 S HARBIN	RED TO BLACK LLC	550 S HARBIN DR	STEPHENVILLE	TX	76401
R000076373	0 S HARBIN DR	STEPHENVILLE DEVELOPMENT CENTER INC	187 W WASHINGTON	STEPHENVILLE	TX	76401

BASIS OF BEARINGS: BEARINGS, DISTANCES AND COORDINATES SHOWN HEREON ARE BASED ON GRID NORTH REFERENCING THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, AND NAD 83 AS DETERMINED FROM GPS SURVEY DATA. DISTANCES CAN BE CONVERTED TO SURFACE BY MULTIPLYING EACH BY THE COMBINED SCALE FACTOR OF 1.00007836.



DEVELOPER/SUBDIVIDER: KEEWAYDIN DEVELOPMENTS, LLC. 159 S. GRAHAM ST. STEPHENVILLE, TEXAS 76401 254-918-7500

METES AND BOUNDS OF SUBDIVISION

BEING 6.903 acres of land, all of Lot 15, Block 19, South Side Addition to the City of Stephenville, Erath County, Texas, according to the replat showing Lots 14 and 15 recorded in Cabinet B, Slide 71A, Plat Records, Erath County, Texas, which is a replat of a portion of Lot 1, Block 19, Southside Addition, an addition to the City of Stephenville, Erath County, Texas, according to King's 1956 Map as adopted in Volume 381, Page 105, Deed Records, Erath County, Texas, and said 6.903 acre tract is more particularly described in metes and bounds as follows:
BEGINNING at a 5/8 inch smooth metal rod found at the southerly corner of this described tract, at the southerly end of a "clip corner" at the intersection of the northeasterly right-of-way line of South Harbin Drive and the southeasterly right-of-way line of West Swan Street;
THENCE North 12° 09' 36" East 62.46 feet along said "clip corner" right-of-way and the westerly line of said Lot 15 to a set 1/2 inch rebar rod with cap marked "J&M BOUNDARY" (henceforth referred to as a SET REBAR) for the northerly corner of said "clip corner" and a southeasterly corner of said Lot 15, and from which a found nail (boundary control point) bears North 12° 09' 36" East 5.03 feet;
THENCE North 60° 20' 31" East 638.61 feet along said southeasterly right-of-way line of West Swan Street and the northerly line of said Lot 15 to a SET REBAR for the most northerly corner of said Lot 15, same being the most northerly corner of a tract of land to James O. Bachus and wife, Kimberly G. Bachus, Trustees of the James O. Bachus Family Trust, described in a deed recorded in Volume 915, Page 760, Official Public Records, Erath County, Texas;
THENCE South 29° 41' 23" East 410.59 feet along the northerly line of said Lot 15 and the southerly line of said Bachus tract to a SET REBAR in the northerly right-of-way line of the Fort Worth and Western Railroad (100 feet wide right-of-way) as conveyed in Document No. 2015-00914, Official Public Records, Erath County, Texas, for the most easterly corner of said Lot 15 and the most southerly corner of said Bachus tract;
THENCE South 36° 10' 43" West 395.84 feet along the southeasterly line of said Lot 15, same being said northwesterly line of said railroad right-of-way to a found 5/8 inch smooth metal rod at the intersection of said railroad right-of-way and said northeasterly right-of-way line of South Harbin Drive;
THENCE along said northeasterly right-of-way line of South Harbin Drive the following calls:

BLOCK A

LOT AREA TABLE for Block A with columns: LOT NO., AREA (SQ.FT.), AREA (ACRES), PERI-METER

LINE TABLE for Block A with columns: LINE NO., LENGTH, DIRECTION

LINE TABLE for Block A with columns: LINE NO., LENGTH, DIRECTION

BLOCK B

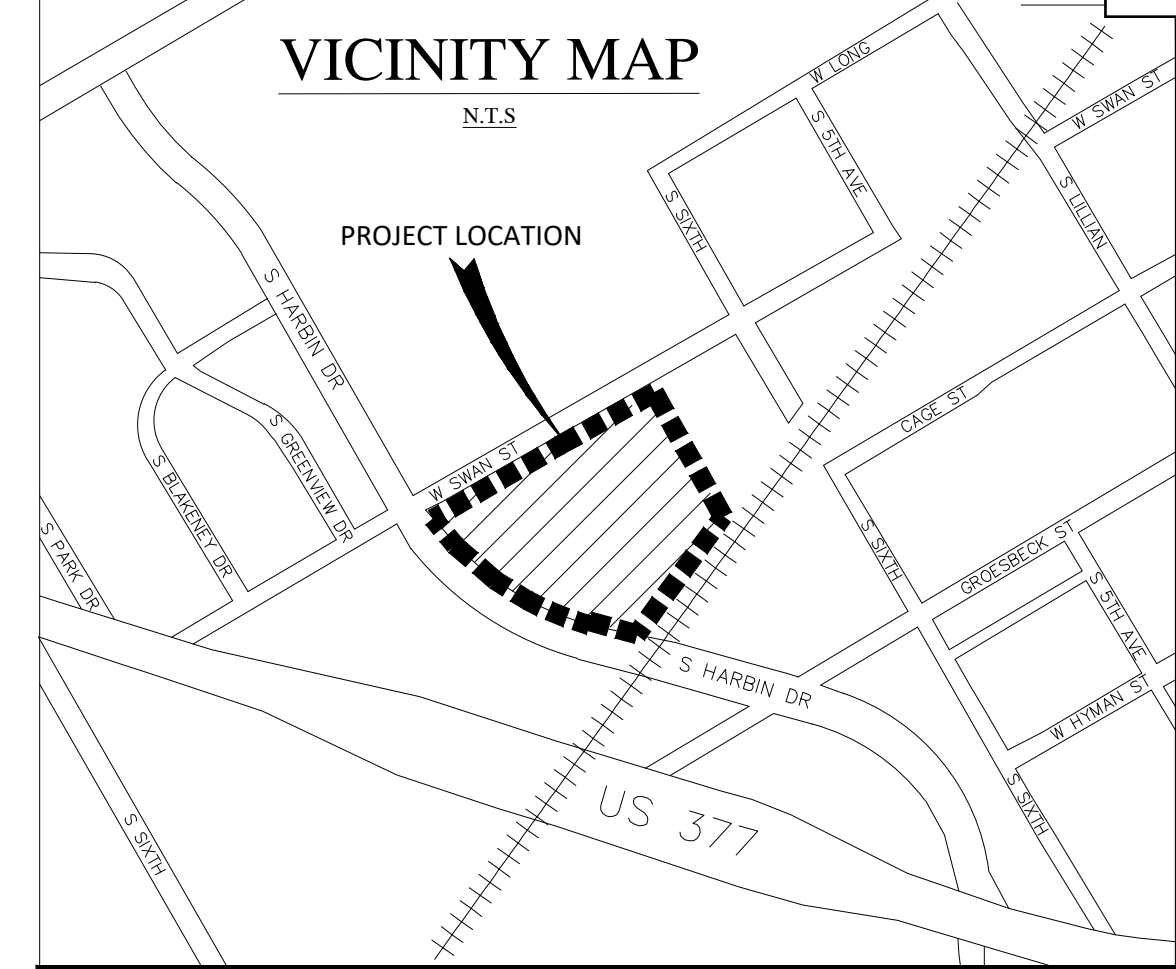
LOT AREA TABLE for Block B with columns: LOT NO., AREA (SQ.FT.), AREA (ACRES), PERI-METER

CURVE TABLE for Block B with columns: CURVE NO., ARC LENGTH, RADIUS, ANGLE, TANGENT, CHORD BEARING, CHORD LENGTH

PLAT NOTES: 1. AREA OF SUBDIVISION = 6.903 ACRES (TARLETON CROSSING = 4.550 ACRES AND LOT 15R = 2.353 ACRES), AREA OF ALL PUBLIC R.O.W. DEDICATION IS 0.736 ACRES. 2. NO PORTION OF THIS SUBDIVISION LIES WITHIN THE 100-YEAR FLOODPLAIN ACCORDING TO ERATH COUNTY FEMA FIRM MAP NO. 48143-C-043-D-D EFFECTIVE NOVEMBER 11, 2011. 3. NO LAND WITHIN THIS SUBDIVISION WILL BE DEDICATED FOR PARKS, OR OPEN SPACE. 4. THIS SUBDIVISION IS LOCATED ENTIRELY WITHIN THE CITY LIMITS OF THE CITY OF STEPHENVILLE, TEXAS. 5. BUILDING SETBACK LINES SHALL COMPLY WITH CURRENT CITY OF STEPHENVILLE ZONING REGULATIONS. 6. UPON COMPLETION OF THE SUBDIVISION STREETS, BURIED UTILITIES, AND FINAL GRADING, MONUMENTATION WILL BE SET AS FOLLOWS: CENTERLINE MARKERS ARE MAG-NAILS WITH WASHERS; LOT CORNERS ARE 1/2" REBAR RODS WITH PLASTIC CAPS MARKED "J&M BOUNDARY". 7. IF OBSTACLES (FENCES, TRANSFORMERS, OPEN TRENCHES, ETC.) ARE ENCOUNTERED DURING THE COURSE OF SETTING MONUMENTATION, THOSE AFFECTED LOT CORNERS WILL BE SET AT AN OFFSET ALONG THEIR RESPECTIVE LOT LINES AT A WHOLE FOOT INTERVAL BETWEEN 1 AND 6 FEET. SURVEYOR WILL SET SAID OFFSET AS CLOSE AS PRACTICAL TO ACTUAL LOT CORNER AND WILL KEEP RECORD OF THE FINAL STAKED LOCATION. 8. ALL REMAINING WALL, EASEMENTS ARE PRIVATE. THE HOMEOWNER'S OR PROPERTY OWNER'S ASSOCIATION, AS APPLICABLE, FOR THIS SUBDIVISION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE RETAINING WALL. 9. NO EXISTING PIPELINES OR EASEMENTS FOR SUCH ARE LOCATED ON THIS PROPERTY. 10. THE STREETS AND EASEMENTS SHOWN THEREON ARE HEREBY DEDICATED TO THE PUBLIC USE, EXCEPT AS OTHERWISE NOTED. THE STREETS ARE DEDICATED FOR STREET PURPOSES; THE EASEMENTS, AS SHOWN, ARE DEDICATED FOR THE PUBLIC USE, EXCEPT AS OTHERWISE NOTED, FOR THE PURPOSES INDICATED ON THIS PLAT. NO BUILDINGS, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR CROPPINGS SHALL BE CONSTRUCTED, RECONSTRUCTED, OR PLACED UPON, OVER OR ACROSS THE EASEMENTS SHOWN, SAID EASEMENTS BEING HEREBY RESERVED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES USING OR DESIRING TO USE THE SAME. ANY, AND ALL PUBLIC UTILITY SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PART OF ANY BUILDINGS, FENCES, TREES, OR OTHER IMPROVEMENTS OR CROPPINGS WHICH IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, EFFICIENCY OF ITS RESPECTIVE SYSTEM ON THE EASEMENTS AND ALL PUBLIC UTILITIES SHALL AT ALL TIMES HAVE FULL RIGHT OF INGRESS AND EGRESS TO OR FROM AND UPON RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE. EASEMENTS SHALL BE MAINTAINED BY PROPERTY OWNERS. THE CITY CAN MOVE TREES OR ANY OTHER IMPROVEMENTS AND DOES NOT HAVE THE RESPONSIBILITY TO REPLACE THEM. 11. ANY PUBLIC UTILITY SHALL HAVE THE RIGHT OF INGRESS AND EGRESS TO PRIVATE PROPERTY FOR THE PURPOSE OF READING METERS AND/OR FOR ANY MAINTENANCE AND SERVICE REQUIRED OR OTHERWISE PERFORMED BY THAT UTILITY. THE EASEMENTS DEDICATED ARE FOR THE SPECIFIC USE OF INSTALLING AND MAINTAINING WATER, SEWER, ELECTRICAL, NATURAL GAS, TELEPHONE, FIBER OR CABLEVISION LINES, AND ARE NOT INTENDED TO BE USED FOR GARBAGE DUMPSTERS, THE COLLECTION OF GARBAGE, OR FOR THE USE OF GARBAGE VEHICLES IN ANY MANNER. 12. SIGHT VISIBILITY RESTRICTIONS: NO STRUCTURE, OBJECT, OR PLANT OF ANY TYPE MAY OBSTRUCT VISION FROM A HEIGHT OF TWENTY-FOUR (24) INCHES TO A HEIGHT OF TEN (10) FEET ABOVE THE TOP OF THE CURB, INCLUDING, BUT NOT LIMITED TO BUILDINGS, FENCES, WALKS, SIGNS, TREES, SHRUBS, CARS, TRUCKS, ETC., IN THE SIGHT VISIBILITY EASEMENT AS SHOWN ON THIS PLAT. THESE SIGHT VISIBILITY EASEMENTS WILL REMAIN IN EFFECT UNTIL VACATED BY ORDINANCE ADOPTED BY THE CITY COUNCIL AND THE PROPERTY REPLATED. 13. THE HOMEOWNERS' OR PROPERTY OWNERS' ASSOCIATION FOR THIS SUBDIVISION, AS APPLICABLE, SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF PRIVATE DRAINAGE IMPROVEMENTS.

FINAL PLAT
LOT 15R, BLOCK 19, SOUTHSIDE ADDITION &
TARLETON CROSSING
BOTH A REPLAT OF LOT 15, BLOCK 19, SOUTHSIDE
ADDITION, CITY OF STEPHENVILLE, ERATH COUNTY, TEXAS,
PER CABINET B, SLIDE 71A, PLAT RECORDS,
ERATH COUNTY, TEXAS,
WHICH IS A REPLAT OF A PORTION OF
LOT 1, BLOCK 19, SOUTHSIDE ADDITION,
CITY OF STEPHENVILLE, ERATH COUNTY, TEXAS,
ACCORDING TO KING'S 1956 MAP AS ADOPTED IN
VOLUME 381, PAGE 105, DEED RECORDS,
ERATH COUNTY, TEXAS

LEGEND: SUBDIVISION BOUNDARY, ADJACENT PROPERTY, PROPOSED LOT LINES, PROP. STREET R.O.W., EXIST. STREET R.O.W., PROP. UTILITY EASEMENTS, EXIST. UTILITY EASEMENTS, APPROX. SECTION LINE, SET 1/2 INCH REBAR ROD WITH PLASTIC CAP MARKED "J&M BOUNDARY", SET MAGNAIL WITH METAL WASHER, FOUND 5/8 INCH SMOOTH METAL ROD (UNLESS OTHERWISE NOTED), BCM = BOUNDARY CONTROL MONUMENT, B.S.L. = BUILDING SETBACK LINES, M.A.E. = MAINTENANCE ACCESS EASEMENT, R.W.E. = RETAINING WALL EASEMENT, S.L.E. = STREET LIGHT EASEMENT, SWLK. = SIDEWALK, D.E. = DRAINAGE EASEMENT, U.E. = UTILITY EASEMENT, D.R. = DEED RECORDS, ERATH CO., TX., P.R. = PLAT RECORDS, ERATH CO., TX., O.P.R. = OFFICIAL PUBLIC RECORDS, ERATH CO., TEXAS



COUNTY CLERK: I CERTIFY THAT THE SUBDIVISION PLAT DESCRIBED HEREIN WAS FILED FOR RECORD ON DATE FILE NUMBER COUNTY CLERK COUNTY TEXAS DEPUTY COUNTY CLERK APPROVED AND ACCEPTED DIRECTOR OF DEVELOPMENT SERVICES ATTEST: CITY SECRETARY DATE

OWNER'S CERTIFICATE AND DEDICATION: THE UNDERSIGNED MANAGING MEMBER OF THE HEREINARTER DESCRIBED REAL PROPERTY HAS CAUSED SUCH PROPERTY TO BE SURVEYED AND PLATTED AND TO BE EXPRESSED INTO BLOCKS, LOTS, STREETS AND ALLEYS UNDER THE NAME OF LOT 15R, BLOCK 19, SOUTHSIDE ADDITION & TARLETON CROSSING, REPLAT OF LOT 15, BLOCK 19, SOUTHSIDE ADDITION, CITY OF STEPHENVILLE, ERATH COUNTY, TEXAS, PER CABINET B, SLIDE 71A, PLAT RECORDS, ERATH COUNTY, TEXAS, WHICH IS A REPLAT OF A PORTION OF LOT 1, BLOCK 19, SOUTHSIDE ADDITION, CITY OF STEPHENVILLE, ERATH COUNTY, TEXAS, ACCORDING TO KING'S 1956 MAP AS ADOPTED IN VOLUME 381, PAGE 105, DEED RECORDS, ERATH COUNTY, TEXAS. AS SHOWN ON THE ATTACHED PLAT AND DO HEREBY DEDICATE TO THE PUBLIC FOREVER FOR PUBLIC PURPOSES THE STREETS, ALLEYS, LANES, EASEMENTS, PARKS AND OTHER PUBLIC LANDS SHOWN THEREON THE LANDS INCLUDED WITHIN SUCH PLAT OR SUBDIVISION ARE DESCRIBED BY METES AND BOUNDS AS FOLLOWS: SEE METES & BOUNDS DESCRIPTION SHOWN HEREON

EXECUTED THIS DAY OF A.D. 2024 TAYLOR KANUTE KEEWAYDIN DEVELOPMENTS, LLC.

ACKNOWLEDGEMENT: THE STATE OF TEXAS: COUNTY OF ERATH: BEFORE ME, THE UNDERSIGNED AUTHORITY IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED TAYLOR KANUTE KNOWN TO ME TO BE THE PERSON AND MANAGING MEMBER WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THE SAME WAS THE ACT OF THE SAID KEEWAYDIN DEVELOPMENTS, LLC.

A LIMITED LIABILITY CORPORATION, AND THAT HE EXECUTED THE SAME AS THE ACT OF SUCH CORPORATION FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATES. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS DAY OF A.D. 2024 NOTARY PUBLIC COUNTY TEXAS GENERAL NOTES: ACRES: 6.903 ACRES SCALE: 1" = 50' SMALLEST LOT: 0.036 ACRE LARGEST LOT: 2.353 ACRES LOT WIDTH: MIN. 77.28' MAX. 206.68' LOT DEPTH: MIN. 17.04' MAX. 91.78'

CERTIFICATION: I HEREBY CERTIFY THAT THE PLAT SUBMITTED HERewith REPRESENTS A TRUE SURVEY MADE BY THE UNDERSIGNED OR UNDER MY SUPERVISION ON THE GROUND AND THAT PERMANENT MARKERS AND MONUMENTS HAVE BEEN SET AS INDICATED ON THE PLAT AND IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF STEPHENVILLE. FINAL PLAT: LOT 15R, BLOCK 19, SOUTHSIDE ADDITION & TARLETON CROSSING, REPLAT OF LOT 15, BLOCK 19, SOUTHSIDE ADDITION, CITY OF STEPHENVILLE, ERATH COUNTY, TEXAS, PER CABINET B, SLIDE 71A, PLAT RECORDS, ERATH COUNTY, TEXAS, WHICH IS A REPLAT OF A PORTION OF LOT 1, BLOCK 19, SOUTHSIDE ADDITION, CITY OF STEPHENVILLE, ERATH COUNTY, TEXAS, ACCORDING TO KING'S 1956 MAP AS ADOPTED IN VOLUME 381, PAGE 105, DEED RECORDS, ERATH COUNTY, TEXAS. SIGNATURE: MARK T. BROWN REGISTERED PROFESSIONAL LAND SURVEYOR AUGUST 14, 2024 DATE

JACOB MARTIN TBPLS FIRM # 10194993 3465 CURRY LANE ABILENE, TX 79606 325-695-1070 1508 SANTA FE DR, STE 204 WEATHERFORD, TX 76086 817-594-9880 4920 S. LOOP 289, STE 104 LUBBOCK, TX 79414 806-368-6375



STAFF REPORT

SUBJECT: Case No.: PD2021-001 UPDATE

Taylor Kanute of Harbin Street, LLC, pursuant to the requirements set forth by Section 154.08 of the City of Stephenville Zoning Ordinance, is presenting an update and requesting an extension of the development schedule for the Planned Development located at 0 S. Harbin Drive, Parcel R73763, of SOUTH SIDE ADDITION, BLOCK 19; LOT 15 (PT OF) of the City of Stephenville, Erath County, Texas.

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

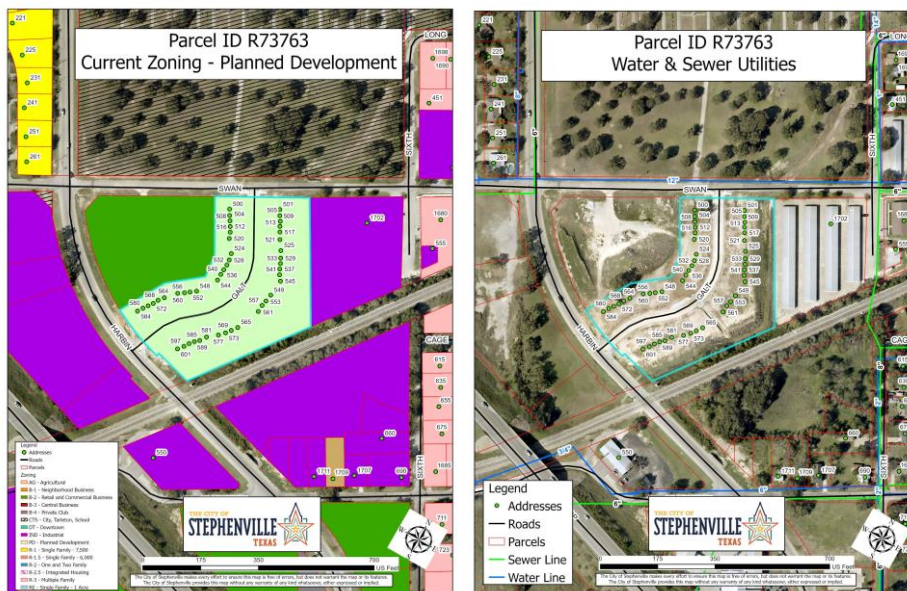
RECOMMENDATION:

To consider the modified Development Schedule and provide a recommendation to the City Council.

BACKGROUND:

The Planning and Zoning Commission convened on May 19, 2021, and voted 5/1 to recommend the City Council approve the Development Plan and rezone request. Subsequently, on June 1, 2021, the City Council approved Ordinance No. 2021-O-19, rezoning the property to Planned Development District. A prior update was provided and Ordinance 2023-0-21 was approved August 1, 2023.

Construction of improvements is underway and vertical construction has been authorized under the appropriate developer agreements.



DESCRIPTION OF REQUESTED ZONING

Sec. 154.08. Planned development district (PD).

8.A Description.

- (1) Planned development districts are designed for greater flexibility and discretion in the application of residential and non-residential zoning and for increased compatibility and the more effective mitigation of potentially adverse impacts on adjacent land than is possible under standard district regulations. It is recognized that it is desirable for certain areas of the city to be developed in accordance with development plans prepared and approved as a part of the ordinance authorizing the zoning necessary for the proposed development.
- (2) Improvements in a "PD" District are subject to conformance with a development plan approved by the City Council on Planning and Zoning Commission recommendation and after public hearing thereon. No development plan may increase gross density in excess of that allowed by the base district.

8.B Permitted Uses. In a PD Development District, no land shall be used and no building shall be installed, erected for/or converted to any use other than a hereinafter provided.

NON-RESIDENTIAL PLANNED DEVELOPMENTS. Considered appropriate where the following conditions prevail:

- (1) The project utilized innovative land development concepts and is consistent with the Comprehensive Land Use plan and the goals and objectives of the city;
- (2) Non-residential uses are situated such that an appreciable amount of land is available for open space or joint use as parking space and is integrated throughout the planned development;
- (3) The site exhibits environmentally natural features which should be considered for preservation and/or enhancement;
- (4) Aesthetic amenities may be provided in the planned development design which are not economically feasible to provide in conventional non-residential projects; and
- (5) The project provides a compatible transition between adjacent existing single-family residential projects and provides a compatible transition for the extension of future single-family projects into adjacent undeveloped areas.

RESIDENTIAL PLANNED DEVELOPMENT. Considered appropriate where the following conditions prevail:

- (1) The project utilized innovative land development concepts and is consistent with the Comprehensive Land Use plan and the goals and objectives of the city;
- (2) Dwelling units are situated such that an appreciable amount of land for open space is available and is integrated throughout the planned development;
- (3) The project utilizes an innovative approach in lot configuration and mixture of single-family housing types;
- (4) Higher densities than conventional single-family projects of the same acreage is achievable with appropriate buffering between existing conventional single-family developments and increased open space;
- (5) The site exhibits environmentally natural features which should be considered for preservation and/or enhancement;
- (6) Aesthetic amenities may be provided in the planned development design which are not economically feasible to provide in conventional single-family projects; and
- (7) The project provides a compatible transition between adjacent existing conventional single-family residential projects and provides a compatible transition for the extension of future conventional single-family projects into adjacent undeveloped areas.

8.C Prohibited Uses.

- (1) Any building erected or land used for other than the use shown on the Planned Development Site Plan, as approved by the City Council.

- (2) Any use of property that does not meet the required minimum lot size; front, side and rear yard dimensions; and/or lot width, or exceeds the maximum height, building coverage or density per gross acreage as shown in the development's recorded Planned Development Site Plan, as approved by City Council.
- (3) Any use deemed by the City Council as being detrimental to the health, safety or general welfare of the citizens of Stephenville.

8.D Ownership. An application for approval of a Planned Development Plan under the Planned Development District regulations may be filed by a person having legal ownership of the property to be included in the Development Plan. In order to ensure unified planning and development of the property, the applicant shall provide evidence, in form satisfactory to the City Attorney, prior to final approval of the Development Plan, that the property is held in single ownership or is under single control. Land shall be deemed to be held in single ownership or under single control if it is in joint tenancy, tenancy in common, a partnership, a trust or a joint venture. The Development Plan shall be filed in the name(s) of the record owner(s) of the property, which shall be included in the application.

8.E Development Schedule.

- (1) An application for a Planned Development District shall be accompanied by a development schedule indicating the approximate date on which construction is expected to begin and the rate of anticipated development to completion. The development schedule, adopted and approved by the City Council, shall become part of the Planned Development Ordinance and shall be adhered to by the owner, developer and their assigns or successors in interest.
- (2) Annually, upon the anniversary date, or more frequently if required, the developer shall provide a written report to the Planning and Zoning Commission concerning the actual development accomplished as compared with the development schedule.
- (3) The Planning and Zoning Commission may, if in its opinion the owner or owners of the property are failing or have failed to meet the approved development schedule, initiate proceedings to amend the Official Zoning map or the Planned Development District by removing all or part of the Planned Development District from the Official Zoning Map and placing the area involved in another appropriate zoning district. After the recommendation of the Planning and Zoning commission and for good cause shown by the owner and developer, the City Council may extend the development schedule as may be indicated by the facts and conditions of the case.

8.F Plat Requirements. No application for a building permit for the construction of a building or structure shall be approved unless a plat, meeting all requirements of the City of Stephenville has been approved by the City Council and recorded in the official records of Erath County.

8.G Concept Plan. The applicant for any PD Planned Development shall submit a concept plan to the Planning and Zoning Commission for review prior to submitting a Development Plan. The concept plan shall contain appropriate information to describe the general land use configuration, proposed densities or lot sizes, proposed amenities and proposed regulation.

8.H Development Plan Approval Required. No building permit or certificate of occupancy shall be issued and no use of land, buildings or structures shall be made in the "PD" District until the same has been approved as part of a development plan in compliance with the procedures, terms and conditions of this section of the ordinance.

8.I Approval Procedures.

- (1) An application for development plan approval shall be filed with the Director of Community Development accompanied by a development plan.
- (2) The procedures for hearing a request for a zoning change to "PD" shall be the same as for a requested change to any other district as set forth Section 20 of the Zoning Ordinance.
- (3) Any substantive revision to a development plan between the public hearing before the Planning and Zoning Commission and the public hearing before the City Council shall necessitate the development plan being referred back to the Planning and Zoning Commission for review and evaluation unless the revision constitutes a minor change as provided below, or the change was a condition of the approval.

- (4) Any revisions to the development plan after the public hearing before the City Council shall be submitted to the Director of Community Development for distribution, review and written evaluation by city staff prior to submission to and approved by the City Council.
- (5) Minor changes to an approved development plan, which will not cause any of the following circumstances to occur, may be authorized by the Director of Community Development or his or her designee:
 - (a) A change in the character of the development;
 - (b) An increase in the gross floor areas in structures;
 - (c) An increase in the intensity of use;
 - (d) A reduction in the originally approved separations between buildings;
 - (e) Any adverse changes in traffic circulation, safety, drainage and utilities;
 - (f) Any adverse changes in such external effects on adjacent property as noise, heat, light, glare, vibration, height scale or proximity;
 - (g) A reduction in the originally approved setbacks from property lines;
 - (h) An increase in ground coverage by structures;
 - (i) A reduction in the ratio of off-street parking and loading space; and
 - (j) A change in the size, height, lighting or orientation of originally approved signs.
- (6) The decision of the Director of Community Development or his or her designee as to whether minor changes are being requested may be appealed to the Planning and Zoning Commission. Any change deemed not to be minor change, as indicated above, shall be processed as a new application in accordance with the provisions of this section and Section 20.1 of the Zoning Ordinance.

8.J Development Plan Requirements. The development plan submitted in support of a request for development plan approval shall contain sufficient information delineating the characteristics of the site, changes in those characteristics as may be proposed by the development, how the development will relate to public services and facilities and what protection features are included to insure that the development will be compatible with existing and allowable development on adjacent property. The development plan shall show at least the following items of information:

- (1) The location of all existing and planned non-single-family structures on the subject property;
- (2) Landscaping lighting and/or fencing and/or screening of common areas;
- (3) General locations of existing tree clusters, providing average size and number and indication of species;
- (4) Location and detail of perimeter fencing if applicable;
- (5) General description/location of ingress and egress with description of special pavement treatment if proposed;
- (6) Off-street parking and loading facilities, and calculations showing how the quantities were obtained for all non single-family purposes;
- (7) Height of all non-single-family structures;
- (8) Proposed uses;
- (9) Location and description of subdivision signage and landscaping at entrance areas;
- (10) Street names on proposed streets;
- (11) Proposed minimum area regulations including, set-backs, lot-sizes, widths, depths, side-yards, square footage or residential structures;
- (12) Indication of all development phasing and platting limits; and
- (13) Such additional terms and conditions, including design standards, as the Planning and Zoning Commission and the City Council deem necessary.

8.K Conditions for Development Plan Approval.

- (1) A development plan shall be approved only if all of the following conditions have been found during the review and process:
 - (a) That the uses will be compatible with and not injurious to the use and enjoyment of other property, nor significantly diminish or impair property values with the immediate vicinity;
 - (b) That the establishment of the use or uses will not impede the normal and orderly development and improvements of surrounding vacant property;
 - (c) That adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;
 - (d) That the design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;
 - (e) That adequate nuisance prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;
 - (f) That directional lighting will be provided so as not to disturb or adversely affect neighboring properties.
- (2) In approving a development plan, the City Council may impose additional conditions necessary to protect the public interest and welfare of the community.

8.L Additional Conditions. Every Planned Development District approved under the provisions of this Ordinance shall be considered as an amendment to the Ordinance as applicable to the property involved. In an approved Planned Development District, the City Council may impose conditions relative to the standard of development, and such conditions shall be complied with before a certificate of occupancy is issued for the use of the land or any structure which is part of the Planned Development District; and such condition shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be constructed as conditions precedent to the granting of a certificate of occupancy.

8.M Revocation.

- (1) Approval of a development plan may be revoked or modified, after notice and hearing, for either of the following reasons:
 - (a) Approval was obtained or extended by fraud or deception; or
 - (b) That one or more of the conditions imposed by the City Council on the development plan has not been met or has been violated.
- (2) Development controls:
 - (a) The City Council may impose more restrictive requirements than those proposed in the development plan in order to minimize incompatibilities;
 - (b) A "PD" District shall have a minimum lot area of not less than one acre under unified control;
 - (c) The parking requirements of the Zoning Ordinance shall apply to all uses in the "PD" District unless otherwise specified on the development plan; and
 - (d) "PD" provisions may vary setbacks with approval.

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 modified Development Schedule.
- 2) Recommend the City Council deny the modified Development Schedule. Such action will require the removal of all or part of the Planned Development and cause placement in another zoning district.

From: [Malcolm Kanute](#)
To: [Steve Killen](#)
Cc: [Taylor Kanute](#)
Subject: "[EXTERNAL]" updated development schedule for Tarleton Crossings
Date: Tuesday, July 30, 2024 10:30:51 AM
Attachments: [image001.jpg](#)

Steve,

Please let this email serve as an update to our Development Schedule for the PD at the corner of Harbin and Swan commonly referred to as Tarleton Crossing Townhomes.

In the last several months Keewaydin Developments has bought out Harbin Street, LLC's interest in this project and is now the sole owner. After almost a year of delays, the project is back on track with the last of the improvements being completed as we speak. All of the sewer and water improvements are completed, curb and gutter and road base is complete along with most of the sidewalks, leaving only the installation of the remaining sidewalks and final pavement of the road. Once that is completed in the next week we will complete all of the necessary steps for acceptance and signing of the final plat, we appreciate all of your hard work to date helping us with that.

We have placed a sales trailer at the location and will be opening it very soon, to date we have contracts to purchase 6 units with buyers, including all 4 units in the first building we are starting immediately, waiting on the building permits now. Once that building is under construction we will immediately be starting the 2nd building (6 unit) which already has 2 units under contract. We anticipate sales to be brisk and hope to have another 2-4 buildings starting in the next 30-45 days and hope to have construction completed on all 9 buildings by the first quarter of 2025.

Should you or anyone on the council have any questions, please contact me and I will be happy to answer them.

Thank you again,

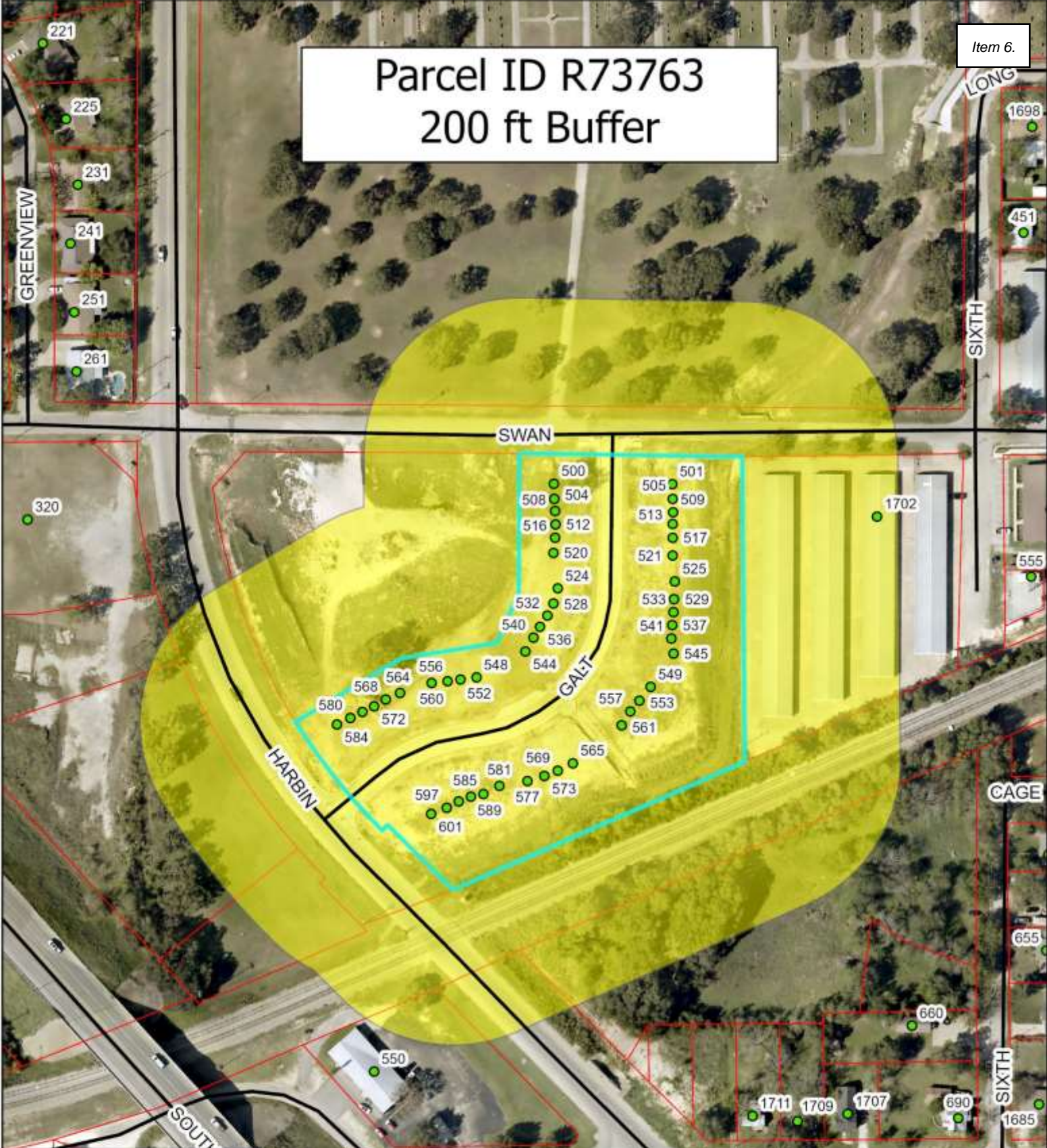
Malcolm Kanute.

*Managing Member
Keewaydin Developments, LLC.
159 S Graham St
Stephenville, TX 76401
630.327.7510*



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Parcel ID R73763 200 ft Buffer



Legend

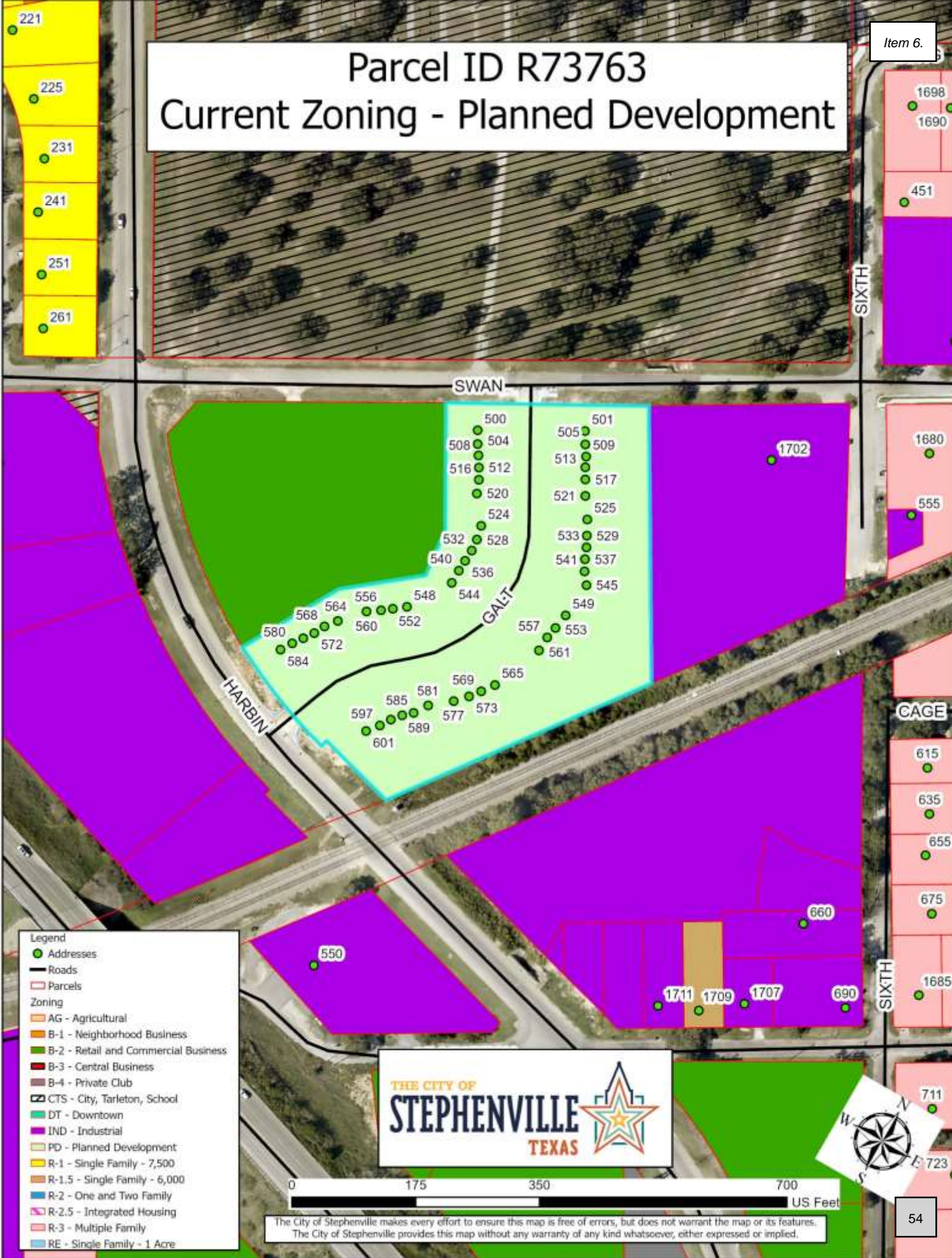
- Addresses
- Roads
- Parcels
- 200 ft Buffer



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Item 6.

Parcel ID R73763 Current Zoning - Planned Development



- Legend**
- Addresses
 - Roads
 - ▭ Parcels
- Zoning**
- AG - Agricultural
 - B-1 - Neighborhood Business
 - B-2 - Retail and Commercial Business
 - B-3 - Central Business
 - B-4 - Private Club
 - CTS - City, Tarleton, 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-2.5 - Integrated Housing
 - R-3 - Multiple Family
 - RE - Single Family - 1 Acre



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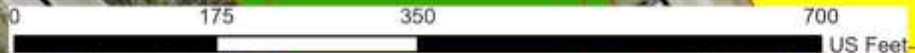
Parcel ID R73763

Future Land Use - Commercial

Item 6.



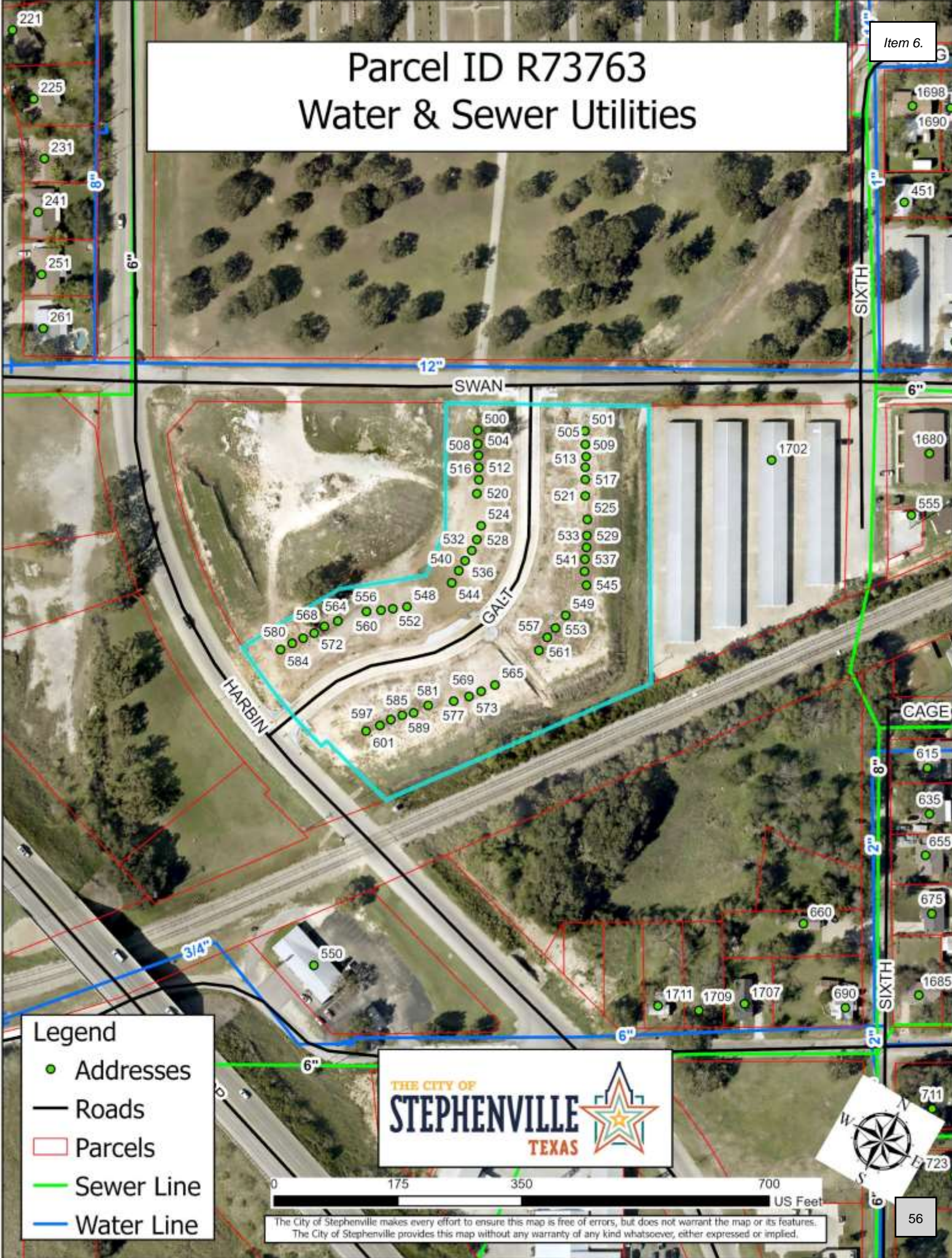
- Legend**
- Addresses
 - Roads
 - ▭ Parcels
 - Future Land Use**
 - Ag/Open Space
 - Office/Neighbor_Bus
 - Commercial
 - Cent Business Dist
 - ▨ City/Tarleton/SISD
 - Downtown
 - Industrial
 - Planned Development
 - Single Family
 - 1-2 Family
 - Multi-Fam/Resident
 - Duplex/Townhome
 - Manufact Homes



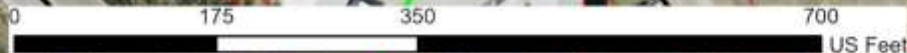
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Item 6.

Parcel ID R73763 Water & Sewer Utilities



- Legend**
- Addresses
 - Roads
 - Parcels
 - Sewer Line
 - Water Line



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Parcel R73763

200 ft Buffer Addresses

Parcel ID	Parcel Address	Owner Name	Owner Address	City	State	Zip Code
R000033593	1702 W SWAN ST	BACHUS JAMES O FAMILY TRUST	PO BOX 552	STEPHENVILLE	TX	76401-0552
R000033595	610 SIXTH	BACHUS JAMES O FAMILY TRUST	PO BOX 552	STEPHENVILLE	TX	76401-0552
R000033485	0 S LILLIAN	CITY OF STEPHENVILLE	298 W WASHINGTON	STEPHENVILLE	TX	76401-4257
R000014966	0 N PADDOCK & VANDERBILT	FORT WORTH & WESTERN RAILROAD	6300 RIDGLEA PLACE STE 1200	FORT WORTH	TX	76116-5738
R000078447	0 S HARBIN DR	GREENHAW MORRIS	PO BOX 37	DESDEMONA	TX	76445-1673
R000073763	0 GALT DR	KEEWAYDIN DEVELOPMENTS, LLC	159 S GRAHAM	STEPHENVILLE	TX	76401
R000030481	0 S HARBIN DR	MOSHER FAMILY LP, LLC	300 JOE BEATY RD	EASTLAND	TX	76448
R000033594	0 S HARBIN DR	MOSHER FAMILY LP, LLC	300 JOE BEATY RD	EASTLAND	TX	76448
R000033602	550 S HARBIN	RED TO BLACK LLC	550 S HARBIN DR	STEPHENVILLE	TX	76401
R000076373	0 S HARBIN DR	STEPHENVILLE DEVELOPMENT CENTER INC	187 W WASHINGTON	STEPHENVILLE	TX	76401