



PLANNING AND ZONING COMMISSION

City Hall Council Chambers, 298 W. Washington
Wednesday, April 21, 2021 at 5:30 PM

AGENDA

CALL TO ORDER

MINUTES

1. Consider Approval of Minutes - December 16, 2020
- [2.](#) Consider Approval of Minutes - March 10, 2021
- [3.](#) Consider Approval of Minutes - March 17, 2021

PLANNED DEVELOPMENT UPDATE

- [4.](#) Case No.: PD2020-003, PD2020-004 and PD2020-005

Steve Emmons, applicant for the above referenced Planned Development and representing Spectra Student Living, will be providing an update to the Commission in regards to the PD pursuant to Section 154.08 of the zoning code.

PUBLIC HEARINGS

- [5.](#) Case No.: SV2021-004

Applicant Clint McKeehan, representing Wellington State Bank, is requesting a subdivision waiver from Section 155.6.04.M.1 – Curb and Gutter, for property located at 2895 Northwest Loop, Parcel R76370, Block 155, Lot 17 (PT OF) of City Addition, to the City of Stephenville, Erath County, Texas.

- [6.](#) Case No.: SV2021-005

Applicant Clint McKeehan, representing Wellington State Bank, is requesting a subdivision waiver from Section 155.6.11 – Sidewalk Requirements, for property located at 2895 Northwest Loop, Parcel R76370, Block 155, Lot 17 (PT OF) of City Addition, to the City of Stephenville, Erath County, Texas.

- [7.](#) Case No.: RZ2021-001R

Applicant Keewaydin Development, Taylor Kanute, is requesting a rezone of properties located at 751 Miller, Parcel R32531, Lot 9B, Block 2, Miller Addition, to the City of Stephenville, Erath County, Texas, from (B-1) Neighborhood Business to (R-1.5) Single Family.

- [8.](#) Case No.: RZ2021-002R

Applicant Keewaydin Development, Taylor Kanute, is requesting a rezone of properties located at 751 Miller, Parcel R32529, Lot 8, Block 2, Miller Addition, to the City of Stephenville, Erath County, Texas, from (B-1) Neighborhood Business to (R-1.5) Single Family.

- [9.](#) Case No.: RZ2021-007

Applicant Jayson Sample, as authorized by Brandon McDonald, is requesting a rezone of property located at located at 1955 W. South Loop, Parcel R31852, of GREENVIEW ADDITION, BLOCK 2, LOT 1, of the City of Stephenville, Erath County, Texas, from (B-1) Neighborhood Business to (I) Industrial.

10. Case No.: PD2021-001

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

ADJOURN

Those wishing to address the Planning and Zoning Commission may do so in person. Written correspondence may also be mailed to City Hall or emailed to Steve Killen, Director of Development Services, at skillen@stephenvilletx.gov. Written correspondence must be received by 3:00 p.m. on April 21, 2021. For alternate arrangements, please contact Steve Killen at least 48 hours prior to the meeting.

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

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



PLANNING AND ZONING COMMISSION MEETING

City Hall Council Chambers, 298 W. Washington, Stephenville, Texas 76401
 Wednesday, March 10, 2021 at 5:30 PM

MINUTES

The Planning and Zoning Commission of the City of Stephenville, Texas, convened on Wednesday, March 10, 2021 at 5:30 PM, in the Council Chambers at City Hall, 298 West Washington Street, for the purpose of a Regular Business Meeting, with the meeting being open to the public and notice of said meeting, giving the date, time, place and subject thereof, having been posted as prescribed by Chapter 551, Government Code, Vernon's Texas Codes Annotated, with the following members present, to wit:

COMMISSIONERS PRESENT: Lisa LaTouche, Chairperson
 Bruce Delater
 Justin Allison
 Brian Lesley

COMMISSIONERS ABSENT: Cliff McCrury
 Todd McEvoy

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

CALL TO ORDER

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

REGULAR AGENDA

1. **Election of Chairperson and Vice Chairperson**
 MOTION by Bruce Delater, second by Brian Lesley, to elect Lisa LaTouche as the chairperson. MOTION CARRIED by unanimous vote.

 MOTION by Justin Allison, second by Bruce Delater, to elect Brian Lesley as the vice chairperson. MOTION CARRIED by unanimous vote.
2. **Staff Update on Council Action Revising Waiver Decisions, Effective March 1, 2021**
 Steve Killen, Director of Development Services, updated the Commission on

CONSIDER APPROVAL OF MINUTES

3. **December 16, 2020**
 Minutes for the December 16, 2020 meeting will be presented for approval at the next meeting.

PUBLIC HEARING

5. **Public Hearing - Case No.: RZ2021-001**

Applicant Keewaydin Development, Taylor Kanute, is requesting a rezone of properties located at 751 Miller, Parcel R32531, Lot 8, Block 2, Miller Addition, to the City of Stephenville, Erath County, Texas, from (B-1) Neighborhood Business to (B-3) Central Business.

Steve Killen, Director of Development Services briefed the Commission on the request. The comprehensive plan for future land use designates this property to be single family. This parcel does not meet the minimum width requirement of 75 feet for R-1 zoning. B-3 requires minimum width requirement of 60 feet. He stated that the intended project for the requested zoning is for the construction of a single-family dwelling. A single-family dwelling is considered a permitted use under the B-3 (Central Business District) zoning classification. The applicant does not currently own the property, but has received authorization from the current owner to make the request.

Chairperson LaTouche opened the public hearing.

Taylor Kanute, applicant, was in attendance to answer questions.

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

Chairperson LaTouche closed the public hearing.

MOTION by Bruce Delater, second by Justin Allison, to approve Case No. RZ2021-001. MOTION CARRIED by unanimous vote.

6. Public Hearing - Case No.: RZ2021-002

Applicant Keewaydin Development, Taylor Kanute, is requesting a rezone of properties located at 751 Miller, Parcel R32529, Lot 8, Block 2, Miller Addition, to the City of Stephenville, Erath County, Texas, from (B-1) Neighborhood Business to (B-3) Central Business.

Steve Killen, Director of Development Services briefed the Commission on the request. He stated that this case is almost identical to Case No. RZ2021-001, with the exception that in this case, the lot is smaller and will require a variance request from the Board of Adjustment as well.

Chairperson LaTouche opened the public hearing.

Taylor Kanute, applicant, was in attendance to answer questions.

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

Chairperson LaTouche closed the public hearing.

MOTION by Bruce Delater, second by Brian Lesley, to approve Case No. RZ2021-002. MOTION CARRIED by unanimous vote.

7. Public Hearing - Case No.: RZ2021-003

Applicant Jeff Brady is requesting a rezone of properties located at 1290 Hyman, Parcel R33798, Lot 4, 4A and 4C, Block 35, South Side Addition, to the City of Stephenville, Erath County, Texas, from (R-1) Single Family to (R-3) Multi-Family.

Steve Killen, Director of Development Services, briefed the Commission on the case. The comprehensive plan for future land use designates this property to be single family. The intended project for the requested zoning is for the future construction of a multifamily dwelling. The applicant states that the property is surrounded on three sides by multifamily zoning. This case is related to Case No. RZ2021-004.

Chairperson LaTouche opened the public hearing.

Jeff and Stephanie Brady, applicants, were in attendance to answer questions.

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

Chairperson LaTouche closed the public hearing.

MOTION by Bruce Delater, second by Justin Allision, to approve Case No. RZ2021-003. MOTION CARRIED by unanimous vote.

8. Public Hearing - Case No.: RZ2021-004

Applicant Jeff Brady is requesting a rezone of properties located at 1270 Hyman, Parcel R33799, Lot 5, Block 35, South Side Addition, to the City of Stephenville, Erath County, Texas, from (R-1) Single Family to (R-3) Multi-Family.

Steve Killen, Director of Development Services, briefed the Commission on the case. The comprehensive plan for future land use designates this property to be single family. The intended project for the requested zoning is for the future construction of a multifamily dwelling. The applicant states that the property is surrounded on three sides by multifamily zoning.

Chairperson LaTouche opened the public hearing.

Jeff and Stephanie Brady, applicants, were in attendance to answer questions.

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

Chairperson LaTouche closed the public hearing.

MOTION by Brian Lesley, second by Bruce Delater, to approve Case No. RZ2021-004. MOTION CARRIED by unanimous vote.

9. Public Hearing - Case No.: RZ2021-005

Applicant Beau Mayo is requesting a rezone of properties located at 820 Alexander, Parcel R33804, Lot 7B, Block 35, South Side Addition, to the City of Stephenville, Erath County, Texas, from (R-1) Single Family to (R-3) Multi-Family.

Steve Killen, Director of Development Services, briefed the Commission on the case. Mr. Killen explained that the Comprehensive Plan for future land use designates this property to be single family. The intended project for the requested zoning is for the future construction of a townhome dwelling. He also stated that recently the Commission approved a rezone for properties to the south of this parcel to allow for B-2 and R-3 zoning.

Chairperson LaTouche opened the public hearing.

Beau Mayo, applicant, was in attendance to answer questions.

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

Chairperson LaTouche closed the public hearing.

MOTION by Bruce Delater, second by Justin Allision, to approve Case No. RZ2021-005. MOTION CARRIED by unanimous vote.

10. Case No.: SC2021-001

Abandonment of the 800 Blk. of N. Lillian Avenue

Steve Killen, Director of Development Services, briefed the Commission on the case. Mr. Killen explained that a request was received from Tarleton State University to purchase the 800 block of North Lillian Avenue. This is the last remaining block of Lillian that is not owned by Tarleton State University between Washington and Frey Streets. Staff has no objection to the abandonment and sale of this street.

Chairperson LaTouche opened the public hearing.

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

Chairperson LaTouche closed the public hearing.

MOTION by Bruce Delater, second by Brian Lesley, to approve Case No. SC2021-001. MOTION CARRIED by unanimous vote.

11. Case No.: SC2021-002

Abandonment of the Undeveloped Portion of Shirley Street

Steve Killen, Director of Development Services, briefed the Commission on the case. Mr. Killen explained that a request was received from a property owner to purchase an undeveloped portion of Shirley Street located between Paddock Street and the Fort Worth and Western Railroad. Staff has no objection to the abandonment and sale of this street.

Chairperson LaTouche opened the public hearing.

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

Chairperson LaTouche closed the public hearing.

MOTION by Brian Lesley, second by Bruce Delater, to approve Case No. SC2021-002. MOTION CARRIED by unanimous vote.

12. Public Hearing - Case No.: SV2021-001

Applicant Mike's Westside Rental, is requesting a subdivision waiver from Section 155.6.11 – Sidewalk along County Road 257 (Peach Orchard), located at Parcel R23789, Lot 2, Block 1, Excels Addition, to the City of Stephenville, Erath County, Texas.

Steve Killen, Director of Development Services, briefed the Commission on the case. The applicant was recently approved for a sidewalk waiver for the portion of the property facing Washington/Hwy 377. The property also has frontage on Peach Orchard. This portion of the property will also be subject to the Subdivision Ordinance and consequently, sidewalk, curb, and gutter improvements are required along this frontage. Staff recommends denial of the request based on the requirements set forth by the Subdivision Ordinance and failure to establish hardship in order to meet the criteria required for waiver approval.

Chairperson LaTouche opened the public hearing.

Bert Thompson, applicant addressed the Commission. He stated that the only entrance on Peach Orchard Road would be for deliveries only; the remaining portion of the property would remain undeveloped. The entrance on Peach Orchard Road would allow greater safety for trucks entering and exiting the property as they would be able to utilize the crossover on US 377.

Rita Freels, 681 CR 257, spoke in opposition to the request due to concerns about increased traffic on Peach Orchard Road.

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

Chairperson LaTouche closed the public hearing.

MOTION by Brian Lesley, second by Bruce Delater, to deny Case No. SV2021-001. MOTION CARRIED, with Justin Allison casting a dissenting vote.

13. Public Hearing - Case No.: SV2021-002

Applicant Mike's Westside Rental, is requesting a subdivision waiver from Section 155.6.04.M (1) – Curb and Gutter along County Road 257 (Peach Orchard), located at Parcel R23789, Lot 2, Block 1, Excels Addition, to the City of Stephenville, Erath County, Texas.

Steve Killen, Director of Development Services, briefed the Commission on the case. The applicant was recently approved for a sidewalk waiver for the portion of the property facing Washington/Hwy 377. The property also has frontage on Peach Orchard. This portion of the property will also be subject to the Subdivision Ordinance and consequently, sidewalk, curb, and gutter improvements are required along this frontage. Staff recommends denial of the request based on the requirements set forth by the Subdivision Ordinance and failure to establish hardship in order to meet the criteria required for waiver approval. This case is related to Case No. SV2021-001.

Chairperson LaTouche opened the public hearing.

Bert Thompson was in attendance on behalf of Mike's Westside Rental. He had no additional comments.

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

Chairperson LaTouche closed the public hearing.

MOTION by Bruce Delater to deny the request with the condition that the denial go into effect when the city rebuilds and/or expands the street and that the applicant not be required to adhere to the requirement until that time. MOTION FAILED for lack of a second.

Chairperson LaTouche recessed the meeting to allow Mr. Killen to contact the city attorney regarding the ability to approve or deny the waiver with conditions. Staff was unable to make contact.

MOTION by Brian Lesley, second by Lisa LaTouche, to deny Case No. SV2021-002. MOTION FAILED by the following votes:

Ayes: Brian Lesley, Lisa LaTouche

Noes: Bruce Delater, Justin Allison

MOTION by Brian Lesley, second by Bruce Delater, to approve Case No. SV2021-002. MOTION CARRIED, with Lisa LaTouche casting a dissenting vote.

14. Public Hearing - Case No.: SV2021-003

Applicant Mike's Westside Rental, is requesting a subdivision waiver from Section 155.6.04.M (1) – Curb and Gutter along Highway 377, located at Parcel R23789, Lot 2, Block 1, Excels Addition, to the City of Stephenville, Erath County, Texas.

Steve Killen, Director of Development Services, briefed the Commission on the case. The applicant was recently approved for a sidewalk waiver for the portion of the property facing Washington/Hwy 377. This request is to address the curb and gutter requirement along that same frontage. Staff recommends denial of the request based on the requirements set forth by the Subdivision Ordinance and failure to establish hardship in order to meet the criteria required for waiver approval. This case is related to Case No. SV2021-001.

Chairperson LaTouche opened the public hearing.

Bert Thompson was in attendance on behalf of Mike's Westside Rental. He had no additional comments.

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

Chairperson LaTouche closed the public hearing.

MOTION by Bruce Delater, second by Justin Allison, to approve Case No. SV2021-003. MOTION CARRIED, with Lisa LaTouche casting a dissenting vote.

ADJOURN

The meeting was adjourned at 7:28 p.m.

Lisa LaTouche, Chair

ATTEST:

Tina Cox, Commission Secretary



PLANNING AND ZONING COMMISSION MEETING

City Hall Council Chambers, 298 West Washington Street
 Wednesday, March 17, 2021 at 5:30 PM

MINUTES

The Planning and Zoning Commission of the City of Stephenville, Texas, convened on Wednesday, March 17, 2020, at 5:30 PM, in person and via videoconference as allowed by Governor's Order due to the COVID-19 pandemic, 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

Lisa LaTouche, Chairperson

PRESENT:

Brian Lesley, Vice Chairperson

Justin Allison

Bruce Delater

COMMISSIONERS ABSENT:

Cliff McCrury

Vance Wade

Metta Collier

OTHERS ATTENDING:

Steve Killen, Director of Development Services

Tina Cox, Commission Secretary

CALL TO ORDER

Chairperson Lisa LaTouche called the meeting to order.

CONSIDER APPROVAL OF MINUTES

1. Consider Approval of Minutes for October 10, 2020.

MOTION by Bruce Delater, second by Brian Lesley, to approve the minutes for October 10, 2020.

MOTION CARRIED by unanimous vote.

PUBLIC HEARINGS

2. PUBLIC HEARING: Case No.: RZ2021-001

Property owner Taylor Kanute of Harbin Street LLC, is requesting a rezone of property 0 S. Harbin Drive, Parcel R73763, of SOUTH SIDE ADDITION, BLOCK 19, LOT 15, of the City of Stephenville, Erath County, Texas, from (B-2) Retail and Commercial Business to (PD) Planned Development. The applicant will present a conceptual plan. Formal action for the rezone request and approval of the Planned Development will be considered at the April 2021 meeting

Steve Killen, Director of Development Services, briefed the Commission on the case. This case presented in order to evaluate the conceptual plan and provide direction to the applicant in regards

to the Commission’s desires for the project. The intended project for the requested zoning is for the construction of mixed-use, planned development with attached residential and limited commercial (retail/restaurant/office) fronting on Harbin Street.

Taylor Kanute, applicant, explained to the Commission that the desire was to develop the 7 acres on Harbin Drive which would consist of 5.5 acres to be set apart for 62 Townhomes and 1.5 acres for retail, restaurants and commercial. He presented to the commission for their review, a conceptual drawing that was modeled after townhomes that had been built on Floral Street in Stephenville earlier in the year.

Commissioner Leslie voiced his concern regarding water run-off and drainage pond placement.

No formal action was taken at this time.

ADJOURN

The meeting was adjourned at 5:48 p.m.

Lisa LaTouche, Chair

ATTEST:

Tina Cox, Commission Secretary



STAFF REPORT

SUBJECT: Case No.: PD2020-003, PD2020-004 and PD2020-005

Steve Emmons, applicant for the above referenced Planned Development and representing Spectra Student Living, will be providing an update to the Commission in regards to the PD pursuant to Section 154.08 of the zoning code.

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

RECOMMENDATION:

The recommend the City Council extend the Planned Development Schedule.

BACKGROUND:

Steve Emmons, with Spectra Student Living, will provide an update on the Planned Development located in the 2200 Blk of Tarleton and provide an updated development schedule pursuant to requirements of the zoning code, Section, 154.08 (see excerpt below).

Although the update is prior to the one year anniversary, the PD was approved with a condition that the single family infrastructure for the PD would be completed by April 1, 2021.

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.

ALTERNATIVES

- 1) Recommend the City Council extend the development schedule.

- 2) Recommend the City Council initiate proceedings to amend the Official Zoning map of 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.



STAFF REPORT

SUBJECT: Case No.: SV2021-004

Applicant Clint McKeehan, representing Wellington State Bank, is requesting a subdivision waiver from Section 155.6.04.M.1 – Curb and Gutter, for property located at 2895 Northwest Loop, Parcel R76370, Block 155, Lot 17 (PT OF) of City Addition, to the City of Stephenville, Erath County, Texas.

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

RECOMMENDATION:

To deny the request based on the requirements set forth by the Subdivision Ordinance

BACKGROUND:

CURRENT ZONING:

B-1 – Neighborhood Business

FUTURE LAND USE:

Office/Neighborhood

SUBDIVISION ORDINANCE/CURBS

M. *Curb and Gutter Options.*

1. A six (6) inch standard curb shall be constructed on both sides of all streets except as allowed in 2 and 3 below.
2. On residential local streets and any subdivision where all lots are one (1) acre or larger, a "lay down" or "roll down" curb shall be permitted if designed in accordance with Engineering Standards Manual.
3. On subdivision where all lots are one acre or larger, a "ribbon curb" shall be permitted if designed in Engineering Standards Manual.

SUBDIVISION ORDINANCE/WAIVER REQUESTS

Sec. 155.7.01. - Petition for subdivision waiver.

- A. *Purpose.* The purpose of a petition for a Subdivision Waiver to a particular standard or requirement with these Subdivision Regulations, as such are applicable to Plats or Construction Plans, is to determine whether such particular standard or requirement should be applied to an Application.
- B. *Definitions.* Subdivision Waivers shall be classified as a Minor Subdivision Waiver or Major Subdivision Waiver.
- C. *Decision-Maker.*
 1. *Minor Subdivision Waiver.*
 - a. *Decision-Maker Authority.*
 - i. The City Administrator shall act upon a Minor Subdivision Waiver listed in Table 8.
 - b. *Appeal of a Minor Subdivision Waiver Decision.*

- i. *Appeal Review and Recommendation.* An appeal of the Minor Subdivision Waiver decision may be considered by the Commission.
- ii. *Appeal Decision.* If further appeal is made, the City Council shall then act on such an appeal. (See 7.01.J Minor Subdivision Waiver Appeal)

Table 8: Minor Subdivision Waiver		
Section	Standard	City Administrator
3.01.B	Waiver of Application Information	Approve
6.06.N	Dead-End Alleys	Approve
6.10.D	Right Angles for Side Lot Lines	Approve
6.05.D	Traffic Impact Analysis	Approve
6.13.A.5	Water Lines Extended to Subdivision Borders	Approve
6.14.A.5	Wastewater Lines Extended to Subdivision Borders	Approve

2. *Major Subdivision Waiver.*

- a. *Decision Maker Authority.* After review and recommendation from the Commission, the City Council shall decide a Major Subdivision Waiver.

D. *Subdivision Waiver Applicability.*

1. *Waiver of Standard or Requirement.*

- a. An Applicant may request a Subdivision Waiver of a particular standard or requirement applicable to a Preliminary Plat, to Construction Plans, or where no Preliminary Plat Application has been submitted for approval, to a Final Plat or a Replat.
- b. A Subdivision Waiver petition shall be specific in nature, and shall only involve relief consideration for one particular standard or requirement.
- c. An Applicant may, if desired, submit more than one Subdivision Waiver petition if there are several standards or requirements at issue.
- d. For processing a Subdivision Waiver in relationship with a Plat Application, an Applicant shall submit a Waiver of Right to 30-Day Action in accordance with 3.03.D Waiver of Right to 30-Day Action.

2. *Waiver Petition Acceptance.*

- a. A petition for a Subdivision Waiver shall not be accepted in lieu of:
 - i. A Subdivision Proportionality Appeal (7.02); or
 - ii. A Subdivision Vested Rights Petition (7.03).
- b. If there is a question as to whether a Subdivision Proportionality Appeal or Subdivision Vested Rights Petition is required instead of a Subdivision Waiver petition, such determination shall be made by the City Administrator.

E. *Subdivision Waiver Submission Procedures.*

1. *Written Waiver Request with Application.*

- a. A request for a Subdivision Waiver shall be submitted in writing by the Applicant with the filing of a Preliminary Plat, Construction Plans, Final Plat or Replat, as applicable.
- b. No Subdivision Waiver may be considered or granted unless the Applicant has made such written request.

2. *Grounds for Waiver.*

- a. The Applicant's request shall state the grounds for the Subdivision Waiver request and all of the facts relied upon by the Applicant.
- b. Failure to do so, will result in denial of the Application unless the Applicant submits a Waiver of Right to 30-Day Action in accordance with 3.03.D Waiver of Right to 30-Day Action.

F. Subdivision Waiver Criteria.

1. *Undue Hardship Present.* A Subdivision Waiver to regulations within this Subdivision Ordinance may be approved only when, in the Decision-Maker's opinion, undue hardship will result from strict compliance to the regulations.
2. *Consideration Factors.* The Decision-Maker shall take into account the following factors:
 - a. The nature of the proposed land use involved and existing uses of the land in the vicinity;
 - b. The number of persons who will reside or work in the proposed development; and
 - c. The effect such Subdivision Waiver might have upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.
3. *Findings.* No Subdivision Waiver shall be granted unless the Decision-Maker finds:
 - a. That there are special circumstances or conditions affecting the land involved or other constraints such that the strict application of the provisions of this Subdivision Ordinance would deprive the Applicant of the reasonable use of his or her land; and
 - b. That the Subdivision Waiver is necessary for the preservation and enjoyment of a substantial property right of the Applicant, and that the granting of the Subdivision Waiver will not be detrimental to the public health, safety or welfare or injurious to other property in the area; and
 - c. That the granting of the Subdivision Waiver will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this Subdivision Ordinance.
4. *Intent of Subdivision Regulations.*
 - a. A Subdivision Waiver may be granted only when in harmony with the general purpose and intent of the Subdivision Ordinance so that the public health, safety and welfare may be secured and substantial justice done.
 - b. Financial hardship to the Applicant shall not be deemed to constitute undue hardship.
5. *Minimum Degree of Variation.* No Subdivision Waiver shall be granted unless it represents the minimum degree of variation of requirements necessary to meet the needs of the Applicant.
6. *Violations and Conflicts.* The Decision-Maker shall not authorize a Subdivision Waiver that would constitute a violation of, or conflict with, any other valid ordinance, code, regulation, master plan or Comprehensive Plan of the City.
7. *Falsification of Information.*
 - a. Any falsification of information by the Applicant shall be cause for the Subdivision Waiver request to be denied.
 - b. If the Subdivision Waiver request is approved based upon false information, whether intentional or not, discovery of such false information shall nullify prior approval of the Subdivision Waiver, and shall be grounds for reconsideration of the Subdivision Waiver request.

- G. Burden of Proof.** The Applicant bears the burden of proof to demonstrate that the requirement for which a Subdivision Waiver is requested, if uniformly applied, imposes an undue hardship or disproportionate burden on the Applicant. The Applicant shall submit the burden of proof with the original submittal.

H. *Subdivision Waiver Decision.*

1. The Decision-Maker shall consider the Subdivision Waiver petition and, based upon the criteria set forth in 7.01.F Subdivision Waiver Criteria, shall take one of the following actions:
 - a. Deny the petition, and impose the standard or requirement as it is stated in this Subdivision Ordinance; or
 - b. Grant the petition, and waive in whole or in part the standard or requirement as it is stated in this Subdivision Ordinance.
2. Decision Process for a Minor Subdivision Waiver. The Decision-Maker shall deny or grant a request for a Minor Subdivision Waiver concurrently with the decision of a Preliminary Plat, Construction Plans, Final Plat or Replat, as applicable.
3. Decision Process for a Major Subdivision Waiver.
 - a. Recommendation of the Planning and Zoning Commission.
 - i. The Commission shall consider the Major Subdivision Waiver request at a public meeting no later than thirty (30) calendar days after the date on which the notice of Major Subdivision Waiver is submitted to the City Administrator.
 - ii. The Commission shall recommend to the City Council to approve or deny a request for a Major Subdivision Waiver by majority vote.
 - b. Decision by City Council.
 - i. After the recommendation from the Commission has been made, the City Council shall consider the Major Subdivision Waiver request at a public meeting no later than thirty (30) calendar days after the date on which the Commission's recommendation was made.
 - ii. The City Council may or shall approve or deny a request for a Major Subdivision Waiver by a vote of all members.
 - iii. The decision of the City Council is final.
- I. *Notification of Decision on Petition— 14 Days.* The Applicant shall be notified of the decision on the Subdivision Waiver by the applicable Decision-Maker (e.g., the City Administrator, Commission or City Council, as applicable), within fourteen (14) calendar days following the decision.

J. *Minor Subdivision Waiver Appeal.*

1. *Initiation of an Appeal.*
 - a. The Applicant may appeal a Minor Subdivision Waiver decision of the City Administrator, as allowed within the Subdivision Ordinance.
 - b. The written request to appeal shall be submitted to the City Administrator within thirty (30) calendar days following the denial decision.
2. *Recommendation of the Planning and Zoning Commission.*
 - a. The Commission shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the notice of appeal is submitted to the City Administrator.
 - b. At this meeting, new information may be presented and considered, if available, that might alter the previous decision to deny the Minor Subdivision Waiver.
 - c. The Commission shall recommend to the City Council to affirm, modify or reverse the previous decision by simple majority vote.
3. *Appeal to City Council.*
 - a. The Applicant may appeal the Commission's decision by submitting a written notice of appeal to the City Administrator within thirty (30) calendar days following the Commission's decision.
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3. *Extensions.* Extension of those Applications shall also result in extension of the Subdivision Waiver.

ZONING AND LAND USE:

Location	Zoning	Future Land Use
Subject Site	(B-1) Neighborhood Business	Office/Neighborhood
North	(R-1) Residential	Residential
South	(B-2) Retail and Commercial	Commercial
East	(B-1) Neighborhood Business	Office/Neighborhood
West	(B-2) Retail and Commercial	Commercial

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 waiver request.
- 2) Recommend the City Council deny the waiver request.

PLANNING AND ZONING COMMISSION APPLICATION

1. APPLICANT/OWNER: Wellington State Bank
First Name Last Name
- ADDRESS: 117 S. Graham St
Street/P.O. Box Phone No
- Stephenville TX 76401
City State Zip Code
2. PROPERTY DESCRIPTION: 2895 N.W. Loop, Stephenville TX 76401
Street Address
3. LEGAL DESCRIPTION: L0+17 155 3.452 acres, 52600 City Addition
Lot(s) Block(s) Addition
-
4. PRESENT CODES: _____
Code of Ordinance Title

APPLICANTS REQUEST FOR AN APPLICATION PERTAINS TO THE FOLLOWING:

- () FOR INTERPRETATION of the meaning or intent of the Zoning Ordinance.
- (X) A WAIVER from the literal enforcement of the Sub-Divison Ordinance.

5. APPLICANTS REQUEST IS AS FOLLOWS:
Wellington State Bank, Requests the waiver of curb & gutter installation along the lots frontage on N.W. Loop.

(Attach an additional sheet if necessary).

Chad Mick
Signature of Applicant

3/24/2021
Date

Jana Coy
Signature of City Official Received

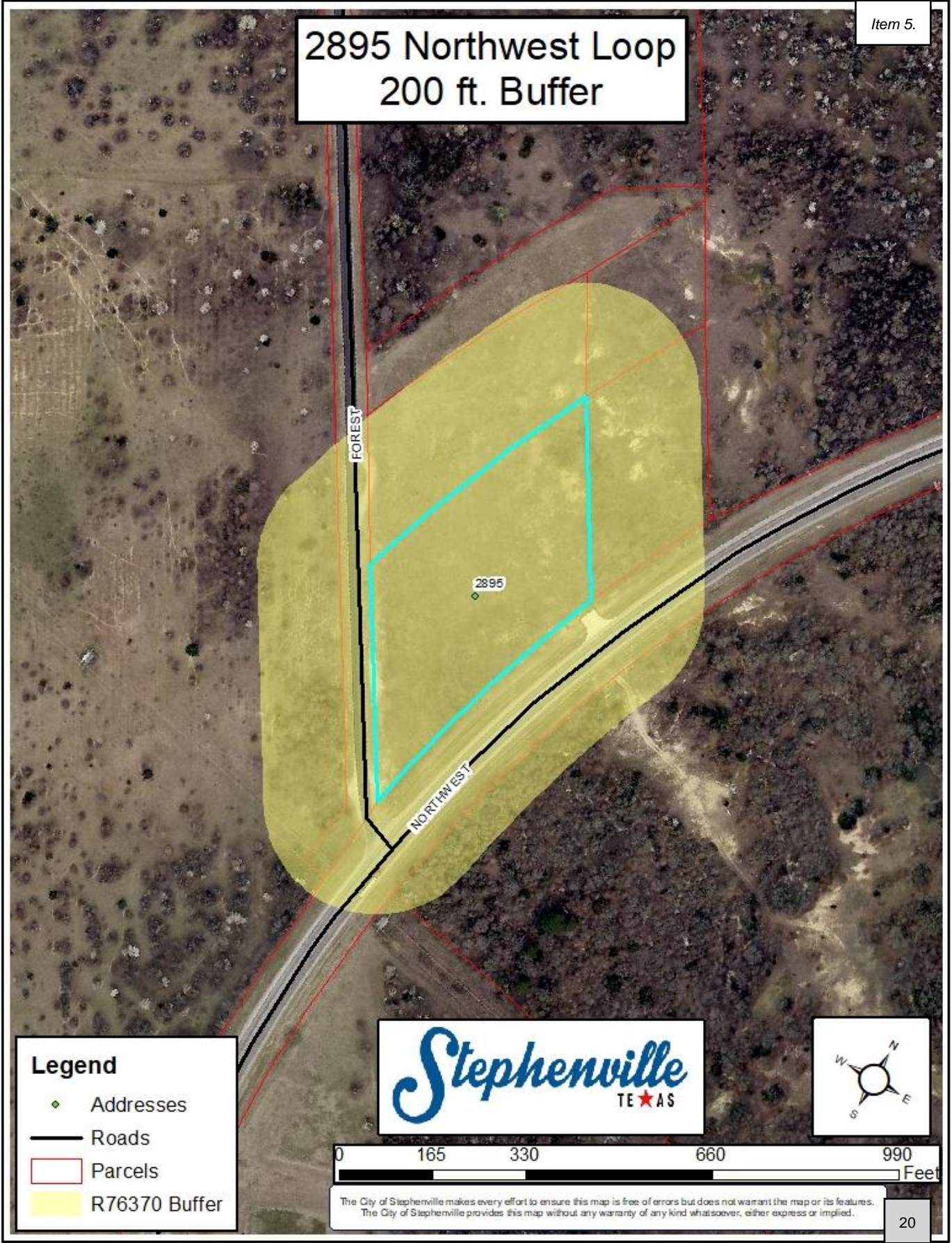
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FOR OFFICE USE ONLY

CHECKLIST

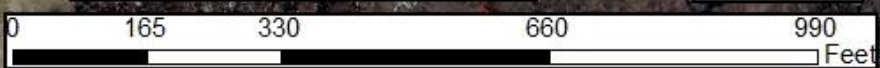
	<i>Initial(s)</i>	<i>Date</i>
1. Application Received:	_____	_____
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a. General Description of Location (Street, address, or "Northwest Corner of Avenue C and Avenue E").	_____	_____
b. Legal Description of Property (Lot and Block Number/Metes and bounds, Survey and Abstract).	_____	_____
c. Size of Tract by Dimensions and Area. (Shown on Plat drawn to scale).	_____	_____
d. Present Zoning Classification	_____	_____
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4. Site Plan Attached.	_____	_____
5. Property owners of record within 200 feet notified by mail.	_____	_____
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2895 Northwest Loop 200 ft. Buffer



Legend

- ◆ Addresses
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2895 Northwest Loop Current Zoning - B-1 - Neighborhood Business



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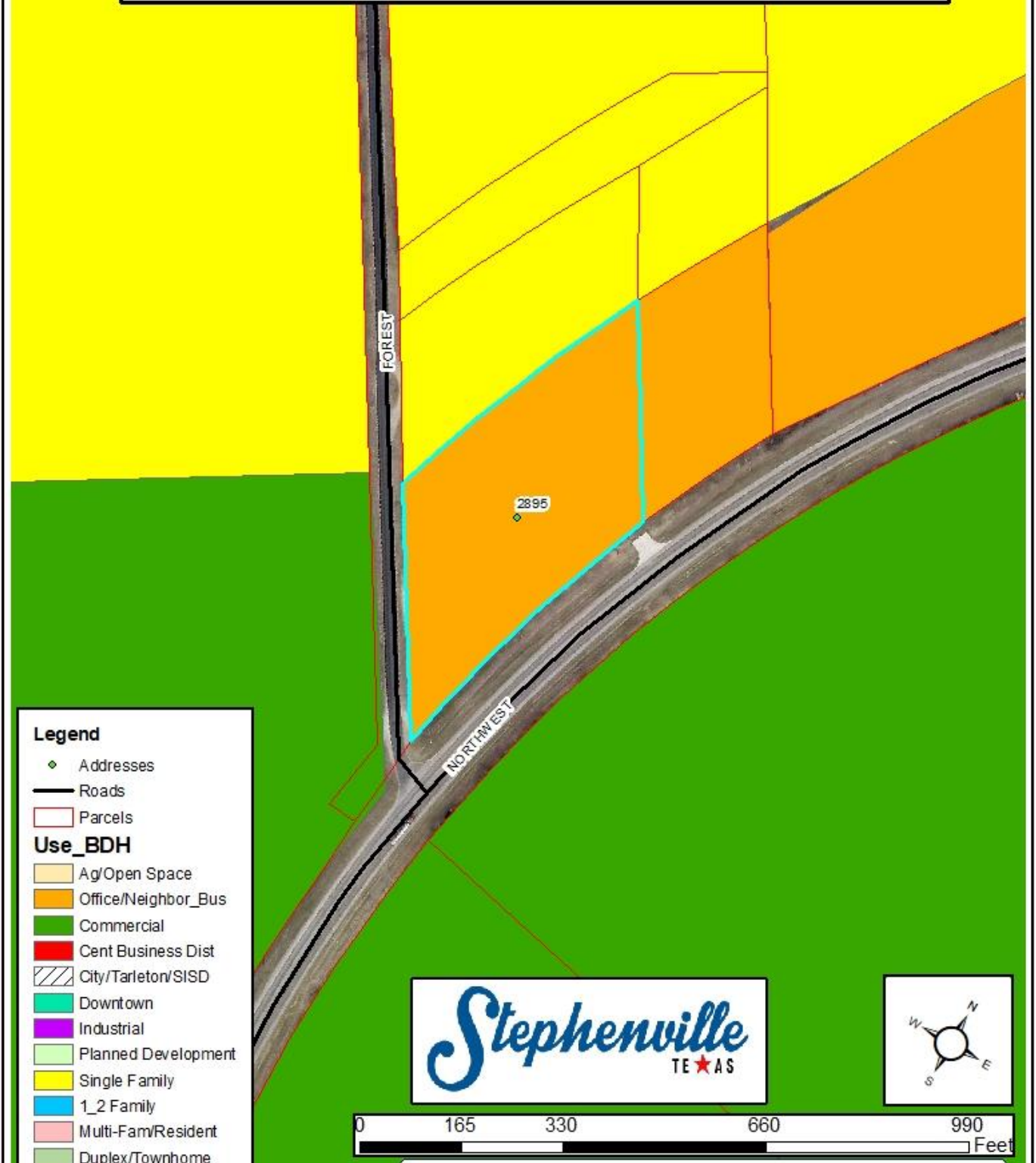
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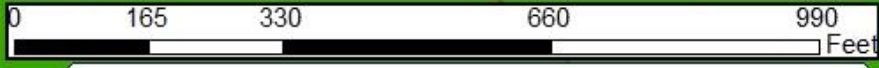


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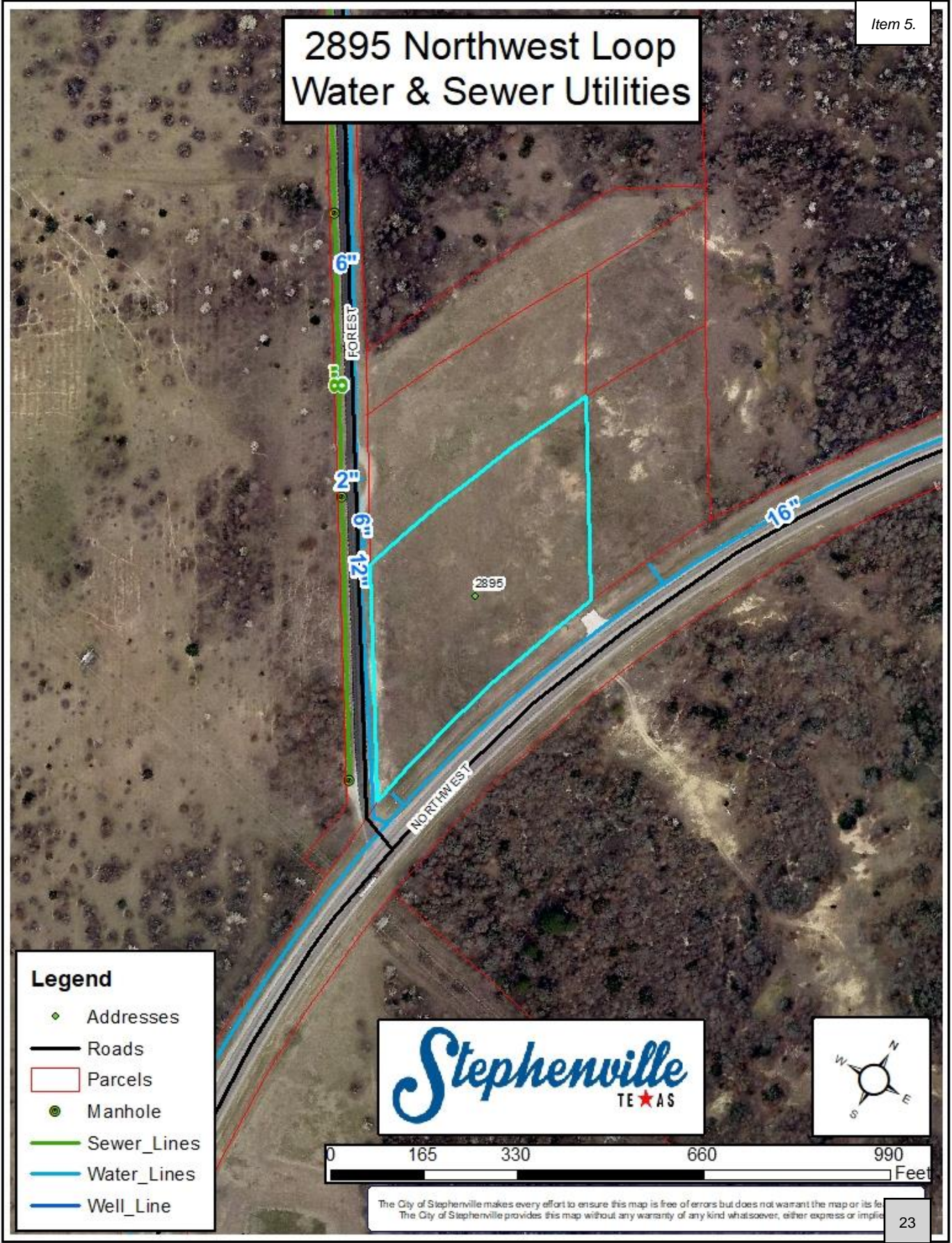
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2895 Northwest Loop Water & Sewer Utilities



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R000069040	0 FOREST LN	STEPHENVILLE RENTALS LLC	181 S GRAHAM	STEPHENVILLE	TX	76401
R000076371	0 NORTHWEST LOOP	WELLINGTON STATE BANK	PO BOX 1032	WELLINGTON	TX	79095
R000069042	0 FOREST LN	WELLINGTON STATE BANK	PO BOX 1032	WELLINGTON	TX	79095
R000076370	2895 NORTHWEST LOOP	WELLINGTON STATE BANK	PO BOX 1032	WELLINGTON	TX	79095



STAFF REPORT

SUBJECT: Case No.: SV2021-005

Applicant Clint McKeehan, representing Wellington State Bank, is requesting a subdivision waiver from Section 155.6.11 – Sidewalk Requirements, for property located at 2895 Northwest Loop, Parcel R76370, Block 155, Lot 17 of City Addition, to the City of Stephenville, Erath County, Texas.

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

RECOMMENDATION:

To deny the request based on the requirements set forth by the Subdivision Ordinance.

BACKGROUND:

CURRENT ZONING:

B-1 – Neighborhood Business

FUTURE LAND USE:

Office/Neighborhood

SUBDIVISION ORDINANCE/SIDEWALKS

Sec. 155.6.11. - Sidewalks.

- A. *Sidewalks and Pedestrian ways are required as a part of Subdivision Plat approval to help the City achieve the following:*
1. Promote the mobility, health, safety, and welfare of residents, property owners, and visitors to the City and to implement objectives and strategies of the Comprehensive Plan,
 2. Improve the safety of walking by providing separation from motorized transportation and improving travel surfaces for pedestrians,
 3. Improve public welfare by providing an alternate means of access to transportation and social interaction, especially for children, other citizens without personal vehicles, or those with disabilities, and
 4. Facilitate walking as a means of physical activity recognized as an important provider of health benefits.
- B. *Sidewalk Location and Design.*
1. Sidewalks shall be constructed for both sides of all streets within the Subdivision.
 2. Sidewalks shall be constructed along all lots adjoining dedicated streets, along Major Arterial/Thoroughfare Streets where lots do not adjoin the street, across power line easements and in other areas where pedestrian walkways are necessary.
 3. Routing to clear poles, trees or other obstacles shall be subject to City Administrator approval.
 4. The Plat or Construction Plans shall show the location of all proposed sidewalks and shall state at what stage of the project they will be constructed.
 5. All sidewalks shall conform to Federal Americans with Disabilities Act (ADA) requirements and barrier-free ramps should be provided for access to the street.

C. *Sidewalk General Construction.*

1. Sidewalks shall be constructed by Class "A" concrete and shall have a width of not less than five (5) feet and a minimum thickness of four (4) inches.
2. Sidewalks along Major Arterial/Thoroughfare Streets shall be no less than six feet (6') in width.
3. Sidewalks adjacent to screening and retaining walls shall be five (5) feet in width and shall abut the wall, eliminating the landscape area found along the wall, thereby reducing maintenance.
4. Sidewalks shall be constructed one foot (1') from the property line within the street or Major Arterial/Thoroughfare Street Right-of-Way and shall extend along the full street frontage including both sides of corner lots and block ends.
5. Construction of sidewalks adjacent to curbs will be considered where driveway entrances are constructed from the rear of lots on each side of the street for the full length of the block or where mountable curbs are installed. In these instances, the sidewalks shall be a minimum of five feet (6') wide.
6. Sidewalk construction may be delayed until development of lots, but in locations not adjacent to lots and across bridges and culverts, the sidewalk shall be constructed with the other improvements to the Subdivision.

D. *Sidewalks in Nonresidential Areas.* Sidewalks in nonresidential areas shall be a minimum width of five feet (6') or extend from the back of the curb to the building line as required by the City.

SUBDIVISION ORDINANCE/WAIVER REQUESTS

Sec. 155.7.01. - Petition for subdivision waiver.

- A. *Purpose.* The purpose of a petition for a Subdivision Waiver to a particular standard or requirement with these Subdivision Regulations, as such are applicable to Plats or Construction Plans, is to determine whether such particular standard or requirement should be applied to an Application.
- B. *Definitions.* Subdivision Waivers shall be classified as a Minor Subdivision Waiver or Major Subdivision Waiver.
- C. *Decision-Maker.*
 1. *Minor Subdivision Waiver.*
 - a. *Decision-Maker Authority.*
 - i. The City Administrator shall act upon a Minor Subdivision Waiver listed in Table 8.
 - b. *Appeal of a Minor Subdivision Waiver Decision.*
 - i. *Appeal Review and Recommendation.* An appeal of the Minor Subdivision Waiver decision may be considered by the Commission.
 - ii. *Appeal Decision.* If further appeal is made, the City Council shall then act on such an appeal. (See 7.01.J Minor Subdivision Waiver Appeal)

Table 8: Minor Subdivision Waiver		
Section	Standard	City Administrator
3.01.B	Waiver of Application Information	Approve
6.06.N	Dead-End Alleys	Approve
6.10.D	Right Angles for Side Lot Lines	Approve
6.05.D	Traffic Impact Analysis	Approve

6.13.A.5	Water Lines Extended to Subdivision Borders	Approve
6.14.A.5	Wastewater Lines Extended to Subdivision Borders	Approve

2. *Major Subdivision Waiver.*

- a. *Decision Maker Authority.* After review and recommendation from the Commission, the City Council shall decide a Major Subdivision Waiver.

D. *Subdivision Waiver Applicability.*

1. *Waiver of Standard or Requirement.*

- a. An Applicant may request a Subdivision Waiver of a particular standard or requirement applicable to a Preliminary Plat, to Construction Plans, or where no Preliminary Plat Application has been submitted for approval, to a Final Plat or a Replat.
- b. A Subdivision Waiver petition shall be specific in nature, and shall only involve relief consideration for one particular standard or requirement.
- c. An Applicant may, if desired, submit more than one Subdivision Waiver petition if there are several standards or requirements at issue.
- d. For processing a Subdivision Waiver in relationship with a Plat Application, an Applicant shall submit a Waiver of Right to 30-Day Action in accordance with 3.03.D Waiver of Right to 30-Day Action.

2. *Waiver Petition Acceptance.*

- a. A petition for a Subdivision Waiver shall not be accepted in lieu of:
- i. A Subdivision Proportionality Appeal (7.02); or
 - ii. A Subdivision Vested Rights Petition (7.03).
- b. If there is a question as to whether a Subdivision Proportionality Appeal or Subdivision Vested Rights Petition is required instead of a Subdivision Waiver petition, such determination shall be made by the City Administrator.

E. *Subdivision Waiver Submission Procedures.*

1. *Written Waiver Request with Application.*

- a. A request for a Subdivision Waiver shall be submitted in writing by the Applicant with the filing of a Preliminary Plat, Construction Plans, Final Plat or Replat, as applicable.
- b. No Subdivision Waiver may be considered or granted unless the Applicant has made such written request.

2. *Grounds for Waiver.*

- a. The Applicant's request shall state the grounds for the Subdivision Waiver request and all of the facts relied upon by the Applicant.
- b. Failure to do so, will result in denial of the Application unless the Applicant submits a Waiver of Right to 30-Day Action in accordance with 3.03.D Waiver of Right to 30-Day Action.

F. *Subdivision Waiver Criteria.*

1. *Undue Hardship Present.* A Subdivision Waiver to regulations within this Subdivision Ordinance may be approved only when, in the Decision-Maker's opinion, undue hardship will result from strict compliance to the regulations.
2. *Consideration Factors.* The Decision-Maker shall take into account the following factors:
- a. The nature of the proposed land use involved and existing uses of the land in the vicinity;
 - b. The number of persons who will reside or work in the proposed development; and

- c. The effect such Subdivision Waiver might have upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

3. *Findings.* No Subdivision Waiver shall be granted unless the Decision-Maker finds:

- a. That there are special circumstances or conditions affecting the land involved or other constraints such that the strict application of the provisions of this Subdivision Ordinance would deprive the Applicant of the reasonable use of his or her land; and
- b. That the Subdivision Waiver is necessary for the preservation and enjoyment of a substantial property right of the Applicant, and that the granting of the Subdivision Waiver will not be detrimental to the public health, safety or welfare or injurious to other property in the area; and
- c. That the granting of the Subdivision Waiver will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this Subdivision Ordinance.

4. *Intent of Subdivision Regulations.*

- a. A Subdivision Waiver may be granted only when in harmony with the general purpose and intent of the Subdivision Ordinance so that the public health, safety and welfare may be secured and substantial justice done.
- b. Financial hardship to the Applicant shall not be deemed to constitute undue hardship.

5. *Minimum Degree of Variation.* No Subdivision Waiver shall be granted unless it represents the minimum degree of variation of requirements necessary to meet the needs of the Applicant.

6. *Violations and Conflicts.* The Decision-Maker shall not authorize a Subdivision Waiver that would constitute a violation of, or conflict with, any other valid ordinance, code, regulation, master plan or Comprehensive Plan of the City.

7. *Falsification of Information.*

- a. Any falsification of information by the Applicant shall be cause for the Subdivision Waiver request to be denied.
- b. If the Subdivision Waiver request is approved based upon false information, whether intentional or not, discovery of such false information shall nullify prior approval of the Subdivision Waiver, and shall be grounds for reconsideration of the Subdivision Waiver request.

G. *Burden of Proof.* The Applicant bears the burden of proof to demonstrate that the requirement for which a Subdivision Waiver is requested, if uniformly applied, imposes an undue hardship or disproportionate burden on the Applicant. The Applicant shall submit the burden of proof with the original submittal.

H. *Subdivision Waiver Decision.*

1. The Decision-Maker shall consider the Subdivision Waiver petition and, based upon the criteria set forth in 7.01.F Subdivision Waiver Criteria, shall take one of the following actions:
 - a. Deny the petition, and impose the standard or requirement as it is stated in this Subdivision Ordinance; or
 - b. Grant the petition, and waive in whole or in part the standard or requirement as it is stated in this Subdivision Ordinance.
2. Decision Process for a Minor Subdivision Waiver. The Decision-Maker shall deny or grant a request for a Minor Subdivision Waiver concurrently with the decision of a Preliminary Plat, Construction Plans, Final Plat or Replat, as applicable.
3. Decision Process for a Major Subdivision Waiver.
 - a. Recommendation of the Planning and Zoning Commission.
 - i. The Commission shall consider the Major Subdivision Waiver request at a public meeting no later than thirty (30) calendar days after the date on which the notice of Major Subdivision Waiver is submitted to the City Administrator.
 - ii. The Commission shall recommend to the City Council to approve or deny a request for a Major Subdivision Waiver by majority vote.

- b. Decision by City Council.
 - i. After the recommendation from the Commission has been made, the City Council shall consider the Major Subdivision Waiver request at a public meeting no later than thirty (30) calendar days after the date on which the Commission's recommendation was made.
 - ii. The City Council may or shall approve or deny a request for a Major Subdivision Waiver by a vote of all members.
 - iii. The decision of the City Council is final.
- I. *Notification of Decision on Petition— 14 Days.* The Applicant shall be notified of the decision on the Subdivision Waiver by the applicable Decision-Maker (e.g., the City Administrator, Commission or City Council, as applicable), within fourteen (14) calendar days following the decision.
- J. *Minor Subdivision Waiver Appeal.*
 - 1. *Initiation of an Appeal.*
 - a. The Applicant may appeal a Minor Subdivision Waiver decision of the City Administrator, as allowed within the Subdivision Ordinance.
 - b. The written request to appeal shall be submitted to the City Administrator within thirty (30) calendar days following the denial decision.
 - 2. *Recommendation of the Planning and Zoning Commission.*
 - a. The Commission shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the notice of appeal is submitted to the City Administrator.
 - b. At this meeting, new information may be presented and considered, if available, that might alter the previous decision to deny the Minor Subdivision Waiver.
 - c. The Commission shall recommend to the City Council to affirm, modify or reverse the previous decision by simple majority vote.
 - 3. *Appeal to City Council.*
 - a. The Applicant may appeal the Commission's decision by submitting a written notice of appeal to the City Administrator within thirty (30) calendar days following the Commission's decision.
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Date


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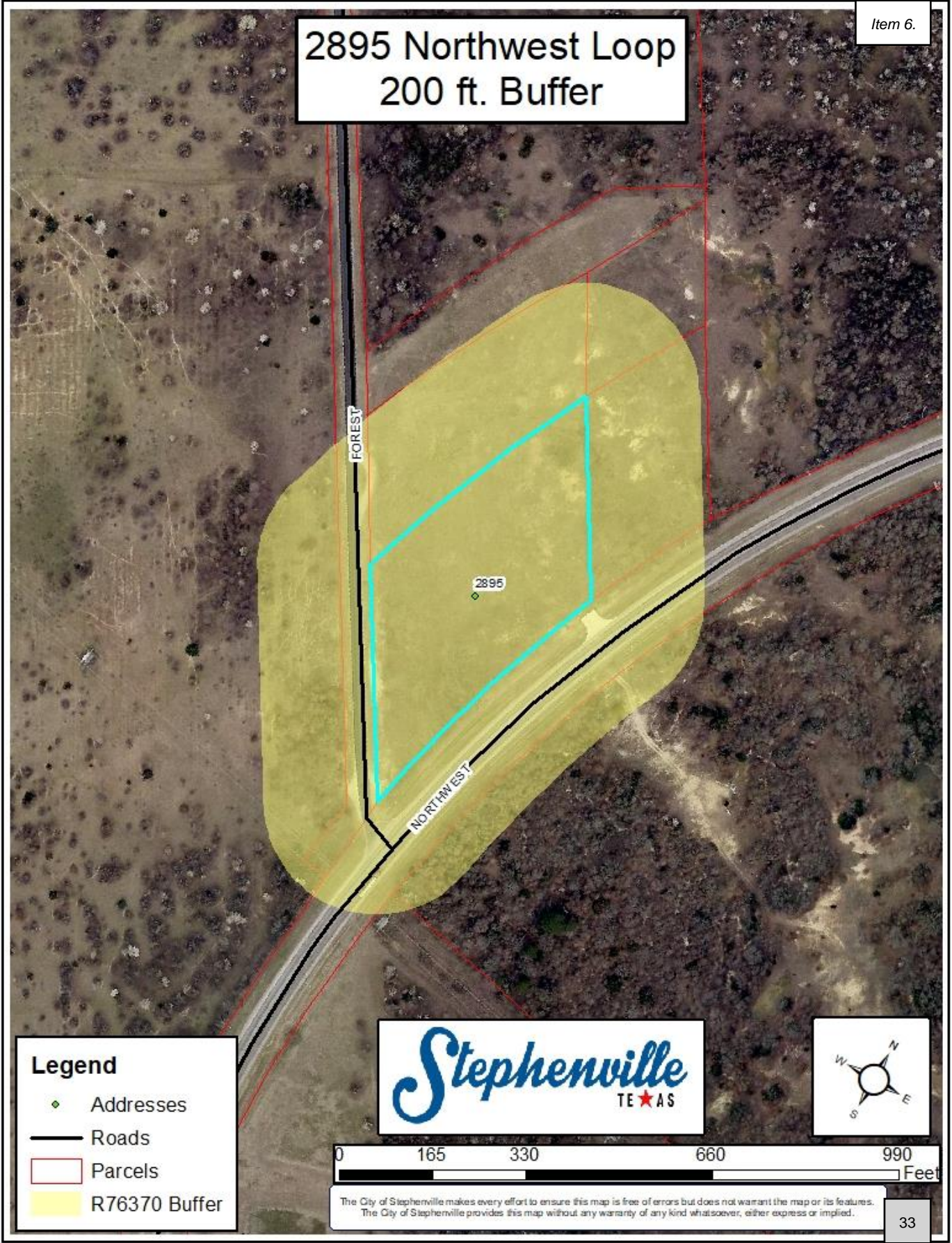
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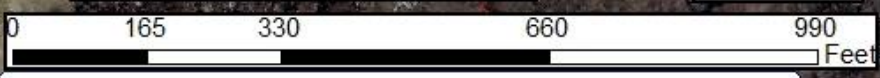
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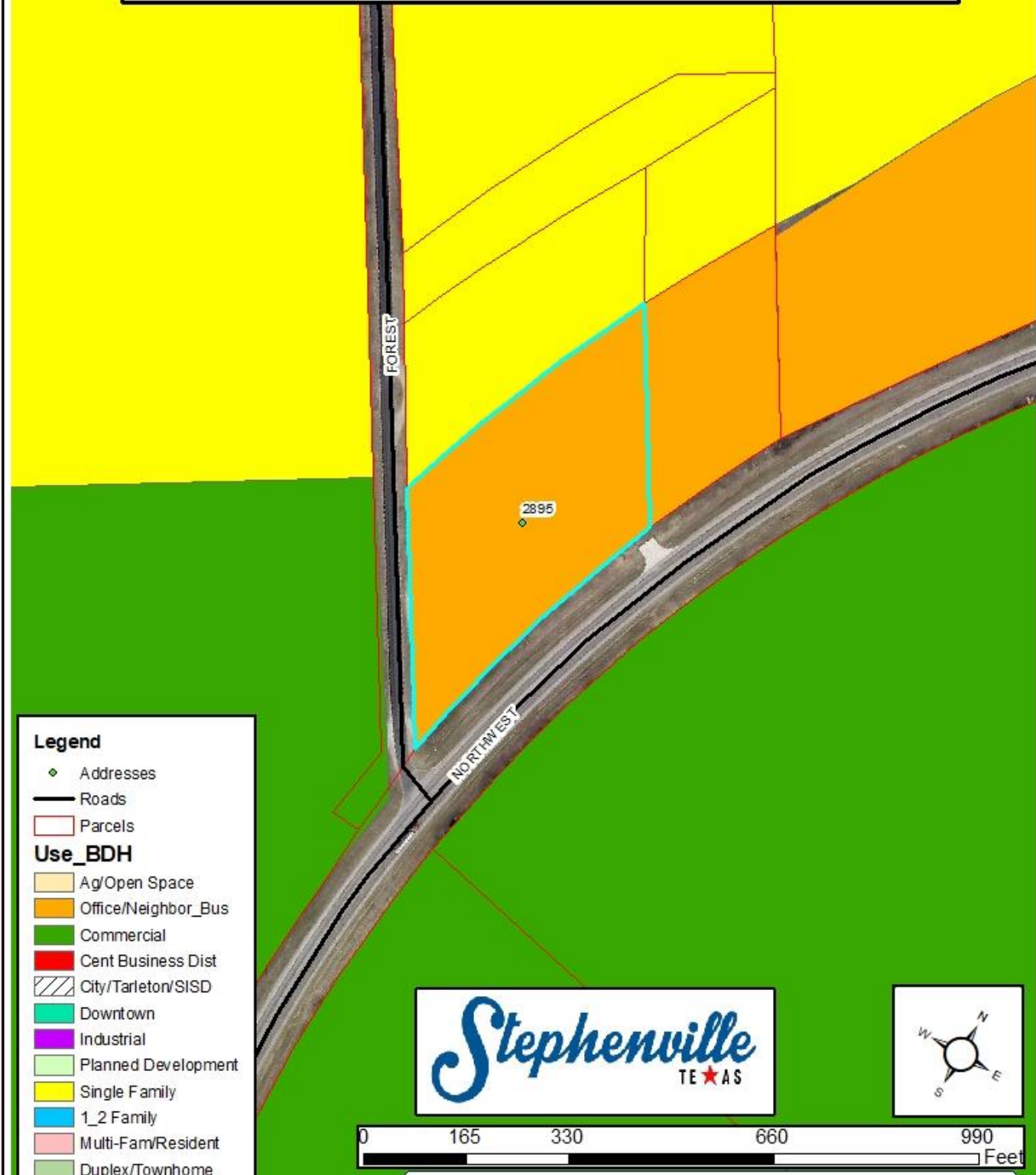
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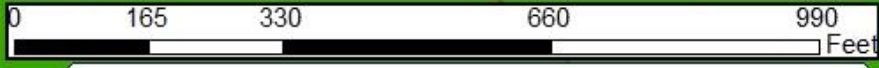


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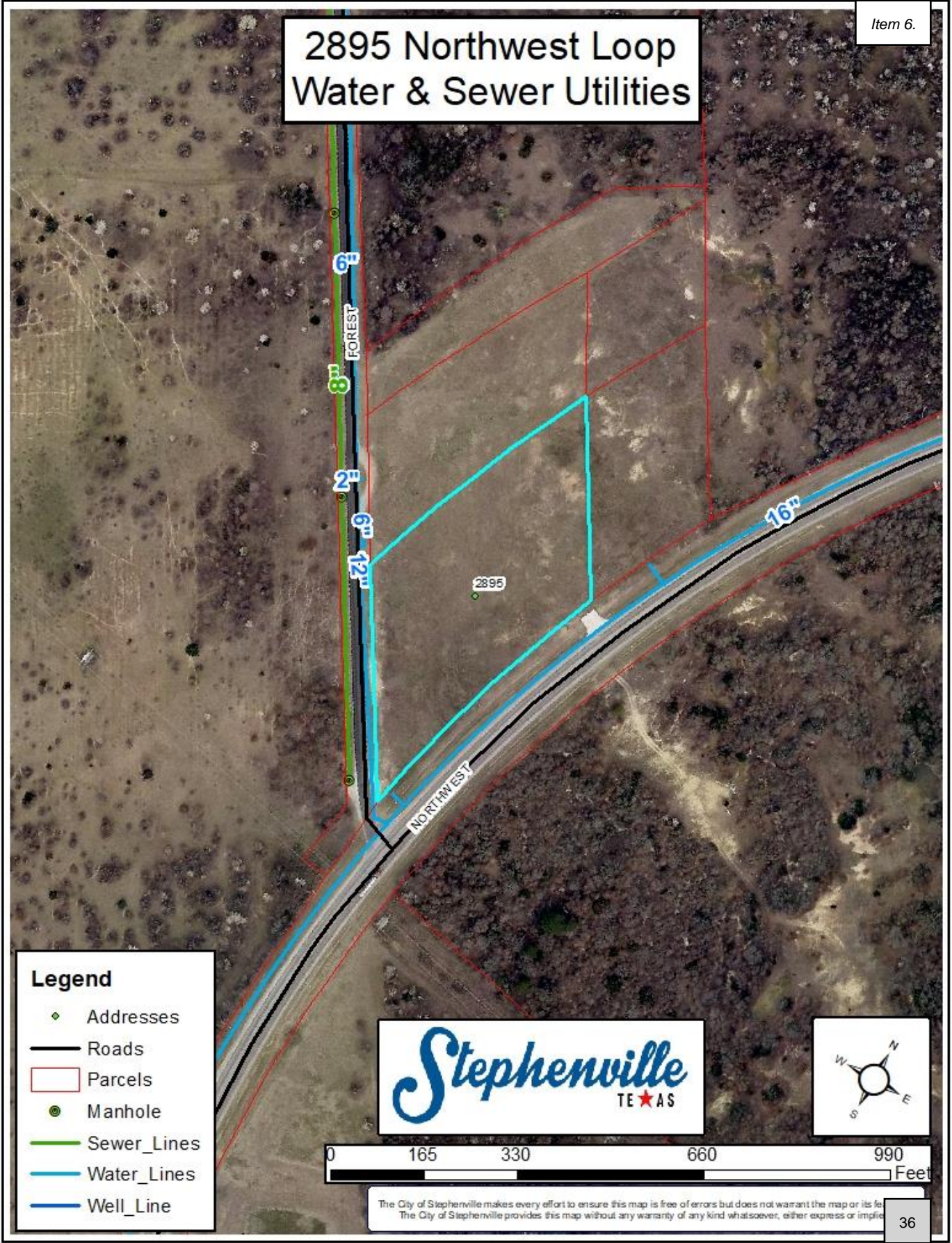
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R000075151	0 NORTHWEST LOOP & FREY	BACHUS JAMES O FAMILY TRUST	PO BOX 552	STEPHENVILLE	TX	76401-0552
R000072455	0 FOREST LANE	STEPHENVILLE RENTALS LLC	181 S GRAHAM	STEPHENVILLE	TX	76401
R000069040	0 FOREST LN	STEPHENVILLE RENTALS LLC	181 S GRAHAM	STEPHENVILLE	TX	76401
R000076371	0 NORTHWEST LOOP	WELLINGTON STATE BANK	PO BOX 1032	WELLINGTON	TX	79095
R000069042	0 FOREST LN	WELLINGTON STATE BANK	PO BOX 1032	WELLINGTON	TX	79095
R000076370	2895 NORTHWEST LOOP	WELLINGTON STATE BANK	PO BOX 1032	WELLINGTON	TX	79095



STAFF REPORT

SUBJECT: Case No.: RZ2021-001r

Applicant Keewaydin Development, Taylor Kanute, is requesting a rezone of properties located at 751 Miller, Parcel R32531, Lot 9B, Block 2, Miller Addition, to the City of Stephenville, Erath County, Texas, from (B-1) Neighborhood Business to (R-1.5) Single Family.

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

RECOMMENDATION:

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

BACKGROUND:

APPLICANT REQUEST:

The intended project for the requested zoning is for the construction of a single family dwelling. The previous submittal was for B-3 (Central Business District) which authorizes a single family residence as a permitted use. The Commission recommended approval of B-3 with hesitation after discussing the need for a residential zoning for smaller parcels. However, after further research, it was discovered that the R-1.5 zoning district is already in place. Consequently, the City Council directed staff to return to the Commission for review and consideration of the R-1.5 zoning.

The applicant does not currently own the property; but, received authorization from the current owner to make the request.

CURRENT ZONING:

B-1 – Neighborhood Business

FUTURE LAND USE:

Single Family

DESCRIPTION OF REQUESTED ZONING

Sec. 154.05.4. Single-family residential district (R-1.5) (6,000 ft²).

5.4.A Description. This residential district provides for a neighborhood development of medium density. The primary land use allows for single-family dwelling development on smaller lots. 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.

5.4.B Permitted Uses.

- (1) Single-family detached dwelling, limited to occupancy by a family having no more than three individuals who are unrelated by blood, legal adoption, marriage or conservatorship. The owner and any agent of the owner shall be legally responsible for directly or indirectly allowing, permitting,

causing or failing to prohibit residential use of a dwelling in this district by more than three unrelated individuals;

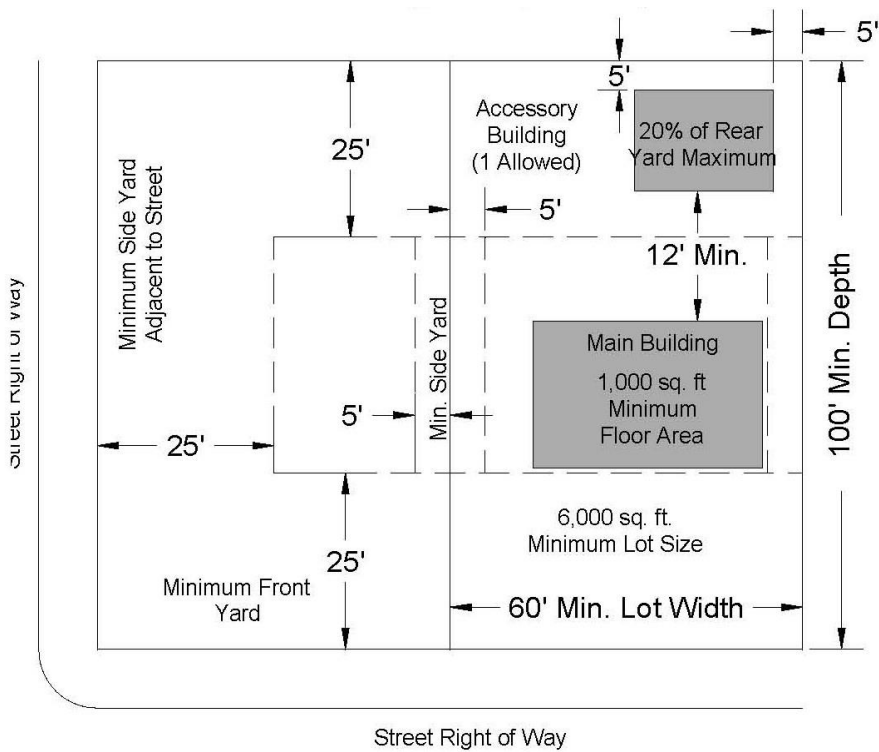
- (2) Accessory building;
- (3) Churches, temples, mosques and related facilities;
- (4) Community home;
- (5) Park or playground; and
- (6) SISD school—public.

5.4.C Conditional Uses.

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

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

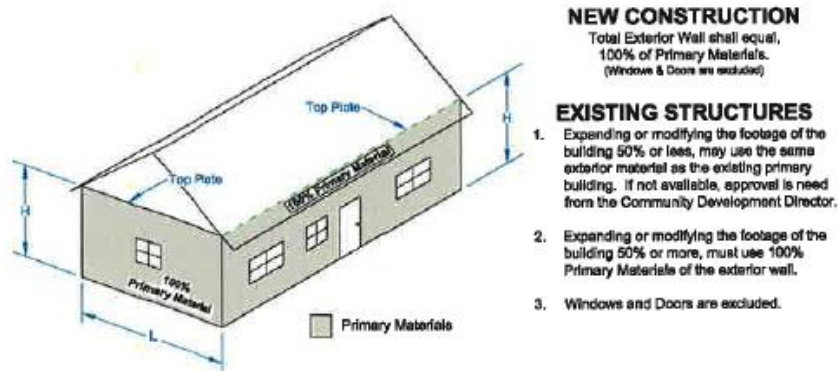
- (1) Minimum lot area: single-family dwelling: 5,000 ft².
- (2) Minimum lot width and lot frontage: 50 feet.
- (3) Minimum lot depth: 100 feet.
- (4) Minimum depth of front setback: 25 feet.
- (5) Minimum depth of rear setback: 25 feet.
- (6) Minimum width of side setback:
 - (a) Internal lot: five 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 building coverage of rear yard: 20%.
 - (b) Maximum number of accessory buildings: one.
 - (c) Minimum depth of side setback: five feet.
 - (d) Minimum depth of rear setback: five feet.
 - (e) Minimum depth from the edge of the main building: 12 feet.
- (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.



5.4.E Parking Regulations. A Single-Family, R-1.5 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.

5.4.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.



(Ord. 2011-26, passed 12-6-2011; Ord. 2018-O-22 , § 1, 6-12-2018)

WATER:

The property is served by a 2” city water main in Miller.

SEWER:

The property is served by a 6” sanitary sewer main in Miller.

STREET:

The property is served by a city street (Miller).

ZONING AND LAND USE:

Location	Zoning	Future Land Use
Subject Site	(B-1) Neighborhood Business	Single Family
North	(B-2) Retail and Commercial	Single Family
South	(B-1) Neighborhood Business	Single Family
East	(B-1) Neighborhood Business	Single Family
West	(B-2) Retail and Commercial	Commercial

FACTORS TO CONSIDER:

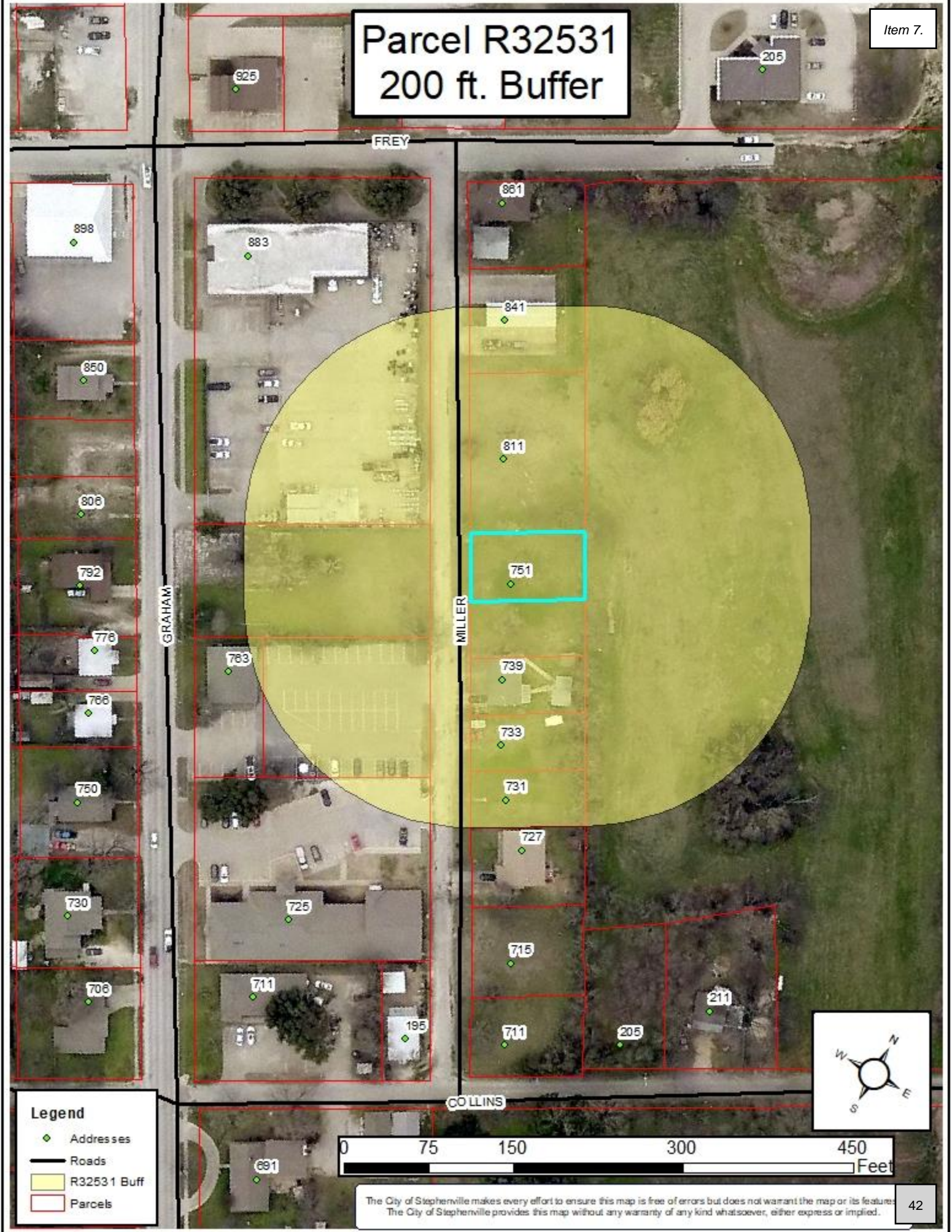
- Compliance with Comprehensive Plan?
- Is application consistent with Plan?
- If not, have conditions changed or new information been offered to support change?
- Surrounding Zoning and Land Use
- Infrastructure Impacts
- Size and Location of Parcel - is land large enough and in proper location for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

ALTERNATIVES

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

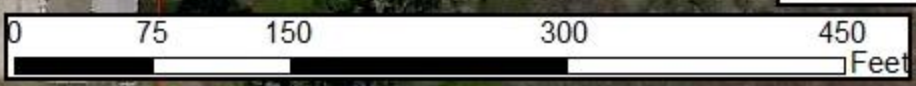
Parcel R32531 200 ft. Buffer

Item 7.



Legend

- ◆ Addresses
- Roads
- R32531 Buff
- ▭ Parcels



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

Parcel R32531 Current Zoning - B1- Neighborhood Business



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, Tareyton, School
- DT - Downtown
- IND - Industrial
- PD - Planned Development
- R-1 - Single Family - 7,500
- R-1.5 - Single Family - 6,000
- R-2 - One and Two Family
- R-3 - Multiple Family
- RE - Single Family - 1 Acre

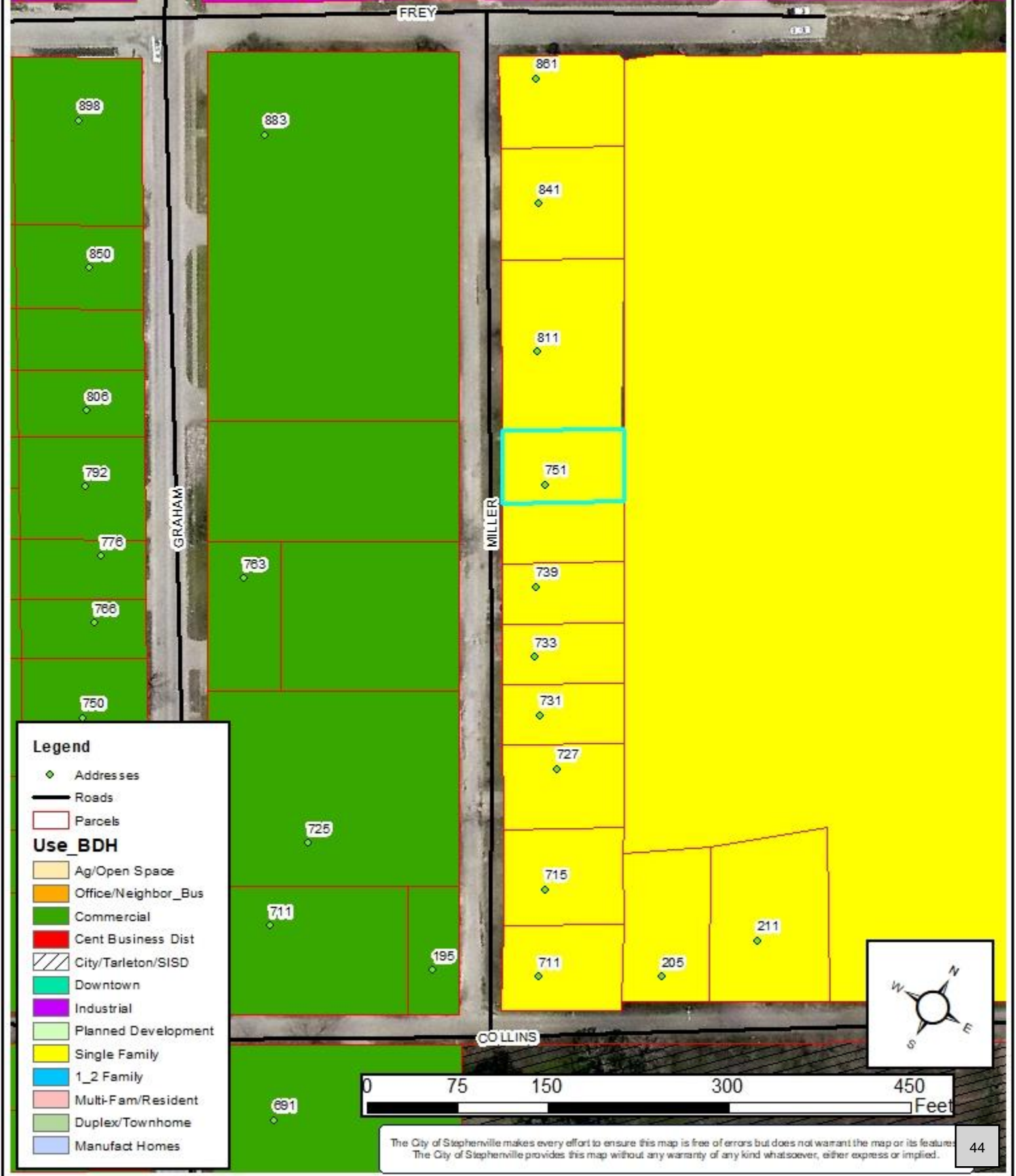


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Parcel R32531

Future Use - Single Family

Item 7.

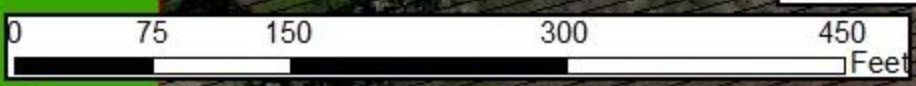


Legend

- ◆ Addresses
- Roads
- ▭ Parcels

Use_BDH

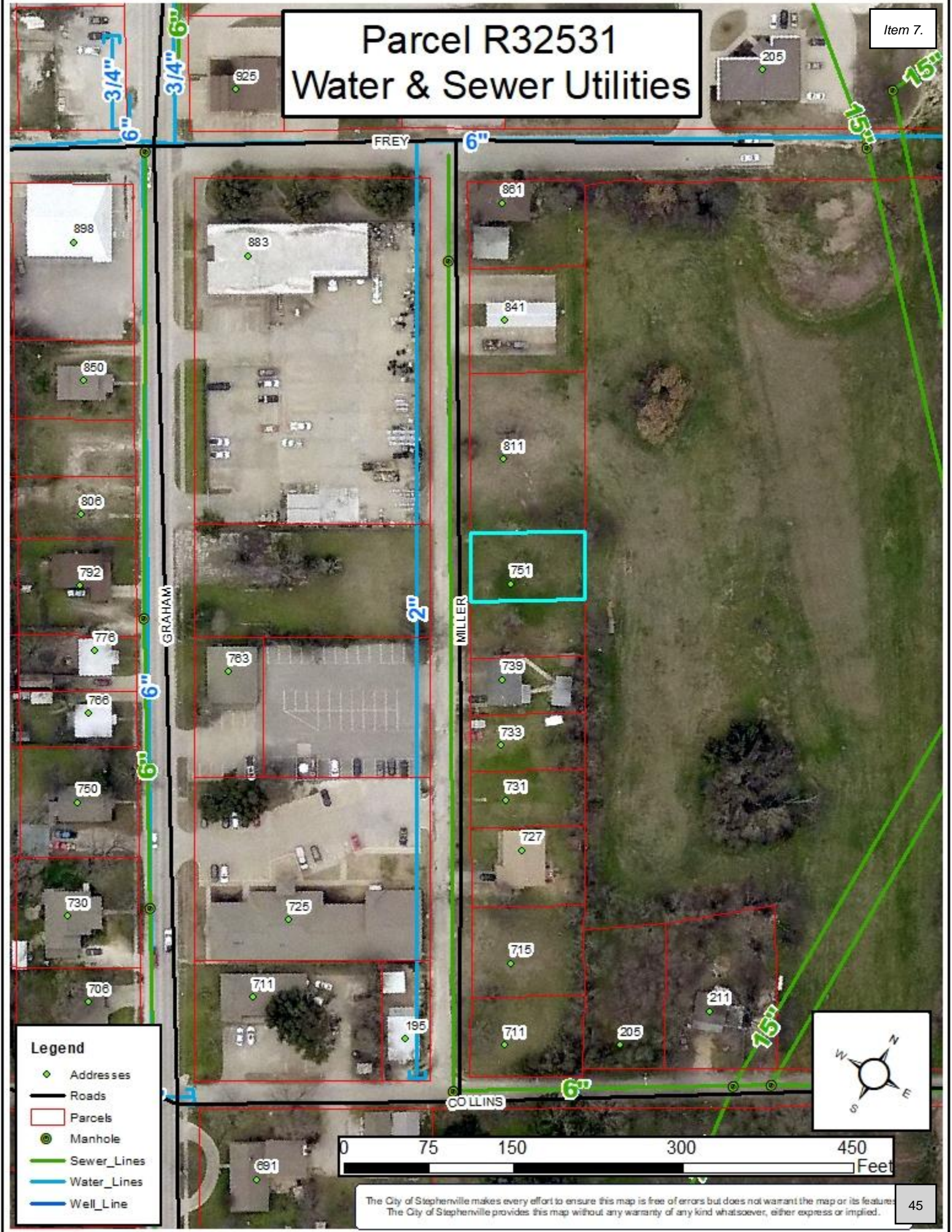
- Ag/Open Space
- Office/Neighbor_Bus
- Commercial
- Cent Business Dist
- City/Tarleton/SISD
- Downtown
- Industrial
- Planned Development
- Single Family
- 1_2 Family
- Multi-Fam/Resident
- Duplex/Townhome
- Manufact Homes



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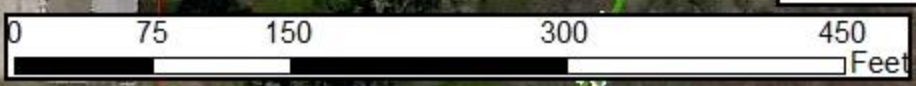
Parcel R32531 Water & Sewer Utilities

Item 7.



Legend

- ◆ Addresses
- Roads
- Parcels
- Manhole
- Sewer_Lines
- Water_Lines
- Well_Line



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Parcel R32531 Addresses

Parcel ID	Parcel Address	Parcel Owner	Owner Address	City	State	Zip Code
R000032525	727 N MILLER	BENHAM WANDA	553 TIMBERWOLF TRAIL	STEPHENVILLE	TX	76401
R000029629	0 E COLLINS ST	GOODMAN EDWIN D	PO BOX 1713	STEPHENVILLE	TX	76401-0000
R000032532	841 MILLER	HARRIS DALE & DEBBY	102 WILLOW LANE	STEPHENVILLE	TX	76401
R000032518	725 N GRAHAM	HARRIS METHODIST ERATH CO	611 RYAN PLAZA DR SUITE 660	ARLINGTON	TX	76011
R000062853	0 MILLER	HARRIS PROFESSIONAL BUILDING CORP	611 RYAN PLAZA DR SUITE 660	ARLINGTON	TX	76011
R000032521	787 N GRAHAM	HARRIS PROFESSIONAL BUILDING CORP	611 RYAN PLAZA DR SUITE 660	ARLINGTON	TX	76011
R000032530	811 MILLER	MATAI MAURO CONCEICAO	1361 ROSE DR	STEPHENVILLE	TX	76401
R000032529	751 MILLER	MLE INVESTMENT INSIGHTS LLC	PO BOX 1314	STEPHENVILLE	TX	76401
R000032531	751 MILLER	MLE INVESTMENT INSIGHTS LLC	PO BOX 1314	STEPHENVILLE	TX	76401
R000032528	739 MILLER	NAVARRO JOSE JUIS, RAUL, & MARIA TERESA VILLAREAL	739 N MILLER ST	STEPHENVILLE	TX	76401
R000062852	763 N GRAHAM	OAK LAWN MEDICAL PROPERTIES LP	1951 FORT WORTH HWY STE 105	WEATHERFORD	TX	76086
R000032522	883 N GRAHAM	ONCOR ELECTRIC DELIVERY CO LLC	PO BOX 219071	DALLAS	TX	75221-9071
R000032526	731 MILLER	VILLAREAL RAUL NAVARRO	739 N MILLER ST	STEPHENVILLE	TX	76401
R000032527	733 MILLER	VILLAREAL RAUL NAVARRO	739 N MILLER ST	STEPHENVILLE	TX	76401



STAFF REPORT

SUBJECT: Case No.: RZ2021-002r

Applicant Keewaydin Development, Taylor Kanute, is requesting a rezone of properties located at 751 Miller, Parcel R32529, Lot 8, Block 2, Miller Addition, to the City of Stephenville, Erath County, Texas, from (B-1) Neighborhood Business to (R-1.5) Single Family.

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

RECOMMENDATION:

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

BACKGROUND:

APPLICANT REQUEST:

The intended project for the requested zoning is for the construction of a single family dwelling. The previous submittal was for B-3 (Central Business District) which authorizes a single family residence as a permitted use. The Commission recommended approval of B-3 with hesitation after discussing the need for a residential zoning for smaller parcels. However, after further research, it was discovered that the R-1.5 zoning district is already in place. Consequently, the City Council directed staff to return to the Commission for review and consideration of the R-1.5 zoning.

The applicant does not currently own the property; but, received authorization from the current owner to make the request.

CURRENT ZONING:

B-1 – Neighborhood Business

FUTURE LAND USE:

Single Family

DESCRIPTION OF REQUESTED ZONING

Sec. 154.05.4. Single-family residential district (R-1.5) (6,000 ft²).

5.4.A Description. This residential district provides for a neighborhood development of medium density. The primary land use allows for single-family dwelling development on smaller lots. 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.

5.4.B Permitted Uses.

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

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

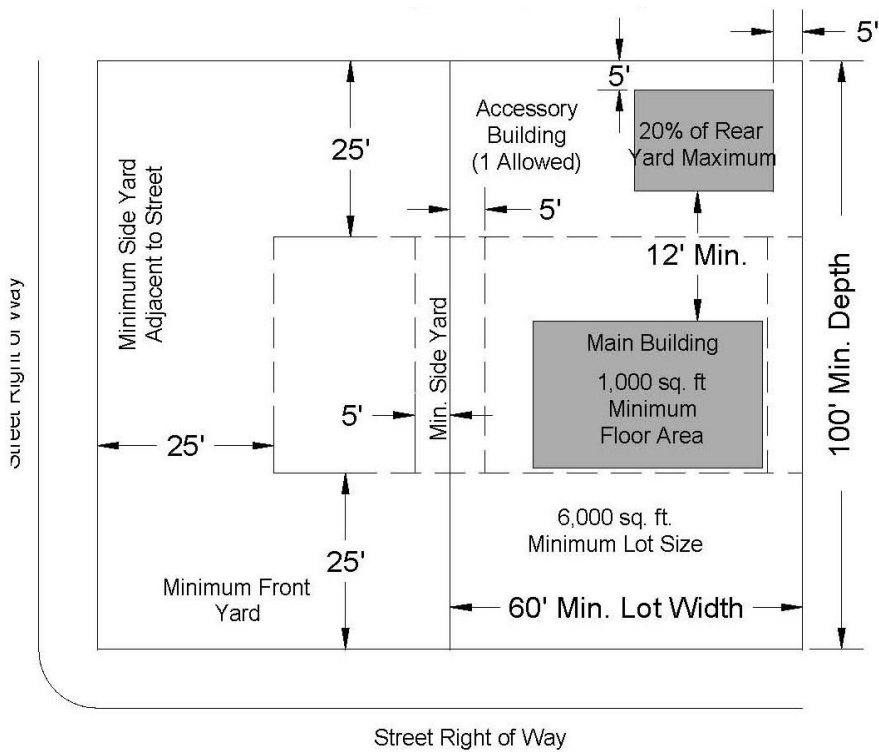
- (2) Accessory building;
- (3) Churches, temples, mosques and related facilities;
- (4) Community home;
- (5) Park or playground; and
- (6) SISD school—public.

5.4.C Conditional Uses.

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

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

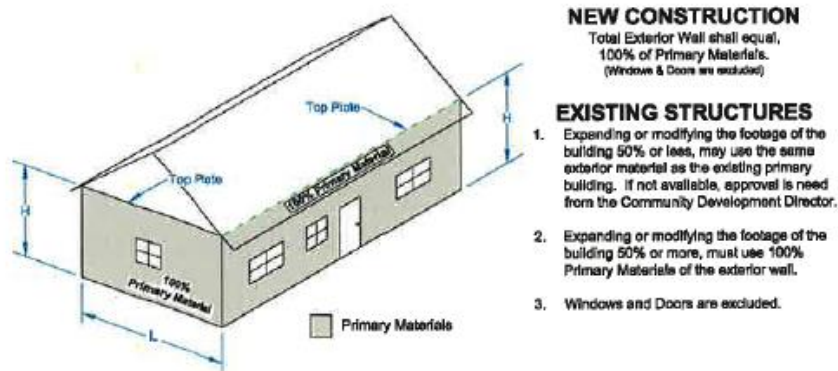
- (1) Minimum lot area: single-family dwelling: 5,000 ft².
- (2) Minimum lot width and lot frontage: 50 feet.
- (3) Minimum lot depth: 100 feet.
- (4) Minimum depth of front setback: 25 feet.
- (5) Minimum depth of rear setback: 25 feet.
- (6) Minimum width of side setback:
 - (a) Internal lot: five 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 building coverage of rear yard: 20%.
 - (b) Maximum number of accessory buildings: one.
 - (c) Minimum depth of side setback: five feet.
 - (d) Minimum depth of rear setback: five feet.
 - (e) Minimum depth from the edge of the main building: 12 feet.
- (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.



5.4.E Parking Regulations. A Single-Family, R-1.5 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.

5.4.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; Ord. 2018-O-22 , § 1, 6-12-2018)

WATER:

The property is served by a 2” city water main in Miller.

SEWER:

The property is served by a 6” sanitary sewer main in Miller.

STREET:

The property is served by a city street (Miller).

ZONING AND LAND USE:

Location	Zoning	Future Land Use
Subject Site	(B-1) Neighborhood Business	Single Family
North	(B-2) Retail and Commercial	Single Family
South	(B-1) Neighborhood Business	Single Family
East	(B-1) Neighborhood Business	Single Family
West	(B-2) Retail and Commercial	Commercial

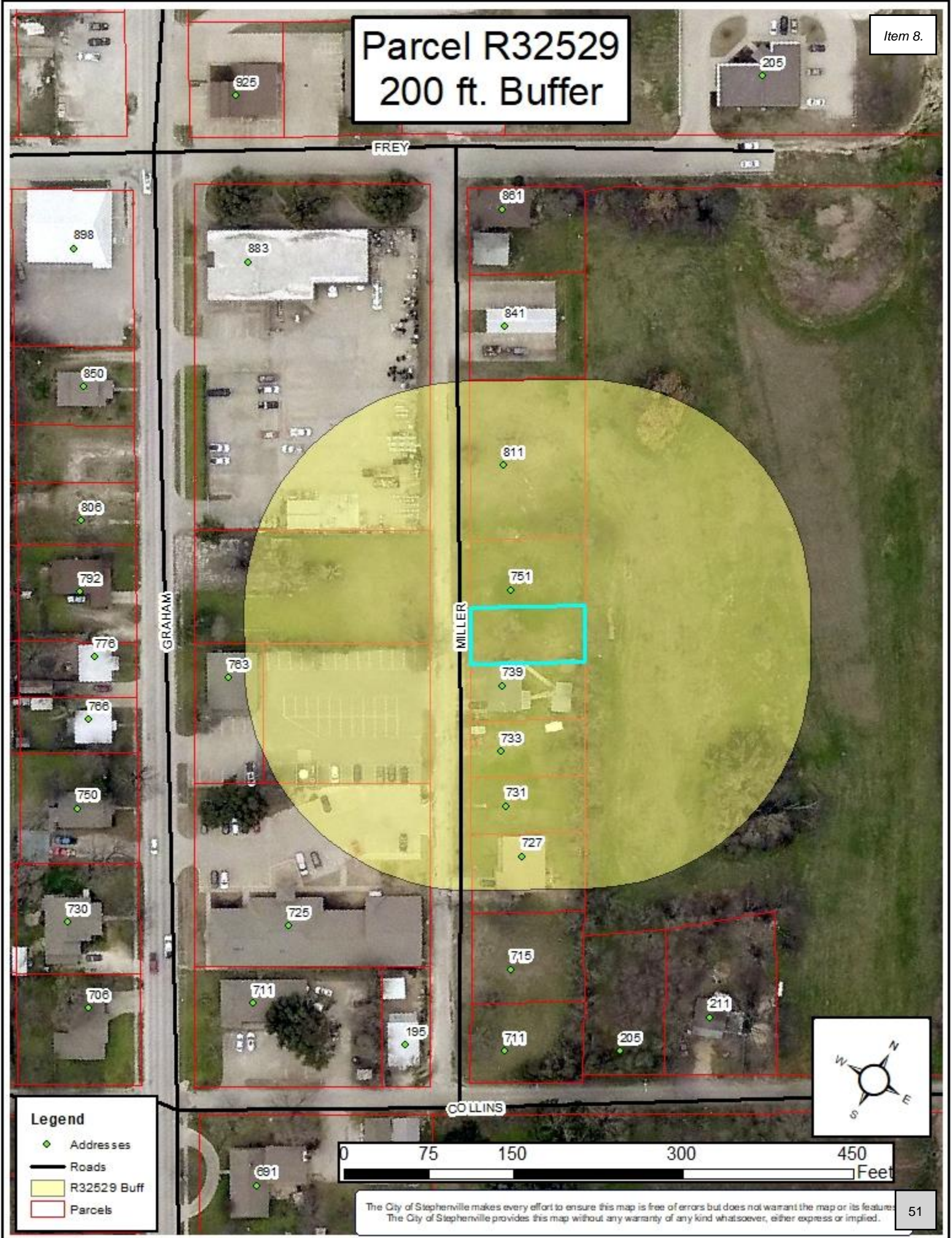
FACTORS TO CONSIDER:

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

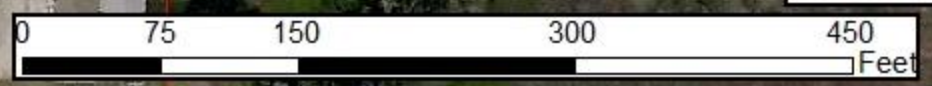
ALTERNATIVES

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

Parcel R32529 200 ft. Buffer



- Legend**
- ◆ Addresses
 - Roads
 - R32529 Buff
 - ▭ Parcels



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Parcel R32529 Current Zoning - B1 Neighborhood Business



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, Tareyton, School
- DT - Downtown
- IND - Industrial
- PD - Planned Development
- R-1 - Single Family - 7,500
- R-1.5 - Single Family - 6,000
- R-2 - One and Two Family
- R-3 - Multiple Family
- RE - Single Family - 1 Acre



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Parcel R32529

Future Land Use - Single Family

Item 8.

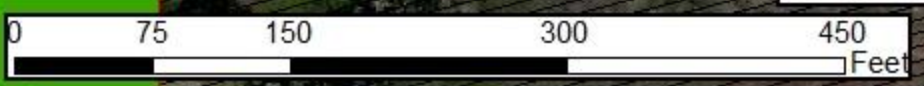


Legend

- ◆ Addresses
- Roads
- ▭ Parcels

Use_BDH

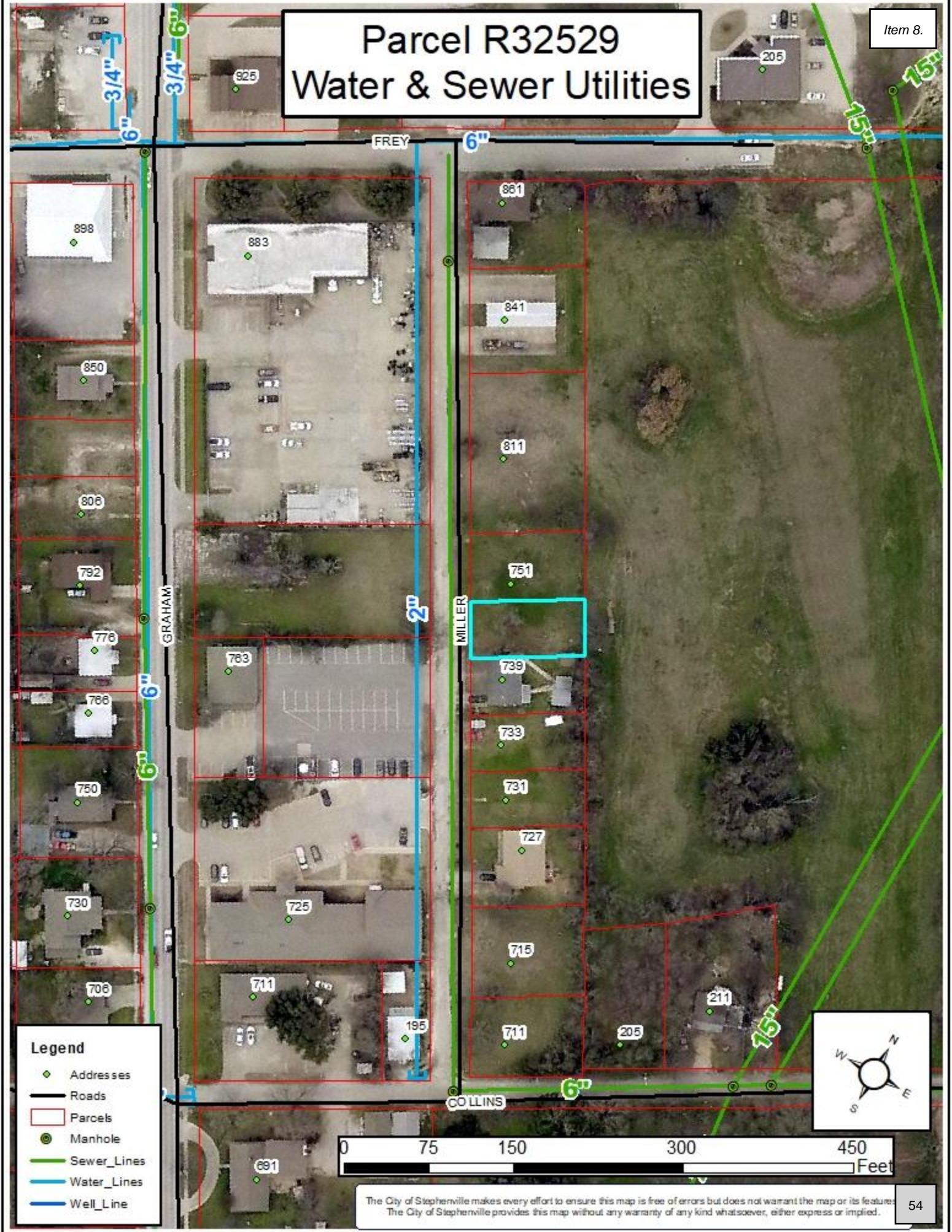
- Ag/Open Space
- Office/Neighbor_Bus
- Commercial
- Cent Business Dist
- City/Tarleton/SISD
- Downtown
- Industrial
- Planned Development
- Single Family
- 1_2 Family
- Multi-Fam/Resident
- Duplex/Townhome
- Manufact Homes



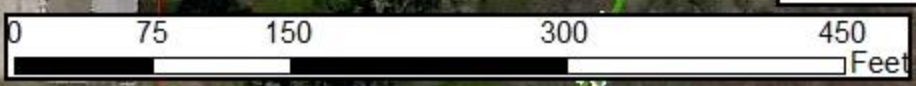
The City of Stephenville makes every effort to ensure this map is free of errors but does not warrant the map or its features. The City of Stephenville provides this map without any warranty of any kind whatsoever, either express or implied.

Parcel R32529 Water & Sewer Utilities

Item 8.



- Legend**
- ◆ Addresses
 - Roads
 - Parcels
 - Manhole
 - Sewer_Lines
 - Water_Lines
 - Well_Line



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Parcel R32529 Addresses

Parcel ID	Parcel Address	Parcel Owner	Owner Address	City	State	Zip Code
R000032525	727 N MILLER	BENHAM WANDA	553 TIMBERWOLF TRAIL	STEPHENVILLE	TX	76401
R000029629	0 E COLLINS ST	GOODMAN EDWIN D	PO BOX 1713	STEPHENVILLE	TX	76401-0000
R000032518	725 N GRAHAM	HARRIS METHODIST ERATH CO	611 RYAN PLAZA DR SUITE 660	ARLINGTON	TX	76011
R000062853	0 MILLER	HARRIS PROFESSIONAL BUILDING CORP	611 RYAN PLAZA DR SUITE 660	ARLINGTON	TX	76011
R000032521	787 N GRAHAM	HARRIS PROFESSIONAL BUILDING CORP	611 RYAN PLAZA DR SUITE 660	ARLINGTON	TX	76011
R000032530	811 MILLER	MATAI MAURO CONCEICAO	1361 ROSE DR	STEPHENVILLE	TX	76401
R000032529	751 MILLER	MLE INVESTMENT INSIGHTS LLC	PO BOX 1314	STEPHENVILLE	TX	76401
R000032531	751 MILLER	MLE INVESTMENT INSIGHTS LLC	PO BOX 1314	STEPHENVILLE	TX	76401
R000032528	739 MILLER	NAVARRO JOSE JUIS, RAUL, & MARIA TERESA VILLAREAL	739 N MILLER ST	STEPHENVILLE	TX	76401
R000062852	763 N GRAHAM	OAK LAWN MEDICAL PROPERTIES LP	1951 FORT WORTH HWY STE 105	WEATHERFORD	TX	76086
R000032522	883 N GRAHAM	ONCOR ELECTRIC DELIVERY CO LLC	PO BOX 219071	DALLAS	TX	75221-9071
R000032526	731 MILLER	VILLAREAL RAUL NAVARRO	739 N MILLER ST	STEPHENVILLE	TX	76401
R000032527	733 MILLER	VILLAREAL RAUL NAVARRO	739 N MILLER ST	STEPHENVILLE	TX	76401



STAFF REPORT

SUBJECT: Case No.: RZ2021-007

Applicant Jayson Sample, as authorized by Brandon McDonald, is requesting a rezone of property located at located at 1955 W. South Loop, Parcel R31852, of GREENVIEW ADDITION, BLOCK 2, LOT 1, of the City of Stephenville, Erath County, Texas, from (B-1) Neighborhood Business to (I) Industrial.

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

RECOMMENDATION:

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

BACKGROUND:

The intended project for the requested zoning is for a retail business offering personal service (tattoos). The current zoning does not list this type of business as a permitted use, hence the request to rezone to Industrial.

CURRENT ZONING:

B-1 – Neighborhood Business

FUTURE LAND USE:

Commercial

DESCRIPTION OF REQUESTED ZONING

Sec. 154.06.6. Industrial district (I).

6.6.ADescription. The Industrial District is intended to serve as the location for general industrial activities.

6.6.BPermitted Uses.

(83) Tattoo parlor/body piercing studio;

6.6.CConditional Uses (Special Use Permit required).

- (1) Day care center—12 or more children; and
- (2) Sexually oriented business.
- (3) Citizen collection station.

6.6.DHeight, Area, Yard and Lot Coverage Requirements.

- (1) Maximum density: There is no maximum density requirement.
- (2) Minimum lot area: There is no minimum area requirement.
- (3) Minimum lot width: There is no minimum width requirement.
- (4) Minimum lot depth: There is no minimum depth requirement.
- (5) Minimum depth of front setback: 20 feet minimum.

- (6) Minimum depth of rear setback: There is no minimum rear setback requirement unless the lot abuts upon a Residential District, then a minimum ten feet is required.
- (7) Minimum width of side setback:
 - (a) Internal lot: There is no minimum side setback requirement unless the lot abuts upon a Residential District, then a minimum five feet is required.
 - (b) Corner lot: 20 feet minimum.
- (8) Building size: There are no minimum size regulations
- (9) Maximum height of structures: No building shall exceed 75 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.

WATER:

The property is served by a 12” city water main in Hwy 377 and in Swan in Street.

SEWER:

The property is served by a 8” sanitary sewer main in Swan.

STREET:

The property is served by a city street (Swan) and Hwy 377.

ZONING AND LAND USE:

Location	Zoning	Future Land Use
Subject Site	(B-1) Neighborhood Business	Commercial
North	(R-1) Single Family	Single Family
South	(I) Industrial	Commercial
East	(R-1) Single Family	Single Family
West	(I) Industrial	Commercial

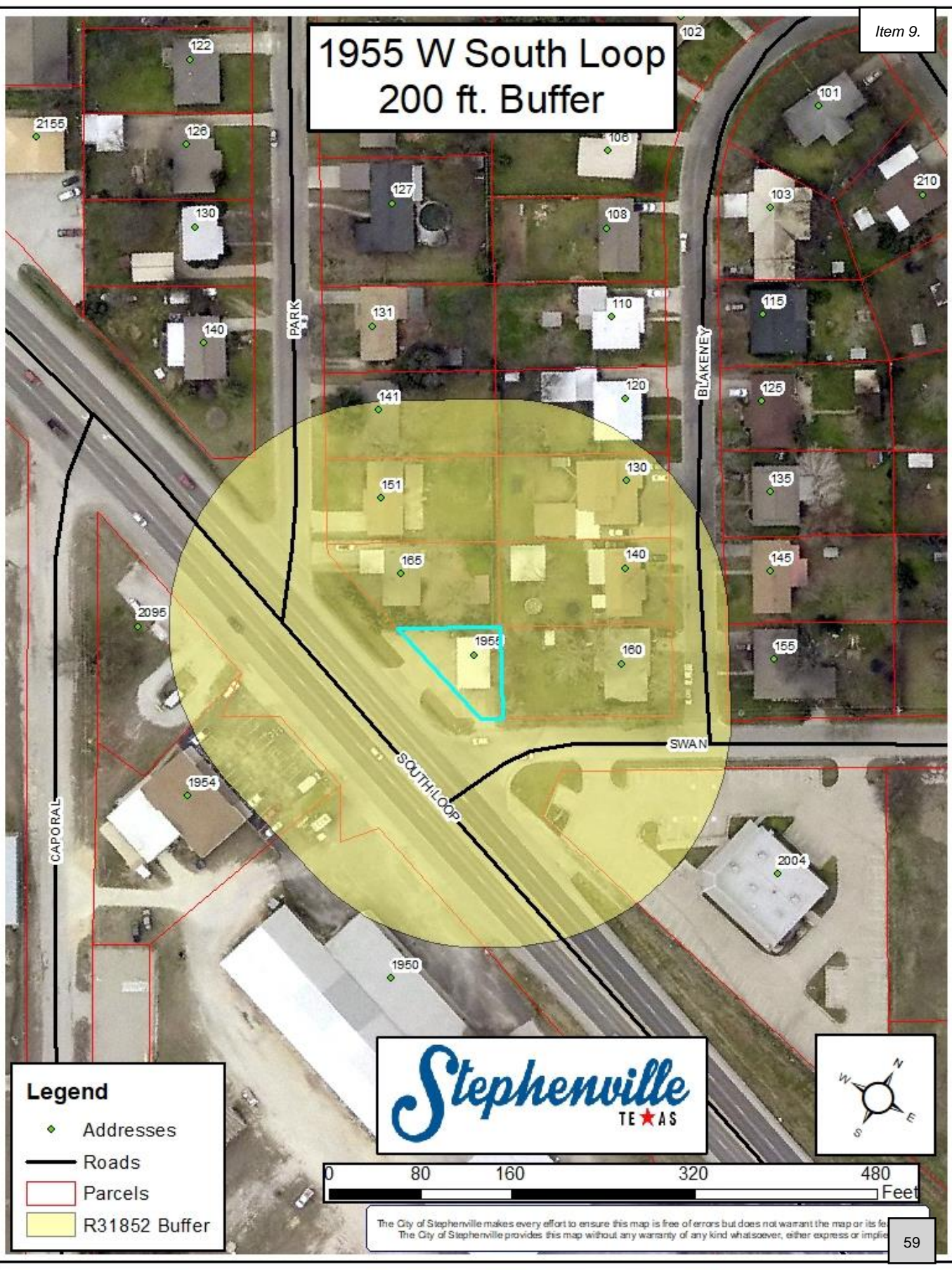
FACTORS TO CONSIDER:

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

ALTERNATIVES

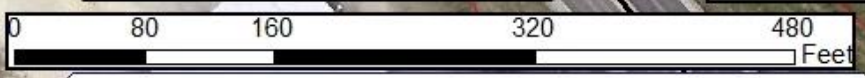
- 1) Recommend the City Council approve the rezoning request.
- 2) Recommend the City Council approve zoning other than requested.
- 3) Recommend the City Council deny the request for rezoning.

1955 W South Loop 200 ft. Buffer



Legend

- ◆ Addresses
- Roads
- ▭ Parcels
- ▭ R31852 Buffer



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

1955 W South Loop Current Zoning - B-1 - Neighborhood Business



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, Tareyton, School
- DT - Downtown
- IND - Industrial
- PD - Planned Development
- R-1 - Single Family - 7,500
- R-1.5 - Single Family - 6,000
- R-2 - One and Two Family
- R-3 - Multiple Family
- RE - Single Family - 1 Acre



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1955 W South Loop Future Land Use - Commercial



Legend

- ◆ Addresses
- Roads
- ▭ Parcels

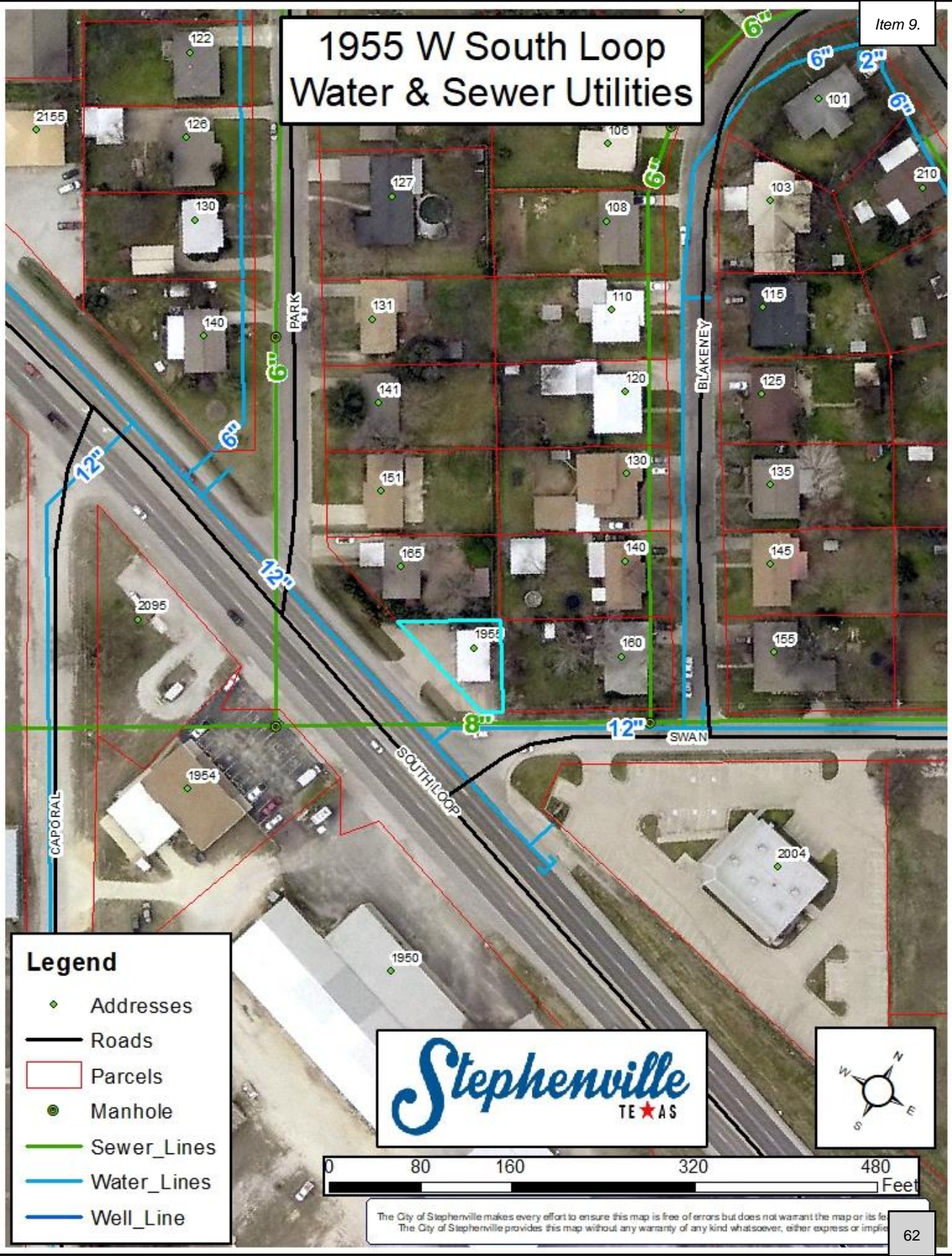
Use_BDH

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



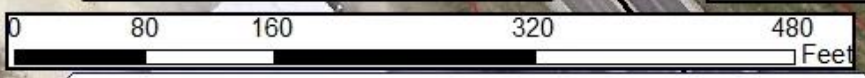
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1955 W South Loop Water & Sewer Utilities



Legend

- ◆ Addresses
- Roads
- ▭ Parcels
- Manhole
- Sewer_Lines
- Water_Lines
- Well_Line



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1955 W South Loop Addresses

Item 9.

Parcel ID	Parcel Address	Parcel Owner	Owner Address	City	State	Zip Code
R000072723	2004 W SWAN	AMAZING DAISY DESIGN LLC	1024 CR 1024	GLEN ROSE	TX	76043
R000071023	2095 W SOUTH LOOP	BORGES JOE & MARY	975 CR356	DUBLIN	TX	76446
R000031874	120 BLAKENEY	COUCH MORRIS C	120 BLAKENEY	STEPHENVILLE	TX	76401-0000
R000031879	145 BLAKENEY	DIAZ HILDA G	145 BLAKENEY	STEPHENVILLE	TX	76401
R000031877	160 BLAKENEY	EDDY TIMOTHY & SHERI	160 BLAKENEY	STEPHENVILLE	TX	76401-0000
R000031878	155 BLAKENEY	GILL BARRY A & MELISSA	155 BLAKENEY	STEPHENVILLE	TX	76401
R000031838	140 PARK DRIVE	GILL RANDY	140 PARK DR	STEPHENVILLE	TX	76401-0000
R000031852	1955 W SOUTH LOOP	GOOD2CUTEXTING LLC	PO BOX 2418	STEPHENVILLE	TX	76401
R000075969	1954 W SOUTH LOOP	GOOD2CUTEXTING LLC	1954 W SOUTH LOOP	STEPHENVILLE	TX	76401
R000031876	140 BLAKENEY	GOSDIN WESLEY D	4718 YELLOWSTONE TRL	ABILENE	TX	79602-7025
R000031854	151 PARK DRIVE	KARNES VENTURES LLC	1670 W SOUTH LOOP	STEPHENVILLE	TX	76401
R000031853	165 PARK DRIVE	LEMUS JOSE L JR	165 PARK DR	STEPHENVILLE	TX	76401
R000031855	141 PARK DRIVE	ROGERS JAMES EDGAR & JANICE M	105 LOGAN LANE	STEPHENVILLE	TX	76401-6225
R000071022	1950 W SOUTH LOOP	S & G COOK & ASSOC INC	1950 SOUTH LOOP	STEPHENVILLE	TX	76401-0000
R000031875	130 BLAKENEY	STEED STEVE A	130 BLAKENEY	STEPHENVILLE	TX	76401-0000



STAFF REPORT

SUBJECT: Case No.: PD2021-001

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

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

RECOMMENDATION:

To evaluate the Development Plan and related submittals for a recommendation to City Council.

BACKGROUND:

APPLICANT REQUEST:

The intended project for the requested zoning is for the construction of a single family dwelling. A single family dwelling is considered a permitted use under the B-3 (Central Business District) zoning classification.

The applicant does not currently own the property; but, received authorization from the current owner to make the request.

The applicant presented a conceptual plan to the Planning and Zoning Commission on March 17, 2021. The applicant will now present the development plan and project schedule for further review and formal action.

CURRENT ZONING:

B-2 – Retail and Commercial

FUTURE LAND USE:

Commercial

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 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 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.

WATER:

The property is served by a 2” city water main in Miller.

SEWER:

The property is served by a 6” sanitary sewer main in Miller.

STREET:

The property is served by a city street (Miller).

ZONING AND LAND USE:

Location	Zoning	Future Land Use
Subject Site	(B-1) Neighborhood Business	Single Family
North	(B-1) Neighborhood Business	Single Family
South	(B-1) Neighborhood Business	Single Family
East	(B-1) Neighborhood Business	Single Family
West	(B-2) Retail and Commercial	Commercial

FACTORS TO CONSIDER:

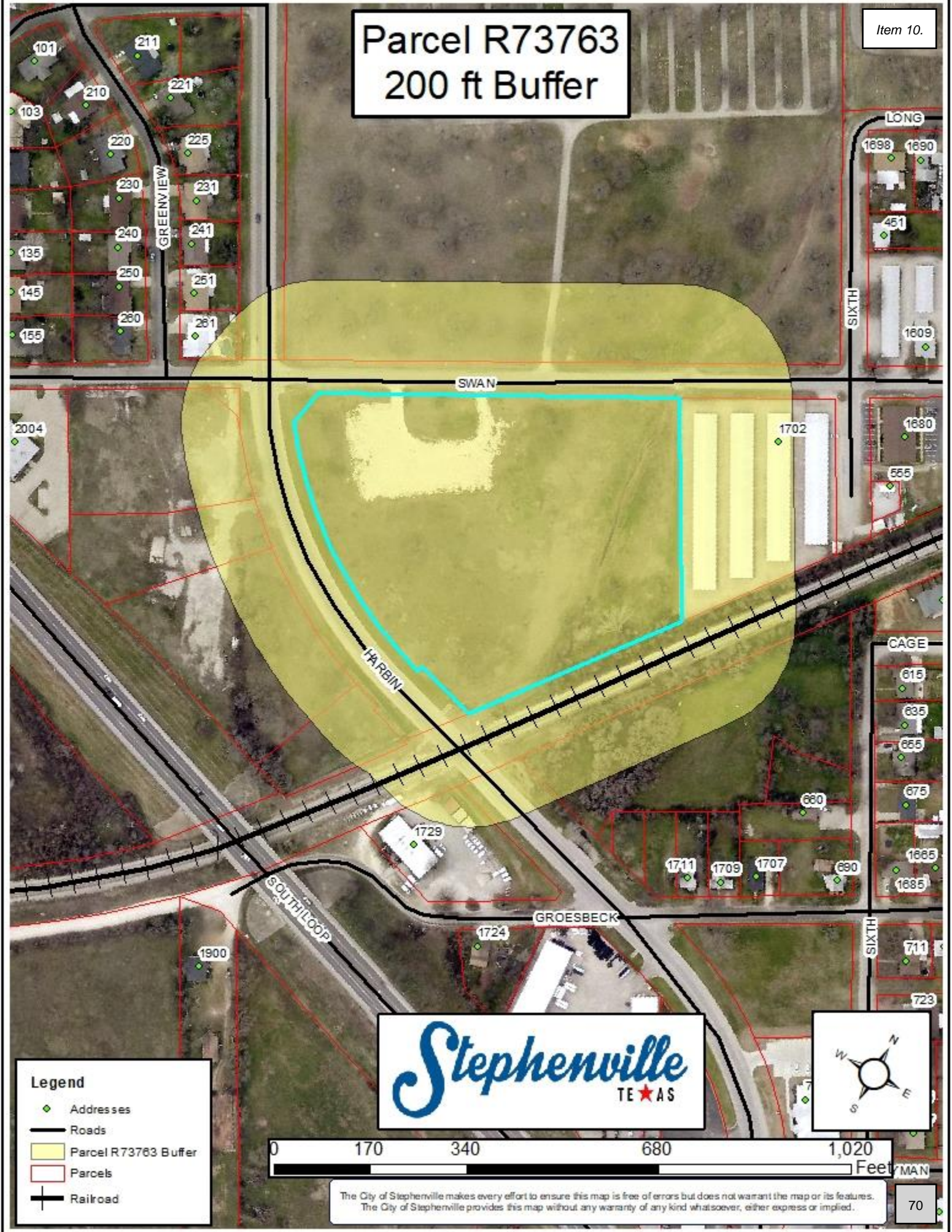
- Compliance with Comprehensive Plan?

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- Zoning has great discretion - deny if applicant has not proven it is in the best interest of City to rezone

ALTERNATIVES

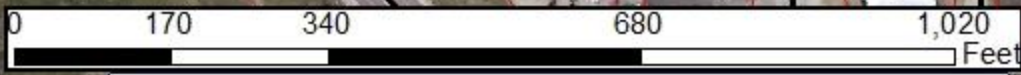
- 1) Recommend the City Council approve the rezoning request.
- 2) Recommend the City Council approve zoning other than requested.
- 3) Recommend the City Council deny the request for rezoning.

Parcel R73763 200 ft Buffer



Legend

- ◆ Addresses
- Roads
- Parcel R73763 Buffer
- Parcels
- Railroad

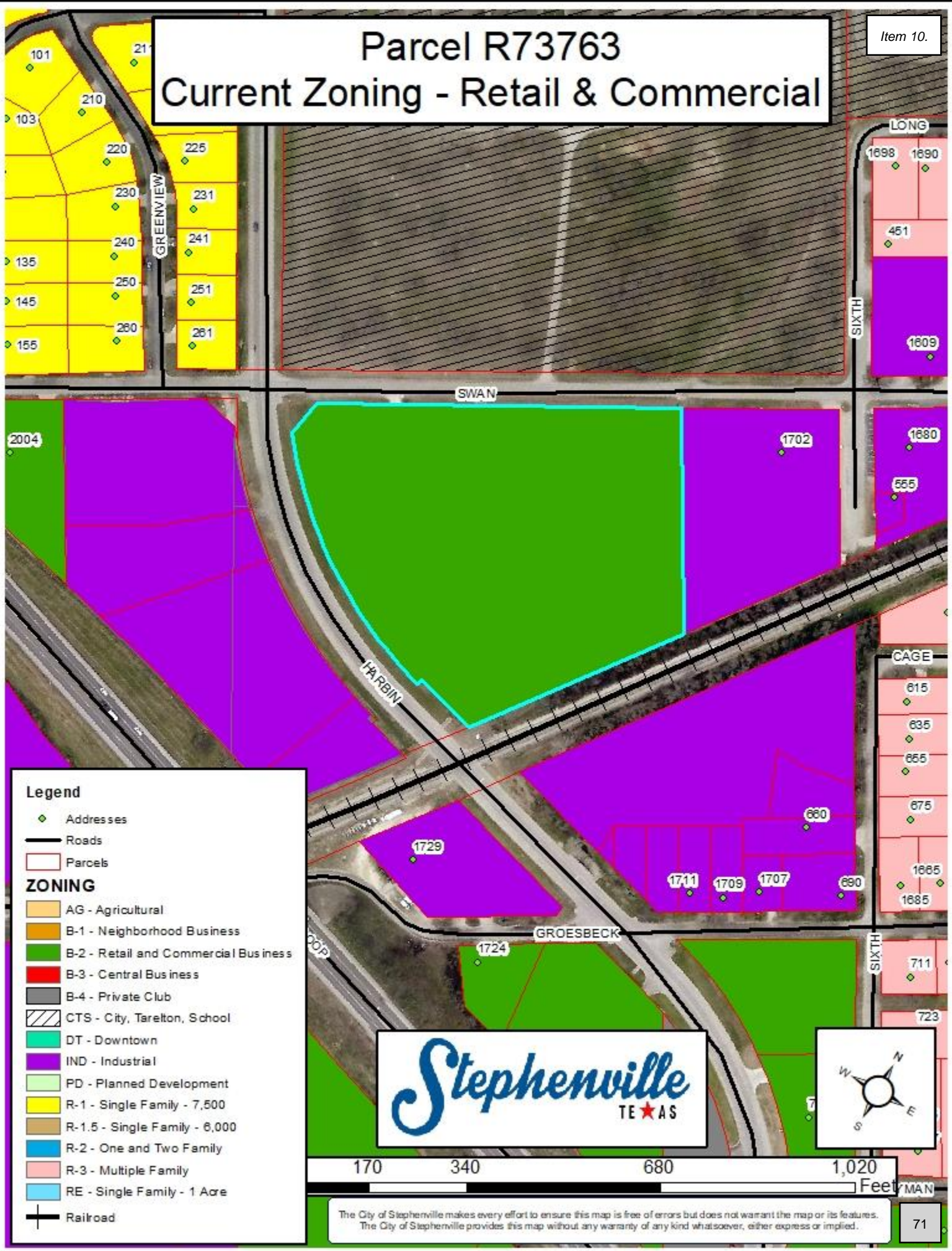


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Parcel R73763

Current Zoning - Retail & Commercial

Item 10.

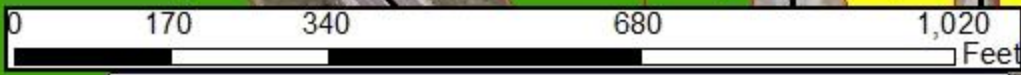
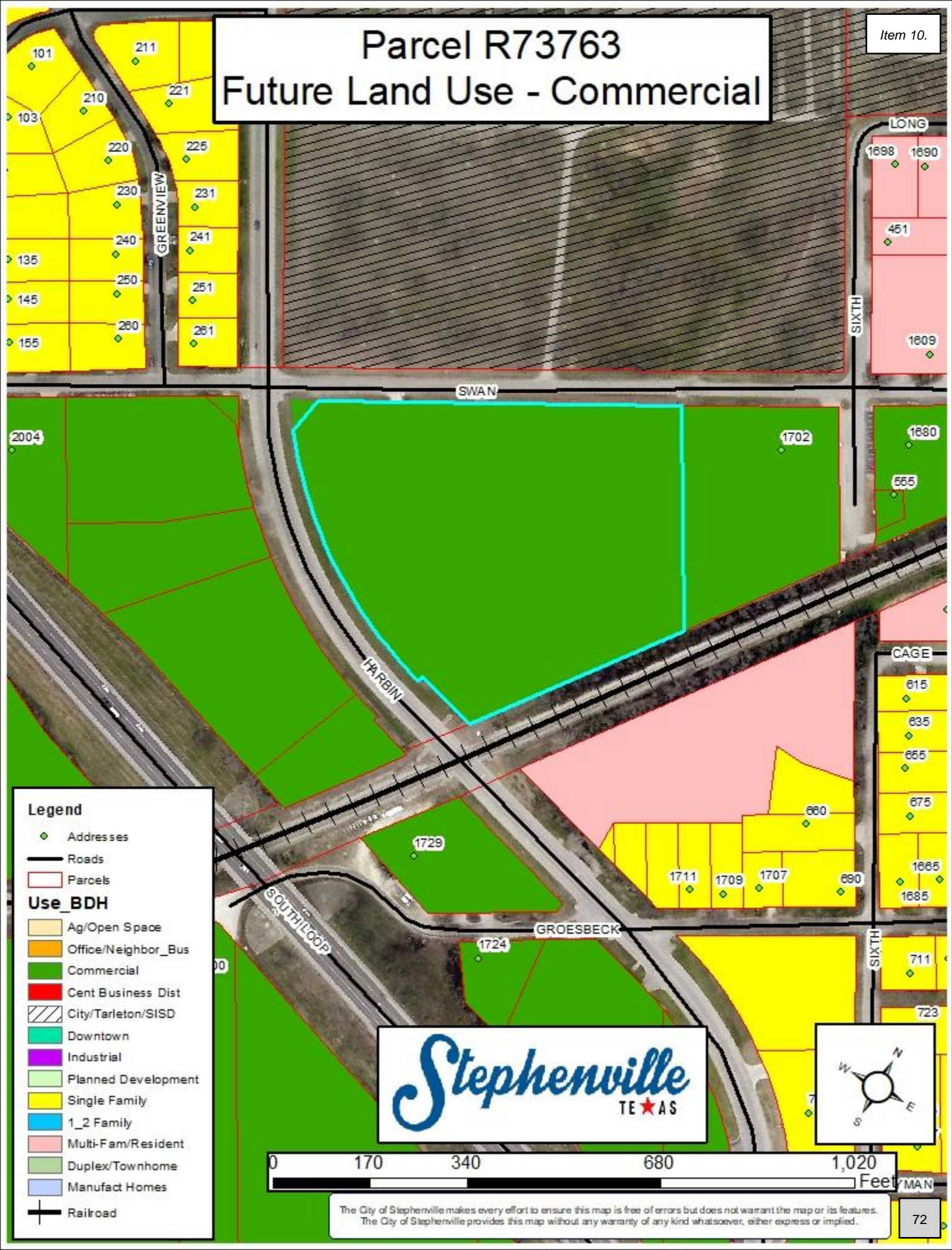


170 340 680 1,020 Feet

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Parcel R73763 Future Land Use - Commercial

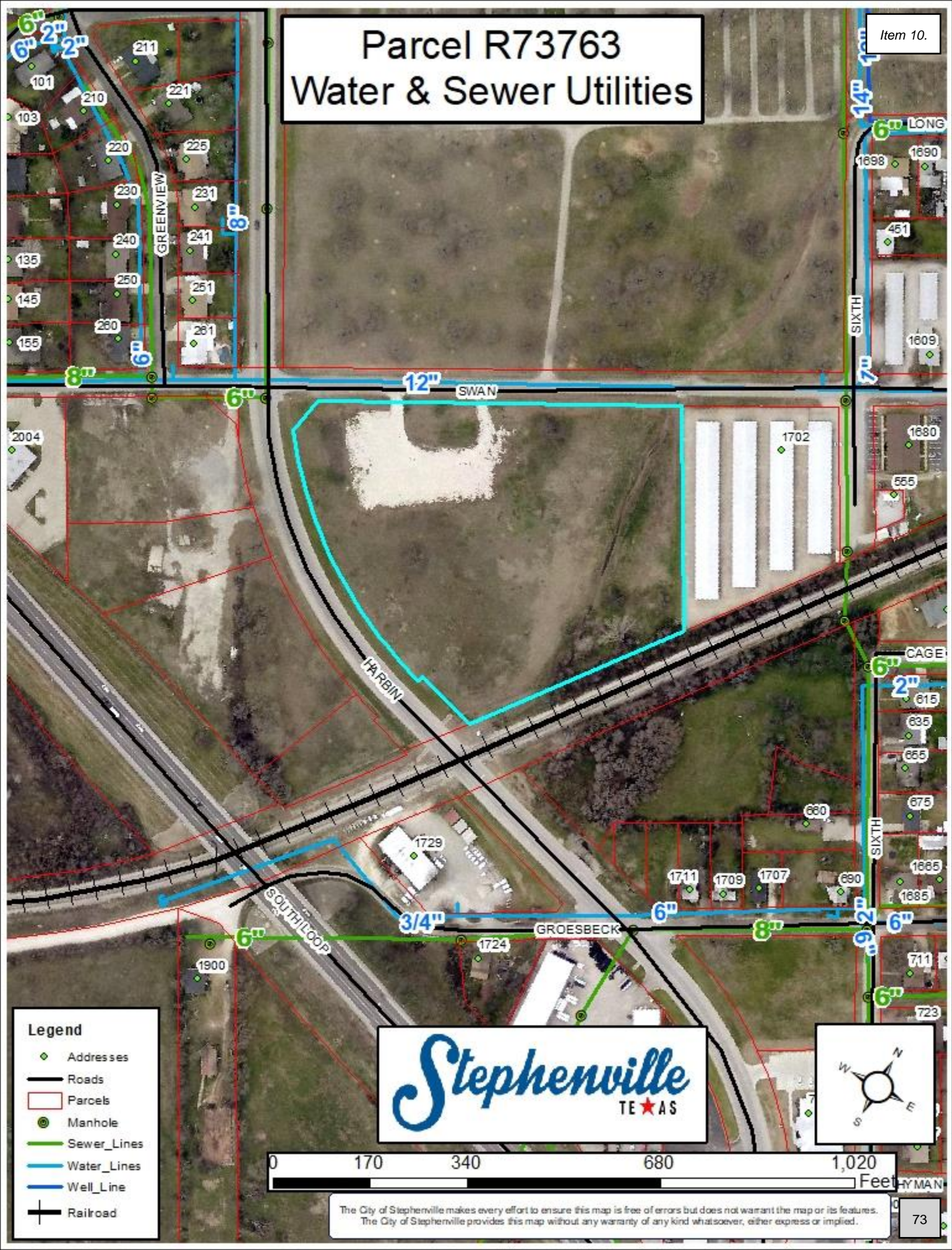
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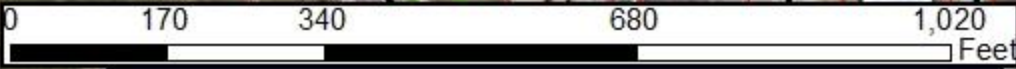
Parcel R73763 Water & Sewer Utilities

Item 10.



Legend

- ◆ Addresses
- Roads
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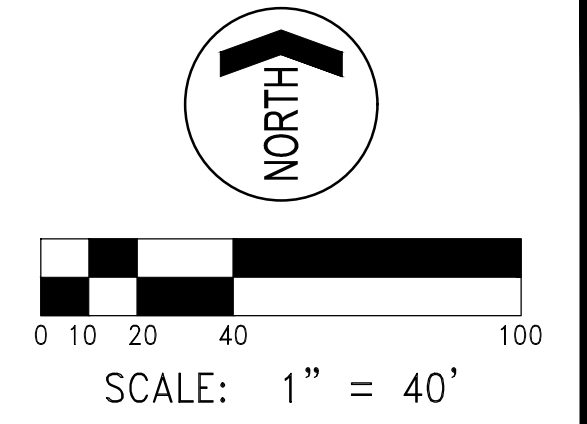
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Parcel R73763 Addresses

Parcel ID	Parcel Address	Parcel Owner	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
R000063891	0 S HARBIN DR	CITIZENS NATIONAL BANK OF TEXAS	PO BOX 117	WAXAHACHIE	TX	75168
R000033485	0 S LILLIAN	CITY OF STEPHENVILLE	298 W WASHINGTON	STEPHENVILLE	TX	76401-4257
R000033483	0 S HARBIN DR	CITY OF STEPHENVILLE	298 W WASHINGTON	STEPHENVILLE	TX	76401-4257
R000063892	0 W SWAN	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
R000031891	261 GREENVIEW DR	GIFFORD TOBY & ANGELA	261 GREENVIEW	STEPHENVILLE	TX	76401
R000073763	0 S HARBIN DR	HARBIN STREET LLC	PO BOX 936	GRANBURY	TX	76048
R000030481	0 S HARBIN DR	HARBIN STREET LLC	PO BOX 936	GRANBURY	TX	76048
R000033594	0 S HARBIN DR	HARBIN STREET LLC	PO BOX 936	GRANBURY	TX	76048
R000033602	1729 W GROESBECK	RED TO BLACK LLC	1484 FM205	STEPHENVILLE	TX	76401
R000076373	0 S HARBIN DR	STEPHENVILLE DEVELOPMENT CENTER INC	187 W WASHINGTON	STEPHENVILLE	TX	76401

SITE PLAN NOTES:

1. APPROXIMATE AREA OF SITE IS 5.55 ACRES.
2. PROPOSED ZONING FOR SITE IS "PD".
3. THERE ARE 62 PROPOSED TOWNHOUSE UNITS IN 11 BUILDINGS. EACH BUILDING HAS A 1-CAR GARAGE PER UNIT.
4. INTERIOR STREETS SHALL HAVE A 50' WIDE PUBLIC RIGHT-OF-WAY WITH 31' WIDE (BACK OF CURB) PAVED STREETS.
5. SETBACKS SHALL BE 25' ALONG EXTERIOR STREETS. SETBACKS SHALL BE 20' ALONG INTERIOR STREETS. REAR SETBACKS SHALL BE 15' MINIMUM. SIDE SETBACKS FOR BUILDINGS SHALL BE 5' MIN.
6. ALL AREAS NOT COVERED BY BUILDING FOOTPRINTS OR PAVING WILL BE GRASS OR VEGETATIVE COVER.
7. SURFACE FOR ALL PROPOSED PARKING & MANEUVERING AREAS SHALL BE ASPHALT OR CONCRETE.
8. NO PORTION OF THIS DEVELOPMENT SITE LIES WITHIN THE 100-YEAR FLOODPLAIN ACCORDING TO FEMA FIRM MAP 480220-0430-D (NOVEMBER 16, 2011).



SITE PLAN LEGEND	
	SITE BOUNDARY
	BUILDING SETBACK
	PROPOSED LOT LINES
	STREET RIGHT-OF-WAY
	PROPOSED STREET CENTERLINE
	EXISTING PAVING
	PROPOSED PAVING
	PROPOSED DETENTION POND

3465 CURRY LANE
 ABILENE, TX 79606
 325-695-1070

1508 SANTA FE DR, STE. 204
 PLANO, TEXAS, TX 76060
 817-594-8680

1014 BROADWAY STREET
 LUBBOCK, TX 79401
 806-368-6375



KEEWAYDIN DEVELOPMENTS, LLC.
 TARLETON CROSSING

CONCEPT PLAN

NO.	REVISION	DATE	SCALE	1" = 40'
			PROJECT #	21212
			DESIGNED	K.R.
			DRAWN	K.R.
			CHECKED	T.F.
SHEET 1				
SEQ.				

BAR IS ONE INCH IN LENGTH ON ORIGINAL SCALE & ADJUST ACCORDINGLY.

X:\CM_KeeWaydin_Developments\21212-Tarleton Crossing - KeeWaydin\Drafting\Prelim-TOWNHOME-SITE_2021-02-22.dwg