



## PLANNING AND ZONING COMMISSION MEETING

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

### AGENDA

#### CALL TO ORDER

#### REGULAR AGENDA

1. Oath of Office for Planning and Zoning Commissioners
2. Election of Chairperson and Vice Chairperson
3. Staff Update on Council Action Revising Waiver Decisions, Effective March 1, 2021

#### CONSIDER APPROVAL OF MINUTES

4. December 16, 2020

#### 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.

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.

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.

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.

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.

10. Public Hearing - Case No.: SC2021-001

Abandonment of the 800 Blk. of N. Lillian Avenue

11. Public Hearing - Case No.: SC2021-002

Abandonment of an Undeveloped Portion of Shirley Street located between North Paddock and the Fort Worth and Western Railroad

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, from (R-1) Single Family to (R-3) Multi-Family.

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, from (R-1) Single Family to (R-3) Multi-Family.

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, from (R-1) Single Family to (R-3) Multi-Family.

## **ADJOURN**

*Notice is hereby given that members of the Planning and Zoning Commission may participate in this meeting via teleconference or videoconference as allowed by Governor's Order due to the COVID-19 pandemic. As allowed by this Order, a quorum may not be present in a physical location.*

*Pursuant to Section 418.108(g) of the Texas Government Code, a Declaration of Local Disaster issued on April 22, 2020, and in the interest of public health, the city has exercised its right to limit ingress and egress in public buildings. As such, the public will be allowed into city facilities to attend the meeting on a limited basis.*

*Those wishing to address the Planning and Zoning Commission may do so in person. Written correspondence may also be mailed to City Hall or emailed to Steve Killen, Director of Development Services, at [skillen@stephenvilletx.gov](mailto:skillen@stephenvilletx.gov). Written correspondence must be received by 3:00 p.m. on February 17, 2021. For alternate arrangements, please contact Mr. 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).*

*Persons wishing to testify via zoom may use the following information:*

*Dial (346) 248-7799 and enter Meeting ID: 980 1034 4036 and Password: 836763. You will be required to provide information relating to your identity prior to testimony.*

*Or, you may use the following link to testify via virtual meeting:*

<https://zoom.us/j/98010344036?pwd=SHRNT3poNmhLK2lOSGFLWmdyRUNmUT09>

***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.***



# STAFF REPORT

**SUBJECT:** 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.

**DEPARTMENT:** Development Services

**STAFF CONTACT:** Steve Killen

## RECOMMENDATION:

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

## 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.

### CURRENT ZONING:

B-1 – Neighborhood Business

### FUTURE LAND USE:

Single Family

### DESCRIPTION OF REQUESTED ZONING

Sec. 154.06.3. - Central business district (B-3).

6.3.A **Description.** The Central Business District is intended to encourage the redevelopment of the downtown business area, which includes the historic courthouse, all types of offices, retail business and residences. The varying land uses included in the Central Business District are compatible with existing uses to preserve the integrity of the Central Business District and deter urban deterioration. This district also facilitates the maintenance of the area and provides for the vibrant interaction between retail, service, residential and citizens citywide.

### 6.3.B **Permitted Uses.**

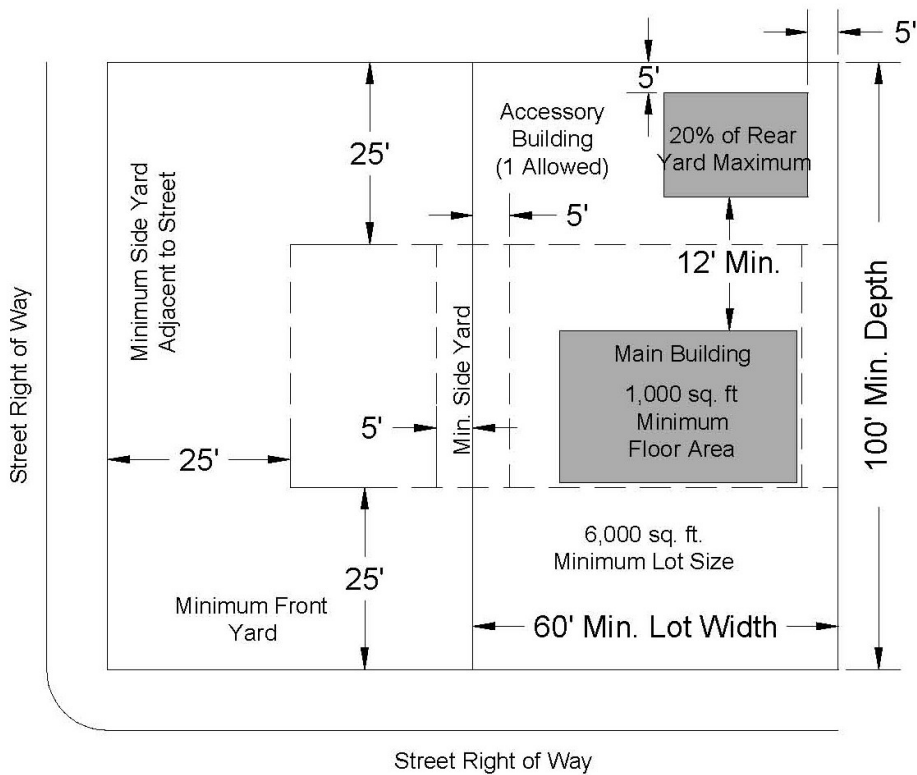
(40) Single family dwelling;

### 6.3.D **Height, Area, Yard and Lot Coverage Requirements.**

(A) *Single family dwelling.*

(1) Maximum density: one dwelling unit per lot.

- (2) Minimum lot area: 6,000 ft<sup>2</sup>.
  - (3) Minimum lot width and lot frontage: 60 feet.
  - (4) Minimum lot depth: 100 feet.
  - (5) Minimum depth of front setback: 25 feet.
  - (6) Minimum depth of rear setback: 25 feet.
  - (7) Minimum width of side setback:
    - (a) Internal lot: five feet.
    - (b) Corner lot: 25 feet from intersecting side street.
  - (8) Building size:
    - (a) Maximum coverage as a percentage of lot area: 40%.
    - (b) Minimum area of main building: 1,000 ft<sup>2</sup>.
  - (9) Accessory buildings:
    - (a) Maximum accessory building coverage of rear yard: 20%.
    - (b) Maximum number of accessory buildings: one.
    - (c) Minimum depth of side setback: five feet.
    - (d) Minimum depth of rear setback: five feet.
    - (e) Minimum depth from the edge of the main building: 12 feet.
  - (10) Maximum height of structures: 35 feet.
- district.



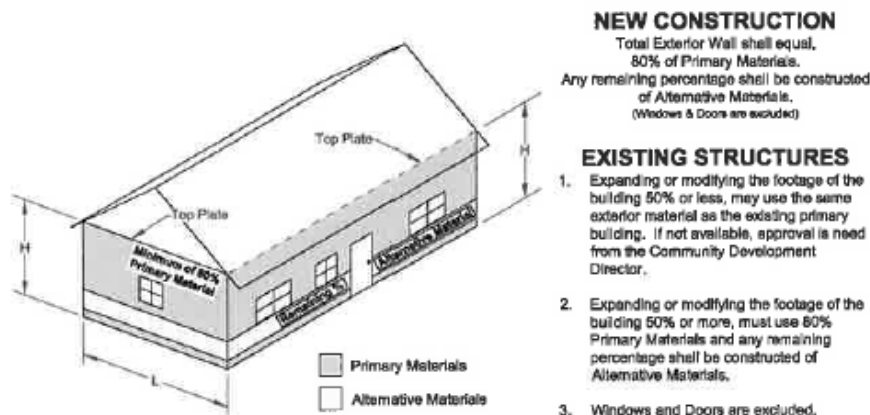
**6.3.E Parking Regulations.**

- (1) A Single-Family, B-3 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 Section 11 the Parking Regulations of this ordinance.

**6.3.F Type of Construction.**

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

*6.3.F Exterior Building Material Standards*



**6.3.G Sign Regulation.** See Section 12 for Sign Regulations.

**6.3.H Exceptions to Use, Height and Area Regulations.** See Section 10.

**6.3.I Garbage Regulations.** Central Business District businesses will provide a serviceable area specifically for refuse collection designed for refuse canisters. Each designated canister area will be nine feet wide and eight feet deep (72 square feet), with a cement slab base. If the location of the cement slab is adjacent to a residential district, the slab must be at least five feet from the property line. The refuse area will be enclosed on three sides by a privacy fence. Approach areas will meet the requirements of Subsection 6.3.J.

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

(Am. Ord. 2007-24, passed 12-4-2007; Am. Ord. 2008-13, passed 7-1-2008; Am. Ord. 2009-23, passed 12-1-2009; Am. Ord. 2011-26, passed 12-6-2011; Am. Ord. No. [2018-O-25](#), § 1, 8-7-2018)

**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.

**ZONING AMENDMENT APPLICATION**

**CITY OF STEPHENVILLE**

1. **APPLICANT/OWNER:** Keewaydin Developments, LLC / MLE INVESTMENT INSIGHTS, LLC  
First Name Last Name

**ADDRESS:** 159 S Graham 630-327-8306  
Street/P.O. Box Phone No.

Stephenville TX 76401  
City State Zip Code

2. **PROPERTY DESCRIPTION:** 751 Miller  
Street Address

3. **LEGAL DESCRIPTION:** 9B 2 5500 Miller  
Lot(s) Block(s) Addition

4. **PRESENT ZONING:** B-1 Neighborhood Business District  
Zoning District Title

**PROPOSED ZONING:** B-3 Central Business District  
Zoning District Title

5. **APPLICANTS REQUEST FOR ZONING CHANGE IS AS FOLLOWS:** Requesting a zoning change to B-3 in order to construct a single family residence on the property.

(Attach an additional sheet if necessary)

Tom M. MLE INVESTMENT INSIGHTS, LLC  
Signature of Applicant

1-15-21  
Date

\_\_\_\_\_  
Signature of City Official Received

\_\_\_\_\_  
Date Received



## ZONING AMENDMENT APPLICATION

### CITY OF STEPHENVILLE

1. **APPLICANT/OWNER:** Keewaydin Developments, LLC / MLE INVESTMENT  
First Name \_\_\_\_\_ Last Name INGLEHB  
LLC

**ADDRESS:** 159 S Graham 630-327-8306  
Street/P.O. Box \_\_\_\_\_ Phone No. \_\_\_\_\_

Stephenville TX 76401  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

2. **PROPERTY DESCRIPTION:** 751 Miller  
Street Address \_\_\_\_\_

3. **LEGAL DESCRIPTION:** 8 2 55000 Miller  
Lot(s) \_\_\_\_\_ Block(s) \_\_\_\_\_ Addition \_\_\_\_\_

4. **PRESENT ZONING:** B-1 Neighborhood Business District  
Zoning District \_\_\_\_\_ Title \_\_\_\_\_

**PROPOSED ZONING:** B-3 Central Business District  
Zoning District \_\_\_\_\_ Title \_\_\_\_\_

5. **APPLICANTS REQUEST FOR ZONING CHANGE IS AS FOLLOWS:** Requesting  
a zoning change to construct a single family residence  
on the property

(Attach an additional sheet if necessary)

T. M. McArthur  
Signature of Applicant

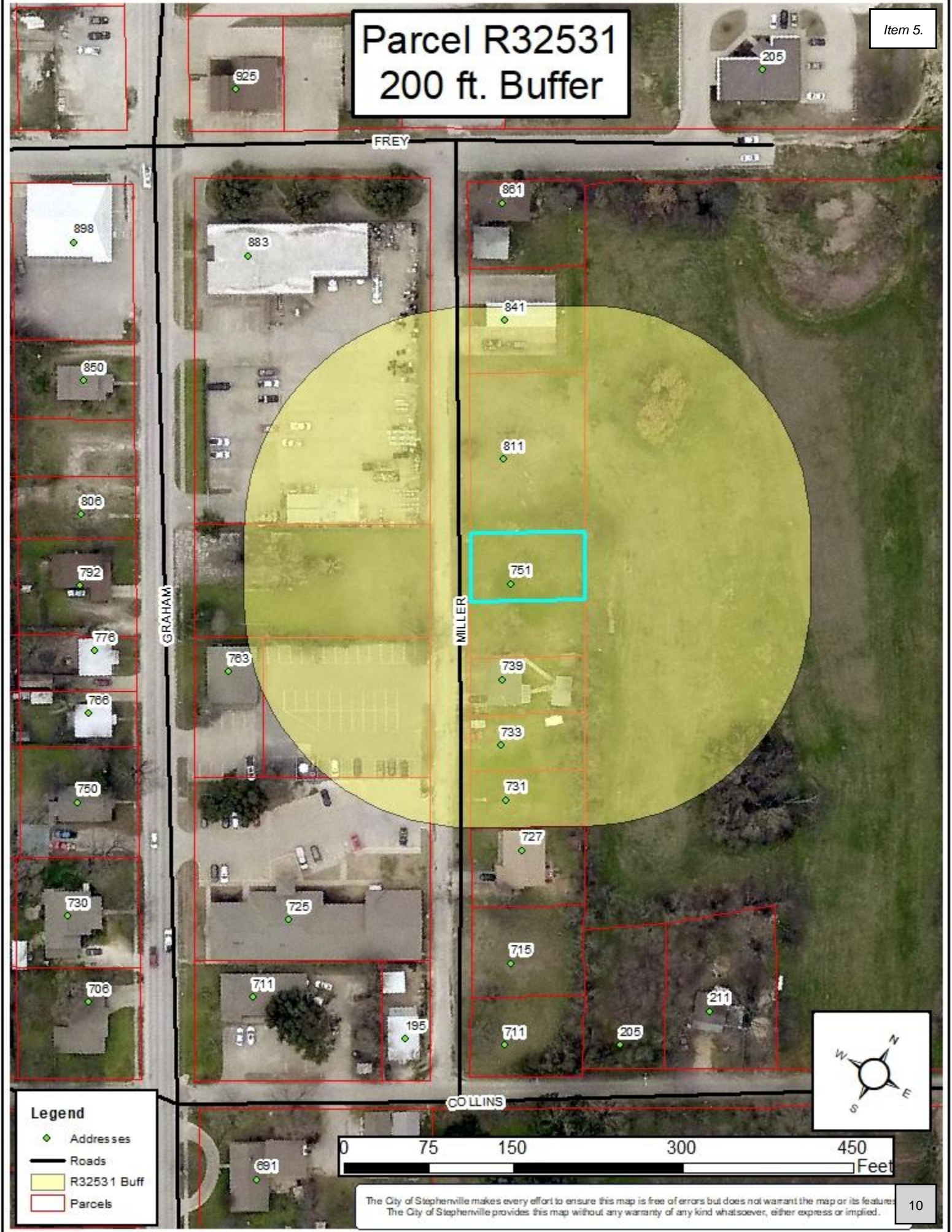
1-15-21  
Date

[Signature]  
Signature of City Official Received

1  
Date Received

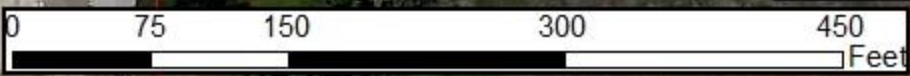
# Parcel R32531 200 ft. Buffer

Item 5.



**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 5.

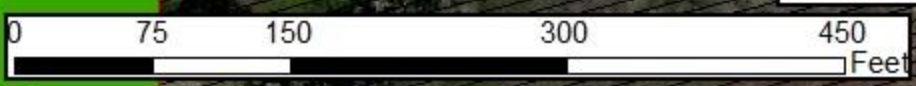


**Legend**

- ◆ Addresses
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- ▭ Parcels

**Use\_BDH**

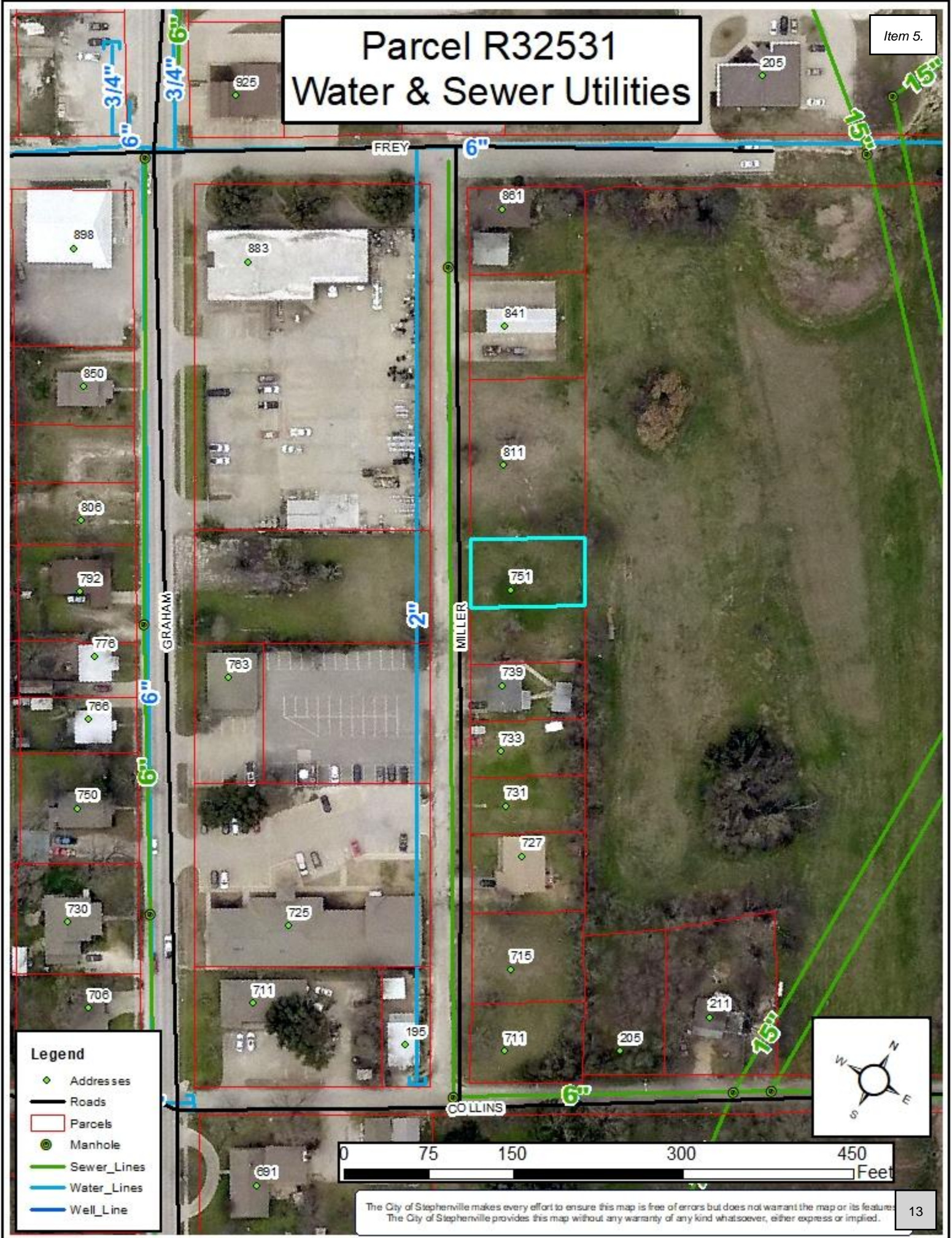
- Ag/Open Space
- Office/Neighbor\_Bus
- Commercial
- Cent Business Dist
- City/Tarleton/SISD
- Downtown
- Industrial
- Planned Development
- Single Family
- 1\_2 Family
- Multi-Fam/Resident
- Duplex/Townhome
- Manufact Homes



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# Parcel R32531 Water & Sewer Utilities

Item 5.



- 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.: RZ2021-002

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.

**DEPARTMENT:** Development Services

**STAFF CONTACT:** Steve Killen

### RECOMMENDATION:

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

### 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.

#### CURRENT ZONING:

B-1 – Neighborhood Business

#### FUTURE LAND USE:

Single Family

#### DESCRIPTION OF REQUESTED ZONING

Sec. 154.06.3. - Central business district (B-3).

6.3.A **Description.** The Central Business District is intended to encourage the redevelopment of the downtown business area, which includes the historic courthouse, all types of offices, retail business and residences. The varying land uses included in the Central Business District are compatible with existing uses to preserve the integrity of the Central Business District and deter urban deterioration. This district also facilitates the maintenance of the area and provides for the vibrant interaction between retail, service, residential and citizens citywide.

#### 6.3.B **Permitted Uses.**

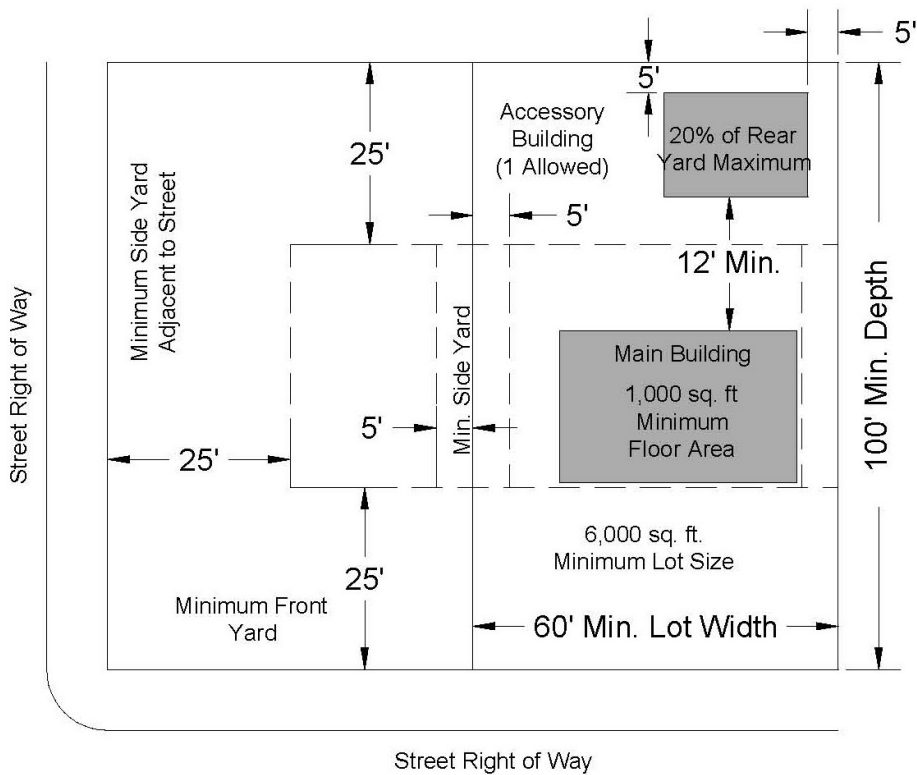
(40) Single family dwelling;

#### 6.3.D **Height, Area, Yard and Lot Coverage Requirements.**

(A) *Single family dwelling.*

(1) Maximum density: one dwelling unit per lot.

- (2) Minimum lot area: 6,000 ft<sup>2</sup>.
  - (3) Minimum lot width and lot frontage: 60 feet.
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    - (a) Maximum coverage as a percentage of lot area: 40%.
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  - (10) Maximum height of structures: 35 feet.
- district.



**6.3.E Parking Regulations.**

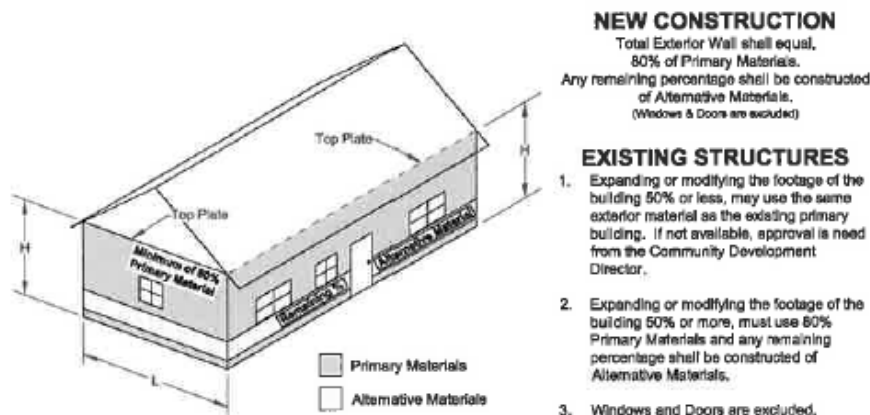


- (1) A Single-Family, B-3 District lot shall provide a minimum of two vehicle parking spaces, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in Section 11 the Parking Regulations of this ordinance.

**6.3.F Type of Construction.**

- (1) The exterior walls of all new dwellings to the top plate, shall be constructed of at least 80% of the total exterior walls of primary materials, excluding doors, windows, and porches. See Section 10.E(1): Exterior Building Material Standard—Primary Materials.
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*6.3.F Exterior Building Material Standards*



**6.3.G Sign Regulation.** See Section 12 for Sign Regulations.

**6.3.H Exceptions to Use, Height and Area Regulations.** See Section 10.

**6.3.I Garbage Regulations.** Central Business District businesses will provide a serviceable area specifically for refuse collection designed for refuse canisters. Each designated canister area will be nine feet wide and eight feet deep (72 square feet), with a cement slab base. If the location of the cement slab is adjacent to a residential district, the slab must be at least five feet from the property line. The refuse area will be enclosed on three sides by a privacy fence. Approach areas will meet the requirements of Subsection 6.3.J.

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**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:**

<b>Location</b>	<b>Zoning</b>	<b>Future Land Use</b>
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?
- 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.

**ZONING AMENDMENT APPLICATION**

**CITY OF STEPHENVILLE**

1. **APPLICANT/OWNER:** Keewaydin Developments, LLC / MLE INVESTMENT INSIGHTS, LLC  
First Name \_\_\_\_\_ Last Name \_\_\_\_\_

**ADDRESS:** 159 S Graham 630-327-8306  
Street/P.O. Box \_\_\_\_\_ Phone No. \_\_\_\_\_  
Stephenville TX 76401  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

2. **PROPERTY DESCRIPTION:** 751 Miller  
Street Address \_\_\_\_\_

3. **LEGAL DESCRIPTION:** 9B 2 5500 Miller  
Lot(s) \_\_\_\_\_ Block(s) \_\_\_\_\_ Addition \_\_\_\_\_

4. **PRESENT ZONING:** B-1 Neighborhood Business District  
Zoning District \_\_\_\_\_ Title \_\_\_\_\_

**PROPOSED ZONING:** B-3 Central Business District  
Zoning District \_\_\_\_\_ Title \_\_\_\_\_

5. **APPLICANTS REQUEST FOR ZONING CHANGE IS AS FOLLOWS:** Requesting a zoning change to B-3 in order to construct a single family residence on the property.

(Attach an additional sheet if necessary)

Tom M. MLE INVESTMENT INSIGHTS, LLC  
Signature of Applicant \_\_\_\_\_

1-15-21  
Date \_\_\_\_\_

\_\_\_\_\_  
Signature of City Official Received

\_\_\_\_\_  
Date Received

## ZONING AMENDMENT APPLICATION

### CITY OF STEPHENVILLE

1. **APPLICANT/OWNER:** Keewaydin Developments, LLC / MLE INVESTMENT  
First Name \_\_\_\_\_ Last Name INGLEHB  
LLC
- ADDRESS:** 159 S Graham 630-327-8306  
Street/P.O. Box \_\_\_\_\_ Phone No. \_\_\_\_\_
- Stephenville TX 76401  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_
2. **PROPERTY DESCRIPTION:** 751 Miller  
Street Address \_\_\_\_\_
3. **LEGAL DESCRIPTION:** 8 2 55000 Miller  
Lot(s) \_\_\_\_\_ Block(s) \_\_\_\_\_ Addition \_\_\_\_\_
4. **PRESENT ZONING:** B-1 Neighborhood Business District  
Zoning District \_\_\_\_\_ Title \_\_\_\_\_
- PROPOSED ZONING:** B-3 Central Business District  
Zoning District \_\_\_\_\_ Title \_\_\_\_\_
5. **APPLICANTS REQUEST FOR ZONING CHANGE IS AS FOLLOWS:** Requesting  
a zoning change to construct a single family residence  
on the property

(Attach an additional sheet if necessary)

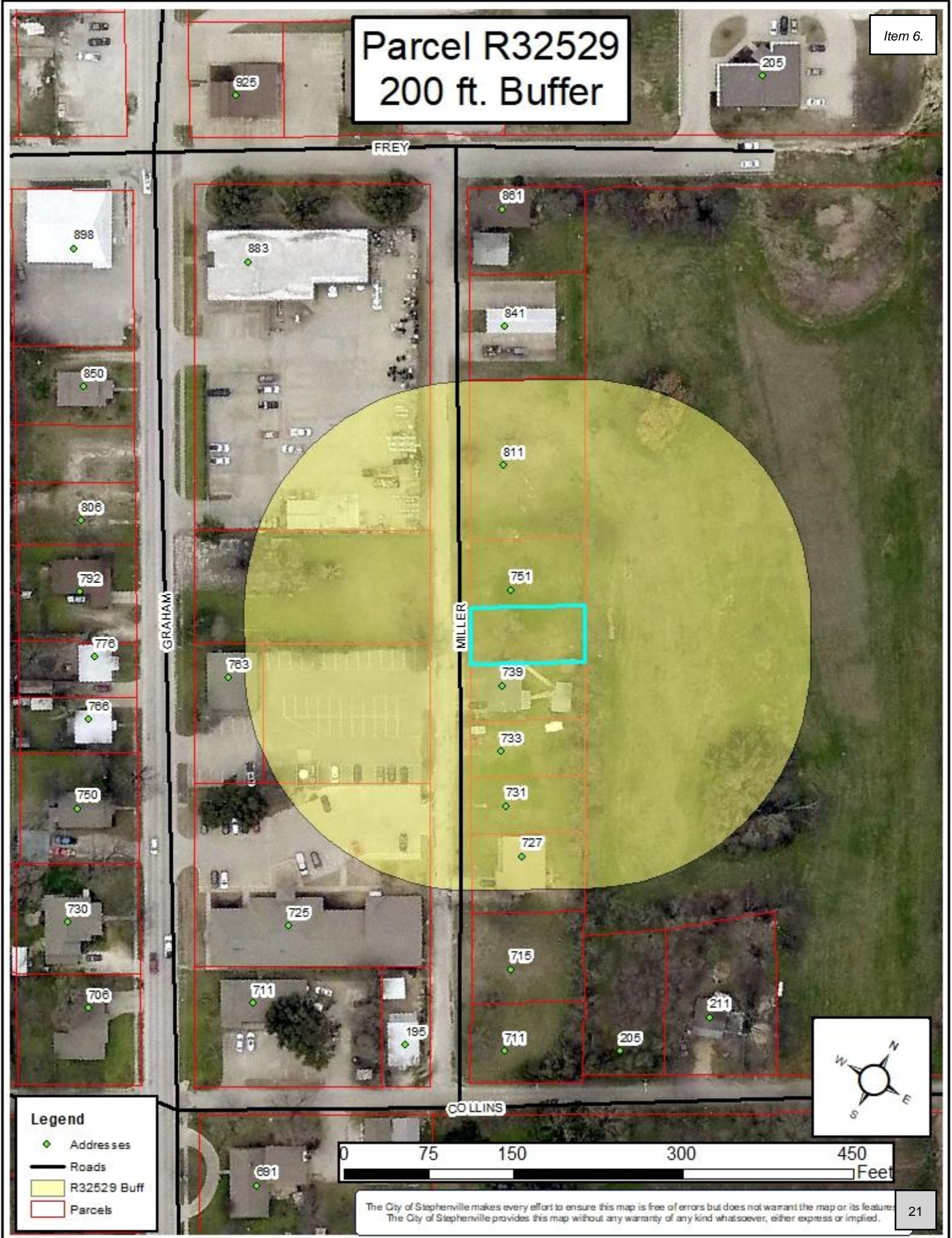
T. M. McArthur  
Signature of Applicant

1-15-21  
Date

[Signature]  
Signature of City Official Received

1  
Date Received

# Parcel R32529 200 ft. Buffer



**Legend**

- ◆ Addresses
- Roads
- R32529 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 R32529

## Current Zoning - B1 Neighborhood Business

Item 6.



**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

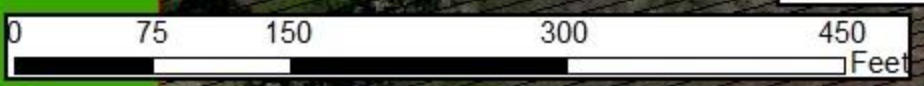
## Future Land Use - Single Family

Item 6.



**Legend**

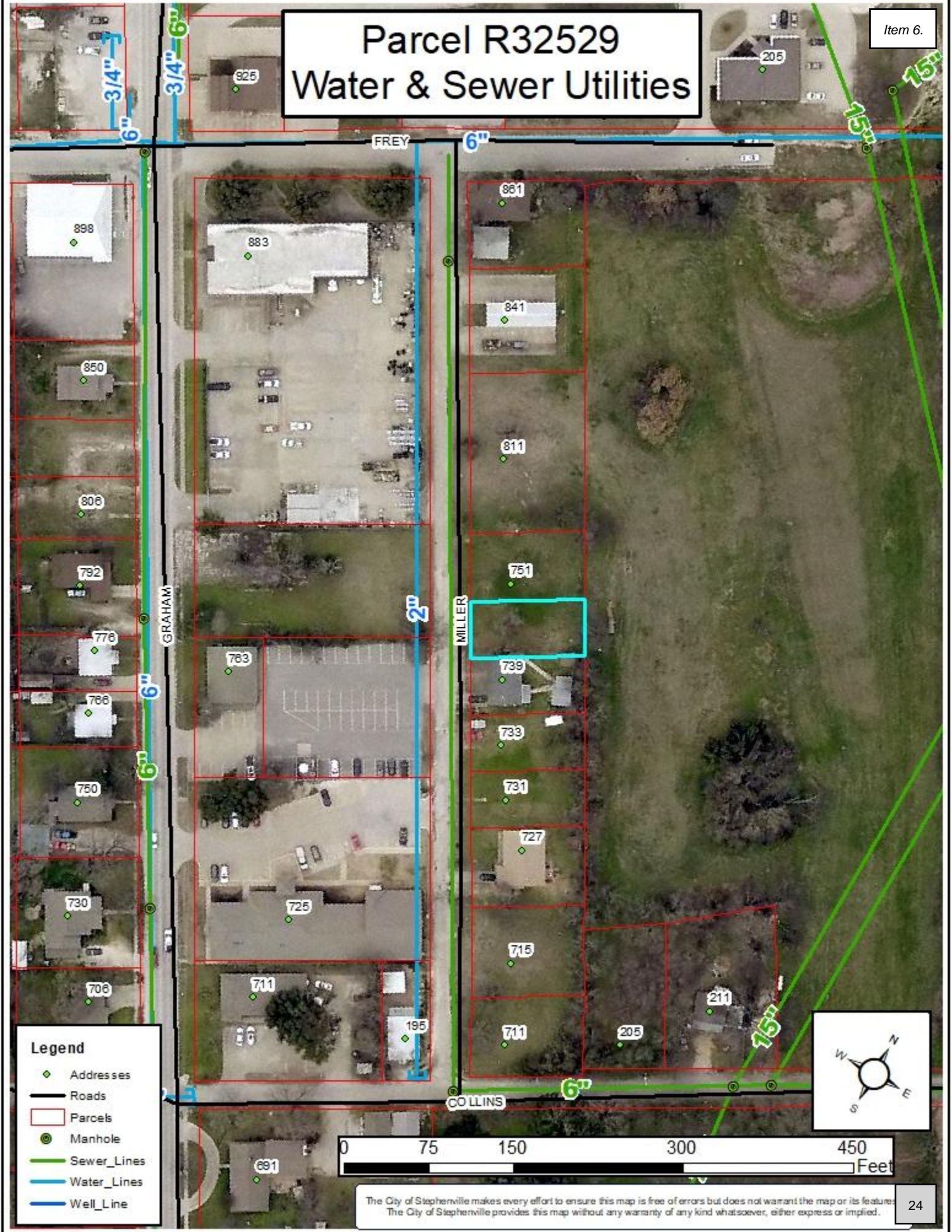
- ◆ Addresses
- Roads
- ▭ Parcels
- Use\_BDH**
- Ag/Open Space
- Office/Neighbor\_Bus
- Commercial
- Cent Business Dist
- ▨ City/Tarleton/SISD
- Downtown
- Industrial
- Planned Development
- Single Family
- 1\_2 Family
- Multi-Fam/Resident
- Duplex/Townhome
- Manufact Homes



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# Parcel R32529 Water & Sewer Utilities

Item 6.



- 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.: RZ2021-003

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.

**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 future construction of a multifamily dwelling. The applicant states that the property is surrounded on three sides by multifamily zoning.

### CURRENT ZONING:

R-1 – Single Family

### FUTURE LAND USE:

Single Family

### DESCRIPTION OF REQUESTED ZONING

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

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

### 5.6.B **Permitted Uses.**

(5) Multiple family dwellings, with each family limited as in division (1) above;

(D) *Multiple family dwellings.*

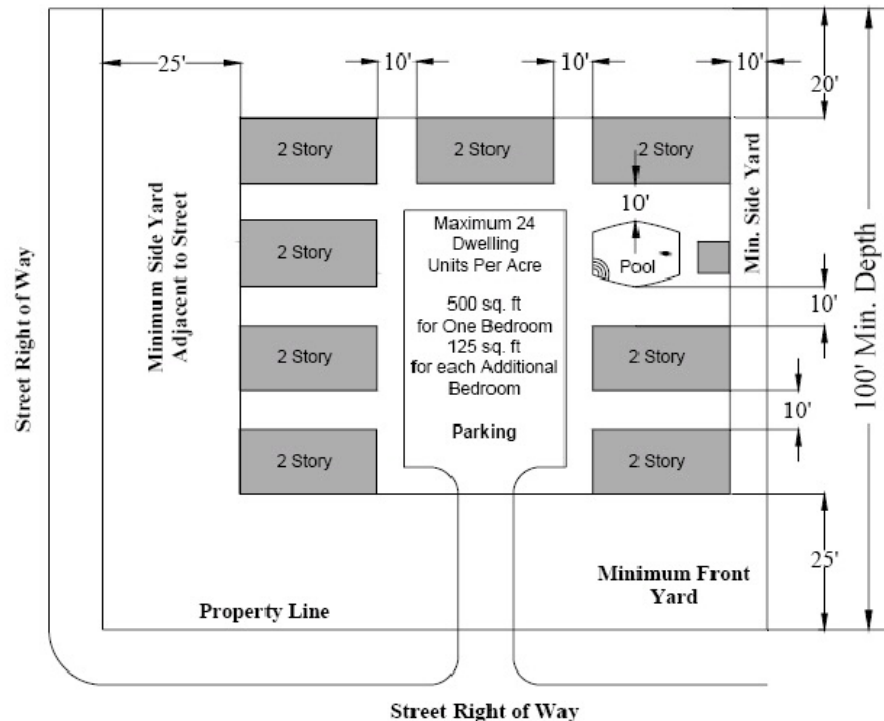
- (1) Minimum lot area: maximum density of 24 dwelling units per acre, which includes parking, access and all other area improvements.
- (2) Minimum lot depth: 100 feet.
- (3) Minimum depth of front setback: 25 feet.

- (4) Minimum depth of rear setback: 20 feet.
- (5) Minimum width of side setback:
  - (a) Internal lot: ten feet.
  - (b) Corner lot: 25 feet from intersecting side street.
- (6) Building size: Minimum area of each dwelling unit: 500 ft<sup>2</sup> for one bedroom or less plus 125 ft<sup>2</sup> of floor area for each additional bedroom.
- (7) Maximum height of structures: 35 feet.
- (8) Public, semi-public or public service buildings, hospitals, institutions or schools may not exceed a height of 60 feet. Churches, temples and mosques may not exceed 75 feet, if the building is set back from each yard line at least one foot for each two feet additional height above the height limit in this district.

### Height, Area, Yard and Lot Coverage Requirements

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

##### Multiple Family Dwelling



### Multiple-Family Dwelling

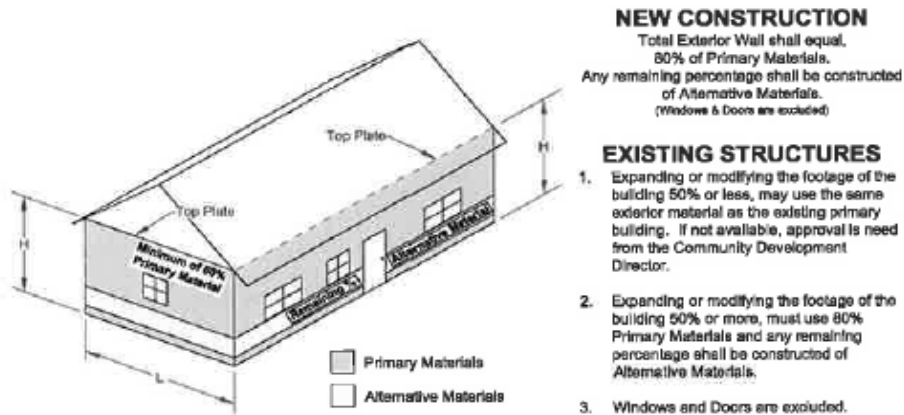
A Multiple-Family, R-3 District lot shall provide a minimum of two vehicle parking spaces per dwelling unit, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in this ordinance, Section 11, Parking Regulations of this ordinance.

#### 5.6.F Type of Construction.

- (1) The exterior walls of all new dwellings to the top plate, shall be constructed of at least 80% of the total exterior walls of primary materials, excluding doors, windows, and porches. See Section 10.E(1): Exterior Building Material Standard—Primary Materials.
- (2) Any remaining exterior walls of all new dwellings shall construct the remaining exterior walls of alternative materials. See Section 10.E(2): Exterior Building Material Standard—Alternative Materials.

- (3) Existing dwellings expanding the total square footage of the building 50% or less, or modifying the exterior walls, may use the same exterior construction material as the existing primary building. If the material is not available, similar material may be used if approved by the Community Development Director.
- (4) Existing dwellings expanding the total square footage of the building more than 50%, or proposing to use a material inconsistent with the primary structure for any expansion, must meet the 80% minimum primary materials, Section 10.E: Exterior Building Material Standard, for the total exterior walls of the structure.

5.6.F Exterior Building Material Standards



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

**WATER:**

The property is served by a 6" city water main in Hyman.

**SEWER:**

The property is served by a 6" sanitary sewer main in Hyman.

**STREET:**

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

**ZONING AND LAND USE:**

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

**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.

## ZONING AMENDMENT APPLICATION

### CITY OF STEPHENVILLE

1. **APPLICANT/OWNER:** Jeff Brady  
 First Name Last Name

**ADDRESS:** 2121 Crestridge St (254) 592-5439  
 Street/P.O. Box Phone No.

Stephenville TX 76401  
 City State Zip Code

2. **PROPERTY DESCRIPTION:** 1270 and 1290 W. Hyman St, Stephenville  
 Street Address

3. **LEGAL DESCRIPTION:** R000033799 S6200 SOUTH SIDE ADDITION, BLOCK 35;, LOT 5  
 Lot(s) Block(s) Addition

R000033798 S6200 SOUTH SIDE ADDITION, BLOCK 35;, LOT 4;4A;4C

4. **PRESENT ZONING:** R-1 Single Family - 7,500  
 Zoning District Title

**PROPOSED ZONING:** R-3 Multiple Family  
 Zoning District Title

5. **APPLICANTS REQUEST FOR ZONING CHANGE IS AS FOLLOWS:** These properties  
are surrounded on 3 sides by multiple family zoning. We request that they be rezoned from  
single family to multiple family so that we can construct multiple family housing on them in the  
future.

(Attach an additional sheet if necessary)

\_\_\_\_\_  
 Signature of Applicant

01/08/2021  
 Date

Karen Wickerson  
 Signature of City Official Received

01-20-2020  
 Date Received

# Parcel ID R33798 200 ft Buffer

Item 7.



**Legend**

- ◆ Addresses
- Roads
- Parcel R33798 Buffer
- Parcels

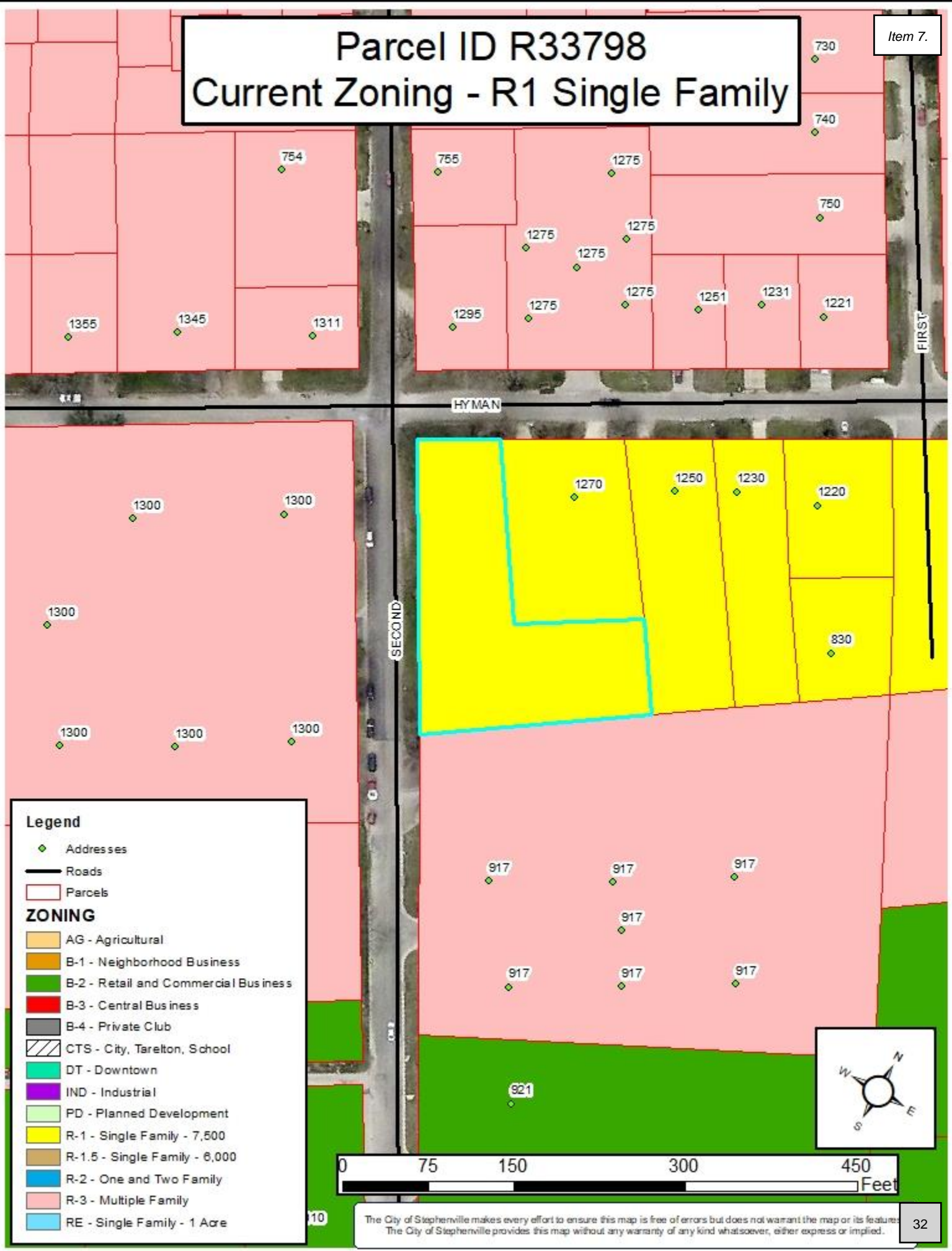


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# Parcel ID R33798

## Current Zoning - R1 Single Family

Item 7.



**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

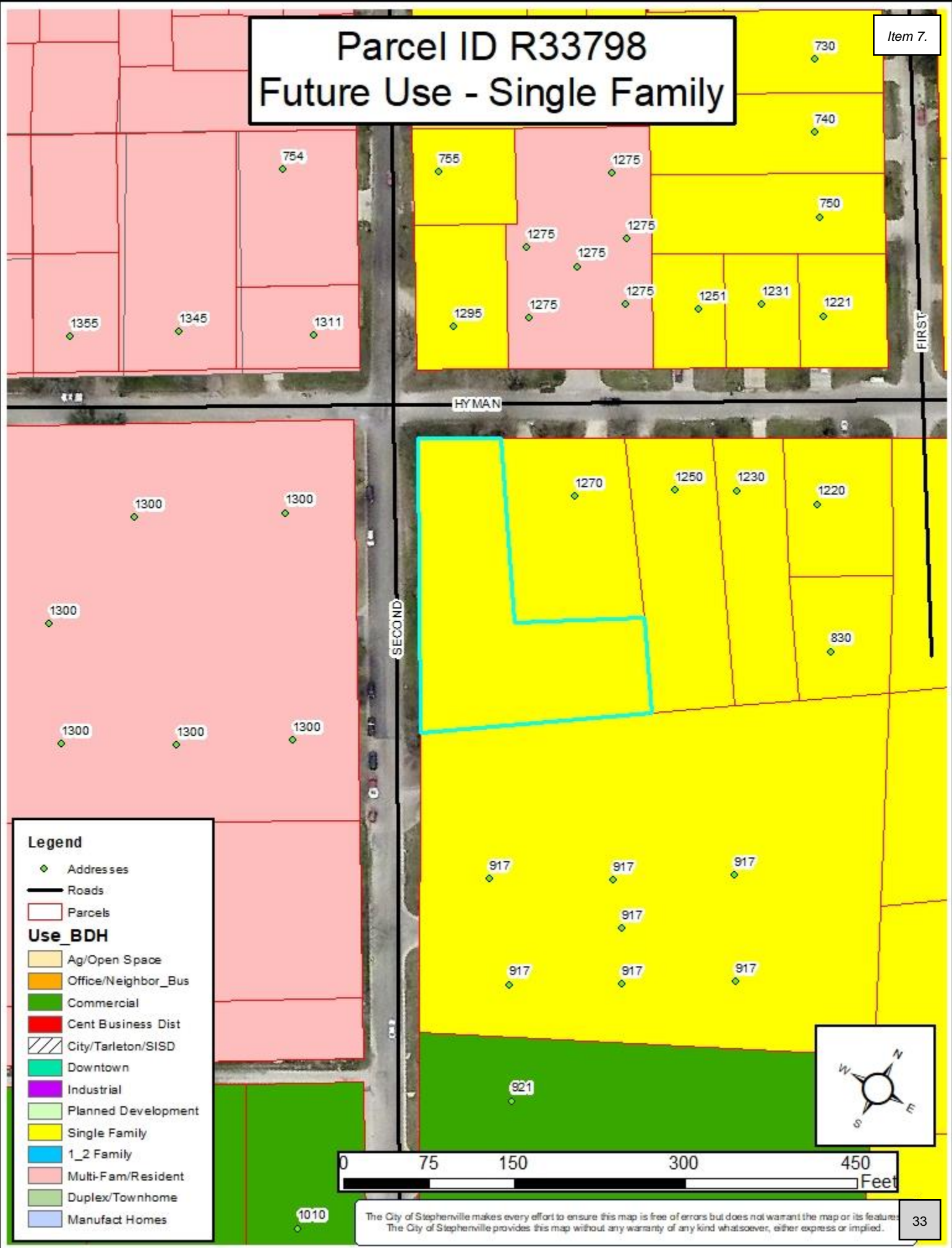


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# Parcel ID R33798 Future Use - Single Family

Item 7.



### Legend

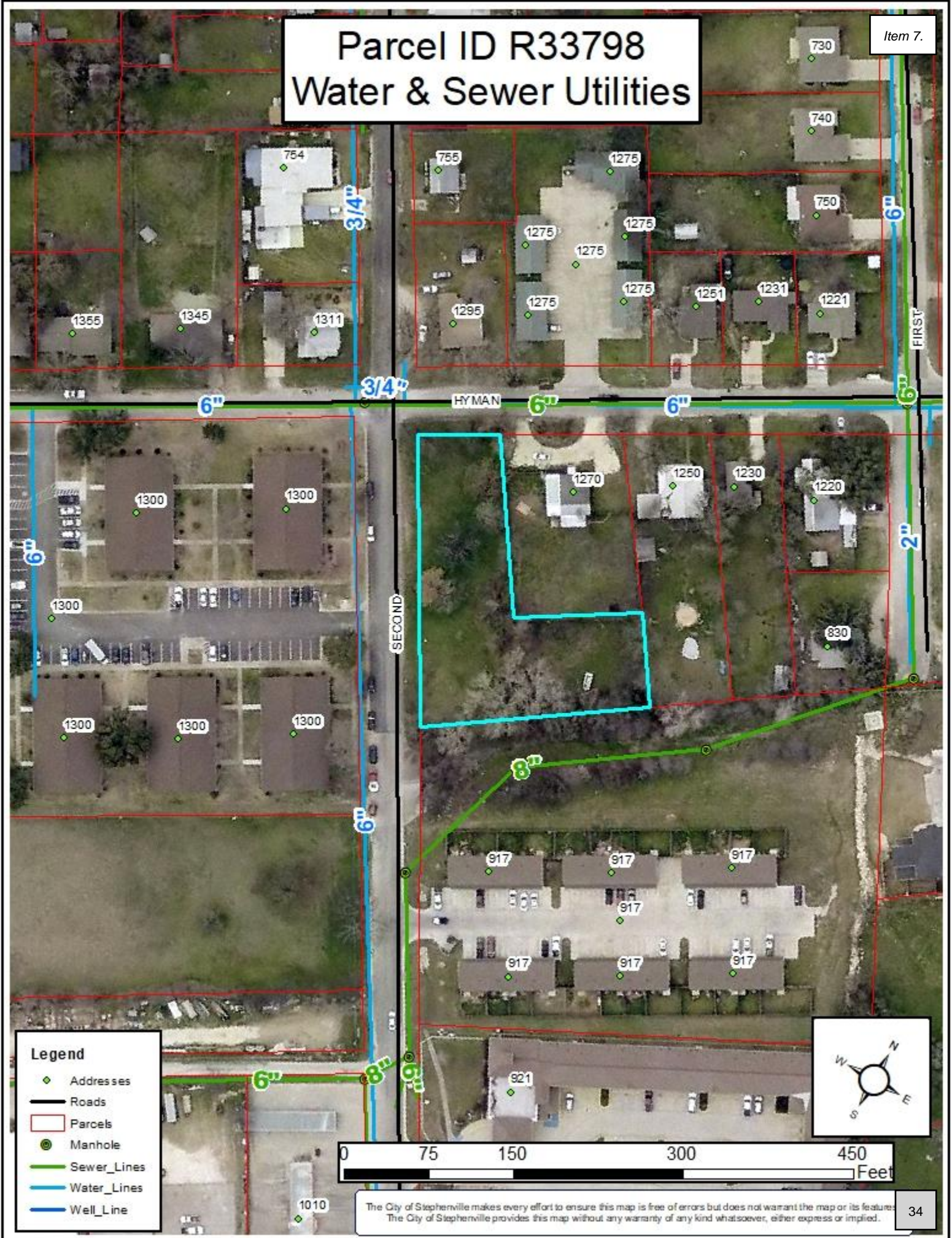
- ◆ Addresses
- Roads
- ▭ Parcels
- Use\_BDH**
- Ag/Open Space
- Office/Neighbor\_Bus
- Commercial
- Cent Business Dist
- ▨ City/Tarleton/SISD
- Downtown
- Industrial
- Planned Development
- Single Family
- 1\_2 Family
- Multi-Fam/Resident
- Duplex/Townhome
- Manufact Homes



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# Parcel ID R33798 Water & Sewer Utilities

Item 7.



- Legend**
- ◆ Addresses
  - Roads
  - ▭ Parcels
  - Manhole
  - Sewer\_Lines
  - Water\_Lines
  - Well\_Line



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## Parcel R33798 Addresses

Parcel ID	Parcel Address	Owner Name	Owner Address	City	State	Zip Code
R000033797	1250 HYMAN	ARREGUIN HUMBERTO	1250 HYMAN ST	STEPHENVILLE	TX	76401
R000033799	1270 HYMAN	BRADY DOG RANCH PROPERTIES LLC	2121 CRESTRIDGE	STEPHENVILLE	TX	76401
R000033798	1290 HYMAN	BRADY JEFF & STEPHANIE	2121 CRESTRIDGE	STEPHENVILLE	TX	76401
R000033740	755 S SECOND AVE	CRESS INC	RT 1 BOX 230A	DELEON	TX	76444
R000033806	917 S SECOND AVE	D818 LLC	PO BOX 1827	STEPHENVILLE	TX	76401
R000066170	1251 HYMAN	DUDEK JOHN F JR	1801 LION HEART DR	CEDAR PARK	TX	78613
R000040446	0 S SECOND AVE	G&H-RE ENTERPRISES LLC	2053 CRESTWATER RIDGE	KELLER	TX	76248
R000033743	1295 HYMAN	GREEN NEWTON L	1295 HYMAN	STEPHENVILLE	TX	76401
R000033730	1345 HYMAN	LANGLEY JOHN COLIN & JESSICA	1345 W HYMAN	STEPHENVILLE	TX	76401
R000033742	1275 HYMAN	LILLJEDAHL CARL	PO BOX 47	STEPHENVILLE	TX	76401-0000
R000055658	830 FIRST	LOPEZ EFRAIN	830 1ST ST	STEPHENVILLE	TX	76401
R000033731	754 S SECOND AVE	MARKS MABEL GLADYS & JEANNIE LEE MA	754 SECOND	STEPHENVILLE	TX	76401-0000
R000033732	1311 HYMAN	MERICLE PATRICIA	1311 W HYMAN ST	STEPHENVILLE	TX	76401
R000033795	1230 HYMAN	MORVANT CLIFTON J & VIRGINIA ET AL	584 LYDIA	STEPHENVILLE	TX	76401
R000055659	1220 HYMAN	ROCKIN CP INVESTMENT GROUP INC	PO BOX1046	GODLEY	TX	76044
R000040447	1300 HYMAN	TEXAS HOUSING FOUNDATION	1110 BROADWAY ST	MARBLE FALLS	TX	78654



# STAFF REPORT

**SUBJECT:** 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.

**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 future construction of a multifamily dwelling. The applicant states that the property is surrounded on three sides by multifamily zoning.

### CURRENT ZONING:

R-1 – Single Family

### FUTURE LAND USE:

Single Family

### DESCRIPTION OF REQUESTED ZONING

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

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

### 5.6.B **Permitted Uses.**

(5) Multiple family dwellings, with each family limited as in division (1) above;

(D) *Multiple family dwellings.*

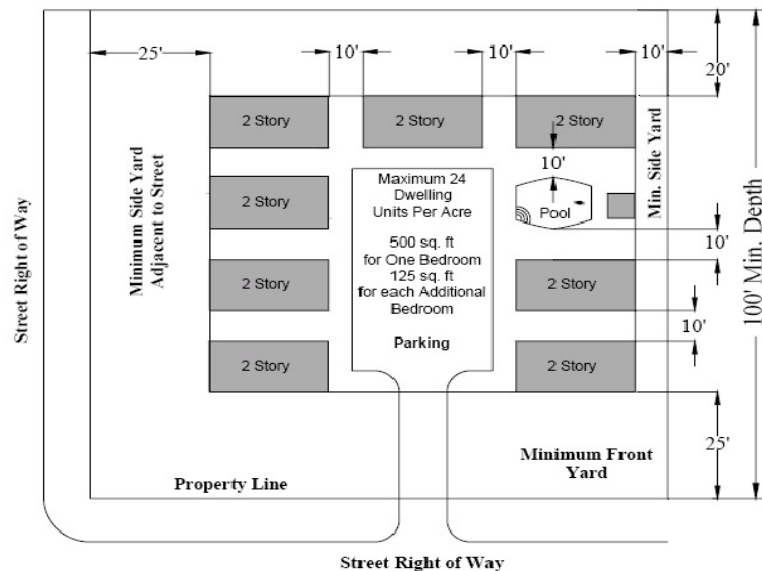
- (1) Minimum lot area: maximum density of 24 dwelling units per acre, which includes parking, access and all other area improvements.
- (2) Minimum lot depth: 100 feet.
- (3) Minimum depth of front setback: 25 feet.

- (4) Minimum depth of rear setback: 20 feet.
- (5) Minimum width of side setback:
  - (a) Internal lot: ten feet.
  - (b) Corner lot: 25 feet from intersecting side street.
- (6) Building size: Minimum area of each dwelling unit: 500 ft<sup>2</sup> for one bedroom or less plus 125 ft<sup>2</sup> of floor area for each additional bedroom.
- (7) Maximum height of structures: 35 feet.
- (8) Public, semi-public or public service buildings, hospitals, institutions or schools may not exceed a height of 60 feet. Churches, temples and mosques may not exceed 75 feet, if the building is set back from each yard line at least one foot for each two feet additional height above the height limit in this district.

### Height, Area, Yard and Lot Coverage Requirements

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

##### Multiple Family Dwelling



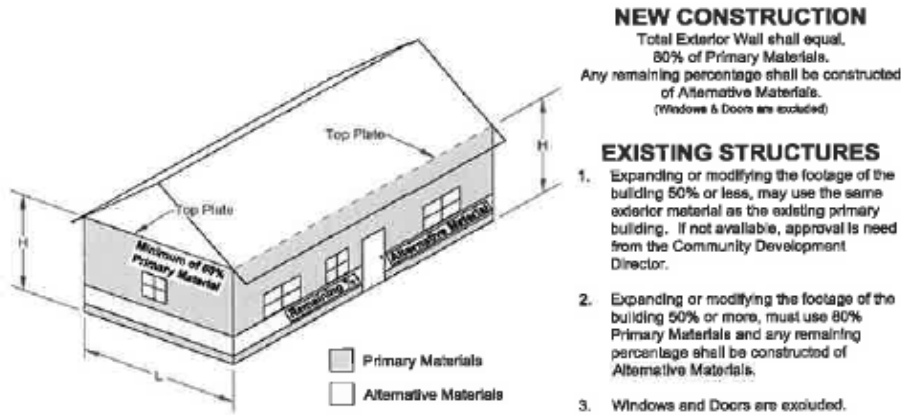
### Multiple-Family Dwelling

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

#### 5.6.F Type of Construction.

- (1) The exterior walls of all new dwellings to the top plate, shall be constructed of at least 80% of the total exterior walls of primary materials, excluding doors, windows, and porches. See Section 10.E(1): Exterior Building Material Standard—Primary Materials.
- (2) Any remaining exterior walls of all new dwellings shall construct the remaining exterior walls of alternative materials. See Section 10.E(2): Exterior Building Material Standard—Alternative Materials.
- (3) Existing dwellings expanding the total square footage of the building 50% or less, or modifying the exterior walls, may use the same exterior construction material as the existing primary building. If the material is not available, similar material may be used if approved by the Community Development Director.
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materials, Section 10.E: Exterior Building Material Standard, for the total exterior walls of the structure. 5.



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

**WATER:**

The property is served by a 6" city water main in Hyman.

**SEWER:**

The property is served by a 6" sanitary sewer main in Hyman.

**STREET:**

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

**ZONING AND LAND USE:**

Location	Zoning	Future Land Use
Subject Site	(R-1) Single Family	Single Family
North	(R-3) Multifamily	Multifamily
South	(R-3) Multifamily	Single Family
East	(R-1) Single Family	Single Family
West	(R-3) Multifamily	Multifamily

**FACTORS TO CONSIDER:**

- Compliance with Comprehensive Plan?
- Is application consistent with Plan?
- If not, have conditions changed or new information been offered to support change?
- Surrounding Zoning and Land Use
- Infrastructure Impacts

- Size and Location of Parcel - is land large enough and in proper location for proposed use?
- Reasonable Use of Property - does proposed change provide reasonable use of property?
- Zoning has great discretion - deny if applicant has not proven it is in the best interest of City to rezone

## ALTERNATIVES

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



City of Stephenville  
298 W. Washington  
Stephenville, TX 76401  
(254) 918-1294

Item 8.

NO. 3831

## ZONING AMENDMENT APPLICATION

### CITY OF STEPHENVILLE

- APPLICANT/OWNER:** Jeff Brady  
 First Name Last Name

**ADDRESS:** 2121 Crestridge St (254) 592-5439  
 Street/P.O. Box Phone No.

Stephenville TX 76401  
 City State Zip Code
- PROPERTY DESCRIPTION:** 1270 and 1290 W. Hyman St, Stephenville  
 Street Address
- LEGAL DESCRIPTION:** R000033799 S6200 SOUTH SIDE ADDITION, BLOCK 35;, LOT 5  
 Lot(s) Block(s) Addition

R000033798 S6200 SOUTH SIDE ADDITION, BLOCK 35;, LOT 4;4A;4C
- PRESENT ZONING:** R-1 Single Family - 7,500  
 Zoning District Title

**PROPOSED ZONING:** R-3 Multiple Family  
 Zoning District Title
- APPLICANTS REQUEST FOR ZONING CHANGE IS AS FOLLOWS:** These properties  
are surrounded on 3 sides by multiple family zoning. We request that they be rezoned from  
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future.

(Attach an additional sheet if necessary)

Jeff Brady  
Signature of Applicant

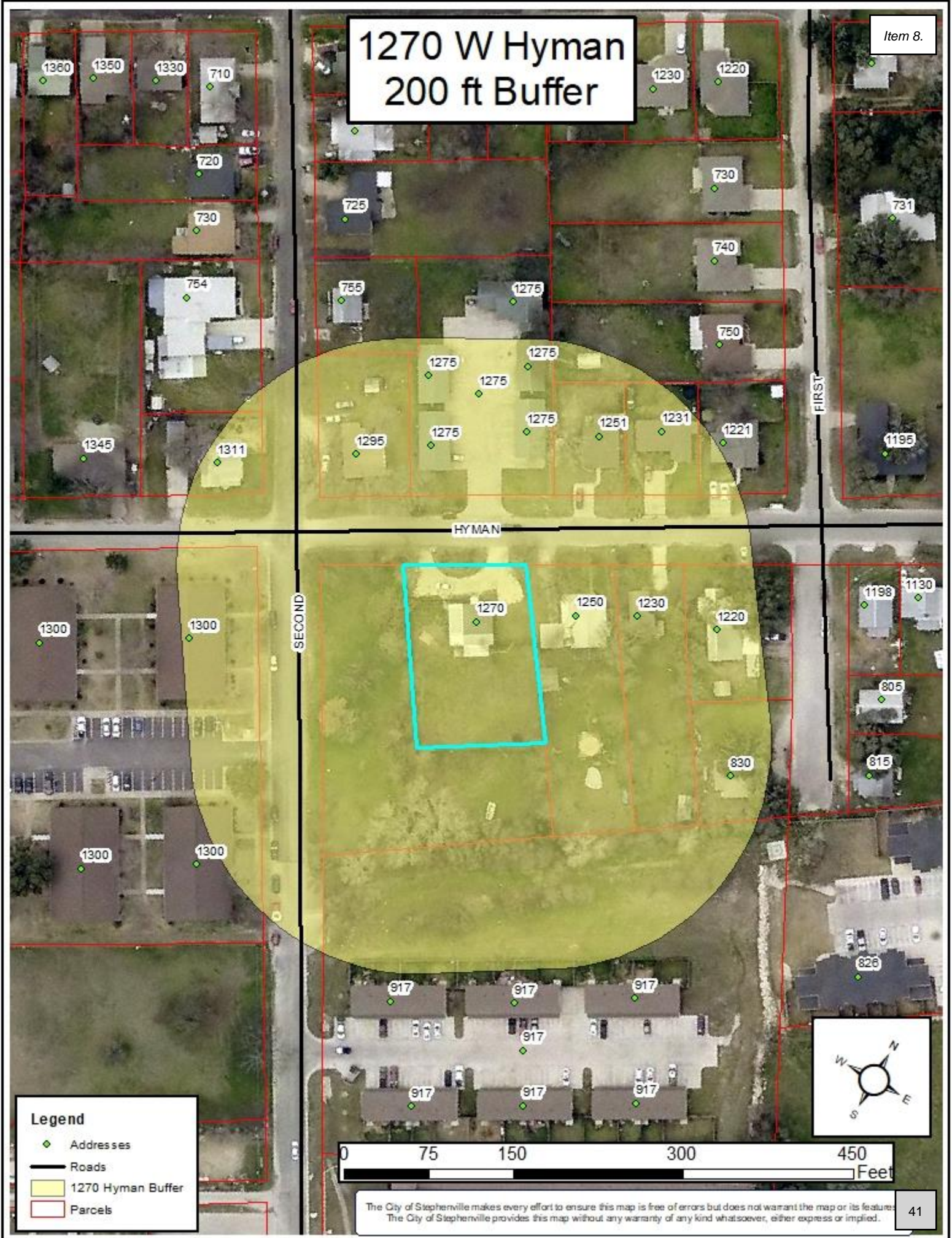
01/08/2021  
Date

Karen Wickerson  
Signature of City Official Received

01-20-2020  
Date Received

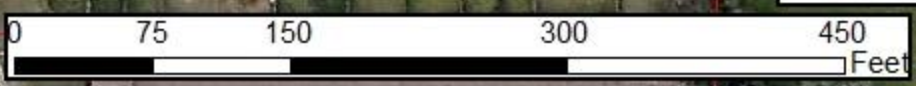


# 1270 W Hyman 200 ft Buffer



**Legend**

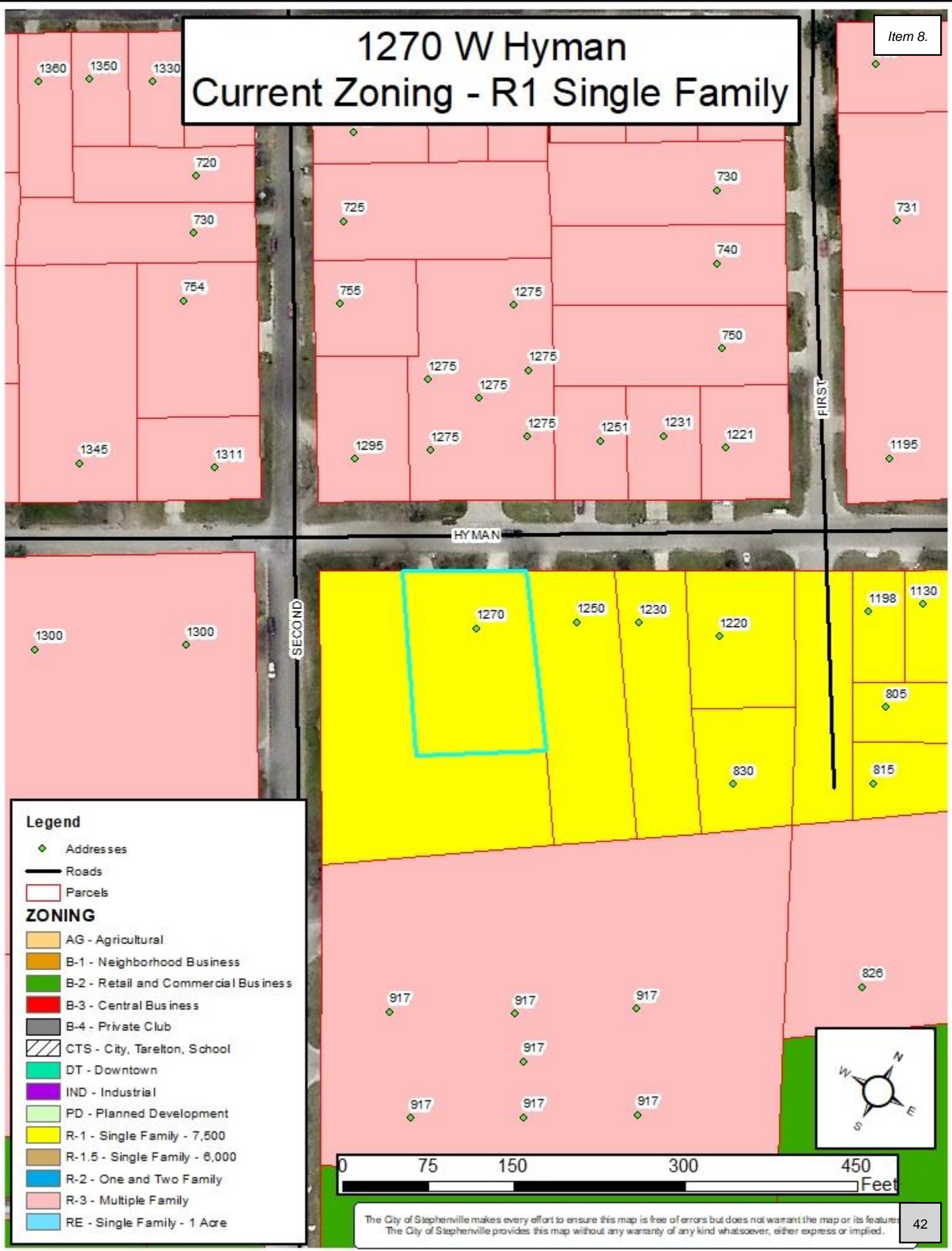
- ◆ Addresses
- Roads
- 1270 Hyman Buffer
- Parcels



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.

# 1270 W Hyman Current Zoning - R1 Single Family

Item 8.



**Legend**

- ◆ Addresses
- Roads
- ▭ Parcels

**ZONING**

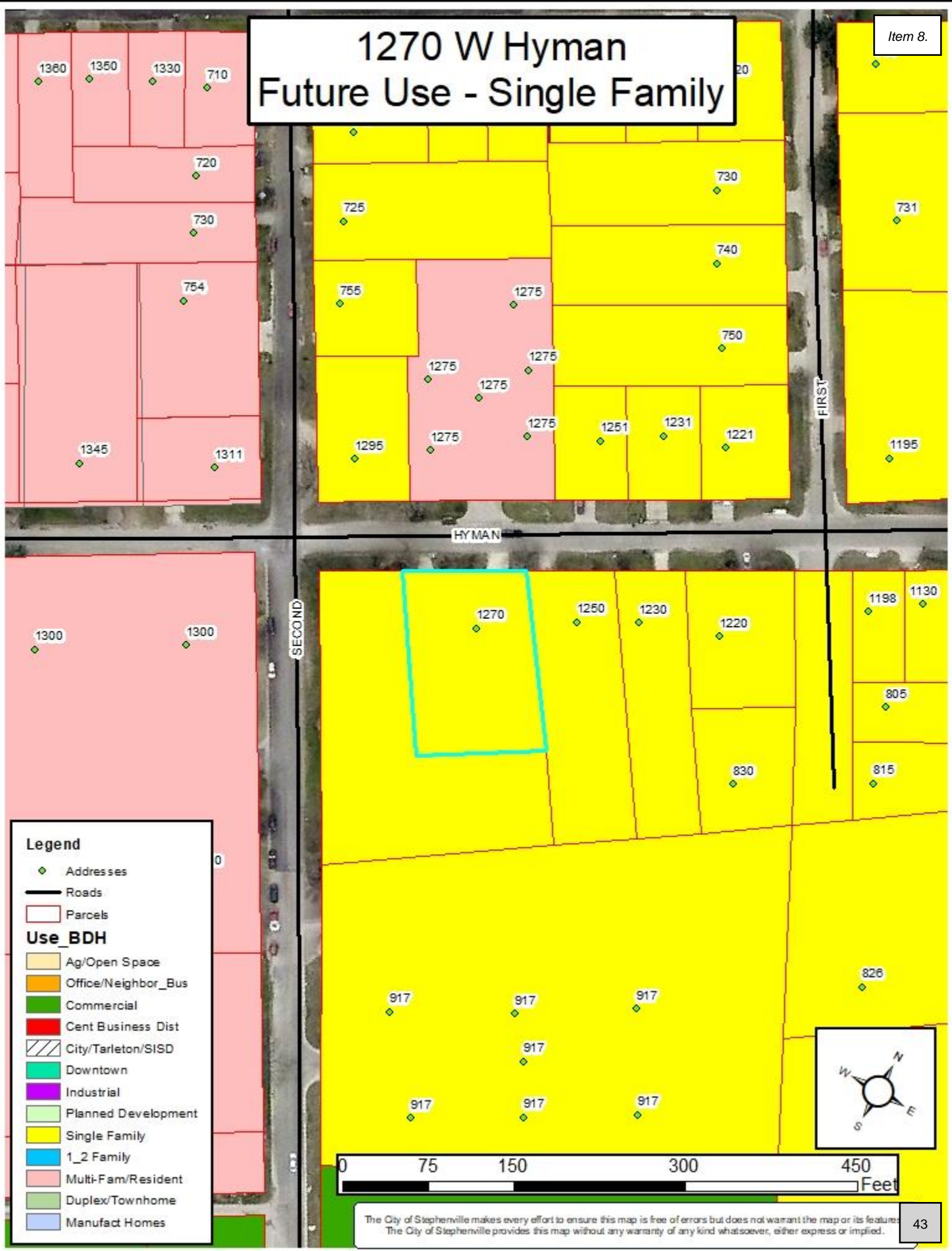
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- B-3 - Central Business
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- CTS - City, Tareyton, School
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- IND - Industrial
- PD - Planned Development
- R-1 - Single Family - 7,500
- R-1.5 - Single Family - 6,000
- R-2 - One and Two Family
- R-3 - Multiple Family
- RE - Single Family - 1 Acre



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# 1270 W Hyman Future Use - Single Family

Item 8.



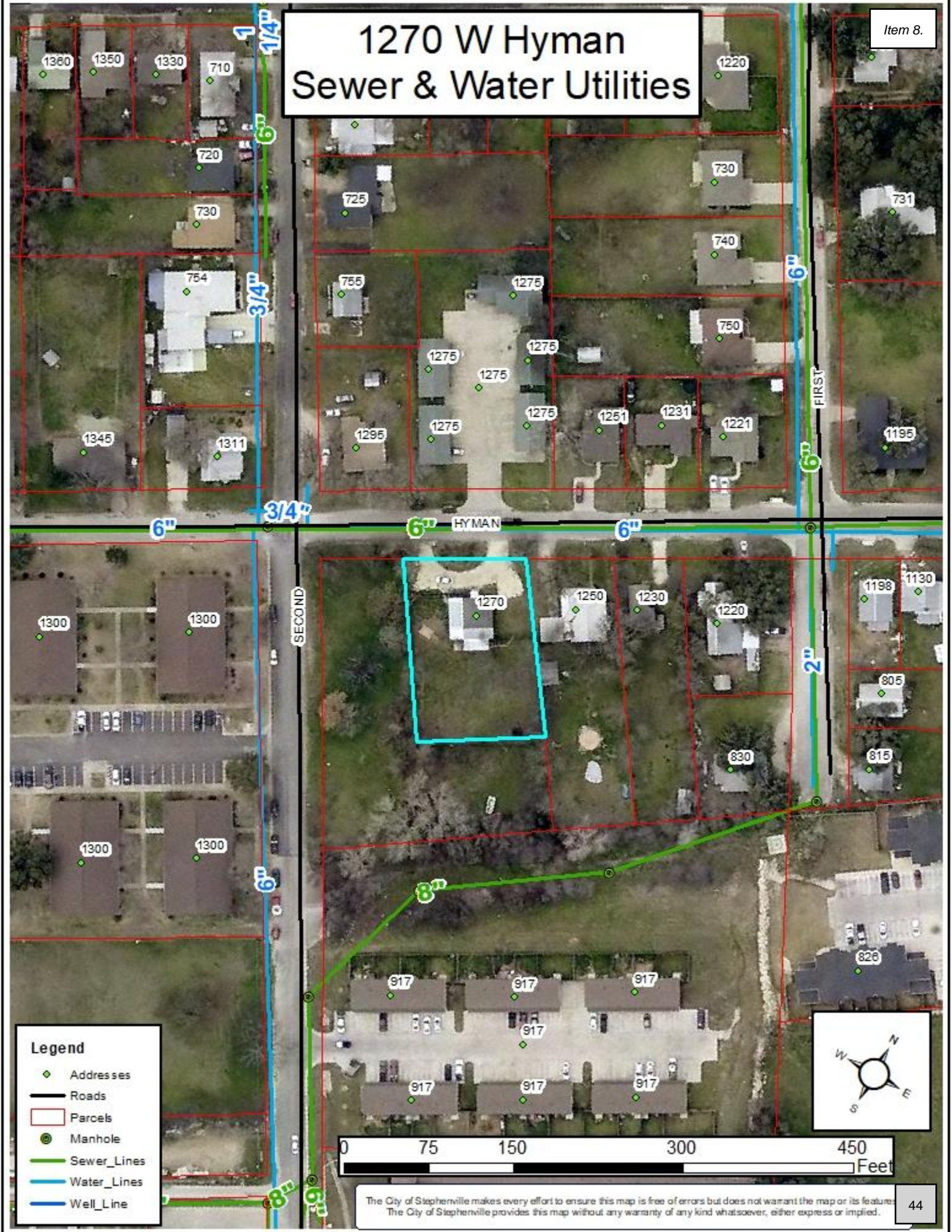
- Legend**
- ◆ Addresses
  - Roads
  - ▭ Parcels
- Use\_BDH**
- Ag/Open Space
  - Office/Neighbor\_Bus
  - Commercial
  - Cent Business Dist
  - City/Tarleton/SISD
  - Downtown
  - Industrial
  - Planned Development
  - Single Family
  - 1\_2 Family
  - Multi-Fam/Resident
  - Duplex/Townhome
  - Manufact Homes



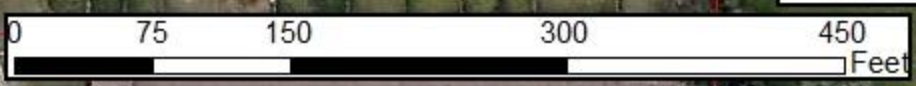
The City of Stephenville makes every effort to ensure this map is free of errors but does not warrant the map or its features. The City of Stephenville provides this map without any warranty of any kind whatsoever, either express or implied.

# 1270 W Hyman Sewer & Water Utilities

Item 8.



- Legend**
- ◆ Addresses
  - Roads
  - ▭ Parcels
  - Manhole
  - Sewer\_Lines
  - Water\_Lines
  - Well\_Line



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

## 1270 W Hyman Addresses

Parcel ID	Parcel Address	Parcel Owner	Owner Address	City	State	Zip Code
R000066168	1221 HYMAN	ALLIE TRUST OF BEAU RICHARD & KATHLEEN	23072 CYPRESS CT	VALENCIA	CA	91354
R000033797	1250 HYMAN	ARREGUIN HUMBERTO	1250 HYMAN ST	STEPHENVILLE	TX	76401
R000066167	750 FIRST	BARKER JENNIFER LYN	750 FIRST AVENUE	STEPHENVILLE	TX	76401
R000033799	1270 HYMAN	BRADY DOG RANCH PROPERTIES LLC	2121 CRESTRIDGE	STEPHENVILLE	TX	76401
R000033798	1290 HYMAN	BRADY JEFF & STEPHANIE	2121 CRESTRIDGE	STEPHENVILLE	TX	76401
R000033740	755 S SECOND AVE	CRESS INC	RT 1 BOX 230A	DELEON	TX	76444
R000033806	917 S SECOND AVE	D818 LLC	PO BOX 1827	STEPHENVILLE	TX	76401
R000066170	1251 HYMAN	DUDEK JOHN F JR	1801 LION HEART DR	CEDAR PARK	TX	78613
R000033743	1295 HYMAN	GREEN NEWTON L	1295 HYMAN	STEPHENVILLE	TX	76401
R000066169	1231 HYMAN	JIMENEZ INES OSWALDO & MARISA	1231 W HYMAN ST	STEPHENVILLE	TX	76401
R000033742	1275 HYMAN	LILLJEDAHL CARL	PO BOX 47	STEPHENVILLE	TX	76401-0000
R000055658	830 FIRST	LOPEZ EFRAIN	830 1ST ST	STEPHENVILLE	TX	76401
R000033731	754 S SECOND AVE	MARKS MABEL GLADYS & JEANNIE LEE MA	754 SECOND	STEPHENVILLE	TX	76401-0000
R000033732	1311 HYMAN	MERICLE PATRICIA	1311 W HYMAN ST	STEPHENVILLE	TX	76401
R000033795	1230 HYMAN	MORVANT CLIFTON J & VIRGINIA ET AL	584 LYDIA	STEPHENVILLE	TX	76401
R000055659	1220 HYMAN	ROCKIN CP INVESTMENT GROUP INC	PO BOX1046	GODLEY	TX	76044
R000040447	1300 HYMAN	TEXAS HOUSING FOUNDATION	1110 BROADWAY ST	MARBLE FALLS	TX	78654



## STAFF REPORT

**SUBJECT:** 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.

**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 future construction of a townhome dwelling.

Recently, the Commission approved a rezone for properties to the south of this parcel to allow for B-2 and R-3 zoning.

#### CURRENT ZONING:

R-1 – Single Family

#### FUTURE LAND USE:

Single Family

#### DESCRIPTION OF REQUESTED ZONING

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

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

#### **5.6.B Permitted Uses.**

(5) Multiple family dwellings, with each family limited as in division (1) above;

(D) *Multiple family dwellings.*

(1) Minimum lot area: maximum density of 24 dwelling units per acre, which includes parking, access and all other area improvements.

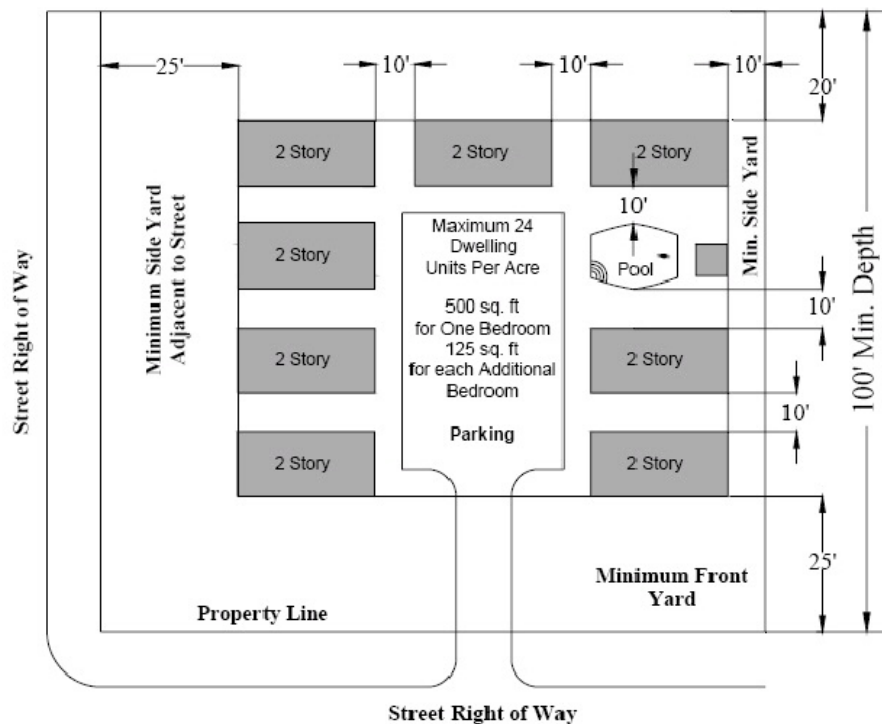
(2) Minimum lot depth: 100 feet.

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

### *Height, Area, Yard and Lot Coverage Requirements*

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

##### Multiple Family Dwelling



##### *Multiple-Family Dwelling*

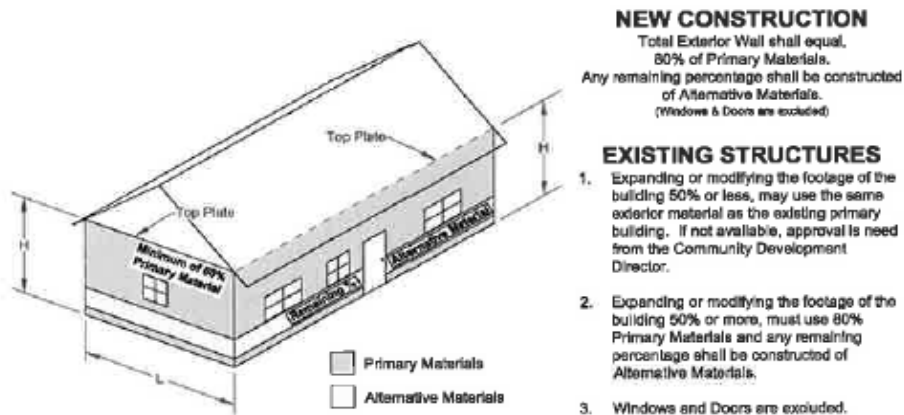
A Multiple-Family, R-3 District lot shall provide a minimum of two vehicle parking spaces per dwelling unit, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in this ordinance, Section 11, Parking Regulations of this ordinance.

#### 5.6.F Type of Construction.

- (1) The exterior walls of all new dwellings to the top plate, shall be constructed of at least 80% of the total exterior walls of primary materials, excluding doors, windows, and porches. See Section 10.E(1): Exterior Building Material Standard—Primary Materials.

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

5.6.F Exterior Building Material Standards



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

**WATER:**

The property is served by a 8" city water main in Alexander.

**SEWER:**

The property is served by a 6" sanitary sewer main in Alexander.

**STREET:**

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

**ZONING AND LAND USE:**

Location	Zoning	Future Land Use
Subject Site	(R-1) Single Family	Single Family
North	(R-1) Single Family	Single Family
South	(R-3) Multifamily	Single Family
East	(R-3) Multifamily	Commercial
West	(R-1) Single Family	Single Family

**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.

### ZONING AMENDMENT APPLICATION

#### CITY OF STEPHENVILLE

1. **APPLICANT/OWNER:** Beau Mayo  
First Name Last Name
- ADDRESS:** 2699 CR 223 254-592-2739  
Street/P.O. Box Phone No.
- Stephenville TX 76401  
City State Zip Code
2. **PROPERTY DESCRIPTION:** 820 Alexander  
Street Address
3. **LEGAL DESCRIPTION:** 7 35 South side  
Lot(s) Block(s) Addition
4. **PRESENT ZONING:** R1 Single family  
Zoning District Title
- PROPOSED ZONING:** R3 multi family  
Zoning District Title
5. **APPLICANTS REQUEST FOR ZONING CHANGE IS AS FOLLOWS:** R1 to  
R3 for a new town home construction.

(Attach an additional sheet if necessary)

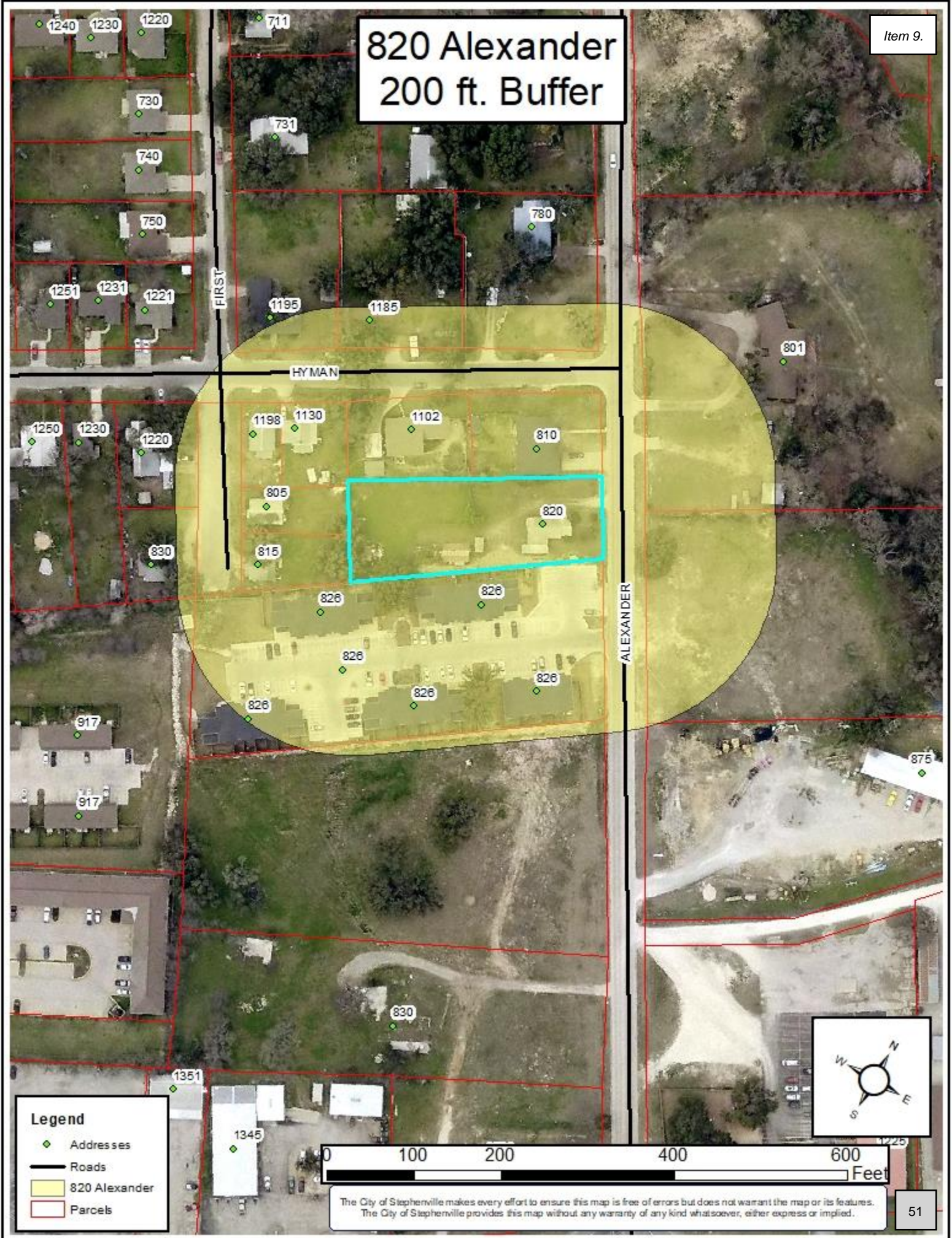
Beau Mayo  
Signature of Applicant

1-21-21  
Date

\_\_\_\_\_  
Signature of City Official Received

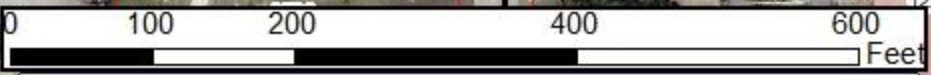
\_\_\_\_\_  
Date Received

# 820 Alexander 200 ft. Buffer



**Legend**

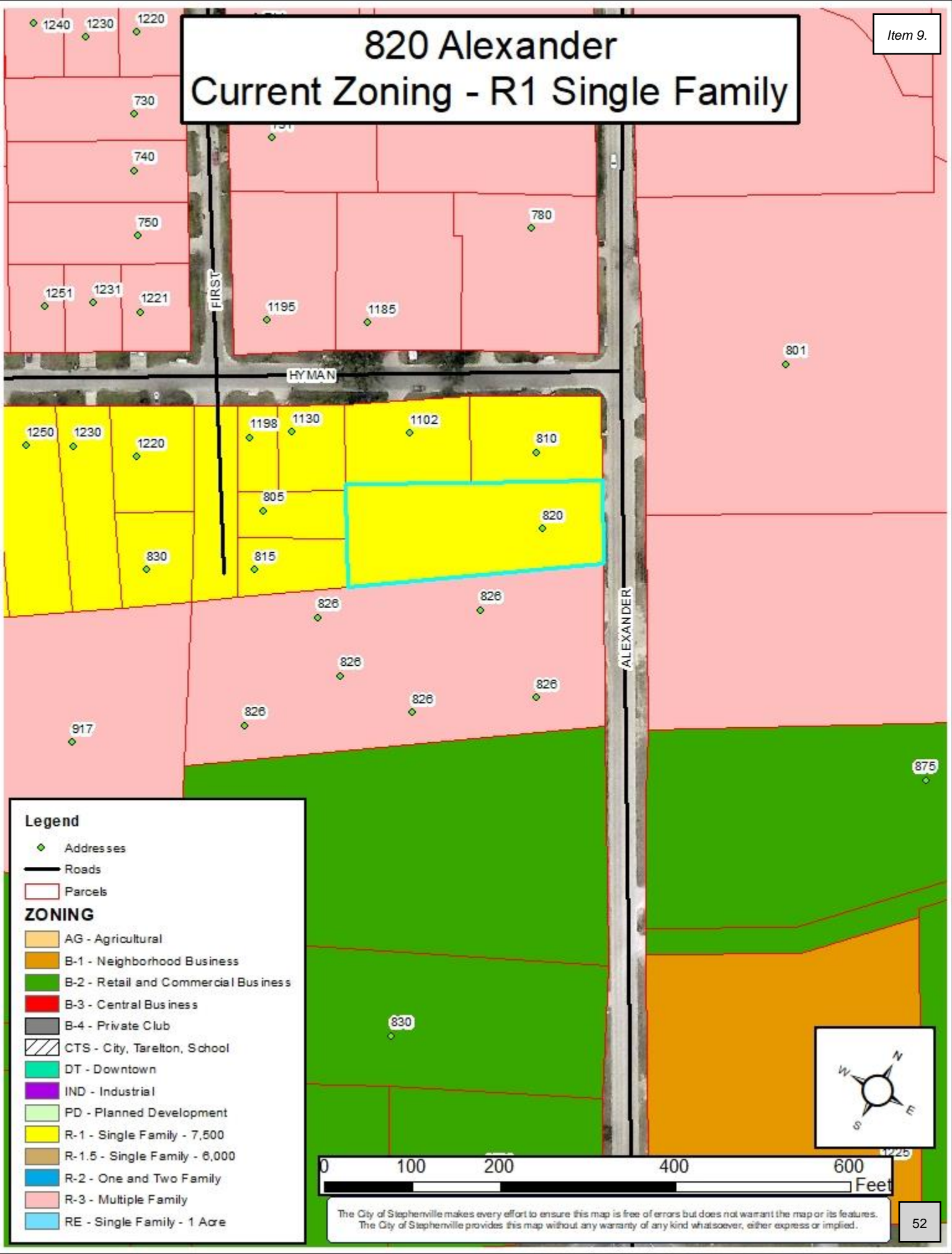
- ◆ Addresses
- Roads
- 820 Alexander
- Parcels



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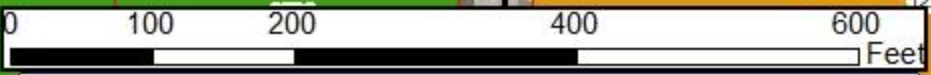
# 820 Alexander Current Zoning - R1 Single Family

Item 9.



### 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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# 820 Alexander Future Land Use - Single Family

Item 9.

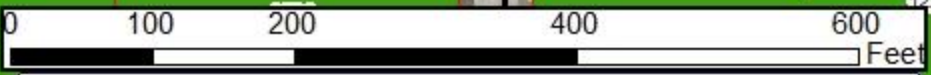


**Legend**

- ◆ Addresses
- Roads
- ▭ Parcels

**Use\_BDH**

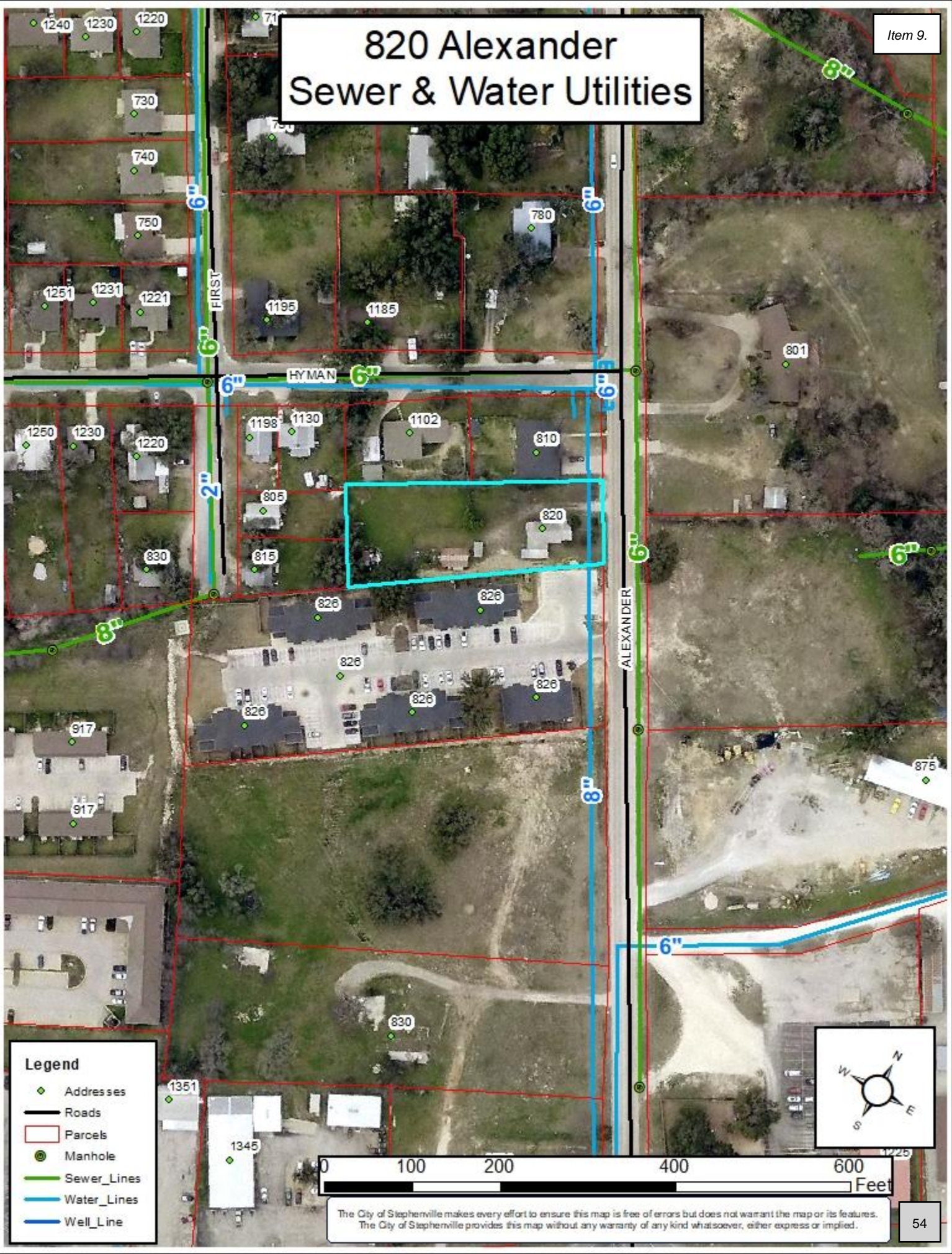
- Ag/Open Space
- Office/Neighbor\_Bus
- Commercial
- Cent Business Dist
- City/Tarleton/SISD
- Downtown
- Industrial
- Planned Development
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# 820 Alexander Sewer & Water Utilities

Item 9.



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## 820 Alexander Addresses

Parcel ID	Parcel Address	Parcel Owner	Owner Address	City	State	Zip Code
R000074118	0 ALEXANDER RD	AJC INVESTMENT CORP	PO BOX 65	STEPHENVILLE	TX	76401
R000074977	826 ALEXANDER RD	BB TRANSITIONS LLC	PO BOX 1827	STEPHENVILLE	TX	76401
R000042351	0 S FIRST	CITY OF STEPHENVILLE	298 W WASHINGTON	STEPHENVILLE	TX	76401-4257
R000033806	917 S SECOND AVE	D818 LLC	PO BOX 1827	STEPHENVILLE	TX	76401
R000055655	1198 HYMAN	ELIZONDO SANTOS AVILA & CAROLINA MEDRANO	1040 ANTELOPE TRAIL	STEPHENVILLE	TX	76401
R000033747	1195 HYMAN	FERGUSON THOMAS D	1195 HYMAN	STEPHENVILLE	TX	76401
R000055656	805 FIRST	FRANCISCO JAVIER LOPEZ & MARIA EUGENIA LOPEZ	7407 WINKELMAN RD	HOUSTON	TX	77083
R000065807	875 ALEXANDER RD	JOHNSON WAYNE BRADLEY	PO BOX 551	HICO	TX	76457
R000070978	780 ALEXANDER RD	LINDLEY MARY GERALDINE	780 ALEXANDER RD	STEPHENVILLE	TX	76401
R000055658	830 FIRST	LOPEZ EFRAIN	830 1ST ST	STEPHENVILLE	TX	76401
R000055654	1130 HYMAN	MILLER UEL	1198 CR254	STEPHENVILLE	TX	76401
R000055648	810 ALEXANDER RD	MONRREAL REYNALDO	810 ALEXANDER RD	STEPHENVILLE	TX	76401
R000055657	815 FIRST	PEREZ JUAN ROBERTO & ALMA DEYANIRA SARATE	15206 PARRISH LANE	AUSTIN	TX	78725
R000055659	1220 HYMAN	ROCKIN CP INVESTMENT GROUP INC	PO BOX1046	GODLEY	TX	76044
R000055649	1102 HYMAN	SHUTEYE PEAK PROPERTIES LLC	1753 ALEX WAY	TURLOCK	CA	95382
R000033804	820 ALEXANDER RD	SPERRY REBA JOYCE	163 JOE ROAD	DUBLIN	TX	76446
R000074978	0 ALEXANDER RD	TROY INVESTMENT CO NO 20 LP	785 W HIDDEN CREEK PKWY STE 2200	BURLESON	TX	76028
R000033748	1185 HYMAN	VERNON TATE MOORE	1185 W HYMAN ST	STEPHENVILLE	TX	76401
R000029747	801 ALEXANDER RD	WELLS B WAYNE & SHERYL R	801 ALEXANDER RD	STEPHENVILLE	TX	76401-0000

# STAFF REPORT

**SUBJECT:** Case No.: SC2021-001  
Abandonment of the 800 Blk. of N. Lillian Avenue

Development Services

**STAFF CONTACT:** Steve Killen

## RECOMMENDATION:

To recommend the City Council abandon the aforementioned street as authorized by Chapter 95 of the City of Stephenville Code of Ordinances.

## BACKGROUND:

The City has previously abandoned North Lillian Avenue from Washington Street to Shirley Street which was then sold to Tarleton State University. The University has now acquired the remaining private residences on Lillian Avenue and has asked the city to consider the sale of the final block of Lillian Avenue between Shirley and Frey. Staff is agreeable to this request.

Chapter 95 of the City of Stephenville Code of Ordinances allows for the abandonment of streets and alleys by petition or council initiative. Council initiated such action on February 2, 2021. Such action now requires review by the Planning and Zoning Commission via public hearing and a recommendation to Council for final approval. The applicable sections of the city code are as follows:

### ARTICLE IV. - CLOSING STREETS AND ALLEYS

Sec. 95.50. - Reference to transportation code.

Provisions for the closing of streets and alleys are granted by the V.T.C.A. Transp. Code § 311.07. The procedures and regulations set out herein are consistent with the requirements of the Code and set out regulations to be followed in the closing of streets and alleys.  
(Ord. 2015-11, passed 7-7-2015)

Sec. 95.51. - Public hearing generally.

The City Council, on its own initiative, may call a public hearing to determine whether or not any street or alley in the city, or any portion thereof, should be closed or abandoned as a public thoroughfare.  
(Ord. 2015-11, passed 7-7-2015)

Sec. 95.54. - Recommendation of the planning and zoning commission.

Before City Council may take final action to adopt any ordinance to close a street or alley the Planning and Zoning Commission shall review the request from the point of view of impact on future traffic circulation in the city and shall make a recommendation on such matters to the City Council. The Planning and Zoning Commission shall be required to conduct a public hearing. (Ord. 2015-11, passed 7-7-2015)



**DEPARTMENTAL COMMENTS:****Public Works Department**

A Municipal Utility Easement must be retained by the city for:

1. an existing 12-inch diameter water line that runs parallel to and lies under the existing Lillian Avenue right-of-way and for
2. an existing 6-inch diameter water line that runs parallel to and lies under the existing Shirley Street right-of-way.

The portions of existing sanitary sewer would become the property of Tarleton State University.

**Development Services**

No additional comments

**Police Department**

No additional comments

**Fire Department**

Removable bollards will be required to allow access at both intersections (Frey and Lillian/ Lillian and Shirley).

**ESTIMATE OF VALUE**

An estimate of value has not been developed for the 800 block of Lillian Avenue. Because the right-of-way and adjacent property is currently developed, staff recommends using an independent appraisal of the real property using Section 95.56 of the adopted Code of Ordinances. An exhibit of the area is shown below.

**ARTICLE IV. - CLOSING STREETS AND ALLEYS****Sec. 95.56. - Appraisal of real property required.**

- A. Within 90 days after the City Council public hearing and Planning and Zoning Commission recommendation, but before City Council final action, the petitioner shall provide an appraisal by a certified appraiser of real property. The cost of the appraisal is to be paid in full by the petitioner. Upon written application by the petitioner stating the need therefor, this time period may be extended by the City Administrator. Such extension shall be in writing.
- B. As an alternative to the above, the petitioner may elect, in writing, to utilize the average appraised values of the land immediately adjacent to the street or alley to be closed as shown on the most recent approved municipal tax roll. Such average value shall be calculated by city staff.
- C. If the requested closure is approved by City Council, the actual selling price shall be determined solely by the City Council, but in no case shall the selling price be less than the appraised value as determined under this section.

(Ord. 2015-11, passed 7-7-2015)

**ADVANTAGES:**

An advantage to closing the 800 block of North Lillian Avenue between Shirley Street and Frey Street include the transfer of maintenance of the pavement and the sanitary sewer utility that provide benefit to a sole customer.

**DISADVANTAGES:**

No disadvantages have been identified at this time.

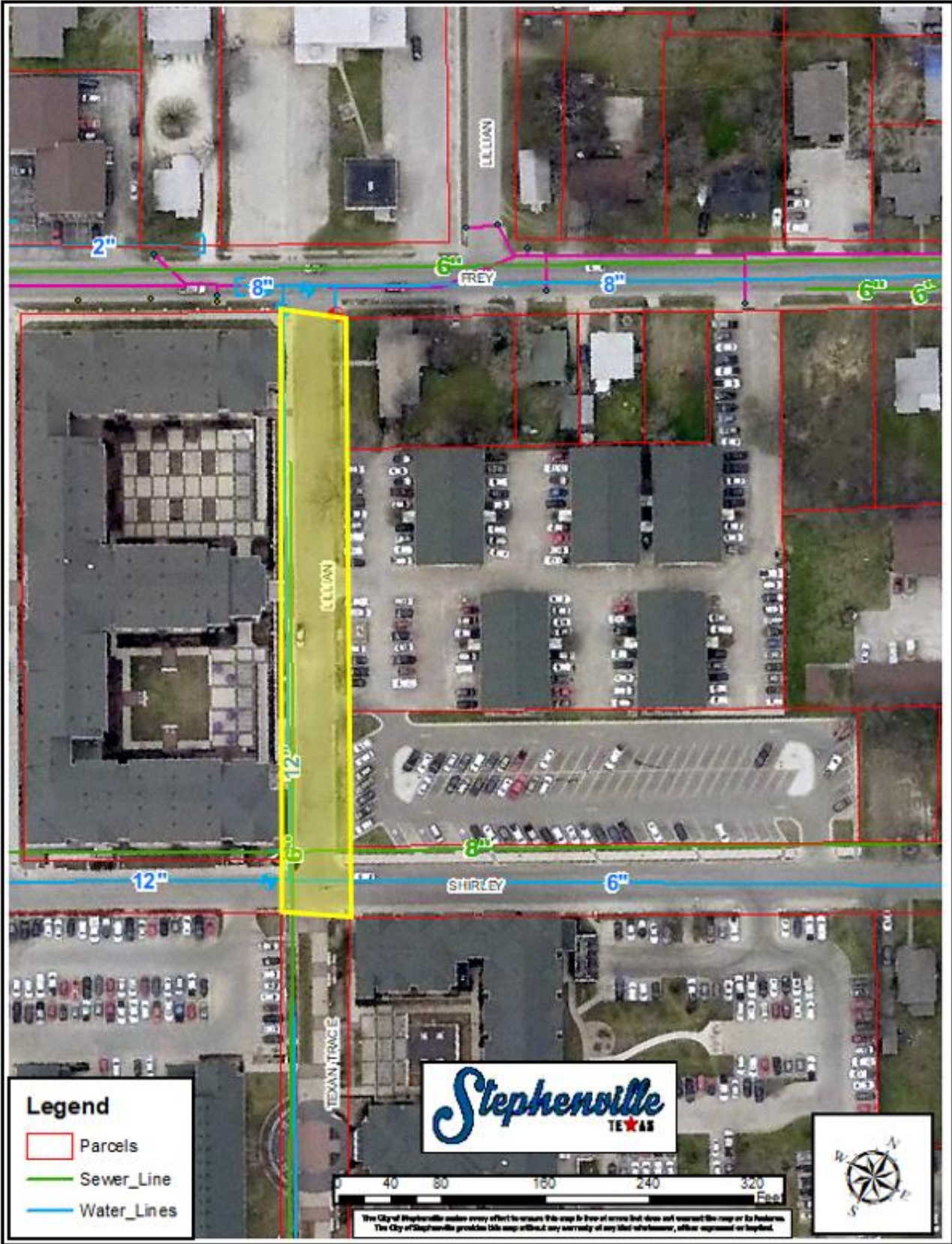
Steve – I recommend visiting with your chair about any disadvantages...

**ALTERNATIVES**

- 1) Recommend the City Council abandon the street as initiated.

2) Recommend the City Council terminate the initiated action and not abandon.

Exhibit – 800 Block of North Lillian



# STAFF REPORT



**SUBJECT:** Case No.: SC2021-002  
Abandonment of the Undeveloped Portion of Shirley Street

**DEPARTMENT:** Development Services

**STAFF CONTACT:** Steve Killen

**RECOMMENDATION:**

To recommend the City Council abandon the undeveloped portion of Shirley Street between Paddock Street and the Fort Worth and Western Railroad.

**BACKGROUND:**

Staff was contacted by an individual interested in purchasing and developing an undeveloped portion of Shirley Street. The individual has purchased a property on the northeast end of the undeveloped property. The street under consideration contains a six-inch diameter sanitary sewer line. There are no plans to develop the street as it intersects with the railroad and there is not an existing crossing.

Chapter 95 of the City of Stephenville Code of Ordinances allows for the abandonment of streets and alleys by petition or council initiative. Council initiated such action at the regular business meeting on February 2, 2021. Such action requires review by the Planning and Zoning Commission via public hearing and a recommendation to council for final approval. The applicable sections of the city code are as follows:

**ARTICLE IV. - CLOSING STREETS AND ALLEYS**

Sec. 95.50. - Reference to transportation code.

Provisions for the closing of streets and alleys are granted by the V.T.C.A. Transp. Code § 311.07. The procedures and regulations set out herein are consistent with the requirements of the Code and set out regulations to be followed in the closing of streets and alleys.  
(Ord. 2015-11, passed 7-7-2015)

Sec. 95.51. - Public hearing generally.

The City Council, on its own initiative, may call a public hearing to determine whether or not any street or alley in the city, or any portion thereof, should be closed or abandoned as a public thoroughfare.  
(Ord. 2015-11, passed 7-7-2015)

Sec. 95.54. - Recommendation of the planning and zoning commission.

Before City Council may take final action to adopt any ordinance to close a street or alley the Planning and Zoning Commission shall review the request from the point of view of impact on future traffic circulation in the city and shall make a recommendation on such matters to the City Council. The Planning and Zoning Commission shall be required to conduct a public hearing. (Ord. 2015-11, passed 7-7-2015)

## DEPARTMENTAL COMMENTS:

### Public Works Department

A Municipal Utility Easement must be retained by the city for an existing 6-inch diameter sanitary sewer line that crosses the existing Shirley Street right-of-way.

### Development Services

No objections.

### Police Department

No Objections.

### Fire Department

No Objections.

## ESTIMATE OF VALUE

An estimate of value for the undeveloped portion of Shirley Street has been identified as \$15,882.78 for the full 40-ft. width of right-of-way and \$7,941.39 for the half width of right-of-way using Section 95.56 of the adopted Code of Ordinances. An exhibit of the undeveloped portion of Shirley Street is shown below.

### ARTICLE IV. - CLOSING STREETS AND ALLEYS

#### Sec. 95.56. - Appraisal of real property required.

- A. Within 90 days after the City Council public hearing and Planning and Zoning Commission recommendation, but before City Council final action, the petitioner shall provide an appraisal by a certified appraiser of real property. The cost of the appraisal is to be paid in full by the petitioner. Upon written application by the petitioner stating the need therefor, this time period may be extended by the City Administrator. Such extension shall be in writing.
- B. As an alternative to the above, the petitioner may elect, in writing, to utilize the average appraised values of the land immediately adjacent to the street or alley to be closed as shown on the most recent approved municipal tax roll. Such average value shall be calculated by city staff.
- C. If the requested closure is approved by City Council, the actual selling price shall be determined solely by the City Council, but in no case shall the selling price be less than the appraised value as determined under this section.

(Ord. 2015-11, passed 7-7-2015)

#### ADVANTAGES:

An advantage to closing the undeveloped portion of Shirley Street between Paddock Street and the Fort Worth and Western Railroad include probable development of the undeveloped property adjacent to the railroad tracks.

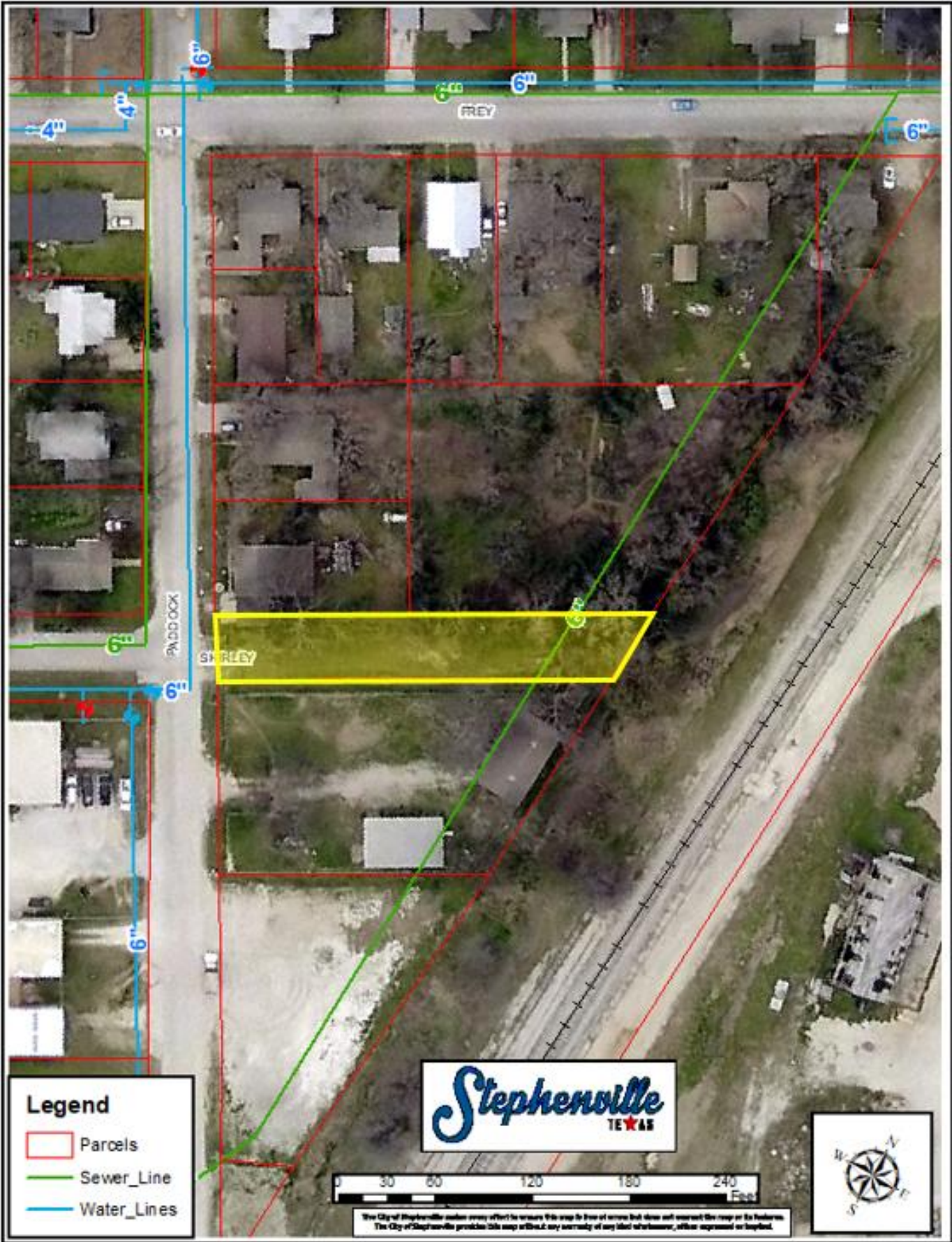
#### DISADVANTAGES:

No disadvantages have been identified at this time.

## ALTERNATIVES

- 1) Recommend the City Council abandon the street as initiated.
- 2) Recommend the City Council terminate the initiated action and not abandon.

Exhibit – Undeveloped portion of Shirley Street at Paddock Street





## STAFF REPORT

**SUBJECT:** 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, from (R-1) Single Family to (R-3) Multi-Family.

**DEPARTMENT:** Development Services

**STAFF CONTACT:** Steve Killen

### RECOMMENDATION:

To deny 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.

### BACKGROUND:

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.

### CURRENT ZONING:

B-2 – Retail and Commercial

### FUTURE LAND USE:

Commercial

### 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.
    - b. After the recommendation from the Commission has been made, the City Council shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the Commission's recommendation was made.
    - c. The City Council may affirm, modify or reverse the decision by simple majority vote.
    - d. The decision of the City Council is final.
- K. *Effect of Approval.*
  1. *Submission and Processing.* Following the granting of a Subdivision Waiver, the Applicant may submit or continue the processing of a Plat or Construction Plans, as applicable.
  2. *Expirations.* The Subdivision Waiver granted shall remain in effect for the period the Plat or Construction Plans are in effect, and shall expire upon expiration of either or both of those Applications.

3. *Extensions.* Extension of those Applications shall also result in extension of the Subdivision Waiver.

**WATER:**

The property is served by a 6” city water main in Washington/HWY 377 and a 12” city water main in Peach Orchard.

**SEWER:**

The property is served by a 10” sanitary sewer main in Washington/HWY 377.

**STREET:**

The property is served by a Washington/HWY 377 and Peach Orchard.

**ZONING AND LAND USE:**

<b>Location</b>	<b>Zoning</b>	<b>Future Land Use</b>
Subject Site	(B-2) Retail and Commercial	Commercial
North	(B-2) Retail and Commercial	Commercial
South	(B-2) Retail and Commercial	Commercial
East	(AG) Agriculture	Commercial
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: BERT THOMPSON  
First Name Last Name

ADDRESS: 1109 E. LAKE DR.  
Street/P.O. Box Phone No

WEATHERFORD TEXAS 76087  
City State Zip Code

2. PROPERTY DESCRIPTION: 3130 W. WASHINGTON ST., STEPHENVILLE, TX 76401  
Street Address

3. LEGAL DESCRIPTION: LOT 2 BLOCK 1 EXCELS ADDITION  
Lot(s) Block(s) Addition

4. PRESENT CODES: THE ZONING CODE OF THE CITY OF STEPHENVILLE, TX XV - LAND USAGE  
Code of Ordinance Title


APPLICANTS REQUEST FOR AN APPLICATION PERTAINS TO THE FOLLOWING:

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

5. APPLICANTS REQUEST IS AS FOLLOWS:

A waiver from Section 155.6.11 which requires the construction of sidewalks along County Road 257 (Peach Orchard). The request is based on the absence of similar sidewalks in the vicinity of the development (no examples of sidewalk are present along County Road 257). The property was platted in 2006. The proposed development includes a driveway connection to Peach Orchard. The remaining 360' of property along the County Road 257 R.O.W./property line is to remain unimproved at this time.

(Attach an additional sheet if necessary).

  
Signature of Applicant

1/4/2021  
Date

  
Signature of City Official Received

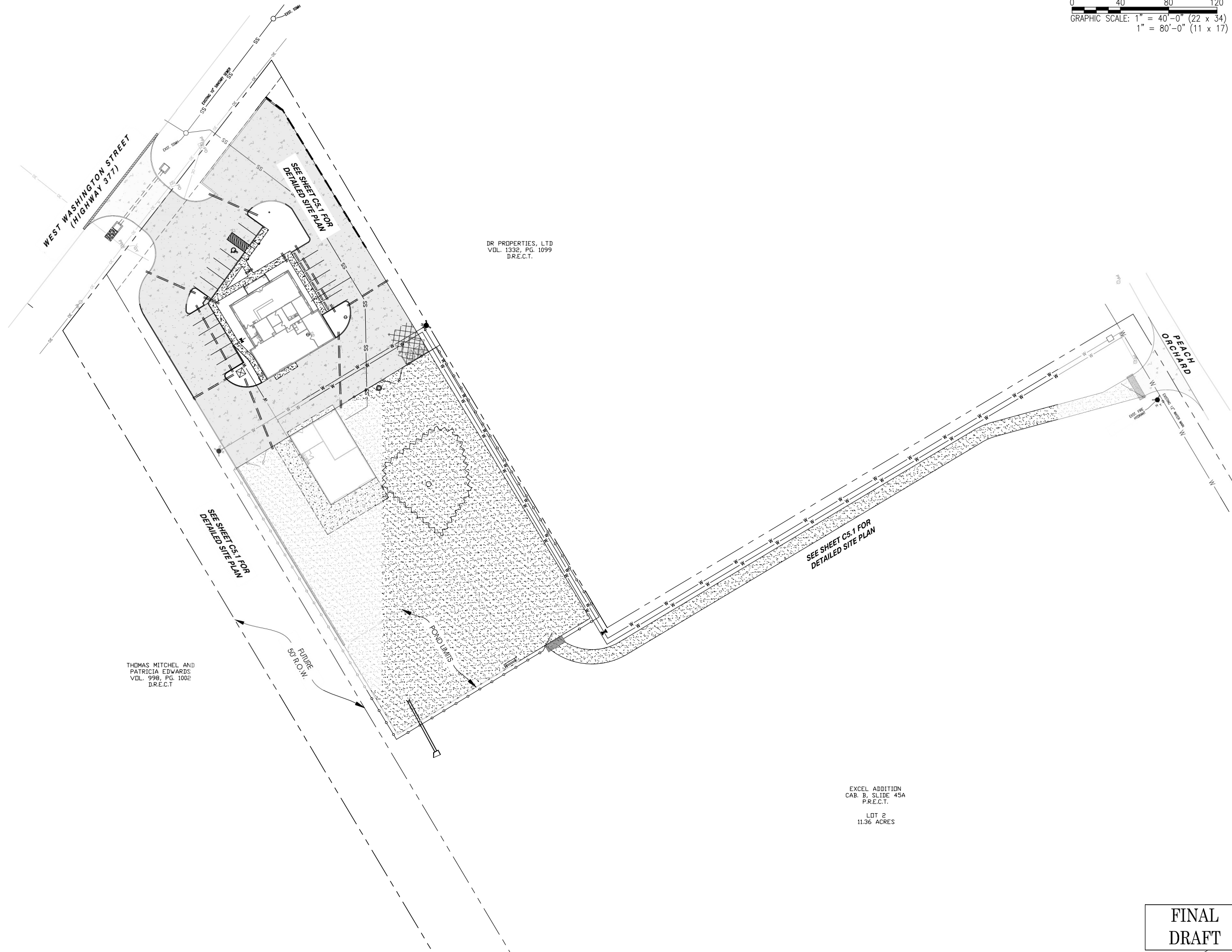
01.20.2021  
Date Received by  
Community Dev. Dept.

FOR OFFICE USE ONLY

CHECKLIST

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

12.08.2020 4:52PM F:\p\2019\810050-Mikes Westside Stephen\1810050\_CD-OVERALL SITE PLAN.dwg OVERALL SITE PLAN



0 40 80 120  
 GRAPHIC SCALE: 1" = 40'-0" (22 x 34)  
 1" = 80'-0" (11 x 17)



**BHB**  
**BAIRD, HAMPTON & BROWN**  
 engineering and surveying  
 949 Hilltop Drive, Weatherford, TX 76087  
 mail@bhb.com • 817.586.2575 • bhbinc.com  
 TBPE Firm #44 • TBPLS Firm #10194

Item 12.

**MIKES WESTSIDE  
 UTILITY & EQUIPMENT  
 RENTAL**  
 3130 WEST WASHINGTON STREET  
 STEPHENVILLE, TEXAS

**OVERALL SITE PLAN**

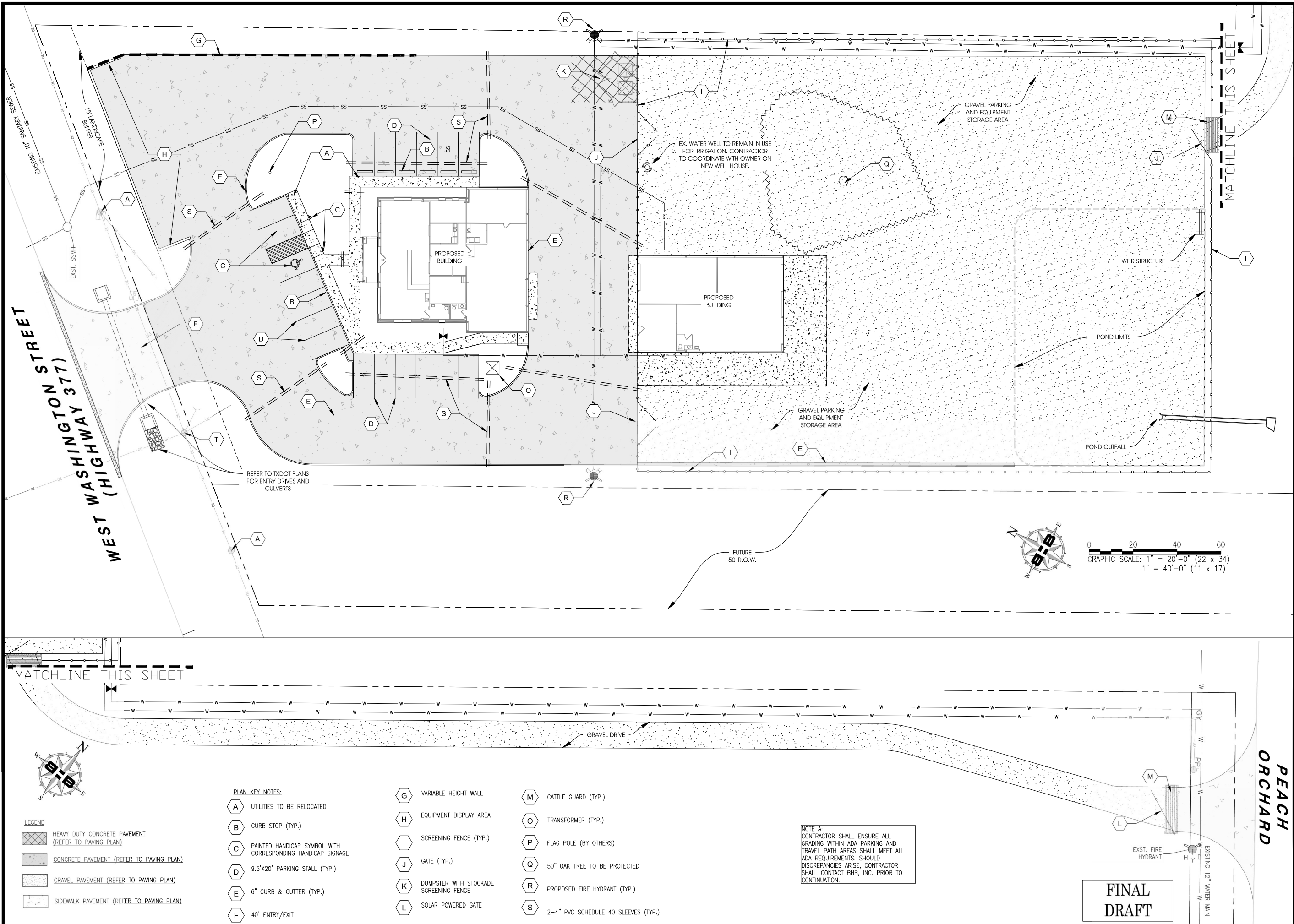
NO.	DESCRIPTION	DATE

**NOT FOR CONSTRUCTION**  
 THIS DOCUMENT IS INTENDED FOR REVIEW ONLY, AND IS NOT INTENDED FOR BIDDING, PERMIT, OR CONSTRUCTION PURPOSES.  
 BHB, INC.  
 TX REGISTERED FIRM F-00044  
 ENGINEER: SHANNON L. NAVE, P.E., CFM  
 TEXAS LICENSE NO: 89415  
 DATE: 12/4/2020

PROJECT NUMBER: 2019.810.050  
 DATE: 12/4/2020 DRAWN BY: JPM  
 DESIGN BY: JPM CHECKED BY: SLN

**FINAL  
 DRAFT**

SHEET  
**C5.0** 70



**BHB**  
**BAIRD, HAMPTON & BROWN**  
 engineering and surveying  
 949 Hilltop Drive, Weatherford, TX 76087  
 mail@bhbinc.com • 817.596.7575 • bhbin  
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Item 12.

**MIKES WESTSIDE  
 UTILITY & EQUIPMENT  
 RENTAL**

3130 WEST WASHINGTON STREET  
 STEPHENVILLE, TEXAS

DETAILED SITE PLAN

NO.	DESCRIPTION	DATE

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PROJECT NUMBER: 2019,810,050  
 DATE: 12/4/2020 DRAWN BY: JPM  
 DESIGN BY: JPM CHECKED BY: SLN

SHEET  
**C5.1** 71

12.08.2020 4:52PM F:\p020198101050\_Mikes Westside Stephenville\CD\2019,810,050\_CD-SITE PLAN.dwg DETAILED SITE PLAN

- LEGEND**
- HEAVY DUTY CONCRETE PAVEMENT (REFER TO PAVING PLAN)
  - CONCRETE PAVEMENT (REFER TO PAVING PLAN)
  - GRAVEL PAVEMENT (REFER TO PAVING PLAN)
  - SIDEWALK PAVEMENT (REFER TO PAVING PLAN)

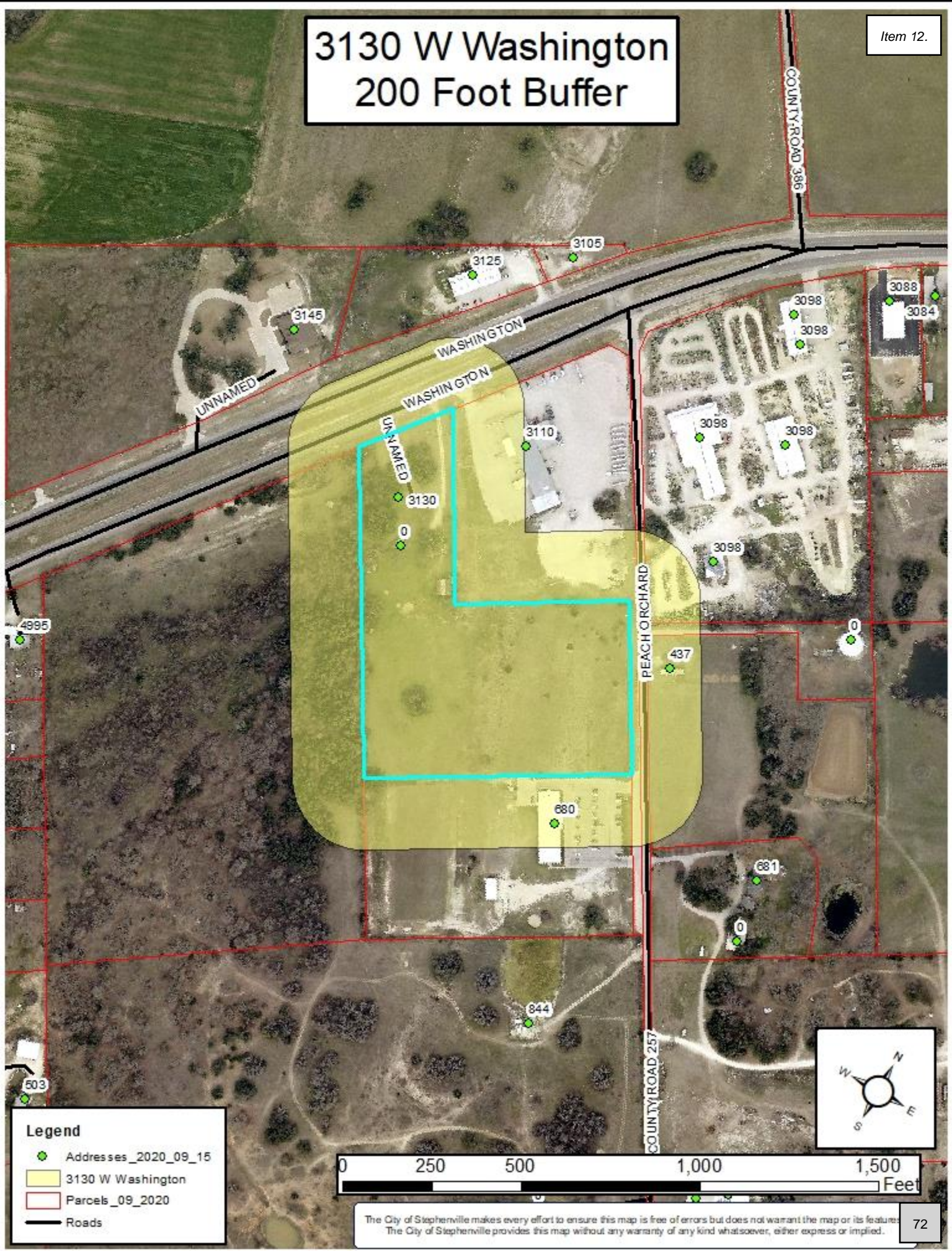
- PLAN KEY NOTES:**
- |  |   |  |
|--|---|--|
| <b>A</b> UTILITIES TO BE RELOCATED                                   | <b>G</b> VARIABLE HEIGHT WALL                   | <b>M</b> CATTLE GUARD (TYP.)                 |
| <b>B</b> CURB STOP (TYP.)  | <b>H</b> EQUIPMENT DISPLAY AREA                 | <b>O</b> TRANSFORMER (TYP.)                  |
| <b>C</b> PAINTED HANDICAP SYMBOL WITH CORRESPONDING HANDICAP SIGNAGE | <b>I</b> SCREENING FENCE (TYP.)                 | <b>P</b> FLAG POLE (BY OTHERS)               |
| <b>D</b> 9.5'X20' PARKING STALL (TYP.)                               | <b>J</b> GATE (TYP.)                            | <b>Q</b> 50" OAK TREE TO BE PROTECTED        |
| <b>E</b> 6" CURB & GUTTER (TYP.)                                     | <b>K</b> DUMPSTER WITH STOCKADE SCREENING FENCE | <b>R</b> PROPOSED FIRE HYDRANT (TYP.)        |
| <b>F</b> 40' ENTRY/EXIT  | <b>L</b> SOLAR POWERED GATE                     | <b>S</b> 2-4" PVC SCHEDULE 40 SLEEVES (TYP.) |

**NOTE A:**  
 CONTRACTOR SHALL ENSURE ALL GRADING WITHIN ADA PARKING AND TRAVEL PATH AREAS SHALL MEET ALL ADA REQUIREMENTS. SHOULD DISCREPANCIES ARISE, CONTRACTOR SHALL CONTACT BHB, INC. PRIOR TO CONTINUATION.

**FINAL  
 DRAFT**

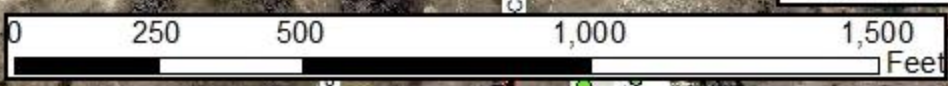
# 3130 W Washington 200 Foot Buffer

Item 12.



**Legend**

- Address es\_2020\_09\_15
- 3130 W Washington
- Parcels\_09\_2020
- Roads

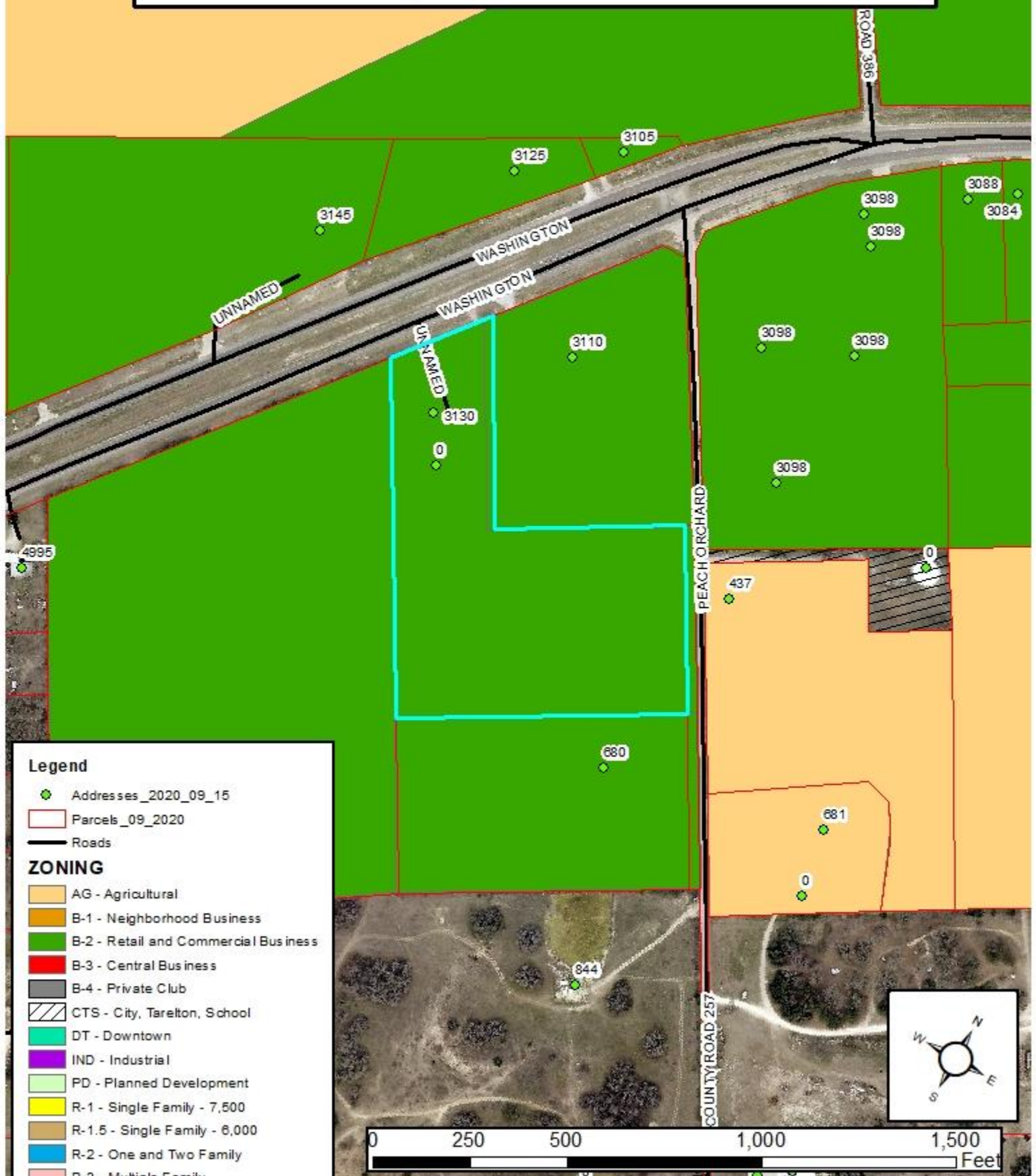


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# 3130 W Washington Current Zoning - B2 Retail & Commercial

Item 12.



**Legend**

- Addresses\_2020\_09\_15
- Parcels\_09\_2020
- Roads

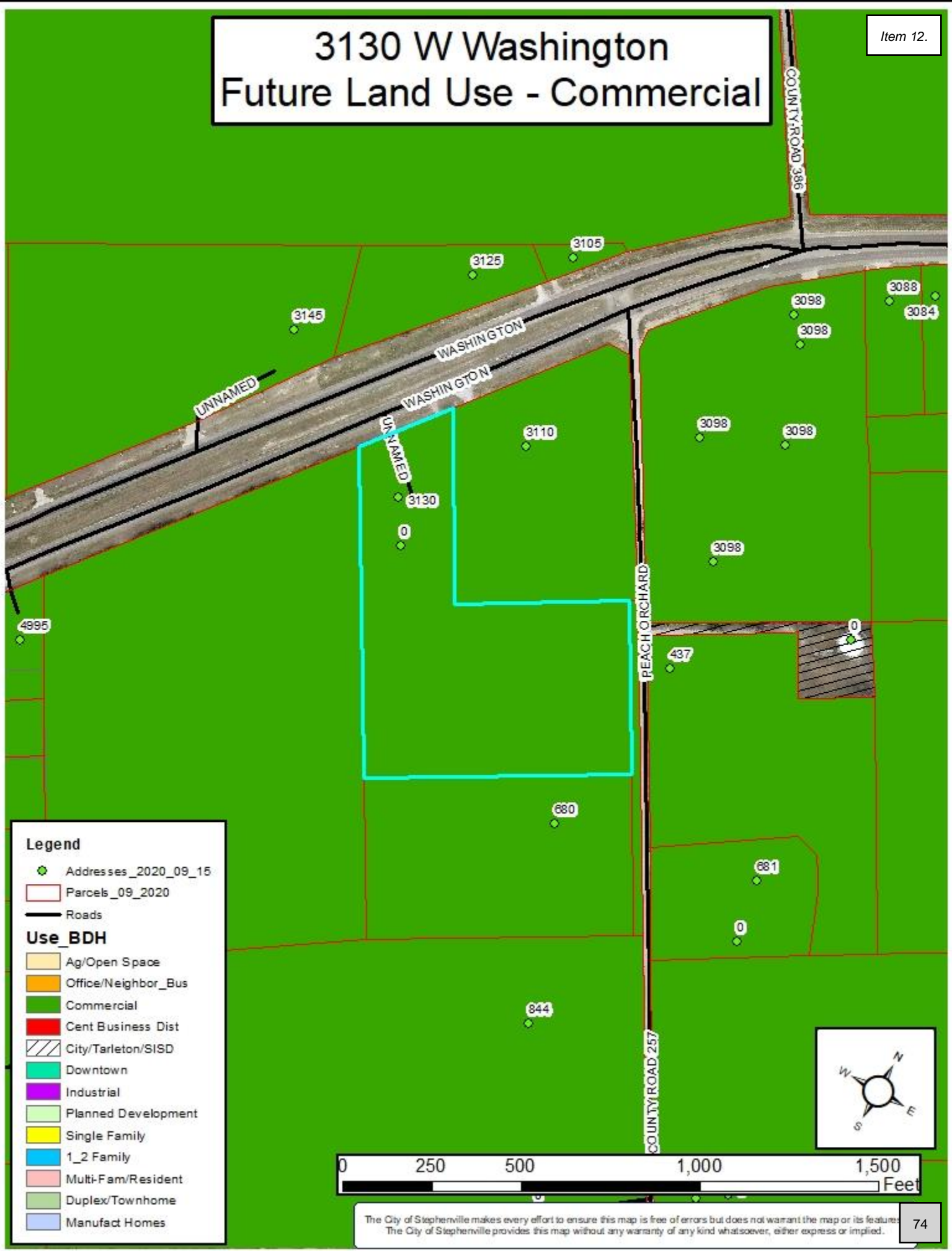
**ZONING**

- 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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# 3130 W Washington Future Land Use - Commercial

Item 12.

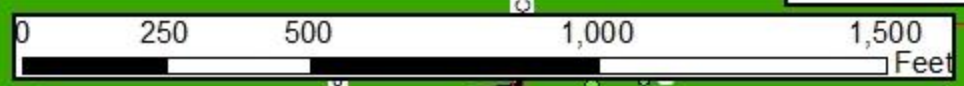


**Legend**

- ◆ Addresses\_2020\_09\_15
- Parcels\_09\_2020
- Roads

**Use\_BDH**

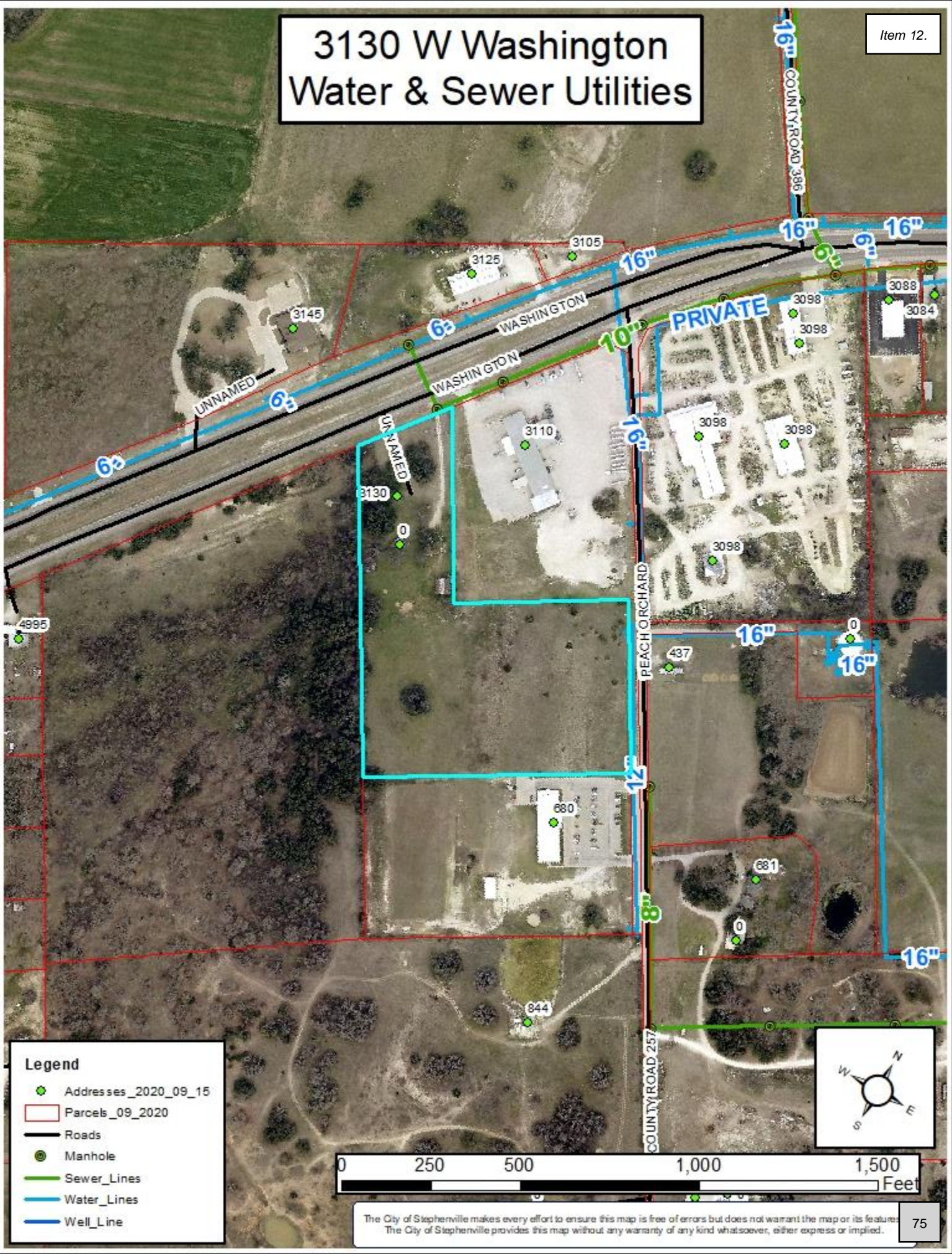
- Ag/Open Space
- Office/Neighbor\_Bus
- Commercial
- Cent Business Dist
- City/Tarleton/SISD
- Downtown
- Industrial
- Planned Development
- Single Family
- 1\_2 Family
- Multi-Fam/Resident
- Duplex/Townhome
- Manufact Homes



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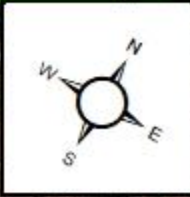
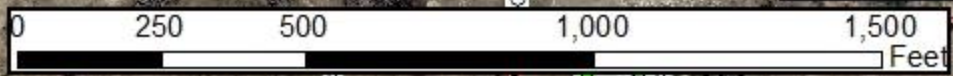
# 3130 W Washington Water & Sewer Utilities

Item 12.



**Legend**

- Addresses\_2020\_09\_15
- Parcels\_09\_2020
- Roads
- Manhole
- Sewer\_Lines
- Water\_Lines
- Well\_Line



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## 3130 W Washington Addresses

Parcel ID	Parcel Address	Owner Name	Owner Address	City	State	Zip Code
R000023875	3098 W WASHINGTON	BAR TO-LO INC	PO BOX 1197	STEPHENVILLE	TX	76401-0000
R000040205	401 CR257	CITY OF STEPHENVILLE	298 W WASHINGTON	STEPHENVILLE	TX	76401-4257
R000023842	3110 W WASHINGTON ST	DR PROPERTIES LTD	8755 HWY 87 E	SAN ANTONIO	TX	78263
R000072737	680 PEACH ORCHARD RD	ERATH EXCELS ACADEMY INC	680 CR257	STEPHENVILLE	TX	76401-4903
R000069137	437 PEACH ORCHARD RD	FREELS RITA	681 PEACH ORCHARD RD	STEPHENVILLE	TX	76401
R000023789	3130 W WASHINGTON ST	GKS REAL ESTATE INVESTMENTS LLC	1837 SPINNAKER LN	AZLE	TX	76020
R000071287	1038 CR257	HARRIS THOMAS MITCHEL & PATRICIA EDWARDS	418 CR571	EASTLAND	TX	76448

# Stephenville Planning & Zoning Commission



Wednesday, March 10, 2021

# Case No.: SV2021001, SV2021002, SV2021003

Point of Clarification - While Bert Thompson is the applicant and owner of Mike's Westside Rental, MWR is not requesting this variance. GKS Real Estate Investments, LLC is the developer of this project and is making this request for the variance. Bert Thompson is President of GKS.

# Reasons for requesting these variances

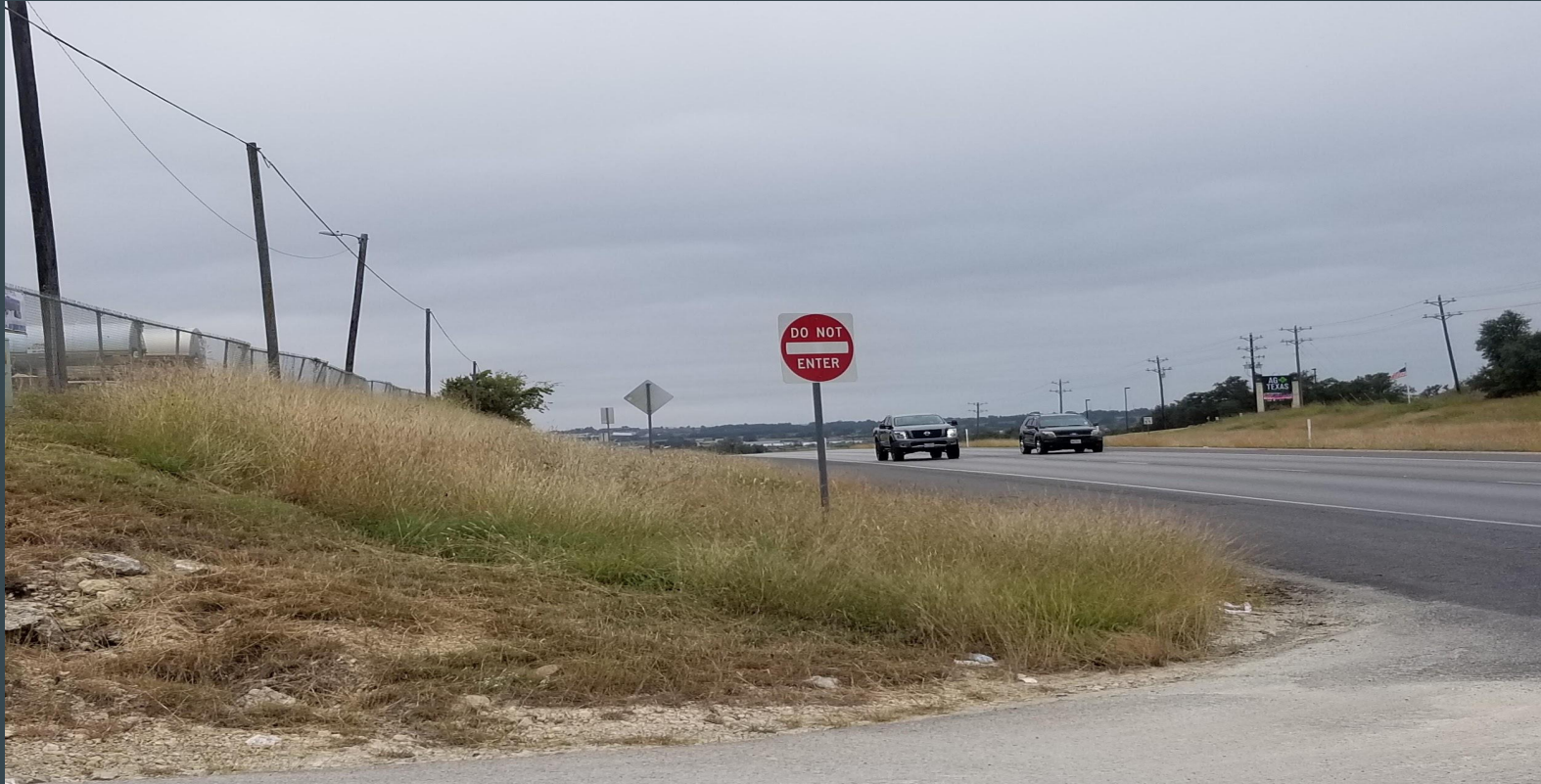
1. W. Washington (Hwy 377)
  - a. Current state of the road does not allow for curb & gutter.
  - b. No curb & gutter to connect to on either side of property.
  - c. Sidewalk variance approved October 2020.
  
2. Peach Orchard Drive
  - a. Only 40 linear feet of this side of the property is being developed.
  - b. Current state of the road does not allow curb & gutter tie in.
  - c. There are no other sidewalks present.
  - d. No room for the future connections.

# 3130 W Washington - No Curb & Gutter Present





# 3130 W. Washington - Neighbors with no Curb & Gutter



# Peach Orchard Drive - No Sidewalks or Curb & Gutter



# Peach Orchard Drive - No Sidewalks or Curb & Gutter



# Conclusion

GKS Real Estate Investments, LLC respectfully requests the Planning & Zoning Commission grant these three variance requests based on the following:

1. Sidewalks and Curb & Gutters are not present in this area for both older & established developments.
2. Site conditions are extremely unfavorable thus producing several expensive mitigations needed before a sidewalk or curb & gutter can be constructed.
3. In our original plan, GKS has offered a 50' ROW to the City on the westside of the property, at no charge for their future road development.



## STAFF REPORT

**SUBJECT:** 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, from (R-1) Single Family to (R-3) Multi-Family.

**DEPARTMENT:** Development Services

**STAFF CONTACT:** Steve Killen

### RECOMMENDATION:

To deny 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.

### BACKGROUND:

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.

### CURRENT ZONING:

B-2 – Retail and Commercial

### FUTURE LAND USE:

Commercial

### 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 large, 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.
- b. After the recommendation from the Commission has been made, the City Council shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the Commission's recommendation was made.
- c. The City Council may affirm, modify or reverse the decision by simple majority vote.
- d. The decision of the City Council is final.

K. *Effect of Approval.*

- 1. *Submission and Processing.* Following the granting of a Subdivision Waiver, the Applicant may submit or continue the processing of a Plat or Construction Plans, as applicable.
- 2. *Expirations.* The Subdivision Waiver granted shall remain in effect for the period the Plat or Construction Plans are in effect, and shall expire upon expiration of either or both of those Applications.
- 3. *Extensions.* Extension of those Applications shall also result in extension of the Subdivision Waiver.

**WATER:**

The property is served by a 6" city water main in Washington/HWY 377 and a 12" city water main in Peach Orchard.

**SEWER:**

The property is served by a 10" sanitary sewer main in Washington/HWY 377.

**STREET:**

The property is served by a Washington/HWY 377 and Peach Orchard.

**ZONING AND LAND USE:**

<b>Location</b>	<b>Zoning</b>	<b>Future Land Use</b>
Subject Site	(B-2) Retail and Commercial	Commercial
North	(B-2) Retail and Commercial	Commercial
South	(B-2) Retail and Commercial	Commercial
East	(AG) Agriculture	Commercial
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: BERT THOMPSON  
First Name Last Name

ADDRESS: 1109 E. LAKE DR.  
Street/P.O. Box Phone No

WEATHERFORD TEXAS 76087  
City State Zip Code

2. PROPERTY DESCRIPTION: 3130 W. WASHINGTON ST., STEPHENVILLE, TX 76401  
Street Address

3. LEGAL DESCRIPTION: LOT 2 BLOCK 1 EXCELS ADDITION  
Lot(s) Block(s) Addition

4. PRESENT CODES: THE ZONING CODE OF THE CITY OF STEPHENVILLE, TX XV - LAND USAGE  
Code of Ordinance Title


APPLICANTS REQUEST FOR AN APPLICATION PERTAINS TO THE FOLLOWING:

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

5. APPLICANTS REQUEST IS AS FOLLOWS:

A waiver from Section 155.6.04 (M) which requires the construction of 6" curb and gutter along all streets. This waiver is to serve the section of County Road 257 (Peach Orchard) that abuts the east boundary of the subject property. The request is based on the absence of similar curb and gutter sections in the vicinity of the development. The property was platted in 2006. The proposed development includes a driveway connection to Peach Orchard. The remaining 360' of property along the County Road 257 R.O.W./property line is to remain unimproved at this time.

(Attach an additional sheet if necessary).

  
Signature of Applicant

1/10/2021  
Date

\_\_\_\_\_  
Signature of City Official Received

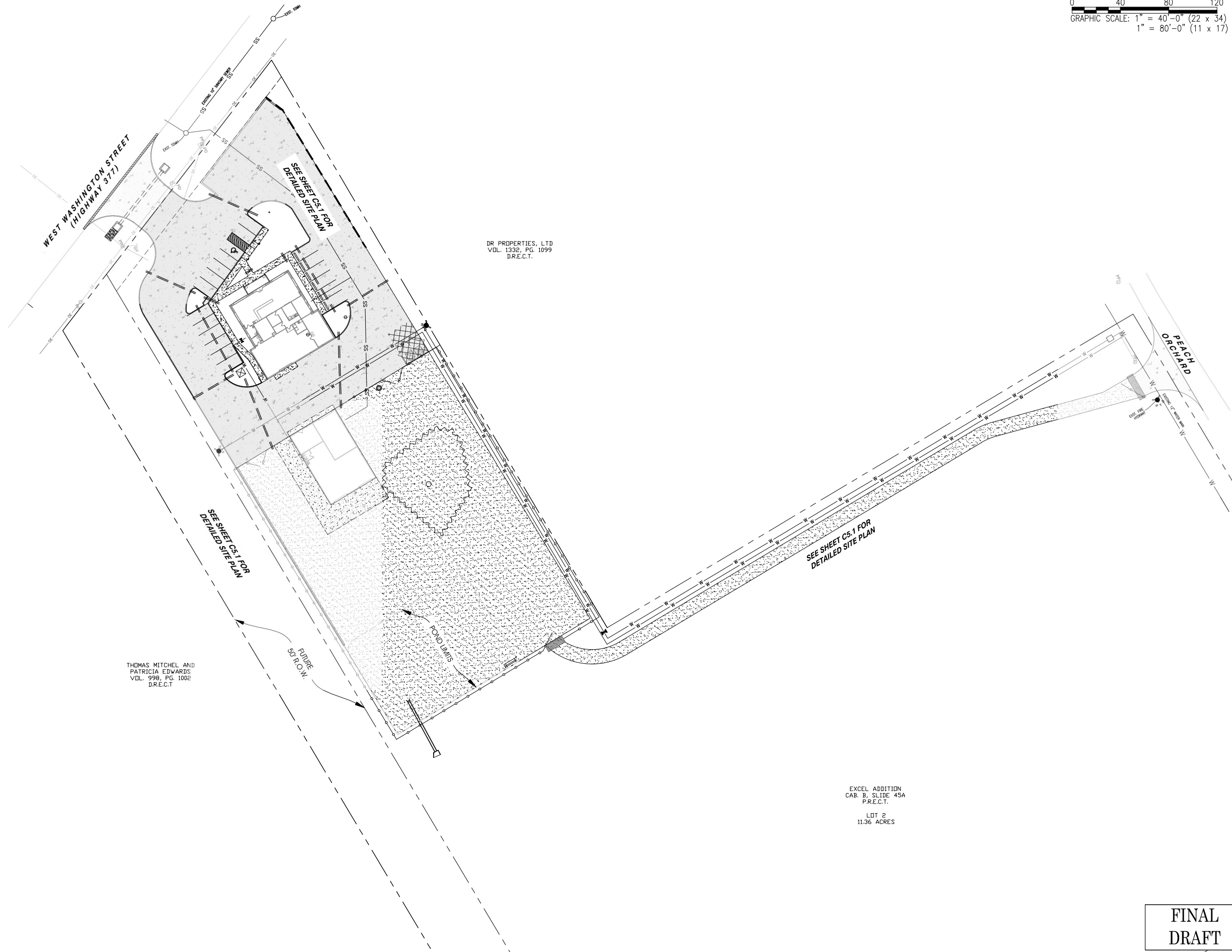
\_\_\_\_\_  
Date Received by  
Community Dev. Dept.

FOR OFFICE USE ONLY

CHECKLIST

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

12.08.2020 4:52PM F:\p\2019\19810500 - Mikes Westside Stephen\19810500\_CD\OVERALL SITE PLAN.dwg OVERALL SITE PLAN



0 40 80 120  
 GRAPHIC SCALE: 1" = 40'-0" (22 x 34)  
 1" = 80'-0" (11 x 17)



**BHB**  
**BAIRD, HAMPTON & BROWN**  
 engineering and surveying  
 949 Hilltop Drive, Weatherford, TX 76087  
 mail@bhb.com • 817.596.2575 • bhb.com  
 TBPE Firm #44 • TBPLS Firm #10194

Item 13.

**MIKES WESTSIDE  
 UTILITY & EQUIPMENT  
 RENTAL**  
 3130 WEST WASHINGTON STREET  
 STEPHENVILLE, TEXAS

**OVERALL SITE PLAN**

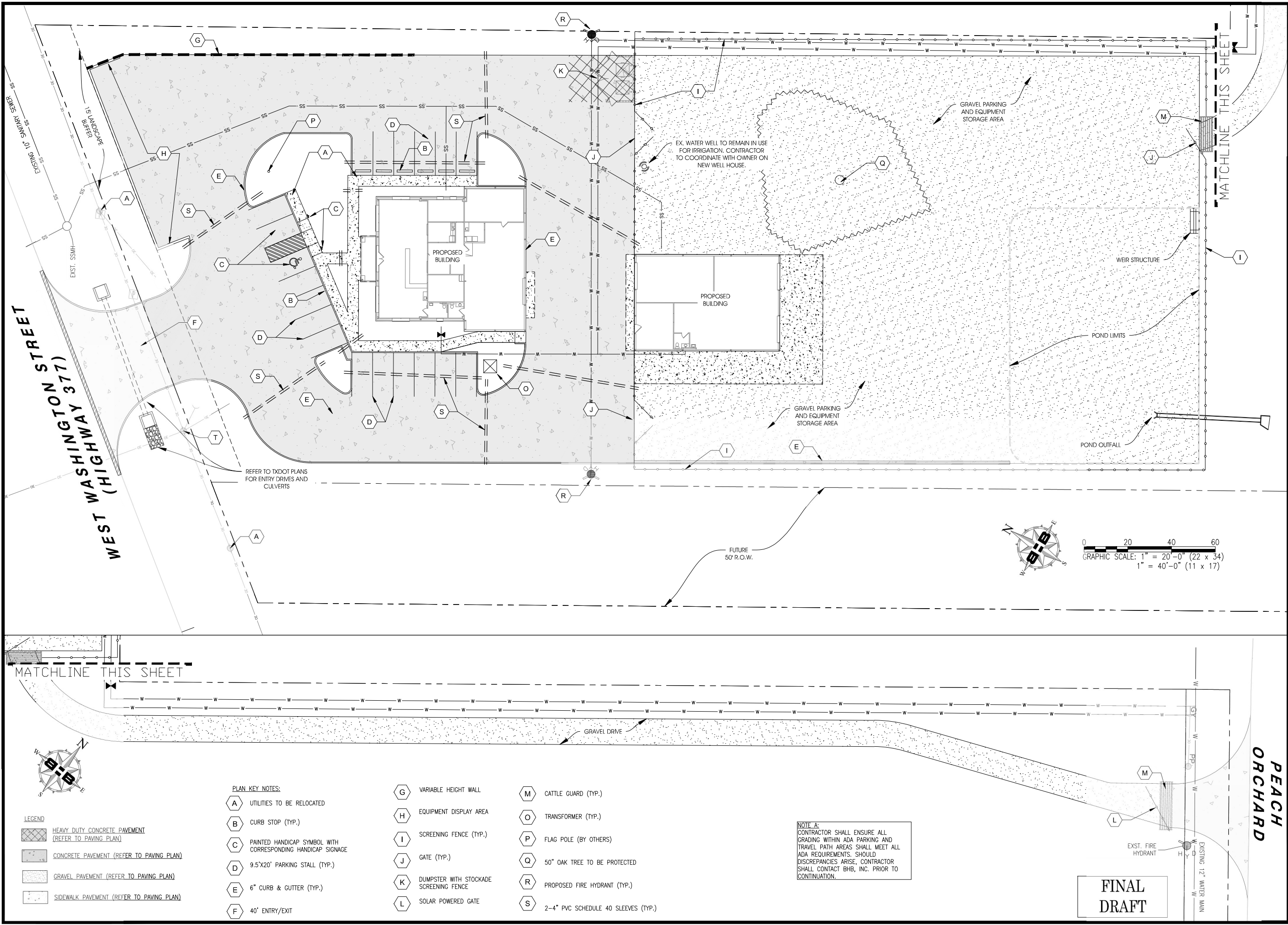
NO.	DESCRIPTION	DATE

NOT FOR CONSTRUCTION  
 THIS DOCUMENT IS INTENDED  
 FOR REVIEW ONLY, AND IS NOT  
 INTENDED FOR BIDDING,  
 PERMIT, OR CONSTRUCTION  
 PURPOSES.  
 BHB, INC.  
 TX REGISTERED FIRM F-00044  
 ENGINEER: SHANNON L. NAVE,  
 P.E., CFM  
 TEXAS LICENSE NO: 89415  
 DATE: 12/4/2020

PROJECT NUMBER: 2019.810.050  
 DATE: 12/4/2020 DRAWN BY: JPM  
 DESIGN BY: JPM CHECKED BY: SLN

**FINAL  
 DRAFT**

SHEET  
**C5.0** 93



**BHB**  
**BAIRD, HAMPTON & BROWN**  
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Item 13.

**MIKES WESTSIDE  
 UTILITY & EQUIPMENT  
 RENTAL**

3130 WEST WASHINGTON STREET  
 STEPHENVILLE, TEXAS

DETAILED SITE PLAN

NO.	DESCRIPTION	DATE

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SHEET  
**C5.1** 94

12.08.2020 4:52PM F:\p020198101050\_Mikes Westside Stephenville\CD\2019,810,050\_CD-SITE PLAN.dwg DETAILED SITE PLAN

- LEGEND**
- HEAVY DUTY CONCRETE PAVEMENT (REFER TO PAVING PLAN)
  - CONCRETE PAVEMENT (REFER TO PAVING PLAN)
  - GRAVEL PAVEMENT (REFER TO PAVING PLAN)
  - SIDEWALK PAVEMENT (REFER TO PAVING PLAN)

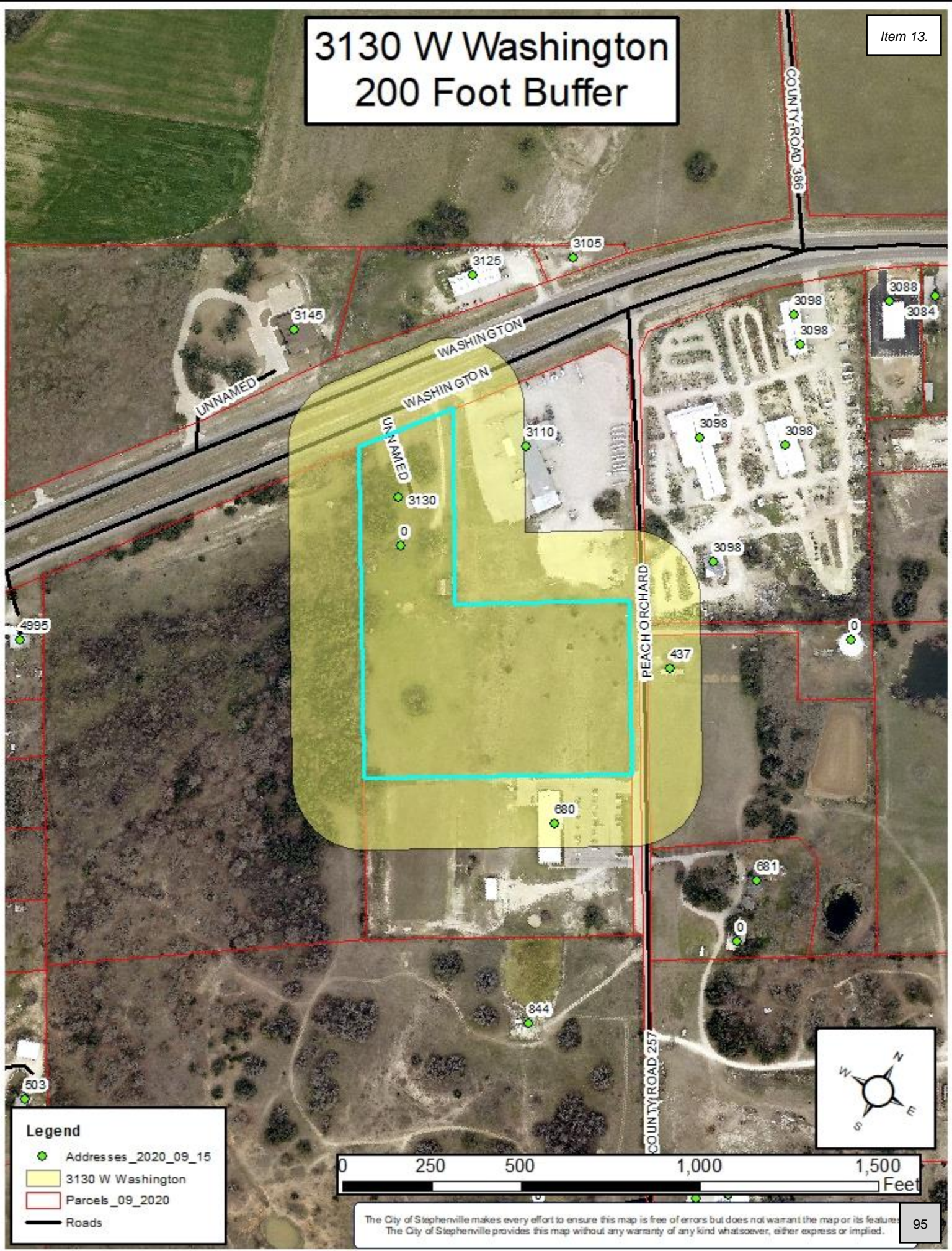
- PLAN KEY NOTES:**
- |  |   |  |
|--|---|--|
| <b>A</b> UTILITIES TO BE RELOCATED                                   | <b>G</b> VARIABLE HEIGHT WALL                   | <b>M</b> CATTLE GUARD (TYP.)                 |
| <b>B</b> CURB STOP (TYP.)  | <b>H</b> EQUIPMENT DISPLAY AREA                 | <b>O</b> TRANSFORMER (TYP.)                  |
| <b>C</b> PAINTED HANDICAP SYMBOL WITH CORRESPONDING HANDICAP SIGNAGE | <b>I</b> SCREENING FENCE (TYP.)                 | <b>P</b> FLAG POLE (BY OTHERS)               |
| <b>D</b> 9.5'X20' PARKING STALL (TYP.)                               | <b>J</b> GATE (TYP.)                            | <b>Q</b> 50" OAK TREE TO BE PROTECTED        |
| <b>E</b> 6" CURB & GUTTER (TYP.)                                     | <b>K</b> DUMPSTER WITH STOCKADE SCREENING FENCE | <b>R</b> PROPOSED FIRE HYDRANT (TYP.)        |
| <b>F</b> 40' ENTRY/EXIT  | <b>L</b> SOLAR POWERED GATE                     | <b>S</b> 2-4" PVC SCHEDULE 40 SLEEVES (TYP.) |

**NOTE A:**  
 CONTRACTOR SHALL ENSURE ALL GRADING WITHIN ADA PARKING AND TRAVEL PATH AREAS SHALL MEET ALL ADA REQUIREMENTS. SHOULD DISCREPANCIES ARISE, CONTRACTOR SHALL CONTACT BHB, INC. PRIOR TO CONTINUATION.

**FINAL  
 DRAFT**

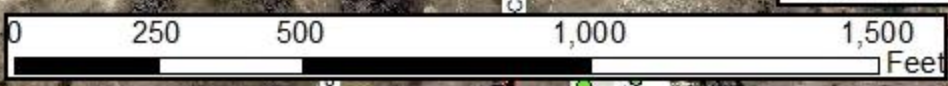
# 3130 W Washington 200 Foot Buffer

Item 13.



**Legend**

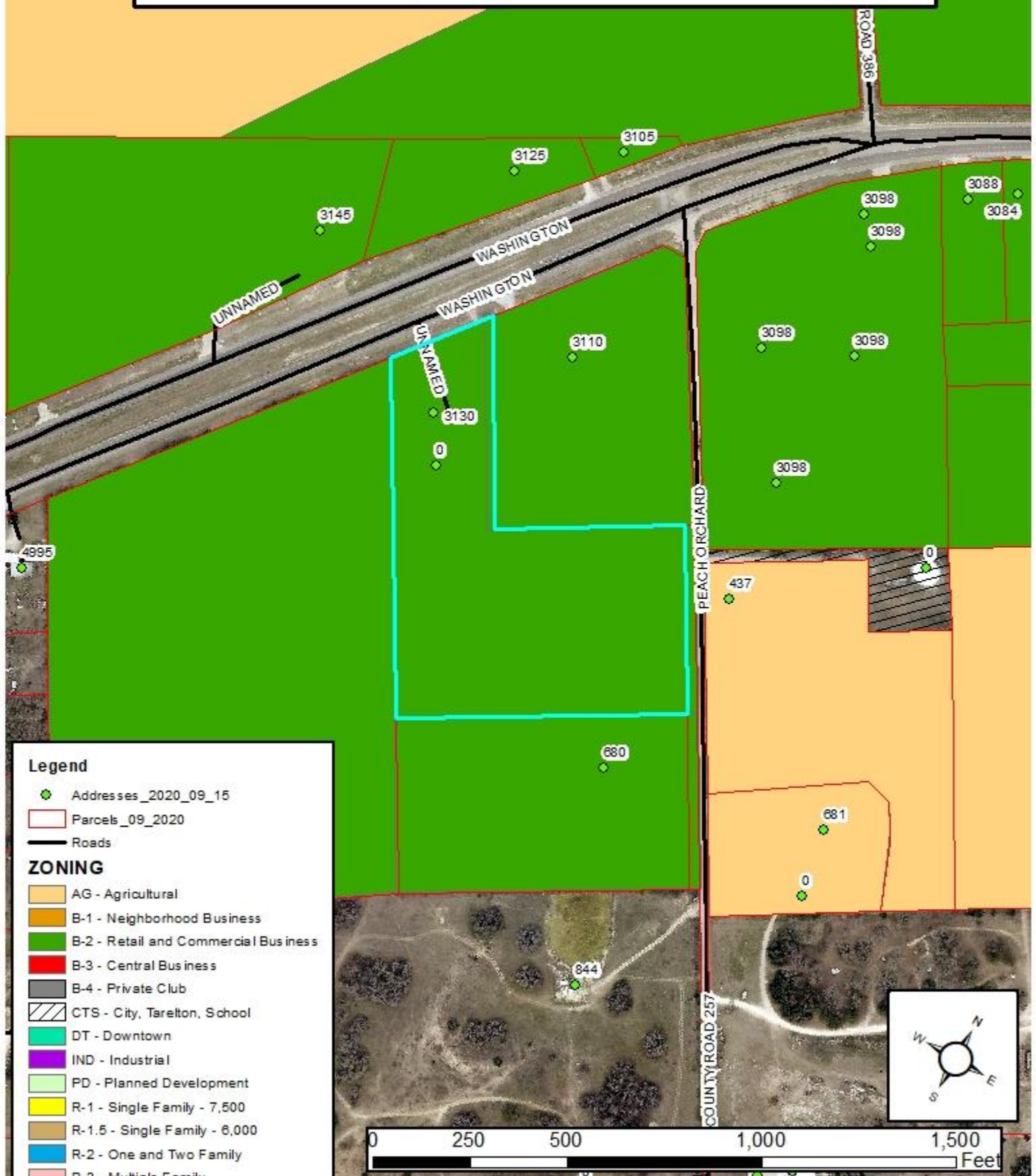
- Address es\_2020\_09\_15
- 3130 W Washington
- Parcels\_09\_2020
- Roads



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.

# 3130 W Washington Current Zoning - B2 Retail & Commercial

Item 13.



**Legend**

- Addresses\_2020\_09\_15
- Parcels\_09\_2020
- Roads

**ZONING**

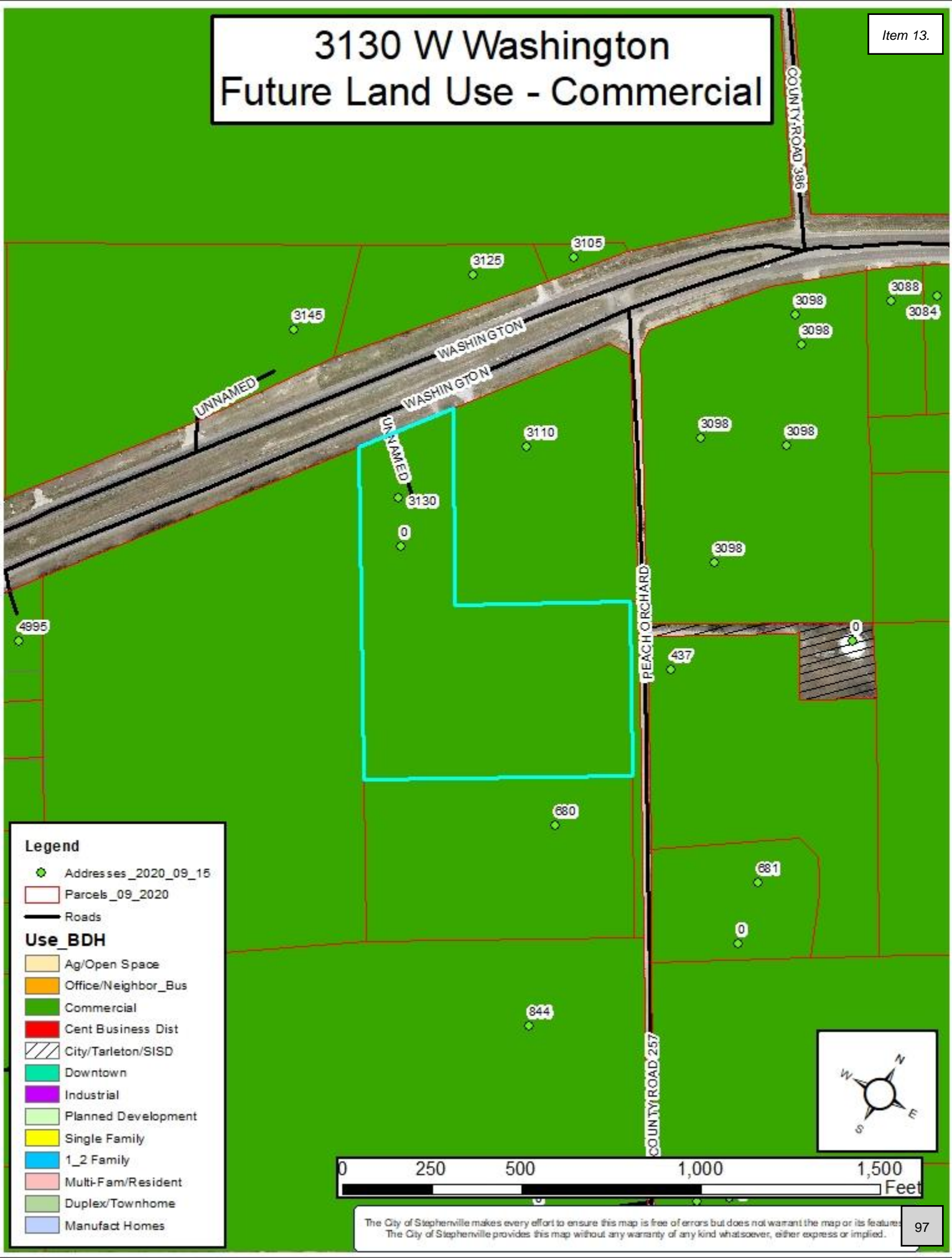
- AG - Agricultural
- B-1 - Neighborhood Business
- B-2 - Retail and Commercial Business
- B-3 - Central Business
- B-4 - Private Club
- CTS - City, Tareyton, School
- DT - Downtown
- IND - Industrial
- PD - Planned Development
- R-1 - Single Family - 7,500
- R-1.5 - Single Family - 6,000
- R-2 - One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

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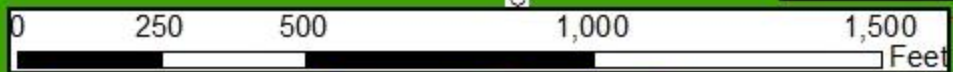
# 3130 W Washington Future Land Use - Commercial

Item 13.



### Legend

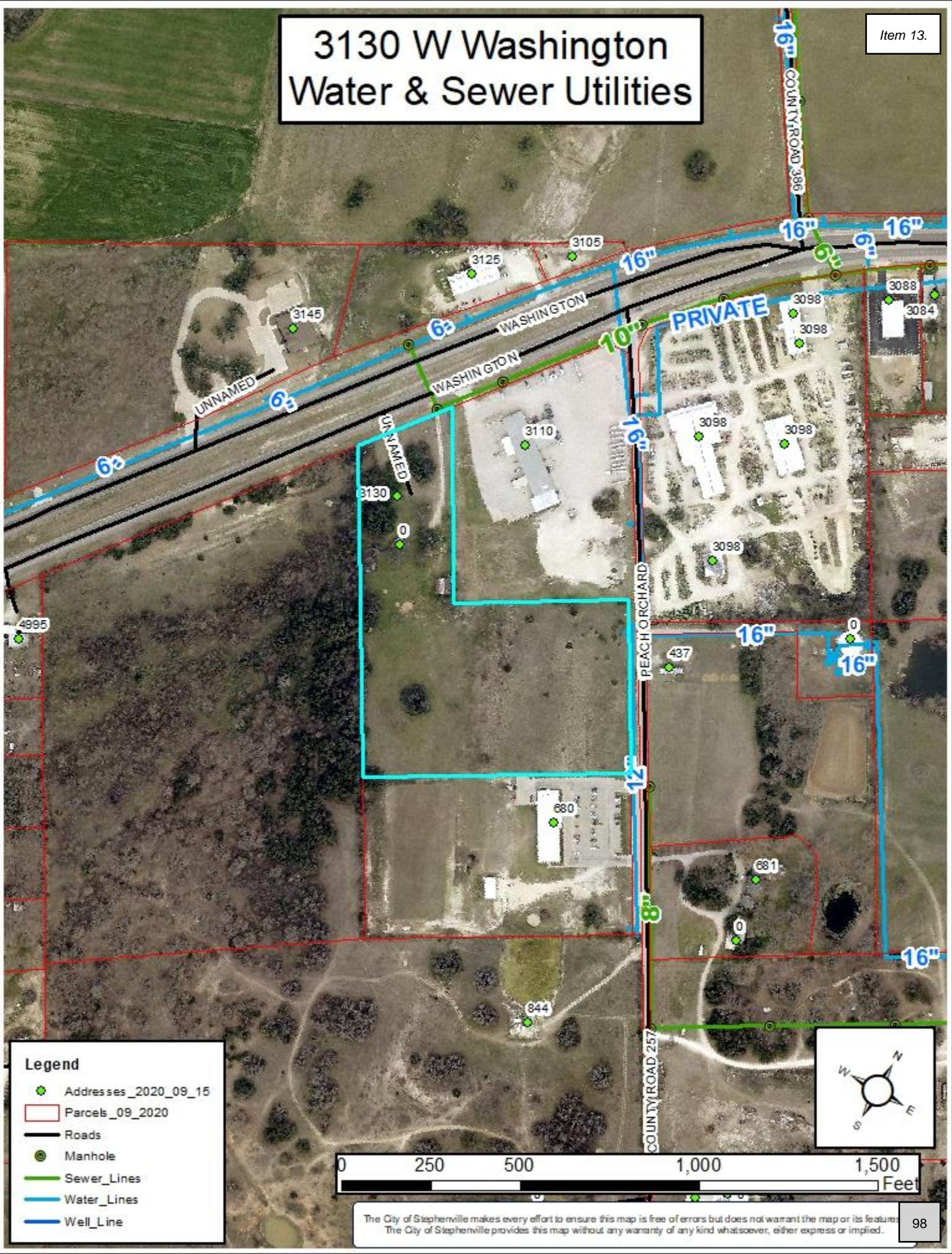
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- Parcels\_09\_2020
- Roads
- Use\_BDH**
- Ag/Open Space
- Office/Neighbor\_Bus
- Commercial
- Cent Business Dist
- City/Tarleton/SISD
- Downtown
- Industrial
- Planned Development
- Single Family
- 1\_2 Family
- Multi-Fam/Resident
- Duplex/Townhome
- Manufact Homes



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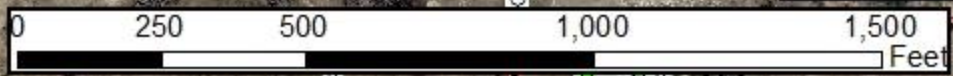
# 3130 W Washington Water & Sewer Utilities

Item 13.



**Legend**

- Addresses\_2020\_09\_15
- Parcels\_09\_2020
- Roads
- Manhole
- Sewer\_Lines
- Water\_Lines
- Well\_Line



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

## 3130 W Washington Addresses

Parcel ID	Parcel Address	Owner Name	Owner Address	City	State	Zip Code
R000023875	3098 W WASHINGTON	BAR TO-LO INC	PO BOX 1197	STEPHENVILLE	TX	76401-0000
R000040205	401 CR257	CITY OF STEPHENVILLE	298 W WASHINGTON	STEPHENVILLE	TX	76401-4257
R000023842	3110 W WASHINGTON ST	DR PROPERTIES LTD	8755 HWY 87 E	SAN ANTONIO	TX	78263
R000072737	680 PEACH ORCHARD RD	ERATH EXCELS ACADEMY INC	680 CR257	STEPHENVILLE	TX	76401-4903
R000069137	437 PEACH ORCHARD RD	FREELS RITA	681 PEACH ORCHARD RD	STEPHENVILLE	TX	76401
R000023789	3130 W WASHINGTON ST	GKS REAL ESTATE INVESTMENTS LLC	1837 SPINNAKER LN	AZLE	TX	76020
R000071287	1038 CR257	HARRIS THOMAS MITCHEL & PATRICIA EDWARDS	418 CR571	EASTLAND	TX	76448



## STAFF REPORT

**SUBJECT:** 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, from (R-1) Single Family to (R-3) Multi-Family.

**DEPARTMENT:** Development Services

**STAFF CONTACT:** Steve Killen

### RECOMMENDATION:

To deny 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.

### BACKGROUND:

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.

### CURRENT ZONING:

B-2 – Retail and Commercial

### FUTURE LAND USE:

Commercial

### 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 large, 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.

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  1. *Minor Subdivision Waiver.*
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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.*

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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.

- b. After the recommendation from the Commission has been made, the City Council shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the Commission's recommendation was made.
- c. The City Council may affirm, modify or reverse the decision by simple majority vote.
- d. The decision of the City Council is final.

K. *Effect of Approval.*

- 1. *Submission and Processing.* Following the granting of a Subdivision Waiver, the Applicant may submit or continue the processing of a Plat or Construction Plans, as applicable.
- 2. *Expirations.* The Subdivision Waiver granted shall remain in effect for the period the Plat or Construction Plans are in effect, and shall expire upon expiration of either or both of those Applications.
- 3. *Extensions.* Extension of those Applications shall also result in extension of the Subdivision Waiver.

**WATER:**

The property is served by a 6" city water main in Washington/HWY 377 and a 12" city water main in Peach Orchard.

**SEWER:**

The property is served by a 10" sanitary sewer main in Washington/HWY 377.

**STREET:**

The property is served by a Washington/HWY 377 and Peach Orchard.

**ZONING AND LAND USE:**

Location	Zoning	Future Land Use
Subject Site	(B-2) Retail and Commercial	Commercial
North	(B-2) Retail and Commercial	Commercial
South	(B-2) Retail and Commercial	Commercial
East	(AG) Agriculture	Commercial
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: BERT THOMPSON  
First Name Last Name

ADDRESS: 1109 E. LAKE DR.  
Street/P.O. Box Phone No

WEATHERFORD TEXAS 76087  
City State Zip Code

2. PROPERTY DESCRIPTION: 3130 W. WASHINGTON ST., STEPHENVILLE, TX 76401  
Street Address

3. LEGAL DESCRIPTION: LOT 2 BLOCK 1 EXCELS ADDITION  
Lot(s) Block(s) Addition

4. PRESENT CODES: THE ZONING CODE OF THE CITY OF STEPHENVILLE, TX XV - LAND USAGE  
Code of Ordinance Title


APPLICANTS REQUEST FOR AN APPLICATION PERTAINS TO THE FOLLOWING:

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

5. APPLICANTS REQUEST IS AS FOLLOWS:

A waiver from Section 155.6.04 (M) which requires the construction of 6" curb and gutter along all streets. This waiver is to serve the section of US-377 that abuts the north boundary of the subject property. The request is based on the absence of similar curb and gutter sections in the vicinity of the development, and the presence of bar ditches along both sides of US-377 in the area.

(Attach an additional sheet if necessary).

  
Signature of Applicant

1/16/2021  
Date

  
Signature of City Official Received

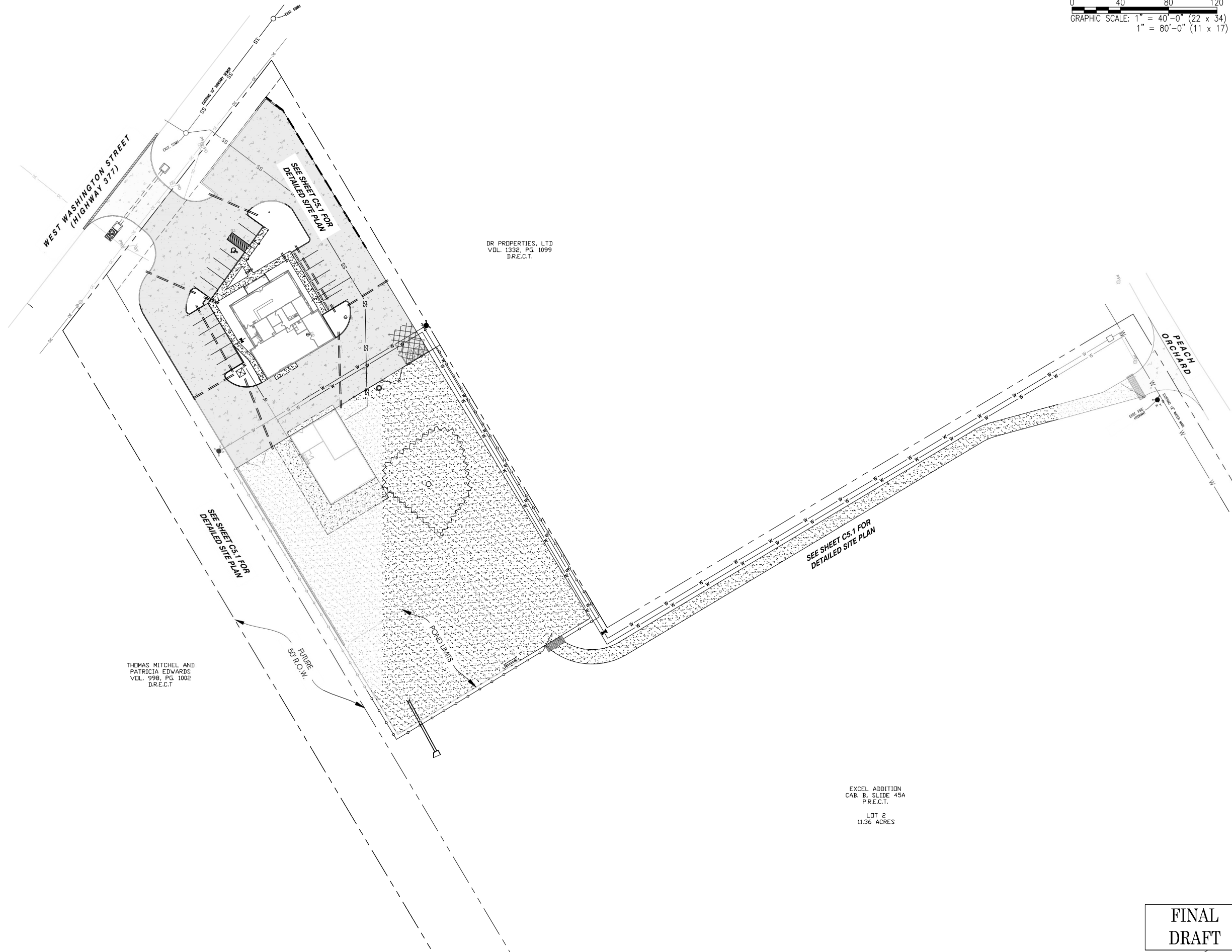
01-20-2020  
Date Received by  
Community Dev. Dept.

FOR OFFICE USE ONLY

CHECKLIST

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

12.08.2020 4:52PM F:\p\2019\810050-Mikes Westside Stephen\1810050\_CD-OVERALL SITE PLAN.dwg OVERALL SITE PLAN



0 40 80 120  
 GRAPHIC SCALE: 1" = 40'-0" (22 x 34)  
 1" = 80'-0" (11 x 17)



**BHB**  
 BAIRD, HAMPTON & BROWN  
 engineering and surveying  
 949 Hilltop Drive, Weatherford, TX 76087  
 mail@bhb.com • 817.586.2575 • bhbin  
 TBPE Firm #44 • TBPLS Firm #10194

Item 14.

**MIKES WESTSIDE  
 UTILITY & EQUIPMENT  
 RENTAL**  
 3130 WEST WASHINGTON STREET  
 STEPHENVILLE, TEXAS

**OVERALL SITE PLAN**

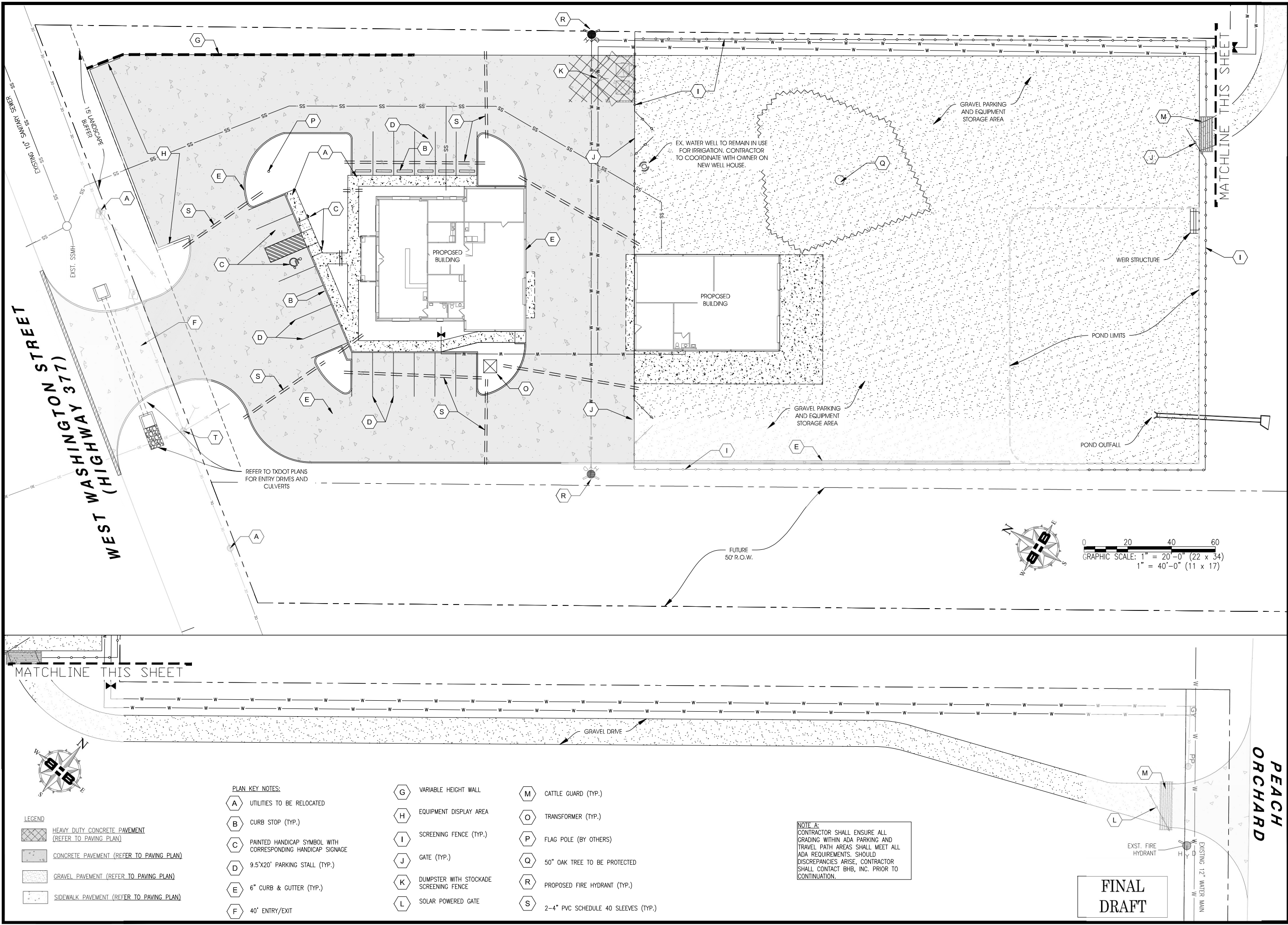
NO.	DESCRIPTION	DATE

NOT FOR CONSTRUCTION  
 THIS DOCUMENT IS INTENDED  
 FOR REVIEW ONLY, AND IS NOT  
 INTENDED FOR BIDDING,  
 PERMIT, OR CONSTRUCTION  
 PURPOSES.  
 BHB, INC.  
 TX REGISTERED FIRM F-00044  
 ENGINEER: SHANNON L. NAVE,  
 P.E., CFM  
 TEXAS LICENSE NO: 89415  
 DATE: 12/4/2020

PROJECT NUMBER: 2019.810.050  
 DATE: 12/4/2020 DRAWN BY: JPM  
 DESIGN BY: JPM CHECKED BY: SLN

SHEET  
**C5.0** 108

**FINAL  
 DRAFT**



**BHB**  
**BAIRD, HAMPTON & BROWN**  
 engineering and surveying  
 949 Hilltop Drive, Weatherford, TX 76087  
 mail@bhinc.com • 817.596.7575 • bhinc.com  
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Item 14.

**MIKES WESTSIDE  
 UTILITY & EQUIPMENT  
 RENTAL**  
 3130 WEST WASHINGTON STREET  
 STEPHENVILLE, TEXAS

DETAILED SITE PLAN

NO.	DESCRIPTION	DATE

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SHEET  
**C5.1** 109

12.08.2020 4:52PM F:\p020198101050\_Mikes Westside Stephenville\CD\2019,810,050\_CD-SITE PLAN.dwg DETAILED SITE PLAN

- LEGEND**
- HEAVY DUTY CONCRETE PAVEMENT (REFER TO PAVING PLAN)
  - CONCRETE PAVEMENT (REFER TO PAVING PLAN)
  - GRAVEL PAVEMENT (REFER TO PAVING PLAN)
  - SIDEWALK PAVEMENT (REFER TO PAVING PLAN)

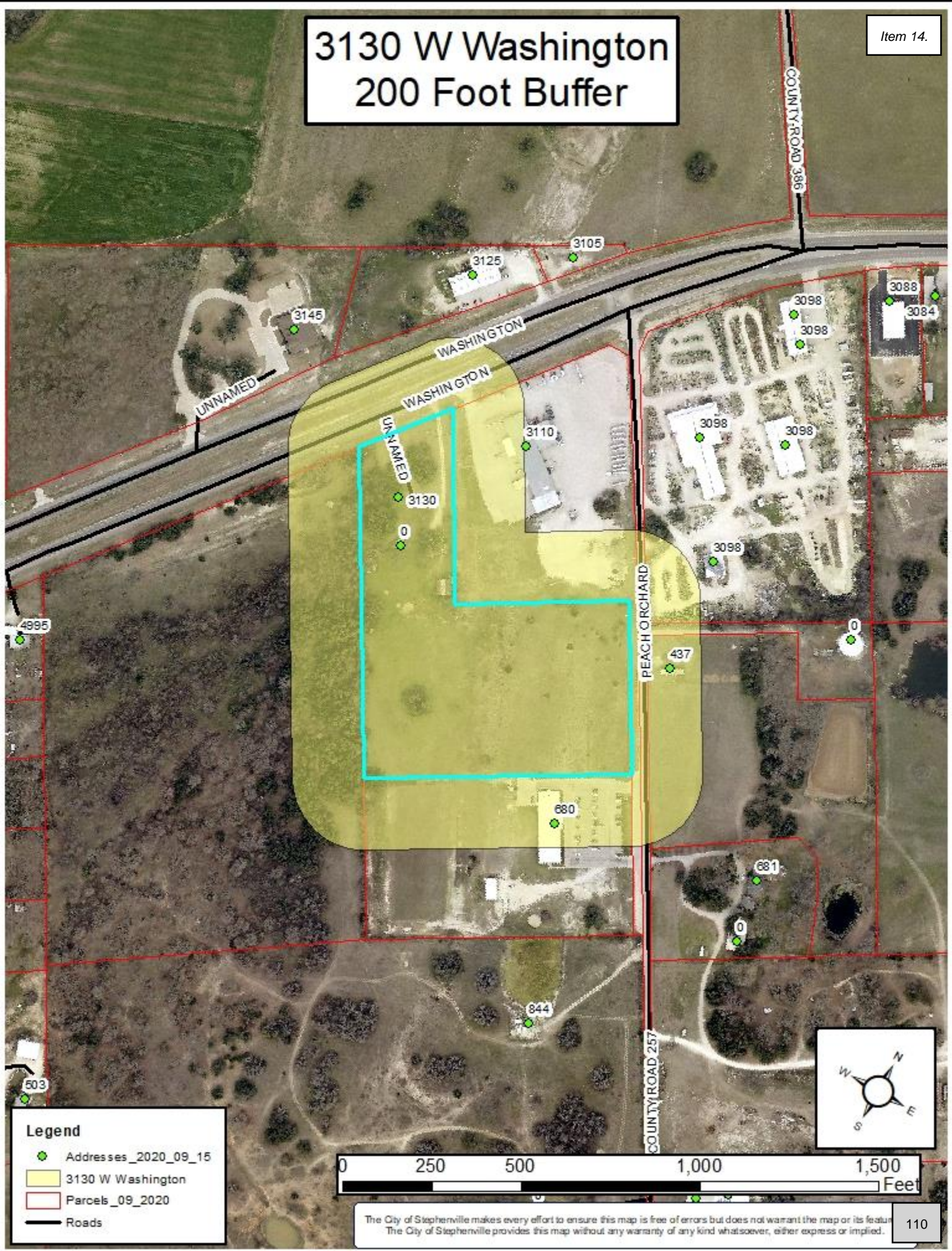
- PLAN KEY NOTES:**
- |  |   |  |
|--|---|--|
| <b>A</b> UTILITIES TO BE RELOCATED                                   | <b>G</b> VARIABLE HEIGHT WALL                   | <b>M</b> CATTLE GUARD (TYP.)                 |
| <b>B</b> CURB STOP (TYP.)  | <b>H</b> EQUIPMENT DISPLAY AREA                 | <b>O</b> TRANSFORMER (TYP.)                  |
| <b>C</b> PAINTED HANDICAP SYMBOL WITH CORRESPONDING HANDICAP SIGNAGE | <b>I</b> SCREENING FENCE (TYP.)                 | <b>P</b> FLAG POLE (BY OTHERS)               |
| <b>D</b> 9.5'X20' PARKING STALL (TYP.)                               | <b>J</b> GATE (TYP.)                            | <b>Q</b> 50" OAK TREE TO BE PROTECTED        |
| <b>E</b> 6" CURB & GUTTER (TYP.)                                     | <b>K</b> DUMPSTER WITH STOCKADE SCREENING FENCE | <b>R</b> PROPOSED FIRE HYDRANT (TYP.)        |
| <b>F</b> 40' ENTRY/EXIT  | <b>L</b> SOLAR POWERED GATE                     | <b>S</b> 2-4" PVC SCHEDULE 40 SLEEVES (TYP.) |

**NOTE A:**  
 CONTRACTOR SHALL ENSURE ALL GRADING WITHIN ADA PARKING AND TRAVEL PATH AREAS SHALL MEET ALL ADA REQUIREMENTS. SHOULD DISCREPANCIES ARISE, CONTRACTOR SHALL CONTACT BHB, INC. PRIOR TO CONTINUATION.

**FINAL  
 DRAFT**

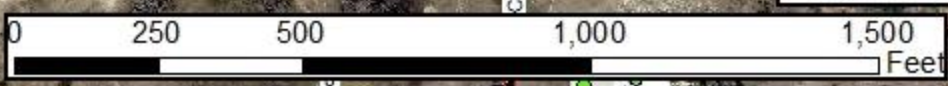
# 3130 W Washington 200 Foot Buffer

Item 14.



**Legend**

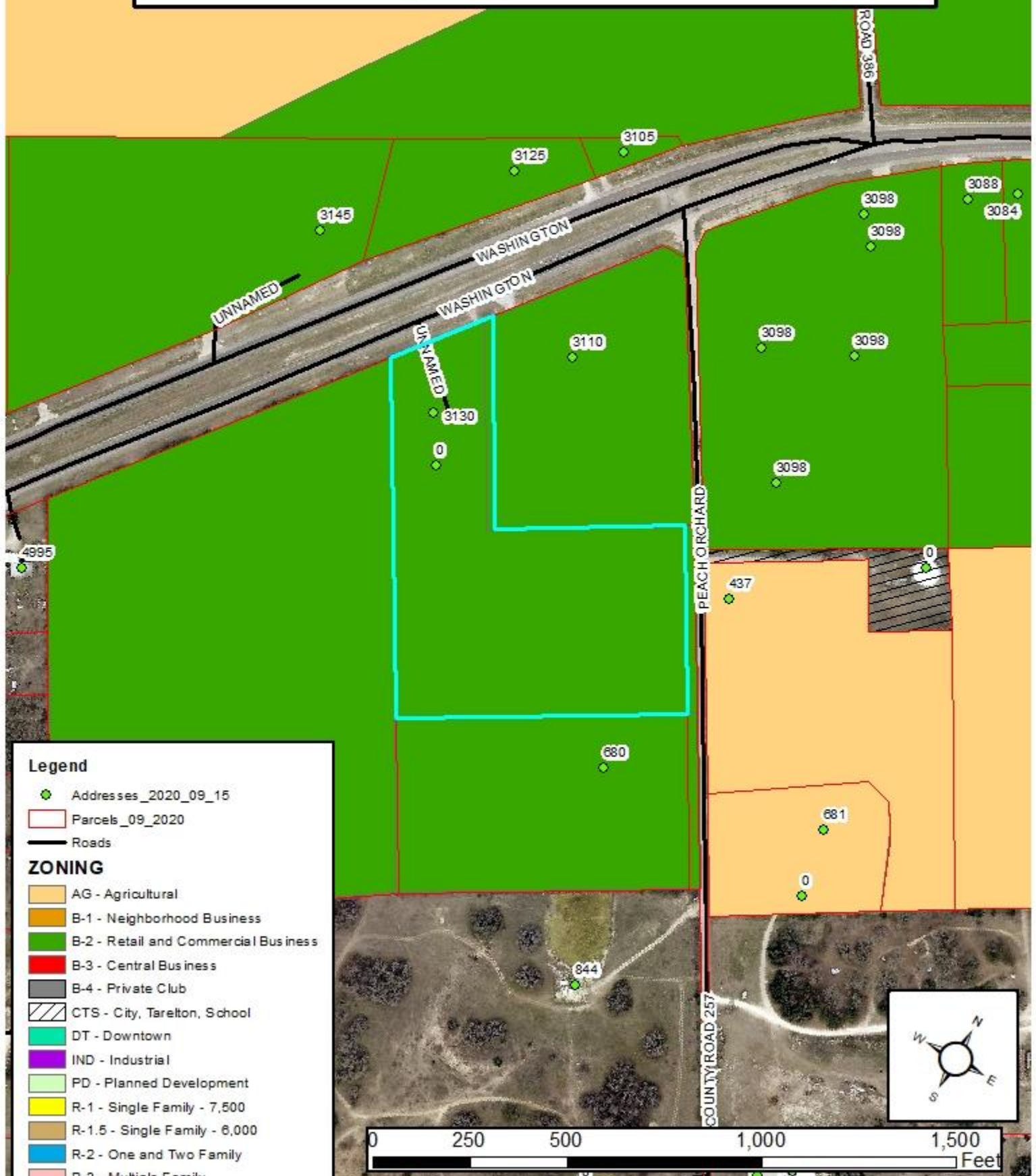
- Address es\_2020\_09\_15
- 3130 W Washington
- Parcels\_09\_2020
- Roads



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# 3130 W Washington Current Zoning - B2 Retail & Commercial

Item 14.

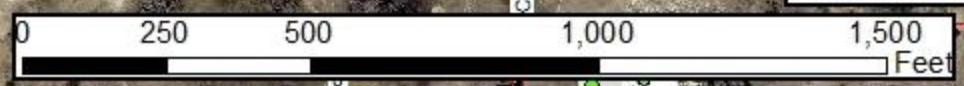


**Legend**

- Addresses\_2020\_09\_15
- Parcels\_09\_2020
- Roads

**ZONING**

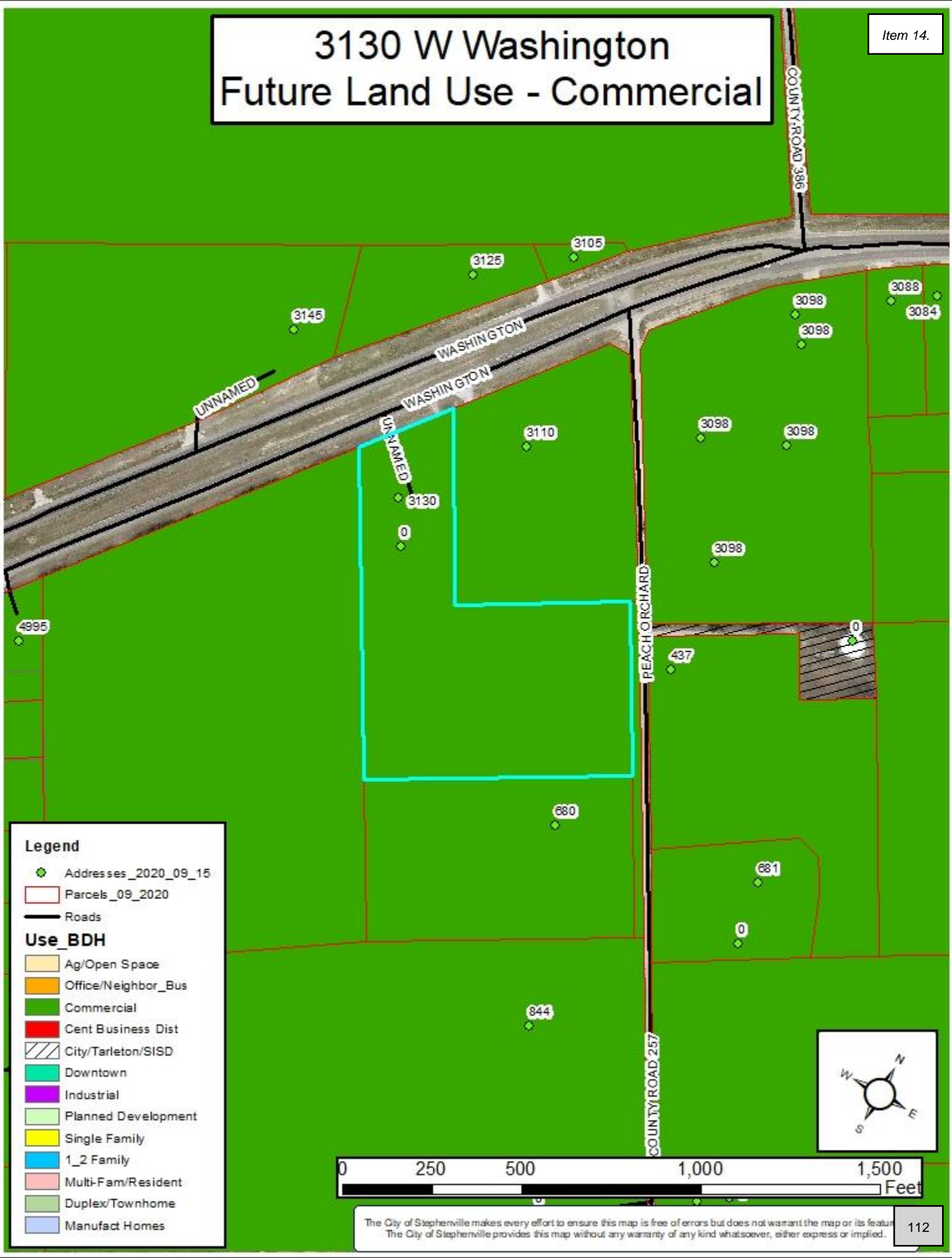
- AG - Agricultural
- B-1 - Neighborhood Business
- B-2 - Retail and Commercial Business
- B-3 - Central Business
- B-4 - Private Club
- CTS - City, Tareyton, School
- DT - Downtown
- IND - Industrial
- PD - Planned Development
- R-1 - Single Family - 7,500
- R-1.5 - Single Family - 6,000
- R-2 - One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



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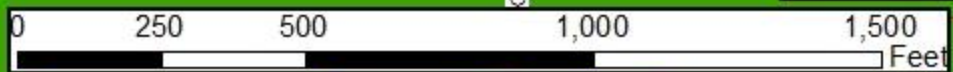
# 3130 W Washington Future Land Use - Commercial

Item 14.



### Legend

- ◆ Addresses\_2020\_09\_15
- Parcels\_09\_2020
- Roads
- 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

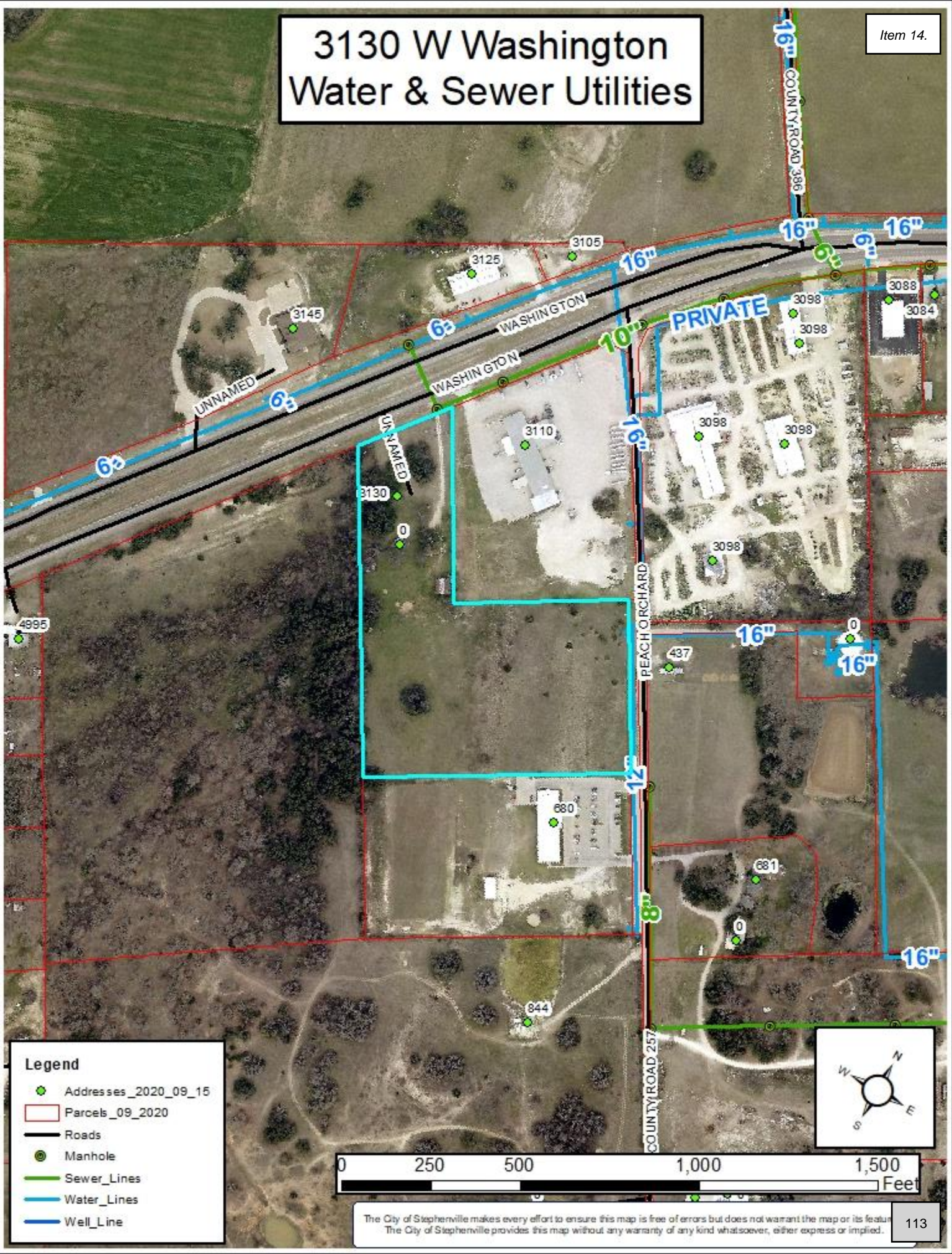


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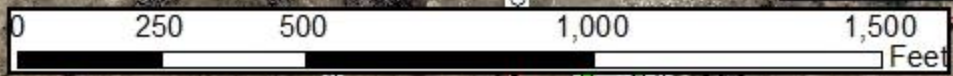
# 3130 W Washington Water & Sewer Utilities

Item 14.



**Legend**

- Addresses\_2020\_09\_15
- Parcels\_09\_2020
- Roads
- Manhole
- Sewer\_Lines
- Water\_Lines
- Well\_Line



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## 3130 W Washington Addresses

Parcel ID	Parcel Address	Owner Name	Owner Address	City	State	Zip Code
R000023875	3098 W WASHINGTON	BAR TO-LO INC	PO BOX 1197	STEPHENVILLE	TX	76401-0000
R000040205	401 CR257	CITY OF STEPHENVILLE	298 W WASHINGTON	STEPHENVILLE	TX	76401-4257
R000023842	3110 W WASHINGTON ST	DR PROPERTIES LTD	8755 HWY 87 E	SAN ANTONIO	TX	78263
R000072737	680 PEACH ORCHARD RD	ERATH EXCELS ACADEMY INC	680 CR257	STEPHENVILLE	TX	76401-4903
R000069137	437 PEACH ORCHARD RD	FREELS RITA	681 PEACH ORCHARD RD	STEPHENVILLE	TX	76401
R000023789	3130 W WASHINGTON ST	GKS REAL ESTATE INVESTMENTS LLC	1837 SPINNAKER LN	AZLE	TX	76020
R000071287	1038 CR257	HARRIS THOMAS MITCHEL & PATRICIA EDWARDS	418 CR571	EASTLAND	TX	76448