



## PLANNING AND ZONING COMMISSION

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City Hall Council Chambers, 298 W. Washington  
Wednesday, November 16, 2022 at 5:30 PM

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### AGENDA

#### CALL TO ORDER

#### MINUTES

- [1.](#) **CONSIDER APPROVAL OF MINUTES - October 19, 2022**

#### REGULAR AGENDA

#### PUBLIC HEARING

- [2.](#) **Case No.: RZ2022-025**

Applicants Jonathan and Sylvia Hernandez are requesting a rezone of property located at 201 Ballow, Parcel R17533, being BLOCK 153; LOT 43 of the CITY ADDITION to the City of Stephenville, Erath County, Texas from Retail and Commercial Business District (B-2) to Muti-Family District (R-3).

- 3. Case No.: PP2022-001 - Pulled**

Applicant Gregory Hopcus, representing Emanuel Glockzin with Retirement Living for Seniors, LTD, is requesting an approval of a Preliminary plat of property located at W FM8, Parcel R22552, of Menefee Jarrett to the City of Stephenville, Erath County, Texas.

- 4. Case No.: RP2022-011 - Pulled**

Applicant Steven Lively is requesting a replat of property located at 905 E. Washington, Parcel R29901, being BLOCK 83; LOT 5 of the CITY ADDITION to City of Stephenville, Erath County, Texas.

#### ADJOURN

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



## PLANNING AND ZONING COMMISSION MEETING

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

### MINUTES

The Planning and Zoning Commission of the City of Stephenville, Texas, convened on Wednesday, October 19, 2022 at 5:30 PM, in the Council Chambers at City Hall, 298 West Washington Street, for the purpose of a Regular Business Meeting, with the meeting being open to the public and notice of said meeting, giving the date, time, place and subject thereof, having been posted as prescribed by Chapter 551, Government Code, Vernon's Texas Codes Annotated, with the following members present, to wit:

**COMMISSIONERS PRESENT:** Lisa LaTouche, Chairperson  
 Brian Lesley, Vice Chair  
 Bruce Delater  
 Nick Robinson

Mary Beach McGuire  
 Paul Ashby, Alternate 1

**COMMISSIONERS ABSENT:** Justin Allison  
 Tom Hines

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

### CALL TO ORDER

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

### MINUTES

**1. Consider Approval of Minutes – September 21, 2022**

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

### PUBLIC HEARING

**2. Case No.: RZ2022-016**

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

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

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

Developer Beau Mayo, 2699 CR 223, Stephenville spoke in favor of the rezone request. Mr. Mayo stated that the one-bedroom efficiency apartments will be 550 square feet in size. He estimated that there will be a total of 30 units for the 2.14-acre parcel.

Three letters of opposition were received.

The public hearing was closed at 5:44 PM.

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

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

NOES: Bruce Delater

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

**Chairperson LaTouche resumed the meeting at 5:51 PM.**

### **3. Case No.: RZ2022-017**

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

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

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

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

No one spoke in favor of the rezone request.

Three letters of opposition were received.

The public hearing was closed at 5:52 PM.

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

### **4. Case No.: RZ2022-018**

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

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

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

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

No one spoke in favor of the rezone request.

Three letters of opposition were received.

The public hearing was closed at 5:53 PM.

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

#### 5. Case No.: RZ2022-019

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

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

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

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

No one spoke in favor of the rezone request.

Three letters of opposition were received.

The public hearing was closed at 5:54 PM.

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

#### 6. Case No.: RZ2022-021

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

Steve Killen, Development Services Director, advised the Commission on this case. He reported that Ms. Mosbey bought 0.809 acres out of a 5.490 acre parcel and is wanting to rezone her part of the property to (R-3) Multi-family Residential District. Mr. Killen stated that the original owners of the property will

be dividing and selling off the remainder of the land in the future. He informed the Commissioners that the property has a current zoning of (B-1), Neighborhood Business and (I), Industrial with the future land use for the property being (R-2) One- and Two-Family Residential District. Mr. Killen concluded his brief by informing the Commissioners that the rezone is requested for a future multifamily project.

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

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

No one spoke in favor of the rezone request.

Two letters of opposition were received.

The public hearing was closed at 6:02 PM.

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

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

NOES: Bruce Delater

ABSTAINING: Mary Beach-McGuire

## 7. Case No.: RZ2022-024

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

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

Applicant was not present to answer questions.

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

No one spoke in favor or against the rezone request.

The public hearing was closed at 6:07 PM.

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

MOTION CARRIED by a 5/1 vote.

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

NOES: Mary Beach-McGuire

**8. Case No.: RP2022-009**

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

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

Sunny Orr was present to answer questions.

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

No one spoke in favor or against the rezone request.

The public hearing was closed at 6:12 PM.

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

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

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

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

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

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

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

**20.2.K Motions.**

- (1) A motion may be made by any member other than the presiding officer.
- (2) A motion to approve any matter before the Commission or to recommend approval of any request requiring Council action shall require two-thirds favorable votes of the members present.

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

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

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

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

The public hearing was closed at 6:16 PM.

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

## ADJOURN

The meeting was adjourned at 6:17 PM.

APPROVED:

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Lisa LaTouche, Chair

ATTEST:

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Tina Cox, Commission Secretary



# STAFF REPORT

**SUBJECT:** Case No.: RZ2022-025

Applicants Jonathan and Sylvia Hernandez are requesting a rezone of property located at 201 Ballow, Parcel R17533, being BLOCK 153; LOT 43 of the CITY ADDITION to the City of Stephenville, Erath County, Texas from Retail and Commercial Business District (B-2) to Multi-Family District (R-3).

**DEPARTMENT:** Development Services

**STAFF CONTACT:** Steve Killen, Director of Development Services

## RECOMMENDATION:

The property has current zoning of B-2, Retail and Commercial District. The Future Land Use for this property is also designated as B-2, Retail and Commercial District.

## BACKGROUND:

The applicant is requesting rezone to market the property as R-3, Multifamily. The property is 0.93 acres with frontage of approximately 213' along Old Hico Road and 200' frontage along Ballow. Existing uses in the area are single family residential, multifamily and commercial.

## PROPERTY PROFILE:



## 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 platted as one parcel and sole source management. 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 wellbeing of the intended district environment.

## 5.6.B Permitted Uses.



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

#### **5.6.C Conditional Uses.**

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

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

##### *(D) Multiple family dwellings.*

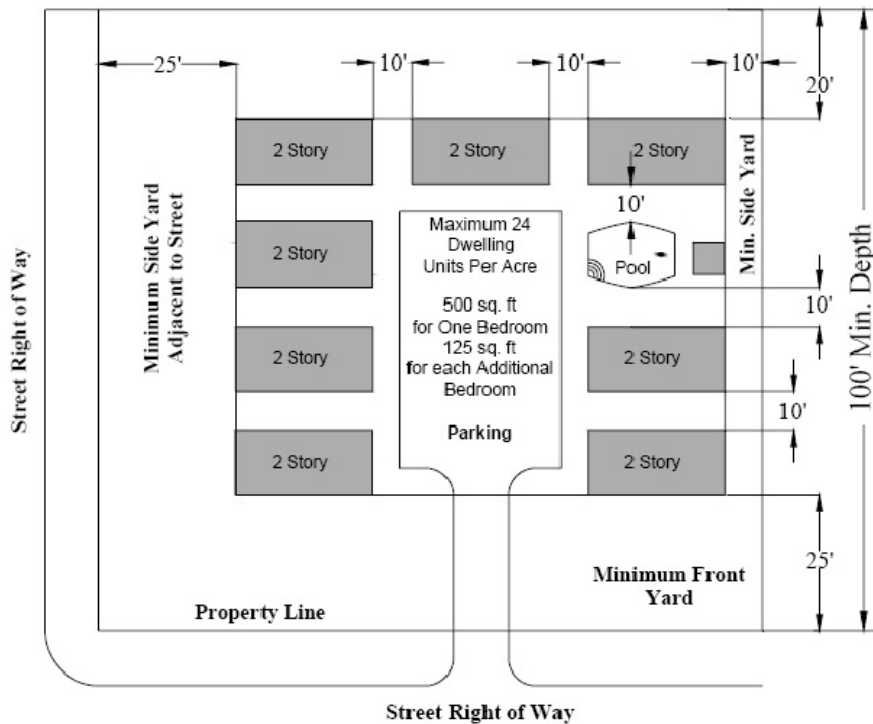
- (1) Minimum lot area: maximum density of 24 dwelling units per acre, which includes parking, access, and all other area improvements.
- (2) Minimum lot depth: 100 feet.
- (3) Minimum depth of front setback: 25 feet.
- (4) Minimum depth of rear setback: 20 feet.
- (5) Minimum width of side setback:
  - (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 Multiple-Family Dwelling

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

#### Multiple Family Dwelling



**5.6.E Parking Regulations.** Lots in this District 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 Section 154.11 *Parking spaces for vehicles* of this ordinance. Student housing whereby individual rooms are leased by unit mu

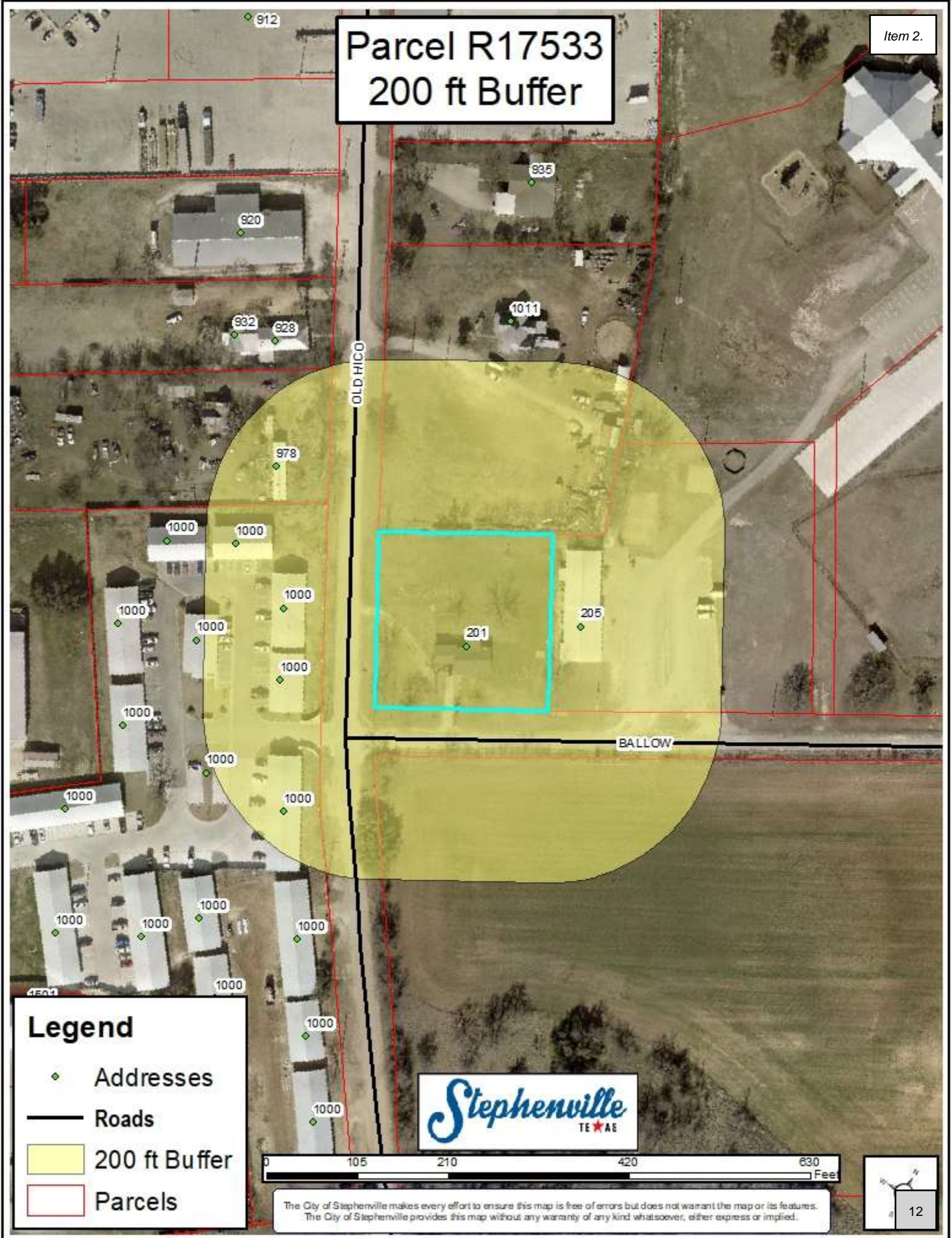
#### **FACTORS TO CONSIDER:**

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

**ALTERNATIVES:**

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

# Parcel R17533 200 ft Buffer



**Legend**

- ◆ Addresses
- Roads
- 200 ft Buffer
- Parcels



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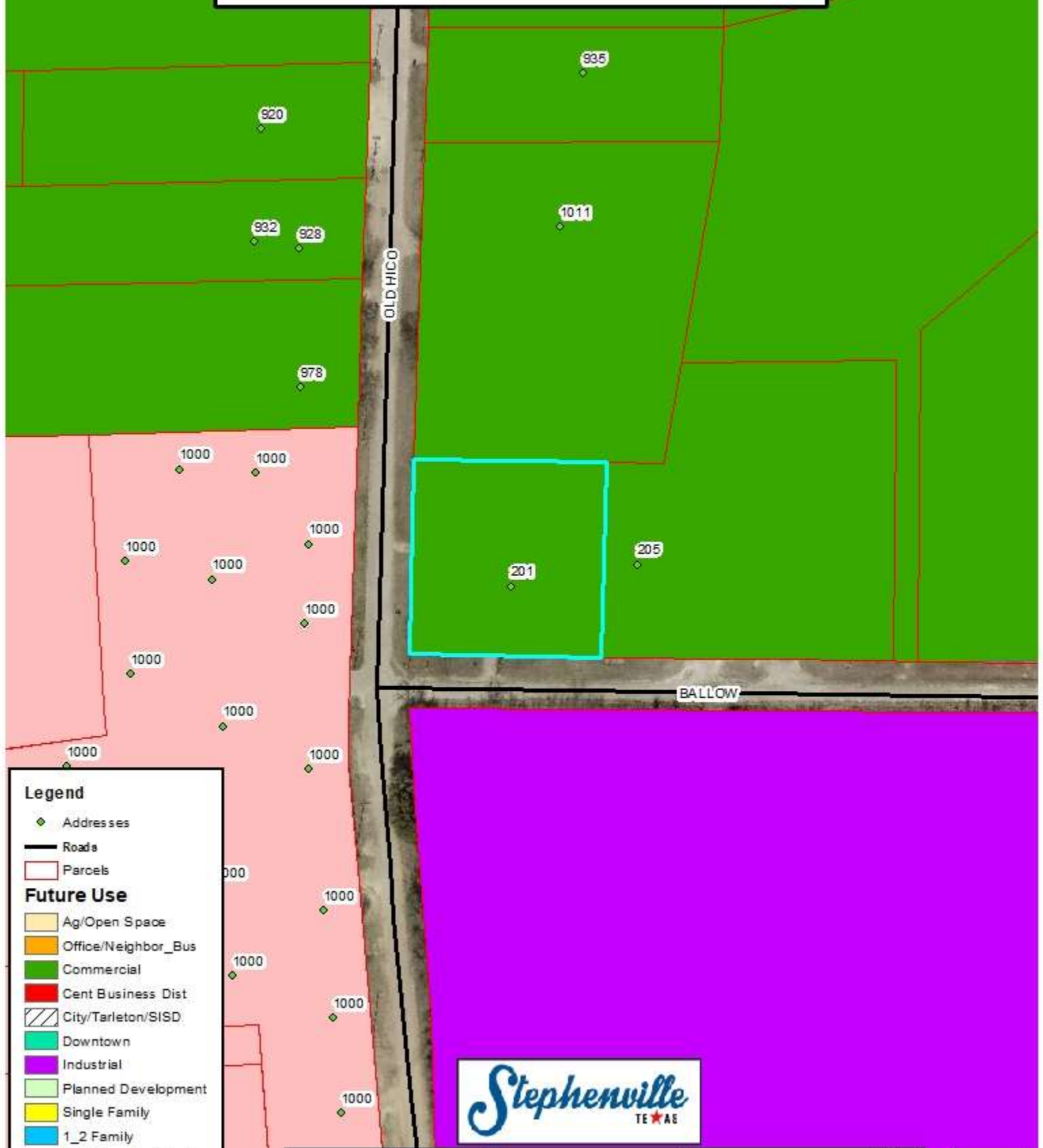
# Parcel R17533 Current Zoning - B2 Retail & Commercial



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# Parcel R17533 Future Land Use - Commercial

Item 2.



**Legend**

- ◆ Addresses
- Roads
- ▭ Parcels

**Future Use**

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

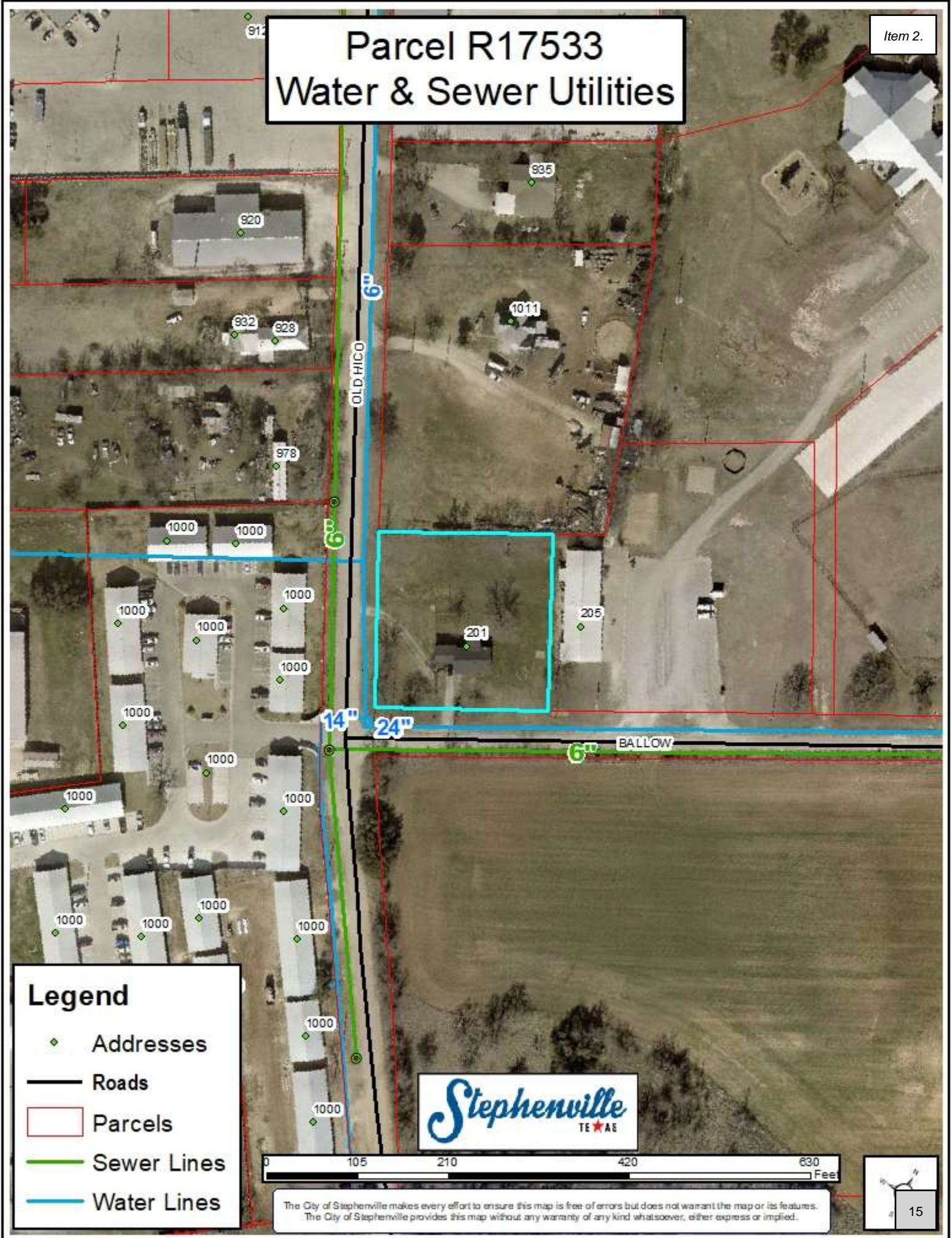


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# Parcel R17533 Water & Sewer Utilities

Item 2.



### Legend

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



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# Parcel R17533 Address List

Item 2.

Parcel ID	Parcel Address	Parcel Owner	Owner Address	City	State	Zip Code
R000017514	1000 OLD HICO ROAD	ERATH CAPITAL INVESTMENTS LLC	2699 CR223	STEPHENVILLE	TX	76401
R000017598	950 GLEN ROSE ROAD	FIRST ASSEMBLY OF GOD-STEPHENVILLE	PO BOX 372	STEPHENVILLE	TX	76401-0000
R000017533	201 BALLOW	HERNANDEZ JOHATHAN & SYLVIA HERNANDEZ	10773 FM 3025	STEPHENVILLE	TX	76401
R000017572	1120 GLEN ROSE ROAD	LESLEY KENNETH	PO BOX 162	STEPHENVILLE	TX	76401
R000017588	928 OLD HICO ROAD	MICHAEL TRACI LEE & JESSE GRIEGO	932 OLD HICO RD	STEPHENVILLE	TX	76401
R000017600	978 OLD HICO ROAD	MILLER MICHAEL EUGENE & ORVAL WILLARD JR ET AL	978 CR436	STEPHENVILLE	TX	76401
R000017612	1011 OLD HICO ROAD	PEREZ LUIS LUNA	1011 OLD HICO RD	STEPHENVILLE	TX	76401
R000030544	205 BALLOW	STEPHENVILLE FIRST ASSEMBLY GOD INC	PO BOX 372	STEPHENVILLE	TX	76401