



## PLANNING AND ZONING COMMISSION MEETING

City Hall Council Chambers, 298 W. Washington  
Wednesday, October 16, 2024 at 5:30 PM

### AGENDA

#### CALL TO ORDER

#### CITIZENS GENERAL DISCUSSION

#### MINUTES

1. Consider Approval of Minutes from September 18, 2024

#### REGULAR AGENDA

2. **Case No.: RP2024-002**

Applicant Zane Cole is Requesting a Replat of Property Located at 185 W Park St., Parcel R31466, Being Block 35, Lot 7 & 8 of the FREY FIRST ADDITION to the City of Stephenville, Erath County, Texas

3. **PUBLIC HEARING**

Case No.: RP2024-002

4. Consider Approval of a Replat for Property Located at 185 W Park St., Parcel R31466, Being Block 35, Lot 7 & 8 of the FREY FIRST ADDITION to the City of Stephenville, Erath County, Texas

5. **Case No.: RP2024-003**

Applicant Zane Cole is Requesting a Replat of Property Located at 811 W Oak, Parcel R31133, Being Block 7, Lot 2 of the CROW STYLES ADDITION to the City of Stephenville, Erath County, Texas

6. **PUBLIC HEARING**

Case No.: RP2024-003

7. Consider Approval of a Replat for Property Located at 811 W Oak, Parcel R31133, Being Block 7, Lot 2 of the CROW STYLES ADDITION to the City of Stephenville, Erath County, Texas

8. **Case No.: RZ2024-013 - Pulled**

Applicant John McCown, Representing George Grissom and Pete Muzyka, is Requesting a Rezone with a Simultaneous Platting of a Portion of the Property Located on CR 256, Parcel R19796, Being approximately 212 Acres of A0342 HUDSON H C; to the City of Stephenville, Erath County, Texas from AG, Agricultural District to R-1, Single Family District

9. **Case No.: RZ2024-014**

Applicant Craig and Lisa Welch are Requesting a Rezone of Property Located at 432 Collins, Parcel R32536, Being S5100 MILLICAN & OTT ADDITION; BLOCK 1, LOT 1B & 2B to the City of Stephenville, Erath County, Texas from R-1 Single Family to R-2.5 Integrated Housing

10. **PUBLIC HEARING**

Case No.: RZ2024-014

11. Consider Recommendation of Rezone for Property Located at 432 Collins, Parcel R32536, Being S5100 MILLICAN & OTT ADDITION; BLOCK 1, LOT 1B & 2B to the City of Stephenville, Erath County, Texas from R-1 Single Family to R-2.5 Integrated Housing

**12. CASE No. RZ2024-015**

Applicant Solid Ace Holding, LLC, is Requesting a Rezone of Property Located at 981 Clinton, Parcel R30048, Being S4400 KIGHT SECOND ADDITION, BLOCK 2, LOT 10A & CITY ADDN, BLOCKK 99, LOT 1B to the City of Stephenville, Erath County, Texas from R-1 Single Family to R-2.5 Integrated Housing

**13. PUBLIC HEARING**

CASE No. RZ2024-015

14. Consider Recommendation of Rezone for Property Located at 981 Clinton, Parcel R30048, Being S4400 KIGHT SECOND ADDITION, BLOCK 2, LOT 10A & CITY ADDN, BLOCKK 99, LOT 1B to the City of Stephenville, Erath County, Texas from R-1 Single Family to R-2.5 Integrated Housing

**15. Case No.: RP2024-004**

Applicant Solid Ace Holdings, LLC, is Requesting a Replat of Properties Located at 432 Collins, Parcel R32536, Being S5100 MILLICAN & OTT ADDITION; BLOCK 1, LOT 1B & 2B and 689 Race, Parcel R32534, Being BLOCK 1, LOT 1A, of the Millican & OTT ADDITION to the City of Stephenville, Erath County, Texas

**16. PUBLIC HEARING**

Case No.: RP2024-004

17. Consider Approval of a Replat for Properties Located at 432 Collins, Parcel R32536, Being S5100 MILLICAN & OTT ADDITION; BLOCK 1, LOT 1B & 2B and 689 Race, Parcel R32534, Being BLOCK 1, LOT 1A, of the Millican & OTT ADDITION to the City of Stephenville, Erath County, Texas

**18. Case No.: PD2022-004 – UPDATE OCTOBER 2024**

Applicant Scott Allen, representing Stephenville Rentals LLC, is providing an update to the development schedule for the Planned Development located at 157 W. Washington, Parcel R29179, being Block 5, Lot C of City Addition to the City of Stephenville, Erath County, Texas.

**19. Case No.: PD2022-004 – UPDATE OCTOBER 2024**

Applicant Scott Allen, representing Stephenville Rentals LLC, is providing an update to the development schedule for the Planned Development located at 171 W. Washington, Parcel R29178, being Block 5, Lot B of City Addition to the City of Stephenville, Erath County, Texas.

**20. Consider Proposed Historic District Ordinance**

On September 17, 2024, the Development Services Committee voted to assign the proposed ordinance to the Planning and Zoning Commission for a Public Hearing and subsequent recommendation to City Council.

**21. Consider Revisions to Certain Zoning Districts Relating to the Limitation of Occupancy by Unrelated Persons**

**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, September 18, 2024 at 5:30 PM

### MINUTES

The Planning and Zoning Commission of the City of Stephenville, Texas, convened on Wednesday, September 18, 2024 at 5:30 PM in the City Hall Council Chambers, 298 W. Washington, for the purpose of a Planning and Zoning Commission 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  
Tyler Wright  
Justin Slawson  
Bonnie Terrell  
Nick Robinson  
Brian Lesley  
James Stephenson – Alternate 1

**COMMISSIONERS ABSENT:** Paul Ashby

**OTHERS ATTENDING:** Steve Killen, Director of Development Services  
Wendy Rangel, Commission Secretary

#### CALL TO ORDER

Chairperson Lisa LaTouche called the meeting to order at 5:30 PM.

#### CITIZENS GENERAL DISCUSSION

No discussion at this meeting.

#### MINUTES

**1. Consider Approval of Minutes from August 21, 2024**

MOTION by Brian Lesley, seconded by Tyler Wright, to approve August 21, 2024, Minutes.

MOTION CARRIED unanimously.

**2. Consider Approval of Minutes from September 3, 2024**

MOTION by Brian Lesley, seconded by Tyler Wright, to approve September 3, 2024, Minutes.



MOTION CARRIED unanimously.

## REGULAR AGENDA

### 3. CASE NO.: PP2024-004

**Applicant Chris Taube, Representing SOUTHWESTERN PIGEON ROAD, LLC, is requesting a Preliminary Plat of property located at 315 FM 2303, Parcel R65090 being 3.020 Acres of the A0520 MENEFFEE JARRETT; and Parcel R22587, being 91.830 Acres of the A0520 of MENEFFEE JARRETT; HOUSE & BARN, to the City of Stephenville, Erath County, Texas**

Development Services Director, Steve Killen provided the report as follows.

The Planning and Zoning Commission recently passed and approved a Plan Development for this property. Staff have provided comments on the Preliminary Plat submission. A Final Plat will be submitted to the Commission upon the completion of the public improvements. Conditional approval is requested of the Preliminary Plat subject to the completion of the following conditions:

1. The plat must conform to the Subdivision Ordinance upon conclusion of reviews.
2. Structures may not be placed over easements.
3. Site visibility triangles must be provided at entry at FM 2303.
4. Obtain TxDOT approval of TIA and access to FM 2303.
5. The Preliminary Plat must conform to design requirements and construction standards as set forth in the Engineering Standards Manual.
6. Additional easements as required for Backflow Preventor Assembly Vaults, Access & Utility Easements, Retaining Wall Easements, Floodplain and others that may be required as identified during the review process.
7. All areas within the subdivision to be privately maintained, inclusive of private streets and utilities, must be adequate for the subdivision.
8. All streets shall be designed to allow fire lane access.
9. Fire lanes to remain open at all times.
10. Please add "Not for Recording Purposes" in the Preliminary Plat box.
11. A Title Commitment/Proof of Ownership must be provided and approved by the City Attorney.
12. Final Plat to be recorded after acceptance of improvements and floodplain modeling.
13. Provide adequate Right of Way for FM 2303 and SH 108 – label accordingly.
14. Provide sight clips at access point onto FM 2303.
15. Ensure all required Plat language is provided.
16. Show setbacks as presented on site plan.
17. Show landscape buffer as presented on site plan.
18. Show floodplain as presented on site plan.

Applicant Chris Taube was present to answer the Commissioners questions.

Chairperson Lisa LaTouche opened the Public Hearing at 5:34 PM

No one spoke in favor of or against the Preliminary Plat request.

Chairperson Lisa LaTouche closed the Public Hearing at 5:35 PM

MOTION by Nick Robinson, second by Justin Slawson, to grant conditional approval of a Preliminary Plat for Property Located at 315 FM 2303, Parcel R65090 Being Acres 3.020, A0520 MENEFFEE JARRETT; and Parcel R22587, Being 91.830 Acres of the A0520 of MENEFFEE JARRETT; HOUSE & BARN, to the City of Stephenville, Erath County, Texas.

MOTION CARRIED with a vote of 6 to 0. Bonnie Terrell abstained.

**4. CASE NO.: FP2024-001 (PH II)**

**Applicant Taylor Kanute, representing Keewaydin Developments, LLC, is requesting approval of a Final Plat for Phase II of the property located at Clark Lane, Parcel R63366, Acres 1.045 of the S2630 TERRACES OF CLARK LANE; PHASE I; BLOCK 85; LOT 1 & 2A (PTS OF) (CITY ADDTION) COMMON AREAS & FUTURE DEVELOPMENT, to the City of Stephenville, Erath County, Texas**

Development Services Director, Steve Killen provided the report as follows.

The applicant has submitted a Final Plat which, outside minor revisions, conforms with the Preliminary Plat previously approved by the Commission. Staff recommends the Final Plat be approved subject to the following conditions:

1. Public Improvements be accepted by the City of Stephenville Public Works Department.
2. A maintenance bond be submitted to the City of Stephenville Public Works Department.
3. Provide documentation of the recorded Covenants, Conditions and Restrictions for the development's Homeowner's Association.
4. Ensure Plat includes all required language pertaining to required easements.
5. Label Clark Lane as an existing 50' ROW.
6. Update owner information of adjacent parcels.
7. Confirm limits of proposed retaining wall easement. Approved site plan shows retaining wall extends across lots 14-18.
8. Label Private Street as Private Street and Private Utility Easement.
9. Drainage study may require dedicated drainage easements to be reflected on Final Plat.
10. Final Plat to be recorded upon acceptance of improvements.

Applicant Taylor Kanute was present to answer the Commissioners questions.

Chairperson Lisa LaTouche opened the Public Hearing at 5:37 PM

No one spoke for or against the request.

Chairperson Lisa LaTouche closed the Public Hearing at 5:37 PM

MOTION by Brian Lesley, second by Justin Slawson, to recommend conditional approval to City Council of Final Plat for Phase II of the Property Located at Clark Lane, Parcel R63366, Acres 1.045, S2630 TERRACES OF CLARK LANE; PHASE I; BLOCK 85; LOT 1 & 2A (PTS OF) (CITY ADDTION) COMMON AREAS & FUTURE DEVELOPMENT, of the City of Stephenville, Erath County, Texas

MOTION CARRIED unanimously.

**5. CASE NO.: RZ2024-011**

**Applicant Matt Copeland, representing Barefoot Equity Partners, LLC, is requesting a rezone for property located at 961 Clinton St, Being Parcel R32222, S4400 KIGHT SECOND ADDITION, BLOCK 1 & 2, LOT 1B & 11B of the CITY ADDITION, BLOCK 99, LOT 1D; to the City of Stephenville, Erath County, Texas from (R-1) Single Family Residential to (R-2.5) Integrated Housing District**

Development Services Director, Steve Killen provided the report as follows.

The applicant is requesting a rezone to construct a triplex unit. R-2.5 zoning includes two-to-four family dwellings as a permitted use with lot dimension requirements being 75'x100'. This parcel meets the minimum lot dimensions for the intended use; therefore, staff recommends the approval of the rezone.

Individual representing applicant Matt Copeland was present to answer any questions.

Chairperson Lisa LaTouche opened the Public Hearing at 5:38 PM

Pam Wager from property address 1040 W. Pecan St. Stephenville, TX. 76401, only requested verification on what the development would be exactly.

Chairperson Lisa LaTouche closed the Public Hearing at 5:40 PM

MOTION by Nick Robinson, second by Bonnie Terrell, to recommend approval of rezone to City Council for property located at 961 Clinton St, being Parcel R32222, S4400 KIGHT SECOND ADDITION, BLOCK 1 & 2, LOT 1B & 11B; CITY ADDITION, BLOCK 99, LOT 1D; to the City of Stephenville, Erath County, Texas from (R-1) Single Family Residential to (R-2.5) Integrated Housing District

MOTION CARRIED unanimously.

#### 6. CASE NO.: RZ2024-012

**Applicant David Brumfield, representing GREYHOUSE RENTALS LLC, is requesting a rezone for property located at 727 Frey, being Parcel: R28766 of the S2300 BUTLER ADDITION;, BLOCK 2;, LOT 9A; to the City of Stephenville, Erath County, Texas from (R-1) Single Family Residential to (R-2) One and Two-Family Residential**

Development Services Director, Steve Killen provided the report as follows:

The applicant is requesting the rezone to do an addition to the existing home and convert the use of the existing home to a duplex. R-2 zoning includes single-family and two-family dwellings as permitted uses. Duplex style housing will require 75x100 lot dimensions. This lot shows to have approximately 60' of frontage on Frey St. If this rezone is approved, a variance request for a reduced lot width would have to be approved by the Board of Adjustment before the property could be utilized for the intended purpose.

Applicant David Brumfield not present.

Chairperson Lisa LaTouche opened the Public Hearing at 5:44 PM

No one spoke for or against the request.

Chairperson Lisa LaTouche closed the Public Hearing at 5:44 PM

MOTION by Tyler Wright, second by Nick Robinson, to recommend approval of rezone to City Council for property located at 727 Frey, being Parcel: R28766 of the S2300 BUTLER ADDITION;, BLOCK 2;, LOT 9A; to the City of Stephenville, Erath County, Texas from (R-1) Single Family Residential to (R-2) One and Two-Family Residential

MOTION CARRIED unanimously.

#### ADJOURN

Chairperson Lisa LaTouche adjourned the meeting at 5:45 PM.

APPROVED:

ATTEST:

\_\_\_\_\_  
Lisa LaTouche, Chair

\_\_\_\_\_  
Wendy Rangel, Commission Secretary

# STAFF REPORT



**SUBJECT:** Case No.: RP2024-002

Applicant Zane Cole is requesting a replat of property located at 185 W Park St., Parcel R31466, being Block 35, Lot 7 & 8 of the FREY FIRST ADDITION to the City of Stephenville, Erath County, Texas.

**DEPARTMENT:** Development Services

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

**RECOMMENDATION:**

The applicant was granted a rezone request to R-2.5 on August 6, 2024 and is now replatting the property for future development. A boundary dispute with the adjoining property was discovered during the survey. The affected owners have come to agreement and, through this replat, will be relocating the common lot line. Both owners will be required to attest to this boundary resolution via the owner’s certification statement and respective signatures. If the replat is approved by the Commission, no further action will be necessary for recordation.

Staff recommends conditional approval to allow the completion of the following:

1. Show limits of the 50’ ROW along W Park.



**BACKGROUND:****PROPERTY PROFILE:****Sec. 155.4.08. Replat.****A. Purpose and Applicability.**

1. A Replat of all or a portion of a recorded Plat may be approved in accordance with State law without vacation of the recorded Plat, if the Replat:
  - a. Is signed and acknowledged by only the owners of the property being replatted;
  - b. Is approved after a public hearing; and
  - c. Does not propose to amend or remove any covenants or restrictions previously incorporated in the recorded Plat.
2. A Replat shall be subject to approval by the Commission.

**B. General Notice and Public Hearing Requirements.**

1. Published notice of the public hearings on the Replat Application shall be given in accordance with Section 3.05 if applicable.
  - a. See specific notice and hearing requirements for "Certain" Replats in Section 4.08.F.
2. A public hearing shall be conducted by the Commission on all Replat Applications.

**C. Application.** The Application for a Replat of a Subdivision shall meet all Application requirements of a Final Plat. The Applicant shall acknowledge that the Replat will not amend or remove any covenants or restrictions previously incorporated in the recorded Plat.**D. Partial Replat Application.** If a Replat is submitted for only a portion of a previously platted subdivision, the Replat must reference the previous Subdivision name and recording information, and must state on the Replat the specific lots which are being changed along with a detailed "Purpose for Replat" statement.**E. Criteria for Approval.**

1. The Replat of the Subdivision shall meet all review and approval criteria for a Final Plat.
2. The Replat document shall be prepared by a Registered Professional Land Surveyor.

**F. Additional Requirements for "Certain" Replats.**

1. **Applicability of "Certain" Replats.** Pursuant to Texas Local Government Code Chapter 212.015, a Replat without vacation of the preceding Plat must conform to the requirements of this Section if:
  - a. During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot; or

- b. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.
2. *Notice and Public Hearing Requirements for "Certain" Replats.* Notice of the required public hearing shall be given before the fifteenth (15<sup>th</sup>) calendar day before the date of the hearing by:
- a. Publication in an official newspaper or a newspaper of general circulation in the applicable City or unincorporated area (as applicable) in which the proposed Replat property is located; and
  - b. Written notice, with a copy of Section 212.015(c) of the Texas Local Government Code (as amended) attached, forwarded by the City to the owners of lots that are in the original Subdivision and that are within two hundred feet (200') of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a Subdivision within the ETJ, the most recently approved applicable county tax roll of the property upon which the Replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the City.
3. *Protest.*
- a. If the Replat Application is accompanied by a waiver petition (per 7.01) and is protested in accordance with this Section, approval of the Replat shall require the affirmative vote of at least three-fourths of the voting members of the Commission present at the meeting.
  - b. For a legal protest, written instruments signed by the owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the Replat Application and extending two hundred feet (200') from that area, but within the original Subdivision, must be filed with the Commission prior to the close of the public hearing.
  - c. The area of streets and alleys shall be included in the area computations.
- G. *Replat Review and Approval.*
1. *Replat.* The review and approval processes for a Replat shall be the same as the review and approval processes for a Final Plat (except for the special public hearing and notice requirements described in Section 3.05).
  2. *Minor Replat.*
    - a. Pursuant to Texas Local Government Code 212.0065, a Replat involving four (4) or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities (i.e., a Minor Replat may be approved by the City Administrator in accordance with this Section
    - b. Prior to taking action on a proposed Minor Replat the Planning and Zoning Commission shall hold at least one public hearing thereon. Otherwise, the review and approval process shall be the same as including:
      - i. Deferral to the Commission of a Minor Replat Decision.
- H. *Effect.* Upon approval of the Application, the Replat may be recorded and is controlling over the previously recorded Plat for the portion replatted.

**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

- 1) Approve the replat.
- 2) Approve the replat with conditions.
- 3) Disapprove the replat.



### **185 W Park St Project Narrative**

I would like to replat the property at 185 W Park st. I would like to split the property down the middle to allow for the building of another single family home. The left side of the lot will be 50 ft wide by 100 ft deep, and the right side will be 52 ft wide by 100 ft deep. The new home will be 1,300 sq ft and one story. I have already rezoned the property to R-2.5 and have met with many City members and am familiar with the requirements.



**PLAT NOTES**

- CURRENT ZONING: R-2.5 INTEGRATED HOUSING DISTRICT
- EXISTING STRUCTURES ENCRoACH SETBACKS & FUTURE BUILDINGS WILL BE REQUIRED TO MEET SETBACK REQUIREMENTS

CITY OF STEPHENVILLE  
ERATH COUNTY, TEXAS

Director of Development Services \_\_\_\_\_ Date of Approval \_\_\_\_/\_\_\_\_/\_\_\_\_

Attest: \_\_\_\_\_ City Secretary \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

ADDRESS: 185 WEST PARK STREET  
STEPHENVILLE, TX 76401

ADDRESS: 1500 NORTH GRAHAM STREET  
STEPHENVILLE, TX 76401

NOTE: THIS PROPERTY IS LOCATED WITHIN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) ACCORDING TO F.I.R.M. PANEL 48143C0430D, EFFECTIVE NOVEMBER 16, 2011

BEARING BASIS:  
TEXAS STATE PLANE COORDINATE SYSTEM, NAD83  
NORTH CENTRAL TX ZONE, US SURVEY FOOT

NOTE: ALL DISTANCES ARE SURFACE DISTANCES

NOTE: ALL CORNERS ARE SET 1/2" IRON RODS WITH CAP (PRICE SURVEYING) UNLESS OTHERWISE NOTED

**SURVEYOR'S CERTIFICATE**

THIS is to certify that I, Cody Hahn, A Registered Professional Land Surveyor of the State of Texas, have platted the above property from an actual survey on the ground and that all lot corners, angle points, and points of curve will be properly marked on the ground, and that this plat correctly represents that survey made by me or under my direct supervision during SEPTEMBER 2024.

Cody Hahn, R.P.L.S. No. 7030  
JN24649 24649A.dwg  
20143.CRD FN240968

STATE OF TEXAS §  
§ KNOW ALL MEN BY THESE PRESENTS  
COUNTY OF ERATH §

I, Gwinda Jones, Clerk of the County Court of Erath County, do hereby certify that the foregoing instrument in writing, with its certificate of authentication was filed for record and duly recorded in my office this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_ o'clock, \_\_\_\_ M., in the Official Public Records of Erath County in Document No. \_\_\_\_\_ Cabinet \_\_\_\_\_ Slide \_\_\_\_\_

TO CERTIFY WHICH, WITNESS my hand and seal at the County Court of Erath County, at my office in Erath, Texas, the date last shown above written.

BY: \_\_\_\_\_  
GWINDA JONES  
Clerk of County Court of Erath County, Texas

BY: \_\_\_\_\_  
Deputy

**LAND DESCRIPTION**

Of a 0.440 acre tract of land, being all of Lots 5, 6, 7 and 8 in Block 35 of Frey First Addition to the City of Stephenville, Erath County, Texas, as shown on King's 1956 Map of Stephenville, adoption and dedication thereof recorded in Volume 381, Page 105 of the Deed Records of Erath County, Texas; and being further described by metes and bounds as follows:

Beginning at a set 1/2" iron rod with cap (PRICE SURVEYING) at the intersection of the north line of West Park Street and the east line of North Belknap Avenue, at the southwest corner of said Lot 8 and Block 35, for the southwest and beginning corner of this tract.

Thence with the east line of said Belknap Avenue and the west line of said Block 35, N. 30 Deg. 23 min. 46 sec. W. 99.85 feet to a set 1/2" iron rod with cap (PRICE SURVEYING), for the northwest corner of this tract and said Lot 7, from which a found 3/8" iron rod at the northwest corner of Block 36 and at the intersection of the east line of said Belknap Avenue and the south line of Lingleville Highway (Farm Road No. 8) bears N. 30 deg. 23 min. 46 sec. W. 327.85 feet and a found iron bar bears S. 60 deg. 39 min. 47 sec. W. 6.44 feet.

Thence leaving said Belknap Avenue, N. 60 deg. 39 min. 47 sec. E. 191.91 feet to a found 3/8" iron rod in the west line of North Graham Avenue (State Highway No. 108) and the east line of said Block 35, for the northeast corner of this tract and said Lot 6.

Thence with the west line of said North Graham Avenue, S. 30 deg. 27 min. 19 sec. E. 99.79 feet to a set 1/2" iron rod with cap (PRICE SURVEYING) in the north line of said West Park Street, for the southeast corner of this tract, said Lot 5 and said Block 35.

Thence with the north line of said West Park Street, S. 60 deg. 38 min. 42 sec. W. 192.01 feet to the place of beginning.

**OWNER'S CERTIFICATE**

Now therefore know all men by these presents:

That, Zane Cole, owner of Lots 7 & 8, do hereby adopt this plat designating the herein described property as Lot 10 & 11, Block 35, Frey First Addition to the City of Stephenville, Erath County, Texas. The easements shown thereon are hereby reserved for the purposes as indicated. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed, reconstructed, or placed upon, over or across the easements shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use the same. Any, and all public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, of efficiency of its respective system on the easements and all public utilities shall at all times have full right of ingress and egress to or from and upon reconstructing, inspecting, patrolling, maintaining, respective systems without the necessity at any time of procuring the permission of anyone.

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

This plat approved, subject to all platting ordinances, rules, regulations and resolutions of The City of Stephenville, Erath County, Texas.

Witness my hand, This the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Owner

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared \_\_\_\_\_, known to me to be the person(s) whose name(s) is(are) \_\_\_\_\_, subscribed to the foregoing instrument, and acknowledged to me that he (she) (they) executed the same for the purposes and consideration therein expressed and in the capacity stated.

GIVEN under my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Signature

My Commission Expires On \_\_\_\_\_

**OWNER'S CERTIFICATE**

Now therefore know all men by these presents:

That, AKB Prime Investments, LLC, owner of Lots 5 & 6, do hereby adopt this plat designating the herein described property as Lot 10 & 11, Block 35, Frey First Addition to the City of Stephenville, Erath County, Texas. The easements shown thereon are hereby reserved for the purposes as indicated. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed, reconstructed, or placed upon, over or across the easements shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use the same. Any, and all public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, of efficiency of its respective system on the easements and all public utilities shall at all times have full right of ingress and egress to or from and upon reconstructing, inspecting, patrolling, maintaining, respective systems without the necessity at any time of procuring the permission of anyone.

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

This plat approved, subject to all platting ordinances, rules, regulations and resolutions of The City of Stephenville, Erath County, Texas.

Witness my hand, This the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Owner

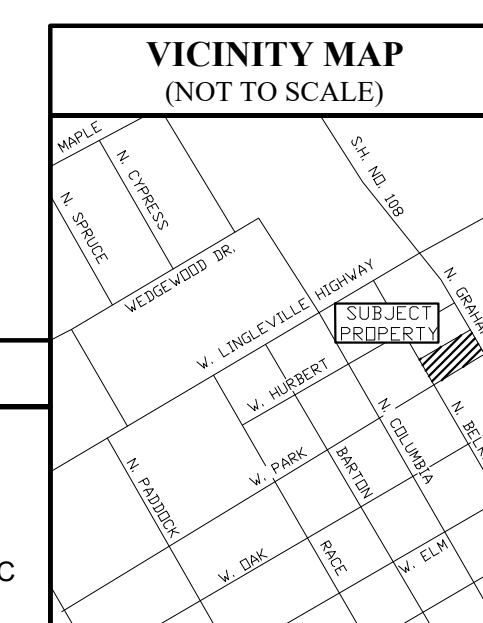
STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared \_\_\_\_\_, known to me to be the person(s) whose name(s) is(are) \_\_\_\_\_, subscribed to the foregoing instrument, and acknowledged to me that he (she) (they) executed the same for the purposes and consideration therein expressed and in the capacity stated.

GIVEN under my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Signature

My Commission Expires On \_\_\_\_\_

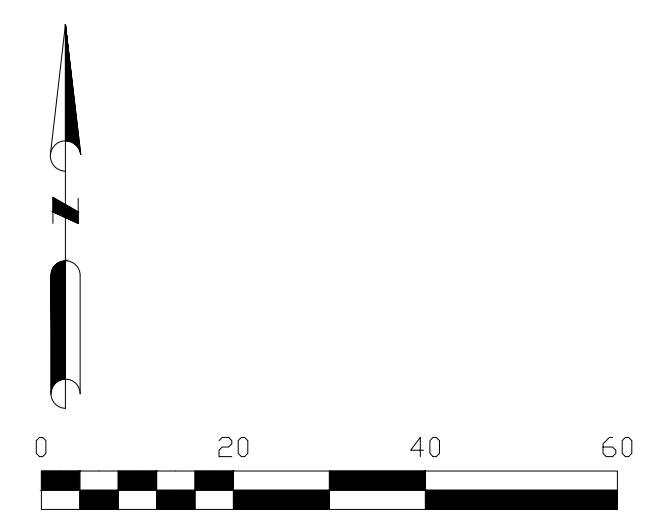


**REPLAT**  
**LOT 10, LOT 11 & LOT 12, BLOCK 35**  
**FREY FIRST ADDITION**  
**CITY OF STEPHENVILLE**

Being all of Lot 5, Lot 6, Lot 7 and Lot 8 in Block 35, Frey First Addition to the City of Stephenville, Erath County, Texas, as shown on King's 1956 Map of Stephenville, adoption thereof recorded in Volume 381, Page 105 of the Deed Records of Erath County, Texas

**SURVEYOR**  
Cody Hahn  
Price Surveying, LP  
FIRM# 10194051  
1100 E Washington Street  
Stephenville, TX 76401  
254-965-5489

**OWNER**  
ZANE COLE  
AKB PRIME INVESTMENTS, LLC





# STAFF REPORT



**SUBJECT:** Case No.: RP2024-003

Applicant Zane Cole is requesting a replat of property located at 811 W Oak, Parcel R31133, being Block 7, Lot 2 of the CROW STYLES ADDITION to the City of Stephenville, Erath County, Texas.

**DEPARTMENT:** Development Services

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

## RECOMMENDATION:

The applicant has met with city staff for a pre-development review. He is requesting a replat to subdivide the parcel for the future construction of four-plex housing unit which is a use-by-right. The existing structure will remain. The newly created lots will meet the minimum lot dimension and setback requirements.

Staff recommends conditional approval based on the completion of the following items:

1. Label W. Oak street as an Existing 50' ROW.
2. Easements will be required if existing water and sewer services for proposed lot 4 extend into the proposed lot 3.

## BACKGROUND:

### PROPERTY PROFILE:



**Complete Neighborhood**

The Complete Neighborhood land use accommodates a mix of uses at a moderate density. A mix of housing types is encouraged to accommodate a range of residents. Local retail and service businesses are located on active corridors and parks and green spaces are integrated within the district.



\*

**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 well being of the intended district environment.

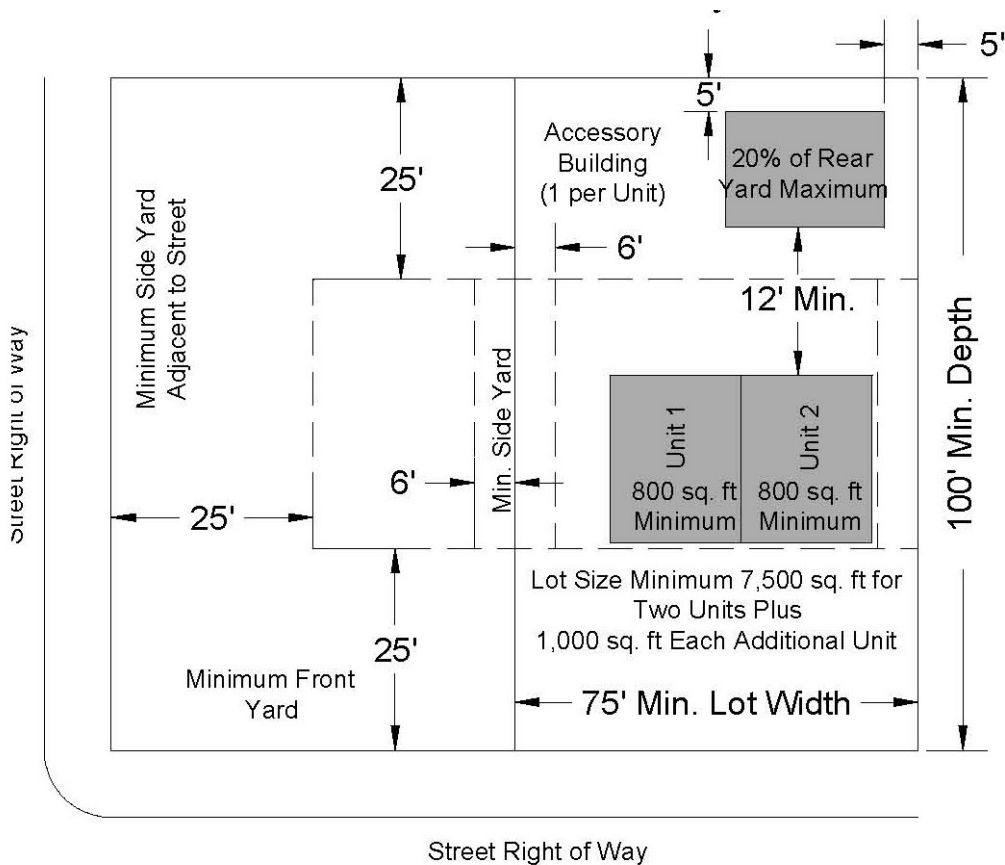
**5.6.B Permitted Uses.**

- (1) Single-family detached dwelling, limited to occupancy by a family having no more than three individuals who are unrelated by blood, legal adoption, marriage or conservatorship. The owner and any agent of the owner shall be legally responsible for directly or indirectly allowing, permitting, causing, or failing to prohibit residential use of a dwelling in this district by more than three unrelated individuals;
- (2) Two-to-four family dwellings, with each family limited as in division (1) above;
- (3) 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;

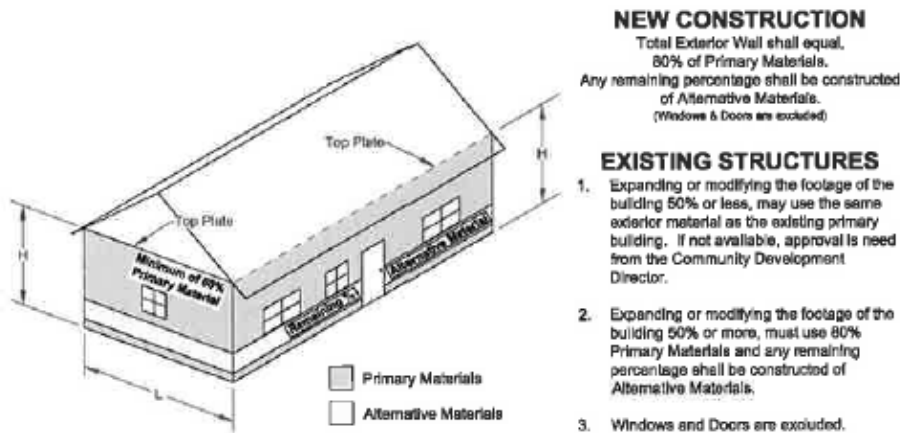
- (4) Foster group home; and
  - (5) Residence hall.
- (B) *Two-to-four family.*
- (1) Minimum lot area: 7,500 ft<sup>2</sup> for two dwelling units, plus 1,000 ft<sup>2</sup> for each additional dwelling unit.
  - (2) Minimum lot width and lot frontage: 75 feet.
  - (3) Minimum lot depth: 100 feet.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



**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 must require 1.5 spaces per rented bed.

**5.6.F Type of Construction.**

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



(Am. Ord. 2007-24, passed 12-4-2007; Am. Ord. 2008-13, passed 7-1-2008; Ord. 2011-26, passed 12-6-2011; Am. Ord. 2021-O-29, § 1, passed 9-7-2021)

### Sec. 155.4.08. Replat.

#### A. Purpose and Applicability.

1. A Replat of all or a portion of a recorded Plat may be approved in accordance with State law without vacation of the recorded Plat, if the Replat:
  - a. Is signed and acknowledged by only the owners of the property being replatted;
  - b. Is approved after a public hearing; and
  - c. Does not propose to amend or remove any covenants or restrictions previously incorporated in the recorded Plat.
2. A Replat shall be subject to approval by the Commission.

#### B. General Notice and Public Hearing Requirements.

1. Published notice of the public hearings on the Replat Application shall be given in accordance with Section 3.05 if applicable.
  - a. See specific notice and hearing requirements for "Certain" Replats in Section 4.08.F.
2. A public hearing shall be conducted by the Commission on all Replat Applications.

C. *Application.* The Application for a Replat of a Subdivision shall meet all Application requirements of a Final Plat. The Applicant shall acknowledge that the Replat will not amend or remove any covenants or restrictions previously incorporated in the recorded Plat.

D. *Partial Replat Application.* If a Replat is submitted for only a portion of a previously platted subdivision, the Replat must reference the previous Subdivision name and recording information, and must state on the Replat the specific lots which are being changed along with a detailed "Purpose for Replat" statement.

#### E. Criteria for Approval.

1. The Replat of the Subdivision shall meet all review and approval criteria for a Final Plat.
2. The Replat document shall be prepared by a Registered Professional Land Surveyor.

#### F. Additional Requirements for "Certain" Replats.

1. *Applicability of "Certain" Replats.* Pursuant to Texas Local Government Code Chapter 212.015, a Replat without vacation of the preceding Plat must conform to the requirements of this Section if:
  - a. During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot; or
  - b. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.

2. *Notice and Public Hearing Requirements for "Certain" Replats.* Notice of the required public hearing shall be given before the fifteenth (15<sup>th</sup>) calendar day before the date of the hearing by:
  - a. Publication in an official newspaper or a newspaper of general circulation in the applicable City or unincorporated area (as applicable) in which the proposed Replat property is located; and
  - b. Written notice, with a copy of Section 212.015(c) of the Texas Local Government Code (as amended) attached, forwarded by the City to the owners of lots that are in the original Subdivision and that are within two hundred feet (200') of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a Subdivision within the ETJ, the most recently approved applicable county tax roll of the property upon which the Replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the City.

3. Protest.

- a. If the Replat Application is accompanied by a waiver petition (per 7.01) and is protested in accordance with this Section, approval of the Replat shall require the affirmative vote of at least three-fourths of the voting members of the Commission present at the meeting.
- b. For a legal protest, written instruments signed by the owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the Replat Application and extending two hundred feet (200') from that area, but within the original Subdivision, must be filed with the Commission prior to the close of the public hearing.
- c. The area of streets and alleys shall be included in the area computations.

- G. *Replat Review and Approval.*

1. *Replat.* The review and approval processes for a Replat shall be the same as the review and approval processes for a Final Plat (except for the special public hearing and notice requirements described in Section 3.05.
2. *Minor Replat.*
  - a. Pursuant to Texas Local Government Code 212.0065, a Replat involving four (4) or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities (i.e., a Minor Replat may be approved by the City Administrator in accordance with this Section
  - b. Prior to taking action on a proposed Minor Replat the Planning and Zoning Commission shall hold at least one public hearing thereon. Otherwise, the review and approval process shall be the same as including:
    - i. Deferral to the Commission of a Minor Replat Decision.

- H. *Effect.* Upon approval of the Application, the Replat may be recorded and is controlling over the previously recorded Plat for the portion replatted.

**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:**

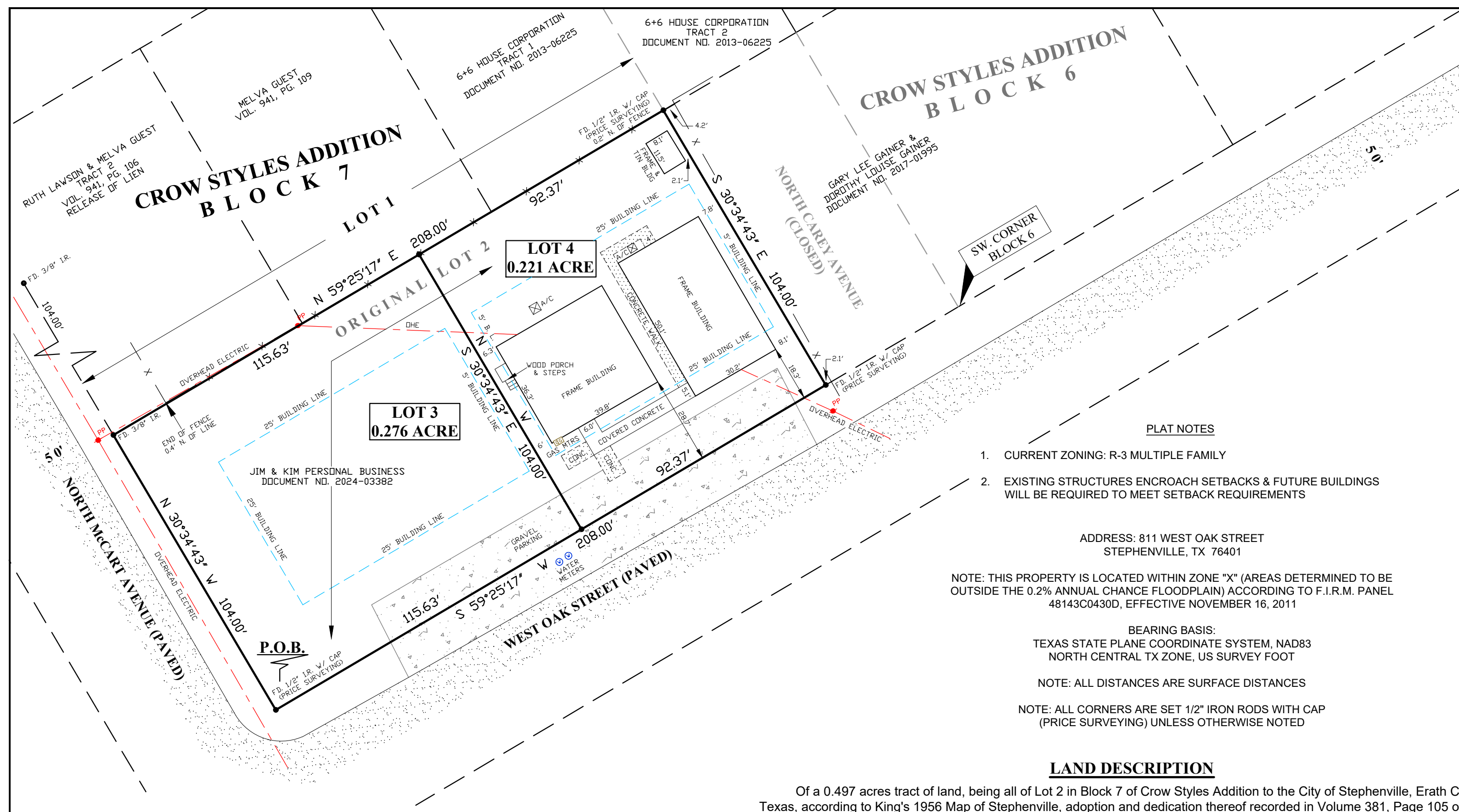
- 1) Approve the replat.
- 2) Approve the replat with conditions.



3) Disapprove the replat.

### 811 W Oak Project Narrative

We would like to replat the property at 811 W Oak st to allow for the building of a Four-plex. We intend to split the current property 6 ft to the left of the existing duplex to allow ample space to build the four units. The lot on the left will be 115 ft wide and 104 ft deep, the lot on the right will be 92 ft wide and 104 ft deep. We have completed a pre development meeting going over all the requirements and are familiar with what the City expects of us. The four-plex footprint will be 4,000 sq ft with each unit being 2 stories for a total of 1,600 sq ft per unit. Each unit will have a garage along with driveways that meet all requirements and sidewalks, curbs and gutters.



**OWNER'S CERTIFICATE**

Now therefore know all men by these presents:

That, James Trinkle and Kimberly Trinkle, owners of Lot 2, Block 7, Crow Styles Addition to the City of Stephenville, Erath County, Texas, do hereby adopt this plat designating the herein described property as Lot 3, & Lot 4, Block 7, Crow Styles Addition to the City of Stephenville, Erath County, Texas. The easements shown thereon are hereby reserved for the purposes as indicated. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed, reconstructed, or placed upon, over or across the easements shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use the same. Any, and all public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, of efficiency of its respective system on the easements and all public utilities shall at all times have full right of ingress and egress to or from and upon reconstructing, inspecting, patrolling, maintaining, respective systems without the necessity at any time of procuring the permission of anyone.

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

This plat approved, subject to all platting ordinances, rules, regulations and resolutions of The City of Stephenville, Erath County, Texas.

Witness my hand, This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Owner \_\_\_\_\_ Owner \_\_\_\_\_

**PLAT NOTES**

1. CURRENT ZONING: R-3 MULTIPLE FAMILY
2. EXISTING STRUCTURES ENCR OACH SETBACKS & FUTURE BUILDINGS WILL BE REQUIRED TO MEET SETBACK REQUIREMENTS

ADDRESS: 811 WEST OAK STREET  
STEPHENVILLE, TX 76401

NOTE: THIS PROPERTY IS LOCATED WITHIN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) ACCORDING TO F.I.R.M. PANEL 48143C0430D, EFFECTIVE NOVEMBER 16, 2011

BEARING BASIS:  
TEXAS STATE PLANE COORDINATE SYSTEM, NAD83  
NORTH CENTRAL TX ZONE, US SURVEY FOOT

NOTE: ALL DISTANCES ARE SURFACE DISTANCES

NOTE: ALL CORNERS ARE SET 1/2" IRON RODS WITH CAP (PRICE SURVEYING) UNLESS OTHERWISE NOTED

**LAND DESCRIPTION**

Of a 0.497 acres tract of land, being all of Lot 2 in Block 7 of Crow Styles Addition to the City of Stephenville, Erath County, Texas, according to King's 1956 Map of Stephenville, adoption and dedication thereof recorded in Volume 381, Page 105 of the Deed Records of Erath County, Texas; being the same tract deeded to Jim & Kim Personal Business in Document No. 2024-03382 of the Official Public Records of Erath County, Texas; and being further described by metes and bounds as follows:

Beginning at a found 1/2" iron rod with cap (PRICE SURVEYING) at the intersection of the north line of West Oak Street (paved) and the east line of North McCart Avenue (paved) and at the southwest corner of said Lot 2, for the southwest and beginning corner of this tract.

Thence with the east line of said North McCart Avenue, N. 30 deg. 34 min. 43 sec. W. 104.00 feet to a found 3/8" iron rod at the southwest corner of Lot 1, for the northwest corner of this and said Lot 2.

Thence leaving said North McCart Avenue, N. 59 deg. 25 min. 17 sec. E. 208.00 feet to a found 1/2" iron rod with cap (PRICE SURVEYING) in the west right of way line of North Carey Avenue (not open) and at the southeast corner of said Lot 1, for the northeast corner of this and said Lot 2.

Thence with the west line of said North Carey Avenue, S. 30 deg. 34 min. 43 sec. E. 104.00 feet to a found 1/2" iron rod with cap (PRICE SURVEYING) in the north line of said West Oak Street, for the southeast corner of this and said Lot 2.

Thence with the north line of said West Oak Street, S. 59 deg. 25 min. 17 sec. W. 208.00 feet to the place of beginning.

STATE OF TEXAS §  
§ KNOW ALL MEN BY THESE PRESENTS  
COUNTY OF ERATH §

I, Gwinda Jones, Clerk of the County Court of Erath County, do hereby certify that the foregoing instrument in writing, with its certificate of authentication was filed for record and duly recorded in my office this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_\_ M., in the Official Public Records of Erath County in Document No. \_\_\_\_\_ Cabinet \_\_\_\_\_ Slide \_\_\_\_\_

TO CERTIFY WHICH, WITNESS my hand and seal at the County Court of Erath County, at my office in Erath, Texas, the date last shown above written.

BY: \_\_\_\_\_  
GWINDA JONES  
Clerk of County Court of Erath County, Texas

BY: \_\_\_\_\_  
Deputy

CITY OF STEPHENVILLE  
ERATH COUNTY, TEXAS

\_\_\_\_\_, Director of Development Services \_\_\_\_\_ Date of Approval

Attest: \_\_\_\_\_, City Secretary \_\_\_\_\_ Date

**SURVEYOR'S CERTIFICATE**

THIS is to certify that I, CODY HAHN, A Registered Professional Land Surveyor of the State of Texas, have platted the above property from an actual survey on the ground and that all lot corners, angle points, and points of curve will be properly marked on the ground, and that this plat correctly represents that survey made by me or under my direct supervision during JULY 2024.

Cody Hahn, R.P.L.S. No. 7030  
JN24648 20143.CRD FN240751



SURVEYOR	OWNER
Cody Hahn Price Surveying, LP FIRM# 10194051 1100 E Washington Street Stephenville, TX 76401 254-965-5489	JAMES TRINKLE  KIMBERLY TRINKLE

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared \_\_\_\_\_, known to me to be the person(s) whose name(s) is(are) subscribed to the foregoing instrument, and acknowledged to me that he (she) (they) executed the same for the purposes and consideration therein expressed and in the capacity stated.

GIVEN under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Signature

My Commission Expires On \_\_\_\_\_

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared \_\_\_\_\_, known to me to be the person(s) whose name(s) is(are) subscribed to the foregoing instrument, and acknowledged to me that he (she) (they) executed the same for the purposes and consideration therein expressed and in the capacity stated.

GIVEN under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Signature

My Commission Expires On \_\_\_\_\_

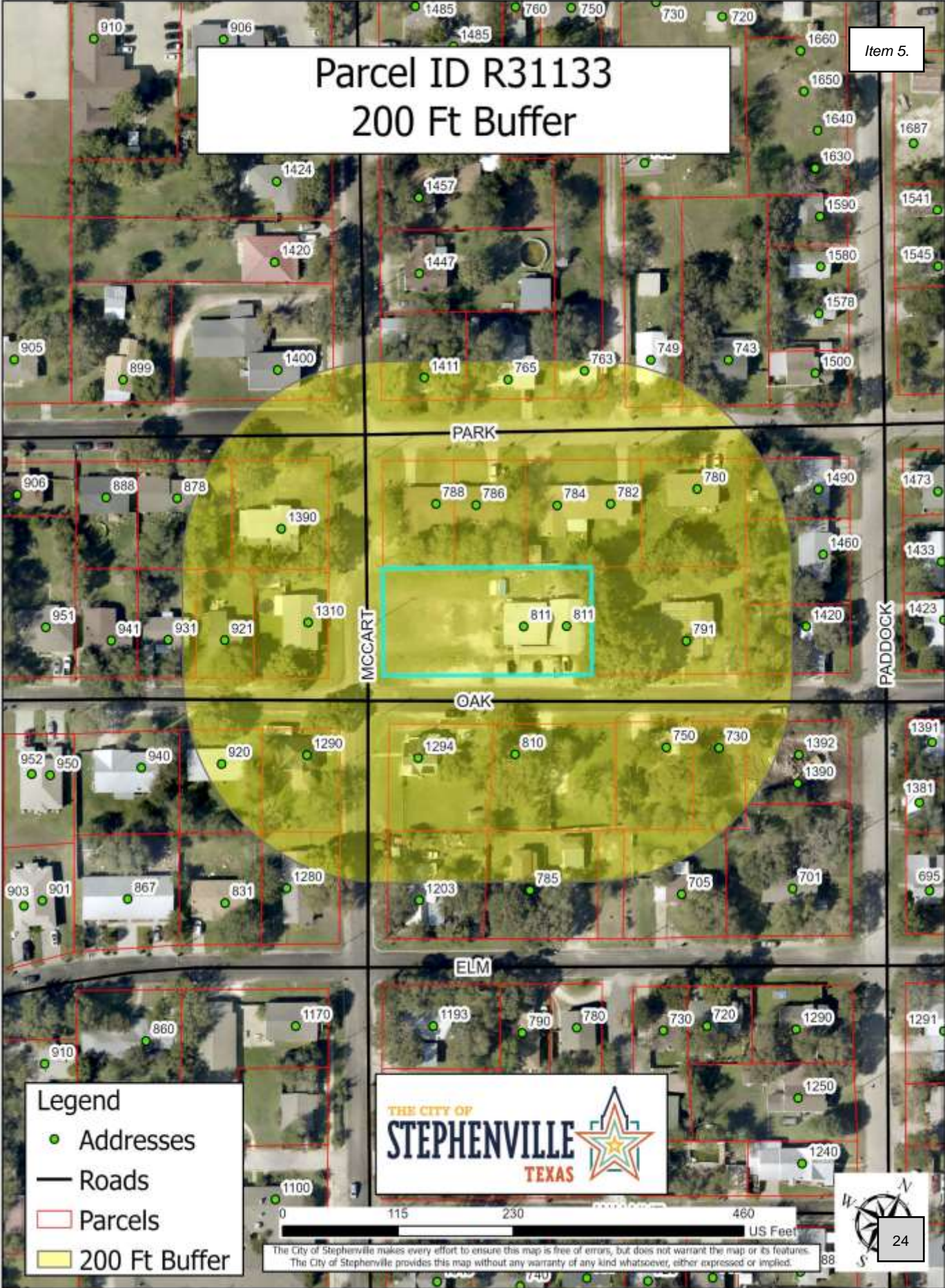
**REPLAT**

**LOT 3 & LOT 4, BLOCK 7  
CROW STYLES ADDITION  
CITY OF STEPHENVILLE**

Being all of Lot 2 in Block 7 of Crow Styles Addition to the City of Stephenville, Erath County, Texas, as shown on King's 1956 Map of Stephenville, adoption and dedication thereof recorded in Volume 381, Page 105 of the Deed Records of Erath County, Texas



# Parcel ID R31133 200 Ft Buffer



**Legend**

- Addresses
- Roads
- ▭ Parcels
- 200 Ft Buffer



0 115 230 460 US Feet

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



# Parcel ID R31133 Current Zoning - R-3 Multiple Family



**Legend**

- Addresses
- Roads
- ▭ Parcels

**Zoning**

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

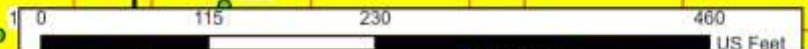


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# Parcel ID R31133 Future Land Use - Complete Neighborhood



- Legend**
- Addresses
  - Roads
  - ▭ Parcels
  - Future Land Use**
  - ▭ Community Core
  - ▭ Complete Neighborhood
  - ▭ Open Space/Hazard
  - ▭ Rural
  - ▭ Special District
  - ▭ Town Center Mixed Use



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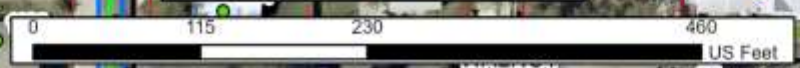


# Parcel ID R31133 Water & Sewer Utilities



**Legend**

- Addresses
- Roads
- Parcels
- Sewer Line
- Water Line



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



# Parcel R31133

Item 5.

## 200 Ft Buffer Addresses

Parcel ID	Parcel Address	Parcel Owner	Owner Address	City	State	Zip Code
R000031132	784 PARK STREET	6 + 6 HOUSING CORPORATION	1851 CARROLL FANCHER WAY APT 416	COLLEGE STATION	TX	77845
R000073933	743 PARK STREET	ALLEN KENNETH & COURTNEY GOODNIGHT ALLEN	1481 N OAK BRANCH RD	WAXAHACHIE	TX	75167
R000072583	0 ELM	ANGUIANO J INES & NOHEMI	720 ELM	STEPHENVILLE	TX	76401
R000031149	785 ELM	ANGUIANO JOSE INES & NOHEMI	720 W ELM ST	STEPHENVILLE	TX	76401
R000031152	1390 Paddock	BARRY HOLDINGS, LLC	27680 BENIGNI AVE	MEIFEE	CA	92585
R000031147	1294 MCCART	BOYD CHRISTOPHER C	1294 N MCCART	STEPHENVILLE	TX	76401
R000031141	1290 MCCART	BRADSHAW JAMES & KAREN RENAE RASBERRY	1290 N MCCART	STEPHENVILLE	TX	76401
R000042863	1411 MCCART	CANADY DAVID & LISA	1411 MCCART	STEPHENVILLE	TX	76401-0000
R000031154	701 ELM	CARLSON LANE G	701 W ELM	STEPHENVILLE	TX	76401
R000031148	1203 MCCART	CASTILLO JUAN ANTONIO & CRUZ CASTILLO	1203 MCCART	STEPHENVILLE	TX	76401
R000031125	780 PARK STREET	COATS JIM & PATSY	1187 AZALEA LN	STEPHENVILLE	TX	76401-0000
R000031087	1400 MCCART	CROSS TIMBERS BAPTIST CHURCH	1400 N MCCART	STEPHENVILLE	TX	76401-2436
R000031094	763 PARK STREET	CRUSE PAUL D	16399 CHAPEL HILL CT	ROANOKE	TX	76262
R000031143	1280 MCCART	DE LA CERDA PAULA & CARLOS JR	22047 SENNA HILLS	GARDEN RIDGE	TX	78266
R000031142	920 OAK	DOWELL ISABELL	920 W OAK	STEPHENVILLE	TX	76401
R000031144	831 W ELM	ELM INVESTMENT PROPERTIES, LLC	PO BOX 413	BLUFF DALE	TX	76433
R000031126	791 OAK	GAINER GARY LEE & DOROTHY LOUISE GAINER	629 CR544	EASTLAND	TX	76448
R000031134	1390 MCCART	GOODMAN EDDIE	1390 N MCCART	STEPHENVILLE	TX	76401
R000031130	786 PARK STREET	GUEST MELVA L	21009 N SH108	STEPHENVILLE	TX	76401-6423
R000031131	788 PARK STREET	GUEST MELVA L	21009 N SH108	STEPHENVILLE	TX	76401-6423
R000031101	749 PARK STREET	HUDSON MICHAEL WESLEY & STACEY LOIS	110 EDGECREEK COURT	GRANBURY	TX	76049
R000031133	811 W OAK	JIM & KIM PERSONAL BUSINESS	394 PR 1096	STEPHENVILLE	TX	76401
R000031136	878 PARK STREET	JOHNSON SARAH E SEALE	878 W PARK	STEPHENVILLE	TX	76401
R000031137	931 OAK	KING JAMES & SHYRA	2100 HILLS CT	STEPHENVILLE	TX	76401
R000031129	1490 Paddock	LAND LELA AMANDA	1490 Paddock	STEPHENVILLE	TX	76401
R000031150	810 OAK	MAURITAS II LLC	1604 E 19TH	ROSWELL	NM	88201
R000031127	1420 Paddock	MURPHY JOSHUA D & DENNIS	1420 N Paddock	STEPHENVILLE	TX	76401
R000031153	705 ELM	NELSON BESSIE	674 N BARTON ST	STEPHENVILLE	TX	76401
R000031093	765 PARK STREET	ROY LISA	765 W PARK	STEPHENVILLE	TX	76401
R000031138	1310 N MCCART	RYAN JERRI DAWN & DANIEL ADAM RYAN	1310 N MCCART	STEPHENVILLE	TX	76401
R000031139	921 OAK	SAUCIER PROPERTY MANAGEMENT LLC	413 GRANADA CALLE CT	GRANBURY	TX	76049
R000031151	750 OAK	SHARP THOMAS EDWARD & AMANDA C SHARP	433 SCHOOLHOUSE RD	WINDTHORST	TX	76389
R000078364	730 W OAK ST	TRIPLE W REMODELING, LLC AND	101 TANGLEWOOD LANE	STEPHENVILLE	TX	76401
R000031128	1460 Paddock	TUCKER JAMES LYNN & CATHY	1460 Paddock	STEPHENVILLE	TX	76401-0000





# STAFF REPORT

**SUBJECT:** Case No.: RZ2024-014

Applicant Craig and Lisa Welch are requesting a rezone of property located at 432 Collins, Parcel R32536, being S5100 MILLICAN & OTT ADDITION; BLOCK 1, LOT 1B & 2B to the City of Stephenville, Erath County, Texas from R-1 single family to R-2.5 integrated housing.

**DEPARTMENT:** Development Services

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

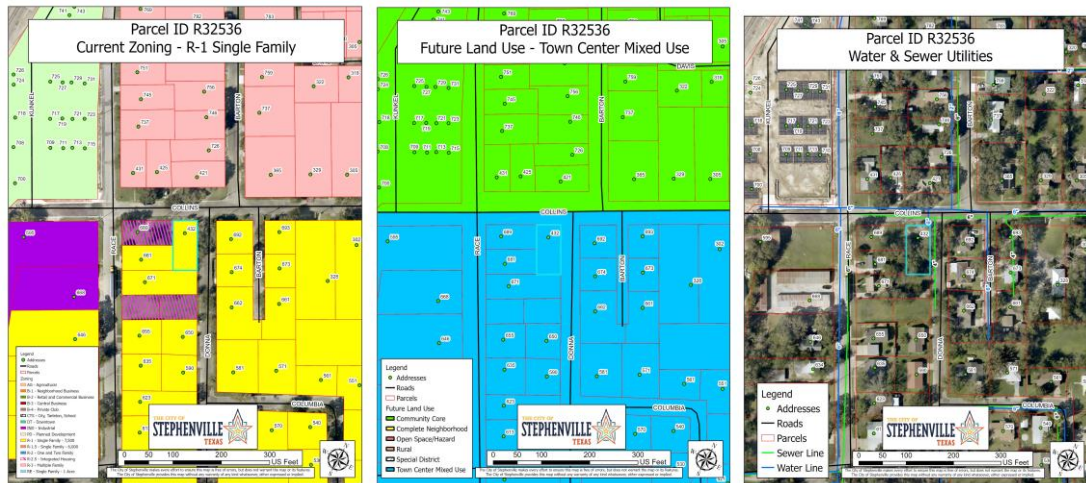
## RECOMMENDATION:

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

## BACKGROUND:

The applicant is requesting a rezone to R-2.5 for the construction of either townhomes or two-to-four family units contingent upon site plan configurations.

## PROPERTY PROFILE:



### FUTURE LAND USE

#### Town Center Mixed-Use

The Town Center Mixed-Use land use encourages a mix of uses including residential, purpose-built student housing, offices, retail, and recreational at higher densities. These areas are hubs for commerce, entertainment, education, and culture, with numerous offices, shops, restaurants, theaters, and art galleries.



## Sec. 154.05.8 Integrated housing district (R-2.5).

**5.8.A Description.** This integrated residential housing district provides for medium-density city neighborhood development. The primary land use allows for single-family dwellings, two-to-four family dwelling units, patio homes, condominiums and townhomes. Generally, this district is for developments resulting in individually platted homes or dwelling units and generally, owner occupied. 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 aesthetic and functional well-being of the intended district environment. The Integrated Housing District will be applicable to all Residential Districts, B-1 Neighborhood Business District (B-1), Central Business District (B-3), and Downtown District (DT).

### 5.8.B Permitted Uses.

1. Single-family detached dwelling, limited to occupancy by a family having no more than three individuals who are unrelated by blood, legal adoption, marriage or conservatorship. The owner and any agent of the owner shall be legally responsible for directly or indirectly allowing, permitting, causing, or failing to prohibit residential use of a dwelling in this district by more than three unrelated individuals.
2. Two-to-four family dwellings, with each family limited as in division (1) above;
3. Townhouse dwellings, with each family limited as in division (1) above;
4. Condominium dwellings, with each family limited as in division (1) above;

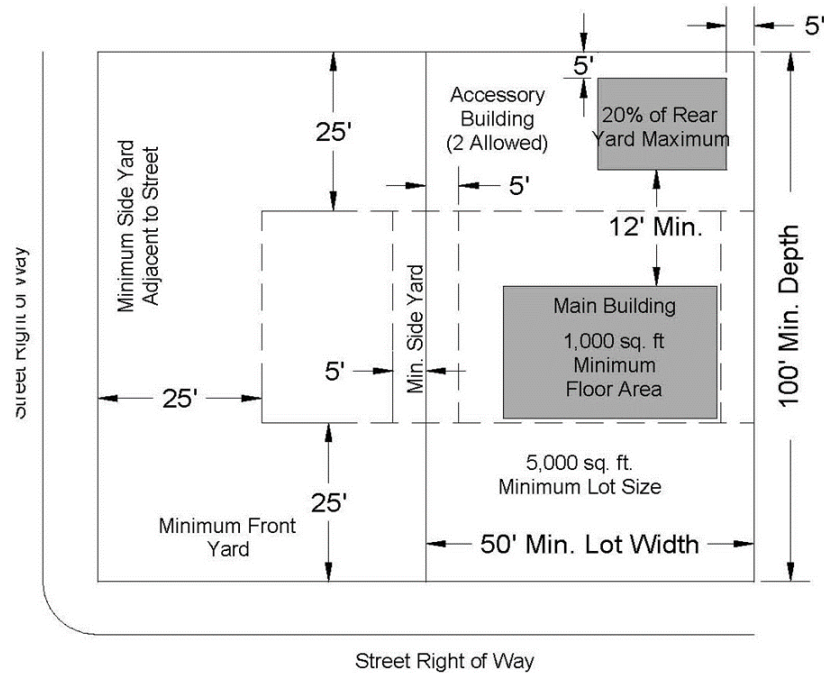
### 5.8.C Conditional Uses.

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.

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

- A. Single family dwelling.
  1. Minimum lot area: 3,000 ft<sup>2</sup>.
  2. Minimum lot width and lot frontage: 50 feet.
  3. Minimum lot depth: 60 feet.
  4. Minimum depth of front setback: 15 feet.
  5. Minimum depth of rear setback: 15 feet.
  6. Minimum width of side setback:
    - a. Internal lot: five feet.
    - b. Corner lot: 15 feet from intersecting side street.
  7. Building size:
    - a. Maximum coverage as a percentage of lot area: 40%.
    - b. Single family dwelling: 1,000 ft<sup>2</sup>.
  8. Accessory buildings:
    - a. Maximum accessory buildings coverage of rear yard: 20%.
    - b. Maximum number of accessory buildings: one.
    - c. Minimum depth of side setback: five feet.

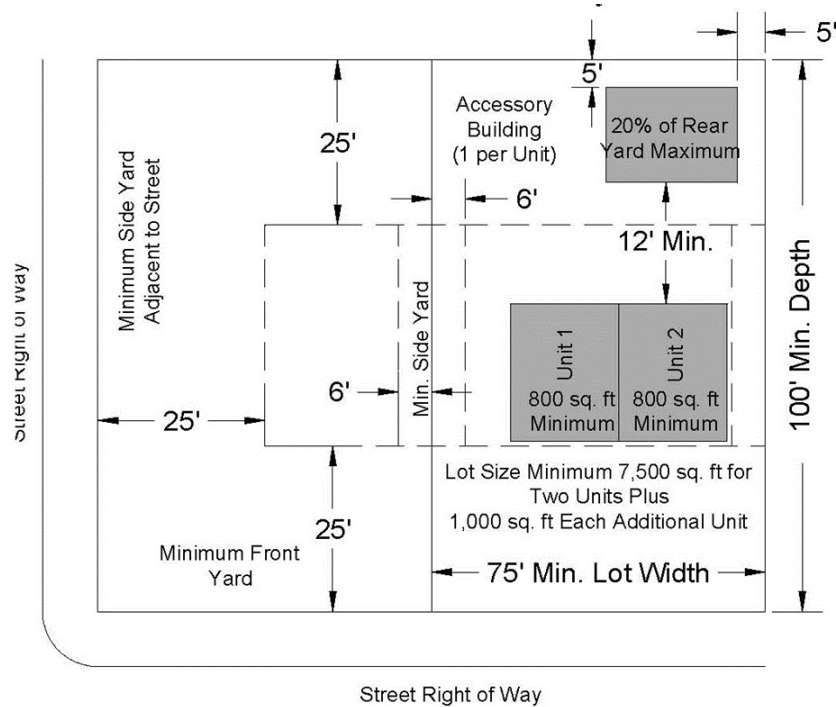
- d. Minimum depth of rear setback: five feet.
  - e. Minimum depth from the edge of the main building: 12 feet.
9. Maximum height of structures: 35 feet.
  10. Public, semi-public or public service buildings, hospitals, institutions or schools may not exceed a height of 60 feet. Churches, temples and mosques may not exceed 75 feet, if the building is set back from each yard line at least one foot for each two feet additional height above the height limit in this district.



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

1. Minimum lot area: 7,500 ft<sup>2</sup> for two dwelling units, plus 1,000 ft<sup>2</sup> for each additional dwelling unit.
2. Minimum lot width and lot frontage: 75 feet.
3. Minimum lot depth: 100 feet.
4. Minimum depth of front setback: 15 feet.
5. Minimum depth of rear setback: 15 feet.
6. Minimum width of side setback:
  - a. Internal lot: six feet.
  - b. Corner lot: 15 feet from intersecting side street.
7. Building size:
  - a. Maximum coverage as a percentage of lot area: 40%.
  - b. Minimum area of each dwelling unit: 800 ft<sup>2</sup>.
8. Accessory buildings:
  - a. Maximum accessory building coverage of rear yard: 20%.
  - b. Maximum area of each accessory building: 200 ft<sup>2</sup>.
  - c. Maximum number of accessory buildings: one per unit.
  - d. Minimum depth of side setback: five feet.
  - e. Minimum depth of rear setback: five feet.

- f. Minimum depth from the edge of the main building: 12 feet.
9. Maximum height of structures: 35 feet.
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C. Townhouse/Condominium.

1. Minimum lot area: 3,000 ft<sup>2</sup> per unit.
2. Minimum average lot width and lot frontage: 30 feet.
3. Minimum lot depth: 100 feet.
4. Minimum depth of front setback: 15 feet.
5. Minimum depth of rear setback: 15 feet.
6. Minimum width of side setback:
  - a. Internal lot: five feet.
  - b. Corner lot: 15 feet from intersecting side street.
7. Building size:
  - a. Maximum building coverage as a percentage of lot area: 40%
  - b. Minimum area of each Townhouse dwelling unit: 800 ft<sup>2</sup>.
  - c. Minimum area of each Condominium 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.
8. Accessory buildings:
  - a. Maximum accessory building coverage of rear yard: 20%.
  - b. Maximum area of each accessory building: 200 ft<sup>2</sup>.
  - c. Maximum number of accessory buildings: one per unit.
  - d. Minimum depth of side setback: five feet.
  - e. Minimum depth of rear setback: five feet.

- f. Minimum depth from the edge of the main building: 12 feet.
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- 11. Maximum density of Townhome or Condominium Housing within the R-2.5 District shall not exceed 14 units per acres with each unit platted separately.
- 12. Deviations from the required standards within the R-2.5 district will be subject to site plan review by the Planning and Zoning Commission and subsequent approval by City Council. Site plans should include renderings with elevations, a finish schedule and incorporate architectural designs that complement the existing structures of the area of integration.

**5.8.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.

( Ord. No. 2021-O-28 , § 1, passed 9-7-2021)

**FACTORS TO CONSIDER:**

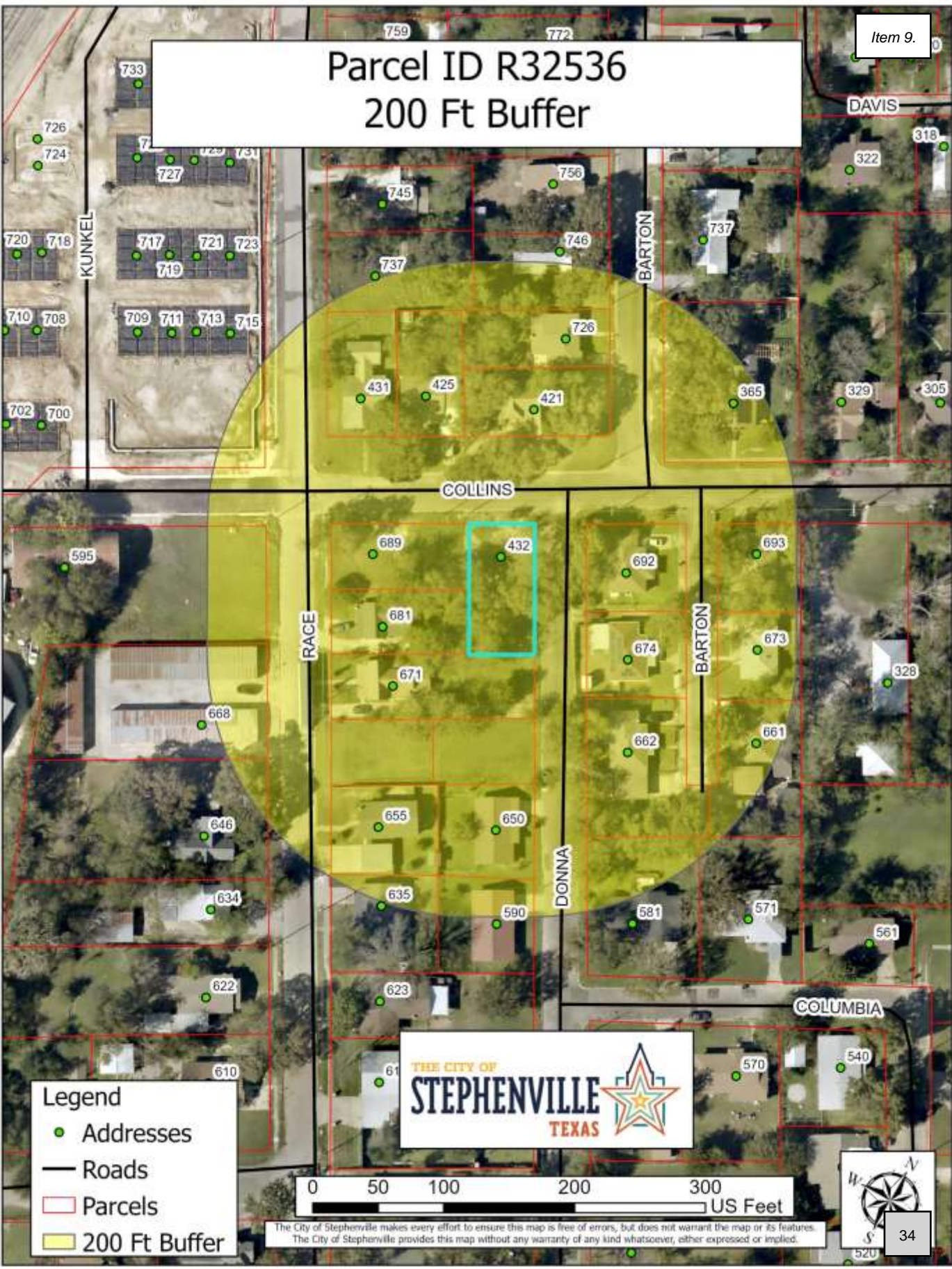
- Compliance with Comprehensive Plan?
- Is application consistent with Plan?
- If not, have conditions changed or new information been offered to support change?
- Surrounding Zoning and Land Use
- Infrastructure Impacts
- Size and Location of Parcel – is land large enough and in property location for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

**ALTERNATIVES:**

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



# Parcel ID R32536 200 Ft Buffer



**Legend**

- Addresses
- Roads
- ▭ Parcels
- ▭ 200 Ft Buffer



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





# Parcel ID R32536 Current Zoning - R-1 Single Family

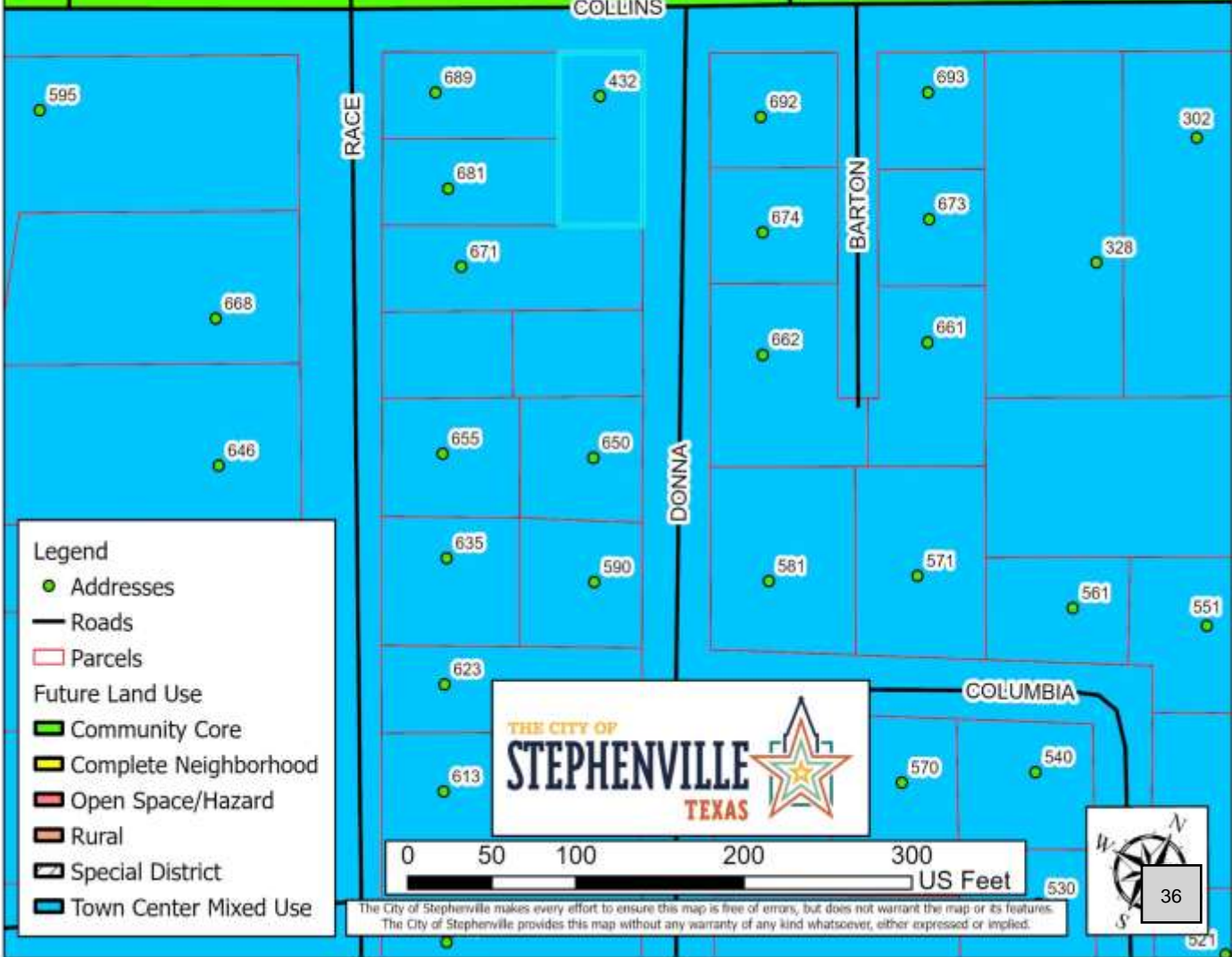


- Legend**
- Addresses
  - Roads
  - ▭ Parcels
  - Zoning**
  - AG - Agricultural
  - B-1 - Neighborhood Business
  - B-2 - Retail and Commercial Business
  - B-3 - Central Business
  - B-4 - Private Club
  - CTS - City, Tarleton, School
  - DT - Downtown
  - IND - Industrial
  - PD - Planned Development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



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# Parcel ID R32536 Future Land Use - Town Center Mixed Use

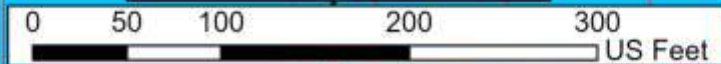


**Legend**

- Addresses
- Roads
- Parcels

**Future Land Use**

- Community Core
- Complete Neighborhood
- Open Space/Hazard
- Rural
- Special District
- Town Center Mixed Use



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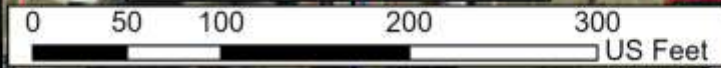


# Parcel ID R32536 Water & Sewer Utilities



**Legend**

- Addresses
- Roads
- Parcels
- Sewer Line
- Water Line



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# Parcel R32536

## 200 Ft Buffer Addresses

Item 9.

Parcel ID	Parcel Address	Parcel Owner	Owner Address	City	State	Zip Code
R000033232	746 BARTON	AGUILAR ISIDRO ARMANDO & EVERADO	746 N BARTON ST	STEPHENVILLE	TX	76401
R000032554	571 COLUMBIA	BICKLEY PROPERTIES-ERATH LLC	701 BROWNLEE CIRCLE	AUSTIN	TX	78703
R000033226	421 W COLLINS	COLTON CARVER & JORDAN A	421 W COLLINS	STEPHENVILLE	TX	76401
R000032552	662 BARTON	DUNLAP TERRY & NANCY DUNLAP	801 HAWKINS CHAPEL RD	LOVING	TX	76460
R000033219	737 BARTON	GREGSTON DEBRA	737 N BARTON	STEPHENVILLE	TX	76401
R000033240	668 RACE	HARRIS DALE & DEBBY	102 WILLOW LANE	STEPHENVILLE	TX	76401
R000033237	700 KUNKEL LN	IRONFUND, LLC	PO BOX 12324	FORT WORTH	TX	76110
R000032553	581 COLUMBIA	KALSBECK CORIANN	PO BOX 449	DUBLIN	TX	76446
R000033229	431 COLLINS	KEELER GORDON WAYNE	2111 4TH ST	BROWNWOOD	TX	76801-4847
R000033239	595 W VANDERBILT	LEE MARCHELLE	695 PRAIRIE WIND BLVD	STEPHENVILLE	TX	76401
R000033218	365 W COLLINS	MOOSE WALTER JEROME & SHAYLA RENAE	365 W COLLINS ST	STEPHENVILLE	TX	76401
R000034649	674 N BARTON	NELSON BESSIE	674 N BARTON	STEPHENVILLE	TX	76401
R000034650	693 N BARTON	NEWSOME SETH & ASHLEY NICOLE CAMBANIS	693 N BARTON	STEPHENVILLE	TX	76401
R000032541	655 RACE	RAFFIN WENDY MARIE	655 N RACE	STEPHENVILLE	TX	76401
R000033233	737 RACE	ROETZEL'S RESTORATIONS LLC	1800 NUTT GROVE CT	GRANBURY	TX	76049
R000032542	635 N RACE	SCOTT GERALD W	635 N RACE ST	STEPHENVILLE	TX	76401
R000034648	692 BARTON	SEETON PROPERTIES, LLC - 692 N BARTON ST SERIES	1204 BROOK ARBOR DR	MANSFIELD	TX	76063
R000032535	681 N RACE	STARRX PROPERTIES LLC	1755 BIG VALLEY CIR	LIPAN	TX	76462
R000033225	726 BARTON	STE MARIE JASON & SARAH	846 SUN DOWN	STEPHENVILLE	TX	76401-4643
R000032543	590 DONNA	STEPHENVILLE RENTALS LLC	181 S GRAHAM	STEPHENVILLE	TX	76401
R000032539	660 DONNA AVE	STEPHENVILLE RENTALS LLC	181 S GRAHAM	STEPHENVILLE	TX	76401
R000032540	650 DONNA	STEPHENVILLE RENTALS LLC	181 S GRAHAM	STEPHENVILLE	TX	76401
R000077632	0 RACE AVE	STEPHENVILLE RENTALS LLC	181 S GRAHAM	STEPHENVILLE	TX	76401
R000033241	646 N RACE	STUART BRANDI M & JAMES L STUART, JR	646 N RACE	STEPHENVILLE	TX	76401
R000032538	671 N RACE	TEVIS ROBERT AND APRIL TEVIS	2715 CR 299	DUBLIN	TX	76446
R000034652	661 BARTON	TORRES JOSE & FLOR E	661 N BARTON	STEPHENVILLE	TX	76401
R000033228	425 W COLLINS	TUGGLE TYLER	425 W COLLINS STREET	STEPHENVILLE	TX	76401
R000032536	432 COLLINS	WELCH CRAIG & LISA WELCH	2215 CEDAR AVE	LEWISTON	ID	83501
R000032534	689 RACE	WELCH KELLIE AND CRAIG WELCH & LISA WELCH	4472 N US108	STEPHENVILLE	TX	76401
R000034651	673 BARTON	WILBER SCOTT A & WANDA J	500 BEETHAM RD	MINERAL WELLS	TX	76067





# STAFF REPORT

**SUBJECT:** Case No.: RZ2024-015

Applicant Solid Ace Holding, LLC, is requesting a rezone of property located at 981 Clinton, Parcel R30048, being S4400 KIGHT SECOND ADDITION, BLOCK 2, LOT 10A & CITY ADDN, BLOCKK 99, LOT 1B to the City of Stephenville, Erath County, Texas from R-1 single family to R-2.5 integrated housing.

**DEPARTMENT:** Development Services

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

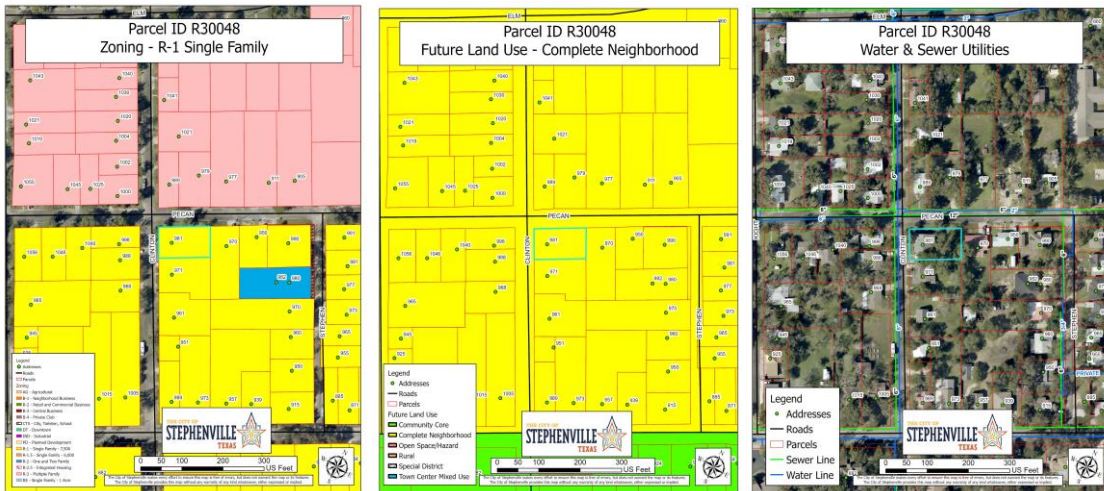
## RECOMMENDATION:

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

## BACKGROUND:

The applicant is requesting a rezone. The intended project has not been determined.

## PROPERTY PROFILE:



### Complete Neighborhood

The Complete Neighborhood land use accommodates a mix of uses at a moderate density. A mix of housing types is encouraged to accommodate a range of residents. Local retail and service businesses are located on active corridors and parks and green spaces are integrated within the district.



## Sec. 154.05.8 Integrated housing district (R-2.5).

**5.8.A Description.** This integrated residential housing district provides for medium-density city neighborhood development. The primary land use allows for single-family dwellings, two-to-four family dwelling units, patio homes, condominiums and townhomes. Generally, this district is for developments resulting in individually platted homes or dwelling units and generally, owner occupied. 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 aesthetic and functional well-being of the intended district environment. The Integrated Housing District will be applicable to all Residential Districts, B-1 Neighborhood Business District (B-1), Central Business District (B-3), and Downtown District (DT).

### 5.8.B Permitted Uses.

1. Single-family detached dwelling, limited to occupancy by a family having no more than three individuals who are unrelated by blood, legal adoption, marriage or conservatorship. The owner and any agent of the owner shall be legally responsible for directly or indirectly allowing, permitting, causing, or failing to prohibit residential use of a dwelling in this district by more than three unrelated individuals.
2. Two-to-four family dwellings, with each family limited as in division (1) above;
3. Townhouse dwellings, with each family limited as in division (1) above;
4. Condominium dwellings, with each family limited as in division (1) above;

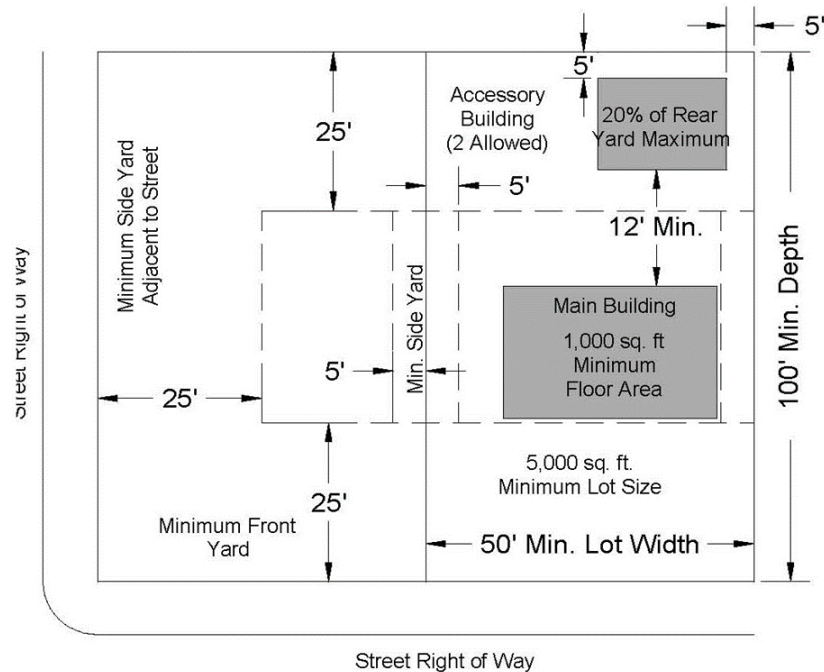
### 5.8.C Conditional Uses.

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.

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

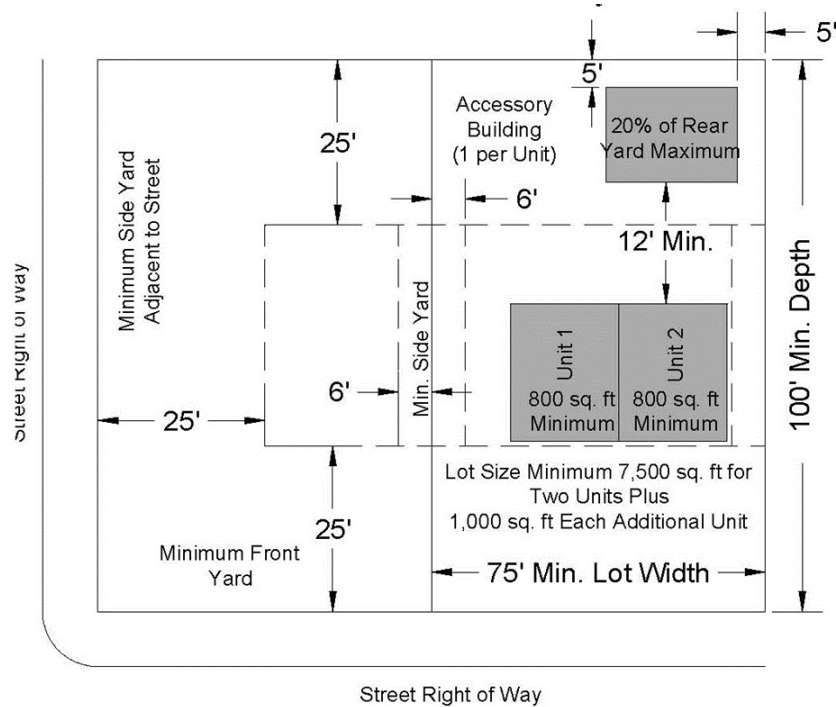
- A. Single family dwelling.
  1. Minimum lot area: 3,000 ft<sup>2</sup>.
  2. Minimum lot width and lot frontage: 50 feet.
  3. Minimum lot depth: 60 feet.
  4. Minimum depth of front setback: 15 feet.
  5. Minimum depth of rear setback: 15 feet.
  6. Minimum width of side setback:
    - a. Internal lot: five feet.
    - b. Corner lot: 15 feet from intersecting side street.
  7. Building size:
    - a. Maximum coverage as a percentage of lot area: 40%.
    - b. Single family dwelling: 1,000 ft<sup>2</sup>.
  8. Accessory buildings:
    - a. Maximum accessory buildings coverage of rear yard: 20%.
    - b. Maximum number of accessory buildings: one.
    - c. Minimum depth of side setback: five feet.
    - d. Minimum depth of rear setback: five feet.
    - e. Minimum depth from the edge of the main building: 12 feet.

9. Maximum height of structures: 35 feet.
10. Public, semi-public or public service buildings, hospitals, institutions or schools may not exceed a height of 60 feet. Churches, temples and mosques may not exceed 75 feet, if the building is set back from each yard line at least one foot for each two feet additional height above the height limit in this district.



- B. Two-to-four family.
  1. Minimum lot area: 7,500 ft<sup>2</sup> for two dwelling units, plus 1,000 ft<sup>2</sup> for each additional dwelling unit.
  2. Minimum lot width and lot frontage: 75 feet.
  3. Minimum lot depth: 100 feet.
  4. Minimum depth of front setback: 15 feet.
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  7. Building size:
    - a. Maximum coverage as a percentage of lot area: 40%.
    - b. Minimum area of each dwelling unit: 800 ft<sup>2</sup>.
  8. Accessory buildings:
    - a. Maximum accessory building coverage of rear yard: 20%.
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C. Townhouse/Condominium.

1. Minimum lot area: 3,000 ft<sup>2</sup> per unit.
2. Minimum average lot width and lot frontage: 30 feet.
3. Minimum lot depth: 100 feet.
4. Minimum depth of front setback: 15 feet.
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- 11. Maximum density of Townhome or Condominium Housing within the R-2.5 District shall not exceed 14 units per acres with each unit platted separately.
- 12. Deviations from the required standards within the R-2.5 district will be subject to site plan review by the Planning and Zoning Commission and subsequent approval by City Council. Site plans should include renderings with elevations, a finish schedule and incorporate architectural designs that complement the existing structures of the area of integration.

**5.8.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.

( Ord. No. 2021-O-28 , § 1, passed 9-7-2021)

**FACTORS TO CONSIDER:**

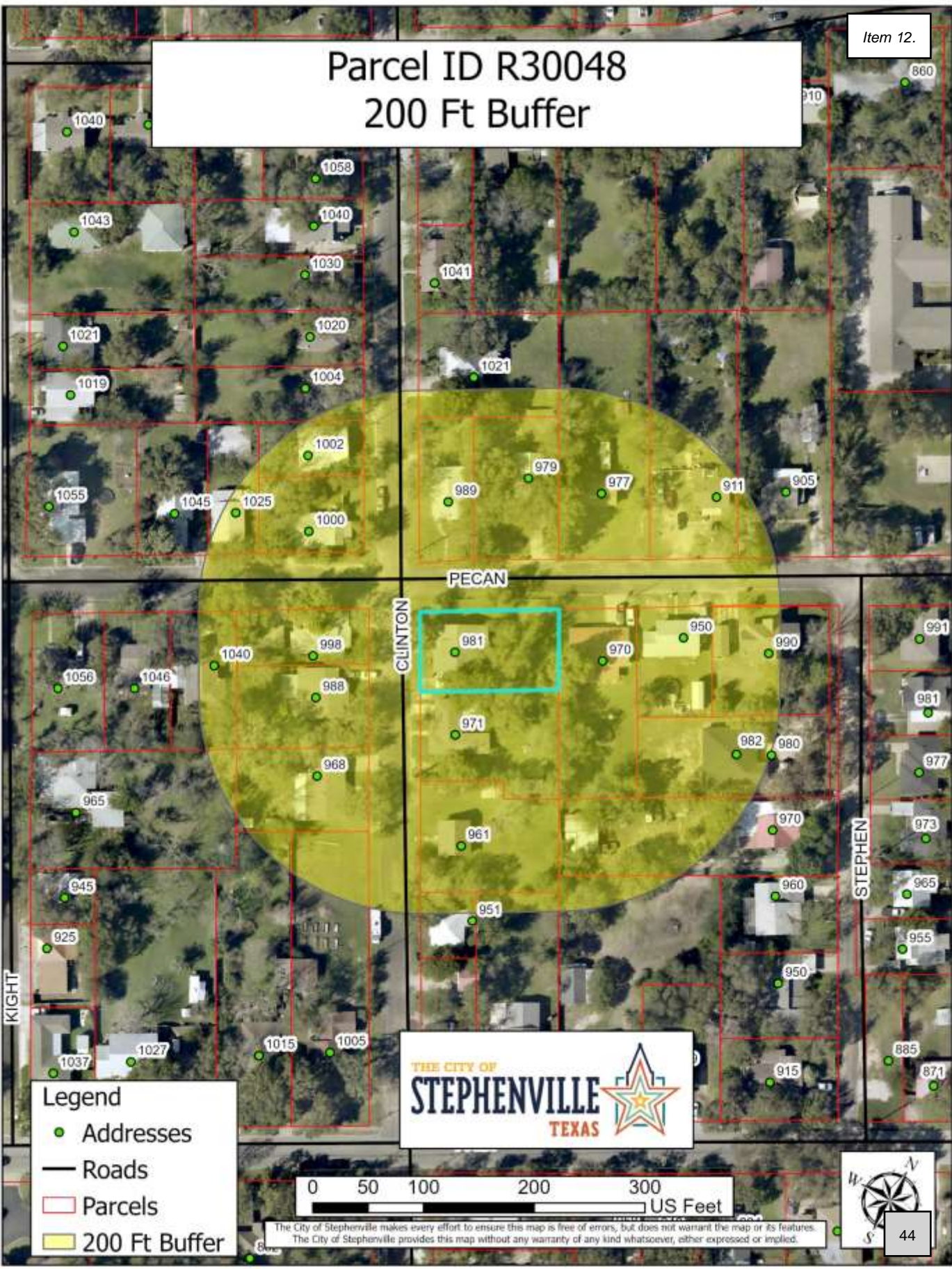
- Compliance with Comprehensive Plan?
- Is application consistent with Plan?
- If not, have conditions changed or new information been offered to support change?
- Surrounding Zoning and Land Use
- Infrastructure Impacts
- Size and Location of Parcel – is land large enough and in property location for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

**ALTERNATIVES:**

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



# Parcel ID R30048 200 Ft Buffer



**Legend**

- Addresses
- Roads
- ▭ Parcels
- ▭ 200 Ft Buffer



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ELM

Item 12.

# Parcel ID R30048 Zoning - R-1 Single Family



PECAN



CLINTON

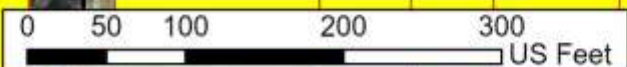
STEPHEN

**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, Trolley, School
- DT - Downtown
- IND - Industrial
- PD - Planned Development
- R-1 - Single Family - 7,500
- R-1.5 - Single Family - 6,000
- R-2 - One and Two Family
- R-2.5 - Integrated Housing
- R-3 - Multiple Family
- RE - Single Family - 1 Acre



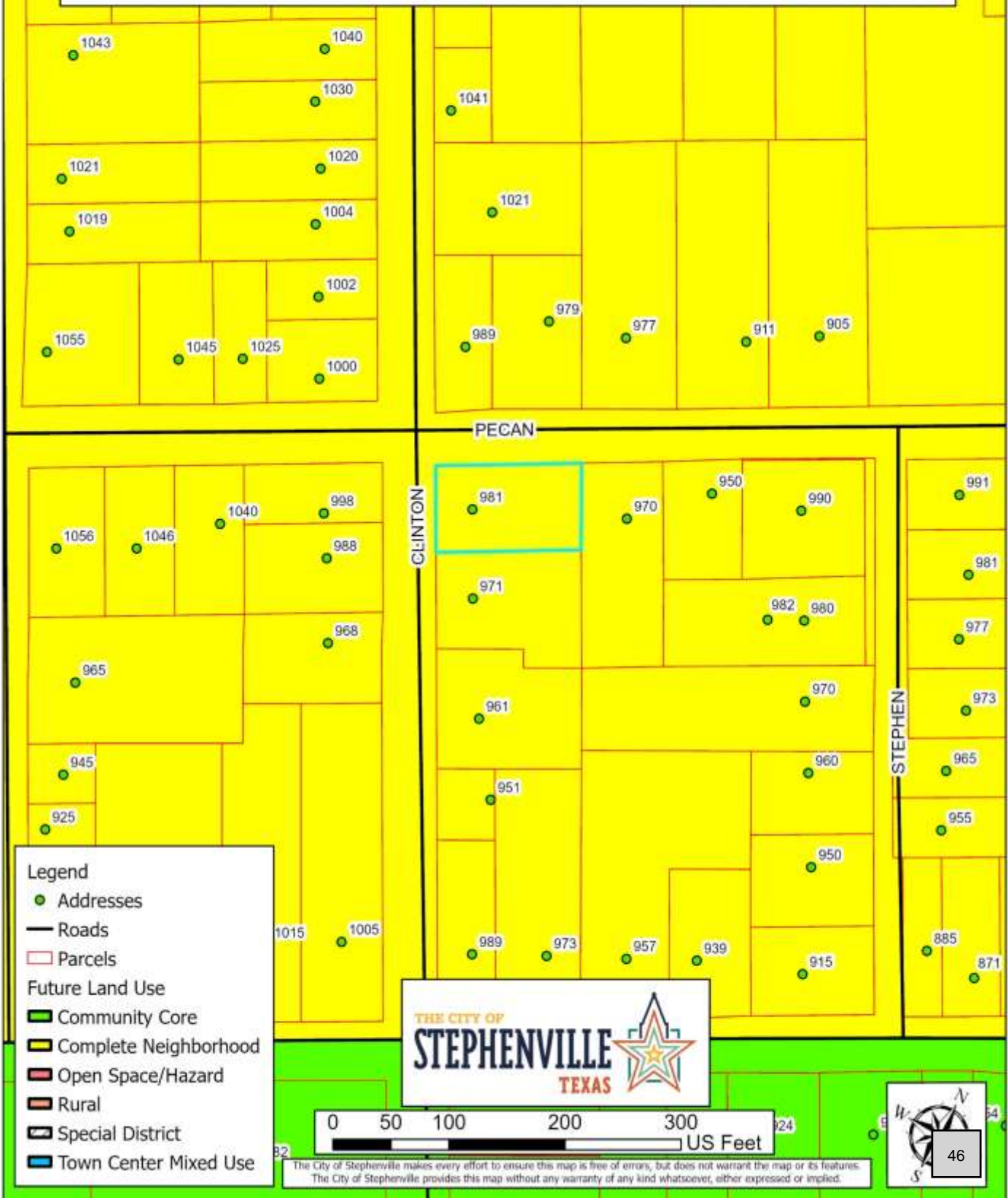
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ELM

Item 12.

# Parcel ID R30048

## Future Land Use - Complete Neighborhood



**Legend**

- Addresses
- Roads
- Parcels

**Future Land Use**

- Community Core
- Complete Neighborhood
- Open Space/Hazard
- Rural
- Special District
- Town Center Mixed Use



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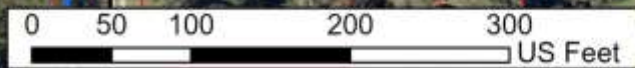


# Parcel ID R30048 Water & Sewer Utilities

Item 12.



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



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# Parcel ID R30048

## 200 Ft Buffer

## Addresses

Item 12.

Parcel ID	Parcel Address	Parcel Owner	Owner Address	City	State	Zip Code
R000032238	1000 N CLINTON	AIKMAN JENNIFER & JOEL	1000 CLINTON	STEPHENVILLE	TX	76401
R000032222	961 CLINTON	BAREFOOT EQUITY PARTNERS, LLC	189 RETA ST	STEPHENVILLE	TX	76401
R000030048	981 CLINTON	BLUE DOME MANAGEMENT, LLC	3225 MCLEOD DR, SUITE 100	LAS VEGAS	NV	89121
R000030045	970 W PECAN	BORJON ERICK & CINDY	970 W PECAN ST	STEPHENVILLE	TX	76401
R000032212	965 KIGHT	BRYANT JOHN CLANCY	965 KIGHT	STEPHENVILLE	TX	76401
R000032235	1004 CLINTON	BYRD FAMILY INVESTMENTS LLC	115 BRIDLE PATH DR	STEPHENVILLE	TX	76401
R000077403	0 STEPHEN & PECAN ST	CITY OF STEPHENVILLE	298 W WASHINGTON	STEPHENVILLE	TX	76401-4257
R000030053	911 PECAN	COATS JIM & PATSY	1187 AZALEA LN	STEPHENVILLE	TX	76401-0000
R000030046	990 STEPHEN	DILLON BRANDY LEIGH & MATTHEW BLAKE DILLON	7743 FM879	PALMER	TX	75152
R000032217	968 N CLINTON	FAIR LONDON AND WILLIAM FAIR	968 N CLINTON	STEPHENVILLE	TX	76401
R000032237	1025 PECAN	FETTEROLF JACOB	309 CROWN ROAD	WILLOW PARK	TX	76087
R000030047	950 W PECAN	FRAGA MARIANA LOZANO	950 W PECAN	STEPHENVILLE	TX	76401
R000032241	1021 N CLINTON	GIDDINGS DENNISE	1112 PRAIRIE WIND	STEPHENVILLE	TX	76401
R000032216	988 CLINTON	KAISER MARK	111 BLUE JAY	STEPHENVILLE	TX	76401-0000
R000030055	979 W PECAN	KAREEK LLC	625 DE LA CRUZ	WEATHERFORD	TX	76085
R000077402	980 STEPHEN	KOLB JOHN H & JILL ELIZABETH KOLB	12071 RACHEL LEA LANE	FORT WORTH	TX	76179
R000030054	977 PECAN	MERRILL ENOCH ALLEN & CLARA ELLEN	977 W PECAN ST	STEPHENVILLE	TX	76401
R000032221	951 CLINTON	MILLER HOLLY	575 CHARLOTTE	STEPHENVILLE	TX	76401
R000032230	1045 PECAN	MILLOTTE JOSEPH R	3913 CR801	CLEBURNE	TX	76031
R000032242	989 PECAN	MULBARGER TODD	153 VALLEY OAK PLACE	WOODBIDGE	CA	95258
R000032201	970 STEPHEN	PEREZ EMILIO	970 STEPHENS	STEPHENVILLE	TX	76401
R000032200	973 FREY	RENFIELD LLC	115 N GRAHAM, SUITE A	STEPHENVILLE	TX	76401
R000030052	905 PECAN	ROGERS MARTHA	905 PECAN STREET	STEPHENVILLE	TX	76401
R000032220	971 CLINTON	SANCHEZ LEILANI	971 N CLINTON ST	STEPHENVILLE	TX	76401
R000032218	1005 FREY	SCHMID JOHN & VALERIE J SCHMID	1005 W FREY	STEPHENVILLE	TX	76401
R000032219	1015 W FREY	SCHMID JOHN D & VALERIE J	746 N NEBLETT	STEPHENVILLE	TX	76401
R000032236	1002 CLINTON	TEVEBAUGH JOYCE ELAINE	PO BOX 1876	STEPHENVILLE	TX	76401-0000
R000032207	998 CLINTON	TRUSS LINDA WEIR	423 PR1603	STEPHENVILLE	TX	76401-9623
R000032202	957 FREY	WADDLE JAMES G & SUE	957 W FREY	STEPHENVILLE	TX	76401
R000032209	1040 PECAN	WAGERS PAMELA	1040 W PECAN ST	STEPHENVILLE	TX	76401



# STAFF REPORT



**SUBJECT:** Case No.: RP2024-004

Applicant Solid Ace Holdings, LLC, is requesting approval of a preliminary replat of properties located at 432 Collins, Parcel R32536, being S5100 MILLICAN & OTT ADDITION; BLOCK 1, LOT 1B & 2B and 689 Race, Parcel R32534, being BLOCK 1, LOT 1A, of the Millican & OTT ADDITION to the City of Stephenville, Erath County, Texas.

**DEPARTMENT:** Development Services

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

**RECOMMENDATION:**

The applicant is requesting a replat to combine parcels for the future construction of either townhomes or two-four family housing units which are uses-by-right under R-2.5 zoning.

Staff recommends conditional approval of the preliminary plat with the following conditions.

1. Submittal of a site plan.
2. The rezone of 432 Collins is approved by City Council.
3. The preliminary plat meets the subdivision regulations of the city.
4. Right-of-Way dedications are provided or throughfare waivers are approved.

**BACKGROUND:**

**PROPERTY PROFILE:**





### Sec. 155.4.08. Replat.

#### A. Purpose and Applicability.

1. A Replat of all or a portion of a recorded Plat may be approved in accordance with State law without vacation of the recorded Plat, if the Replat:
  - a. Is signed and acknowledged by only the owners of the property being replatted;
  - b. Is approved after a public hearing; and
  - c. Does not propose to amend or remove any covenants or restrictions previously incorporated in the recorded Plat.
2. A Replat shall be subject to approval by the Commission.

#### B. General Notice and Public Hearing Requirements.

1. Published notice of the public hearings on the Replat Application shall be given in accordance with Section 3.05 if applicable.
  - a. See specific notice and hearing requirements for "Certain" Replats in Section 4.08.F.
2. A public hearing shall be conducted by the Commission on all Replat Applications.

#### C. Application. The Application for a Replat of a Subdivision shall meet all Application requirements of a Final Plat. The Applicant shall acknowledge that the Replat will not amend or remove any covenants or restrictions previously incorporated in the recorded Plat.

#### D. Partial Replat Application. If a Replat is submitted for only a portion of a previously platted subdivision, the Replat must reference the previous Subdivision name and recording information, and must state on the Replat the specific lots which are being changed along with a detailed "Purpose for Replat" statement.

#### E. Criteria for Approval.

1. The Replat of the Subdivision shall meet all review and approval criteria for a Final Plat.
2. The Replat document shall be prepared by a Registered Professional Land Surveyor.

#### F. Additional Requirements for "Certain" Replats.

1. **Applicability of "Certain" Replats.** Pursuant to Texas Local Government Code Chapter 212.015, a Replat without vacation of the preceding Plat must conform to the requirements of this Section if:
  - a. During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot; or
  - b. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.
2. **Notice and Public Hearing Requirements for "Certain" Replats.** Notice of the required public hearing shall be given before the fifteenth (15<sup>th</sup>) calendar day before the date of the hearing by:
  - a. Publication in an official newspaper or a newspaper of general circulation in the applicable City or unincorporated area (as applicable) in which the proposed Replat property is located; and

- b. Written notice, with a copy of Section 212.015(c) of the Texas Local Government Code (as amended) attached, forwarded by the City to the owners of lots that are in the original Subdivision and that are within two hundred feet (200') of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a Subdivision within the ETJ, the most recently approved applicable county tax roll of the property upon which the Replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the City.

3. Protest.

- a. If the Replat Application is accompanied by a waiver petition (per 7.01) and is protested in accordance with this Section, approval of the Replat shall require the affirmative vote of at least three-fourths of the voting members of the Commission present at the meeting.
- b. For a legal protest, written instruments signed by the owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the Replat Application and extending two hundred feet (200') from that area, but within the original Subdivision, must be filed with the Commission prior to the close of the public hearing.
- c. The area of streets and alleys shall be included in the area computations.

G. *Replat Review and Approval.*

1. *Replat.* The review and approval processes for a Replat shall be the same as the review and approval processes for a Final Plat (except for the special public hearing and notice requirements described in Section 3.05).
2. *Minor Replat.*
  - a. Pursuant to Texas Local Government Code 212.0065, a Replat involving four (4) or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities (i.e., a Minor Replat may be approved by the City Administrator in accordance with this Section
  - b. Prior to taking action on a proposed Minor Replat the Planning and Zoning Commission shall hold at least one public hearing thereon. Otherwise, the review and approval process shall be the same as including:
    - i. Deferral to the Commission of a Minor Replat Decision.

- H. *Effect.* Upon approval of the Application, the Replat may be recorded and is controlling over the previously recorded Plat for the portion replatted.

**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

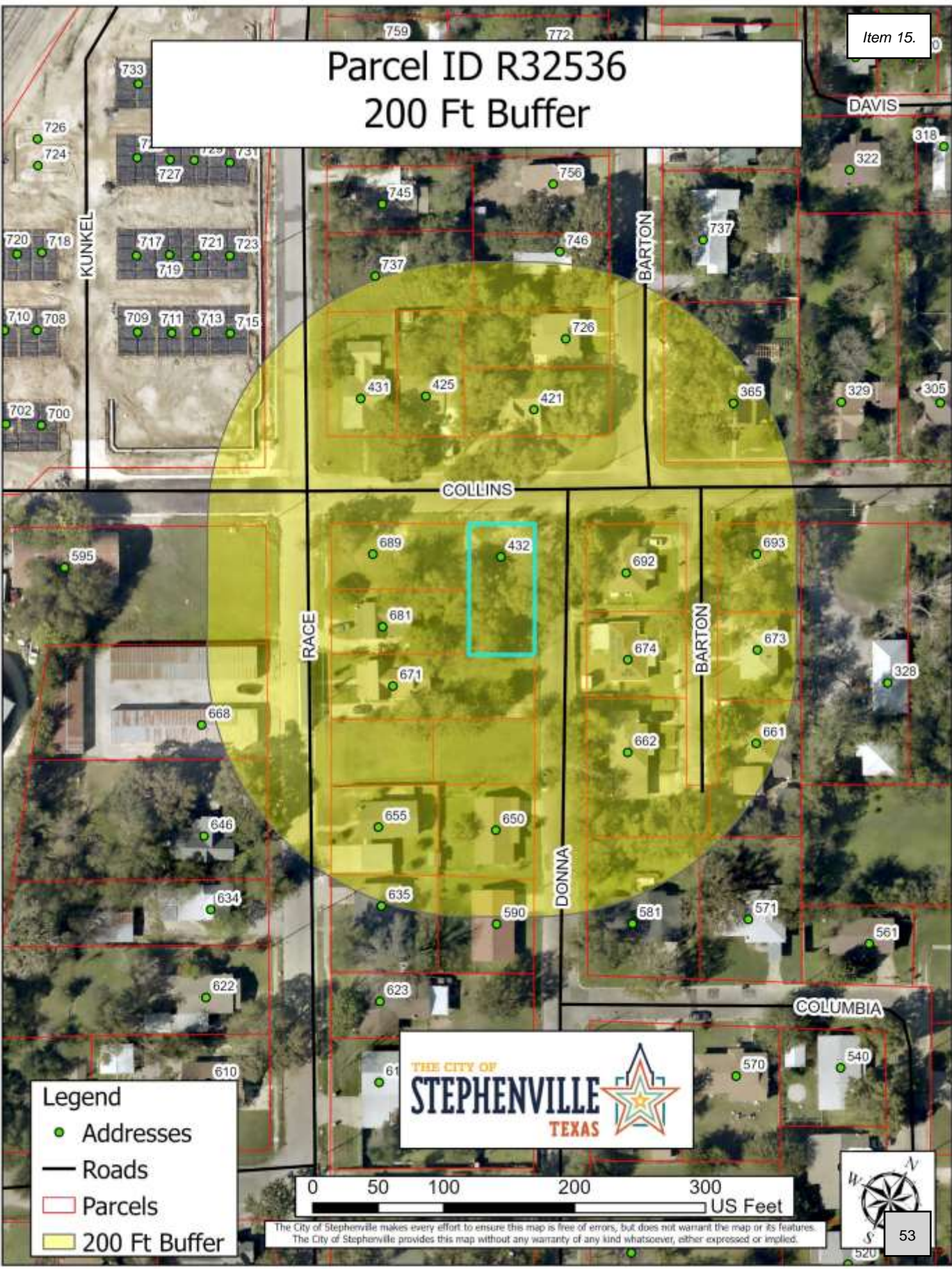
**ALTERNATIVES:**

- 1) Approve the replat.
- 2) Approve the replat with conditions.
- 3) Disapprove the replat.





# Parcel ID R32536 200 Ft Buffer



**Legend**

- Addresses
- Roads
- ▭ Parcels
- ▭ 200 Ft Buffer

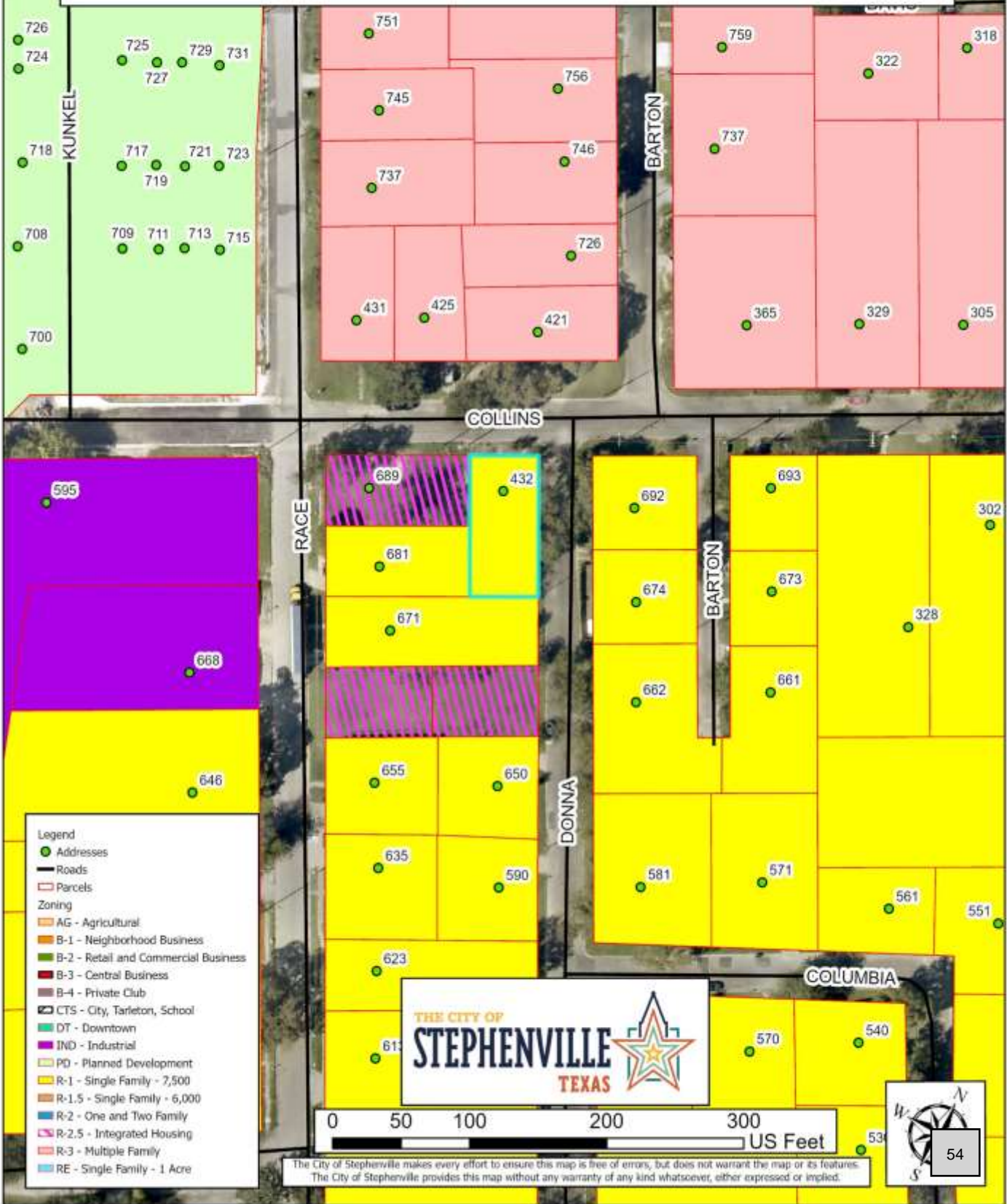


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# Parcel ID R32536 Current Zoning - R-1 Single Family



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



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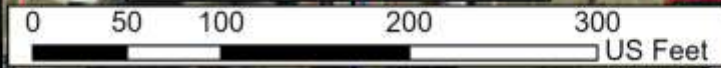


# Parcel ID R32536 Water & Sewer Utilities

Item 15.



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



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# Parcel R32536

## 200 Ft Buffer Addresses

Item 15.

Parcel ID	Parcel Address	Parcel Owner	Owner Address	City	State	Zip Code
R000033232	746 BARTON	AGUILAR ISIDRO ARMANDO & EVERADO	746 N BARTON ST	STEPHENVILLE	TX	76401
R000032554	571 COLUMBIA	BICKLEY PROPERTIES-ERATH LLC	701 BROWNLEE CIRCLE	AUSTIN	TX	78703
R000033226	421 W COLLINS	COLTON CARVER & JORDAN A	421 W COLLINS	STEPHENVILLE	TX	76401
R000032552	662 BARTON	DUNLAP TERRY & NANCY DUNLAP	801 HAWKINS CHAPEL RD	LOVING	TX	76460
R000033219	737 BARTON	GREGSTON DEBRA	737 N BARTON	STEPHENVILLE	TX	76401
R000033240	668 RACE	HARRIS DALE & DEBBY	102 WILLOW LANE	STEPHENVILLE	TX	76401
R000033237	700 KUNKEL LN	IRONFUND, LLC	PO BOX 12324	FORT WORTH	TX	76110
R000032553	581 COLUMBIA	KALSBECK CORIANN	PO BOX 449	DUBLIN	TX	76446
R000033229	431 COLLINS	KEELER GORDON WAYNE	2111 4TH ST	BROWNWOOD	TX	76801-4847
R000033239	595 W VANDERBILT	LEE MARCHELLE	695 PRAIRIE WIND BLVD	STEPHENVILLE	TX	76401
R000033218	365 W COLLINS	MOOSE WALTER JEROME & SHAYLA RENAE	365 W COLLINS ST	STEPHENVILLE	TX	76401
R000034649	674 N BARTON	NELSON BESSIE	674 N BARTON	STEPHENVILLE	TX	76401
R000034650	693 N BARTON	NEWSOME SETH & ASHLEY NICOLE CAMBANIS	693 N BARTON	STEPHENVILLE	TX	76401
R000032541	655 RACE	RAFFIN WENDY MARIE	655 N RACE	STEPHENVILLE	TX	76401
R000033233	737 RACE	ROETZEL'S RESTORATIONS LLC	1800 NUTT GROVE CT	GRANBURY	TX	76049
R000032542	635 N RACE	SCOTT GERALD W	635 N RACE ST	STEPHENVILLE	TX	76401
R000034648	692 BARTON	SEETON PROPERTIES, LLC - 692 N BARTON ST SERIES	1204 BROOK ARBOR DR	MANSFIELD	TX	76063
R000032535	681 N RACE	STARRX PROPERTIES LLC	1755 BIG VALLEY CIR	LIPAN	TX	76462
R000033225	726 BARTON	STE MARIE JASON & SARAH	846 SUN DOWN	STEPHENVILLE	TX	76401-4643
R000032543	590 DONNA	STEPHENVILLE RENTALS LLC	181 S GRAHAM	STEPHENVILLE	TX	76401
R000032539	660 DONNA AVE	STEPHENVILLE RENTALS LLC	181 S GRAHAM	STEPHENVILLE	TX	76401
R000032540	650 DONNA	STEPHENVILLE RENTALS LLC	181 S GRAHAM	STEPHENVILLE	TX	76401
R000077632	0 RACE AVE	STEPHENVILLE RENTALS LLC	181 S GRAHAM	STEPHENVILLE	TX	76401
R000033241	646 N RACE	STUART BRANDI M & JAMES L STUART, JR	646 N RACE	STEPHENVILLE	TX	76401
R000032538	671 N RACE	TEVIS ROBERT AND APRIL TEVIS	2715 CR 299	DUBLIN	TX	76446
R000034652	661 BARTON	TORRES JOSE & FLOR E	661 N BARTON	STEPHENVILLE	TX	76401
R000033228	425 W COLLINS	TUGGLE TYLER	425 W COLLINS STREET	STEPHENVILLE	TX	76401
R000032536	432 COLLINS	WELCH CRAIG & LISA WELCH	2215 CEDAR AVE	LEWISTON	ID	83501
R000032534	689 RACE	WELCH KELLIE AND CRAIG WELCH & LISA WELCH	4472 N US108	STEPHENVILLE	TX	76401
R000034651	673 BARTON	WILBER SCOTT A & WANDA J	500 BEETHAM RD	MINERAL WELLS	TX	76067



## STAFF REPORT

**SUBJECT:** Case No.: PD2022-004 – UPDATE OCTOBER 2024

Applicant Scott Allen, representing Stephenville Rentals LLC, is providing an update to the development schedule for the Planned Development located at 157 W. Washington, Parcel R29179, being Block 5, Lot C of City Addition to the City of Stephenville, Erath County, Texas.

**DEPARTMENT:** Development Services

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

### RECOMMENDATION:

The Planning and Zoning Commission convened on October 18, 2023, and by a unanimous vote of 7/0, recommended the City Council approve the modified Development Schedule.

### BACKGROUND:

The Planning and Zoning Commission convened on June 15, 2022, and by a unanimous vote, recommended the City Council approve the rezoning request. Subsequently, on July 5, 2022, the City Council approved Ordinance No. 2022-O-21, rezoning the property from Downtown District (DT) to Planned Development District (PD).

City ordinance requires annual updates to the Commission.

The Planning and Zoning Commission may, if in its opinion the owner or owners of the property are failing or have failed to meet the approved development schedule, initiate proceedings to amend the Official Zoning map or the Planned Development District by removing all or part of the Planned Development District from the Official Zoning Map and placing the area involved in another appropriate zoning district. After the recommendation of the Planning and Zoning commission and for good cause shown by the owner and developer, the City Council may extend the development schedule as may be indicated by the facts and conditions of the case.

### Sec. 154.08. Planned development district (PD).

#### 8.A Description.

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

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

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

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

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

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

### **8.C Prohibited Uses.**

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

**8.D Ownership.** An application for approval of a Planned Development Plan under the Planned Development District regulations may be filed by a person having legal ownership of the property to be included in the Development Plan. In order to ensure unified planning and development of the property, the applicant shall provide evidence, in form satisfactory to the City Attorney, prior to final approval of the Development Plan, that the property is held in single ownership or is under single control. Land shall be deemed to be



held in single ownership or under single control if it is in joint tenancy, tenancy in common, a partnership, a trust or a joint venture. The Development Plan shall be filed in the name(s) of the record owner(s) of the property, which shall be included in the application.

#### **8.E Development Schedule.**

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

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

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

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

#### **8.I Approval Procedures.**

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

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

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

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

**8.K Conditions for Development Plan Approval.**

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

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

#### **8.M Revocation.**

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

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

- Compliance with Comprehensive Plan?
- Is application consistent with Plan?



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

## ALTERNATIVES

- 1) Accept the update to the development schedule.
- 2) Reject the update and initiate proceedings.

**STEPHENVILLE RENTALS, LLC.**  
**Update Report September 1, 2024 for Planned Development**  
**Site Development Projections For**  
**Jake Wilson Building 157 W. Washington, Stephenville, Texas 76401**  
**Theo Bauer Building 171 W. Washington, Stephenville, Texas 76401**

**Note to Zoning Commission:**

This supplemental report is made for the purpose of updating the current status of the two building renovations described above. The original plans for both buildings have been approved by the Texas Historical Commission and the National Park Service but after receiving bids for the actual cost of remodeling, we have been forced to make the project a phased development rather than a unit development on each building.

Regarding the Jake Wilson building, phase 1 will be developing the outside of the building front and constructing for occupation the first floor of the building pursuant to the plans that have been approved. The second phase of development for the Jake Wilson upstairs will be delayed due to cost for up to a period of 3 years so that the two apartments will not be constructed at the present time. The Theo Bauer building construction will similarly be delayed for up to a 3-year period due to the cost of restoration.

Plans will again be submitted to the Texas Historical Commission and the National Park Service for approval of the plan to phase develop the buildings due to the high construction cost of the entire project.

Based on the circumstances outlined above, the forecasted dates for the planned development are as follows:

**1. October 1, 2024**

- Projected date of approval of plans and specifications for phased development of the Jake Wilson Building and delay of construction of the Theo Bauer Building located at 157 and 171 W. Washington buildings from Texas Historical Commission and the National Park Service.

**2. November 1, 2024**

- Projected date of commencement of phase 1 construction of the Jake Wilson Building for the store front and first floor of the building.

**3. April 1, 2025**

- Projected completion date of the store front and first floor of the Jake Wilson Building.

**4. January 1, 2027**

- Projected commencement date for the construction of the second floor phase 2 of the Jake Wilson Building.

**5. May 1, 2027**

- Projected date of completion of phase 2 second floor of the Jake Wilson Building.

6. **January 1, 2028**
  - Projected date of commencement of construction for phase 1 ground floor of the Theo Bauer Building.
7. **June 1, 2028**
  - Projected completion date of phase 1 of the ground floor of the Theo Bauer Building.
8. **January 1, 2029**
  - Projected commencement date of phase 2 of the second floor of the Theo Bauer Building.
9. **June 1, 2029**
  - Projected completion date of phase 2 of the second floor of the Theo Bauer Building.

**NOTE:** It is my strong desire to complete both buildings being remodeled as soon as possible and I hope to be able to complete these projects earlier than the above forecasted dates.

Respectfully submitted,



Scott Allen





# STAFF REPORT

**SUBJECT:** Case No.: PD2022-004 – UPDATE OCTOBER 2024

Applicant Scott Allen, representing Stephenville Rentals LLC, is providing an update to the development schedule for the Planned Development located at 171 W. Washington, Parcel R29178, being Block 5, Lot B of City Addition to the City of Stephenville, Erath County, Texas.

**DEPARTMENT:** Development Services

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

## RECOMMENDATION:

The Planning and Zoning Commission convened on October 18, 2023, and by a unanimous vote of 7/0, recommended the City Council approve the modified Development Schedule.

## BACKGROUND:

The Planning and Zoning Commission convened on June 15, 2022, and by a unanimous vote, recommended the City Council approve the rezoning request. Subsequently, on July 5, 2022, the City Council approved Ordinance No. 2022-O-21, rezoning the property from Downtown District (DT) to Planned Development District (PD).

City ordinance requires annual updates to the Commission.

The Planning and Zoning Commission may, if in its opinion the owner or owners of the property are failing or have failed to meet the approved development schedule, initiate proceedings to amend the Official Zoning map or the Planned Development District by removing all or part of the Planned Development District from the Official Zoning Map and placing the area involved in another appropriate zoning district. After the recommendation of the Planning and Zoning commission and for good cause shown by the owner and developer, the City Council may extend the development schedule as may be indicated by the facts and conditions of the case.

## Sec. 154.08. Planned development district (PD).

### 8.A Description.

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

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

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

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

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

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

### **8.C Prohibited Uses.**

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

**8.D Ownership.** An application for approval of a Planned Development Plan under the Planned Development District regulations may be filed by a person having legal ownership of the property to be included in the Development Plan. In order to ensure unified planning and development of the property, the applicant shall provide evidence, in form satisfactory to the City Attorney, prior to final approval of the Development Plan, that the property is held in single ownership or is under single control. Land shall be deemed to be

held in single ownership or under single control if it is in joint tenancy, tenancy in common, a partnership, a trust or a joint venture. The Development Plan shall be filed in the name(s) of the record owner(s) of the property, which shall be included in the application.

#### **8.E Development Schedule.**

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

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

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

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

#### **8.I Approval Procedures.**

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



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

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

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

**8.K Conditions for Development Plan Approval.**

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

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

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  - (a) Approval was obtained or extended by fraud or deception; or
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  - (a) The City Council may impose more restrictive requirements than those proposed in the development plan in order to minimize incompatibilities;
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#### **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?
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- Zoning has great discretion - deny if applicant has not proven it is in the best interest of City to rezone

## ALTERNATIVES

- 1) Accept the update to the development schedule.
- 2) Reject the update and initiate proceedings.

**STEPHENVILLE RENTALS, LLC.**  
**Update Report September 1, 2024 for Planned Development**  
**Site Development Projections For**  
**Jake Wilson Building 157 W. Washington, Stephenville, Texas 76401**  
**Theo Bauer Building 171 W. Washington, Stephenville, Texas 76401**

**Note to Zoning Commission:**

This supplemental report is made for the purpose of updating the current status of the two building renovations described above. The original plans for both buildings have been approved by the Texas Historical Commission and the National Park Service but after receiving bids for the actual cost of remodeling, we have been forced to make the project a phased development rather than a unit development on each building.

Regarding the Jake Wilson building, phase 1 will be developing the outside of the building front and constructing for occupation the first floor of the building pursuant to the plans that have been approved. The second phase of development for the Jake Wilson upstairs will be delayed due to cost for up to a period of 3 years so that the two apartments will not be constructed at the present time. The Theo Bauer building construction will similarly be delayed for up to a 3-year period due to the cost of restoration.

Plans will again be submitted to the Texas Historical Commission and the National Park Service for approval of the plan to phase develop the buildings due to the high construction cost of the entire project.

Based on the circumstances outlined above, the forecasted dates for the planned development are as follows:

- 1. October 1, 2024**
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- 5. May 1, 2027**
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6. **January 1, 2028**
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7. **June 1, 2028**
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**NOTE:** It is my strong desire to complete both buildings being remodeled as soon as possible and I hope to be able to complete these projects earlier than the above forecasted dates.

Respectfully submitted,



Scott Allen

# STAFF REPORT

**SUBJECT:** Consider Proposed Historic District Ordinance

On September 17, 2024, the Development Services Committee voted to assign the proposed ordinance to the Planning and Zoning Commission for a Public Hearing and subsequent recommendation to City Council.

**DEPARTMENT:** Development Services

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

## RECOMMENDATION:

Community members have approached staff with an interest in establishing an ordinance that would require the issuance of a certificate of appropriateness before any work is performed for exterior facades of buildings within the district. Staff have been working closely with these community members to draft an ordinance that meets these desires. Historic District ordinances are common across the Nation and widely vary in the degree of regulation. Local Government Code Chapter 211 provides the authority for the adoption of such ordinances.

The proposed ordinance highlights include:

1. Authorized by Ch 211 of LGC
2. Purpose is to protect historic, architectural and cultural heritage
3. Creates a Historic Commission of five members with duties such as:
  - a. Recommend to Council the district and resources
  - b. Administer the program
  - c. Approve or deny Certificates of Appropriateness – requiring at least 3 votes of the Commission
  - d. Deem a building as Demolition by Neglect
4. Any person making modifications (including demolitions) to historic buildings/resources or the exterior of street facing facades of any building within the Historic Preservation District must APPLY and obtain a Certificate of Appropriateness before work may be authorized.
5. The Commission must act within 30 days, or it is referred to Council.
6. The Commission’s decision can also be appealed to Council.
7. Work being performed without a COA or not in compliance with the approved COA is subject to a Stop Work Order by the City.
8. Ordinary Maintenance and Repair is not prohibited.
9. It is an offence to violate the provisions of the ordinance – if so adopted.
10. The proposed guidelines do establish a vacant building registration requirement.

The Commission is to hold a public hearing and provide a recommendation to the City Council.

## ALTERNATIVES

1. Recommend the City Council adopt the proposed ordinance.
2. Recommend the City Council reject the proposed ordinance.

**ORDINANCE NO. 2024-O-XX**

**AN ORDINANCE OF THE CITY OF STEPHENVILLE, TEXAS ESTABLISHING A ZONING CLASSIFICATION IN THE CODE OF ORDINANCES PROVIDING FOR PROGRAMS FOR HISTORIC PROPERTIES AND DISTRICTS TO BE KNOWN AS SECTION 154.06.8 – HISTORIC OVERLAY DISTRICT (HD) AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, CHAPTER 221 of the TEXAS LOCAL GOVERNMENT CODE, the Municipal Zoning Authority, specifically authorizes zoning functions and procedures for municipalities; and

WHEREAS, CHAPTER 211 of the TEXAS LOCAL GOVERNMENT CODE, Section 211.005, authorizes the governing body of a municipality to divide the municipality into districts, within which the governing body may regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land and within which zoning regulation must be uniform for each class or kind of building in a district; however, zoning regulations may vary from district to district; and

WHEREAS, The City desires to provide an Ordinance to oversee programs for historic properties and districts, and provide criteria and procedures for administering the program.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEPHENVILLE, TEXAS:**

That the Zoning Ordinance of the City of Stephenville is hereby Amended pursuant to CH. 211 TEXAS LOCAL GOVERNMENT CODE AS FOLLOWS:

**SECTION 1. PURPOSE**

The City Council of the City of Stephenville hereby declares that as a matter of public policy the protection, enhancement, and perpetuation of a district or resource of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public. It is recognized that said district or resource represents the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural, and cultural resources that constitute their heritage. This act is intended to:

- (a) protect and enhance the distinctive elements of historic, architectural, and cultural heritage;
- (b) foster civic pride in the accomplishments of the past;
- (c) protect and enhance attractiveness to visitors and the support and stimulus to the economy thereby provided;
- (d) insure the harmonious, orderly, and efficient growth and development of the city;

- (e) promote economic prosperity and welfare of the community by encouraging the most appropriate use of such property;

## **SECTION 2. DEFINITIONS**

*In-kind repair* - the practice of using the same original material type, design, dimension, texture, detailing, and exterior appearance when repairing or replacing a portion of an historic building as commonly used in preservation and restoration work.

*In-kind Repair* - to preserve the current condition or restore to the original condition.

*Replacement in-kind* - replacing equipment or components as the original item.

*Commission* – Historic Preservation Commission

*Historic resource* - includes a site, building, monument, structure or landmark.

## **SECTION 3. HISTORIC PRESERVATION COMMISSION**

There is hereby created a Commission to be known as the Historic District Commission.

The Commission shall consist of five members, citizens of Stephenville, to be appointed by the City Council.

Commission members shall serve for a term of two years, with the exception that the initial term of three members shall be two years, and two members shall be three years.

The Chairman of the Commission shall be elected by and from the members of the Commission.

The Commission shall be empowered to:

- Conduct studies and maintain an inventory of significant historic, architectural, and cultural landmarks and all properties located in historic district
- Recommend the designation of historic resources and districts to the City Council.
- Maintain written minutes which record all actions taken by the Commission and the reasons for taking such actions.
- Recommend conferral of recognition upon the owners of historic resources within the district by means of certificates, plaques, or markers to the City Council.
- Approve or disapprove of applications for certificates of appropriateness.
- Through the approval of the Certificate of Appropriateness, recommend that the Building Official grant permits subject to compliance with all applicable building codes and regulations as adopted by the City and the construction plan as specified in the Certificate of



#### Appropriateness

- Prepare and submit annually to the City Council a report summarizing the work completed during the previous year.
- Recommend properties that are granted a certificate of appropriateness for city provided incentives to the City Council.

The Commission shall meet at least monthly, if business is at hand. Special meetings may be called at any time by the Chairman or on the written request of any two Commission members.

A quorum for the transaction of business shall consist of not less than three (3) of the full authorized membership.

Any action by the Commission shall require at least three positive votes.

#### **SECTION 4. APPOINTMENT OF HISTORIC PRESERVATION OFFICER**

The City Manager or a designee shall appoint a qualified staff person to serve as the Official Liaison to the Historic Preservation Commission. The Official Liaison shall administer this ordinance and advise the Commission on matters submitted to it.

#### **SECTION 5. DESIGNATIONS**

##### A. Designations

The Commission may recommend a site, building, structure, landscape or object as a historic resource and a historic area as a historic district together with the public rights of way in and surrounding the resource or area, by establishing a Historic District Overlay that does not conflict with one or more of the City's zoning ordinances; said designation subject to state law.

##### B. Criteria for Historic Resources:

1. Possesses significance in history, architecture, or culture of the city, county, state or nation.
2. Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history.
3. Is associated with the lives of persons of significance in Stephenville's past.
4. Embodies distinctive characteristics of a type, period, or method of construction.
5. Represents the work of a master designer, builder, or craftsman.
6. Represents an established and familiar visual feature of the City of Stephenville.
7. Is the location of a significant event.

##### C. Designation of Historic Resources:

- (a) These provisions pertaining to the designation of historic resources constitutes a part of the

comprehensive zoning plan of the City of Stephenville.

- (b) Property owners of proposed historic resources shall be notified prior to the Commission hearing on the recommended designation. At the Commission's public hearing, owners, interested parties, and technical experts may present testimony or documentary evidence which will become part of a record regarding the historic, architectural, or cultural importance of the proposed historic resource.
- (c) Upon recommendation of the Commission, the proposed historic resource shall be submitted to the City Council. The City Council shall conduct its hearing on the proposed designation within forty-five (45) days of receipt of such recommendation from the Commission.
- (d) Upon designation as a historic resource, the City Council shall cause the designation to be recorded in the Official Public Records of Real Property of Erath County, the tax records of the City of Stephenville, and the Erath County Appraisal District as well as the official zoning maps of the City of Stephenville.

D. Designation of Historic District:

A Historic Overlay District may be established to preserve a historic area of exemplary architectural, cultural, or historic value.

- (a) These provisions pertaining to the designation of historic districts constitutes a part of the comprehensive zoning plan of the City of Stephenville.
- (b) Property owners within a proposed historic district shall be notified prior to the Commission hearing on the recommended designation. At the Commissioner's public hearing, owners, interested parties, and technical experts may present testimony or documentary evidence which will become part of a record regarding the historic, architectural, or cultural importance of the proposed historic district.
- (c) The commission may recommend the designation of a district if it:
  - a. Contains properties and an environmental setting which meet one or more of the criteria for designation of a resource; and,
  - b. Constitutes a distinct section of the city.
- (d) Upon recommendation of the Commission, the proposed historic district shall be submitted to the City Council the City Council shall conduct its hearing on the proposed designation within forty-five (45) days of receipt of such recommendation from the Commission.
- (e) Upon designation of a historic district the City Council shall cause the designated boundaries to be recorded in the Official Public Records of real property of Erath County, the tax records of the City of Stephenville and the Erath County Appraisal District as well as the official zoning maps of the City of Stephenville.

**SECTION 6. CERTIFICATE OF APPROPRIATENESS FOR EXTERIOR, STREET FACING FAÇADE MODIFICATIONS**

Any person making modifications to historic resources or the exterior of street facing facades of any building within the Historic Preservation District must obtain a Certificate of Appropriateness before

work may be authorized.

All Certificates of Appropriateness authorized by the Commission shall be provided to the Building Official by the Liaison. The Building Official shall not issue any permit within the historic district relating to renovation, demolition or construction within the district without a Certificate of Appropriateness. All renovations, regardless if deemed in-kind or beyond, shall comply with the provisions set forth within the land use regulations of the Downtown District.

#### **SECTION 7. CERTIFICATION OF APPROPRIATENESS APPLICATION PROCEDURE**

- (a) Prior to the commencement of any work requiring a certificate of appropriateness the owner shall file and application for such a certificate with the Commission. The application shall contain:
- (i) Name, address, telephone number and email address of the applicant.
  - (ii) If the applicant is not the owner of the building, written and signed consent of the building owner authorizing the applicant to apply for the Certificate of Appropriateness
  - (iii) A detailed description of proposed work.
  - (iv) Location and photograph of the property and adjacent properties.
  - (v) Elevation drawings of the proposed changes, if available.
  - (vi) Samples of materials to be used and renderings of the building as it will appear upon completion of the modifications.
  - (vii) If the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination (if any), and a plan showing the sign s location on the property.
  - (viii) Any other information which the Commission may deem necessary in order visualize the proposed work.
- (b) The Commission shall review the application at the next regularly scheduled meeting pursuant to notice requirements. In the event the Commission does not act within thirty (30) days of the receipt of the application the case will be referred to City Council.
- (c) All decisions of the Commission shall be in writing. The Commission’s decision shall state its findings pertaining to the approval, denial, or modification of the application and submitted work plan. A copy shall be provided to the applicant. Additional copies shall be filed as part of the public record on that property and dispersed to appropriate departments, e.g., building inspection.

An applicant for a Certificate of Appropriateness dissatisfied with the action of the Commission relating to the issuance or denial of a Certificate of Appropriateness shall have the right to appeal to the City Council within (30) days after receipt of notification of such action. The City Council shall give notice, follow publication procedures as required, hold hearings, and make its decision in the same manner as provided in the general zoning ordinance of the City.

## **SECTION 8. CRITERIA FOR APPROVAL OF A CERTIFICATE OF APPROPRIATENESS**

**The Historic Preservation Commission shall render decisions on the approval or denial of a Certificate of Appropriateness subject to the requirements of this ordinance and the Historic Preservation Guidelines (*Exhibit A*) as adopted by the City Council.**

## **SECTION 9. DEMOLITION**

A permit for the demolition of a historic resource or property within a historic district, including secondary buildings and landscape features, shall not be granted by the (Building Official or other City Official) without the review of a completed application for a Certificate of Appropriateness by the Commission, as provided for in Section 6, 7 & 8 of the ordinance.

## **SECTION 10: RIGHT TO APPEAL**

An applicant for a Certificate of Appropriateness dissatisfied with the action of the Commission relating to the issuance or denial of a Certificate of Appropriateness shall have the right to appeal to the City Council within thirty (30) days after receipt of notification of such action.

## **SECTION 11. ENFORCEMENT**

In the event work is not being performed in accordance with the applicant's submittal that led to the approved Certificate of Appropriateness, or upon notification of such fact by the Commission and verification by the Liaison, the Building Official may, at his discretion, issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project and the stop work order shall remain in effect until the Liaison formally requests the Building Official to release the stop work order and the Building Official decides to release same.

## **SECTION 12. ORDINARY MAINTENANCE**

Nothing in this ordinance shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a resource or property within a historic district which does not involve a change in design, material, or outward appearance.

## **SECTION 13. DEMOLITION BY NEGLECT**

No owner or person with an interest in real property designated as a resource or included within a historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Commission, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself. Determinations of such neglect shall be made upon a specially called meeting of the Commission.



Examples of such deterioration include:

- (a) Deterioration of exterior walls or other vertical supports.
- (b) Deterioration of roof or other horizontal members.
- (c) Deterioration of exterior chimneys.
- (d) Deterioration or crumbling of exterior stucco or mortar.
- (e) Ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors.
- (f) Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety.

**SECTION 14. PENALTIES**

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with the provisions of this ordinance commits an offense Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 15.**

That this Ordinance shall be in effect immediately from and after its passage and publication as provided by law.

**PASSED AND APPROVED** this 5<sup>ST</sup> day of November 2024.

\_\_\_\_\_  
Doug Svien, Mayor

ATTEST:

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Sarah Lockenour, City Secretary

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Reviewed by Jason King,  
City Manager

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Randy Thomas, City Attorney  
Approved as to form and legality

# STAFF REPORT

**SUBJECT:** Consider Revisions to Certain Zoning Districts Relating to the Limitation of Occupancy by Unrelated Persons

**DEPARTMENT:** Development Services

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

## RECOMMENDATION:

On September 17, 2024, the Development Services Committee voted to assign the proposed revisions to the Planning and Zoning Commission for a Public Hearing and subsequent recommendation to City Council.

The proposed revisions to the land use regulations would increase the number of unrelated persons allowed to occupy residential structures from three persons to four persons. Staff proposes this revision be applied to the following Zoning Districts where residential structures allowing single-family occupancy per dwelling are permitted:

RE	Residential Estate District (43,560 ft <sup>2</sup> )
R-HA	Single-Family Residential District (21,780 ft <sup>2</sup> )
R-1	Single-Family Residential District (7,500 ft <sup>2</sup> )
R-1.5	Single-Family Residential District (6,000 ft <sup>2</sup> )
R-2	One and Two Family Residential District
R-2.5	Integrated Housing District
R-3	Multiple Family Residential District
MH	Manufactured Housing District
B-3	Central Business District
DT	Downtown District
AG	Agricultural District

## ALTERNATIVES

1. Recommend the City Council adopt the proposed revisions to city ordinance.
2. Recommend the City Council reject the proposed revisions to city ordinance.