



PLANNING AND ZONING COMMISSION MEETING

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

AGENDA

CALL TO ORDER

1. Oath of Office
2. Election of Chairperson and Vice-Chair

MINUTES

- [3.](#) Approve Minutes from December 15, 2021

PUBLIC HEARING

- [4.](#) Case No.: AS2022-001

Abandonment of an 8ft Alleyway in Block 8 of the City Addition of the City of Stephenville

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, December 15, 2021 at 5:30 PM

MINUTES

The Planning and Zoning Commission of the City of Stephenville, Texas, convened on December 15, 2021 at 5:30 PM, in the Council Chambers at City Hall, 298 West Washington Street, for the purpose of a Regular Business Meeting, with the meeting being open to the public and notice of said meeting, giving the date, time, place and subject thereof, having been posted as prescribed by Chapter 551, Government Code, Vernon's Texas Codes Annotated, with the following members present, to wit:

COMMISSIONERS PRESENT: Lisa LaTouche, Chairperson
 Brian Lesley, Vice Chair
 Bruce Delater
 Justin Allison
 Nick Robinson
 Cliff McCury
 Mary Beach McGuire – Alternate

COMMISSIONERS ABSENT: Todd McEvoy
 Tom Hines – Alternate

OTHERS ATTENDING: Steve Killen, Director of Development Services
 Taylor Kanute, Applicant
 Reece Flannigan, Applicant
 Quazi Moumin, Applicant

CALL TO ORDER

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

Announcements from Director of Development Services: Steve Killen stated that per State and City code and ordinances, Plats are not required to go to City Council for final action.

MINUTES

1. Consider Approval of Minutes - November 17, 2021

MOTION by Mary Beach McGuire, second by Cliff McCury to approve the minutes for November 17, 2021. MOTION CARRIED by unanimous vote.

PUBLIC HEARING

2. Case No.: PP2021-005

Applicant Taylor Kanute of Bosque Clark, LLC, is requesting approval of a preliminary plat of property located at 110 Clark Lane, Parcel R63366, of CITY ADDITION, BLOCK 85, LOT 1 & 2A (PTS OF) of the City of Stephenville, Erath County, Texas.

Steve Killen, Director of Development Services, briefed the commission on the case. Mr. Killen stated that the applicant has submitted a Preliminary Plat. The Plat has been reviewed by staff and staff is requesting the Planning and Zoning Commission grant a Conditional Approval of the Preliminary Plat pending completion of the 9 item list.

Taylor Kanute and Reece Flannigan were present to answer any questions.

Chairperson LaTouche opened the public hearing.

No one came forward to speak in favor of or against the Preliminary Plat request.

Chairperson LaTouche closed the public hearing.

MOTION by Brian Lesley, second by Nick Robinson, to approve Case No. PP2021-005 with conditions noted by staff. MOTION CARRIED with a unanimous vote.

3. Case No.: PP2021-006

Applicant Reece Flanagan with Flanagan Land Solutions, representing Cowtown Properties, LLC, is requesting approval of a preliminary plat and Planning and Zoning Commission (P&Z) recommendation for Council approval of the development plan for property located at 525 Collins, Parcel R33237, of SHAPARD & COLLINS, BLOCK 6, LOT 1 & 2 & A0032 BLAIR JOHN of the City of Stephenville, Erath County, Texas.

Steve Killen, Director of Development Services, briefed the commission on the case. Mr. Killen stated that the applicant has submitted a Preliminary Plat. The Plat has been reviewed by staff and staff is requesting the Planning and Zoning Commission grant a Conditional Approval of the Preliminary Plat pending completion of the 6 item list. The items shall be completed and a corrected with Final Plat submission.

Reece Flannigan was present to answer any questions.

Chairperson LaTouche opened the public hearing.

No one came forward to speak in favor of or against the Preliminary Plat request.

Chairperson LaTouche closed the public hearing.

MOTION by Brian Lesley, second by Nick Robinson, to approve Case No. PP2021-006 with conditions noted by staff. MOTION CARRIED with a unanimous vote.

4. Case No.: PP2021-007

Applicant Taylor Kanute, representing Bosque Clark, LLC, is requesting approval of a preliminary plat of the properties located at 0 River North I, II, & III, Parcel 40037, of A0032 BLAIR JOHN of the City of Stephenville, Erath County, Texas.

Steve Killen, Director of Development Services, briefed the commission on the case. Mr. Killen stated that the property has not been previously platted. Case number PP2021-007 and PP2021-008 are sister projects that comprise one development project. Drainage is under review and will be studied as part of the Final Plat process. Proposed plat is properly zoned. The Plat has been reviewed by staff and staff is requesting the Planning and Zoning Commission grant a Conditional Approval of the Preliminary Plat pending completion of the 14 item list.

Taylor Kanute was present to answer any questions.

Chairperson LaTouche opened the public hearing.

301 Midnight Shadow property owner, Owen Rasberry, was in favor of preliminary plat.

701 Prairie Wind Boulevard property owner, David Blagg, asked if Prairie Wind would be continued through new development and was concerned about future drainage. Steve Killen stated that TCEQ does not allow additional drainage onto adjacent properties.

101 Spring Bouquet Road resident, Mary Walls, asked if trees on her property located outside of fence line would be affected by construction. Steve Killen stated that a surveyor would verify property lines prior to construction activities.

105 Spring Bouquet Road property owner, Jerry Caldwell, asked for update on survey verification and pin location. Steve Killen stated that staff is still reviewing this issue and a professional survey will be honored. Jeremy Caldwell asked if alleys would be constructed between existing and proposed lots. Taylor Kanute stated that the new development would mimic current surrounding neighborhood. Jeremy Caldwell was also concerned about flooding.

Chairperson LaTouche closed the public hearing.

MOTION by Brian Lesley, second by Bruce Delater, to approve Case No. PP2021-007 with conditions noted by staff. MOTION CARRIED with a unanimous vote.

5. Case No.: PP2021-008

Applicant Taylor Kanute, representing Bosque Clark, LLC, is requesting approval of a preliminary plat of the properties located at Prairie Wind (OFF), Parcel R14960, of RIVER NORTH RANCHETTES, BLOCK 1, LOT 7 (W PT OF), Parcel R63113, of RIVER NORTH RANCHETTES, BLOCK 1, LOT 6 (W PT OF) ; Parcel R63105, of S5640 RIVER NORTH RANCHETTES, BLOCK 1, LOT 5 (W PT OF), Parcel R63099, of RIVER NORTH RANCHETTES, BLOCK 1, LOT 2, Parcel R63100, of RIVER NORTH RANCHETTES, BLOCK 1, LOT 3; and Parcel R63101, of RIVER NORTH RANCHETTES, BLOCK 1, LOT 4, all being of the City of Stephenville, Erath County, Texas.

Steve Killen, Director of Development Services, briefed the commission on the case. Mr. Killen stated that Case number PP2021-007 and PP2021-008 are sister projects that comprise one development project. The Plat has been reviewed by staff and staff is requesting the Planning and Zoning Commission grant a Conditional Approval of the Preliminary Plat pending completion of the 14 item list.

Taylor Kanute was present to answer any questions.

Chairperson LaTouche opened the public hearing.

No one came forward to speak in favor of or against the Preliminary Plat request.

Chairperson LaTouche closed the public hearing.

MOTION by Brian Lesley, second by Nick Robinson, to approve Case No. PP2021-008 with conditions noted by staff. MOTION CARRIED with a unanimous vote.

6. Case No.: RZ2021-019 & RP2021-008

Applicant Quazi Moumin is requesting a rezone of property located at 940 Harbin Drive, Parcel R30440 of CITY ADDITION, BLOCK 144, LOT 3, of the City of Stephenville, Erath County, Texas, from (R-1) Single Family Residential to (R-2.5) Integrated Housing with simultaneous replatting.

Steve Killen, Director of Development Services, briefed the commission on the case. The Plat has been reviewed by staff and staff is requesting the Planning and Zoning Commission grant an Approval of the

Replat pending approval of the rezone. Rezone does not meet current zone, however, R2.5 was created to allow for alternate development in R-1 in lieu of rezone to R-3.

Quazi Moumin was present to answer any questions.

Chairperson LaTouche opened the public hearing.

920 Lydia property owner Karen Carlton concerned about rezone affecting the character of the neighborhood and potential traffic increase.

970 Lydia property owner Brent Billings concerned about rezone affecting smaller lots will take away from his property value.

950 Lydia property owner Bill Loverton concerned this rezone will take away from his property value especially since existing 2 empty lots on street could become the same type of development.

2140 Crestridge property owner Todd McEvoy concerned about protecting property values and use caution regarding spot zoning.

925 Lydia property owner Seth Gregor concerned about rezone and potential for increased traffic on roadway.

960 Lydia property owner Darla Fint concerned about preserving the character of the neighborhood and potential for increased traffic on roadway.

970 Lydia property owner Lisa Billings concerned about preserving character of the neighborhood.

920 Lydia property owner Jim Carlton concerned about people parking in front on mailbox and mail not being delivered so concerned about potential for more traffic if rezoned.

Chairperson LaTouche closed the public hearing.

MOTION by Brian Lesley, second by Mary Beach McGuire, to deny Case No. RZ2021-019.

AYES: Mary Beach McGuire, Justin Allison, Cliff McCury, Brian Lesley

NOES: Bruce Delater, Lisa LaTouche, Nick Robinson

MOTION to Deny with a vote of 4/3.

The meeting was adjourned at 6:55 p.m.

APPROVED:

Lisa LaTouche, Chair

ATTEST:

Tina Cox, Commission Secretary

STAFF REPORT



SUBJECT: Case No.: AS2022-001
Abandonment of Alley in the City Addition

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

RECOMMENDATION:

To recommend the City Council abandon the eight-foot alley between the 200 blks. of College and McNeil streets. The alley runs east and west.

BACKGROUND:

The City owns an eight-foot alley way that offers limited use for city operations. However, the adjacent businesses could possibly benefit from its acquisition.

Chapter 95 of the City of Stephenville Code of Ordinances allows for the abandonment of streets and alleys by petition or council initiative. Council initiated such action at the regular business meeting on December 7, 2021. Such action requires review by the Planning and Zoning Commission via public hearing and a recommendation to council for final approval. The applicable sections of the city code are as follows:

ARTICLE IV. - CLOSING STREETS AND ALLEYS

Sec. 95.50. - Reference to transportation code.

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

Sec. 95.51. - Public hearing generally.

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

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

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

DEPARTMENTAL COMMENTS:**Public Works Department**

The 8-ft. width should be identified as a municipal utility easement to accommodate the existing sewer line serving the adjacent businesses.

Development Services

No objections.

Police Department

No Objections.

Fire Department

No Objections.

ESTIMATE OF VALUE

An estimate of value for the alley has been identified as \$? for the full 8-ft. width of right-of-way and \$?/2 for the half width of right-of-way using Section 95.56 of the adopted Code of Ordinances. An exhibit of the alley is shown below.

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

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

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

ADVANTAGES:

An advantage to closing the alley would allow adjacent businesses to utilize the alley for business purposes.

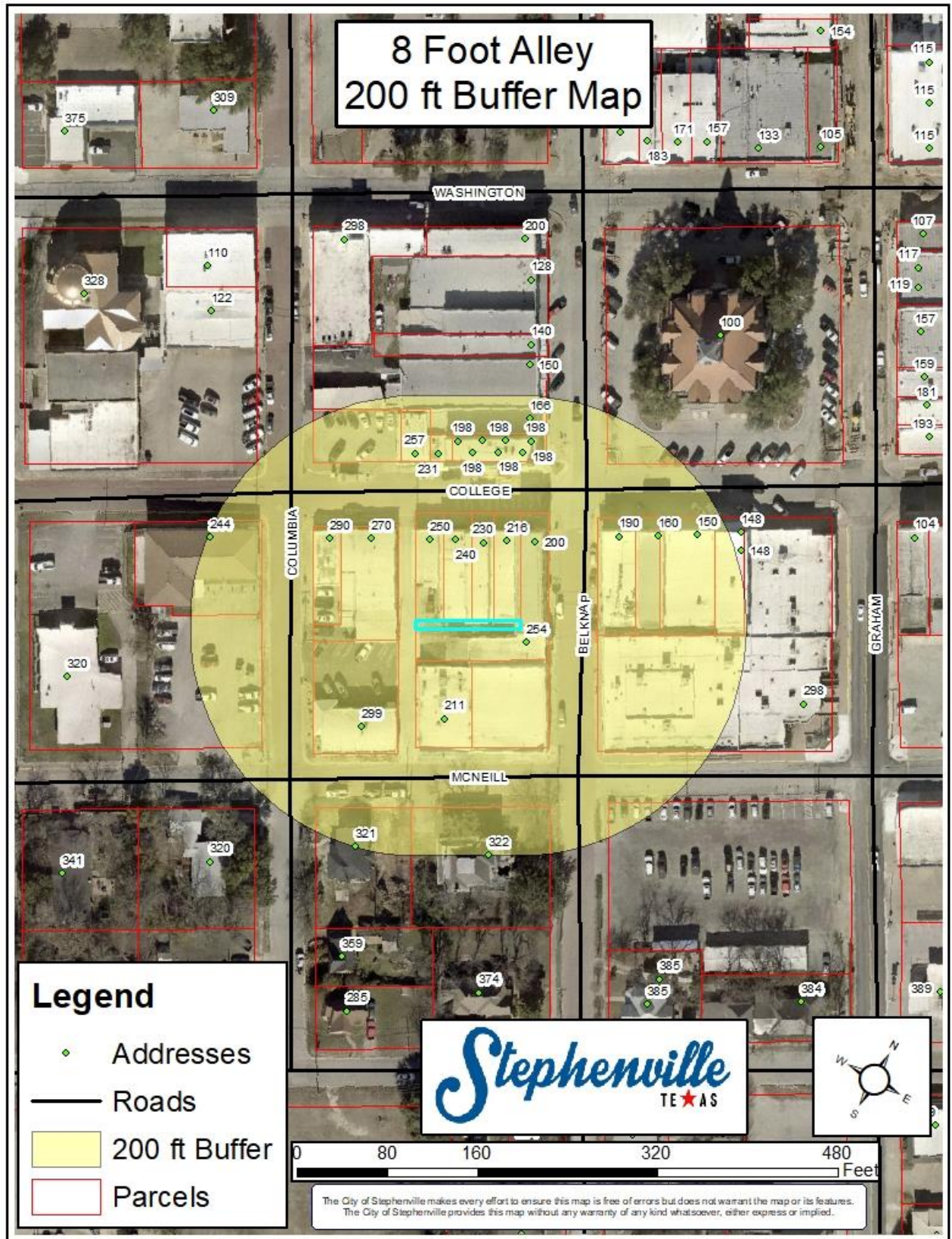
DISADVANTAGES:

No disadvantages have been identified at this time.

ALTERNATIVES

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

Exhibit – Eight-foot alley between College and McNeil streets.



Search Here: Search Parcel Data

Map Contents

- Parcels
- Abstracts
- School Districts
- Subdivisions
- City Limits
- Street Centerlines

32°13'09"N 98°12'09"W

0 5 10ft

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community