



## PLANNING AND ZONING COMMISSION MEETING

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City Hall Council Chambers, 298 W. Washington  
Wednesday, October 20, 2021 at 5:30 PM

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### AGENDA

#### CALL TO ORDER

#### MINUTES

1. Approval of Minutes - September 15, 2021

#### PUBLIC HEARING

2. **Case No.: RZ2021-016**

Applicant Bosque Clark LLC, is requesting a rezone of property located at 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, (R-3) Multi-Family to (R 2.5) Integrated Housing District.

3. **Case No.: PD2021-002**

Applicant Reese Flanagan of MMA, LLC, representing Troy Kunkel of Cowtown Properties, is requesting a rezone of property located at 525 W Collins, Parcel R33237, of SHAPARD & COLLINS, BLOCK 6, LOTS 1 & 2 & A0032 BLAIR JOHN, of the City of Stephenville, Erath County, Texas, from (IND) Industrial to (PD) Planned Development.

4. **Case No.: PD2021-003, 2021-004 and 2021-005**

Applicant Reese Flanagan of MMA, LLC, representing Troy Kunkel of 598 Westwood, LLC, is requesting a rezone of properties located at 817 W. Washington, Parcel 29583 of CITY ADDITION, BLOCK 62, LOT 6A, 7, part of 14 and 17, 855 and 865 W. Washington, Parcel R29581, of CITY ADDITION, BLOCK 62, LOTS 4, part of 5 and 6B and 873 W. Washington, Parcel R29580, of CITY ADDITION, BLOCK 62, LOT 3, of the City of Stephenville, Erath County, Texas, from (B-2) Retail and Commercial Business to (PD) Planned Development. The applicant will present the Planned Development.

5. **Case No.: RZ2021-017**

Applicants Allen Vandergriff, Chad Vandergriff and Corianna Alandt, are requesting a rezone of property located at located at 683 W Tarleton, Parcel R29685, of PARK PLACE AND CITY ADDITION, BLOCK 3 & 69, LOTS 1B,2B,4B,12 (PTS OF), of the City of Stephenville, Erath County, Texas, (B-2) Retail and Commercial Business to (R-3) Multi-Family.

6. **RZ2021-015 & RP2021-007**

Applicants Ontade LLC and Toby O'Neal are requesting a rezone of properties located at 1083 Frey, Parcel R32260, of KIGHT SECOND ADDITION, BLOCK 5, LOT 1, and 1065 W. Frey, Parcel R32261, of KIGHT SECOND ADDITION, BLOCK 5, LOT 2 (part of), of the City of Stephenville, Erath County, Texas, from (R-1) Single Family Residential, to (R-2.5) Integrated Housing with simultaneous replatting.

7. **Discussion of Sign Regulations Relating to Murals – Chapter 154**

#### 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

City Hall Council Chambers, 298 W. Washington  
Wednesday, September 15, 2021 at 5:30 PM

### MINUTES

The Planning and Zoning Commission of the City of Stephenville, Texas, convened on September 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  
Todd McEvoy  
Mary Beach McGuire – Alternate  
Tom Hines - Alternate

**COMMISSIONERS ABSENT:** Cliff McCury

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

#### CALL TO ORDER

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

#### MINUTES

**1. Consider Approval of Minutes – August 18, 2021**

MOTION by Brian Lesley, second by Bruce Delater to approve the minutes for August 18, 2021.  
MOTION CARRIED by unanimous vote.

#### PUBLIC HEARINGS

**2. Case No.: RZ2021-014**

**Applicant Joe Soto is requesting a rezone of the remaining portion of property located at 645 McCart, Parcel R33258, of Shapard & Collins, Block 10, Lot 7, of the City of Stephenville, Erath County, Texas from (I) Industrial to (R-3) Multifamily.**

Steve Killen, Director of Development Services, briefed the commission on the case. Mr. Killen stated that the applicant previously submitted a rezone application in 2017 which was subsequently approved by the Commission and City Council in the fall of 2017. In 2020, the applicant submitted an application for replat which was also approved by the Commission and City Council in May, 2020. Mr. Killen stated that the future land use is multi-family. Mr. Killen shared with the Commission that recent submittals for

the project led to the discovery that the replat removed an approximate 27 feet of the property known as 663 McCart and expanded the property known as 645 McCart. Consequently, 645 McCart now has a split zoning of Industrial and R-3, multifamily. Mr. Killen concluded his brief with stating that staff supports the rezone request.

Joe Soto was not present to answer any questions.

Chairperson LaTouche opened the public hearing.

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

Chairperson LaTouche closed the public hearing.

MOTION by Brian Lesley, second by Nick Robinson, to approve Case No. RZ2021-014 and forward a positive recommendation to Council. MOTION CARRIED with a unanimous vote.

**3. Discussion of Permitted Uses of the Zoning Code**

Steve Killen, Director of Development Services, briefed the commission on the case. Mr. Killen stated that currently alcohol sales within the city is generally associated with restaurant, grocery or convenience store operations. The list of permitted uses do not specify alcohol sales for any district and is silent when considering operations where alcohol sales is the primary retail product. On August 3, 2021, the Development Services Committee convened and by unanimous vote, recommended the permitted use of alcohol sales be added to the zoning districts of B-1, B-2, B-3 and DT districts and refer to the Planning and Zoning Commission for public hearing.

Chairperson LaTouche opened the public hearing.

No one came forward to speak in favor of request.

Jim Kirby, 1234 CR 474, spoke against request.

Alan Nix, 113 Ben Hogan, spoke against request.

Chairperson LaTouche closed the public hearing.

MOTION by Bruce Delater, second by Mary Beach McGuire, to approve the addition of alcohol sales to the permitted uses in zoning districts B-2, B-3 and DT and forward a positive recommendation to Council. MOTION FAILED with the following votes:

Ayes: Bruce Delater and Lisa LaTouche

Noes: Tom Hines, Mary Beach McGuire, Brian Lesley, Nick Robinson and Todd McEvoy

Commission recognized that a DENIAL will be forwarded to Council under Section 154.20.2.K.

The meeting was adjourned at 6:04 p.m.

APPROVED:

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

ATTEST:

\_\_\_\_\_  
Tina Cox, Commission Secretary



MEDIUM DENSITY CITY NEIGHBORHOOD DEVELOPMENT TO BE KNOWN AS SECTION 154.05.8 INTEGRATED HOUSING DISTRICT ( R-2.5) AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Current City zoning regulations do not provide a classification to provide for medium density city neighborhood development; and

WHEREAS, the City Council of the City of Stephenville, Texas desires to provide a zoning classification for said development with appropriate rules and regulations.

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

The following zoning classification is hereby established to the City of Stephenville Code of Ordinances:

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 R-2.5 Integrated Housing District will be applicable to for all Residential districts, B-1 Neighborhood Business and B-3 Central Business.

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.

5.8.E Parking Regulations. A Single-Family, R-2.5 District lot shall provide a minimum of two vehicle parking spaces per dwelling unit, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in this ordinance, Section 11, Parking Regulations of this ordinance.

(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.
- A Two to Four-Family, R-2.5 District lot shall provide a minimum of two vehicle parking spaces per dwelling unit, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in this ordinance, Section 11, Parking Regulations of this ordinance.
- (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: 25 feet.
- (5) Minimum depth of rear setback: 15 feet.
- (6) Minimum width of side setback:
  - (a) Internal lot: five feet.
  - (b) Corner lot: 25 feet from intersecting side street.
- (7) Building size:
  - (a) Maximum 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.
- (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.
- (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.

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

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

This ordinance shall be effective upon passage.  
 PASSED AND APPROVED this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
 Doug Svien, Mayor  
 ATTEST:

\_\_\_\_\_  
 Staci L. King, City Secretary

\_\_\_\_\_  
 Reviewed by Allen L. Barnes,  
 City Administrator



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Randy Thomas, City Attorney  
Approved as to form and legality

## ALTERNATIVES

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



City of Stephenville  
298 W. Washington  
Stephenville, TX 76401  
(254) 918-1213

Item 2.

NO. 4612

RZ2021-016

### ZONING AMENDMENT APPLICATION

#### CITY OF STEPHENVILLE

1. **APPLICANT/OWNER:** Taylor Kanute  
First Name Last Name

**ADDRESS:** 159 S. Graham St 254-918-7500  
Street/P.O. Box Phone No.  
Stephenville Tx 76401  
City State Zip Code

2. **PROPERTY DESCRIPTION:** 110 Clark Lane, Stephenville  
Street Address

3. **LEGAL DESCRIPTION:** Lot 1 &2A Block 85 S2600  
Lot(s) Block(s) Addition

4. **PRESENT ZONING:** R3  
Zoning District Title

**PROPOSED ZONING:** R2.5  
Zoning District Title

5. **APPLICANTS REQUEST FOR ZONING CHANGE IS AS FOLLOWS:** \_\_\_\_\_  
Rezoning to R2.5 to construct attached single family townhomes and sell as individual units

(Attach an additional sheet if necessary)

[Signature]  
Signature of Applicant

9/23/21  
Date

[Signature]  
Signature of City Official Received


9/24/21  
Date Received











SQUARE FOOTAGE

Site Plan Option 4

SP1.1

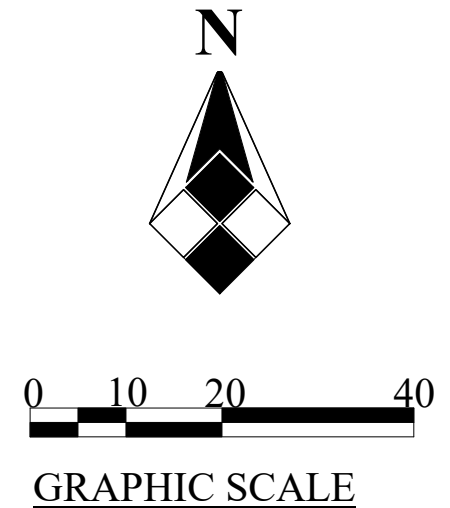
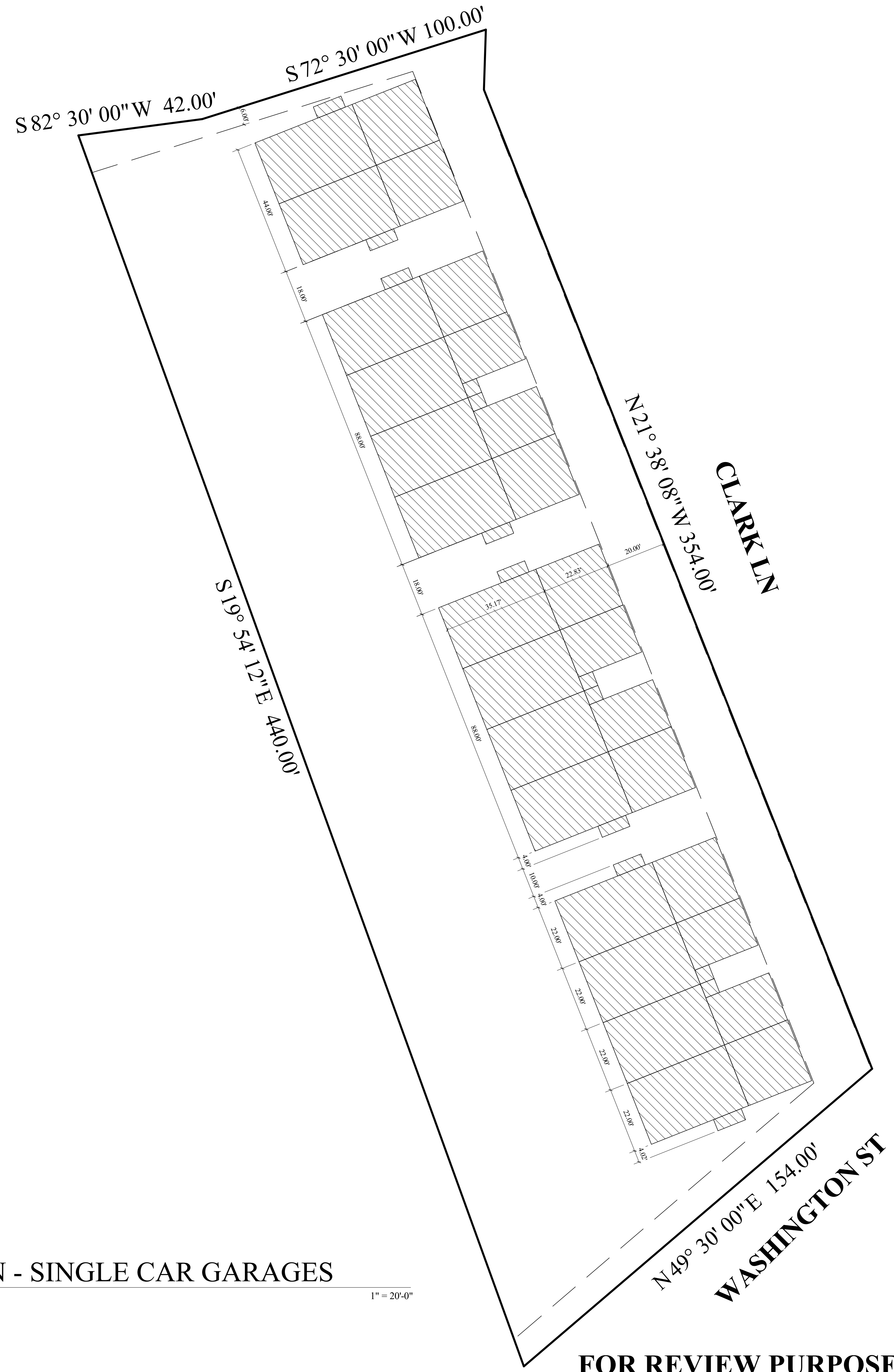
**Documentation**  
 These architectural drawings are for the general scope of work to be performed in terms of design concept. The scope of these drawings include: architectural building elements, building site, building structure, mechanical, electrical, and plumbing systems. These drawings are not intended to cover all documentation necessary to perform the work. Individual trade contractors, subcontractors, and suppliers shall provide all required documentation for the purpose of completing the work.

Plan For:  
 Clark Lane Townhomes  
 Location:  
 Stephenville, TX



PHONE: 574-255-2422  
 FAX: 574-257-9286  
 100 LINCOLN WAY EAST  
 MISHAWAKA, IN 46544

FILE	DATE
2021-0079 v1	8-19-2021
DRWN BY	CHKD BY
TAM	JFS



**SITE PLAN - SINGLE CAR GARAGES**  
 1" = 20'-0"

**FOR REVIEW PURPOSES ONLY - NOT FOR CONSTRUCTION**



SQUARE FOOTAGE

# FIRST FLOOR PLAN

A1.0

### Documentation

These architectural drawings are for the general scope of work to be performed in terms of design concept. The scope of these drawings include: architectural building elements, building site, building structure, mechanical, electrical, and plumbing systems. These drawings are not intended to cover all documentation necessary to perform the work. Individual trade contractors, subcontractors, and suppliers shall provide all required documentation for the purpose of completing the work.

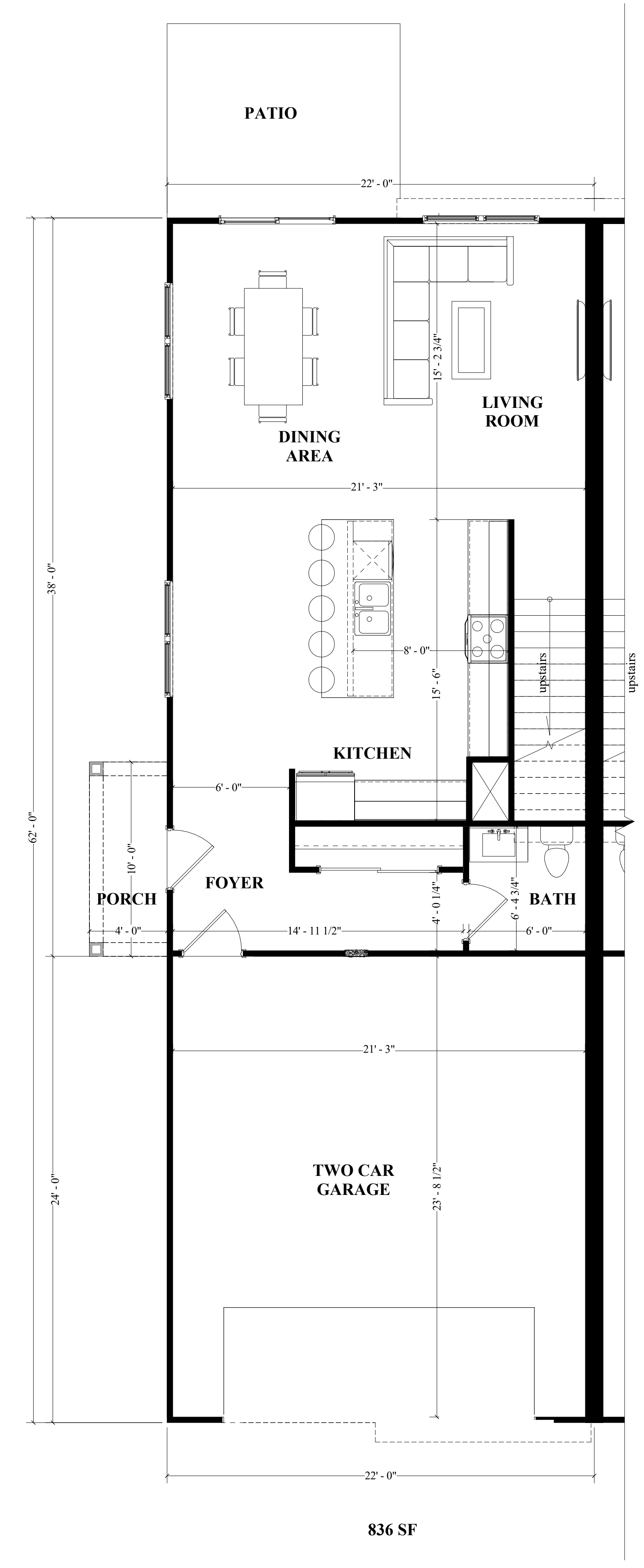
Plan For: Clark Lane Townhomes  
Location: Stephenville, TX



PHONE: 574-255-2422  
FAX: 574-257-0286  
100 LINCOLN WAY EAST  
MISHAWAKA, IN 46544

FILE	DATE
2021-0079-2	9-3-2021
DRWN BY	CHKC BY
MDFCMS	JFS

COPYRIGHT SPALDING DESIGN GROUP, LLC 2021



## FIRST FLOOR PLAN

1  
A1.0

1/4" = 1'-0"







SQUARE FOOTAGE

SECOND FLOOR PLAN

A1.1

Documentation  
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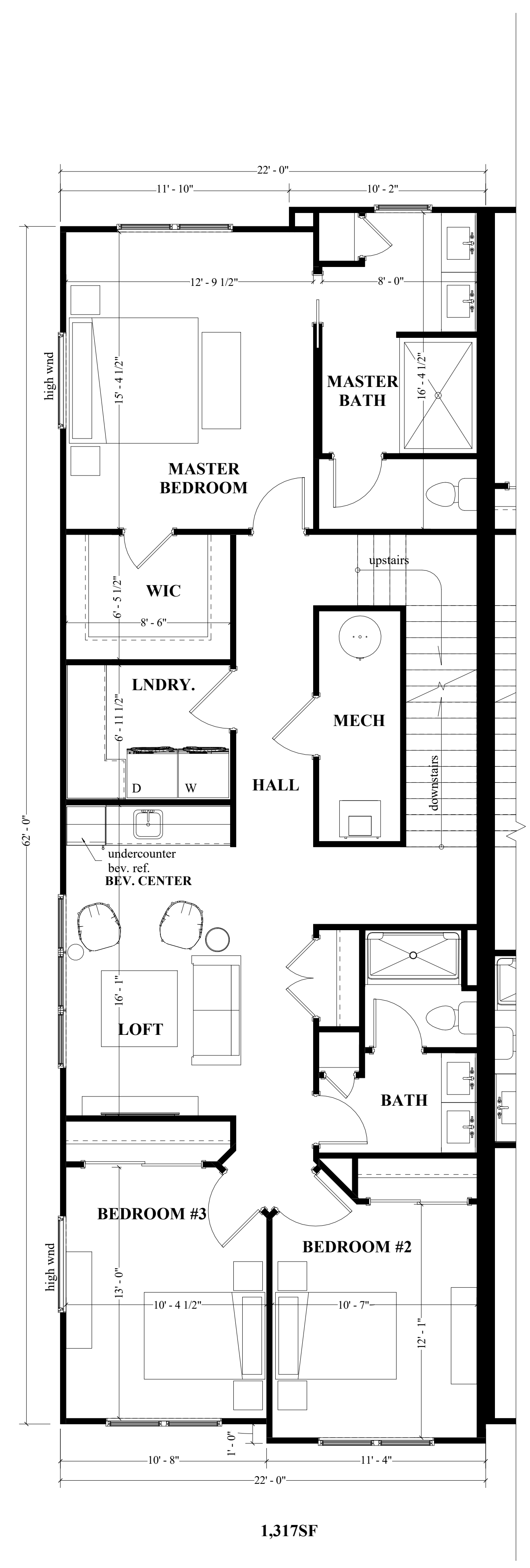
Plan For: Clark Lane Townhomes  
Location: Stephenville, TX



PHONE: 574-255-2422  
FAX: 574-257-0286  
100 LINCOLN WAY EAST  
MISHAWAKA, IN 46544

FILE	DATE
2021-0079-2	9-3-2021
DRWN BY	CHKD BY
MDFCMS	JFS

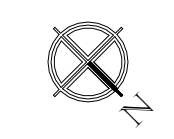
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SECOND FLOOR PLAN

1  
A1.1

1/4" = 1'-0"



FOR REVIEW PURPOSES ONLY - NOT FOR CONSTRUCTION



SQUARE FOOTAGE

ROOFTOP DECK PLAN

A1.2

Documentation

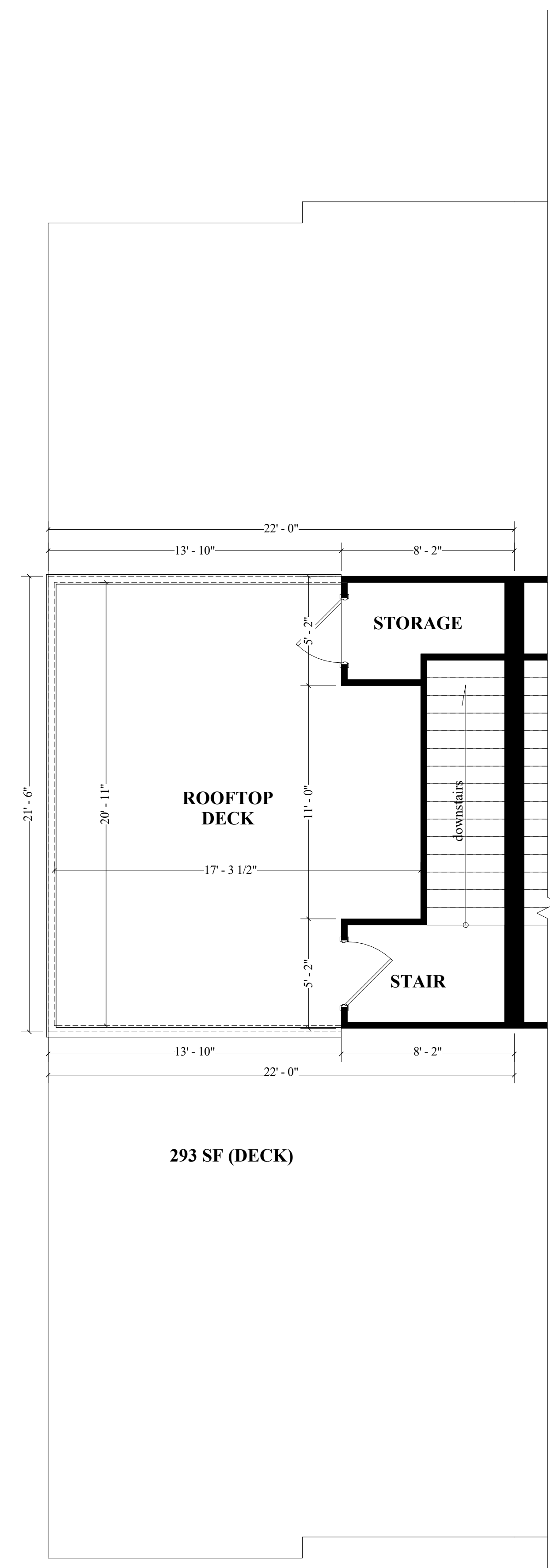
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Plan For: Clark Lane Townhomes  
Location: Stephenville, TX



PHONE: 574-255-2422  
FAX: 574-257-0286  
100 LINCOLN WAY EAST  
MISHAWAKA, IN 46544

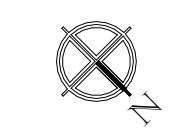
FILE	DATE
2021-0079-2	9-3-2021
DRWN BY	CHK BY
MDFCMS	JFS



ROOFTOP DECK PLAN

1  
A1.2

1/4" = 1'-0"



**Steve Killen**

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**Subject:** FW: Case No. RZ2021-016  
**Attachments:** image010.jpg

**From:** Ben Berriche <[rberriche@gmail.com](mailto:rberriche@gmail.com)>  
**Sent:** Saturday, October 9, 2021 3:00 PM  
**To:** Steve Killen <[SKillen@stephenvilletx.gov](mailto:SKillen@stephenvilletx.gov)>  
**Subject:** Case No. RZ2021-016

Dear Mr. Killen,

I am writing to you regarding the rezoning request No. RZ2021-016.

I am the owner of 200 Clark Lane, Stephenville, TX 76401, which is a property within 200 ft radius of a property in the City of Stephenville for which a rezoning request was submitted.

I am not in favour of this rezoning request. I am opposed to it. I would like the zoning to remain R-3.

Thank you.

--

Regards,  
Ridha Berriche

972-375-3875

**CITY OF STEPHENVILLE TEXAS  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF STEPHENVILLE, TEXAS ESTABLISHING A ZONING CLASSIFICATION IN THE CODE OF ORDINANCES PROVIDING FOR MEDIUM DENSITY CITY NEIGHBORHOOD DEVELOPMENT TO BE KNOWN AS SECTION 154.05.8 INTEGRATED HOUSING DISTRICT ( R-2.5) AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Current City zoning regulations do not provide a classification to provide for medium density city neighborhood development; and

**WHEREAS**, the City Council of the City of Stephenville, Texas desires to provide a zoning classification for said development with appropriate rules and regulations.

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

The following zoning classification is hereby established to the City of Stephenville Code of Ordinances:

**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 R-2.5 Integrated Housing District will be applicable to for all Residential districts, B-1 Neighborhood Business and B-3 Central Business.

**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;

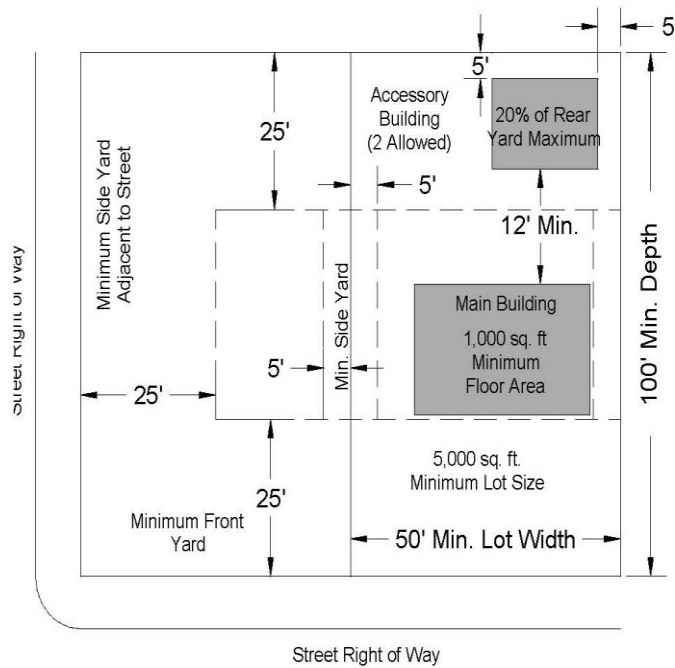
### 5.8.C Conditional Uses.

- (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.

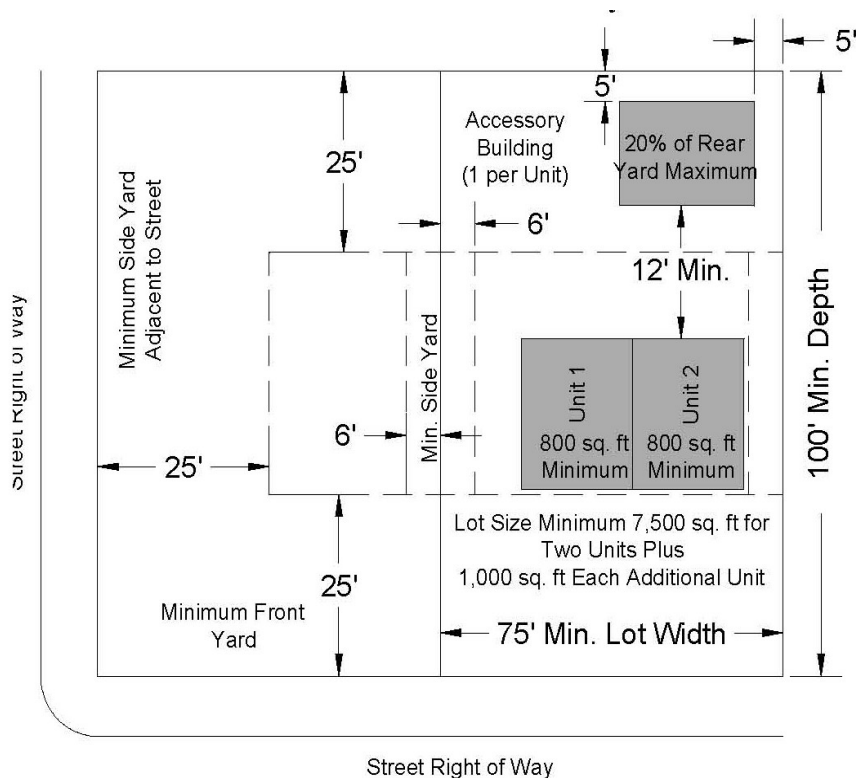


**5.8.E Parking Regulations.** A Single-Family, R-2.5 District lot shall provide a minimum of two vehicle parking spaces per dwelling unit, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in this ordinance, Section 11, Parking Regulations of this ordinance.

(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.



A Two to Four-Family, R-2.5 District lot shall provide a minimum of two vehicle parking spaces per dwelling unit, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in this ordinance, Section 11, Parking Regulations of this ordinance.

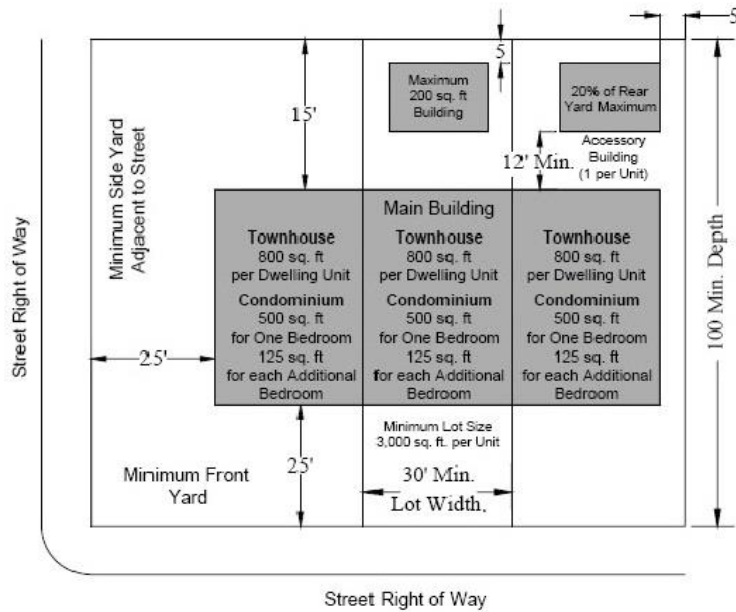
(C) *Townhouse/Condominium.*

- (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: 25 feet.
- (5) Minimum depth of rear setback: 15 feet.
- (6) Minimum width of side setback:
  - (a) Internal lot: five feet.
  - (b) Corner lot: 25 feet from intersecting side street.
- (7) Building size:
  - (a) Maximum 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.
- (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.
- (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.



Townhouse/Condominium



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

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

This ordinance shall be effective upon passage.

**PASSED AND APPROVED** this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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

ATTEST:

\_\_\_\_\_  
Staci L. King, City Secretary

\_\_\_\_\_  
Reviewed by Allen L. Barnes,  
City Administrator

\_\_\_\_\_  
Randy Thomas, City Attorney  
Approved as to form and legality



**CITY OF STEPHENVILLE TEXAS  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING SECTION 154.05.6 MULTIPLE FAMILY RESIDENTIAL DISTRICT ( R-3) OF THE CODE OF ORDINANCES OF THE CITY OF STEPHENVILLE, TEXAS BY REVISING SUBSECTIONS 5.6A, 5.6B AND 5.6E(D) AND DELETING SUBSECTIONS 5.6.B (3&4) AND 5.6E (C ) AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, The City Council of City of Stephenville, Texas desires to change various conditions and requirements of Section 154.05.6, Multiple Family Residential District ( R-3), of the Code of Ordinances; and

**WHEREAS**, the changes have been recommended and approved by City staff and by the Planning and Zoning Commission;

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

Section 154.05.6 of the Code of Ordinances is hereby amended to read as follows:

**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 aesthetic 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.**

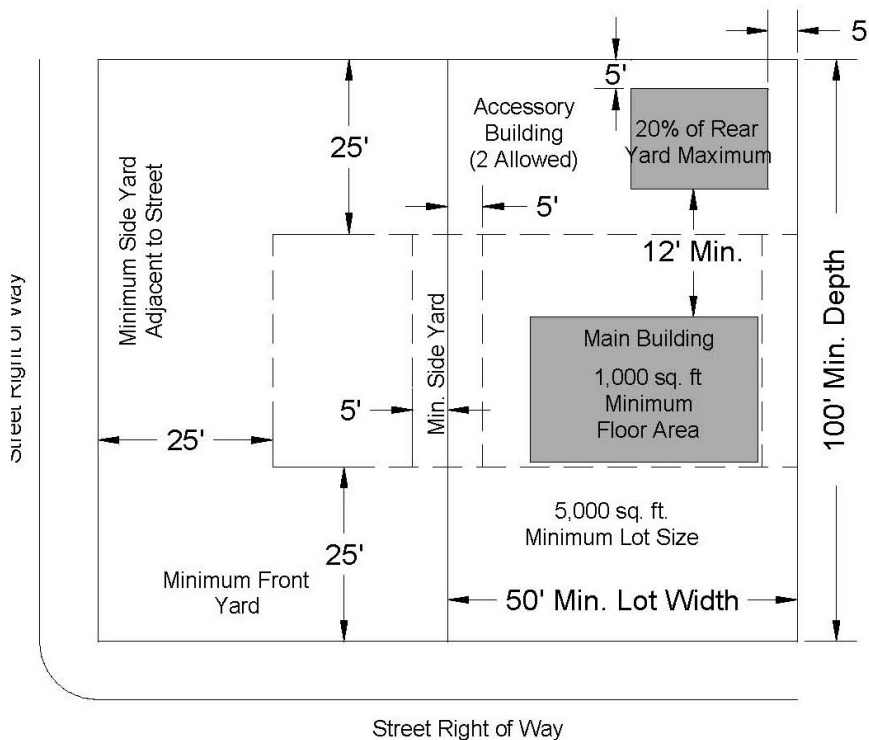
- (1) Home occupation;
- (2) Common facilities as the principal use of one or more platted lots in a subdivision;
- (3) Adult and/or children's day care centers;
- (4) Foster group home; and
- (5) Residence hall.

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

##### **(A) *Single family dwelling.***

- (1) Minimum lot area: 5,000 ft<sup>2</sup>.
- (2) Minimum lot width and lot frontage: 50 feet.
- (3) Minimum lot depth: 100 feet.
- (4) Minimum depth of front setback: 25 feet.
- (5) Minimum depth of rear setback: 25 feet.
- (6) Minimum width of side setback:
  - (a) Internal lot: five feet.
  - (b) Corner lot: 25 feet from intersecting side street.
- (7) Building size:
  - (a) Maximum 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.

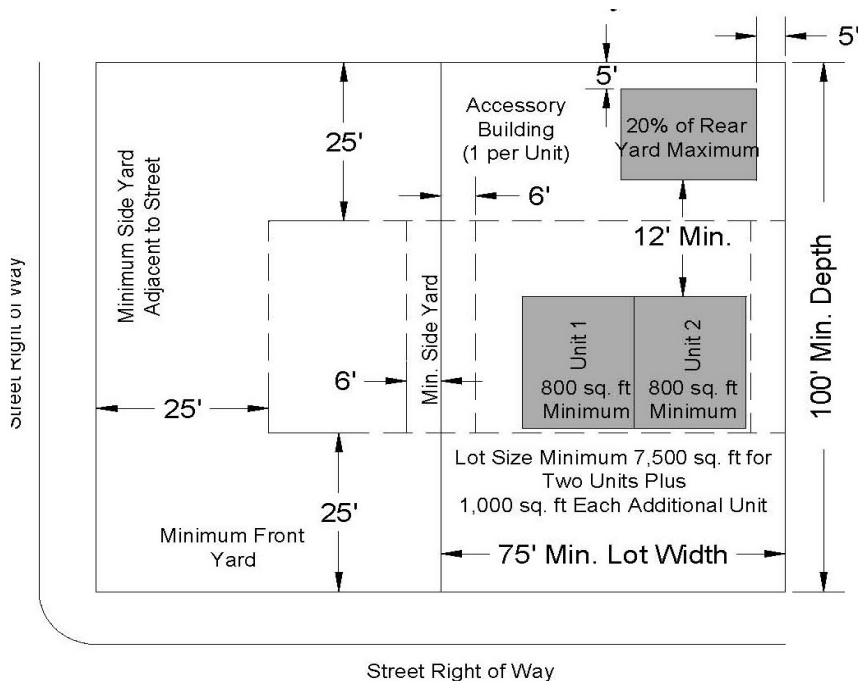


**5.6.E Parking Regulations.** A Single-Family, R-3 District lot shall provide a minimum of two vehicle parking spaces per dwelling unit, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in this ordinance, Section 11, Parking Regulations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

(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.



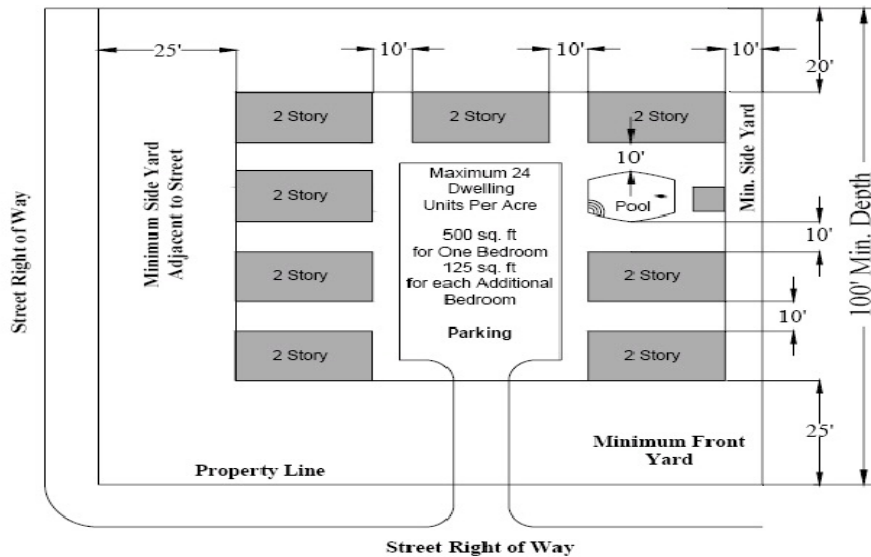
A Two to Four-Family, R-3 District lot shall provide a minimum of two vehicle parking spaces per dwelling unit, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in this ordinance, Section 11, Parking Regulations of this ordinance.

(D) *Multiple family dwellings.*

- (1) Minimum lot area: maximum density of 24 dwelling units per acre, which includes parking, access and all other area improvements.
- (2) Minimum lot depth: 100 feet.
- (3) Minimum depth of front setback: 25 feet.
- (4) Minimum depth of rear setback: 20 feet.
- (5) Minimum width of side setback:
  - (a) Internal lot: ten feet.
  - (b) Corner lot: 25 feet from intersecting side street.
- (6) Building size: Minimum area of each dwelling unit: 500 ft<sup>2</sup> for one bedroom or less plus 125 ft<sup>2</sup> of floor area for each additional bedroom.
- (7) Maximum height of structures: 35 feet.
- (8) Public, semi-public or public service buildings, hospitals, institutions or schools may not exceed a height of 60 feet. Churches, temples and mosques may not exceed 75 feet, if the building is set back from each yard line at least one foot for each two feet additional height above the height limit in this district.

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

#### Multiple Family Dwelling

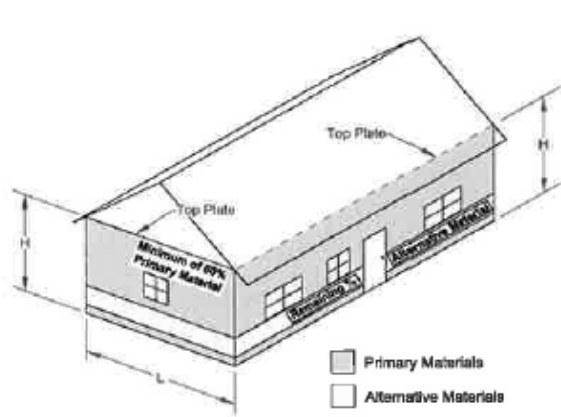


A Multiple-Family, R-3 District lot shall provide a minimum of two vehicle parking spaces per dwelling unit, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in this ordinance, Section 11, Parking Regulations of this ordinance. Student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





**NEW CONSTRUCTION**

Total Exterior Wall shall equal 80% of Primary Materials. Any remaining percentage shall be constructed of Alternative Materials. (Windows & Doors are excluded)

**EXISTING STRUCTURES**

1. Expanding or modifying the footage of the building 50% or less, may use the same exterior material as the existing primary building. If not available, approval is need from the Community Development Director.
2. Expanding or modifying the footage of the building 50% or more, must use 80% Primary Materials and any remaining percentage shall be constructed of Alternative Materials.
3. Windows and Doors are excluded.

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

This ordinance shall be effective upon passage.

**PASSED AND APPROVED** this the \_\_\_\_ day of \_\_\_\_\_, 2021.

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

ATTEST:

\_\_\_\_\_  
Staci L. King, City Secretary

\_\_\_\_\_  
Reviewed by Allen L. Barnes,  
City Administrator

\_\_\_\_\_  
Randy Thomas, City Attorney  
Approved as to form and legality



# STAFF REPORT

**SUBJECT:** Case No.: PD2021-002

Applicant Reese Flanagan of MMA, LLC, representing Troy Kunkel of Cowtown Properties, is requesting a rezone of property located at 525 W Collins, Parcel R33237, of SHAPARD & COLLINS, BLOCK 6, LOTS 1 & 2 & A0032 BLAIR JOHN, of the City of Stephenville, Erath County, Texas, from (IND) Industrial to (PD) Planned Development.

**DEPARTMENT:** Development Services

**STAFF CONTACT:** Steve Killen

**RECOMMENDATION:**

To consider the Planned Development and related submittals for a recommendation to City Council.

**BACKGROUND:**

**APPLICANT REQUEST:**

On August 15, 2021, the applicant presented the Conceptual Plan to the Planning and Zoning Commission for an intended townhome development. The concept plan proposed 37 units on 2.65 acres (density of 13.96 units per acre) with 68 parking spaces (generally, two spaces per unit are required). The applicant is now requesting approval of the Planned Development. Sections 8.E and 8.J outline the requirements that must be met in order to approve the PD.



**DESCRIPTION OF REQUESTED ZONING**

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

**8.A Description.**

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

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

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

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

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

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

**8.C Prohibited Uses.**

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

- (3) Any use deemed by the City Council as being detrimental to the health, safety or general welfare of the citizens of Stephenville.

**8.D Ownership.** An application for approval of a Planned Development Plan under the Planned Development District regulations may be filed by a person having legal ownership of the property to be included in the Development Plan. In order to ensure unified planning and development of the property, the applicant shall provide evidence, in form satisfactory to the City Attorney, prior to final approval of the Development Plan, that the property is held in single ownership or is under single control. Land shall be deemed to be held in single ownership or under single control if it is in joint tenancy, tenancy in common, a partnership, a trust or a joint venture. The Development Plan shall be filed in the name(s) of the record owner(s) of the property, which shall be included in the application.

**8.E Development Schedule.**

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

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

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

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

**8.I Approval Procedures.**

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

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

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

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

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

- (1) A development plan shall be approved only if all of the following conditions have been found during the review and process:
  - (a) That the uses will be compatible with and not injurious to the use and enjoyment of other property, nor significantly diminish or impair property values with the immediate vicinity;

- (b) That the establishment of the use or uses will not impede the normal and orderly development and improvements of surrounding vacant property;
  - (c) That adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;
  - (d) That the design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;
  - (e) That adequate nuisance prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;
  - (f) That directional lighting will be provided so as not to disturb or adversely affect neighboring properties.
- (2) In approving a development plan, the City Council may impose additional conditions necessary to protect the public interest and welfare of the community.

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

**8.M Revocation.**

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

**FACTORS TO CONSIDER:**

- Compliance with Comprehensive Plan?
- Is application consistent with Plan?
- If not, have conditions changed or new information been offered to support change?
- Surrounding Zoning and Land Use
- Infrastructure Impacts
- Size and Location of Parcel - is land large enough and in proper location for proposed use?
- Reasonable Use of Property - does proposed change provide reasonable use of property?

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

## ALTERNATIVES

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



City of Stephenville  
298 W. Washington  
Stephenville, TX 76401  
(254) 918-1213

Item 3.

NO. \_\_\_\_\_

## ZONING AMENDMENT APPLICATION

### CITY OF STEPHENVILLE

1. **APPLICANT/OWNER:** Troy Kunkel  
First Name Last Name

**ADDRESS:** P.O. Box 12324 817-808-8769  
Street/P.O. Box Phone No.  
Fort Worth TX 76110  
City State Zip Code

2. **PROPERTY DESCRIPTION:** 525 W. Collins Street  
Street Address

3. **LEGAL DESCRIPTION:** 1 & 2 6 Shapard & Collins Addition  
Lot(s) Block(s) Addition

4. **PRESENT ZONING:** Industrial  
Zoning District Title

**PROPOSED ZONING:** PD for Townhomes  
Zoning District Title

5. **APPLICANTS REQUEST FOR ZONING CHANGE IS AS FOLLOWS:** \_\_\_\_\_

The Applicant is requesting a zoning change to a PD for a townhome development. See attached PD development standards.

(Attach an additional sheet if necessary)

  
Signature of Applicant

September 8, 2021  
Date

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

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





**4 SIDE STUDIO**  
 ARCHITECTURE & VISUALIZATION  
 JOHNNY LIMONES, AIA, NCARB  
 P: 214.515.2106  
 E: info@4sidedstudio.com  
 W: www.4sidedstudio.com

**WASHINGTON & COLLINS TOWHOMES**  
 422 S. LILLIAN STREET  
 STEPHENVILLE, TEXAS



VINCINITY MAP

**PROJECT NOTES**

SITE AREA: xxxx SF  
 xxx ACRE  
 BUILDING FOOT PRINT: xxxx SF  
 LOT COVERAGE: xx%  
 BUILDING AREA (PER UNIT)  
 GROSS SF  
 LEVEL 1: 668 SF  
 LEVEL 2: 728 SF  
 LEVEL 3: 589 SF  
 TOTAL GROSS: 1,984 SF  
 NET SF  
 LEVEL 1: 267 SF  
 LEVEL 2: 668 SF  
 LEVEL 3: 589 SF  
 TOTAL NET: 1,523 SF

**NET AREAS**

ROOM NAME	LEVEL	AREA
<b>T.O.C. 1ST FLOOR</b>		
GARAGE	T.O.C. 1ST FLOOR	401 SF
LEVEL 1	T.O.C. 1ST FLOOR	267 SF
		668 SF
<b>2ND FLOOR</b>		
BALCONY	2ND FLOOR	60 SF
LEVEL 2	2ND FLOOR	668 SF
		728 SF
<b>3RD FLOOR</b>		
LEVEL 3	3RD FLOOR	589 SF
		589 SF
Grand total: 5		1984 SF

SHEET INDEX	
#	SHEET NAME
A0.1	COVER SHEET/ INDEX
A0.2	SCHEDULES/ CODE ANALYSIS
A0.3	WINDOW/ DOOR SCHEDULE
A1.1	SITE PLAN
A2.1	FLOOR PLAN
A2.2	FLOOR PLAN
A2.3	FLOOR PLAN
A2.4	ROOF PLAN
A3.1	REFLECTED CEILING PLAN
A3.2	REFLECTED CEILING PLAN
A3.3	REFLECTED CEILING PLAN

SHEET INDEX	
#	SHEET NAME
A4.1	FOUNDATION PROFILE
A5.7	WALL ASSEMBLIES
A6.1	EXTERIOR ELEVATIONS
A6.2	EXTERIOR ELEVATIONS
A7.1	INTERIOR ELEVATIONS
A8.1	BUILDING SECTIONS
A8.2	STAIR DETAILS/ FLOOR ASSEMBLIES
A8.3	DETAILS - PLAN
A8.4	DETAILS - DOOR
A8.5	DETAILS - WINDOW
A8.6	DETAILS - WINDOW FLASHING

SHEET INDEX	
#	SHEET NAME
A8.7	DETAILS - PENETRATION
A8.8	DETAILS - ROOF
A8.9	DETAILS
A8.10	DETAILS
A8.11	DETAILS - T-BAR
A9.1	WALL SECTIONS
A9.2	WALL SECTIONS
A10.1	DETAILS
A11.1	PERSPECTIVE VIEWS
Grand total: 31	

SHEET INDEX	
#	SHEET NAME

# WASHINGTON & COLLINS TOWHOMES

PROJECT SCOPE  
 THIS IS A NEW CONSTRUCTION PROJECT

**ARCHITECT**  
 4 SIDE STUDIO LLC  
 10100 N. CENTRAL EXPY. SUITE 325  
 DALLAS, TX. 75231  
 CONTACT: JOHNNY LIMONES  
 P: 214.515.2106  
 E: INFO@4SIDESTUDIO.COM

**OWNER/ DEVELOPER**  
 SOLOMON'S ROCK LLC  
 CONTACT: TROY KUNKEL  
 P: 817.808.8769  
 E: TROYTCU@YAHOO.COM

**CIVIL ENGINEER**  
 MMA TEXAS  
 CONTACT: REECE FLANAGAN  
 ARLINGTON | BURLESON  
 P: 817.469.1671  
 E: RFLANAGAN@MMWTEXAS

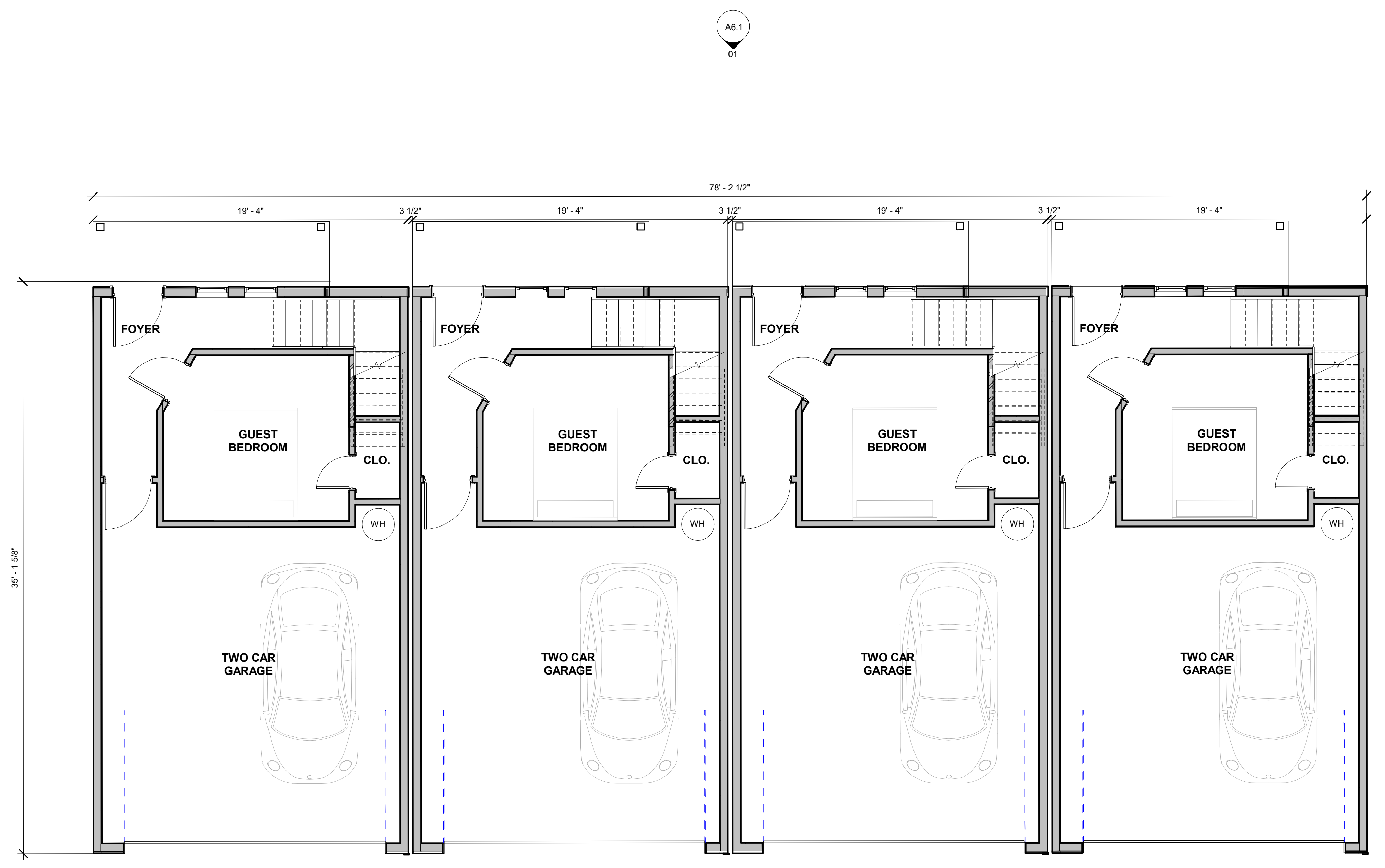
NOTE:  
 PERSPECTIVES ARE CONCEPTUAL AND DO NOT  
 DEPICT FINAL PRODUCT.

COVER SHEET/  
 INDEX  
**A0.1**



RESIDENTIAL DESIGNER  
4 SIDE STUDIO, LLC.  
JOHNNY LIMONES  
214.515.2106  
info@4sidedstudio.com  
www.4sidedstudio.com

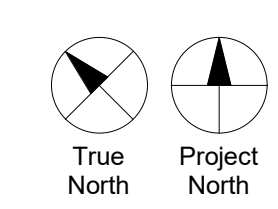
WASHINGTON & COLLINS TOWHOMES  
422 S. LILLIAN STREET  
STEPHENVILLE, TEXAS



01 1ST FLOOR  
SCALE: 1/4" = 1'-0"

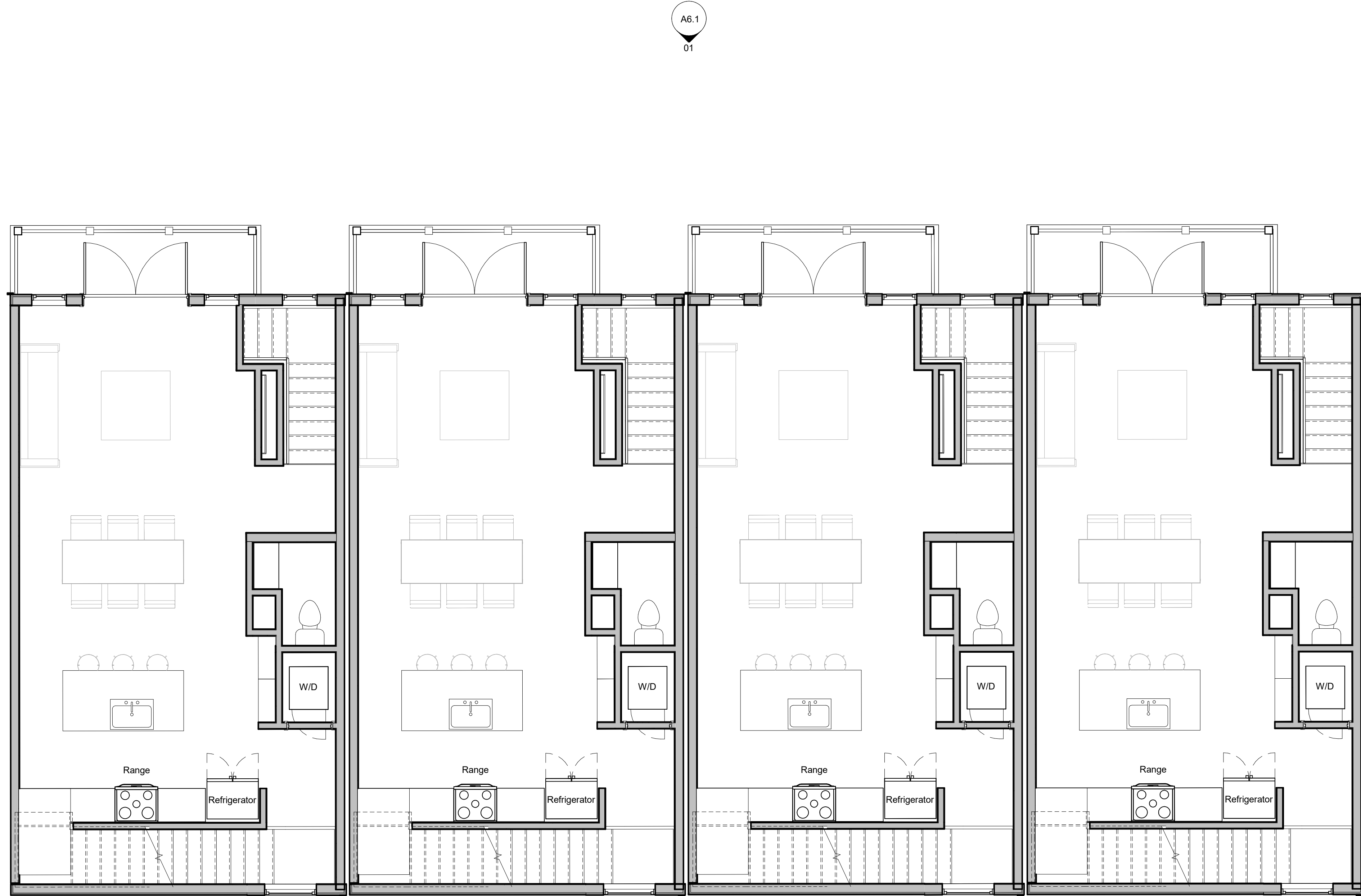
**GENERAL NOTES**

- ALL WORK TO CONFORM TO APPLICABLE BUILDING CODES REGULATIONS AND ORDINANCES HAVING JURISDICTION.
- DO NOT SCALE DRAWINGS. ANY DISCREPANCY WITHIN THE DRAWINGS TO BE BROUGHT TO THE ATTENTION OF THE DESIGNER.
- THESE DOCUMENTS ARE ABBREVIATED IN CONTENT. THE CONTRACTOR AND SUBCONTRACTORS ARE RESPONSIBLE FOR REVIEWING AND UNDERSTANDING SCOPE, SITE VISITS, AND ANY VERIFICATION OF SCOPE DETAILS, EXISTING CONDITIONS, ETC. PERTAINING TO SCOPE OF WORK SHOWN HERE.
- OBTAIN ALL NECESSARY PERMITS, CERTIFICATES, INSPECTIONS, AS REQUIRED BY THE CITY AND OTHER GOVERNMENTAL AGENCIES HAVING JURISDICTION.
- THE CONTRACTOR IS ULTIMATELY RESPONSIBLE FOR THE WARRANTY OF THE CONSTRUCTION.
- DIMENSIONS ARE GENERALLY TO THE FACE OF STUD.
- ALL WORK MUST BE DONE ACCORDING TO MANUFACTURER'S SPECIFICATIONS AND INDUSTRY STANDARDS.
- THE STRUCTURAL ENGINEER MUST BE CONSULTED FOR ALL CONSTRUCTION DETAILS.
- CONTRACTOR TO FIELD VERIFY BUILDING ELEVATIONS AND EXISTING UTILITIES.
- VERIFY CLEARANCES ARE REQUIRED FOR ALL EQUIPMENT.
- BEFORE PROCEEDING WITH ANY WORK OR ORDERING ANY MATERIAL, THE CONTRACTOR AND/OR SUBCONTRACTOR SHALL VERIFY ALL MEASUREMENTS AND LOCATIONS OF BUILDING COMPONENTS AND THEIR INTERRELATIONSHIP AT THE BUILDING SITE, AND SHALL BE RESPONSIBLE FOR THEIR CORRECTNESS.
- CONTRACTOR AND/OR SUBCONTRACTOR IS ULTIMATELY RESPONSIBLE FOR VERIFYING AND MAKING ADJUSTMENTS TO ANY DISCREPANCIES BETWEEN THE PLANS AND THE BUILDING SITE.
- ALL STAIRS TO BE MAX RISER HEIGHT OF 7 3/4" AND MIN. TREAD DEPTH OF 10"



FLOOR PLAN

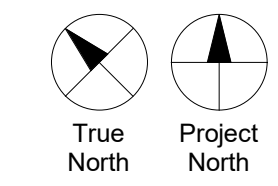
A2.1



**01 2ND FLOOR**  
 SCALE: 1/4" = 1'-0"

**GENERAL NOTES**

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13. ALL STAIRS TO BE MAX RISER HEIGHT OF 7 3/4" AND MIN. TREAD DEPTH OF 10"



A6.1  
01

A6.2  
01

02 A6.2

02  
A6.1



**4 SIDE STUDIO**  
ARCHITECTURE & VISUALIZATION  
JOHNNY LIMONES, AIA  
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**WASHINGTON & COLLINS TOWHOMES**  
422 S. LILLIAN STREET  
STEPHENVILLE, TEXAS



A6.2 01

A6.1 01

02 A6.2

02 A6.1

**01** 3RD FLOOR  
SCALE: 1/4" = 1'-0"

**GENERAL NOTES**

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FLOOR PLAN  
**A2.3**



RESIDENTIAL DESIGNER  
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WASHINGTON & COLLINS TOWHOMES  
422 S. LILLIAN STREET  
STEPHENVILLE, TEXAS

EXTERIOR ELEVATIONS

A6.1



02 REAR ELEVATION  
SCALE: 3/16" = 1'-0"



01 FRONT  
SCALE: 3/16" = 1'-0"

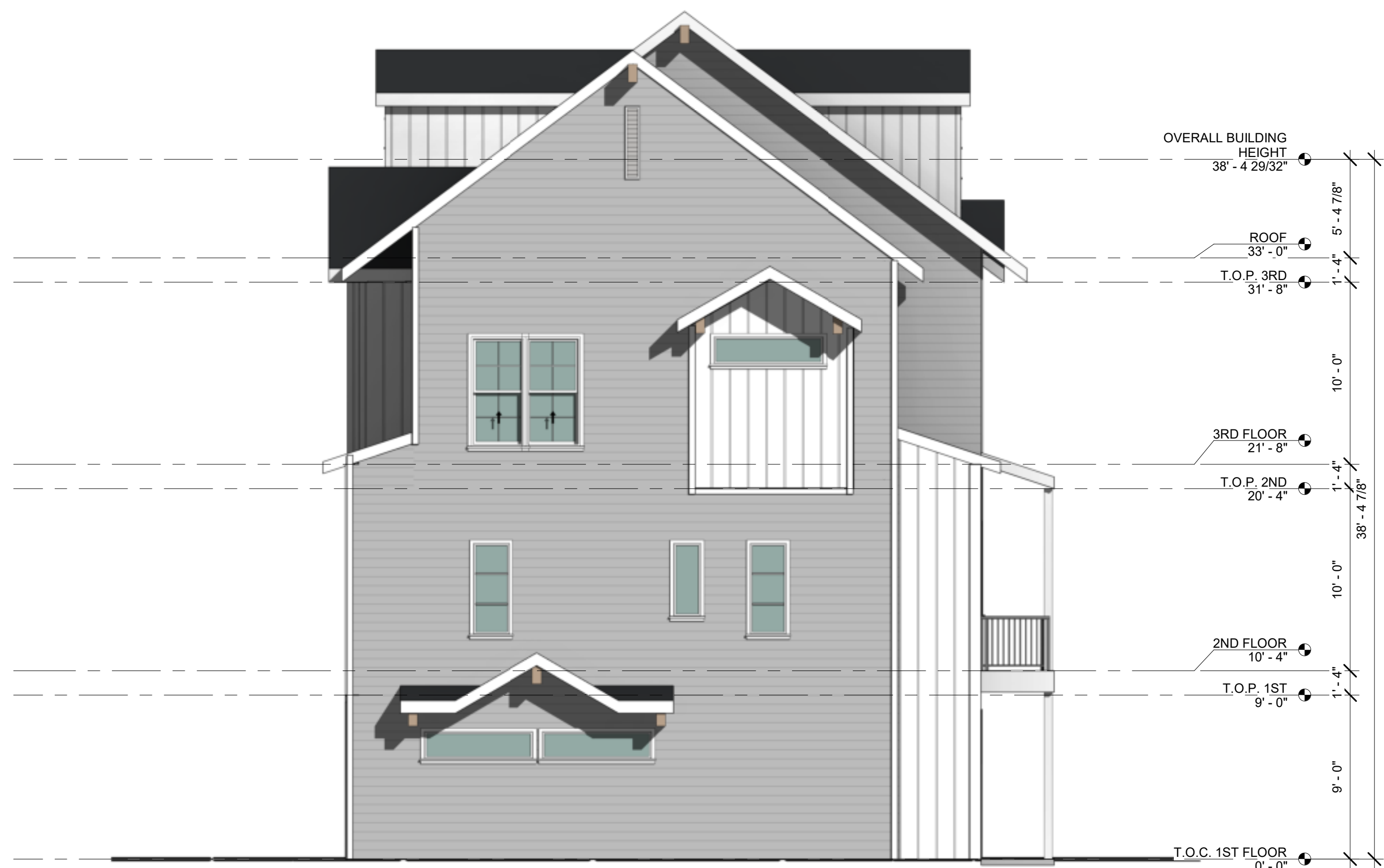


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WASHINGTON & COLLINS TOWHOMES  
422 S. LILLIAN STREET  
STEPHENVILLE, TEXAS

EXTERIOR  
ELEVATIONS

A6.2



02 RIGHT ELEVATION  
SCALE: 3/16" = 1'-0"



01 LEFT ELEVATION  
SCALE: 3/16" = 1'-0"



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WASHINGTON & COLLINS TOWHOMES  
422 S. LILLIAN STREET  
STEPHENVILLE, TEXAS



PERSPECTIVE  
VIEWS

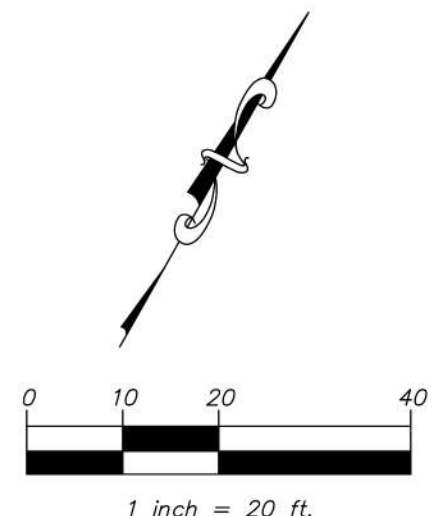
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VICINITY MAP

SITE DATA	
CURRENT ZONING	I
PROPOSED ZONING	PD
TOTAL SITE AREA	115,419 SQFT / 2.62 AC
COMMON AREA	28,186 SQFT / 0.65 AC
DENSITY	16 UA
DEVELOPMENT STANDARDS	
MINIMUM FLOOR AREA (SF)	1,500 SF
MINIMUM LOT AREA (SF)	800 SF
MINIMUM LOT WIDTH	20'
MINIMUM LOT DEPTH	40'
MINIMUM FRONT SETBACK	3'
MINIMUM REAR SETBACK	3'
MINIMUM INTERIOR SIDE YARD SETBACK	0'
MINIMUM EXTERIOR SIDE YARD SETBACK	5'
LAND USE SUMMARY	
LOT TYPE	LOT #
TOWNHOME LOT	43
PRIVATE ACCESS LOT	1
OPEN SPACE LOT	4
PROVIDED PARKING	
RESIDENT PARKING	86
GUEST PARKING	37
TOTAL PARKING	123

SITE PLAN  
855 WASHINGTON - TOWNHOMES  
STEPHENVILLE, TX



**m|ma**  
civil engineering surveying landscape architecture planning  
telpels registration number: f - 2759  
telpels registration/license number: 10088000  
519 east border  
arlington, texas 76010  
817-469-1671  
fax: 817-274-8757  
www.mmatexas.com  
07/28/2021 SHEET 2 OF 2





## Planned Development Standards

### Section I: Introduction.

In addition to applicable provisions of the City of Stephenville Zoning Ordinance, the Property, being within this Planned Development (PD) zoning district as created hereby, shall be used in compliance with the following development and performance standards (the “Standards”):

In the event of a conflict between this PD and or the Zoning Ordinance and or any other City ordinance imposing zoning regulations, this PD shall control. Any topic of regulation not addressed by this PD shall be governed by the Zoning Ordinance or other applicable development regulations of the City.

The Property consists of tracts defined as:

- A. A 2.662 acre tract of land situated in the John Blair Survey, Abstract No. 32, being all of Lots 1 and 2, Block 6, Shapard and Collins Addition, an addition to the City of Stephenville, Erath County, Texas, according to Kings 1956 map of Stephenville, adoption and dedication thereof, as recorded in Volume 381, Page 105, deed records, Erath County, Texas, said Lots 1 and 2, Block 6 being shown on pages 787 & 788 of said map, and being a portion of the Atchison, Topeka and Santa Fe railroad right-of-way lying between blocks 5, 6, 7, 8 and 9 of said Shapard and Collins addition, and being all the land as described in the deed to Cowtown Properties, LLC as recorded in county clerk’s document number 2021-05092.

### Section II: Zoning and Land Uses.

The current zoning district for all 2.662 acres is Industrial. The proposed development is requesting to change to a Planned Development (PD) District. This Planned Development is intended to provide for a medium-density development of 43 single-family attached dwelling units with a density of 16 units per acre. This zoning district will ensure existing neighborhood character is maintained while also serving to support compatibility between single-family neighborhoods and higher-intensity nonresidential uses.

- A. **Principal Uses:** No land shall be used, and no building shall be erected or converted to any use other than the following:
  1. Single-family residence – attached and detached.
  2. Open Space.
  3. Retail and Commercial.

### **Section III: Residential Design and Requirements.**

#### **A. Residential Requirements.**

1. Building Setbacks
  - a. Minimum Front Setback – 3 feet.
  - b. Minimum Rear Setback – 3 feet.
  - c. Minimum Interior Side Yard Setback – 0 feet.
  - d. Minimum Exterior Side Yard Setback – 5 feet.
2. The attached dwelling units shall have a minimum size of 1,500 square feet.
3. The lots shall be a minimum of 800 square feet.
4. The lots shall have a minimum lot width of 20 feet.
5. The lots shall have a minimum lot depth of 40 feet.

#### **B. Residential Building Design.**

1. Maximum building height shall be three (3) stories or an overall height of 38'-6" feet per the approved elevation.
2. The structures will be separated by no less than ten (10) feet.

#### **C. Residential Landscaping.** Landscape design will enhance the character of the architecture and create an atmosphere that promotes a comfortable connection of the built environment to the natural environment.

1. A minimum of 10,000 square feet of privately maintained open space shall be provided within the development, exclusive of the private yards provided for individual dwelling units.
3. A minimum of one, three-inch caliper tree per unit is required to be planted throughout the development.
4. Approved landscape plan must be maintained to the design as approved with replacement of dead material required or improved upon as alternative equivalent compliance. The irrigation system and routine trimming of plant material must be maintained in a healthy, living, and growing state, and be irrigated by an automatic irrigation system.

#### **D. Screening and Fencing.**

1. Fencing along the west boundary shall be a six-foot-tall ornamental iron or wood fence.
2. The refuse facilities shall be architecturally compatible in design to the primary buildings on site using common colors and building materials.

#### **E. Building Materials.**

1. **Applicability of Other Design Standards.** The design standards in these PD Regulations are the exclusive design standards applicable to the Property.
2. **Approved Building Materials.** In the context of approved building materials, a façade does not include doors, fascia, windows, chimneys, dormers, window box-outs, bay windows, soffits, and eaves.
  - i. The building façade shall consist cementitious fiber board or an equivalent, permanent architecturally finished material with a minimum 30-year warranty period.
  - ii. A maximum of 15 percent of a façade may include accent materials not listed above, except that aluminum siding, vinyl siding, unfinished concrete block, reflective glass is prohibited.
3. **Roofing Design.**
  - a. Each single-family attached home will have a minimum of 30-year dimensional shingle, tile, or metal roof.
4. **Design Features for Residential Buildings.**
  - a. Windows are required on all elevations. On public street facing façades, windows and doors shall cover a minimum of 10 percent of the elevation.
  - b. A minimum of three of the following design features are required on the exterior of each residential building:
    - i. Dormers;
    - ii. Gables;
    - iii. Recessed entries;
    - iv. Balconies;
    - v. Covered front porches;
    - vi. Varied roof heights; and
    - vii. Coach or sconce lights.

#### **Section IV: Parking and Access Requirements.**

**A. Parking.**

1. Each residential dwelling unit shall provide a minimum of two (2) enclosed parking spaces within an attached garage.
2. Additionally, a minimum of .50 spaces per dwelling unit will be provided throughout the community.
3. All designated parking spaces shall be a minimum of 9.5 feet wide by 18 feet in length.

**B. Access.**

1. The property will have two points of access: one from Race Street and one from Collins Street.

**Section V: Considerations.**

**A. Comprehensive Plan**

1. The proposed redevelopment of the property will remove the former pallet recycling center and be a much more desirable use. Residential land uses exists directly east and to the south. The community will serve as good buffer from existing single-family homes and railroad.

**B. Infrastructure**

1. Water and sewer available to the site and we are not aware of infrastructure issues in area. Adequate infrastructure will be provided to serve development.



# STAFF REPORT

**SUBJECT:** Case No.: PD2021-003, 2021-004 and 2021-005

Applicant Reese Flanagan of MMA, LLC, representing Troy Kunkel of 598 Westwood, LLC, is requesting a rezone of properties located at 817 W. Washington, Parcel 29583 of CITY ADDITION, BLOCK 62, LOT 6A, 7, part of 14 and 17, 855 and 865 W. Washington, Parcel R29581, of CITY ADDITION, BLOCK 62, LOTS 4, part of 5 and 6B and 873 W. Washington, Parcel R29580, of CITY ADDITION, BLOCK 62, LOT 3, of the City of Stephenville, Erath County, Texas, from (B-2) Retail and Commercial Business to (PD) Planned Development. The applicant will present the Planned Development.

**DEPARTMENT:** Development Services

**STAFF CONTACT:** Steve Killen

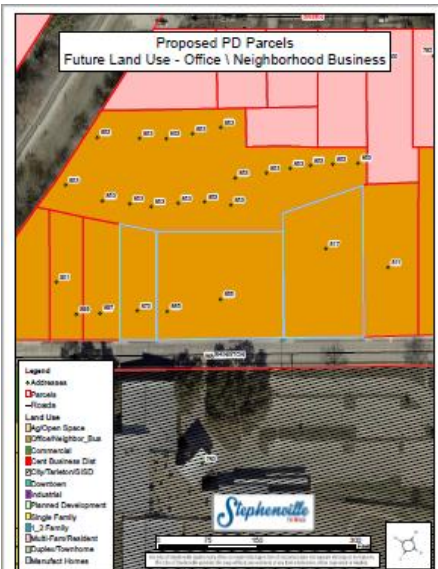
## RECOMMENDATION:

To consider the Planned Development and related submittals for a recommendation to City Council.

## BACKGROUND:

### APPLICANT REQUEST:

On August 15, 2021, the applicant presented the Conceptual Plan to the Planning and Zoning Commission for an intended townhome development. The concept plan proposed 23 units on 0.94 acres (density of 24.47 units per acre) with 51 parking spaces (exceeding the two spaces per unit requirement). The applicant is now requesting approval of the Planned Development. Sections 8.E and 8.J outline the requirements that must be met in order to approve the PD.



## **DESCRIPTION OF REQUESTED ZONING**

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

#### **8.A Description.**

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

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

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

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

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

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

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

- (1) Any building erected or land used for other than the use shown on the Planned Development Site Plan, as approved by the City Council.

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

**8.D Ownership.** An application for approval of a Planned Development Plan under the Planned Development District regulations may be filed by a person having legal ownership of the property to be included in the Development Plan. In order to ensure unified planning and development of the property, the applicant shall provide evidence, in form satisfactory to the City Attorney, prior to final approval of the Development Plan, that the property is held in single ownership or is under single control. Land shall be deemed to be held in single ownership or under single control if it is in joint tenancy, tenancy in common, a partnership, a trust or a joint venture. The Development Plan shall be filed in the name(s) of the record owner(s) of the property, which shall be included in the application.

**8.E Development Schedule.**

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

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

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

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

**8.I Approval Procedures.**

- (1) An application for development plan approval shall be filed with the Director of Community Development accompanied by a development plan.
- (2) The procedures for hearing a request for a zoning change to "PD" shall be the same as for a requested change to any other district as set forth Section 20 of the Zoning Ordinance.
- (3) Any substantive revision to a development plan between the public hearing before the Planning and Zoning Commission and the public hearing before the City Council shall necessitate the development plan being referred back to the Planning and Zoning Commission for review and evaluation unless the revision constitutes a minor change as provided below, or the change was a condition of the approval.



- (4) Any revisions to the development plan after the public hearing before the City Council shall be submitted to the Director of Community Development for distribution, review and written evaluation by city staff prior to submission to and approved by the City Council.
- (5) Minor changes to an approved development plan, which will not cause any of the following circumstances to occur, may be authorized by the Director of Community Development or his or her designee:
  - (a) A change in the character of the development;
  - (b) An increase in the gross floor areas in structures;
  - (c) An increase in the intensity of use;
  - (d) A reduction in the originally approved separations between buildings;
  - (e) Any adverse changes in traffic circulation, safety, drainage and utilities;
  - (f) Any adverse changes in such external effects on adjacent property as noise, heat, light, glare, vibration, height scale or proximity;
  - (g) A reduction in the originally approved setbacks from property lines;
  - (h) An increase in ground coverage by structures;
  - (i) A reduction in the ratio of off-street parking and loading space; and
  - (j) A change in the size, height, lighting or orientation of originally approved signs.
- (6) The decision of the Director of Community Development or his or her designee as to whether minor changes are being requested may be appealed to the Planning and Zoning Commission. Any change deemed not to be minor change, as indicated above, shall be processed as a new application in accordance with the provisions of this section and Section 20.1 of the Zoning Ordinance.

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

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

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

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

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

**8.M Revocation.**

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

**FACTORS TO CONSIDER:**

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

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

## ALTERNATIVES

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

## ZONING AMENDMENT APPLICATION

### CITY OF STEPHENVILLE

1. **APPLICANT/OWNER:** Troy Kunkel  
First Name Last Name

**ADDRESS:** P.O. Box 12324 817-808-8769  
Street/P.O. Box Phone No.

Fort Worth TX 76110  
City State Zip Code

2. **PROPERTY DESCRIPTION:** 817, 855, 865, and 873 W. Washington Street  
Street Address

3. **LEGAL DESCRIPTION:** 3,4,6-B,6-A,7,17 & portions of 5,11,14 62 City Addition  
Lot(s) Block(s) Addition

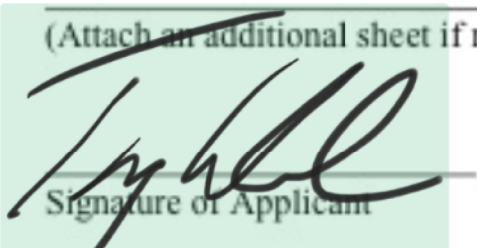
4. **PRESENT ZONING:** B-2 Retail and Commercial Business  
Zoning District Title

**PROPOSED ZONING:** PD for Townhomes  
Zoning District Title

5. **APPLICANTS REQUEST FOR ZONING CHANGE IS AS FOLLOWS:** \_\_\_\_\_

The Applicant is requesting a zoning change to a PD for a townhome development. See attached  
PD development standards.

(Attach an additional sheet if necessary)

  
Signature of Applicant

September 8, 2021  
Date

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

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



**4 SIDE STUDIO**  
 ARCHITECTURE & VISUALIZATION  
 JOHNNY LIMONES, AIA, NCARB  
 P: 214.515.2106  
 E: info@4sidedstudio.com  
 W: www.4sidedstudio.com

**WASHINGTON & COLLINS TOWHOMES**  
 422 S. LILLIAN STREET  
 STEPHENVILLE, TEXAS



VINCINITY MAP

**PROJECT NOTES**

SITE AREA: xxxx SF  
 xxxx ACRE  
 BUILDING FOOT PRINT: xxxxx SF  
 LOT COVERAGE: xx%  
 BUILDING AREA (PER UNIT)  
 GROSS SF  
 LEVEL 1: 668 SF  
 LEVEL 2: 728 SF  
 LEVEL 3: 589  
 TOTAL GROSS: 1,984 SF  
 NET SF  
 LEVEL 1: 267 SF  
 LEVEL 2: 668 SF  
 LEVEL 3: 589  
 TOTAL NET: 1,523 SF

**NET AREAS**

ROOM NAME	LEVEL	AREA
<b>T.O.C. 1ST FLOOR</b>		
GARAGE	T.O.C. 1ST FLOOR	401 SF
LEVEL 1	T.O.C. 1ST FLOOR	267 SF
		668 SF
<b>2ND FLOOR</b>		
BALCONY	2ND FLOOR	60 SF
LEVEL 2	2ND FLOOR	668 SF
		728 SF
<b>3RD FLOOR</b>		
LEVEL 3	3RD FLOOR	589 SF
		589 SF
Grand total: 5		1984 SF

SHEET INDEX	
#	SHEET NAME
A0.1	COVER SHEET/ INDEX
A0.2	SCHEDULES/ CODE ANALYSIS
A0.3	WINDOW/ DOOR SCHEDULE
A1.1	SITE PLAN
A2.1	FLOOR PLAN
A2.2	FLOOR PLAN
A2.3	FLOOR PLAN
A2.4	ROOF PLAN
A3.1	REFLECTED CEILING PLAN
A3.2	REFLECTED CEILING PLAN
A3.3	REFLECTED CEILING PLAN

SHEET INDEX	
#	SHEET NAME
A4.1	FOUNDATION PROFILE
A5.7	WALL ASSEMBLIES
A6.1	EXTERIOR ELEVATIONS
A6.2	EXTERIOR ELEVATIONS
A7.1	INTERIOR ELEVATIONS
A8.1	BUILDING SECTIONS
A8.2	STAIR DETAILS/ FLOOR ASSEMBLIES
A8.3	DETAILS - PLAN
A8.4	DETAILS - DOOR
A8.5	DETAILS - WINDOW
A8.6	DETAILS - WINDOW FLASHING

SHEET INDEX	
#	SHEET NAME
A8.7	DETAILS - PENETRATION
A8.8	DETAILS - ROOF
A8.9	DETAILS
A8.10	DETAILS
A8.11	DETAILS - T-BAR
A9.1	WALL SECTIONS
A9.2	WALL SECTIONS
A10.1	DETAILS
A11.1	PERSPECTIVE VIEWS
Grand total: 31	

SHEET INDEX	
#	SHEET NAME

# WASHINGTON & COLLINS TOWHOMES

PROJECT SCOPE  
 THIS IS A NEW CONSTRUCTION PROJECT

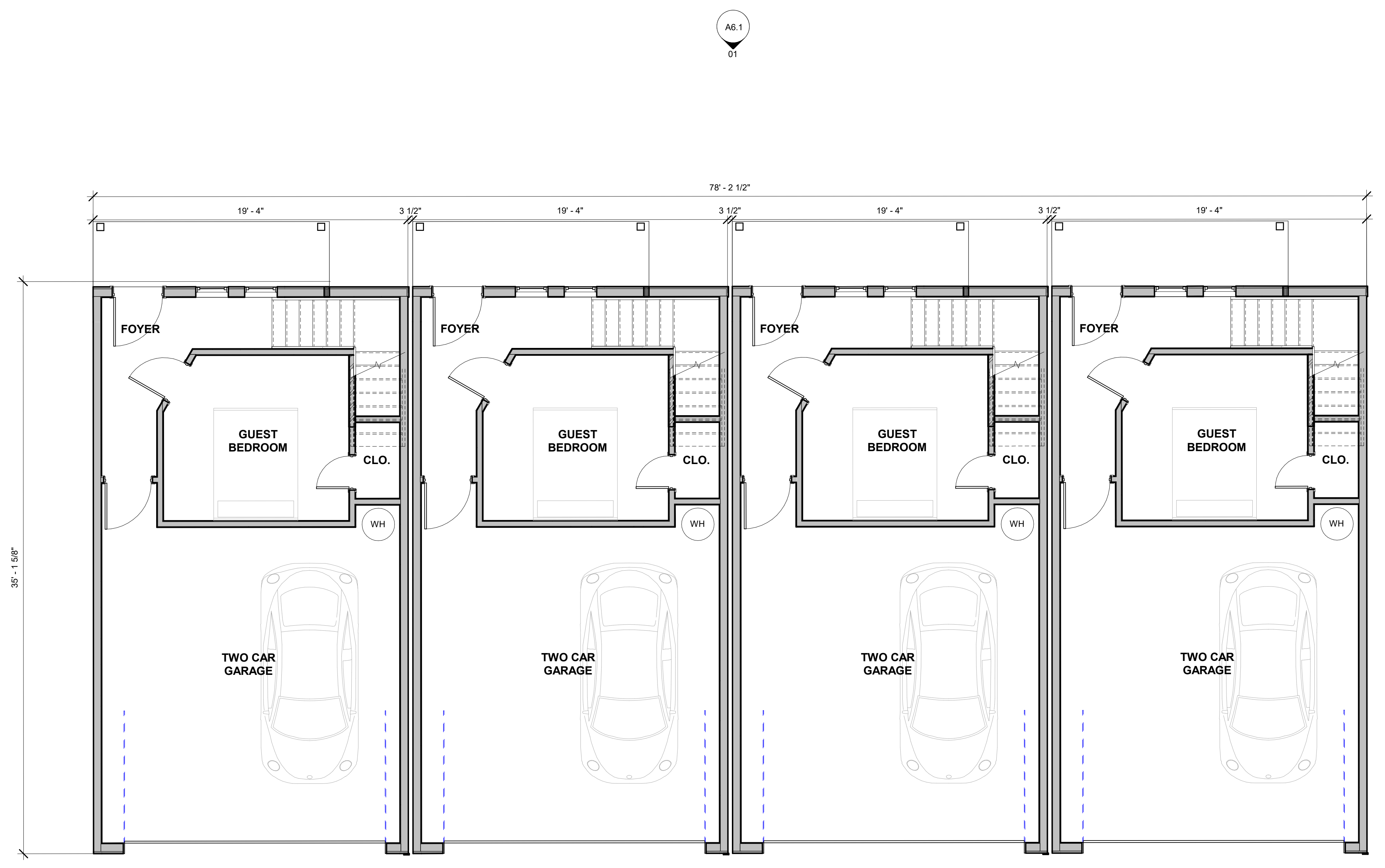
**ARCHITECT**  
 4 SIDE STUDIO LLC  
 10100 N. CENTRAL EXPY. SUITE 325  
 DALLAS, TX. 75231  
 CONTACT: JOHNNY LIMONES  
 P: 214.515.2106  
 E: INFO@4SIDESTUDIO.COM

**OWNER/ DEVELOPER**  
 SOLOMON'S ROCK LLC  
 CONTACT: TROY KUNKEL  
 P: 817.808.8769  
 E: TROYTCU@YAHOO.COM

**CIVIL ENGINEER**  
 MMA TEXAS  
 CONTACT: REECE FLANAGAN  
 ARLINGTON | BURLESON  
 P: 817.469.1671  
 E: RFLANAGAN@MMWTEXAS

NOTE:  
 PERSPECTIVES ARE CONCEPTUAL AND DO NOT  
 DEPICT FINAL PRODUCT.

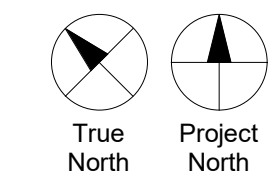
COVER SHEET/  
 INDEX  
**A0.1**

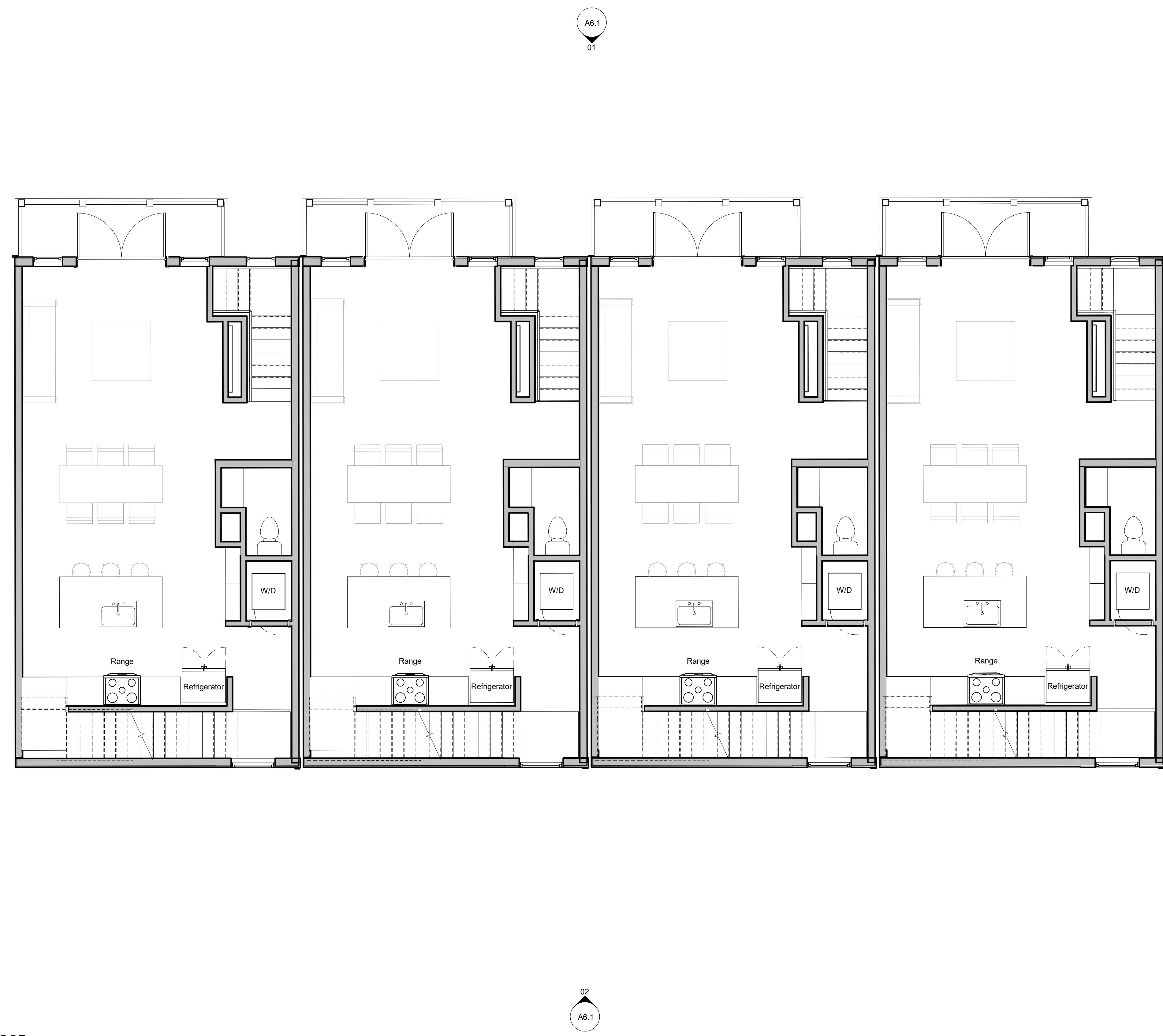


**01** 1ST FLOOR  
 SCALE: 1/4" = 1'-0"

**GENERAL NOTES**

1. ALL WORK TO CONFORM TO APPLICABLE BUILDING CODES REGULATIONS AND ORDINANCES HAVING JURISDICTION.
2. DO NOT SCALE DRAWINGS. ANY DISCREPANCY WITHIN THE DRAWINGS TO BE BROUGHT TO THE ATTENTION OF THE DESIGNER.
3. THESE DOCUMENTS ARE ABBREVIATED IN CONTENT. THE CONTRACTOR AND SUBCONTRACTORS ARE RESPONSIBLE FOR REVIEWING AND UNDERSTANDING SCOPE, SITE VISITS, AND ANY VERIFICATION OF SCOPE DETAILS, EXISTING CONDITIONS, ETC. PERTAINING TO SCOPE OF WORK SHOWN HERE.
4. OBTAIN ALL NECESSARY PERMITS, CERTIFICATES, INSPECTIONS, AS REQUIRED BY THE CITY AND OTHER GOVERNMENTAL AGENCIES HAVING JURISDICTION.
5. THE CONTRACTOR IS ULTIMATELY RESPONSIBLE FOR THE WARRANTY OF THE CONSTRUCTION.
6. DIMENSIONS ARE GENERALLY TO THE FACE OF STUD.
7. ALL WORK MUST BE DONE ACCORDING TO MANUFACTURER'S SPECIFICATIONS AND INDUSTRY STANDARDS.
8. THE STRUCTURAL ENGINEER MUST BE CONSULTED FOR ALL CONSTRUCTION DETAILS.
9. CONTRACTOR TO FIELD VERIFY BUILDING ELEVATIONS AND EXISTING UTILITIES.
10. VERIFY CLEARANCES ARE REQUIRED FOR ALL EQUIPMENT.
11. BEFORE PROCEEDING WITH ANY WORK OR ORDERING ANY MATERIAL, THE CONTRACTOR AND/OR SUBCONTRACTOR SHALL VERIFY ALL MEASUREMENTS AND LOCATIONS OF BUILDING COMPONENTS AND THEIR INTERRELATIONSHIP AT THE BUILDING SITE, AND SHALL BE RESPONSIBLE FOR THEIR CORRECTNESS.
12. CONTRACTOR AND/OR SUBCONTRACTOR IS ULTIMATELY RESPONSIBLE FOR VERIFYING AND MAKING ADJUSTMENTS TO ANY DISCREPANCIES BETWEEN THE PLANS AND THE BUILDING SITE.
13. ALL STAIRS TO BE MAX RISER HEIGHT OF 7 3/4" AND MIN. TREAD DEPTH OF 10"

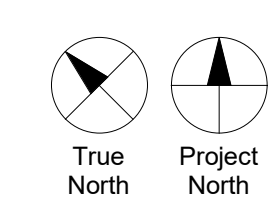




**01 2ND FLOOR**  
 SCALE: 1/4" = 1'-0"

**GENERAL NOTES**

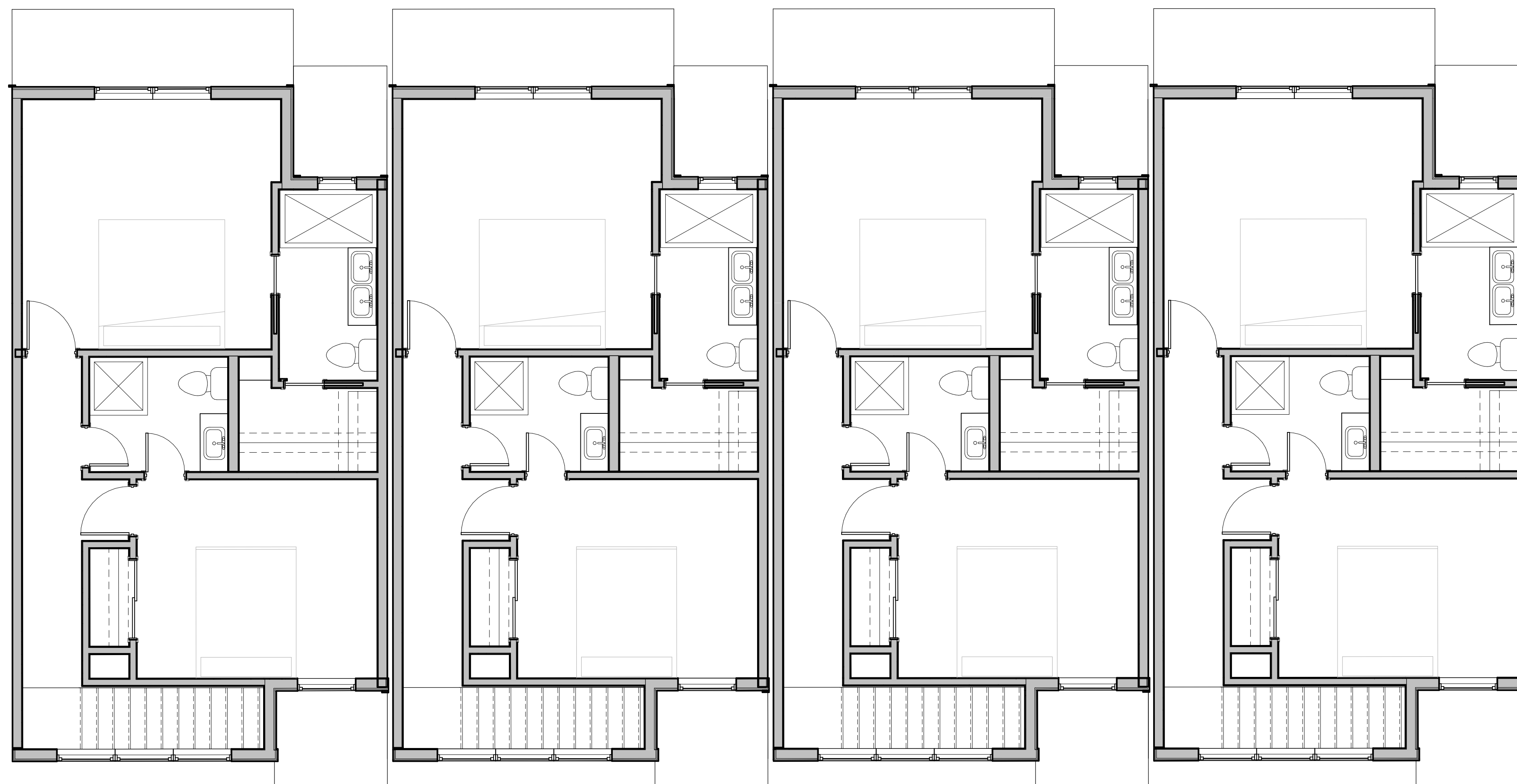
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WASHINGTON & COLLINS TOWHOMES  
422 S. LILLIAN STREET  
STEPHENVILLE, TEXAS



A6.2 01

A6.1 01

02 A6.2

02 A6.1

01 3RD FLOOR  
SCALE: 1/4" = 1'-0"

**GENERAL NOTES**

- ALL WORK TO CONFORM TO APPLICABLE BUILDING CODES REGULATIONS AND ORDINANCES HAVING JURISDICTION.
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- ALL STAIRS TO BE MAX RISER HEIGHT OF 7 3/4" AND MIN. TREAD DEPTH OF 10"

FLOOR PLAN

A2.3





02 REAR ELEVATION  
 SCALE: 3/16" = 1'-0"



01 FRONT  
 SCALE: 3/16" = 1'-0"



RESIDENTIAL DESIGNER  
4 SIDE STUDIO, LLC.  
JOHNNY LIMONES  
214.515.2106  
info@4sidestudio.com  
www.4sidestudio.com

WASHINGTON & COLLINS TOWHOMES  
422 S. LILLIAN STREET  
STEPHENVILLE, TEXAS

EXTERIOR  
ELEVATIONS

A6.2



02 RIGHT ELEVATION  
SCALE: 3/16" = 1'-0"



01 LEFT ELEVATION  
SCALE: 3/16" = 1'-0"

RESIDENTIAL DESIGNER  
4 SIDE STUDIO, LLC.  
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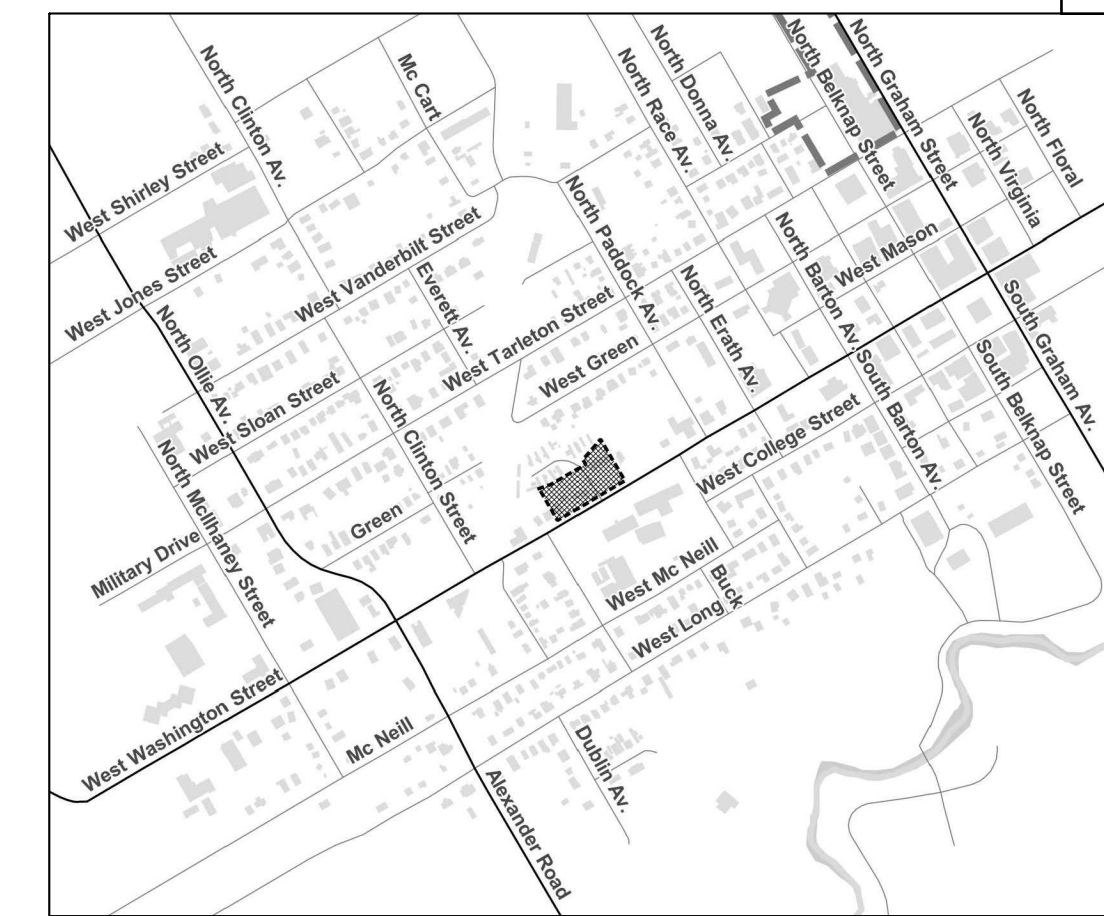
WASHINGTON & COLLINS TOWHOMES  
422 S. LILLIAN STREET  
STEPHENVILLE, TEXAS



PERSPECTIVE  
VIEWS

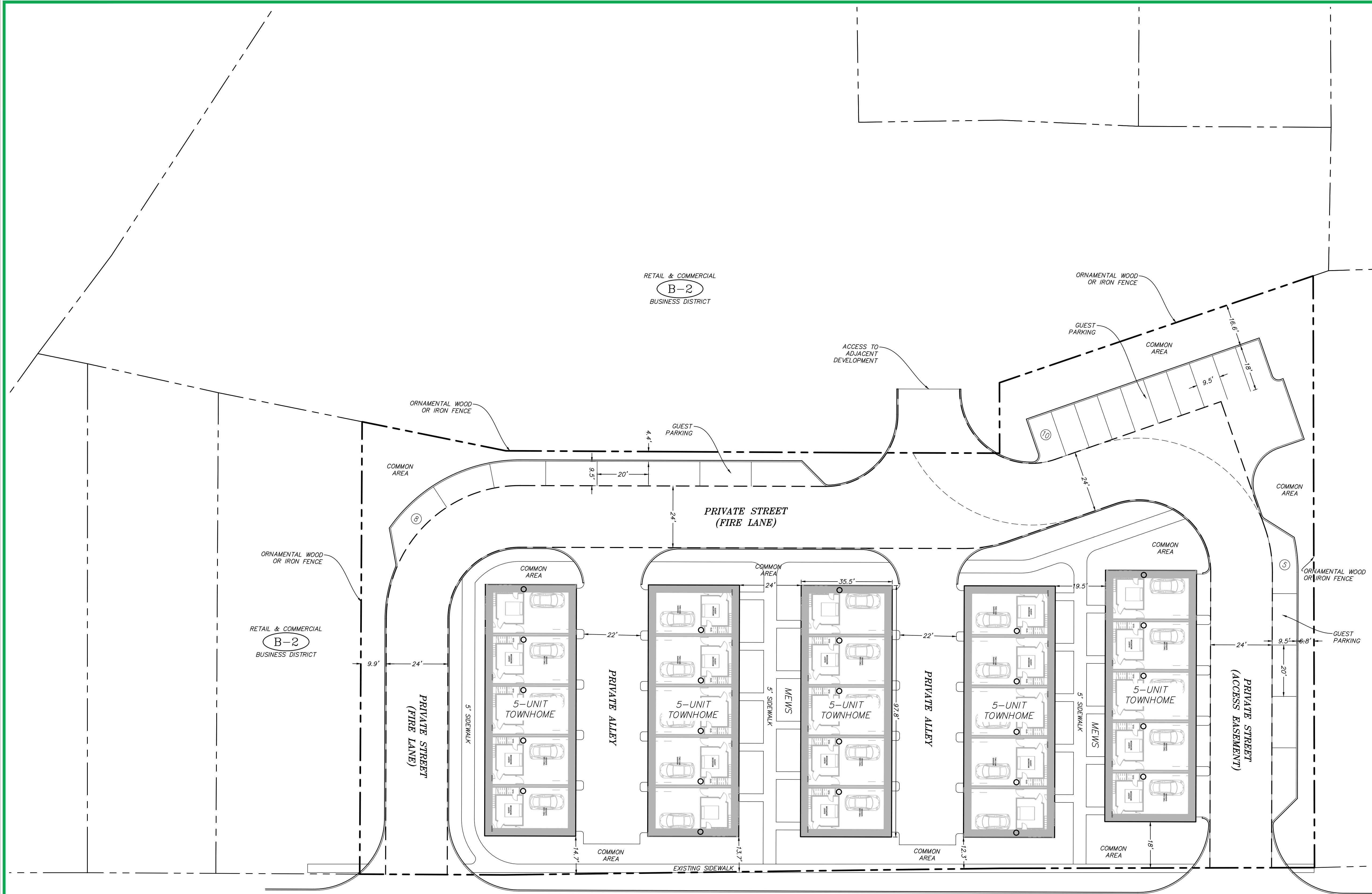
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VICINITY MAP

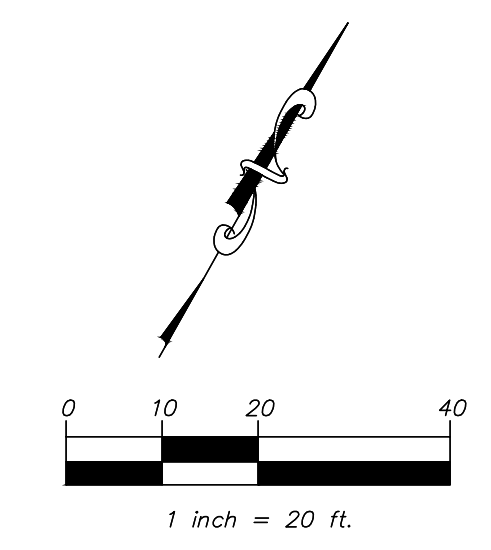
SITE DATA	
CURRENT ZONING	B-2
PROPOSED ZONING	PD
TOTAL SITE AREA	66,620 SQFT / 1.53 AC
COMMON AREA	16,453 SQFT / 0.38 AC
DENSITY	16 UA
DEVELOPMENT STANDARDS	
MINIMUM FLOOR AREA (SF)	1,500 SF
MINIMUM LOT AREA (SF)	800 SF
MINIMUM LOT WIDTH	20'
MINIMUM LOT DEPTH	40'
MINIMUM FRONT SETBACK	3'
MINIMUM REAR SETBACK	3'
MINIMUM INTERIOR SIDE YARD SETBACK	0'
MINIMUM EXTERIOR SIDE YARD SETBACK	5'
LAND USE SUMMARY	
LOT TYPE	LOT #
TOWNHOME LOT	25
PRIVATE ACCESS LOT	1
OPEN SPACE LOT	4
PROVIDED PARKING	
RESIDENT PARKING	50
GUEST PARKING	23
TOTAL PARKING	73



SITE PLAN  
855 WASHINGTON - TOWNHOMES  
STEPHENVILLE, TX

E. WASHINGTON ST

S. BAXTER AVE



**mima**  
civil engineering surveying landscape architecture planning  
tbpels registration number: 1 - 2759  
tbpels registration/license number: 10088000  
519 east border  
arlington, texas 76010  
817-469-1671  
fax: 817-274-8757  
www.mmatexas.com  
07/28/2021 SHEET 1 OF 2

PLOTTED BY: JUAN LUNA DATE: 02/28/2021 1:25 PM PATH: P:\31606\04\01\001 Planning & Zoning\01 Zoning\Design\Plot Sheets\0001 SITE PLAN.dwg

## Planned Development Standards

### Section I: Introduction.

In addition to applicable provisions of the City of Stephenville Zoning Ordinance, the Property, being within this Planned Development (PD) zoning district as created hereby, shall be used in compliance with the following development and performance standards (the “Standards”):

In the event of a conflict between this PD and or the Zoning Ordinance and or any other City ordinance imposing zoning regulations, this PD shall control. Any topic of regulation not addressed by this PD shall be governed by the Zoning Ordinance or other applicable development regulations of the City.

The Property consists of tracts defined as:

- A. A 1.528 acre tract of land situated in the John Blair survey, Abstract No. 32, being all of Lots 3, 4, 6-A, 6-B, 7, and 17 and portions of lots 5, 11, and 14, all in Block 62 of the City of Stephenville, Erath County, Texas, according to Kings 1956 map of Stephenville, adoption and dedication thereof, as recorded in Volume 381, Page 105, deed records, Erath County, Texas, and being all the land as described in the deed to 598 Westwood, LLC as recorded in county clerk’s document number 2021-03875, 2021-03876, and 2021-03877.

### Section II: Zoning and Land Uses.

The current zoning district for all 1.528 acres is B-2 Retail and Commercial Business. The proposed development is requesting to change to a Planned Development (PD) District. This Planned Development is intended to provide for a medium-density development of 25 single-family attached dwelling units with a density of 16 units per acre. This zoning district will ensure existing neighborhood character is maintained while also serving to support compatibility between single-family neighborhoods and higher-intensity nonresidential uses.

- A. **Principal Uses:** No land shall be used, and no building shall be erected or converted to any use other than the following:
  1. Single-family residence – attached and detached.
  2. Open Space.
  3. Retail and Commercial.

### **Section III: Residential Design and Requirements.**

#### **A. Residential Requirements.**

1. Building Setbacks
  - a. Minimum Front Setback – 3 feet.
  - b. Minimum Rear Setback – 3 feet.
  - c. Minimum Interior Side Yard Setback – 0 feet.
  - d. Minimum Exterior Side Yard Setback – 5 feet.
2. The attached dwelling units shall have a minimum size of 1,500 square feet.
3. The lots shall be a minimum of 800 square feet.
4. The lots shall have a minimum lot width of 20 feet.
5. The lots shall have a minimum lot depth of 40 feet.

#### **B. Residential Building Design.**

1. Maximum building height shall be three (3) stories or an overall height of 38'-6" feet per the approved elevation.
2. The structures will be separated by no less than ten (10) feet.

#### **C. Residential Landscaping.** Landscape design will enhance the character of the architecture and create an atmosphere that promotes a comfortable connection of the built environment to the natural environment.

1. A minimum of 4,000 square feet of privately maintained open space shall be provided within the development, exclusive of the private yards provided for individual dwelling units.
3. A minimum of one, three-inch caliper tree per unit is required to be planted throughout the development.
4. Approved landscape plan must be maintained to the design as approved with replacement of dead material required or improved upon as alternative equivalent compliance. The irrigation system and routine trimming of plant material must be maintained in a healthy, living, and growing state, and be irrigated by an automatic irrigation system.

**D. Screening and Fencing.**

1. Fencing along the north, east, and west boundary shall be a six-foot-tall ornamental iron or wood fence.
2. The refuse facilities shall be architecturally compatible in design to the primary buildings on site using common colors and building materials.

**E. Building Materials.**

1. Applicability of Other Design Standards. The design standards in these PD Regulations are the exclusive design standards applicable to the Property.
2. Approved Building Materials. In the context of approved building materials, a façade does not include doors, fascia, windows, chimneys, dormers, window box-outs, bay windows, soffits, and eaves.
  - i. The building façade shall consist cementitious fiber board or an equivalent, permanent architecturally finished material with a minimum 30-year warranty period.
  - ii. A maximum of 15 percent of a façade may include accent materials not listed above, except that aluminum siding, vinyl siding, unfinished concrete block, reflective glass is prohibited.
3. Roofing Design.
  - a. Each single-family attached home will have a minimum of 30-year dimensional shingle, tile, or metal roof.
4. Design Features for Residential Buildings.
  - a. Windows are required on all elevations. On public street facing façades, windows and doors shall cover a minimum of 10 percent of the elevation.
  - b. A minimum of three of the following design features are required on the exterior of each residential building:
    - i. Dormers;
    - ii. Gables;
    - iii. Recessed entries;
    - iv. Balconies;
    - v. Covered front porches;
    - vi. Varied roof heights; and
    - vii. Coach or sconce lights.



**Section IV: Parking and Access Requirements.****A. Parking.**

1. Each residential dwelling unit shall provide a minimum of two (2) enclosed parking spaces within an attached garage.
2. Additionally, a minimum of .50 spaces per dwelling unit will be provided throughout the community.
3. All designated parking spaces shall be a minimum of 9.5 feet wide by 18 feet in length.

**B. Access.**

1. The property will have two points of access both of which are from Washington Avenue.

**Section V: Considerations.****A. Comprehensive Plan**

1. The proposed redevelopment will enhance the existing underutilized commercial property and be a much more desirable use. Residential exists directly north, east and, and west of the property. The community will create a nice streetscape along Washington Avenue complimentary of downtown.

**B. Infrastructure**

1. Water and sewer available to the site and we are not aware of infrastructure issues in area. Adequate infrastructure will be provided to serve development.

August 17, 2021

Steve Killen  
Director of Development Services  
City of Stephenville  
298 West Washington Street  
Stephenville, Texas 76401

RE: Stephenville Planning and Zoning Commission Request

Dear Mr. Killen:

On behalf of Stephenville Mobile Home Park, I am well acquainted with the needs and demands of the Stephenville Planning and Zoning Commission in my community. I send this letter to voice my concerns regarding the pending request by Reese Flanagan of MMA, LLC, representing Troy Kunkel of 598 Westwood, LLC, to rezone property located at 817 West Washington, Parcel R29583, of CITY ADDITION, BLOCK 62, LOTS 6A;7;14;17; (PT, OF 14), of the City of Stephenville, Erath County, Texas, from (B-2) Retail and Commercial Business to (PD) Planned Development. For the following reasons I would urge you to oppose the request:

**CITIZEN SAFETY AND TRAFFIC.** The safety of pedestrians and traffic are major concerns for the area where my property is located. School traffic congestion already spans along West Washington Street as Central Elementary School is located directly across from the property. Furthermore, commuters to downtown and Tarleton State University must travel on Washington Street as well. With West Washington Street being the main route to key locations in town, the local neighborhood traffic will disproportionately surge during morning and evening rush-hour traffic. The surge in traffic also negatively impacts school children that walk to and from Central Elementary School. Schools and downtown businesses in the area already cause major traffic congestion, and the Commission should not approve the rezoning request that will cause the school concurrency to fail with the anticipated rezoning plans.

**PROPERTY ACCESS.** My property shares a 30 foot easement with the properties directly in front of it. With new development in front of my property, the easement will no longer exist. The easement is the only way to access my property meaning my tenants, law enforcement, and medical personnel will no longer have a safe, accessible way to enter into my property. The main water line to my property is also located under the easement. Since the water line has a past record of malfunctioning and needing major repairs, the development of any housing or buildings will come with the risk of future water line breaks and repairs that affect my property.

**URBANIZATION.** The Commission should take into consideration the small-town culture the city of Stephenville embraces. With more urbanization projects, Stephenville will turn into a metropolitan area and lose the values that Stephenville citizens appreciate. Additionally, property values are more likely to decrease in the area if condominiums or apartments are

constructed. These types of housing are inconsistent with the surrounding neighborhoods developed in the area.

I urge you to oppose the anticipated rezoning plans, and from the recent meetings with surrounding neighbors, I am confident my concerns are shared by numerous citizens who have not managed to write letters or attend meetings to voice concerns.

Thank you for your continued service and support of our communities.

Sincerely,

A handwritten signature in black ink that reads "Jana Saucedo". The signature is written in a cursive, flowing style.

Jana L. Saucedo, BSN, RN  
Owner of Stephenville Mobile Home Park  
P.O. BOX 1737  
Stephenville, Texas 76401



# STAFF REPORT

**SUBJECT:** Case No.: RZ2021-017

Applicants Allen Vandergriff, Chad Vandergriff and Corianna Alandt, are requesting a rezone of property located at located at 683 W Tarleton, Parcel R29685, of PARK PLACE AND CITY ADDITION, BLOCK 3 & 69, LOTS 1B,2B,4B,12 (PTS OF), of the City of Stephenville, Erath County, Texas, (B-2) Retail and Commercial Business to (R-3) Multi-Family.

**DEPARTMENT:** Development Services

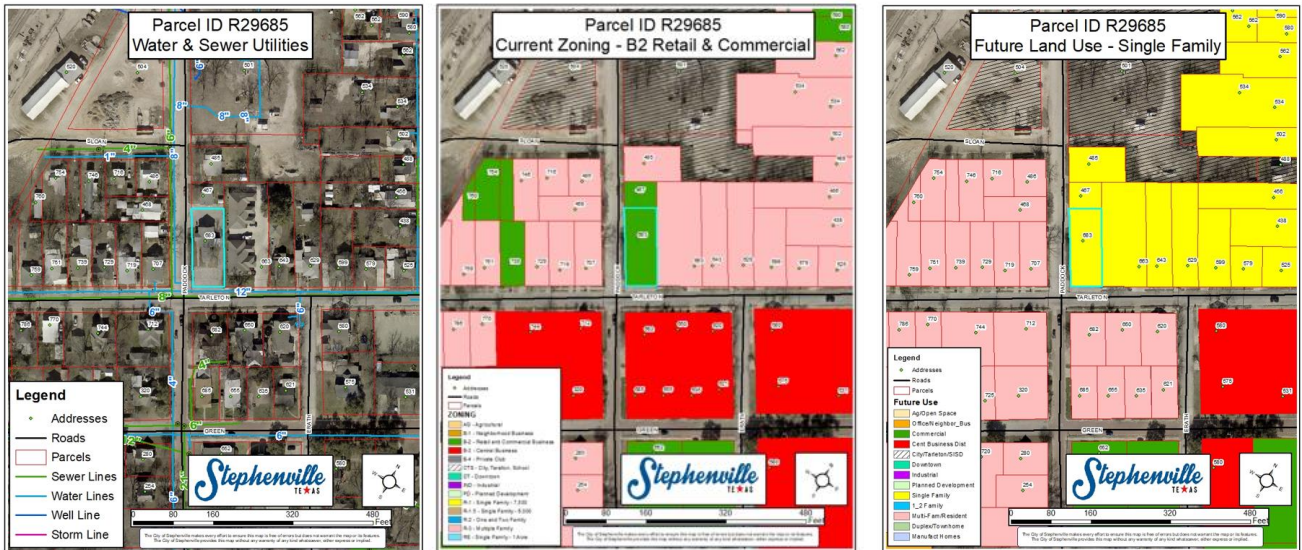
**STAFF CONTACT:** Steve Killen

**RECOMMENDATION:**

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

**BACKGROUND:**

Ms. Alandt is requesting the zoning change as they no longer wish to operate the business and desire to use the structure as originally constructed (as a single family residence). The property has been operated as a personal service salon.



**DESCRIPTION OF REQUESTED ZONING**

CITY OF STEPHENVILLE TEXAS  
 ORDINANCE NO. \_\_\_\_\_  
 AN ORDINANCE AMDENDING SECTION 154.05.6 MULTIPLE FAMILY RESIDENTIAL DISTRICT ( R-3) OF THE CODE OF ORDINANCES OF THE CITY OF STEPHENVILLE, TEXAS BY REVISING SUBSECTIONS 5.6A, 5.6B AND 5.6E(D) AND DELETING SUBSECTIONS 5.6.B (3&4) AND 5.6E (C ) AND

PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City Council of City of Stephenville, Texas desires to change various conditions and requirements of Section 154.05.6, Multiple Family Residential District ( R-3), of the Code of Ordinances; and

WHEREAS, the changes have been recommended and approved by City staff and by the Planning and Zoning Commission;

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

Section 154.05.6 of the Code of Ordinances is hereby amended to read as follows:

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 aesthetic 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.

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

(A) Single family dwelling.

(1) Minimum lot area: 5,000 ft<sup>2</sup>.

(2) Minimum lot width and lot frontage: 50 feet.

(3) Minimum lot depth: 100 feet.

(4) Minimum depth of front setback: 25 feet.

(5) Minimum depth of rear setback: 25 feet.

(6) Minimum width of side setback:

- (a) Internal lot: five feet.
- (b) Corner lot: 25 feet from intersecting side street.
- (7) Building size:
  - (a) Maximum 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.

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

(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.

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

(D) Multiple family dwellings.

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

(2) Minimum lot depth: 100 feet.

(3) Minimum depth of front setback: 25 feet.

(4) Minimum depth of rear setback: 20 feet.

(5) Minimum width of side setback:

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

Deleted:

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

This ordinance shall be effective upon passage.

PASSED AND APPROVED this the \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Doug Svien, Mayor  
ATTEST:

\_\_\_\_\_  
Staci L. King, City Secretary

\_\_\_\_\_  
Reviewed by Allen L. Barnes,  
City Administrator

\_\_\_\_\_  
Randy Thomas, City Attorney  
Approved as to form and legality

**ALTERNATIVES**

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

Permit #4613  
R2 2021-017

ZONING AMENDMENT APPLICATION

CITY OF STEPHENVILLE

- 1. APPLICANT/OWNER: Corinna Alandt  
First Name Last Name
- ADDRESS: 720 Fathom Dr. (650) 619-0505  
Street/P.O. Box Phone No.  
San Mateo CA 94404  
City State Zip Code
- 2. PROPERTY DESCRIPTION: 683 West Tarleton Street  
Street Address
- 3. LEGAL DESCRIPTION: Stephenvill, Texas 76401  
Lot(s) Block(s) Addition  
Touch of class
- 4. PRESENT ZONING: Commercial  
Zoning District Title
- PROPOSED ZONING: residential  
Zoning District Title

5. APPLICANTS REQUEST FOR ZONING CHANGE IS AS FOLLOWS:  
 Sadi! My mother died of COVID on Jan 2021.  
 she owned and worked at this establishment.  
 we can no longer keep it as a beauty shop  
 and closed it. we need it converted to residential.  
 (Attach an additional sheet if necessary) my mothers death was sudden we  
 need money to keep my father  
 Corinna Alandt 9-23-2021  
Signature of Applicant Date  
 Please help!  
 Thank you.  
 [Signature] 9/23/2021  
Signature of City Official Received Date Received





# STAFF REPORT

**SUBJECT:** Case No.: RZ2021-015 & RP2021-007

Applicants Ontade LLC and Toby O’Neal are requesting a rezone of properties located at 1083 Frey, Parcel R32260, of KIGHT SECOND ADDITION, BLOCK 5, LOT 1, and 1065 W. Frey, Parcel R32261, of KIGHT SECOND ADDITION, BLOCK 5, LOT 2 (part of), of the City of Stephenville, Erath County, Texas, from (R-1) Single Family Residential, to (R-2.5) Integrated Housing with simultaneous replatting.

**DEPARTMENT:** Development Services

**STAFF CONTACT:** Steve Killen

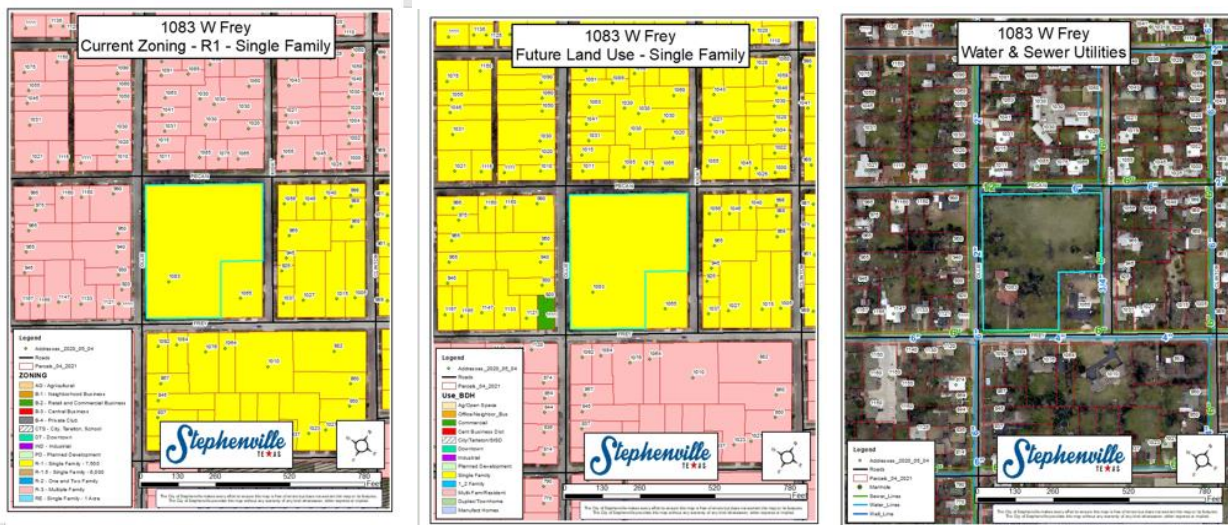
## RECOMMENDATION:

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

## BACKGROUND:

In May, 2021, rezoning requests from R-1, single family to R-3 Multifamily were considered and subsequently denied. Since that time, the City has adopted a new zoning known as R-2.5, Integrated Housing. As previously presented to the Commission, the creation of the new R-2.5 and revised R-3 zoning now delineates townhomes from the customary apartments. R-2.5 requires a much lesser density per acre (14 units compared to 24 units) and is for properties that will be platted as individual units.

Otade and Toby O’Neal are requesting consideration of R-2.5 zoning and simulatanoue approval of the plat. If approved, the mansion, known as 1083 W. Frey and 1065 W. Frey will remain R-1, while the remainder of these parcels will be R-2.5. The R-2.5 portion will be sold to a developer for an intended townhome project.



## DESCRIPTION OF REQUESTED ZONING

CITY OF STEPHENVILLE TEXAS  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF STEPHENVILLE, TEXAS ESTABLISHING A ZONING CLASSIFICATION IN THE CODE OF ORDINANCES PROVIDING FOR MEDIUM DENSITY CITY NEIGHBORHOOD DEVELOPMENT TO BE KNOWN AS SECTION 154.05.8 INEGRATED HOUSING DISTRICT ( R-2.5) AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Current City zoning regulations do not provide a classification to provide for medium density city neighborhood development; and

WHEREAS, the City Council of the City of Stephenville, Texas desires to provide a zoning classification for said development with appropriate rules and regulations.

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

The following zoning classification is hereby established to the City of Stephenville Code of Ordinances:

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 R-2.5 Integrated Housing District will be applicable to for all Residential districts, B-1 Neighborhood Business and B-3 Central Business.

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.

5.8.E Parking Regulations. A Single-Family, R-2.5 District lot shall provide a minimum of two vehicle parking spaces per dwelling unit, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in this ordinance, Section 11, Parking Regulations of this ordinance.

(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.

A Two to Four-Family, R-2.5 District lot shall provide a minimum of two vehicle parking spaces per dwelling unit, with a driveway connecting the parking spaces with a street or alley, and meet

all the pertinent requirements contained in this ordinance, Section 11, Parking Regulations of this ordinance.

(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: 25 feet.
- (5) Minimum depth of rear setback: 15 feet.
- (6) Minimum width of side setback:
  - (a) Internal lot: five feet.
  - (b) Corner lot: 25 feet from intersecting side street.
- (7) Building size:
  - (a) Maximum 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.
- (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.
- (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.

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

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

This ordinance shall be effective upon passage.  
PASSED AND APPROVED this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Doug Svien, Mayor  
ATTEST:  
\_\_\_\_\_

Staci L. King, City Secretary

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Reviewed by Allen L. Barnes,  
City Administrator

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Randy Thomas, City Attorney  
Approved as to form and legality

#### AUTHORIZATION OF SIMULTANOUES CONSIDERATION

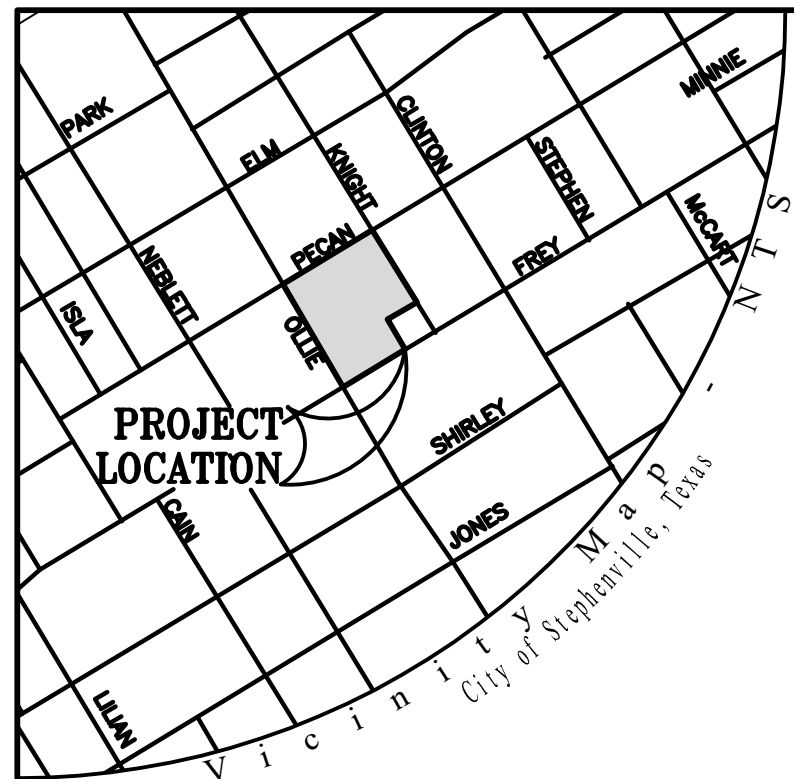
##### **Sec. 155.4.03. General subdivision and platting procedures.**

- A. *Plats Required for Land Subdivision.* A Preliminary Plat or Minor Plat shall be approved prior to any land division that is subject to these regulations and prior to commencement of any new development.
- B. *Replats and Amending Plats.*
1. *Replat.* A Replat, in accordance with State law, and the provisions of Section 4.08 shall be required any time a platted, recorded lot is further divided or expanded, thereby changing the boundary and dimensions of the property.
  2. *Amending Plat.* In the case of minor revisions to recorded Plats or lots, an Amending Plat may also be utilized if in accordance with Section 4.09.
- C. *Zoning.*
1. *Conformance with Existing Zoning.* All Applications shall be in conformance with the existing zoning on property inside the City Limits.
  2. *Request to Rezone First.* If an Applicant seeks to amend the zoning for the property, the request to rezone the land shall be submitted and approved prior to acceptance of an Application for filing of a plat, unless as otherwise provided below.
    - a. The Applicant may request approval from the City Administrator to submit an application simultaneous with the zoning change request, in which case the Application for the zoning amendment shall be acted upon first, provided that the Application is accompanied by a properly executed Waiver of Right to 30-Day Action (due to the more lengthy time frame necessary to advertise and process zoning Applications).
    - b. In the event that the requested zoning amendment is denied, the Plat Application shall also be rejected or denied.
  3. *Zoning Ordinance Site Plan Approval.* Where Site Plan approval is required by the Zoning Ordinance prior to development, no Application for a Final Plat approval shall be accepted for filing until a Site Plan has been approved for the land subject to the proposed Plat.

#### **ALTERNATIVES**

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

3) Recommend the City Council deny the request for rezoning.



**LEGAL DESCRIPTION:**

**BEING** all of Block 5, Kight Second Addition, an addition to the City of Stephenville, Erath County, Texas, as shown per King's 1956 Map of the City of Stephenville, as recorded in Volume 381, Page 105, Deed Records, Erath County, Texas, and being more particularly described by metes and bounds as follows: (Basis of bearing being U.S. State Plane Grid - Texas North Central Zone (4202) NAD83 as established using the AllTerra RTKNet Cooperative Network. Reference frame is NAD83(2011) Epoch 2010.0000. Distances shown are U.S. Survey feet displayed in surface values).

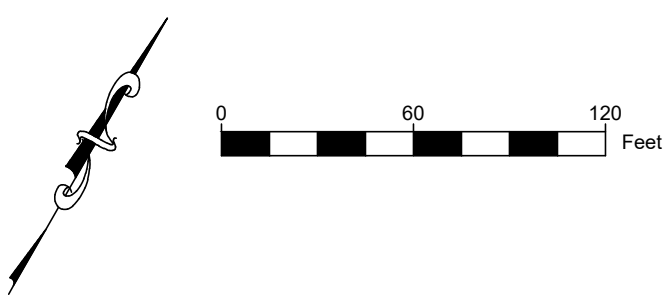
**BEGINNING** at a 5/8 inch iron rod found at the intersection of the west right-of-way line of N. Kight Ave. and the north right-of-way line of W. Frey St. for the southeast corner of said Block 5;

**THENCE** South 59°28'59" West, with the north line of said W. Frey St. and the south line of said Block 5, a distance of 408.79 feet to a 5/8 inch capped iron rod set marked "NATIVE CO., LLC" (IRS) at the intersection of the north right-of-way line of W. Frey St. and the east right-of-way line of N. Ollie Ave. for the southwest corner of said Block 5;

**THENCE** North 30°17'29" West, with the east right-of-way line of N. Ollie Ave. and the west line of said Block 5, a distance of 467.54 feet to an IRS at the intersection of the east right-of-way line of N. Ollie Ave. and the south right-of-way line of W. Pecan St. for the northwest corner of said Block 5;

**THENCE** North 59°45'34" East, with the south right-of-way line of W. Pecan St. and the north line of said Block 5, a distance of 406.86 feet to an IRS at the intersection of the south right-of-way line of W. Pecan St. and the west right-of-way line of N. Kight Ave. for the northeast corner of said Block 5;

**THENCE** South 30°31'41" East, with the west right-of-way line of N. Kight Ave. and the east line of said Block 5, a distance of 465.57 feet to the **POINT OF BEGINNING** and containing 190,273 Square Feet or 4.368 Acres of Land.



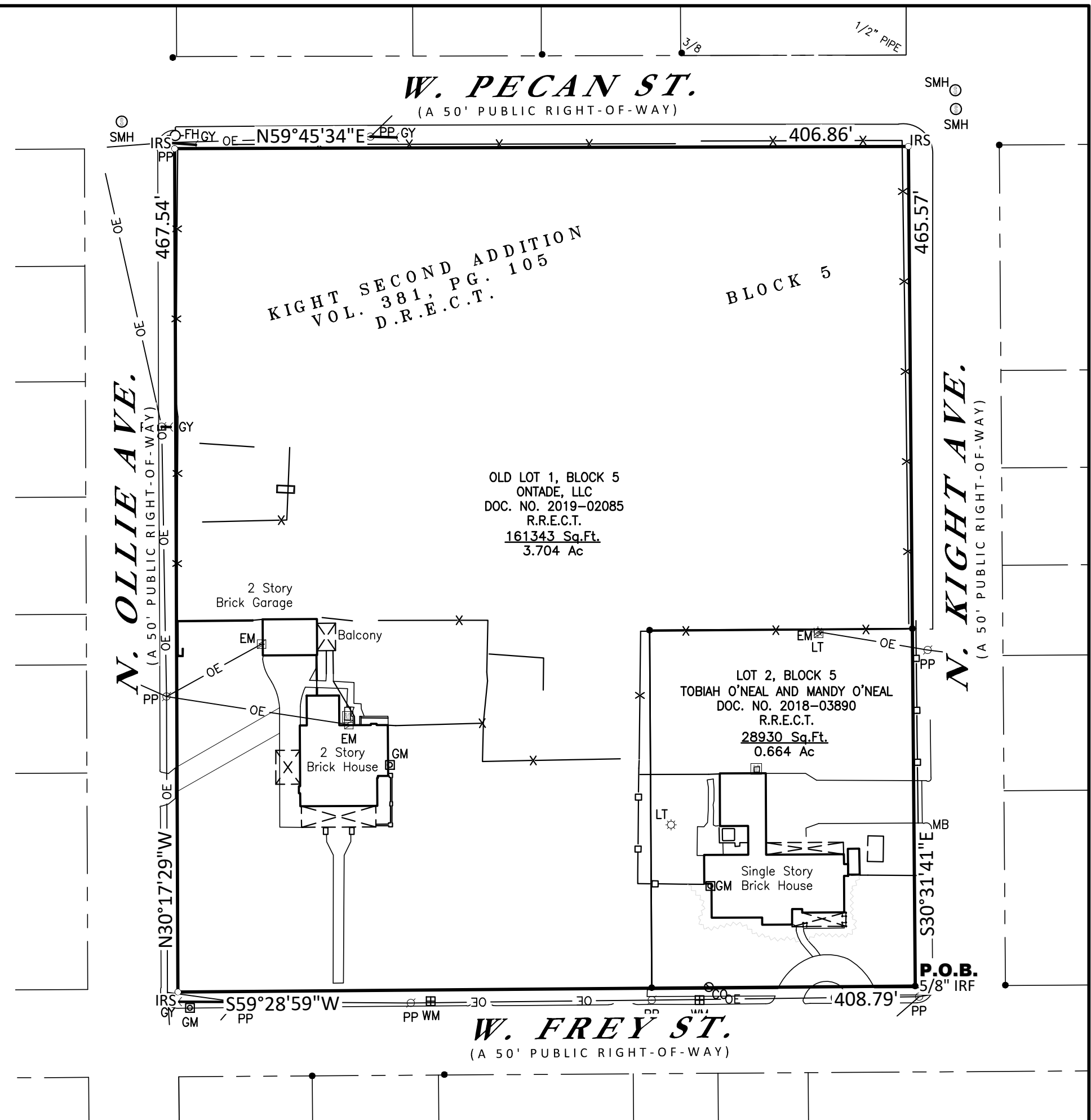
- LEGEND:**
- CO.....Cleanout
  - IRF.....Iron Rod Found
  - IRS.....5/8" Capped Iron Rod Set Marked "NATIVE CO, LLC"
  - WM.....Water Meter
  - WV.....Water Valve
  - D.R.E.C.T.....Deed Records, Erath County, Texas
  - R.R.E.C.T.....Real Records, Erath County, Texas
  - Chainlink Fence.....

- NOTES:**
1. Basis of bearing being U.S. State Plane Grid - Texas North Central Zone (4202) NAD83 as established using the AllTerra RTKNet Cooperative Network. Reference frame is NAD83(2011) Epoch 2010.0000. Distances shown are U.S. Survey feet displayed in surface values.
  2. According to scaled location of FEMA Firm Map No. 48035C0430D, effective date January 6, 2011, the subject property lies within Zone X - Areas determined to be outside the 0.2% annual change flood.

**OWNER:**  
 ONTADA, LLC  
 115 Graham St., Suite 202,  
 Stephenville, Tx 76401

**SURVEYOR:**

P.O. Box 2465 Stephenville, Tx 76401  
 zane@nativeandsurveying.com ~ 254-434-6695  
 TBPELS Firm No. 10194572



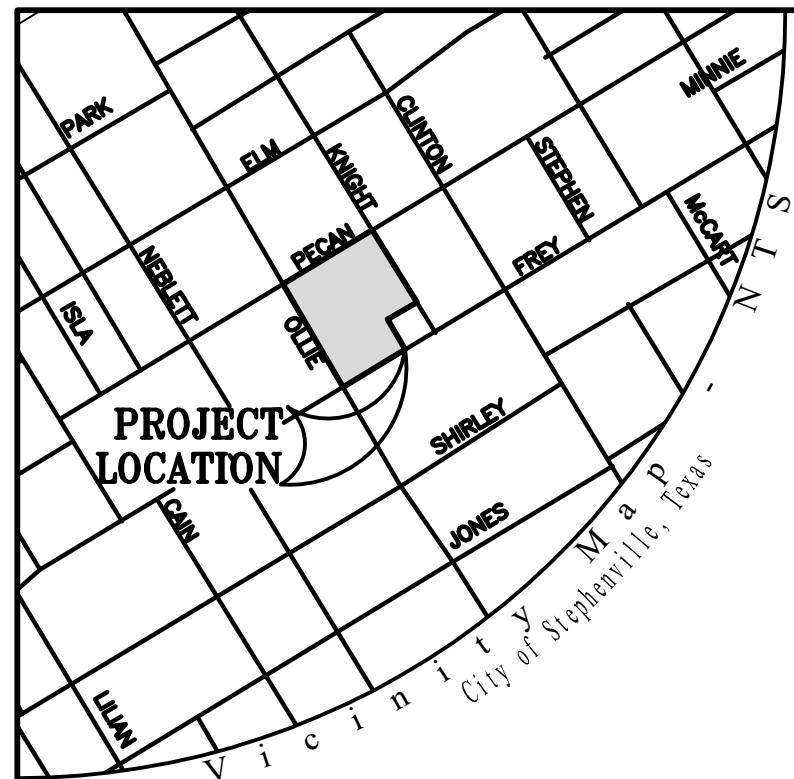
**SURVEYOR'S CERTIFICATION:**

I, N. Zane Griffin, do hereby certify that I prepared this plat from an actual on the ground survey of the land, and that the corner monuments shown hereon were properly placed under my personal supervision in accordance with the platting rules and regulations of the City of Stephenville, Erath County, Texas.

**PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE**  
 Purpose of Document: Review  
 Surveyor: N. Zane Griffin  
 Registered Professional Land Surveyor No. 6810  
 Release Date: 09-22-2021  
 N. Zane Griffin, RPLS No. 6810  
 Date: September 22, 2021

**LOTS 1 & 2, BLOCK 5  
 KIGHT SECOND ADDITION**

**AN ADDITION TO THE CITY OF STEPHENVILLE, ERATH COUNTY, TEXAS  
 BEING A 4.368 ACRE TRACT OF LAND, BEING ALL OF BLOCK 5, KIGHT SECOND  
 ADDITION, AS SHOWN ON KING'S 1956 MAP OF STEPHENVILLE, ADOPTION AND  
 DEDICATION THEREOF, RECORDED IN VOLUME 381, PAGE 105,  
 DEED RECORDS, ERATH COUNTY, TEXAS**



**OWNERS CERTIFICATION:**

§ STATE OF TEXAS  
§ COUNTY OF ERATH

WHEREAS ONTADE, LLC is the owner of Lot 1, Block 5, Kight Second Addition, an addition to the City of Stephenville, Erath County, Texas, as shown per King's 1956 Map of the City of Stephenville, as recorded in Volume 381, Page 105, Deed Records, Erath County, Texas, and being more particularly described by metes and bounds as follows: (Basis of bearing being U.S. State Plane Grid - Texas North Central Zone (4202) NAD83 as established using the AllTerra RTKNet Cooperative Network. Reference frame is NAD83(2011) Epoch 2010.0000. Distances shown are U.S. Survey feet displayed in surface values).

BEING all of Block 5, Kight Second Addition, an addition to the City of Stephenville, Erath County, Texas, as shown per King's 1956 Map of the City of Stephenville, as recorded in Volume 381, Page 105, Deed Records, Erath County, Texas, and being more particularly described by metes and bounds as follows: (Basis of bearing being U.S. State Plane Grid - Texas North Central Zone (4202) NAD83 as established using the AllTerra RTKNet Cooperative Network. Reference frame is NAD83(2011) Epoch 2010.0000. Distances shown are U.S. Survey feet displayed in surface values).

BEGINNING at a 5/8 inch iron rod found at the intersection of the west right-of-way line of N. Kight Ave. and the north right-of-way line of W. Frey St. for the southeast corner of said Block 5;

THENCE South 59°28'59" West, with the north line of said W. Frey St. and the south line of said Block 5, a distance of 408.79 feet to a 5/8 inch capped iron rod set marked "NATIVE CO., LLC" (IRS) at the intersection of the north right-of-way line of W. Frey St. and the east right-of-way line of N. Ollie Ave. for the southwest corner of said Block 5;

THENCE North 30°17'29" West, with the east right-of-way line of N. Ollie Ave. and the west line of said Block 5, a distance of 467.54 feet to an IRS at the intersection of the east right-of-way line of N. Ollie Ave. and the south right-of-way line of W. Pecan St. for the northwest corner of said Block 5;

THENCE North 59°45'34" East, with the south right-of-way line of W. Pecan St. and the north line of said Block 5, a distance of 406.86 feet to an IRS at the intersection of the south right-of-way line of W. Pecan St. and the west right-of-way line of N. Kight Ave. for the northeast corner of said Block 5;

THENCE South 30°31'41" East, with the west right-of-way line of N. Kight Ave. and the east line of said Block 5, a distance of 465.57 feet to the POINT OF BEGINNING and containing 190,273 Square Feet or 4.368 Acres of Land.

**NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:**

THAT, ONTADE, LLC and Tobiah O'Neal and Mandy O'Neal, acting by and through the undersigned, their duly authorized agents, do hereby adopt this plat designating the herein above described real property as **LOTS 1R THRU LOT 3R, BLOCK 5, Kight Second Addition**, an addition to the City of Stephenville, 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, or 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 does not alter or remove existing deed restrictions or covenants, if any, on this property.

_____	_____	_____
ONTADE, LLC	Tobiah O'Neal	Mandy O'Neal
Owner or Representative		

§ STATE OF TEXAS  
§ COUNTY OF ERATH

BEFORE ME, the undersigned authority, on this day personally appeared, \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

_____	_____
Notary Public in and for the State of Texas	My commission expires

§ STATE OF TEXAS  
§ COUNTY OF ERATH

BEFORE ME, the undersigned authority, on this day personally appeared, \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

_____	_____
Notary Public in and for the State of Texas	My commission expires

§ STATE OF TEXAS  
§ COUNTY OF ERATH

BEFORE ME, the undersigned authority, on this day personally appeared, \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said partnership.

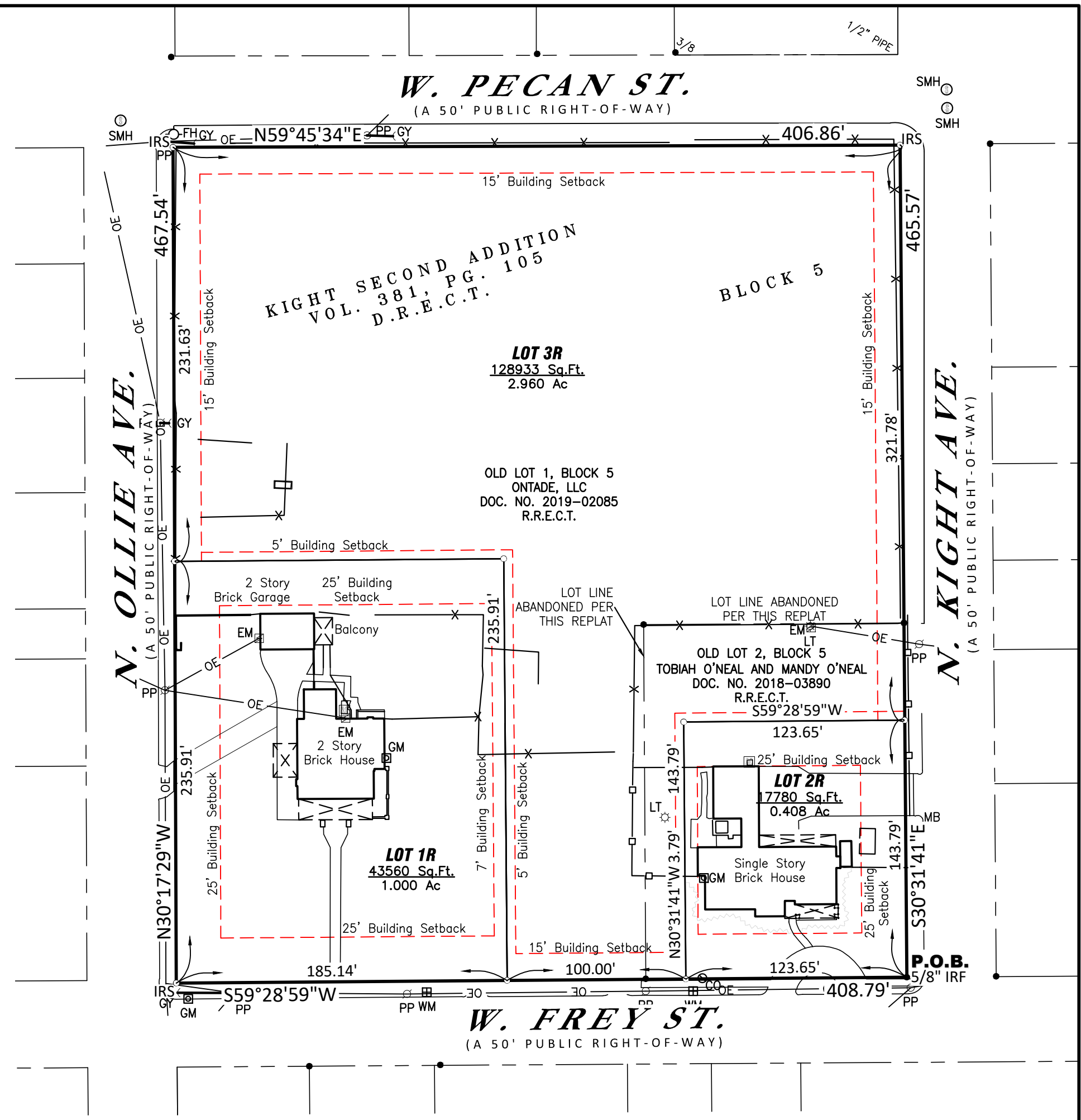
GIVEN UNDER MY HAND AND SEAL OF OFFICE on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

_____	_____
Notary Public in and for the State of Texas	My commission expires

- LEGEND:**
- CO.....Cleanout
  - IRF.....Iron Rod Found
  - IRS.....5/8" Capped Iron Rod Set Marked "NATIVE CO, LLC"
  - WM.....Water Meter
  - WV.....Water Valve
  - D.R.E.C.T.....Deed Records, Erath County, Texas
  - R.R.E.C.T.....Real Records, Erath County, Texas
  - Chainlink Fence.....

- NOTES:**
1. Basis of bearing being U.S. State Plane Grid - Texas North Central Zone (4202) NAD83 as established using the AllTerra RTKNet Cooperative Network. Reference frame is NAD83(2011) Epoch 2010.0000. Distances shown are U.S. Survey feet displayed in surface values.
  2. According to scaled location of FEMA Firm Map No. 48035C0430D, effective date January 6, 2011, the subject property lies within Zone X - Areas determined to be outside the 0.2% annual change flood.
  3. Unless otherwise noted, all property corners are 5/8 inch capped iron rods set marked "NATIVE CO., LLC".
  4. The original common lot line of Lots 1 & 2, Block 5, Kight Second Addition is abandoned per this replat.

**OWNER:**  
ONTADE, LLC  
115 Graham St., Suite 202,  
Stephenville, Tx 76401



ACCEPTED AND APPROVED:

\_\_\_\_\_  
DIRECTOR OF PLANNING AND DEVELOPMENT

\_\_\_\_\_  
CITY SECRETARY

\_\_\_\_\_  
DATE

**SURVEYOR'S CERTIFICATION:**

I, N. Zane Griffin, do hereby certify that I prepared this plat from an actual on the ground survey of the land, and that the corner monuments shown hereon were properly placed under my personal supervision in accordance with the platting rules and regulations of the City of Stephenville, Erath County, Texas.  
**PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE**  
Purpose of Document: Review  
Surveyor: N. Zane Griffin  
Registered Professional Land Surveyor No. 6810  
Release Date: 09-22-2021  
N. Zane Griffin, RPLS No. 6810  
Date: September 22, 2021

**REPLAT**  
**LOTS 1R thru 3R, BLOCK 5**  
**KIGHT SECOND ADDITION**

AN ADDITION TO THE CITY OF STEPHENVILLE, ERATH COUNTY, TEXAS  
BEING A REPLAT OF A 4.368 ACRE TRACT OF LAND, BEING ALL OF BLOCK 5, KIGHT SECOND ADDITION, AS SHOWN ON KING'S 1956 MAP OF STEPHENVILLE, ADOPTION AND DEDICATION THEREOF, RECORDED IN VOLUME 381, PAGE 105, DEED RECORDS, ERATH COUNTY, TEXAS

CABINET \_\_\_\_\_ SLIDE \_\_\_\_\_



**Plat Application and Checklist**

*Please note that this checklist is intended to assist developers and design professionals in the preparation of submittals for DRC review and are generally what is needed to facilitate the review of the proposed plat. A submittal of a complete application will facilitate a timely review. Failure of the applicant to provide required information will result in application not being processed. Under special circumstances, additional items may be required through the Development Review Committee process prior to approval.*

Please check the Appropriate Box: Final Plat  Preliminary Plat  Amended Plat  Minor Plat   
Residential Replat  Replat  Conveyance Plat

**PROPERTY INFORMATION:**

Project Name: ONTADE LLC Parcel(s) Tax ID# (Required): \_\_\_\_\_

Project Address (Location): 1083 FREY Total Acres: 3.675

Previous Project Number (If Applicable): \_\_\_\_\_

Existing Zoning: R-1 # of Existing Lots: 1 # of Existing Units: \_\_\_\_\_

Proposed Zoning: R-2.5 # of Proposed Lots: \_\_\_\_\_ # of Proposed Units: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

**Owner Information and Authorization**

Name: TOBIAH O'NEAL / RENDELL BURDICK

Company Name: ONTADE LLC

Address: 115 N GRAHAM SUITE 202

Telephone: 254-485-9159 Email: RENTAL76401@EARTHLINK.COM

- Please Note: e-mail addresses will be used to notify the owner or representative of the status of the plat.

**CHECK ONE OF THE FOLLOWING:**

- I will represent the application myself; or
- I hereby designate \_\_\_\_\_ (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this development application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application.

*I hereby certify that I am the owner of the property and further certify that the information provided on this development application is true and correct. By signing below, I agree that the City of Stephenville (the "City") is authorized and permitted to provide information contained within this application, including the email address, to the public. The City is also authorized and permitted to reproduce any copyrighted information submitted in connection with the application, if such reproduction is associated with the application in response to a Public Information Request.*

Owner's Signature: Rendell Burdick Date: 9/13/2021

STATE OF TEXAS COUNTY OF \_\_\_\_\_ BEFORE ME, a Notary Public, on this \_\_\_\_\_ day personally appeared \_\_\_\_\_ (printed owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the owner, for the purposes of this application; that all information submitted herein is true and correct." SUBSCRIBED AND SWORN TO before me, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Signature \_\_\_\_\_

(seal)

### Plat Application and Checklist

Please note that this checklist is intended to assist developers and design professionals in the preparation of submittals for DRC review and are generally what is needed to facilitate the review of the proposed plat. A submittal of a complete application will facilitate a timely review. Failure of the applicant to provide required information will result in application not being processed. Under special circumstances, additional items may be required through the Development Review Committee process prior to approval.

#### ITEMS TO BE SUBMITTED:

- Application and Checklist.
- Associated Fee(s): as listed on the Development Review Fee Schedule.
- Project Narrative: Written proposal for the project.
- Plats: Plats will be drawn on a sheet size of 24" x 36" with a 3" x 3" clear box in the right hand corner (these are county requirement for filing). Two Mylar and two paper copies are required to be submitted. Smaller or larger sheet size may be accepted only if approved by Director of Planning and Building Departments. Plats will be drawn to a scale no smaller than 1" = 100' unless otherwise approved by the Director. Black and white originals are preferred as color lines are sometimes hard to pick-up via copy.
- 24" x 36" Engineering/Support Documents (if required) Engineering/support documents are required for all public improvements, including sidewalks. Engineering/support documents will be drawn to a plan view scale not smaller than 1" = 100' with exception to the drainage area map which may be a scale not smaller than 1" = 400' unless otherwise approved by the Director.
- All documents shall bear appropriate seals, stamps or other validations/certifications of work as applicable in accordance with State law and local requirements.
- Utilities Acceptance Form
- Plat Checklist: I have reviewed the checklist and all submittals for completeness and accuracy.
- Digital Submission: All items should be submitted digitally in PDF format.

#### GENERAL INFORMATION:

A plat is intended to serve as the official recorded map of the property to be developed, showing thereon the boundaries, lots, public streets and easements and other significant public facilities and features which are necessary to serve the development, as required by the Stephenville Subdivision Ordinance. A plat of the property to be subdivided or developed is required of all development to which Stephenville Subdivision Ordinance applies. For a development to be constructed in phases, the plat may include only a portion of the land included in a general development plan and/or preliminary plat.

**Applicant information required:** the applicant, owner and contact information must be provided in entirety. If multiple design professionals are involved in the preparation of the plat document, list the principal design professional. All correspondence relating to the plat will be directed to the contact designated on the application.

**Owner signature:** the plat application is required to be signed by the current property owner. If the property owner is not available to sign the application, then a notarized letter of authorization from the property owner is required to be submitted which empowers a designee to sign for the property owner.

**Acceptance of plat application:** All plat applications will be reviewed for completeness in accordance with this checklist before they are accepted by City Staff. Failure of applicant to provide required information constitutes grounds for refusal of plat acceptance for processing; or staff recommendation of denial when application is scheduled for consideration.



**Development Services Department**  
 298 W. Washington, Stephenville TX 76401  
 Phone: (254) 918-1222 [www.stephenvilletx.gov](http://www.stephenvilletx.gov)

**PLAT SHALL CONTAIN:**

<b>On Plat</b>	<b>N/A</b>	
<input type="checkbox"/>	<input type="checkbox"/>	The date, written and graphic scale, north arrow, proposed name of the development, key map showing the location of the development in relation to existing streets and highways and dates of preparation and revisions.
<input type="checkbox"/>	<input type="checkbox"/>	The signature block of the owner or owners of the land included within the plat, acknowledged in the form required for the acknowledgement of deeds.
<input type="checkbox"/>	<input type="checkbox"/>	Name of the subdivider or developer, record owner and surveyor.
<input type="checkbox"/>	<input type="checkbox"/>	Provide a note on the plat stating the purpose of the Plat.
<input type="checkbox"/>	<input type="checkbox"/>	Title Block containing: Proposed name of the subdivision or lot on record, acres in previously platted and unplatted land and total of those acres, survey and jurisdiction (City of Stephenville, County of Erath, Texas, for example).
<input type="checkbox"/>	<input type="checkbox"/>	Proposed name of the subdivision, development or lot on record, which shall not have the same spelling or be pronounced similarly to the name of any other development located on land within the jurisdiction of the city. Developers of phased development shall use the same base name for different sections, identified by a section number.
<input type="checkbox"/>	<input type="checkbox"/>	The development boundary lines, shown by a continuous dark line of sufficient width to be easily identified, as shown by a survey performed by a registered professional land surveyor describing the boundaries of the development by metes and bounds. The survey shall: <ul style="list-style-type: none"> <li>▪ Locate the boundaries with respect to a corner of the survey or tract or any original corner of the original survey abstract of which it is a part (provide a note of description of the location of the survey abstract). At least one corner shall be tied by course and distance to a corner in a recorded subdivision or to a right-of-way pin at an intersection. (Note describing corner markers should be included);</li> <li>▪ Describe and locate all permanent survey monuments, pins, and control points and tie and reference the survey corners to the Texas State Plane Coordinate System.</li> <li>▪ Identify the dimensions of the development with a legal description and bearings and distances on the boundary of the plat.</li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>	Location of development by city, county and state.
<input type="checkbox"/>	<input type="checkbox"/>	Please provide a location map showing the relation of the subdivision to streets and other prominent features.
<input type="checkbox"/>	<input type="checkbox"/>	Please show the names of the adjoining subdivisions or the names of the adjoining property owners, together with their respective plat or deed references.
<input type="checkbox"/>	<input type="checkbox"/>	Show boundaries streets and/or right of way on the plat
<input type="checkbox"/>	<input type="checkbox"/>	The exact location, dimension and description of all existing or recorded public or private easements, and public rights-of-way within the development, intersecting or contiguous with its boundary or forming such boundary.
<input type="checkbox"/>	<input type="checkbox"/>	The dimensions of all existing or proposed lots and blocks within the development identified by letter or number running consecutively throughout the development.

- The exact location, dimensions and description of all proposed public or private easements, parks, other areas, reservations, and other rights-of-way to be dedicated to the public, located within, intersecting or contiguous with its boundary or forming such boundary.



**Development Services Department**  
 298 W. Washington, Stephenville TX 76401  
 Phone: (254) 918-1222 [www.stephenvilletx.gov](http://www.stephenvilletx.gov)

**PLAT SHALL CONTAIN:**

- All proposed street right of ways or changes to be made in existing right of ways shall be described with accurate bearings or deflecting angles and radii, area and central angle, degree of curvature, tangent distance and length of all curves where appropriate, and the primary control points.
- Approved name and dimensioned width of each street right of way. Street names are required for all newly created streets on the final plat document. Please note that street names will not be considered "reserved" prior to the submission of a final plat document.
- Show centerline of existing streets. Dimension from centerline to edge of existing right-of-way and from centerline to edge of proposed right-of-way.
- Existing and proposed easements – labeled, dimensioned, and instrument used to create or abandon such easements.
- The identification, location and size of all existing gas, petroleum, or similar common carrier easements located within or on the boundary of the development. If no easements or pipelines are located on the property, add a note to that effect.
- Boundary lines of open spaces to be dedicated or granted for use by the public or inhabitants of the development. Parkland dedications should be noted.
- Reference by record name to recorded subdivision plats or adjoining platted land with recording information.
- Label lots in or adjacent to a floodplain or adjacent to a drainage easement and in other locations if required by the City Engineer with the following: "minimum finished floor elevations required."
- Provide a note on the plat stating: "The minimum finished floor elevations shall be provided when a building permit application is submitted. The minimum finished floor elevations shall be based on the current FEMA data. The minimum finished floor elevations shall be stated as mean sea level."
- All required dedication and certification statements.
- Certification that basic documentation has been set in order to determine location of public improvements.
- Signature block for approving body.
- Traffic Impact Analysis (TIA) may be required at the time of Preliminary Plat submittal for all site developments. For phased developments, the TIA shall include an analysis for each phase of the development and the threshold for the TIA shall be for the entire development.
  - o Threshold for a Traffic Impact Analysis:
    - o Residentially zoned Subdivisions that are projected to generate more than 1,000new average daily trips (ADT) shall require a TIA.
    - o Office zoned Subdivisions that are projected to generate more than 500 newaverage daily trips (ADT) shall require a TIA.
    - o Nonresidential zoned Subdivisions that are projected to generate more than 2,500new average daily trips (ADT) shall require a TIA.
    - o Industrial zoned Subdivisions that are projected to generate more than 500 new average daily trips (ADT) shall require a TIA.

**REQUIREMENTS FOR RECORDING FINAL PLAT:**

- Plats shall be filed prior to formal acceptance of any public improvements and prior to issuance of building permits. In order to comply with the county’s plat filing requirements, the following must be completed on the final plat document.
- All documents shall bear appropriate seals, stamps or other validations/certifications of work as applicable in accordance with State law and local requirements.
- All stamps and seals must be legible.
- Tax certificates are required with the filing of each plat from all taxing entities.
- All property owner signatures must be original and acknowledged (notary public) and each name must be printed below each signature.

This document contains a summary list of requirements for a Plat submittal. Additional documents may be requested. For detailed information, visit our website at [www.stephenvilletx.gov](http://www.stephenvilletx.gov). Below is a quick reference guide to help in your navigation to more detailed information.

**Stephenville Subdivision Ordinance**

<http://www.stephenvilletx.gov/wp-content/uploads/2018/01/1-2-18-Adopted-Subdivision.pdf>

**Stephenville Engineering Standards Manual**

[www.stephenvilletx.gov/wp-content/uploads/2018/01/Engineering-Standards-Manual-2018\\_01-02-ADOPTED.pdf](http://www.stephenvilletx.gov/wp-content/uploads/2018/01/Engineering-Standards-Manual-2018_01-02-ADOPTED.pdf)

**Stephenville 2030 Comprehensive Plan**

[www.stephenvilletx.gov/2030-comprehensive-plan/](http://www.stephenvilletx.gov/2030-comprehensive-plan/)

**Forms and Documents**

<http://www.stephenvilletx.gov/residents/forms/>

**Fees (others may be applicable):**

Subdivision Filing Fees:

Preliminary Plat (per plat)	\$200.00 (per lot) \$10.00
Final Plat (per plat)	\$200.00 (per lot) \$10.00
Replat (per plat)	\$200.00
Site Development Plan (per plan)	\$200.00 (water, sewer, streets, storm drain engineering review)



# City of Stephenville

## Utilities Acceptance Form

Project Name: \_\_\_\_\_ Date: \_\_\_\_\_

Owner/Developer: \_\_\_\_\_

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Prior to presenting a plan to the City for initiation of the platting process, the developer is asked to have the utilities listed below to offer their comments. The developer is to present this form and a copy of the plan to each of the utilities listed below. The utility in turn is asked to sign and stamp the form below indication that they have reviewed and accept the final plat.

1. **Oncor Electric:** Official: \_\_\_\_\_  
SEAL OR STAMP and comments

2. **Atmos Gas:** Official: \_\_\_\_\_  
SEAL OR STAMP and comments

3. **CenturyLink Telephone:** Official: \_\_\_\_\_  
SEAL OR STAMP and comments

4. **Water Utilities:** Official: \_\_\_\_\_  
SEAL OR STAMP and comments

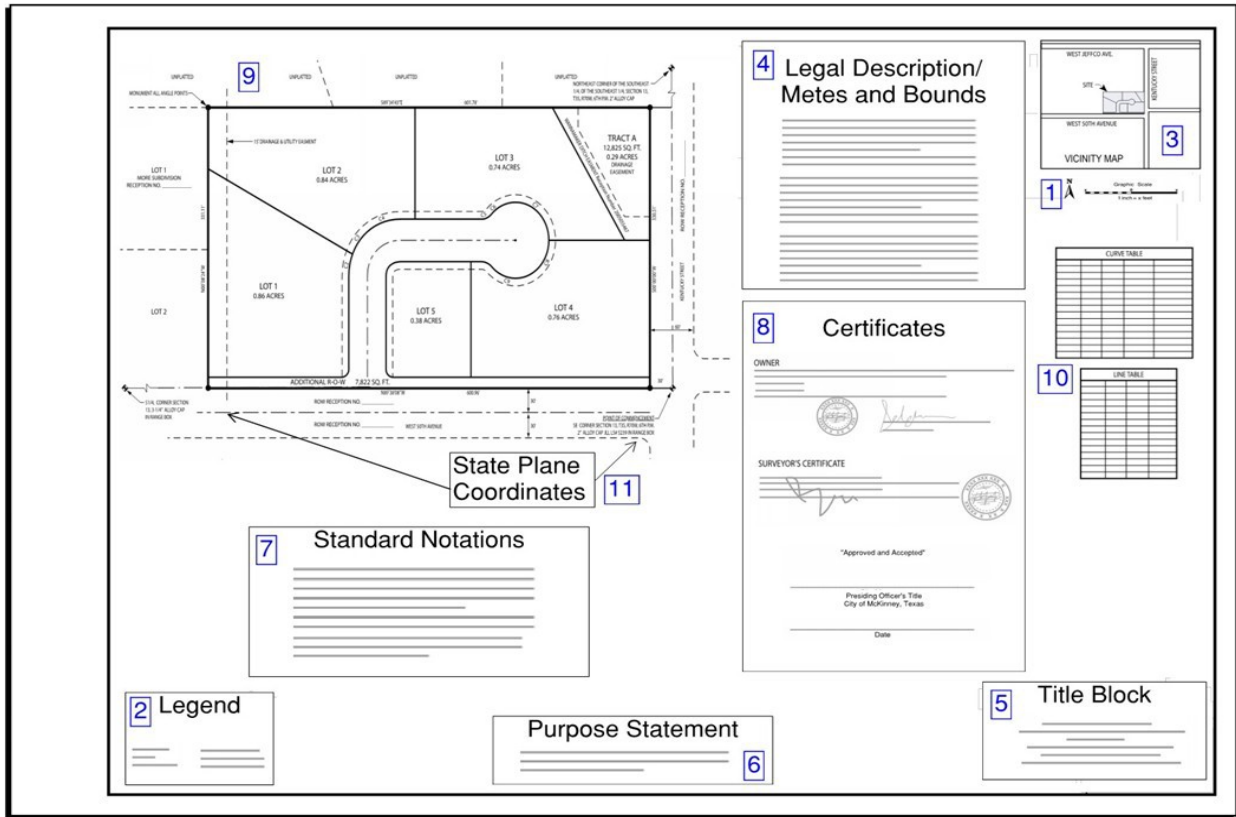
5. **Northland Cable T.V.:** Official: \_\_\_\_\_  
SEAL OR STAMP and comments

6. **Progressive Waste:** Official: \_\_\_\_\_  
SEAL OR STAMP and comments



**Development Services Department**  
 298 W. Washington, Stephenville TX 76401  
 Phone: (254) 918-1213 [www.stephenvilletx.gov](http://www.stephenvilletx.gov)

**Plat Format**



1. North Arrow and Scale
2. Legend
3. Vicinity Map
4. Legal Description/Metes and Bounds
5. Title Block to include the following information:
  - a. Proposed name of subdivision with section or sequencing designation, as appropriate
  - b. Acreage of proposed subdivision
  - c. Applicant name, address, and phone number
  - d. Tract designation, abstract and other description according to the real estate records for the City or County
  - e. Total number of lots, and designation and amounts of land of the proposed uses within the subdivision
6. Purpose Statement (not required for preliminary-final plats)
7. Standard Notation

**8. Certificates**

Certification by a public surveyor registered in the state, that the plat represents a survey made by him or under their direct supervision, and that all the monuments shown thereon actually exist, and that their location, size and material are correctly shown;

A certificate of ownership and dedication, on a form approved by the director of planning, of all streets, alleys, parks, open spaces and public ways to public use forever, signed and acknowledged before a notary public by the owner and any and all lienholders of the land, and a complete and accurate description of the land subdivided and dedications made;

Approval Certificate by proper party

**9. Plat Graphic**

**10. Curve and Line Table**

**11. Official Monuments**

**Staff Contact Information:**

**Director of Development Services**

Steve Killen

Office: (254)918-1222

Email: [skillen@stephenvilletx.gov](mailto:skillen@stephenvilletx.gov)

**Building Official**

Harold Sandel

Office: (254)918-1214

Email: [hsandel@stephenvilletx.gov](mailto:hsandel@stephenvilletx.gov)

**Permit Technician**

Tina Cox

Office: (254)918-1213

Email: [tcx@stephenvilletx.gov](mailto:tcx@stephenvilletx.gov)

**Fire Marshal**

Gregg Schrumph

Office: (254)918-1250

Email: [GSchrumph@stephenvilletx.gov](mailto:GSchrumph@stephenvilletx.gov)

**Public Works Director**

Nick Williams

Office: (254)918-1292

Email: [nwilliams@stephenvilletx.gov](mailto:nwilliams@stephenvilletx.gov)

**City Engineer**

Nick Williams

Office: (254) 918-1292

Email: [nwilliams@stephenvilletx.gov](mailto:nwilliams@stephenvilletx.gov)



**Steve Killen**

---

**From:** Steve Killen  
**Sent:** Wednesday, August 18, 2021 11:05 AM  
**To:** Steve Killen  
**Subject:** FW: Planning and Zoning: Applicants Reese Flanagan/ Troy Kunkel

**Steve Killen**

Director  
Development Services



**P:** (254) 918-1222 | **C:** (214) 677-8352  
**E:** [skillen@stephenvilletx.gov](mailto:skillen@stephenvilletx.gov)



[Subscribe to Meeting Notifications Here](#)

*This e-mail contains the thoughts and opinions of Steve Killen and does not represent official City of Stephenville policy.  
Note to elected officials: Please respond only to the sender of this message. Reply to all may result in a violation of the Texas Open Meetings Act.*

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**From:** Steve Killen  
**Sent:** Tuesday, August 17, 2021 8:29 AM  
**To:** 'Dee Averitt' <daveritt@hotmail.com>  
**Subject:** RE: Planning and Zoning: Applicants Reese Flanagan/ Troy Kunkel

Good morning,

Received.

I will provide this letter to the Commission Chair.

Thank you.

**Steve Killen**

Director  
Development Services



**P:** (254) 918-1222 | **C:** (214) 677-8352  
**E:** [skillen@stephenvilletx.gov](mailto:skillen@stephenvilletx.gov)



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*This e-mail contains the thoughts and opinions of Steve Killen and does not represent official City of Stephenville policy.*

*Note to elected officials: Please respond only to the sender of this message. Reply to all may result in a violation of the Texas Open Meetings Act.*

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**From:** Dee Averitt <[daveritt@hotmail.com](mailto:daveritt@hotmail.com)>  
**Sent:** Monday, August 16, 2021 6:14 PM  
**To:** Steve Killen <[SKillen@stephenvilletx.gov](mailto:SKillen@stephenvilletx.gov)>  
**Subject:** Planning and Zoning: Applicants Reese Flanagan/ Troy Kunkel

Attention: Steve Killen

Please find attached the following questions and concerns preceding the scheduled rezoning meeting on August 18, 2021.

The letter from your office has indicated the applicant(s) will present a "conceptual plan" at this meeting. We will address any additional concerns after this presentation.

Please confirm your personal receipt of this email prior to the meeting and before 3:00pm CST on August 18, 2021.

We reserve the opportunity to address other objections to this project in person at this scheduled meeting.

Thank you in advance for your consideration.

Questions and concerns.

1. What is the potential for these new developments to become **Section 8/government** subsidized housing?
2. Will these zoning changes include permits for multilevel apartments over 2 stories?
3. What limitations are there for multiple story townhomes?
4. Can you provide a copy of the developer's permits?
5. Will the developer be providing a stormwater pollution plan and associated best practices?
6. What will the exact hours for demolition and construction for this and neighboring projects?
7. Who do we contact if we have concerns during construction?
8. Will the developer have a publicly available health and safety plan that addresses noise abatement, dust control, airborne asbestos and other particulates etc?
9. What are the dimensions, sizes and fencing products to be built on adjacent property
10. (811 West Washington)?
11. Are the proposed townhomes for sale or lease?
12. Will there be a property management company for leasing and tenant responses?
13. Will there be a traffic survey conducted on Washington street?
14. Will roads be expanded to accommodate increases?
15. Does this rezoning allow for retail strip mall shops to be constructed instead of townhomes?
16. Where will the access roadway be for townhome tenants? From Washington street?
17. Will townhome construction include garages? carports? (for tenants.)
18. Will townhome facilities include a pool, hot tub, volleyball, or basketball courts?
19. Will the proposed townhomes include any common area gyms, meeting spaces or community centers?

Dee Averitt  
Chief Operating Officer  
**Designing Consulting**  
214.212.4595

**CITY OF STEPHENVILLE TEXAS  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF STEPHENVILLE, TEXAS ESTABLISHING A ZONING CLASSIFICATION IN THE CODE OF ORDINANCES PROVIDING FOR MEDIUM DENSITY CITY NEIGHBORHOOD DEVELOPMENT TO BE KNOWN AS SECTION 154.05.8 INTEGRATED HOUSING DISTRICT ( R-2.5) AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Current City zoning regulations do not provide a classification to provide for medium density city neighborhood development; and

**WHEREAS**, the City Council of the City of Stephenville, Texas desires to provide a zoning classification for said development with appropriate rules and regulations.

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

The following zoning classification is hereby established to the City of Stephenville Code of Ordinances:

**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 R-2.5 Integrated Housing District will be applicable to for all Residential districts, B-1 Neighborhood Business and B-3 Central Business.

**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;

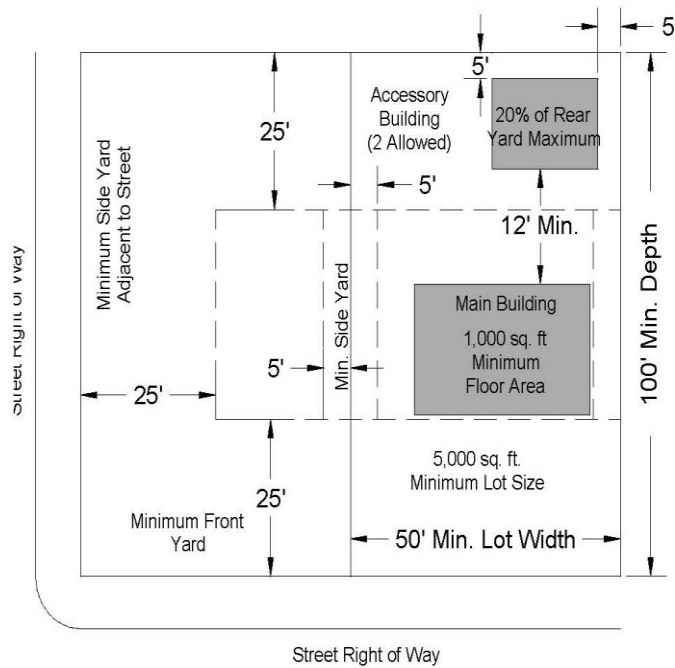
### 5.8.C Conditional Uses.

- (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.

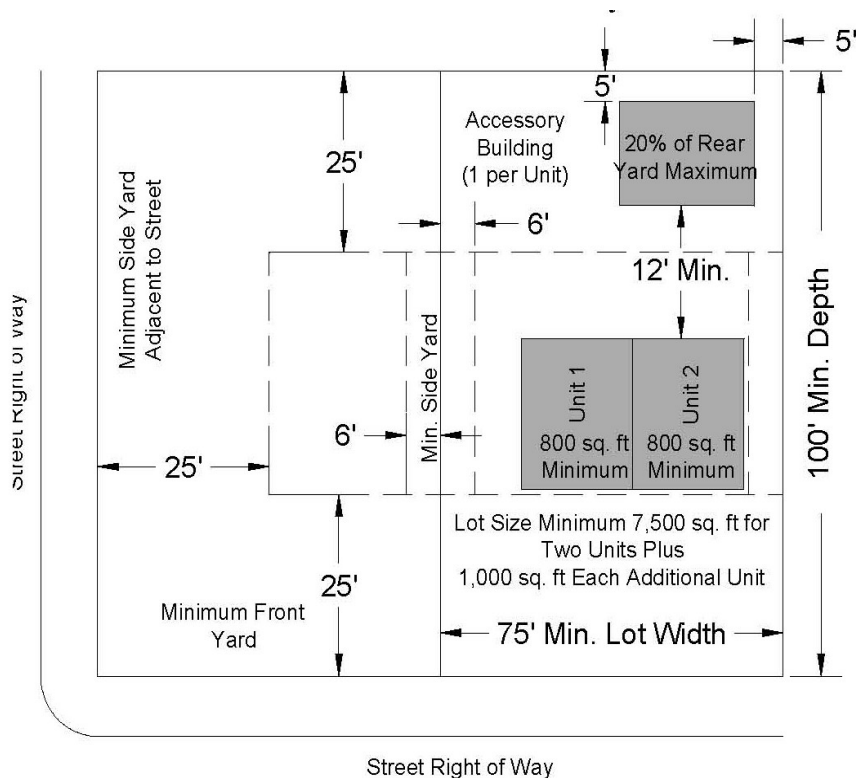


**5.8.E Parking Regulations.** A Single-Family, R-2.5 District lot shall provide a minimum of two vehicle parking spaces per dwelling unit, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in this ordinance, Section 11, Parking Regulations of this ordinance.

(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.



A Two to Four-Family, R-2.5 District lot shall provide a minimum of two vehicle parking spaces per dwelling unit, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in this ordinance, Section 11, Parking Regulations of this ordinance.

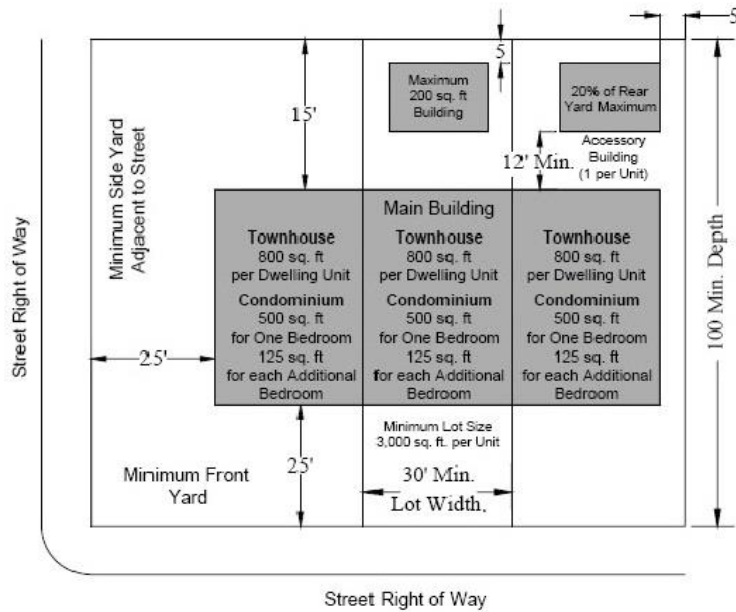
(C) *Townhouse/Condominium.*

- (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: 25 feet.
- (5) Minimum depth of rear setback: 15 feet.
- (6) Minimum width of side setback:
  - (a) Internal lot: five feet.
  - (b) Corner lot: 25 feet from intersecting side street.
- (7) Building size:
  - (a) Maximum 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.
- (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.
- (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.



Townhouse/Condominium



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

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

This ordinance shall be effective upon passage.

**PASSED AND APPROVED** this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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

ATTEST:

\_\_\_\_\_  
Staci L. King, City Secretary

\_\_\_\_\_  
Reviewed by Allen L. Barnes,  
City Administrator

\_\_\_\_\_  
Randy Thomas, City Attorney  
Approved as to form and legality



**CITY OF STEPHENVILLE TEXAS  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING SECTION 154.05.6 MULTIPLE FAMILY RESIDENTIAL DISTRICT ( R-3) OF THE CODE OF ORDINANCES OF THE CITY OF STEPHENVILLE, TEXAS BY REVISING SUBSECTIONS 5.6A, 5.6B AND 5.6E(D) AND DELETING SUBSECTIONS 5.6.B (3&4) AND 5.6E (C ) AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, The City Council of City of Stephenville, Texas desires to change various conditions and requirements of Section 154.05.6, Multiple Family Residential District ( R-3), of the Code of Ordinances; and

**WHEREAS**, the changes have been recommended and approved by City staff and by the Planning and Zoning Commission;

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

Section 154.05.6 of the Code of Ordinances is hereby amended to read as follows:

**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 aesthetic 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.**

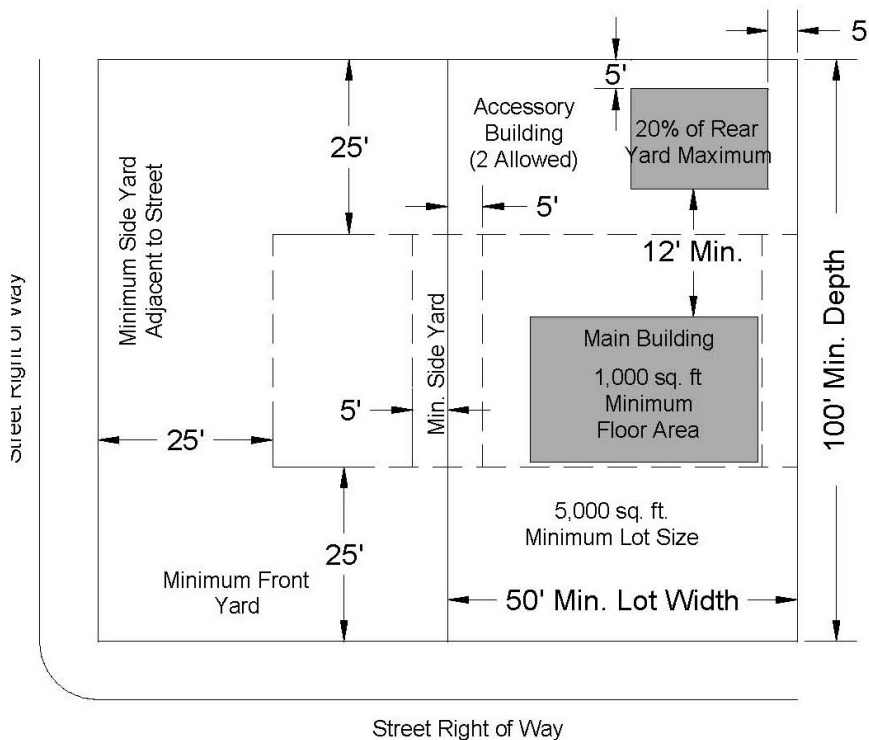
- (1) Home occupation;
- (2) Common facilities as the principal use of one or more platted lots in a subdivision;
- (3) Adult and/or children's day care centers;
- (4) Foster group home; and
- (5) Residence hall.

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

##### **(A) *Single family dwelling.***

- (1) Minimum lot area: 5,000 ft<sup>2</sup>.
- (2) Minimum lot width and lot frontage: 50 feet.
- (3) Minimum lot depth: 100 feet.
- (4) Minimum depth of front setback: 25 feet.
- (5) Minimum depth of rear setback: 25 feet.
- (6) Minimum width of side setback:
  - (a) Internal lot: five feet.
  - (b) Corner lot: 25 feet from intersecting side street.
- (7) Building size:
  - (a) Maximum 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.

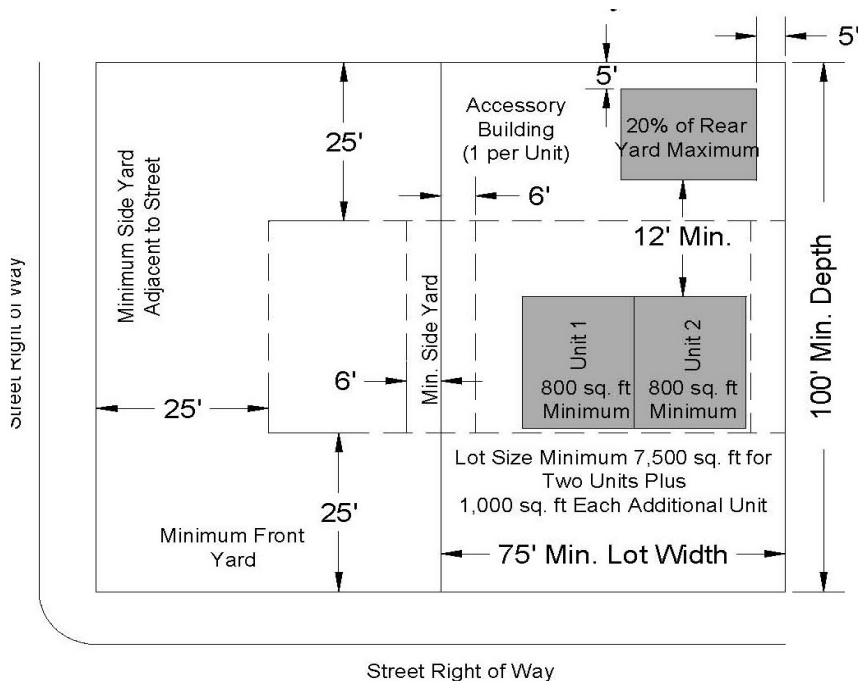


**5.6.E Parking Regulations.** A Single-Family, R-3 District lot shall provide a minimum of two vehicle parking spaces per dwelling unit, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in this ordinance, Section 11, Parking Regulations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

(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.



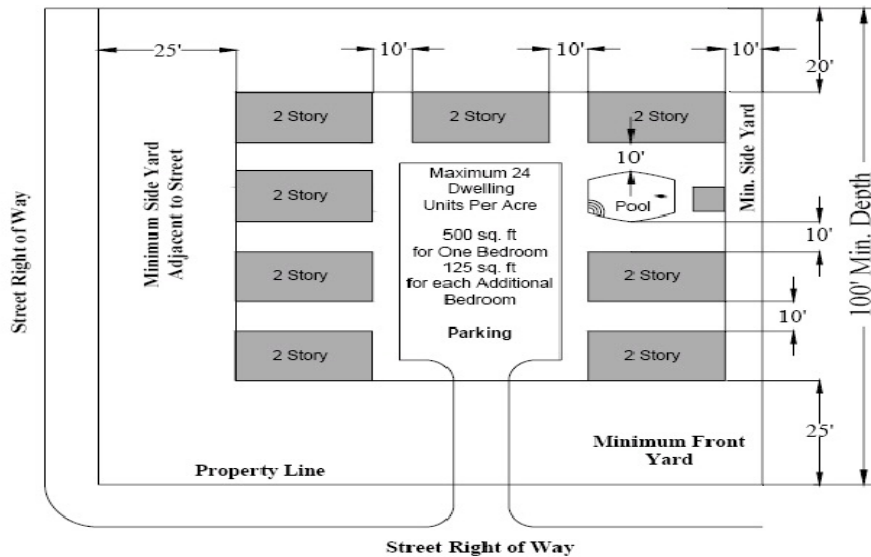
A Two to Four-Family, R-3 District lot shall provide a minimum of two vehicle parking spaces per dwelling unit, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in this ordinance, Section 11, Parking Regulations of this ordinance.

(D) *Multiple family dwellings.*

- (1) Minimum lot area: maximum density of 24 dwelling units per acre, which includes parking, access and all other area improvements.
- (2) Minimum lot depth: 100 feet.
- (3) Minimum depth of front setback: 25 feet.
- (4) Minimum depth of rear setback: 20 feet.
- (5) Minimum width of side setback:
  - (a) Internal lot: ten feet.
  - (b) Corner lot: 25 feet from intersecting side street.
- (6) Building size: Minimum area of each dwelling unit: 500 ft<sup>2</sup> for one bedroom or less plus 125 ft<sup>2</sup> of floor area for each additional bedroom.
- (7) Maximum height of structures: 35 feet.
- (8) Public, semi-public or public service buildings, hospitals, institutions or schools may not exceed a height of 60 feet. Churches, temples and mosques may not exceed 75 feet, if the building is set back from each yard line at least one foot for each two feet additional height above the height limit in this district.

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

#### Multiple Family Dwelling

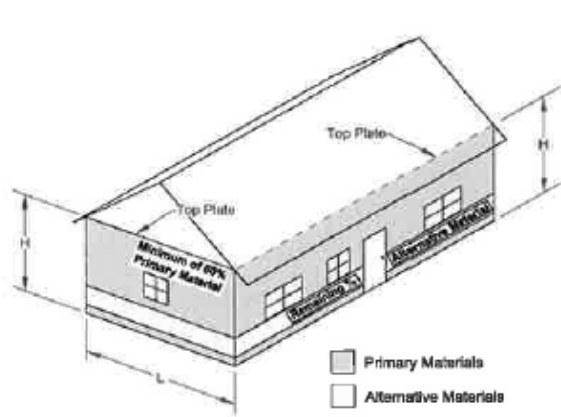


A Multiple-Family, R-3 District lot shall provide a minimum of two vehicle parking spaces per dwelling unit, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in this ordinance, Section 11, Parking Regulations of this ordinance. Student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





**NEW CONSTRUCTION**

Total Exterior Wall shall equal 80% of Primary Materials. Any remaining percentage shall be constructed of Alternative Materials. (Windows & Doors are excluded)

**EXISTING STRUCTURES**

1. Expanding or modifying the footage of the building 50% or less, may use the same exterior material as the existing primary building. If not available, approval is need from the Community Development Director.
2. Expanding or modifying the footage of the building 50% or more, must use 80% Primary Materials and any remaining percentage shall be constructed of Alternative Materials.
3. Windows and Doors are excluded.

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

This ordinance shall be effective upon passage.

**PASSED AND APPROVED** this the \_\_\_\_ day of \_\_\_\_\_, 2021.

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

ATTEST:

\_\_\_\_\_  
Staci L. King, City Secretary

\_\_\_\_\_  
Reviewed by Allen L. Barnes,  
City Administrator

\_\_\_\_\_  
Randy Thomas, City Attorney  
Approved as to form and legality



## STAFF REPORT

**SUBJECT:** Discussion of Sign Regulations relating to Murals – Chapter 154

**DEPARTMENT:** Development Services

**STAFF CONTACT:** Steve Killen

### BACKGROUND:

A recent application for a mural is subject to denial based on the regulations prescribed by Chapter 154.

The Development Services Committee reviewed the sign regulations relating to murals on August 31, 2021, The Committee, by unanimous vote, agreed that the 10% limitation relating to words/symbols for mural signs be removed and that the off-premise content be limited to 15% of the total sign area.

The proposed revisions are now being forwarded to the Planning and Zoning Commission for a Public Hearing.

Applicable portions of Section 154.12 relating to Murals are provided below:

A mural sign is defined as “a wall sign that is a part of a graphic displayed on the exterior of a building, generally for the purposes of decoration or artistic expression, including but not limited to a painting, fresco, or mosaic.”

An off-premise sign is defined as “a sign that directs attention to a business, profession, activity, commodity, service, or entertainment other than one conducted, sold, or offered upon the premises where such sign is located.”

#### 12-35 Mural sign.

- (a) *Location.*
  - (1) Signs must be premises signs.
  - (2) Signs shall be painted directly on the surface of the building.
- (b) *Area.* Maximum 100 percent of the area of the building elevation on which it is painted. Words and/or symbols may only be ten percent of the size of the entire mural.
- (c) *Number of signs.* One per building structure

Section 154.12-12 provide the process for variance requests:

#### 12-12 Variances.

- (a) Variance authorized. The Board of Adjustment (BOA) may authorize a variance to any restriction set forth in this chapter, including, but not limited to, the number, type, area, height or setback of signs, or any other aspect involved in the sign permitting process.
- (b) Approval standards. In granting any variance, BOA shall consider the following criteria and shall grant the variance only if:

- (1) Special conditions exist which are peculiar to the land, structure or building involved and are not applicable to other lands, buildings or structures in the same vicinity. The city may attach such conditions to granting all or a portion of any variance necessary to achieve the purpose of this chapter; and
- (2) The strict interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the vicinity under the terms of the chapter; and
- (3) The special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute pecuniary hardship or inconveniences; and
- (4) Granting the variance will meet the objectives of the chapter and not be injurious to the adjoining property owners or otherwise detrimental to the public welfare; and
- (5) The request will be the minimum variance necessary to alleviate the special hardship or practical difficulties faced by the applicant in meeting the requirements of this chapter; and
- (6) Granting of the variance will be in harmony with the spirit and purpose of this chapter.
- (7) In granting special exceptions under this section, the Board of Adjustment may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety and general welfare, including but not limited to conditions specifying the period during which the nonconforming use may continue to operate or exist before being conformed to the standards of the Zoning Ordinance.



## STAFF REPORT

**SUBJECT:** Discussion of Sign Regulations relating to Murals – Chapter 154

**DEPARTMENT:** Development Services

**STAFF CONTACT:** Steve Killen

### BACKGROUND:

A recent application for a mural is subject to denial based on the regulations prescribed by Chapter 154.

The Committee will review the sign regulations relating to murals and determine if proposed revisions should be forwarded to the Planning and Zoning Commission for a Public Hearing.

Applicable portions of Section 154.12 relating to Murals are provided below:

A mural sign is defined as “a wall sign that is a part of a graphic displayed on the exterior of a building, generally for the purposes of decoration or artistic expression, including but not limited to a painting, fresco, or mosaic.”

An off-premise sign is defined as “a sign that directs attention to a business, profession, activity, commodity, service, or entertainment other than one conducted, sold, or offered upon the premises where such sign is located.”

#### **12-35 Mural sign.**

(a) *Location.*

- (1) Signs must be premises signs.
- (2) Signs shall be painted directly on the surface of the building.

(b) *Area.* Maximum 100 percent of the area of the building elevation on which it is painted. Words and/or symbols may only be ten percent of the size of the entire mural.

(c) *Number of signs.* One per building structure

Section 154.12-12 provide the process for variance requests:

#### **12-12 Variances.**

- (a) Variance authorized. The Board of Adjustment (BOA) may authorize a variance to any restriction set forth in this chapter, including, but not limited to, the number, type, area, height or setback of signs, or any other aspect involved in the sign permitting process.
- (b) Approval standards. In granting any variance, BOA shall consider the following criteria and shall grant the variance only if:
  - (1) Special conditions exist which are peculiar to the land, structure or building involved and are not applicable to other lands, buildings or structures in the same vicinity. The city may attach such conditions to granting all or a portion of any variance necessary to achieve the purpose of this chapter; and

- (2) The strict interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the vicinity under the terms of the chapter; and
- (3) The special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute pecuniary hardship or inconveniences; and
- (4) Granting the variance will meet the objectives of the chapter and not be injurious to the adjoining property owners or otherwise detrimental to the public welfare; and
- (5) The request will be the minimum variance necessary to alleviate the special hardship or practical difficulties faced by the applicant in meeting the requirements of this chapter; and
- (6) Granting of the variance will be in harmony with the spirit and purpose of this chapter.
- (7) In granting special exceptions under this section, the Board of Adjustment may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety and general welfare, including but not limited to conditions specifying the period during which the nonconforming use may continue to operate or exist before being conformed to the standards of the Zoning Ordinance.

*Howdy!* from the *Heart* of

# PERAINH

County

Morgan Mill  
Bluff Dale  
the Ville  
Dublin  
Hico

Sponsored by:

**X-TREME TEAM ROPING**  
Hall of Fame  
The Show  
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