



## PLANNING AND ZONING COMMISSION MEETING

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City Hall Council Chambers, 298 W. Washington  
Wednesday, October 18, 2023 at 5:30 PM

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### AGENDA

#### CALL TO ORDER

#### MINUTES

- [1.](#) Consider Approval of Minutes for September 20, 2023
- [2.](#) Consider Approval of Minutes for October 9, 2023

#### PUBLIC HEARING

[3.](#) Case No.: PD2022-003 - UPDATE

Applicant Scott Allen, representing Stephenville Rentals LLC, pursuant to the requirements set forth by Section 154.08 of the City of Stephenville Zoning Ordinance, is presenting an update and requesting an extension of the development schedule for the Planned Development located at 157 W. Washington, Parcel R29179, being Block 5, Lot C of City Addition to the City of Stephenville, Erath County, Texas.

[4.](#) Case No.: PD2022-004 - UPDATE

Applicant Scott Allen, representing Stephenville Rentals LLC, pursuant to the requirements set forth by Section 154.08 of the City of Stephenville Zoning Ordinance, is presenting an update and requesting an extension of the development schedule for the Planned Development located at 171 W. Washington, Parcel R29178, being Block 5, Lot B of City Addition to the City of Stephenville, Erath County, Texas.

#### ADJOURN

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



## PLANNING AND ZONING COMMISSION MEETING

City Hall Council Chambers, 298 W. Washington  
Wednesday, September 20, 2023 at 5:30 PM

### MINUTES

The Planning and Zoning Commission of the City of Stephenville, Texas, convened on Wednesday, September 20, 2023 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  
Nick Robinson

Justin Allison  
Paul Ashby  
Mary Beach-McGuire  
Tyler Wright

**COMMISSIONERS ABSENT:** N/A

**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 PM.

### MINUTES

**1. Consider Approval of Minutes – August 16, 2023**

MOTION by Brian Lesley, second by Nick Robinson to approve the minutes for August 16, 2023.  
MOTION CARRIED by unanimous vote.

### PUBLIC HEARING

**2. Case No.: PD2023-002**

**Applicant Ben Sanchez with Parkhill, representing Stephenville ISD is requesting a rezone of a property located at Wolfe Nursery Rd, Parcel R64240, being BLOCK 156; LOT 7 (PT OF) of the Acres 42.930, S2600 CITY ADDITION of the City of Stephenville, Erath County, Texas from (CTS) City, Tarleton, School to (PD) Planned Development. The applicant will present the Development Plan.**

Development Services Director, Steve Killen introduced Ben Sanchez who is with Parkhill Architecture and Engineering and asked him to share the presentation that Parkhill prepared. Mr. Sanchez as well as

Landon Bell gave an in-depth presentation and answered the Commissioners' questions which included drainage, fencing, irrigation, green space, and parking.

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

No one spoke in favor of the rezone request.

The following citizens spoke against the rezone request:

Laura Gordey, 160 Brittain Circle  
 Jean Stokes, 180 Brittain Circle  
 Mary Lantz, 111 Brittain Circle

Jason King, City Manager addressed the parking concerns that were brought up by the Commission.

Chairperson LaTouche closed the public hearing at 6:03 PM.

MOTION by Mary Beach-McGuire, second by Tyler Wright, to recommend approval to the City Council to rezone property located at Wolfe Nursery Rd, Parcel R64240, being BLOCK 156; LOT 7 (PT OF) of the Acres 42.930, S2600 CITY ADDITION of the City of Stephenville, Erath County, Texas from (CTS) City, Tarleton, School to (PD) Planned Development. MOTION CARRIED by a 6-1 vote.

AYES: Tyler Wright, Justin Allison, Mary Beach-McGuire, Lisa LaTouche, Nick Robinson, Paul Ashby

NOES: Brian Lesley

**3. Case No.: SV2023-001**

**Applicant Emanuel Glockzin, representing Retirement Living for Seniors, is requesting a Subdivision Waiver from Section 155.6.11 – Sidewalk Requirements, to be constructed at W Lingleville Rd, Parcel R77868, being Acres 7.664, A0520 Menefee Jarrett of the City of Stephenville, Erath County, Texas.**

Development Services Director, Steve Killen, briefed the Commission on this case. He stated that the property only has 60 feet of frontage on Lingleville Road and a 24-foot-wide approach for fire access. Mr. Killen concluded by informing the Commissioners that staff does not support this waiver due to the possible walkability by the future residents to the neighborhood store.

Mr. Glockzin was not present to answer the Commissioners questions.

Chairperson LaTouche opened a public hearing at 6:24 PM.

No one spoke in favor or against the subdivision waiver request.

The public hearing was closed at 6:24 PM.

MOTION by Brian Lesley, second by Mary Beach McGuire, to recommend denial to the City Council for the Subdivision Waiver from Section 155.6.11 – Sidewalk Requirements, to be constructed at W Lingleville Rd, Parcel R77868, being Acres 7.664, A0520 Menefee Jarrett of the City of Stephenville, Erath County, Texas. MOTION CARRIED by a 6-1 vote.

AYES: Tyler Wright, Mary Beach-McGuire, Lisa LaTouche, Brian Lesley, Nick Robinson, Paul Ashby

NOES: Justin Allison

**4. Case No.: SV2023-002**

**Applicant Emanuel Glockzin, representing Retirement Living for Seniors, is requesting a Subdivision Waiver from Section 155.6.04(M) – Curb & Gutter Requirements, to be constructed at W Lingleville Rd, Parcel R77868, being Acres 7.664, A0520 Menefee Jarrett of the City of Stephenville, Erath County, Texas.**

Development Services Director, Steve Killen, briefed the Commission on this case. He stated that the property only has 60 feet of frontage on Lingleville Road and a 24-foot-wide approach for fire access. Mr. Killen concluded by informing the Commissioners that staff does support this waiver.

Mr. Glockzin was not present to answer the Commissioners questions.

Chairperson LaTouche opened a public hearing at 6:38 PM.

No one spoke in favor or against the subdivision waiver request.

The public hearing was closed at 6:38 PM.

MOTION by Mary Beach McGuire, second by Bryan Lesley, to recommend approval to the City Council for the Subdivision Waiver from Section 155.6.04(M) – Curb & Gutter Requirements, to be constructed at W Lingleville Rd, Parcel R77868, being Acres 7.664, A0520 Menefee Jarrett of the City of Stephenville, Erath County, Texas. MOTION CARRIED by a unanimous vote.

**5. Case No.: FP2023-003**

**Applicant Emanuel Glockzin, representing Retirement Living for Seniors LTD, is requesting approval of a Final Plat of the property located at 0 W Lingleville Rd, Parcel R77868 of Acres 7.664, A0520 Menefee Jarrett of the City of Stephenville, Erath County, Texas.**

Development Services Director, Steve Killen, briefed the Commission on this case. He stated that the applicant has submitted a Final Plat that has been reviewed by staff. Staff is requesting the Planning and Zoning Commission grant Conditional Approval of the Final Plat pending completion, verified by city staff, of the following items required by the Subdivision Ordinance, Chapter 155:

1. Execute an Escrow Agreement with the City as a surety of completion and acceptance of all public improvements.

Upon completion, the Final Plat will be submitted to the County for recording purposes. Mr. Killen concluded by informing the Commissioners that Mr. Glockzin is now requesting approval of the Final Plat to begin vertical construction in conjunction with the construction of the public improvements. An Escrow Account will be provided as surety of completion.

Mr. Glockzin was not present to answer the Commissioners questions.

Chairperson LaTouche opened a public hearing at 6:41 PM.

No one spoke in favor or against the final plat request.

The public hearing was closed at 6:41 PM.

MOTION by Mary Beach McGuire, second by Bryan Lesley, to recommend approval with conditions to the City Council for the Final Plat of the property located at 0 W Lingleville Rd, Parcel R77868 of Acres 7.664, A0520 Menefee Jarrett of the City of Stephenville, Erath County, Texas. MOTION CARRIED by an unanimous vote.

**6. Case No.: FP2023-002 – THIS CASE WAS PULLED FROM THE AGENDA**  
**Applicant Taylor Kanute, representing Harbin Street, LLC, is requesting approval of a Final Plat of the property located at 0 Harbin, Parcel R73763 of S6200 South Side Addition, Block 19, Lot 15 of the City of Stephenville, Erath County, Texas.**

**7. Case No.: FP2023-004**  
**Applicant Marc Pace, representing Brown Pace Development Company, LLC, is requesting approval of a Final Plat for property known as Garrett CT, Parcel R33513, S6200 South Side Addition, Block 7; Lots 7 & 8; of the City of Stephenville, Erath County, Texas.**

Development Services Director, Steve Killen, briefed the Commission on this case. He stated that the applicant has submitted a Final Plat that has been reviewed by staff. Staff is requesting the Planning and Zoning Commission grant Conditional Approval of the Final Plat pending completion, verified by city staff, of the following items required by the Subdivision Ordinance, Chapter 155:

1. Provide Proof of Ownership.
2. Provide Homeowner’s Association Documents for review and approval by City Attorney.
3. Pay all fees related to Phase 1.

Upon completion, the Final Plat will be submitted to the County for recording purposes. Mr. Killen concluded by informing the Commissioners that the Final Plat conforms to the Preliminary Plat. The current phase has received acceptance of improvements for the completed units and a maintenance bond has been provided. The remainder of the development will be completed in phases.

Mr. Pace was not present to answer the Commissioners questions.

Chairperson LaTouche opened a public hearing at 6:43 PM.

No one spoke in favor or against the final plat request.

The public hearing was closed at 6:43 PM.

MOTION by Mary Beach McGuire, second by Bryan Lesley, to recommend approval with conditions to the City Council for the Final Plat of the property known as Garrett CT, Parcel R33513, S6200 South Side Addition, Block 7; Lots 7 & 8; of the City of Stephenville, Erath County, Texas. MOTION CARRIED by an unanimous vote.

**ADJOURN**

The meeting was adjourned at 6:43 PM.

APPROVED:

ATTEST:

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Lisa LaTouche, Chair

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Tina Cox, Commission Secretary



## SPECIALLY CALLED PLANNING AND ZONING COMMISSION MEETING

City Hall Council Chambers, 298 W. Washington  
Monday, October 9, 2023 at 5:30 PM

### MINUTES

The Planning and Zoning Commission of the City of Stephenville, Texas, convened on Monday, October 9, 2023 at 5:30 PM, in the Council Chambers at City Hall, 298 West Washington Street, for the purpose of a Specially Called 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  
Nick Robinson

Justin Allison  
Tyler Wright, Alternate 1

**COMMISSIONERS ABSENT:** Mary Beach-McGuire  
Paul Ashby

**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 PM.

#### PUBLIC HEARING

**1. Case No.: CP2023-001**

**Applicants Thomas and Zana Gill are requesting a Conditional Use Permit for property located at 1490 W. McNeill, R33490, being SOUTH SIDE ADDITION, BLOCK 6, LOT 1A, 1B, 2, 2A, 3, 4, 5 (Pt of 1B) of the City of Stephenville, Erath County, Texas.**

Development Services Director, Steve Killen, briefed the commissioners on the conditional use request. The applicant is requesting a conditional use permit for parking by Texas A&M Systems/Tarleton State University under a temporary lease agreement during the completion of TSU parking garage construction, while retaining the R-3 Multi-Family zoning for the owner's future development. Mr. Killen concluded that staff supports the conditional use request.

Mr. Gill was present to answer the Commissioners questions.

Chairperson LaTouche opened a public hearing at 5:35 PM.

No one spoke in favor or against the of the conditional use request.

The public hearing was closed at 5:35 PM.

MOTION by Brian Lesley, second by Nick Robinson, to approve the conditional use permit request and forward a positive recommendation to Council for the property located at 1490 W. McNeill, R33490, being SOUTH SIDE ADDITION, BLOCK 6, LOT 1A, 1B, 2, 2A, 3, 4, 5 (Pt of 1B) of the City of Stephenville, Erath County, Texas. MOTION CARRIED with a unanimous vote.

**ADJOURN**

The meeting was adjourned at 5:36 PM.

APPROVED:

ATTEST:

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Lisa LaTouche, Chair

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Tina Cox, Commission Secretary



# STAFF REPORT



**SUBJECT:** Case No.: PD2022-003 – UPDATE

Applicant Scott Allen, representing Stephenville Rentals LLC, pursuant to the requirements set forth by Section 154.08 of the City of Stephenville Zoning Ordinance, is presenting an update and requesting an extension of the development schedule for the Planned Development located at 157 W. Washington, Parcel R29179, being Block 5, Lot C of City Addition to the City of Stephenville, Erath County, Texas.

**DEPARTMENT:** Development Services

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

## RECOMMENDATION:

To consider the modified Development Schedule and provide a recommendation to the City Council.

## BACKGROUND:

The Planning and Zoning Commission convened on June 15, 2022, and by a unanimous vote, recommended the City Council approve the rezoning request. Subsequently, on July 5, 2022, the City Council approved Ordinance No. 2022-O-20, rezoning the property from Downtown District (DT) to Planned Development District (PD).

City ordinance requires annual updates to the Commission.



## 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 in possible under standard district regulations. It is recognized that it is desirable for certain areas of the city to be developed in

accordance with development plans prepared and approved as a part of the ordinance authorizing the zoning necessary for the proposed development.

- (2) Improvements in a "PD" District are subject to conformance with a development plan approved by the City Council on Planning and Zoning Commission recommendation and after public hearing thereon. No development plan may increase gross density in excess of that allowed by the base district.

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

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

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

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

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

**8.C Prohibited Uses.**

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

gross acreage as shown in the development's recorded Planned Development Site Plan, as approved by City Council.

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

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

**8.E Development Schedule.**

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

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

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

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

**8.I Approval Procedures.**

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

development plan being referred back to the Planning and Zoning Commission for review and evaluation unless the revision constitutes a minor change as provided below, or the change was condition of the approval.

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

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

- (1) The location of all existing and planned non-single-family structures on the subject property;
- (2) Landscaping lighting and/or fencing and/or screening of common areas;
- (3) General locations of existing tree clusters, providing average size and number and indication of species;
- (4) Location and detail of perimeter fencing if applicable;
- (5) General description/location of ingress and egress with description of special pavement treatment if proposed;
- (6) Off-street parking and loading facilities, and calculations showing how the quantities were obtained for all non single-family purposes;
- (7) Height of all non-single-family structures;
- (8) Proposed uses;
- (9) Location and description of subdivision signage and landscaping at entrance areas;

- (10) Street names on proposed streets;
- (11) Proposed minimum area regulations including, set-backs, lot-sizes, widths, depths, side-yards, square footage or residential structures;
- (12) Indication of all development phasing and platting limits; and
- (13) Such additional terms and conditions, including design standards, as the Planning and Zoning Commission and the City Council deem necessary.

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

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

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

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

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

- (c) The parking requirements of the Zoning Ordinance shall apply to all uses in the "PD" District unless otherwise specified on the development plan; and
- (d) "PD" provisions may vary setbacks with approval.

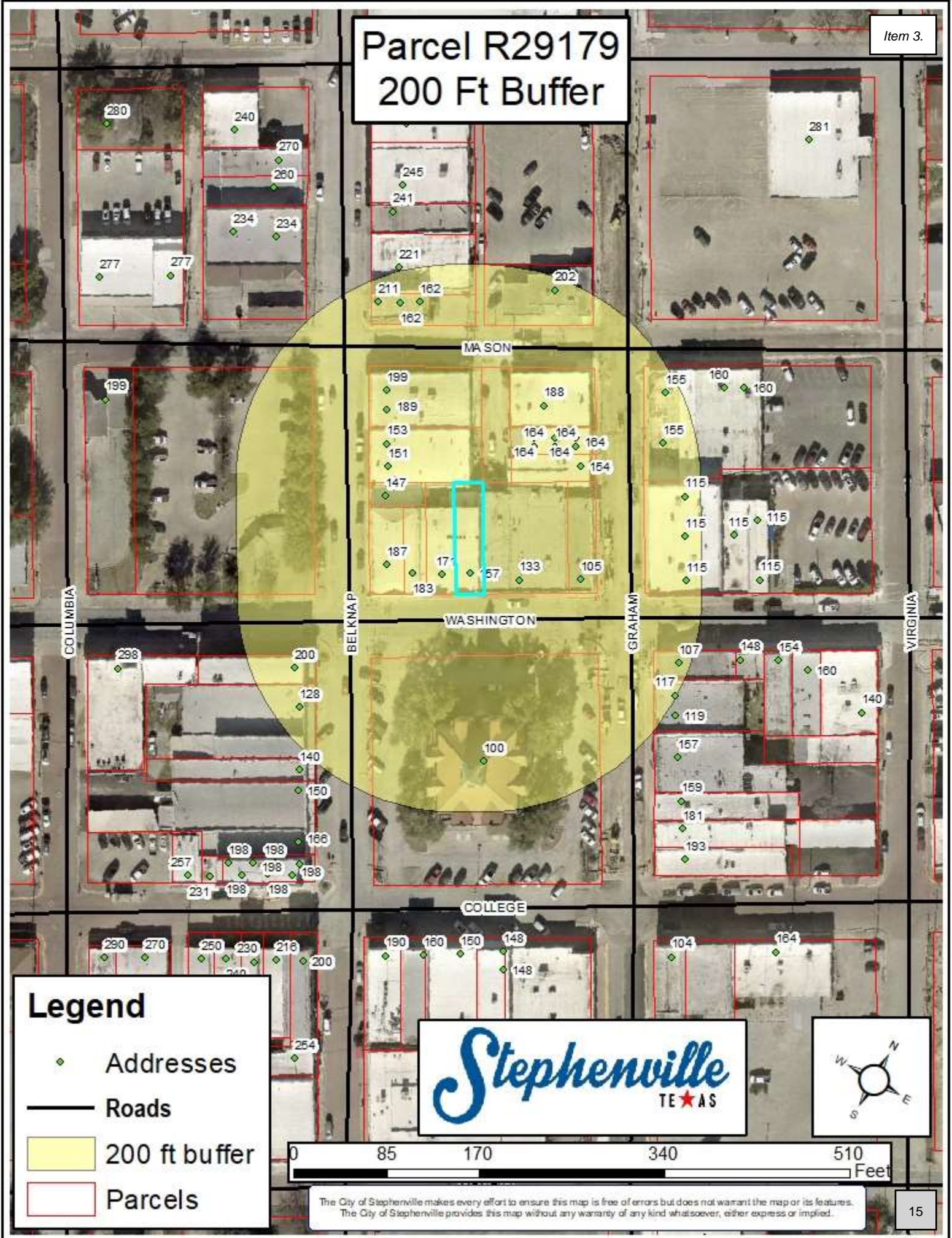
**FACTORS TO CONSIDER:**

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

**ALTERNATIVES**

- 1) Recommend the City Council approve the modified Development Schedule.
- 2) Recommend the City Council deny the modified Development Schedule. Such action will require the removal of all or part of the Planned Development and cause placement in another zoning district.

# Parcel R29179 200 Ft Buffer



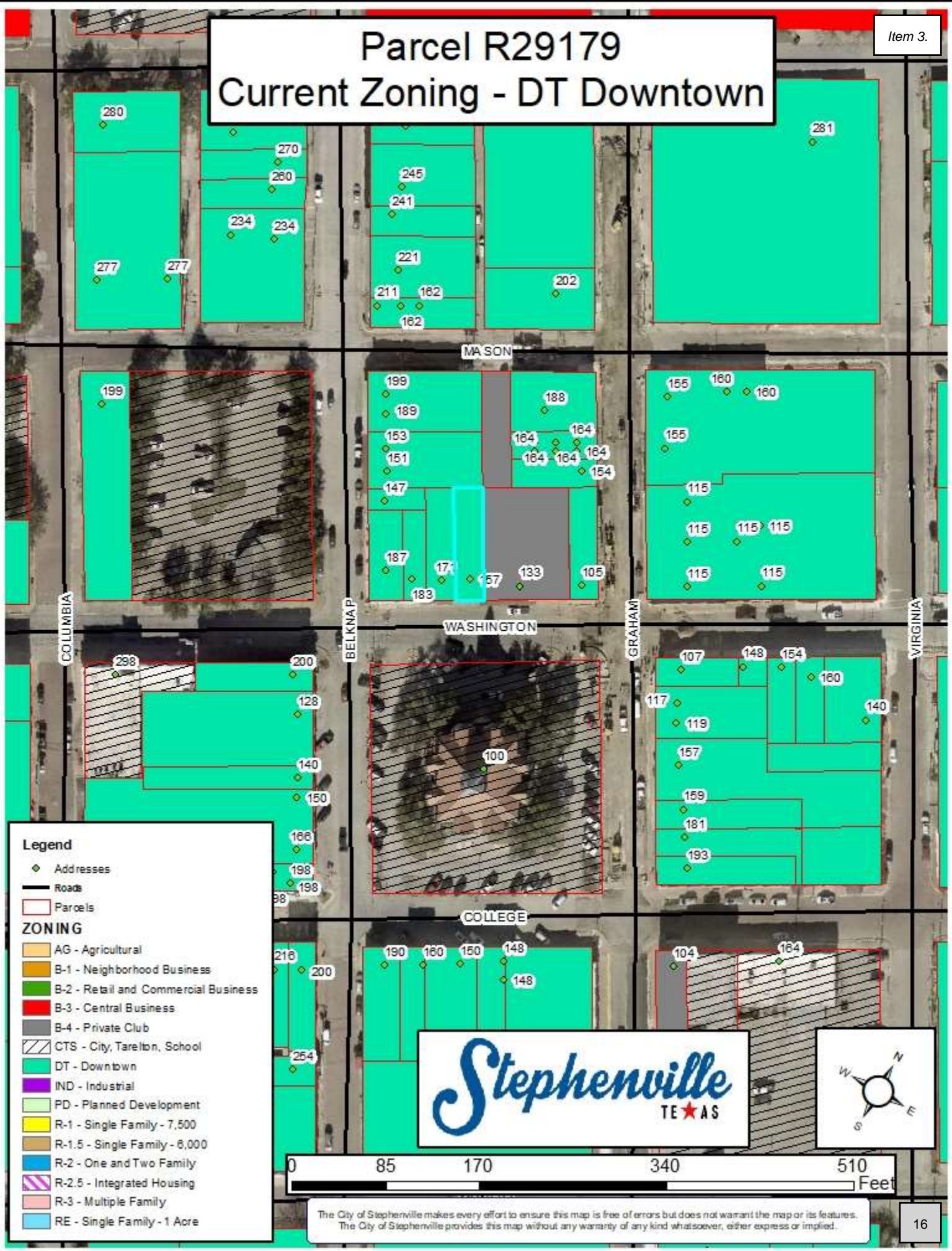
**Legend**

- ◆ Addresses
- Roads
- 200 ft buffer
- Parcels



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

# Parcel R29179 Current Zoning - DT Downtown



**Legend**

- ◆ Addresses
- Roads
- ▭ Parcels

**ZONING**

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

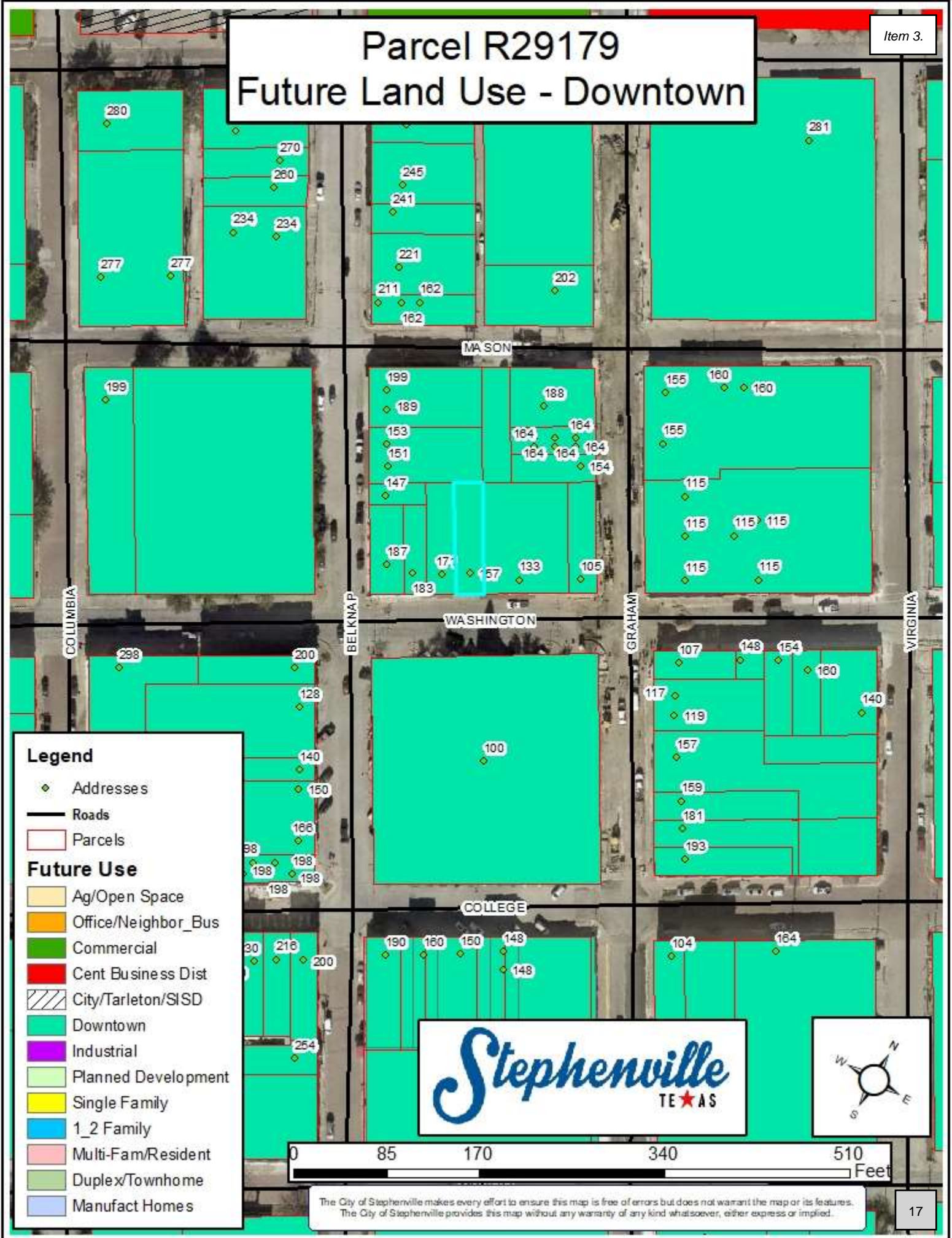


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# Parcel R29179 Future Land Use - Downtown

Item 3.



### Legend

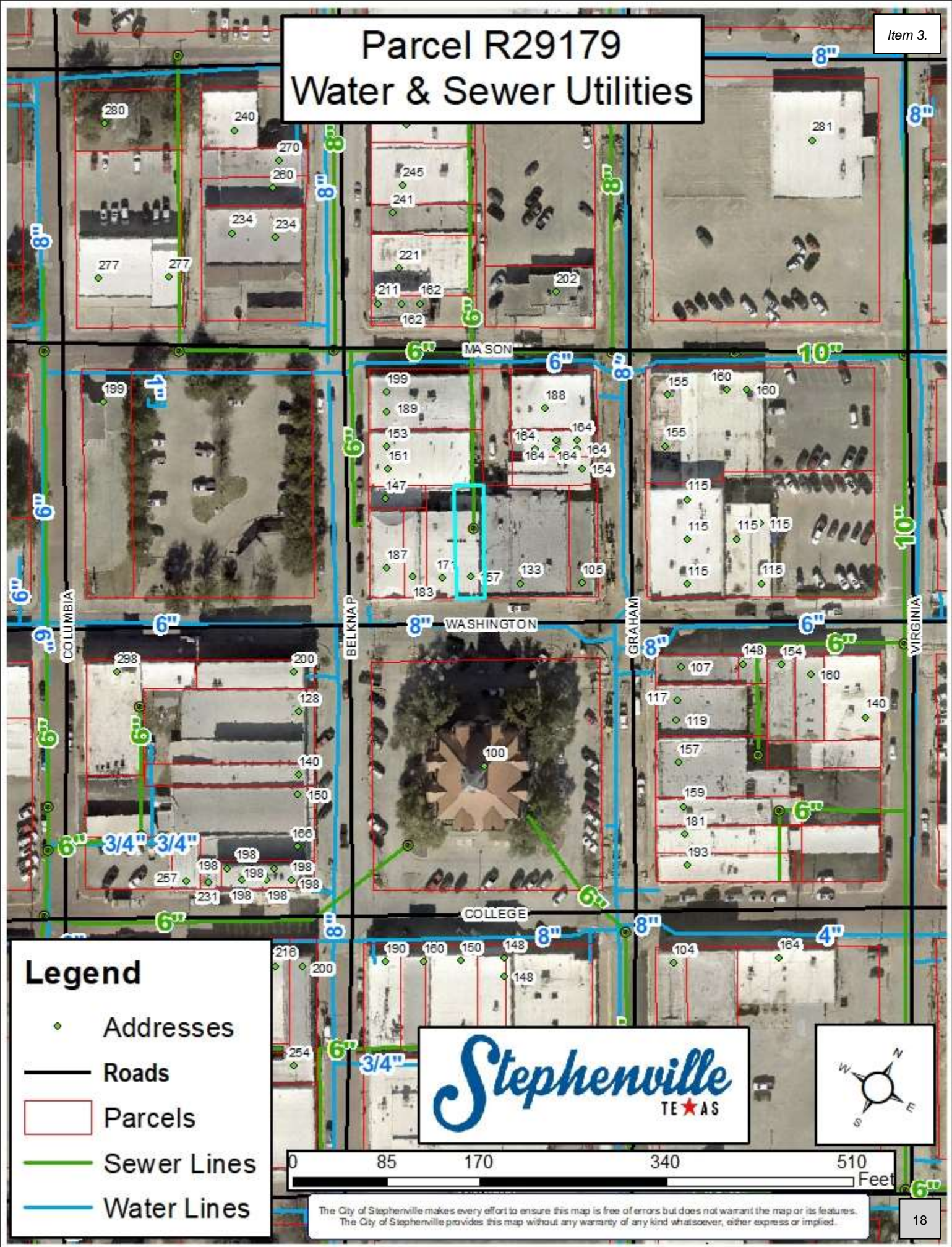
- ◆ Addresses
- Roads
- Parcels
- Ag/Open Space
- Office/Neighbor\_Bus
- Commercial
- Cent Business Dist
- City/Tarleton/SISD
- Downtown
- Industrial
- Planned Development
- Single Family
- 1\_2 Family
- Multi-Fam/Resident
- Duplex/Townhome
- Manufact Homes



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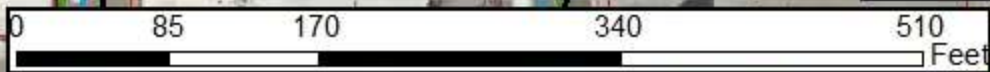
# Parcel R29179 Water & Sewer Utilities

Item 3.



## Legend

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



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# Parcel R29179 Address List

Item 3.

Parcel ID	Parcel Address	Parcel Owner	Owner Address	City	State	Zip Code
R000029175	115 N GRAHAM	BMF PROPERTIES LLC	115 N GRAHAM ST #202	STEPHENVILLE	TX	76401
R000029189	153 N BELKNAP	BURDICK RENEE W	702 PRAIRIE WIND	STEPHENVILLE	TX	76401
R000029183	105 W WASHINGTON	BUTCHER ALLAN K JR	PO BOX 690394	SAN ANTONIO	TX	78269-0394
R000029181	133 W WASHINGTON	CAFE TRIFLES INC	133 W WASHINGTON	STEPHENVILLE	TX	76401
R000029187	0 MASON	CAFE TRIFLES INC	133 W WASHINGTON	STEPHENVILLE	TX	76401
R000029191	200 MASON	CITY OF STEPHENVILLE	298 W WASHINGTON	STEPHENVILLE	TX	76401-4257
R000029202	200 W WASHINGTON	CJW PARTNERS LLC	PO BOX 909	STEPHENVILLE	TX	76401
R000029168	119 S GRAHAM	COATS JIM & PATSY	1187 AZALEA LN	STEPHENVILLE	TX	76401-0000
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R000029190	147 N BELKNAP	DOUBLE W INVESTMENTS LLC	6440 N. CENTRAL EXPRESSWAY	DALLAS	TX	75206
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R000029257	0 N GRAHAM	GRAHAM ST CHURCH OF CHRIST CORP	PO BOX 6	STEPHENVILLE	TX	76401-0000
R000029252	211 N BELKNAP	J BAR F RENTALS LLC	137 SANDRA PALMER	STEPHENVILLE	TX	76401
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**STEPHENVILLE RENTALS, LLC.**  
**Site Development Projections For**  
**Jake Wilson Building 157 W. Washington, Stephenville, Texas 76401**  
**Theo Bauer Building 171 W. Washington, Stephenville, Texas 76401**

**Note to Zoning Commission:**

As you know these two projects have been pending for some time due to the fact that I need to secure the approval of both the Texas Historical Commission and the National Park Service in order to qualify the two projects for tax credit. The architect, John Beverly, has redrafted the plans several times to meet the varying requirements of the two regulatory agencies. We believe we are near the end of that process as the Texas Historical Commission has just approved the plans and forwarded them to the National Park Service for review and approval of the most current drafts of the plans.


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Based on the circumstances outlined above, the forecasted dates for the P.D. development of the two buildings are as follows:

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

Respectfully submitted,



Scott Allen



# STAFF REPORT

**SUBJECT:** Case No.: PD2022-004 - UPDATE

Applicant Scott Allen, representing Stephenville Rentals LLC, pursuant to the requirements set forth by Section 154.08 of the City of Stephenville Zoning Ordinance, is presenting an update and requesting an extension of the development schedule for the Planned Development located at 171 W. Washington, Parcel R29178, being Block 5, Lot B of City Addition to the City of Stephenville, Erath County, Texas.

**DEPARTMENT:** Development Services

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

**RECOMMENDATION:**

To consider the modified Development Schedule and provide a recommendation to the City Council.

**BACKGROUND:**

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

City ordinance requires annual updates to the Commission.



**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 in possible under standard district regulations. It is recognized that it is desirable for certain areas of the city to be developed in accordance with development plans prepared and approved as a part of the ordinance authorizing the zoning necessary for the proposed development.

- (2) Improvements in a "PD" District are subject to conformance with a development plan approved by the City Council on Planning and Zoning Commission recommendation and after public hearing thereon. No development plan may increase gross density in excess of that allowed by the base district.

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

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

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

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

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

**8.C Prohibited Uses.**

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

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

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

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

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

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

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

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

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

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

evaluation unless the revision constitutes a minor change as provided below, or the change was condition of the approval.

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

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

- (1) The location of all existing and planned non-single-family structures on the subject property;
- (2) Landscaping lighting and/or fencing and/or screening of common areas;
- (3) General locations of existing tree clusters, providing average size and number and indication of species;
- (4) Location and detail of perimeter fencing if applicable;
- (5) General description/location of ingress and egress with description of special pavement treatment if proposed;
- (6) Off-street parking and loading facilities, and calculations showing how the quantities were obtained for all non single-family purposes;
- (7) Height of all non-single-family structures;
- (8) Proposed uses;
- (9) Location and description of subdivision signage and landscaping at entrance areas;



- (10) Street names on proposed streets;
- (11) Proposed minimum area regulations including, set-backs, lot-sizes, widths, depths, side-yards, square footage or residential structures;
- (12) Indication of all development phasing and platting limits; and
- (13) Such additional terms and conditions, including design standards, as the Planning and Zoning Commission and the City Council deem necessary.

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

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

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

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

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

- (c) The parking requirements of the Zoning Ordinance shall apply to all uses in the "PD" District unless otherwise specified on the development plan; and
- (d) "PD" provisions may vary setbacks with approval.

**FACTORS TO CONSIDER:**

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

**ALTERNATIVES**

- 1) Recommend the City Council approve the modified Development Schedule.
- 2) Recommend the City Council deny the modified Development Schedule. Such action will require the removal of all or part of the Planned Development and cause placement in another zoning district.

# Parcel R29178 200 Ft Buffer



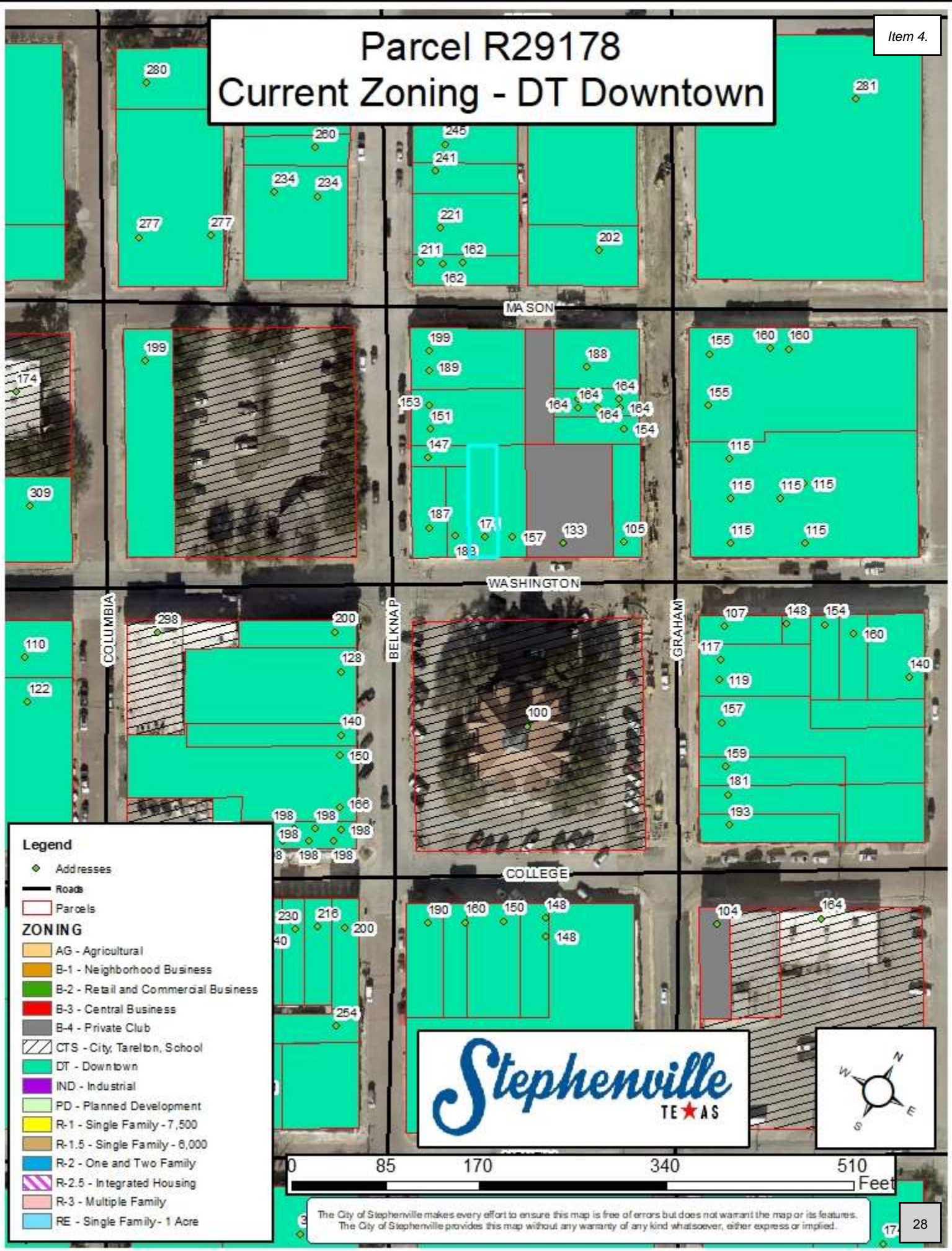
**Legend**

- ◆ Addresses
- Roads
- 200 ft buffer
- Parcels



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

# Parcel R29178 Current Zoning - DT Downtown



**Legend**

- ◆ Addresses
- Roads
- ▭ Parcels

**ZONING**

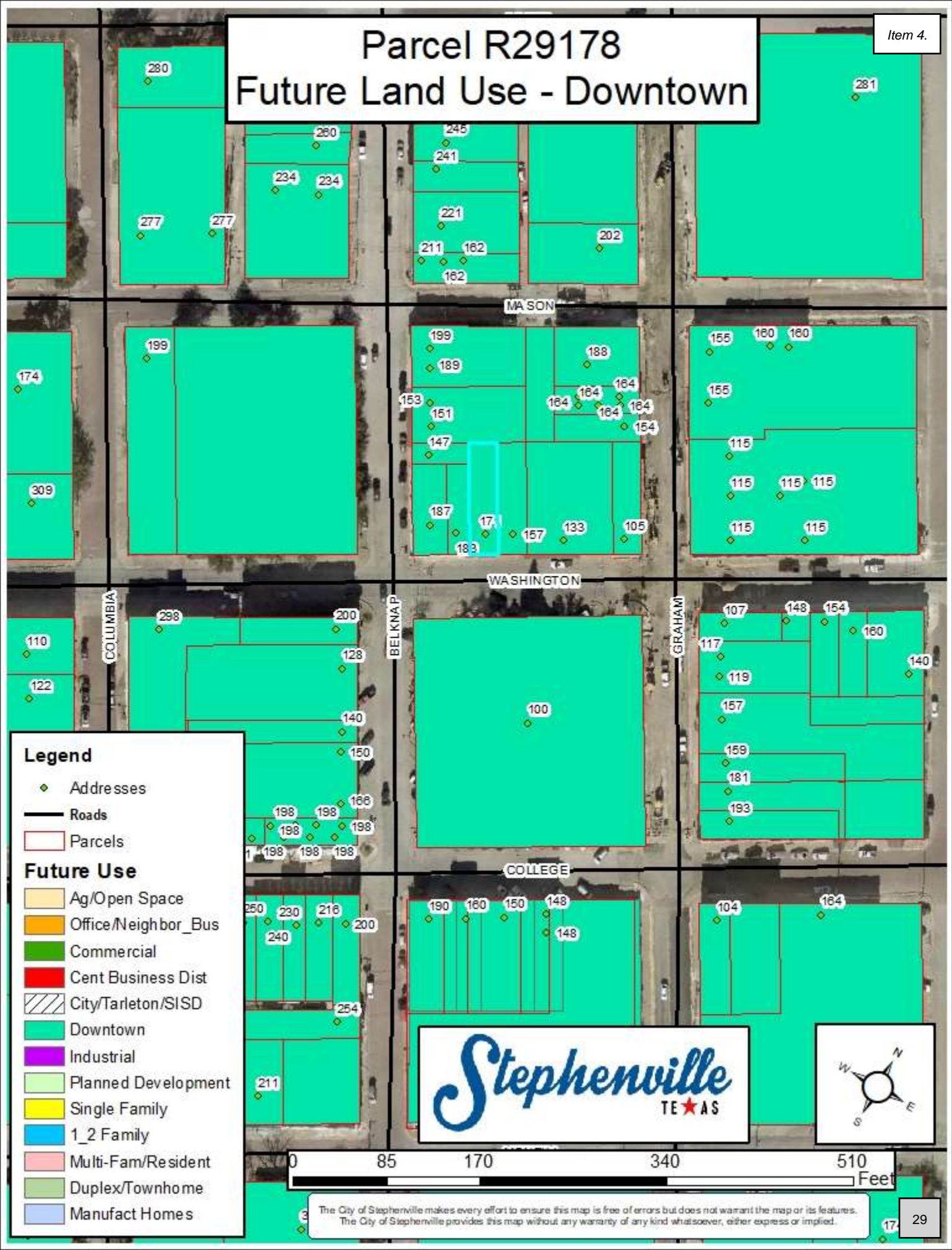
- AG - Agricultural
- B-1 - Neighborhood Business
- B-2 - Retail and Commercial Business
- B-3 - Central Business
- B-4 - Private Club
- CTS - City, Tareyton, School
- DT - Downtown
- IND - Industrial
- PD - Planned Development
- R-1 - Single Family - 7,500
- R-1.5 - Single Family - 6,000
- R-2 - One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



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# Parcel R29178 Future Land Use - Downtown

Item 4.



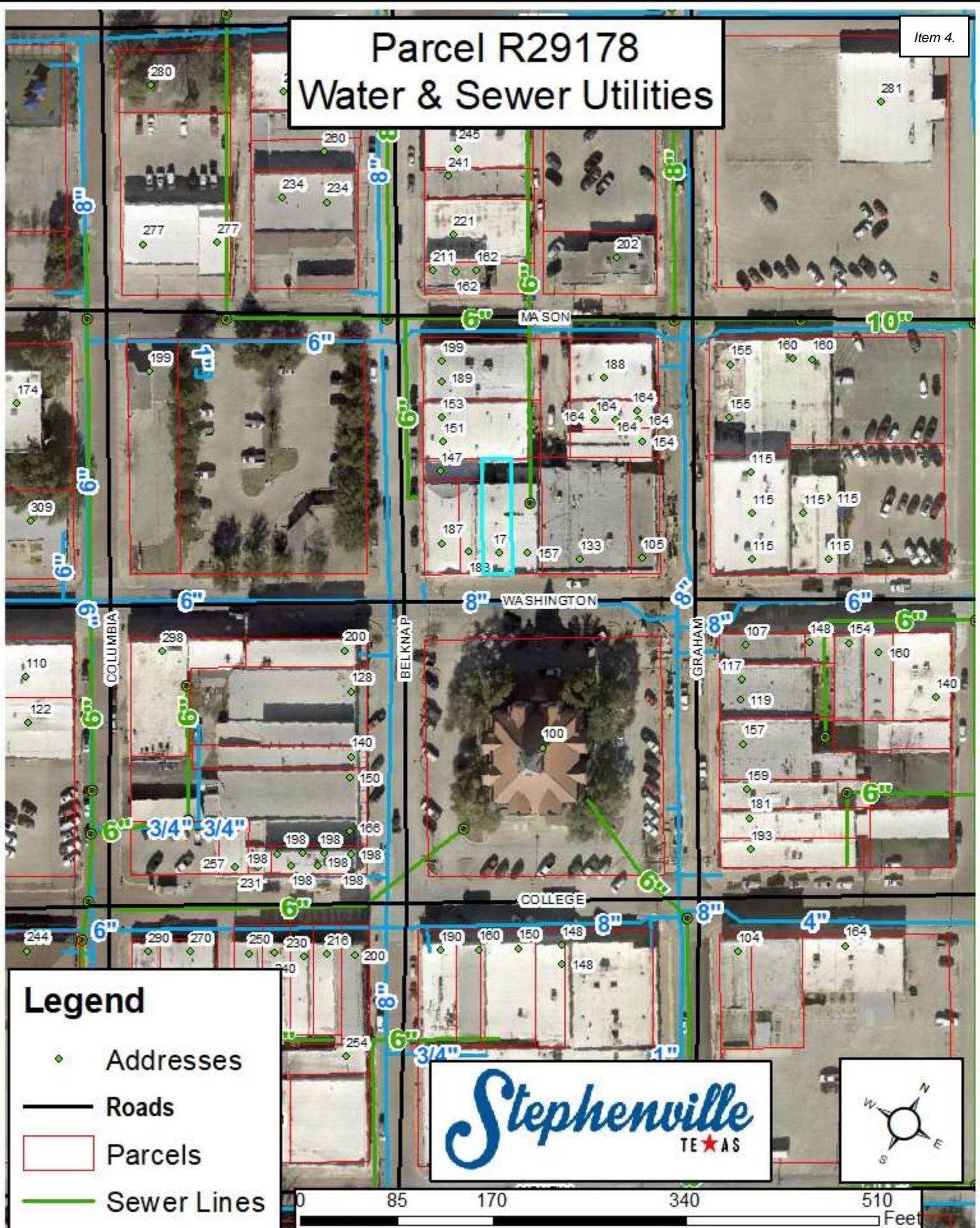
### Legend

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



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# Parcel R29178 Water & Sewer Utilities



## Legend

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



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# Parcel R29178 Address List

Item 4.

Parcel ID	Parcel Address	Parcel Owner	Owner Address	City	State	Zip Code
R000029175	115 N GRAHAM	BMF PROPERTIES LLC	115 N GRAHAM ST #202	STEPHENVILLE	TX	76401
R000029189	153 N BELKNAP	BURDICK RENEE W	702 PRAIRIE WIND	STEPHENVILLE	TX	76401
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