



PLANNING AND ZONING COMMISSION MEETING

City Hall Council Chambers, 298 W. Washington
Wednesday, November 17, 2021 at 5:30 PM

AGENDA

CALL TO ORDER

MINUTES

1. Approval of Minutes - October 20, 2021

PUBLIC HEARING

2. Case No.: SV2021-006

Applicant Kevin Maynard, representing Maynard Holdings, Inc., is requesting a Subdivision Waiver from Section 155.6.11 – Sidewalk Requirements, to be constructed at 331 Choctaw, Parcel R34558, being Lot 4 of the Trotter Addition to the City of Stephenville, Erath County, Texas.

3. Case No.: SV2021-007

Applicant Kevin Maynard, representing Maynard Holdings, Inc., is requesting a Subdivision Waiver from Section 155.6.11 – Sidewalk Requirements, to be constructed at 250 S. Dale, Parcel R77244, being Lot 3 of the Trotter Addition to the City of Stephenville, Erath County, Texas.

4. Case No.: SV2021-008

Applicant Kevin Maynard, representing Maynard Holdings, Inc., is requesting a Subdivision Waiver from Section 155.6.04.M.1 – Curb and Gutter Requirements, to be constructed at 250 S. Dale, Parcel R77244, being Lot 3 of the Trotter Addition to the City of Stephenville, Erath County, Texas.

5. Case No.: SV2021-009

Applicant Kevin Maynard, representing Maynard Holdings, Inc., is requesting a Subdivision Waiver from Section 155.6.11 – Sidewalk Requirements, to be constructed at 244 S. Dale, Parcel R77243, being Lot 2 of the Trotter Addition to the City of Stephenville, Erath County, Texas.

6. Case No.: SV2021-010

Applicant Kevin Maynard, representing Maynard Holdings, Inc., is requesting a Subdivision Waiver from Section 155.6.04.M.1 – Curb and Gutter Requirements, to be constructed at 244 S. Dale, Parcel R77243, being Lot 2 of the Trotter Addition to the City of Stephenville, Erath County, Texas.

7. Case No.: FP2021-001

Applicant Justin Farris, designating Steve Emmons to act on behalf of Spectra Student Living, is requesting approval of a Final Plat for properties located at 2241 W Tarleton, Parcel R30333, being Lot 8E, Block 139 of City Addition, 2241 Tarleton, Parcel R30330, being Lot 2, Block 3, of the Kaylie Subdivision and 0 Ella Court, Parcel R73194, being Lot 1, Block 3, of the Kaylie Subdivision to the City of Stephenville, Erath County, Texas.

8. 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.

9. Case No.: RZ2021-018

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-1) Single Family.

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, October 20, 2021 at 5:30 PM

MINUTES

The Planning and Zoning Commission of the City of Stephenville, Texas, convened on October 20, 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
Cliff McCury
Nick Robinson
Mary Beach McGuire – Alternate
Tom Hines - Alternate

COMMISSIONERS ABSENT: Todd McEvoy

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 – September 15, 2021

MOTION by Bruce Delater, second by Nick Robinson to approve the minutes for September 15, 2021.
MOTION CARRIED by unanimous vote.

PUBLIC HEARINGS

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.

Steve Killen, Director of Development Services, briefed the commission on the case. Mr. Killen stated that Taylor Kanute, on behalf of Bosque Clark LLC, is requesting rezoning to R-2.5, integrated housing, to construct single family townhomes to be sold as individual units. Mr. Killen shared with the Commissioners that the site plan submitted does not meet the lot size requirements. R-2.5 zoning

authorizes the Planning and Zoning Commission to review deviations from the requirements set forth and City Council approval upon recommendation from the Commission (please see paragraph C-12).

Taylor Kanute was present to answer any questions.

Chairperson LaTouche opened the public hearing.

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

Chairperson LaTouche closed the public hearing.

MOTION by Bruce Delater, second by Justin Allison, to approve Case No. RZ2021-016 and forward a positive recommendation to Council. MOTION CARRIED with a unanimous vote.

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.

Steve Killen, Director of Development Services, briefed the commission on the case. Mr. Killen stated that 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.

Reece Flanagan of MMA, LLC was 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 Bruce Delater, second by Nick Robinson, to approve Case No. PD2021-002 and forward a positive recommendation to Council. MOTION CARRIED with a unanimous vote.

4. Case No's.: PD2021-003, PD2021-004 and PD2021-005

This item was pulled from the agenda.

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.

Steve Killen, Director of Development Services, briefed the commission on the case. Mr. Killen stated that 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.

Ms. Alandt 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 Bruce Delater, to deny Case No. RZ2021-017 and forward a negative recommendation to Council. MOTION CARRIED with a 2/3 majority vote.

AYES: Mary Beach McGuire, Bruce Delater, Cliff McCury, Brian Leslie

NOES: Justin Allison, Lisa LaTouche, Nick Robinson

6. 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.

Steve Killen, Director of Development Services, briefed the commission on the case. Mr. Killen stated that 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. Ontade and Toby O’Neal are requesting consideration of R-2.5 zoning and simultaneous approval of the plat. Mr. Killen concluded that 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.

Dell Burdick of Ontade LLC was 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 Mary Beach McGuire, second by Bruce Delater, to approve Case No’s. RZ2021-015 and RP2021-007 and forward a positive recommendation to Council. MOTION CARRIED with Brian Lesley casting the dissenting vote.

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

Steve Killen, Director of Development Services, briefed the commission on the case. Mr. Killen stated that 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.

Chairperson LaTouche opened the public hearing.

Lauren Emmons of Quality Printing spoke in favor of the request.

Tom Hines, 729 W Tarleton spoke in favor of the request.

No one came forward to speak against the request.

Chairperson LaTouche closed the public hearing.

MOTION by Bruce Delater, second by Nick Robinson, to approve the ordinance revisions as requested with a 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 and forward a positive recommendation to Council. MOTION CARRIED with a unanimous vote.

The meeting was adjourned at 6:32 p.m.

APPROVED:

Lisa LaTouche, Chair

ATTEST:

Tina Cox, Commission Secretary



STAFF REPORT

SUBJECT: Case No.: SV2021-006

Applicant Kevin Maynard, representing Maynard Holdings, Inc., is requesting a Subdivision Waiver from Section 155.6.11 – Sidewalk Requirements, to be constructed at 331 Choctaw, Parcel R34558, being Lot 4 of the Trotter Addition to the City of Stephenville, Erath County, Texas.

DEPARTMENT: Development Services

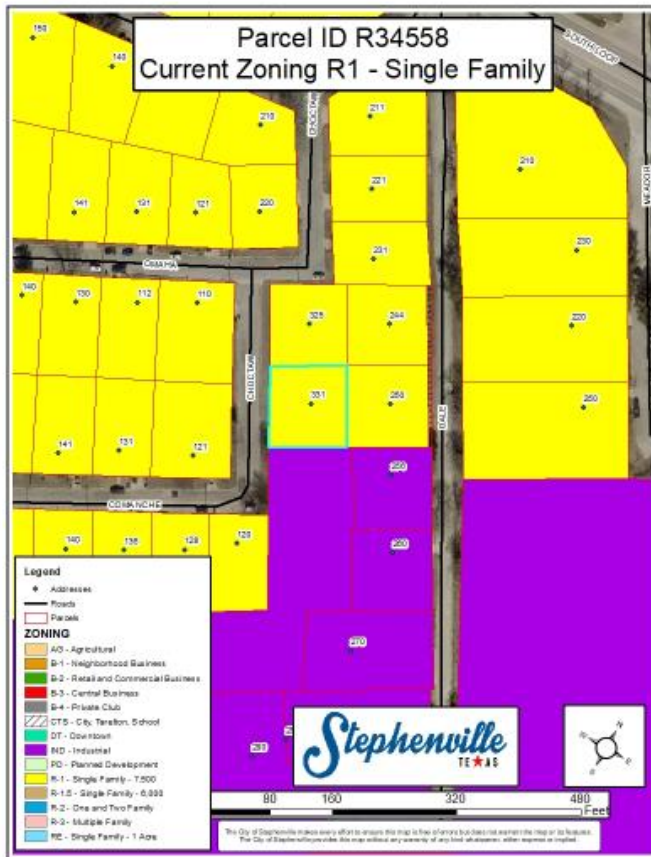
STAFF CONTACT: Steve Killen

RECOMMENDATION:

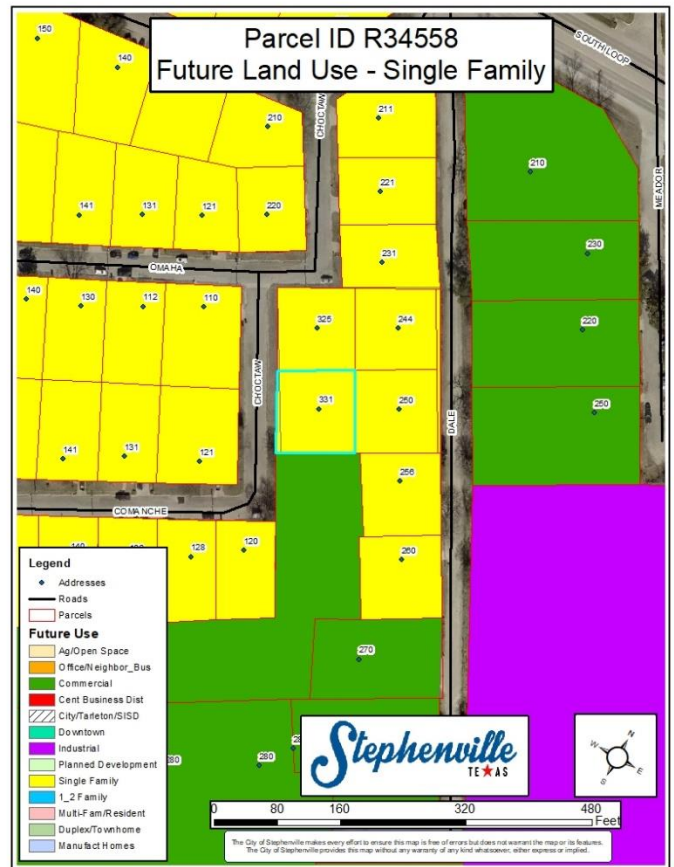
To deny the request based on the requirements set forth by the Subdivision Ordinance.

BACKGROUND:

CURRENT ZONING:



FUTURE LAND USE:



SUBDIVISION ORDINANCE/SIDEWALKS

Sec. 155.6.11. - Sidewalks.

- A. *Sidewalks and Pedestrian ways are required as a part of Subdivision Plat approval to help the City achieve the following:*
1. Promote the mobility, health, safety, and welfare of residents, property owners, and visitors to the City and to implement objectives and strategies of the Comprehensive Plan,
 2. Improve the safety of walking by providing separation from motorized transportation and improving travel surfaces for pedestrians,
 3. Improve public welfare by providing an alternate means of access to transportation and social interaction, especially for children, other citizens without personal vehicles, or those with disabilities, and
 4. Facilitate walking as a means of physical activity recognized as an important provider of health benefits.
- B. *Sidewalk Location and Design.*
1. Sidewalks shall be constructed for both sides of all streets within the Subdivision.
 2. Sidewalks shall be constructed along all lots adjoining dedicated streets, along Major Arterial/Thoroughfare Streets where lots do not adjoin the street, across power line easements and in other areas where pedestrian walkways are necessary.
 3. Routing to clear poles, trees or other obstacles shall be subject to City Administrator approval.
 4. The Plat or Construction Plans shall show the location of all proposed sidewalks and shall state at what stage of the project they will be constructed.
 5. All sidewalks shall conform to Federal Americans with Disabilities Act (ADA) requirements and barrier-free ramps should be provided for access to the street.
- C. *Sidewalk General Construction.*
1. Sidewalks shall be constructed by Class "A" concrete and shall have a width of not less than five (5) feet and a minimum thickness of four (4) inches.
 2. Sidewalks along Major Arterial/Thoroughfare Streets shall be no less than six feet (6') in width.
 3. Sidewalks adjacent to screening and retaining walls shall be five (5) feet in width and shall abut the wall, eliminating the landscape area found along the wall, thereby reducing maintenance.
 4. Sidewalks shall be constructed one foot (1') from the property line within the street or Major Arterial/Thoroughfare Street Right-of-Way and shall extend along the full street frontage including both sides of corner lots and block ends.
 5. Construction of sidewalks adjacent to curbs will be considered where driveway entrances are constructed from the rear of lots on each side of the street for the full length of the block or where mountable curbs are installed. In these instances, the sidewalks shall be a minimum of five feet (6') wide.
 6. Sidewalk construction may be delayed until development of lots, but in locations not adjacent to lots and across bridges and culverts, the sidewalk shall be constructed with the other improvements to the Subdivision.
- D. *Sidewalks in Nonresidential Areas.* Sidewalks in nonresidential areas shall be a minimum width of five feet (6') or extend from the back of the curb to the building line as required by the City.

SUBDIVISION ORDINANCE/WAIVER REQUESTS

Sec. 155.7.01. - Petition for subdivision waiver.

- A. *Purpose.* The purpose of a petition for a Subdivision Waiver to a particular standard or requirement with these Subdivision Regulations, as such are applicable to Plats or Construction Plans, is to determine whether such particular standard or requirement should be applied to an Application.
- B. *Definitions.* Subdivision Waivers shall be classified as a Minor Subdivision Waiver or Major Subdivision Waiver.

C. *Decision-Maker.*

1. *Minor Subdivision Waiver.*

a. *Decision-Maker Authority.*

i. The City Administrator shall act upon a Minor Subdivision Waiver listed in Table 8.

b. *Appeal of a Minor Subdivision Waiver Decision.*

i. *Appeal Review and Recommendation.* An appeal of the Minor Subdivision Waiver decision may be considered by the Commission.

ii. *Appeal Decision.* If further appeal is made, the City Council shall then act on such an appeal. (See 7.01.J Minor Subdivision Waiver Appeal)

Table 8: Minor Subdivision Waiver		
Section	Standard	City Administrator
3.01.B	Waiver of Application Information	Approve
6.06.N	Dead-End Alleys	Approve
6.10.D	Right Angles for Side Lot Lines	Approve
6.05.D	Traffic Impact Analysis	Approve
6.13.A.5	Water Lines Extended to Subdivision Borders	Approve
6.14.A.5	Wastewater Lines Extended to Subdivision Borders	Approve

2. *Major Subdivision Waiver.*

a. *Decision Maker Authority.* After review and recommendation from the Commission, the City Council shall decide a Major Subdivision Waiver.

D. *Subdivision Waiver Applicability.*

1. *Waiver of Standard or Requirement.*

a. An Applicant may request a Subdivision Waiver of a particular standard or requirement applicable to a Preliminary Plat, to Construction Plans, or where no Preliminary Plat Application has been submitted for approval, to a Final Plat or a Replat.

b. A Subdivision Waiver petition shall be specific in nature, and shall only involve relief consideration for one particular standard or requirement.

c. An Applicant may, if desired, submit more than one Subdivision Waiver petition if there are several standards or requirements at issue.

d. For processing a Subdivision Waiver in relationship with a Plat Application, an Applicant shall submit a Waiver of Right to 30-Day Action in accordance with 3.03.D Waiver of Right to 30-Day Action.

2. *Waiver Petition Acceptance.*

a. A petition for a Subdivision Waiver shall not be accepted in lieu of:

i. A Subdivision Proportionality Appeal (7.02); or

ii. A Subdivision Vested Rights Petition (7.03).

- b. If there is a question as to whether a Subdivision Proportionality Appeal or Subdivision Vested Rights Petition is required instead of a Subdivision Waiver petition, such determination shall be made by the City Administrator.

E. *Subdivision Waiver Submission Procedures.*

1. *Written Waiver Request with Application.*

- a. A request for a Subdivision Waiver shall be submitted in writing by the Applicant with the filing of a Preliminary Plat, Construction Plans, Final Plat or Replat, as applicable.
- b. No Subdivision Waiver may be considered or granted unless the Applicant has made such written request.

2. *Grounds for Waiver.*

- a. The Applicant's request shall state the grounds for the Subdivision Waiver request and all of the facts relied upon by the Applicant.
- b. Failure to do so, will result in denial of the Application unless the Applicant submits a Waiver of Right to 30-Day Action in accordance with 3.03.D Waiver of Right to 30-Day Action.

F. *Subdivision Waiver Criteria.*

- 1. *Undue Hardship Present.* A Subdivision Waiver to regulations within this Subdivision Ordinance may be approved only when, in the Decision-Maker's opinion, undue hardship will result from strict compliance to the regulations.
- 2. *Consideration Factors.* The Decision-Maker shall take into account the following factors:
 - a. The nature of the proposed land use involved and existing uses of the land in the vicinity;
 - b. The number of persons who will reside or work in the proposed development; and
 - c. The effect such Subdivision Waiver might have upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.
- 3. *Findings.* No Subdivision Waiver shall be granted unless the Decision-Maker finds:
 - a. That there are special circumstances or conditions affecting the land involved or other constraints such that the strict application of the provisions of this Subdivision Ordinance would deprive the Applicant of the reasonable use of his or her land; and
 - b. That the Subdivision Waiver is necessary for the preservation and enjoyment of a substantial property right of the Applicant, and that the granting of the Subdivision Waiver will not be detrimental to the public health, safety or welfare or injurious to other property in the area; and
 - c. That the granting of the Subdivision Waiver will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this Subdivision Ordinance.
- 4. *Intent of Subdivision Regulations.*
 - a. A Subdivision Waiver may be granted only when in harmony with the general purpose and intent of the Subdivision Ordinance so that the public health, safety and welfare may be secured and substantial justice done.
 - b. Financial hardship to the Applicant shall not be deemed to constitute undue hardship.
- 5. *Minimum Degree of Variation.* No Subdivision Waiver shall be granted unless it represents the minimum degree of variation of requirements necessary to meet the needs of the Applicant.
- 6. *Violations and Conflicts.* The Decision-Maker shall not authorize a Subdivision Waiver that would constitute a violation of, or conflict with, any other valid ordinance, code, regulation, master plan or Comprehensive Plan of the City.
- 7. *Falsification of Information.*
 - a. Any falsification of information by the Applicant shall be cause for the Subdivision Waiver request to be denied.

- b. If the Subdivision Waiver request is approved based upon false information, whether intentional or not, discovery of such false information shall nullify prior approval of the Subdivision Waiver, and shall be grounds for reconsideration of the Subdivision Waiver request.

G. Burden of Proof. The Applicant bears the burden of proof to demonstrate that the requirement for which a Subdivision Waiver is requested, if uniformly applied, imposes an undue hardship or disproportionate burden on the Applicant. The Applicant shall submit the burden of proof with the original submittal.

H. Subdivision Waiver Decision.

1. The Decision-Maker shall consider the Subdivision Waiver petition and, based upon the criteria set forth in 7.01.F Subdivision Waiver Criteria, shall take one of the following actions:
 - a. Deny the petition, and impose the standard or requirement as it is stated in this Subdivision Ordinance; or
 - b. Grant the petition, and waive in whole or in part the standard or requirement as it is stated in this Subdivision Ordinance.
2. Decision Process for a Minor Subdivision Waiver. The Decision-Maker shall deny or grant a request for a Minor Subdivision Waiver concurrently with the decision of a Preliminary Plat, Construction Plans, Final Plat or Replat, as applicable.
3. Decision Process for a Major Subdivision Waiver.
 - a. Recommendation of the Planning and Zoning Commission.
 - i. The Commission shall consider the Major Subdivision Waiver request at a public meeting no later than thirty (30) calendar days after the date on which the notice of Major Subdivision Waiver is submitted to the City Administrator.
 - ii. The Commission shall recommend to the City Council to approve or deny a request for a Major Subdivision Waiver by majority vote.
 - b. Decision by City Council.
 - i. After the recommendation from the Commission has been made, the City Council shall consider the Major Subdivision Waiver request at a public meeting no later than thirty (30) calendar days after the date on which the Commission's recommendation was made.
 - ii. The City Council may or shall approve or deny a request for a Major Subdivision Waiver by a vote of all members.
 - iii. The decision of the City Council is final.

I. Notification of Decision on Petition—14 Days. The Applicant shall be notified of the decision on the Subdivision Waiver by the applicable Decision-Maker (e.g., the City Administrator, Commission or City Council, as applicable), within fourteen (14) calendar days following the decision.

J. Minor Subdivision Waiver Appeal.

1. *Initiation of an Appeal.*
 - a. The Applicant may appeal a Minor Subdivision Waiver decision of the City Administrator, as allowed within the Subdivision Ordinance.
 - b. The written request to appeal shall be submitted to the City Administrator within thirty (30) calendar days following the denial decision.
2. *Recommendation of the Planning and Zoning Commission.*
 - a. The Commission shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the notice of appeal is submitted to the City Administrator.
 - b. At this meeting, new information may be presented and considered, if available, that might alter the previous decision to deny the Minor Subdivision Waiver.
 - c. The Commission shall recommend to the City Council to affirm, modify or reverse the previous decision by simple majority vote.

3. *Appeal to City Council.*

- a. The Applicant may appeal the Commission's decision by submitting a written notice of appeal to the City Administrator within thirty (30) calendar days following the Commission's decision.
- b. After the recommendation from the Commission has been made, the City Council shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the Commission's recommendation was made.
- c. The City Council may affirm, modify or reverse the decision by simple majority vote.
- d. The decision of the City Council is final.

K. *Effect of Approval.*

1. *Submission and Processing.* Following the granting of a Subdivision Waiver, the Applicant may submit or continue the processing of a Plat or Construction Plans, as applicable.
2. *Expirations.* The Subdivision Waiver granted shall remain in effect for the period the Plat or Construction Plans are in effect, and shall expire upon expiration of either or both of those Applications.
3. *Extensions.* Extension of those Applications shall also result in extension of the Subdivision Waiver.

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 waiver request.
- 2) Recommend the City Council deny the waiver request.

Steve Killen

From: Kevin L.Maynard <akmn@aol.com>
Sent: Thursday, November 11, 2021 3:41 PM
To: Steve Killen; vince@daddioconstruction.com
Subject: P & Z November 17, 2021

Hello Steve,

I wanted to thank you for your time and I really appreciate the opportunity to invest in Stephenville going forward. I realize we are on the calendar for next Wednesday to present our position on the 3 lots I purchased a month ago. Unfortunately, I have a conflict on that date. So, I have asked Vince Dadio to come and present on my behalf to the board. Hopefully, that is appropriate and will work within your guidelines. Please reach out to me if you have any further questions or concerns.

Thank You,

Kevin Maynard
(214) 215-0665

June 16, 2021

Tim Trotter, Developer
151 CR 2700
Walnut Springs, TX 76690

RE: Choctaw Drive
S2600 City Addition, Block 141, Lots 1-4
Formal Acceptance

Dear Mr. Trotter:

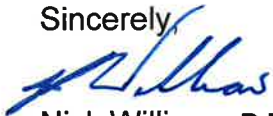
This letter serves as acceptance of the water and sewer utilities installed for the above identified development. Attached to this letter is a copy of the Record Drawing received from Warrick Engineering, Inc. dated 06/07/2021.

A note on the Record Drawing states:

“2. * designates items that have not been constructed per the date of this Record Drawing but are depicted as indicated on approved construction drawings for reference only. Sidewalks, Curb and gutter, and pavement widening to be constructed after lots are developed and driveway curb cuts are located.”

Please retain this letter for future reference and feel free to contact me at 254-918-1223 should you have any questions.

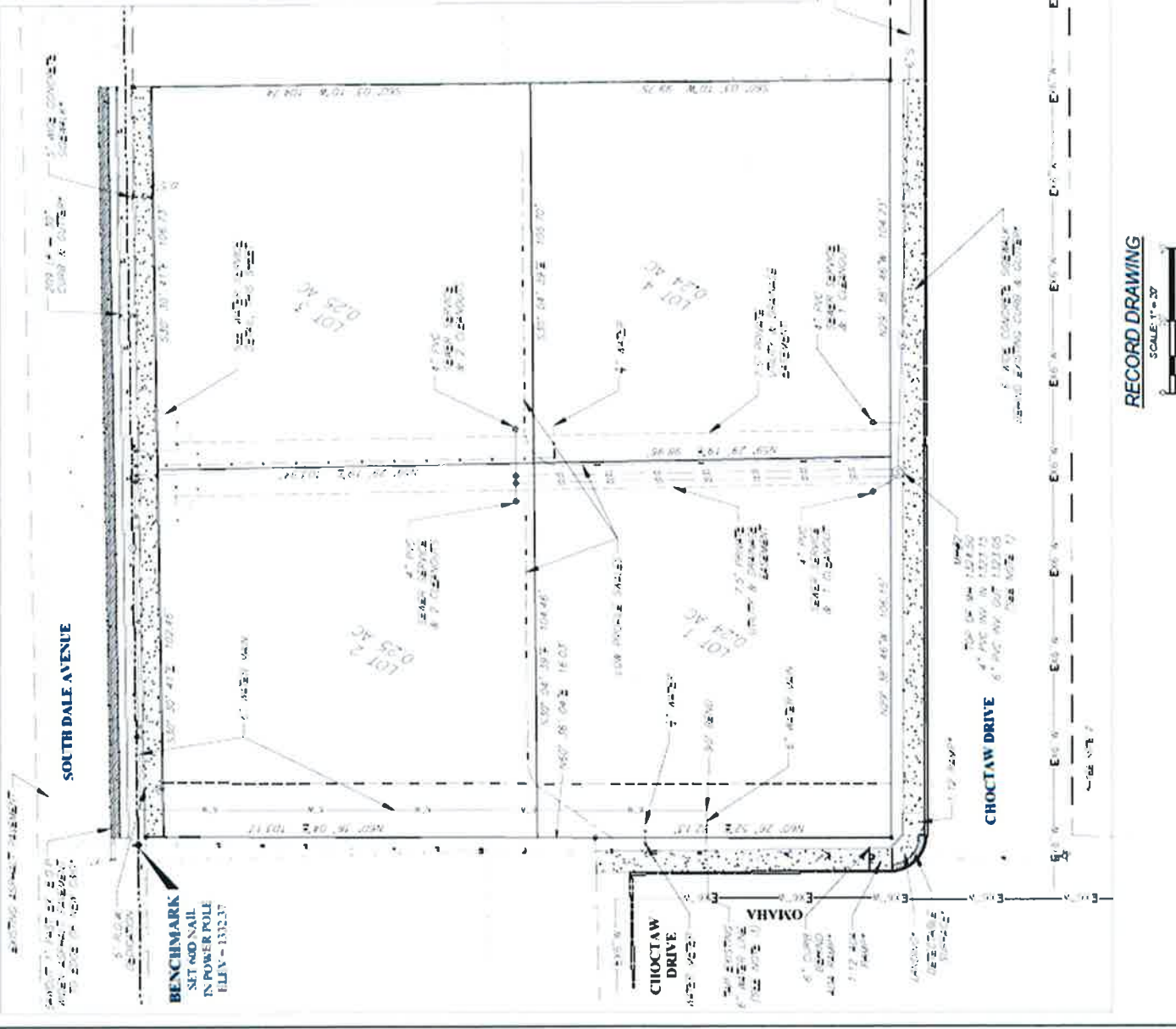
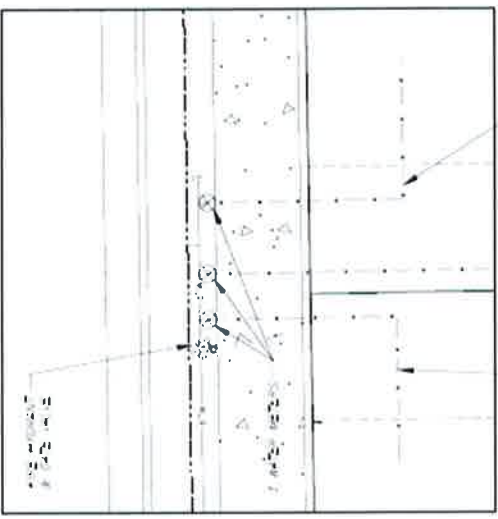
Sincerely,



Nick Williams P.E., CFM
Director of Public Works
City of Stephenville
254-918-1223

Attachment: Record Drawing

cc: Subdivision File



RECORD DRAWING
 SCALE 1" = 20'

Steve Killen

From: Nick Williams
Sent: Monday, November 8, 2021 1:38 PM
To: Steve Killen
Cc: Gene Calvert (tkec.calvert@gmail.com)
Subject: RE: 244 and 250 S Dale
Attachments: 2021_06-16 Utilities Acceptance Letter.pdf

Steve,
The 5-ft. wide sidewalk, curb and gutter, and pavement widening are shown on the Record Drawings below.
All items need to be installed.

“2. * designates items that have not been constructed per the date of this Record Drawing but are depicted as indicated on approved construction drawings for reference only. Sidewalks, Curb and gutter, and pavement widening to be constructed after lots are developed and driveway curb cuts are located.”

Thank you,

Nick Williams, P.E., CFM
Director
Public Works Department

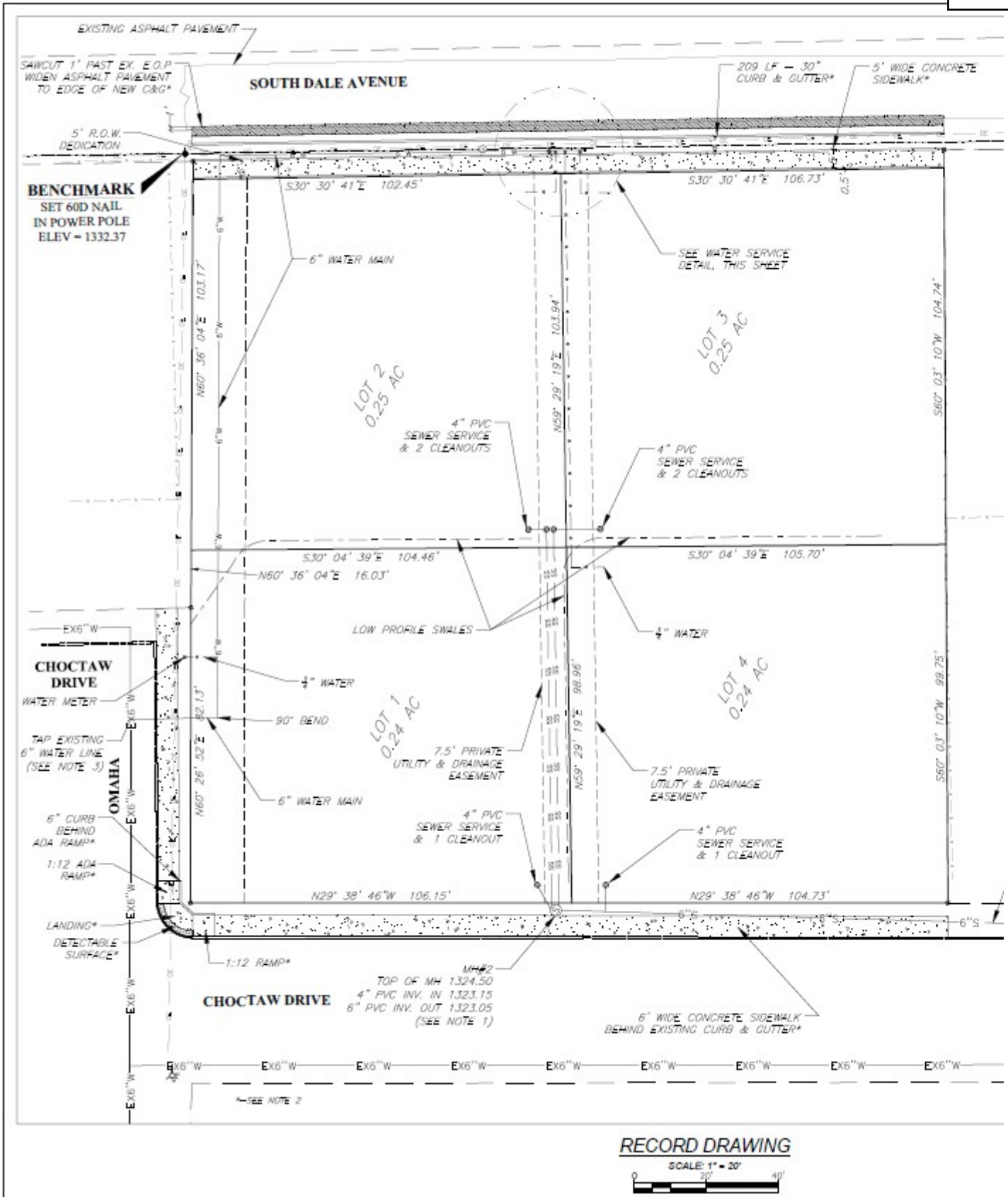


P: (254) 918-1223
E: nwilliams@stephenvilletx.gov
A: 298 W. Washington, Stephenville, TX 76401



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*This e-mail contains the thoughts and opinions of Nick Williams 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.*



RECORD DRAWING
 SCALE: 1" = 20'
 0 20 40'

From: Steve Killen <Skillen@stephenvilletx.gov>
 Sent: Monday, November 8, 2021 11:51 AM

To: Nick Williams <NWilliams@stephenvilletx.gov>

Subject: 244 and 250 S Dale

Nick, we have curb and gutter waiver applications at these properties. Could you or Gene review and provide a recommendation?

Thank you.

Steve Killen

Director
Development Services



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



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Choctaw



Choctaw



Choctaw



Choctaw

Item 2.



Dale



Dale

Item 2.



Dale





STAFF REPORT

SUBJECT: Case No.: SV2021-007

Applicant Kevin Maynard, representing Maynard Holdings, Inc., is requesting a Subdivision Waiver from Section 155.6.11 – Sidewalk Requirements, to be constructed at 250 S. Dale, Parcel R77244, being Lot 3 of the Trotter Addition to the City of Stephenville, Erath County, Texas.

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

RECOMMENDATION:

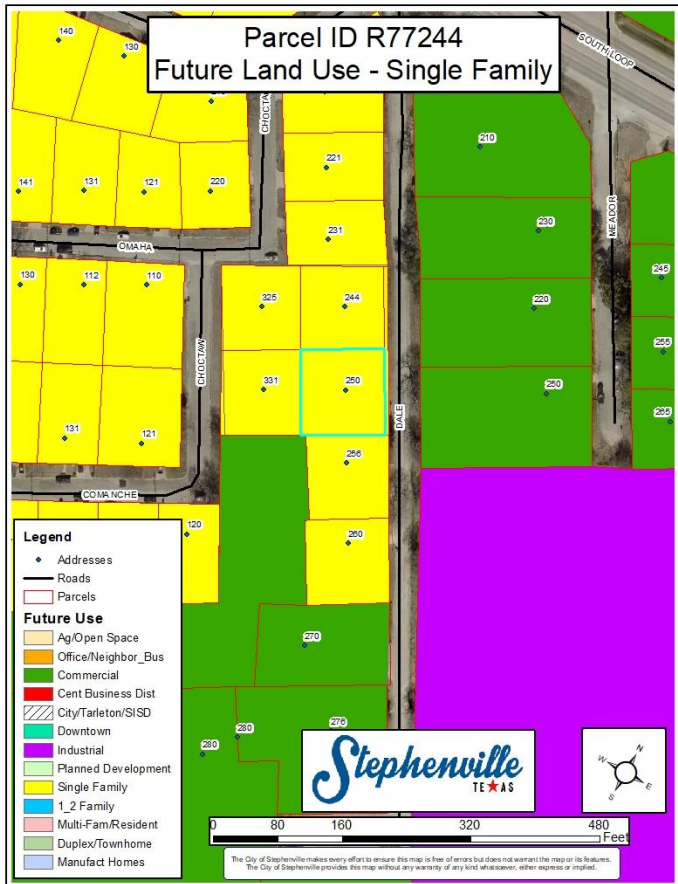
To deny the request based on the requirements set forth by the Subdivision Ordinance.

BACKGROUND:

CURRENT ZONING:



FUTURE LAND USE:



SUBDIVISION ORDINANCE/SIDEWALKS

Sec. 155.6.11. - Sidewalks.

- A. *Sidewalks and Pedestrian ways are required as a part of Subdivision Plat approval to help the City achieve the following:*
1. Promote the mobility, health, safety, and welfare of residents, property owners, and visitors to the City and to implement objectives and strategies of the Comprehensive Plan,
 2. Improve the safety of walking by providing separation from motorized transportation and improving travel surfaces for pedestrians,
 3. Improve public welfare by providing an alternate means of access to transportation and social interaction, especially for children, other citizens without personal vehicles, or those with disabilities, and
 4. Facilitate walking as a means of physical activity recognized as an important provider of health benefits.
- B. *Sidewalk Location and Design.*
1. Sidewalks shall be constructed for both sides of all streets within the Subdivision.
 2. Sidewalks shall be constructed along all lots adjoining dedicated streets, along Major Arterial/Thoroughfare Streets where lots do not adjoin the street, across power line easements and in other areas where pedestrian walkways are necessary.
 3. Routing to clear poles, trees or other obstacles shall be subject to City Administrator approval.
 4. The Plat or Construction Plans shall show the location of all proposed sidewalks and shall state at what stage of the project they will be constructed.
 5. All sidewalks shall conform to Federal Americans with Disabilities Act (ADA) requirements and barrier-free ramps should be provided for access to the street.
- C. *Sidewalk General Construction.*
1. Sidewalks shall be constructed by Class "A" concrete and shall have a width of not less than five (5) feet and a minimum thickness of four (4) inches.
 2. Sidewalks along Major Arterial/Thoroughfare Streets shall be no less than six feet (6') in width.
 3. Sidewalks adjacent to screening and retaining walls shall be five (5) feet in width and shall abut the wall, eliminating the landscape area found along the wall, thereby reducing maintenance.
 4. Sidewalks shall be constructed one foot (1') from the property line within the street or Major Arterial/Thoroughfare Street Right-of-Way and shall extend along the full street frontage including both sides of corner lots and block ends.
 5. Construction of sidewalks adjacent to curbs will be considered where driveway entrances are constructed from the rear of lots on each side of the street for the full length of the block or where mountable curbs are installed. In these instances, the sidewalks shall be a minimum of five feet (6') wide.
 6. Sidewalk construction may be delayed until development of lots, but in locations not adjacent to lots and across bridges and culverts, the sidewalk shall be constructed with the other improvements to the Subdivision.
- D. *Sidewalks in Nonresidential Areas.* Sidewalks in nonresidential areas shall be a minimum width of five feet (6') or extend from the back of the curb to the building line as required by the City.

SUBDIVISION ORDINANCE/WAIVER REQUESTS

Sec. 155.7.01. - Petition for subdivision waiver.

- A. *Purpose.* The purpose of a petition for a Subdivision Waiver to a particular standard or requirement with these Subdivision Regulations, as such are applicable to Plats or Construction Plans, is to determine whether such particular standard or requirement should be applied to an Application.
- B. *Definitions.* Subdivision Waivers shall be classified as a Minor Subdivision Waiver or Major Subdivision Waiver.

C. *Decision-Maker.*

1. *Minor Subdivision Waiver.*

a. *Decision-Maker Authority.*

i. The City Administrator shall act upon a Minor Subdivision Waiver listed in Table 8.

b. *Appeal of a Minor Subdivision Waiver Decision.*

i. *Appeal Review and Recommendation.* An appeal of the Minor Subdivision Waiver decision may be considered by the Commission.

ii. *Appeal Decision.* If further appeal is made, the City Council shall then act on such an appeal. (See 7.01.J Minor Subdivision Waiver Appeal)

Table 8: Minor Subdivision Waiver		
Section	Standard	City Administrator
3.01.B	Waiver of Application Information	Approve
6.06.N	Dead-End Alleys	Approve
6.10.D	Right Angles for Side Lot Lines	Approve
6.05.D	Traffic Impact Analysis	Approve
6.13.A.5	Water Lines Extended to Subdivision Borders	Approve
6.14.A.5	Wastewater Lines Extended to Subdivision Borders	Approve

2. *Major Subdivision Waiver.*

a. *Decision Maker Authority.* After review and recommendation from the Commission, the City Council shall decide a Major Subdivision Waiver.

D. *Subdivision Waiver Applicability.*

1. *Waiver of Standard or Requirement.*

a. An Applicant may request a Subdivision Waiver of a particular standard or requirement applicable to a Preliminary Plat, to Construction Plans, or where no Preliminary Plat Application has been submitted for approval, to a Final Plat or a Replat.

b. A Subdivision Waiver petition shall be specific in nature, and shall only involve relief consideration for one particular standard or requirement.

c. An Applicant may, if desired, submit more than one Subdivision Waiver petition if there are several standards or requirements at issue.

d. For processing a Subdivision Waiver in relationship with a Plat Application, an Applicant shall submit a Waiver of Right to 30-Day Action in accordance with 3.03.D Waiver of Right to 30-Day Action.

2. *Waiver Petition Acceptance.*

a. A petition for a Subdivision Waiver shall not be accepted in lieu of:

i. A Subdivision Proportionality Appeal (7.02); or

ii. A Subdivision Vested Rights Petition (7.03).

- b. If there is a question as to whether a Subdivision Proportionality Appeal or Subdivision Vested Rights Petition is required instead of a Subdivision Waiver petition, such determination shall be made by the City Administrator.

E. *Subdivision Waiver Submission Procedures.*

1. *Written Waiver Request with Application.*

- a. A request for a Subdivision Waiver shall be submitted in writing by the Applicant with the filing of a Preliminary Plat, Construction Plans, Final Plat or Replat, as applicable.
- b. No Subdivision Waiver may be considered or granted unless the Applicant has made such written request.

2. *Grounds for Waiver.*

- a. The Applicant's request shall state the grounds for the Subdivision Waiver request and all of the facts relied upon by the Applicant.
- b. Failure to do so, will result in denial of the Application unless the Applicant submits a Waiver of Right to 30-Day Action in accordance with 3.03.D Waiver of Right to 30-Day Action.

F. *Subdivision Waiver Criteria.*

- 1. *Undue Hardship Present.* A Subdivision Waiver to regulations within this Subdivision Ordinance may be approved only when, in the Decision-Maker's opinion, undue hardship will result from strict compliance to the regulations.
- 2. *Consideration Factors.* The Decision-Maker shall take into account the following factors:
 - a. The nature of the proposed land use involved and existing uses of the land in the vicinity;
 - b. The number of persons who will reside or work in the proposed development; and
 - c. The effect such Subdivision Waiver might have upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.
- 3. *Findings.* No Subdivision Waiver shall be granted unless the Decision-Maker finds:
 - a. That there are special circumstances or conditions affecting the land involved or other constraints such that the strict application of the provisions of this Subdivision Ordinance would deprive the Applicant of the reasonable use of his or her land; and
 - b. That the Subdivision Waiver is necessary for the preservation and enjoyment of a substantial property right of the Applicant, and that the granting of the Subdivision Waiver will not be detrimental to the public health, safety or welfare or injurious to other property in the area; and
 - c. That the granting of the Subdivision Waiver will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this Subdivision Ordinance.
- 4. *Intent of Subdivision Regulations.*
 - a. A Subdivision Waiver may be granted only when in harmony with the general purpose and intent of the Subdivision Ordinance so that the public health, safety and welfare may be secured and substantial justice done.
 - b. Financial hardship to the Applicant shall not be deemed to constitute undue hardship.
- 5. *Minimum Degree of Variation.* No Subdivision Waiver shall be granted unless it represents the minimum degree of variation of requirements necessary to meet the needs of the Applicant.
- 6. *Violations and Conflicts.* The Decision-Maker shall not authorize a Subdivision Waiver that would constitute a violation of, or conflict with, any other valid ordinance, code, regulation, master plan or Comprehensive Plan of the City.
- 7. *Falsification of Information.*
 - a. Any falsification of information by the Applicant shall be cause for the Subdivision Waiver request to be denied.

- b. If the Subdivision Waiver request is approved based upon false information, whether intentional or not, discovery of such false information shall nullify prior approval of the Subdivision Waiver, and shall be grounds for reconsideration of the Subdivision Waiver request.

G. Burden of Proof. The Applicant bears the burden of proof to demonstrate that the requirement for which a Subdivision Waiver is requested, if uniformly applied, imposes an undue hardship or disproportionate burden on the Applicant. The Applicant shall submit the burden of proof with the original submittal.

H. Subdivision Waiver Decision.

1. The Decision-Maker shall consider the Subdivision Waiver petition and, based upon the criteria set forth in 7.01.F Subdivision Waiver Criteria, shall take one of the following actions:
 - a. Deny the petition, and impose the standard or requirement as it is stated in this Subdivision Ordinance; or
 - b. Grant the petition, and waive in whole or in part the standard or requirement as it is stated in this Subdivision Ordinance.
2. Decision Process for a Minor Subdivision Waiver. The Decision-Maker shall deny or grant a request for a Minor Subdivision Waiver concurrently with the decision of a Preliminary Plat, Construction Plans, Final Plat or Replat, as applicable.
3. Decision Process for a Major Subdivision Waiver.
 - a. Recommendation of the Planning and Zoning Commission.
 - i. The Commission shall consider the Major Subdivision Waiver request at a public meeting no later than thirty (30) calendar days after the date on which the notice of Major Subdivision Waiver is submitted to the City Administrator.
 - ii. The Commission shall recommend to the City Council to approve or deny a request for a Major Subdivision Waiver by majority vote.
 - b. Decision by City Council.
 - i. After the recommendation from the Commission has been made, the City Council shall consider the Major Subdivision Waiver request at a public meeting no later than thirty (30) calendar days after the date on which the Commission's recommendation was made.
 - ii. The City Council may or shall approve or deny a request for a Major Subdivision Waiver by a vote of all members.
 - iii. The decision of the City Council is final.
- I. *Notification of Decision on Petition—14 Days.* The Applicant shall be notified of the decision on the Subdivision Waiver by the applicable Decision-Maker (e.g., the City Administrator, Commission or City Council, as applicable), within fourteen (14) calendar days following the decision.

J. Minor Subdivision Waiver Appeal.

1. *Initiation of an Appeal.*
 - a. The Applicant may appeal a Minor Subdivision Waiver decision of the City Administrator, as allowed within the Subdivision Ordinance.
 - b. The written request to appeal shall be submitted to the City Administrator within thirty (30) calendar days following the denial decision.
2. *Recommendation of the Planning and Zoning Commission.*
 - a. The Commission shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the notice of appeal is submitted to the City Administrator.
 - b. At this meeting, new information may be presented and considered, if available, that might alter the previous decision to deny the Minor Subdivision Waiver.
 - c. The Commission shall recommend to the City Council to affirm, modify or reverse the previous decision by simple majority vote.

3. *Appeal to City Council.*

- a. The Applicant may appeal the Commission's decision by submitting a written notice of appeal to the City Administrator within thirty (30) calendar days following the Commission's decision.
- b. After the recommendation from the Commission has been made, the City Council shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the Commission's recommendation was made.
- c. The City Council may affirm, modify or reverse the decision by simple majority vote.
- d. The decision of the City Council is final.

K. *Effect of Approval.*

1. *Submission and Processing.* Following the granting of a Subdivision Waiver, the Applicant may submit or continue the processing of a Plat or Construction Plans, as applicable.
2. *Expirations.* The Subdivision Waiver granted shall remain in effect for the period the Plat or Construction Plans are in effect, and shall expire upon expiration of either or both of those Applications.
3. *Extensions.* Extension of those Applications shall also result in extension of the Subdivision Waiver.

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 waiver request.
- 2) Recommend the City Council deny the waiver request.

Steve Killen

From: Kevin L.Maynard <akmn@aol.com>
Sent: Thursday, November 11, 2021 3:41 PM
To: Steve Killen; vince@daddioconstruction.com
Subject: P & Z November 17, 2021

Hello Steve,

I wanted to thank you for your time and I really appreciate the opportunity to invest in Stephenville going forward. I realize we are on the calendar for next Wednesday to present our position on the 3 lots I purchased a month ago. Unfortunately, I have a conflict on that date. So, I have asked Vince Dadio to come and present on my behalf to the board. Hopefully, that is appropriate and will work within your guidelines. Please reach out to me if you have any further questions or concerns.

Thank You,

Kevin Maynard
(214) 215-0665

June 16, 2021

Tim Trotter, Developer
151 CR 2700
Walnut Springs, TX 76690

RE: Choctaw Drive
S2600 City Addition, Block 141, Lots 1-4
Formal Acceptance

Dear Mr. Trotter:

This letter serves as acceptance of the water and sewer utilities installed for the above identified development. Attached to this letter is a copy of the Record Drawing received from Warrick Engineering, Inc. dated 06/07/2021.

A note on the Record Drawing states:

“2. * designates items that have not been constructed per the date of this Record Drawing but are depicted as indicated on approved construction drawings for reference only. Sidewalks, Curb and gutter, and pavement widening to be constructed after lots are developed and driveway curb cuts are located.”

Please retain this letter for future reference and feel free to contact me at 254-918-1223 should you have any questions.

Sincerely,



Nick Williams P.E., CFM
Director of Public Works
City of Stephenville
254-918-1223

Attachment: Record Drawing

cc: Subdivision File

Steve Killen

From: Nick Williams
Sent: Monday, November 8, 2021 1:38 PM
To: Steve Killen
Cc: Gene Calvert (tkec.calvert@gmail.com)
Subject: RE: 244 and 250 S Dale
Attachments: 2021_06-16 Utilities Acceptance Letter.pdf

Steve,
The 5-ft. wide sidewalk, curb and gutter, and pavement widening are shown on the Record Drawings below.
All items need to be installed.

“2. * designates items that have not been constructed per the date of this Record Drawing but are depicted as indicated on approved construction drawings for reference only. Sidewalks, Curb and gutter, and pavement widening to be constructed after lots are developed and driveway curb cuts are located.”

Thank you,

Nick Williams, P.E., CFM

Director
Public Works Department

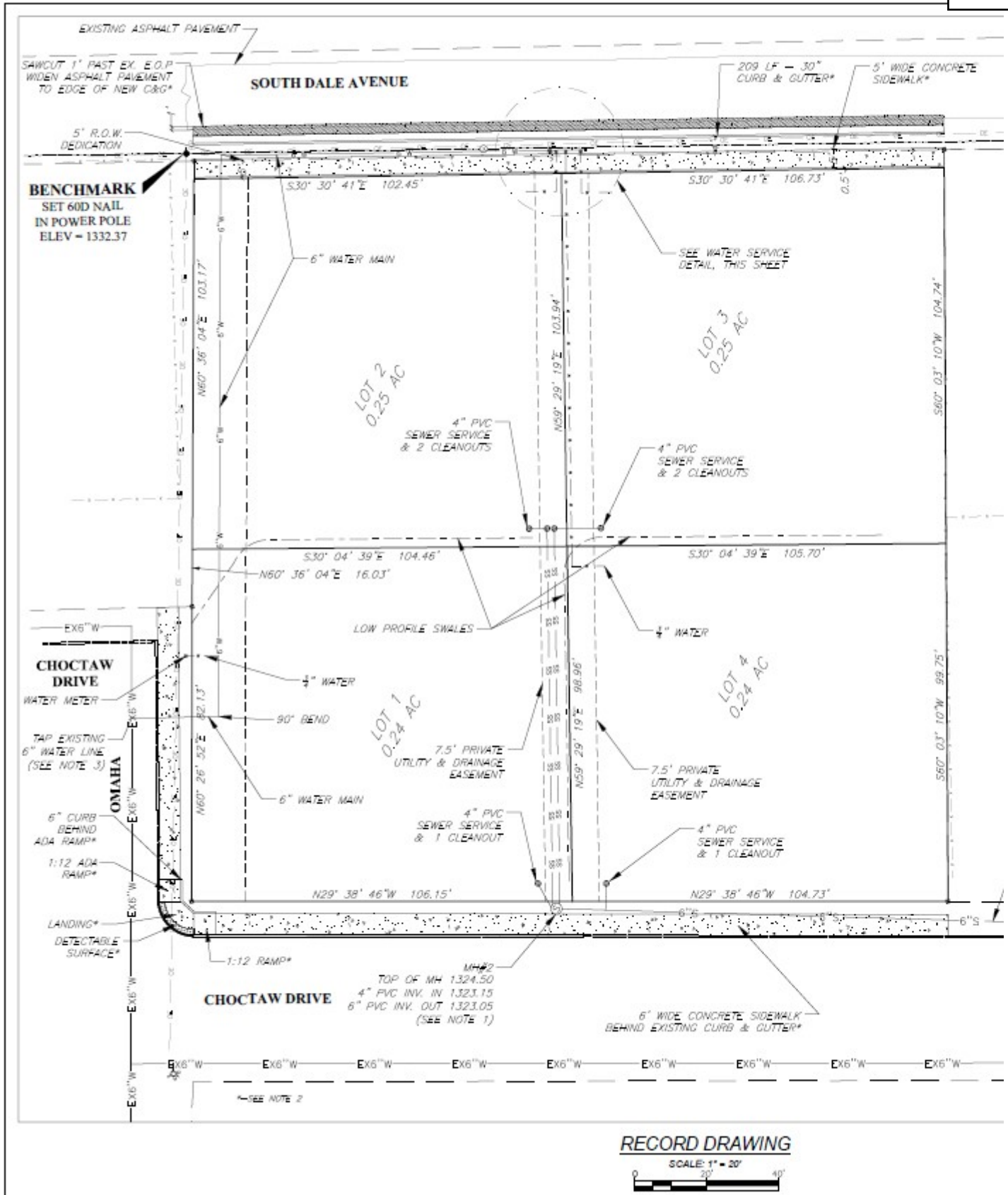


P: (254) 918-1223
E: nwilliams@stephenvilletx.gov
A: 298 W. Washington, Stephenville, TX 76401



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From: Steve Killen <Skillen@stephenvilletx.gov>
Sent: Monday, November 8, 2021 11:51 AM

To: Nick Williams <NWilliams@stephenvilletx.gov>

Subject: 244 and 250 S Dale

Nick, we have curb and gutter waiver applications at these properties. Could you or Gene review and provide a recommendation?

Thank you.

Steve Killen

Director
Development Services



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



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Choctaw



Choctaw



Choctaw



Choctaw

Item 3.



Dale



Dale

Item 3.



Dale





STAFF REPORT

SUBJECT: Case No.: SV2021-008

Applicant Kevin Maynard, representing Maynard Holdings, Inc., is requesting a Subdivision Waiver from Section 155.6.04.M.1 – Curb and Gutter Requirements, to be constructed at 250 S. Dale, Parcel R77244, being Lot 3 of the Trotter Addition to the City of Stephenville, Erath County, Texas.

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

RECOMMENDATION:

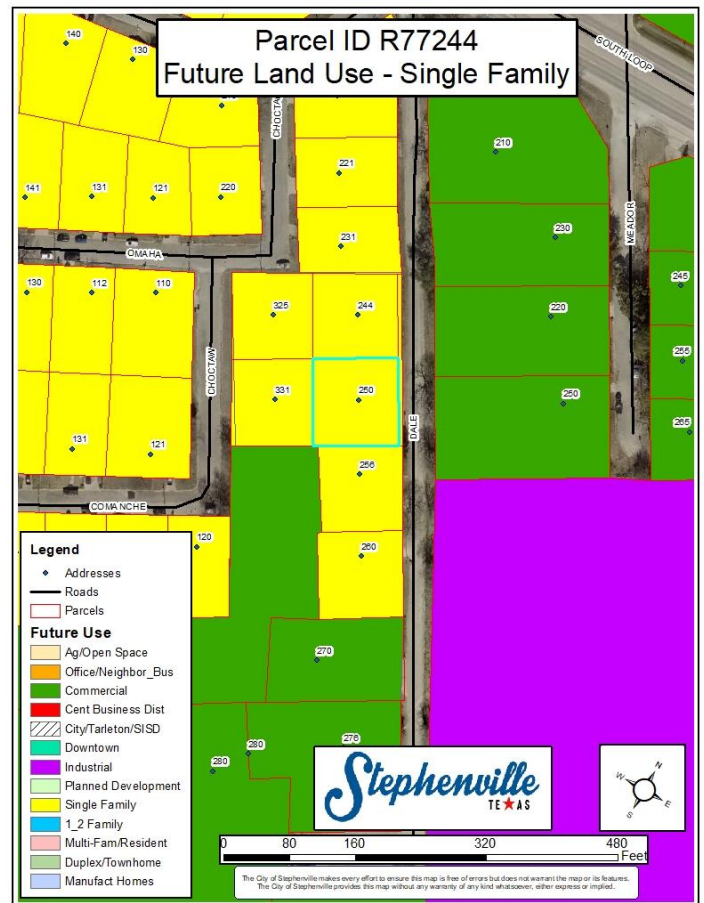
To deny the request based on the requirements set forth by the Subdivision Ordinance

BACKGROUND:

CURRENT ZONING:



FUTURE LAND USE:



SUBDIVISION ORDINANCE/CURBS

- M. *Curb and Gutter Options.*
 - 1. A six (6) inch standard curb shall be constructed on both sides of all streets except as allowed in 2 and 3 below.
 - 2. On residential local streets and any subdivision where all lots are one (1) acre or large, a "lay down" or "roll down" curb shall be permitted if designed in accordance with Engineering Standards Manual.
 - 3. On subdivision where all lots are one acre or larger, a "ribbon curb" shall be permitted if designed in Engineering Standards Manual.

SUBDIVISION ORDINANCE/WAIVER REQUESTS

- Sec. 155.7.01. - Petition for subdivision waiver.
 - A. *Purpose.* The purpose of a petition for a Subdivision Waiver to a particular standard or requirement with these Subdivision Regulations, as such are applicable to Plats or Construction Plans, is to determine whether such particular standard or requirement should be applied to an Application.
 - B. *Definitions.* Subdivision Waivers shall be classified as a Minor Subdivision Waiver or Major Subdivision Waiver.
 - C. *Decision-Maker.*
 - 1. *Minor Subdivision Waiver.*
 - a. *Decision-Maker Authority.*
 - i. The City Administrator shall act upon a Minor Subdivision Waiver listed in Table 8.
 - b. *Appeal of a Minor Subdivision Waiver Decision.*
 - i. *Appeal Review and Recommendation.* An appeal of the Minor Subdivision Waiver decision may be considered by the Commission.
 - ii. *Appeal Decision.* If further appeal is made, the City Council shall then act on such an appeal. (See 7.01.J Minor Subdivision Waiver Appeal)

Table 8: Minor Subdivision Waiver		
Section	Standard	City Administrator
3.01.B	Waiver of Application Information	Approve
6.06.N	Dead-End Alleys	Approve
6.10.D	Right Angles for Side Lot Lines	Approve
6.05.D	Traffic Impact Analysis	Approve
6.13.A.5	Water Lines Extended to Subdivision Borders	Approve
6.14.A.5	Wastewater Lines Extended to Subdivision Borders	Approve

- 2. *Major Subdivision Waiver.*
 - a. *Decision Maker Authority.* After review and recommendation from the Commission, the City Council shall decide a Major Subdivision Waiver.

D. *Subdivision Waiver Applicability.*

1. *Waiver of Standard or Requirement.*

- a. An Applicant may request a Subdivision Waiver of a particular standard or requirement applicable to a Preliminary Plat, to Construction Plans, or where no Preliminary Plat Application has been submitted for approval, to a Final Plat or a Replat.
- b. A Subdivision Waiver petition shall be specific in nature, and shall only involve relief consideration for one particular standard or requirement.
- c. An Applicant may, if desired, submit more than one Subdivision Waiver petition if there are several standards or requirements at issue.
- d. For processing a Subdivision Waiver in relationship with a Plat Application, an Applicant shall submit a Waiver of Right to 30-Day Action in accordance with 3.03.D Waiver of Right to 30-Day Action.

2. *Waiver Petition Acceptance.*

- a. A petition for a Subdivision Waiver shall not be accepted in lieu of:
 - i. A Subdivision Proportionality Appeal (7.02); or
 - ii. A Subdivision Vested Rights Petition (7.03).
- b. If there is a question as to whether a Subdivision Proportionality Appeal or Subdivision Vested Rights Petition is required instead of a Subdivision Waiver petition, such determination shall be made by the City Administrator.

E. *Subdivision Waiver Submission Procedures.*

1. *Written Waiver Request with Application.*

- a. A request for a Subdivision Waiver shall be submitted in writing by the Applicant with the filing of a Preliminary Plat, Construction Plans, Final Plat or Replat, as applicable.
- b. No Subdivision Waiver may be considered or granted unless the Applicant has made such written request.

2. *Grounds for Waiver.*

- a. The Applicant's request shall state the grounds for the Subdivision Waiver request and all of the facts relied upon by the Applicant.
- b. Failure to do so, will result in denial of the Application unless the Applicant submits a Waiver of Right to 30-Day Action in accordance with 3.03.D Waiver of Right to 30-Day Action.

F. *Subdivision Waiver Criteria.*

1. *Undue Hardship Present.* A Subdivision Waiver to regulations within this Subdivision Ordinance may be approved only when, in the Decision-Maker's opinion, undue hardship will result from strict compliance to the regulations.
2. *Consideration Factors.* The Decision-Maker shall take into account the following factors:
 - a. The nature of the proposed land use involved and existing uses of the land in the vicinity;
 - b. The number of persons who will reside or work in the proposed development; and
 - c. The effect such Subdivision Waiver might have upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.
3. *Findings.* No Subdivision Waiver shall be granted unless the Decision-Maker finds:
 - a. That there are special circumstances or conditions affecting the land involved or other constraints such that the strict application of the provisions of this Subdivision Ordinance would deprive the Applicant of the reasonable use of his or her land; and
 - b. That the Subdivision Waiver is necessary for the preservation and enjoyment of a substantial property right of the Applicant, and that the granting of the Subdivision Waiver will not be detrimental to the public health, safety or welfare or injurious to other property in the area; and

c. That the granting of the Subdivision Waiver will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this Subdivision Ordinance.

4. *Intent of Subdivision Regulations.*

a. A Subdivision Waiver may be granted only when in harmony with the general purpose and intent of the Subdivision Ordinance so that the public health, safety and welfare may be secured and substantial justice done.

b. Financial hardship to the Applicant shall not be deemed to constitute undue hardship.

5. *Minimum Degree of Variation.* No Subdivision Waiver shall be granted unless it represents the minimum degree of variation of requirements necessary to meet the needs of the Applicant.

6. *Violations and Conflicts.* The Decision-Maker shall not authorize a Subdivision Waiver that would constitute a violation of, or conflict with, any other valid ordinance, code, regulation, master plan or Comprehensive Plan of the City.

7. *Falsification of Information.*

a. Any falsification of information by the Applicant shall be cause for the Subdivision Waiver request to be denied.

b. If the Subdivision Waiver request is approved based upon false information, whether intentional or not, discovery of such false information shall nullify prior approval of the Subdivision Waiver, and shall be grounds for reconsideration of the Subdivision Waiver request.

G. *Burden of Proof.* The Applicant bears the burden of proof to demonstrate that the requirement for which a Subdivision Waiver is requested, if uniformly applied, imposes an undue hardship or disproportionate burden on the Applicant. The Applicant shall submit the burden of proof with the original submittal.

H. *Subdivision Waiver Decision.*

1. The Decision-Maker shall consider the Subdivision Waiver petition and, based upon the criteria set forth in 7.01.F Subdivision Waiver Criteria, shall take one of the following actions:

a. Deny the petition, and impose the standard or requirement as it is stated in this Subdivision Ordinance; or

b. Grant the petition, and waive in whole or in part the standard or requirement as it is stated in this Subdivision Ordinance.

2. Decision Process for a Minor Subdivision Waiver. The Decision-Maker shall deny or grant a request for a Minor Subdivision Waiver concurrently with the decision of a Preliminary Plat, Construction Plans, Final Plat or Replat, as applicable.

3. Decision Process for a Major Subdivision Waiver.

a. Recommendation of the Planning and Zoning Commission.

i. The Commission shall consider the Major Subdivision Waiver request at a public meeting no later than thirty (30) calendar days after the date on which the notice of Major Subdivision Waiver is submitted to the City Administrator.

ii. The Commission shall recommend to the City Council to approve or deny a request for a Major Subdivision Waiver by majority vote.

b. Decision by City Council.

i. After the recommendation from the Commission has been made, the City Council shall consider the Major Subdivision Waiver request at a public meeting no later than thirty (30) calendar days after the date on which the Commission's recommendation was made.

ii. The City Council may or shall approve or deny a request for a Major Subdivision Waiver by a vote of all members.

iii. The decision of the City Council is final.

- I. *Notification of Decision on Petition—14 Days.* The Applicant shall be notified of the decision on the Subdivision Waiver by the applicable Decision-Maker (e.g., the City Administrator, Commission or City Council, as applicable), within fourteen (14) calendar days following the decision.
- J. *Minor Subdivision Waiver Appeal.*
1. *Initiation of an Appeal.*
 - a. The Applicant may appeal a Minor Subdivision Waiver decision of the City Administrator, as allowed within the Subdivision Ordinance.
 - b. The written request to appeal shall be submitted to the City Administrator within thirty (30) calendar days following the denial decision.
 2. *Recommendation of the Planning and Zoning Commission.*
 - a. The Commission shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the notice of appeal is submitted to the City Administrator.
 - b. At this meeting, new information may be presented and considered, if available, that might alter the previous decision to deny the Minor Subdivision Waiver.
 - c. The Commission shall recommend to the City Council to affirm, modify or reverse the previous decision by simple majority vote.
 3. *Appeal to City Council.*
 - a. The Applicant may appeal the Commission's decision by submitting a written notice of appeal to the City Administrator within thirty (30) calendar days following the Commission's decision.
 - b. After the recommendation from the Commission has been made, the City Council shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the Commission's recommendation was made.
 - c. The City Council may affirm, modify or reverse the decision by simple majority vote.
 - d. The decision of the City Council is final.
- K. *Effect of Approval.*
1. *Submission and Processing.* Following the granting of a Subdivision Waiver, the Applicant may submit or continue the processing of a Plat or Construction Plans, as applicable.
 2. *Expirations.* The Subdivision Waiver granted shall remain in effect for the period the Plat or Construction Plans are in effect, and shall expire upon expiration of either or both of those Applications.
 3. *Extensions.* Extension of those Applications shall also result in extension of the Subdivision Waiver.

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 waiver request.
- 2) Recommend the City Council deny the waiver request.

Steve Killen

From: Kevin L.Maynard <akmn@aol.com>
Sent: Thursday, November 11, 2021 3:41 PM
To: Steve Killen; vince@daddioconstruction.com
Subject: P & Z November 17, 2021

Hello Steve,

I wanted to thank you for your time and I really appreciate the opportunity to invest in Stephenville going forward. I realize we are on the calendar for next Wednesday to present our position on the 3 lots I purchased a month ago. Unfortunately, I have a conflict on that date. So, I have asked Vince Dadio to come and present on my behalf to the board. Hopefully, that is appropriate and will work within your guidelines. Please reach out to me if you have any further questions or concerns.

Thank You,

Kevin Maynard
(214) 215-0665

June 16, 2021

Tim Trotter, Developer
151 CR 2700
Walnut Springs, TX 76690

RE: Choctaw Drive
S2600 City Addition, Block 141, Lots 1-4
Formal Acceptance

Dear Mr. Trotter:

This letter serves as acceptance of the water and sewer utilities installed for the above identified development. Attached to this letter is a copy of the Record Drawing received from Warrick Engineering, Inc. dated 06/07/2021.

A note on the Record Drawing states:

“2. * designates items that have not been constructed per the date of this Record Drawing but are depicted as indicated on approved construction drawings for reference only. Sidewalks, Curb and gutter, and pavement widening to be constructed after lots are developed and driveway curb cuts are located.”

Please retain this letter for future reference and feel free to contact me at 254-918-1223 should you have any questions.

Sincerely,



Nick Williams P.E., CFM
Director of Public Works
City of Stephenville
254-918-1223

Attachment: Record Drawing

cc: Subdivision File

TIMOTHY L. TROTTER
CHOCTAW DRIVE REPLY
STEPHENVILLE, TEXAS

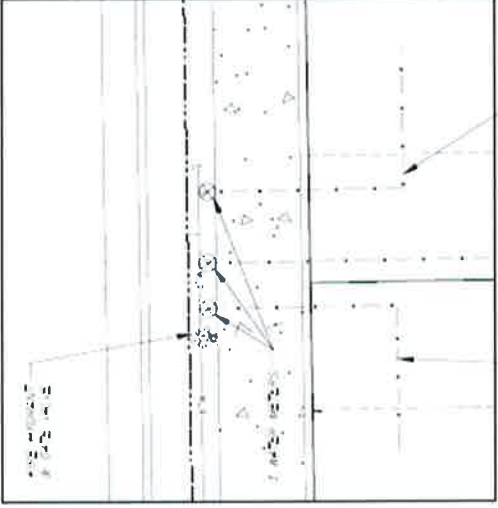
RECORD DRAWING

WARRICK
ENGINEERING & ASSOCIATES, LLC
 407 HAZARD STREET, SUITE 200
 STEPHENVILLE, TEXAS 75781
 936-302-0500

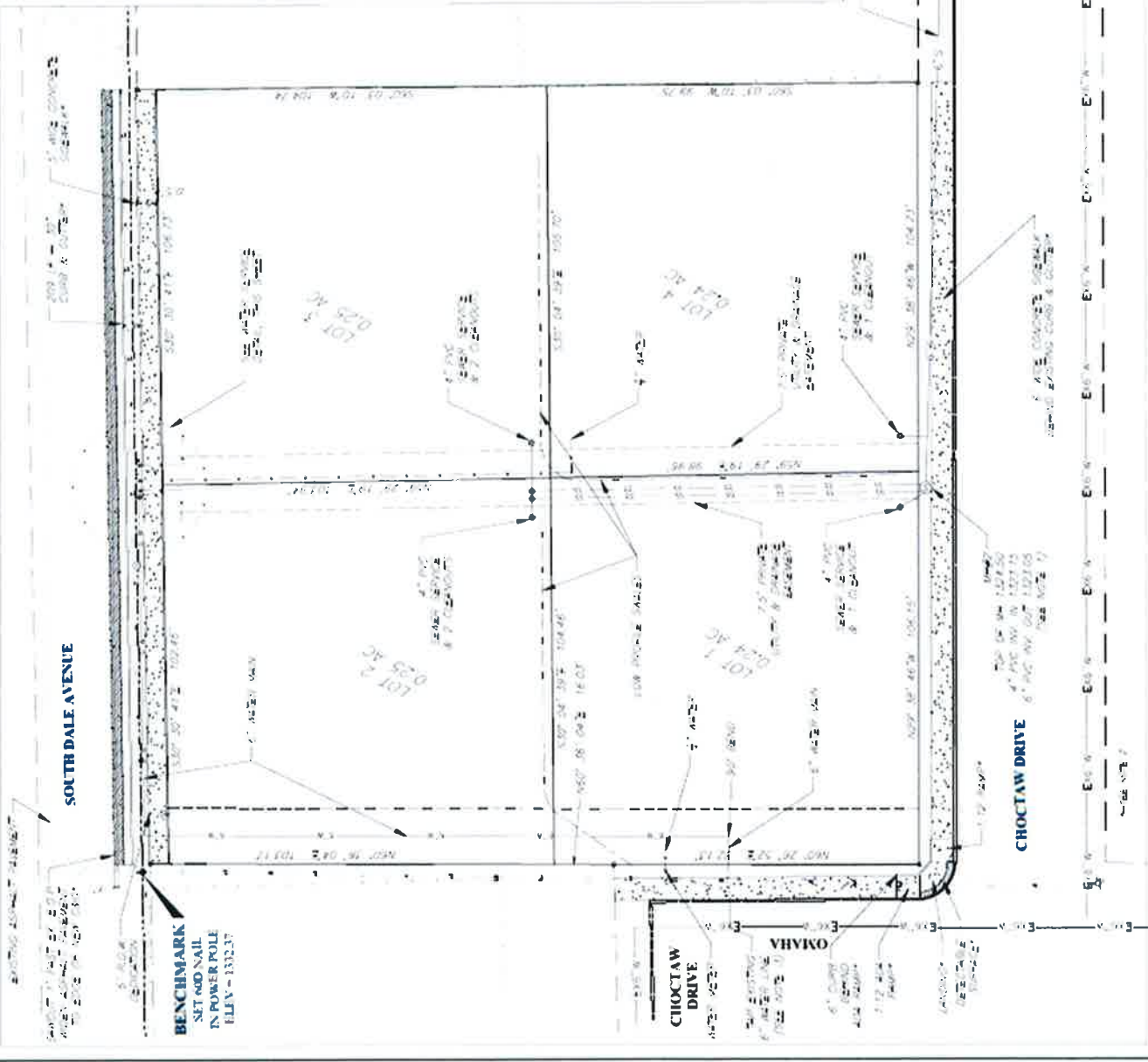
TWT
 1" = 20'
 JUNE 7, 2021



WATER SERVICE DETAIL
 SCALE 1" = 6'



- PROJECT SYMBOL
- 12" PVC W/ 4" VENT
- 8" PVC W/ 4" VENT
- 6" PVC W/ 4" VENT
- 4" PVC W/ 4" VENT
- 3" PVC W/ 4" VENT
- 2" PVC W/ 4" VENT
- 1 1/2" PVC W/ 4" VENT
- 1" PVC W/ 4" VENT
- 3/4" PVC W/ 4" VENT
- 3/8" PVC W/ 4" VENT
- 1/2" AIR SERVICE
- 2" AIR SERVICE
- 3" AIR SERVICE
- 4" AIR SERVICE
- 5" AIR SERVICE
- 6" AIR SERVICE
- 8" AIR SERVICE
- 10" AIR SERVICE
- 12" AIR SERVICE



RECORD DRAWING
 SCALE 1" = 20'

Steve Killen

From: Nick Williams
Sent: Monday, November 8, 2021 1:38 PM
To: Steve Killen
Cc: Gene Calvert (tkec.calvert@gmail.com)
Subject: RE: 244 and 250 S Dale
Attachments: 2021_06-16 Utilities Acceptance Letter.pdf

Steve,
The 5-ft. wide sidewalk, curb and gutter, and pavement widening are shown on the Record Drawings below.
All items need to be installed.

“2. * designates items that have not been constructed per the date of this Record Drawing but are depicted as indicated on approved construction drawings for reference only.
Sidewalks, Curb and gutter, and pavement widening to be constructed after lots are developed and driveway curb cuts are located.”

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Director
Public Works Department

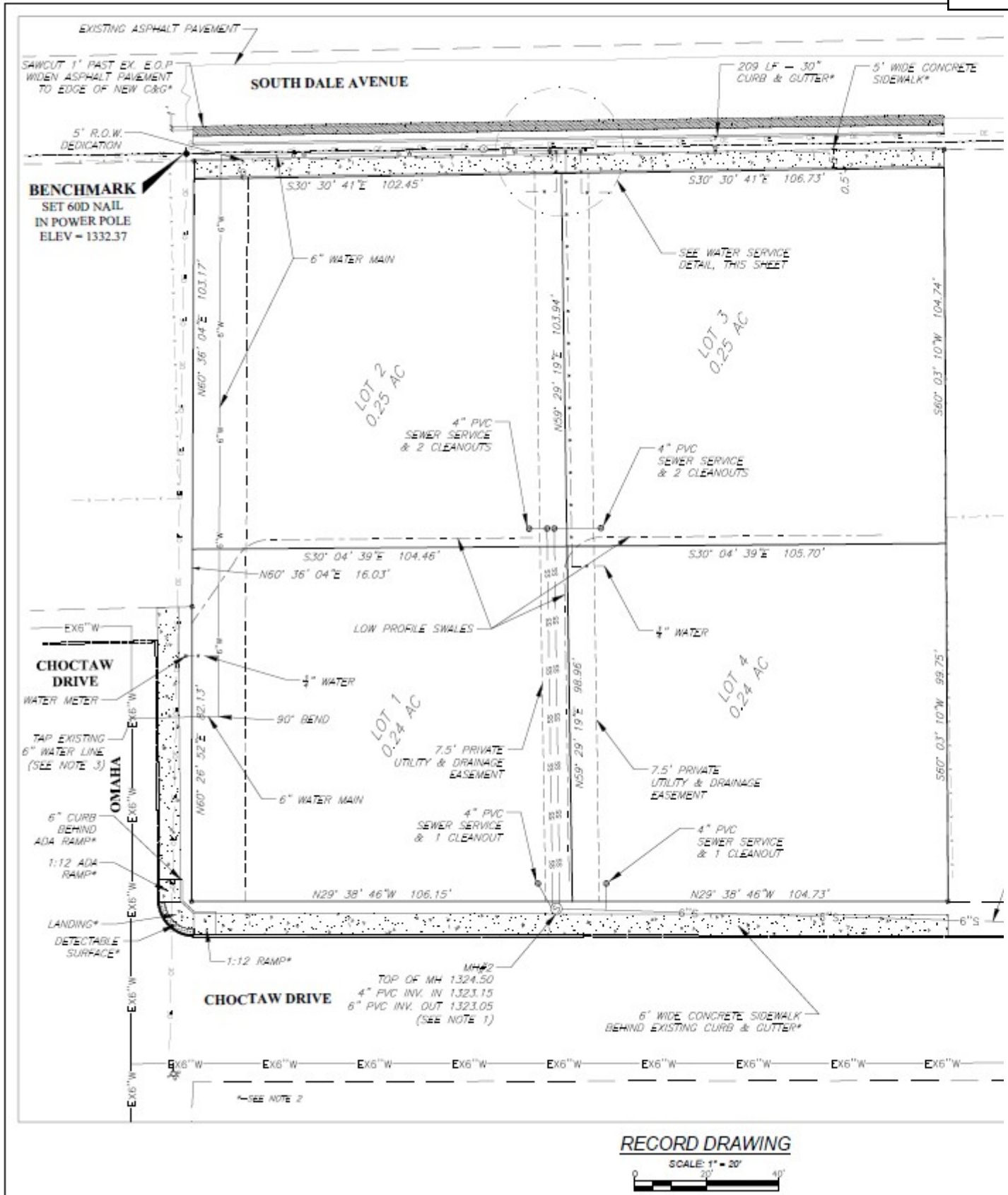


P: (254) 918-1223
E: nwilliams@stephenvilletx.gov
A: 298 W. Washington, Stephenville, TX 76401



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Reply to all may result in a violation of the Texas Open Meetings Act.*



From: Steve Killen <Skillen@stephenvilletx.gov>
Sent: Monday, November 8, 2021 11:51 AM

To: Nick Williams <NWilliams@stephenvilletx.gov>

Subject: 244 and 250 S Dale

Nick, we have curb and gutter waiver applications at these properties. Could you or Gene review and provide a recommendation?

Thank you.

Steve Killen

Director
Development Services



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



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Steve Killen

From: Ray Carey <rcarey@sprintmail.com>
Sent: Sunday, November 14, 2021 3:49 PM
To: Steve Killen; Staci L. King; Gerald Cook; Brandon Huckabee
Subject: Response to Planning & Zoning Commission Letters

Dear Mr. Killen and Stephenville City Officials,

We are the owners of 221 Choctaw Dr. in Stephenville. We received your letters regarding the meeting of the planning and zoning commission to be held Wednesday, November 17, 2021.

Regarding Case No. SV2021-006; SV2021-007, SV2021-008, SV2021-09, and SV2021-10 requested by Mr. Kevin Maynard representing Maynard Holdings,inc to waive the requirements of sidewalks,curb and gutters on 244 S. Dale, Parcel R77243, being lot 2 of the Trotter addition,250 S. Dale, Parcel R77244, being lot 3 of Trotter addition, and 331 Choctaw, Parcel R34558, being lot 4 of the Trotter addition in Stephenville.

Unfortunately, we won't be able to attend your meeting because our daughter is having surgery in Dallas on Wednesday, November 17th. We do wish to express our views and hope they are considered prior to a decision being made. We have no objection to the sidewalk requirements being waived, as it does not harm anyone else's home or land.

We have owned our home on 221 Choctaw since 2016, and we have always had an issue with water drainage coming from S. Dale St. The year we had 67 inches of rain, the city had to bring sand bags to put along S. Dale St. so our house would not flood. Our neighbors and us met with city representatives in person several times, including the city engineer, telling them that something needed to be done regarding the water coming off of Dale St. and nothing was ever done. We have had many problems over the years with water drainage coming from S. Dale St. A few months ago, the city was testing the newly installed fire hydrant, (required by the city) at 240-250 S. Dale St, turning the water on and flooding our yard almost instantly. Before I could get their attention, the water was within 1 inch of coming into our home, which backs up to S. Dale St. Our home is in the middle of the three houses that are in danger. We feel that gutters and curbs are needed. If the requirement should be waived, it will only cause additional stress and

unnecessary flooding with additional runoff coming from that property. We feel something needs to be done to S. Dale St, all the way to South Loop.

Item 4.

Thank you for your time and consideration. If you have questions or would like to speak with us further, do not hesitate to give us a call or come by.

Laura & Ray Carey, Homeowners
817-542-4055
rcarey@sprintmail.com

Steve Killen

From: Jane Plumlee <texas_landlady@yahoo.com>
Sent: Saturday, November 13, 2021 12:27 PM
To: Steve Killen
Cc: RCarey@SprintMail.com; Bruce/Barbara Buchanan
Subject: 244 S. Dale Street - Subdivision Waivers Hearing for Case #SV2021-009 and Case #SV2021-010

Dear Mr. Killen:

I am the owner of 211 Choctaw Dr. in Stephenville, Texas, and received your letter regarding a meeting of the Planning and Zoning Commission to be held on Wednesday November 17, 2021, concerning a request by Mr. Kevin Maynard, representing Maynard Holdings, Inc. for waivers from sidewalk (Case No. SV2021-009) and curb and gutter (Case No. SV2021-010) requirements at 244 S. Dale Street (Parcel R77243, Lot 2 Trotter Addition). Unfortunately, I will not be able to attend your meeting next week due to being out-of-town; however, I do wish to have my view and opinion considered. I personally do not object to a Waiver being granted for the Sidewalk Requirements, as it does not harm anyone else's homes or land.

I have owned the home at 211 Choctaw Dr. since 2010, and have always had severe water drainage issues that originate along South Dale Street, which is adjacent to my rear property line. My neighbors and I have met with the City's representatives in person several times, and communicated via phone calls and in writing with the City of Stephenville regarding some steps the City could take to help mitigate this devastating water surge from time to time on South Dale Street. Now, instead of putting in curbs and gutters to help our situation, your Planning and Zoning Commission will further harm several well-established homes and owners if you help Mr. Kevin Maynard financially by waiving the City's requirements for installation of a curb and gutter!

Furthermore, a few months ago, the City was testing the newly-installed fire hydrant (required by the City) at 244 S. Dale Street, turned on the water and flooded the yards and came extremely close to entering the three homes whose rear property lines are adjacent to Dale Street. This is not acceptable!

Mr. Killen, it is my hope you will present my objections to the Planning Commission and the City Council, and hopefully they all will consider my request to mandate curbs and gutters/culverts be installed along S. Dale Street from the Subject Property all the way to the South Loop.

Regards,

*Jane Plumlee
Texas Land Lady Company
Phone #(832)978-6799*

cc: Stephenville City Council

Choctaw



Choctaw



Choctaw



Choctaw

Item 4.



Dale



Dale

Item 4.



Dale





STAFF REPORT

SUBJECT: Case No.: SV2021-009

Applicant Kevin Maynard, representing Maynard Holdings, Inc., is requesting a Subdivision Waiver from Section 155.6.11 – Sidewalk Requirements, to be constructed at 244 S. Dale, Parcel R77243, being Lot 2 of the Trotter Addition to the City of Stephenville, Erath County, Texas.

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

RECOMMENDATION:

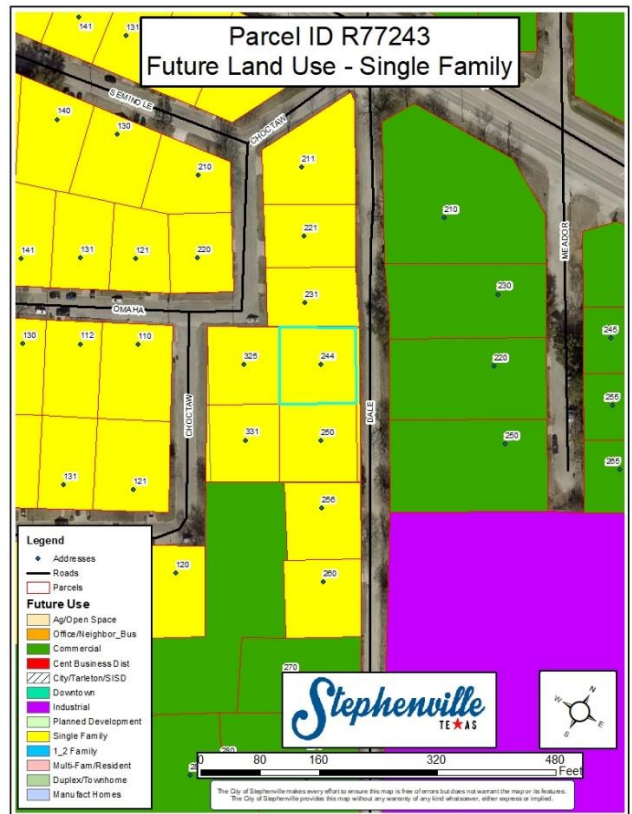
To deny the request based on the requirements set forth by the Subdivision Ordinance.

BACKGROUND:

CURRENT ZONING:



FUTURE LAND USE:



SUBDIVISION ORDINANCE/SIDEWALKS

Sec. 155.6.11. - Sidewalks.

- A. *Sidewalks and Pedestrian ways are required as a part of Subdivision Plat approval to help the City achieve the following:*
1. Promote the mobility, health, safety, and welfare of residents, property owners, and visitors to the City and to implement objectives and strategies of the Comprehensive Plan,
 2. Improve the safety of walking by providing separation from motorized transportation and improving travel surfaces for pedestrians,
 3. Improve public welfare by providing an alternate means of access to transportation and social interaction, especially for children, other citizens without personal vehicles, or those with disabilities, and
 4. Facilitate walking as a means of physical activity recognized as an important provider of health benefits.
- B. *Sidewalk Location and Design.*
1. Sidewalks shall be constructed for both sides of all streets within the Subdivision.
 2. Sidewalks shall be constructed along all lots adjoining dedicated streets, along Major Arterial/Thoroughfare Streets where lots do not adjoin the street, across power line easements and in other areas where pedestrian walkways are necessary.
 3. Routing to clear poles, trees or other obstacles shall be subject to City Administrator approval.
 4. The Plat or Construction Plans shall show the location of all proposed sidewalks and shall state at what stage of the project they will be constructed.
 5. All sidewalks shall conform to Federal Americans with Disabilities Act (ADA) requirements and barrier-free ramps should be provided for access to the street.
- C. *Sidewalk General Construction.*
1. Sidewalks shall be constructed by Class "A" concrete and shall have a width of not less than five (5) feet and a minimum thickness of four (4) inches.
 2. Sidewalks along Major Arterial/Thoroughfare Streets shall be no less than six feet (6') in width.
 3. Sidewalks adjacent to screening and retaining walls shall be five (5) feet in width and shall abut the wall, eliminating the landscape area found along the wall, thereby reducing maintenance.
 4. Sidewalks shall be constructed one foot (1') from the property line within the street or Major Arterial/Thoroughfare Street Right-of-Way and shall extend along the full street frontage including both sides of corner lots and block ends.
 5. Construction of sidewalks adjacent to curbs will be considered where driveway entrances are constructed from the rear of lots on each side of the street for the full length of the block or where mountable curbs are installed. In these instances, the sidewalks shall be a minimum of five feet (6') wide.
 6. Sidewalk construction may be delayed until development of lots, but in locations not adjacent to lots and across bridges and culverts, the sidewalk shall be constructed with the other improvements to the Subdivision.
- D. *Sidewalks in Nonresidential Areas.* Sidewalks in nonresidential areas shall be a minimum width of five feet (6') or extend from the back of the curb to the building line as required by the City.

SUBDIVISION ORDINANCE/WAIVER REQUESTS

Sec. 155.7.01. - Petition for subdivision waiver.

- A. *Purpose.* The purpose of a petition for a Subdivision Waiver to a particular standard or requirement with these Subdivision Regulations, as such are applicable to Plats or Construction Plans, is to determine whether such particular standard or requirement should be applied to an Application.
- B. *Definitions.* Subdivision Waivers shall be classified as a Minor Subdivision Waiver or Major Subdivision Waiver.

C. *Decision-Maker.*

1. *Minor Subdivision Waiver.*

a. *Decision-Maker Authority.*

i. The City Administrator shall act upon a Minor Subdivision Waiver listed in Table 8.

b. *Appeal of a Minor Subdivision Waiver Decision.*

i. *Appeal Review and Recommendation.* An appeal of the Minor Subdivision Waiver decision may be considered by the Commission.

ii. *Appeal Decision.* If further appeal is made, the City Council shall then act on such an appeal. (See 7.01.J Minor Subdivision Waiver Appeal)

Table 8: Minor Subdivision Waiver		
Section	Standard	City Administrator
3.01.B	Waiver of Application Information	Approve
6.06.N	Dead-End Alleys	Approve
6.10.D	Right Angles for Side Lot Lines	Approve
6.05.D	Traffic Impact Analysis	Approve
6.13.A.5	Water Lines Extended to Subdivision Borders	Approve
6.14.A.5	Wastewater Lines Extended to Subdivision Borders	Approve

2. *Major Subdivision Waiver.*

a. *Decision Maker Authority.* After review and recommendation from the Commission, the City Council shall decide a Major Subdivision Waiver.

D. *Subdivision Waiver Applicability.*

1. *Waiver of Standard or Requirement.*

a. An Applicant may request a Subdivision Waiver of a particular standard or requirement applicable to a Preliminary Plat, to Construction Plans, or where no Preliminary Plat Application has been submitted for approval, to a Final Plat or a Replat.

b. A Subdivision Waiver petition shall be specific in nature, and shall only involve relief consideration for one particular standard or requirement.

c. An Applicant may, if desired, submit more than one Subdivision Waiver petition if there are several standards or requirements at issue.

d. For processing a Subdivision Waiver in relationship with a Plat Application, an Applicant shall submit a Waiver of Right to 30-Day Action in accordance with 3.03.D Waiver of Right to 30-Day Action.

2. *Waiver Petition Acceptance.*

a. A petition for a Subdivision Waiver shall not be accepted in lieu of:

i. A Subdivision Proportionality Appeal (7.02); or

ii. A Subdivision Vested Rights Petition (7.03).

- b. If there is a question as to whether a Subdivision Proportionality Appeal or Subdivision Vested Rights Petition is required instead of a Subdivision Waiver petition, such determination shall be made by the City Administrator.

E. *Subdivision Waiver Submission Procedures.*

1. *Written Waiver Request with Application.*

- a. A request for a Subdivision Waiver shall be submitted in writing by the Applicant with the filing of a Preliminary Plat, Construction Plans, Final Plat or Replat, as applicable.
- b. No Subdivision Waiver may be considered or granted unless the Applicant has made such written request.

2. *Grounds for Waiver.*

- a. The Applicant's request shall state the grounds for the Subdivision Waiver request and all of the facts relied upon by the Applicant.
- b. Failure to do so, will result in denial of the Application unless the Applicant submits a Waiver of Right to 30-Day Action in accordance with 3.03.D Waiver of Right to 30-Day Action.

F. *Subdivision Waiver Criteria.*

- 1. *Undue Hardship Present.* A Subdivision Waiver to regulations within this Subdivision Ordinance may be approved only when, in the Decision-Maker's opinion, undue hardship will result from strict compliance to the regulations.
- 2. *Consideration Factors.* The Decision-Maker shall take into account the following factors:
 - a. The nature of the proposed land use involved and existing uses of the land in the vicinity;
 - b. The number of persons who will reside or work in the proposed development; and
 - c. The effect such Subdivision Waiver might have upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.
- 3. *Findings.* No Subdivision Waiver shall be granted unless the Decision-Maker finds:
 - a. That there are special circumstances or conditions affecting the land involved or other constraints such that the strict application of the provisions of this Subdivision Ordinance would deprive the Applicant of the reasonable use of his or her land; and
 - b. That the Subdivision Waiver is necessary for the preservation and enjoyment of a substantial property right of the Applicant, and that the granting of the Subdivision Waiver will not be detrimental to the public health, safety or welfare or injurious to other property in the area; and
 - c. That the granting of the Subdivision Waiver will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this Subdivision Ordinance.
- 4. *Intent of Subdivision Regulations.*
 - a. A Subdivision Waiver may be granted only when in harmony with the general purpose and intent of the Subdivision Ordinance so that the public health, safety and welfare may be secured and substantial justice done.
 - b. Financial hardship to the Applicant shall not be deemed to constitute undue hardship.
- 5. *Minimum Degree of Variation.* No Subdivision Waiver shall be granted unless it represents the minimum degree of variation of requirements necessary to meet the needs of the Applicant.
- 6. *Violations and Conflicts.* The Decision-Maker shall not authorize a Subdivision Waiver that would constitute a violation of, or conflict with, any other valid ordinance, code, regulation, master plan or Comprehensive Plan of the City.
- 7. *Falsification of Information.*
 - a. Any falsification of information by the Applicant shall be cause for the Subdivision Waiver request to be denied.

- b. If the Subdivision Waiver request is approved based upon false information, whether intentional or not, discovery of such false information shall nullify prior approval of the Subdivision Waiver, and shall be grounds for reconsideration of the Subdivision Waiver request.

G. Burden of Proof. The Applicant bears the burden of proof to demonstrate that the requirement for which a Subdivision Waiver is requested, if uniformly applied, imposes an undue hardship or disproportionate burden on the Applicant. The Applicant shall submit the burden of proof with the original submittal.

H. Subdivision Waiver Decision.

1. The Decision-Maker shall consider the Subdivision Waiver petition and, based upon the criteria set forth in 7.01.F Subdivision Waiver Criteria, shall take one of the following actions:
 - a. Deny the petition, and impose the standard or requirement as it is stated in this Subdivision Ordinance; or
 - b. Grant the petition, and waive in whole or in part the standard or requirement as it is stated in this Subdivision Ordinance.
2. Decision Process for a Minor Subdivision Waiver. The Decision-Maker shall deny or grant a request for a Minor Subdivision Waiver concurrently with the decision of a Preliminary Plat, Construction Plans, Final Plat or Replat, as applicable.
3. Decision Process for a Major Subdivision Waiver.
 - a. Recommendation of the Planning and Zoning Commission.
 - i. The Commission shall consider the Major Subdivision Waiver request at a public meeting no later than thirty (30) calendar days after the date on which the notice of Major Subdivision Waiver is submitted to the City Administrator.
 - ii. The Commission shall recommend to the City Council to approve or deny a request for a Major Subdivision Waiver by majority vote.
 - b. Decision by City Council.
 - i. After the recommendation from the Commission has been made, the City Council shall consider the Major Subdivision Waiver request at a public meeting no later than thirty (30) calendar days after the date on which the Commission's recommendation was made.
 - ii. The City Council may or shall approve or deny a request for a Major Subdivision Waiver by a vote of all members.
 - iii. The decision of the City Council is final.
- I. *Notification of Decision on Petition—14 Days.* The Applicant shall be notified of the decision on the Subdivision Waiver by the applicable Decision-Maker (e.g., the City Administrator, Commission or City Council, as applicable), within fourteen (14) calendar days following the decision.

J. Minor Subdivision Waiver Appeal.

1. *Initiation of an Appeal.*
 - a. The Applicant may appeal a Minor Subdivision Waiver decision of the City Administrator, as allowed within the Subdivision Ordinance.
 - b. The written request to appeal shall be submitted to the City Administrator within thirty (30) calendar days following the denial decision.
2. *Recommendation of the Planning and Zoning Commission.*
 - a. The Commission shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the notice of appeal is submitted to the City Administrator.
 - b. At this meeting, new information may be presented and considered, if available, that might alter the previous decision to deny the Minor Subdivision Waiver.
 - c. The Commission shall recommend to the City Council to affirm, modify or reverse the previous decision by simple majority vote.

3. *Appeal to City Council.*

- a. The Applicant may appeal the Commission's decision by submitting a written notice of appeal to the City Administrator within thirty (30) calendar days following the Commission's decision.
- b. After the recommendation from the Commission has been made, the City Council shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the Commission's recommendation was made.
- c. The City Council may affirm, modify or reverse the decision by simple majority vote.
- d. The decision of the City Council is final.

K. *Effect of Approval.*

1. *Submission and Processing.* Following the granting of a Subdivision Waiver, the Applicant may submit or continue the processing of a Plat or Construction Plans, as applicable.
2. *Expirations.* The Subdivision Waiver granted shall remain in effect for the period the Plat or Construction Plans are in effect, and shall expire upon expiration of either or both of those Applications.
3. *Extensions.* Extension of those Applications shall also result in extension of the Subdivision Waiver.

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 waiver request.
- 2) Recommend the City Council deny the waiver request.

Steve Killen

From: Kevin L.Maynard <akmn@aol.com>
Sent: Thursday, November 11, 2021 3:41 PM
To: Steve Killen; vince@daddioconstruction.com
Subject: P & Z November 17, 2021

Hello Steve,

I wanted to thank you for your time and I really appreciate the opportunity to invest in Stephenville going forward. I realize we are on the calendar for next Wednesday to present our position on the 3 lots I purchased a month ago. Unfortunately, I have a conflict on that date. So, I have asked Vince Dadio to come and present on my behalf to the board. Hopefully, that is appropriate and will work within your guidelines. Please reach out to me if you have any further questions or concerns.

Thank You,

Kevin Maynard
(214) 215-0665

June 16, 2021

Tim Trotter, Developer
151 CR 2700
Walnut Springs, TX 76690

RE: Choctaw Drive
S2600 City Addition, Block 141, Lots 1-4
Formal Acceptance

Dear Mr. Trotter:

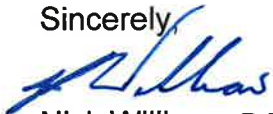
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Sincerely,

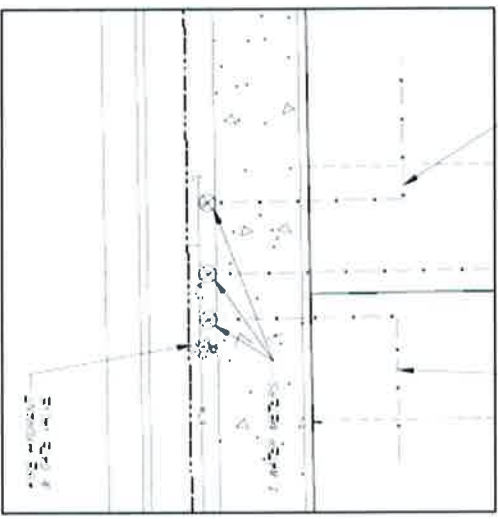


Nick Williams P.E., CFM
Director of Public Works
City of Stephenville
254-918-1223

Attachment: Record Drawing

cc: Subdivision File

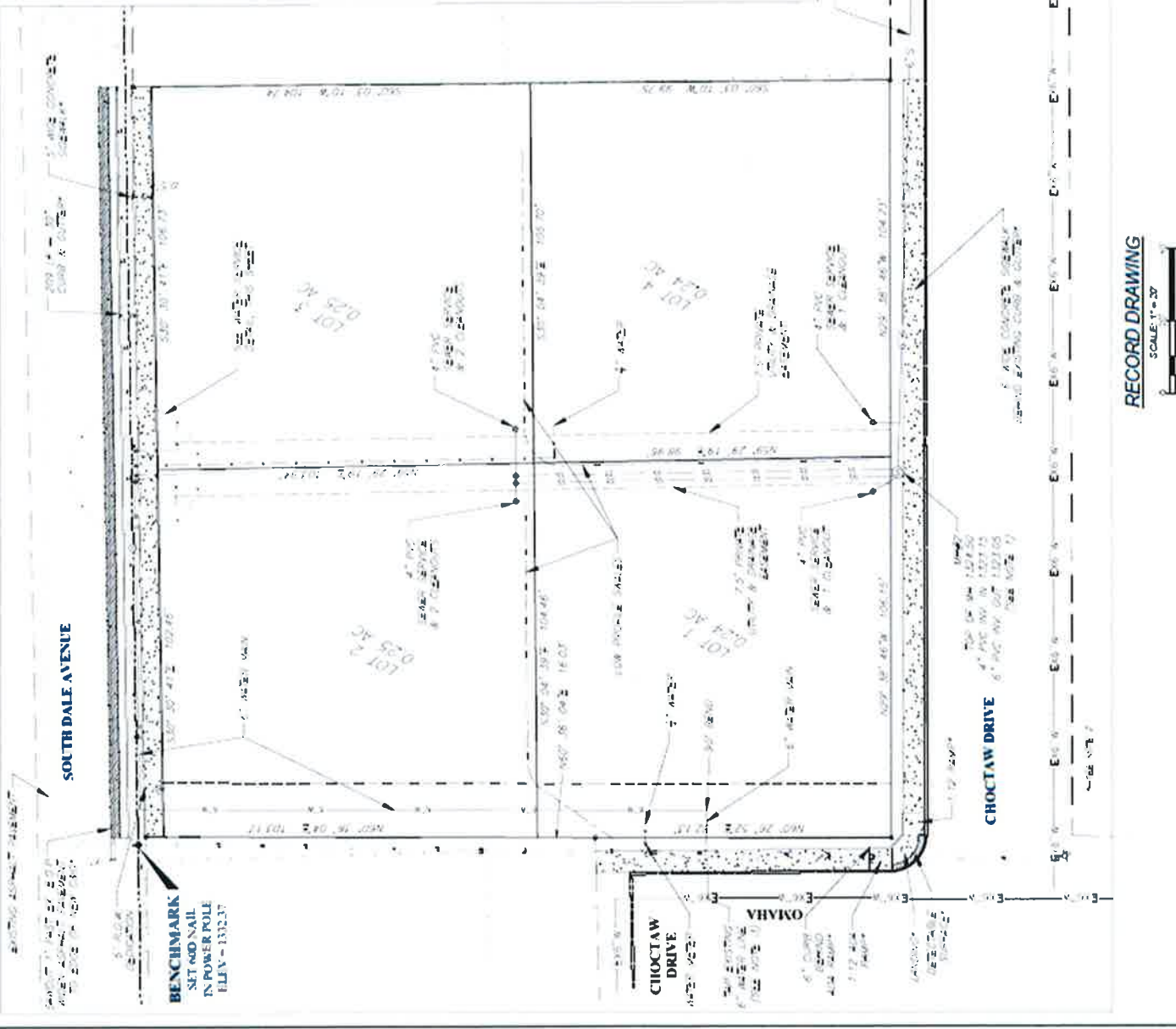




WATER SERVICE DETAIL
SCALE 1/4" = 1'-0"



- PROPERTY BOUNDARY
- EXISTING WATER SERVICE
- EXISTING WATER MAIN
- EXISTING WATER SERVICE VALVE
- EXISTING WATER METER
- EXISTING WATER SERVICE LINE
- EXISTING WATER SERVICE CONNECTION
- EXISTING WATER SERVICE TRENCH
- EXISTING WATER SERVICE TRENCH BEDDING
- EXISTING WATER SERVICE TRENCH CURB & GUTTER
- EXISTING WATER SERVICE TRENCH SIDEWALK
- EXISTING WATER SERVICE TRENCH DRIVE
- EXISTING WATER SERVICE TRENCH SIDEWALK
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- EXISTING WATER SERVICE TRENCH DRIVE



RECORD DRAWING
SCALE 1" = 20'

Steve Killen

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Sent: Monday, November 8, 2021 1:38 PM
To: Steve Killen
Cc: Gene Calvert (tkec.calvert@gmail.com)
Subject: RE: 244 and 250 S Dale
Attachments: 2021_06-16 Utilities Acceptance Letter.pdf

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Director
Public Works Department

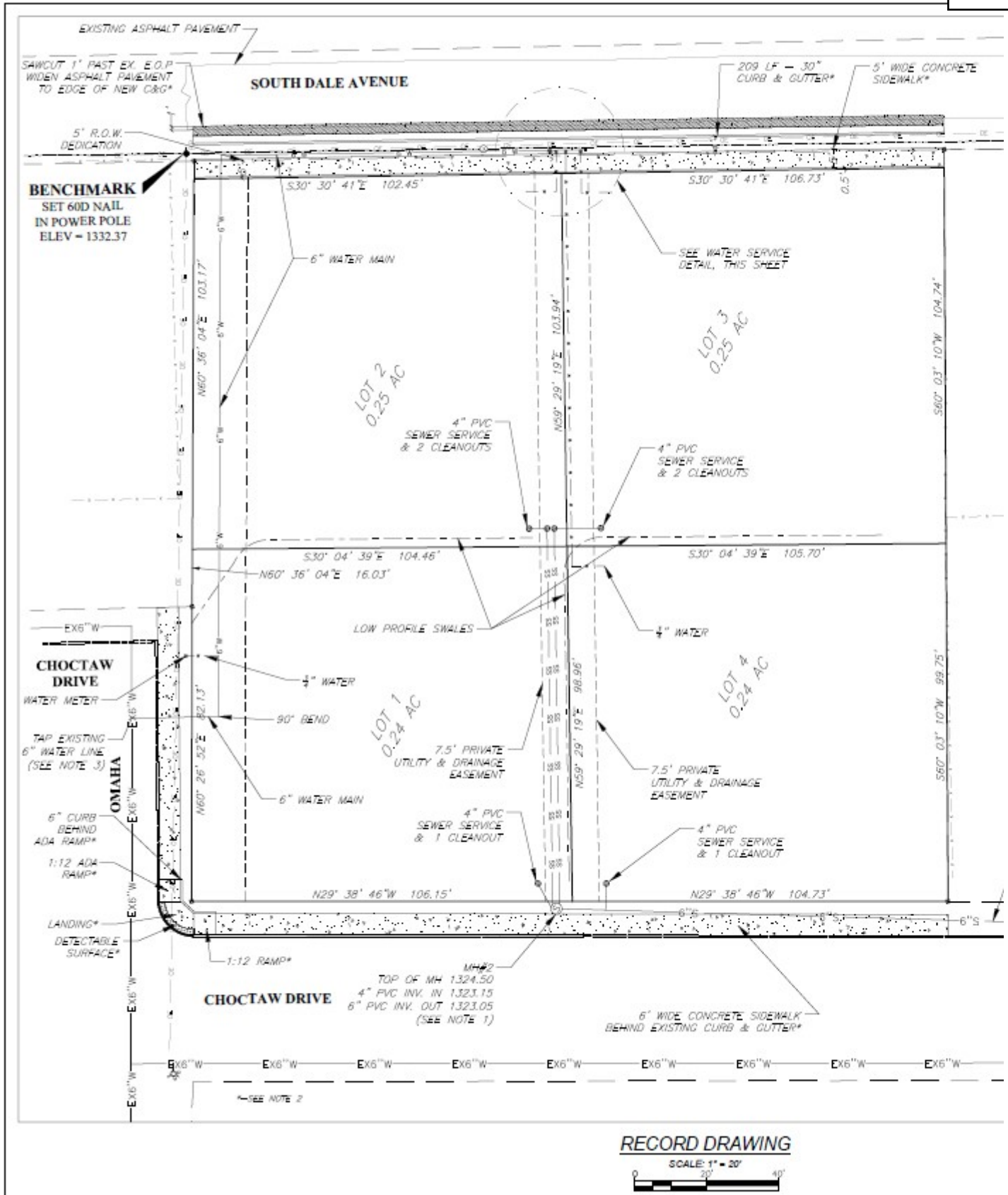


P: (254) 918-1223
E: nwilliams@stephenvilletx.gov
A: 298 W. Washington, Stephenville, TX 76401



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Sent: Monday, November 8, 2021 11:51 AM

To: Nick Williams <NWilliams@stephenvilletx.gov>

Subject: 244 and 250 S Dale

Nick, we have curb and gutter waiver applications at these properties. Could you or Gene review and provide a recommendation?

Thank you.

Steve Killen

Director
Development Services



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



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Choctaw



Choctaw



Choctaw



Choctaw

Item 5.



Dale



Dale

Item 5.



Dale





STAFF REPORT

SUBJECT: Case No.: SV2021-010

Applicant Kevin Maynard, representing Maynard Holdings, Inc., is requesting a Subdivision Waiver from Section 155.6.04.M.1 – Curb and Gutter Requirements, to be constructed at 244 S. Dale, Parcel R77243, being Lot 2 of the Trotter Addition to the City of Stephenville, Erath County, Texas.

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

RECOMMENDATION:

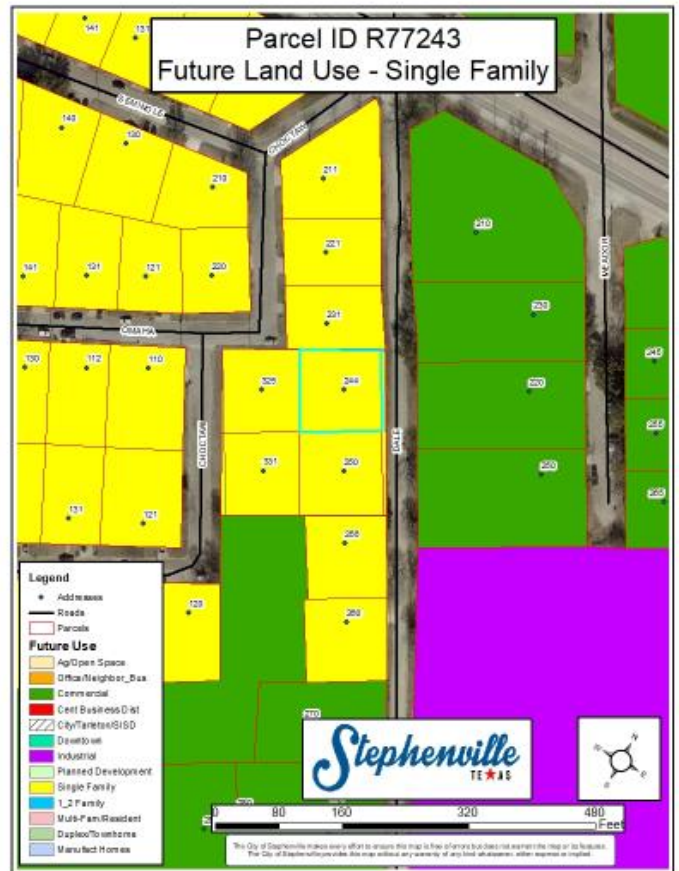
To deny the request based on the requirements set forth by the Subdivision Ordinance

BACKGROUND:

CURRENT ZONING:



FUTURE LAND USE:



SUBDIVISION ORDINANCE/CURBS

M. *Curb and Gutter Options.*

1. A six (6) inch standard curb shall be constructed on both sides of all streets except as allowed in 2 and 3 below.
2. On residential local streets and any subdivision where all lots are one (1) acre or large, a "lay down" or "roll down" curb shall be permitted if designed in accordance with Engineering Standards Manual.
3. On subdivision where all lots are one acre or larger, a "ribbon curb" shall be permitted if designed in Engineering Standards Manual.

SUBDIVISION ORDINANCE/WAIVER REQUESTS

Sec. 155.7.01. - Petition for subdivision waiver.

A. *Purpose.* The purpose of a petition for a Subdivision Waiver to a particular standard or requirement with these Subdivision Regulations, as such are applicable to Plats or Construction Plans, is to determine whether such particular standard or requirement should be applied to an Application.

B. *Definitions.* Subdivision Waivers shall be classified as a Minor Subdivision Waiver or Major Subdivision Waiver.

C. *Decision-Maker.*

1. *Minor Subdivision Waiver.*

a. *Decision-Maker Authority.*

- i. The City Administrator shall act upon a Minor Subdivision Waiver listed in Table 8.

b. *Appeal of a Minor Subdivision Waiver Decision.*

- i. *Appeal Review and Recommendation.* An appeal of the Minor Subdivision Waiver decision may be considered by the Commission.
- ii. *Appeal Decision.* If further appeal is made, the City Council shall then act on such an appeal. (See 7.01.J Minor Subdivision Waiver Appeal)

Table 8: Minor Subdivision Waiver		
Section	Standard	City Administrator
3.01.B	Waiver of Application Information	Approve
6.06.N	Dead-End Alleys	Approve
6.10.D	Right Angles for Side Lot Lines	Approve
6.05.D	Traffic Impact Analysis	Approve
6.13.A.5	Water Lines Extended to Subdivision Borders	Approve
6.14.A.5	Wastewater Lines Extended to Subdivision Borders	Approve

2. *Major Subdivision Waiver.*

- a. *Decision Maker Authority.* After review and recommendation from the Commission, the City Council shall decide a Major Subdivision Waiver.

D. *Subdivision Waiver Applicability.*

1. *Waiver of Standard or Requirement.*

- a. An Applicant may request a Subdivision Waiver of a particular standard or requirement applicable to a Preliminary Plat, to Construction Plans, or where no Preliminary Plat Application has been submitted for approval, to a Final Plat or a Replat.
- b. A Subdivision Waiver petition shall be specific in nature, and shall only involve relief consideration for one particular standard or requirement.
- c. An Applicant may, if desired, submit more than one Subdivision Waiver petition if there are several standards or requirements at issue.
- d. For processing a Subdivision Waiver in relationship with a Plat Application, an Applicant shall submit a Waiver of Right to 30-Day Action in accordance with 3.03.D Waiver of Right to 30-Day Action.

2. *Waiver Petition Acceptance.*

- a. A petition for a Subdivision Waiver shall not be accepted in lieu of:
 - i. A Subdivision Proportionality Appeal (7.02); or
 - ii. A Subdivision Vested Rights Petition (7.03).
- b. If there is a question as to whether a Subdivision Proportionality Appeal or Subdivision Vested Rights Petition is required instead of a Subdivision Waiver petition, such determination shall be made by the City Administrator.

E. *Subdivision Waiver Submission Procedures.*

1. *Written Waiver Request with Application.*

- a. A request for a Subdivision Waiver shall be submitted in writing by the Applicant with the filing of a Preliminary Plat, Construction Plans, Final Plat or Replat, as applicable.
- b. No Subdivision Waiver may be considered or granted unless the Applicant has made such written request.

2. *Grounds for Waiver.*

- a. The Applicant's request shall state the grounds for the Subdivision Waiver request and all of the facts relied upon by the Applicant.
- b. Failure to do so, will result in denial of the Application unless the Applicant submits a Waiver of Right to 30-Day Action in accordance with 3.03.D Waiver of Right to 30-Day Action.

F. *Subdivision Waiver Criteria.*

1. *Undue Hardship Present.* A Subdivision Waiver to regulations within this Subdivision Ordinance may be approved only when, in the Decision-Maker's opinion, undue hardship will result from strict compliance to the regulations.
2. *Consideration Factors.* The Decision-Maker shall take into account the following factors:
 - a. The nature of the proposed land use involved and existing uses of the land in the vicinity;
 - b. The number of persons who will reside or work in the proposed development; and
 - c. The effect such Subdivision Waiver might have upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.
3. *Findings.* No Subdivision Waiver shall be granted unless the Decision-Maker finds:
 - a. That there are special circumstances or conditions affecting the land involved or other constraints such that the strict application of the provisions of this Subdivision Ordinance would deprive the Applicant of the reasonable use of his or her land; and
 - b. That the Subdivision Waiver is necessary for the preservation and enjoyment of a substantial property right of the Applicant, and that the granting of the Subdivision Waiver will not be detrimental to the public health, safety or welfare or injurious to other property in the area; and

c. That the granting of the Subdivision Waiver will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this Subdivision Ordinance.

4. *Intent of Subdivision Regulations.*

a. A Subdivision Waiver may be granted only when in harmony with the general purpose and intent of the Subdivision Ordinance so that the public health, safety and welfare may be secured and substantial justice done.

b. Financial hardship to the Applicant shall not be deemed to constitute undue hardship.

5. *Minimum Degree of Variation.* No Subdivision Waiver shall be granted unless it represents the minimum degree of variation of requirements necessary to meet the needs of the Applicant.

6. *Violations and Conflicts.* The Decision-Maker shall not authorize a Subdivision Waiver that would constitute a violation of, or conflict with, any other valid ordinance, code, regulation, master plan or Comprehensive Plan of the City.

7. *Falsification of Information.*

a. Any falsification of information by the Applicant shall be cause for the Subdivision Waiver request to be denied.

b. If the Subdivision Waiver request is approved based upon false information, whether intentional or not, discovery of such false information shall nullify prior approval of the Subdivision Waiver, and shall be grounds for reconsideration of the Subdivision Waiver request.

G. *Burden of Proof.* The Applicant bears the burden of proof to demonstrate that the requirement for which a Subdivision Waiver is requested, if uniformly applied, imposes an undue hardship or disproportionate burden on the Applicant. The Applicant shall submit the burden of proof with the original submittal.

H. *Subdivision Waiver Decision.*

1. The Decision-Maker shall consider the Subdivision Waiver petition and, based upon the criteria set forth in 7.01.F Subdivision Waiver Criteria, shall take one of the following actions:

a. Deny the petition, and impose the standard or requirement as it is stated in this Subdivision Ordinance; or

b. Grant the petition, and waive in whole or in part the standard or requirement as it is stated in this Subdivision Ordinance.

2. Decision Process for a Minor Subdivision Waiver. The Decision-Maker shall deny or grant a request for a Minor Subdivision Waiver concurrently with the decision of a Preliminary Plat, Construction Plans, Final Plat or Replat, as applicable.

3. Decision Process for a Major Subdivision Waiver.

a. Recommendation of the Planning and Zoning Commission.

i. The Commission shall consider the Major Subdivision Waiver request at a public meeting no later than thirty (30) calendar days after the date on which the notice of Major Subdivision Waiver is submitted to the City Administrator.

ii. The Commission shall recommend to the City Council to approve or deny a request for a Major Subdivision Waiver by majority vote.

b. Decision by City Council.

i. After the recommendation from the Commission has been made, the City Council shall consider the Major Subdivision Waiver request at a public meeting no later than thirty (30) calendar days after the date on which the Commission's recommendation was made.

ii. The City Council may or shall approve or deny a request for a Major Subdivision Waiver by a vote of all members.

iii. The decision of the City Council is final.

- I. *Notification of Decision on Petition—14 Days.* The Applicant shall be notified of the decision on the Subdivision Waiver by the applicable Decision-Maker (e.g., the City Administrator, Commission or City Council, as applicable), within fourteen (14) calendar days following the decision.
- J. *Minor Subdivision Waiver Appeal.*
1. *Initiation of an Appeal.*
 - a. The Applicant may appeal a Minor Subdivision Waiver decision of the City Administrator, as allowed within the Subdivision Ordinance.
 - b. The written request to appeal shall be submitted to the City Administrator within thirty (30) calendar days following the denial decision.
 2. *Recommendation of the Planning and Zoning Commission.*
 - a. The Commission shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the notice of appeal is submitted to the City Administrator.
 - b. At this meeting, new information may be presented and considered, if available, that might alter the previous decision to deny the Minor Subdivision Waiver.
 - c. The Commission shall recommend to the City Council to affirm, modify or reverse the previous decision by simple majority vote.
 3. *Appeal to City Council.*
 - a. The Applicant may appeal the Commission's decision by submitting a written notice of appeal to the City Administrator within thirty (30) calendar days following the Commission's decision.
 - b. After the recommendation from the Commission has been made, the City Council shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the Commission's recommendation was made.
 - c. The City Council may affirm, modify or reverse the decision by simple majority vote.
 - d. The decision of the City Council is final.
- K. *Effect of Approval.*
1. *Submission and Processing.* Following the granting of a Subdivision Waiver, the Applicant may submit or continue the processing of a Plat or Construction Plans, as applicable.
 2. *Expirations.* The Subdivision Waiver granted shall remain in effect for the period the Plat or Construction Plans are in effect, and shall expire upon expiration of either or both of those Applications.
 3. *Extensions.* Extension of those Applications shall also result in extension of the Subdivision Waiver.

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 waiver request.
- 2) Recommend the City Council deny the waiver request.

Steve Killen

From: Kevin L.Maynard <akmn@aol.com>
Sent: Thursday, November 11, 2021 3:41 PM
To: Steve Killen; vince@daddioconstruction.com
Subject: P & Z November 17, 2021

Hello Steve,

I wanted to thank you for your time and I really appreciate the opportunity to invest in Stephenville going forward. I realize we are on the calendar for next Wednesday to present our position on the 3 lots I purchased a month ago. Unfortunately, I have a conflict on that date. So, I have asked Vince Dadio to come and present on my behalf to the board. Hopefully, that is appropriate and will work within your guidelines. Please reach out to me if you have any further questions or concerns.

Thank You,

Kevin Maynard
(214) 215-0665

June 16, 2021

Tim Trotter, Developer
151 CR 2700
Walnut Springs, TX 76690

RE: Choctaw Drive
S2600 City Addition, Block 141, Lots 1-4
Formal Acceptance

Dear Mr. Trotter:

This letter serves as acceptance of the water and sewer utilities installed for the above identified development. Attached to this letter is a copy of the Record Drawing received from Warrick Engineering, Inc. dated 06/07/2021.

A note on the Record Drawing states:

“2. * designates items that have not been constructed per the date of this Record Drawing but are depicted as indicated on approved construction drawings for reference only. Sidewalks, Curb and gutter, and pavement widening to be constructed after lots are developed and driveway curb cuts are located.”

Please retain this letter for future reference and feel free to contact me at 254-918-1223 should you have any questions.

Sincerely,



Nick Williams P.E., CFM
Director of Public Works
City of Stephenville
254-918-1223

Attachment: Record Drawing

cc: Subdivision File

DATE: JUNE 7, 2021
SCALE: 1" = 20'

TIMOTHY L. TROTTER
CHOCTAW DRIVE REPLAT
STEPHENVILLE, TEXAS
RECORD DRAWING

WARRICK
ENGINEERING
& Associates, LLC
407 HAZARD STREET, SUITE 200
STEPHENVILLE, TEXAS 75781
PHONE: (817) 381-5551
WWW.WARRICKENGINEERING.COM

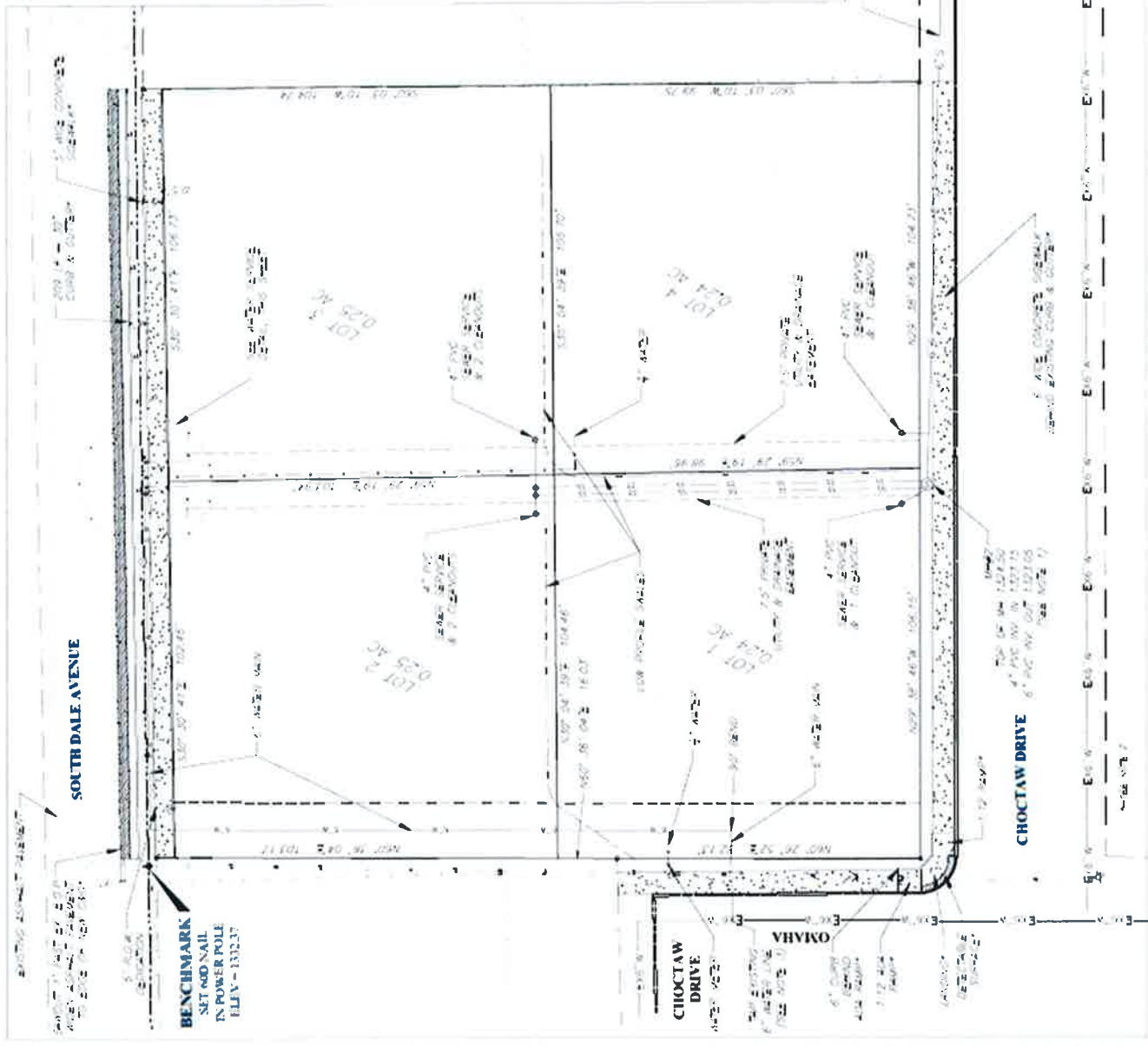


WATER SERVICE DETAIL
SCALE: 1" = 6"



LEGEND

PROJECT BOUNDARY	---
EXISTING ROAD	---
NEW ROAD	---
EXISTING SIDEWALK	---
NEW SIDEWALK	---
EXISTING DRIVEWAY	---
NEW DRIVEWAY	---
EXISTING UTILITY	---
NEW UTILITY	---
EXISTING CURB	---
NEW CURB	---
EXISTING CONC. DRIVEWAY	---
NEW CONC. DRIVEWAY	---
EXISTING CONC. SIDEWALK	---
NEW CONC. SIDEWALK	---
EXISTING CONC. DRIVEWAY & SIDEWALK	---
NEW CONC. DRIVEWAY & SIDEWALK	---
EXISTING CONC. DRIVEWAY & SIDEWALK	---
NEW CONC. DRIVEWAY & SIDEWALK	---
EXISTING CONC. DRIVEWAY & SIDEWALK	---
NEW CONC. DRIVEWAY & SIDEWALK	---



RECORD DRAWING
SCALE: 1" = 20'

Steve Killen

From: Nick Williams
Sent: Monday, November 8, 2021 1:38 PM
To: Steve Killen
Cc: Gene Calvert (tkec.calvert@gmail.com)
Subject: RE: 244 and 250 S Dale
Attachments: 2021_06-16 Utilities Acceptance Letter.pdf

Steve,
The 5-ft. wide sidewalk, curb and gutter, and pavement widening are shown on the Record Drawings below.
All items need to be installed.

“2. * designates items that have not been constructed per the date of this Record Drawing but are depicted as indicated on approved construction drawings for reference only.
Sidewalks, Curb and gutter, and pavement widening to be constructed after lots are developed and driveway curb cuts are located.”

Thank you,

Nick Williams, P.E., CFM
Director
Public Works Department

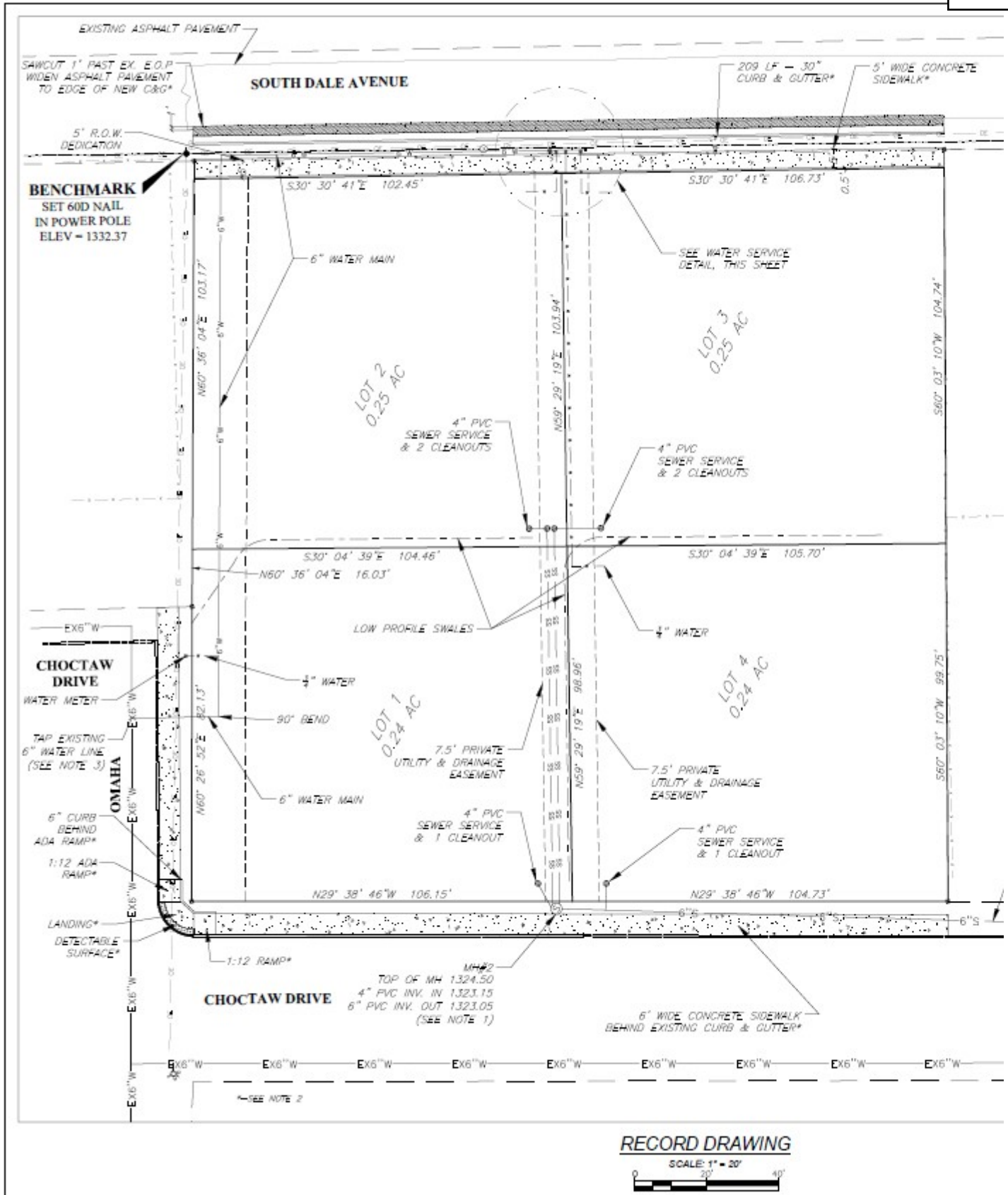


P: (254) 918-1223
E: nwilliams@stephenvilletx.gov
A: 298 W. Washington, Stephenville, TX 76401



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*This e-mail contains the thoughts and opinions of Nick Williams 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.*



From: Steve Killen <Skillen@stephenvilletx.gov>
Sent: Monday, November 8, 2021 11:51 AM

To: Nick Williams <NWilliams@stephenvilletx.gov>

Subject: 244 and 250 S Dale

Nick, we have curb and gutter waiver applications at these properties. Could you or Gene review and provide a recommendation?

Thank you.

Steve Killen

Director
Development Services

P: (254) 918-1222 | C: (214) 677-8352

E: 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.

Steve Killen

From: Ray Carey <rcarey@sprintmail.com>
Sent: Sunday, November 14, 2021 3:49 PM
To: Steve Killen; Staci L. King; Gerald Cook; Brandon Huckabee
Subject: Response to Planning & Zoning Commission Letters

Dear Mr. Killen and Stephenville City Officials,

We are the owners of 221 Choctaw Dr. in Stephenville. We received your letters regarding the meeting of the planning and zoning commission to be held Wednesday, November 17, 2021.

Regarding Case No. SV2021-006; SV2021-007, SV2021-008, SV2021-09, and SV2021-10 requested by Mr. Kevin Maynard representing Maynard Holdings,inc to waive the requirements of sidewalks,curb and gutters on 244 S. Dale, Parcel R77243, being lot 2 of the Trotter addition,250 S. Dale, Parcel R77244, being lot 3 of Trotter addition, and 331 Choctaw, Parcel R34558, being lot 4 of the Trotter addition in Stephenville.

Unfortunately, we won't be able to attend your meeting because our daughter is having surgery in Dallas on Wednesday, November 17th. We do wish to express our views and hope they are considered prior to a decision being made. We have no objection to the sidewalk requirements being waived, as it does not harm anyone else's home or land.

We have owned our home on 221 Choctaw since 2016, and we have always had an issue with water drainage coming from S. Dale St. The year we had 67 inches of rain, the city had to bring sand bags to put along S. Dale St. so our house would not flood. Our neighbors and us met with city representatives in person several times, including the city engineer, telling them that something needed to be done regarding the water coming off of Dale St. and nothing was ever done. We have had many problems over the years with water drainage coming from S. Dale St. A few months ago, the city was testing the newly installed fire hydrant, (required by the city) at 240-250 S. Dale St, turning the water on and flooding our yard almost instantly. Before I could get their attention, the water was within 1 inch of coming into our home, which backs up to S. Dale St. Our home is in the middle of the three houses that are in danger. We feel that gutters and curbs are needed. If the requirement should be waived, it will only cause additional stress and

unnecessary flooding with additional runoff coming from that property. We feel something needs to be done to S. Dale St, all the way to South Loop.

Thank you for your time and consideration. If you have questions or would like to speak with us further, do not hesitate to give us a call or come by.

Laura & Ray Carey, Homeowners
817-542-4055
rcarey@sprintmail.com

Steve Killen

From: Jane Plumlee <texas_landlady@yahoo.com>
Sent: Saturday, November 13, 2021 12:27 PM
To: Steve Killen
Cc: RCarey@SprintMail.com; Bruce/Barbara Buchanan
Subject: 244 S. Dale Street - Subdivision Waivers Hearing for Case #SV2021-009 and Case #SV2021-010

Dear Mr. Killen:

I am the owner of 211 Choctaw Dr. in Stephenville, Texas, and received your letter regarding a meeting of the Planning and Zoning Commission to be held on Wednesday November 17, 2021, concerning a request by Mr. Kevin Maynard, representing Maynard Holdings, Inc. for waivers from sidewalk (Case No. SV2021-009) and curb and gutter (Case No. SV2021-010) requirements at 244 S. Dale Street (Parcel R77243, Lot 2 Trotter Addition). Unfortunately, I will not be able to attend your meeting next week due to being out-of-town; however, I do wish to have my view and opinion considered. I personally do not object to a Waiver being granted for the Sidewalk Requirements, as it does not harm anyone else's homes or land.

I have owned the home at 211 Choctaw Dr. since 2010, and have always had severe water drainage issues that originate along South Dale Street, which is adjacent to my rear property line. My neighbors and I have met with the City's representatives in person several times, and communicated via phone calls and in writing with the City of Stephenville regarding some steps the City could take to help mitigate this devastating water surge from time to time on South Dale Street. Now, instead of putting in curbs and gutters to help our situation, your Planning and Zoning Commission will further harm several well-established homes and owners if you help Mr. Kevin Maynard financially by waiving the City's requirements for installation of a curb and gutter!

Furthermore, a few months ago, the City was testing the newly-installed fire hydrant (required by the City) at 244 S. Dale Street, turned on the water and flooded the yards and came extremely close to entering the three homes whose rear property lines are adjacent to Dale Street. This is not acceptable!

Mr. Killen, it is my hope you will present my objections to the Planning Commission and the City Council, and hopefully they all will consider my request to mandate curbs and gutters/culverts be installed along S. Dale Street from the Subject Property all the way to the South Loop.

Regards,

*Jane Plumlee
Texas Land Lady Company
Phone #(832)978-6799*

cc: Stephenville City Council

Choctaw



Choctaw



Choctaw



Choctaw



Dale



Dale

Item 6.



Dale





STAFF REPORT

SUBJECT: Case No.: FP2021-001

Applicant Justin Farris, designating Steve Emmons to act on behalf of Spectra Student Living, is requesting approval of a Final Plat for properties located at 2241 W Tarleton, Parcel R30333, being Lot 8E, Block 139 of City Addition, 2241 Tarleton, Parcel R30330, being Lot 2, Block 3, of the Kaylie Subdivision and 0 Ella Court, Parcel R73194, being Lot 1, Block 3, of the Kaylie Subdivision to the City of Stephenville, Erath County, Texas.

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

RECOMMENDATION:

The applicant has submitted a Final Plat. The Plat has been reviewed by staff and the following comments have been provided to the applicant:

1. All easements and dedications must provide width.
2. All lots should show front, rear and side setbacks.
3. Private drainage easements must not be blocked – address via plat note.
4. Sidewalk must be installed along both sides of West Phelps.
5. The drainage easement at North Ella is to be 15' wide – currently marked as 12.5' and 2.5.'
6. The 40' ingress and egress easement should be abandoned.
7. General note 7, sidewalks crossing flumes and drainage channels must be installed.
8. Any city easement must be clearly identified, dedicated and show width.
9. Easement cutting East and West on South Ella traversing Lot 9, 10 and 11 is not identified nor does it show width.
10. Detention pond must be illustrated and called out by metes and bounds.
11. Label the 8' utility easement as a private easement (Cab B, Pg. 126A).
12. Dedicate and easement to the City for the water vault.
13. Right of Way dedications must show width (not acreage or be noted as variable).
14. Variable width drainage easement on MF side must be labeled as private and define width.
15. Sewer easement Doc 2010-06346, define width.
16. 10' Wall maintenance easement must be labeled as Private.
17. Property has changed owners since Preliminary Plat. Must comply with 155.4.06.D
18. All public improvements must be accepted through the submission of an Engineers' Letter of Certification of Completed Record Drawings – 155.5.06.D
 - a. Test reports must be submitted including water line, sewer line – mandrel CTY scan and water flow.
 - b. Street lights must be installed per plans.
 - c. Include Sidewalk on Ella Court in the Maintenance bond. Provide Maintenance bond. 155.5.06.G
 - d. Storm Water Facility Maintenance Agreement must be approved.
 - e. All fees must be paid in full. PW inspection Fees?
19. Tax Certificates must be obtained for Recordation with the County. 115.04.06.H.4.e

20. Provide the City's required plat language. Strike contradictory language under Owners' Certificate and Dedication.
21. Certificate of Surveyor states "Preliminary." 155.4.06
22. Correct typo on Certificate of Approval. 155.4.06
23. Provide proof of Ownership as referenced in 155.4.06.D

Staff is requesting the Planning and Zoning Commission recommend the City Council grant a Conditional Approval of the Final Plat pending completion of the 23 item list. The items shall be completed and a corrected Final Plat submitted no later than December 11, 2021. If any items are not completed by December 11, the Final Plat is denied.

BACKGROUND:

Spectra approached the City in April 2020 to present a plan for student housing. After several iterations, the PD was approved for the construction of multifamily housing and 13 single-family lots. In May 2021, the City Council extended the development schedule of the Planned Development until July 1, 2021 to allow for the completion of public improvements. The project is nearing completion pending final inspections, acceptance of the public improvements and receipt of the required two-year maintenance bond for the improvements.

Sec. 155.4.06. Final plat.

- A. *Purpose.* The purpose of a Final Plat is to ensure:
 1. That the proposed Subdivision and development of the land is consistent with all standards of this Subdivision Ordinance pertaining to the adequacy of public facilities,
 2. That Public Improvements to serve the Subdivision or development have been installed and accepted by the City, or that provision for such installation has been made, and
 3. That all other City requirements and conditions have been satisfied or provided for to allow the Final Plat to be recorded.
- B. *Applicability.* No subdivision of land shall be allowed without proper submittal, approval, and adoption of a Final Plat.
- C. *Exceptions.* A Final Plat is not required when a Minor Plat is submitted (See Section 4.07).
- D. *Ownership.*
 1. The Applicant shall furnish with the Application to the City a current title commitment issued by a title insurance company authorized to do business in Texas, a title opinion letter from an attorney licensed to practice in Texas, or some other acceptable proof of ownership, identifying all persons having an ownership interest in the property subject to the Final Plat.
 2. The Final Plat shall be signed by each owner, or by the representative of the owners authorized to sign legal documents for the owners and lienholder, effectively denoting that they are consenting to the platting of the property and to the dedications and covenants that may be contained in the Final Plat.
- E. *Accompanying Applications.*
 1. An Application for a Final Plat may be accompanied by Construction Plans if also accompanied by a Development Agreement and appropriate surety in accordance with Section 5.05.
 2. Approval of each shall be separate and in accordance with Section 5.05.
- F. *Prior Approved Preliminary Plat.* The Final Plat and all accompanying data shall conform to the approved Preliminary Plat, or as the Preliminary Plat may have been amended subsequently, incorporating all conditions imposed or required, if applicable.
- G. *Review by City Administrator.* The City Administrator shall:
 1. Initiate review of the plat and materials submitted,

2. Make available Plats and reports to the Commission for review, and
3. Upon determination that the Application is ready to be acted upon, schedule the Final Plat for consideration on the agenda of the next available meeting of the Commission.

H. *Action by Planning and Zoning Commission.* The Commission shall:

1. Review the Final Plat Application, the findings of the City Administrator, and any other information available.
 - a. From all such information, the Commission shall determine whether the Final Plat conforms to the applicable regulations of this Subdivision Ordinance.
 - b. All Public Improvements have been installed (For exception, See Section 5.05)
2. Act within thirty (30) calendar days following the Official Submission Date, unless the Applicant submits a Waiver of Right to 30-Day Action.
 - a. If no decision is rendered by the Commission within the thirty (30) day period described above or such longer period as may have been agreed upon, the Final Plat, as submitted, shall be deemed to be approved by the Commission.
3. Take one of the following actions:
 - a. Approve the Final Plat;
 - b. Approve the Final Plat with conditions, which shall mean that the Final Plat shall be considered to have been approved once such conditions are fulfilled, and until the conditions are satisfied, it is considered denied; or
 - c. Deny the Final Plat.
4. A motion to approve a Final Plat shall be subject to the following conditions, whether or not stated in the motion to approve:
 - a. All required fees shall be paid.
 - b. All conditions required by ordinances have been reviewed and approved by the City.
 - c. On-site easements and rights-of-way have been dedicated and filed of record and properly described and noted on the proposed plat.
 - d. All required abandonments of public rights-of-way or easements that must be approved by the City Council and the abandonment ordinance numbers are shown on the plat.
 - e. Original tax certificates have been presented from each taxing unit with jurisdiction of the real property showing the current taxes are paid.

I. *Final Plat Criteria for Approval.* The following criteria shall be used by the Commission to determine whether the Application for a Final Plat shall be approved, approved with conditions, or denied.

1. *With Prior Approved Preliminary Plat.*
 - a. The Final Plat conforms to the approved Preliminary Plat except for minor amendments that are authorized under Section 4.05.K.1 and that may be approved without the necessity of revising the approved Preliminary Plat;
 - b. All conditions imposed at the time of approval of the Preliminary Plat, as applicable, have been satisfied;
 - c. The Construction Plans conform to the requirements of Section 5 and have been approved by the City Administrator.
 - d. Where Public Improvements have been installed, the improvements conform to the approved Construction Plans and have been approved for acceptance by the City Administrator;
 - e. Where the City Administrator has authorized Public Improvements to be deferred, a Development Agreement has been executed and submitted by the property owner in conformity with Section 5.05;

- f. The final layout of the Subdivision or development meets all standards for adequacy of public facilities contained in this Subdivision Ordinance;
 - g. The Plat conforms to design requirements and construction standards as set forth in the Engineering Standards Manual; and
 - h. A plat prepared by a registered public surveyor conforms to the City Administrator's subdivision Application checklists and Subdivision Ordinance regulations.
2. *Without Prior Approved Preliminary Plat.*
- a. The Final Plat conforms to all criteria for approval of a Preliminary Plat;
 - b. The Construction Plans conform to the requirements of Section 5 and have been approved by the City Administrator;
 - c. A Development Agreement with surety for installation of Public Improvements has been prepared and executed by the property owner in conformance with 5.05;
 - d. The final layout of the Subdivision or development meets all standards for adequacy of public facilities contained in this Subdivision Ordinance; and
 - e. The Final Plat conforms to the City's subdivision Application checklist and Subdivision Ordinance regulations.
- J. *Procedures for Final Plat Recordation upon Approval.* The Applicant shall supply to the City Administrator the required number of signed and executed copies of the Final Plat that will be needed to file the Plat, upon approval, with the County (in the County's required format) at least seven (7) calendar days prior to the meeting at which it will be considered for approval.
- 1. *General.*
 - a. Signatures. After approval of the Final Plat, the City Administrator shall procure the appropriate City signatures on the Final Plat.
 - b. Recording upon Performance. The Final Plat shall be recorded after:
 - i. The Final Plat is approved by the City;
 - ii. All required Public Improvements have been completed and accepted by the City or a Development Agreement has been executed and appropriate surety provided in accordance with Section 5.05; and
 - iii. All County filing requirements are met.
 - 2. *Submittal of Final Plat Where Improvements Installed.* Where all required Public Improvements have been installed prior to recording of the Final Plat, the Applicant shall meet all requirements in accordance with Section 4.06.I.
 - 3. *Submittal of Final Plat Where Improvements Have Not Been Installed.* Where some or all required Public Improvements are not yet completed in connection with an approved Final Plat, the Applicant shall submit the Final Plat as approved, revised to reflect any conditions imposed as part of approval.
 - 4. *Update of Proof of Ownership.* If there has been any change in ownership since the time of the Proof of Ownership provided under 4.05.D, the Applicant shall submit a new consent agreement executed by each owner and lienholder consenting to the platting of the property and the dedications and covenants contained in the Plat.
- K. *Effect of Approval.* The approval of a Final Plat:
- 1. Supersedes any prior approved Preliminary Plat for the same land.
 - 2. If applicable, authorizes the Applicant to install any improvements in public Right-of-Way in conformance with approved Construction Plans and under a Development Agreement (refer to 5.05).
 - 3. Authorizes the Applicant to seek Construction Release and/or issuance of a Building Permit.
- L. *Revisions Following Recording/Recordation.* Revisions may only be processed and approved as a Replat, Minor Replat, or Amending Plat, as applicable.

- M. *Signature Blocks.* Unless otherwise modified by the City Administrator, the following signature blocks shall be used in conjunction with the Final Plat.
1. Certificate of Surveyor.
 2. Owner's Statement for Fire Lane Easement.
 3. Owner's Acknowledgement and Dedication.
 4. Lienholder's Ratification of Plat Dedication.
 5. Certificate of Final Plat Approval.
 6. Certificate of Completion and Authorization to File.
 7. County Authorization (If Applicable).
- N. *Expiration of Approved but not Filed Plat.*
1. *Two-Year Validity.*
 - a. The approval of a Final Plat shall remain in effect for a period of two (2) years following the date of approval, during which period the Applicant shall submit and receive approval for Construction Plans for the land area shown on the Final Plat.
 - b. If Construction Plans have not been approved within the two (2) year period, the Final Plat shall expire.
 2. *Relationship to Construction Plans.* A Final Plat shall remain valid for the period of time in which approved Construction Plans are valid (5.01.G Expiration Date for Construction Plans).
 3. *Void If Not Extended.* If the Final Plat is not extended as provided in 4.06.O Final Plat Extension for Approved but not Filed Plat, it shall expire and shall become null and void.
 4. *Approved Final Plat that have been Filed (Recorded with the County).* Approved plats that have been filed with the County shall not expire.
- O. *Final Plat Extension for Approved but not Filed Plat.* A Final Plat may be extended for a period not to exceed one (1) year beyond the Final Plat's initial expiration date. A request for extension shall be submitted to the City Administrator in writing at least thirty (30) calendar days prior to expiration of the Final Plat, and shall include reasons why the Final Plat should be extended.
1. *Decision by the City Administrator.*
 - a. The City Administrator will review the extension request and shall approve or deny the extension request within thirty (30) calendar days following the date of the request.
 - b. Should the City Administrator fail to act on an extension request within thirty (30) calendar days, the extension shall be deemed to be approved.
 2. *Considerations.* In considering an extension, the City Administrator shall consider whether the following conditions exist:
 - a. Construction Plans have been submitted and/or approved for any portion of the property shown on the Final Plat;
 - b. Construction, including the installation of public improvements, is occurring on the property;
 - c. The Final Plat complies with new ordinances that impact the health, safety and general welfare of the community; and/or
 - d. If there is a need for a park, school or other public facility or improvement on the property.

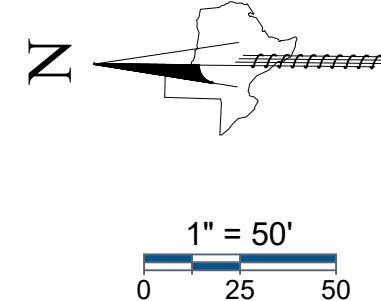
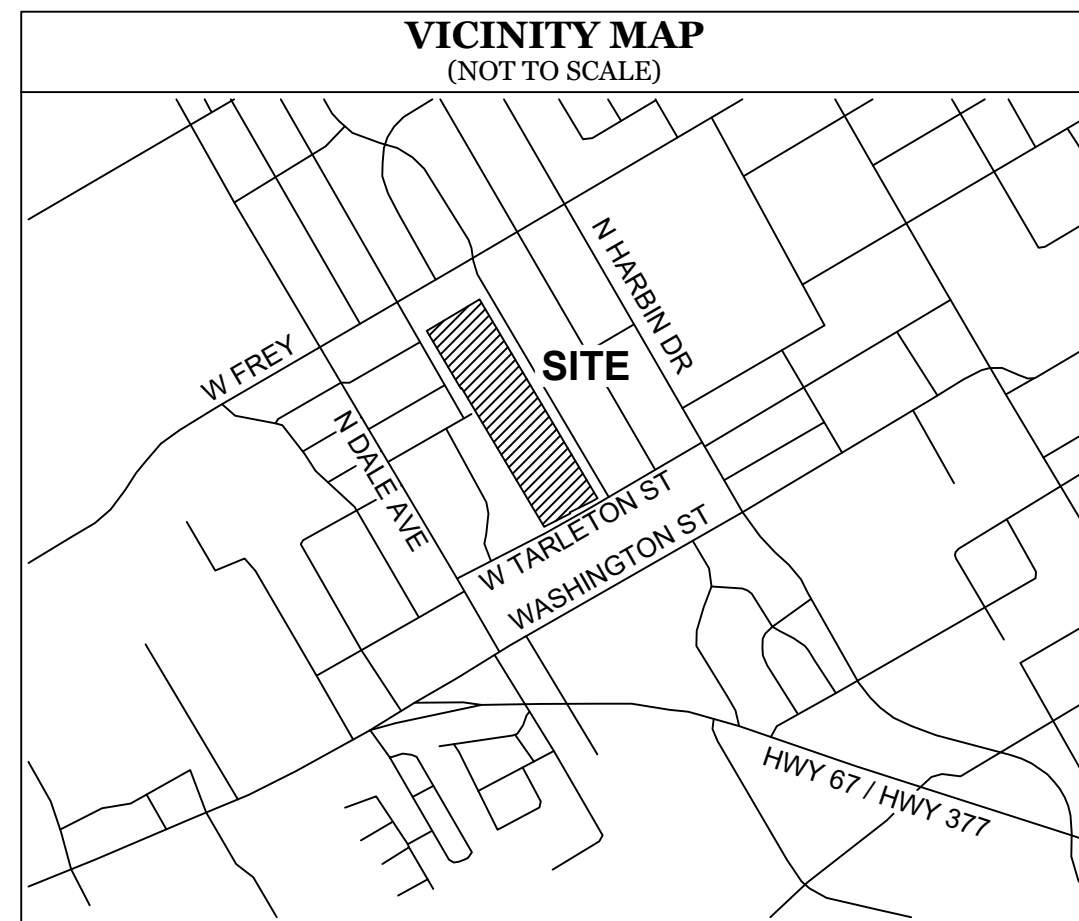
FACTORS TO CONSIDER:

- 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

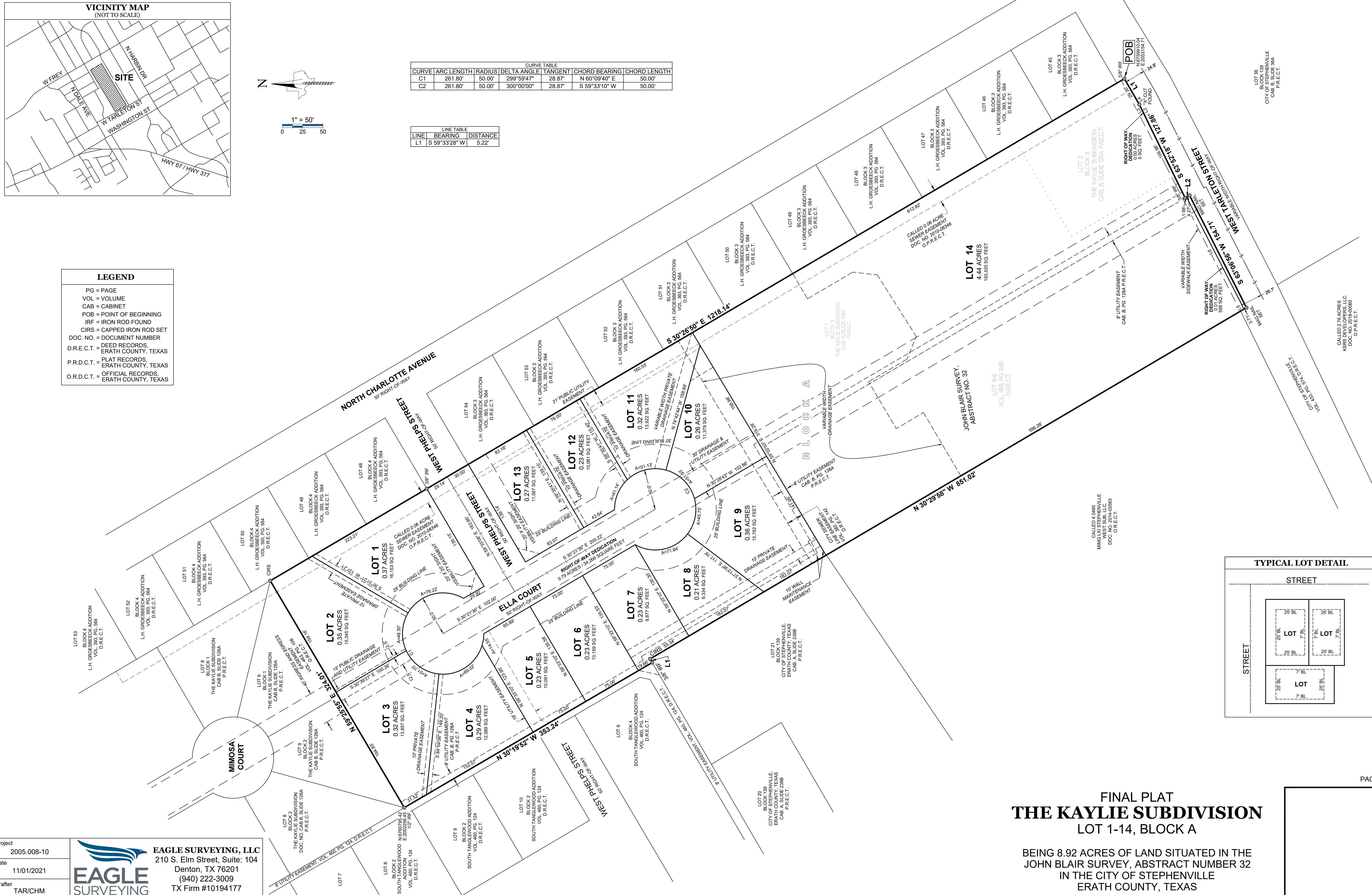
1. Approve the Final Plat;
2. Approve the Final Plat with conditions, which shall mean that the Final Plat shall be considered to have been approved once such conditions are fulfilled, and until the conditions are satisfied, it is considered denied; or
3. Deny the Final Plat.



CURVE TABLE						
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	TANGENT	CHORD BEARING	CHORD LENGTH
C1	261.80'	50.00'	299°59'47"	28.87'	N 60°09'40" E	50.00'
C2	261.80'	50.00'	300°00'00"	28.87'	S 59°33'10" W	50.00'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 59°33'28" W	5.22'

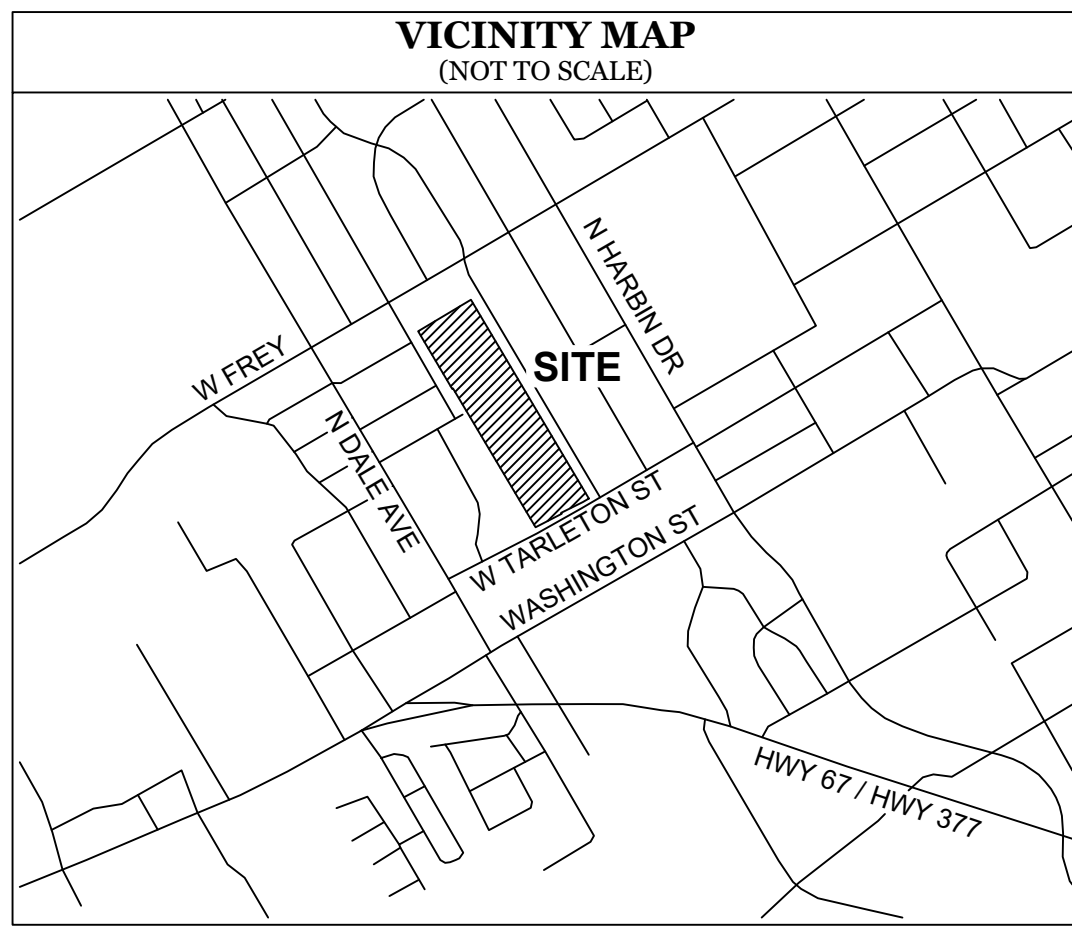
LEGEND	
PG = PAGE	
VOL = VOLUME	
CAB = CABINET	
POB = POINT OF BEGINNING	
IRF = IRON ROD FOUND	
CIRS = CAPPED IRON ROD SET	
DOC. NO. = DOCUMENT NUMBER	
D.R.E.C.T. = DEED RECORDS, ERATH COUNTY, TEXAS	
P.R.D.C.T. = PLAT RECORDS, ERATH COUNTY, TEXAS	
O.R.D.C.T. = OFFICIAL RECORDS, ERATH COUNTY, TEXAS	



**FINAL PLAT
THE KAYLIE SUBDIVISION
LOT 1-14, BLOCK A**

BEING 8.92 ACRES OF LAND SITUATED IN THE JOHN BLAIR SURVEY, ABSTRACT NUMBER 32 IN THE CITY OF STEPHENVILLE ERATH COUNTY, TEXAS

Project 2005.008-10	EAGLE SURVEYING, LLC 210 S. Elm Street, Suite: 104 Denton, TX 76201 (940) 222-3009 TX Firm #10194177
Date 11/01/2021	
Drafter TAR/CHM	



CERTIFICATE OF SURVEYOR

STATE OF TEXAS §
 COUNTY OF DENTON §

THIS is to certify that I, **MATTHEW RAABE**, a Registered Professional Land Surveyor of the State of Texas, have platted the above subdivision from an actual survey on the ground; and that all lot corners, angle points, and points of curve shall be properly marked on the ground, and that this plat correctly represents that survey made by me.

PRELIMINARY

this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document

Matthew Raabe, R.P.L.S. #6402 _____
 Date

STATE OF TEXAS §
 COUNTY OF DENTON §

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared **MATTHEW RAABE**, 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 purpose and considerations therein expressed.

Given under my hand and seal of office, this ____ day of _____, 2021.

Notary Public in and for the State of Texas _____

My commission expires on _____.

CERTIFICATE OF APPROVAL

APPROVED this the ____ day of _____, 2021.

CITY OF STEPHENVILLE
 ERATH COUNTY, TEXAS

BY: _____
 Director of Development Services

ATTEST: _____
 City Secretary

OWNER'S CERTIFICATE & DEDICATION

STATE OF TEXAS §
 COUNTY OF ERATH §

WHEREAS, **SPECTRA TSU STEPHENVILLE, LLC**, is the owner of an 8.92 acre tract of land out of the John Blair Survey, Abstract Number 32, situated in the City of Stephenville, Erath County, Texas, being all of Lots 1 and 2, Block 3 of The Kaylie Subdivision, of record in Cabinet B, Slide 126A of the Plat Records of Erath County, Texas as conveyed to Spectra TSU Stephenville, LLC, by Special Warranty Deed of record in Document Number 2020-06665 of the Official Records of Erath County, Texas, also being all of Lot 8-E of the subdivision of the Sarah K. Schuler Estate, of record in Volume 458, Page 548 of the Deed Records of Erath County, Texas, as conveyed to Spectra TSU Stephenville, LLC, by Special Warranty Deed of record in Document Number 2020-06664 of said Official Records, and being more particularly described by metes and bounds as follows:

BEGINNING, at a 5/8 inch iron rod found at an angle point in the North right-of-way line of West Tarleton Street (right-of-way varies), being the Southeast corner of said Lot 2, Block 3 of The Kaylie Subdivision and hereof;

THENCE, along the North right-of-way line of West Tarleton Street, being in part, the common South line of said Lots 1 and 2, Block 3 of The Kaylie Subdivision and in part, the common South line of said Lot 8-E, the following four (4) courses and distances:

1. S59°52'22"W, a distance of 36.82 feet to an "X" cut found;
2. S63°52'18"W, a distance of 127.86 feet to a 3/8 inch iron rod found in the East line of said Lot 8-E, being the Southwest corner of Lot 1, Block 3 of The Kaylie Subdivision;
3. S30°28'52"E, a distance of 6.25 feet to a Mag nail set at the Southeast corner of said Lot 8-E;
4. S63°06'56"W, a distance of 154.71 feet to a Mag nail set for the Southwest corner of said Lot 8-E and hereof;

THENCE, along the West lines of said Lot 8-E and said Lot 1, being in part, the common North right-of-way line of West Tarleton Street, in part the common East line of a called 4.0485 acre tract conveyed to MIMG LXI Stephenville West Sub, LLC by deed of record in Document Number 2014-03583 of said Official Records and in part, the common East and North line of Lot 21, Block 139 of Lots 20 and 21, Block 139, City of Stephenville, Erath County, Texas, a subdivision of record in Cabinet A, Slide 238B of said Plat Records, the following two courses and distances:

1. N30°29'58"W, a distance of 851.02 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set at the Northeast corner of said Lot 21;
2. S59°33'28"W, a distance of 5.22 feet to a 3/8 inch iron rod found at the southwest corner of South Tanglewood Addition, a subdivision of record in Volume 450, Page 124 of said Deed Records;

THENCE, N30°19'52"W, leaving the North line of said Lot 21, along the West line of said Lot 1 and the common East line of said South Tanglewood Addition, a distance of 353.24 feet to a 1/2 inch iron rod found at the common South corner of Lot 8 and Lot 9, Block 2 of The Kaylie Subdivision, of record in Cabinet B, Slide 126A of said Plat Records, also being the Northwest corner of said Lot 1 and hereof;

THENCE, N59°25'55"E, along the North line of said Lot 1, being in part, the common South line of said Lot 9, Block 2 and in part, the common South line of Lot 9, Block 1 of said Kaylie Subdivision of record Cabinet B, Slide 126A, a distance of 324.01 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set in the West line of Lot 50, Block 4 of L.H. Groesbeek Addition, a subdivision of record in Volume 393, Page 564 of said Deed Records, being the common Southeast corner of said Lot 9, Block 1 and Lot 8 of said Block 1, also being the Northeast corner of said Lot 1 and hereof;

THENCE, S30°26'50"E, along the East lines of said Lots 1 and 2, being the common West line of said L.H. Groesbeek Addition, a distance of 1218.14 feet to the **POINT OF BEGINNING** and containing an area of 8.92 Acres, or (388,526 Square Feet) of land, more or less.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, **SPECTRA TSU STEPHENVILLE, LLC**, being the sole owner, does hereby adopt this plat designating the herein above described real property as **THE KAYLIE SUBDIVISION**, an addition to the City of Stephenville, Erath County, Texas, and we do hereby dedicate to the public's use forever the streets, alleys, parks and easements shown thereon. The easements shown thereon are hereby reserved for the purposes as indicated. No buildings, fences, trees, shrubs 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 at any maintenance and service required or ordinarily performed by that utility. The easements dedicated are for the specific use of installing water, sewer, electrical, telephone, natural gas, or cablevision lines, and are not intended to be used for the collection of garbage or for the use of garbage vehicles in any manner. This plat approved subject to all platting ordinances, rules, regulations, resolutions of the City of Stephenville, Texas.

WITNESS my hand at _____, _____ County, Texas this the ____ day of _____, 2021.

OWNER: **SPECTRA TSU STEPHENVILLE, LLC**
 an Indiana limited liability company

BY: _____
 Justin Farris, its President Date

STATE OF _____ §
 COUNTY OF _____ §

Before me, the undersigned authority, a Notary Public in and for the State of _____, on this day personally appeared **Justin Farris**, 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 purpose and considerations therein expressed.

Given under my hand and seal of office, this ____ day of _____, 2021.

Notary Public in and for the State of _____

My commission expires on _____.

**FINAL PLAT
 THE KAYLIE SUBDIVISION
 LOT 1-14, BLOCK A**

BEING 8.92 ACRES OF LAND SITUATED IN THE
 JOHN BLAIR SURVEY, ABSTRACT NUMBER 32
 IN THE CITY OF STEPHENVILLE
 ERATH COUNTY, TEXAS

Project	2005.008-10	<p>EAGLE SURVEYING, LLC 210 S. Elm Street, Suite: 104 Denton, TX 76201 (940) 222-3009 TX Firm #10194177</p>
Date	11/01/2021	
Drafter	TAR/CHM	

SURVEYOR
 Eagle Surveying, LLC
 210 S. Elm Street, Suite: 104
 Denton, TX 76201
 (940) 222-3009

ENGINEER
 Whitworth Engineering
 5700 Lionfish Way
 Fort Worth, TX 76131
 (817) 236-6106

OWNER
 Spectra TSU Stephenville, LLC
 135 North Pennsylvania Street, Suite: 2501
 Indianapolis, Indiana 46204

2241 W. TARLETON STREET

Fireside District

Spectra Student Living

















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

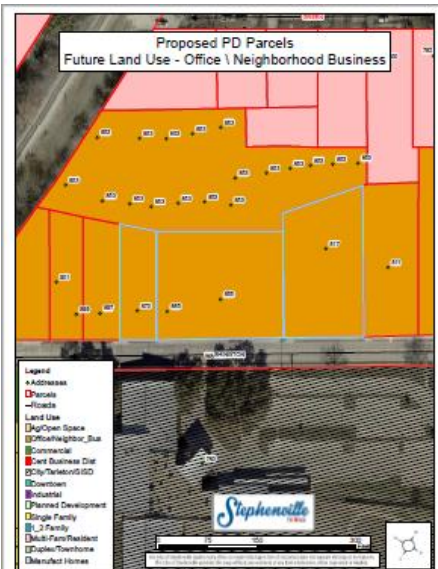
RECOMMENDATION:

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 deny the request for rezoning.

ZONING AMENDMENT APPLICATION

CITY OF STEPHENVILLE

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

ADDRESS: OF 598 Westwood, LLC
PO Box 12324
Street/P.O. Box Phone No.
Fort Worth TX 76110
City State Zip Code

2. **PROPERTY DESCRIPTION:** R29583 817 W Washington Street
Street Address

3. **LEGAL DESCRIPTION:** 6A; 7; 14; 17; (PT. OF 14) 62 CITY ADDITION
Lot(s) Block(s) Addition

4. **PRESENT ZONING:** B-2 Secondary and Highway Business
Zoning District Title

PROPOSED ZONING: PD (Townhouse Land Use)
Zoning District Title

5. **APPLICANTS REQUEST FOR ZONING CHANGE IS AS FOLLOWS:**
The applicant is requesting a zoning change to propose a
townhouse development. See attached concept plan.

(Attach an additional sheet if necessary)

Signature of Applicant

July 23, 2021
 Date

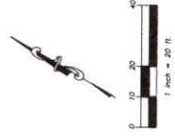
Signature of City Official Received

7/23/21
 Date Received

EXHIBIT A



LIMIT TABLE		# BLDGS		LIMITS	
5 UNIT	0	0	0		
4 UNIT	5	5	20		
3 UNIT	5	5	20		
TOTAL					
TH AC		0.94	28		
DENSITY		29.67			
PARKING TABLE		# BLDGS		LIMITS	
BLDG	PROVIDED	S1	S1		
TOTAL PROVIDED		S1	S1		



CONCEPT SITE PLAN 01
855 WASHINGTON
STEPHENVILLE, TX

mlma
 Multi-Media Land Management Associates, Inc.
 8555 Washington, Suite 100
 Stephenville, Texas 76780
 Phone: 817-251-1171
 Fax: 817-251-1171
 www.mlma.com

06/21/2021 SHEET 1 OF 1

Item 8.



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: xxxxx SF
 xxxx ACRE
 BUILDING FOOT PRINT: xxxxx SF
 (HOUSE AND GARAGES)
 LOT COVERAGE: xx%
 BUILDING AREA
 GROSS SF
 LEVEL 1: xxxxx SF
 LEVEL 2: xxxxx SF
 TOTAL GROSS: xxxxx SF
 NET SF
 LEVEL 1: xxxxx SF
 LEVEL 2: xxxxx SF
 TOTAL NET: xxxxx SF

NET AREAS

ROOM NAME	LEVEL	AREA
LEVEL 1		
LEVEL 1	T.O.C. 1ST FLOOR	541 SF
		541 SF

#	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 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 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 NAME
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WASHINGTON & COLLINS TOWHOMES

PROJECT SCOPE
 THIS IS A NEW CONSTRUCTION PROJECT

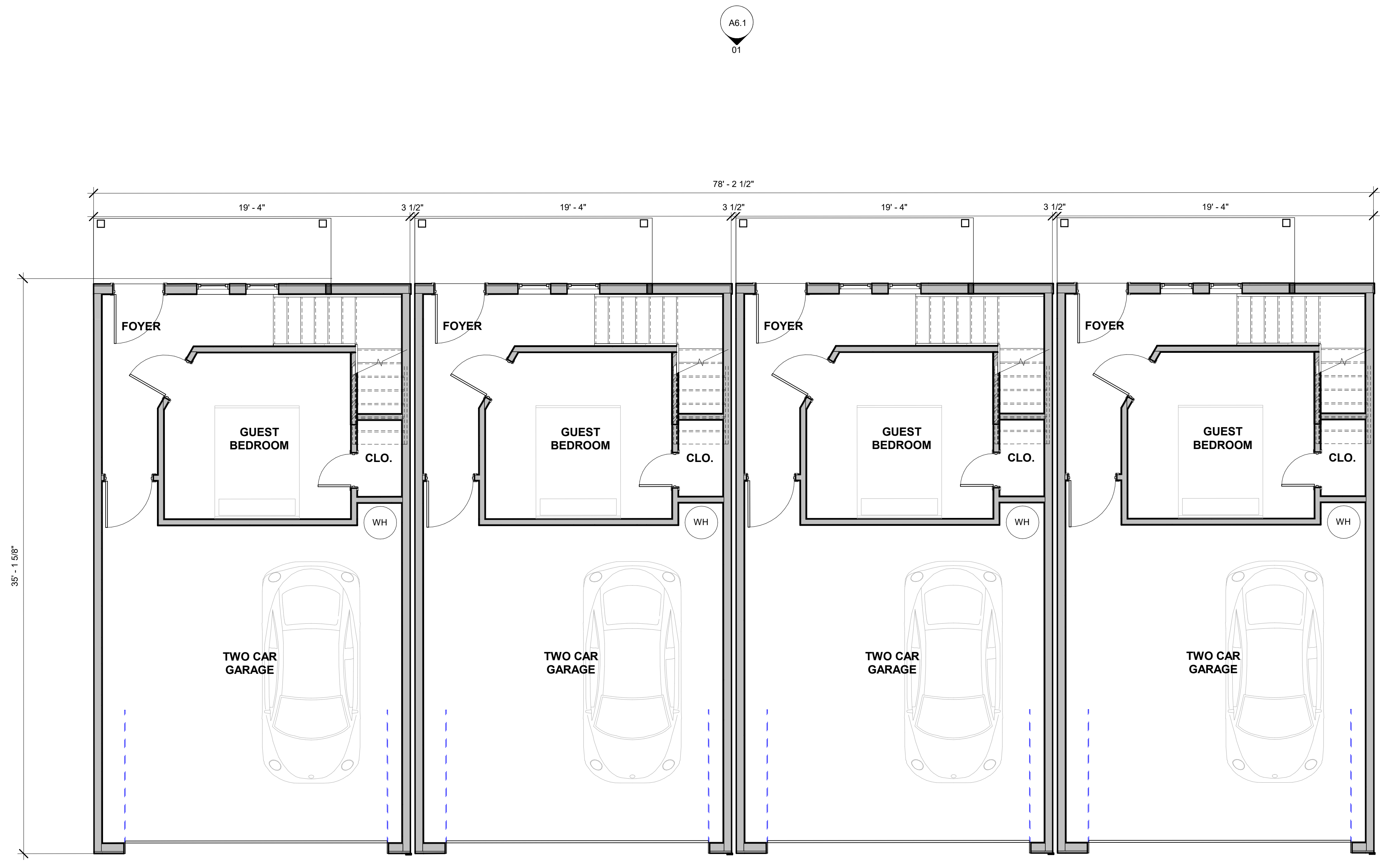
ARCHITECT
 4 SIDE STUDIO LLC
 10100 N. CENTRAL EXPY. SUITE 325
 DALLAS, TX. 75231
 CONTACT: JOHNNY LIMONES
 P: 214.515.2106
 E: INFO@4SIDESTUDIO.COM

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

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

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

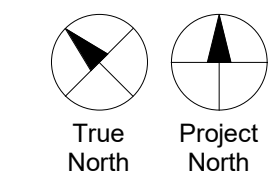
COVER SHEET/
 INDEX
A0.1

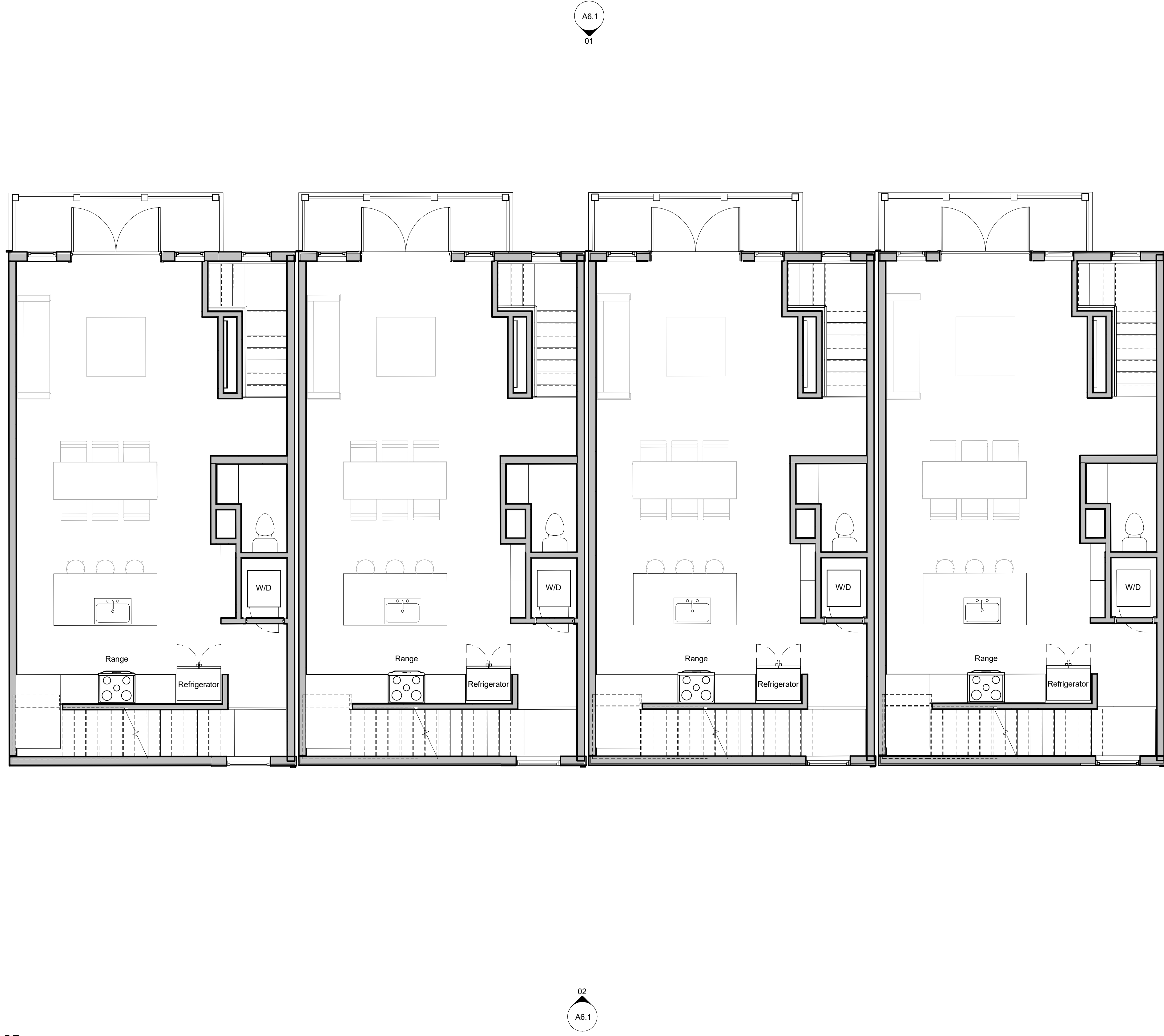


01 1ST FLOOR
 SCALE: 1/4" = 1'-0"

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

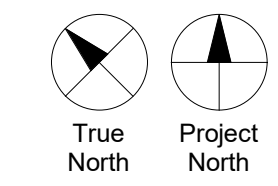




01 2ND FLOOR
 SCALE: 1/4" = 1'-0"

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



A6.1
01

A6.2
01

02
A6.2

02
A6.1

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

GENERAL NOTES

1. ALL WORK TO CONFORM TO APPLICABLE BUILDING CODES REGULATIONS AND ORDINANCES HAVING JURISDICTION.
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FLOOR PLAN

A2.3



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



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

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



PERSPECTIVE
VIEWS

A11.1



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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
T.O.C. 1ST FLOOR		
GARAGE	T.O.C. 1ST FLOOR	401 SF
LEVEL 1	T.O.C. 1ST FLOOR	267 SF
		668 SF
2ND FLOOR		
BALCONY	2ND FLOOR	60 SF
LEVEL 2	2ND FLOOR	668 SF
		728 SF
3RD FLOOR		
LEVEL 3	3RD FLOOR	589 SF
		589 SF
Grand total: 5		1984 SF

SHEET INDEX	
#	SHEET NAME
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Grand total: 31	

SHEET INDEX	
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WASHINGTON & COLLINS TOWHOMES

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 THIS IS A NEW CONSTRUCTION PROJECT

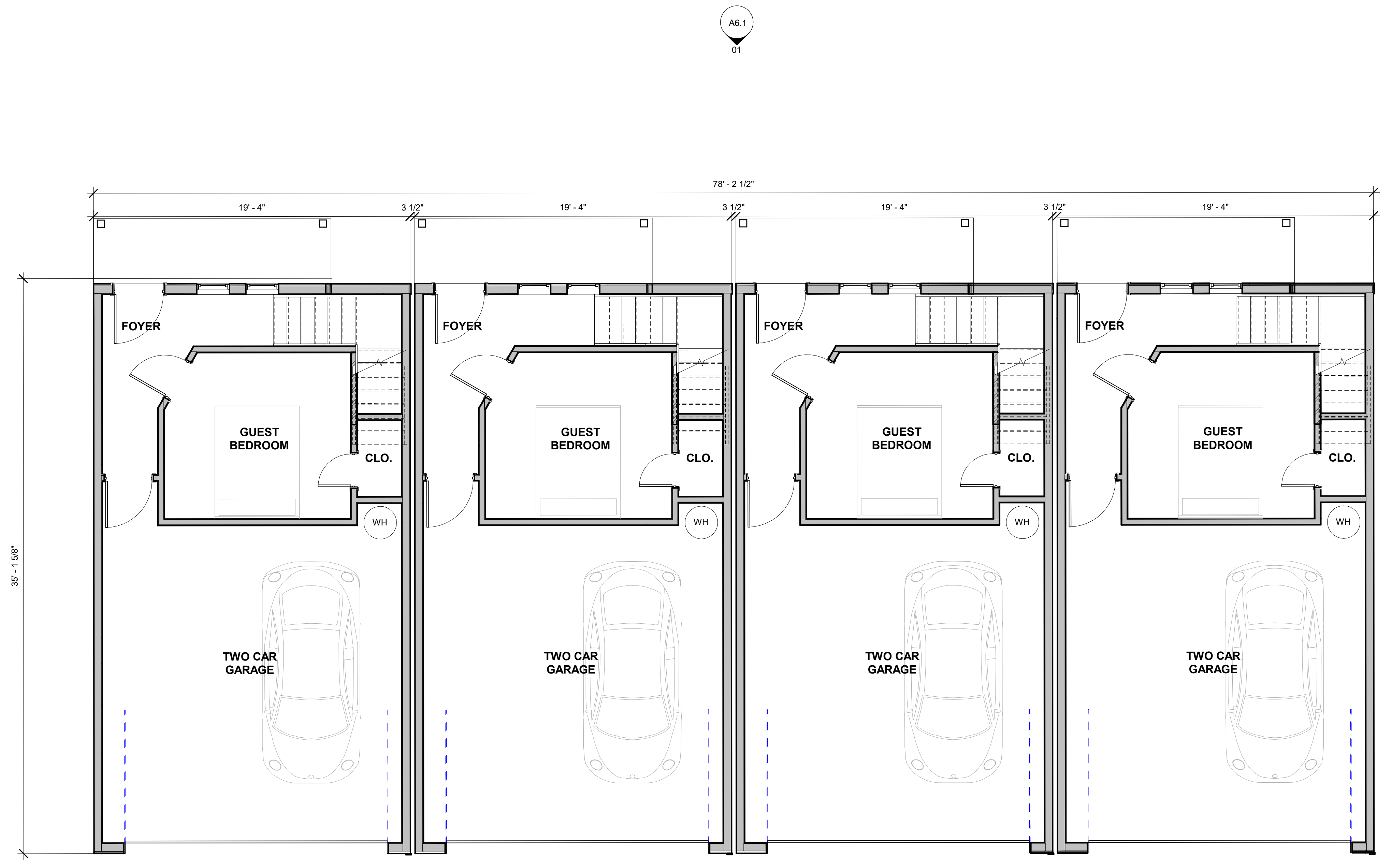
ARCHITECT
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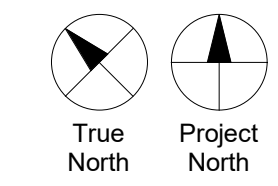
COVER SHEET/
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A0.1

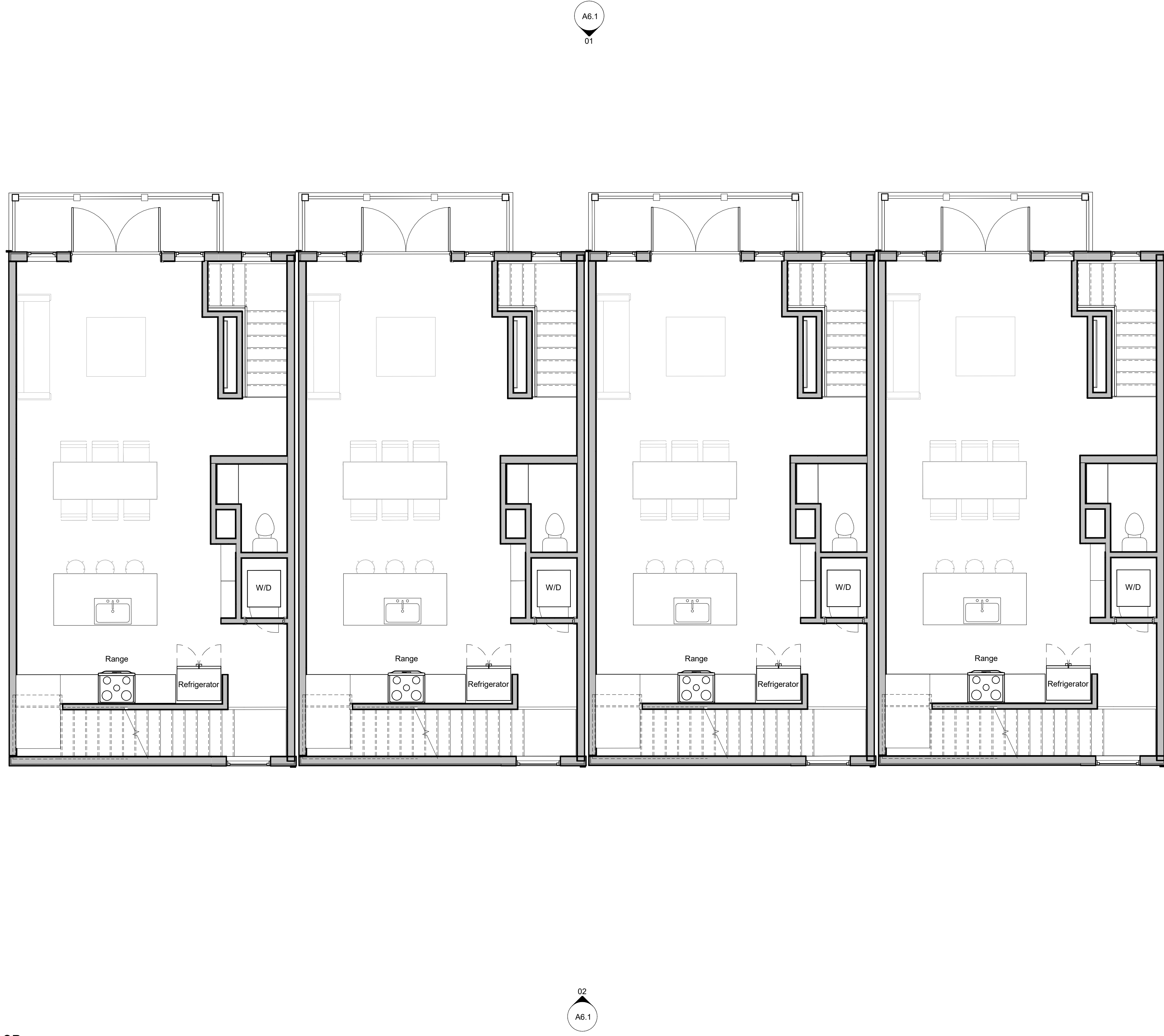


01 1ST FLOOR
 SCALE: 1/4" = 1'-0"

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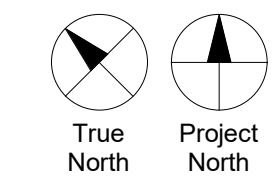




01 2ND FLOOR
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WASHINGTON & COLLINS TOWHOMES
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STEPHENVILLE, TEXAS



A6.1
01

A6.2
01

02
A6.2

02
A6.1

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

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FLOOR PLAN

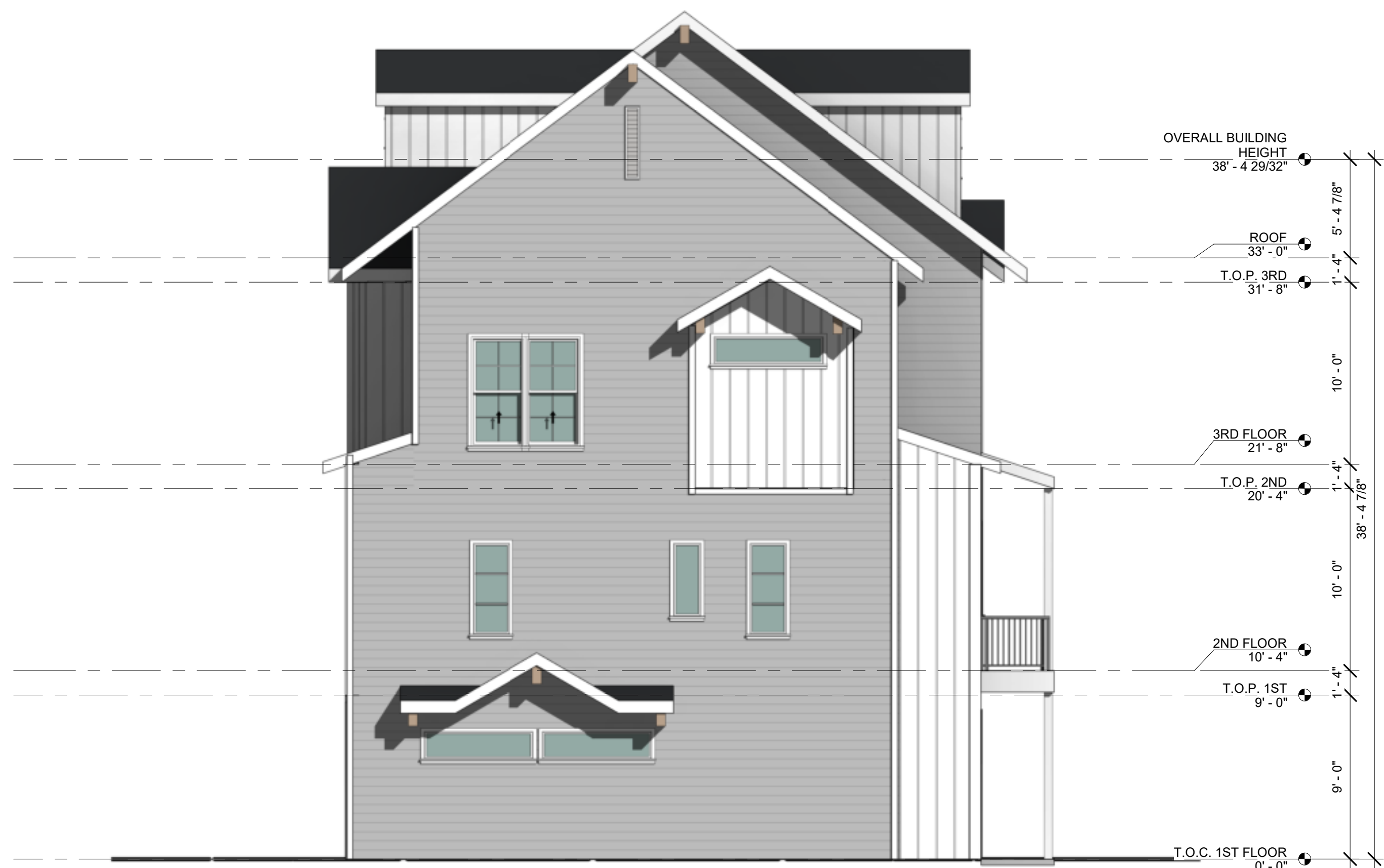
A2.3



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



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



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



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

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



PERSPECTIVE
VIEWS

A11.1

**METES & BOUNDS DESCRIPTION
(ZONING LEGAL)
1.528 ACRES OF LAND**

BEING 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 KING'S 1956 MAP OF STEPHENVILLE, ADOPTION AND DEDICATION THEREOF RECORDED IN VOLUME 381, PAGE 105, DEED RECORDS, ERATH COUNTY, TEXAS, AND BEING ALL THE LAND AS DESCRIBED IN THE DEEDS TO 598 WESTWOOD, LLC AS RECORDED IN COUNTY CLERK'S DOCUMENT NUMBERS 2021-03875, 2021-03876, AND 2021-03877, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 7, BLOCK 62, OF SAID KING'S 1956 MAP OF STEPHENVILLE, ERATH COUNTY, TEXAS;

THENCE SOUTH 59°34'00" WEST, 369.96 FEET, WITH THE NORTHWEST LINE OF WEST WASHINGTON STREET, A PUBLIC RIGHT-OF-WAY, TO A POINT FOR THE SOUTH CORNER OF LOT 3, BLOCK 62 OF SAID KING'S MAP OF STEPHENVILLE;

THENCE NORTH 30°26'01" WEST, DEPARTING SAID RIGHT-OF-WAY LINE AND WITH THE SOUTHWEST LINE OF SAID LOT 3, 175.34 FEET TO A POINT FOR THE NORTHWEST CORNER OF SAID LOT 3;

THENCE NORTH 71°07'45" EAST, 56.69 FEET TO A POINT FOR THE NORTHEAST CORNER OF SAID LOT 3, BEING COMMON WITH THE NORTHWEST CORNER OF SAID LOT 4;

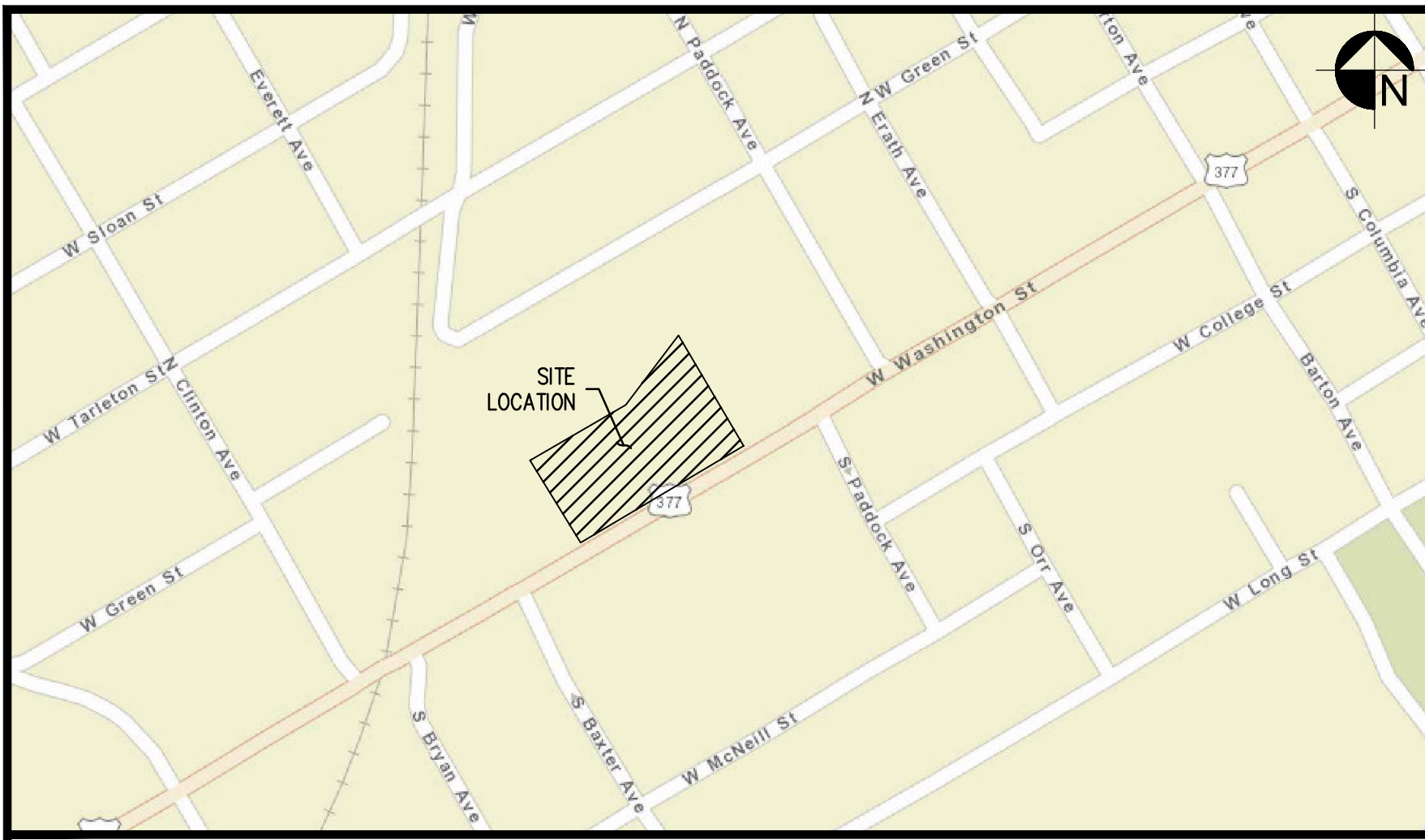
THENCE NORTH 59°35'44" EAST, 192.25 FEET TO A POINT FOR CORNER, BEING ON THE EAST LINE OF SAID LOT 11, BEING COMMON WITH THE WEST LINE OF SAID LOT 17, BLOCK 62, KING'S 1956 MAP OF STEPHENVILLE;

THENCE NORTH 30°26'01" WEST, 25.05 FEET TO A POINT FOR THE NORTHWEST CORNER OF SAID LOT 17;

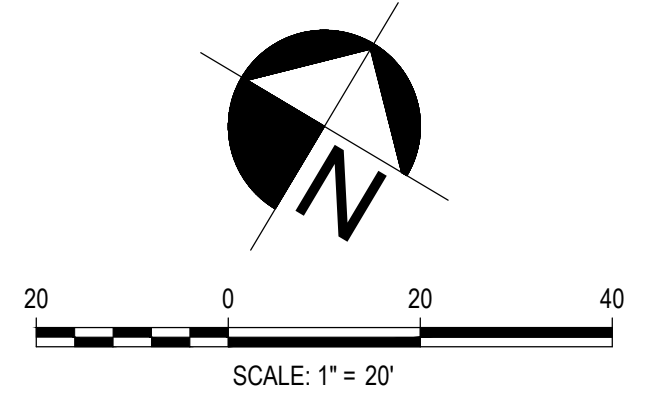
THENCE NORTH 40°53'53" EAST, 128.96 FEET TO A POINT FOR CORNER;

THENCE SOUTH 30°26'01" EAST, 230.21 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.528 ACRES OR 66,542.35 SQUARE FEET, MORE OR LESS;

NOTE: THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND SHOULD NOT BE USED, VIEWED, OR RELIED UPON AS A BOUNDARY SURVEY; AND SHOULD NOT BE USED TO ESTABLISH OR CONVEY RIGHTS TO, OR INTEREST IN REAL PROPERTY.



LOCATION MAP
N.T.S.

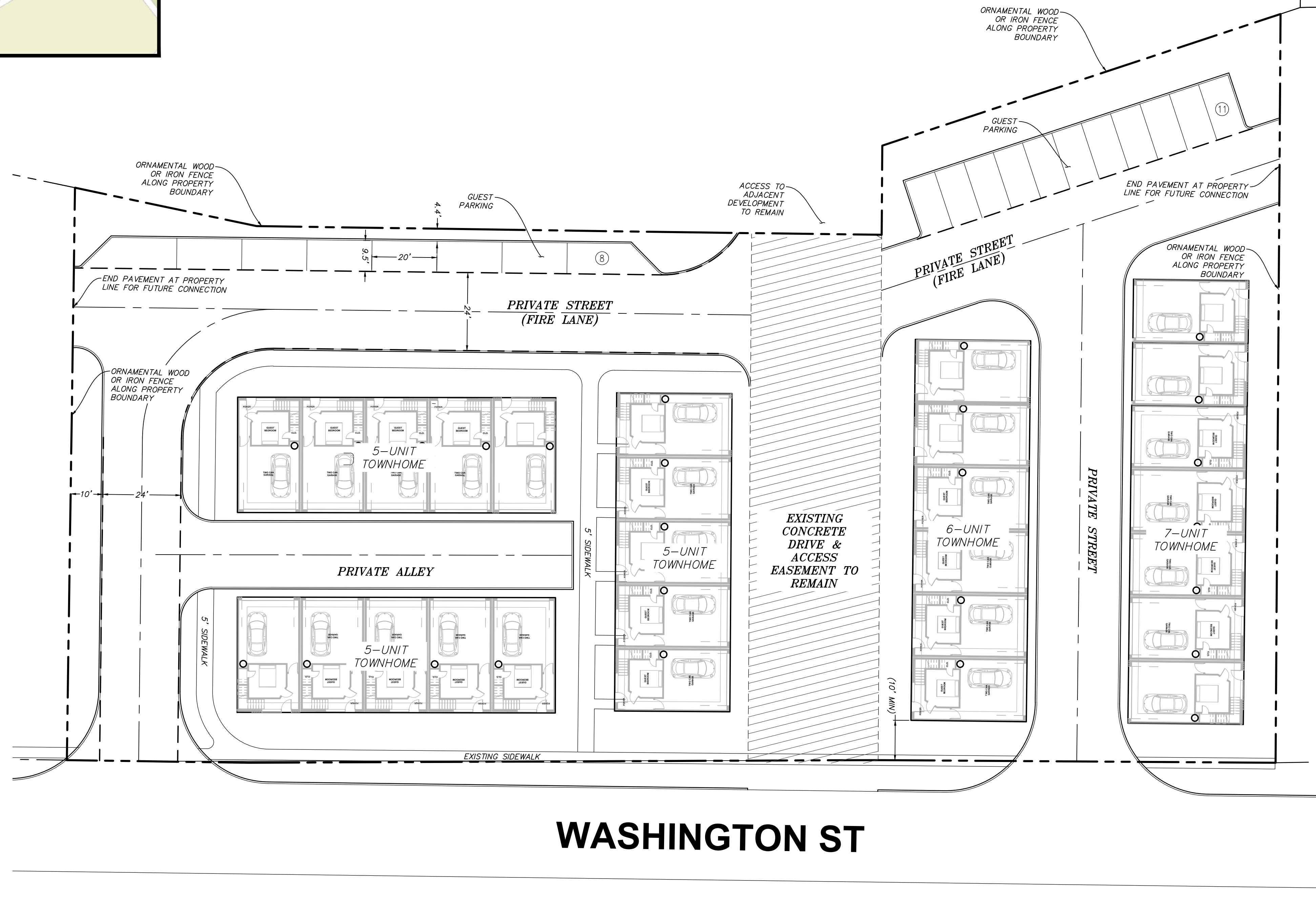


GENERAL NOTES:

1. ALL DIMENSIONS ARE TO FACE OF CURB WHERE APPLICABLE UNLESS OTHERWISE NOTED.

SITE DATA TABLE

CURRENT ZONING	B-2
PROPOSED ZONING	PD
TOTAL SITE AREA	66,620 SQ FT / 1.53 AC
DENSITY	18.30 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	28
PRIVATE ACCESS LOT	3
OPEN SPACE LOT	6
PROVIDED PARKING	
RESIDENT PARKING	56
GUEST PARKING	19
TOTAL PARKING	75



WASHINGTON ST

PRELIMINARY SITE PLAN
WASHINGTON TOWNHOMES
STEPHENVILLE, TEXAS



CALL 3 BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.



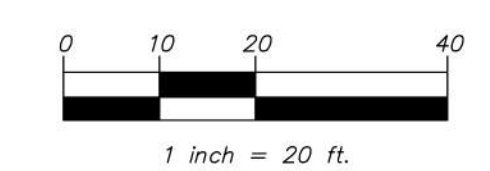
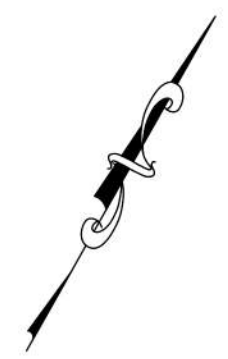


VICINITY MAP



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



m|ma
 civil engineering surveying landscape architecture planning
 tlpels registration number: 1 - 2759
 tlpels registration/license number: 10088000
 519 east border
 orlington, texas 76010
 817 - 469 - 1671
 fax: 817 - 274 - 8757
 www.mmatexas.com

BAXTER AVE
S.

E. WASHINGTON ST

CITY, TARLETON
CTS
SCHOOL

PLOTTED BY: JUANLU DIAZ DATE: 03/23/2021 1:25 PM PATH: I:\4880-00-01\000 Planning & Zoning\01 Zoning\Design\Site Plans\001 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.



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-1) Single Family.

DEPARTMENT: Development Services

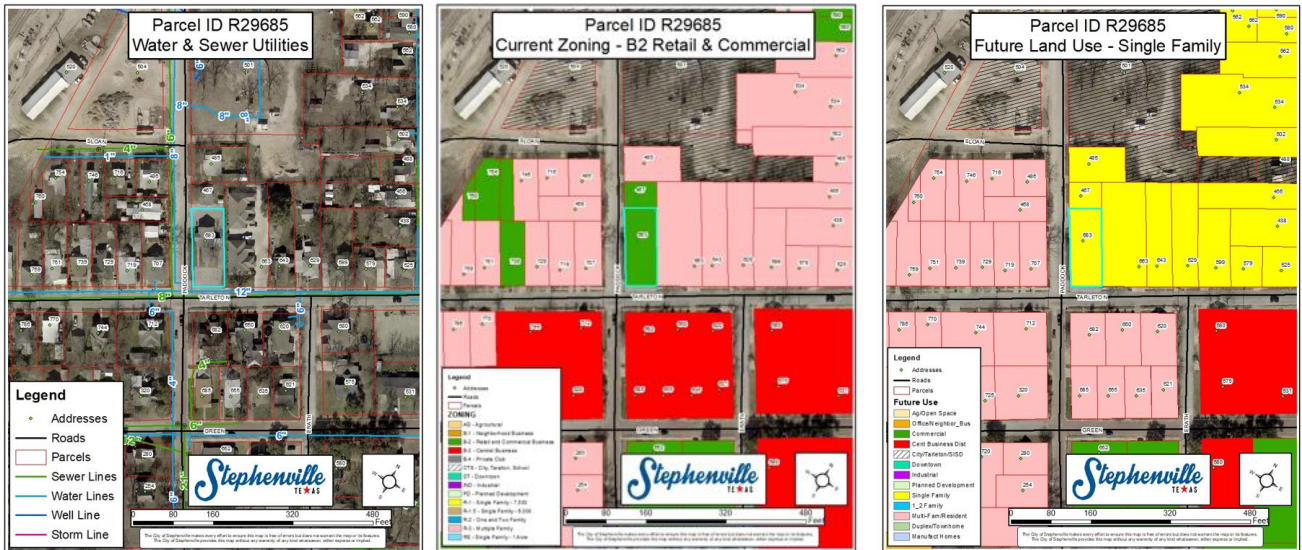
STAFF CONTACT: Steve Killen

RECOMMENDATION:

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

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.



REQUESTED ZONING

Sec. 154.05.3. Single-family residential district (R-1) (7,500 ft²).

5.3.A Description. This residential district provides for a generally lesser density city neighborhood development. The primary land use allows for single-family dwelling development appropriate to a city-style neighborhood. Other uses within this district shall contribute to the nature of the neighborhood. Development within this district is intended to be separate from and protected from the encroachment of land activities that do not contribute to the esthetic and functional well being of the intended district environment.

5.3.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) Accessory buildings;
- (3) Churches, temple, mosques and related facilities;
- (4) Community home;
- (5) Park or playground; and
- (6) SISD school—public.

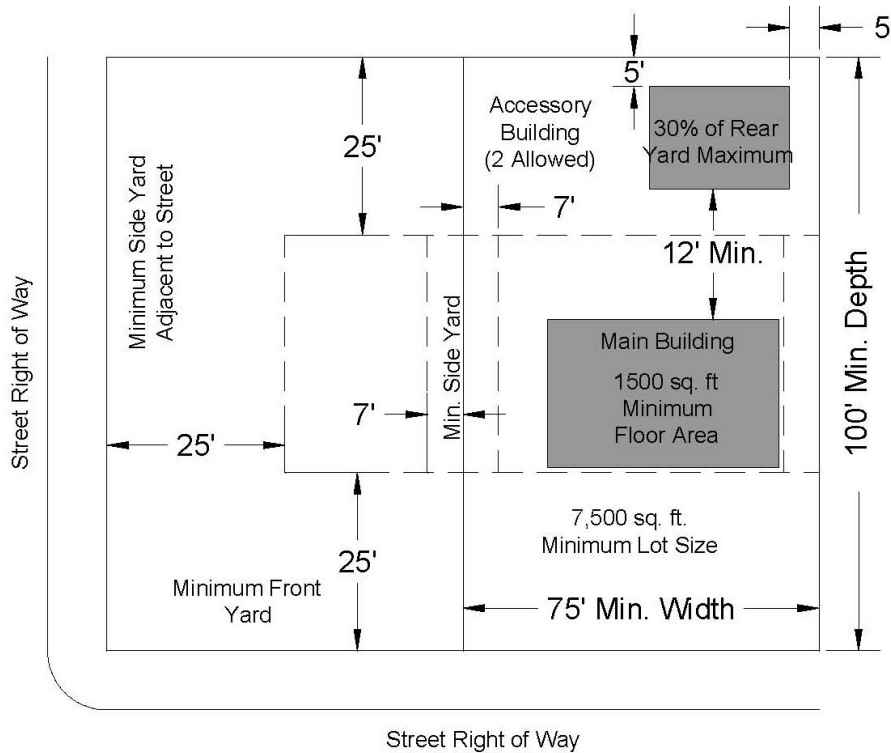
5.3.C Conditional Uses.

- (1) Home occupation;
- (2) Common facilities as the principal use of one or more platted lots in a subdivision; and
- (3) Child care—registered family home.

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

- (1) Maximum density: one dwelling unit per lot.
- (2) Minimum lot area: 7,500 ft².
- (3) Minimum lot width and lot frontage: 75 feet.
- (4) Minimum lot depth: 100 feet.
- (5) Minimum depth of front setback: 25 feet.
- (6) Minimum depth of rear setback: 25 feet.
- (7) Minimum width of side setback:
 - (a) Internal lot: seven feet.
 - (b) Corner lot: 25 feet from intersecting side street.
- (8) Building size:
 - (a) Maximum main building coverage as a percentage of lot area: 40%.
 - (b) Minimum area of main building: 1,500 ft².
- (9) Accessory buildings:

- (a) Maximum accessory buildings coverage of rear yard: 30%.
 - (b) Maximum number of accessory buildings: two.
 - (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.
- (10) Maximum height of structures: 35 feet.
- (11) 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.

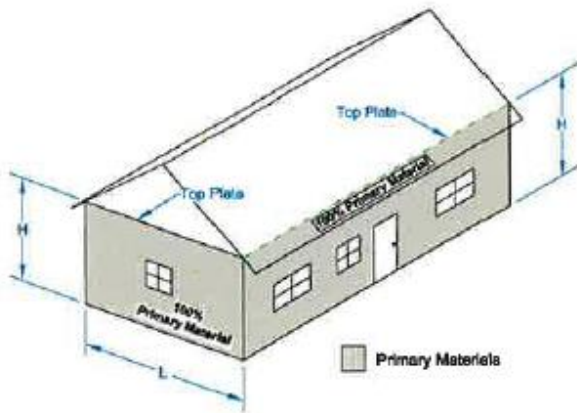


5.3.E Parking Regulations. A Single-Family, R-1 District lot shall provide a minimum of two vehicle parking spaces, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in this ordinance, Section 11, Parking Regulations of this ordinance.

5.3.F Type of Construction.

- (1) The exterior walls of all new dwellings to the top plate, shall be constructed exclusively of primary materials, excluding doors, windows, and porches. See Section 10.E(1): Exterior Building Material Standard—Primary Materials.
- (2) 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.
- (3) Existing dwellings expanding the total square footage of the building by more than 50%, or proposing to use a material consistent with the

primary structure for any expansion must use primary materials, Section 10.E(1): Exterior Building Material Standard—Primary Materials, for the expansion area.



NEW CONSTRUCTION

Total Exterior Wall shall equal,
100% of Primary 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 100% Primary Materials of the exterior wall.
3. Windows and Doors are excluded.

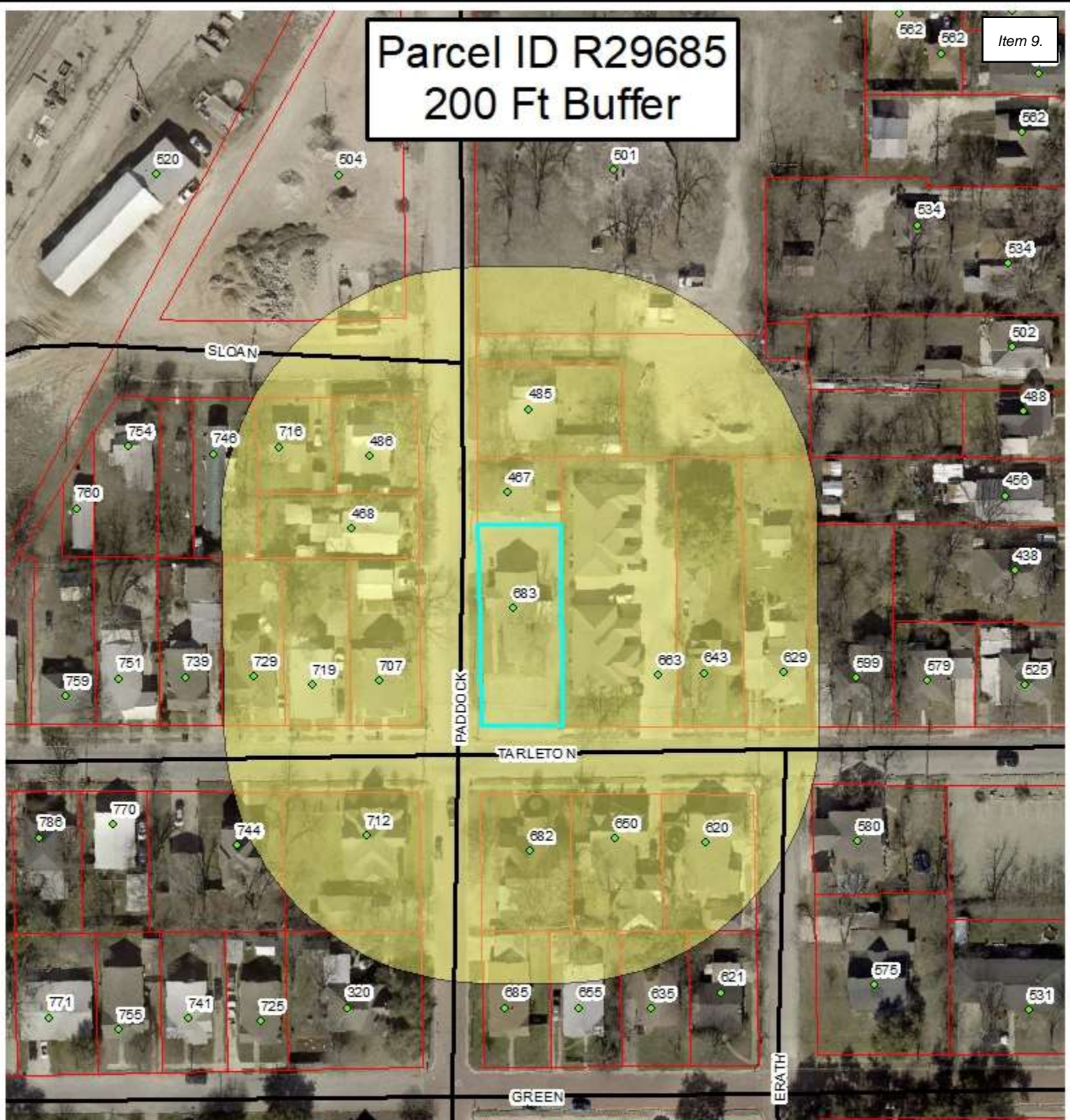
(Ord. 2011-26, passed 12-6-2011)

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.

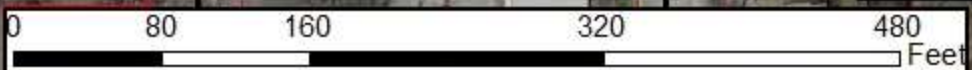
Parcel ID R29685 200 Ft Buffer

Item 9.



Legend

- ◆ Addresses
- Roads
- R29685 Buffer
- Parcels

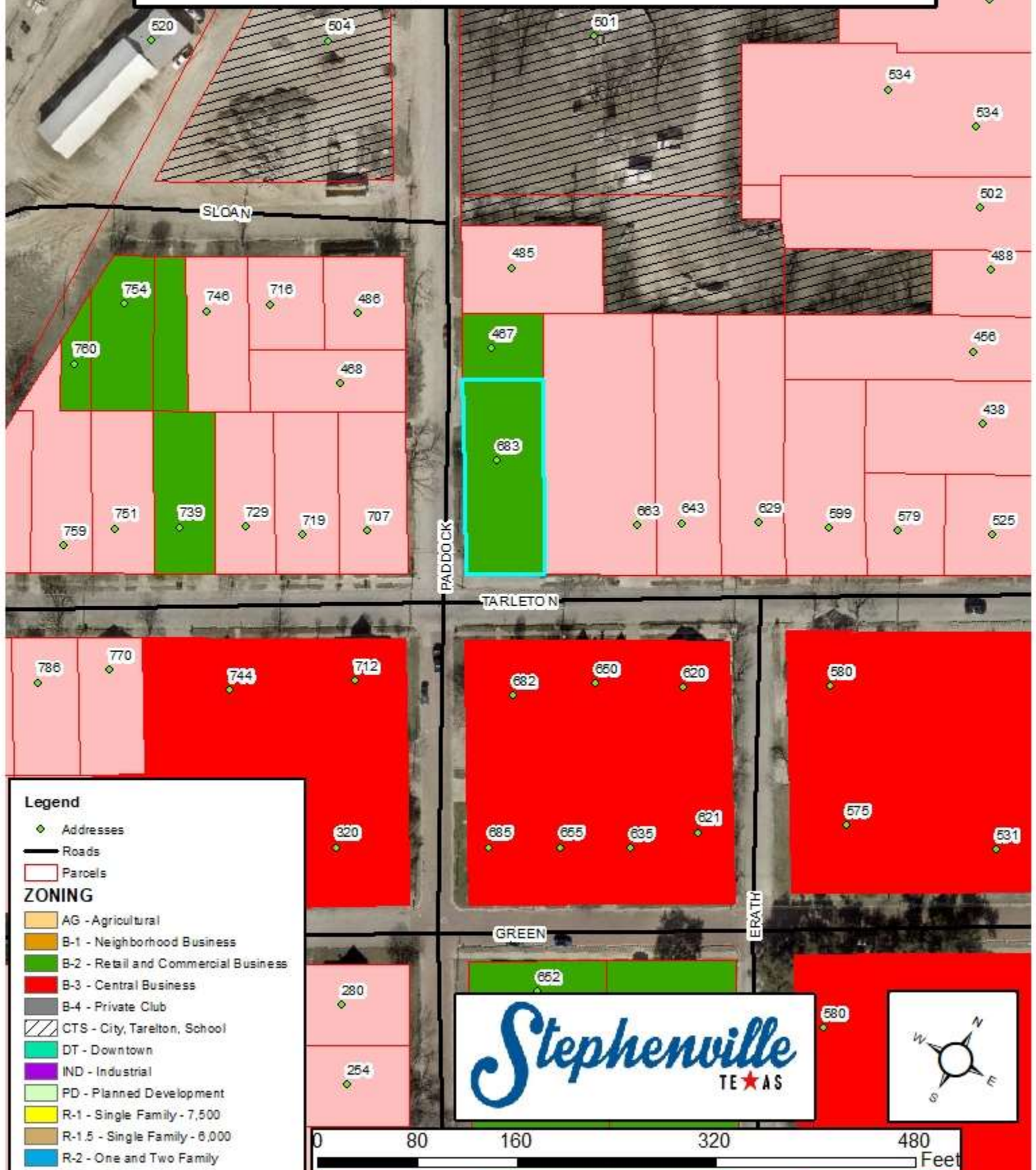


The City of Stephenville makes every effort to ensure this map is free of errors but does not warrant the map or its features. The City of Stephenville provides this map without any warranty of any kind whatsoever, either express or implied.

Parcel ID R29685

Current Zoning - B2 Retail & Commercial

Item 9.



Legend

- ◆ Addresses
- Roads
- Parcels

ZONING

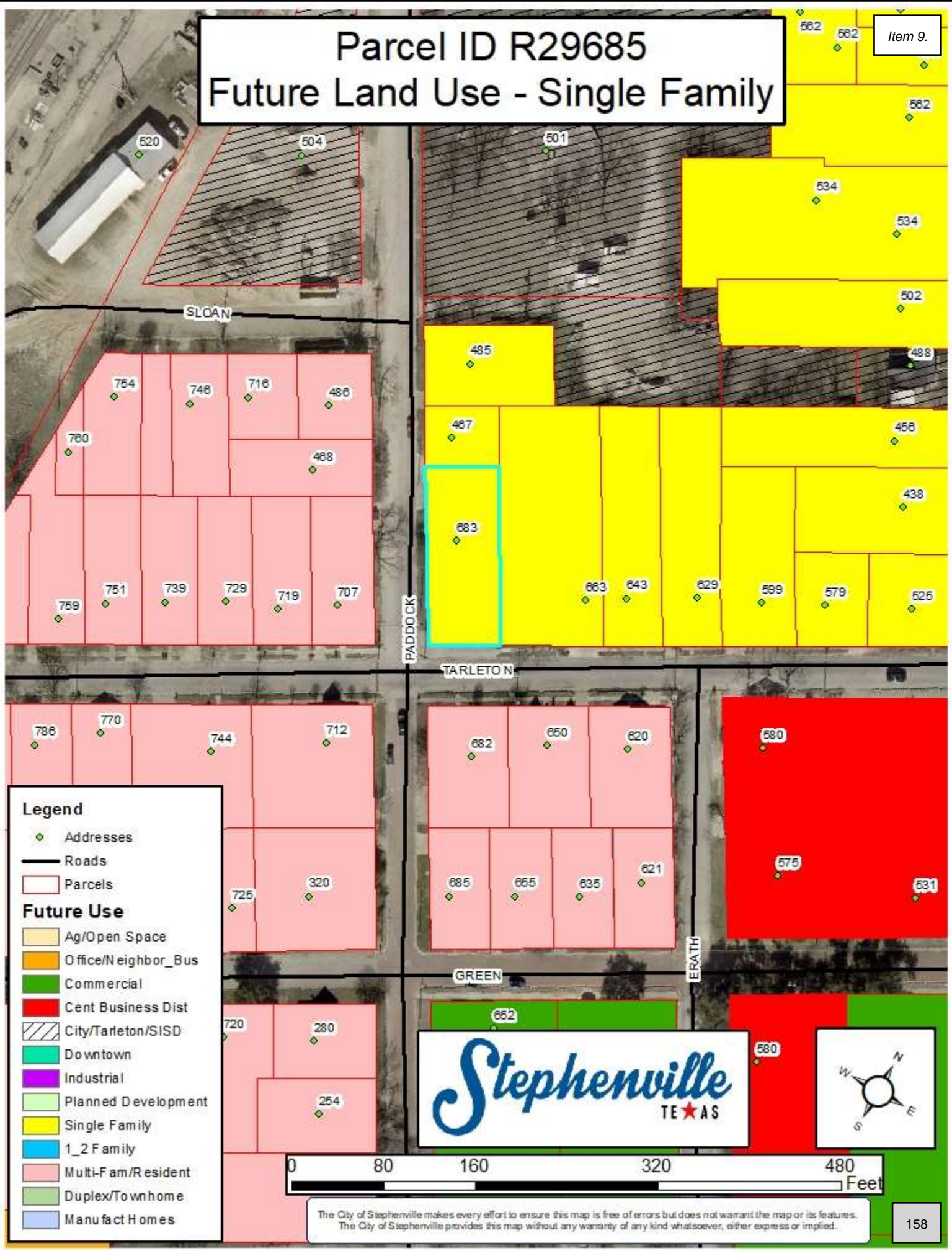
- AG - Agricultural
- B-1 - Neighborhood Business
- B-2 - Retail and Commercial Business
- B-3 - Central Business
- B-4 - Private Club
- CTS - City, Tareyton, School
- DT - Downtown
- IND - Industrial
- PD - Planned Development
- R-1 - Single Family - 7,500
- R-1.5 - Single Family - 6,000
- R-2 - One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



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Parcel ID R29685 Future Land Use - Single Family

Item 9.



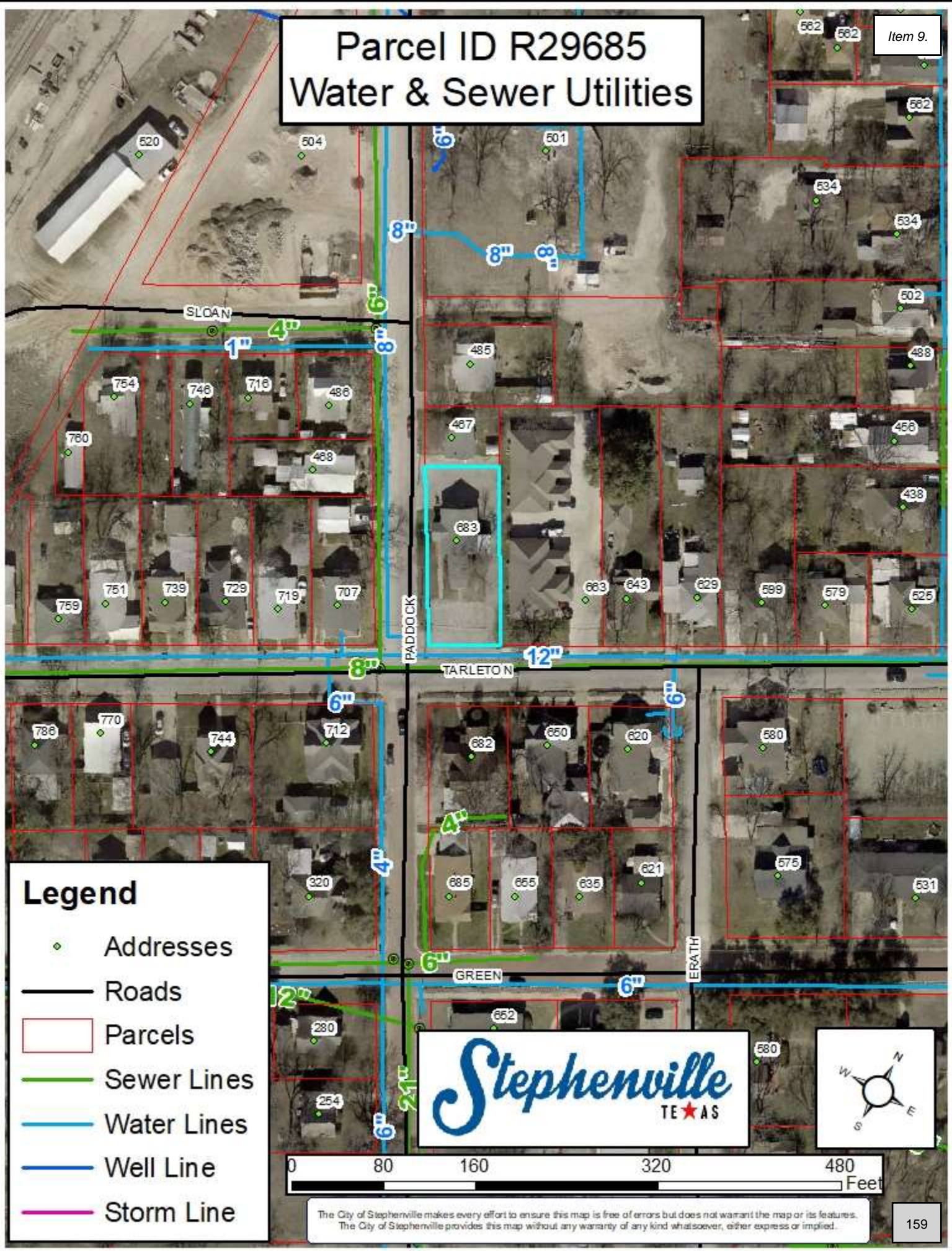
- Legend**
- ◆ Addresses
 - Roads
 - Parcels
- Future Use**
- Ag/Open Space
 - Office/Neighbor_Bus
 - Commercial
 - Cent Business Dist
 - City/Tarleton/SISD
 - Downtown
 - Industrial
 - Planned Development
 - Single Family
 - 1_2 Family
 - Multi-Fam/Resident
 - Duplex/Townhome
 - Manufact Homes



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Parcel ID R29685 Water & Sewer Utilities

Item 9.



Legend

- ◆ Addresses
- Roads
- Parcels
- Sewer Lines
- Water Lines
- Well Line
- Storm Line



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

Parcel R29685 200 ft Buffer Addresses

Parcel ID	Parcel Address	Parcel Owner	Owner Address	City	State	Zip Code
R000029572	712 TARLETON	6 + 6 HOUSING CORPORATION	PO BOX 15173	SAN ANTONIO	TX	78212
R000029560	580 W TARLETON	AGUINAGA DAVID	580 W TARLETON ST	STEPHENVILLE	TX	76401
R000029566	621 GREEN	CHOATE MILO J III & BETSY	1392 HIGHLAND VIEW DRIVE	STEPHENVILLE	TX	76401
R000032724	485 N PADDOCK	CITY OF STEPHENVILLE	298 W WASHINGTON	STEPHENVILLE	TX	76401-4257
R000032722	501 N PADDOCK	CITY OF STEPHENVILLE	298 W WASHINGTON	STEPHENVILLE	TX	76401-4257
R000032741	500 N PADDOCK	CITY OF STEPHENVILLE	298 W WASHINGTON	STEPHENVILLE	TX	76401-4257
R000029565	620 TARLETON	EOFF GREGORY & STEPHANIE	620 W TARLETON	STEPHENVILLE	TX	76401
R000029564	682 TARLETON	GEISENHOF MARGO ANN ROBERTSON	682 W TARLETON ST	STEPHENVILLE	TX	76401-3344
R000029573	320 PADDOCK	GIEBLER WALTER S	11750 FM2303	STEPHENVILLE	TX	76401
R000032736	719 TARLETON	GODWIN LEONOR ELENA	575 N CHARLOTTE	STEPHENVILLE	TX	76401
R000029690	599 TARLETON	HALE RICK	150 N HARBIN DR SUITE 430	STEPHENVILLE	TX	76401
R000029688	643 TARLETON	HARRISON MINNIE JOSEPHINE LIVING TRUST	890 ELK RIDGE DR	STEPHENVILLE	TX	76401
R000029684	663 W TARLETON	HOTTISH PROPERTIES LLC	PO BOX 216	SPRINGTOWN	TX	76082
R000029567	635 GREEN	LLOYD ANGIE MARIE	1395 MELISSA DR	STEPHENVILLE	TX	76401
R000029683	456 RACE	LUNA WILLIE & LINDA S	456 N RACE	STEPHENVILLE	TX	76401
R000032734	468 PADDOCK	MOORE JOHN M & CHARLE	24520 N US281	STEPHENVILLE	TX	76401-6310
R000032738	739 TARLETON	OLIVER MARGRET LEIGH	739 W TARLETON	STEPHENVILLE	TX	76401-0000
R000029570	650 TARLETON	POEN GEORGE W & F CHRISTINE	650 W TARLETON	STEPHENVILLE	TX	76401-3344
R000029687	629 TARLETON	RAMSEY LESLI JANE	629 W TARLETON	STEPHENVILLE	TX	76401
R000032730	746 SLOAN	RODRIGUEZ JOSE A	2591 DENMAN ST	STEPHENVILLE	TX	76401
R000032733	716 SLOAN	TOUCHON BARBARA & CALE DAVIS	486 N PADDOCK	STEPHENVILLE	TX	76401
R000032732	486 PADDOCK	TOUCHON BARBARA LIVELY	486 N PADDOCK	STEPHENVILLE	TX	76401
R000029686	467 PADDOCK	VANDERGRIF ALLEN & CHAD VANDERGRIF &	2401 CR130	STEPHENVILLE	TX	76401
R000029685	683 W TARLETON	VANDERGRIF ALLEN & CHAD VANDERGRIF &	2401 CR130	STEPHENVILLE	TX	76401
R000029571	744 TARLETON	VANNOY DALE E & LUCINDA	1011 OVERLOOK BEND	LEANDER	TX	78641
R000029568	685 W GREEN	VILLAREAL CAROLYN	685 W GREEN	STEPHENVILLE	TX	76401
R000032737	729 TARLETON	W TARLETON PROPERTIES	PO BOX 159	GRANBURY	TX	76048
R000032723	485 PADDOCK	WAYLAND AUSTIN JOHN	485 N PADDOCK ST	STEPHENVILLE	TX	76401
R000029569	655 GREEN	WILSON DIXIE J & BRODY L WILSON	655 W GREEN ST	STEPHENVILLE	TX	76401
R000032735	707 W TARLETON	YOUNG RYAN	707 W TARLETON	STEPHENVILLE	TX	76401

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