

STAFF REPORT



SUBJECT: Case No.: PP2024-005

Applicant Reece Flanagan, representing Erath County Habitat for Humanity, is requesting approval of a Preliminary Plat with simultaneous rezoning from B-2, Retail and Commercial, to R-2.5, Integrated Housing, of property located at 0 S. Drew, Parcel R78511, being BLK. 75, LOT 19, and Parcel R29797, being BLK. 75, LOT 18, of the CITY ADDITION to the City of Stephenville, Erath County, Texas.

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen, Director of Development Services

RECOMMENDATION:

The Planning and Zoning Commission convened on December 18, 2024, and by a unanimous vote of 7-0, recommended the City Council approve the rezone request.

If the rezone is approved, the conditional approval of the Preliminary Plat will remain in effect. If the rezone is not approved, the conditional approval of Preliminary Plat will consequently be denied.

BACKGROUND:

The applicant has submitted a Preliminary Plat that has been reviewed by staff. A Final Plat will be submitted to the Commission upon completion and acceptance of public improvements.

The Commission was requested to consider the simultaneous approval of the Preliminary Plat with Conditions as listed below and a recommendation to the City Council regarding the rezone request. Note: The rezone will not apply to the larger portion (remainder) of Parcel R29797, only to the portion that will be deeded to Habitat as shown on the Preliminary Plat.

Conditions for Approval:

The Preliminary Plat must conform to design requirements and construction standards as set forth in the Engineering Standards Manual.

1. Additional easements as required for Backflow Preventor Assembly Vaults, Access & Utility Easements, retaining wall easements, Floodplain and others that may be required as identified during the review process.
2. Provide a Plat Note that the City approved Micah as a 40' ROW.
3. Structures may not be placed over easements.
4. Ensure all required Plat language is provided.
5. Final Plat to be recorded after acceptance of improvements and floodplain modeling.

PROPERTY PROFILE:



FUTURE LAND USE

Community Core

The Community Core land use accommodates a mix of uses at a medium density. Diverse housing types are encouraged to support a range of residents. Local businesses, such as grocery stores, cafes, and local offices cater to the needs of the nearby residents and parks and green spaces provide recreational opportunities.



Sec. 155.4.05. Preliminary plat.

- A. **Purpose.** The purpose of a Preliminary Plat shall be to determine the general layout of the subdivision, the adequacy of public facilities needed to serve the intended development, and the overall compliance of the land division with applicable requirements of this Subdivision Ordinance.
- B. **Applicability.** No subdivision of land shall be allowed without proper submittal, approval, and adoption of a Preliminary Plat.
- C. **Exceptions.**
 1. A Preliminary Plat is not required when a Minor Plat is submitted (refer to 4.07).
 2. A Final Plat in accordance with Section 4.06 may be submitted in lieu of a Preliminary Plat if a Development Agreement and appropriate surety are submitted along with the Application.
- D. **Accompanying Applications.**
 1. **Preliminary and Other Types of Plans.** An Application for a Preliminary Plat shall be accompanied by the following:
 - a. Preliminary Drainage Plan;
 - b. Preliminary Storm Water Management Plan;
 - c. Preliminary Utility Plan; and
 - d. Other plans if deemed necessary for thorough review by the Responsible Official, such as a Planned Development Master Plan.

Approval of each shall be separately included with this application.

2. *Current Title Commitments.* 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 Preliminary Plat.

E. *Review by City Administrator/Responsible Official.* The City Administrator shall:

1. Initiate review of the plat and materials submitted.
2. Make available Plats and reports to the Commission for review.
3. Upon determination that the Application is ready to be acted upon, schedule the Preliminary Plat for consideration on the agenda of the next available meeting of the Planning and Zoning Commission.

F. *Action by the Planning and Zoning Commission.* The Commission shall:

1. Review the Preliminary Plat Application, the findings of the City Administrator and any other information available.
 - a. From all such information, the Commission shall determine whether the Preliminary Plat conforms to this Subdivision Ordinance.
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 Preliminary Plat, as submitted, shall be deemed approved by the Commission.
3. Take one of the following actions:
 - a. Approve the Preliminary Plat;
 - b. Approve the Preliminary Plat with conditions, which shall mean that the Preliminary 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 Preliminary Plat.

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

1. All Plats must be drawn to conform to the zoning regulations currently applicable to the property. If a zoning change for the property is proposed, then the zoning change must be completed before the approval of any Preliminary Plats/Final Plats;
2. No Plat or Replat may be approved that leaves a structure located on a remainder lot.
3. The Preliminary Plat is consistent with any approved Development Agreement;
4. The proposed provision and configuration of Public Improvements including, but not limited to, roads, water, wastewater, storm drainage, park facilities, open spaces, habitat restoration, easements and Right-of-Way are adequate to serve the development, meet applicable standards of this Subdivision Ordinance, and conform to the City's adopted master plans for those facilities;
5. The Preliminary Plat has been duly reviewed by applicable City staff;
6. The Preliminary Plat conforms to design requirements and construction standards as set forth in the Engineering Standards Manual.
7. The Preliminary Plat is consistent with the adopted Comprehensive Plan, except where application of the Plan may conflict with State law;
8. The proposed development represented on the Preliminary Plat does not endanger public health, safety or welfare; and
9. The Preliminary Plat conforms to the City's subdivision Application checklists.

H. *Effect of Approval.*

1. Approval of a Preliminary Plat shall allow the Applicant to proceed with the development and platting process by submitting Construction Plans and Final Plat.
2. Approval of the Preliminary Plat shall be deemed general approval of the subdivision's layout only, and shall not constitute approval or acceptance of Construction Plans or a Final Plat.

ALTERNATIVES

1. Accept the recommendation of the Planning and Zoning Commission and approve the rezoning request.
2. Deny the rezoning request.