

STAFF REPORT



SUBJECT: Case No.: RZ2021-002

Applicant Keewaydin Development, Taylor Kanute, is requesting a rezone of properties located at 751 Miller, Parcel R32529, Lot 8, Block 2, Miller Addition, to the City of Stephenville, Erath County, Texas, from (B-1) Neighborhood Business to (B-3) Central Business.

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

RECOMMENDATION:

The Planning and Zoning Commission convened on March 10, 2021, and by a unanimous vote of 4/0, recommended the City Council approve the rezoning request.

BACKGROUND:

The Comprehensive Plan for future land use designates this property to be Single Family. However, this parcel does not meet the minimum width requirement of 75 feet for R-1 zoning. B-3 zoning allows a minimum width requirement of 60 feet.

This particular parcel only has a width of 50 feet. Therefore, if approved, the applicant will also need to obtain a 10 foot variance from the Board of Adjustment in regards to the minimum width requirement.

APPLICANT REQUEST:

The intended project for the requested zoning is for the construction of a single family dwelling. A single family dwelling is considered a permitted use under the B-3 (Central Business District) zoning classification.

The applicant does not currently own the property; but, received authorization from the current owner to make the request.

CURRENT ZONING:

B-1 – Neighborhood Business

FUTURE LAND USE:

Single Family

DESCRIPTION OF REQUESTED ZONING

Sec. 154.06.3. - Central business district (B-3).

6.3.A **Description.** The Central Business District is intended to encourage the redevelopment of the downtown business area, which includes the historic courthouse, all types of offices, retail business and residences. The varying land uses included in the Central Business District are compatible with existing uses to preserve the integrity of the Central Business District and deter urban deterioration. This district also facilitates the maintenance of the area and provides for the vibrant interaction between retail, service, residential and citizens citywide.

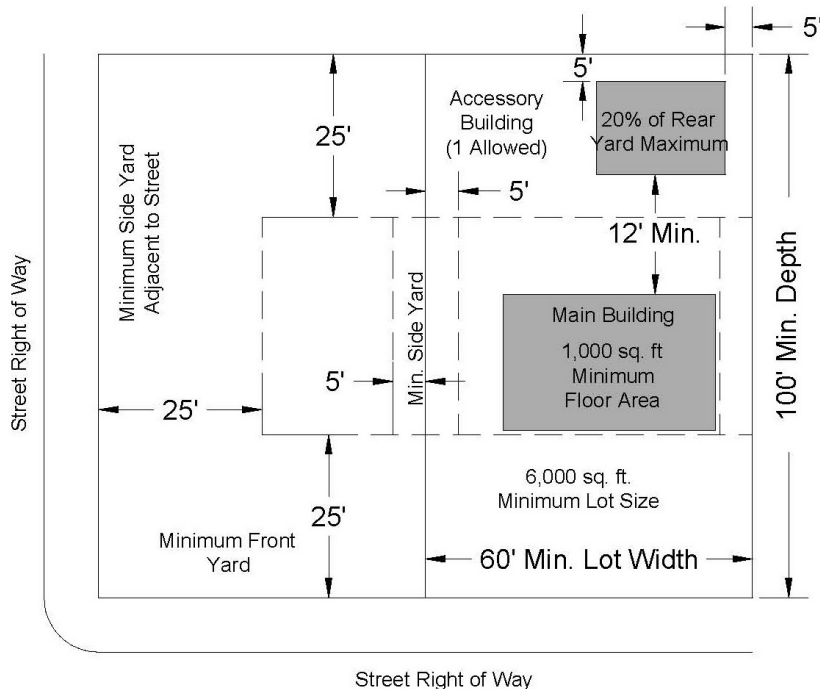
6.3.B Permitted Uses.

- (40) Single family dwelling;

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

(A) *Single family dwelling.*

- (1) Maximum density: one dwelling unit per lot.
- (2) Minimum lot area: 6,000 ft².
- (3) Minimum lot width and lot frontage: 60 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: five feet.
 - (b) Corner lot: 25 feet from intersecting side street.
- (8) Building size:
 - (a) Maximum coverage as a percentage of lot area: 40%.
 - (b) Minimum area of main building: 1,000 ft².
- (9) Accessory buildings:
 - (a) Maximum accessory building coverage of rear yard: 20%.
 - (b) Maximum number of accessory buildings: one.
 - (c) Minimum depth of side setback: five feet.
 - (d) Minimum depth of rear setback: five feet.
 - (e) Minimum depth from the edge of the main building: 12 feet.
- (10) Maximum height of structures: 35 feet.



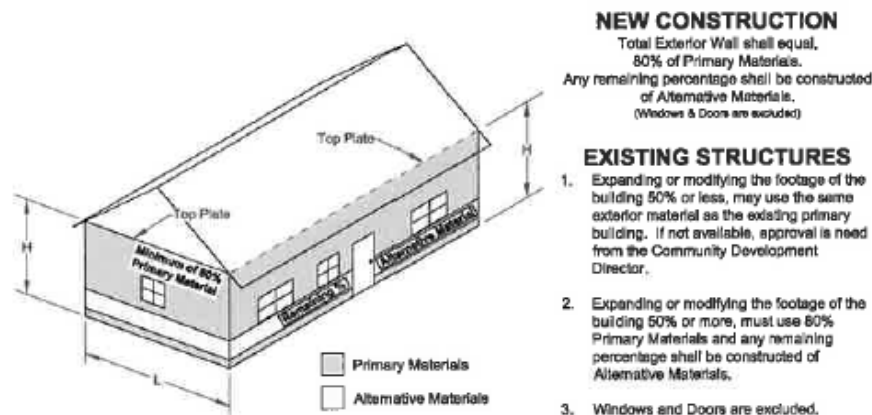
6.3.E Parking Regulations.

- (1) A Single-Family, B-3 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 Section 11 the Parking Regulations of this ordinance.

6.3.F Type of Construction.

- (1) The exterior walls of all new dwellings to the top plate, shall be constructed of at least 80% of the total exterior walls of primary materials, excluding doors, windows, and porches. See Section 10.E(1): Exterior Building Material Standard—Primary Materials.
- (2) Any remaining exterior walls of all new dwellings shall construct the remaining exterior walls of alternative materials. See Section 10.E(2): Exterior Building Material Standard—Alternative Materials.
- (3) Existing dwellings expanding the total square footage of the building 50% or less, or modifying the exterior walls, may use the same exterior construction material as the existing primary building. If the material is not available, similar material may be used if approved by the Community Development Director.
- (4) Existing dwellings expanding the total square footage of the building more than 50%, or proposing to use a material inconsistent with the primary structure for any expansion, must meet the 80% minimum primary materials, Section 10.E: Exterior Building Material Standard, for the total exterior walls of the structure.

6.3.F Exterior Building Material Standards



6.3.G **Sign Regulation.** See Section 12 for Sign Regulations.

6.3.H **Exceptions to Use, Height and Area Regulations.** See Section 10.

6.3.I **Garbage Regulations.** Central Business District businesses will provide a serviceable area specifically for refuse collection designed for refuse canisters. Each designated canister area will be nine feet wide and eight feet deep (72 square feet), with a cement slab base. If the location of the cement slab is adjacent to a residential district, the slab must be at least five feet from the property line. The refuse area will be enclosed on three sides by a privacy fence. Approach areas will meet the requirements of Subsection 6.3.J.

6.3.J **Loading and Unloading Regulations.** All loading, unloading and maneuvering of vehicles connected with the activity must be on the premises and will not be permitted in any street. Loading and unloading areas must be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced.

(Am. Ord. 2007-24, passed 12-4-2007; Am. Ord. 2008-13, passed 7-1-2008; Am. Ord. 2009-23, passed 12-1-2009; Am. Ord. 2011-26, passed 12-6-2011; Am. Ord. No. [2018-O-25](#), § 1, 8-7-2018)

WATER:

The property is served by a 2" city water main in Miller.

SEWER:

The property is served by a 6" sanitary sewer main in Miller.

STREET:

The property is served by a city street (Miller).

ZONING AND LAND USE:

Location	Zoning	Future Land Use
Subject Site	(B-1) Neighborhood Business	Single Family
North	(B-2) Retail and Commercial	Single Family
South	(B-1) Neighborhood Business	Single Family
East	(B-1) Neighborhood Business	Single Family
West	(B-2) Retail and Commercial	Commercial

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) Accept the recommendation from the Planning and Zoning Commission and approve the rezoning request.
- 2) Modify the recommendation of the Planning and Zoning Commission and approve the rezoning request designating an alternate classification.
- 3) Over-rule the recommendation of the Planning and Zoning Commission and deny the request for rezoning.