

# STAFF REPORT



**SUBJECT:** Case No.: RZ2021-010

Applicant Oakdale United Methodist Non-Profit, representing Oakdale Methodist Church, is requesting a rezone of property located at 2675 W. Overhill Drive, Parcel R22423, of A0515 MOTLEY WILLIAM, of the City of Stephenville, Erath County, Texas, from (R-1) Single Family Residential to (B-1) Neighborhood Business.

**DEPARTMENT:** Development Services

**STAFF CONTACT:** Steve Killen

**RECOMMENDATION:**

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

**BACKGROUND:**

The applicant is requesting a rezone B-1, Office and Neighborhood Business to allow for the future construction of a medical office strip center.

**CURRENT ZONING:**

R-1 – Single Family

**FUTURE LAND USE:**

Office and Neighborhood Business.

**WATER:**

The property is currently served by a 6” water main in Overhill.

**SEWER:**

The property is currently served by a 6" sanitary sewer main East of the property, within 250’.

**STREET:**

The property is served by Overhill and the Northwest Loop.

**ZONING AND LAND USE:**

Location	Zoning	Future Land Use
Subject Site	R-1 – Single Family	Office/Neighborhood Business
North	B-1, Office/Neighborhood Business	Office/Neighborhood Business
South	City, Tarleton, School	City, Tarleton, School
East	R-1 – Single Family	City, Tarleton, School

**DESCRIPTION OF REQUESTED ZONING****Sec. 154.06.1. Neighborhood business district (B-1).****6.1.A Description.**

- (1) The Neighborhood Business District accommodates trade and personal services facilities that meet the needs and enhance the quality of life of residential neighborhoods throughout the city.
- (2) The various retail trade and service uses in the Neighborhood Business District are intended to become an integral part of the neighborhood, requirements for open space and off street parking are more restrictive and are compatible with adjacent residential areas. Spacing, air circulation, landscaping and unrestricted sight lines are included as requirements for the Neighborhood Business District to provide a harmonious relationship with other residential, educational, religious and recreational land uses.

**6.1.B Permitted Uses.**

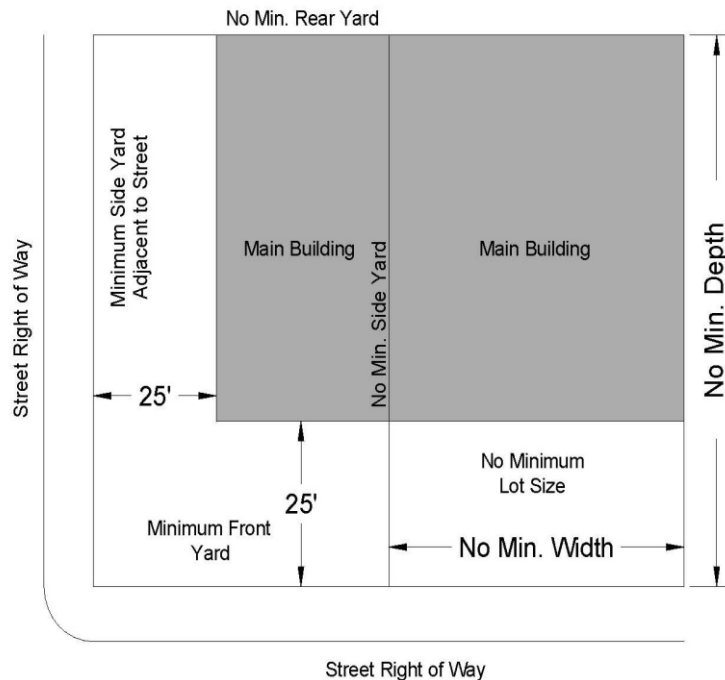
- (1) Accessory building to main use;
- (2) Animal grooming;
- (3) Antique shop/art gallery—sales in building;
- (4) Assisted living center;
- (5) Bakery and confectionary—products for retail only;
- (6) Banks or other financial institutions;
- (7) Bed and breakfast/boarding house;
- (8) Church, temple, mosque (and the like) and related facilities;
- (9) Cleaning and pressing—small shop, pick-up and delivery;
- (10) Clinic;
- (11) Convalescent, nursing or long term care facility;
- (12) Convenience/grocery store (without pumps);
- (13) Day care center (12 or more children);
- (14) Drapery, needlework or weaving shop;
- (15) Farmers market;
- (16) Florist;
- (17) Fraternal organizations, lodge or civic club;
- (18) Handcraft shop;
- (19) Group day care home (7-12 children);
- (20) Laundry and cleaning (self service);
- (21) Municipal facilities/state facilities/federal facilities;
- (22) Neighborhood grocery store (no fuel service);
- (23) Office—professional and general administration;
- (24) Park, playground, public community recreation center;
- (25) Personal service shop (beauty, barber and the like);

- (26) Private kindergarten;
- (27) Retail stores and shops—other than listed;
- (28) Restaurant or cafeteria—without drive-in service; and
- (29) Retirement housing complex.
- (30) Restaurant with alcoholic beverage service.

**6.1.C Conditional Uses (Special Use Permit required). None.**

**6.1.D Height, Area, Yard and Lot Coverage Requirements.**

- (1) Maximum density: There is no maximum density requirement.
- (2) Minimum lot area: There is no minimum area requirement.
- (3) Minimum lot width: There is no minimum width requirement.
- (4) Minimum lot depth: There is no minimum depth requirement.
- (5) Minimum depth of front setback: 25 feet.
- (6) Minimum depth of rear setback: There is no minimum rear setback requirement unless the lot abuts upon a Residential District, then a minimum 25 feet is required.
- (7) Minimum width of side setback:
  - (a) Internal lot: There is no minimum side setback requirement unless the lot abuts upon a Residential District, then a minimum 25 feet is required.
  - (b) Corner lot: 25 feet
- (8) Building size: There are no minimum size regulations
- (9) Maximum height of structures: 35 feet.
- (10) Public, semi-public or public service buildings, hospitals, institutions or schools may not exceed a height of 60 feet. Churches, temples and mosques may not exceed 75 feet, if the building is set back from each yard line at least one foot for each two feet additional height above the height limit in this district.



Note: No rear or side yard except when the lot abuts upon a Residential District, then the minimum setback is 25 feet.

**6.1.E Miscellaneous Provisions.** Wherever a Neighborhood Business District adjoins a residential district and is not separated by a street, a six-foot or taller solid sight-barring fence or landscape barrier will be constructed and maintained along the boundary or property line as permanent screening. All outside lighting features will be placed and reflected so as to not create annoyances, nuisances or hazards.

**6.1.F Type of Construction.**

- (1) At least 80% of the exterior walls of all structures visible from a public street shall be of masonry constructions, with an architectural exterior finish, exclusive of door and window openings.
- (2) The roofs of all structures shall be pitched with a slope of not less than 4/12.

**6.1.G Parking Regulations.** All Uses Permitted in the B-1 District: See Section 11 for Parking Regulations.

**6.1.H Sign Regulation.** See Section 12 for Sign Regulations.

**6.1.I Exceptions to Use, Height and Area Regulations.** See Section 10.

**6.1.J Garbage Regulations.** Neighborhood 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 6.1.K.

**6.1.K 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. 2009-23, passed 12-1-2009; Am. Ord. 2015-03, passed 3-3-2015; Am. Ord. No. 2018-O-25 , § 1, 8-7-2018)

**FACTORS TO CONSIDER:**

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

**ALTERNATIVES**

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