

# STAFF REPORT



**SUBJECT:** Case No.: RZ2021-001r

Applicant Keewaydin Development, Taylor Kanute, is requesting a rezone of properties located at 751 Miller, Parcel R32531, Lot 9B, Block 2, Miller Addition, to the City of Stephenville, Erath County, Texas, from (B-1) Neighborhood Business to (R-1.5) 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:

### APPLICANT REQUEST:

The intended project for the requested zoning is for the construction of a single family dwelling. The previous submittal was for B-3 (Central Business District) which authorizes a single family residence as a permitted use. The Commission recommended approval of B-3 with hesitation after discussing the need for a residential zoning for smaller parcels. However, after further research, it was discovered that the R-1.5 zoning district is already in place. Consequently, the City Council directed staff to return to the Commission for review and consideration of the R-1.5 zoning.

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. 154.05.4. Single-family residential district (R-1.5) (6,000 ft<sup>2</sup>).**

**5.4.A Description.** This residential district provides for a neighborhood development of medium density. The primary land use allows for single-family dwelling development on smaller lots. Recreational, religious and educational uses normally appropriate to such a residential neighborhood are also permitted to contribute to the natural elements of a convenient, balanced and attractive 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.

#### **5.4.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;

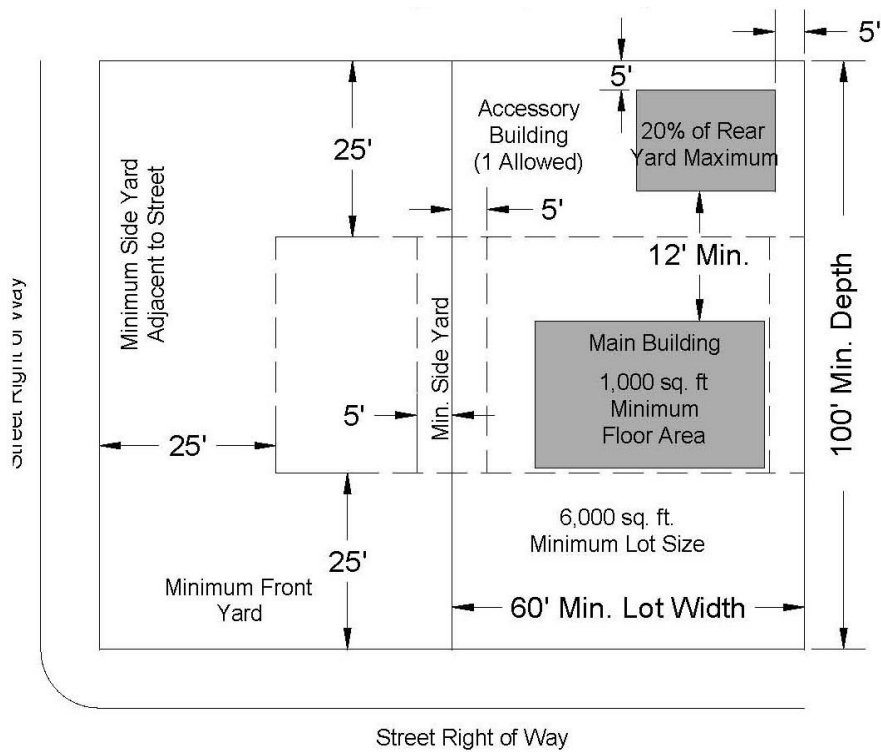
- (2) Accessory building;
- (3) Churches, temples, mosques and related facilities;
- (4) Community home;
- (5) Park or playground; and
- (6) SISD school—public.

**5.4.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 and group day care home.

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

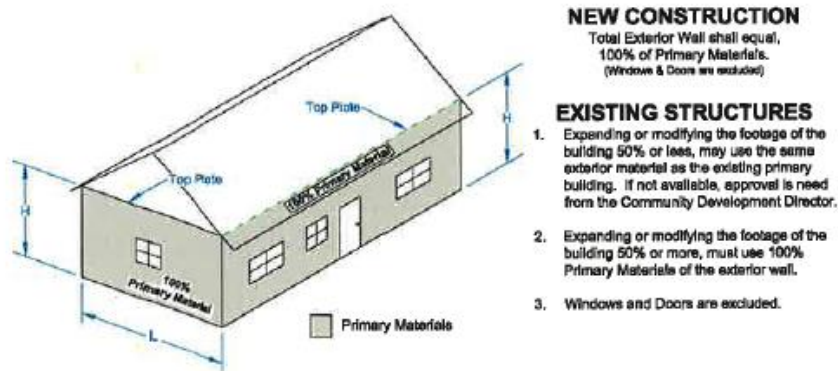
- (1) Minimum lot area: single-family dwelling: 5,000 ft<sup>2</sup>.
- (2) Minimum lot width and lot frontage: 50 feet.
- (3) Minimum lot depth: 100 feet.
- (4) Minimum depth of front setback: 25 feet.
- (5) Minimum depth of rear setback: 25 feet.
- (6) Minimum width of side setback:
  - (a) Internal lot: five feet.
  - (b) Corner lot: 25 feet from intersecting side street.
- (7) Building size:
  - (a) Maximum main building coverage as a percentage of lot area: 40%.
  - (b) Minimum area of main building: 1,000 ft<sup>2</sup>.
- (8) 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.
- (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.



**5.4.E Parking Regulations.** A Single-Family, R-1.5 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.

**5.4.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.



(Ord. 2011-26, passed 12-6-2011; Ord. 2018-O-22 , § 1, 6-12-2018)

**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:**

<b>Location</b>	<b>Zoning</b>	<b>Future Land Use</b>
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) 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.