

# STAFF REPORT



**SUBJECT:** Case No.: RZ2022-014

Applicant Austin Tullos, representing Tullivan Properties, LLC, is requesting a rezone of property located at 1040 and 1050 Oak, Parcel R31508 and R31509, being Block 4, Lot 1, 2 and 3, of Frey Second Addition to the City of Stephenville, Erath County, Texas, from Multifamily District (R-3) to Integrated Housing District (r-2.5).

**DEPARTMENT:** Development Services

**STAFF CONTACT:** Steve Killen, Director of Development Services

## RECOMMENDATION:

The Planning and Zoning Commission convened on July 20, 2022. The Commission received two letters of opposition and several persons spoke in opposition of the rezone.

The Commission’s motion to deny the rezone request resulted in a vote of 1-5. Therefore, the case moved forward to Council without a recommendation.

## BACKGROUND:

The future land use for this parcel is single family. The applicant is requesting R-2.5 zoning to construct a five-unit townhome whereby units will be individually platted. Each unit will four bedrooms. Staff recommends approval of the rezone.

The preliminary site plan has been reviewed by staff. Notable comments are as follows:

- 1. Lot sizes are shown to be 24x40. Minimum dimension requirements are 30’x100’.
- 2. The setback on Oak Street is approximately one foot less than the required 15’ for a corner lot.
- 3. Adequate “common” parking is provided; however, the units do not have dedicated parking.

A final plat will be presented for approval once public improvements are installed and accepted.

## PROPERTY PROFILE:



### **Sec. 155.4.03. General subdivision and platting procedures.**

- A. *Plats Required for Land Subdivision.* A Preliminary Plat or Minor Plat shall be approved prior to any land division that is subject to these regulations and prior to commencement of any new development.
- B. *Replats and Amending Plats.*
  - 1. *Replat.* A Replat, in accordance with State law, and the provisions of Section 4.08 shall be required any time a platted, recorded lot is further divided or expanded, thereby changing the boundary and dimensions of the property.
  - 2. *Amending Plat.* In the case of minor revisions to recorded Plats or lots, an Amending Plat may also be utilized if in accordance with Section 4.09.
- C. *Zoning.*
  - 1. *Conformance with Existing Zoning.* All Applications shall be in conformance with the existing zoning on property inside the City Limits.
  - 2. *Request to Rezone First.* If an Applicant seeks to amend the zoning for the property, the request to rezone the land shall be submitted and approved prior to acceptance of an Application for filing of a plat, unless as otherwise provided below.
    - a. The Applicant may request approval from the City Administrator to submit an application simultaneous with the zoning change request, in which case the Application for the zoning amendment shall be acted upon first, provided that the Application is accompanied by a properly executed Waiver of Right to 30-Day Action (due to the more lengthy time frame necessary to advertise and process zoning Applications).
    - b. In the event that the requested zoning amendment is denied, the Plat Application shall also be rejected or denied.
  - 3. *Zoning Ordinance Site Plan Approval.* Where Site Plan approval is required by the Zoning Ordinance prior to development, no Application for a Final Plat approval shall be accepted for filing until a Site Plan has been approved for the land subject to the proposed Plat.

### **Sec. 154.05.8 Integrated housing district (R-2.5).**

**5.8.A Description.** This integrated residential housing district provides for medium-density city neighborhood development. The primary land use allows for single-family dwellings, two-to-four family dwelling units, patio homes, condominiums, and townhomes. Generally, this district is for developments resulting in individually platted homes or dwelling units and generally, owner occupied. Recreational, religious, and educational uses are also permitted so as to contribute to the natural elements of a convenient, balanced and attractive neighborhood. Development within this district is intended to be protected from the encroachment of land activities that do not contribute to the aesthetic and functional well being of the intended district environment. The Integrated Housing District will be applicable to for all Residential Districts, B-1 Neighborhood Business District (B-1), Central Business District (B-3), and Downtown District (DT).

#### **5.8.B Permitted Uses.**

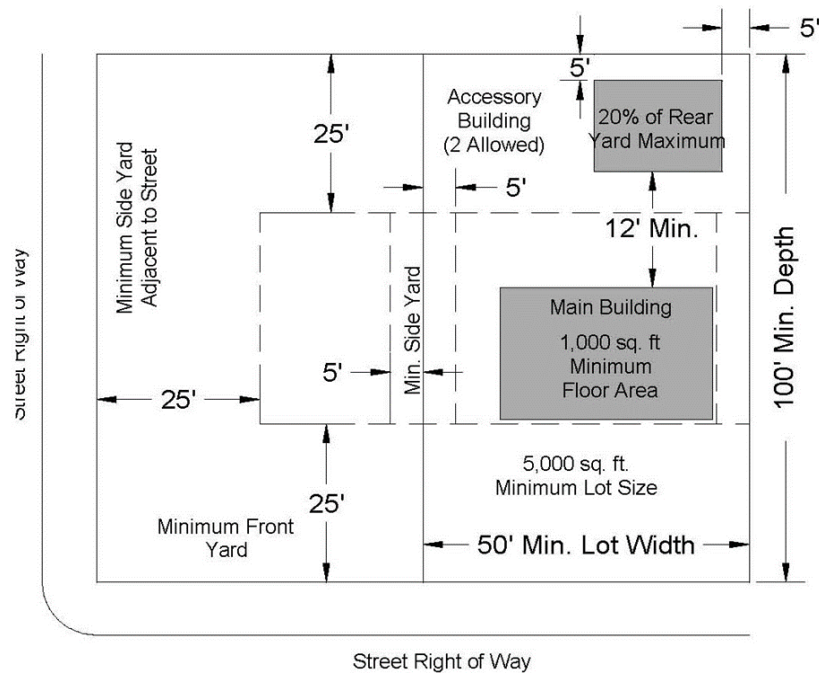
- 1. Single-family detached dwelling, limited to occupancy by a family having no more than three individuals who are unrelated by blood, legal adoption, marriage, or conservatorship. The owner and any agent of the owner shall be legally responsible for directly or indirectly allowing, permitting, causing, or failing to prohibit residential use of a dwelling in this district by more than three unrelated individuals;
- 2. Two-to-four family dwellings, with each family limited as in division (1) above;
- 3. Townhouse dwellings, with each family limited as in division (1) above;
- 4. Condominium dwellings, with each family limited as in division (1) above;

#### **5.8.C Conditional Uses.**

1. Home occupation;
2. Common facilities as the principal use of one or more platted lots in a subdivision;
3. Adult and/or children's day care centers;
4. Foster group home; and
5. Residence hall.

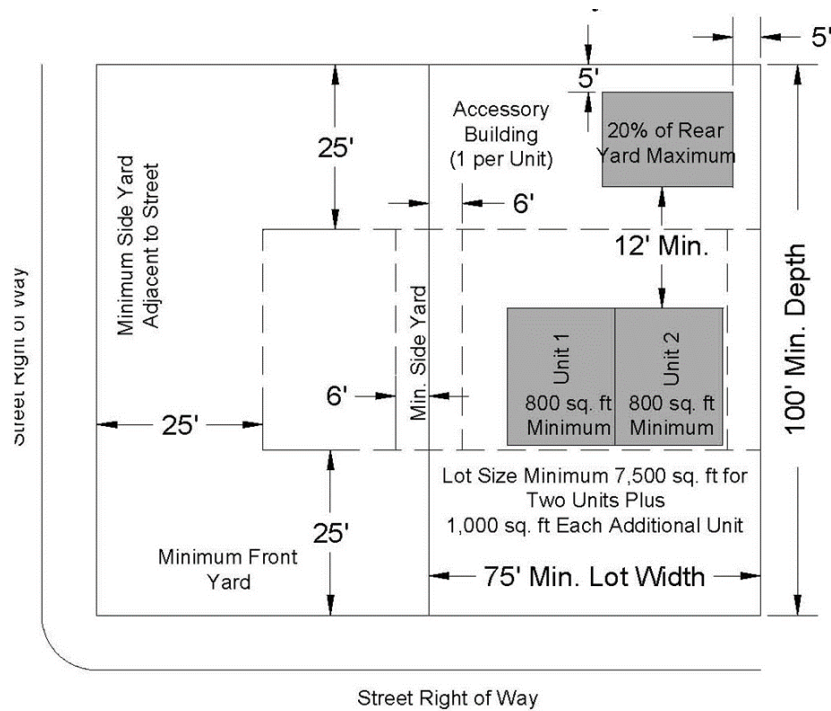
**5.8.D Height, Area, Yard, and Lot Coverage Requirements.**

- A. Single family dwelling.
  1. Minimum lot area: 3,000 ft<sup>2</sup> .
  2. Minimum lot width and lot frontage: 50 feet.
  3. Minimum lot depth: 60 feet.
  4. Minimum depth of front setback: 15 feet.
  5. Minimum depth of rear setback: 15 feet.
  6. Minimum width of side setback:
    - a. Internal lot: five feet.
    - b. Corner lot: 15 feet from intersecting side street.
  7. Building size:
    - a. Maximum coverage as a percentage of lot area: 40%.
    - b. Single family dwelling: 1,000 ft<sup>2</sup> .
  8. Accessory buildings:
    - a. Maximum accessory buildings 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.



B. Two-to-four family.

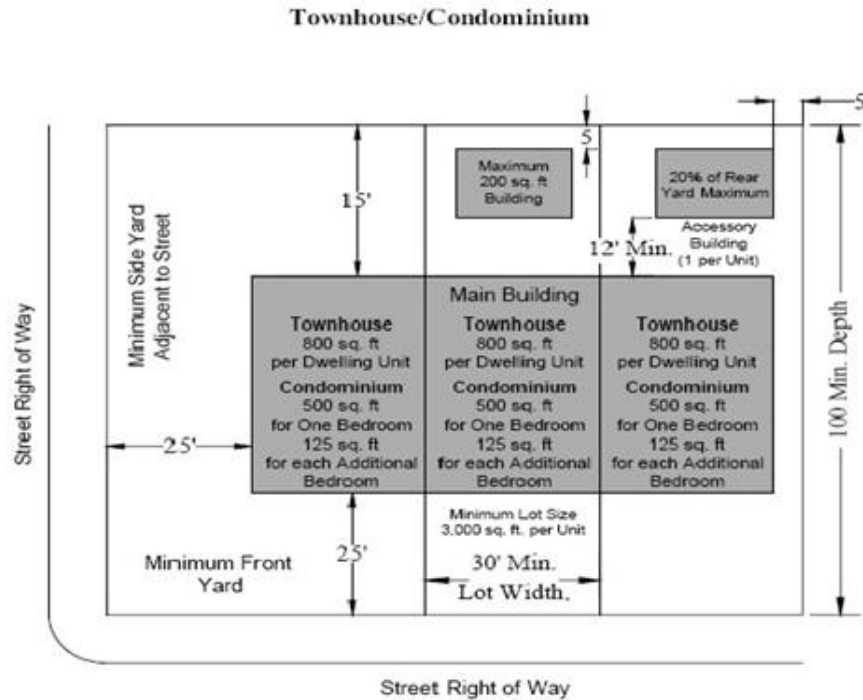
1. Minimum lot area: 7,500 ft<sup>2</sup> for two dwelling units, plus 1,000 ft<sup>2</sup> for each additional dwelling unit.
2. Minimum lot width and lot frontage: 75 feet.
3. Minimum lot depth: 100 feet.
4. Minimum depth of front setback: 15 feet.
5. Minimum depth of rear setback: 15 feet.
6. Minimum width of side setback:
  - a. Internal lot: six feet.
  - b. Corner lot: 15 feet from intersecting side street.
7. Building size:
  - a. Maximum coverage as a percentage of lot area: 40%.
  - b. Minimum area of each dwelling unit: 800 ft<sup>2</sup>.
8. Accessory buildings:
  - a. Maximum accessory building coverage of rear yard: 20%.
  - b. Maximum area of each accessory building: 200 ft<sup>2</sup>.
  - c. Maximum number of accessory buildings: one per unit.
  - d. Minimum depth of side setback: five feet.
  - e. Minimum depth of rear setback: five feet.
  - f. 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.



C. Townhouse/Condominium.

1. Minimum lot area: 3,000 ft<sup>2</sup> per unit.
2. Minimum average lot width and lot frontage: 30 feet.
3. Minimum lot depth: 100 feet.
4. Minimum depth of front setback: 15 feet.
5. Minimum depth of rear setback: 15 feet.
6. Minimum width of side setback:
  - a. Internal lot: five feet.
  - b. Corner lot: 15 feet from intersecting side street.
7. Building size:
  - a. Maximum building coverage as a percentage of lot area: 40%
  - b. Minimum area of each Townhouse dwelling unit: 800 ft<sup>2</sup>.
  - c. Minimum area of each Condominium of each dwelling unit: 500 ft<sup>2</sup> for one bedroom or less, plus 125 ft<sup>2</sup> of floor area for each additional bedroom.
8. Accessory buildings:
  - a. Maximum accessory building coverage of rear yard: 20%.
  - b. Maximum area of each accessory building: 200 ft<sup>2</sup>.
  - c. Maximum number of accessory buildings: one per unit.
  - d. Minimum depth of side setback: five feet.
  - e. Minimum depth of rear setback: five feet.
  - f. 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.

11. Maximum density of Townhome or Condominium Housing within the R-2.5 District shall not exceed 14 units per acres with each unit platted separately.
12. Deviations from the required standards within the R-2.5 district will be subject to site plan review by the Planning and Zoning Commission and subsequent approval by City Council. Site plans should include renderings with elevations, a finish schedule and incorporate architectural designs that complement the existing structures of the area of integration.



**5.8.E Parking Regulations.** Lots in this District shall provide a minimum of two vehicle parking spaces per dwelling unit, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in Section 154.11 *Parking spaces for vehicles* of this ordinance.

( Ord. No. 2021-O-28 , § 1, passed 9-7-2021)

**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 property 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 approve

**ALTERNATIVES:**

- 1) Uphold the recommendation of the Planning and Zoning Commission and approve the request for rezoning.
- 2) Deny the request for rezoning.