

STAFF REPORT



SUBJECT: Case No.: RZ2020-010
Applicant John Drennan is requesting a rezone of property located at 830 Alexander Rd., Lot 22, Block 35, and 0 Alexander Rd., Lot 38, Block 35, of the South Side Addition, to the City of Stephenville, Erath County, Texas, from (R-1) Single Family and (R-3) Multiple Family to (B-2) Retail and Commercial Business.

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

RECOMMENDATION:

To accept the recommendation from the Planning and Zoning Commission and approve the rezoning request.

BACKGROUND:

The applicant indicates the requested rezone and replat is to allow the development of mini storage buildings, both climate and non-climate controlled, attached to a single story retail building as well as the construction of a three story multifamily residential structure.

The Planning and Zoning Commission convened on October 21, 2020, and by a vote of , recommended the City Council approve the request to rezone contingent upon the approval of the replat.

This case is unique in the fact that a minor plat has been submitted which can be approved administratively in order to accommodate the applicant's intended project. However, City ordinance requires the rezone be approved prior to the replat. Consequently, staff is requesting Council to consider approving the rezone with conditions that the replat be approved and recorded prior to the finalization of the change in zoning. The replat is by nature, a minor plat and therefore, subject to administrative approval.

Sec. 154.05.3. - Single-family residential district (R-1) (7,500 ft).

5.3.A Description. This residential district provides for a generally lesser density city neighborhood development. The primary land use allows for single-family dwelling development appropriate to a city-style neighborhood. Other uses within this district shall contribute to the nature of the 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.

5.3.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 buildings;

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

5.3.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.

Sec. 154.05.6. - Multiple family residential district (R-3).

5.6.A Description. This residential district provides for medium to high-density city neighborhood development. The primary land use allows for single-family dwellings, two-to-four family dwelling units, and multiple family housing buildings and complexes. All R-3 zoning will be appropriate to a city-style neighborhood. 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 esthetic and functional well being of the intended district environment.

5.6.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) Multiple family dwellings, with each family limited as in division (1) above;
- (6) Assisted living center;
- (7) Convalescent, nursing or long term-care facility;
- (8) Retirement housing complex;
- (9) Accessory buildings;
- (10) Churches, temples, mosques and related facilities;
- (11) Community home;
- (12) Park or playground;
- (13) SISD school—public;
- (14) Bed and breakfast/boarding house;
- (15) Group day care home;
- (16) Registered family home;
- (17) Day care center; and
- (18) Fraternity or sorority house.

5.6.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.

Sec. 154.06.2. - Retail and commercial business district (B-2).

6.2.A Description. The Retail and Commercial Business District provides areas for the grouping of retail shops and stores offering goods and services for the residents in general. These shopping areas will generally be more densely concentrated and more traffic intensive than allowed in the Neighborhood Business Districts.

6.2.B Permitted Uses.

- (1) Animal grooming;
- (2) Antique shop/art gallery—sales in building;
- (3) Assisted living center;
- (4) Athletic field;
- (5) Automobile service station and car care center;
- (6) Auto parking lot or building (commercial);
- (7) Auto parts sales;
- (8) Auto repair/mechanic garage;
- (9) Auto sales;
- (10) Automobile rental;
- (11) Bail bond service;
- (12) Bakery and confectionery—retail sales only;
- (13) Bakery and confectionery;
- (14) Banks or other financial institutions;
- (15) Boat sales;
- (16) Bottling works (wholesale);
- (17) Building material sales;
- (18) Cabinet and upholstery shop;
- (19) Car wash;
- (20) Care facility for narcotic, alcoholic or psychiatric patients;
- (21) Cemetery/mausoleum;
- (22) Church, temple or mosque;
- (23) Civic/community center;
- (24) Cleaning and pressing—small shop, pickup and delivery;
- (25) Clinic;
- (26) College or university;
- (27) Commercial amusement (indoor);
- (28) Commercial amusement (outdoor);
- (29) Convalescent, nursing or long term care facility;
- (30) Convenience/grocery store (without pumps) convenience store (with pumps);
- (31) Construction equipment rental and sales;
- (32) Construction yard (temporary);
- (33) Contractor shop and storage yard;
- (34) Department store;
- (35) Discount warehouse store;
- (36) Drapery, needlework or weaving shop;
- (37) Farmers Market;
- (38) Feed, seed and fertilizer store—no bulk storage;

- (39) Field office (temporary);
- (40) Florist;
- (41) Fraternal organization, lodge or civic club;
- (42) Furniture or appliance store;
- (43) Golf course or country club, driving range;
- (44) Greenhouse or nursery for retail plant sales with outside storage;
- (45) Handcraft shop;
- (46) Health club, weight and aerobic center;
- (47) Home improvement center;
- (48) Hospital—general acute care (human);
- (49) Hotels and motels;
- (50) Household appliance service and repair;
- (51) Kennel;
- (52) Kiosk;
- (53) Laboratory (medical);
- (54) Landscaping service;
- (55) Laundry and cleaning (self service);
- (56) Lawn equipment and small engine sales and services;
- (57) Micro brewery;
- (58) Mini storage/warehouses;
- (59) Monument retail sales (outside storage);
- (60) Mortuary or funeral home;
- (61) Moving company;
- (62) Neighborhood grocery store (no fuel service);
- (63) Office—professional and general administration;
- (64) Park, playground, public community recreation center;
- (65) Pawn shop;
- (66) Personal service shop (beauty, barber and the like);
- (67) Pet shop—small animals within building;
- (68) Plumbing shop;
- (69) Portable building sales;
- (70) Printing;
- (71) Produce stand;
- (72) Psychic/Tarot card reader;
- (73) Recreational vehicle sales;
- (74) Recycling kiosk;
- (75) Research lab (non-hazardous);
- (76) Restaurant (drive-in type);
- (77) Restaurant or cafeteria—without drive-in service;
- (78) Retail shops and stores other than listed;
- (79) Roofing and siding supply;
- (80) Schools—public, private and parochial;
- (81) Shopping center;
- (82) Storage or repair of furniture and appliances (display inside of building);
- (83) Studio (photographer, musician, artist);
- (84) Studio for radio and television;

- (85) Taxidermy;
- (86) Theater—indoor;
- (87) Tobacco shop;
- (88) Tool and equipment rental shop;
- (89) Trailer rental and sales;
- (90) Veterinary clinic or hospital; and
- (91) Veterinary services.
- (92) Restaurant with alcoholic beverage service.

6.2.C Conditional Uses (Special Use Permit required).

- (1) Day care center—12 or more children;
- (2) Flea market;
- (3) Frozen foods locker;
- (4) Scientific and research laboratories;
- (5) Theater (drive-in); and
- (6) Trade and commercial schools.

WATER

The property is served by a 6” city water main in Alexander.

SEWER

The property is served by a 6” sanitary sewer main in Alexander.

STREETS

The property is on Alexander, just North of US HWY 377.

Zoning and Land Use

Location	Zoning	Future Land Use
Subject Site	Residential, Single Family (R-1) and Multi-Family (R-3)	Single Family
North	Multifamily	Single Family
South	Retail and Commercial	Commercial
East	Retail and Commercial/Neighborhood Business	Commercial
West	Retail and Commercial	Commercial

Factors To Consider In Making Decision

- Compliance with Comprehensive Plan
 - Is application consistent with Plan?
 - If not, have conditions changed or new information been offered to support change?
- Surrounding Zoning & Land Use
- Infrastructure Impacts
- Size and Location of Parcel - Is land large enough & 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 interests 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) Deny the request for rezoning.