

# STAFF REPORT



**SUBJECT:** Case No.: RZ2021-012

Applicant Mark Bostock, dba Reunion Center Enterprises, is requesting a rezone of property located at 408 Morgan Mill Rd, Parcel R33346, of SIMS ADDITION, BLOCK 3, LOT 4, of the City of Stephenville, Erath County, Texas, from (R-1) Single Family Residential, to (B-2) Retail and Commercial.

**DEPARTMENT:** Development Services

**STAFF CONTACT:** Steve Killen

## RECOMMENDATION:

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

The Planning and Zoning Commission convened on July 21, 2021, and by a unanimous vote of 6/0, recommended the City Council approve the rezoning request.

## BACKGROUND:

Mr. Bostock is requesting the zoning change to allow the businesses currently in place to be properly zoned. The requested zoning conforms to the future land use of the Comprehensive Plan. The property is the current site of an automobile repair service shop – which is permitted use in Commercial zoning.

## CURRENT ZONING:



## FUTURE LAND USE:



## ZONING AND LAND USE:

Location	Zoning	Future Land Use
Subject Site	R-1 – Single Family	Commercial

North	B-2 – Retail and Commercial	Commercial
South	R-1, Single Family	Commercial
East	R-1, Single Family	Commercial
West	B-1, Neighborhood Business	Multifamily

#### **WATER:**

The property is currently served by a 6" water main in Morgan Mill.

#### **SEWER:**

The property is currently served by a 8" sanitary sewer main in Morgan Mill.

#### **STREET:**

The property is served by Morgan Mill.



#### **DESCRIPTION OF REQUESTED ZONING**

##### **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.

**6.2.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: 20 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 ten 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 five feet is required.
  - (b) Corner lot: 20 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 for rear yard is 10 feet and side yard is five feet.

**6.2.E Parking Regulations.** All uses permitted in the B-2 District: See Section 11 Parking Regulations.

**6.2.F Sign Regulation.** See Section 12 for Sign Regulations.

**6.2.G Exceptions to Use, Height and Area Regulations.** See Section 10.

**6.2.H Garbage Regulations.** Retail and Commercial 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 6.2.I.

**6.2.I 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. 2008-07, passed 5-6-2008; Am. Ord. 2009-23, passed 12-1-2009; 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) 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 zoning classification.
- 3) Over-rule the recommendation of the Planning and Zoning Commission and deny the rezoning request.