

# STAFF REPORT



**SUBJECT:** Case No.: RZ2021-015 & RP2021-007

Applicants Ontade LLC and Toby O’Neal are requesting a rezone of properties located at 1083 Frey, Parcel R32260, of KIGHT SECOND ADDITION, BLOCK 5, LOT 1, and 1065 W. Frey, Parcel R32261, of KIGHT SECOND ADDITION, BLOCK 5, LOT 2 (part of), of the City of Stephenville, Erath County, Texas, from (R-1) Single Family Residential, to (R-2.5) Integrated Housing with simultaneous replatting.

**DEPARTMENT:** Development Services

**STAFF CONTACT:** Steve Killen

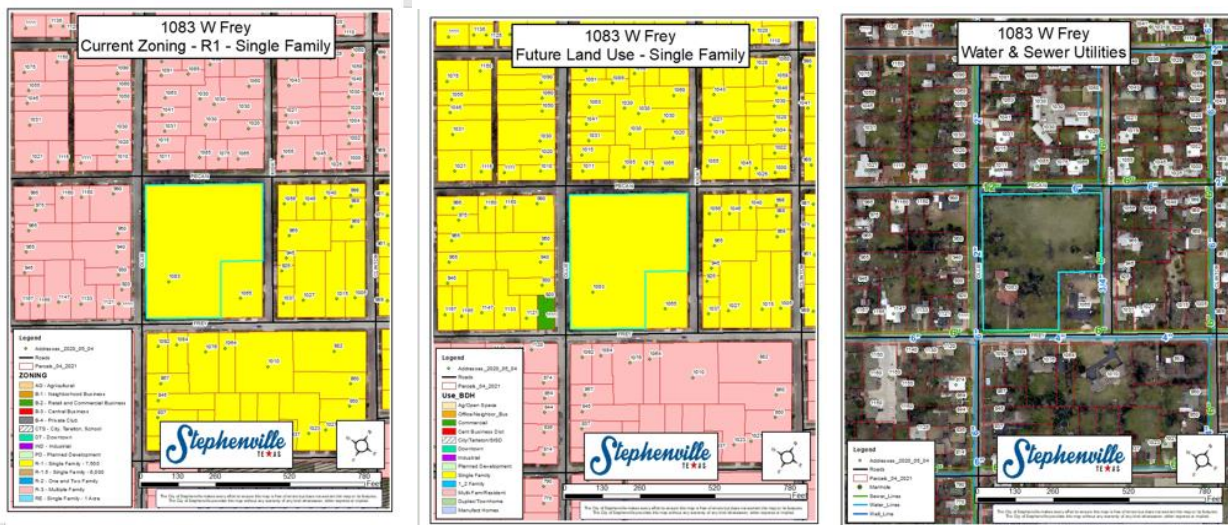
## RECOMMENDATION:

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

## BACKGROUND:

In May, 2021, rezoning requests from R-1, single family to R-3 Multifamily were considered and subsequently denied. Since that time, the City has adopted a new zoning known as R-2.5, Integrated Housing. As previously presented to the Commission, the creation of the new R-2.5 and revised R-3 zoning now delineates townhomes from the customary apartments. R-2.5 requires a much lesser density per acre (14 units compared to 24 units) and is for properties that will be platted as individual units.

Otade and Toby O’Neal are requesting consideration of R-2.5 zoning and simulatanoue approval of the plat. If approved, the mansion, known as 1083 W. Frey and 1065 W. Frey will remain R-1, while the remainder of these parcels will be R-2.5. The R-2.5 portion will be sold to a developer for an intended townhome project.



## DESCRIPTION OF REQUESTED ZONING

CITY OF STEPHENVILLE TEXAS  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF STEPHENVILLE, TEXAS ESTABLISHING A ZONING CLASSIFICATION IN THE CODE OF ORDINANCES PROVIDING FOR MEDIUM DENSITY CITY NEIGHBORHOOD DEVELOPMENT TO BE KNOWN AS SECTION 154.05.8 INTEGRATED HOUSING DISTRICT ( R-2.5) AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Current City zoning regulations do not provide a classification to provide for medium density city neighborhood development; and

WHEREAS, the City Council of the City of Stephenville, Texas desires to provide a zoning classification for said development with appropriate rules and regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEPHENVILLE, TEXAS:

The following zoning classification is hereby established to the City of Stephenville Code of Ordinances:

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 R-2.5 Integrated Housing District will be applicable to for all Residential districts, B-1 Neighborhood Business and B-3 Central Business.

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.

5.8.E Parking Regulations. A Single-Family, R-2.5 District lot 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 this ordinance, Section 11, Parking Regulations of this ordinance.

(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: 25 feet.
- (5) Minimum depth of rear setback: 25 feet.
- (6) Minimum width of side setback:
  - (a) Internal lot: six feet.
  - (b) Corner lot: 25 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.

A Two to Four-Family, R-2.5 District lot 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 this ordinance, Section 11, Parking Regulations of this ordinance.

(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: 25 feet.

(5) Minimum depth of rear setback: 15 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 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.

A Townhouse/Condominium, R-3 District lot 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 this ordinance, Section 11, Parking Regulations of this Ordinance.

Ord. 2007-24, passed 12-4-2007; Am. Ord. 2008-13, passed 7-1-2008; Ord. 2011-26, passed 12-6-2011)

This ordinance shall be effective upon passage.

PASSED AND APPROVED this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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Doug Svien, Mayor

ATTEST:

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Staci L. King, City Secretary

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Reviewed by Allen L. Barnes,  
City Administrator

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Randy Thomas, City Attorney  
Approved as to form and legality

#### AUTHORIZATION OF SIMULTANOUES CONSIDERATION

##### **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.

#### **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.