

STAFF REPORT



SUBJECT: Case No.: RZ2021-014

Applicant Joe Soto is requesting a rezone of the remaining portion of property located at 645 McCart, Parcel R33258, of Shapard & Collins, Block 10, Lot 7, of the City of Stephenville, Erath County, Texas from (I) Industrial to (R-3) Multifamily.

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

RECOMMENDATION:

The Comprehensive Plan for future land use designates this property to be multifamily. Staff supports the rezone request.

BACKGROUND:

The intended project for the requested zoning is for a multifamily development.

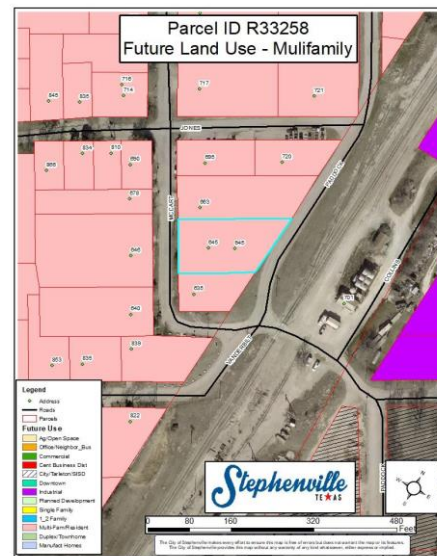
The applicant previously submitted a rezone application in 2017 which was subsequently approved by the Commission and City Council in the fall of 2017. In 2020, the applicant submitted an application for replat which was also approved by the Commission and City Council in May, 2020.

Recent submittals for the project led to the discovery that the replat removed an approximate 27 feet of the property known as 663 McCart and expanded the property known as 645 McCart. Consequently, 645 McCart now has a split zoning of Industrial and R-3, multifamily.

CURRENT ZONING:



FUTURE LAND USE:



[illegible]

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

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.

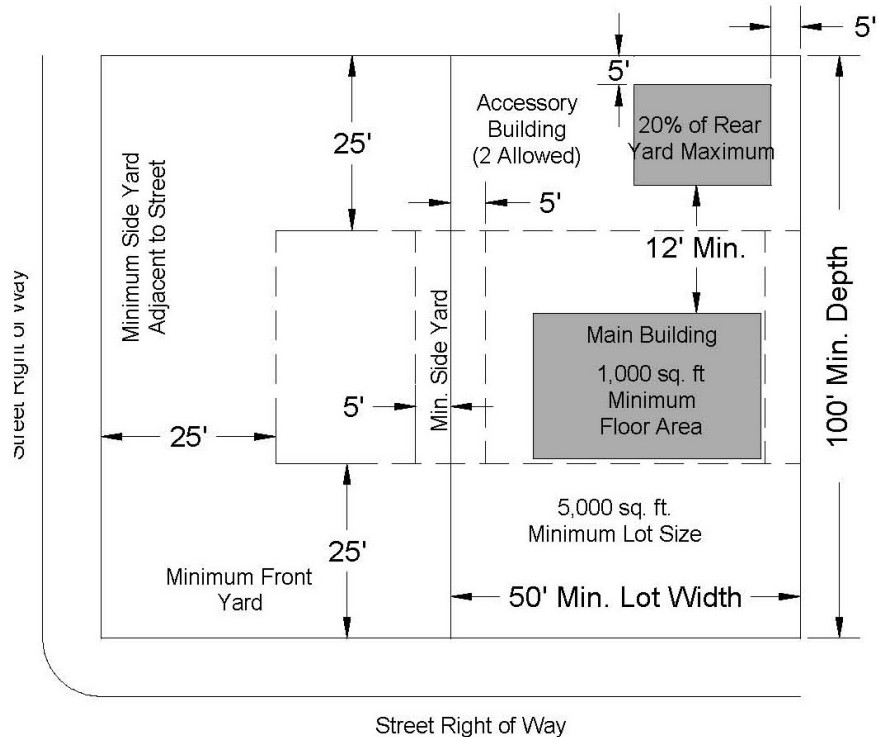
5.6.C Conditional Uses.

- (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.

5.6.D Height, Area, Yard and Lot Coverage Requirements.

- (A) *Single family dwelling.*
 - (1) Minimum lot area: 5,000 ft².
 - (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 coverage as a percentage of lot area: 40%.
 - (b) Single family dwelling: 1,000 ft².
 - (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.

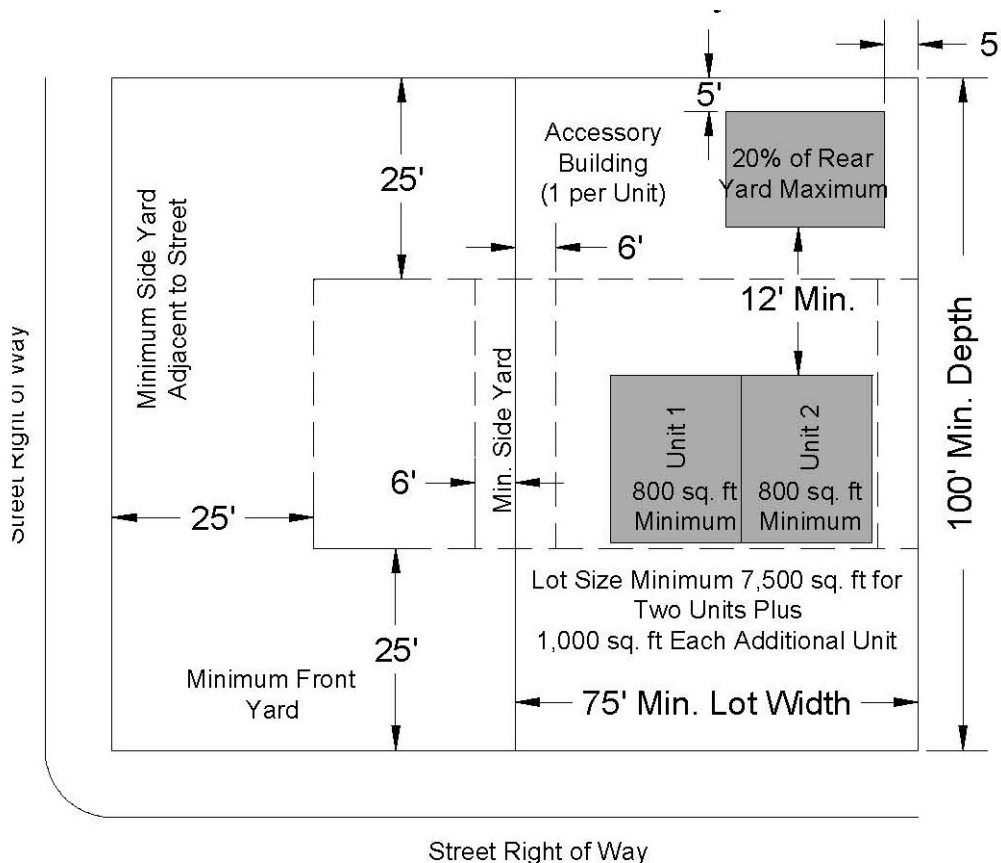


5.6.E Parking Regulations. A Single-Family, R-3 District lot shall provide a minimum of two vehicle parking spaces per dwelling unit, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in this ordinance, Section 11, Parking Regulations of this ordinance.

(B) *Two-to-four family.*

- (1) Minimum lot area: 7,500 ft² for two dwelling units, plus 1,000 ft² 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 ft².

- (8) Accessory buildings:
- Maximum accessory building coverage of rear yard: 20%.
 - Maximum area of each accessory building: 200 ft².
 - Maximum number of accessory buildings: one per unit.
 - Minimum depth of side setback: five feet.
 - Minimum depth of rear setback: five feet.
 - 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.

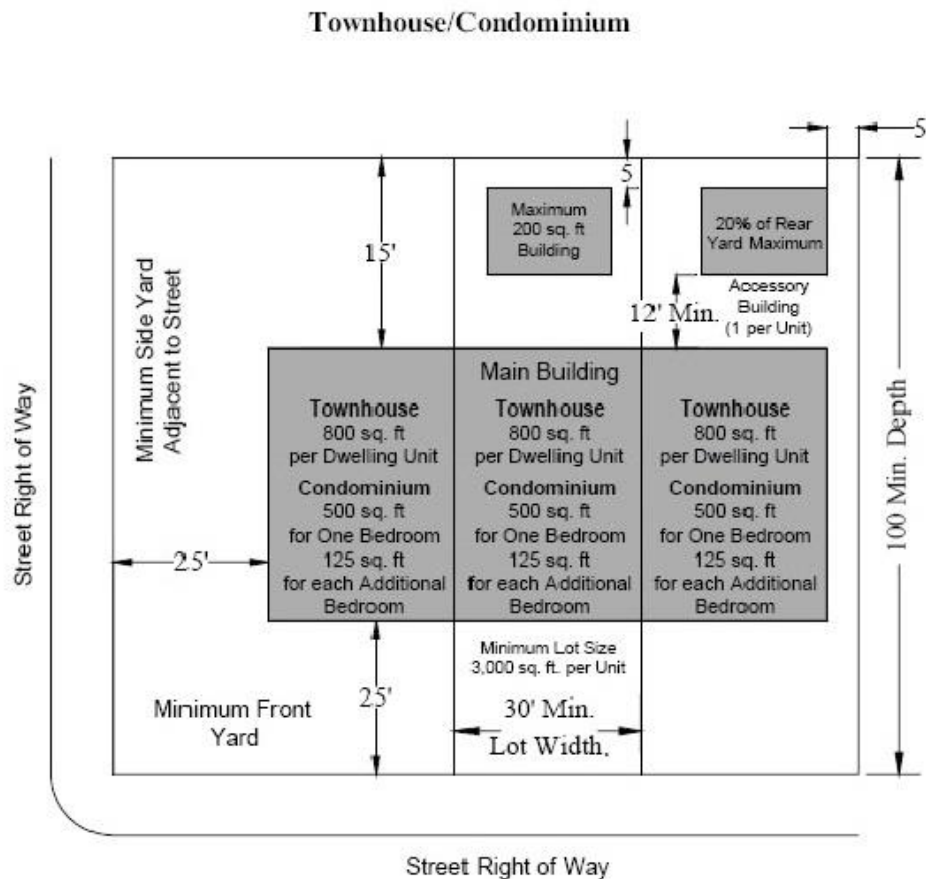


A Two to Four-Family, R-3 District lot shall provide a minimum of two vehicle parking spaces per dwelling unit, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in this ordinance, Section 11, Parking Regulations of this ordinance.

(C) *Townhouse/Condominium.*

- Minimum lot area: 3,000 ft² per unit.
- Minimum average lot width and lot frontage: 30 feet.
- Minimum lot depth: 100 feet.
- Minimum depth of front setback: 25 feet.
- Minimum depth of rear setback: 15 feet.

- (6) Minimum width of side setback:
- Internal lot: five feet.
 - Corner lot: 25 feet from intersecting side street.
- (7) Building size:
- Maximum building coverage as a percentage of lot area: 40%
 - Minimum area of each Townhouse dwelling unit: 800 ft².
 - Minimum area of each Condominium of each dwelling unit: 500 ft² for one bedroom or less, plus 125 ft² of floor area for each additional bedroom.
- (8) Accessory buildings:
- Maximum accessory building coverage of rear yard: 20%.
 - Maximum area of each accessory building: 200 ft².
 - Maximum number of accessory buildings: one per unit.
 - Minimum depth of side setback: five feet.
 - Minimum depth of rear setback: five feet.
 - 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.



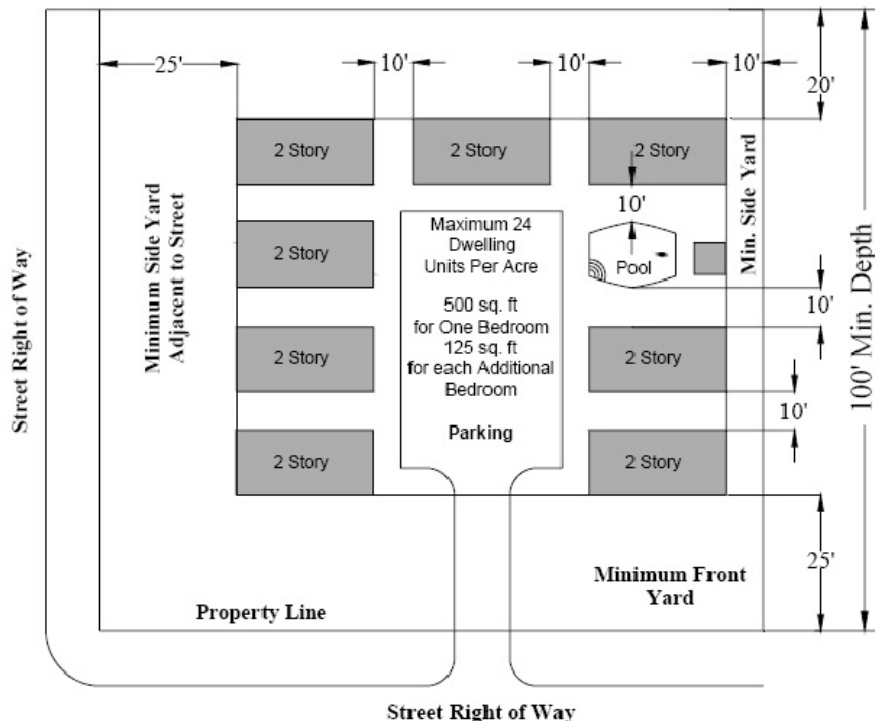
A Townhouse/Condominium, R-3 District lot shall provide a minimum of two vehicle parking spaces per dwelling unit, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in this ordinance, Section 11, Parking Regulations of this Ordinance.

(D) *Multiple family dwellings.*

- (1) Minimum lot area: maximum density of 24 dwelling units per acre, which includes parking, access and all other area improvements.
- (2) Minimum lot depth: 100 feet.
- (3) Minimum depth of front setback: 25 feet.
- (4) Minimum depth of rear setback: 20 feet.
- (5) Minimum width of side setback:
 - (a) Internal lot: ten feet.
 - (b) Corner lot: 25 feet from intersecting side street.
- (6) Building size: Minimum area of each dwelling unit: 500 ft² for one bedroom or less plus 125 ft² of floor area for each additional bedroom.
- (7) Maximum height of structures: 35 feet.
- (8) 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.

5.6.D Height, Area, Yard and Lot Coverage Requirements

Multiple Family Dwelling



A Multiple-Family, 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.

5.6.F Type of Construction.

- (1) The exterior walls of all new dwellings to the top plate, shall be constructed of at least 80% of the total exterior walls of primary materials, excluding doors, windows, and porches. See Section 10.E(1): Exterior Building Material Standard—Primary Materials.
- (2) Any remaining exterior walls of all new dwellings shall construct the remaining exterior walls of alternative materials. See Section 10.E(2): Exterior Building Material Standard—Alternative Materials.
- (3) 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.
- (4) Existing dwellings expanding the total square footage of the building more than 50%, or proposing to use a material inconsistent with the primary structure for any expansion, must meet the 80% minimum primary materials, Section 10.E: Exterior Building Material Standard, for the total exterior walls of the structure.



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

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.