

# STAFF REPORT



**SUBJECT:** Case No.: **RZ2021-019 & RP2021-008**

Applicant Quazi Moumin is requesting a rezone of property located at **940 Harbin Drive, Parcel R30440** of CITY ADDITION, BLOCK 144, LOT 3, 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, Director of Development Services

## RECOMMENDATION:

The Planning and Zoning Commission convened on December 15, 2021 and by a motion of 4/3, recommended that the City Council deny the rezone request. If the rezoning request is denied, the replat is, by ordinance, also denied (Please see ordinance excerpt, Sec. 155.4.03.CC2).

### C. Zoning.

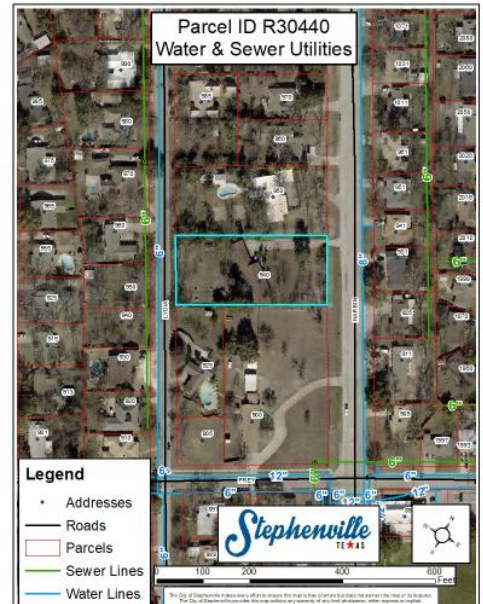
2. *Request to Rezone First.* If an Applicant seeks to amend the zoning for the property, the request to rezone the land shall be submitted and approved prior to acceptance of an Application for filing of a plat, unless as otherwise provided below.

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.

## BACKGROUND:

**PROPERTY PROFILE:** Located north of W. Frey Street



Eight persons spoke in response to Dr. Moumin's request expressing concern with the rezone.

## **DESCRIPTION OF REQUESTED ZONING**

### **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: 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.
- 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: 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.

#### **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.

#### **ALTERNATIVES**

- 1) Approve the request to rezone
- 2) Deny the request to rezone