

# STAFF REPORT



**SUBJECT:** Case No.: RZ2020-013  
Applicant Marc Pace is requesting a rezone of properties located at 1600 W Swan, Part of Lot 5, Block 14, South Side Addition, to the City of Stephenville, Erath County, Texas, from (I) Industrial to (R-3) Multi-Family.

**DEPARTMENT:** Development Services

**STAFF CONTACT:** Steve Killen

## RECOMMENDATION:

The Comprehensive Plan for future land use designates this property to be Commercial. Future zoning for most of the surrounding properties is multifamily.

The applicant’s request was received for the November meeting. The application provided legal descriptions for the rezone request of three properties; however, only one physical address was noted. Consequently, only one of the three properties were listed in the legal notice for the November meeting. Staff is bringing the remaining properties back for approval in an effort to correct the administrative oversight.

The Planning and Zoning Commission convened on December 16<sup>th</sup> and by a unanimous vote of 6:0, “recommended the City Council approve the request with the condition that the railroad be informed of all procedural issues that may or may not affect them.”

## BACKGROUND:

### APPLICANT REQUEST:

1. If approved, several mobile homes will be removed which are currently located in a legal, non-conforming mobile home park.

### CURRENT ZONING:

(I) Industrial

### FUTURE LAND USE:

Multifamily

### DESCRIPTION OF REQUESTED ZONING

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.

**WATER:**

The property is served by a 12" city water main in Swan.

**SEWER:**

The property currently is served by a 6" sanitary sewer main that traverses the property.

**STREET:**

The property is served by city street

**ZONING AND LAND USE:**

<b>Location</b>	<b>Zoning</b>	<b>Future Land Use</b>
Subject Site	Industrial	Multifamily
North	Industrial	Multi family
South	Multi family	Industrial
East	Multi family	Multifamily
West	Industrial	Multifamily

**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 of the Commission and approve the rezoning request with the stated condition.
- 2) Modify the recommendation of the Commission with an alternative zoning designation and/or removing the stated condition.
- 3) Reject the recommendation of the Commission and deny the request for rezoning.