

STAFF REPORT



SUBJECT: Case No.: RZ2020-014

Applicant Phuong Huang is requesting a rezone of properties located at 1125 S Alexander, A0196 Dupuy John B, to the City of Stephenville, Erath County, Texas, from (R-1) Single Family 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 Single Family.

BACKGROUND:

APPLICANT REQUEST:

The applicant recently purchased the property with the intentions to continue to use the existing single family home as a single family residence and build apartments on the back side of the property. The applicant met with staff last week. Several items were discussed in regards to the intended project, including access, setback requirements, demolition of existing accessory structures to provide space for the construction of the multifamily units and the need to replat, contingent upon the outcome of the request to rezone.

On December 16th, the Planning and Zoning Commission heard the case. Three persons spoke in opposition, one citizen submitted a letter of opposition and one citizen, requesting anonymity, submitted a letter in opposition. The Commission recommended the City Council deny the request by a vote of 5:0:1 with one member abstaining.

CURRENT ZONING:

Single Family

FUTURE LAND USE:

Single Family

CURRENT AND REQUESTED ZONING REQUIREMENTS

DESCRIPTION OF Sec. 154.05.3. - Single-family residential district (R-1) (7,500 ft).

5.3.A Description. This residential district provides for a generally lesser density city neighborhood development. The primary land use allows for single-family dwelling development appropriate to a city-style neighborhood. Other uses within this district shall contribute to the nature of the neighborhood. Development within this district is intended to be separate from and protected from the encroachment of land activities that do not contribute to the esthetic and functional well being of the intended district environment.

5.3.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) Accessory buildings;

(3) Churches, temple, mosques and related facilities;

(4) Community home;

(5) Park or playground; and

(6) SISD school—public.

5.3.C Conditional Uses.

(1) Home occupation;

(2) Common facilities as the principal use of one or more platted lots in a subdivision; and

(3) Child care—registered family home.

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

(1) Maximum density: one dwelling unit per lot.

(2) Minimum lot area: 7,500 ft².

(3) Minimum lot width and lot frontage: 75 feet.

(4) Minimum lot depth: 100 feet.

(5) Minimum depth of front setback: 25 feet.

(6) Minimum depth of rear setback: 25 feet.

(7) Minimum width of side setback:

(a) Internal lot: seven feet.

(b) Corner lot: 25 feet from intersecting side street.

(8) Building size:

(a) Maximum main building coverage as a percentage of lot area: 40%.

(b) Minimum area of main building: 1,500 ft².

(9) Accessory buildings:

(a) Maximum accessory buildings coverage of rear yard: 30%.

(b) Maximum number of accessory buildings: two.

(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.

(10) Maximum height of structures: 35 feet.

(11) 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.

5.3.E Parking Regulations. A Single-Family, R-1 District lot shall provide a minimum of two vehicle parking spaces, 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.

5.3.F Type of Construction.

(1) The exterior walls of all new dwellings to the top plate, shall be constructed exclusively of primary materials, excluding doors, windows, and porches. See Section 10.E(1): Exterior Building Material Standard—Primary Materials.

(2) 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.

(3) Existing dwellings expanding the total square footage of the building by more than 50%, or proposing to use a material consistent with the primary structure for any expansion must use primary materials, Section 10.E(1): Exterior Building Material Standard—Primary Materials, for the expansion area.

5.3.F Exterior Building Material Standards

(Ord. 2011-26, passed 12-6-2011)

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.

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.

Height, Area, Yard and Lot Coverage Requirements

Single-Family Dwelling

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:

- (a) Maximum accessory building coverage of rear yard: 20%.
- (b) Maximum area of each accessory building: 200 ft².
- (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.

Height, Area, Yard and Lot Coverage Requirements

Two-to-Four Family Dwelling

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.
 - (1) Minimum lot area: 3,000 ft² 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 ft².
 - (c) 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:
 - (a) Maximum accessory building coverage of rear yard: 20%.

- (b) Maximum area of each accessory building: 200 ft².
- (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.

Height, Area, Yard and Lot Coverage Requirements

Townhouse/Condominium

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.

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.

5.6.F Exterior Building Material Standards

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

WATER:

The property is served by a 16" city water main in Alexander at the south end of this property.

SEWER:

The property is not currently served by a sanitary sewer main. However, the utility is in the vicinity.

STREET:

The property is served by a State Highway.

ZONING AND LAND USE:

Location	Zoning	Future Land Use
Subject Site	Single Family	Single Family
North	Single Family	Single Family
South	Single Family	Single Family
East	Single Family	Single family
West	Single Family	Single family

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 deny the rezoning request.
- 2) Modify the recommendation of the Planning and Zoning Commission and approve the rezoning request designating an alternate classification.
- 3) Overrule the recommendation of the Planning and Zoning Commission and approve the request for rezoning.