

# STAFF REPORT



**SUBJECT:** Case No.: RZ2024-008

Applicant Tres Property Investments, LLC, is requesting a rezone of property located at 978 Old Hico Rd, being Parcel R17600, A0196 DUPUY JOHN B, HOUSE: STG & MH SITE, (JR MILLER) of the City of Stephenville, Erath County, Texas from (B-2) Retail & Commercial to (R-3) Multi-family Residential.

**DEPARTMENT:** Development Services

**STAFF CONTACT:** Steve Killen, Director of Development Services

## RECOMMENDATION:

To provide the City Council with a recommendation for the rezone request.

## BACKGROUND:

The property has current zoning of Retail and Commercial with Future Land Use being Retail and Commercial. The applicant is requesting the rezone in order to construct apartments. R-3 zoning includes single-family, one-two family or multifamily as permitted uses. There are numerous R-3 zoned parcels in the vicinity. Water and sewer is available in Old Hico Rd. and no additional Right-of-Way dedication will be required.

## PROPERTY PROFILE:



### 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 platted as one parcel and sole source management. 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) Multiple family dwellings, with each family limited as in division (1) above; Student living complexes will be subject to a variance request for units designed to occupy more than three unrelated students per unit;
- (4) Assisted living center;
- (5) Convalescent, nursing or long term-care facility;
- (6) Retirement housing complex;
- (7) Accessory buildings;
- (8) Churches, temples, mosques and related facilities;
- (9) Community home;
- (10) Park or playground;
- (11) SISD school—public;
- (12) Bed and breakfast/boarding house;
- (13) Group day care home;
- (14) Registered family home;
- (15) Day care center; and
- (16) Fraternity or sorority house.

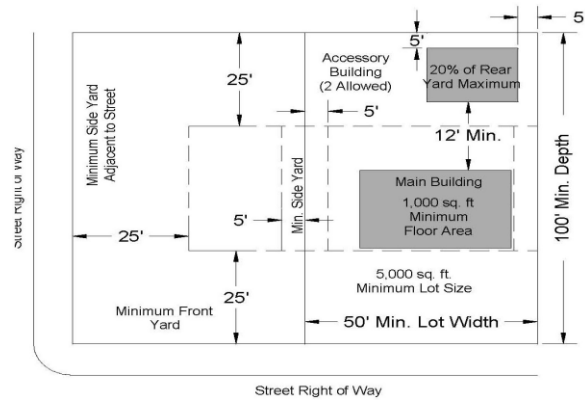
#### **5.6.C Conditional Uses.**

- (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.**

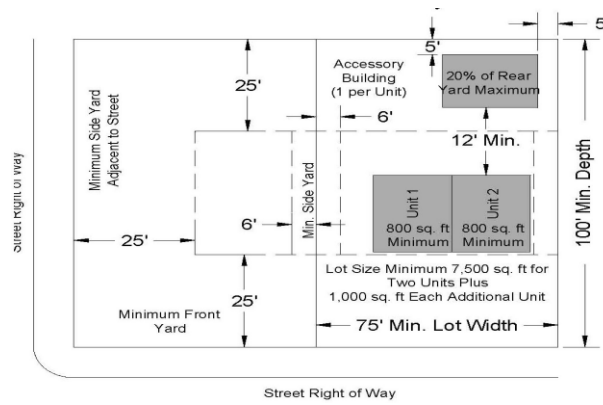
- (A) *Single family dwelling.*
  - (1) Minimum lot area: 5,000 ft<sup>2</sup>.
  - (2) Minimum lot width and lot frontage: 50 feet.
  - (3) Minimum lot depth: 100 feet.
  - (4) Minimum depth of front setback: 25 feet.
  - (5) Minimum depth of rear setback: 25 feet.
  - (6) Minimum width of side setback:
    - (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 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: 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.



(C) *Reserved.*

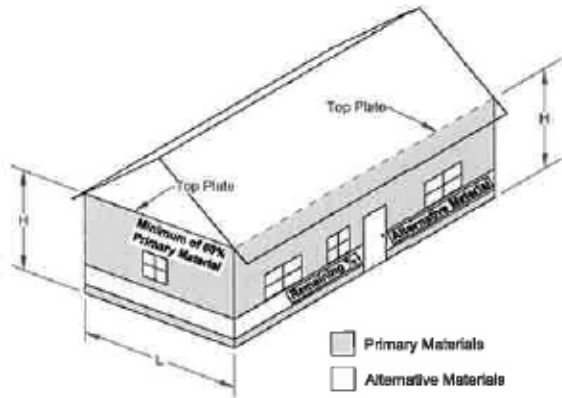
(D) *Multiple family dwellings.*

- (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 ft<sup>2</sup> for one bedroom or less plus 125 ft<sup>2</sup> 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.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. Student housing whereby individual rooms are leased by unit must require 1.5 spaces per rented bed.

**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.



### NEW CONSTRUCTION

Total Exterior Wall shall equal 80% of Primary Materials. Any remaining percentage shall be constructed of Alternative Materials. (Windows & Doors are excluded)

### EXISTING STRUCTURES

1. Expanding or modifying the footage of the building 50% or less, may use the same exterior material as the existing primary building. If not available, approval is need from the Community Development Director.
2. Expanding or modifying the footage of the building 50% or more, must use 80% Primary Materials and any remaining percentage shall be constructed of Alternative Materials.
3. Windows and Doors are excluded.

(Am. Ord. 2007-24, passed 12-4-2007; Am. Ord. 2008-13, passed 7-1-2008; Ord. 2011-26, passed 12-6-2011; Am. Ord. 2021-O-29, § 1, passed 9-7-2021)

### 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 property 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 approve.

### ALTERNATIVES:

- 1) Recommend the City Council approve the rezoning request.
- 2) Recommend the City Council deny the rezoning request.