

# STAFF REPORT



**SUBJECT:** Case No.: RP2024-006

Applicant Beau Mayo, representing Erath Capital investments, LLC., is requesting a replat of properties located at 1275 N Ivy, Parcel R28919, being BLK. 8, LOT 1 & 2 (W70 OF 1 & 2), 370 E Elm, Parcel R28920, BLK. 8, LOT 1&2 (E70 );, 1983 14X60 MH, BRECK, TEX0164537, 05094, 1273 Ivy, Parcel R28921, BLK. 8, LOTSs 3,4,5,6,7,8 & MH, Parcel R78019, BLK. 8; 20' Alley and Parcel R29961 of the S2400 CAGE ADDITION and Parcel R29961, being BLK. 92; LOT 3 (E PT OF) of the S2600 CITY ADDITION to the City of Stephenville, Erath County, Texas.

**DEPARTMENT:** Development Services

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

## RECOMMENDATION:

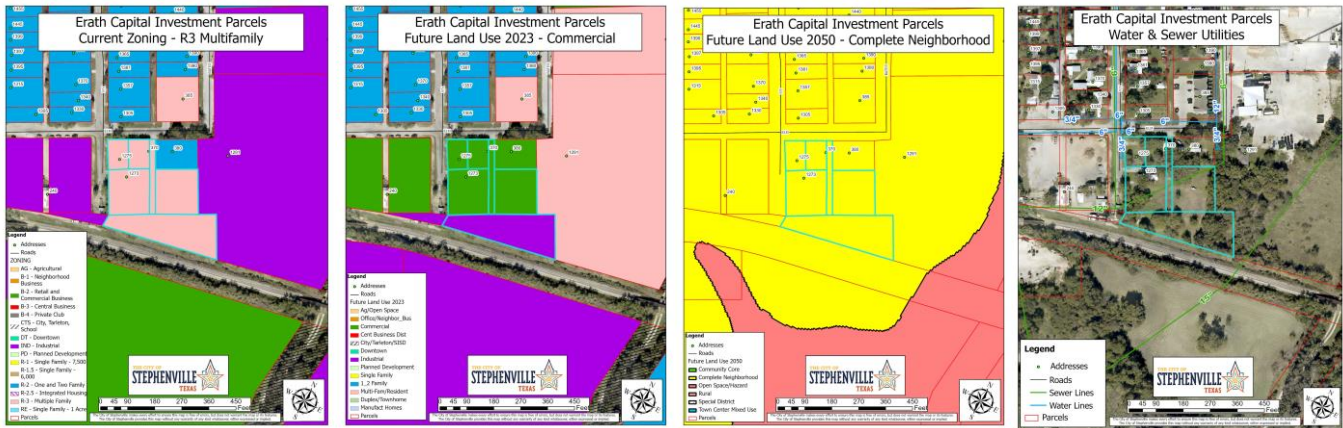
Staff recommend conditional approval. The conditions are as follows:

1. The Preliminary Plat must conform to design requirements and construction standards as set forth in the Engineering Standards Manual.
2. Additional easements as required for Backflow Preventor Assembly Vaults, Access & Utility Easements, retaining wall easements, Floodplain and others that may be required as identified during the review process.
3. Structures may not be placed over easements.
4. Ensure all required Plat language is provided.
5. Provide a signature block for County Clerk.
6. Final Plat to be recorded after acceptance of improvements and floodplain modeling.

## BACKGROUND:

On October 19, 2022, the Planning and Zoning Commission, by a vote of 4:1, recommended the rezone of multiple lots from R-2, One and Two Family, and I-Industrial to Multifamily. Subsequently, the City Council, by unanimous vote, approved the rezone of the affected property to R-3.

## PROPERTY PROFILE:



**Sec. 155.4.08. Replat.**

**A. Purpose and Applicability.**

1. A Replat of all or a portion of a recorded Plat may be approved in accordance with State law without vacation of the recorded Plat, if the Replat:
  - a. Is signed and acknowledged by only the owners of the property being replatted;
  - b. Is approved after a public hearing; and
  - c. Does not propose to amend or remove any covenants or restrictions previously incorporated in the recorded Plat.
2. A Replat shall be subject to approval by the Commission.

**B. General Notice and Public Hearing Requirements.**

1. Published notice of the public hearings on the Replat Application shall be given in accordance with Section 3.05 if applicable.
  - a. See specific notice and hearing requirements for "Certain" Replats in Section 4.08.F.
2. A public hearing shall be conducted by the Commission on all Replat Applications.

**C. Application.** The Application for a Replat of a Subdivision shall meet all Application requirements of a Final Plat. The Applicant shall acknowledge that the Replat will not amend or remove any covenants or restrictions previously incorporated in the recorded Plat.

**D. Partial Replat Application.** If a Replat is submitted for only a portion of a previously platted subdivision, the Replat must reference the previous Subdivision name and recording information, and must state on the Replat the specific lots which are being changed along with a detailed "Purpose for Replat" statement.

**E. Criteria for Approval.**

1. The Replat of the Subdivision shall meet all review and approval criteria for a Final Plat.
2. The Replat document shall be prepared by a Registered Professional Land Surveyor.

**F. Additional Requirements for "Certain" Replats.**

1. **Applicability of "Certain" Replats.** Pursuant to Texas Local Government Code Chapter 212.015, a Replat without vacation of the preceding Plat must conform to the requirements of this Section if:
  - a. During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot; or
  - b. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.

2. *Notice and Public Hearing Requirements for "Certain" Replats.* Notice of the required public hearing shall be given before the fifteenth (15<sup>th</sup>) calendar day before the date of the hearing by:
  - a. Publication in an official newspaper or a newspaper of general circulation in the applicable City or unincorporated area (as applicable) in which the proposed Replat property is located; and
  - b. Written notice, with a copy of Section 212.015(c) of the Texas Local Government Code (as amended) attached, forwarded by the City to the owners of lots that are in the original Subdivision and that are within two hundred feet (200') of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a Subdivision within the ETJ, the most recently approved applicable county tax roll of the property upon which the Replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the City.

3. Protest.

- a. If the Replat Application is accompanied by a waiver petition (per 7.01) and is protested in accordance with this Section, approval of the Replat shall require the affirmative vote of at least three-fourths of the voting members of the Commission present at the meeting.
- b. For a legal protest, written instruments signed by the owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the Replat Application and extending two hundred feet (200') from that area, but within the original Subdivision, must be filed with the Commission prior to the close of the public hearing.
- c. The area of streets and alleys shall be included in the area computations.

G. *Replat Review and Approval.*

1. *Replat.* The review and approval processes for a Replat shall be the same as the review and approval processes for a Final Plat (except for the special public hearing and notice requirements described in Section 3.05).
2. *Minor Replat.*
  - a. Pursuant to Texas Local Government Code 212.0065, a Replat involving four (4) or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities (i.e., a Minor Replat may be approved by the City Administrator in accordance with this Section
  - b. Prior to taking action on a proposed Minor Replat the Planning and Zoning Commission shall hold at least one public hearing thereon. Otherwise, the review and approval process shall be the same as including:
    - i. Deferral to the Commission of a Minor Replat Decision.

- H. *Effect.* Upon approval of the Application, the Replat may be recorded and is controlling over the previously recorded Plat for the portion replatted.

**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) Approve the replat.
- 2) Approve the replat with conditions.

3) Disapprove the replat.