

STAFF REPORT



SUBJECT: Case No.: RZ2022-025

Applicants Jonathan and Sylvia Hernandez are requesting a rezone of property located at 201 Ballow, Parcel R17533, being BLOCK 153; LOT 43 of the CITY ADDITION to the City of Stephenville, Erath County, Texas from Retail and Commercial Business District (B-2) to Multi-Family District (R-3).

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen, Director of Development Services

RECOMMENDATION:

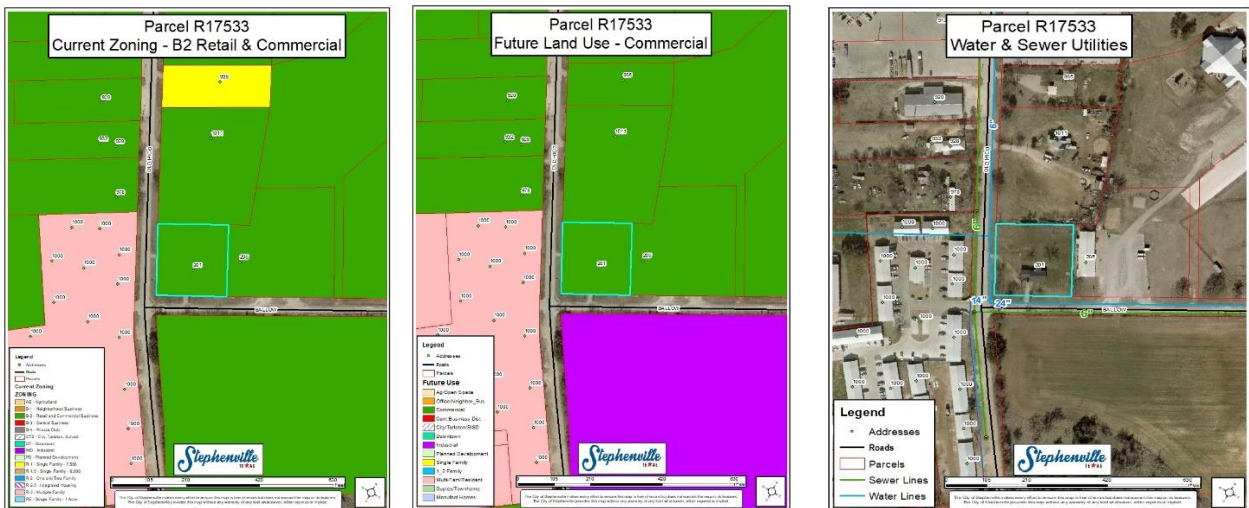
On November 16, by unanimous vote, the Planning and Zoning Commission moved to recommend the City Council approve the rezone request.

BACKGROUND:

The applicant is requesting rezone to market the property as R-3, Multifamily. The property is 0.93 acres with frontage of approximately 213' along Old Hico Road and 200' frontage along Ballow. Existing uses in the area are single family residential, multifamily and commercial.

The property has current zoning of B-2, Retail and Commercial District. The Future Land Use for this property is also designated as B-2, Retail and Commercial District.

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 wellbeing 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.

(D) *Multiple family dwellings.*

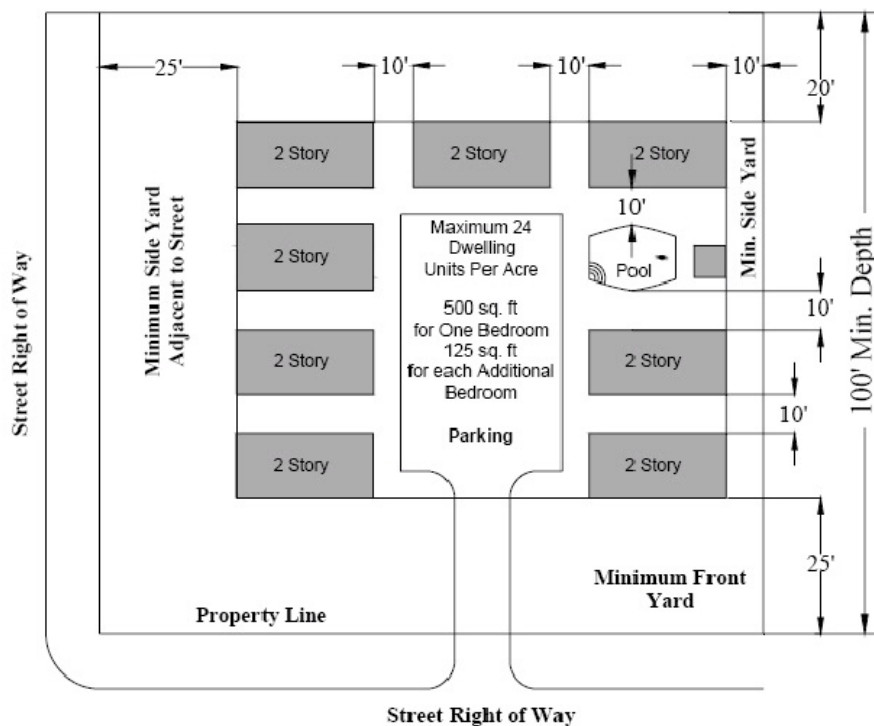
- (1) Minimum lot area: maximum density of 24 dwelling units per acre, which includes parking, access, and all other area improvements.
- (2) Minimum lot depth: 100 feet.
- (3) Minimum depth of front setback: 25 feet.
- (4) Minimum depth of rear setback: 20 feet.
- (5) Minimum width of side setback:
 - (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

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

Multiple Family Dwelling



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 mu

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) Accept the recommendation of the Planning and Zoning Commission and approve the rezone request.
- 2) Reject the recommendation of the Planning and Zoning Commission and deny the rezone request.