

STAFF REPORT



SUBJECT: Case Nos.: RZ2022-026 and PP2022-002

Applicant Casey Raitz, representing RF Land Holdings, LLC, is requesting a rezone with simultaneous approval of the Preliminary Plat for property located at 0 E Collins Street, Parcel R29629, being 5.29 acres of CITY ADDITION, BLOCK 65, LOT 1 (Pt. OF) of the City of Stephenville, Erath County, Texas from Neighborhood Business District (B-1) to Single Family Residential District (R-1)

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen, Director of Development Services

RECOMMENDATION:

The Comprehensive Plan for future land use designates this property to be Single Family Residential.

BACKGROUND:

Recent rezoning cases in the vicinity have been approved resulting in residential construction along Miller Street. The property has two 15" sanitary sewer lines traversing the property that will require easements remain dedicated to the city. Vertical construction within these easements will be prohibited.

The Planning and Zoning Commission convened on December 21, 2022, and held a Public Hearing. The Commission voted unanimously (6-0) to approve the rezone request. The Commission also granted conditional approval of the replat as presented by staff. Should the City Council deny the rezoning request, the plat shall also be denied pursuant to Sec. 155.4.03 of the zoning code.

PROPERTY PROFILE:



STAFF COMMENTS:

Should the rezone be recommended for approval, staff requests the Preliminary Plat be approved with the following conditions:

1. Provide 20'x20' triangular sight visibility easements on each side of Callum's Circle.
2. Show front, side and rear setbacks.
3. Identify Callum's Circle as private road and privately maintained.
4. Confirm Cul de Sac is 96' diameter.
5. Confirm easement for sewer is dedicated to COS. Verify the Shared Access & Utility Easement encompassed all of Lot 10.
 - a. Municipal Utility Easement required to encompass both existing 15" sewer lines through Lot 9.
 - b. Water line extension required from Frey to Collins. Municipal Utility Easement required to encompass proposed water line through Lot 9.
6. Show ROW for E Collins as a Collector having a min. 70' ROW. Additional dedication will be required, unless waiver request is granted.
7. Identify as Lot 10 as common area (possibly same for Lot 9), to be maintained by HOA.
8. Establish HOA.
9. Floodplain Easement to encompass 100-yr floodplain plus 10' buffer. Statement of restrictions to be placed on face plat. (*ORD. Sec. 155.6.08.C.*)

Sec. 155.4.03. General subdivision and platting procedures.

- A. *Plats Required for Land Subdivision.* A Preliminary Plat or Minor Plat shall be approved prior to any land division that is subject to these regulations and prior to commencement of any new development.
- B. *Replats and Amending Plats.*
 1. *Replat.* A Replat, in accordance with State law, and the provisions of Section 4.08 shall be required any time a platted, recorded lot is further divided or expanded, thereby changing the boundary and dimensions of the property.
 2. *Amending Plat.* In the case of minor revisions to recorded Plats or lots, an Amending Plat may also be utilized if in accordance with Section 4.09.
- C. *Zoning.*
 1. *Conformance with Existing Zoning.* All Applications shall be in conformance with the existing zoning on property inside the City Limits.
 2. *Request to Rezone First.* If an Applicant seeks to amend the zoning for the property, the request to rezone the land shall be submitted and approved prior to acceptance of an Application for filing of a plat, unless as otherwise provided below.
 - a. The Applicant may request approval from the City Administrator to submit an application simultaneous with the zoning change request, in which case the Application for the zoning amendment shall be acted upon first, provided that the Application is accompanied by a properly executed Waiver of Right to 30-Day Action (due to the more lengthy time frame necessary to advertise and process zoning Applications).
 - b. In the event that the requested zoning amendment is denied, the Plat Application shall also be rejected or denied.

Sec. 154.05.3. Single-family residential district (R-1) (7,500 ft²).

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.

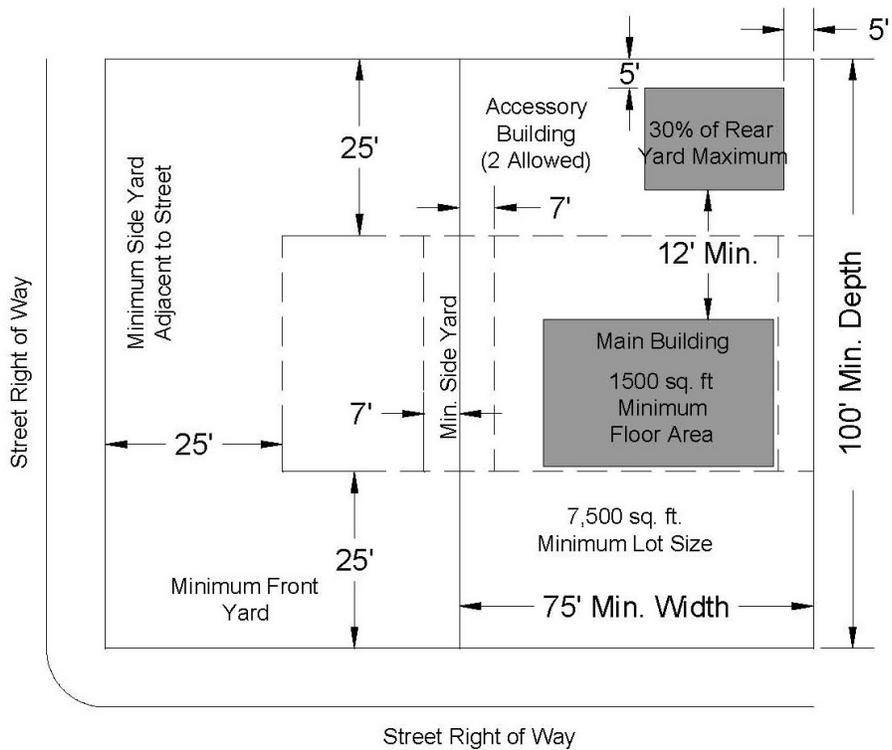
- (1) Single-family detached dwelling, limited to occupancy by a family having no more than three individuals who are unrelated by blood, legal adoption, marriage, or conservatorship. The owner and any agent of the owner shall be legally responsible for directly or indirectly allowing, permitting, causing, 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.

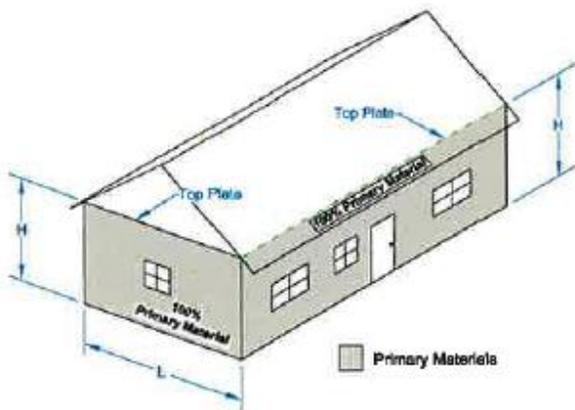


5.3.E Parking Regulations. A Single-Family, R-1 District lot shall provide a minimum of two vehicle parking spaces, with a driveway connecting the parking spaces with a street or alley and meet all the pertinent requirements contained in this ordinance, Section 11, Parking Regulations of this ordinance.

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



NEW CONSTRUCTION

Total Exterior Wall shall equal,
100% of Primary 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 100% Primary Materials of the exterior wall.
3. Windows and Doors are excluded.

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

ALTERNATIVES:

- 1) Accept the recommendation of the Planning and Zoning Commission and approve the rezoning request.
- 2) Reject the recommendation of the Planning and Zoning Commission and deny the rezoning request. Such action will also result in the denial of the Preliminary Plat.