

# STAFF REPORT



**SUBJECT:** Case No.: CG2025-001

Applicant Zane Cole is requesting a waiver from Section 155.6.04 relating to curb and gutter requirements for property located at 185 W Park ST, being Parcel R31466 of S3500 Frey First Addition, Block35, Lot 7 and 8.

**DEPARTMENT:** Development Services

**STAFF CONTACT:** Steve Killen

## RECOMMENDATION:

The Planning and Zoning Commission convened on January 15, 2025, and by unanimous vote, recommended the City Council deny the waiver request.

One person submitted a letter of opposition.

## BACKGROUND:

This property was recently rezoned to R-2.5 and the parcel was subdivided to allow for the construction of a single-family home. Because the property was recently replatted, the request must be reviewed by the Planning and Zoning Commission and City Council.

A full or partial waiver may be recommended. Alternatively, the Commission may recommend denial.



## **SUBDIVISION ORDINANCE/SIDEWALKS**

### **Sec. 155.6.04. Streets.**

#### **M. *Curb and Gutter Options.***

1. A six (6) inch standard curb shall be constructed on both sides of all streets except as allowed in 2 and 3 below.
2. On residential local streets and any subdivision where all lots are one (1) acre or larger, a "lay down" or "roll down" curb shall be permitted if designed in accordance with Engineering Standards Manual.
3. On subdivision where all lots are one acre or larger, a "ribbon curb" shall be permitted if designed in Engineering Standards Manual.

### **Sec. 155.7.01. Petition for subdivision waiver.**

#### **3. *Waiver from the Requirements for Sidewalks, Curbs, and/or Gutters.***

- a. The City Manager, Assistant City Manager, and the Director of Development Services are authorized to grant waivers for Sidewalks, Curbs, and/or Gutters under the following conditions:
  - i. The property was platted prior to March 1, 2021; and
  - ii. The property is located outside of the City of Stephenville's Sidewalk Improvement Area as defined in Resolution No. 2019-R-05.
- b. Waivers requested that do not qualify under the conditions outlined in Section 3.a. above must follow the procedure for a Major Subdivision Waiver.
- c. Applicants whose request for waiver is denied by the City Manager, Assistant City Manager, or the Director of Development Services may appeal this decision. Appeals under Section 3 will follow the procedures for appealing a Minor Subdivision Waiver as set forth in Section J.
- d. All approved waivers require the payment of a fee equal to 25% of the total improvement cost as determined by the city's current bid contract for such improvements. Fees collected will be dedicated to the City's Sidewalk Cost Share Program.

#### **J. *Minor Subdivision Waiver Appeal.***

##### **1. *Initiation of an Appeal.***

- a. The Applicant may appeal a Minor Subdivision Waiver decision of the City Administrator, as allowed within the Subdivision Ordinance.
- b. The written request to appeal shall be submitted to the City Administrator within thirty (30) calendar days following the denial decision.

##### **2. *Recommendation of the Planning and Zoning Commission.***

- a. The Commission shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the notice of appeal is submitted to the City Administrator.
- b. At this meeting, new information may be presented and considered, if available, that might alter the previous decision to deny the Minor Subdivision Waiver.
- c. The Commission shall recommend to the City Council to affirm, modify or reverse the previous decision by simple majority vote.

##### **3. *Appeal to City Council.***

- a. The Applicant may appeal the Commission's decision by submitting a written notice of appeal to the City Administrator within thirty (30) calendar days following the Commission's decision.

- b. After the recommendation from the Commission has been made, the City Council shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the Commission's recommendation was made.
- c. The City Council may affirm, modify or reverse the decision by simple majority vote.
- d. The decision of the City Council is final.

**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?

**ALTERNATIVES**

- 1) Accept the recommendation of the Planning and Zoning Commission and deny the waiver request.
- 2) Grant a full or partial waiver.