

## Item H-4

PUBLIC HEARING: Consider a recommendation for a Specific Use Permit (SUP) for an approximately 4,272 square foot detached accessory dwelling unit before constructing a new home, located on approximately 3.57-acres, on the north side of Simmons Drive, approximately one thousand four hundred feet (1,400') east of the Simmons Drive and Rufe Snow Drive intersection, at 1021 Simmons Drive, being Lot 13R, Block 1, Rolling Oaks Estates, and zoned SF-36 (Single Family Residential – 36,000 square foot minimum). Trent and Mary Petty, owners. Greg Wright, Providential Land Development, LP, applicant. (SUP-17-0020)



## Item H-4 Zoning Map



## Item H-4 Aerial View



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## Item H-4 Background

REVISED PLAT

**LOT 13-R & 14-R, BLOCK I,  
ROLLING OAKS ESTATES  
UNIT NO. 2**

**AN ADDITION TO THE CITY OF KELLER  
TARRANT COUNTY, TEXAS**

BEING A REVISION OF A PORTION OF LOT 13, BLOCK I, ROLLING OAKS ESTATES UNIT NO. 2,  
AN ADDITION TO THE CITY OF KELLER, TARRANT COUNTY, TEXAS, ACCORDING TO PLAT  
RECORDED IN VOL. 388-126, P. 23, D.R.T.C.T., AND A PORTION OF LOT 14, BLOCK I, ROLLING  
OAKS, AN ADDITION TO THE CITY OF KELLER, TARRANT COUNTY, TEXAS, ACCORDING TO PLAT  
RECORDED IN VOL. 388-125, P. 32, D.R.T.C.T. JOB NO. 78075

79021

QUIT CLAIM DEED TO CRISP EQUIPMENT CO.  
0.19 ACRES  
REC. VOL. 6722 TRACT REC. VOL. 5346  
P. 1537 D.R.T.C.T. P. 345 D.R.T.C.T.

SUBJECT TO THE FOLLOWING:

1. BEGINNING AT A POINT, THE NORTHEAST CORNER OF SAID LOT 13, BLOCK I, ROLLING OAKS ESTATES, UNIT NO. 2, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID TRACT OF LAND DESCRIBED IN DEED RECORDED IN VOLUME 3021, PAGE 45, DEED RECORDS, TARRANT COUNTY, TEXAS, AND THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED RECORDED IN VOLUME 5346, PAGE 345, DEED RECORDS, TARRANT COUNTY, TEXAS;

2. THENCE SOUTH 00° 47' 16" EAST 615.87 FEET TO A POINT;

3. THENCE SOUTH 88° 48' 45" WEST 8.80 FEET TO A POINT, THE BEGINNING OF A CURVE TO THE LEFT, BEING IN THE RIGHT OF WAY OF SAID SIMMONS DRIVE;

4. THENCE ALONG SAID RIGHT OF WAY LINE AND CURVE HAVING A RADIUS OF 25.0 FEET A DISTANCE OF 141.24 FEET TO A POINT IN SAID RIGHT OF WAY LINE;

5. THENCE SOUTH 88° 48' 45" WEST 130.38 FEET TO A POINT IN SAID RIGHT OF WAY LINE;

6. THENCE LEAVING SAID RIGHT OF WAY LINE NORTH 27° 07' FEET TO A POINT IN THE NORTH LINE OF SAID LOT 13, BLOCK I, ROLLING OAKS ESTATES, UNIT NO. 2;

7. THENCE SOUTH 88° 23' 49" EAST ALONG THE NORTH LINE OF SAID LOT 13, BLOCK I, A DISTANCE OF 245.89 FEET TO THE POINT OF BEGINNING, CONTAINING 3.506 ACRES OF LAND MORE OR LESS.

DO HEREBY adopt the Plat attached hereto as our plan for revising same and designate it as LOT 13-R, BLOCK I, ROLLING OAKS ESTATES, UNIT NO. 2, AN ADDITION TO THE CITY OF KELLER, TARRANT COUNTY, TEXAS, and dedicate to the use of the public the streets and easements shown thereon.

IN WITNESS THIS DEDICATION IS EXECUTED THIS 27<sup>th</sup> day of April, A.D., 1979.

*[Signature]*  
JOE SIMMONS

*[Signature]*  
IVA MAE SIMMONS

STATE OF TEXAS     I  
COUNTY OF TARRANT     I

BEFORE ME, a Notary Public, on this day personally appeared JOE SIMMONS and IVA MAE SIMMONS, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 27<sup>th</sup> day of April, A.D., 1979.

*[Signature]*

Notary Public, Tarrant County, Texas

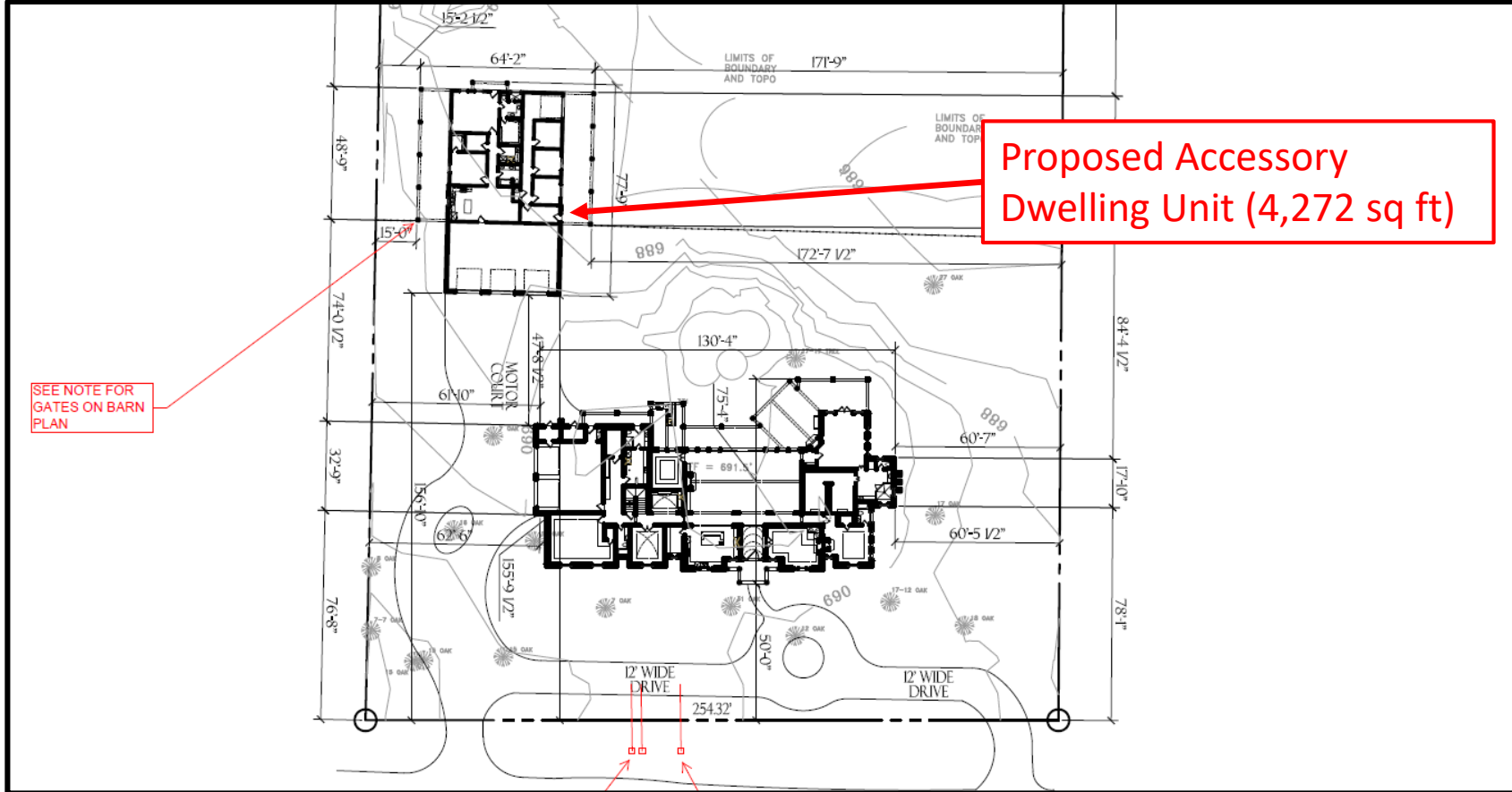
NOTARY PUBLIC  
COUNTY OF TARRANT, TEXAS

THE CITY COUNCIL OF  
KELLER ON \_\_\_\_\_, 1979,

VOTED AFFIRMATIVELY TO ADOPT  
THIS PLAN AND APPROVE IT FOR

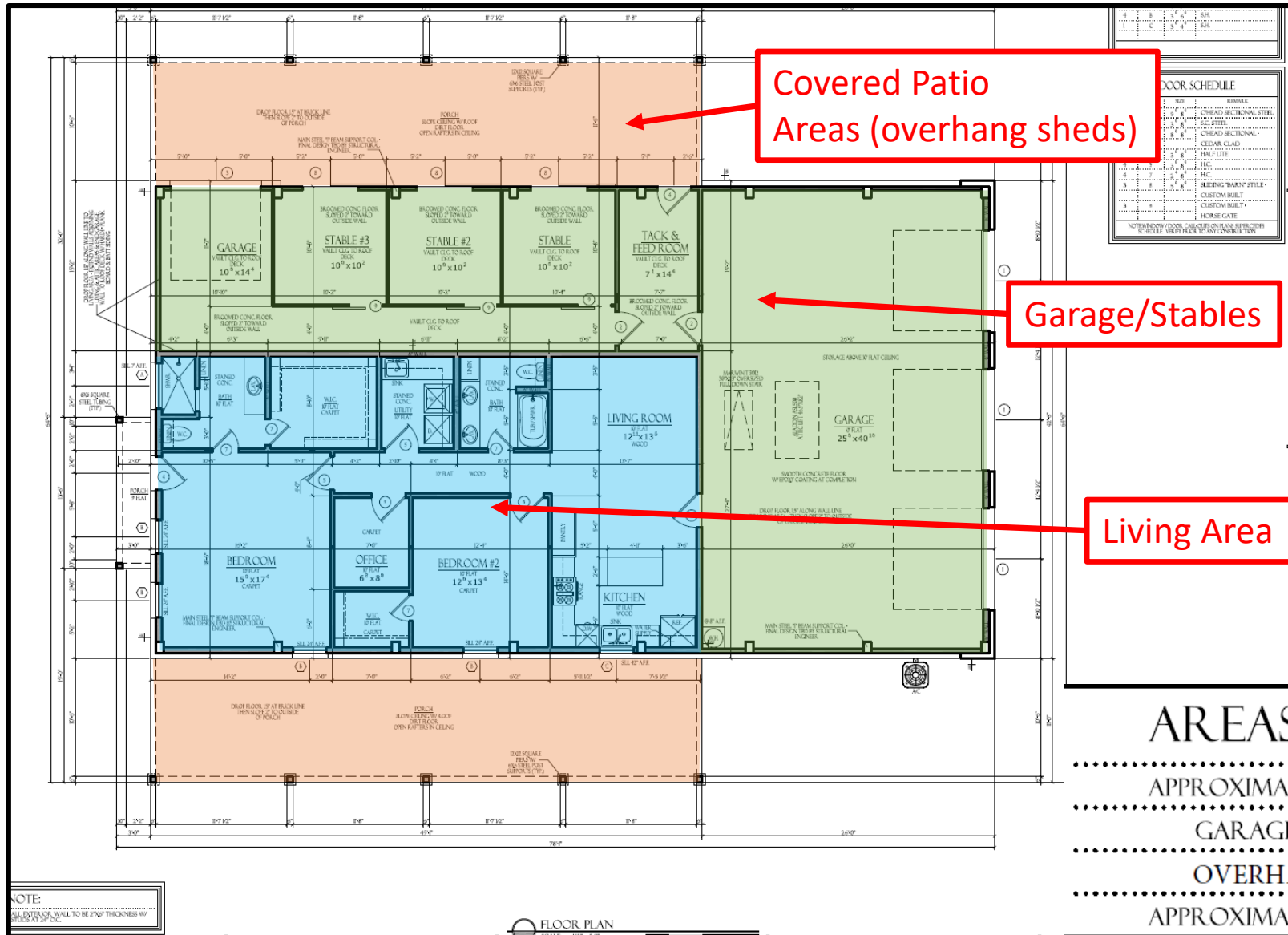
- Zoned SF-36.
- Platted in 1979 – Lot 13-R.
- The existing house was built in 1985
- There are two (2) existing accessory buildings (an approximately 640 square foot structure, and a 2,000 square foot metal barn)

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- The purpose of this Specific Use Permit is to request the approval of an accessory dwelling unit with variances.
- Applicant intends to build the accessory dwelling unit first.
- Existing house will then be demolished.
- Applicant will reside in accessory dwelling unit while new home is constructed.

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## Specific Use Permit:

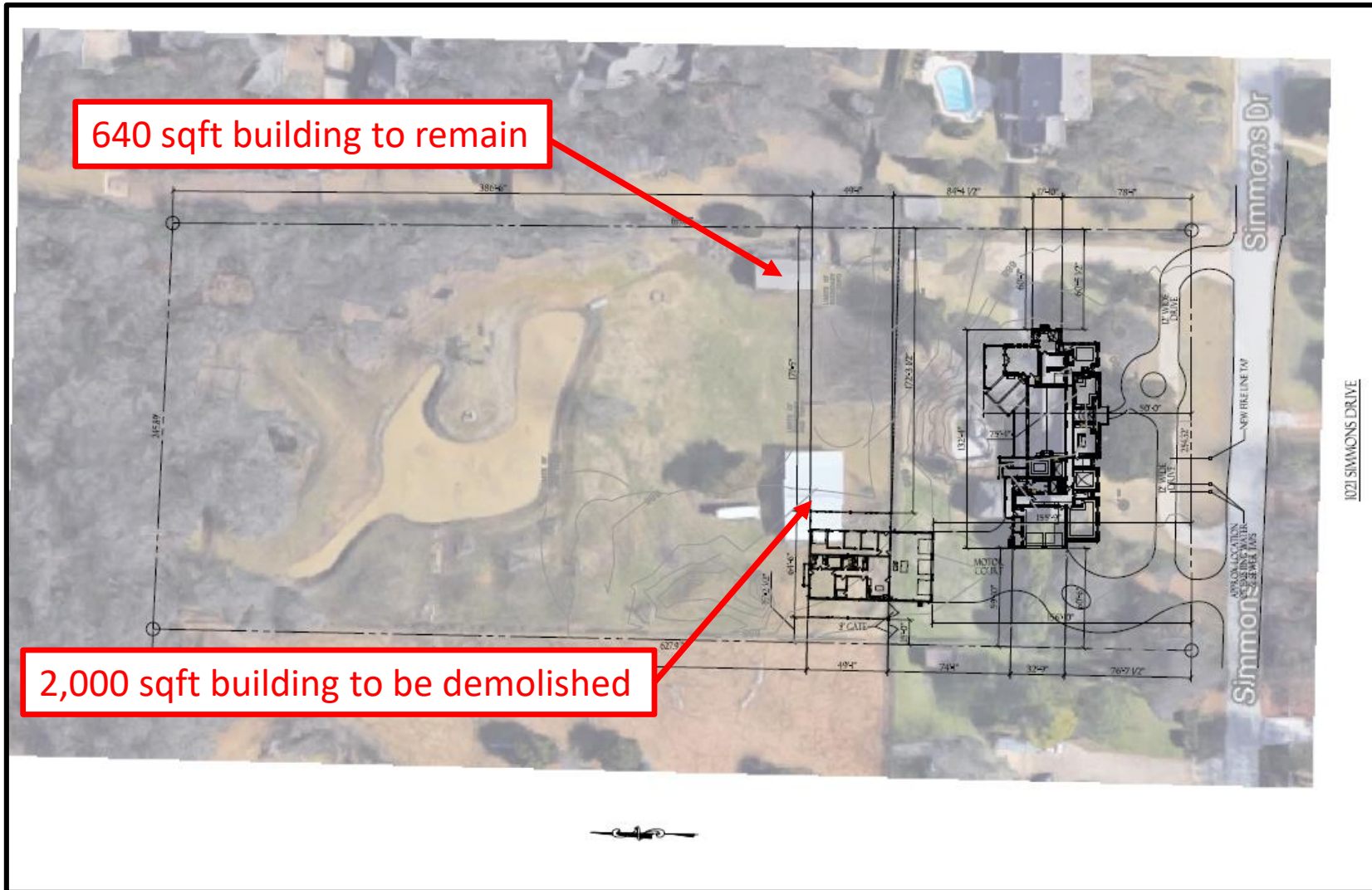
UDC Section 8.06 (C.2.g.2) states that all accessory buildings greater than 1,200 square feet will require a SUP.

1. Allow 4,272 sqft accessory dwelling unit.

## AREAS:

APPROXIMATE LIVING	1,342 中
GARAGE / STABLES	1,831 中
OVERHANG SHEDS	1,099 中
APPROXIMATE TOTAL A.U.R.	4,272 中

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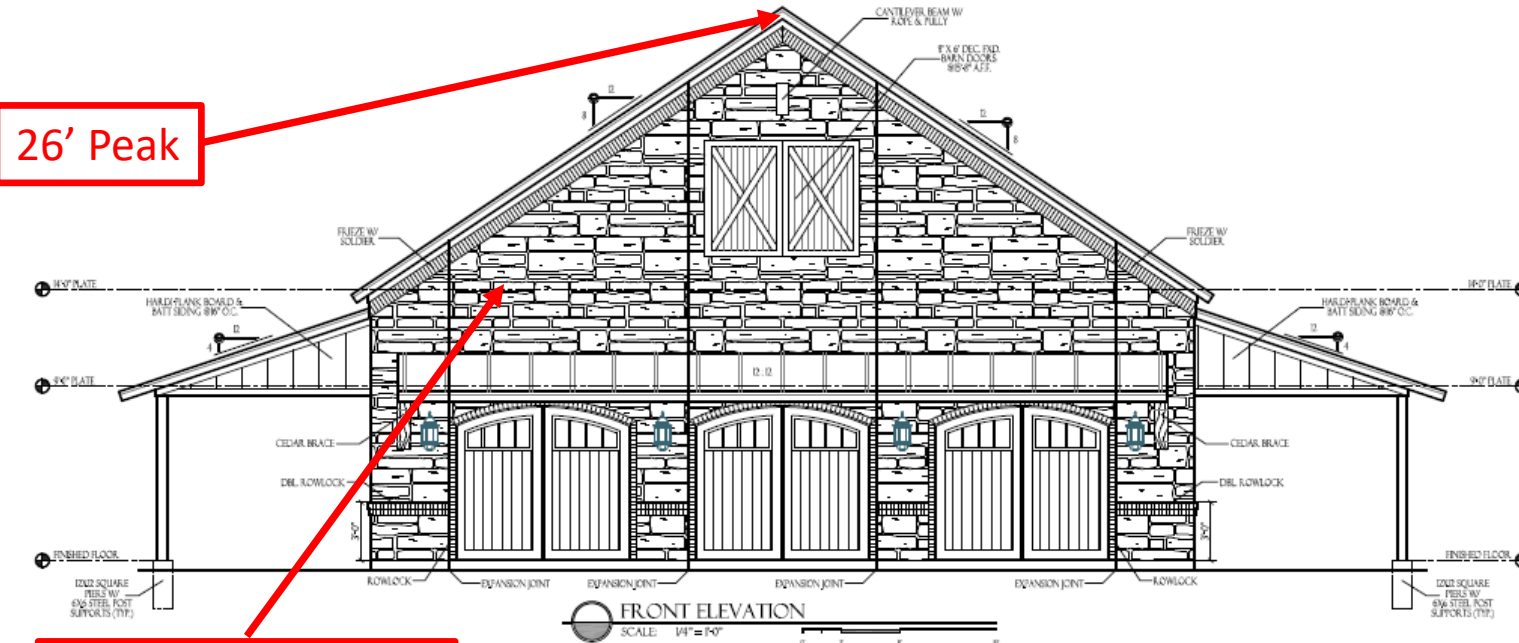
### Specific Use Permit:

Section 8.10 (A.1) states that the combined area of all accessory buildings on a lot shall be less than fifty percent (50%) of the main structure, unless approved by a SUP

2. Allow combined square footage of all accessory buildings to exceed fifty percent (50%) of the square footage of the primary structure



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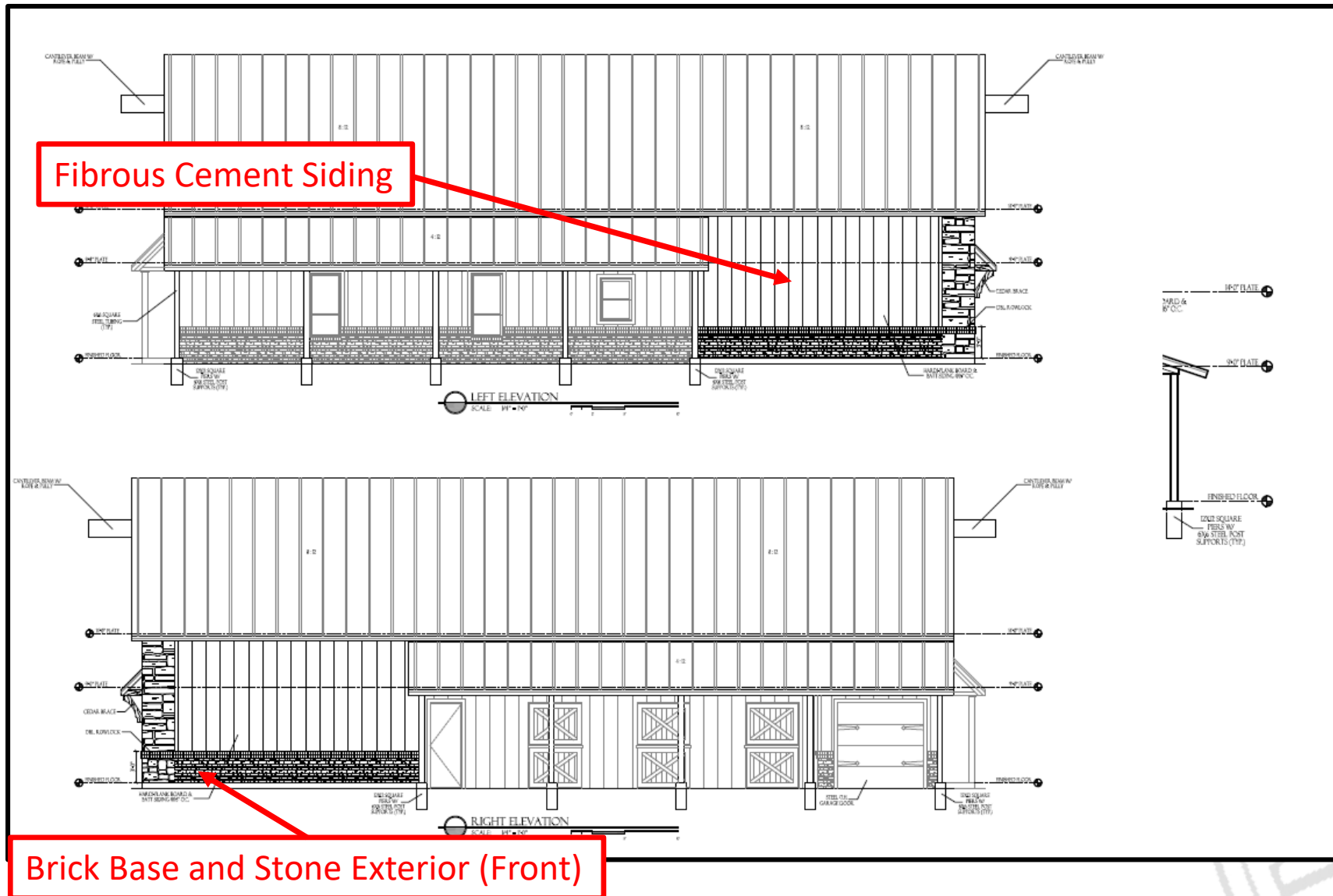
Specific Use Permit:

UDC Section 8.10 (A.9) states that the average maximum height for an accessory building is fifteen feet (15') unless approved by a Specific Use Permit.

Average building height is 20'.

3. A variance to allow the building height to exceed fifteen feet (15').

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### Specific Use Permit:

UDC Section 8.10 (A.3) states that accessory buildings shall be complementary to the main structure, constructed of brick or stone or of the same material as the main structure.

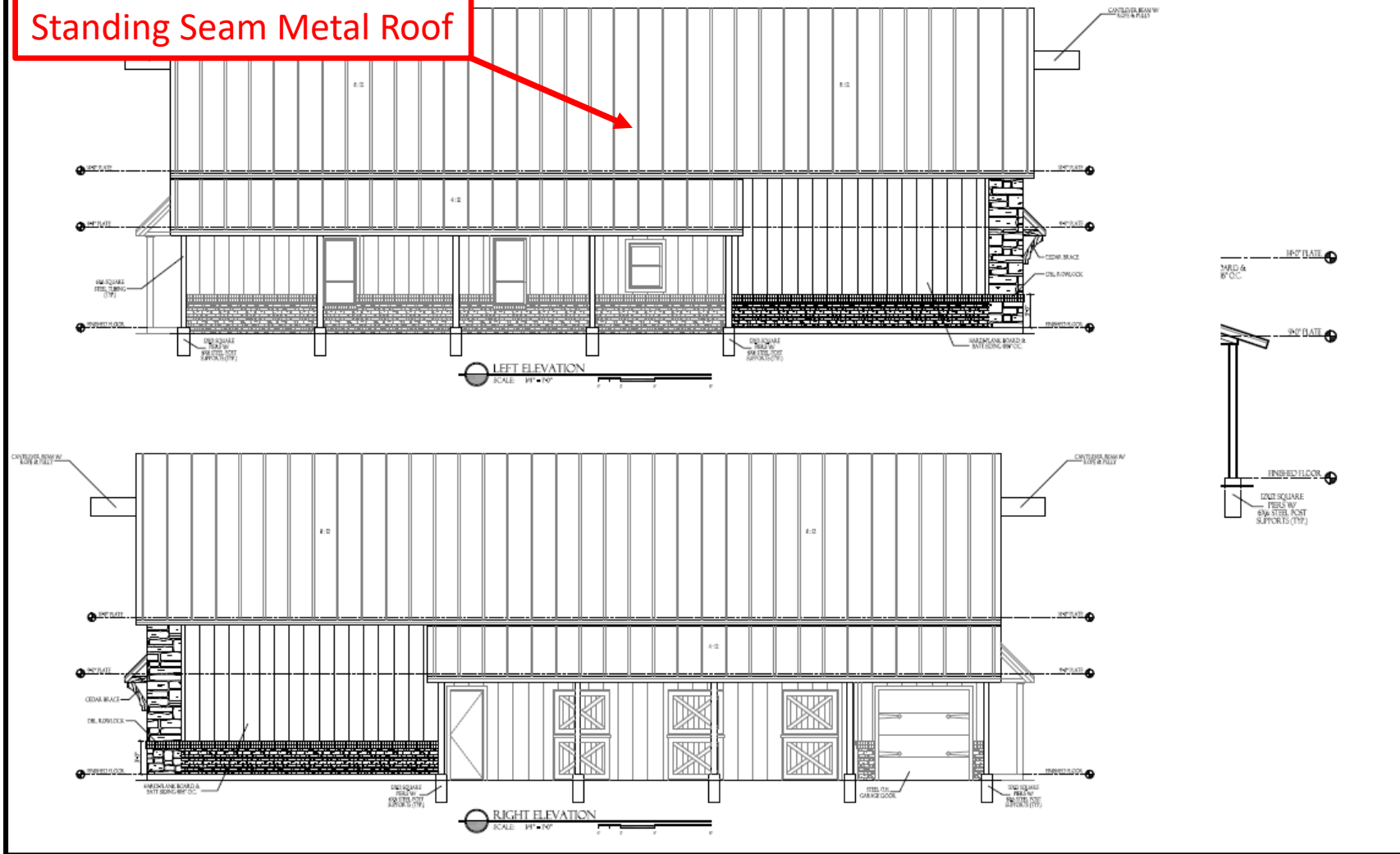
- (100%) of the front elevation will be stone with a brick trim.
- The sides and rear have three-foot (3') high brick base with the remainder a fibrous cement siding.

4. A variance to waive the eighty percent (80%) masonry requirement as shown in "Exhibit A."



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## Standing Seam Metal Roof



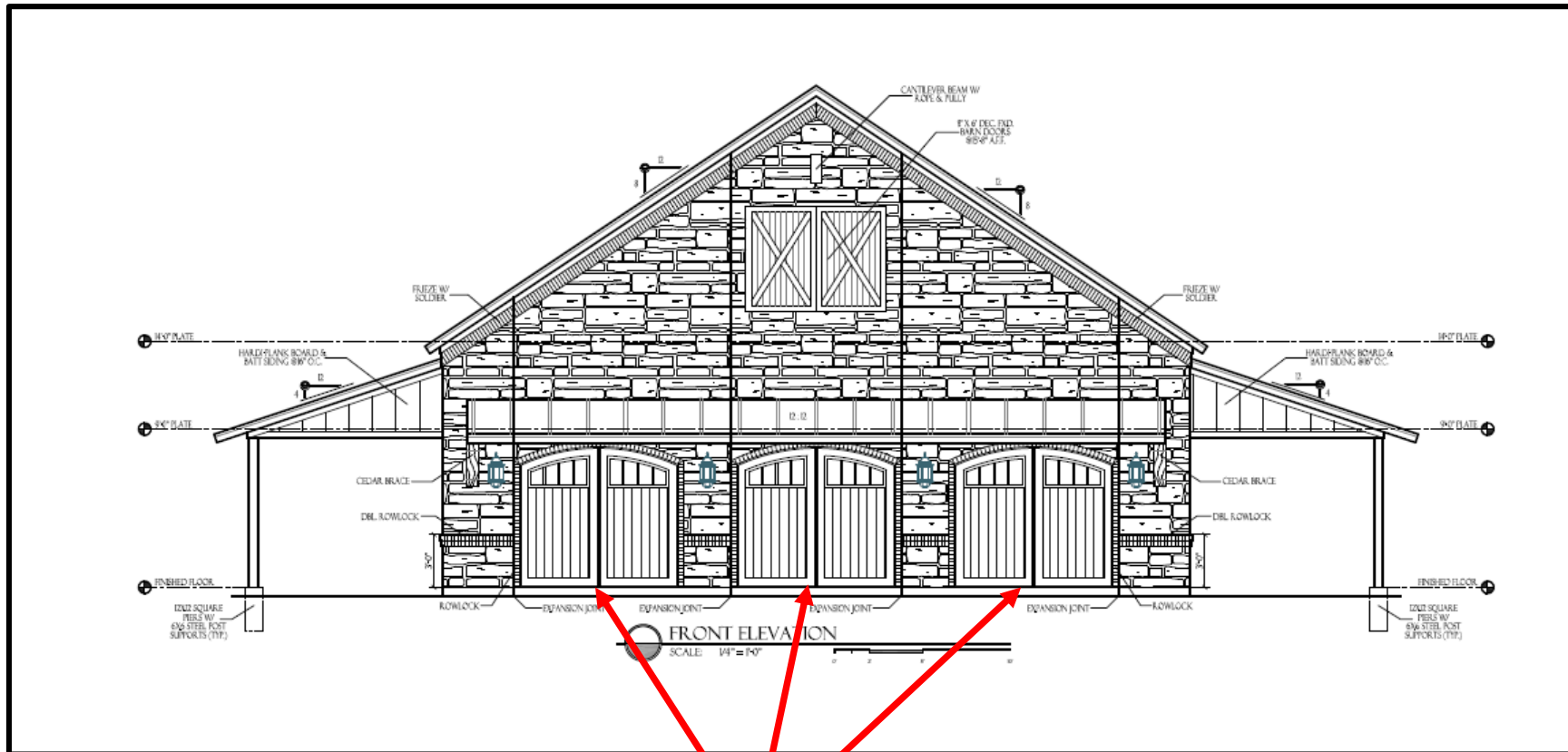
### Specific Use Permit:

UDC Section 8.10 (A.3) states that accessory buildings shall be complementary to the main structure, constructed of brick or stone or of the same material as the main structure.

- House roof is shingle, proposed roof is standing seam metal.

5. A variance to allow the roof material to be metal.

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Garage Doors (72 sqft each)

### Specific Use Permit:

UDC Section 8.07 (C.4) states that the maximum allowed front facing garage door exposure for a detached garage is one hundred forty-four (144) square feet.

- 3 Garage Doors face the street.
- 72 sqft each, 216 sqft total.

6. A variance is requested to allow the front-facing garage door exposure to exceed one hundred forty-four (144) square feet, up to two hundred sixteen (216) square feet.

## Item H-4 Summary

1. A condition for a 4,272 square-foot accessory dwelling unit to be constructed prior to the construction of the primary dwelling unit to be considered.
2. A condition for the combined square footage of all accessory buildings to exceed fifty percent (50%) of the square footage of the primary structure to be considered.
3. A variance for the accessory dwelling unit to exceed fifteen feet (15') in height to be considered.
4. A variance to waive the eight percent (80%) masonry requirement on the exterior of the accessory dwelling unit to be considered.
5. A variance for the accessory dwelling unit to use a metal roof to be considered.
6. A variance for the front-facing garage door exposure to exceed one hundred forty-four square feet, up to two hundred sixteen (216) square feet to be considered.



# Item H-4 Analysis

Section 8.02 (F.2.a) of the UDC states that when considering a Specific Use Permit request, the Planning and Zoning Commission and the City Council shall consider the following factors:

- 1) The use is harmonious and compatible with surrounding existing uses or proposed uses;
  - ***The subject property is adjacent to single family residential developments.***
  - ***The use proposed is harmonious with the adjacent single family developments.***
  - ***Accessory dwelling units are permitted, with the approval of an SUP in single family residential zoning, provided the property is one-and-a-half (1.5) acres.***
- 2) The activities requested by the applicant are normally associated with the permitted uses in the base district;
  - ***Accessory dwelling units are permitted by SUP in the SF-36 zoning district.***
  - ***The subject property meets the minimum one-and-a-half (1.5)-acre requirement necessary to allow an accessory dwelling unit.***
  - ***The proposed use of the building is for residential uses.***

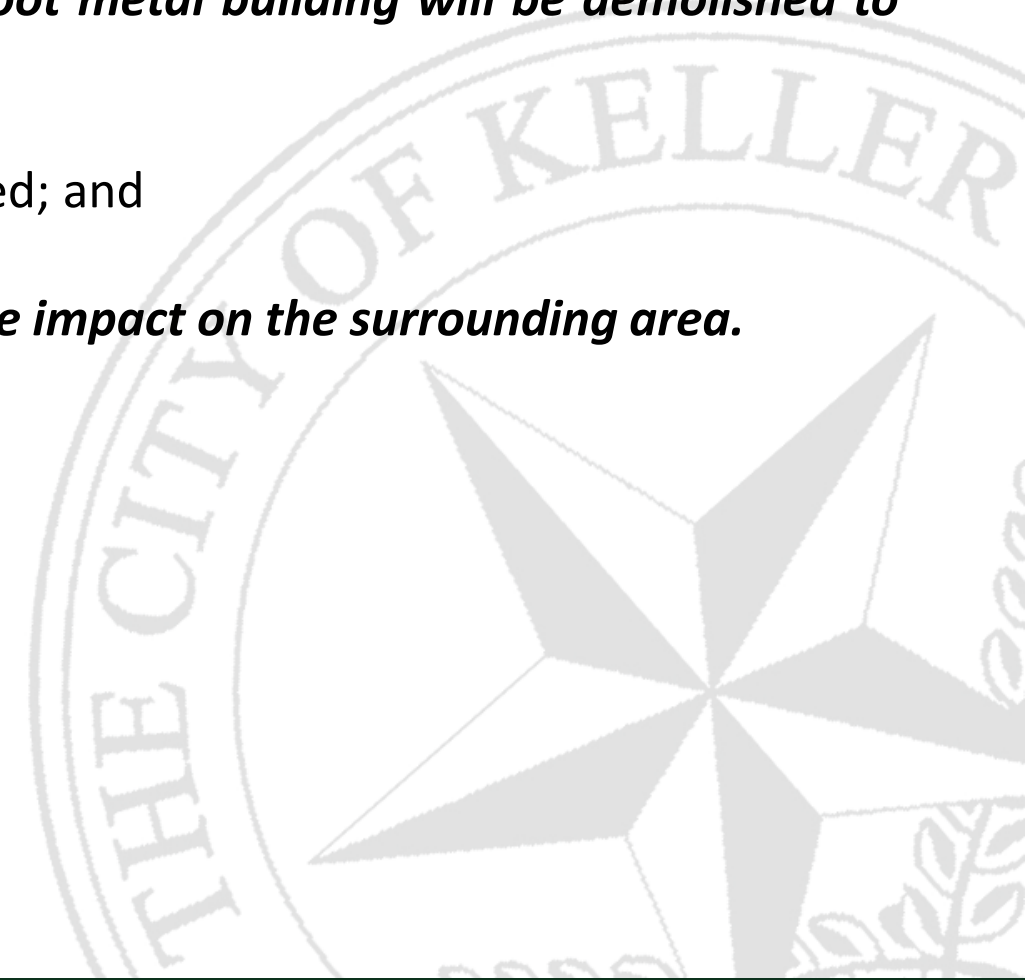
## Item H-4 Analysis

3) The nature of the use is reasonable and appropriate in the immediate area;

- ***The use of the building and property will be residential and appropriate for the immediate area.***
- ***The property is approximate 3.5-acres and a 2,000 square foot metal building will be demolished to make room for the proposed building.***

4) Any negative impact on the surrounding area has been mitigated; and

***Staff does not anticipate the proposed building having a negative impact on the surrounding area.***



## Item H-4 Analysis

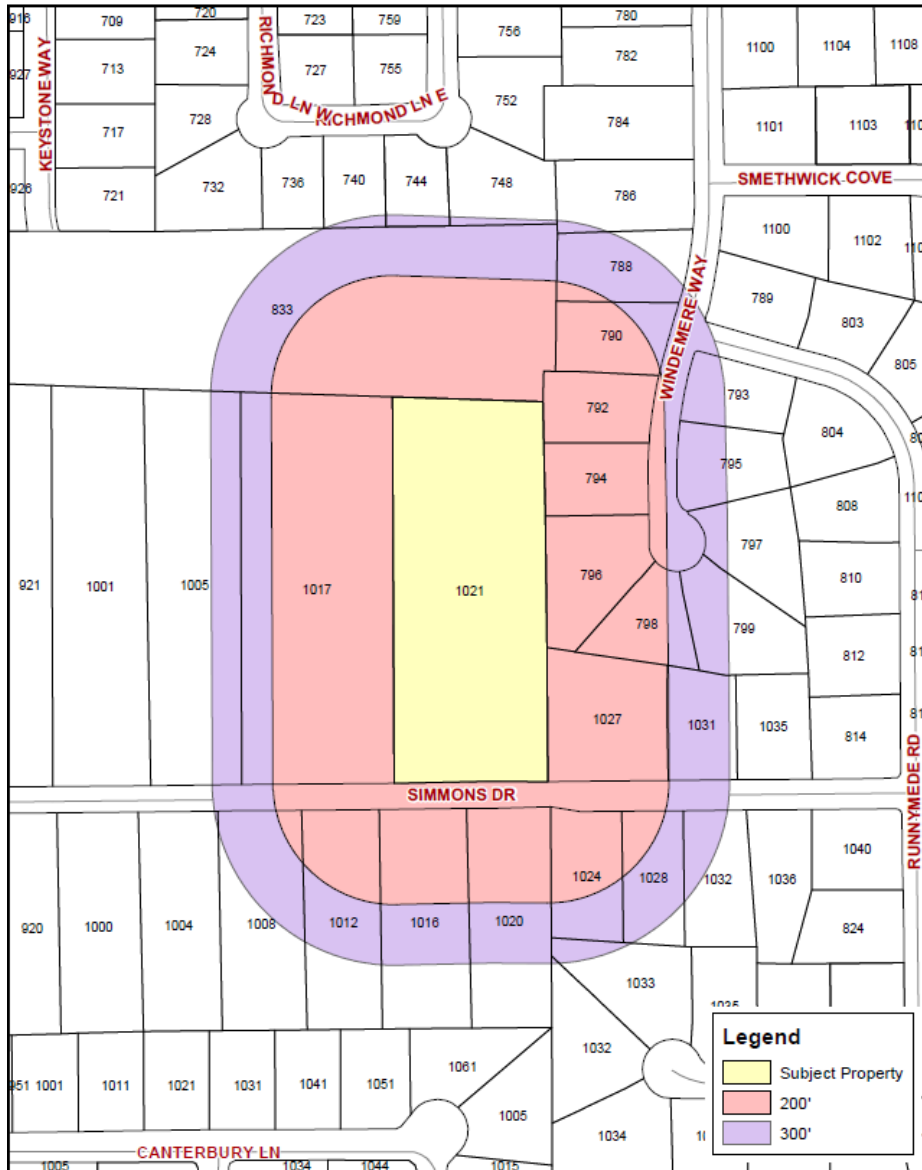
5) That any additional conditions specified ensure that the intent of the district purposes are being upheld.

***Staff believes that the intent of the UDC to require an accessory building to match the primary building in material and design is being met by the proposed building.***

***The concern in allowing the accessory dwelling unit to be constructed before the primary building lies with the timing of construction. It is unknown how long the accessory dwelling unit will remain in use as the primary residence. The applicant will need to demolish the existing house and submit permits for the main house.***



## Item H-4 Public Input



- On September 29, 2017, as required by State law, the City mailed out thirty-two (32) letters of Notifications for a Public Hearing to all property owners within three hundred feet (300') of the subject site. A public hearing notice sign was also posted on the site. As of October 3, 2017 staff has not received any responses from the public
- The applicant sent a copy of the narrative letter, included in "Exhibit A," to adjacent property owners using the same address list generated for the public hearing notices.
- As of November 6, 2017 Staff has not received any letters from the public regarding this SUP application.

## Item H-4 Professional Opinion

Staff is in **support** of the proposed square footage of the building. It is also opinion of staff that the proposed building meets the intent of the UDC by sharing design elements of the main structure. The following variances addressing the design are **supported** by staff:

1. A variance is requested to allow the accessory dwelling unit to exceed fifteen feet (15') in height.
2. A variance is requested to waive the eight percent (80%) masonry requirement on the exterior of the accessory dwelling unit as shown in "Exhibit A."
3. A variance is requested to allow a metal roof.
4. A variance is requested to allow the front-facing garage door exposure to exceed one hundred forty-four square feet, up to two hundred sixteen (216) square feet.

## Item H-4 Professional Opinion

In order to address the timing of construction and mitigate the risk of the proposed accessory building left on the property without a main building staff is recommending the following additional conditions:

1. The building permit for the main structure and the accessory structure shall be submitted at the same time.
2. The construction on the main structure shall begin within one (1) year of issuing the building permit, or the SUP will be expired.



## Item H-4 Professional Opinion

Staff is forwarding this Specific Use Permit for consideration by City Council with the following conditions and variances (as being requested):

1. A condition for a 4,272 square-foot accessory dwelling unit to be constructed prior to the construction of the primary dwelling unit shall be allowed.
2. A condition for the combined square footage of all accessory buildings to exceed fifty percent (50%) of the square footage of the primary structure shall be allowed.
3. A variance for the accessory dwelling unit to exceed fifteen feet (15') in height shall be allowed.
4. A variance to waive the eight percent (80%) masonry requirement on the exterior of the accessory dwelling unit shall be allowed.
5. A variance for the accessory dwelling unit to use a metal roof shall be allowed.
6. A variance for the front-facing garage door exposure to exceed one hundred forty-four square feet, up to two hundred sixteen (216) square feet shall be allowed.

## Item H-4 Planning and Zoning Action

The Planning and Zoning Commission considered this item on October 9, 2017 and provided a recommendation to approve with the following conditions:

1. A condition for a 4,272 square-foot accessory dwelling unit to be constructed prior to the construction of the primary dwelling unit to be considered.
2. A condition for the combined square footage of all accessory buildings to exceed fifty percent (50%) of the square footage of the primary structure to be considered.
3. A variance for the accessory dwelling unit to exceed fifteen feet (15') in height shall be allowed.
4. A variance to waive the eight percent (80%) masonry requirement on the exterior of the accessory dwelling unit as shown in "Exhibit A" shall be allowed.
5. A variance for the accessory dwelling unit to have a metal roof shall be allowed.
6. A variance for the front-facing garage door exposure to exceed one hundred forty-four (144) square feet, up to two hundred sixteen (216) square feet shall be allowed.
- 7. The building permit for the main structure and the accessory dwelling structure shall be submitted at the same time.**
- 8. The construction on the main structure shall begin within one (1) year of issuing the building permit, or the SUP will be expired.**

## Item H-4 City Council

The City Council has the following options when considering a Specific Use Permit:

- Approve as submitted (**with proposed conditions and variances**)
- Approve with modified or additional condition(s) (**including staff and P&Z recommended conditions**)
- Tabling the agenda item to a specific date with clarification of intent and purpose
- Recommend denial





**Questions?**  
**Michele Berry**  
**817-743-4125**

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