



Legislation Details (With Text)

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Title: PUBLIC HEARING: Consider a request for a Specific Use Permit (SUP) for the 800 square-foot expansion, including a 500 square-foot lean-to addition, of an existing 1200 square-foot accessory structure on property legally described as Lot 1A, Block 1, of the William Slaughter Addition, being 9.83-acres located approximately 200 feet southeast of the intersection of Rufe Snow Drive and Cobblestone Parks Drive, zoned Single-Family Residential - 36,000 Square-Foot Lots (SF-36), addressed as 833 Rufe Snow Drive. Jeffrey and Loren Abate, Applicants/Owners. (SUP-21-0028)
Attachments: 1. Maps.pdf, 2. 833 Rufe Snow SUP Accessory Structure Application, 3. 833 Rufe Snow Current Barn and Proposed Expansion, 4. Proposed Barn Expansion Elevations, 5. 833 Rufe Snow Opposition Letters 09272021

Table with 5 columns: Date, Ver., Action By, Action, Result. It contains two rows of data showing actions taken on 9/28/2021 by the Planning & Zoning Commission.

To: Planning & Zoning Commission
From: Patricia Sinel, Senior Planner

Subject: PUBLIC HEARING: Consider a request for a Specific Use Permit (SUP) for the 800 square-foot expansion, including a 500 square-foot lean-to addition, of an existing 1200 square-foot accessory structure on property legally described as Lot 1A, Block 1, of the William Slaughter Addition, being 9.83-acres located approximately 200 feet southeast of the intersection of Rufe Snow Drive and Cobblestone Parks Drive, zoned Single-Family Residential - 36,000 Square-Foot Lots (SF-36), addressed as 833 Rufe Snow Drive. Jeffrey and Loren Abate, Applicants/Owners. (SUP-21-0028)

Request: The Applicant is requesting a Specific Use Permits (SUP) to allow the use of a 2,000 square-foot accessory structure.

Why Action is Required: Section 4.03(D) of the UDC, SUPs may be approved by City Council after a recommendation by the Planning and Zoning Commission (Commission) for specific uses with certain conditions and development restrictions in order to be considered compatible in a district in which they are not allowed by right. An SUP is required for accessory structures greater than 1,200 square-feet in the SF-36 zoning district.

Background: On December 9, 2020, the Applicants received a permit to construct a 1,200 square-foot accessory structure on their property.

### **SUP Requests:**

The Applicants applied for an SUP for an 800 square-foot expansion to their 1,200 square-foot accessory structure in the SF-36 zoning district on August 25, 2021.

### **Building Size:**

The Applicant is proposing an 800-foot expansion to the existing 1,200 square-foot accessory structure to be utilized for agriculture feed and supply storage. The Owners and their family have longhorns, horses, donkeys, and goats on the property. The 800 square-foot expansion includes a 500 square-foot lean-to.

The accessory structure with expansion is proposed to be 2,000 square-feet. An SUP is required for accessory structures greater than 1,200 square-feet.

### **Size to Main Structure:**

The main structure is 5,064 square-feet. The proposed accessory structure will be 2,000 square-feet. The two other agriculture accessory structures over 120 square-feet are a 160 square-foot Morgan Shed and a 164 square-foot well/pump shed. Section 8.10(A)(1) states 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. The combined area of all accessory structures on the lot is 45.8% of the main structure's size.

The combined area of all accessory structures is under 50% of the main structure's size.

### **Building Location:**

UDC Section 8.10 (A)(5) states accessory structures shall be prohibited from being located in front of the main dwelling unit.

The proposed location of the accessory structure is behind the main structure on the far east end of the 9.83-acre parcel and is in compliance with the UDC.

### **Building Exterior:**

The UDC Section 8.10(A)(3) states accessory buildings shall be complimentary to the main structure. The applicant proposes the accessory structure expansion to be 100% metal (steel) and would match the original part of the accessory structure.

### **Building Height:**

UDC Section 8.10(A)(9) states the maximum height of the building shall not exceed an average of 15 feet unless approved by a SUP. The applicant is proposing to keep the structure at an average height of 14' 1" feet.

The accessory structure meets height requirements.

### **Zoning Regulations:**

The lot setbacks are determined by SF-36 zoning district standards in UDC Section 8.03(C)(4). The minimum front yard building setback is 60 feet for a SF-36 lot on a thoroughfare. The side-yard setback is to be 10% of the lot width but no more than 15 feet. The minimum rear-yard setback is 15 feet. The structure is proposed to be 64.8' away from the north (side-yard setback) property line, the closest property line to the structure.

The accessory structure will meet all the setback requirements.

**Lot Coverage:**

The lot size is 9.83 acres. The total lot coverage would be 7,388 square-feet or 1.73% (all accessory buildings, driveways, and the main building) which would comply with the current zoning district's 50% lot coverage maximum.

The accessory structure meets lot coverage requirements.

**Citizen Input:**

On September 17, 2021, the City mailed out 63 Letters of Notification for this 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 on September 17, 2021.

As of today, Staff has received 28 signatures in opposition representing 16 lots with 6.84 acres inside the 200' buffer area. With an opposition rate of 33.1%, super majority has been invoked.

**Summary:**

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

- 1) The use is harmonious and compatible with surrounding existing uses or proposed uses;
- 2) The activities requested by the applicant are normally associated with the permitted uses in the base district;
- 3) The nature of the use is reasonable and appropriate in the immediate area;
- 4) Any negative impact on the surrounding area has been mitigated; and
- 5) That any additional conditions specified ensure that the intent of the district purposes are being upheld.

**Alternatives:**

The Planning and Zoning Commission has the following options when considering an SUP application:

- Recommend approval as submitted.
- Recommend approval with modified or additional condition(s).
- Table the agenda item to a specific date with clarification of intent and purpose.
- Recommend denial.

**City Council Action:**

If the Planning and Zoning Commission takes action and makes a recommendation on this agenda item, then this SUP application will be scheduled for City Council action on October 19, 2021.