



Legislation Details (With Text)

File #: 24-333 **Version:** 1

Type: New Business **Status:** Approved

File created: 6/27/2024 **In control:** City Council

On agenda: 7/16/2024 **Final action:** 7/16/2024

Title: PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) to allow the property owner to reside in the existing 1,120 square-foot home for the purpose of living in and overseeing construction of a 4,889 square-foot permanent residence, on approximately 3.1 acres of land, 400 feet east of the Bourland Road and Lavena Street intersection, legally described as Lot 1, Block A of the Bird Abode addition, zoned Single-Family 36,000 minimum square-foot lots (SF-36) and addressed 529 Lavena Street. Will Ann Brewer, Applicant/Owner. (SUP-24-0001)

Attachments: 1. 071624_529 Lavena Ordinance, 2. 071624_529 Lavena SUP_Aerial Zoning, 3. 071624_529 Lavena SUP_Staff Attachment, 4. 071624_529 Lavena SUP_Public Opinion, 5. H-3 529 Lavena SUP Presentation

Date	Ver.	Action By	Action	Result
7/16/2024	1	City Council	close the public hearing	Pass
7/16/2024	1	City Council	approve	Pass

To: Aaron Rector, Interim City Manager

From: Amber Washington, Planner I

Subject:

PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) to allow the property owner to reside in the existing 1,120 square-foot home for the purpose of living in and overseeing construction of a 4,889 square-foot permanent residence, on approximately 3.1 acres of land, 400 feet east of the Bourland Road and Lavena Street intersection, legally described as Lot 1, Block A of the Bird Abode addition, zoned Single-Family 36,000 minimum square-foot lots (SF-36) and addressed 529 Lavena Street. Will Ann Brewer, Applicant/Owner. (SUP-24-0001)

Background:

The Applicant has lived at 529 Lavena since 1980 and currently resides in a mobile home on the property. She is requesting to remain in the mobile home for the duration of the new home's construction, which should be completed no later than 21 months should the Specific Use Permit be approved (April 16, 2026). Following construction of the new home, the Applicant will either move or demolish the mobile home within three months.

Site Design:

The Applicant had their 3.1 acres platted in 2023 to be able to pull a building permit for the new home. Ingress and egress to the property will not be changing, with access directly off of Lavena Street. The new home will have a footprint of approximately 4,889 square feet, exceeding the Unified Development Code's requirement of 2,400 square feet for new homes constructed in the Single-Family 36,000 minimum square-foot (SF-36) zoning district.

Summary:

Section 8.02 (F)(2) of the UDC states that when considering a SUP request, the 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.

Citizen Input:

On June 13, 2024, the City mailed out 24 letters of notifications for this Public Hearing to all property owners within three-hundred feet (300') of the subject site. A public hearing notice sign was posted on the site.

Staff has received one letter of written support for this request.

The Applicant provided a list of eight adjacent properties that she sent letters to. That information is included in the Staff Attachment.

Planning and Zoning Commission Recommendation:

At the June 25, 2024, Planning and Zoning Commission meeting, Commissioners unanimously recommended approval of the SUP request as presented.

Alternatives:

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

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