



## Legislation Details (With Text)

**File #:** 18-205      **Version:** 1

**Type:** New Business      **Status:** Agenda Ready

**File created:** 7/24/2018      **In control:** City Council

**On agenda:** 8/21/2018      **Final action:**

**Title:** PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) for an addition to an accessory building, proposed to be a 1,769 square-foot accessory garage and workshop, with a variance to the building material, on an approximately 2.34-acre tract of land, located on the north side of Simmons Drive, approximately six hundred and fifty feet (650') east of the intersection of Rufe Snow Drive and Simmons Drive, being Lot 18, Block 1, Rolling Oaks Estates Unit 2, at 917 Simmons Drive, and zoned Single Family Residential-36,000 square-foot lot minimum (SF-36). Troy Schank, Owner/applicant. (SUP-18-0018)

**Attachments:** 1. 082118\_Simmons Drive SUP\_Ordinance 1898, 2. 082118\_Simmons Drive SUP\_OppositionLetter, 3. 082118\_Simmons Drive SUP\_FinalPlat, 4. 082118\_Simmons Drive SUP\_Exhibit A, 5. 082118\_Simmons Drive SUP\_ExhibitA\_ApplicationandSupportPetition, 6. 082118\_Simmons Drive SUP\_Maps, 7. Presentation

Date	Ver.	Action By	Action	Result
8/21/2018	1	City Council		
8/21/2018	1	City Council		

**To:** Mark R. Hafner, City Manager

**From:** JP Ducay, Planner 1

### Subject:

PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) for an addition to an accessory building, proposed to be a 1,769 square-foot accessory garage and workshop, with a variance to the building material, on an approximately 2.34-acre tract of land, located on the north side of Simmons Drive, approximately six hundred and fifty feet (650') east of the intersection of Rufe Snow Drive and Simmons Drive, being Lot 18, Block 1, Rolling Oaks Estates Unit 2, at 917 Simmons Drive, and zoned Single Family Residential-36,000 square-foot lot minimum (SF-36). Troy Schank, Owner/applicant. (SUP-18-0018)

### Action Requested:

Conduct a public hearing and consider an ordinance approving a Specific Use Permit (SUP) for an addition to an accessory structure proposed to be a one thousand seven hundred and sixty nine square-foot (1,769 SF) accessory garage and workshop with a variance to the building material.

### Property Description:

Located on 2.34-acre tract of land, located on the north side of Simmons Drive, approximately six hundred and fifty feet (650') east of the intersection of Rufe Snow Drive and Simmons Drive, being Lot 18, Block 1, Rolling Oaks Estates Unit 2, at 917 Simmons Drive.

### Zoning:

SF-36 (Single Family Residential - 36,000 square foot lot minimum)

**Owner/Applicant:**

Troy Schank

**Background:**

The property was originally platted and approved by City Council in 1979.

The subject property is currently undergoing renovations under City of Keller Permit: MISC18-0095 issued in April 2018.

Renovations include increasing the total living area from two thousand eight hundred and ninety eight square-feet (2,898 SF) to four thousand four hundred and twenty one square feet (4,421 SF) by remodeling the first story and adding on to the second story. These renovations are currently underway. Additionally, the attached garage is to be removed and a detached garage will be constructed.

The current proposal requests a SUP for the detached garage as the applicant intends on increasing the building area from one thousand one hundred and eighty nine square-feet (1,189 SF) to one thousand seven hundred and sixty nine square-feet (1,769 SF). Furthermore, a variance is requested due to the proposed material of the detached garage, roughly estimated to be made up of thirty percent (30%) masonry, sixty percent (60%) steel and ten percent (10%) wood. The main house currently under construction will be primarily brick.

**Analysis:**

The purpose of this Specific Use Permit (SUP) is to consider a proposed one thousand seven hundred and sixty nine square-foot (1,769 SF) accessory building with a variance to the building material.

The proposed building will be used as a garage and workshop for personal use.

**Area 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 thirty five feet (35'). The side yard setback is to be ten percent (10%) of the lot width, but no more than fifteen feet (15'). The minimum rear yard setback is fifteen feet (15').

The proposed addition will meet all the setback requirements.

**Building Location:**

UDC Section 8.10 (A.5) states that accessory building must be located behind or to the side of the main structure. The proposed location of the addition to the accessory building is located behind the main structure and will not encroach into any setback lines.

**Building Size:**

UDC Section 8.03 (C.g.2) restricts the maximum square footage of a detached accessory building to exceed 1,200 square-feet unless approved by a specific use permit.

The applicant is proposing to increase the building area of the accessory building from one thousand one hundred and eighty nine square-feet (1,189 SF) to one thousand seven hundred and sixty nine square-feet (1,769 SF). Thus, a SUP is required.

### Specific Use Permit Request:

1) The Specific Use Permit request for an approximately 1,769 square-foot detached accessory building shall be allowed.

### Building Height:

UDC Section 8.10 (A.9) states the maximum height of the building shall not exceed fifteen feet (15') unless approved by a specific use permit.

The applicant is not requesting a variance. The average height is fourteen and a half feet (14.5').

### Building Exterior:

The UDC Section 8.10 (A.3) states all accessory buildings will be complimentary to the main structure, constructed of brick or stone, or the same material as the main structure.

The accessory building features and colors are designed to match the main structure design and style as an integrated and matching set. However, the materials are not the same as the main building.

### Variance Request:

2) A variance to allow the material to be made up of roughly sixty percent (60%) steel, thirty percent (30%) masonry, and ten percent (10%) wood.

### Garage Doors:

UDC Section 8.07 (C.4) states that the *"maximum garage door(s) exposure to the street shall not exceed one hundred forty-four square feet."*

The applicant is in compliance with this requirement as the proposed garage door has exactly one hundred and forty four square-feet (144 SF) exposure to the street.

### Drainage & Utilities:

The applicant intends to meet the requirements of the UDC at time of building permit application.

### Existing Roadway Access:

Simmons Drive, a two lane street to the south.

### Surrounding Zoning & Land Uses:

North, South, East, West: Single-Family Residential Homes, zoned Single-Family Residential - 36,000 square foot lot minimum (SF-36).

### Summary:

Section 8.04 (B.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.

**Citizen Input:**

On July 13, 2018, as required by State law, the City mailed out twenty one (21) letters of Notifications for a Public Hearing to property owners within three hundred feet (300') of the subject property. Staff also posted a public hearing notice sign on the subject property.

The applicant supplied staff with a petition of support signed by adjacent property owners.

As of July 18, 2018 Staff has received one (1) opposition letter from the public regarding this SUP application.

**Professional Opinion:**

Staff is in support of the proposed one thousand seven hundred and sixty nine square-foot (1,769 SF) accessory building. The requested size of the building can be approved by a SUP. The dimensions and material of the proposed accessory building are designed to complement the existing structure. Additionally, the accessory structure will mimic the low density, rural nature of the area. Furthermore, metal accessory structures are not uncommon to the area as there are a couple of metal outbuildings located on adjacent properties. As mentioned previously, the applicant has reached out to neighbors and obtained signatures from the neighbors in support of the proposed building.

Staff forwards this Specific Use Permit for City Council consideration as presented with the following conditions:

1. The Specific Use Permit request for the one thousand seven hundred and sixty nine square-foot (1,769ft) accessory building as all accessory buildings greater than one thousand two hundred square-feet (1,200ft) require a Specific Use Permit.
2. The variance request to allow the building materials to be constructed of sixty percent (60%) steel, thirty percent (30%) masonry, and ten percent (10%) wood to match the main structures design style and look.

**Planning and Zoning Recommendation:**

On July 23<sup>rd</sup>, 2018 the Planning and Zoning Commission voted to recommend approval by a vote of (7-0)

**Alternatives:**

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

- Approval as submitted
- Approval with modified or additional condition(s)
- Tabling the agenda item to a specific date with clarification of intent and purpose
- Denial