



## Legislation Details (With Text)

**File #:** 18-306      **Version:** 1

**Type:** New Business      **Status:** Approved

**File created:** 10/23/2018      **In control:** City Council

**On agenda:** 11/6/2018      **Final action:** 11/6/2018

**Title:** PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) to allow the use of an existing 2,781 square-foot main building as a temporary accessory dwelling unit while constructing a new home on a 2.21-acre lot on the south side of Johnson Road, approximately two hundred thirty-one feet (231') south of Johnson Road and approximately eight hundred and eighty-seven feet (887') west of Pearson Lane North, being Abstract 1153, Tract 1L02, John Martin Survey, at 1906 Johnson Road. Tom and Kelly Miller, owner/applicant. (SUP-18-0036).

**Attachments:** 1. 110618\_1906JohnsonRoad\_Ordinance1912, 2. 110618\_1906JohnsonRoad\_ExhibitA(1), 3. 110618\_1906JohnsonRoad\_ExhibitA(2)\_Submittal Letter, 4. 110618\_1906JohnsonRoad\_StaffAttachment(1), 5. 110618\_1906JohnsonRoad\_StaffAttachment(2), 6. 110618\_1906JohnsonRoad\_Maps, 7. Miller Home Presentation

Date	Ver.	Action By	Action	Result
11/6/2018	1	City Council	close the public hearing	
11/6/2018	1	City Council	approve	

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

**From:** Scott Bradburn, Planner I

### Subject:

PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) to allow the use of an existing 2,781 square-foot main building as a temporary accessory dwelling unit while constructing a new home on a 2.21-acre lot on the south side of Johnson Road, approximately two hundred thirty-one feet (231') south of Johnson Road and approximately eight hundred and eighty-seven feet (887') west of Pearson Lane North, being Abstract 1153, Tract 1L02, John Martin Survey, at 1906 Johnson Road. Tom and Kelly Miller, owner/applicant. (SUP-18-0036).

### Background:

According to Tarrant Appraisal District, the home was built in 1975.

The applicants were approved for a Specific Use Permit by City Council on May 15, 2018, by Ordinance No. 1887, to build an accessory storage building on their property which was greater than 50% of the size of the main structure.

On May 21, 2018, the applicant applied for a plat.

According to the Comprehensive Thoroughfare Plan, the future road expansion of Johnson Road would be widened to eighty-feet (80'), being a four lane collector road. Staff discovered during the plat review, with future road widening and the required sixty-foot (60') front build line, the actual location of the front build line would encroach into the main structure. Due to this information, and learning their home is legal, non-conforming, the applicants did not move forward with the construction of the accessory storage building and withdrew their plat application.

**Proposed Use:**

The purpose of this Specific Use Permit (SUP) is to allow the use of the current main structure as a temporary dwelling unit while a new home is constructed on the 2.21-acre lot.

The proposed new home will adhere to a SF-36 zoning district.

Upon completion of the proposed new home and approval of all building inspections, the proposed temporary accessory dwelling would be demolished.

**Building Size:**

The current home is a one-story brick veneer, and the current size of the existing home, according to a recent survey, shows to be approximately 2,781 square feet (including the attached garage).

**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.

**Summary:**

Section 8.04 (B.2.a) 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.

**Professional Analysis and Opinion:**

Staff's professional analysis and opinion **supports** this request for a SUP to allow the applicants to utilize the main structure as a temporary dwelling structure while the proposed new main structure is being constructed.

The proposed structure is compatible with existing homes in the area, and meets UDC requirements for zoning in an SF-36 district (Single-Family Residential- 36,000 square foot lot).

There are no negative impacts which would affect neighboring residents in the area.

Staff forwards this Specific Use Permit request for the Planning and Zoning Commission's consideration as presented with the following condition:

1. The Specific Use Permit request for the existing main structure to be used as a temporary dwelling structure while a proposed new main structure is being built.

2. The SUP shall expire one year from the date the building permit is submitted.
3. With the condition that the existing structure is demolished within (6) months of the new home completion.

**Citizen Input:**

On October 12, 2018, as required by State law, the City mailed out ten (10) letters of Notifications for a Public Hearing to property owners within two hundred feet (200') and, per the City of Keller UDC requirements, three hundred feet (300') of this subject property. Staff also posted a public hearing notice sign on the subject property.

As of November 6, 2018, staff has not received any written responses from the public.

**Alternatives:**

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

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

**Board Action:**

On October 22, 2018, The Planning and Zoning Commission made a recommendation for approval on this agenda item with a vote of (6-0).