



Legislation Details (With Text)

File #: 18-307 **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) for an accessory building, proposed to be a 5,250 square-foot accessory garage, workshop, and storage building on an approximately 6.28-acre tract of land, located on the south side of Shady Grove Road, and approximately 1,270 feet west of the intersection of Keller Smithfield Road South and Shady Grove Road, being Lot 4, Estes Farm Tracts Addition, at 7140 Shady Grove Road, and zoned Single-Family Residential-36,000 square-foot lot minimum (SF-36). Ed Newsom, owner/applicant. (SUP-18-0030)

Attachments: 1. 110618_NewsomAdditionSUP-18-0030_ProposedOrdinance, 2. 110618_NewsomAdditionSUP-18-0030_Maps, 3. 110618_NewsomAdditionSUP-18-0030_ExhibitA(1of2), 4. 110618_NewsomAdditionSUP-18-0030_ExhibitA(2of3), 5. 110618_NewsomAdditionSUP-18-0030_Staff Attachment, 6. 110618_NewsomAdditionSUP-18-0030_StaffAttachment, 7. Newsom Addition 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: JP Ducay, Planner 1

Subject:

PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) for an accessory building, proposed to be a 5,250 square-foot accessory garage, workshop, and storage building on an approximately 6.28-acre tract of land, located on the south side of Shady Grove Road, and approximately 1,270 feet west of the intersection of Keller Smithfield Road South and Shady Grove Road, being Lot 4, Estes Farm Tracts Addition, at 7140 Shady Grove Road, and zoned Single-Family Residential-36,000 square-foot lot minimum (SF-36). Ed Newsom, owner/applicant. (SUP-18-0030)

Zoning:

SF-36

Background:

The property was originally platted in 1949 as Lot 4, Estes Farm Tracts Addition.

The subject property is currently undergoing the construction of a new home under City of Keller Permit: B18-0086 issued in September 2018. The new home being constructed will be 7,164 square feet with 4,770 square feet of living space. The applicant proposes the new home will emulate Country Lodge style architecture.

In addition to the newly constructed home the applicant proposes to build a 5,250 square foot accessory building located to the rear of the main structure. The overall enclosed size of the proposed building is 4,000 square feet, however, due to a twenty five foot (25') by fifty foot (50') roof

extension the building is proposed to be a total of 5,250 square feet under roof.

Existing Roadway Access:

Shady Grove Road

Surrounding Zoning & Land Uses:

North: SF-15 - Single Family Residential - 15,000 S.F. Lots

South, East, West: SF-36 - Single Family Residential - 36,000 S.F. Lots

Request:

The purpose of this Specific Use Permit (SUP) is to consider a proposed 5,250 square foot, eighteen (18') high accessory building with a variance to the building material, and garage door exposure. A SUP is required for the total building square footage exceeding 1,200 square feet, to permit the proposed building to exceed fifty percent (50%) of the square footage of the main structure, and to permit the proposed building to exceed fifteen feet (15') in maximum height.

The applicant has stated that the proposed uses of the building will be garage, storage facility, and workshop for personal use.

UDC Section 8.03 (C.2.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.

UDC Section 8.10 (A.1) states that the combined area of all accessory buildings shall be less than fifty percent (50%) of the main structure unless approved by a specific use permit. The proposed accessory structure would total approximately seventy three and two eighths percent (73.28%).

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 requesting to construct a taller accessory structure, with the average height of the building being eighteen feet (18').

SUP Request:

1) The Specific Use Permit request to allow the accessory structure to exceed the maximum twelve hundred (1,200) square-foot floor size and allow five thousand two hundred fifty (5,250) square foot floor size.

2) The Specific Use Permit request to allow the accessory structure to exceed the maximum size ratio of fifty percent (50%) of the main structure and allow a maximum seventy four percent (74%) square foot floor size.

3) A Specific Use Permit request to allow the accessory structure to exceed the fifteen feet (15') requirement and allow an averaged eighteen feet (18') height.

The applicant is requesting two variances to the UDC for accessory building construction material and garage door exposure.

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 applicant is proposing to have the accessory building made of metal in lieu of complimenting the main structures predominately stone and brick material.

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 not in compliance as the proposed accessory structure garage door will have one hundred and sixty eight (168) square feet of street exposure.

Variance Requests:

- 1) A variance to allow the exterior material of the accessory building to be made of metal.
- 2) A variance to allow the garage door to be one hundred and sixty eight (168) square feet in lieu of the allowed one hundred and forty four (144) square feet of exposure to the street.

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.

Citizen Input:

On September 28, 2018, as required by State law, the City mailed out eighteen (18) 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, included in “Staff Attachment.”

As of October 8, 2018 Staff has not received any letters of opposition from the public regarding this SUP application.

Professional Opinion:

A visual survey of the surrounding neighborhood reflects that it fits the rural nature of the area. There are multiple large metal accessory buildings in the general area of the subject property and the dimensions and material of the proposed accessory building are designed to store equipment and emulate a country red barn aesthetic, in keeping with the spirit of the UDC.

The applicant has obtained signatures of support from all of the neighbors within the two hundred foot buffer.

Staff forwards this Specific Use Permit and the associated variance to the UDC with a recommendation for approval to the City Council for consideration with the following conditions:

1. The accessory building shall not exceed 5,250 square-feet;
2. The accessory building shall not exceed (74%) of the maximum size ratio of the main structure;
3. The accessory building shall not exceed an averaged 18' height;
4. Exterior construction material of the accessory building to allow sheet metal specifically as depicted in Exhibit "A".
5. The garage door shall not exceed 168 square-feet of exposure to the street.

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

Planning and Zoning Recommendation:

On October 8th, 2018 the Planning and Zoning Commission recommended approval of this SUP by a unanimous vote of (7-0).