



## Legislation Details (With Text)

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<b>Type:</b>	New Business	<b>Status:</b>	Agenda Ready
<b>File created:</b>	2/17/2021	<b>In control:</b>	Planning & Zoning Commission
<b>On agenda:</b>	2/23/2021	<b>Final action:</b>	
<b>Title:</b>	PUBLIC HEARING: Consider a request for a Specific Use Permit (SUP) to allow the property owner to temporarily reside in a modular home for the purpose of living and overseeing construction of a permanent residence and to convert an existing 980 square-foot accessory structure into an accessory dwelling unit, situated on a 1.995-acre tract of land, located on the west side of South Pearson Lane, approximately 550 feet northwest from the intersection of South Pearson Lane and Union Church Road, being tract 6B01A1, 6B01B, and 6F01, Abstract 498 of the Elston, D E Survey, zoned Single Family - 36,000 square-foot lot (SF-36), located at 404 South Pearson Lane. Randal Snow, owner. Christopher Cloy, applicant. (SUP-21-0004)		
<b>Attachments:</b>	1. Maps.pdf, 2. Staff Attachment - Application.pdf		

Date	Ver.	Action By	Action	Result
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**To:** Planning and Zoning Commission

**From:** Katasha Smithers, Planner

### Subject:

PUBLIC HEARING: Consider a request for a Specific Use Permit (SUP) to allow the property owner to temporarily reside in a modular home for the purpose of living and overseeing construction of a permanent residence and to convert an existing 980 square-foot accessory structure into an accessory dwelling unit, situated on a 1.995-acre tract of land, located on the west side of South Pearson Lane, approximately 550 feet northwest from the intersection of South Pearson Lane and Union Church Road, being tract 6B01A1, 6B01B, and 6F01, Abstract 498 of the Elston, D E Survey, zoned Single Family - 36,000 square-foot lot (SF-36), located at 404 South Pearson Lane. Randal Snow, owner. Christopher Cloy, applicant. (SUP-21-0004)

### Background:

The Applicant (potential buyer; property owner did sign application as well) is requesting to reside in a modular home while living on site and overseeing construction of a permanent residence. No permanent use of temporary dwellings, such as a mobile home, travel trailer, or recreational vehicle may be used for on-site dwelling purposes without a Specific Use Permit (SUP).

During the construction of the permanent residence, the applicant is also proposing to renovate the existing one-story framed structure as an accessory dwelling unit. The building is 980 square feet. Subsequently, an SUP is required for an accessory dwelling unit.

### Site Design:

The applicant proposes to place the temporary modular home on the northern side of the lot in between the 980 square-foot accessory building and the proposed 3,000 to 3,500 square-foot permanent residence. The modular home would be located approximately 200-feet from South

Pearson Lane, and not within the side yard setback of the northern property line. The applicant proposes to reside in the modular home for a period of 18 months starting upon approval and release of the new single-family residential permit. (See Staff Attachment A.)

The applicant proposes to remodel the existing 980 square-foot, one-story accessory building as an accessory dwelling unit while building the primary residential structure. The applicant plans to bring the structure up to code as part of the remodel.

In addition to the 980 square-foot structure, the site currently contains two other smaller accessory structures. As part of the renovations and modifications on-site, the applicant proposes to demolish a 120 square-foot accessory building in order to comply with the UDC's limitation of no more than two accessory structures per lot. As proposed and once construction is complete, there would be the new home, the 980-square-foot accessory dwelling unit, and one small accessory structure.

#### **Citizen Input:**

On February 11, 2021, the City mailed out seven 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.

As of February 17, 2021, Staff has not received any comments either in support or opposition from the public.

#### **SUP requests:**

1. An SUP request to reside in a modular home for a period of 18 months starting upon approval and release of the new single-family residential permit.
2. An SUP for an accessory dwelling unit. The structure will be created by converting a 980 square-foot existing accessory building.

#### **Summary:**

Section 8.02 (F)(2) 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 a Specific Use Permit:

- 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 Specific Use Permit application will be scheduled for City Council action on March 16, 2021.

**Supporting Documents:**

- Aerial and Zoning Maps
- Staff Attachment - Application