



# City of Keller

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## Legislation Text

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**File #:** 16-488, **Version:** 1

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**To:** Mark Hafner, City Manager

**From:** Michele Berry, Senior Planner

**Subject:**

Consider an ordinance approving a zoning change from SF-36 (Single Family-36,000 square-foot minimum) to PD-SF-36 (Planned Development-Single Family-36,000 square foot minimum) for a proposed two (2) lot subdivision, located on an approximately 1.99-acre tract of land, being Lot 16R, Keller Heights North Addition, located on the east side of Bourland Road, approximately 110 feet south of La Vena Street, at 1117 Bourland Road. Ron Holifield, owner. Karen Mitchell, Karen Mitchell Planning Group, applicant. Texas Surveying, Inc., surveyor. (Z-17-0011)

**Project Update:**

City Council tabled this item at the previous meeting on September 5, 2017 as there were questions about the location of the property line separating the two lots. The applicant provided an updated letter addressing the location of the property line, included in Attachment A.

On October 17, 2017 there was split vote (3-3) on this item, right before Councilman Whatley joined the meeting. The item was then tabled again to allow Councilman Whatley to view the discussion and vote.

**Action Requested:**

Consider an ordinance approving a Planned Development zoning change from SF-36 (Single Family-36,000 square-foot minimum) to PD-SF-36 (Planned Development-Single Family-36,000 square foot minimum) for a proposed two (2) lot subdivision.

**Current Zoning:**

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

**Proposed Zoning:**

PD-SF-36 (Planned Development-Single Family-36,000 square foot minimum)

**Future Land Use Plan:**

LD-SF (Low-Density Single-Family-25,000 square foot lots and greater). The proposed rezoning request is in conformance with the Future Land Use plan.

**Background:**

The subject property was originally two lots, Lots 16 & 17 of the Keller Heights North Addition, filed on May 14, 1953. This plat was created prior to annexation into the city limits by Ordinance No. 360 on August 30, 1983.

A home was placed across the lot line of these two lots. The Tarrant County Appraisal District website states the home was built in 1976. However, per the applicant's narrative, the home was built in the 1920's and then moved to the site at an unspecified date. In either event, this was prior to annexation into the City of Keller.

In 2008, the two lots were replatted into one lot, Lot 16R, Keller Heights North Addition. The existing home was renovated and is currently the residence of Mr. Holifield. There are two (2) accessory structures on site.

### **Proposed Uses:**

No change is proposed to allowed uses. The use table for the SF-36 zoning district is attached under "Staff Attachment".

### **Analysis:**

The intent of this zoning change application is to change the current zoning designation from SF-36 to PD-SF-36 for a two-lot subdivision. The previous two lots had both faced Bourland Road, but, due to the location of the existing house the new line to split the proposed lots would run north-south. This would create one (1) lot facing Bourland Road to the west and one (1) lot facing LaVena Street, a public street to the east.

As stated in the applicant's letter attached in Exhibit "A", the purpose of this zoning change request is to allow the current lot to be subdivided into two (2) residential lots.

### **Lot Area:**

Both proposed lots meet the minimum area requirement of 36,000 square feet. The lot facing Bourland Road will be 36,230 square feet and the lot facing LaVena Street will be 50,600 square feet.

### **Lot Depth and Width:**

Lot width for both lots will be above the minimum requirement of one hundred forty feet (140'). Both lots will have a lot width of two-hundred thirty feet (230').

Per Section 8.03 (C) of the UDC, the minimum lot depth is two-hundred feet (200'). The lot facing LaVena Street will meet this requirement with a lot depth of two-hundred twenty feet (220'). The lot facing Bourland Road will have a lot depth of one-hundred fifty-five feet (155'). The overall depth of the property is three-hundred seventy-five feet (375'). It will not be possible to create two lots that both meet lot depth standards. The applicant has chosen this location as the best for the new lot line based on the existing conditions, minimum setback requirements, and plan for the new home.

### Variance

1. To allow a lot depth less than two-hundred feet (200') but not less than one-hundred fifty-five feet (155') only for the lot facing Bourland Road.

### **Setbacks:**

Front setbacks - As per section 8.03 (C) of the UDC, the front building setback will be sixty feet (60') from Bourland Road and thirty-five feet (35') from LaVena Street.

Side Setbacks - Per Section 8.03 (C) the side setback is fifteen feet (15'). There is an existing

structure on the property that is approximately twelve feet five-inches (12'-5") from the north property line. The applicant is requesting a variance to keep this structure at this location and reuse it for a detached garage on the lot facing LaVena Street. Because the structure will be clad in materials to match the new home, the applicant needs an additional one to two feet (1'-2') closer to the property line.

Rear setback - The minimum rear setback per Section 8.03 (C) is fifteen feet (15'). The applicant has drawn the lot line so that the shed complies with the rear setback.

#### Variance

2. To allow a side yard setback of ten feet (10') only for the existing 1,100 square foot accessory structure on the lot facing LaVena Street.

#### **Building Height:**

Per Section 8.03 (C) of the UDC, the maximum building height is two and one-half (2 1/2) stories not to exceed thirty-five feet (35'). The applicant plans to comply with this standard.

#### **Building Area:**

Per Section 8.03 (C) of the UDC, the minimum floor area in the SF-36 zoning district is 2,400 square feet. The existing home does not meet this minimum area. The proposed home will meet this requirement. The applicant is requesting a variance to allow the current home to remain as-is.

#### Variance

3. To allow a minimum floor area of less than 2,400 square feet for the existing 1,735 square foot home on the lot facing Bourland Road.

#### **Detached Garage:**

The applicant is proposing to keep the existing accessory structure and use it as a detached two-car garage for the lot facing LaVena Street. The garage will be clad in materials to match the main home.

Section 8.10 states, "*Detached accessory buildings shall be prohibited in front of the main building.*" The existing structure will be located in front of the new home. The location of the new home was selected to allow the house to sit within the trees while disturbing as few trees as possible. Keeping this structure to be used for the garage also serves to protect existing trees. In addition, the materials cladding the garage will match the main structure.

Section 8.07 of the UDC states, "*A detached front facing garage located behind the main structure is permitted, The garage door(s) exposure shall not exceed one hundred forty-four square feet.*" The existing garage entry faces LaVena Street and will be in front of the main building. This configuration is proposed to be maintained. The door exposure does not exceed one hundred forty-four (144) square feet.

#### Variance

4. To allow only the existing 1,100 square foot accessory structure to remain in its current location which will be located in front of the main structure.

5. To allow a detached garage door facing a public street in front of the main home provided the door does not exceed twelve feet (12') in width, only for the existing 1,100 square foot accessory structure

to face LaVena Street.

### **Tree Preservation:**

The applicant has included the location of all protected trees on the concept plan. The applicant has designed a custom home to preserve all existing protected trees. Some trees are close to the building footprint. While all attempts to preserve them will be made, some trees close to the building footprint may die due to construction activity or changed drainage patterns near the building. The applicant is exceeding UDC requirements for tree preservation which would allow removal of all trees in a driveway, the building footprint, or within eight feet (8') of the building footprint.

### **Drainage & Utilities:**

There are no proposed improvements for the purpose of this zoning change request. There are several viable options for providing water and wastewater services. Final designs will meet City codes and will be determined at time of platting. As a note, the final plat will be a residential replat and will require a separate public hearing with the Planning and Zoning Commission.

### **Trip Generation:**

An additional home can be expected to generate approximately ten (10) trips per day.

### **Existing Roadway Access:**

Bourland Road, a four-lane undivided collector with an eighty-foot (80') Right-of-Way per the Master Thoroughfare Plan.

LaVena Street, a local residential street.

### **Surrounding Zoning & Land Uses:**

North: Single-family homes zoned SF-36

South: Single-family homes zoned SF-36

East: Single-family homes zoned SF-36

West: Harmonson Farms Single-family homes zoned SF-MD (Single-Family - Mixed Density)

### **Requested variances:**

Five (5) variances are being requested for this zoning change, most to address existing conditions:

1. A variance to allow a lot depth less than two-hundred feet (200') but not less than one-hundred fifty-five feet (155') only for the lot facing Bourland Road.
2. A variance to allow a side yard setback of ten feet (10') only for the existing 1,100 square foot accessory structure on the lot facing LaVena Street.
3. A variance to allow a minimum floor area of less than 2,400 square feet for the existing 1,735 square foot home on the lot facing Bourland Road.
4. A variance to allow only the existing 1,100 square foot accessory structure to remain in its current location which will be in front of the main structure.
5. A variance to allow a detached garage door facing a public street in front of the main home provided the door does not exceed twelve feet (12') in width, only for the existing 1,100 square foot

accessory structure to face LaVena Street.

**Summary:**

Section 8.02 (D.1.e) of the UDC states that when considering a zoning change request, the Planning and Zoning Commission and City Council shall consider the following factors:

- 1) Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole, and in compliance with the Future Land Use Plan.

***The applicant is proposing to keep the base zoning of SF-36. Both lots will have a minimum lot size of thirty-six thousand (36,000) square feet. The variances regarding building size and setback of the existing structure are existing conditions. The variance regarding lot depth is the only way to create two lots. It will not be evident from public view that lot depth standards are not met. The request is in conformance with the Future Land Use Designation of LD-SF (Low-Density-Single-Family - 25,000 square foot lots and greater). This property used to be platted for two (2) single family residences. If the PD zoning change is approved, the property will be subdivided into two (2) lots and match the number of lots that was previously platted in 1953.***

- 2) Whether the proposed change is in accord with any existing or proposed plans for providing streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings.

***There are adequate utility services available to serve this property.***

- 3) The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

***There are relatively few undeveloped lots zoned SF-36 (Single-Family - 36,000 square foot lot minimum). Most new lots in this zoning district are created from subdividing larger lots, as the owner proposes with this property.***

- 4) The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

***There are thirteen (13) undeveloped lots in Wellsgate Terrace and one hundred four (104) lots in Gean Estates. Both subdivisions are currently being developed. This lot is unique in that it will not be set in a traditional subdivision.***

- 5) How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved.

***Other property zoned SF-36 Single-Family - 36,000 square foot lot minimum) is unlikely to be affected by this rezoning request.***

- 6) Any other factors which will substantially affect the health, safety, morals, or general welfare.

***Staff does not anticipate any other factors that would affect health, safety, morals or general welfare.***

**Citizen Input:**

On August 4, 2017, as required by State law, the City mailed out twenty (20) letters of Notifications for a Public Hearing to all property owners within three hundred feet (300') of the subject site and KISD. A public hearing notice sign was also posted on the site. Notice was published in the Fort Worth Star Telegram on August 20, 2017.

As of August 8, 2017, City Staff has received one letter which is not opposed to the rezoning but has concerns about the garage being used for vehicle repair. The applicant has told staff Mr. Holifield has no intention of any vehicle repair in the barn. The applicant had stated they would be comfortable with a condition prohibiting vehicle repair as part of the Planned Development. The Public Response letter is included in the Staff Attachment.

**Written Opposition:**

State laws and the UDC both state that if written objections are received from twenty percent (20%) of the area of the adjacent property owners extending two-hundred feet (200') from the subject property, then a three-fourth ( $\frac{3}{4}$ ) vote (super majority is 6 out of 7) is required by City Council for approval of this PD Zoning Change request. **This Planned Development Zoning Change request will not require a three-fourth ( $\frac{3}{4}$ ) super majority vote by City Council for approval.**

**Professional Opinion:**

It is the opinion of staff to **support** this request as presented as it is in conformance with the Future Land Use Plan.

Staff forwards this for City Council consideration with the requested variances:

1. The variance to allow a lot depth less than two-hundred feet (200') but not less than one-hundred fifty-five feet (155') only for the lot facing Bourland Road to be considered.
2. The variance to allow a side yard setback of ten feet (10') only for the existing 1,100 square foot accessory structure on the lot facing LaVena Street to be considered.
3. The variance to allow a minimum floor area of less than 2,400 square feet for the existing 1,735 square foot home on the lot facing Bourland Road to be considered.
4. The variance to allow only the existing 1,100 square foot accessory structure to remain in its current location which will be in front of the main structure to be considered.
5. The variance to allow a detached garage door facing a public street in front of the main home provided the door does not exceed twelve feet (12') in width, only for the existing 1,100 square foot accessory structure to face LaVena Street to be considered.

**Board Review:**

At their August 14, 2017 Regular Meeting the Planning and Zoning Commission vote unanimously (7-0) to recommend approval with the following conditions:

1. The variance to allow a lot depth less than two-hundred feet (200') but not less than one-hundred fifty-five feet (155') only for the lot facing Bourland Road shall be allowed.
2. The variance to allow a side yard setback of ten feet (10') only for the existing 1,100 square foot accessory structure on the lot facing LaVena Street shall be allowed.
3. The variance to allow a minimum floor area of less than 2,400 square feet for the existing 1,735 square foot home on the lot facing Bourland Road shall be allowed.
4. The variance to allow only the existing 1,100 square foot accessory structure to remain in its current location which will be in front of the main structure shall be allowed.
5. The variance to allow a detached garage door facing a public street in front of the main home provided the door does not exceed twelve feet (12') in width, only for the existing 1,100 square foot accessory structure facing LaVena Street shall be allowed.

**Alternatives:**

The City Council has the following options when considering a Planned Development Zoning Change application:

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