



City of Keller

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Legislation Text

File #: 16-507, **Version:** 1

To: Mark Hafner, City Manager

From: Michele Berry, Senior Planner

Subject:

PUBLIC HEARING: Consider an ordinance approving Specific Use Permit (SUP) for an approximately 814 square-foot accessory structure, as the square footage of all accessory buildings would exceed fifty percent (50%) of the total square footage of the primary structure, located on approximately 6.94-acres, on the south side of Johnson Road, approximately 1,000 feet west of North Pearson Lane, at 1876 Johnson Road, being Lot 1R1, Block A, Clark Estates Addition, and zoned SF-36 (Single Family Residential - 36,000 square foot minimum). John Barry Clark, owner/applicant. (SUP-17-0021)

Action Requested:

Conduct a public hearing and consider a recommendation of a specific use permit (SUP) for an approximately 814 square-foot accessory building as the combined square footage of all accessory buildings would exceed fifty percent (50%) of the total square footage of the primary structure.

Zoning:

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

Background:

The property was originally platted on September 5, 2013 as one lot.

A Specific Use Permit (SUP) was approved for the existing barn on July 2, 2013 by Ordinance No. 1657. The barn was constructed prior to the home per the approved SUP.

A building permit for the home was issued on December 3, 2013. There was an existing 5,900 square foot barn at the time of building permit application.

A second SUP was approved on May 20, 2014 by Ordinance No. 1696 for a 924 square foot structure. This SUP expired on May 20, 2015 as no request for extension was received and no permits were pulled for the structure.

A replat creating two (2) lots was approved on December 2, 2014. The subject property is just under 7-acres.

Analysis:

The applicant proposes an accessory building of 814 square feet on their nearly 7-acre property.

The main home has 3,970 square feet of conditioned space and is 5,940 square feet total. The

existing barn is over 5,000 square feet.

The SUP is required as the area of this structure combined with the existing barn will exceed fifty percent (50%) of the main home area. Per Section 8.10 (A.1) of the Unified Development Code (UDC), "The combined area of all accessory buildings on a lot shall be less than fifty percent (50%) of the main structure, unless approved by SUP." The applicant has submitted a SUP request for this accessory building.

Site Design:

The accessory structure is located in the rear yard, approximately twenty-five feet (25') from the east side property line, over two hundred feet (200') from the west property line, over two hundred fifty feet (250') from the rear property line, and approximately thirty-five feet (35') back from the rear of the building. The location meets all setback requirements of the UDC.

Elevations:

Section 8.06 (A.1e.3) of the UDC states that "All accessory buildings, larger than two hundred (200) square feet, in residential districts shall meet all requirements of this code". Section 8.10 (A.3) states, "All accessory buildings shall be complimentary to the main structure, constructed of brick or stone or the same material as the main structure(s)."

The proposed structure is brick, to match the brick on portions of the main home. There will be some matching stone on the structure as well to further tie it to the main home. This meets UDC requirements on building exteriors.

Garage Doors:

The structure is proposed to have a roll-up door on the west facing side under the porch. Section 8.07 (C.4) of the UDC regulates maximum garage door exposure facing a street. The door will not face the street and meets UDC criteria.

Building Size

Per Section 8.10 (A.1), if the combined area of all accessory structures exceeds fifty percent (50%) of the main building, a SUP is required. The home with all covered area is 5,940 square feet. The proposed structure of 814 square feet combined with the existing over 5,000 square foot barn exceeds the size of the home. The SUP is required for this purpose. No other accessory structures are proposed at this time.

Lot Coverage:

Section 8.03 (C.4.c) of the UDC states that the maximum lot coverage for primary structures shall be no more than thirty percent (30%) and that total impervious surface including pools, patios, main structures, and accessory structures shall not exceed fifty percent (50%). The proposed structure is well within the fifty percent (50%) lot coverage maximum.

Building Height:

Per Section 8.10 (A.9), the maximum average building height shall not exceed fifteen feet (15') unless approved through the Zoning Board of Adjustment or a SUP. The highest point of the proposed structure is sixteen feet eight inches (16' 8") and eave is just under ten feet (10"). The average building height is approximately thirteen feet (13'), meeting UDC requirements on building height.

Tree Preservation:

The proposal will not remove any trees.

Drainage & Utilities:

Utilities are present on site. Grading and drainage will be reviewed with the building permit.

Trip Generation:

Accessory structures of this nature should have no impact of trip generation.

Existing Roadway Access:

Johnson Road, a proposed four-lane undivided collector street.

Surrounding Zoning & Land Uses:

West: Single-Family residences, zoned SF-36 (Single Family Residential- 36,000 square foot minimum)

North: Single-Family residences, zoned SF-36 (Single Family Residential- 36,000 square foot minimum)

East: Single-Family residences, zoned SF-36 (Single Family Residential- 36,000 square foot minimum)

South: Pearson Crossing subdivision, zoned SF-36 (Single Family Residential- 36,000 square foot minimum)

Request:

There are no variances being requested with this Specific Use Permit.

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;

The lots immediately to the east have similar sized and constructed accessory buildings. The lots immediately to the west also have accessory buildings. The surrounding properties are all residential with minimum lot sizes of 36,000 square feet. Many of these properties have similar structures and the proposed structure would be compatible.

- 2) The activities requested by the applicant are normally associated with the permitted uses in the base district;

Per Section 8.03 (C.1) "The SF-36, Single Family Residential District - 36,000 is intended to promote and encourage a suitable environment for family life on large parcels of land used for agricultural purposes and single-family homes. This District is intended to encourage more open space, permeable surfaces, and greater setbacks with characteristics of semi-rural areas." Accessory structures for agricultural uses are common in the SF-36 Zoning District and the existing barn is normally associated with the agricultural character of the area. The proposed smaller structure closer to the home is normally associated with the residential uses. Two (2) or more accessory buildings are not uncommon in the SF-36 zoning district.

The request is normally associated with the permitted uses of the SF-36 zoning district.

3) The nature of the use is reasonable and appropriate in the immediate area;

This use is appropriate in the area. The character of the area is large lot residential homes with some agricultural uses.

4) Any negative impact on the surrounding area has been mitigated; and

Staff does not anticipate any negative impact on the surrounding area. The structure will meet all lot coverage, building material, and accessory use standards.

5) That any additional conditions specified ensure that the intent of the district purposes are being upheld.

No additional conditions are proposed at this time.

Citizen Input:

On September 29, 2017, as required by State law, the City mailed out eighteen (18) letters of Notifications for a Public Hearing to property owners located within three hundred feet (300') feet of this subject property. A Public Hearing Notice sign was posted on the subject property. Notice was published in the Fort Worth Star Telegram on October 22, 2017.

As of October 30, 2017, City Staff has not received any responses from the public about this SUP request.

Professional Opinion:

It is staff's professional opinion to **approve** this Specific Use Permit application with the following condition:

1. The SUP for an 814 square-foot accessory structure with the combined square footage of all accessory buildings exceeding fifty percent (50%) of the total square footage of the primary structure, shall be considered.

If the SUP is approved by the City, any modification or change of use of the accessory building will require an amendment to this Specific Use Permit request to be considered by the City and comply with the requirements of the UDC.

Board Review:

At their October 9, 2017 regular meeting the Planning and Zoning Commission voted unanimously (7-0) to recommend approval with the follow conditions:

1. The SUP for an 814 square-foot accessory structure with the combined square footage of all accessory buildings exceeding fifty percent (50%) of the total square footage of the primary structure, shall be considered.

Alternatives:

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

- Approve as submitted (allow the combined area of the accessory building to exceed 50% of the square footage of the primary structure)
- Approve with modified or additional condition(s) (specifically related to the request for the combined area of accessory structures to exceed 50% of area of the main home)
- Tabling the agenda item to a specific date with clarification of intent and purpose
- Deny