

## CITY COUNCIL MEMORANDUM

**FROM:** The Office of the City Manager    **DATE:** October 2, 2017

**SUBJECT:** SUP 2017-06, Ordinance No. 3480, Public hearing and consideration of a request from Kevin Travell for a special use permit for an accessory building larger than 1,000 square feet on 2.015 acres located at 7504 Bursey Road.

**PRESENTER:** Clayton Comstock, Planning Manager

### **SUMMARY:**

On behalf of Dohrman and Francie Wintermute, Kevin Travell is requesting a Special Use Permit to authorize the construction of an accessory building larger than 1,000 square feet in floor area on a 2.015-acre lot located at 7504 Bursey Road.

### **GENERAL DESCRIPTION:**

The property under consideration is located on the south side of Bursey Road between Londonderry Drive and Bursey Road South. The lot is 2.015 acres (87,773 square feet) in size, and the owners completed renovations of the house in 2016. The owners also propose to construct a 1,500-square-foot accessory building with a 750-square-foot attached covered parking area. The attached letter provided by the owner explains their request in more detail and describes the overall plan for the property and proposed uses for the building.

Section 118-718(c) of the zoning ordinance establishes the requirements and standards for permanent accessory buildings and structures. The proposed accessory building is compliant with all development standards except for floor area and building height. For lots greater than 40,000 square feet in area, the zoning ordinance allows for consideration of a special use permit for varying from specific development standards, which are described in the table below.

Development Standard	Proposed Building
<u>Maximum floor area</u> 1,000 square feet	1,500 square foot building (30' x 50') 750 square foot covered parking (30' x 25')
<u>Maximum building height</u> 15 feet	17 feet 6 inches to peak of roof (4:12 roof pitch matches house)

A site plan, floor plan, and elevation of the building are attached. The building is located near the middle of the lot, with side setbacks of 52 feet and 94 feet and a rear setback of 114 feet. Garage doors are located on the north and south sides of the building, and the building is connected to the main house and street by a paved driveway. All exterior walls of the building are proposed to be brick.

There are four existing accessory buildings on the property. The owner has indicated their intent to remove these buildings from the property as part of the construction of the proposed building. Photos of the buildings and a map showing their location on the property is also attached.

### ***Special Use Permit***

The zoning ordinance provides that special use permits may establish reasonable conditions of approval on the operation and location of the use to reduce its effect on adjacent or surrounding properties.

The following are the proposed conditions of approval for this SUP application.

1. *Permitted use.* A special use permit is authorized for one (1) accessory building with covered parking on the property.
2. *Building size.* The accessory building must not exceed one thousand five hundred (1,500) square feet in floor area. The covered parking area attached to the building must not exceed seven hundred fifty (750) square feet.
3. *Building height.* The accessory building must not exceed 17 feet 6 inches in overall height.
4. *Removal of existing buildings.* The four existing buildings shown on the attached exhibit must be removed from the property by December 31, 2017.

### ***DRC recommendation***

The Development Review Committee's original recommendation for denial of the special use permit application was based on the following.

1. In December 2014, City Council adopted revisions to standards related to the size of accessory buildings. The standards were updated to allow for buildings up to 1,000 square feet in floor area on lots 40,000 square feet or larger. Prior to this update, the size depended on zoning designation, and property owners would typically request a zoning change to R-1-S to allow for a larger accessory building. The revisions were intended to help balance community interest in larger accessory buildings on estate and acreage lots with the policy of limiting the use of the R-1-S district to targeted areas in the city.
2. Alternative development options exist to achieve the desired accessory building square footage on the lot. A 1,000 square foot permanent accessory building may be combined with two 200-square-foot temporary accessory building to



provide a near equivalent amount of floor space. Both buildings are permitted by right on the property without the need for approval of a specific use permit.

Due to the recent City Council approval of a similar case on Bursey Road and Planning & Zoning Commission's recommendation for approval, the Development Review Committee now believes a review of the zoning ordinance regulations regarding large accessory structure may again be needed.

**COMPREHENSIVE PLAN:** This area is designated on the Comprehensive Land Use Plan as "Low Density Residential." This designation is intended to provide areas for the development of traditional, low-density single-family detached dwelling units.

**CURRENT ZONING:** The property is currently zoned R-1 Single Family Residential.

**PROPOSED ZONING:** The applicant is requesting a special use permit for an accessory building larger than 1,000 square feet in floor area.

**SURROUNDING ZONING | LAND USE:**

**North:** R-2 Single-Family Residential | Low Density Residential  
**West:** R-1 Single-Family Residential | Low Density Residential  
**South:** R-2 Single-Family Residential | Low Density Residential  
**East:** R-1 Single-Family Residential | Low Density Residential

**PLAT STATUS:** The property is currently platted as Lot 4, Block 1, Oakvale Addition.

**PLANNING AND ZONING COMMISSION:** The Planning and Zoning Commission conducted a public hearing and considered this request at the September 21, 2017, meeting and voted 6-0 to recommend approval.

**RECOMMENDATION:**

Approve Ordinance No. 3480.