

CITY COUNCIL MEMORANDUM

FROM: The Office of the City Manager **DATE:** June 4, 2018

SUBJECT: SUP 2017-11, Ordinance No. 3517, Public hearing and consideration of a request from Troy and Vicky Hudson for a Special Use Permit for a metal accessory structure at 8016 Valley Drive, being 2.71 acres described as Stephen Richardson Survey, Abstract 1266, Tract 7B.

PRESENTER: Clayton Husband, Principal Planner

SUMMARY:

Troy and Vicky Hudson are requesting a Special Use Permit to authorize the construction of a metal accessory building on a 2.71-acre parcel located at 8016 Valley Drive.

GENERAL DESCRIPTION:

The property under consideration is located on the east side of Valley Drive between Bursey Road and Continental Trail. The lot is 2.71 acres (118,047 square feet) in size. Currently, there are two permanent accessory buildings (253 sq. ft. and 346 sq. ft.) and one temporary accessory building (182 sq. ft.) on the property.

On June 20, 2017, following a complaint regarding a large building that was under construction, city staff from the Neighborhood Services and Building Inspections departments visited the property. After speaking with the owner, it was determined that a permit had not been requested or approved for the construction. In addition, the owners were advised that due to the size and nature of the building, approval of a special use permit would be required to allow the construction.

Follow-up notices outlining the need for a special use permit were sent to the owner on October 5 and November 6, 2017. The owner submitted an application for a special use permit on November 21, 2017. 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.

In addition to the two permanent accessory buildings on the property, the owners propose to construct an additional 1,942-square-foot accessory building for the storage of equipment and the parking of a recreational vehicle and other vehicles. The owners have indicated their intent to remove the temporary building from the property as part of the construction of the proposed building. However, the number of permanent accessory buildings on the property would still exceed the number allowed by the



zoning ordinance. At the Planning & Zoning Commission, the applicant indicated willingness to remove the two existing permanent accessory structures.

A site survey and plans for the building are attached. The building is located near the southern property line and behind the front building line. Overhead garage doors are located on the north and east sides of the building. The building does not have a concrete driveway and is not connected to the existing driveway or the street. All exterior walls of the building are proposed to be metal.

Section 118-718(c) of the zoning ordinance establishes the requirements and standards for permanent accessory buildings and structures. 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. The proposed accessory building is compliant with all development standards except for maximum wall height, driveway access, masonry requirements, and number of permanent buildings.

DEVELOPMENT STANDARD	PROPOSED BUILDING
<u>Maximum height</u> Wall height: 12 feet	Wall height: 16 feet
<u>Driveway access</u> Buildings used for parking of vehicles must include a concrete driveway that connects to the street	Driveway access and connection not provided
<u>Masonry requirement</u> Masonry required on 85% of exterior wall surface of each elevation	Metal exterior on 100% of each exterior wall elevation
<u>Number of permanent buildings</u> One (1)	Three (3) buildings Two existing. One proposed.

Of these standards, the special use permit cannot authorize modifications to or deviations from the number of permanent buildings. In order for the property and proposed building to achieve compliance with the zoning ordinance standards, the following criteria must be satisfied:

1. approval of a special use permit for the building; and
2. removal of the two existing permanent accessory buildings.

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 permanent building.

2. *Building size.* The accessory building must not exceed one thousand nine hundred forty-five (1,945) square feet in floor area.
3. *Building wall height.* The walls of the accessory building must not exceed sixteen (16) feet in height.
4. *Masonry requirement.* The exterior wall surface of each elevation may be constructed of metal, as shown on the attached exhibit.
5. *Driveway access.* The building is not required to provide a concrete driveway that connects to the street or existing driveway.
6. *Removal of existing buildings.* The two existing permanent accessory buildings shown on the attached exhibit must be removed from the property by September 30, 2018.

DRC recommendation

The Development Review Committee's recommendation for denial of the special use permit application is 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 and to supplement the policy of limiting the use of the R-1-S district to targeted areas in the city.
2. In December 2017, City Council approved additional revisions based on an analysis of special use permits approved since 2008. The revisions modified building design standards in order to provide greater flexibility for accessory buildings on estate and acreage lots and to reduce the number of special use permit applications for these types of structure.
3. The building is proposed to be constructed with metal exterior walls. The zoning ordinance requires at least 85% of the exterior wall surface area of each elevation of the building to have a masonry exterior. This material may be brick, natural stone, cultured stone, or ceramic block.
4. The Planning & Zoning Commission voted 6-0 to recommend denial.

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 AG Agricultural.

PROPOSED ZONING: The applicant is requesting a special use permit for a metal accessory building.



SURROUNDING ZONING | LAND USE:

DIRECTION	ZONING	LAND USE PLAN	EXISTING LAND USE
NORTH	AG Agricultural	Low Density Residential	Single family residence
WEST	AG Agricultural	Low Density Residential	Single family residences
SOUTH	AG Agricultural	Low Density Residential	Single family residences
EAST	R-2 Single-Family Residential	Low Density Residential	Single family residence

PLAT STATUS: The property is currently unplatted. The subdivision regulations allow a building permit to be issued on an unplatted lot on agriculturally zoned property provided all other zoning and development standards have been satisfied.

PLANNING AND ZONING COMMISSION: The Planning and Zoning Commission conducted a public hearing and considered this item at the May 17, 2018, meeting and voted 6-0 to recommend denial.

RECOMMENDATION:

Deny Ordinance No. 3517.