

CITY COUNCIL MEMORANDUM

FROM: The Office of the City Manager **DATE:** August 27, 2018

SUBJECT: SUP 2018-06, Ordinance No. 3527, Public hearing and consideration of a request from Doug and Elizabeth Mann for a Special Use Permit for a secondary living unit and a metal accessory building at 8025 Valley Drive, being 2.26 acres described as Tract 1B12, Stephen Richardson Survey, Abstract 1266.

PRESENTER: Clayton Comstock, Planning Manager

SUMMARY:

Doug and Elizabeth Mann are requesting a special use permit to authorize the construction of a secondary living unit and a metal accessory building on 2.26 acres located on the west side of Valley Drive, north of Bursey Road.

GENERAL DESCRIPTION:

The property under consideration is located on the west side of Valley Drive between Bursey Road and Continental Trail. The lot is 2.26 acres (98,446 square feet) in size, 187 feet wide, and approximately 540 feet deep. The property is developed with a single-family residence and one permanent accessory building (1,320 sq. ft.) located at the rear of the property.

The owners propose to construct two buildings on the property: a secondary living unit for a family member and a metal accessory building. A letter from the owners is attached, which describes the request and intended uses for the buildings and addresses the conditions recommended by the Planning and Zoning Commission. In addition, a site survey and plans for both buildings are attached.

Secondary living unit

A secondary living unit with kitchen facilities may be constructed on a residential lot, subject to certain development standards. These types of living units are intended for use by a family member or relative of the occupants of the primary house, and the units may not be rented or leased or have separate utility meters.

The secondary living unit use is permitted by right in the R-1-S, R-1, and R-2 zoning districts. Since the property is currently zoned AG Agricultural, the owners have also requested a zoning change on the property to R-1-S Special Single-Family (see ZC 2018-19). A zoning change would be necessary for the property to allow the proposed secondary living unit, which is not a use permitted by right in the AG Agricultural district.

The proposed building would be located behind the main house at the end of the existing driveway. The building provides 996 square feet of living area, including one master bedroom, a kitchen, and living, dining, and utility areas. The building also includes a 329-square-foot attached garage, a 161-square-foot patio area, and a 49-square foot bathroom for the swimming pool. The building is 1,535 square feet in overall area. For reference, the primary home on the property is approximately 3,700 square feet in size.

The existing driveway would be extended to provide vehicular access to the garage. All electrical, water, and sanitary sewer services would be connected to the utilities for the main house.

The location and design of secondary living units is subject to several design standards contained in [Section 118-718\(e\)](#) of the zoning ordinance. Proposals to modify the design standards may be authorized through approval of a special use permit. A comparison of the required standards and the requested modifications is described in the table below. The Planning and Zoning Commission recommended approval of the modifications with the exception that the building design comply with the masonry standard.

SECONDARY LIVING UNIT	
DEVELOPMENT STANDARD	PROPOSED BUILDING
<u>Connection to primary residence</u> <ul style="list-style-type: none"> Constructed no more than 25 feet from main house Attached to main house by breezeway at least 6 feet wide and attached to roofline 	<ul style="list-style-type: none"> Located approximately 85 feet from main house Not attached to main house
<u>Architecture</u> <ul style="list-style-type: none"> Compliance with masonry standard required: 85% masonry on all elevations 	<ul style="list-style-type: none"> 46% masonry (stone) overall façades 54% siding (cementitious fiberboard)
<u>Maximum total floor area</u> <ul style="list-style-type: none"> 650 square feet floor area 	<ul style="list-style-type: none"> 1,535 square feet floor area
<u>Side building line</u> <ul style="list-style-type: none"> Ten (10) feet 	<ul style="list-style-type: none"> Six (6) feet

Permanent accessory building

There is an existing 1,320-square-foot wooden barn located near the southwest corner of the lot. This building is dilapidated and in disrepair, and the owners have indicated their intent to remove this barn from the property and replace it with the new metal building.

The proposed metal barn building is 900 square feet in area, being 20 feet wide and 45 feet long. The overall height of the building is 16 feet. The building would provide side and rear setbacks of 10 feet from the property line. The building would include two overhead garage doors and one personnel door on the front elevation. 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 the masonry requirements. The Planning and Zoning Commission recommended approval of the building subject to installing a four-foot tall masonry wainscot on all sides of the building.

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. These conditions are based on the applicant's proposed construction and as recommended by the Planning and Zoning Commission. These conditions are included in Exhibit "B" of the attached ordinance.

1. *Permitted use.* A special use permit is authorized for one (1) secondary living unit and one (1) permanent accessory building on the property.
2. *Secondary living unit.* The secondary living unit must comply with the standards described below.
 1. The secondary living unit must not exceed one thousand five hundred thirty-five (1,535) square feet in gross floor area.
 2. The exterior wall surfaces of the secondary living unit must be constructed with at least eighty-five (85) percent masonry materials, as required by Section 118-761 of the zoning ordinance.
 3. The building must be located as shown on the site plan attached as Exhibit "C." The building is not required to be attached to the main house.
 4. The minimum side building line must be at least six (6) feet.
3. *Permanent accessory building.* The permanent accessory building must comply with the standards described below.
 1. A building permit for the permanent accessory building may not be issued until the existing permanent accessory building is removed from the property.
 2. The building must be located as shown on the site plan attached as Exhibit "C."
 3. The permanent accessory building must not exceed nine hundred (900) square feet in floor area.
 4. A wainscot constructed of brick or stone must be installed on all sides of the building. The wainscot must be a minimum of four (4) feet in height and include a masonry cap/sill. The remaining wall surfaces of each elevation may be constructed of metal.

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 size of the secondary living unit exceeds the maximum size required by the zoning ordinance. The zoning ordinance limits the size of the building to 650 square feet, and the proposed building is 1,535 square feet.
4. The secondary living unit and permanent accessory building do not satisfy the exterior wall material requirements. 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.

COMPREHENSIVE PLAN: This area is designated on the Comprehensive Land Use Plan as “Low Density Residential.” This designation provides areas for traditional low-density single-family detached dwelling units.

The Strategic Plan Committee reviewed the residential estate lot areas during its discussions on the future land use plan. While the future land use plan recommendations have not yet been ratified by the Committee or adopted by City Council, it is anticipated that this area would be recommended for residential estate development. Final recommendations are planned for presentation and adoption by October 2018.

CURRENT ZONING: The property is currently zoned AG Agricultural. A zoning change application from AG Agricultural to R-1-S Special Single-Family is an associated item on the August 16, 2018, agenda (see ZC 2018-19). A zoning change would be necessary for the property to allow the proposed secondary living unit, which is not a use permitted by right in the AG Agricultural district.

SURROUNDING ZONING | LAND USE:

DIRECTION	ZONING	LAND USE PLAN	EXISTING LAND USE
NORTH	AG Agricultural	Low Density Residential	Single family residences
WEST	AG Agricultural	Low Density Residential	Single family residences
SOUTH	AG Agricultural	Low Density Residential	Single family residences



DIRECTION	ZONING	LAND USE PLAN	EXISTING LAND USE
EAST	AG Agricultural	Low Density Residential	Single family residences

PLAT STATUS: The property is currently unplatted.

PLANNING AND ZONING COMMISSION: The Planning and Zoning Commission conducted a public hearing and considered this item at the August 16, 2018, meeting, and voted 4-0 to recommend approval subject to the following conditions.

1. Add a four-foot masonry wainscot to the permanent accessory building (metal barn).
2. Revise the secondary living unit building design to meet the residential masonry standard (85% masonry on exterior walls on each elevation).

RECOMMENDATION:

Approve Ordinance No. 3527.