



AGENDA ITEM SUMMARY

Agenda Date	March 4, 2024
Requested Action	A REQUEST FOR APPROVAL FOR A SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT LOCATED AT 101 VILLAGE COVE.
Contact Person	Sara Serra-Bennett, Planner II (830) 248-1628, sbennett@boerne-tx.gov
Background Information	<p>BACKGROUND:</p> <p>The site is 0.4 acres and is owned by Thomas and Shawna Dunaway. The Future Land Use Map designation is Neighborhood Residential, and the zoning is R2-M. The home is existing.</p> <p>A variance application to construct the proposed addition within Drainage Way Protection Zones 1 and 2 will be considered as a separate agenda item.</p> <p>Accessory Dwelling Units (ADU's) are permitted in the R2-M zoning district subject to a special use permit and the criteria found in Section 3.6 E.3 of the Unified Development Code (UDC), which include:</p> <ol style="list-style-type: none">1. An ADU shall not exceed 1,200 square feet or 30% of the square footage of the living area of the main house.2. An ADU shall not have more than two bedrooms.3. A detached unit shall not be higher than the main house.4. The architectural style and materials used for the accessory dwelling shall be consistent with the primary residence.5. Only one ADU is permitted per lot. <p>REQUEST:</p> <ol style="list-style-type: none">1. The applicant is requesting a special use permit for the construction of an 884-square-foot one-bedroom/one-bathroom accessory dwelling unit to be located above a new garage. The unit also includes a kitchen and living room.2. Access to the garage is provided from a driveway located at the rear of the property. An off-street parking space has been

	<p>provided in the driveway.</p> <ol style="list-style-type: none">3. The garage is located behind the main home. The architecture of the garage has been designed to be consistent with the home. The home and garage meet all required setbacks.4. The height of the home is 27.5', and the height of the garage is 25'.5. The proposed square footage of the accessory dwelling is equal to 27% of the main house. <p>ANALYSIS:</p> <p><u>Comprehensive Master Plan, Zoning District, and UDC</u></p> <ul style="list-style-type: none">• The property has been designated as Neighborhood Residential and Commercial on the Future Land Use Map. The proposal is consistent with the existing zoning and Comprehensive Master Plan.• The proposed accessory dwelling conforms with the criteria set forth in Section 3.6.E.3 of the Unified Development Code for Accessory Dwelling Units. The owner will need to sign an affidavit before a notary public affirming that the owner shall occupy either the main building or the accessory dwelling. A condition of approval has been included to address this issue. <p><u>Compatibility with Surrounding Land Uses</u></p> <ul style="list-style-type: none">• The surrounding properties have been developed as existing single-family residential. The garage meets all required setbacks. The proposed use is consistent with the surrounding land uses. <p><u>Access, Circulation and Parking</u></p> <ul style="list-style-type: none">• Primary access is provided from Village Cove. Parking for the proposed use is behind the minimum required front yard setback line. <p><u>Utilities</u></p> <p>The impact of the proposed use on water, sewer, and other utilities is not a factor. The City will have the capacity to serve future demand.</p> <p>FINDINGS: (See Section 2.5.D.4.a.)</p>
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Staff believes the proposed special use permit meets the following findings:

- It conforms with the purpose and intent of the zoning district.
- The use is consistent with the Master Plan.
- It conforms to all standards and requirements of the UDC.
- It does not create a violation of any applicable regulations.
- It does not impact traffic volume and circulation patterns on the surrounding streets.
- The use will not impact the neighboring properties' potential for future development.

COMMISSION ACTION:

Staff recommends that the following conditions be included if the Commission chooses to approve the special use permit request:

1. The use shall comply with the site plan, floor plan, and elevations date stamped February 29, 2024.
2. Prior to the issuance of a certificate of occupancy, an affidavit affirming that the owner shall occupy either the main building or the accessory dwelling shall be filed with the City.
3. Prior to the issuance of a certificate of occupancy, the owner shall provide a restrictive covenant as required in Section 3.6 E.3 of the UDC.

MOTIONS FOR CONSIDERATION:

The following motions are provided to assist the Commission's decision.

- I move that the Planning and Zoning Commission accept the findings and recommend that the City Council **APPROVE** the proposed special use permit for an accessory dwelling unit in an R2-M zoning district, subject to the two stipulations recommended by staff.
- I move that the Planning and Zoning Commission recommend that the City Council **DENIES** the proposed special use permit request for an accessory dwelling unit in an R2-M zoning district, based on the following findings: (The Commission will need to state the reasons for the denial. These reasons should reference specific regulations in the UDC.).

Item Justification	<input checked="" type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Reduce Costs <input checked="" type="checkbox"/> Customer Pull <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Service Enhancement <input type="checkbox"/> Mitigate Risk <input type="checkbox"/> Process Efficiency <input type="checkbox"/> Master Plan Recommendation <input type="checkbox"/> Other:
Strategic Alignment	B2 – Advancing master plan recommendations. C1 – Offering quality customer experiences.
Financial Considerations	N/A
Citizen Input/Board Review	<p>A Boerne Neighborhood Discussion Meeting was held on February 20, 2024. Text notifications were sent to neighbors in a geotargeted area surrounding the project on February 16, 2024.</p> <p>Notice of the Planning and Zoning Commission public hearing was posted in the Boerne Star on February 18, 2024, and mail notification was sent out to 60 neighbors within 500 feet of the subject property.</p>
Legal Review	N/A
Alternative Options	Upon completion of a public hearing, the Commission may recommend approval, approval with conditions, approval in part, denial, or denial in part of the application.
Supporting Documents	Attachment 1 – Location Map Attachment 2 – Site Survey Attachment 3 – Site Plan – 101 Village Cove SUP date stamped: Feb 29, 2024. Attachment 4 – B.N.D. Report – 101 Village Cove Attachment 5 – Resident Responses received by Feb 28, 2024 Attachment 6 – Flood Plain and DPZ Map Attachment 7 – Special Use Permit Approval Criteria (Section 2.5.D UDC)