



AGENDA MEMORANDUM

To: Planning Commission

From: Brad Boland, AICP, Planner II, Development Services

Title: Use by Special Review – 1750 Wild Rye Court Accessory Dwelling Unit (LOT 34 BLK 3 Red Hawk Filing #1)

Executive Summary

The applicant, Scott Weyand, is requesting approval of a proposed accessory dwelling unit at 1750 Wild Rye Court. A proposed addition to the existing home would create a 454 square-foot accessory dwelling unit. As the proposal adds additional square footage to the home, a Use by Special Review approval is required per the accessory dwelling unit regulations adopted in January 2018.



Figure 1: Vicinity Map

Background

Existing Conditions and Surrounding Uses

The property is located within the Red Hawk Planned Development, a residential development. The home was built in 1999 and is similar in architectural style as the surrounding homes.



Figure 2: Existing Home

Zoning Regulations

The Red Hawk Planned Development and Zoning Regulations was originally approved In 1996. An amendment to the Red Hawk Planned Development Amendment and Zoning Regulations was approved in 1999.

An accessory dwelling unit (ADU) is a secondary/smaller, independent residential dwelling unit located on the same lot as a stand-alone single-family home. the accessory dwelling unit may be internal to the single-family home (i.e. a finished basement with a separate entrance) or detached from the single-family home (i.e. an apartment over a detached garage). Town Council approved new accessory dwelling unit regulations in January 2018 to permit and regulate accessory dwelling units across the Town unless expressly prohibited in a PD. The intent of permitting accessory dwelling units is to provide (i) alternative housing options to make more efficient use of existing housing stock and infrastructure, (ii) flexible use of space

for property owners, and (iii) a mix of housing types that responds to changing family dynamics. Because accessory dwelling units do not require additional land, they can be incorporated into established neighborhoods more easily than other forms of housing. Approval of a Use by Special Review is a requirement for any new structure containing an accessory dwelling unit.

Discussion

Design

A 624 square-foot addition is proposed for 1750 Wild Rye Court that would include an accessory dwelling unit. The addition would add 312 square feet to the main floor for the accessory dwelling unit and a 312 square foot expansion of the basement. The accessory dwelling unit would utilize an existing bedroom on the main floor and the addition would create a new leisure room, kitchen, bath, and new rear deck for the accessory dwelling unit. The proposed accessory dwelling would total approximately 454 square feet and would be accessed from a door on the side of the house in addition to being accessible from within the house.

Development Standards

The proposed addition to the home meets the required setback and height requirements of the Red Hawk Planned Development and Zoning Regulations Amendment No. 1.

Notification and Outreach

Public Notice

Public hearing notice signs were posted on the property on March 9, 2021. Written notice letters were sent to property owners and Homeowner Associations (HOA) within 500 feet of the property, at least 15 days prior to the public hearings.

Town staff published notice of the Planning Commission public hearing on the Town's website and provided information about the proposal on the Town's *Development Activity* interactive map.

Neighborhood Meetings

A neighborhood meeting was held on February 9, 2021 virtually on Zoom. Two people attended the meeting and stated that they had no concerns about the proposal.

A second neighborhood meeting has been scheduled for March 23rd to provide interested neighbors a chance to view the plans that will be presented to Planning Commission and Town Council. The plans have not been changed since the initial neighborhood meeting.

Analysis

This independent staff analysis takes into account the representations made in the application and attachments submitted to date.

Accessory Dwelling Units Regulations and Restrictions 17.61.050

- A. *A building permit meeting all Town regulations must be obtained for all Accessory Dwelling Units.*
- B. *The Town may issue a building permit authorizing the construction and use of an Accessory Dwelling Unit, provided the following conditions apply:*
 1. *Number. No more than one (1) ADU may be created or maintained on a single lot or tract.*
 2. *Owner Occupancy.*
 - a. *The property owner, as evidenced in the Douglas County public records, must occupy either the Primary Dwelling Unit or the Accessory Dwelling Unit, or both.*
 - b. *In the event the property is not owned by a natural person(s), then an individual with ownership or direct interest in the entity, as demonstrated to the Director, may be considered a property owner.*
 - c. *The Director may waive this Owner Occupancy requirement for temporary absences of less than one (1) year provided that the owner has maintained the permitted use for a minimum of two (2) years and submits proof of temporary absence.*
 3. *Dual Rental Prohibited. At no time may both the Primary Dwelling Unit and Accessory Dwelling Unit be renter occupied. Prior to issuance of a building permit for an ADU, the property owner shall record a deed restriction, in a form acceptable to the Director, prohibiting the concurrent renting of both the Primary Dwelling Unit and the Accessory Dwelling Unit.*
 4. *Subdivision. Accessory Dwelling Units may not be subdivided or otherwise conveyed into separate ownership from the Primary Dwelling Unit on the lot or tract.*
 5. *Utilities.*
 - a. *No separate water or sewer taps will be allowed for the ADU.*
 - b. *All billing for water, sewer and storm water services will be billed to the Primary Dwelling Unit account holder. As a condition to issuance of a building permit, the account holder shall certify to the Town that they will be responsible for all utility charges incurred by the ADU.*
 - c. *Should an ADU require the enlargement of the Primary Dwelling Unit's existing water tap, the applicant shall pay the incremental System Development Fees (as set forth in Chapter 13.12 of the Code) based on the new tap size, together with any connection fees.*
 6. *HOA Compliance. It shall be the obligation of the property owner to obtain compliance with any homeowner association requirements for the ADU. The Town will not independently verify such compliance.*
 7. *Design. An ADU shall be designed to maintain the architectural design, style, appearance and character of the Primary Dwelling Unit, and must be consistent with the existing façade, roof pitch, siding, eaves, window treatment and color of the Primary Dwelling Unit. The ADU shall be permanently affixed to an engineered foundation. All district zoning regulations applicable to the construction and placement of structures shall apply to ADUs.*

8. *Size. The floor area of an ADU located interior to the Primary Dwelling Unit shall not exceed fifty percent (50%) of Primary Dwelling Unit. The building footprint of a detached ADU or a new ADU addition to the Primary Dwelling Unit shall not exceed eight hundred (800) square feet, unless the PD zoning regulations establish a different limitation, in which event the PD zoning regulations governing size shall apply.*
9. *Entrance. If an ADU is created by an addition to an existing Primary Dwelling Unit that requires a new separate outside entrance, only one (1) entrance may be located visible from the street upon which the property is addressed. The additional entrance may be located on the side of, or in the rear of the Primary Dwelling Unit.*
10. *Deviation from stated conditions. A request for deviation from the applicable regulations to install features that facilitate access and mobility for disabled persons shall be considered by the Board of Adjustment pursuant to Chapter 17.06 of the Code.*
11. *Pets. The restriction on the number of animals allowed under the Code shall be per lot, irrespective of the number of dwelling units located on the lot.*
12. *Prohibited structures. Mobile homes, recreational vehicles and travel trailers are prohibited as Accessory Dwelling Units.*

The proposed accessory dwelling unit meets the above stated conditions. The proposed accessory dwelling is proposed to be 454 square feet, which meets the maximum size criteria of 800 feet and is smaller than 50% of the existing home. The proposed addition is consistent with the existing façade as the proposed addition matches the existing siding and color of the house and proposes similar roof pitches and materials. The exterior entrance of the accessory dwelling unit faces away from the street and view of the addition from the street will be obscured due to the orientation of the house on the property and the existing landscaping.

Use by Special Review and Approval Criteria and Analysis 17.39.010

In addition to the criteria set forth in Section 17.38.040, Use by Special Review applications shall also be evaluated under the following criteria:

- A. *Demonstrates design compatibility with the scale, architectural character and other prominent design themes found within the surrounding neighborhood.*
- B. *Demonstrates compatibility of the proposed use with existing and planned uses on adjacent properties.*
- C. *Mitigates adverse impacts or nuisance effects such as, but not limited to, visual impacts, noise, vibrations, light intensity, odors, loitering or level of outdoor activity, hours of operation or deliveries.*
- D. *Will not result in undue traffic congestion or traffic hazards. Adequate off-street parking must be provided. Pedestrian access must be adequately addressed when this type of access is identified as a significant component or need of the proposed use.*
- E. *Provides adequate landscaping, buffering and screening from adjacent and surrounding uses of potential impact.*

The proposed ADU is compatible with the surrounding single family neighborhood as it does not change the scale of the existing home which is comparable to the surrounding homes and the proposed architecture blends with the existing home which is of the typical style found in

the neighborhood. The use will not have adverse impacts on the area, nor create in undue traffic congestion. In addition, by meeting the specific criteria for an accessory dwelling unit, the proposal has met the general approval criteria for a use by special review.

Budget Impact

Development of the property will generate review fees and building permit fees.

Findings

All staff review comments have been addressed. Town staff has found that the proposed Use by Special Review for 1750 Wild Rye Court addresses the following:

- Generally conforms with the objectives of the Town Vision and the Comprehensive Master Plan,
- Meets the requirements of the Red Hawk Amendment No. 1 Planned Development and Zoning Regulations, Amendment No. 1,
- Meets the review and approval criteria of the Municipal Code, Accessory Dwelling Units Chapter 17.61 and Use by Special Review 17.39.

Recommendation

Staff recommends approval of the Use by Special Review.

Proposed Motion

"I move to recommend approval of the Use by Special Review to Town Council"

Attachments

Attachment A: Plot Plan
Attachment B: Elevations
Attachment C: Floor Plan