

SPECIAL USE PERMIT

Case Coordinator: Loren Shapiro

GENERAL PROJECT INFORMATION

SITE ZONING: (O-2) Office District

| | <u>SURROUNDING ZONING</u> | <u>SURROUNDING LAND USES</u> |
|-------|-------------------------------------|---------------------------------|
| NORTH | (LR-2) Local Retail District | Retail (with Kroger) |
| SOUTH | PD-89 for the (O-2) Office District | Church (Ding Dong Dang Academy) |
| EAST | (SF-6.5/12) Single-Family District | Single-Family Residential |
| WEST | (LR-2) Local Retail District | Retail (Neighborhood Walmart) |

REQUEST: Approval of a Special Use Permit to allow for reduction of temporary accessory buildings from six to three and request a four year extension to allow structures to remain. The revised Special Use Permit will be reduced to only include the Aldersgate United Methodist Church property.

PROPOSED USE: Church

ACRES/LOTS: 4.7 acres/1 Lot

LOCATION: 3926 Old Denton Road

HISTORY: The current zoning was established in December 2006. Prior to that, the zoning was PD-89 for the (O-2) Office District, adopted in February 1995.

In 2006 Ordinance No. **3113** was adopted (for PD-89 for the (O-2) Office District) amending the development standards allowing for “temporary” portable buildings on the property occupied by Aldersgate United Methodist Church. The six (6) temporary portable buildings were permitted for a period of four years, with an expiration date of October 12, 2012.

On October 9, 2012 Ordinance No. **3523** was adopted, replacing and repealing PD-89 for the (O-2) Office District zoning. Ordinance **3522** was adopted the same day, authorizing an extension to allow the six (6) portable buildings an additional four years, with an expiration date of December 31, 2016.

The property was originally platted into a lot of legal record in May 1995, and replatted to change certain easements and relocate a

common lot line in September 1997.

According to the Denton Central Appraisal District, the existing main building was finished in March 1997. A building extension to the church with classrooms was recently constructed in 2016.

**COMPREHENSIVE
PLAN:**

Medium Intensity Commercial uses

**TRANSPORTATION
PLAN:**

Old Denton Road is designated as a (A6D) six-lane, divided arterial thoroughfare.

OWNER:

Aldersgate United Methodist Church

REPRESENTED BY:

Ronald F. Branson, Director/Secretary

STAFF ANALYSIS

Proposal

This is a request amending SUP 401 to extend the time limit an additional four (4) years to allow the temporary portable buildings on the Aldersgate United Methodist Church property. Additionally, the applicant proposes to reduce the number of temporary portable buildings from six to three. If the request is approved, the expiration date for portable buildings to be removed is December 31, 2020. Staff recommends that no additional extensions should be considered, as there have been extensions in the past.

Ordinance History

1. In 2006 Ordinance No. **3113** was adopted amending the development standards allowing for “temporary” portable buildings on a portion of Tract 1 now occupied by Aldersgate United Methodist Church. The ordinance language was:
 - a) *Accessory building area shall be permitted between 0 and 20% of the main structure area.*
 - b) *Accessory building area shall be permitted for a term of 4 years when the total area of the accessory structures is between 20% and 78% of the main structure.**
 - c) *Accessory building area shall not exceed 78% of the main structure.*
 - d) *A screening hedgerow of 31 Yaupon Hollies, a minimum of 5 feet in height at the time of planting, planted 6 feet on center shall be installed along the northern property line. Said landscaping shall extend from the extension of the eastern most portion of the church building as shown in Phase 1, to the extension of the easternmost portion of the portables as shown on Exhibit E. The hedgerow shall be planted and maintained in accordance with the Landscape Ordinance. Said screening shall be installed with the development of Phase 1.*
 - e) *A screening hedgerow of 13 Yaupon Hollies, a minimum of 5 feet tall at the time of planting, planted 6 feet on center shall be installed starting 15 feet south of the southeast corner of proposed Phase 1 for a distance of 36 feet to the south, then continuing east for a distance of 36 feet (Exhibit E). Said plants shall be installed and planted in accordance with the Landscape Ordinance and shall be installed with the development of Phase 1.*
- * Note: the Certificate of Occupancy for the main building was issued on October 4, 2008, which meant the “expiration” for the portables exceeding the 20% size limit was to be October 4, 2012.
2. On October 9, 2012 Ordinance No. **3523** was adopted, replacing and repealing Ordinance No. **3113**. This changed the zoning from PD-89 for the (O-2) Office District to (O-2) Office District for the subject property. The ordinance rezoning the property eliminated

the portable building regulations and expiration time, as it was replaced by Special Use Permit (SUP 401).

3. Ordinance No. **3522**, was a Special Use Permit (establishing SUP 401) adopted the same day (October 9th), authorized a time extension to allow the six (6) portable buildings an additional four years, with an expiration date of December 31, 2016. The ordinance language is:

- a) *Temporary accessory buildings shall be limited to no more than six buildings, and no more than 1,000 square feet per building.*
- b) *Temporary accessory buildings shall not be required to meet the minimum required façade masonry content of the Comprehensive Zoning Ordinance.*
- c) *Temporary accessory buildings shall be placed behind the main building in accordance with the Conceptual Site Plan (See Current Conceptual Site Plan).*
- d) *Temporary accessory buildings shall be maintained in good condition, including – but not limited to – exterior paint and roofing material.*
- e) *A screening hedgerow of 31 Yaupon Hollies, a minimum of 5 feet in height at the time of planting, planted six feet on center shall be installed along the northern property line, as shown on the Conceptual Landscape Plan, attached herein as Exhibit C. Said landscaping shall extend from the extension of the eastern most portion of the church building as shown to the extension of the easternmost portion of the portable buildings. The hedgerow shall be planted and maintained in accordance with the Article XXV Landscaping & Buffering of the Comprehensive Zoning Ordinance.*
- f) *The temporary accessory buildings shall be removed from the site no later than December 31, 2016.*
- g) *That future development shall be in accordance with the Conceptual Master Landscape Plan (See Current Master Landscape Plan).*

Current Comprehensive Zoning Ordinance Requirements

Accessory Buildings

According to the Comprehensive Zoning Ordinance, accessory buildings in office districts have the following regulations:

Article XII, Section I(5)(b) states: *All accessory structures shall be considered as main structures and shall comply with all the building and zoning requirements for main structures in that district with the following exceptions:*

- 1. *Public schools: Public schools shall be permitted to use modular classrooms on-site as attendance requires.*
- 2. *Churches: A maximum of one (1) accessory building with a floor area in excess of 120 square feet shall be permitted per lot or adjoining lots under a single ownership for churches. (All additional accessory buildings shall be considered main structures.)*

- a. This structure shall not be located in front of the main structure, nor within the designated front yard of any lot or parcel.*
- b. Where an accessory building or structure is located in the side yard of any lot or parcel, as such side yard is determined relative to the main structure, and where such side yard does not overlap or occur coincident with the designated rear yard, such accessory building or structure shall be screened from the view of any adjacent public street.*
- c. Accessory structures shall be prohibited in the side yard, as such side yard is determined relative to the main structure, where such accessory structure is located between the main structure and a public street.*
- d. Accessory buildings with a floor area greater than 120 square feet, but less than 240 square feet, shall have a metal or exterior grade wood siding unless the building is constructed in accordance with Section (Section No. reference modified per article), Height and Area Regulations, of this Article. Exterior construction materials for accessory buildings greater than 240 square feet shall be similar in type and in equivalent ratios of materials used on the exterior façade of the existing main structure on the lot.*
- e. Accessory buildings with a floor area in excess of 600 square feet or with a building height over 15 feet, with or without a utility meter separate from the main building, shall be permitted only upon approval of a Special Use Permit.*

Elements to Consider

1. The six portable buildings currently in place are about 1,000 square feet each, totaling 6,000 square feet.
2. Aldersgate's attempt to expand permanent buildings and attempt to remove portable buildings:
 - On February 27, 2015 representatives from Aldersgate met with city staff to discuss placing a day care and building expansion. Aldersgate had signed a contract with Responsive Education Solutions (a charter school) to construct a two-story building adding classrooms and church activities replacing and eliminating all 6 portable buildings. The charter school was to assist in constructing the new facility.
 - On June 10, 2015 Texas Education Agency (TEA) rejected the Responsive Education Solutions charter school nullifying the agreement with Aldersgate.
 - Aldersgate has since constructed a one-story facility accommodating both classrooms and church services. However, the applicant stated that since the larger two-story facility was not constructed, the church would not be able to eliminate all of the portable buildings.

3. The request would reduce the number of portable buildings from six to three. The remaining portables will be behind the main church and recently constructed classroom building.
4. The additional four (4) years would provide the church an opportunity to raise funds to expand and remove the remaining portables.

Conclusion

The proposed extension of the deadline accessory buildings to be removed is not unreasonable. Aldersgate did attempt to permanently remove all of the portables in 2015, but the agreement with the charter school failed to materialize. The recently completed expansion at the church will now allow for the removal of three of the six existing portables. However, staff recommends that this request for the extension of time to utilize portables may not be further extended, as there have already been extensions in the past. Staff recommends keeping the remaining landscape and maintenance mandates, previously approved in the current SUP.