



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: June 5, 2023

Re: 1605 & 1607 Westwind Drive – Conditional Use Permit (Case # 144-2023)

Executive Summary

Approval of this request would authorize the issuance of a conditional use permit and allow the property owner to construction of a second primary dwelling on the 10.53-acre parcel of property addressed as 1605 & 1607 Westwinds Drive.

Discussion

A Civil Group (agent), on behalf of Sonya Andreassen-Henderson (owner), seeks approval of a conditional use permit to allow the construction of a second primary residence on a 10.53-acre parcel of land located at the western terminus of Westwinds Drive commonly addressed as 1605 and 1607 Westwinds Drive. This matter is being considered concurrently with a request to rezone (Case #142-2023) and approve a 1-lot final plat with a design adjustment (Case #271-2022) on the same acreage. These concurrent cases will appear on the Council's June 5, 2023 agenda.

This request is being sought to allow the property owner the ability to build their "forever" home on a "family-heritage" property without the necessity to create a separate lot. The associated rezoning (Case # 142-2023), if approved, would rezone the subject acreage from R-1 (One-family Dwelling) to A (Agriculture). The R-1 district only permits a single primary dwelling to be constructed on a lot, whereas the A district, subject to a conditional use permit, would allow two (2) primary dwellings to occupy the same parcel.

It should be noted that this request and the associated rezoning follow an attempt by the applicant to secure relief from the Board of Adjustment in March 2023 for variances to the UDC. The relief requested was to allow the applicant to construct a detached accessory building forward of the desired second primary dwelling and prior to the second primary dwelling being built. These proposed improvements were shown on Lot 101 of the Hidden Haven preliminary plat that was approved by Council in February 2023. The requests were denied by the Board given it did not find that the applicant had not proven its "hardship" nor had they exhausted all other available regulatory options to achieve their desired objectives.

Following this action and after consultation with staff, the applicant has chosen to seek rezone of the acreage to the A-district and to obtain approval of this requested conditional use. Pursuant to the UDC, a conditional use is evaluated against the 6-conditional use permit criteria found within Section 29-6.4(m)(2)(i). The staff's detailed analysis of the application's compliance with these criteria are shown in the attached staff report. Additionally, a copy of the applicant's responses to these criteria are attached.



In summary, the staff finds that:

1. The applicant's desire to construct a second primary dwelling on the property would be in conformance with the uses allowed in A-district and based on the applicant's attached "Site Plan – Exhibit" such dwelling would not encroach into the identified FP-O (Floodplain Overlay) area impacting the site.
2. Construction of a second primary dwelling would not be inconsistent with the adopted Comprehensive Plan and would be considered supportive of protecting the acreage's sensitive land feature as well as preservation of identified open space/greenbelt areas.
3. Granting the conditional use permit would allow a dwelling to be built that is consistent with surrounding residential structures and will have minimal impact upon the surrounding character of the adjoining lands. Given the sloping conditions of the site, the potential perception of the additional dwelling's "bulk" will be minimized. Furthermore, the preservation of the existing tree-canopy will further screen the additional dwelling from surrounding homes.
4. The existing access to the site is sufficient to support the needs of the second dwelling and will not create additional traffic hazards. The drive to be used to access the second dwelling is presently in place and serves as access to the existing out-building on the site.
5. The site is presently served with sufficient infrastructure to support the second dwelling and a public sewer main extension will be necessary to address sanitary sewer needs; however, such costs will be borne by the applicant for its extension.
6. Approval of the conditional use permit will have limited adverse impact on the adjoining properties. The location of the future dwelling, per the attached Site Plan-Exhibit, is central to the parcel and at an equivalent or lower elevation than surrounding development. Public comment regarding the requested permit has been supportive and preferred over traditional subdivision development.

The Planning and Zoning Commission considered this request at its May 4, 2023 meeting. The staff provided its report and the applicant's agent was available for questions. Following limited discussion, a motion was made to approve the request subject to the second primary dwelling's location being substantially compliant with the submitted "Site Plan-Exhibit". The motion passed by a vote of (8-0).

A copy of the Planning and Zoning Commission staff report, locator maps, applicant's CUP Criteria responses, site plan-exhibit, and meeting minute excerpts are attached.



Fiscal Impact

Short-Term Impact: N/A

Long-Term Impact: N/A

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Not Applicable, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Livable & Sustainable Communities, Tertiary Impact: Not Applicable

Legislative History

Date	Action
N/A	N/A

Suggested Council Action

Approve the request conditional use permit to allow a second primary dwelling to be constructed upon property addressed 1605 and 1607 Westwinds Drive as recommended by the Planning and Zoning Commission.