

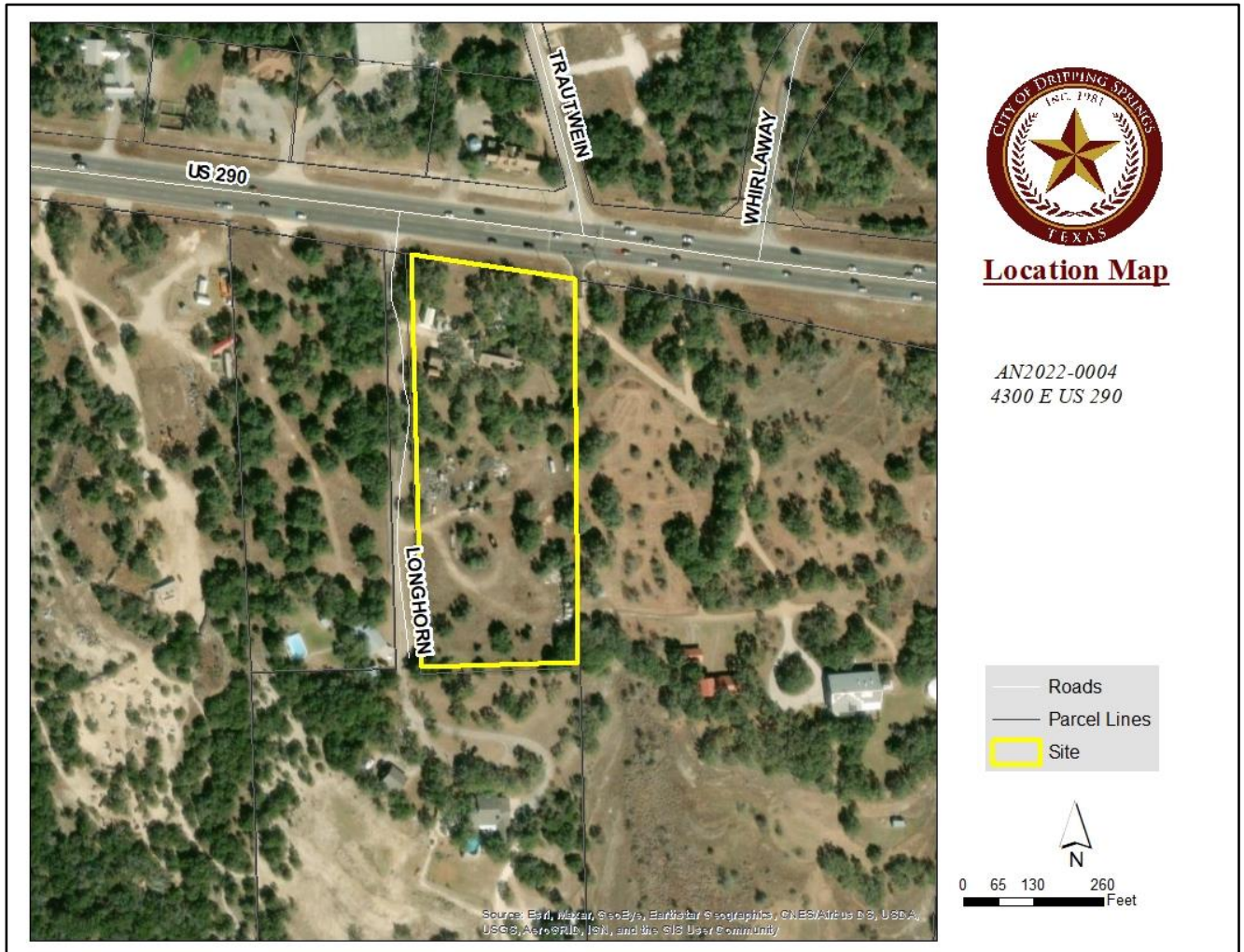


City Council Planning Department Staff Report

City Council Date: February 7, 2023
Project No: ZA2022-0007
Project Planner: Tory Carpenter, AICP, Senior Planner

Item Details

Project Name: N/A
Property Location: 4300 E US 290
Legal Description: 5.00 acres out of the H.B. Hargraves Survey
Applicant: Daniel Besa
Property Owner: Daniel Besa
Request: Zoning amendment from Agriculture "AG" to Commercial Services "CS"
Recommendation: Staff recommends approval of the request



Background

While the property is currently in the ETJ, the default zoning district if it is annexed is Agriculture “AG”

Per Ch. 30 Exhibit A, §3.5-3.6

- **AG – Agriculture:** *The AG, agriculture district is designed to permit the use of land for the ranching, propagation and cultivation of crops, small-scale horticultural enterprises, and similar uses. Single-family uses on large lots are also appropriate for this district. Territory that has been newly annexed into the city is initially zoned agriculture. It is anticipated that some portion of agriculturally zoned land may eventually be rezoned to another zoning classification in the future.*

The applicant is requesting a zoning amendment to Commercial Services “CS”

- **CS – Commercial Services:** *The commercial services (CS) district is intended to provide a location for commercial and service-related establishments, such as wholesale product sales, welding, and contractors shops, plumbing shops, automotive repair or painting services, upholstery shops, and other similar commercial uses. Uses in this district may utilize open storage areas that are screened from public view. The uses envisioned for the district will typically utilize small sites and have operational characteristics that are generally not compatible with residential uses and most other types of nonresidential uses within the city.*

This request is being heard concurrently with an annexation request for the same property. The applicant is that he is requesting annexation and zoning to sell the property. The property is currently being used as the owner’s homestead.

At their meeting on November 15, 2022, the City Council gave direction to staff to proceed with the annexation request for the property. This zoning amendment and the annexation are scheduled to be voted on by the City Council on February 7, 2023.

At their meeting on January 24, the Planning & Zoning Commission unanimously voted to recommend approval of the zoning amendment.

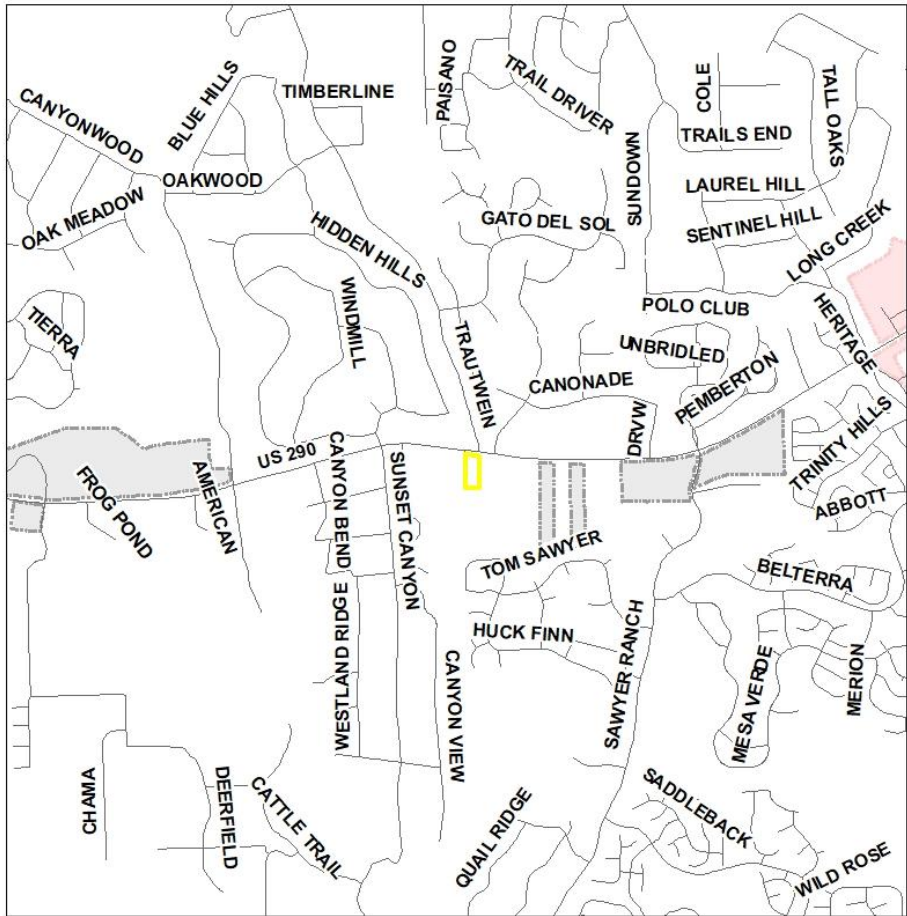
Analysis

Based on the adjacent zoning category and land uses, staff finds that the proposed zoning is compatible within the area.

Since the property is currently in the ETJ, staff finds it appropriate to compare ETJ standards with the requested zoning district.

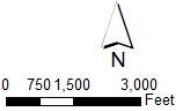
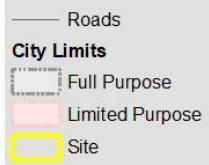
	ETJ	CS	Differences between ETJ & CS
Max Height	Not regulated	2 stories / 40 feet	Restricted 2 stories / 40 feet
Min. Lot Size	.75 acres*	8,000 square feet	0.57 acres less
Min. Lot Width	30 feet	80 feet	50 feet more
Min. Lot Depth	unregulated	100 feet	100 feet
Front/Side/Rear Yard Setbacks	10 feet / 5 feet / 5 feet	25 feet / 15 feet / 25 feet	15 feet / 10feet / 20 feet more
Impervious Cover	35%	70%	35% more

Surrounding Properties



Location Map

AN2022-0004
 4300 E US 290



The current zoning and existing uses of the adjacent properties to the north, south, east, and west are outlined in the table below:

Direction	Zoning District	Existing Use	Future Land Use
North	ETJ	Wilson AC Appliance	Not identified on the Future Land Use Map
East	ETJ	Homestead	
South	ETJ	Homestead	
West	ETJ	Homestead	

Planning Department Staff Report
ZA2022-0007

Approval Criteria for Zoning Amendment (Chapter 30 Zoning, Exhibit A, Sec 2.28.1 and 2.28.2)

2.28.2 The Planning & Zoning Commission and the City Council shall consider the following factors:

Factors	Staff Comments
1. whether the proposed change will be appropriate in the immediate area concerned;	This zoning change is consistent with existing development in the area.
2. their relationship to the general area and the City as a whole;	This zoning change would allow for various office / retail uses and is consistent with nearby properties on US 290.
3. whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area;	The property is not within any existing or proposed City Plans.
4. the amount of undeveloped land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such undeveloped land unavailable for development;	This request would not make other land unavailable for development.
5. the recent rate at which land is being developed in the same zoning classification, particularly in the vicinity of the proposed change;	Land with the same zoning classification has been developing rapidly.
6. how other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved;	No areas designated for commercial development will be affected by this proposed amendment.
7. whether the proposed change treats the subject parcel of land in a manner which is significantly different from decisions made involving other, similarly situated parcels; and	Approval of this zoning amendment would not be significantly different from decisions made involving other similar parcels.
8. any other factors which will substantially affect the public health, safety, morals, or general welfare.	The rezoning does not negatively affect the public health, safety, morals, or general welfare.

Planning Department Staff Report
ZA2022-0007

Staff Recommendation

Staff recommends **approval** of the zoning amendment as presented.

Planning and Zoning action:

2.35.1 Every application or proposal which is recommended for approval or approval with conditions by the P&Z shall be automatically forwarded, along with the P&Z's recommendation, to the city council for setting and holding of public hearing thereon following appropriate public hearing notification, as prescribed in subsection 2.32. The city council may then approve the request, approve it with conditions, or disapprove it by a simple majority vote of the city council members present and voting, except where super majority is required as listed below.

2.36.1 After a public hearing is held before the city council regarding the zoning application, the city council may:

(a) Approve the request in whole or in part;

(b) Deny the request in whole or in part;

(c) Continue the application to a future meeting, specifically citing the city council meeting to which it was continued; or

(d) Refer the application back to the P&Z for further study.

Public Notification

A legal notice advertising the public hearing was placed in the Dripping Springs Century-News, signs were posted on the-site, notice was placed on the City Website, and all property owners within a 300-foot radius of the site were notified of the zoning map amendment. To date, no letters for or against the request have been received.

Attachments

Exhibit 1 – Zoning Amendment Application

Recommended Action:	Staff recommends approval of the request. The Planning & Zoning Commission voted unanimously to recommend approval of the request.
Alternatives/Options:	Recommend denial of the zoning map amendment.
Budget/Financial Impact:	All fees have been paid.
Public Comments:	Staff received one written response from a neighbor who has concerns with deed restrictions on the property. A separate neighbor spoke in support of the request at the Planning & Zoning Commission meeting.
Enforcement Issues:	N/A