



City Council Planning Department Staff Report

**Planning & Zoning
Commission meeting:**

April 4, 2023

Project No:

ZA2023-0001

Project Planner:

Tory Carpenter, AICP, Planning Director

Item Details

Project Name:

Storserv

Property Location:

1300 E US 290

Legal Description:

5.02 acres out of the C.H. Mallot Survey

Applicant:

Victor Ostiguin, Doucet & Associates

Property Owner:

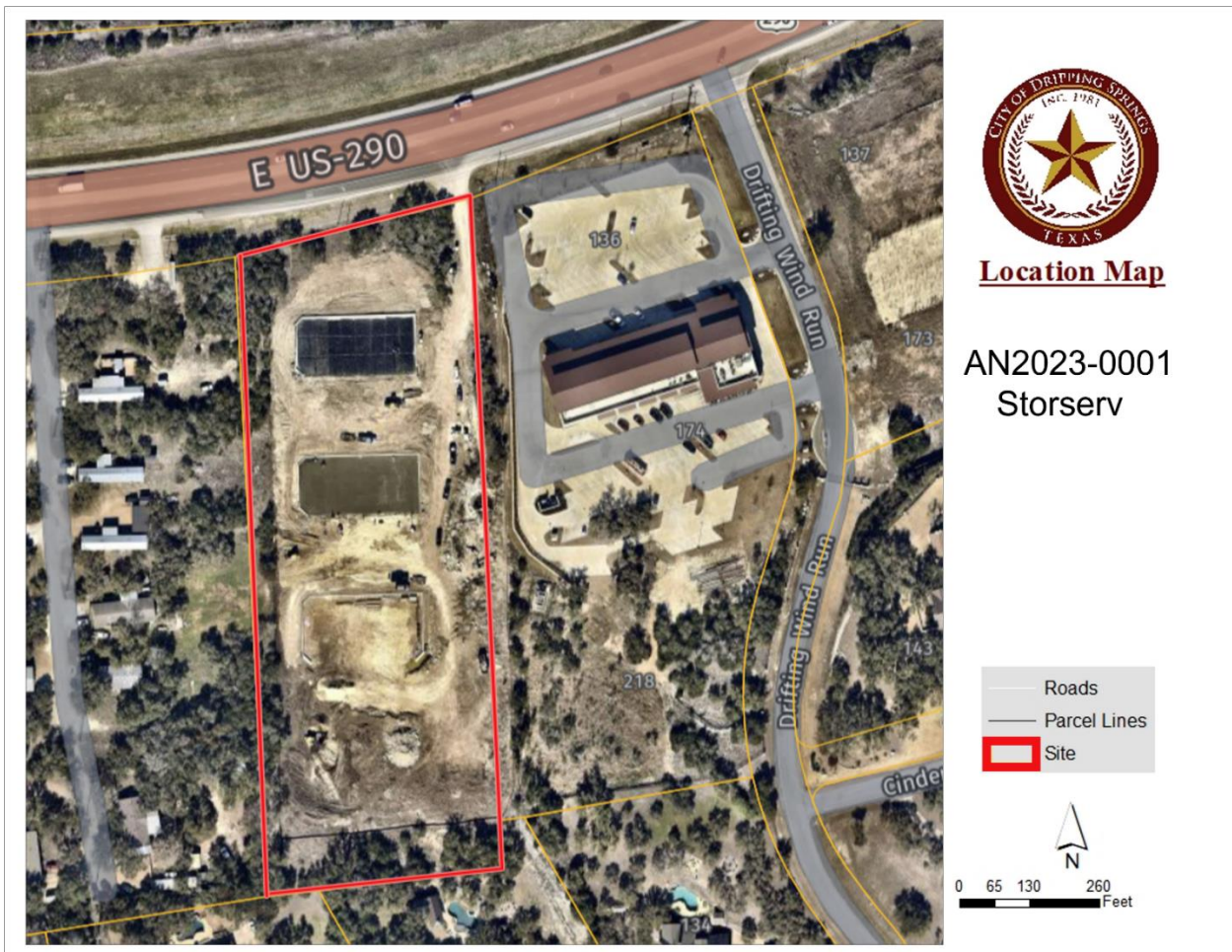
Andrew Bursk

Request:

Zoning amendment from Agriculture "AG" to
Commercial Services "CS"

Recommendation:

Staff recommends approval of this 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 February 21, 2023, 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 April 4, 2023.

In 2020, the City approved a site development permit for a self storage facility on the property. As part of the site development permit, the applicant agreed to follow the lighting ordinance with the City.

The applicant stated that the purpose for annexation and zoning is to expand the site. If the zoning request is approved, the applicant will have to apply for a Conditional Use Permit to expand the use of “self-storage.”

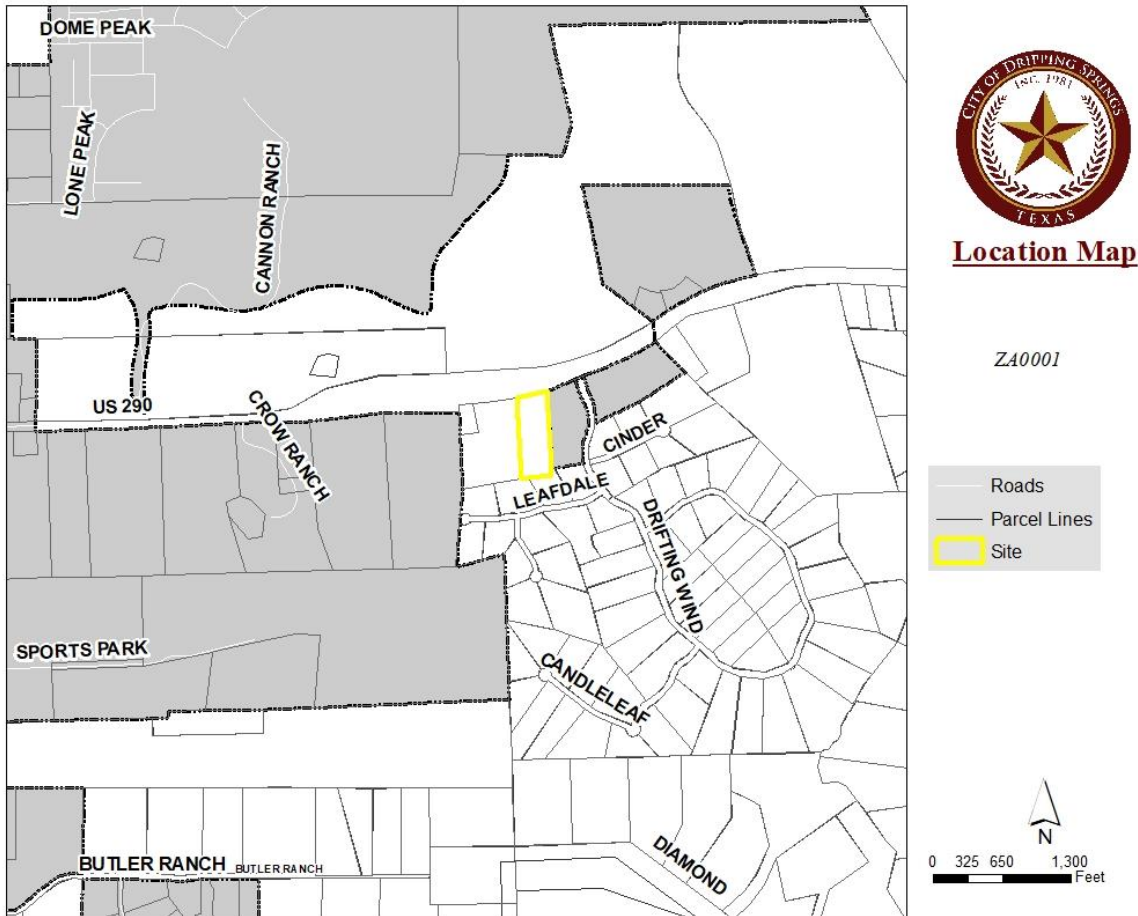
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Analysis

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 & SF-2
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
Min. 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



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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	PDD (Under Consideration)	Vacant	Mixed Use
East	CS	Various Commercial	
South	ETJ	Single-family	
West	ETJ	Mobile Home Park	

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.

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Recommendation

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

At their meeting on March 28, 2023, the Planning & Zoning Commission voted unanimously to recommend approval of this request.

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:	Approval of the requested Zoning Amendment
Alternatives/Options:	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.
Enforcement Issues:	N/A