



City Council Meeting Planning Department Staff Report

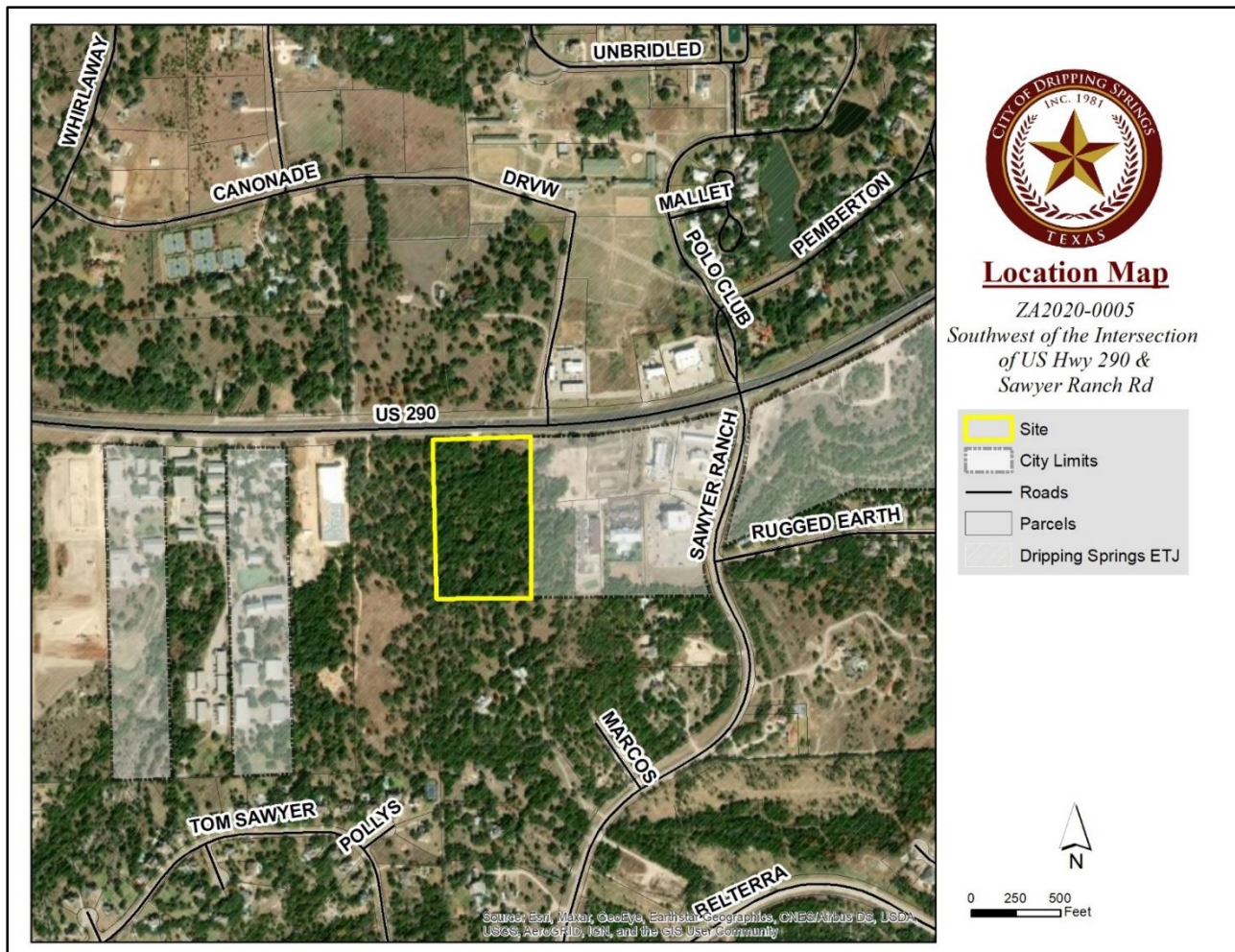
City Council Meeting: September 8, 2020
Project Number: ZA2020-0005
Project Planner: Amanda Padilla, Senior Planner

Item Details

Project Name: Sawyer Ranch 33, Tract 3
Property Location: This property is generally located Southwest of the intersection of Hwy 290 and Sawyer Ranch Road (R95789)
Legal Description: A0240 E B HARGRAVES SURVEY, ACRES 11.1044
Applicant: Jon Thompson
Property Owner: SAWYER T R & SAWYER-CLEVELAND PARTNERSHIP
Request: A proposed zoning map amendment from Agriculture (AG) to General Retail (GR) for an approximately 11.1044-acre tract of land situated in the E B HARGRAVES SURVEY.

Staff Recommendation

Staff recommends approval of the requested Zoning Change from Agriculture (AG) to General Retail (GR).



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Overview

The applicant is requesting a zoning change for an approximately 11.1044 acre tract of land generally located southwest of the intersection of US Hwy 290 and Sawyer Ranch Road (Parcel ID: R 95789). The subject property is currently within the City's Extra-Territorial Jurisdiction (ETJ) and the annexation of the property will be handled at the same city council as the zoning amendment.

The applicant would like to zone this parcel once annexed from Agriculture (AG) to General Retail (GR). The applicant did not indicate any specific uses but would like a similar zoning to the adjacent parcels to the east.

The Zoning District General Retail is established to provide areas for retail facilities that are larger than those generally located in the Local Retail District, such as large grocery stores, bookstores, and the like. Areas zoned for General Retail should have convenient regional access via major thoroughfares, such as US Highway 290 or Ranch Road 12, and major collector streets are primary locational considerations. Hotel/motel uses, community scale retail, and bed-and-breakfasts are permitted within General Retail Districts. Office uses, commercial services, and industrial uses shall not be permitted. Unless indicated on the Use Chart.

Permitted Uses: Those uses listed for the GR, General Retail District or any less intense commercial district and Single-Family Four (SF-4), Single-Family Five (SF-5), and Multifamily Residential (MF) uses in Appendix E (Use Charts) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively.

| Development Standards and Regulations for Zoning District | |
|---|---|
| Size of Lots | |
| Minimum Lot area | Twenty thousand (20,000) square feet |
| Minimum Lot Width | One hundred feet (100') |
| Minimum Lot Depth | Minimum Lot Depth - One hundred fifty feet (150') |
| Setback Requirements | |
| Minimum Front Yard | Twenty-five feet (25'); all yards adjacent to a street shall be considered a front yard. |
| Minimum Side Yard | Twenty-five feet (25'); twenty-five feet (25') adjacent to a public street or residential lot. |
| Interior Side Yards | When retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site, creating lease spaces abutting one another, no side yard is required provided it complies with the City's Building Code. |
| Minimum Rear Yard | Twenty-five feet (25') |
| Adjacent to any Single-Family District | Any retail use that is located adjacent to (and not across a right-of-way from) any single-family zoning district shall be set back from the applicable residential district property line by forty feet (40') |
| Maximum Lot Coverage | Sixty percent (60%) total, including main buildings and accessory buildings. |
| Gross Floor | The gross floor area for each building shall not exceed sixty thousand (60,000) square feet per building. |
| Open Storage | Open storage is limited to a maximum of five percent (5%) of the total lot area, shall not be located in front of or on top of the building, shall not be located facing any street, and must be screened in accordance with the provisions of Section 5. Open storage cannot be visible from any public street or adjacent property. |

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| Height Regulations | |
| Main Building | Maximum two (2) Stories, or forty feet (40'), whichever is less |
| Accessory Building | Maximum one (1) story, or twenty-five feet (25') |
| (g) Outside Display: (1) Outside display of merchandise and seasonal items, such as Christmas trees and pumpkins shall be limited to the following: (2) Outside display areas shall not be placed or located more than thirty feet (30') from the main building. (3) Outside display areas shall not occupy any of the parking spaces that are required by this Chapter for the primary use(s) of the property, except on a temporary basis only, which is a maximum of thirty (30) days per display and a maximum of two (2) displays per calendar year. (4) Outside display areas shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way. (5) Outside display areas shall not extend into public right-of-way or onto adjacent property. (6) Outside display items shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner. (h) On-Site Dwellings: Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling or nonresidential purposes. (i) Temporary Facilities: There shall be no permanent use of temporary facilities or buildings. (j) Other Regulations: Refer to Section 5, Development Standards & Use Regulations. | |

Site Information

Location:

The Subject property is located Southwest of the intersection of US HWY 290 and Sawyer Ranch Road (R95789)

Physical and Natural Features:

The land is undeveloped and heavily wooded.

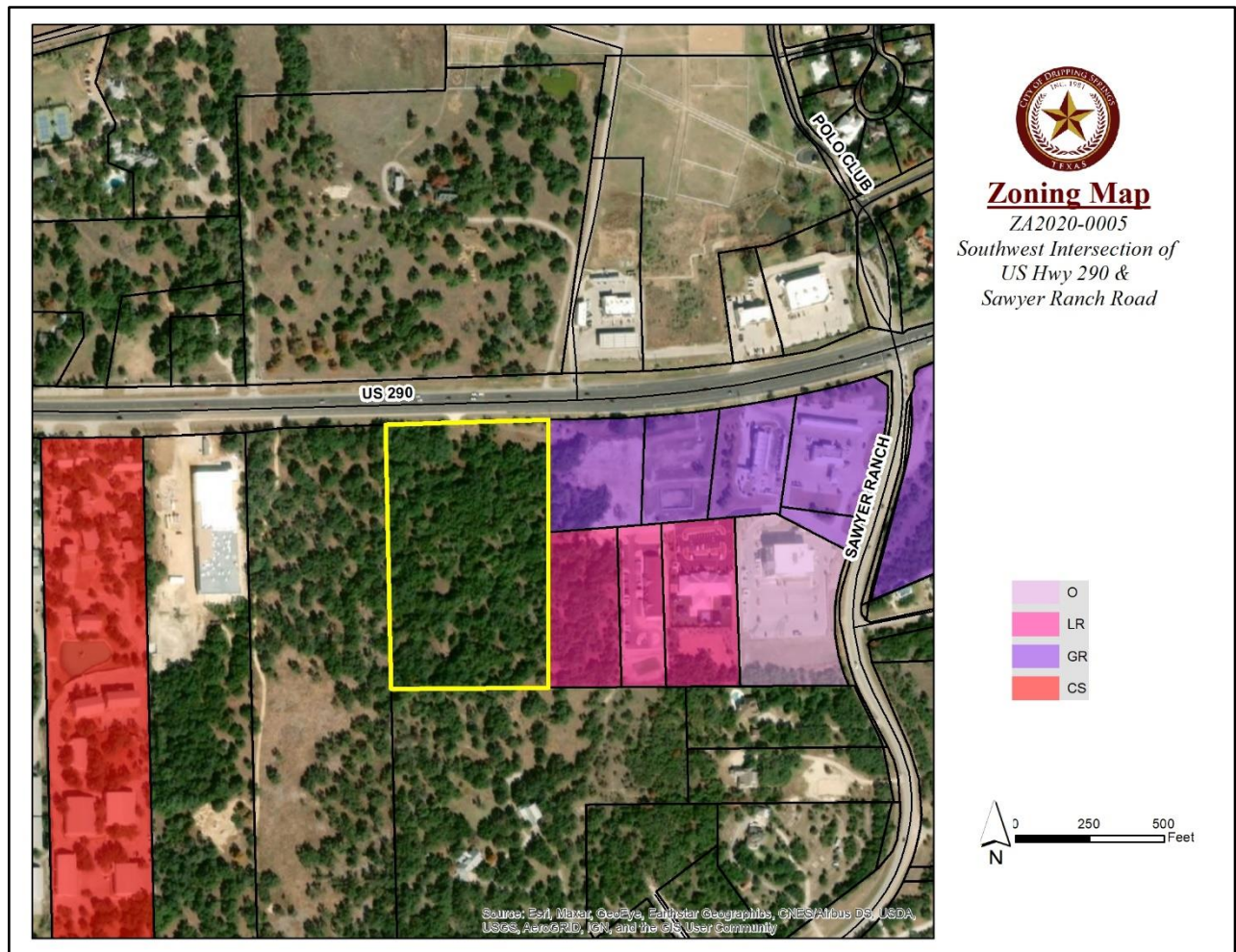
Future Land Use and Zoning Designation:

The subject property is proposed for annexation at the September 8, 2020 City Council meeting, and if annexed in will be given the zoning designation of Agriculture (AG), with a proposed zoning map amendment to rezone the property to GR.

The City's Future Land Use Map does not show this property on the Map.

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Surrounding Properties



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 | Large Tract- Residential Lot, Gas Station | Not Shown on the Future Land Use Map |
| East | Local Retail (LR) / Office (O), General Retail (GR) | Dance Studio (Premiere Dance), Medical Offices, Private Preschool (Primrose Schools), Gas Station, Car Wash | |
| South | ETJ | Large Tract- Residential Lot | |
| West | ETJ | Undeveloped | |

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

2.28.1 The City declares the enactment of these regulations governing the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community. No change shall be made in these regulations or in the boundaries of the zoning districts except:

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- a. To correct any error in the regulations or map;
- b. To recognize changed conditions or circumstances in a particular locality;
- c. To recognize changes in technology, the style of living, or manner of conducting business;
- d. To make changes in order to implement policies reflected within the Comprehensive Plan.

2.28.2 In making a determination regarding a requested zoning change, the P&Z 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; | Staff believes the proposed change from Ag to GR is an appropriate change because it aligns with the adjacent properties and is suited for commercial development along US Hwy 290. |
| 2. their relationship to the general area and the City as a whole; | Staff believes the uses proposed will fit in with the surrounding area. |
| 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; | This property is not shown on any existing or proposed 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 property will have no negative effect on other GR zoning districts. |
| 5. the recent rate at which land is being developed in the same zoning classification, particularly in the vicinity of the proposed change; | General Retail uses have been placed on adjacent lots. The City of Dripping Springs is seeing an increase in commercial development. |
| 6. how other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved; | See comment 4. |
| 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 | This property is being treated similarly to other Zoning changes. |
| 8. any other factors which will substantially affect the public health, safety, morals, or general welfare. | Staff does not see this Zoning Change affecting the public health, safety, morals, or general welfare. |

Summary, Recommendation, and Required Action

Based on the uses permitted in the General Retail Zoning District, the adjacent land uses, the opportunity to attract more individuals to the area, and increase sales tax, **Staff recommends approval of the requested Zoning Change from Agriculture (AG) to General Retail (GR).**

2.36. Council Action

2.36.1 After a public hearing is held before the City Council regarding the zoning application, the City Council

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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.

2.36.2 If the City Council denies the request, then no other zoning application may be filed for (all or part of) the subject tract of land, or for that portion of this Chapter, in the case of a text amendment request submitted by a property owner or citizen, for a waiting period of six (6) months following the denial. In the instance that the request was initiated by the City Council and involved a proposed amendment to the text of this Chapter, then there is no waiting period before the request can be reconsidered. This section shall not apply to applications for the same tract of land proposing a different zoning change than that which was previously denied, provided no more than three (3) applications are submitted for the same tract within a twelve (12) month period.

2.36.3 The City Council may, at its option, waive the six (6) month waiting period if, after due consideration of the matter at a scheduled and posted meeting, it is determined that denial of the request was based upon erroneous or omitted information, or if substantial new information pertaining to the request is discovered.

Planning and Zoning Commission Recommendation

The Planning and Zoning Commission recommended approval of the requested Zoning Map Amendment for AG to GR with a vote of 7 to 0, all in favor.

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 Map Amendment Application

Exhibit 2 – Proposed Ordinance & Survey

Exhibit 3 – General Retail Use Chart

| | |
|--------------------------|---|
| Recommended Action: | Approve the requested zoning map amendment |
| Alternatives/Options: | Deny the zoning map amendment. |
| Budget/Financial Impact: | All fees have been paid, and the city would receive property taxes and development fees from the additional land upon annexation. |
| Public Comments: | None Received at this time. |
| Enforcement Issues: | N/A |