



City Council Meeting Planning Department Staff Report

City Council Meeting: September 8, 2020

Project Number: ZA2020-0006

Project Planner: Amanda Padilla, Senior Planner

Item Details

Project Name: Haydon Tracts 1, 2, 3

Property Location: This property is generally located northwest of the intersection of Bluff Street and Hays Street, within the Hays Street Historic District.

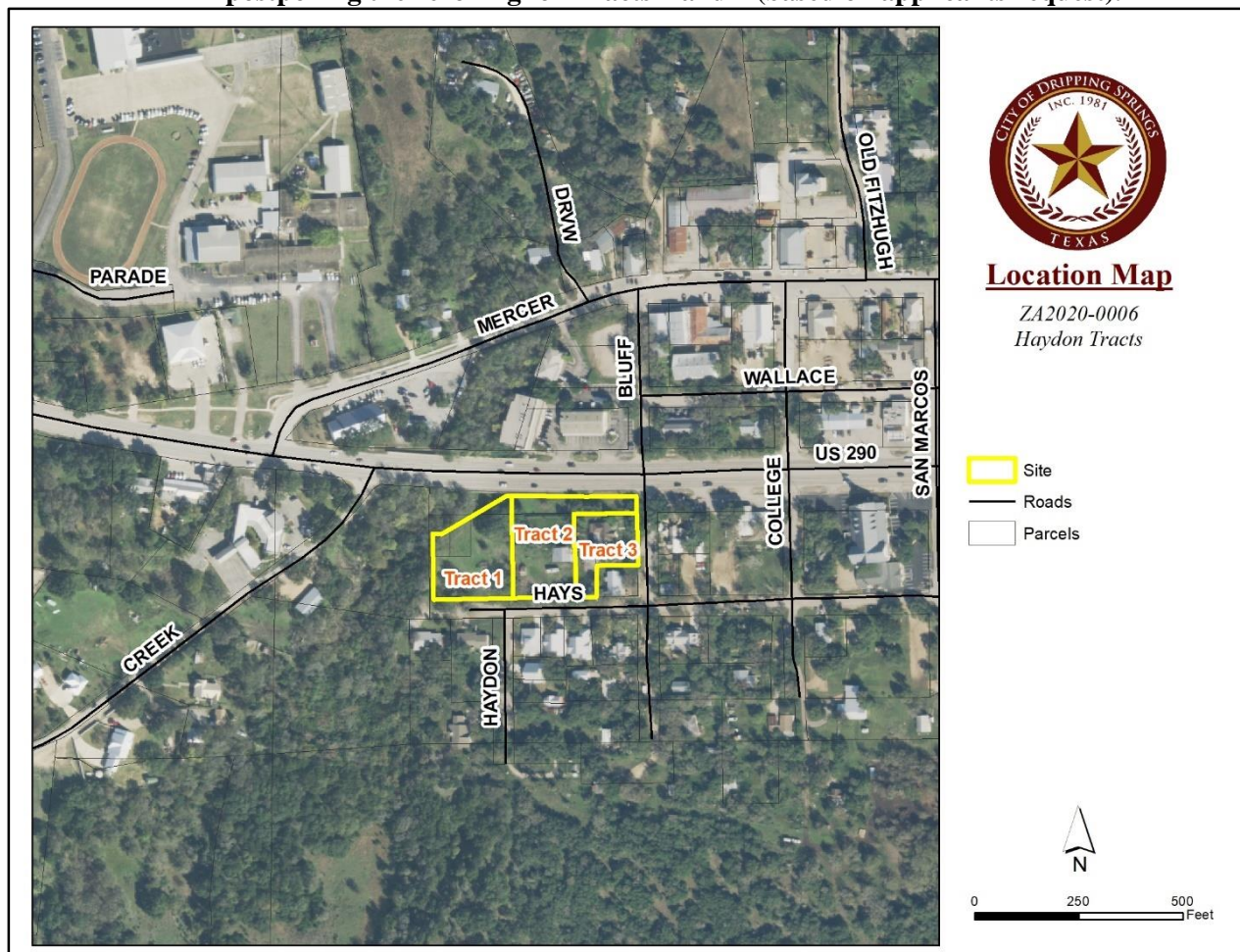
Legal Description: W.T. Chapman # 5, Block 1,2,3,4,7,8 & 0.68 acre of spring street

Applicant: Jon Thompson

Property Owner: Charles Haydon

Request: A proposed zoning map amendment for three (3) tracts generally located northwest of the intersection of Bluff Street and Hays Street, within the Hays Street Historic District. Tracts 1 and 2 are requesting to rezone from Two-Family Residential - Duplex (SF4) to Single-Family Attached Residential - Town Home (SF5). Tract 3 is requesting to rezone from SF-4 to General Retail (GR).

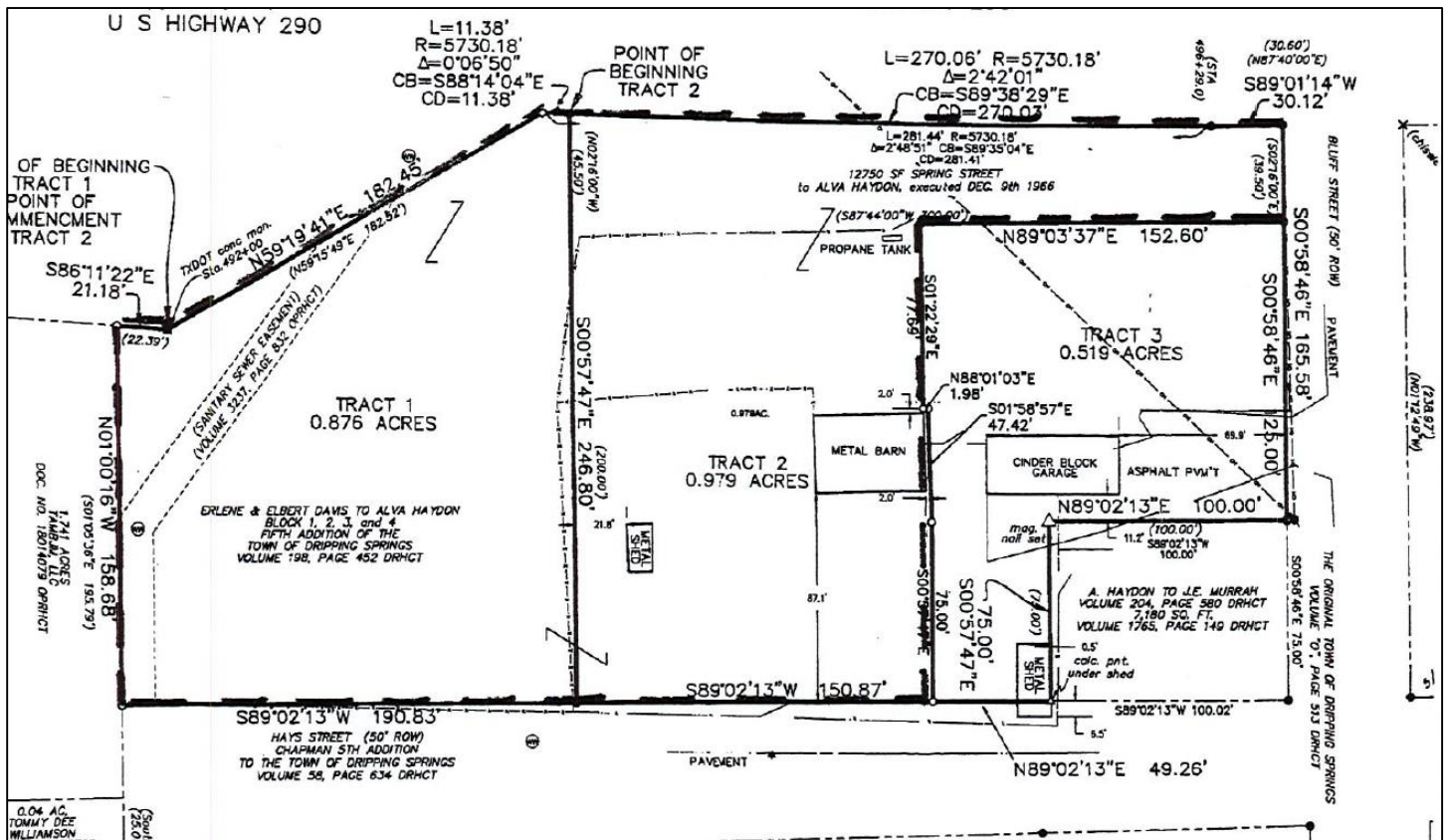
Staff Recommendation: Staff recommends approval of the requested Zoning Change for Tract 3 from Two-Family Residential - Duplex (SF-4) to General Retail (GR). Staff recommends postponing the rezoning for Tracts 1 and 2 (based on applicants request).



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Overview

The applicant is requesting a zoning map amendment change for three (3) tracts generally located northwest of the intersection of Bluff Street and Hays Street, within the Hays Street Historic District. Tracts 1 and 2 are requesting to rezone from Two-Family Residential - Duplex (SF4) to Single-Family Attached Residential - Town Home (SF5). Tract 3 is requesting to rezone from SF-4 to General Retail (GR). The applicant has requested to postpone Tracts 1 and 2 to allow for a Conditional Overlay to be placed on the property. Tract 3 is requesting to rezone to General Retail (GR) to allow for a Bed and Breakfast.



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.

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.

All three (3) tracts are within the Hays Street Historic District. When a lot is within the historic district, they shall comply with the Historic District Overlay as well as the General Retail Use Chart. Certain uses could be prohibited in the Historic District but allowed in General Retail. For example, Check Cashing Service, Credit Agencies, and Convenience store with gas sales are allowed in a General Retail District but are not allowed within the Historic District, so this property would be prohibited from allowing those uses. If a use requires a CUP within General Retail and not in the Historic District (or vice-versa) the CUP would be required because the City would implement whichever is the most restrictive requirement, this would also apply if a use is prohibited in one district but not the other.

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Development Standards and Regulations for General Retail Zoning District and Historic District		
	General Retail	Hays Historic 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.	Ten feet (10')
Minimum Side Yard	Twenty-five feet (25'); twenty-five feet (25') adjacent to a public street or residential lot.	Five feet (5')
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.	Five feet (5')
Minimum Rear Yard	Twenty-five feet (25')	Ten feet (10')
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.	
Height Regulations		
Main Building	Maximum two (2) Stories, or forty feet (40'), whichever is less	Maximum two (2) stories
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:		

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- (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.

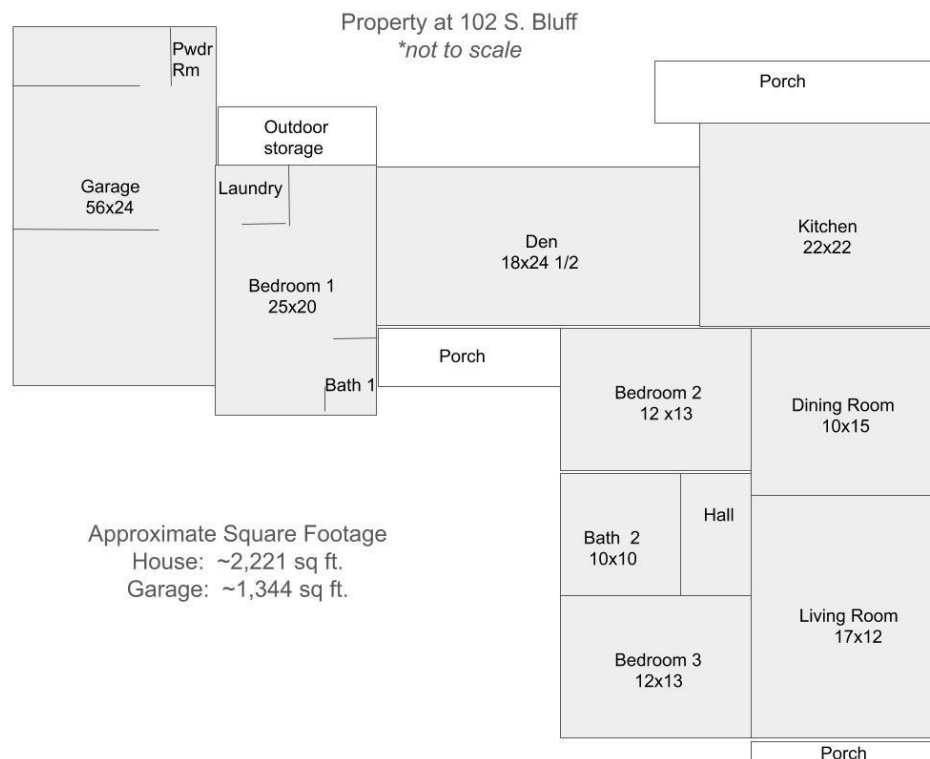
Site Information

Location:

The Subject property is located northwest of the intersection of Bluff Street and Hays Street, within the Hays Street Historic District.

Physical and Natural Features:

The land has a Single-Family Residential Home with a Garage.

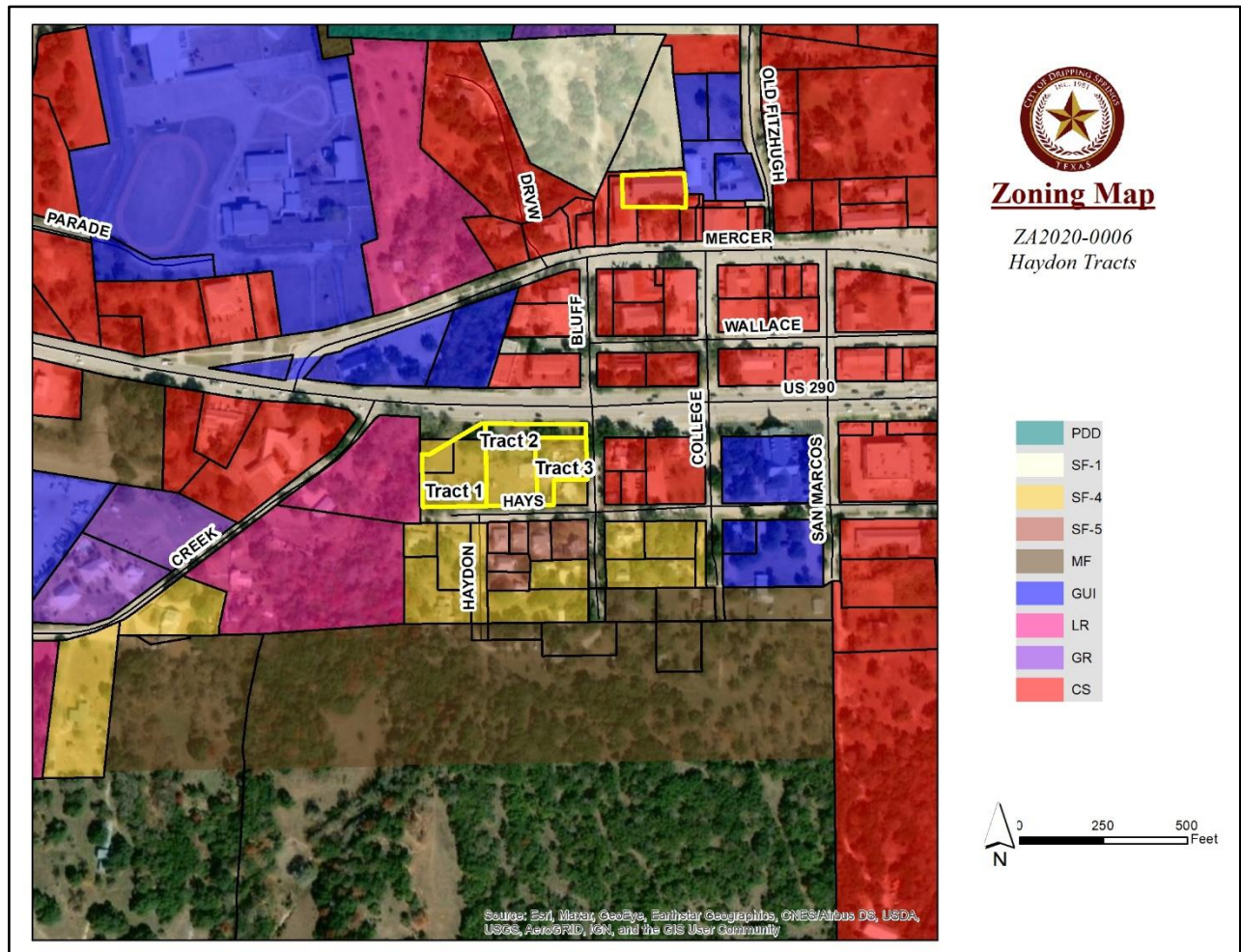


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Future Land Use and Zoning Designation:

The City's Future Land Use Map does not show this property on the Map. The property is within the Hays Street Historic District and shall comply with the Historic District Overlay use chart.

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	Government, Utility, Institutional (GUI), Commercial Services (CS)	City Hall, Office & Retail (Spring Bluff Center)	Not Shown on the Future Land Use Map
East	Commercial Services (CS)	Restaurant (Rolling in Thyme and Dough)(Creek Road Café)	
South	Single-Family Attached Residential District (SF-5) Garden Home	Garden Homes	
West	Local Retail (LR)	Commercial Development/Vacant Building	

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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:

- 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 SF-4 to GR is an appropriate change for the area because it complements the adjacent commercial properties and the use is suitable along US Hwy 290. It also fits in with the surrounding Residential lots. The property adjacent to this property (to the south) is used as a short-term rental which is a similar use to a Bed and Breakfast.
2. their relationship to the general area and the City as a whole;	The use proposed will fit in with the surrounding area. A bed and breakfast suits dripping springs community and can benefit tourism/wedding-related businesses in the Community, which is a goal of the Comprehensive Plan.
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 for public schools, streets, water supply, sanitary sewers, and other utilities to the area.
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 or surrounding commercial properties. It could promote the occupancy of commercial uses on the adjacent Local Retail lots to the west.
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 across the creek. 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;	The use intended, Bed and Breakfast, would benefit the surrounding commercial properties. Patrons of the Bed and Breakfast could walk over to the surrounding restaurants and retail.
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.

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Summary, Recommendation, and Required Action

Based on the uses permitted in the General Retail Zoning District and Historic Overlay District, the adjacent land uses, the opportunity to attract more individuals to the area, and the increase in Hotel Occupancy Tax, **Staff recommends approval of the requested Zoning Change for Tract 3 to Two-Family Residential - Duplex (SF-4) to General Retail (GR). Staff recommends postponing the rezoning for Tracts 1 and 2 to the next City Council meeting on October 13, 2020.**

2.36. Council Action

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.

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

1. The Planning and Zoning Commission recommended postponement to the September 22, 2020 Planning and Zoning Commission Meeting for Tract 1 and 2 with a vote of 7 to 0, all in favor.
2. The Planning and Zoning Commission recommended approval of the requested Zoning Map Amendment for SF-4 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.

Attachments

- Exhibit 1 – Zoning Map Amendment Application
- Exhibit 2 – Proposed Ordinance & Survey
- Exhibit 3 – General Retail Use / Historic Overlay Chart

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Exhibit 4 - Implementation Standards Historic Districts

Recommended Action:	Recommend approval of the requested zoning map amendment for Tract 3, Postpone Tracts 1 and 2 Zoning Amendment
Alternatives/Options:	Recommend denial of the zoning map amendment.
Budget/Financial Impact:	All fees have been paid, and the city would receive Hotel occupancy taxes.
Public Comments:	None Received at this time.
Enforcement Issues:	N/A
Comprehensive Plan Goal:	Support tourism / wedding related businesses