



City Council Planning Department Staff Report

City Council meeting: August 6, 2024
Project Number: ZA2024-0033
Project Planner: Tory Carpenter, AICP - Planning Director

Item Details

Property Location: 28501 RR 12
Legal Description: North 40, Section 2, Lot 1A
Applicant: Jon Thompson
Property Owner: Britton Hughs
Request: Zoning amendment from Local Retail "LR" to Commercial Services "CS" with a Conditional Overlay to allow a Water Hauling Business



Location Map

ZA2024-0033

Planning Department Staff Report
ZA2024-003

Background

Per Ch. 30 Exhibit A, §3.10-3.12

- **LR – Local Retail:** *The LR, local retail district is established to provide areas for low intensity, specialized retail sales that are intended to service local neighborhoods, citizens, and visitors of the city. Bed-and-breakfasts are permitted within local retail districts. General, office, regional commercial, or commercial services uses should not be permitted.*

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 subject property is currently vacant and has frontage on Ranch Road 12, Brookside Street, and Summit Drive. The property is currently split between two separate zoning district, Commercial Services (CS) and Local Retail (LR). This zoning amendment is to have a consistent zoning district across the entire property. The applicant intends to construct a building and area for truck storage associated with the H202U water hauling business. Staff found that the closest use identified in the land use chart is a “contractors office (with outside storage)” which is allowed with a conditional overlay.

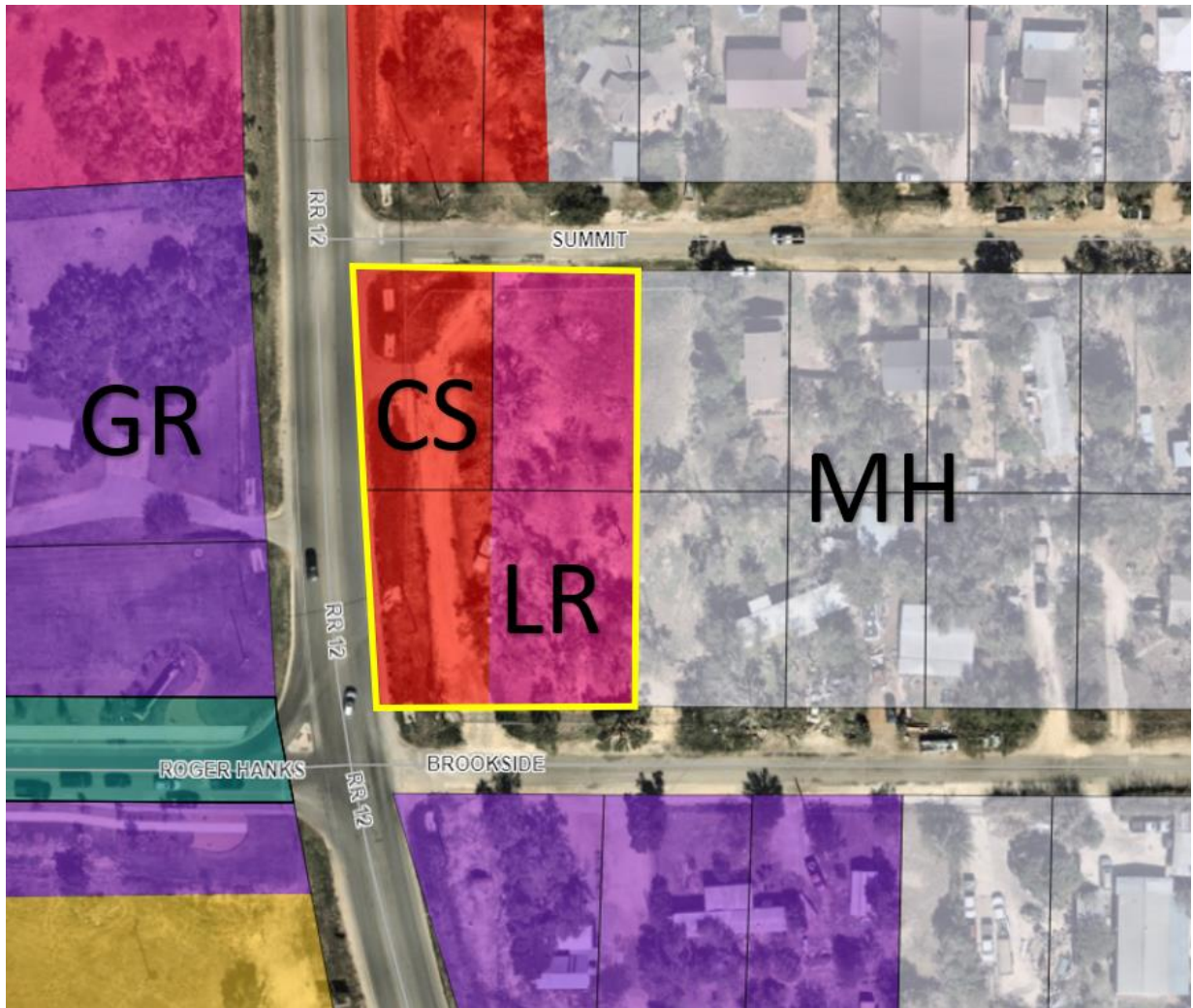
The applicant first applied for a zoning amendment to Commercial Services in 2023. At their meeting on November 28, 2023 the Planning & Zoning Commission cited concerns regarding the breadth of uses allowed by right in the Commercial Services zoning district. The commission unanimously recommended denial of the zoning amended and directed to applicant to reapply with a Conditional Overlay. This straight zoning request was withdrawn by the applicant prior to Council action.

With this being an application for a Conditional Overlay, the Planning & Zoning Commission and City Council may add standards which exceed the base zoning requirements, as well as only allow certain uses on the property. A Conditional Overlay cannot be used to deviate from any minimum standards of the code.

Analysis			
	LR	CS	Differences between LR & CS
Max Height	2 stories / 40 feet	2 stories / 40 feet	None
Min. Lot Size	5,000 square feet	8,000 square feet	300 square feet more
Min. Lot Width	50 feet	80 feet	30 feet more
Min. Lot Depth	100 feet	100 feet	None
Min. Front/Side/Rear Yard Setbacks	15 feet / 10 feet / 10 feet*	25 feet / 15 feet / 25 feet*	10 feet / 5 feet / 15 feet more
Impervious Cover	60%	70%	10% more

*When adjacent to a single-family district, including MH, the minimum building setback is 30 feet.

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	CS/MH	Vacant / Single Family Residence	Not Identified on Future Land Use Map
East	MH	Residences	
South	GR	General Retail	
West	GR	Mobile Home Park	

Planning Department Staff Report
ZA2024-003

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;	<p>This zoning change is consistent with other zoning districts along Ranch Road 12.</p> <p>While there are residences in a MH zoning district adjacent to the property, there is an increased setback of 30 feet.</p>
2. their relationship to the general area and the City as a whole;	<p>This zoning change would allow for various office / retail uses and is consistent with nearby properties on Ranch Road 12.</p>
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;	<p>The property is not within any existing or proposed City Plans.</p>
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;	<p>This request would not make other land unavailable for development.</p>
5. the recent rate at which land is being developed in the same zoning classification, particularly in the vicinity of the proposed change;	<p>Land with the same zoning classification has been developing rapidly.</p>
6. how other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved;	<p>No areas designated for commercial development will be affected by this proposed amendment.</p>
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	<p>Approval of this zoning amendment would not be significantly different from decisions made involving other similar parcels.</p>
8. any other factors which will substantially affect the public health, safety, morals, or general welfare.	<p>None noted.</p>

Planning Department Staff Report

ZA2024-003

Planning & Zoning Commission Recommendation

At their meeting on July 26, 2024, the Planning & Zoning Commission voted to recommend **approval** of the zoning amendment and conditional overlay as outlined with the with the following standards:

1. The location of the building and parking area shall generally be consistent with the site plan provided with this request.
2. The building setback along the eastern property line shall be 80 feet.
3. The applicant must provide a 8-foot masonry screening in the form of stone or brick as best determined by the Development Review Committee along the eastern property boundary consistent with section 5.10.1 of the Zoning Ordinance.
4. The only use permitted on the property shall be “Contractors Office (with outside storage).”
5. The driveway access along Summit Drive shall be gated for fire access only.
6. Truck arrival and departure shall only be allowed between the hours of 7:00am to 7:00pm.
7. Vehicle maintenance, including oil changes, tire replacement, etc., shall not be performed on the site.

Council Consideration

2.35.1 Council Review: 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. Staff received one letter in opposition of the request.

Planning Department Staff Report
ZA2024-003

Attachments

Exhibit 1 – Zoning Amendment Application

Exhibit 2 – Zoning Amendment and Conditional Overlay Application

Exhibit 2 – Site plan and renderings

Exhibit 3 – Opposition Letter

Recommended Action:	Approval of the requested Zoning Amendment and Conditional Overlay standards as presented above.
Alternatives/Options:	Denial of the zoning map amendment.
Budget/Financial Impact:	All fees have been paid.
Public Comments:	One written response.
Enforcement Issues:	N/A