



Planning and Zoning Commission Planning Department Staff Report

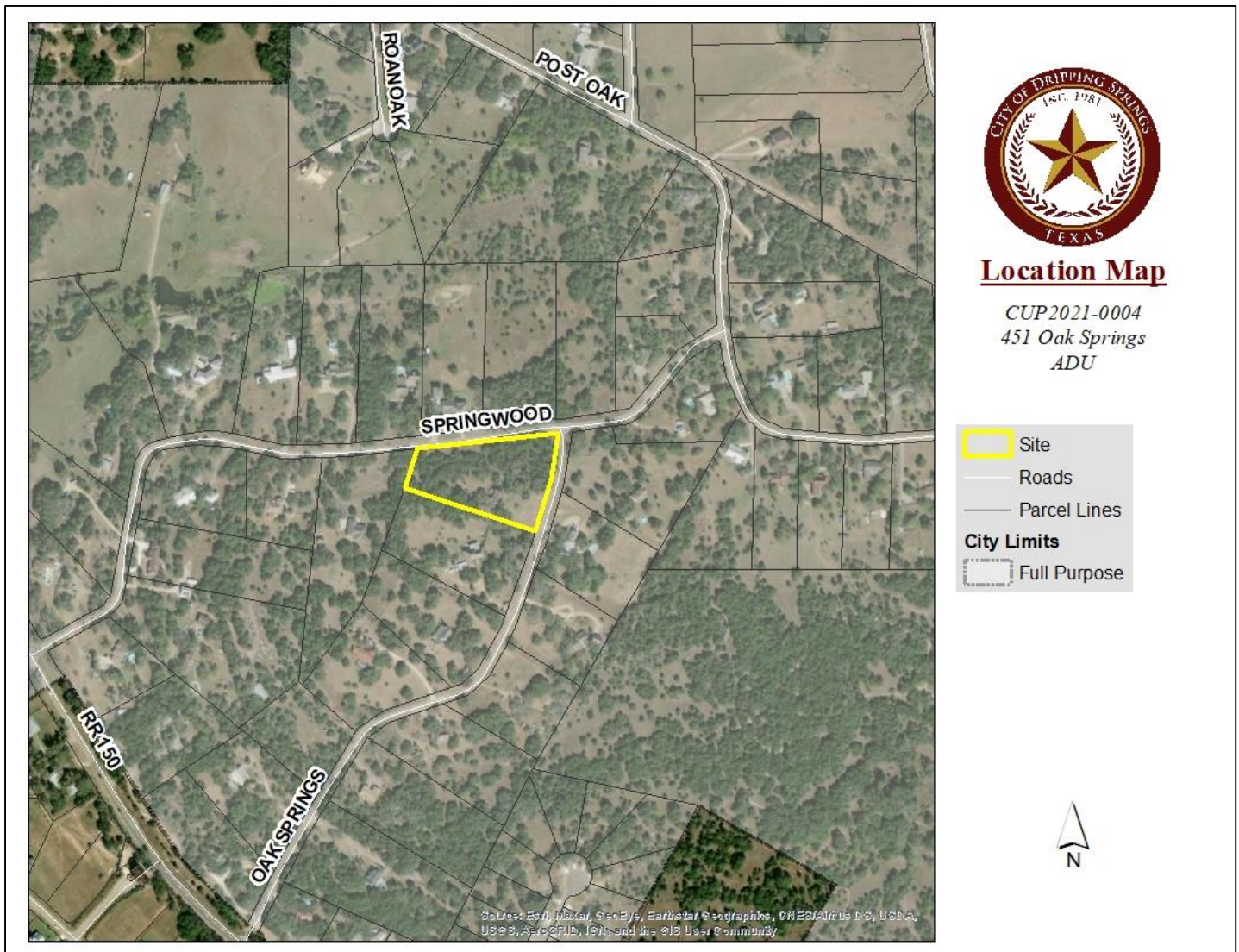
Planning and Zoning Commission Meeting: May 25, 2021
Project No: CUP2020-0004
Project Planner: Abraham Martinez, Planner

Item Details

Project Name: 451 Oak Springs Accessory Dwelling Unit
Property Location: 451 Oak Springs Drive, Dripping Springs, Texas 78620
Legal Description: SPRINGWOOD LOT 32 3.24 AC GEO#90403693
Applicant: Michael Cottone; Journey Remodeling
Property Owner: Josephine Shaw and Samuel Darren Shaw
Request: Conditional use permit for an accessory dwelling structure

Staff Recommendation

Staff recommends approval of the requested CUP with the conditions outlined in the staff report



Background

Ch. 30 Exhibit A § 1.6 of the Development Code defines the following:

- **Accessory use:** A use that is customarily incidental, appropriate and subordinate to the principal use of land or building(s) and that is located upon the same lot therewith. The land and building area that is used for the accessory use must be significantly less than that used for the primary use, and the gross receipts that are derived from the accessory use must be significantly less than those derived from the primary use.
- **Accessory building (residential):** In a residential district, a subordinate building that is attached or detached and is used for a purpose that is customarily incidental to the main structure but not involving the conduct of a business. The building area is less than that of the main structure as regulated herein. Examples may include, but are not limited to, the following: A private garage for automobile storage, tool shed, greenhouse as a hobby, home workshop, children's playhouse, storage building or garden shelter.

Overview

The applicant is requesting a Conditional Use Permit (CUP) to allow an ± 1,035-square-foot accessory dwelling measuring approximately 36’ L x 28’ 9”W with an ±120-square-foot open air porch to be located at 451 Oak Springs Drive, Dripping Springs, Texas 78620. The accessory dwelling unit (ADU) would be comprised of a two (2) bedroom, two (2) bathrooms, kitchen, and living space; the ADU will connect to the existing drive approach, which will be expanded to accommodate an additional uncovered parking spot for the unit. The applicant is proposing to locate the ADU near the south property line (see Exhibit 2) with a 20-foot setback from the adjacent property line. The applicant is indicating a removal of up to three trees and an unspecified amount of cedar bush may take place for placement of the ADU but intends to further screen the unit using existing trees and additional bushes. Utilities (water, electric, sewer/septic) will be supplied to the ADU from the primary structures utilities, and upgrade as needed based on build out. The ADU will be on concrete foundation, have wood framing, and hardi siding painted to match the primary structure with matching asphalt shingles.

The Property is located within the Single-Family Residential District- Low Density (SF-1) zoning district. Accessory dwellings are permitted in SF-1 zoning districts with an approved Conditional Use Permit. A conditional use is a land use that is compatible with the permitted land uses in a given zoning district only under certain conditions. Such conditions include a determination that the external effects of the conditional use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of additional standards and conditions.

Accessory Dwelling is defined as a secondary living space that is on-site with a primary living space and that may be contained within the space structure as the primary or may be contained in a separate structure. Occupants of secondary living spaces typically include a caretaker, servant, or farm worker employed by the owner/occupant, or a guest or family member of the owner/occupant

Single- Family Residential– Low Density (SF-1) zoning district is intended to provide for development of low density, detached, single- family residences on lots of at least one (1) acre in size. The applicant is proposing placing this accessory dwelling unit near the south line of the property line. The property located on the southwest corner of Springwood Road and Oak Springs Drive, east of FM 150.

The Comprehensive Plan 2016 was adopted by the City Council on November 15, 2016. The Comprehensive Plan 2016 outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request. The proposed accessory dwelling unit request meets the below goals and objectives of the Comprehensive Plan.

Chapter 3: Livability / Quality of life

§ 3.1 Support housing options in Dripping Springs

“Accessory dwelling units (ADUs) are another opportunity to incorporate lower cost housing options into the existing fabric of the community. These units provide an option for older residents who want to downsize but remain in Dripping Springs or young couples just starting out. They also provide an option for homeowners who may want or need extra income, allowing them to remain in their homes by providing supplemental

income. It will be important to explore best practices from other communities and establish a policy that reflects the values of Dripping Springs and protects neighborhood integrity for existing residents.”

	Code requirement	Code Met?
Front	Twenty-five feet (25')	Yes; ±148 feet
Rear	Twenty-five feet (25')	Yes; ±316 feet
Side	Total of forty (40) feet combining both side yards with a minimum of fifteen feet (15') on either side.	Yes; north setback fronting Springwood Rd ±193 feet, ±30 feet south line
Setback for Garage	Side-Entry Garages: Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering.	N/A
Height	Accessory Building(s): Maximum twenty-five feet (25') for other accessory buildings, including a detached garage or accessory dwelling units.	Height is 17'7"
Impervious Cover	Thirty Percent (30%)	Yes, they are under the impervious cover

Table 1 Code requirements

The applicant will need to provide two parking spaces for the accessory dwelling unit, in addition to the two parking spaces required for the primary structure, as written in the Code per Exhibit A: Sec 5 §5.6.1 *Parking based on use:*

5.6.1 Residential

(a) Single-family residential including SF-1, SF-2, SF-3 and SF-4: Two per dwelling unit.

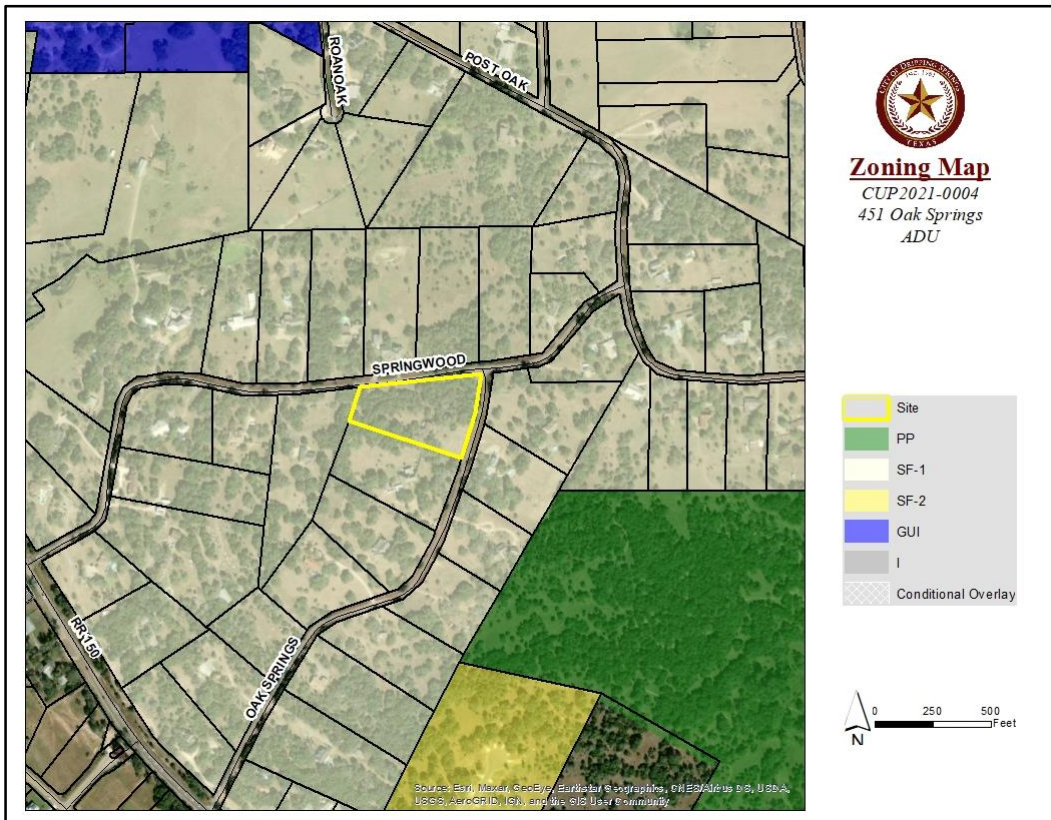
The Accessory Dwelling Unit will connect into utilities from the Main Residential Building. Utilities are below:

Water: Dripping Springs Water Supply Corporation (DSWSC). The structure will connect into existing 1” Water Line on Main House.

Wastewater: Proposed ADU will first try to connect to existing septic, after review. New septic may be installed for ADU pending results of septic review.

Electricity: PEC

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	Comprehensive Plan
North	Single- Family Residential – Low Density (SF-1)	Single family residential	Plot is located outside of Comprehensive Plan category. Adjacent to a 2016 Transportation Plan Road
East	Single- Family Residential – Low Density (SF-1)	Single family residential	
South	Single- Family Residential – Low Density (SF-1)	Single Family Residential	
West	Single- Family Residential – Low Density (SF-1)	Single Family Residential	

The feel of the subdivision is a low to moderate dense rural neighborhood with open yards. The neighborhood has very little fencing. The applicant does not intend to place a fence around the ADU.

Approval Criteria for Conditional Use Permit Review (3.17.6-Zoning Ordinance)

Approval Criteria	Staff Comments
1. The proposed use at the specified location is consistent with the policies embodied in the Comprehensive Plan;	The Comprehensive Plan addresses accessory dwelling units in the Comprehensive Plan Goal 3.1. ADUs are an option for supporting housing options in Dripping Springs.
2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;	The subject property is zoned Single-family Residential District – Low Density (SF-1). Accessory dwelling units are a listed conditional use in this zoning district.

<p>3. The proposed use meets all supplemental standards specifically applicable to the use, as established in the Development Standards, Section 5;</p>	<p>Based on the concept plan the proposed use meets all the development standards established in the section 5. The structure will be reevaluated at the building permit stage.</p>
<p>4. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods, and (as required by the particular circumstances) includes improvements or modifications (either on-site or within the public rights-of-way) to mitigate development-related adverse impacts, including but not limited to the following:</p>	
<p>a. Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;</p>	<p>The applicant will be utilizing the existing driveway already in place for main structure and extending the driveway to access the ADU.</p>
<p>b. Off-street parking areas, loading areas, and pavement type;</p>	<p>The accessory dwelling unit will have adequate parking. Open air off-street parking will be provided.</p>
<p>c. Refuse and service areas;</p>	<p>The City's solid waste service will need to be alerted.</p>
<p>d. Utilities with reference to location, availability, and compatibility;</p>	<p>See staff report</p>
<p>e. Screening and buffering, features to minimize visual impacts, and/or setbacks from adjacent uses;</p>	<p>There will be no new permanent fencing with this additional structure and there is no current permanent fencing – it is all open space.</p>
<p>f. Control of signs, if any;</p>	<p>N/A</p>
<p>g. Control of exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;</p>	<p>Lighting for the new structure will match the current house structure in accordance with city codes.</p>
<p>h. Required yards and open space;</p>	<p>The ADU will have access to the open space and yard of the main dwelling per the attached survey</p>
<p>i. Height and bulk of structures;</p>	<p>The ADU will match the proposed elevations</p>
<p>j. Hours of operation;</p>	<p>N/A</p>
<p>k. Exterior construction material, building design, and building facade treatment;</p>	<p>The new structure will be of wood framing with hardi siding painted to match the existing home.</p>
<p>l. Roadway adjustments, traffic-control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets; and</p>	<p>N/A</p>
<p>m. Provision for pedestrian access/amenities/areas;</p>	<p>N/A</p>

5. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity; and,	The use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.
6. Noise;	N/A
7. Odors; and	N/A
8. Dust.	N/A

Summary

Staff recognizes an ADU as an appropriate accessory use in the SF-1 Single Family Residential District and supports the proposed request. The inclusion of an ADU would not adversely impact the property or its surrounding neighbors, and conditions as listed below would serve as additional measures to mitigate any visual or development factors.

Based on the proposed land use, compatibility with surrounding properties, and the Comprehensive Plan, **staff recommends approval of the requested CUP with the following conditions:**

1. **Maximum floor area for an Accessory Dwelling Unit may not exceed 1,170-square-feet.**
2. **The ADU must adhere to a 20-foot side yard setback.**
3. **A minimum of two off-street parking spaces for the Accessory Dwelling Unit must be provided in addition to any other parking requirements.**
4. **Connections to an appropriate on-site septic system must be approved by the City prior to occupancy.**
5. **The Accessory Dwelling Unit may not be sold separately from the primary structure.**
6. **Conditional Use Permits for new uses/structures shall be deemed to have expired and shall become null and void if construction is not completed and occupation commenced within two years of the date the CUP was approved.**
7. **The City Administrator may revoke the CUP for failure to comply with municipal regulations and the conditions placed on the use (City of Dripping Springs Zoning Ordinance §3.17.9)**
8. **Conditional Use Permit is effective on _____.**

The below is an excerpt of the Code for the procedures that P&Z should take for CUPS.

Chapter 30 Exhibit A Zoning Ordinance Sec 3.17.5 Procedures for CUPS:

- (a) P&Z Recommendation: Following the public hearing, the P&Z shall recommend approval, approval subject to modification, or denial of the proposal to the City Council. If the appropriateness of the use cannot be assured at the location, the P&Z shall recommend denial of the application as being incompatible with existing uses or with other uses permitted by right in the district.

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 request.

Meetings Schedule

- May 25, 2021 – Planning and Zoning Commission
- June 08, 2021 - City Council Meeting

Attachments

- Attachment 1- Conditional Use Permit Application
- Attachment 2- Proposed Site Plan, Elevations, Plans

Recommended Action:	Recommend approval of the requested Conditional Use Permit, with staff and any additional conditions deemed necessary by the Commission.
Alternatives/Options:	Recommend denial of the Conditional Use Permit; recommend approval of the Conditional Use Permit with no, or alternate, conditions.
Budget/Financial Impact:	None calculated at this time.
Public Comments:	None at this time
Enforcement Issues:	N/A
Comprehensive Plan Element:	Livability / Quality of Life Support housing options in Dripping Springs