



City Council

Planning Department Staff Report

City Council Meeting: August 11, 2020

Project No: VAR2020-0013

Project Planner: Amanda Padilla, Senior Planner

Item Details

Project Name: Big Sky Ranch Phase 1 Setback Variance

Property Location: 133 and 159 Dome Peak Terrace, Dripping Springs TX 78620

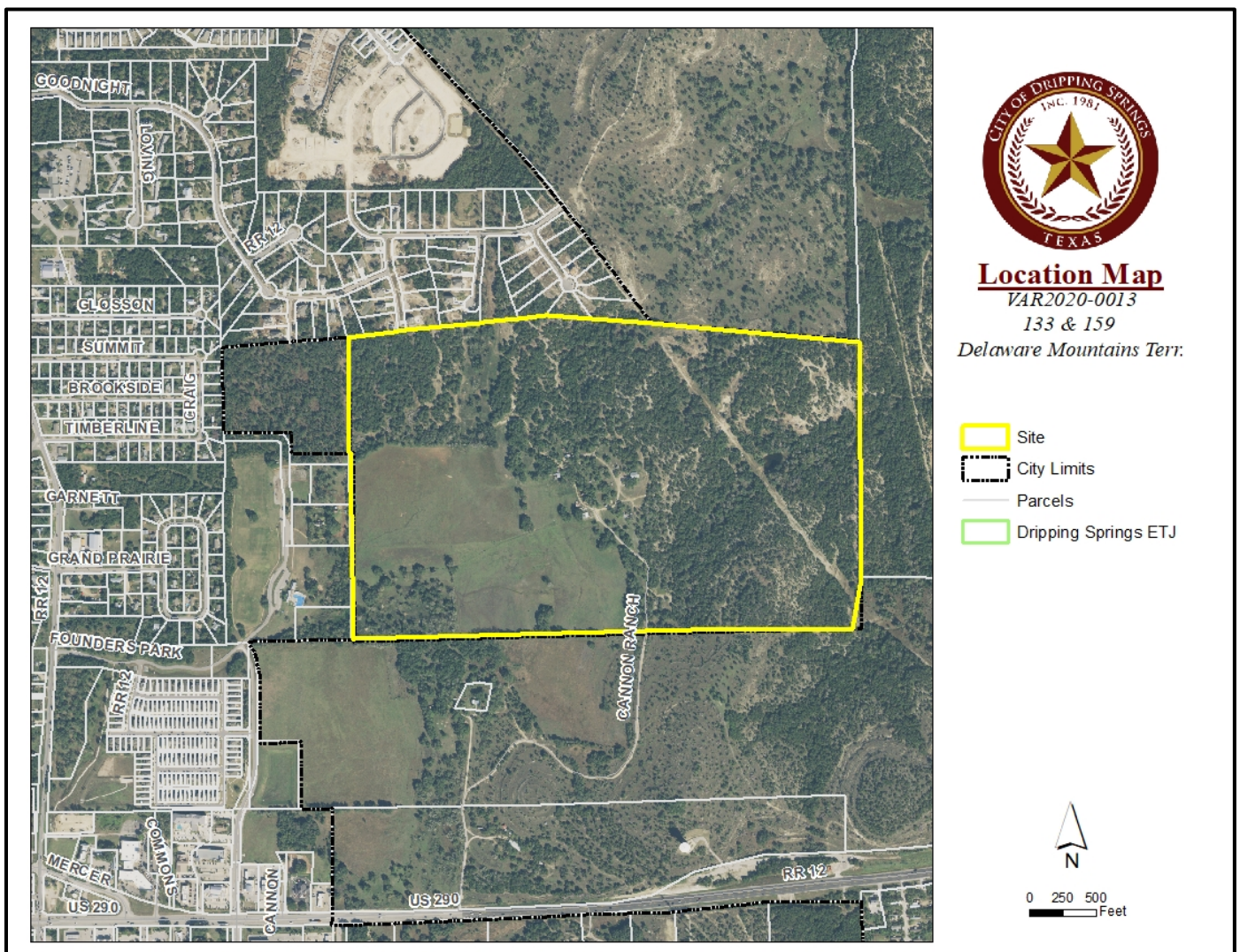
Legal Description: Big Sky Ranch Phase 1 Final Plat

Applicant: Christopher A Reid, PE, Doucet & Associates

Property Owner: Meritage Homes

APPLICANT REQUESTED POSTPONEMENT TO ALLOW P&Z CONSIDERATION

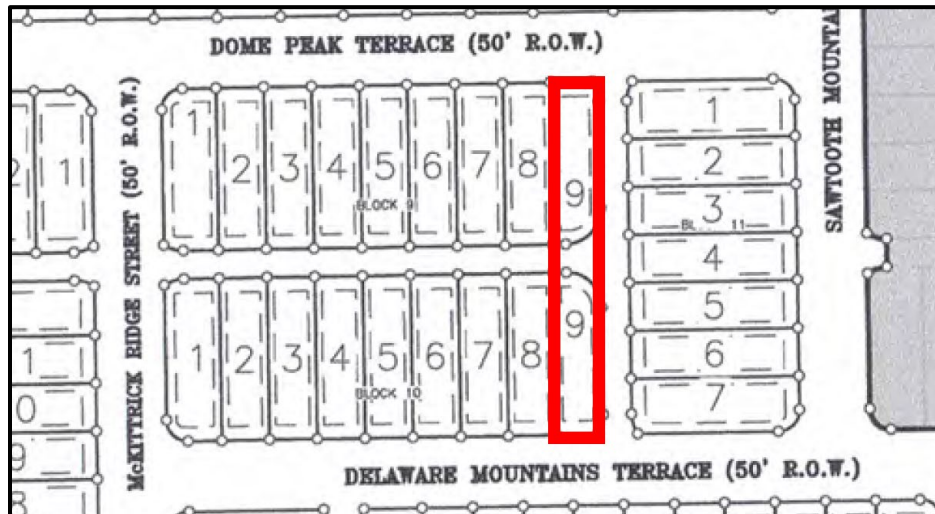
Request: Applicant is requesting a special exception to Chapter 30, Exhibit B, Planned Development District 10, 2.4.5 (b)



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Overview

The applicant is requesting a Special Exception to Chapter 30, Exhibit B, Planned Development District 10, 2.4.5 (b) Minimum Side yard. The applicant is asking to provide a five-foot (5') side yard setback for Block 9, Lot 9 and Block 10, Lot 9. See Below Image:



Below is the section of the code of ordinances that the applicant is requesting a special exception to:

2.4.5 Setbacks

- b. Minimum Side Yard: Building setbacks shall be five (5) feet; provided, however corner lots will be set back a minimum of seven and one half (7.5) feet from the street right-of-way.

Both lots are corner lots in this request, and both abut an alley street right-of-way. The Planned Development District does not define streets or alleys, so the City reverts to the Zoning Ordinance definition. The Zoning Ordinance definition of Alleys is below:

Alley: A minor right-of-way that affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

This definition indicates that side setbacks for Big Sky Ranch shall be seven and a half feet (7.5') from the alley. Block 9, Lot 9 and Block 10 Lot 9 both have a seven and a half foot (7.5') Building Line Setback and a Public Utility Easement.

Big Sky Ranch Planned Development District has a base zoning of SF-3, SF-3 side setbacks are listed below:

Minimum Side Yard Setback: Five feet (5'); corner lots - seven and one-half feet (7-1/2') from the street right-of-way.

Both the PDD and the City's Code of Ordinance outline a seven and a half foot (7.5') side setback for Corner Lots. The side setback for these lots also have a seven and a half foot (7.5') Public Utility Easement for electric or gas utilities. The Exhibit 4 outlines the PEC and Texas Gas utilities within the easement.

Surrounding Properties

The current zoning and existing uses of the adjacent properties/lots to the north, south, east, and west are within the Planned Development District 11. The Development is a dense development that can develop with no more than 780 LUEs, for Tract 1 of the Development.

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Property History

In 2018, City Council approved Annexation, Zoning, and the Preliminary Plat for the Big Sky Ranch Development. In 2019 the Big Sky Ranch Phase 1 Final Plat was approved by City Council. In 2020 the applicant had a minor modification that reduced the Building Width from 25 feet to 23.5 feet. When the applicant was applying for building permits, they discovered that Block 9 Lot 9 and Block 10 Lot 9 were unbuildable and unable to meet the Planned Development District and City Code of Ordinances requirements for Building Width and Side setbacks. Thus, the applicant applied for a special exception to the Building Line setbacks so that they could meet the building width requirement.

Approval Criteria for Special Exceptions (2.22.2-Zoning Ordinance)

Approval Criteria	Staff Comments
1. there are special circumstances or conditions affecting the land involved such that the literal enforcement of the provisions of this Chapter would deprive the applicant of the reasonable use of the land; and	The interpretation of the code will not deprive the applicant of the reasonable use of the land, this is a special circumstance where the intent of the code is being met by providing a 5-foot setback.
2. the special exception is necessary for the preservation and enjoyment of a substantial property right of the applicant; and By preserving the natural features and topography of the land; and	The 7.5-foot setback restricts the applicant on what they can build within the setback and reducing the set back would allow for the proper development of the land. It would allow the applicant to meet the minimum building width requirement.
3. the granting of the special exception will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and	The special exception will not be detrimental to the public health, safety, or welfare.
4. the granting of the special exception constitutes a minimal departure from this Chapter; and	The granting of this special exception is a minimal departure from the Chapter 30, Exhibit B, Planned Development District 10, 2.4.5 (b), and would reduce the setback by just 2 feet.
5. the subject circumstances or conditions giving rise to the alleged hardship are not self-imposed, are not based solely on economic gain or loss, and do not generally affect most properties in the vicinity of the property; and	This special exception will not generally affect most properties in the vicinity.
6. Granting the special exception is in harmony with the spirit, general purpose, and intent of this Chapter so that: a. the public health, safety and welfare may be secured; and b. that substantial justice may be done.	The granting of this special exception is in harmony with the spirit, general purpose, and intent of this chapter.

Summary and Recommendation

Staff is recommending Postponement to September 8, 2020 City Council Meeting to allow the Planning and Zoning Commission to consider the request for a special exception at the August 25, 2020 Planning and Zoning Commission.

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Public Notification

A legal notice advertising the public hearing was placed in the Dripping Springs Century-News (July 9, 2020), 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 Special Exception request.

Meetings Schedule

July 28, 2020 Planning and Zoning Commission

August 11, 2020 Board of Adjustment/City Council

Attachments

Exhibit 1 – Special Exception Application

Exhibit 2 – Image of Lots

Exhibit 3 – Example Plot Plan

Exhibit 4 – PEC and Texas Gas Utilities distribution

Exhibit 5 – Big Sky Ranch Phase 1 recorded Final Plat

Recommended Action	Postpone the item to allow Planning and Zoning Consideration
Alternatives/Options	Approve, Deny the special exception; approve the special exception with no or alternate conditions.
Budget/Financial impact	N/A
Public comments	None received at this time
Enforcement Issues	N/A
Comprehensive Plan Element	N/A