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June 7, 2019

City Review Team  
City of Dripping Springs  
511 Mercer Street  
Dripping Springs, TX 78620

**RE: Ghost Hill Phase 2 – Findings of Fact for a Variance to Public Sidewalks  
(SD2020-0006 Site Plan)**

Dear Review Team,

Atwell has reviewed the comments that were provided on June 2<sup>nd</sup>, 2020 pertaining to the submittal of the Phase 2 Of the Ghost Hill Ranch development. We received a comment from staff requiring compliance with Section 28.04.019 of the City of Dripping Springs' Code of Ordinances. It is in the best interest of the health, safety, and welfare of the public that a variance to this requirement be granted.

As mandated by Section 28.04.015(e) of the Code of Ordinances, a variance may be granted if the following provisions are met:

*(1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of this land;*

**Response (1): This property is located at the southeast corner of Fitzhugh Road and Ranch Road 12. These roadways are owned and operated by Hays County and the Texas Department of Transportation respectfully. The City of Dripping Springs does not have the authority to require sidewalks within these right-of-ways which are outside of their jurisdiction. Additionally, both of these streets utilize roadside ditches for drainage conveyance. These circumstances prove to be a hardship to the development of the property as the only viable solution would be to provide sidewalks within the private property and located within a dedicated easement to the City of Dripping Springs.**

*(2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;*

**Response (2): This property has over 1,275 linear feet of right-of-way frontage which would require the installation of sidewalks within its private property. The installation of these sidewalks would account for over 6,375 square feet of impervious cover located on the private property which would directly impact the available impervious cover for the development of the remainder of the property. In comparison to recently bid construction of 5-foot sidewalks at approximately \$28.00 per linear foot, this equates to an additional \$35,700.00 of financial expense to the developer. Additionally, locating the sidewalk just within the private property boundary would impact the vast majority of the only trees that are located on the property. In an effort to save these trees by meandering the sidewalk, it would require the dedication of a significant amount of the private property within an easement.**

(3) *That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and*

**Response (3):** This is the most significantly impactful portion of these findings of fact which will help to justify the need for the granting of this variance. The reason this requirement is in place is to promote connectivity to adjacent development; however, there is no existing infrastructure for the requested Ghost Hill Sidewalks to connect to nor are there any plans for such sidewalk connectivity. The City staff comment references connecting to the development on the north side of Fitzhugh Road; however, this property has already been fully developed with no sidewalks to connect to, and the City of Dripping Springs has not authority to require this development to retroactively install any sidewalks.

It would be extremely irresponsible to provide pedestrians with a path to the Fitzhugh Road with no safe way to cross the street. This is simply something that I, as a professional engineer, am not going to support whereas I am supposed to consider the health, safety, and welfare of the public above as else.

(4) *That the granting of the variance will not have the effect of preventing the orderly development of other land in the area in accordance with the provisions of this article.*

**Response (4):** The planned development has internal, private sidewalks throughout which will provide for adequate pedestrian travel. Additionally, there is substantial parking to be provided with this development which allows for vehicular transfer when necessary. The developer of this property has already discussed private vehicular and pedestrian connections to the Treaty Oak property with future phases which is the only pedestrian connectivity to adjacent properties that would be justified with the development of Ghost Hill Ranch.

Section 28.04.015(h) of the Code of Ordinances references an adequate basis in support of the variance:

(h) *Adequate basis for variance. It shall be an adequate basis for granting a variance that doing so will enable the applicant to create additional open space, reduce impervious cover, preserve trees, maintain critical environmental features, ensure more wildlife preservation, or bring nonconforming structures (including signs) into compliance with current regulations. This section is designed to achieve a more favorable outcome for the general public than would be possible complying with the strict mandates of this article.*

**Response:** The granting of a variance to Section 28.04.019 of the City of Dripping Springs' Code of Ordinances will in fact preserve a parkland buffer that has been planned for around the perimeter of this property; reduce unnecessary impervious cover; and preserve many large old trees.

I want to reiterate that the requirement to add public sidewalks adjacent to public right-of-ways for this property would be detrimental to the health, safety, and welfare of the public and a variance from this requirement should be granted.

Respectfully,



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