



Planning and Zoning Commission

Planning Department Staff Report

Planning and Zoning Commission Meeting: September 22, 2020
Project No: VAR2020-0015
Project Planner: Amanda Padilla, Senior Planner

Item Details

Project Name: Ghost Hill Sidewalk Variance
Property Location: Southeast of the intersection of Ranch Road 12 and Fitzhugh Road
Legal Description: GHOST HILL RANCH, UNIT 1, 100% COMMON AREA INTEREST
Applicant: Jon Thompson, J Thompson Professional Consulting
Property Owner: LeFevre Holdings, LLC
Request: Applicant is requesting a variance to Ch. 28, Exhibit A Sec 15 Sidewalks;
Applicant is requesting to not build sidewalks along Ranch Road 12



Location Map

VAR2020-0015
Ghost Hill
Sidewalk Variance

— Roads
Dripping Springs ETJ



0 250 500
Feet

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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Overview

The applicant is requesting a variance to Ch. 28, Exhibit A Sec 15 Sidewalks. The Applicant is requesting to not build sidewalks along Ranch Road 12 and Fitzhugh Road.

Below is the section of the Code the applicant is requesting a waiver to:

Section 15.2: Sidewalks

Sidewalks not less than five feet (5') wide shall be provided within all residential and nonresidential developments, as set forth in the City of Dripping Springs' Code of Ordinances and in applicable state standards. Root barriers shall be installed underneath, and along with the construction of, all required sidewalks. Barrier-free ramps shall be constructed at all street intersections and at any other locations deemed appropriate by the City due to anticipated pedestrian travel patterns. Sidewalks shall be constructed within the street right-of-way, one foot (1') away from the right-of-way line, and at least five feet (5') away from the street curb. In certain instances, the City Administrator may, in consultation with the planning department and the City Engineer, approve placement of the sidewalk adjacent or closer than five feet (5') to the curb or located on private property and in a public access easement, provided that such placement benefits the general public by allowing more space for landscaping, such as for street trees, screening shrubs, and decorative walls and fences, and provided that the width is increased to a minimum of five feet (5') of sidewalk pavement or to such a width as may be needed in the interest of public safety

The applicant provided the following excerpt from their justification letter:

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.

The property is partially developed with a Gymnasium (Moxie Gymnastics and Cheerleading). The Gymnasium provides classes to children ages 2.5 and up. Staff believes that with the proximity to the northern property that contains a restaurant with a splash pad, an Ice Cream Shop, and a Coffee Shop that there will be an increase in pedestrian traffic flow in the area. Sidewalks provide a safe way for pedestrians to access adjacent properties and reduce traffic danger to pedestrians. It is unsafe, unreasonable and often disagreeable to pedestrians to be forced to walk on the paved roadway.

Sec 15 allows for sidewalks to be constructed within the property if the City Administrator along with consultation with the Planning Department and the City Engineer approve the placement.

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The property owner received approval for their parkland that approved a trail along the Ranch Road 12 and Fitzhugh Rd property lines. Placing sidewalks within their property could be placed on the dedicated Trail.

Surrounding Properties

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The properties to the north and south are outside the City’s Extra-Territorial Jurisdiction (ETJ) and the properties to the west and east are within the City’s ETJ. The property to the north is a commercially developed tract that contains a restaurant (Ranch Road Filling Station), an Ice Cream Shop (Frios Austin- Gourmet Pops), a Coffee shop (Madrone Mountain Coffee).

Property and Project History

This property is within the City’s Extra-Territorial Jurisdiction (ETJ). It is partially developed with a large tree canopy along Ranch Road 12 and Fitzhugh Road. Within the City’s ETJ the City has limited jurisdiction and can regulate such items as Subdivision, Site Development, Water Quality, Drainage, Parkland Dedication, and Signage.

This application was first reviewed as an administrative Waiver in accordance with Section 1.6 of the Subdivision application because the request was based partially on natural features of the property (trees). The Application was Denied by the Development Review Committee. After further review of the application the project was vested under the subdivision ordinance in place prior to September 2019. This required variances to be processed through the Planning and Zoning Commission and City Council.

Approval Criteria for Special Exceptions (2.22.2-Zoning Ordinance)

Approval Criteria	Staff Comments
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;	Section 15.2 of the City Ordinance authorizes the City Administrator to approve the placement of sidewalks on private property within public easements. The City request that the sidewalks be placed in a public easement, if sidewalks cannot be placed within the right-of-way.
2. That the waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant;	The 6,375 square foot of impervious cover (IC) estimated to be added by the Engineer would add only 0.74% IC to the property. To reduce the IC added by sidewalks, the Applicant has the option of installing pervious concrete for the sidewalks and the option to utilize some sidewalks already proposed in the development to provide public pedestrian connectivity across the property from the adjacent properties to the north, south and east. Existing trees are almost exclusively in a linear row on the west and north property lines. Placing the public sidewalk easement just inside the tree line can be easily accomplished.
3. That the granting of the waiver will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and	Installation of sidewalks on Ghost Hill Property will give adjacent properties connection points when they develop, redevelop, or expand. These connection points will provide the ability to create safe pedestrian paths through this development and to adjacent developments. City and County Transportation plans show expansion plans for Fitzhugh Road at which time pedestrian crosswalks can be added. Sidewalks are frequently installed within all jurisdictions leading to dead ends at property lines. This is the process that allows future intersection improvements and adjacent property development to have pedestrian connectivity points.
4. That the granting of the waiver will not have the effect of preventing the orderly development of other land in the area in accordance with the provisions of this article.	Sidewalks are required to provide for current and future pedestrian connectivity to adjacent properties to the north, south and east.

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Summary and Recommendation

Based on the above findings and reasoning, Staff recommends denial of the Waiver Application but does approve the placement of the sidewalks on private property, within a public easement.

Public Notification

A legal notice advertising the public hearing was placed in the Dripping Springs Century-News, signs were posted on the-site, and notice was placed on the City Website.

Meetings Schedule

September 22, 2020 Planning and Zoning Commission

October 13, 2020 City Council

Attachments

Exhibit 1 – Variance Application

Exhibit 2 – Applicant Variance Justification

Exhibit 3 – Lighting Ordinance Agreement

Exhibit 4 – Photos of Intersection

Exhibit 5 – Parkland Dedication

Recommended Action	Deny the requested Variance
Alternatives/Options	Approve the Variance with no or conditions.
Budget/Financial impact	N/A
Public comments	None received at this time
Enforcement Issues	N/A
Comprehensive Plan Element	N/A