



Planning and Zoning Commission Planning Department Staff Report

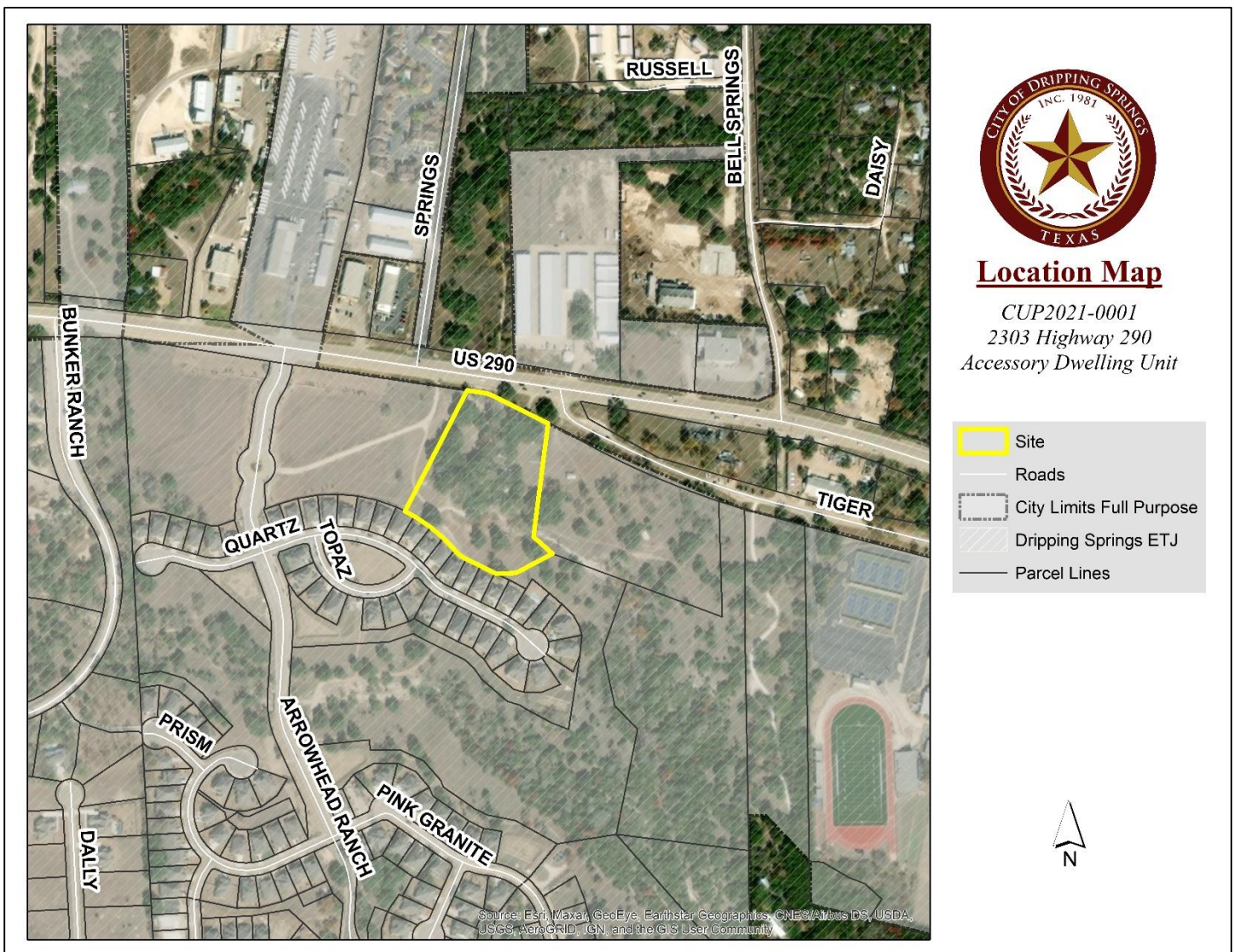
Planning and Zoning Commission Meeting: March 23, 2021
Project No: CUP2021-0001
Project Planner: Amanda Padilla, Senior Planner

Item Details

Project Name: 2303 W US Highway 290 Accessory Dwelling
Property Location: 2303 W US Highway 290
Legal Description: Benjamin F. Hanna Survey, A0222, 5.602 acres
Applicant: Jon Thompson
Property Owner: Glenn and Leigh Ann Pollard
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



Planning Department Staff Report

Overview

The applicant is requesting a Conditional Use Permit (CUP) to allow an accessory dwelling to be located at 2303 W Highway 290, Dripping Springs, Texas 78620. The Property is located within the General Retail (GR) zoning district. Accessory dwellings are permitted in GR zoning districts with an approved Conditional Use Permit. The City Attorney has determined that due to our semi-cumulative zoning, uses from less intense districts are sometimes allowed in more intense districts like General Retail. The GR zoning district allows uses from the Multifamily District and the Multifamily District allows any lesser residential use including Accessory Dwelling Units.

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

The City's 2016 Comprehensive Plan outlines Livability/ Quality of Life as a topic of the comprehensive plan. A Goal of the Comprehensive plan that falls under that topic is for the City to support housing options within the City. Below is the section of the Comprehensive Plan that clearly outlines how Accessory Dwelling Units can be another opportunity for housing diversity.

“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.”

The property is within the Arrowhead Ranch Development Agreement. The development agreement was amended and restated in 2018. The property was sold to the current owners (Glenn and Leigh Ann Pollard) from TF Arrowhead Ranch L.P. in 2018. The Arrowhead Ranch Development Agreement contemplated this tract as future commercial. Its important to note that the lot does have a conditional overlay over the property, but the conditional overlay does not affect this request.

When the lot was originally sold in 2018, it was a part of a 12.442-acre tract and was given an impervious cover limitation of 4.27 acres of land. The lot currently has four buildings on the property: a house (the owners reside in), a barn-type structure, another outbuilding (Storage), and the original homestead that is near Tiger Lane that is not in use as it is uninhabitable and will need repair.

	Code requirement
Front	Twenty-five feet (25')
Rear	Twenty-five feet (25')
Side	Twenty-five feet (25')
Height	Accessory Building(s): Maximum one (1) story, or twenty-five feet (25')
Impervious Cover	Determined by Arrowhead Ranch Development Agreement

Table 1 Code requirements

Planning Department Staff Report

The applicant will need to provide two parking spaces for the accessory dwelling unit per section 5.6.1 of the Zoning Ordinance.

- (a) Single-Family Residential including SF-1, SF-2, SF-3 and SF-4: 2 per dwelling unit.

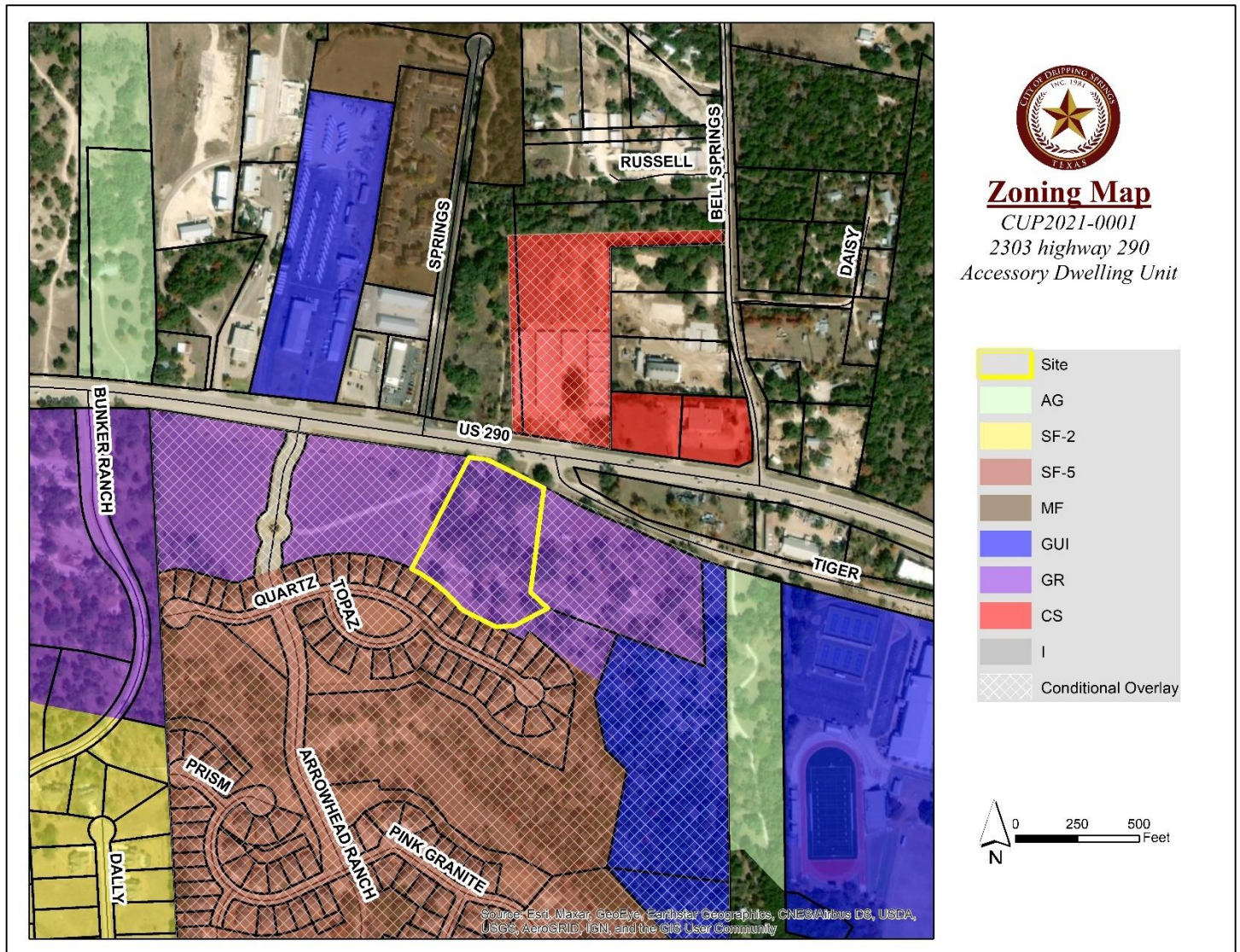
The Accessory Dwelling Unit utilities are below:

Water: Private water well or rainwater collection

Wastewater: OSSF. The applicant has stated that the owners will be upsizing their current OSSF to accommodate the ADU.

Electricity: PEC. The applicant is unsure if it will be connected to the house or on a separate meter.

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:

Planning Department Staff Report

Direction	Zoning District	Existing Use	Comprehensive Plan
North	Commercial Services (CS)	Mini-storage units (AAA Storage)	Retail Activity Center (Retail/Office – Shops, restaurants, and professional offices)
East	General Retail (GR)	Vacant lot	
South	Single-Family Attached Residential District (SF-5) Garden Home/ Development Agreement	Single Family Residential	
West	General Retail (GR)	Vacant lot	

The City's Future Land Use Map designates this area as a Retail Activity Center. The Comprehensive Plan outlines the type of land uses within retail as shops, restaurants, and professional offices. The activity nodes represent areas for new development that should have more attention on factors of design because they are located at gateway points entering the City.

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 General Retail (GR). Accessory dwelling units are a listed conditional use in this zoning district.
3. The proposed use meets all supplemental standards specifically applicable to the use, as established in the Development Standards, Section 5;	At the time of construction the ADU will have to meet all development standards.
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:	
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;	The site has access through their primary gate at the front of the property onto Tiger Lane / US 290; as well as a secondary access from the west that accesses back to Arrowhead Ranch Blvd.
b. Off-street parking areas, loading areas, and pavement type;	The accessory dwelling unit will need to provide the required parking spaces.
c. Refuse and service areas;	The refuse and service areas will be located in the appropriate locations as required by building codes. The refuse for the ADU will be located at the same location for pick up as the refuse for the primary residence.
d. Utilities with reference to location, availability, and compatibility;	See staff report
e. Screening and buffering, features to	This ADU will be screened from the highway by existing

Planning Department Staff Report

minimize visual impacts, and/or setbacks from adjacent uses;	tree coverage and further screened from adjacent residential properties by a line of shade trees planted by the Pollards to provide them with privacy not provided by the developer on the residential lots to their immediate south. The applicant will have to comply with the Landscaping Ordinance since this property is zoned General Retail.
f. Control of signs, if any;	N/A
g. Control of exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;	Lighting will need to comply with the City's Lighting Ordinance.
h. Required yards and open space;	None proposed. The applicant stated that the owners will comply with the setback and yard requirements.
i. Height and bulk of structures;	The ADU will need to comply with height requirements.
j. Hours of operation;	N/A
k. Exterior construction material, building design, and building facade treatment;	N/A
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	N/A
m. Provision for pedestrian access/amenities/areas;	N/A
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

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. There can only be one Main Residence and one Accessory Dwelling Unit. The other existing buildings cannot be converted for residential dwelling purposes.**
- 2. The ADU shall be connected to a City approved on-site septic system or City Sewer prior to occupancy.**
- 3. An engineer will need to delineate and dedicate the Water Quality Buffer Zone and local floodplain via a separate Instrument.**
- 4. The siting of the ADU shall not be allowed in Water Quality Buffer Zones or designated floodplain, unless otherwise permissible under the City's Water Quality Protection Ordinance.**

Planning Department Staff Report

5. No additional Driveways shall be permitted.
6. The applicant shall provide a 10' Trail/Sidewalk easement along the front of the lot.
7. If the use changes from a residential use to commercial use the property shall come into conformance and comply with all City Ordinances applicable to commercial development (i.e. Site Development, Zoning, Landscaping, etc.).

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

March 23, 2021 – Planning and Zoning Commission

April 13, 2021 - City Council Meeting

Attachments

Exhibit 1- Conditional Use Permit Application

Exhibit 2- Project Summary (Submitted by Applicant)

Exhibit 3 – Exhibit of Lot

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