

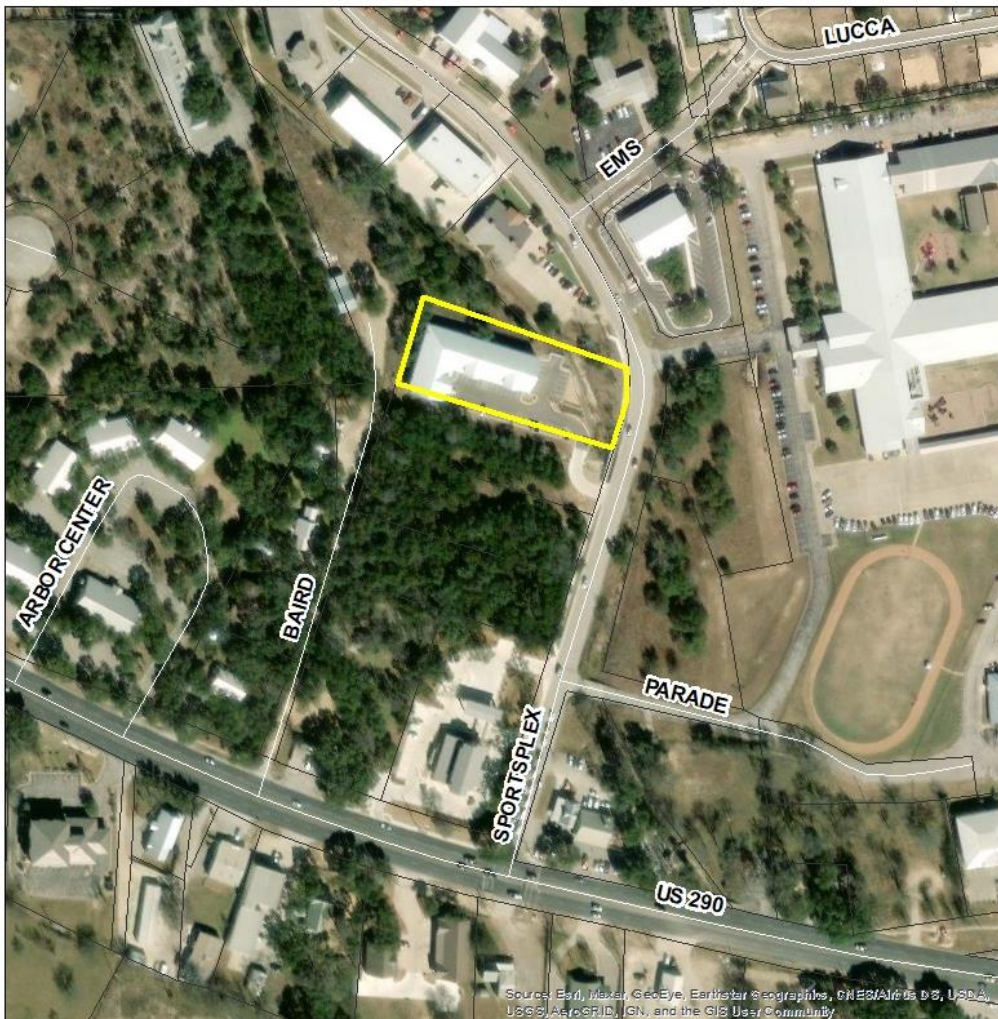


City Council Planning Department Staff Report

City Council Meeting August 1, 2023
Project No: VAR2023-0005
Project Planner: Tory Carpenter, AICP, Planning Director

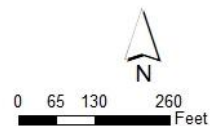
Item Details

Project Name: JWLP Lot 6 Parking Variance
Property Location: 249 Sportsplex Drive
Legal Description: JWLP Lot 6
Applicant: Chris Nygard
Property Owner: Chris Nygard
Request: Applicant is requesting a variance to allow a reduced number of parking spaces for medical office uses.
Staff Recommendation: Denial of the variance.



Location Map

JWLP Parking Variance



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 Chapter 30, Exhibit A Section 5.6.2 to allow a reduced parking requirement for the property.

Below is the applicable code section related to this variance request:

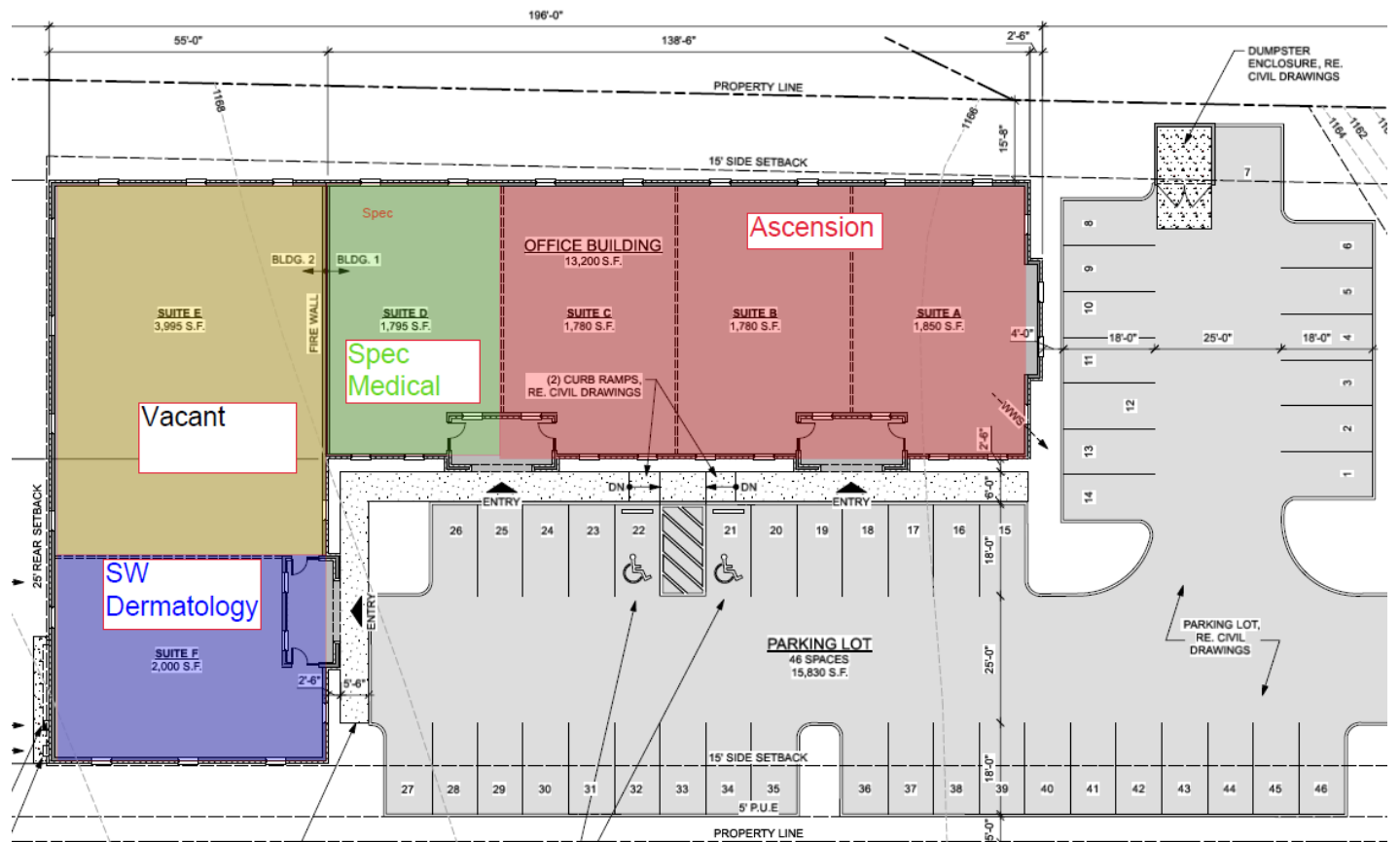
5.6.2. Commercial:

Medical or dental office: One space per 200 square feet of floor area. Facilities over 20,000 square feet shall use the parking standards set forth for hospitals.

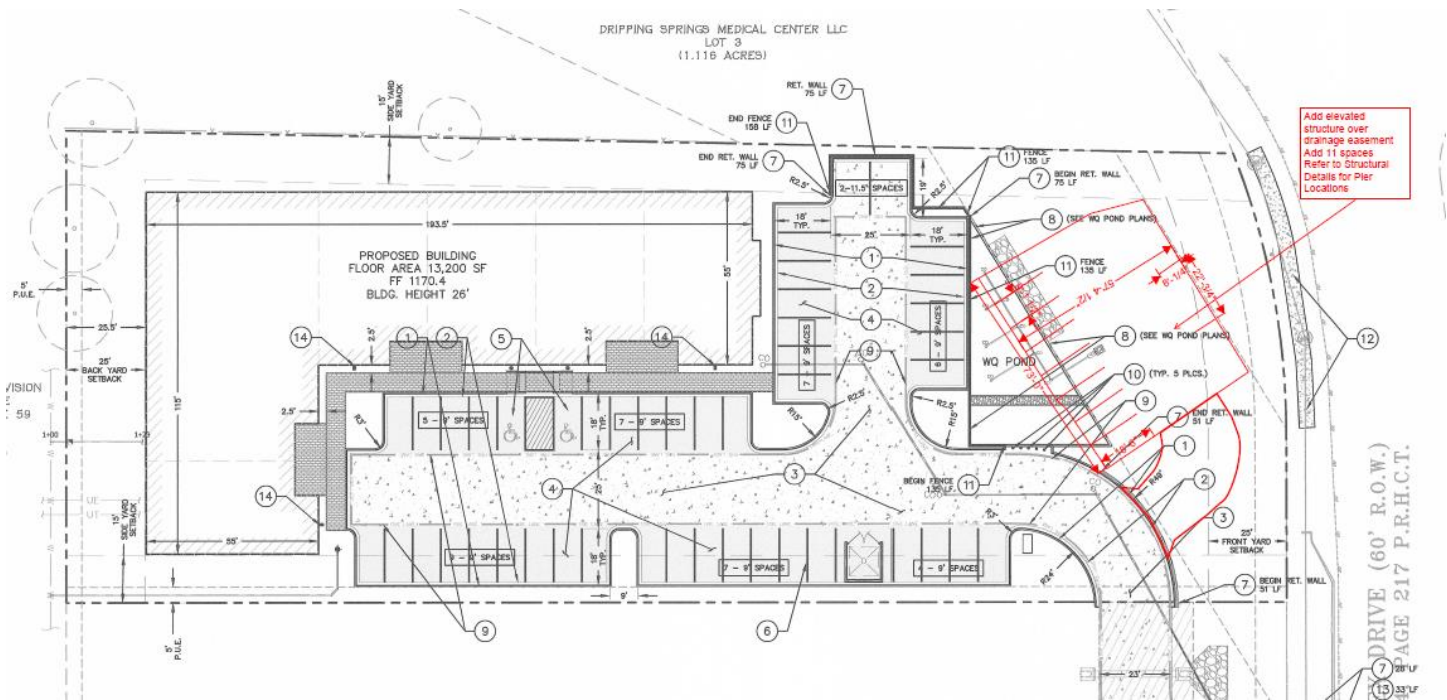
The property has a 13,200 Square foot Building. During the site plan review process, the applicant stated that the building would be used as “office space” which would require 1 parking space per 300 Square Feet. The applicant applied for a Tenant Finish Out for a Medical Office which would require one (1) parking space per 200 square feet. Per section 5.7.6.

Staff is currently reviewing a site plan amendment which would add 11 additional parking spaces. The table below reflects this proposed update.

| Parking Requirement | Total Building square footage | Parking Spaces Required | Parking applicant provided | Parking Deficit |
|---------------------------------|-------------------------------|-------------------------|----------------------------|-----------------|
| 1 parking space/200 square feet | 13,200 | 66 | 58 | -8 |



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Property History

On April 10, 2018, JWLP Family Subdivision was approved and recorded. The Subdivision plat created 6 commercial lots. The applicant then applied for a Site Development Permit in 2019. During the Site Development Permit, the first submittal contained Retail use which would require the applicant to provide one (1) parking space per 200 square feet. The applicant was told that parking was not sufficient and they would need to add additional parking. The applicant stated that the intended use was Office and changed the amount of parking to one (1) parking space per 300 square feet.

The applicant applied for a Tenant Finish out for medical offices and was told that they needed to provide parking for a medical office, which is one (1) parking space per 200 square feet.

In June 2020, the applicant applied for a variance to utilize shared parking with a lot across Sportsplex. The application was later withdrawn.

A separate parking variance was requested in 2021 which was ultimately withdrawn after a unanimous recommendation of denial from the Planning & Zoning Commission.

The applicant was granted permission to occupy 9,400 square feet of the building as there were adequate parking spaces for this square footage.

Approval Criteria for Variance (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 building on the property was built in 2019. The applicant was aware of the parking requirements and adjusted the use to only provide 1 parking space per 300 square feet of gross floor area. |
| 2. the variance 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 variance is not necessary for the applicant to utilize their property. The intention with the approved site plan was for an office use. The applicant was asked to reevaluate their parking at the time of review. |
| 3. the granting of the variance will not be detrimental | Scarcity of parking may affect the patrons visiting the |

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|---|--|
| to the public health, safety or welfare, or injurious to other property within the area; and | proposed medical offices and adjacent property owners. |
| 4. the granting of the variance constitutes a minimal departure from this Chapter; and | While the applicant is proposing to add 11 additional parking spaces, the minimum requirement is not being met. |
| 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 variance would affect properties in the vicinity. The lack of parking for medical office is self-imposed. The applicant was aware of the issue during time of review. |
| 6. Granting the variance is in harmony with the spirit, general purpose, and intent of this Chapter so that: <ol style="list-style-type: none"> a. the public health, safety and welfare may be secured; and b. that substantial justice may be done. | The granting of this variance is not in harmony with the spirit, general purpose, and intent of this chapter. |

Summary and Recommendation

Based on the above findings staff finds that the intent of the code is not being met and that the circumstances are self-imposed. Staff recommends **denial** of the variance.

With a denial of the variance, the applicant can still expand the parking area and utilize an additional 1,600 square feet of the building. The vacant suite could also be used as a storage area for businesses currently occupying the building. Additionally, the applicant could negotiate a shared parking agreement with the property owner to the south if it is ever developed.

At their meeting on July 26, 2023 the Planning & Zoning Commission voted unanimously to recommend denial of this variance request.

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 Variance request.

Meetings Schedule

July 25, 2023 Planning & Zoning Commission

August 1, 2023 Board of Adjustments

Attachments

Attachment 1 – Variance Application

Attachment 2 – Application Material

| | |
|-------------------------|---|
| Recommended Action | Recommend denial of the requested variance |
| Alternatives/Options | Recommend approval of the variance with the condition that the additional parking must be constructed prior to the issuance of a certificate of occupancy for any additional suite. |
| Budget/Financial impact | N/A |
| Public comments | None received at this time |

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|----------------------------|-----|
| Enforcement Issues | N/A |
| Comprehensive Plan Element | N/A |