



City Council Planning Department Staff Report

City Council: November 2, 2021
Project No: ZA2021-0008
Project Planner: Tory Carpenter, Senior Planner

Item Details

Project Name: Hays Street Zoning Change
Property Location: North line of Hays Street at the terminus of Hays Street and Haydon Street
Legal Description: W T CHAPMAN #5 LOT 1,2,3,4,7,8 BLK 1 9-2210-17-02 & 0.68 AKA SPRING ST
Applicant: John Doucet, P.E.; Doucet & Associates, Inc.
Property Owner: Haydon Willie Mae Estate
Request: A zoning map amendment from SF-4 Two-Family Residential – Duplex zone to SF-3 Single-Family Residential – Town Center zone, within the Hays Street Historic District



Background

The property is currently zoned SF-4, Two-Family Residential- Duplex.

Per Ch. 30 Exhibit A, §3.5-3.6

- **SF-4 Two-family residential – Duplex:** The SF-4, two-family residential district is intended to provide for development of detached, two-family residence structures on moderate size lots of at least 10,000 square feet in size.

The applicant is requesting to rezone the property from SF-4, Two-Family residential – Duplex, to SF-3, Single-Family Residential – Town Center with a conditional overlay that would restrict the site to only allow single-family residential detached housing, as well as prohibits accessory dwelling units, multi-family uses, and places a minimum lot/unit size of 7,540 sq. ft. Furthermore, staff has requested that this conditional overlay have a non-buildable area within 60’ of U.S. 290 right-of-way, and requires a 35’ landscape buffer to be planted at the back of the lots to provide a buffer from the arterial.

- **SF-3 Single-family residential – Town Center:** The SF-3, single family residential district is intended to promote stable, quality, detached-occupancy residential development on individual lots at increased densities. Individual ownership of each lot is encouraged. This district provides a “buffer” or transition district between lower density residential areas and multiple-family or nonresidential areas or major thoroughfares.

Historic Preservation Commission action.

At their meeting on October 7, the Historic Preservation Commission approved the design of the residential structures on the property pending approval of the zoning amendment.

Planning & Zoning Commission action.

At their meeting on October 26, the Planning & Zoning Commission voted unanimously to recommend approval of the zoning amendment and conditional overlay.

Site Information

Location:

The Subject property is located northwest of the intersection of Bluff Street and Hays Street, within the Hays Street Historic District.

Physical and Natural Features:

The tracts are currently undeveloped with a barn/shop and shed. The tracts contain clusters of heritage trees that will be addressed at the COA and Site Plan.

There is an existing barn on the property which the developer intends to expand and convert to a single-family residence. This barn is 2 feet from the side property line and is considered legal nonconforming since the required setback is 5 feet. The applicant must apply for and be granted a special exception from the Board of Adjustments to expand this nonconforming structure.

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Overview

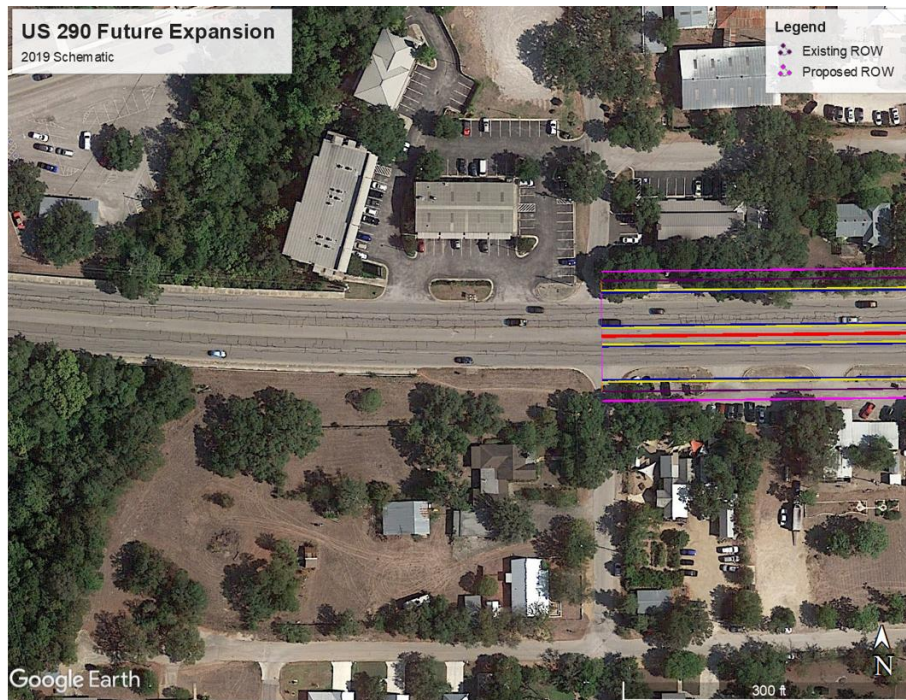
The property is undeveloped and approximately ±1.855 acres. It is found in the Hays Street Historic District and is generally located on the north line of Hays Street at the terminus of Hays Street and Haydon Lane, approximately ±0.4 miles southeast of City Hall. Currently the applicant is requesting a zoning map amendment from SF-4 to SF-3 to develop a proposed detached residential subdivision with lots/units that are a minimum of 7,540 sq. ft.

The following are the development regulations for the current and proposed zoning districts for the site.

	SF-4	SF-3	Differences between SF-4 to SF-3
Max Height	2-1/2 stories, or 40 feet	2-1/2 stories, or 40 feet	None
Min. Lot Size	10,000-sq-ft	3,500-sq-ft	6,500-sq-ft less
Min. Lot Width	70 feet	35 feet	35 feet less
Min. Lot Depth	100 feet	N/A	N/A
Min. Front/Side/Rear Yard Setbacks	20 feet / 10 feet / 20 feet	10 feet / 5 feet / 10 feet	10 feet / 5 feet / 10 feet less
Impervious Cover	50%	65%	15% more

Staff requests that criteria be added to the conditional overlay to preserve the proposed lots from U.S. 290 and future expansions of that arterial. The requests are for 60' of non-buildable area from the U.S. 290 right-of-way, with a required 35' landscape buffer required at the rear of the lots. The reason for this request is because of schematics of U.S. 290 in this area show that approximately 30' of right-of-way will be needed along the north boundary of this property. Furthermore, structures that back onto an arterial should have a significant buffer to provide a barrier from high-level roadways.

The following exhibit shows the future expansion of U.S. 290 as it aligns just east of the property proposed for rezoning. TxDOT plans are proposed to continue this similar right-of-way width, and start tapering toward Sportsplex Dr.



The following language is proposed for the conditional overlay:

1.3.2. Prohibited Uses:

- a) Accessory Dwelling Units
- b) Multi-family uses

1.3.3. Density:

- a) One (1) dwelling unit per lot/unit.

1.3.4. Lot Sizes

- a) Minimum lot size shall be 7,540 sq. ft.

1.3.5. Non-Buildable Area

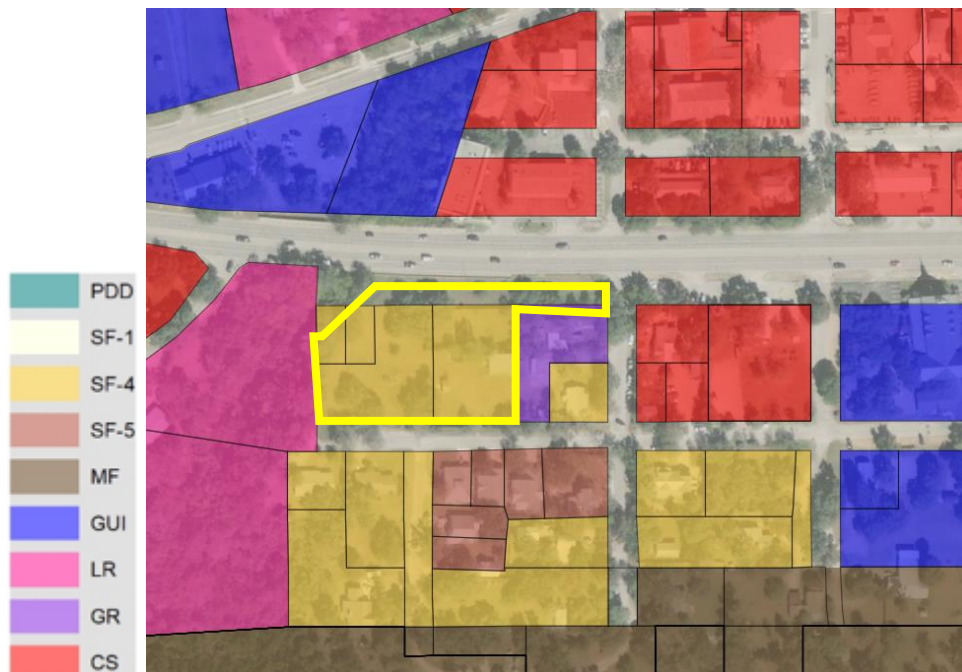
- a) There shall be no structures built within 60 feet from the right-of-way of U.S. 290 as depicted in Attachment A.

1.3.6. Landscape Buffer

- a) There shall be a 35-foot landscape buffer planted parallel to U.S. 290 at the rear of the platted residential lots/units.

- b) Planting Requirements:
 - 1. All plant material shall be of native or adapted species.
 - 2. All new proposed shade trees shall be a minimum of four inches in diameter.
 - 3. All proposed ornamental trees shall be a minimum of two inches in diameter.
 - 4. All shrubs shall be a minimum of five-gallon container size and small shrubs/groundcovers a minimum of one-gallon container size.
- c) Landscape buffer spacing requirements. The following landscape buffer spacing requirements shall apply to the 35' landscape buffer.
 - 1. Shade trees (such as live oak or cedar elm). One per 50' of buffer frontage.
 - 2. Ornamental trees (such as crape myrtle or desert willow). One per 25 feet of buffer frontage.
 - 3. Small shrubs/groundcovers, one gallon (such as lantana liriopoe). One per three feet of buffer frontage.
- d) This buffer area shall contain either native vegetation in the form of trees and bushes left in their natural, undisturbed condition, or, if no such native vegetation exists, shall consist of landscaping in conformance with this article. If the area consists of landscaped plantings, maintenance of such plantings shall be the sole responsibility of the developer or the homeowners' or property owners' association.

Surrounding Properties



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The current zoning and existing uses of the adjacent properties to the north, south, east, and west are outlined in the table below:

Direction	Zoning District	Existing Use	Future Land Use
North	Government, Utility, Institutional (GUI), Commercial Services (CS)	City Hall, Office & Retail (Spring Bluff Center)	Not Shown on the Future Land Use Map
East	General Retail with a Conditional Use Overlay	Existing residential uses	
South	Single-Family Attached Residential District (SF-5) Garden Home	Garden Homes	
West	Local Retail (LR)	Commercial Development/ Vacant Building	

Approval Criteria for Zoning Amendment (Chapter 30 Zoning, Exhibit A, Sec 2.28.1 and 2.28.2)

2.28.2 The Planning & Zoning Commission and the City Council shall consider the following factors:

Factors	Staff Comments
1. whether the proposed change will be appropriate in the immediate area concerned;	The proposed change from SF-4 to SF-3 with a Conditional Overlay is an appropriate change. The Conditional Overlay provides development standards that allows for the Tracts to fit in well with the adjoining lots, as well as provides buffer protections to the lots from U.S. 290.
2. their relationship to the general area and the City as a whole;	Staff worked with the applicant to provide a conditional overlay that complemented the area and the City as a whole.
3. whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area;	The tracts are not within any existing or proposed City Plans.
4. the amount of undeveloped land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such undeveloped land unavailable for development;	This rezoning will not impact any undeveloped land in the vicinity with the same zoning district.
5. the recent rate at which land is being developed in the same zoning classification, particularly in the vicinity of the proposed change;	Moderately/High Dense residential developments are at an influx within the City of Dripping Springs.

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6. how other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved;	No areas designated for similar development will be affected by this proposed amendment.
7. whether the proposed change treats the subject parcel of land in a manner which is significantly different from decisions made involving other, similarly situated parcels; and	The proposed change does not treat the subject tracts of land in a manner which is significantly different from decisions made involving other, similarly situated parcels.
8. any other factors which will substantially affect the public health, safety, morals, or general welfare.	The rezoning does not affect the public health, safety, morals, or general welfare.

Staff Recommendation

Staff recommends approval of the rezoning request with the proposed Conditional Overlay.

Planning and Zoning action:

2.34.1 The P&Z shall hold a public hearing on a zoning an amendment to the Zoning Ordinance. After all public input has been received and the public hearing closed, the P&Z shall make its recommendations on the proposed zoning request and concept plan, if submitted, stating its findings, its overall evaluation of the request, and its assessment regarding how the request relates to the City's Comprehensive Plan. The P&Z may, on its own motion or at the applicant's request, defer its decision recommendations until it has had an opportunity to consider other information or proposed modifications to the request which may have a direct bearing thereon. If the P&Z elects to postpone or defer its hearing on the request, such action shall specifically state the time period of the postponement by citing the meeting date whereon the request will reappear on the P&Z's agenda.

2.34.2 When the P&Z is ready to act upon the zoning request, it may recommend:

- (a) approval of the request as it was submitted by the applicant;*
- (b) approval of the request subject to certain conditions as in the case of a Planned Development District (PDD) or a Conditional Use Permit (CUP); or*
- (c) disapproval of the request.*

2.34.3 The P&Z's recommendation will be automatically forwarded to the City Council for a second public hearing thereon.

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 zoning map amendment. To date, no letters for or against the request have been received.

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Attachments

Exhibit 1 – Zoning Map Amendment Application

Exhibit 2 – Proposed Ordinance & Survey

Recommended Action:	Recommend approval of the requested zoning map amendment for Tracts 1 & 2 with the conditional use overlay.
Alternatives/Options:	Recommend denial of the zoning map amendment.
Budget/Financial Impact:	All fees have been paid.
Public Comments:	None Received at this time.
Enforcement Issues:	N/A
Comprehensive Plan Goal:	Livability /Quality of Life Support Housing Options in Dripping Springs