



Planning and Zoning Commission Meeting Planning Department Staff Report

Planning and Zoning Commission Meeting: January 26, 2021

Project Number: ZA2020-0007

Project Planner: Amanda Padilla, Senior Planner

Item Details

Project Name: Pollard Tract_ 2303 W Highway 290

Property Location: 2303 W Highway 290

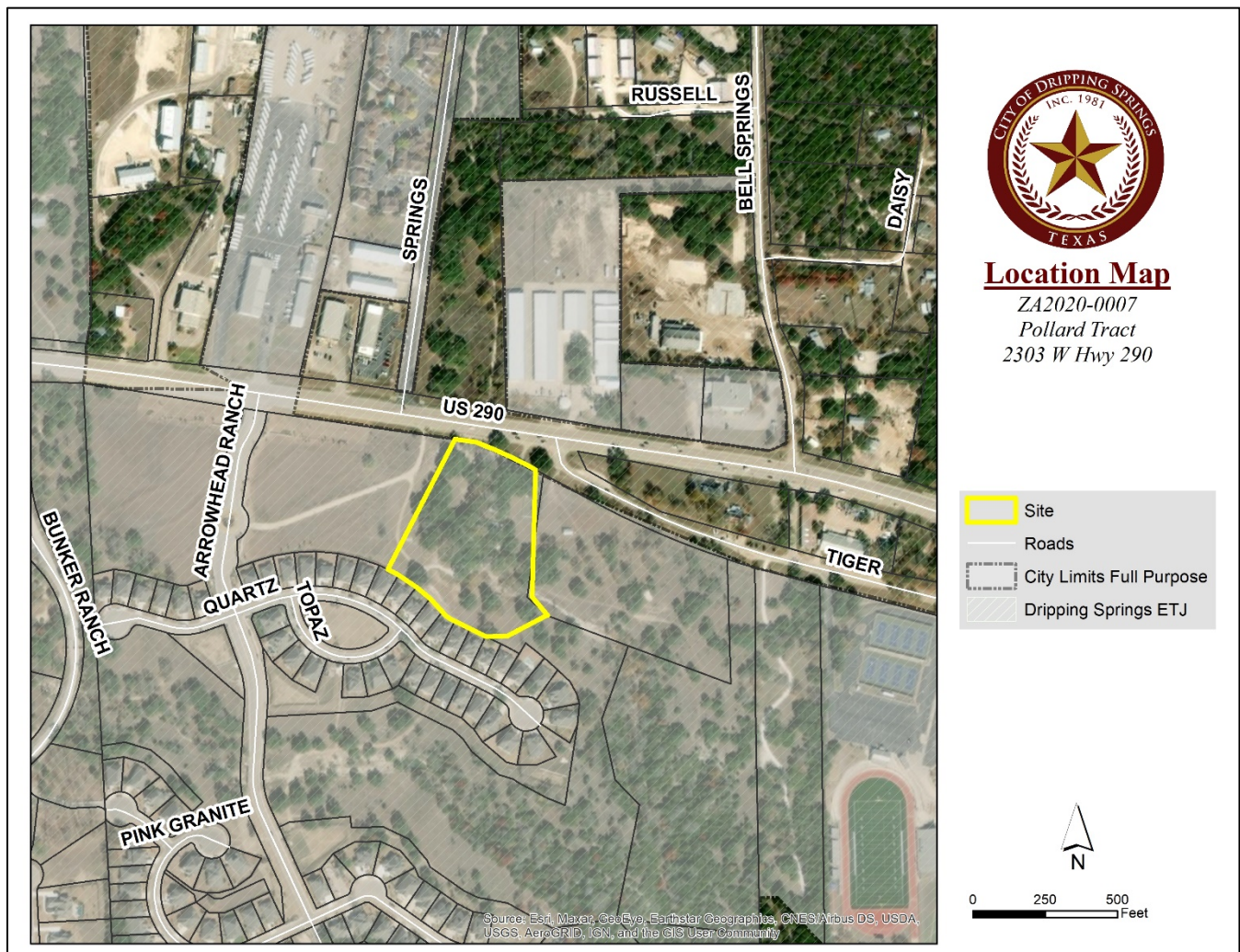
Legal Description: A0222 BENJAMIN F HANNA SURVEY, ACRES 5.602

Applicant: Jon Thompson

Property Owner: Glenn and Leigh Ann Pollard

Request: A proposed zoning map amendment for the property located at 2303 W Highway 290. The applicant is requesting to rezone from General Retail (GR) to Agriculture (AG).

Staff Recommendation: Staff recommends denial of the requested Zoning Change from General Retail (GR) to Agriculture (AG).



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Overview

The applicant is requesting a zoning map amendment change for one (1) tract located at 2303 W US Highway 290. The applicant is requesting to rezone from General Retail (GR) to Agriculture (AG).

The lot requesting the rezoning 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.

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.

If the lot was to be rezoned to Agriculture (AG) the tract would become non-conforming due to the setback requirements with the AG zoning district. The minimum front yard setback is fifty feet (50') and the nearest building to the front property line is 37.1 feet (See image below provided by the applicant). The side yard setback is thirty feet (30') and the building at the front may not be able to meet that side yard setback requirement. The applicant is also wanting to construct an additional accessory dwelling unit which would require additional information because the development agreement limits the increase of dwelling units.

This lot is within the Comprehensive Plans Future Land Use Plan as a retail activity center and states that the City should take extra caution when reviewing areas within these nodes because they are gateway points into the City of Dripping Springs. The Arrowhead Ranch Development Agreement contemplated this tract as future commercial.



Development Standards

The zoning district Agriculture is designed to permit the use of land for the ranching, propagation and cultivation of crops, small-scale horticultural enterprises, and similar uses. Single-family uses on large lots are also appropriate for this district.

Permitted Uses: Those uses listed for the AG - Agricultural District in Appendix C [Appendix E] (Use Charts) as “P” or “C” are authorized uses permitted by right, or conditionally permitted uses, respectively.

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Development Standards and Regulations for Agriculture	
	AG
Size of Lots	
Minimum Lot area	Two (2) acres
Minimum Lot Width	One Hundred feet (100')
Minimum Lot Depth	One hundred fifty feet (150')
Setback Requirements	
Minimum Front Yard	Fifty feet (50')
Minimum Side Yard	Ten percent (10%) of the lot width, not to exceed thirty feet (30'); twenty-five feet (25') from a street right-of-way for a corner lot.
Minimum Rear Yard	Fifty feet (50') for the main building and any accessory building(s); ten feet (10') from a main building to an accessory building.
Maximum Lot Coverage	Thirty percent (30%) (May change due to development agreement)
Height Regulations	
Main Building	Maximum of forty feet (40') for the main building or house.
Accessory Building	Maximum forty feet (40') for accessory buildings, including detached garage/accessory dwelling units.
<p>(a) On-Site Dwellings: Recreational vehicles, manufactured homes, mobile homes, travel trailers or motor homes may not be used for on-site dwelling purposes.</p> <p>(b) Open Storage: Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, recreational vehicles, boats and trailers etc.). Cultivation equipment may be stored outside.</p> <p>(c) Side-Entry Garages: Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering.</p> <p>(d) Swimming Pools: Swimming pools shall be constructed and enclosed in accordance with the City Building Code.</p> <p>(e) Nonresidential Uses: Site plan approval shall be required for any nonresidential use (such as a school, church, child-care center, private recreation facility, group home, etc.) in the Agriculture District. Any nonresidential land use that may be permitted in this district shall conform to the Local Retail District standards.</p> <p>(f) Temporary Buildings: There shall be no permanent use of temporary facilities or buildings. A use shall be deemed permanent after the use has been in existence on the same lot for a period of at least six (6) months.</p> <p>(g) Other Regulations: Refer to Section 5, Development Standards & Use Regulations.</p>	

Site Information

Location:

The Subject property is located at 2303 W US Highway 290, northeast of the residential development of Arrowhead Ranch.

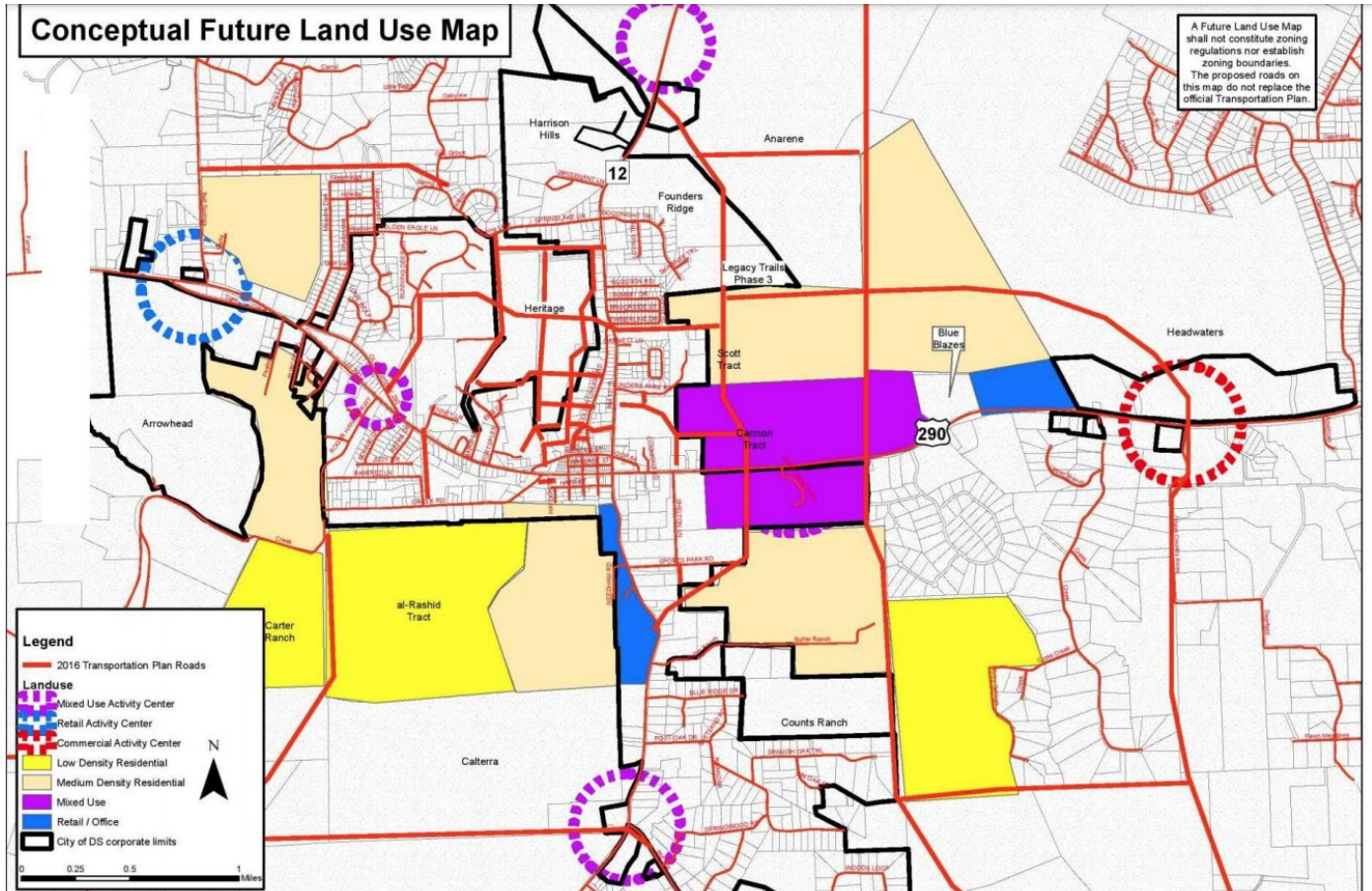
Physical and Natural Features:

The lot is partially developed with a lush tree canopy. To the rear of the Lot are residential homes and Open Space.

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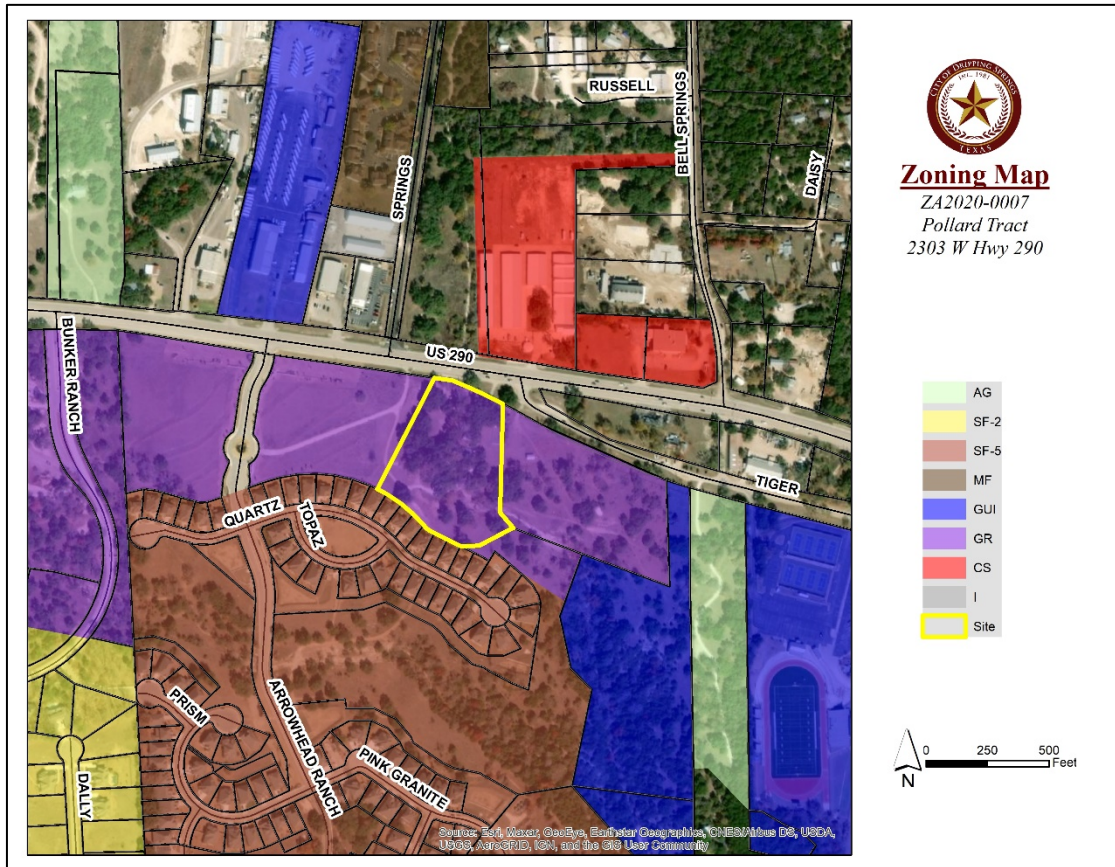
Comprehensive Plan, Future Land Use, and Zoning Designation:

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.



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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:

Direction	Zoning District	Existing Use	Future Land Use
North	Commercial Services (CS)	AAA Storage	Retail Activity Center
East	General Retail (GR)	Undeveloped	
South	Single-Family Attached Residential - Town Home	Arrowhead Residential Development	
West	General Retail (GR)	Undeveloped	

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

2.28.1 The City declares the enactment of these regulations governing the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community. No change shall be made in these regulations or in the boundaries of the zoning districts except:

- To correct any error in the regulations or map;
- To recognize changed conditions or circumstances in a particular locality;
- To recognize changes in technology, the style of living, or manner of conducting business;
- To make changes in order to implement policies reflected within the Comprehensive Plan.

2.28.2 In making a determination regarding a requested zoning change, the P&Z and the City Council shall consider the

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following factors:

Factors	Staff Comments
1. whether the proposed change will be appropriate in the immediate area concerned;	Staff believes the proposed change from General Retail (GR) to Agriculture (AG) is not an appropriate change for the area. The Comprehensive Plans Future Land Use Plan and the Arrowhead Development Agreement intended for this lot to be Commercial. The lots is near other retail districts and the rezoning to Agriculture would disrupt the commercial in the area.
2. their relationship to the general area and the City as a whole;	Agriculture district does not fit in with the surrounding area. The lots to the east and the south are zoned General Retail. General Retail is an appropriate zoning district due to the regional access via major thoroughfares.
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;	This property is not shown on any existing or proposed plans for public schools, streets, water supply, sanitary sewers, and other utilities to the area.
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;	Rezoning this property from GR to AG could have a negative effect on adjacent GR zoning districts. This lot would provide future access to adjacent lots and rezoning would cut off any connection between the retail sites. Connection between retail sites can help with the flow of traffic.
5. the recent rate at which land is being developed in the same zoning classification, particularly in the vicinity of the proposed change;	There are no nearby lots that are being zoned for Agriculture in the area.
6. how other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved;	See number 4
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	This property is being treated similarly to other Zoning changes.
8. any other factors which will substantially affect the public health, safety, morals, or general welfare.	Staff does not see this Zoning Change affecting the public health, safety, morals or general welfare.

Summary, Recommendation, and Required Action

Based on the Comprehensive Plan, the Future Land Use Plan, the adjacent land uses, and the opportunity to attract more individuals to the area, **Staff recommends denial of the requested Zoning Change from General Retail (GR) to Agriculture (AG).**

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

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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.

Attachments

Exhibit 1 – Zoning Map Amendment Application

Exhibit 2 – Proposed Ordinance & Survey

Exhibit 3 – Agriculture (AG) Use Chart

Recommended Action:	Recommend denial of the requested zoning map amendment for 2303 W US Hwy 290.
Alternatives/Options:	Recommend approval of the zoning map amendment.
Budget/Financial Impact:	No fees have been calculated, but sales tax would be acquired.
Public Comments:	None Received at this time.
Enforcement Issues:	N/A
Comprehensive Plan Goal:	Support the expansion of business and professional services