

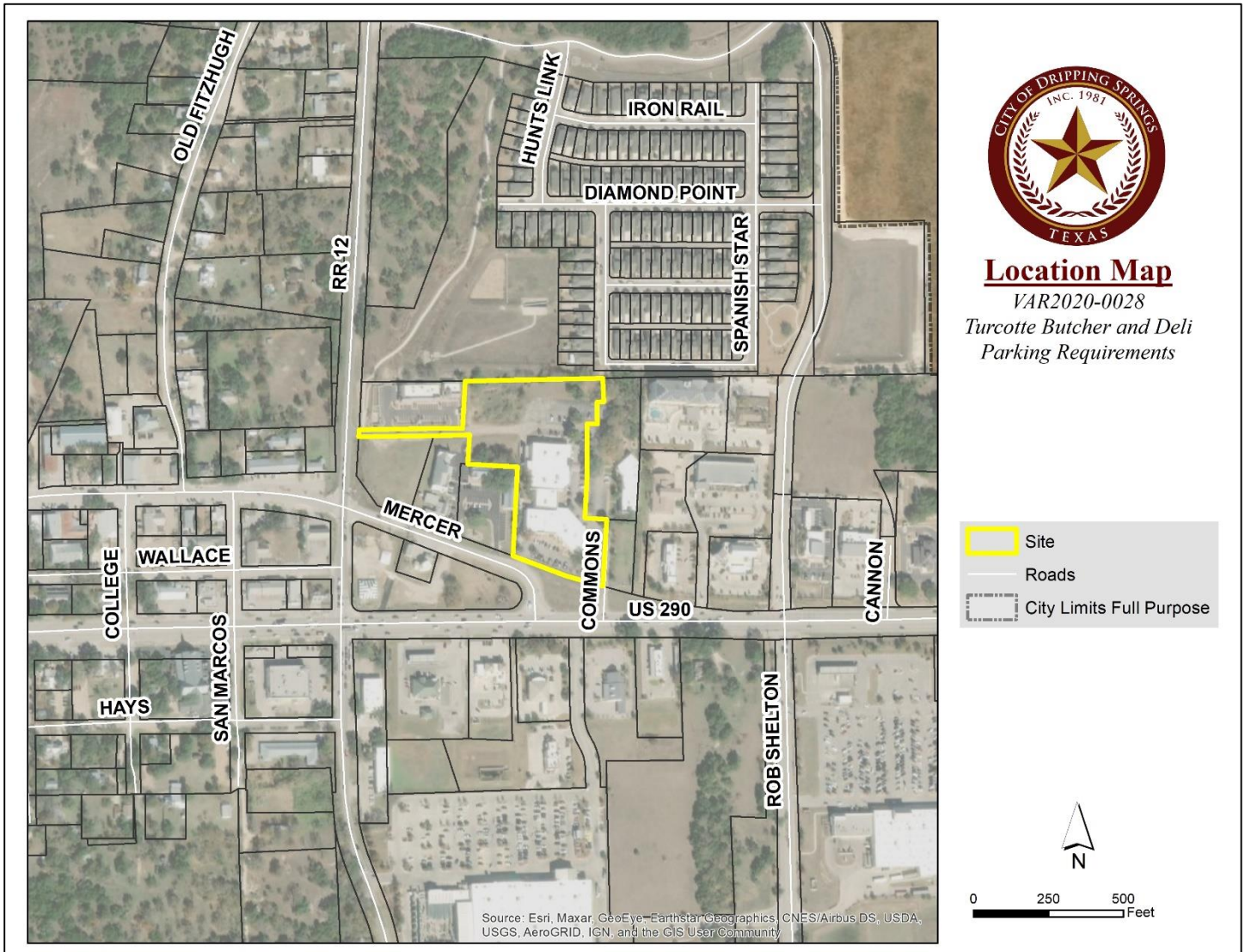


# Planning & Zoning Commission Planning Department Staff Report

**Planning and Zoning Commission Meeting:** January 26, 2021  
**Project Number:** VAR2020-0028  
**Project Planner:** Amanda Padilla, Senior Planner

## Item Details

**Project Name:** Turcotte Parking Requirements  
**Property Location:** 100 Commons Suite 9  
**Legal Description:** The Commons, Lot 1A-c  
**Applicant:** J Thompson Professional Consulting LLC c/o Jon Thompson  
**Property Owner:** Hudson Common LLC. Tenant: Eric Turcotte, Turcotte Butcher and Delicatessen  
**Request:** The Applicant is requesting a waiver from Chapter 30 Exhibit A Sec 5.7.6 and 5.7.7 regarding parking calculation requirements for mixed use buildings.  
**Staff Recommendation:** Staff recommends approval of the special exception request



# Planning Department Staff Report

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## Overview

The applicant has applied for a special exception to Chapter 30, Exhibit A Zoning Ordinance, Section 5.7 Rules for Computing Places. Section 5.7.6 states the following:

5.7.6. For buildings which have mixed uses within the same structure (such as retail and office), the parking requirement shall be calculated for the most intensive use. In cases where the design of the interior of the structure is not practical for alteration, the parking requirement may be calculated for each use within a structure for buildings over forty thousand square feet (40,000 sq. ft.).

The building located at 100 Commons is shared with several types of business uses. The applicant is proposing a Delicatessen and would change the use from retail (Cricket Mobile) to a restaurant (Turcotte Butcher and Deli). The Cricket Retail store required eight (8) parking spaces based on the current parking requirements for a retail space. The Turcotte Butcher and Deli would change the parking space requirements to a restaurant use which would require sixteen (16) spaces. The shared building's parking lot currently hosts 173 parking spaces for the 11 potential or existing businesses in The Commons (the parking spaces include the adjacent property, you're growing child). See exhibit 3 for photos and a parking explanation.

The City's Code of Ordinances, found in chapter 30, Zoning, Section 5.6.2 (45): Restaurant, private club, nightclub, cafe or similar recreation or amusement establishment: One (1) parking space for each one hundred (100) square feet of seating/waiting area, or one (1) space for every three (3) seats under maximum seating arrangement (i.e., occupancy), whichever is greater; required parking spaces are in addition to any stacking spaces that may be required for drive-through facilities.

The one (1) parking space to 100 sqft requirement is the most restrictive for the building as well as the use that aligns with the applicant's proposed use. The applicant's property is 1561 sqft, minus the 750 sqft of prep and storage (which are not included in restaurant calculations). The City's Code requires one (1) parking space per 100 sqft and there is 811 sqft for calculation. 8.11 or nine (9) parking spaces are required. The property was previously a retail use which required eight (8) spaces with a one (1) parking space per 200 sqft ratio. That would be an increase of one (1) required parking space.

The applicant has provided a parking analysis in Exhibit 2 to demonstrate if the parking requirements were based off the use, they are providing an extra 5 spaces for the overall building. This calculation does not apply the mixed-use requirement of 1:100 ratio to the entire building. The parking analysis is missing the Hill Country Bible Church.

The property was built in the mid-80s, prior to the incorporation of the City. The same configuration that was built in the 1980s stands today, prior to zoning regulations and parking requirements. The applicant's property has been vacant recently since the Cricket Wireless, a retail use, moved out. The property is currently zoned Commercial Services and has many uses such as the Pharmacy, retail, restaurant, and office spaces.

In 2013, the property was replatted from one lot into 3 lots. This affected the ownership of parking spaces. In 2014, The Planning and Zoning Commission denied the request for a reduction for side setbacks from The Commons, Lot 1A-A. The Commons Lot 1-A-C underwent an extensive remodel which included lighting ordinance compliance, updated exterior facades, glass frontage on the retail building, converted the public sanitary sewer and entered a master sign plan with the City in 2018.

## Site Information

### Location:

100 Commons Suite 9, Dripping Springs Texas.

**Zoning Designation:** Commercial Services (CS)

**Surrounding Properties:** The properties are within the City Limits. The Commons Lot 1-A-C is surrounded by other

# Planning Department Staff Report

commercial buildings and businesses. Including, Your Growing Child daycare to the east and offices and restaurants to the west. Just south of the Commons is the City’s property for Veterans Memorial park and the Triangle. On the far east of the property is the Planned Development District 2, which consist of a variety of commercial uses.

## Special Exception Criteria

Section 2.22, Conditions for Special exceptions, require the following be met in granting a special exception from the City’s Zoning Ordinance.

Special Exceptions Criteria	Staff Comments
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 request is unique to the Commons due to the building being built prior to any City code requirements. When the building was constructed there were no regulations on the amount of parking spaces or the calculation of parking spaces.
The special exception is necessary for the preservation and enjoyment of a substantial property right of the applicant; and	This special exception will allow the property owner to lease out tenant space and not burden them with the current parking requirements.
The granting of the special exception will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and	The special exception will not be detrimental to the public health, safety, or welfare. The existing parking spaces will not cause an issue for surrounding properties or businesses. The parking lot is rarely used by the Church typically on Sundays, which takes up a large majority of the building.
the granting of the special exception constitutes a minimal departure from this Chapter; and	The ordinance does allow for the parking to be calculated for each individual use and not as a whole, in certain instances. Allowing the applicant to account for their use’s parking would not stray from the code requirements.
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.	This issue was not a self-imposed issue due to the building and the parking being constructed prior to any ordinances.
Granting the special exception is in harmony with the spirit, general purpose, and intent of this Chapter so that: <ol style="list-style-type: none"> <li>(1) the public health, safety and welfare may be secured; and</li> <li>(2) that substantial justice may be done</li> </ol>	The granting of the special exception is in harmony with the spirit, general purpose, and intent of the chapter.

## Recommendation

Staff analyzed the proposed special exception (VAR2020-0028) against the city’s code of ordinances and criteria for a special exception and is **recommending approval of the Special Exception to not provide additional parking spaces for the change in use from Retail to Restaurant** based on the criteria outlined above.

## Attachments

- Exhibit 1 – Special Exception Application
- Exhibit 2 – Parking analysis
- Exhibit 3 – Photos and Parking
- Exhibit 4 – Applicant Letter

## Planning Department Staff Report

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Recommended Action:	Recommend approval of the special exception
Budget/Financial Impact:	All fees have been paid.
Public Comments:	None Received at this time.
Enforcement Issues:	N/A