



# Planning and Zoning Commission

## Planning Department Staff Report

**Planning and Zoning Commission Meeting:**

July 26, 2022

**Project No:**

VAR2022-0006

**Project Planner:**

Tory Carpenter, AICP, Senior Planner

### Item Details

**Project Name:**

Patriot's Hall Sidewalk

**Property Location:**

231 Patriots Hall Blvd

**Legal Description:**

Sunset Canyon, sect II C, Lots 18, 19, 20, & 24

**Applicant:**

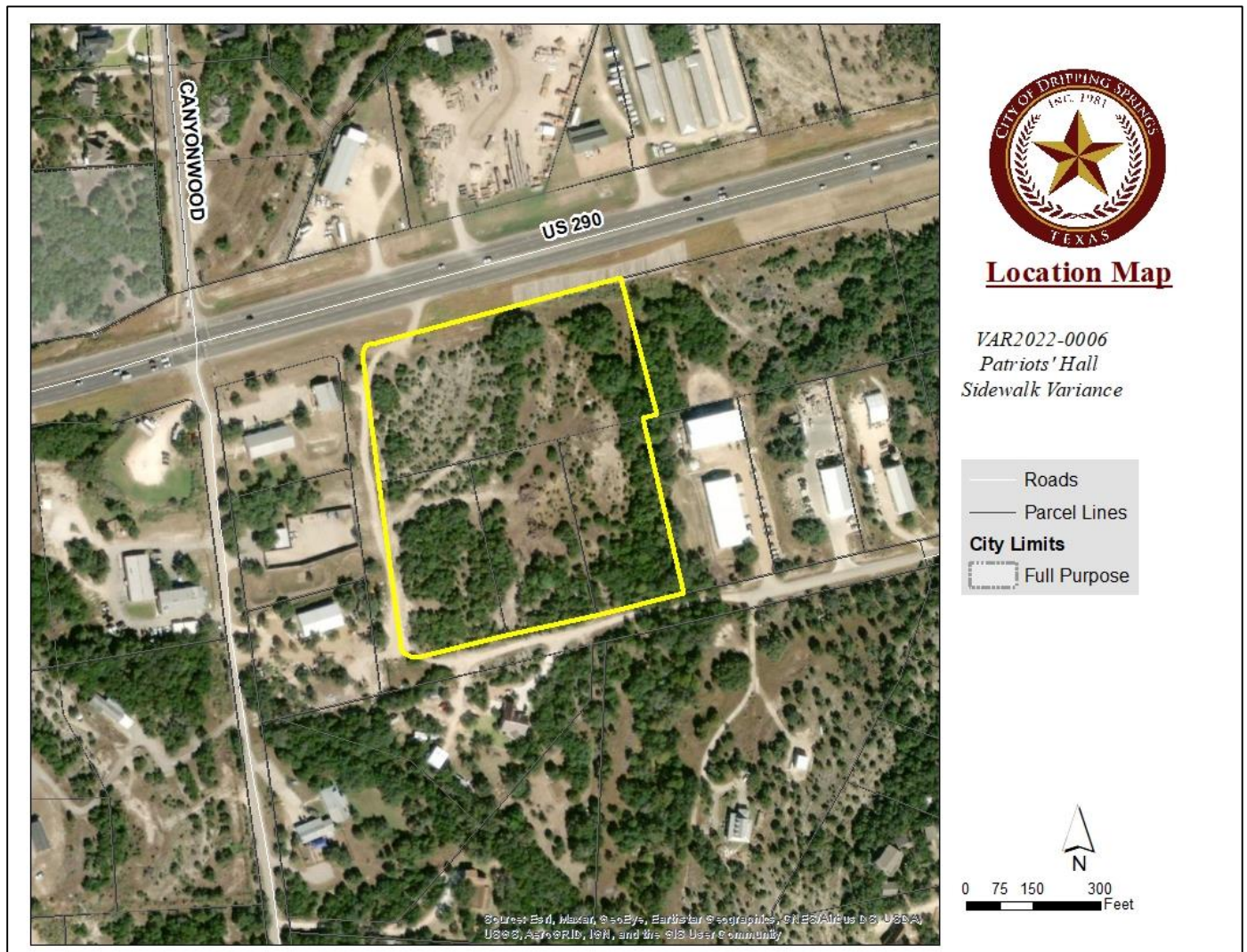
Kathryn Chandler

**Property Owner:**

Patriots' Hall of Dripping Springs

**Request:**

The applicant requests a reduction in the required fee in lieu of sidewalk construction.



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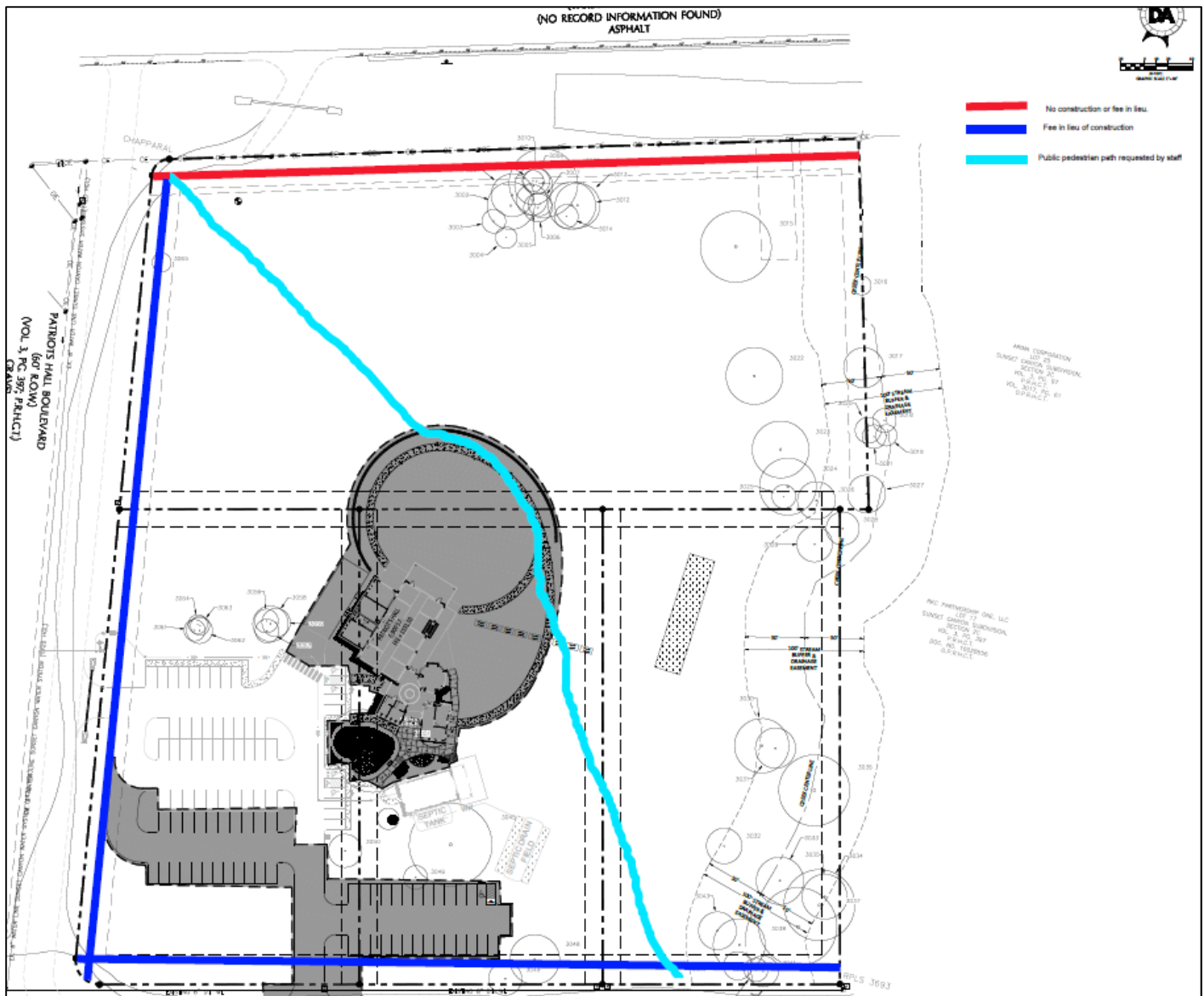
## Overview

The applicant applied for a site development permit to expand the existing Patriots' Hall development which is in the City's extraterritorial jurisdiction. This updated site development permit triggers sidewalks along all three frontages of the property. The applicant can also request to pay a fee in lieu of sidewalk construction which can be approved administratively. This fee in lieu amount is \$8 per square foot of required sidewalks. The applicant requests the following:

1. To not build sidewalks or pay fee in lieu of sidewalks for the frontage along US 290; and
2. A reduced fee in lieu amount for the remaining frontage from approximately \$53,000 to \$18,000.

The applicant made the request outlined above via administrative variance which was denied by staff as we found that it did not meet the approval criteria as described below. Staff was amenable, however, to approve the variance if the applicant constructed a public pedestrian path from the southeast corner of the property to the northwest corner of the property. The applicant is appealing this decision to the Planning and Zoning Commission who is the final decision-maker.

*Sec. 28.04.019 - For commercial site developments: A minimum five-foot sidewalk shall be provided within adjacent street right-of-way (ROW) along the entire frontage of the property.*



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## Required Findings for Site Plan Variance (28.04.015-Zoning Ordinance)

Approval Criteria	Staff Comments
1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of this land;	Staff acknowledges that there are limitations to constructing sidewalks along US 290 and have approved a fee in lieu of sidewalks along that frontage. At minimum, staff finds that the applicant should pay the fee in lieu of sidewalks along all frontages.
2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;	This variance is not necessary for this expanded site.
3. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and	Granting of this variance could be detrimental to public welfare by not providing adequate pedestrian infrastructure.
4. That the granting of the variance will not have the effect of preventing the orderly development of other land in the area in accordance with the provisions of this article.	Sidewalks are required for new development and the granting of the variance would be inconsistent with this requirement and surrounding development requirements.

## Summary and Recommendation

Based on the above findings, staff believes that the intent of the code is not being met and recommends denial of the variance.

If the Commission chooses to approve the variance, staff recommends requiring a public pedestrian path from the southeast corner of the property to the northwest corner of the property, as outlined in the illustration above.

Note that the Planning & Zoning Commission makes the final decision for appeals to site plan variances.

## Public Notification

A notice of the public hearing was posted to the City's website.

## Attachments

Exhibit 1 – Variance Application

Exhibit 2 – Site Development Permit.

Recommended Action	Deny the requested variance.
Alternatives/Options	Approve the requested Variance
Budget/Financial impact	N/A
Public comments	None received at this time
Enforcement Issues	N/A
Comprehensive Plan Element	N/A