



# Planning and Zoning Commission Planning Department Staff Report

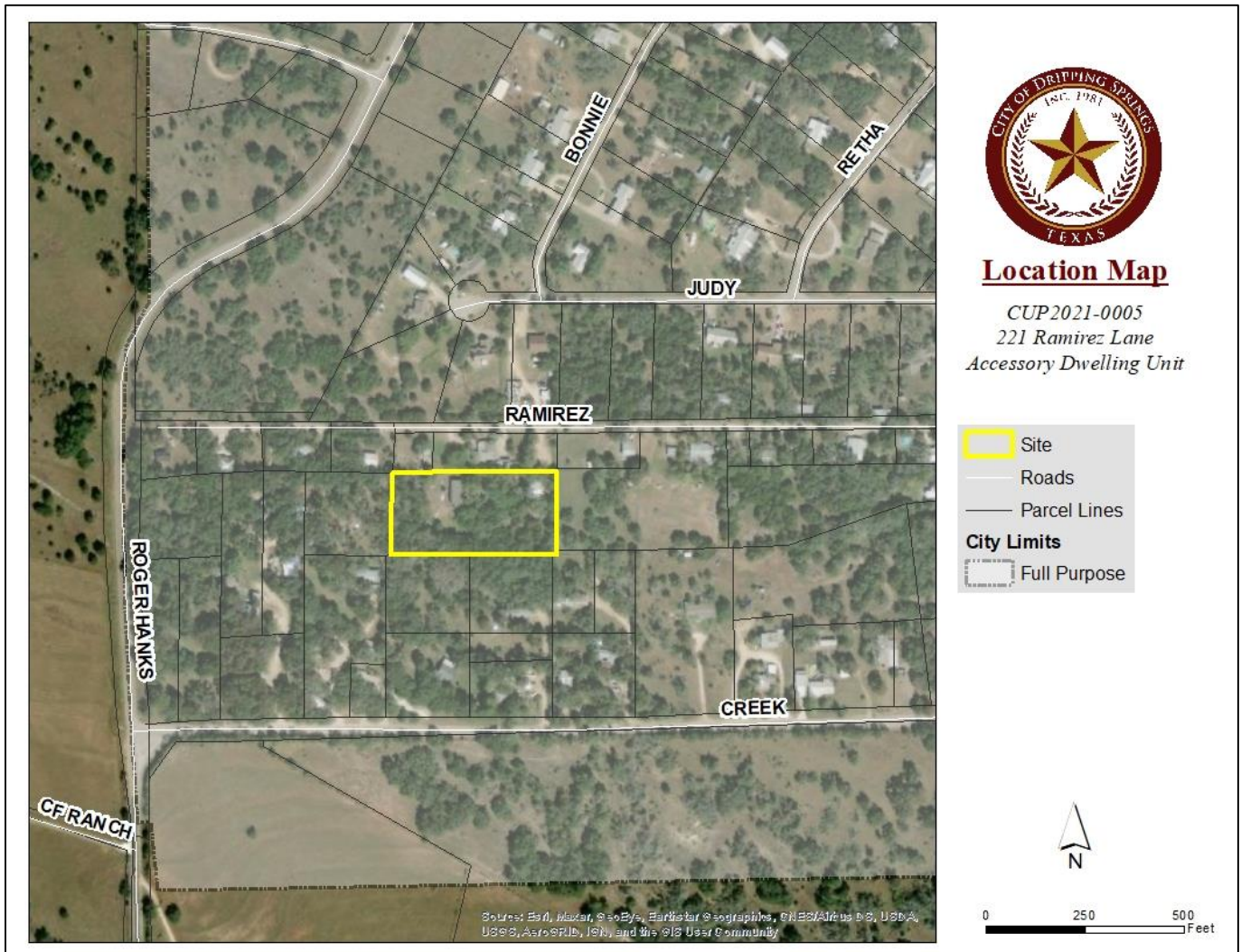
**Planning and Zoning Commission Meeting:** June 22, 2021  
**Project No:** CUP2020-0005  
**Project Planner:** Abraham Martinez, Planner

## Item Details

**Project Name:** 221 Ramirez Lane Accessory Dwelling Unit  
**Property Location:** 221 Ramirez Lane, Dripping Springs, Texas 78620  
**Legal Description:** A0415 PHILIP A SMITH SURVEY, SERIAL CSS020640TXA, TITLE # 00746769, LABEL # NTA1849450, ACRES 2  
**Applicant:** David Edwards; Dripping Springs Community Mission Partnership, Inc.  
**Property Owner:** Marie Isabel Espinosa  
**Request:** Conditional use permit for an accessory dwelling structure

## Staff Recommendation:

**Staff recommends approval of the CUP, subject to conditions as outlined in the staff report.**



**Background**

Ch. 30 Exhibit A § 1.6 of the Development Code defines the following:

- **Accessory use:** A use that is customarily incidental, appropriate and subordinate to the principal use of land or building(s) and that is located upon the same lot therewith. The land and building area that is used for the accessory use must be significantly less than that used for the primary use, and the gross receipts that are derived from the accessory use must be significantly less than those derived from the primary use.
- **Accessory building (residential):** In a residential district, a subordinate building that is attached or detached and is used for a purpose that is customarily incidental to the main structure but not involving the conduct of a business. The building area is less than that of the main structure as regulated herein. Examples may include, but are not limited to, the following: A private garage for automobile storage, tool shed, greenhouse as a hobby, home workshop, children's playhouse, storage building or garden shelter.
- **Accessory dwelling:** A secondary living space that is on-site with a primary living space and that may be contained within the space structure as the primary, or may be contained in a separate structure. Occupants of secondary living spaces typically include a caretaker, servant, or farm worker employed by the owner/occupant, or a guest or family member of the owner/occupant.
- **SF-1 Single-Family Residential District:** A zoning district intended to provide for development on low-density, detached, single-family residences on lots of at least one (1) acre in size.

**Overview**

The Property is located within the SF-1 zoning district category. Accessory dwellings are a permitted use in SF-1 zoning districts, with an approved Conditional Use Permit. A conditional use is a land use that is deemed compatible with the permitted land uses in a given zoning district only under certain conditions. Such conditions include a determination that the external effects of the conditional use, in relation to the existing and planned uses of adjoining property and the neighborhood, can be mitigated through the imposition of additional standards and conditions.

The applicant is requesting a Conditional Use Permit (CUP) to allow for a ±720-square-foot accessory dwelling unit (ADU) measuring approximately 24' L x 30' W with approximately ±190-square-feet of porch area (combined front ±140-feet, and back ±50-feet) on a property approximately ±2-acres in size located at 221 Ramirez Lane, generally found on the south line of Ramirez Lane, north of the Ramirez Lane and Creek Road bend. The request is to replace the existing accessory dwelling unit with the new structure to meet current livability standards. The primary structure on the property is a ±1,124-square-foot manufactured home. The ADU as proposed would be comprised of one-bedroom, one bathroom, a dining/kitchen space, a living space, and a linen closet.

Additional structures on the lot include: a manufactured primary residence; the original homestead; and a carport/shed. The original homestead is the presently acting ADU, which the applicant is proposing to remodel to act as a storage use, but which is not a part of this request. The existing carport/shed will be updated as necessary, and no changes to the existing manufactured home will take place.

The lot on which the ADU would be located is landlocked but shares an unimproved access easement with the adjacent properties to the north of it. The ADU would be accessed by a connection to the easement which it abuts and would use that as a drive access connection. The applicant is indicating that no trees will need to be removed or replaced to accommodate the proposed ADU.

The applicant will be installing and connecting to a new septic system as the property is presently serviced by a cesspool.

	Code requirement	Code Met?
Front	Twenty-five feet (25')	Yes
Rear	Twenty-five feet (25')	Yes
Side	Total of forty (40) feet combining both side yards with a minimum of fifteen feet (15') on either side.	Yes
Setback for Garage	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.	N/A
Height	Accessory Building(s): Maximum twenty-five feet (25') for other accessory buildings, including a detached garage or accessory dwelling units.	Yes; structure to have a 14' total height to roof peak
Impervious Cover	Thirty Percent (30%)	Yes

**Table 1 Code Requirements**

The applicant will need to provide two off-street parking spaces for the ADU, in addition to the two off-street parking spaces required for the primary structure, as written in the Code per:

**Chapter 30 Exhibit A: §5.6 - Parking based on use**

*5.6.1 Residential*

- (a) Single-family residential including SF-1, SF-2, SF-3 and SF-4: Two per dwelling unit

The Accessory Dwelling Unit will connect to utilities as outlined:

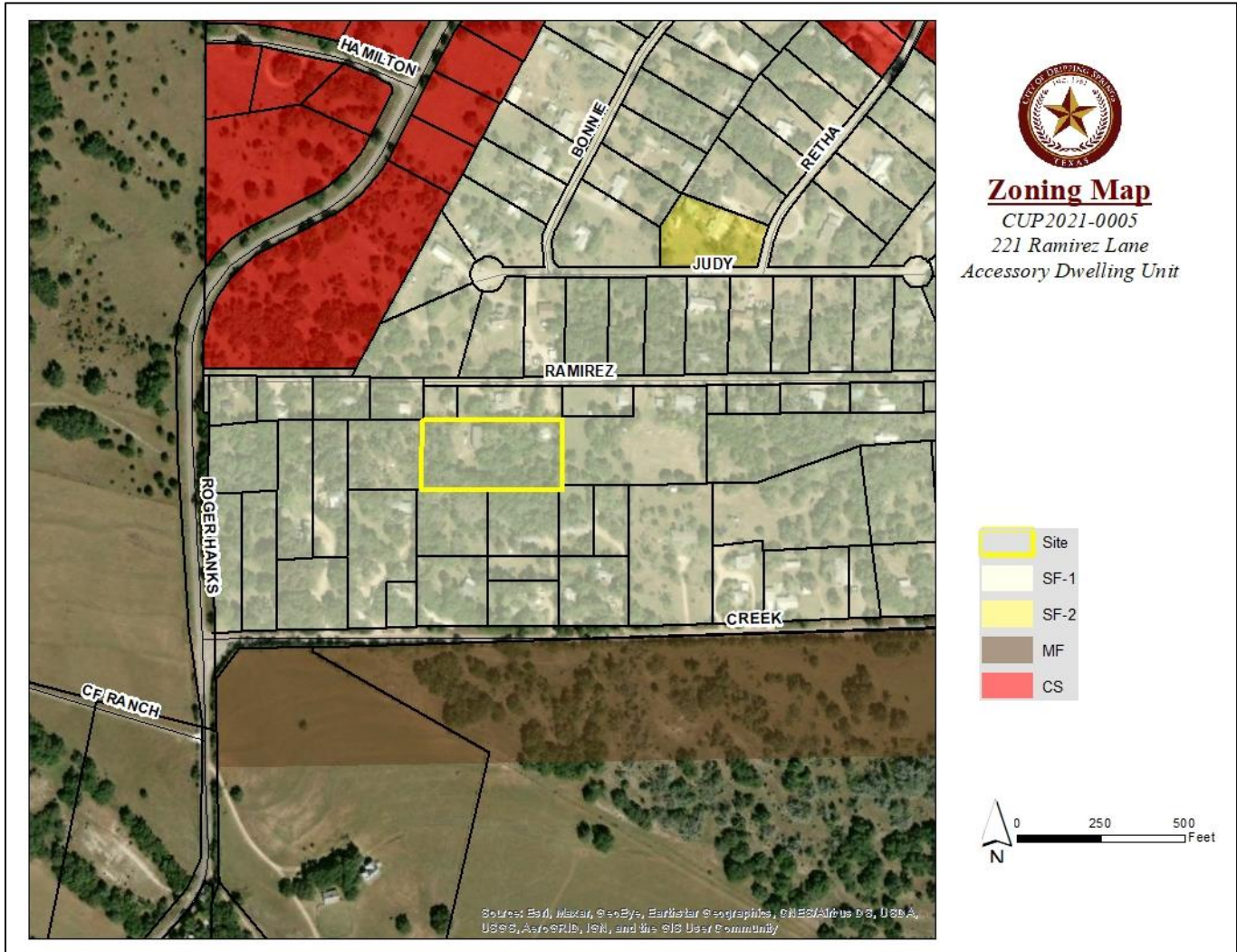
Water: Dripping Springs Water Supply Corp. (DSWSC). The structure would connect into existing 1” Water Line that services the primary structure.

Wastewater: Proposed ADU will install a new septic system.

Electricity: Pedernales Electric Cooperative, Inc. (PEC)



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	Comprehensive Plan
North	Single- Family Residential – Low Density (SF-1)	Single family residential	Plot is located outside of a Comprehensive Plan category. Adjacent to a 2016 Transportation Plan Road
East	Single- Family Residential – Low Density (SF-1)	Single family residential	
South	Single- Family Residential – Low Density (SF-1)	Single Family Residential	
West	Single- Family Residential – Low Density (SF-1)	Single Family Residential	

The feel of the subdivision is low, rural density with open yards and heavily wooded areas. The neighborhood has simple fencing, using primarily vegetation such as trees and shrubs as a means of privacy. The applicant does not intend to install any new fencing around the ADU.

Approval Criteria for Conditional Use Permit Review (3.17.6-Zoning Ordinance)

Approval Criteria	Staff Comments
1. The proposed use at the specified location is consistent with the policies embodied in the Comprehensive Plan;	The Comprehensive Plan addresses accessory dwelling units in the Comprehensive Plan Goal 3.1. ADUs are an option for supporting housing options in Dripping Springs.

<p>2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;</p>	<p>The subject property is zoned Single-family Residential District – Low Density (SF-1). Accessory dwelling units are a listed conditional use in this zoning district.</p>
<p>3. The proposed use meets all supplemental standards specifically applicable to the use, as established in the Development Standards, Section 5;</p>	<p>Based on the concept plan the proposed use meets all the development standards established in the section 5. The structure will be reevaluated at the building permit stage.</p>
<p>4. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods, and (as required by the particular circumstances) includes improvements or modifications (either on-site or within the public rights-of-way) to mitigate development-related adverse impacts, including but not limited to the following:</p>	
<p>a. Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;</p>	<p>Yes; the unit will connect and be accessed by the existing access easement.</p>
<p>b. Off-street parking areas, loading areas, and pavement type;</p>	<p>The accessory dwelling unit will have adequate parking. Open air off-street parking will be provided.</p>
<p>c. Refuse and service areas;</p>	<p>The City's solid waste service will need to be alerted.</p>
<p>d. Utilities with reference to location, availability, and compatibility;</p>	<p>See staff report</p>
<p>e. Screening and buffering, features to minimize visual impacts, and/or setbacks from adjacent uses;</p>	<p>There will be no new permanent fencing with this additional structure. Any existing fencing will remain.</p>
<p>f. Control of signs, if any;</p>	<p>N/A</p>
<p>g. Control of exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;</p>	<p>Lighting for the new structure will match the current house structure in accordance with city codes.</p>
<p>h. Required yards and open space;</p>	<p>The ADU will have access to the open space and yard of the main dwelling per the attached survey</p>
<p>i. Height and bulk of structures;</p>	<p>The ADU will match the proposed elevations</p>
<p>j. Hours of operation;</p>	<p>N/A</p>
<p>k. Exterior construction material, building design, and building facade treatment;</p>	<p>Hardie fiber cement board, lap siding. Porches to be made of hardie posts with trex-type deck floor.</p>

1. Roadway adjustments, traffic-control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets; and	N/A
m. Provision for pedestrian access/amenities/areas;	N/A
5. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity; and,	The use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.
6. Noise;	N/A
7. Odors; and	N/A
8. Dust.	N/A

**Summary**

Staff finds that the inclusion of an ADU is compliant with the vision of the *Comprehensive Plan 2016* which was adopted by the City Council on November 15, 2016. The *Comprehensive Plan 2016* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request. The proposed ADU request meets the below goals and objectives of the Comprehensive Plan.

*Chapter 3: Livability / Quality of Life*

*§ 3.1: Support housing options in Dripping Springs*

“Accessory dwelling units (ADUs) are another opportunity to incorporate lower cost housing options into the existing fabric of the community. These units provide an option for older residents who want to downsize but remain in Dripping Springs or young couples just starting out. They also provide an option for homeowners who may want or need extra income, allowing them to remain in their homes by providing supplemental income. It will be important to explore best practices from other communities and establish a policy that reflects the values of Dripping Springs and protects neighborhood integrity for existing residents.”

Staff recognizes an ADU as an appropriate accessory use in the SF-1 Single Family Residential District and supports the proposed request. The inclusion of an ADU would not adversely impact the property or its surrounding neighbors, and conditions as listed below would serve as additional measures to mitigate any visual or development factors.

As such, staff’s recommendation is: **Approval of the CUP, subject to conditions as outlined in the staff report.**

Based on the proposed land use, compatibility with surrounding properties, and the Comprehensive Plan, **staff recommends the following conditions:**

- 1. Time Limit: The CUP does not expire.**
- 2. Maximum floor area for an Accessory Dwelling Unit may not exceed 750-square-feet.**
- 3. A minimum of two off-street parking spaces for the Accessory Dwelling Unit must be provided in addition to any other parking requirements.**
- 4. Connections to an appropriate on-site septic system must be approved by the City prior to occupancy.**
- 5. The Accessory Dwelling Unit may not be sold separately from the primary structure.**
- 6. Conditional Use Permits for new uses/structures shall be deemed to have expired and shall become null and void if construction is not completed and a Certificate of Occupancy is not issued within two years of the date the CUP was approved.**
- 7. The City Administrator may revoke the CUP for failure to comply with municipal regulations and the conditions placed on the use (City of Dripping Springs Zoning Ordinance §3.17.9)**
- 8. The CUP is effective on (date from the passage of this ordinance).**

The below is an excerpt of the Code for the procedures that P&Z should take for CUPs:

**Chapter 30 Exhibit A: §3.17 – Conditional Use Permit (CUP)**

*3.17.5 Procedures for CUPs*

(a) **P&Z Recommendation:** Upon receipt of the recommendation from the city administrator, the P&Z shall conduct a public hearing in order to formulate its recommendations to the city council on the CUP application. Following the public hearing, the P&Z shall recommend approval, approval subject to modification, or denial of the proposal to the city council. If the appropriateness of the use cannot be assured at the location, the P&Z shall recommend denial of the application as being incompatible with existing uses or with other uses permitted by right in the district.

**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 request.

**Meetings Schedule**

June 22, 2021 – Planning and Zoning Commission

July 20, 2021 – City Council Meeting

**Attachments**

Attachment 1 – Conditional Use Permit Application

Attachment 2 – Proposed Site Plan, Example Elevations, Floor Plans

Recommended Action:	Recommend approval of the requested Conditional Use Permit, with staff and any additional conditions deemed necessary by the Commission.
Alternatives/Options:	Recommend denial of the Conditional Use Permit; recommend approval of the Conditional Use Permit with no, or alternate, conditions.
Budget/Financial Impact:	None calculated at this time.
Public Comments:	None at this time
Enforcement Issues:	N/A
Comprehensive Plan Element:	3.1 - Livability / Quality of Life Support housing options in Dripping Springs