



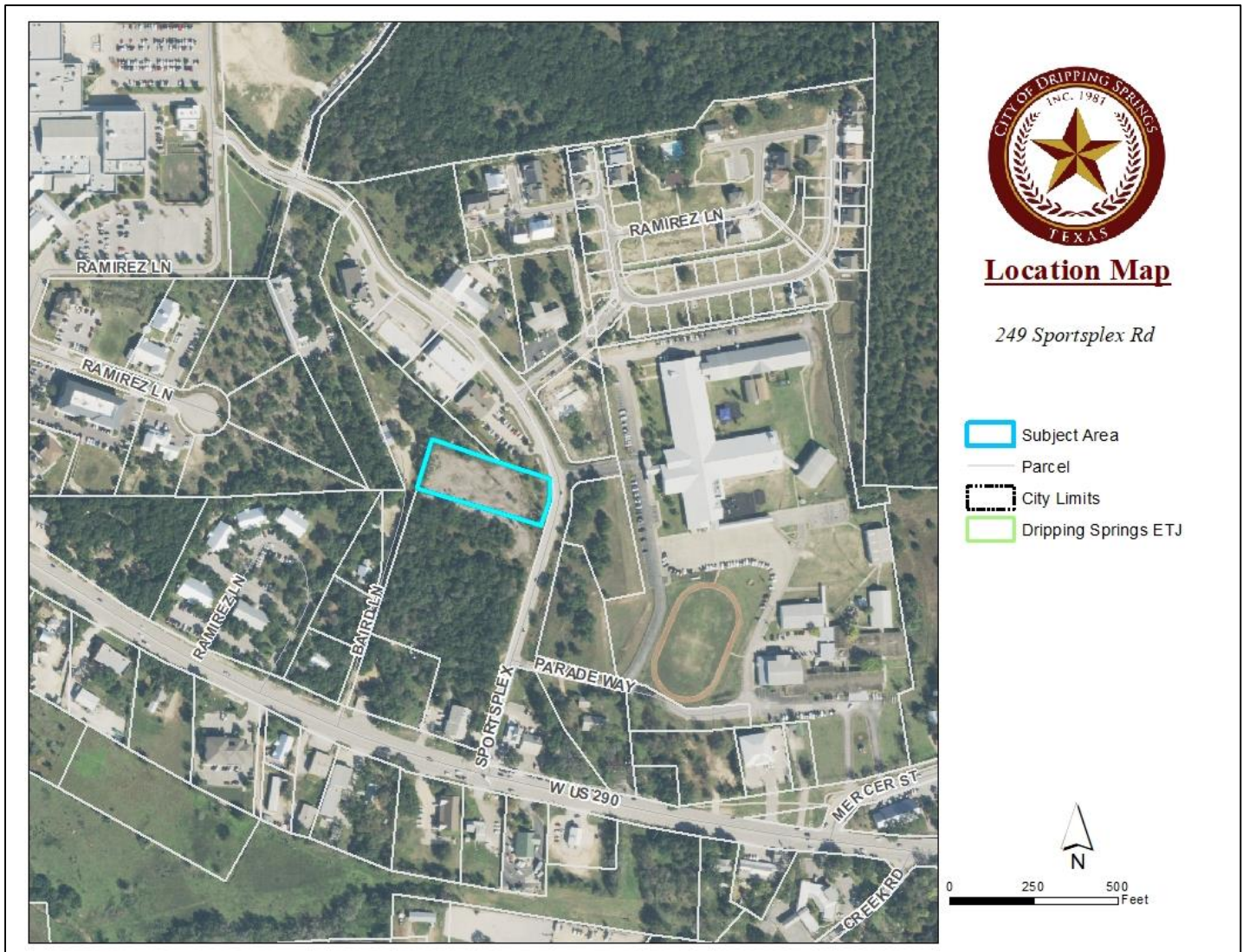
# City Council Planning Department Staff Report

**City Council Meeting:** June 08, 2021  
**Project No:** VAR2021-0007  
**Project Planner:** Amanda Padilla, Senior Planner

## Item Details

**Project Name:** 249 Sportsplex/JWLP Lot 6  
**Property Location:** 249 Sportsplex Drive, Dripping Springs, TX 78620  
**Legal Description:** JWLP Family Subdivision, Lot 6  
**Applicant:** Jon Thompson, J Thompson Professional Consulting  
**Property Owner:** Intrepid Commercial Properties LLC

**Request:** Applicant is requesting a special exception to Section 5.6.2 Parking Based on use the applicant is proposing a different parking ratio for medical office and is requesting to utilize existing parking.



**Overview**

The applicant is requesting a Special Exception to Chapter 30, Exhibit A Section 5.6.2 Parking based on use and is requesting to utilize existing parking.

Below is the section of the code of ordinances that the applicant is requesting a special exception to:

5.6.2. Commercial:

(36) Medical or dental office: One space per 200 square feet of floor area. Facilities over 20,000 square feet shall use the parking standards set forth for hospitals.

The property has a 13,200 Square foot Building and accounted for Office Space which would require 1 parking space per 300 Square Feet.

Parking Requirement	Total Building square footage	Parking Spaces Required	Parking applicant provided	Parking surplus
1 parking space/300 square feet	13,200	44	47	+3

The applicant applied for a Tenant Finish Out for a Medical Office which would require one (1) parking space per 200 square feet. Per section 5.7.6 of the Zoning Ordinance, 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.

Parking Requirement	Total Building square footage	Parking Spaces Required	Parking applicant provided	Parking Deficit
1 parking space/200 square feet	13,200	66	47	-19

Based on the Medical Office Use the applicant has a parking deficit of 19 parking spaces. The applicant is requesting to use the existing parking spaces and is justifying the 47 parking spaces with the parking analysis submitted.

SPORTSPLEX OFFICE BUILDING 249 Sportsplex Drive, Dripping Springs 78620				
<b>Parking Analysis - Average Parking Demand</b>				
Calculation Method	GSF / USF / Rooms	Modal / Shared / Other Split	Calculated Peak Parking Demand	Code Required Parking
Dripping Springs Ordinance	GSF	0%	66	66
Dripping Springs Ordinance	USF	0%	40	66
Dripping Springs Ordinance with Modal Splits	GSF	10%	60	66
ULI Standard Parking	GSF	20%	49	66
Parking Industry Best Practices	GSF	15%	45	66
Demand Generator/Employees	Exam Rooms	5%	48	66

The applicant is proposing to utilize useable square footage which excludes cabinets, walls, and hallways. If the required amount of parking spaces only accounted for useable square footage the applicant would only need to provide 40 parking spaces. Staff believes that using useable square footage for calculating parking is not sufficient. When comparing other cities and other parking requirements gross square footage is the common way of calculating parking.

The parking analysis (see attachment) submitted uses modal/shared/other splits such as missed appointments, employee travel/sick time, walking drop-offs, carpools, and shared appointments. For example, ULI (Urban Land Institute) standard parking requires 4.6 parking spaces per 1000 sf, requiring 61 parking spaces, placing a 20% reduction (due to splits) brings the parking calculation to 49 parking spaces.

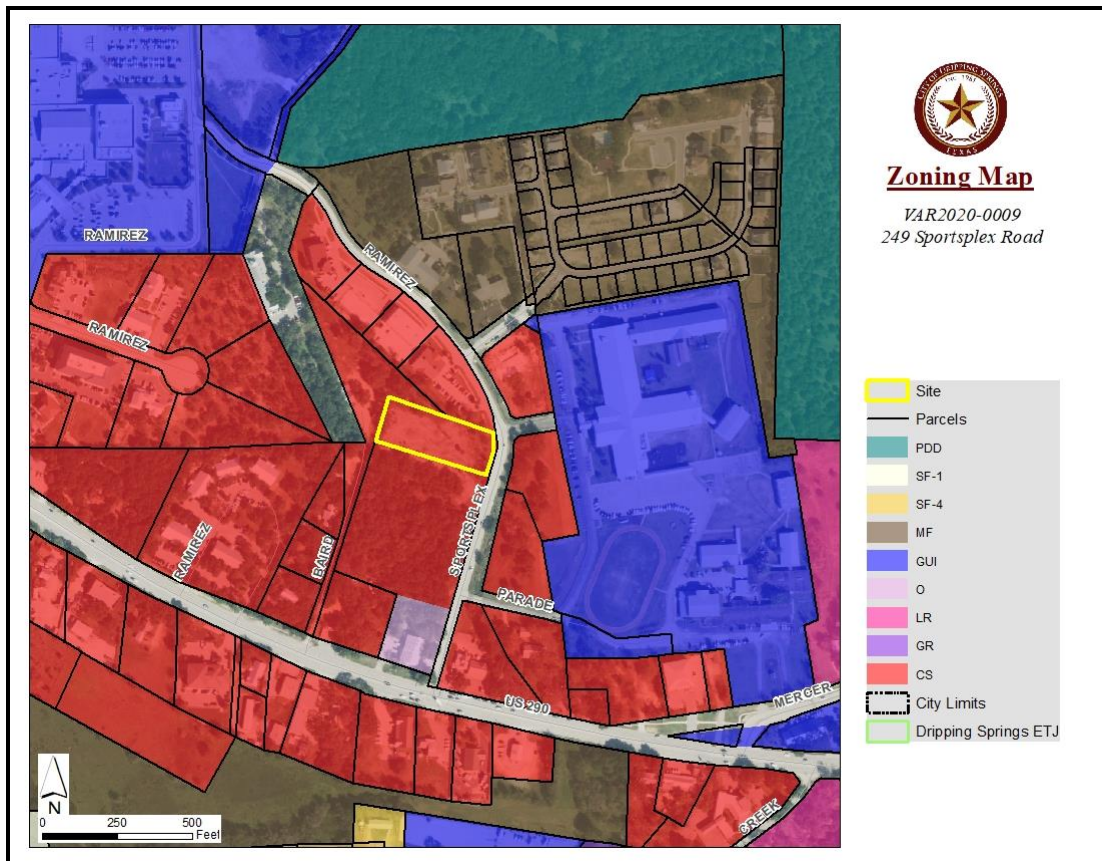
According to the ULI parking study “all parking ratios recommended in this book are intended to reflect conditions in suburban and smaller city settings with little or no transit, free or inexpensive parking, and minimal employee ride sharing... Nearly all the recommended ratios are based on observed accumulations of parked vehicles, and thus the modal split and auto occupancy at that ratio are implicit in the number” Thus, ULI is stating that splits should not be placed on cities that are small and have little or no transit. The City has allowed developments such as Belterra Commercial to utilize ULI parking standards and ULI is a common tool that cities use for parking regulations.

Further research was done by staff for surrounding cities medical office parking requirements. See table below:

City	Parking Requirement
Georgetown	1 per 250 sf GFA
Cedar Park	1 per 200 sf GFA
Boerne	1 per 200 sf GFA
New Braunfels	1 per 300 sf GFA
Leander	1 per 200 sf GFA
Marble Falls	1 per 250 SF GFA
Kyle HD	1 per 200 SF GFA
Wimberley	1 per 200 sf of GFA

After further study staff has found that the parking requirements for a Medical Office are in line with industry standards and surrounding cities.

**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	Commercial Services	Medical Office	The area is not shown on the city’s comprehensive future land use plan.
East	Commercial Services	Flying Fish Academy/Undeveloped Land	
South	Commercial Services	Undeveloped Lot	
West	Commercial Services	Library, Single Family homes	

**Property History**

On April 10, 2018, JWLP Family Subdivision was approved and recorded. The Subdivision plat created 6 commercial lots. The applicant then applied for a Site Development Permit in 2019. During the Site Development Permit, the first submittal contained Retail use which would require the applicant to provide one (1) parking space per 200 square feet. The applicant was told that parking was not sufficient and they would need to add additional parking. The applicant stated that the intended use was Office and changed the amount of parking to one (1) parking space per 300 square feet. The applicant was not aware that Medical Office was parked at a different Ratio than General Office.

The applicant applied for a Tenant Finish out and was told that they needed to provide parking for a medical office, which is one (1) parking space per 200 square feet. The Property is currently built out and is not able to provide any more additional parking spaces.

In June 2020, the applicant applied for a special exception to utilize shared parking with a lot across Sportsplex. The application was later withdrawn.

The applicant was granted permission to occupy 9,400 square feet of the space (see attachments for letter). The applicant had enough parking spaces to satisfy a 9,400 square foot building.

**Approval Criteria for Special Exceptions (2.22.2-Zoning Ordinance)**

Approval Criteria	Staff Comments
1. 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 building on the property was built in 2019. The applicant was aware of the parking requirements and adjusted the use to only provide 1 parking space per 300 square feet of gross floor area.
2. the special exception is necessary for the preservation and enjoyment of a substantial property right of the applicant; and By preserving the natural features and topography of the land; and	The special exception is not necessary for the applicant to utilize their property. The intention with the approved site plan was for an office use. The applicant was asked to reevaluate their parking at the time of review.
3. 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	Scarcity of parking may have an effect on the patrons visiting the proposed medical offices. The special exception will be detrimental to the public health, safety, or welfare.
4. the granting of the special exception constitutes a minimal departure from this Chapter; and	The applicant is asking to not provide any additional parking and base their parking requirements on the parking analysis provided.  Staff evaluated the parking analysis and believed that the results do not apply to the City of Dripping Springs.
5. 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; and	This special exception would affect properties in the vicinity. The lack of parking for medical office is self-imposed. The applicant was aware of the issue during time of review.
6. Granting the special exception is in harmony with the spirit, general purpose, and intent of this Chapter so that: a. the public health, safety and welfare may be secured; and b. that substantial justice may be done.	The granting of this special exception is not in harmony with the spirit, general purpose, and intent of this chapter.

**Summary**

The special exception is to allow the applicant to utilize the existing 47 parking spaces for a 13,200 square foot building that will be occupied by medical offices. The applicant provided a parking analysis that staff reviewed and disagrees with based on the lack of alternative transit options and the idea of only accounting for useable space. Further research of other surrounding cities shows that the common parking requirement for medical office is in line with Dripping Springs parking requirement of 1 parking space per 200sf.

Based on the above findings staff believes that the intent of the code is not being met, that the special exception will cause undue harm to the properties within the vicinity and was self-imposed. Staff recommends *disapproval* of the special exception.

**Approval of a special exception requires that at least 5 members of the 6 member Board of Adjustment, which includes the Mayor, vote in favor of approval under Section 211.009(c)(3) of the Texas Local Government Code.**

**Planning and Zoning Commission Recommendation**

A motion was made by Vice Chair Martin to deny VAR2021-0008: an application to consider a Special Exception to Parking Requirements for the property located at 249 Sportsplex Dr., Dripping Springs, TX 78620 (Legal Description: 1.293 Acres in the JWLP FAMILY Survey, Lot 6, Hays County). Commissioner Williamson seconded the motion which carried unanimously, 6 to 0.

**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 Special Exception request.

**Meetings Schedule**

May 25, 2020 Planning and Zoning Commission

June 08, 2020 Board of Adjustments/City Council

**Attachments**

Attachment 1 – Special Exception Application

Attachment 2 – Parking Analysis

Attachment 3 – Applicant’s Justification for Special Exception

Attachment 4 – 249 Sportsplex Letter authorizing 9,400 sf to be utilized

Attachment 5 – ULI Parking excerpt

Attachment 6 - Site Plan

Recommended Action	Disapproval of the requested special exception
Alternatives/Options	Approval of the special exception with no or alternate conditions.
Budget/Financial impact	N/A
Public comments	None received at this time
Enforcement Issues	N/A
Comprehensive Plan Element	N/A