



Planning & Zoning Commission Planning Department Staff Report

City Council: December 21, 2021
Project No: ZA2021-0010
Project Planner: Tory Carpenter, Senior Planner

Item Details

Project Name: North Forty Zoning Amendment
Property Location: Southeast intersection of Ranch Road 12 and Brookside Street.
Legal Description: Lots 1, 2, 3, 26, 27, and 28, block C out of the North Forty Section 2 subdivision
Applicant: Gilbert J. Guerra, P.E.; Rio Delta Engineering
Property Owner: Acosta Holdings Company, Inc.
Request: Zoning amendment from Manufactured Home "MH" to General Retail "GR"



**Planning Department Staff Report
ZA2021-0010**

Background

The property is currently zoned MH, Manufactured Home.

Per Ch. 30 Exhibit A, §3.5-3.6

- **MH – Manufactured Home:** *The MH, manufactured housing district is intended to provide for single-family residential development in accordance with the manufactured housing ordinance.*

The applicant is requesting a zoning amendment to GR; General Retail

- **GR – General Retail:** *The GR, general retail district is established to provide areas for retail facilities that are larger than those generally located in the local retail district, such as large grocery stores, book stores, and the like. Areas zoned for general retail should have convenient regional access via major thoroughfares, such as U.S. Highway 290 or Ranch Road 12, and major collector streets are primary locational considerations. Hotel/motel uses, community scale retail, and bed-and-breakfasts are permitted within general retail districts. Office uses, commercial services, and industrial uses shall not be permitted.*

In 2018, a Conditional Use Permit was approved for a tattoo studio on the property. This business is still operating and will not be affected by this zoning amendment.

At their meeting on November 23, the Planning & Zoning Commission unanimously recommended approval of the zoning amendment.

Analysis

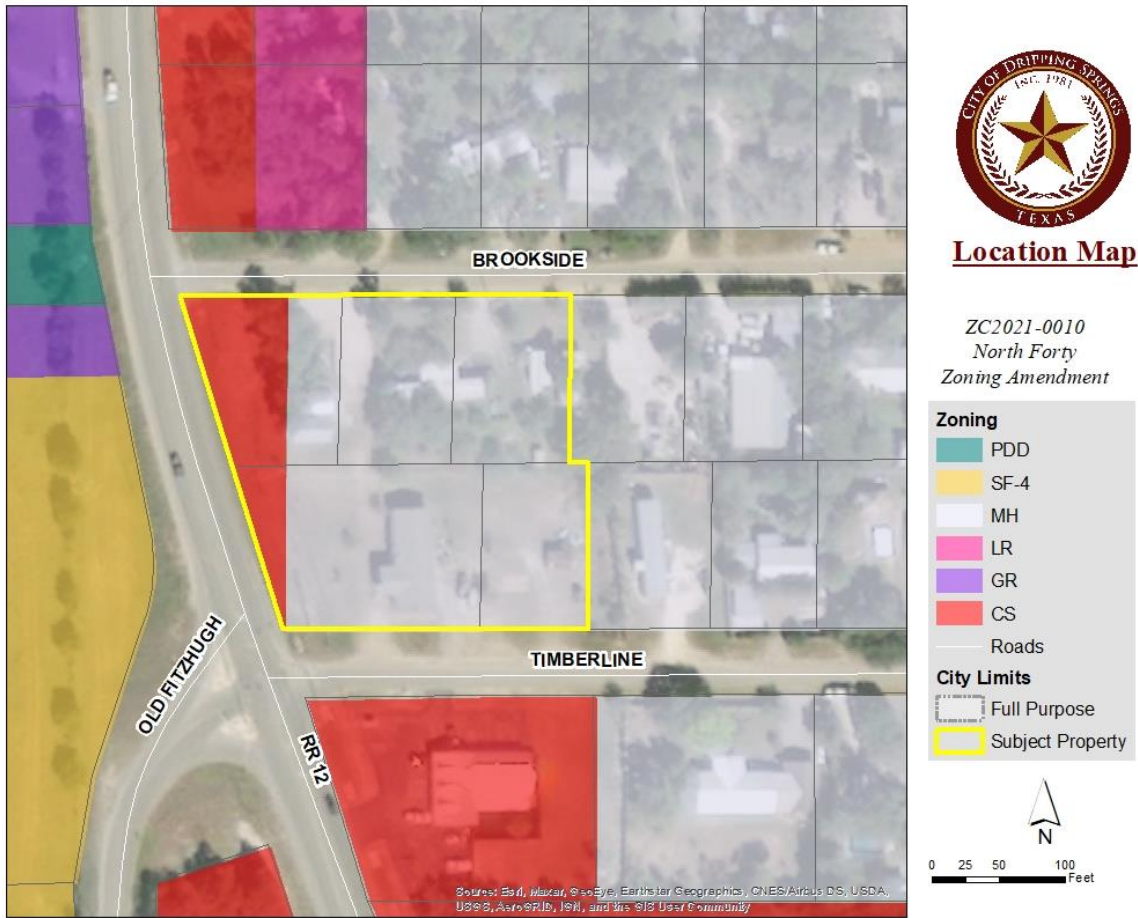
Based on the adjacent zoning category and land uses, staff finds that the proposed zoning considerably compatible within the area.

The following are the development regulations for the current and proposed zoning districts for the site.

	MH	GR	Differences between MH to GR
Max Height	One Story / 20 feet.	2 stories / 40 feet	One Story / 20 feet.
Min. Lot Size	10,000-sq-ft	20,000-sq-ft	10,000-sq-ft
Min. Lot Width	70 feet	100 feet	30 feet less
Min. Lot Depth	100 feet	150 feet	50 feet
Min. Front/Side/Rear Yard Setbacks	20 feet / 15 feet / 20 feet	25 feet / 25 feet / 25 feet*	5 feet / 10feet / 5 feet less*
Impervious Cover	50%	60%	10% more

*Adjacent to a single-family district: Any retail use that is located adjacent to (and not across a right-of-way from) any single-family zoning district shall be set back from the applicable residential district property line by 40 feet.

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	LR/CS/MH	Manufactured Home	Not Shown on the Future Land Use Map
East	MH	Manufactured Homes	
South	CS	Plumber	
West	SF4/GR/PDD	Vacant / Entrance to Heritage Subdivision	

**Planning Department Staff Report
ZA2021-0010**

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

2.28.2 The Planning & Zoning Commission and the City Council shall consider the following factors:

Factors	Staff Comments
1. whether the proposed change will be appropriate in the immediate area concerned;	<p>The Commission should consider adverse impacts of all allowed uses to the adjacent manufactured homes. However, an increase building setback of 40 feet adjacent to residential uses helps offset this concern.</p> <p>Additionally, commercial uses on this site could provide services within walking distance to nearby residences.</p>
2. their relationship to the general area and the City as a whole;	This property has significant frontage on Ranch Road 12. This major road has a number of commercial use in the immediate vicinity
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;	The property is not within any existing or proposed City Plans.
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;	This request would not make other land unavailable for development.
5. the recent rate at which land is being developed in the same zoning classification, particularly in the vicinity of the proposed change;	While there has been limited commercial development in the immediate vicinity, there has been significant growth within the City as a whole.
6. how other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved;	No areas designated for similar development will be affected by this proposed amendment.
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	Approval of this zoning amendment would not be significantly different from decisions made involving other similar parcels.
8. any other factors which will substantially affect the public health, safety, morals, or general welfare.	The rezoning does not negatively affect the public health, safety, morals, or general welfare.

Planning Department Staff Report
ZA2021-0010

Staff Recommendation

Staff recommends **approval** of the zoning amendment as presented.

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 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 Amendment Application

Exhibit 2 – Proposed Ordinance & Survey

Recommended Action:	Recommend approval of the requested Zoning Amendment
Alternatives/Options:	Recommend denial of the zoning map amendment.
Budget/Financial Impact:	All fees have been paid.
Public Comments:	None Received at this time.
Enforcement Issues:	N/A