



City Council Planning Department Staff Report

**Planning & Zoning
Commission:**

April 5, 2021

Project No:

ZA2021-0006

Project Planner:

Tory Carpenter, AICP, Senior Planner

Item Details

Property Location:

427 Creek Road

Legal Description:

Lot 2 of the C Jones Subdivision

Applicant:

Jon Thompson

Property Owner:

Cmerek Investments, LLC

Request:

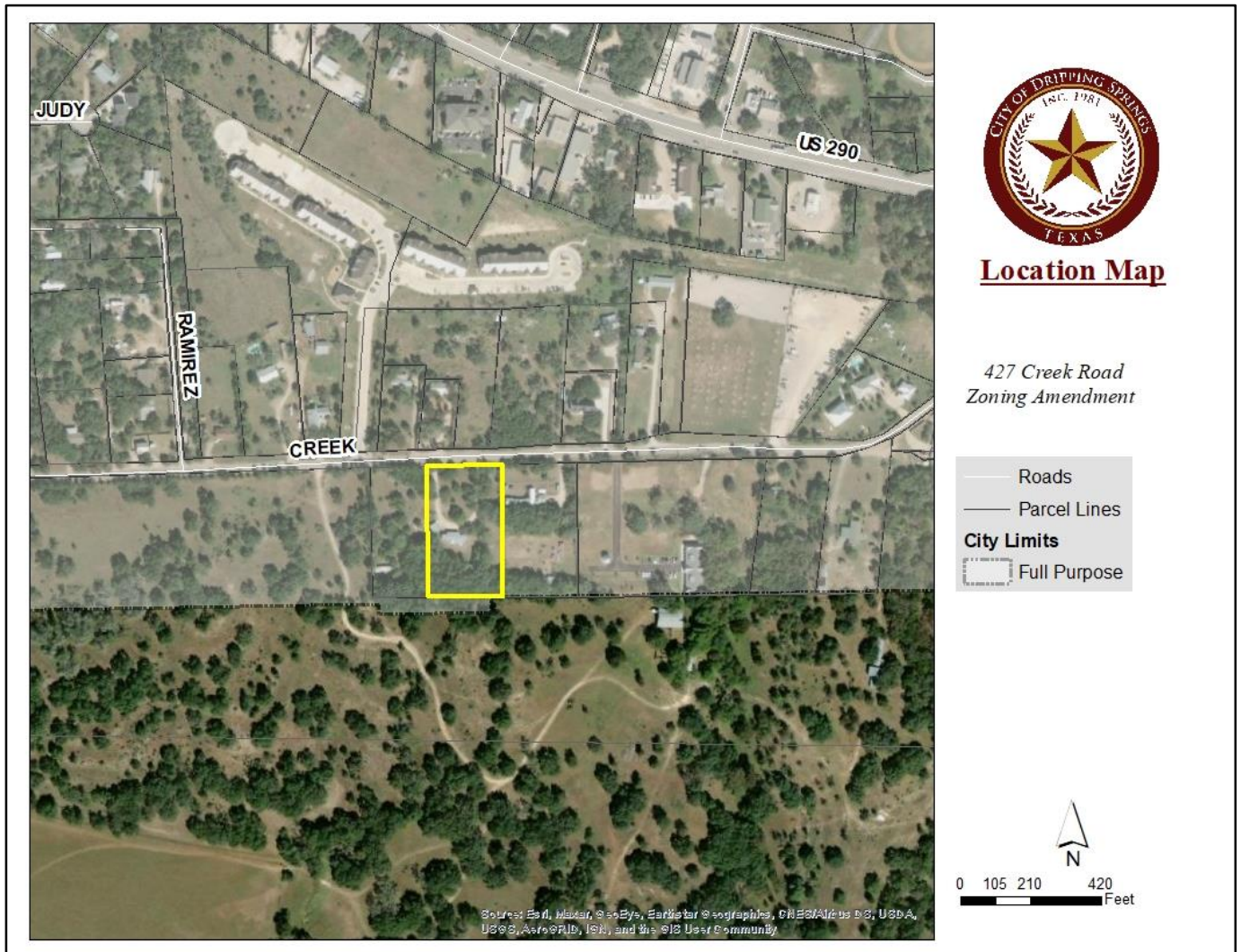
Zoning amendment from Single-Family Duplex "SF-4" to
Local Retail "LR"

Staff Recommendation:

Disapproval

P&Z Recommendation:

Disapproval



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Background

The property is currently zoned SF-4, two-family residential—Duplex

Per Ch. 30 Exhibit A, §3.3

- **SF-4 – Two-family residential—Duplex:** *The SF-4, two-family residential district is intended to provide for development of detached, two-family residence structures on moderate size lots of at least 10,000 square feet in size.*

The applicant is requesting a zoning amendment to LR; Local Retail

- **LR – Local Retail:** *The LR, local retail district is established to provide areas for low intensity, specialized retail sales that are intended to service local neighborhoods, citizens, and visitors of the city. Bed-and-breakfasts are permitted within local retail districts. General, office, regional commercial, or commercial services uses should not be permitted.*

Analysis

The application states that the owner would like to rezone the property to allow for pools sales on the property. The applicant stated that no pools would be stored on site.

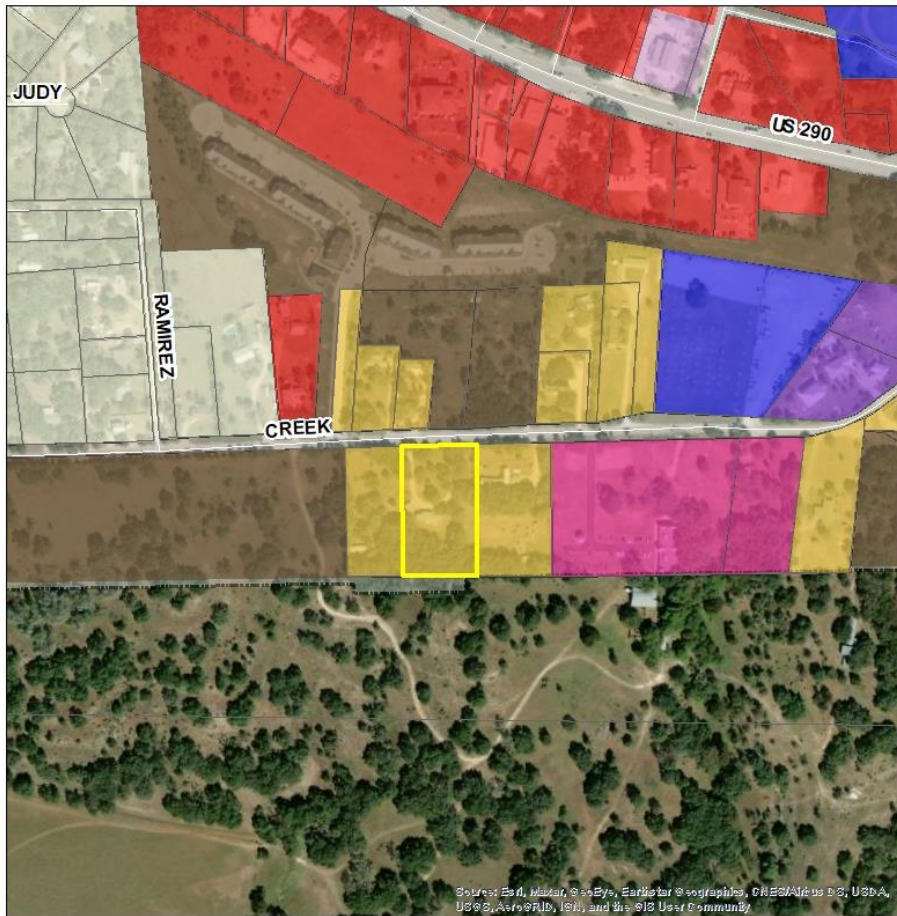
Based on the adjacent zoning category and land uses, staff finds that the proposed zoning is not consistent with the surrounding area given the allowable uses in the “LR” zoning district. Additionally, the future land use map of the comprehensive plan does not provide guidance on envisioned uses and development patterns in this area.

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

	SF-4	LR	Differences between SF-4 to LR
Max Height	2.5 Story / 40 feet.	2 stories / 40 feet	One half story
Min. Lot Size	10,000-sq-ft	5,000-sq-ft	5,000-sq-ft less
Min. Lot Width	70 feet	50 feet	20 feet less
Min. Lot Depth	100 feet	100 feet	N/A
Min. Front/Side/Rear Yard Setbacks	20 feet / 10 feet / 20 feet	15 feet / 10 feet / 10 feet*	5 feet / no difference / 10 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 30 feet.

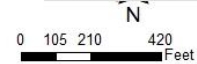
Surrounding Properties



Location Map

427 Creek Road
 Zoning Amendment

Zoning_2020	
Zoning_Abbreviation	
[Light Yellow Box]	SF-1
[Yellow Box]	SF-4
[Brown Box]	MF
[Blue Box]	GUI
[Pink Box]	O
[Magenta Box]	LR
[Purple Box]	GR
[Red Box]	CS
[Grey Line]	Roads
[Black Line]	Parcel Lines
City Limits	
[Dashed Line]	Full Purpose



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	SF-4 / MF	Single-family / multifamily	Not Shown on the Future Land Use Map
East	SF-4	Single-Family Residence	
South	ETJ	Homestead	
West	SF-4	Single Family / Vacant	

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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;	Staff has concerns regarding potential adverse impacts of a variety of uses allowed in this zoning district. This concerns stem particularly from adjacent single-family residences.
2. their relationship to the general area and the City as a whole;	This area of Creek Road has a variety of single-family, multifamily, and commercial uses.
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 also 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 would 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	There have not been recent similarly situated properties that have received a zoning amendment to LR.
8. any other factors which will substantially affect the public health, safety, morals, or general welfare.	None noted.

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Staff / P&Z Recommendation

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

At their regular meeting on March 22, 2022 the Planning & Zoning Commission voted unanimously to recommend denial.

City Council Action:

2.36.1. After a public hearing is held before the city council regarding the zoning application, the city council may:

- (a) Approve the request in whole or in part;*
- (b) Deny the request in whole or in part;*
- (c) Continue the application to a future meeting, specifically citing the city council meeting to which it was continued; or*
- (d) Refer the application back to the P&Z for further study.*

Supermajority Vote Required (2.35.2):

Since the Planning & Zoning Commission unanimously recommended denial of the request, approval by the City Council shall require an affirmative vote by 2/3 majority of those present and voting.

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 – Use Chart

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