



City Council Meeting Planning Department Staff Report

City Council Meeting: December 8, 2020

Project Number: ZA2020-0009

Project Planner: Amanda Padilla, Senior Planner

Item Details

Project Name: 519 Old Fitzhugh Road

Property Location: 519 Old Fitzhugh Road

Legal Description: Tract 1: A0415 PHILIP A SMITH SURVEY, ACRES 0.84
Tract 2: A0415 PHILIP A SMITH SURVEY, ACRES 2.07

Applicant: Jon Thompson

Property Owner: Charlie N. Haydon

Request: A proposed zoning map amendment for two (2) tracts located at 519 Old Fitzhugh Rd, within the Old Fitzhugh Road Historic District. The two tracts are requesting to rezone from Single Family - Low Density (SF-1) to Local Retail (LR).

Staff Recommendation: **Staff recommends approval of the requested Zoning Change from Single Family - Low Density (SF-1) to Local Retail (LR).**



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Overview

The applicant is requesting a zoning map amendment change for two (2) tracts located at 519 Old Fitzhugh Road, within the Old Fitzhugh Road Historic District. The two tracts are requesting to rezone from Single Family - Low Density (SF-1) to Local Retail (LR). The applicant is proposing to rehabilitate the existing home and convert it to a children's bookstore. The applicant is also proposing site improvements and the addition of two (2) one (1)-story buildings at the rear of the lot (west) for an early childhood education school (Young Children Academy.) The applicant received a certificate of appropriateness from the Historic Preservation Commission on October 1, 2020.

A Bookstore and early childhood education school (Child day-care facility) are permitted uses within the Local Retail District.

The zoning district Local Retail 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.

Permitted Uses: Those uses listed for the LR District or any less intense commercial district and Single-Family Four (SF-4), Single-Family Five (SF-5), and Multifamily Residential (MF) uses in Appendix E (Use Charts) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively.

Early childhood education schools are typically established near single family subdivisions to allow easy access to surrounding family's and neighborhoods.

The two (2) tracts are within the Old Fitzhugh Road Historic District. When a lot is within the historic district, they shall comply with the Historic District Overlay as well as the Local Retail Use Chart. Certain uses could be prohibited in the Historic District but allowed in Local Retail. For example, Check Cashing Service, Credit Agencies, and Furniture Store (New and/or Used) are allowed in a Local Retail District but are not allowed within the Historic District, so this property would be prohibited from allowing those uses. If a use requires a CUP within Local Retail and not in the Historic District (or vice-versa) the CUP would be required because the City would implement whichever is the most restrictive requirement, this would also apply if a use is prohibited in one district but not the other.

Development Standards and Regulations for Local Retail Zoning District and Historic District		
	Local Retail	Old Fitzhugh Historic District
Size of Lots		
Minimum Lot area	Five thousand (5,000) square feet	
Minimum Lot Width	Fifty feet (50').	
Minimum Lot Depth	One hundred feet (100').	
Setback Requirements		
Minimum Front Yard	Fifteen feet (15'); all yards adjacent to a street shall be considered a front yard. See Section 5 for any additional setback requirements.	Ten feet (10')
Minimum Side Yard	Ten feet (10'); fifteen feet (15') adjacent to a public street or residential lot.	Five feet (5')
Interior Side Yards	When retail uses are platted adjacent to other retail uses and are integrated into an overall shopping center site, creating lease spaces abutting one another, no side yard is required provided it complies with the City's Building Code and allows for connectivity.	Five feet (5')
Minimum Rear Yard	Ten feet (10').	Ten feet (10')
Adjacent to any Single-Family District	Any neighborhood service use that is located adjacent to (and not across a	

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	right-of-way from) any single-family zoning district shall be set back from the applicable residential district property line by thirty feet (30').	
Maximum Lot Coverage	Sixty percent (60%) total, including main buildings and accessory buildings.	
Gross Floor	The gross floor area for each building shall be forty thousand square feet (40,000 sq. ft.) per building.	
Open Storage	Open storage is prohibited.	
Height Regulations		
Main Building	Maximum two (2) stories, or forty feet (40'), whichever is less.	Maximum two and a half (2.5) stories
Accessory Building	Maximum one (1) story, or twenty-five feet (25') for accessory buildings.	
<p>(e) Outside Display: Outside display of merchandise and seasonal items, such as Christmas trees and pumpkins shall be limited to the following:</p> <ol style="list-style-type: none"> (1) Outside display areas shall not be placed or located more than thirty feet (30') from the main building. (2) Outside display areas shall not occupy any of the parking spaces that are required by this Chapter for the primary use(s) of the property, except on a temporary basis only, which is a maximum of thirty (30) days per display and a maximum of two (2) displays per calendar year. (3) Outside display areas shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way. (4) Outside display areas shall not extend into public right-of-way or onto adjacent property. (5) Outside display items shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner. <p>(f) On-Site Dwellings: Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling or nonresidential purposes.</p> <p>(h) Temporary Facilities: There shall be no permanent use of temporary facilities or buildings.</p> <p>(j) Other Regulations: Refer to Section 5, Development Standards & Use Regulations.</p>		

Site Information

Location:

The Subject property is located at 519 Old Fitzhugh Road, just north of Mercer Street.

Physical and Natural Features:

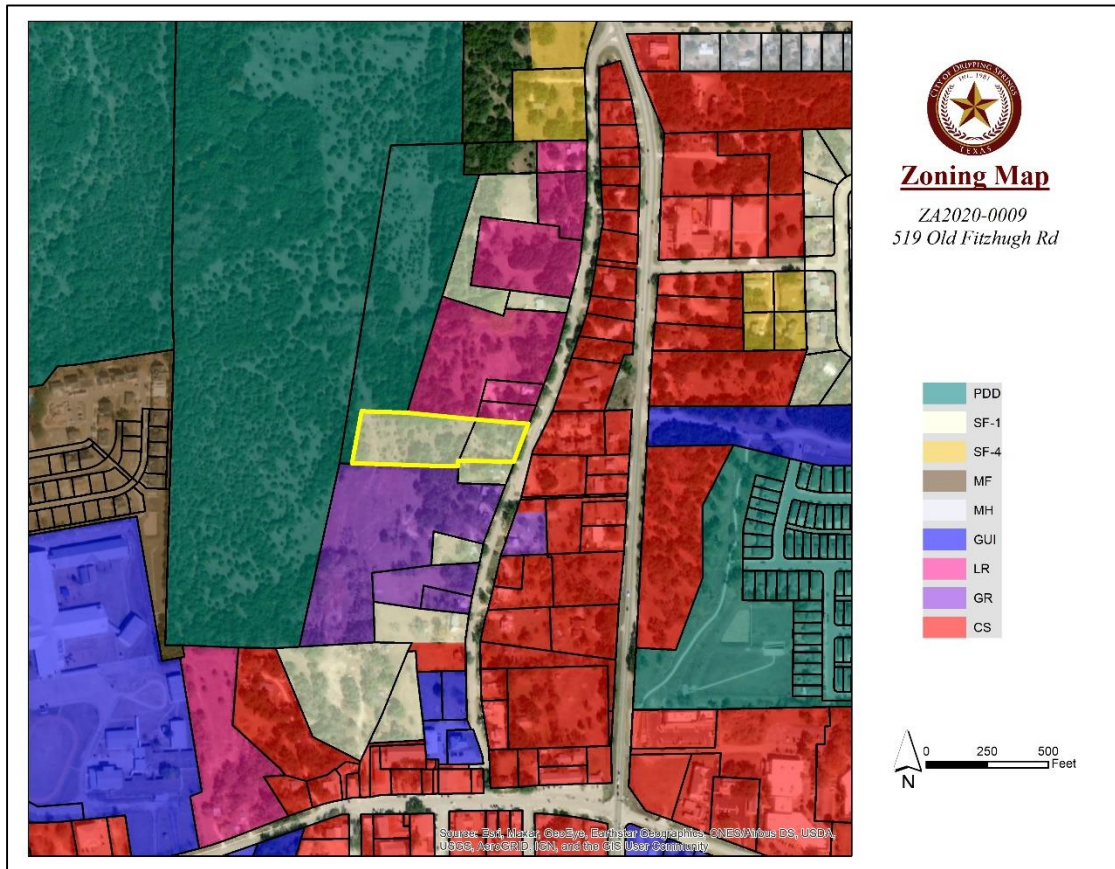
The property currently has an existing residential home. The front of the lot is partially developed with a lush tree canopy. To the rear of the Lot is open space and slopes towards a tributary creek. At the site development stage engineering for drainage will have to be accounted for.

Future Land Use and Zoning Designation:

The City's Future Land Use Map does not show this property on the Map. The property is within the Old Fitzhugh Road Historic District and shall comply with the Historic District Overlay use chart.

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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	Local Retail (LR)	Salon (Pink West Salon)	Not Shown on the Future Land Use Map
East	Commercial Services (CS)	Town homes, Verizon Communications	
South	General Retail (GR)	Vacant (Past Buffalo Gals Upholstery)	
West	Planned Development District 5 (PDD 5)	Heritage Subdivision	

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

2.28.1 The City declares the enactment of these regulations governing the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community. No change shall be made in these regulations or in the boundaries of the zoning districts except:

- To correct any error in the regulations or map;
- To recognize changed conditions or circumstances in a particular locality;
- To recognize changes in technology, the style of living, or manner of conducting business;
- To make changes in order to implement policies reflected within the Comprehensive Plan.

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2.28.2 In making a determination regarding a requested zoning change, the P&Z 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 believes the proposed change from SF-1 to LR is an appropriate change for the area because it complements the adjacent commercial properties and the use is suitable along Old Fitzhugh Road.
2. their relationship to the general area and the City as a whole;	The use proposed will fit in with the surrounding area. The lot is adjacent to the Heritage subdivision that has a proposed 595 SF Lots. A bookstore and early childhood education school suits dripping springs community and can benefit the recent influx of single-family housing in the city.
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;	This property is not shown on any existing or proposed plans for public schools, streets, water supply, sanitary sewers, and other utilities to the area.
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 property will have no negative effect on other LR zoning districts. There are surrounding commercial properties that utilize their lot as a pre-school. "Your Growing Child" and "Little Tigers Learning Center" are both 0.6 miles away.
5. the recent rate at which land is being developed in the same zoning classification, particularly in the vicinity of the proposed change;	Local Retail uses have been placed on adjacent lots and shows the transition of Old Fitzhugh Historic District from a residential neighborhood to local and general retail. The City of Dripping Springs is seeing an increase in development.
6. how other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved;	The use intended, pre-school, would benefit the surrounding residential properties. The bookstore will have no negative affect. The City of Dripping Springs does not have any bookstores and the only access to books can be found at the Dripping Springs Library.
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	This property is being treated similarly to other Zoning changes.
8. any other factors which will substantially affect the public health, safety, morals, or general welfare.	Staff does not see this Zoning Change affecting the public health, safety, morals or general welfare.

Summary, Recommendation, and Required Action

Based on the uses permitted in the Local Retail Zoning District and Historic Overlay District, the adjacent land uses, the opportunity to attract more individuals to the area, and the increase in sales tax, **Staff recommends approval of the requested Zoning Change for the two (2) tracts from Single-Family Residential District - Low Density (SF-1) to Local Retail (LR).**

City Council action:

2.36.1 After a public hearing is held before the City Council regarding the zoning application, the City Council may:

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- (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.

2.36.2 If the City Council denies the request, then no other zoning application may be filed for (all or part of) the subject tract of land, or for that portion of this Chapter, in the case of a text amendment request submitted by a property owner or citizen, for a waiting period of six (6) months following the denial. In the instance that the request was initiated by the City Council and involved a proposed amendment to the text of this Chapter, then there is no waiting period before the request can be reconsidered. This section shall not apply to applications for the same tract of land proposing a different zoning change than that which was previously denied, provided no more than three (3) applications are submitted for the same tract within a twelve (12) month period.

2.36.3 The City Council may, at its option, waive the six (6) month waiting period if, after due consideration of the matter at a scheduled and posted meeting, it is determined that denial of the request was based upon erroneous or omitted information, or if substantial new information pertaining to the request is discovered.

Planning and Zoning Commission Motion

A motion was made by Vice Chair Martin to recommend approval of ZA2020-0009: an application for a Zoning Amendment to consider a proposed zoning map amendment from Single-Family Residential District - Low Density (SF-1) to Local Retail District (LR) for an approximately .84 acre tract of land situated Phillip A. Smith Survey. This property is located at 519 Old Fitzhugh Road, Dripping Springs, TX. (R17916).

Commissioner McIntosh seconded the motion which carried unanimously, 5 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 zoning map amendment. To date, no letters for or against the request have been received.

Attachments

- Exhibit 1 – Zoning Map Amendment Application
- Exhibit 2 – Proposed Ordinance & Survey
- Exhibit 3 – Certificate of Appropriateness Staff report
- Exhibit 4 – Certificate of Appropriateness
- Exhibit 5 – Photos of property, materials, and finishes

Recommended Action:	Approve the requested zoning map amendment for 519 Old Fitzhugh Road.
Alternatives/Options:	Deny the zoning map amendment/ Postpone the zoning map amendment
Budget/Financial Impact:	No fees have been calculated, but sales tax would be acquired.
Public Comments:	None Received at this time.
Enforcement Issues:	N/A
Comprehensive Plan Goal:	Support the expansion of business and professional services