



# Planning and Zoning Commission Planning Department Staff Report

**Planning and Zoning  
Commission Meeting:**

August 23, 2021

**Project No:**

ZA2022-0004

**Project Planner:**

Tory Carpenter, AICP - Senior Planner

## Item Details

**Project Name:**

Van Merkel Property

**Property Location:**

102 Rose Drive

**Legal Description:**

Lot 1 Block 1 Van Merkel Addition

**Applicant:**

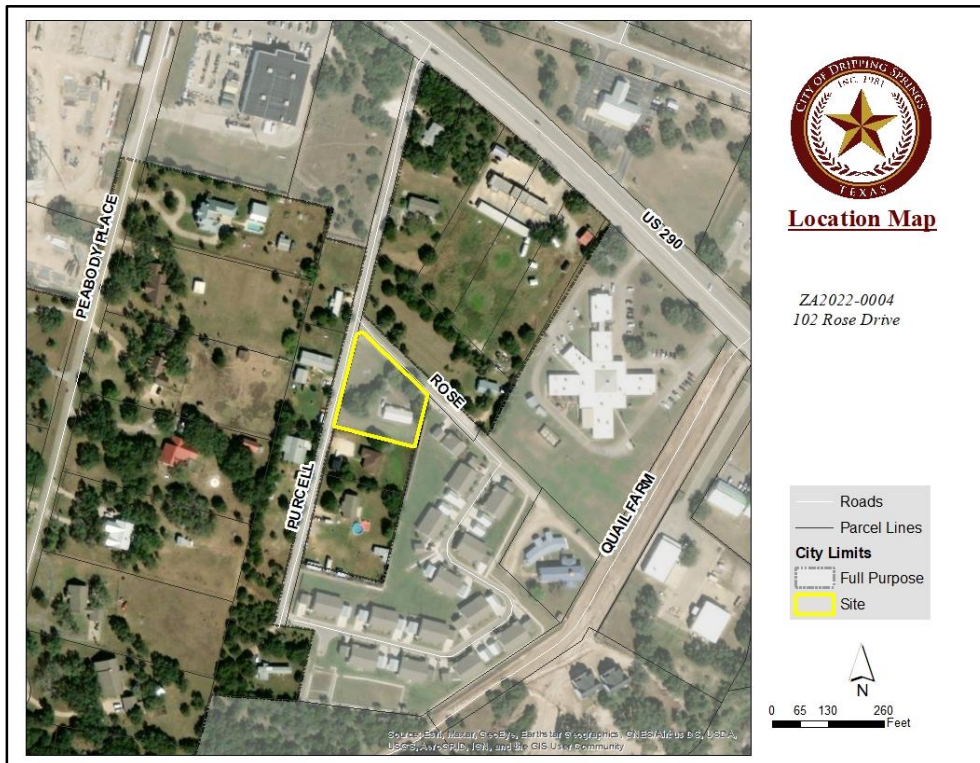
Jon Thompson

**Property Owner:**

Van Merkel, LLC

**Request:**

A zoning map amendment from SF-4 Two-Family Residential – Duplex zone to MF Multiple Family with a conditional overlay



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**Background**

The property is currently zoned SF-4, Two-Family Residential- Duplex.

*Per Ch. 30 Exhibit A, §3.5-3.6*

- **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.
- **MF Multiple Family Residential:** The MF, multiple-family residential district is an attached residential district intended to provide the highest residential density, that being of 24 dwelling units per acre. The principal permitted land uses will include low-rise apartment dwellings and garden homes. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this district. This district should be located adjacent to a major thoroughfare and may serve as a buffer between low or medium density residential development and nonresidential development or high-traffic roadways.

The applicant requests this zoning amendment to construct a total of six residential units in three separate buildings on the property. Since more than two units will be on a single property, the use is considered “multifamily” which is not allowed in SF-4.

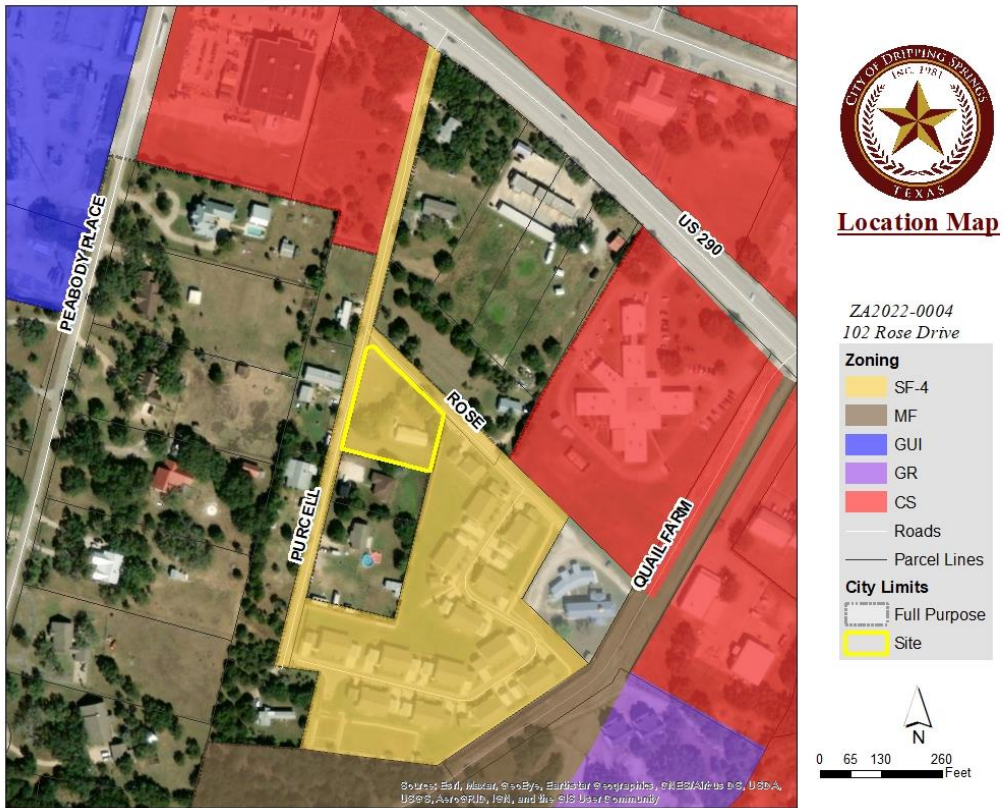
The property was annexed and zoned SF-4 in 2020. The supplemental materials provided with the application at that time indicated the applicant’s intentions to construct six units on the property.

**Analysis**

Based on the adjacent zoning category and land uses, staff finds that the proposed zoning with the conditional overlay is compatible within the area.

	<b>SF-4</b>	<b>MF Conditional Overlay</b>	<b>Differences between SF-4 to Overlay</b>
<b>Units / Acre</b>	8.7	6	2.7 units / acre less
<b>Max Height</b>	2.5 stories / 40 feet	1 story	1.5 stories
<b>Min. Lot Size</b>	10,000-sq-ft	20,000-sq-ft	10,000-sq-ft
<b>Min. Lot Width</b>	70 feet	60 feet	10 feet less
<b>Min. Lot Depth</b>	100 feet	N/A	N/A
<b>Min. Front/Side/Rear Yard Setbacks</b>	20 feet / 10 feet / 20 feet	20 feet / 15 feet / 25 feet	Same / 5 feet / 5 feet more
<b>Impervious Cover</b>	50%	60%	10% more

**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	ETJ	Single-family	Medium Density Residential
East	MF-4	Duplexes	
South	ETJ	Single-family	
West	ETJ	Single-family	

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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;	The proposed change from SF-4 to MF with a Conditional Overlay is an appropriate change. The Conditional Overlay allows duplexes consistent with other duplexes on Rose Drive.
2. their relationship to the general area and the City as a whole;	Staff worked with the applicant to provide a conditional overlay that complemented the area and the City as a whole.
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 tracts are 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 rezoning will not impact any undeveloped land in the vicinity with the same zoning district.
5. the recent rate at which land is being developed in the same zoning classification, particularly in the vicinity of the proposed change;	There is an influx of moderate-/high-density residential developments within the City of Dripping Springs.
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	The proposed change does not treat the subject tracts of land in a manner which is significantly different from decisions made involving other, similarly situated parcels.
8. any other factors which will substantially affect the public health, safety, morals, or general welfare.	The rezoning does not affect the public health, safety, morals, or general welfare.

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**Staff Recommendation**

Staff recommends approval of the rezoning request with the proposed Conditional Overlay.

*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 Map Amendment Application

Recommended Action:	Recommend approval of the requested zoning map 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
Comprehensive Plan Goal:	Livability /Quality of Life Support Housing Options in Dripping Springs