

**CITY OF DRIPPING SPRINGS, TEXAS
MINUTES OF THE PLANNING AND ZONING MEETING
January 23, 2018**

A meeting of the Planning and Zoning Commission of the City of Dripping Springs, Texas, was held on Tuesday, January 23, 2018 at 6:30 P.M. at City Hall, 511 Mercer Street, Dripping Springs, Texas.

Present:	<u>Commission Members</u>	<u>City Staff/Appointed Officials</u>
	James Martin – Vice Chair	Michelle Fischer – City Administrator
	John McIntosh	Laura Mueller – City Attorney
	Kim Hubbard	Anjali Naini – City Planner
	Michael Lavengco	Megan Will – City Planner
	Erich Oswald	Chad Gilpin – City Engineer
	Evelyn Strong	Katie Jordan – Planning Assistant

I. CALL TO ORDER AND ROLL CALL at 6:30 p.m.

With a quorum of the commission members present, Vice Chairman James Martin called the Regular Meeting to order at 6:33p.m. followed by the pledge of allegiance led by James Martin. It is noted that Chairman Mim James was absent for this meeting.

II. Pledge of Allegiance.

III. PRESENTATION OF CITIZENS

Erik Burgeson spoke in regards to the proposed Development Agreement for the Scott Tract, which the City of Dripping Springs is currently reviewing.

IV. MINUTES

Consideration and Possible Action On:

A. Approval of Minutes for November 28, 2017 Regular Commission Meeting.

John McIntosh made a motion to approve the 11/28/2017 P&Z minutes. Erich Oswald seconded the motion. The motion carried unanimously, 6 ayes, 0 naves.

B. Approval of Minutes for December 18, 2017 Regular Commission Meeting.

John McIntosh made a motion to approve the 12/18/2017 P&Z minutes. Erich Oswald seconded the motion. The motion carried unanimously, 6 ayes, 0 naves.

***James Martin made a motion to move Business items D, I, J, K, and N to the top of the agenda. Evelyn Strong seconded the motion. The motion carried unanimously with 6 ayes, 0 naves.**

V. BUSINESS

Discussion and Possible Action on Zoning, Conditional Use Permits, Subdivision, Site Development, Signage, Variances, Special Exceptions, Waivers and other matters:

- D. PDD9/Farmstead @ Caliterra: An Ordinance of the City of Dripping Springs, Texas Rezoning a Tract of Land Totaling Approximately 18.532 Acres from Multiple-Family Residential (MF) and Enacting Planned Development District (PDD)#9, Commonly Known as Farmstead at Caliterra and Located on the Western Side of RR 12 and South of Butler Ranch Rd, and Further Described as: 18.532 Acres of land out of the PA Smith Survey No. 26, Abstract No. 415, in Hays County, Texas, being a portion of that certain (595.818 Acre) Tract of Land conveyed to Development Solutions CAT, LLC by Deed recorded in Vol.4682, Page 342 of the Official Public Records of Hays County, Texas. *Ray Lee, Applicant***

1. Presentation
2. Staff Report (Anjali Naini)
3. Public Hearing
4. PDD-9 Ordinance

Applicant has requested to postpone until next month. John McIntosh made a motion to postpone taking action on this item until 2/27/2018 P&Z meeting. Michael Lavengco seconded. The motion carries unanimously, 6 ayes, 0 nays.

- I. Replat of DS Ranch Phase 2, Tracts 1C & 1D a 35.24 acre tract located at 776 Cattle Trail Dr., Dripping Springs, TX 78620. *Applicant, Jon Thompson***

1. Presentation
2. Staff Report (Megan Will)
3. Public Hearing
4. Replat

Staff recommends postponement of action to clear comments. John McIntosh made a motion to postpone taking action on this item until 2/27/2018 P&Z meeting. Michael Lavengco seconded the motion. The motion carries unanimously, 6 ayes, 0 nays.

- J. SUB2017-0006 Replat of North Belterra Commercial a 62.16 acre tract located at 13201 W. Hwy 290, Austin TX 78737. *Applicant, Bradley Lingvai, P.E., Big Red Dog Engineering.***

1. Presentation
2. Staff Report (Chad Gilpin)
3. Public Hearing
4. Replat

Staff recommends postponement of action to clear comments. John McIntosh made a motion to postpone taking action on this item until 2/27/2018 P&Z meeting. Erich Oswald seconded the motion. The motion carries unanimously, 6 ayes, 0 nays.

- K. SUB2017-0007 Replat of Belterra Phase 1, Section 3A, Block E, Lot 1 (Holton Dr.) a 4.29 acre tract located in Austin, Texas 78737. *Applicant, Bradley Lingvai, P.E., Big Red Dog Engineering.***

1. Presentation
2. Staff Report (Chad Gilpin)
3. Public Hearing
4. Replat

Staff recommends postponement of action to clear comments. John McIntosh made a motion to postpone taking action on this item until 2/27/2018 P&Z meeting. Michael Lavengco seconded the motion. The motion carries unanimously, 6 ayes, 0 nays.

N. Preliminary Plat for Headwaters Phases 3, 4 & 5, a 740.24 acre tract located at the intersection of Headwaters Blvd and Hazy Hills Loop. *Applicant, Jesse Malone, P.E., Malone/Wheeler, Inc.*

1. Presentation
2. Staff Report (Chad Gilpin)
3. Public Hearing
4. Preliminary Plat

Staff recommends postponement of action to clear comments. John McIntosh made a motion to postpone taking action on this item until 2/27/2018 P&Z meeting. Erich Oswald seconded the motion. The motion carries unanimously, 6 ayes, 0 nays.

***James Martin made a motion to move Business item F. as the next item. John McIntosh seconded the motion.**

F. SD2017-0005 Site Development Permit Application for the Mark Black Wedding Venue located at 130 W. Concord, Driftwood, TX (ETJ). *Applicant, Andrew Evans, Kimley Horn and Associates.*

1. Presentation
Eric Dreher spoke on behalf of Mark Black to give some background information on the project. He mentioned that he has attempted to reach out to neighboring residents before this meeting but due to the weather recently they were not able to meet. He was available to answer questions. His team gave a powerpoint presentation that was included in the P&Z packet.
2. Staff Report (Chad Gilpin)
Chad Gilpin as well as Megan Will, City Planner, reviewed the submittal and found the Site Development Plan to comply with relevant requirements in the documents referenced in his staff report. Staff recommends approval of the site development permit.
3. Public Hearing
David Nichols, Christine Duvall, Todd Erdner, Paula Loring, Betsy Kirkpatrick, Kathie Todd, Chris Lagarde, Beth Blanchard, Rita Stanley, Tammy Guthrie, David Wiu, Scott Elequin, John Burgess, Paul Frels, Krystal Shaw have all ceded their 2 minute cap for public hearing to allow Carlos Torres to present the case on behalf of the neighbors in opposition to this project. Carlos Torres, President of Friendship Alliance and three other special field experts presented their case in opposition to the Mark Black Wedding Venue project. Brian Dudley, (Civil Engineer) stated that this project is in violation of the water quality ordinance; Siamak Ardekani (Transportation Engineer) conducted a traffic analysis and is concerned about emergency evacuation; Cristian Granucci Fire Chief from LAFD spoke about fire safety and evacuation concerns such as the high risk that fireworks or cigarettes pose in this area.
4. Site Development Permit
John McIntosh made a motion to approve the site development permit for the Mark Black Wedding Venue per staff's recommendation. Kim Hubbard seconded the motion. The motion carried with 5 ayes, 1 nay.

Jim Martin made a motion to move item E. as next on the agenda.

E. An Ordinance of the City of Dripping Springs, Texas amending the Code of Ordinances, Chapter 30, Article 30.5, Mobile Food Vendors and Amending Chapter 30, Exhibit A, Appendix E: Zoning Use Regulations (Charts); and Providing for the following: Findings of fact; Enactment; Repealer; Serverability; Codification; Effective date; and Proper notice & meeting.

1. Staff Report (Anjali Naini) Staff recommends the proposed amendments/additions per the staff report.
2. Public Hearing No public comments
3. Ordinance Amending Mobile Food Vendor Ordinance (*Discussion only; no action to be taken*)

A. CUP2017-0002: Conditional Use Permit Application for an Accessory Dwelling Unit (ADU) Located at 1501 Woods Loop, Driftwood, Texas 78619, Applicant, Duel Tarrant

1. Presentation (Duel Tarrant) Explained the purpose for his request and the location for the accessory dwelling unit. Nine of his neighbors have submitted letters of support.
2. Staff Report (Megan Will) Staff recommends approval of the CUP request with the following conditions: 1. The ADU shall be inspected prior to occupancy for compliance with basic International Residential Code standards limited to: Electrical, plumbing, structural, and safety issues that can be observed by the Code Enforcement Official in the ADU. 2. The ADU shall be connected to an approved on-site septic system prior to occupancy.
3. Public Hearing Wayne Simoneau: is in opposition of this CUP request because he thinks that it is easily visible from the road and will impact his property value per his latest appraisal value.
4. Conditional Use Permit John McIntosh made a motion to approve the CUP request per the conditions stated by staff. 1. The ADU shall be inspected prior to occupancy for compliance with basic International Residential Code standards limited to: Electrical, plumbing, structural, and safety issues that can be observed by the Code Enforcement Official in the ADU. 2. The ADU shall be connected to an approved on-site septic system prior to occupancy. Erich Oswald seconded the motion. The motion carries unanimously with 6 ayes, 0 nays.

B. CUP2017-0005: Conditional Use Permit Application for a Commercial Parking Lot located at 105 Grand Prairie Cir., Dripping Springs, TX 78620 Applicant, Jon Thompson

1. Presentation Crystal Kamp was available for questions
2. Staff Report (Megan Will) Staff recommends approval with the following conditions: 1. Per Zoning Ordinance Section 5.9.1(1) the commercial parking lot must meet all applicable setback requirements. 2. Per Zoning Ordinance Section 5.9.1 (2) the commercial parking lot must meet all applicant standards of Section 28.06.055 of the City's Landscape Ordinance.
3. Public Hearing No public comments
4. Conditional Use Permit John McIntosh made a motion to approve the CUP request per the conditions stated by staff. 1. Per Zoning Ordinance Section 5.9.1(1) the commercial

parking lot must meet all applicable setback requirements. 2. Per Zoning Ordinance Section 5.9.1 (2) the commercial parking lot must meet all applicant standards of Section 28.06.055 of the City's Landscape Ordinance. Erich Oswald seconded the motion. The motion carries unanimously with 6 ayes, 0 nays.

C. CUP2017-0004: Conditional Use Permit Application for a Bar located at 251 Baird Lane, Dripping Springs, Texas 78620; A request for a variance to the Dripping Springs Code of Ordinances, Chapter 30 – Zoning, Exhibit A, Section 5A, Subsection 5.8.2 Fire Lanes to allow a paved width of 20 ft. where a minimum width of 24 ft. is otherwise required; A request for a variance to the Dripping Springs Code of Ordinances Chapter 6 – Section 6.04.002(a) to allow a separation of 204 feet between a school and bar where a minimum distance of 300 feet is otherwise require. Applicant, Jon Thompson

1. Presentation Kevin Roarke gave a presentation on the proposal for the Garage Sports Bar
2. Staff Report (Megan Will) Staff recommends denial of the CUP request. Denial of the CUP request eliminates the necessity of the requested variances, so staff recommends denial of both variance requests as well. The requested CUP cannot be approved unless the requested variances are approved. If the P&Z chooses to approve the requested variances and the CUP, staff recommends the following conditions be placed on the CUP 1. A right-turn only sign should be posted at the Baird Lane and Hwy 290 intersection. 2. Fire Lane/No Parking signage will be required along Baird Lane and at the hammerhead turn around required by ESD 6. 3. Outdoor speakers and amplified music are prohibited. 4. Hours of operation shall be mutually exclusive of the hours of operation of the in-home daycare existing at 115 Baird Lane; and in no circumstance, shall exceed 3PM-11PM Monday-Friday and 11AM – 11PM Saturday-Sunday 5. A recent survey of the property clearly indicating the width of Baird Lane and showing it is wide enough to accommodate the required paved fire lane and in the opinion of the City Engineer, to provide safe and efficient vehicular circulation must be submitted with any site development permit application. 6. Evidence of TxDOT approval of the widening curb cut at US Hwy 290 is required with any site development permit submittal.

3. Public Hearing

Mandy Roarke: expressed that her and her husband (the applicant) want to take their neighbors into consideration in order to be good neighbors.

Talia Freida: is a business owner and supports this request because she thinks there are not enough entertainment places in town.

Nancy Cooke: opposes the variance for the distance requirement to the school and the proposed hours of operation.

Nancy Crisp: operates the child daycare next door which is a licensed daycare and she opposes this CUP request.

Scott Friedeck: supports this business.

Paul Crisp: is concerned about the width of the entry and the surface of the road

AJ Gray: opposes this business. Does not support clients drinking and driving near a daycare facility.

Ron Jones: supports the bar because there are not many local establishments that offer this type of entertainment.

Becky Wilburn: is a representative of the Dripping Springs Christian Academy and she is concerned about the distance variance request.

4. **School Separation Distance Variance** John McIntosh has recused himself from voting. Evelyn Strong made a motion to deny the request for the school separation distance requirement variance. Kim Hubbard seconded the motion. The motion carries unanimously with 5 ayes, 0 nays and 1 abstention.
5. **Fire Lane Variance** Erich Oswald made a motion to approve the request for the fire lane width variance. James Martin seconded the motion. The motion carries with 3 ayes, 2 nays and 1 abstention.
6. **Conditional Use Permit** James Martin made a motion to deny the CUP request per staff's recommendation. Erich Oswald seconded the motion. The motion carries unanimously with 5 ayes, 0 nays and 1 abstention.

G. Replat of Springlake Subdivision Lot 122-A3 and Lot 122-A4 a 3.21 acre tract located at 1804 Spring Valley Dr., Dripping Springs, Tx 78620. Applicant, Hugo Elizondo Jr., PE, Cuatro Consultants LTD.

1. **Presentation** No presentation
2. **Staff Report (Megan Will)** Staff recommends approval of the Replat based on staff review for compliance with the Subdivision Ordinance.
3. **Public Hearing** No public comments
4. **Replat** John McIntosh made a motion to approve the replat per staff's recommendation. Erich Oswald seconded the motion. The motion carries unanimously with 6 ayes, 0 nays.

H. SUB2017-0004: Replat of Springlake Subdivision Tract 88A-1 and Lot 88A-2 located at 101 Homestead Ln., Dripping Springs, TX 78620. Applicant, Kelly Kilber, P.E., Tri-Tech Engineering

1. **Presentation** No presentation
2. **Staff Report (Megan Will)** Staff recommends approval of the Replat based on staff review for compliance with the Subdivision Ordinance.
3. **Public Hearing** No public comments
4. **Replat** John McIntosh made a motion to approve the Replat per staff's recommendation. Erich Oswald seconded the motion. The motion carries unanimously with 6 ayes, 0 nays.

L. SUB2017-0003: Partial Vacation of Arrowhead Ranch Lots 1 and 2 of the Arrowhead Ranch Section One, a Subdivision recorded in Volume 16, page 267 of the plat records of Hays County Texas. Location – 1610 Creek Rd., Dripping Springs, TX 78620. Applicant, Doug Rummel, P.E., RPLS

1. **Presentation** Doug Rummel was present for questions
2. **Staff Report (Megan Will)** Staff recommends approval of the Vacated Plat based on staff review for compliance with the Subdivision Ordinance.
3. **Public Hearing** No public comments
4. **Vacated Plat** Erich Oswald made a motion to approve the vacated plat, Evelyn Strong seconded the motion. The motion carries unanimously with 6 ayes, 0 naves.

M. SUB2017-0003: Minor Plat for Arrowhead Ranch Lots 1 and 2 of the Arrowhead Ranch Section One, a Subdivision recorded in Volume 16, page 267 of the plat records of Hays County Texas. Location – 1610 Creek Rd., Dripping Springs, TX 78620. Applicant, Doug Rummel, P.E., RPLS

1. Presentation No presentation
2. Staff Report (Megan Will) Staff recommends approval of the Minor Plat based on staff review for compliance with the Subdivision Ordinance, applicable Zoning Ordinance and the Water Quality Ordinance.
3. Public Hearing No public comments
4. Minor Plat Erich Oswald made a motion to approve the minor plat. Michael Lavengco seconded the motion. The motion carries unanimously with 6 ayes, 0 nays.

VI. Announcements.

- A. Regular City Council Meeting, February 13, 2018, at 6:30 p.m.
- B. City Council Regular Meeting February 20, 2018, 6:00 p.m.
- C. Regular Planning & Zoning Commission Meeting, February 27, 2018, 6:30 p.m.

VI. Adjourn.

Adjourn Open Meeting

A motion to adjourn was made by James Martin, seconded by John McIntosh ending the meeting at 10:40 p.m.

Respectfully submitted,

Katie Jordan Planning Assistant

These minutes were approved on the _____ day of _____, 2017.