

# Planning and Zoning Commission Meeting Minutes

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A regular meeting of the City of Dripping Springs Planning and Zoning Commission was held Tuesday, January 27, 2015, beginning at 7:00 PM in the City Hall, 511 Mercer Street, Dripping Springs, Texas.

## I. CALL TO ORDER AND ROLL CALL

### Commission Members

Larry McClung - Chair  
Kim Hubbard  
James Martin

Mim James – Vice Chair  
Erik Burgeson

Josef Martin  
Whit Smith

City Staff/Appointed Officials  
City Administrator Michelle Fischer  
Planning Director Jon Thompson  
City Secretary Kerri Craig  
City Attorney Alan Bojorquez

Commission Chair Larry McClung called the meeting to order at 7:02pm. All members present except Commissioner Whit Smith and Planning Director Jon Thompson. Also present is Historic Preservation Commission Chair Ted Lehr.

Commission Chair Larry McClung asks for a moment of silence in memory of Ted Stewart.

## II. EXECUTIVE SESSION

*The Planning and Zoning Commission for the City of Dripping Springs has the right to adjourn into executive session at any time during the course of this meeting to discuss any matter as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development).*

Recessed to Executive Session at 10:08pm. Reconvened at 10:25pm.

- A. Minor Plat for Springs at Onion Creek Subdivision, located at 1601 Creek Road, *Clint Jones, Applicant*

## III. PLEDGE OF ALLEGIANCE

- A. Pledge of Allegiance - Commissioner James Martin leads the Pledge of Allegiance.

## IV. PRESENTATION OF CITIZENS

*Floor open to discussion on any subject. No action may be taken by law. Citizens wishing to speak shall do so after being recognized by the Chair. The Chair may establish a time limit as necessary.*

No one speaks.

## V. MINUTES

*Consideration and Possible Action On:*

- A. Approval of Special Meeting Minutes, December 2, 2014
- B. Approval of Regular Meeting Minutes, December 17, 2014

Commissioner Josef Martin motions to approve the December 2, 2014 minutes. Commissioner James Martin seconds. VOTE: 5-0 in favor, Commissioner Kim Hubbard abstains, motion passes.  
Commission Chair Larry McClung motions to approve the December 17, 2014 minutes.  
Commissioner James Martin seconds. VOTE: 5-0 in favor, Commission Vice Chair Mim James abstains, motion passes.

## VI. ZONING

- A. Planned Development District Agreement between the City of Dripping Springs and Robert T. and Jill K. McAlister for Planned Development District No. 4: Texas Heritage Village Residential Subdivision (Approximately 29.8 Acres Located Within the City Limits of Dripping Springs, in Hays County, Texas, as Described in A0415 Philip A. Smith Survey)
1. Presentation - James McCann
  2. Staff Report - City Administrator Michelle Fischer refers to Planning Director Jon Thompson's report, which is on file. Staff recommends tabling this item since the final PDD is still being completed.
  3. Public Hearing – No one speaks.
  4. Parkland Dedication
  5. Planned Development District Agreement - Commission Chair Larry McClung motions to table the item. Commission Vice Chair Mim James seconds. The Commission discusses the item including zoning classification, housing density and affordability. VOTE: 6-0 in favor of tabling the item, motion passes.
- B. Ordinance No. 1220.106: An Ordinance Enacted In Compliance With Article 30.03 Of The Dripping Springs Code Of Ordinances; Creating Planned Development District Number Four, Which Shall Encompass The Boundary Of The Property, And Further Establish Regulations And Guidelines For The Development And Construction Of A High-Density, Detached Residential Project And Other Off-Site Roadway And Utility Infrastructure Improvements Including The Incorporation And Operation Of A Homeowners Association And Its Related Functions And Facilities; And Provide For The Following: Rules; Standards; Procedures; Criminal Penalties; And, Severability (Approximately 29.8 Acres Located Within the City Limits of Dripping Springs, in Hays County, Texas, as Described in A0415 Philip A. Smith Survey)
1. Staff Report - None
  2. Public Hearing – None
  3. Ordinance No. 1220.106 - Commission Chair Larry McClung motions to table this item. Commissioner James Martin seconds. VOTE: 6-0 in favor of tabling the item, motion passes.
- C. Ordinance No. 1220.108: An Ordinance of the City of Dripping Springs Amending the Zoning Classification of three tracts (Identified as Tracts Three and Four) in The Burrows Tract: Tract Three (2.09 acres, Philip A. Smith Survey No. 26, A-415) from Two Family Residential, Duplex (SF-4) to Multi-Family (MF) ; and Tract Four (1.11 acres, Philip A. Smith Survey No. 26, A-415) from Single Family Residential, Low Density (SF-1) to Multi-Family (MF), *Bill McLean, RDS Development, LLC, Applicant*
1. Presentation – Judd Willmann
  2. Staff Report - City Administrator Michelle Fischer refers to Planning Director Jon Thompson's report, which is on file. Staff recommends approval.
  3. Public Hearing - No one speaks

4. Ordinance No. 1220.108 - Commissioner Erik Burgeson motions to approve with staff's recommendation. Commissioner Josef Martin seconds. VOTE: 6-0 in favor, motion passes.

Commissioner James Martin leaves the room at 7:33pm because he has a potential conflict of interest concerning the next agenda item (affidavit on file).

D. Ordinance No. 1220.103: An Ordinance Amending the Conditional Overlay Zoning for Twisted X Brewing Company, Located at 23455 FM 150, *Jim Sampson, Twisted X Brewery, Applicant*

1. Presentation – None. Jim Sampson, Applicant, states that he is available for questions.
2. Staff Report - City Administrator Michelle Fischer refers to Planning Director Jon Thompson's report, which is on file. Staff recommends approval of the Zoning Overlay Amendment to modify Section 1.4.2(a)(4) so that this property is allowed to have outdoor special events pursuant to Chapter 6 of the City Code of Ordinances regarding special events, and any uses such as the use of Mobile Food Vendors pursuant to compliance with the Mobile Food Vendor Ordinance (Ord. 1220.66). Also, to limit the level of outdoor noise to 70 db as is required by the MFV Ordinance for Mobile Food Vendors to comply with.
3. Public Hearing

Robert Blackwell, 102 Springwood Road – Asks that the ordinance not be approved.

James Fenelon - Requests that the Commission reject the amendment due to concerns about the precedent it may set. Concerned that Twisted X is going to eventually change to Commercial Zoning, which is not what they were approved to do.

Melanie Fenelon – Concerned that if a permanent food court and regular outdoor public events are allowed to take place, thousands of potential residents in that area could be negatively affected. We request that you reject the amendment.

Patrick Kvapil, 26050 RR 12 – Agrees with Mr. Blackwell and Mr. and Mrs. Fenelon.

Joe Volpe, 101 oak spring drive – Suggests that a time limit be placed on the amendment to address the issue as the population and size of the town changes.

Ben Sorrell – Is in favor of the waiver to allow trailers and food courts at Twisted X.

Bill Foulds – Not speaking for or against the project, but to say be careful of unintended consequences.

4. Ordinance No. 1220.103 – Commission Vice Chair Mim James makes a motion to discuss the item. Commissioner Erik Burgeson seconds. The Commission discusses the zoning amendment and related regulations. Commissioner Josef Martin motions to approve with staff's recommendation. Commission Chair Larry McClung seconds. VOTE: 3-2 in favor, Commissioners Erik Burgeson and Kim Hubbard vote Nay, motion passes.

E. Ordinance No. 1220.109: Conditional Use Permit to allow for the permanent use of mobile food trailers to include a multi-purpose Airstream at Twisted X Brewing Company, Located at 23455 FM 150, *Jim Sampson, Twisted X Brewery, Applicant*

1. Presentation – Jim Sampson, Applicant
2. Staff Report – City Administrator Michelle Fischer refers to Planning Director Jon Thompson's report, which is on file. Staff recommends approval of the CUP with the following conditions: a) noise for all outdoor activities shall be limited to 70 decibels (which is the limit of the noise that any

noise associated with the Mobile Food Vendors is limited to), b) additional landscaping shall installed along FM150 between the road and the northernmost food trailers so that they will be screened; and c) the hours of operation of the Mobile Food Vendors shall be limited to the same hours as the Twisted X Brewery.

### 3. Public Hearing

Robert Blackwell – This was never approved; the existing Mobile Food Ordinance does not allow trailers or mobile homes. We do not want a food court.

4. Ordinance 1220.109 – Commission Chair Larry McClung motions to discuss this item. Commission Vice Chair Mim James seconds. The Commission discusses the item including zoning classification, existing ordinances, allowed uses, and conditional use permit regulations. Commission Vice Chair Mim James motions to deny as submitted. Commissioner Erik Burgeson seconds. VOTE: 4-1 in favor of denial, Commissioner Josef Martin votes Nay, motion passes.

Commissioner James Martin rejoins the meeting at 8:52pm.

## VII. ZONING & HISTORIC PRESERVATION

- A. Ordinance No. 1291.03: Designation of the Dr. Joseph Pound Historic Farmstead as a Historic Landmark, located at 570 Founders Park Road, and amending the official zoning map, *Friends of the Pound House Foundation*

1. Presentation – Miles Matthews, Board Member of the Friends of the Pound House Foundation.
2. Staff Report – City Administrator Michelle Fischer, report on file. Staff recommends approval of designating the Dr. Joseph Pound House Farmstead as a Historic Landmark.
3. Historic Preservation Commission Report – Historic Preservation Commission Chair Ted Lehr states that the Historic Preservation Commission approved the Ordinance unanimously.
4. Public Hearing – No one speaks.
5. Ordinance 1291.03 – Commission Vice Chair Mim James motions to approve Ordinance 1291.03. Commissioner James Martin seconds. VOTE: 6-0 in favor, motion passes.

Commissioner Kim Hubbard leaves the room at 9:00pm because she has a potential conflict of interest concerning the next agenda item (affidavit on file).

- B. Ordinance No:1295.12: An Ordinance of the City of Dripping Springs Creating the Hays Street Historic District and amending the official zoning map

1. Staff Report – City Administrator Michelle Fischer, report on file. Staff recommends approval as submitted.
2. Historic Preservation Commission Report – Historic Preservation Commission Chair Ted Lehr, report on file. The Historic Preservation Commission voted to approve Ordinance 1295.12 to create the Hays Street Historic District.
3. Public Hearing

Teresa Strube – Concerned about Creek Road Café becoming an Autozone. I encourage you to pass this ordinance.

Kristin Staggs – Speaking on behalf of Joanne Inscore, read a letter from Mrs. Inscore, which is on file, supporting the creation of the Hays Street Historic District.

Jerry Mooney – Concerned and would like more information on what it means to be included in a historic district. We are not in favor of being included in the historic district.

Elizabeth Mooney – We do not want to be included in the historic district. Our house wasn't built until the 1970s.

Rex Baker – I represent property owners that do not wish to be included in the historic district because those properties are not historic. Restrict the district to Hays Street and not 290.

4. Ordinance No.1295.12 - Commissioner Josef Martin motions to discuss. Commission Vice Chair Mim James seconds. The Commission discusses the regulations of the historic district, property owner rights, and the boundaries of the district. Commission Vice Chair Mim James motions to approve as recommended by staff with the condition that the Historic Preservation Commission re-review the properties that are included in the district before the next City Council meeting, and for city staff to reach out to Mr. and Mrs. Jerry Mooney to explain the implications of being included in the historic district. Commission Chair Larry McClung seconds. VOTE: 3-2 in favor, Commissioners Josef Martin and Erik Burgeson vote Nay, motion passes.

Commissioner Kim Hubbard rejoins the meeting at 9:50pm.

## VIII. SUBDIVISIONS

- A. Replat and Construction Plans for Pound House Hills, Phase 2, Lot 2E, located at the eastern terminus of Goodnight Trail, *Steve Smith, Applicant*

1. Presentation – Ricardo DeCampo
2. Staff Report – City Administrator Michelle Fischer refers to Planning Director Jon Thompson's report, which is on file. Staff recommends approval of the replat and construction plans as submitted, and approval of the parkland dedication and cash-in-lieu.
3. Public Hearing

Chris Westfield – Wants to ensure that their neighborhood remains useable with 25 mph speed limit, that contractors/builders keep the area safe and clean, and that there will be someone they can reach out to during the process if they have concerns. Also concerned the amount of traffic traveling on that one little road (Goodnight Trail) with the additional population, such as adding a red light.

4. Parkland Dedication -
5. Replat and Construction Plans - Commissioner Erik Burgeson motions to discuss. Commissioner James Martin seconds. The Commission discusses the safety of Goodnight Trail, future traffic improvements and placing the location under review by the Transportation Committee. Commission Vice Chair Mim James motions to approve. Commissioner Erik Burgeson seconds. VOTE: 6-0 in favor, motion passes.

Recessed to Executive Session at 10:08pm. Reconvened at 10:25pm.

- B. Minor Plat for Springs at Onion Creek Subdivision, located at 1601 Creek Road, *Clint Jones, Applicant*

1. Presentation – Clint Jones, Applicant
2. Staff Report - City Administrator Michelle Fischer refers to Planning Director Jon Thompson's report, which is on file. Staff recommends approval.

### 3. Public Hearing

Marianne Simmons – Opposed to this project due to irresponsible septic wastewater treatment systems being proposed, treated water disposal risks, access, traffic and public safety.

Barbara Johnson – This type of development is totally out of character and out of environmental control for the area, particularly the proposed density. It is not an appropriate subdivision for the area, the road plan does not address future traffic, there will be wastewater issues as well.

Michael Fullman – They propose to take an acre of my land, preventing me from drilling or building a house. The bridge they are proposing will prevent me from getting out of my property.

Vicky Bell – This will have a negative impact on my animals, my wells and water supply, as we are downhill from this development. The traffic will be extraordinarily bad, and the impact on my animals and livelihood will be very bad.

Teresa Strube – The septic and traffic issues are of great concern of the people living in this area. Containment, groundwater degradation, and other water issues. This plan is detrimental to our infrastructure, persons and natural environment. Please deny or table this item until these issues can be further explored.

### 4. Parkland Dedication

5. Minor Plat – Commission Chair Larry McClung motions to table this item. Commission Vice Chair Mim James seconds. VOTE: 6-0 in favor, motion passes.

## IX. EXTERIOR DESIGN

- A. Exterior Design Alternative Standard for Dripping Springs Medical Office Building Located at Sawyer 33, Tract Two, Lot 2A (approximately 660 feet south of the intersection of US 290 and Sawyer Ranch Road on the southwest side of the intersection), *Luis Duron, AIA, Applicant*

1. Presentation – None.
2. Staff Report – Kevin Herron, City Architectural Consultant, report on file.
3. Public Hearing – No one speaks.
4. Exterior Design Alternative Standard – Commission Chair Larry McClung motions to approve with staff recommendations. Commission Vice Chair Mim James seconds. VOTE: 6-0 in favor, motion passes.

## X. SIGNS

- A. Sign Variance Requests for Shell Food Mart, located at 200 W. Highway 290, *Mike Hunter, Hunter Graphics and Vithl Ready, Sree Vyshinavi Inc.*

1. Presentation – None. Mike Hunter is available for questions.
2. Sign Administrator's Report – City Administrator Michelle Fischer, report on file. Staff recommends approval of the variance request to allow a monument sign with LED gas price sign and approval of the variance request to allow a monument sign within the 8 foot setback with the following conditions: The applicant is responsible for the cost of relocating, removing, or altering the monument sign should it be required for future roadway, utility, or sidewalk construction, expansion, or repairs; The approval is contingent on verification of compliance with the Building Code, Lighting Ordinance, and other applicable regulations (this is required, but is recommended as a condition to make it clear to the applicant that the sign permits may be issued only if everything

complies with the other applicable regulations); and the permit becomes void if the applicant does not complete the construction of all of the upgrades and improvements as presented within six months of the City Council's approval of the variance requests.

3. Public Hearing – No one speaks.
4. Variance Request to allow a Monument Sign with LED Gas Price Sign - Commissioner Erik Burgeson motions to approve staff recommendations. Commissioner Josef Martin seconds. VOTE: 6-0 in favor, motion passes.
5. Variance Request to Allow a Monument Sign Within the 8 foot Setback - Commission Chair Larry McClung motions to approve staff recommendations. Commission Vice Chair Mim James seconds. VOTE: 6-0 in favor, motion passes.

## **XI. DEVELOPMENT AGREEMENTS**

- A. Third Amendment to the Headwaters at Barton Creek Development Agreement by and between the City of Dripping Springs, Texas, and WFC Headwaters Owner VII, L.P., and Rathgeber Investment Company, Ltd. Concerning approximately 1,335.73 acres located on the northside of the intersection of US 290 and Hays Country Acres Road. (The Development Agreement was originally entered into by the City, Headwaters Development Co., and The Townes Family Trust on or about April 13, 2005, was first amended on or about June 10, 2008, and was amended again on or about August 12, 2014)
  1. Presentation - Matt Mathews
  2. Staff Report – City Administrator Michelle Fischer refers to Planning Director Jon Thompson's report, which is on file. Staff recommends approval.
  3. Public Hearing – No one speaks.
  4. Amendment to Development Agreement regarding the calculation of Facilities Expansion Fee and Additional Facilities Expansion Fee – Commission Vice Chair Mim James motions to approve with staff recommendations. Commissioner Erik Burgeson seconds. VOTE: 6-0 in favor, motion passes.

## **XII. ANNOUNCEMENTS**

- A. Regular Historic Preservation Commission Meeting, February 2, 2015 at 5:30 p.m.
- B. Special Planning and Zoning Commission Meeting, February 5, 2015 at 6:00 p.m.
- C. Regular City Council Meeting, February 10, 2015 at 5:30 p.m.
- D. Regular City Council Meeting, February 17, 2015 at 6:00 p.m.
- E. Regular Planning and Zoning Commission Meeting, February 24, 2015 at 7:00 p.m.

## **XIII. ADJOURN**

Commissioner James Martin motions to adjourn the meeting. Commission Vice Chair Mim James seconds. VOTE: 6-0 in favor, motion passes. Meeting adjourned at 11:15pm.