

Minutes of Planning & Zoning Commission Meeting - February 28, 2017

A Planning & Zoning Commission Meeting of the City of Dripping Springs was held **Tuesday, February 28, 2017**, beginning at 7:00 PM in the City Hall, 511 Mercer Street, Dripping Springs, Texas.

I. CALL TO ORDER AND ROLL CALL

Commission Members

Mim James - Chair

Kim Hubbard

Erich Oswald

James Martin – Vice Chair

Michael Lavengco

John McIntosh

Evelyn Strong

City Staff/Appointed Officials

City Administrator Michelle Fischer

City Secretary Angelica Reyes

Code Enforcement Manager Kyle Dannhaus

Development Coordinator Lali Rambeau

Planning Consultant Anjali Naini

Assistant City Attorney Laura Muller

Commission Chair Mim James calls the meeting to order at 7:02 p.m. All members present.

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).

III. PLEDGE OF ALLEGIANCE

Commission Vice Chair 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 presented.

V. MINUTES

Consideration and Possible Action On:

A. Approval of Special Planning & Zoning Commission, February 7, 2017

B. Approval of Regular Planning & Zoning Commission, January 24, 2017

*Commission Vice Chair James Martin provided administrative corrections to staff. Commissioner Michael Lavengco motions to approve the minutes with minor administrative edits and corrections. Commission Vice Chair James Martin seconds.
VOTE: 7-0 in favor, motion passes.*

VI. ZONING

Consideration and Possible Action On:

A. Conditional Use Permit Application for Deep Eddy Vodka Distillery to Allow for a Mobile Food Vendors located at 2250 E Hwy 290, Deep Eddy Vodka Distillery, Applicant

1. Presentation - *No one was present to speak.*
2. Staff Report (Lali Rambeau) – Staff brought this item up for discussion only. After further research, staff proposed to amend the conditional overlay to allow a food truck. Documents on file. Staff recommends coming back to this item with an amended Conditional Use Permit (CUP) Application
3. Public Hearing - *No one was present to speak.*
4. Conditional Use Permit - Mobile Food Vendor Court and Associated Improvements (no action to be taken)

No action to be taken. Staff will work with applicant to provide proper documentation.

B. Ordinance No.1220.135: An Ordinance of the City of Dripping Springs, Texas, rezoning the tract of land commonly known as 200 E. Creek Drive, and totaling approximately 5.127 acres, described as Lot 1, Resubdivision of Lots 41, 43, 44, & 45 of Kirby Springs Ranch, Phase Two, a subdivision in Hays County, Texas, from Agriculture (AG) to Single Family Residential District-Low Density (SF-1), City of Dripping Springs, Applicant.

Presentation - No one was present to speak.

1. Staff Report (Lali Rambeau) – *Staff presented and gave overview. Staff recommends approval for the requested zoning amendment from AG to SF-1. Report on File.*
2. Public Hearing - *No one was present to speak.*
3. Ordinance No.1220.135:

Commission Vice Chair James Martin motions to approve Ordinance No. 1220.135 with staff recommendations. Commissioner Michael Lavengco seconds. VOTE: 7-0 in favor, motion passes unanimously.

C. Ordinance No.1220.136: An Ordinance of the City of Dripping Springs, Texas, rezoning approximately 22.09 acres described as Lot 2, Lot 3, and Lot 4 of the Springs Subdivision, out of the B.F. Hanna Survey No. 28, Abstract No. 222 according to the public records of Hays County, Texas, from Agriculture (AG) to Multiple-Family (MF). Marc Dickey-TRE & Associates, Applicant

1. Presentation - *No one was present to speak.*
2. Staff Report (Anjali Naini/Lali Rambeau) - *Staff presented and gave overview. Staff recommends the rezoning request from AG to MF.*
3. Public Hearing - *No one was present to speak.*

4. Ordinance No.1220.136 - *Commission Vice Chair James Martin motions to approve Ordinance No. 1220.136 with staff recommendations. Commissioner John McIntosh seconds. VOTE: 7-0 in favor, motion passes unanimously.*

D. Ordinance 1220.137: An Ordinance of the City of Dripping Springs, Texas rezoning one tract of land commonly known as Esperanza, and totaling approximately 107.8 acres, described as Lot 2A of Indian Point Estates, out of the B.F. Hanna Survey No. 28, Abstract No. 222 according to the public records of Hays County, Texas, and located at 4900 Bell Springs Road, from Agriculture (AG) to Single-Family, Moderate Density (SF-2). Marc Dickey-TRE & Associates, Applicant

1. Presentation - *No one was present to speak.*
2. Staff Report (Lali Rambeau/Anjali Naini) - *Staff presented and gave overview. Staff recommends the rezoning request from AG to SF-2. Report on file.*
3. Public Hearing - *No one was present to speak*
4. Ordinance No.1220.137

Vice Chair James Martin motioned to discuss. Chairman Mim James seconds.

Vice Chair James Martin noted that he had concerns regarding the traffic impact analysis. Chairman James pointed out that this concern is addressed in the staff report:

Traffic/Transportation: The proposed Esperanza Subdivision has approximately 104 residential lots. The Subdivision Ordinance requires a Traffic Impact Analysis (TIA) if a subdivision has 200 lots or generates 2,000 one-way trips per day. Staff may need to determine later if a TIA or other type of traffic study will be needed.

Commission Vice Chair James Martin motions to approve Ordinance No. 1220.137 with staff recommendations. Commissioner Michael Lavengco seconds. VOTE: 7-0 in favor, motion passes unanimously.

VII. SUBDIVISIONS

Consideration and Possible Action On:

A. Preliminary Plat for Esperanza Subdivision, Mark Dickey, Tre and Associates

1. Presentation – *Mark Dickey presented and gave overview. Report on file.*
2. Staff Report (Lali Rambeau) - *Staff presented and gave overview. The Preliminary Plat has been reviewed by Chad Gilpin, our external contract engineer. All comments have been satisfied per Chad Gilpin. Staff recommends approval of the Esperanza Subdivision Plat.*
3. Public Hearing
 - *Public Comment (note) from Renee Loupe. Note stated concern about the subdivision and the effect it will have on their property and surrounding properties. Note on file.*
 - *Mary Conwell, was present and spoke on this matter. She shared her concern with traffic. Would like to know more information about the possibility of a left turn and widening the roads.*
4. Preliminary Plat

The Planning and Zoning Commission entered into an executive session to discuss this agenda item as authorized by Texas Government Code Sections 551.071. Executive session was convened at 7:29p.m. Returned from executive session at 7:42p.m. Commission considered approving preliminary plat subject to applicant complying with the outcome of a T.I.A. study or tabling this agenda for further discussion.

Chairman Mim James asked the applicant which option they would prefer. Applicant stated that tabling this item would be more beneficial to them.

Commission Vice Chair James Martin motions to table this agenda item. Commissioner John McIntosh seconds. VOTE: 7-0 in favor, motion to table passes unanimously.

VIII. VARIANCE/SPECIAL EXCEPTION

Consideration and Possible Action on:

A. Request for Special Exception from the City's Zoning Ordinance, Chapter 30, Zoning Ordinance, Section 30.05.009(I) to allow a drive-in service for a mobile food vendor at 1007 W. Hwy 290 for Le Muse Food Truck, Juan Chan, Applicant

1. Presentation – Jon Thompson presented and gave overview. Presentation on file.
2. Staff Report (Lali Rambeau) - *Staff presented and gave overview. Report on file. Staff recommends that the special exception be denied for the following reasons:*
 1. *Dripping Springs Code of Ordinance, Chapter 30, Section 30.05.009 (I) states: "A drive-in service is not permitted for any mobile food vendor."*
 2. *Staff has been informed that the future plan for this site is a mobile food park with up to 5 mobile food trailers. Traffic from these additional food trucks is unknown.*
 3. *A Drive in Service at this location will cause traffic circulation issues especially on Highway 290, and within the proposed mobile food park. The Pig Pen BBQ Mobile Food Vendor Park is next door; there will be a traffic impact with two adjacent mobile food vendor parks on 290, with one food vendor having a drive-in service.*
 4. *A Drive in Service has the potential to create undesirable impacts for neighboring property owners. Odors from vehicle exhaust and noise from engines, car stereos and menu board speakers could be considered undesirable.*
3. Public Hearing – *Sherrie Parks, Dripping Springs Chamber of Commerce presented in support of small businesses and in support of this request from Le Muse Food Truck.*
 - *Ben Ash, member of the Chamber of Commerce testified in support of this request.*
 - *Bill Warren, owner of Pig Pen BBQ testified in support of the drive-thru idea if only one food truck was on property.*
 - *Monica Nash, testified in support of this request.*

4. Special Exception

Commission Vice Chair James Martin motions to consider and discuss. Chairman Mim James seconds.

Under current city ordinance, only properly designed brick and mortar shops are allowed to have a drive-thru. Commissioner James Martin brought up concerns with the close proximity of this vendor to Tiger Lane and the intersection of Hwy 290. This area is highly populated area by student drivers and heavy traffic during school hours.

One of the largest concerns for the rest of the commissioners was traffic. Vice Chair James Martin stated that even two or three cars backed up onto Highway 290 from the drive-thru line could cause a huge safety issue.

Chairman Mim James noted that he is concerned that our current ordinance does not address mobile food vendors that want to operate more than 10 days. Moving forward, Chairman James directed staff and legal to develop a set of guidelines to assist the commission when considering operation of future food truck vendors.

The commission made it clear that they would like the business owner to be successful, along with the rest of the local business in town. However, the current site plan does not alleviate their concerns over safety and traffic issues.

Chairman Mim James motions to deny request from Le Muse, and additionally, directs staff to work with legal counsel to develop an appropriate set of guidelines for long-term operation of mobile food vendors. The Commission also directs staff to work with local business and the Chamber of Commerce to get input on this issue.

Commission Vice Chair James Martin seconds. Commissioner Erich Oswald abstain from voting. VOTE: 6-0-1 in favor of denying this special exception, motion to deny passes.

IX. PARKLAND DEDICATION

Consideration and Possible Action on:

A. Blue Blazes Parkland and Open Space Plan

- 1. Staff Report – Michelle Fischer presented and gave overview. Documentation on file. Staff recommends approval.*
- 2. Public Hearing - No one was present to speak*
- 3. Parkland Dedication*

Commission Vice Chair James Martin motions to approve Blue Blazes Parkland and Open Space Plan with staff recommendations. Commissioner Erich Oswald seconds. VOTE: 7-0 in favor, motion passes unanimously.

X. BUSINESS

Consideration and Possible Action On:

- A. Ordinance No.1220.138: An Ordinance Amending Chapter 30 of the Dripping Springs Code of Ordinances to Create Article 30.06; Amending Chapter 30, Appendix E: Zoning Use Regulations (Charts), Adopting Provisions Creating a Conditional Use Permit for Short-Term Rental and Bed and Breakfast Use, Establishing Requirements for the Issuance, Maintenance and Renewal of Such Permits, Providing for the Revocation of Same and Penalty Not to Exceed \$2,000 for Violations to this**

Ordinance; Providing for the Following: Findings of Fact; Amendment; Repealer; Severability; Codification; Effective Date; and Proper Notice and Meeting.

1. Staff Report (Laura Mueller/Anjali Naini) – *Assistant City Attorney Laura Mueller Staff recommends the creation of Section 30.06 to establish provisions for short term rentals and bed and breakfasts; and the amendment of Appendix E: Zoning Use Regulations (Charts) to establish which zoning classifications short term rentals may be permitted. Report on File.*

Wanting to avoid a proliferation of unregulated short-term rentals, the City is establishing regulations to ensure applicable City codes are enforced and to ensure general public safety and welfare. The City does have an established Hotel Occupancy Tax, and this amendment also includes provisions for short-term rentals to be taxed under the section pertaining to Hotels in the Taxation Ordinance (Chapter 1, Article 1.04, Dripping Springs Code of Ordinances). The city has been noticing a peak in short term-rentals within the city limits including residential homes. The staff anticipates the continued growth of short-term rentals and would like to be prepared and have guidelines in place regarding short-term rentals.

City staff drafted this ordinance as a beginning template and seeks commission's input.

2. Public Hearing
 - *Ben Ash, member of the Chamber of Commerce testified in support of this request.*
3. Ordinance No.1220.138 - *As a the preliminary discussion on this ordinance, the Chair of the Planning and Zoning Commission instructed city staff to work with a sub-committee to further discuss and research this ordinance. Chairman Mim James and Commissioner Evelyn Strong were assigned to this sub-committee. Chairman Mim James also asked to obtain input from the affected business community.*

Commissioner John McIntosh motions to table this agenda item and request staff input at the March 28th meeting. Chairman Mim James directs staff to create a subcommittee to address this issue and to seek local business input. Commissioner James Martin seconds. VOTE: 7-0 in favor, motion to table passes unanimously.

XI. ANNOUNCEMENTS

- A. Regular City Council Meeting, March 21 - Workshop 5:30pm/7:00pm Meeting
- B. Regular Planning and Zoning Meeting, March 28, 2017 at 7:00pm

XII. ADJOURN

Commissioner Kim Hubbard motions to adjourn. Commission Vice Chair James Martin seconds. VOTE: 7-0 in favor, motion passes. Meeting adjourned at 9:25 p.m.