

CITY OF DRIPPING SPRINGS, TEXAS
MINUTES OF THE REGULAR PLANNING AND ZONING MEETING
April 25, 2017

A meeting of the Planning and Zoning Commission of the City of Dripping Springs, Texas, was held on Tuesday, April 25, 2017 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>
	Mim James – Chair	Michelle Fischer – City Administrator
	James Martin – Vice Chair	Kyle Dannhaus – Code Enforcement Manager
	Kim Hubbard	Lali Rambeau – Development Coordinator
	John McIntosh	Katie Jordan – Planning Assistant
	Evelyn Strong	Rick Coneway – City Engineer
		Laura Mueller – Assistant City Attorney

With a quorum of the commission members present, Chairman Mim James called the session to order at 6:33p.m. followed by the pledge of allegiance led by John McIntosh. It is noted that Commissioners Michael Lavengco and Erich Oswald are both absent for this meeting.

EXECUTIVE SESSION. There was no Executive Session held.

PRESENTATION OF CITIZENS. There were no comments received from the public.

MINUTES

- A. Consideration and possible action on Regular Meeting Minutes for March 28, 2017.

With no discussion being heard, a motion was made by James Martin to approve minutes as written. Kim Hubbard seconded the motion. The motion carried unanimously.

ZONING

- A. Consideration and possible action on an Ordinance 1220.139: An Ordinance of the City of Dripping Springs, Texas, amending the restrictions of the conditional overlay governing certain real property in the city limits know as Lots 5 and 6 of Peabody Plaza (also known as Deep Eddy Vodka Distillery) including mobile food vendors as an allowed use; defining mobile food vendors; and providing for the following: findings of act; enactment; repealer; severability; codification; and an effective date. *Applicant: John Scarborough, Deep Eddy Vodka.*
 - 1. Presentation. Tracy Beacham, representing Deep Eddy Vodka, discussed how the general manager for Deep Eddy met with the neighbors to discuss their concerns about some of the nuisances that they were experiencing. The general manager has agreed to address all of their issues immediately.

2. Staff Report. Lali Rambeau presented the staff report following Tracy Beacham's presentation, stating that all of the concerns of the neighbors are being addressed by the general manager.

The original zoning overlay did not allow for food trailers, but staff recommends approval of the amendment to the Conditional Use Permit (CUP) to allow for the food trailer.

3. Public Hearing. The Public Hearing was opened for comments. Hearing none, the Public Hearing was closed.
4. Ordinance No. 1220.139

A motion was made by James Martin to recommend to the City Council the adoption of Ordinance No. 1220.139 amending the Conditional Use Permit (CUP) to the existing overlay to allow for mobile food vendors. John McIntosh seconded the motion. The motion carried unanimously.

B. Consideration and possible action on a Conditional Use Permit (CUP) Application for Deep Eddy Vodka Distillery to Allow for Mobile Food Vendors, located at 2250 East Hwy 290. *Applicant: John Scarborough, Deep Eddy Vodka.*

1. Presentation. There was no presentation made by the applicant.
2. Staff Report. Lali Rambeau reported that the requested action is to apply for a CUP to allow Red's Porch to operate at Deep Eddy's site during open hours as a permanent presence as well as other food trailers during special events, which is allowed in the conditional overlay. Public notices were mailed out and published in the newspaper but no public comments were received as of April 24th. Staff recommends to approve the Conditional Use Permit (CUP).
3. Public Hearing. The Public Hearing was opened for comments. Hearing none, the Public Hearing was closed.
4. Conditional Use Permit – Mobile Food Vendor

Mim James expressed his appreciation on behalf of the commission for the efforts made by Deep Eddy's representatives to address the neighbors' concerns.

A motion was made by James Martin to approve the Conditional Use Permit to allow for mobile food vendors at Deep Eddy's Vodka Distillery located at 2250 East Highway 290. John McIntosh seconded the motion. The motion carried unanimously.

C. Consideration and possible action on a Conditional Use Permit Application for Hudson's On Mercer to allow for a Mobile Food Vendor, located at 381 Mercer Street, *Applicant: Natasha and Chad Hudson, Hudson's on Mercer.*

1. Presentation. Chad and Natasha Hudson stated that their business has been open for a year and a half. Recently they have received several requests from clientele to have consistent dining options.

2. Staff Report. Lali Rambeau stated that the owners have requested that the food trailer be a permanent source of food vending on their site. The hours of operation will be 8 a.m. until 11 p.m. on Monday through Saturday, and the last Sunday of each month for dinner from 4 p.m. until 10 p.m.

Kyle Dehart will have to approve the food permit for this food trailer which has not been completed at this time. According to the fire code, the food trailer has to be located at least twenty feet away from the building. This application was also approved by the Historic Preservation Commission for a Certificate of Appropriateness (COA). Public notices were mailed out and no public comments were received for this project as of April 24th.

3. Public Hearing. The Public Hearing was opened for comments. Hearing none, the Public Hearing was closed.

4. Conditional Use Permit – Mobile Food Vendor.

A motion was made by James Martin to approve the Conditional Use Permit (CUP) to allow for a mobile food vendor at Hudson's On Mercer Street, located at 381 Mercer Street. Mim James seconded the motion. The motion carried unanimously.

D. Consideration and possible action on a Conditional Use Permit Application for Le Muse to allow for a Mobile Food Vendor Court, located at 1007 W. Highway 290. *Applicant: Jon Thompson on behalf of Juan Chan, Le Muse.*

1. Presentation. Jon Thompson, representative for Le Muse, requested a Conditional Use Permit (CUP) to allow for a mobile food court for up to four to five mobile food trailers. Jon reviewed the staff report for this CUP and discussed it with Juan Chan, Owner. They agreed with the staff's recommendations, which is to permit one food trailer for Le Muse, owned by Juan Chan.

2. Staff Report. Lali Rambeau reported that the owner, Mr. Chan submitted a request for CUP with a concept plan proposing to allow up to five food trailers located at 1007 W. Highway 290. Staff recommends approval of the

Conditional Use Permit (CUP) for one food trailer only, since there is no site plan yet.

3. Public Hearing. The Public Hearing was opened for comments. Hearing none, the Public Hearing was closed.
4. Conditional Use Permit. Mim James sought clarification from Jon Thompson about their agreement. Mr. Thompson confirmed that they agreed to change the request from permitting five food trailers to just one food trailer, per staff's recommendation. When Juan Chan is ready to propose the full court concept then they will be expected to submit a site plan that includes all of the things mentioned by staff.

A motion was made by James Martin to approve the Conditional Use Permit (CUP) for one food trailer only since no site plan has been provided as yet. Evelyn Strong seconded the motion. The motion carried unanimously.

SUBDIVISIONS

- A. Consideration and possible action on a Replat of the Beulah Marie Needham Estate, Lot Part of 2, Acres 1.983, City of Dripping Springs, Hays County, Texas.
Applicant: Jon Thompson on behalf of Wade and Colie Hudson, Owners.

1. Presentation. Jon Thompson, representing the owners, described the location of the proposed replat. The tract in question was a tract that was cut out for someone in the family but had never gone through the process of replating it back in 1985. The lot has existed as is since 1985. Hays Court Commission had approved the replat in 1985.
2. Staff Report. Lali Rambeau reported that Jon Thompson is applying on behalf of the owners for a replat with three variances. She restated that this whole variance process was triggered in response to the replat process because they needed a septic system. The County did give them a permit for the septic system with the condition that they had to apply for a replat of the lot.

As soon as the final documents are signed at the County then they will issue an approval letter to the City. Public notices were sent out and published in the newspaper and no comments were received. Rick Coneway has reviewed the replat and approved it. The variances need to be approved before the replat can be approved.

3. Public Hearing. The Public Hearing was opened for comments. Hearing none, the Public Hearing was closed.

4. Consideration and possible action on a Variance from the Dripping Springs Code of Ordinances, Chapter 28, Exhibit A: Subdivision Ordinance, 14.6 requiring the minimum lot size for a residential lot in the City's ETJ that utilizes private Septic and a private well to be a minimum of 2.0 acres.

A motion was made by James Martin to consider all three variances for the replat followed by a motion to approve:

- (1) to grant a variance to Chapter 28, Exhibit A, Subdivision Ordinance 14.6 of the Dripping Springs Code of Ordinances to allow a minimum lot size of 1.983 acres for this replat as a residential lot in the City's ETJ that utilizes private septic and a private well to be less than the minimum of 2.0 acres;
- (2) to grant a variance to Chapter 28, Exhibit A, Subdivision Ordinance, Section 7.2.5 of the Dripping Springs Code of Ordinances to allow for the replat of a single-family residential subdivision without vacation to be approved for an existing subdivision if the replat would create a lot smaller than the smallest developable lot in the remainder of the subdivision; and
- (3) to grant a variance to Chapter 28, Exhibit A, Section 7.6 of the Dripping Springs Code of Ordinances to allow for the replat which adds or deletes lots included in the original subdivision and lot boundaries.

John McIntosh seconded the motion. The motion carried unanimously.

SIGNS

- A. Consideration and possible action on a Sign Variance Requests for Starbucks Coffee, located at 108 East US 290 West, Wayne Rhodes, Hilton Displays, *Applicant: Wayne Rhodes.*
 1. Presentation. A representative with Hilton Displays on behalf of Starbucks has requested a variance to allow for a mural on the drive through elevation. Murals are not specifically outlined in the codes, so they had to abide by the City's Sign Ordinance.
 2. Sign Administrator's Report. Michelle Fischer, City Administrator, recommended that this variance request should be denied and it was also recommended that the sign and the lighting for it be removed within thirty days from the consideration made by the Board of Adjustment.
 3. Public Hearing. The Public Hearing was opened for comments, hearing none, the Public Hearing was closed.
 4. Consideration and possible action on a Variance Request to Exceed the Maximum Number of Projecting/Wall Signs Allowed.

James Martin made a motion to open the floor for discussion. Mim James seconded the motion. The motion carried. The floor was opened for discussion.

James Martin questioned if the intention to have this display was in the original plans to have this art displayed on the wall and did not include it on the site plan. The representative for Starbucks confirmed that it was never made clear to the sign company that it would be their intention to do that.

A motion was made by James Martin to deny the variance request as per staff's recommendation. John McIntosh seconded the motion. The motion carried unanimously.

ADJOURN OPEN MEETING

A motion was made by Chairman Mim James with a second by James Martin to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 7:23p.m.

Respectfully submitted,

Katie Jordan
Planning Assistant

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

Ordinance No. 1220.139; Conditional Use Permits for Deep Eddy Vodka Distillery, Hudson's on Mercer Street, and LeMuse; and the Replat of Beulah Marie Needham Estate, Lot Part of 2, is on file in the City Secretary's office and is made a part of these minutes by reference.