

CITY OF DRIPPING SPRINGS, TEXAS
MINUTES OF THE REGULAR PLANNING AND ZONING MEETING
May 23, 2017

A meeting of the Planning and Zoning Commission of the City of Dripping Springs, Texas, was held on Tuesday, May 23, 2017 at 5:30 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	Anjali Naini – Planning Consultant
	Michael Lavengco	

With a quorum of the commission members present, Chairman Mim James called the Workshop session to order at 5:33p.m. followed by the pledge of allegiance led by Mim James. It is noted that Commissioner Erich Oswald was absent for this meeting.

II. Workshop.

No action to be taken during workshop. Staff Reports regarding Consent, Site Developments, Subdivisions, Zoning, On Site Sewage Facilities, Signs, Variances, Waivers, Special Exceptions, Annexations, Alternate Standards, Business and other agenda items listed below.

A. Planned Development District No. 5 for Heritage Subdivision

1. Overview of prior Planning & Zoning Commission action and minutes.

2. Presentation by Heritage Development Team.

The proposed Heritage project is approximately 189 acres located in the heart of Dripping Springs. This property will be annexed into the City Limits, and the zoning classification will be Planned Development District #5. Engineers and Land Planners have done thorough work to study neighboring properties to better understand the adjacent land uses. Primarily this is a residential project with nine types of residential options. They believe there are real commercial opportunities. The Amenity Center will be located in the commercial area of this project.

On May 4th, 2016 P&Z recommended approval of the PDD Ordinance. On June 12th, 2017, they will ask for a new recommendation at P&Z. They thought it would be logical for the Annexation, Zoning, PDD, Wastewater and Offsite Trail Agreement to go to City Council all on the same night for consideration. PDD #5 allows for up to 700 residential units (with some MF). A reason for introducing the PID was to leverage down the cost of home ownership to make it more affordable for people like schoolteachers and fire crewmembers to buy. 30.5 acres is dedicated to open-space for trails and parkland. They are 2.5 acres over the minimum requirement. Connectivity is a major focal point for this

development. Trails will connect the Amenity Center to Mercer St. and to the elementary school and high school. Road layouts and trail layouts are set up for future connections as other areas become developed around them. Bike lanes will be implemented as well. The timeline for approvals includes June 12th, 2017 P&Z Meeting (Final Action); June 13, 2017 City Council Workshop Session; June 20th, 2017 Proposed City Council Approval Date; July 11th, 2017 Back-up approval date – last option for City Council action for all documents. Annexation expires July 17, 2017.

Phase 1: Development Plan limited mainly by Wastewater connections. With the approval of the agreement, the City will allow for 150 wastewater connections and with that they will develop the main road that runs East to West from RR12 to the intersection of Golden Eagle and Shane Lane, which is the North East quadrant of the property. If the City acquires the Right-of-Way on the Roger Hanks Pkwy Extension then that will become part of the Phase 1 of this development. Same thing goes with the connected trail for Mercer St. Also the Water Quality Pond will be developed.

Phase 2: Extend the roadway East to West from roundabout to Sportsplex Dr. It is an important connection for residents to get to elementary school. 224 units and Wastewater LUE's total. Wastewater effluent line added per Wastewater Amendment #3.

Phase 3: Located at Northwest Quadrant. Water Quality Pond will be developed, RR12 traffic signal added and 140 units with Wastewater LUE's per Wastewater discharge permit.

Phase 4: Located at Southern local street. Water Quality Pond will be developed, Offsite lift station and force main, and 186 units and Wastewater LUES per Wastewater discharge permit.

3. Planned Development District No. 5 presentation.
4. Annexation and Development Agreement – Presentation by Legal.

Planning & Zoning should consider community benefits of this development. This project creates primary employment, neighborhood services, exceeds design standards, Single Family home development, Flood control elements, increase multimodal transportation options, provides roadway network, improves wastewater treatment, provides Assessment Ordinance to pay for public improvements, and more.

III. Recess.

Recessed at 6:25p.m.

IV. Reconvene at 6:30 p.m.

V. Pledge of Allegiance.

VI. Presentation of Citizens.

There were no comments received from the public.

VII. Minutes.

Consideration and Possible Action On:

A. Consideration and possible action on Regular Meeting Minutes for April 25, 2017.

With no discussion being stated, a motion was made by James Martin to approve minutes as written. Kim Hubbard seconded the motion. The motion carried unanimously with a vote of 6 Ayes and 0 Nays, approving the minutes.

B. Discussion of recommended language for stating motions and the preparation of proper minutes.

Per Debbie Loesch, who is a seasoned City Secretary, has proposed that the City's Planning and Zoning Commission and City Council members modify the way motions are carried out. She advised them do not refer to the staff's recommendations in the motion, but instead to state what the specific recommendations or conditions are as they are stating the motion. Additionally, commissioners and council members need to ensure that they make a formal motion that is concise and clear.

VIII. Zoning.

Consideration and Possible Action On:

A. Conditional Use Permit Application for a Mobile Food Vendor Court Located at 28911 RR12, Dripping Springs, TX 78620, Applicant: Jon Thompson on behalf of Neil Stokes.

1. Presentation (Jon Thompson)

Jon Thompson gave a brief description of this project, stating that this site was approved for a Site Development Permit for 27 parking spaces, and also has a TXDOT Driveway Permit that is currently under construction. Presently this is a Conditional Use Permit for a mobile food court with four mobile food trailers. A revised site plan and concept plan was included as part of the application.

2. Staff Report (Lali Rambeau)

Lali Rambeau presented the staff report following Jon Thompson's presentation, stating that this request is for a Conditional Use Permit for a mobile food court to allow up to four mobile food trailers. The Site Development Permit for the parking lot was approved on April 10th, 2017. Anjali Naini (Planning Consultant) and Tom Hegemier (Engineering Consultant) both reviewed the Site Development application and approved the site plan. Dillon Polk (ESD#6) also reviewed the site plan and approved it. After the Conditional Use Permit Application was submitted for review, Dillon Polk and City staff visited the site on May 16th, 2017 to discuss parking, the placement of the food trailers and the restroom facilities with the owner. City staff and Dillon are supportive of the concept plan and how it fits into the site plan. Each food trailer will comply with the applicable fire code and will be inspected by

Kyle Dehart (City Sanitarian) and Dillon Polk again.. The concept plan shows a seating area as well as a playground and a permanent restroom facility that will be constructed to meet the most current building codes. A site plan will be required to show that the changes are minor and to make sure there are no negative impacts to downstream property owners due to added impervious cover. Public notices were published and mailed out to adjacent property owners. No public comments were received on this topic. The proposed hours of operation will be 6 a.m. to 11 p.m. Sunday through Monday. The owner will be complying with the Outdoor Lighting Ordinance and the Sign Ordinance.

Staff recommends approval of the Conditional Use Permit for four mobile food trailers, contingent upon the approval of the amended and revised site plan by Tom Hegemier.

3. Public Hearing

The Public Hearing was open for comments. Hearing none, the Public Hearing was closed.

4. Conditional Use Permit

A motion to discuss was made by Vice Chairman, James Martin, Chairman and Mim James seconded the motion. James Martin called on staff to verify if the correction was made on the section for the hours of operation in the Conditional Use Permit to read as Sunday through Saturday instead of Saturday through Sunday. Secondly, James wanted to know about the restroom facilities on the site plan. Staff informed him that there would be septic on site and it will have to be approved by Kyle Dehart. The mobile food trailers will not connect to septic, they will resort to pump & haul.

James Martin made a motion to approve the Conditional Use Permit to allow a mobile food court with four mobile food trailers located at 28911 RR12 with the hours of operation being Sunday through Saturday 6 a.m. through 11 p.m. Michael Lavengco seconded the motion. The motion carried unanimously with a vote of 6 Ayes and 0 Nays.

IX. Subdivisions.

Consideration and possible action on:

A. **Replat of North Belterra Commercial, Final Plat of the Resubdivision of North Belterra Commercial Subdivision, Being a Replat of Lots 1-4 of North Belterra Commercial Subdivision, City of Dripping Springs ETJ, as recorded in Document Number 2016040879 of the Plat Records of Hays County, Texas. Applicant: Bradley Lingvai P.E., Big Red Dog.**

1. Presentation No presentation was given.
2. Staff Report (Lali Rambeau)

The owner is requesting to replat the existing four lot recorded Final Plat into twelve lots. The replat will create eight additional lots in accordance with the approved preliminary

plan. This replat was reviewed by the County and the City of Dripping Springs in accordance with the 1445 Interlocal Agreement. Rick Coneway (City Engineer) reviewed the application and determined that this submittal meets the requirements of the Development Agreement and the City's Subdivision Ordinance. Hays County has not yet approved the Replat but was ok with present it to P&Z since they have minor comments that will be addressed and satisfied before City Council can approve it. Staff recommends approval of the Replat Application contingent upon approval by Hays County Development Services in accordance with the 1445 Interlocal Agreement.

3. Public Hearing

The Public Hearing was open for comments. Hearing none, the Public Hearing was closed.

4. Replat

James Martin made a motion to approve the Replat of the Belterra Commercial, Final Plat of the Resubdivision of North Belterra Commercial Subdivision from the existing four lots into twelve lots, contingent upon Hays County approval of the Replat. John McIntosh seconded the motion. The motion carried unanimously with a vote of 6 Ayes and 0 Nays.

X. Variances/Waivers/Special Exceptions/Alternative Standards.

Consideration and possible action on:

A. Exterior Design Standards for Ridge at Ramsey Ranch, located at US. Highway 290 West at Hays Country Acres Rd, Dripping Springs, TX 78620, Applicant: Gary Payne, Enviroplan Architects & Planners

1. Presentation **No presentation was given.**

2. Architectural Design Consultant Staff Report (Keenan Smith, AIA)

This project known as Ridge at Ramsey Ranch is a commercial retail building for new construction of a single story building. Staff recommends approval in concept with the following four conditions of approval.

- 1) Pedestrian Amenities. Provide five minimum elements as require per Exterior Design Ordinance; Three on the Primary (North) elevation to be installed and inspected prior to Certificate of Occupancy issuance. Patio and ourdoor areas could contribute.
- 2) Sloped Roof Material. To be Zinc Grey color and finish by Berridge or equal.
- 3) Native Stone Masonry. Approved in Concept subject to City's onsite review of construction mockup (4' x 4' min. with stone, mortar, trims) prior to bulk order of materials.
- 4) Trash Receptacle Screen. Design shown in plan only. Provide per Ordinance faced with Native Stone Masonry on sides, with opaque metal doors. Detail on Permit Set plans.

Alternative Design Standard was requested as strict compliance was challenged by the following building conditions or desired design approaches:

Design “Compliance Challenges” vs. Exterior Design & Architectural Standards:

- Standing Seam Metal Roof with sheds and gables is required vs. proposed primarily flat roofed areas, with partial coverage of a gabled Sloped Metal Roof element. Flat roof elements are desired to facilitate HVAC equipment.
- Stone Building Base Exterior wainscot is required 100% faced with stone masonry to ¼ wall height or 4’ required, vs. glass storefront, concrete walls and stucco dropping to grade proposed, facilitating flexible fenestration by future retail tenants.

Proposed Alternative Design Standards: Mitigating Elements (Exceeding Standards):

- Building Massing & Articulation Building area is less than minimum square footage threshold for the “Articulation” requirements. Nevertheless the proposed building massing is well articulated, both horizontally and vertically, thus exceeding standards.
- Porch Requirement Exceeds fifty percent at Front Primary Elevations: More extensive porch/shading elements are proposed at North (Primary) Elevation (sloping metal awnings and deep, flat metal canopy) thus exceeding minimum standards. In addition, a deep metal canopy is also proposed at South Elevation Patio, exceeding requirements.
- Pedestrian Amenities “Patio” dining and “Outdoor Recreation” areas are proposed at the SW corner of the building, supplementing proposed bench elements at the Primary North elevation. These supplemental features contribute the potential for the project to exceed standards.
- Predominance of Native Stone Masonry. The design proposed areas of full-height Native Stone Masonry walls in visibly prominent locations, which on average, provides a quality look and feel and creates a reasonable balance of the masonry presentation.

3. Public Hearing

The Public Hearing was open for comments. Hearing none, the Public Hearing was closed.

4. Architectural Design Alternative Standard

Mim James made a motion to approve the Alternative Design Standard subject to the four conditions per Keenan Thompson’s staff report recommendation; 1. Pedestrian amenities provided as elements per the Ordinance. 2. Sloped Roof material, zinc grey color and finish by Berridge or equal. 3. Native Stone Masonry will be approved based on the sample provided. 4. Trash receptacle screen provided per Ordinance faced with native stone masonry on sides, with opaque metal doors. Michael Lavengco seconded. The motion carried unanimously with a vote of 6 Ayes and 0 Nays.

XI. Business.

A. First Amendment to the Anthem at Ledge Stone (fka Cypress Creek at Ledge Stone) Development Agreement between the City of Dripping Springs and Stuart Shaw Family Partnership, Ltd., for Anthem at Ledge Stone Apartments amending the

Cypress Creek at Ledge Stone Development Agreement entered into about October 4 2012 between the City of Dripping Springs and Stuart Shaw Family Partnership, Ltd. The affected area is approximately 16.821 acres of land out of the William S. Holton Survey No. 57, Abstract No. 245, in Hays County, Texas. *Stuart Shaw, Applicant.*

1. Presentation (Rex Baker/Felix Manka)

This project was first initiated in 2012 and has since changed it's concept to "market apartment" weighing towards one bedroom apartments. The requested amendments include parkland, cut and fills, and setbacks. The first variance is related to cuts and fills amendment, which will overall reduce the amount of cuts proposing more fills to preserve vegetation for the landscaping plan. The second variance pertains to building setback lines. The original building lines do not conform with today's current setback requirements for these buildings, therefore they want to bring it into compliance.

2. Staff Report (Anjali Naini)

Anthem at Ledge Stone was formerly known as Cypress Creek at Ledge Stone. The project will consist of apartment homes. The original development agreement was adopted in October 2012. The property is located north of Highway 290, just north of Rocky Ridge Tail, and between Four Star Blvd and Ledge Stone Dr. The property is approximately 16.821 acres. The entire property is located within the City's extraterritorial jurisdiction. Anjali recommends approval of the First Amendment to the Anthem at Ledge Stone Development Agreement.

3. Public Hearing

The Public Hearing was open for comments. Hearing none, the Public Hearing was closed.

4. Variance from Original Cypress Creek at Ledge Stone Development Agreement, Exhibit C: Cuts and Fills in Excess of Six Feet.

5. Variance from the Original Cypress Creek at Ledge Stone Development Agreement, Exhibit C: Minimum Setbacks.

6. Amended and Restated Development Agreement

James Martin made a motion to approve the two Variances collectively; Variance #1 pertains to cuts and fills and includes the wording as described in Exhibit C and Variance #2 pertains to the minimum building setbacks for modification of the previous requirements set in the City's Subdivision Ordinance for properties located in the City's ETJ, with the front and rear building lines of 10' and side building lines of 5'. Mim James seconded the motion. The motion carried unanimously with a vote of 6 Ayes and 0 Nays.

James Martin made a motion to approve the Anthem at Ledge Stone - Amended and Restated Development Agreement as published. Kim Hubbard seconded the motion. The motion carried unanimously with a vote of 6 Ayes and 0 Nays.

B. Discuss and provide direction to staff on Planned Development District No. 5 Ordinance, Annexation and Development Agreement

Workshop Discussion Continued. The development standards are all going to comply with the PDD#5 Ordinance. On July 11th, 2017, City Council will be taking action on Annexation Adoption, PDD Zoning Ordinance, Annexation and Development Agreement, Wastewater Service Agreement, PID Creation, PID Finance Agreement, and PID Service and Assessment Plan.

Public benefits to be provided in Heritage are as follows:

- Wastewater facilities
- Water facilities
- Entryway monument
- Offsite roadway
- Collector roadways
- Detention ponds
- Package plant
- Trails, parks, and open space
- Landscaping and hardscaping

Most of the improvements above will be funding through the PID, and some will be funded by Stratford Land Company.

The proposed Heritage PDD will provide a minimum of 28 acres of parks and open space, an amenity center, and will also include a variety of housing types suited to the needs of several demographic segments of the population.

Several residents have reached out to City Hall to express their concerns about the proposed Heritage project. Strategies to address those comments have been summarized in the table included in the staff report.

A Traffic Impact Analysis will be submitted with the first plat. The applicant also provided to the City a capacity and analysis study. The study results showed that the proposed transportation network was sufficient to handle the volume of traffic expected to be generated. The traffic study was reviewed and approved by the Transportation Committee.

The staff report also covers the Sustainable Places Project which hosts as a guideline for how the Heritage project should address livability principles and features.

Annexation and Development Agreement is an integral part of the Heritage document package. It references PDD #5. It also provides architectural standards to be enforced by the HOA. Other items not covered by PDD #5. Additionally, this provides the timing of the annexation of Heritage into the City's corporate limits simultaneously with the acceptance of the Agreement.

The proposed parks and trails in Heritage will help implement the Comprehensive Plan's goal of offering a variety of recreational activities and facilities to foster an active community. Additionally, the Comprehensive Plan supports a diversity of housing types, and encourages higher densities in areas deemed appropriate. Heritage proposes a mix of housing products, including single-family detached, townhomes, garden homes, duplex/quadplex, village condominiums, courtyard housing, and multifamily.

C. Planning & Zoning Commission Member Terms Expiring June 2017

Mim James, Kim Hubbard, Michael Lavengco and John McIntosh have agreed to serve another term.

XII. 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), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development).

XIII. Announcements.

- A. Transportation Committee Meeting, May 29, 2017 at 3:30 p.m. – *Tentatively*
- B. Economic Development Committee, on May 24, 2017 at 4:00 p.m.
- C. Regular Historic Preservation Commission Meeting, June 5, 2017 at 5:30 p.m.
- D. Special Planning & Zoning Commission Meeting, Tuesday, June 12, 2017 at 6:30 p.m.**
- E. Regular City Council Meeting, June 13, 2017 5:30 p.m. Workshop/ 6:30 p.m. Meeting
- F. Next Regular Planning & Zoning Commission Meeting, June 27, 2017 at 6:00 p.m.

XIV. Adjourn.

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.

