

# Minutes of Planning and Zoning Commission Regular Meeting

A Regular Meeting of the City of Dripping Springs Planning and Zoning Commission was held Tuesday, June 23, 2015, beginning at 7:00 PM at 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 calls the meeting to order at 7:02pm. All members present except City Attorney Alan Bojorquez.

## 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 - 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 Regular Meeting Minutes, May 26, 2015

Commissioner Erik Burgeson motions to approve the minutes. Commissioner James Martin seconds. VOTE: 6-0-1 in favor, Commissioner Kim Hubbard abstains because she was not present at the May 26<sup>th</sup> meeting, motion passes.

Commission Chair Larry McClung motions to discuss Site Development agenda item C: Site Development for Paisano Country Homes Phase 1 before all other items because the majority of the citizens in attendance tonight are interested in that item. Commission Vice Chair Mim James seconds. VOTE: 7-0 in favor, motion passes.

## VI. BUSINESS

### *Consideration and Possible Action On:*

#### A. Resolution No. 2015-31: A Resolution of the City of Dripping Springs Approving the Amended City-Wide Trails Plan

1. Presentation – City Administrator Michelle Fischer and Justin Bates, National Park Service, presentation on file.

2. Public Hearing –

Wayne Simoneau – DS resident since 1994 in The Woods – Would like to see signs put up on our existing roadways that state they are bikeways. Even though the bike trail infrastructure is not in place yet, we can put signs up today that state the roads are designated as bikeways so drivers can see that biking is encouraged on those roads. It is dangerous especially on Ranch Road 12, but those signs would tell drivers that bikers are expected to be on the road beside them. The 10 foot wide concrete path is the right way to go, with 30 feet wide the minimum. San Antonio has a world-renowned trail system and is a good trail system to look at. Urges the Commission to support this plan.

Tasha Nikora – I am a runner and love trails being an alternative to roads. Since I moved here its been harder to find places to run, so I totally support this plan, I just wonder how this affects property that is owned privately when the 30 foot path impedes on private property.

3. Approval of Resolution No. 2015-31: A Resolution of the City of Dripping Springs Approving the Amended City-Wide Trails Plan

Commissioner Erik Burgeson motions to approve the Resolution. Commission Vice Chair Mim James seconds. Commission discusses the issue of imminent domain, private property, and regulating the use of the trails. VOTE: 6-0 in favor, Whit Smith had to leave the meeting prior to the vote, motion passes.

B. Appointment of Vice Chair – Commission Chair Larry McClung motions to appoint Mim James to the position of Vice Chair of the Planning and Zoning Commission. Commissioner Erik Burgeson seconds. VOTE: 5-0-1 in favor, Commission Vice Chair Mim James abstains, motion passes.

## VII. SIGNS

#### A. Requests for Waiver and Variances Regarding Exterior Design & Architectural Standards, Lighting, and Signage for Schlotzsky's, Located at 1025 Cannon Drive, Suite 101, Schlotzsky's, Applicant

1. Presentation - None

2. Sign Administrator's Report – City Administrator Michelle Fischer states that the applicant wishes for this item to be tabled until the July 28<sup>th</sup> Planning and Zoning Commission meeting.

3. Public Hearing – No one speaks.

4. Waiver and Variance Requests

a. Variance Request to Exceed the Maximum Number of Signs Allowed for a Business in a Multi-Unit Property

- b. Waiver Request from Exterior Design & Architectural Standards Ordinance for Drive-Thru Window Awning
- c. Variance Request to Allow a Menu Board
- d. Variance Request to Allow the Use of White in Internally Illuminated Menu Board and Directional Signs that is not a Logo

**This item was tabled. No action taken.**

**VIII. SITE DEVELOPMENTS/SUBDIVISIONS/ZONING/ON SITE SEWAGE FACILITIES/SIGNS/VARIANCES/WAIVERS/ALTERNATE STANDARDS/DEVELOPMENT AGREEMENTS**

***Consideration and Possible Action On:***

A. Conditional Use Permit Application to Allow for a Mobile Food Vendor Court and Associated Improvements, Located at 310 Old Fitzhugh Rd., *Tasha Nikora and Alysia Ferrer, Applicants*

- 1. Presentation – **Tasha Nikora, Applicant.**
- 2. Planning Director's Report – **Planning Director Jon Thompson, report on file. Staff recommends approval of the Conditional Use Permit with the conditions stated in the staff report.**
- 3. Historic Preservation Commission Report (see Planning Director's Report)
- 4. Public Hearing – **Sherry Watts – Lives on Old Fitzhugh and is excited about the additional food options, but is concerned about retaining the historical small town appearance of the street and doesn't want it to look like Austin.**

**Linda Kleman – Also excited about the idea but has questions about if the trailers will be permanent or come and go at varying times.**

- 5. Conditional Use Permit - **Commissioner Josef Martin motions to approve according to staff's recommendation, delegating the final decisions to staff. Commission Chair Larry McClung seconds. Commission compliments staff and the applicant on the hard work they all did on this item. VOTE: 6-0 in favor, motion passes.**

B. Conditional Use Permit Application to Allow for an Accessory Dwelling, Three Car Garage, and Work Shop, Located at 217 Shetland, *Dwayne and Valerie McJunkins, Applicant*

- 1. Presentation - **None**
- 2. Planning Director's Report – **Planning Director Jon Thompson, report on file. Staff recommends approval of the Conditional Use Permit with the conditions stated in the staff report.**
- 3. Public Hearing – **No one speaks.**
- 4. Conditional Use Permit – **Commission Chair Larry McClung motions to approve according to staff's recommendations. Commissioner Erik Burgeson seconds. VOTE: 6-0 in favor, motion passes.**

C. Site Development Plan for Paisano Country Homes Phase 1, Located at 13400 Paisano Trail, *Joe Peter, Applicant*

1. Presentation – Joe Peter, Applicant
2. Planning Director's Report - Planning Director Jon Thompson, report on file. Staff recommends approval of the Site Development Plan with the conditions stated in the staff report.
3. Public Hearing –

Tim Welsh – Resides near the development. Opposed to and formally protests the development because the deed restrictions are not being adhered to, density issues, traffic issues, safety concerns due to it being a low-income area, noise issues and devalued property values.

Tony Guzman – Neighbor to this development. Formally protest this development because it degrades the standards of our community, is too dense in comparison to our community, and will generate traffic issues.

Seth Green – Property owner near the development. Agrees with Tim and Tony. There are deficiencies and errors in the permit application that need to be addressed, and should be withdrawn by the applicant. The drainage area is inaccurate and the retention pond would be the wrong size.

Homero de la Cruz? – Over 100 people from the Big Country subdivision have signed a petition to stop this development. The developer has a history of increasing the number of units after development begins. This is not a residential development, it is a rental development.

Steve Brown – Resident of Dripping Springs for a long time, and has been hired by people in this area to address these very serious concerns, especially the potential deed restriction violations. Take further review of the comments tonight, and get additional feedback from the experts who have spoken tonight who have been studying this development, keeping in mind the true intended outcome and future number of units.

Dwight Cassell – Lives next to the development. Opposes and formally protests the proposed development. Primary reason is that the deed restrictions are not being recognized which state no commercial use will be permitted, and these are income producing rental properties which is a commercial venture. Only residential purposes are supposed to be allowed but a stormwater outfall and road are proposed. The density and character of the proposed development does not meet the intent of our community standards, will create traffic issues, low income housing will create safety and welfare issues, property values will go down, harm and disharmony due to noise, nuisance and high density. This should have no further consideration to be a part of our neighborhood.

Wendy North – Lives near the proposed development. Opposed because this is supposed to be reserved lots for veterans, which this will not be. Deed restrictions are being violated and I would like this area to stay as it is. Commercial property is against the deed restrictions. Honor the integrity of our quiet country living and the veterans tracts that were set up.

Mark Wojcik – Lives across from the development. Opposed because I purchased my property two years ago and have made significant investments in good faith that this area would continue to be a residential community. Opposed to all phases

of the development because it violates deed restrictions, lowers the property values of the surrounding area, will likely end up being higher density than proposed, it's out of step with its neighbors and sacrifices the long term value of our properties.

Howard Hollinger – Lives on High Sierra and is opposed for the same reasons as the others.

Cynthia Grant – Has lived on High Sierra since 1986. Opposed for the same reasons. High Sierra will be where the driveway exit will be from Paisano. The road is caliche primarily, one lane, blind curves and erodes when it rains. We maintain the road at our expense. If you put 14 units with two cars each, the road will be damaged and degraded more than it is now and will cost us money and will be dangerous.

Robert Gillespie – Lives in Carol Oaks subdivision north of Big Country. We share the same concerns as Big County about traffic from this development. The septic drainage from this development does not appear to be adequate.

Earle Britton – Has lived on High Sierra for a long time on one of the veterans tracts. Opposed because this development is inappropriate for this area. It will cause traffic, septic, water, and other issues. This area is not supposed to be as dense as the proposed project. At some point we realize that Dripping Springs will need housing of various types, but this area is not appropriate. We recognize the need for housing but this area is meant for 10-15 acre tract housing, and this dense development should not be within this community.

Paula Britton – Lives on High Sierra, opposed because it will greatly affect the quality of our lives to have something that dense, creating dangerous traffic issues and changing our quality of life.

Brad Singleton - We live in Big Country. Opposed because we moved to this area because we wanted our child to go to school in Dripping Springs because of its reputation, and to have the small town life, beauty and nature, and now this highly densely populated development is being proposed that is the opposite of what we moved out here for.

Marilyn Jackson – Has lived on High Sierra since 1983, on the first lot where there is a lot of traffic. Built our dream home on 10.25 acres right in the middle because we like the country setting and the deed restrictions in that area provided for their not being a lot of homes, which we wanted. We do not want the higher density development, extra traffic, higher crime rate from low income people. Starter and rental homes don't usually bring in better people. Please don't go through with the plan.

Geoffery Jackson – Bought their 10 acres on High Sierra because it was a quiet area and the deed restrictions showed that the area would be a country area with no commercial, no high density area. The developer shouldn't have bought land that doesn't allow lots of houses and then try to build lots of houses

Linda Kleman – Has lived in Big County for 20 years. Opposed because commercial development does not belong in our neighborhood. I have concerns about the water and traffic issues this development would bring. We all bought property in this area to live in the country and not be in a high density area.

Joe Peter – Applicant for this Development. Answers some questions brought up during public comment regarding multiple phases up to 14-15 homes, septic system designs, walking trails and park area. People who can't afford larger tracts and more expensive homes want to live in the country also, and they should have that opportunity in Dripping Springs or we won't have the service people, teachers, etc. that the community needs.

Denise Goodnight – I live on 10 acres right next to where the development is proposed. I live on a hill and even if I put up a 10 foot fence, I will still see the property over that fence. I've been told that having a house on the hill with the great view is what will cause someone to buy it, but not with that view. I know we need lower income housing, but not in this area. I worry about the precedent this would set as well.

Chad Swedberg – Has lived in the area for over 20 years and is against the development for the same reasons as everyone else. I want to protect the neighborhood and the four different subdivisions affected by this development. We should not sacrifice everyone else's quality of life for one developer. It violates the deed restrictions and would not be safe.

Tasha Nikora – Knows from experience that it's hard for a veteran family to find an affordable home so taking away these veteran tracts is wrong.

4. Parkland Dedication
5. Site Development Plan

Commission Chair Larry McClung thanks the audience for coming to the meeting and the way they conducted themselves, and explains the authority of the Planning and Zoning Commission and the City's ability to regulate land use and other issues outside the city limits. Commission Chair Larry McClung motions to table both items and directs staff to review the engineering in regards to site development and water issues, and to involve the City Attorney to review any implications that might be related to the private road that is maintained by some of the adjacent residents. Commission Vice Chair Mim James seconds. The Commission discusses the deed restriction issues, the review and approval process, the future implications and precedence of approving this type of development in this type of area, creative land use and planning, and lower income housing options in Dripping Springs. VOTE: 7-0 in favor for tabling both items, motion passes.

D. Replat of Lot 2, Counts Estates, Phase 1, and Lot 1, Block A, Counts Tract Subdivision, *Kevin & Kristy Franta and Chris & Amanda Kelley, Owners / Applicants*

1. Presentation – Gary Pennington, Surveyor and Applicant's Representative
2. Planning Director's Report - Planning Director Jon Thompson, report on file. Staff recommends approval of the Replat with no conditions.
3. Public Hearing – No one speaks.
4. Replat – Commissioner Erik Burgeson motions to approve. Commissioner James Martin seconds. VOTE: 6-0 in favor, motion passes.

## IX. ANNOUNCEMENTS

- A. Regular Historic Preservation Commission Meeting, July 6, 2015 at 5:30 p.m.
  - B. Regular Parks & Recreation Commission Meeting, July 13, 2015, at 6:00 p.m.
  - C. Regular City Council Meeting, July 14, 2015 at 5:30 p.m.
  - D. Regular Planning and Zoning Commission Meeting, July 28, 2015 at 7:00 p.m.
- X. **ADJOURN** – Commissioner Josef Martin motions to adjourn the meeting. Commission Vice Chair Mim James seconds. VOTE: 6-0 in favor, motion passes. Meeting adjourns at 9:55pm.