

# Planning & Zoning Commission

## Regular Meeting Minutes June 26, 2018 at 6:30 p.m.

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A Regular Meeting of the Planning & Zoning Commission was held Tuesday, June 26, 2018 beginning at 6:30 p.m. in the City Hall Council Chambers located at 511 Mercer Street, Dripping Springs, Texas.

### I. CALL TO ORDER AND ROLL CALL

Commission Members present were:

Chair Mim James  
Vice Chair James Martin  
Commissioner John McIntosh  
Commissioner Evelyn Strong  
Commissioner Erich Oswald

Commission Members absent were:

Commissioner Kim Hubbard  
Commissioner Michael Lavengco

City Staff/Appointed Officials present were:

City Administrator Michelle Fischer  
Deputy City Administrator Ginger Faught  
City Planner Anjali Naini  
Development Coordinator Molly Mulloy  
City Engineer Chad Gilpin  
City Attorney Laura Mueller

With a quorum of the Planning & Zoning Commission present Chair James called the meeting to order at 6:30 p.m.

### II. PLEDGE OF ALLEGIANCE

Chair James led the Pledge of Allegiance to the Flag.

### III. 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 spoke during Presentation of Citizens.

### IV. MINUTES

*Discussion and Possible Action of:*

#### A. Minutes of the May 22, 2018 Regular Planning & Zoning Commission Meeting

A motion was made by Vice Chair Martin to approve the Minutes of the May 22, 2018 Regular Planning & Zoning Commission Meeting. Commissioner Oswald seconded the motion which carried unanimously 5 to 0.

## **V. BUSINESS**

*Discussion and Possible Action on Zoning, Conditional Use Permits, Subdivision, Site Development, Signage, Variances, Special Exceptions, Waivers and other matters:*

### **A. Tax Increment Reinvestment Zone - Old Fitzhugh Road Concept Plan**

1. *Presentation*
2. *Staff/Consultant Report*

Project Consultant Jim Adams with McCann Adams Studio gave a presentation and report on the item which are on file and available for review upon request.

3. *Public Hearing*

No one spoke during the Public Hearing.

4. *Concept Plan*

A motion was made by Vice Chair Martin to recommend City Council approval of the Tax Increment Reinvestment Zone - Old Fitzhugh Road Concept Plan. Commissioner McIntosh seconded the motion which carried 4 to 0 to 1, with Commissioner Oswald abstaining due to his residence on Old Fitzhugh Road.

### **B. CUP2018-0003: A Conditional Use Permit for Shaved Ice Cones Mobile Food Vendor, located at 299 Mercer Street, Dripping Springs, Texas Zoned CS-Commercial Services with Historic Overlay, and Further Described as: Original Town of Dripping Springs, Block 6, Lot 1-2-3, 0.3444 Acre. Applicant, Angie Bigham**

1. *Presentation*

Owner Angie Bigham presented the item.

2. *Staff Report (Anjali Naini)*

Anjali Naini presented the staff report which is on file. Staff recommends approval of the item.

3. *Public Hearing*

No one spoke during the Public Hearing.

4. *Conditional Use Permit*

A motion was made by Vice Chair Martin to recommend City Council approval of CUP2018-0003: A Conditional Use Permit for Shaved Ice Cones Mobile Food Vendor, located at 299 Mercer Street, Dripping Springs, Texas Zoned CS-Commercial Services with Historic Overlay, and Further Described as: Original Town of Dripping Springs, Block 6, Lot 1-2-3, 0.3444 Acre. Commissioner Strong seconded the motion.

After some discussion regarding grandfather status, Vice Chair Martin and Commissioner Strong withdrew their motion and second respectively.

A motion was made by Vice Chair Martin to recommend City Council approval of CUP2018-0003: A Conditional Use Permit for Shaved Ice Cones Mobile Food Vendor, located at 299 Mercer Street, Dripping Springs, Texas Zoned CS-Commercial Services with Historic Overlay, and Further Described as: Original Town of Dripping Springs, Block 6, Lot 1-2-3, 0.3444 Acre, with the following conditions:

1. Restrictions as outlined in the City Planner Staff Report will apply to the CUP;
2. If the business is closed more than five (5) consecutive days, the trailer must be removed from facing Mercer Street; and
3. The business may not operate between 11:00 p.m. – 6:00 a.m.

Commissioner Oswald seconded the motion which carried 4 to 0 to 1, with Commissioner McIntosh abstaining.

**C. SUB2018-0008: A Preliminary Plat for 7 Lots Totaling 14.61 Acres Know as the Shire Subdivision, Section 2, Located at 1111 Hays Country Acres Road in the Extraterritorial Jurisdiction of the City of Dripping Springs, Texas, and further Described as: 14.61 Acres out of 126.7243 out of the Richard Vaughn Survey No. 7, as Conveyed by Deed as Recorded in Document No. 04016647 of the Official Public Records of Hays County, Texas. Applicant, Travis Flake**

*1. Presentation – there was no presentation*

*2. Staff Report*

Staff requests postponement of this item at this time.

*3. Public Hearing*

No one spoke during the Public Hearing.

*4. Preliminary Plat*

A motion was made by Chair James to postpone the item for consideration of recommendation to the next regular Planning & Zoning Commission meeting to be held on July 24, 2018. Vice Chair Martin seconded the motion which carried unanimously 5 to 0.

Without objection from the Commission, Chair James announced Business Item D will be taken up for consideration after Business Item F, in order to accommodate the applicant who was not present at the time the item was ready to be considered.

**E. ZA2018-0002: An Ordinance of the City of Dripping Springs, Texas Rezoning One Tract of Land at 100 Brookside Street, Dripping Springs, Texas, Further Described as North Forty, Section 2, Block C, Lot 28, from CS-Commercial Services and MH-Manufactured Housing to CS-Commercial Services. Applicant, Roberto Berrios**

*1. Presentation- there was no presentation*

*2. Staff Report (Anjali Naini)*

Anjali Naini presented the staff report which is on file. Staff recommends approval of the item.

*3. Public Hearing*

No one spoke during the Public Hearing.

*4. Ordinance*

Considerable discussion regarding timing of this Zone Change was taken up with regards to future development in this area.

A motion was made by Vice Chair Martin to recommend City Council approval of ZA2018-0002: An Ordinance of the City of Dripping Springs, Texas Rezoning One Tract of Land at 100 Brookside Street, Dripping Springs, Texas, Further Described as North Forty, Section 2, Block C, Lot 28, from CS-Commercial Services and MH-Manufactured Housing to all CS-Commercial Services. Commissioner Strong seconded the motion which carried 4 to 1, with Chair James opposed.

**F. CUP2018-0002: Conditional Use Permit for Hill Country Arts, a Proposed Tattoo and Piercing Studio Located at 100 Brookside Street, Dripping Springs, Texas and Zoned CS-Commercial Services and MH-Manufactured Housing and Further Described as: North Forty, Block C, Lot 28 Applicant, Roberto Berrios**

*1. Presentation*

Applicant Roberto Berrios presented the item and presented City Administrator Michelle Fischer with a petition of support.

*2. Staff Report*

Anjali Naini presented the staff report which is on file. Staff recommend approval of the item.

### *3. Public Hearing*

Greg Gitcho spoke in opposition to the item.

Heather Wallach, Sharon Clark, Daryl Beloski, Theron Tuttle, and Cathy Cadena spoke in favor of the item.

### *4. Conditional Use Permit*

Considerable discussion regarding use of this property was taken up with regards to future development in this area.

A motion was made by Vice Chair Martin to recommend City Council approval of CUP2018-0002: Conditional Use Permit for Hill Country Arts, a Proposed Tattoo and Piercing Studio Located at 100 Brookside Street, Dripping Springs, Texas and Zoned CS-Commercial Services and MH-Manufactured Housing and Further Described as: North Forty, Block C, Lot 28, with the condition that existing sign(s) must be brought into compliance with the current sign ordinance. Commissioner Strong seconded the motion which carried 4 to 1, with Chair James opposed.

## **D. SD2018-0013: A Site Development Permit with Variance Requests for Driftwood Ph. 1 Golf Course Located in the Extraterritorial Jurisdiction of Dripping Springs, Texas Approximately One Mile Southeast of the Intersection of RR 1826 and FM 967, and Further Described as: Tract 1-522.25 Acres and Tract 2-0.1793 Acres out of the Freelove Woody Survey No. 23, Abstract No. 20, Hays County, Texas. The Application Includes Variance Requests to Drainage Area Criteria; Water Quality Buffer Zone; and Cuts and Fills. Applicant, Ronee Gilbert, Murfee Engineering**

### *1. Presentation –*

Applicant Dan Bosse, VP of Planning and Entitlements with Discovery Land Company, presented the item.

### *2. Staff Report (Chad Gilpin)*

Chad Gilpin presented the staff report which is on file. Staff recommends approval of the item with the condition that the applicant shall provide a tree mitigation plan for the Golf Course Grading Plan consistent with the tree mitigation plan currently being negotiated for the Development Agreement.

### *3. Public Hearing*

Tom Schneider, Richard Velasquez, Terry Tull, Phillip Mathews, and Debbie Bozak spoke in opposition to the item, citing concerns regarding tree preservation, water quality, and access and traffic.

4. *Variance for Cuts & Fills*
5. *Variance for Water Quality Buffer Zone Limit*
6. *Variance for Development in Water Quality Buffer Zone*
7. *Site Development*

A motion was made by Vice Chair Martin to recommend City Council approval of SD2018-0013: A Site Development Permit with Variance Requests for Driftwood Ph. 1 Golf Course Located in the Extraterritorial Jurisdiction of Dripping Springs, Texas Approximately One Mile Southeast of the Intersection of RR 1826 and FM 967, and Further Described as: Tract 1-522.25 Acres and Tract 2-0.1793 Acres out of the Freelove Woody Survey No. 23, Abstract No. 20, Hays County, Texas. The Application Includes Variance Requests to Drainage Area Criteria; Water Quality Buffer Zone; and Cuts and Fills, and with condition that applicant shall provide a tree mitigation plan for the Golf Course Grading Plan consistent with the tree mitigation plan currently being negotiated for the Development Agreement. Commissioner Strong seconded the motion which carried unanimously 5 to 0.

**G. DA2017-0001: Scott Ranch (aka Big Sky) Development Agreement including Parkland Dedication, Offsite Road & Trail Agreement, and Variances: A Proposed Development Agreement for a Tract of Land Totaling Approximately 200.4 Acres out of the Philip A. Smith League, Survey No. 26, Abstract No. 515, Hays County, Texas, north of the Cannon Tract and Bordered to the West by Founders Memorial Park.**

1. *Presentation-*

John Doucet with Doucet & Associations, and Peter Verdicchio with SEC Planning, presented the item.

2. *Staff Report (Laura Mueller)*

Laura Mueller presented the staff report which is on file. Staff recommends approval subject to finalization of the Offsite Road Agreement and Park Dedication Agreement related to right-of-way for Founders Park Road.

3. *Public Hearing*

Sharon Clark, Rolando Castillo, and Beth Barham spoke in opposition to the item citing traffic impact, noise and construction, transition and buffer to Legacy Trails, the proximity to Founders Park and the Pound House, and parkland dedication.

4. *Parkland Dedication*

5. *Offsite Road & Trail Agreement (still in negotiation)*
6. *Variances*
7. *Development Agreement*

A motion was made by Vice Chair Martin to recommend City Council approval of DA2017-0001: Scott Ranch (aka Big Sky) Development Agreement including Parkland Dedication, Offsite Road & Trail Agreement, and Variances: A Proposed Development Agreement for a Tract of Land Totaling Approximately 200.4 Acres out of the Philip A. Smith League, Survey No. 26, Abstract No. 515, Hays County, Texas, north of the Cannon Tract and Bordered to the West by Founders Memorial Park subject to finalization of the Offsite Road Agreement and Park Dedication Agreement related to right-of-way for Founders Park Road. Commissioner McIntosh seconded the motion which carried unanimously 5 to 0.

**H. SD2018-0015: Site Development Permit for Ledgestone Senior Living Ph. 3, Located at 13152 Four Star Blvd, Austin, TX 78737 and Further Described as: Bush Ranch Phase 3 Section 1, Block A, Lot 2, 15.678 Acres. Applicant, David Ferrette, Staudt Surveying**

*1. Presentation*

David Ferrette with Staudt Surveying presented the item.

*2. Staff Report*

Chad Gilpin presented the staff report which is on file. Staff recommends approval of the item.

*3. Public Hearing*

No one spoke during the Public Hearing.

*4. Site Development*

A motion was made by Vice Chair Martin to recommend City Council approval of SD2018-0015: Site Development Permit for Ledgestone Senior Living Ph. 3, Located at 13152 Four Star Blvd, Austin, TX 78737 and Further Described as: Bush Ranch Phase 3 Section 1, Block A, Lot 2, 15.678 Acres. Commissioner Strong seconded the motion which carried unanimously 5 to 0.

**I. SUB2018-0019: A Final Plat for Ledgestone Commercial (aka Bush Ranch), Phase 4, Section 1, a 12.4 Acre Tract located on the North Side of Hwy 290 and South of Rocky Ridge Trail between Ledgestone Dr. and Four Star Blvd. Applicant, Felix Manka**

*1. Presentation*

Felix Manka with CMA Engineering presented the item.

2. *Staff Report*

Anjali Naini presented the staff report which is on file. Staff recommends approval of the item.

3. *Public Hearing*

No one spoke during the Public Hearing.

4. *Subdivision*

A motion was made by Vice Chair Martin to recommend City Council approval of SUB2018-0019: A Final Plat for Ledgestone Commercial (aka Bush Ranch), Phase 4, Section 1, a 12.4 Acre Tract located on the North Side of Hwy 290 and South of Rocky Ridge Trail between Ledgestone Dr. and Four Star Blvd. Commissioner Oswald seconded the motion which carried unanimously 5 to 0.

**J. SD2018-0023: A Site Development Permit for Ledgestone Commercial, Located on the North Side of Hwy 290 West and South of Rocky Ridge Trail between Ledgestone Dr. and Four Star Blvd., further Described as Lot 1, Block A, Bush Ranch Phase 4, Section 1, and Including a Variance Request from the 6-foot Cut and Fill Limits Granted in the 1st Amendment to the Consent Agreement (Executed September 14, 2010 to the Consent Agreement Executed July 25, 2002) to Allow Cuts up to 13-feet and Fills up to 23-feet Applicant, Felix Manka**

1. *Presentation*

Felix Manka with CMA Engineering presented the item.

2. *Staff Report*

Chad Gilpin presented the staff report which is on file. Staff recommends approval of the item with the condition that the applicant comply with the City's current Lighting Ordinance, and contingent upon approval by ESD (Emergency Services District) No. 6.

3. *Public Hearing*

No one spoke during the Public Hearing.

4. *Variance for Cut & Fills*

5. *Site Development*



A motion was made by Vice Chair Martin to recommend City Council approval of SD2018-0023: A Site Development Permit for Ledgestone Commercial, Located on the North Side of Hwy 290 West and South of Rocky Ridge Trail between Ledgestone Dr. and Four Star Blvd., further Described as Lot 1, Block A, Bush Ranch Phase 4, Section 1, and Including a Variance Request from the 6-foot Cut and Fill Limits Granted in the 1st Amendment to the Consent Agreement (Executed September 14, 2010 to the Consent Agreement Executed July 25, 2002) to Allow Cuts up to 13-feet and Fills up to 23-feet with the condition that the applicant comply with the City's current Lighting Ordinance, and contingent upon approval by ESD (Emergency Services District) No. 6. Commissioner Oswald second the motion which carried unanimously 5 to 0.

**K. Alternative Design Standard for Oak Creek Dental, located at 711 U.S. Hwy 290 W**

*1. Presentation*

Applicant Michelle Greene presented the item.

*2. Staff Report*

Keenan Smith presented the staff report which is on file.

*3. Public Hearing*

No one spoke during the Public Hearing.

*4. Alternative Design Standard*

A motion was made by Vice Chair Martin to approve the Alternative Design Standard for Oak Creek Dental, located at 711 U.S. Hwy 290 W. Commissioner Strong seconded the motion which carried unanimously 5 to 0.

**L. Sign Variance Request to Allow a Subdivision Entrance Sign for the Cottages at Belterra Village to be located in street right-of-way**

*1. Presentation*

Joshua Cartright with Executive Signs presented the item.

*2. Staff Report (Michelle Fischer)*

Michelle Fischer presented the staff report which is on file. Staff recommends approval with the following conditions:

1. The owner of the sign shall be responsible for altering or relocating the sign if required by utility, roadway, or landscaping maintenance or improvements; and

2. If the sign is damaged, the owner shall repair or remove it within sixty (60) days.

### 3. *Public Hearing*

No one spoke during the Public Hearing.

### 4. *Variance Request*

A motion was made by Vice Chair Martin to recommend City Council approval of a Sign Variance Request to Allow a Subdivision Entrance Sign for the Cottages at Belterra Village to be located in street right-of-way with the conditions that:

1. The owner of the sign shall be responsible for altering or relocating the sign if required by utility, roadway, or landscaping maintenance or improvements; and
2. If the sign is damaged, the owner shall repair or remove it within sixty (60) days.

Commissioner McIntosh seconded the motion with carried unanimously 5 to 0.

## **M. Sign Variance Request to Allow an Additional Sign for Texas Regional Bank, located in Planned Development District #2, 333 East Highway 290**

### 1. *Presentation – there was no presentation*

### 2. *Staff Report*

Michelle Fischer presented the staff report which is on file. Staff recommend approval of the item.

### 3. *Public Hearing*

No one spoke during the Public Hearing.

### 4. *Variance*

A motion was made by Commissioner Strong to recommend City Council approval of a Sign Variance Request to Allow an Additional Sign for Texas Regional Bank, located in Planned Development District #2, 333 East Highway 290. Commissioner Oswald seconded the motion which carried unanimously 5 to 0.

## **VI. 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). The Planning and Zoning Commission for the City of Dripping Springs may act on any item listed in Executive Session in Open Session or move any item from Executive Session to Open Session for action.*

The Commission did not meet in Executive Session.

## **VII. ANNOUNCEMENTS**

- A. July 10, 2018 - Regular City Council Meeting, 5:30 PM Workshop/6:30 PM Meeting
- B. July 17, 2018 - Regular City Council Meeting, 6:00 PM
- C. July 24, 2018 - Regular Planning & Zoning Commission Meeting, 6:30 PM**
- D. August 14, 2018 - Regular City Council Meeting, 5:30 PM Workshop/6:30 PM Meeting

## **VIII. ADJOURN- 11:22pm**

A motion was made by Vice Chair Martin to adjourn the meeting. Commission Strong seconded the motion which carried unanimously 5 to 0.

This regular meeting adjourned at 11:22 p.m.