

# Planning & Zoning Commission

## Regular Meeting Minutes July 24, 2018 at 6:30 p.m.

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A Regular Meeting of the Planning & Zoning Commission was held Tuesday, July 24, 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 at 6:30 p.m.**

Commission Members present were:

Mim James - Chair  
James Martin – Vice Chair  
John McIntosh  
Kim Hubbard  
Michael Lavengco  
Erich Oswald

Commission Members absent were:

Evelyn Strong

City Staff/Appointed Officials

City Administrator Michelle Fischer (left at 6:47 p.m.)  
City Planner Anjali Naini  
City Engineer Chad Gilpin  
Development Coordinator Molly Mulloy  
Assistant City Attorney Alessandra Gad

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**

Commissioner Kim Hubbard 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 June 26, 2018 Regular Planning & Zoning Commission Meeting**

A motion was made Vice Chair Martin to approve the Minutes of the June 26, 2018 Regular Planning & Zoning Commission Meeting. Commissioner Oswald seconded the motion which carried unanimously 6 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. An Ordinance of the City of Dripping Springs Amending Chapter 26, Appendix "C" of the City of Dripping Springs Code of Ordinances; Amending Regulations for a Master Sign Plan for the Belterra Commercial Subdivision; Providing for the Following: Rules; Standards; Procedures; and Findings of Fact; Codification; Repealer; Severability; Proper Notice and Meeting; Enforcement Including Criminal Penalties Including Criminal Fines Not to Exceed \$500.00 and Civil Fines of Up to \$500.00**

#### *1. Staff Report*

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

#### *2. Public Hearing*

No one spoke during the Public Hearing.

#### *3. Ordinance*

A motion was made by Vice Chair Martin to recommend City Council approval of an Ordinance of the City of Dripping Springs Amending Chapter 26, Appendix "C" of the City of Dripping Springs Code of Ordinances; Amending Regulations for a Master Sign Plan for the Belterra Commercial Subdivision; Providing for the Following: Rules; Standards; Procedures; and Findings of Fact; Codification; Repealer; Severability; Proper Notice and Meeting; Enforcement Including Criminal Penalties Including Criminal Fines Not to Exceed \$500.00 and Civil Fines of Up to \$500.00. Commissioner Lavengco seconded the motion which carried unanimously 6 to 0.

### **B. An Ordinance of the City of Dripping Springs Amending the City of Dripping Springs Code of Ordinances, Chapter 28, Article 28.04 - Site Development; and Providing for the Following: Findings of Fact; Enactment; Repealer; Severability; Codification; Effective Date; and Proper Notice and Meeting.**

#### *1. Presentation – presentation given with Staff Report*

#### *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*

A motion as made by Chair James to recommend City Council approval of an Ordinance of the City of Dripping Springs Amending the City of Dripping Springs Code of Ordinances, Chapter 28, Article 28.04 - Site Development; and Providing for the Following: Findings of Fact; Enactment; Repealer; Severability; Codification; Effective Date; and Proper Notice and Meeting, with the following conditions:

1. Clean up language regarding Dripping Springs Independent School District submittals not need review;
2. Replace Board of Adjustment with subcommittee language; and
3. For all development administrative approvals – provide notices through signage, website and property owner letters within 300 feet, and not newspaper.

Vice Chair Martin seconded the motion which carried unanimously 6 to 0.

## **C. SUB2018-0008: A Preliminary Plat for 7 Lots Totaling 14.61 Acres Known 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 – no presentation given*

### *2. Staff Report*

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

1. Applicant submits a Geologic Site Survey identifying critical environmental features and required setbacks;
2. Applicant obtain approval of project from Hays County; and
3. Applicant satisfies both conditions one (1) and two (2) before the August 14, 2018 regular City Council meeting.

### *3. Public Hearing*

No one spoke during the Public Hearing.

#### *4. Preliminary Plat*

A motion was made by Vice Chair Martin to recommend City Council approval of SUB2018-0008: A Preliminary Plat for 7 Lots Totaling 14.61 Acres Known 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 with staff recommendations, amending staff recommendation item number two (2) to specify Hays County 1445 approval, with the additional condition that if there are any significant findings from the Geologic Survey or with the approval from Hays County the item must come back to Planning & Zoning Commission for recommendation before being considered by the City Council. Commissioner Oswald seconded the motion which carried unanimously 6 to 0.

#### **D. SUB2018-0014 - Parten Ranch Phase 2: A Proposed Preliminary Plat for Parten Ranch Phase 2 Located in the Dripping Springs Extraterritorial Jurisdiction at Kinnikinik Loop and RM 1826 Consisting of 160 Lots, and further Described as: 116.56 Acres of Seaborn J. Whatley A-18 and Lamar Moore A-323. Applicant, Daniel Ryan, P.E.**

*1. Presentation – no presentation given*

*2. Staff Report*

Chad Gilpin presented the staff report which is on file. Staff recommends postponement of the item to allow for review of resubmittal materials.

*3. Public Hearing*

No one spoke during the Public Hearing.

*4. Subdivision*

A motion was made by Vice Chair Martin to postpone consideration of the item to the next Regular Planning & Zoning Commission meeting scheduled for August 28, 2018. Commissioner Hubbard seconded the motion which carried unanimously 6 to 0.

#### **E. VAR2018-0004\_293 Double L Drive: An Application Requesting a Variance to Rear Setback Requirements in the Caliterra Subdivision Development Agreement, Entered into in 2014 between the City of Dripping Springs and Development Solutions CAT, LLC, to Allow for the Construction of a Swimming**

**Pool in the Rear Setback, for a Property Described as: Caliterra Phase 2, Section 7, Block C, Lot 16-0.238 Acres. Applicant, Lauren Shorkey**

1. *Presentation – no presentation was given.*

2. *Staff Report*

Anjali Naini presented the staff report which is on file. Staff recommends postponement of the item to the August 28, 2018 regular Planning & Zoning Commission due to public notice errors and incomplete submitted application.

3. *Public Hearing*

No one spoke during the Public Hearing.

4. *Variance*

A motion was made by Commissioner Lavengco to postpone VAR2018-0004\_293 Double L Drive: An Application Requesting a Variance to Rear Setback Requirements in the Caliterra Subdivision Development Agreement, entered into in 2014 between the City of Dripping Springs and Development Solutions CAT, LLC, to Allow for the Construction of a Swimming Pool in the Rear Setback, for a Property Described as: Caliterra Phase 2, Section 7, Block C, Lot 16-0.238 Acres, to the next Planning & Zoning Commission regular meeting scheduled for August 28, 2016. Vice Chair Martin seconded the motion which carried unanimously 6 to 0.

**F. DA2018-0001-Driftwood 522 Development Agreement: A Proposed Development Agreement for a Tract of Land that is Approximately 522.429 Acres of Land Located in the City's Extraterritorial Jurisdiction Located Southeast of the Intersection of FM 1826 and FM 967, and West of Brangus Road. (Presentation Only; No Action)**

1. *Presentation*

Henry Gilmore, Partner with DuBois Bryant & Campbell and representative of Driftwood Austin, LLC gave a presentation of the item which is on file.

2. *Staff Report (Anjali Naini)*

Anjali Naini presented the staff report which is on file. Staff recommends no action at this time.

3. *Public Hearing*

Tom Schneider spoke during the Public Hearing with concerns regarding water quality, condition of fencing along the southern boundary of the development, setbacks and road width, and the location of the maintenance facility with access from FM 967.

No action was taken on this item.

Chair James directed the developer to meet with residents to address concerns prior to hearing the item for recommendation by the Planning & Zoning Commission.

Vice Chair Martin requested that staff consider conducting a Traffic Impact Analysis of the development.

**G. DA2018-0003 - 2nd Amendment to Arrowhead Development Agreement: A Proposed Second Amendment to Arrowhead Ranch Development Agreement for an Area Approximately 374.2 Acres Located in the City Limits Bordering US Hwy 290 W and Tiger Lane, West of Dripping Springs Middle School, and Bordering Creek Road at the Southern Boundary. (*Presentation Only; No Action*)**

*1. Presentation*

Adib Khoury, representative of Starwood Land Advisors, LLC presented the item.

*2. Staff Report (Anjali Naini)*

Anjali Naini presented the staff report. Staff recommends no action to be taken at this time.

*3. Public Hearing*

The following individuals spoke during the Public Hearing:

**In favor of the item:**

- Matt Campbell

**In opposition of the item:**

- Brendan Johnston: citing safety concerns with public trail access to community
- Miles Mathews: citing safety concerns of the creek and rails; and possible issues arising from the proposed Wastewater Treatment Plant
- Jamey Phillips: citing concerns with public waterway access to include public parking, public access and litter.
- Dustin Werley: citing concerns regarding crime

- John: citing issues with property dedication
- David Belluomini: citing potential for rising crime rates due to public access of the waterway, and concerns regarding the response times for first responders
- Leanne Pollard: citing concerns regarding flash flooding, and safety of children due to the steepness of the property
- Glen Pollard: citing concerns regarding flash flooding
- Adam Welch: citing concerns regarding public access trails, would like to have private use only with no public access
- Charlene Hardy: citing concerns with safety

No action was taken on this item.

## **VI. REPORTS OF AGENCIES, COMMISSIONS, AND STAFF *(no action to be taken)***

### **A. Planning & Development Department Monthly Report - Anjali Naini**

Anjali Naini presented the Planning & Development Department Monthly Report.

No action was taken on this item.

## **VII. 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.

## **VIII. ANNOUNCEMENTS**

- A.** August 14, 2018 - Regular City Council Meeting, 5:30 PM Workshop/6:30 PM Meeting
- B.** August 21, 2018 - Regular City Council Meeting, 6:00 PM
- C. August 28, 2018 - Regular Planning & Zoning Commission Meeting, 6:30 PM**
- D.** September 11, 2018 - Regular City Council Meeting, 5:30 PM Workshop/6:30 PM Meeting

## **IX. ADJOURN**

A motion was made by Vice Chair Martin to adjourn the meeting. Commissioner Lavengco seconded the motion which carried unanimously 6 to 0.

This regular meeting adjourned at 8:56 p.m.