

**Minutes  
Planning & Zoning Commission  
City of Dripping Springs  
Regular Meeting  
September 23, 2014**

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The Planning & Zoning Commission of City of Dripping Springs was called to order by Chairman Larry McClung on Tuesday, September 23, 2014, at 7:00 PM at 511 Mercer Street, Dripping Springs, Texas.

**I. CALL TO ORDER AND ROLL CALL**

Commission Members present: Larry McClung – Chair; Mim James – Vice Chair; Erik Burgeson; James Martin; Josef Martin; and Whit Smith. Absent: Kim Hubbard. City Staff/Appointed Officials present: City Administrator Michelle Fischer; Planning Director Jon Thompson; and City Attorney Alan Bojorquez.

**II. PLEDGE OF ALLEGIANCE**

A. Pledge of Allegiance

**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 speaks.

**IV. MINUTES**

*Consideration and Possible Action On:*

**A. Approval of Regular Meeting Minutes, August 26, 2014**

Commissioner James makes a motion to approve the minutes, seconded by Commissioner Burgeson. VOTE: all in favor. The motion is carried.

At 7:03 pm Chairman McClung states that the Commission is going into Executive Session to discuss item V. A. The Commission comes out of Executive Session at 7:17 and the regular meeting reconvenes.

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

*Consideration and Possible Action On:*

**A. Final Plat-The Villages At Howard Ranch Subdivision, A Subdivision of 14.891 acres being the Gardens at Howard Ranch, in the Stiles Fowler Survey, Abstract 174 and Philip A. Smith Survey, Abstract 415, Hays**

**County, Texas, *Howard Land and Cattle, Ltd.***

- 1. Presentation-**Erik Howard gives an overview of the final plat and conceptual plan. He states that he has an approved preliminary plat, wastewater utility agreement, paid over \$200,000 in wastewater reservation fees, and has been working on a garden home development plan for two years. He states that the wastewater utility agreement requires a final plat to continue. He states that he recently learned about City Staff recommending part of his property being set aside for future right-of-way. He states that doing so changes the plan and the land is valuable. He asks if land has been acquired from David Penn to the west. He asked what right-of-way Caliterra is required to provide. He states that he does not think the City has the right to require right-of-way when he has been working on plans for a decade and that doing so would be a taking. He states that property owners in the area do not want the proposed roadway expansion and realignment. He asks the Commission to take these issues into consideration in their recommendation.
- 2. Planning Director's Report-**Mr. Thompson gives an overview of his report and recommendations, which are on file. He recommends that the final plat be tabled to give staff time to evaluate the effects the proposed right-of-way will have on the project. He states that the applicant signed the waiver from the 30 day final plat approval requirement.
- 3. Public Hearing-**no one speaks.
- 4. Final Plat-**Commissioner McClung makes a motion to consider the final plat for discussion, seconded by Commissioner James. Commissioner McClung asks if the recommended right-of-way set aside has changed from the City's Transportation Plan, which was recommended by the Transportation Committee. Commissioner Burgeson, who is the Chair of the Transportation Committee, states that it was recommended later when the City incorporated the Hays County Transportation Plan, which was to smooth this intersection and align it with the Penn property. Commissioner McClung asks what "smooth out" means. Commissioner Burgeson states that it is to make a 30 degree cut into Ranch Road 12 and improve the visibility by shifting south in an attempt to meet TXDOT radius requirements. Commissioner James asks what plans for development have been submitted for the property in the past. Mr. Thompson states that several concept plans have been shown to City staff in the past but not applied for and nothing has been submitted at this time. Commissioner McClung states that he sees a need for roadway improvements but it concerned with cutting through property and creating a less than one acre piece of land which also has a wastewater line. Commissioner Josef Martin asks what would happen to the old FM 150 right-of-way. Mr. Thompson states that the State could release it to the City or adjacent property owners could purchase it. Commission McClung asks if safety issues could be addressed with right-of-way to the south. Mr. Thompson states that there is a possibility for this that was looked at over a year ago and discussed with Twisted X, TXDOT, Mr. Howard, and Hays County, which would split property down the middle. He states that this issue has been going on for

about fourteen months. Mr. Howard states that TXDOT asked for only 30 feet and he has not seen a roadway design yet and asks when such roadway would be built. Commissioner Josef Martin states that he understands Mr. Howard's concerns and makes a motion to table the final plat to allow the City and the applicant to work through the issues and get a better understanding so staff can make a recommendation that recognizes the concerns of the applicant and needs for future development, seconded by Commissioner McClung. Mr. Bojorquez states that time is needed for him to review the situation and provide solid legal advice. Mr. Howard states that he is willing to work with the City but he prefers 80 feet of right-of-way to 150 feet of thoroughfare. He asks what the intent is, a bypass or what? Commissioner Josef Martin asks if the Transportation Committee looked at moving the intersection north. Commissioner Burgeson states that the Committee did, but it is not preferable. Commissioner McClung states that the only sense of urgency in the matter seems to be regarding the wastewater utility agreement requirement, which the City has discretion on. VOTE: all in favor. The motion is carried and the item is tabled.

**B. Zoning Special Exception from the Setback Requirements for Lot 1A-a, The Commons @ Dripping Springs, Melissa Huffman, Omni Group, Ltd.**

**1. Presentation**-none.

**2. Planning Director's Report**-Mr. Thompson's report is on file. He states that recommends denying the variance request because allowing it could create an unsafe situation in an emergency and there is not hardship caused by complying. He reports that the ESD and Fire Marshall do not support the special exception request.

**3. Public Hearing**-no one speaks.

**4. Special Exception**-Commissioner Josef Martin makes a motion to deny the request for a special exception, seconded by Commissioner Burgeson. Commissioner Burgeson asks if the applicant is aware of staff's recommendation. Mr. Thompson states that he informed the applicant of his recommendation. VOTE: all in favor. The motion is carried.

**VI. BUSINESS**

*Consideration and Possible Action On:*

**A. Ordinance No. 6300.12: An Ordinance Amending Chapter 28, Article 28.06 of the Dripping Springs Code of Ordinances to Create a Tree and Landscaping Escrow During Drought Conditions; And Providing for the Following: Findings of Fact; Enforcement, Including Criminal Fines Not To Exceed \$2,000.00 and Civil Penalties Not To Exceed \$500.00 Per Violation; Enactment; Repealer; Severability; Codification; Effective Date; And Proper Notice and Meeting.**

**1. Planning Director's Report**-Mr. Thompson reviews the recommended revisions to the ordinance since the last meeting. He states that if the eight recommendations are acceptable, the Commission should approve the ordinance with the recommended changes.

2. **Approval of Ordinance No. 6300.12**-Commissioner James makes a motion to approve the ordinance with the changes recommended by Staff, seconded by Commissioner Burgeson. VOTE: all in favor. The motion is carried.
- B. Ordinance No. 1220.97: An Ordinance of the City of Dripping Springs amending the City Code of Ordinances, Chapter 30 Zoning, Exhibit A, revising the use chart to include a private gaming club and defining private gaming club; and providing for the following: findings of fact; enactment; repealer; severability; codification; effective date; and proper notice & meeting.**
1. **Planning Director's Report**-Mr. Thompson recommends approval of the ordinance with the use being conditional in the districts it is allowed in.
  2. **Public Hearing**-no one speaks.
  3. **Approval of Ordinance No. 1220.97**-Commissioner James makes a motion to approve the ordinance, seconded by Commissioner McClung. VOTE: all in favor. The motion is carried.
- C. Ordinance No. 1220.98: An Ordinance of the City of Dripping Springs amending the City Code of Ordinances, Chapter 30 Zoning, Exhibit A, adding a new residential zoning density, establishing regulations and permitted uses; and providing for the following: findings of fact; enactment; repealer; severability; codification; effective date; and proper notice & meeting.**
1. **Planning Director's Report**-Mr. Thompson recommends that the item be postponed so that staff can spend more time working on the proposed regulations.
  2. **Public Hearing**-no one speaks.
  3. **Approval of Ordinance No. 1220.98**-Commissioner McClung makes a motion to consider the ordinance for discussion, seconded by Commissioner James. Commissioner McClung states that he would like review allowing three stories and the maximum height. He states that he is supportive of recommendation from the Sustainable Places Project, but we need to be careful. He makes a motion to take no action on the item, seconded by Commissioner Burgeson. Commissioner James recommends that the Commission have a workshop on the proposed ordinance. VOTE: all in favor. The motion is carried.

## **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).*

**VIII. ANNOUNCEMENTS**

- A. City Council Meeting, October 14, 2014, at 7:00 p.m.
- B. Regular Parks & Recreation Meeting, October 6, 2014 at 6:00 p.m.
- C. Regular Planning & Zoning Commission Meeting, October 28, 2014 at 7:00 p.m.
- D. Regular Historic Preservation Commission Meeting, October 6, 2014 at 5:30 p.m.

**IX. ADJOURN**-Commissioner James makes a motion to adjourn, seconded by Commissioner Josef Martin. VOTE: all in favor. The motion is carried and the meeting is adjourned at 8:21 pm.