

# Planning & Zoning Commission

## Regular Meeting Minutes September 25, 2018 at 6:30 p.m.

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A Regular Meeting of the Planning & Zoning Commission was held Tuesday, September 25, 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  
Kim Hubbard  
Michael Lavengco  
Evelyn Strong  
Martin Garza

Commission Members absent were:

John McIntosh

City Staff and Appointed Officials present were:

Deputy City Administrator Ginger Faught  
Planning Director Jason Lutz  
City Engineer Chad Gilpin  
Planning Assistant Amanda Padilla  
City Attorney Laura Mueller  
Architect and Land Planning Consultant Keenan Smith

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

### **II. PLEDGE OF ALLEGIANCE**

Vice Chair Martin 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. Discuss and Consider Approval of the August 28, 2018 Regular Planning & Zoning Commission Meeting Minutes**

A motion was made by Vice Chair Martin to approve the August 28, 2018 Regular Planning & Zoning Commission Meeting Minutes. Commissioner Hubbard 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. Public Hearing, Discussion and Consideration of Recommendation Regarding PDD No. 10 - Scott Ranch (AKA Big Sky Subdivision): An Ordinance of the City of Dripping Springs Texas Rezoning the property from AG-Agriculture to Planned Development District No. 10, Upon Annexation, For a Tract of Land Totaling Approximately 200.4 Acres and Further Described as Follows: 200.4 Acres of Land out of the Philip A. Smith League, Survey No. 26, Abstract No. 415, Hays County, Texas, Said Tract That Called 200-Acre Tract Described to William R. Scott and Bessie E. Scott, Husband and Wife as Recorded in Volume 171, Page 229 of the Deed Records of Hays County, Texas, commonly known as Scott Ranch or Big Sky. Applicant, William R. Scott and Bessie E. Scott**

*1. Presentation – no presentation*

Rex Baker with Baker & Robertson Attorneys was available for questions from the Commission.

*2. Staff Report (Jason Lutz)*

Jason Lutz 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. Master Parks and Open Space Plan Documents*

*5. Planned Development District No. 10 Ordinance*

A motion was made by Vice Chair Martin to recommend City Council approval of PDD No. 10 - Scott Ranch (AKA Big Sky Subdivision): An Ordinance of the City of Dripping Springs Texas Rezoning the property from AG-Agriculture to Planned Development District No. 10, Upon Annexation, For a Tract of Land Totaling Approximately 200.4 Acres and Further Described as Follows: 200.4 Acres of Land out of the Philip A. Smith League, Survey No. 26, Abstract No. 415, Hays County, Texas, Said Tract That Called 200-Acre Tract Described to William R. Scott and Bessie E. Scott, Husband and

Wife as Recorded in Volume 171, Page 229 of the Deed Records of Hays County, Texas, commonly known as Scott Ranch or Big Sky. Commissioner Lavengco seconded the motion which carried unanimously 6 to 0.

*6. Executed Development Agreement*

**B. Public Hearing, Discussion and Consideration of Recommendation Regarding SUB2018- 033PP Big Sky Subdivision Preliminary Plat For a Tract of Land Totaling Approximately 200.4 Acres and Further Described as Follows: 200.4 Acres of Land out of the Philip A. Smith League, Survey No. 26, Abstract No. 415, Hays County, Texas, Said Tract That Called 200-Acre Tract Described to William R. Scott and Bessie E. Scott, Husband and Wife as Recorded in Volume 171, Page 229 of the Deed Records of Hays County, Texas, commonly known as Scott Ranch or Big Sky. Applicant, William R. Scott and Bessie E. Scott**

*1. Presentation*

John Doucet with Doucet & Associates was available for questions from the Commission.

*2. Staff Report (Chad Gilpin)*

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. Preliminary Plat*

A motion was made by Vice Chair Martin to recommend City Council approval of SUB2018- 033PP Big Sky Subdivision Preliminary Plat For a Tract of Land Totaling Approximately 200.4 Acres and Further Described as Follows: 200.4 Acres of Land out of the Philip A. Smith League, Survey No. 26, Abstract No. 415, Hays County, Texas, Said Tract That Called 200-Acre Tract Described to William R. Scott and Bessie E. Scott, Husband and Wife as Recorded in Volume 171, Page 229 of the Deed Records of Hays County, Texas, commonly known as Scott Ranch or Big Sky. Commissioner Lavengco seconded the motion which carried unanimously 6 to 0.

**C. Public Hearing, Discussion and Consideration of Recommendation Regarding SUB2018-0023: Cobb Ranch: A Preliminary Plat Application for Cobb Ranch Estates, Approximately 19 Acres Located in the Dripping Springs Extraterritorial Jurisdiction at 1840 Reunion Ranch Boulevard, Further Described As: 19.06 Acres out of the Seaborn J. Whatley Survey, Abstract No. 18, Hays County, Texas. Applicant, Jon Thompson**

*1. Presentation – no presentation given*

2. *Staff Report*

Chad Gilpin presented the Commission with the applicants request for withdrawal.

3. *Public Hearing*

No one spoke during the Public Hearing.

4. *Preliminary Plat*

5. *Withdrawal Request*

The applicant requested that the item be withdrawn from the agenda, and a new application will be submitted. Because the item was noticed in the City Official Newspaper, the Commission held a public hearing on the item.

No action was taken on this item.

**D. Public Hearing, Discussion and Consideration of Approval of an Alternative Design Standard for Osprey Land Development Office Park, located at 209 Creek Road Applicant: Valerie Learman, Osprey Land Development, LLC**

1. *Presentation*

Kevin Herron with Herron Design Studio presented the item.

2. *Staff Report*

Keenan Smith presented the item. Staff recommends approval with the following recommendations:

1. Scope of Approvals- Building Design & Site Plan Master Layout. Approval is constrained to Phase I “Building Designs,” plus the proposed “Future Buildings” shown in the “Master Plan Layout,” provided that the Building Designs, Site Layout & Orientation remain as proposed and submitted. Consistency with the approved Alternative Design Standard shall be verified at each Building Permit Submittal. If “Future Building” designs, Site Layout or Orientations are inconsistent or significantly altered from the design approach of this Alternative Design Standard, this approval is rescinded, and new Exterior Design review and compliance shall be required.
2. Pedestrian Amenities. For each Office Building: a minimum of (4) min. elements as required per Ordinance shall be installed & inspected in place prior to Certificate of Occupancy issuance for “Base Building / Core & Shell.” See review details. All elements as shown on the plans would contribute.
3. Sloped Roof Material. Pre-Weathered Snap-Lock or Standing Seam Metal in proposed “Grey” color / finish by MBCI, or an approved equal, meets requirements. Metal Roof installation to be verified by City inspection.

4. 4. Native Stone Masonry. Full-thickness Native White Limestone is “Approved in Concept” subject to City’s onsite review of construction mockup (4’x4’ min. w/ stone, mortar, trims) prior to bulk order of materials.

3. *Public Hearing*

No one spoke during the Public Hearing.

4. *Alternative Design Standard Documents*

A motion was made by Vice Chair Martin to approve an Alternative Design Standard for Osprey Land Development Office Park, located at 209 Creek Road. Commissioner Garza seconded the motion which carried unanimously 6 to 0.

**E. Public Hearing, Discussion and Consideration of Recommendation regarding SUB2018-0027: Replat, Reunion Ranch Phase II, Section 3, Lots 19 and 20, Block D, and located at 422 and 442 Delayne Drive, Austin Texas 78737**

1. *Presentation – no presentation given*
2. *Staff Report*

Jason Lutz presented the Commission with the applicants request for postponement.

3. *Public Hearing*

No one spoke during the Public Hearing.

4. *Postpone Request*

A motion was made by Chair James to postpone the consideration and recommendation of SUB2018-0027: Replat, Reunion Ranch Phase II, Section 3, Lots 19 and 20, Block D, and located at 422 and 442 Delayne Drive, Austin Texas 78737 to the next Planning & Zoning Commission Regular meeting. Commissioner Lavengco seconded the motion which carried unanimously 6 to 0.

**F. Public Hearing, Discussion and Consideration of Recommendation regarding SUB2018-0028 Plat Vacation of Cypress Fork Ranch Lots 1, 2 and 3, totaling 19.050 acres out of the Benjamin F. Hanna League Survey, No. 28, Abstract No. 222, Hays County, TX, and recorded in Volume 8, Page 167-168 of the Hays County Official Public Records Applicant: Jen Paisley, P.E., Doucet & Associates**

1. *Presentation*

Jen Paisley, P.E. with Doucet & Associates presented the item.

2. *Staff Report*

Jason Lutz 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. *SUB2018-0028:Cypress Fork Plat Vacation & Final Plat Preview*

A motion was made by Vice Chair Martin to recommend City Council approval of SUB2018-0028 Plat Vacation of Cypress Fork Ranch Lots 1, 2 and 3, totaling 19.050 acres out of the Benjamin F. Hanna League Survey, No. 28, Abstract No. 222, Hays County, TX, and recorded in Volume 8, Page 167-168 of the Hays County Official Public Records. Commissioner Garza seconded the motion which carried unanimously 6 to 0.

## **G. Public Hearing, Discussion and Consideration of Recommendation regarding VAR2018-0007:1212 Creek Road, an Application Requesting a Variance under the City of Dripping Springs Code of Ordinances Chapter 24 - Manufactured Housing, Mobile Homes, and Recreational Vehicles, Article 24.04, Section 24.04.006 Manufactured Homes Provisions to allow Placement and Residential Use of a Manufactured Home on Property Zoned SF-1, Single-Family Residential, Low Applicant: Chuck Lemmond / Robin Robinson, Hometown Missions**

### 1. *Presentation*

Property owner Liza Nevarez and Chuck Lemmon with Hometown Missions presented the item.

### 2. *Staff Report*

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

1. Must comply with all applicable provisions under Chapter 24-Building Regulations; particularly Article 24.04-Manufactured Housing, Mobile Homes and Recreational Vehicles.
2. The manufactured house and property will comply with all city ordinances including the Zoning Ordinance and Outdoor Lighting Ordinance.
3. Must follow setback requirements for the SF-1 zoning district.
4. Must obtain permission from appropriate entities to cut any tree branches that may need to be removed during transit.

### 3. *Public Hearing*

Marie Espinosa spoke in favor of the item during the Public Hearing.

4. *VAR2018-0007:1212 Creek Road*

A motion was made by Chair James to recommend City Council approval of VAR2018-0007:1212 Creek Road, an Application Requesting a Variance under the City of Dripping Springs Code of Ordinances Chapter 24 - Manufactured Housing, Mobile Homes, and Recreational Vehicles, Article 24.04, Section 24.04.006 Manufactured Homes Provisions to allow Placement and Residential Use of a Manufactured Home on Property Zoned SF-1, Single-Family Residential, Low with staff conditions and the condition that the applicant must meet conditions of the Variance within one (1) year of City Council approval. Commissioner Lavengco seconded the motion which carried unanimously 6 to 0.

At the direction of the Planning & Zoning Commission, staff will:

1. Ensure septic compliance, and approved septic system; and
2. Review existing zoning on Creek Road, Ramirez Lane, North 40 and similar neighborhoods for appropriate options regarding zoning classifications to recognize current and changing uses.

**H. Public Hearing, Discussion and Consideration of Recommendation regarding an Ordinance of the City of Dripping Springs, Texas Amending the Code of Ordinances, Chapter 28: Subdivisions and Site Development, Article 4: Site Development, Section 11: Approval Process, Modifications and Exhibit A: Subdivision Ordinance, Section 1. General Provisions; amending procedure for pool encroachments.**

1. *Staff Report*

Laura Mueller presented the staff report which is on file. Staff recommends approval of the item.

2. *Public Hearing*

Bill Foulds spoke during the Public Hearing and expressed the need for the City to review the American Pool Association's regulations and compare it to the proposed ordinance.

3. *Ordinance*

A motion was made by Vice Chair Martin to recommend City Council approval of an Ordinance of the City of Dripping Springs, Texas Amending the Code of Ordinances, Chapter 28: Subdivisions and Site Development, Article 4: Site Development, Section 11: Approval Process, Modifications and Exhibit A: Subdivision Ordinance, Section 1. General Provisions; amending procedure for pool encroachments. Commissioner Lavengco seconded the motion which carried 4 to 2, with Chair James and Commissioner Strong opposed.

**I. Public Hearing, Reconsideration, and Action Regarding DA2018-0004: Belterra Commercial Development Agreement 2nd Amendment: A proposed Second**

**Amendment to the Belterra Commercial Development Agreement between the City of Dripping Springs and ERG Belterra, Ltd, Belterra Lot 1B, Ltd, Belterra Lot1C-1, Ltd, Belterra Lot 1E-1, Ltd, Belterra Lot 1F, Ltd, Belterra Lot 2A, Ltd, Belterra Lot 2C, Ltd, Belterra Lot 2D, Ltd, Belterra Lot 2E, Ltd, Belterra Lot 3F-1, Ltd, Belterra Lot 3J-1, Ltd, Belterra Lot 3C, Ltd, Belterra Lot 3E-1, Ltd, Belterra Lot 3H, Ltd, Belterra Lot 3D, Ltd, and Belterra Hospitality, LLC; Amending the First Amendment to the Belterra Commercial Development Agreement between the City of Dripping Springs and Crescent Belterra TX, LLC entered into on or around September 13, 2016; and Providing for the Following: Allowing up to 70' in Height for Hotel Use Only on Parcels A and C; Allowing up to 65' for Multi-Family Use Only on Parcels A and C; Allowing Building Construction Materials to be Wood, Metal, or Any Other Material as Allowed by the Current Fire and Building Codes; a Change in Land Use to Allow for up to One (1) Automotive Repair Facility on Parcel C; Length of Building to Exceed 200ft up to 275ft for Parcels A and C; Allowing Accessory Structures to be Located within Building Setbacks; Utilization of a Refuse Valet Service in Lieu of the Zoning Ordinance Requirement for Multi-Family Buildings to be Located within 250ft of a Refuse Facility; and Allowing up to 27 Units per Acre for Multi-Family Use. Applicant, Daniel Campbell, Endeavor**

*1. Reconsideration of Previous Action at August 28, 2018 Regular P&Z Meeting*

A motion was made by Vice Chair Martin to reconsider action taken at the August 28, 2018 Regular Planning & Zoning Commissioner meeting regarding DA2018-0004: Belterra Commercial Development Agreement 2nd Amendment: A proposed Second Amendment to the Belterra Commercial Development Agreement between the City of Dripping Springs and ERG Belterra, Ltd, Belterra Lot 1B, Ltd, Belterra Lot1C-1, Ltd, Belterra Lot 1E-1, Ltd, Belterra Lot 1F, Ltd, Belterra Lot 2A, Ltd, Belterra Lot 2C, Ltd, Belterra Lot 2D, Ltd, Belterra Lot 2E, Ltd, Belterra Lot 3F-1, Ltd, Belterra Lot 3J-1, Ltd, Belterra Lot 3C, Ltd, Belterra Lot 3E-1, Ltd, Belterra Lot 3H, Ltd, Belterra Lot 3D, Ltd, and Belterra Hospitality, LLC; Amending the First Amendment to the Belterra Commercial Development Agreement between the City of Dripping Springs and Crescent Belterra TX, LLC entered into on or around September 13, 2016; and Providing for the Following: Allowing up to 70' in Height for Hotel Use Only on Parcels A and C; Allowing up to 65' for Multi-Family Use Only on Parcels A and C; Allowing Building Construction Materials to be Wood, Metal, or Any Other Material as Allowed by the Current Fire and Building Codes; a Change in Land Use to Allow for up to One (1) Automotive Repair Facility on Parcel C; Length of Building to Exceed 200ft up to 275ft for Parcels A and C; Allowing Accessory Structures to be Located within Building Setbacks; Utilization of a Refuse Valet Service in Lieu of the Zoning Ordinance Requirement for Multi-Family Buildings to be Located within 250ft of a Refuse Facility; and Allowing up to 27 Units per Acre for Multi-Family Use. Chair James seconded the motion which carried unanimously 6 to 0.

*2. Presentation*

Shane Hesson with Endeavor Real Estate Group gave a presentation which is on file.



3. *Staff Report – no staff report was presented*

4. *Public Hearing*

No one spoke during the Public Hearing.

5. *DA2018-0004: Belterra Commercial Development Agreement 2nd Amendment*

A motion was made by Commissioner Garza to postpone DA2018-0004: Belterra Commercial Development Agreement 2nd Amendment: A proposed Second Amendment to the Belterra Commercial Development Agreement between the City of Dripping Springs and ERG Belterra, Ltd, Belterra Lot 1B, Ltd, Belterra Lot1C-1, Ltd, Belterra Lot 1E-1, Ltd, Belterra Lot 1F, Ltd, Belterra Lot 2A, Ltd, Belterra Lot 2C, Ltd, Belterra Lot 2D, Ltd, Belterra Lot 2E, Ltd, Belterra Lot 3F-1, Ltd, Belterra Lot 3J-1, Ltd, Belterra Lot 3C, Ltd, Belterra Lot 3E-1, Ltd, Belterra Lot 3H, Ltd, Belterra Lot 3D, Ltd, and Belterra Hospitality, LLC; Amending the First Amendment to the Belterra Commercial Development Agreement between the City of Dripping Springs and Crescent Belterra TX, LLC entered into on or around September 13, 2016; and Providing for the Following: Allowing up to 70' in Height for Hotel Use Only on Parcels A and C; Allowing up to 65' for Multi-Family Use Only on Parcels A and C; Allowing Building Construction Materials to be Wood, Metal, or Any Other Material as Allowed by the Current Fire and Building Codes; a Change in Land Use to Allow for up to One (1) Automotive Repair Facility on Parcel C; Length of Building to Exceed 200ft up to 275ft for Parcels A and C; Allowing Accessory Structures to be Located within Building Setbacks; Utilization of a Refuse Valet Service in Lieu of the Zoning Ordinance Requirement for Multi-Family Buildings to be Located within 250ft of a Refuse Facility; and Allowing up to 27 Units per Acre for Multi-Family Use to the October 23, 2018 Planning & Zoning Commission Regular meeting. Vice Chair Martin seconded the motion which carried unanimously 6 to 0.

At the direction of the Planning & Zoning Commissioner, the applicant is to meet with the adjacent property owners regarding the project, and submit a complete request addressing changes to both the multi-family and hotel developers.

**J. Public Hearing, Discussion and Consideration of Recommendation regarding an Ordinance of the City of Dripping Springs Code of Ordinances, amending Chapter 30: Zoning, Exhibit A: Zoning Ordinance, Section 2: Procedures and Administration, Subsection C. Board of Adjustment, amending provisions for Board of Adjustment, and adding alternates.**

1. *Staff Report*

Laura Mueller presented the staff report which is on file. Staff recommends approval of the item.

## 2. *Public Hearing*

No one spoke during the Public Hearing.

## 3. *Ordinance*

A motion was made by Commissioner Garza to recommend City Council approval of an Ordinance of the City of Dripping Springs Code of Ordinances, amending Chapter 30: Zoning, Exhibit A: Zoning Ordinance, Section 2: Procedures and Administration, Subsection C. Board of Adjustment, amending provisions for Board of Adjustment, and adding alternates. Vice Chair Martin seconded the motion which carried unanimously 6 to 0.

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

### **A. Planning & Development Department Monthly Report**

The Planning & Development Department report is on file and available for review by request.

## **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. October 9, 2018 - Regular City Council Meeting, 5:30 PM Workshop/6:30 PM Meeting**

**B. October 16, 2018 - Regular City Council Meeting, 6:00 PM**

**C. October 23, 2018 - Regular Planning & Zoning Commission Meeting, 6:30 PM**

## **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 7:57 p.m.

