

Minutes of the Planning and Zoning Commission Meeting

The Planning and Zoning Commission of the City of Dripping Springs held a meeting Tuesday, October 28, 2014, beginning at 7:00 PM at City Hall, located at 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
City Secretary Kerri Craig

Planning Director Jon Thompson
City Attorney Alan Bojorquez

Commission Chair Larry McClung called the meeting to order at 7:00pm. All 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).

N/A

III. PLEDGE OF ALLEGIANCE

A. Pledge of Allegiance

Commissioner Josef Martin leads the Pledge.

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, September 23, 2014

Commission Vice Chair Mim James motions to approve. Commissioner Whit Smith seconds. VOTE: 7-0 in favor, motion passes.

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

Consideration and Possible Action On:

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A. Replat of Lot 14A of the Amended Plat of Lot 9D & Lot 14, Mountain Oaks Subdivision, *Grady T. Moore*

1. Presentation - Jon Thompson said the applicant is in the audience. The applicant did not speak.

2. Planning Director's Report - Report on file. Staff recommends approval.

3. Public Hearing

Paul Kaden – Owns land that sits above 14A2, 10 acre lot that sits on School House Hollow. He has a conservation easement on 650 acres that joins with this area. He would like to know more about how this will affect adjacent properties and its environmental impact.

Darrell Pearson – Lives at 1050 Pioneer Circle and owns property east of the development. He would like to know how this project will affect adjacent properties like his and more information about water flow and quality issues.

4. Replat – Commissioner Erik Burgeson motions to approve the replat with the staff recommendation. Commissioner Josef Martin seconds. VOTE: 7-0 in favor, motion passes.

Commission Chair Larry McClung asks Planning Director Jon Thompson about any environmental impacts from this development.

Jon – Responded that the City's Water Quality Ordinance exempts development from technical demonstration if the impervious cover is or is proposed to be less than 15%, which this residential replat would be due to each lot being restricted to one single family residence and outbuildings on large acreage lots.

Commission Vice Chair Mim James asks about any issues with easement for access? Planning Director Jon Thompson says No. Commissioner Erik Burgeson asks if Hays County requires anything, Planning Director Thompson said no impact was found. Commissioner Whit Smith asks about deed setbacks, Planning Director Thompson says the City and County setback lines are applicable, and that there are subdivision setbacks that exceed the City's.

B. Ordinance No. 1220.100 – An Ordinance of the City of Dripping Springs Changing the Zoning Classification of the following properties located within the Corporate City Limits: 26155 Ranch Road 12 and an adjacent 1.28 acre tract out of the PA Smith Survey, ABS 415 (not addressed) from Two Family Residential – Duplex (SF-4) to Commercial Services (CS), *Joy Purcell and Eluturio Falcon*

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1. Presentation
None, applicants were not present.
 2. Planning Director's Report
Report on file. Staff recommends approval of the zoning change from SF-4 to Local Retail (LR).
 3. Public Hearing
No one speaks.
 4. Ordinance No. 1220.100 – Commissioner Whit Smith motions to approve staff recommendation for LR (local retail). Commissioner Josef Martin asks Planning Director Jon Thompson if the applicant asked for LR. Planning Director Thompson says No, they asked for Commercial Services. Commissioner Josef Martin asks how Caliterra’s commercial property is zoned. Planning Director Thompson said Caliterra’s commercial property will be zoned General Retail (GR) in accordance with the development agreement. Commission Chair Larry McClung asks what was the rationale for the LR recommendation. Planning Director Thompson says GR is a little high in his opinion since it is going from residential to commercial with no proposed future use. He also refers to recent LR zoning off Sawyer Ranch Rd. where office space was involved, so he settled on LR. Commission Chair McClung asks if we have the option to change the zoning classification later, if needed. Planning Director Thompson says Yes. Commission Vice Chair Mim James asks since the tract immediately north of the area in question is GR and the tract to the south is GR, shouldn’t this area be GR as well, so as to be consistent? Planning Director Thompson states that based on this discussion, he agrees and says he is modifying the staff recommendation to GR. Commissioner Whit Smith motions to approve staff recommendation for GR. Commissioner Erik Burgeson seconds. VOTE: 7-0 in favor, motion passes.
- C. Ordinance No. 1220.101 - An Ordinance of the City of Dripping Springs Changing the Zoning Classification of the following property located within the Corporate City Limits: 1.551 acre tract of out of the PA Smith Survey, ABS 415 (not addressed), located on Counts Estates Drive, from Single Family Residential – Moderate Density (SF-2) to Government, Utility, Institution (GUI), *Greg Perrin, General Manager, Dripping Springs Water Supply Corporation*
1. Presentation
None, applicant is in the audience and available for questions if needed.
 2. Planning Director's Report
Report on file. Staff recommends approval. City Administrator Michelle Fischer states that she has received public comments concerning the water tower height, color, and signage. She recommends that the Commission consider an overlay to the

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zoning that restricts the height, requires the tower to be painted an earth tone color, such as tan or blue, and that prohibits signage on the tower. She states that the City Attorney advised that a zoning overlay is the best way to regulate these things.

3. Public Hearing

Emily Vensky – She is concerned about the light on top of the tower, whether or not fencing will be involved, signage, and colors of the tower. She hopes there is not signage and that the colors used are earthtones.

4. Ordinance No. 1220.101 Commission Chair McClung motions to discuss and consider the item. Commission Chair Mim James seconds. VOTE: 7-0 in favor, motion passes. Commission Chair Larry McClung asks Greg Perrin what the plan is for this property. Mr. Perrin says the tank will be taller than the existing tower by 28 feet. The height is needed to meet regulations for providing for houses at higher elevations. There is one small red light at the top (two fixtures, but only one operating at a time) that meets FAA regulations for lighting, but since there is no airport in the area, the light isn't absolutely necessary. Last time, the City and neighbors chose the colors and we are fine with them choosing this time as well. Commission Chair McClung asks if this is now just a zoning issue. Planning Director Thompson says Yes. Commissioner Erik Burgeson asks if everyone in the area had been notified. Planning Director Thompson says yes, everyone within 300 feet of the subject property had been notified, as well as a sign was posted and a notice was published in the newspaper. Commission Chair McClung asks Greg Perrin what the timeline will be? Greg says approximately 18 months from start to finish once they receive bids. They will bid out early to mid 2015 and construction will take approximately one year. They will be replacing and reusing the old tower, and they will have to have an interior security fence around the tower. The project engineer states that they agree to no signage and to the City approving the color.

Commission Vice Chair James motions to approve the zoning change to GUI subject to an overlay with signage and colors to be approved by City Staff. City Administrator Michelle Fischer says that in the past this company has been cooperative regarding signage and colors, and since they agree to let City Staff approve the color and signage, she will see if the City Attorney recommends the overlay or some other manner to require this. Commission Chair McClung seconds the motion to approve. VOTE: 7-0 in favor, motion passes.

D. Sign Variance Requests for multi-unit monument sign for the Arbor Center, located at 800 HWY 290 West, *Mark Lander, Property Manager and Agent, Arbor Center COA*

1. Presentation

None, the applicant is present.

2. Sign Administrator's Report

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Report on file. She recommends approval of the variance requests.

3. Public Hearing

No one speaks.

4. Variance Request to exceed maximum height allowed for a multi-unit monument sign

5. Variance Request from the requirement that the applicant bring all outdoor lighting on the subject property into compliance with the Lighting Ordinance regulations
Commissioner Erik Burgeson says it looks like the address number projects outward. Was the previous one counted as signage? City Administrator Fischer says Yes. Commissioner Burgeson asks if it complies. City Administrator Fischer says Yes, the sign complies in signable area and the seback. Commission Vice Chair Mim James clarifies that the issue with compliance is that the 5 buildings are individually owned, so getting each private owner in compliance would be a burden on the property owner, and asks if they are way out of compliance. City Administrator Fischer says that just a few exterior lights are out of compliance. Commission Vice Chair James asks if we can ask them to comply in light of the Dark Sky award? City Administrator Fischer says Yes, we will.

Commissioner Josef Martin motions to approve both variance requests per staff recommendation. Commissioner Erik Burgeson seconds. VOTE: 7-0 in favor, motion passes.

VII. Workshop

No action to be taken

- A. 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.

Planning Director Jon Thompson, report on file. He reviews the recommendation with the Commissioners.

- B. Report on Proposed Expansion of Historic District & Proposed Historic Overlay District

City Administrator Michelle Fischer gives an overview of the proposed district expansion and overlay. Report from City Attorney and draft district expansion ordinance and draft overlay ordinance are on file.

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VIII. ANNOUNCEMENTS

- A. Regular Historic Preservation Commission Meeting, November 3, 2014 at 5:30 p.m.
- B. Regular Parks & Recreation Meeting, November 10, 2014 at 6:00 p.m.
- C. Regular Farmers Market Board Association Meeting, November 11, 2014 at 10:00 a.m.
- D. City Council Meeting, November 11, 2014, at 7:00 p.m.
- E. Regular Planning & Zoning Commission Meeting, November 18, 2014 at 7:00 p.m.

IX. ADJOURN

Commission Chair Larry McClung motions to adjourn the meeting. Commission Vice Chair Mim James seconds. VOTE: 7-0 in favor, motion passes. Meeting adjourned at 8:50p.m.