

Minutes of Planning & Zoning Commission Meeting – January 24, 2017

A Planning & Zoning Commission Meeting of City of Dripping Springs was held **Tuesday, January 24, 2017**, beginning at 7:00 PM in the City Hall, 511 Mercer Street, Dripping Springs, Texas.

I. CALL TO ORDER AND ROLL CALL

Commission Members

Mim James - Chair

Kim Hubbard

Erich Oswald

James Martin – Vice Chair

Michael Lavengco

John McIntosh

Evelyn Strong

City Staff/Appointed Officials

City Administrator Michelle Fischer

City Secretary Angelica Reyes

Code Enforcement Manager Kyle Dannhause

Development Coordinator Lali Rambeau

Planning Consultant Anjali Naini

City Engineer Rick Coneway

Assistant City Attorney Laura Muller

Legal Counsel Dottie Palumbo

Commission Chair Mim James calls the meeting to order at 7:01 p.m. All members present except Commissioner Kim Hubbard that had an excused absence. Also present was Keenan Smith, Exterior Design, Architectural & Land Planning Consultant.

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).

III. PLEDGE OF ALLEGIANCE

Commission Vice Chair James Martin leads the Pledge of Allegiance.

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.

Bonnie Gonzalez, with Dripping Springs City Hall presented and gave overview of the “It’s Time Texas, Community Challenge” presented by H-E-B. This is a free, statewide competition in which Texas communities compete to see which can demonstrate the greatest commitment to healthy living.

V. MINUTES

Consideration and Possible Action On:

- A. Approval of Regular Meeting Minutes, November 29, 2016

Commissioner James Martin motions to approve the minutes with minor edits and corrections. Commission Erich Oswald seconds. VOTE: 5-0 in favor, motion passes.

VI. VARIANCES/SPECIAL EXCEPTIONS

Consideration and Possible Action on:

- A. **Variance Request from the Dripping Springs Code of Ordinance, Chapter 28 Section 28.06.059(c) regarding the cash-in-lieu calculation for tree removal for Courtyard by Marriott, located at 1002 Rob Shelton Blvd., Rashesh B. Rangrej, Owner**

1. Presentation – *Presentation by Rashesh Rangrej Marriott Dripping Springs – on file.*
2. Staff Report (Lali Rambeau)-*Staff recommends approval of variance request. Presentation on file.*
3. Public Hearing – – *No public comments received.*
4. Variance

Commission Vice Chair James Martin motions to approve variance request with staff recommendations. Commissioner Michael Lavengco seconds. VOTE: 5-0 in favor, motion passes.

- B. **Request for Special Exception from the City's Zoning Ordinance, Chapter 30, Exhibit A-"Zoning Ordinance," Section 3.6.5(a) to allow the use of a Manufactured House for residential purposes at 201 Creek Road, James Glosson, Owner**

1. Presentation – *Kathie Glosson, owner presented and gave overview.*
2. Staff Report (Laura Mueller) – *Report on file. Staff recommends that the special exception be approved with the following conditions:*
 1. *The term of the special exception is for use by Kathy Glosson Shugart and/or Larry Glosson, children of James "Shot" Glosson, only so long as one or both reside at the property identified as 201 Creek Road. Upon the sale, lease, or other conveyance of this property to anyone other than Shot, Kathy, or Larry Glosson, or should they move from this property, the special exception will be considered null and void, at which time the manufactured house will have to be removed in a timely manner.*
 2. *The manufactured house and property will comply with all city ordinances including the Manufactured Housing zoning district.*
 3. *No additions or further improvements can be made to the existing structure.*
3. Public Hearing – *Jon Thompson, provided public comments in support of this special exception.*
4. Special Exception

Commission Vice Chair James Martin motions to discuss this item further. Chair Mim James seconds motion. Commissioners discussed and clarified that this was not a zoning change, but rather the Commission would be taking the special exception and granting it to the direct children of the Glosson.

Commissioner Michael Lavenco motioned to approve exception based on staff recommendations. Commissioner John McIntosh seconds. VOTE: 5-0 in favor, motion passes unanimously.

VII. SIGNS

Consideration and Possible Action on:

A. **Austin Motor Mile (AMM) Sign Variance Requests, located at 3990 Highway 290 East, Applicant John Caldwell, Owner's Representative**

Applicant withdrew request. No action taken.

VIII. ZONING

Consideration and Possible Action on:

A. **Ordinance No. 1220.133: An Ordinance of the City of Dripping Springs, Texas, rezoning one tract of land totaling approximately 7.38 acres, located at 505 Old Fitzhugh Road, from Single-Family Residential (SF-1) to General Retail (GR); and providing for the following: findings of fact; enactment; repealer; severability; effective date; authorizing the City Administrator to note the change on the official zoning map of the city; proper notice and meeting, Jay Vickers, Owner, Jon Thompson, Representative**

1. Presentation – *Jon Thompson presented and gave overview. Emilie Kopp, also presented and gave overview.*
2. Staff Report (Anjali Naini/Lali Rambeau) *Presentation on File. Staff recommends approval to request zoning amendment from Single-Family Residential (SF-1) to General Retail (GR).*
3. Public Hearing – *Travis Johnson, resident of Old Fitzhugh Rd. provided public testimony in support of this project. He stated he was pleased with the current clean-up and would is in support of diversifying the area. However, he wanted to bring awareness about noise concern to the commission regarding the future concept of a bar.*

Sherri Watts, resident of Old Fitzhugh Rd., provided public testimony in support of this project and also wanted to share noise concerns regarding the future plan for this bar/project.

4. Ordinance No.1220.133

Commissioner Erich Oswald abstained from this agenda item due to a potential conflict due to his residence – (affidavit on file).

City Administrator Michelle Fischer also removed herself from the council chambers due to a potential conflict due to her residence.

Chair Mim James motions to consider and opened the floor for discussion. Commissioner John McIntosh seconds. Chair Mim James stated that it is important for the applicant to hear the concerns of the neighbors of the area, and we know they will be sensitive to that. Chair Mim James complimented the staff for a very thorough review criteria report. Chair James reminded the commission that there will be an elaborate review because it is located in the historical district; a certificate of

appropriateness will have to be issued to move forward with this project. One of the concerns that came up was traffic and noise and Old Fitzhugh road continues to grow.

Chair Mim James suggested that the applicant consider bringing forward a more detailed concept plan. The commission would like to see more details around the concept, in particular the housing details. For the purpose of rezoning, the commission has enough information to move forward and encourages the applicant to pay attention to the neighbors' concerns and appreciates the applicant's effort and sensitivity to addressing these concerns.

Commissioner Evelyn Strong motioned to approve Ordinance No. 1220.133, to rezone one tract of land totaling approximately 7.38 acres located at 505 Old Fitzhugh Road, from Single-Family Residential (SF-1) to General Retail (GR). Commissioner Michael Lavengco Commissioner seconds. VOTE: 4-0 in favor, motion passes unanimously.

B. Ordinance No.1220.134: An Ordinance of the City of Dripping Springs, Texas, amending Chapter 30 (Zoning Ordinance), Exhibit A, Section 2.35 Council Consideration to add procedures for Planning and Zoning Commission Reconsideration of denied application for zoning change; and providing for the following: Findings of Fact; Enactment; Repealer; Severability; Codification; Effective Date; and Proper Notice and Meeting.

1. Staff Report (Anjali Naini/Lali Rambeau) – *Recommends approval. Presentation on file.*
2. Public Hearing – *No public comments received.*
3. Ordinance No.1220.134

Clarification from Chair Mim James: This agenda item is a clarification only. This agenda item was brought forward due to a previous denial and legal counsel discovered that the language was ambiguous and not clear. This is an attempt to clean the language up.

Vice-Chair James Martin motions to approve Ordinance No.1220.134 with staff recommendations. Commissioner John McIntosh seconds. VOTE: 5-0 in favor, motion passes unanimously.

IX. SUBDIVISIONS

Consideration and Possible Action on:

A. Concept Plan for Springs at Barton Creek (Proposed 316 Acre Subdivision), located North of Dripping Springs off of RR12, south of Fitzhugh Road (Bonham Tract), Ed Moore-The Moore Group

1. Presentation – Ed Moore presented and gave overview.
2. Staff Report (Lali Rambeau) – *Staff recommends approval of the concept plan with the following conditions: Discussion on the proposed 50ft. ROW access to RR12. Discussion on identified variances per the Subdivision Ordinance and Water Quality Ordinance, Verification by Land Planner that the density is in compliance with our subdivision ordinance.*
3. Approval of Concept Plan

Public Hearing - No public testimony.

Chair Mim James motions to consider and opened the floor for discussion. Vice Chair James Martin seconds.

Vice-Chair James Martin noted that the commission must pay close attention to the Texas Department of Transportation concerns and ensuring that the intersection must be suitable for a future traffic light. Vice-Chair James noted that this recommendation is also added to the staff report.

Chair Mim James requested clarification and additional analysis by the land planner that the density is in compliance with our Subdivision Ordinance and requested a comparison of the density and transportation report and surrounding areas.

Chair Mim James motions to table this item until the next Special Planning and Zoning Meeting scheduled on February 7, 2017 and asked staff to do more analysis to evaluate similar developments in surrounding areas in order to better understand the concept plan. Vice-Chair James Martin seconds. VOTE: 5-0 in favor, motion to table this agenda item to February 7, 2017, Special Planning and Zoning Meeting.

B. Amended and Restated Development Agreement between the City of Dripping Springs and Scenic Land Holdings, LLC for Westwood Subdivision (formerly Scenic Greens) and Revised Concept Plan for Westwood Subdivision (formerly Scenic Greens), approximately 682.534 acres located in the ETJ at the northwest corner of McGregor Lane and US Highway 290, Brett Burke, PE, Scenic Land Holdings, LLC, Applicant

1. Presentation – *Brett Burke presented and gave overview. Presentation on file.*
2. Staff Report (Anjali Naini, Dottie Palumbo) – *Staff recommends approval with conditional recommendations. Report on file.*
3. Discussion on Revised Concept Plan-*No action to be taken*
4. Discussion on Amended and Restated Development Agreement-*No action to be taken*

This item was brought up today to get the commission more familiar with the project. No action to be taken on this agenda item. No public hearing necessary; discussion only. This will be voted at the Special Planning and Zoning Meeting scheduled on February 7, 2017.

C. Preliminary Concept Plan for Driftwood 522 Subdivision, approximately 522 acres located in the ETJ near the intersection of FM 967 and FM 1826 in Driftwood, Mark Rivers, Applicant

1. Presentation – *Mark Rivers presented and gave overview. Presentation on file.*
2. Discussion- *No action to be taken*

This preliminary concept plan for Driftwood 522 Subdivision is a presentation only agenda item. No action was taken. Chair Mim James requested that a special committee be put in place to engage the commission and report progress along the way. This committee will consist of one City Council member, one member from Planning and Zoning, and city staff.

D. Preliminary Concept Plan for Vineyards 150 Subdivision, approximately 360 acres located on FM 150, Mark Rivers, Applicant

1. Presentation - *Mark Rivers presented and gave overview. Presentation on file.*
2. Discussion- *No action to be taken*

This preliminary concept plan for Vineyards 150 Subdivision is a presentation only agenda item. No action was taken.

Chair Mim James requested that a similar committee, maybe the same special committee be put in place to engage the commission and report progress along the way. This committee will consist of one City Council member, one member from Planning and Zoning, and city staff.

X. BUSINESS

Consideration and Possible Action On:

- A. Special Called Planning and Zoning Commission Meeting on February 7th at 7:00 p.m.

No action to be taken – Reminder only

XII. ANNOUNCEMENTS

- A. Regular Historic Preservation Commission Meeting, February 6, 2017 at 5:30 p.m.
- B. SPECIAL Planning and Zoning Commission Meeting, February 7, 2017 at 7:00 p.m.
- C. Regular City Council Meeting, February 15, workshop at 5:30 p.m./Regular Meeting at 7:00 p.m.
- D. Regular Planning and Zoning Commission Meeting, February 28, 2017 at 7 p.m.

XI. ADJOURN

Commissioner Michael Lavengco motions to adjourn. Vice-Chair James Martin seconds. VOTE: 5-0 in favor, motion passes. Meeting adjourned at 9:35p.m.

Minutes of the Special Planning & Zoning Commission Special Meeting – February 7, 2017

A **Planning & Zoning Commission Special Meeting** of City of Dripping Springs was held Tuesday, February 7, 2017, beginning at 7:00 PM in the City Hall, 511 Mercer Street, Dripping Springs, Texas.

I. CALL TO ORDER AND ROLL CALL

Commission Members

Mim James - Chair

James Martin – Vice Chair

John McIntosh

Kim Hubbard

Michael Lavengco

Evelyn Strong

Erich Oswald

City Staff/Appointed Officials

City Administrator Michelle Fischer

Deputy City Administrator Ginger Faught

City Secretary Angelica Reyes

Code Enforcement Kyle Dannhaus

Development Coordinator Lali Rambeau

Planning Consultant Anjali Naini

Assistant Attorney Laura Muller

Legal Counsel Dottie Palumbo

Commission Chair Mim James calls the meeting to order at 7:01 p.m. All members present. Also present was Keenan Smith, Exterior Design, Architectural & Land Planning Consultant.

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).

III. PLEDGE OF ALLEGIANCE

Commission Vice Chair James Martin leads the Pledge of Allegiance.

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 presented.

V. BUSINESS

Consideration and Possible Action on:

A. Concept Plan for Springs at Barton Creek (Proposed 316 Acre Subdivision), located North of Dripping Springs off of RR12, south of Fitzhugh Road (Bonham Tract), Ed Moore-The Moore Group

1. Presentation – *Edward Moore presented and gave overview. Presentation on file*
2. Staff Report (Anjali/Lali Rambeau) - *Staff are primarily concerned by the density of the proposed development. It is denser than other similar developments in the area, and the City is*

concerned The Springs may increase traffic and potentially cause environmental issues because of its proximity to Barton Creek. Staff recommends approval of concept plan with conditions stated in staff report. Should the proposed project move forward into preliminary plat stage without a Development Agreement, the applicant still must follow applicable City regulations as described in the analysis provided in the staff report and will be subject to further detailed review by City staff. Report on file.

Public Hearing – Bruce Turbo, resident of Dripping Springs presented and stated that he was pleased that the development solved the issue of having access to RR12.

3. Approval of Concept Plan

Vice Chair James Martin motions to consider and opened the floor for discussion. Commissioner Michael Lavengco seconds. Chair James stated that this is a preliminary concept plan that the Hays County will also need to review and approve. The applicant voluntarily agreed to comply with the City Outdoor Light Ordinance.

Chair Mim James motions that the Planning and Zoning Commission consider approving the preliminary concept plan with the understanding that the following will have to occur:

- 1) The Applicant will be required to prepare and submit a Traffic Impact Analysis (TIA) prior to plat approval.*
- 2) The Hay's County regulatory rules will be complied with*
- 3) Incorporate recommendations from the Transportation Committee with regards to the alignment of the road intersection.*
- 4) Need to work out the Parkland Dedication Arrangements – The developer will need to submit a parks and open space plan which should also indicate private and public parkland areas.*
- 5) Submit a Preliminary Plat Site Development to ensure all is in compliance with this project.*

Commissioner Michael Lavengco seconds. VOTE: 1 vote in opposition (Chair Mim James) and 1 abstained vote (Commissioner Evelyn Strong) VOTE: 5-1-1 in favor, motion passes.

B. Amended and Restated Development Agreement between the City of Dripping Springs and Scenic Land Holdings, LLC for Westwood Subdivision (formerly Scenic Greens) and Revised Concept Plan for Westwood Subdivision (formerly Scenic Greens), approximately 682.534 acres located in the ETJ at the northwest corner of McGregor Lane and US Highway 290, Brett Burke, PE, Scenic Land Holdings, LLC, Applicant

- 1. Presentation – Bret Burke presented and gave overview. Presentation on file.*
- 2. Staff Report (Anjali Naini, Dottie Palumbo) – Staff recommends approval of amended and restated development agreement. Report of file.*
- 3. Parks & Recreation Commission Report*
- 4. Public Hearing – No one spoke.*
- 5. Revised Concept Plan – On file*
- 6. Master Parks and Open Space Plan – On file*
- 7. Amended and Restated Development Agreement*

Vice Chair James Martin motions to consider agenda item. Commissioner Michael Lavengco seconds.

Vice Chair James Martin noted an administrative error, under ARTICLE 6. AUTHORITY, Page 25 of amended document. It is missing Article 6.5 and 6.6.

Vice Chair James Martin motions to consider amended and restated development agreement for Westwood Subdivision. Commissioner John McIntosh seconds. VOTE: 7-0 in favor, motion passes unanimously.

VI. ANNOUNCEMENTS

- A. Regular City Council Meeting, February 15, Workshop at 5:30 p.m./Regular Meeting at 7:00 p.m.
- B. Regular Planning and Zoning Commission Meeting, February 28, 2017 at 7 p.m.

VII. ADJOURN

Commissioner James Martin motions to adjourn. Commissioner Michael Lavengco seconds seconds. VOTE: 7-0 in favor, motion passes.

Meeting adjourned at 8:07 p.m.

Minutes of Planning & Zoning Commission Meeting - February 28, 2017

A Planning & Zoning Commission Meeting of the City of Dripping Springs was held **Tuesday, February 28, 2017**, beginning at 7:00 PM in the City Hall, 511 Mercer Street, Dripping Springs, Texas.

I. CALL TO ORDER AND ROLL CALL

Commission Members

Mim James - Chair

Kim Hubbard

Erich Oswald

James Martin – Vice Chair

Michael Lavengco

John McIntosh

Evelyn Strong

City Staff/Appointed Officials

City Administrator Michelle Fischer

City Secretary Angelica Reyes

Code Enforcement Manager Kyle Dannhaus

Development Coordinator Lali Rambeau

Planning Consultant Anjali Naini

Assistant City Attorney Laura Muller

Commission Chair Mim James calls the meeting to order at 7:02 p.m. All members present.

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).

III. PLEDGE OF ALLEGIANCE

Commission Vice Chair James Martin leads the Pledge of Allegiance.

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 presented.

V. MINUTES

Consideration and Possible Action On:

A. Approval of Special Planning & Zoning Commission, February 7, 2017

B. Approval of Regular Planning & Zoning Commission, January 24, 2017

*Commission Vice Chair James Martin provided administrative corrections to staff. Commissioner Michael Lavengco motions to approve the minutes with minor administrative edits and corrections. Commission Vice Chair James Martin seconds.
VOTE: 7-0 in favor, motion passes.*

VI. ZONING

Consideration and Possible Action On:

A. Conditional Use Permit Application for Deep Eddy Vodka Distillery to Allow for a Mobile Food Vendors located at 2250 E Hwy 290, Deep Eddy Vodka Distillery, Applicant

1. Presentation - *No one was present to speak.*
2. Staff Report (Lali Rambeau) – Staff brought this item up for discussion only. After further research, staff proposed to amend the conditional overlay to allow a food truck. Documents on file. Staff recommends coming back to this item with an amended Conditional Use Permit (CUP) Application
3. Public Hearing - *No one was present to speak.*
4. Conditional Use Permit - Mobile Food Vendor Court and Associated Improvements (no action to be taken)

No action to be taken. Staff will work with applicant to provide proper documentation.

B. Ordinance No.1220.135: An Ordinance of the City of Dripping Springs, Texas, rezoning the tract of land commonly known as 200 E. Creek Drive, and totaling approximately 5.127 acres, described as Lot 1, Resubdivision of Lots 41, 43, 44, & 45 of Kirby Springs Ranch, Phase Two, a subdivision in Hays County, Texas, from Agriculture (AG) to Single Family Residential District-Low Density (SF-1), City of Dripping Springs, Applicant.

Presentation - No one was present to speak.

1. Staff Report (Lali Rambeau) – *Staff presented and gave overview. Staff recommends approval for the requested zoning amendment from AG to SF-1. Report on File.*
2. Public Hearing - *No one was present to speak.*
3. Ordinance No.1220.135:

Commission Vice Chair James Martin motions to approve Ordinance No. 1220.135 with staff recommendations. Commissioner Michael Lavengco seconds. VOTE: 7-0 in favor, motion passes unanimously.

C. Ordinance No.1220.136: An Ordinance of the City of Dripping Springs, Texas, rezoning approximately 22.09 acres described as Lot 2, Lot 3, and Lot 4 of the Springs Subdivision, out of the B.F. Hanna Survey No. 28, Abstract No. 222 according to the public records of Hays County, Texas, from Agriculture (AG) to Multiple-Family (MF). Marc Dickey-TRE & Associates, Applicant

1. Presentation - *No one was present to speak.*
2. Staff Report (Anjali Naini/Lali Rambeau) - *Staff presented and gave overview. Staff recommends the rezoning request from AG to MF.*
3. Public Hearing - *No one was present to speak.*

4. Ordinance No.1220.136 - *Commission Vice Chair James Martin motions to approve Ordinance No. 1220.136 with staff recommendations. Commissioner John McIntosh seconds. VOTE: 7-0 in favor, motion passes unanimously.*

D. Ordinance 1220.137: An Ordinance of the City of Dripping Springs, Texas rezoning one tract of land commonly known as Esperanza, and totaling approximately 107.8 acres, described as Lot 2A of Indian Point Estates, out of the B.F. Hanna Survey No. 28, Abstract No. 222 according to the public records of Hays County, Texas, and located at 4900 Bell Springs Road, from Agriculture (AG) to Single-Family, Moderate Density (SF-2). Marc Dickey-TRE & Associates, Applicant

1. Presentation - *No one was present to speak.*
2. Staff Report (Lali Rambeau/Anjali Naini) - *Staff presented and gave overview. Staff recommends the rezoning request from AG to SF-2. Report on file.*
3. Public Hearing - *No one was present to speak*
4. Ordinance No.1220.137

Vice Chair James Martin motioned to discuss. Chairman Mim James seconds.

Vice Chair James Martin noted that he had concerns regarding the traffic impact analysis. Chairman James pointed out that this concern is addressed in the staff report:

Traffic/Transportation: The proposed Esperanza Subdivision has approximately 104 residential lots. The Subdivision Ordinance requires a Traffic Impact Analysis (TIA) if a subdivision has 200 lots or generates 2,000 one-way trips per day. Staff may need to determine later if a TIA or other type of traffic study will be needed.

Commission Vice Chair James Martin motions to approve Ordinance No. 1220.137 with staff recommendations. Commissioner Michael Lavengco seconds. VOTE: 7-0 in favor, motion passes unanimously.

VII. SUBDIVISIONS

Consideration and Possible Action On:

A. Preliminary Plat for Esperanza Subdivision, Mark Dickey, Tre and Associates

1. Presentation – *Mark Dickey presented and gave overview. Report on file.*
2. Staff Report (Lali Rambeau) - *Staff presented and gave overview. The Preliminary Plat has been reviewed by Chad Gilpin, our external contract engineer. All comments have been satisfied per Chad Gilpin. Staff recommends approval of the Esperanza Subdivision Plat.*
3. Public Hearing
 - *Public Comment (note) from Renee Loupe. Note stated concern about the subdivision and the effect it will have on their property and surrounding properties. Note on file.*
 - *Mary Conwell, was present and spoke on this matter. She shared her concern with traffic. Would like to know more information about the possibility of a left turn and widening the roads.*
4. Preliminary Plat

The Planning and Zoning Commission entered into an executive session to discuss this agenda item as authorized by Texas Government Code Sections 551.071. Executive session was convened at 7:29p.m. Returned from executive session at 7:42p.m. Commission considered approving preliminary plat subject to applicant complying with the outcome of a T.I.A. study or tabling this agenda for further discussion.

Chairman Mim James asked the applicant which option they would prefer. Applicant stated that tabling this item would be more beneficial to them.

Commission Vice Chair James Martin motions to table this agenda item. Commissioner John McIntosh seconds. VOTE: 7-0 in favor, motion to table passes unanimously.

VIII. VARIANCE/SPECIAL EXCEPTION

Consideration and Possible Action on:

A. Request for Special Exception from the City's Zoning Ordinance, Chapter 30, Zoning Ordinance, Section 30.05.009(I) to allow a drive-in service for a mobile food vendor at 1007 W. Hwy 290 for Le Muse Food Truck, Juan Chan, Applicant

1. Presentation – Jon Thompson presented and gave overview. Presentation on file.
2. Staff Report (Lali Rambeau) - *Staff presented and gave overview. Report on file. Staff recommends that the special exception be denied for the following reasons:*
 1. *Dripping Springs Code of Ordinance, Chapter 30, Section 30.05.009 (I) states: "A drive-in service is not permitted for any mobile food vendor."*
 2. *Staff has been informed that the future plan for this site is a mobile food park with up to 5 mobile food trailers. Traffic from these additional food trucks is unknown.*
 3. *A Drive in Service at this location will cause traffic circulation issues especially on Highway 290, and within the proposed mobile food park. The Pig Pen BBQ Mobile Food Vendor Park is next door; there will be a traffic impact with two adjacent mobile food vendor parks on 290, with one food vendor having a drive-in service.*
 4. *A Drive in Service has the potential to create undesirable impacts for neighboring property owners. Odors from vehicle exhaust and noise from engines, car stereos and menu board speakers could be considered undesirable.*
3. Public Hearing – *Sherrie Parks, Dripping Springs Chamber of Commerce presented in support of small businesses and in support of this request from Le Muse Food Truck.*
 - *Ben Ash, member of the Chamber of Commerce testified in support of this request.*
 - *Bill Warren, owner of Pig Pen BBQ testified in support of the drive-thru idea if only one food truck was on property.*
 - *Monica Nash, testified in support of this request.*

4. Special Exception

Commission Vice Chair James Martin motions to consider and discuss. Chairman Mim James seconds.

Under current city ordinance, only properly designed brick and mortar shops are allowed to have a drive-thru. Commissioner James Martin brought up concerns with the close proximity of this vendor to Tiger Lane and the intersection of Hwy 290. This area is highly populated area by student drivers and heavy traffic during school hours.

One of the largest concerns for the rest of the commissioners was traffic. Vice Chair James Martin stated that even two or three cars backed up onto Highway 290 from the drive-thru line could cause a huge safety issue.

Chairman Mim James noted that he is concerned that our current ordinance does not address mobile food vendors that want to operate more than 10 days. Moving forward, Chairman James directed staff and legal to develop a set of guidelines to assist the commission when considering operation of future food truck vendors.

The commission made it clear that they would like the business owner to be successful, along with the rest of the local business in town. However, the current site plan does not alleviate their concerns over safety and traffic issues.

Chairman Mim James motions to deny request from Le Muse, and additionally, directs staff to work with legal counsel to develop an appropriate set of guidelines for long-term operation of mobile food vendors. The Commission also directs staff to work with local business and the Chamber of Commerce to get input on this issue.

Commission Vice Chair James Martin seconds. Commissioner Erich Oswald abstain from voting. VOTE: 6-0-1 in favor of denying this special exception, motion to deny passes.

IX. PARKLAND DEDICATION

Consideration and Possible Action on:

A. Blue Blazes Parkland and Open Space Plan

- 1. Staff Report – Michelle Fischer presented and gave overview. Documentation on file. Staff recommends approval.*
- 2. Public Hearing - No one was present to speak*
- 3. Parkland Dedication*

Commission Vice Chair James Martin motions to approve Blue Blazes Parkland and Open Space Plan with staff recommendations. Commissioner Erich Oswald seconds. VOTE: 7-0 in favor, motion passes unanimously.

X. BUSINESS

Consideration and Possible Action On:

- #### **A. Ordinance No.1220.138: An Ordinance Amending Chapter 30 of the Dripping Springs Code of Ordinances to Create Article 30.06; Amending Chapter 30, Appendix E: Zoning Use Regulations (Charts), Adopting Provisions Creating a Conditional Use Permit for Short-Term Rental and Bed and Breakfast Use, Establishing Requirements for the Issuance, Maintenance and Renewal of Such Permits, Providing for the Revocation of Same and Penalty Not to Exceed \$2,000 for Violations to this**

Ordinance; Providing for the Following: Findings of Fact; Amendment; Repealer; Severability; Codification; Effective Date; and Proper Notice and Meeting.

1. Staff Report (Laura Mueller/Anjali Naini) – *Assistant City Attorney Laura Mueller Staff recommends the creation of Section 30.06 to establish provisions for short term rentals and bed and breakfasts; and the amendment of Appendix E: Zoning Use Regulations (Charts) to establish which zoning classifications short term rentals may be permitted. Report on File.*

Wanting to avoid a proliferation of unregulated short-term rentals, the City is establishing regulations to ensure applicable City codes are enforced and to ensure general public safety and welfare. The City does have an established Hotel Occupancy Tax, and this amendment also includes provisions for short-term rentals to be taxed under the section pertaining to Hotels in the Taxation Ordinance (Chapter 1, Article 1.04, Dripping Springs Code of Ordinances). The city has been noticing a peak in short term-rentals within the city limits including residential homes. The staff anticipates the continued growth of short-term rentals and would like to be prepared and have guidelines in place regarding short-term rentals.

City staff drafted this ordinance as a beginning template and seeks commission's input.

2. Public Hearing
 - *Ben Ash, member of the Chamber of Commerce testified in support of this request.*
3. Ordinance No.1220.138 - *As a the preliminary discussion on this ordinance, the Chair of the Planning and Zoning Commission instructed city staff to work with a sub-committee to further discuss and research this ordinance. Chairman Mim James and Commissioner Evelyn Strong were assigned to this sub-committee. Chairman Mim James also asked to obtain input from the affected business community.*

Commissioner John McIntosh motions to table this agenda item and request staff input at the March 28th meeting. Chairman Mim James directs staff to create a subcommittee to address this issue and to seek local business input. Commissioner James Martin seconds. VOTE: 7-0 in favor, motion to table passes unanimously.

XI. ANNOUNCEMENTS

- A. Regular City Council Meeting, March 21 - Workshop 5:30pm/7:00pm Meeting
- B. Regular Planning and Zoning Meeting, March 28, 2017 at 7:00pm

XII. ADJOURN

Commissioner Kim Hubbard motions to adjourn. Commission Vice Chair James Martin seconds. VOTE: 7-0 in favor, motion passes. Meeting adjourned at 9:25 p.m.

CITY OF DRIPPING SPRINGS, TEXAS
MINUTES OF THE REGULAR PLANNING AND ZONING MEETING
April 25, 2017

A meeting of the Planning and Zoning Commission of the City of Dripping Springs, Texas, was held on Tuesday, April 25, 2017 at 6:30 P.M. at City Hall, 511 Mercer Street, Dripping Springs, Texas.

Present:	<u>Commission Members</u>	<u>City Staff/Appointed Officials</u>
	Mim James – Chair	Michelle Fischer – City Administrator
	James Martin – Vice Chair	Kyle Dannhaus – Code Enforcement Manager
	Kim Hubbard	Lali Rambeau – Development Coordinator
	John McIntosh	Katie Jordan – Planning Assistant
	Evelyn Strong	Rick Coneway – City Engineer
		Laura Mueller – Assistant City Attorney

With a quorum of the commission members present, Chairman Mim James called the session to order at 6:33p.m. followed by the pledge of allegiance led by John McIntosh. It is noted that Commissioners Michael Lavengco and Erich Oswald are both absent for this meeting.

EXECUTIVE SESSION. There was no Executive Session held.

PRESENTATION OF CITIZENS. There were no comments received from the public.

MINUTES

- A. Consideration and possible action on Regular Meeting Minutes for March 28, 2017.

With no discussion being heard, a motion was made by James Martin to approve minutes as written. Kim Hubbard seconded the motion. The motion carried unanimously.

ZONING

- A. Consideration and possible action on an Ordinance 1220.139: An Ordinance of the City of Dripping Springs, Texas, amending the restrictions of the conditional overlay governing certain real property in the city limits know as Lots 5 and 6 of Peabody Plaza (also known as Deep Eddy Vodka Distillery) including mobile food vendors as an allowed use; defining mobile food vendors; and providing for the following: findings of act; enactment; repealer; severability; codification; and an effective date. *Applicant: John Scarborough, Deep Eddy Vodka.*
1. Presentation. Tracy Beacham, representing Deep Eddy Vodka, discussed how the general manager for Deep Eddy met with the neighbors to discuss their concerns about some of the nuisances that they were experiencing. The general manager has agreed to address all of their issues immediately.

2. Staff Report. Lali Rambeau presented the staff report following Tracy Beacham's presentation, stating that all of the concerns of the neighbors are being addressed by the general manager.

The original zoning overlay did not allow for food trailers, but staff recommends approval of the amendment to the Conditional Use Permit (CUP) to allow for the food trailer.

3. Public Hearing. The Public Hearing was opened for comments. Hearing none, the Public Hearing was closed.
4. Ordinance No. 1220.139

A motion was made by James Martin to recommend to the City Council the adoption of Ordinance No. 1220.139 amending the Conditional Use Permit (CUP) to the existing overlay to allow for mobile food vendors. John McIntosh seconded the motion. The motion carried unanimously.

B. Consideration and possible action on a Conditional Use Permit (CUP) Application for Deep Eddy Vodka Distillery to Allow for Mobile Food Vendors, located at 2250 East Hwy 290. *Applicant: John Scarborough, Deep Eddy Vodka.*

1. Presentation. There was no presentation made by the applicant.
2. Staff Report. Lali Rambeau reported that the requested action is to apply for a CUP to allow Red's Porch to operate at Deep Eddy's site during open hours as a permanent presence as well as other food trailers during special events, which is allowed in the conditional overlay. Public notices were mailed out and published in the newspaper but no public comments were received as of April 24th. Staff recommends to approve the Conditional Use Permit (CUP).
3. Public Hearing. The Public Hearing was opened for comments. Hearing none, the Public Hearing was closed.
4. Conditional Use Permit – Mobile Food Vendor

Mim James expressed his appreciation on behalf of the commission for the efforts made by Deep Eddy's representatives to address the neighbors' concerns.

A motion was made by James Martin to approve the Conditional Use Permit to allow for mobile food vendors at Deep Eddy's Vodka Distillery located at 2250 East Highway 290. John McIntosh seconded the motion. The motion carried unanimously.

C. Consideration and possible action on a Conditional Use Permit Application for Hudson's On Mercer to allow for a Mobile Food Vendor, located at 381 Mercer Street, *Applicant: Natasha and Chad Hudson, Hudson's on Mercer.*

1. Presentation. Chad and Natasha Hudson stated that their business has been open for a year and a half. Recently they have received several requests from clientele to have consistent dining options.

2. Staff Report. Lali Rambeau stated that the owners have requested that the food trailer be a permanent source of food vending on their site. The hours of operation will be 8 a.m. until 11 p.m. on Monday through Saturday, and the last Sunday of each month for dinner from 4 p.m. until 10 p.m.

Kyle Dehart will have to approve the food permit for this food trailer which has not been completed at this time. According to the fire code, the food trailer has to be located at least twenty feet away from the building. This application was also approved by the Historic Preservation Commission for a Certificate of Appropriateness (COA). Public notices were mailed out and no public comments were received for this project as of April 24th.

3. Public Hearing. The Public Hearing was opened for comments. Hearing none, the Public Hearing was closed.

4. Conditional Use Permit – Mobile Food Vendor.

A motion was made by James Martin to approve the Conditional Use Permit (CUP) to allow for a mobile food vendor at Hudson's On Mercer Street, located at 381 Mercer Street. Mim James seconded the motion. The motion carried unanimously.

D. Consideration and possible action on a Conditional Use Permit Application for Le Muse to allow for a Mobile Food Vendor Court, located at 1007 W. Highway 290. *Applicant: Jon Thompson on behalf of Juan Chan, Le Muse.*

1. Presentation. Jon Thompson, representative for Le Muse, requested a Conditional Use Permit (CUP) to allow for a mobile food court for up to four to five mobile food trailers. Jon reviewed the staff report for this CUP and discussed it with Juan Chan, Owner. They agreed with the staff's recommendations, which is to permit one food trailer for Le Muse, owned by Juan Chan.

2. Staff Report. Lali Rambeau reported that the owner, Mr. Chan submitted a request for CUP with a concept plan proposing to allow up to five food trailers located at 1007 W. Highway 290. Staff recommends approval of the

Conditional Use Permit (CUP) for one food trailer only, since there is no site plan yet.

3. Public Hearing. The Public Hearing was opened for comments. Hearing none, the Public Hearing was closed.
4. Conditional Use Permit. Mim James sought clarification from Jon Thompson about their agreement. Mr. Thompson confirmed that they agreed to change the request from permitting five food trailers to just one food trailer, per staff's recommendation. When Juan Chan is ready to propose the full court concept then they will be expected to submit a site plan that includes all of the things mentioned by staff.

A motion was made by James Martin to approve the Conditional Use Permit (CUP) for one food trailer only since no site plan has been provided as yet. Evelyn Strong seconded the motion. The motion carried unanimously.

SUBDIVISIONS

- A. Consideration and possible action on a Replat of the Beulah Marie Needham Estate, Lot Part of 2, Acres 1.983, City of Dripping Springs, Hays County, Texas.
Applicant: Jon Thompson on behalf of Wade and Colie Hudson, Owners.

1. Presentation. Jon Thompson, representing the owners, described the location of the proposed replat. The tract in question was a tract that was cut out for someone in the family but had never gone through the process of replating it back in 1985. The lot has existed as is since 1985. Hays Court Commission had approved the replat in 1985.
2. Staff Report. Lali Rambeau reported that Jon Thompson is applying on behalf of the owners for a replat with three variances. She restated that this whole variance process was triggered in response to the replat process because they needed a septic system. The County did give them a permit for the septic system with the condition that they had to apply for a replat of the lot.

As soon as the final documents are signed at the County then they will issue an approval letter to the City. Public notices were sent out and published in the newspaper and no comments were received. Rick Coneway has reviewed the replat and approved it. The variances need to be approved before the replat can be approved.

3. Public Hearing. The Public Hearing was opened for comments. Hearing none, the Public Hearing was closed.

4. Consideration and possible action on a Variance from the Dripping Springs Code of Ordinances, Chapter 28, Exhibit A: Subdivision Ordinance, 14.6 requiring the minimum lot size for a residential lot in the City's ETJ that utilizes private Septic and a private well to be a minimum of 2.0 acres.

A motion was made by James Martin to consider all three variances for the replat followed by a motion to approve:

- (1) to grant a variance to Chapter 28, Exhibit A, Subdivision Ordinance 14.6 of the Dripping Springs Code of Ordinances to allow a minimum lot size of 1.983 acres for this replat as a residential lot in the City's ETJ that utilizes private septic and a private well to be less than the minimum of 2.0 acres;
- (2) to grant a variance to Chapter 28, Exhibit A, Subdivision Ordinance, Section 7.2.5 of the Dripping Springs Code of Ordinances to allow for the replat of a single-family residential subdivision without vacation to be approved for an existing subdivision if the replat would create a lot smaller than the smallest developable lot in the remainder of the subdivision; and
- (3) to grant a variance to Chapter 28, Exhibit A, Section 7.6 of the Dripping Springs Code of Ordinances to allow for the replat which adds or deletes lots included in the original subdivision and lot boundaries.

John McIntosh seconded the motion. The motion carried unanimously.

SIGNS

- A. Consideration and possible action on a Sign Variance Requests for Starbucks Coffee, located at 108 East US 290 West, Wayne Rhodes, Hilton Displays, *Applicant: Wayne Rhodes.*
 1. Presentation. A representative with Hilton Displays on behalf of Starbucks has requested a variance to allow for a mural on the drive through elevation. Murals are not specifically outlined in the codes, so they had to abide by the City's Sign Ordinance.
 2. Sign Administrator's Report. Michelle Fischer, City Administrator, recommended that this variance request should be denied and it was also recommended that the sign and the lighting for it be removed within thirty days from the consideration made by the Board of Adjustment.
 3. Public Hearing. The Public Hearing was opened for comments, hearing none, the Public Hearing was closed.
 4. Consideration and possible action on a Variance Request to Exceed the Maximum Number of Projecting/Wall Signs Allowed.

James Martin made a motion to open the floor for discussion. Mim James seconded the motion. The motion carried. The floor was opened for discussion.

James Martin questioned if the intention to have this display was in the original plans to have this art displayed on the wall and did not include it on the site plan. The representative for Starbucks confirmed that it was never made clear to the sign company that it would be their intention to do that.

A motion was made by James Martin to deny the variance request as per staff's recommendation. John McIntosh seconded the motion. The motion carried unanimously.

ADJOURN OPEN MEETING

A motion was made by Chairman Mim James with a second by James Martin to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 7:23p.m.

Respectfully submitted,

Katie Jordan
Planning Assistant

These minutes were approved on the _____ day of _____, 2017.

Ordinance No. 1220.139; Conditional Use Permits for Deep Eddy Vodka Distillery, Hudson's on Mercer Street, and LeMuse; and the Replat of Beulah Marie Needham Estate, Lot Part of 2, is on file in the City Secretary's office and is made a part of these minutes by reference.

CITY OF DRIPPING SPRINGS, TEXAS
MINUTES OF THE REGULAR PLANNING AND ZONING MEETING
May 23, 2017

A meeting of the Planning and Zoning Commission of the City of Dripping Springs, Texas, was held on Tuesday, May 23, 2017 at 5:30 P.M. at City Hall, 511 Mercer Street, Dripping Springs, Texas.

Present:	<u>Commission Members</u>	<u>City Staff/Appointed Officials</u>
	Mim James – Chair	Michelle Fischer – City Administrator
	James Martin – Vice Chair	Kyle Dannhaus – Code Enforcement Manager
	Kim Hubbard	Lali Rambeau – Development Coordinator
	John McIntosh	Katie Jordan – Planning Assistant
	Evelyn Strong	Anjali Naini – Planning Consultant
	Michael Lavengco	

With a quorum of the commission members present, Chairman Mim James called the Workshop session to order at 5:33p.m. followed by the pledge of allegiance led by Mim James. It is noted that Commissioner Erich Oswald was absent for this meeting.

II. Workshop.

No action to be taken during workshop. Staff Reports regarding Consent, Site Developments, Subdivisions, Zoning, On Site Sewage Facilities, Signs, Variances, Waivers, Special Exceptions, Annexations, Alternate Standards, Business and other agenda items listed below.

A. Planned Development District No. 5 for Heritage Subdivision

1. Overview of prior Planning & Zoning Commission action and minutes.

2. Presentation by Heritage Development Team.

The proposed Heritage project is approximately 189 acres located in the heart of Dripping Springs. This property will be annexed into the City Limits, and the zoning classification will be Planned Development District #5. Engineers and Land Planners have done thorough work to study neighboring properties to better understand the adjacent land uses. Primarily this is a residential project with nine types of residential options. They believe there are real commercial opportunities. The Amenity Center will be located in the commercial area of this project.

On May 4th, 2016 P&Z recommended approval of the PDD Ordinance. On June 12th, 2017, they will ask for a new recommendation at P&Z. They thought it would be logical for the Annexation, Zoning, PDD, Wastewater and Offsite Trail Agreement to go to City Council all on the same night for consideration. PDD #5 allows for up to 700 residential units (with some MF). A reason for introducing the PID was to leverage down the cost of home ownership to make it more affordable for people like schoolteachers and fire crewmembers to buy. 30.5 acres is dedicated to open-space for trails and parkland. They are 2.5 acres over the minimum requirement. Connectivity is a major focal point for this

development. Trails will connect the Amenity Center to Mercer St. and to the elementary school and high school. Road layouts and trail layouts are set up for future connections as other areas become developed around them. Bike lanes will be implemented as well. The timeline for approvals includes June 12th, 2017 P&Z Meeting (Final Action); June 13, 2017 City Council Workshop Session; June 20th, 2017 Proposed City Council Approval Date; July 11th, 2017 Back-up approval date – last option for City Council action for all documents. Annexation expires July 17, 2017.

Phase 1: Development Plan limited mainly by Wastewater connections. With the approval of the agreement, the City will allow for 150 wastewater connections and with that they will develop the main road that runs East to West from RR12 to the intersection of Golden Eagle and Shane Lane, which is the North East quadrant of the property. If the City acquires the Right-of-Way on the Roger Hanks Pkwy Extension then that will become part of the Phase 1 of this development. Same thing goes with the connected trail for Mercer St. Also the Water Quality Pond will be developed.

Phase 2: Extend the roadway East to West from roundabout to Sportsplex Dr. It is an important connection for residents to get to elementary school. 224 units and Wastewater LUE's total. Wastewater effluent line added per Wastewater Amendment #3.

Phase 3: Located at Northwest Quadrant. Water Quality Pond will be developed, RR12 traffic signal added and 140 units with Wastewater LUE's per Wastewater discharge permit.

Phase 4: Located at Southern local street. Water Quality Pond will be developed, Offsite lift station and force main, and 186 units and Wastewater LUES per Wastewater discharge permit.

3. Planned Development District No. 5 presentation.
4. Annexation and Development Agreement – Presentation by Legal.

Planning & Zoning should consider community benefits of this development. This project creates primary employment, neighborhood services, exceeds design standards, Single Family home development, Flood control elements, increase multimodal transportation options, provides roadway network, improves wastewater treatment, provides Assessment Ordinance to pay for public improvements, and more.

III. Recess.

Recessed at 6:25p.m.

IV. Reconvene at 6:30 p.m.

V. Pledge of Allegiance.

VI. Presentation of Citizens.

There were no comments received from the public.

VII. Minutes.

Consideration and Possible Action On:

A. Consideration and possible action on Regular Meeting Minutes for April 25, 2017.

With no discussion being stated, a motion was made by James Martin to approve minutes as written. Kim Hubbard seconded the motion. The motion carried unanimously with a vote of 6 Ayes and 0 Nays, approving the minutes.

B. Discussion of recommended language for stating motions and the preparation of proper minutes.

Per Debbie Loesch, who is a seasoned City Secretary, has proposed that the City's Planning and Zoning Commission and City Council members modify the way motions are carried out. She advised them do not refer to the staff's recommendations in the motion, but instead to state what the specific recommendations or conditions are as they are stating the motion. Additionally, commissioners and council members need to ensure that they make a formal motion that is concise and clear.

VIII. Zoning.

Consideration and Possible Action On:

A. Conditional Use Permit Application for a Mobile Food Vendor Court Located at 28911 RR12, Dripping Springs, TX 78620, Applicant: Jon Thompson on behalf of Neil Stokes.

1. Presentation (Jon Thompson)

Jon Thompson gave a brief description of this project, stating that this site was approved for a Site Development Permit for 27 parking spaces, and also has a TXDOT Driveway Permit that is currently under construction. Presently this is a Conditional Use Permit for a mobile food court with four mobile food trailers. A revised site plan and concept plan was included as part of the application.

2. Staff Report (Lali Rambeau)

Lali Rambeau presented the staff report following Jon Thompson's presentation, stating that this request is for a Conditional Use Permit for a mobile food court to allow up to four mobile food trailers. The Site Development Permit for the parking lot was approved on April 10th, 2017. Anjali Naini (Planning Consultant) and Tom Hegemier (Engineering Consultant) both reviewed the Site Development application and approved the site plan. Dillon Polk (ESD#6) also reviewed the site plan and approved it. After the Conditional Use Permit Application was submitted for review, Dillon Polk and City staff visited the site on May 16th, 2017 to discuss parking, the placement of the food trailers and the restroom facilities with the owner. City staff and Dillon are supportive of the concept plan and how it fits into the site plan. Each food trailer will comply with the applicable fire code and will be inspected by

Kyle Dehart (City Sanitarian) and Dillon Polk again.. The concept plan shows a seating area as well as a playground and a permanent restroom facility that will be constructed to meet the most current building codes. A site plan will be required to show that the changes are minor and to make sure there are no negative impacts to downstream property owners due to added impervious cover. Public notices were published and mailed out to adjacent property owners. No public comments were received on this topic. The proposed hours of operation will be 6 a.m. to 11 p.m. Sunday through Monday. The owner will be complying with the Outdoor Lighting Ordinance and the Sign Ordinance.

Staff recommends approval of the Conditional Use Permit for four mobile food trailers, contingent upon the approval of the amended and revised site plan by Tom Hegemier.

3. Public Hearing

The Public Hearing was open for comments. Hearing none, the Public Hearing was closed.

4. Conditional Use Permit

A motion to discuss was made by Vice Chairman, James Martin, Chairman and Mim James seconded the motion. James Martin called on staff to verify if the correction was made on the section for the hours of operation in the Conditional Use Permit to read as Sunday through Saturday instead of Saturday through Sunday. Secondly, James wanted to know about the restroom facilities on the site plan. Staff informed him that there would be septic on site and it will have to be approved by Kyle Dehart. The mobile food trailers will not connect to septic, they will resort to pump & haul.

James Martin made a motion to approve the Conditional Use Permit to allow a mobile food court with four mobile food trailers located at 28911 RR12 with the hours of operation being Sunday through Saturday 6 a.m. through 11 p.m. Michael Lavengco seconded the motion. The motion carried unanimously with a vote of 6 Ayes and 0 Nays.

IX. Subdivisions.

Consideration and possible action on:

A. **Replat of North Belterra Commercial, Final Plat of the Resubdivision of North Belterra Commercial Subdivision, Being a Replat of Lots 1-4 of North Belterra Commercial Subdivision, City of Dripping Springs ETJ, as recorded in Document Number 2016040879 of the Plat Records of Hays County, Texas. Applicant: Bradley Lingvai P.E., Big Red Dog.**

1. Presentation No presentation was given.
2. Staff Report (Lali Rambeau)

The owner is requesting to replat the existing four lot recorded Final Plat into twelve lots. The replat will create eight additional lots in accordance with the approved preliminary

plan. This replat was reviewed by the County and the City of Dripping Springs in accordance with the 1445 Interlocal Agreement. Rick Coneway (City Engineer) reviewed the application and determined that this submittal meets the requirements of the Development Agreement and the City's Subdivision Ordinance. Hays County has not yet approved the Replat but was ok with present it to P&Z since they have minor comments that will be addressed and satisfied before City Council can approve it. Staff recommends approval of the Replat Application contingent upon approval by Hays County Development Services in accordance with the 1445 Interlocal Agreement.

3. Public Hearing

The Public Hearing was open for comments. Hearing none, the Public Hearing was closed.

4. Replat

James Martin made a motion to approve the Replat of the Belterra Commercial, Final Plat of the Resubdivision of North Belterra Commercial Subdivision from the existing four lots into twelve lots, contingent upon Hays County approval of the Replat. John McIntosh seconded the motion. The motion carried unanimously with a vote of 6 Ayes and 0 Nays.

X. Variances/Waivers/Special Exceptions/Alternative Standards.

Consideration and possible action on:

A. Exterior Design Standards for Ridge at Ramsey Ranch, located at US. Highway 290 West at Hays Country Acres Rd, Dripping Springs, TX 78620, Applicant: Gary Payne, Enviroplan Architects & Planners

1. Presentation **No presentation was given.**

2. Architectural Design Consultant Staff Report (Keenan Smith, AIA)

This project known as Ridge at Ramsey Ranch is a commercial retail building for new construction of a single story building. Staff recommends approval in concept with the following four conditions of approval.

- 1) Pedestrian Amenities. Provide five minimum elements as require per Exterior Design Ordinance; Three on the Primary (North) elevation to be installed and inspected prior to Certificate of Occupancy issuance. Patio and ourdoor areas could contribute.
- 2) Sloped Roof Material. To be Zinc Grey color and finish by Berridge or equal.
- 3) Native Stone Masonry. Approved in Concept subject to City's onsite review of construction mockup (4' x 4' min. with stone, mortar, trims) prior to bulk order of materials.
- 4) Trash Receptacle Screen. Design shown in plan only. Provide per Ordinance faced with Native Stone Masonry on sides, with opaque metal doors. Detail on Permit Set plans.

Alternative Design Standard was requested as strict compliance was challenged by the following building conditions or desired design approaches:

Design “Compliance Challenges” vs. Exterior Design & Architectural Standards:

- Standing Seam Metal Roof with sheds and gables is required vs. proposed primarily flat roofed areas, with partial coverage of a gabled Sloped Metal Roof element. Flat roof elements are desired to facilitate HVAC equipment.
- Stone Building Base Exterior wainscot is required 100% faced with stone masonry to ¼ wall height or 4’ required, vs. glass storefront, concrete walls and stucco dropping to grade proposed, facilitating flexible fenestration by future retail tenants.

Proposed Alternative Design Standards: Mitigating Elements (Exceeding Standards):

- Building Massing & Articulation Building area is less than minimum square footage threshold for the “Articulation” requirements. Nevertheless the proposed building massing is well articulated, both horizontally and vertically, thus exceeding standards.
- Porch Requirement Exceeds fifty percent at Front Primary Elevations: More extensive porch/shading elements are proposed at North (Primary) Elevation (sloping metal awnings and deep, flat metal canopy) thus exceeding minimum standards. In addition, a deep metal canopy is also proposed at South Elevation Patio, exceeding requirements.
- Pedestrian Amenities “Patio” dining and “Outdoor Recreation” areas are proposed at the SW corner of the building, supplementing proposed bench elements at the Primary North elevation. These supplemental features contribute the potential for the project to exceed standards.
- Predominance of Native Stone Masonry. The design proposed areas of full-height Native Stone Masonry walls in visibly prominent locations, which on average, provides a quality look and feel and creates a reasonable balance of the masonry presentation.

3. Public Hearing

The Public Hearing was open for comments. Hearing none, the Public Hearing was closed.

4. Architectural Design Alternative Standard

Mim James made a motion to approve the Alternative Design Standard subject to the four conditions per Keenan Thompson’s staff report recommendation; 1. Pedestrian amenities provided as elements per the Ordinance. 2. Sloped Roof material, zinc grey color and finish by Berridge or equal. 3. Native Stone Masonry will be approved based on the sample provided. 4. Trash receptacle screen provided per Ordinance faced with native stone masonry on sides, with opaque metal doors. Michael Lavengco seconded. The motion carried unanimously with a vote of 6 Ayes and 0 Nays.

XI. Business.

A. First Amendment to the Anthem at Ledge Stone (fka Cypress Creek at Ledge Stone) Development Agreement between the City of Dripping Springs and Stuart Shaw Family Partnership, Ltd., for Anthem at Ledge Stone Apartments amending the

Cypress Creek at Ledge Stone Development Agreement entered into about October 4 2012 between the City of Dripping Springs and Stuart Shaw Family Partnership, Ltd. The affected area is approximately 16.821 acres of land out of the William S. Holton Survey No. 57, Abstract No. 245, in Hays County, Texas. *Stuart Shaw, Applicant.*

1. Presentation (Rex Baker/Felix Manka)

This project was first initiated in 2012 and has since changed it's concept to "market apartment" weighing towards one bedroom apartments. The requested amendments include parkland, cut and fills, and setbacks. The first variance is related to cuts and fills amendment, which will overall reduce the amount of cuts proposing more fills to preserve vegetation for the landscaping plan. The second variance pertains to building setback lines. The original building lines do not conform with today's current setback requirements for these buildings, therefore they want to bring it into compliance.

2. Staff Report (Anjali Naini)

Anthem at Ledge Stone was formerly known as Cypress Creek at Ledge Stone. The project will consist of apartment homes. The original development agreement was adopted in October 2012. The property is located north of Highway 290, just north of Rocky Ridge Tail, and between Four Star Blvd and Ledge Stone Dr. The property is approximately 16.821 acres. The entire property is located within the City's extraterritorial jurisdiction. Anjali recommends approval of the First Amendment to the Anthem at Ledge Stone Development Agreement.

3. Public Hearing

The Public Hearing was open for comments. Hearing none, the Public Hearing was closed.

4. Variance from Original Cypress Creek at Ledge Stone Development Agreement, Exhibit C: Cuts and Fills in Excess of Six Feet.

5. Variance from the Original Cypress Creek at Ledge Stone Development Agreement, Exhibit C: Minimum Setbacks.

6. Amended and Restated Development Agreement

James Martin made a motion to approve the two Variances collectively; Variance #1 pertains to cuts and fills and includes the wording as described in Exhibit C and Variance #2 pertains to the minimum building setbacks for modification of the previous requirements set in the City's Subdivision Ordinance for properties located in the City's ETJ, with the front and rear building lines of 10' and side building lines of 5'. Mim James seconded the motion. The motion carried unanimously with a vote of 6 Ayes and 0 Nays.

James Martin made a motion to approve the Anthem at Ledge Stone - Amended and Restated Development Agreement as published. Kim Hubbard seconded the motion. The motion carried unanimously with a vote of 6 Ayes and 0 Nays.

B. Discuss and provide direction to staff on Planned Development District No. 5 Ordinance, Annexation and Development Agreement

Workshop Discussion Continued. The development standards are all going to comply with the PDD#5 Ordinance. On July 11th, 2017, City Council will be taking action on Annexation Adoption, PDD Zoning Ordinance, Annexation and Development Agreement, Wastewater Service Agreement, PID Creation, PID Finance Agreement, and PID Service and Assessment Plan.

Public benefits to be provided in Heritage are as follows:

- Wastewater facilities
- Water facilities
- Entryway monument
- Offsite roadway
- Collector roadways
- Detention ponds
- Package plant
- Trails, parks, and open space
- Landscaping and hardscaping

Most of the improvements above will be funding through the PID, and some will be funded by Stratford Land Company.

The proposed Heritage PDD will provide a minimum of 28 acres of parks and open space, an amenity center, and will also include a variety of housing types suited to the needs of several demographic segments of the population.

Several residents have reached out to City Hall to express their concerns about the proposed Heritage project. Strategies to address those comments have been summarized in the table included in the staff report.

A Traffic Impact Analysis will be submitted with the first plat. The applicant also provided to the City a capacity and analysis study. The study results showed that the proposed transportation network was sufficient to handle the volume of traffic expected to be generated. The traffic study was reviewed and approved by the Transportation Committee.

The staff report also covers the Sustainable Places Project which hosts as a guideline for how the Heritage project should address livability principles and features.

Annexation and Development Agreement is an integral part of the Heritage document package. It references PDD #5. It also provides architectural standards to be enforced by the HOA. Other items not covered by PDD #5. Additionally, this provides the timing of the annexation of Heritage into the City's corporate limits simultaneously with the acceptance of the Agreement.

The proposed parks and trails in Heritage will help implement the Comprehensive Plan's goal of offering a variety of recreational activities and facilities to foster an active community. Additionally, the Comprehensive Plan supports a diversity of housing types, and encourages higher densities in areas deemed appropriate. Heritage proposes a mix of housing products, including single-family detached, townhomes, garden homes, duplex/quadplex, village condominiums, courtyard housing, and multifamily.

C. Planning & Zoning Commission Member Terms Expiring June 2017

Mim James, Kim Hubbard, Michael Lavengco and John McIntosh have agreed to serve another term.

XII. 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), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development).

XIII. Announcements.

- A. Transportation Committee Meeting, May 29, 2017 at 3:30 p.m. – *Tentatively*
- B. Economic Development Committee, on May 24, 2017 at 4:00 p.m.
- C. Regular Historic Preservation Commission Meeting, June 5, 2017 at 5:30 p.m.
- D. Special Planning & Zoning Commission Meeting, Tuesday, June 12, 2017 at 6:30 p.m.**
- E. Regular City Council Meeting, June 13, 2017 5:30 p.m. Workshop/ 6:30 p.m. Meeting
- F. Next Regular Planning & Zoning Commission Meeting, June 27, 2017 at 6:00 p.m.

XIV. Adjourn.

Adjourn Open Meeting

A motion was made by Chairman Mim James with a second by James Martin to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 7:23p.m.

Respectfully submitted,

Katie Jordan
Planning Assistant

These minutes were approved on the _____ day of _____, 2017.

CITY OF DRIPPING SPRINGS, TEXAS
MINUTES OF THE SPECIAL PLANNING AND ZONING MEETING
June 12, 2017

A meeting of the Planning and Zoning Commission of the City of Dripping Springs, Texas, was held on Tuesday, May 23, 2017 at 5:30 P.M. at City Hall, 511 Mercer Street, Dripping Springs, Texas.

Present:	<u>Commission Members</u>	<u>City Staff/Appointed Officials</u>
	Mim James – Chair	Ginger Faught – Deputy City Administrator
	James Martin – Vice Chair	Laura Mueller – Assistant Attorney
	Erich Oswald	Keenan Smith – Exterior Design Consultant
	Evelyn Strong	Katie Jordan – Planning Assistant
	Michael Lavengco	Anjali Naini – Planning Consultant

I. CALL TO ORDER AND ROLL CALL at 6:30 p.m.

With a quorum of the commission members present, Chairman Mim James called the Special Meeting to order at 6:34p.m. followed by the pledge of allegiance led by Mim James. It is noted that Commissioners Kim Hubbard and Michael Lavengco were absent for this meeting.

II. Pledge of Allegiance.

III. Presentation of Citizens.

There were no comments received from the public.

IV. Business.

Consideration and Possible Action On:

- A. Ordinance No.1220.124: Zoning request and ordinance enacting Planned Development District (PDD) # 5, commonly known as "Heritage Subdivision." The area is approximately 189 acres, generally bounded by Ranch Road 12 near the northeast perimeter of the property; Old Fitzhugh Road near the eastern perimeter; Walnut Springs Elementary School at the southwestern corner; Dripping Springs Youth Sports Association Fields near the southwest perimeter; Dripping Springs High School along the western perimeter; and in close proximity to Springlake Drive at the northern perimeter. SLF IV-Dripping Springs JV, L.P. and BobWhite Investments, LP, Applicants**

1. Presentation (Applicant)

The proposed Heritage project is approximately 189 acres located in the heart of Dripping Springs. This property will be annexed into the City Limits, and the zoning classification will be Planned Development District #5. In a previous City Council meeting, Council, agreed to allow the developers to establish a Planned Development District Ordinance and have since worked on a Public Utility District Agreement, Wastewater Agreement, and more recently an Offsite Roadway Agreement.

Primarily this is a residential project with nine types of residential options. They believe there are real commercial opportunities. The Amenity Center will be located in the commercial area of this project. PDD #5 allows for up to 700 residential units (with some MF). A reason for introducing the PID was to leverage down the cost of home ownership. 30.5 acres is dedicated to open-space for trails and parkland. They are 2.5 acres over the minimum requirement. The phasing lines up with the Wastewater LUE's that come in to each phase of the project.

Phase 1: Development Plan limited mainly by Wastewater connections. With the approval of the agreement, the City will allow for 150 wastewater connections and with that they will develop the main road that runs East to West from RR12 to the intersection of Golden Eagle and Shane Lane, which is the North East quadrant of the property. If the City acquires the Right-of-Way on the Roger Hanks Pkwy Extension then that will become part of the Phase 1 of this development. Same thing goes with the connected trail for Mercer St. Also the Water Quality Pond will be developed.

Phase 2: Extend the roadway East to West from roundabout to Sportsplex Dr. It is an important connection for residents to get to elementary school. 224 units and Wastewater LUE's total. Wastewater effluent line added per Wastewater Amendment #3.

Phase 3: Located at Northwest Quadrant. Water Quality Pond will be developed, RR12 traffic signal added and 140 units with Wastewater LUE's per Wastewater discharge permit.

Phase 4: Located at Southern local street. Water Quality Pond will be developed, Offsite lift station and force main, and 186 units and Wastewater LUES per Wastewater discharge permit.

2. Staff Report (Laura Mueller, Anjali Naini)

As outlined in the staff report, the project is characterized by a variety of residential project types, parks, open space, and trails, and commercial uses compatible with the surrounding community. The project will be annexed into the city limits, and the zoning classification will be Planned Development District (PDD) # 5. Many of the public improvements will be funded through a Public Improvement District (PID).

On June 20, 2017 City Council will take action on: Annexation Adoption (final day to adopt before expiration); PDD Zoning Ordinance; Annexation and Development Agreement; Wastewater Service Agreement; PID Creation; PID Finance Agreement; PID Service and Assessment Plan. The alternate City Council action date is July 11, 2017.

3. Public Hearing

Q: (Linda Wykart:) Questioned the status of the installation of traffic lights at one of the intersections.

A: [This will be addressed at a later time.](#)

Q: (Glenn Wykart:) Questioned how the developers were proposing to develop a road behind his property.

A: N/A, Stratford Land has no connection to this development.

4. Ordinance No.1220.124: Planned Development District (PDD) No. 5

A motion was made by Mim James to approve the PDD#5 Ordinance and the motion was seconded by Michael Lavengco.

B. Annexation and Development Agreement between the City of Dripping Springs and SLF IV - Dripping Springs JV, L.P. and BobWhite Investments, LP for Heritage Subdivision, approximately 189 acres located in the ETJ, generally bounded by Ranch Road 12 near the northeast perimeter of the property; Old Fitzhugh Road near the eastern perimeter; Walnut Springs Elementary School in the southwestern corner; Dripping Springs Youth Association Fields near the southwest perimeter; Dripping Springs High School along the western perimeter; and in close proximity to Springlake Drive at the northern perimeter. SLF IV Dripping Springs JV, LP and BobWhite Investments, LP, Applicant

1. Presentation (Applicant)

Planning & Zoning should consider community benefits of this development. This project creates primary employment, neighborhood services, exceeds design standards, Single Family home development, Flood control elements, increase multimodal transportation options, provides roadway network, improves wastewater treatment, provides Assessment Ordinance to pay for public improvements, and more.

2. Staff Report (Laura Mueller)

3. Public Hearing

There were no comments received from the public.

4. Offsite Road and Trail Agreement

Within sixty days after the City's final approval of the Offsite Road or Offsite Trail, and the inspection and correction of punch list items pursuant to Section 3.7, the City will accept the Offsite Road or Offsite Trail. The owner shall provide the City with a two year maintenance bond for the Offsite Road or Offsite Trail. After acceptance by the City, the City will operate and maintain the Offsite Road and Offsite Trail according to the City's policies and ordinances, as amended from time to time. Nothing in this Agreement will be construed to limit, restrict, modify, or abrogate the City's governmental authority or ordinances respecting the operation and maintenance of its road systems nor its duty to provide for the public health, safety, and welfare in the operation and maintenance of the same.

5. Heritage WW Utility Agreement Memo

The City provides retail wastewater service, servicing a total of 700 LUE's. Stage 1: 150 LUE's upon construction of Stage 1 facilities(1st Amendment); Stage 2: 330 LUE's upon issuance of Amendment 3, completion of (3rd Amendment) facilities, and owner's construction of Stage 2 onsite and Heritage Stage 2 fields; Stage 3: 220 LUE's upon issuance of discharge permit and completion of discharge permit facilities and force main. If Stage 2 or Stage 3 LUE's are not available in time, the owner may build Temporary Onsite Wastewater Treatment Plant. Election must be made before issuance of 3rd

Amendment. If owner makes election, owner does not need to fund Discharge Permit Facilities, the Force Main Improvements, or 3rd Amendment Facilities. The treated effluent line is built as part of 3rd Amendment facilities or as discharge permit facilities. After completion, Temporary Onsite Wastewater Treatment Plant will be dedicated to City. Temporary Onsite Wastewater Treatment Plant cannot be used for service outside of development. Within 120 days after discharge facilities are completed, the City will accept wastewater at City System and the owner pays for decommissioning.

The PID will bring many community benefits as well as a way to service other developments, with potential to tap into the effluent line.

The City will be funding the 1st Amendment Facilities, except Stage 1 facilities, half of anything over cap for the effluent transmission line, half of anything over cap for 3rd Amendment facilities, and the discharge permit facilities.

6. Annexation and Development Agreement - Heritage Subdivision

A motion was made by Mim James to recommend approval for the Annexation and Development Agreement for the Heritage Subdivision project.

V. 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).

VI. Announcements.

- A. Regular City Council Meeting, June 13, 2017 5:30 p.m. Workshop/ 6:30 p.m. Meeting
- B. Next Regular Planning & Zoning Commission Meeting, June 27, 2017 at 6:00 p.m.

VII. Adjourn.

Adjourn Open Meeting

A motion was made by Vice Chairman James Martin with a second by Mim James to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 8:00p.m.

Respectfully submitted,

Katie Jordan
Planning Assistant

These minutes were approved on the _____ day of _____, 2017.

The development standards are all going to comply with the PDD#5 Ordinance. On July 11th, 2017, City Council will be taking action on Annexation Adoption, PDD Zoning Ordinance, Annexation and Development Agreement, Wastewater Service Agreement, PID Creation, PID Finance Agreement, and PID Service and Assessment Plan.

Public benefits to be provided in Heritage are as follows:

- Wastewater facilities
- Water facilities
- Entryway monument
- Offsite roadway
- Collector roadways
- Detention ponds
- Package plant
- Trails, parks, and open space
- Landscaping and hardscaping

Most of the improvements above will be funding through the PID, and some will be funded by Stratford Land Company.

The proposed Heritage PDD will provide a minimum of 28 acres of parks and open space, an amenity center, and will also include a variety of housing types suited to the needs of several demographic segments of the population.

Several residents have reached out to City Hall to express their concerns about the proposed Heritage project. Strategies to address those comments have been summarized in the table included in the staff report.

A Traffic Impact Analysis will be submitted with the first plat. The applicant also provided to the City a capacity and analysis study. The study results showed that the proposed transportation network was sufficient to handle the volume of traffic expected to be generated. The traffic study was reviewed and approved by the Transportation Committee.

The staff report also covers the Sustainable Places Project which hosts as a guideline for how the Heritage project should address livability principles and features.

Annexation and Development Agreement is an integral part of the Heritage document package. It references PDD #5. It also provides architectural standards to be enforced by the HOA. Other items not covered by PDD #5. Additionally, this provides the timing of the annexation of Heritage into the City's corporate limits simultaneously with the acceptance of the Agreement.

The proposed parks and trails in Heritage will help implement the Comprehensive Plan's goal of offering a variety of recreational activities and facilities to foster an active community. Additionally, the Comprehensive Plan supports a diversity of housing types, and encourages higher densities in areas deemed appropriate. Heritage proposes a mix of housing products, including single-family detached, townhomes, garden homes, duplex/quadplex, village condominiums, courtyard housing, and multifamily.

CITY OF DRIPPING SPRINGS, TEXAS
MINUTES OF THE SPECIAL PLANNING AND ZONING MEETING
June 27, 2017

A meeting of the Planning and Zoning Commission of the City of Dripping Springs, Texas, was held on Tuesday, June 27, 2017 at 6:30 P.M. at City Hall, 511 Mercer Street, Dripping Springs, Texas.

Present:	<u>Commission Members</u>	<u>City Staff/Appointed Officials</u>
	Mim James – Chair	Michelle Fischer – City Administrator
	James Martin – Vice Chair	Laura Mueller – Assistant Attorney
	Erich Oswald	Keenan Smith – Exterior Design Consultant
	Evelyn Strong	Katie Jordan – Planning Assistant
	Kim Hubbard	Anjali Naini – Planning Consultant

I. CALL TO ORDER AND ROLL CALL at 6:30 p.m.

With a quorum of the commission members present, Chairman Mim James called the Special Meeting to order at 6:30p.m. followed by the pledge of allegiance led by Evelyn James. It is noted that Commissioners John McIntosh and Michael Lavengco were absent for this meeting.

II. Pledge of Allegiance.

III. Presentation of Citizens.

There were no comments received from the public.

IV. Minutes.

- A. Consideration and possible action on Regular Meeting Minutes for May 23, 2017 and June 12 Special P&Z Meeting Minutes.

James Martin made a motion to approve the May 23rd P&Z Minutes with the condition of making an administrative correction to the motion concerning the proposed hours of operation for the Conditional Use Permit for 28911 RR12 Mobile Food Court. The correction has been made, and deemed acceptable by James Martin. The motion was seconded by Erich Oswald. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the minutes.

James Martin made a motion to approve the June 12th P&Z Minutes with the condition of making an administrative correction to the motion on the voting numbers for Section IV. Item B. Erich Oswald seconded the motion. The motion carried unanimously with a vote of 4 Ayes and 0 Nays, with one abstention (Kim Hubbard) therefore approving the minutes.

V. VARIANCES/SPECIAL EXCEPTIONS

Consideration and Possible Action on:

A. Variance Request from the Dripping Springs Code of Ordinance, Chapter 28 Section 28.04.018 (a) and (b) to allow cut/fill over 6 feet in specific areas of drive aisle for Lock-Tite Storage located at 3000 Hwy. 290, Dripping Springs, Tx 78620, Applicant, Jon Thompson on behalf of 3000 Hwy 290 Parcels B&C, LLC

1. Presentation (Jon Thompson)

Jon Thompson had no additional comments other than what was outlined in the staff report. He was present to answer any questions.

2. Staff Report (Rick Coneway)

Rick Coneway reviewed the Variance request for Cut & Fills. He had a discussion with the engineer of record and some adjustments were made to comply with the applicable ordinances but some fills still exceeded the maximum of six feet. The fills greater than six feet ranged from less than a foot up to four feet. The City Engineer's opinion is that these fills cannot be avoided and the fills will not adversely affect drainage, will not result in erosion problems, are structurally sound and visually not unattractive. Therefore he accepts the variance request and recommends approval.

3. Public Hearing

(Name unknown), resident abutting the property in question wanted assurance that his creek would not be negatively impacted by the drainage in this variance request. Rick has agreed to meet with the citizen to discuss his concerns and inform him of his thorough review of the Variance and site plan.

4. Variance

James Martin made a motion to approve the Variance for the Cut & Fill. The motion was seconded by Kim Hubbard. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the minutes.

VI. Zoning.

Consideration and Possible Action on:

A. Conditional Use Permit Application for Acopon Brewing Located at 211 Mercer Street, Dripping Springs, TX 78620, Applicant: John McIntosh, Acopon Brewing.

James Martin chose to recuse himself from this particular agenda item. John McIntosh was absent from the

1. Presentation None
2. Staff Report (Lali Rambeau)

Lali Rambeau discussed the proposed use of the Conditional Use Permit, which is a brew pub. This is not defined in the Zoning Ordinance, therefore a Conditional Use Permit is required for a brew pub and tap room. The applicant will manufacture beer on site for sale and consumption in an onsite tap room. There will also be limited distribution from this site. Acopon Brewery will not be serving food. The hours of operation will be Wednesday through Sunday from 4:00 pm – 10:00 pm. There will be occasional live music, and the owner will participate in the Dripping Springs Songwriters Festival again this fall. Music will not be played past 10:00 pm. The Conditional Use Permit will require that decibel level remain below 85 decibels, which is the maximum decibels allowed in the Texas Penal Code, Title 9, Section 42.01 (c)(2). A Certificate of Appropriateness is not required for this Conditional Use Permit. No public comments were received as of June 26th. Lali recommended approval of the Conditional Use Permit.

3. Public Hearing

No public comments were received.

4. Conditional Use Permit

Erich Oswald made a motion to approve the Conditional Use Permit for Acopon Brewing. Kim Hubbard seconded the motion. The motion carried unanimously with a vote of 4 Ayes and 0 Nays, with one abstention (James Martin) therefore approving the minutes.

B. Ordinance No. 1220.142: A zoning request and an ordinance of the City of the City of Dripping Springs enacting Planned Development District (PDD) # 7, commonly known as "Westwood Subdivision," approximately 680.012 acres located at 4116 US Highway 290 West. Applicant Scenic Land Holdings, LLC.

1. Presentation (Brett)

2. Staff Report (Anjali Naini)

Anjali Naini gave a brief overview of PDD#7, and commented that this is the first Subdivision project to utilize the City's Conservation Ordinance. No public comments were received as of June 26th. Additional analysis: The applicant is required to submit a revised TIA per conditions in the Amended and Restated Development Agreement. The owner is required to draft a Master Sign Plan covering signage standards for the property. Thus far, a Master Sign Plan has not been submitted. The owner must comply with the Outdoor Lighting Ordinance. Anjali recommended approval of the PDD#7 Ordinance.

3. Public Hearing

No public comments were received.

4. Ordinance No. 1220.142

James Martin made a motion to approve PDD#7 (Ordinance No. 1220.142), establishing the zoning for Westwood Subdivision. Erich Oswald seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the minutes.

C. Ordinance No. 1220.143: An ordinance of the City of Dripping Springs rezoning one tract at 410 Whisenant Lane ("Cortaro Subdivision"), out of the George W. Lindsay Survey, Abstract 289 totaling 34.78 acres from Single-Family Residential, Low-Density (SF-1) to General Retail (GR) and Single-Family Residential, Moderate Density (SF-2), Applicant Jon Thompson on behalf of AJAC Holdings, LLC

1. Presentation (Jon Thompson)

Jon Thompson briefly discussed the history of the land uses of the lots in question. With the owner's acceptance, Jon and City staff have discussed and are in support of reconsidering the zoning amendment option for commercial lot #1 into Office rather and General Retail and for commercial lot #2 to remain GR.

2. Staff Report (Anjali Naini)

Anjali Naini: The Applicant would like to build homes on approximately $\frac{3}{4}$ acre lots, similar to Harrison Hills. Additionally, the Applicant would like the lots closest to RR 12 to be rezoned to GR to allow for commercial development and provide a buffer between RR 12 and homes in the subdivision. The Applicant states that the requested zoning amendments mirror Harrison Hills. Staff does not think the subject property can be directly compared to Harrison Hills because the commercial lots in Harrison Hills zoned as GR directly front RR 12, and patrons would likely access those lots from RR 12. In Cortaro, the proposed commercial lots do not directly front RR 12, and patrons would have to drive into the subdivision to access them. Staff is concerned about

potential traffic issues, and associated issues (i.e. noise, congestions, and pedestrian safety hazards).

The City did receive a comment from a resident in Harrison Hills, James M. Langford (included in agenda packet). However, the concern does not meet Zoning Ordinance Section 2.37 requirements for a super-majority decision by Council to approve the requested change and therefore will not affect voting procedures.

Staff recommends the following: 1) rezone the 29 0.75-acre lots to SF2; 2) deny the requested rezoning Commercial Lot 2 (1.35 acres) but consider zoning to SF-2; 3) Staff supports three options for the P&Z to consider for Commercial Lot 1 (3.77 acres): a) recommend to rezone the entire lot as O-Office with an increased setback and vegetative screening to buffer the property from surrounding properties; b) rezone the eastern half of the property GR-General Retail so that it lines up with the property below located at 21911 RR 12 zoned CS-Commercial Services; c) deny the rezoning request to GR but consider zoning to SF-2.

3. Public Hearing

Jim Langford: Noise impacts on neighboring properties are concerning. Also the connectivity on Whisenant can produce extra traffic through their streets.

Frank Roberts: Concerned about the runoff and drainage of the commercial properties. The rerouting of traffic will be disrupting the quiet and safety of the cul-de-sac that is presently there.

Austin Jones: will be directly affected by General Retail that abuts the resident's properties.

Anjela Gomez: Concerned what a commercial property might do the safety of their family, what kind of threats might be imposed on them.

4. Ordinance No. 1220.143

Evelyn Strong made a motion to consider the Ordinance. Commissioners discussed the compatibility of the prospective zoning for the commercial lots with the residential lots. Mim James suggested more research and analysis be done for the proposed commercial activity for the commercial lots. Mim made a motion to table this item for further consideration and for the owner and applicant to spend time with City staff to come up with a more appropriate zoning compatibility. James Martin seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the minutes.

D. Ordinance No.1220.144: An Ordinance of the City of Dripping Springs rezoning of one tract, A0240 EB Hargraves Survey, Acres 22.10, Hays County, Texas, from Agriculture District (AG) to Commercial Services District (CS), Applicant, Stan Ford on behalf of J.M. Assets, LP.

1. Presentation None

2. Staff Report (Lali Rambeau)

Lali Rambeau along with staff and the applicant recommend tabling this agenda item until the July 25th, 2017 P&Z Meeting due to the timing of the sale of the property. The owner will be closing on the property on August 2nd, 2017. Staff will need to redo the timeline for the annexation.

3. Public Hearing

Nikita Philips: Concerned about possible illegal clearing of trees in the conservation area. No permits were acquired. Also, the residents want transparency through the whole process.

Jackie C.: Concerned about neighborhood safety. Wants input from City staff as well as the developers regarding the proposed commercial uses.

Elizabeth: Concerned about the danger and criminal activity abutting residential properties.

Henry: Concerned about the height of the future buildings and noise levels that will come out of this. Property values will be negatively affected.

Julie G.: Curious about rezoning consideration for options other than commercial in order to honor the concerns of neighboring residents.

Jason Isaac: Concerned about land clearing. Were permits required for this?

John Walsh: Land developer in advocacy of land conservation, and the site will be reviewed by TSEC. He intends to meet with neighbors to address their concerns.

David Winkler: His questions were addressed by the previous speaker.

Kelly Lane: Would appreciate more buffers between her property and the commercial site. NIMBY.

Francis M. Concerned about commercial activity and the nuisances that will impact the residents and their overall privacy.

4. Ordinance No.1220.144

James Martin made a motion to discuss. Evelyn Strong seconded the motion. James addressed the request for more transparency and confirmed that all meetings are open to the public and welcome their involvement in the process. Mim commented that ETJ and City's oversight of properties in ETJ has limited control to govern different categories in concern. Once annexed, the property will be protected more from considerable

intended uses of the property. In many ways it's the advantage of the residents to have this property annexed into the city.

Mim made a motion to table this agenda item per staff's recommendation. James Martin seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the minutes.

E. Ordinance No. 1220.145: An ordinance of the City of Dripping Springs rezoning three tracts at 603 W. Hwy 290, Dripping Springs, Texas, totaling approximately 14.72 acres, from Commercial Services (CS) to General Retail (GR), Applicant Jon Thompson on behalf of Dosia Mae Rippy Langston Life Estate.

1. Presentation (Jon Thompson/Teresa Shell)

Requested action is to rezone the property from CS to GR. The applicant is requesting rezoning to GR in order to develop an affordable apartment community. Teresa covered the overview of the Tax Credit Program; Location Lap; Developer's Comparable Property Photos; Product Amenities and Services; Property Management; Target Market; and Benefits to Dripping Springs. The developers and Jon Thompson are willing to meet with concerned neighbors to answer any questions.

2. Staff Report (Anjali Naini)

The subject tracts total approximately 14.72 acres and are located between Hwy 290 West and Creek Road. The intent is for the property to be developed as an affordable multifamily apartment complex utilizing low-income tax credits. The Applicant does not yet know if the project has been approved for the tax credits. Additionally, the Applicant and City are reconciling whether the requested GR-General Retail zoning is appropriate, or if the Applicant should instead consider requesting MF-Multiple-Family zoning. Due to these outstanding issues, the Applicant and Staff agree that it is appropriate for this item to be tabled until the next Planning and Zoning meeting on July 25, 2017.

Staff recommends tabling this item until July 25th, 2017 P&Z Meeting.

3. Public Hearing

Carla Fry: Concerned about the potential apartment entrances, particularly Creek Rd. and the traffic impact. Will there be more patrolling on that street or speed bumps?

Kristen Carlton: Concerned about the setbacks on Ramirez Ln. Does not like GR, would prefer CS zoning because of the 60 ft setback requirement in that zoning category.

4. Ordinance No. 1220.145

James Martin made a motion to consider the Ordinance No. 1220.145. Commission members requested the presenters to address some of the questions of the commenters. TIA will be submitted at a later time. Mim James seconded the

motion. James Martin made a motion to table the agenda item until the July 25th P&Z Meeting per staff's recommendation. Erich Oswald seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the minutes.

VII. Signs.

Consideration and Possible Action On:

A. Sign Variance Requests for Bunker Ranch Subdivision, located at 2751 Highway 290 West, Dripping Springs, Texas, Applicant, Bradley Jones, ECOLAND Design Group.

1. Presentation (BJ Jones)

BJ Jones presented the four variances to the commissioners and the justification for each of them.

2. Staff Report (Michelle Fischer)

Variance Request to exceed maximum number of Subdivision Entrance Signs allowed; Variance Request to allow Subdivision Entrance signs in Right of Way; Variance Request to not include the wall area as part of the subdivision entrance signs attached to landscape and wall entry features; and Variance Request to allow one additional Construction/Development Sign

3. Public Hearing

No public comments were received.

4. Variance

James Martin made a motion to approve all four variances together. Kim Hubbard seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the minutes.

A. Update of Master Signage Plan for Belterra Subdivision, located at Highway 290 and Belterra Drive, Applicant Kevin Huston, Ashlar

1. Presentation

Requesting renewal of some existing signs, as well as to replace some of them for updated signs, which are directional and informational.

2. Staff Report (Michelle Fischer)

The Belterra Subdivision is grandfathered under Sign Ordinance No. 1070.11. A Master Sign Plan and variances for off premise directional and informational signs and to allow signs in the right-of-way were originally approved by the City in 2006.

The permits for those signs expired and a revised Master Signage Plan and variance requests were approved by the City in 2009. These sign permits expired in 2013 and the Master Signage Plan was revised and variances approved again in 2013. The sign permits for these signs expired in May. Each time the Master Signage Plan was revised, some signs were removed because they were no longer needed, and some new signs were in installed for newer sections of the development.

3. Public Hearing

No public comments were received.

4. Variance

Erich Oswald made a motion to approve both variance requests together per the recommendation of the City Administrator, for the off premise directional and informational signs and to allow signs in the right-of-way. James Martin seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the minutes.

VIII. 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).

IX. Announcements.

- A. Transportation Committee Meeting, June 26, 2017 at 3:30 p.m.
- B. Economic Development Committee, on June 28, 2017 at 4:00 p.m.
- C. Regular Historic Preservation Commission Meeting, July 10, 2017 at 5:30 p.m.
- D. Regular City Council Meeting, July 11, 2017, 2017 5:30 p.m. Workshop/ 6:30 p.m. Meeting
- E. Next Regular Planning and Zoning Meeting, July 25, 2017 6:30pm

X. Adjourn.

Adjourn Open Meeting

A motion was made by Vice Chairman James Martin with a second by Erich Oswald to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 9:00p.m.

Respectfully submitted,

Katie Jordan
Planning Assistant

These minutes were approved on the _____ day of _____, 2017.

**CITY OF DRIPPING SPRINGS, TEXAS
MINUTES OF THE SPECIAL PLANNING AND ZONING MEETING
July 25, 2017**

A meeting of the Planning and Zoning Commission of the City of Dripping Springs, Texas, was held on Tuesday, July 25, 2017 at 6:30 P.M. at City Hall, 511 Mercer Street, Dripping Springs, Texas.

<u>Present:</u>	<u>Commission Members</u>	<u>City Staff/Appointed Officials</u>
	Mim James – Chair	Michelle Fischer – City Administrator
	James Martin – Vice Chair	Laura Mueller – Assistant City Attorney
	Erich Oswald	Kyle Dannhaus – Code Enforcement Manager
	Kim Hubbard	Katie Jordan – Planning Assistant
	Michael Lavengco	Anjali Naini – Planning Consultant
	John McIntosh	Dottie Palumbo – Assistant City Attorney

I. CALL TO ORDER AND ROLL CALL at 6:30 p.m.

With a quorum of the commission members present, Chairman Mim James called the Special Meeting to order at 6:32p.m. followed by the pledge of allegiance led by James Martin. It is noted that Commissioners Evelyn Strong was absent for this meeting.

II. Pledge of Allegiance.

III. Presentation of Citizens.

There were no comments received from the public.

IV. Minutes.

- A. Consideration and possible action on Regular Meeting Minutes for June 27th Regular P&Z Meeting Minutes.

James Martin made a motion to approve the June 27th P&Z Minutes as published. Erich Oswald seconded the motion. The motion carried unanimously with a vote of 6 Ayes and 0 Nays, approving the minutes.

V. VARIANCES/SPECIAL EXCEPTIONS

Consideration and Possible Action on:

- A. **Variance Request from the Dripping Springs Code of Ordinance, Chapter 28 Section 28.04.018 (a) and (b) to allow cut/fill over 6 feet for Austin Java, located at 3799 East Hwy. 290, Dripping Springs, Tx 78620 Applicant, Grayson Cox, P.E. KSA Engineering on behalf of Mirela Icehouse, LLC.**

1. Presentation (Grayson Cox)

Grayson gave a brief presentation on the overall project and reasons for requesting the variance for cut and fills of over 6 feet.

2. Staff Report (Rick Coneway)

Rick Coneway, the City Engineer's opinion is that these cuts cannot be avoided for the reasons listed in the application and the cuts will not adversely affect drainage, will not result in erosion problems, and are structurally sound and visually not unattractive. The City Engineer recommends approval of the variance request.

3. Public Hearing

Edward Vallo: is a resident abutting the property in question and was concerned about the overall drainage system. Rick has agreed to meet with the citizen to discuss his concerns and inform him of his thorough review of the Variance and site plan.

Name Unknown: concerned with how the parking and traffic will affect their residential streets at Hidden Hills.

4. Variance

James Martin made a motion to approve the Variance for the Cut & Fill. The motion was seconded by Kim Hubbard. The motion carried unanimously with a vote of 6 Ayes and 0 Nays, approving the motion.

VI. Signs.

Consideration and Possible Action on:

A. Ordinance No. 1251.29 An Ordinance of the City of Dripping Springs Adding Section 26.03.006 to Chapter 26 of the Dripping Springs Code of Ordinances; Amending Variance Procedures for Master Sign Plans; and Providing for the Following: Findings of Fact; Amendment; Repealer; Severability; Codification; Effective Date; and Proper Notice and Meeting.

1. Staff Report (Laura Meuller)

Requested action is to allow administrative approval of some variances from Master Sign Plans. The amendment to the sign ordinance would allow the sign administrator to approve some variances from a master sign plan if the changes are minor and do not require a change in size or number of signs allowed in the master sign plan. Laura Meuller recommends approval of the sign ordinance amendment.

3. Public Hearing

No public comments were received.

4 Ordinance No. 1251.29

Michael Lavengco made a motion to approve the amendment to Ordinance No. 1251.29. James Martin seconded the motion. The motion carried unanimously with a vote of 6 Ayes and 0 Nays, therefore approving the motion.

VII. Zoning.

Consideration and Possible Action On:

A. Ordinance No. 1220.143: An Ordinance of the City of Dripping Springs rezoning one tract at 410 Whisenant Lane (“Cortaro Subdivision”), out of the George W. Lindsay Survey, Abstract 289 totaling 34.78 acres from Single-Family Residential, Low-Density (SF-1) to General Retail (GR) and Single-Family Residential, Moderate Density (SF-2), and Single-Family Attached Residential, Garden Home (SF-5) Applicant Jon Thompson on behalf of AJAC Holdings, LLC.

1. Presentation (Jon Thompson)

Jon Thompson explained that the request for the zoning amendment is to change the zoning to allow for the development of single-family homes on $\frac{3}{4}$ acre lots similar to those located in the Harrison Hills subdivision just north of this tract. The current zoning on this property is SF-1 while the desired residential zoning is SF-2.

2. Staff Report (Anjali Naini)

The requested action is to rezone from SF-1 to SF-2 (approximately 21.75 acres); Rezone from SF-1 to GR (approximately 2.5 acres); Rezone from SF-1 to SF-5 (approximately 1.27 acres). Staff recommends approval of the zoning amendment as requested.

3. Public Hearing

Jim Langford: concerned about the residents safety regarding increased traffic, and water run-off that may be caused by future commercial land use on the CS lot.

Oscar Jones: opposes the zoning change. He wants consistent zoning in relation to his property next door.

Will Cochran: concerned about unknown land use after it is sold off. Commercial land uses cause traffic and other nuisances.

Franklin Roberts: concerned about noise and light pollution, water run-off and increased traffic.

Angela D.: concerned about kids and neighbors safety.

4. Ordinance No. 1220.143

James Martin made a motion to consider the connection to existing subdivisions. Mim James seconded the motion to consider. The fire department and police department particularly like these types of connections for safety and emergency reasons and the City uses that as a rationale for allowing those connections.

James Martin made a motion to recommend approval of Ordinance No. 1220.143 to rezone from SF-1 to SF-2 (approximately 21.75 acres); Rezone from SF-1 to GR (approximately 2.5 acres); Rezone from SF-1 to SF-5 (approximately 1.27 acres). Erich Oswald seconded the motion. The motion carried unanimously with a vote of 6 Ayes and 0 Nays, therefore approving the motion.

B. Ordinance No. 1220.144: An Ordinance of the City of Dripping Springs rezoning one tract of landing totaling approximately 22.10 acres out of the EB Hargraves Survey, Abstract No. 240, in Hays County, Texas, from Agriculture District (AG) to Commercial Services District (CS), Applicant, Stan Ford on behalf of J.M. Assets, LP.

1. Presentation (John Walsh)

On July 18th, John Walsh invited the neighbors to meet and discuss the project and what their concerns were. They talked about the adjacent neighborhoods; their goal to keep and protect as many native trees as possible; dumpster enclosures will take into account the noise factor and time limits applied to trash collection for all tenants; rainwater collection systems creates southern buffers; local retail development will be limited due to water service; connection access to residential streets will not be developed.

2. Staff Report (Anjali Naini)

Requested action is to rezone from AG (Agriculture District) after annexation to CS (Commercial Services District). The applicant would like to develop a mixed-use

Commercial property with the following potential uses: General Office, Medical Office, Neighborhood Retail, Limited Service Hotel; Self-Storage (CUP required) and Multi-family. Staff recommends approval of the zoning amendment request from AG to CS.

3. Public Hearing

Stacey Napier: lives adjacent to the property in question, is concerned about the proposed septic field that will be facing her backyard since her property is sitting at a higher elevation than the project site and what kinds of smells and bio hazards that may affect her and other residents. Another concern she had was the unsightliness she will have to endure from being able to view the entire site from her home.

John Schartzlose: has an elevated property overlooking the project site. He's concerned with what the visual barriers are going to be since they have a birdseye view of the site, Will it decrease people's property values. Another concern was the negative impacts that may come with whatever is developed directly behind his property.

Melissa Tullos: lives in Belterra but not immediately adjoining the subject property. Since she wasn't able to attend the last P&Z meeting, she was unaware of the meeting that was set up for the neighbors to speak with the developers. Concerned about the huge increase in traffic with the proposed retail and surrounding schools; the potential clearing of trees will negatively impact the neighborhood; safety is a major concern.

April Roche: did not get to attend the meeting that was set up for the neighbors and was concerned about being near a septic area that could potentially ruin the ability to enjoy her own property.

Dan O'Brien: encourages the commission to consider accepting this zoning request upon the approval of some restrictive covenants to protect the adjacent neighborhood, because the idea that people's concerns will be resolved after the rezoning is accepted is problematic.

Name Unknown: was unable to attend the public meeting for neighbors. Concerned about his property overlooking the septic area and how the smells and screening of this area will be addressed.

Kelly Lane: concerned about no existing screening and safety regarding the 24 hour self-storage.

4. Ordinance No. 1220.144

James Martin made a motion to discuss the zoning amendment. Mim James seconded the motion. Discussed the applicable ordinances that the developers would have to comply with for this project. Until the site plan is submitted, we don't officially know where the septic area is going to be located at this time. Also, the City does not enforce deed restrictions but the developer may want to consider this. The president of the HOA and the developer is encouraged to exchange contact information in order to meet and discuss concerns. Citizens need to consider that by leaving the property in the ETJ

is a lot riskier than annexing it into the City Limits because of all of the ordinances and requirements that the City would not be able to enforce on the property.

James Martin made a motion to approve Ordinance No.1220.144: an Ordinance of the City of Dripping Springs rezoning of one tract of land totaling approximately 22.10 acres out of the EB Hargraves Survey, Abstract No. 240, in Hays County, Texas, from AG to CS. Kim Hubbard seconded the motion. The motion carried unanimously with a vote of 6 Ayes and 0 Nays, therefore approving the motion.

C. Ordinance No. 1220.145: An Ordinance of the City of Dripping Springs rezoning a tract of land at 603 W. Hwy 290, Dripping Springs, Texas, totaling approximately 13.72 acres from Commercial Services District (CS) to Multiple-Family Residential (MF), Applicant, Jon Thompson on behalf of Dosia Mae Rippy Langston Life Estate.

1. Presentation (Jon Thompson)

Discussed the overview of the proposed project. The application was amended to change the zoning request from GR to MF.

2. Staff Report (Anjali Naini)

Requested action is to rezone the property from CS to MF, as the recently amended application shows. The applicant is requesting rezoning to MF in order to develop an affordable apartment community utilizing Low Income Housing Tax Credits. Staff recommends approval of the zoning amendment.

3. Public Hearing

Kristen Carlton: lives adjacent to the property in question, and would like the Commission to make it a condition of their approval to enforce a true compatibility setback of at least 40 to 60 feet.

Kim Fernia: is in support of this project, because it will serve the community members who currently are not able to afford to live in the City even though they work here.

4. Ordinance No. 1220.145

James Martin made a motion to consider. Mim James seconded the motion. After a discussion between the Commission and staff it was determined that an Overlay would allow P&Z to recommend putting that requested condition as part of the zoning request. Mim James believes that there was not sufficient time to review and elaborate on the conditions of the proposed overlay for the zoning amendment. Therefore, the Commission agrees to move forward with the zoning amendment and let City Council make a final decision on the overlay request.

James Martin made a motion to recommend approval of Ordinance No. 1220.145 to rezone a tract of land at 603 W. Hwy 290, Dripping Springs, Tx totaling approximately 13.72 acres from CS to MF. Erich Oswald seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, therefore approving the motion. John McIntosh recused himself from voting on this agenda item, because he is an adjacent neighbor.

D. Ordinance No. 1220.124: Zoning request and ordinance enacting Planned Development District (PDD)#5, commonly known as “Heritage Subdivision.” The area is approximately 189 acres, generally bounded by Ranch Road 12 near the northeast perimeter of the property; Old Fitzhugh Road near the eastern perimeter; Dripping Springs High School along the western perimeter; and in close proximity to Springlake Drive at the northern perimeter. *SLF IV-Dripping Springs JV, L.P. and Bob White Investments, LP, Applicants*

1. Ordinance No. 1220.124

James Martin made a motion to postpone this agenda item until the next P&Z meeting on August 22nd, 2017.

E. Ordinance No. 1220.146: An Ordinance of the City of Dripping Springs, rezoning the tract of land commonly known as A0289 George W. Lindsay Survey, Acres 25.7398, located in Dripping Springs Ranch Park at 1042 Event Center Drive, pursuant to Section 1.5.3 of the City of Dripping Springs Zoning Ordinance, Chapter 30, Exhibit A, from Agriculture (AG) to Public Park (PP), *City of Dripping Springs, Applicant*

1. Staff Report (Kyle Dannhaus)

This property is part of the Dripping Springs Ranch Park at 1042 Event Center Drive, Dripping Springs, Tx 78620. It was annexed into the City on April 12, 2016 and was automatically zoned AG. The rest of Dripping Springs Ranch Park is zoned PP. This rezoning should have occurred soon after the annexation, however the property was not rezoned. Staff realized that the property needed to be rezoned after a request was made by Hays County to place a Remote Automated Weather Station on this site. There is a separate agenda item and report on this request. It will be a benefit to the community to rezone this property to PP.

2. Public Hearing

No public comments were received.

3. Ordinance No. 1220.146

James Martin made a motion to approve Ordinance No. 1220.146 to rezone the tract of land commonly known as A0289 George W. Lindsay Survey, Acres 25.7398, located in Dripping Springs Ranch Park at 1042 Event Center Drive, pursuant to Section 1.5.3 of the City of Dripping Springs Zoning Ordinance, Chapter 30, Exhibit A, from AG to PP. Michael Lavengco seconded the motion. The motion carried unanimously with a vote of 6 Ayes and 0 Nays, therefore approving the motion.

VIII. Subdivisions.

Consideration and Possible Action On:

A. Westwood Subdivision-Preliminary Plat for approximately 680.012 acres located at Us Hwy. 290

West, Shervin Nooshin, Stantec Consulting Services, Inc on behalf of Scenic Land Holdings, LLC.

1. Presentation

There was no presentation by the applicant.

2. Staff Report (Rick Coneway)

Rick Coneway has reviewed the preliminary plat for Westwood subdivision and recommends approval since it complies with the Subdivision and Water Quality Ordinances.

3. Public Hearing

Barry Walker: concerned about being near a high density residential community and the traffic impact; safety concerns regarding the existing propane tank within 300ft of some of these lots; water quality; dark sky ordinance compliance; and zoning incompatibility with this property.

Mark Blakely: concerned with watershed protection; creek run-off; deforestation

Peggy Cobb: her property is totally surrounded by this development and she believes that there was a lack of communication since she has not been involved in any preliminary meetings

Rosanne Reid: concerned about connection to Old US 290.

4. Preliminary Plat

James Martin made a motion to consider the preliminary plat. Mim James seconded the motion. The Development Agreement, PDD7 Ordinance, Annexation, and Preliminary Plat have all been reviewed thoroughly and approved with the exception of the Preliminary Plat which is now is question. All supporting documents are available for reviewing by the public at City Hall upon request. Proper notice was given on all accounts for each meeting. This project is the first proposed conservation subdivision and must meet all of the applicable city ordinances.

James Martin made a motion to approve the preliminary plat for Westwood Subdivision for approximately 680.012 acres located at US Hwy 290. Erich Oswald seconded the motion. The motion carried unanimously with a vote of 6 Ayes and 0 Nays, therefore approving the motion.

IX. Business.

Consideration and Possible Action On:

- A. Annexation and Development Agreement between the City of Dripping Springs and SLF IV- Dripping Springs JV, L.P. and BobWhite Investments, LP for Heritage Subdivision approximately 189 acres located in the ETJ, generally bounded by Ranch Road 12 near the northeast perimeter of the property; Old Fitzhugh Road near the eastern perimeter; Walnut Springs Elementary School in**

the southwestern corner; Dripping Springs Youth Association Fields near the southwest perimeter; Dripping Springs High School along the western perimeter; and in close proximity to Springlake Drive at the northern perimeter. SLF IV-Dripping Springs JV, LP and Bob White Investments, LP, Applicant

1. Annexation and Development Agreement – Heritage Subdivision

James Martin made a motion to postpone this item until next P&Z meeting on August 22nd, 2017. John McIntosh seconded the motion. The motion carried unanimously with a vote of 6 Ayes and 0 Nays, therefore approving the motion.

X. 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).

XI. Announcements.

A. Transportation Committee Meeting, July 24, 2017 at 3:30 p.m.

B. Regular Historic Preservation Commission Meeting, August 7, 2017 at 5:30 p.m.

C. Regular City Council Meeting, August 8, 2017, 2017 5:30 p.m. Workshop/ 6:30 p.m. Meeting

D. Next Regular Planning and Zoning Meeting, August 22, 2017 6:30pm

XII. Adjourn.

Adjourn Open Meeting

A motion was made by Vice Chairman James Martin with a second by Erich Oswald to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 9:45p.m.

Respectfully submitted,

Katie Jordan
Planning Assistant

These minutes were approved on the _____ day of _____, 2017.

**CITY OF DRIPPING SPRINGS, TEXAS
MINUTES OF THE PLANNING AND ZONING MEETING
August 22, 2017**

A meeting of the Planning and Zoning Commission of the City of Dripping Springs, Texas, was held on Tuesday, August 22, 2017 at 6:30 P.M. at City Hall, 511 Mercer Street, Dripping Springs, Texas.

Present: <u>Commission Members</u>	<u>City Staff/Appointed Officials</u>
Mim James – Chair	Michelle Fischer – City Administrator
James Martin – Vice Chair	Dottie Palumbo – Assistant City Attorney
Erich Oswald	Katie Jordan – Planning Assistant
Michael Lavengco	Megan Will – City Planner
Evelyn Strong	

I. CALL TO ORDER AND ROLL CALL at 6:30 p.m.

With a quorum of the commission members present, Chairman Mim James called the Regular Meeting to order at 6:30p.m. followed by the pledge of allegiance led by Evelyn Strong. It is noted that Commissioners Kim Hubbard and John McIntosh were absent for this meeting.

II. Pledge of Allegiance.

III. PRESENTATION OF CITIZENS

There were no comments received from the public.

IV. MINUTES

Consideration and Possible Action On:

A. Approval of Minutes for July 25th Regular Commission Meeting.

James Martin made a motion to approve the July 25th P&Z Minutes as published. Michael Lavengco seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the minutes.

V. BUSINESS

Consideration and Possible Action on:

A. **Burba Ranch Subdivision - Preliminary Plat for approximately 103.85 acres located at 16055 Sawyer Ranch Road, Dripping Springs, Tx 78620.** Applicant John A. Clark on behalf of LJA Engineering Inc.

1. Presentation (John Clark, P.E./Dan Ryan) Dan Ryan announced that his team is working on clearing final comments with Hays County. Final approval pending.

2. **Staff Report (Rick Coneway/Megan Will)** Megan Will presented Rick Coneway's staff report in his absence which is on file. Staff recommends the approval of waiving the requirement for the minimum lot size and the approval of the preliminary plat.

Michelle Fischer touched on a few highlights concerning Brent Luck's review of the Parkland Dedication Plan: with the 73 proposed LUE's, the required amount of parkland per ordinance is 2.92 acres. The proposed amount of parkland dedication is 5.10 acres which exceeds the requirement by 74%. The revised narrative associated with the park plan indicates the parkland will be maintained by the HOA. Mr. Luck would like to add that the eastern open field space be mowed and maintained at frequency and level of upkeep that will support sports activities at the park site. Mr. Luck recommends that the Parkland Dedication Plan be discussed with consideration of the items outlined in his report and recommend approval of the Parkland Dedication Plan. Michelle made a recommendation to approve the Parkland Dedication Plan with the condition that they revise the narrative for it to reflect the conditions made by the Parks & Recreation Commission that are in Mr. Luck's report.

3. **Public Hearing**

Giles Andrews: Can the entrance/exit be moved further down? He is concerned about light and noise pollution affecting his brothers' property next to the entrance. Will there be any visual barriers?

Jeanine Hoffman: Will there be any easy access lane into the entrance area? Because the proposed entrance is approximately one mile before hitting the 50 mph acceleration zone, which could potentially pose safety risks to residents entering or exiting the subdivision.

Mim James made a motion to consider, Michael Lavengco seconded the motion. Offsite improvements such as a deceleration lane or a TIA are not addressed until construction plan phase. Since this project is proposing less than 100 lots, a TIA is not required at this time, unless TXDOT deems it necessary. This will be determined later.

4. **Variance Request from the Dripping Springs Code of Ordinance, Chapter 28, Section 14.6 - Minimum Lot Sizes in ETJ to allow proposed minimum lot size of 1 acre for a lot with surface water supply and private septic.** James Martin made a motion to approve the variance request to allow the proposed minimum lot size of 1 acre with surface water supply and private septic with the condition of adhering to the Landscape and Outdoor Lighting Ordinance. Evelyn Strong seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the Variance.
5. **Parkland Dedication** James Martin made a motion to approve the Parkland Dedication Plan narrative as expressed in Brent Luck's report. Michael Lavengco seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the Parkland Dedication Plan.

6. Preliminary Plat James made a motion to approve the Preliminary Plat, subject to Hays County approval. Evelyn Strong seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the Preliminary Plat.

B. A request for a variance from Dripping Springs Code of Ordinance, Chapter 30, Sections 5.7.6 and 5.7.7 to allow reduction of required parking for a mixed-use structure containing place of worship and commercial/retail uses for H.O.M.E. Church, Located at 145 Broken Lance Lane, Dripping Springs, Tx 78620

Applicant: Lynn Alderson on behalf of Alderson Group, Inc.

1. **Presentation (Lynn Alderson, P.E.)** Lynn Alderson presented the proposal for the H.O.M.E Church site development project which will assign mixed-use for a place of worship and for commercial/retail uses. The request for a variance from the Dripping Springs Code of Ordinance, Chapter 30, Sections 5.7.6 and 5.7.7 are to allow reduction of required parking for a mixed-use structure to share parking, and for the required parking to be provided in an amount based on what is required for the uses individually, and for a reduction in the amount required parking from 73 to 71 spaces.
2. **Staff Report (Megan Will)** Megan Will presented the staff report which is on file. Two written public comments have been received; one from a resident within the 300' property buffer and another from a resident of the Hidden Springs Ranch subdivision, but outside of the 300' buffer. Staff recommends approval of the variance with the two conditions stated in the staff report.
3. **Public Hearing**
Frank Raymond: Concerned about water run-off, water quality, ingress/egress off of Broken Lance Drive, and spillover of parking.
4. **Variance to allow reduction of required parking for a mixed use structure containing place of worship and retail spaces** James Martin made a motion to consider, Mim James seconded the motion. The owner is aware that if the use of the building changes then the required amount of parking spaces has to be compatible with City's code under the zoning chart. Lynn addressed the concern about the access off of Broken Lance Drive, stating that it serves two purposes. Reason number one being they needed the extra parking spaces to get there, and reason number two is to allow people coming out of the subdivision to not have to go out to Old Hwy 290 to enter the site. The main entrance is off of Old Hwy 290. Water quality and detention control will be addressed in the City Engineer's review of the site plan.

James Martin made a motion to approve the variance request to allow the reduction in parking requirements for a mixed-use structure to share parking for and for the required parking to be provided in an amount based on what is required for the uses individually, and for a reduction in the amount required parking from 73 to 71 spaces, but with the condition of written acknowledgment by the owner that the requirements of Ordinance, Section 5.7.5 and the understanding that any future expansion or reconfiguration of uses on the subject property may require approval of additional variances and/or shared parking arrangements, and that the hours of the church and commercial uses be mutually exclusive with the exception of the regular activities of church office staff.

Mim James seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the Variance.

C. First Amendment to the Westwood Amended and Restated Development Agreement between the City of Dripping Springs and Scenic Land Holdings, LLC Entered into on or about March 1, 2017 to Dedicate Approximately 2 Acres out of the 17 Acre Civic Site Dedicated to the City to the Veterans of Foreign Wars Post 2933.

Applicant: Scenic Land Holdings, LLC

1. Presentation Kathryn Chandler gave a presentation on behalf of the Dripping Springs VFW Post 2933. Their goal is to find a permanent home for present and future Dripping Springs veterans. The concept for the new veteran's hall will complement its surroundings and blend in with the new Westwood community. Space allowing, they would also like to move the present Veteran's Memorial Park to this new location and create a landscaped memorial walk. This relocation would also free up the triangle for the City's future plans. They're waiting to begin fundraising until they have a definite location.
2. Staff Report Dottie Palumbo presented the staff report which is on file. Staff recommends to approve the 1st Amendment to Westwood Amended and Restated Development Agreement dedication approximately 2 acres of the Civic Site to the Veterans of Foreign Wars Post 2933.
3. Public Hearing

Don Pringle: Concerned about the easement which leads into the property since it may not be wide enough to fit a fire rescue/ emergency vehicles; will there be another entrance other than that one? Mim James stated that those concerns will be addressed at the time Construction Plan is being reviewed.

4. First Amendment to Amended & Restated Development Agreement Mim James made a motion to approve the First Amendment to Westwood Amended and Restated Development Agreement to allow the dedication 2 acres of the Civic Site to the VFW Post 2933. James Martin seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the Variance.

D. Ordinance No. 1251.06: An Ordinance of the City of Dripping Springs Amending Chapter 26, Appendix "B", of the Dripping Springs Code of Ordinances; Amending Regulations for the Master Sign Plan for The Commons; 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 \$100.00. Applicant MP Commons

1. Presentation Paul Hudson presented on behalf of the owners of The Commons shopping center. The property owner and manager are requesting to add an additional panel to the monument sign at the front of the property. The additional panel would allow businesses that do not have frontage at the front of the property to have signage in the front of the property. This could be accomplished by

increasing the height of the sign or placing writing on the base of the sign. The property owner has provided multiple designs to choose from (Option A, as their first request).

2. **Staff Report** Laura Mueller's staff report is on file. Michelle Fischer included that staff did review this and they find it acceptable to reuse the top panel for tenant signage, as long as it's used by tenants located towards the rear of the property. Staff recommends the Amendment to the Master Sign Plan for the Commons as Option "B" which is included in the attachments, it does not increase the height of the sign. Planning and Zoning Commission will need to make a recommendation to City Council as to which option they vote on.

3. **Public Hearing**

Thomas Nevill (Owner of the workplace): Has a distinct interest in amending the Master Sign Plan since he will be one of the tenants benefiting from this.

4. **Ordinance No. 1251.06** James Martin made a motion to approve staff's recommendation for Option "B". Michael Lavengco seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the Amendment to the Master Sign Plan for The Commons.

E. Ordinance No. 1251.07: An Ordinance of the City of Dripping Springs Amending Chapter 26, Appendix "D", of the Dripping Springs Code of Ordinances; Amending Regulations for the Master Sign Plan for a Portion of the Sawyer Ranch 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 \$100.00.

1. **Presentation** Jacob Dotson on behalf of Executive Signs explained their request to increase the number of signs and to allow change of tenants without rewriting or modifying the Master Sign Plan Ordinance. Sawyer Ranch commercial has changed some tenants. Adopting this amendment would be able to accommodate new tenants much easier.
2. **Staff Report** Laura Mueller's staff report is on file. Michelle Fischer presented the staff report in Laura's absence. Staff recommends approval of the proposed Master Sign Plan Ordinance for Sawyer Ranch.
3. **Public Hearing** No Comments were made.
4. **Ordinance No. 1251.07** Michael Lavengco made a motion to approve Ordinance No. 1251.07 per staff's recommendation. Erich Oswald seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving Ordinance No. 1251.07.

F. Ordinance No. 1251.08: An Ordinance Enacting Appendix “E” Chapter 26 of the Dripping Springs Code of Ordinances; Establishing Regulations for a Master Sign Plan for the Founders Ridge 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 \$100.00.

1. Presentation Kristen France on behalf of Taylor Morrison was present for any questions.
2. Staff Report Laura Mueller’s staff report is on file. Michelle Fischer gave an overview of the staff report. Founders Ridge has requested additional non-permitted signs to be in a Master Sign Plan. Those signs include: model home signs (temporary); selling point signs (temporary); and trail signs (permanent). The draft ordinance allows the temporary signs to be moved within the subdivision as needed, but also requires that they be removed once all homes are sold. The permanent trail marking signs will not be removed, but will be small and be used solely to mark the trail.
3. Public Hearing No comments were made.
4. Ordinance No. 1251.08 Evelyn Strong made a motion to approve Ordinance 1251.08 to establish to regulations of the Master Sign Plan for Founders Ridge Subdivision. Erich Oswald seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving Ordinance 1251.08.

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).

XI. Announcements.

- A. Regular City Council Meeting, September 12, 2017, at 5:30 p.m. Workshop/ 6:30 p.m.
- B. Next Regular Planning and Zoning Meeting, September 26, 2017 at 6:30 p.m.

XII. Adjourn.

Adjourn Open Meeting

A motion was made by Vice Chairman James Martin with a second by Michael Lavengco to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 7:45p.m.

Respectfully submitted,

Katie Jordan
Planning Assistant

These minutes were approved on the _____ day of _____, 2017.

**CITY OF DRIPPING SPRINGS, TEXAS
MINUTES OF THE PLANNING AND ZONING MEETING
September 26, 2017**

A meeting of the Planning and Zoning Commission of the City of Dripping Springs, Texas, was held on Tuesday, September 26, 2017 at 6:30 P.M. at City Hall, 511 Mercer Street, Dripping Springs, Texas.

Present:	<u>Commission Members</u>	<u>City Staff/Appointed Officials</u>
	Mim James – Chair	Michelle Fischer – City Administrator
	James Martin – Vice Chair	Laura Mueller – Assistant City Attorney
	Erich Oswald	Dottie Palumbo – City Attorney
	Kim Hubbard	Megan Will – City Planner
	Michael Lavengco	Rick Coneway – City Engineer

I. CALL TO ORDER AND ROLL CALL at 6:30 p.m.

With a quorum of the commission members present, Chairman Mim James called the Regular Meeting to order at 6:33p.m. followed by the pledge of allegiance led by Mim James. It is noted that Commissioners Evelyn Strong and John McIntosh were absent for this meeting.

II. Pledge of Allegiance.

III. PRESENTATION OF CITIZENS

There were no comments received from the public.

IV. MINUTES

Consideration and Possible Action On:

A. Approval of Minutes for August 22nd Regular Commission Meeting.

James Martin made a motion to approve the August 22nd P&Z Minutes as published. Erick Oswald seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the minutes.

VI. ZONING

Consideration and possible action on:

A. Ordinance No. 1220.147: An Ordinance of the City of Dripping Springs, Texas, rezoning a tract of land located near W. Hwy 290 and Sawyer Ranch Road, in Dripping Springs, Texas totaling approximately 4.6671 acres, from Office (O) to General Retail (GR), and described as follows: Sawyer Ranch 33, Tract Two, Lot 2-A1.

1. Presentation (Lynn Alderson) The applicant is requesting rezoning from Office to General Retail to allow a dance studio on the property in addition to general retail uses. Available to answer questions.
2. Staff Report (Megan Will) The project includes a proposed 10,000sf building with multiple uses. The dance studio is anticipated to be approximately 7,000sf and the remainder 3,000sf of the building will be occupied by retail. Along with the requested zoning amendment, the applicant concurrently submitted applications for a zoning variance for parking regulations and replat. This proposed rezoning and proposed dance studio/retail building are not likely to have a negative impact on the surrounding uses. Staff recommends approval of the requested zoning amendment.
3. Public Hearing No public comments were made.
4. Ordinance No. 1220.147 James Martin made a motion to approve Ordinance No. 1220.147, an Ordinance of the City of Dripping Springs to rezone a tract of land located near W. Hwy 290 and Sawyer Ranch Road from Office to General Retail. Kim Hubbard seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the motion.

V. SUBDIVISION

Consideration and possible action on:

A. Replat of LOT 2-A1 of Sawyer Ranch 33 Tract Two, Hays County, Texas, a 4.667 acre tract located near the intersection of Sawyer Ranch Road and US Hwy 290.

1. Presentation Jon Thompson was not present for the meeting. Lynn Alderson was available to answer questions.
2. Staff Report (Rick Coneway) This proposed replat is another in a series of replats that are expected with the existing Sawyer Ranch 33 subdivision located within the City Limits. The applicant wants to carve out a specific lot from the existing subdivision for a potential buyer of the owner's land. The buyer intends to develop this site for a 10,000 sf building with parking on a new 1.835 acre lot. This replat meets the requirements of the City's Subdivision Ordinance. Staff recommends approval of the replat.
3. Public Hearing No public comments were made.
4. Replat James Martin made a motion to approve the Replat of Lot 2-A1 of Sawyer Ranch 33 Tract Two. Erich Oswald seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the motion.

VIII. VARIANCE/EXCEPTION

Consideration and possible action on:

A. A request for a variance from the Dripping Springs Code of Ordinances, Chapter 30, Exhibit A, Sections 5.6.2 and 5.7.6 to allow reduction of required parking for a mixed-use structure containing Premiere Dance Studio and general retail located at Sawyer Ranch 22, Tract Two, Lot 2-A1-B, Dripping Springs, Texas, 78620. Jon Thompson, Applicant

1. Presentation (Lynn Alderson) The applicant is requesting a reduction in parking for the property. The property will have one 10,000sf building split into two uses – Premiere Dance – 7,000sf; General Retail – 3,000sf. The applicant will provide a total of 77 parking spaces. It is expected for the dance studio and retail portion to have different hours of operation that will not always overlap.
2. Staff Report (Megan Will) The applicant has indicated that the proposed dance studio and retail establishment will have differing hours of operation. A majority of the customers, probably 75-80% drop off their children for dance class and then pick up afterwards. Thus parking is not utilized since they are merely stopping in front to drop off and stopping in front to pick up. Based on the calculation considering each use separately, the provided 77 spaces exceeds the parking requirement for each use individually. Staff recommends approval of a variance to allow a reduction of parking by 7 spaces. This recommendation is conditioned upon a guarantee that the two uses within the proposed building will have little to zero overlapping business hours. Should the uses expand and warrant an increase in parking, the applicant must abide by Section 5.7.5 of the Zoning Ordinance.
3. Public Hearing No comments were made.
4. Variance

James Martin made a motion to consider the variance. Mim James seconded the motion. How will patrons be accessing the parking lot? Main access is off of Sawyer Ranch Rd. and there is an access easement through Primrose, which is the lot to the east of this property. There are no current proposed plans for the retail portion of the building.

Michael Lavengco made a motion to approve the variance from the Dripping Springs Code of Ordinances, Chapter 30, Exhibit A, Sections 5.6.2 and 5.7.6 to allow reduction of required parking for a mixed use structure containing Premiere Dance Studio and general retail located at Sawyer Ranch 22, Tract Two, Lot 2-A1-B. James Martin seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the motion.

VI. ZONING

B. Conditional Use Permit Application to allow for a Food Truck Court located at 101 San Marcos St., a property zoned Commercial Services (CS) and within the Historic Overlay(HO).

1. Presentation (Roland G.) The applicant is applying for a CUP for a food court consisting of two permanent mobile food vendors at 101 San Marcos Street, a property within the Mercer Street Historic District.
2. Staff Report (Megan Will) The CUP application request is specifically for two walk-up food trucks. The food trucks would be permanently located in the SW corner of the property along the Wallace Street frontage. The proposed hours of operation are 6:00AM to 12:00AM daily. No on-site parking will be provided as on-street parking is available along the frontage of the subject property. There will be minimal on-site eating areas, the intent is that the food trucks will provide “to-go” food. Per the CODS Mobile Food Vendor Ordinance, all mobile food vendors are prohibited from being located within 100 feet of a restaurant of general use or a restaurant of limited use unless granted permission from all said restaurants. The proposed food trailer location on the subject property is less than 100’ from the Krispy Krunchy Chicken restaurant, therefore a letter of permission from this restaurant will be required before the CUP can be issued.

The zoning district for the subject property is CS with a Historic Overlay. A Certificate of Appropriateness application was submitted concurrently with the CUP application and is scheduled for presentation to the Historic Preservation Commission at the October 2, 2017 meeting. The applicant has proposed a 6’ wooden privacy fence along the Wallace Street frontage. Staff feels this type of visual barrier is unnecessary and would in fact be detrimental to the development the pedestrian-focused environment envisioned for the Mercer Street historic district. Staff proposes a lower height wooden fence or maintenance of the existing chain-link fence. The proposed 20’ access gate is sufficient. Based on the surrounding uses and aesthetic quality of the area the proposed food trailers will not have a detrimental visual impact on the area or require additional setback from adjacent uses.

The CUP item will be brought back to P&Z for consideration and possible action on October 24, 2017.

Restroom facilities are available in the warehouse on the subject property. The individual mobile vendors will be responsible for their gray water disposal.

3. Discussion – Item is for concept plan review and discussion purposes only. Item will be brought forward for action at the October 24, 2017 P&Z meeting. Mim James requested that the applicant provide a more clear concept of what they intend to have on the property for when this item comes back for consideration. Whether it’s a stand-alone food trailer or two food trailers, and what additional features will be provided.

C. Ordinance No.1220.124: Zoning request and ordinance enacting Planned Development District (PDD)#5, commonly known as “Heritage Subdivision.” The area is approximately 189 acres, generally bounded by Ranch Road 12 near the northeast perimeter of the property; Old Fitzhugh Road near the eastern perimeter; Walnut Springs Elementary School at the southwestern corner; Dripping Springs Youth Sports Association Fields near the southwest perimeter; Dripping Springs High School along the western perimeter; and in close proximity to Springlake Drive at the northern perimeter. *SLF IV-Dripping Springs JV, L.P. and Bob White Investments, LP, Applicants*

1. **Presentation (Greg Gitcho)** Greg Gitcho provided a PowerPoint, which included a Project Summary; Development Plan; Housing Examples; Temporary Wastewater Option; Development Documents; Approval Timeline. Greg was available to answer questions.
2. **Staff Report (Dottie Palumbo)** Dottie gave an overview of the project and explained what the public benefits Heritage could provide to the community. The proposed Heritage PDD will provide a minimum of 28 acres of parks and open space, an amenity center, and will also include a variety of housing types suited to the needs of several demographic segments of the population. Dottie touched base on some of the public concerns that were expressed to City staff in 2016 regarding this project. The applicant has taken those concerns into account and has come up with strategies on how they are going to be addressed. A TIA will be submitted with the first plat. The applicant also provided to the City a capacity and analysis study (Traffic Study). On February 22, 2016 the Heritage transportation concept plan was reviewed and approved by the Transportation Committee. Dottie also briefly explained what the Offsite Roadway and Trail Agreement and Wastewater Agreement outlines as stated in her staff report. Previously, the PDD#5 and the Annexation and Development Agreement were considered by the Planning and Zoning Commission again on July 25, 2017 at which time the items were postponed to August 22nd meeting because the Developer and the City were still negotiating some of the terms in the Annexation and Development Agreement and the Wastewater and Impact Fee Agreement. Per the Owner’s request, annexation proceedings were withdrawn from the City on July 11, 2017 and per the Owner’s request, the City accepted a petition to re-start voluntary annexation proceedings on July 11, 2017. The City and Developer have finalized negotiations on the Annexation and Development Agreement, PDD#5, Wastewater Agreement.
3. **Public Hearing** No comments were made.
4. **Ordinance No.1220.124: Planned Development District (PDD)No.5** Mim James made a motion to approve Ordinance No. 1220.124: PDD#5 subject to having: 1) The PDD #5 Ordinance, the Annexation & Development Agreement, the Offsite Road/Trail Agreement, and the Wastewater Agreement completely finalized by noon on October 6th, 2017 ; 2) Have a mutually agreeable and completed Plan of Finance and the Service and Assessment Plan by noon on October 13th, 2017. James Martin seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the motion.

VII. BUSINESS

Consideration and possible action on:

A. Annexation and Development Agreement between the City of Dripping Springs and SLF IV – Dripping Springs JV, L.P. and Bob White Investments, LP for Heritage Subdivision, approximately 189 acres located in the ETJ, generally bounded by RR12 near the northeast perimeter of the property; Old Fitzhugh Road near the eastern perimeter; Walnut Springs Elementary School in the southwestern corner; Dripping Springs High School along the western perimeter; and in close proximity to Springlake Drive at the northern perimeter. *SLF IV-Dripping Springs JV, L.P. and Bob White Investments, LP, Applicant*

1. Presentation (Greg Gitcho) No additional comments were made by Greg.
2. Staff Report (Dottie Palumbo) Dottie reiterated some of the public benefits to this project and that overall the PID policy helped to guide the Annexation and Development Agreement. The Annexation and Development Agreement includes the following provisions: Definitions; Offsite Road and Trail Agreement; Water Conservation Plan; Development Standards; Applicable Rules & Regulations; Additional Matters; Term and Amendment; Comprehensive Plan and Citywide Trails Plan.
3. Public Hearing No comments were made.
5. Annexation and Development Agreement – Heritage Subdivision Mim James made a motion to approve Ordinance No. 1220.124: PDD#5 subject to having: 1) The PDD #5 Ordinance, the Annexation & Development Agreement, the Offsite Road/Trail Agreement, and the Wastewater Agreement completely finalized by noon on October 6th, 2017 ; 2) Have a mutually agreeable and completed Plan of Finance and the Service and Assessment Plan by October 13th, 2017. James Martin seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the motion.
- 4.

B. Request for Site Development Permit Approval Extension for SDP#16-0122-01 Central Texas Youth Ballet for the construction of a ballet studio with associated parking, drainage and water quality facilities, at the corner of Mercer St. and RR 12.

1. Request Letter No presentation
2. Staff Report (Rick Coneway) This agenda item concerns a request for an extension to an existing site development permit. The project is a proposed new commercial building and parking located at the NE corner of Mercer St. and RR 12. A site development permit was issued to Central Texas Youth Ballet on January 22, 2016. According to the Site Development Ordinance, a permit expires after two years when no construction has started on the approved project. The permit expires on January 22, 2018. The letter request from CTYB was received on September 11, 2017 and contained the following justifications for an extension: a) City lacks proper drainage and wastewater infrastructure which increases the financial burden to a small, minority-owned business; b) Due to City requirements, was not able to develop project in phases that would permit them to spend small amounts of money on the first phase of development. c) The property is listed for sale and the existing site plan is included in the listing. Staff recommends approval of the request to extend the site development permit for up to six months upon the upcoming expiration date.
3. Extension of Site Development Permit Approval James Martin made a motion to approve the extension of the site development permit approval for Central Texas Youth Ballet. Michael Lavengco seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the motion.

VIII. VARIANCE/EXCEPTION

Consideration and possible action on:

B. A request for a Special Exception to the Dripping Springs Code of Ordinances, Chapter 30, Exhibit A, Section D 3.2 regarding allowing a Temporary Sales Office in an AG zoned district for a property located at 26025 RR 12 / A0415 PHILIP A SMITH SURVEY, ACRES 5.110. AND: A Site Development Permit Application for the associated Temporary Sales Office located at Caliterra Subdivision. *Bill E. Couch, Applicant.*

1. Presentation (Bill Couch/J. Edgar) Available to answer questions.
2. Staff Report - Special Exception (Megan Will) The requested action by the applicant is to grant a special exception to Section 3.2 of the Zoning Ordinance – Agriculture District to allow for a Temporary Real Estate Sales Office constructed in compliance with the Site Development Plan for the Caliterra Development on RR 12. The purpose of the trailer is for sales; specifically, selling the project to realtors and other buyers who are not ready to speak with builders directly. Individual builders will have their model homes to sell their product from. The applicant foresees that the temporary sales office would remain in place between three to five years. Per the Development Agreement, the subject tract is slated for commercial development. It was supposed to be rezoned to GR by Owner request upon the execution of the Agreement; however, this request had not been made. The subject tract is intended for commercial use. Staff recommends that the special exception be approved with the following conditions: Allow the use to remain for a longer amount of time, the applicant will need to reapply for a special exception; or request rezoning to a category that allows the requested use.
3. Staff Report - Site Development Plan (Rick Coneway) A site development application is being reviewed concurrently with this special exception. The site is located at the northwest corner of Caliterra Pkwy and RR 12. The concrete driveway approach will be a permanent structure; the remainder of the drive and parking will be constructed of decomposed granite. The DG drive and parking, as well as the building, are considered temporary. The project will have the required landscaping. The project will not have outdoor lighting. Water service will be provided from an existing water main along the front of the site. Sewer service will not be provided. The impervious cover is 4.62% of the 5.05 ac site. The impacts of drainage and water quality are negligible and accounted for in the overall drainage and water quality plan for the Caliterra development. The site plan meets the requirements of the City's Site Development Ordinance. Staff recommends approval of the site plan.

4. Public Hearing

Joann Moulds: Is a resident of Caliterra, and submitted her comments on this agenda item on the morning of September 26th. Joann and other residents have concerns about factors that were not addressed in the application such as the following: 1) the application does not include any end date for the presence of a temporary trailer; 2) the proposed location of the temporary sales trailer is at a major intersection in the subdivision and may pose a traffic hazard; 3) has the applicant considered an alternate site for this office trailer? 4) there is no description as to what type of signage may be present or when it will be removed; 5) there are no plans regarding the removal of the concrete driveway or the decomposed granite drive/parking area; 6) there are no plans as to how this area will be restored to its natural state.

5. Special Exception

James Martin made a motion to consider. Mim James seconded the motion. James Martin asked the applicant if they have considered other locations for this proposed sales office. J. Edgar explained that this location was chosen purposefully so that people looking for information could easily see the office from RR 12 and Caliterra Pkwy. They receive minimal to low traffic.

Developers at Caliterra have been sensitive to the aesthetics of the neighborhood and signage will need to be addressed when they're ready to request any.

James Martin made a motion to approve the request for a special exception to the Dripping Springs Code of Ordinances, Chapter 30 Exhibit A, Section D 3.2 regarding allowing a Temporary Sales Office in an AG zoned district for a property located at 26025 RR 12, Caliterra subdivision, which is valid for three years. Kim Hubbard seconded the motion. The motion carried unanimously with a vote of 4 Ayes and 1 Nay, approving the motion.

6. Site Development Permit

James Martin made a motion to approve the site development permit as presented for the Temporary Sales Office at Caliterra. Michael Lavengco seconded the motion. The motion carried unanimously with a vote of 4 Ayes and 1 Nay, approving the motion.

IX. SIGNS

Consideration and possible action on:

A. Variance requests to allow an electronic LED Gas Price sign and to allow two projecting signs to exceed the maximum height allowed for Texaco Z Square, located at 13210 W. Hwighway 290, Austin, TX 78737 at the intersection of Heritage Drive

1. Presentation (Jacob Dotson) Available to answer questions.
2. Staff Report (Michelle Fischer) The applicant is 1) requesting a variance to allow electronic LED gas price sign and 2) requesting a variance to allow two projecting signs to exceed the maximum height allowed for the Texaco Z Square which will be a gas station with a convenience store located in the City's ETJ. The total cumulative signable area of all the signs is 106.9 sf. The maximum allowed is 128 sf. The proposed projecting signs exceed the maximum height allowed and are 31 square feet in signable area, while the maximum area allowed is 64 sf. The monument sign and canopy sign are also smaller in area than the maximum allowed. Additional factors mitigating the variance requests are that the building and canopy will comply with the City's Outdoor Lighting Ordinance and the canopy will match the building and not have the trade dress that was originally proposed. The variance requests meet several of the criteria for granting a variance. The mitigating factors as mentioned are acceptable. Therefore, staff recommends approval of the variance requests with the conditions that all exterior lighting comply with the Lighting Ordinance and the canopy design is built in accordance with the architectural rendering.
3. Public Hearing No comments were made.
4. Variance to allow electronic LED gas price sign
5. Variance request to allow two projecting signs to exceed the maximum height allowed

James Martin made a motion to approve both variance requests together per the staff report. Erich Oswald seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the motion.

B. Ordinance No. 1251.30: An Ordinance amending Chapter 26, Appendix “C”, of the Dripping Springs Code of Ordinances; Amending regulations for a Master Sign Plan for the Belterra Commercial Subdivision; providing for the following: rules; 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 up to \$500.00.

1. Presentation **No presentation.**
2. Staff Report (Laura Mueller) Belterra has requested an amendment to its Commercial Master Sign Plan to include identification for Belterra. This includes the addition of eight more signs that include the wording “Belterra Village” or “BV”. One sign also has room for tenant panels. The location and appearance of each sign can be viewed on Exhibit B. The signs will conform to the style and illumination required by the Belterra Development Agreement and the current Master Sign Plan. Sign 1: One Belterra Village projecting identification sign, up to 42 sf, centered on high wall in western section of lot 2. Sign 3: One Belterra Village projecting tenant sign, up to 64 sf, centered on high wall at the southwestern corner of lot 1. Sign shall have up to 6 panels for tenant names. Three Planter signs, up to 11 sf each, in combined sign area in lot 2 of North Belterra Commercial Subdivision. Two BV Logo Projecting signs up to 15 sf each, in lot 2E of the Belterra Commercial Subdivision. Signs shall be attached to current walls. One BV Logo Projecting sign in the roundabout between lots 2E and 3F. Staff recommends approval of the amendment to the Sign Code Ordinance.
3. Public Hearing **No comments were made.**
4. Ordinance No. 1251.30 James Martin made a motion to approve the change to Ordinance No. 1251.30 per the staff report. Mim James seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the motion.

C. Variance request to allow n additional projecting sign for Breed & Company in Belterra Village, located at 165 Hargraves Dr., Austin, Texas 78737

1. Presentation (Jackson Roach) **Available to answer questions.**
2. Staff Report (Michelle Fischer) Breed and Co. will be located in the Belterra Village which has a Master Signage Plan ordinance that governs signage within the development. The Master Signage Plan allows the business to have one projecting sign on the building. Breed & Co. requests a variance to allow an additional nonilluminated sign. The total signable area of the two signs is less than the maximum area allowed for the storefront sign. The Belterra Village Architectural Review Committee and Endeavor Realty have approved the proposed signage. Due to criteria above that are applicable to this sign variance request, and the mitigating factors of the additional sign being nonilluminated and the total area of the two signs being less than the maximum allowed for one sign, Laura and City staff recommends approval of the variance request.
3. Public Hearing **No comments were made.**
4. Variance to allow an additional projecting sign James Martin made a motion to approve the variance requests per the staff report. Michael Lavengco seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the motion.

D. Variance Requests to allow an additional sign (menu board) and to allow a projecting sign to exceed the maximum height allowed for Hat Creek Burger in Belterra Village, located at 166 Hargraves Drive, Building F, Austin, TX 78737

1. Presentation (Jackie Bordeaux) Available to answer questions.
2. Staff Report (Michelle Fischer) Hat Creek Burger will be located in the Belterra Village which has a Master Signage Plan ordinance that governs signage within the development. The Master Signage Plan allows the business to have two projecting signs on the building, with a maximum height of 54 inches and a maximum signable area of 64 sf. The business will have drive through service and a menu board. The Master Sign Plan does not include regulations for menu boards and the City's Sign Ordinance requires a variance for menu boards. Although one of the proposed projecting signs is taller than the maximum height allowed, the sign's area is less than the maximum allowed. The second projecting sign's area is also smaller than the maximum allowed. The Belterra Village Architectural Review Committee and Endeavor Realty have approved the signage. The proposed signs meet many of the criteria for granting a variance. The variance on height is mitigated by the total signable area of the signs being less than allowed. The menu board has a complimentary design and will comply with the City's Lighting Ordinance. Therefore, staff recommends approval of the variance requests.
3. Public Hearing No comments were made.
4. Variance request to allow additional sign (menu board)
5. Variance request to allow a projecting sign to exceed the maximum height allowed James Martin made a motion to approve both variance requests together, per staff's recommendation. Kim Hubbard seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the motion.

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).

XI. Announcements.

- A. Regular City Council Meeting, October 10, 2017, at 5:30 p.m. Workshop/ 6:30 p.m.
- B. Next Regular Planning and Zoning Meeting, October 24, 2017 at 6:30 p.m.

XII. Adjourn.

Adjourn Open Meeting

A motion was made by Vice Chairman James Martin with a second by Michael Lavengco to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 9:05p.m.

Respectfully submitted,

Katie Jordan Planning Assistant

These minutes were approved on the _____ day of _____, 2017.

**CITY OF DRIPPING SPRINGS, TEXAS
MINUTES OF THE PLANNING AND ZONING MEETING
October 24, 2017**

A meeting of the Planning and Zoning Commission of the City of Dripping Springs, Texas, was held on Tuesday, October 24, 2017 at 6:30 P.M. at City Hall, 511 Mercer Street, Dripping Springs, Texas.

Present: <u>Commission Members</u>	<u>City Staff/Appointed Officials</u>
Mim James – Chair	Michelle Fischer – City Administrator
James Martin – Vice Chair	Anjali Naini – Planning Consultant
John McIntosh	Rick Coneway – City Engineer
Kim Hubbard	Megan Will – City Planner
Evelyn Strong	Katie Jordan – Planning Assistant

I. CALL TO ORDER AND ROLL CALL at 6:30 p.m.

With a quorum of the commission members present, Chairman Mim James called the Regular Meeting to order at 6:31p.m. followed by the pledge of allegiance led by Mim James. It is noted that Commissioners Michael Lavengco and Erich Oswald were absent for this meeting.

II. Pledge of Allegiance.

III. PRESENTATION OF CITIZENS

There were no comments received from the public.

IV. MINUTES

Consideration and Possible Action On:

A. Approval of Minutes for September 26th Regular Commission Meeting.

James Martin made a motion to approve the September 26th P&Z Minutes as published, with addressing that two minor revisions were made. Kim Hubbard seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the minutes.

V. BUSINESS

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

A. Ordinance No. 122.150: Planned Development District #1 (H-E-B): An Ordinance of the City of Dripping Springs Amending Ordinance 1220.11 of the Dripping Springs Code of Ordinances; Transfer to Chapter 30, Zoning; Article 30.03 Planned Development Districts Based on Updated Codification; Modifying Regulation Standards of the District; Providing for the Following: Findings of Fact; Amendment; Repealer; Severability; Codification; Effective Date; and Proper Notice & Meeting.

1. Presentation (Larry Gottsman) Mr. Gottsman was present to answer any questions if needed.
2. Staff Report (Anjali Naini) This is an Amendment to PDD#1 Ordinance and PDD#1 Agreement. Both documents were edited in order to address signage regulations which now provides reference to the City's current Sign Ordinance. The PDD is amended to add the following section: 4.9, 2.6, 2.6.10 and Exhibit E-5. Staff recommends approval of the Amendment to PDD#1 Ordinance and PDD#1 Agreement, to allow for signs to comply with the City's Sign Ordinance, Chapter 26 of the Code of Ordinances, unless otherwise provided for in the Ordinance and Agreement.
3. Public Hearing No public comments were made.
4. Ordinance No. 1220.147 and Agreement James Martin made a motion to approve Ordinance No. 1220.150 with reference to the Amended PDD#1 Ordinance and PDD#1 Agreement. John McIntosh seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the motion.

B. Ordinance No.1221.48: Hidden Oaks 1459 – An Ordinance of the City of Dripping Springs, Texas, Rezoning a Tract of Land Totaling 4.152 Acres Located at 1459 U.S. Hwy 290 W, Dripping Springs, Texas from Commercial Services (CS) to Multiple –Family (MF), and Described as Follows: 4.152 Acres out of the B.F. Hanna and P.A. Smith Surveys, Abstracts 222 and 415. Applicant, Jon Thompson

1. Presentation (Jon Thompson) This topic is posted as a discussion item only. The proposed use for this property is a three building, twenty-eight to thirty unit condominium development. Due to the number of mature live oaks and pecan trees and the desire to minimize the detrimental effect on the natural environment and to preserve the natural beauty of the site and provide a more affordable housing opportunity to the community. This property is approximately 4.152 acres in size, located south of U.S. Hwy 290 West at Quail Farm Drive.

Due to the building design that is necessary to lower costs for construction and minimizing the horizontal footprint on the natural environment it is necessary to request special exceptions for number of stories and maximum height of the buildings. The maximum height request is fifty feet for two of the buildings while the third building would have a height of sixty-two feet from the lowest grade to highest pitch of the roof. However, since this building is going to be built on a slope that is cut down six feet below natural grade and will from average grade be less than sixty-two feet. Two of the buildings will be three stores while the third building will be three stories and a basement that will be part of the cut into the slope.

2. Staff Report (Anjali Naini) Anjali was only notified the day of P&Z Commission about

the zoning request change. The applicant had amended the rezoning application recently to request General Retail (GR) instead of (MF) so her staff report reflects the original request and not the updated one. Per the change to the application, staff recommends no action be taken on both of items at this time due to insufficient noticing. The applicant must provide new notices with correct information in order for this item to be considered during the November P&Z meeting. Notices for both the zoning amendment and variance request were incorrect. The zoning amendment notice stated the incorrect zoning classification being requested. The notice for the variance cited a variance to height in the wrong zoning district. The applicant failed to provide the notices to staff to review prior to sending them to the newspaper, so staff was not given time to review the notices. Additionally, staff are awaiting additional information from the applicant: 1) the exact height being requested, since the application stated that it was not finalized; 2) whether the basement is mostly above (or below) the average grade, as this will affect the determination of the number of floors in one of the proposed buildings. Anjali will be making a more thorough analysis of the new information provided and updating her staff report to reflect those changes.

3. Public Hearing

1. Jimmy Skipton: Concerned about the setbacks with the new zoning change and if this new development will affect the use of the shared access easement he relies on to get to this own property.
2. Bruce Turbow: Wanted to clarify how many units was being proposed for this project. James Martin confirmed how many units was to be developed per the narrative provided in the packet.

4. Ordinance No. 1221.48 and Variance (Discussion only, no action) Mim James made a motion to consider. James Martin seconded the motion. Mim wants to address Mr. Skipton's comments regarding the new setbacks in a (GR) zoning district. Anjali was able to confirm that the setbacks in the GR zoning are a minimum of 25' in the front and rear yard and a minimum of 25' on the side yard when adjacent to a public R.O.W. or residential lot. The GR zoning potentially increases the minimum side yard setback compared to CS zoning.

Jim Martin asked the applicant whether this project would be open to investors to buy and rent or strictly ownership. Jon Thompson confirmed that it would be open to any of those options. The average price point for this project is \$250,000 and it will consist of two 1bed/1bath units and the rest will be 2bed/2bath units.

Evelyn Strong and Mim James made a request for the applicant to visit with ESD 6 to discuss how the building height could be addressed in terms of fire safety and building code compliance. Jon Thompson confirmed that he had a discussion with them and he was told that they would be required to have a sprinkler system for these units. Jon Thompson and the property owner will meet with them again to ensure that they comply with all of the requirements necessary for this project before the next P&Z meeting takes place.

Mim James asked whether or not the applicant sought consultation from Keenan Smith, the City's Architectural Design Consultant. Jon Thompson consulted with Keenan previously and they have considered alternative designs in specific regards building height, but they will need to send updated information in the package that will be provided to P&Z Commissioners and City Council.

The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the motion.

C. Hidden Oaks 1459 – A Request for a Variance from the Dripping Springs Code of Ordinances, Chapter 30, Exhibit A, Section 3.8.3 to Allow an Increase in Height of up to Fifty-Five Feet for Two Buildings and up to Sixty-Two Feet for One Building in a Proposed Multiple-Family Condominium Development for the Following Property: 4.152 Acres out of the B.F. Hanna and P.A. Smith Surveys, Abstracts 222 and 415. Applicant, Jon Thompson

1. Presentation (Jon Thompson) [See above](#)
2. Staff Report (Anjali Naini) [See above](#)
3. Public Hearing [See above](#)
4. Variance [See above](#)

D. Ordinance No.1220.149: An Ordinance of the City of Dripping Springs, Texas Amending the Code of Ordinances, Chapter 30, Exhibit A: Section 1.6.2; and Amending Appendix E: Zoning Use Regulations (Charts) Permitted Use Provisions for Districts Zoned as General Retail, Commercial Services, Local Retail, and Historic Overlay Related to Uses Including Bar Use and the Sale and Consumption of Alcohol is such; and Providing for the Following: Finding of Fact; Enactment; Repealer; Severability; Codification; Effective Date; and Proper Notice & Meeting.

1. Staff Report (Anjali Naini) The City has been receiving requests for Bars in districts where Bars are not currently permitted. The City's Zoning Ordinance does not currently address Bars, nor does it define Bar or a similar establishment. The City typically addresses Bars and similar uses through the creation of overlay zoning districts for the specific properties. City staff reviewed the Bars Ordinance and Zoning Use Regulations (Charts) to determine which districts would be appropriate to allow Bars. As detailed in the section above, the proposed amendment recommends allowing Bars in four districts: General Retail (GR), Commercial Services (CS), Local Retail (LR), and Historic Overlay (HO). The Zoning Use Regulations (Charts) has been amended to include a general Bar use. Anyone wishing to operate a Bar must obtain a CUP per provisions in Chapter 30: Exhibit A, Section 3.17. Bar CUP's will need to go through the full CUP process, including approval by P&Z and City Council. Staff recommends approval of the zoning amendment.
2. Public Hearing
 1. Bruce Turbow: Submitted written comments concerning how distance from schools, churches, etc. is addressed in this amendment, but has been made aware that this is a TABC issue.
3. Ordinance No.1220.149
John McIntosh recused himself from voting on this subject since he is a bar owner. James Martin made a motion to approve Ordinance No.1220.149 to allow for new language in the ordinance regarding definitions and what zoning categories permit this use. Mim James seconded the motion. The motion carried unanimously with a vote of 4 Ayes and 0 Nays, approving the motion.

E. Conditional Use Permit Application for The Garage Sports Bar and Mobile Food Court Located at 251 Baird Lane, Dripping Springs, TX 78620, Applicant Jon Thompson.

1. Presentation (Jon Thompson) Property owner, Kevin Roarke is requesting a Conditional Use Permit to establish a sports bar and mobile food court (2 trucks) on a property zoned (CS). The City of Dripping Springs Zoning Ordinance permits bars and mobile food courts in the CS zoning district with a CUP. Baird Lane is a private road and part of the Sportsplex subdivisions. They have been in communication with TXDOT and the Fire Department to address any potential issues with the access road and fire safety. They received a response from ESD 6 stating issues that would need to be handled at the time of the site plan review process. This project site is in close distance to three schools and one day care. DS Christian Academy, DS High School, Walnut Springs Elementary and a private at home daycare. Jon Thompson is actively seeking answers to distance separations. This is a discussion item only.

Kevin Roarke briefly explained the concept plan for this project. Overall looking to establish a family friendly, pet friendly bar and food court for the community to enjoy. He is seeking a beer and wine only license for this bar, and the hours of operation will be from 3p.m. to 11p.m. during the week and from 11a.m. to 11p.m. on weekends. Additionally they are working with TXDOT to widen the curb off of Hwy 290 and Baird lane and other needed maintenance on Baird Lane.

The owner wants to be mindful of the safety concerns of the surrounding community. Kevin is accepting any feedback that the commission is willing to give him in regards to this subject.

2. Staff Report (Megan Will) The applicant's project narrative states the concept for the Garage Sports Bar is a family (and pet) friendly establishment including family friendly games, a children's playground area, and accommodations to bring dogs. The applicant's goal is for the "sports bar" type establishment to have 12-15 TVs tuned to sports and to be the "go-to" place to catch the big game. The bar will be located in a 1,200 sq. ft. building including ample indoor seating near the TVs. This building will not include any kind of kitchen or food service, thus the request to include the mobile food court (2 trucks) in the project approval. The food trucks will be owned/operated by 3rd party vendors renting space from the Garage Sports Bar owners. The project concept also includes a covered outdoor seating area adjacent to the children's playground and another seating area underneath the large tree in front of the building. The owners plan to pursue a Beer & Wine only permit from TABC. The City of Dripping Springs Code Section 6.04 includes locational standards for businesses engaged in selling alcoholic beverages. These standards include 1) zoning district compatibility, which is being addressed through this CUP request and 2) proximity to schools, churches and hospitals. Sec. 6.040.002 proximity to schools, churches and hospitals prohibits that sale or business of selling any alcoholic beverage from a location within three hundred feet of a church, public or private school, or public hospital. Sec. 6.04.002 (b) specifics that the measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections. The distance requirement from the DS Christian Academy, DS High School, Walnut Springs Elementary and the at home day care is not met. Staff recommends denial for this reason.

3. Public Hearing

1. Jack Townsend: Concerned about traffic and lane width regarding safety on Baird Lane.
2. Nancy Crisp: Owns the at home daycare and is concerned about the safety of the children she cares for with regards to increased traffic on the narrow road, type of vehicular traffic and what other types of nuisances there might be as a result of this business such as noise and the effect on property values in the area.
3. AJ Gray: Is not a resident of Dripping Springs but his daughter does attend the daycare which is mentioned and is concerned about the children's safety being directly next to the bar. The proximity is too close. Trucks are likely to deliver stock using Baird Lane as the main access and could potentially create a higher risk of danger for the kids.
4. Paul Crisp: Has a lot of the same concerns as his wife previously stated. Is also concerned about road maintenance and the impact that the high volume of traffic will have on this road.

4. **Conditional Use Permit** Mim James made a motion to discuss. James Martin seconded the motion. Mim firmly believes that the comments outlined in the staff report and expressed by the public commenters need to be taken into consideration by the applicant. ESD comments need to be addressed as well. The nature of the other activities around the project site needs to meet the distance criteria as required by TABC unless there is an option for a variance in their codes or an alternative option at the state level.
James Martin wants the applicant to address when they anticipate trash pickup and delivery hours for their business for future reference.
Evelyn Strong is concerned about the distance between the library and pediatric office and to the project site which share a significant property border.
Jon Thompson responded to Evelyn's comment and is not aware of what the current distance is from the site to the library. Additionally, TABC does not dedicate a distance requirement for libraries, and would need to find out about pediatric offices.
No action was taken but the applicant agreed that sufficient feedback was given in order to move forward and address those comments/concerns.

F. Conditional Use Permit Application for an Accessory Dwelling Unit (ADU) Located at 198 Creek Road, Dripping Springs, TX 78620, Applicant, Travis Crow

1. **Presentation (Travis Crow)**
2. **Staff Report (Megan Will)** The applicant has requested a CUP to allow the building of an approximately 2,400 sq.ft. accessory dwelling unit on the subject property located at 198 Creek Road, Dripping Springs TX, 78620. The subject property is 3.1 acres and comprised of two separate parcels that were recently (late 2016) rezoned from two-family residential duplex (SF-4) to (GR), but remain in residential use. The property is located south of Hwy 290 W, south of Pioneer Bank, and situated along the shorter stretch of Creek Road that is perpendicular to Hwy 290 on the western corner of the road before the road turns. The current residence is located on the southern parcel of the property and a garage structure is being built to the east situated between the residence and the side property line. The applicant proposes to situate the accessory dwelling unit in the open yard area between the home and southern/southwestern property boundaries. The site plan provided shows the ADU to be setback 29ft. plus or minus from the southern property boundary (Creek Road), 80 ft. plus or minus from the eastern property boundary (also Creek Road), and 75 ft plus or minus at the closest point to the rear property line (western boundary). The ADU will have a building footprint of 76 ft. by 48 ft.; this will include a 2,400 sq.ft. living space (40' x60') and an 8ft. open porch on three sides of the structure. The subject property is in an area of town that has a mix of zoning classifications. Bordering GUI, CS and across the street from LR and the Hays Street Historical District Overlay. ADUs are permitted in GR and LR districts with a CUP. The neighboring property to the west is zoned GUI is currently owned by Perdenales Electric Cooperative, and is used as an equipment yard. Pioneer Bank and a gas station located along Hwy 290 are located north of the subject property. The properties across Creek Road to the east of the subject property are in residential use. Based on surrounding zoning, the addition of the ADU is not incompatible with the surrounding area. Staff recommends approval of the CUP.
3. **Public Hearing** No public comments were made
4. **Conditional Use Permit** James Martin made a motion to approve the CUP for 198 Creek Road to allow for an accessory dwelling unit per staff's recommendation. John McIntosh seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the motion.

G. Conditional Use Permit Application for a Mobile Food Vendor Court (2 food trucks) Located at 101 San Marcos Street, Dripping Springs, TX 78620, Applicant, Mark Sutton.

1. Presentation Mark Sutton was not present for the meeting.
2. Staff Report (Megan Will) The owner has requested a CUP to allow the placement of two mobile food vendors on the subject property located at 101 San Marcos St. Dripping Springs, TX 78620. Per the CODS Mobile Food Vendor Ordinance, two or more mobile food vendors in the same location is defined as a “food court.” The CUP application request is specifically for two walk-up food trucks. The food trucks would be permanently located in the SW corner of the property along the Wallace Street frontage. The proposed hours of operation are 6a.m. to 11p.m. daily. No on-site parking will be provided as on-street parking is available along the frontage of the subject property. There will be minimal on-site eating areas, the intent is the food trucks will provide “to-go” food. The food court will comply with applicable zoning and fire code standards. The individual mobile food vendors will be responsible for their own gray water tanks and disposal. A manifest will be provided to the City of Dripping Springs each time the gray water is disposed. Kyle Dehart, the City’s Sanitarian, must approve the necessary mobile food vendor permits for this food court. Trash will be disposed of in the existing dumpster on site and electrical service will be provided via a sub-panel off the service to the existing structures on the site. Staff recommends the approval of the CUP.
3. Public Hearing No public comments were made
4. Conditional Use Permit John McIntosh and Kim Hubbard recused themselves from voting on this subject since they are both neighboring business owners.
Mim James does not consider food trucks to add significant value to the preservation and aesthetic quality of the historic district, nor does it contribute to the economic development of the city seeing how it is being proposed as a “to-go” food truck park. The City is very careful in deciding what is developed in the Historic District. The fundamental concern is understanding how this proposal creates a positive contribution to this area of the City.
James Martin’s concerns regard the requirement for the applicant to provide a letter from the Krispy Krunchy Chicken restaurant owner prior to the P&Z meeting which has not been obtained to date. He also does not agree that it serves a function for the community.
Evelyn Strong expressed that food trucks do not establish an economic commitment to the community in an effective way.
Mim James made a motion to deny granting a CUP for the mobile food court at 101 San Marcos Street. James Martin seconded the motion. The motion carried unanimously with a vote of 3 Ayes and 0 Nays, approving the motion.

H. Sign Variance Request to Allow an Additional Projecting Sign for Sky Cinemas, located at 166 Hargraves Dr., Ste. 100, Applicant, Bill Banowsky, Sky Cinemas.

1. Presentation (Bill Banowsky) Available to answer questions.
2. Staff Report (Michelle Fischer) The applicant is requesting a variance from the Belterra Village Master Sign Plan to allow an additional projecting sign on the building. Originally, Sky Cinemas and Endeavor Real Estate Group planned on the logo and sign to be a long rectangular shape. After further analysis, they decided on a square shaped logo and sign. The square sign is much smaller than what was originally planned for the rectangular one. Therefore, Sky Cinemas requests a variance from the Belterra Village Master Sign Plan to allow an additional projecting sign. Endeavor Real Estate and the Belterra Village Architectural Review Committee have approved the variance request and proposed signs. The proposed signs meet many of the considerations for granting a variance. The variance is adequately mitigated by the total square footage of both signs being 24% less than what is allowed for one sign and also by the minimal illumination of the signs. Staff recommends approval of the variance request.
3. Public Hearing No comments were made
4. Variance James Martin made a motion to approve the variance request for Sky Cinemas located at 166 Hargraves Drive in Belterra Commercial. Kim Hubbard seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the motion.

I. Sign Variance Request to Allow an Additional Projecting Sign for Sherwin Williams, located at 27490 Ranch Road12, Danielle Manion, Liberty Signs, Applicant,

1. Presentation (Trevor Peterson) The request is to allow installation of one internally lit building sign which faces RR 12. This sign would be located towards the southern end of the building to serve as a way finding. When we considered this building and space prior to leasing it we observed the traffic at the intersection of Hwy 290 and RR 12. Available to answer questions.
2. Staff Report (Michelle Fischer) The Sign Ordinance allows a business in a multi-unit property to have one sign on the multi-unit directory sign and one other sign. A business qualifies for two projecting signs if the following criteria are met: 1) the business is within a multi-unit property; 2) the business is on a corner; 3) the business has two public entrances on different sides of the building; and 4) the business takes up an entire building. The Sherwin Williams Paints complies with all of these criteria except it does not take up an entire building. Staff recommends approval.
3. Public Hearing No comments were made.
4. Variance James Martin made a motion to approve the Variance request for the Sherwin Williams store located at 27490 RR 12 with the conditions expressed in Michelle's staff report. Kim Hubbard seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the motion.

J. Headwaters Commercial – Preliminary Plat for approximately 38.199 acres located just off Headwaters Blvd north of Hwy 290. Applicant, Brian Roby, Austin Civil Engineering

1. Presentation (Brian Roby) Available to answer questions
2. Staff Report (Megan Will) The proposed subdivision is for a property containing 38.199 acres and consists of five lots divided by three public roads. This subdivision represents Phase 1 of the three phase – 166.8 acre commercial section of the larger 1,509.68 – acre master planned Headwaters development. The commercial section has been annexed into the City, while the residential portion is located in the ETJ. The commercial section is zoned PDD#6. This review of the Preliminary Plat includes a determination of compliance with the Development Agreement as amended, including the approved Concept Plan, the Subdivision Ordinance, PDD#6 zoning including the PD Master Plan, and the Water Quality Ordinance. Rick Coneway, P.E., City Engineer, reviewed the submittal for compliance with the Subdivision and Water Quality Ordinances. Staff found the Preliminary Plat to comply with relevant requirements in the documents referenced above. Staff recommends approval.
3. Public Hearing No comments were made.
4. Preliminary Plat James Martin made a motion to approve the Preliminary Plat per staff's recommendation. John McIntosh seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the motion.

K. JWLP Family, LLC – Preliminary Plat for approximately 7.43 acres located at 700 Hwy 290 W, Dripping Springs, TX 78620. Applicant, Andrew Dodson, P.E., Doucet & Associates, Inc.

1. Presentation (Andrew Dodson) Available to answer questions.
2. Staff Report (Megan Will) This Preliminary Plat is for the property at Hwy 290 and Sportsplex Drive. The property is comprised of 7.43 acres of land, that is currently zoned CS. The proposed subdivision consists of 6 lots; two 1.5 acre lots with frontage on Hwy 290; and four lots fronting Sportsplex Drive. Three of the lots fronting Sportsplex Drive are 1 acre in size; the remaining lot (Lot 6) is 1.3 acres. There is some existing development on the lots fronting Hwy 290 (Lots 1 & 2), the remainder of the property is undeveloped. The review of the Preliminary Plat submittal includes a determination of compliance with the Subdivision Ordinance, Water Quality Ordinance, and Zoning Ordinance as applicable. Chad Gilpin, P.E., City Engineer, reviewed the submittal for compliance with the Subdivision and Water Quality Ordinances. Megan Will reviewed the Preliminary Plat for compliance with the Zoning and Subdivision Ordinances. Collectively, staff found the preliminary plat to comply with relevant requirements in the documents referenced above. Staff recommends approval.
3. Public Hearing
 1. Name Unknown: Requests that the applicant considers the aesthetic quality of this development since they are neighbors from across the street and wants to know where the main access is coming from.
4. Preliminary Plat Evelyn Strong made a motion to consider. Mim James seconded the motion. Mim James confirmed that the design and what is to be proposed here will be determined in the site development process. James Martin made a motion to approve the Preliminary Plat per staff's recommendation. Evelyn Strong seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the motion.

L. Replat of Springlake Subdivision Lot 122-A3 and Lot 122-A4 a 3.21 acre tract located at 1804 Spring Valley Dr. Dripping Springs, TX 78620. Applicant, Hugo Elizondo Jr., P.E., Cuatro Consultants, LTD.

1. Presentation (Hugo Elizondo) – *Applicant has requested postponement to next regularly scheduled P&Z meeting.*
2. Staff Report *N/A*
3. Public Hearing *No comments were made*
4. Replat *No action was taken due to the request to postpone*

M. Ordinance No. 1220.148: An Ordinance of the City of Dripping Springs rezoning the properties at 136 and 137 Drifting Wind Run: Lot 1, The Preserve, Phase Three, Resubdivision of Lot1-B of the Preserve, Phase One; and Lot 1-A, The Preserve, Phase One, Hays County, Texas, from Agriculture District (AG) to Commercial Services District (CS) with Overlay, Applicant, Blue Harvest South, LLC.

1. Presentation (Rex Baker) *This property was recently annexed into the City and now the applicant is requesting to rezone this property from AG to CS*
2. Staff Report (Megan Will) *The subject properties were annexed into the City of Dripping Springs on July 18, 2017. The properties together total 13.924 acres and are located at the entrance to the Overlook at the Preserve Subdivision at the intersection of Drifting Wind Run and Hwy 290. The analysis of the surrounding properties supports that CS zoning will be appropriate for this property. Staff recommends approval of the zoning amendment*
3. Public Hearing
 1. *John Peters: resident of The Preserve Subdivision is concerned about access to that private driveway to enter the property and have talked to neighbors about the feasibility of a traffic light at that intersection to help mitigate the impact of added traffic.*
4. Ordinance No. 1220.148 *Mim James recused himself from voting on this agenda item since he lives in the neighborhood adjacent to this property. John McIntosh made a motion to discuss. James Martin seconded the motion. John asked the applicant if they have discussed the potential of a stop light with TXDOT at the intersection of Hwy 290 and Windmill Drive. John McIntosh made a motion to approve Ordinance 1220.148 to change the zoning from AG to CS. Kim Hubbard seconded the motion. The motion carried unanimously with a vote of 4 Ayes and 0 Nays, approving the motion.*

N. Variance Request from the Dripping Springs Code of Ordinance, Chapter 28 Section 28.04.018 (b) to allow cut/fill over 6 feet for Windmill Center at The Preserve (136-137 Drifting Wind Run), located at Hwy 290 East and Drifting Wind Run, Dripping Springs, TX 78620, Applicant, Chuck Rogers, on behalf of Chuck Realtors, LLC.

1. Presentation (James McCann) The applicant is requesting a variance for cut and fill due to the geography of this location and will need to elevate the land for this project.
2. Staff Report (Rick Coneway) The excess cut is required for the excavation of the water quality and detention pond. One side of the pond is located on a steep downward slope near the bottom of a ravine. The proposed size of the pond necessitates an 8 foot cut along the slope. The excess fill is required to create a site plan that will properly accommodate ADA requirements, parking and drainage requirements. The existing topography for the proposed site slopes downward from Drifting Wind Run to the east toward the aforementioned pond and the existing ravine. The elevation difference is approximately 22 feet. Therefore, the proposed site requires approximately 12 feet of fill. Staff recommends approval.
3. Public Hearing No comments were made
4. Variance to allow cut/fill over 6 feet Evelyn Strong made a motion to approve the variance request for the cut/fill over 6 feet per staff's recommendation. John McIntosh seconded the motion. The motion carried unanimously with a vote of 4 Ayes and 0 Nays, approving the motion.

O. Alternative Exterior Design Request for Windmill Center at The Preserve (136-137 Drifting Wind Run), located at Hwy 290 East and Drifting Wind Run Dripping Springs, TX 78620, Applicant, Chuck Rogers, on behalf of Chuck Realtors, LLC.

1. Presentation (Alma McElroy) Available to answer questions
2. Staff Report (Keenan Smith) Megan Will filled in for Keenan Smith to deliver the staff report to the Planning and Zoning Commission. In discussions with Keenan on this subject, the design of the project is certainly in keeping with the intent and character of the City's Exterior Design requirements. There is a small portion of the flat roof of the structure that is mentioned which necessitates the requirement for the waiver. Staff recommends approval.
3. Public Hearing No comments were made
4. Alternative Exterior Design John McIntosh made a motion to approve the Alternative Exterior Design request for Windmill Center including the additional requirements noted in Keenan Smith's report. Kim Hubbard seconded the motion. The motion carried unanimously with a vote of 4 Ayes and 0 Nays, approving the motion.

VI. Announcements.

- A. Regular City Council Meeting, November 14, 2017, at 5:30 p.m. Workshop/ 6:30 p.m. Regular Session
Regular City Council Meeting November 21, 2017, 6:00 p.m.
- B. Planning and Zoning Regular Meeting November 28, 2017, 6:30 p.m.

VII. Adjourn.

Adjourn Open Meeting

A motion to adjourn was made by James Martin, seconded by Mim James ending the meeting at 9:08 p.m.

Respectfully submitted,

Katie Jordan Planning Assistant

These minutes were approved on the _____ day of _____, 2017.

**CITY OF DRIPPING SPRINGS, TEXAS
MINUTES OF THE PLANNING AND ZONING MEETING
November 28, 2017**

A meeting of the Planning and Zoning Commission of the City of Dripping Springs, Texas, was held on Tuesday, November 28, 2017 at 6:30 P.M. at City Hall, 511 Mercer Street, Dripping Springs, Texas.

Present: Commission Members

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

City Staff/Appointed Officials

Michelle Fischer – City Administrator
Anjali Naini – Planning Consultant
Rick Coneway – City Engineer
Katie Jordan – Planning Assistant
Megan Will – City Planner

I. CALL TO ORDER AND ROLL CALL at 6:30 p.m.

With a quorum of the commission members present, Chairman Mim James called the Regular Meeting to order at 6:30p.m. followed by the pledge of allegiance led by Evelyn Strong. All commissioners were present for this meeting.

II. Pledge of Allegiance.

III. PRESENTATION OF CITIZENS

There were no comments received from the public.

IV. MINUTES

Consideration and Possible Action On:

A. Presentation on the Preliminary Concept Plan regarding the TIRZ Town Center Project, Keenan Smith, DS TIRZ Project Manager

Keenan Smith gave an overview of the TIRZ project. A concept plan is available for viewing at City Hall.

B. Approval of Minutes for October 24th Regular Commission Meeting.

James Martin made a motion to approve the October 24th P&Z Minutes as published. John McIntosh seconded the motion. The motion carried unanimously with a vote of 7 Ayes and 0 Nays, approving the minutes.

V. BUSINESS

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

A. AED2017-0001: Alternative Exterior Design Plan – Headwaters Commercial - Apartments

1. Presentation The Ridge at Headwaters Apartments total 7 MF apartment buildings, 168 units/ 3 story building. Representative is available to answer questions.
2. Staff Report (Keenan Smith) Recommends approval per the conditions as mentioned in his staff report. 1) Native Stone Masonry: is approved in concept but will be subject to the City's onsite review and approval of construction mockup prior to bulk order of materials. 2) Roof Materials: is approved in concept but the composition shingles are approved for limited use as shown on apartment buildings only; balance of buildings to receive metal roofs as compliant with approved submittal and City's Exterior Design Standard requirements. Pedestrian Amenities: are not shown and will need to provide a minimum of three elements per apartment building. 2) Trash Receptacle Screen: "Dumpsters" are shown on the site plan, but no designs are provided. Designs must comply per Ordinance.
3. Public Hearing No public comments were made.
4. Alternative Exterior Design Waiver James Martin made a motion to consider. Mim James seconded the motion. Vice chairman James Martin raised the question about what the price points were for this development. The representative answered with an average market rate of \$1,000 - \$1,500.

James Martin made a motion to approve the Alternative Exterior Design per staff's recommendation with the conditions outlined by Keenan Smith. Michael Lavengco seconded the motion. The motion carried unanimously with a vote of 7 Ayes and 0 Nays, approving the motion.

B. Sign Variance Request for Whitlock Automotive located at 3996 E. US Highway 290 W., Jamey Whitlock, Applicant

1. Presentation (Jamey Whitlock) Available to answer questions
2. Staff Report (Michelle Fischer) The proposed sign meets some of the considerations in granting a variance and adequate mitigation measures are being taken. Staff recommends approval of the variance request with the following conditions. The existing wall sign lettering on the south elevation shall be removed and the external light fixture shall comply with the Outdoor Lighting Ordinance.
3. Public Hearing No public comments.
4. Variance Request to allow a projecting sign to exceed the maximum height allowed James Martin made a motion to approve the variance request. Mim James seconded the motion. The motion carried unanimously with a vote of 7 Ayes and 0 Nays, approving the motion.

C. Sign Variance Requests for Highway 290 General Store located at 1301 Highway 290 W, Image Solutions, Owner's Representative

1. Presentation (Jason Coleman) Available to answer questions

2. Staff Report (Michelle Fischer)

Request to allow an electronic gas price sign: Staff recommends approval of the variance request with the conditions that all exterior lighting on the property be brought into compliance with the Outdoor Lighting Ordinance, and nonconforming projecting signs for Pony Xpresso, Hut Brothers Pizza and Blue Bell Ice Cream are removed prior to the sign permit being issued.

Request to allow wave, blade, and koala signs: Staff recommends denial of the variance request.

Request to allow nonconforming signs to remain: Staff recommends denial of the variance request for the Pony Xpress, Hunt Brothers Pizza and Blue Bell Ice Cream projecting signs. The Subway sign and tenant signs may remain, per the Sign Ordinance, since they are separate businesses.

3. Public Hearing

Debra Bigam favors the denial of the nonconforming signs because she wants the applicant to comply with the outdoor lighting ordinance.

4. Variance Request to allow an electronic gas price sign James Martin made a motion to approve the variance request per staff's recommendation. Kim Hubbard seconded the motion. The motion carried unanimously with a vote of 7 Ayes and 0 Nays, approving the motion.
5. Variance Request to allow wave, blade, and koala signs James Martin made a motion to consider. Mim James seconded the motion. James Martin made a motion to deny the variance request. Michael Lavengco seconded the motion. The motion carried unanimously with a vote of 7 Ayes and 0 Nays, approving the motion.
6. Variance Request to allow nonconforming signs to remain James Martin made a motion to deny to variance request. Erich Oswald seconded the motion. The motion carried unanimously with a vote of 7 Ayes and 0 Nays, approving the motion.

D. Carter Tract Traffic Impact Analysis

1. **Staff Report (James Shelton)** Available to answer questions
2. **Staff Report (Rick Coneway)** The TIA involved the following six components: 1) site investigation and data collection, 2) trip generation, 3) trip distribution, 4) trip assignment, 5) traffic operational analysis, and 6) roadway capacity analysis. A traffic analysis model, Synchro, was utilized to determine various Measures of Effectiveness, such as Delay and Level of Service for the existing and proposed conditions. Staff recommends approval of the Carter Ranch Development TIA.
3. **Traffic Impact Analysis** James Martin made a motion to approve with condition for language in paragraph 9 to include a diagram for clarity before next City Council meeting. Michael Lavengco seconded the motion. The motion carried unanimously with a vote of 7 Ayes and 0 Nays, approving the motion.

E. Zoning Amendment. Ordinance No. 1221.48: Hidden Oaks 1459 – An Ordinance of the City of Dripping Springs, Texas, Rezoning a tract of land totaling 4.152 acres located at 1459 US Highway 290 W, Dripping Springs, TX from (CS) to (GR), and described as follows: 4.152 acres out of the B.F. Hanna and P.A. Smith Surveys, Abstracts 222 and 415. Applicant, Jon Thompson

1. Presentation (Jon Thompson) Available to answer questions
2. Staff Report (Anjali Naini) The applicant is requesting rezoning to GR in order to develop a MF condominium project. The CS zoning district does not allow MF development, but GR does. The applicant would also like to keep the existing hotel/bed and breakfast use on the property. Staff recommends approval of the requested zoning amendment.
3. Public Hearing

Mark Lander is in favor of this proposal and would ask the applicant to consider that they rezone it to MF rather than GR.
4. Ordinance No. 1221.48 James Martin made a motion to consider. Mim James seconded the motion. Vice chairman James Martin wanted to confirm if Jim Skipton's questions were answered by staff since the last P&Z meeting. James Martin made a motion to approve Ordinance No. 1221.48 per staff's recommendation. Erich Oswald seconded the motion. The motion carried unanimously with a vote of 7 Ayes and 0 Nays, approving the motion.

F. Variance Request. Hidden Oaks 1459 (1459 US Highway 290 W, Dripping Springs, TX) A request for a variance from the Dripping Springs Code of Ordinances, Chapter 30, Exhibit A, Section 3.11.3 to allow an increase in Height of up to sixty-two feet and three stories for two buildings, and an increase in height of up to sixty-two feet and three stories plus a walkout basement for one building for proposed MF Condominium Development for the following property: 4.152 acres out of the B.F. Hanna and P.A. Smith Surveys, Abstracts 222 and 415. Applicant: Jon Thompson

1. Presentation (Jon Thompson) Same as above
2. Staff Report (Anjali Naini)
3. Public Hearing

Kent T: there are too many open issues; opposed to 62ft high buildings

Debra Bigam: opposes approving the variance request
4. Variance James Martin made a motion to consider. Mim James seconded the motion. James Martin made a motion to approve the variance request with the condition of the alternative exterior design approval. Erich Oswald seconded the motion. The motion carried unanimously with a vote of 7 Ayes and 0 Nays, approving the motion.

G. Replat of Springlake Subdivision Lot122-A3 and Lot 122-A4 a 3.21 acre tract located at 1804 Spring Valley Dr. Dripping Springs, TZ 78620. Applicant, Hugo Elizondo Jr., P.E., Cuatro Consultants LTD.

1. Presentation *N/A*
2. Staff Report (Megan Will) *The applicant has requested to postpone this agenda item because they are working to clear Hays County's comments.*
3. Public Hearing *No public comments*
4. Replat James Martin made a motion to postpone this agenda item until the next P&Z meeting (12/18/2017). Mim James seconded the motion. The motion carried unanimously with a vote of 7 Ayes and 0 Nays, approving the motion.

H. Darden Hill Subdivision, located at 9900 Darden Hill Road – a Replat of Lot 9, Oakridge Park, Section 5 at Kinnicinik, Establishing Lot 9A. Applicant, Troy Moore PE, M3 Engineering, LLC.

1. Presentation *N/A*
2. Staff Report (Michelle Fischer) *The applicant has requested to postpone this agenda item to be considered at the next P&Z meeting (12/18/2017)*
3. Public Hearing *There were 9 public comments.*

These people spoke in opposition of this development:

*Derrill Cooper
 Tim Walkens
 Priscilla Wood
 Shannon Rizzo
 R. Clay
 Debrah Begam
 Anthony Ciccone
 Rob N.
 Keith Cooper*

4. Replat James Martin made a motion to postpone this agenda item until the next P&Z meeting (12/18/2017). Erich Oswald seconded the motion. Evelyn Strong abstained from voting on this item. The motion carried unanimously with a vote of 6 Ayes and 0 Nays, approving the motion. Mim would like Michelle Fischer to verify where the billboards are located.

Commissioners took a break at 10:08pm and reconvened at 10:14pm

I. SUB2017-0001: Cortaro Subdivision. A preliminary plat for a 34.92 acre property located at 151 Whisenant Lane, Dripping Springs, TX (A0289 George W. Lindsay Survey, 34.78 acres), Applicant, Judd Willmann, Landdev Consulting, LLC.

1. Presentation (Judd Willman) *Available to answer questions*
2. Staff Report (Anjali Naini) *Staff recommends approval of the preliminary plat.*
3. Public Hearing

Sherley Roberts is concerned about the preservation of the dark skies with reference to outdoor lighting. She believes that drainage will impact the natural spring near her property.

Oscar Jones is concerned about the impact of lighting on their home from the barn.

4. **Parkland Dedication** James Martin made a motion to approve the proposed parkland dedication per staff's recommendation. Kim Hubbard seconded the motion. The motion carried unanimously with a vote of 7 Ayes and 0 Nays, approving the motion.
5. **Preliminary Plat** James Martin made a motion to consider. Mim James seconded the motion. The possible outdoor lighting violation will be reviewed further by City staff. James Martin made a motion to approve the preliminary plat per staff's recommendation. The motion carried unanimously with a vote of 7 Ayes and 0 Nays, approving the motion.

J. Ordinance No. 1220.151: An Ordinance of the City of Dripping Springs, TX Amending the Code of Ordinances, Chapter 30, Exhibit A: Sections 1.6.2 and 5.7.8; Adding Section 5.9; and Amending Appendix E: Zoning Use Regulations (Charts) Permitted Use Provisions for Districts Zoned as CS related to uses including commercial parking lots; and providing for the following: Findings of Fact; Enactment; Repealer; Severability; Codification; Effective Date; and Proper notice & meeting.

1. Staff Report (Megan Will) The City has received inquiries for the development of stand-alone parking lots in the CS zoning district. The proposed lots are either to provide additional parking spaces for surrounding land uses, or to provide additional parking, beyond what is required by the zoning code, for an existing use on an adjacent parcel. The City's Zoning Ordinance contains a definition of a Parking Lot of Structure, Commercial, but the Zoning Use Regulations do not currently list commercial parking lots as a use. Commercial parking structure is a listed use. Staff recommends approval of the zoning amendment.
2. Public Hearing No public comments
3. Ordinance No. 1220.151 James Martin made a motion to approve Ordinance No. 1220.151 per staff's recommendation. Michael Lavengco seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the motion.

K. CUP2017-0001: Conditional Use Permit Application for a Bar located at 28911 RR12, Dripping Springs, TX 78620. Applicant, Andrew Dodson, P.E., Doucet & Associates, Inc.

1. Presentation (Jon Thompson) Available to answer questions
2. Staff Report (Megan Will) Staff recommends approval of the CUP request with the prohibition on speakers and amplified music, and a requirement that that decibel level remain below 85 decibels allowed in the Texas Penal Code, Title 9, Section 42.01 (c)(2). A pedestrian connection be established with the approved mixed use (commercial/residential) subdivision to the north.

3. Public Hearing

Beth Barham is concerned about the hours of operation considering its close proximity to neighborhoods.

Chris Westafeld is concerned about potential noise pollution and its close proximity to neighborhoods.

William Cochran is concerned about speeding traffic, going in and out of the bar.

Anthony Aristar is concerned about a potential noise factor and thinks that it is not an appropriate place to put a bar.

Helen Aristar is concerned about noise pollution.

Neil Stokes, the applicant for this proposed bar mentioned that he has the ability to open a restaurant and the issues that apply to obtaining a CUP would not apply with a restaurant. If he got denied for this CUP, he would consider establishing a brick and mortar restaurant. He has good intentions to be a good neighbor and considers being near residents a good opportunity for his business.

4. Conditional Use Permit James Martin made a motion to consider. Mim James seconded the motion. Commissioner James Martin agrees that noise can be managed and required as a

condition for approval. Mim James wants the applicant to meet with the citizens who've voiced their concerns to discuss those issues and how the applicant can help find a resolution between them.

Evelyn Strong abstained from voting. Kim Hubbard made a motion to postpone this agenda item until the next P&Z meeting (12/18/2017). James Martin seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 1 Naye, approving the motion.

L. Conditional Use Permit Application for the Garage Sports Bar and Mobile Food Court Located at 251 Baird Lane, Dripping Springs, TX 78620. Applicant, Jon Thompson.

1. Presentation (Jon Thompson) – Applicant has requested to withdraw the application in order to submit the Variance applications needed to move forward with the request for the CUP and have them considered all together.

2. Staff Report (Megan Will) N/A

3. Public Hearing

AJ would like a traffic study to be conducted for this area

Nancy Crisp is concerned about the potential high noise levels, added traffic and lower property values

Paul Crisp voiced the same concerns as his wife Nancy

Bruce Turbo is concerned about the proximity to the daycare, library, schools etc.

4. Conditional Use Permit No action was taken due to the request to withdraw

M. Conditional Use Permit Application for a Self-Storage Facility Located at 27010 RR 12, Dripping Springs, TX 78620; A request for a Variance to the Dripping Springs Code of Ordinances, Chapter 30 – Zoning, Exhibit A, Section 3.12.4(d) Gross Floor Area for nonresidential structures to allow a 71,817 sq. ft. building where otherwise limited to 50,000 sq. ft.; and a request for a variance to the Dripping Springs Code of Ordinances, Chapter 30, - Zoning Exhibit A, Section 5A, Subsection 5.8.2 Fire Lanes to allow a paved width of 20 ft. where a minimum width of 24 ft. is otherwise required. Applicant, Jon Thompson.

1. Presentation (Jon Thompson) Available to answer questions

2. Staff Report (Megan Will) Staff recommends approval of the CUP request with the following conditions: The applicant shall obtain a waiver from the City's Exterior Design Ordinance and approval of an Alternative Exterior Plan; and the applicant shall obtain the City Engineer's approval of the proposed rainwater collection system and/or reduce the impervious cover on site so that the net impervious cover on site does not exceed what is shown on the concept plan submitted.

Gross Floor Area Variance: Staff recommends approval of a variance from Chapter 30, Exhibit A, Section 3.12.4(d) Gross Floor Area for nonresidential structures to allow the construction of a single self-storage structure with a gross floor area not to exceed 71,817 sq.ft., where a single structure would otherwise be limited to a gross floor area not to exceed 50,000 sq.ft.

Fire Lane Variance: Staff recommends approval of a Variance from Chapter 30, Exhibit A, Section 5A, Subsection 5.8.2 Fire Lanes to allow a fire lane with a minimum width of twenty feet of paving where a minimum width of twenty-four feet of paving would otherwise be required.

3. Public Hearing No public comments

4. Conditional Use Permit/ Variance to exceed maximum gross floor area allowed/Variance request to allow a fire lane paved width of 20 feet where a minimum width of 24 feet is otherwise required. James Martin made a motion to approve the CUP and the two variances with the conditions outlined in the staff report. Michael Lavengco seconded the

motion. The motion carried unanimously with a vote of 7 Ayes and 0 Nays, approving the motion.

N. CUP2017-0002: Conditional Use Permit Application for an Accessory Dwelling Unit (ADU) Located at 1601 Wood Loop, Dripping Springs, TX 78620, Applicant, Christian Bourguignon

1. Presentation (Christian Bourguignon) Available to answer questions
2. Staff Report (Megan Will) The applicant has requested a CUP to allow placement of a 360 sq.ft. “tiny home” an accessory dwelling unit to serve as a guest house for relatives, including the applicants mother, on the subject property located at 1601 Woods Loop, Driftwood, TX 78619. The applicant proposes to locate the ADU 40ft behind the primary residence and 17ft from the northern side of the property boundary. Staff recommends approval of the CUP.

3. Public Hearing

Wayne Simoneau opposes this proposed ADU because it would be potentially setting a precedent for more tiny homes on residential neighborhoods. He requests that the City of Dripping Springs make an on-site visit to look at the setbacks and recommends to postpone this item so that HUD can codify that this is not a manufactured house.

Duel Tarrance supports the application of this tiny home and believes that it is in good taste and is not an unreasonable request to make. Duel is also applying to put an ADU on his property as well for a similar purpose.

4. Conditional Use Permit James Martin made a motion to consider. Mim James seconded the motion. James Martin confirmed that staff has visited the site and verified the required setbacks.

James Martin made a motion to approve the CUP with the condition that the building be inspected and approved for occupancy by the building inspector per staff’s recommendation. Erich Oswald seconded the motion. The motion carried unanimously with a vote of 7 Ayes and 0 Nays, approving the motion.

O. VAR2017-0001: 101 Summit Drive Commercial: A request for a Variance to the Dripping Springs Code of Ordinances, Chapter 30-Zoning, Exhibit A, Section 3.12.4 (b)(1) for Minimum Front Yard Reducing the Setback from 25 feet to 15 feet for the following property: Lot 25A, Resubdivision of North Forty, Block 1 (101 Summit Drive), Applicant, Jon Thompson.

1. Presentation (Jon Thompson) Available to answer questions

2. **Staff Report (Anjali Naini)** The applicant is requesting a variance because a literal interpretation of the setback requirements in the Zoning Ordinance will make it impossible to construct a small commercial building onsite while also being compliant with other Zoning Ordinance requirements. Staff recommends approval of the requested setback reduction.
3. **Public Hearing** No public comments
4. **Variance request to allow a reduced front yard setback** Evelyn Strong made a motion to discuss. James Martin seconded the motion. Evelyn is considering that the reduction in the setback from RR12 could potentially cause an issue later on with the potential of their setback decreasing even more if there are plans for RR12 to widen. James Martin made a motion to approve the variance request to allow a reduced front yard setback. Kim Hubbard seconded the motion. The motion carried unanimously with a vote of 6 Ayes and 1 Naye, approving the motion.

VI. Announcements.

- A. Regular City Council Meeting, November 14, 2017, at 5:30 p.m. Workshop/ 6:30 p.m. Regular Session
Regular City Council Meeting November 21, 2017, 6:00 p.m.
- B. Planning and Zoning Regular Meeting November 28, 2017, 6:30 p.m.

VII. Adjourn.

Adjourn Open Meeting

A motion to adjourn was made by Mim James, seconded by James Martin ending the meeting at 11:14 p.m.

Respectfully submitted,

Katie Jordan Planning Assistant

These minutes were approved on the _____ day of _____, 2017.

**CITY OF DRIPPING SPRINGS, TEXAS
MINUTES OF THE PLANNING AND ZONING MEETING
December 18, 2017**

A meeting of the Planning and Zoning Commission of the City of Dripping Springs, Texas, was held on Tuesday, December 18, 2017 at 6:30 P.M. at City Hall, 511 Mercer Street, Dripping Springs, Texas.

Present: <u>Commission Members</u>	<u>City Staff/Appointed Officials</u>
Mim James – Chair	Michelle Fischer – City Administrator
James Martin – Vice Chair	Anjali Naini – Planning Consultant
John McIntosh	Rick Coneway – City Engineer
Kim Hubbard	Megan Will – City Planner
Evelyn Strong	Katie Jordan – Planning Assistant
Erich Oswald	Chad Gilpin – City Engineer
	Keenan Smith – Architectural Design Consultant

I. CALL TO ORDER AND ROLL CALL at 6:30 p.m.

With a quorum of the commission members present, Chairman Mim James called the Regular Meeting to order at 6:32p.m. followed by the pledge of allegiance led by Kim Hubbard. It is noted that Commissioner Michael Lavengco was absent for this meeting.

II. Pledge of Allegiance.

III. PRESENTATION OF CITIZENS

There were no comments received from the public.

A. Announcement Regarding Public Comment Period for the City of Dripping Springs Draft Mobile Food Vendor Ordinance Amendments, Anjali Naini, Consulting City Planner

The City would like to announce that the draft Mobile Food Vendor Ordinance amendments will be posted on the City website and Facebook to be available for public inspection and comment. The initial public comment period is open until January 12, 2018. The City highly encourages citizens to provide comments on the draft Ordinance amendments. Here is a timeline of what the City is trying to achieve with the Mobile Food Vendor Ordinance amendments.

Key Dates:

December 12, 2017 – First draft posted for public comment

January 3, 2018 – Historic Preservation Commission Meeting: public hearing and consideration

January 12, 2018 – Close of initial public comment period

January 23, 2018 – Planning & Zoning Commission Meeting: public hearing and consideration

February 13, 2018 – City Council Meeting: public hearing and consideration

IV. MINUTES

Consideration and Possible Action On:

A. Approval of Minutes for October 24, 2017 Regular Commission Meeting.

No action was taken on this item. The agenda should have listed the approval for the November 27th, 2017 P&Z Meeting Minutes rather than October. They will defer approval of the minutes until the next meeting.

V. BUSINESS

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

A. TIRZ Town Center Preliminary Concept Plan

1. Presentation (Keenan Smith) Keenan gave an overview of the concept plan for the Tax Increment Reinvestment Zones #1 & #2. Its purpose is to promote economic development, and planning critical infrastructure to support quality development within the central part of the city. Several Priority Projects have been identified by the TIRZ Board, including the improvement of Old Fitzhugh Road, future planning for the Triangle tract at the east end of Mercer Street, and the planning and potential development of a Town Center Project on properties currently owned and occupied by the City and the Dripping Springs Independent School District at the western end of Mercer Street. The Preliminary Concept Plan is available for viewing at City Hall and on the City's website.

2. Public Hearing

Charlie Busby: encourages commission to support the concept plan to help tax payers save money and can potentially alleviate traffic in the area.

Richard Bulks: With regards to the mention of "shared space", are non-profit organizations permitted to use these facilities?

Keenan Smith: the Stakeholders want this space to be used as a conference center for Dripping Springs school boards, the City, the library and Hays County.

3. Preliminary Concept Plan

James Martin made a motion to approve the preliminary concept plan per staff's recommendation. Erich Oswald seconded the motion. The motion carries unanimously with 6 Ayes, 0 Nays.

B. Sign Variance Request to allow Directional Signage to Exceed the Maximum Signable Area Allowed, Dripping Springs United Methodist Church, located at 28900 Ranch Road 12, Dripping Springs, Randy Voorheis, Applicant Representative

1. Presentation None
2. Staff Report (Michelle Fischer) The Planned Development District#3 Agreement includes signage provisions but not address directional signs. Therefore, directional signs on the property are to comply with Chapter 26 of the City's Sign Ordinance. The Dripping Springs United Methodist Church campus needs effective directional signs for many reasons: there are multiple buildings; the main church building entrance is at the rear of the property; various community organizations use church facilities; and many visitors not familiar with the campus visit. DSUMC requests a variance to allow directional signs with maximum dimensions of 6' x 4'. 3 sf of sign area is not large enough to display the needed information. The proposed signs will predominantly have earth tone colors and posts. DSUMC proposes seven directional signs. Most of these signs will not be visible from RR12. The sign variance request meets several criteria for granting variances. The larger directional signs are needed due to the large number of visitors to the campus, the configuration of the buildings, and the number of buildings, which warrant a lot of information to be conveyed on the directional signs. Most of the signs will not be visible from RR12. Staff recommends approval of the variance request.

3. Public Hearing No comments were made

4. Variance Request to allow directional signage to exceed the maximum signable area allowed. James Martin made a motion to approve the requested variances for the DSUMC per staff's recommendation. Kim Hubbard seconded the motion. The motion carried unanimously with a vote of 6 Ayes and 0 Nays, approving the motion.

C. ZA2017-0002: Zoning Amendment Ordinance No. 1220152: An Ordinance of the City of Dripping Springs, TX, Rezoning a Tract of Land Totaling 16.0118 Acres Located at 23000 W FM 150, Dripping Springs, TX from (AG) to (SF-2), and Described as Follows: 16.0018 Acres out of the Thomas R. Jackson League, Abstract No.9, Applicant, Dan Druck

1. Presentation (Dan Druck) Available to answer questions
2. Staff Report (Anjali Naini) Requested action is to rezone the property from AG to SF-2. The subject property was voluntarily annexed into the city limits on October 10, 2017. Upon annexation, properties are automatically zoned AG until the property owner or City initiates the rezoning process. Staff recommends approval of the requested zoning amendment.
3. Public Hearing No comments were made
4. Ordinance No.1220.152 James Martin made a motion to approve the requested zoning amendment from Ag to SF-2 per staff's recommendation. John McIntosh seconded the motion. The motion carries unanimously with 6 Ayes, 0 Nays.

D. SUB2017: Charro Vista Subdivision. A Preliminary Plat for a 160091 Acre Property Located at 23000 W FM 150, Dripping Springs, Texas (Thomas R. Jackson League, Abstract No.9), Applicant: Dan Druck, Charro Vista, LLC

1. Presentation *None*
2. Staff Report (Anjali Naini) Staff recommends to approve the preliminary plat conditional upon any additions or alterations to the engineering plans as deemed necessary by the City Engineer, as needed, to ensure the safe, efficient and proper construction of public improvements within the subdivision and adequate response to all comments. Additionally, per City agenda policy, the applicant must submit a revised set of plans at least seven days prior to the January 9th, 2018 City Council meeting, which means the deadline is January 2nd, 2018. If revised plans are not submitted by that date, staff will request postponing consideration by City Council until February 13, 2018.
3. Parks & Recreation Commission Report The Parkland Dedication Plan for Charro Vista Subdivision was considered at the November 12, 2017 Parks and Recreation Commission meeting. The commission recommended that the future proposed trail along Oak Springs Drive be continued down to FM 150 in lieu of connecting to the west side of the Charro Vista Subdivision. Therefore the Parkland Dedication Plan as presented is adequate. Brent Luck prepared a report and recommended that the Parkland Dedication Plan be discussed with consideration and deliberation of the items outlined in the meeting and voted for approval.
4. Public Hearing *No comments were made*
5. Parkland Dedication The information outlined in the Parkland Dedication/Trail Easement & Construction report was compiled to address the Trail Easement and construction of such as it relates to the ordinance requirement to provide Parkland dedication and/or a cash payment in lieu of dedicated parkland. Based on the discussions and conclusions reached at the December 11, 2017 meeting with the Parks and Recreation Department, the applicant believes that the information it contains reflects a mutually accepted strategy.

James Marin made a motion to approve parkland dedication per Brent Luck's recommendation. Erich Oswald seconded the motion. The motion carries unanimously with 6 Ayes, 0 Nays.

6. Preliminary Plat Mim James made a motion to approve the preliminary plat subject to Anjali's recommendation of the conditions mentioned. James Martin seconded the motion. The motion carries unanimously with 6 Ayes, 0 Nays.

E. Replat of Springlake Subdivision Lot 122-A3 and Lot 122-A4 a 3.21 acre tract located at 1804 Spring Valley Dr. Dripping Springs, TX 78620. Applicant Hugo Elizondo, P.E. Cuatro Consultants LTD.

1. Presentation **None**
2. Staff Report (Megan Will) Staff recommends postponing until the 1/23/2018 Planning & Zoning meeting, pending Hays County approval.
3. Public Hearing **No comments were made**
4. Replat **James Martin** made a motion to postpone taking action on this item until the 1/23/2018 Planning & Zoning meeting. **Erich Oswald** seconded the motion. The motion carries unanimously with 6 Ayes, 0 Nays.

F. Replat of Lot 9, Oakridge Park Section 5 at Kinnicinik, Establishing Lot 9A, A 15.83 acre lot at 9900 Darden Hill Road, Dripping Springs, TX. Applicant, Troy Moore, PE M3 Engineering, LLC

Evelyn Strong recused herself from voting on this agenda item

1. Presentation (Troy Moore, P.E.) gave a brief presentation on the purpose of the replat
2. Staff Report (Chad Gilpin, P.E.) This replat meets the requirements of the City's Subdivision Ordinance and staff recommends approval.
3. Public Hearing **No public comments were made**
4. Replat **James Martin** made a motion to approve the Replat per staff's recommendation pending receipt of the approval from Hays County. **Kim Hubbard** seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the motion.

G. Site Development Permit for Darden Hill Storage, 9900 Darden Hill Road, Dripping Springs, TX. Applicant, Troy Moore, P.E. M3 Engineering, LLC.

Evelyn Strong recused herself from voting on this agenda item

1. Presentation (Steve Metcalf) Made a presentation with powerpoint on behalf of the applicant, discussing the proposed project and some of it's good qualities as follows: 24hr safety/policing by on-site caretaker, high quality water system, providing a needed service to the area, reached out to residing residents to engage on this subject, the use generates minimal traffic, etc.
2. Staff Report (Chad Gilpin, P.E.) Staff has reviewed the submittal and found the site development plan to comply with relevant requirements in the documents referenced in the staff report. Staff recommends approval of the site plan contingent upon approval of the associated Replat of Lot 9, Oakridge Park Section 5 at Kinnicinik, Establishing Lot 9A, and with the following revision: 1. Add a note to Site Development plans stating that the applicant will comply with Lighting Ordinance.
3. Public Hearing

The following citizens spoke in opposition of the project:

John Pope: is the only neighbor in the 300' buffer that has been sent the public notice in order to be involved. Opposes this project because it an inappropriate use

Dan Tarrillion: Was not contacted by the developer and they live across the street from the site. The variance for maximum cut and fill has not been processed nor reviewed per the public comment letter (Graves Dougherty Hearon & Moody)

Priscilla Wood: spoke at the previous meeting with regard to this topic. Believes that the developer actively sought an affluent area not because of a "real need for this service". Maxing out impervious cover is a major concern. The City should follow through to make sure that water quality is not negatively impacted if and when the site is developed

Mark Wood: This is not an environmentally conscious development. Not appropriate for this residential area. It weakens property values. Could set a bad example for potential similar development

Scott Clark: Did not receive any reassurance from organization that the developer would respect any of the neighbor's requests. His neighbor, Shannon Rizzo has an organic farm. The developer plans to use fertilizer which will affect her crops and her business. "Private property rights are not absolute!"

Rob Newmann: Has an environmental study been conducted on that site? If not, they would like the developer to consider it. The residents were told that they would be environmentally conscious and try to preserve some wildlife and plantlife since there are protected species in the area

Tim Wilkens: Concerned about voter rights. Many surrounding residential neighbors wants the developer to put some concessions to use. Wants them to respect the neighbors' wishes

Tim Stansbury: Abstained

Evelyn Strong: Hopes that the Commission holds this development to high standards to promote environmental responsibility and sustainability by making the condition on any variance request for this project she would ask that they honor the commitment to the dark skies and agree not to advertise on the billboards adjacent to the project site

Ron Scott Adams: Will there be any water hook-ups for limited washing or cleaning for equipment? He wants assurance that chemicals won't be used on-site or affect their neighbors land

Shannon Rizzo: Concerned about the motion sensor lighting. There are wild animals that can set it off and wants to know how residents are going to be protected from that.

Did not state their name: Stated an emotional appeal for the Commission to do the right thing and to protect the hill country

4. Site Development Permit James Martin made a motion to consider. Mim James seconded the motion.

James asked Chad to address the comments received on 12/18/17 by Cliff Ernst.

Chad:

No Variance is required for the cut & fill since the site plan is in compliance with City's regulations

The applicant used a rainwater harvesting credit towards their impervious cover calculations which is acceptable per Article 22.05 Water Quality Protection of the City's Code of

Ordinances

Operating hours will be 5am until 10pm, with the exception of boat and RV access

The applicant will consider the condition of the design for the motion-censored lighting, the developer will address this issue on the site development permit

Wash stations for boats and RV's is not included in the design

No toxic chemicals are allowed on the site per the lease agreement

Five on-site fire hydrants are required with fire walls and a sprinkler system and the site plan has been approved by the fire marshal at ESD6

James Martin made a motion to approve contingent upon the approval of the associated Replat and a note to the site plan stating that they will comply with the outdoor lighting ordinance and a second note that the applicant will apply the latest technology commercially available for the motion-censor lighting to prevent activation from minor movements and as long as this facility operates that the owner agrees that there be no washing facilities on this site and no entities allowed to conduct business on the premises. Mim James seconded the motion. The motion carried unanimously with 5 Ayes, 0 naves.

H. CUP2017-0002: Conditional Use Permit Application for an Accessory Dwelling Unit (ADU) Located at 1501 Woods Loop, Dripping Springs, TX 78620, Applicant, *Duel Tarrant*.

1. Presentation (Duel Tarrant) None
2. Staff Report (Megan Will) Staff recommends to postpone consideration of the CUP request to the 1/23/2018 Planning and Zoning Commission Meeting. The City received a request from the applicant to postpone consideration of the CUP application due to health issues.
3. Public Hearing No comments were made
4. Conditional Use Permit James Martin made a motion to postpone this agenda item until the 1/23/2018 P&Z Meeting per staffs recommendation. Erich Oswlad seconded the motion. The motion carried unanimously with a vote of 6 Ayes and 0 Naves.

I. CUP2017-0001: Conditional Use Permit Application for a Bar located at 28911 RR12, Dripping Springs, TX 78620, Applicant, *Jon Thompson*

1. Presentation (Neil Stokes) Presented the concept for the proposed outdoor bar and food court. He met with neighbors to discuss their concerns. Neil wants the flexibility to remain open until midnight to take advantage of economic opportunities. Available to answer questions.
2. Staff Report (Megan Will) Staff recommends to approve but to include three conditions per the staff report.
3. Public Hearing

Helen Elester: Has hosted meetings with concerned neighbors surrounding the property in question. She asks the applicant to comply with their wishes opposes hours of operation.

Jim Langford: Concerned about the use of a bar so close to residents and on the public highway. Concerned with hours of operation.

Ron Scott Adams: Appreciates local investment/businesses but is concerned about the bar use due to the safety of surrounding residents and under lit roads.

Beth Barhman: Concerned with hours of operation

Chuck H: Concerned about hours of operation, and the bar use contradicts being a family friendly oriented business.

Judith Hiller: Concerned about traffic navigating through Ranch Ridge

Richard Bolts: Road is not designed for added traffic, and concerned about vegetation being conserved.

Karen Raymond: Road is not designed to support that additional traffic.

Gerald: Concerned about hours of operation and the potential traffic.

Mary Linton: Concerned about the hours of operation and noise nuisance that the bar will create.

4. **Conditional Use Permit** James Martin made a motion to consider. Mim James seconded the motion. James Martin wanted to make some clarifications with regards to the public's concerns, which was addressed by Neil Stokes. James Martin made a motion to approve the CUP request for 28911 RR12 per the conditions in the staff report: 1) A prohibition on speakers and amplified music, and a requirement that the decibel level remain below 85 decibels, which is the maximum decibels allowed in the Texas Pena Code, Title 9, Section 42.01 (c)(2). 2) A pedestrian connection be established with the approved mixed use (commercial/residential) subdivision to the north. Erich Oswald seconded the motion. The motion carried unanimously with a vote of 6 Ayes and 0 Nays, approving the motion.

VI. Announcements.

- A. Regular City Council Meeting, December 19, 2017, at 6:00 p.m.
- B. Planning and Zoning Regular Meeting January 23, 2018, 6:30 p.m.

VI. Adjourn.

Adjourn Open Meeting

A motion to adjourn was made by James Martin, seconded by Mim James ending the meeting at 9:52 p.m.

Respectfully submitted,

Katie Jordan Planning Assistant

These minutes were approved on the _____ day of _____, 2017.

