

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

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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.*