

Planning and Zoning Commission Regular Meeting Minutes

A Regular Meeting of the City of Dripping Springs Planning and Zoning Commission was held Tuesday, May 26, 2015, beginning at 7:00 PM at City Hall, 511 Mercer Street, Dripping Springs, Texas.

I. CALL TO ORDER AND ROLL CALL

Commission Members

Larry McClung - Chair

Kim Hubbard

James Martin

Mim James – Vice Chair

Erik Burgeson

Josef Martin

Whit Smith

City Staff/Appointed Officials

City Administrator Michelle Fischer

Planning Director Jon Thompson

City Secretary Kerri Craig

Commissioner Larry McClung called the meeting to order at 7:00pm. All members present except Commissioner Kim Hubbard and City Administrator Michelle Fischer.

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 – Commissioner Erik Burgeson 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 speaks.

V. MINUTES

Consideration and Possible Action On:

- A. Approval of Regular Meeting Minutes, April 28, 2015 – Commissioner Erik Burgeson motions to approve the minutes. Commission Vice Chair Mim James seconds. VOTE: 6-0 in favor, motion passes.

VI. ZONING/CONDITIONAL USE PERMITS/SPECIAL EXCEPTIONS

Consideration and Possible Action On:

- A. Conditional Use Permit Application to Allow for Permanent Make-Up (Tattooing) for Pink West, Located at 511 Old Fitzhugh Road, *Deborah Carter, Owner / Applicant*
 - 1. Presentation – None.
 - 2. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff recommends approval with the following conditions: 1) The applicant will apply for and obtain the proper State permits for operating a tattoo business, as well as any additional permits that may be required by the City's health and safety codes

or building codes; 2) the Conditional Use Permit is restricted to only permanent make-up for the purposes of tattooing.

3. Public Hearing – No one speaks.
 4. Conditional Use Permit – Commission Vice Chair Mim James motions to approve the Conditional Use Permit according to staff’s recommendation. Commissioner Erik Burgeson seconds. Commissioner James Martin states that the wording of the recommendation must say it is for the purpose of permanent make-up tattoos only and not all tattoo types. Commission Chair Larry McClung states that the wording will be revised to ensure this permit is for permanent make-up only and not all types of tattoos. Commission Vice Chair Mim James makes an amendment to his motion to include that the approval of the permit will be subject to clarifying the wording to expressly state that it is expressly for permanent make-up only and not all tattoo types. Commissioner Erik Burgeson seconds. VOTE: 6-0 in favor, motion passes.
- B. Ordinance No. 1220.114: An Ordinance of the City of Dripping Springs Amending the Zoning Classification of Tract 76A2, Springlake Subdivision (Merritt Hill Country Senior Living) from Commercial Services (CS) to General Retail (GR), *Blake Rue, Oryx Holdings, LLC, Applicant*
1. Presentation - None
 2. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff recommends approval.
 3. Public Hearing - None
 4. Ordinance 1220.114 – Commissioner Whit Smith motions to approve Ordinance 1220.114. Commission Vice Chair Mim James seconds. VOTE: 6-0 in favor, motion passes.
- C. Request for Special Exception from City Code of Ordinances Chapter 30, Exhibit A, Section 3.8.3 Building Height; Section 3.8.6(h)(6) for Maximum Length of Building; and Section 5.6.1(c) for Parking Requirements for Merritt Hill Country Senior Living, Located at 28865 RR12 (Tract 76A2, Springlake Subdivision), *Blake Rue, Oryx Holdings, LLC, Applicant*
1. Presentation – Andrea from Spring Architects, Applicant’s Representative
 2. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff recommends approval of the special exceptions to allow for the building height of three stories and up to 40 feet as measured from the midpoint of the roof of the Main Building; to allow for the building to exceed two hundred (200’) in length; and a parking ratio of 1.25 spaces per unit. The recommendation for approval comes with the conditions that: 1) The City’s Architectural Consultant approves their exterior design and massing study (this is what translates into the effect the height has on the neighboring tracts). A copy of the proposed massing study as it exists is included in the packet for this meeting. 2) The design of the building meets the fire code requirements, as per the Applicant’s justification on the application for the building length comments – “The Merritt Hill Country Project incorporates enhanced fire protection by including two hour fire walls less than 200 feet apart.”
 3. Public Hearing – Laurel Robertson, owns property downhill from this

development and is concerned about the drainage from this property, the amount of impervious cover, visibility, traffic, and retention ponds.

4. Special Exceptions

- a. Building Height - To exceed two stories; the height is to be 40 feet as measured at the midpoint of the roof of the Main Building
- b. Building Length - Allow for the maximum length of a building to be exceeded.
- c. Parking Requirements - Reducing the number of parking spaces required per unit

Commission Chair Larry McClung motions to discuss the Special Exceptions. Commission Vice Chair Mim James seconds. Commission discusses the variances and exceptions, fire codes, traffic flow and connectivity, water quality issues, impervious cover, and drainage. Commission Vice Chair Mim James motions to approve all three Special Exceptions. Commission Chair Larry McClung seconds. VOTE: 6-0 in favor, motion passes.

D. Ordinance No. 1220.113: An Ordinance Amending the Conditional Overlay Zoning to Allow for Reduction of Minimum Lot Size for Founders Ridge Subdivision, Located at 29220 RR 12, *Nancy Stroder, Taylor Morrison Homes*

1. Presentation – Nancy Stroder, Taylor Morrison Homes
2. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff recommends approval of the zoning conditional overlay amendment to allow the minimum lot size be reduced from 8,500 square feet to 7,500 square feet.
3. Public Hearing – Commission Chair Larry McClung, lives in the neighborhood next to this area. He has no objection to this nor do his neighbors that he has talked to about this.
4. Ordinance No. 1220.113 – Commissioner Josef Martin motions to approve Ordinance 1220.113. Commission Vice Chair Mim James seconds. VOTE: 4-0-2 in favor, Commission Chair Larry McClung and Commissioner Erik Burgeson both abstain due to property ownership in the area, motion passes.

E. Ordinance No. 1220.98: An Ordinance of the City of Dripping Springs Amending the City Code of Ordinances, Chapter 30, Exhibit A: Zoning Ordinance, Section 3.5, Adding a New Residential Zoning Density, Single-Family Residential-Town Center (SF-3), Establishing Regulations and Permitted Uses; and Providing for the Following: Findings of Fact; Enactment; Repealer; Severability; Codification; Effective Date; and Proper Notice & Meeting.

1. Planning Director's Report - Planning Director Jon Thompson, report on file. Staff recommends approval of Ordinance 1220.98.
2. Public Hearing – No one speaks.
3. Ordinance No. 1220.98 - Commissioner Josef Martin motions to approve Ordinance 1220.98. Commission Vice Chair Mim James seconds. Commission discusses the SF-3 zoning category and the diversity of zoning categories currently in place. Commissioner Josef Martin withdraws his motion. Commission Vice Chair Mim James withdraws his second. Commissioner Josef Martin motions to table the item until more information can be gathered regarding the impact of allowing a development with density this high. Commissioner Erik Burgeson

seconds. VOTE: 6-0 in favor of tabling the item, motion passes.

VII. SUBDIVISIONS

- A. Replat and Partial Vacation of Lot 3, Section 1, Texas Heritage Village Subdivision, Located at 401 Hwy 290 E, *Danny Buck, President & CEO, Lone Star Capital Bank, Owner*
1. Presentation - None
 2. Planning Director's Report - Planning Director Jon Thompson, report on file. Staff recommends approval as submitted.
 3. Public Hearing – No one speaks
 4. Replat and Partial Vacation – Commission Chair Larry McClung motions to approve the Replat and Partial Vacation. Commission Vice Chair Mim James seconds. VOTE: 5-0 in favor, Commissioner Erik Burgeson abstains, motion passes.
- B. Revised Preliminary Plat for Sections 15, 16, 17, 20, & 21 of the Belterra Subdivision, Located Southwest of the Intersection of Belterra Drive and Estes Drive, *Stephen Delgado, PE, Texas Engineering Solutions, on behalf of Crescent Belterra Texas, LLC, Owner*
1. Presentation – Stephen Delgado, PE, Texas Engineering Solutions
 2. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff recommends approval as it is consistent with the approved Development Agreement for Belterra, does not increase the density, and the impervious cover will remain at 25%, as previously approved.
 3. Public Hearing – No one speaks
 4. Revised Preliminary Plat – Commissioner Whit Smith motions to approve the Revised Preliminary Plat. Commissioner Erik Burgeson seconds. VOTE: 6-0 in favor, motion passes.

VIII. BUSINESS

Consideration and Possible Action On:

- A. Report on Amended City-Wide Trails Plan – Report from City Administrator Michelle Fischer is on file. Commission discusses the amended trails plan including maintenance and upkeep, trail size and locations, and the trails plan's relationship to the transportation and development plans. No action taken.

IX. ANNOUNCEMENTS

- A. Regular Historic Preservation Commission Meeting, June 1, 2015 at 5:30 p.m.
- B. Regular Parks & Recreation Commission Meeting, June 8, 2015, at 6:00 p.m.
- C. Regular City Council Meeting, June 9, 2015 at 5:30 p.m.
- D. Regular Planning and Zoning Commission Meeting, June 23, 2015 at 7:00 p.m.

- X. **ADJOURN** – Commission Vice Chair Mim James motions to adjourn the meeting. Commissioner Whit Smith seconds. VOTE: 6-0 in favor, motion passes. Meeting adjourns at 8:38pm.