

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.