

**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.