

Minutes of the Planning and Zoning Commission Regular Meeting

A Regular Meeting of the City of Dripping Springs Planning and Zoning Commission was held Tuesday, September 22, 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
John McIntosh

Mim James – Vice Chair
Erik Burgeson

James Martin
Whit Smith

City Staff/Appointed Officials

City Administrator Michelle Fischer
Planning Director Jon Thompson
City Secretary Kerri Craig
City Attorney Alan Bojorquez

Commission Chair Larry McClung calls the meeting to order at 7:00pm. All present except City Attorney Alan Bojorquez. Also present is Exterior Design, Architectural & Land Planning Consultant Keenan Smith, City Attorney's Representative Elizabeth Ellison, and Planning Administrative Assistant Laurie Whipple.

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 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. Commission Vice Chair Mim James states that this is the last Planning and Zoning Commission meeting Commission Chair Larry McClung will attend because he is moving out of state. He thanks Mr. McClung for his service, and City Administrator Michelle Fischer presents Mr. McClung with a plaque in honor of his service, on behalf of the City and the Commission.

V. MINUTES

Consideration and Possible Action On:

A. Approval of Regular Meeting Minutes, August 25, 2015 - Commissioner Erik Burgeson motions to approve the minutes. Commissioner James Martin seconds. Commissioner John McIntosh abstains because he was not present at the August 25th meeting. VOTE: 6-0-1 in favor, motion passes.

VI. SUBDIVISIONS

A. Final Plat for the Gardens of Howard Ranch, located at the southeast corner of the intersection of RR12 and FM150, *Brett Pasquarella, PE, Carlson-Brigance-Doering Engineering and Erik Howard, Howard Land & Cattle, Applicants*

1. Presentation – Brett Pasquarella, Applicant

2. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff recommends approval of the final plat with no conditions.
3. Public Hearing – No one speaks.
4. Final Plat – Commissioner Erik Burgeson motions to approve the final plat according to staff's recommendation. Commission Chair Larry McClung seconds. VOTE: 7-0 in favor, motion passes.

VII. ZONING/VARIANCES/WAIVERS/SPECIAL EXCEPTIONS/ALTERNATE STANDARDS

Consideration and Possible Action On:

- A. Conditional Use Permit Application Resubmittal to Allow for a Mobile Food Vendor Court and Associated Improvements, Located at 310 Old Fitzhugh Road, *Tasha Nikora and Alysia Ferrer, Applicants*
 1. Presentation – Tasha Nikora, Applicant
 2. Planning Director's Report – Planning Director Jon Thompson, report on file. Staff is recommending approval of this site plan with the conditions stated in the report; however, should the City Council deny this CUP, the bus presently on-site must be removed within 30 days as the presence of the bus is supposed to be related to the business that is associated with this CUP. Consultant Keenan Smith discusses the conditions in more detail.
 3. Public Hearing – Christine Ann, local business owner on Old Fitzhugh (Goodie Two Shoes) – No one wants a food trailer park more than me; however it is currently an eye sore. The bus is still not being worked on, but they won't move it or have it repaired. We business owners on Old Fitzhugh are trying to make our businesses new and presentable, but this bus and new, large blue tarp is not helping.
 4. Conditional Use Permit - Mobile Food Vendor Court and Associated Improvements – Commission Chair Larry McClung motions to discuss this item. Commission Vice Chair Mim James seconds. Commission discusses the status of the bus, the blue tarp, the Certificate of Appropriateness that was not completed, the number of trailers, the hours of operation, the use of the pad sites, the plans for the Robert's house, parking, the conditions stated in the staff report, and wastewater. Commissioner Erik Burgeson motions to table this item. Commissioner James Martin seconds. Commissioner Erik Burgeson amends his motion to table with the removal of the bus from the property. Commissioner James Martin removes his second. Commissioner Erik Burgeson motions to table the item. Commissioner Whit Smith seconds and states he hopes to see progress to continue on the bus. Motion and second are withdrawn by Commissioners Burgeson and Smith. Commissioner James Martin motions to approve the Conditional Use Permit (CUP) with the following conditions: 1) that staff condition #15 stating that this CUP will expire after a length of time not to exceed five years be removed from the recommended conditions, but still include the condition that the CUP be subject to approval every two years; 2) the double decker bus currently on the property be painted or removed from the property within 30 days of the City Council meeting on September 24, 2015 if Council approves the CUP; and 3) that the applicant submit an administratively complete application for a Certificate of Appropriateness (with an emphasis on the plan for the Robert's house) within 90 days of the City Council meeting on September 24, 2015 if Council approves the CUP 4) and all other recommendations made by staff. Commissioner John McIntosh seconds. VOTE: 6-1 in favor, Commissioner Erik Burgeson votes Nay, motion passes.
- B. Conditional Use Permit Application and Special Exceptions Request for Side Yard Setback and Width of Fire Lane for a Proposed Mobile Food Park and Bar, Located at 26155 Ranch

Road 12, Nico Ilai and Steve Fee, Applicants

1. Presentation – Nico Llai, Applicant
2. Planning Director's Report - Planning Director Jon Thompson, report on file. Staff recommends approval of the Conditional Use Permits with the conditions stated in the report. Staff recommends denial of the Special Exception Partial Reduction of Minimum Side Yard Setback as requested for reasons stated in the report, and recommends approval of the Special Exception Minimum Width of Fire Lane with the conditions stated in the report.
3. Public Hearing – Rev. Charles Garza, St. Martin de Porres Catholic Church – We submitted a letter stating our concerns but they are related to traffic congestion and safety issues, insufficient parking and the potential issue of patrons trying to park at the church, and the fact that we have a large youth and pre-school population close to this property.

Michael Monaghan – Parishioner at the Catholic Church and member of the Founders Day Commission – I support businesses here, but not this one. There will be parking problems due to the limited space. The only way they will be able to make money is if they exceed the amount of customers that they have room for and people will be parking off-site and crossing Ranch Road 12, which is dangerous.

Michelle Batte – Lives off Ledgestone Drive. I support this business and have known Nico for many years. There is a need for more and varied restaurant options. An outdoor venue would be wonderful. She pays attention to every detail, is an excellent problem solver, and has a genuine love of this community.

Gail Needham – Property owner just north of this property. I agree with the church and believe there will be a problem with the parking. They might park on my property or at the church. Caliterra is already going to cause traffic problems and congestion, and an increased number of traffic lights. How many trailer parks do we need in Dripping Springs? A restaurant would be more suitable than a bar and food court. There is only barb wire fence and cedar posts between my property and this one, and I believe it will cause security issues, particularly with late night bar attenders.

Kevin Kendrick – Caliterra representative. Although the applicant has made great strides in planning for this property and business, we are opposed to this development due to the potential noise, lack of screening, pedestrian traffic coming into the subdivision from the proposed bar, overrun parking from this business into the subdivision, potential litter ending up in the subdivision, and the late hours of operation.

4. Special Exception - Partial Reduction of Minimum Side Yard Setback
5. Special Exception - Minimum Width of Fire Lane
6. Conditional Use Permit - Food Trailers
7. Conditional Use Permit – Bar

Commissioner Erik Burgeson motions to consider the item. Commission Vice Chair Mim James seconds. Commission discusses the zoning of the property, the fact that the property is currently non-conforming, setbacks, potential variance requirements, hours of operation, trash disposal, number of trailers, potential parking issues and plans for enforcing proper

parking, and safety related to potential foot traffic across Ranch Road 12. Commission Chair Larry McClung motions to table both Special Exception requests until a site plan can be reviewed by the Commission. Commissioner James Martin seconds. VOTE: 7-0 in favor, motion passes. Commissioner Erik Burgeson motions to deny the Conditional Use Permit for the Bar. Commissioner Kim Hubbard seconds. VOTE: 5-2 in favor, Commission Vice Chair Mim James and Commissioner John McIntosh vote Nay, motion passes. Commissioner Erik Burgeson motions to deny the Conditional Use Permit for the Food Trailers. Commission Vice Chair Mim James seconds. VOTE: 6-1 in favor, Commission Vice Chair Mim James votes Nay, motion passes.

C. Exterior Design Alternative Standard for WHIM Storage Building, located at 28000 Ranch Road 12, *Whit Hanks, Applicant*

1. Presentation - None
2. Architectural Design Consultant Staff Report (Prepared by Keenan Smith, AIA) – Keenan Smith, report on file. Staff recommends approval with the conditions stated in the report.
3. Public Hearing – No one speaks
4. Exterior Design Alternative Standard – Commission Chair Larry McClung motions to approve the Exterior Design Alternative Standard. Commission Vice Chair Mim James seconds. VOTE: 7-0 in favor, motion passes.

VIII. SIGNS

A. Sign Variance Request to Allow the Use and Modification of a Nonconforming Pole Sign for The Dent Shop, located at 402 B Mercer Street, *Jeremy Compton, Applicant*

1. Presentation – Jeremy Compton, Applicant
2. Sign Administrator's Report – City Administrator Michelle Fischer, report on file. Staff recommends approval of the variance request with the conditions stated in the report.
3. Public Hearing – No one speaks
4. Variance Request to Allow Use and Modification of a Nonconforming Pole Sign – Commission Vice Chair Mim James motions to approve the variance request according to staff's recommendations. Commissioner James Martin seconds. VOTE: 7-0 in favor, motion passes.

B. Sign Variance Request to Allow an Off Premise Real Estate Sign for Scott Felder Homes and Coventry Homes at the South-West Corner of Ranch Road 12 and Event Center Drive at the Entrance to the Harrison Hills Subdivision, *David Joiner, Applicant Representative*

1. Presentation – David Joiner, Applicant's Representative
2. Sign Administrator's Report – City Administrator Michelle Fischer, report on file. Staff recommends approval with the conditions stated in the report.
3. Public Hearing – No one speaks
4. Variance Request to Allow an Off Premise Real Estate Sign - Commissioner Erik Burgeson motions to approve the variance request according to staff's recommendation. Commissioner Whit Smith seconds. VOTE: 7-0 in favor, motion passes.

IX. BUSINESS

Consideration and Possible Action On:

A. Appointment of Vice Chair – No action taken. Item was tabled until the October 27, 2015 Planning and Zoning Commission meeting.

X. ANNOUNCEMENTS

A. Special City Council Meeting, September 24, 2015 at 6:00 p.m.

B. Regular Historic Preservation Commission Meeting, October 5, 2015 at 7:00 p.m.

C. Regular Parks & Recreation Commission Meeting, October 12, 2015, at 6:00 p.m.

D. Regular City Council Meeting, October 13, 2015 at 7:00 p.m.

E. Regular Planning and Zoning Commission Meeting, October 27, 2015 at 7:00 p.m.

XI. ADJOURN – Commission Chair Larry McClung motions to adjourn the meeting. Commissioner Erik Burgeson seconds. VOTE: 7-0 in favor, motion passes. Meeting adjourns at 10:14 p.m.