

Planning & Zoning Commission

Regular Meeting Minutes October 23, 2018 at 6:30 p.m.

A Regular Meeting of the Planning & Zoning Commission was held Tuesday, October 23, 2018 beginning at 6:30 p.m. in the City Hall Council Chambers located at 511 Mercer Street, Dripping Springs, Texas.

I. CALL TO ORDER AND ROLL CALL at 6:30 p.m.

Commission Members present were:

Mim James, Chair
James Martin, Vice Chair
John McIntosh
Michael Lavengco
Evelyn Strong
Martin Garza

Commission Members absent were:

Kim Hubbard

City Staff/Appointed Officials present were:

City Administrator Michelle Fischer
Planning Director Jason Lutz
City Engineer Chad Gilpin
Planning Assistant Amanda Padilla
City Attorney Laura Mueller

With a quorum of the Commission present, Chair James called the meeting to order at 6:30 p.m.

II. PLEDGE OF ALLEGIANCE

Chair James led the Pledge of Allegiance to the Flag.

III. 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 spoke during Presentation of Citizens.

IV. MINUTES

Discussion and Possible Action of:

A. Discuss and Consider Approval of the September 25, 2018 Regular Planning & Zoning Commission Meeting Minutes

A motion was made by Vice Chair Martin to approve the September 25, 2018 Regular Planning & Zoning Commission Meeting Minutes. Commissioner Lavengco seconded the motion which carried unanimously 6 to 0.

V. BUSINESS

Discussion and Possible Action on Zoning, Conditional Use Permits, Subdivision, Site Development, Signage, Variances, Special Exceptions, Waivers and other matters:

A. Public Hearing, Consideration, and Recommendation Regarding SUB2018-0028: Final Plat on Creek Road in Dripping Springs, Texas Lots 1-4 Cypress Fork Ranch Subdivision. Applicant, Jen Paisely, P.E.

1. *Presentation – no presentation given*
2. *Staff Report*

Jason Lutz presented the staff report. Staff recommends postponement of the item.

3. *Public Hearing*

No one spoke during the Public Hearing.

4. *SUB2018-0028: Cypress Fork Ranch Final Plat*

A motion was made by Commission Garza to postpone the item to the next Planning & Zoning Commission meeting scheduled for November 27, 2018. Vice Chair Martin seconded the motion which carried unanimously 6 to 0.

B. Public Hearing, Consideration, and Recommendation Regarding SUB2018-0034: Replat of Lot 1B, Lot 1E and 1F, Block A, Resubdivision No. 3 of North Belterra Commercial Subdivision. Applicant, Harrison M. Hudson

1. *Presentation – no presentation given*
2. *Staff Report*

Chad Gilpin presented the staff report which is on file. Staff recommends approval of the item with the following conditions:

1. Applicant address and clear remaining Staff comments before November 14, 2018.
2. Applicant obtain approval from Hays County.

3. *Public Hearing*

No one spoke during the Public Hearing.

4. *SUB2018-0034 North Belterra Commercial Replat Lot 1B, 1E and 1F, Block A*

A motion was made by Vice Chair Martin to recommend City Council approval of SUB2018-0034: Replat of Lot 1B, Lot 1E and 1F, Block A, Resubdivision No. 3 of North Belterra Commercial Subdivision with staff recommendations, and the condition that the applicant address all staff comments prior to the Mayor's signature. Commissioner Garza seconded the motion which carried unanimously 6 to 0.

C. Public Hearing, Consideration, and Recommendation Regarding SUB2018-0035: Replat of Lot 2C, Block B, Resubdivision No. 3 of North Belterra Commercial Subdivision. Applicant, Harrison M. Hudson

1. *Presentation – no presentation given*
2. *Staff Report*

Chad Gilpin presented the staff report which is on file. Staff recommends approval of the item with the following conditions:

1. Applicant address and clear remaining Staff comments before November 14, 2018.
2. Applicant obtain approval from Hays County.

3. *Public Hearing*

No one spoke during the Public Hearing.

4. *SUB2018-0035: North Belterra Commercial Replat Lot 2C, Block B*

A motion was made by Vice Chair Martin to recommend City Council approval of SUB2018-0035: Replat of Lot 2C, Block B, Resubdivision No. 3 of North Belterra Commercial Subdivision with staff recommendations, and the condition that recommendations are met before the Mayor's signature. Commission Garza seconded the motion which carried unanimously 6 to 0.

A motion was made by Vice Chair Martin to hear Business Item F out of order, and before Business Item D. Chair James seconded the motion which carried unanimously 6 to 0.

F. Public Hearing, Consideration, and Recommendation Regarding SUB2018-0041: Plat Vacation Located on Belterra Village Way in Dripping Springs, Texas, Belterra Phase 2, Section 5B, Block C, Lot 1. Applicant, Harrison M. Hudson

1. *Presentation – no presentation given*
2. *Staff Report*

Chad Gilpin presented the staff report which is on file. Staff recommends approval of the item with the following conditions:

1. Applicant address and clear remaining Staff comments before November 14, 2018.

2. Applicant obtain approval from Hays County.

3. *Public Hearing*

No one spoke during the Public Hearing.

4. *SUB2018-0041 Belterra Phase 2 Plat Vacation Section 5B, Block C, Lot 1*

A motion was made by Vice Chair Martin to recommend City Council approval of SUB2018-0041: Plat Vacation Located on Belterra Village Way in Dripping Springs, Texas, Belterra Phase 2, Section 5B, Block C, Lot 1 with the staff recommendations and the condition that recommendations are met before the Mayor's signature. Commissioner Lavengco seconded the motion which carried unanimously 6 to 0.

D. Public Hearing, Consideration, and Recommendation Regarding SUB2018-0036: Replat of Lot 3I, Block B, Resubdivision No. 3 of North Belterra Commercial Subdivision. Applicant, Harrison M. Hudson

1. *Presentation – no presentation given*
2. *Staff Report*

Chad Gilpin presented the staff report which is on file. Staff recommends approval of the item with the following conditions:

1. Applicant address and clear remaining Staff comments before November 14, 2018.
2. Applicant obtain approval from Hays County.

3. *Public Hearing*

No one spoke during the Public Hearing.

4. *SUB2018-0036 North Belterra Commercial Replat Lot 3I, Block B*

A motion was made by Vice Chair Martin to recommend City Council approval of SUB2018-0036: Replat of Lot 3I, Block B, Resubdivision No. 3 of North Belterra Commercial Subdivision with the staff recommendations and the condition that recommendations are met before the Mayor's signature. Commissioner Lavengco seconded the motion which carried unanimously 6 to 0.

E. Public Hearing, Consideration, and Recommendation Regarding SUB2018-0040: Preliminary Plat for the Caliterra Subdivision Located at FM 150 and Ranch Road 12 (Legal Description: ABS. 415 Phillip A. Smith Survey 22) for 190 residential lots. Applicant, Bill E. Couch

1. *Presentation – no presentation was given*

2. Staff Report

Jason Lutz presented the staff report which is on file. Staff recommends postponement of the item indefinitely.

3. Public Hearing

No one spoke during the Public Hearing.

4. SUB2018-0040: Caliterra Subdivision Preliminary Plat

A motion was made by Vice Chair Martin to postpone the item indefinitely. Commissioner Garza seconded the motion which carried unanimously 6 to 0.

G. Public Hearing, Consideration, and Recommendations Regarding three variance requests for 505 Old Fitzhugh Road located in the City of Dripping Springs, Texas, Abstract 0415 Philip A Survey, 7.38 Acres, Hays County, TX. The variance requests are: (1) an encroachment into the front and side yard building setback to allow construction on an existing slab; (2) a 25' side yard setback for new construction; and (3) a request for the 80 foot building separation requirement be reduced to no less than the separation requirements found in the current building and fire codes. Applicant, Rafael Varela

1. Presentation

James Kissling, Principal of Kissling Architecture, Inc., presented the item. Mr. Kissling's presentation is on file. The development will be mixed-use, restaurant and retail.

2. Staff Report

Jason Lutz presented the staff report which is on file. Should the applicant decide to have tasting as part of the land use, they will need to apply for a Conditional Use Permit. Staff recommends approval with the following conditions:

1. Staff finds that due to the irregular lot shape and the existing floodplain located on the property, that there is a hardship that affects the property.
2. Staff also finds that the alteration between zoning districts along Old Fitzhugh Rd creates a unique circumstance where land uses and setbacks are inconsistent from property to property.
3. Staff recommends approval of the requested variances with the following conditions:
 - a. That variance request #1 be granted only for reconstruction on the existing slab
 - b. That a Certificate of Appropriateness be obtained regarding the proposed site plan.

3. *Public Hearing*

No one spoke during the Public Hearing.

4. *Variance Requests*

- a. Request #1: An encroachment into the front and side yard building setback to allow construction on an existing slab.
- b. Request #2: A 25' side yard setback for new construction.
- c. Request #3: A request for the 80 foot building separation requirement be reduced to no less than the separation requirements found in the current building and fire codes.

A motion was made by Vice Chair Martin to recommend City Council approval of three variance requests for 505 Old Fitzhugh Road located in the City of Dripping Springs, Texas, Abstract 0415 Philip A Survey, 7.38 Acres, Hays County, TX. The variance requests are: (1) an encroachment into the front and side yard building setback to allow construction on an existing slab; (2) a 25' side yard setback for new construction; and (3) a request for the 80 foot building separation requirement be reduced to no less than the separation requirements found in the current building and fire codes with staff recommendations. Commissioner Garza seconded the motion which carried unanimously 6 to 0.

H. Public Hearing, Consideration, and Recommendation Regarding a Proposed Amended and Restated Development Agreement between the City of Dripping Springs, Texas and TF Arrowhead LP (aka Arrowhead Ranch). Applicant, Adib Khoury

1. *Presentation*

Adib Khoury with Starwood Land Advisors presented the item. Mr. Khoury's presentation is on file.

2. *Staff Report*

Jason Lutz presented the staff report which is on file. Staff recommends approval of the item.

3. *Public Hearing*

No one spoke during the Public Hearing.

4. *Amended and Restated Development Agreement*

Commissioner Garza asked the applicant why the density is higher, for which the applicant stated that they had purchased more land they are trying to maintain the initial density.

A motion was made by Vice Chair Martin to recommend City Council approval of a Proposed Amended and Restated Development Agreement between the City of Dripping Springs, Texas and TF Arrowhead LP (aka Arrowhead Ranch). Commissioner Lavengco seconded the motion which carried unanimously 6 to 0.

5. *Parks Master Plan – no action taken on this item*

6. *WWTP Agreement – no action taken on this item*

I. Public Hearing, Reconsideration, and Consideration of Recommendation regarding DA2018-0004: Belterra Commercial Development Agreement 2nd Amendment: A proposed Second Amendment to the Belterra Commercial Development Agreement between the City of Dripping Springs and ERG Belterra, Ltd, Belterra Lot 1B, Ltd, Belterra Lot1C-1, Ltd, Belterra Lot 1E-1, Ltd, Belterra Lot 1F, Ltd, Belterra Lot 2A, Ltd, Belterra Lot 2C, Ltd, Belterra Lot 2D, Ltd, Belterra Lot 2E, Ltd, Belterra Lot 3F-1, Ltd, Belterra Lot 3J-1, Ltd, Belterra Lot 3C, Ltd, Belterra Lot 3E-1, Ltd, Belterra Lot 3H, Ltd, Belterra Lot 3D, Ltd, and Belterra Hospitality, LLC; Amending the First Amendment to the Belterra Commercial Development Agreement between the City of Dripping Springs and Crescent Belterra TX, LLC entered into on or around September 13, 2016; and Providing for the Following: Allowing up to 70' in Height for Hotel Use Only on Parcels A and C; Allowing up to 65' for Multi-Family Use Only on Parcels A and C; Allowing Building Construction Materials to be Wood, Metal, or Any Other Material as Allowed by the Current Fire and Building Codes; a Change in Land Use to Allow for up to One (1) Automotive Repair Facility on Parcel C; Length of Building to Exceed 200ft up to 275ft for Parcels A and C; Allowing Accessory Structures to be Located within Building Setbacks; Utilization of a Refuse Valet Service in Lieu of the Zoning Ordinance Requirement for Multi-Family Buildings to be Located within 250ft of a Refuse Facility; and Allowing up to 27 Units per Acre for Multi-Family Use. Applicant, Daniel Campbell, Endeavor

1. *Presentation*

Daniel Campbell, Principal with Endeavor Real Estate Group, gave a presentation on the item which is on file.

2. *Staff Report*

Jason Lutz presented the staff report which is on file. Staff recommends reconsideration of the item, and approval of the item with specification of height for parcels.

3. *Public Hearing*

No one spoke during the Public Hearing.

4. *DA2018-0004: Belterra Commercial Development Agreement Amendment No. 2*

A motion was made by Commissioner Garza to reconsider the recommendation provided by the Planning & Zoning Commission on September 25, 2018, striking items a, d, e and f, and reconsidering items b, c, g and h listed on the agenda and for the allowance of: up to 65' height for Multi-family site; alternate construction materials as allowed by building & fire codes; refuse valet service in lieu of requirement for multi-family structures to be within 250' of refuse facility; and, 27 units per acre in density for DA2018-0004: Belterra Commercial Development Agreement 2nd Amendment. Vice Chair Martin seconded the motion which carried unanimously 6 to 0.

- a. Allow up to 70' height for Hotel site
- b. Allow up to 65' height for Multi-family site
- c. Allow alternate construction materials as allowed by building & fire codes
- d. Allow 1 Auto Repair Facility
- e. Allow the multi-family structures to be greater than 200' in length (up to 275') – no action taken
- f. Allow accessory structures to be located in building setback lines
- g. Allow refuse valet service in lieu of requirement for multi-family structures to be within 250' of refuse facility
- h. Allow 27 units per acre in density

A motion was made by Commissioner Garza to recommend approval of DA2018-0004: Belterra Commercial Development Agreement 2nd Amendment: A proposed Second Amendment to the Belterra Commercial Development Agreement between the City of Dripping Springs and ERG Belterra, Ltd, Belterra Lot 1B, Ltd, Belterra Lot 1C-1, Ltd, Belterra Lot 1E-1, Ltd, Belterra Lot 1F, Ltd, Belterra Lot 2A, Ltd, Belterra Lot 2C, Ltd, Belterra Lot 2D, Ltd, Belterra Lot 2E, Ltd, Belterra Lot 3F-1, Ltd, Belterra Lot 3J-1, Ltd, Belterra Lot 3C, Ltd, Belterra Lot 3E-1, Ltd, Belterra Lot 3H, Ltd, Belterra Lot 3D, Ltd, and Belterra Hospitality, LLC; Amending the First Amendment to the Belterra Commercial Development Agreement between the City of Dripping Springs and Crescent Belterra TX, LLC entered into on or around September 13, 2016; and Providing for the Following: Allowing up to 70' in Height for Hotel Use Only on Parcels A and C; Allowing up to 65' for Multi-Family Use Only on Parcels A and C; Allowing Building Construction Materials to be Wood, Metal, or Any Other Material as Allowed by the Current Fire and Building Codes; a Change in Land Use to Allow for up to One (1) Automotive Repair Facility on Parcel C; Length of Building to Exceed 200ft up to 275ft for Parcels A and C; Allowing Accessory Structures to be

Located within Building Setbacks; Utilization of a Refuse Valet Service in Lieu of the Zoning Ordinance Requirement for Multi-Family Buildings to be Located within 250ft of a Refuse Facility; and Allowing up to 27 Units per Acre for Multi-Family Use, with the condition of an allowable maximum height of sixty-five feet (65') for Multi-Family site on parcels C and A, and an allowable maximum height of forty-five feet (45') for Multi-Family site on parcels C and E; and with the condition that the that an exhibit depicting the building locations on the site be included as an attachment. Commissioner Lavengco seconded the motion which carried unanimously 6 to 0.

J. Public Hearing, Consideration, and Recommendation Regarding a Conditional Use Permit Application for Use of a Mobile Food Trailer as a Commercial Kitchen that will Compliment the Use of the Historic Roberts House as a Restaurant at 310 Old Fitzhugh Road. *Applicant, Jon Thompson, J Thompson Professional Consulting, LLC*

1. Presentation

Jon Thompson with J Thompson Professional Consulting presented the item and was available for questions from the Commission.

2. Staff Report

Jason Lutz presented the staff report which is on file. Staff recommends approval of the item with the following conditions:

1. That the mobile food truck be considered part of the main structure in regard to determining allowable signage for the property. That the structure and truck adhere to the City's adopted sign code at the time of permitting.
2. That the CUP only be approved/valid for the current owner based on the proposed site plan.
3. That the mobile food truck dispose of the associated waste from the kitchen via pump and haul or other method and not be connected to the City's sewer system.

3. Public Hearing

No one spoke during the Public Hearing.

4. CUP2018-0005: Allow a Mobile Food Trailer as a Commercial Kitchen

Chair James expressed concern regarding amplified sound.

A motion was made by Commissioner Garza to recommend City Council approval of a Conditional Use Permit Application for Use of a Mobile Food Trailer as a Commercial Kitchen that will Compliment the Use of the Historic Roberts House as a Restaurant at 310 Old Fitzhugh Road with staff recommendations, and the condition

that the Conditional Use Permit be removed when the use is no longer needed. Vice Chair Martin seconded the motion which carried unanimously 6 to 0.

K. Public Hearing, Consideration, and Recommendation Regarding Springs Provisions Sign Variance Request to Allow Two Projecting Signs to Have Less than 6 inches of Space Between the Rows of Lettering for Signs to be Located at 300 A Mercer Street, Dripping Springs, TX 78620. Applicant Jon Thompson

1. Presentation

Applicant Jon Thompson was available for questions from the Commission.

2. Staff Report

Michelle Fischer presented the staff report which is on file. Staff recommends approval of the item.

3. Public Hearing

No one spoke during the Public Hearing.

4. Variance to Allow Two Projecting Signs to Have Less than 6 inches of Space Between the Rows of Lettering

A motion was made by Vice Chair Martin to recommend City Council approval of a Springs Provisions Sign Variance Request to Allow Two Projecting Signs to Have Less than 6 inches of Space Between the Rows of Lettering for Signs to be Located at 300 A Mercer Street, Dripping Springs, TX 78620. Commissioner Lavengco seconded the motion which carried unanimously 6 to 0.

L. Public Hearing, Consideration, and Recommendation Regarding Dunkin' Donuts Sign Variance Request to Allow a Menu Board at 166 Hargraves Dr., Austin, TX 78737. Applicant Lisa Sherwood, Dunkin' Donuts

1. Presentation – no presentation was given

2. Staff Report

Michelle Fischer presented the staff report which is on file. Staff recommends approval of the item with the condition that the canopy with speaker be painted to match the menu board which is brown in color.

3. Public Hearing

No one spoke during the Public Hearing.

4. Variance to Allow a Menu Board

A motion was made by Vice Chair Martin to recommend City Council approval of Dunkin' Donuts Sign Variance Request to Allow a Menu Board at 166 Hargraves Dr., Austin, TX 78737 with staff recommendations, and the condition that there is only one (1) sign for this location. Commissioner McIntosh seconded the motion which carried unanimously 6 to 0.

M. Public Hearing, Consideration, and Recommendation Regarding Jeff Coffman Realty Sign Variance Request to Allow a Monument Sign to Exceed the Maximum Height and Signable Area Allowed for a Sign to be Located at 27401 Ranch Road 12, Dripping Springs, TX. Applicant Jon Thompson

1. Presentation

Applicant Jon Thompson was available for questions from the Commission.

2. Staff Report

Michelle Fischer presented the staff report which is on file. Staff recommends approval of the item with the condition that no other permanent business signs requiring a sign permit be allowed on the property.

3. Public Hearing

No one spoke during the Public Hearing.

4. Variance to Allow a Monument Sign to Exceed the Maximum Signable Area Allowed

5. Variance to Allow a Monument Sign to Exceed the Maximum Height Allowed

A motion was made by Vice Chair Martin to recommend City Council approval of Jeff Coffman Realty Sign Variance Request to Allow a Monument Sign to Exceed the Maximum Height and Signable Area Allowed for a Sign to be Located at 27401 Ranch Road 12, Dripping Springs, TX with staff recommendations. Commissioner Garza seconded the motion which carried 5 to 1, with Commissioner Strong abstaining.

N. Public Hearing, Consideration, and Recommendation Regarding Cottages at Belterra Village Sign Variance Request to Allow a Subdivision Entrance Sign to be Located in the Right-of Way at the intersection of Belterra Village Way and Bright Valley Way, Lot 1, Block B, The Cottages at Belterra Village Phase II. Applicant Austin Evetts

1. Presentation

Marissa McKinney, Principal with Coleman and Associates, presented the item.

2. Staff Report

Michelle Fischer presented the staff report which is on file. Staff recommends approval of the item with the following conditions:

1. The owner of the sign shall be responsible for altering or relocating the sign if required by utility, roadway, or landscaping maintenance or improvements; and,
2. If the sign is damaged, the owner shall repair or remove it within 60 days.

3. Public Hearing

No one spoke during the Public Hearing.

4. Variance to Allow a Subdivision Entrance Sign to be Located in the Right-of-Way

A motion was made by Vice Chair Martin to recommend City Council approval of Cottages at Belterra Village Sign Variance Request to Allow a Subdivision Entrance Sign to be Located in the Right-of Way at the intersection of Belterra Village Way and Bright Valley Way, Lot 1, Block B, The Cottages at Belterra Village Phase II with staff recommendations. Commissioner Lavengco seconded the motion which carried unanimously 6 to 0.

O. Discuss An Ordinance Replacing Chapter 26 of the Dripping Springs Code of Ordinances; Amending Allowed Signs, Policies, and Procedures for Signs in the City Limits and Extraterritorial Jurisdiction.

1. Staff Report

Laura Mueller presented the staff report which is on file.

2. Public Hearing

No one spoke during the Public Hearing.

3. Discussion (no action to be taken)

Chair James request that billboards be addressed in the ordinance and expressed overall concern regarding enforcement. Chair James feels this is a good ordinance.

Vice Chair Martin expressed concerns regarding setbacks and clarification for zoning districts.

P. Discussion, and Consideration of Approval regarding the 2019 Planning & Zoning Commission Meeting Calendar to include rescheduling of certain meetings falling on City Holidays

1. Staff Report

Jason Lutz presented the staff report. The Commission needs to change meetings occurring on or near City observed holidays.

2. Planning & Zoning Commission Meeting Calendar

By unanimous consent the Commission changed the following meeting dates:

1. November 26, 2019 meeting to November 20, 2019
2. December 24, 2019 meeting to December 18, 2019

VI. REPORTS OF AGENCIES, COMMISSIONS, AND STAFF *(no action to be taken)*

A. Planning & Development Department Monthly Report - Jason Lutz

VII. 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). The Planning and Zoning Commission for the City of Dripping Springs may act on any item listed in Executive Session in Open Session or move any item from Executive Session to Open Session for action.

The Commission did not meet in Executive Session.

VIII. ANNOUNCEMENTS

- A. November 13, 2018 - Regular City Council Meeting, 5:30 PM Workshop/6:30 PM Meeting**
- B. November 20, 2018 - Regular City Council Meeting, 6:00 PM**
- C. November 27, 2018 - Regular Planning & Zoning Commission Meeting, 6:30 PM**

IX. ADJOURN

A motion was made by Vice Chair Martin to adjourn the meeting. Commissioner Lavengco seconded the motion which carried unanimously 6 to 0.

This regular meeting adjourned at 8:52 p.m.

