

**CITY OF DRIPPING SPRINGS, TEXAS  
MINUTES OF THE PLANNING AND ZONING MEETING  
October 24, 2017**

A meeting of the Planning and Zoning Commission of the City of Dripping Springs, Texas, was held on Tuesday, October 24, 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	Anjali Naini – Planning Consultant
John McIntosh	Rick Coneway – City Engineer
Kim Hubbard	Megan Will – City Planner
Evelyn Strong	Katie Jordan – Planning Assistant

**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 Regular Meeting to order at 6:31p.m. followed by the pledge of allegiance led by Mim James. It is noted that Commissioners Michael Lavengco and Erich Oswald were absent for this meeting.

**II. Pledge of Allegiance.**

**III. PRESENTATION OF CITIZENS**

There were no comments received from the public.

**IV. MINUTES**

*Consideration and Possible Action On:*

**A. Approval of Minutes for September 26<sup>th</sup> Regular Commission Meeting.**

James Martin made a motion to approve the September 26<sup>th</sup> P&Z Minutes as published, with addressing that two minor revisions were made. Kim Hubbard seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the minutes.

**V. BUSINESS**

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

**A. Ordinance No. 122.150: Planned Development District #1 (H-E-B): An Ordinance of the City of Dripping Springs Amending Ordinance 1220.11 of the Dripping Springs Code of Ordinances; Transfer to Chapter 30, Zoning; Article 30.03 Planned Development Districts Based on Updated Codification; Modifying Regulation Standards of the District; Providing for the Following: Findings of Fact; Amendment; Repealer; Severability; Codification; Effective Date; and Proper Notice & Meeting.**

1. Presentation (Larry Gottsman) Mr. Gottsman was present to answer any questions if needed.
2. Staff Report (Anjali Naini) This is an Amendment to PDD#1 Ordinance and PDD#1 Agreement. Both documents were edited in order to address signage regulations which now provides reference to the City's current Sign Ordinance. The PDD is amended to add the following section: 4.9, 2.6, 2.6.10 and Exhibit E-5. Staff recommends approval of the Amendment to PDD#1 Ordinance and PDD#1 Agreement, to allow for signs to comply with the City's Sign Ordinance, Chapter 26 of the Code of Ordinances, unless otherwise provided for in the Ordinance and Agreement.
3. Public Hearing No public comments were made.
4. Ordinance No. 1220.147 and Agreement James Martin made a motion to approve Ordinance No. 1220.150 with reference to the Amended PDD#1 Ordinance and PDD#1 Agreement. John McIntosh seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the motion.

**B. Ordinance No.1221.48: Hidden Oaks 1459 – An Ordinance of the City of Dripping Springs, Texas, Rezoning a Tract of Land Totaling 4.152 Acres Located at 1459 U.S. Hwy 290 W, Dripping Springs, Texas from Commercial Services (CS) to Multiple –Family (MF), and Described as Follows: 4.152 Acres out of the B.F. Hanna and P.A. Smith Surveys, Abstracts 222 and 415. Applicant, Jon Thompson**

1. Presentation (Jon Thompson) This topic is posted as a discussion item only. The proposed use for this property is a three building, twenty-eight to thirty unit condominium development. Due to the number of mature live oaks and pecan trees and the desire to minimize the detrimental effect on the natural environment and to preserve the natural beauty of the site and provide a more affordable housing opportunity to the community. This property is approximately 4.152 acres in size, located south of U.S. Hwy 290 West at Quail Farm Drive.

Due to the building design that is necessary to lower costs for construction and minimizing the horizontal footprint on the natural environment it is necessary to request special exceptions for number of stories and maximum height of the buildings. The maximum height request is fifty feet for two of the buildings while the third building would have a height of sixty-two feet from the lowest grade to highest pitch of the roof. However, since this building is going to be built on a slope that is cut down six feet below natural grade and will from average grade be less than sixty-two feet. Two of the buildings will be three stores while the third building will be three stories and a basement that will be part of the cut into the slope.

2. Staff Report (Anjali Naini) Anjali was only notified the day of P&Z Commission about

the zoning request change. The applicant had amended the rezoning application recently to request General Retail (GR) instead of (MF) so her staff report reflects the original request and not the updated one. Per the change to the application, staff recommends no action be taken on both of items at this time due to insufficient noticing. The applicant must provide new notices with correct information in order for this item to be considered during the November P&Z meeting. Notices for both the zoning amendment and variance request were incorrect. The zoning amendment notice stated the incorrect zoning classification being requested. The notice for the variance cited a variance to height in the wrong zoning district. The applicant failed to provide the notices to staff to review prior to sending them to the newspaper, so staff was not given time to review the notices. Additionally, staff are awaiting additional information from the applicant: 1) the exact height being requested, since the application stated that it was not finalized; 2) whether the basement is mostly above (or below) the average grade, as this will affect the determination of the number of floors in one of the proposed buildings. Anjali will be making a more thorough analysis of the new information provided and updating her staff report to reflect those changes.

### 3. Public Hearing

1. Jimmy Skipton: Concerned about the setbacks with the new zoning change and if this new development will affect the use of the shared access easement he relies on to get to this own property.
2. Bruce Turbow: Wanted to clarify how many units was being proposed for this project. James Martin confirmed how many units was to be developed per the narrative provided in the packet.

### 4. Ordinance No. 1221.48 and Variance (Discussion only, no action) Mim James made a motion to consider. James Martin seconded the motion. Mim wants to address Mr. Skipton's comments regarding the new setbacks in a (GR) zoning district. Anjali was able to confirm that the setbacks in the GR zoning are a minimum of 25' in the front and rear yard and a minimum of 25' on the side yard when adjacent to a public R.O.W. or residential lot. The GR zoning potentially increases the minimum side yard setback compared to CS zoning.

Jim Martin asked the applicant whether this project would be open to investors to buy and rent or strictly ownership. Jon Thompson confirmed that it would be open to any of those options. The average price point for this project is \$250,000 and it will consist of two 1bed/1bath units and the rest will be 2bed/2bath units.

Evelyn Strong and Mim James made a request for the applicant to visit with ESD 6 to discuss how the building height could be addressed in terms of fire safety and building code compliance. Jon Thompson confirmed that he had a discussion with them and he was told that they would be required to have a sprinkler system for these units. Jon Thompson and the property owner will meet with them again to ensure that they comply with all of the requirements necessary for this project before the next P&Z meeting takes place.

Mim James asked whether or not the applicant sought consultation from Keenan Smith, the City's Architectural Design Consultant. Jon Thompson consulted with Keenan previously and they have considered alternative designs in specific regards building height, but they will need to send updated information in the package that will be provided to P&Z Commissioners and City Council.

The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the motion.

**C. Hidden Oaks 1459 – A Request for a Variance from the Dripping Springs Code of Ordinances, Chapter 30, Exhibit A, Section 3.8.3 to Allow an Increase in Height of up to Fifty-Five Feet for Two Buildings and up to Sixty-Two Feet for One Building in a Proposed Multiple-Family Condominium Development for the Following Property: 4.152 Acres out of the B.F. Hanna and P.A. Smith Surveys, Abstracts 222 and 415. Applicant, Jon Thompson**

1. Presentation (Jon Thompson) [See above](#)
2. Staff Report (Anjali Naini) [See above](#)
3. Public Hearing [See above](#)
4. Variance [See above](#)

**D. Ordinance No.1220.149: An Ordinance of the City of Dripping Springs, Texas Amending the Code of Ordinances, Chapter 30, Exhibit A: Section 1.6.2; and Amending Appendix E: Zoning Use Regulations (Charts) Permitted Use Provisions for Districts Zoned as General Retail, Commercial Services, Local Retail, and Historic Overlay Related to Uses Including Bar Use and the Sale and Consumption of Alcohol is such; and Providing for the Following: Finding of Fact; Enactment; Repealer; Severability; Codification; Effective Date; and Proper Notice & Meeting.**

1. Staff Report (Anjali Naini) The City has been receiving requests for Bars in districts where Bars are not currently permitted. The City's Zoning Ordinance does not currently address Bars, nor does it define Bar or a similar establishment. The City typically addresses Bars and similar uses through the creation of overlay zoning districts for the specific properties. City staff reviewed the Bars Ordinance and Zoning Use Regulations (Charts) to determine which districts would be appropriate to allow Bars. As detailed in the section above, the proposed amendment recommends allowing Bars in four districts: General Retail (GR), Commercial Services (CS), Local Retail (LR), and Historic Overlay (HO). The Zoning Use Regulations (Charts) has been amended to include a general Bar use. Anyone wishing to operate a Bar must obtain a CUP per provisions in Chapter 30: Exhibit A, Section 3.17. Bar CUP's will need to go through the full CUP process, including approval by P&Z and City Council. Staff recommends approval of the zoning amendment.
2. Public Hearing
  1. Bruce Turbow: Submitted written comments concerning how distance from schools, churches, etc. is addressed in this amendment, but has been made aware that this is a TABC issue.
3. Ordinance No.1220.149  
John McIntosh recused himself from voting on this subject since he is a bar owner. James Martin made a motion to approve Ordinance No.1220.149 to allow for new language in the ordinance regarding definitions and what zoning categories permit this use. Mim James seconded the motion. The motion carried unanimously with a vote of 4 Ayes and 0 Nays, approving the motion.

**E. Conditional Use Permit Application for The Garage Sports Bar and Mobile Food Court Located at 251 Baird Lane, Dripping Springs, TX 78620, Applicant Jon Thompson.**

1. Presentation (Jon Thompson) Property owner, Kevin Roarke is requesting a Conditional Use Permit to establish a sports bar and mobile food court (2 trucks) on a property zoned (CS). The City of Dripping Springs Zoning Ordinance permits bars and mobile food courts in the CS zoning district with a CUP. Baird Lane is a private road and part of the Sportsplex subdivisions. They have been in communication with TXDOT and the Fire Department to address any potential issues with the access road and fire safety. They received a response from ESD 6 stating issues that would need to be handled at the time of the site plan review process. This project site is in close distance to three schools and one day care. DS Christian Academy, DS High School, Walnut Springs Elementary and a private at home daycare. Jon Thompson is actively seeking answers to distance separations. This is a discussion item only.

Kevin Roarke briefly explained the concept plan for this project. Overall looking to establish a family friendly, pet friendly bar and food court for the community to enjoy. He is seeking a beer and wine only license for this bar, and the hours of operation will be from 3p.m. to 11p.m. during the week and from 11a.m. to 11p.m. on weekends. Additionally they are working with TXDOT to widen the curb off of Hwy 290 and Baird lane and other needed maintenance on Baird Lane.

The owner wants to be mindful of the safety concerns of the surrounding community. Kevin is accepting any feedback that the commission is willing to give him in regards to this subject.

2. Staff Report (Megan Will) The applicant's project narrative states the concept for the Garage Sports Bar is a family (and pet) friendly establishment including family friendly games, a children's playground area, and accommodations to bring dogs. The applicant's goal is for the "sports bar" type establishment to have 12-15 TVs tuned to sports and to be the "go-to" place to catch the big game. The bar will be located in a 1,200 sq. ft. building including ample indoor seating near the TVs. This building will not include any kind of kitchen or food service, thus the request to include the mobile food court (2 trucks) in the project approval. The food trucks will be owned/operated by 3<sup>rd</sup> party vendors renting space from the Garage Sports Bar owners. The project concept also includes a covered outdoor seating area adjacent to the children's playground and another seating area underneath the large tree in front of the building. The owners plan to pursue a Beer & Wine only permit from TABC. The City of Dripping Springs Code Section 6.04 includes locational standards for businesses engaged in selling alcoholic beverages. These standards include 1) zoning district compatibility, which is being addressed through this CUP request and 2) proximity to schools, churches and hospitals. Sec. 6.040.002 proximity to schools, churches and hospitals prohibits that sale or business of selling any alcoholic beverage from a location within three hundred feet of a church, public or private school, or public hospital. Sec. 6.04.002 (b) specifics that the measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections. The distance requirement from the DS Christian Academy, DS High School, Walnut Springs Elementary and the at home day care is not met. Staff recommends denial for this reason.

**3. Public Hearing**

1. Jack Townsend: Concerned about traffic and lane width regarding safety on Baird Lane.
2. Nancy Crisp: Owns the at home daycare and is concerned about the safety of the children she cares for with regards to increased traffic on the narrow road, type of vehicular traffic and what other types of nuisances there might be as a result of this business such as noise and the effect on property values in the area.
3. AJ Gray: Is not a resident of Dripping Springs but his daughter does attend the daycare which is mentioned and is concerned about the children's safety being directly next to the bar. The proximity is too close. Trucks are likely to deliver stock using Baird Lane as the main access and could potentially create a higher risk of danger for the kids.
4. Paul Crisp: Has a lot of the same concerns as his wife previously stated. Is also concerned about road maintenance and the impact that the high volume of traffic will have on this road.

4. **Conditional Use Permit** Mim James made a motion to discuss. James Martin seconded the motion. Mim firmly believes that the comments outlined in the staff report and expressed by the public commenters need to be taken into consideration by the applicant. ESD comments need to be addressed as well. The nature of the other activities around the project site needs to meet the distance criteria as required by TABC unless there is an option for a variance in their codes or an alternative option at the state level.  
James Martin wants the applicant to address when they anticipate trash pickup and delivery hours for their business for future reference.  
Evelyn Strong is concerned about the distance between the library and pediatric office and to the project site which share a significant property border.  
Jon Thompson responded to Evelyn's comment and is not aware of what the current distance is from the site to the library. Additionally, TABC does not dedicate a distance requirement for libraries, and would need to find out about pediatric offices.  
No action was taken but the applicant agreed that sufficient feedback was given in order to move forward and address those comments/concerns.

**F. Conditional Use Permit Application for an Accessory Dwelling Unit (ADU) Located at 198 Creek Road, Dripping Springs, TX 78620, Applicant, Travis Crow**

1. **Presentation (Travis Crow)**
2. **Staff Report (Megan Will)** The applicant has requested a CUP to allow the building of an approximately 2,400 sq.ft. accessory dwelling unit on the subject property located at 198 Creek Road, Dripping Springs TX, 78620. The subject property is 3.1 acres and comprised of two separate parcels that were recently (late 2016) rezoned from two-family residential duplex (SF-4) to (GR), but remain in residential use. The property is located south of Hwy 290 W, south of Pioneer Bank, and situated along the shorter stretch of Creek Road that is perpendicular to Hwy 290 on the western corner of the road before the road turns. The current residence is located on the southern parcel of the property and a garage structure is being built to the east situated between the residence and the side property line. The applicant proposes to situate the accessory dwelling unit in the open yard area between the home and southern/southwestern property boundaries. The site plan provided shows the ADU to be setback 29ft. plus or minus from the southern property boundary (Creek Road), 80 ft. plus or minus from the eastern property boundary (also Creek Road), and 75 ft plus or minus at the closest point to the rear property line (western boundary). The ADU will have a building footprint of 76 ft. by 48 ft.; this will include a 2,400 sq.ft. living space (40' x60') and an 8ft. open porch on three sides of the structure. The subject property is in an area of town that has a mix of zoning classifications. Bordering GUI, CS and across the street from LR and the Hays Street Historical District Overlay. ADUs are permitted in GR and LR districts with a CUP. The neighboring property to the west is zoned GUI is currently owned by Perdenales Electric Cooperative, and is used as an equipment yard. Pioneer Bank and a gas station located along Hwy 290 are located north of the subject property. The properties across Creek Road to the east of the subject property are in residential use. Based on surrounding zoning, the addition of the ADU is not incompatible with the surrounding area. Staff recommends approval of the CUP.
3. **Public Hearing** No public comments were made
4. **Conditional Use Permit** James Martin made a motion to approve the CUP for 198 Creek Road to allow for an accessory dwelling unit per staff's recommendation. John McIntosh seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the motion.

**G. Conditional Use Permit Application for a Mobile Food Vendor Court (2 food trucks) Located at 101 San Marcos Street, Dripping Springs, TX 78620, Applicant, Mark Sutton.**

1. Presentation Mark Sutton was not present for the meeting.
2. Staff Report (Megan Will) The owner has requested a CUP to allow the placement of two mobile food vendors on the subject property located at 101 San Marcos St. Dripping Springs, TX 78620. Per the CODS Mobile Food Vendor Ordinance, two or more mobile food vendors in the same location is defined as a “food court.” The CUP application request is specifically for two walk-up food trucks. The food trucks would be permanently located in the SW corner of the property along the Wallace Street frontage. The proposed hours of operation are 6a.m. to 11p.m. daily. No on-site parking will be provided as on-street parking is available along the frontage of the subject property. There will be minimal on-site eating areas, the intent is the food trucks will provide “to-go” food. The food court will comply with applicable zoning and fire code standards. The individual mobile food vendors will be responsible for their own gray water tanks and disposal. A manifest will be provided to the City of Dripping Springs each time the gray water is disposed. Kyle Dehart, the City’s Sanitarian, must approve the necessary mobile food vendor permits for this food court. Trash will be disposed of in the existing dumpster on site and electrical service will be provided via a sub-panel off the service to the existing structures on the site. Staff recommends the approval of the CUP.
3. Public Hearing No public comments were made
4. Conditional Use Permit John McIntosh and Kim Hubbard recused themselves from voting on this subject since they are both neighboring business owners.  
Mim James does not consider food trucks to add significant value to the preservation and aesthetic quality of the historic district, nor does it contribute to the economic development of the city seeing how it is being proposed as a “to-go” food truck park. The City is very careful in deciding what is developed in the Historic District. The fundamental concern is understanding how this proposal creates a positive contribution to this area of the City.  
James Martin’s concerns regard the requirement for the applicant to provide a letter from the Krispy Krunchy Chicken restaurant owner prior to the P&Z meeting which has not been obtained to date. He also does not agree that it serves a function for the community.  
Evelyn Strong expressed that food trucks do not establish an economic commitment to the community in an effective way.  
Mim James made a motion to deny granting a CUP for the mobile food court at 101 San Marcos Street. James Martin seconded the motion. The motion carried unanimously with a vote of 3 Ayes and 0 Nays, approving the motion.

**H. Sign Variance Request to Allow an Additional Projecting Sign for Sky Cinemas, located at 166 Hargraves Dr., Ste. 100, Applicant, Bill Banowsky, Sky Cinemas.**

1. Presentation (Bill Banowsky) Available to answer questions.
2. Staff Report (Michelle Fischer) The applicant is requesting a variance from the Belterra Village Master Sign Plan to allow an additional projecting sign on the building. Originally, Sky Cinemas and Endeavor Real Estate Group planned on the logo and sign to be a long rectangular shape. After further analysis, they decided on a square shaped logo and sign. The square sign is much smaller than what was originally planned for the rectangular one. Therefore, Sky Cinemas requests a variance from the Belterra Village Master Sign Plan to allow an additional projecting sign. Endeavor Real Estate and the Belterra Village Architectural Review Committee have approved the variance request and proposed signs. The proposed signs meet many of the considerations for granting a variance. The variance is adequately mitigated by the total square footage of both signs being 24% less than what is allowed for one sign and also by the minimal illumination of the signs. Staff recommends approval of the variance request.
3. Public Hearing No comments were made
4. Variance James Martin made a motion to approve the variance request for Sky Cinemas located at 166 Hargraves Drive in Belterra Commercial. Kim Hubbard seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the motion.

**I. Sign Variance Request to Allow an Additional Projecting Sign for Sherwin Williams, located at 27490 Ranch Road12, Danielle Manion, Liberty Signs, Applicant,**

1. Presentation (Trevor Peterson) The request is to allow installation of one internally lit building sign which faces RR 12. This sign would be located towards the southern end of the building to serve as a way finding. When we considered this building and space prior to leasing it we observed the traffic at the intersection of Hwy 290 and RR 12. Available to answer questions.
2. Staff Report (Michelle Fischer) The Sign Ordinance allows a business in a multi-unit property to have one sign on the multi-unit directory sign and one other sign. A business qualifies for two projecting signs if the following criteria are met: 1) the business is within a multi-unit property; 2) the business is on a corner; 3) the business has two public entrances on different sides of the building; and 4) the business takes up an entire building. The Sherwin Williams Paints complies with all of these criteria except it does not take up an entire building. Staff recommends approval.
3. Public Hearing No comments were made.
4. Variance James Martin made a motion to approve the Variance request for the Sherwin Williams store located at 27490 RR 12 with the conditions expressed in Michelle's staff report. Kim Hubbard seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the motion.

**J. Headwaters Commercial – Preliminary Plat for approximately 38.199 acres located just off Headwaters Blvd north of Hwy 290. Applicant, Brian Roby, Austin Civil Engineering**

1. Presentation (Brian Roby) Available to answer questions
2. Staff Report (Megan Will) The proposed subdivision is for a property containing 38.199 acres and consists of five lots divided by three public roads. This subdivision represents Phase 1 of the three phase – 166.8 acre commercial section of the larger 1,509.68 – acre master planned Headwaters development. The commercial section has been annexed into the City, while the residential portion is located in the ETJ. The commercial section is zoned PDD#6. This review of the Preliminary Plat includes a determination of compliance with the Development Agreement as amended, including the approved Concept Plan, the Subdivision Ordinance, PDD#6 zoning including the PD Master Plan, and the Water Quality Ordinance. Rick Coneway, P.E., City Engineer, reviewed the submittal for compliance with the Subdivision and Water Quality Ordinances. Staff found the Preliminary Plat to comply with relevant requirements in the documents referenced above. Staff recommends approval.
3. Public Hearing No comments were made.
4. Preliminary Plat James Martin made a motion to approve the Preliminary Plat per staff's recommendation. John McIntosh seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the motion.

**K. JWLP Family, LLC – Preliminary Plat for approximately 7.43 acres located at 700 Hwy 290 W, Dripping Springs, TX 78620. Applicant, Andrew Dodson, P.E., Doucet & Associates, Inc.**

1. Presentation (Andrew Dodson) Available to answer questions.
2. Staff Report (Megan Will) This Preliminary Plat is for the property at Hwy 290 and Sportsplex Drive. The property is comprised of 7.43 acres of land, that is currently zoned CS. The proposed subdivision consists of 6 lots; two 1.5 acre lots with frontage on Hwy 290; and four lots fronting Sportsplex Drive. Three of the lots fronting Sportsplex Drive are 1 acre in size; the remaining lot (Lot 6) is 1.3 acres. There is some existing development on the lots fronting Hwy 290 (Lots 1 & 2), the remainder of the property is undeveloped. The review of the Preliminary Plat submittal includes a determination of compliance with the Subdivision Ordinance, Water Quality Ordinance, and Zoning Ordinance as applicable. Chad Gilpin, P.E., City Engineer, reviewed the submittal for compliance with the Subdivision and Water Quality Ordinances. Megan Will reviewed the Preliminary Plat for compliance with the Zoning and Subdivision Ordinances. Collectively, staff found the preliminary plat to comply with relevant requirements in the documents referenced above. Staff recommends approval.
3. Public Hearing
  1. Name Unknown: Requests that the applicant considers the aesthetic quality of this development since they are neighbors from across the street and wants to know where the main access is coming from.
4. Preliminary Plat Evelyn Strong made a motion to consider. Mim James seconded the motion. Mim James confirmed that the design and what is to be proposed here will be determined in the site development process. James Martin made a motion to approve the Preliminary Plat per staff's recommendation. Evelyn Strong seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the motion.

**L. Replat of Springlake Subdivision Lot 122-A3 and Lot 122-A4 a 3.21 acre tract located at 1804 Spring Valley Dr. Dripping Springs, TX 78620. Applicant, Hugo Elizondo Jr., P.E., Cuatro Consultants, LTD.**

1. Presentation (Hugo Elizondo) – *Applicant has requested postponement to next regularly scheduled P&Z meeting.*
2. Staff Report *N/A*
3. Public Hearing *No comments were made*
4. Replat *No action was taken due to the request to postpone*

**M. Ordinance No. 1220.148: An Ordinance of the City of Dripping Springs rezoning the properties at 136 and 137 Drifting Wind Run: Lot 1, The Preserve, Phase Three, Resubdivision of Lot1-B of the Preserve, Phase One; and Lot 1-A, The Preserve, Phase One, Hays County, Texas, from Agriculture District (AG) to Commercial Services District (CS) with Overlay, Applicant, Blue Harvest South, LLC.**

1. Presentation (Rex Baker) *This property was recently annexed into the City and now the applicant is requesting to rezone this property from AG to CS*
2. Staff Report (Megan Will) *The subject properties were annexed into the City of Dripping Springs on July 18, 2017. The properties together total 13.924 acres and are located at the entrance to the Overlook at the Preserve Subdivision at the intersection of Drifting Wind Run and Hwy 290. The analysis of the surrounding properties supports that CS zoning will be appropriate for this property. Staff recommends approval of the zoning amendment*
3. Public Hearing
  1. *John Peters: resident of The Preserve Subdivision is concerned about access to that private driveway to enter the property and have talked to neighbors about the feasibility of a traffic light at that intersection to help mitigate the impact of added traffic.*
4. Ordinance No. 1220.148 *Mim James recused himself from voting on this agenda item since he lives in the neighborhood adjacent to this property. John McIntosh made a motion to discuss. James Martin seconded the motion. John asked the applicant if they have discussed the potential of a stop light with TXDOT at the intersection of Hwy 290 and Windmill Drive. John McIntosh made a motion to approve Ordinance 1220.148 to change the zoning from AG to CS. Kim Hubbard seconded the motion. The motion carried unanimously with a vote of 4 Ayes and 0 Nays, approving the motion.*

**N. Variance Request from the Dripping Springs Code of Ordinance, Chapter 28 Section 28.04.018 (b) to allow cut/fill over 6 feet for Windmill Center at The Preserve (136-137 Drifting Wind Run), located at Hwy 290 East and Drifting Wind Run, Dripping Springs, TX 78620, Applicant, Chuck Rogers, on behalf of Chuck Realtors, LLC.**

1. Presentation (James McCann) The applicant is requesting a variance for cut and fill due to the geography of this location and will need to elevate the land for this project.
2. Staff Report (Rick Coneway) The excess cut is required for the excavation of the water quality and detention pond. One side of the pond is located on a steep downward slope near the bottom of a ravine. The proposed size of the pond necessitates an 8 foot cut along the slope. The excess fill is required to create a site plan that will properly accommodate ADA requirements, parking and drainage requirements. The existing topography for the proposed site slopes downward from Drifting Wind Run to the east toward the aforementioned pond and the existing ravine. The elevation difference is approximately 22 feet. Therefore, the proposed site requires approximately 12 feet of fill. Staff recommends approval.
3. Public Hearing No comments were made
4. Variance to allow cut/fill over 6 feet Evelyn Strong made a motion to approve the variance request for the cut/fill over 6 feet per staff's recommendation. John McIntosh seconded the motion. The motion carried unanimously with a vote of 4 Ayes and 0 Nays, approving the motion.

**O. Alternative Exterior Design Request for Windmill Center at The Preserve (136-137 Drifting Wind Run), located at Hwy 290 East and Drifting Wind Run Dripping Springs, TX 78620, Applicant, Chuck Rogers, on behalf of Chuck Realtors, LLC.**

1. Presentation (Alma McElroy) Available to answer questions
2. Staff Report (Keenan Smith) Megan Will filled in for Keenan Smith to deliver the staff report to the Planning and Zoning Commission. In discussions with Keenan on this subject, the design of the project is certainly in keeping with the intent and character of the City's Exterior Design requirements. There is a small portion of the flat roof of the structure that is mentioned which necessitates the requirement for the waiver. Staff recommends approval.
3. Public Hearing No comments were made
4. Alternative Exterior Design John McIntosh made a motion to approve the Alternative Exterior Design request for Windmill Center including the additional requirements noted in Keenan Smith's report. Kim Hubbard seconded the motion. The motion carried unanimously with a vote of 4 Ayes and 0 Nays, approving the motion.

**VI. Announcements.**

- A. Regular City Council Meeting, November 14, 2017, at 5:30 p.m. Workshop/ 6:30 p.m. Regular Session  
Regular City Council Meeting November 21, 2017, 6:00 p.m.
- B. Planning and Zoning Regular Meeting November 28, 2017, 6:30 p.m.

**VII. Adjourn.**

**Adjourn Open Meeting**

A motion to adjourn was made by James Martin, seconded by Mim James ending the meeting at 9:08 p.m.

Respectfully submitted,

Katie Jordan Planning Assistant

These minutes were approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.



