

# **Minutes of the Planning and Zoning Commission Special Workshop**

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A Special Workshop of the City of Dripping Springs Planning and Zoning Commission was held Tuesday, November 17, 2015, beginning at 5:30 PM at City Hall, 511 Mercer Street, Dripping Springs, Texas.

## **I. CALL TO ORDER AND ROLL CALL**

### Commission Members

Mim James - Chair

Whit Smith

Kim Hubbard

James Martin - Vice Chair

Erik Burgeson

John McIntosh

Michael Lavengco

### City Staff/Appointed Officials

City Administrator Michelle Fischer

Director of Public Works and Development Rick Coneway

Code Enforcement Manager Jon Thompson

City Secretary Kerri Craig

City Attorney Alan Bojorquez

Commission Chair Mim James calls the meeting to order at 5:30pm. All members present except Commissioners Kim Hubbard and Whit Smith.

## **II. WORKSHOP**

*This gathering involves a legal briefing only. No action to be taken. No votes will occur. No decisions will be made. Discussion regarding:*

- A. Review Local Government Code and City Ordinances Related to Development Within the City and ETJ

## **III. 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). Did not convene into Executive Session.*

- A. Consultation with City Attorney on U.S. and Texas Land Use Law as it Relates to City of Dripping Springs Ordinances, Permits, Development Agreements, Practices and Procedures (551.071 Consultation with Attorney)

- ## **IV. ADJOURN**
- Commission Vice Chair James Martin motions to adjourn the meeting. Commissioner Michael Lavengco seconds. VOTE: 5-0 in favor, motion passes. Meeting adjourns at 6:59pm.

# Minutes of the Planning and Zoning Commission Regular Meeting

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A Regular Meeting of the City of Dripping Springs Planning and Zoning Commission was held Tuesday, November 17, 2015, beginning at 7:00 PM at City Hall, 511 Mercer Street, Dripping Springs, Texas.

## I. CALL TO ORDER AND ROLL CALL

### Commission Members

Mim James - Chair

Kim Hubbard

Michael Lavengco

James Martin – Vice Chair

Erik Burgeson

Whit Smith

John McIntosh

### City Staff/Appointed Officials

City Administrator Michelle Fischer

Director of Public Works and Development Rick Coneway

Code Enforcement Manager Jon Thompson

City Secretary Kerri Craig

Commission Chair Mim James calls the meeting to order at 7:03pm. All members present except Commissioner Kim Hubbard and Code Enforcement Manager Jon Thompson. Also present is Exterior Design, Architectural and Land Planning Consultant Keenan Smith and 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).* - Convened to executive session at 7:27pm. Present: Commission Chair Mim James, Commission Vice Chair James Martin, Commissioner Michael Lavengco, Commission John McIntosh, Commissioner Erik Burgeson, Commissioner Whit Smith, City Administrator Michelle Fischer, and City Attorney Alan Bojorquez. Reconvened to the regular meeting at 7:40pm.

III. **PLEDGE OF ALLEGIANCE** - Commissioner Whit Smith 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.* No one speaks

## V. MINUTES

*Consideration and Possible Action On:*

A. Approval of Regular Meeting Minutes, October 27, 2015 - Commissioner Erik Burgeson motions to approve the minutes. Commissioner John McIntosh seconds. VOTE: 6-0 in favor, motion passes.

## VI. ZONING

A. Request for Special Exception from Side Yard Setback, 501 Old Fitzhugh Road, *Nate Pruitt, Owner, Sidecar Tasting Room, Applicant*

1. Presentation – Nate Pruitt, Applicant

2. Staff Report – Director Rick Coneway, report on file. Staff recommends denial of the request.
  3. Public Hearing – No one speaks
  4. Special Exception – Commission Vice Chair James Martin motions to discuss. Commissioner Whit smith seconds. Commission discusses the ordinance, stage, setback and the City’s prior communication with the applicant. Commissioner Erik Burgeson motions to deny the request. Commissioner Michael Lavengco seconds. VOTE: 6-0 in favor of denial, motion passes.
- B. Request for Special Permit for Wireless Transmission Facility, Amateur Radio Tower, Located at 401 Springwood Drive, *William Saulnier, Applicant*
1. Presentation – William Saulnier, Applicant
  2. Staff Report – Director Rick Coneway, report on file. Staff recommends approval with the conditions stated in the report.
  3. Public Hearing – Beth Woodward, a resident near the applicant, speaks in opposition to the request. Paul Gray, a resident near the applicant, speaks in opposition to the request. James Fenelon, a resident near the applicant, speaks in opposition to the request. Doug Phillip, a resident near the applicant, speaks in opposition to the request.
  4. Special Permit – Commission Vice Chair James Martin motions to approve according to staff’s recommendation. Motion dies due to a lack of a second. Commission Chair Mim James motions to consider. Commissioner Erik Burgeson seconds. Commission discusses the ordinance, safety issues, FCC requirements, voltage, lighting, and height. Commissioner John McIntosh motions to table the request until the applicant provides technical justification for the height being requested. Commissioner Whit Smith seconds. VOTE: 6-0 in favor of tabling the item, motion passes.
- C. Ordinance No. 1220.117: An Ordinance of the City of Dripping Springs Amending the Zoning Classification of 26450 RR 12 from Single Family Residential - Low Density (SF-1) to Office (O), *Charles Turner, Applicant*
1. Presentation – Charles Turner, Applicant
  2. Staff Report - Director Rick Coneway, report on file. Staff recommends approval.
  3. Public Hearing – No one speaks
  4. Ordinance 1220.117 - Commissioner Whit Smith motions to approve according to staff’s recommendation. Commissioner Erik Burgeson seconds. VOTE: 6-0 in favor, motion passes.
- Commissioner Erik Burgeson recuses himself from agenda item VI.D due to a potential conflict of interest.
- D. Request for Special Exception from Rear Yard Setback for 421 Goodnight Trail, *Erik & Holly Burgeson, Owners*
1. Presentation – Erik Burgeson, Applicant
  2. Staff Report - Director Rick Coneway, report on file. Staff recommends approval.
  3. Public Hearing – No one speaks
  4. Special Exception – Commission Vice Chair James Martin motions to approve according to staff’s recommendation. Commissioner Whit Smith seconds. VOTE: 5-0 in favor, motion passes.

- E. Ordinance No. 1220.118: An Ordinance of the City of Dripping Springs Amending the Zoning Classification of Sawyer Ranch 33, Tract Two, Lot 2A-2 from Office (O) to Local Retail (LR), Located at *13830-B Sawyer Ranch Road, Shelly Mitchell, PE, Pape-Dawson Engineering, Applicant*
  - 1. Presentation – Shelly Mitchell, Applicant
  - 2. Staff Report - Director Rick Coneway, report on file. Staff recommends approval of Ordinance 1220.118.
  - 3. Public Hearing – No one speaks
  - 4. Ordinance 1220.118 - Commissioner Erik Burgeson motions to approve according to staff’s recommendation. Commissioner John McIntosh seconds. VOTE: 6-0 in favor, motion passes.

**VII. SUBDIVISIONS**

- A. Replat for Sawyer Ranch 33, Tract Two, Lot 2A, Located at 13830-B Sawyer Ranch Road, *Shelly Mitchell, PE, Pape-Dawson Engineering, Applicant*
  - 1. Presentation – Shelly Mitchell, Applicant
  - 2. Staff Report - Director Rick Coneway, report on file. Staff recommends approval.
  - 3. Public Hearing – No one speaks
  - 4. Replat – Commission Vice Chair James Martin motions to approve according to staff’s recommendation. Commissioner Michael Lavengco seconds. VOTE: 6-0 in favor, motion passes.
- B. Texas Heritage Village, Section 4 Variance from the Code of Ordinances, Chapter 28, Exhibit A: “Subdivision Ordinance”, Section 18.3.1; Requesting a Drainage Variance for Stormwater Management Which Would Assume Upstream Detention Under Fully Developed Conditions in the Drainage Master Plan; Located Generally at the Terminus of the Northern Extension of Rob Shelton Boulevard and East of Ranch Road 12, *Sal Baeza, PE, Pape-Dawson Engineering, Applicant*
  - 1. Presentation - None
  - 2. Staff Report - Director Rick Coneway, report on file. Staff recommends approval.
  - 3. Public Hearing – No one speaks
  - 4. Stormwater Drainage Variance – Commissioner Erik Burgeson motions to approve according to staff’s recommendation. Commission Vice Chair James Martin seconds. VOTE: 6-0 in favor, motion passes.

**VIII. EXTERIOR DESIGN ALTERNATIVE STANDARDS**

- A. Exterior Design Alternative Standard for Merritt Hill Country Senior Living, Located at 27827 RR 12, *Andrea Freiburger, AIA, Spring Architects, Applicant*
  - 1. Presentation – Andrea Freiburger, Applicant
  - 2. Staff Report – Consultant Keenan Smith, report on file. Staff recommends approval with the conditions stated in the report.
  - 3. Public Hearing – Ben Sorrell, a property owner in Dripping Springs, speaks in favor of this project.
  - 4. Exterior Design Alternative Standard - Commissioner Erik Burgeson motions to approve according to staff’s recommendation. Commission Vice Chair James Martin seconds.

VOTE: 6-0 in favor, motion passes.

## IX. SIGNS

A. Sign Variance Requests for Valero Store located at 13810 Sawyer Ranch Road, *CST Brands, Inc., Edward Gutierrez, Comet Signs, Applicant*

1. Presentation – Edward Guitierrez, Applicant
2. Sign Administrator's Report – City Administrator Michelle Fischer, report on file. Staff recommends denial of all variance requests.
3. Public Hearing – No one speaks
4. Variance Request to Exceed the Maximum Cumulative Signable Area Allowed for a Business
5. Variance Request to Exceed the Number of Canopy Signs Allowed
6. Variance Request to Allow LED Gas Price Canopy Signs

Commissioner Michael Lavengco motions to deny all variance requests according to staff's recommendation. Commissioner Erik Burgeson seconds. VOTE: 6-0 in favor, motion passes.

## X. DEVELOPMENT AGREEMENTS

A. Proposed Development Agreement between the City of Dripping Springs and HM Parten Ranch, LP., Located North and Northwest of the Intersection of Kinnicnik Loop and FM1826, at 16000 Farm to Market 1826 and consists of 532 +/- acres out of the Lamar Moore Survey, Abstract No. 323 and the Seaborn J. Whatley Survey, Abstract No. 18, Hays County, Texas, *John Clark, PE, LJA Engineering, Applicant*

1. Presentation – John Clark, Applicant
2. Staff Report – Director Rick Coneway, report on file. Staff recommends approval.
3. Parks & Recreation Commission Report – The Commission voted to approve the Parkland Dedication on November 9, 2015.
4. Public Hearing – Kathy Turney, property owner adjacent to this property, speaks in opposition to this development. Sharon Stuart, property owner near this property, speaks in opposition to this development. Margie Currie Wood, property owner near this property, speaks in opposition to this development. Gary Courier, representative of the applicant, speaks in favor of this development. Steve Calloway, property owner adjacent to this property, would like to know more about the development.
5. Development Agreement
  - a. Alternative Standards and Variances
  - b. Parkland Dedication
  - c. Development Agreement

Commission Chair Mim James motions to consider. Commissioner Erik Burgeson seconds. Commission discusses the notification requirements to property owners in the area, drainage runoff, effluent, buffer zones, water quality, and the development agreement purpose and review process. Commission Chair Mim James motions to table this item until we can ensure that all parties and property owners have been properly notified. Commission Vice Chair James Martin seconds. VOTE: 6-0 in favor, motion passes.

**XI. ANNOUNCEMENTS**

- A. Special City Council Meeting, December 1, 2015 at 5:30 p.m.
- B. Regular Historic Preservation Commission Meeting, December 7, 2015 at 7:00 p.m.
- C. Regular City Council Meeting, December 8, 2015 at 7:00 p.m.
- D. Regular Transportation Committee Meeting, December 14, 2015 at 3:30 p.m.
- E. Regular Parks & Recreation Commission Meeting, December 14, 2015, at 6:00 p.m.
- F. Regular Planning and Zoning Commission Meeting, December 16, 2015 at 7:00 p.m.

**XII. ADJOURN** - Commissioner John McIntosh motions to adjourn the meeting. Commissioner Erik Burgeson seconds. VOTE: 6-0 in favor, motion passes. Meeting adjourns at 9:03 p.m.