

Planning and Zoning Commission Regular Meeting Minutes

City of Dripping Springs

A Planning and Zoning Commission Regular Meeting was held Tuesday, November 18, 2014, beginning at 7:00 PM in the City Hall, 511 Mercer Street, Dripping Springs, Texas.

I. CALL TO ORDER AND ROLL CALL

Commission Members

Larry McClung - Chair

Kim Hubbard

James Martin

Mim James – Vice Chair

Erik Burgeson

Josef 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 called the meeting to order at 7:06pm. All members present except Commissioner Josef Martin and Commissioner Erik Burgeson. Also present were Historic Preservation Commission Chair Ted Lehr, Architectural and Land Planning Consultant Keenan Smith, and Historic Preservation Consultant Eugene Foster.

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).

None

III. PLEDGE OF ALLEGIANCE

A. 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.

No one speaks.

V. MINUTES

Consideration and Possible Action On:

A. Approval of Regular Meeting Minutes, October 28, 2014

Commissioner Mim James motions to approve. Council Member James Martin seconds.
VOTE 5-0 in favor, motion passes.

VI. SITE DEVELOPMENTS/SUBDIVISIONS/ZONING/ON SITE SEWAGE FACILITIES/SIGNS/VARIANCES/WAIVERS/ALTERNATE STANDARDS/DEVELOPMENT AGREEMENTS

Consideration and Possible Action On:

A. Historic Resource Survey Update and Historic District Assessment Report, *Eugene Foster, Principal, Roark-Foster Consulting, LLC*

Mr. Foster gives an overview of his survey and assessment. He recommends creating an Old Fitzhugh Road Historic District and Hays Street Historic District. Report on file.

B. Creation Old Fitzhugh Road Historic District: Ordinance No. 1295.11: An Ordinance of the City of Dripping Springs, Amending Chapters 24 and 30 of the Code of Ordinances, Creating the Boundaries of the Old Fitzhugh Road Historic District Upon Determination of Additional Historic Areas; Amending the Official Zoning Map to Reflect the Creation of the Old Fitzhugh Road Historic District Boundaries; and Providing for the following: Findings of Fact, Enactment, Repealer, Severability, Codification, Effective Date, and Proper Notice & Meeting

Commission Vice Chair Mim James asks Planning Director Jon Thompson to clarify the district vs. the overlay, and what is included or not included. Planning Director Thompson states that everything that fronts on Old Fitzhugh Road is included. If a property fronts Ranch Road 12 and is in the area but does not front Old Fitzhugh Road, then it isn't part of the Old Fitzhugh Historic District but is still included in the overlay area.

1. City Staff Report: Planning Director Jon Thompson – Report on file. Thompson states that the Commission should take into consideration the letters, emails and comments received from the public. Commission Chair Larry McClung asks Planning Director Thompson to summarize Eugene Foster's report. City Administrator Michelle Fischer discusses the regulations that apply to properties in an historic district, Certificate of Appropriateness and its purpose. Staff recommends approval of the ordinance and boundaries as drafted.
2. Historic Preservation Commission Report: Historic Preservation Commission Chair Ted Lehr –minutes of the Historic Preservation Commission meeting on file. Lehr states that the November 3, 2014 Historic Preservation Commission minutes are accurate and reflect the discussion that was held. There have been lengthy and multiple public comment opportunities. The Historic Preservation Commission agreed that some of the Mercer Street

Historic District regulations are not appropriate for the Old Fitzhugh Historic District because Mercer is more commercial and Old Fitzhugh is more residential, so they separated the two areas.

3. Public Hearing:

Dennis Dement – Grand Nephew of Bradley Davis. The property at 275 Old Fitzhugh Road has been in his family for well over 100 years. It is a single family residence that fronts ~~Ranch Road 12~~ and Old Fitzhugh Road. He does not oppose the district and wants to preserve the property, especially the outbuilding behind the residence where Bradley Davis raised goats. He is requesting that the 1 acre that cannot be seen from the street be left alone so it can be developed without the proposed Old Fitzhugh Road Historic District restrictions. They are a 7th generation Dripping Springs family and they want to preserve the town's integrity but request that the staff be given latitude to make decisions as applicable rather than painting the area with one big brush; they should be able to judge selectively lot by lot. Commission Chair Larry McClung clarifies that Mr. Dement's point is that he prefers to have the property that is behind 275 and is not on Old Fitzhugh Road be excluded from the Old Fitzhugh Road Historic District. Mr. Dement replies Yes.

Carrie Napiorkowski, works at Pink West at 511 Old Fitzhugh Road: This area used to be known as Widow's Lane where widows would give out lemonade and cookies. Strongly supports Old Fitzhugh becoming an Historic District. They have been able to make improvements to their property with history being respected and preserved. One of the reasons their clients come to them is because of the charm and flavor of Dripping Springs, and when they visit their establishment, they tend to visit other Dripping Springs establishments as well. She supports the creation of the historic district.

4. Ordinance No. 1295.11:

Commission Vice Chair Mim James commends Eugene Foster on his report and asks him how the district will affect property values, and confirms that zoning would not change. Mr. Foster says he is not the person to ask about property values and defers to Planning Director Jon Thompson. Thompson states that the zoning would change in the overlay. James confirms that the zoning would not change in the Old Fitzhugh Historic District. Thompson replies Yes, except for special review and approval of the external portions of right-of-way properties. James asks what the impact will be to property owners. Keenan Smith states that creating the district will apply both restrictions and incentives for property owners in relation to the exterior portion of the properties facing visible from the right-of-way. Commission Chair Larry McClung asks about new construction. Ted Lehr states that the implementation manual adherence would guidelines apply similarly to Mercer, but unique to Old Fitzhugh. McClung confirms that new construction would have to comply with the new guidelines for Old Fitzhugh. Keenan Smith replies Yes, along with standard City guidelines which everyone has to follow regardless if they are in an Historic District. Commission Vice Chair Mim James states that what he wants to know is what are the differences. Keenan Smith states that there are some differences but no major ones. James states that it is important to recognize the differences between Mercer and Old Fitzhugh.

City Administrator Michelle Fischer states that property owners may be able to apply for federal tax credits and the City's incentives for historic properties apply ~~the City can apply for grants if the property is in the National Registry.~~ McClung states that Ranch Road 12 will one day be wider than it is now, so what will happen to those properties. Foster states that when TXDOT expands a road they routinely look at historic district designations and take those into account along with the City's opinion. McClung asks if they can recommend approval of Mr. Dement's request and will a survey be required. City Attorney Alan Bojorquez replies that yes either a survey or something similar will be required. Commissioner James Martin asks if it will need to be replatted in order to sell it. Bojorquez replies that zoning can split a property, but he will look into it. Commission Vice Chair Mim James asks Eugene Foster to speak about the properties that are adjacent but not included in the proposed district. Foster states that when the initial survey update was done he started with tracts facing Old Fitzhugh Road. When the overlay and assessing properties to the south of Mercer was brought up, he went further west. This area is more rural than Mercer. He felt that the tracts further out were a good fit for Old Fitzhugh. He looked at how much the area has changed over the years, which isn't much. McClung asks Ted Lehr if the Historic Preservation Commission would object to carving out the property requested by Mr. Dement. Lehr replies that they would have to review it and he would like to know more about it before answering. Commissioner Whit Smith asks what percentage of homes on Old Fitzhugh are considered historical. Eugene Foster replies historic districts usually contain more than 50% historical homes and Old Fitzhugh is in excess of 50%, but not by a great margin. Smith asks if 1965 is the benchmark. Foster replies yes. Commissioner Smith confirms that 1965 is considered historical. Foster confirms yes but that Old Fitzhugh is still above the 50% ratio without the 1965 properties. Smith states that some properties in Old Fitzhugh are not salvageable and asks if they were included in the survey. Foster says they were included, and they did have a measure of architectural integrity. Many of them have been altered so it is hard to tell their age in some cases. Smith states that he isn't opposed to approving the district but would like to have seen more public comment. Commission Chair Larry McClung asks how much comment has been received about the overlay at the Historic Preservation Commission meeting. Fischer states that it is recorded in the meeting minutes and some of the people who spoke at that meeting are present in the audience at this meeting. She also states that numerous people have talked with City Staff about the proposed district, but have not submitted comments in writing or during the public hearings.

Commissioner Mim James motions to approve the Ordinance and designation of Old Fitzhugh Road as a historic district based on staff's recommendation, with further consideration of Dement's request to have his case go back to the Historic Preservation Commission to exclude a portion of his property from the district. Commission Chair Larry McClung seconds. VOTE: 4-1 in favor, Commissioner Hubbard votes Nay, motion passes.

- C. Historic Overlay District: Ordinance No. 1220.99: An Ordinance of the City Of Dripping Springs, Amending the Zoning Ordinance, Chapter 30 of the Code Of Ordinances, Altering the Zoning Classifications of Certain Real Property in the City Limits by Creating and Applying a Historic Overlay District upon certain Historic Areas, upon request of the Historic Preservation Commission; Adding the Zoning Designation Historic Overlay (HO) to the Use Chart;

Amending the Official Zoning Map to Reflect Changes of the Zoning Classification of Certain Properties; and Providing for the following: Findings of Fact, Enactment, Repealer, Severability, Codification, Effective Date, and Proper Notice & Meeting

1. City Staff Report: Planning Director Jon Thompson – Report on file. States that the land use chart has gone through staff and the Historic Preservation Commission, and now it is this Commission’s turn to review, agree, or change. The question before the Commission tonight is: are the recommendations on the land chart agreeable to the Commission. If not, please make changes. Commission Chair Larry McClung states that we have two questions: Are these the appropriate uses for the area, and what should the boundaries be?
2. Historic Preservation Commission Report: Historic Preservation Commission Chair Ted Lehr – ~~Report~~ minutes of meeting on file. States that most of the objections to the Overlay were related to the areas around the 290 corridor. The Historic Preservation Commission asked the public to submit specific suggestions for changes to the proposed Overlay. He expects the Planning and Zoning Commission to give the land use chart a thorough whacking. Lehr recommends that the Commission consider favorably any feedback. We have dreams for the downtown area, but you don’t reach your dreams unless you move closer to them.

3. Public Hearing

Carrie Napiorkowski: Asks if there is a conflict of interest for the owner of Central Garage to be voting on this issue as a Planning and Zoning Commissioner.

Carly Shroyer, Daughter of the owner of Creek Road Café: Her father, 50% owner of Creek Road Café and long time resident of Dripping Springs, supports the overlay. A large percent of their customers are tourists who come here for the unique history and culture of Dripping Springs. The overlay will help preserve that history. Carly states she also personally supports the overlay.

Sherri Haydon: Signed up to speak, supports the overlay, but donated her time to Ms. Inscore.

Kindal Baker: Signed up to speak but did not attend. Sent an email stating support for the overlay.

Dennis Dement: He appreciates the Commission balancing all considerations.

Danny Hubbard, owner of Central Garage: He is against the overlay. His building has no historic value. His property was originally not included in the historic district, but now it is in the proposed overlay. He states he is the 3rd owner of the building which has been there since the 1930s. His shop has paid out over \$1,000,000 in wages and collected over \$100,000 in sales tax revenue. Mom and Pop shops will not generate the same revenues as his kind of business, which are the only business types the overlay will allow. The land use excludes all automotive uses. He is definitely against the overlay.

Kristen Staggs: Signed up to speak but left early. Sent an email stating support for the overlay.

Joann Inscore, owner of Short Mamas: She has been in business since 2006 and strongly supports the overlay. It is reasonable and an accurate representation of the historic community. As Foster stated, the property south of 290 was originally part of Dripping Springs when it was first platted and built, and the highway is a modern intrusion that does not represent the origins of the town. She is impressed by and appreciates the City's effort to preserve our heritage and community. The overlay will protect our historic charm. The notion that the overlay will cause tax decreases is a red herring. We are not anti-growth, we just believe preservation of our unique history in this small overlay area will promote growth by attracting people and businesses. The overlay area on 290 is only a few blocks. Data shows that communities with historic preservation do better than those who don't because they are better managed and planned. Those who are against the overlay are thinking of their own concerns and not the community at large. There are ample commercial areas along 290 for Autozones and such while still protecting history. We hope you recommend this modest adoption and protect the small heart of our growing and excited town. She then presents a petition that was signed by over 50 residents just today.

Mike Rose, owner of 27711 Ranch Road 12: Proposes keeping all of his tract out of the Old Fitzhugh Rd. district but in the overlay, lots 4, 5 & 6 off Ranch Road 12.

Rex Baker: He agrees with Danny Hubbard. We do have tourism but that isn't the engine that is making this town grow, it's the population growth. He understands looking back at what the city looked like in 1915 but saying 290 isn't a boundary is like putting blinders on. From Ranch Road 12 to Creek Road he counts only 3 historic properties. In the rest of the area almost all properties are new, not historic, so they don't need an overlay or conditional use restrictions. If you are going to keep the overlay, take it off 290.

Mary Margaret Dement: She would like to know why they want to turn Old Fitzhugh into a historic district before it gets cleaned up? Like her husband said earlier, they don't want to be in the district. They will treat the property with love and keep the Dripping Springs feel, but she is afraid there will be too many restrictions for them to maintain the feel of their property like it has had for so many years. If it is zoned historical, what will we do with things that need to be cleaned up and how will commercial be handled? She wants to keep it quaint and loves Mercer.

Georgina Banalty: She has only lived here over a year and has met many residents who remember historic Dripping Springs and how it used to be. She can see the concerns about restrictions, so is that the most effective option? Maybe just protect those that need to be protected. She would hate to see places like Creek Road Café torn down and replaced with stores like Autozone. She would want her property to be valuable when she sells it, but would also want it in the overlay to be protected. Please include the area south of 290 in the overlay.

4. Ordinance No. 1220.99:

Commission Chair Larry McClung states that Commissioner Hubbard had to recuse herself from this item due to a conflict of interest. Commissioner Hubbard leaves the dais. City Attorney Alan Bojorquez confirms that they still have a quorum.

Commissioner Whit Smith states that he feels like a business that was previously allowed in this district area should still be allowed there. Some of the uses prohibited by the overlay were permitted in the past. Maybe garages are the new stables. Business like Central Garage, Garnett Propane, the Feed Store, Rental Shop, DS Vet Clinic, etc. wouldn't be allowed. Mr. Lehr states that the Historic Preservation Commission considered the potential for new businesses as they are typically built today, for example, a new feed store would be similar to Tractor Supply.

Commission Chair Larry McClung states that they would be grandfathered. Smith asks what the goal of the Historic Preservation Commission? We are excluding businesses that made Dripping Springs what it is today. Feel like we can't do what we've been doing for the past 100 years. McClung states that they aren't ready to go over the land use chart and say yay or nay on each one tonight, especially with two Commissioner's missing.

Commission Chair Larry McClung states that they have three questions before them:

- 1) Do we want an overlay at all?
- 2) Where will the boundaries of that overlay be?
- 3) What will our recommended uses be?

Recommends a workshop/public meeting to discuss these issues and asks Ted Lehr to have someone from the Historic Preservation Commission to be there.

Commission Chair Larry McClung makes a motion to table this item until a workshop and public hearing can be held to discuss this issue further and receive additional public feedback. Commission Vice Chair Mim James seconds. VOTE 4-0 in favor, motion passes.

Commission Chair Larry McClung states that he appreciates all comments for and against this issue and that the Commission will take to heart all that was said. This is a big deal, not like a replat or re-zoning, that has a potentially serious impact one way or the other on our city. The Planning and Zoning Commission is not a deciding body, but a recommending body to City Council, who will make the final decision. You did a good job in making comments, and at the City Council meeting if you want to speak you should be concise and organized because the Mayor runs a tight ship (said with laughter).

City Administrator Michelle Fischer states that comments should be submitted to City Hall one week prior to the City Council meeting on December 9th so Council Members will have a chance to review them prior to the meeting. Commissioner Hubbard returns to the dais.

D. Sign Variance Request to Allow Grace Pax House to have an Off Premise Sign located at 1451

W. Highway 290 (DeVos Custom Woodworking), *Reuben Contreras, Grace Pax House*

1. Presentation: None
2. Sign Administrator's Report: City Administrator Michelle Fischer – Report on file. Staff recommends approval with the ~~understanding~~ condition that no additional signs will be allowed adjacent to the highway.
3. Public Hearing: No one speaks.
4. Variance Request: Commission Vice Chair Mim James makes a motion to approve staff recommendation with the understanding that no additional signs will be allowed. Commissioner James Martin seconds. VOTE 5-0 in favor, motion passes.

E. Sign Variance Request to allow Keller Williams Realty and Gracy Title to Exceed the Maximum Number of Signs Allowed Per Business, 333 Highway 290, *Steve Mallet, Walker Springs Gateway Investments LLC.*

1. Presentation: None
2. Sign Administrator's Report: City Administrator Michelle Fischer – Report on file. Staff recommends approval with the understanding that no ~~additional~~ monument signs will be allowed.
3. Public Hearing: No one speaks.
4. Variance Request: Commission Vice Chair Mim James makes a motion to approve staff recommendation with the understanding that no ~~additional~~ monument signs will be allowed. Commissioner Kim Hubbard seconds. VOTE 5-0 in favor, motion passes.

F. Ordinance No. 1220.102: An Ordinance of the City of Dripping Springs Amending the Zoning Classification of 2660 & 2690 E US Hwy 290 - Ridge @ Ramsey Ranch, Units 1 & 2, from General Retail (GR) to Commercial Services (CS), *Michael Menem, Applicant Representative*

1. Presentation: Edith Austin, Applicant Representative – Report on file.
2. Planning Director's Report: Planning Director Jon Thompson – Report on file. Staff recommends denial of the application for zoning change due to the non-compatibility with surrounding uses.
3. Public Hearing: Jill Gibson – Lives next door to Sleep Inn and is worried about this and future business types if the zoning is changed. She is surprised the Commission is concerned about preserving Dripping Springs but would allow 290 to turn into 183.

Scott Daves: Reads off a list of uses that are permitted for this site, and asks how a high-end car dealership is not compatible with these uses. Would like to know why it would be

denied.

4. Ordinance No. 1220.102: Commissioner Whit Smith motions to approve staff's recommendation to deny zoning amendment. Commission Vice Chair Mim James seconds. VOTE 5-0 in favor, motion passes.

G. Replat-- Caliche Hills, Section 1, Lot 2, located at 250 S. Canyonwood Dr., *Samuel Shorter, P.E., Representative of South Canyonwood Partners, LLC, Owner*

1. Presentation: None
2. Planning Director's Report: Planning Director Jon Thompson – Report on file. Staff recommends approval as submitted.
3. Public Hearing: No one speaks.
4. Replat: Commissioner Whit Smith motions to approve. Commission Vice Chair Mim James seconds. VOTE 5-0 in favor, motion passes.

H. Site Development Permit--Dripping Springs Medical Office Building, located at US Highway 290 and Sawyer Ranch Road, *Mario Sandoval, Applicant Representative*

1. Presentation: None. Applicants are in the audience and available for questions.
2. Planning Director's Report: Planning Director Jon Thompson – Report on file. Staff recommends approval with the stipulation that lighting and landscaping will be approved in advance by the City.
3. Public Hearing: No one speaks.
4. Variance Request to Exceed Maximum Cut and Fill: Commission Chair Larry McClung motions to approve staff recommendation with stipulation that lighting and landscaping will be approved in advance by City Staff. Commission Chair Mim James seconds. VOTE 5-0 in favor, motion passes.
5. Variance Request from Minimum Driveway Spacing: Commission Chair Larry McClung motions to approve staff's recommendation to deny the request. Commission Vice Chair Mim James seconds. VOTE 5-0 in favor, motion passes.
6. Site Development Permit: Commission Chair Larry McClung motions to approve subject to staff's approval of the revised driveway spacing. Commission Vice Chair Mim James seconds. VOTE 5-0 in favor, motion passes.

I. Amended and Restated Development Agreement between the City of Dripping Springs and Anarene Investments Ltd.

1. Presentation: Rex Baker – He met with staff regarding the Development Agreement and thinks that it needs to be tabled so the Commission can go over outstanding points and then get back together.
2. City Staff Report: Jon Thompson, Planning Director – The Monday before last the subcommittee met, including Councilman Kroll and Commissioner James Martin, ~~tried to meet~~ but Josef Martin and Council Member King were absent. They meet with the City Engineer on December 1st. They will get with Coneway and the planners to review the pending issues and then come back for approval.
3. Public Hearing: Rick Adams, 100 Barton Ranch Road – Has property next to this area and wants to make sure the City and it's citizens will determine how this area is developed, not the developers. The existing and future traffic on Ranch Road 12 needs to be considered in light of additional residents because Ranch Road 12 is already dangerous. He recommends the City work with the County and the State to determine the best way to respond to the changes. The Commission needs to make sure the planning for Ranch Road 12 is done prior to development of the area. Wants to know what the fish and wildlife buffers prevent the developers from doing. Once the property is sold, will the residents be allowed to tear down trees or will the buffer prevent that. He isn't trying to stop the development, but wants to make sure the City, County and State work together to plan ahead.

Charles Bonnie – Agrees with Rick Adams. His concern is not the development but the affect on Ranch Road 12 traffic. The 2010 Comprehensive Plan spoke to ways to develop connections to reduce traffic on 290 and Ranch Road 12. It dealt with improvements to 290 but nothing was said about Ranch Road 12. Proper infrastructure is the key to success. Need to anticipate the infrastructure needs for Ranch Road 12.

4. Variances and Alternative Standards Requests
 - a. Maximum Impervious Cover
 - b. Lot Widths and Depths
 - c. Residential Block Links
 - d. Minimum Lot Sizes
 - e. Construction and Installation of Required Public Improvements and Utilities
 - f. Minimum Centerline Radius
 - g. Minimum Tangent Length
5. Amendment to Development Agreement: Commission Chair Larry McClung motions to table this item per the applicant's request. Commissioner Whit Smith seconds. VOTE 5-0 in favor, motion passes.

Commission Chair Larry McClung states that he also lives off of Ranch Road 12 and there will be many chances to address the traffic issue. City staff will stay on top of TXDOT and

the developers. In regards to the Water Quality Buffer Zones, he recommends the public contact Mr. Thompson who can explain what they are and what regulations pertain to them. He invites those interested to return when the item is presented at a future meeting, which will be posted 72 hours in advance.

J. Amendment to Driftwood Development Agreement Between the City of Dripping Springs & M. Scott Roberts, Individually, and Driftwood Equities, Ltd.

1. Presentation: None. Applicant is in the audience for questions.
2. City Staff Report: Planning Director Jon Thompson – Report on file. He states that he and the subcommittee recommend approval with the changes outlined in his report.
3. Public Hearing: No one speaks.
4. Amendment to Development Agreement: Commissioner James Martin motions to approve with staff recommendation with restrictions on gray water. Commissioner Kim Hubbard seconds. VOTE 5-0 in favor, motion passes.

VII. ANNOUNCEMENTS

- A. Regular Historic Preservation Commission Meeting, December 1, 2014 at 5:30 p.m.
- B. Regular Parks & Recreation Commission Meeting, December 8, 2014 at 6:00 p.m.
- C. Regular Farmers Market Association Board Meeting, December 9, 2014 at 10:00 a.m.
- D. Regular City Council Meeting, December 9, 2014 at 5:30 p.m.
- E. Regular Founders Day Commission Meeting, December 10, 2014 at 6:30 p.m.
- F. Regular Planning & Zoning Commission Meeting, December 17, 2014 at 7:00 p.m.

VIII. ADJOURN

Commission Vice Chair Mim James motions to adjourn. Commissioner Whit Smith seconds. VOTE: 5-0 in favor, motion passes. Meeting adjourned at 10:52pm.