

Planning & Zoning Commission

Regular Meeting Minutes November 27, 2018 at 6:30 p.m.

A Regular Meeting of the Planning & Zoning Commission was held Tuesday, November 27, 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

Commission Members present were:

Mim James, Chair
James Martin, Vice Chair
Martin Garza
Kim Hubbard
Evelyn Strong (*arrived at 6:33 p.m.*)

Commission Members absent was:

Michael Lavengco

City Staff/Appointed Officials present were:

Michelle Fischer, City Administrator
Jason Lutz, Planning Director
Amanda Padilla, City Planner II
Chad Gilpin, City Engineer
Keenan Smith, Historic Preservation Consultant

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

II. PLEDGE OF ALLEGIANCE

Vice Chair Martin 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

A. Discuss and consider action regarding the Planning & Zoning Commission Regular Meeting Minutes of October 23, 2018.

A motion was made by Vice Chair Martin to approve the Planning & Zoning Commission Regular Meeting Minutes of October 23, 2018. Commissioner McIntosh seconded the motion which carried unanimously 6 to 0.

V. BUSINESS

- A. Discuss and consider recommend action regarding DA2018-0001 (Driftwood 522) a proposed Development Agreement for approximately 522.636 acres of land located in the City’s extraterritorial jurisdiction (ETJ) located southeast of the intersection of FM 1826 and FM 967, and west of Brangus Road (legal description: Tract 1-522.25 Acres and Tract 2-0.1793 Acre out of the Freelove Woody Survey No. 23, Abstract No. 20, Hays County, Texas). Applicant Don Bosse**

The proposed development will consist of residential areas, parkland and open space. The proposed Development Agreement includes several provisions, including but not limited to the following: provision of housing; provision of utilities; parkland dedication; environmental protection standards; density and impervious cover limitations and standards; hilltop preservation; outdoor lighting; and architectural standards. The proposed project includes but is not limited to the following proposed variances/alternative standards: water quality performance standards and development; minimum lot sizes; sidewalks; maximum cuts and fills; residential block lengths and cul-de-sac lengths; maximum impervious cover; minimum lot frontage; and street cross-sections in regard to fire access.

Applicant has requested postponement of the item for consideration to the December 17, 2018 Planning & Zoning Meeting.

1. Presentation – no presentation given.

2. Staff Report

Jason Lutz presented the staff report which is on file. The Development Agreement Work Group has met several times regarding this agreement and has a few more items to work out. The applicant has requested postponement to the December 17, 2018 regular Planning & Zoning Commission meeting.

3. Public Hearing – no one spoke during the Public Hearing.

4. DA2018-0001

A motion was made by Vice Chair Martin to postpone DA2018-0001 (Driftwood 522) a proposed Development Agreement for approximately 522.636 acres of land located in the City’s extraterritorial jurisdiction (ETJ) located southeast of the intersection of FM 1826 and FM 967, and west of Brangus Road (legal description: Tract 1-522.25 Acres and Tract 2-0.1793 Acre out of the Freelove Woody Survey No. 23, Abstract No. 20, Hays County, Texas) to the December 17, 2018 regular Planning & Zoning Commission meeting. Commissioner Garza seconded the motion which carried unanimously 6 to 0.

- B. Discuss and consider recommended action regarding SUB2018-0023 a preliminary plat application establishing a 5 lot subdivision, including a variance request for required water quality buffer zones (WQBZ) for the Cobb Ranch Estates Subdivision,**

approximately 19 acres located at 1840 Reunion Ranch Blvd (Legal Description: 1906 acres out of the Seaborn J. Whatley Survey). Applicant Jon Thompson

Applicant has requested postponement of the item for consideration to the December 17, 2018 Planning & Zoning Meeting.

1. Presentation

Jon Thompson spoke requesting postponement of the item to the December 17, 2018 regular Planning & Zoning Commission meeting

2. Staff Report – no staff report presented, staff report is on file.

3. Public Hearing – no one spoke during the Public Hearing.

4. SUB2018-0023

A motion was made by Commissioner Garza to postpone SUB2018-0023 a preliminary plat application establishing a 5 lot subdivision, including a variance request for required water quality buffer zones (WQBZ) for the Cobb Ranch Estates Subdivision, approximately 19 acres located at 1840 Reunion Ranch Blvd (Legal Description: 1906 acres out of the Seaborn J. Whatley Survey) to the December 17, 2018 regular Planning & Zoning Commission meeting. Vice Chair Martin seconded the motion which carried unanimously 6 to 0.

- C. Discuss and consider recommended action regarding SUB2018-0028 proposed Final Plat, with a requested variance from Article 28.02 Subdivision Ordinance, Sec. 14 Lots, Sub. Sec. 14.2 Frontage, to allow multiple lots to utilize a shared access easement and not require the construction of an improved public or private street, on Creek Road in Dripping Springs, Texas (Legal Description: Lots 1-4 Cypress Fork Ranch Subdivision, totaling 19.050 acres out of the Benjamin F. Hanna League Survey, No. 28, Abstract No. 222, Hays County, TX). Applicant Jen Paisley**

Applicant has requested postponement of the item for consideration to the December 17, 2018 Planning & Zoning Meeting.

1. Presentation – no presentation given.

2. Staff Report

Jason Lutz presented the staff report which is on file. The applicant has requested postponement to the December 17, 2018 regular Planning & Zoning Commission meeting in order to address open comments from the City and County regarding a variance for an access easement.

3. Public Hearing – no one spoke during the Public Hearing.

4. SUB2018-0028

A motion was made by Vice Chair Martin to postpone SUB2018-0028 proposed Final Plat, with a requested variance from Article 28.02 Subdivision Ordinance, Sec. 14 Lots, Sub. Sec. 14.2 Frontage, to allow multiple lots to utilize a shared access easement and not require the construction of an improved public or private street, on Creek Road in Dripping Springs, Texas (Legal Description: Lots 1-4 Cypress Fork Ranch Subdivision, totaling 19.050 acres out of the Benjamin F. Hanna League Survey, No. 28, Abstract No. 222, Hays County, TX) to the December 17, 2018 regular Planning & Zoning Commission meeting. Commissioner Garza seconded the motion which carried unanimously 6 to 0.

- D. Discuss and consider recommended action regarding SUB2018-0046 a replat to combine lots 13A and 14A into a newly created lot 13B, located at 1347 Trebled Waters Trail, Dripping Springs, Texas (Legal Description: Howard Ranch Subdivision, Sec. 2, Lots 13A and 14A, totaling 10.7344 acres, Hays County, TX). Applicant Jon Thompson**

Applicant has requested postponement of the item for consideration to the December 17, 2018 Planning & Zoning Meeting.

- 1. Presentation – no presentation was given.*
- 2. Staff Report – no staff report presented, staff report is on file.*
- 3. Public Hearing – no one spoke during the Public Hearing.*
- 4. SUB2018-0046*

A motion was made by Vice Chair Martin to postpone SUB2018-0046 a replat to combine lots 13A and 14A into a newly created lot 13B, located at 1347 Trebled Waters Trail, Dripping Springs, Texas (Legal Description: Howard Ranch Subdivision, Sec. 2, Lots 13A and 14A, totaling 10.7344 acres, Hays County, TX) to the December 17, 2018 regular Planning & Zoning Commission meeting. Commissioner McIntosh seconded the motion which carried unanimously 6 to 0.

- E. Discuss and consider recommended action regarding SUB2018-0048 a replat to combine lots 21 and 22 into a newly created lot 21A, located at 140 Rodgers Ravine CV, Driftwood, Texas (Legal Description: Rim Rock Subdivision, Phase 3, Sec. 3, Lots 21 and 22, totaling 2.1792 acres, Hays County, TX). Applicant Jon Thompson**

- 1. Presentation*

Jon Thompson presented the item. The item was originally submitted as amended but is a replat of two (2) lots to one (1) lot.

- 2. Staff Report*

Chad Gilpin presented the staff report which is on file. The applicant is requesting to combine two (2) lots into one (1) lot located in the Rim Rock Subdivision, in the City's ETJ. The subject property has been reviewed by staff and meets the City's requirements. There

are still County comments that need to be cleared but they are minor. Staff recommends approval of the on the condition the applicant receives 1445 approval from the County.

3. Public Hearing – no one spoke during the Public Hearing.

4. SUB2018-0048

A motion was made by Vice Chair Martin to recommend City Council approval of SUB2018-0048 a replat to combine lots 21 and 22 into a newly created lot 21A, located at 140 Rodgers Ravine CV, Driftwood, Texas (Legal Description: Rim Rock Subdivision, Phase 3, Sec. 3, Lots 21 and 22, totaling 2.1792 acres, Hays County, TX) on the condition the applicant receives 1445 approval from the County. Commissioner Garza seconded the motion which carried unanimously 6 to 0.

F. Discuss and consider recommended action regarding SUB2018-0050 a replat of Lot 15 of the Blue Creek Ranch Subdivision to modify the boundaries of an existing water quality buffer zone in order to comply with updated regulations for property located at 550 Blue Creek Drive, Dripping Springs, Texas (Legal Description: Blue Creek Ranch Subdivision, Lot 15, totaling 6.243 acres, Hays County, TX). Applicant Jon Thompson

1. Presentation

Jon Thompson presented the item. The applicant is seeking to modify the lot boundary and plat notes are not being changed. The Water Quality Buffer Zone (WQBZ) encompasses a large portion of the lot, and because of the deep bluffs on the lot the applicant is requesting a reduction of the WQBZ. The lot will still be used as a single-family with septic.

2. Staff Report

Chad Gilpin presented the staff report which is on file. The WBQZ is based on an outdated ordinance, and the applicant is requesting to replat with the current ordinance. The subject property has been reviewed by staff and the request complies with City ordinances. Staff recommends approval on the condition the applicant receives 1445 approval from the County by December 17, 2018.

3. Public Hearing – no one spoke during the Public Hearing.

4. SUB2018-0050

Chad Gilpin clarified that he has recommended postponement of the item until County comments were cleared and the applicant received 1445 approval; however, the comments are minor.

Chair James asked if the replat to the WBQZ will compromise water quality. Chad Gilpin believes it will not, and the request is fully compliant with the current City ordinance.

Vice Chair Martin asked if the subject property is located in the Contributing Zone, which Chad Gilpin confirmed that it is.

A motion was made by Vice Chair Martin to recommend City Council approval of SUB2018-0050 a replat of Lot 15 of the Blue Creek Ranch Subdivision to modify the boundaries of an existing water quality buffer zone in order to comply with updated regulations for property located at 550 Blue Creek Drive, Dripping Springs, Texas (Legal Description: Blue Creek Ranch Subdivision, Lot 15, totaling 6.243 acres, Hays County, TX) on the condition the applicant receives 1445 approval from the County. Commissioner Hubbard seconded the motion which carried unanimously 6 to 0.

G. Discuss and consider recommended action regarding ZA2018-0006 a requested zoning change from Commercial Services District (CS) to Office (O) for property located at 700 W. Hwy 290, Dripping Springs, Texas (Legal Description: JWLP Family Final Plat Subdivision, Lot 1, Hays County, TX). Applicant Rex Baker

1. Presentation

Rex Baker presented the item. The subject property is located at Sportsplex Drive and Hwy 290. Currently the property is zoned Commercial Services, which requires a Condition Use Permit in order to allow for desired use as a bank, where the zoning of Office does not.

2. Staff Report

Jason Lutz presented the staff report which is on file. The subject property is a ½ acre lot north of Hwy 290 and is currently zoned Commercial Services. The applicant is requesting a zoning change to Office so that a Condition Use Permit is no longer required for the desired use for a bank. The proposed rezone less intense than what current zoning would allow, and the proposed use is allowed in both the current zoning (with a CUP) and the proposed zoning, staff recommends approval of the request for zone change.

3. Public Hearing – no spoke during the Public Hearing.

4. ZA2018-0006

Chair James understands the applicants request and the need to not have to reapply for a Conditional Use Permit each time and asked if staff has considered other zoning districts that may have the same requirements. Chair James states the subject property is clearly in a commercial district; however, as Vice Chair Martin points out that there are uses in the area that are not commercial. Jason Lutz explained that Office is the only zoning district that permits this use outright, and we can expect to see requests for zone changes in the future.

A motion was made by Vice Chair Martin to recommend City Council approval of ZA2018-0006 a requested zoning change from Commercial Services District (CS) to Office (O) for property located at 700 W. Hwy 290, Dripping Springs, Texas (Legal Description: JWLP

Family Final Plat Subdivision, Lot 1, Hays County, TX). Commissioner McIntosh seconded the motion which carried unanimously 6 to 0.

H. Discuss and consider recommended action regarding ZA2018-0007 a requested zoning change from General Retail District (GR) to Local Retail District (LS) for property located at 13834 Sawyer Ranch Road, Dripping Springs, Texas (Legal Description: Sawyer Ranch 33 Subdivision, Tract 2, Lot 2-A1-B, Hays County, TX). Applicant Jon Thompson

1. Presentation

Jon Thompson presented the item. The site plan has been approved and the owner wants to change the zoning to Local Retail which is a down-zone. The zone change will better suit the use of the business.

2. Staff Report

Jason Lutz presented the staff report which is on file. The subject property is adjacent to a daycare and the proposed zone change is less intense. Staff recommends approval of the item.

3. Public Hearing – no one spoke during the Public Hearing.

4. ZA2018-0007

Chair James requested that the item be corrected to reflect a zone change to Local Retail District (LS LR); and if the zone change would prohibit the current business. Jason Lutz confirmed that it will not prohibit the current business.

A motion was made by Vice Chair Martin to recommend City Council approval of ZA2018-0007 a requested zoning change from General Retail District (GR) to Local Retail District (LS) for property located at 13834 Sawyer Ranch Road, Dripping Springs, Texas (Legal Description: Sawyer Ranch 33 Subdivision, Tract 2, Lot 2-A1-B, Hays County, TX). Commissioner McIntosh seconded the motion which carried unanimously 6 to 0.

I. Discuss and consider recommended action regarding SUB2018-0053 a proposed conceptual plan for the “Forbes Tract,” located at 14455 FM 1826 on the north side of FM 1826, (Legal Description +/-107.19 acres out of A0224 Richard Hailey Survey). The subdivision is proposed to have 78 single-family residential lots, 7 streets, and requesting a variance to the minimum lot size of 1.5 acres for lots with public water and septic to a minimum lot size of 1.00 acres. Applicant Pablo H. Martinez

1. Presentation – no presentation given.

2. Staff Report

Jason Lutz presented the staff report which is on file. The conceptual plan is included for feedback and overall direction of the plan. The applicant is proposing a variance to lot size

to 1 acre, where the County allows 1 acre and the City 1.5 acres. A reduction in lot size of this type of request has been approved before; however, staff has not reviewed the plat in its entirety. Staff recommends approval with conditions.

3. Public Hearing

John Serur, the previous owner, spoke in opposition to the item. Mr. Serur is opposed to the lot size reduction from 1.5 acres to 1 acre, and feels it makes the proposed development seem like a lower level tract. He also expressed concerns regarding increased traffic and ingress/egress issues.

Marie Hinojosa, who lives near Bear Creek, was told the development was going to be a farm and that she specifically built in the area to have a bigger lot. She expressed concerns regarding the reduced lot size and noted that most residences in the area are on 5 acres or more. She also expressed concern regarding the impact of the lots on the sewer system near the creek, and would like an opportunity to see the plan.

4. SUB2018-0053

Jason Lutz confirmed that the Burba tracts were approved for a similar variance.

Chair James pointed out that the City and County rules are inconsistent, and the variances need to go before the City Council; however, the applicant needs to provide more specific information regarding the concept plan and that there are more submittals forthcoming.

A motion was made by Chair James to table SUB2018-0053 a proposed conceptual plan for the “Forbes Tract,” located at 14455 FM 1826 on the north side of FM 1826, (Legal Description +/-107.19 acres out of A0224 Richard Hailey Survey). The subdivision is proposed to have 78 single-family residential lots, 7 streets, and requesting a variance to the minimum lot size of 1.5 acres for lots with public water and septic to a minimum lot size of 1.00 acres until the applicant can provide sufficient information for the Commission to make a decision on whether to recommend approval or denial. Commission Garza seconded the motion which carried unanimously 6 to 0.

Commissioner Hubbard suggested the applicant provide information regarding the following: flood plain, topography, and parkland dedication.

J. Discuss and consider action regarding an Appeal of the Historic Preservation Commission's Denial of an Application for Certificate of Appropriateness for the Installation of a Water Tank and Signage Element for property located at 300 Mercer Street, Dripping Springs, TX. Applicant, Dripping Springs Outfitters d/b/a Springs Provisions

1. Presentation

Sue Hawk gave a presentation which is on file. The request was denied at the November 7, 2018 Historic Preservation Commission meeting, and the applicant is appealing for approval to the Planning & Zoning Commission. The request is in lieu of a monument sign, will not

be illuminated and will have an accompanying butterfly garden. The owner has agreed, that if approved, the tank will be removed if the property is sold.

2. Staff Report

Keenan Smith presented the staff report which is on file. Staff has provided the Commission discretionary options for denial or approval.

3. Historic Preservation Commission Report – Commission denial letter provided in packet.

4. Public Hearing

Jon Thompson spoke in favor of the item. He feels the scale and size of the tank does not overwhelm the building, and that the agrarian feature of the water tank fits well with the surrounding environment.

5. COA2018-0010: 300 Mercer Street

The Commission discussed the item, asking the applicant where the rainwater is being captured. Sue Hawk explained that they are in the process of retrofitting for rain water capture.

Chair James asked the applicant how they intend to secure the tank in the event there is heavy winds or flooding. Sue Hawk noted the tank is not secure, and assumes the applicant is looking at this. Chair James continued, stating that for the Commission to overturn the denial from the Historic Preservation Commission they would 1) have to feel like the Historic Preservation Commission missed something, and 2) if the Historic Preservation Commission did not miss anything, there must be a compelling argument to overrule the denial. Chair James does not believe the Historic Preservation Commission missed anything and there is no compelling argument to overturn the denial.

A motion was made by Vice Chair Marin to deny an Appeal of the Historic Preservation Commission's Denial of an Application for Certificate of Appropriateness for the Installation of a Water Tank and Signage Element for property located at 300 Mercer Street, Dripping Springs, TX, citing that the applicant Dripping Springs Outfitters d/b/a Springs Provisions, is asking to introduce an element that was not historically there, nor tied to the building; and that the tank would block the view of the Academy Building which is known as a contributing building to the Historic District and a cornerstone building in the establishment of the District. Commissioner McIntosh seconded the motion which carried unanimously 6 to 0.

Chair James expressed that the door is not closed on the applicant's request, and that if the applicant were to work with staff on an alternate location, the request can be reconsidered. He also explained that even though the Planning & Zoning Commission denied the request, the applicant can appeal to the City Council.

K. Discuss and consider recommended action regarding a Sign Variance Request to Allow Additional Signs at 300 Mercer Street, Dripping Springs, TX. Applicant, Dripping Springs Outfitters

1. *Presentation – no presentation was given.*

2. *Staff Report*

Michelle Fischer presented the staff report which is on file. Staff recommends denial of the sign variance request.

3. *Public Hearing – no one spoke during the Public Hearing.*

4. *Sign Variance Request*

A motion was made by Vice Chair Martin to recommend City Council denial of a Sign Variance Request to Allow Additional Signs at 300 Mercer Street, Dripping Springs, TX. Commissioner Garza seconded the motion which carried unanimously 6 to 0.

VI. REPORTS OF STAFF AND AGENCIES

No action to be taken.

A. Planning Department Projects List

The Planning Department report is on file and available for review by request. Jason Lutz announced that there will be a Development Agreement Review Group meeting this week.

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), 551.074 (Personnel Matters), and 551.072 (Purchase, Exchange, Lease or Value of Real Property). 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. UPCOMING MEETINGS

**A. Planning & Zoning Regular Meetings Commission:
December 17, 2018 - 6:30 p.m. Regular Meeting
January 22, 2018 - 6:30 p.m. Regular Meeting**

**B. City Council & Board of Adjustment Regular Meetings:
December 11, 2018 - 5:30 p.m. Workshop, 6:30 p.m. Regular Meeting
December 18, 2018 - 6:00 p.m. Regular Meeting**

IX. ADJOURN

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

This regular meeting adjourned at 8:07 p.m.