

**CITY OF DRIPPING SPRINGS, TEXAS
MINUTES OF THE PLANNING AND ZONING MEETING
November 28, 2017**

A meeting of the Planning and Zoning Commission of the City of Dripping Springs, Texas, was held on Tuesday, November 28, 2017 at 6:30 P.M. at City Hall, 511 Mercer Street, Dripping Springs, Texas.

Present: Commission Members

Mim James – Chair
James Martin – Vice Chair
John McIntosh
Kim Hubbard
Michael Lavengco
Erich Oswald
Evelyn Strong

City Staff/Appointed Officials

Michelle Fischer – City Administrator
Anjali Naini – Planning Consultant
Rick Coneway – City Engineer
Katie Jordan – Planning Assistant
Megan Will – City Planner

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 6:30p.m. followed by the pledge of allegiance led by Evelyn Strong. All commissioners were present 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. Presentation on the Preliminary Concept Plan regarding the TIRZ Town Center Project, Keenan Smith, DS TIRZ Project Manager

Keenan Smith gave an overview of the TIRZ project. A concept plan is available for viewing at City Hall.

B. Approval of Minutes for October 24th Regular Commission Meeting.

James Martin made a motion to approve the October 24th P&Z Minutes as published. John McIntosh seconded the motion. The motion carried unanimously with a vote of 7 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. AED2017-0001: Alternative Exterior Design Plan – Headwaters Commercial - Apartments

1. Presentation The Ridge at Headwaters Apartments total 7 MF apartment buildings, 168 units/ 3 story building. Representative is available to answer questions.
2. Staff Report (Keenan Smith) Recommends approval per the conditions as mentioned in his staff report. 1) Native Stone Masonry: is approved in concept but will be subject to the City's onsite review and approval of construction mockup prior to bulk order of materials. 2) Roof Materials: is approved in concept but the composition shingles are approved for limited use as shown on apartment buildings only; balance of buildings to receive metal roofs as compliant with approved submittal and City's Exterior Design Standard requirements. Pedestrian Amenities: are not shown and will need to provide a minimum of three elements per apartment building. 2) Trash Receptacle Screen: "Dumpsters" are shown on the site plan, but no designs are provided. Designs must comply per Ordinance.
3. Public Hearing No public comments were made.
4. Alternative Exterior Design Waiver James Martin made a motion to consider. Mim James seconded the motion. Vice chairman James Martin raised the question about what the price points were for this development. The representative answered with an average market rate of \$1,000 - \$1,500.

James Martin made a motion to approve the Alternative Exterior Design per staff's recommendation with the conditions outlined by Keenan Smith. Michael Lavengco seconded the motion. The motion carried unanimously with a vote of 7 Ayes and 0 Nays, approving the motion.

B. Sign Variance Request for Whitlock Automotive located at 3996 E. US Highway 290 W., Jamey Whitlock, Applicant

1. Presentation (Jamey Whitlock) Available to answer questions
2. Staff Report (Michelle Fischer) The proposed sign meets some of the considerations in granting a variance and adequate mitigation measures are being taken. Staff recommends approval of the variance request with the following conditions. The existing wall sign lettering on the south elevation shall be removed and the external light fixture shall comply with the Outdoor Lighting Ordinance.
3. Public Hearing No public comments.
4. Variance Request to allow a projecting sign to exceed the maximum height allowed James Martin made a motion to approve the variance request. Mim James seconded the motion. The motion carried unanimously with a vote of 7 Ayes and 0 Nays, approving the motion.

C. Sign Variance Requests for Highway 290 General Store located at 1301 Highway 290 W, Image Solutions, Owner's Representative

1. Presentation (Jason Coleman) Available to answer questions

2. Staff Report (Michelle Fischer)

Request to allow an electronic gas price sign: Staff recommends approval of the variance request with the conditions that all exterior lighting on the property be brought into compliance with the Outdoor Lighting Ordinance, and nonconforming projecting signs for Pony Xpresso, Hut Brothers Pizza and Blue Bell Ice Cream are removed prior to the sign permit being issued.

Request to allow wave, blade, and koala signs: Staff recommends denial of the variance request.

Request to allow nonconforming signs to remain: Staff recommends denial of the variance request for the Pony Xpress, Hunt Brothers Pizza and Blue Bell Ice Cream projecting signs. The Subway sign and tenant signs may remain, per the Sign Ordinance, since they are separate businesses.

3. Public Hearing

Debra Bigam favors the denial of the nonconforming signs because she wants the applicant to comply with the outdoor lighting ordinance.

4. Variance Request to allow an electronic gas price sign James Martin made a motion to approve the variance request per staff's recommendation. Kim Hubbard seconded the motion. The motion carried unanimously with a vote of 7 Ayes and 0 Nays, approving the motion.

5. Variance Request to allow wave, blade, and koala signs James Martin made a motion to consider. Mim James seconded the motion. James Martin made a motion to deny the variance request. Michael Lavengco seconded the motion. The motion carried unanimously with a vote of 7 Ayes and 0 Nays, approving the motion.

6. Variance Request to allow nonconforming signs to remain James Martin made a motion to deny to variance request. Erich Oswald seconded the motion. The motion carried unanimously with a vote of 7 Ayes and 0 Nays, approving the motion.

D. Carter Tract Traffic Impact Analysis

1. Staff Report (James Shelton) Available to answer questions
2. Staff Report (Rick Coneway) The TIA involved the following six components: 1) site investigation and data collection, 2) trip generation, 3) trip distribution, 4) trip assignment, 5) traffic operational analysis, and 6) roadway capacity analysis. A traffic analysis model, Synchro, was utilized to determine various Measures of Effectiveness, such as Delay and Level of Service for the existing and proposed conditions. Staff recommends approval of the Carter Ranch Development TIA.
3. Traffic Impact Analysis James Martin made a motion to approve with condition for language in paragraph 9 to include a diagram for clarity before next City Council meeting. Michael Lavengco seconded the motion. The motion carried unanimously with a vote of 7 Ayes and 0 Nays, approving the motion.

E. Zoning Amendment. 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 US Highway 290 W, Dripping Springs, TX from (CS) to (GR), 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) Available to answer questions
2. Staff Report (Anjali Naini) The applicant is requesting rezoning to GR in order to develop a MF condominium project. The CS zoning district does not allow MF development, but GR does. The applicant would also like to keep the existing hotel/bed and breakfast use on the property. Staff recommends approval of the requested zoning amendment.
3. Public Hearing

Mark Lander is in favor of this proposal and would ask the applicant to consider that they rezone it to MF rather than GR.
4. Ordinance No. 1221.48 James Martin made a motion to consider. Mim James seconded the motion. Vice chairman James Martin wanted to confirm if Jim Skipton's questions were answered by staff since the last P&Z meeting. James Martin made a motion to approve Ordinance No. 1221.48 per staff's recommendation. Erich Oswald seconded the motion. The motion carried unanimously with a vote of 7 Ayes and 0 Nays, approving the motion.

F. Variance Request. Hidden Oaks 1459 (1459 US Highway 290 W, Dripping Springs, TX) A request for a variance from the Dripping Springs Code of Ordinances, Chapter 30, Exhibit A, Section 3.11.3 to allow an increase in Height of up to sixty-two feet and three stories for two buildings, and an increase in height of up to sixty-two feet and three stories plus a walkout basement for one building for proposed MF 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) Same as above
2. Staff Report (Anjali Naini)
3. Public Hearing

Kent T: there are too many open issues; opposed to 62ft high buildings

Debra Bigam: opposes approving the variance request
4. Variance James Martin made a motion to consider. Mim James seconded the motion. James Martin made a motion to approve the variance request with the condition of the alternative exterior design approval. Erich Oswald seconded the motion. The motion carried unanimously with a vote of 7 Ayes and 0 Nays, approving the motion.

G. Replat of Springlake Subdivision Lot122-A3 and Lot 122-A4 a 3.21 acre tract located at 1804 Spring Valley Dr. Dripping Springs, TZ 78620. Applicant, Hugo Elizondo Jr., P.E., Cuatro Consultants LTD.

1. Presentation N/A
2. Staff Report (Megan Will) The applicant has requested to postpone this agenda item because they are working to clear Hays County's comments.
3. Public Hearing No public comments
4. Replat James Martin made a motion to postpone this agenda item until the next P&Z meeting (12/18/2017). Mim James seconded the motion. The motion carried unanimously with a vote of 7 Ayes and 0 Nays, approving the motion.

H. Darden Hill Subdivision, located at 9900 Darden Hill Road – a Replat of Lot 9, Oakridge Park, Section 5 at Kinnicnik, Establishing Lot 9A. Applicant, Troy Moore PE, M3 Engineering, LLC.

1. Presentation N/A
2. Staff Report (Michelle Fischer) The applicant has requested to postpone this agenda item to be considered at the next P&Z meeting (12/18/2017)
3. Public Hearing There were 9 public comments.

These people spoke in opposition of this development:

Derrill Cooper
 Tim Walkens
 Priscilla Wood
 Shannon Rizzo
 R. Clay
 Debrah Begam
 Anthony Ciccone
 Rob N.
 Keith Cooper

4. Replat James Martin made a motion to postpone this agenda item until the next P&Z meeting (12/18/2017). Erich Oswald seconded the motion. Evelyn Strong abstained from voting on this item. The motion carried unanimously with a vote of 6 Ayes and 0 Nays, approving the motion. Mim would like Michelle Fischer to verify where the billboards are located.

Commissioners took a break at 10:08pm and reconvened at 10:14pm

I. SUB2017-0001: Cortaro Subdivision. A preliminary plat for a 34.92 acre property located at 151 Whisenant Lane, Dripping Springs, TX (A0289 George W. Lindsay Survey, 34.78 acres), Applicant, Judd Willmann, Landdev Consulting, LLC.

1. Presentation (Judd Willman) Available to answer questions
2. Staff Report (Anjali Naini) Staff recommends approval of the preliminary plat.
3. Public Hearing

Sherley Roberts is concerned about the preservation of the dark skies with reference to outdoor lighting. She believes that drainage will impact the natural spring near her property.

Oscar Jones is concerned about the impact of lighting on their home from the barn.

4. **Parkland Dedication** James Martin made a motion to approve the proposed parkland dedication per staff's recommendation. Kim Hubbard seconded the motion. The motion carried unanimously with a vote of 7 Ayes and 0 Nays, approving the motion.

5. **Preliminary Plat** James Martin made a motion to consider. Mim James seconded the motion. The possible outdoor lighting violation will be reviewed further by City staff. James Martin made a motion to approve the preliminary plat per staff's recommendation. The motion carried unanimously with a vote of 7 Ayes and 0 Nays, approving the motion.

J. Ordinance No. 1220.151: An Ordinance of the City of Dripping Springs, TX Amending the Code of Ordinances, Chapter 30, Exhibit A: Sections 1.6.2 and 5.7.8; Adding Section 5.9; and Amending Appendix E: Zoning Use Regulations (Charts) Permitted Use Provisions for Districts Zoned as CS related to uses including commercial parking lots; and providing for the following: Findings of Fact; Enactment; Repealer; Severability; Codification; Effective Date; and Proper notice & meeting.

1. Staff Report (Megan Will) The City has received inquiries for the development of stand-alone parking lots in the CS zoning district. The proposed lots are either to provide additional parking spaces for surrounding land uses, or to provide additional parking, beyond what is required by the zoning code, for an existing use on an adjacent parcel. The City's Zoning Ordinance contains a definition of a Parking Lot of Structure, Commercial, but the Zoning Use Regulations do not currently list commercial parking lots as a use. Commercial parking structure is a listed use. Staff recommends approval of the zoning amendment.
2. Public Hearing No public comments
3. Ordinance No. 1220.151 James Martin made a motion to approve Ordinance No. 1220.151 per staff's recommendation. Michael Lavengco seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the motion.

K. CUP2017-0001: Conditional Use Permit Application for a Bar located at 28911 RR12, Dripping Springs, TX 78620. Applicant, Andrew Dodson, P.E., Doucet & Associates, Inc.

1. Presentation (Jon Thompson) Available to answer questions
2. Staff Report (Megan Will) Staff recommends approval of the CUP request with the prohibition on speakers and amplified music, and a requirement that that decibel level remain below 85 decibels allowed in the Texas Penal Code, Title 9, Section 42.01 (c)(2). A pedestrian connection be established with the approved mixed use (commercial/residential) subdivision to the north.

3. Public Hearing

Beth Barham is concerned about the hours of operation considering its close proximity to neighborhoods.

Chris Westafeld is concerned about potential noise pollution and its close proximity to neighborhoods.

William Cochran is concerned about speeding traffic, going in and out of the bar.

Anthony Aristar is concerned about a potential noise factor and thinks that it is not an appropriate place to put a bar.

Helen Aristar is concerned about noise pollution.

Neil Stokes, the applicant for this proposed bar mentioned that he has the ability to open a restaurant and the issues that apply to obtaining a CUP would not apply with a restaurant. If he got denied for this CUP, he would consider establishing a brick and mortar restaurant. He has good intentions to be a good neighbor and considers being near residents a good opportunity for his business.

4. Conditional Use Permit James Martin made a motion to consider. Mim James seconded the motion. Commissioner James Martin agrees that noise can be managed and required as a

condition for approval. Mim James wants the applicant to meet with the citizens who've voiced their concerns to discuss those issues and how the applicant can help find a resolution between them.

Evelyn Strong abstained from voting. Kim Hubbard made a motion to postpone this agenda item until the next P&Z meeting (12/18/2017). James Martin seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 1 Naye, approving the motion.

L. 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) – Applicant has requested to withdraw the application in order to submit the Variance applications needed to move forward with the request for the CUP and have them considered all together.

2. Staff Report (Megan Will) N/A

3. Public Hearing

AJ would like a traffic study to be conducted for this area

Nancy Crisp is concerned about the potential high noise levels, added traffic and lower property values

Paul Crisp voiced the same concerns as his wife Nancy

Bruce Turbo is concerned about the proximity to the daycare, library, schools etc.

4. Conditional Use Permit No action was taken due to the request to withdraw

M. Conditional Use Permit Application for a Self-Storage Facility Located at 27010 RR 12, Dripping Springs, TX 78620; A request for a Variance to the Dripping Springs Code of Ordinances, Chapter 30 – Zoning, Exhibit A, Section 3.12.4(d) Gross Floor Area for nonresidential structures to allow a 71,817 sq. ft. building where otherwise limited to 50,000 sq. ft.; and a request for a variance to the Dripping Springs Code of Ordinances, Chapter 30, - Zoning Exhibit A, Section 5A, Subsection 5.8.2 Fire Lanes to allow a paved width of 20 ft. where a minimum width of 24 ft. is otherwise required. Applicant, Jon Thompson.

1. Presentation (Jon Thompson) Available to answer questions

2. Staff Report (Megan Will) Staff recommends approval of the CUP request with the following conditions: The applicant shall obtain a waiver from the City's Exterior Design Ordinance and approval of an Alternative Exterior Plan; and the applicant shall obtain the City Engineer's approval of the proposed rainwater collection system and/or reduce the impervious cover on site so that the net impervious cover on site does not exceed what is shown on the concept plan submitted.

Gross Floor Area Variance: Staff recommends approval of a variance from Chapter 30, Exhibit A, Section 3.12.4(d) Gross Floor Area for nonresidential structures to allow the construction of a single self-storage structure with a gross floor area not to exceed 71,817 sq.ft., where a single structure would otherwise be limited to a gross floor area not to exceed 50,000 sq.ft.

Fire Lane Variance: Staff recommends approval of a Variance from Chapter 30, Exhibit A, Section 5A, Subsection 5.8.2 Fire Lanes to allow a fire lane with a minimum width of twenty feet of paving where a minimum width of twenty-four feet of paving would otherwise be required.

3. Public Hearing No public comments

4. Conditional Use Permit/ Variance to exceed maximum gross floor area allowed/Variance request to allow a fire lane paved width of 20 feet where a minimum width of 24 feet is otherwise required. James Martin made a motion to approve the CUP and the two variances with the conditions outlined in the staff report. Michael Lavengco seconded the

motion. The motion carried unanimously with a vote of 7 Ayes and 0 Nays, approving the motion.

N. CUP2017-0002: Conditional Use Permit Application for an Accessory Dwelling Unit (ADU) Located at 1601 Wood Loop, Dripping Springs, TX 78620, Applicant, Christian Bourguignon

1. Presentation (Christian Bourguignon) Available to answer questions
2. Staff Report (Megan Will) The applicant has requested a CUP to allow placement of a 360 sq.ft. “tiny home” an accessory dwelling unit to serve as a guest house for relatives, including the applicants mother, on the subject property located at 1601 Woods Loop, Driftwood, TX 78619. The applicant proposes to locate the ADU 40ft behind the primary residence and 17ft from the northern side of the property boundary. Staff recommends approval of the CUP.

3. Public Hearing

Wayne Simoneau opposes this proposed ADU because it would be potentially setting a precedent for more tiny homes on residential neighborhoods. He requests that the City of Dripping Springs make an on-site visit to look at the setbacks and recommends to postpone this item so that HUD can codify that this is not a manufactured house.

Duel Tarrance supports the application of this tiny home and believes that it is in good taste and is not an unreasonable request to make. Duel is also applying to put an ADU on his property as well for a similar purpose.

4. Conditional Use Permit James Martin made a motion to consider. Mim James seconded the motion. James Martin confirmed that staff has visited the site and verified the required setbacks.

James Martin made a motion to approve the CUP with the condition that the building be inspected and approved for occupancy by the building inspector per staff’s recommendation. Erich Oswald seconded the motion. The motion carried unanimously with a vote of 7 Ayes and 0 Nays, approving the motion.

O. VAR2017-0001: 101 Summit Drive Commercial: A request for a Variance to the Dripping Springs Code of Ordinances, Chapter 30-Zoning, Exhibit A, Section 3.12.4 (b)(1) for Minimum Front Yard Reducing the Setback from 25 feet to 15 feet for the following property: Lot 25A, Resubdivision of North Forty, Block 1 (101 Summit Drive), Applicant, Jon Thompson.

1. Presentation (Jon Thompson) Available to answer questions

2. **Staff Report (Anjali Naini)** The applicant is requesting a variance because a literal interpretation of the setback requirements in the Zoning Ordinance will make it impossible to construct a small commercial building onsite while also being compliant with other Zoning Ordinance requirements. Staff recommends approval of the requested setback reduction.
3. **Public Hearing** No public comments
4. **Variance request to allow a reduced front yard setback** Evelyn Strong made a motion to discuss. James Martin seconded the motion. Evelyn is considering that the reduction in the setback from RR12 could potentially cause an issue later on with the potential of their setback decreasing even more if there are plans for RR12 to widen. James Martin made a motion to approve the variance request to allow a reduced front yard setback. Kim Hubbard seconded the motion. The motion carried unanimously with a vote of 6 Ayes and 1 Naye, 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 Mim James, seconded by James Martin ending the meeting at 11:14 p.m.

Respectfully submitted,

Katie Jordan Planning Assistant

These minutes were approved on the _____ day of _____, 2017.

