

Minutes of the Planning and Zoning Commission Regular Meeting

A Regular Meeting of the City of Dripping Springs Planning and Zoning Commission was held Wednesday, December 16, 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 7:00pm. All members present except Commissioners Erik Burgeson and Whit Smith, and Director of Public Works and Development Rick Coneway. Also present is City Attorney Alan Bojorquez.

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).

III. PLEDGE OF ALLEGIANCE – Commission Vice Chair 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 Special Meeting Minutes, December 7, 2015 – Commission Vice Chair James Martin motions to approve the minutes. Commissioner Michael Lavengco seconds. VOTE: 5-0 in favor, motion passes.

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

Consideration and Possible Action On:

A. Ordinance No. 1220.120: Amending Ordinance 1220.11, Codified As Volume 2, Article 15, Chapter 24, Subchapter A of the Dripping Springs Code of Ordinances; Modifying the regulations regarding height, impervious cover, and pad dimensions for the property of Planned Development District Number One; Located at the southwest intersection of Rob Shelton Blvd and the Home Depot driveway, *Sumay Parikh, DS Hospitality, LLC, Applicant's Agent*

1. Presentation – Sumay Parikh, Applicant’s Agent
2. Staff Report – Code Enforcement Manager Jon Thompson, report on file. Staff recommends approval with the conditions that the maximum height (70 feet), maximum number of stories (four), and maximum building footprint (18,000 square feet) amendments be specific to only Envelope 3, and only for a “hotel” land use. The impervious cover increase amendment to 60% is applicable to the entire PDD.
3. Public Hearing – No one speaks
4. Planned Development District Agreement
5. Ordinance No. 1220.120
6. Amendment to PDD # 1 Agreement – Commission Vice Chair James Martin motions to approve Ordinance 1220.120 and the amended agreement according to staff’s recommendations made in the report and during the meeting. Commissioner Kim Hubbard seconds. VOTE: 5-0 in favor, motion passes.

B. Minor Plat and Variance Request from Minimum Lot Size for Campbell Subdivision, Located at 13701 FM 1826, *Richard McDaniel, Ash & Associates*

1. Presentation – Richard McDaniel, Ash & Associates
2. Staff Report – Code Enforcement Manager Jon Thompson, report on file. Staff recommends approval.
3. Public Hearing – No one speaks
4. Variance
5. Plat – Commissioner Michael Lavengco motions to approve the variance and minor plat according to staff’s recommendation. Commissioner John McIntosh seconds. VOTE: 5-0 in favor, motion passes.

C. Replat of Lots 8, 9 & 10 , Block B Ruby Ranch, Located at 310 and 320 Humphreys Drive, *Phil Moncada , Applicant*

1. Presentation – Phil Moncada, Applicant
2. Staff Report - Code Enforcement Manager Jon Thompson, report on file. Staff recommends approval.
3. Public Hearing – No one speaks
4. Replat – Commission Vice Chair James Martin motions to approve the replat according to staff’s recommendation. Commissioner Kim Hubbard seconds. VOTE: 5-0 in favor, motion passes.

D. Exterior Design Alternative Standard for YMCA, Located at 27216 Ranch Road 12, *Gregory Griffin, PE, Applicants Agent*

1. Presentation – Gregory Griffin and Andrew Logan, Applicant’s Agents
2. Staff Report – Consultant Keenan Smith, report on file. Staff recommends approval in concept with the conditions stated in the report.
3. Public Hearing – No one speaks
4. Alternative Standard – Commissioner John McIntosh motions to approve in concept according to staff’s recommendations. Commission Vice Chair James Martin seconds. VOTE: 5-0 in favor, motion passes.

E. Amending Plat of Tract A & B of Amended Plat of Tract A, Tract B, Tract C, Tract D, Tract G, Tract I and Tract L of Key Ranch at the Polo Club and Amended Plat of Tract E, Tract F, Tract H, Tract J, Tract K, Tract M, Tract N and Tract O of Key Ranch at the Polo Club Volume 8 Pages 374-377 PRHCT, Hays County, to Request Waiver from Code of Ordinances, Chapter 28, Minimum Lot Sizes in ETJ, Located at 13901 Canonade and 13730 W US Hwy 290, *Lynn Alderson, PE, Alderson Group*

1. Presentation - None
2. Staff Report - Code Enforcement Manager Jon Thompson, report on file. Staff recommends approval.
3. Public Hearing – No one speaks
4. Amended Plat – Commission Vice Chair James Martin motions to discuss. Commission Chair Mim James seconds. Commission discusses the amendments to the plat. Commission Vice Chair James Martin motions to approve according to staff’s recommendations. Commissioner Michael Lavengco seconds. VOTE: 5-0 in favor, motion passes.

VII. ZONING

A. Ordinance 1220.119: An Ordinance of the City of Dripping Springs Amending the Zoning Classification with a Conditional Overlay for Tall Oaks Subdivision, Lots 1 & 2, Located at 2350 and 2400 E US HWY 290, *Mark Lander, Applicant and Owner's Representative*

1. Presentation – Mark Lander, Applicant, is available for questions.
2. Staff Report - Code Enforcement Manager Jon Thompson, report on file. Staff recommends approval.
3. Public Hearing – Steve Whittman speaks in opposition to this ordinance due to noise issues. Deanna McCuska speaks in opposition to this ordinance due to noise, safety and traffic issues.
4. Ordinance No. 1220.119 - Commission Vice Chair James Martin motions to discuss. Commission Chair Mim James seconds. Commission discusses the noise, the multi-family residential overlay, zoning and residents in the surrounding areas, pedestrian safety and traffic issues. Commissioner Michael Lavengco motions to approve Ordinance 1220.119 according to staff’s recommendation. Commissioner Kim Hubbard seconds. Commission Chair Mim James requests that staff ensure that this site plan be brought before the Planning and Zoning Commission, and that the plan addresses issues such as drainage and run-off, safety, traffic and noise when the development is proposed in the future. VOTE: 5-0 in favor, motion passes.

B. Conditional Use Permit for Domestic Farm Animals (Therapy Chickens) at Hill Country Nursing Home, Located at 1505 W HWY 290, *Hill Country Care Health and Rehabilitation, Applicant*

1. Presentation – Debra Maddox, Applicant
2. Staff Report - Code Enforcement Manager Jon Thompson, report on file. Staff and the City Sanitarian recommend approval with the conditions that the chickens cannot be brought inside the nursing facility and the patients cannot be in contact with the chickens due to health safety issues.
3. Public Hearing - Roy Pursley speaks in favor of this permit.
4. Conditional Use Permit – Commission Vice Chair James Martin motions to discuss. Commissioner Michael Lavengco seconds. Commission discusses the cleanliness of having the chickens on the property and the safety & health of the residents who may be exposed to them. Commission Vice Chair James Martin motions to approve the Conditional Use Permit according to staff’s recommendations and conditions, for the standard two year, automatic renewal period for Conditional Use Permits, and that the facility must comply with the recommendations and conditions made by staff and the City Sanitarian. Commissioner Michael Lavengco seconds. VOTE: 5-0 in favor, motion passes.

VIII. SIGNS

A. Sign Variance Requests for Proposed Bauerle Plaza, Located at 13240 Rooster Springs Road, *Dan Bauerle, Applicant*

1. Presentation – Dan Bauerle, Applicant
2. Sign Administrator's Report – City Administrator Michelle Fischer, report on file. Staff recommends denial of all three variance requests for the reasons stated in the report.
3. Public Hearing – No one speaks
4. Variance Request to Allow a Pole Sign
5. Variance Request to Allow an Electronic LED Sign
6. Variance Request to Exceed the Maximum Height Allowed – Commission Vice Chair James Martin motions to consider. Commissioner Michael Lavengco seconds. Commission discusses the sign ordinance regulations, the nature of the variances being requested, and suggests the applicant work with City staff to consider alternative designs. Commission Vice Chair James Martin motions to deny all three variance requests according to staff’s recommendations. Commissioner Kim Hubbard seconds. VOTE: 5-0 in favor of denial, motion passes.

B. Sign Variance Request for Epicure, Located at 1025 Cannon Drive, Suite 105, *Black River Enterprises, LLC., Applicant*

1. Presentation – Julio Llop, Owner
2. Sign Administrator's Report - City Administrator Michelle Fischer, report on file. Staff recommends approval.
3. Public Hearing – No one speaks
4. Variance Request to Allow a Projecting Sign to Exceed Seventy-Five Percent of the Store Front Width - Commissioner Michael Lavengco motions to approve according to staff’s recommendations. Commissioner John McIntosh seconds. VOTE: 5-0 in favor, motion passes.

IX. BUSINESS

Consideration and Possible Action On:

- A. Discussion Regarding Proposed Amendments to the Development Agreement Ordinance
- B. Discussion Regarding Proposed Amendments to the Planned Development District Ordinance

City Administrator Michelle Fischer presents the status of the proposed amendments to both the Development Agreement and Planned Development District ordinances. Staff recommends the Planning and Zoning Commission appoint a committee to work with staff on the amendments to these two ordinances. Commission Chair Mim James states that the Commission would like to be able to review these projects before they are presented as formal Development Agreements or Planned Development Districts. The Commission would also like to be able to inject expectations regarding connectivity and traffic issues, ensure that the process for requesting variances is clarified, and make sure the City's expectations for these developments are made clear from the very beginning of the planning process for proposed projects. City Administrator Michelle Fischer states that City Attorney Alan Bojorquez could draft amendments to the ordinances for the Commission's review at a future meeting. Commission Vice Chair James Martin volunteers to participate in the review process as part of any committee or individually, and recommends Commissioner Erik Burgeson participate as well. No action taken.

X. ANNOUNCEMENTS

- A. Regular Historic Preservation Commission Meeting, January 4, 2016 at 5:30 p.m.
- B. Regular Parks & Recreation Commission Meeting, January 11, 2016, at 6:00 p.m.
- C. Regular City Council Meeting, January 12, 2016 at 7:00 p.m.
- D. Regular Transportation Committee Meeting, January 25, 2016 at 3:30 p.m.
- E. Regular Planning and Zoning Commission Meeting, January 26, 2016 at 7:00 p.m.

- XI. **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 8:28 p.m.