

**CITY OF DRIPPING SPRINGS, TEXAS
MINUTES OF THE PLANNING AND ZONING MEETING
December 18, 2017**

A meeting of the Planning and Zoning Commission of the City of Dripping Springs, Texas, was held on Tuesday, December 18, 2017 at 6:30 P.M. at City Hall, 511 Mercer Street, Dripping Springs, Texas.

Present: <u>Commission Members</u>	<u>City Staff/Appointed Officials</u>
Mim James – Chair	Michelle Fischer – City Administrator
James Martin – Vice Chair	Anjali Naini – Planning Consultant
John McIntosh	Rick Coneway – City Engineer
Kim Hubbard	Megan Will – City Planner
Evelyn Strong	Katie Jordan – Planning Assistant
Erich Oswald	Chad Gilpin – City Engineer
	Keenan Smith – Architectural Design Consultant

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 6:32p.m. followed by the pledge of allegiance led by Kim Hubbard. It is noted that Commissioner Michael Lavengco was absent for this meeting.

II. Pledge of Allegiance.

III. PRESENTATION OF CITIZENS

There were no comments received from the public.

A. Announcement Regarding Public Comment Period for the City of Dripping Springs Draft Mobile Food Vendor Ordinance Amendments, Anjali Naini, Consulting City Planner

The City would like to announce that the draft Mobile Food Vendor Ordinance amendments will be posted on the City website and Facebook to be available for public inspection and comment. The initial public comment period is open until January 12, 2018. The City highly encourages citizens to provide comments on the draft Ordinance amendments. Here is a timeline of what the City is trying to achieve with the Mobile Food Vendor Ordinance amendments.

Key Dates:

December 12, 2017 – First draft posted for public comment

January 3, 2018 – Historic Preservation Commission Meeting: public hearing and consideration

January 12, 2018 – Close of initial public comment period

January 23, 2018 – Planning & Zoning Commission Meeting: public hearing and consideration

February 13, 2018 – City Council Meeting: public hearing and consideration

IV. MINUTES

Consideration and Possible Action On:

A. Approval of Minutes for October 24, 2017 Regular Commission Meeting.

No action was taken on this item. The agenda should have listed the approval for the November 27th, 2017 P&Z Meeting Minutes rather than October. They will defer approval of the minutes until the next meeting.

V. BUSINESS

Discussion and Possible Action on Zoning, Conditional Use Permits, Subdivision, Site Development, Signage, Variances, Special Exceptions, Waivers and other matters:

A. TIRZ Town Center Preliminary Concept Plan

1. Presentation (Keenan Smith) Keenan gave an overview of the concept plan for the Tax Increment Reinvestment Zones #1 & #2. Its purpose is to promote economic development, and planning critical infrastructure to support quality development within the central part of the city. Several Priority Projects have been identified by the TIRZ Board, including the improvement of Old Fitzhugh Road, future planning for the Triangle tract at the east end of Mercer Street, and the planning and potential development of a Town Center Project on properties currently owned and occupied by the City and the Dripping Springs Independent School District at the western end of Mercer Street. The Preliminary Concept Plan is available for viewing at City Hall and on the City's website.

2. Public Hearing

Charlie Busby: encourages commission to support the concept plan to help tax payers save money and can potentially alleviate traffic in the area.

Richard Bulks: With regards to the mention of "shared space", are non-profit organizations permitted to use these facilities?

Keenan Smith: the Stakeholders want this space to be used as a conference center for Dripping Springs school boards, the City, the library and Hays County.

3. Preliminary Concept Plan

James Martin made a motion to approve the preliminary concept plan per staff's recommendation. Erich Oswald seconded the motion. The motion carries unanimously with 6 Ayes, 0 Nays.

B. Sign Variance Request to allow Directional Signage to Exceed the Maximum Signable Area Allowed, Dripping Springs United Methodist Church, located at 28900 Ranch Road 12, Dripping Springs, Randy Voorheis, Applicant Representative

1. Presentation None
2. Staff Report (Michelle Fischer) The Planned Development District#3 Agreement includes signage provisions but not address directional signs. Therefore, directional signs on the property are to comply with Chapter 26 of the City's Sign Ordinance. The Dripping Springs United Methodist Church campus needs effective directional signs for many reasons: there are multiple buildings; the main church building entrance is at the rear of the property; various community organizations use church facilities; and many visitors not familiar with the campus visit. DSUMC requests a variance to allow directional signs with maximum dimensions of 6' x 4'. 3 sf of sign area is not large enough to display the needed information. The proposed signs will predominantly have earth tone colors and posts. DSUMC proposes seven directional signs. Most of these signs will not be visible from RR12. The sign variance request meets several criteria for granting variances. The larger directional signs are needed due to the large number of visitors to the campus, the configuration of the buildings, and the number of buildings, which warrant a lot of information to be conveyed on the directional signs. Most of the signs will not be visible from RR12. Staff recommends approval of the variance request.

3. Public Hearing No comments were made

4. Variance Request to allow directional signage to exceed the maximum signable area allowed. James Martin made a motion to approve the requested variances for the DSUMC per staff's recommendation. Kim Hubbard seconded the motion. The motion carried unanimously with a vote of 6 Ayes and 0 Nays, approving the motion.

C. ZA2017-0002: Zoning Amendment Ordinance No. 1220152: An Ordinance of the City of Dripping Springs, TX, Rezoning a Tract of Land Totaling 16.0118 Acres Located at 23000 W FM 150, Dripping Springs, TX from (AG) to (SF-2), and Described as Follows: 16.0018 Acres out of the Thomas R. Jackson League, Abstract No.9, Applicant, Dan Druck

1. Presentation (Dan Druck) Available to answer questions
2. Staff Report (Anjali Naini) Requested action is to rezone the property from AG to SF-2. The subject property was voluntarily annexed into the city limits on October 10, 2017. Upon annexation, properties are automatically zoned AG until the property owner or City initiates the rezoning process. Staff recommends approval of the requested zoning amendment.
3. Public Hearing No comments were made
4. Ordinance No.1220.152 James Martin made a motion to approve the requested zoning amendment from Ag to SF-2 per staff's recommendation. John McIntosh seconded the motion. The motion carries unanimously with 6 Ayes, 0 Nays.

D. SUB2017: Charro Vista Subdivision. A Preliminary Plat for a 160091 Acre Property Located at 23000 W FM 150, Dripping Springs, Texas (Thomas R. Jackson League, Abstract No.9), Applicant: Dan Druck, Charro Vista, LLC

1. Presentation *None*
2. Staff Report (Anjali Naini) Staff recommends to approve the preliminary plat conditional upon any additions or alterations to the engineering plans as deemed necessary by the City Engineer, as needed, to ensure the safe, efficient and proper construction of public improvements within the subdivision and adequate response to all comments. Additionally, per City agenda policy, the applicant must submit a revised set of plans at least seven days prior to the January 9th, 2018 City Council meeting, which means the deadline is January 2nd, 2018. If revised plans are not submitted by that date, staff will request postponing consideration by City Council until February 13, 2018.
3. Parks & Recreation Commission Report The Parkland Dedication Plan for Charro Vista Subdivision was considered at the November 12, 2017 Parks and Recreation Commission meeting. The commission recommended that the future proposed trail along Oak Springs Drive be continued down to FM 150 in lieu of connecting to the west side of the Charro Vista Subdivision. Therefore the Parkland Dedication Plan as presented is adequate. Brent Luck prepared a report and recommended that the Parkland Dedication Plan be discussed with consideration and deliberation of the items outlined in the meeting and voted for approval.
4. Public Hearing *No comments were made*
5. Parkland Dedication The information outlined in the Parkland Dedication/Trail Easement & Construction report was compiled to address the Trail Easement and construction of such as it relates to the ordinance requirement to provide Parkland dedication and/or a cash payment in lieu of dedicated parkland. Based on the discussions and conclusions reached at the December 11, 2017 meeting with the Parks and Recreation Department, the applicant believes that the information it contains reflects a mutually accepted strategy.

James Marin made a motion to approve parkland dedication per Brent Luck's recommendation. Erich Oswald seconded the motion. The motion carries unanimously with 6 Ayes, 0 Nays.

6. Preliminary Plat Mim James made a motion to approve the preliminary plat subject to Anjali's recommendation of the conditions mentioned. James Martin seconded the motion. The motion carries unanimously with 6 Ayes, 0 Nays.

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

1. Presentation **None**
2. Staff Report (Megan Will) Staff recommends postponing until the 1/23/2018 Planning & Zoning meeting, pending Hays County approval.
3. Public Hearing **No comments were made**
4. Replat **James Martin** made a motion to postpone taking action on this item until the 1/23/2018 Planning & Zoning meeting. **Erich Oswald** seconded the motion. The motion carries unanimously with 6 Ayes, 0 Nays.

F. Replat of Lot 9, Oakridge Park Section 5 at Kinnicinik, Establishing Lot 9A, A 15.83 acre lot at 9900 Darden Hill Road, Dripping Springs, TX. Applicant, Troy Moore, PE M3 Engineering, LLC

Evelyn Strong recused herself from voting on this agenda item

1. Presentation (Troy Moore, P.E.) gave a brief presentation on the purpose of the replat
2. Staff Report (Chad Gilpin, P.E.) This replat meets the requirements of the City's Subdivision Ordinance and staff recommends approval.
3. Public Hearing **No public comments were made**
4. Replat **James Martin** made a motion to approve the Replat per staff's recommendation pending receipt of the approval from Hays County. **Kim Hubbard** seconded the motion. The motion carried unanimously with a vote of 5 Ayes and 0 Nays, approving the motion.

G. Site Development Permit for Darden Hill Storage, 9900 Darden Hill Road, Dripping Springs, TX. Applicant, Troy Moore, P.E. M3 Engineering, LLC.

Evelyn Strong recused herself from voting on this agenda item

1. Presentation (Steve Metcalf) Made a presentation with powerpoint on behalf of the applicant, discussing the proposed project and some of it's good qualities as follows: 24hr safety/policing by on-site caretaker, high quality water system, providing a needed service to the area, reached out to residing residents to engage on this subject, the use generates minimal traffic, etc.
2. Staff Report (Chad Gilpin, P.E.) Staff has reviewed the submittal and found the site development plan to comply with relevant requirements in the documents referenced in the staff report. Staff recommends approval of the site plan contingent upon approval of the associated Replat of Lot 9, Oakridge Park Section 5 at Kinnicinik, Establishing Lot 9A, and with the following revision: 1. Add a note to Site Development plans stating that the applicant will comply with Lighting Ordinance.
3. Public Hearing

The following citizens spoke in opposition of the project:

John Pope: is the only neighbor in the 300' buffer that has been sent the public notice in order to be involved. Opposes this project because it an inappropriate use

Dan Tarrillion: Was not contacted by the developer and they live across the street from the site. The variance for maximum cut and fill has not been processed nor reviewed per the public comment letter (Graves Dougherty Hearon & Moody)

Priscilla Wood: spoke at the previous meeting with regard to this topic. Believes that the developer actively sought an affluent area not because of a "real need for this service". Maxing out impervious cover is a major concern. The City should follow through to make sure that water quality is not negatively impacted if and when the site is developed

Mark Wood: This is not an environmentally conscious development. Not appropriate for this residential area. It weakens property values. Could set a bad example for potential similar development

Scott Clark: Did not receive any reassurance from organization that the developer would respect any of the neighbor's requests. His neighbor, Shannon Rizzo has an organic farm. The developer plans to use fertilizer which will affect her crops and her business. "Private property rights are not absolute!"

Rob Newmann: Has an environmental study been conducted on that site? If not, they would like the developer to consider it. The residents were told that they would be environmentally conscious and try to preserve some wildlife and plantlife since there are protected species in the area

Tim Wilkens: Concerned about voter rights. Many surrounding residential neighbors wants the developer to put some concessions to use. Wants them to respect the neighbors' wishes

Tim Stansbury: Abstained

Evelyn Strong: Hopes that the Commission holds this development to high standards to promote environmental responsibility and sustainability by making the condition on any variance request for this project she would ask that they honor the commitment to the dark skies and agree not to advertise on the billboards adjacent to the project site

Ron Scott Adams: Will there be any water hook-ups for limited washing or cleaning for equipment? He wants assurance that chemicals won't be used on-site or affect their neighbors land

Shannon Rizzo: Concerned about the motion sensor lighting. There are wild animals that can set it off and wants to know how residents are going to be protected from that.

Did not state their name: Stated an emotional appeal for the Commission to do the right thing and to protect the hill country

4. Site Development Permit James Martin made a motion to consider. Mim James seconded the motion.

James asked Chad to address the comments received on 12/18/17 by Cliff Ernst.

Chad:

No Variance is required for the cut & fill since the site plan is in compliance with City's regulations

The applicant used a rainwater harvesting credit towards their impervious cover calculations which is acceptable per Article 22.05 Water Quality Protection of the City's Code of

Ordinances

Operating hours will be 5am until 10pm, with the exception of boat and RV access

The applicant will consider the condition of the design for the motion-censored lighting, the developer will address this issue on the site development permit

Wash stations for boats and RV's is not included in the design

No toxic chemicals are allowed on the site per the lease agreement

Five on-site fire hydrants are required with fire walls and a sprinkler system and the site plan has been approved by the fire marshal at ESD6

James Martin made a motion to approve contingent upon the approval of the associated Replat and a note to the site plan stating that they will comply with the outdoor lighting ordinance and a second note that the applicant will apply the latest technology commercially available for the motion-censor lighting to prevent activation from minor movements and as long as this facility operates that the owner agrees that there be no washing facilities on this site and no entities allowed to conduct business on the premises. Mim James seconded the motion. The motion carried unanimously with 5 Ayes, 0 naves.

H. CUP2017-0002: Conditional Use Permit Application for an Accessory Dwelling Unit (ADU) Located at 1501 Woods Loop, Dripping Springs, TX 78620, Applicant, *Duel Tarrant*.

1. Presentation (Duel Tarrant) None
2. Staff Report (Megan Will) Staff recommends to postpone consideration of the CUP request to the 1/23/2018 Planning and Zoning Commission Meeting. The City received a request from the applicant to postpone consideration of the CUP application due to health issues.
3. Public Hearing No comments were made
4. Conditional Use Permit James Martin made a motion to postpone this agenda item until the 1/23/2018 P&Z Meeting per staffs recommendation. Erich Oswlad seconded the motion. The motion carried unanimously with a vote of 6 Ayes and 0 Naves.

I. CUP2017-0001: Conditional Use Permit Application for a Bar located at 28911 RR12, Dripping Springs, TX 78620, Applicant, *Jon Thompson*

1. Presentation (Neil Stokes) Presented the concept for the proposed outdoor bar and food court. He met with neighbors to discuss their concerns. Neil wants the flexibility to remain open until midnight to take advantage of economic opportunities. Available to answer questions.
2. Staff Report (Megan Will) Staff recommends to approve but to include three conditions per the staff report.
3. Public Hearing

Helen Elester: Has hosted meetings with concerned neighbors surrounding the property in question. She asks the applicant to comply with their wishes opposes hours of operation.

Jim Langford: Concerned about the use of a bar so close to residents and on the public highway. Concerned with hours of operation.

Ron Scott Adams: Appreciates local investment/businesses but is concerned about the bar use due to the safety of surrounding residents and under lit roads.

Beth Barhman: Concerned with hours of operation

Chuck H: Concerned about hours of operation, and the bar use contradicts being a family friendly oriented business.

Judith Hiller: Concerned about traffic navigating through Ranch Ridge

Richard Bolts: Road is not designed for added traffic, and concerned about vegetation being conserved.

Karen Raymond: Road is not designed to support that additional traffic.

Gerald: Concerned about hours of operation and the potential traffic.

Mary Linton: Concerned about the hours of operation and noise nuisance that the bar will create.

4. **Conditional Use Permit** James Martin made a motion to consider. Mim James seconded the motion. James Martin wanted to make some clarifications with regards to the public's concerns, which was addressed by Neil Stokes. James Martin made a motion to approve the CUP request for 28911 RR12 per the conditions in the staff report: 1) A prohibition on speakers and amplified music, and a requirement that the decibel level remain below 85 decibels, which is the maximum decibels allowed in the Texas Pena Code, Title 9, Section 42.01 (c)(2). 2) A pedestrian connection be established with the approved mixed use (commercial/residential) subdivision to the north. Erich Oswald seconded the motion. The motion carried unanimously with a vote of 6 Ayes and 0 Nays, approving the motion.

VI. Announcements.

- A. Regular City Council Meeting, December 19, 2017, at 6:00 p.m.
- B. Planning and Zoning Regular Meeting January 23, 2018, 6:30 p.m.

VI. Adjourn.

Adjourn Open Meeting

A motion to adjourn was made by James Martin, seconded by Mim James ending the meeting at 9:52 p.m.

Respectfully submitted,

Katie Jordan Planning Assistant

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

