

Dripping Springs Staff and P&Z Commissioners,

This letter is provided in response to the presentation and discussions held at the May 10, 2022 Dripping Springs Planning & Zoning (P&Z) Commission Workshop regarding the proposed Village Grove Planned Development District (VG PDD), Item 2 on the agenda, as well as to the Notice of Public Hearings for Planned Development District Application Case#: PDD2021-0003 Village Grove, PDD#14 Allowing Residential and Local Retail Uses.

Our property, Hays County Property Number R19962, owners Eugene R. Foster, Jr., Brenda L. Foster, and Rosemary Foster, is entirely within the 200-foot buffer zone of VG PDD, with approximately 1000' of our north boundary line directly adjacent to VG PDD. As noted in our 3-minute allocation of time, The negative impact to our current and future use of this property will be direct, adverse, and permanent.

We previously expressed our concerns and opposition to the project during the November 9, 2021 P&Z meeting, when we presented a list of questions and requested opportunities to discuss the project with City staff and P&Z commissioners. During this meeting we were assured that the development was in the early stages and that we as directly affected landowners would be involved throughout the project review process. We also attended the November 16, 2021 City Council meeting to provide our support for the Development Moratorium and to again present our concerns regarding the impacts VG PDD will have on us. On February 15, 2022, we again attended the City Council meeting to ask questions concerning the roadway proposed along our north boundary line. Although city employees contacted us concerning the roadway, we received no useful replies to our questions and the only email from the DS Planning Director declined to answer our questions and recommended that we talk instead with the developers regarding our list of questions/concerns.

To that end, we have held several meetings with developer representatives Matthew Scrivener and John Doucet regarding our concerns and the negative impacts this development will have on our current and future use of this property as a family estate. The developer representatives have been very available and receptive to our requests for meetings, our expressions of concern, and our proposals to mitigate the project's impact. During those meetings and communications, we were assured that the City agreed with the adjustments we requested to the preliminary project plans provided at each meeting. Those items include:

1. Minimum 35' buffer zone with landscape vegetation between the planned VG PDD roadway and our north and west property boundaries.
2. Minimum 8' limestone wall as a noise and security barrier along our north property line (approximately 1,100').
3. Driveway connections from our north and west property boundaries to the planned VG PDD roadway, and
4. Pre-approval and installation of utility connections (electrical, water, and wastewater), for our future use

We negotiated these items in good faith; however, none were cited in the documents included in the P&Z review packet provided to the public at the May 10th P&Z meeting, nor were they mentioned during the presentations. Yet, many items negotiated with other adjacent landowners were extensively discussed and included in the documents.

In the absence of direct communications from the City, we filed a Freedom of Information Act request in January 2022. Today (May 20, 2022), just 4 days ahead of the final scheduled P&Z review meeting, we received more than 200 documents that the Attorney General of Texas approved for release under our request. The untimely delivery of the FOIA-requested documents leaves us inadequate time to review and more than 200 documents.

Furthermore, as noted in the May 10, 2022 information packets provided to the commissioners, great care and attention was given to creating buffers with adjacent landowners - approximately 90% of which are allocated along the eastern boundary with the Preserve and less than 10% along our property boundary, boundaries which are almost equal in length. Additionally, the VG PDD presentation included laudable efforts to ensure compatibility with nature and density of adjacent land uses, especially on the east, west, and north. However those efforts did not respond to the actual nature and density of our adjacent land use - citing instead its compatibility with the City's future medium density land use plans to the south and providing a map that shows our land use being completely obliterated by so-called medium density housing, actually wall to wall townhomes at a density that is higher than almost any other area in the Dripping Springs City limits and ETJ.

On the whole, we have worked openly and well with the developers. And to his credit, Mayor Bill Foulds has reached out to us directly to provide reassurance and support - noting that he does not have control over all aspects of the development process and its outcomes. While I thank Mayor Foulds for his unsolicited attention, is there any wonder why we feel ignored, avoided, and targeted for displacement by the City's planning department and its PDD process.

For more specific evidence of our concerns, we cite the following excerpts from the City of Dripping Staff Report for the May 10, 2022 P&Z meeting, and ask questions that could not be fully raised in a 3-minute opportunity to address the commission:

City of Dripping Springs Staff Report

Pages 3 & 4 – Surrounding Properties.

The table of page 4 shows that the properties to the south of VGD are currently zoned as ETJ (Private Ranch/Large Lot Residential), with an existing use of Ranch/Estate SFR. The table also shows these same properties with a Comprehensive Plan/ Future Land Use of Medium Density Residential, equating to (small lot, single-family homes). It is not clear what items were considered in designating the future use of the properties to the South of VG PDD, but this was not performed in consideration of the landowners to the South. Is it appropriate to use the city's future development plans for one set of adjacent landowners and existing land use conditions for other adjacent property?

Page 5 – Future Land use Map and Zoning Designation.

The last sentence of this section states *"The provided land plan is designed to have more intense residential lots to the west, near Sports Park and the established retail in and around PDD #1, and less intense residential to the east (towards The Preserve subdivision) and south (ranch and estate residential), in the City's ETJ."* This is an inaccurate statement with regard to the south properties. The proposed Lotting Plan O shows 28 townhomes 50' from our property line which is composed of one 5 acre tract that contains 2 single family homes. Since the proposed townhomes are

inconsistent with the property to the south, is it appropriate for the City to approve such a starkly contrasting density of development within just a few feet of an adjacent Private Ranch/Large Lot Residential estate property?

Page 6 – Proposed Zoning District and PDD Development Regulations.

The last sentence of the paragraph states *“This district provides a “buffer” or transition district between lower density residential areas (to the south and east) and multiple-family or nonresidential areas or major thoroughfares (to the north)”*. This determination fails to take into account that 1000’ of the south property line includes plans a major bypass roadway and 28 townhomes within 50’ of our property line. Is a buffer of 18’ adequate and equitable as a buffer/transition between us and the VG PDD, especially considering the buffering distances proposed for other adjacent landowners whose homes are not nearly as close to the roadway as ours?

Evaluation: Article 30.03.007 (c)(3).

Page 14 - Item c): The relationship of the development to adjacent uses in terms of harmonious design, façade treatment, setbacks, building materials, maintenance of property values and any possible negative impacts.

The report fails to accurately include the Foster’s property adjacent to the south boundary line of VG PDD in the assessment. According to the ‘Lotting Plan O’, Twenty-eight (28) Townhomes are proposed to be built approximately 50’ from our north property line. These structures are not harmonious or mutually beneficial to our property’s rural estate character, which includes two-single family structures, a barn, a workshop, and a studio. How is the location of the 28 Townhomes immediately adjacent to our property in compliance with Dripping Springs Site Development Evaluation standards 28.04.100 (c) (2) and (3)?

Page 15 Item h): The use of landscaping and screening to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary, and to complement and integrate the design and location of buildings into the overall site design.

In the last meeting we held with the developer, they stated that the city was amenable to providing a 35’ landscape buffer and an 8’ stone fence between our north property line (1000’) and VG PDD. However, during the developer’s presentation, they stated this buffer would only be 18’, yet adjacent landowners in the Preserve whose property backs up to the proposed road have been given a 100’ buffer, and a 35’ buffer provided to those whose property backs up to proposed single family homes.

How is a buffer of 18’, or for that matter 35’, considered adequate to shield us from noise generated by 5,000+ (daily) vehicles traveling along the roadway along our entire north property line? ‘

Page 10, Other Development Regulations

This regulation allows for a fence of maximum 8’ height where separating residential lots from arterial or collector roads. However, as discussed in the May 10, 2022 P&Z presentation, Planning Director Howard Koontz discouraged an 8’ fence citing that 6’ is a typical maximum. Given the long downhill

slope to the west of our property, a typical 6' fence will not prevent headlights from the VG PDD roadway from shining directly into the front windows of our westernmost dwelling. Will Mr Koontz deny the agreement we have reached with the developers to construct an 8' tall fence in keeping with the City's own development regulations?

Do the City's development regulations include measures to mitigate "temporary" noise, vibration, dust and "atmospheric" impacts that will likely occur continuously for more than 2 years while the VG PDD is constructed and operated with an LTAP.

Do the City's regulations include measures to mitigate the impact of the VG PDD project on the sustainability and quality of our groundwater/well?

We will experience the negative impacts to our property and way of life the minute the first bulldozer, grader, dump trucks, etc. arrive to begin removing existing structures and tress, and as well as installing infrastructure (roads, utilities, etc.). We will live with extreme noise, dust, disruption 5 or more days a week from dawn to dusk. This will then transition to noise from vehicles delivering building supplies, and contractors/labors responsible for building the 531 homes/townhomes and retail center. And let's not forget about the landscapers. Every phase of this development with bring a constant, direct barrage of negative impacts that we and only we will have to live with. No one else will be impacted at the level we will; not The Preserve landowners, not the developers, not the investors, not the city, no one, just us, the Fosters. We need your insistence that the ordinances to consistently and equitable applied to all adjacent landowners, and that consideration be given to the extreme impact VGD will have on us.

Sec. 28.04.010. Evaluation standards. (c) Site plan review and evaluation by the city administrator for projects located in the city limits shall be performed with respect to the following: (11) Protection and conservation of soils from erosion by wind or water or from excavation or grading.

Sec. 28.04.010. Evaluation standards. (c) Site plan review and evaluation by the city administrator for projects located in the city limits shall be performed with respect to the following: (12) Protection and conservation of watercourses and areas subject to flooding.

Sec. 28.04.016. Erosion control. (a) The purposes of controlling erosion and sedimentation during the construction stages in a site development are to minimize nuisances on adjacent properties, avoid siltation and water quality degradation of streams, and preserve the natural and traditional character of watercourses running through the area.

None of the recommendations made by the applicant are in compliance with Dripping Springs Site Development Evaluation standards 28.04.100 (c) (8).

Sec. 28.06.052. Landscape buffers.

(a) Landscape buffer planting requirements.

- (1) All plant material shall be of native or adapted species.
- (2) All new proposed shade trees shall be a minimum of four inches in diameter.
- (3) All proposed ornamental trees shall be a minimum of two inches in diameter.

- (4) All large shrubs shall be a minimum of five-gallon container size and small shrubs/groundcovers a minimum of one-gallon container size.
- (b) Landscape buffer spacing requirements. The following landscape buffer spacing requirements shall apply to all designated landscape buffers:
- (1) Shade trees (such as Live Oak or Cedar Elm). One per 50 feet of buffer frontage.
 - (2) Ornamental trees (such as Crape Myrtle or Desert Willow). One per 25 feet of buffer frontage.
 - (3) Large shrubs, five-gallon (such as Wax Myrtle, DW Yaupon, or Agarita). One per six feet of buffer frontage.
 - (4) Small shrubs/groundcovers, one-gallon (such as Lantana or Liriope). One per three feet of buffer frontage.
- (c) Landscape buffer widths. The following landscape buffer width requirements shall apply to all designated landscape buffers and shall be measured from the edge of the right-of-way:

	At Arterial Roadways	At Collector Roadways
AG	0	0
SF-1	0	0
SF-2	35 feet	25 feet
SF-4	50 feet	40 feet
SF-5	40 feet	30 feet
MF	50 feet	40 feet
MH	35 feet	25 feet
O	25 feet	25 feet
LR	25 feet	25 feet
GR	25 feet	25 feet
CS	25 feet	25 feet
I	50 feet	50 feet
H	25 feet	25 feet
GUI	25 feet	25 feet
PR	25 feet	25 feet
PP	25 feet	25 feet
PD	Varies	Varies

- (d) Landscape buffer vegetation. The following landscape buffer vegetation requirements shall apply to all designated landscape buffers:

This buffer area shall contain either native vegetation in the form of trees and bushes left in their natural, undisturbed condition, or, if no such native vegetation exists, shall consist of landscaping in conformance with this article. If the area consists of landscaped plantings, maintenance of such plantings shall be the sole responsibility of the developer or the homeowners' or property owners' association.

Respectfully submitted (under duress),

Eugene and Brenda Foster

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