

CITY OF DRIPPING SPRINGS

ORDINANCE No. 2021-

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS (“CITY”), REZONING ONE TRACT OF LAND, TOTALING APPROXIMATELY 4.005 ACRES FROM TWO-FAMILY RESIDENTIAL, DUPLEX (SF-4) TO MULTI-FAMILY (MF) WITH A CONDITIONAL USE OVERLAY PROHIBITING MULTI-FAMILY DWELLING(S); AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; EFFECTIVE DATE; AUTHORIZING THE CITY ADMINISTRATOR TO NOTE THE CHANGE ON THE OFFICIAL ZONING MAP OF THE CITY; PROPER NOTICE & MEETING.

WHEREAS, the City Council of the City of Dripping Springs (“City Council”) seeks to promote orderly land use and development within the City; and

WHEREAS, the City Council finds to be reasonable and necessary the rezoning of the tract, described more fully in Attachment “A” and totaling approximately 4.005 acres, from Two-Family Residential, Duplex (SF-4) to Multi-Family (MF), with a Conditional Use Overlay prohibiting Multi-Family Dwelling(s) as shown on the attached exhibit; and

WHEREAS, the City Council recognizes changed conditions and circumstances in the particular location; and

WHEREAS, the City Council finds that the zoning change is compatible with the surrounding area and with the City’s Zoning Ordinance and Comprehensive Plan; and

WHEREAS, after notice and hearing required by law, a public hearing was held before the Dripping Springs Planning and Zoning Commission on January 26, 2021 to consider the proposed amendment and the Planning and Zoning Commission recommended approval of the proposed change; and

WHEREAS, after public hearing held by the City Council on February 9, 2021, the City Council voted to approve the recommendation of the Planning and Zoning Commission; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to zone and rezone property; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace

or order of the City of Dripping Springs to adopt this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Dripping Springs:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as expressly set forth herein.

2. ENACTMENT

One tract of land totaling approximately 4.005 acres and described more fully in Attachment “A” and shown in Attachment “B”, is hereby rezoned from Two-Family Residential, Duplex (SF-4) to Multi-Family (MF), with a Conditional Use Overlay prohibiting Multi-Family Dwelling(s), as shown on Attachment “C”.

3. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CHANGE ON ZONING MAP

The City Administrator is hereby authorized to and shall promptly note the zoning change on the official Zoning Map of the City of Dripping Springs, Texas.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, a public hearing was held, and that public notice of the time, place and purpose of said hearing and meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED & APPROVED this, the 9th day of February 2021, by a vote of _____ (ayes) to _____ nays to _____ (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:

Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham, City Secretary

METES & BOUNDS DESCRIPTION FOR 2.002 ACRES OF LAND

A tract of land containing 2.002 acres out of and part of the P. A. Smith Survey No. 26, Abstract No. 415 in Hays County, Texas, and being that same tract, called 2.00 acres, as conveyed in September of 2017 to Lankford and Darci Ewell as recorded and described in Document # 17031334 of the Official Public Records of Hays County, and being more particularly described as follows;

BEGINNING at a 5/8" iron rod found in the north right-of-way of Creek Road, County Road # 190, for the southwest corner of this tract and the southeast corner of the Knight Tract as described in Document # 16019409 of the Official Public Records of Hays County, from which for reference a 5/8" iron rod bears S 89° 56' 54" W, a distance of 106.23 feet;

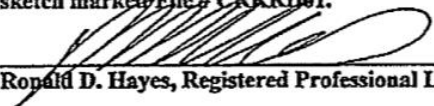
THENCE N 04° 56' 29" E, leaving the right-of-way, a distance of 416.89 feet to a 5/8" iron rod found in the south property line of Lot Two (2) of the Western Springs Apartment Subdivision as recorded in Doc. # 18040193 of the Official Public Records of Hays County for the northwest corner of this tract and the northeast corner of the Knight Tract;

THENCE S 89° 43' 04" E, a distance of 209.58 feet to an iron rod with a plastic cap found for the northeast corner of this tract and the northwest corner of Lot Two (2), of the Je Suis Charles Martel Subdivision as recorded in Volume 19, Page 38 of the Hays County Plat Records;

THENCE S 04° 48' 47" W (Bearing basis), and at approximately 200.2 feet passing the southwest corner of Lot 2 and the northwest corner of Lot One (1), said Je Suis Charles Martel Subdivision, in all a total distance of 416.32 feet to an iron rod with a plastic cap found in the north right-of-way of Creek Road for the southeast corner of this tract and the southwest corner of Lot 1, from which for reference a 60D nail in the top of a fence post bears S 89° 50' 12" E, a distance of 183.90 feet;

THENCE N 89° 51' 05" W, a distance of 210.56 feet to the POINT OF BEGINNING, containing 2.002 acres.

This is to certify that this description of land represents an actual survey made on the ground under my supervision in October of 2019. Only those documents with a red surveyor's signature and an accompanying red surveyor's seal shall be deemed reliable and authentic. Reference the attached sketch marked File # CRKRD01.


Ronald D. Hayes, Registered Professional Land Surveyor, No. 5703



FIELD NOTES FOR A 2.003 ACRE TRACT OF LAND

Being a 2.003 acre tract of land out of the P.A. Smith Survey No. 26, Abstract No. 415, Hays County, Texas, said 2.003 acre tract also being all of that certain 2.00 acre tract of land recorded in Document No. 16019409, Official Public Records, Hays County, Texas, said 2.003 acre tract being more particularly described by metes and bounds as follows:

Beginning at a 3/4" iron rod found in the north right of way line of Creek Road for the southernmost southwest corner of the herein described tract, said point also being at the southeast corner of that certain 0.500 acre tract of land recorded in Volume 1281, Pages 303-305, Official Public Records, Hays County, Texas and the southernmost southwest corner of the above referenced 2.00 acre tract;

Thence, with the east and north line of said 0.500 acre tract and a west and south line of said 2.00 acre tract, the following two (2) courses and distances:

North 03 degrees 17 minutes 26 seconds East, a distance of 208.44 feet to a 1/2" iron rod found for an interior corner of the herein described tract, said point also being at the northeast corner of said 0.500 acre tract and an interior corner of said 2.00 acre tract;

and **South 88 degrees 03 minutes 53 seconds West**, a distance of 104.98 feet to a 60D nail found for a southwest corner of the herein described tract, said point also being at the northwest corner of said 0.500 acre tract, a southwest corner of said 2.00 acre tract and in the east line of that certain 0.75 acre tract of land recorded in Volume 1474, Pages 714-716, Official Public Records, Hays County, Texas;

Thence, with the east and north line of said 0.75 acre tract and a west and south line of said 2.00 acre tract, the following two (2) courses and distances:

North 03 degrees 11 minutes 54 seconds East, a distance of 43.00 feet to a 1/2" iron pipe found for an interior corner of the herein described tract, said point also being at the northeast corner of said 0.75 acre tract and an interior corner of said 2.00 acre tract;

and **South 88 degrees 04 minutes 12 seconds West**, a distance of 129.87 feet to a 1/2" iron rod found for the westernmost southwest corner of the herein described tract, said point also being in an east line of Lot 1, Western Springs Apartments recorded in Document No. 18040193, Plat Records, Hays County, Texas, at the northwest corner of said 0.75 acre tract and the westernmost southwest corner of said 2.00 acre tract;

Thence, with an east line of said Lot 1 and a west line of said 2.00 acre tract, **North 03 degrees 17 minutes 56 seconds East**, a distance of 167.39 feet to a 1/2" iron rod found for the northwest corner of the herein described tract, said point also being at the southwest corner of Lot 2, in said Western Springs Apartments and the northwest corner of said 2.00 acre tract;

Attachment "B"
4.005ac Property Depiction



Attachment "C"
Conditional Use Overlay

Use Chart – Multi-family (MF)	
Orchard/Crop Propagation	CUP
Small Scale Farm	CUP
Garden (Non-Retail)	Permitted
Farm Animals (Exempt - FFA, 4H)	CUP
Farm Animals (Non-Exempt)	CUP
Accessory Bldg/Structure (Residential)	Permitted
Duplex/Two-Family	Permitted
Garden Home/Townhome	Permitted
Home Occupation	Permitted
HUD-Code Manufactured Home	CUP
Multiple-Family Dwelling	Prohibited
Rooming/Boarding House	Permitted
Single-Family Dwelling, Detached	Permitted
Single-Family Industrialized Housing	Permitted
Swimming Pool, Private	Permitted
Artist Studio	Permitted
Park and/or Playground	Permitted
Tennis Court	Permitted
Assisted Living Facility	CUP
Child Day-Care Facility	CUP
Church, Religious Assembly	Permitted
Fire Station	Permitted
Group Day-Care Home	CUP
Wireless Communications Tower	CUP
Home for the Aged, Residential	CUP
Post Office	Permitted
School, K Through 12 (public or private)	Permitted
Sewage Pumping Station	CUP
Wastewater Treatment Plant	CUP
Water Supply (Elevated Storage Tank)	CUP
Water Supply Facility (Private)	Permitted
Contractor's Temporary On-site Office	CUP