



# PLANNING & ZONING COMMISSION REGULAR MEETING

City of Dripping Springs

Council Chambers, 511 Mercer St, Dripping Springs, TX

Tuesday, August 25, 2020 at 6:30 PM

## MINUTES

### MEETING SPECIFIC VIDEOCONFERENCE INFORMATION

***Join Zoom Meeting***

<https://us02web.zoom.us/j/85842339524?pwd=aDhXa1J6Y2RVM2lTaG85Yk0zTFptZz09>

***Meeting ID:*** 858 4233 9524

***Passcode:*** 222242

***Dial Toll Free:***

877 853 5257 US Toll-free

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### CALL TO ORDER AND ROLL CALL

***Commission Members present were:***

Mim James, Chair

James Martin, Vice Chair

Christian Bourguignon

John McIntosh

Roger Newman

Evelyn Strong

Tammie Williamson

***Staff, Consultants & Elected/Appointed Officials present were:***

City Administrator Michelle Fischer

City Attorney Laura Mueller

City Secretary Andrea Cunningham

Senior Planner Amanda Padilla

City Engineer Chad Gilpin

Planning Consultant Robyn Miga

With a quorum of the Commission present, Chair James called the meeting to order at 6:30 p.m.

## PLEDGE OF ALLEGIANCE

Chair James led the Pledge of Allegiance to the Flag.

## PRESENTATION OF CITIZENS

*A member of the public who desires to address the Commission regarding any item on an agenda for an open meeting may do so at presentation of citizens before an item or at a public hearing for an item during the Commission's consideration of that item. Citizens wishing to discuss matters not contained within the current agenda may do so, but only during the time allotted for presentation of citizens. Speakers are allowed two (2) minutes to speak during presentation of citizens or during each public hearing. Speakers may not cede or pool time. Members of the public requiring the assistance of a translator will be given twice the amount of time as a member of the public who does not require the assistance of a translator to address the Commission. It is the request of the Commission that members of the public wishing to speak on item(s) on the agenda with a noticed Public Hearing hold their comments until the item(s) are presented for consideration. Speakers are encouraged to sign in. Anyone may request a copy of the City's policy on presentation of citizens from the city secretary. By law no action may be taken during Presentation of Citizens.*

No spoke during Presentation of Citizens.

## CONSENT AGENDA

*The following items are anticipated to require little or no individualized discussion due to their nature being clerical, ministerial, mundane or routine. In an effort to enhance the efficiency of Planning & Zoning Commission meetings, it is intended that these items will be acted upon by the Planning & Zoning Commission with a single motion because no public hearing or determination is necessary. However, a Planning & Zoning Commission Member or citizen may request separate deliberation for a specific item, in which event those items will be removed from the consent agenda prior to the Planning & Zoning Commission voting on the consent agenda as a collective, singular item. Prior to voting on the consent agenda, the Planning & Zoning Commission may add additional items that are listed elsewhere on the same agenda.*

Via unanimous consent, the Planning & Zoning Commission heard Consent Agenda Items 1 and 2 separately.

**1. Approval of the July 28, 2020 Planning & Zoning Commission regular meeting minutes.**

A motion was made by Vice Chair Martin to approve the July 28, 2020 Planning & Zoning Commission regular meeting minutes. Commissioner Williamson seconded the motion which carried unanimously 7 to 0.

**2. Approval of a partial Plat Vacation for SUB2020-0018: Plat Vacation of Indian Point Estates Subdivision Lot 2A, totaling 107.80 acres out of the B.F. Hanna Survey, No. 28, Abstract No. 222, Hays County, TX, and recorded in Volume 9, Page 89-90 of the Hays County Official Public Records. Applicant: Adrian Rosas**

Amanda Padilla presented the staff report which is on file. Staff recommends approval of the partial plat vacation.

A motion was made by Vice Chair Martin to approve a partial Plat Vacation for SUB2020-0018: Plat Vacation of Indian Point Estates Subdivision Lot 2A, totaling 107.80 acres out of

the B.F. Hanna Survey, No. 28, Abstract No. 222, Hays County, TX, and recorded in Volume 9, Page 89-90 of the Hays County Official Public Records. Commissioner Newman seconded the motion which carried unanimously 7 to 0.

## BUSINESS

3. **Public hearing and discussion regarding VAR2020-0016: an application to consider a Waiver request to Chapter 28, Exhibit A Subdivision Ordinance, Section 14.3 Irregular Shaped Lots to allow a Flag Lot for a property approximately 13.03 acres, located at 611 Butler Ranch Road (R18068)(Legal Description: A0415 Philip A. Smith Survey, Tracts G&M, Acres 13.03, Hays County, Texas). *Action to be taken by City Administrator; No action to be taken by the Planning & Zoning Commission. Applicant: Jon Thompson***

**Action to be taken by City Administrator; No action to be taken by the Planning & Zoning Commission.**

*a) Presentation*

Applicant Jon Thompson was available for questions from the Commission.

*b) Staff Report*

Laura Mueller reviewed the staff report regarding Administrative Review which is on file.

Robyn Miga presented the staff report on the variance request which is on file.

*c) Public Hearing*

Jim Houchins spoke on behalf of client Vicky Jones, referencing a letter submitted to the City regarding Ms. Jones' opposition to the request.

Chair James requested that Administration take into consideration the additional comments submitted in writing expressing opposition to the request: Candace Perez, Emily and Steve Venski, Jim and Sara Walvoord, Kelly Willis, Kevin J. Franata, Michael Kearney, and Ron Hick and Dale Walston.

No action was taken regarding this item.

4. **Public hearing and consideration of recommendation regarding VAR2020-0013: Variance Application to consider a variance to encroach within the setback defined in Chapter 30, Exhibit B, Planned Development District 10, 2.4.5 (b) and the Public Utility Easement for two (2) corner lots within the Planned Development District No. 10 (PDD 10) at the properties located at 133 Dome Peak Terrace and 159 Delaware Mountains Terrace (Lot 9, Block 9 and Lot 9, Block 10 of Big Sky Ranch, Phase 1). *Applicant: Christopher A. Reid, PE***

a) *Presentation – No presentation given.*

b) *Staff Report*

Amanda Padilla presented the staff report which is on file. The applicant has requested postponement to the September 22, 2020 Planning & Zoning Commission to allow time to address comments regarding staff's recommendation of denial.

c) *Public Hearing – No spoke during the Public Hearing.*

d) *Variance*

A motion was made by Vice Chair Martin to postpone VAR2020-0013: Variance Application to consider a variance to encroach within the setback defined in Chapter 30, Exhibit B, Planned Development District 10, 2.4.5 (b) and the Public Utility Easement for two (2) corner lots within the Planned Development District No. 10 (PDD 10) at the properties located at 133 Dome Peak Terrace and 159 Delaware Mountains Terrace (Lot 9, Block 9 and Lot 9, Block 10 of Big Sky Ranch, Phase 1) to the September 22, 2020 Planning & Zoning Commission meeting. Commissioner Newman seconded the motion which carried 4 to 3, with Chair James and Commissioners McIntosh and Strong opposed.

**5. Public hearing and consideration of recommendation regarding CUP2020-0008: An application for a Conditional Use Permit to allow the use Mobile Food Vendor - longer than 10 days located at 1111 W US Highway 290, Dripping Springs, TX 78620, which is zoned Commercial Services. Applicant: Jon Thompson**

a) *Presentation*

Applicant Jon Thompson presented the item and reviewed the request. Owners Chris and Wendy Bykowski presented the concept of the business.

b) *Staff Report*

Amanda Padilla presented the staff report which is on file. Staff recommends approval with the following conditions:

1. Hours of Operation:
  - a. Sunday- Thursday: 9:00am - 8:00pm
  - b. Friday-Saturday: 9:00am - 10:00pm
2. No pedestrian flow or access from Bonnie Drive.
3. Applicant shall provide a screening wall along rear property line made of solid masonry or wood. The wall shall be no less than six feet (6'), no more than eight feet (8'), in conjunction with landscaping elements on the property line.
4. No outside speakers or amplified music is permitted.
5. Decibel level shall not exceed 85 decibels per the Texas Penal Code, Title 9, Section 42.01 (c)(2).
6. The mobile food vendor shall not be placed on the property until the business receives a Certificate of Occupancy from the City Building Official for Bykowski Tailor and Garb, the business it shall be a part of.

7. All Trash at the rear of the property is to be cleaned up and maintained.
8. Applicant shall provide calculations from an engineer demonstrating that the remaining vegetative filter strip area provides required capacity for water quality compliance. If it does not, water quality facilities shall be added to achieve compliance.
9. The CUP will be tied to the Certificate of Occupancy for Bykowski Tailor and Garb.
10. The applicant be required to submit TABC food and beverage certificate and any other related permits to the Planning Department yearly. If the applicant loses its food and beverage certificate at any time, but continues to serve alcohol, it will be required to obtain a CUP from the City and obtain a variance based on its location.

*c) Public Hearing – No one spoke during the Public Hearing.*

*d) Conditional Use Permit*

A motion was made by Vice Chair James to recommend City Council approval of CUP2020-0008: An application for a Conditional Use Permit to allow the use Mobile Food Vendor - longer than 10 days located at 1111 W US Highway 290, Dripping Springs, TX 78620, which is zoned Commercial Services with staff conditions and to include that there be no parking in right-of-way on Bonnie Drive. Commissioner Newman seconded the motion which carried unanimously 7 to 0.

- 6. Public hearing and consideration of recommendation regarding ZA2020-0005: an application for a Zoning Amendment to consider a proposed zoning map amendment from Agriculture (AG) to General Retail (GR) for an approximately 11.1044 acre tract of land situated in the E B HARGRAVES SURVEY. This property is generally located Southwest of the intersection of Hwy 290 and Sawyer Ranch Road (R95789). Applicant: Jon Thompson**

*a) Presentation*

Applicant Jon Thompson was available for questions from the Commission.

*b) Staff Report*

Amanda Padilla presented the staff report which is on file. Staff recommends approval of the zoning amendment.

*c) Public Hearing – No one spoke during the Public Hearing.*

*d) Zoning Amendment*

A motion was made by Vice Chair Martin to recommend City Council approval of ZA2020-0005: an application for a Zoning Amendment to consider a proposed zoning map amendment from Agriculture (AG) to General Retail (GR) for an approximately 11.1044 acre tract of land situated in the E B HARGRAVES SURVEY. This property is generally located Southwest of the intersection of Hwy 290 and Sawyer Ranch Road

(R95789). Commissioner Strong seconded the motion which carried unanimously 7 to 0.

**7. Public hearing and consideration of recommendation regarding ZA2020-0006: an application for a Zoning Amendment to consider a proposed zoning map amendment for three (3) tracts generally located northwest of the intersection of Bluff Street and Hays Street, within the Hays Street Historic District. Tracts 1 and 2 are requesting to rezone from Single Family-4 (SF-4) to Single Family-5 (SF-5). Tract 3 is requesting to rezone from SF-4 to General Retail (GR). Applicant: Jon Thompson**

*a) Presentation*

Applicant Jon Thompson was available for questions from the Commission.

*b) Staff Report*

Amanda Padilla presented the staff report which is on file. The applicant is requesting postponement regarding Tract 1 and Tract 2. Staff recommends postponement of Tract 1 and Tract 2, and approval of the zoning amendment for Tract 3.

*c) Public Hearing*

Steve Mallet spoke in favor of the zoning amendment to Tract 3 and in opposition to the zoning amendment to Tract 1 and Tract 2. Mr. Mallet expressed that SF-5 would not be a good fit and is not consistent with the current single-family detached homes in the area, and that a higher density development would bring traffic congestion that would compromise safety.

*d) Zoning Amendment*

A motion was made by Vice Chair Martin to postpone Tract 1 and Tract 2 related to ZA2020-0006: an application for a Zoning Amendment to consider a proposed zoning map amendment for three (3) tracts generally located northwest of the intersection of Bluff Street and Hays Street, within the Hays Street Historic District; Tracts 1 and 2 are requesting to rezone from Single Family-4 (SF-4) to Single Family-5 (SF-5) to the September 22, 2020 Planning & Zoning Commission meeting. Commissioner Strong seconded the motion which carried unanimously 7 to 0.

A motion was made by Vice Chair Martin to recommend City Council approval of Tract 3 related to ZA2020-0006: an application for a Zoning Amendment to consider a proposed zoning map amendment for three (3) tracts generally located northwest of the intersection of Bluff Street and Hays Street, within the Hays Street Historic District ; Tract 3 is requesting to rezone from SF-4 to General Retail (GR). Commissioner Bourguignon seconded the motion which carried unanimously 7 to 0.

**REPORTS OF STAFF AND AGENCIES**

*No action to be taken. The Agenda Planning Projects report is on file and available for review by request.*

## **8. August Planning Projects**

### **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). The Planning and Zoning Commission for the City of Dripping Springs may act on any item listed in Executive Session in Open Session or move any item from Executive Session to Open Session for action.*

The Commission did not meet in Executive Session.

### **UPCOMING MEETINGS**

#### *Planning & Zoning Commission Meetings*

September 22, 2020 at 6:30 p.m.

October 27, 2020 at 6:30 p.m.

November 18, 2020 at 6:30 p.m.

#### *City Council & Board of Adjustment Meetings*

September 8, 2020 at 6:00 p.m. (Workshop 6:00 / Regular Meeting 6:30)

September 15, 2020 at 6:00 p.m.

October 13, 2020 at 6:00 p.m. (Workshop 6:00 / Regular Meeting 6:30)

October 20, 2020 at 6:00 p.m.

### **ADJOURN**

A motion was made by Vice Chair Martin to adjourn the meeting. Commissioner Bourguignon seconded the motion which carried unanimously 7 to 0.

This regular meeting adjourned at 8:19 p.m.