



# PLANNING & ZONING COMMISSION REGULAR MEETING

City of Dripping Springs

Council Chambers, 511 Mercer St, Dripping Springs, TX

Tuesday, February 23, 2021 at 6:30 PM

## MINUTES

### MEETING SPECIFIC VIDEOCONFERENCE INFORMATION

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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

Tammie Williamson

***Commission Member absent was:***

Evelyn Strong

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

City Administrator Michelle Fischer

City Attorney Laura Mueller

City Secretary Andrea Cunningham

Senior Planner Amanda Padilla

Planning Consultant Robyn Miga

Mayor Pro Tem Taline Manassian

Mayor Bill Foulds, Jr.

With a quorum of the Commission present, Chair James called the meeting to order at 6:00 p.m.

## **PLEDGE OF ALLEGIANCE**

Commissioner Bourguignon 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 one spoke during Presentation of Citizens.

## **BUSINESS**

- 1. Discuss and consider approval of the January 26, 2021 Planning & Zoning Commission regular meeting minutes.**

A motion was made by Vice Chair Martin to approve the January 26, 2021 Planning & Zoning Commission regular meeting minutes. Commissioner Bourguignon seconded the motion which carried unanimously 6 to 0.

- 2. Public hearing and consideration of possible action regarding SUB2021-0005: an application to consider a Replat for Lot 2 of the Headwaters Commercial Phase 1B Subdivision for property located off Beverly Drive, Dripping Springs, Texas 78620 (R166923.) The applicant is proposing to incorporate raw acreage into Lot 2. Applicant: Brian Roby, Austin Civil Engineering**

*a) Presentation – No presentation given.*

*b) Staff Report*

Robyn Miga presented the staff report which is on file. Staff recommends denial of the application for replat, as the applicant has not met all comments required for approval.

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

*d) Replat*

A motion was made by Vice Chair Martin to deny approval of SUB2021-0005: an application to consider a Replat for Lot 2 of the Headwaters Commercial Phase 1B Subdivision for property located off Beverly Drive, Dripping Springs, Texas 78620 (R166923), and proposing to incorporate raw acreage into Lot 2. Commissioner Newman seconded the motion which carried unanimously 6 to 0.

- 3. Public hearing and consideration of a recommendation regarding ZA2021-0001: an application for a Zoning Amendment to consider a proposed zoning map amendment from Agriculture (AG) to Single-Family Residential District - Moderate Density (SF-2) for an approximately 18.250 acre tract of land situated in Benjamin F. Hanna Survey, NO. 28, Abstract No. 222. This property is located at 2004 Creek Road, Dripping Springs, TX.(R143390). Applicant: Brian Estes, Civil and Environmental Consultants Inc.**

*a) Presentation – No presentation given.*

*b) Staff Report*

Robyn Miga presented the staff report which is on file. Staff recommends approval of the zoning amendment.

*c) Public Hearing*

Victoria Chips spoke expressing concern regarding notification.

Robert Garland spoke expressing concern regarding impact to property owners and buffers/fencing.

Ken Alexander spoke expressing concern regarding notification.

*d) Zoning Amendment*

A motion was made by Vice Chair Martin to recommend City Council approval of ZA2021-0001: an application for a Zoning Amendment to consider a proposed zoning map amendment from Agriculture (AG) to Single-Family Residential District - Moderate Density (SF-2) for an approximately 18.250 acre tract of land situated in Benjamin F. Hanna Survey, NO. 28, Abstract No. 222, and located at 2004 Creek Road, Dripping Springs, TX (R143390). Commissioner Williamson seconded the motion which carried unanimously 6 to 0.

- 4. Public hearing and consideration of a recommendation regarding VAR2021-0001: an application for a Special Exception to Chapter 30 Exhibit A Sec 5.6 (24) Parking based on use for a health club, health spa, or exercise club, which requires 1 space per 150 sq. ft. The property is located at 391 Sportsplex Drive, Suite A and B, Dripping Springs, TX (R113761). Applicant: Kevin Garrett, Swift Sessions**

*a) Presentation*

Applicant Kevin Garrett presented the item.

*b) Staff Report*

Robyn Miga presented the staff report which is on file. Staff recommends approval of special exception application.

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

*d) Special Exception*

A motion was made by Vice Chair Martin to recommend Board of Adjustment approval of VAR2021-0001: an application for a Special Exception to Chapter 30 Exhibit A Sec 5.6 (24) Parking based on use for a health club, health spa, or exercise club, which requires 1 space per 150 sq. ft., and located at 391 Sportsplex Drive, Suite A and B, Dripping Springs, TX (R113761). Commissioner McIntosh seconded the motion which carried unanimously 6 to 0.

**5. Public hearing and consideration of a recommendation regarding CUP2020-0011: an application to consider a conditional use permit to allow for a Mobile Food Vendor at the property located at 211 Mercer Street, Dripping Springs, Texas 78620 within the Mercer Street Historic District. Applicant: John McIntosh**

Commissioner McIntosh recused from this item and disabled his camera and microphone.

*a) Presentation*

Owner Dave Niemeyer presented the item.

*b) Staff Report*

Amanda Padilla presented the staff report which is on file. Staff recommends approval of the conditional use permit.

*c) Public Hearing*

Victoria Chips spoke and expressed opposition to the conditional use permit, citing that the Historic Preservation Commission denied the certificate of appropriateness, which was approved by the Planning & Zoning Commission on appeal.

Vicky Lewis spoke and expressed support for the conditional use permit. She also submitted public comment in opposition to the approved certificate of appropriateness.

Pam Owens, CEO Dripping Springs Visitors Bureau, spoke in support of the conditional use permit.

Bruce Lewis spoke in opposition to the conditional use permit, also citing the Historic Preservations denial of the certificate of appropriateness.

*d) Conditional Use Permit*

A motion was made by Vice Chair Martin to recommend City Council approval of CUP2020-0011: an application to consider a conditional use permit to allow for a Mobile Food Vendor at the property located at 211 Mercer Street, Dripping Springs, Texas 78620 within the Mercer Street Historic District. Commissioner Bourguignon seconded the motion which carried 4 to 1 to 1, with Commissioner Newman opposed and Commissioner McIntosh recused.

**6. Discuss and consider possible action on a Proposed Amendment to Chapter 30, Article 30.05 Mobile Food Vendors to change the use of Mobile Food Vendors in the Mercer Street Historic District based on recommendation of the Historic Preservation Commission.**

Laura Mueller presented the staff report which is on file.

Bruce Lewis presented the Historic Preservation Commission report regarding the Commission's request to propose amendments.

Chair James directed staff to assist in the formation of a committee to review proposed amendments and requested that the committee be comprised of two Planning & Zoning Commissioner, with Chair James being one of the members; two Historic Preservation Commissioners, with Chair Lewis being one of the members; and City staff to include City Attorney Laura Mueller, Senior Planner Amanda Padilla and Architectural Consultant Keenan Smith.

## **PLANNING & DEVELOPMENT REPORTS**

**7. Planning Project Report**

Report is on file and available for review upon request.

## **EXECUTIVE SESSION**

*The Planning & 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 & 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

March 23, 2021 at 6:30 p.m.

April 27, 2021 at 6:30 p.m.

May 25, 2021 at 6:30 p.m.

### City Council & BOA Meetings

March 9, 2021 at 6:00 p.m.

March 16, 2021 at 6:00 p.m.

April 13, 2021 at 6:00 p.m.

April 20, 2021 at 6:00 p.m.

## ADJOURN

A motion was made by Commissioner Bourguignon to adjourn the meeting. Vice Chair Martin seconded the motion which carried unanimously 6 to 0.

This regular meeting adjourned at 8:22 p.m.