

CITY OF DRIPPING SPRINGS

CONDITIONAL OVERLAY

Shops at HighPointe

ORDINANCE NO. 1220.20

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, AMENDING THE ZONING ORDINANCE VOLUME 2, ARTICLE 15, CHAPTER 23, SUBCHAPTER A, PART 7, ALTERING THE ZONING CLASSIFICATIONS OF CERTAIN REAL PROPERTY IN THE CITY LIMITS BY CREATING AND APPLYING A CONDITIONAL OVERLAY UPON THE DEVELOPMENT TO BE KNOWN AS THE SHOPS AT HIGHPOINTE, PARTICULARLY THE APPROXIMATELY 10.0 ACRES OF TRACT A, SAWYER SPRINGS SUBDIVISION, RECORDED IN VOLUME 12, PAGE 240, PLAT RECORDS, HAYS COUNTY, TEXAS, LESS 0.27 ACRES OF LAND DONATED TO HAYS COUNTY AS RIGHT OF WAY FOR SAWYER RANCH ROAD (LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF SAWYER RANCH ROAD AND US HWY 290) UPON REQUEST OF THE PROPERTY OWNERS; CHANGING THE ZONING DISTRICT FROM AGRICULTURAL TO GENERAL RETAIL (GR); CREATING A CONDITIONAL OVERLAY TO EXPRESSLY INCORPORATE BY REFERENCE THE TERMS AND CONDITIONS OF A CERTAIN DEVELOPMENT AGREEMENT; AMENDING THE OFFICIAL ZONING MAP TO REFLECT CHANGES OF THE ZONING CLASSIFICATION OF CERTAIN PROPERTIES, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the subject tract is currently zoned Agricultural (Ag), and the owners have requested to change the zoning district to General Retail (GR); and

WHEREAS, pursuant to Section 4 of the City's Zoning Ordinance, the City Council may approve an overlay on a property being zoned; and

WHEREAS, the Conditional Overlay enacted by this Ordinance provides additional restrictions zoning regarding buffer zones, impervious cover, and open space; and

WHEREAS, the proposed changes were reviewed by City staff, including the City's Land Planner, with the consensus being that the proposed changes are reasonable under the circumstances and consistent with the Interim Comprehensive Plan; and

WHEREAS, after notice and hearing required by law, a public hearing was held before the Dripping Springs Planning & Zoning Commission on the 28th day of August 2007, at which public testimony was received and information was considered for and against proposed changes in certain zoning classifications of certain property located in the City of Dripping Springs; and

WHEREAS, the Planning & Zoning Commission recommended approval of the proposed changes; and

WHEREAS, after public hearing held by the City Council on the 11th day of September 2007, the City Council voted to accept the recommendation of the Planning and Zoning Commission; and

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

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DRIPPING SPRINGS, TEXAS, THAT:

1. FINDINGS OF FACT

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

2. ENACTMENT

Volume 2, Article 15, Chapter 23, Subchapter A, Part 7 of the City of Dripping Springs Code of Ordinances is hereby created, and after such enactment shall read in accordance with *Attachment A*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

3. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

4. REPEALER

All ordinances, 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.

5. 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.

6. EFFECTIVE DATE

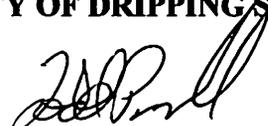
This Ordinance shall be effective immediately upon passage and publication.

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, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapters 52 and 211 of the Texas Local Government Code.

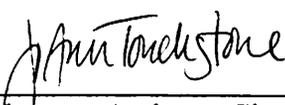
PASSED & APPROVED this, the 11th day of August 2007, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:

by: 

Mayor Todd Purcell

ATTEST:



Jo Ann Touchstone, Assistant City Secretary

APPROVED AS TO FORM:
Alan J. Bojorquez, City Attorney

City of Dripping Springs

CODE OF ORDINANCES

VOLUME: 2

ARTICLE 15: DEVELOPMENT

CHAPTER 23: ZONING

SUBCHAPTER A: ZONING CLASSIFICATIONS

PART 7

1.1. Applicability

This Ordinance shall apply solely to the following tract, which shall herein be referred to as the subject property:

Approximately 10.0 acres of land, Tract A, Sawyer Springs Subdivision, recorded in Volume 12, Page 240, Plat Records, Hays County, Texas, less 0.27 acres of land donated to Hays County as right of way for Sawyer Ranch Road (located on the southeast corner of the intersection of Sawyer Ranch Road and US Hwy 290).

1.2. Base Zoning District

Except as provided in section 1.3 (*below*), the subject property shall be governed by the rules applying in the following zoning district: ***General Retail (GR)***.

1.3. Overlay

1.3.1. A Conditional Overlay is hereby created and effectuated upon the subject property.

1.3.2. The boundary of the Overlay shall be coterminous with the perimeter of the 10.0 acres described in Section 1.1 (above).

1.3.3. The Overlay incorporates by reference the Development Agreement entered into by the City and the Owner, Sawyer 290 Crossing, Ltd., dated April 23, 2007, in its entirety, and the exhibits thereto, attached to this Ordinance as *Exhibit A*.

1.3.4. The Overlay prohibits the following uses: dry cleaning plant; gas station; and convenience stores featuring gas stations.



1.3.5. The Overlay mandates that the southwest building be limited to a single story or twenty feet (20'), whichever is less, and the setbacks for buildings located near the rear southern boundary shall be seventy feet (70').

1.4. Zoning Map

The above Zoning Classification changes shall be made to the Official Zoning Map in conformance with the procedures set forth in the Zoning Ordinance.