



City of Dripping Springs

MORATORIUM WAIVER APPLICATION

Official Use Only:
Project # MOR
Date Received _____

Property/Site Address or Legal Description: 1111 Hays Country Acres Rd., Dripping Springs ETJ, 78620

Detailed property description attached to Development Agreement application/draft Hays CAD Property ID (R #): a portion of R11682

Owner Name: Park G. Jarrett III & Karen Jarrett Phone #: _____

Owner Email: _____

Authorized Agent: Charley Dorsaneo Phone #: 512-807-2900

Agent Email: CDorsaneo@drennergrouop.com

BASIS FOR WAIVER:

See attached summary letter.

Additional Information / Submittal Requirements:

This request should be submitted simultaneously with any other permit application including: (1) site development; (2) plat; (3) replat; (4) zoning application including Planned Development District; (5) application for Development Agreement; (6) Building Permit application; (7) Wastewater application; and (8) other land use applications. Waivers will be reviewed by City Council within 10 days of the City receiving: (1) this application; (2) the application for the underlying permit; and (3) all documentation related to the basis for the waiver (for example an agreement to fund and construct wastewater infrastructure). A letter on the status of this waiver will be provided to the applicant after the City Council makes a decision on the request. If denied, a waiver may not be reapplied for unless the waiver request or project substantially changes. Prior to applying for a waiver, it is recommended that you review with staff whether you will be eligible for an exception rather than a waiver.

Charley Dorsaneo
Applicant Signature

Charley Dorsaneo
Print Name

2/9/2022
Date

OFFICIAL USE ONLY:
Date all necessary documentation received: _____ Approved: _____ Denied: _____ Date: _____
By: _____ 11/2021

DRENNER GROUP

February 10, 2022

City of Dripping Springs
Planning and Development Department
511 Mercer Street
Dripping Springs, TX 78620

Via Electronic Delivery

Re: 1111 Hays Country Acres Road – Development Agreement and Moratorium Waiver Applications for the approximately 104-acre piece of property located at 1111 Hays Country Road, Dripping Springs ETJ (the “Property”)

Dear Mr. Koontz:

As agents of the Property owner, we respectfully submit the enclosed Moratorium Waiver Application and summary letter to explain that the proposed Zoë Life Centers project described in the attached Development Agreement Application (the “Project”) merits a waiver to the City’s moratorium.

The Project proposed requests a Chapter 212 development agreement on the basis that the Project does not:

- (i) impact wastewater capacity as the proposal calls for the use of On-Site Sewage Facilities to be constructed at the sole expense of owners; and
- (ii) require land use modifications, as the Property is not zoned, and the Comprehensive Plan does not designate any specific land use for the Property.

By its own terms, the City’s temporary moratorium is motivated by (a) "significant . . . land use challenges" facing the City; (b) concerns that "future development [be] conducted in a fiscally-sustainable and environmentally responsible manner," and (c) due to the inadequacy of "current regional wastewater facilities."

The Project covers all concerns, as it proposes a sustainable, master-planned residential community, intended to use next generation ecological practices, including soil regeneration, groundwater replenishment, & sourcing with renewable materials and resources. In addition to the fact that it does not burden City wastewater facilities, the Project offers needed additional housing, publicly accessible parkland in excess of City rules, a conservation easement, & small-scale compatible community/commercial uses aimed at serving the Project. Finally, the opportunity to negotiate an agreement regarding land use in the ETJ provides the City additional input into such development that is not typically required in the ETJ, where land use controls are constrained by state law.

We also respectfully note that our Application for an Exception to the moratorium was denied solely because the Project “is considered a ‘change of use.’” This does not appear to be a proper basis for the denial of a waiver or exception, as cities do not regulate uses in their ETJ.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Sincerely,



Charley Dorsaneo
Land Use Attorney
Drenner Group, P.C.