



City of Dripping Springs

511 Mercer Street
Dripping Springs, Texas 78620

Agenda Item Report from: Howard Koontz, Planning Director; Laura Mueller, City Attorney;
Leslie Pollack, Transportation Engineer.

Meeting Date:	July 19, 2022
Agenda Item Wording:	Discuss and consider approval of an Ordinance rezoning a 36.28-acre property from Commercial Services (CS) to Planned Development District with a base zoning of CS, with 25.38-acres of residential uses and approximately 5.8-acres of commercial uses, and approximately 5.1-acres of utility spaces, as amended by the ordinance language herein, for property located at the southwest corner of U.S. 290 and Roger Hanks Blvd., in the City of Dripping Springs, Texas, and commonly known as “New Growth”.
Agenda Item Requestor:	Isaac Karpay, New Growth Living
Applicant:	Isaac Karpay, New Growth Living
Owner:	Hays County Completion, LLC; DS Propco
Date of Application:	June 4, 2021
Staff Recommendation	Staff recommends approval of the PDD Ordinance in conjunction with related agreements.



Summary/Background:

The subject property is in the city limits, is already platted, and is currently zoned CS – Commercial Services, a high-intensity district “...intended to provide a location for commercial and service-related establishments, such as wholesale product sales, welding and contractors shops, plumbing shops, automotive repair or painting services, upholstery shops, and other similar commercial uses.” Last autumn, the City entered into a “Memorandum of Understanding” with the applicant, intended to serve as the approved outline of the project as it relates to the essential elements. That document memorialized the applicant’s intentions to construct “...a mix of up to 240 attached and detached single family residential dwellings, dedicated trails, parkland, an amenity center, and other amenities benefitting the residents of the project.” Additionally, there is a commercial portion of no less than 5.8 acres. The applicant now requests the creation of a Planned Development District for the approximately 36 acres, generally located at a point at the southwest corner of US 290 and Roger Hanks Parkway. The applicant seeks to establish a residential community commensurate with the terms of the MOU.



This project also involves an Offsite Road Agreement for the surrounding roadway network, including intersection improvements to US 290 & Roger Hanks Parkway, Roger Hanks south of US 290 to the site’s southern boundary, and Creek Road at- and east of Roger Hanks. This application for PDD approval was submitted in November 2021 and the City has had multiple meetings with the developer’s design team, including three meetings with the Development Agreement Working Group, and meetings in front of the Transportation Committee and Parks & Recreation Commission.

Location:

The subject property is generally located at the southwest corner of US 290 and Roger Hanks Parkway. The development site also extends to the east side of Roger Hanks Parkway once south of the Hays County Precinct 4 offices, and stops along Roger Hanks, at a point west of the western terminus of Ramirez Lane.

Physical and Natural Features:

The property is primarily flat, with modest stands of oak trees located primarily along the western property line and also clustered throughout the southern portion of the site. The land slopes mostly to the south and slightly to the west, moderately falling off at a point in the northwest, adjacent to the water feature at the western terminus of Lake Lucy Loop. Otherwise the open areas of the lot are covered with natural-height grasses and some wild flowers.

Surrounding Properties:

The property is located in a high activity area of the 290 corridor, about a mile west of the Dripping Springs downtown. Less than a mile to the west are Dripping Springs Middle School and Walnut Springs Elementary School, and Dripping Springs High School is roughly ¼-mile to the east-northeast (across US 290). US 290 is a highway commercial corridor with usual and customary industry, restaurants, service providers, and office uses, and just off that frontage are plentiful home sites, most often low-density detached homes, with limited but emergent medium-density and multi-family sites as well. The current zoning, future land use designation, and existing uses on the adjacent properties to the north, south, east, and west are outlined in the

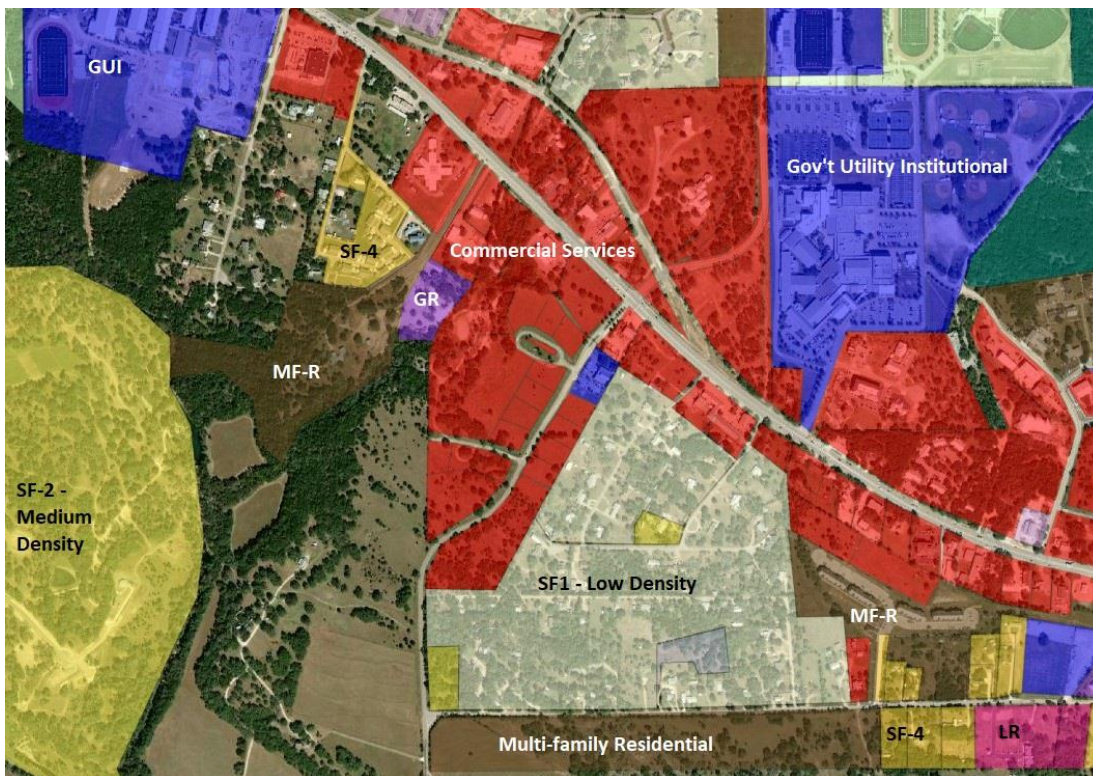
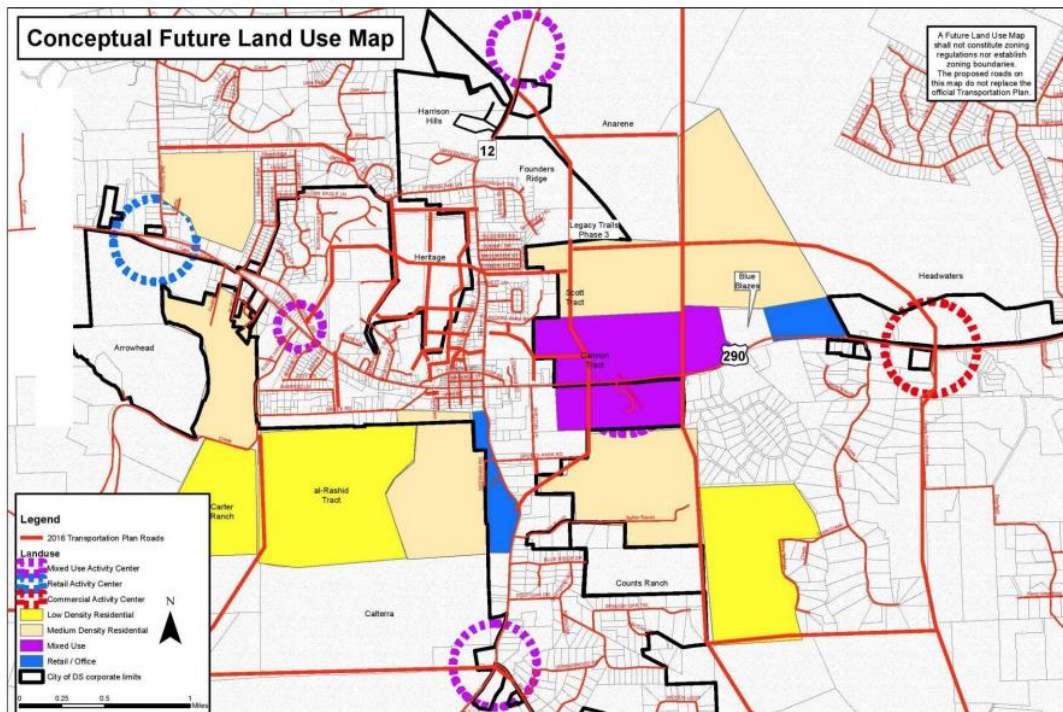


table below:

Direction	Zoning District	Existing Use	Comprehensive Plan / Future Land Use Plan
North	Commercial Services	Highway Commercial /Institutional	N/A
East	Commercial Services/SF-1	Highway Commercial/SFR	N/A
South	SF-1 Low Density Single Family Residential	Low density SFR	N/A
West	ETJ	Estate Residential / Ranchland	Medium-Density Residential

Future Land use Map and Zoning Designation:

The subject property is not designated on the Future Land Use Map; however, the intersection of US 290 and Roger Hanks Parkway is designated for ‘Mixed Use Activity Center’. The acreage of land to the west of the development site is designated for medium-density residential. This category includes small lot, single-family homes used for residential uses. The residents of this PDD would benefit from adjacent, convenience retail that would defer trips by automobile onto 290 for immediate goods and services.



The base zoning of Commercial Services will be retained, but further amended by the terms of the PDD Ordinance text. The Planned Development district places regulations that are

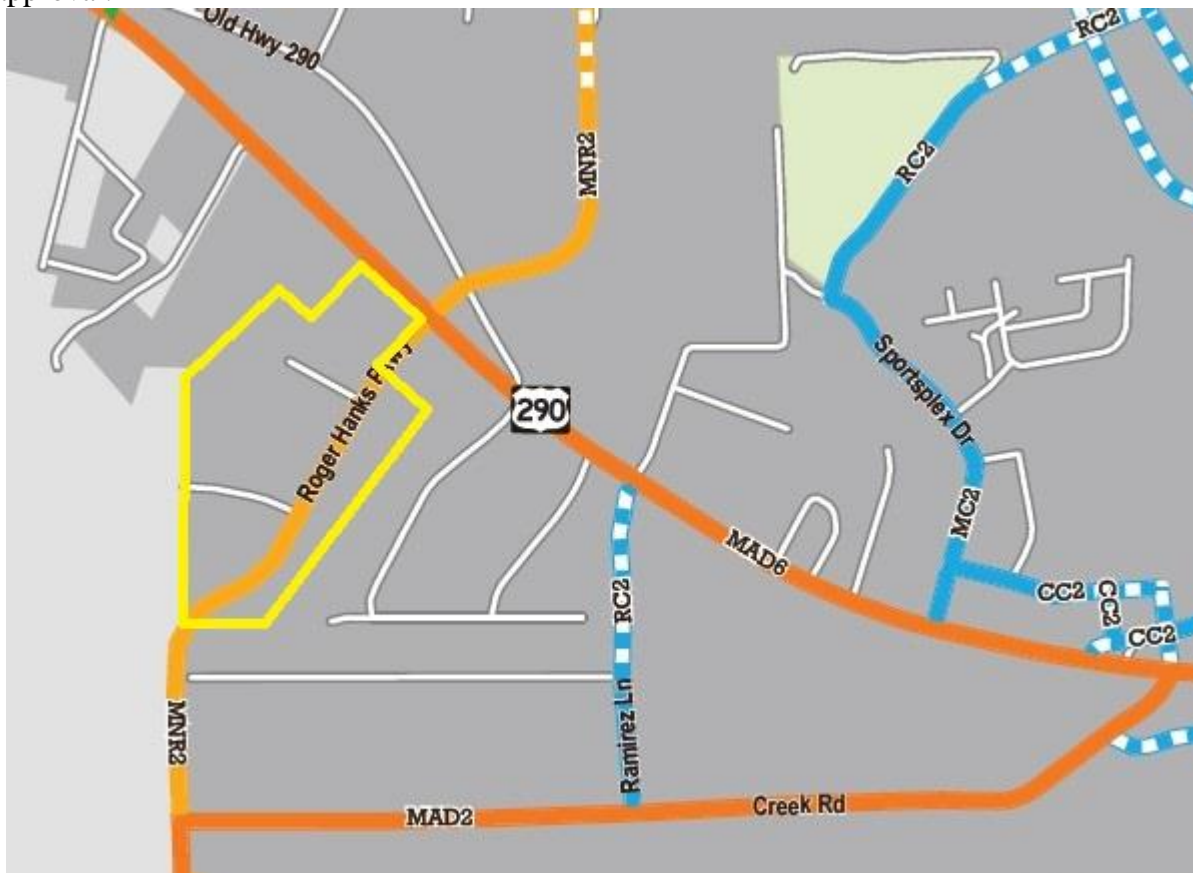
compatible with the adjacent tracts and allows for an appropriate transition for higher activity commercial (at the US 290/Roger Hanks intersection) to lesser activity residential (away from 290 & Roger Hanks). This land plan scales development down toward the medium-density residential that's designated for properties to the west, serving as a buffer between the US 290 commercial and that residential.

Other Master Plans:

The New Growth Development Team has had on-going conversations with City staff, Development Agreement Working Group, and City Transportation Committee to discuss transportation improvements for the development.

The 2021 Transportation Plan shows this section of Roger Hanks Parkway to be built as a two-lane minor divided arterial roadway with shared-use paths, and Creek Road as a two-lane major divided arterial roadway with shared-use paths. This project will rebuild the Roger Hanks Parkway, adjacent to the tract, as a divided arterial roadway with a landscaped median and dedicated turn lane facilities, and further will contribute to the reconstruction of Creek Road east of Roger Hanks Parkway.

The Offsite Road Agreement has been finalized with City Staff and the TIA is nearing City approval.



Offsite Road Transportation/ Road Improvements:

The transportation improvements proposed to be constructed by New Growth align with the City's approved Transportation Master Plan. The Offsite Road agreement is a separate agenda item with a separate staff report.

Wastewater Agreement:

This Wastewater Service Agreement addresses wastewater service for the proposed New Growth Development (hereafter "NG") is a separate item with its own Staff Report.

Proposed Zoning District and PDD Development Regulations:

The Planned Development District requests to maintain its base zoning district of Commercial Services (CS), with additional restrictions and modifications contained within this PDD's ordinance text. The applicant's intention is to construct at most 240 attached and detached single family dwellings, and approximately 5.8 acres of retail adjacent. The project has been conceived and planned as a 'Built for Rent' operation, meaning the units will be leased to occupants under a single management plan operated by an on-site management company, much like a traditional multi-family establishment. The design and site planning should provide a step down transition district between lower density residential areas (to the south and west) and multiple-family or nonresidential areas along the major thoroughfares (to the north).

Impervious Cover is proposed at a maximum of 70%, which is the impervious cover of the base zoning district of Commercial Services. The City Engineer has added language regarding the tracking of impervious cover to the PDD.

The Planned Development Districts permitted uses are as follows:

The uses permitted as described in zoning classification CS as adopted in 2004 are further restricted in this PDD –to only allow the following:

Residential Areas – +/- 25.38 acres:

- Rental Single-Family Dwelling, Detached;
- Rental Garden Home/Townhome, Attached;
- Rental Accessory Bldg/Structure (Residential);
- Home Occupation;
- Swimming Pool, Private;
- Community Center, Private; and
- Those uses listed in the City's zoning ordinance for the MF District or any less intense residential district uses are hereby permitted by right within the Project, and others are designated as requiring a Conditional Use Permit (CUP).

Commercial Area – +/- 5.80 acres, being Lot 2, 3, 4, 5:

Permitted Uses:

- Those uses listed in the City's zoning ordinance for the GR District or any less intense commercial district uses are hereby permitted by right within the commercial portion of the Project
- Financial institution
- Others uses are designated as requiring a Conditional Use Permit (CUP).

Excluded Uses:

- Permanent residential use, but hotel/overnight accommodations are permitted
- Psychic Reading Services
- Fire station
- Orphanage
- Amusement Services (Outdoor)
- Bingo Hall
- Bowling Center
- Automotive/vehicle related uses (sales, rental, servicing, repair)
- Mini-warehouse/self storage facilities
- Radio or television studio
- Upholstery shop

Other development regulations:

Minimum Lot Area: 1,815 square feet per dwelling unit, not to exceed 24 dwelling units per acre, calculated on gross residential acreage.

Buildings shall not exceed 2 ½ stories or 40 feet, whichever is less, measured from the average elevation of the existing grade of the building to the highest point of a flat or multi-level or as defined in Section 28.05.004 of the 2017 City of Dripping Springs Code of Ordinances.

Parking.

- a. Residential Parking. Development of the Property shall include parking at a minimum of –

One bedroom - one and a half (1.5) spaces.

Two bedrooms - two (2) spaces.

Two + bedrooms - two and a half (2.5) spaces.

Plus an added five percent (5%) of the total number of required spaces for the development.

A minimum of 50% of residential units shall include an attached garage stall. Tandem spaces shall count toward required parking.

- b. Commercial. If it is determined by City staff that the development of the private amenity center requires parking to be provided, the quantity of spaces shall be determined under section 5.6.2 (12) Commercial amusement (outdoor) of the City's Zoning Ordinance. On-street parallel parking spaces shall be permitted to count

toward the determined required parking spaces to service the amenity center. **In addition, 12 dual use parking spaces for park/commercial use will be required on the Commercial Site.**

Design of Residences: The following requirements shall apply to Primary Elevations. These elevations are those facing public streets. For this development, facades facing Roger Hanks Parkway, Lake Lucy Loop, and Hamilton Crossing are considered Primary Elevations.

a. Building forms and materials. Primary building forms and massing shall be consistent with the Hill Country Farmhouse Style with clean simple forms. Primary Elevations shall consist of 50% stone masonry and glazing with the remainder to be cementitious siding, wood or stucco. The 50% stone masonry and glass requirement shall be calculated across the length of a block or building. All other facades not determined to be Primary Elevations shall consist of stone, stucco, wood or cementitious siding.

b. Articulation. All Primary Elevations that exceed 55' in length shall contain wall plane articulation with a minimum offset of 18".

c. Roof forms. All primary roofs shall be sloped with a pitch of no less than 4:12. The sloped roof shall cover the entirety of the building footprint. Roof designs shall be a mixture of simple gable and shed forms, with shed roofs primarily covering porch spaces.

d. Colors. Building color schemes shall be predominately of neutral hues and subdued tones, consistent with the Hill Country Farmhouse Style. Elevations may contain an off-white color.

e. Porches. Porch elements shall be provided on every dwelling's Primary Elevation. These elements shall be a minimum of 72 square feet and shall include a minimum usable depth of 6'. To accommodate residential porches, eaves and roof extensions or a porch with associated posts or columns may project into the required front yard setback or public utility easement for a distance not to exceed four feet.

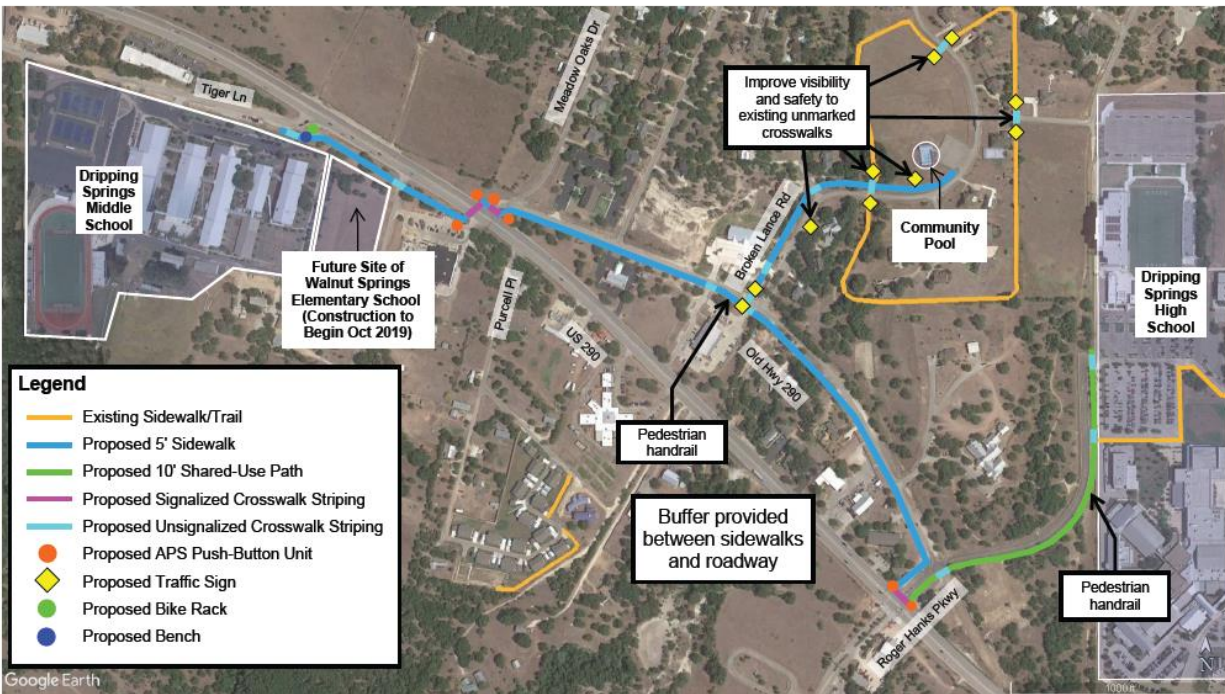
Additional requirements for Leasing Building facing Lake Lucy Loop. In addition to the items noted above, the Leasing Building Primary Elevation facing Lake Lucy Loop shall consist of 80% stone masonry and glazing with the remainder accent materials to be cementitious siding, wood or stucco.

Parkland:

The Project will include approximately 10.43 acres that will be dedicated for Public and Private Parkland, the area being shown more fully on *Exhibit "C"* within the PDD ordinance language. The applicant has prepared a Parks, Trails and Open Space Plan which has been approved by City's Parks & Recreation Commission on June 6.

City of Dripping Springs
DSMS to DSHS SRTS Shared-Use Path/Sidewalk Project
Project Layout Map

B- Project Details
DR



Dripping Spr Middle School SRTS SUP/Sidewalk Project along US Hwy 290 from DSpr High School to DSpr Middle School Project # 0_AUS_Dripping Springs03_SRTS-TA_Dripping Springs MS SUP & Sidewalk

Highlights:

1. The intersection of US 290 and Roger Hanks Parkway will be improved to provide more dedicated lane channels for turning movements, which should decrease vehicle stacking in many instances.
2. The roadway section of Roger Hanks, from US 290 south to the project's southern border will be rebuilt to include sidewalks on both sides, crosswalks, landscaping along the curbs and a landscaped median for passive traffic calming through the residential area.
3. New Growth will provide funding towards the completion of the Creek Road widening and reconstruction project.
4. The project will feature over 10 acres of public and private amenity parkland, programmed for both passive and active recreational opportunities.
5. The project will furnish over 2 miles of sidewalks and trails around and through the project.
6. This PDD will provide over \$155,000 in parkland development funds.

Evaluation:

According to Article 30.03.007 (c)(3), the PDD shall be evaluated with respect to the following:

Article 30.03.007 (c)(3)	
a) The plan's compliance with all provisions of the zoning ordinance and other ordinances of the city.	
The PDD is in compliance with all provisions of the city's code of ordinances, with the exceptions of the variance amendments requested herein.	
b) The impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.	
The development of the property will repurpose 36 acres of partially developed and unfinished land, which today primarily serves as either overflow parking for voting at the adjacent precinct office, or parking for bicyclists who utilize the regions roadway network for recreation. As described in the application materials, "The current Property is characterized as a mix of open ranchland pasture with a natural dry creek bed, ponds and varying topography on the western side of the tract. The developer will compensate for the installation of 240 dwelling units and 5.8-acres of commercial with landscaping, a combination of private and public parkland, and an open space lot for public recreation of 4.82 acres. The development team has been able to reduce and/or minimize mass grading to the greatest extent possible, so that the natural, pre-development condition of the site can remain as close to intact after construction activities are complete. The city's expectation that grading alterations remain minimal is being monumented in the PDD ordinance language and table of variances as directed by the city's engineer.	
c) The relationship of the development to adjacent uses in terms of harmonious design, facade treatment, setbacks, building materials, maintenance of property values, and any possible negative impacts.	
The proposed development is a closely related use to the residential uses adjacent to the west, is mutually beneficial to the institutional (school) uses to the west and east/northeast, and furthers the goals of the future land use map by providing those exact uses called for in the existing comprehensive plan. The development is proposing design standards for the homes consistent with existing city guidelines and projects that have been approved in the city's immediate past. The standards would require 50% stone masonry and glazing with the remainder to be cementitious siding, wood or stucco. The development will also provide variation in depth on the front façade of all residences to ensure an articulated streetscape.	
d) The provision of a safe and efficient vehicular and pedestrian circulation system.	
The applicant has worked with staff to ensure safe and efficient vehicular and pedestrian circulation. The development team has had several conversations with City Staff, DAWG (3), Transportation Committee, and Parks Commission to discuss transportation improvements associated with the development. As stated above, the applicant will improve the intersection of US 290 and Roger Hanks Parkway, the street section and streetscaping of Roger Hanks, and contribute to the improvements necessary on Creek Road east of Roger Hanks. These system improvements are substantially in compliance with the published terms of the city's Transportation Master Plan, adopted by the Mayor & City Council in October 2021.	

e)	The general design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
	The parking for residential uses is compatible with the city's current parking requirements for dwellings. If any of the amenities in the project are to change, parking will be reevaluated by the Development Review Committee (City Planner, City Engineer, City Administrator, Building Official.) Parking metrics, including number of parking spaces, locations, and assigned uses will be finally determined at the site planning stage.
f)	The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.
	The applicant is repurposing existing main corridors for through traffic, and proposing efficient traffic circulation to provide adequate access to the new structures. The transportation plan meets the satisfaction of the city's transportation committee and furthers the goals and minimum standards of the city's Transportation Master Plan.
g)	The coordination of streets to arrange a convenient system consistent with the transportation plan of the city.
	The applicant has worked with staff to ensure that roadway network system within the development is compatible with the city's recently adopted Transportation Master Plan. There are proposed improvements to the intersection of US 290 and Roger Hanks Parkway, the street section and streetscaping of Roger Hanks, and financial contributions to the improvements necessary on Creek Road east of Roger Hanks. These upgraded thoroughfares will ensure that there is proper safety and adequate circulation for vehicles and pedestrian traffic despite being added to an existing regional system that is intermittently at- or over capacity.
h)	The use of landscaping and screening to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary, and to complement and integrate the design and location of buildings into the overall site design.
	The applicant is proposing landscape buffer screens for the homes which face onto Roger Hanks. Elsewhere, the residential development the applicant proposes is closely analogous to existing adjacent uses (or in some cases vacant land) and doesn't require buffers from any dissimilar districts.
i)	Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection upon adjacent properties.
	The development will comply with the city's lighting ordinance.
j)	The location, size, accessibility, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses
	The applicant presented their Parkland Dedication to the Parks Commission on June 6, 2022. The Parks Commission voted to recommend approval of the Parkland dedication. Once created, site development plans for the construction of the parks in the project will need review and approval by the Parks Commission.
k)	Protection and conservation of soils from erosion by wind or water or from excavation or grading.
	The applicant will be required to conform to all ordinances as well as State regulations regarding erosion & sediment control during the time of development.

l) Protection and conservation of watercourses and areas subject to flooding.
There is only a minor water course known, traversing the western property line, and it isn't known to be a flood hazard. The applicant will re-design the previous stormwater facility, and create a new water quality detention pond that will capture their stormwater runoff.
m) The adequacy of water, drainage, sewerage facilities, solid waste disposal, and other utilities necessary for essential services to residents and occupants.
The applicant is in the process of negotiating a wastewater agreement with the City in order to secure LUEs for the site. Furthermore, the applicant will provide all utilities and facilities required of the development and they will be constructed in accordance with the public improvement plans. The development will also manage drainage, providing stormwater detention and water quality facilities per City and TCEQ regulations.
n) Consistency with the comprehensive plan.
The comprehensive plan and future land use plan does not address this specific parcel' however, the intersection of US 290 and Roger Hanks Parkway is called out as a mixed use activity center, and the as-yet undeveloped property to the west is designated for medium density residential. The project proposed for this PDD would have higher-activity uses located at the hard corner of 290 and Roger Hanks, and elsewhere residential uses that are harmonious with existing/proposed adjacent uses.

Commission Recommendations:	<p>The DAWG's primary concern was density (in this region of the city), parkland, wastewater, and vehicle parking metrics.</p> <p>The Transportation Committee recommended approval at the May 2022 meeting;</p> <p>The Parks & Recreation Commission recommended approval at their June 6, 2022 meeting.</p> <p>At the Planning & Zoning Commission's Meetings on June 14, 2022 and June 28, 2022 the Commission had various questions related to this project including impervious cover, transportation issues, and how to keep this a rental community. There was also a request to look at an increased buffer on the Eastern border. In response to these requests: (1) impervious cover has been added to the PDD; (2) Offsite Road negotiations have been continued and the main outstanding issues are finalizing the Creek Road contribution and determining who pays for the relocation of the Hays County driveway; (3) deed restrictions will make this a rental community; and (4) units have been changed on the Eastern border as can be seen on the new concept plan. P&Z recommended approval so long as the Wastewater Agreement and Roadway Agreement are finalized.</p>
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Actions by Other Jurisdictions/Entities:	
Previous Action:	The City approved an MOU (Memorandum of Understanding) in October 2021, which was implemented to serve as the approved outline of the project as it relates to the essential elements. That document memorialized the applicant's intentions to construct "...a mix of up to 240 attached and detached single family residential dwellings, dedicated trails, parkland, an amenity center, and other amenities benefitting the residents of the project." Additionally, there is a commercial portion of no less than 5.8 acres. The City Council reviewed the item for discussion purposes on July 5, 2022.
Recommended Action:	Staff recommends approval of the PDD in conjunction with related agreements.
Alternatives/Options:	
Budget/Financial Impact:	The City will gain additional property tax, roads, trails, utility infrastructure, park development fees, and various development fees.
Attachments:	<ul style="list-style-type: none"> - Proposed Planned Development District - Exhibits - Staff Report - Public comments
Related Documents at City Hall:	Zoning Application
Public Notice Process:	Notice for the June 28, 2022 and July 19, 2022 public hearings were published in the newspaper and on the City's Website.
Public Comments:	None to date.
Enforcement Issues:	N/A
Comprehensive Plan Element:	This property is not specifically listed on the Future Land Use Map, but is located between a node reserved for mixed use activity center to the north-northeast and Medium Density Residential proposed to the west-southwest.