

PLANNED DEVELOPMENT DISTRICT No. 6:
Headwaters Commercial Tract

Planned Development District Ordinance
Approved by the Planning & Zoning Commission on:
October 25, 2016.
Approved by the City Council on:
November 8, 2016

THIS PLANNED DEVELOPMENT DISTRICT ORDINANCE (“Ordinance”) is enacted pursuant to City of Dripping Springs Code of Ordinances, Article 30.3.

WHEREAS, the Owner is the owner of certain real property consisting of approximately 166.801 acres located within the City Limits of the City of Dripping Springs (“City”), in Hays County, Texas, commonly known as “Headwaters Commercial Tract” and as more particularly identified and described in *Exhibit A* (the “Property”) to *Attachment “A”*; and

WHEREAS, the Property will be subdivided and developed by Owner, its affiliates or their successors and assigns, for construction and use in general accordance with the PD Master Plan shown as *Exhibit B* to *Attachment “A”*; and

WHEREAS, the Owner has submitted an application to the City to rezone the Property to Planned Development District (“PDD”), designating it “PDD-6”; and

WHEREAS, after public notice, the Planning and Zoning Commission conducted a public hearing and recommended approval on October 25, 2016; and

WHEREAS, pursuant to the City’s Planned Development Districts Ordinance, Article 30.03 of the City’s Code of Ordinances (the “PD Ordinance”), the Owner has submitted a PD Master Plan that conceptually describes the Project, which is attached to this Ordinance as *Exhibit “B”* to *Attachment “A”*; and

WHEREAS, this Ordinance, PD Master Plan, and the Code of Ordinances shall be read in harmony, will be applicable to the Property, and will guide development of the Property; and

WHEREAS, the City Council has reviewed this proposed Ordinance and the PD Master Plan, and has determined that it promotes the health, safety, and general welfare of the citizens of Dripping Springs; complies with the intent of the City of Dripping Springs Comprehensive Plan; and is necessary in light of changes in the neighborhood; and

WHEREAS, the City Council finds that this proposed Ordinance ensures the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes under Code §30.03.004: provides for a superior design of lots or buildings; provides for increased recreation and/or open space opportunities for public use; provides amenities or features that would be of special benefit to the property users or community; protects or preserves natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes, hills, viewscapes, and wildlife habitats; protects or preserves existing historical buildings, structures, features or places; provides an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services; and meets or exceeds the present standards of this article; and

WHEREAS, the City Council is authorized to adopt this Ordinance in accordance with Texas Local Government Code Chapters 51 and 211.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Dripping Springs:

1. FINDINGS OF FACT

The City Council finds that the facts and matters in the foregoing recitals are true and correct; and, are hereby incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

- A. Zoning District Created.** PDD- 6 is hereby established consistent with *Attachment "A,"* which is attached hereto and incorporated into this Ordinance for all intents and purposes. Code of Ordinances Chapter 30, Exhibit A [Zoning Ordinance], § 3.1 [Zoning Districts] is hereby amended to add the zoning district identified as PDD- 6 .
- B. Zoning Map Amended.** The official zoning map of the City is hereby amended to demarcate the boundaries of PDD- 6 consistently with the boundaries of the Property delineated in the PD Master Plan, *Exhibit "B"* to *Attachment "A"*.
- C. PD Master Plan Approved.** The PD Master Plan attached as *Exhibit "B"* to *Attachment "A"* is hereby approved. The PD Master Plan, together with *Attachment "A"*, constitutes the development plan for the Project. All construction, land use and development of the Property must substantially conform to the terms and conditions set forth in the PD Master Plan, this Ordinance, *Attachment "A"* and the exhibits. The PD Master Plan is intended to serve as a guide to illustrate the general vision and design concepts. The PD Master Plan is to serve as the conceptual basis for the site plan(s) subsequently submitted to the City seeking site development permit approval.
- D. Administrative Approval of Minor Modifications.** In order to provide flexibility with respect to certain details of the development of the Project, the City Administrator is authorized to approve minor modifications. Minor modifications do not require consent or action of the Planning & Zoning Commission or City Council. Examples of minor modifications include the location of use classifications; slight adjustments to the internal street and drive alignments; building envelopes; number of buildings; orientation of buildings; and adjustments that do not result in overall increases to traffic, density, or impervious cover. The City Administrator may approve minor modifications in writing following consultation with the City Engineer. Any appeal of the City Administrator's determination regarding whether or not a change is a minor modification may be appealed by any aggrieved party to the Board of Adjustment.
- E. Code of Ordinances.** The Code of Ordinances shall be applicable to the Project, except as specifically provided for by this Ordinance, *Attachment "A"*, or the PD Master Plan.
- F. Resolution of Conflicts.** The documents governing the PDD should be read in harmony to the extent possible. If a conflict arises between the charts included in the exhibits and the illustrations contained in the exhibits, the charts shall control. If a conflict arises between the terms of this Ordinance and the exhibits, the terms of this Ordinance shall control.

G. Attachments and Exhibits Listed. The following attachment and exhibits thereto are incorporated into this Ordinance in their entirety, as though set forth fully in the text of this Ordinance:

Attachment "A" – Planned Development District No. 6 and Zoning Map

Exhibit A	Property Legal Description
Exhibit B	PD Master Plan
Exhibit C	PD Phasing Plan
Exhibit D	PD Use Chart
Exhibit E	Designated Area for Multifamily
Exhibit F	Building Height Plan
Exhibit G	Commercial Front /SideYard Setback
Exhibit H	PD Code Modifications Chart

3. REPEALER

All ordinances, development agreements 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.

4. 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.

5. PENALTY

Any person, firm, association or persons, company, corporations or their agents or employees violating or failing to comply with any of the provisions of this Ordinance may be subject to a fine pursuant to Section 54.001 of the Texas Local Government Code, upon conviction of not more than Two Thousand Dollars (\$2,000.00). The foregoing fine may be cumulative of other remedies provided by State law, and the power on injunction as provided by Texas Local Government Code 54.012 and as may be amended, may be exercised in enforcing this Ordinance whether or not there has been a complaint filed.

6. 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.

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.

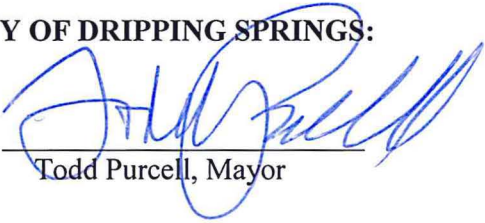
8. EFFECTIVE DATE

This Ordinance shall be effective immediately upon approval by the City Council and publication as required by law.

PASSED & APPROVED this, the 8th day of Nov., 2016 by a vote of 4 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of Dripping Springs.

CITY OF DRIPPING SPRINGS:

by:


Todd Purcell, Mayor

ATTEST:


Ginger Faught, Deputy City Secretary

Attachment "A"

City of Dripping Springs

CODE OF ORDINANCES

ARTICLE 30.03: PLANNED DEVELOPMENT DISTRICTS

PLANNED DEVELOPMENT DISTRICT NO. 6:

ARTICLE I. GENERAL PROVISIONS

- 1.1. **Popular Name.** This Chapter shall be commonly cited as the "PDD- 6 Ordinance", also referred to as "this Ordinance" herein.
- 1.2. **Scope.** This Ordinance applies to the Property, as more particularly described in *Exhibit "A"* to *Attachment "A"*.
- 1.3. **PD Master Plan.** The PD Master Plan as shown in *Exhibit "B"* in has been approved by the City and shall serve as a guide to the development and use of the Property. The PD Master Plan is conceptual in nature and subject to reasonable modifications to meet market demands as the Project develops over time.

ARTICLE II. DEVELOPMENT STANDARDS

- 2.1. **General Regulations.** Except as otherwise provided in this Ordinance and the PD Master Plan, the Property shall be governed by the site regulations and development standards contained in the Headwaters at Barton Creek Development Agreement as amended and/or restated and the Code of Ordinances.
- 2.2. **Phasing.** The Property may be developed in phases. The Project is intended to be developed in phases as shown on *Exhibit "C"*. Owner may change the phasing of development from time to time in response to market conditions or other factors. Phases may be developed concurrently.
- 2.3. **Permitted Uses.**
 - 2.3.1. **Base Zoning:** The base zoning district for the Property shall be Commercial Services, which shall be the basis for all zoning specifications not addressed in this Ordinance or the PD Master Plan.

2.3.2. Allowed Uses: Certain uses set forth in the PD Use Chart as shown in *Exhibit D* are hereby permitted by right within the Project, and others are designated as requiring a Conditional Use Permit (CUP). Designated areas for multifamily uses are shown in *Exhibit "E"*. Any use permitted by right within this PDD on the Property that may require a Special Use Permit per the Headwaters at Barton Creek Development Agreement, such Special Use Permit is hereby granted through this PDD.

2.4. Design Specifications:

2.4.1 Impervious Cover. The Property may be developed with an Impervious Cover Percentage that does not exceed cumulatively and in the aggregate fifty percent (50%) over the entire Property. There shall be no maximum Impervious Cover for a specific lot located on the Property.

2.4.2 Building Height. The following building heights are conditioned on approval of a separate alternative design plans by the City. Areas where buildings are anticipated to exceed two stories are shown in the Building Height Plan attached as *Exhibit "F"*.

(a) Multifamily and Office buildings:

- i. Four story areas identified in Exhibit F shall not exceed fifty five feet (55') or four stories in height, whichever is less, measured from average natural grade to maximum rooftop elevation.
- ii. Three story areas identified in Exhibit F shall not exceed forty five feet (45') or three stories in height, whichever is less, measured from average natural grade to maximum rooftop elevation.

(b) Commercial buildings:

- i. For hotel use only, four story areas identified in Exhibit F shall not exceed sixty five feet (65') or four stories in height, whichever is less, measured from average natural grade to maximum rooftop elevation.
- ii. For non hotel commercial buildings, four story areas identified in Exhibit F shall not exceed fifty five feet (55') or four stories in height, whichever is less, measured from average natural grade to maximum rooftop elevation.

2.4.3 Setbacks. Building setbacks shall be as follows:

- (a) **Perimeter of the Property:** Building setbacks shall be twenty five feet (25') from the perimeter property line of the Property.
- (b) **Canyonwood Drive Single Family:** Building setbacks shall be fifty feet (50') from the property line of single family residences located on Canyonwood

Drive.

- (c) **Hwy 290 Future Right-of-Way:** Building setbacks shall be twenty five feet (25') from future Hwy 290 Right-of-Way as identified in TxDot and Hays County transportation plans.
- (d) **Minimum Front Yard:** Building setbacks for commercial or office uses shall be five feet (5') for one story and ten feet (10') for two stories or greater from the property line or twelve feet (12') from an area of right of way where parking is allowed, whichever is greater as shown in *Exhibit "G"*.
- (e) **Minimum Side Yard Adjacent to Street:** Building setbacks for commercial or office uses shall be five feet (5') for one story and ten feet (10') for two stories or greater from the property line or twelve feet from an area of right of way where parking is allowed, whichever is greater as shown in *Exhibit "G"*.
- (f) **Minimum Side Yard:** Building setbacks for commercial or office uses shall be five feet (5')
- (g) **Minimum Rear Yard:** Building setbacks for commercial or office uses shall be twenty feet (20').

2.4.4 Slopes. There shall be no construction of buildings on slopes exceeding twenty five percent (25%).

2.4.5 Building Length. The building length of a multifamily building may exceed two hundred feet (200') conditioned on the approval of an alternative design plan by the City.

2.4.6 Gross Floor Area. The following gross floor areas are conditioned on the approval of an alternative design plan by the City.

- (a) **Commercial Building:** The gross floor area may exceed 50,000 square feet, and shall not exceed 100,000 square feet.
- (b) **Office Building:** The gross floor area may exceed 40,000 square feet, and shall not exceed 100,000 square feet.

2.4.7 Parking.

- (a) **Multifamily Uses:** A parking ratio of 1.25 spaces per unit shall apply to multifamily projects operated and marketed as 55 years and older senior living facilities.
- (b) **Commercial Uses:** 45 degree or 60 degree diagonal parking spaces located in right of way adjacent to a commercial use may be counted towards the offstreet parking requirements for such use as shown in *Exhibit "G"*. No 45 degree or 60

degree parking space located in the right of way may be counted twice when determining off street parking requirements for commercial uses.

- 2.5. **Parks, Trails and Open Space.** Parkland and open space requirements shall be governed by the Headwaters at Barton Creek Development Agreement as amended or restated.
- 2.6. **Roadway Alignments:** The roadway alignments shown on the PD Master Plan are approved by the City. All roadways and driveways not shown on the PD Master Plan shall be subject to the approval of the City Administrator, which approval shall not be unreasonably withheld.
- 2.7. **Utilities.** All proposed utilities within the Property will be located underground (other than above-ground appurtenances to such underground utilities) provided, however, to the extent any above-ground utilities exist as of the date hereof, they can remain above-ground.
- 2.8. Code Modification Chart is shown in *Exhibit "H"*.

EXHIBIT "A"
Property Legal Description

EXHIBIT "B"
PD Master Plan



EXHIBIT "C"
PD Phasing Plan



PHASE 1

PHASE 2

PHASE 3

EXHIBIT "D"
PD Use Chart

HEADWATERS COMMERCIAL PDD 6 USE CHART

Allowed Uses in the Headwaters Commercial PDD 6

All uses as allowed in the CS Zoning District Not Otherwise Restricted Herein	P or C
Multifamily up to 410 units	P
Multifamily in excess of 410 units	C
Townhome or Duplex	C
Distillery	C
Gift Shop	C
Brewery	C
Tasting Room	C
Bank	P

- P Permitted Use
C Conditional Use Permit

Prohibited Uses in the Headwaters Commercial PDD 6

Farm animals (exempt FFA, 4H)
Farm animals (non-exempt)
Check cashing service
All-terrain vehicle
Auto sales (new and used)
Auto supply store
Exterminator services
Gravestone/tombstone sales
Min-warehouse/self storage
Motorcycle Dealer
Recycling center
SOBs
Tool and machinery rental (indoor storage)
Tool and machinery rental (outdoor storage)
Auto body repair
Auto financing and leasing
Auto muffler shop
Auto paint shop
Auto upholstery shop
Auto washing facility, attended
Auto washing facility, unattended
Auto wrecker service

Automobile repair, major
Automobile repair, minor
Limousine/taxi service
Oil change and inspection
Psychic reading services
Gaming Club (private)
Rodeo grounds
Pawnshop
Taxidermist
Veterinarian (outdoor kennels or pens)
Warehouse/office
Welding shop
Contractor's office (with outside storage)
Maintenance and repair services for buildings
Open storage/outside storage
Sand/gravel/stone sales or storage
Sign manufacturing
Stone/clay/glass manufacturing

EXHIBIT "E"
Designated Areas for Multifamily



EXHIBIT "F"
Building Height Plan

1. VIEW FROM HIGHWAY 290 EAST



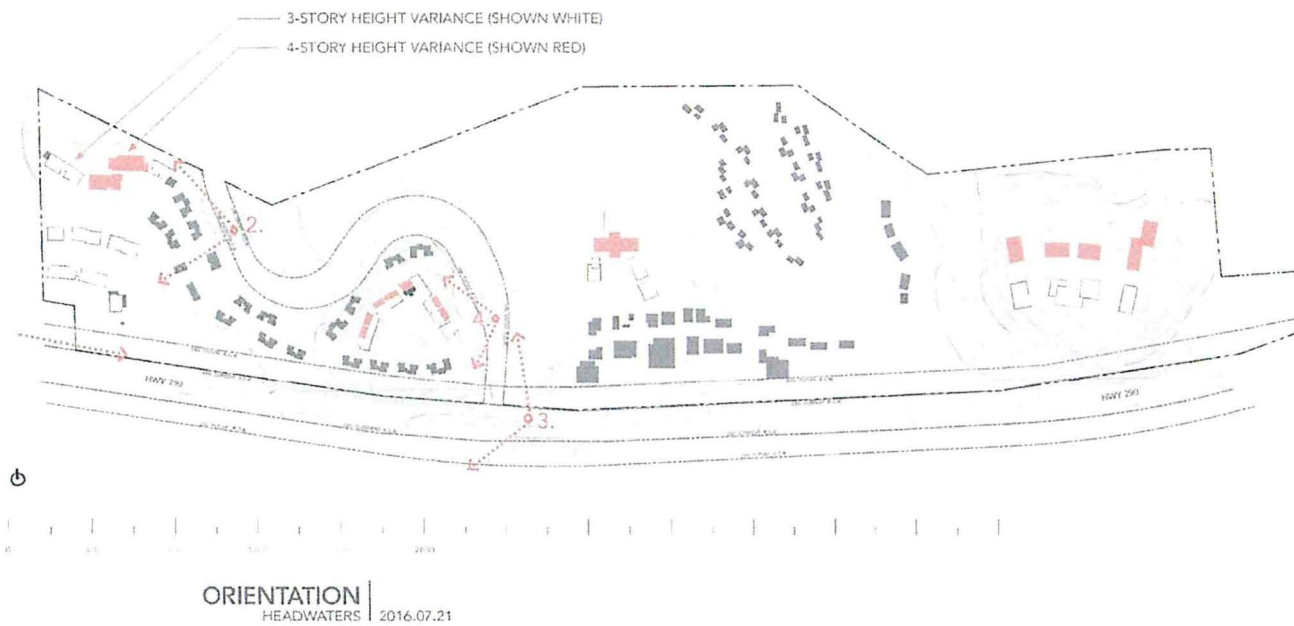
2. PUBLIC ROAD FROM HEADWATERS DRIVE



3. SKYE FROM HEADWATERS DRIVE



4. VIEW FROM HIGHWAY 290 WEST



CCY ARCHITECTS | 03.1

EXHIBIT "G"
Commercial Front/Side Yard With ROW Setbacks

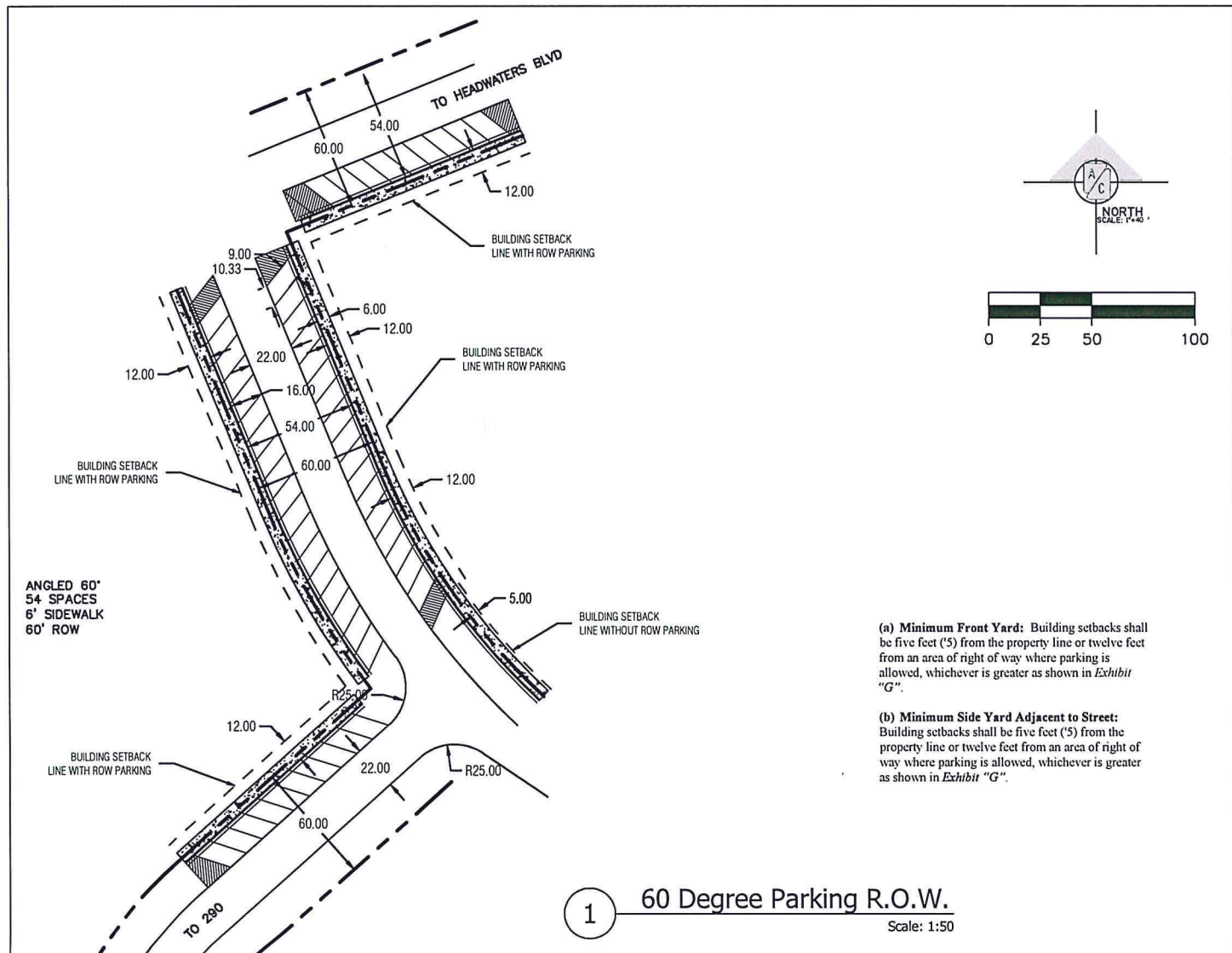


EXHIBIT "H"
PD Code Modifications Chart

CODE MODIFICATION CHART

#	Ordinance	Description	Requirement	Code Modification	Justification
1	Article 30.02 Zoning Ordinance. Section 3.8.6(h)(6)	Length of Buildings in a MF District	Multifamily building shall not exceed two hundred (200') in length	Building may exceed two hundred feet (200') in length conditioned on approval of alternative design plan by the City	Allows developer to provide heated and cooled corridors for resident access to amenities. This is particularly important for senior housing. Projects will incorporate enhanced fire protection which include two hour fire walls less than 200 feet apart thereby meeting the fire protection intent of the ordinance. Fire department access will be provided such that all portions of the building are within 200' of a fire lane. Building massing, articulation, roof planes, and material changes will provide visual breaks in the building to prevent a monolithic appearance.
2	Article 30.02 Zoning Ordinance. Section 3.11.3	Multifamily Building Height	Main Building(s): Maximum two (2) stories, or forty (40) feet, whichever is less, for the Main Buildings	Per PDD 6 Exhibit F Building Height Plan, Main Building(s): Maximum four (4) stories, or fifty five (55') feet, whichever is less for four (4) story areas. Maximum of three (3) stories, or forty five (45') feet, whichever is less for three (3) story areas. Height measured from the maximum rooftop elevation above average natural grade conditioned on approval of alternative design plan by the City.	Minimizes impervious cover and allows developer to provide a variety of architecture and housing types including elevator served senior housing. Taller buildings will result in a greater density of dwelling units closer to amenities, enhancing quality of life for multifamily residents.

3	Article 30.02 Zoning Ordinance. Section 3.12.3	Commercial Building Height	Main Building(s): Maximum two (2) stories, or forty (40) feet, whichever is less, for the Main Buildings	Per PDD 6 Exhibit F Building Height Plan, Main Building(s): Maximum four (4) stories, or sixty five feet (65') (Hotel only) or fifty five feet (55') (all other commercial uses) , whichever is less for four story areas. Maximum of three stories or forty five (45'), which ever is less for three story areas. Height will be measured from the maximum rooftop elevation above average natural grade conditioned on approval of alternative design plan by the City	Minimizes impervious cover and allows developer to provide a variety of architecture and elevator served hotel accomodations. Taller buildings will result in a greater density of commercial square footage closer to amenities, enhancing quality of the commercial development
4	Article 30.02 Zoning Ordinance. Section 3.9.3	Office Building Height	Main Building(s): Maximum two (2) stories, or forty (40) feet, whichever is less, for the Main Buildings	Per PDD 6 Exhibit F Building Height Plan the Main Building(s): Maximum four (4) stories, or fifty five feet (55'), whichever is less for four story areas. Maximum of three stories or forty five feet (45') for three story areas. Height will be measured from the maximum rooftop elevation above average natural grade conditioned on approval of alternative design plan by the City	Minimizes impervious cover and allows developer to provide a variety of architecture and elevator served office space that creates an opportunity for the City to potentially secure a regional employment center.
5	Article 30.02 Zoning Ordinance. Section 5.6.1(c)	Parking Requirement for Commercial: Retirement housing for the elderly (independent living)	Efficiency - one (1) space, one bedroom - one and a half (1.5) spaces, two bedroom - two (2) spaces, Two+ bedroom - two and a half (2.5) spaces. Plus an added five percent (5%) of the total number of required spaces	Parking ratio of 1.25 spaces per unit for projects operated and marketed as 55 years and older senior living facilities	Based on historical data, 1.25 spaces per dwelling unit has provided sufficient parking for similar projects. This variance will result in reduced impervious cover, increased green space and prevents the construction of unused parking spaces.

6	Article 30.02 Zoning Ordinance. Section 3.12.4(b)	Area Regulations: Size of Yards	Minimum Front Yard - Twenty-five feet (25'). Minimum Side Yard - Fifteen feet (15'). Minimum Rear Yard - Twenty-five feet (25').	Minimum Front Yard and Side Yard fronting ROW - Five feet (5') for one story and ten feet (10') for two+ stories from the property line or twelve feet (12') from an area of ROW where parking is allowed, whichever is greater. Minimum Side Yard - Five feet (5'). Minimum Rear Yard - Twenty feet (20').	Reduced setbacks will provide continuity throughout the development, and will allow proposed commercial buildings to create an enhanced and more walkable streetscape.
7	Article 30.02 Zoning Ordinance. Section 3.9.4(d)	Gross Floor Area of Office Building	The gross floor area of each building shall not exceed forty thousand (40,000) square feet per building	The gross floor area of a building that exceeds forty thousand square feet (40,000') is limited to one hundred thousand square feet (100,000') per building conditioned on the approval of an alternative design plan by the City	Allow flexibility in development for potential employment center
8	Article 30.02 Zoning Ordinance. Section 3.12.4(d)	Gross Floor Area of Commercial Services Building	The gross floor area of each building shall not exceed fifty thousand (50,000) square feet per building	The gross floor area of a building that exceeds fifty thousand square feet (50,000') is limited to one hundred thousand square feet (100,000') per building conditioned on the approval of an alternative design plan by the City	Allow for flexibility in development of hotel or other major commercial user
9	Article 30.02 Zoning Ordinance. Section 5	Commercial Off Street Parking Requirements		Diagonal parking spaces located in right of way adjacent to a commercial use may be counted towards the offstreet parking requirements for such use	Allow for enhanced commercial streetscape, walkability and connection of commercial amenities