



DRIPPING SPRINGS  
Texas

# PLANNING & ZONING COMMISSION REGULAR MEETING

City of Dripping Springs

Council Chambers, 511 Mercer St, Dripping Springs, TX

Tuesday, June 14, 2022 at 6:00 PM

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## Agenda

### CALL TO ORDER AND ROLL CALL

#### Commission Members

Mim James, Chair  
James Martin, Vice Chair  
Christian Bourguignon  
Doug Crosson  
John McIntosh  
Evelyn Strong  
Tammie Williamson

#### Staff, Consultants & Appointed/Elected Officials

City Administrator Michelle Fischer  
Deputy City Administrator Ginger Faught  
City Attorney Laura Mueller  
City Secretary Andrea Cunningham  
Planning Director Howard Koontz  
Senior Planner Tory Carpenter  
City Engineer Chad Gilpin  
IT Coordinator Jason Weinstock

### PLEDGE OF ALLEGIANCE

### 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.*

### CONSENT AGENDA

*The following items are anticipated to require little or no individualized discussion due to their nature being clerical, ministerial, mundane or routine. In an effort to enhance the efficiency of Planning & Zoning Commission meetings, it is intended that these items will be acted upon by the Planning & Zoning Commission with a single motion because no public hearing or determination is necessary. However, a Planning & Zoning Commission Member or citizen may request separate deliberation for a specific item, in which event those items will be removed from the consent agenda prior to the Planning & Zoning Commission voting on the consent agenda as a collective, singular item. Prior to voting on the consent agenda, the Planning & Zoning Commission may add additional items that are listed elsewhere on the same agenda.*

- 1. Approval of the May 24, 2022, Planning & Zoning Commission regular meeting minutes.**

## **BUSINESS**

- 2. Presentation and discussion 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”. Applicant: Isaac Karpay, New Growth Living**

- a. Applicant Presentation
- b. Staff Report
- c. Public Hearing
- d. Discussion

- 3. Discuss and consider possible action regarding the appointment of Officers to the Planning & Zoning Commission.**

- a. Vice Chair
- b. Transportation Committee Representative

## **PLANNING & DEVELOPMENT REPORTS**

### **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.*

### **UPCOMING MEETINGS**

#### **Planning & Zoning Commission Meetings**

June 28, 2022, at 6:00 p.m.

July 12, 2022, at 6:00 p.m.

July 26, 2022, at 6:00 p.m.

**City Council & Board of Adjustment Meetings**

June 21, 2022, at 6:00 p.m. (CC)

July 5, 2022, at 6:00 p.m. (CC & BOA)

July 19, 2022, at 6:00 p.m.

**ADJOURN**

**TEXAS OPEN MEETINGS ACT PUBLIC NOTIFICATION & POSTING OF MEETING**

*All agenda items listed above are eligible for discussion and action unless otherwise specifically noted. This notice of meeting is posted in accordance with Chapter 551, Government Code, Vernon's Texas Codes. Annotated. In addition, the Commission may consider a vote to excuse the absence of any Commissioner for absence from this meeting.*

*I certify that this notice of meeting was posted at the City of Dripping Springs City Hall and website, [www.cityofdrippingsprings.com](http://www.cityofdrippingsprings.com), on **June 10, 2022, at 10:00 a.m.***

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City Secretary

*This facility is wheelchair accessible. Accessible parking spaces are available. Requests for auxiliary aids and services must be made 48 hours prior to this meeting by calling (512) 858-4725.*



# PLANNING & ZONING COMMISSION REGULAR MEETING

City of Dripping Springs

Council Chambers, 511 Mercer St, Dripping Springs, TX

Tuesday, May 24, 2022 at 6:00 PM

## MINUTES

### CALL TO ORDER AND ROLL CALL

With a quorum of the Commission present, Chari James called the meeting to order at 6:01 p.m.

**Commission Members present were:**

Mim James, Chair  
James Martin, Vice Chair  
Christian Bourguignon  
Doug Crosson  
John McIntosh  
Evelyn Strong  
Tammie Williamson

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

City Attorney Laura Mueller  
City Secretary Andrea Cunningham  
Planning Director Howard Koontz  
Senior Planner Tory Carpenter  
Public Works Director Aaron Reed  
IT Coordinator Jason Weinstock  
City Engineer Chad Gilpin  
Emergency Management Coordinator Roman Baligad  
Mayor Pro Tem Taline Manassian  
Architectural Consultant Keenan Smith  
Transportation Consultant Leslie Pollack

### PLEDGE OF ALLEGIANCE

Commissioner Williamson 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.

## **CONSENT AGENDA**

*The following items are anticipated to require little or no individualized discussion due to their nature being clerical, ministerial, mundane or routine. In an effort to enhance the efficiency of Planning & Zoning Commission meetings, it is intended that these items will be acted upon by the Planning & Zoning Commission with a single motion because no public hearing or determination is necessary. However, a Planning & Zoning Commission Member or citizen may request separate deliberation for a specific item, in which event those items will be removed from the consent agenda prior to the Planning & Zoning Commission voting on the consent agenda as a collective, singular item. Prior to voting on the consent agenda, the Planning & Zoning Commission may add additional items that are listed elsewhere on the same agenda.*

- 1. Approval of the April 26, 2022, Planning & Zoning Commission regular meeting minutes.**
- 2. Approval of the May 10, 2022, Planning & Zoning Commission workshop meeting minutes.**
- 3. Approval of SUB2022-0010: an application for the Ariza Multifamily preliminary plat for a 19.16 acre tract out of the E. B. Hargraves and Hermon Benson surveys located at 13900 W US 290. Applicant: Katie Stewart, P.E. Pape-Dawson Engineers**
- 4. Denial of SUB2022-0008: an application for the Wild Ridge Preliminary Plat for a 283.4 acre tract located out of the I.V. Davis Jr. and Edward W. Brown surveys. Applicant: Richard Pham, P.E., Doucet & Associates, Inc.**
- 5. Conditional approval of SUB2022-0009: an application for the Driftwood Subdivision Phase 3 preliminary plat for a 43.7352 acre tract out of the Freelove Woody survey located at 17901 FM 1826. Applicant: John Blake, P.E., Murfee Engineering Company**
- 6. Approval of SUB2021-0012: an application to consider the final plat of Caliterra Phase 4 Section 12 for a 65.964 acre tract of land out of the Philip A. Smith Survey. Applicant: Bill Couch, Carlson Brigance and Doering, Inc.**
- 7. Conditional approval of SUB2021-0061: an application for Big Sky Ranch Phase 3 Final Plat for a 81.71 acre tract located at the intersection of Sue Peaks Loop and Diablo Rim Terrace out of the Philip A. Smith Survey. Applicant: Christopher Reid, Doucet & Associates.**

8. **Conditional approval of SUB2021-0062: an application for Big Sky Ranch Phase 4 Final Plat for a 212.4 acre tract located at the intersection of Lone Peak Way and Bartlett Peak Lane out of the Philip A. Smith Survey.** *Applicant: Christopher Reid, Doucet & Associates.*
9. **Approval of SUB2021-0067: an application for the Headwaters Phase 5 Section 2 Final Plat for a 57.14 acre tract located at the intersection of Headwaters Boulevard and Sage Thrasher Circle out of the MD Raper and W Walk Jr Surveys.** *Applicant: WFC Headwaters Owner VII, L.P.*
10. **Denial of SUB2022-0021: an application for Headwaters at Barton Creek Phase 3 Final Plat for a 200.77 acre tract out of the FA Jolly, JP Powell, WM Walker, and H Benson Surveys located near the intersection of Canyonwood Drive and US 290.** *Applicant: WFC Headwaters Owner VII, L.P.*
11. **Denial of SUB2022-0020: an application to consider the final plat of Caliterra Phase 4 Section 14 for a 50.947 acre tract of land out of the Philip A. Smith Survey near the intersection of Caliterra Parkway and Crosswater Lane.** *Applicant: Bill Couch, Carlson Brigance and Doering, Inc.*

A motion was made by Vice Chair Martin to approve Consent Agenda Items 1 – 4 and 6 – 11, and with corrections to item 1 as submitted. Commissioner Williamson seconded the motion which carried unanimously 7 to 0.

A motion was made by Vice Chair Martin to approve Consent Agenda Item 5. Commissioner Williamson seconded the motion which carried 6 to 0 to 1, with Commissioner Crosson abstaining.

## BUSINESS

12. **Public hearing and consideration of approval of SUB2022-0022: an application for the Ladera Lot 2 replat for a 15 acre tract located at 4630 W US 290.** *Applicant: Jon Thompson*
  - a. **Applicant Presentation** – Applicant not present.
  - b. **Staff Report** – Tory Carpenter presented the staff report which is on file. Staff recommends denial of the application until unanswered comments are addressed.
  - c. **Public Hearing** – No one spoke during the Public Hearing.
  - d. **Replat** – A motion was made by Vice Chair Martin to deny approval of SUB2022-0022: an application for the Ladera Lot 2 replat for a 15 acre tract located at 4630 W US 290. Commissioner McIntosh seconded the motion which carried unanimously 7 to 0.
13. **Public hearing and consideration of recommendation regarding VAR2022-0003: an application for a variance to allow more than 50% impervious cover for a property located at 410 Hazy Hills Loop, being Block A, Lot 21 of the Headwaters at Bardon Creek Phase 1 subdivision.** *Applicant: Renee Godinez, Permit Solutions.*
  - a. **Applicant Presentation** – Applicant not present.

**b. Staff Report** – Tory Carpenter presented the staff report which is on file. Staff recommends denial of the variance as there is no hardship.

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

**d. Variance** – A motion was made by Vice Chair Martin to recommend the Board of Adjustment deny VAR2022-0003: an application for a variance to allow more than 50% impervious cover for a property located at 410 Hazy Hills Loop, being Block A, Lot 21 of the Headwaters at Bardon Creek Phase 1 subdivision. Commissioner Strong seconded the motion which carried unanimously 7 to 0.

**14. Public Hearing and consideration of recommendation regarding an ordinance rezoning a property from AG to PDD # 14 with a base zoning of SF-3, SF-5, and LR with primarily residential uses with some local retail and governmental uses for property located south of U.S. 290 and east of Rob Shelton Blvd. along Sports Park Road adjacent to the Sports and Recreation Park and commonly known as “Village Grove”, directly south and adjacent to Wallace Mountain, and directly west and adjacent to The Preserve subdivision. Applicant: Matthew Scrivener, Austin Land Innovations**

Chair James recused himself from the item and exited the dais. Vice Chair Martin presided over the meeting.

**a. Applicant Presentation** – Peter Verdicchio with SEC Planning and John Doucet with Doucet & Associates gave a presentation which is on file.

**b. Staff Report** – Howard Koontz, Laura Mueller and Leslie Pollack presented the staff report which is on file. Staff recommends approval of the zoning ordinance.

**c. Public Hearing** – Eugene and Brenda Foster spoke during the Public Hearing; their comments are on file.

**d. Ordinance Recommendation** – A motion was made by Commissioner Strong to recommend City Council approval of an ordinance rezoning a property from AG to PDD # 14 with a base zoning of SF-3, SF-5, and LR with primarily residential uses with some local retail and governmental uses for property located south of U.S. 290 and east of Rob Shelton Blvd. along Sports Park Road adjacent to the Sports and Recreation Park and commonly known as “Village Grove”, directly south and adjacent to Wallace Mountain, and directly west and adjacent to The Preserve subdivision, as presented and with the condition that the Offsite Road Agreement, Wastewater Agreement and Donation Agreement are approved prior to the Mayor’s signature. Commissioner McIntosh seconded the motion which carried 6 to 0 to 1, with Chair James recused.

## PLANNING & DEVELOPMENT REPORTS

Report is on file and available upon request.

### 15. Planning Department Report

## **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**

June 14, 2022, at 6:00 p.m.

June 28, 2022, at 6:00 p.m.

July 12, 2022, at 6:00 p.m.

July 26, 2022, at 6:00 p.m.

### **City Council & Board of Adjustment Meetings**

June 7, 2022, at 6:00 p.m. (CC & BOA)

June 21, 2022, at 6:00 p.m. (CC)

July 5, 2022, at 6:00 p.m. (CC & BOA)

July 19, 2022, at 6:00 p.m. (CC)

## **ADJOURN**

A motion was made by Commissioner Strong to adjourn the meeting. Vice Chair Martin seconded the motion which carried unanimously 7 to 0.

This regular meeting adjourned at 7:36 p.m.





# 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.

|                               |  |
|-------------------------------|--|
| <b>Meeting Date:</b>          | June 14, 2022  |
| <b>Agenda Item Wording:</b>   | <b>Presentation and discussion 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".</b> |
| <b>Agenda Item Requestor:</b> | Isaac Karpay, New Growth Living  |
| <b>Applicant:</b>             | Isaac Karpay, New Growth Living  |
| <b>Owner:</b>                 | Hays County Completion, LLC  |
| <b>Date of Application:</b>   | June 4, 2021   |
| <b>Staff Recommendation</b>   | Staff recommends discussion and public comment only; no action should be taken at this time.   |



**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:**

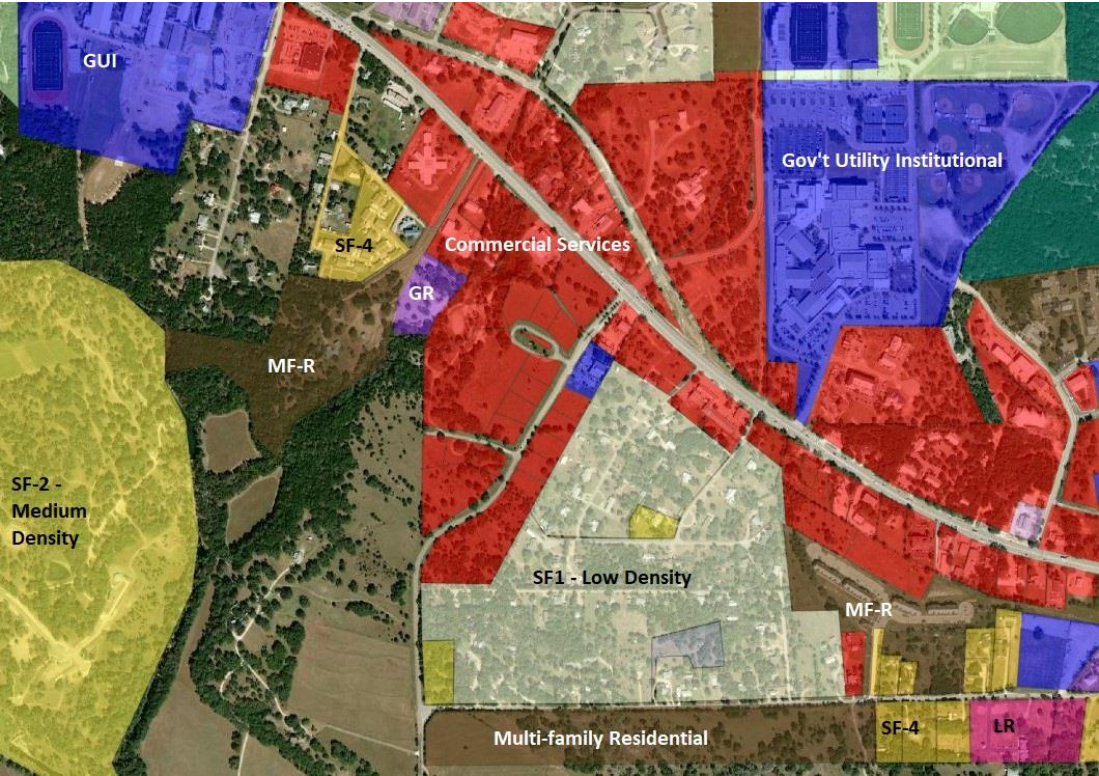
The subject property is generally located at the southwest corner of US 290 and Roger Hanks Parkway. The development site also extends to the east side of Roger Hanks Parkway once south of the Hays County Precinct 4 offices, and stops along Roger Hanks, at a point west of the western terminus of Ramirez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

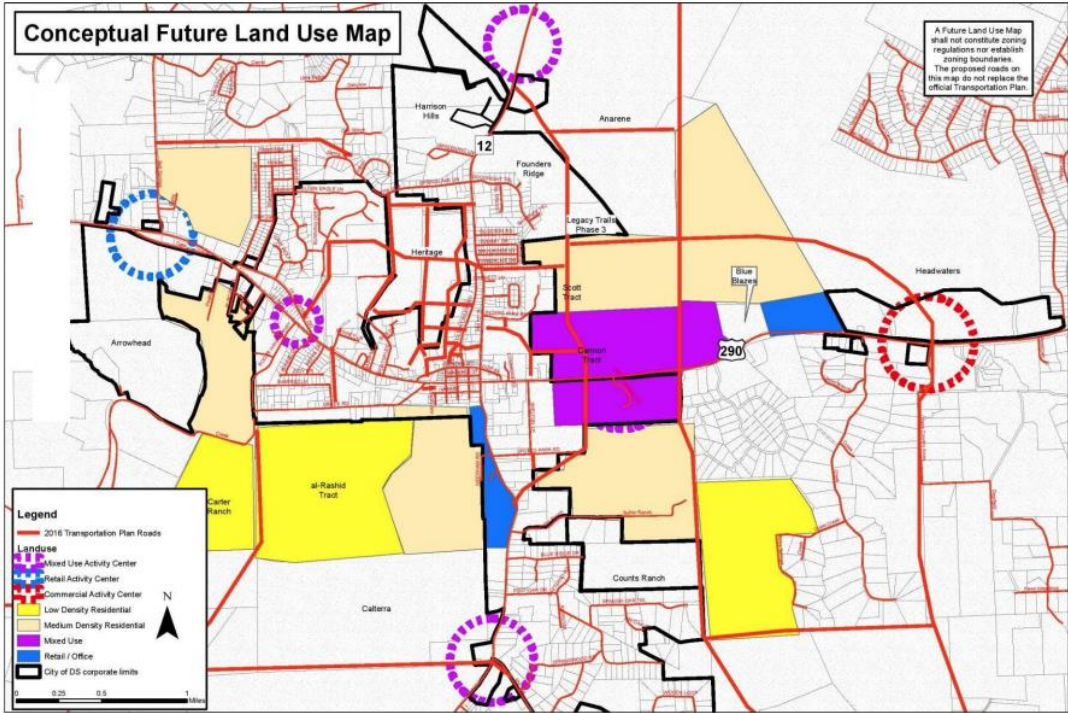


plentiful home sites, most often low-density detached homes, with limited but emergent medium-density and multi-family sites as well. The current zoning, future land use designation, and existing uses on the adjacent properties to the north, south, east, and west are outlined in the table below:

| 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 Future Transportation Plan shows this section of Roger Hanks Parkway to be built as a two-lane minor divided arterial roadway, and Creek Road as a two-lane major divided arterial roadway. This project will rebuild the roadway 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 into a major divided arterial.

The TIA is close to being approved by the City. Outstanding comments focus on the final recommendation for Creek Road as well as the cost of transportation improvements and New Growth’s proportionate share.



### **Offsite Road Transportation/ Road Improvements:**

The transportation improvements proposed to be constructed by New Growth align with the City's approved Transportation Master Plan.

- Reconstruct Roger Hanks Parkway between US 290 and southern site boundary as a two-lane divided minor arterial with medians and left-turn lanes at driveways. The development team worked with City staff to improve existing and proposed driveway spacing along Roger Hanks Parkway. A 10' shared-use path will be constructed along the property on the west side of Roger Hanks Parkway to US 290 with a pedestrian crossing at the traffic signal. A 5' sidewalk will be constructed on the east side of Roger Hanks Parkway along the property.
- Relocate Hays County Driveway to align with Lake Lucy Loop provided final approval is obtained from Hays County. Hays County was receptive to the relocation based on initial conversation between City staff and Hays County.
- Construct Hamilton Crossing with a 24' section and additional 16' for on-street inset parking.
- Construct Lake Lucy Loop with a 20' section and additional 16' for on-street inset parking.
- Construct an additional northbound left-turn lane on Roger Hanks Parkway at US 290 within the existing median to provide flexibility for single or dual northbound left-turn

lanes.

- Pay fiscal for their proportionate share of improvements required to Creek Road. Creek Road was assumed to be used as an east/west connection between the site and US 290. Recommended improvements include widening of Creek Road to provide a 24' wide section with 2' shoulders. Costs will include mill and overlay and restriping. These improvements will improve safety on Creek Road. Staff recommends additional study of Creek Road be completed outside the scope of the TIA and NewGrowth project.

### **Wastewater Agreement:**

The Wastewater Utility Agreement for this project is currently under negotiation and will be presented to City Council for approval with PDD. The project will connect to West Interceptor which will be built once all necessary easements are acquired, the TPDES permit is no longer being legally challenged and the South Regional Water Reclamation System has been expanded. Funding for the West Interceptor and the plant expansion has been secured through the Texas Water Development Board. If the developer elects to start the project prior to WW service being available from the city, the current draft of the WWUA allows the developer to apply for a temporary TLAP permit from TCEQ. Pump and Haul will not be permitted. Further information is contained within the packet for the Wastewater Agreement item.

### **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).

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.**

- 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.

**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.



**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 dedication funds.

**Evaluation:**

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

|   |   |
|---|---|
| <b>Article 30.03.007 (c)(3)</b>   |   |
| 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   |

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| <p>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 &amp; City Council in October 2021.</p>   |
| <p>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.</p>  |
| <p>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.</p>  |
| <p>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.</p>  |
| <p>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.</p>   |
| <p>g) The coordination of streets to arrange a convenient system consistent with the transportation plan of the city.</p>   |
| <p>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.</p> |
| <p>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.</p>   |
| <p>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.</p>  |
| <p>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.</p>   |
| <p>The development will comply with the city’s lighting ordinance.</p>  |
| <p>j) The location, size, accessibility, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses</p>   |
| <p>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.</p>   |

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| 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. |

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| <b>Commission Recommendations:</b>              | <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 &amp; Recreation Commission recommended approval at their June 6, 2022 meeting.</p>   |
| <b>Actions by Other Jurisdictions/Entities:</b> |   |
| <b>Previous Action:</b>                         | <p>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."</p> <p>Additionally, there is a commercial portion of no less than 5.8</p> |

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|  | acres.   |
| <b>Recommended Action:</b>             | Staff recommends that the Planning and Zoning Commission take no official action on the presentation tonight, but instead receive testimony from the applicant, from the public at-large, and from a question and answer session with the applicant and staff. |
| <b>Alternatives/Options:</b>           |  |
| <b>Budget/Financial Impact:</b>        | The City will gain additional property tax, roads, trails, utility infrastructure, park development fees, and various development fees.  |
| <b>Attachments:</b>                    | <ul style="list-style-type: none"> <li>- Proposed Planned Development District</li> <li>- Exhibits</li> <li>- Staff Report</li> <li>- Public comments</li> </ul>   |
| <b>Related Documents at City Hall:</b> | Zoning Application   |
| <b>Public Notice Process:</b>          | Notice for the June 28, 2022 and July 19, 2022 public hearings were published in the newspaper and on the City's Website.  |
| <b>Public Comments:</b>                | None to date.  |
| <b>Enforcement Issues:</b>             | N/A  |
| <b>Comprehensive Plan Element:</b>     | 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.                                |

9600 Escarpment Blvd., Suite 745-4  
Austin, Texas 78789

Date: 06.03.22  
Project: New Growth at  
Roger Hanks Park  
City of Dripping Springs  
Parkland Dedication Plan

**MEMORANDUM**

To: Howard Koontz, City of Dripping Springs City Planner  
Laura Mueller, City of Dripping Springs City Attorney

Cc: N/A

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This memo serves as follow-up correspondence to the review by LUCK Design Team, LLC of the New Growth at Roger Hanks Park Parkland Dedication Plan submitted May 31, 2022. Please see attached Parkland Dedication Plan Narrative and site plans.

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After review we have the following observations and recommendations:

1. At 240 proposed residential units, the amount of parkland required per ordinance is 10.43 acres.
2. A total of 10.52 acres of physical land is being dedicated to the City as public parkland, itemized as shown below:
  - a. Public Parks = 4.89 acres
  - b. Public Open Space = 1.28
  - c. Amenity Pond = 2.47 acres
  - d. Private Parkland = 1.88
3. The amount of parkland dedication acreage exceeds ordinance requirements by 0.09 acres.
4. The parkland development fee required by ordinance for the 240 units is \$155,520. The developer has indicated that the full amount of that parkland development fee will be paid.
5. Public parkland will have a 5' wide concrete trail with benches and picnic tables and will be left in a primarily natural state.
6. Park amenities on private parkland include the following:
  - 3,000 square foot Class A clubhouse amenity facility
  - 1,500 square foot resort-style pool
  - Community high-speed Wi-Fi
  - Yoga/fitness rooms
  - Barbecue grills/outdoor kitchen with ramada shade structure
  - Indoor and outdoor lounge areas
  - Central linear park for passive recreation connected to club amenity
  - Pocket parks and walking paths

- Bike racks
- Benches and seating
- Electric car charging stations

7. A 10' trail connection along the west side of Roger Hanks Parkway is proposed by the developer to be in compliance with the City of Dripping Springs Official City-Wide Trails Plan dated August 26, 2020. This trail surface is concrete.

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We recommend Parks and Recreation Commission approval of the New Growth at Roger Hanks Park Parkland Dedication Plan.

Prepared By: Brent Luck



City Draft “C”

May 12, 2022

**PLANNED DEVELOPMENT DISTRICT No.  
New Growth – Roger Hanks Parkway**

Planned Development District Ordinance  
Approved by the Planning & Zoning Commission on:  
\_\_\_\_\_, 2022.  
Approved by the City Council on:  
\_\_\_\_\_, 2022

**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 substantially all of the lots in Roger Hanks Park, a subdivision in Hays County, Texas located within the City Limits of the City of Dripping Springs (“City”), in Hays County, Texas, and as more particularly identified and described in *Exhibit “A”* (the “Property”) to *Attachment “A”*; and

**WHEREAS**, the Property is currently platted and it will be re-platted 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, its affiliates or their successors and assigns intends to develop a master-planned residential rental community that will include a mix of land uses, together with parkland and roadway connections described herein;

**WHEREAS**, the Property was zoned C-4 in 2004, which zoning classification was renamed to CS in 2006. Owner has submitted an application to the City to create a Planned Development District (“PDD”) covering the Property, designating it “PDD –”; and

**WHEREAS**, after public notice, the Planning and Zoning Commission conducted a public hearing and recommended approval on \_\_\_\_\_, 2022; 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, the PD Master Plan, for Roger Hanks Park 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, viewscales, and wildlife habitats; 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;

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

**WHEREAS,** the Ordinance has been subject to public notices and public hearings and has been reviewed and approved by the City’s Planning and Zoning Commission.

**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 –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 – .
- B. Zoning Map Amended.** The official zoning map of the City is hereby amended to demarcate the boundaries of PDD –consistently with the boundaries of the Property delineated in the Property Legal Description, *Exhibit “A”* 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 zoning regulations 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. If this Ordinance and the PD Master Plan conflict, this Ordinance controls. This approval shall not be interpreted as approval of a variance, utility sources, or other site plan or plat requirements without specific reference in the ordinance or variance chart, or in future approvals.
- 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 slight adjustments to the internal street and drive alignments in accordance in Section 2.5.2 Roadway Alignments; orientation of buildings within the residential sections of the development; and adjustments that do not result in overall increases to traffic, density, or impervious cover or a decrease in parkland, trails, or open space in excess of two acres, and that otherwise comply with the Applicable Rules. The City Administrator may approve minor modifications in writing following consultation with the Development Review Committee. City Administrator may refer a dispute concerning a Minor Change to the Planning and Zoning Commission for recommendation and the City Council for final approval including the question of whether a change is a minor modification.

- 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. and Zoning Map

|                  |  |
|------------------|--|
| <b>Exhibit A</b> | <b>Property Legal Description</b>        |
| <b>Exhibit B</b> | <b>PD Master Plan</b>                    |
| <b>Exhibit C</b> | <b>Parks, Trails and Open Space Plan</b> |
| <b>Exhibit D</b> | <b>PD Code Modifications Chart</b>       |
| <b>Exhibit E</b> | <b>PD Street Standards</b>               |
| <b>Exhibit F</b> | <b>Water Quality Buffer Zones</b>        |
| <b>Exhibit G</b> | <b>PD Uses Chart</b>                     |
| <b>Exhibit H</b> | <b>Transportation Plan</b>               |
| <b>Exhibit I</b> | <b>CSP Grading</b>                       |

**3. 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.

**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 \_\_\_\_ day of \_\_\_\_\_, 2022 by a vote of \_\_\_ (ayes) to (nays) to \_\_\_(abstentions) of the City Council of Dripping Springs.

**CITY OF DRIPPING SPRINGS:**

by: \_\_\_\_\_  
Bill Foulds, Mayor

**ATTEST:**

\_\_\_\_\_  
Andrea Cunningham, City Secretary

## *Attachment “A”*

# City of Dripping Springs

## CODE OF ORDINANCES

### ARTICLE 30.03: PLANNED DEVELOPMENT DISTRICTS

#### PLANNED DEVELOPMENT DISTRICT NO. :

##### ARTICLE I. GENERAL PROVISIONS

- 1.1. **Popular Name.** This Chapter shall be commonly cited as the “PDD –Ordinance”, also referred to as “this Ordinance” herein.
- 1.2. **Scope.** This Ordinance applies to the Property.
- 1.3. **PD Master Plan.** The PD Master Plan has been approved by the City and shall guide permitting, development, and use of the Property, as more particularly described in Exhibit “A”.
- 1.4. **Definitions.** Words and terms used herein shall have their usual meaning except as they may be specifically defined herein, or, if capitalized and not defined herein, as defined in the Code (hereinafter defined):

**City:** The City of Dripping Springs, an incorporated Type A, general-law municipality located in Hays County, Texas.

**City Administrator or Administrator:** The chief administrative officer of the City of Dripping Springs, Texas. The term also includes the Deputy City Administrator and City Administrator’s designee.

**City Council:** The governing body of the City of Dripping Springs, Texas.

**City Engineer:** The person or firm designated by the City Council as the engineer for the City of Dripping Springs, Texas.

**Code, City’s Code of Ordinances or City of Dripping Springs Code of Ordinances:** The entirety of the City’s ordinances, regulations and official policies in effect at the time of the Effective Date except as modified by the Project Approvals and variances granted

under this Ordinance. This term does not include Building Codes, Sign Ordinance, the Water Quality Protection Ordinance, Lighting Ordinance, Base Zoning District and Zoning Regulations, Subdivision Ordinance, Site Development Ordinance, or regulations mandated by state law, or that are necessary to prevent imminent harm to human safety or property, which may be modified and made applicable to the Project even after the Effective Date.

**Dripping Springs Technical Criteria:** The criteria adopted in Article 28.07 of the City of Dripping Springs Code of Ordinances that includes technical criteria standard specifications and adopted in Ordinance 2019-39 and as modified.

**Dwellings and Dwelling Site:** The Project will be composed of up to 240 single family rental Dwellings. Some Dwellings will be detached, some will be attached. Each Dwelling Site shall be composed of either (i) a single Dwelling in the case of a detached Dwelling or (ii) multiple Dwellings in the case of attached Dwellings. A Dwelling Site shall have no more than 6 attached Dwellings.

**Effective Date:** The Effective Date of this Ordinance shall be the date of approval by the City Council and publication as required by law.

**Impervious Cover:** Buildings, parking areas, roads, and other impermeable man-made improvements covering the natural land surface that prevent infiltration as determined by City Engineer. For purposes of compliance with this document, the term expressly excludes storage tanks for rainwater collection systems.

**Impervious Cover Percentage:** The percentage calculated by dividing the total acres of impervious cover on the Property by the total number of acres included in the Property.

**Landscaping Ordinance:** Landscaping and Tree Preservation ordinance provisions in the Subdivisions and Site Development Codes of the City of Dripping Springs Code of Ordinances at the time of the Effective Date.

**Outdoor Lighting Ordinance:** Article 24.06, Outdoor Lighting, of Chapter 24 of the City of Dripping Springs Code of Ordinances at the time of applicable permit application submitted.

**Owner:** **DS Propco Owner LP, a Delaware Limited Partnership**, and its successors and assigns as subsequent owners of any portion of the Property.

**Parks, Trails and Open Space Plan:** As incorporated herein as *Exhibit C*.

**Project:** A land use and development endeavor proposed to be performed on the Property, as provided by this Ordinance and generally depicted on the PD Master Plan on *Exhibit B*.

**Project Approvals:** The approvals, waivers, and exceptions to the Applicable Rules approved by the City with respect to the development of the Property, as set forth on *Exhibit D*".

**Property:** The land as more particularly described in *Exhibit “A”*.

**TCEQ:** The Texas Commission on Environmental Quality, or its successor agency.

**TIA:** Traffic Impact Analysis, as specified in Chapter 28, Article 28.02: Exhibit A-Subdivision Ordinance, Section 11.11 of the Dripping Springs Code of Ordinances.

**TxDOT:** The Texas Department of Transportation or its successor agency.

**Water Quality Protection Ordinance:** Article 22.05 of Chapter 22, General Regulations of the Code.

## 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 Code of Ordinances.

**2.2. Permitted Uses.**

**2.2.1 Base Zoning:** The base zoning district for the Property shall be CS that was in effect in 2006, which shall be the basis for all zoning specifications not addressed in this Ordinance or the PD Master Plan. The base zoning district uses have been modified by this PDD.

**2.2.2 Allowed Uses:** Those uses listed in the PD Uses Chart attached as *Exhibit G* are hereby permitted by right within the Project.

**2.3. Design Specifications:**

**2.3.1 Minimum Lot Area:** 1,815 square feet per dwelling unit, not to exceed 24 dwelling units per acre, calculated on gross residential acreage/ Commercial portion shall comply with CS zoning.

**2.3.2 Building Height.** 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.

**2.3.3 Minimum Dwelling Site Width:**

**a. Detached Dwelling Site:** 20 feet measured across the front building facade.

**b. Attached Dwelling Site:** 20 feet measured across the front building façade and multiplied by the number of dwellings within the attached Dwelling



Site.

**2.3.4 Residential Setbacks.** Building setbacks shall be as follows:

- a. Minimum Front Yard:** Building setbacks shall be fifteen (15) feet from the street right of way.
- b. Minimum Side Yard:** Building setbacks shall be fifteen (15) feet from perimeter lot lines.
- c. Minimum Rear Yard:** Building setbacks shall be ten (10) feet from perimeter lot lines.
- d. Maximum Height of Fence within front Street Yard:** Six (6) feet along Roger Hanks Parkway, Lake Lucy Loop, and Hamilton Crossing.
- f. Maximum Height of Fence Outside Street Yard:** Six (6) feet; provided, however, Dwelling Sites that are contiguous to the boundaries of the Property may have an six (6) foot maximum height of fence outside street yard. In addition, fences are permitted within side and rear yards.

**2.3.5 Building Separation.** Minimum building separations front to rear and rear to rear shall be fifteen (15) feet within which residential patios, flatwork, and fences may be placed. Minimum building separations side to side shall be ten (10) feet within which residential patios, flatwork, and fences may be placed. Roof eaves may extend into minimum building separations two (2) feet.

**2.3.6 Cut & Fill.** Cut and fill in excess of six (6) feet and up to twelve (12) shall be permitted in general conformance with the conceptual grading plan attached as Exhibit I. Cut and fill for building foundations and SWM / WQ ponds may exceed twelve (12) where required. To be allowable, the City Engineer must first review and approve the structural stability, the aesthetics, and the erosion prevention techniques to be utilized for all cuts and fills exceeding six feet (6') of depth.

**2.3.7 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.

**2.3.8 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.
- f. 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.

**2.3.9 Density of Development:** With respect to the density of the Project, Owner will have the right to develop the Land at a density not to exceed 240 Dwellings.

**2.3.10 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"* attached hereto and incorporated herein for all purposes (the "Parkland"). Owner has prepared a Parks, Trails and Open Space Plan which has been approved by City.

**2.3.11 Landscape and Site Design.**

- a. **Pedestrian Amenities.** Pedestrian amenities will be incorporated into the community to serve residents on-site. Amenities will include a central linear park for passive recreation connected to club amenity, barbecue grills, pocket parks, walking paths, bike racks, trash receptables, benches and seating.
- b. **Signage.** Any architectural signage elements or treatments, whether integral to the building or freestanding, shall be designed to be consistent with the building architecture and the Hill Country environment, and shall be communicative, appropriately scaled, and not garish. All signage shall comply with the City Code of Ordinances unless otherwise approved through variance approvals or a Master Sign Plan.
- c. **Parking Lot & Street Trees.** The number of required residential street trees shall be 1 3 inch caliper size tree per dwelling unit. Parking lot trees may count toward the number of required trees per residential unit on-site.
- d. **Landscape Buffer.** The project's landscape buffer shall be located on both sides of Roger Hanks Parkway only. The landscape buffer width shall be twenty-five (25) feet and measured from the edge of pavement.
- e. **Building Equipment.** Ground floor HVAC equipment shall be reasonably screened from public ROW using privacy fences or vegetative living screens as effective methods.

**2.4 Parks, Trails and Open Space.** Parkland and open space and associated improvements shall be in accordance the standards shown on *Exhibit "C"* attached hereto. A Master Parks and Trails Plan shall be submitted to the City for approval prior to approval of the re-plat for the Project. The Master Parks and Trails Plan shall address all issues regarding public dedication, public access, and maintenance.

**2.5 Access.**

**2.5.1 Traffic Impact Analysis.** Owner has provided to the City, and the City has approved a Traffic Impact Analysis.

**2.5.2 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.

**2.5.3 Street Standards:** The standards for the various street widths and related landscaping and walkways are depicted on **Exhibit E**.

**2.6 Utilities.** All proposed utilities within the Property will be located underground (other than above-ground appurtenances to such underground utilities) . All other issues related to utilities shall be finalized by separate agreement.

**2.7 Lighting and Signage.** All illumination for street lighting, signage, security, exterior, landscaping, and decorative facilities for the Project shall comply with Article 24.06 of the City’s Code of Ordinances (“Outdoor Lighting Ordinance”), as may be amended, from time to time. To the extent any portion of this Ordinance conflicts or is inconsistent with the Outdoor Lighting Ordinance, the Outdoor Lighting Ordinance shall control without variance approval. Owner, homeowners, end users and/or a Property Owner Association will be required to operate and maintain the lighting within the Project according to the Applicable Rules. A Master Sign Plan or variance application shall be submitted for City approval prior to the placement of any signs that are not in compliance with either (i) the City’s Sign Ordinance or (ii) the variances described in the PD Modifications Chart attached hereto as **Exhibit D**.

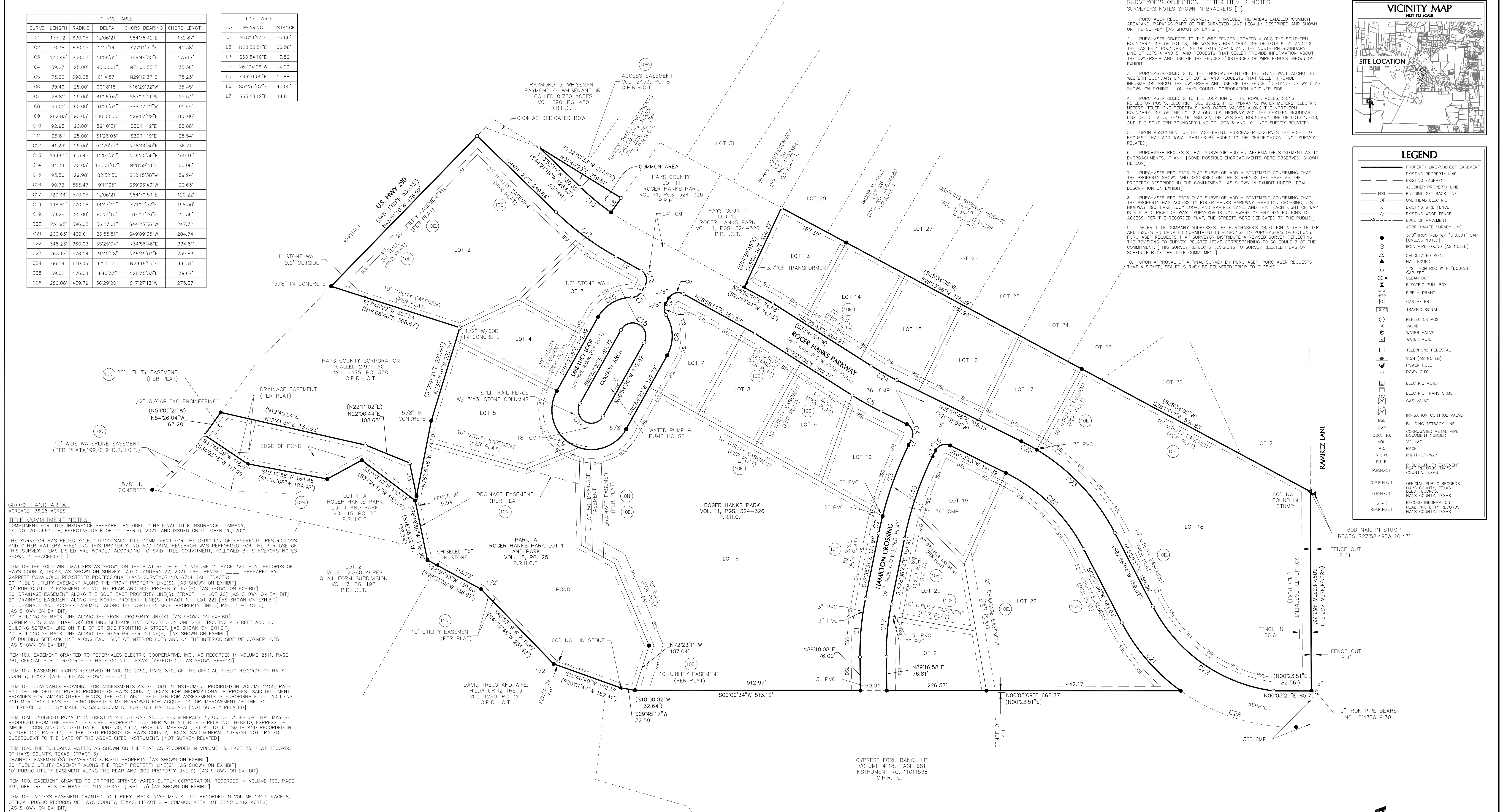
**2.8 Tree Preservation:** Landscaping Ordinance: Article 28.06, Landscaping and Tree Preservation, of Chapter 28, Subdivisions and Site Development of the City of Dripping Springs City Code shall apply to the project except as modified by this Agreement. Full tree survey to be submitted with each plat application.

**2.8.1 Tree Replacement Plan:** The Tree Replacement Plan shall be in accordance to the City of Dripping Springs Code of Ordinances – Chapter 28, Article 28.06 Landscaping and Tree Preservation.

**2.9 Water Quality:** Owner agrees to implement and comply with the City’s Water Quality Protection Ordinance in place on the Effective Date except as modified by this Agreement in Exhibit D and elsewhere.

| CURVE | LENGTH | RADIUS | DELTA      | CHORD BEARING | CHORD LENGTH |
|-------|--------|--------|------------|---------------|--------------|
| C1    | 133.12 | 630.05 | 12'06"21"  | S84°38'42"E   | 132.87       |
| C2    | 40.38  | 830.07 | 2'47"14"   | S77°11'54"E   | 40.38        |
| C3    | 173.49 | 830.07 | 11°58'31"  | S69°48'30"E   | 173.17       |
| C4    | 39.27  | 25.00  | 90°00'01"  | N71°08'55"E   | 35.36        |
| C5    | 75.26  | 690.05 | 6'14'57"   | N29°19'37"E   | 75.23        |
| C6    | 39.40  | 25.00  | 90°18'18"  | N16°29'32"W   | 35.45        |
| C7    | 26.81  | 25.00  | 61°26'03"  | S87°29'11"W   | 25.54        |
| C8    | 96.51  | 90.00  | 61°26'34"  | S88°37'12"W   | 91.96        |
| C9    | 282.83 | 90.03  | 180°00'00" | N29°03'29"E   | 180.08       |
| C10   | 92.95  | 90.00  | 59°10'31"  | S30°11'19"E   | 88.88        |
| C11   | 26.81  | 25.00  | 61°26'03"  | S30°11'19"E   | 25.54        |
| C12   | 41.23  | 25.00  | 94°29'44"  | N78°44'30"E   | 36.71        |
| C13   | 169.65 | 645.47 | 15°03'32"  | N36°30'36"E   | 169.16       |
| C14   | 94.34  | 30.03  | 180°01'07" | N28°59'41"E   | 60.06        |
| C15   | 95.50  | 29.98  | 182°32'50" | S28°15'38"W   | 59.94        |
| C16   | 90.73  | 565.47 | 9°11'35"   | S39°33'43"W   | 90.63        |
| C17   | 120.44 | 570.05 | 12°06'21"  | S84°39'54"E   | 120.22       |
| C18   | 198.85 | 770.06 | 14°47'42"  | S71°12'52"E   | 198.30       |
| C19   | 39.28  | 25.00  | 90°01'16"  | S18°51'26"E   | 35.36        |
| C20   | 251.95 | 396.03 | 36°27'01"  | S44°23'36"W   | 247.72       |
| C21   | 206.63 | 439.61 | 26°55'51"  | S49°09'35"W   | 204.74       |
| C22   | 348.23 | 360.03 | 55°25'04"  | N34°56'46"E   | 334.81       |
| C23   | 263.17 | 476.04 | 31°40'28"  | N46°49'04"E   | 259.83       |
| C24   | 66.54  | 610.05 | 61°45'57"  | N29°18'15"E   | 66.51        |
| C25   | 39.68  | 476.04 | 4°46'33"   | N28°35'33"E   | 39.67        |
| C26   | 280.08 | 439.79 | 36°29'20"  | S17°27'13"W   | 275.37       |

| LINE | BEARING     | DISTANCE |
|------|-------------|----------|
| L1   | N78°11'17"E | 76.86    |
| L2   | N28°58'51"E | 66.58    |
| L3   | S60°54'10"E | 13.80    |
| L4   | N61°04'06"W | 14.09    |
| L5   | S63°51'05"E | 14.88    |
| L6   | S54°57'07"E | 40.05    |
| L7   | S63°48'12"E | 14.81    |



**GROSS LAND AREA:**  
ACREAGE: 36.28 ACRES

**TITLE COMMITMENT NOTES:**  
COMMITMENT FOR TITLE INSURANCE PREPARED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, GF. NO. 20-3663-CH, EFFECTIVE DATE OF OCTOBER 26, 2021.

THE SURVEYOR HAS RELIED SOLELY UPON SAID TITLE COMMITMENT FOR THE DEPICTION OF EASEMENTS, RESTRICTIONS AND OTHER MATTERS AFFECTING THIS PROPERTY. NO ADDITIONAL RESEARCH WAS PERFORMED FOR THE PURPOSE OF THIS SURVEY. ITEMS LISTED ARE WORDED ACCORDING TO SAID TITLE COMMITMENT, FOLLOWED BY SURVEYOR'S NOTES SHOWN IN BRACKETS [ ]

ITEM 10E. THE FOLLOWING MATTERS AS SHOWN ON THE PLAT RECORDED IN VOLUME 11, PAGE 324, PLAT RECORDS OF HAYS COUNTY, TEXAS, AS SHOWN ON SURVEY DATED JANUARY 22, 2021, LAST REVISED [ ] PREPARED BY GARRETT CAVALLO, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6714, (ALL TRACTS)  
 20' PUBLIC UTILITY EASEMENT ALONG THE FRONT PROPERTY LINE(S). [AS SHOWN ON EXHIBIT]  
 10' PUBLIC UTILITY EASEMENT ALONG THE REAR AND SIDE PROPERTY LINE(S). [AS SHOWN ON EXHIBIT]  
 20' DRAINAGE EASEMENT ALONG THE SOUTHEAST PROPERTY LINE(S). (TRACT 1 - LOT 20) [AS SHOWN ON EXHIBIT]  
 20' DRAINAGE EASEMENT ALONG THE NORTH PROPERTY LINE(S). (TRACT 1 - LOT 22) [AS SHOWN ON EXHIBIT]  
 50' DRAINAGE AND ACCESS EASEMENT ALONG THE NORTHERN MOST PROPERTY LINE. (TRACT 1 - LOT 6) [AS SHOWN ON EXHIBIT]  
 30' BUILDING SETBACK LINE ALONG THE FRONT PROPERTY LINE(S). [AS SHOWN ON EXHIBIT]  
 CORNER LOTS SHALL HAVE 30' BUILDING SETBACK LINE REQUIRED ON ONE SIDE FRONTING A STREET AND 20' BUILDING SETBACK LINE ON THE OTHER SIDE FRONTING A STREET. [AS SHOWN ON EXHIBIT]  
 30' BUILDING SETBACK LINE ALONG THE REAR PROPERTY LINE(S). [AS SHOWN ON EXHIBIT]  
 10' BUILDING SETBACK LINE ALONG EACH SIDE OF INTERIOR LOTS AND ON THE INTERIOR SIDE OF CORNER LOTS [AS SHOWN ON EXHIBIT]

ITEM 10J. EASEMENT GRANTED TO PEDERNALES ELECTRIC COOPERATIVE, INC., AS RECORDED IN VOLUME 2511, PAGE 361, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS. [AFFECTED - AS SHOWN HEREON]

ITEM 10K. EASEMENT RIGHTS RESERVED IN VOLUME 2452, PAGE 870, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS. [AFFECTED AS SHOWN HEREON]

ITEM 10L. COVENANTS PROVIDING FOR ASSESSMENTS AS SET OUT IN INSTRUMENT RECORDED IN VOLUME 2452, PAGE 870, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, FOR INFORMATIONAL PURPOSE SAID DOCUMENT PROVIDES FOR, AMONG OTHER THINGS, THE FOLLOWING: SAID LIEN FOR ASSESSMENTS IS SUBORDINATE TO TAX LIENS AND MORTGAGE LIENS SECURED UNPAID SUMS BORROWED FOR ACQUISITION OR IMPROVEMENT OF THE LOT. REFERENCE IS HEREBY MADE TO SAID DOCUMENT FOR FULL PARTICULARS [NOT SURVEY RELATED]

ITEM 10M. UNDIVIDED ROYALTY INTEREST IN ALL OIL GAS AND OTHER MINERALS IN, ON OR UNDER OR THAT MAY BE PRODUCED FROM THE HEREIN DESCRIBED PROPERTY, TOGETHER WITH ALL RIGHTS RELATING THERETO, EXPRESS OR IMPLIED, CONTAINED IN DEED DATED JUNE 30, 1942, FROM J.A. MARGALL, ET AL TO J.L. SMITH AND RECORDED IN VOLUME 125, PAGE 61, OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, SAID MINERAL INTEREST NOT TRADED SUBSEQUENT TO THE DATE OF THE ABOVE CITED INSTRUMENT. [NOT SURVEY RELATED]

ITEM 10N. THE FOLLOWING MATTER AS SHOWN ON THE PLAT AS RECORDED IN VOLUME 15, PAGE 25, PLAT RECORDS OF HAYS COUNTY, TEXAS. (TRACT 3)  
 DRAINAGE EASEMENT(S) TRAVERSING SUBJECT PROPERTY. [AS SHOWN ON EXHIBIT]  
 20' PUBLIC UTILITY EASEMENT ALONG THE FRONT PROPERTY LINE(S). [AS SHOWN ON EXHIBIT]  
 10' PUBLIC UTILITY EASEMENT ALONG THE REAR AND SIDE PROPERTY LINE(S). [AS SHOWN ON EXHIBIT]

ITEM 10O. EASEMENT GRANTED TO DRIPPING SPRINGS WATER SUPPLY CORPORATION, RECORDED IN VOLUME 199, PAGE 619, DEED RECORDS OF HAYS COUNTY, TEXAS. (TRACT 3) [AS SHOWN ON EXHIBIT]

ITEM 10P. ACCESS EASEMENT GRANTED TO TURKEY TRACK INVESTMENTS, LLC, RECORDED IN VOLUME 2453, PAGE 8, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS. (TRACT 2 - COMMON AREA LOT BEING 0.112 ACRES) [AS SHOWN ON EXHIBIT]

**LEGAL DESCRIPTION:**  
 TRACT 1: LOTS 2-10 AND LOTS 13-22, ROGER HANKS PARK, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 11, PAGE 324, PLAT RECORDS, HAYS COUNTY, TEXAS.  
 TRACT 2: COMMON AREA LOT BEING 0.330 ACRES, AND COMMON AREA LOT BEING 0.112 ACRES, ROGER HANKS PARK, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 11, PAGE 324, PLAT RECORDS, HAYS COUNTY, TEXAS.  
 TRACT 3: LOT PARK-A, AMENDED PLAT OF LOT 1 AND PARK, ROGER HANKS PARK, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 15, PAGE 25, PLAT RECORDS, HAYS COUNTY, TEXAS.

**CONTROL NOTE:**  
 BASIS OF BEARING IS THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM 1983 (NAD83), 2011 ADJUSTMENT (EPOCH 2010). ALL COORDINATE VALUES AND DISTANCES SHOWN ARE GRID VALUES  
 UNITS: US SURVEY FEET.

**FLOODPLAIN NOTE:**  
 THIS PROPERTY IS LOCATED WITHIN UNSHADED ZONE "X", AREA OF MINIMAL FLOOD HAZARD, AS SHOWN ON F.I.M. PANEL NO. 4829C0105F, HAYS COUNTY, TEXAS DATED SEPTEMBER 2, 2005.

THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

**ALTA/NSPS CERTIFICATION:**  
 TO: DS PROPCO OWNER LP, A DELAWARE LIMITED PARTNERSHIP, FIDELITY NATIONAL TITLE INSURANCE COMPANY; HAYS COUNTY COMPLETION, LLC; NEWGROWTH ENTERPRISES, LLC

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1-4, 7A, 8, 9, 13, AND 14 OF TABLE A THEREOF.

CHRISTOPHER W. TERRY  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 TEXAS REGISTRATION NO. 6649  
 DOUCET & ASSOCIATES, INC.  
 CTERRY@DOUCETENGINEERS.COM

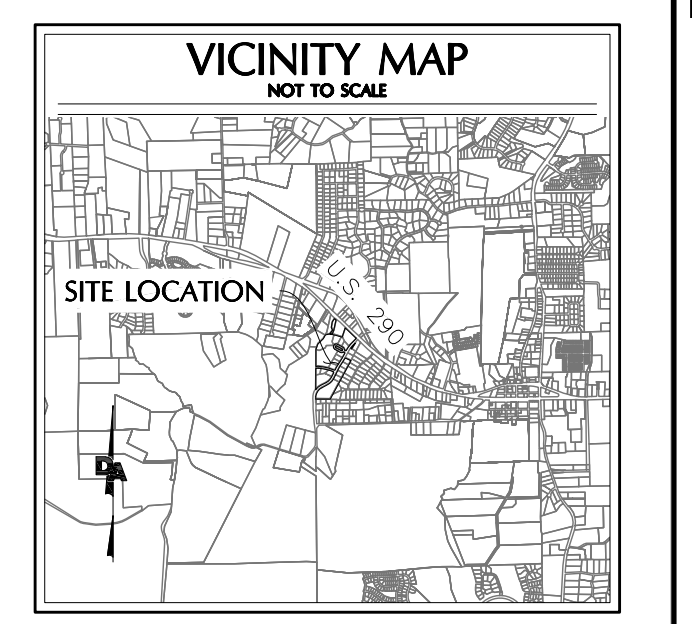
10/27/2021 DATE



**ALTA/NSPS TITLE SURVEY OF LOTS 2-10 & 13-22,  
 PARK-A, AND COMMON AREAS  
 ROGER HANKS PARK  
 CITY OF DRIPPING SPRINGS, HAYS COUNTY, TEXAS**

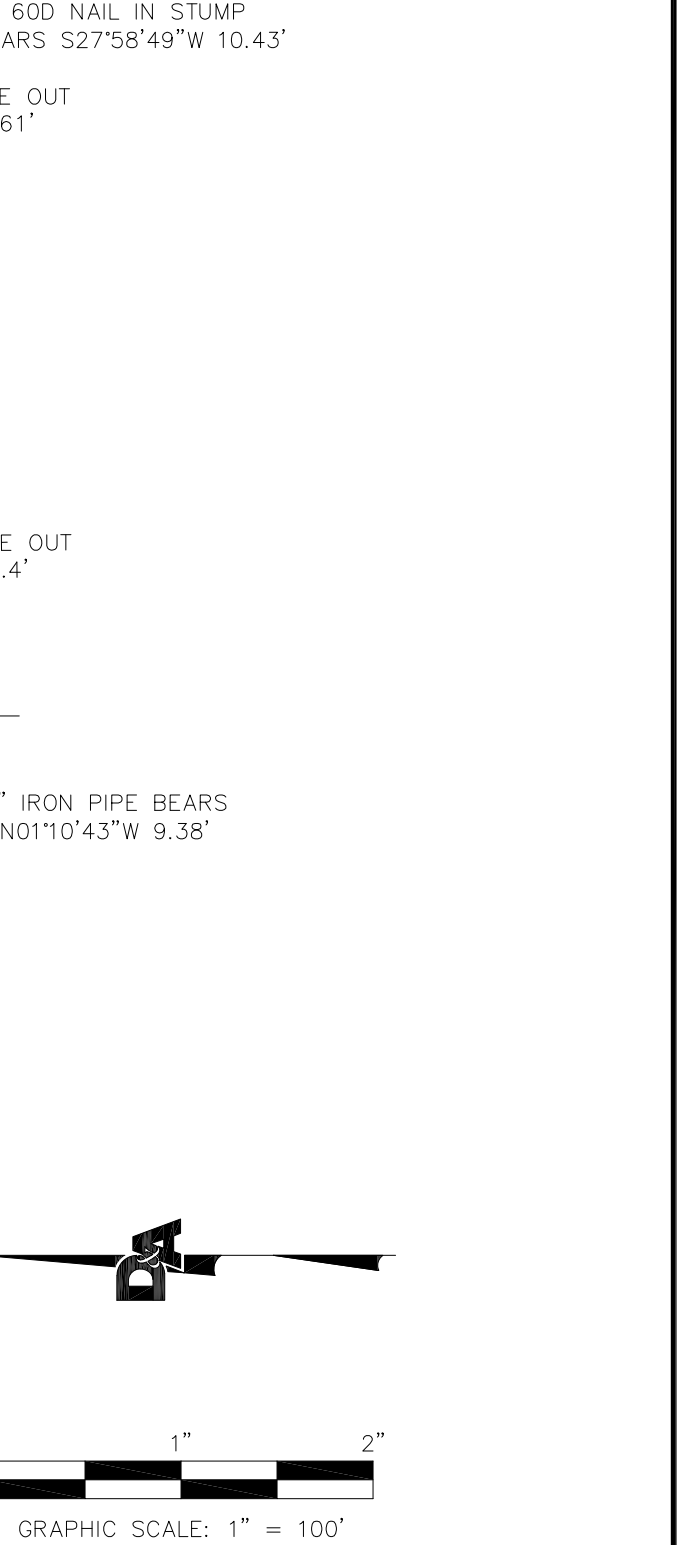
**SURVEYOR'S OBJECTION LETTER ITEM B NOTES:**  
 SURVEYOR'S NOTES SHOWN IN BRACKETS [ ]

- PURCHASER REQUESTS SURVEYOR TO INCLUDE THE AREAS LABELED "COMMON AREA" AND "PARK-A" AS PART OF THE SURVEYED LAND LEGALLY DESCRIBED AND SHOWN ON THE SURVEY. [AS SHOWN ON EXHIBIT]
- PURCHASER OBJECTS TO THE WIRE FENCES LOCATED ALONG THE SOUTHERN BOUNDARY LINE OF LOT 18, THE WESTERN BOUNDARY LINE OF LOTS 6, 21 AND 22, THE EASTERN BOUNDARY LINE OF LOTS 13-18, AND THE NORTHERN BOUNDARY LINE OF LOTS 4 AND 5, AND REQUESTS THAT SELLER PROVIDE INFORMATION ABOUT THE OWNERSHIP AND USE OF THE FENCES. [DISTANCES OF WIRE FENCES SHOWN ON EXHIBIT]
- PURCHASER OBJECTS TO THE ENCROACHMENT OF THE STONE WALL ALONG THE WESTERN BOUNDARY LINE OF LOT 2, AND REQUESTS THAT SELLER PROVIDE INFORMATION ABOUT THE OWNERSHIP AND USE OF THE FENCE. [DISTANCE OF WALL AS SHOWN ON EXHIBIT - ON HAYS COUNTY CORPORATION ADJONER SIDE]
- PURCHASER OBJECTS TO THE LOCATION OF THE POWER POLES, SIGNS, REFLECTOR POSTS, ELECTRIC PULL BOXES, FIRE HYDRANTS, WATER METERS, ELECTRIC METERS, TELEPHONE PEDESTALS, AND WATER VALVES ALONG THE NORTHERN BOUNDARY LINE OF LOT 2, 3, 7-10, 19, AND 22, THE WESTERN BOUNDARY LINE OF LOTS 13-18, AND THE SOUTHERN BOUNDARY LINE OF LOTS 6 AND 10. [NOT SURVEY RELATED]
- UPON ASSIGNMENT OF THE AGREEMENT, PURCHASER RESERVES THE RIGHT TO REQUEST THAT ADDITIONAL PARTIES BE ADDED TO THE CERTIFICATION. [NOT SURVEY RELATED]
- PURCHASER REQUESTS THAT SURVEYOR ADD AN AFFIRMATIVE STATEMENT AS TO ENCROACHMENTS, IF ANY. [SAME POSSIBLE ENCROACHMENTS WERE OBSERVED, SHOWN HEREON]
- PURCHASER REQUESTS THAT SURVEYOR ADD A STATEMENT CONFIRMING THAT THE PROPERTY SHOWN AND DESCRIBED ON THE SURVEY IS THE SAME AS THE PROPERTY DESCRIBED IN THE COMMITMENT. [AS SHOWN IN EXHIBIT UNDER LEGAL DESCRIPTION ON EXHIBIT]
- PURCHASER REQUESTS THAT SURVEYOR ADD A STATEMENT CONFIRMING THAT THE PROPERTY HAS ACCESS TO ROGER HANKS PARKWAY, HAMILTON CROSSING, U.S. HIGHWAY 290, LAKE LUCKY LOOP, AND RAMIREZ LANE, AND THAT EACH RIGHT OF WAY IS A PUBLIC RIGHT OF WAY. [SURVEYOR IS NOT AWARE OF ANY RESTRICTIONS TO ACCESS, PER THE RECORDED PLAT, THE STREETS WERE DEDICATED TO THE PUBLIC.]
- AFTER TITLE COMPANY ADDRESSES THE PURCHASER'S OBJECTION IN THIS LETTER AND ISSUES AN UPDATED COMMITMENT IN RESPONSE TO PURCHASER'S OBJECTION, PURCHASER REQUESTS THAT SURVEYOR DISTRIBUTE A REVISED SURVEY REFLECTING THE REVISIONS TO SURVEY-RELATED ITEMS CORRESPONDING TO SCHEDULE B OF THE COMMITMENT. [THIS SURVEY REFLECTS REVISIONS TO SURVEY RELATED ITEMS ON SCHEDULE B OF THE TITLE COMMITMENT]
- UPON APPROVAL OF A FINAL SURVEY BY PURCHASER, PURCHASER REQUESTS THAT A SIGNED, SEALED SURVEY BE DELIVERED PRIOR TO CLOSING.



**LEGEND**



- PROPERTY LINE/SUBJECT EASEMENT
- EXISTING SURVEY LINE
- EXISTING EASEMENT
- ADJONER SURVEY LINE
- B.S.L. BUILDING SET BACK LINE
- OE OVERHEAD ELECTRIC
- X EXISTING WIRE FENCE
- EXISTING WOOD FENCE
- EDGE OF PAVEMENT
- APPROXIMATE SURVEY LINE
- 5/8" IRON ROD W/ "STAUDT" CAP [UNLESS NOTED]
- CALCULATED POINT
- ▲ NAIL FOUND
- 1/2" IRON ROD WITH "DOUCET" CAP SET
- CLEAN OUT
- ELECTRIC PULL BOX
- FIRE HYDRANT
- GAS METER
- TRAFFIC SIGNAL
- REFLECTOR POST
- VALVE
- WATER VALVE
- WATER METER
- TELEPHONE PEDESTAL
- SIGN [AS NOTED]
- POWER POLE
- DOWN GUY
- ELECTRIC METER
- ELECTRIC TRANSFORMER
- GAS VALVE
- IRRIGATION CONTROL VALVE
- BUILDING SETBACK LINE
- CORRUGATED METAL PIPE
- DOCUMENT NUMBER
- VOLUME
- PAGE
- R.O.W.
- RIGHT-OF-WAY
- PUBLIC UTILITY EASEMENT
- HAYS COUNTY, TEXAS
- O.P.R.H.C.T.
- OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS
- DEED RECORDS, HAYS COUNTY, TEXAS
- REAL PROPERTY RECORDS, HAYS COUNTY, TEXAS
- R.P.R.H.C.T.



**DA DOUCET & ASSOCIATES**  
 Civil Engineering - Planning - Geospatial  
 7401 B. Highway 71 W, Suite 160  
 Austin, Texas 78735, Phone: (512)-583-2600  
 www.doucetengineers.com  
 TPEI Firm No. 10105800  
 TPEI Firm No. F-9397

Date: 10/27/2021  
 Scale: 1" = 100'  
 Drawn by: PD  
 Reviewed: CT  
 Project: 2256-001  
 Sheet: 1 OF 1  
 Field Book: 534  
 Party Chief: ADM  
 Survey Date: 01/15/2021

**LEGEND**

-  1-STORY RESIDENTIAL
-  2-STORY RESIDENTIAL

**CONCEPTUAL PROJECT INFORMATION\***

TOTAL RESIDENTIAL AREA - 25.38 ACRES

RESIDENTIAL - 240 UNITS AT ± 9.50 DU/AC GROSS

- 1 BD DUET HOME - 1-STORY DUPLEX - 56 UNITS
- 2 BD COTTAGE HOME - 1-STORY ATTACHED GARAGE - 34 UNITS
- 2 BD COTTAGE HOME - 2-STORY ATTACHED GARAGE - 47 UNITS
- 3 BD COTTAGE HOME - 1-STORY ATTACHED GARAGE - 5 UNITS
- 3 BD COTTAGE HOME - 2-STORY ATTACHED GARAGE - 37 UNITS
- TOWNHOMES - 2-STORY ATTACHED GARAGE - 61 UNITS

\*PROJECT DETAILS ARE REPRESENTATIVE AND MAY CHANGE BASED ON FURTHER ANALYSIS DURING THE DESIGN PROCESS



SCALE 1" = 80'-0"

FOR ILLUSTRATIVE PURPOSES ONLY

**NEW GROWTH - ROGER HANKS PARK**  
 DRIPPING SPRINGS, TEXAS  
 Illustrative Site Plan

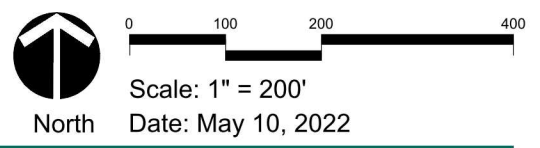




| PARKLAND SUMMARY   |                   |             |                         |
|--|-------------------|-------------|-------------------------|
| Residential  | 240 units         |             |                         |
| Commercial   | 5.8 A.C.          |             |                         |
| Required Parkland Area:  | 10.43 acres       | Calculation |                         |
| Parkland Credit Summary  | Area              |             | Dedication              |
| <b>Public Parkland</b>   |                   |             |                         |
| Dedicated Park Tract   | 4.89 acres        | 100% credit | 4.89 acres              |
| Public Open Space  | 1.28 acres        | 100% credit | 1.28 acres              |
| Amenity Pond   | 2.47 acres        | 100% credit | 2.47 acres              |
| <b>Total Public Parkland Dedicated:</b>                            | <b>8.64 acres</b> |             | <b>8.64 acres</b>       |
| <b>Private Parkland</b>  |                   |             |                         |
| Private Parkland   | 1.88 acres        | 100% credit | 1.88 acres              |
| Private Open Space   | 0.66 acres        | 0% credit   | 0.00 acres              |
| Non-Amenity Pond   | 0.54 acres        | 0% credit   | 0.00 acres              |
| <b>Total Private Parkland :</b>                                    | <b>3.08 acres</b> |             | <b>1.88 acres*</b>      |
| <b>Total Private &amp; Public Parkland Credits:</b>                |                   |             | <b>10.52 acres</b>      |
| <b>Required Parkland Dedication:</b>                               |                   |             | <b>10.43 acres</b>      |
| <b>Delta:</b>  |                   |             | <b>0.09 acres</b>       |
| <b>On-Site Amenity Improvements (Clubhouse, Pool Area, Trails)</b> |                   |             | <b>Over \$1,300,000</b> |
| Parkland Development Fee   | Units             | Calculation | Total Fee               |
| Total Required Fee   | 240               | \$648 / DU  | \$155,520               |
| 5' Sidewalks and Trails  | 10,690 lf         |             |                         |
| Roadside 10' Concrete Trail  | 1,973 lf          |             |                         |

\*Private Parks can count up to 25% of total required parkland acreage.

EXHIBIT C  
PARKLAND EXHIBIT  
**NEW GROWTH**  
DRIPPING SPRINGS, TEXAS





**New Growth at Roger Hanks Park**– Dripping Springs, Texas  
February 11, 2022

**PARKLAND AND OPEN SPACE CALCULATIONS**

**Property Overview**

New Growth at Roger Hanks Park is a planned mixed-use community located south of US 290 on Roger Hanks Parkway within the City of Dripping Springs. This property is known as the Roger Hanks Park subdivision, approved by all appropriate governmental authorities and utility providers and recorded on April 29, 2004. This project will be adopted under a PDD with all residential units being developed and leased as rental units. The Property is approximately 36.28 acres, and the Applicant is seeking City of Dripping Springs approval for the development of up to 240 residential rental units and a +/- 5.8 acre commercial tract.

New Growth provides parkland program elements for the benefit of its residents and the surrounding Dripping Springs community. 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. This drainage system ultimately feeds into Onion Creek to the south. The Property is covered with a mix of cedar (Ashe Juniper), live oak and cedar elm hardwoods.

The New Growth Parkland and Open Space Plan consists of a combination of private and public parkland and open space. The centerpiece of the public parkland component will be a 4.82 acre undisturbed open space lot dedicated to the City of Dripping Springs as public parkland. The Park meanders along the northwest portion of the property. It begins adjacent to US 290, follows a dry stream and a series of existing ponds that eventually flows offsite into Onion Creek. Five foot 5' wide concrete trails will be constructed for residents and visitors, allowing broad views of the native, undisturbed vegetation and wildlife attracted to the seasonal ponds.

Program elements to be constructed by the Applicant within the community include a private Clubhouse with exclusive amenities to be enjoyed by the residents. Additional Park elements will include open space areas with looped walking trails and preserved groves of shade trees. Benches and picnic tables will reside beneath the canopy for shaded seating. The Clubhouse and trail elements will help to reduce any potential burden the future residents of New Growth at Roger Hanks would otherwise place on existing City of Dripping Springs public amenity and trail facilities.

**Parkland Calculations**

Following is a summary of parkland improvements provided by New Growth:

**I. Parkland required by City of Dripping Springs' Code of Ordinances**

1. Required

- a. One (1) acre of parkland per 23 living unit equivalents (DU's), satisfied by cash or land dedication. Based on the maximum 240 residential units within the New Growth, a maximum of 10.43 acres of parkland credit shall be required.
- b. A Park Development Fee is required to be paid by the developer to meet the need for the active recreation parks. The fee is calculated by multiplying the number of dwelling units by \$648. The total required Parkland Development Fee for this project will be \$155,520 as shown on the submitted Parkland Exhibit.





**II. Proposed Parkland Program**

**1. Public Parks**

A total of 4.82 acres is being dedicated to the City as a contiguous park lot on the northwest side of the property. Within this park lot is an existing 0.6 acres seasonal wet pond which will remain undisturbed. An additional 1.67 acres of amenity ponds will be constructed in this quadrant, creating a combined 6.49 acres of contiguous open space for parkland credit on the northwest side of the site.

In addition to the parkland in the northwest portion of the property, The Parkland and Open Space Plan public open space corridors will include:

- **Roadside Trails**  
A ten foot (10') wide concrete roadside trail constructed within the public ROW along the west side of Roger Hanks Parkway which traverses the property north to south. The concrete trail will extend to the south of Highway 290 along the western edge of Roger Hanks Parkway and strengthen the connectivity of the City of Dripping Springs' public trails system.
- **Off-road Trails**  
Within the public parks and open spaces, five foot (5') wide concrete sidewalks and trails will be constructed to create connectivity between the open spaces and the parks system.
- **Amenity Ponds**  
A part of the public open spaces includes ponds, which will be constructed with earthen berms and trail connections with seating areas maximizing views of the open spaces and wildlife. These amenity ponds receiving parkland credit are additionally surrounded by public open space and/or parkland with trails.

**2. Private Parks and Open Spaces**

The New Growth Parkland and Open Space Plan includes a clubhouse amenity facility which will provide private improvements including, but not limited to the following:

**Exclusive Amenities:**

- 3,000 square foot Class A clubhouse amenity facility
- 1,500 square foot resort-style pool
- Community high-speed Wi-Fi
- Yoga/fitness rooms
- Barbecue grills/outdoor kitchen with ramada shade structure
- Indoor and outdoor lounge areas
- Central linear park for passive recreation connected to club amenity
- Pocket parks and walking paths
- Bike racks
- Benches and seating
- Electric car charging stations



In addition to private parkland, private open spaces will be distributed throughout the Community. Some portions of the open space will provide stormwater detention. Due to poor access and visibility from the public right-of-way and public park system, these ponds are not considered as amenity ponds and are not being counted toward the parkland dedication acreage.

**III. Parkland Calculation Summary**

Parkland Dedication Requirements: Based on parkland calculations required by the City of Dripping Springs Code, New Growth is required to provide 10.43 acres of total parkland.

Proposed Parkland Credit: As shown in the Parkland Open Space Plan, a total of 10.48 acres of public and private parkland credit shall be provided.

Total Residential Units: 240 units  
Parkland Requirement: 10.43 acres (1 AC / 23 DUs)

| <b>Parkland Credit Summary</b>                  | <b>Total Area</b> | <b>Credit</b> | <b>Dedication</b>  |
|---|-------------------|---------------|--------------------|
| Dedicated Park Tract                            | 4.82 acres        | 100% Credit   | 4.82 acres         |
| Public Open Space                               | 1.20 acres        | 100% Credit   | 1.20 acres         |
| Amenity Pond                                    | 2.61 acres        | 100% Credit   | 2.61 acres         |
| <b>Public Parkland Credit</b>                   | <b>8.63 acres</b> |               | <b>8.63 acres</b>  |
| Private Parkland                                | 1.85 acres        | 100% Credit   | 1.85 acres         |
| Private Open Space                              | 0.83 acres        | 0% Credit     | 0.00 acres         |
| Non-Amenity Pond                                | 0.54 acres        | 0% Credit     | 0.00 acres         |
| <b>Private Parkland Credit</b>                  | <b>3.13 acres</b> |               | <b>1.85 acres</b>  |
| <b>Total Private and Public Parkland Credit</b> |                   |               | <b>10.48 acres</b> |
| <b>Required Parkland Dedication</b>             |                   |               | <b>10.43 acres</b> |
| <b>Delta:</b>                                   |                   |               | <b>0.05 acres</b>  |

**IV. Maintenance**

All public and private open space and public and private parkland, including all constructed water quality ponds shall be maintained by the professional on-site property management staff. The public park tract on the northwest corner shall also be maintained by management staff through an access easement overlay (to be coordinated with the City). The management staff will be on site prior to any rental units being occupied. The costs required to maintain parks, open space trails, entry feature monuments, walls and public areas within the access easements will be covered and part of the on-site property management operating budget.

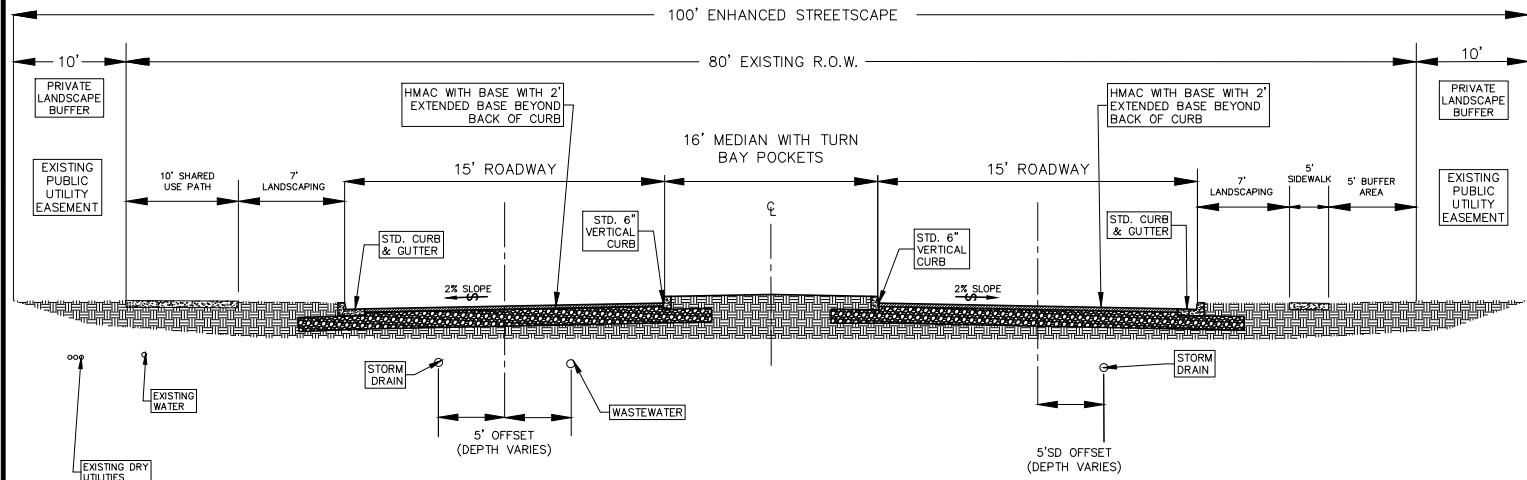


## V. Phasing

The residential portion of New Growth at Roger Hanks will be constructed without phasing, unless on-site wastewater treatment is required. The Clubhouse Amenity shall be constructed in conjunction with the first residential units which will relieve the use of the City's public facilities for the first families that move into the community.

| NEWGROWTH ROGER HANKS – LIST OF VARIANCES & ALTERNATIVE STANDARDS |                          |   |   |  |  |
|---|--------------------------|---|---|--|--|
| #   | Ordinance                | Description                                   | Requirement   | Requested Variance   | Justification  |
| <i>Chapter 22, Water Quality Protection</i>                       |                          |   |   |  |  |
| 1   | 22.05.015(c)(3)          | Performance standards                         | Establishes 90% removal of total suspended solids, total phosphorus, and oil and grease   | Use water quality BMPs that achieve a TSS removal of 89% and comply with the TCEQ Optional Enhanced Measures (OEM) load management requirements.   | Providing stream buffers per the TCEQ OEM that exceed the City of Dripping Springs water quality buffer requirements. Including the LCRA Streambank Erosion Control volume in the water quality pond to protect natural waterways and habitat. Will create better use of the land, less long-term maintenance burden, more attractive water quality measures, and consistent with State standards. |
| <i>Chapter 28, Subdivisions and Site Development</i>              |                          |   |   |  |  |
| 2   | (Exhibit A), 30.2        | Performance Guarantees                        | Required for public improvements  | The City of Dripping Springs will not require bonds to be issued to the City for public infrastructure owned and maintained by other jurisdictions. Owner will provide the City proof of performance bonds for infrastructure owned and maintained by other jurisdictions. Or the owner will provide the City with documentation that performance bonds are not required for infrastructure owned and maintained by other jurisdictions. | Performance standards will be provided to owner / user of public improvements if needed.   |
| 3   | Section 22.05.016 (d)(1) | Impervious Cover                              | Items not considered impervious cover: Existing roads adjacent to the development and not constructed as part of the development at an earlier phase; | Items not considered impervious cover: Existing road sections adjacent to and within the development as it exists before acceptance of this PDD. Any additional impervious cover that is required outside of the existing road section will be counted as new impervious cover only.   | Allow for more enhanced green spaces by minimizing the footprint of water quality controls.  |
| <i>Roadway Standards</i>  |                          |   |   |  |  |
| 4   | CODS TCSS Section 2.2.1  | Design Criteria for Transportation Facilities | Hays County Subdivision and Development Regulations, latest version   | City of Austin Transportation Criteria Manual (TCM), as currently amended, or as otherwise specified by the City TMP.  | Hays County criteria based on large rural subdivisions with higher design speeds. City of Austin TCM is better suited for urban subdivisions with slower design speeds.  |
| 5   | Section 9.2.2(a)(1)      | Side slopes on swales                         | No steeper than 1 vertical to 6 horizontal  | No steeper than 1 vertical to 3 horizontal   | Complies with City of Austin, Drainage Criteria Manual 6.4.1.D   |

Item 2.



**80' R.O.W. ROGER HANKS PARKWAY**  
**TYPICAL SECTION**  
**2 LANE MINOR ARTERIAL**  
**N.T.S.**

|           |          |
|-----------|----------|
| Scale:    | NTS      |
| Designed: | JH       |
| Drawn:    | JBB      |
| Reviewed: | JG       |
| Date:     | 5/5/2022 |

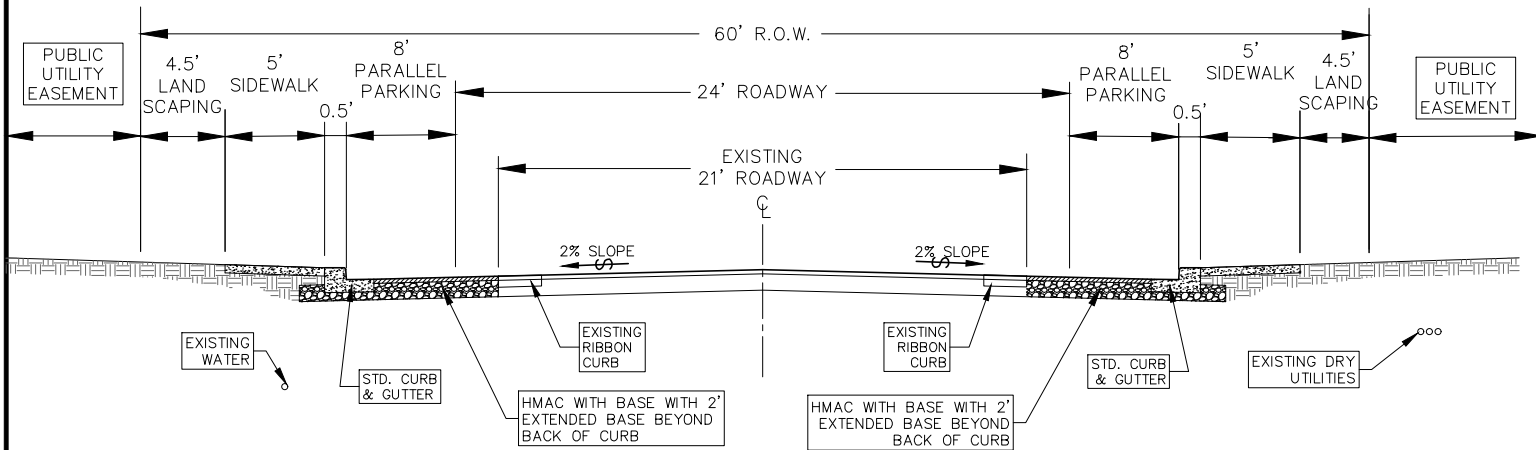
SHEET  
**1**  
 OF 4  
 Project No:  
 2256-001

**NewGrowth**  
 DRIPPING SPRINGS, TEXAS

TYPICAL ROAD  
 CROSS SECTION - 80' ROW  
 ROGER HANKS PARKWAY

**DA DOUCET & ASSOCIATES**  
 Civil Engineering - Entitlements - Surveying/Mapping  
 7401 B. Highway 71 W, Suite 160  
 Austin, Texas 78735, Phone: (512)-583-2600  
 www.doucetengineers.com  
 Firm Registration Number: 3937

Item 2.



**60' R.O.W. HAMILTON CROSSING**  
**TYPICAL SECTION**  
**2 LANE RESIDENTIAL COLLECTOR**  
**N.T.S.**

|           |          |
|-----------|----------|
| Scale:    | NTS      |
| Designed: | JH       |
| Drawn:    | JBB      |
| Reviewed: | RWP      |
| Date:     | 5/5/2022 |

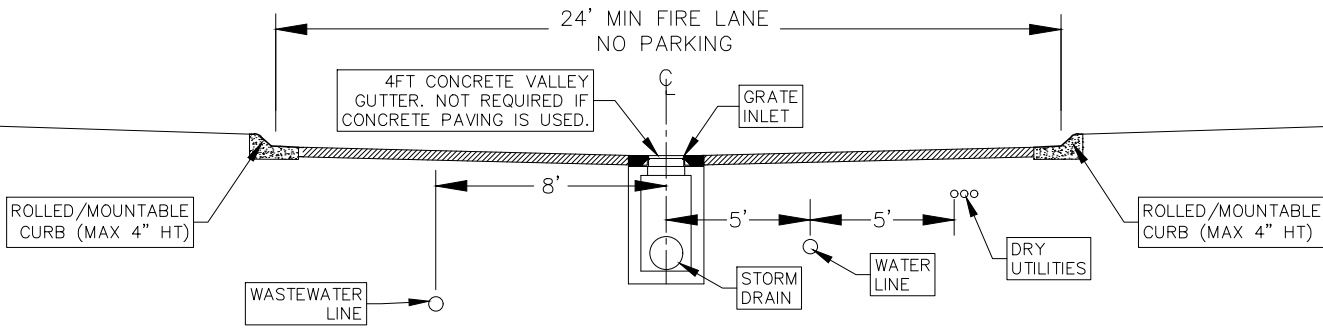
SHEET  
**2**  
 OF 4  
 Project No:  
 2256-001

**NewGrowth**  
 DRIPPING SPRINGS, TEXAS

TYPICAL ROAD  
 CROSS SECTION - 60' ROW  
 HAMILTON CROSSING

**DA DOUCET & ASSOCIATES**  
 Civil Engineering - Entitlements - Surveying/Mapping  
 7401 B. Highway 71 W, Suite 160  
 Austin, Texas 78735, Phone: (512)-583-2600  
 www.doucetengineers.com  
 Firm Registration Number: 3937

Item 2.



24' PRIVATE DRIVE  
TYPICAL SECTION  
N.T.S.

|           |          |
|-----------|----------|
| Scale:    | NTS      |
| Designed: | JH       |
| Drawn:    | JBB      |
| Reviewed: | RWP      |
| Date:     | 5/5/2022 |

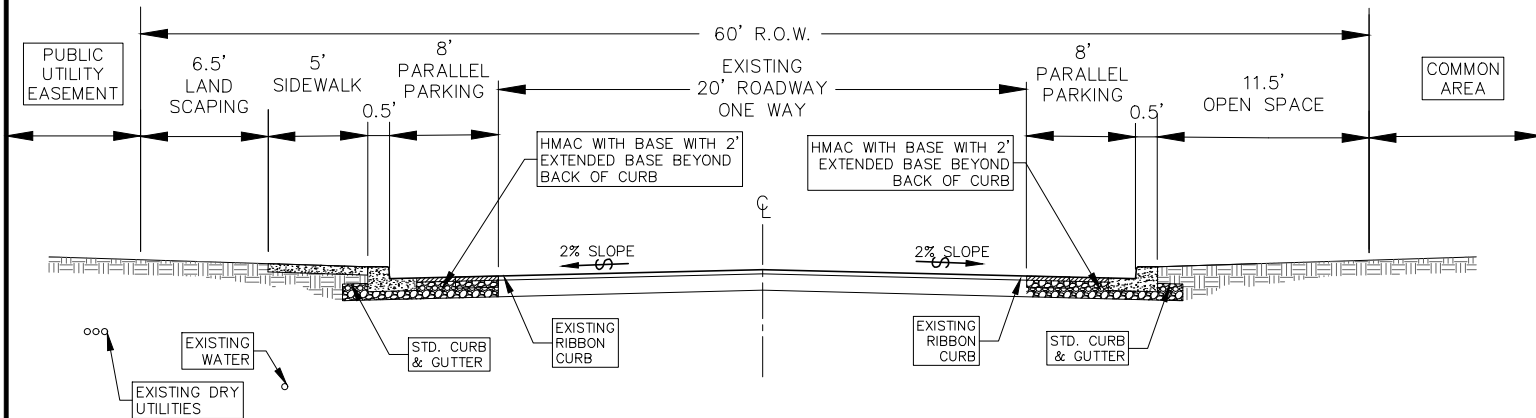
SHEET  
**4**  
OF 4  
Project No:  
2256-001

NewGrowth  
DRIPPING SPRINGS, TEXAS

TYPICAL ROAD  
CROSS SECTION - 24' PRIVATE  
DRIVE

**DA DOUCET & ASSOCIATES**  
Civil Engineering - Entitlements - Surveying/Mapping  
7401 B. Highway 71 W, Suite 160  
Austin, Texas 78735, Phone: (512)-583-2600  
www.doucetengineers.com  
Firm Registration Number: 3937

Item 2.



**60' R.O.W. LAKE LUCY LOOP**  
**TYPICAL SECTION**  
 N.T.S.

|           |          |
|-----------|----------|
| Scale:    | NTS      |
| Designed: | JH       |
| Drawn:    | JBB      |
| Reviewed: | RWP      |
| Date:     | 5/5/2022 |

SHEET  
**3**  
 OF 4  
 Project No:  
 2256-001

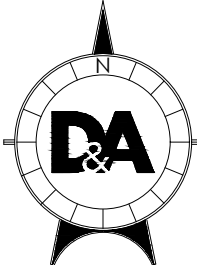
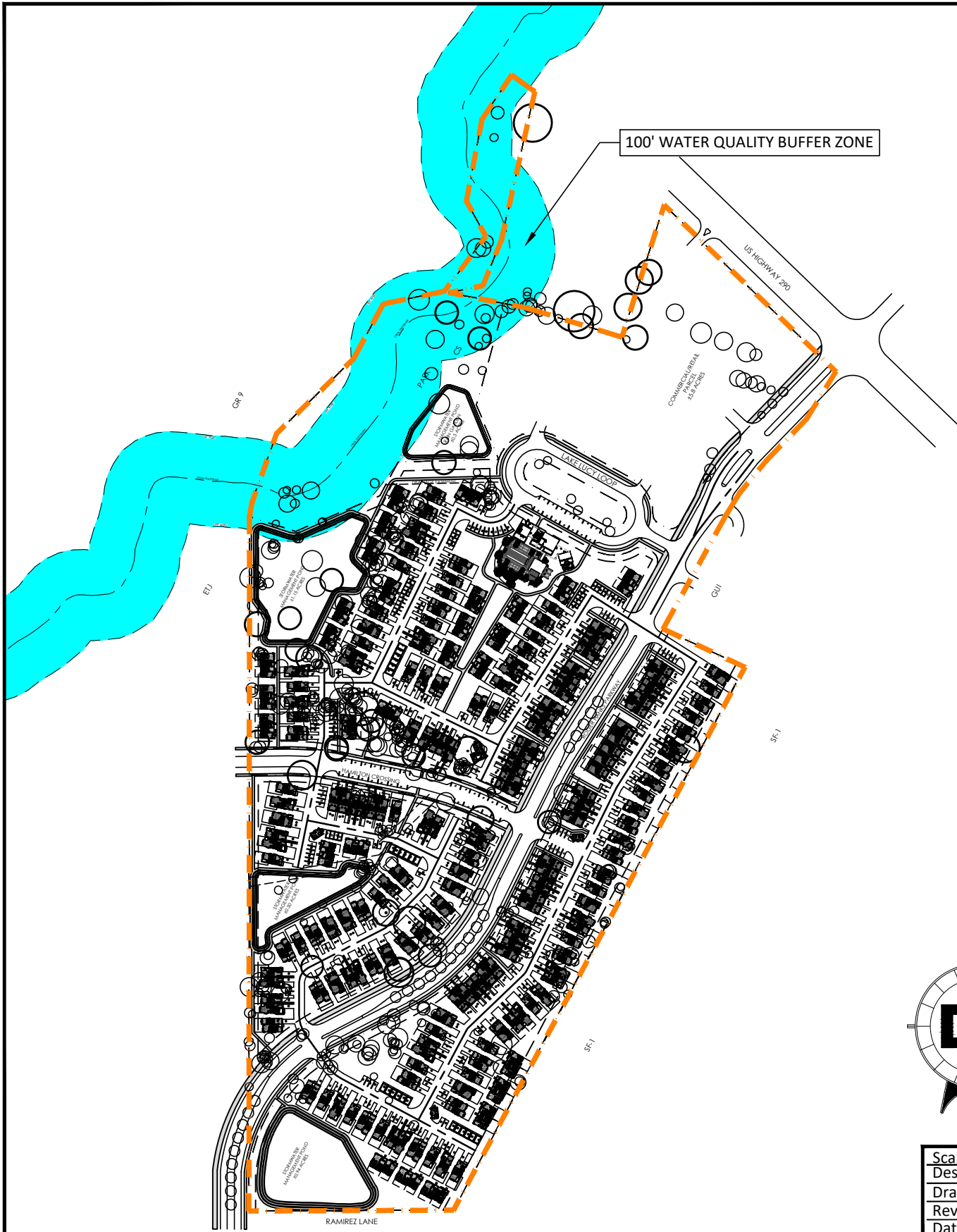
**NewGrowth**  
 DRIPPING SPRINGS, TEXAS

TYPICAL ROAD  
 CROSS SECTION - 60' ROW  
 LAKE LUCY LOOP

**DA DOUCET & ASSOCIATES**  
 Civil Engineering - Entitlements - Surveying/Mapping  
 7401 B. Highway 71 W, Suite 160  
 Austin, Texas 78735, Phone: (512)-583-2600  
 www.doucetengineers.com  
 Firm Registration Number: 3937



Item 2.



|           |        |
|-----------|--------|
| Scale:    | NTS    |
| Designed: | JH     |
| Drawn:    | JBB    |
| Reviewed: | RWP    |
| Date:     | 7/7/21 |

SHEET  
**1**  
OF 1  
Project No.:  
2256-001

**New Growth**  
DRIPPING SPRINGS, TEXAS

PLANNED DEVELOPMENT  
DISTRICT  
EXHIBIT F - WATER QUALITY  
BUFFER ZONES

**DA DOUCET & ASSOCIATES**  
Civil Engineering - Entitlements - Surveying/Mapping  
7401 B. Highway 71 W, Suite 160  
Austin, Texas 78735, Phone: (512)-583-2600  
www.doucetengineers.com  
Firm Registration Number: 3937

## EXHIBIT G

### PD Uses Chart:

The uses permitted in described in zoning classification CS as adopted in 2004 are restricted in 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).

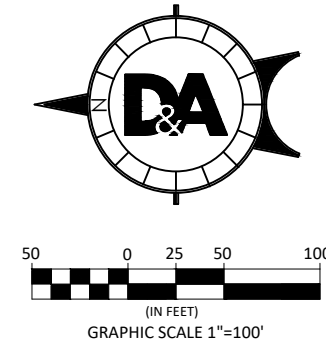
##### Excluded Uses:

- 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

**EXHIBIT H**

Transportation Plan

[Traffic Impact Analysis delivered to City of Dripping Springs and TxDot for agency review]



| Elevations Table |                   |                   |            |             |
|------------------|-------------------|-------------------|------------|-------------|
| Number           | Minimum Elevation | Maximum Elevation | Area       | Color       |
| 1                | -8.00             | -4.00             | 35757.16   | Red         |
| 2                | -4.00             | 0.00              | 262595.71  | Grey        |
| 3                | 0.00              | 4.00              | 1044439.48 | White       |
| 4                | 4.00              | 8.00              | 62706.24   | Light Green |
| 5                | 8.00              | 12.00             | 4736.07    | Dark Green  |

Drawing: C:\pwworking\jonathan.hamilton\dms157912256-001 PRELIM GRADING EXHIBIT.dwg  
 User: JHAMISTER  
 Plot Date/Time: Apr 28, 22, 11:38:01

**DA DOUCET & ASSOCIATES**  
 Civil Engineering - Planning - Geospatial  
 7401 B Highway 71 W, Suite 160  
 Austin, TX 78735 Tel: (512) 583-2400  
 www.doucetengineers.com  
 TBPE Firm Number: 3937  
 TBPLS Firm Number: 10105800

PRELIM GRADING EXHIBIT

**NewGrowth**  
 Multi-Family Development  
 Rodger Hanks Parkway, DRIPPING SPRINGS, TX

Scale: As Noted  
 Designed: JH  
 Drawn: JBB  
 Reviewed: JG  
 Date: 8-31-2021

SHEET  
**1**  
 OF 1

Project No.:  
 2322-001

## MEMORANDUM OF UNDERSTANDING

NewGrowth Enterprises, LLC, a Texas limited liability company and DS Propco Owner LP, a Delaware Limited Partnership jointly referred to herein as (“NG”) and the City of Dripping Springs, Texas, a general laws municipality (“City”) enter into this Memorandum of Understanding (“MOU”) effective as of October 26, 2021.

### Recitals

- A. NG has submitted a draft Planned Development District No. 14 (“PDD”) to the City for review and approval.
- B. The land within the PDD is substantially all of the lots in Roger Hanks Park, a subdivision in Hays County, Texas located within the City Limits of the City, and as more particularly identified and described in Exhibit “A” (the “Property”).
- C. The Land will be a residential development consisting solely of rental residential units and related amenities (the “Project”). There is a commercial portion that borders US 290.
- D. The Project is within the area specifically designated by the City’s Comprehensive Plan – Emerging Mixed Use Activity Center (Development and Building Ordinances – Section 2.1), which states, “In specific areas of town identified as activity nodes [in which the Project is located], more flexible form-based zoning will be used. This type of zoning focuses more on building appearance, size, and relationship to other buildings and the street rather than strictly controlling uses in that building. In targeted nodes, the goal is to provide opportunity for a mix of uses that can meet community needs of lower cost housing along with additional retail, office and commercial uses”.
- E. As a residential rental community, it will provide attainable, attractive rental homes for those desiring to live in Dripping Springs, but choose not to own, or cannot afford to purchase a house, or for those desiring to downsize and not have the burden of home ownership.
- F. In order to proceed with the Project, the City and NG desire to reach an accord regarding the Project’s density, provisions for wastewater treatment, parkland dedication, and transportation improvements to Roger Hanks Parkway (the “Essential Elements”).
- G. NG has a limited time frame within which to obtain the City’s consent to the Essential Elements and therefore is seeking its approval.

NOW THEREFORE, the City and NG agree to the following Essential Elements:

1. The Project will consist of 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 minimum of a 5.8 acre commercial portion. The Project will be constructed consistent with future zoning and related land use approvals. The proposed project plan is attached as Exhibit “B”. Approval of this Memorandum of Understanding is not an approval of the project plan attached as Exhibit “B”.
2. The Project’s dedicated public and private parkland shall contain 10.55 acres. The City of Dripping Springs Parkland Ordinance would require 10.43 acres. NG shall pursue a credit

for its on-site amenity improvements (community use of pool, clubhouse, trails) which will relieve the use of the City's public facilities. The proposed pool, parks, trails and open space plan is attached hereto as Exhibit "C". The project will pay all required Park Development Fees.

- 3. The Project is planning to construct and fund a wastewater line extension from the City's West Interceptor sewer line to the Property and US Hwy 290. The extension will service the Project and be available for property north of US Hwy 290. It is anticipated that the City's West Interceptor sewer line will be completed and operational for transporting the Project's wastewater to the City's sewer plant prior to the Project's completion; however, as a safety measure, until the West Interceptor line is available to the Project, NG will either (i) apply for a TLAP permit for treatment of the Project's wastewater or (ii) apply for on-site septic permits. The Project will not discharge any wastewater until (i) the TLAP or septic system apparatuses are permitted and operational or (ii) the Western Intercept sewer line is operational and available to transport the Project's wastewater to the City's sewer plant.
- 4. The City is reviewing the proposed improvements to Roger Hanks Parkway that have been submitted by NG. One plan creates a center turn lane and the other creates a center median. NG will accept the decision of the City as to which best serves the community.

This MOU shall serve as the approved outline of the Project as it relates to the Essential Elements addressed herein.

**CITY OF DRIPPING SPRINGS, TEXAS:**

By: *Bill Foulds, Jr.*  
 Name: Bill Foulds, Jr.  
 Title: Mayor

**NEWGROWTH ENTERPRISES, LLC:**

By: *F. Cappello*  
 Name: Francis Cappello  
 Title: Authorized Signatory

**DS PROPCO OWNER LP; by DS Propco GP LLC, its general partner**

By: *F. Cappello*  
 Name: Francis Cappello  
 Title: President

# EXHIBIT "A" Property Description

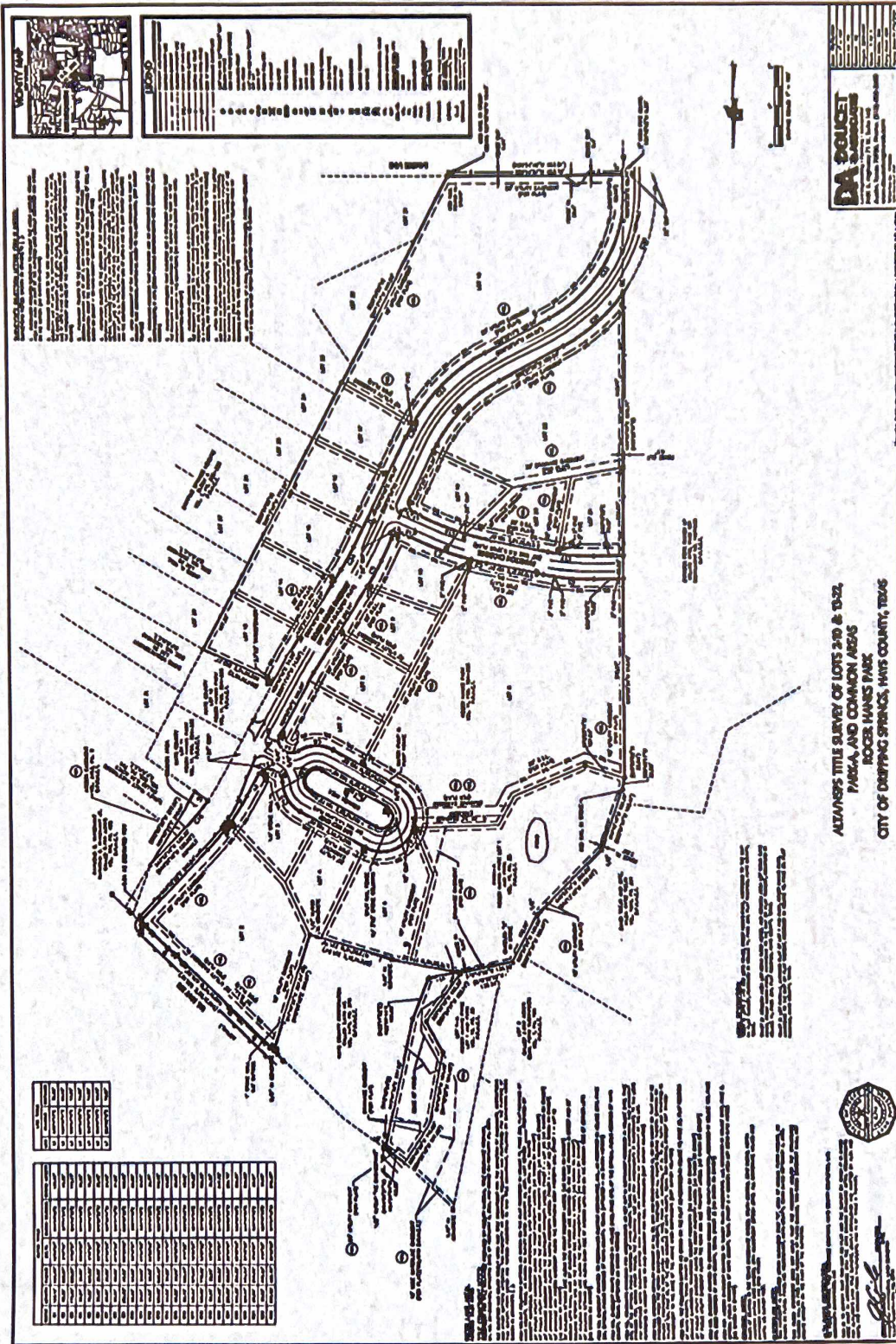


EXHIBIT "B"  
The Concept Plan



**LEGEND**

- 1-STORY RESIDENTIAL
- 2-STORY RESIDENTIAL

**CONCEPTUAL PROJECT INFORMATION\***

TOTAL RESIDENTIAL AREA - 24.79 ACRES

RESIDENTIAL - 273 UNITS AT 9.56 DUPLIC CROSS

1.50 DUPLEX HOME - 1-STORY DUPLEX - 66 UNITS

2.50 COTTAGE HOME - 1-STORY ATTACHED GARAGE - 34 UNITS

3.50 COTTAGE HOME - 1-STORY ATTACHED GARAGE - 34 UNITS

3.50 COTTAGE HOME - 2-STORY ATTACHED GARAGE - 40 UNITS

TOWNHOMES - 2-STORY ATTACHED GARAGE - 79 UNITS

\*PROJECT DETAILS ARE REPRESENTATIVE AND MAY CHANGE BASED ON FURTHER ANALYSIS DURING THE DESIGN PROCESS

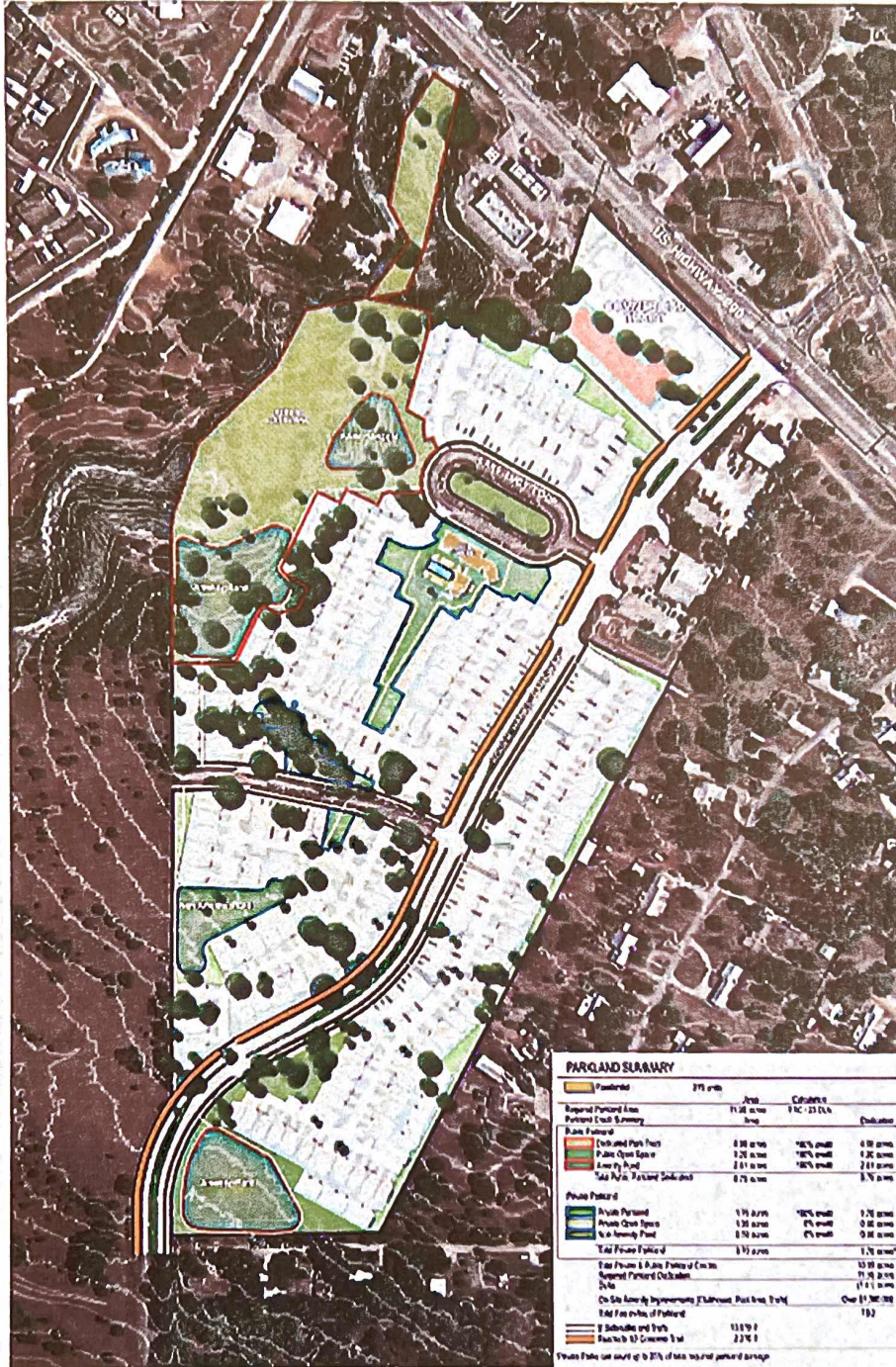


**NEW GROWTH - DRIPPING SPRINGS**  
DRIPPING SPRINGS, TEXAS  
Illustrative Site Plan

SCALE 1" = 80'-0"  
FOR ILLUSTRATIVE PURPOSES ONLY



**EXHIBIT "C"**  
Parkland Area



**SEC Planning, LLC**  
Land Planning • Landscape Architecture • Community Design  
LEWISTON, MASS  
www.secplanning.com

**EXHIBIT C**  
**PARKLAND EXHIBIT**  
**NEW GROWTH**  
DRIPPING SPRINGS, TEXAS

Scale: 1" = 200'  
North  
Date: October 13, 2021

This drawing is a conceptual site plan and does not constitute a final engineering or architectural drawing. It is intended for informational purposes only and should not be used for any other purpose without the written consent of SEC Planning, LLC. The information contained herein is based on data provided by the client and is not to be relied upon for any other purpose. SEC Planning, LLC is not responsible for any errors or omissions in this drawing.