



PLANNING & ZONING COMMISSION REGULAR MEETING

City of Dripping Springs

Council Chambers, 511 Mercer St, Dripping Springs, TX

Tuesday, February 23, 2021 at 6:30 PM

VIDEOCONFERENCE MEETING

This meeting will be held via videoconference and the public is encouraged and welcome to participate. Public comment may be given during the videoconference by joining the meeting using the information below. Public comment for this meeting may also be submitted to the City Secretary at acunningham@cityofdrippingsprings.com no later than 4:00 PM on the day the meeting will be held.

The Planning & Zoning Commission respectfully requests that all microphones and webcams be disabled unless you are a member of the Commission. City staff, consultants and presenters, please enable your microphone and webcam when presenting to the Commission.

Agenda

MEETING SPECIFIC VIDEOCONFERENCE INFORMATION

Join Zoom Meeting

<https://us02web.zoom.us/j/87191892962?pwd=a0VMcEpBZm9zR0pTbFdIK2VTVGl5dz09>

Meeting ID: 871 9189 2962

Passcode: 262605

Dial Toll Free:

877 853 5257 US Toll-free

888 475 4499 US Toll-free

Find your local number: <https://us02web.zoom.us/j/87191892962>

Join by Skype for Business: <https://us02web.zoom.us/j/87191892962>

CALL TO ORDER AND ROLL CALL

Commission Members

Mim James, Chair

James Martin, Vice Chair

Christian Bourguignon

John McIntosh

Roger Newman

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
Senior Planner Amanda Padilla
City Engineer Chad Gilpin
Planning Consultant Robyn Miga

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.

BUSINESS

- 1. Discuss and consider approval of the January 26, 2021 Planning & Zoning Commission regular meeting minutes.**

- 2. Public hearing and consideration of possible action regarding SUB2021-0005: an application to consider a Replat for Lot 2 of the Headwaters Commercial Phase 1B Subdivision for property located off Beverly Drive, Dripping Springs, Texas 78620 (R166923.) The applicant is proposing to incorporate raw acreage into Lot 2. Applicant: Brian Roby, Austin Civil Engineering**
 - a) Presentation
 - b) Staff Report
 - c) Public Hearing
 - d) Replat

- 3. Public hearing and consideration of a recommendation regarding ZA2021-0001: an application for a Zoning Amendment to consider a proposed zoning map amendment from Agriculture (AG) to Single-Family Residential District - Moderate Density (SF-2) for an approximately 18.250 acre tract of land situated in Benjamin F. Hanna Survey, NO. 28, Abstract No. 222. This property is located at 2004 Creek Road, Dripping Springs, TX.(R143390). Applicant: Brian Estes, Civil and Environmental Consultants Inc.**

- a) Presentation
- b) Staff Report
- c) Public Hearing
- d) Zoning Amendment

4. Public hearing and consideration of a recommendation regarding VAR2021-0001: an application for a Special Exception to Chapter 30 Exhibit A Sec 5.6 (24) Parking based on use for a health club, health spa, or exercise club, which requires 1 space per 150 sq. ft. The property is located at 391 Sportsplex Drive, Suite A and B, Dripping Springs, TX (R113761). Applicant: Kevin Garrett, Swift Sessions

- a) Presentation
- b) Staff Report
- c) Public Hearing
- d) Special Exception

5. Public hearing and consideration of a recommendation regarding CUP2020-0011: an application to consider a conditional use permit to allow for a Mobile Food Vendor at the property located at 211 Mercer Street, Dripping Springs, Texas 78620 within the Mercer Street Historic District. Applicant: John McIntosh

- a) Presentation
- b) Staff Report
- c) Public Hearing
- d) Conditional Use Permit

6. Discuss and consider possible action on a Proposed Amendment to Chapter 30, Article 30.05 Mobile Food Vendors to change the use of Mobile Food Vendors in the Mercer Street Historic District based on recommendation of the Historic Preservation Commission.

PLANNING & DEVELOPMENT REPORTS

7. Planning Project 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.

UPCOMING MEETINGS

Planning & Zoning Commission Meetings

- March 23, 2021 at 6:30 p.m.
- April 27, 2021 at 6:30 p.m.
- May 25, 2021 at 6:30 p.m.

City Council & BOA Meetings

March 9, 2021 at 6:00 p.m.

March 16, 2021 at 6:00 p.m.

April 13, 2021 at 6:00 p.m.

April 20, 2021 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.

Due to the Texas Governor Order, Hays County Order, City of Dripping Springs Disaster Declaration, and Center for Disease Control guidelines related to COVID-19, a quorum of this body could not be gathered in one place, and this meeting will be conducted through videoconferencing. Texas Government Code Sections 551.045; 551.125; and 551.127.

*I certify that this notice of meeting was posted at the City of Dripping Springs City Hall and website, www.cityofdrippingsprings.com, on **February 19, 2021 at 5:00 p.m.***

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, January 26, 2021 at 6:30 PM

MINUTES

MEETING SPECIFIC VIDEOCONFERENCE INFORMATION

Join Zoom Meeting

<https://us02web.zoom.us/j/88311316293?pwd=QnA0SkV0ZHZxY0ZXQkhUOTI2blpIZz09>

Meeting ID: 883 1131 6293

Passcode: 259065

Dial Toll Free:

888 475 4499 US Toll-free

877 853 5257 US Toll-free

Find your local number: <https://us02web.zoom.us/j/88311316293>

Join by Skype for Business: <https://us02web.zoom.us/skype/88311316293>

CALL TO ORDER AND ROLL CALL

Commission Members present were:

Mim James, Chair

James Martin, Vice Chair

Christian Bourguignon

John McIntosh

Roger Newman

Evelyn Strong

Tammie Williamson

Staff, Consultants & Appointed/Elected Officials present were:

City Administrator Michelle Fischer

City Attorney Laura Mueller

City Secretary Andrea Cunningham

Senior Planner Amanda Padilla

Planning Consultant Robyn Miga

Architectural Consultant Keenan Smith

Mayor Bill Foulds

Mayor Pro Tem Taline Manassian

Historic Preservation Commission Chair Bruce Lewis

With a quorum of the Commission present, Chair James called the meeting to order at 6:32 p.m.

PLEDGE OF ALLEGIANCE

Commissioner Bourguignon led the 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.

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.

Via unanimous consent, Consent Agenda Item 1 was taken up individually.

1. Approval of the December 16, 2020 Planning & Zoning Commission regular meeting minutes.

A motion was made by Vice Chair Martin to approve the December 16, 2020 Planning & Zoning Commission regular meeting minutes. Commissioner Newman seconded the motion which carried unanimously 7 to 0.

A motion as made by Vice Chair Martin to move Consent Agenda Item 4 to the Business Agenda. Commissioner Williamson seconded the motion which carried unanimously 7 to 0.

2. Approval of SUB2020-0041: a Final Plat for Bunker Ranch Subdivision Phase 3 an approximately 40.20 acre tract of land generally located at the end of Bunker Ranch Boulevard, Dripping Springs, Hays County, Texas. Applicant: Mario Castillo, Civil & Environmental Consultants, Inc.

3. **Disapproval of a plat for the reasons set forth in the item SUB2020-0040: a Final Plat for Esperanza Subdivision Phase 2 an approximately 52.40 acre tract of land located at 4900 Bell Springs Road, Dripping Springs, Hays County, Texas. Applicant: Adrian Rosas, PE**
5. **Approval with conditions set forth in the item SUB2020-0049: a Final Plat for Headwaters at Barton Creek Subdivision Phase 5 Section 1 an approximately 20.92 acre tract of land generally located at the end of Headwaters Boulevard, Dripping Springs, Hays County, Texas within the City's Extraterritorial Jurisdiction. Applicant: WFC Headwaters Owner VII, L.P c/o Freehold Communities**

A motion was made by Vice Chair Martin to approve Consent Agenda Items 2, 3 and 5. Commissioner Bourguignon seconded the motion which carried unanimously 7 to 0.

BUSINESS

The following item was moved from the Consent Agenda to the Business Agenda.

Disapproval of a plat for the reasons set forth in the item SUB2020-0044: a Preliminary Plat for Parten Ranch Subdivision Phase 4 an approximately 73.84 acre tract of land located off FM 1826 and Parten Ranch Parkway, Hays County, Texas. Applicant: HM Parten Ranch Development, Inc.

Amanda Padilla presented the staff report which is on file. The applicant has properly addressed city comments since this agenda was posted and staff is changing their recommendation from denial to approval.

Chair James opened a Public Hearing on the item – no one spoke during the Public Hearing.

A motion was made by Vice Chair Martin to approve SUB2020-0044: a Preliminary Plat for Parten Ranch Subdivision Phase 4 an approximately 73.84 acre tract of land located off FM 1826 and Parten Ranch Parkway, Hays County, Texas. Commissioner Bourguignon seconded the motion which carried unanimously 7 to 0.

6. **Discuss and consider possible action regarding an Appeal of the Historic Preservation Commission's Denial of an Application for a Certificate of Appropriateness for a Mobile Food Vendor for property located at 211 Mercer Street, Dripping Springs, TX, also know as Aconon Brewery Co. Applicant: John McIntosh**

Commissioner McIntosh recused from this item and disabled his camera and microphone.

1. Presentation

Aconon Brewery Owner Dave Niemeyer presented the item.

2. Staff Report

Keenan Smith presented the staff report which is on file. Staff recommends approval of the COA with the condition that the applicant obtain any necessary permits from the city.

3. *Historic Preservation Commission Report*

Chair Lewis: Commission denied the COA by a vote of 3 to 2, with Commissioner Erickson and Vice Chair Kopp opposed.

4. *Public Hearing*

Pam Owens, Susan Kimball, Chris Pesek, and Jon Thompson spoke in favor of approving the COA.

5. *COA2020-0009 211 Mercer St Mobile Food Vendor*

A motion was made by Vice Chair Martin to approve an Application for a Certificate of Appropriateness for a Mobile Food Vendor for property located at 211 Mercer Street, Dripping Springs, TX, also known as Acopon Brewery Co. Commissioner Bourguignon seconded the motion which carried 5 to 1 to 1, with Commissioner Williamson opposed and Commissioner McIntosh recused.

- 7. Public Hearing and consideration of possible action regarding VAR2020-0027: an application for a Variance to Chapter 28, Subdivision, Section 14.2 Frontage which requires that all lots front onto a public or private drive. The property is located at 340 Horse Trail Drive, Dripping Springs, TX within the City's Extraterritorial Jurisdiction.(R132491).Applicant: Jon Thompson, J Thompson Professional Consulting**

1. *Presentation*

Joh Thompson gave a presentation which is on file.

2. *Staff Report*

Robyn Miga presented the staff report which is on file. Staff recommends denial of the variance.

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

4. *Variance*

A motion was made by Vice Chair Martin to approve VAR2020-0027: an application for a Variance to Chapter 28, Subdivision, Section 14.2 Frontage which requires that all lots front onto a public or private drive. The property is located at 340 Horse Trail Drive, Dripping Springs, TX within the City's Extraterritorial Jurisdiction.(R132491) as proposed by the applicant. Commissioner McIntosh seconded the motion which carried 5 to 2, with Commissioners Bourguignon and Strong opposed.

- 8. Public hearing and consideration of a recommendation regarding VAR2020-0028: an application for a Special Exception to Chapter 30 Exhibit A Sec 5.7.6 and 5.7.7 regarding parking calculation requirements for mixed use buildings. The property is**

located at 100 Commons Suite 9, Dripping Springs, TX (R138851).*Applicant: Jon Thompson, J Thompson Professional Consulting*

1. Presentation

Applicant Jon Thompson and Owner Erik Turcotte presented the item.

2. Staff Report

Amanda Padilla presented the staff report which is on file. Staff recommends approval of the special exception.

3. Public Hearing

Evan Edmiston, Ashely Tullis, Peter Jackson and Chris Pesek spoke in favor of approving the special exception.

4. Special Exception

A motion was made by Vice Chair Martin to recommend City Council approval of VAR2020-0028: an application for a Special Exception to Chapter 30 Exhibit A Sec 5.7.6 and 5.7.7 regarding parking calculation requirements for mixed use buildings, and located at 100 Commons Suite 9, Dripping Springs, TX (R138851). Commissioner McIntosh seconded the motion which carried unanimously 7 to 0.

- 9. Public hearing and consideration of a recommendation regarding ZA2020-0007: an application for a Zoning Amendment to consider a proposed zoning map amendment from General Retail (GR) to Agriculture (AG) for an approximately 6.84 acre tract of land situated in Benjamin F. Hanna, Abstract No. 222. This property is located at 2303 W Highway 290, Dripping Springs, TX.(R15059).***Applicant: Jon Thompson, J Thompson Professional Consulting*

Amanda Padilla announced that there is an error in the acreage on the posted agenda. The acreage should be 5.6 acres, and not 6.84 acres. City Attorney Laura Mueller verified that the Planning & Zoning Commission may proceed with consideration of the item.

1. Presentation

Jon Thompson gave a presentation which is on file.

2. Staff Report

Amanda Padilla presented the staff report which is on file. Staff recommends denial of the zoning amendment.

3. Public Hearing – No one spoke during the Public Hearing.

4. Zoning Amendment

A motion was made by Commissioner Williamson to recommend City Council denial of ZA2020-0007: an application for a Zoning Amendment to consider a proposed zoning map amendment from General Retail (GR) to Agriculture (AG) for an approximately 6.84 acre tract of land situated in Benjamin F. Hanna, Abstract No. 222, and located at 2303 W Highway 290, Dripping Springs, TX.(R15059). Commissioner McIntosh seconded the motion which carried unanimously 7 to 0.

- 10. Public Hearing and consideration of possible action regarding SUB2020-0026: an application to consider a Final Plat and a Plat Vacation application for Howard Ranch Commercial for property generally located south of the intersection of Ranch Road 12 and FM 150 (Legal description: Howard Ranch Commercial, Lot 1, Acres 7.5.) Applicant: Bill Couch, Carlson Brigrance and Doering, Inc.**

1. Presentation

Applicant Bill Couch was present and available for questions from the Commission.

2. Staff Report

Amanda Padilla presented the staff report which is on file. Staff recommends approval of the final plat and plat vacation.

3. Public Hearing – No one spoke during the Public Hearing.

4. Final Plat and Plat Vacation

A motion was made by Commissioner Strong to approve SUB2020-0026: an application to consider a Final Plat and a Plat Vacation application for Howard Ranch Commercial for property generally located south of the intersection of Ranch Road 12 and FM 150 (Legal description: Howard Ranch Commercial, Lot 1, Acres 7.5.) Commissioner Williamson seconded the motion which carried unanimously 7 to 0.

- 11. Public hearing and consideration of a recommendation regarding ZA2020-0011: an application for a Zoning Amendment to consider a proposed zoning map amendment from Two Family Residential - Duplex District (SF-4) to Multi-Family (MF) for an approximately 4.003 acre tract of land situated in Phillip A. Smith Survey, NO. 26, Abstract No. 415. This property is located at 210 Creek Road, Dripping Springs, TX.(R18047 and R18045).Applicant: Jon Thompson**

1. Presentation

Applicant Jon Thompson and Owners Tony and Steve Koinis were available for questions from the Commission.

2. Staff Report

Robyn Miga presented the staff report which is on file. Staff recommends approval of the zoning amendment with a conditional overlay.

3. Public Hearing

Tony Koinis spoke in favor of the zoning amendment.

4. Zoning Amendment

A motion was made by Commissioner McIntosh to recommend City Council approval of ZA2020-0011: an application for a Zoning Amendment to consider a proposed zoning map amendment from Two Family Residential - Duplex District (SF-4) to Multi-Family (MF) for an approximately 4.003 acre tract of land situated in Phillip A. Smith Survey, NO. 26, Abstract No. 415, and located at 210 Creek Road, Dripping Springs, TX.(R18047 and R18045), and with the condition that a conditional overly as recommended by staff is also applied to the subject property. Commissioner Bourguignon seconded the motion which carried 6 to 1, with Commissioner Strong opposed.

12. **Public Hearing and consideration of possible action regarding SUB2020-0043: an application to consider a Replat for Lots 9 and 10 of the Fieldstone Subdivision for property located 13125 Fieldstone Loop, Austin, Texas 78620. The applicant is proposing to subdivide two (2) lots into three (3) lots. Applicant: Jon Thompson, J Thompson Professional Consulting.**

1. Presentation

Applicant Jon Thompson was available for questions from the Commission.

2. Staff Report

Amanda Padilla presented the staff report which is on file. The applicant has properly addressed city comments since this agenda was posted and staff is changing their recommendation from denial to approval.

3. Public Hearing

Jonathan Steinberg spoke in favor of the replat.

4. Replat

A motion was made by Vice Chair Martin to approve Public Hearing and consideration of possible action regarding SUB2020-0043: an application to consider a Replat for Lots 9 and 10 of the Fieldstone Subdivision for property located 13125 Fieldstone Loop, Austin, Texas 78620. Commissioner McIntosh seconded the motion which carried unanimously 7 to 0.

13. Public Hearing and consideration of possible action regarding SUB2020-0042: an application to consider a Final Plat and a Plat Vacation application for Tractor Supply Subdivision Lot 2 for property located at 1711-A Highway 290, Dripping Springs Texas (Tax ID: R15135) Applicant: Jon Thompson, J Thompson Professional Consulting

1. Presentation

Applicant Jon Thompson was available for questions from the Commission.

2. Staff Report

Robyn Miga presented the staff report which is on file. Staff recommends denial of the final plat and plat vacation due to lack of owner signatures as addressed in the staff report.

3. Public Hearing – No one spoke during the Public Hearing.

4. Final Plat and Plat Vacation

A motion was made by Vice Chair Martin to deny SUB2020-0042: an application to consider a Final Plat and a Plat Vacation application for Tractor Supply Subdivision Lot 2 for property located at 1711-A Highway 290, Dripping Springs Texas (Tax ID: R15135). Commissioner Williamson seconded the motion which carried unanimously 7 to 0.

PLANNING & DEVELOPMENT REPORTS

14. Planning Project Report

Report is on file and available for review upon request.

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

February 23, 2021 at 6:30 p.m.

March 23, 2021 at 6:30 p.m.

April 27, 2021 at 6:30 p.m.

City Council Meetings

February 9, 2021 at 6:00 p.m.

February 16, 2021 at 6:00 p.m.

March 9, 2021 at 6:00 p.m.

March 16, 2021 at 6:00 p.m.

ADJOURN

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

This regular meeting adjourned at 10:08 p.m.



Planning & Zoning Commission Planning Department Staff Report

Planning and Zoning Meeting: February 23, 2021

Project Number: SUB2021-0005 – Headwaters Commercial

Project Planner: Robyn Miga, Consulting Planner

Item Details

Project Name: Headwaters Commercial Phase 1B, Block A, Lot 2

Property Location: North of 290, and west of Headwaters Boulevard

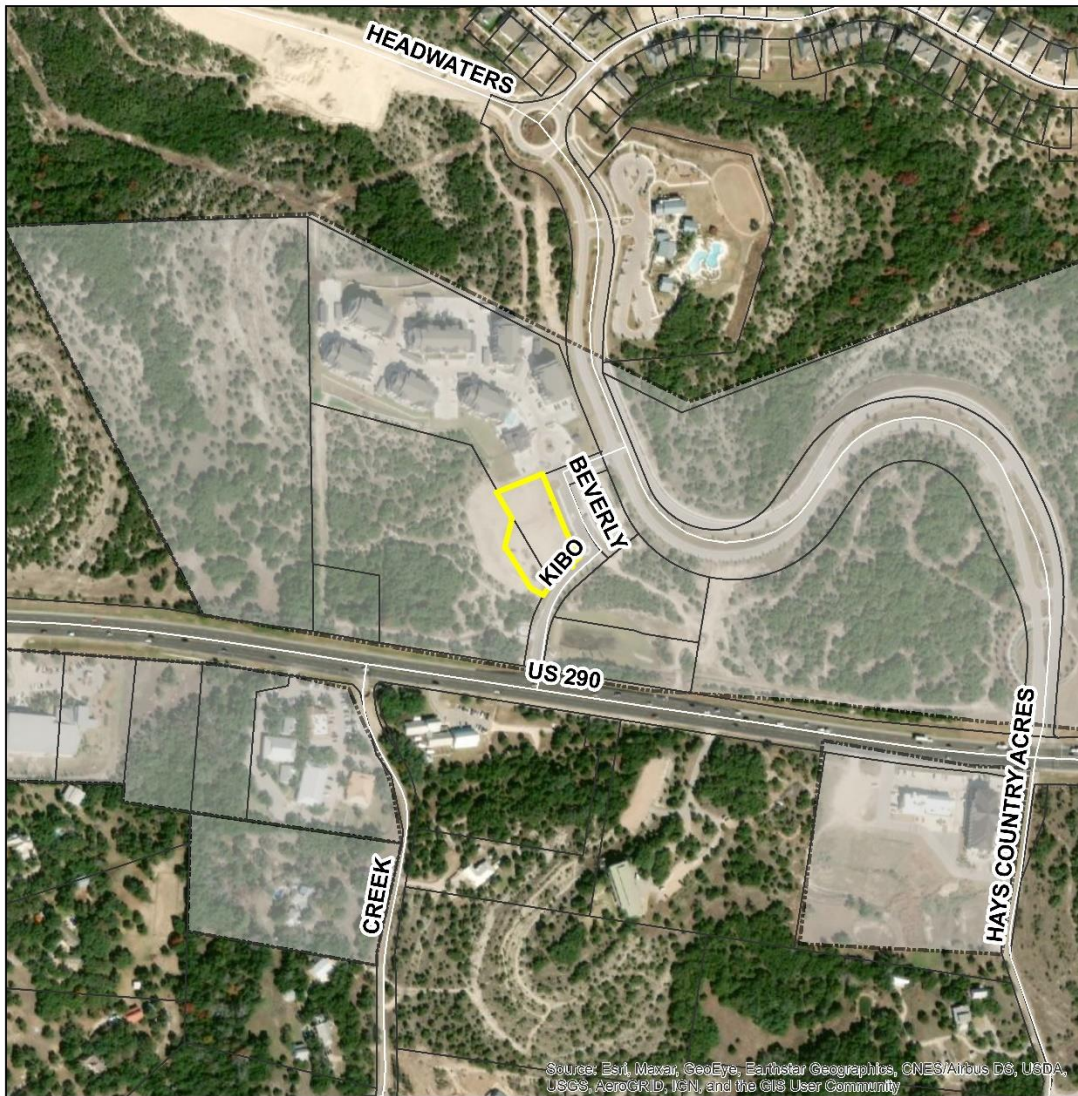
Legal Description: Approximately 1.242 acres

Applicant: Austin Civil Engineering c/o Brian Roby

Property Owner: Oryx Land Holding, LLC



Request: Replat

Staff Recommendation: Staff recommends denial of the Replat due to the outstanding comments



Location Map

SUB2021-0005
Headwaters Commercial
Lot 2A

-  Site
-  Roads
-  City Limits Full Purpose



0 250 500
Feet

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Action Requested

Denial of a Replat (SUB2021-0005) based on comments attached, consisting of approximately 1.242 acres located North of U.S. 290, and west of Headwaters Boulevard, to be known as Headwaters Commercial 1B, Block A, Lot 2 Replat.

Site Information

Location:

The Subject property is located on Kibo Ridge Road, which takes direct access from U.S. 290, to be known as Headwaters Commercial 1B, Block A, Lot 2 Replat.

Zoning Designation: Planned Development District No. 6

Property History

This is the first request for this replat.

Outstanding Comments

Staff analyzed the proposed plats (SUB2021-0005) against the city’s code of ordinances, as attached to this staff report.

Recommendation

Staff is recommending approval based on the reasons set forth in the item, including all attachments.

Attachments

- Exhibit 1 – Application
- Exhibit 2 – Proposed Final Plat (SUB2020-0041)
- Exhibit 3 – Comment Letter

Recommended Action:	Recommend approval based on the reason set forth in the item, including all attachments.
Budget/Financial Impact:	All fees have been paid.
Public Comments:	None Received at this time.
Enforcement Issues:	N/A



CITY OF DRIPPING SPRINGS

PHYSICAL: 511 Mercer Street • MAILING: PO Box 384

Dripping Springs, TX 78620

• 512.858.4725 • www.cityofdrippingsprings.com

Item 2.

SUBDIVISION APPLICATION

Case Number (staff use only): _____ - _____

MEETINGS REQUIRED

(AS APPLICABLE PER SITE DEVELOPMENT ORDINANCE)

INFORMAL CONSULTATION	PRE-APPLICATION CONFERENCE
DATE: 12-16-2019	DATE: 11-5-2020 @ 1pm
<input type="checkbox"/> NOT SCHEDULED	<input type="checkbox"/> NOT SCHEDULED

PLAT TYPE

- Amending Plat
- Minor Plat
- Replat
- Final Plat
- Plat Vacation
- Other: _____

CONTACT INFORMATION

APPLICANT NAME Brian Roby

COMPANY Austin Civil Engineering

STREET ADDRESS 9501B Menchaca Rd., #220

CITY Austin **STATE** TX **ZIP CODE** 78748

PHONE 512-306-0018 **EMAIL** br@austincivil.com; projects@austincivil.com; gl@austincivil.com

OWNER NAME Blake A. Rue

COMPANY Oryx Land Holding, LLC, formerly Oryx Development, LLC

STREET ADDRESS 3404 Kerbey Lane

CITY Austin **STATE** TX **ZIP CODE** 78703

PHONE 512-294-4017 **EMAIL** blake@rueinvestments.com

PROPERTY INFORMATION	
PROPERTY OWNER NAME	Oryx Land Holding, LLC formerly Oryx Development, LLC
PROPERTY ADDRESS	Beverly Drive
CURRENT LEGAL DESCRIPTION	Headwaters Commercial Phase 1B, Block A, Lot 2
TAX ID #	R166923
LOCATED IN	<input checked="" type="checkbox"/> City Limits <input type="checkbox"/> Extraterritorial Jurisdiction
CURRENT LAND ACREAGE	0.937
SCHOOL DISTRICT	Dripping Springs ISD
ESD DISTRICT(S)	North Hays County #1 EMS and #6 Fire
ZONING/PDD/OVERLAY	PDD #6
EXISTING ROAD FRONTAGE	<input type="checkbox"/> Private Name: _____ <input checked="" type="checkbox"/> State Name: <u>Hwy 290</u> <input checked="" type="checkbox"/> City/County (public) Name: <u>Beverly Drive & Kibo Ridge</u>
DEVELOPMENT AGREEMENT? (If so, please attach agreement)	<input checked="" type="checkbox"/> Yes (see attached) <input type="checkbox"/> Not Applicable Development Agreement Name: <u>Headwaters @ Barton Creek</u>

ENVIRONMENTAL INFORMATION	
IS PROPERTY OVER THE EDWARDS AQUIFER RECHARGE ZONE?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
IS PROPERTY OVER THE BARTON SPRINGS CONTRIBUTING ZONE TO THE EDWARDS AQUIFER?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
IS PROPERTY WITHIN A FEMA FLOODPLAIN AS DEFINED BY THE MOST CURRENT FIRM?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

PROJECT INFORMATION	
PROPOSED SUBDIVISION NAME	Replat of Lot 2, Block A, Headwaters Commercial Phase 1B
TOTAL ACREAGE OF DEVELOPMENT	1.242 Acres
TOTAL NUMBER OF LOTS	1
AVERAGE SIZE OF LOTS	1.242 Acres
INTENDED USE OF LOTS	<input type="checkbox"/> RESIDENTIAL <input checked="" type="checkbox"/> COMMERCIAL <input type="checkbox"/> INDUSTRIAL/OTHER: _____
# OF LOTS PER USE	RESIDENTIAL: _____ COMMERCIAL: <u>1</u> INDUSTRIAL: _____
ACREAGE PER USE	RESIDENTIAL: _____ COMMERCIAL: <u>1.242 Acres</u> INDUSTRIAL: _____
LINEAR FEET (ADDED) OF PROPOSED ROADS	PUBLIC: <u>0</u> PRIVATE: <u>0</u>
ANTICIPATED WASTEWATER SYSTEM	<input type="checkbox"/> CONVENTIONAL SEPTIC SYSTEM <input type="checkbox"/> CLASS I (AEROBIC) PERMITTED SYSTEM <input checked="" type="checkbox"/> PUBLIC SEWER
WATER SOURCES	SURFACE WATER <input checked="" type="checkbox"/> PUBLIC WATER SUPPLY <input type="checkbox"/> RAIN WATER GROUND WATER* <input type="checkbox"/> PUBLIC WELL <input type="checkbox"/> SHARED WELL <input type="checkbox"/> PUBLIC WATER SUPPLY
<p>*IF DOING GROUND WATER PROVISION FOR THE DEVELOPMENT USING GROUNDWATER RESOURCES, THE HAYS-TRINITY GROUNDWATER CONSERVATION DISTRICT MUST BE NOTIFIED:</p> <p>HAYS-TRINITY GCD NOTIFIED? <input type="checkbox"/> YES <input type="checkbox"/> NO</p>	

COMMENTS: _____

TITLE: Managing Member SIGNATURE: [Signature]

PUBLIC UTILITY CHECKLIST

ELECTRIC PROVIDER NAME (if applicable): PEC

VERIFICATION LETTER ATTACHED NOT APPLICABLE

COMMUNICATIONS PROVIDER NAME (if applicable): Time Warner

VERIFICATION LETTER ATTACHED NOT APPLICABLE

WATER PROVIDER NAME (if applicable): Headwaters MUD

VERIFICATION LETTER ATTACHED NOT APPLICABLE

WASTEWATER PROVIDER NAME (if applicable): Headwaters MUD

VERIFICATION LETTER ATTACHED NOT APPLICABLE

GAS PROVIDER NAME (if applicable): _____

VERIFICATION LETTER ATTACHED NOT APPLICABLE

PARKLAND DEDICATION?	AGRICULTURE FACILITIES (FINAL PLAT)?
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NOT APPLICABLE	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NOT APPLICABLE

COMPLIANCE WITH OUTDOOR LIGHTING ORDINANCE?*

(See attached agreement)

*If proposed subdivision is in the City Limits, compliance with the Lighting Ordinance is **mandatory**. If proposed subdivision is in the ETJ, compliance is **mandatory** when required by a Development Agreement, or as a condition of an Alternative Standard/Special Exception/Variance/Waiver.

Voluntary compliance is strongly encouraged by those not required by above criteria (see Outdoor Lighting tab on the city’s website at www.cityofdrippingsprings.com and online Lighting Ordinance under the Code of Ordinances tab for more information).

YES (REQUIRED) YES (VOLUNTARY*) NO

APPLICANT'S SIGNATURE

Note: An additional signature is required on page 7 of the application verifying completeness. Applications should be submitted **only** when all required information is included in the submittal.

The above information is true to the best of my knowledge. I attest that the real property described is owned by me and all others as signed below. If the below signed applicant is not the owner of said property, the signature of the property owner must be included below, or consent must be attached (If a corporation, please list title, and name of corporation.)

Brian Roby

Applicant Name


12-17-20

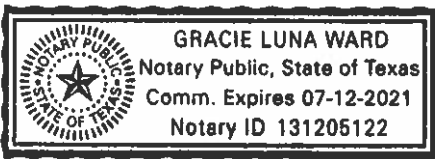
Applicant Signature
Gracie Luna Ward

Date
12-11-20


Notary 

Date 12-17-20

Notary Stamp Here



Blake Rue

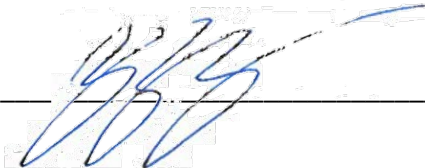
Property Owner Name


11-30-2020

Property Owner Signature

Date

All required items and information (including all applicable below listed exhibits and fees) must be received by the City for an application and request to be considered complete. Incomplete submissions will not be deemed filed and complete. By signing below, I acknowledge that I have read through and met all requirements for a complete submittal:

Applicants Signature:  Date: Jan. 10, 2021

FINAL, REPLAT, MINOR, AND AMENDING PLAT CHECKLIST		
Subdivision Ordinance, Section 5		
STAFF	APPLICANT	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Completed application form – including all required notarized signatures
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Application fee (refer to Fee Schedule)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Digital Copies/PDF of all submitted items – please provide a coversheet outlining what digital contents are included on the CD/USB drive.
<input type="checkbox"/>	<input type="checkbox"/> NA	County Application Submittal – proof of online submission (if applicable)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	ESD No. 6 Application (if applicable)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	\$240 Fee for ESD No. 6 Application (if applicable)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Billing Contract Form
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Engineer’s Summary Report
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Drainage Report – if not included in the Engineer’s summary
<input type="checkbox"/>	<input type="checkbox"/> NA	OSSF Facility Planning Report or approved OSSF permit (if applicable)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Final Plats (11 x 17 to scale)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Copy of Current Configuration of Plat (if applicable)
<input type="checkbox"/>	<input type="checkbox"/> NA	Copy of Preliminary Plat (if applicable)
<input type="checkbox"/>	<input type="checkbox"/> Posting Fiscal	Proof of final acceptance of all public infrastructure by the jurisdiction that will own and maintain it; or posting of fiscal for public infrastructure.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Digital Data (GIS) of Subdivision
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Tax Certificates – verifying that property taxes are current
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Copy of Notice Letter to the School District – notifying of preliminary submittal
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Outdoor Lighting Ordinance Compliance Agreement

<input type="checkbox"/>	<input checked="" type="checkbox"/>	Development Agreement/PDD (If applicable)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Cost estimate of public infrastructure improvements (all public infrastructure improvements including water, wastewater, roads, drainage, curbs, sidewalks, etc.) (if applicable). *A Final Plat application will not be accepted if staff has not already approved this.
<input type="checkbox"/>	<input type="checkbox"/> NA	Documentation showing approval of driveway locations (TxDOT, County)
<input type="checkbox"/>	<input type="checkbox"/> NA - Raw Land	Documentation showing Hays County 911 Addressing approval (If applicable)
<input type="checkbox"/>	<input type="checkbox"/> NA	Parkland Dedication fee (if applicable)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	\$25 Public Notice Sign Fee
<input type="checkbox"/>	<input type="checkbox"/> NA	Ag Facility Fees - \$35 per residential LUE (if applicable)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proof of Utility Service (Water & Wastewater) or permit to serve
<input type="checkbox"/>	<input type="checkbox"/> NA	Preliminary Conference Form signed by City Staff

FINAL PLAT INFORMATION REQUIREMENTS

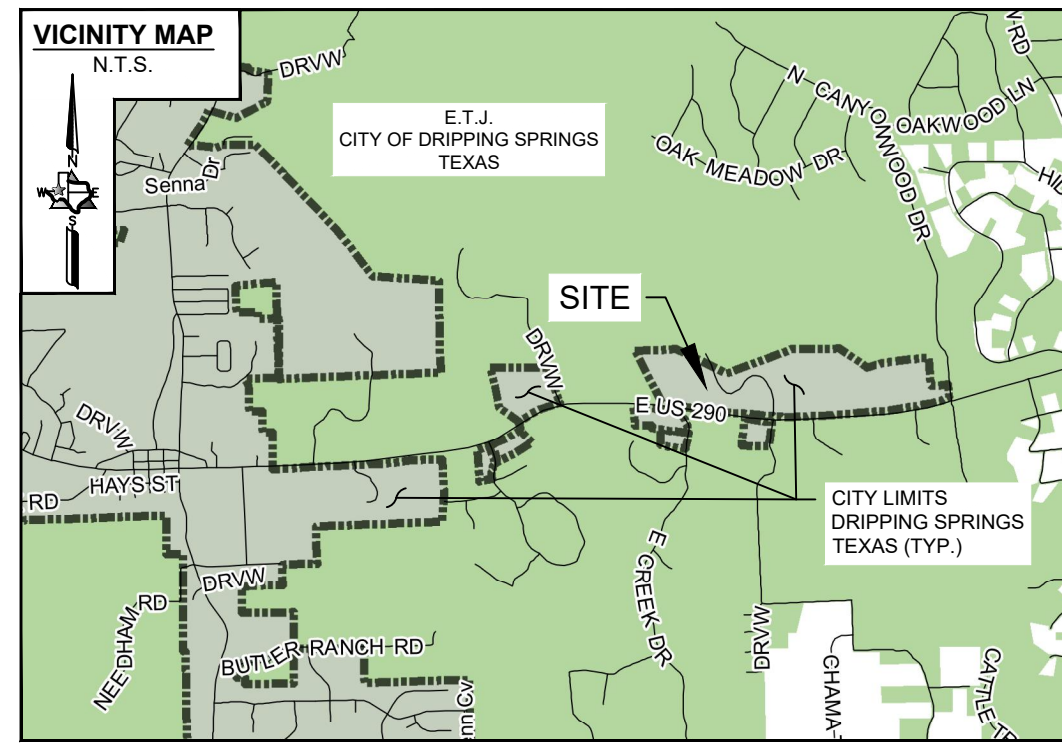
<input type="checkbox"/>	<input checked="" type="checkbox"/>	A vicinity, or location, map that shows the location of the proposed Plat within the City (or within its ETJ) and in relationship to existing roadways.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Boundary lines, abstract/survey lines, corporate and other jurisdictional boundaries, existing or proposed highways and street right-of-way, bearings and distances sufficient to locate the exact area proposed for the subdivision, and all survey monuments including any required concrete monuments (per the City Engineer); the length and bearing of all straight lines, radii, arc lengths, tangent lengths and central angles of all curves shall be indicated along the lines of each lot or Unit (curve and line data may be placed in a table format); accurate reference ties via courses and distances to at least one recognized abstract or survey corner or existing subdivision corner shall be shown.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	The name, location and recording information of all adjacent subdivisions (or property owners of adjacent unplatted property), including those located on the other sides of roads or creeks, shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivision in sufficient detail to show accurately the existing streets, alleys, building setbacks, lot and block numbering, easements, and other features that may influence the layout of development of the proposed subdivision; adjacent unplatted land shall show property lines, the names of owners of record, and the recording information.

<input type="checkbox"/>	<input checked="" type="checkbox"/>	The location, widths and names of all street right-of-way and easements (it shall be the applicant’s responsibility to coordinate with appropriate utility entities for placement of necessary utility easements and for location of all streets and median openings on highways or arterial roadways), existing or proposed, within the subdivision limits and adjacent to the subdivision; a list of proposed street names shall be submitted (in the form of a letter or memo along with the application form) for all new street names (street name approval is required at the time the Plat is approved)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	The location of all existing property lines, existing lot and block numbers and date recorded, easements of record (with recording information),
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proposed arrangement and square footage of lots or Units (including lot and block numbers or Unit numbers).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	All sheets shall have a title block which shows the title or name under which the proposed subdivision is to be recorded; the name, address and phone number of the property owner(s); the name, address and phone number of the licensed engineer or registered professional land surveyor who prepared the plat/plans; the scale of the plat/plans; the date the plat/plan was prepared; and the location of the property according to the abstract or survey records of Hays County, Texas.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sites, if any, to be reserved or dedicated for parks, schools, playgrounds, other public uses or for private facilities or amenities
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Scale (including a graphic scale), date, north arrow oriented to the top or left side of the sheet, and other pertinent informational data
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>All physical features of the property to be subdivided shall be shown, including:</p> <ul style="list-style-type: none"> - The location and size of all watercourses; and - 100-year floodplain according to Federal Emergency Management Agency (FEMA) information; and - Water Quality Buffer Zones as required by [WQO 22.05.017] - Drainage ways and drainage easements. Drainage easements are required for bypass of any offsite flows and for concentrated flows conveyed across lots. Drainage easements shall be large enough to contain the 100-yr storm [Sub. Ord. 12.2.2]. - U.S. Army Corps of Engineers flowage easement requirements; and - All critical environmental features (CEFs) such as karsts, springs, sinkholes,

		<p>caves, etc., to be located and documentation to be signed and certified by a geologist. All CEF to have a minimum setback of 150'. All designated wetlands to be certified as such by an accredited wetland biologist relying the presence of wetlands plant species.</p> <p>- Drainage area in acres or area draining into subdivisions (to be included in drainage report and construction plans); and</p>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Existing zoning of the subject property and all adjacent properties if within the city limits.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Provide notes identifying the following:</p> <ul style="list-style-type: none"> • Owner responsible for operation and maintenance of stormwater facilities. • Owner/operator of water and wastewater utilities. • Owner/operator of roadway facilities
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Certificates and other language shall be included on the plat, pursuant to the following Subsections: A statement signed by the property owner(s) and acknowledged before a Notary Public that the subdivided area is legally owned by the applicant.</p> <ul style="list-style-type: none"> - A statement signed by the property owner(s) and acknowledged before a Notary Public that the subdivided area is legally owned by the applicant. - An accurate legal, such as by metes and bounds, description by bearings and distances (including necessary curve and line data), accurate to the nearest one hundredth of a foot, for all boundary, block and lot lines, with descriptions correlated to a permanent survey monument. - The registered professional land surveyor's certificate, with a place for his or her signature and notarization of his or her signature. - A place for plat approval signature of the Chair or Vice Chair, in the Chair's absence) of the Planning and Zoning Commission, a place for the City Secretary to attest such signature, and the approval dates by Planning and Zoning Commission. - Appendices to this Chapter contain certificates and languages to be used on the plat to accommodate the above requirements:

<u>NARRATIVE OF COMPLIANCE</u>	
A written narrative describing how all portions of the subdivision meets all requirements of this code and other codes, including landscaping, lighting, parkland dedication, site development, water quality protection, and zoning, as may be relevant.	
Outdoor Lighting, Article 24.06	Will comply with City Ordinances
Parkland Dedication, Article 28.03	Addressed in Headwaters at Barton Creek Amended and Restated Developer Agreement. No parkland dedication required for this replat.
Landscaping and Tree Preservation, Article 28.06	Will comply with City ordinances.

Subdivision, 28.02, Exhibit A	<p>This section shall also include, depending on what type of plat is being filed, how public or private improvements will meet City standards, including water quality, drainage, stormwater, and fire (if applicable).</p> <p>Water and Wastewater provided by Headwaters MUD.</p> <p>Water and Wastewater Easements shall be recorded by separate instrument.</p> <p>Water quality, drainage, stormwater and fire will meet City ordinances.</p>
Zoning, Article 30.02, Exhibit A	<p>PDD #6</p>



BENCHMARK NOTES:

BM #100: MAG NAIL WITH PLASTIC WASHER SET ALONG THE NORTHERLY EDGE OF WEST HIGHWAY 290 APPROXIMATELY 697.30-FEET NORTHWEST OF THE SOUTHWESTERLY CORNER OF HEREON DESCRIBED LOT 2, BLOCK B.

NORTHING: 13983226.0002
EASTING: 2268505.7608
ELEVATION: 1209.92'

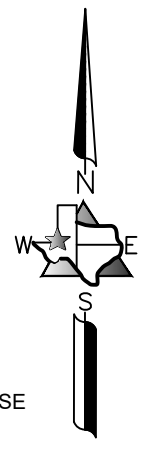
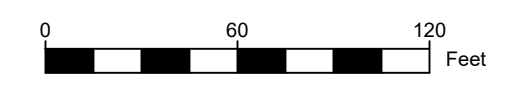
BM #101: MAG NAIL WITH PLASTIC WASHER SET IN ASPHALT AT THE INTERSECTION OF HEADWATERS BLVD., AND WEST HIGHWAY 290, BEING SOUTH OF THE SOUTH END OF A RECENT CONSTRUCTED CENTER MEDIAN OF HEADWATERS BLVD., ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF WEST HIGHWAY 290, APPROXIMATELY 91-FEET SOUTHEAST OF THE SOUTHEASTERLY CORNER OF HEREON DESCRIBED LOT 1, BLOCK B.

NORTHING: 13982965.4871
EASTING: 2270739.8800
ELEVATION: 1275.17'

REPLAT OF LOT 2, BLOCK A, HEADWATERS COMMERCIAL PHASE 1B

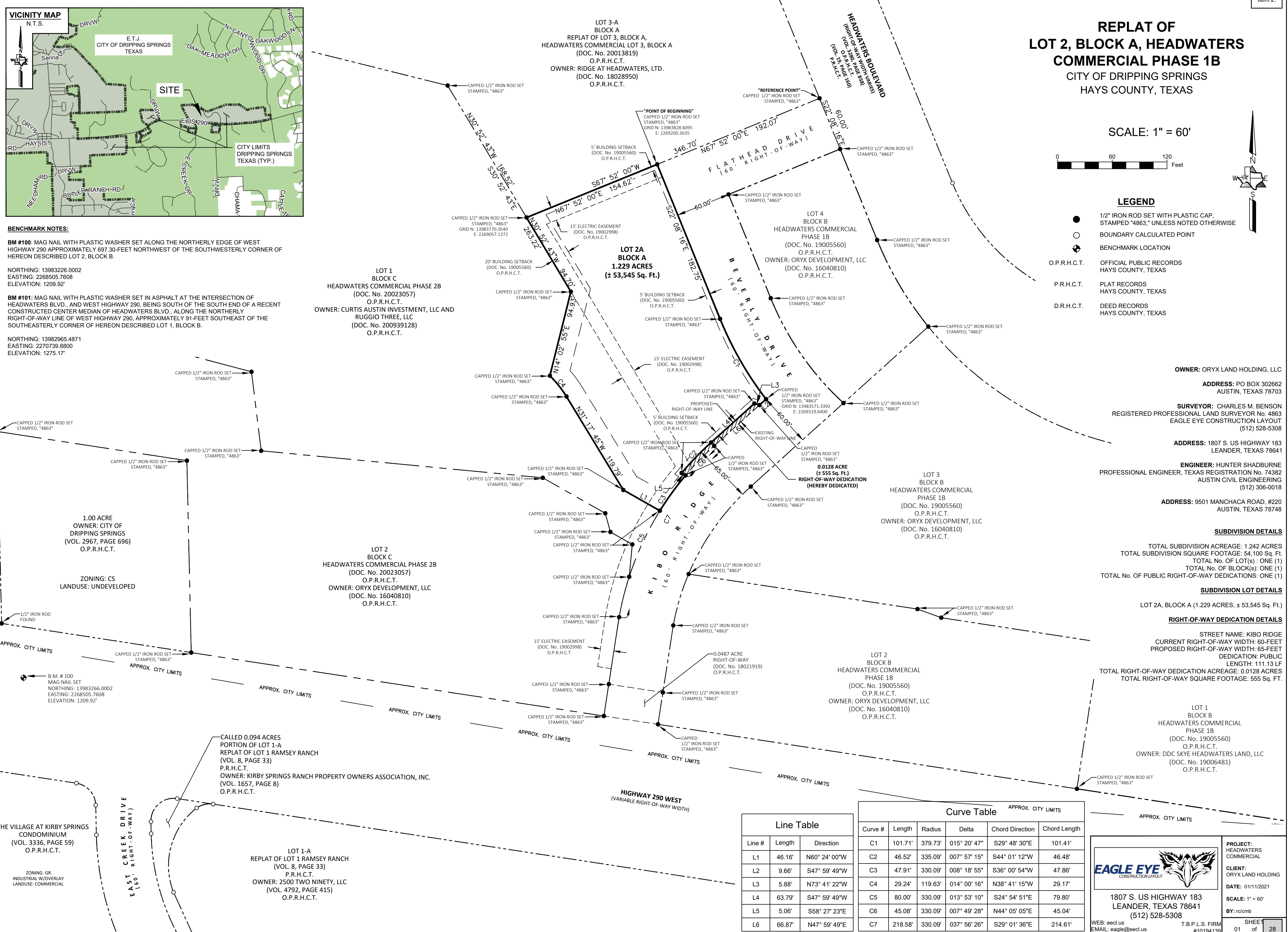
CITY OF DRIPPING SPRINGS
HAYS COUNTY, TEXAS

SCALE: 1" = 60'



LEGEND

- 1/2" IRON ROD SET WITH PLASTIC CAP, STAMPED "4863," UNLESS NOTED OTHERWISE
- BOUNDARY CALCULATED POINT
- ⊕ BENCHMARK LOCATION
- O.P.R.H.C.T. OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS
- P.R.H.C.T. PLAT RECORDS HAYS COUNTY, TEXAS
- D.R.H.C.T. DEED RECORDS HAYS COUNTY, TEXAS



OWNER: ORYX LAND HOLDING, LLC
ADDRESS: PO BOX 302662 AUSTIN, TEXAS 78703

SURVEYOR: CHARLES M. BENSON
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4863
EAGLE EYE CONSTRUCTION LAYOUT (512) 528-5308

ADDRESS: 1807 S. US HIGHWAY 183 LEANDER, TEXAS 78641

ENGINEER: HUNTER SHADBURNE
PROFESSIONAL ENGINEER, TEXAS REGISTRATION NO. 74382
AUSTIN CIVIL ENGINEERING (512) 306-0018

ADDRESS: 9501 MANCHACA ROAD, #220 AUSTIN, TEXAS 78748

SUBDIVISION DETAILS

TOTAL SUBDIVISION ACREAGE: 1.242 ACRES
TOTAL SUBDIVISION SQUARE FOOTAGE: 54,100 Sq. Ft.
TOTAL No. OF LOT(S): ONE (1)
TOTAL No. OF BLOCK(S): ONE (1)
TOTAL No. OF PUBLIC RIGHT-OF-WAY DEDICATIONS: ONE (1)

SUBDIVISION LOT DETAILS

LOT 2A, BLOCK A (1.229 ACRES, ± 53,545 Sq. Ft.)

RIGHT-OF-WAY DEDICATION DETAILS

STREET NAME: KIBO RIDGE
CURRENT RIGHT-OF-WAY WIDTH: 60-FEET
PROPOSED RIGHT-OF-WAY WIDTH: 65-FEET
DEDICATION LENGTH: 111.13 LF
TOTAL RIGHT-OF-WAY DEDICATION ACREAGE: 0.0128 ACRES
TOTAL RIGHT-OF-WAY SQUARE FOOTAGE: 555 Sq. Ft.

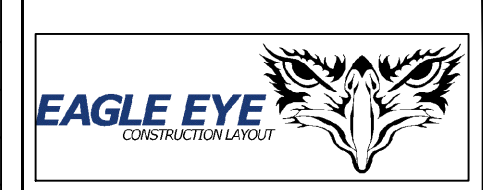
LOT 1
BLOCK B
HEADWATERS COMMERCIAL PHASE 1B
(DOC. No. 19005560)
O.P.R.H.C.T.
OWNER: DDC SKYE HEADWATERS LAND, LLC
(DOC. No. 19006481)
O.P.R.H.C.T.

Line Table

Line #	Length	Direction
L1	46.16'	N60° 24' 00"W
L2	9.66'	S47° 59' 49"W
L3	5.88'	N73° 41' 22"W
L4	63.79'	S47° 59' 49"W
L5	5.06'	S58° 27' 23"E
L6	66.87'	N47° 59' 49"E

Curve Table

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	101.71'	379.73'	015° 20' 47"	S29° 48' 30"E	101.41'
C2	46.52'	335.09'	007° 57' 15"	S44° 01' 12"W	46.48'
C3	47.91'	330.09'	008° 18' 55"	S36° 00' 54"W	47.86'
C4	29.24'	119.63'	014° 00' 16"	N38° 41' 15"W	29.17'
C5	80.00'	330.09'	013° 53' 10"	S24° 54' 51"E	79.80'
C6	45.08'	330.09'	007° 49' 28"	N44° 05' 05"E	45.04'
C7	218.58'	330.09'	037° 56' 26"	S29° 01' 36"E	214.61'



1807 S. US HIGHWAY 183
LEANDER, TEXAS 78641
(512) 528-5308

PROJECT: HEADWATERS COMMERCIAL
CLIENT: ORYX LAND HOLDING
DATE: 01/11/2021
SCALE: 1" = 60'
BY: rcl/cmb
SHEET 01 of 28
WEB: eel.us
EMAIL: eagle@eel.us
T.B.P.L.S. FIRM #10194139

**REPLAT OF
LOT 2, BLOCK A, HEADWATERS
COMMERCIAL PHASE 1B
CITY OF DRIPPING SPRINGS
HAYS COUNTY, TEXAS**

LEGAL DESCRIPTION:

A DESCRIPTION OF A 1.242 ACRE (APPROX. 54,100 Sq. Ft.) TRACT OF LAND, SITUATED IN THE WILLIAM WALKER SURVEY No. 130, ABSTRACT No. 475, LOCATED IN HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS BEING ALL OF LOT 2, BLOCK A, HEADWATERS COMMERCIAL, PHASE 1B, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED UNDER DOCUMENT No. 19005560 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND THE RESIDUE OF A CALLED 39.712 ACRE TRACT OF LAND BEING DESCRIBED IN THAT CERTAIN SPECIAL WARRANTY DEED, CONVEYED TO ORYX DEVELOPMENT, LLC., DATED NOVEMBER 29, 2016 AND APPEARING OF RECORD UNDER DOCUMENT No. 16040810 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SAID 1.242 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY THE FOLLOWING METES AND BOUNDS DESCRIPTION:

BEGINNING at a set ½-inch iron rod with plastic cap, stamped “4863” for the northeasterly (northerly most) corner of the hereon, described 1.242 Acre tract of land and the aforementioned Lot 2, Block A, same being a point along the southerly lot line of Lot 3-A, Block A, of the Replat of Lot 3, Block A, Headwaters Commercial Lot 3, Block A, a subdivision appearing of record under Document No. 20013819 of the Official Public Records of Hays County, Texas, and the northwesterly right-of-way intersecting corner of Flathead Drive, having a 60-foot right-of-way width and Beverly Drive, having a 60-foot right-of-way width, and from which a previously set ½-inch iron rod with plastic cap, stamped “4863” bears North 67° 52’ 00” East, along the common dividing line of said Lot 3-A, Block A, and Flathead Drive, a distance of 192.07 feet for the southeasterly lot corner of said Lot 3-A, Block A, and the northerly intersecting right-of-way corner of said Flathead Drive and Headwaters Boulevard, having a variable right-of-way width;

THENCE continuing along the common dividing line of the aforementioned Lot 2, Block A, and the southwesterly right-of-way line of the aforesaid Beverly Drive, traversing along the northeasterly perimeter of the hereon, described 1.242 Acre tract of land with the following Two (2) courses and distances:

- 1). **South 22° 08’ 16” East**, a distance of **182.75 feet** to a previously set ½-inch iron rod with plastic cap, stamped “4863”;
- 2). With a curve to the left, having an **Arc Length of 101.71 feet**, a **Radius of 379.73 feet**, a **Delta Angle of 15° 20’ 47”** and a **Chord** which bears **South 29° 48’ 30” East**, a **Distance of 101.41 feet** to a previously set ½-inch iron rod with plastic cap, stamped “4863” for the southeasterly (easterly most) corner of the hereon, described 1.242 Acre tract of land, same being the northwesterly right-of-way intersecting corner of said Beverly Drive and Kibo Ridge, having a 60-foot right-of-way width;

THENCE continuing along the common dividing line of the aforementioned Lot 2, Block A, same being the northwesterly right-of-way line of the aforesaid Kibo Ridge, and the southeasterly boundary of the residue of the aforementioned 39.712 Acre tract of land, traversing along the southeasterly perimeter of the hereon, described 1.242 Acre tract of land with the following Two (2) courses and distances:

- 1). **South 47° 59’ 49” West**, a distance of **76.54 feet** to a previously set ½-inch iron rod with plastic cap, stamped “4863”;
- 2). With a curve to the left, having an **Arc Length of 92.98 feet**, a **Radius of 330.09 feet**, a **Delta Angle of 16° 08’ 23”**, and a **Chord** which bears **South 39° 55’ 38” West**, a **Distance of 92.68 feet** to a previously set ½-inch iron rod with plastic cap, stamped “4863” for the southwesterly (southerly most) corner of the hereon, described 1.242 Acre tract of land, same being the southwesterly (southerly most) corner of said residue of easterly most common corner of the residue of said 39.712 Acre tract of land and Lot 1, Block C, of the Headwaters Commercial, Phase 2B, a subdivision appearing of record under Document No. 20023057 of the Official Public Records of Hays County, Texas;

THENCE with the common dividing line of the residue of the aforementioned 39.712 Acre tract of land and the aforesaid Lot 1, Block C, Headwaters Commercial, Phase 2B, traversing along the southwesterly perimeter of the hereon, described 1.242 Acre tract of land with the following Four (4) courses and distances:

- 1). **North 60° 24’ 00” West**, a distance of **46.16 feet** to a previously set ½-inch iron rod with plastic cap, stamped “4863”;
- 2). **North 31° 17’ 45” West**, a distance of **119.79 feet** to a previously set ½-inch iron rod with plastic cap, stamped “4863”;
- 3). With a curve to the left, having an **Arc Length of 29.24 feet**, a **Radius of 119.63 feet**, a **Delta Angle of 14° 00’ 16”** and a **Chord** which bears **North 38° 41’ 15” West**, a **Distance of 29.17 feet** to a previously set ½-inch iron rod with plastic cap, stamped “4863”;
- 4). **North 14° 02’ 55” East**, a distance of **94.93 feet** to a previously set ½-inch iron rod with plastic cap, stamped “4863” for the northerly most common dividing corner of said residue and Lot 2, Block A;

THENCE North 30° 52’ 43” West, along the common dividing line of the aforementioned Lot 2, Block A, and the aforesaid Lot 1, Block C, a distance of **94.70 feet** to a previously set ½-inch iron rod with plastic cap, stamped “4863” for the northwesterly corner of the hereon, described 1.242 Acre tract of land, same being the common intersecting corner of said Lot 2, Block A, Lot 1, Block C and the aforesaid Lot 3-A, Block A;

THENCE North 67° 52’ 00” East, along the common dividing line of the aforementioned Lot 2, Block A, and the aforesaid Lot 3-A, Block A, a distance of **154.62 feet** to the **POINT OF BEGINNING**, containing the hereon, described 1.242 Acre (Approx. 54,100 Sq. Ft.) tract of land, more or less.

RECORD IN MY OFFICE ON THE _____ DAY OF _____, 2021,

AT _____ O’CLOCK ____M., IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS, UNDER

CABINET FILE No. _____.

FILED FOR RECORD ON THE _____ DAY OF _____, 2021.

_____, BY: _____
ELAINE H. CARDENAS DEPUTY
COUNTY CLERK
HAYS COUNTY, TEXAS

RECORD IN MY OFFICE ON THE _____ DAY OF _____, 2021,

AT _____ O’CLOCK ____M., IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS, UNDER

CABINET FILE No. _____.

FILED FOR RECORD ON THE _____ DAY OF _____, 2021.

_____, BY: _____
ELAINE H. CARDENAS DEPUTY
COUNTY CLERK
HAYS COUNTY, TEXAS

**STATE OF TEXAS
COUNTY OF HAYS**

KNOW ALL MEN BY THESE PRESENTS:

THAT I, BLAKE RUE, MANAGING MEMBER OF ORYX LAND HOLDING, LLC., BEING THE OWNER OF 1.242 ACRES OF LAND OUT OF THE WILLIAM WALKER SURVEY No. 130, ABSTRACT No. 475, HAYS COUNTY, TEXAS, AS CONVEYED TO ME BY THAT CERTAIN SPECIAL WARRANTY DEED, DATED DECEMBER 2, 2016, AND RECORDED UNDER INSTRUMENT No. 16040810, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, DO HEREBY SUBDIVIDE SAID LAND IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, TO BE KNOWN AS:

REPLAT OF LOT 2, BLOCK A, HEADWATERS COMMERCIAL PHASE 1B

AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS AS SHOWN HEREON.

WITNESS MY HAND THIS THE _____ DAY OF _____, 2021.

BLAKE RUE, MANAGING MEMBER
ORYX LAND HOLDING, LLC
P.O. BOX 302663
AUSTIN, TEXAS 78703

**STATE OF TEXAS
COUNTY OF HAYS**

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED

_____, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 2021.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS (SEAL)

PRINTED NAME OF NOTARY / EXPIRES

**STATE OF TEXAS
COUNTY OF HAYS**

KNOW ALL MEN BY THESE PRESENTS

THAT I, COSMO PALMIERI, VICE PRESIDENT OF SERVICE GROUP HOLDINGS, INC., A LIEN HOLDER OF THAT CERTAIN TRACT OF LAND SHOWN HEREON, DO HEREBY JOIN, APPROVE, AND CONSENT TO ALL DEDICATIONS AND PLAT NOTE REQUIREMENTS SHOWN HEREON. I DO HEREBY APPROVE THE RECORDATION OF THIS SUBDIVISION PLAT AND DEDICATE TO THE PUBLIC USE FOREVER ANY EASEMENTS AND ROADS THAT ARE SHOWN HEREON. THIS SUBDIVISION IS TO BE KNOWN AS:

AMENDED PLAT OF LOT 2, BLOCK A, HEADWATERS COMMERCIAL PHASE 1B

WITNESS MY HAND THIS THE _____ DAY OF _____, 2021.

COSMO PALMIERI, VICE PRESIDENT
SERVICE GROUP HOLDINGS, INC.
6907 CAPITAL OF TEXAS HIGHWAY, SUITE 370
AUSTIN, TEXAS 78731

**STATE OF TEXAS
COUNTY OF HAYS**

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED

_____, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 2021.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS (SEAL)

PRINTED NAME OF NOTARY / EXPIRES

**STATE OF TEXAS
COUNTY OF HAYS**

KNOW ALL MEN BY THESE PRESENTS:

THAT IWE, TEXAS REGIONAL BANK, A LIEN HOLDER OF THAT CERTAIN TRACT OF LAND SHOWN HEREON, DO HEREBY JOIN, APPROVE, AND CONSENT TO ALL DEDICATIONS AND PLAT NOTE REQUIREMENTS SHOWN HEREON. I DO HEREBY APPROVE THE RECORDATION OF THIS SUBDIVISION PLAT AND DEDICATE TO THE PUBLIC USE FOREVER ANY EASEMENTS AND ROADS THAT ARE SHOWN HEREON. THIS SUBDIVISION IS TO BE KNOWN AS:

AMENDED PLAT OF LOT 2, BLOCK A, HEADWATERS COMMERCIAL PHASE 1B

WITNESS MY HAND THIS THE _____ DAY OF _____, 2021.

ERIN NEEDHAM, SENIOR VICE PRESIDENT
TEXAS REGIONAL BANK
333 US HIGHWAY 290 EAST, SUITE 305
DRIPPING SPRINGS, TEXAS 78620

**STATE OF TEXAS
COUNTY OF HAYS**

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED

_____, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 2021.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS (SEAL)

PRINTED NAME OF NOTARY / EXPIRES

PLAT NOTES:

1). THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE CITY OF DRIPPING SPRINGS AND HAYS COUNTY.

2). THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE DRIPPING SPRINGS INDEPENDENT SCHOOL DISTRICT.

3). THIS SUBDIVISION LIES WITHIN THE HAYS COUNTY ESD No. 1 FOR EMS SERVICE.

4). THIS SUBDIVISION LIES WITHIN THE HAYS COUNTY ESD No. 6 FOR FIRE SERVICE.

5). THIS SUBDIVISION LIES WITHIN THE HAYS-TRINITY GROUNDWATER CONSERVATION DISTRICT.

6). ALL SUBDIVISION PERMITS SHALL CONFORM TO THE CITY OF DRIPPING SPRINGS, HAYS COUNTY, TEXAS CODE OF ORDINANCES, CONSTRUCTION STANDARDS AND GENERALLY ACCEPTED ENGINEERING PRACTICES.

7). THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE EDWARDS AQUIFER CONTRIBUTING ZONE.

8). GAS UTILITY SERVICE WILL BE PROVIDED BY TEXAS GAS SERVICE.

9). WATER UTILITY SERVICE WILL BE PROVIDED BY THE HEADWATERS MUNICIPAL UTILITY DISTRICT OF THE CITY OF DRIPPING SPRINGS, TEXAS.

10). WASTEWATER UTILITY SERVICE WILL BE PROVIDED BY THE HEADWATERS MUNICIPAL UTILITY DISTRICT OF THE CITY OF DRIPPING SPRINGS, TEXAS OR AN ON-SITE WASTEWATER SYSTEM WHICH HAS BEEN APPROVED AND PERMITTED BY THE CITY OF DRIPPING SPRINGS.

11). ELECTRIC UTILITY SERVICE WILL BE PROVIDED BY PEDERNALES ELECTRIC COOPERATIVE.

12). BUILDING SETBACKS NOT SHOWN SHALL BE IN ACCORDANCE WITH CITY OF DRIPPING SPRINGS SUBDIVISION AND ZONING ORDINANCES. THE SUBDIVISION IS CURRENTLY ZONED (PDD-6).

13). CONSTRUCTION PLANS AND SPECIFICATIONS FOR ALL SUBDIVISION IMPROVEMENTS SHALL BE REVIEWED AND ACCEPTED BY THE CITY OF DRIPPING SPRINGS PRIOR TO ANY CONSTRUCTION WITHIN THE SUBDIVISION.

14). EROSION AND SEDIMENTATION CONTROLS ARE REQUIRED FOR CONSTRUCTION ON EACH LOT, INCLUDING SINGLE-FAMILY AND DUPLEX CONSTRUCTION.

15). NO LOT IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN APPROVED WATER DISTRIBUTION AND WASTEWATER COLLECTION SYSTEM.

16). ALL DRIVEWAYS IN THIS SUBDIVISION MUST BE CONSTRUCTED TO FACILITATE DRAINAGE ALONG THE DEVELOPER AND/OR PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE INSTALLATION.

17). NO STRUCTURES OR LAND USE INCLUDING, BUT NOT LIMITED TO: BUILDINGS, FENCES, LANDSCAPING THAT NEGATIVELY IMPACTS STORM WATER FLOWS SHALL BE ALLOWED IN AREAS DESIGNATED AS PONDS, DRAINAGE EASEMENTS, OR DETENTION/RETENTION AREAS.

18). IT IS THE RESPONSIBILITY OF EACH BUILDER TO DESIGN AND CONSTRUCT A SUITABLE GRADING AND DRAINAGE SCHEME WHICH WILL CONVEY SURFACE WATER, WITHOUT PONDING IN THE LOT UNDER THE STRUCTURE, FROM HIS STRUCTURE TO THE DRAINAGE SYSTEM CONSTRUCTED BY THE SUBDIVISION DEVELOPER.

19). PUBLIC UTILITY AND DRAINAGE EASEMENTS WHERE SHOWN AND/OR DESCRIBED HEREON ARE INTENDED TO INDICATE AN EASEMENT FOR CONSTRUCTION, OPERATION AND MAINTENANCE OF PUBLIC UTILITIES AND DRAINAGE WAYS; INCLUDING, BUT NOT LIMITED TO, SANITARY SEWERS, FORCE MAINS, WATER LINES, TELEPHONE SIGNAL CONDUITS, ELECTRIC CONDUCTORS, DRAINAGE PIPES AND NATURAL GAS LINES.

20). BY APPROVING THIS PLAT, THE CITY OF DRIPPING SPRINGS ASSUMES NO OBLIGATION TO CONSTRUCT ANY INFRASTRUCTURE IN CONNECTION WITH THIS SUBDIVISION. ANY SUBDIVISION INFRASTRUCTURE REQUIRED FOR THE DEVELOPMENT OF THE LOTS IN THIS SUBDIVISION IS THE SOLE RESPONSIBILITY OF THE DEVELOPER AND/OR THE OWNERS OF THE LOT. FAILURE TO CONSTRUCT ANY REQUIRED INFRASTRUCTURE TO CITY STANDARDS MAY BE JUST CAUSE FOR THE CITY TO DENY APPLICATIONS FOR CERTAIN DEVELOPMENT PERMITS INCLUDING BUILDING PERMITS, SITE PLAN APPROVALS AND/OR CERTIFICATE OF OCCUPANCY.

21). NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN INDIVIDUAL WATER SUPPLY OR A STATE-APPROVED COMMUNITY WATER SYSTEM. DUE TO DECLINING WATER SUPPLIES AND DIMINISHING WATER QUALITY, PROSPECTIVE PROPERTY OWNERS ARE CAUTIONED BY THE CITY OF DRIPPING SPRINGS TO QUESTION THE SELLER CONCERNING GROUND WATER AVAILABILITY. RAIN WATER COLLECTION IS ENCOURAGED AND IN SOME AREAS MAY OFFER THE BEST RENEWABLE WATER RESOURCE.

22). NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PUBLIC SEWER SYSTEM OR TO AN ON-SITE WASTEWATER SYSTEM WHICH HAS BEEN APPROVED AND PERMITTED BY THE CITY OF DRIPPING SPRINGS.

23). NO CONSTRUCTION OR OTHER DEVELOPMENT WITHIN THIS SUBDIVISION MAY BEGIN UNTIL ALL HAYS COUNTY DEVELOPMENT PERMIT REQUIREMENTS HAVE BEEN MET.

24). SITE DEVELOPMENT CONSTRUCTION PLANS SHALL BE REVIEWED AND ACCEPTED BY THE CITY OF DRIPPING SPRINGS PRIOR TO ANY MULTI-FAMILY OR NON-RESIDENTIAL CONSTRUCTION.

25). ALL UTILITIES ARE TO BE UNDERGROUND, TO THE FULLEST EXTENT PRACTICAL.

26). THE ELECTRIC UTILITY HAS THE RIGHT TO PRUNE AND/ OR REMOVE TREES, SHRUBBERY VEGETATION AND OTHER OBSTRUCTIONS TO THE EXTENT NECESSARY TO KEEP THE EASEMENTS CLEAR.

27). SIDEWALKS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF THE CITY OF DRIPPING SPRINGS, HAYS COUNTY AND SHALL BE MAINTAINED BY THE OWNERS, NOT THE CITY OF DRIPPING SPRINGS.

28). THIS TRACT SHOWN HEREON LIES WITHIN THE ZONE “X” (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FIRM FOR HAYS COUNTY, TEXAS AND INCORPORATED AREAS, FIRM PANEL No. 48209C0120F, DATED SEPTEMBER 2, 2005.

29). ALL SIGNS SHALL COMPLY WITH CITY OF DRIPPING SPRINGS SIGN ORDINANCE AND/OR HEADWATERS MASTER SIGN PLAN, AS APPLICABLE.

30). HEADWATERS MUD SHALL BE GRANTEE ON ALL WATER, WASTEWATER AND DRAINAGE EASEMENTS.


31). WATER QUALITY PROTECTION MEASURES OR ALTERNATIVES, SUCH AS BUFFER ZONES AND IMPERVIOUS COVER, AS SHOWN ON THE APPROVED CONSTRUCTION PLANS MAY NOT BE ALTERED WITHOUT REVIEW AND APPROVAL FROM THE HEADWATERS MUNICIPAL UTILITY DISTRICT OF THE CITY OF DRIPPING SPRINGS, TEXAS.

32). OWNERS OR THE HEADWATERS MUD SHALL BE RESPONSIBLE FOR OPERATING AND MAINTAINING STORMWATER FACILITIES, NOT THE CITY OF DRIPPING SPRINGS.

33). HORIZONTAL POSITIONS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983, TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (FIPS 4204) UTILIZING THE LOCAL VRS NETWORK BASE No. (PRS97541659158).

34). VERTICAL ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM 1988 (NAVD 88), UTILIZING GEOID 12B.

35). GRID DISTANCES SHOWN HEREON, ARE IN US SURVEY FEET.

		PROJECT: HEADWATERS COMMERCIAL
1807 S. US HIGHWAY 183 LEANDER, TEXAS 78641 (512) 528-5308		CLIENT: ORYX LAND HOLDING
DATE: 01/11/2021		SCALE: N.T.S.
BY: rca/cmb		WEB: eecl.us EMAIL: eagle@eecl.us
T.B.P.L.S. FIRM #10194139		SHEET 02 of 29



CITY OF DRIPPING SPRINGS

PHYSICAL: 511 Mercer Street • MAILING: PO Box 384 • Dripping Springs, TX 78620
512.858.4725 • www.cityofdrippingsprings.com

Date: February 10, 2021

Gracie Ward
Austin Civil Engineering
9501B Menchaca Rd #220
Austin TX 78748
gl@austincivil.com

Permit Number: SUB2021-0005
Project Name: Headwaters Commercial Lot 2A Replat
Project Address: Beverly Drive, Dripping Springs, TX 78620

City staff has completed its review of the above-named project. Reviewer comments are provided below. These comments are intended to be comprehensive; however, there may be additional comments after reviewing the submitted corrections. Applicants are encouraged to contact reviewers directly with questions.

Engineer/Public Works Comments

The following comments have been provided by Chad Gilpin. Should you have any questions or require additional information, please contact Chad Gilpin by email cgilpin@cityofdrippingsprings.com.

1. Explain the purpose of the additional ROW dedication.
2. Change all references to "Hays County" in note 23 to "City of Dripping Springs" because this property is within the City Limits.
3. Update note 27. Sidewalks within City ROW will be maintained by the City.
4. Provide a "Purpose of Replat" Statement below the plat title.
5. Show the proposed electrical easements fronting Beverly Dr and Kibo Ridge per your cut/fill variance application. If the existing electrical easement is to be abandoned provide the abandonment docs and remove from the plat.

City Planner Comments

The following comments have been provided by Robyn Miga. Should you have any questions or require additional information, please contact Robyn Miga by email robyn@texasmunicipallawyers.com.

6. Update the title block on the plat to state that it is a Final Plat of Lot 2A, Block A, being a replat of Lot 2, Block A, of the Headwaters Commercial Phase 1B, filed in Hays County by Instrument No. 19005560.
7. Add signature block for P & Z Chair.
8. Update the language in the signature blocks referring to this as an Amended Plat.
9. The acreage in the metes and bounds does not match the acreage that's called out on the parcel on the plat.
10. Add a note stating that this plat will follow all plat notes on the Headwaters Commercial Phase 1B plat, filed by Instrument No. 19005560 since we're not doing a plat vacation, which would require signatures of all owners of lots in the entire subdivision, per Chapter 212 of LGC.

Fire Marshal Comments

The following comments have been provided by Dillon Polk. Should you have any questions or require additional information, please contact Dillon Polk by email dpolk@northhaysfire.com.

11. Fire Approves

All resubmittals must be transmitted to the Planning Department at the City of Dripping Springs or uploaded to www.mygovernmentonline.org**.

Resubmittals must include a cover letter addressing each reviewer comment and noting where associated corrections/revisions/changes can be found in the submittal documents. **Please keep previous review comments on the document as you resubmit your response letter, so that staff can keep track of the original comments.** Resubmittals that do not include a cover letter will be considered incomplete and returned.



Planning and Zoning Commission Planning Department Staff Report

Planning and Zoning Commission Meeting: February 23, 2021

Project No: ZA2021-0001

Project Planner: Robyn Miga, Consulting Planner

Item Details

Project Name: 2004 Creek Road Rezoning

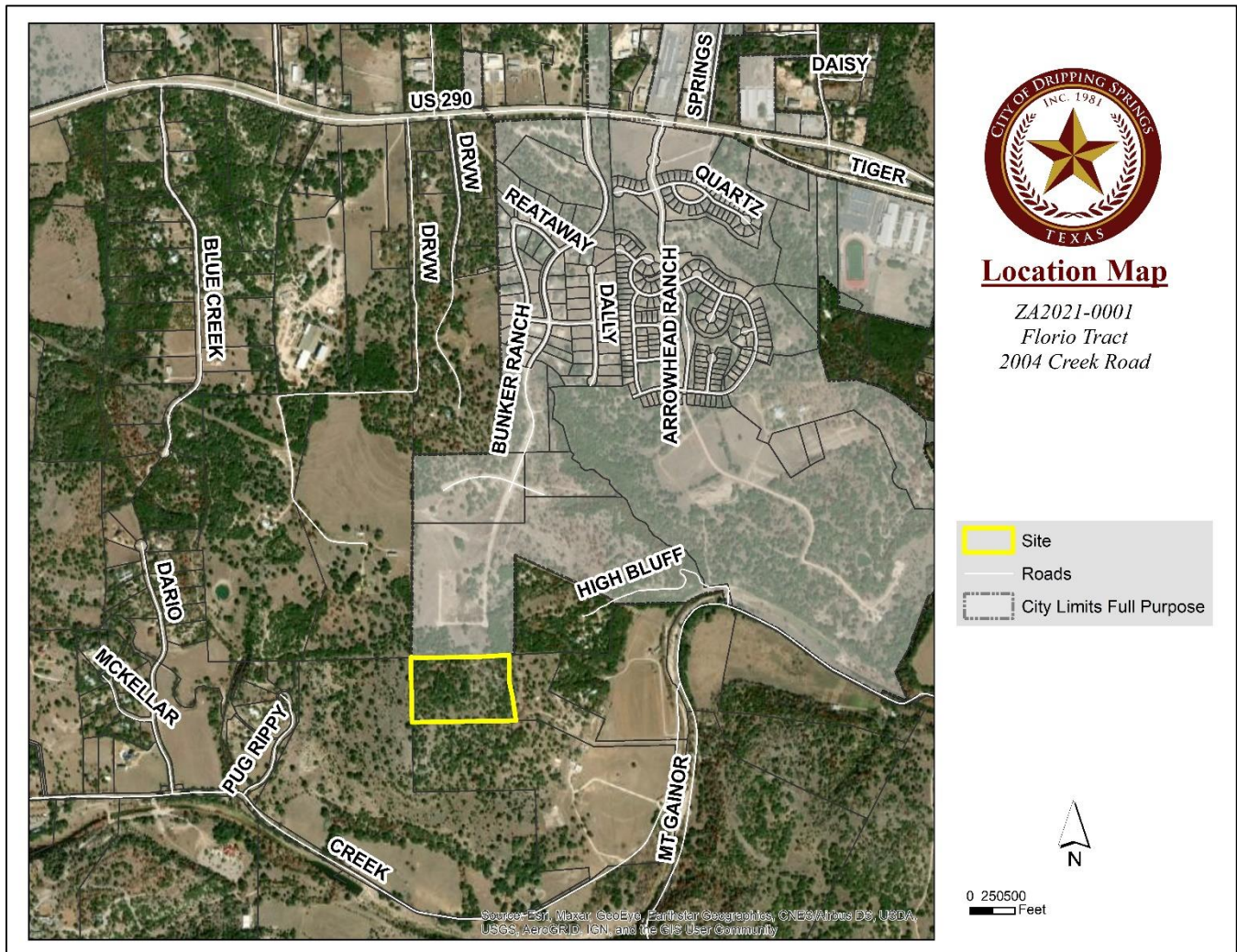
Property Location: 2004 Creek Road, south of Highway 290, north of Creek Road

Legal Description: Approximately 18.250 acres, situated in the Benjamin F. Hanna Survey No. 28, Abstract No. 222

Applicant: Steve Harren c/o Brian Estes, P.E.

Property Owners: Steve Harren

Request: Rezoning request from AG, Agricultural, to SF-2, Moderate Density Residential.

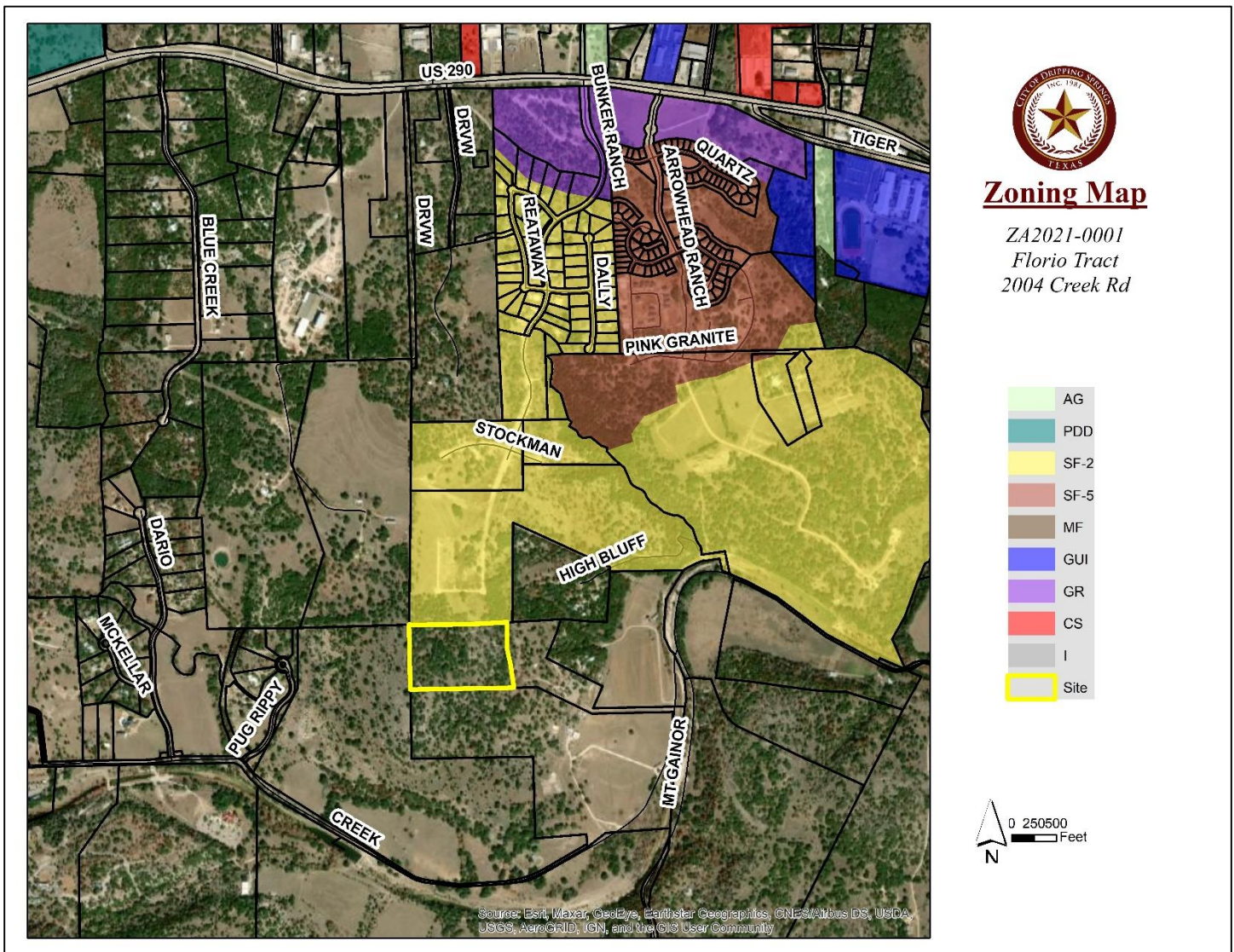


Overview

The applicant submitted a petition for voluntary annexation of the approximately 18.250 acres, therefore should the annexation be approved by City Council, the applicant would like to request the zoning designation of SF-2, Moderate Density Residential.

This property today has a homestead that is being carved out of the parent tract as shown in the property exhibit, and the approximately 18.250 acres are proposed as a future phase of Bunker Ranch.

Surrounding Properties



The current zoning and existing uses of the adjacent properties to the north, south, east, and west are outlined in the table below:

Direction	Zoning District	Existing Use	Comprehensive Plan
North	ETJ	Residential	None of these properties are called out in the comprehensive plan
East	ETJ	Residential	
South	ETJ	Residential	
West	SF-2, Moderate Density Residential	Residential (Bunker Ranch Subdivision)	

Development Standards

Development Standards for SF-2	
Size of Lots	
Minimum Lot area	½ acre
Setback Requirements	
Minimum Front Yard	25'
Minimum Side Yard	15'
Minimum Rear Yard	25'
Height Regulations	
Main Building	2 ½ stories, or 40', whichever is less, for the main buildings
Accessory Building	25'
Other Development Standards	
Impervious Cover	40% total, including main buildings and accessory buildings

Summary

2.28.2 In making a determination regarding a requested zoning change, the P&Z and the City Council shall consider the following factors:

Factors	Staff Comments
1. Whether the proposed change will be appropriate in the immediate area concerned;	The proposed zoning district is consistent with the area, and where adjacent to ETJ property that is not yet developed, it would serve as a transition to more rural parts of the city's ETJ.
2. Their relationship to the general area and the City as a whole;	The use proposed will fit in with the surrounding area in regard to zoning districts in the area.
3. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area;	This property is not shown on any existing or proposed plans for public schools, streets, water supply, sanitary sewers, and other utilities to the area.
4. The amount of undeveloped land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such undeveloped land unavailable for development;	This property would not be affected by any proposed zoning districts that are similar.
5. The recent rate at which land is being developed in the same zoning classification, particularly in the vicinity of the proposed change;	This area will not be affected by this proposed rezoning. Immediately adjacent, the only property located in the city limits is part of the
6. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved;	Based on the area, the proposed rezone of this lot will not affect the surrounding area, or similar developments.
7. Whether the proposed change treats the subject parcel of land in a manner which is significantly different from decisions made involving other,	This property is being treated similarly to other Zoning changes.

Planning Department Staff Report

similarly situated parcels; and	
8. Any other factors which will substantially affect the public health, safety, morals, or general welfare.	Staff does not see this Zoning Change affecting the public health, safety, morals or general welfare.

Public Notification

A legal notice advertising the public hearing was placed in the Dripping Springs Century-News, signs were posted on the site, notice was placed on the City Website, and all property owners within a 300-foot radius of the site were notified of the request.

Attachments

- Exhibit 1: Rezoning Application
- Exhibit 2: Zoning Use Chart
- Exhibit 3: Property Location

Recommended Action:	Staff is recommending approval as presented.
Alternatives/Options:	Recommend denial of the rezoning application.
Budget/Financial Impact:	None calculated at this time.
Public Comments:	No public comment was received for this request.
Enforcement Issues:	N/A



CITY OF DRIPPING SPRINGS

PHYSICAL: 511 Mercer Street • MAILING: PO Box 384

Dripping Springs, TX 78620

• 512.858.4725 • www.cityofdrippingsprings.com

ZONING/PDD AMENDMENT APPLICATION

Case Number (staff use only): _____ - _____

CONTACT INFORMATION

PROPERTY OWNER NAME Steve Harren

STREET ADDRESS 2901 W US 290

CITY 317 Grace Lane #240 STATE TX ZIP CODE 78746

PHONE (512)644-6800 EMAIL steveharren@aol.com

APPLICANT NAME Brian Estes, PE

COMPANY Civil and Environmental Consultants Inc.

STREET ADDRESS 3711 S. Mo Pac Expy Suite 550

CITY Austin STATE Texas ZIP CODE 78746

PHONE 512-439-0400 EMAIL bestes@cecinc.com

REASONS FOR AMENDMENT

TO CORRECT ANY ERROR IN THE REGULATION OR MAP

TO RECOGNIZE CHANGES IN TECHNOLOGY, STYLE OF LIVING, OR MANNER OF CONDUCTING BUSINESS

TO RECOGNIZE CHANGED CONDITIONS OR CIRCUMSTANCES IN A PARTICULAR LOCALITY

TO MAKE CHANGES IN ORDER TO IMPLEMENT POLICIES REFLECTED WITHIN THE COMPREHENSIVE PLAN

PROPERTY & ZONING INFORMATION	
PROPERTY OWNER NAME	Steve Harren
PROPERTY ADDRESS	2004 CREEK RD, DRIPPING SPRINGS, TX
CURRENT LEGAL DESCRIPTION	
TAX ID#	R143390
LOCATED IN	<input type="checkbox"/> CITY LIMITS <input checked="" type="checkbox"/> EXTRATERRITORIAL JURISDICTION
CURRENT ZONING	Undeveloped
REQUESTED ZONING/AMENDMENT TO PDD	SF-2
REASON FOR REQUEST <i>(Attach extra sheet if necessary)</i>	Requesting to rezone to SF-2 concurrently with annexation application into CoDS City Limits to develop single family homes. The site will be served by DSWSC for water service. Private septic wastewater facilities will be used. PEC will provide electric service.
INFORMATION ABOUT PROPOSED USES <i>(Attach extra sheet if necessary)</i>	Single family homes

COMPLIANCE WITH OUTDOOR LIGHTING ORDINANCE? *

(See attached agreement).

YES (REQUIRED)* YES (VOLUNTARY)* NO*

* If proposed subdivision is in the City Limits, compliance with Lighting Ordinance is **mandatory**. If proposed subdivision is in the ETJ, compliance is **mandatory** when required by a Development Agreement or as a condition of an Alternative Standard/Special Exception/Variance/Waiver.

Voluntary compliance is strongly encouraged by those not required by above criteria *(see Outdoor Lighting tab on the CODS webpage and online Lighting Ordinance under Code of Ordinances tab for more information).*

APPLICANT'S SIGNATURE

The undersigned, hereby confirms that he/she/it is the owner of the above described real property and further, that Brian Estes (Civil & Environmental Consultants, Inc.) is authorized to act as my agent and representative with respect to this Application and the City's zoning amendment process.

(As recorded in the Hays County Property Deed Records, Vol. _____, Pg. _____.) **Document # 20061246**

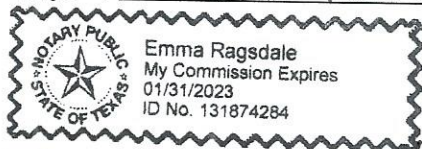
Steve Harren 
Name

Owner The Overlook at Bunker Ranch, LLC
Title

STATE OF TEXAS §
 §
COUNTY OF HAYS §

This instrument was acknowledged before me on the 5th day of January,

2021 by Steve Harren




Notary Public, State of Texas

My Commission Expires: 01/31/2023

Brian Estes (Civil & Environmental Consultants, Inc.)
Name of Applicant

ZONING AMENDMENT SUBMITTAL

All required items and information (including all applicable above listed exhibits and fees) must be received by the City for an application and request to be considered complete. **Incomplete submissions will not be accepted.** By signing below, I acknowledge that I have read through and met the above requirements for a complete submittal:


 Applicant Signature

1/5/21
 Date

CHECKLIST

STAFF	APPLICANT	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Completed Application Form - including all required signatures and notarized
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Application Fee-Zoning Amendment or PDD Amendment (<i>refer to Fee Schedule</i>)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	PDF/Digital Copies of all submitted Documents
<input type="checkbox"/>	<input checked="" type="checkbox"/>	When submitting digital files, a cover sheet must be included outlining what digital contents are included.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Billing Contact Form
<input type="checkbox"/>	<input checked="" type="checkbox"/>	GIS Data
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Outdoor Lighting Ordinance Compliance Agreement - signed with attached photos/drawings (<i>required if marked "Yes (Required)" on above Lighting Ordinance Section of application</i>)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Description
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Concept Plan
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Plans
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Maps
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architectural Elevation
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Explanation for request (<i>attach extra sheets if necessary</i>)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Information about proposed uses (<i>attach extra sheets if necessary</i>)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Public Notice Sign (<i>refer to Fee Schedule</i>)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proof of Ownership-Tax Certificate or Deed
<input type="checkbox"/>	<i>n/a</i>	Copy of Planned Development District (<i>if applicable</i>)
<input type="checkbox"/>	<i>n/a</i>	Digital Copy of the Proposed Zoning or Planned Development District Amendment

APPENDIX E: ZONING USE REGULATIONS (CHARTS)

Use Chart

Adopted February 17, 2015

Permitted Uses “P”

Conditional Uses “C”

AGRICULTURE	Residential Uses						Nonresidential Uses								
	AG	SF-1	SF-2	SF-4	SF-5	MF-1	O	LR	GR	CS	HO	I	GUI	PR	PP
Bulk Grain and/or Feed Storage	P										X	P			
Farms, General (Crops), Commercial	P	C	C								X				
Greenhouse (Non-Retail)	P	P	P	P							P				
Livestock Sales	P										X				
Orchard/Crop Propagation	P	P	C	C	C	C	C	C	C	C	P	C			
Plant Nursery (Commercial)	P								P	P	X	C			
Small Scale Farm	P	C	C			C	C	C	C	C	P				
Stable, Commercial	P	C									X				
Stables (Private, accessory use)	P	C	C								P				
Stables (Private, principal use)	P	C									X				
Garden (Non-Retail)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Farm Animals (Exempt - FFA, 4H)	P	C	C	C	C	C	C	C	C	C	P	C			
Farm Animals (Non-Exempt)	P	C	C	C	C	C	C	C	C	C	P	C			

(Ordinance 1220.99 adopted 2/17/15)

RESIDENTIAL	Residential Uses						Nonresidential Uses								
	AG	SF-1	SF-2	SF-4	SF-5	MF-1	O	LR	GR	CS	HO	I	GUI	PR	PP
Accessory Bldg/Structure (Nonresidential)							P	P	P	P	P	P			
Accessory Bldg/Structure (Residential)	P	P	P	P	P	P					P				

Accessory Dwelling	P	C	C								P		P	Item 3.
Caretaker's/Guard Residence	P	P	P								P			
Community or Group Home	C	C	C	C	C						P			
Duplex/Two-Family				P	P	P	P	P	P		P			
Garage Residential Conversion	P	P	C	C							P			
Garden Home/Townhome					P	P	P	P	P		P			
Home Occupation	P	P	P	P	P	P	P	P	P		P			
HUD-Code Manufactured Home	C			C	C	C					X			
Living Quarters on Site with a Business							P	P	P	P	P			
Multiple-Family Dwelling						P	P	P	P		P			
Residential Loft							P	P	P		P			
Rooming/Boarding House						P		P			P			
Single-Family Dwelling, Detached	P	P	P	P	P	P					P			
Single-Family Industrialized Housing	P	P	P	P	P	P					P			
Swimming Pool, Private	P	P	P	P	P	P	P	P	P		P			

(Ordinance 1220.99 adopted 2/17/15; Ordinance 2019-44 adopted 12/10/19)

OFFICE	Residential Uses						Nonresidential Uses								
	AG	SF-1	SF-2	SF-4	SF-5	MF-1	O	LR	GR	CS	HO	I	GUI	PR	PP
Armed Services Recruiting Center							P	P	P	P	P				
Bank										C	X				
Check Cashing Service								P	P	P	X				
Credit Agency							P	P	P	P	X				
Insurance Agency Offices							P	P	P	P	P				
Offices, General/Professional							P	P	P	P	P				
Office, Brokerage							P	P	P	P	P				

Services																		Item 3.
Offices, Health Services							P	P	P	P	P							
Offices, Legal Services							P	P	P	P	P							
Offices, Parole/Probation											X			P				
Offices, Professional							P	P	P	P	P							
Offices, Real Estate Office							P	P	P	P	P							
Saving & Loan										C	X							
Security Monitoring Company							P	P	P	P	X							
Telemarketing Center							P	P	P	P	X							

(Ordinance 1220.99 adopted 2/17/15)

PERSONAL & BUSINESS SERVICES	Residential Uses						Nonresidential Uses									
	AG	SF-1	SF-2	SF-4	SF-5	MF-1	O	LR	GR	CS	HO*	I	GUI	PR	PP	
All-Terrain Vehicle									P	P	X					
Dealer (Sales Only)											X					
Ambulance Service (Private)										P	X					
Antique Shop								P	P	P	P					
Appliance Repair								P	P	P	X					
Art Dealer/Gallery								P	P	P	P					
Artisan's Shop	P							P	P	P	P					
Artist Studio	P	P	P	P	P	P	P	P	P	P	P					
Auto Sales (New & Used)									C	P	X					
Auto Supply Store									P	P	X					
Bakery or Confectionary (Retail)								P	P	P	P					
Bar								C	C	C	C					
Barbershop								P	P	P	P					
Beauty Shop								P	P	P	P					
Bed & Breakfast Inn or	C	C	C					P	P	P	P					

Facility															<i>Item 3.</i>
Bicycle Sales and Repair							P	P	P	P					
Book Store							P	P	P	P					
Building Materials Sales								C	P	X					
Cabinet/Counter/ Woodworking Shop (Custom) Retail									C	X	P				
Cabinet/Counter/ Woodworking Shop (Manufacturing) Wholesale										X	P				
Cafeteria						C	C	P	P	P					
Communication Equipment Repair									P	X					
Computer Sales							P	P	P	P					
Consignment Shop							P	P	P	P					
Convenience Store (With Gas Sales)								P	P	X					
Convenience Store (Without Gas Sales)							C	P	P	P					
Cooking School							P	P	P	P					
Dance/Drama/Music Studio or School							P	P	P	P					
Department Store								P	P	P					
Drapery, Blind Upholstery Store							P	P	P	P					
Exterminator Services									P	X					
Financial Services							P	P	P	P					
Florist Shop							P	P	P	P					
Food or Grocery Store (General)								P	P	P					
Food or Grocery Store (Limited)							P	P	P	P					
Funeral Home or Mortuary									P	X					
Furniture Store (New and/or Used)							P	P	P	X					

Garden Shop (Inside Storage)								P	P	P	P							Item 3.
General or Community Retail Store									P	P	P							
Gravestone/Tombstone Sales										P	X							
Hardware Store								P	P	P	P							
Home Improvement Center									P	P	X							
Laundry/Dry Cleaning										P	X							
Lawnmower Sales & Repair									P	P	X							
Live-in Security Quarters							P	P	P	P	P							
Locksmith								P	P	P	X							
Major Appliance Sales									P	P	X							
Market (Public)								P	P	P	P							
Mini-Warehouse - Self Storage										C	X							
Mobile food vendor - 10 days or less							P	P	P	P	P	P	P	P	P	P	P	P
Mobile food vendor - longer than 10 days							C	C	C	C	C	C	C	C	C			
Mobile food vendor court							C	C	C	C	C	C	C	C	C			
Motorcycle Dealer (Sales, Repair)									P	P	X							
Motel or Hotel									P	P	P							
Needlework Shop								P	P	P	P							
Pet Shop/Supplies								P	P	P	P							
Pharmacy								P	P	P	P							
Photocopying/Duplicating								P	P	P	P							
Photography Studio								P	P	P	P							
Plant Nursery (Retail Sales, Outdoors)									P	P	X							
Radio or Television Studio									P	P	X							

Recycling Center										C	X	P				Item 3.
Restaurant (No Drive-Through Service)								P	P	P	P					
Restaurant (With Drive-Through)									P	P	X					
Security Systems Installation Company									C	P	X					
Sexually Oriented Business										C	X	C				
Shoe Repair								P	P	P	P					
Studio, Tattoo or Body Piercing								C	C	C	P					
Tailor Shop								P	P	P	P					
Tool & Machinery Rental (Indoor Storage)								P	P	P	X					
Tool & Machinery Rental (Outdoor Storage)										P	X					
Travel Agency							P	P	P	P	P					
Temporary Outdoor Sales/Promotion							C	P	P	P	P					
Upholstery Shop									P	P	P					
Used Merchandise/ Furniture								P	P	P	P					
Vacuum Cleaner Sales & Repair								P	P	P	X					
Veterinarian Clinic (Indoor Kennels)								P	P	P	P					
Woodworking Shop (Ornamental, Handmade)								P	P	P	P					

* Permitted in HO District per requirements of [Chapter 30, Article 30.05](#): Mobile Food Vendors.

(Ordinance 1220.99 adopted 2/17/15; Ordinance 1220.149 adopted 11/14/17; Ordinance 2018-09 adopted 4/10/18)

	Residential Uses						Nonresidential Uses								
TRANSPORTATION & AUTO SERVICES	AG	SF-1	SF-2	SF-4	SF-5	MF-1	O	LR	GR	CS	HO	I	GUI	PR	PP
Antique Vehicle Restoration										P	X				
Auto Body Repair										P	X				
Auto Financing &								P	P	P	X				

Leasing															Item 3.
Auto Muffler Shop									P	X					
Auto Paint Shop									P	X					
Auto Tire Sales & Repair									P	P	X				
Auto Upholstery Shop									P	X					
Auto Washing Facility, Attended									P	P	X				
Auto Washing Facility, Unattended									P	P	X				
Auto Wrecker Service									P	X					
Automobile Repair, Major									P	X					
Automobile Repair, Minor							C	C	P	X					
Heliport												P	P		
Helistop												P	P		
Limousine/Taxi Service									P	X					
Oil Change & Inspection									P	P	X				
Parking Lot, Commercial									C						
Parking Structure, Commercial							C	C	C	P	P				
Tire Dealer, Indoor Storage							P	P	P	X					

(Ordinance 1220.99 adopted 2/17/15; Ordinance 1220.140, att. B, adopted 4/11/17; Ordinance 1220.151 adopted 12/12/17)

	Residential Uses						Nonresidential Uses								
AMUSEMENT/ RECREATION	AG	SF-1	SF-2	SF-4	SF-5	MF-1	O	LR	GR	CS	HO	I	GUI	PR	PP
Amusement Arcade (Four or more devices)									P	P	P				
Amusement Services (Indoor)									P	P	P				
Amusement Services (Outdoor)									P	P	X				
Billiard/Pool Facility									P	P	P				
Bingo Hall									P	P	P			P	

Assisted Living Facility						C		C	C	C	P					Item 3.
Broadcast Tower (Commercial)												C				
Cemetery or Mausoleum	C												P			
Child Day-Care Facility	C	C	C	C	C	C	C	P	P	P	P					
Church, Religious Assembly	P	P	P	P	P	P	P	P	P	P	P		P			
Civic Club								P	P	P	P	P				
Community Center (Municipal)												P		P		
Electrical Generating Plant													P	P		
Electrical Substation													P	P		
Emergency Care Clinic										P	P					
Fire Station	P	P	P	P	P	P	P	P	P	P	P			P		
Fraternal Lodge or Union								P	P	P	P	P				
Government Building (Mun, St, Fed)											P	P		P		
Group Day-Care Home	C	C	C	C	C	C	C	P	P	P						
Medical Clinic or Office								P	P	P	P	P				
Wireless Communications Tower	C	C	C			C	C	C	C	C			C			
Heliport													P			
Home for the Aged, Residential	C	C	C	C	C	C	C	C	P	P	P					
Hospice									C	P	P	P				
Hospital (Acute Care, General)								C	C	P	P					
Library								P	P	P	P	P		P		
Maternity Home								C	C	P	P	P				
Nursing/Convalescent Home								C	C	P	P					
Orphanage						C	C	C	P	P	P					
Philanthropic Organization								P	P	P	P	P				

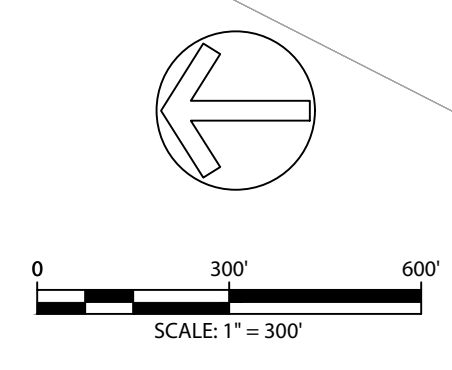
Post Office	P	P	P	P	P	P	P	P	P	P	P		P	Item 3.
Radio, Television, Microwave Tower									C	C		C		
School, K Through 12 (public or private)	P	P	P	P	P	P	P	P	P	P	P		P	
Sewage Pumping Station	C	C	C	C	C	C	C	C	C	C	P	P	P	
Telephone Switching/ Exchange Bldg.							C	C	C	P	P		P	
Wastewater Treatment Plant	C	C	C	C	C	C	C	C	C	C		C	P	
Water Supply (Elevated Storage Tank)	C	C	C	C	C	C	C	C	C	C	P	C	P	
Water Supply Facility (Private)	P	P	P	P	P	P		C	C	C		C	P	

	Residential Uses						Nonresidential Uses								
COMM. & WHOLESALE TRADE	AG	SF-1	SF-2	SF-4	SF-5	MF-1	O	LR	GR	CS	HO	I	GUI	PR	PP
Book Bindery										P	P				
Feed & Grain Store									P	P					
Furniture Manufacture												P			
Heating & Air-Conditioning Sales/Service									P	P					
Pawnshop									C	C					
Propane Sales (Retail)										P					
Taxidermist										P					
Transfer Station/Refuse Pickup												P			
Veterinarian (Outdoor Kennels or Pens)	C									P					
Warehouse/Office										C		P			
Welding Shop										C		P			

	Residential Uses						Nonresidential Uses								
LIGHT	AG	SF-1	SF-2	SF-4	SF-5	MF-1	O	LR	GR	CS	HO	I	GUI	PR	49

INDUSTRIAL/MFG.																		Item 3.
Contractor's Office (No Outside Storage.										P	P	P	P	P				
Contractor's Office (with Outside Storage)												C		P				
Contractor's Temporary On-site Office	C	C	C	C	C	C	C	C	C	C	C	P	C					
Electronic Assembly												C		P				
Engine Repair or Manufacture														P				
Laboratory Equipment Manufacture														P				
Machine Shop														P				
Maintenance & Repair Services for Bldgs.												P						
Open Storage/Outside Storage	C											C		P				
Plumbing Shop												P	P					
Research Lab (Nonhazardous)												C	C		P			
Sand/Gravel/Stone Sales or Storage	C											C		P				
Sand/Gravel Quarrying															C			
Sign Manufacturing												C	P	P				
Stone/Clay/Glass Manufacturing												C		P				

(Ordinance 1220.99 adopted 2/17/15)



NO.	DATE	REVISION RECORD DESCRIPTION

Civil & Environmental Consultants, Inc.
 Texas Registered Engineering Firm F-58
 3711 South McIver Expressway - Building 1, Suite 550 - Austin, TX 78746
 Ph: 512.439.0400 - Fax: 512.329.0096
 www.cecinc.com

OVERLOOK AT BUNKER RANCH, LLC
OVERLOOK AT BUNKER RANCH
DRIPPING SPRINGS
HAYS COUNTY, TEXAS

ZONING EXHIBIT
 DATE: JAN. 2021 | DRAWN BY: []
 DWS SCALE: 1"=300' | CHECKED BY: []
 PROJECT NO: 304-065
 APPROVED BY: []

DRAWING NO.: **EXHIBIT**
 SHEET 1 OF 1

A:\130-001\130-061-CADD\Copy\Plan\061\130-061\02210111_R1\061_Zoning_Exhibit.dwg/FILE ACCESS) LS(1/1/2021 4:19 PM) - LP: 1/1/2021 4:19 PM



Planning and Zoning Commission Planning Department Staff Report

Planning and Zoning Commission Meeting: February 9, 2021

Project No: VAR2021-0002

Project Planner: Robyn Miga, Consulting Planner

Item Details

Project Name: Swift Sessions Parking Special exception

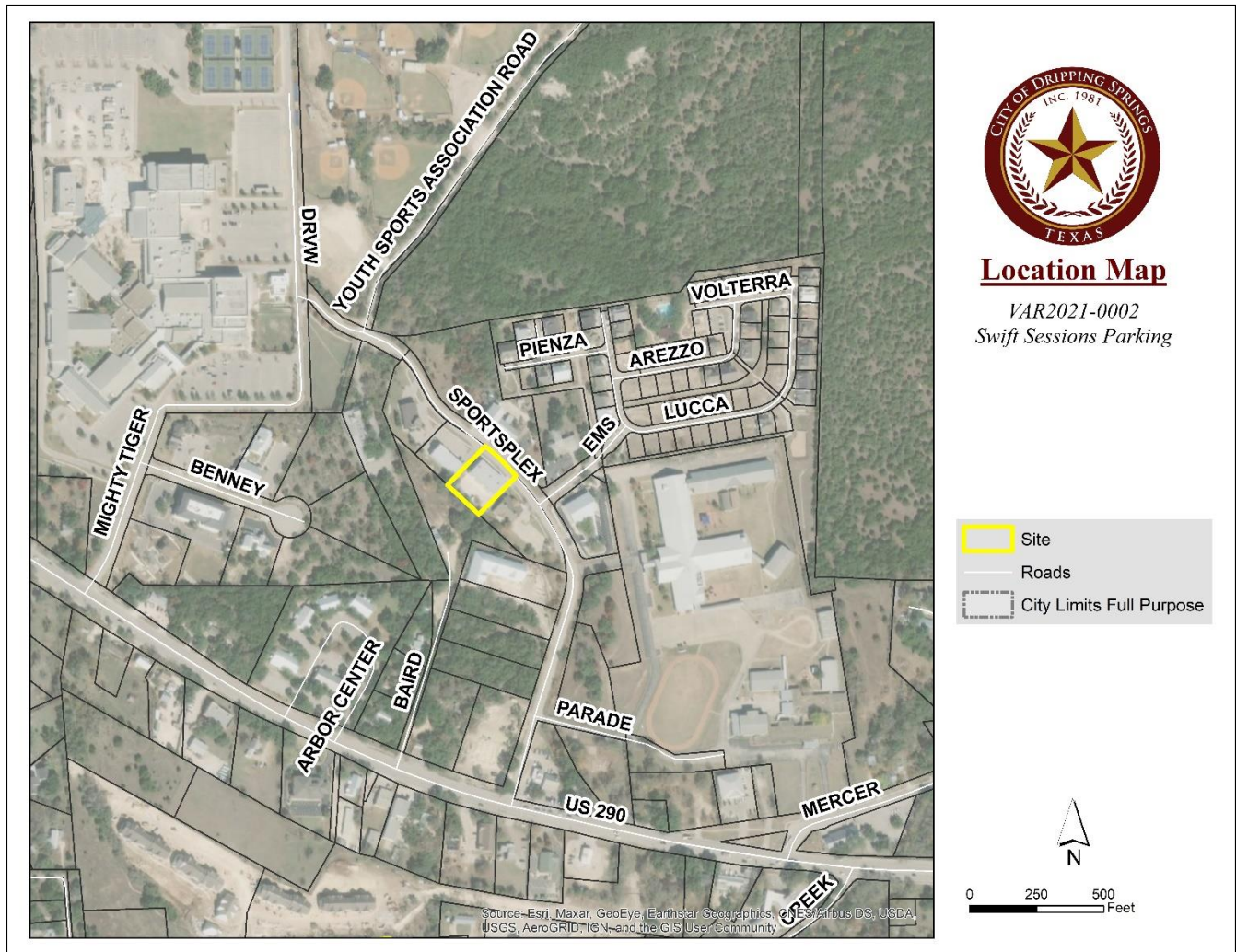
Property Location: 391 Sportsplex Drive, Suites A and B

Legal Description: Sportsplex Subdivision No. 3, Lot 4, approximately .751 acres

Applicant: Kevin Garrett

Property Owners: Hylan Real Estate Investments, LLC c/o Robert Wilson

Request: Special exception Request from Exhibit A, Zoning Ordinance, Section 5, Development Standards & Use Regulations, 5.6(24) Parking based on use for a health club, health spa, or exercise club, which requires 1 space per 150 sq. ft.



Overview

The applicant is requesting a parking special exception for his business, Swift Sessions, which is a gym that provides various services, including various group fitness classes. The City’s Code of Ordinances would classify this use as a health club, health spa, or exercise club, which would require that they have one (1) parking space for every 150 sq. ft. of gross floor area. This particular structure has three suites, A & B are occupied by Swift Sessions, and Suite C is occupied by a business called Dripping Springs Chocolate Co. The applicant is requesting that they be able to meet parking requirements based on the current provided parking and provide no additional parking to meet this requirement.

While the only special exception request that is being considered is for Suites A & B, Suite C is impacted by this special exception request, and the requirements for that suite are noteworthy with this request.

Summary

The site plan for this warehouse was approved in 2014, and constructed as a 7,200 sq. ft. warehouse, which stated that 6,000 sq. ft. of the structure would be used for storage/warehouse, which requires one (1) parking space per 1,000 sq. ft., and the remaining 1,200 sq. ft. was parked for office, which requires one (1) parking space per 300 sq. ft. Therefore, the site was required to provide 10 parking spaces with these proposed uses in mind, but they provided **22 total parking spaces**, which includes one ADA space.

Based on the current uses that exist in the building, the following is the required ratio for parking:

Suites A & B – Approximately 4,910 sq. ft. occupied as a health club, health space, or exercise club – Required Parking is **33 parking spaces**.

Suite C – Approximately 2,290 sq. ft. as a retail establishment (Dripping Springs Chocolate Co.) – Required Parking is **11 parking spaces**.

Under the strict application of the code, this establishment would be required to have **48 parking spaces** for the uses that exist in the structure today. The code requires that the most intense use apply to the entire building.

The applicant described the establishment as a private, small group personal training business, and stated that their business does not have individual stations for clients to come and go like a traditional gym. The applicant also stated that the training sessions are limited to individuals and small group events “normally during early morning, late afternoon, and weekend sessions, outside of school hours.” The applicant also stated that they would have occasional special events at the facility on weekends, but expected the current parking on the site to accommodate these events.

Analysis

Conditions for Special Exception, Section 2.22	Staff Comments
There are special circumstances or conditions affecting the land involved such that the literal enforcement of the provisions of this Chapter would deprive the applicant of the reasonable use of the land;	There are no special circumstances or conditions affecting the land involved in such a way that the literal enforcement of the code would deprive the applicant of the reasonable use of the land. However, it is noteworthy that there is not a way for the applicant to provide additional parking on this site, because the site plan was approved with such a low-intense parking ratio, and the site has utilized all the available space with the structure and parking.
The special exception is necessary for the preservation and enjoyment of a substantial property right of the applicant; and	If the applicant does not get this parking special exception, they would not be able to operate their business at this location. However, the applicant is not the property owner, therefore it’s noteworthy that

	in granting/denying this request, this does not prohibit the building from being used as it was intended to be used, which was mostly as a warehouse.
The granting of the special exception will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and	While granting this request will not be detrimental to the public health, safety, or welfare of other businesses in the area, in granting this special exception request, it does directly impact Suite C if their business model were to change and/or if a new tenant were to occupy that suite.
The granting of the special exception constitutes a minimal departure from this Chapter; and	The overall site, at this point, is lacking half of the required parking under the City’s code, and while that may not be a major impact today, in the future, there could be more parking concerns in this area based on the site being parked deficient from the uses that now occupy the structure.
The subject circumstances or conditions giving rise to the alleged hardship are not self-imposed, are not based solely on economic gain or loss, and do not generally affect most properties in the vicinity of the property.	<p>While the tenant proposed for Suites A & B did not impose the parking hardship, there was a self-created hardship in that it was parked at such a low intense use that it will be hard for any use to meet the parking criteria of the City’s Zoning Ordinance. This structure was built as a shell and then tenants lease out the space, so the nature of these suites are intended to potentially have tenants come and go as the market changes. With the majority of the building parked at a 1/1,000 sq. ft. ratio, the likelihood of another parking special exception request in this area are high due to this. While the current business that occupies the remaining portion of this structure does not have a high parking demand at this time based on their hours of operation and only being open a few days a week, should this business change and a more intense use come in, there may be an increased parking concern at that point.</p> <p>Furthermore, while businesses are occupied with fewer people and smaller groups due to COVID-19 and safety protocols, following the pandemic the occupancy capacity for this business could be much higher than the proposed class size of 12 or fewer individuals.</p>
<p>Granting the special exception is in harmony with the spirit, general purpose, and intent of this Chapter so that:</p> <ul style="list-style-type: none"> (1) The public health, safety and welfare may be secured; and (2) That substantial justice may be done. 	Based on the area, the proposed special exception for Suites A & B, the only tenant that could be affected would be the occupant of Suite C, however, it is noteworthy that the property is all owned by one owner, therefore the adjacent properties in the vicinity will not be harmed.

Parking Ratios in other Cities

The City of Dripping Springs zoning ordinance standards are slightly dated, in that, cities are moving more toward having more general parking standards that capture multiple uses, with the exception of some that are more intense. Therefore, I’ve provided the parking ratio for the uses that would correspond within other cities in the area.

City	Retail	Health Club/similar use
Dripping Springs	1 space per 200 sq. ft. GFA	1 space per 150 sq. ft. of GFA
Marble Falls	1 space per 250 sq. ft.	1 space per 250 sq. ft.
San Marcos	1 space per 250 sq. ft.	1 space per 300 sq. ft.
Georgetown	1 space per 250 sq. ft.	1 space per 250 sq. ft.
*It's noteworthy that they have a classification for "Mixed-Use Commercial Center" that would capture the intended nature of the uses in this building, which would require the overall site to be 1 space per 250 sq. ft.		

Under the more modern parking standards for some of these communities, the entire 7,200 sq. ft. structure would have required 30 parking spaces, as opposed to the 48 that would be required under the current code. Therefore, the overall site would only be deficient 8 spaces.

Public Notification

A legal notice advertising the public hearing was placed in the Dripping Springs Century-News, signs were posted on the site, notice was placed on the City Website, and all property owners within a 300-foot radius of the site were notified of the request.

Attachments

- Exhibit 1: Special exception Application
- Exhibit 2: Approved Site Plan

Recommended Action:	Staff is recommending approval of the request because the only way for this site to not require a parking special exception is for the site to be used as a warehouse and office, as stated on the approved site plan.
Alternatives/Options:	Recommend denial of the special exception application.
Budget/Financial Impact:	None calculated at this time.
Public Comments:	No public comment was received for this request.
Enforcement Issues:	N/A



CITY OF DRIPPING SPRINGS

PHYSICAL: 511 Mercer Street • MAILING: PO Box 384
Dripping Springs, TX 78620

• 512.858.4725 • www.cityofdrippingsprings.com

Received

DEC 29 2020

City of Dripping Springs

ALTERNATIVE STANDARD/SPECIAL EXCEPTION/VARIANCE/WAIVER APPLICATION

Case Number (staff use only): _____ - _____

CONTACT INFORMATION

PROPERTY OWNER NAME Hylan Real Estate Investments, LLC

STREET ADDRESS 391 C Sportsplex Dr

CITY Dripping Springs STATE TX ZIP CODE 78620

PHONE 512-695-9690 EMAIL bob@industrialandons.com

APPLICANT NAME Kevin Garrett

COMPANY Swift Sessions

STREET ADDRESS 391 Sportsplex Dr, Suite A&B

CITY Dripping Springs STATE TX ZIP CODE 78620

PHONE 512-839-9903 EMAIL kevingarrett@gmail.com

APPLICATION TYPE

ALTERNATIVE STANDARD

VARIANCE

SPECIAL EXCEPTION

WAIVER

PROPERTY INFORMATION	
PROJECT NAME	Swift Sessions
PROPERTY ADDRESS	391 Sportsplex Dr., Dripping Springs, TX 78620
CURRENT LEGAL DESCRIPTION	Lot 4 Sportsplex Subdivision No 3
TAX ID#	27-1662270
LOCATED IN	<input checked="" type="checkbox"/> CITY LIMITS <input type="checkbox"/> EXTRATERRITORIAL JURISDICTION <input type="checkbox"/> HISTORIC DISTRICT OVERLAY

o Description of request & reference to section of the Code of Ordinances applicable to request:
 Requesting a variance to the required # of parking spaces per the city code for a Gym/Health Club facility of 1 space per 150 square feet.
 Space is 4800, based off city code, 32 spaces are required.
 Facility has 25 spaces available for Swift Sessions during business hours.

o Description of the hardship or reasons the Alternative Standard/Special Exception/Variance / Waiver is being requested:

Swift Sessions is a private, small group personal training business. Facility is not a gym or health club with multiple equipment stations available to any number of members showing up at any time.

Swift Sessions caters primarily to middle and high school athletes looking to improve their performance to compete at national, collegiate and professional levels.

Training sessions are limited to individual and small group events normally during early morning, late afternoon and weekend sessions, outside of school hours.

o Description of how the project exceeds Code requirements in order to mitigate or offset the effects of the proposed alternative standard/special exception/variance/waiver:

Swift Sessions operates primarily outside normal business hours (9-5) so it will not impact the Dripping Springs Chocolate Co operations.

The proximity to DS High School also reduces potential traffic as students can walk to the facility and most parents drop off and pick up their children.

Most training sessions are individual or small group (less than 12 individuals). There are occasional instances of special activities in which it is estimated that even the 25 available spaces would be more than sufficient.

Dripping Springs Chocolate Co is open Friday's 12-5 and Saturday's 10-2 and does not use more than 5 parking spaces and supports Swift Sessions business and sees no issue with parking.

PROPERTY INFORMATION	
PROJECT NAME	
PROPERTY ADDRESS	
CURRENT LEGAL DESCRIPTION	
TAX ID#	
LOCATED IN	<input type="checkbox"/> CITY LIMITS <input type="checkbox"/> EXTRATERRITORIAL JURISDICTION <input type="checkbox"/> HISTORIC DISTRICT OVERLAY

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Dripping Springs Chocolate Co is open Friday's 12-5 and Saturday's 10-2 and does not use more than 5 parking spaces and supports Swift Sessions business and sees no issue with parking.

APPLICANT'S SIGNATURE

The undersigned, hereby confirms that he/she/it is the owner of the above described real property and further, that Kevin Garrett is authorized to act as my agent and representative with respect to this Application and the City's zoning amendment process.

(As recorded in the Hays County Property Deed Records, Vol. _____, Pg. _____.)

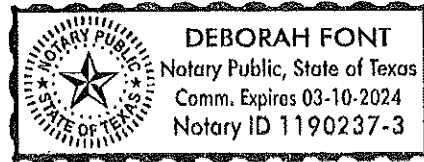
Robert Wilson

Name

Owner.

Title

STATE OF TEXAS §
 §
COUNTY OF HAYS §



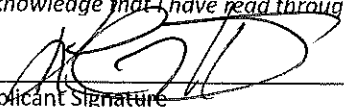
This instrument was acknowledged before me on the 28 day of DECEMBER 2020 by ROBERT WILSON.

Deborah Font
Notary Public, State of Texas

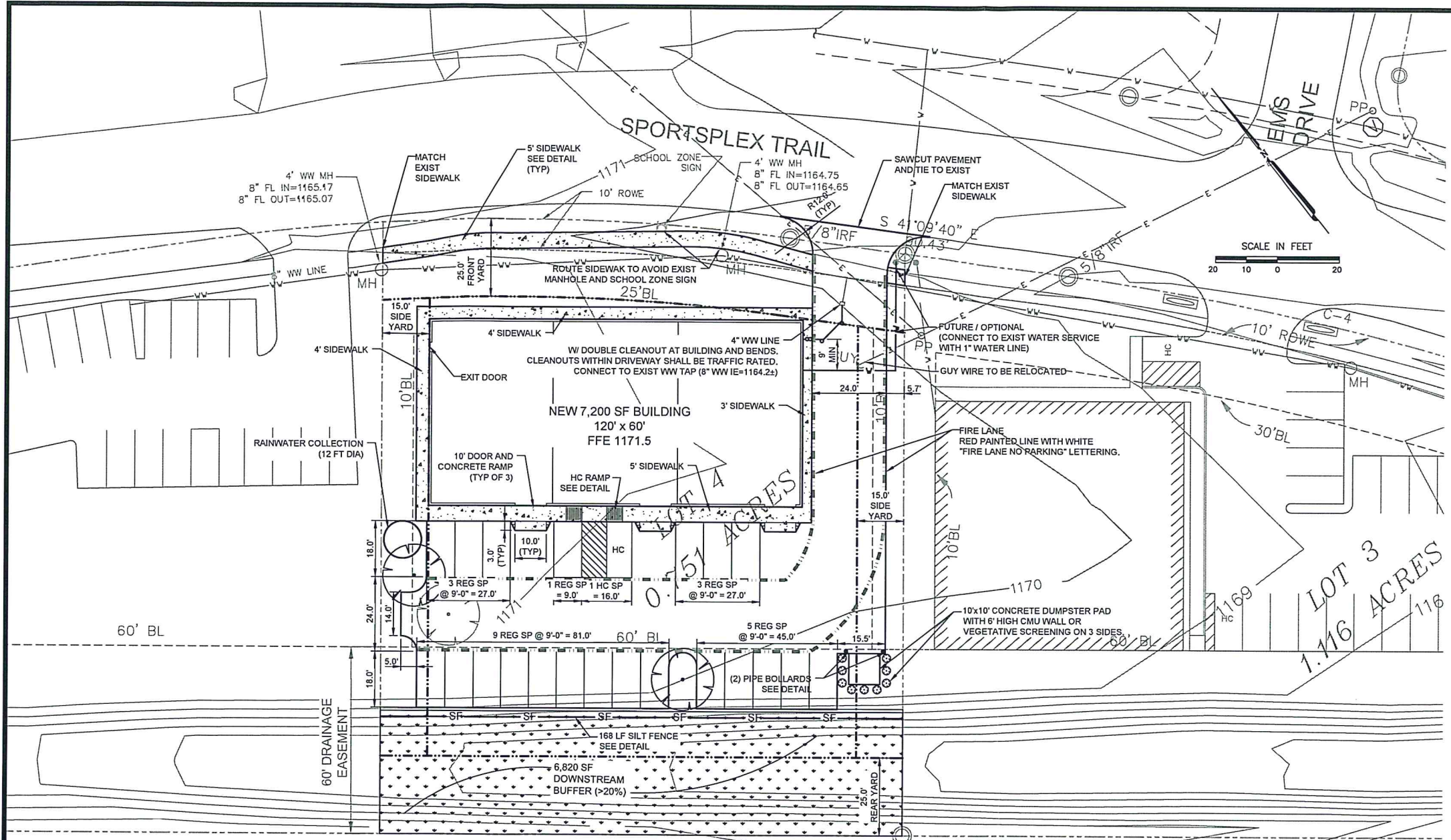
My Commission Expires: 3-10-2024

Kevin Garrett
Name of Applicant

All required items and information (including all applicable above listed exhibits and fees) must be received by the City for an application and request to be considered complete. Incomplete submissions will not be accepted. By signing below, I acknowledge that I have read through and met the above requirements for a complete submittal:


12/28/2020
 Applicant Signature Date

CHECKLIST		
STAFF	APPLICANT	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Completed Application Form - Including all required signatures and notarized
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Application Fee (refer to Fee Schedule)
<input type="checkbox"/>	<input type="checkbox"/>	PDF/Digital Copies of all submitted documents
<input type="checkbox"/>	<input type="checkbox"/>	When submitting digital files, a cover sheet must be included outlining what digital contents are included.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Billing Contact Form
<input type="checkbox"/>	<input type="checkbox"/>	Photographs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Map/Site Plan/Plat
<input type="checkbox"/>	<input type="checkbox"/>	Architectural Elevations (if applicable)
<input type="checkbox"/>	<input type="checkbox"/>	Description and reason for request (attach extra sheets if necessary)
<input type="checkbox"/>	<input type="checkbox"/>	Public Notice Sign - \$25
<input type="checkbox"/>	<input type="checkbox"/>	Proof of Property Ownership-Tax Certificate or Deed
<input type="checkbox"/>	<input type="checkbox"/>	Outdoor Lighting Ordinance Compliance Agreement - signed with attached photos/drawings (required if marked "Yes (Required)" on above Lighting Ordinance Section of application)



- GENERAL CONSTRUCTION NOTES:
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO HAVE ALL UNDERGROUND UTILITIES LOCATED PRIOR TO COMMENCING ANY SUBSURFACE WORK OR EXCAVATION. UTILITY LOCATIONS ON THE PLANS ARE NOT TO BE USED IN LIEU OF HAVING UTILITIES LOCATED ON THE GROUND. THE PREPARER OF THESE PLANS IS NOT RESPONSIBLE FOR ANY DAMAGE OR INJURY AS A RESULT OF THE CONTRACTOR ENCOUNTERING BURIED UTILITIES!
 - SEVENTY-TWO HOURS PRIOR TO THE BEGINNING OF CONSTRUCTION, THE DEVELOPER SHALL ARRANGE A PRE-CONSTRUCTION CONFERENCE WITH ALL PERTINENT PARTIES (AT A MINIMUM THIS SHALL INCLUDE THE OWNER, THE ENGINEER AND THE CITY OF DRIPPING SPRINGS DEVELOPMENT COORDINATOR).
 - ALL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE PLACED PRIOR TO ANY OTHER CONSTRUCTION.
 - CONTRACTOR SHALL ENSURE THAT VEHICLES LEAVING THE CONSTRUCTION SITE ONTO PUBLICLY MAINTAINED ROADWAYS ARE CLEAR OF MUD AND DEBRIS.
 - NO EXPLOSIVES SHALL BE USED FOR THIS PROJECT WITHOUT APPROVAL OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY.
 - ALL HOLES, TRENCHES AND OTHER HAZARDOUS AREAS SHALL BE ADEQUATELY PROTECTED BY BARRICADES, FENCING, LIGHTS AND/OR OTHER PROTECTIVE DEVICES AT ALL TIMES.
 - PERMIT IS REQUIRED FOR CONSTRUCTION IN 'RIGHT-OF-WAY': NO DRIVEWAY, UTILITY CONSTRUCTION, MAILBOXES, LANDSCAPING OR ANY OTHER ENCROACHMENT INTO RIGHT-OF-WAY OR EASEMENT SHALL BE ALLOWED WITHOUT FIRST OBTAINING A PERMIT FROM CITY OF DRIPPING SPRINGS.
 - CONTRACTOR SHALL CLEAR GRUB AND SCARIFY SUBGRADE IN THE PARKING AREA MAINTAINING THE EXISTING GRADES EXCEPT AS SHOWN ON THE SITE PLAN AND DRIVEWAY PLAN.
 - CONTRACTOR SHALL CONSTRUCT THE PAD FOR THE BUILDING IN ACCORDANCE WITH THE ARCHITECTURAL PLANS.
 - ALL SITE WORK IS TO BE IN CONFORMANCE WITH THE TEXAS ACCESSIBILITY STANDARDS (TAS) LATEST EDITION. IF THE CONTRACTOR FINDS ANY INSTANCES IN WHICH THESE PLANS ARE NOT IN CONFORMANCE WITH THE TAS THEY ARE TO NOTIFY THE ENGINEER IMMEDIATELY SO THAT THE PLANS MAY BE ALTERED TO IMPLEMENT THE TAS.

ZONING - CS (WITH LI CONDITIONAL OVERLAY)
ALLOWABLE IMPERVIOUS COVER - 70%

IMPERVIOUS COVER		
TOTAL SITE 0.751 AC. (32,714 SF)		
EXISTING		
SITE	32,714 SF	0.75 AC
BUILDINGS/STRUCTURES	- SF	0.00%
PAVEMENT	- SF	0.00%
CONCRETE	- SF	0.00%
PROPOSED CONDITIONS		
BUILDINGS/STRUCTURES	7,200 SF	22.01%
PAVEMENT	10,644 SF	32.54%
CONCRETE	2,492 SF	7.62%
	20,336 SF	62.16%
RAINWATER COLLECTION CALCULATIONS		
STRUCTURES WITH COLLECTION	(7,200)	
BUILDINGS/STRUCTURES	- SF	0.00%
PAVEMENT	10,644 SF	32.54%
CONCRETE	2,492 SF	7.62%
	13,136 SF	40.15%

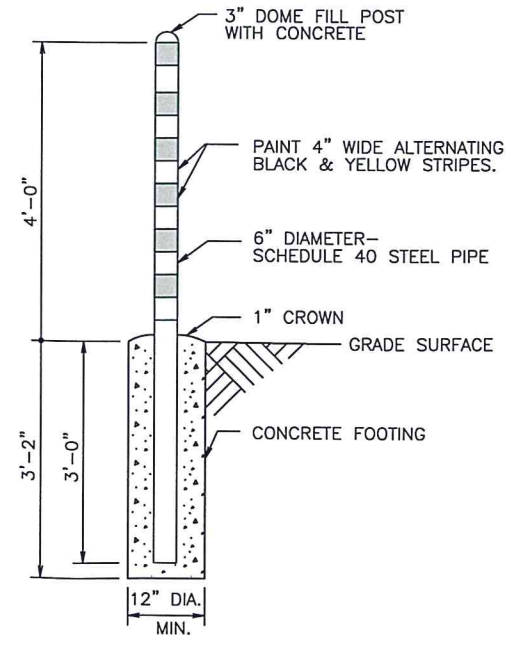
PARKING RATIOS

STORAGE/WAREHOUSE (6,000 SF PER PLAN)
REQUIRED 1/1,000 SF = 6 SPACES

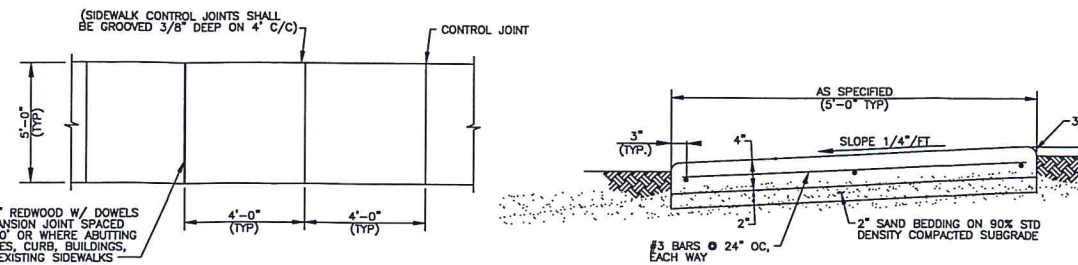
OFFICE (1,200 SF PER PLAN)
REQUIRED 1/300 SF = 4 SPACES

TOTAL REQUIRED = 10 SPACES
TOTAL PROVIDED = 21 REGULAR SPACES AND 1 HC SPACE

LANDSCAPE NOTE
ALL PARKING SPACES MUST BE WITHIN 50-FT OF A SHADE TREE.



NOTE:
CONCRETE SIDEWALK: CONCRETE SHALL CONTAIN NOT LESS THAN FOUR AND ONE-HALF (4 1/2) SACKS OF CEMENT PER CUBIC YARD. SHALL CONTAIN NOT MORE THAN 6 1/2 GALLONS OF WATER PER SACK OF CEMENT, SHALL HAVE A MAXIMUM SLUMP OF "5" AND SHALL HAVE A MODULES OF RUPTURE NOT LESS THAN 500 P.S.I. AT 28 DAYS. REINFORCING SHALL BE A #15 GRADE 40 STEEL, #3 BARS SPACED AS INDICATED IN THE PLAN DETAILS, AND POSITIONED BY THE USE OF PLASTIC CHAIRS. CURING COMPOUND AS SPECIFIED WILL BE REQUIRED AND APPLIED AT THE RATE OF 200 S.F./GAL. SUBGRADE PREPARATION WILL REQUIRE A LEVEL UP OF SAND MAT OF 2" MAXIMUM THICKNESS WHICH SHALL BE COMPACTED BY A SAND PLATE OR AN APPROVED HAND TAMPER. PROPOSED OR NATURALLY OCCURRING WATER TAMPING SHALL BE AN ALLOWABLE METHOD WHEN DETERMINED IN THE FIELD TO YIELD APPROVED RESULTS. THE SAND, EQUIPMENT AND LABOR SHALL BE CONSIDERED SUBSIDIARY TO THE MATERIALS REQUIRED FOR THE COMPLETED SIDEWALK.



THIS DOCUMENT IS THE PROPERTY OF BANKS & ASSOCIATES. IT IS NOT TO BE USED FOR CONSTRUCTION.

Banks & Associates
Civil and Environmental Engineering
820 Currie Ranch Road
Wimberley, Texas 78676
(512) 801-9049
Firm Registration No. F-2002

SITE IMPROVEMENTS PLAN
Site Development Plans
OFFICE / WAREHOUSE BUILDING
391 Sportsplex Trail
Dripping Springs, Texas

FOR REVIEW PURPOSES ONLY. NOT FOR CONSTRUCTION

Sheet No. C-1
02-17-14 Rev. 0



Planning and Zoning Commission Planning Department Staff Report

Item 5.

Planning and Zoning Commission Meeting: February 23, 2021

Project No: CUP2020-0011

Project Planner: Amanda Padilla, Senior Planner

Item Details

Project Name: Acoyon Brewing Mobile Food Vendor

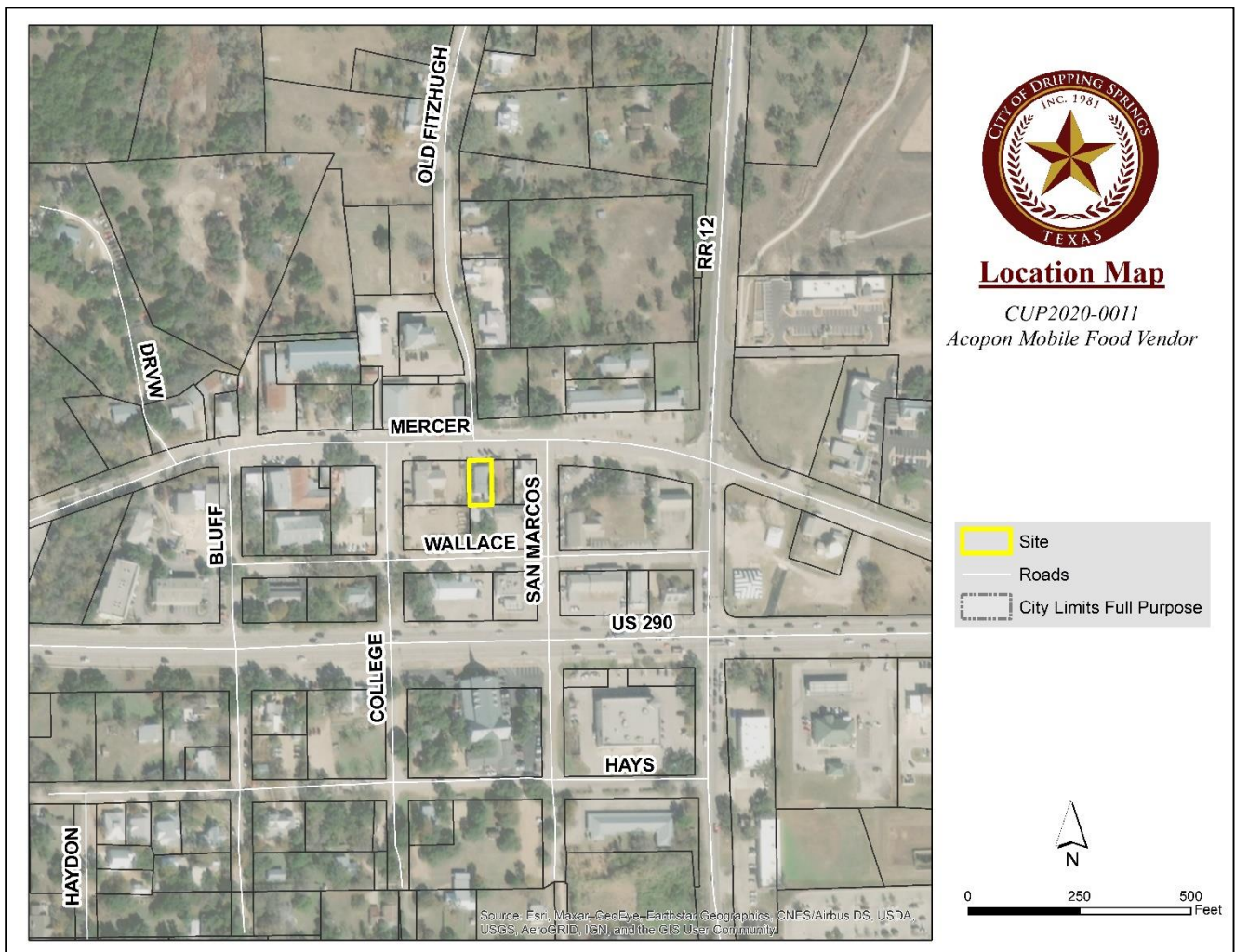
Property Location: 211 Mercer Street, Dripping Springs Texas 78620

Legal Description: O T DRIPPING SPRINGS LOT 4 BLK 6 THRIFT SHOP 9-2210-07-06

Applicant: John McIntosh and Dave Niemeyer

Property Owner: JCMC3 Holdings LLC

Request: Conditional Use Permit (CUP) for a Mobile Food Vendor use within the Commercial Services (CS) Zoning District and Mercer Historic District



Overview

The applicant is requesting a Conditional Use Permit to allow a Mobile Food Vendor to be located at 211 Mercer Street also known as Acoxon Brewing Company. The Property is located within the Commercial Services (CS) zoning district and the Mercer Street Historic District. Mobile Food Vendors are a permitted use in the CS zoning district and Mercer Historic District with an approved Certificate of Appropriateness and a Conditional Use Permit.

Per the City’s Zoning Ordinance that was amended on April 10, 2018, Sec. 30.05.032 (d), It is an offense for a person to erect, install, or park a mobile food establishment within the boundaries of the Mercer Street or Hays Street historic districts, as defined in section 24.07.032 [chapter 30, exhibit A, section 4.3.2] of the Code of Ordinances, unless:

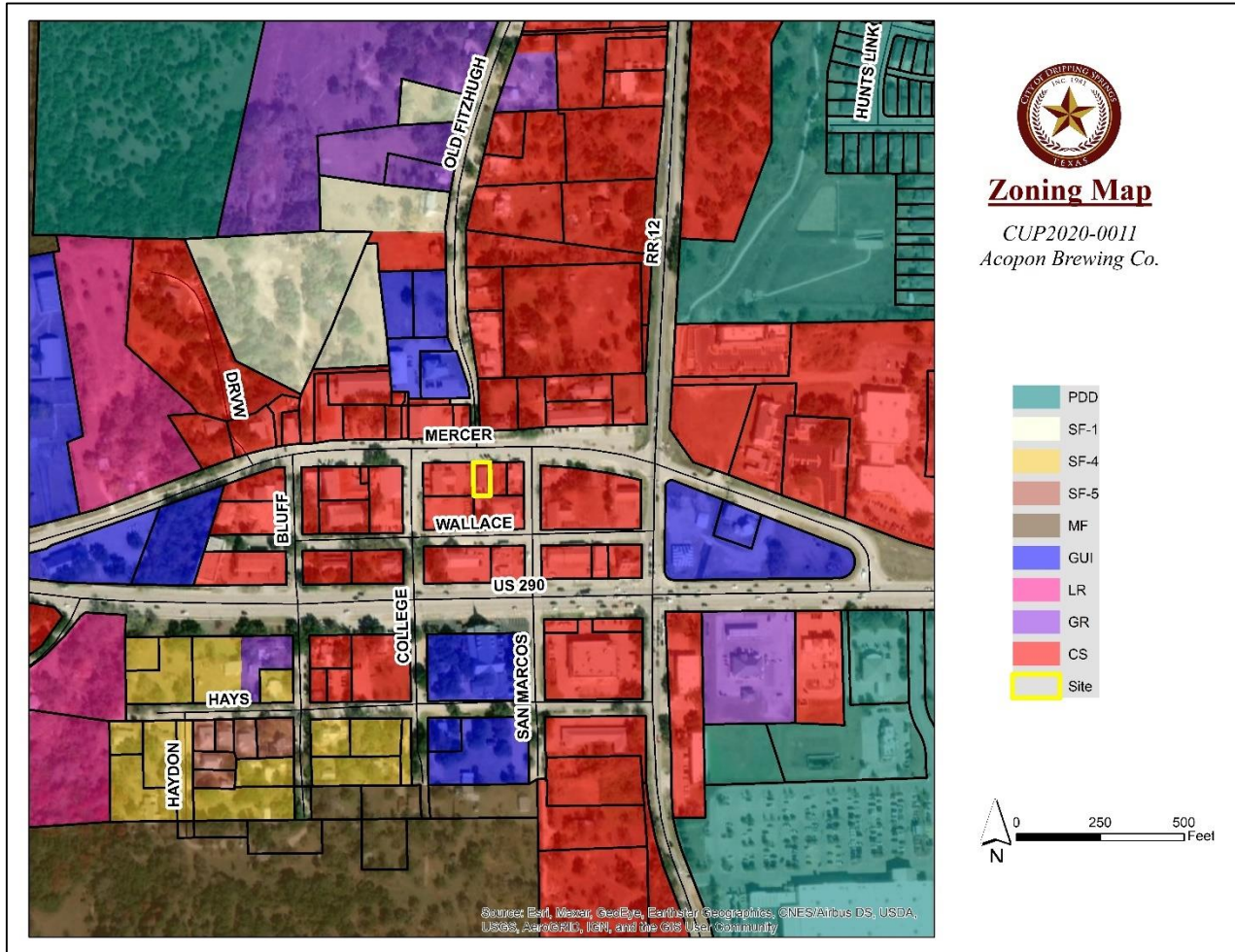
- (1) The location or operation of the mobile food establishment is for a special event or city-sponsored event, for which the mobile food vendor is included in the permit application for which the event organizer must obtain a permit (see Code of Ordinances section 6.02.071); or
- (2) The mobile food vendor is a complementary extension, or outlet, of a brick-and-mortar restaurant or business and the applicant of a mobile food vendor applies for and is granted a certificate of appropriateness under the requirements of chapter, 24, article 24.07 [chapter 30, exhibit A, section 4, division 2] of the city code and applies for and is granted a conditional use permit under the requirements of chapter 30, exhibit A: zoning, section 3.17 of the city code. A conditional use permit shall not be granted prior to a certificate of appropriateness being granted. The mobile food vendor shall only operate during the operating business hours of the brick-and-mortar business of which the mobile food vendor is an extension or outlet.

The Mobile Food Vendor will be located at the 211 Mercer Street also known as Acoxon Brewing Company. The property is approximately 5,000 square feet. The required setbacks within the Mercer Historic District are below:

Direction	Setback Code requirement
Front	Zero Feet (0’)
Rear	Zero Feet (0’)
Side	Ten feet (10’)

Currently Acoxon Brewing Co. is allowed to have a temporary mobile food vendor under the Mayoral Order issued on September 1, 2020. The Order suspends the requirement for a CUP for Mobile Food Vendors that meet the requirements stated in the Order. The Mayoral Order remains in effect until the state of disaster is lifted unless a permanent Conditional Use Permit is also applied for and approved.

Surrounding Properties



The current zoning and existing uses of the adjacent properties to the north, south, east, and west are outlined in the table below:

Direction	Zoning District	Existing Use	Comprehensive Plan
North	Commercial Services (CS)	Offices / Retail	Not Applicable
East	Commercial Services (CS)	Retail/ Bar	
South	Commercial Services (CS)	Convenience Store with Gas/ Office	
West	Commercial Services (CS)	Retail	

Approval Criteria for Conditional Use Permit Review (3.17.6-Zoning Ordinance)

Approval Criteria	Staff Comments
1. The proposed use at the specified location is consistent with the policies embodied in the Comprehensive Plan;	<p>The Comprehensive plan is supportive of commercial development. There are two goals that the comprehensive plans discuss that fit with this request 1. Support expansion of business and professional services and 2. Support Tourism.</p> <p>The addition of the mobile food vendor will add diversity</p>

	to the local economy and make dripping springs more attractive to prospective businesses.
2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;	<p>The zoning district is Commercial Services (CS), which permits a wide array of commercial and retail uses. Mobile food vendors are permitted in the CS zoning district with the approval of a Conditional Use Permit (CUP).</p> <p>The mobile food vendor ordinance speaks specifically to what type of mobile food vendors are allowed within the Mercer Street District and this request meets all those requirements.</p>
3. The proposed use meets all supplemental standards specifically applicable to the use, as established in the Development Standards, Section 5;	The applicant will need to meet all development standards.
4. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods, and (as required by the particular circumstances) includes improvements or modifications (either on-site or within the public rights-of-way) to mitigate development-related adverse impacts, including but not limited to the following:	
a. Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;	The property fronts Mercer Street and has adequate access. The Food Trailer would not need additional ingress/egress.
b. Off-street parking areas, loading areas, and pavement type;	Per Sec. 30.05.009 (p) of the Mobile Food Vendor Ordinance, Mobile food vendors located in the Mercer Street Historic District are exempt from providing additional parking spaces. The applicant does not propose any additional parking spaces.
c. Refuse and service areas;	The applicant has provided additional receptacles for the mobile food vendor which are located behind the gate.
d. Utilities with reference to location, availability, and compatibility;	The mobile food vendor is plugged into an approved outlet adjacent to the power pole. Restrooms will be shared with the business on site.
e. Screening and buffering, features to minimize visual impacts, and/or setbacks from adjacent uses;	The applicant is proposing to add screening along mercer street, which would include large planters and plants.
f. Control of signs, if any;	Signage will be done with a separate permit and will need to comply with the Current Sign Ordinance in effect. Any variances will require approval.
g. Control of exterior lighting with reference to glare, traffic safety, economic effect, and compatibility	The owner shall comply with the Lighting Ordinance. The mobile food vendor only has small exterior light by the patio at Acoxon. All lights are off when business is

and harmony with properties in the district;	closed.
h. Required yards and open space;	Not applicable.
i. Height and bulk of structures;	The mobile food vendor meets height requirements.
j. Hours of operation;	The hours of operation will match Acoxon Brewing Co. hours. The Mobile Food Vendor Ordinance requires the mobile food vendor only operate during the operating business hours of the brick-and-mortar business of which the mobile food vendor is an extension or outlet.
k. Exterior construction material, building design, and building facade treatment;	Mobile Food Vendors do not have to comply with our Exterior Design Ordinance, but they do have to comply with our Sign Ordinance and applicable Sign Codes.
l. Roadway adjustments, traffic-control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets; and	Not applicable.
m. Provision for pedestrian access/amenities/areas;	The mobile food vendor is tied to the existing business which provides tables and seating.
5. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity; and,	Staff finds that the proposed mobile food vendor use will not be detrimental or damaging to the surrounding properties, these properties being similarly commercially zoned.
6. Noise;	The applicant stated that there will be no additional noise.
7. Odors; and	No odors anticipated other than wood smoke from the pizza.
8. Dust.	Not Applicable

Summary

Based on the proposed land use, adjacent land uses, the opportunity to attract more individuals to the area, and increase sales tax staff recommends approval of the requested CUP with the conditions outlined in the Draft Conditional Use Permit.

Attached is a draft CUP with the conditions and may be revoked for violations. Any conditions P&Z deems necessary may be added to the CUP as part of their motion.

The below excerpt of the Code are the procedures that P&Z should take for CUPS.

Chapter 30 Exhibit A Zoning Ordinance Sec 3.17.5 Procedures For CUPS:

- (a) P&Z Recommendation: Following the public hearing, the P&Z shall recommend approval, approval subject to modification, or denial of the proposal to the City Council. If the appropriateness of the use cannot be assured at the location, the P&Z shall recommend denial of the application as being incompatible with existing uses or with other uses permitted by right in the district.

Public Notification

A legal notice advertising the public hearing was placed in the Dripping Springs Century-News, signs were posted on the site, notice was placed on the City Website, and all property owners within a 300-foot radius of the site were notified of the Conditional Use Permit request.

Meetings Schedule

February 23, 2021 – Planning and Zoning Commission

March 9, 2021 - City Council Meeting

Attachments

Exhibit 1 - Conditional Use Permit Application

Exhibit 2 - Draft Conditional Use Permit Ordinance

Recommended Action:	Recommend approval of the requested Conditional Use Permit, with staff and any additional conditions deemed necessary by the Commission.
Alternatives/Options:	Recommend denial of the Conditional Use Permit; recommend approval of the Conditional Use Permit with no or alternate conditions.
Budget/Financial Impact:	None calculated at this time, but the City would receive additional sales tax revenue.
Public Comments:	Staff has received public comments and has attached the comments to the Packet
Enforcement Issues:	N/A
Comprehensive Plan Element:	Support the expansion of business and professional services Support Tourism related businesses



CITY OF DRIPPING SPRINGS

PHYSICAL: 511 Mercer Street • MAILING: PO Box 384

Dripping Springs, TX 78620

• 512.858.4725 • www.cityofdrippingsprings.com

CONDITIONAL USE PERMIT APPLICATION

Case Number (staff use only): _____ - _____

NEW APPLICATION EXTENSION OF A PREVIOUSLY APPROVED CUP

CONTACT INFORMATION

PROPERTY OWNER NAME JCMC3 HOLDINGS LLC

STREET ADDRESS 211 MERCER

CITY Dripping Springs STATE TX ZIP CODE 78620

PHONE 512-626-0086 EMAIL ~~john~~ mcintosh; john@ymail.com

APPLICANT NAME JOHN MCINTOSH / DAVE NIEMEYER

COMPANY MCS BREWING LLC dba ACOPON BREWING

STREET ADDRESS 211 MERCER

CITY Dripping Springs STATE TX ZIP CODE 78620

PHONE 512-626-0086 EMAIL john@acoponbrewing.com

APPLICANT'S SIGNATURE

The undersigned, hereby confirms that he/she/it is the owner of the above described real property and further, that JOHN MCINTOSH is authorized to act as my agent and representative with respect to this Application and the City's zoning amendment process.
(As recorded in the Hays County Property Deed Records, Vol. 4918, Pg. 378.)

[Signature]
Name

owner
Title

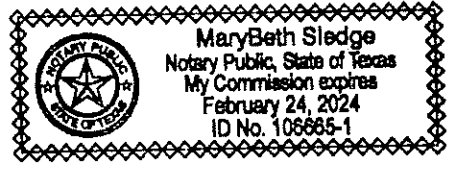
STATE OF TEXAS §
 §
COUNTY OF HAYS §

This instrument was acknowledged before me on the 19th day of October,
2020 by John McIntosh.

[Signature]
Notary Public, State of Texas

My Commission Expires: 2/24/2024

John McIntosh
Name of Applicant



PROPERTY INFORMATION

PROPERTY OWNER NAME	JCMC3 Holdings LLC
PROPERTY ADDRESS	211 MERCER DS TX 78620
CURRENT LEGAL DESCRIPTION	BLOCK 6 LOT 4 ORIGINAL TOWN OF DRIPPING SPRING 65
TAX ID#	32053286194
LOCATED IN	<input checked="" type="checkbox"/> CITY LIMITS <input type="checkbox"/> EXTRATERRITORIAL JURISDICTION
CURRENT ZONING	
PROPOSED USE	FOOD TRUCK in HISTORIC DISTRICT in SUPPORT OF ACOFON BREWING
REASON FOR REQUEST <i>(Attach extra sheet if necessary)</i>	DUE TO COVID 19, AND SUBSEQUENT CLOSURES OF BARS, TAPROOM ETC, WE OBTAINED A MODIFICATION OF LICENSE FROM TABC THAT ALLOWED US TO REOPEN, PROVIDED WE OFFER FOOD, AND OUR SALES FOR ONSITE CONSUMPTION OF ALCOHOL WERE LESS THAN 51% OF TOTAL SALES.

HAVING A FOOD TRUCK IS VITAL TO THE SURVIVAL OF OUR BUSINESS.

COMPLIANCE WITH OUTDOOR LIGHTING ORDINANCE? *

(See attached agreement).

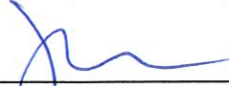
YES (REQUIRED)* YES (VOLUNTARY)* NO*

* If proposed subdivision is in the City Limits, compliance with Lighting Ordinance is **mandatory**. If proposed subdivision is in the ETJ, compliance is **mandatory** when required by a Development Agreement or as a condition of an Alternative Standard/Special Exception/Variance/Waiver.

Voluntary compliance is strongly encouraged by those not required by above criteria *(see Outdoor Lighting tab on the CODS webpage and online Lighting Ordinance under Code of Ordinances tab for more information).*

CONDITIONAL USE PERMIT SUBMITTAL

All required items and information (including all applicable above listed exhibits and fees) must be received by the City for an application and request to be considered complete. **Incomplete submissions will not be accepted.** By signing below, I acknowledge that I have read through and met the above requirements for a complete submittal:



 Applicant Signature

10.16.20

 Date

CHECKLIST

STAFF	APPLICANT	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Completed Application Form - including all required signatures and notarized
		PDF/Digital Copies of all submitted Documents
<input type="checkbox"/>	<input type="checkbox"/>	When submitting digital files, a cover sheet must be included outlining what digital contents are included.
<input type="checkbox"/>	<input type="checkbox"/>	Application Fee (<i>refer to Fee Schedule</i>)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Billing Contact Form
<input type="checkbox"/>	<input type="checkbox"/>	Outdoor Lighting Ordinance Compliance Agreement - signed with attached photos/drawings (<i>required if marked "Yes (Required)" on above Lighting Ordinance Section of application</i>)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Description
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Plans
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Maps/Site Plan/Plat
<input type="checkbox"/>	<input type="checkbox"/>	Architectural Elevation (<i>if applicable</i>)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Explanation for request (<i>attach extra sheets if necessary</i>)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Public Notice Sign (<i>refer to Fee Schedule</i>)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proof of Ownership-Tax Certificate or Deed

have a few questions that I need answered to help with my staff report.

1. Is the proposed use at the specified location consistent with the policies embodied in the Comprehensive Plan?
 “In addition, the survey indicates residents want a greater diversity of retail and restaurant options” p 14 Comp plan under housing
2. Is the proposed use consistent with the general purpose and intent of the applicable zoning district regulations?
 Zoned CS with Overlay in Mercer Historic District which allows MFV to operate in support of a brick and mortar business. Must obtain CUP and COA
3. Does the proposed use meet all supplemental standards specifically applicable to the use, as established in the Development Standards, [Section 5](#)?
 This one confuses me a little: We are in historic district, so I understand the fee in lieu option, but I think: 1) the area gained in front of our driveway which we no longer need access to gives us space for 3 vehicles, and 2) This isn't a permanent increase in square footage or use, so I don't know why we would have to pay into fund for a temporary (2 year CUP) use.
4. Is the proposed use compatible with and preserves the character and integrity of adjacent development and neighborhoods, and (as required by the particular circumstances) includes improvements or modifications (either on-site or within the public rights-of-way) to mitigate development-related adverse impacts?
 We are adding screening to Mercer side of MFV to minimize its visual impact. We will attach photos when work is completed
5. Off-street parking? (if any, Mobile Food Vendors located in the Mercer District are exempt from providing additional parking but it may help)
 Isn't this somewhat of a repeat of 3? That was part of my confusion
6. Refuse and service areas? (All mobile food vendors shall: (1) Be equipped with an attached trash receptacle approved by the city's health authority; (2) Hold, store, and dispose of solid and liquid waste in a receptacle approved by the health authority and comply with any other applicable city code requirements; (3) Provide a trash receptacle for use by customers; and (4) Maintain the area around the mobile unit clear of litter and debris at all times.) We have an additional trash receptacle for MFV located behind our gate.
7. Utilities? ((a) Water provided or used by the mobile food vendor shall not come from a temporary connection to potable water. (b) Electricity shall be only from a generator or an electrical outlet via a portable cord that conforms to the city's electrical code and permitted by the electric provider.) MFV is plugged into approved outlet on adjacent power pole.

8. Screening and buffering, features to minimize visual impacts, and/or setbacks from adjacent uses? **See question 4**
9. Control of exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district? **MFV only has small exterior light by patio at Acocon. All lights are off when business is closed.**
10. Required yards and open space (Historic District)? **??**
11. Height and bulk of structures? **??**
12. Hours of operation? (Mercer District requirement: The mobile food vendor shall only operate during the operating business hours of the brick-and-mortar business of which the mobile food vendor is an extension or outlet.) **MFV hours match Acocon Brewing hours**
13. Noise? **None. No generator or amplified music**
14. Odors? **Wood smoke from pizza oven is minimal**
15. Are you 150 feet away from other restaurants? **Yes**
16. explain how the mobile food vendor is a complimentary to Acocon.

MFV is on our property and access to the order window is from our patio. MFV hours match our business hours. We have come to realize how important food is to our existing customers and from potential customers as well. We receive several inquiries a week asking if we have food available at our brewery. Having this MFV has allowed us to increase our business. For example, we now host trivia on Thursdays from 6:30-9. People can come, have dinner and beer while playing trivia. Since trivia happens during "dinner time" having pizza available is critical to its success. Overall, we have documented a 25% increase in business from same time last year. We believe having MFV onsite accounts for part of that increase. Also, we surveyed our customers and found that a majority liked having food available and that influenced their decision to visit us. It's also worth noting that not one respondent indicated that they had any problem with buying food from a MFV or that they thought its presence had any negative impact on the street.

I know it is a lot but the more information the better.

**MERCER STREET
LOOP 64**

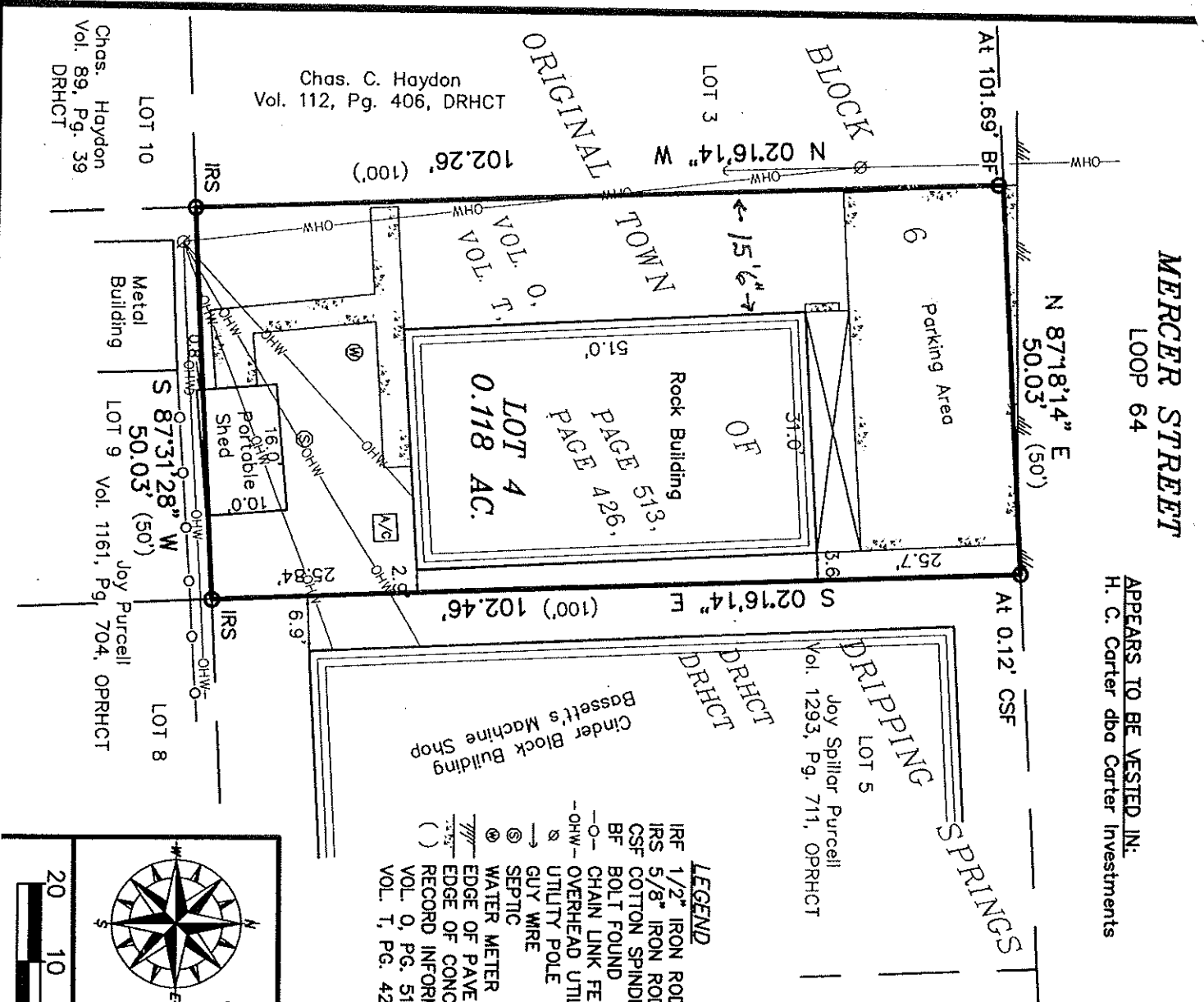
APPEARS TO BE VESTED IN:
H. C. Carter dba Carter Investments

**FLOOD PLAIN NOTE:
NOT FOR CONSTRUCTION**

This tract is not within
by 100-Year Flood as
Agency, Flood Insuranc
Areas, Map Number 4E

TITLE COMMITMENT NO
This survey reflects or
ground, and those eas
Co., Title Commitment
issued by Southwester
a partial listing of spe
and their affect on th
1) Restrictive Covenan

NORTH
REF. BEARING: STAUDT SURVEY 5/27/86



- LEGEND**
- IRF 1/2" IRON ROD FOUND
 - IRS 5/8" IRON ROD SET 6/12/03
 - CSF COTTON SPINDLE FOUND
 - BF BOLT FOUND
 - O- CHAIN LINK FENCE
 - OHW- OVERHEAD UTILITY WIRE
 - ⊗ UTILITY POLE
 - GUY WIRE
 - ⊙ SEPTIC
 - ⊕ WATER METER
 - ▬ EDGE OF PAVEMENT
 - ▬▬ EDGE OF CONCRETE
 - () RECORD INFORMATION
 - VOL. 0, PG. 513, DRHCT
 - VOL. 1, PG. 426, DRHCT

STATE OF TEXAS
COUNTY OF HAYS

To: Barbara A. Krone

The undersigned does
ground of the propert
knowledge and belief i
are no apparent or vi
improvements, utility
that said property ad

Thomas E. Staudt
Registered Professiona

STAUDT SURVEYING, INC.

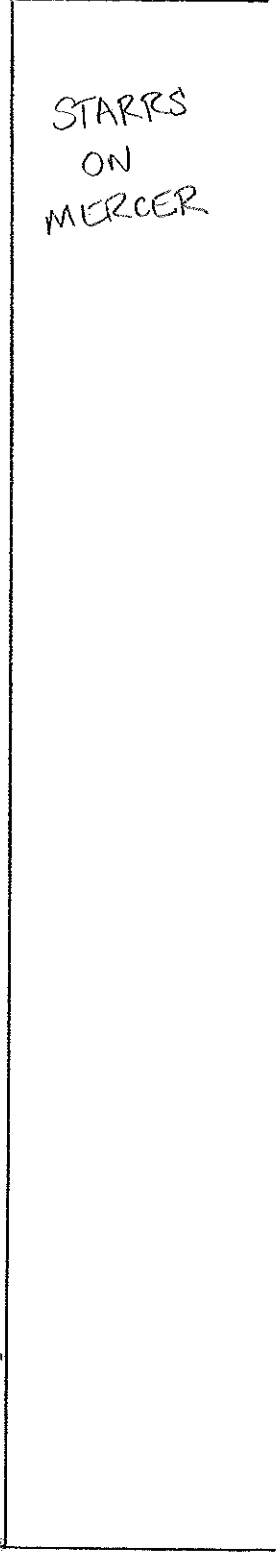
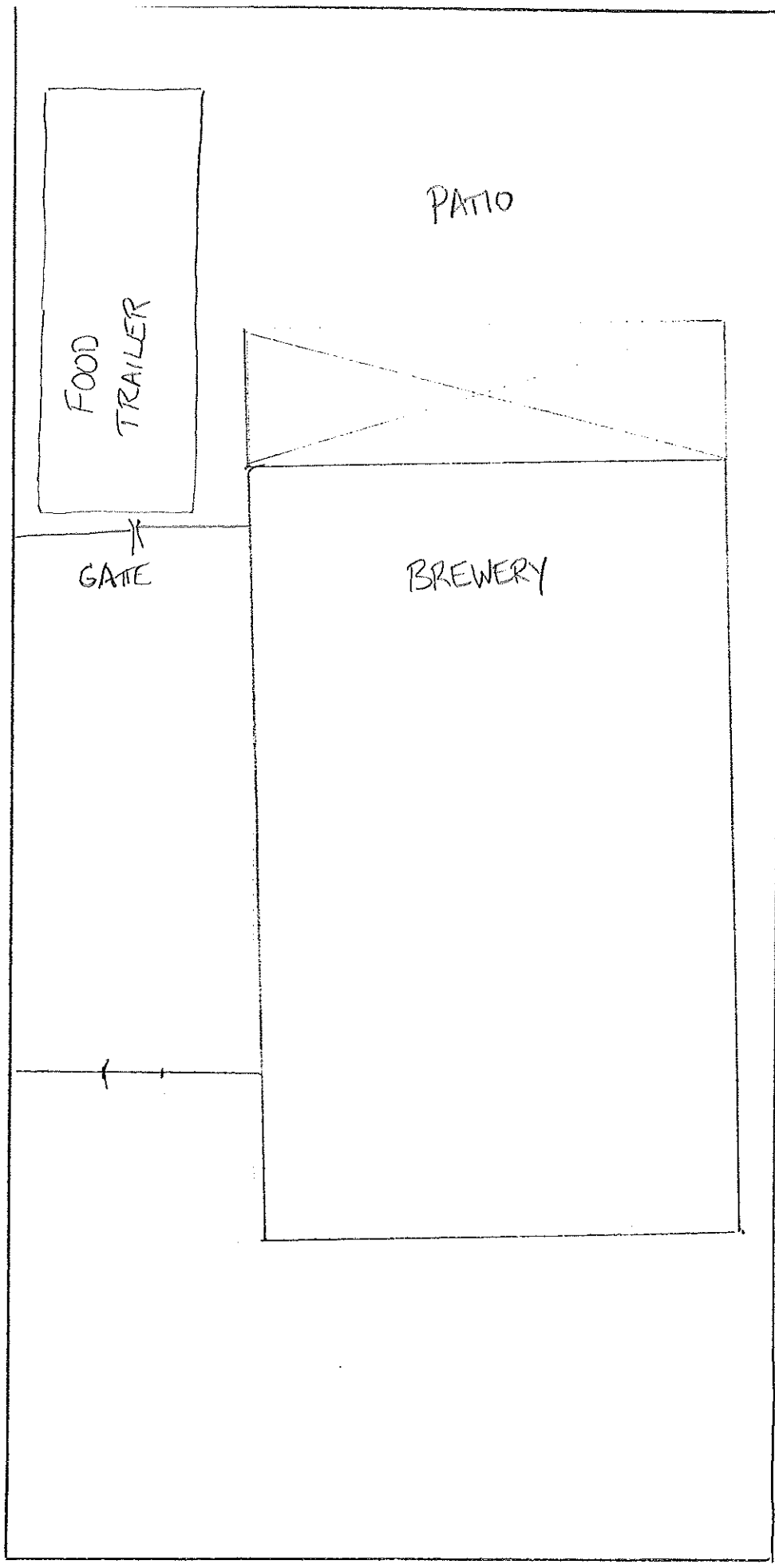
Thomas E. Staudt
RPLS # 3984
P.O. Box 1273
Dripping Springs, Texas 78620
(512)858-2236



GRAPHIC SCALE IN FEET

Item 5.

N
↑



CITY OF DRIPPING SPRINGS

ORDINANCE No. [REDACTED]

Conditional Use Permit

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR 211 MERCER STREET UNDER EXHIBIT A, ZONING ORDINANCE, SECTION 3.17, CONDITIONAL USE PERMIT AS ATTACHED IN EXHIBIT “A”; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; PUBLICATION; EFFECTIVE DATE; PROPER NOTICE & MEETING.

WHEREAS, the City Council of the City of Dripping Springs (“City Council”) seeks to promote reasonable, sound, and efficient land use and development within the City of Dripping Springs (“City”); and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to regulate zoning within the City; and

WHEREAS, the City of Dripping Springs desires to approve a conditional use permit because of the unique nature of this property, and the land use is compatible with the permitted land uses in a given zoning district only under current conditions; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Dripping Springs to adopt this Ordinance.

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

1. FINDINGS OF FACT

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

2. ENACTMENT

The Conditional Use Permit is approved as presented in Exhibit “A” to this ordinance.

3. REPEALER

All ordinances, resolutions, 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. EFFECTIVE DATE

This Ordinance and Conditional Use Permit shall be effective immediately upon passage and publication.

6. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, a public hearing was held, and that public notice of the time, place and purpose of said hearing and meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED & APPROVED this, the ___ day of _____ 2021, by a vote of ___(ayes) to ___ (nays) to ___ (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:

by: _____
Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham, City Secretary

Attachment "A"



City of Dripping Springs | Conditional Use Permit

Granted to JCMC3 Holdings, LLC for a mobile food vendor court on a property that is currently zoned Commercial Services (CS) located at: 211 Mercer Street, Dripping Springs, Texas 78620

Approved by the City of Dripping Springs City Council on _____.

Operation of a mobile food vendor at the above-mentioned location is allowed pursuant to the following regulations:

1. Food vendors and customers shall have access to restroom facilities
2. Hours of operation shall coincide with Acopon Brewing Company.
3. Property shall abide by all other applicable City regulations, including Zoning and Development Standards
4. This Conditional Use Permit automatically renews for successive two (2) year periods unless an objection is raised by the City Administrator based on either:
 - a. A history of poor code compliance; or
 - b. A revision to the Comprehensive Plan that renders the CUP incompatible
5. Conditional Use Permits for new uses/structures shall be deemed to have expired and shall become null and void if construction is not completed and occupation commenced within two years of the date the CUP was approved.
6. City Administrator may revoke the CUP for failure to comply with municipal regulations and the conditions placed on the use (City of Dripping Springs Zoning Ordinance Section 3.17.9).
7. Conditional Use Permit is effective _____.



STAFF REPORT
City of Dripping Springs
PO Box 384
511 Mercer Street
Dripping Springs, TX 78602

Submitted By: Laura Mueller, City Attorney

P&Z Meeting Date: February 23, 2021

Agenda Item Wording: Discuss and consider action on proposal to amend Chapter 30, Article 30.05 Mobile Food Vendors to change the use of Mobile Food Vendors in the Mercer Street Historic District based on recommendation of the Historic Preservation Commission.

Agenda Item Requestor: Historic Preservation Commission

Summary/Background: At its February Meeting the Historic Preservation Commission voted to have the Planning and Zoning Commission consider proposing an amendment to remove Mobile Food Vendors as a use in the Mercer Street Historic District. Section 30.05.

Sec. 30.05.032 Permit required

- (a) It is an offense for a person to operate a mobile food establishment in the city limits without a mobile food vendor permit.
- (b) It is an offense for a person to conduct sales at a mobile food establishment in the city limits without a mobile food vendor permit.
- (c) It is an offense for a person to erect, install or park a mobile food establishment in the city limits without a mobile food vendor permit.
- (d) It is an offense for a person to erect, install, or park a mobile food establishment within the boundaries of the Mercer Street or Hays Street historic districts, as defined in section 24.07.032 [chapter 30, exhibit A, section 4.3.2] of the Code of Ordinances, unless:
 - (1) The location or operation of the mobile food establishment is for a special event or city-sponsored event, for which the mobile food vendor is included in the permit application for which the event organizer must obtain a permit (see Code of Ordinances section 6.02.071); or
 - (2) The mobile food vendor is a complementary extension, or outlet, of a brick-and-mortar restaurant or business and the applicant of a mobile food vendor applies for and is granted a certificate of appropriateness under the requirements of chapter, 24, article 24.07 [chapter 30, exhibit A, section 4, division 2] of the city code and applies for and is granted a

conditional use permit under the requirements of chapter 30, exhibit A: zoning, section 3.17 of the city code. A conditional use permit shall not be granted prior to a certificate of appropriateness being granted. The mobile food vendor shall only operate during the operating business hours of the brick-and-mortar business of which the mobile food vendor is an extension or outlet.

(e) Applicants of mobile food vendors (longer than 10 days) or mobile food courts wishing to locate in the Old Fitzhugh historic district as defined in section 24.07.032 [chapter 30, exhibit A, section 4.3.2] of the Code of Ordinances must apply for and be granted a certificate of appropriateness under the requirements of chapter 24, article 24.07 [chapter 30, exhibit A, section 4, division 2] of the city code and apply for and be granted a conditional use permit under the requirements of chapter 30, exhibit A: zoning, section 3.17 of the city code. A conditional use permit shall not be granted prior to a certificate of appropriateness being granted

In order to make a change to this ordinance, the change must be initiated by the P&Z or City Council. Chapter 30, Exhibit A, Section 2.29. Authority to Amend.

The P&Z can choose to move forward with an amendment or may take no action.

Commission Recommendations:

Historic Preservation Commission recommends prohibiting all permanent food trucks in the Mercer Street Historic District.

Recommended P&Z Actions:

Recommend moving forward with a Zoning Amendment that either: (1) prohibits food trucks in the Mercer Street Historic District; or (2) amends procedures for the approval of food trucks in the Mercer Street Historic District including potentially removing the Certificate of Appropriateness requirement from a food truck approval. Food trucks can fill a need where restaurants are not a viable option.

If a change is done, the City Historic Preservation Consultant recommends the “prohibition” option, rather than an attempt to craft additional Mobile Food Vendor regulations, including aesthetic guidelines and standards, which would be difficult for Staff to assess objectively and enforce.

Attachments:

HPC Draft Minutes.

Next Steps/Schedule:

If the P&Z moves forward with a zoning amendment, then notice would be given to the newspaper and the amendment could be reviewed by P&Z in either March or April depending on the complexity of the proposed amendment.



HISTORIC PRESERVATION COMMISSION REGULAR MEETING

City of Dripping Springs

Council Chambers, 511 Mercer St, Dripping Springs, TX

Thursday, February 04, 2021 at 4:00 PM

MINUTES

MEETING SPECIFIC VIDEOCONFERENCE INFORMATION

Join Zoom Meeting

<https://us02web.zoom.us/j/88534319819?pwd=cnR2Q1ZVb0xIYTU1R2VabjcrYXI4dz09>

Meeting ID: 885 3431 9819

Passcode: 482504

Dial Toll Free:

888 475 4499 US Toll-free

877 853 5257 US Toll-free

Find your local number: <https://us02web.zoom.us/j/88534319819>

Join by Skype for Business: <https://us02web.zoom.us/skype/88534319819>

CALL TO ORDER AND ROLL CALL

Commission Members Present

Bruce Lewis, Chair

Emilie Kopp, Vice Chair

Ashley Bobel

Dean Erickson

Minnie Glosson-Needham

Jean Reimers

Tim Brown

Staff, Consultants & Appointed/Elected Officials

City Administrator Michelle Fischer

Senior Planner Amanda Padilla

Planning Assistant Alicia Lundy-Morse

Mayor Pro Tem Taline Manassian

Architectural Consultant Keenan Smith

With a quorum of the Commission present, Chairman Lewis called the meeting to order at 4:01pm

PRESENTATION OF CITIZENS

Each member of the public who desires to address the Historic Preservation Commission regarding any item for an open meeting may do so immediately before or 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 Presentation of Citizens. The Commission may limit the total amount of time the public may speak on a given item. 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. The Commission may not prohibit public criticism of the governmental body, including criticism of any act, omission, policy, procedure, program, or service. This does not apply to public criticism that is otherwise prohibited by law. 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. (Section 1. Subchapter A, Chapter 551, Government Code, Section 551.007)

No one spoke during the Presentation of Citizens

MINUTES

- 1. Discuss and consider approval of the January 7, 2021 Historic Preservation Commission regular meeting minutes.**

A motion was made by Vice-Chair Kopp to approve the January 7th 2021 Historic Preservation Commission's regular meeting minutes. Commissioner Erickson seconded the motion which carried all in favor 7-0.

BUSINESS

- 2. Discuss and consider recommendation of a City Policy for Banners to be Displayed on the Mercer Street Pedestrian Poles.**

A draft of the City Policy for Banners to be Displayed on the Mercer Street Pedestrian Poles was given to the Commission and is on file.

The policy includes that any event must be greater than a one (1) day event to be eligible.

The City will maintain a schedule/calendar for the banners and outside events will not be allowed to conflict with the existing schedule

A motion was made by Vice-Chair Kopp to move forward with a city policy for banners to be displayed on the Mercer Street poles with the provisions that the event must be greater than one (1) day and the City will maintain a calendar for the banners and outside events may not conflict with the existing banner schedule. The motion was seconded by Commissioner Bobel which carried all in favor 7-0.

- 3. Discuss and consider possible staff direction regarding Mobile Food Vendors in the Historic District.**

The commission discussed the direction regarding mobile food vendors in the Mercer Street Historic District with guidance from city staff.

The City Attorney Laura Mueller informed the Commission that the way to initiate a zoning change related to mobile food vendors on Mercer Street would be to request that P&Z look into the issue and then the P&Z commission could initiate a zoning ordinance amendment change.

A motion was made by Commissioner Dean to recommend that the P&Z Commission look into an ordinance that would ban permanent mobile food vendors in the Mercer Street District. Commissioner Brown seconded the motion which carried all in favor 7-0

Next steps is to bring the recommendation to Planning and Zoning Commission. The City Attorney would provide an item on the next P&Z agenda and a staff report would be prepared. If the Planning and Zoning Commission decides they want to move forward with a Zoning amendment the process would include notice, and public hearings at P&Z and City Council.

4. Discussion regarding the Historic Preservation Commission budget request recommendation related to the Fiscal Year 2022 Budget.

The Commission discussed possible ideas for projects and budget needs. Due date for decisions is May and the commission will discuss at the next meeting.

5. Discuss and consider possible action regarding Committees of the Historic Preservation Commission.

The Commission is keeping the existing committees without adding or removing any.

COMMITTEE REPORTS

- 6. Parking Lot Improvements Committee**
Commissioners Dean Erickson and Tim Brown
- 7. Landscape Improvements Committee**
Commissioners Minnie Glosson-Needham and Jean Reimers
- 8. Brochure / Printing & Website Committee**
Commissioner Emilie Kopp
- 9. Historic District Signage & Banner Committee**
Commissioners Ashley Bobel and Emilie Kopp

EXECUTIVE SESSION

The Historic Preservation 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 Historic Preservation 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 enter executive session

UPCOMING MEETINGS**Historic Preservation Commission Meetings**

March 4, 2021 at 4:00 p.m.

April 1, 2021 at 4:00 p.m.

May 6, 2021 at 4:00 p.m.

City Council Meetings

February 9, 2021 at 6:00 p.m.

February 16, 2021 at 6:00 p.m.

March 9, 2021 at 6:00 p.m.

ADJOURN

A motion was made by Commission Reimers to adjourn the Historic Preservation Commission Meeting. The motion was seconded by Commissioner Glosson-Needham which carried all in favor 7-0.

The Dripping Springs Historic Preservation Commission regular meeting adjourned on February 4th at 5:15pm.

ADMINISTRATIVE APPROVAL PROJECTS				
Site Development Project Name	City Limits / ETJ	Location	Description	Status
SD2019-0006_Dog N Bone	CL	310 Old Fitzhugh Rd	Food Tractor and Site improvements	Waiting on resubmittal
SD2019-0017 Storserv	ETJ	E Hwy 290	Self Storage facility	Approved w conditions
SD2019-0024 Jasons Deli	CL	165 Hargraves Dr	Restaurant	Waiting on resubmittal
SD2019-0025 Merrit Hill Country Amendment	CL	28725 RR 12	minor amendment	Waiting on resubmittal
SD2019-00026 DSWSC Filling Station	CL	198 Creek Rd		Gathering Signatures
SD2019-0032 Coffman Real Estate	CL	27401 RR 12	Parking lot improvements	Gathering Signatures
SD2019-0036 Hart Lane Homes	ETJ	120 Hart Lane	3 SF homes	Waiting on resubmittal
SD2019-0041 Driftwood Creek Temporary Kitchen	ETJ	415 Thurman Roberts Way	Temporary kitchen facility comprised of 2 shipping containers	Approved with Conditions
SD2020-0006 Ghost Hill Ranch Phase 2	ETJ	31430 Ranch Road 12, Dripping Springs, Texas	Two Commercial Buildings	Approved with Conditions
SD2020-0016 100 N Canyonwood Dr	etj	100 N Canyonwood Dr	2 office buildings	Waiting on resubmittal
SD2020-0017 Home Depot TRC	cl	260 E Hwy 290	tool rental center	Waiting on resubmittal
SD2020-0018 DSWSC Elevated Storage Tank	etj	Hart Lane	elevated Storage tang	Gathering Signatures
SD2020-0020 Revision to Texas Regional Bank	cl	333 E Hwy 290 #305, Dripping Springs, TX 78620	The Site Development Plans have been revised for connectivity between the current site and future development	Approved w/ Conditions
SD2020-0022 Skye Headwaters Revision 2	cl	201 Headwaters Blvd.	Reverting back to the originally approved project.	Under Review
SD2020-0024 421 Sportsplex Correction	cl	421 Sportsplex	adding retaining wall	Waiting on resubmittal
SD2020-0027 Velocity Credit Union	limited purpose district	Lot 1 Block E of Bush Ranch Phase 1 Revised Subdivision	Construction of an assisted living building, parking areas, water service line, on-site sewage facility, and storm water detention pond.	Waiting on resubmittal
SD2020-0029 Headwaters Phase II	CL	Kibo Ridge and Hwy 290	this project includes the construction of four 3-story apartment buildings, associated parking and drives, and utilities	Approved w/ Conditions
SD2020-0030 Howard Ranch Commercial	Cl	FM 150 and RR12	one 5,110-sf general store/fueling station, two 10,400-sf retail stores, two 6,800-sf retail stores. One 17,600-sf retail store, and a 10,350-sf live/work building to be located on 7.391 acres	Waiting on resubmittal
SD2020-0031 ATX Drainage and Landscaping	ETJ	13400 Nutty Brown Road	construction of a landscape yard, associated 6,055 sqft office/warehouse and parking	Waiting on resubmittal
SD2020-0032 Big Sky Ranch Amenity Center	CL	Lone Peak Way	amenity center for Big Sky Ranch within Phase 2	Under Review
SD2020-0035 Harrison Hills Business Park	CL	North of Whisenant, across from Founders Ridge (No address given)	Infrastructure including construction of Driveway to 12, water quality and detention ponds, utilites, offsite improvements for wastewater tie in	Approved w/ Conditions
SD2020-0036 Arrowhead Ranch Amenity Center Revision	Cl	Arrowhead Ranch Blvd	Proposed Site Development for future arrowhead ranch amenity Center	Approved w/ conditions
SD2020-0038 Belterra Building X2	ETJ	Lot 1B--2 LTD	The project is proposing a 5,063 SF retail building with associated parking and utility improvements	Approved with Conditions
SD2020-0040 Forbes Tract Revision	ETJ	14300 FM 1826	proposed revision would include switching from a bar ditch conveyance system to an underground drainage system	Waiting on resubmittal
SD2020-0041 Skybridge Academy	CL	26540 Ranch road 12	deck addition at rear of building for outdoor classroom	Gathering Signatures
SD2020-0042 31300 RR 12 Vet Clinic	ETJ	31300 RR 12	permitting an existing gravel parking lot	Waiting on resubmittal
SD2020-0044 Founder Parking Lot Improvements	CL	419 Founders Park Rd	Install an asphalt parking area consisting on approximately 48 parking spaces within Founders Memorial Park.	Waiting on resubmittal
SD2020-0045 12 South	CL	4500 RR 12	8,000 Sq ft warehouse w associated parking and drainage	Waiting on resubmittal
SD2020-0046 Parten Ranch Amenity Center Correction	ETJ	1.5 Miles Southwest of Nutty Brown Rd and 1826		Approved w/ Conditions
SD2020-0047 Dripping Springs RV Resort	ETJ	3001 W US 290, Dripping Springs, TX 78620	335 RV lots with associated roadway and drainage. All private and publicly maintained.	Waiting on resubmittal
SD2020-0048 Patriots Hall of Dripping Springs	ETJ	3400 E US 290	New VFW Building with parking infrastructure and water quality	Approved w/ Conditions
SD2020-0049 Bannockburn Youth Building	ETJ	264 American Way	New +/- 7,250 sf building next to church for youth and children ministries and +/- 1,500 sf of paved walkway around the building	Approved w/ Conditions (Can begin Erosion controls)

Subdivision Project Name	City Limits / ETJ	Location	Description	Status
Driftwood Phase 3	ETJ	17901 RM 1826	1 lot subdivision	Waiting on the County
SUB2018-0038_California Ph 4 Sec 11_FP	ETJ	RR12 & FM 150	Subdivision of 108 Residential lots	Turned in Plat amendment adding additional ROW, Comments have been issued.
SUB2018-0043_Treaty Oak Subdivision MP	ETJ	16604 Fitzhugh Rd	1 Lot subdivision	Waiting on resubmittal
SUB2018-0061 Headwaters at Barton Creek_AP	ETJ	2401 E Hwy 290	Edits to metes and bounds error	Waiting on resubmittal/ everyone approved as of 6/25/2019
SUB2019-0017 Parten Ranch Amenity Center MP	ETJ	NW Corner of Two Creeks Lane and Parten Ranch Pkwy	1 Lot for amenity center	Waiting on the County
SUB2019-0023 Driftwood Golf & Ranch Club Phase. 1 CP	ETJ	10450 FM 967 N Side	42 Lot Subdivision on 59.14 acres	Gathering Signatures
SUB2019-0041 Headwaters Ph. 4 Sec. 6 CP	ETJ	Intersection of Headwaters Blvd and Hazy Hills Loop	4 Lot subdivision	Waiting on the County
SUB2019-0044 California Ph/2 Sec 7 Block F Lot 9 AP	ETJ	Peaks Circle	amended plat	waiting on resubmittal
SUB2019-0049 Driftwood Club Core Ph. 1 CP	ETJ	582 Thurman Roberts Way	infrastructure for subdivision	Gathering Signatures
SUB2019-0050 Driftwood Golf and Ranch Club Ph. 2 FP	ETJ	Thurman Roberts Way	57 SF lots, 3 Open Space, 4 Golf Course Lots, 8 ROW lots	waiting on fiscal or construction completion
SUB2019-0051 Driftwood Club Core Ph. 2 CP	ETJ	Thurman Roberts Way	infrastructure for subdivision	Gathering Signatures
SUB2019-0062 Big Sky Ranch Phase 2 CP & FP	CL	Lone Peak Way	188 Single Family, Drainage, and Open Space lots	construction plans are being revised and are under review, waiting on resubmittal for the final plat
SUB2020-0005 Highpointe phase II 2A-2B, lots 7&8. Block C AP	ETJ	118 Red River Cover Austin	amended plat	Gathering signatures
SUB2018-0055 Quik Trip #4133 Addition Minor Plat	CL	16460 Sawyer Ranch Rd	remaining portion of tract A of the Sawyer Springs Subdivision P.R.	waiting on resubmittal
SUB2020-0020 Polo Business Park East MP	etj	13550 US 290	1 lot subdivision to create a legal lot	waiting on resubmittal
SUB2020-0027 Sawyer Ranch 33	CL	unaddressed, R95789	3 lot subdivision near 290 and Sawyer ranch	waiting on resubmittal
SUB2020-0031 Heritage Construction Plans	CL	Sportsplex Drive (Heritage Development)	Construction Plans for the Heritage development	Under Review
SUB2020-0032 Driftwood West Wholesale Water Connection	ETJ	Fm 1826	Improvements including master vault and water meter vault providing point of connection to existing 12 inch WL	Under review
SUB2020-0039 Sunset Canyon AP	ETJ	13650 Trautwein Rd	Moving lot line to protect tree line prior to selling a lot	Under Review
SUB2020-0036 Big Sky Ranch Tract 1 Minor Revision	CL	Lone Peak Way	Adding 4 Lots and Moving an Interior Street	Under Review
SUB2020-0045 Driftwood Golf Course Ph 1 Site Grading Revision 2	ETJ	10450 RM 967	Revision 2 includes site development of golf course structures, utilities and driveways to server the golf course	Waiting on Resubmittal
SUB2020-0046 Driftwood Golf and Ranch Club Ph 2 CP	EJT	Driftwood Golf Club Road, Buda Tx 78610	Phase 2 consists of 46 single family residential lots including all paving, drainage, water and wasteater improvements	Waiting on Resubmittal
SUB2020-0047 Driftwood WW Extension	ETJ	Thurman Roberts Way	Propose two low pressure force mains, a raw wastewater line, wet well and valve vault	Waiting on Resubmittal
SUB2020-0048 611 Butler Ranch Road MP	ETJ	611 Butler Ranch Road	Subdividing 13.03 acres into 2 lots.	Waiting on Resubmittal
SUB2021-0001 Headwaters Water Facility	ETJ	E HWY 290 Dripping Springs	Phase 3 of the existing wastewater plant. Impervious cover will be increased by 9605 sq ft	Approved w/ Conditions
SUB2021-0002 Roger Hanks Parkway Extension	CL	Roger Hanks Parkway	3120 LF of Collector Roadway. The infrastructure includes all associated streets, grading, and water quality improvements.	Waiting on Resubmittal
SUB2021-0004 Driftwood phase 3 Minor revision	ETJ	Thurman Roberts Way	Adjusting Road and removing lots	Under Review
SUB2021-0006 Treaty Oak MP	ETJ		Establish a lot	Under Review
SUB2021-0007 Headwaters phase 3-5 PP Minor revision	ETJ		Adjusting lots	Under Review
SUB2021-0008 Driftwood Greeter House Road Widening	ETJ	Thurman Roberts Way	Widening the road near the greeter house	Under Review
SUB2021-0009 Glass Business Park CP	CL	2650 W Hwy 290	Construction Plans for Glass Business Park	Under Review