



Planning & Zoning Commission Regular Meeting

Dripping Springs City Hall

511 Mercer Street – Dripping Springs, Texas

Tuesday, May 27, 2025, at 6:00 PM

AGENDA

CALL TO ORDER AND ROLL CALL

Commission Members

Mim James, Chair

Tammie Williamson, Vice Chair

Christian Bourguignon

Doug Crosson

Eugene Foster

Douglas Shumway

Evelyn Strong

Staff, Consultants & Appointed/Elected Officials

Planning Director Tory Carpenter

City Attorney Laura Mueller

City Secretary Diana Boone

IT Director Jason Weinstock

PLEDGE OF ALLEGIANCE

PRESENTATION OF CITIZENS

A member of the public who wishes to address the Commission regarding items on the posted agenda may do so at Presentation of Citizens. For items posted with a Public Hearing, the Commission requests that members of the public hold their comments until the item is presented for consideration. Members of the public wishing to address matters not listed on the posted agenda may do so at Presentation of Citizens. Speakers are allotted two (2) minutes each and regarding issues not on the agenda and two (2) minutes per item on the agenda 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. Speakers are encouraged to sign in to speak, but it is not required. By law no action shall be taken during Presentation of Citizens.

CONSENT AGENDA

The following items will be acted upon in a single motion and are considered to be ministerial or routine. No separate discussion or action on these items will be held unless pulled at the request of a member of the Commission or City staff.

- 1. Consider approval of the April 22, 2025 Planning & Zoning Commission regular meeting minutes.**

BUSINESS AGENDA

- 2. Public hearing, discussion, and consideration of recommendation for VAR2025-002: a variance request to allow a commercial building associated with the Dripping Springs Sports Club to be larger than the 100,000 square feet limit in the Planned Development District No. 6 zoning district for a property located at the northwest intersection of Canyonwood Drive and US 290. Applicant: Drew Rose, DSSC Equity, LLC**
 - a. Applicant Presentation
 - b. Staff Report
 - c. Public Hearing
 - d. Recommendation
- 3. Discuss and consider approval of a Resolution of Support for the City's TxDOT Transportation Alternatives Grant Application for an ADA Transition Plan.**
- 4. Discuss and consider approval of a Resolution of Support for the City's TxDOT Transportation Alternatives Grant Application for Citywide High Visibility Crosswalks.**

PLANNING REPORTS

Reports listed are on file and available for review upon request. The Commission may provide staff direction; however, no action shall be taken.

- 5. City Attorney Report -- Wastewater Permit and related updates. Laura Mueller, City Attorney**
- 6. Planning Department Report: Tory Carpenter, Planning Director**

CLOSED SESSION

The Commission has the right to adjourn into closed session on any item on this agenda and at any time during the course of this meeting to discuss any matter as authorized by law or by the Open Meetings Act, Texas Government Code Sections 551.071 (Consultation With Attorney), 551.072 (Deliberation Regarding Real Property), 551.073 (Deliberation Regarding Prospective Gifts), 551.074 (Personnel Matters), 551.076 (Deliberation Regarding Security Devices or Security Audits), and 551.087 (Deliberation Regarding Economic Development Negotiations), and 551.089 (Deliberation Regarding

Security Devices or Security Audits). Any final action or vote on any Closed Session item will be taken in Open Session.

UPCOMING MEETINGS

Planning & Zoning Commission Meetings

June 24, 2025, at 6:00 p.m.

July 22, 2025, at 6:00 p.m.

City Council & Board of Adjustment Meetings

June 3, 2025, at 6:00 p.m.

June 17, 2025, at 6:00 p.m.

ADJOURN

TEXAS OPEN MEETINGS ACT PUBLIC NOTIFICATION OF MEETING

*I certify that this public meeting is posted in accordance with Texas Government Code Chapter 551, Open Meetings. This meeting agenda is posted on the bulletin board at the City of Dripping Springs City Hall, located at 511 Mercer Street, and on the City website at, www.cityofdrippingsprings.com, on **May 23, 2025 at 3:30 PM**.*

Diana Boone, City Secretary

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



Planning & Zoning Commission Regular Meeting

*Dripping Springs ISD Center for Learning and Leadership
Maple Room, 300 Sportsplex Drive – Dripping Springs, Texas*

Tuesday, April 22, 2025, at 6:00 PM

DRAFT MINUTES

CALL TO ORDER AND ROLL CALL

With a quorum of commissioners present, Chair James called the meeting to order at 6:02 p.m.

Commission Members Present:

Mim James, Chair
Tammie Williamson, Vice Chair
Christian Bourguignon
Eugene Foster
Douglas Shumway

Commission Members Absent:

Doug Crosson
Evelyn Strong

Staff, Consultants & Appointed/Elected Officials

Planning Director Tory Carpenter
City Attorney Laura Mueller
City Secretary Diana Boone
Mayor Pro Tem Taline Manassian

PLEDGE OF ALLEGIANCE

PRESENTATION OF CITIZENS

A member of the public who wishes to address the Commission regarding items on the posted agenda may do so at Presentation of Citizens. For items posted with a Public Hearing, the Commission requests that members of the public hold their comments until the item is presented for consideration. Members of the public wishing to address matters not listed on the posted agenda may do so at Presentation of Citizens. Speakers are allotted two (2) minutes each and regarding issues not on the agenda and two (2) minutes per item on the agenda 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. Speakers are encouraged to sign in to speak, but it is not required. By law no action shall be taken during Presentation of Citizens.

No one spoke during the Presentation of Citizens.

CONSENT AGENDA

The following items will be acted upon in a single motion and are considered to be ministerial or routine. No separate discussion or action on these items will be held unless pulled at the request of a member of the Commission or City staff.

1. **Consider approval of the March 26, 2025 Planning & Zoning Commission regular meeting minutes.**

A motion was made by Vice Chair Williamson and seconded by Commissioner Shumway, to approve the March 26, 2025 minutes with an edit to a clerical error to the attendance, changing the word “present” to “absent”.

The motion to approve carried unanimously 5 to 0.

BUSINESS AGENDA

2. **Public hearing, discussion, and consideration of recommendation for VAR2025-002: a variance request to allow a commercial building associated with the Dripping Springs Sports Club to be larger than the 100,000 square feet limit in the Planned Development District No. 6 zoning district for a property located at the northwest intersection of Canyonwood Drive and US 290. Applicant: Drew Rose, DSSC Equity, LLC**

a. Applicant Presentation

Applicants Drew Rose and Luke Axtell presented. Jeff Eubanks, Ethan Glass, and Landon McClellan were present in the audience to answer questions.

b. Staff Report

Planning Director Tory Carpenter presented the staff report and recommended to either postpone or approve the variance request with the following conditions:

1. The applicant must provide 8-foot masonry screening in the form of stone or brick, as best determined by the Development Review Committee (DRC), along the eastern and northern property boundaries consistent with Section 5.10.1 of the Zoning Ordinance.
2. The applicant shall submit an Alternative Exterior Design application for review and approval prior to submitting a site development application

c. Public Hearing

Jason Cortan spoke in favor of the variance.

d. Recommendation

A motion was made by Commissioner Foster and seconded by Commissioner Bourguignon, to postpone to date certain, May 27, 2025.

The motion carried 4 to 0, with one (1) recusal by Commissioner Shumway.

In preparation for the May meeting, Chair James requested additional information from the applicant including a plan for tree preservation, lighting in accordance with the City of Drippings Dark Sky Ordinance, site access, and building design.

- 3. Presentation, discussion, and direction to staff regarding PDD2024-001 the Farmstead at Caliterra Planned Development District No. 9 Amendment.** *Applicant: Quynn Dusek, Carlson, Brigrance and Doering, Inc.*

Discussion only. No action was taken.

- a. Applicant Presentation
- b. Staff Presentation
- c. Public Hearing
- d. Staff Direction

PLANNING REPORTS

Reports listed are on file and available for review upon request. The Commission may provide staff direction; however, no action shall be taken.

- 4. Planning Department Report:** Tory Carpenter, Planning Director

No action was taken. Report is on file.

CLOSED SESSION

The Commission has the right to adjourn into closed session on any item on this agenda and at any time during the course of this meeting to discuss any matter as authorized by law or by the Open Meetings Act, Texas Government Code Sections 551.071 (Consultation With Attorney), 551.072 (Deliberation Regarding Real Property), 551.073 (Deliberation Regarding Prospective Gifts), 551.074 (Personnel Matters), 551.076 (Deliberation Regarding Security Devices or Security Audits), and 551.087 (Deliberation Regarding Economic Development Negotiations), and 551.089 (Deliberation Regarding Security Devices or Security Audits). Any final action or vote on any Closed Session item will be taken in Open Session.

The commission did not meet in Closed Session.

ADJOURN

A motion to adjourn was made by Commissioner Shumway and seconded by Commissioner Foster. The motion to adjourn the meeting carried unanimously 5 to 0.

The meeting adjourned at 7:41 p.m.



Planning and Zoning Commission

Planning Department Staff Report

**Planning and Zoning
Commission Meeting:**

May 27, 2025

Project No:

VAR2025-002

Project Planner:

Tory Carpenter, AICP, Planning Director

Item Details**Project Name:**

Dripping Springs Sports Club

Property Location:

Northwest Corner of Canyonwood Drive and US 290

Legal Description:

10 Acres out of the Headwaters Commercial Tract

Applicant:

Drew Rose, DSSC Equity, LLC

Property Owner:

Oryx Land Holdings, LLC

Request:

A variance to allow a building larger than 100,000 square feet in a the PDD6 Zoning District



VAR2025-002
Dripping Springs
Sports Club

Legend

- Roads
- Subject Property
- City Limits



Overview

The applicant, DSSC Equity, LLC, is requesting a variance from the maximum gross floor area permitted for commercial buildings under the Headwaters Planned Development District (PDD 6). Section 2.4.6(a) of the PDD, which was approved in 2016, limits commercial building size to 100,000 square feet. The proposed Dripping Springs Sports Club (DSSC) facility is approximately 160,000 square feet in gross floor area, a 60% increase over the allowed maximum.

The facility includes a mix of uses such as youth sports, fitness amenities, indoor courts, an elevated track, family entertainment, and dining. The building footprint itself is 65,000 square feet, with additional gross area accommodated through two stories and a mezzanine level.

The applicant states that the variance is necessary due to the nature and function of the building. The larger floor area allows the project to deliver its intended multi-purpose services without exceeding the site's design limits in terms of footprint or setbacks. Key points of justification provided by the applicant include:

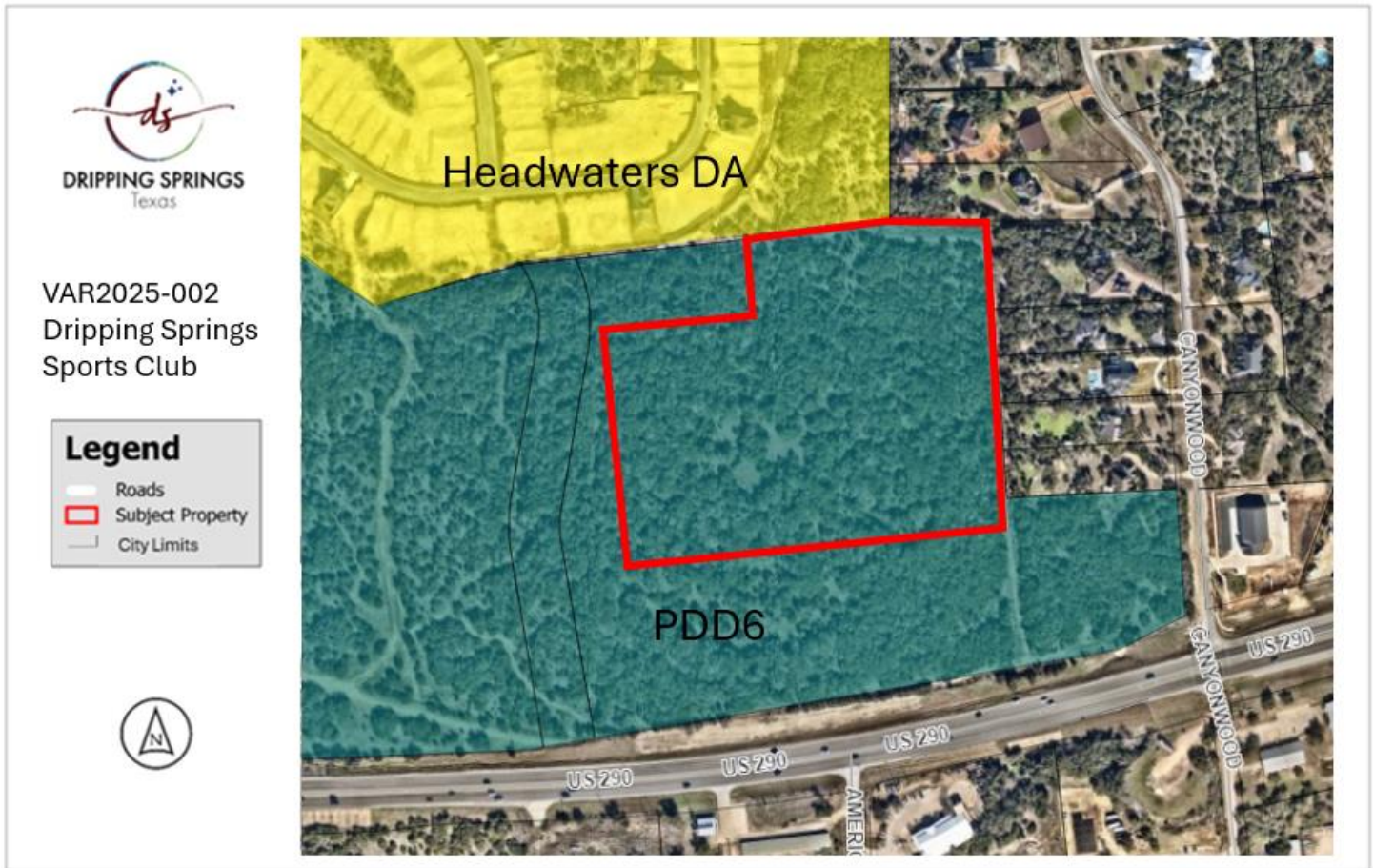
- ***Economic and Employment Impact:*** *DSSC anticipates over \$8 million in revenue by year 3 and expects to employ approximately 30 full-time and 60-90 part-time staff.*
- ***Significant Setback Compliance:***
 - *Required: 25' from property perimeter / Proposed: 324'*
 - *Required: 50' from Canyonwood Drive residences / Proposed: 151'*
- ***Architectural Enhancements:***
 - *Metal screening features for sun shading and visual articulation*
 - *Full rooftop mechanical screening*
 - *Use of sloped roof design in line with Hill Country aesthetics*
 - *Enhanced articulation on all sides of the building*
- ***Environmental and Design Considerations:***
 - *Turf and drought-tolerant landscaping to reduce water usage*
 - *Parking lot islands exceeding code in number, size, and planting quality*
 - *Natural, subdued color palette integrated with local Hill Country character*

PDD Requirement	Applicant Request	Difference
Maximum 100,000 sqft structure	Up to a 160,000 sqft structure with a 65,000 sqft footprint	60%

If the requested zoning amendment and variance are approved, the applicant will be required to submit the following permits which are reviewed and approved administratively by staff:

1. Alternative Exterior Design
2. Site Development Permit
3. Building Permit
4. Sign Permits

Surrounding Properties



Direction	Zoning District	Existing Use	Future Land Use
North	Headwaters Development Agreement	Single-Family/Open Space	This site is adjacent to the Headwaters “Commercial Activity Center”
East	ETJ	Single-Family	
South	PDD6	Proposed Commercial	
West	PDD 6	Proposed Commercial	

Approval Criteria for Variance (2.22.2-Zoning Ordinance)

Approval Criteria	Staff Comments
1. 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; and	The dual-purpose nature of the proposed facility—with large indoor courts, a mezzanine track, and community areas—creates special conditions that are not typical of standard commercial buildings.
2. the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and by preserving the natural features and topography of the land; and	The proposed use fulfills a unique need in Dripping Springs for a family- and youth-oriented indoor recreational facility. The variance supports the enjoyment of a substantial property right while maintaining

	compatibility with the surrounding area through thoughtful design and site layout.
3. the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and	The project provides increased building setbacks, mitigates scale through articulation, and aligns with the Hill Country aesthetic. With further coordination on architectural and tree mitigation elements, the variance is not expected to result in adverse impacts to public health or nearby properties.
4. the granting of the variance constitutes a minimal departure from this Chapter; and	While the increase to the gross square footage is 60%, the variance remains a minimal departure in context, given the footprint remains well within setbacks and the bulk of the added area is vertical rather than horizontal expansion.
5. 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; and	The need for additional space arises from the specific functional design of the facility rather than economic considerations. This type of mixed-use indoor athletic facility is rare in the area, and the request is not common among surrounding properties.
6. Granting the variance is in harmony with the spirit, general purpose, and intent of this Chapter so that: <ul style="list-style-type: none"> a. the public health, safety and welfare may be secured; and b. that substantial justice may be done. 	<p>The facility design considers the health and welfare of the community by providing access to recreation and wellness amenities.</p> <p>Substantial justice is served by supporting an appropriate, community-oriented land use in a context-sensitive manner.</p>

Additional staff analysis:

While the subject property is located within the Headwaters PDD, which is vested to the City's previous tree preservation ordinance, the variance process allows the Planning and Zoning Commission to require enhanced tree preservation measures as a condition of approval. Given the scale of the proposed development and its proximity to residential uses, staff finds that additional tree protection and mitigation could provide important buffering and aesthetic benefits that align with the goals of the City's current environmental policies.

Staff finds that the requested need for increased square footage due to the specific functional and community-serving nature of the project is generally justifiable. Additionally, design commitments and substantial setbacks contribute to mitigating the scale of the proposed structure.

The subject property is located within the Headwaters PDD (Planned Development District #6), which includes customized development standards that differ from the City's base zoning regulations. The table below summarizes key differences between current City Code requirements and the standards established in the approved PDD:

Standard	City Code Requirement	PDD #6 Requirement
Tree Preservation	Subject to current Tree Preservation Ordinance	Vested to prior ordinance; new tree standards do not apply
Lighting	Must comply with current Lighting Ordinance	Must comply with current Lighting Ordinance
Building Height	Max 2.5 stories or 40 feet	Max 4 stories or 55 feet
Building Size	Max 50,000 sq. ft.	Max 100,000 sq. ft.; buildings over 50,000 sq. ft. require Alternative Exterior Design approval

Previous Actions

At their meeting on April 22, the Planning & Zoning Commission voted to postpone the request to the May 27 meeting. The Commission directed the applicant to provide additional information related to tree preservation, building design, screening, and vehicular access.

Summary and Recommendation

Staff recommends approval of the variance request with the following conditions:

1. The applicant must provide 8-foot masonry screening in the form of stone or brick, as best determined by the Development Review Committee (DRC), along the eastern and northern property boundaries consistent with Section 5.10.1 of the Zoning Ordinance.
2. The applicant shall submit an Alternative Exterior Design application for review and approval prior to submitting a site development application.

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 Variance request.

Meetings Schedule

April 22, 2025 Planning & Zoning Commission

June 3, 2025 Board of Adjustments

Attachments

Attachment 1 – Variance Application

Attachment 2 – Application Materials

Attachment 3 – Public Comment

Recommended Action	Recommend approval with the condition referenced above.
Alternatives/Options	Recommend denial of the variance or approval with alternate conditions.
Budget/Financial impact	N/A
Public comments	Staff has received numerous letters and support and opposition of the request which are included in the packet.
Enforcement Issues	N/A
Comprehensive Plan Element	N/A



Gross Size Variance

Support

The Dripping Springs Sports Club has been meticulously designed to embrace and enhance the Hill Country aesthetic while providing exceptional community value. Our architectural approach not only satisfies but exceeds many of the city's design standards, creating a facility that will complement Dripping Springs' character despite its larger footprint. While we request a variance for gross floor area, we have invested significantly in superior design elements that mitigate visual impact and create an architecturally distinguished facility. The following aspects of our project demonstrate our commitment to the Hill Country Style and the city's design requirements:

- 1. **Headwaters PDD #6- Code Modification Chart #8-** Regarding Gross Floor Area of Commercial Services Building states that Code should “Allow for flexibility in development of hotel or other major commercial user”.
 - a. DSSC is a major commercial user, estimating a yearly revenue of over \$8,000,000 by operating year 3. DSSC will employ 30 Full Time employees, and 60-90 Part Time employees.
- 2. **Metal Screening Features** - The architectural metal screening provides dual benefits as it shields facility users from direct sunlight while enhancing the building's aesthetic appeal by breaking up long, straight wall sections with varied textures and visual interest. This feature demonstrates our commitment to designing a structure that is both functional for users and visually harmonious with the Hill Country landscape.
- 3. **Equipment Shielding-** All roof top equipment will be positioned on the roof to be hidden from view from the street and adjacent common lot line.
- 4. **Sloped Roof-** The structure currently has 15% sloped roofs,
- 5. **Set Back-** Headwaters PDD #6- 2.4.3 Setbacks
 - a.

Current Code	Current Code	Current Design
2.4.3. Setbacks, (a), Perimeter of the Property	25’ feet from property line	324’ from property line
2.4.3. Setbacks, (b), Canyonwood Drive single-family	50’ feet from property line	151’ from property line



DRIPPING SPRINGS SPORTS CLUB

Item 2.

6. **Turf**- DSSC is leveraging turf and reducing water requirements for several outdoor amenities and programming
7. **Articulation** - Each side of the structure incorporates multiple levels of articulation, achieved both through the building's varied shape and through design elements that will be incorporated into the final structure.
8. **Parking Lot Islands**- The Dripping Springs Sports Club parking design incorporates enhanced parking lot islands that exceed code requirements in both quantity and quality. These strategic landscaped islands break up large expanses of parking with native tree specimens and drought-resistant plantings, creating visual relief and reducing heat island effect. Each island is designed to be larger than minimum standards, allowing for proper tree development and providing meaningful shade coverage.
9. **Colors** - Our palette will feature neutral hues and subdued tones drawn from the natural Hill Country landscape, ensuring both exterior and interior color selections reflect the region's earthy, organic character while maintaining visual harmony with the surrounding environment. The majority of our palette will be neutral, and we would explore some color and/or visual movement in the shade screens to accentuate that this is a building full of activity.



CITY OF DRIPPING SPRINGS

PHYSICAL: 511 Mercer Street • MAILING: PO Box 384

Dripping Springs, TX 78620

• 512.858.4725 • www.cityofdrippingsprings.com

ALTERNATIVE STANDARD/SPECIAL EXCEPTION/VARIANCE/WAIVER APPLICATION

Case Number (staff use only): _____

CONTACT INFORMATION

PROPERTY OWNER NAME Oryx Land Holdings, LLC

STREET ADDRESS 3404 Kerbey Lane

CITY Austin STATE Texas ZIP CODE 78703

PHONE 512-294-4017 EMAIL Blake@Rueinvestments.com

APPLICANT NAME Drew Rose

COMPANY DSSC Equity, LLC

STREET ADDRESS 1117 Gato Del Sol Ave

CITY Dripping Springs STATE TX ZIP CODE 78737

PHONE 512-202-9099 EMAIL drew@drippingsportsclub.com

APPLICATION TYPE

☐ ALTERNATIVE STANDARD

☒ VARIANCE

☐ SPECIAL EXCEPTION

☐ WAIVER

PROPERTY INFORMATION	
PROJECT NAME	Dripping Springs Sports Club
PROPERTY ADDRESS	Hwy 290 and Canyonwood - Headwaters Commercial East
CURRENT LEGAL DESCRIPTION	10 Acres out of the Headwaters Commercial Tract
TAX ID#	R151974
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:

DSSC Equity, LLC is requesting a variance of maximum Gross Floor Area According to Planned Development District No. 6: Headwaters Commercial Tract, approved November 8, 2017, 2.4.6 (a) stipulates that Commercial Buildings may not exceed 100,000 square feet.

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

DSSC requires a variance to increase the maximum allowable gross area from 100,000 to 160,000 square feet while maintaining a building footprint of no more than 65,000 square feet. This 60% variance is necessary due to the multi-purpose nature of our facility, which includes large open spaces (45,000 sq ft indoor court and turf space, 18,000 sq ft elevated track) distributed across two floors and a mezzanine. To fulfill our mission as a comprehensive community hub for Dripping Springs families, we need adequate space for youth sports, fitness facilities, family entertainment, and dining.

- 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:

The Dripping Springs Sports Club project significantly exceeds code requirements in multiple areas to offset the proposed building size variance. As detailed in Attachment A, we're providing setbacks that far exceed minimums (324' perimeter setback vs. 25' required; 151' from Canyonwood Drive Homes vs. 50' required), enhanced architectural articulation through metal screening features and varied facade treatments, complete rooftop equipment screening, water conservation measures, and additional landscaped parking islands. These elements collectively reduce the visual impact of the building while creating a development that better integrates with the Hill Country environment. Attachment B shows the in progress site plan, structural design and interior layout.

APPLICANT'S SIGNATURE

The undersigned, hereby confirms that he/she/it is the owner of the above described real property and further, that Prew Rose 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. + Doc. No. 16040810

Blake Rue, Oryx Land Holdings, LLC
Name

President
Title

STATE OF TEXAS §
 §
COUNTY OF HAYS §



This instrument was acknowledged before me on the 14th day of MARCH,

2025 by BRANDI DAUGHERTY.

Brandi Daugherty
Notary Public, State of Texas

My Commission Expires: 8/29/2028

BLAKE RUE
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:

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 type="checkbox"/>	Application Fee (<i>refer to Fee Schedule</i>)
<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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Architectural Elevations (if applicable)
<input type="checkbox"/>	<input type="checkbox"/>	Description and reason for request (<i>attach extra sheets if necessary</i>)
<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)

Received on/by: _____

Project Number: _____ - _____
 Only filled out by staff

Date, initials



BILLING CONTACT FORM

Project Name: Dripping Springs Sports Club

Project Address: 10 acres out of Headwaters Commercial Tract

Project Applicant Name: Drew Rose

Billing Contact Information

Name: Drew Rose

Mailing Address: 1117 Gato Del Sol Ave

Dripping Springs, TX 78737

Email: drew@drippingsportsclub.com Phone Number: 512-202-9099

Type of Project/Application (check all that apply):

- | | |
|---|--|
| <input type="checkbox"/> Alternative Standard | <input type="checkbox"/> Special Exception |
| <input type="checkbox"/> Certificate of Appropriateness | <input type="checkbox"/> Street Closure Permit |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Development Agreement | <input type="checkbox"/> Waiver |
| <input type="checkbox"/> Exterior Design | <input type="checkbox"/> Wastewater Service |
| <input type="checkbox"/> Landscape Plan | <input checked="" type="checkbox"/> Variance |
| <input type="checkbox"/> Lighting Plan | <input type="checkbox"/> Zoning |
| <input type="checkbox"/> Site Development Permit | <input type="checkbox"/> Other _____ |

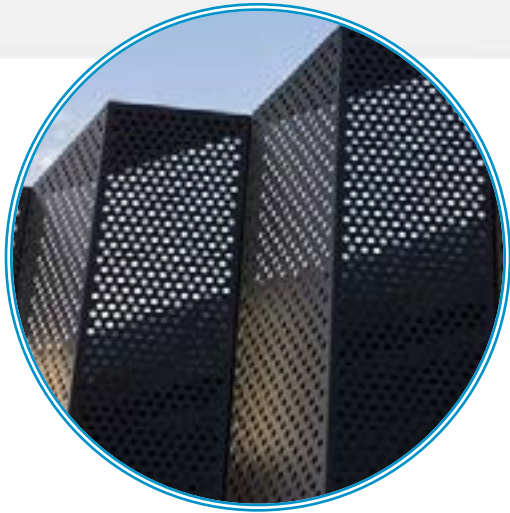
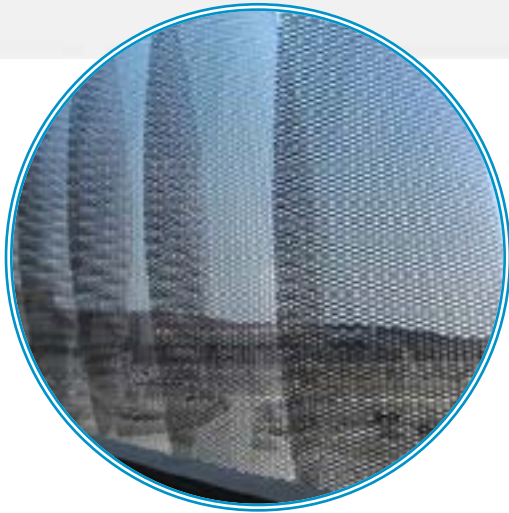
Applicants are required to pay all associated costs associated with a project's application for a permit, plan, certificate, special exception, waiver, variance, alternative standard, or agreement, regardless of City approval. Associated costs may include, but are not limited to, public notices and outside professional services provided to the City by engineers, attorneys, surveyors, inspectors, landscape consultants, lighting consultants, architects, historic preservation consultants, and others, as required. Associated costs will be billed at cost plus 20% to cover the City's additional administrative costs. Please see the online Master Fee Schedule for more details. By signing below, I am acknowledging that the above listed party is financially accountable for the payment and responsibility of these fees.

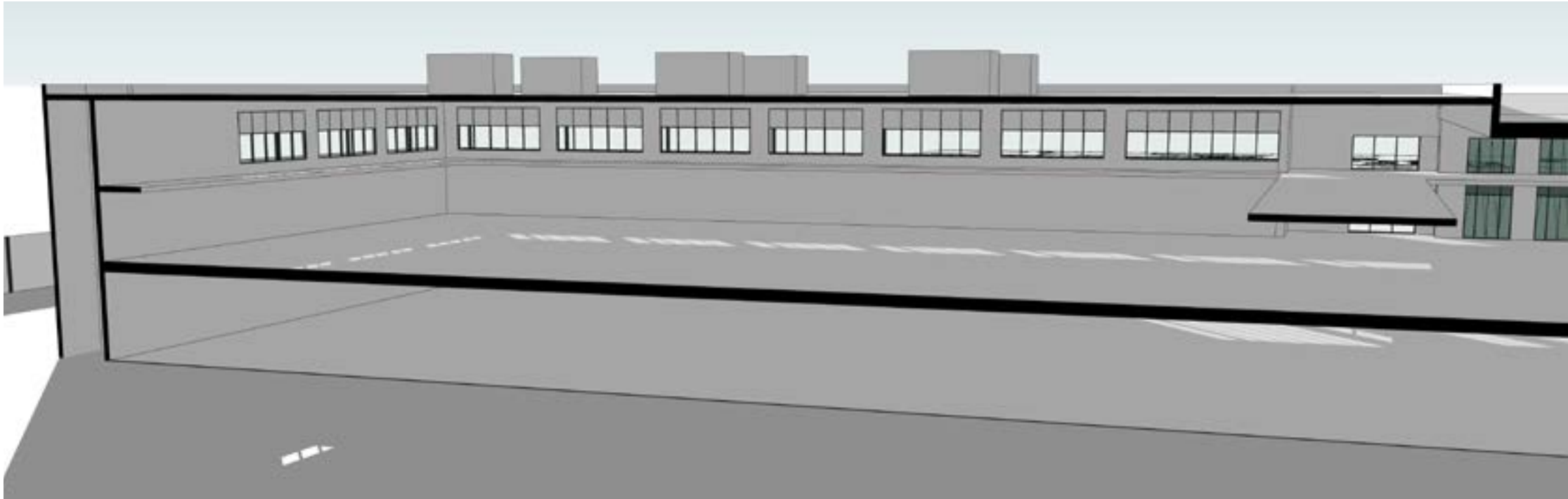
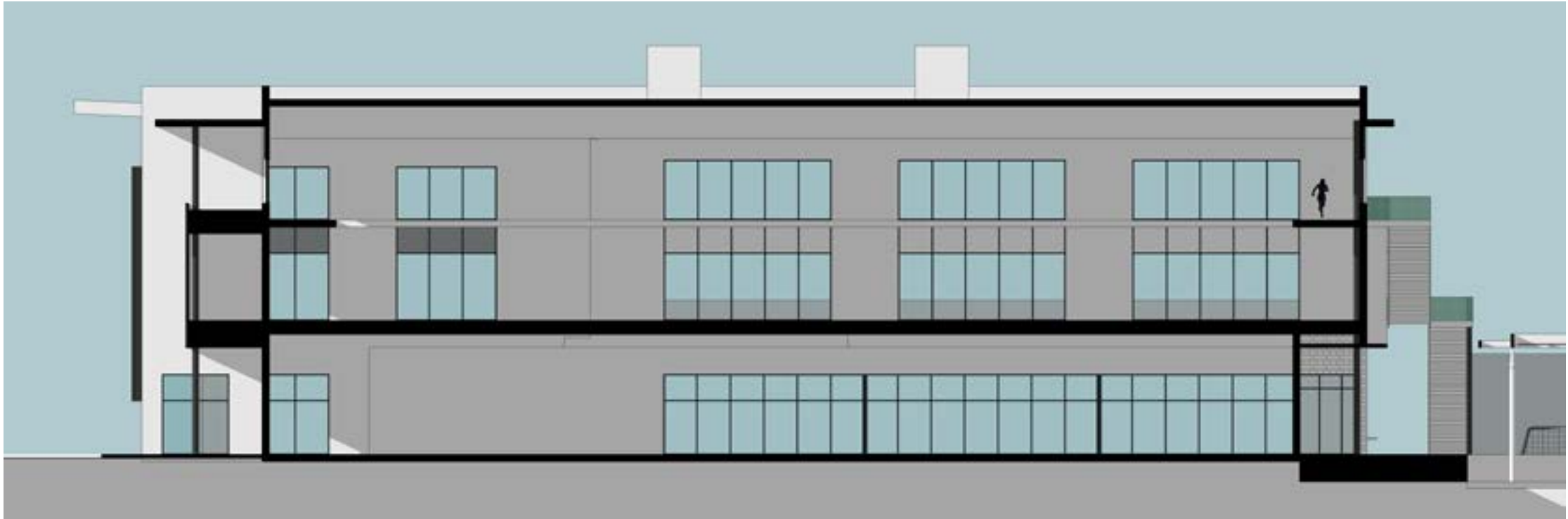

 Signature of Applicant

3-14-2025
 Date





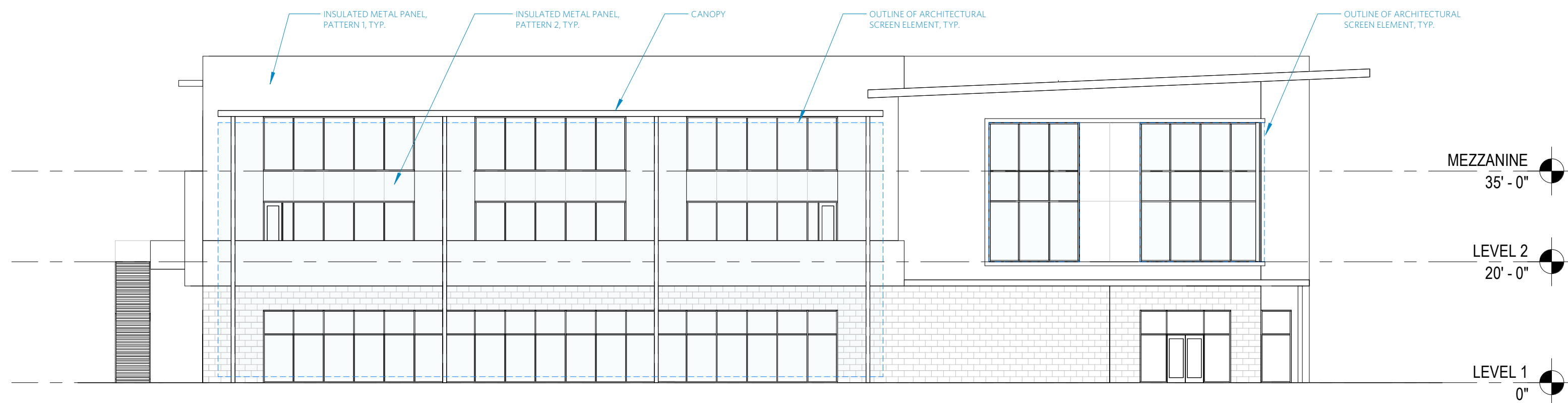




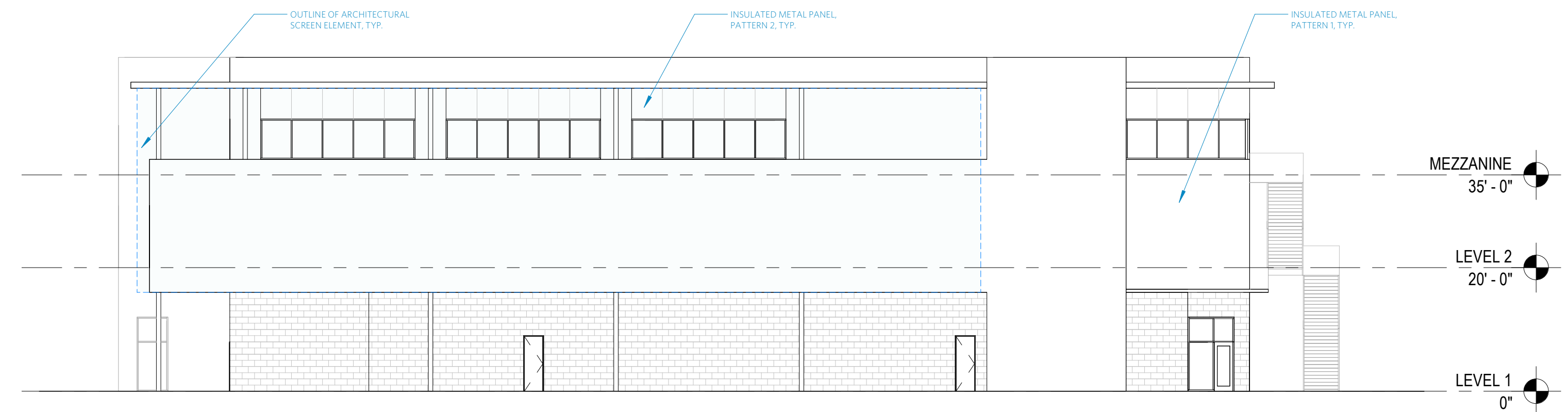




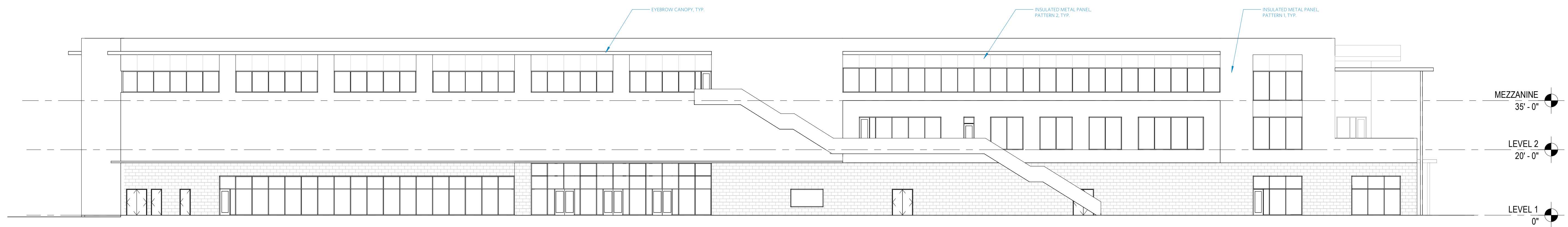




WEST ELEVATION
1/16" = 1'-0" **4**



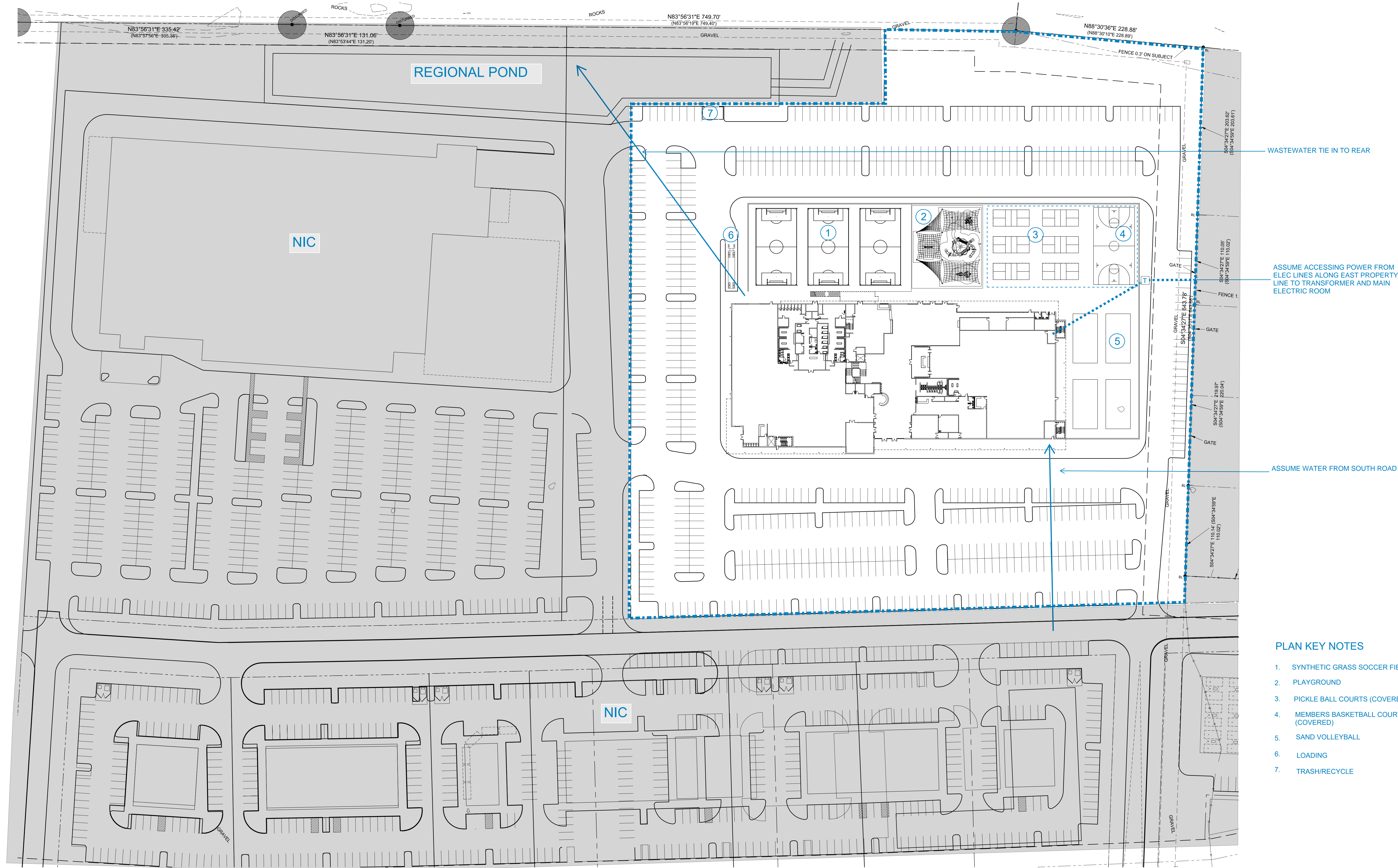
EAST ELEVATION
1/16" = 1'-0" **3**



NORTH ELEVATION
1/16" = 1'-0" **2**



SOUTH ELEVATION
1/16" = 1'-0" **1**



PLAN KEY NOTES

1. SYNTHETIC GRASS SOCCER FIELDS
2. PLAYGROUND
3. PICKLE BALL COURTS (COVERED)
4. MEMBERS BASKETBALL COURT (COVERED)
5. SAND VOLLEYBALL
6. LOADING
7. TRASH/RECYCLE



DRIPPING SPRINGS SPORTS CLUB

DRIPPING SPRINGS PLANNING AND
ZONING - VARIANCE UPDATES

Requested updates from Planning and Zoning Meeting 4/22

- 1 Screening Options- North and Eastern Boundaries to DSSC**
- 2 Tree mitigation and landscaping plans**
- 3 Exterior Design**
- 4 Line of site views**
- 5 Traffic Analysis Update- Car count complete, analysis underway**

Why do we need screening between DSSC and its Residential neighbors?



Light Mitigation from parking lot traffic



Sound Pollution reduction



Visual Privacy



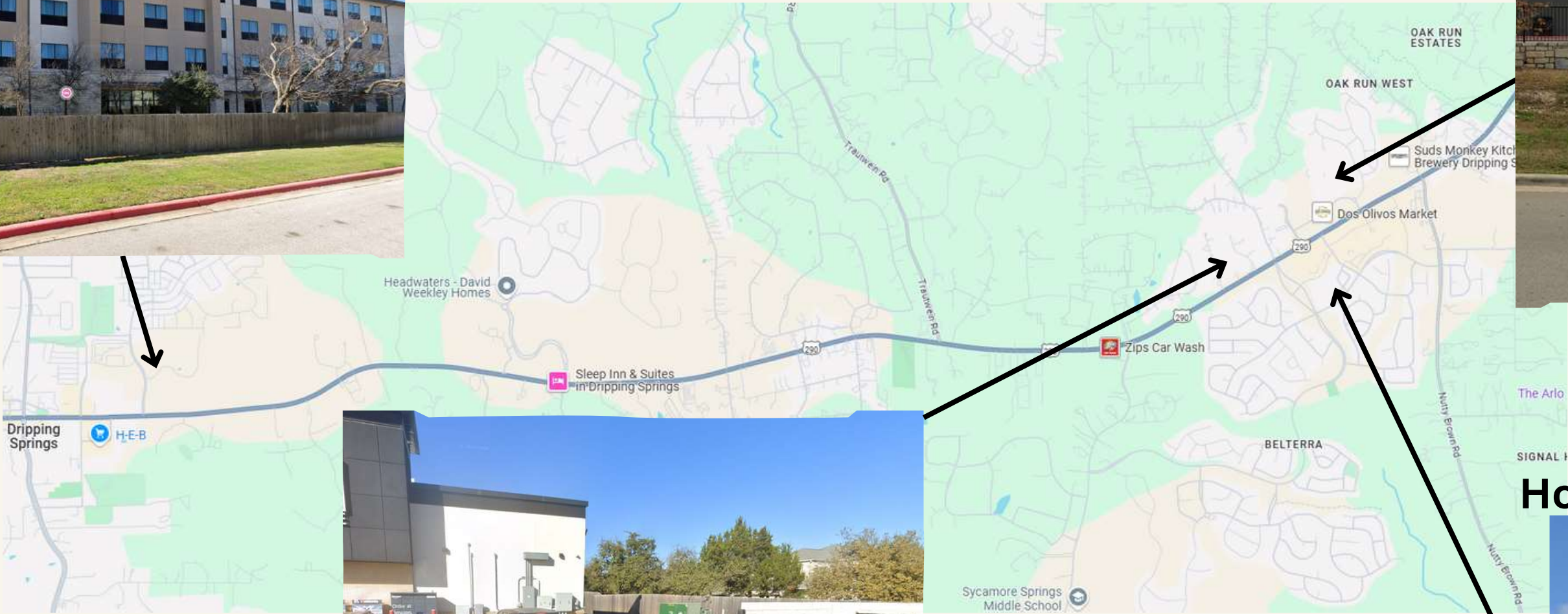
Maintain an aesthetic compatibility with Hill Country Design

CURRENT COMMERCIAL/RESIDENTIAL SCREENING

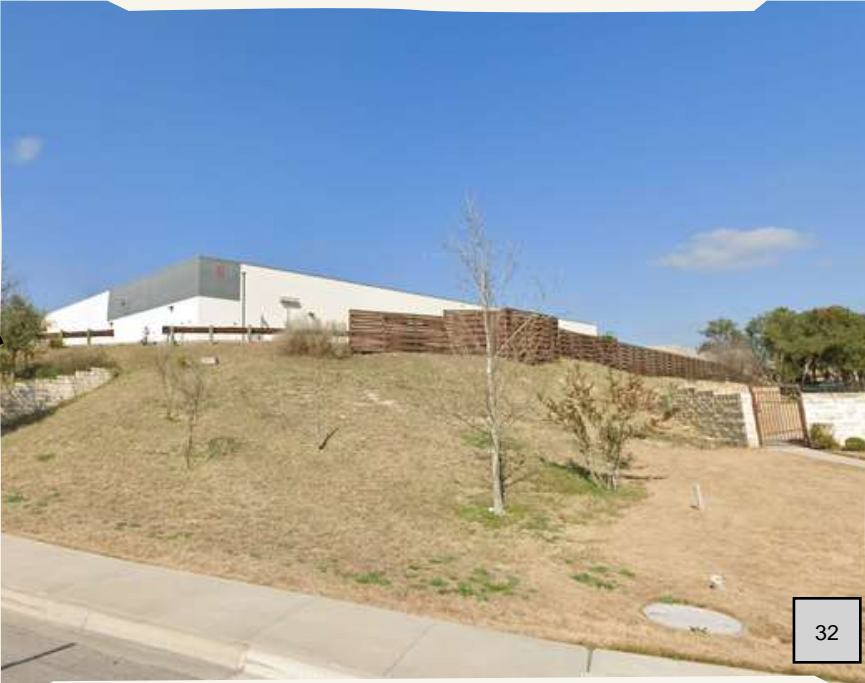
**Holiday Inn Express
Vertical Wooden Slat Fence**



**Ledgestone
Metal Fence**



**Belterra
Horizontal Wooden Slat Fence**



**Z Square Gas Station
Vertical Wooden Slat Fence**



SCREENING OPTIONS

Option 1 Vertical Wood Fence



Not Recommended

- Basic pressure-treated lumber construction
- 5-7 year lifespan
- Minimal sound dampening properties
- Traditional residential appearance

Option 2 Premium Horizontal Wood Screen



Recommended

- Commercial-grade cedar construction
- Enhanced durability (25-30+ year lifespan)
- Modern horizontal slat design
- Proven success in Belterra
- Superior sound and light mitigation
- Architectural consistency with Hill Country aesthetic

Option 3 Precast concrete fencing



Not Recommended

- Commercial-grade concrete construction
- Excessive durability for application
- No meaningful performance advantage over Option B
- Cost prohibitive without additional benefits

Premium Horizontal Wood Screen

Durability

Cedar Wood is naturally resistant to:

- Insect damage
- Rot and decay
- Moisture damage
- Weather Conditions

The horizontal slat design provides additional structure advantages over vertical designs by distributing weight more evenly across support posts, reducing sagging over time

Longevity

Expected Lifespan- Properly treated and maintained cedar fence: 25-30+ years

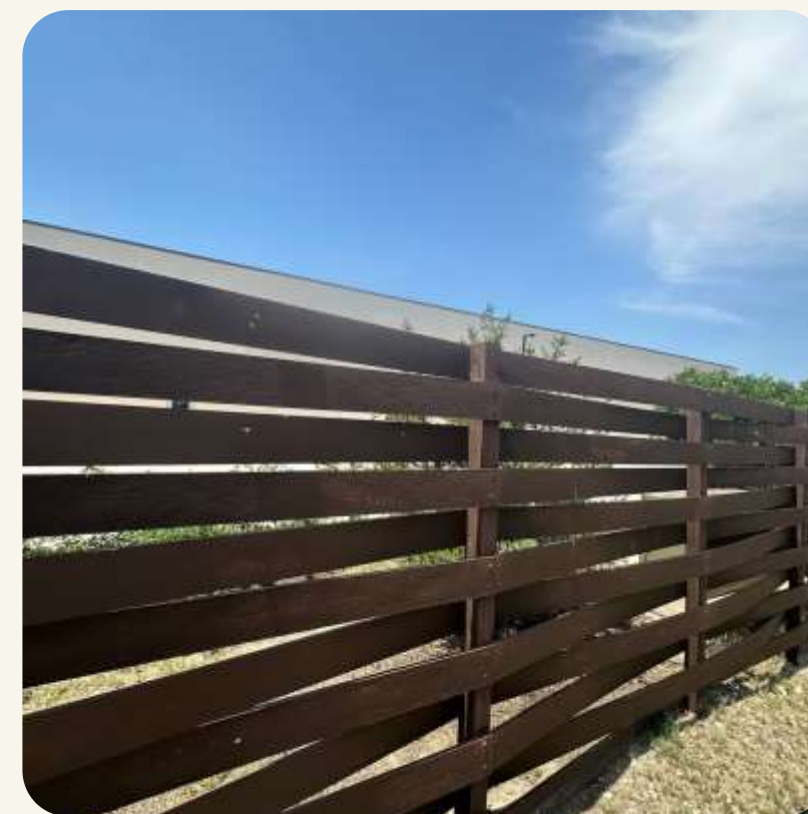
Factors affecting longevity:

- Quality of cedar used
- Proper installation (adequate post depth and spacing)
- Maintenance regimen (regular cleaning and sealing)

DSSC Maintenance Schedule

Recommended Maintenance Schedule:

- Inspection: Annually
- Cleaning: Every 1-2 Years
- Sealing/Staining- Every 2-3 Years



*BELTERRA SCREENING
BETWEEN COMMERCIAL AND
RESIDENTIAL AREAS*

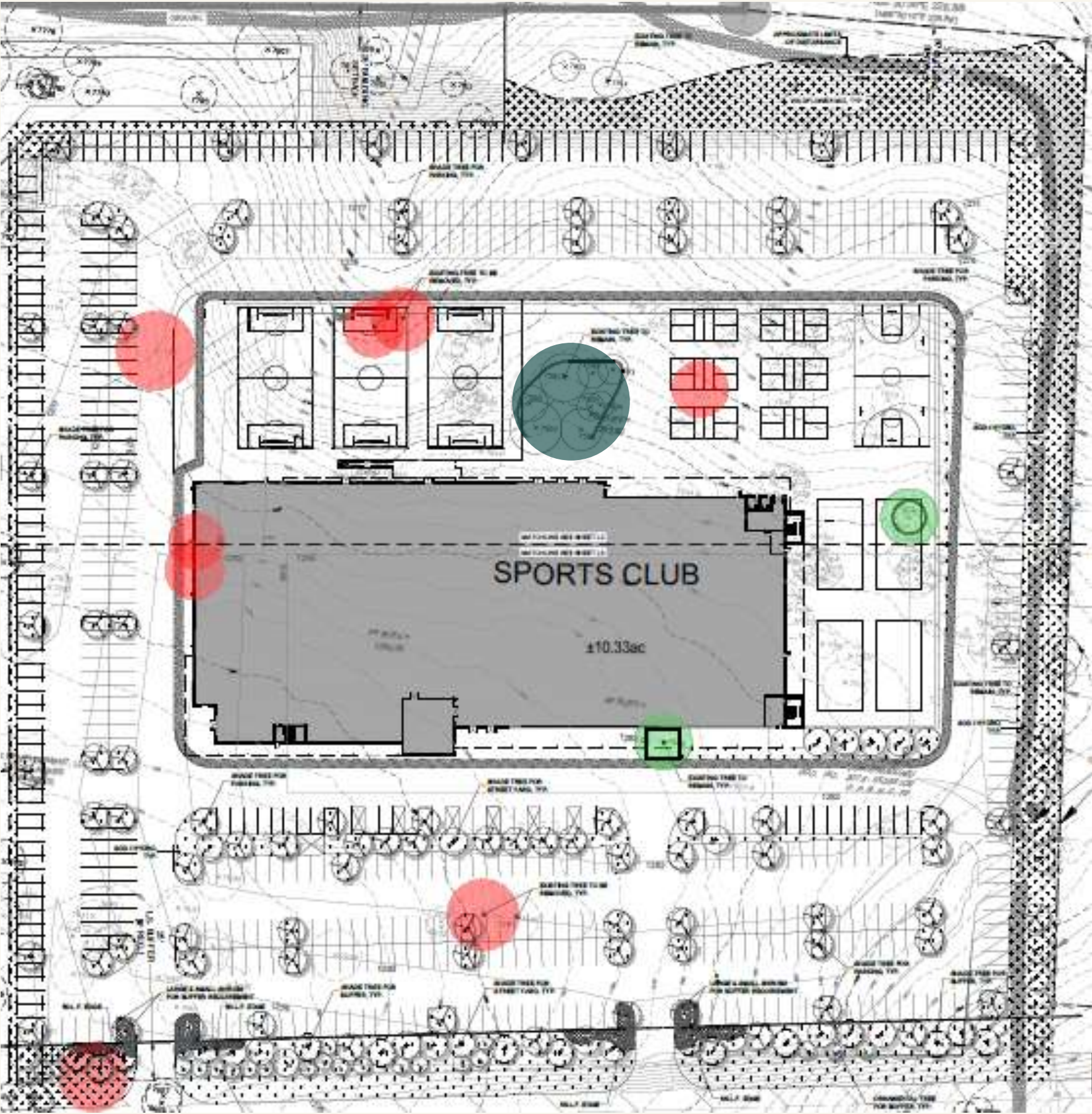


LANDSCAPE CALCULATIONS

Street	Require	Provide
1 Tree per 25 LF of Street frontage	28 Trees	28 Trees
Parking Lot		
100 parking spots	4,268 SF	20,403 SF
1 Tree per 6 spaces	95 Trees	95 Trees
Landscape Buffer		
Public Drive		
442' of Frontage		
1 Shade Tree per 50'	14	14
1 Orn Tree per 25'	28	28
1 Large Shrub per 6'	11	11
1 Small Shrub per 3'	262	32

TREES TO REMAIN

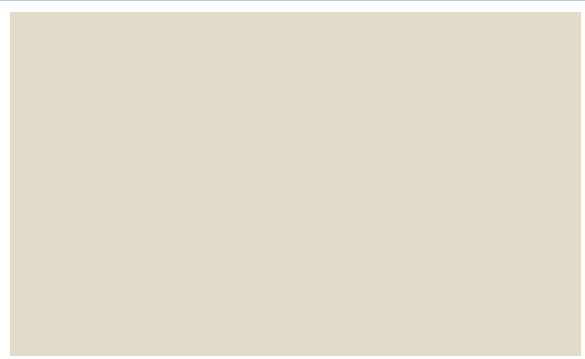
Heritage	Regular
2 Trees	8 Trees



EXTERIOR DESIGN

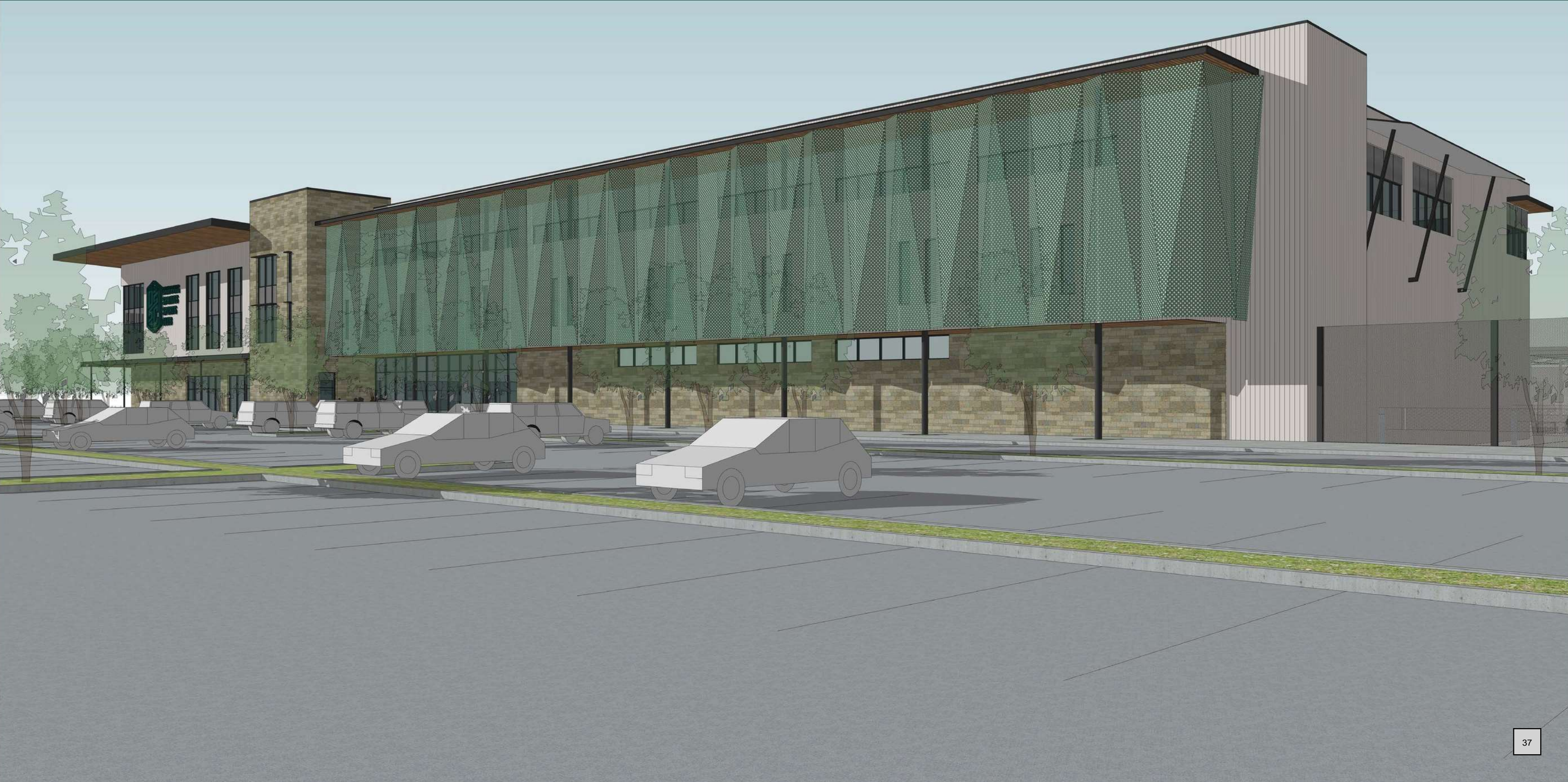


55 COPPER TIMBER



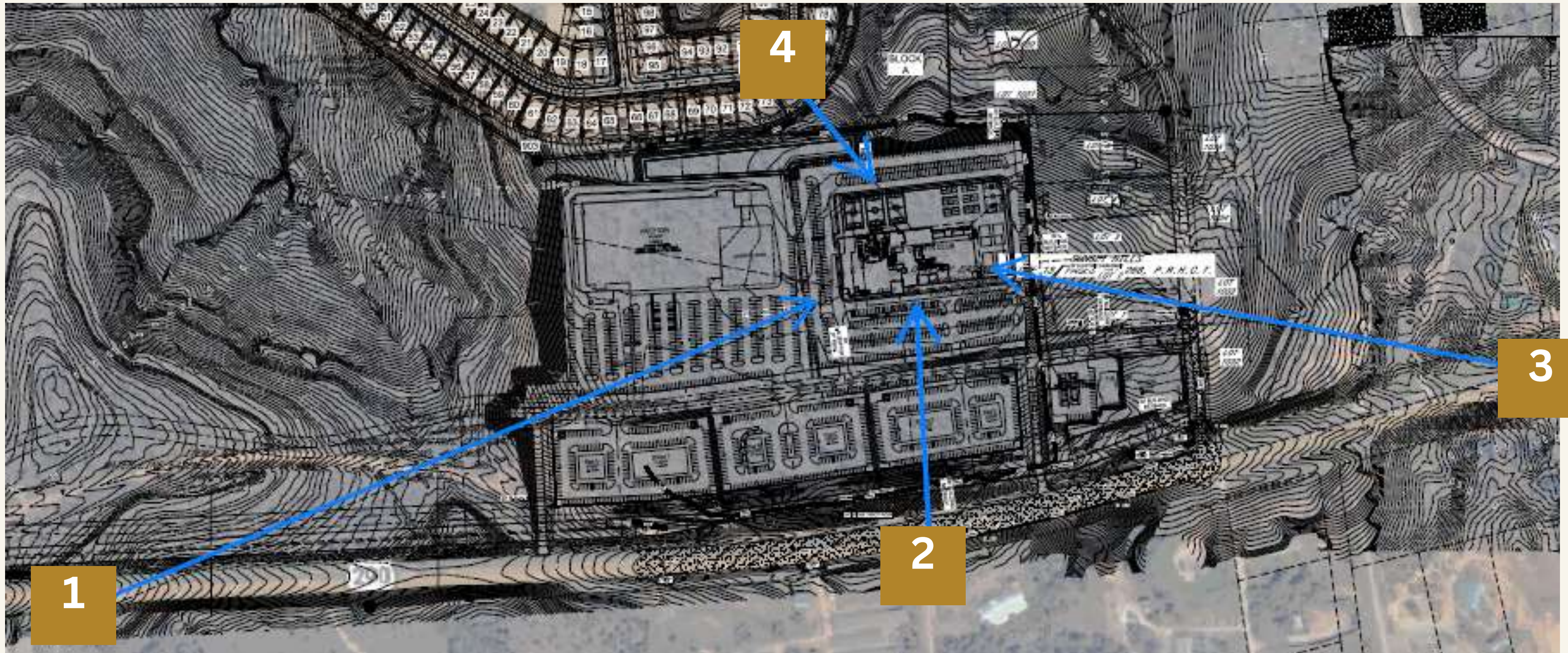
▲ SANDSTONE





LINE OF SITE VIEWS

Pictures from these four locations of DSSC on the following slides



1



Driving from Dripping Springs towards Austin on Highway 290

2



(Not Visible) From directly in front of the Facility on 290

3



(Not Visible) Driving from Austin to Dripping Springs on Highway 290

4



From Phase III of Headwaters Neighborhood



Doyle & Seelbach

KARL SEELBACH
direct 512.960.4891
karl@doyleseelbach.com

April 14, 2025

Planning & Zoning Commission
City of Dripping Springs
511 Mercer Street
Dripping Springs, TX 78620

RE: Support for Dripping Springs Sports Club Variance Request

Dear Planning & Zoning Commission Members,

My name is Karl Seelbach, and I've proudly called Dripping Springs home since 2008. My wife, Adrienne, and I are raising our two daughters here, and like many families in this community, we've experienced both the joys of small-town life and the growing pains that come with rapid development.

As a former Vice Chair and member of the Dripping Springs Historic Preservation Commission (2012–2016) and local business owner, I've seen firsthand how our city can thoughtfully grow while staying true to its character. The Dripping Springs Sports Club (DSSC) represents exactly that kind of smart, community-driven development—and I urge you to approve their variance request to build a 160,000 sq ft facility.

1. It solves a real need for Dripping Springs families.

Our community lacks sufficient indoor recreation and youth sports infrastructure. Like many parents, I've spent countless hours driving my kids to practices and games in Austin and beyond, which cuts into family time and stretches school-night routines. DSSC brings those opportunities home—reducing commutes, stress, and safety concerns while giving kids and families the resources they need right here in town.

2. It's a locally-led project that reflects our community's values.

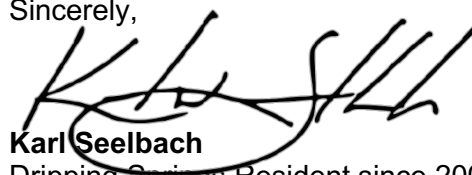
This is not an out-of-town corporate development. The people behind DSSC live here. They have kids in our schools. They're already contributing to our community—as business owners, youth coaches, and volunteers. Their vision is supported by hundreds of Dripping Springs families who want a facility built for us, by us. That authenticity matters.

3. It supports responsible growth and local economic development.

Strategically located between the current high school and the site of our future high school, DSSC is well-positioned to serve the city's expanding population. The 160,000 sq ft size is essential to meet demand—not excessive—and will support multiple sports, fitness programs, and family-focused amenities. The project will also create numerous local jobs, keep spending in our economy, and help reduce congestion on the 290 corridor.

This is the kind of project that strengthens our identity, keeps families local, and grows with intention. I hope you'll join me in supporting this variance and helping bring a much-needed, community-first resource to life.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karl Seelbach', with a large, stylized flourish at the end.

Karl Seelbach

Dripping Springs Resident since 2008
Managing Partner, Doyle & Seelbach PLLC
Founder, Skribe.ai

April 10, 2025

Planning & Zoning Commission
City of Dripping Springs
511 Mercer Street
Dripping Springs, TX 78620

RE: Support for Dripping Springs Sports Club Variance Request

Dear Planning & Zoning Commission Members,

As new Dripping Springs residents and parents of four daughters, we strongly support the Dripping Springs Sports Club's variance request to develop a 160,000 sq ft facility.

Coming from Scottsdale, AZ and having access to larger facilities such as LifeTime Fitness, which had convenient locations near our home, we were accustomed to state of the art work out facilities within a short distance. Living in Dripping Springs, there isn't anything currently that matches that, and the Dripping Springs Sports club will! While the YMCA and Gold's Gym are nice places for quick workouts, they lack overall features and amenities that DSSC is planning to build.

A comprehensive sports facility in Dripping Springs would:

- Eliminate long commutes for hundreds of local families
- Keep spending within our local economy
- Create jobs for Dripping Springs residents
- Reduce traffic on Highway 290
- Provide many health resources to the abundance of existing residents and new ones moving here

The proposed 160,000 sq ft is necessary to accommodate the variety of courts, fitness areas, and amenities our growing community needs. A smaller facility would not adequately serve Dripping Springs families.

I urge you to approve this variance request for the benefit of our community.

Best regards,

Andrew and Kimberly Abrams
147 Stockman Drive
Dripping Springs, TX 78620
(414) 469-9226 / (414) 807-5886
[REDACTED] / kimberly@abaconsulting.net

From: [REDACTED]
To: [Bill Foulds](#); [Planning](#)
Subject: Deep Concern Over Oryx Development in Headwaters – Preserve the Heart of Dripping Springs
Date: Wednesday, April 9, 2025 10:38:49 AM

Dear Mr. Foulds and our City Planning Team,

I'm writing as a deeply concerned resident of Dripping Springs and Headwaters. The recent updates to the Oryx development plan are nothing short of heartbreaking. The proposal to **level one of the most scenic and elevated hills in our community** to build a massive big-box store is profoundly disappointing. This decision is not only short-sighted — it risks destroying the very character and natural beauty that make Dripping Springs special.

Dripping Springs is meant to be a *destination*, not a pass-through city lined with generic development. The charm of our Hill Country environment is precisely why people move here, raise families here, and invest in this community. Flattening a stunning hill to make way for what appears to be a Lowe's Home Improvement — or any large commercial development — is an irreversible and destructive act. There is a way to preserve the hill and bring in retail, restaurants that match the vibe of the hill country which was originally planned. If decisions like this are continually made it will destroy the charm of Dripping Springs. It is bad enough we have no booming heart of downtown and a highway lined with more dentists, storage units and mattress shops than necessary, but now home values are being impacted. Please do not let this happen.

The **visual impact, light pollution, and noise from overnight operations and deliveries** would shatter the peaceful quality of life in both Headwaters and Sunset Canyon. Beyond aesthetics and environment, this would directly **devalue our homes** and chip away at the identity of Dripping Springs — an identity that countless families chose over bigger, less thoughtful cities.

There are flat, commercially appropriate areas of Dripping Springs where this type of development could be placed more responsibly. Why sacrifice one of our most beautiful natural assets when there are better options?

We're not anti-growth — we are pro *smart, community-minded* development. Development that complements our neighborhoods, maintains home values, and protects the Hill Country spirit.

Please think long-term. Do we want Dripping Springs to preserve its soul and become a charming destination like Wimberley or Fredericksburg, or slide into being another overbuilt, impersonal pass-through like Pflugerville?

This is a pivotal moment. We urge you to protect our hills, our neighborhoods, and our shared future.

Respectfully,
Crystal Faris
Headwaters Resident
Concerned Dripping Springs Citizen



April 15, 2025

Planning & Zoning Commission
City of Dripping Springs

To Whom It May Concern:

Some decisions change communities forever. Your consideration of the Dripping Springs Sports Club variance request is one of those pivotal moments.

I've lived basketball my entire life – from the hardwood courts at Westlake High to being named MVP at the University of Texas, from hearing my name called by the Denver Nuggets on draft day to later creating Hoop Zone from the ground up. Through every step of my journey, I've witnessed how proper facilities transform potential into achievement.

Let me be brutally honest: the current situation in Dripping Springs is failing our young athletes. The nightly exodus of families driving 30-60 minutes each way to Austin facilities isn't just inconvenient – it's actively damaging to academic performance, family dynamics, and athletic development. I've watched talented kids quit sports they love simply because the logistics became unsustainable for their families.

The proposed 160,000 square foot DSSC facility isn't a luxury or an extravagance. It's a necessity. Having developed facilities myself, I can assure you that the requested variance isn't about excess – it's about functionality and sustainability. A 100,000 square foot limitation would compromise the very elements that make a sports facility viable long-term.

During my years playing professional basketball, I learned that championship teams are built when communities invest in proper foundations. This variance represents that foundation.

When you consider this request, I ask you to see beyond today. Envision the thousands of young athletes who will develop their skills and character in this facility. Picture parents reclaiming hours of family time currently lost to commuting. Imagine the economic ripple effects that will benefit our entire community.

This variance isn't just about a building – it's about Dripping Springs' identity as a forward-thinking community that invests in its future. I strongly urge your approval.

Respectfully,

A handwritten signature in black ink, reading "Bill Wendlandt".

Bill Wendlandt
Founder

From: [REDACTED]
To: [Drew Rose](#); [Planning](#)
Subject: Dripping Springs Sports Club
Date: Friday, April 11, 2025 1:33:40 PM

Dear Planning & Zoning Commission Members,

As a 25 year Dripping Springs resident and parent of 2 young boys, I strongly support the Dripping Springs Sports Club's variance request to develop a 160,000 sq ft facility.

My kids are not currently in sports, but we are set to begin that chapter next year. As it currently sits, we will have to drive to Bee Cave for a proper facility to train and get lessons. This will result in hours in the car in the years to come.

A comprehensive sports facility in Dripping Springs would:

- Eliminate long commutes for hundreds of local families
- Keep spending within our local economy
- Create jobs for Dripping Springs residents
- Reduce traffic on Highway 290

As our community continues to grow, we need to ensure that this facility is good to go for that growth; something a smaller facility would not do. The proposed 160,000 sq ft is necessary to accommodate the variety of courts, fitness areas, and amenities our growing community needs. The founders of this project are experts in their fields and know what is needed to properly serve this community. If we're going to do it, we need to do it right!

Please consider this variance request for the benefit of the Dripping Springs community!

Tye Hardin | Insurance Advisor

Watkins Insurance Group

TEL: 512-678-1130 **CELL:** 512.422.5111

3834 Spicewood Springs Rd, Suite 100

Austin TX 78759

From: [REDACTED]
To: [Planning](#)
Subject: Dripping Springs Sports Club
Date: Monday, April 14, 2025 11:32:52 AM

To the Dripping Springs Planning & Zoning Commission,

I'm writing in strong support of the variance request for the proposed Dripping Springs Sports Club (DSSC). As a member of this growing community and a resident of Headwaters, I've seen firsthand how the lack of local recreational facilities creates a real strain on families.

Right now, many of us are driving 30 to 60 minutes—each way—to reach adequate gyms and courts in Austin, Bee Cave, or beyond for sports. That's time my teen and pre-teen daughters could be spending doing homework at their desks instead of in the backseat, or actually relaxing after a long school day rather than getting home late from practice. Our kids are already burnt out by their schedules, so let's give families back more time in their lives to be TOGETHER. It's also putting more cars on already congested roadways during peak hours.

Bringing a high-quality, multi-sport facility like DSSC to Dripping Springs would be a game-changer. It would give local teams the space they need to grow, reduce travel burdens on parents, and allow kids to stay active without sacrificing sleep, study time, or well-being. A space like this would also foster community, promote healthy habits, and give families more opportunities to connect—right here at home.

I fully support the request for a variance to allow for the 160,000 sq ft needed to build a facility that meets the real needs of our area. Our community is ready for this, and we deserve a place where families can thrive together.

Thank you!

Sincerely,

Lindsay Hinkle
Headwaters Resident and Club Volleyball Mom of 2
512-669-8345

[REDACTED]

April 10, 2025

Planning & Zoning Commission
City of Dripping Springs
511 Mercer Street
Dripping Springs, TX 78620

RE: Support for Dripping Springs Sports Club Variance Request

Dear Members of the Planning & Zoning Commission,

As a parent and active member of the Hill Country community, I'm writing in full support of the Dripping Springs Sports Club's variance request to build their 160,000 sq ft facility.

Like many local families, our kids are home schooled and enjoy meeting up with other homeschool groups indoors and outdoors, and they thrive when getting exercise and fitness at the gym. Because of the incredible homeschool community in Dripping Springs, this facility would allow our children to have access to world class fitness in a convenient location, with many other local families.

Beyond serving local families, this project will create jobs and a safe and fun place to connect and be active. The size requested isn't excessive — it's essential to meet the needs of a fast-growing area. As members of similar establishments, its exciting to have a world class option so close!

This is exactly the kind of project that strengthens a community. We are hopeful that you approve this project.

Sincerely,

Heath Hale
106 Confidence Cove
Lakeway, Texas 78734

Lauren Metcalf

18210 W Cave Cv

Dripping Springs, TX 78620

210-748-4891

04/10/2025

Planning and Zoning Commission

City of Dripping Springs

511 Mercer Street

Dripping Springs, TX 78620

Dear Planning and Zoning Commission Members,

As a Dripping Springs resident and parent of three active children, I am writing in strong support of the variance request for the development of **The Dripping Springs Sports Club (DSSC)**, a proposed 160,000 sq ft mixed-use athletic facility that would bring tremendous value to our growing community.

My family currently drives to Bee Cave and South Austin multiple times a week to accommodate our sports-loving children. This adds up to over eight hours of driving each week, often resulting in late nights on school days and missed opportunities to spend quality time together. We are far from the only ones—hundreds of local families face similar challenges due to the lack of adequate athletic facilities here in Dripping Springs.

A comprehensive, well-designed facility like DSSC would:

- **Eliminate long commutes** for youth athletes and fitness-focused adults alike
- **Keep spending within our local economy** instead of diverting it to neighboring cities
- **Create local jobs** and support small businesses
- **Reduce traffic and wear on Highway 290** by decreasing out-of-town travel
- **Improve quality of life** for busy families looking for accessible wellness opportunities

The proposed 160,000 sq ft size is not excessive, it is essential to meet the wide-ranging needs of our growing community. DSSC is designed to be inclusive, multi-functional, and future-ready complex. A smaller footprint simply would not provide the scale or versatility required.

Approving this facility aligns perfectly with Dripping Springs' commitment to being a family-centered, active, and connected place to live. **The Dripping Springs Sports Club** will not only serve as a hub for sports and fitness but also as a much needed gathering space that strengthens the bonds of our local community.

Thank you for your service and your thoughtful consideration of this request. I urge you to approve the variance and help bring this incredible opportunity to life.

Sincerely,

Lauren Metcalf

April 16, 2025

Planning & Zoning Commission
City of Dripping Springs
511 Mercer Street
Dripping Springs, TX 78620

RE: Support for Dripping Springs Sports Club Variance Request

Dear Planning & Zoning Commission Members,

As a mother of three and a new resident of Dripping Springs, I'm writing to express my full support for the variance request for the Dripping Springs Sports Club (DSSC).

We recently moved to this community, and we've truly fallen in love with it—especially the strong sense of family and the exciting growth all around us. With more young families calling Dripping Springs home every day, there's a growing need for a central space where we can stay active, connect, and build community.

A facility like DSSC would be so much more than a gym. It would be a gathering place—for workouts, casual lunches, indoor playtime, basketball, volleyball, pickleball, and more. It's a space that supports the full rhythm of family life, all under one roof. Right now, those kinds of amenities require long drives out of town, which eat up family time and shift our energy and spending away from Dripping Springs.

Physical activity is the foundation of a healthy, connected, and vibrant community. The proposed 160,000 sq ft is essential—not excessive. This size allows DSSC to offer the diverse mix of programming, court space, wellness options, and family-focused amenities that our growing community needs to thrive. A significantly smaller facility would limit that impact and reduce its ability to serve families of all ages.

This is a meaningful opportunity to invest in the future of Dripping Springs. I strongly encourage you to approve the full variance request and help bring a resource to life that will benefit our families, our economy, and our town for years to come.

Thank you for your time and consideration—and as always, **Go Tigers!**

Warmly,

Autumn Kirtland

656 Spectacular Bid Dr.
Austin, TX 78737
[REDACTED]
(408) 903-3651

April 15, 2025

To the Planning Commission of Dripping Springs,

In regards to the Dripping Springs Sports Club and its proposed plans, we would like to request that you approve the request for variance for the size of facility being 160,000 sqft. We appreciate this restriction in general; however, for somewhere like this that is trying to provide services of this kind, allowing for a larger size allows it to better address the sports needs.

Right now, most tournaments are at least 30 min away, and often an hour (e.g. Georgetown, Round Rock, San Antonio), which is harder for families as it takes more time out of the schedule, and having something here would be really nice. For benefit to the community / city beyond just that aspect, before / between / after games, people who come from out of town as well as who live locally are more likely to support local businesses by purchasing food especially, or maybe even in other ways like shopping while waiting.

Thanks,

Greg Schumacher

103 Dally Ct

Dripping Springs, TX 78620

April 14, 2025

Planning & Zoning Commission
City of Dripping Springs
511 Mercer Street
Dripping Springs, TX 78620

RE: Support for Dripping Springs Sports Club Variance Request

Dear Planning & Zoning Commission Members,

As a Dripping Springs resident and parent of two active children, I strongly support the Dripping Springs Sports Club's variance request to develop a 160,000 sq ft facility.

My daughter currently drives to HCI, WAAC and SMAC multiple times weekly for volleyball practice. This causes some very late nights for my high school daughter. Basketball tournaments are never local for my son's select club due to lack of court availability which sends us to Round Rock and San Antonio to compete.

A comprehensive sports facility in Dripping Springs would:

- Eliminate long commutes for hundreds of local families
- Keep spending within our local economy
- Create jobs for Dripping Springs residents
- Reduce traffic on Highway 290

The proposed 160,000 sq ft is necessary to accommodate the variety of courts, fitness areas, and amenities our growing community needs. A smaller facility would not adequately serve Dripping Springs families.

I urge you to approve this variance request for the benefit of our community.

Sincerely,

Michael Thomas
128 Sandpiper Cove
Austin, TX 78620

[REDACTED]
(512) 585-0569

—
Let me know if you need any further adjustments or additional information!

From: [REDACTED]
To: [Planning](#)
Subject: DSSC Variance Support Letter
Date: Wednesday, April 16, 2025 8:31:49 AM

Planning & Zoning Commission City of Dripping Springs 511 Mercer Street Dripping Springs, TX 78620

RE: Support for Dripping Springs Sports Club Variance Request

Dear Planning & Zoning Commission Members,

As a long time Dripping Springs resident and parent of two active children, I strongly support the Dripping Springs Sports Club's variance request to develop a 160,000 sq ft facility.

For years my family has been driving for extended periods of time to attend their extracurricular activities, practices, games and tournaments. None of those, however, are in the city of Dripping Springs. This new facility would be a huge game changer for the community of Dripping Springs. I strongly believe this development would be essential with the growth that is happening to our community. I believe the following would have long term benefits for our city and community.

- Eliminate long commutes for hundreds of local families
- Keep spending within our local economy
- Create jobs for Dripping Springs residents
- Reduce traffic on Highway 290

The proposed 160,000 sq ft is necessary to accommodate the variety of courts, fitness areas, and amenities our growing community needs. A smaller facility would not adequately serve Dripping Springs families.

I would urge you to approve this variance request for the benefit of our community.

Sincerely,

Tressa Aleshire

April 10, 2025

Planning & Zoning Commission
City of Dripping Springs
511 Mercer Street
Dripping Springs, TX 78620

RE: Support for Dripping Springs Sports Club Variance Request

Dear Members of the Planning & Zoning Commission,

As a 17-year resident of Dripping Springs and a parent of three young athletes, I am writing to enthusiastically support the variance request for the Dripping Springs Sports Club to build a 160,000 sq ft sports facility in our community.

Like many families here, we spend countless hours driving to facilities located in surrounding Austin-area suburbs including Pflugerville, Lake Travis, Kyle and Westlake for volleyball, soccer, basketball and various others sports practices and games. These trips add over 16 hours a week for our family, cutting into family time and leaving my kids exhausted on school nights. It's not just the time—it's the wear and tear on our car and the frustration of navigating congested roads.

A local sports complex of this size would be a game-changer for Dripping Springs. It would:

- Save families like mine hours of driving each week.
- Boost our local economy by keeping spending in town.
- Provide job opportunities for residents, from coaches to facility staff.
- Ease traffic on Highway 290 by reducing out-of-town commutes.

The proposed 160,000 sq ft facility is the right size to meet the diverse needs of our growing community. A smaller space simply wouldn't have the capacity to offer the range of sports and activities our kids and adults deserve—everything from volleyball courts to fitness areas and community spaces.

I respectfully urge you to approve this variance request. This facility would strengthen our community and make life better for so many families in Dripping Springs.

Thank you for your time and consideration.

Sincerely,

Ryan Dennison
100 Hudson Lane
Dripping Springs, TX 78620

04.15.2025

Planning & Zoning Commission
City of Dripping Springs
511 Mercer Street Dripping Springs, TX 78620

RE: Support for Dripping Springs Sports Club Variance Request

Planning & Zoning Commission Members,

My name is Chris Lupton and I was the managing partner for Hill Country Indoor for over 7 years. I have first hand experience watching a facility (very similar to the one proposed) improve a neighborhood and ultimately bring a community together. Our community events and business partnerships have made a huge impact. Nearly every day we have realtors bringing families into HCI to show off the community amenities.

I urge you to also look at the economic impact this facility will have on Dripping Springs as a whole. Keeping families in town vs driving to Austin to practice will bring food and shopping revenue back to your tax payers. Through tournaments and events, restaurants and hotels will flourish. This has been proven in Round Rock, Cedar Park and Bee Cave.

As for the variance, this was a key win for the HCI team during development in 2015. Without it, the facility would not be near the opportunity that it is today. Variances are made for a reason and I believe this is a clear front runner.

Sincerely,

Chris Lupton



Hill Country Indoor
Bee Cave, Texas

656 Spectacular Bid Dr

Austin, TX 78737

Item 2.

April 11, 2025

Planning & Zoning Commission

City of Dripping Springs

511 Mercer Street

Dripping Springs, TX 78620

RE: Support for Dripping Springs Sports Club Variance Request

Dear Planning & Zoning Commission Members,

As a Navy Reserve officer, maintaining peak physical fitness is not just a personal priority-it is a professional requirement. Unfortunately, our current options in Dripping Springs are limited, forcing me to drive into Austin for access to the kind of equipment and space I need. These frequent trips take valuable time away from my family and increase the daily strain on my schedule.

The proposed Dripping Springs Sports Club would eliminate these challenges by providing a high-quality facility that supports serious fitness training and offers a fun, active environment for local families. My children would be able to enjoy sports and recreational activities while I complete my training-all under one roof, just minutes from home.

The size of the planned 160,000 sq ft facility is crucial. A smaller space simply wouldn't accommodate the growing demand or the breadth of programming needed for our community. I fully support the DSSC's request for a variance and hope you will approve this project for the betterment of all Dripping Springs families.

Sincerely,

Mark Kirtland

From: [REDACTED]
To: [Planning](#)
Cc: [Drew Rose](#)
Subject: In favor of the variance for Dripping Springs Sports Club
Date: Saturday, April 12, 2025 11:38:48 PM

Dear Planning & Zoning Commission Members,

As a resident of Dripping Springs, I would like to express my support of approving the variance request for Dripping Springs Sports Club.

As an athlete and someone committed to a healthy lifestyle, I would greatly appreciate having a first rate sports facility where I can play basketball, lift weights, support my Childrens' athletic endeavors, and meet my exercise goals within the community that I live in.

Currently, there is nothing similar in magnitude or diversity in what it offers here in Dripping Springs. Hill Country Indoor, a similar, popular facility in Bee Cave, is over a thirty minute drive depending where you live in Dripping Springs. It is not practical or easy to spend bulk time commuting to that gym to utilize high quality equipment and spaces. Our community would benefit immensely from having our own sports club where anyone from a child on a trampoline to someone retiring and picking up pickleball can thoroughly enjoy themselves. My family would love to stay local rather than drive over an hour round trip to some other gym.

The Dripping Springs Sports Club will bring people together around common goals in fitness, active living, and recreation. It promotes healthy habits and active lifestyles. Everyone in Dripping Springs would benefit from the Dripping Springs Sports Club.

Thank you for considering approving this variance request. Our community will greatly benefit from this first class Dripping Springs Sports Club.

Best regards,

Micah VanDover

Home Address:
 500 Sue Peaks Loop
 Dripping Springs, Texas 78738
 (512)708-9919

MICAH VANDOVER

REALTOR®

 512.708.9919  512.261.0008

 kuperrealty.com

 micah.vandover@sothebysrealty.com

 13420 Galleria Circle Suite A-105

Austin, Texas 78738





From: [REDACTED]
To: [Bill Foulds](#); [Planning](#)
Subject: Let's Preserve the Character of Dripping Springs
Date: Friday, April 11, 2025 8:56:02 AM

Dear Mayor & City Planning,

I'm reaching out as a deeply concerned resident who's watched Dripping Springs rapidly transform—and not for the better. What once felt like a peaceful Hill Country town with heart and character is quickly becoming unrecognizable. I understand that growth is inevitable, but what's happening now isn't thoughtful development—it's unchecked sprawl driven by profit, not by vision.

Do we really want to become the next Pflugerville—miles of neighborhoods, strip malls, and apartments lining a congested highway? If you've been over there recently, you know how lifeless and overwhelming it feels. That's not what any of us signed up for when we chose to live here.

Dripping Springs is the gateway to the Hill Country. It still has the potential to be a truly special destination—like Wimberley—but only if we protect what makes it unique. That means preserving the hills, the views, and the sense of space that gives this town its soul. That means making room for local businesses that reflect our culture, not just more chains and box stores that could be found anywhere in America.

There are already signs of hope. Last Chance is showing how to build with character, I'm so happy to see they are coming back. Bringing Nutty Brown back to the old Paloma location could honor our roots while giving people something to gather around, and I would LOVE to see something like this happen that residents and visitors alike would enjoy. These are the kinds of projects that make Dripping feel like Dripping—not like a generic suburb off a highway.

Right now, the trajectory we're on is pushing even new residents to consider leaving. That should be a huge red flag. People didn't move here for traffic, noise, or concrete. They moved here for a better way of life—one that feels increasingly out of reach.

We can still turn this around. We can grow smart, not fast. We can plan with intention, protect our natural beauty, and make decisions that benefit long-term quality of life—not just short-term gains.

Let's make Dripping Springs a place people want to stay. Let's keep the charm, preserve the views, and bring back the character that made this town worth moving to and fighting for in the first place.

Sincerely,
Amanda Waltman
Resident of Dripping Springs

April 10, 2025

City of Dripping Springs Planning & Zoning Commission
511 Mercer Street
Dripping Springs, TX 78620
Planning@cityofdrippingsprings.com

RE: Support for Dripping Springs Sports Club Variance Request

Dear Planning & Zoning Commission Members,

As Dripping Springs residents, we are writing to express our full support for Dripping Springs Sports Club's ("DSSC") variance request to develop a 160,000 square foot sports facility. The proposed 160,000 sq ft facility is necessary to accommodate the variety of courts, fitness areas, and amenities our growing community desperately needs. A smaller facility will not adequately serve the needs of Dripping Springs families, now or in the future.

We believe the requested variance is reasonable, necessary, and appropriate. My family, and hundreds of other families in the community, spend a significant amount of time and money in other cities that have the facilities DSSC plans to build. By approving the variance request, Dripping Springs will finally have the facilities necessary to keep sports and recreation activities local, which will eliminate long commutes for hundreds of local families, reduce traffic on Highway 290, generate significant revenue for the City, and create countless jobs for the Dripping Springs community.

Our community desperately needs the comprehensive sports facility proposed by DSSC. Granting the variance will not adversely affect the character of the community nor will it impair the use or development of adjacent properties. To the contrary, the proposed facility aligns with the goals of thoughtful and practical land use that benefits our community. Having the proposed state-of-the-art facility in our backyard is a game-changing opportunity for the Dripping Springs community. With our community's future in your hands, we implore you to approve this variance request. Thank you for your time and consideration.

Sincerely,

Catherine and Ryan Harper

cc: drew@drippingsportsclub.com

April 15, 2025

Dripping Springs Planning & Zoning Commission
City of Dripping Springs
511 W Mercer St
Dripping Springs, TX 78620

RE: DSSC Variance Request – Letter of Caution

Dear Planning & Zoning Commission,

I hope this letter finds you well. As a Dripping Springs resident, I strongly advocate for thoughtful development that supports our community’s continued growth. However, I write today to express concern regarding the increasing frequency with which variances are being granted along the Highway 290 corridor. This marks the second such request in just a few weeks, prompting a broader question: **What is the purpose of maintaining comprehensive development codes at the city level if they are regularly going to be bypassed?**

While I support responsible development and understand that each project presents unique considerations, we must uphold standards that ensure long-term sustainability and community balance. The proposed facility is a substantial project—effectively an anchor development—located directly off Highway 290. Approval of this variance would set a precedent for further large-scale projects in the corridor. I am particularly concerned about the cumulative impact, especially in light of the concept plans by Oryx Development for an adjacent 130,000-square-foot facility.


I would also like to highlight a personal example that underscores the need for consistency in our policies. As a resident of Headwaters, I am currently prohibited from washing my own vehicles on my property due to ongoing water restrictions mandated by the MUD. This restriction underscores the reality of our limited water resources, which makes the approval of water-intensive developments all the more concerning. While I acknowledge that variances can be warranted in certain situations, each decision must be thoroughly evaluated in the context of long-term community sustainability.

Furthermore, according to TPWD GIS data, the proposed development lies within habitat known to support the federally listed endangered Golden-cheeked Warbler. I respectfully request that a full environmental assessment be conducted and made publicly available prior to any site plan approval—or, alternatively, that the City provide the specific code basis or exemption allowing for a “take” under the Endangered Species Act, if such an assessment is not required.

At the same time, I recognize the growing demand for local athletic and recreational facilities. The Dripping Springs Sports Club presents a valuable opportunity to address this need for families and youth athletes. However, it is essential that any development along this segment of Highway 290 proceeds with comprehensive planning and a clear understanding of its long-term impacts on infrastructure, environment, and community character.

Thank you for your time and attention to these concerns. I appreciate the difficult task before you and trust that your decision will reflect a thoughtful balance between progress and preservation.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jonathan L Fitzgerald', with a large, stylized flourish at the end.

Jonathan L Fitzgerald
Headwaters Resident

From: [REDACTED]
To: [Planning](#)
Subject: Opposition to VAR2025-002 – Sports Club Zoning Amendment
Date: Sunday, April 6, 2025 6:05:14 PM

Dear Planning & Zoning Commission,

I am writing to express my concern and opposition to the proposed zoning variance referenced as **VAR2025-002 – Sports Club Zoning Amendment**.

While I appreciate the City's continued efforts to grow and develop thoughtfully, I have strong reservations about the potential impacts of this project—particularly with the proposed entrance on Canyonwood Drive. This road is a residential street not designed to support increased traffic volumes especially at the top of a hill that already has limited sight distance. From a safety standpoint, introducing a high-traffic access point in this area poses serious risks to the Sunset Canyon Neighborhood and people driving on Canyonwood.

In addition to traffic concerns, the significant amount of impervious surface planned—particularly large areas of concrete—raises environmental red flags. This development could dramatically affect the surrounding landscape, increase runoff, and heighten the risk of flooding. Of particular concern is the culvert at the end of North Canyonwood Drive, which already sees strain during heavy rains with the already reduced landscape from all the homes built in Headwaters. The added runoff from such a development may overwhelm existing infrastructure and pose a threat to nearby homes and properties.

I respectfully ask the Commission to consider the long-term impact this amendment could have on the safety, environmental integrity including the dark sky community, and character of the Sunset Canyon neighborhood. I urge you to deny this variance and seek alternative solutions that better align with the residential nature of our community.

Thank you for your time and consideration.

Sincerely,

Jill Zeimann

**Planning & Zoning Commission
City of Dripping Springs
511 Mercer Street
Dripping Springs, TX 78620**

RE: Support for Dripping Springs Sports Club Variance Request

Dear Planning & Zoning Commission Members,

As Dripping Springs residents and parents of two active children/athletes, I strongly support the Dripping Springs Sports Club's variance request to develop a 160,000 sq ft facility. This facility will be a long-term community asset that will strengthen community bonds between residents, strengthen our youth athletes, and provide considerable positive economic impact to Dripping Springs and surrounding businesses.

My family currently drives to Bee Cave, Westlake, and South Austin multiple times weekly for competitive cheer, soccer, and basketball activities. This means 10+ hours of driving time and late nights for my children on school nights.

A comprehensive sport & wellness facility in Dripping Springs would:

- Eliminate long commutes for hundreds of local families
- Keep spending within our local economy
- Create jobs for Dripping Springs residents
- Reduce traffic on Highway 290

The proposed 160,000 sq ft is necessary to accommodate the variety of courts, fitness areas, and amenities our growing community needs. A smaller facility would not adequately serve Dripping Springs families and make the impact that a larger facility would.

I urge you to approve this variance request for the benefit of our community.

Sincerely,

Will & Krista Diaz
12146 Mesa Verde Dr
Austin, TX 78737
[REDACTED]
(773)663-6653

Milena Diaz - RSES, 5th Grade
Beckett Diaz - RSES, 3rd Grade

From: [REDACTED]
To: [Planning](#)
Cc: [Drew Rose](#); [REDACTED]
Subject: RE: Backing the Dripping Springs Sports Club Variance Request
Date: Saturday, April 12, 2025 12:18:58 AM

Dear Planning & Zoning Commission,

As a father of two children in Dripping Springs, I strongly support the variance request for the Dripping Springs Sports Club (DSSC) to construct a 160,000-square-foot facility. This project is exactly what our growing community needs.

Raising active kids means my wife and I spend countless hours driving to Bee Cave, South Austin, or Westlake for their sports practices and camps. These trips are exhausting, especially on school nights or during school breaks when we're trekking to places like HCI in Bee Cave for summer programs. A local, state-of-the-art sports facility would eliminate this burden for my family and many others. The DSSC's proposed complex would not only keep our kids closer to home but also become a vibrant hub for our community.

This facility would do more than save travel time. It would keep dollars in Dripping Springs by creating local jobs and attracting families from across the region. A project of this caliber would showcase our town's ambition and strengthen its reputation as a great place to live and raise a family. Why let neighboring cities like Bee Cave reap these benefits when we can build something extraordinary right here?

The proposed size of the facility is critical to its success. A 160,000-square-foot complex would provide enough space for courts, training areas, and amenities to serve our rapidly growing population. A smaller footprint simply would not meet the needs of our kids and families. I understand the purpose of zoning restrictions, but this isn't a generic big-box store - it's a tailored solution for our community's future. Every parent I've spoken with about this project is enthusiastic about its potential, and I share their excitement.

I respectfully urge you to approve this variance. By doing so, you'll help make Dripping Springs a stronger, more connected community for families like mine.

Sincerely,

Patrick Zielbauer (Kirby Springs Ranch)

From: [REDACTED]
To: [Planning; Drew Rose](#)
Subject: RE: Support for Dripping Springs Sports Club Variance Request
Date: Friday, April 11, 2025 12:01:19 PM

Dear Planning & Zoning Commission Members,

As a Dripping Springs resident and parent of three active children, I strongly support the Dripping Springs Sports Club's variance request to develop a 160,000 sq facility.

A comprehensive sports facility in Dripping Springs would:

- Eliminate long commutes for hundreds of local families
- Keep spending within our local economy
- Create jobs for Dripping Springs residents
- Reduce traffic on Highway 290

The proposed 160,000 sq is necessary to accommodate the variety of courts, fitness areas, and amenities our growing community needs. A smaller facility would not adequately serve Dripping Springs families.

I urge you to approve this variance request for the benefit of our community.

Thank you!

Josh Teitelbaum

[REDACTED]
(410) 382-0885

From: [REDACTED]
To: [Planning](#)
Cc: [REDACTED]
Subject: RE: Support for Dripping Springs Sports Club Variance Request
Date: Monday, April 14, 2025 12:45:17 PM

April 14, 2025

Planning & Zoning Commission
City of Dripping Springs
[511 Mercer Street](#)
[Dripping Springs, TX 78620](#)

RE: Support for Dripping Springs Sports Club Variance Request

Dear Planning & Zoning Commission Members,

My name is Adrienne Seelbach. I was raised in Dripping Springs, graduated from Dripping Springs High School in 2002, and now I'm raising two daughters—Annabelle (13) and Millie (9)—in the same town that shaped me.

Like so many families in our growing community, we spend many hours each week commuting into Austin for sports practices, tournaments, and fitness activities. That time adds up—and it's time we could be spending together as a family, at home, or supporting local businesses here in Dripping Springs.

That's why I fully support the **Dripping Springs Sports Club (DSSC)** and their request for a variance to build the 160,000 sq ft facility our community truly needs. From a mom's perspective, here are the three main reasons this project is so important:

1.

It will dramatically reduce time spent on the road.

Driving into Austin several times a week is exhausting—not just for parents, but for our kids too. DSSC gives us the chance to stay local, avoid traffic, and bring youth sports and family fitness home to Dripping Springs.

2.

It gives kids a safe, fun place to connect.

This facility will be a true hub for our children—where they can meet up with friends, stay active, and build confidence in a positive, structured environment. That kind of space is so important, especially as our town continues to grow.

3.

It supports whole-family health and wellness.

DSSC isn't just for kids—it's for parents too. With adult fitness areas, group classes,

healthy food options, and community events, it creates a space where families can focus on being active and well, together.

What makes this project even more special is that it's **led by local families**—not some outside developer. These are people who live here, whose kids go to our schools, and who care deeply about building something that will benefit the entire Dripping Springs community for years to come.

Please approve this variance so DSSC can move forward. As a lifelong resident, I truly believe this project will make our town an even better place to raise a family.

Sincerely,

Adrienne Seelbach

Dripping Springs High School Class of 2002



From: [REDACTED]
To: [Planning](#)
Cc: drew@drippingsportsclub.com
Subject: Request for increased zoning
Date: Wednesday, April 16, 2025 7:33:26 AM

To the Dripping Springs Sports Club and the Planning & Zoning Commission,

I am writing in strong support of the Dripping Springs Sports Club's request for a variance to build a 160,000 sq ft facility—beyond the current 100,000 sq ft limit. As a parent of young children just beginning to engage in team sports, I've already see the impact of the limited athletic options in our area. Without adequate local facilities, we often have to drive 30 miles or more just so our kids can access quality fields and indoor practice space.

Bringing a larger, more comprehensive sports complex closer to home would not only save families like mine countless hours on the road, but it would also strengthen our local community. This facility would give kids the chance to stay active, build teamwork, and develop lifelong healthy habits—all within a supportive and familiar environment.

The added convenience and access would enhance the quality of life for so many families in Dripping Springs. I urge you to approve the variance request and help create a space that truly meets the needs of our growing community.

Sincerely,

Jay Ryan Ash
512-925-0178

From: [REDACTED]
To: [Drew Rose; Planning](#)
Cc: [REDACTED]
Subject: Support for Dripping Springs Sports Club Variance Request
Date: Monday, April 14, 2025 5:33:59 AM
Attachments: [Outlook-k0go00hl.jpg](#)
[Outlook-tfz3kr4f.png](#)

Dear Planning & Zoning Commission Members,

My husband and I have been Dripping Springs residents of nearly four years, I am a local physical therapist, and we are parents to four children ages 5 to 12—all of whom are actively involved in youth sports. I'm writing to express my strong support for the Dripping Springs Sports Club's variance request to build a 160,000 sq ft facility.

As both a parent and a healthcare provider in this community, I see firsthand the strain our current lack of athletic facilities places on families. My own children travel weekly to Bee Cave, Austin, and other surrounding areas just to participate in practices and games. That's a lot of time spent in the car—on school nights, often with homework in hand—and it's a reality I know many other families face as well.

From a professional standpoint, I also treat many young athletes dealing with the physical toll of overtraining and inconsistent access to appropriate practice space. Local gyms are overcrowded, school facilities are stretched thin, and teams struggle to find reliable options.

The DSSC proposal offers a real, community-centered solution: a well-designed, multi-sport facility that includes space for basketball, volleyball, pickleball, fitness, childcare, and more. This type of complex would not only serve hundreds of youth athletes, but also offer health, wellness, and recreational opportunities for families of all ages.

Dripping Springs is growing quickly, and it's critical that our infrastructure keeps pace. Approving this variance is a key step toward providing resources that match the needs of our community—not just today, but well into the future.

Thank you for your time and consideration.

Sincerely,

Dr. Kelli Chandler

Colin Chandler

Kelli Chandler, PT, DPT, COMT, FAAOMPT
Concierge Orthopedics, Owner and CEO
870-723-5068



[Book time to meet with me](#)

From: [REDACTED]
To: [Planning](#)
Cc: [Drew Rose](#)
Subject: Support for Dripping Springs Sports Club Variance Request
Date: Wednesday, April 16, 2025 9:34:08 AM

Dear Planning & Zoning Commission Members,

As a Dripping Springs resident, I strongly support the Dripping Springs Sports Club's variance request to develop a very beautiful 160,000 sq ft facility. The Rose family is working so hard and risking a lot in order to provide a safe place for the kids in our community to grow as great people in our community and learn hard work and fun through sports. This is all appreciated so much by so many! I doubt they can make the facility any smaller to accommodate the needs of the community and on the business-side to make enough revenue for this business to even work. It's such a phenomenal opportunity for our town. Hopefully this even brings other businesses of high quality to our area.

On another note, thank you for all you all do for Dripping Springs. Our community is at the beginning of a new stage of growth and we really appreciate you all working with businesses to provide great places for us, our kids, and our guests to get more joy out of life. We hope you all continue to keep bringing upscale businesses like the Dripping Springs Sports Club that are bringing services that are needed very much by the residents here.

Please approve this variance request for the benefit of everyone who lives here.

Sincerely,

Allen Shannon
7199 Creek Road
Dripping Springs, Texas 78620
512-636-3105 cell

From: [REDACTED]
To: [Planning; Drew Rose](#)
Cc: [REDACTED]
Subject: Support for Dripping Springs Sports Club Variance Request
Date: Friday, April 11, 2025 9:23:45 AM

Planning & Zoning Commission
City of Dripping Springs
511 Mercer Street
Dripping Springs, TX 78620

Dear Planning & Zoning Commission Members,

My family and I are residents of Dripping Springs and love our community. While we enjoy parks and hiking here locally, we have resorted to driving thirty minutes to Bee Cave to utilize gym space that meets our family's needs (providing an air conditioned space where each of our four kids can participate in a variety of sports simultaneously).

We strongly express our support for the Dripping Springs Sports Club's variance request to develop a 160,000 sq ft facility. This would be a benefit to hundreds of families in the area. As Dripping Springs continues to grow, having this sports club would be a place for families to connect, prioritize healthy lifestyles, develop sports related skills, and enjoy exercise. We would love to stay local and have these benefits rather than trek to Bee Cave and spend extra hours commuting in the car. Our community attracts families, and the Dripping Springs Sports Club would be an ideal place for families to gather and grow with its different court options, spaces to work out and play, and an on-site cafe to stay for snacks and a meal. My husband and I would love to take our family here.

Pickleball is the fastest growing sport in the nation, and with Dreamland's recent closure, Dripping Springs lost a huge percentage of its pickleball courts. One of our neighbors moved here from South Austin to retire and play pickleball there every evening. He now drives about thirty minutes to do so and can only do so a few times a week instead of remaining local to participate in his favorite sport every evening. Dripping Springs Sports Club would offer many pickleball courts - which provides exercise and fun for people of all ages. With our growing community and this sport's popularity, Dripping Springs Sports Club would meet an evident need.

Would you please consider approving this variance request on behalf of the Dripping Springs community members who would appreciate the many blessings it would offer? Thank you for your time and consideration.

Best regards,

Alycia VanDover
500 Sue Peaks Loop
Dripping Springs, TX 78620



619-391-8171

From: [REDACTED]
To: [Planning](#)
Cc: drew@drippingsportsclub.com
Subject: Support for Dripping Springs Sports Club Variance Request
Date: Thursday, April 10, 2025 4:21:43 PM

April 10, 2025

Planning & Zoning Commission
City of Dripping Springs
511 Mercer Street
Dripping Springs, TX 78620

RE: Support for Dripping Springs Sports Club Variance Request

Dear Planning & Zoning Commission Members,

I am writing to express my strong support for the Dripping Springs Sports Club's variance request to develop a 160,000 sq ft facility.

A comprehensive sports facility in Dripping Springs would:

- Eliminate long commutes for hundreds of local families
- Keep spending within our local economy
- Create jobs for Dripping Springs residents
- Reduce traffic on Highway 290
- Move activity time with family and friends increasing our value as a community

The proposed 160,000 sq ft facility is essential to accommodate the variety of courts, fitness areas, and amenities that our growing community needs. A smaller facility would not adequately serve the families of Dripping Springs.

I urge you to approve this variance request for the benefit of our community.

--

Mindi Smith-Zemanek

[REDACTED]

From: [REDACTED]
To: [Planning; drew@drippingsportsclub.com](mailto:drew@drippingsportsclub.com)
Subject: Support for DSSC
Date: Thursday, April 10, 2025 2:47:16 PM

Dear Planning & Zoning Commission Members,

As a Dripping Springs resident and parent of two active children, I strongly support the Dripping Springs Sports Club's variance request to develop a 160,000 sq ft facility. My family currently drives to Bee Cave and South Austin multiple times weekly for volleyball, basketball, and pickleball activities. This means 8+ hours of driving time and late nights for my children on school nights.

A comprehensive sports facility in Dripping Springs would:

- Eliminate long commutes for hundreds of local families
- Keep spending within our local economy
- Create jobs for Dripping Springs residents
- Reduce traffic on Highway 290

The proposed 160,000 sq ft is necessary to accommodate the variety of courts, fitness areas, and amenities our growing community needs. A smaller facility would not adequately serve Dripping Springs families. I urge you to approve this variance request for the benefit of our community.

Sincerely,
David Coraggio

April 10, 2025

Planning & Zoning Commission
City of Dripping Springs
511 Mercer Street
Dripping Springs, TX 78620

Dear Members of the Planning & Zoning Commission:

I am writing in strong support of a variance approval for the construction of Dripping Springs Sports Club. As a Dripping Springs resident for over 16 years with four active children, I wish this would have come sooner! I have spent many hours on the road driving them to and from practices in Austin and if there were a closer option, those hours could have been utilized elsewhere. I believe this project warrants your favorable consideration as it addresses a significant gap in our local recreational infrastructure.

The significant travel burden:

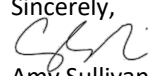
- Limits access for many families, particularly those with limited transportation options
- Adds substantial time commitments to already busy family schedules
- Creates unnecessary traffic and environmental impacts from extended commuting
- Reduces spontaneous recreational opportunities, especially for youth

Additionally, many high school teens drive themselves to practices far away and having them stay within Dripping Springs for late night practices would be so much nicer.

Aside from the travel burden, the proposed facility would provide numerous other benefits to our community:

1. **Improved Access to Fitness & Recreation:** Creating a local option would significantly increase accessibility for all residents, particularly youth, seniors, and those with transportation constraints.
2. **Enhanced Quality of Life:** Having quality recreational facilities within our community would foster greater physical activity, social connection, and overall well-being among residents of all ages.
3. **Family-Centered Community Development:** The facility would serve as a hub for family activities, youth sports, and community gatherings, strengthening our town's sense of community.
4. **Economic Benefits:** This facility would create local jobs, keep recreational spending within our community, increase property values, and potentially attract new residents seeking communities with quality amenities.

I strongly encourage you to approve this variance request, as it will serve the long-term benefits of this wonderful community.

Sincerely,

Amy Sullivan

From: [REDACTED]
To: [Planning](#)
Cc: drew@drippingsportsclub.com
Subject: We need the Dripping Spring Sports Club!
Date: Friday, April 11, 2025 9:02:33 AM

Dear Planning & Zoning Commission Members of Dripping Springs,

I am emailing in hopes of gaining your support for a variance request on the size of the Dripping Springs Sports Club. My family moved to Dripping Springs 4 years ago and dove right into the amazing community and athletics scenes. We have 3 kids ages 7-11 that juggle 4 sports each. As you can imagine, the schedules are insane! One thing that would make our lives so much better would be less travel time to high quality facilities. Ready or not, the people are coming. We need a new high school, we need this sports facility, and frankly we need more outdoor softball/baseball/soccer fields as well, but one thing at a time. If someone is willing to step up and greatly improve the lives of the residents of Dripping Springs then we need to support it being done right from day one. The research shows that 160,000 square feet is what would be adequate and comparable to the thriving complexes that we are all driving to. This facility would help eliminate long commutes for hundreds of local families, it would keep spending within our local economy, reduce traffic on Highway 290 and also create jobs for Dripping Springs residents!

I urge you to approve this variance request for the benefit of our community.

Sincerely,
Kristina Even
(830) 660-8160

Kristina LaFerrara Even
830-660-8160

From: [REDACTED]
To: [Planning](#)
Cc: [REDACTED]
Subject: A Note in Support of The Dripping Springs Sports Club Proposal at Headwaters
Date: Thursday, April 17, 2025 8:14:29 PM

Attention: Dripping Springs Planning and Development Department,

My name is John Stewart and My Wife Karen Stewart and I live at 228 Crescent Moon Ct here in the Headwaters Subdivision in Dripping Springs.

I'm writing to you in support of the Dripping Springs Sports Club. I believe the facilities and amenities that are planned for this Facility are overdue and desperately needed to service the growing community of fitness minded people and others here in Headwaters and surrounding community. The proposed Club will allow for access to a missing resource here at Headwaters: A Facility that embodies all things health and fitness. While the HUB Gym is present today: It growing worn and lacks the scale to service the full range of services desired. For this reason, today I have to travel to multiple locations to access desired services like wet areas, IR Spa as well as associated body work services like massage. The promise of the Club is to bring all these things under one roof at one location : accessible and close at hand.

For these reasons and more, Karen and I fully support the approval for the Sports Club being built and support current plans for the Facility design and location.

V/r,

John and Karen Stewart
Headwaters Residents

Get [Outlook for iOS](#)

To: planning@cityofdrippingsprings.com

Subject: Opposition to Zoning Amendment – Case Number: VAR2025-002 (Dripping Springs Sports Club)

Dear Planning Department,

I am writing as a concerned resident to express my strong opposition to the proposed zoning amendment referenced in Case Number VAR2025-002, regarding the Dripping Springs Sports Club development.

The proposed removal of the 300-foot buffer zone that currently separates commercial activity from our residential neighborhood is deeply troubling. This buffer exists for a reason: to protect the peaceful, rural character of our community, preserve local wildlife habitats, and maintain the safety and privacy of nearby homeowners.

Canyonwood Road is a small, country road that was never intended to support increased commercial traffic. It is narrow, residential, and unsuited for the volume and type of traffic this expansion would bring. Since this property belongs to Headwaters, access should rightfully be routed through Headwaters Boulevard, which connects directly to Highway 290 and is equipped to handle such traffic. Directing business operations and visitors through Canyonwood would be unnecessarily disruptive and inappropriate.

Our neighborhood follows “dark sky” lighting practices to reduce light pollution and preserve our ability to enjoy the night sky. Increased lighting from commercial development would permanently alter the nighttime environment that many of us specifically moved here to enjoy.

In addition to concerns about noise, traffic, and light pollution, the buffer zone plays a critical role in protecting local wildlife, especially deer, and maintaining a vital strip of mature trees and natural vegetation. We are also deeply concerned about the placement of fencing—we ask for transparency: will it remain at least 300 feet from the easement, as currently required?

Another serious concern is the increased risk of trespassing. As more people gain access to the area, the likelihood of individuals crossing onto private property grows, creating safety and privacy issues for residents.

Should development proceed, we request that quiet hours be enforced during evening and overnight periods, and that commercial lighting be turned off or significantly dimmed after a reasonable hour, in keeping with the community’s dark sky policy.

We respectfully urge the Planning Department and City Council to deny the removal of the 300-foot buffer zone and to ensure that access is limited to appropriate infrastructure, such as Headwaters Boulevard—not Canyonwood.

Please protect the character, environment, and safety of our neighborhood.

Sincerely,

Brent and Shay White

From: [REDACTED]
To: [Planning](#)
Subject: Dripping Springs Sports Club
Date: Friday, April 18, 2025 5:54:04 AM

Good morning!

I'm Douglas Dyer. I live in Dripping Springs at 292 Moonlit Stream Pass.

This email confirms my support for the development of the Dripping Springs Sports Club, which will provide a needed expansion of facilities and amenities available to area residents. I fully support the development plan for DSSC and ask that you expedite its approval.

Sincerely,

Douglas L. Dyer
512.500.3091

From: [REDACTED]
To: [Planning](#)
Subject: Dripping Springs Sports Club
Date: Monday, April 21, 2025 11:24:57 AM

Dear Planning & Zoning Committee Members,

As the DSHS Head Volleyball Coach since 2010 and Director of Austin Performance, I strongly support the Dripping Springs Sports Club variance request.

During my 14 years coaching in Dripping Springs, I've watched countless talented athletes sacrifice 8+ hours weekly commuting to training facilities in Austin. Several promising players have quit altogether because the travel burden became too much for their families.

Having coached in top-tier facilities across Texas, I can attest that the proposed DSSC design represents the ideal balance of functionality and Hill Country aesthetics.

What impresses me most about this proposal is how it respects our community's character while providing the facilities our growing population needs. The variance request strikes me as a reasonable accommodation to deliver a facility of genuine value to Dripping Springs.

I respectfully urge you to approve this variance, knowing it will directly benefit hundreds of student-athletes I've worked with over the years.

Sincerely,

Michael Kane
Head Volleyball Coach, DSHS (since 2010)
Co-Director, Austin Performance
DS Resident

From: [REDACTED]
To: [Planning](#)
Subject: Dripping Springs Sports Club
Date: Monday, April 21, 2025 9:32:45 AM

Dear Planning Member(s):

My name is Steve Rapp, a proud Dripping Springs community member. My family and I have lived in the Dripping Springs area for 10 years and we have thoroughly enjoyed this community.

I write to you today to discuss the pending request regarding the proposal of the Dripping Springs Sports Club (DSSC) to build a 160,000 SF facility in the area. I strongly urge the committee to grant the variance beyond the current 100,000 SF limit. This facility will be a foundational element for the community, providing families with a location to exercise, socialize and participate in club sports year round. Currently, the community has disparate facilities that provide a piecemeal solution to a growing need here in Dripping Springs and the surrounding area.

Our daughter plays club volleyball and we often travel into Westlake and beyond to practice and compete. We have practiced recently in Bee Cave at the Hill Country Indoor (HCI) facility. While we were there, I was struck by the number of Dripping Springs community members who are members of HCI. Having a similar facility in Dripping Springs will be a benefit to the community members - alleviating them from driving outside of the DS area. The city will benefit from increased tax revenue from sales and property taxes.

I understand the concern of building a facility of this scale. Land and water are scarce and should be protected. I understand that the DSSC team are aggressively addressing these issues and have come up with an acceptable solution for the concerns of the city and its citizens. Additional traffic flow on 290 is a concern of mine, too. Given the demand for this community and its continued growth, concerns of population growth are real however it appears to be inevitable. Having a facility of this size is both necessary for future growth but also beneficial to the community as a whole.

DSSC's vision fits into the current culture of Dripping Springs and also can help address future growth of the area. I assure you that this facility is sorely needed and has been for quite some time. Honestly, I am shocked that something like this has not yet been constructed.

I strongly urge the members of the Planning Committee to approve DSSC's variance request and allow them to move forward with their project. Thank you for your time and consideration.

Sincerely,

Steve

--

Steve Rapp
832-724-4225

From: [REDACTED]
To: [Planning](#)
Subject: Dripping Springs Sports Club support
Date: Thursday, April 17, 2025 9:47:56 PM

City of Dripping Springs,

My name is Rebecca Wallace and I live in the Headwaters community here in Dripping Springs.

I'm writing in support of the Dripping Springs Sports Club that is going to be built here soon. There is a huge need for a facility that has sports amenities for athletes and families of athletes. The health and wellness services, spa, chiropractic, and food services that will be provided are needed for Dripping Springs and the surrounding communities. In addition, the inclusion of childcare services within a club is paramount and a significant benefit for all members.

There are many in this community including myself that would benefit from this club and everything it offers so close to home. For this reason I fully support the DSSC project.

Thank you,
Rebecca Wallace

April 18, 2025

Planning & Zoning Commission
City of Dripping Springs
511 Mercer Street
Dripping Springs, TX 78620

RE: Support for Dripping Springs Sports Club Variance Request

Dear Planning & Zoning Commission,

As long-time Dripping Springs residents with three active children, we're writing to express our enthusiastic support for the Dripping Springs Sports Club's variance request to develop a 160,000 square foot facility.

Since moving to Dripping Springs in 2019, we've watched our community grow exponentially. Unfortunately, our recreational facilities haven't kept pace with this growth. Many families in our community spend countless hours driving to South Austin or Bee Cave for their kids' volleyball, basketball, and other sports activities. This means children doing homework in the car, eating dinner on the go, and often getting home late on school nights. It's a strain on family time and energy throughout our community.

As a family that deeply values fitness and a healthy lifestyle, we are particularly excited about having a best-in-class family-friendly fitness center right here in Dripping Springs. We look forward to being active members of this facility, where our high school and middle school children can participate in activities while we also maintain our own fitness routines. Having this comprehensive facility in our community would be transformative for families like ours who prioritize wellness and active living.

The proposed Sports Club would dramatically improve quality of life for local families by:

- Eliminating the 30-60 minute drives (each way!) that hundreds of Dripping Springs families currently make multiple times per week
- Providing much-needed court space for our community's expanding youth sports programs
- Creating a family-friendly gathering space where parents can work out while kids practice
- Keeping our time and money invested in our own community

The requested 160,000 square foot variance is not excessive—it's necessary to accommodate the variety of courts, fitness areas, and recreational spaces our growing community desperately

needs. A smaller facility would simply not meet the current demand, let alone serve our rapidly expanding population.

This project represents exactly the kind of thoughtful, community-focused development that Dripping Springs needs. We strongly urge you to approve this variance request for the benefit of local families and the long-term vitality of our community.

Sincerely,

Jonathan and Monica Moore
346 Dally Court
Dripping Springs, TX 78620
[REDACTED]
949-232-7316

From: [REDACTED]
To: [Planning](#)
Subject: DSSC / Headwaters East Development Comment
Date: Friday, April 18, 2025 9:19:10 AM

To whom it may concern,

My name is Theodore Crawford, a resident in the Headwaters neighborhood. I wanted to reach out to the city with some concerns regarding the Headwaters East / Headwaters II development that's planned between Hwy. 290 West and Canyonwood Dr., backing up against the new Iron Willow Lp. lots in Headwaters.

We have seen the proposal from Oryx Development and have significant concerns regarding the size of the two proposed retail spaces (130,000 sq.ft. single story and 120,000 sq.ft. two story currently slated to contain the Dripping Springs Sports Club). Based on the "Concept B" plan we've seen, it appears these massive retail spaces will be <500' from the backyards of houses built on Iron Willow - wildly closer than anyone would reasonably be comfortable with. Beyond the planned proximity to new construction homes in the neighborhood, we have significant concerns regarding noise pollution and light pollution. While we're sure Oryx will comply with the letter of the law regarding Dark Sky compliance, there's no escaping the environmental impact of an 1800+ space parking lot and 300,000+ sq.ft. of retail and restaurant space a mere stone's throw from neighbors' backyards.

We understand that growth is necessary - desirable, even - and want to see the city continue to move forward and improve, but we believe the proposed location of the Dripping Springs Sports Club is untenable for neighbors in Headwaters and Canyonwood. We hope that the city will hear our voices and take into consideration the impact that this development will have on residents, both present and future. Not just with DSSC, but with a potential big-box retail space in the same development. What makes Dripping Springs unique is its commitment to respecting the spirit of the Hill Country. Preserving the landscape, hills, and beautiful sightlines - growing with the environment around us.

A massive big-box retail space and two-story sports complex being carved out of the hillside just a few hundred feet from people's backyards feels like a violation of the ethos of Dripping Springs. We hope that the city and developers will be amenable to finding a solution that's right for all parties involved, including the neighbors that will be directly affected by this development.

Thank you for your time and consideration!

From: [REDACTED]
To: [Planning](#)
Subject: DSSC / Headwaters East Development Comment
Date: Sunday, April 20, 2025 5:53:00 PM

To Whom It May Concern,

My name is Lynn Irby, and I'm a homeowner in the Headwaters neighborhood. I'm writing to express deep concern about the proposed Headwaters East / Headwaters II development planned between Highway 290 West and Canyonwood Drive—particularly its close proximity to the newly constructed homes along Iron Willow Loop.

After reviewing Oryx Development's "Concept B" proposal, many of us in the community are alarmed by the scale and location of the two large commercial structures: a 130,000 square foot single-story building and a 120,000 square foot two-story facility, intended to house the Dripping Springs Sports Club. These buildings would sit less than 500 feet from our backyards. That level of encroachment is not only concerning—it's unprecedented in our area.

Beyond the sheer size, we're also troubled by the potential for significant noise and light pollution. Even with adherence to Dark Sky ordinances, the environmental impact of a 1,800+ space parking lot and over 300,000 square feet of combined commercial space so close to residential homes cannot be ignored.

We understand and support thoughtful growth in Dripping Springs—development that enhances the community without compromising the very qualities that make this place special. However, placing a major sports facility and what could become a big-box retail space just a few hundred feet from established neighborhoods is, in our view, a misstep.

Dripping Springs has always prided itself on maintaining the character of the Hill Country—its views, its tranquility, its balance between nature and progress. Carving out a massive commercial hub in the hillside behind people's homes goes against that vision.

We urge the city and Oryx Development to reevaluate this plan and work collaboratively with the surrounding neighborhoods to find a more suitable location—one that accommodates future growth without sacrificing the integrity of our community or the well-being of its residents.

Thank you for your time, and for considering the voices of those who will be directly affected.

Sincerely,
Lynn Irby
Resident, Headwaters Neighborhood

From: [REDACTED]
To: [Planning](#)
Subject: DSSC support
Date: Thursday, April 17, 2025 7:09:32 PM

DS city,

My name is Zach Wallace and I'm a resident at 347 Dayridge Drive here in Dripping Springs. I'm writing in support of the Dripping Springs Sports Club that it set to be built here near the headwaters community. I currently run a health and fitness business out of our community HOA gym and I work with roughly 20-25 people per week just here in the headwaters community alone. Not only in headwaters but in dripping springs as a whole, we have a large amount of health conscious individuals who go to many different clubs and gyms in the distant area to get their health and fitness needs met, and many families who have kids who participate in sports programs that (unfortunately) take them all over the greater Austin area when it could be done closer to home.

Our rapidly growing community faces a significant recreational gap. Families currently drive 30-60 minutes each way to facilities in Austin or Bee Cave for practices, games, and fitness activities. This means less family time, children doing homework in cars, late nights on school days, and unnecessary traffic on our roadways. Local teams struggle to find adequate practice spaces, often training in overcrowded or makeshift facilities.

These and other issues will be solved when Dripping Springs Sports Club is built and offers a one stop shop for everything from health and fitness, sports, meals, childcare, spa, and community fun among other things and ultimately the convenience of not having to travel so far for many different services and amenities.

I genuinely hope their plans are approved as they have set and I hope that the city understands the desperate need of a facility like this and the positive impacts that it will surely have on the kids and families of our city.

Thank you,

Zach Wallace
M.S. Organizational Leadership
B.S. Sports Medicine and Exercise Science
NASM Performance Enhancement Specialist
ISSA Nutritionist
601-941-3618

Matthew Christian
1108 Gato Del Sol Ave
Austin, TX 78737
April 15, 2025

Dripping Springs Planning & Zoning Commission
661 W Highway 290
Dripping Springs, TX 78620

RE: Requested variance for Dripping Springs Sports Club

To whom it may concern:

I would like to voice my support for the requested 160,000 sq.ft. size variance for the Dripping Springs Sports Club. As a resident of the area for the last 5 years, I have seen the explosion of growth in the area which is already putting a strain on currently available resources. Given the ongoing residential construction and the recent bond proposals for additional schools, both the public and private sectors expect a continuation of this growth in the coming years. This will only further strain the limited resources we have for the type of activities that DSSC is serving. Ultimately this will negatively impact our children as we will not have enough resources for the various recreational and school groups. As I grew up, youth sports were a large part of my life, and the lessons I learned about teamwork, fairness and perseverance have stuck with me throughout my life. It would be a tragedy if the children of DS were not given the same opportunities due to the lack of a decent facility in the local area.

Personally, I have nothing to gain from the DSSC receiving approval. I have no children, nor do I participate in the activities that DSSC will provide. However, even though I would not be a customer, it is easy for me to see why this is so important to the community and why this request should be granted.

Sincerely,

Matthew Christian
(203) 650-7691
[REDACTED]

April 16, 2025

Planning & Zoning Commission
City of Dripping Springs
511 Mercer Street
Dripping Springs, TX 78620

Dear Planning & Zoning Commission Members,

We are writing to express our strong support for the Dripping Springs Sports Club's variance request. As a family who is currently building a home in Dripping Springs, we are deeply invested in the future of this community.

We have three children who are all actively involved in sports, and we ourselves regularly attend fitness classes. We often travel far distances for practice, games, or workouts. These long drives create scheduling challenges, increase expenses, and take time away from other important family activities.

A facility like the Dripping Springs Sports Club would be a tremendous asset, not just for our family, but for so many others in similar situations. It would provide convenient access to fitness and recreational opportunities right in our backyard, encouraging healthier lifestyles and reducing the daily stress of commuting for activities.

Beyond the personal convenience, this facility would significantly enhance the quality of life in our growing community. It would offer a safe, supportive, and engaging environment for kids to build confidence and friendships through sports and give adults access to consistent fitness resources without needing to travel far.

This is exactly the kind of thoughtful development that makes a town like Dripping Springs even more desirable for families. We strongly urge you to approve the variance request and help bring this much-needed resource to our community.

Sincerely,
Erika & Eric Fitzgerald

Erika - [REDACTED]; 512-497-4731

Eric - e [REDACTED]; 512-565-1714

From: [REDACTED]
To: [Planning](#)
Subject: DSSC/Headwaters East Development Comment
Date: Friday, April 18, 2025 11:52:28 AM

My name is Crystal Faris, and I'm a resident of the Headwaters neighborhood. I wanted to take a moment to share some thoughts and concerns about the proposed Headwaters East / Headwaters II development between Hwy 290 West and Canyonwood Drive, particularly the area behind the new Iron Willow Loop lots.

Many of us have reviewed the plans shared by Oryx Development, and we're feeling uneasy about the scale of the two large retail structures being proposed — one at 130,000 sq. ft. and another two-story building at 120,000 sq. ft., which we understand is planned to house the Dripping Springs Sports Club. From what we've seen in the "Concept B" plan, these buildings would sit less than 500 feet from the backyards of Iron Willow homes — much closer than what most of us expected or would feel comfortable with.

In addition to the proximity, we're concerned about the potential for increased noise and light pollution. While we trust that the development will technically follow Dark Sky guidelines, the reality of a large parking lot with over 1,800 spaces and 300,000+ sq. ft. of commercial activity right next to residential homes is hard to ignore in terms of impact.

We understand and support thoughtful growth in Dripping Springs. It's a great place to live, and we want to see it thrive. But we also believe that this particular part of the plan — especially the placement of the Sports Club and potential big-box retail — doesn't quite align with the character and values that make this area special. Dripping Springs has always stood out because of its respect for the Hill Country landscape, its scenic beauty, and its strong sense of community.

A massive development of this scale and height, carved into the hillside just a few hundred feet from family homes, feels out of sync with that spirit. We hope that the city and developers will consider options that allow for growth while still respecting the surrounding neighborhoods and natural environment.

Thanks so much for your time and for listening to the perspective of local residents. We're hopeful that a balanced solution can be found — one that supports progress without compromising the unique charm of Dripping Springs.

Warm regards,
Crystal Faris
Headwaters Resident

Sent from my iPhone

Planning & Zoning Commission
City of Dripping Springs
511 Mercer Street
Dripping Springs, TX 78620

RE: Support for Dripping Springs Sports Club Variance Request

Dear Planning & Zoning Commission Members,

As a Dripping Springs resident, I support the Dripping Springs Sports Club's variance request to develop a 160,000 sq facility. We are behind other communities in our development of sports facilities beyond what is provided by DSISD.

I work with DSYSA sports and we consistently run into shortages renting facilities from DSISD. We need additional facilities to offer competitive sports options for our youth and community.

A comprehensive sports facility in Dripping Springs would:

- Eliminate long commutes for hundreds of local families
- Keep spending within our local economy
- Create jobs for Dripping Springs residents
- Enhance youth athletic options in the community

The proposed 160,000 sq is necessary to accommodate the variety of courts, fitness areas, and amenities our growing community needs. A smaller facility would not adequately serve Dripping Springs families. I urge you to approve this variance request for the benefit of our community.

Sincerely,



Ryan Teague
945 Hog Hollow Rd

From: [REDACTED]
To: [Planning](#)
Cc: [REDACTED]
Subject: Feedback - Headwaters East Development Plan
Date: Saturday, April 19, 2025 2:35:54 PM

To the Planning Department of Dripping Springs

My name is Andrea Cornelison and I'm a homeowner and resident in the Headwaters neighborhood. I'm reaching out to request that you consider our neighborhood when planning for the Headwaters East/Headwaters II development planned between Headwaters and Canyonwood.

I've reviewed the proposal from Oryx Development and have serious concerns about the scale and placement of the two planned retail spaces—one single-story at 130,000 sq. ft. and a two-story, 120,000 sq. ft. building currently slated for the Dripping Springs Sports Club. Based on the "Concept B" plan, these massive buildings would sit less than 500 feet from backyards on Iron Willow—far too close for comfort.

In addition to the proximity, I'm deeply concerned about the noise and light pollution this project will bring. Even with Dark Sky compliance, an 1,800+ space parking lot and over 300,000 sq. ft. of development will inevitably impact nearby homes and the natural environment.

I fully support thoughtful growth for Dripping Springs, but placing a large sports complex and potential big-box retail so close to established neighborhoods like Headwaters and Canyonwood feels incompatible with the character of the Hill Country. Dripping Springs is special because it values its landscape, quiet beauty, and the people who call it home.

I urge the city and developers to consider alternative solutions that respect the needs of both new projects and the neighbors who will be directly affected.

Thank you for your time and attention.

Andrea Cornelison
Moonlit Stream Pass
Dripping Springs, TX

From: [REDACTED]
To: [Planning](#)
Subject: Hello! Headwaters - Oryx Development
Date: Friday, April 18, 2025 1:40:10 PM

Hi there,

My name is Alexa Crawford, and I'm a homeowner in the Headwaters community. I'm reaching out to share some real concerns about the proposed Headwaters East / Headwaters II development—specifically the portion planned between Hwy 290 West and Canyonwood Drive, just behind the new homes on Iron Willow Loop.

After reviewing Oryx Development's proposal, I was surprised and concerned by the size and location of the two retail buildings being proposed—a 130,000-square-foot, single-story structure and a 120,000-square-foot, two-story building, currently intended to house the Dripping Springs Sports Club. According to the "Concept B" plan, these buildings would sit **less** than 500 feet from the backyards of Iron Willow homes. That feels uncomfortably close for development of this scale, especially in a neighborhood setting. Is this an oversight?

In addition to the proximity, there's a broader sense of unease among many of us about the ripple effects—things like increased noise, traffic, and lighting. While we appreciate that Dark Sky guidelines will likely be followed, the idea of an 1,800+ space parking lot and over 300,000 square feet of retail and dining space in such close range to existing homes raises some serious questions about long-term livability and environmental impact.

We fully support thoughtful growth and want to see Dripping Springs continue to thrive—but this particular proposal, especially with the inclusion of the DSSC and possibly a major retail anchor, feels like it could significantly alter the character of our community.

I hope that city officials and the development team will take the time to revisit this plan and consider the long-term effects on surrounding neighborhoods. Dripping Springs is so special because it's managed to grow while still preserving its natural beauty and Hill Country charm—we'd love to see that thoughtful balance maintained here as well.

Warmly,

Alexa Crawford

239-823-6046

From: [REDACTED]
To: [Tory Carpenter](#); [Bill Foulds](#); [Planning](#)
Subject: Opposition to Proposed Big Box Retail Development at Headwaters East
Date: Monday, April 14, 2025 9:24:45 PM

Subject: Opposition to Proposed Big Box Retail Development at Headwaters East

To the Dripping Springs Planning and Development Department,

I am writing to express my deep concern and opposition regarding the proposed development of a large retail store on the Headwaters East parcel near the entrance to our neighborhood.

The proposed site is situated on one of the highest hills in the area, and the current design not only places a massive structure in a highly visible location, but also requires leveling the hill entirely. This kind of development is directly at odds with the City's stated priority in its Comprehensive Plan to:

"Manage growth and development while prioritizing the preservation of the Hill Country character and the community's sense of place."

Additionally, the noise, light pollution, and visual impact of a store of this size—especially with overnight operations and extensive parking infrastructure—would have a serious negative effect on the quality of life and property values for nearby residents. Other communities with similar developments have experienced significant disruptions when such buildings back directly onto homes.

There are alternative locations within Dripping Springs that would be more appropriate and less disruptive—places that do not require drastic topographical changes or put commercial operations directly in residents' backyards.

It is also my understanding that this building will require a variance to move forward. I urge the City to consider this request with caution and prioritize the long-term vision and well-being of the community over short-term development goals.

I respectfully ask the City and Oryx Development to pursue responsible growth that aligns with Dripping Springs' values and the expectations of its residents. Please consider alternate designs or locations that better preserve the natural beauty, quiet, and community character that brought so many of us to this area in the first place.

Thank you for your time and consideration.

Sincerely,
Kalyan Vaka
391 Moonlit Stream Pass, Dripping Springs TX
[REDACTED]

Kalyan

From: [REDACTED]

To: [Planning](#)

Date: Wednesday, April 16, 2025 7:57:31 PM

Subject: RE: Support for Dripping Springs Sports Club Variance Request

Dear Planning & Zoning Commission Members,

I am writing to express my strong support for the development of Dripping Springs Sports Club in Dripping Springs, Texas. As our community continues to grow, there is an increasingly urgent need for additional training and athletic spaces—particularly for youth sports such as volleyball and basketball.

Currently, Dripping Springs and Austin lack adequate indoor sports training facilities. Local families are often forced to travel long distances or compete for limited time slots in overcrowded gyms, hindering the athletic development and opportunities available to our children. A new gym would help fill this gap by providing a dedicated space for training, practices, camps, and competitive events, all of which are essential to fostering youth participation, discipline, teamwork, and long-term community wellness.

This facility would not only support the physical and social development of young athletes but would also serve as a vital community hub for families, coaches, and local sports organizations. It represents a critical investment in our youth and the future of Dripping Springs.

Thank you for your consideration and for supporting initiatives that elevate opportunities for our children.

Best,

Michelle

[TRFC Information About Brokerage Services](#)
[TRFC Consumer Protection Notice](#)

From: [REDACTED]
To: [Planning; drew@drippingsportsclub.com](mailto:drew@drippingsportsclub.com)
Subject: RE: Support for Dripping Springs Sports Club Variance Request
Date: Wednesday, April 16, 2025 4:18:39 PM

Dear Planning & Zoning Commission Members,

As a Dripping Springs resident of 4 years, we moved here from Houston with the intent to stay within our community for all activities, that has not played out as we had hoped. We have 2 daughters and spend hours in a car weekly getting them to practices in Bee Cave, West Lake, and occasional trips to Round Rock. We are leaving our community 3-4 times a week. There have been several times when the girls have had to leave after school practices early to get to there select sports practice on time. This can all be solves by allowing this variance request.

We strongly support the Dripping Springs Sports Club's variance request to develop a 160,000 sq ft facility. This facility would allow for much needed practice facilities in the area.

A comprehensive sports facility in Dripping Springs would:

- Eliminate long commutes for hundreds of local families
- Keep spending within our local economy
 - Create jobs for Dripping Springs residents/Student
- Reduce traffic on Highway 290

The proposed 160,000 sq ft is necessary to accommodate the variety of courts, fitness areas, and amenities our growing community needs. A smaller facility would not adequately serve Dripping Springs families.

I urge you to approve this variance request for the benefit of our community.

Thank you for your time,
John and Sandra Taylor
Sent from my iPhone

From: [REDACTED]
To: [Planning](#)
Date: Thursday, April 17, 2025 9:11:52 PM

My name is Deborah Wallace and I live at 347 Dayridge Dr. here in Dripping Springs.

I'm writing to you in support of the Dripping Springs Sports Club as I believe the facilities and amenities that they will offer the community are desperately needed.

I fully support the approval for this club being built and support their current plans for the facility design.

From: [REDACTED]
To: [Planning](#)
Subject: Support for dripping springs sports club variance request
Date: Wednesday, April 16, 2025 6:53:06 PM

Dear Planning & Zoning Commission Members,

As a long time Dripping Springs resident and parent of four active children, I strongly support the Dripping Springs Sports Club's variance request to develop a 160,000 sq ft facility.

For years my family has been driving for extended periods of time to attend their extracurricular activities, practices, games and tournaments. None of those, however, are in the city of Dripping Springs. This new facility would be a huge benefit for the community of Dripping Springs. I strongly believe this development would be essential with the growth that is happening to our community. I believe the following would have long term benefits for our city and community.

- Eliminate long commutes for hundreds of local families
- Keep spending within our local economy
- Create jobs for Dripping Springs residents
- Reduce traffic on Highway 290

The proposed 160,000 sq ft is necessary to accommodate the variety of courts, fitness areas, and amenities our growing community needs. A smaller facility would not adequately serve Dripping Springs families.

I would urge you to approve this variance request for the benefit of our community.

Sincerely,

Katie Mattioda

From: [REDACTED]
To: [Planning](#)
Cc: drew@drippingsportsclub.com
Subject: Support Letter for Dripping Sports Club
Date: Wednesday, April 16, 2025 3:51:03 PM

Dear Members of the Dripping Springs City Council,

I am writing to express my strong support for the proposed Dripping Sports Club project. As a local resident and active member of the Dripping Springs community, I believe this initiative would meet a vital need for our families and youth.

Currently, there is a significant lack of accessible, high-quality sports and recreational facilities in our area. Families are routinely driving 30 to 60 minutes to Austin or Bee Cave just to access volleyball leagues, basketball courts, pickleball games, fitness classes, and wellness activities. These drives not only strain schedules but also limit many families from participating altogether due to time, cost, or safety concerns. That is tens or hundreds of hours of cumulative wasted time driving in the car and clogging up the roads around Dripping and neighboring cities rather than actually getting healthy

Dripping Sports Club would provide an incredible local solution — a dedicated space for volleyball, basketball, and pickleball, as well as fitness and wellness programs, and even an adventure park. This vision supports our physical health, mental well-being, and the kind of active, family-friendly lifestyle that makes Dripping Springs such a desirable place to live.

As a community member based out of Belterra, I have personally experienced the difficulty of finding consistent opportunities for sports and adult fitness close to home.

Beyond recreation, this project would become a vital community hub — a place where kids build teamwork, parents find support, and neighbors connect in healthy, meaningful ways.

I urge the City Council to support this project and any associated expansion. Dripping Springs needs this, and our families deserve it.

Thank you for your time and consideration.

Graham J Westbrook

April 15, 2025
Planning & Zoning Commission
City of Dripping Springs
511 Mercer Street
Dripping Springs, TX 78620

RE: Support for Dripping Springs Sports Club Variance Request

Dear Members of the Planning & Zoning Commission,

As a fellow resident of Dripping Springs and a parent of 4 school-aged kids, I'm writing to voice my enthusiastic support for the Dripping Springs Sports Club's request for a variance to move forward with their proposed 160,000 sq ft facility.

Like many families in the area, we often find ourselves driving well outside of town—to Bee Cave, Buda, and beyond—for our kids to participate in sports like indoor volleyball, sand volleyball, and basketball. These trips add up to hours on the road each week, and it's exhausting for both parents and kids, especially on school nights.

Having a fully equipped sports complex right here in Dripping Springs would be a game-changer. It would:

- Greatly cut down on commute times for countless local families
- Provide new employment opportunities for our kids & locals
- Lighten the load on Highway 290 traffic

The proposed size of the facility is appropriate and necessary to meet the diverse needs of our growing population. Anything smaller simply wouldn't be able to provide the variety of programs and space that families here truly need.

Please consider approving this variance—it's an investment in the well-being, health, and future of Dripping Springs.

Thank you for your time and dedication.

Sincerely,

Matt Hugo

417 S Canyonwood

Dripping Springs, TX 78620

[REDACTED]

832-725-5848

From: [REDACTED]
To: [Planning](#)
Subject: Variance request for DSSC
Date: Wednesday, April 16, 2025 6:18:22 PM

Dear Planning & Zoning Commission Members,

As a Dripping Springs resident and parent of two active young kids, I strongly support the Dripping Springs Sports Club's variance request to develop their 160,000 SF facility. The variety of courts, fitness areas, and multiple amenities are exactly what our community needs.

I have coached many of my son's sports teams and we have often had to drive to Bee Cave or other surrounding areas because Dripping Springs isn't yet able to accommodate our needs. With the rapid growth of our community, this need only increases. I would love to see Drip have the same success that our neighboring communities have had by building this type of facility.

A comprehensive sports facility in Dripping Springs would:

- Provide space and accommodations for various youth sports
- Create more jobs for our residents
- Eliminate long commutes to other facilities
- Keep spending within our local economy
- Reduce traffic on 290

Please consider approving this variance request for the betterment of our growing community.

Sincerely,

Travis Reynolds
Belterra Resident

[REDACTED]
(469) 853-3299

From: Rene Sandoval
To: [Planning](#)
Cc: [Drew Rose](#)
Subject: DSSC Variance Increase Request
Date: Wednesday, April 16, 2025 10:05:38 AM

Requesting your consideration to increase the variance limit to 160 sqft needed for the future site of DSSC. This state of the art facility will bring volleyball, basketball & pickleball courts, fitness and wellness and an adventure park to Dripping Springs.

There is nothing like this in the local area and would add a huge benefit to the local community. An establishment for all ages to gather, celebrate and share in future memories. A place to heal, strengthen and monitor future athletes.

This facility only brings benefits to our community, is absolutely need.

Please approve the variance increase as we within the community support, trust and welcome this new adventure.

r/
René Sandoval

From: Mike Bingham
To: [Planning](#)
Date: Wednesday, April 16, 2025 1:12:13 PM

Dear Planning & Zoning Commission Members,

As a Dripping Springs resident and widowed single parent of two active children, I strongly support the Dripping Springs Sports Club's request to develop a 160,000 sq ft facility.

My family currently drives to several facilities in different areas of town for sports, fitness and activities. The existing facilities are inadequate and do not reflect the community needs or the demand. A comprehensive sports facility in Dripping Springs could reduce commutes for hundreds of local families and keep spending within our local economy, while creating jobs and providing a centralized hub for the community to engage in family activities.

I urge you to approve this variance request for the benefit of our community.

Sincerely,

Mike Bingham

From: Jennifer Moreno
Subject: Oryx proposal to build adjacent to Headwaters
Date: Thursday, April 10, 2025 10:25:59 AM

Hi,

As a resident of the Headwaters community, I'm writing to voice concern about the potential plans by Onyx to build a large store adjacent to the Headwaters East parcel <https://oryxdevelopment.com/downloads/headwaters-east.pdf?fbclid=IwY2xjawJjnfZleHRuA2FlbQIxMAABHliby3YtsEypxmyBcgrHsFTILDfg3-RbOI18ms_kOUJ3Mk4fm7uDVJwh8k8N_aem_Akw0Yw39jzDuxfl6TCHXw> at the front of the Headwaters development. What was once designed as smaller office buildings on the edge of the future "Station at Headwaters" is now potentially going to be a big box store that backs up directly to the houses on Iron Willow Loop.

My biggest concern for our community (and the city) is the light pollution and nighttime noise from operations. This is a "dark sky community" and this development would be a direct contradiction to that idea.

The designed development does not align with the first priority of the City's Comprehensive Plan: "Community Character - Manage growth and development while prioritizing the preservation of the Hill Country character and the community's sense of place."

It would be a detriment to the quality of life we all moved here for.

We hope you consider halting the plans of developing such a large store, especially one that operates at night.

Thank you,
Jennifer

Jennifer Moreno
972-567-3576
Moonlit Stream Pass, Dripping Springs, TX 78620

From: Harsh Singh
To: [Planning](#)
Subject: Proposed Phase 2 for HW Commercial Development
Date: Friday, April 18, 2025 5:55:52 PM

To whom it may concern,

My name is Harsh Singh, a resident in the Headwaters neighborhood. I wanted to reach out to the city with some concerns regarding the Headwaters East / Headwaters II development that's planned between Hwy. 290 West and Canyonwood Dr., backing up against the new Iron Willow Lp. lots in Headwaters.

We have seen the proposal from Oryx Development and have significant concerns regarding the size of the two proposed retail spaces (130,000 sq.ft. single story and 120,000 sq.ft. two story currently slated to contain the Dripping Springs Sports Club). Based on the "Concept B" plan we've seen, it appears these massive retail spaces will be <500' from the backyards of houses built on Iron Willow - wildly closer than anyone would reasonably be comfortable with. Beyond the planned proximity to new construction homes in the neighborhood, we have significant concerns regarding noise pollution and light pollution. While we're sure Oryx will comply with the letter of the law regarding Dark Sky compliance, there's no escaping the environmental impact of an 1800+ space parking lot (which will mostly be empty most of the time) and 300,000+ sq.ft. of retail and restaurant space a mere stone's throw from neighbors' backyards.

We understand that growth is necessary - desirable, even - and want to see the city continue to move forward and improve, but we believe the proposed location of the Dripping Springs Sports Club is untenable for neighbors in Headwaters and Canyonwood.

We hope that the city will hear our voices and take into consideration the impact that this development will have on residents, both present and future. Not just with DSSC, but with a potential big-box retail space in the same development. What makes Dripping Springs unique is its commitment to respecting the spirit of the Hill Country, which is why many of us have moved out here. Preserving the landscape, hills, and beautiful sightlines - growing with the environment around us.

A massive big-box retail space and two-story sports complex being carved out of the hillside just a few hundred feet from people's backyards feels like a violation of the ethos of Dripping Springs. We hope that the city and developers will be amenable to finding a solution that's right for all parties involved, including the neighbors that will be directly affected by this development.

Thank you for your time and consideration!

Harsh Singh
C: 510-691-4360

From: Aimee Reynolds
To: [Planning](#)
Cc: drew@drippingsportsclub.com
Subject: Proposed Variance Request for DSSC
Date: Wednesday, April 16, 2025 6:21:30 PM

Dear Planning & Zoning Commission Members,

As a Dripping Springs resident and busy parent of two young kids who are fully immersed and active in the community, I strongly support the Dripping Springs Sports Club's variance request to develop their 160,000 SF facility. I believe their proposed square footage is necessary to accommodate the various sport courts, fitness areas, and multiple amenities that DSSC will offer.

My family and so many others would benefit greatly by having a facility like DSSC in our community. I have had to drive to Westlake, Bee Cave, and Lakeway for years for various sports and supplemental sport-related classes for both of my kids.

Additionally, in the 9 years we've lived here, I have volunteered as a Girl Scout leader, a DSYSA coach and a member of the DSYSA Cheer Board. The common issue among every organization was always location and the lack of options for meetings, practices, and fundraising events. This need only increases with the continuous and rapid growth in our community.

A comprehensive sports facility in Dripping Springs would:

- * Allow location opportunities for local volunteer-based organizations
- * Create more jobs for Dripping Springs residents
- * Provide a safe place for residents of all ages to improve their health and wellness
- * Encourage more family time
- * Keep spending within Dripping Springs vs. surrounding areas
- * Reduce traffic on 290 by limiting the need to travel to surrounding communities

Please consider approving this variance request for the betterment of our growing community.

Sincerely,

Aimee Reynolds

Belterra Resident

[REDACTED]

(214) 364-5637

From: Holly Newman
To: [Planning](#)
Cc: [Drew Rose](#)
Subject: RE: Support for Dripping Springs Sports Club Variance Request
Date: Wednesday, April 16, 2025 11:24:12 PM

Dear Planning and Zoning Commision Members,

I'm writing to support the variance needed for the Dripping Springs Sports Club Variance Request for a 160,000 sq. ft. facility.

As a resident of DSISD with four children, during the busiest sports seasons, my family spends 2-3 nights a week and each weekend driving to Lakeway, Round Rock, South Austin, and beyond to allow them to participate in competitive youth programs and utilize other recreational facilities for practices, training and games.

There are not enough facilities in the Dripping Springs area to accommodate our kids and community's current and future recreational needs. Due to the lack of infrastructure and facilities, we are forced to drive and look elsewhere for programming not currently provided in our area.

Having a local facility of this size and caliber would positively impact our community:

- * Keeping families and their business/support in Dripping Springs
- * More quality time with our families rather than in traffic
- * Allowing for additional programming currently not available, like in neighboring towns with Hill Country Indoor, Westlake Athletic Center, St. Michael's Academy, Lifetime Fitness, etc., we do not have this type of offering in Dripping Springs - that is family and youth-centered.
- * Allowing for a healthy space for our children and families to grow, play and stay healthy together - we need more spaces for our kids, youth and young adults to have a healthy environment in which to grow and find community.

I urge you to allow the variance for the 160,000 sq. ft. facility to further enrich the community of Dripping Springs and continue to build upon our city's incredible foundation.

If you have any questions, please contact me directly.

Sincerely,
Holly Newman
578 Stone River Drive
Austin, TX 78737
281-881-9967

From: [REDACTED]
To: [Planning](#)
Subject: Concerns About VAR2025-002 - Dripping Springs Sports Club Proposal
Date: Friday, May 9, 2025 8:10:10 PM

Dear Planning Department,

I am Lori Cable, residing at 203 Tierra Trail, Dripping Springs, TX 78720, in the Headwaters community. I am writing to express my apprehension regarding the proposed Headwaters East/Headwaters II development, specifically the Dripping Springs Sports Club, located between Hwy. 290 West and Canyonwood Dr., near the new Iron Willow Loop lots.

The proposal by Oryx Development includes two large retail structures—a 130,000 sq.ft. single-story building and a 160,000 sq.ft. two-story facility intended for the Sports Club. According to the “Concept B” plan, these structures would be approximately 300 feet from the backyards of homes on Iron Willow Loop, an uncomfortably close distance for residents.

My primary concerns include the potential for significant noise and light pollution. While I trust Oryx Development will adhere to Dark Sky regulations, the sheer scale of the project—over 300,000 sq.ft. of retail and restaurant space paired with an 1,800+ space parking lot—will inevitably impact the surrounding environment. This proximity to residential areas threatens the tranquility and aesthetic that define our community.

I support responsible growth in Dripping Springs and value the city’s progress. However, the current location and scale of the proposed Sports Club, alongside the potential for a big-box retail space, seem incompatible with the needs of Headwaters and Canyonwood residents. The Hill Country’s unique charm lies in its preserved landscapes, rolling hills, and thoughtful integration with the natural environment. A large-scale retail and sports complex carved into the hillside so close to homes feels counter to this ethos.

I urge the city to consider the long-term impact of this development on current and future residents. I respectfully request that the Planning Department work with developers to explore alternative solutions that balance growth with the well-being of the community, ensuring Dripping Springs remains a place where development respects its natural and cultural heritage.

Thank you for your attention to this matter and for considering the concerns of local residents.

Sincerely,

Lori Cable
203 Tierra Trail
Dripping Springs, TX 78720

Lori Cable
NMLS # 1417699
310.614.4135

From: [REDACTED]
To: [Planning](#)
Subject: Opposition Comment Regarding VAR2025-002 - Dripping Springs Sports Club
Date: Thursday, May 8, 2025 3:27:23 PM

To whom it may concern,

My name is Caroline Agrawal. I am a resident in the Headwaters neighborhood. I wanted to reach out to the city with some concerns regarding the Headwaters East / Headwaters II development that's planned between Hwy. 290 West and Canyonwood Dr., backing up against the new Iron Willow Lp. lots in Headwaters.

I have seen the proposal from Oryx Development and have significant concerns regarding the size of the two proposed retail spaces (130,000 sq.ft. single story and 160,000 sq.ft. two story currently slated to contain the Dripping Springs Sports Club). Based on the "Concept B" plan we've seen, it appears these massive retail spaces will be ~300' from the backyards of houses built on Iron Willow - wildly closer than anyone would reasonably be comfortable with. Beyond the planned proximity to new construction homes in the neighborhood, we have significant concerns regarding noise pollution and light pollution.

While we're sure Oryx will comply with the letter of the law regarding Dark Sky compliance, there's no escaping the environmental impact of an 1800+ space parking lot and 300,000+ sq.ft. of retail and restaurant space a mere stone's throw from neighbors' backyards. We understand that growth is necessary - desirable, even - and want to see the city continue to move forward and improve, but we believe the proposed location of the Dripping Springs Sports Club is untenable for neighbors in Headwaters and Canyonwood. We hope that the city will hear our voices and take into consideration the impact that this development will have on residents, both present and future. Not just with DSSC, but with a potential big-box retail space in the same development.

What makes Dripping Springs unique is its commitment to respecting the spirit of the Hill Country. Preserving the landscape, hills, and beautiful sightlines - growing with the environment around us. A massive big-box retail space and two-story sports complex being carved out of the hillside just a few hundred feet from people's backyards feels like a violation of the ethos of Dripping Springs. We hope that the city and developers will be amenable to finding a solution that's right for all parties involved, including the neighbors that will be directly affected by this development.

Thank you for your time and consideration!

Caroline Agrawal
512-968-8118

From: [REDACTED]
To: [Planning](#)
Subject: Opposition Comment Regarding VAR2025-002 - Dripping Springs Sports Club
Date: Thursday, May 8, 2025 9:26:01 AM

Hello,

My name is Joe Anna Haydon, and I am a resident in the Headwaters neighborhood. I am reaching out to the city with some concerns regarding the Headwaters East / Headwaters II development.

We in the community have seen the proposal from Oryx Development and have significant concerns regarding the size of the two proposed retail spaces.

Based on the "Concept B" plan, these retail spaces will be 300' from the backyards of houses built on Iron Willow. Beyond the planned proximity to new construction homes in the neighborhood, we have concerns regarding noise and light pollution.

Surely Oryx will comply with the letter of the law regarding Dark Sky compliance, but there is no escaping the environmental impact of an 1800+ space parking lot and 300,000+ sq.ft. of retail and restaurant space a mere stone's throw from neighbors' backyards.

Growth is necessary and I want to see the city continue to move forward and improve; however, we believe the proposed location of the Dripping Springs Sports Club is untenable for neighbors in Headwaters and Canyonwood.

We hope the city will hear our voices and consider the impact this development will have on residents, present and future. What makes Dripping Springs unique is its commitment to respecting the spirit of the Hill Country.

A two-story sports complex carved into the hillside a few hundred feet from people's backyards feels like a violation. We hope the city and developers will be amenable to finding a solution that works favorably for all parties involved, including the neighbors directly affected by this development.

Thank you for your time and consideration!

Kindest regards,
Joe Anna Haydon

From: [REDACTED]
To: [Planning](#)
Subject: Opposition Comment Regarding VAR2025-002 - Dripping Springs Sports Club
Date: Friday, May 9, 2025 9:49:53 PM

To whom it may concern,

My name is Claire Tran, a resident in the Headwaters neighborhood. I wanted to state my concern with the variance application for the Dripping Springs Sports Club. The proposed 160,000 square foot two-story space (which is listed as 200,000 square feet on its website drippingsports.com) carves out hillside and creates an imposing structure that does not respect the spirit of Dripping Springs.

Although not part of this variance application, it is important to consider this variance along with the Concept B from Oryx Development which proposes an adjacent single story retail space of 130,000 square feet. The combined 1,800+ space parking lot and 300,000+ square foot of retail space will create a sterile commercial area out of line with Dripping Springs' commitment to preserve the landscape, hills and beautiful sightlines of the Hill Country. The sports center could be designed within the allowed 100,000 square feet and still provide the stated benefits to the community. Exceeding allowed building size also creates greater noise and light pollution, negatively impacting our Dark Sky community and the well-being of the Headwaters and Canyonwood residents in close proximity to the retail spaces. Allowing the area to be over developed will push the gateway into the Hill Country further west and make Dripping Springs feel like Austin's shopping exurb.

I hope that the city and developers will be amenable to finding a solution that is within the currently permitted square footage.

Thank you for your time and consideration!

Regards,
Claire

From: [REDACTED]
To: [Planning](#)
Subject: Opposition to VAR2025-002 DS Sports Club
Date: Thursday, May 8, 2025 11:14:17 AM

Good morning,

My name is Kelsey Payne and I am both a current resident of Headwaters, as well as a future resident of the newest section of Headwaters which will back up to the proposed Dripping Springs Sports Club. I wanted to reach out with concerns about that development project be planned between Hwy 290 West and Canyonwood Dr, which will back up against the new Headwaters lots on Iron Willow Loop.

I have seen the proposal from Oryx Development and have significant concerns regarding the size of the two proposed retail spaces (130,000 sq ft single story + 160,000 sq ft two story). Based on the "Concept B" plan, it appears these massive spaces will be approximately 300 feet from the backyards of our houses going onto Iron Willow. This is wildly closer than anyone would reasonably be comfortable with. Beyond the planned proximity to our new construction homes in Headwaters, I am also concerned with noise and light pollution. While Oryx will certainly comply with the letter of the law for the Dark Sky ordinance, there is no escaping the environmental impact of an 1800+ space parking lot and a 300,000+ sq ft retail/commercial/restaurant space - all a mere stone's throw away from our backyards.

To be clear - I support having a sports club there. It's a family friendly, health-oriented, value-add feature to Dripping Springs. But the location and proximity to houses is untenable. **I hope the city will listen to feedback and NOT grant the variance requested, but restrict the club to a more reasonable size.**

Thank you for your time and consideration,

--

Kelsey Payne

[REDACTED]
737-308-2629

TxDOT Transportation Alternatives Funding

Item 3.

TxDOT TA Funding

- TxDOT issued a call for Transportation Alternative projects
- \$250 Million available statewide
 - 80/20 Grant with City need to match 20%.
- Two-step application approach:
 - Preliminary application submitted February 21, 2025
 - Full Application due June 20, 2025
- Previously Funded Dripping Springs Projects through TxDOT TA
 - Old Fitzhugh Road
 - US 290 School Connectivity
 - Mercer Street X2
 - Sports Park
 - Rob Shelton



TxDOT Transportation Alternatives Funding

Item 3.

TxDOT
TA
Funding



Connecting you with Texas.

Planning for TxDOT's 2025 Call for Projects Funding

TxDOT funds:

Population Area	Anticipated Funding Allocation
Nonurban (<5,000)	\$43.5 M
Small urban (5,000 to 49,999)	\$19.2 M
Medium urban (50,000 to 200,000)	\$20.2 M
Any Area	\$167.1 M
Total	\$250 M

**TxDOT 2025 TA Call for Projects
~\$250M to be made available
(FY27 – FY29 funds)**



10


123

TxDOT Transportation Alternatives Funding

Item 3.

TxDOT TA Funding



<div>  Texas Department of Transportation Connecting you with Texas. </div>					
TxDOT 2025 TA Call-for-Projects: Project Categories					
Project Category	Eligible Activities	Eligible Entity	Local Match (without TDCs)	TDC eligibility**	Project Funding
Community-Based	Preliminary Engineering & Construction	<ul style="list-style-type: none"> Outside of TMA & <200k <u>or</u> Inside of TMA* & <50k in population 	20%	<input checked="" type="checkbox"/>	\$250,000 to \$5 million per project
Large Scale	Preliminary Engineering & Construction	Any Population Area	20%	<input checked="" type="checkbox"/>	\$5 to \$25 million per project
Network Enhancements	Projects with limited construction elements to enhance bike/ped infrastructure with limited or no design and no ROW acquisition			<input checked="" type="checkbox"/>	\$250,000 minimum for cities <200,000; \$1M min otherwise
Non-Infrastructure	Non-motorized planning documents (e.g., Pedestrian Safety Action Plans) & design activities up to 30% final design			<input checked="" type="checkbox"/>	\$100,000 minimum

* TMAs (Transportation Management Areas) have populations greater than 200,000 and are responsible for competitively awarding their own TA funding.
 ** Availability of Transportation Development Credits is TBD

High-Visibility Crosswalks Application

High Visibility Crosswalks

“This project enhances 100 crosswalks within the City of Dripping Springs city limits on City, Hays County, and TxDOT roadways. Existing crosswalks, including crosswalks that are stop-controlled, uncontrolled (midblock), or signalized, will be re-striped with high-visibility crosswalk markings and stop bars. Supplemental warning signage will be added at uncontrolled crossings. Curb ramps that are not ADA-compliant will be reconstructed. Pedestrian push buttons will be relocated for ADA-compliance at signalized crossings. This project addresses pedestrian safety and connectivity issues throughout Dripping Springs.”



High-Visibility Crosswalks Application

- 100 Crosswalks
 - High Visibility Crosswalk Striping
 - Consistent Warning Signage
 - ADA-compliant Curb Ramps
 - ADA-compliant Pedestrian Signals
- FY 2027 - 2029 Funding
 - Total Project Budget - ~\$1.5M
 - 20% Local Match
 - City Share – \$300K

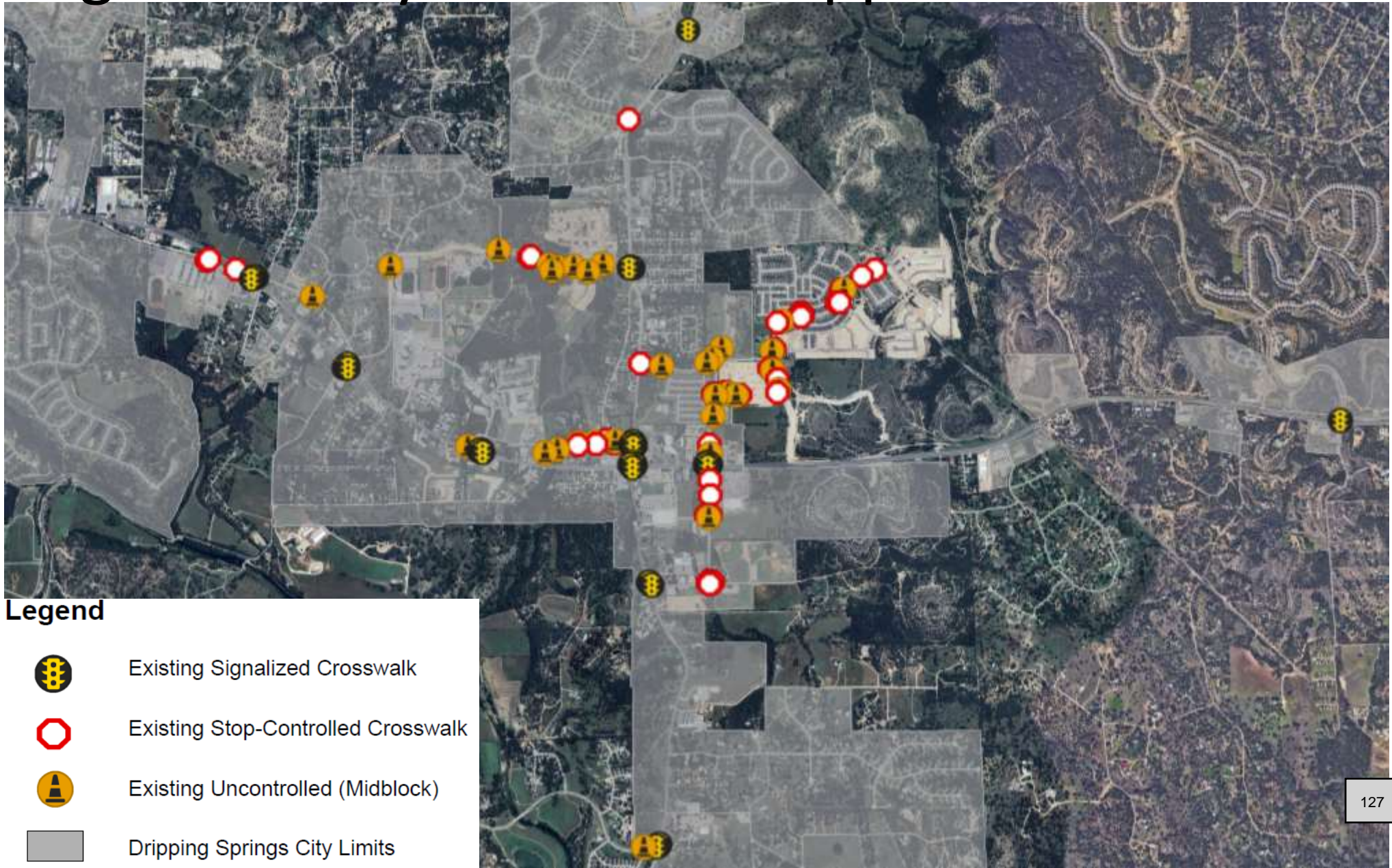
*High
Visibility
Crosswalks*



High-Visibility Crosswalks Application

Item 3.

*High
Visibility
Crosswalks*



ADA Transition Plan Application

ADA Transition Plan

“Develop an ADA Title II compliant ADA Transition Plan for the City of Dripping Springs to document compliance with the 2023 Public Rights-of-Way Accessibility Guidelines (PROWAG). Tasks include a self-assessment of existing pedestrian infrastructure within parks, ROW, and City operated and maintained buildings to document barriers and accessibility. A review of programs and services that impact pedestrians in ROW and buildings will be evaluated. An ADA Transition Plan document will be prepared that includes a prioritized list of projects with construction cost estimates. Documents will provide guidance on how to build, improve, and maintain pedestrian access routes in the public right of way and within City facilities.”



ADA Transition Plan Application

ADA Transition Plan

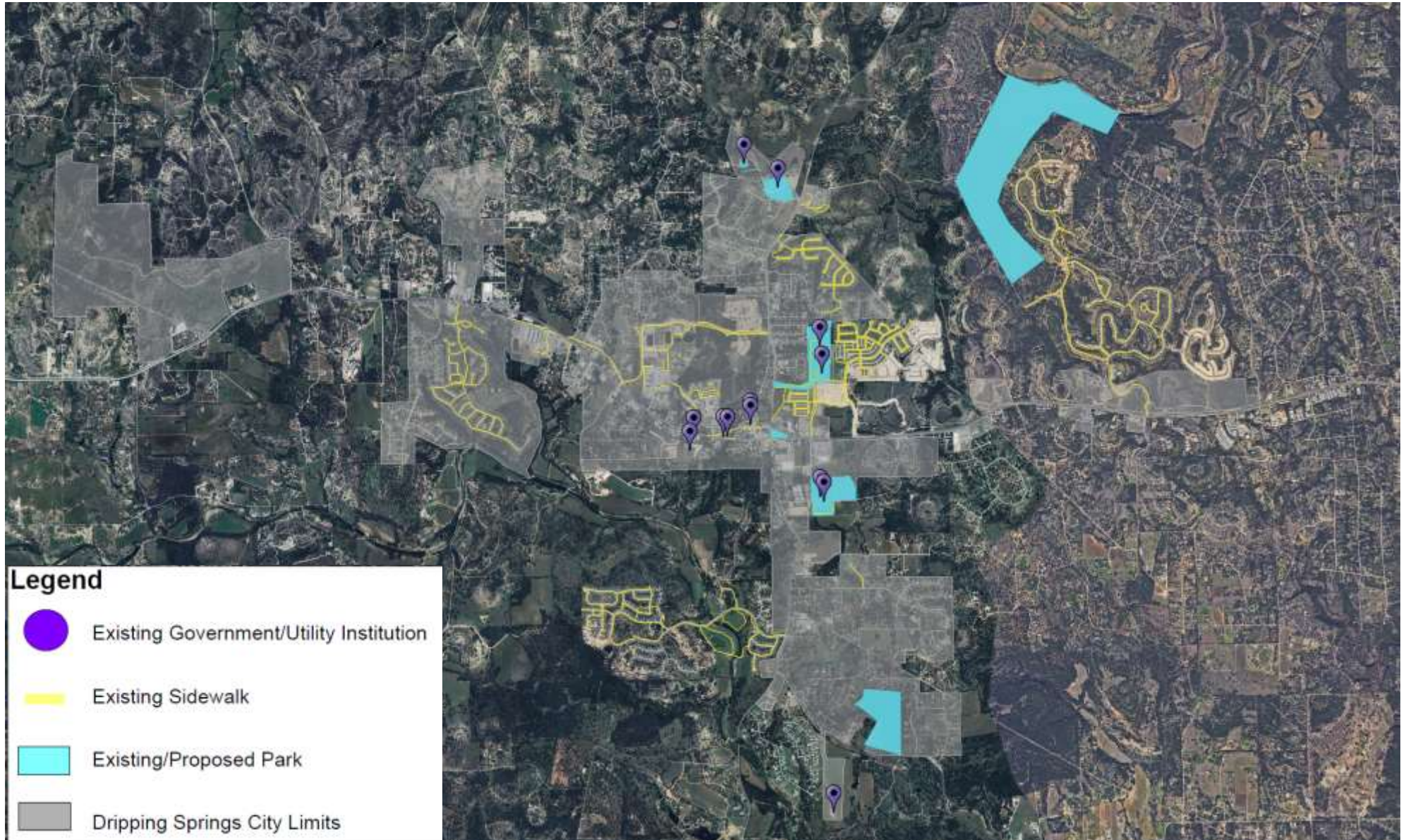
- ADA Transition Plan
 - Self Assessment
 - Existing Sidewalks in City ROW
 - 8 City Parks
 - 12 City Buildings and Facilities
 - Programs and Services Review
 - Prioritized Project List
 - ADA Transportation Plan Document
- FY 2027 - 2029 Funding
 - Total Project Budget - ~\$250K
 - 20% Local Match
 - City Share – \$50K



ADA Transition Plan Application

Item 3.

ADA Transition Plan



Seeking Support

Item 3.

Two TxDOT Transportation Alternatives Applications

- High-Visibility Crosswalks
- ADA Transition Plan



CITY OF DRIPPING SPRINGS
PLANNING & ZONING COMMISSION

RESOLUTION No. 2025-

A RESOLUTION OF SUPPORT BY THE PLANNING & ZONING COMMISSION OF THE CITY OF DRIPPING SPRINGS, TEXAS (“CITY”) FOR THE GRANT APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION’S ALTERNATIVES SET-ASIDE (TA) CALL FOR PROJECTS FOR AN ADA TRANSITION PLAN

WHEREAS, the Texas Department of Transportation issued a call for projects in January 2025 for communities to apply for funding assistance through the Transportation Alternatives Set-Aside (TA) Program; and

WHEREAS, the TA funds may be used for development of planning documents to assist communities of any size in developing non-motorized transportation networks. The TA funds require a local match, comprised of cash or Transportation Development Credits (TDCs), if eligible. The City of Dripping Springs would be responsible for all non-reimbursable costs and 100% of overruns, if any, for TA funds; and

WHEREAS, the City of Dripping Springs Planning & Zoning Commission is aware of the lack of ADA compliant pedestrian sidewalks, trails, and crosswalks in areas within the City, and

WHEREAS, in order to make the Areas safe for pedestrians, including all ADA (Americans with Disabilities) individuals, significant work must be done to create an ADA Transition Plan; and

WHEREAS, funding from the 2025 TxDOT Transportation Alternatives Program would afford the development of an ADA Transition Plan; and

WHEREAS, with the constant flow of commercial vehicles and cars, it is extremely dangerous for pedestrians to traverse the Areas without a safe route; and

WHEREAS, the Planning & Zoning Commission believes funding under the 2025 TxDOT TA Program for the creation of an ADA Transition Plan will lead the way for improvements and enhancements of pathways in the Areas that would provide safety for the City’s patrons.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF DRIPPING SPRINGS, TEXAS:

1. The Dripping Springs Planning & Zoning Commission supports the safe travel of all patrons of the City.
2. The Dripping Springs Planning & Zoning Commission supports the submission of the application for funding under the 2025 TxDOT TA Program to create an ADA Transition Plan.
3. The Dripping Springs Planning & Zoning Commission supports funding this project as described in the 2025 TA Detailed Application (including the planning activities, the department's direct state cost for oversight, and the required local match, if any).

APPROVED, this the ____ day of May 2025, by a vote of ____ (ayes) to ____ (nays) to ____ (abstentions) of the PLANNING & ZONING Commission of Dripping Springs, Texas.

**CITY OF DRIPPING SPRINGS
PLANNING & ZONING COMMISSION:**

Mim James, Chair

ATTEST:





Diana Boone, City Secretary

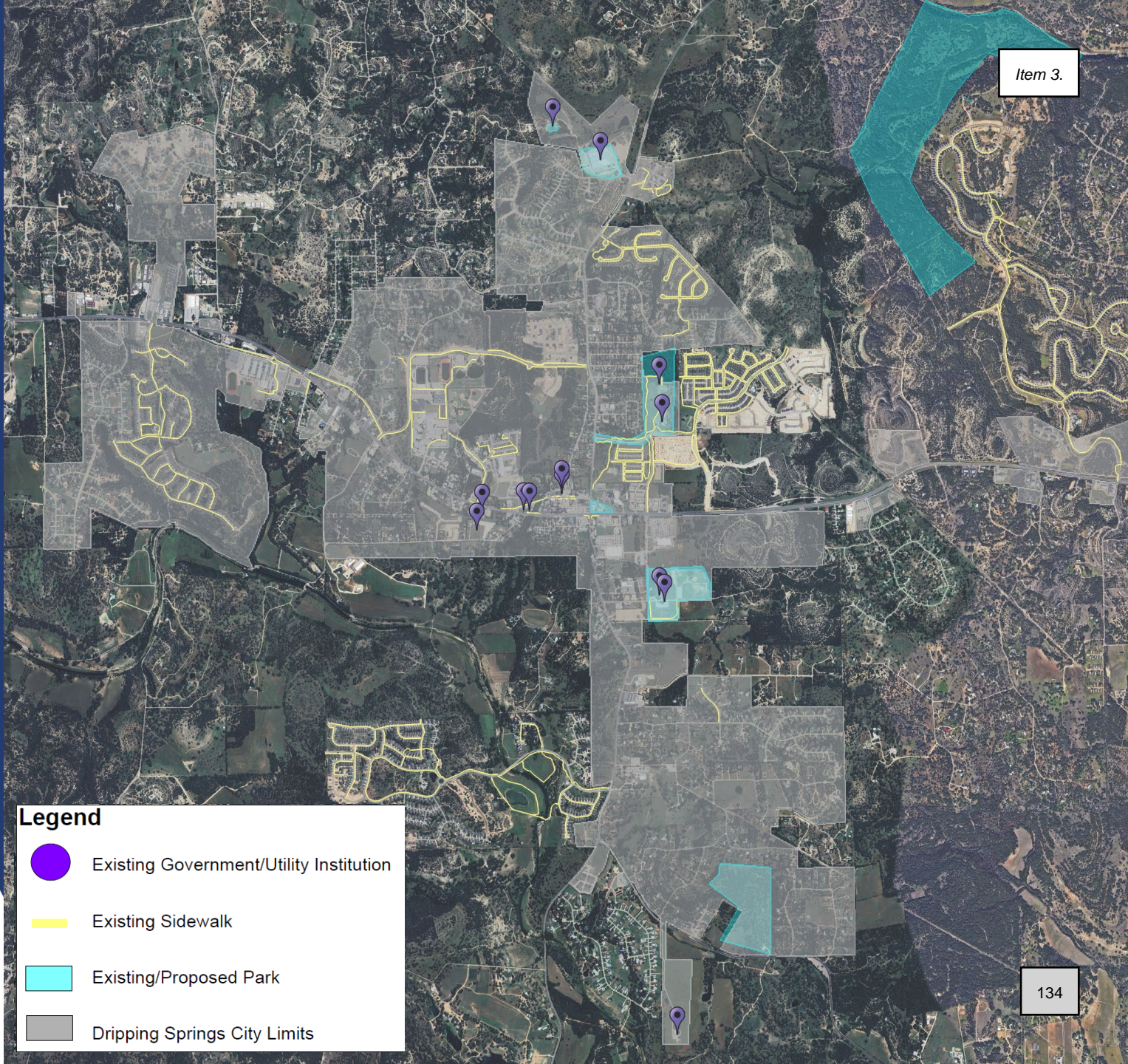
ADA Transition Plan



DRIPPING SPRINGS
Texas

Legend

-  Existing Government/Utility Institution
-  Existing Sidewalk
-  Existing/Proposed Park
-  Dripping Springs City Limits



CITY OF DRIPPING SPRINGS
PLANNING & ZONING COMMISSION

RESOLUTION No. 2025-

A RESOLUTION OF SUPPORT BY THE PLANNING & ZONING COMMISSION OF THE CITY OF DRIPPING SPRINGS, TEXAS (“CITY”) FOR THE GRANT APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION’S 2025 TRANSPORTATION ALTERNATIVES SET-ASIDE (TA) CALL FOR PROJECTS FOR CITYWIDE HIGH VISIBILITY CROSSWALKS

- WHEREAS,** the Texas Department of Transportation issued a call for projects in January 2025 for communities to apply for funding assistance through the Transportation Alternatives Set-Aside (TA) Program; and
- WHEREAS,** the TA funds may be used for development of preliminary engineering (plans, specifications, and estimates and environmental documentation) and construction of pedestrian and/or bicycle infrastructure. The TA funds require a local match, comprised of cash or Transportation Development Credits (TDCs), if eligible. The City of Dripping Springs would be responsible for all non-reimbursable costs and 100% of overruns, if any, for TA funds; and
- WHEREAS,** the City of Dripping Springs Planning & Zoning Commission is aware of the lack of citywide high visibility crosswalks in areas within the City; and
- WHEREAS,** in order to make the Areas safe for pedestrians, including all ADA (Americans with Disabilities) individuals; significant work must be done to create citywide high visibility crosswalks; and
- WHEREAS,** funding from the 2025 TxDOT Transportation Alternatives Program would afford the construction of needed citywide high visibility crosswalk improvements within the Areas; and
- WHEREAS,** with the constant flow of commercial vehicles and cars, it is extremely dangerous for pedestrians to traverse the Areas without a safe route; and
- WHEREAS,** the Planning & Zoning Commission believes funding under the 2025 TxDOT TA Program for the improvement and enhancement of citywide high visibility crosswalks in the Areas would provide safety for the City’s patrons.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF DRIPPING SPRINGS, TEXAS:

1. The Dripping Springs Planning & Zoning Commission supports the safe travel of all patrons of the City.
2. The Dripping Springs Planning & Zoning Commission supports the submission of the application for funding under the 2025 TxDOT TA Program to create citywide high visibility crosswalks.
3. The Dripping Springs Planning & Zoning Commission supports funding this project as described in the 2025 TA Detailed Application (including the preliminary engineering budget, if any, construction budget, the department's direct state cost for oversight, and the required local match, if any).

APPROVED, this the ____ day of May 2025, by a vote of ____ (ayes) to ____ (nays) to ____ (abstentions) of the Planning & Zoning Commission of Dripping Springs, Texas.

**CITY OF DRIPPING SPRINGS
PLANNING & ZONING COMMISSION:**

Mim James, Chair

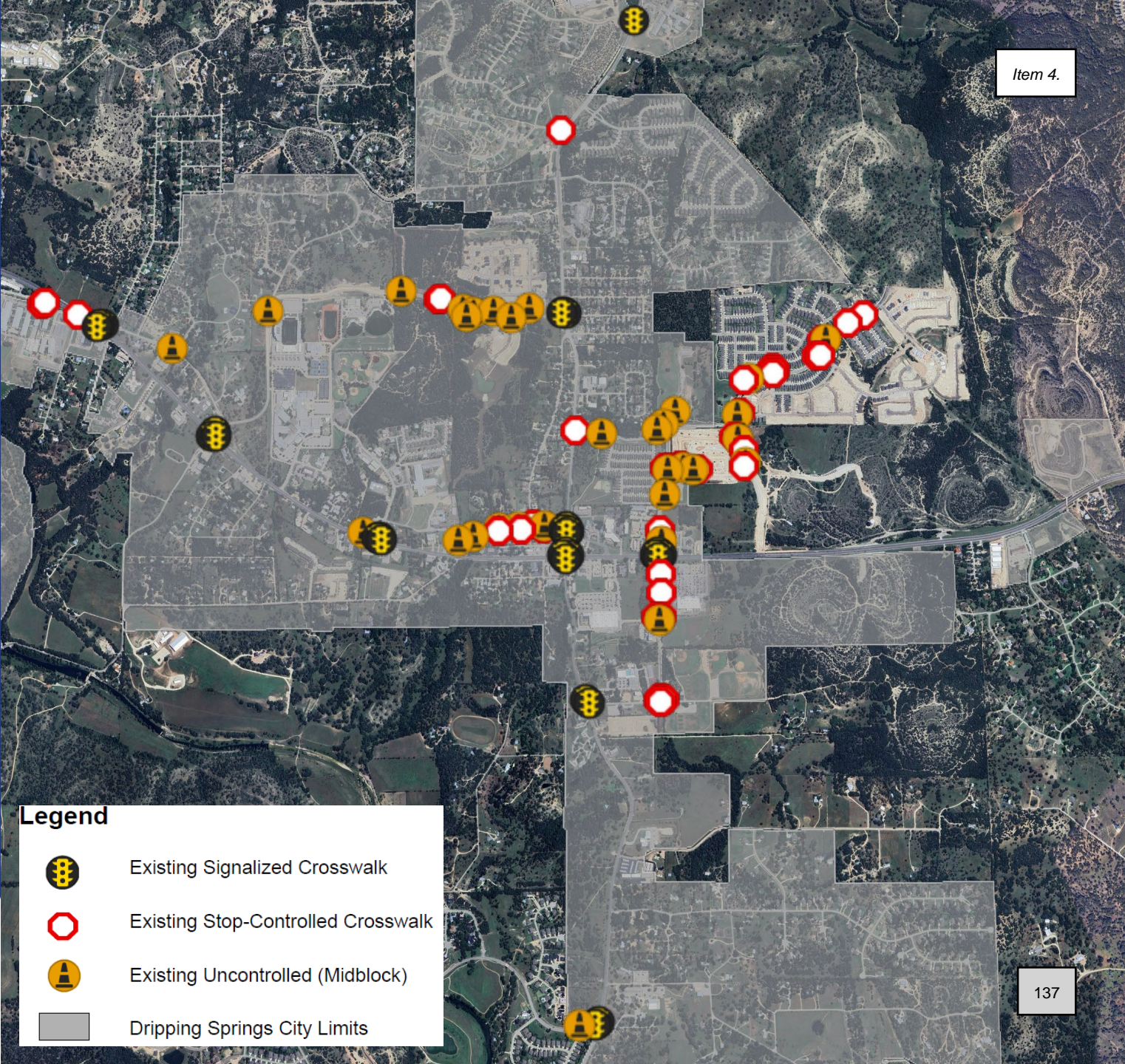
ATTEST:

Diana Boone, City Secretary



High Visibility Crosswalks



DRIPPING SPRINGS
Texas



Legend

-  Existing Signalized Crosswalk
-  Existing Stop-Controlled Crosswalk
-  Existing Uncontrolled (Midblock)
-  Dripping Springs City Limits

Item 4.

Supreme Court of Texas

No. 23-0282

Save Our Springs Alliance, Inc.,
Petitioner,

v.

Texas Commission on Environmental Quality and
The City of Dripping Springs,
Respondents

On Petition for Review from the
Court of Appeals for the Eighth District of Texas

Argued October 1, 2024

JUSTICE DEVINE delivered the opinion of the Court.

Save Our Springs Alliance, Inc. (SOS) challenges a final order of the Texas Commission on Environmental Quality (TCEQ) granting the City of Dripping Springs a permit to discharge treated wastewater into Onion Creek. Although myriad concerns have either been resolved or abandoned, the parties remain at odds over the proper construction and application of TCEQ’s “antidegradation” rules and implementation

procedures.¹ The central conflict concerns TCEQ's practice of assessing "degradation" of water quality by evaluating impacts on the water body as a whole rather than affording decisive weight to numeric changes in individual water-quality parameters.

By TCEQ rule, "degradation" means "a lowering of water quality by more than a de minimis extent."² When deciding whether a proposed discharge will result in degradation, TCEQ consults multiple water-quality parameters to determine whether the discharge will cause an overall "lowering of water quality." Under this approach, numeric changes to one or more parameters may or may not equate to degradation. SOS reads the antidegradation rules as commanding a strict "parameter-by-parameter" approach, under which a cognizable change to even a single water-quality parameter is fatal to permit approval. In SOS's view, TCEQ was not authorized to issue the discharge permit because predictive modeling shows dissolved oxygen levels in Onion Creek will reduce from at least 6.44 mg/L to 5.0 mg/L, which is more than a de minimis change in that parameter.

¹ See 30 Tex. Admin. Code §§ 307.3(67) (defining standards implementation procedures), .5 (antidegradation policy and implementation procedures); Water Quality Division, *Procedures to Implement the Texas Surface Water Quality Standards* (RG-194) (June 2010) (the "2010 IPs"), <https://www.tceq.texas.gov/downloads/permitting/water-quality-standards-implementation/june-2010-ip.pdf>; see also TEX. WATER CODE § 26.023 ("The commission by rule shall set water quality standards for the water in the state . . . [and] has the sole and exclusive authority to set water quality standards for all water in the state.").

² 30 Tex. Admin. Code § 307.5(b)(2).

The court of appeals upheld the permit’s issuance,³ and we affirm its judgment. TCEQ’s practice of assessing a water body’s overall quality conforms to the regulatory requirements as they are written. We are also unpersuaded by SOS’s additional argument that TCEQ’s final order is invalid for failure to include a “statement of the underlying facts” supporting TCEQ’s ultimate fact findings.⁴

I.

A. The Disputed Discharge Permit

The City of Dripping Springs is rapidly outgrowing its current land-application wastewater permit, under which it may use treated water only to irrigate designated irrigation fields. To accommodate an expanding populace and plan for future needs, the City filed an application with TCEQ in 2015 for a permit to discharge up to 995,000 gallons per day of treated wastewater into two nearby waterways.⁵ Initial discharges would be made into Walnut Springs and then travel approximately .43 miles to Onion Creek. This appeal focuses only on Onion Creek.

³ 668 S.W.3d 710, 716 (Tex. App.—El Paso 2022).

⁴ See TEX. GOV’T CODE § 2001.141(b), (d) (distinguishing between findings of fact and a statement of underlying facts).

⁵ See TEX. WATER CODE § 26.027(a), (b) (authorizing TCEQ to issue permits to discharge waste or pollutants into or adjacent to state water and specifying minimum application requirements); 30 Tex. Admin. Code §§ 305.42, .45 .48 (requiring an application for a wastewater discharge permit). TCEQ’s exercise of the state-law permitting authority granted by section 26.027 of the Water Code is part of a multi-layered federal–state regulatory regime, the details of which are not important here. See generally 33 U.S.C §§ 1251–1389.

TCEQ rules prescribe antidegradation standards for permitted discharges into three tiers of waterways.⁶ The following two are relevant to high-quality waterbodies like Onion Creek:

Tier 1. “Existing uses and water quality sufficient to protect those existing uses must be maintained. . . .”

Tier 2. “[1] No activities subject to regulatory action that would cause degradation of waters that exceed fishable/swimmable quality are allowed [2] unless it can be shown to [TCEQ’s] satisfaction that the lowering of water quality is necessary for important economic or social development. [3] Degradation is defined as a lowering of water quality by more than a de minimis extent, but not to the extent that an existing use is impaired. Water quality sufficient to protect existing uses must be maintained. [4] Fishable/swimmable waters are defined as waters that have quality sufficient to support propagation of indigenous fish, shellfish, terrestrial life, and recreation in and on the water.”⁷

Under these standards, TCEQ may issue a waterway discharge permit to the City only if it has determined that the permitted activities would neither (1) disturb existing water uses nor (2) degrade the water.⁸ In making that assessment, TCEQ employs both “narrative” (meaning

⁶ 30 Tex. Admin. Code § 307.5(a), (b). The language in Texas’s EPA-approved water-quality standards is similar but not identical to federal regulations. 40 C.F.R. § 131.12.

⁷ 30 Tex. Admin. Code § 307.5(b)(1), (2). Tier 3 applies only to “outstanding national resource waters.” *Id.* § 307.5(b)(3).

⁸ *Id.* §§ 307.5(b)(1), (2); *see id.* §§ 307.7(b) (establishing categories of uses), .10(1) (App’x A) (assigning site-specific uses and criteria for classified segments, including Onion Creek).

qualitative) and “numeric” (meaning quantitative) criteria.⁹ Some water-quality parameters are subject only to general narrative criteria. For example, nutrients in permitted discharges, like total phosphorous (TP) and total nitrogen (TN), “must not cause excessive growth of aquatic vegetation that impairs an existing, designated, presumed, or attainable use.”¹⁰ The permitting standards assign no specific numeric criteria to these nutrients. But numeric criteria are applicable to various other water-quality parameters, including temperature, indicator bacteria, total dissolved solids, and—relevant here—dissolved oxygen (DO) concentrations.¹¹

For classified segments like Onion Creek, general numeric criteria are superseded by site-specific criteria.¹² For example, the general DO criteria for water with high aquatic life can range from a mean of 4.0 to 5.5 mg/L,¹³ but the site-specific criterion for Onion Creek

⁹ *Id.* §§ 307.4, .7, .10(a); *see id.* § 307.3(17) (defining “criteria” as “water quality conditions that are to be met in order to support and protect desired uses, i.e., existing, designated, attainable, and presumed uses”), (44) (defining “nutrient criteria” as “numeric and narrative criteria that are established to protect surface waters from excessive growth of aquatic vegetation”), (66) (defining “standards” as “desirable uses (i.e., existing, attainable, designated, or presumed uses as defined in this section) and the narrative and numerical criteria deemed necessary to protect those uses in surface waters”).

¹⁰ *Id.* § 307.4(e).

¹¹ *Id.* §§ 307.4, .7, .10; *see* 2010 IPs, *supra* note 1, at 56-57.

¹² 30 Tex. Admin Code §§ 307.4(a), .10(1) (App’x A) (Segment No. 1427, Onion Creek).

¹³ *Id.* § 307.7(b)(3)(A)(i); *see id.* §§ 307.4(h)(2) (“Aquatic life use categories and dissolved oxygen criteria for classified segments are specified in Appendix A of § 307.10 of this title.”), .10(1) (App’x A) (“Dissolved oxygen criteria are listed as minimum 24-hour means at any site within the segment. Absolute

is a mean of 5.0 mg/L.¹⁴ Modeling the City submitted in support of its permit application showed that the proposed discharge would likely cause DO to drop from levels exceeding 6.44 mg/L at critical temperature to at or just below 5.0 mg/L at the discharge point, while rising to baseline levels almost immediately thereafter. The City believed this to be sufficient to meet Onion Creek’s site-specific DO criterion.¹⁵

When TCEQ’s Executive Director (ED) determined that the permit application was “administratively complete,” the City provided public notice of its intent to obtain a permit.¹⁶ TCEQ then commenced a “technical review” of the application to ensure compliance with applicable water-quality standards, including the antidegradation

minima and seasonal criteria are listed in § 307.7 of this title unless otherwise specified in this appendix.”).

¹⁴ *Id.* § 307.10(1) (App’x A) (Segment No. 1427, Onion Creek) (designating site-specific uses and criteria for Onion Creek, including high aquatic-life use, minimum 24-hour mean DO, and maximum annual averages for chloride, sulfate, and total dissolved solids); *see id.* § 307.4(g)(2), (h)(2).

¹⁵ The City’s two QUAL-TX models predicted post-discharge DO levels of 5.04 mg/L and 4.87 mg/L. The City’s environmental engineer explained that the lower result was nonetheless “compliant with the assumed dissolved oxygen criterion of 5 mg/L, as TCEQ normally assumes a departure of 0.2 mg/L as compliant.” Whether any variance is allowable is the subject of dispute among the parties, but on the record before the Court, we need not, and therefore do not, consider the matter.

¹⁶ *See* TEX. WATER CODE § 5.552(a), (b); 30 Tex. Admin. Code § 39.551.

rules.¹⁷ The review included DO modeling to predict how the proposed discharge would affect DO in the receiving waterways. TCEQ determined that the discharge permit would require more restrictive effluent limits than those proposed by the City—specifically, lower levels of nutrients (TP and TN) and increased levels of DO. With these adjustments in place, TCEQ’s modeling predicted that DO in Onion Creek would not reduce to less than 5.0 mg/L. TCEQ also recommended adding a disinfection requirement to minimize any impact on the Barton Springs Salamander.

The ED issued a preliminary decision granting the application,¹⁸ along with a draft permit incorporating the recommended adjustments, which the ED determined to be sufficient to protect existing uses and prevent degradation of water quality. The draft permit also required the City to disinfect the wastewater through a dechlorination process before discharging it. The City accepted these permit constraints and revised its application accordingly.

The Environmental Protection Agency (EPA) reviewed the draft permit and the City’s revised application.¹⁹ The EPA also consulted with

¹⁷ See TEX. WATER CODE § 5.553; 30 Tex. Admin. Code §§ 307.1–.10 (Texas Surface Water Quality Standards); 2010 IPs, *supra* note 1. Certain sections of the 2010 IPs have not been EPA-approved. See TCEQ, *Implementing the Texas Surface Water Quality Standards in Permitting*, <https://www.tceq.texas.gov/permitting/wastewater/implementation> (last visited Apr. 3, 2025). As to those non-approved sections, which are not relevant here, TCEQ review was performed under the EPA-approved 2003 IPs. Accordingly, we cite only to the 2010 IPs for convenience.

¹⁸ TEX. WATER CODE § 5.553(a).

¹⁹ See 33 U.S.C. § 1342(d) (providing EPA with authority to review and veto state approval of any discharge permit that does not comply with federal law).

the U.S. Fish and Wildlife Service (USFWS) based on the presence of the Barton Creek Salamander in the watershed.²⁰ In December 2016, the EPA issued interim objections requesting more information about “whether the state’s analysis complied with TCEQ’s antidegradation policy and implementation procedures for Tier 2 review.” In January 2017, the EPA forwarded several additional questions following consultation with USFWS. After receiving a satisfactory response and supporting documentation from the ED, the EPA withdrew its objections in June 2017.²¹ Referencing the “considerably more stringent” effluent limits developed during TCEQ’s technical review—including “very low” TP and TN limits—the EPA determined that the Tier 1 and Tier 2 antidegradation standards were satisfied. Referencing TCEQ’s DO modeling, the EPA definitively stated that any changes to the receiving water body would be “de minimis (i.e., less than noticeable),” “no significant degradation of water quality will occur,” and “existing uses will be maintained in Onion Creek.”

²⁰ 16 U.S.C. § 1536 (requiring federal agencies to consult USFWS during the permitting process to ensure endangered or threatened species are protected); 2010 IPs, *supra* note 1, at 21-22 (requiring notification to the USFWS when permit application screening indicates wastewater discharge has the potential to affect a listed species); *Memorandum of Agreement between TCEQ and U.S. EPA, Region 6 concerning the [National Pollutant Discharge Elimination System]*, section IV.D at 11-12 (June 12, 2020), <https://www.tceq.texas.gov/downloads/permitting/wastewater/municipal/2020-tpdes-moa.pdf> (last visited Apr. 3, 2025) (requiring TCEQ to consult with USFWS during the permitting process to address potential endangered species issues in Texas Pollutant Discharge Elimination System permits).

²¹ 33 U.S.C. § 1342(d)(2) (providing that no permit shall issue if EPA timely objects).

While the draft permit was under federal review, the City published a second notice about the ED's preliminary decision, which was set for a public meeting.²² During the public-comment period, the ED received comments from 1,087 people related to the draft permit and provided 160 written responses.²³ In answer to several comments, the ED outlined the antidegradation review TCEQ undertook and explained why, in the ED's opinion, the draft permit met the Tier 1 and Tier 2 standards. After making additional changes to the draft permit in response to public comments, the ED approved the City's application in November 2017.

B. Contested-Case and Judicial-Review Proceedings

Scores of protestants, including SOS, requested a contested-case hearing to challenge the ED's preliminary decision and draft permit.²⁴ TCEQ granted the request, referred the matter to the State Office of Administrative Hearings (SOAH), and identified twelve issues for

²² See TEX. WATER CODE § 5.553 (requiring the applicant to publish notice of the preliminary decision and TCEQ to provide by rule a public-comment period); 30 Tex. Admin. Code §§ 39.551 (rules governing public notice), 55.154 (establishing parameters for public meeting).

²³ See TEX. WATER CODE §§ 5.554–.555 (allowing the ED to hold one or more public meetings and requiring the ED to file “a response to each relevant and material public comment on the preliminary decision filed during the public comment period”); 30 Tex. Admin. Code §§ 39.420 (establishing rules for transmittal of ED's responses to public comments and decision to designated people), 55.156 (establishing rules for processing public comments).

²⁴ An “affected person” may request a contested-case hearing to challenge the ED's preliminary decision on the permit application. TEX. WATER CODE §§ 5.115, .555–.556. The applicant and the ED may also request a contested-case hearing on whether the application complies with all applicable statutory and regulatory requirements. *Id.* § 5.557(a), (b).

adjudication.²⁵ Two settlement agreements resolved the dispute as to all protestants except SOS. The settlement agreements extracted significant concessions from the City, some of which were then incorporated into the draft permit and others of which are enforceable through penalty provisions in the settlement agreements. Among them, the City agreed to expand infrastructure (with an eye toward avoiding the necessity of any waterway discharges),²⁶ reduce the maximum

²⁵ See TEX. GOV'T CODE § 2003.047(e) (governing TCEQ action on a request for a contested-case hearing); 30 Tex. Admin. Code § 55.211 (same). The issues designated for the contested-case hearing were: (1) whether the draft permit contains sufficient provisions to prevent nuisance odors, protect health of the requesters and wildlife in the area, and protect the requesters' use and enjoyment of their property; (2) whether the discharged effluent will violate the aesthetic parameters in the Texas Surface Water Quality Standards; (3) whether the draft permit will protect water quality and uses of the receiving waters under the applicable water-quality standards; (4) whether the proposed discharge will comply with the applicable antidegradation requirements; (5) whether the draft permit will protect groundwater in the area; (6) whether the draft permit should include a requirement for biomonitoring or Whole Effluent Toxicity testing; (7) whether the proposed treatment process can satisfy the effluent limits in the draft permit; (8) whether the modeling analysis of the proposed effluent discharge is sufficient; (9) whether the draft permit will protect against the creation of algal blooms; (10) whether TCEQ should deny or alter the terms and conditions of the draft permit based on consideration of need under Water Code section 26.0282 and the general policy to promote regional or area-wide systems under Water Code section 26.081; (11) whether the City's compliance history raises issues regarding its ability to comply with the material terms of the permit that warrant denying or altering the terms of the draft permit; and (12) whether the City substantially complied with all applicable notice requirements.

²⁶ "Of significance, the City agreed to reduce the need to discharge treated water into Onion Creek by adding infrastructure so it could use more treated water to irrigate land and to increase its storage capacity to allow it to better regulate its discharges. The City's administrator testified that the City's goal was to eliminate all or nearly all discharges into the waterway[.]" 668 S.W.3d 710, 722 n.10 (Tex. App.—El Paso 2022). According to the City's administrator,

allowable discharge under the permit to 822,500 gallons per day, use an ultraviolet-light disinfection system rather than chlorine, and refrain from discharging any wastewater at all until wastewater volume exceeds 399,000 gallons per day. All told, the draft permit has some of the most stringent effluent limits of any waterway-discharge permit issued in the State of Texas.

Once the settlement agreements were finalized and the draft permit revised accordingly, the administrative hearing commenced with SOS as the sole protestant.²⁷ When TCEQ's administrative record was admitted into evidence, a rebuttable "presumption" arose that the draft permit (1) "meets all state and federal legal and technical requirements" and (2) will "protect human health and safety, the environment and physical property."²⁸ SOS attempted to rebut the presumption as to

the City's existing land-application permit requires disposal of wastewater on dedicated lands, which does not allow it to fully use the treated effluent on other land that needs water. She explained that the City's objective in securing the discharge permit is to conserve water resources and achieve an "aggressive" 100% beneficial reuse of wastewater by using the treated effluent to irrigate parks, medians, golf courses, and other areas rather than discharging treated effluent into a waterway. *See* 30 Tex. Admin. Code § 210.3(1) (defining "beneficial use" of wastewater); CITY OF DRIPPING SPRINGS, TEX., CODE OF ORDINANCES §§ 2.04.282, 22.06.007 (2024) (identifying the City's 100% beneficial-reuse goal and requiring developers to participate in the beneficial-reuse program).

²⁷ The other parties to the SOAH proceeding were the City, TCEQ's Office of Public Interest Counsel, and TCEQ's ED.

²⁸ TEX. GOV'T CODE § 2003.047(i-1)–(i-3) (laying out the "prima facie" case, means of rebuttal, and presentation of additional supporting evidence); 30 Tex. Admin. Code § 80.17(c) (same). The administrative record included the City's permit application, the draft permit, various technical memoranda, the EPA's withdrawal-of-objection letter, and the ED's statement of technical summary, response to public comment, and preliminary decision.

some but not all of the referred issues, and the ED and the City offered additional evidence, as they were entitled to do.²⁹ Because most of the adjudicated issues are not before this Court, we confine our discussion to the more relevant aspects of the underlying proceedings.

As to Tier 1, SOS argued that increased nutrient loading (TP and TN) from the permitted discharge would increase algal growth and cause a drop in DO levels that would negatively impact Onion Creek's existing and endangered aquatic species. SOS also cited one of the City's modeling results as demonstrating that the permit would disturb existing uses based on a projected dip in DO to 4.87 mg/L.³⁰ As to Tier 2, SOS urged that (1) expected changes in TP, TN, and DO levels are much more than de minimis and (2) a reduction in DO exceeding 10% constitutes degradation per se.

After considering documentary evidence, deposition testimony, and three days of live testimony from the parties' expert witnesses, the administrative law judge (ALJ) issued a proposal for decision (PFD) concluding that the draft permit complied with all requirements for issuance. The ALJ's proposed findings of fact and conclusions of law were accompanied by a 45-page explanation of the legal and evidentiary bases supporting the ALJ's determinations as to each of the referred issues.³¹ Among other things, the ALJ determined that (1) the TP, TN,

²⁹ TEX. GOV'T CODE § 2003.047(i-2)–(i-3); 30 Tex. Admin. Code §§ 80.17(c)(2)–(3), .117.

³⁰ See *supra* note 15.

³¹ See TEX. GOV'T CODE § 2003.047(l) (requiring the ALJ to make “separately stated” “findings of fact, conclusions of law, and any ultimate findings required by statute”).

and DO effluent limits incorporated into the revised permit were adequate for the authorized discharges to survive Tier 1 and Tier 2 scrutiny; (2) TCEQ followed the appropriate antidegradation review procedures; and (3) the authorized discharge would comply with the applicable antidegradation requirements. As the ALJ explained, the competing evidentiary cases boiled down to a battle of the experts, and the ALJ found TCEQ's and the City's experts to be "more compelling and reliable" for a variety of reasons, including that SOS's experts "lacked experience on the applicable water quality standards and models used for evaluating the potential impact of wastewater discharges."

Germane here, the ALJ addressed and rejected SOS's "parameter-by-parameter" antidegradation approach as a misreading of TCEQ's antidegradation rules. The ALJ observed that the critical inquiry is whether there is a "lowering of water quality by more than a de minimis amount," not whether there has been a mere increase or decrease in TP, TN, and DO.³² While increases in nutrients can "be the primary factor in lowering of water quality," "a mere increase, standing alone without additional evidence of its specific impact, does not equate to a lowering of water quality." In the same vein, although SOS considered the change in DO levels significant, SOS failed to show the change "correlate[d] to a lowering of water quality by more than a de minimis amount." On the contrary, the evidence supported the

³² The ALJ provided an illustrative example: "[I]f background TP is .002 mg/L and the discharge would raise that level to .006 mg/L, this would be a tripling of TP levels—which is clearly more than de minimis. But, the impact on water quality from such a change in TP may be negligible, because both .002 mg/L and .006 mg/L may be extremely low."

conclusion that the nutrient and “DO levels in the draft permit are protective of aquatic life, and any changes have not been demonstrated to constitute a *lowering of water quality* in a significant way, which is the focus of a Tier 2 antidegradation review.”³³

After making minor changes to the ALJ’s recommended findings and conclusions,³⁴ TCEQ issued its final administrative order granting the City’s permit application. The final order included 142 findings of fact and 22 conclusions of law and expressly adopted the ED’s written responses to the public comments.³⁵

SOS sought judicial review of TCEQ’s final order,³⁶ and the City intervened. In the judicial-review proceeding, the lower courts came to different conclusions about TCEQ’s antidegradation review.³⁷ The trial court held that TCEQ missed the mark on both its Tier 1 and Tier 2 analyses and, on the pertinent point, summarily agreed with SOS that Tier 2 antidegradation review requires a parameter-by-parameter approach rather than a “whole water” approach. The court then concluded that the record established a Tier 2 violation as a matter of

³³ Emphasis in original.

³⁴ See TEX. GOV’T CODE § 2003.047(m) (generally authorizing TCEQ to amend the proposal for decision so long as the amendment is based on the administrative record and accompanied by an explanation); *Dyer v. TCEQ*, 646 S.W.3d 498, 511 (Tex. 2022) (holding that section 2003.047 allows TCEQ to revisit the record, reweigh the evidence, and revise the ALJ’s findings).

³⁵ See TEX. WATER CODE § 5.557(c); 30 Tex. Admin. Code § 50.117(f).

³⁶ See TEX. GOV’T CODE § 2001.171; TEX. WATER CODE § 5.351.

³⁷ The lower courts also disagreed with one another about the sufficiency of the public notices, but that issue is not before this Court.

law because “undisputed” changes in TP, TN, and DO levels were more than de minimis. For that reason, the court reversed and enjoined the final order rather than remanding to the agency to rectify asserted deficiencies in the Tier 1 fact findings.

In a split decision, the court of appeals reversed and upheld the permit.³⁸ The majority held that, “under the statutes and rules . . . as they are written,” substantial evidence supported TCEQ’s determination that the discharge permit would neither lower Onion Creek’s water quality nor impact its existing uses.³⁹ Like the ALJ, the majority dismissed SOS’s parameter-by-parameter construction of the antidegradation policy, observing that both “the existing [Texas Surface Water Quality Standards] and the EPA-approved [implementation procedures] provide that an antidegradation review be conducted in a narrative or qualitative manner, considering several factors in determining the effect a proposed discharge will have on the receiving waters.”⁴⁰ Accordingly, SOS could not “establish as a matter of law that a permit violates the antidegradation rules, whether under the Tier 1 or Tier 2 standards, simply by pointing to evidence that a proposed discharge would lead to numeric increases in the TP and TN levels in

³⁸ 668 S.W.3d 710, 716 (Tex. App.—El Paso 2022).

³⁹ *Id.* (holding that “TCEQ followed the controlling statutes and its own rules in resolving the fact intensive questions raised by the permit application”). The court’s opinion scrupulously details the substantial evidence supporting TCEQ’s findings and conclusions, *see id.* at 720, 727-38, but we need not do so to resolve the legal issues presented here.

⁴⁰ *Id.* at 738; *see supra* note 1; 33 U.S.C. § 1313(c) (governing EPA approval and triennial review of state water-quality standards).

the receiving water.”⁴¹ For similar reasons, the majority dismissed SOS’s argument that TCEQ was required, but failed, to afford conclusive weight to anticipated changes in Onion Creek’s DO level.⁴²

In opining that the permit failed under both tiers, the dissent employed a parameter-based analysis focusing only on evidence of nutrient increases that the ALJ had discounted.⁴³ As the majority correctly observed, regardless of the proper antidegradation methodology, the applicable standard of review precludes treating such evidence as undisputed or binding on the reviewing court.⁴⁴

II.

The parties’ debate about TCEQ’s Tier 2 methodology is the principal issue before us. Because SOS loses on that issue, we further address—and similarly reject—SOS’s alternative argument that the final order is fatally defective under section 2001.141 of the Administrative Procedure Act (APA) based on TCEQ’s failure to detail

⁴¹ 668 S.W.3d at 738.

⁴² *Id.* at 739.

⁴³ *See id.* at 743-44 (Palafox, J., dissenting) (concluding that the evidence established “a significantly large increase” in TP and TN levels that would, as a matter of law, endanger existing aquatic life and lower Onion Creek’s water quality by more than a de minimis amount).

⁴⁴ *Id.* at 738 & n.17 (explaining that (1) any claim that nutrient levels would raise so significantly would require the court to accept expert-witness projections the ALJ declined to accept for reasons stated in the PFD and (2) doing so would be inappropriate under the applicable standard of review); *see* TEX. GOV’T CODE § 2001.174 (precluding the reviewing court from reweighing the evidence).

certain “underlying facts” SOS contends are required to support the final order’s ultimate findings of fact.⁴⁵

A. Standard of Review

Under the APA, a court reviewing an agency’s decision in a contested case “may not substitute its judgment for the judgment of the state agency on the weight of the evidence on questions committed to agency discretion.”⁴⁶ But a reviewing court must “reverse or remand” when “substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions” are, among other things, (1) erroneous as a matter of law; (2) “not reasonably supported by substantial evidence considering the reliable and probative evidence in the record as a whole”; or (3) arbitrary, capricious, or characterized by abuse of discretion.⁴⁷ Each of the statutory grounds for reversal, including substantial-evidence review, is a question of law subject to de novo review.⁴⁸

“Substantial evidence” is “a limited standard of review that gives significant deference to the agency in its field of expertise” and is, “[a]t its core . . . a reasonableness test or a rational basis test.”⁴⁹ The issue is

⁴⁵ See TEX. GOV’T CODE § 2001.141(d).

⁴⁶ *Id.* §§ 2001.171, .174 (describing the standard of review “if the law does not define the scope of judicial review”); see TEX. WATER CODE § 5.351 (authorizing judicial review from a TCEQ decision without defining the scope of judicial review).

⁴⁷ TEX. GOV’T CODE § 2001.174(2).

⁴⁸ *Dyer v. TCEQ*, 646 S.W.3d 498, 505 (Tex. 2022).

⁴⁹ *Ammonite Oil & Gas Corp. v. R.R. Comm’n of Tex.*, 698 S.W.3d 198, 207 (Tex. 2024) (internal quote marks and citations omitted).

“not whether the agency’s decision was correct, but only whether the record demonstrates some reasonable basis for the agency’s action.”⁵⁰ To prevent courts from “usurping the agency’s adjudicative authority,”⁵¹ an agency’s findings, inferences, conclusions, and decisions are presumed to be sufficient unless the protestant proves otherwise.⁵²

Arbitrariness is a distinct ground for reversal.⁵³ An agency acts arbitrarily or abuses its discretion if it fails to consider a mandatory factor, considers an irrelevant factor, considers appropriate factors but reaches a completely unreasonable result, or fails to follow its own regulations.⁵⁴ As SOS frames the issues, TCEQ’s decision to grant the City’s permit application is arbitrary and erroneous as a matter of law because TCEQ applied the wrong standard and substantial evidence does not support TCEQ’s decision under the correct standard.

Many of SOS’s arguments seem to attack TCEQ’s water-quality rules as inconsistent with federal law,⁵⁵ but the question presented in

⁵⁰ *Mireles v. Tex. Dep’t of Pub. Safety*, 9 S.W.3d 128, 131 (Tex. 1999).

⁵¹ *N.E. Indep. Sch. Dist. v. Riou*, 598 S.W.3d 243, 251 (Tex. 2020) (internal quote marks and citation omitted).

⁵² *Pub. Util. Comm’n of Tex. v. Tex. Indus. Energy Consumers*, 620 S.W.3d 418, 427 (Tex. 2021).

⁵³ *Id.*

⁵⁴ *City of El Paso v. Pub. Util. Comm’n of Tex.*, 883 S.W.2d 179, 184 (Tex. 1994); *Pub. Util. Comm’n v. Gulf States Utils.*, 809 S.W.2d 201, 207 (Tex. 1991).

⁵⁵ Neither party disputes that the EPA has determined that the relevant Texas standards comport with federal law. See 33 U.S.C. § 1313(a), (c) (requiring EPA approval and triennial review of state water-quality standards and implementation procedures for consistency with the Clean Water Act); 40 C.F.R. § 131.12 (setting minimum standards for compliance with federal law). The validity of that determination is not before us.

this state-law suit for judicial review is whether TCEQ followed the relevant Texas statutes and rules governing its permitting decision. We therefore ask only whether TCEQ followed its antidegradation rules as written, and we regard SOS's arguments only through that lens. That being so, the main issue turns on the proper construction and application of the antidegradation standards in 30 Texas Administrative Code section 307.5 and corresponding implementation procedures.⁵⁶ Agency rules are construed under well-established and well-known statutory construction principles that require enforcement according to the text's plain, technical, or defined language.⁵⁷

SOS's secondary issue involves a dispute about the necessity of a "statement of the underlying facts" in the final agency order. This too presents a question of law resolved by statutory construction principles.⁵⁸ Our duty in all such matters is to adhere to the promulgated language "without adding to it or subtracting from it."⁵⁹

B. Tier 1 and Tier 2 Antidegradation Review

The Tier 1 and Tier 2 antidegradation standards differ but materially overlap. Both expressly require maintenance of existing uses and water quality sufficient to protect those uses.⁶⁰ Subject to an

⁵⁶ See 2010 IPs, *supra* note 1.

⁵⁷ *TCEQ v. Maverick County*, 642 S.W.3d 537, 544 (Tex. 2022).

⁵⁸ *Id.*

⁵⁹ *Id.* at 546.

⁶⁰ 30 Tex. Admin. Code 307.5(b); see *id.* § 307.3(27) (defining "existing uses").

exception not at issue here,⁶¹ Tier 2 additionally prohibits any discharge activities that would cause “degradation” of waters that are cleaner than necessary “to support propagation of indigenous fish, shellfish, terrestrial life, and recreation in and on the water.”⁶² “Degradation” is defined as “a lowering of water quality by more than a de minimis extent, but not to the extent that an existing use is impaired.”⁶³ A discharge that would impair existing uses flunks both standards. A discharge that lowers “water quality” more than nominally flunks Tier 2 even if existing uses are not disturbed.⁶⁴

SOS argues that the draft permit fails both the Tier 1 and Tier 2 standards. It also argues that TCEQ erroneously “collapsed” the two inquiries by making fact findings that equate the Tier 1 and Tier 2 standards. The zone of disagreement between the parties has narrowed—at least for purposes of this appeal—to the authorized

⁶¹ The Tier 2 standard allows TCEQ to authorize a discharge of pollutants that would degrade high-quality waters only if the agency is satisfied that “lowering of water quality is necessary for important economic or social development.” *See id.* § 307.5(b)(2). Although TCEQ’s final order includes several fact findings related to the City’s “need” for the permit, the City has never invoked or relied on the exception. Rather, the question before us concerns the proper standard for determining whether a permitted discharge would cause degradation as defined in Tier 2, not whether a permit should issue despite degradation. Accordingly, we do not consider whether either the findings or the evidentiary record support the exception.

⁶² *Id.* (defining “fishable/swimmable waters”).

⁶³ *Id.*

⁶⁴ *See, e.g., de minimis*, BLACK’S LAW DICTIONARY, at 544 (11th ed. 2019); *de minimis*, NEW OXFORD AMERICAN DICTIONARY, at 461 (3d ed. 2010).

discharge's predicted impact on a single water-quality parameter: dissolved oxygen.⁶⁵

SOS contends, first, that the draft permit does not satisfy Tier 1 as a matter of law, and therefore also fails Tier 2 as a matter of law, because one of the City's two DO models estimated that DO could drop below Onion Creek's site-specific 5.0 mg/L criterion to 4.87 mg/L. However, other modeling, including TCEQ's own modeling, projected that a minimum of 5.0 mg/L would be maintained under the worst-case scenario. Under the applicable standard of review, TCEQ was not required to accept the lowest of the City's results over its own modeling yields. On top of that, all the DO modeling was performed using the much higher level of discharge the City sought in its initial application (995,000 gallons/day) rather than the level TCEQ's final order authorizes (822,500 gallons/day). The difference in discharge volume makes TCEQ's DO projection even more conservative. Because substantial evidence supports TCEQ's determination that the authorized discharge would satisfy Onion Creek's site-specific DO criterion and would not disturb existing uses, SOS's Tier 1 complaint fails under the applicable standard of review.

SOS presents a more robust assault on TCEQ's determination that the permitted discharge would not degrade Onion Creek's water quality. The gist of the argument is that Tier 2 must prohibit a cognizable change in any single component of the water's chemical

⁶⁵ Although changes to TP and TN levels figured prominently in the dispute at the administrative and lower-court levels, no issues specific to nutrient loading are presented on appeal here.

composition because such a construction is (1) preordained by the Clean Water Act’s “objective . . . to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters”⁶⁶ and (2) necessary to distinguish Tier 1 from Tier 2. SOS finds confirmation of such a granular approach in TCEQ’s “Procedures to Implement the Texas Surface Water Quality Standards” (implementation procedures),⁶⁷ in select cases from other jurisdictions, and in certain EPA guidance that is external to the record.⁶⁸ We do not.

Tier 2’s text is clear: degradation is a “lowering of water quality,” not a “lowering of water-quality parameters” or “water-quality components” or “water-quality constituents.”⁶⁹ By its plain language, Tier 2’s focus is on “water quality,” not the DO level or any other parameter standing alone. Instead of focusing on the *effect* the DO level has on Onion Creek’s water *quality*, the antidegradation analysis SOS

⁶⁶ 33 U.S.C. § 1251(a); *see supra* notes 5 & 55.

⁶⁷ *See* 2010 IPs, *supra* note 1.

⁶⁸ *See* EPA, *Water Quality Standards Handbook Chapter 4: Antidegradation* Cover Page (2012) (“The [Handbook] does not impose legally binding requirements on the EPA, states, tribes or the regulated community, nor does it confer legal rights or impose legal obligations upon any member of the public. . . . This document does not constitute a regulation, nor does it change or substitute for any [Clean Water Act] provision or the EPA regulations.”); Memorandum from Ephraim S. King, Dir., Office of Sci. and Tech., to EPA Water Mgmt. Div. Dirs., Regions 1–10 (Aug. 10, 2005) (“shar[ing] . . . OST’s current recommendation regarding significance thresholds and lowering of water quality in high quality waters in the context of tier 2 antidegradation reviews” for the purpose of providing “the Regions with technical recommendations for your consideration as you work with states . . . and as you review antidegradation implementation methods that adopt significance thresholds”).

⁶⁹ *See* 30 Tex. Admin. Code § 307.5(b)(2).

endorses focuses only on the DO parameter itself. The former, not the latter, is the approach the antidegradation rules prescribe.⁷⁰

TCEQ's implementation procedures also do not support the methodology SOS favors. As those procedures confirm, water quality is composed of a complex set of ecological circumstances affected by several "parameters of concern," including but not limited to DO.⁷¹ Other parameters—such as bacteria, phosphorus, nitrogen, turbidity, foam and froth, temperature, sulfate, chloride, pH, toxic pollutants, radioactive materials, taste and odor, suspended solids, oil, and grease—may also be considered in evaluating water-quality impact, along with "any other constituent that could lower water quality."⁷² And while the implementation procedures provide methods for individually evaluating these components, that process is consistent with TCEQ's whole-body approach because assessing overall health necessarily begins with an evaluation of the parts.⁷³ The implementation procedures leave no doubt, however, that a parameter change is not the end of the matter.

⁷⁰ See *TCEQ v. Maverick County*, 642 S.W.3d 537, 541 (Tex. 2022) ("When a statute or rule defines its terms, courts should not construct a restated definition using alternative verbiage that adds or subtracts substantive requirements or limiting factors.").

⁷¹ 2010 IPs, *supra* note 1, at 61-62; see *State Program Requirements: Approval of Application to Administer the National Pollutant Discharge Elimination System (NPDES) Program; Texas*, 63 Fed. Reg. 51164-01, 51193 (Sept. 24, 1998) ("EPA has not mandated whether States/Tribes apply 'Tier 2' on a parameter-by-parameter basis or on a waterbody-by-waterbody approach as Texas does. . . . The antidegradation review may initially focus on dissolved oxygen; however, all pollutants are subject to review.").

⁷² See 2010 IPs, *supra* note 1, at 61-62.

⁷³ *Id.* at 55-69.

To the contrary, those procedures substantiate a qualitative whole-body approach that involves a somewhat subjective evaluation informed by both numerical and non-numeric information.⁷⁴

The qualitative nature of the Tier 2 antidegradation assessment is best exemplified by the provisions discussing loss of a water body’s “assimilative capacity.”⁷⁵ In SOS’s view, these portions of the implementation procedures support the conclusion that a reduction in DO from 6.44 mg/L to 5.0 mg/L is degradation as a matter of law. They do not. The procedures state:

New discharges that use less than 10% of the existing assimilative capacity of the water body at the edge of the mixing zone are usually not considered to constitute potential degradation as long as the aquatic ecosystem in the area is not unusually sensitive to the pollutant of

⁷⁴ See *Wood v. TCEQ*, No. 13-13-00189-CV, 2015 WL 1089492, at *1, *5-6 (Tex. App.—Corpus Christi—Edinburgh, Mar. 5, 2015, no pet.) (affirming the TCEQ’s decision to overrule the ALJ’s recommendation because the ALJ applied an improper standard in requiring quantified evidence when the TCEQ measures antidegradation under the narrative standard); see also *TCEQ v. City of Waco*, 413 S.W.3d 409, 412 n.3 (Tex. 2013) (observing that a “qualitative” water-quality standard has been described as a “somewhat subjective assessment of ‘too much,’ in contrast to quantitative measures”).

⁷⁵ 2010 IPs, *supra* note 1, at 64-66. The term “assimilative capacity” is not defined in Texas’s water-quality regulations or the Clean Water Act. The IPs likewise provide no definition. EPA’s online dictionary of environmental terms defines “assimilative capacity” as “[t]he ability of a natural body of water to receive wastewaters or toxic materials without harmful effects and without damage to aquatic life.” EPA, *Terms & Acronyms*, https://sor.epa.gov/sor_internet/registrytermreg/searchandretrieve/termsandacronyms/search.do (last visited Apr. 3, 2025). A 2005 internal memo from the EPA’s Office of Science and Technology, which SOS attached to its merits brief, defines the term as referring to “the difference between the applicable water-quality criterion for a pollutant parameter and the ambient water quality for that pollutant parameter where it is better than the criterion.” Memorandum from Ephraim S. King, *supra* note 68.

concern. New discharges that use 10% or greater of the existing assimilative capacity *are not automatically presumed to constitute potential degradation but will receive further evaluation.*⁷⁶

Importantly, although DO has numeric criteria, which would make it amenable to assimilative-capacity screening, the implementation procedures expressly state that “[t]his screening procedure is not applicable to dissolved oxygen.”⁷⁷ More importantly, the implementation procedures are express in not considering such changes to individual parameters as establishing degradation but rather as requiring “further evaluation.”⁷⁸ The numbers are what the numbers are, so any “further evaluation” means assessing such parameters *in connection with other considerations* affecting water quality.

What SOS seems to find most compelling on this topic is a provision in the procedures providing the following as one of the “[e]xamples where degradation is likely to occur”:

Increased loading of **oxygen-demanding substances** that is projected to decrease dissolved oxygen by more than 0.5 mg/L for a substantial distance in a water body that has exceptional quality aquatic life and a relatively unique and potentially sensitive community of aquatic organisms.⁷⁹

In SOS’s estimation, this provision proves not only that degradation of water quality is determined on a parameter-by-parameter basis but also that if a 0.5 mg/L projected decrease in DO is “likely” degradation, then

⁷⁶ 2010 IPs, *supra* note 1, at 64 (emphasis added).

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.* at 66 (bolding in original).

a 1.44 mg/L projected decrease, like the one anticipated for Onion Creek, certainly is.

There are several flaws in SOS's extrapolated conclusion. First, the cited example refers to water that has "exceptional quality aquatic life" and a "relatively unique and potentially sensitive community of aquatic organisms," which Onion Creek does not.⁸⁰ Second, it applies when a 0.5 mg/L decrease is projected "for a substantial distance in a water body," not just at the discharge point. Third, and most importantly, the IPs expressly state that even under these circumstances, such a change in *exceptional* waters is only an *indicator* of potential degradation that requires *further evaluation*:

The following examples are intended to provide general guidelines as to when degradation becomes likely. The examples *do not define degradation*, nor do they address all pollutants and situations that can cause degradation. *Final determinations are case-specific and can depend on the characteristics of the water body and local aquatic communities.* Lower increases in loading may constitute degradation in some circumstances, and higher loadings may not constitute degradation in other situations.⁸¹

Consistent with the water-quality standards, the implementation procedures describe a qualitative assessment of degradation based on

⁸⁰ 30 Tex. Admin. Code §§ 307.7(b)(3)(A) (Table 3) (describing waters with "exceptional aquatic life use" as having "exceptional or unusual" species assemblage, a habitat of "outstanding natural variability," and "exceptionally high" species richness and diversity while those waters with "high aquatic life use" have species assemblages of the "usual association of regionally expected species," a "highly diverse" habitat, and "high" species richness and diversity), .10(1) (App'x A) (Segment No. 1427, Onion Creek) (designating Onion Creek for high aquatic life use).

⁸¹ 2010 IPs, *see supra* note 1, at 66 (emphases added).

overall water quality, rather than a granulated parameter-by-parameter approach. TCEQ perhaps could have adopted rules and standards implementing a parameter-by-parameter approach, but it did not. Instead, the antidegradation assessment allows TCEQ to make an informed judgment call as to whether any changes in the water body's chemistry lower water quality by more than a de minimis extent.⁸² SOS may be uncomfortable with the latitude and discretion such an approach affords state regulators, but both the rules and the implementation procedures not only allow, but contemplate, a qualitative assessment on a whole-water basis.⁸³

In support of SOS, some amici point to section 307.5(c)(2)(B) of the antidegradation rules as calling for a parameter-specific antidegradation review. That subsection, which discusses “[g]eneral provisions for implementing the antidegradation policy,” says: “For dissolved oxygen, analyses of degradation under Tier 2 must utilize the same critical conditions as are used to protect instream criteria. For other parameters, appropriate conditions may vary.”⁸⁴ But this only

⁸² See *supra* note 74.

⁸³ We need not assess the extent to which any legal weight or binding force can be assigned to the implementation procedures, because even assuming those procedures have some force of law, SOS's interpretation of them fails on its own terms.

⁸⁴ 30 Tex. Admin. Code § 307.5(c)(2)(B). Joint amicus briefs supporting SOS were submitted by Friends of the Brazos River, Bayou City Waterkeeper, Coastal Watch Association, Environmental Stewardship, Friends of Hondo Canyon, Greater Edwards Aquifer Alliance, Port Aransas Conservancy, Texas Conservation Alliance, the Watershed Association, Ingleside on the Bay Coastal Watch Association, Hillcrest Residents Association, Protect Our

proves the point. The antidegradation policy recognizes that water quality is composed of a variety of parameters and that an antidegradation review necessarily starts by analyzing parameters of concern individually. Yet the Tier 2 standard is couched in terms of the whole, not the individual parameters. This is not to say that changes in a single parameter could never be significant enough to lower water quality, but the ultimate determination is TCEQ's to make based on an evaluation of the water's post-discharge quality.

SOS invokes the Clean Water Act's "objective" and "goals" and a couple of EPA guidance documents as supporting a contrary construction.⁸⁵ But SOS points to nothing that commands a parameter-based application of the Tier 2 standard.⁸⁶ Even assuming any of those things could be read in the way SOS suggests, none override

Blanco, and Granbury Fresh. The Homebuilders Association of Greater Austin submitted an amicus brief supporting TCEQ and the City.

⁸⁵ 33 U.S.C. § 1251 (Congressional declaration of goals and policy).

⁸⁶ The EPA has itself confirmed that "policies and guidance are not legal requirements," so TCEQ "is not bound to follow them exactly." *State Program Requirements*, *supra* note 71, at 51181. The EPA has more explicitly stated that "[a]lthough for the sake of national consistency EPA strongly encourages States implementing an NPDES program to do so in accordance with EPA policies and guidance, there is nothing in either the [Clean Water Act] or [EPA's regulations] that requires them to do so. Therefore, [TCEQ]'s statement in [its memorandum of agreement with EPA] that it will utilize EPA's policies and guidance only to the extent they do not conflict with Texas law or policy or [TCEQ] guidance is not in conflict with the requirements for NPDES authorization." *Id.*

what the Texas rules say. SOS also struggles to find supporting authority in the jurisprudence. The few cases it offers are not on point.⁸⁷

Finally, SOS's complaint that TCEQ improperly "collapsed" the Tier 1 and Tier 2 standards is mistaken. SOS contends the final order focused only on whether the permit would protect existing uses, not on the distinct question of whether the permit would lower water quality in Onion Creek. By way of example, SOS points to Finding of Fact (FOF) 90, which states: "A Tier 2 review confirmed that no significant degradation of water quality is expected in Onion Creek, which has been identified as having high aquatic life uses, such that the existing uses will be maintained and protected." While TCEQ's Tier 2 findings refer to both degradation and existing uses, those are the words the standard employs. As the court of appeals observed, the "substantial overlap" in the Tier 1 and Tier 2 standards "mak[es] it difficult to analyze the two standards separately."⁸⁸

⁸⁷ See generally *County of Maui v. Haw. Wildlife Fund*, 590 U.S. 165, 169 (2020) (rejecting claim that groundwater discharge was exempt from state permitting altogether because it discharged from a point source into navigable waters); *Arkansas v. Oklahoma*, 503 U.S. 91, 94-95 (1992) (involving a dispute about interstate water pollution); *Ky. Waterways All. v. Johnson*, 540 F.3d 466, 482-83 (6th Cir. 2008) (challenge to EPA approval of state antidegradation rules seeking to *categorically exempt* six types of pollution discharges from Tier 2 review); *Greater Yellowstone Coal. v. U.S. EPA*, No. 4:12-CV-60-BLW, 2013 WL 1760286, at *2 (D. Idaho Apr. 24, 2013) (challenge to EPA approval of state antidegradation rules enacting "an *automatic exemption* from Tier II antidegradation review if the additional pollution from a new activity would consume only 10% or less of the 'assimilative capacity' of a water body" (emphasis added)).

⁸⁸ 668 S.W.3d 710, 736 (Tex. App.—El Paso 2022).

Other fact findings confirm TCEQ's understanding and maintenance of the distinction, including FOF 78—"An antidegradation review ensures that a proposed discharge does not impair the uses or degrade the water quality of the receiving waters"—and FOF 88, which states: "The antidegradation requirements have been satisfied because (a) DO will be maintained at concentrations that support a healthy aquatic life community; [and] (b) a phosphorous limit has been imposed to assure that the proposed discharge will protect and maintain the water quality of water bodies that exceed fishable/swimmable quality" Besides that, the final order and evidence in the record more than adequately demonstrate that TCEQ applied the correct standard in conducting a Tier 2 review that evaluated both the impact on existing uses and the potential for degradation.⁸⁹ To the extent SOS faults the order for failing to use the definitional "no more than a de minimis extent" language in its findings, it was not required to do so. Tier 2's governing standard is "degradation" of "water quality." The findings and conclusions in the final order comport with what the rule requires.

C. Compliance with APA Section 2001.141

We turn now to SOS's argument that TCEQ's final order is invalid because it lacks a statement of "underlying facts" to support several "ultimate" fact findings and conclusions of law.⁹⁰ APA section 2001.141

⁸⁹ See *id.* at 735.

⁹⁰ See *W. Tex. Utils. Co. v. Off. of Pub. Util. Couns.*, 896 S.W.2d 261, 270 (Tex. App.—Austin 1995, no writ) ("An agency's findings of fact fall into two categories: findings of basic fact and findings of ultimate fact. A finding of

requires a final agency order to include separately stated findings of fact and conclusions of law.⁹¹ In addition, any fact finding “set forth in statutory language” must be accompanied by “a concise and explicit statement of the underlying facts supporting the finding.”⁹² Such findings need not take any particular form,⁹³ but “[p]roper underlying (basic) findings of fact” should be (1) “stated as the agency’s findings” rather than as recitals of evidence or summaries of testimony and (2) “clear, specific, non-conclusory, and supportive of the ultimate statutory findings.”⁹⁴ A statement of underlying fact findings must generally enable a reviewing court to “fairly and reasonably” say that the basic facts “support the statutorily required criteria.”⁹⁵

In addition to incorporating the ED’s extensive responses to public comments, the final order includes more than two dozen fact findings devoted to addressing TCEQ’s antidegradation review and

ultimate fact is reached by inference from basic facts.”); *see also BFI Waste Sys. of N. Am., Inc. v. Martinez Env’t Grp.*, 93 S.W.3d 570, 578 n.8 (Tex. App.—Austin 2002, pet. denied) (“The ultimate facts disputed during a contested case hearing do not always require detailed findings of underlying facts.”).

⁹¹ TEX. GOV’T CODE § 2001.141(b).

⁹² *Id.* § 2001.141(d).

⁹³ *Tex. Health Facilities Comm’n v. Charter Med.-Dall., Inc.*, 665 S.W.2d 446, 452 (Tex. 1984) (“This Court has neither the right nor the authority to lay out a precise form of findings to be made by the Commission.”); *accord Tex. Health Facilities Comm’n v. Presbyterian Hosp. N.*, 690 S.W.2d 564, 565-67 (Tex. 1985) (an agency order denying a “certificate of need” could not stand because the underlying fact findings were “mere recitals of evidence,” conclusory, or did not support the ultimate fact findings).

⁹⁴ *Charter Med.-Dall.*, 665 S.W.2d at 452.

⁹⁵ *Id.* at 451.

compliance with applicable water-quality standards. Among them are various findings to the effect that (1) the ED performed the Tier 1 and Tier 2 antidegradation review in accordance with the applicable standards; (2) DO limits in the draft permit will protect Onion Creek's existing uses; (3) antidegradation requirements have been satisfied because "DO will be maintained at concentrations that support a healthy aquatic life community"; (4) Tier 2 review confirmed no significant degradation of water quality is expected; (5) Tier 2 review confirmed that existing uses will be maintained and protected; and (6) "[t]he proposed discharge will comply with the applicable antidegradation requirements." The ED's response to public comments further explains TCEQ's Tier 2 review and the ED's determination that "no lowering of water quality by greater than a *de minimis* amount is expected." SOS faults these findings, and the final order itself, for failing to elaborate more specifically about how the projected drop in DO concentrations and accompanying loss of assimilative capacity complies with Tier 1 and does not, consonant with Tier 2's degradation definition, constitute "a lowering of water quality by no more than a *de minimis* amount."⁹⁶ Although SOS contends the absence of a more particular

⁹⁶ According to SOS, the "minimally required findings of fact" for application of the Tier 2 antidegradation rule "include: (1) pre-discharge 'baseline' water quality of Onion Creek for both DO and the key nutrient pollutants, nitrogen and phosphorus; (2) post-discharge levels of these water quality parameters; (3) a comparison of the post-discharge levels over the baselines to determine how pollutant levels in the receiving waters were increased and water quality 'lowered'; and (4) a determination of whether this 'lowering' of water quality was more than *de minimis* and thus compliant with the controlling EPA rule."

explanation is fatal to the permit's issuance, this attack on the final order falls short for both procedural and substantive reasons.

First, SOS did not preserve the complaint for judicial review. SOS's motion for rehearing in the administrative proceeding did not assert that the agency had omitted the particular findings it now contends were required to support the final order. The motion's sprinkling of generalized complaints about the absence of "underlying fact findings" is insufficient in itself but even more so because those complaints were not linked to the specific fact findings assailed on appeal.⁹⁷ To preserve a complaint for judicial review, any noncompliance with the APA's fact-finding requirements must first be raised in the administrative proceeding "with the requisite degree of specificity."⁹⁸ Failure to present such an objection with at least the specificity the complaining party contends the agency was obligated to provide deprives the agency of "an opportunity to discover and correct the error, if any, or articulate a justification for its action."⁹⁹

⁹⁷ *Hooks v. Tex. Dep't of Water Res.*, 645 S.W.2d 874, 880 (Tex. App.—Austin 1983, writ ref'd n.r.e.) (general complaints directed to findings the agency omitted were not stated with sufficient particularity to preserve them for judicial review). Although SOS's briefing here identifies the "minimally required findings of fact" with particularity, *see supra* note 96, the rehearing motion does not.

⁹⁸ *Hooks*, 645 S.W.2d at 879.

⁹⁹ *Id.* at 879-80 (omitted fact findings must be designated with particularity); *see BFI Waste Sys. of N. Am., Inc. v. Martinez*, 93 S.W.3d 570, 578-79 (Tex. App.—Austin 2002, pet. denied) (applicant failed to preserve complaint about omitted findings of fact and conclusions of law by failing to sufficiently identify the alleged omission in its motion for rehearing before the agency).

Second, underlying fact findings are not required because TCEQ's findings of fact are not set out in "statutory language."¹⁰⁰ The regulatory language contained in TCEQ's antidegradation rules is not statutory language for which underlying findings are required.¹⁰¹ In arguing otherwise, SOS erroneously describes section 26.027 of the Water Code as establishing mandatory criteria that TCEQ must consider in conducting an antidegradation review. It plainly does not.

A statement of supportive facts is required "only when the ultimate fact finding embodies a mandatory fact finding set forth in the relevant enabling act" or when it "represent[s] the criteria the legislature has directed the agency to consider in performing its function."¹⁰² Section 26.027 broadly authorizes TCEQ to "refuse to issue a permit when the commission finds that issuance of the permit would violate the provisions of any state or federal law or rule or regulation promulgated thereunder[.]"¹⁰³ As is immediately apparent, section 26.027 generally allows TCEQ to *deny* a permit that is *contrary* to any rule or law, but it neither states nor directs TCEQ to consider any

¹⁰⁰ See TEX. GOV'T CODE § 2001.141(d); *Charter Med.-Dall.*, 665 S.W.2d at 451 ("By limiting the fact-finding requirement to findings 'set forth in statutory language,' the legislature has expressed its intention in this matter.").

¹⁰¹ *TCEQ v. Maverick County*, No. 03-17-00785-CV, 2022 WL 2960797, at *6 (Tex. App.—Austin July 27, 2022, no pet.).

¹⁰² *Charter Med.-Dall.*, 665 S.W.2d at 451; see *W. Tex. Utils. Co. v. Off. of Pub. Util. Couns.*, 896 S.W.2d 261, 270 (Tex. App.—Austin 1995, no writ) ("An agency's finding of ultimate fact that does not embody a mandatory fact finding set forth in the relevant enabling act need not be supported by findings of basic fact, regardless of how conclusory the finding of ultimate fact may be.").

¹⁰³ TEX. WATER CODE § 26.027.

criteria in *granting* a permit nor mandates any fact findings at all. Section 26.027's language is nowhere close to the type of mandated criteria or findings that invoke the APA's "statement of underlying facts" requirement.

Our leading case on the matter illustrates the difference. In *Texas Health Facilities Commission v. Charter Medical-Dallas, Inc.*, the Legislature directed the agency to establish criteria for determining whether to grant a certificate of need for a proposed project.¹⁰⁴ In doing so, the Legislature specifically identified five criteria that "the commission must include" in its rules for making that determination.¹⁰⁵ We held that those mandated criteria, subsequently promulgated in the agency's rules, are the type of factors that fall within the scope of fact findings that must be accompanied by a statement of underlying facts.¹⁰⁶ In contrast, the Legislature's requirement that the agency *consider* six additional factors in *developing* additional criteria did not.¹⁰⁷ Although the agency also adopted those factors among its general criteria for reviewing certificate-of-need requests, the Legislature had not required it to do so.¹⁰⁸ For permissible waste discharges, section 26.027 of the Water Code does not mandate any specific findings, criteria, or factors

¹⁰⁴ *Charter Med.-Dall.*, 665 S.W.2d at 449 (citing subsection 3.10(a) of former TEX. REV. CIV. STAT. art. 4418h).

¹⁰⁵ *Id.* (citing subsection 3.10(b) of former art. 4418h).

¹⁰⁶ *Id.* at 451 & n.2.

¹⁰⁷ *Id.* at 449-50 & nn.1-2 (comparing the mandatory criteria prescribed in subsection 3.10(b) of former art. 4418h with the nonmandatory factors delineated in subsection 3.10(c)).

¹⁰⁸ *Id.* (citing subsection 3.10(c) of former art. 4418h).

for issuing a discharge permit.¹⁰⁹ It certainly does not require the agency to make *negative* findings on the full panoply of laws and regulations that permit issuance would *not* offend.

To construe the statute as SOS wishes would result in an absurd extension of the APA's language that would infect every TCEQ order with potentially nullifying error for failing to identify and provide underlying findings of fact that a permit's issuance *complies* with *every* federal and state law, rule, and regulation. Such a burden would be impossibly onerous and an unreasonable construction and application of the APA.¹¹⁰ Accordingly, we must and do reject it.

SOS once again leans heavily on the Clean Water Act's "objective" and "goals" of "maintaining the chemical, physical, and biological integrity of the Nation's waters,"¹¹¹ but it points to no statute that would require TCEQ to elaborate on what "de minimis" means or to explain why a predicted drop in a single water-quality parameter would not

¹⁰⁹ Compare TEX. WATER CODE § 26.027(a) with, e.g., TEX. UTIL. CODE § 37.056(a), (c) (specifying required findings and criteria for granting or denying a certificate of convenience and necessity).

¹¹⁰ Imposing such a burden on the agency is also contrary to the burden-shifting scheme in section 2003.47(i-1)–(i-3) of the Government Code. When the administrative record is filed, that statute recognizes a presumption that "the draft permit meets all state and federal legal requirements." TEX. GOV'T CODE § 2003.47(i-1). To rebut the presumption, the protestant must present evidence that "the draft permit violate[s] a specifically applicable state or federal requirement." *Id.* § 2003.47(i-2). Section 2003.47 negates any reading of section 26.027 as imposing an obligation on TCEQ to provide compliance findings when the protestant has not presented evidence that the permit violates a legal requirement that is "specifically applicable." As TCEQ explains, the factfinders (the ALJ and TCEQ) are "not starting with a factual void to fill."

¹¹¹ 33 U.S.C. § 1251(a).

lower water quality by more than a de minimis extent. As we have explained above, the Tier 2 antidegradation standard relates to sustaining overall water quality, not maintaining individual parameter levels. Because the governing statutes do not require TCEQ to make findings for individual water-quality parameters in a Tier 2 review, no additional findings were required. The final order separately states TCEQ's findings of fact and conclusions of law and sufficiently informs the parties of the basis for its antidegradation decision. No additional findings or statements were required to comply with section 2001.141.

III. Conclusion

In granting the City of Dripping Springs's wastewater discharge permit application, TCEQ did not violate either section 2001.141 or the antidegradation rules and implementation procedures. We therefore affirm the court of appeals' judgment upholding the permit's issuance.

John P. Devine
Justice

OPINION DELIVERED: April 11, 2025

**FOR IMMEDIATE RELEASE**

Springs

Contact: Lisa Sullivan
City of Dripping

(512) 858-4725
lsullivan@cityofdrippingsprings.com

TEXAS SUPREME COURT ISSUES DECISION IN FAVOR OF DRIPPING SPRINGS' WASTEWATER DISCHARGE PERMIT

The Ruling Allows the City to Move Forward with Its Critical and Highly Anticipated Wastewater Expansion Project for the Rapidly Growing Community

DRIPPING SPRINGS, TEXAS – April 11, 2025 – After a lengthy and thorough review of the findings, the Texas Supreme Court has ruled in support of the City of Dripping Springs' wastewater discharge permit, which was issued by the Texas Commission on Environmental Quality (TCEQ) in 2019. The Save Our Springs Alliance (SOS), an often-litigious, local environmental group, had filed a lawsuit asking the Court to rule against the permit. Oral arguments were heard October 1st with the final decision handed down today.

"This is a significant day for the City of Dripping Springs and our community as a whole," said Mayor Bill Foulds. "We have been working on this for 12 years. Our responsibility is to care for our residents and protect our natural resources, while planning for the growth that continues to come our way. I am grateful the Court saw the wisdom in the science and engineering we have conducted throughout the process. We have worked with the best experts in the country including hydrologists and engineers, and I think that was evident today."

SOS' contention was that the permit violated a subset of Texas' water quality standards that apply to Onion Creek. It was determined today through the Court's ruling that their argument was simply not supported by the science.

The City is now able to move forward with the much-needed expansion of its South Regional Wastewater System. It also allows the City to continue using treated effluent produced by the plant to irrigate parks and open space. Many of these spaces are currently using drinking water for irrigating purposes, which is not sustainable or the right long-term solution.

-more-

CODS Discharge Permit
Page 2 of 2

“SOS was asking the Court to make a huge environmental decision based on the inaccurate information they continued to provide rather than the science and expert studies we have conducted to date,” said Deputy City Administrator Ginger Faught. “If they had ruled against us, it would have had a crippling effect not only on our community, but cities and other entities around the country regarding their ability to proactively plan and protect the citizens they serve. The precedent it would have set would have been incredibly dangerous for all organizations responsible for delivering these services.”

What’s been lost in the discussion is the commitment Dripping Springs has made to beneficial reuse and other sustainable strategies to address its growing wastewater capacity crisis. In addition to the permit, it has signed contracts with various developments in the area to accept the treated effluent that will be produced by the wastewater facility. Now that the City has full access to its permit, more developments will be able to use effluent for its watering needs rather than potable water.

“We have remained completely focused on our efforts during this lengthy process. We have not been idly standing by; we cannot afford to do so. We have our design and construction plans ready to go, and we are ready to bid the work. It’s long overdue for our community,” said Faught.

The City will hold a virtual press conference on the decision on Tuesday, April 15, at 3:00pm. A link to the press conference is below. For all media inquiries on this release, please contact Lisa Sullivan at lsullivan@cityofdrippingsprings.com.

###

City of Dripping Springs Zoom Press Conference

Topic: Supreme Court Decision Wastewater Discharge Permit

Time: Apr 15, 2025, 03:00 PM Central Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/86964004727?pwd=qPzFY6tV3tK7YqACpD33J5Q2qFu7mA.>

1

Meeting ID: 869 6400 4727

Passcode: 992307

Site Development Projects				
Site Development Project Name	City Limits / ETJ	Location	Description	Status
SD2021-0005 Dripping Springs WWTP Expansion	CL	23127 FM 150 W	Expansion of the Wastewater treatment plant.	HOLD
SD2021-001 Blue Ridge Business Park	CL	26228 RR 12	Extension of previously approved site plan.	Waiting on Resubmittal
SD2021-0021 RR 12 Commercial Kitchen	CL	28707 RR 12	Commercial kitchen that will support a catering business, no on-site dining is proposed.	Approved w/ Conditions
SD2021-0033 Bell Springs Business Park, Sec 1&2 Rev	ETJ	4955 Bell Springs	A revision for minor adjustments on site layouts, rainwater, and overall drainage & water quality.	Approved w/ Conditions
SD2022-0001 Julep Commercial Park	ETJ	Northeast corner of W US 290 and Trautwein Rd	11.27 acre site of mixed-use commercial buildings with supporting driveways, water quality and detention pond, rainwater harvesting, and other utilities.	Waiting on Resubmittal
SD2022-0010 Wenty's Wine Bar	ETJ	5307 Bell Springs Rd	Wine bar and associated improvements.	Waiting on Resubmittal
SD2022-0013 DS Flex Business Park	CL	28513 RR 12	Construction of two shell buildings with accompanying site improvements.	Waiting on Resubmittal
SD2022-0011 Skybridge Academy	CL	519 Old Fitzhugh Road	Remodel/repurpose of existing historic structures, add new construction to tie together the house and garage with additional parking and revised driveway	Approved w/ Conditions
SD2022-0014 Bell Springs Site Plan (Travis Flake)	ETJ	5307 Bell Springs Rd	Office and Warehouse with drives, parking, waterline connection, and pond.	Approved w/ Conditions
SD2022-0018 Office 49	ETJ	241 Frog Pond Lane	The construction of eleven office buildings of varying sizes along with the related paving, grading, drainage, and utility improvements.	Waiting on Resubmittal
SD2022-0020 Merigian Studios	ETJ	105 Daisy Lane	Art studio with driveway, parking, and external structures.	Approved w/ Conditions
SD2022-0024 4400 US 290 SP	ETJ	4400 US 290	7 Commercial Buildings in the ETJ.	Approved w/ Conditions
SD2022-0025 Hardy Drive	ETJ	2901 US 290	Construction of a road for the Hardy and Bunker Ranch development to meet fire code.	Approved w/ Conditions
SD2023-0004 Austin Ridge Bible Church Revision	ETJ	31330 Ranch Road 12	Removal of the existing old house, the addition of 3 portable buildings and pavilion; additional parking.	Waiting on Resubmittal
SD2023-0007 Phase 4A Drip Irrigation System Improvements	ETJ	2581 E Hwy 290	The project is Phase 4A of the drip disposal fields and consists of 14.76 acres of drip irrigation fields only.	Approved w/ Conditions
SD2023-0008 102 Rose Drive	CL	102 Rose Dr	Construction of tow additional duplexes w/ accompanying site improvements.	Waiting on Resubmittal
SD2023-0010 Creek Road Horse Farms	CL/ETJ	1225 Creek Rd	Horse training facility with covered riding arena, barn, storage building and open-air riding.	Waiting on Resubmittal
SD2023-0011 Amazing Explorers Academy	ETJ	Ledgestone	Daycare facility, including driveways, parking areas; and water, wastewater, and stormwater facilities.	Waiting on Resubmittal
SD2023-0014 BR Dripping Springs	CL	27010 RR 12	3 commercial buildings with parking, stormwater and water quality.	Waiting on Resubmittal
SD2023-0018 Sunset Canyon Storage Facility	ETJ	950 S. Sunset Canyon Drive	Proposed storage facility with associated parking and drive.	Waiting on Resubmittal
SD2023-0019 3980 US 290 Warehouse	ETJ	3980 US 290	Construction of 4 - 5k sq ft Warehouse/office buildings.	Waiting on Resubmittal
SD2023-0020 Graveyard Cellars	ETJ	24101 RR 12	2800 sq ft building and parking.	Approved w/ Conditions
SD2024-001 Roxie's at Dripping Springs	CL	299 W. Mercer Street	Renovating and expanding site.	Under Review
SD2024-002 QuickTrip #4133	CL	HWY 290 and Sawyer Ranch Rd	Convenience store with fuel sales.	Waiting on Resubmittal
SD2024-004 Glass Business Park, Phase 2	ETJ	2560 W Hwy 290	Construction of 6 additional warehouse buildings with associated site improvements	Waiting on Resubmittal
SD2024-007 New Growth at Roger Hanks	CL	US 290 at Roger Hanks Pkwy	Mix land use and 240 residential units with parkland and roadway connections.	Waiting on Resubmittal
SD2024-008 AutoZone 5807 Dripping Springs	CL	US Hwy 290	Retail parts store.	Waiting on Resubmittal
SD2024-010 Austin Ridge Bible Church	ETJ	3100 E Hwy 290	Church campus, with worship center, driveways, parking, detention, and park area.	Waiting on Resubmittal
SD2024-011 Patriot Erectors CZP	ETJ	3023 West Hwy 290	Detention pond.	Waiting on Resubmittal
SD2024-012 5285 Bell Springs Rd	ETJ	5285 Bell Springs Rd	Private religious educational facility and associated improvements.	Waiting on Resubmittal
SD2024-013 Cowboy Church of the Hill Country	ETJ	207 Darden Hill Road	Construction of a church building and accompanying site improvements.	Waiting on Resubmittal
SD2024-014 Pear Tree Commercial	ETJ	27322 RR 12	Existing commercial space. Pave the parking area and provide water quality treatment of that area.	Waiting on Resubmittal
SD2024-018 Short Mama's	CL	101 College Street	Existing project addition to include dining area, parking, lawn area, stage, and streetscaping.	Under Review
SD2024-019 VB Dripping Springs	CL	27320 RR 12	100' wireless telecommunication tower.	Approved w/ Conditions
SD2024-020 Lost Lizard	ETJ	10730 FM 967	Four residential accessory structures and gravel parking.	Waiting on Resubmittal
SD2024-021 Genesis City - Glamping Hotel	ETJ	113 Concorde Circle	One main building with 9 cabins, and parking.	Under Review
SD2024-022 Stephenson Building Addition and Parking Improvements	CL	101 Old Fitzhugh Rd	Phase 1:Stephenson building addition. Phase 2: parking lot improvements.	Approved w/ Conditions
SD2025-001 Lazare Properties	CL	28485 RR 12	Post office, deli express bar/waiting area, and retail space.	Waiting on Resubmittal
SD2025-002 Ewald Kubota	ETJ	3981 E US 290	Kubota sales and service center with customer and display parking.	Waiting on Resubmittal
SD2025-003 The Ranch at Caliterra Amenity Center	ETJ	Whiskey Barrel Dr.	Office, bathrooms, remodel pavillion out of an existing barn, pool, pickleball courts, and parking.	Waiting on Resubmittal

Site Development Project Name	City Limits / ETJ	Location	Description	Status
SD2025-004 Howard Ranch Commercial WW Line	CL	RR 12 and FM 150	Construct Wastewater Service Extension to Howard Ranch Commercial.	Waiting on Resubmittal
SD2025-005 Big Sky Ranch Drip Field Addition	CL	Sue Peaks, Lost mine Peak, Apache Mt., Davis Mt.	Installation of additional subsurface drip disposal systems.	Under Review
SD2025-006 AAA Storserv Dripping Springs LLC Phase 2	CL	1300 E US 290	Expansion of developed area including buildings, drives and parking.	Under Review

Subdivision Projects				
Subdivision Project Name	City Limits / ETJ	Location	Description	Status
SUB2021-0011 Double L Phase 1 Prelim Plat	ETJ	1.5 miles N of US 290 & RR 12	PP for 243 residential units and 1 amenity center	Approved w/ Conditions
SUB2022-0033 The Ranch at Caliterra	ETJ	Premier Park Loop	Preliminary plat of the Carter tract with 243 lots	Approved w/ Conditions
SUB2022-0043 Howard Ranch Sec 4 Lots 62 & 63 AP	ETJ	590 Cypress Creek Dr	An amending plat to remove a site parking area from the single family lot. This request is by the property owner.	Waiting on Resubmittal
SUB2022-0048 Wild Ridge Phase 1 CP	CL	E US 290	Construction plans for phase 1 of Wild Ridge	Waiting on Resubmittal
SUB2023-0001 Village Grove Phase 2B CP	CL	Sports Park Rd	Residential townhome infrastructure improvements. Construction of 16 Townhome lots and roadways.	Approved w/ Conditions
SUB2023-0003 The Ranch at Caliterra CP	ETJ	Soaring Hill Rd at HC Carter Way	Construction Plans for the Carter tract.	Approved w/ Conditions
SUB2023-0006 Wild Ridge Phase 1 FP	CL	E US 290	Approximately 62.1 acres to include 136 residential lots, roadways, and a commercial lot	Approved w/ Conditions
SUB2023-0008 Silver Creek Subdivision Construction Plans	ETJ	Silver Creek Rd	29 Single family residential lots with access, paving, OSSF, water supply well, and open space	Approved w/ Conditions
SUB2023-0028 Arrowhead Commercial Final Plat	CL	US Hwy 290 W	Subdividing 6.6 acres as 1 lot.	Waiting on Resubmittal
SUB2023-0034 Lunaroya Subdivision Final Plat	ETJ	Silver Creek Rd	28 single family large residential lots with on site sewage for each lot	Waiting on Resubmittal
SUB2023-0037 Amending Plat of Final Subdivision Plat of Roger Hanks Park	CL	US 290 at Roger Hanks Pkwy	Redesign to include north bound turn lane on Roger Hanks Pkwy, Improvements to Hamilton Crossing and Lake Lucy Loop	Waiting on Resubmittal
SUB2023-0038 The Ranch at Caliterra Final Plat	ETJ	HC Carter Way	234 single family lots on 200.024 acres	Approved w/ Conditions
SUB2023-0039 Wild Ridge Phase 2 Construction Plans	CL	Shadow Ridge Parkway	142 single family lots, minor arterial and local roadways, 2 water quality ponds, utilities, lift station, parkland and open space	Waiting on Resubmittal
SUB2023-0042 Hardy Construction Plans	CL	2901 West US 290	78.021 acres subdivided into 73 single family lots	Approved w/ Conditions
SUB2023-0048 Driftwood Falls Estates Subdivision	ETJ	609 S Creekwood Dr	Replat two lots in one.	Approved w/ Conditions
SUB2023-0049 Amended Plat of the Breed Hill Replat Subdivision	ETJ	3100 W US 290	Combining three lots into one.	Approved w/ Conditions
SUB2024-005 Roger Hanks Construction Plans	CL	US 290 at Roger Hanks Pkwy	Public improvements from southern boundary to intersection with 290.	Waiting on Resubmittal
SUB2024-008 Skylight Hills Final Plat	ETJ	13001 and 13111 High Sierra	Subdivide into 5 lots.	Approved w/ Conditions
SUB2024-012 St. Martin's Subdivision, Lots 1 & 2 Amending Plat	CL/ETJ	230 Post Oak Drive	Combine two existing lots into one.	Approved w/ Conditions
SUB2024-015 Gateway Village Phase 1	CL	US 290	Final plat for 144 single family subdivision.	Waiting on Resubmittal
SUB2024-017 Wild Ridge Phase 2 Final Plat	CL	Shadow Ridge Parkway	152 single family residential lots.	Approved w/ Conditions
SUB2024-019 Driftwood Subdivision, Phase 5, Preliminary Plat	ETJ	Thurman Roberts Way	13 lots. 10 residential, 2 open space, and 1 private.	Waiting on Resubmittal
SUB2024-021 Village Grove Phase 2A Subdivision	CL	Village Grove Parkway	Infrastructure for 64 single family residential lots on 18.206 acres	Waiting on Resubmittal
SUB2024-024 Heritage Phase 4 Subdivision	CL	Sportsplex Drive	115 single family lots on 31.80 acres	Waiting on Resubmittal
SUB2024-025 Village Grove Phase 3 Subdivision	CL	Village Grove Parkway	115 single family lots on 30.04 acres	Waiting on Resubmittal
SUB2024-028 Off Site Waterline Plans for Luna Roya Subdivision	ETJ	Silver Creek Rd	Waterline infrastructure construction plans.	Waiting on Resubmittal
SUB2024-030 Heritage Phase 3 Final Plat	CL	Sportsplex Drive	164 lot subdivision plat	Waiting on Resubmittal
SUB2024-033 Village Grove Phase 1 Final Plat	CL	Village Grove Parkway	Plat of 1 roadway, 2 water quality ponds, and 1 drainage easement.	Waiting on Resubmittal
SUB2024-034 Village Grove Phase 2A Final Plat	CL	Village Grove Parkway	Final plat for 165 single family lots.	Waiting on Resubmittal
SUB2024-036 Mitchel Property Preliminary Plat	ETJ	Silver Creek Rd	33 residential lots.	Waiting on Resubmittal
SUB2025-001 Village Grove Phase 2B Final Plat	CL	Village Grove Parkway	262 single family residential lots.	Waiting on Resubmittal
SUB2025-002 Lunaroya PH 3 Preliminary Plat	ETJ	13755 Silver Creek Dr	9 single family residential lots.	Waiting on Resubmittal
SUB2025-003 The Replat of Downstream Subdivision Lot 6	ETJ	10730 FM 967	Replat existing residential lot into 3 lots.	Under Review
SUB2025-004 Replat of Lot 1 Howard Ranch Commercial	CL	SE Corner RR 12 and FM 150	Create two lots to allow for the FM 150 ROW.	Waiting on Resubmittal
SUB2025-005 Ewald Kubota Minor Plat	ETJ	3981 E US 290	3.9 acre plat	Under Review
SUB2025-006 Cannon Ranch Phase 3 and 4 Construction Plans	CL	Rushmore Drive at Lone Peak Way	Public roadways, utilities, and storm drainage infrastructure for 156 residential and 3 open space lots.	Waiting on Resubmittal
SUB2025-007 Double L Ranch Reclaimed Water Production Facility and Pump and Haul	ETJ	Northwest of RR 12 and Event Center Dr	Reclaimed water facility	Waiting on Resubmittal
SUB2025-008 Cannon Ranch Phases 3 & 4 Subdivision Final Plat	CL	Rushmore Drive	3 open space lots and 156 '40', 45', or 60' residential lots.	Under Review
SUB2025-009 Wild Ridge Subdivision Wastewater Treatment Plant Final Plat	CL	Goose Island Dr and Lost Maples Dr	0.8873 acre lot	Under Review
SUB2025-010 Howard Ranch Commercial WW Line	CL	RR 12 and FM 150	Construct Wastewater Service Extension to Howard Ranch Commercial.	Waiting on Resubmittal
SUB2025-011 Double L Pod A1, A2, A3 Arterial Preliminary Plat	ETJ	Pecos River Xing	Public infrastructure.	Under Review
SUB2025-012 Double L Pod A3 Preliminary Plat	ETJ	Pecos River Xing	46 residential units.	Under Review
SUB2025-013 Double L Pod A1 and A2 Preliminary Plat	ETJ	Pecos River Xing	99 residential units.	Under Review

In Administrative Completeness	Filing Date
SD2025-001 Ewald Kubota	28-May
SUB2025-009 Wild Ridge Subdivision Wastewater Treatment Plant Final Plat	28-May
SD2021-0011 Blue Ridge Business Park	28-May
ADMIN2025-012 Wild Ridge Wastewater Treatment Plant	28-May
ADMIN2025-018 Caliterra Phase 3 Section 10 Amended Plat	28-May
SD2024-004 Glass Business Park, Phase 2	28-May
SUB2024-019 Driftwood Subdivision, Phase 5, Preliminary Plat	28-May
ADMIN2025-019 Lunaroya Phase 2 Construction Plans	28-May

<i>Ongoing Projects</i>	
Comprehensive Plan	Multiple Comp Plan Committee meetings to be scheduled May/June
Cannon Mixed-Use	Awaiting Resubmittal
PDD2023-0001 Madelynn Estates	Dormant
PDD2023-0002 Southern Land	May DAWG Meeting
PDD2023-0003 ATX RR12 Apartments	Awaiting Resubmittal. We are expecting an expansion of this project to include Commercial uses along Village Grove Pkwy