

# **Planning & Zoning Commission Regular Meeting**

Dripping Springs ISD Center for Learning and Leadership

Live Oak Room, 300 Sportsplex Drive – Dripping Springs, Texas

Tuesday, January 28, 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

#### 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. Approval of the December 10, 2024, Planning & Zoning meeting minutes.

#### **BUSINESS AGENDA**

- 2. Discuss and consider new date for the Planning & Zoning Commission meeting currently scheduled for March 25, 2025.
- 2. Public hearing and recommendation of ZA2024-007: a zoning amendment request from PDD 1 to Commercial Services (CS) for Lot 1, block B of the Dripping Springs Retail Center located at 598 E US 290. Applicant: Zachary Morgan, Quiddity
  - a. Applicant Presentation
  - b. Staff Report
  - c. Public Hearing
  - d. Recommendation
- 4. Public hearing and consideration of recommendation for VAR2024-010: a variance request to allow a commercial building larger than 50,000 square feet in a Commercial Services zoning district for a property located at 598 E US 290. Applicant: Zachary Morgan, Quiddity
  - a. Applicant Presentation
  - b. Staff Report
  - c. Public Hearing
  - d. Recommendation
- 5. Public hearing and recommendation of VAR2024-013: a variance request to allow three commercial buildings within the side building setback at 1300 E US 290. Applicant: Shawn Beichler, AAA Storage-Storserv
  - a. Applicant Presentation
  - b. Staff Report
  - c. Public Hearing
  - d. Recommendation
- 6. Public hearing and recommendation of VAR2024-013: a variance request to waive the masonry fence requirement for a commercial development at at 1300 E US 290. Applicant: Shawn Beichler, AAA Storage-Storserv
  - a. Applicant Presentation
  - b. Staff Report
  - c. Public Hearing
  - d. Recommendation

#### 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.

7. 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

February 25, 2025, at 6:00 p.m.

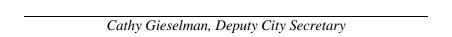
#### City Council & Board of Adjustment Meetings

February 4, 2025, at 6:00 p.m. February 18, 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 **January 24**, **2025** at 5:00 PM.



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, December 10, 2024, at 6:00 PM

# **MINUTES**

#### CALL TO ORDER AND ROLL CALL

With a quorum of commissioners present, Chair James called the meeting to order at 6:01 PM.

#### **Commission Members Present:**

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 Building Official Shane Pevehouse 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 Presentation of Citizens.

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#### **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 October 22, 2024 Planning and Zoning Meeting Minutes.

A motion was made by Commissioner Bourguinon and seconded by Commissioner Crosson, to approve the October 22, 2024 meeting minutes. The motion to approve carried unanimously 7 to 0.

2. Discuss and consider approval of the 2025 Planning & Zoning Commission meeting calendar.

A motion was made by Commissioner Bourguinon and seconded by Commissioner Shumway, to approve the 2025 meeting calendar with one change: move the November 25th meeting to Monday, November 17, 2025. The motion to approve carried unanimously 7 to 0.

#### **BUSINESS AGENDA**

- 3. Public hearing and recommendation of VAR2024-009: a variance request to allow a single-family residence building within the side setback at 406 Sue Peaks. Applicant: Travis Schirpik, Meritage Homes
  - a. Applicant Presentation

Applicant Travis Schirpik spoke, requested side setback variance, and remained in the audience to answer questions.

b. Staff Report

Planning Director Tory Carpenter presented, along with Building Official Shane Pevehouse. Staff recommends approval with the condition that all necessary improvements be made prior to the issuance of a Certificate of Occupancy.

c. Public Hearing

No one spoke during the Public Hearing.

d. Recommendation

A motion was made by Commissioner Shumway and seconded by Commissioner Strong, to approve the variance as presented per staff recommendation. The motion to approve carried unanimously 7 to 0.

4. Public hearing and consideration of VAR2024-011: a subdivision variance request to allow a flag lot within the Morganville Subdivision located at 403 KC Memory Lane. Applicant: Jon Thompson

#### a. Applicant Presentation

Applicant Jon Thompson spoke, requested a variance, and remained in the audience to answer questions.

### b. Staff Report

Planning Director Tory Carpenter presented. Staff recommends approval as submitted.

#### c. Public Hearing

No one spoke during the Public Hearing.

#### d. Recommendation

A motion was made by Commissioner Strong and seconded by Commissioner Crosson, to approve the variance. The motion to approve carried unanimously 7 to 0.

#### 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. Planning Department Report

Informational. No action was taken.

Vice Chair Williamson and Commissioner Foster will be representing the Planning & Zoning Commission in sub-committee regarding the Comprehensive Plan.

#### **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.

#### **UPCOMING MEETINGS**

# <u>Planning & Zoning Commission Meetings</u> January 28, 2024, at 6:00 PM

## City Council & Board of Adjustment Meetings

January 7, 2024, at 6:00 PM January 21, 2024, at 6:00 PM

#### **ADJOURN**

A motion to adjourn the meeting was made by Commissioner Strong and seconded by Commissioner Foster. The motion to adjourn carried unanimously 7 to 0.

The meeting adjourned at 7:18 PM.



# STAFF REPORT

# **City of Dripping Springs**

#### **PO Box 384**

#### **511 Mercer Street**

**Dripping Springs, TX 78620** 

**Submitted By:** Diana Boone, City Secretary

**Commission Meeting** 

January 28, 2025

Date:

Agenda Item Wording: Discuss and consider new date for the Planning & Zoning Commission

meeting currently scheduled for March 25, 2025.

Agenda Item Requestor: Diana Boone, City Secretary

**Summary/Background:** 

The Planning & Zoning Commission meeting for the month of March is currently scheduled for the 25th, which is on the same date and time as the scheduled City Council Meeting. The City Council meeting was moved back one week due to the DSISD being on Spring Break the week of March 17<sup>th</sup> -21<sup>st</sup>. Possible reschedule dates are:

- Monday, March 24<sup>th</sup>
- Wednesday, March 26<sup>th</sup>
- Thursday, March 27<sup>th</sup>

#### Calendar



#### March 2025





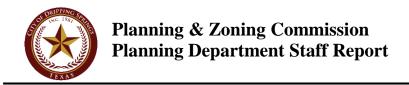
**Recommended Commission Actions:** 

Staff recommends the Commission rescheduling the meeting.

**Next Steps/Schedule:** 

Update meeting calendar, calendar invites, website calendar and Municode

Agenda calendar



Planning & Zoning
Commission Meeting:

January 28, 2024

**Project No:** ZA2024-007

**Project Planner:** Tory Carpenter, AICP – Planning Director

**Item Details** 

**Project Name:** HEB

**Property Location:** 598 E US 290, Dripping Springs, TX

**Legal Description:** Dripping Springs Retail Center, Block B, Lot 1

**Applicant:** Zachary D. Morgan, Quiddity

**Property Owners:** H-E-B, LP

**Request:** Zoning Amendment from PDD 1 to Commercial Services (CS).

**Recommendation:** Staff recommends approval of the zoning amendment.



ZA2024-007 598 E US 290





Roads Subject Property City Limits





#### Overview

The applicant is requesting approval of a zoning map amendment to rezone the existing HEB site from Planned Development District 1 (PDD 1), to Commercial Services (CS). The subject property includes both the current HEB site and an 11.73-acre tract of land to the east, recently acquired by HEB.

The applicant has combined these properties into a single parcel and intends to construct a new HEB store on the eastern portion of the site. The existing store will be demolished and replaced by parking for the new facility.

This zoning amendment would remove the existing HEB site from PDD 1, creating a consistent Commercial Services zoning designation across the entire combined property. Additionally, there is a separate variance request on the agenda to allow construction of a building exceeding 50,000 square feet in size.

Approval of this zoning amendment request is an essential step toward facilitating the proposed redevelopment of the site. *Per Ch. 30 Exhibit A* 

The applicant is requesting a zoning amendment to "CS"

• CS – Commercial Services: The commercial services (CS) district is intended to provide a location for commercial and service-related establishments, such as wholesale product sales, welding and contractors shops, plumbing shops, automotive repair or painting services, upholstery shops, and other similar commercial uses. Uses in this district may utilize open storage areas that are screened from public view. The uses envisioned for the district will typically utilize small sites and have operational characteristics that are generally not compatible with residential uses and most other types of nonresidential uses within the city.

#### **Analysis**

	PDD 1	CS	Differences between
			PDD 1 & CS
Max Height	*45 feet	2 stories / 40 feet	5 feet less
Min. Lot Size	Unregulated	8,000 square feet	8,000 square feet
Min. Lot Width	Unregulated	80 feet	80 feet more
Min. Lot Depth	Unregulated	100 feet	100 feet more
Impervious Cover	60%	70%	10% more

<sup>\*</sup>For buildings over 50,000 sqft



Direction	Zoning District	Existing Use	Future Land Use
North	CS, O	Office / Retail	
East	CS	Vacant	N/A
South	GUI	Sports & Rec Park	IN/A
West	PDD 1	Hotel	

# Approval Criteria for Zoning Amendment (Chapter 30 Zoning, Exhibit A, Sec 2.28.1 and 2.28.2)

2.28.2 The Planning & Zoning Commission and the City Council shall consider the following factors:

Factors	Staff Comments	
whether the proposed change will be appropriate in the immediate area concerned;	The proposed zoning amendment is appropriate for the area, given the existing commercial character of the site and its surrounding uses. The transition to Commercial Services (CS) will create a consistent zoning designation across the entire property, aligning with the intended commercial use.	
2. their relationship to the general area and the City as a whole;	The change supports the city's goals for orderly commercial growth, enhancing the area's economic viability and providing a modernized grocery store that will serve the broader community.	
3. whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area;	No major infrastructure modifications are anticipated.	
4. the amount of undeveloped land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such undeveloped land unavailable for development;	This zoning amendment would not make any other land undevelopable.	
5. the recent rate at which land is being developed in the same zoning classification, particularly in the vicinity of the proposed change;	This zoning request aligns with the growth the City has experienced in the last several years.	
6. how other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved;	Approving this amendment will not negatively impact other areas designated for commercial development. Instead, it enhances the viability of the existing commercial corridor and may attract additional investment to the area.	
7. whether the proposed change treats the subject parcel of land in a manner which is significantly different from decisions made involving other, similarly situated parcels; and	Approval of this request would not treat the subject parcel differently from other similarly situation parcels.	
8. any other factors which will substantially affect the public health, safety, morals, or general welfare.	The proposed change supports public welfare by enhancing access to goods and services, promoting economic development, and improving the overall function of the site. It also ensures compatibility with surrounding uses, minimizing any adverse impacts on adjacent properties.	

#### **Additional Staff Analysis**

Planned Development District 1 (PDD 1) was approved in 2006, prior to the adoption of many of the City's current development ordinances. As a result, much of the development within the existing PDD is vested under older standards, which do not meet the City's current requirements for sidewalks, landscaping, tree preservation, or architectural design.

Rezoning the property to Commercial Services (CS) ensures that future redevelopment of the site will comply with the City's current development regulations. This includes enhanced requirements for pedestrian connectivity, landscaping, tree preservation, and updated architectural standards, resulting in a development that better aligns with the community's vision and expectations. The proposed zoning change provides an opportunity to improve the functionality and aesthetics of the site while addressing existing deficiencies in development standards.

#### **Staff Recommendation**

Staff recommends **Approval** of the zoning amendment as presented.

Planning and Zoning action:

- 2.34.1 The P&Z shall hold a public hearing on a zoning an amendment to the Zoning Ordinance. After all public input has been received and the public hearing closed, the P&Z shall make its recommendations on the proposed zoning request and concept plan, if submitted, stating its findings, its overall evaluation of the request, and its assessment regarding how the request relates to the City's Comprehensive Plan. The P&Z may, on its own motion or at the applicant's request, defer its decision recommendations until it has had an opportunity to consider other information or proposed modifications to the request which may have a direct bearing thereon. If the P&Z elects to postpone or defer its hearing on the request, such action shall specifically state the time period of the postponement by citing the meeting date whereon the request will reappear on the P&Z's agenda.
- 2.34.2 When the P&Z is ready to act upon the zoning request, it may recommend:
  - (a) approval of the request as it was submitted by the applicant;
  - (b) approval of the request subject to certain conditions as in the case of a Planned Development District (PDD) or a Conditional Use Permit (CUP); or
  - (c) disapproval of the request.
- 2.34.3 The P&Z's recommendation will be automatically forwarded to the City Council for a second public hearing thereon.

#### **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 zoning map amendment. To date, no letters for or against the request have been received.

#### **Attachments**

#### Exhibit 1 – Zoning Amendment Application

Recommended Action:	Recommend approval of the requested Zoning Amendment	
Alternatives/Options:	Recommend denial of the zoning map amendment.	
Budget/Financial Impact:	All fees have been paid.	
Public Comments:	None as of the date of this report.	
Enforcement Issues:	N/A	



# **City of Dripping Springs**

PHYSICAL: 511 Mercer Street • MAILING: PO Box 384

Dripping Springs, TX 78620

512.858.4725 • cityofdrippingsprings.com

# **ZONING/PDD AMENDMENT APPLICATION**

Case Number (staff use only):				
CONTACT INFORMATION				
PROPERTY OWNER NAME H-E-B, LP				
STREET ADDRESS 646 South Flores St				
CITY San Antonio STATE TX	zip code <u>78204</u>			
PHONE 210-936-0342 EMAIL scott.ben@heb.c	om			
APPLICANT NAME Zachary D. Morgan				
COMPANY Quiddity				
STREET ADDRESS 101 E Old Settlers, Ste 280				
CITY Round Rock STATE TX	zip code <u>78665</u>			
PHONE 512-685-5194 EMAIL zmorgan@qu	iddity.com			
REASONS FOR AMENDMENT				
☐ TO CORRECT ANY ERROR IN THE REGULATION OR MAP	☐ TO RECOGNIZE CHANGES IN TECHNOLOGY, STYLE OF LIVING, OR MANNER OF CONDUCTING BUSINESS			
☐ TO RECOGNIZE CHANGED CONDITIONS OR CIRCUMSTANCES IN A PARTICULAR LOCALITY	☑ TO MAKE CHANGES IN ORDER TO IMPLEMENT POLICIES REFLECTED WITHIN THE COMPREHENSIVE PLAN			

Revised 11.30.2018 Page **1** of **4** 

PRO	OPERTY & ZONING INFORMATION
PROPERTY OWNER NAME	H-E-B, LP
PROPERTY ADDRESS	598 E Hwy US 290, Dripping Springs, Tx 78620
CURRENT LEGAL DESCRIPTION	Lot 1, Block B of Dripping Springs Retail Center
TAX ID#	R127261
LOCATED IN	☑ CITY LIMITS
	☐ EXTRATERRITORIAL JURISDICTION
CURRENT ZONING	Planned Development District 1
REQUESTED ZONING/AMENDMENT TO PDD	Commercial Services
REASON FOR REQUEST (Attach extra sheet if necessary)	We are combining this tract (R127261) and 11.73 acres of the adjacent tract (R17961). The 11.73 acres of the adjacent tract is zoned for commercial services and we are requesting that the combined tract be zoned as commercial services.
INFORMATION ABOUT PROPOSED USES (Attach extra sheet if necessary)	The proposed use is a 125,000 SF commercial building on tract R17961 and corresponding parking on R127261.

# COMPLIANCE WITH OUTDOOR LIGHTING ORDINANCE? \*

(See attached agreement).

☑ YES (REQUIRED)\* ☐ YES (VOLUNTARY)\* ☐ NO\*

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

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

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

#### **APPLICANT'S SIGNATURE**

The undersigned, here	by confirms that he/	she/it is the owner of the	above described real property and	
further, that Zachary	D. Morgan	is authorized to ac	t as my agent and representative with	
respect to this Application and the City's zoning amendment process.				
(As recorded in the Ha	ys County Property [	Deed Records, Vol. <u>3048</u>	, Pg. <u>27</u> .)	
	Benjamin Scott Name Group Vice President of R Center Development Title	Real Estate and Shopping		
STATE OF TEXAS	§ §			
COUNTY OF HAYS	§			
This instrumer	nt was acknowledged	before me on the 29th	ay of October,	
20124 by Benjar	nin Scott	·		
	Nota	ary Public, State of Texas		
My Commission Expire	es: <u>September</u>	2, 2028		
Zachay D. Name of Applicant	Morgan		ADRIANA SANCHEZ Notary ID #130807607 My Commission Expires September 2, 2028	

# **ZONING AMENDMENT SUBMITTAL**

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

The same of the sa	
fre My	10/21/2024
Applicant Signature	Date

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

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

Project Number:Project Number:	ds
	<b>DRIPPING SPRINGS</b> Texas

# **BILLING CONTACT FORM**

Project Name: Replat of Dripping Springs Retail Center Sub	division
Project Address: 598 E HWY US 290, Dripping Springs, TX	
Project Applicant Name: Zachary Morgan	
Billing Contact Information	
Name: Benjamin R. Scott	
Mailing Address: 646 South Flores Street	
San Antonio, TX 78204	
Email:	Phone Number:
Type of Project/Application (check all that apply):	
☐ Alternative Standard	□ Special Exception
☐ Certificate of Appropriateness	☐ Street Closure Permit
☐ Conditional Use Permit	□ Subdivision
☐ Development Agreement	□ Waiver
☐ Exterior Design	☐ Wastewater Service
☐ Landscape Plan	□ Variance
□ Lighting Plan	Zoning
☐ Site Development Permit	□ Other
Applicants are required to pay all associated costs a permit, plan, certificate, special exception, waiver, vegardless of City approval. Associated costs may in and outside professional services provided to the Citinspectors, landscape consultants, lighting consultant consultants, and others, as required. Associated cost the City's additional administrative costs. Please see details. By signing below, I am acknowledging that it accountable for the payment and responsibility of the	ariance, alternative standard, or agreement, clude, but are not limited to, public notices by by engineers, attorneys, surveyors, ats, architects, historic preservation ts will be billed at cost plus 20% to cover the online Master Fee Schedule for more the above listed party is financially
Signature of Applicant	Date



# Planning and Zoning Commission Planning Department Staff Report

Planning and Zoning
Commission Meeting:

January 28, 2025

Project No: VAR2024-010

**Project Planner:** Tory Carpenter, AICP, Planning Director

**Item Details** 

**Project Name:** HEB

**Property Location:** 598 E US 290, Dripping Springs, TX

**Legal Description:** Dripping Springs Retail Center, Block B, Lot 1

**Applicant:** Zachary D. Morgan, Quiddity

**Property Owner:** H-E-B, LP

Request:

A variance to allow a building larger than 50,000 square feet in a Commercial Services

Zoning District

**Zoning District** 



VAR2024-010 598 E US 290







#### Overview

The applicant is requesting a variance to allow a structure up to 150,000 sqft which exceeds the allowable 50,000 sqft in the Commercial Services Zoning District. The request is associated with a planned new HEB grocery store. The subject property includes both the current HEB site and an 11.73-acre tract of land to the east, recently acquired by HEB.

The applicant has combined these properties into a single parcel and intends to construct a new HEB store on the eastern portion of the site. The existing store will be demolished and replaced by parking for the new facility.

The applicant provided the following statement for the justification of the request:

"The requested variance is in the public interest as it will provide a larger grocery store for residents of Dripping Springs and surrounding communities. Due to the increase in population in this area, a new larger store is necessary. A larger store will provide a less crowded experience for residents and will be able to offer a more compelling selection of products.

Enforcement of the Ordinance would require the proposed building to have a smaller footprint than the current building. The anticipated primary customer base would exceed what the proposed maximum building size would allow.

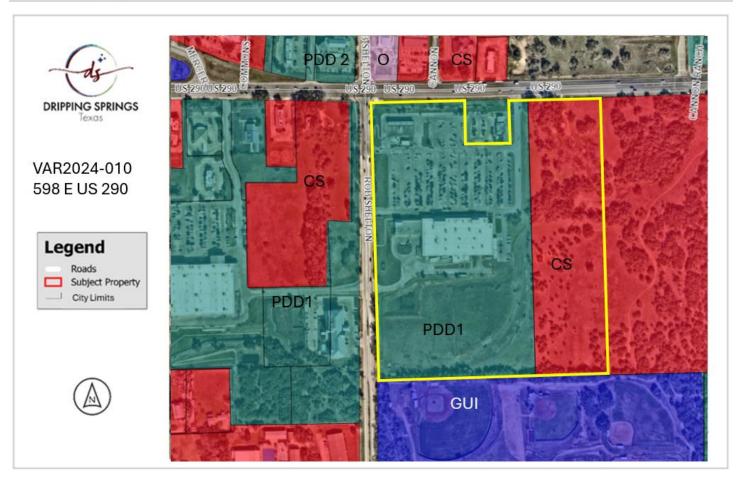
While the proposed store is larger than the existing store and the footprint allowed by Dripping Springs' Zoning Ordinance, this store is on a large plot (35.68 acres) and leaves significant acreage without any structures. Because of this significant amount of acreage without buildings, the spirit of the ordinance is still being followed. All other requirements for the building will follow the CS zoning ordinances along with a proposed impervious cover that remains under the 60% maximum for the 11.83-acre tract".

Code Requirement	Applicant Request	Difference
Maximum 50,000 sqft structure	Up to a 150,000 sqft structure	300%

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 (including tree mitigation)
- 3. Building Permit
- 4. Sign Permits

# **Surrounding Properties**



Direction	Zoning District	Existing Use	Future Land Use
North	CS, O	Office / Retail	
East	CS	Vacant	N/A
South	GUI	Sports & Rec Park	IN/A
West	PDD 1	Hotel	

## **Approval Criteria for Variance (2.22.2-Zoning Ordinance)**

Approval Criteria	Staff Comments
1. there are special circumstances or conditions	The applicant has demonstrated that the growing
affecting the land involved such that the literal	population of Dripping Springs and surrounding
enforcement of the provisions of this Chapter would	communities necessitates a larger store to adequately serve
deprive the applicant of the reasonable use of the	the area. Literal enforcement of the size restriction would
land; and	limit their ability to meet community needs.
2. the variance is necessary for the preservation and	Approval of the variance will allow the applicant to
enjoyment of a substantial property right of the	construct a larger store while maintaining significant
applicant; and by preserving the natural features and	portions of the property undeveloped, preserving natural
topography of the land; and	features and open space.
3. the granting of the variance will not be detrimental	The variance will not negatively impact public health,
to the public health, safety or welfare, or injurious	safety, or welfare. The site's large size ensures that the
to other property within the area; and	proposed building can be appropriately integrated without
	adversely affecting surrounding properties.

4.	the granting of the variance constitutes a minimal departure from this Chapter; and	While the requested variance is substantial, the large acreage of the site mitigates the impact of the increased building size, making it a reasonable departure from the requirements.
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 hardship arises from the unique size of the customer base and the need for a larger building to accommodate increased demand. This condition does not generally affect other properties in the vicinity.
6.	Granting the variance is in harmony with the spirit, general purpose, and intent of this Chapter so that:  a. the public health, safety and welfare may be secured; and b. that substantial justice may be done.	The variance will allow for a more functional grocery store, improving the shopping experience for residents while not compromising public health, safety, or welfare.  The approval ensures that the community's needs for a larger grocery store are met, providing a benefit to residents and maintaining the intent of the ordinance.

#### **Summary and Recommendation**

#### Staff recommends approval of the variance request with the following condition:

1. The applicant shall submit an Alternative Exterior Design 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**

January 27, 2025 Planning & Zoning Commission

March 5, 2025 Board of Adjustments

#### **Attachments**

Attachment 1 – Variance Application

Attachment 2 – Application Materials

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	None received at this time
Enforcement Issues	N/A
Comprehensive Plan Element	N/A



# H-F-B Dripping Springs 01

#### **Gross Floor Area Variance Justification**

10/21/2024

**Project Name** H-E-B Dripping Springs 01

**QE Project No.** S0977-0006-01

**Purpose:** Technical Justification to Support Gross Floor Area Variance Request

#### **Technical Information:**

#### Site Background Information

The subject site is located at the southeast corner of Rob Shelton Blvd. and US Highway 290. The current H-E-B store at this location is 75,000 square feet. The existing store is located on the currently developed 25-acre tract. This developed tract is located within Planned Development District #1 (PDD #1). The proposed expansion is an undeveloped 11.83-acre tract that is zoned as Commercial Services (CS).

The current HEB's primary customer base is the City of Dripping Springs and the surrounding areas, as the current HEB is the largest Grocery Store within the City limits.

As part of the variance request, we propose to exceed the allowable building square footage within the CS zoning. We propose a minimum of a 125,000 square foot building within the 11.83-acre tract along with the corresponding parking lot within the adjacent 25-acre tract.

#### **Public Interest**

The requested variance is in the public interest as it will provide a larger grocery store for residents of Dripping Springs and surrounding communities. Due to the increase in population in this area, a new larger store is necessary. A larger store will provide a less crowded experience for residents and will be able to offer a more compelling selection of products.

#### Site-Specific Hardship

Enforcement of the Ordinance would require the proposed building to have a smaller footprint than the current building. The anticipated primary customer base would exceed what the proposed maximum building size would allow.

#### Spirit of the Ordinance

While the proposed store is larger than the existing store and the footprint allowed by Dripping Springs' Zoning Ordinance, this store is on a large plot (35.68 acres) and leaves significant acreage without any structures. Because of this significant amount of acreage without buildings, the spirit of the ordinance is still being followed. All other requirements for the building will follow the CS zoning ordinances along with a proposed impervious cover that remains under the 60% maximum for the 11.83-acre tract.

Item 4.

# OF DRIPPING SPRINGS OF TEXAS

## **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):	<del>-</del>		
	CONTACT INFO	<u>PRMATION</u>	
PROPERTY OWNER NAME H-E-B,			
STREET ADDRESS 646 South	Flores St		
CITY San Antonio	<sub>state</sub> Texas	zip code 78204	
PHONE	EMAIL		
APPLICANT NAME Zachary Morg	an		
COMPANY Quiddity			
STREET ADDRESS 101 E Old S	Settlers Blvd, Ste 28	30	
CITY Round Rock	<sub>STATE</sub> Texas	zip code 78665	
PHONE 512-685-5194	EMAIL	y.com	
APPLICATION TYPE			
☐ ALTERNATIVE STA	NDARD	■ VARIANCE	
☐ SPECIAL EXCEPTION	DN	□ WAIVER	

Revised 2/5/2020 Page **1** of **4** 25

PROPERTY INFORMATION		
PROPERTY INFORMATION		
PROJECT NAME	Replat of Dripping Springs Retail Center Subdivision	
PROPERTY ADDRESS	598 E HWY US 290, Dripping Springs, TX 78620	
CURRENT LEGAL DESCRIPTION	Lot 1A, Block B of the Dripping Springs Retail Center Subdivision (35.70 Ac)	
TAX ID#	R17965	
LOCATED IN	■ CITY LIMITS	
	☐ EXTRATERRITORIAL JURISDICTION	
	☐ HISTORIC DISTRICT OVERLAY	

o Description of request & reference to section of the Code of Ordinances applicable to request:

This variance request pertains to section 3.12.4.(d) of the zoning ordinance for the city of Dripping Springs, Texas which states, "The gross floor area for each building shall not exceed 50,000 square feet per building."

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

This variance would allow the HEB to construct a large enough building to service the growing market within the City of Dripping Springs community.

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:

Preliminary site layouts and HEB direction contemplate a new store with a minimum of internal area of least 125,000 square feet.

#### **APPLICANT'S SIGNATURE**

The undersigned, here	by confirms that he/she	/it is the owner of the a	bove described real property and
further, that Zachary D. Morgan is authorized to act as my agent and representative with			
respect to this Applica	tion and the City's zonin	g amendment process.	
(As recorded in the Ha	ys County Property Dee	d Records, Vol. 3048,	Pg. <u>27</u> .)
	Benjamin Scott Name Group Vice President of Real Incenter Development Title	Estate and Shopping	
STATE OF TEXAS	§		
	§		
COUNTY OF HAYS	§		
This instrumen	nt was acknowledged be	fore me on the 29 day	of October,
20124 by Devijor	nin ocan	·	
	Notary	Public, State of Texas	
My Commission Expire	es: <u>September</u> 2	2028	
Zachary D.  Name of Applicant	Morgan		ADRIANA SANCHEZ Notary ID #130807607 My Commission Expires September 2, 2028

All required items and information (including all applicable above listed exhibits and fees) must be received by the City		
an application and request to be considered complete. <b>Incomplete submissions will not be accepted.</b> By signing below, i		
acknowledge that I have read through and met the above requirements for a complete submittal:		
10/21/2024		
Date		
6		

CHECKLIST		
STAFF	APPLICANT	
	<b>✓</b>	Completed Application Form - including all required signatures and notarized
	✓	Application Fee (refer to Fee Schedule)
		PDF/Digital Copies of all submitted documents
	<b>✓</b>	When submitting digital files, a cover sheet must be included outlining what digital
		contents are included.
	<b>✓</b>	Billing Contact Form
		Photographs
	<b>✓</b>	Map/Site Plan/Plat
<b>V</b>		Architectural Elevations (if applicable)
	✓	Description and reason for request (attach extra sheets if necessary)
		Public Notice Sign - \$25
		Proof of Property Ownership-Tax Certificate or Deed
		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:	Item 4.
necerved on, by.	

Project Number:	
Only filled out by staff	

Date, initials



#### **BILLING CONTACT FORM**

tail Center Subdivision		
roject Address: 598 E HWY US 290, Dripping Springs, TX 78620		
Project Applicant Name: Zachary Morgan		
et		
San Antonio, TX 78204		
Phone Number:		
<ul><li>☐ Special Exception</li><li>☐ Street Closure Permit</li><li>☐ Subdivision</li><li>☐ Weiver</li></ul>		
<ul> <li>□ Waiver</li> <li>□ Wastewater Service</li> <li>□ Variance</li> <li>□ Zoning</li> <li>□ Other</li> </ul>		

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

10/21/2024

H Item 4.

<u>∞</u>6

Dripping Springs Replacement

DATE: 05.08.2024

QUIDDIT SCALE 1:150

#### ALL RESTRICTIONS AND NOTES:

- 1. This Subdivision lies within the boundaries of the contributing zone of the Edwards Aquifier.
- 2. This subdivision lies within the Dripping Springs Independent School District.
- 3. This project is located within the City Limits of the City of Dripping Springs.
- 4. Utility Service:

Electric: Pedernales Electric Cooperative, Inc.

Telephone: Verizon

Water: Dripping Springs Water Supply Corporation

Wastewater: City of Dripping Springs and/or on site septic systems

- 5. This subdivision is subject to all existing Easements and matters of record affecting these lots that are not reflected on the plat.
- 6. This subdivision is designed in compliance with the Planned Development District No. 1, (PDD No. 1) approved by Dripping Springs City Council on September 12, 2006.
- 7. The access location(s) for this subdivision onto State Maintained Roads are per the approved TxDOT locations and/or the approved Master Plan for the PDD No. 1. The access location(s) for this subdivision onto City Maintained Roads are per the approved Master Plan for the PDD
- 8. The intended use of this subdivision is commercial and will adhere to the regulations of the City of Dripping Springs and PDD No. 1 that was approved by Dripping Springs City Council on September 12, 2006.
- 9. The determination of Potential Floodplain Areas must be addressed before the approval of any site plan located within the boundaries of this plat.
- 10. A variance to section 19.2 of the subdivision ordinance pertaining to the protection of drainage and creek areas was approved with the PDD No. 1 by the City Council on September 12, 2006.
- 11. Typical landscape maintenance, cutting and trimming, within the subdivision, all easements and right-of-ways to the pavement to be the responsibility of each property owner for its respective property and such easements and right-of-ways crossing same unless otherwise agreed upon under a separate instrument.
- 12. Driveways shall comply with the City of Dripping Springs Development Regulations and be permitted through the Transportation Department of City of Dripping Springs.
- 13. All culverts, when required shall comply with the current City of Dripping Springs Standard. Per City of Dripping Springs Development Regulations.
- 14. This property is not located within the Extra—Territorial Jurisdiction of any City or Municipality.
- 15. H-E-B, LP, by filing this record document, and all future owners of this property, by purchasing such property, acknowledge and agree that City of Dripping Springs shall have no obligation whatsoever to repair or accept maintenance of the roadways shown on this approved development plan until and unless [Owner] and/or the property occupants or tenants have improved the roadways to the then current standards required by City of Dripping Springs and the Roadways have been accepted for maintenance by formal written action of the City of Dripping Springs and the roadways, with all required right-of-way and building setbacks, have been dedicated by the owners thereof, and accepted by the City of Dripping Springs, as public roadways. H-E-B, LP and all future owners of property within the limits of the approved development plan shall look solely to the [Owner or entity entering into maintenance agreement with the City of Dripping Springs] for future maintenance and repair of the roadways included in this development plan.
- 16. Post—Construction Stormwater Control Measures shall have a maintenance plan. The owner operator of any new development or redevelopment site shall develop and implement a maintenance plan addressing maintenance requirements for any structural control measures installed on site. Operation and maintenance performed shall be documented and retained and made available for review upon request.
- 17. Post-Development Conditions Runoff Rate shall be no greater than the pre-developed condition for 2, 5, 10, 25, and 100 year storm events. Pre and post development runoff calculations
- 18. All dedicated Roadways shall be designed and constructed in accordance with applicable City of Dripping Springs Standards.
- 19. No structure in this subdivision shall be occupied until connected to an individual water supply or a State approved Community Water System.
- 20. No structure in this subdivision shall be occupied until connected to the Public Sewer System or to an on-site Wastewater System which has been approved and permitted by Dripping Springs Development Services.
- 21. No construction or other development within this subdivision may begin until all City of Dripping Springs Development permit requirements have been met.
- 22. The owner of the land dedicated by this plat reserves the right to use and enjoy the surface of all easement areas, except to the extent expressly prohibited by a separate easement instrument, for all purposes that do not unreasonably interfere with the use of such easement areas by the easement holder; including, but not limited to, utilities and the right to place surfacing materials over and across the easement area and to use the same for parking areas, driveways, walkways, sidewalks, landscaping and/or lighting.
- 23. The locations of the easements shown hereon that are granted by separate instrument are approximate and such easements and their location are governed by the terms, provisions and conditions of such separate instrument.
- 24. The Owner will be responsible for the operation and maintenance of Stormwater Detention and Water Quality Ponds.

SHEET 2 OF 2

# THE REPLAT OF DRIPPING SPRINGS RETAIL CENTER SUBDIVISION LOT 1, BLOCK B

35.70 ACRES OF LAND OUT OF THE PHILIP A. SMITH SURVEY, ABSTRACT NO. 415, BEING 23.87 ACRES A PORTION OF LOT 1, BLOCK B RECORDED IN VOLUME 14, PAGE 119 OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS AND AN 11.83 ACRE TRACT OF LAND RECORDED IN DOCUMENT NO. 19042979 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF HAYS

That H-E-B, LP being owner of a portion of that certain Lot 1, Block B of the Dripping Springs Retail Center Subdivision as shown on a plat recorded in Volume 14, Page 119 of the Plat Records of Hays County, Texas, the same being a remainder of a 25.000-acre tract of land conveyed by a Special Warranty Deed as recorded in Volume 3048, Page 27 of the Official Public records of Hays County, Texas, and that certain tract of land called to contain 11.83—acres conveyed by a General Warranty Deed as recorded in Document No. 24022923 of the Official Public records of Hays County, Texas, and said subdivision having been approved for resubdivision pursuant to the public notification and hearing provisions of the Local Government Code, do hereby resubdivide 35.70-acres of land in accordance with the map or plat attached hereto, to be known as:

# THE REPLAT OF DRIPPING SPRINGS RETAIL CENTER SUBDIVISION LOT 1, BLOCK B

And do hereby dedicate to the public the use of all streets and easements shown hereon, (excluding any such easements created by separate instrument), subject to any and all easements or restrictions heretofore granted and not released.

WITNESS MY HAND, this the 13th day of August, 2024, A.D.

By: H-E-B, LP, a Texas limited partnership

Name: Benjamin R. Scott

Title: Group Vice President of Real Estate and Shopping Center Development Address: 646 South Flores Street

San Antonio, Texas 78204

STATE OF Texas 8 COUNTY OF Bexar \$

person whose name is subscribed to the foregoing instrument and has acknowledged to me that they have executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

Notary Public - State of Texas

ADRIANA SANCHEZ Notary ID #130807607 My Commission Expires September 2, 2028

I. Rex L. Hackett, a Registered Professional Land Surveyor in the State of Texas, hereby state that to the best of my skill and knowledge this plat is true and correctly made and is prepared from an actual survey of the property made under my supervision on the ground and the corner monuments were properly placed under my supervision.

Rex L. Hackett

Austin, Texas 78744

QUIDDITY ENGINEERING. LLC 3100 Alvin Devane Blvd., Suite 150 REX L. HACKETT

I, Joseph York, P.E., a professional engineer, do hereby certify that no portion of this property is located with a designated 100—year Flood Zone Area, as shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Map No. 48209C0105F, Hays County, Texas Dated September 2, 2005.

Registered Professional Engineer No. 124934 Date 8/9/2074

QUIDDITY ENGINEERING, LLC 4350 Lockhill Selma Road, Suite 100 San Antonio, Texas 78249



City of Dripping Springs Planning Director Tory Carpenter

Water Service Provider

Dripping Springs Water Supply Corporation

Wastewater Service Provider

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF HAYS

I, Elaine H. Cardenas, Clerk of Hays County, Texas do hereby certify that this plat was filed for record in my office on the Way day of WWWW, 2011, A.D., at Cook o'clock M.M., in the Plat Records of Hays County, Texas in Instrument Number

Frame & cardenae my Anagrupu Mendez, inspiry Elaine H. Cardenas, County Clerk Hays County, Texas

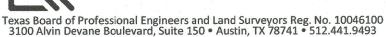
Dwg\S0977-0006-01 Plat.dwa JOB NO: S0977-0006-01 DRAWN BY: ASH August 9, 2024 CHECKED BY: RLH DATE:

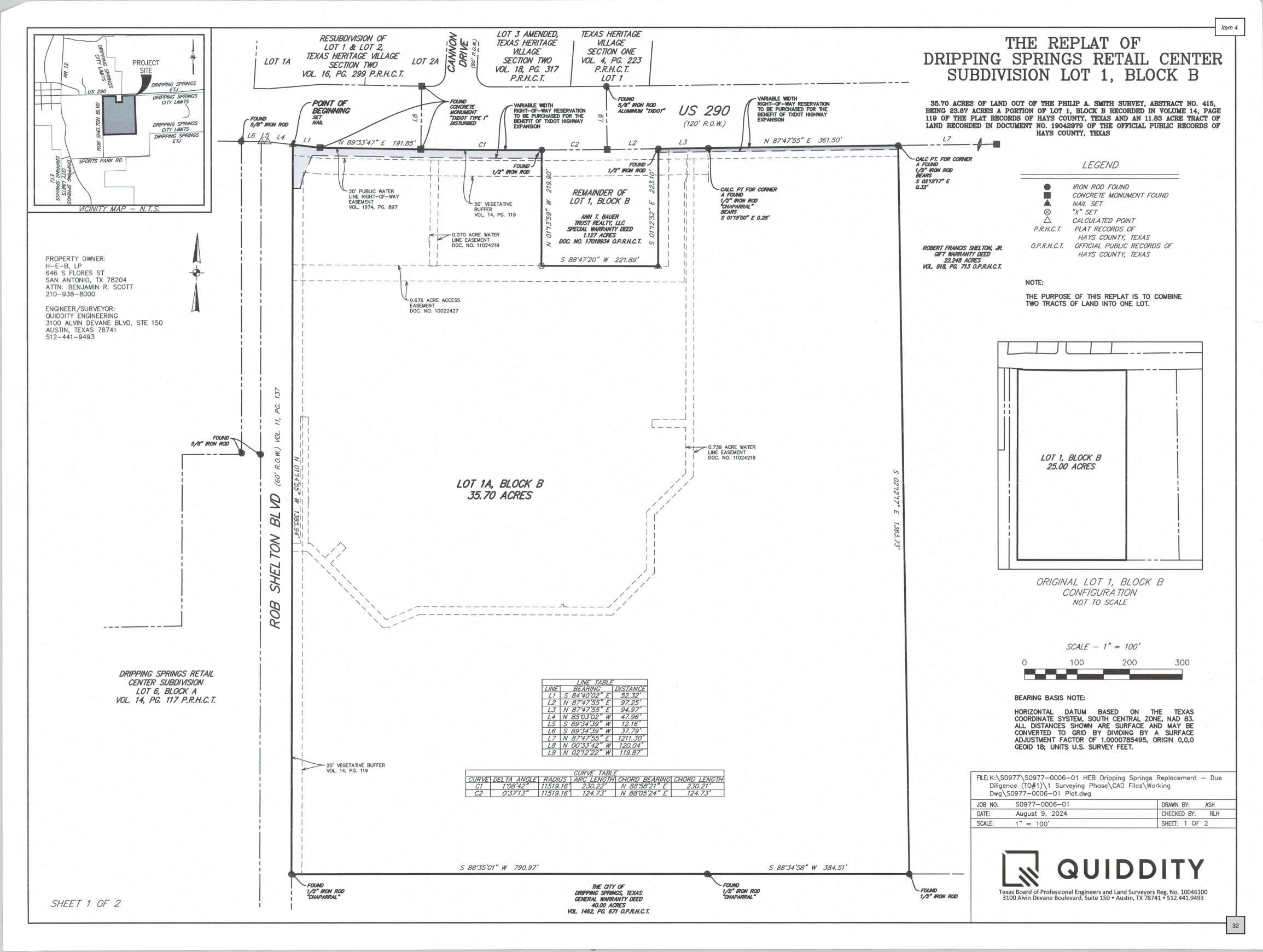
FILE: K:\S0977\S0977-0006-01 HEB Dripping Springs Replacement - Due

Diligence (TO#1)\1 Surveying Phase\CAD Files\Working

SHEET: 1 OF 2 SCALE:









# Planning and Zoning Commission Planning Department Staff Report

Planning and Zoning
Commission Meeting:

January 28, 2025

Project No: VAR2024-013

**Project Planner:** Tory Carpenter, AICP, Planning Director

**Item Details** 

**Project Name:** AAA Storage-Storserv Setback Variance

**Property Location:** 1300 E US 290

**Legal Description:** 5.02 Acres out of the CH Mallot Survey

**Applicant:** Shawn Beichler, AAA Storage

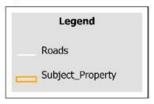
**Property Owner:** John Muhuch,

**Request:**Applicant is requesting a variance to allow three structures within the side building

setback.



VAR2024-013 AAA Storage Setback Variance







#### Overview

The applicant is requesting a variance to reduce the side setback requirement from 15 feet to 10 feet for the AAA Self Storage facility located at 1300 E US 290. The site was initially developed in the City's Extraterritorial Jurisdiction (ETJ) during its first phase. On April 4, 2023, the property was annexed to accommodate an increase in impervious cover for the construction of a second phase of the development.

The use of self-storage on the site required approval of a Conditional Use Permit (CUP), which was granted September 5, 2023. While the conceptual site plan submitted with the CUP application identified building locations, it did not specify setback measurements. However, the concept site plan depicted three proposed buildings within 10 feet of the property line, which does not meet the current 15-foot side setback requirement established by the zoning ordinance.

#### **Project Timeline:**

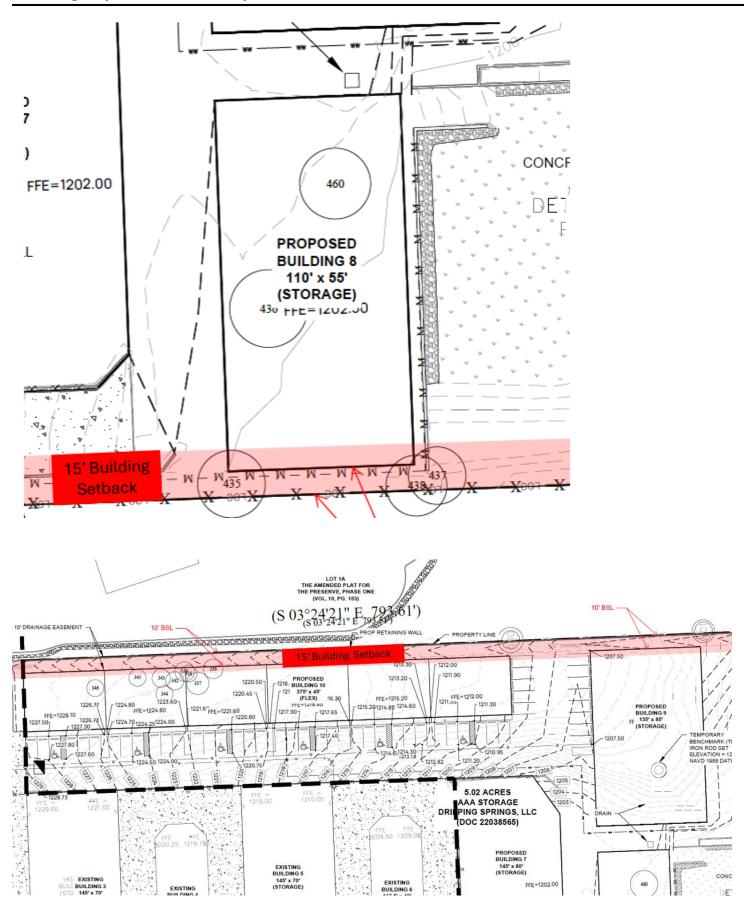
- September 17, 2020 Phase 1 site plan approved (ETJ)
- May 19, 2022 Phase 2 site plan extension approved (ETJ)
- March 28, 2024 Staff inspected the site for runoff issues
- April 4, 2023 Annexation and Zoning approved
- September 5, 2023 Conditional Use Permit approved

The applicant provided the following statement for the justification of the request:

"The Site Plan was originally approved as part of the Conditional Use Permit and Annexation Agreement. The Site Plan dimensions have not changed, and the building configuration was shown as a 10' BSL off the eastern property line as a part of that agreement. It appears to be an oversight during that process. By enforcing the 15' BSL, this reduces the building depth by 5', causing a reduction in the building footprint.

The project has been annexed into the City and will be following City of Dripping Springs Development Regulations for Phase 2, improving the overall standard of the project. This also includes bringing portions of Phase 1 up to the ordinance standards as well.

Code Requirement	Applicant Request	Difference
Structures must be at least 15' from the side property line	Approximately 10' from the side property line	5'



# **Surrounding Properties**

Direction	Zoning District	Existing Use	Comprehensive Plan
North	PDD – Gateway Village	Vacant Land. Future residential	
		and commercial site	
East	Commercial Services (CS)	Retail	Not Shown
South	Extraterritorial Jurisdiction	Residential	
West	Extraterritorial Jurisdiction	Residential	

# **Approval Criteria for Variance (2.22.2-Zoning Ordinance)**

Appro	oval 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 property does not exhibit any unique or special physical conditions that prevent compliance with the 15-foot side setback. The applicant has reasonable use of the land without the requested variance.
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 variance is not necessary to preserve a substantial property right, as the site can be reasonably developed in compliance with the required setback. The need for the variance is based on the applicant's design choices rather than the site's natural features.
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	Granting the variance could negatively impact adjacent properties by reducing the buffer between developments. The reduced setback may also set a precedent for future variances in the area.
4.	the granting of the variance constitutes a minimal departure from this Chapter; and	The variance would reduce the required setback by 33%.
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 hardship is self-imposed as it is caused by design decisions rather than inherent site constraints.
6.	Granting the variance is in harmony with the spirit, general purpose, and intent of this Chapter so that:  a. the public health, safety and welfare may be secured; and b. that substantial justice may be done.	The variance is not in harmony with the intent of the zoning ordinance, which seeks to maintain adequate setbacks to ensure compatibility between properties and protect public safety and welfare.

## **Summary and Recommendation**

Staff recommends denial of the variance request.

## **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**

January 27, 2025 Planning & Zoning Commission

March 5, 2025 Board of Adjustments

#### **Attachments**

Attachment 1 – Variance Application

Attachment 2 – Application Materials

Recommended Action	Recommend denial of the requested variance
Alternatives/Options	Recommend approval of the variance with or without conditions.
Budget/Financial impact	N/A
Public comments	None received at this time
Enforcement Issues	N/A
Comprehensive Plan Element	N/A



PHYSICAL: 511 Mercer Street • MAILING: PO Box 384

Dripping Springs, TX78620

\$12.858.4725 •cityofdrippingsprings.com

# STANDARD/SPECIAL EXCEPTION/VARIANCE/WAIVER APPLICATIO

Case Number	(staff use only):
-------------	-------------------

# **CONTACT INFORMATION**

PROPERTY OWNER NAME John Muhich				
STREET ADDF	RESS <u>1300 E US Highway</u>	290 West		
CITY <u>Dripping</u>	Springs	STATE TX	ZIP CODE_78620	
PHONE <u>(512)</u>	657-6789 E	MAIL johnsmuhich @gmail.con	n	
APPLICANT N	IAME <u>Shawn Beichler</u>			
COMPANY <u>A</u>	AA Storage-Storserv			
STREET ADDF	RESS <u>1300 E USHighway</u>	290		
ClTY <u>Drippinp</u>	Sprinps	STATE_TX	ZIP CODE_78620	
PHONE <u>(704)</u>	754-3200 I	EMAIL Shaen.Beichler@AAASto	rage.com	
APPLICAT	ION TYPE			
	Q ALTERNATIVE STANI	DARD	X VARIANCE	
	0 SPECIAL EXCEPTION		0 WAIVER	
				I

Revised 2/5/2020 Page 1 of 4 38

PROPERTY INFORMATION		
PROIECTNAME	AAA Storage-Storserv	
PROPERTY ADDRESS	1300 E US Highway 290 West, Dripping Springs, TX 78620	
CURRENT LEGAL DESCRIPTION	ABs 693 CH Ma11ot Survey 5.02 AC	
TAX ID#	R	
LOCATED IN	X CITY LIMITS	
	0 EXTRATERRITORIAL JURISDICTION	
	0 HISTORIC DISTRICT OVERLAY	

o Description of request & reference to section of the Code of Ordinances applicable to request:

Requesting the adjustment to the side setback BSL from 15' to 10' for eastern property line. City of Drippings Springs Ordinance Section: 3.12.4 (b)

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

The Site Plan was originally approved as part of the Conditional Use Permit and Annexation Agreement. The Site Plan dimensions have not changed, and the building configuration was shown as a 10' BSL off the eastern property line as a part of that agreement. It appears to be an oversight during that proces5. By enforcing the 15' BSL, this reduces the building depth by 5', causing a reduction in the building footprint.

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 project has been annexed into the City and will be following City of Dripping Springs Development Regulations for Phase 2, improving the overall standard of the project. This also includes bringing portions of Phase 1 up to the ordinance standards as well.

## **APPLICANT'S SIGNATURE**

The undersigned, hereby confirms that he/she/it is the owner of the above described real property and
further, that \$1 \$3CHUS-\is authorized to act as my agent and representative with
respect to this Application and the City's zoningamendment process.
(As recorded in the Hays County Property D. Pecords, VolPg
Manue
Manuel <u>DIR OF CAUD DEVELOPMENT</u> & COUSTDUCTION  Title
STATE OF TEXAS §
§
COUNTY OF HAYS meeldedoung &
This instrument was acknowledged before me on the)day ofCll
201 by Shawn R. Beichter Haussmeh
Notary Public, State of I @ '1 Mg = 9: 20TAHY
010/10000
My Commission Expires: 02/26/2028 PUBLICATE
ATTENBUIRG CHI
Name of Aplicant

All require	items and information (including all applicable above listed exhibits and fees) must be received by the City for
an appli ti	and req <b>uest to be consid</b> ered complete. Incomplete submissions will not be accepted. By signing below, I hat I avve repaintmough and met the above requirements for a complete submittal:
ackn	hat I avve repulthrough and met the above requirements for a complete submittal:

CHECKLIST		
STAFF	APPLICANT	
0	0	Completed Application Form - including all required signatures and notarized
0	0	Application Fee refer to Fee Schedule]
		PDF/Digital Copies of all submitted documents  When submitting digital files, a cover sheet must be included outlining what digital contents are included.
		Billing Contact Form
		Photographs
		Map/Site Plan/Plat
		Cut/Fill Data Sheet (i/ applicable)
		Architectural Elevations (if applicable)
		Description and reason for request (attoch extra sheets if necessary)
		Public Notice Sign - \$25
		Proof of Property Ownership-Tax Certificate or Deed
		Outdoor Lighting Ordinance Compliance Agreement - signed with attached photos/drawings (required if marked "Yes (Required)" on above Lighting Ordinance Section of application)

Received	on/bv:
received	On Oy.

Item 5.

42

Project Number: \_\_\_\_\_\_

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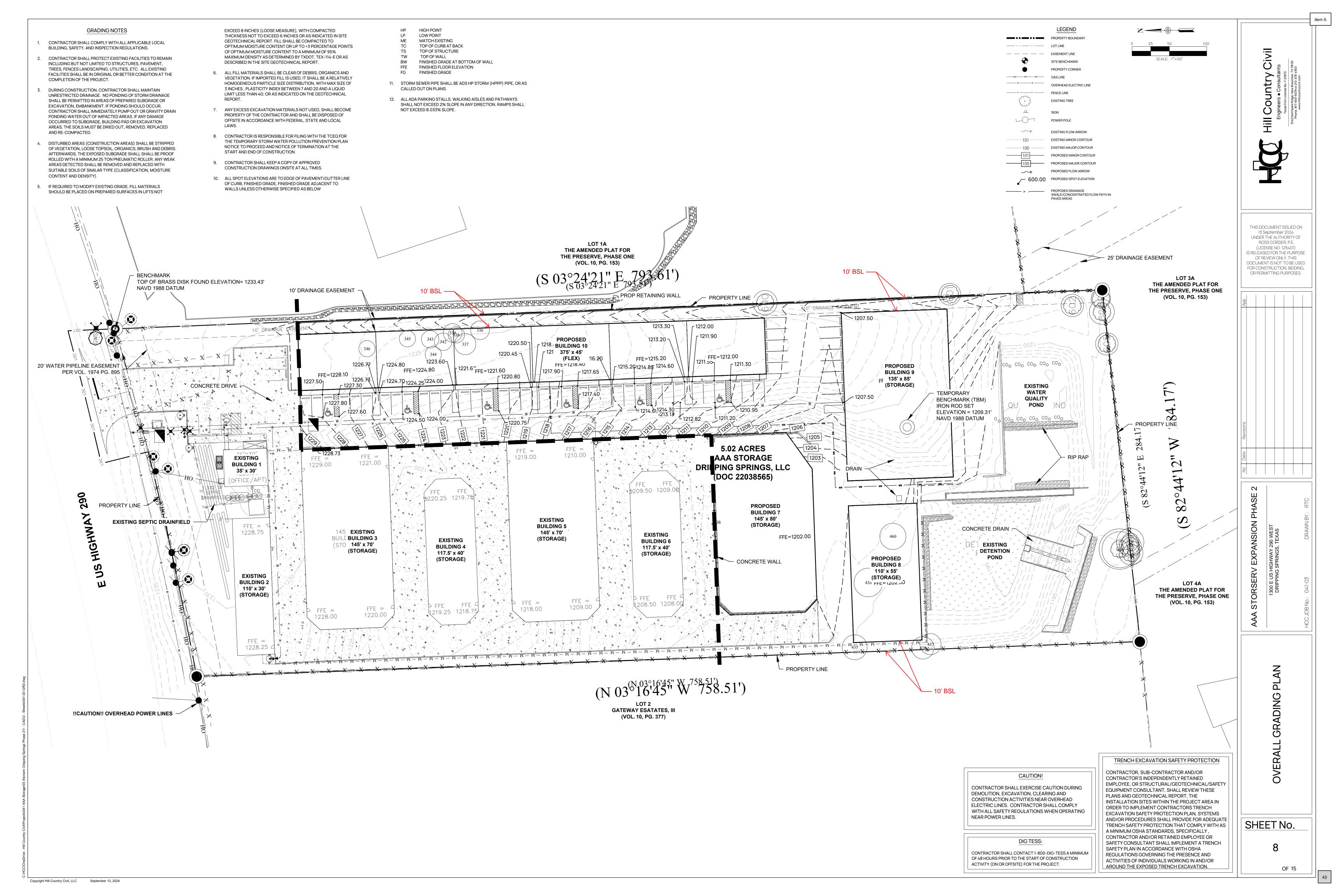


## **BILLING CONTACT FORM**

Project Name: AAA Storage-Storserv			
Project Address: 1300 E US Highway 290 West			
Project Applicant Name: John Muhich			
•			
Billing Contact Information			
Name: John Muhich			
Mailing Address: 4203 Spinnaker CV			
Austin, TX 78731			
Email:johnsmuhich@gmail.comPhone Number: (512) 657-6789			
Type of Project/Application (check all that apply):			
Alternative Standard	Special Exception		
Certificate of Appropriateness	Street Closure Permit		
Conditional Use Permit Subdivision			
Development Agreement Waiver			
J Exterior Design Wastewater Service			
Landscape Plan	u Variance		
Lighting Plan Zoning			
Site Development Permit	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 Ciry by engineers, attorneys, surve yors, inspectors, landscape consultants, lighting consultants, architects, historic preservation consultants, and others, as required. Associated costs wf// be billed at cost plus 20'Xo to cover the City's additional administrative costs. Please see the online Master Fee Schedule for more details. By sigging below, I am ocknowledging that the above listed party is financially accountable for the payment and responsibility of these fees.

Signature of Applicant Date



From: Austin Powers
To: Planning

**Subject:** RE: Notice of Public Hearing Case#: VAR2024-013 and VAR2024-014

**Date:** Friday, January 24, 2025 10:13:08 AM

#### Good morning,

I'm writing to formally express my opposition to the proposed variance applications (VAR2024-013 and VAR2024-014) for the development located at 1300 E US 290.

During the application for Conditional Use Permit process, there were several concerns raised about the future development including, but not necessarily limited to, the following:

- 1. Preserving the privacy, value and aesthetic standards of the surrounding residences.
- 2. Maintaining zero light pollution from the proposed development
- 3. Reducing sound pollution from the proposed development.

Currently, my property located to the south of this development at 186 Leafdale Trail, is affected by light, noise and visual pollution from the development. The existing metal fence does not create a harmonious use of land nor does it meet the material requirements set forth in Section 5(B) 5.16 of the Zoning Ordinance.

The applicant states that "no issues have been raised about this fence". That is simply not true as I brought this up during the consideration for approval of the Conditional Use Permit. Furthermore, I spoke to the developer directly about this fence before he installed it.

Due to the unique site topography with the development being higher in elevation than residences to the south, it was determined that an 8' opaque and stone masonry wall would help mitigate some of the concerns listed in the items noted above. I see no reason to change those recommendations as no hardship exists for this requirement.

Additionally, the variance request to reduce the setback from 15' to 10' would have a negative impact on the uniformity of development in the area. It would also create an unwanted precedent for future development within the City. Maintaining the 15' setback would not create a hardship for the developer and this request should be denied.

Also, while not directly related to the variance requests, I want to reiterate the need for appropriate sizing and maintenance of the water quality pond. The additional impervious coverage will generate more runoff that could create adverse flooding effects if not properly sized and maintained.

Thank you for your attention to this matter and I urge staff to deny approval for VAR2024-013 and VAR2024-014.

Thank you, Austin Powers 186 Leafdale Trl



# Planning and Zoning Commission Planning Department Staff Report

Planning and Zoning
Commission Meeting:

January 28, 2025

Project No: VAR2024-014

**Project Planner:** Tory Carpenter, AICP, Planning Director

**Item Details** 

**Project Name:** AAA Storage-Storserv Setback Variance

**Property Location:** 1300 E US 290

**Legal Description:** 5.02 Acres out of the CH Mallot Survey

**Applicant:** Shawn Beichler, AAA Storage

**Property Owner:** John Muhuch,

**Request:** Applicant is requesting a variance waiving the requirement to construct an 8' masonry

screening.



#### Overview

The applicant is requesting a variance to waive a requirement of the approved Conditional Use Permit for an 8' masonry screening along the western and southern property boundaries of 1300 E US 290. The site was initially developed in the City's Extraterritorial Jurisdiction (ETJ) during its first phase. On April 4, 2023, the property was annexed to accommodate an increase in impervious cover for the construction of a second phase of the development.

As part of the approval, several conditions were included to help bring the site into conformance with City standards. City Code requires masonry screening for commercial uses adjacent to residential zoning districts. While the adjacent residences are located in the ETJ and this requirement would not typically apply, a condition was added to the CUP to mitigate potential adverse impacts on these residences. The condition states:

"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 western and southern property boundaries consistent with Section 5.10.1 of the Zoning Ordinance."

During construction of Phase 1, the applicant erected a metal fence along the majority of the western property line.

## **Project Timeline:**

- September 17, 2020 Phase 1 site plan approved (ETJ)
- May 19, 2022 Phase 2 site plan extension approved (ETJ)
- $\approx$  March/April 2023 Metal fence erected
- April 4, 2023 Annexation and Zoning approved
- September 5, 2023 Conditional Use Permit approved
- March 28, 2024 Staff inspected the site for runoff issues

The applicant provided the following statement for the justification of the request:

"Fence has already been constructed and in place at the address location. It's made of metal set into a concrete slab. Requesting to leave this structure in place over removing it to replace with masonry. This will create a hardship in that the existing fence footings and concrete pavement all be demolished and reconstructed for the fence. The existing fence provides the screening requirement, and no issues have been raised about this fence.

The rest of the Phase 1 and Phase 2 development is following City of Dripping Springs Development Ordinances as a part of the Annexation agreement with the city, which would have otherwise only followed ETJ requirements."

Existing Fence:



# **Surrounding Properties**

Direction	Zoning District	Existing Use	Comprehensive Plan
North	PDD – Gateway Village	Vacant Land. Future residential	
North	FDD – Galeway Village	and commercial site	
East	Commercial Services (CS)	Retail	Not Shown
South	Extraterritorial Jurisdiction	Residential	
West	Extraterritorial Jurisdiction	Residential	

# **Approval Criteria for Variance (2.22.2-Zoning Ordinance)**

Approval Criteria	Staff Comments
1. there are special circumstances or conditions	There are no special circumstances or unique physical
affecting the land involved such that the literal	conditions on the property that would deprive the applicant
enforcement of the provisions of this Chapter would	of reasonable use of the land. The site can be used as
deprive the applicant of the reasonable use of the	intended without waiving the masonry screening
land; and	requirement.
2. the variance is necessary for the preservation and	The variance is not necessary to preserve a substantial
enjoyment of a substantial property right of the	property right, as the applicant is able to fully develop the
applicant; and by preserving the natural features and	site and operate a self-storage facility while complying
topography of the land; and	with the screening requirement.
3. the granting of the variance will not be detrimental	Waiving the masonry screening requirement could
to the public health, safety or welfare, or injurious	negatively affect the adjacent residential properties by
to other property within the area; and	failing to mitigate adverse visual and noise impacts from
	the self-storage facility. This would be detrimental to the

	welfare of neighboring residents.
4. the granting of the variance constitutes a minimal departure from this Chapter; and	Waiving the requirement for masonry screening entirely does not constitute a minimal departure. It eliminates a key condition intended to reduce the impact of the project on adjacent residential properties.
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	C I
6. Granting the variance is in harmony with the spirit, general purpose, and intent of this Chapter so that:  a. the public health, safety and welfare may be secured; and  b. that substantial justice may be done.	The variance is not in harmony with the intent of the ordinance, which seeks to protect adjacent properties from adverse impacts of commercial uses. Denial ensures the ordinance's purpose is upheld and substantial justice is achieved for the neighboring residents.

## **Summary and Recommendation**

Staff recommends denial of the variance request.

## **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**

January 27, 2025 Planning & Zoning Commission

March 5, 2025 Board of Adjustments

## **Attachments**

Attachment 1 – Variance Application

Attachment 2 – Application Materials

Recommended Action	Recommend denial of the requested variance
Alternatives/Options	Recommend approval of the variance with or without conditions.
Budget/Financial impact	N/A
Public comments	None received at this time
Enforcement Issues	N/A
Comprehensive Plan Element	N/A



PHYSICAL: 511 Mercer Street •MAILING: PO Box 384

Dripping Springs, TX78620

512.858.4725 • cityofdrippingsprings.com

# STANDARD/SPECIAL EXCEPTION/VARIANCE/WAIVER APPLICATION

Case Number	(staff	use only):
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# **CONTACT INFORMATION**

PROPERTY OWNER NAME John Muhich				
STREET ADDRESS 1300 E US Highway 290 West				
CITY <u>Dripping Springs</u> STATE <u>TX</u>	ZIP CODE_78620			
PHONE (512) 657-6789 EMAIL johnsmuhich@pmail.con	<u>n</u>			
APPLICANT NAME <u>Shawn Beichler</u>				
COMPANY AAA Storage-Storserv				
STREET ADDRESS 1300 E US Highway 290				
CITY <u>Dripping Springs</u> STATE <u>TX</u>	ZIP CODE_78620			
PHONE (704) 754-3200 EMAIL Shawn.Beichler@AAASto	orage.com			
APPLICATION TYPE				
0 ALTERNATIVE STANDARD	X VARIANCE			
0 SPECIAL EXCEPTION	0 WAIVER			

Revised 2/5/2020 Page 1 of 4 49

o Description of request & reference to section of the Code of Ordinances applicable to request:

**0 HISTORIC DISTRICT OVERLAY** 

The Request is for the city to accept the existing metal fence as shown in the pictures as a part of the Phase 1 development and not require the fence to be demolished and a brand new masonry fence constructed per the Conditional Use Permit, Ordinance No. 2023.28. Item No. 4.

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

Fence has already been constructed and in place at the address location. It's made of metal set into a concrete slab. Requesting to leave this structure in place over removing it to replace with masonry. This will create a hardship in that the existing fence footings and concrete pavement all be demolished and reconstructed for the fence. The existing fence provides the screening requirement, and no issues have been raised about this fence.

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 rest of the Phase 1 and Phase 2 development is following City of Dripping Springs
Development Ordinances as a part of the Annexation agreement with the city, which would have otherwise only followed ETJ requirements.

# **APPLICANT'S SIGNATURE**

The undersigned, hereby confirms that he/she/it is the owner of the above described real property and
further, that <b>SHUN BECHOOL</b> 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 Oxinty Property Property Records, Vol, Pg)
Name
Title
STATE OF FEXAS North Caroling
COUNTY OF HAY-S °' " " §
This instrument was acknowledged before me on the <u><u>Sroday</u> of <u>December</u></u>
2014 by Shawn R. Beichter Hawarneh
Notary Public, State of gr Caroling HAWATME
My Compission Expires: 02/26/2088
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 requ <b>est the</b> considered complete. Incomplete submissions will not be accepted. By signing below, I				
ackn <b>owledgethat</b> Il baye read through and met the above requirements for a complete submittal:				
App/camtSigmature	Date			

		CHECKLIST
STAFF	APPLICANT	
а	а	Completed Application Form - including all required signatures and notarized
		Application Fee (refer to Fee Schedule)
		PDF/Digital Copies of all submitted documents  When submiNing digital files, a cover sheet must be included outlining what digital contents are included.
		Billing Contact Form
		Photographs
		Map/Site Plan/Plat
		Cut/Fill Data Sheet (i/ applicable)
		Architectural Elevations (if applicable)
		Description and reason for request (attach extra sheets if necesSaTy)
		Public Notice Sign - \$25
		Proof of Property Ownership-Tax Certificate or Deed
		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:
-----------------

Item 6.

Project Number:\_\_\_\_\_
Only filled out by staff

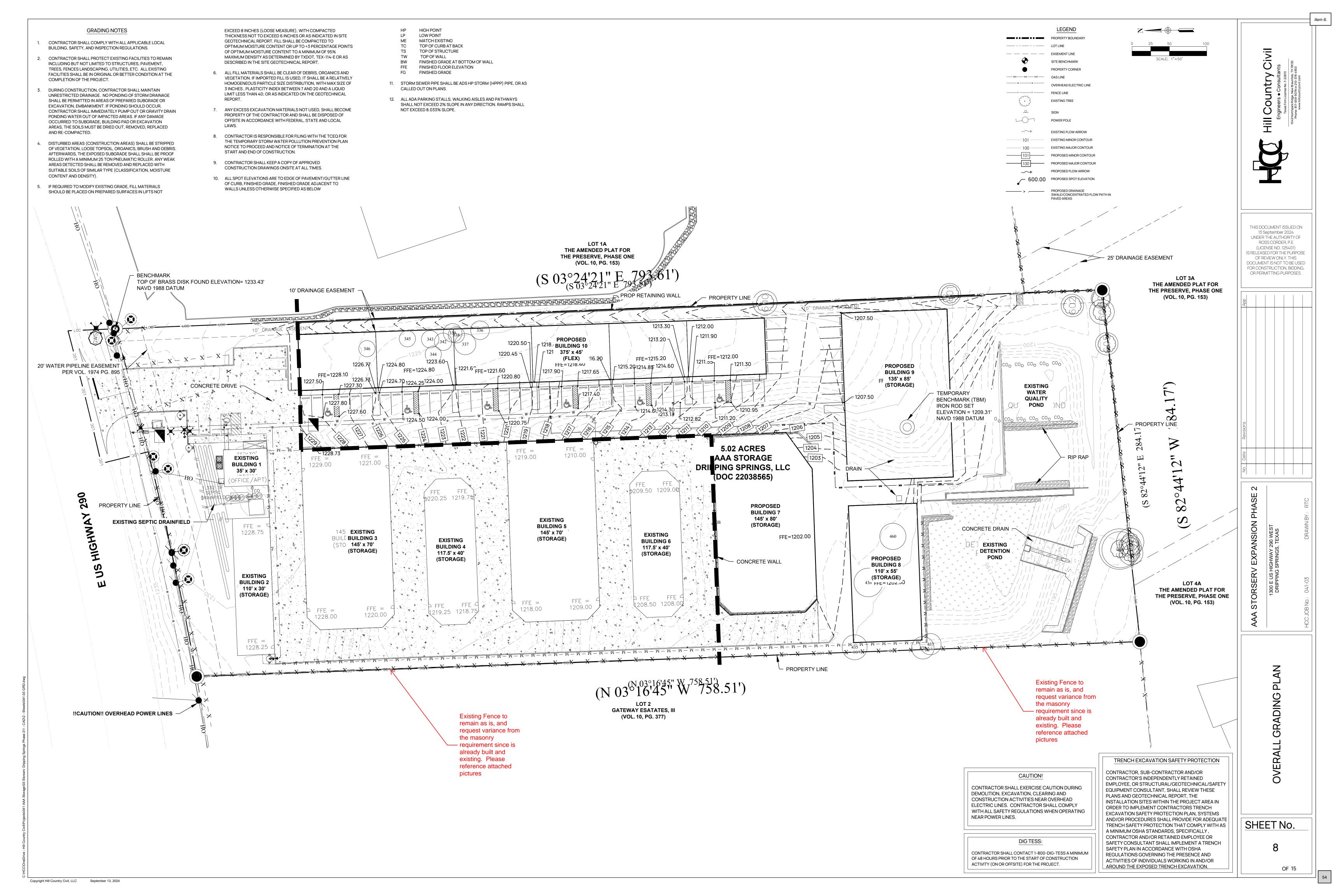


## **BILLING CONTACT FORM**

Project Name: AAA Storage-Storserv					
Project Address: 1300 E US Highway 290 West					
Phone Number: <u>(512) 657-6789</u>					
Type of Project/Application (check all that apply):					
Special Exception					
Street Closure Permit					
Subdivision					
Waiver					
Wastewater Service					
u Variance					
Zoning					
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 C.ity's additional administrative costs. Please see the online Master Fee Schedule for more details. By signing below, I am acknowledging that the above llsted party is financially accountable for the payment and responsibility of these fees.

Signature of Applicant













#### CITY OF DRIPPING SPRINGS

#### ORDINANCE No. 2023-28

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR THE USE OF MINI WAREHOUSE-SELF STORAGE WITHIN THE COMMERCIAL SERVICES ZONING DISTRICT FOR A PERIOD NOT TO EXCEED TWO YEARS AT 1300 E US 290, DRIPPING SPRINGS, TEXAS, 78620, UNDER EXHIBIT A, ZONING ORDINANCE, SECTION 3.17, CONDITIONAL USE PERMIT AS ATTACHED IN EXHIBIT "A"; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; PUBLICATION; EFFECTIVE DATE; PROPER NOTICE & MEETING.

- WHEREAS, the City Council of the City of Dripping Springs ("City Council") seeks to promote reasonable, sound, and efficient land use and development within the City of Dripping Springs ("City"); and
- **WHEREAS**, pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to regulate zoning within the City; and
- WHEREAS, the City of Dripping Springs desires to approve a conditional use permit because of the unique nature of this property, and the land use is compatible with the permitted land uses in a given zoning district only under current conditions; and
- WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and
- **WHEREAS**, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Dripping Springs to adopt this Ordinance.

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

#### 1. FINDINGS OF FACT

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

#### 2. ENACTMENT

The Conditional Use Permit is approved as presented in Attachment "A" to this ordinance.

#### 3. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

#### 4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

#### 5. EFFECTIVE DATE

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

#### 6. PROPER NOTICE & MEETING

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

PASSED & APPROVED this, the 5<sup>th</sup> day of September 2023, by a vote of 4 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:

Bill Foulds, Jr., Mayor

**ATTEST:** 

Andrea Cunningham, City Secretary

Attachment "A"



## City of Dripping Springs | Conditional Use Permit

Granted to allow the land use of "Mini-Warehouse - Self-Storage" on a property that is currently zoned Commercial Services (CS) District located at:

1300 E US 290, Dripping Springs, Texas, 78620
Approved by the City of Dripping Springs City Council on \_\_\_\_\_\_

Operation of a self-storage and flex space at the above-mentioned location is allowed pursuant to the following regulations:

- 1. The locations of buildings and parking areas shall generally be consistent with the site plan provided with this request.
- 2. All existing and new lighting must comply with the City's Lighting Ordinance
- 3. The entire site must comply with the City's Landscape Ordinance
- 4. The applicant must provide 8-foot masonry screening in the form of stone or brick as best determined by the Development Review Committee along the western and southern property boundaries consistent with section 5.10.1 of the Zoning Ordinance.
- 5. Can not exceed 70% impervious coverage.
- 6. Remove the old silt fence and re-build the one that is no longer functional.
- 7. The City Engineer, Chad Gilpin review to ensure compliance with the SWPP and the City's Drainage Ordinance.
- 8. Maintain current hours of 9:00 am to 9:00 pm
- 9. After-hours lighting for the new buildings needs to be controlled by motion detection after closing.

From: Austin Powers
To: Planning

Subject: RE: Notice of Public Hearing Case#: VAR2024-013 and VAR2024-014

**Date:** Friday, January 24, 2025 10:13:08 AM

#### Good morning,

I'm writing to formally express my opposition to the proposed variance applications (VAR2024-013 and VAR2024-014) for the development located at 1300 E US 290.

During the application for Conditional Use Permit process, there were several concerns raised about the future development including, but not necessarily limited to, the following:

- 1. Preserving the privacy, value and aesthetic standards of the surrounding residences.
- 2. Maintaining zero light pollution from the proposed development
- 3. Reducing sound pollution from the proposed development.

Currently, my property located to the south of this development at 186 Leafdale Trail, is affected by light, noise and visual pollution from the development. The existing metal fence does not create a harmonious use of land nor does it meet the material requirements set forth in Section 5(B) 5.16 of the Zoning Ordinance.

The applicant states that "no issues have been raised about this fence". That is simply not true as I brought this up during the consideration for approval of the Conditional Use Permit. Furthermore, I spoke to the developer directly about this fence before he installed it.

Due to the unique site topography with the development being higher in elevation than residences to the south, it was determined that an 8' opaque and stone masonry wall would help mitigate some of the concerns listed in the items noted above. I see no reason to change those recommendations as no hardship exists for this requirement.

Additionally, the variance request to reduce the setback from 15' to 10' would have a negative impact on the uniformity of development in the area. It would also create an unwanted precedent for future development within the City. Maintaining the 15' setback would not create a hardship for the developer and this request should be denied.

Also, while not directly related to the variance requests, I want to reiterate the need for appropriate sizing and maintenance of the water quality pond. The additional impervious coverage will generate more runoff that could create adverse flooding effects if not properly sized and maintained.

Thank you for your attention to this matter and I urge staff to deny approval for VAR2024-013 and VAR2024-014.

Thank you, Austin Powers 186 Leafdale Trl

## Subdivision Projects

Subdivision Project Name	City Limits / ETJ	Location	Description	Status
SUB2022-0009 Driftwood Subdivision Phase 3 Preliminary Plat	ETJ	17901 FM 1826	Preliminary Plat for 14 lots: 12 Residential, 1 Commercial, 1 Industrial	Approved w/ Conditions
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
SUB2022-0036 Driftwood Creek FM 150 12 Treated Effluent and 10 Raw Wastewater Forcemains Ph I and II	ETJ	FM 150	12 inch treated effluent line and 10 inch wastewater forcemains to connect with Dripping Springs WWTP	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.	Waiting on Resubmittal
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
SUB2023-0018 Cannon Ranch Phase 2 Final Plat	CL	Rushmore Drive at Lone Peak Way	Subdivide into 100 lots.	Approved w/ Conditions
SUB2023-0021 Driftwood Golf and Ranch Club Phase Four Subdivision CP	ETJ	Driftwood Ranch Drive	Paving, drainage, water, wastewater subdivision constructions plans.	Under Review
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.	Waiting on Resubmittal
SUB2024-013 Richford Subdivison, Lot 2 Replat	ETJ	14331 Canonade	Divide existing lot into two.	Under Review
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	Under Review
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 infrastucture construction plans.	Under Review
SUB2024-029 Minor Plat of Stephenson Civic District	CL	101 Old Fitzhugh Rd	Establishing 1.4289-acre plat	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.	Under Review
SUB2024-034 Village Grove Phase 2A Final Plat		Village Grove Parkway	Final plat for 165 single family lots.	Under Review
SUB2024-035 Lunaroya Amended Preliminary Plat	ETJ	Silver Creek Rd	28 single family residential lots.	Waiting on Resubmittal
SUB2024-036 Mitchel Property Preliminary Plat	ETJ	Silver Creek Rd	33 residential lots.	Waiting on Resubmittal
SUB2024-037 Driftwood Golf Club Development Effluent and WW Forcemains	ETJ	Thielepape Cove	12,185 linear feet of 12", 6", or 2" forcemain	Waiting on Resubmittal
SUB2025-001 Village Grove Phase 2B Final Plat	CL	Village Grove Parkway	262 single family residential lots.	Under Review

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	
SD2021-0021 RR 12 Commercial Kitchen	CL	28707 RR 12	Commercial kitchen that will support a catering	Approved w/ Conditions	
SD2021-0013 Dreamland	ETJ		business, no on-site dining is proposed	Waiting on Resubmittal	
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 exisiting 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	
SD2022-0019 Double L Ranch, Phase 1	ETJ	RR 12	Construction of water, wastewater, drainage and paving improvements for 244 single family lots.	Approved w/ Conditions	
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	Revmoval 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 improvments	Waiting on Resubmittal	
SD2023-0009 Paloma	CL	235 Sports Park Rd	Adding improvements to the site	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	
SD2023-0017 OroBianco Mobile Food Unit - Driveways	CL	27713 RR 12	Driveway for gelato food truck.	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 SD2024-001 Roxie's at Dripping Springs	ETJ CL	24101 RR 12 299 W. Mercer Street	2800 sq ft building and parking	Approved w/ Conditions Waiting on Resubmittal	
SD2024-002 QuickTrip #4133	CL	HWY 290 and Sawyer Ranch	Renovating and expanding site  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,	Waiting on Resubmittal	
SD2024-011 Patriot Erectors CZP	ETJ	3023 West Hwy 290	parking, detention, and park area.  Detention pond.	Under Review	
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.	Under Review	
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	
SD2024-016 UG Boat and RV Storage	ETJ	31301 RR 12	Open air rv and boat storage.	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.	Waiting on Resubmittal	
SD2024-019 VB Dripping Springs	CL	27320 RR 12	100' wireless telecommunication tower.	Waiting on Resubmittal	
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	311 Old Fitzhugh Rd	Phase 1:Stephenson building addition. Phase 2: parking lot improvements.	Under Review	

Ongoing Projects			
Comprehensive Plan	Comprehensive plan subcommitee TBD		
Cannon Mixed-Use	Awaiting Resubmittal		
PDD2023-0001 Madelynn Estates	Dormant		
PDD2023-0002 Southern Land	Awaiting Resubmittal		
PDD2023-0003 ATX RR12 Apartments	Awaiting Resubmittal. Applicant may update submittal to expand the area to include commercial.		

In Administrative Completeness	Filing Date	
SUB2023-001 Village Grove Phase 2B Townhome Infrastructure		