



## **Planning & Zoning Commission Regular Meeting**

*Dripping Springs ISD Center for Learning and Leadership*

*Maple Room, 300 Sportsplex Drive – Dripping Springs, Texas*

*Tuesday, October 22, 2024, at 6:00 PM*

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# **AGENDA**

## **CALL TO ORDER AND ROLL CALL**

### **Commission Members**

Mim James, Chair

Tammie Williamson, Vice Chair

Christian Bourguignon

Doug Crosson

Eugene Foster

Douglas Shumway

Evelyn Strong

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

Planning Director Tory Carpenter

City Attorney Laura Mueller

City Secretary Diana Boone

IT Director Jason Weinstock

## **PLEDGE OF ALLEGIANCE**

## **PRESENTATION OF CITIZENS**

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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. Approval of the October 8, 2024 Planning & Zoning Special Meeting Minutes.**
- 2. Approval of the August 27, 2024 Planning & Zoning Regular Meeting Minutes.**
- 3. Approval of the July 23, 2024 Planning & Zoning Regular Meeting Minutes.**

## BUSINESS AGENDA

- 4. Public hearing and recommendation regarding ZA2024-004: an application for a zoning map amendment from Single Family Residential - Low Density (SF-1) to Local Retail (LR) for the 0.77 acres located at 109 Bonnie Drive. Applicant: Mary Faith Pryor**
  - a. Applicant Presentation
  - b. Staff Report
  - c. Public Hearing
  - d. Recommendation
- 5. Public hearing and recommendation regarding ZA2024-005: an application for a zoning map amendment from Single Family Residential - Low Density (SF-1) & Commercial Services (CS) to General Retail (GR) for the 1.79 acres located at 215 Old Fitzhugh Road. Applicant: Carole Crumley**
  - a. Applicant Presentation
  - b. Staff Report
  - c. Public Hearing
  - d. Recommendation
- 6. Public hearing, discussion, and consideration of approval of VAR2024-007: a variance request to allow two buildings within the front setback at 235 Sports Park Road. Applicant: Guadalupe Barragan**
  - a. Applicant Presentation
  - b. Staff Report
  - c. Public Hearing
  - d. Recommendation
- 7. Public hearing, discussion, and consideration of approval of VAR2023-008: a variance request to allow a building within the rear setback at 1310 W US 290. Applicant: Dominic Shaw, Hill Country Senior Citizens Activity Center**
  - a. Applicant Presentation
  - b. Staff Report

- c. Public Hearing
- d. Recommendation

**8. Discuss and consider approval of a recommendation to City Council regarding CUP2024-006: A Conditional Use Permit to allow a mobile food vendor at 301 W US 290. Applicant: Tye Casas, Thai To-Go LLC**

- 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.*

## **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**

November 26, 2024, at 6:00 p.m.

December 10, 2024, at 6:00 p.m.

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

November 5, 2024, at 6:00 p.m.

November 19, 2024, 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](http://www.cityofdrippingsprings.com), on **October 18, 2024, at 7:00 PM.***

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*Diana Boone, City Secretary*

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



## Planning & Zoning Commission Regular Meeting

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

*Tuesday, October 08, 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 6:00 p.m.

### Commission Members

Mim James, Chair  
Tammie Williamson, Vice Chair  
Christian Bourguignon  
Doug Crosson (*absent*)  
Eugene Foster  
Douglas Shumway  
Evelyn Strong

### Staff, Consultants & Appointed/Elected Officials

Planning Director Tory Carpenter  
Deputy City Attorney Aniz Alani  
City Secretary Diana Boone  
Mayor Bill Foulds  
Mayor Pro Tem Taline Manassian

## PLEDGE OF ALLEGIANCE

## PRESENTATION OF CITIZENS

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No one spoke during Presentation of Citizens.

**BUSINESS AGENDA****1. Discuss and consider approval of a recommendation to City Council regarding CUP2024-004: A Conditional Use Permit to allow a mobile food vendor at 121 Mercer Street. Applicant: Jeff Carman, Meaty Boys BBQ****a. Applicant Presentation**

Applicant Jeff Carman presented and remained in the audience to answer questions.

**b. Staff Report**

Planning Director Tory Carpenter presented. The presentation is on file. Staff recommends approval with the following conditions:

1. The applicant shall submit a site development permit prior to any additional site improvements.
2. The food truck must meet all setback requirements.
3. Hours of operation are limited to between 6:00am and 11:00pm.
4. Trash receptacles shall be provided for customer use.
5. The Conditional Use Permit shall be reconsidered by City Council within two years of its effective date.
6. The permit shall become effective with the issuance of the building permit.

**c. Public Hearing**

No one spoke during the Public Hearing.

**d. Recommendation**

A motion was made by Commissioner Foster and seconded by Commissioner Bourguignon, to approve the CUP with staff conditions, plus the following conditions:

- No long term portable restroom will be allowed.
- Trash must be removed from property at the end of each day.
- Hours of operation shall be between 8:00 a.m. and 10:00 p.m.
- Must have an evacuation plan in case of inclement weather.
- No amplified music allowed.
- If complaints from adjacent businesses concerning patrons using their facility without prior approval, permit could be terminated.

The motion to approve carried 5 to 1, with Chair James voting nay.

**ADJOURN**

A motion to adjourn the meeting was made by Commissioner Strong and seconded by Commissioner Bourguinon. The motion to adjourn carried unanimously 6 to 0.

The meeting adjourned at 6:53 p.m.



## Planning & Zoning Commission Regular Meeting

City of Dripping Springs Council Chambers

511 Mercer Street – Dripping Springs, Texas

Tuesday, August 27, 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 6:00 p.m.

### Commission Members

Mim James, Chair

Tammie Williamson, Vice Chair (*absent*)

Christian Bourguignon (*absent*)

Doug Crosson

Eugene Foster

Douglas Shumway

Evelyn Strong (*arrived at 6:03*)

Vice Chair Williamson and Commissioner Bourguignon were not present. Chair James announced that he will be absent from the scheduled meeting in September.

### Staff, Consultants & Appointed/Elected Officials

Planning Director Tory Carpenter

City Attorney Laura Mueller

Deputy City Attorney Aniz Alani

City Secretary Diana Boone

IT Director Jason Weinstock

Mayor Pro Tem Manassian

## PLEDGE OF ALLEGIANCE

## PRESENTATION OF CITIZENS

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No one spoke during the Presentation of Citizens.



## PROCLAMATIONS & PRESENTATIONS

*Proclamations and Presentations are for discussion purposes only and no action shall be taken.*

No presentations.

## BUSINESS AGENDA

1. **Public hearing, discussion, and consideration of approval of VAR2024-005: a variance request to waive sidewalk requirements and the fee in lieu for sidewalks associated with the Hardy Road site development permit located at 2901 W US 290. Applicant: Brian Estes, CEC Inc Eng.**

The Planning & Zoning Commission has the final decision for this agenda item. The same presentation applies to agenda items 1 and 2.

- a. Applicant Presentation

Jamie Rose presented, speaking on behalf of the owners. A request was made to waive the requirements for sidewalks.

- b. Staff Report

Staff recommends denial of the variance request.

- c. Public Hearing

Patricia Thomson, Madelline Mathis, and Jezebele Alicea Virella spoke during the Public Hearing.

- d. Variance Request

A motion to deny request for variance per staff recommendation was made by Commissioner Strong.

Commissioner Strong withdrew the motion to deny.

A new motion was made by Commissioner Strong and seconded by Commissioner Foster, to uphold the DRC's (Development Review Committee) original recommendation from 2022.

The motion carried 4 to 1 with Commissioner Crosson voting nay.

The DRC's recommendation was to approve the request with the following conditions: That sidewalks are required along the entire length of one side of the road and that sidewalks along the other side of the road are deferred until the adjacent property is developed.

**2. Public hearing, discussion, and consideration of approval of VAR2024-006: a variance request to waive sidewalk requirements and the fee in lieu for sidewalks associated with the Hardy Subdivision located at 2901 W US 290. Applicant: Brian Estes, CEC Inc Eng.**

The Planning & Zoning Commission has the final decision for this agenda item. The same presentation applies to agenda items 1 and 2.

a. Applicant Presentation

Jamie Rose presented, speaking on behalf of the owners. A request was made to waive the requirements for sidewalks

b. Staff Report

Staff recommends denial of variance request.

c. Public Hearing

No one spoke during the Public Hearing.

d. Variance Request

A motion was made by Commissioner Strong to uphold the DRC's (Development Review Committee) original recommendation made in 2022, with the 3 options provided. Commissioner Shumway seconded the motion, then withdrew the motion after further discussion. Commissioner Foster seconded the motion made by Commissioner Strong.

The motion carried 3 to 2, with Commissioners Crosson and Shumway voting nay.

The 3 alternatives recommended by the DRC are as follows:

- Construct 5 ft. sidewalks on both sides of the road.
- Construct 8 ft. sidewalk on one side of the road and pay fee in lieu for remaining 2 ft.
- Construct 10 ft. sidewalk on one side of the road.

**3. Discuss and consider approval of a recommendation to City Council regarding CUP2024-004: A Conditional Use Permit to allow a mobile food vendor at 121 Mercer Street. Applicant: Jeff Carman, Meaty Boys BBQ**

a. Applicant Presentation

No applicant presentation.

b. Staff Report

Staff recommends approval with conditions.

c. Public Hearing

No one spoke during the Public Hearing

d. Recommendation

A motion was made by Commissioner Crosson and seconded by Chair James, to recommend denying the Conditional Use Permit.

The motion to recommend denial of CUP carried unanimously 5 to 0.

**4. Discuss and consider approval of a recommendation to City Council regarding CUP2024-005: A Conditional Use Permit for a Wireless Transmission Facility at 27320 Ranch Road 12. Applicant: Vincent Huebinger, Vincent Gerard & Associates**

a. Applicant Presentation

Applicant Vince Huebinger presented.

b. Staff Report

Staff recommends approval with the following conditions: The stealth design of the WTF shall be generally consistent with the broadleaf tree design provided by the applicant, the height of the tower shall be no more than 100 ft., and the applicant must receive staff approval of a site development permit prior to construction.

c. Public Hearing

Johnny Hudson and Lindsey Shell spoke concerning this item.

d. Recommendation

A motion was made by Commissioner Foster and seconded by Commissioner Strong, to recommend approval of the Conditional Use Permit.

The motion to recommend approval carried unanimously 5 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**

Planning Director Tory Carpenter presented the report. Presentation is on file. No action was taken.

## 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.*

No Closed Session.

## **UPCOMING MEETINGS**

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

September 24, 2024, at 6:00 p.m.

October 22, 2024, at 6:00 p.m.

November 26, 2024, at 6:00 p.m.

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

September 3, 2024, at 6:00 p.m.

September 17, 2024, at 6:00 p.m.

October 1, 2024, at 6:00 p.m.

October 15, 2024, at 6:00 p.m.

## **ADJOURN**

A motion to adjourn the meeting was made by Commissioner Strong and seconded by Commissioner Shumway.

The motion to adjourn the meeting carried unanimously 4 to 0. Commissioner Crosson stepped away and did not vote.

The meeting was adjourned at 8:29 p.m.



## Planning & Zoning Commission Regular Meeting

City of Dripping Springs Council Chambers

511 Mercer Street – Dripping Springs, Texas

Tuesday, July 23, 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 6:00 p.m.

##### Commission Members

Mim James, Chair

Tammie Williamson, Vice Chair

Christian Bourguignon

Doug Crosson, *not present*

Eugene Foster

Douglas Shumway, *not present*

Evelyn Strong

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

Planning Director Tory Carpenter

City Attorney Laura Mueller

Deputy City Attorney Aniz Alani

City Secretary Diana Boone

IT Director Jason Weinstock

Mayor Pro Tem Taline Manassian

#### PLEDGE OF ALLEGIANCE

Vice Chair Williamson led the Pledge of Allegiance.

#### PRESENTATION OF CITIZENS

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No one spoke during the Presentation of Citizens.

## CONSENT AGENDA

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

1. **Approval of the June 25, 2024, Planning & Zoning Commission regular meeting minutes.**

A motion was made by Commissioner Strong and seconded by Commissioner Foster, to approve the Planning & Zoning Commission minutes for June 25, 2024.

The motion to approve carried unanimously 5 to 0.

## BUSINESS AGENDA

2. **Public hearing and recommendation regarding ZA2024-003: an application for a Zoning Map Amendment and Conditional Overlay from Local Retail (LR) to Commercial Services (CS) for approximately 0.89 acres out of the North 40 subdivision located at 28501 Ranch Road 12. Applicant: Jon Thompson**

- a. Applicant Presentation

Agenda item was presented by Jon Thompson who introduced other stakeholders in attendance, including engineering consultant Joel Bock who asked the Commission to consider allowing access through both sides of the driveway, Summit and Brookside.

- b. Staff Report

Staff recommends approval of the zoning amendment from Local Retail (LR) to Commercial Services (CS), and conditional overlay as outlined with the following standards:

1. The location of the building and parking area shall generally be consistent with the site plan provided with this request.
2. The building setback along the eastern property line shall be 80 feet.
3. The applicant must provide a 6-foot masonry screening in the form of stone or brick as best determined by the Development Review Committee along the eastern property boundary consistent with section 5.10.1 of the Zoning Ordinance.
4. The only use permitted on the property shall be “Contractors Office (with outside storage).”
5. The driveway access along Summit Drive shall be removed or gated for fire access only.
6. Truck arrival and departure shall only be allowed between the hours of 7:00am to 7:00pm.
7. Vehicle maintenance, including oil changes, tire replacement, etc., shall not be performed on the site.

c. Public Hearing

Nikki Dahlin spoke concerning changes that may potentially cause additional disruption to the neighborhood if activity intensifies.

d. Recommendation

A motion was made by Commissioner Strong and seconded by Vice Chair Williamson, to approve staff recommendations with modifications to No.3 (*The applicant must provide a 6-foot masonry screening*), change to 8 foot masonry wall, and No.5 (*driveway access along Summit Drive shall be removed or gated for fire access only*), driveway access to Summit Drive shall be gated for fire access only.

The motion carried unanimously 5 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.*

### 3. Planning Department Report

Report was presented by Planning Director Tory Carpenter. Report is on file. No action was taken.

## 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 OpenSession.*

The Planning & Zoning Commission did not meet in Closed Session.

## UPCOMING MEETINGS

### Planning & Zoning Commission Meetings

August 27, 2024, at 6:00 p.m.

September 24, 2024, at 6:00 p.m.

October 22, 2024, at 6:00 p.m.

**City Council & Board of Adjustment Meetings**

**August 6, 2024, at 6:00 p.m.**

**August 20, 2024, at 6:00 p.m.**

**September 3, 2024, at 6:00 p.m.**

**September 17, 2024, at 6:00 p.m.**

**ADJOURN**

A motion to adjourn the meeting was made by Commissioner Strong and seconded by Vice Chair Williamson. The motion carried unanimously 5 to 0.

The PZC meeting adjourned at 6:41 p.m.





# Planning & Zoning Commission Planning Department Staff Report

**Planning & Zoning Commission Meeting:** October 22, 2024

**Project No:** ZA2024-004

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

### Item Details

**Project Name:** 109 Bonnie Drive

**Property Location:** 109 Bonnie Drive

**Legal Description:** Dripping Springs Heights, Block B, Lot 15

**Applicant:** Mary Faith Pryer

**Property Owners:** Mary Faith Pryer

**Request:** Zoning Amendment from Single Family (SF-1) to Local Retail (LR)

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



DRIPPING SPRINGS  
Texas

ZA2024-004  
109 Bonnie Dr

**Legend**

- Roads
- Subject Property
- City Limits





**Overview**

The applicant seeks a zoning amendment for 109 Bonnie Dr to change the current zoning from Single-Family Residential (SF-1) to Local Retail (LR) to accommodate a variety of commercial uses. The application includes a variety of proposed uses, including insurance agencies, legal services, health services, real estate offices, brokerage services, artisan shops, artist studios, and galleries. The applicant also highlights the potential for future sale of the property.

Per Ch. 30 Exhibit A

- **SF-1 – Single-family residential district—Low density:** *The SF-1, single-family residential district is intended to provide for development of low-density, detached, single-family residences on lots of at least one acre in size.*

The applicant is requesting a zoning amendment to “LR”

- **LR – Local Retail:** *The LR, local retail district is established to provide areas for low intensity, specialized retail sales that are intended to service local neighborhoods, citizens, and visitors of the city. Bed-and-breakfasts are permitted within local retail districts. General, office, regional commercial, or commercial services uses should not be permitted.*

**Analysis**

	SF-1	LR	Differences between SF-1 & LR
<b>Max Height</b>	2.5 stories / 40 feet	2 stories / 40 feet	None
<b>Min. Lot Size</b>	1 acre	5,000 square feet	0.89 acres less
<b>Min. Lot Width</b>	Unregulated	50 feet	50 feet more
<b>Min. Lot Depth</b>	Unregulated	100 feet	100 feet
<b>Min. Front/Side/Rear Yard Setbacks</b>	25 feet / 15 feet / 25 feet	15 feet / 10 feet / 10 feet	10 feet / 5 feet / 5 feet less
<b>Impervious Cover</b>	30%	60%	30% more

Surrounding Properties



Direction	Zoning District	Existing Use	Future Land Use
North	LR	Retail Center	N/A
East	SF-1	Single Family	
South	SF-1	Single Family	
West	SF-1	Single Family	

**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
<p>1. whether the proposed change will be appropriate in the immediate area concerned;</p>	<p>While there is a commercial services-zoned property to the northeast housing an existing retail center, the immediate area surrounding the subject property is predominantly zoned and developed for single-family residential (SF-1) uses.</p> <p>The proposed Local Retail (LR) zoning would introduce commercial activity on a parcel surrounded on three sides by residences, making it incompatible with the immediate residential environment. The nearby retail center does not justify further encroachment of commercial zoning into the residential core.</p>
<p>2. their relationship to the general area and the City as a whole;</p>	<p>Although there is commercial activity nearby to the northeast, the subject property remains in a primarily residential area. The broader area to the south, west, and east is residential in nature, and the proposed change would be inconsistent with the overall land use pattern. Expanding commercial zoning into this residential area would undermine the residential character of the general area and disrupt the city’s planning vision for cohesive neighborhood development.</p>
<p>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;</p>	<p>There are no existing or proposed plans affected by this request.</p>
<p>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;</p>	<p>Approval of this request would not make other land unavailable for development.</p>
<p>5. the recent rate at which land is being developed in the same zoning classification, particularly in the vicinity of the proposed change;</p>	<p>There are no similarly zoned properties in the vicinity.</p>
<p>6. how other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved;</p>	<p>Approval of this request would into impact other similar commercial development.</p>
<p>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</p>	<p>The subject parcel is currently surrounded by other SF-1-zoned properties that have maintained their residential character despite the proximity to the retail center to the northeast. Approving this rezoning would treat this property differently from similarly situated parcels, setting a precedent for commercial encroachment into residential neighborhoods, which could destabilize zoning consistency.</p>

<p>8. any other factors which will substantially affect the public health, safety, morals, or general welfare.</p>	<p>Introducing a retail use in a primarily residential area could increase traffic and disruption to nearby properties. The proposed zoning amendment could affect the general welfare of nearby property owners.</p>
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**Staff Recommendation**

Staff recommends **Denial** 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 denial of the requested Zoning Amendment
Alternatives/Options:	Recommend approval 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

## Local Retail Land Uses

P – Permitted

C- Conditional

AGRICULTURE			Bar	C
Orchard/Crop Propagation	C		Convenience Store (Without Gas Sales)	C
Small Scale Farm	C		Studio, Tattoo or Body Piercing	C
Farm Animals (Exempt - FFA, 4H)	C		Antique Shop	P
Farm Animals (Non-Exempt)	C		Appliance Repair	P
Garden (Non-Retail)	P		Art Dealer/Gallery	P
RESIDENTIAL			Artisan's Shop	P
Rooming/Boarding House	P		Bakery or Confectionary (Retail)	P
Accessory Bldg./Structure (Nonresidential)	P		Barbershop	P
Duplex/Two-Family	P		Beauty Shop	P
Garden Home/Townhome	P		Bed and Breakfast Inn or Facility	P
Home Occupation	P		Bicycle Sales and Repair	P
Living Quarters on Site with a Business	P		Book Store	P
Multiple-Family Dwelling	P		Computer Sales	P
Residential Loft	P		Consignment Shop	P
Swimming Pool, Private	P		Cooking School	P
OFFICE			Dance/Drama/Music Studio or School	P
Check Cashing Service	P		Drapery, Blind Upholstery Store	P
Armed Services Recruiting Center	P		Financial Services	P
Credit Agency	P		Florist Shop	P
Insurance Agency Offices	P		Food or Grocery Store (Limited)	P
Offices, General/Professional	P		Furniture Store (New and/or Used)	P
Office, Brokerage Services	P		Garden Shop (Inside Storage)	P
Offices, Health Services	P		Hardware Store	P
Offices, Legal Services	P		Locksmith	P
Offices, Professional	P		Market (Public)	P
Offices, Real Estate Office	P		Needlework Shop	P
Security Monitoring Company	P		Pet Shop/Supplies	P
Telemarketing Center	P		Pharmacy	P
PERSONAL AND BUSINESS SERVICES			Photocopying/Duplicating	P

Photography Studio	P
Restaurant (No Drive-Through Service)	P
Shoe Repair	P
Tailor Shop	P
Tool and Machinery Rental (Indoor Storage)	P
Used Merchandise/Furniture	P
Vacuum Cleaner Sales and Repair	P
Veterinarian Clinic (Indoor Kennels)	P
Woodworking Shop (Ornamental, Handmade)	P
Cafeteria	C
Mobile food vendor - longer than 10 days	C
Mobile food vendor court	C
Artist Studio	P
Live-in Security Quarters	P
Mobile food vendor - 10 days or less	P
Travel Agency	P
Temporary Outdoor Sales/Promotion	P
<b>TRANSPORTATION AND AUTO SERVICES</b>	
Automobile Repair, Minor	C
Auto Financing and Leasing	P
Tire Dealer, Indoor Storage	P
Parking Structure, Commercial	C
<b>AMUSEMENT/ RECREATION</b>	
Gaming Club (private)	C
Museum	P
Psychic Reading Services	P
Video Rentals/Sales	P

Health Club	P
Park and/or Playground	P
<b>INSTITUTIONAL/GOVERNMENT</b>	
Assisted Living Facility	C
Hospice	C
Water Supply Facility (Private)	C
Wireless Communications Tower	C
Home for the Aged, Residential	C
Hospital (Acute Care, General)	C
Maternity Home	C
Nursing/Convalescent Home	C
Orphanage	C
Sewage Pumping Station	C
Telephone Switching/Exchange Bldg.	C
Wastewater Treatment Plant	C
Water Supply (Elevated Storage Tank)	C
Child Day-Care Facility	P
Church, Religious Assembly	P
Civic Club	P
Fire Station	P
Fraternal Lodge or Union	P
Group Day-Care Home	P
Medical Clinic or Office	P
Library	P
Philanthropic Organization	P
Post Office	P
School, K Through 12 (public or private)	P
<b>LIGHT INDUSTRIAL/MFG.</b>	
Contractor's Temporary On-site Office	C
Contractor's Office (No Outside Storage)	P



# Planning & Zoning Commission Planning Department Staff Report

**Planning & Zoning Commission Meeting:** October 22, 2024  
**Project No:** ZA2024-005  
**Project Planner:** Tory Carpenter, AICP – Planning Director

### Item Details

**Project Name:** 215 Old Fitzhugh Road  
**Property Location:** 215 Old Fitzhugh Road  
**Legal Description:** Dripping Springs Heights, Block B, Lot 15  
**Applicant:** Carole Crumley  
**Property Owners:** 215 Old Fitzhugh Ltd Partnership  
**Request:** Zoning Amendment from Single Family (SF-1) & Commercial Services (CS) to General Retail (GR)  
**Recommendation:** Staff recommends approval of the zoning amendment.





**Overview**

The property is zoned Commercial Services (CS) and Single Family (SF-1). The applicant is requesting a zoning amendment for the entire property to General Retail (GR). The application indicates that proposed uses include office, retail, or a restaurant. Given that CS allows for a broader range of commercial uses than GR, a portion of this zoning amendment would be considered a reduction in the zoning classification.

The property is within the Old Fitzhugh Historic District and any exterior improvements to the site or building will require approval from the Historic Preservation Commission. Also, note that only uses which are permitted in GR and the Historic Overlay would be permitted on the site.

Per Ch. 30 Exhibit A

- **SF-1 – Single-family residential district—Low density:** *The SF-1, single-family residential district is intended to provide for development of low-density, detached, single-family residences on lots of at least one acre in size.*
- **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.*

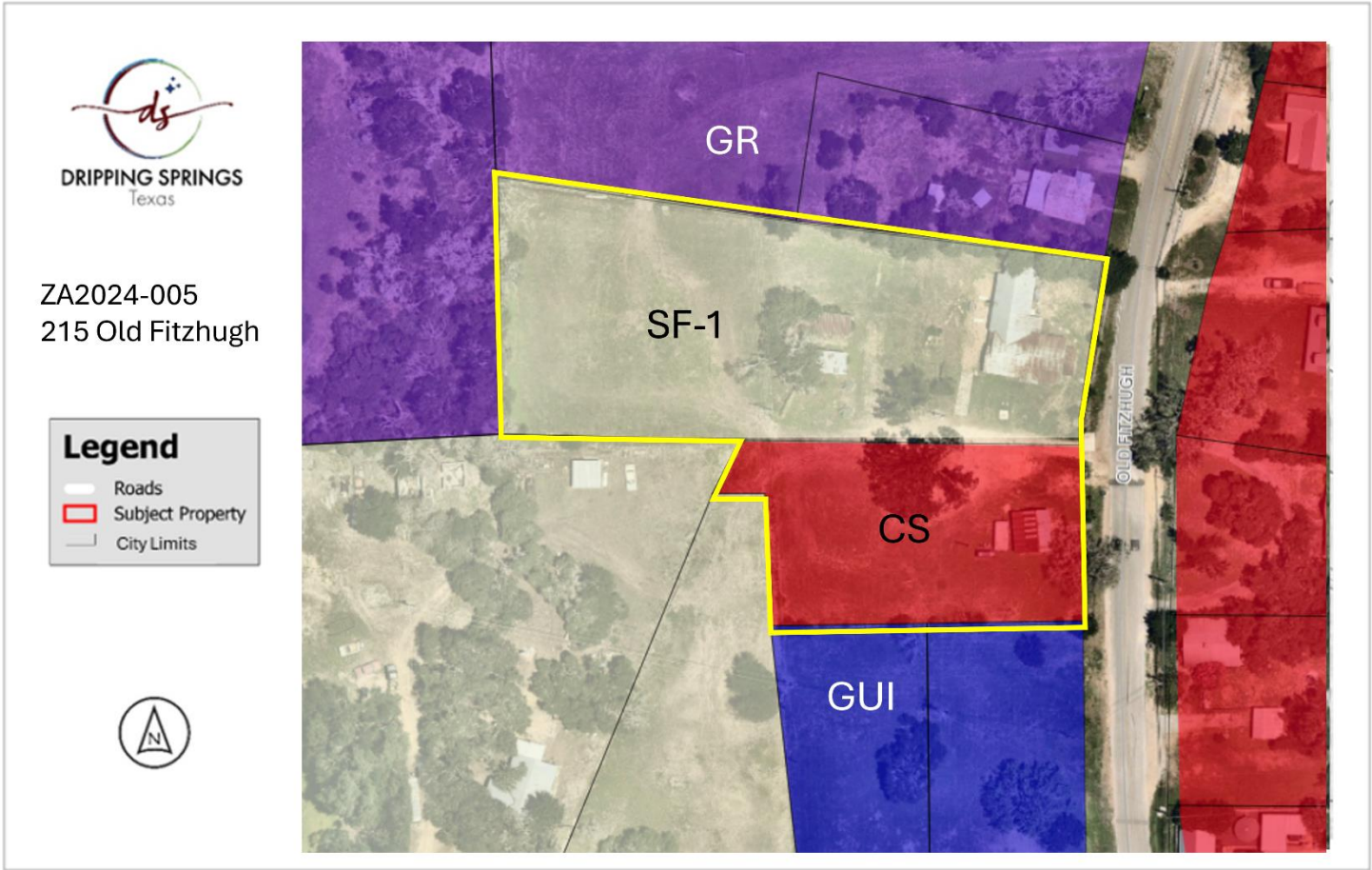
The applicant is requesting a zoning amendment to “LR”

- **LR – Local Retail:** *The LR, local retail district is established to provide areas for low intensity, specialized retail sales that are intended to service local neighborhoods, citizens, and visitors of the city. Bed-and-breakfasts are permitted within local retail districts. General, office, regional commercial, or commercial services uses should not be permitted.*

**Analysis**

	<b>SF-1</b>	<b>GR</b>	<b>Differences between SF-1 &amp; GR</b>
<b>Max Height</b>	2.5 stories / 40 feet	2 stories / 40 feet	None
<b>Min. Lot Size</b>	1 acre	2,000 square feet	0.54 acres less
<b>Min. Lot Width</b>	Unregulated	100 feet	50 feet more
<b>Min. Lot Depth</b>	Unregulated	150 feet	150 feet more
<b>Min. Front/Side/Rear Yard Setbacks</b>	25 feet / 15 feet / 25 feet	25 feet / 25 feet / 25 feet	0 feet / 10 feet / 0 feet more
<b>Impervious Cover</b>	30%	60%	30% more

Surrounding Properties



Direction	Zoning District	Existing Use	Future Land Use
North	GR	Residence	N/A
East	CS	Single Family	
South	GUI	City-Owned	
West	GR	Residence	

**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
1. whether the proposed change will be appropriate in the immediate area concerned;	This zoning change is consistent with existing development in the area, particularly with other properties on the west side of Old Fitzhugh Rd.
2. their relationship to the general area and the City as a whole;	The zoning district would allow for various office and light retail uses.
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;	There are plans to improve old Fitzhugh Road to improve pedestrian amenities. Retail uses are consistent with this plan.
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 request would not make other land unavailable for development.
5. the recent rate at which land is being developed in the same zoning classification, particularly in the vicinity of the proposed change;	There have not been recent requests for General Retail in this area.
6. how other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved;	Approval of this request would into impact other similar commercial development.
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 rezoning does not negatively affect the public health, safety, morals, or general welfare.

**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

General Retail & Historic Overlay  
 Land Uses  
 P – Permitted  
 C- Conditional

AGRICULTURE	GR	HO
Small Scale Farm	C	P
Garden (Non-Retail)	P	P
Farm Animals (Exempt - FFA, 4H)	C	P
Farm Animals (Non-Exempt)	C	P
RESIDENTIAL	GR	HO
Accessory Bldg./Structure (Nonresidential)	P	P
Duplex/Two-Family	P	P
Garden Home/Townhome	P	P
Home Occupation	P	P
Living Quarters on Site with a Business	P	P
Multiple-Family Dwelling	P	P
Residential Loft	P	P
Swimming Pool, Private	P	P
OFFICE	GR	HO
Armed Services Recruiting Center	P	P
Insurance Agency Offices	P	P
Offices, General/Professional	P	P

Office, Brokerage Services	P	P
Offices, Health Services	P	P
Offices, Legal Services	P	P
Offices, Professional	P	P
Offices, Real Estate Office	P	P
PERSONAL AND BUSINESS SERVICES	GR	HO*
Antique Shop	P	P
Art Dealer/Gallery	P	P
Artisan's Shop	P	P
Artist Studio	P	P
Bakery or Confectionary (Retail)	P	P
Bar	C	C
Barbershop	P	P
Beauty Shop	P	P
Bed and Breakfast Inn or Facility	P	P
Bicycle Sales and Repair	P	P
Book Store	P	P
Cafeteria	P	P
Computer Sales	P	P

Consignment Shop	P	P
Convenience Store (Without Gas Sales)	P	P
Cooking School	P	P
Dance/Drama/Music Studio or School	P	P
Department Store	P	P
Drapery, Blind Upholstery Store	P	P
Financial Services	P	P
Florist Shop	P	P
Food or Grocery Store (General)	P	P
Food or Grocery Store (Limited)	P	P
Garden Shop (Inside Storage)	P	P
General or Community Retail Store	P	P
Hardware Store	P	P
Live-in Security Quarters	P	P
Market (Public)	P	P
Mobile food vendor - 10 days or less	P	P
Mobile food vendor - longer than 10 days	C	C
Mobile food vendor court	C	C
Motel or Hotel	P	P
Needlework Shop	P	P

Pet Shop/Supplies	P	P
Pharmacy	P	P
Photocopying/Duplicating	P	P
Photography Studio	P	P
Restaurant (No Drive- Through Service)	P	P
Shoe Repair	P	P
Special Event Facilities	C	C
Studio, Tattoo or Body Piercing	C	P
Tailor Shop	P	P
Travel Agency	P	P
Temporary Outdoor Sales/Promotion	P	P
Upholstery Shop	P	P
Used Merchandise/Furniture	P	P
Veterinarian Clinic (Indoor Kennels)	P	P
Woodworking Shop (Ornamental, Handmade)	P	P
TRANSPORTATION AND AUTO SERVICES	GR	HO
Parking Structure, Commercial	C	P
AMUSEMENT/ RECREATION	GR	HO

Amusement Arcade (Four or more devices)	P	P
Amusement Services (Indoor)	P	P
Billiard/Pool Facility	P	P
Bingo Hall	P	P
Bowling Center	P	P
Dance Hall	P	P
Dinner Theater	P	P
Health Club	P	P
Motion-Picture Theater	P	P
Museum	P	P
Park and/or Playground	P	P
Psychic Reading Services	P	P
Theater (Stage)	P	P
Video Rentals/Sales	P	P
<b>INSTITUTIONAL/ GOVERNMENT</b>	<b>GR</b>	<b>HO</b>
Assisted Living Facility	C	P
Child Day-Care Facility	P	P
Church, Religious Assembly	P	P
Civic Club	P	P

Fraternal Lodge or Union	P	P
Medical Clinic or Office	P	P
Home for the Aged, Residential	P	P
Hospice	P	P
Library	P	P
Maternity Home	P	P
Orphanage	P	P
Philanthropic Organization	P	P
Post Office	P	P
School, K Through 12 (public or private)	P	P
Sewage Pumping Station	C	P
Telephone Switching/Exchange Bldg.	C	P
Water Supply (Elevated Storage Tank)	C	P
<b>LIGHT INDUSTRIAL/ MFG.</b>	<b>GR</b>	<b>HO</b>
Contractor's Office (No Outside Storage)	P	P
Contractor's Temporary On-site Office	C	P



# Planning and Zoning Commission

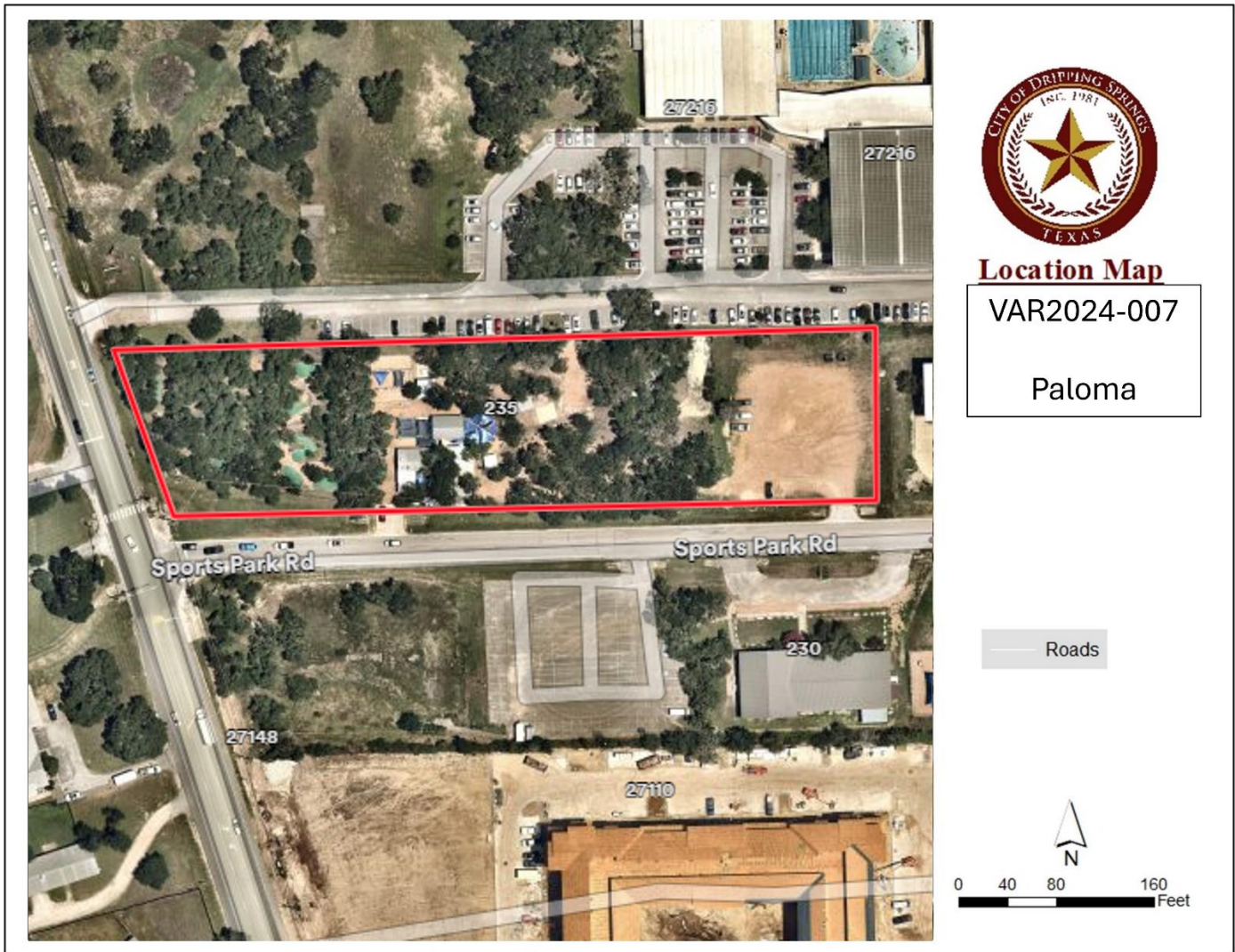
## Planning Department Staff Report

Item 6.

**Planning and Zoning Commission Meeting:** October 22, 2024  
**Project No:** VAR2024-007  
**Project Planner:** Tory Carpenter, AICP, Planning Director

### Item Details

**Project Name:** Paloma Setback Variance  
**Property Location:** 235 Sports Park Road  
**Legal Description:** Magic Greens Subdivision, Lot 1  
**Applicant:** Guadalupe Barragan  
**Property Owner:** 2Down RR12 LLC  
**Request:** Applicant is requesting a variance to allow a cold storage facility and shed within the building setback.





**Overview**

The applicant performed unpermitted work on the property beginning in 2022, which included the installation of an exterior walk-in cooler (160 square feet) and a storage shed (130 square feet). These buildings were placed within the 30-foot building setback identified on the recorded plat and within a public utility easement.

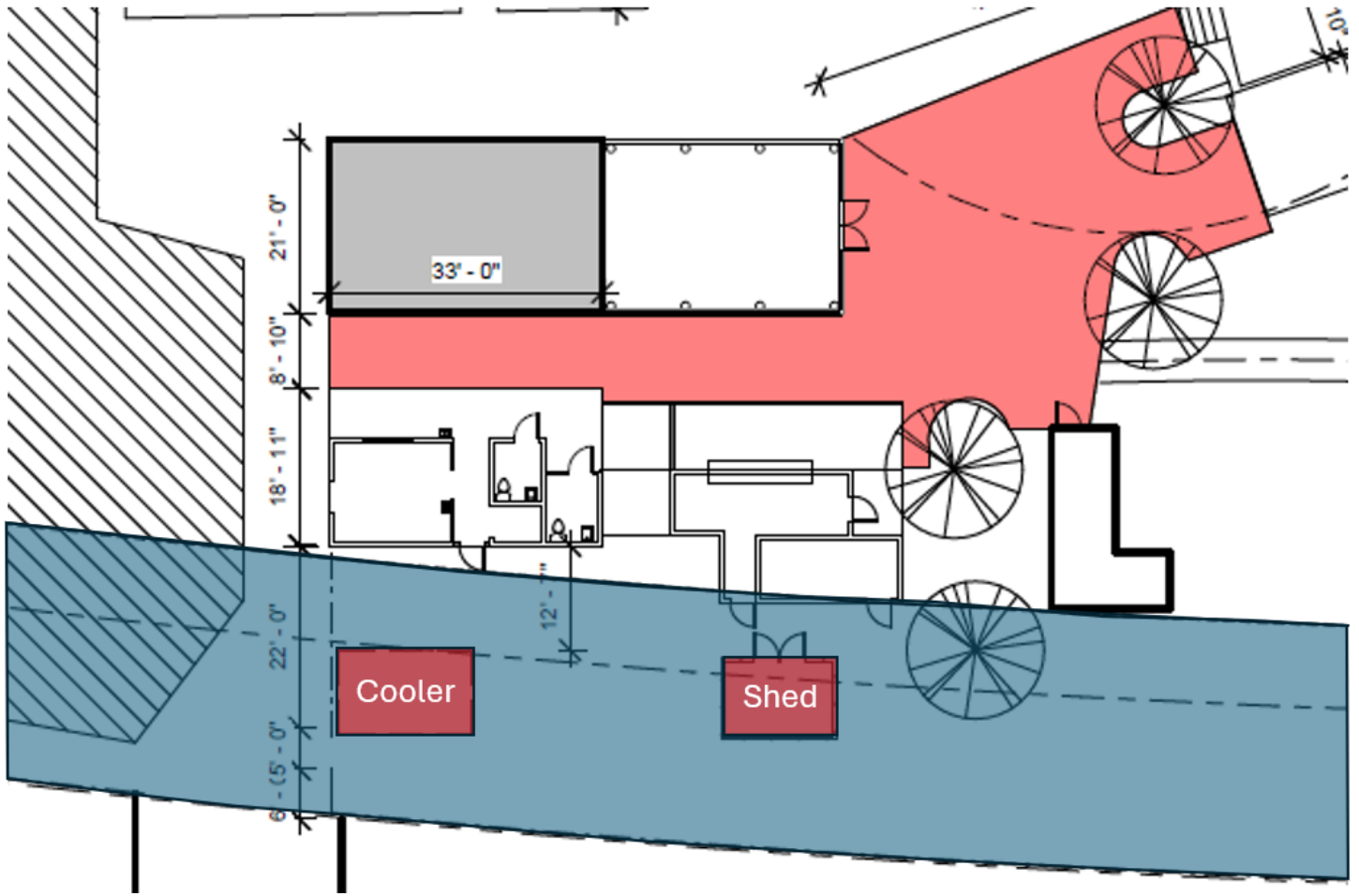
The applicant has received authorization from the utility providers to maintain the buildings within the easement, making it possible for the City to consider approving a license to encroach. However, the current variance request pertains to the encroachment into the building setback.

The walk-in cooler is situated approximately 10 feet from the property line, while the storage shed is about 13 feet from the property line. Despite the ongoing work, the applicant has been issued a temporary certificate of occupancy, allowing the business to operate while the unpermitted work is being addressed. The applicant now seeks a variance to keep the structures in their current locations within the setback.

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

*“The cooler is vital to the operations, and location of the cooler in another area of the property will compromise/interfere with service and fire department access to the existing facilities.”*

Code Requirement	Applicant Request	Difference
Structures must be at least 30’ from the property line.	Approximately 10’ from the front property line	<b>20’ from the property line</b>





**Surrounding Properties**

Direction	Zoning District	Existing Use	Comprehensive Plan
North	CS	YMCA	The area is not shown on the city's comprehensive future land use plan.
East	CS	Caster Studios	
South	CS	Church	
West	CS	Residence	

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

Approval Criteria	Staff Comments
1. there are special circumstances or conditions affecting the land involved such that the literal enforcement of the provisions of this Chapter would deprive the applicant of the reasonable use of the land; and	The applicant states that the current location of the cooler is vital to operations and relocating it would compromise fire department access. However, staff has identified alternative locations where the cooler could be placed without interfering with fire department access or violating the setback. These alternative locations would allow continued reasonable use of the land, even if not ideal for kitchen operations.
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 for the preservation of a substantial property right. While the applicant asserts that moving the cooler would interfere with operations, reasonable alternatives exist that allow the applicant to enjoy substantial use of the property without violating t

	setback. There are no natural features or topographical constraints justifying the need for a variance.
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 of the variance would not be detrimental to the public health, safety, or welfare of other property owners within the area.
4. the granting of the variance constitutes a minimal departure from this Chapter; and	The variance request is not a minimal departure from setback requirements, as the cooler is located approximately 20 feet within the 30-foot setback. While the applicant states that the current location is ideal for operations, alternative placements outside the setback have been identified that would still allow the business to operate.
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 circumstances are self-imposed, as the applicant installed the cooler without permits and without considering setback requirements. While the applicant claims operational challenges, these are not unique hardships affecting the property.
6. Granting the variance is in harmony with the spirit, general purpose, and intent of this Chapter so that: <ul style="list-style-type: none"> <li>a. the public health, safety and welfare may be secured; and</li> <li>b. that substantial justice may be done.</li> </ul>	Granting this variance would not be in harmony with the spirit and intent of the zoning regulations. Setbacks are intended to protect public safety and ensure orderly development. The applicant’s justification for keeping the cooler in its current location does not outweigh the public interest in maintaining adherence to setback regulations. Denying the variance upholds the general purpose of the Chapter and ensures justice for neighboring properties.

**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**

October 22, 2024 Planning & Zoning Commission

November 5, 2024 Board of Adjustments

**Attachments**

Attachment 1 – Variance Application

Attachment 2 – Application Materials

Recommended Action	Recommend denial of the requested variance
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## Planning Department Staff Report

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Item 6.

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



# Planning and Zoning Commission

## Planning Department Staff Report

Item 7.

**Planning and Zoning Commission Meeting:** October 22, 2024  
**Project No:** VAR2023-0008  
**Project Planner:** Tory Carpenter, AICP, Planning Director

### Item Details

**Project Name:** Hill Country Senior Citizens Activity Center  
**Property Location:** 1310 W US 290  
**Legal Description:** R J Ragland lots 5, 6, 7, 19, 20A, 20B  
**Applicant:** Dominic Shaw  
**Property Owner:** Hill Country Senior Citizens Activity Center  
**Request:** Applicant is requesting a variance to allow a new structure within the building setback.



**Overview**

The Hill Country Senior Citizens Activity Center is requesting a variance to replace two existing storage buildings with a new 800-square-foot building that will be used to store items for their resale shop. Aerial imagery indicates that the existing structures have been on-site since approximately 2002. At least one of the existing buildings encroaches into the Old Hwy 290 right-of-way. While the new proposed storage building would be located within a public utility easement, the applicant has obtained the necessary signatures from utility providers to permit a license to encroach within the easement.

The proposed building would be situated approximately 5'5" from the property line at its closest point and 20' at its furthest point. While staff acknowledges that the Hill Country Senior Citizens Activity Center is a nonprofit organization serving the local senior population, we have identified alternative locations on the property where the building could be placed, though these locations would not be as convenient to the resale shop as the current proposed site. The applicant is requesting a variance to allow the building within the setback.

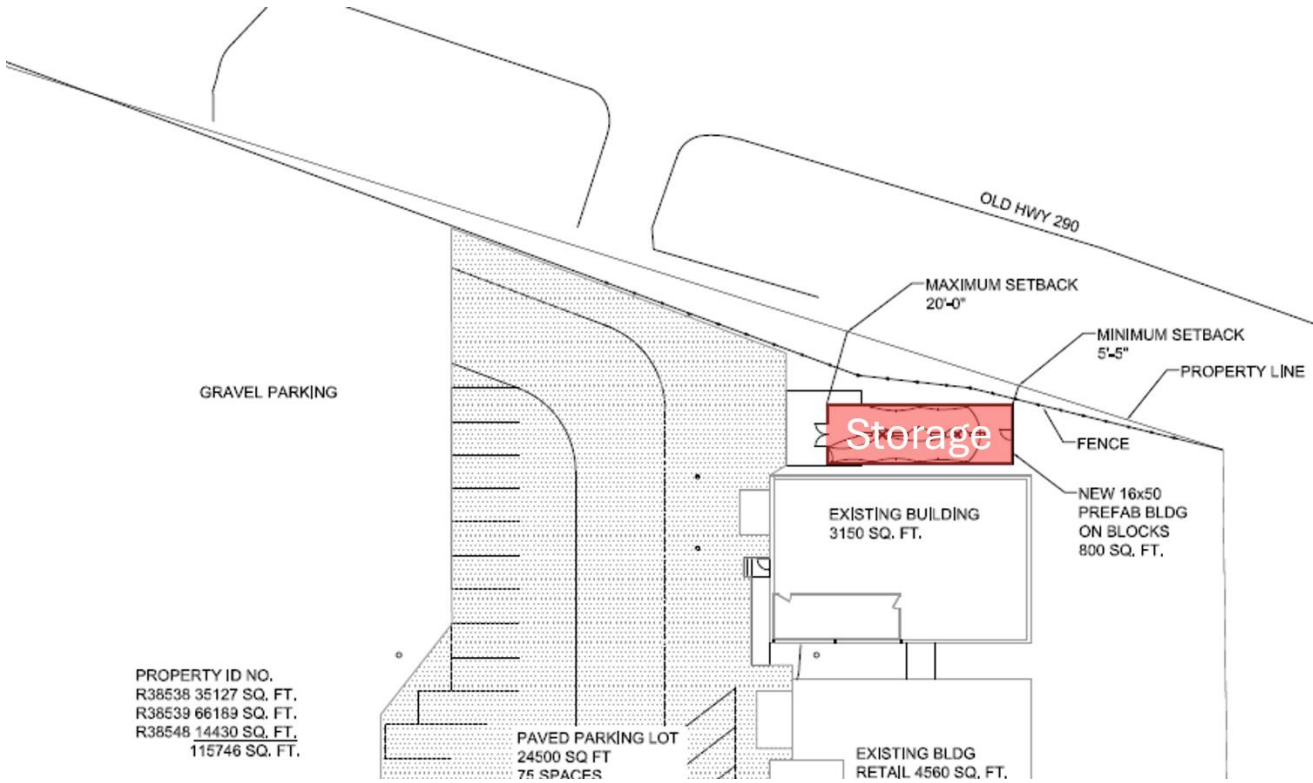
The applicant provided the following statement for the justification of the request:

*“The work is to replace 20 year old prefabricated buildings with a single new unit. The existing buildings are falling apart and it was determined that replacement would be better than repair. The buildings are within the required setback but due to the limited amount of space on the property there is no other location to place them. The building are used to sort donated clothing, which provides over 40% of the income to the Thrift Store, which supports the mission at the Senior Center. The work will visually improve the view along old 290.”*

In 2019, the Center received approval of a variance to allow an approximately 3000 square foot building to be located within the building setback. This variance was approved with the following conditions:

- 1) all outside storage be removed and placed in the proposed structure, excluding items that have chemicals such as refrigerators, lawn equipment, and other potentially hazardous materials;
- 2) all remaining items (not stored in the building) be stored in an area that is screened from public view via a privacy fence;
- 3) areas currently being utilized for storage be converted to additional parking spaces as shown on the attached site plan; and
- 4) conditions 1, 2 and 3 be completed within three (3) months after installation of the accessory structure.

Code Requirement	Applicant Request	Difference
Structures must be at least 25' from the property line.	Approximately 5'5" from the front property line	<b>19' 5" encroachment</b>



**Surrounding Properties**

Direction	Zoning District	Existing Use	Comprehensive Plan
North	CS	School	The area is not shown on the city's comprehensive future land use plan.
East	CS	Residence / Office	
South	CS	Convenience Store	
West	CS	Senior Housing	

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

Approval Criteria	Staff Comments
1. there are special circumstances or conditions affecting the land involved such that the literal enforcement of the provisions of this Chapter would deprive the applicant of the reasonable use of the land; and	While the applicant seeks to place the building close to the resale shop for convenience, staff has identified other suitable locations for the building outside of the setback. The literal enforcement of the setback requirement would not deprive the applicant of the reasonable use of the land, though it may require some operational adjustments.
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 for the preservation of a substantial property right. Although the applicant desires proximity to the resale shop, the building can reasonably be placed elsewhere on the site without encroaching into the setback or affecting natural features. The Center can still fully enjoy the use of the property.
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 this variance could potentially affect the public welfare by setting a precedent for further encroachments into setbacks, particularly in public utility easements. The existing sheds have been in place for many years, but there is no compelling public interest or need to continue.



	encroachment into setback areas with the new construction.
4. the granting of the variance constitutes a minimal departure from this Chapter; and	The proposed variance is not a minimal departure. The building would be located just 5'5" from the property line at its closest point, representing a significant encroachment into the required setback. Alternative locations are available on the site that would comply with the setback requirements. Note that the proposed structure would replace the existing structures which encroach further into the setback. Additionally, the proposed structure would be screened from the right-of-way.
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 circumstances giving rise to this hardship are self-imposed. The applicant has owned the property since the original sheds were constructed and is seeking to replace them in the same location for convenience. This is not a unique hardship, as the site offers other placement options that would allow compliance with the setback regulations.
6. Granting the variance is in harmony with the spirit, general purpose, and intent of this Chapter so that: <ul style="list-style-type: none"> <li>a. the public health, safety and welfare may be secured; and</li> <li>b. that substantial justice may be done.</li> </ul>	While the applicant is a nonprofit organization serving seniors, the request for a variance is not in harmony with the general purpose and intent of the zoning regulations. Setbacks are intended to protect public welfare and ensure orderly development. Staff believes that denying the variance aligns with these goals while still allowing the applicant to achieve the functional use of their property through alternative building placement.

**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**

October 22, 2024 Planning & Zoning Commission

November 5, 2024 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



# CITY OF DRIPPING SPRINGS

PHYSICAL: 511 Mercer Street • MAILING: PO Box 384

Dripping Springs, TX 78620

• 512.858.4725 • www.cityofdrippingsprings.com

Item 7.

## ALTERNATIVE STANDARD/SPECIAL EXCEPTION/VARIANCE/WAIVER APPLICATION

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

### CONTACT INFORMATION

PROPERTY OWNER NAME Hill Country Senior Citizens Activity Center  
 STREET ADDRESS 1310 Hwy 290 W  
 CITY Dripping Springs STATE TX ZIP CODE 78620  
 PHONE 512-858-4663 EMAIL hcscseniors@gmail.com

APPLICANT NAME Dominic Shaw  
 COMPANY \_\_\_\_\_  
 STREET ADDRESS 1326 Hwy 290 W  
 CITY Dripping Springs STATE TX ZIP CODE 78620  
 PHONE 512-829-4391 EMAIL dshaw@waterlinefountains.com

### APPLICATION TYPE

ALTERNATIVE STANDARD

VARIANCE

SPECIAL EXCEPTION

WAIVER

<b>PROPERTY INFORMATION</b>	
PROJECT NAME	Hill Country Senior Center Prefab Building
PROPERTY ADDRESS	1310 Hwy 290 W
CURRENT LEGAL DESCRIPTION	Lot 5, 6, 7, 19, 20A, 20B
TAX ID#	R38538, R38539, R38548
LOCATED IN	<input checked="" type="checkbox"/> CITY LIMITS <input type="checkbox"/> EXTRATERRITORIAL JURISDICTION <input type="checkbox"/> HISTORIC DISTRICT OVERLAY

- Description of request & reference to section of the Code of Ordinances applicable to request: To obtain a permit for the removal and replacement of existing prefab clothing huts on the existing property without the submission of a landscape plan as none is planned. Section 28.06.005.

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

The work is to replace 20 year old prefabricated buildings with a single new unit. The existing buildings are falling apart and it was determined that replacement would be better than repair. The buildings are within the required setback but due to the limited amount of space on the property there is no other location to place them. The building are used to sort donated clothing, which provides over 40% of the income to the Thrift Store, which supports the mission at the Senior Center. The work will visually improve the view along old 290.

- 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:

**APPLICANT'S SIGNATURE**

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

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

Michael D. Shaw

Name

BOARD PRESIDENT

Title

STATE OF TEXAS §

§

COUNTY OF HAYS §

This instrument was acknowledged before me on the 11th day of December, 2023 by MICHAEL DOMINIC SHAW.

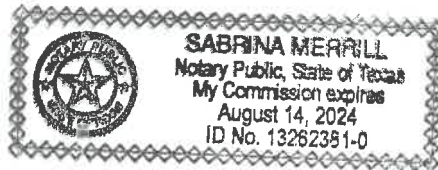
Sabrina Merrill

Notary Public, State of Texas

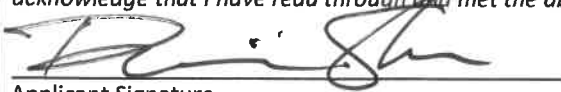
My Commission Expires: Aug 14th 2024

Michael Dominic Shaw

Name of Applicant



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

 \_\_\_\_\_  
 Applicant Signature

12/19/23  
 \_\_\_\_\_  
 Date

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

Received on/by:

Date, initials



### BILLING CONTACT FORM

Project Name: HILL COUNTRY SENIOR CENTER PREFAB BLDG

Project Address: 1310 HWY 290 N, DRIPPING SPRINGS

Project Applicant Name: HILL COUNTRY SENIOR CITIZENS ACTIVITY CENTER, INC

#### Billing Contact Information

Name: HILL COUNTRY SENIOR CITIZENS ACTIVITY CENTER

Mailing Address: 1310 HWY 290

DRIPPING SPRINGS, TX 78620

Email: DSHAW@WATERLINE.COM Phone Number: 512 829 4391

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

- Alternative Standard
- Certificate of Appropriateness
- Conditional Use Permit
- Development Agreement
- Exterior Design
- Landscape Plan
- Lighting Plan
- Site Development Permit
- Special Exception
- Street Closure Permit
- Subdivision
- Waiver
- Wastewater Service
- 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 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

12/19/23  
Date



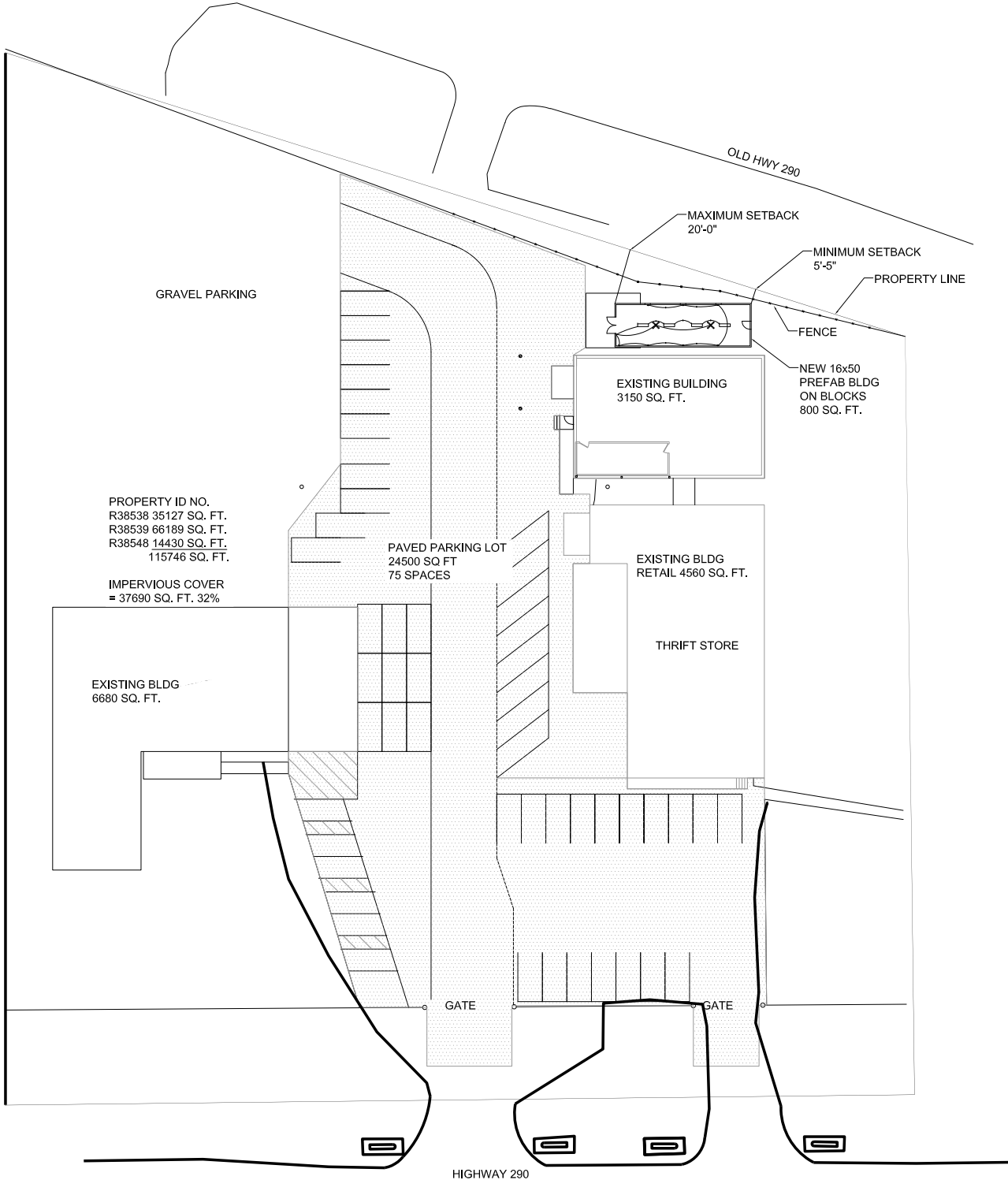


Current conditions



Proposed







# Planning & Zoning Commission Planning Department Staff Report

**Planning & Zoning Commission Meeting:** October 22, 2024  
**Project No:** CUP2024-004  
**Project Planner:** Tory Carpenter, AICP – Planning Director

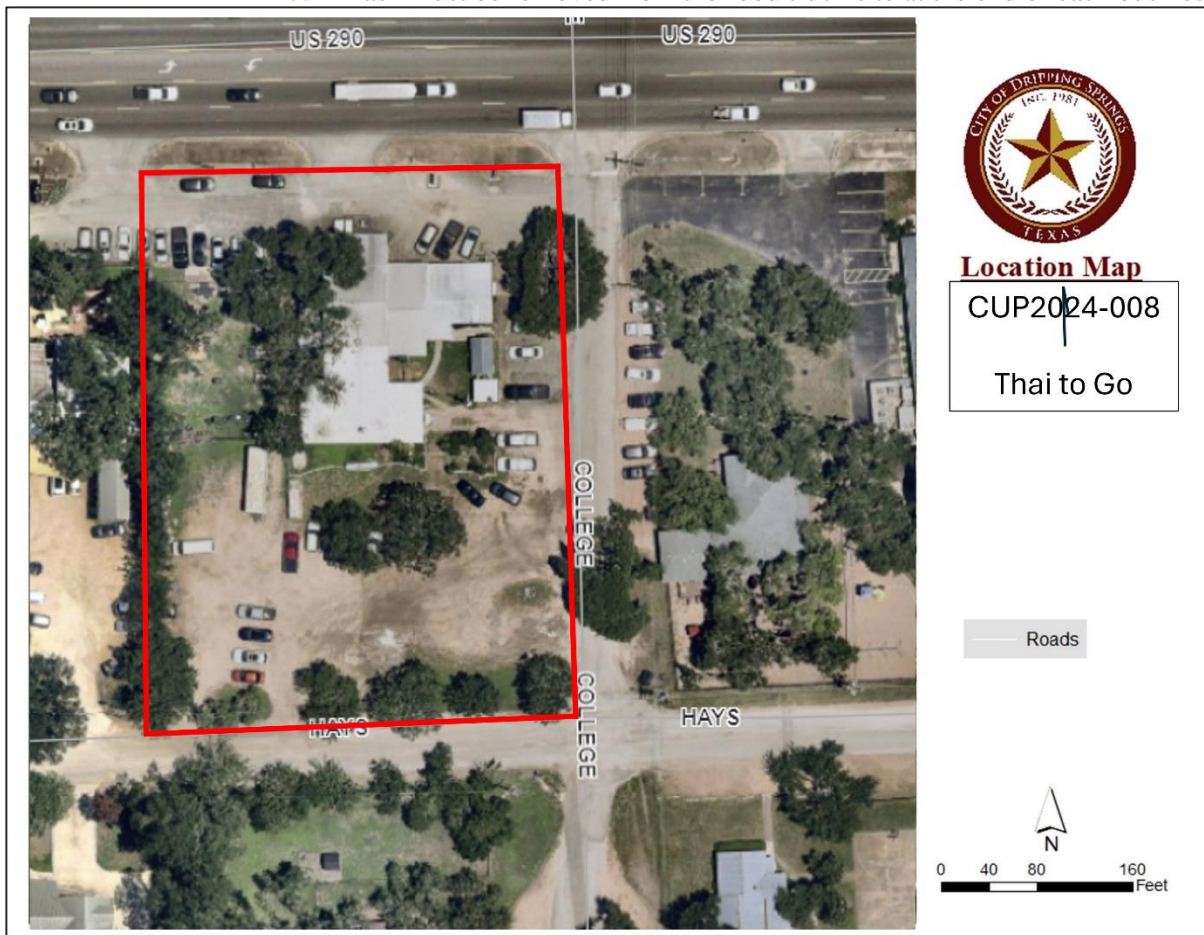
### Item Details

**Project Name:** Thai to-Go Mobile Food Vendor  
**Property Location:** 301 W US 290  
**Legal Description:** Part of lots 4, 5, and 6 Original Town of Dripping springs  
**Applicant:** Tye Casas  
**Property Owner:** William Warren  
**Request:** Conditional Use Permit (CUP) for a Mobile Food Vendor

Approval with the following conditions:

1. The applicant shall receive approval of a Certificate of Appropriateness by the Historic Preservation Commission;
2. Hours of operation are limited to between 8:00am and 10:00pm;
3. Trash receptacles shall be provided for customer use;
4. The Conditional Use Permit shall be reconsidered by City Council within two years of its effective date;
5. The permit shall become effective with the issuance of the building permit;
6. There shall be no amplified music; and
7. Trash must be removed from the food truck site at the end of each business day.

### Staff Recommendation:



**Overview**

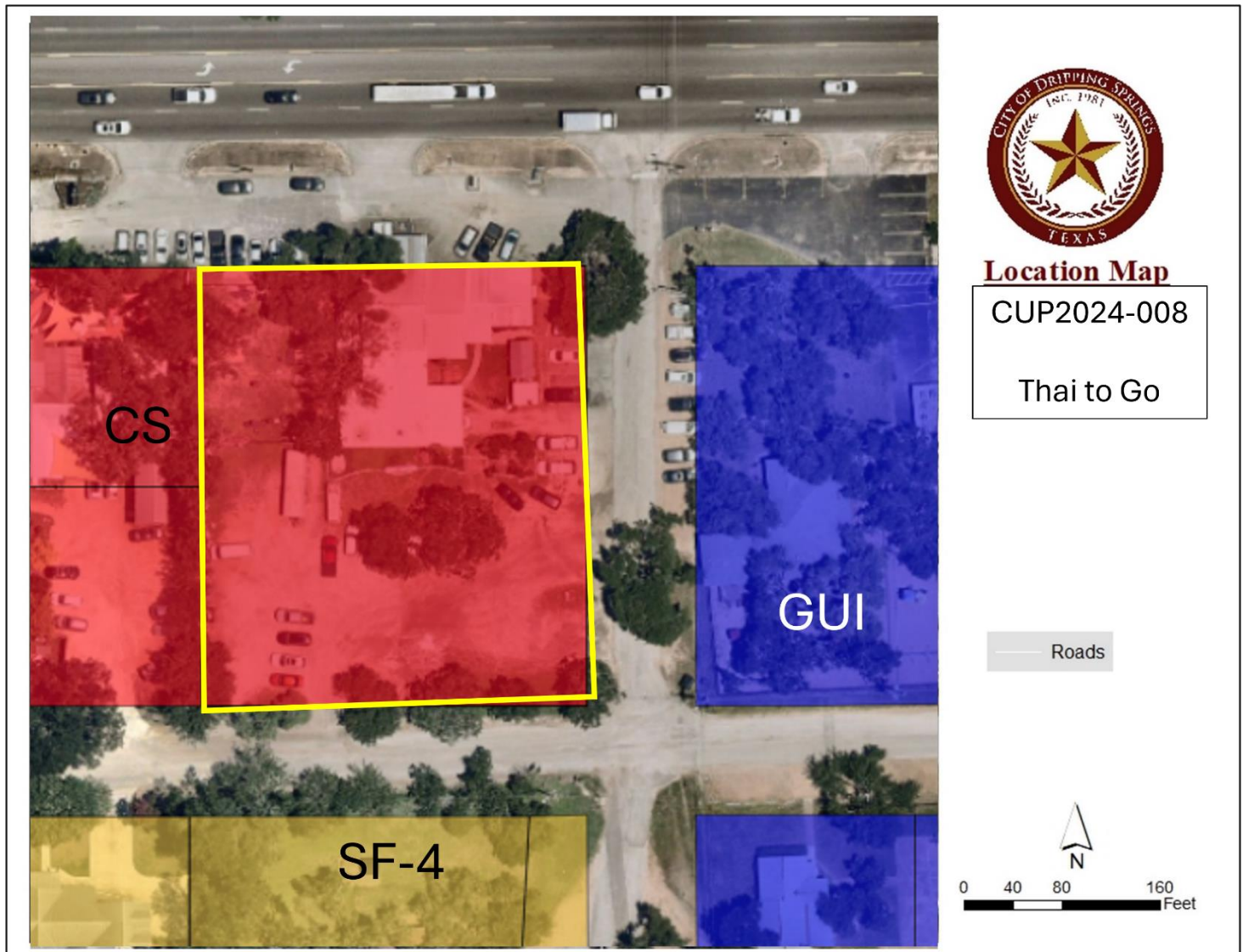
The applicant has submitted a request for a Conditional Use Permit (CUP) to allow a mobile food truck to operate on the site of Pig Pen Barbecue for more than 10 days. The food truck will primarily offer Thai food for to-go orders. However, patrons are permitted to use the outdoor dining area and restroom facilities provided by Pig Pen Barbecue.

The property is located within the Hays Street Historic District, and the applicant has also applied for a Certificate of Appropriateness, which will be considered by the Historic Preservation Commission. Adequate parking is available on-site to support both the existing restaurant and the food truck, with the three additional spaces designated for the mobile food truck as required.

Direction	Setback Code requirement*
Front	10 Feet (10')
Rear	10 (10')
Side	5 (5')

\*Setback requirements follow the Hays Street Historic District standards and differ from typical historic requirements.

**Surrounding Properties**



**Location Map**  
 CUP2024-008  
 Thai to Go

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

Direction	Zoning District	Existing Use	Comprehensive Plan
North	Commercial Services (CS)	Office	Not Identified
East	Government/ Utility/ Institutional (GUI)	Church	
South	Single Family – Duplex (SF-4)	Residence	
West	Commercial Services (CS)	Restaurant	

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

Approval Criteria	Staff Comments
1. The proposed use at the specified location is consistent with the policies embodied in the Comprehensive Plan;	The following comprehensive goals support this request:  1. Support expansion of business and professional services and  2. Support Tourism.
2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;	The zoning district is Commercial Services (CS), which permits commercial and retail uses. Mobile food vendors are permitted in the CS zoning district with the approval of a Conditional Use Permit (CUP).
3. The proposed use meets all supplemental standards specifically applicable to the use, as established in the Development Standards, Section 5;	The applicant meets the standards in Section 5 for parking, health and safety, and the duration of operation, which would be regulated by the CUP. The applicant has also obtained permission from the property owner to utilize existing facilities, such as restrooms and dining areas.
4. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods, and (as required by the particular circumstances) includes improvements or modifications (either on-site or within the public rights-of-way) to mitigate development-related adverse impacts, including but not limited to the following:	A mobile food vendor at this location will provide additional food and beverage options for the area. With the surrounding area being a combination of retail and office uses, staff is not concerned with adverse impacts to adjacent property owners.
a. Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;	There is adequate access to the property, ensuring both vehicular and pedestrian safety, and no changes are necessary for emergency services access.
b. Off-street parking areas, loading areas, and pavement type;	The site provides the required number of parking spaces, and there are no conflicts anticipated with loading or service areas.

c. Refuse and service areas;	Waste disposal will be handled by the existing restaurant's refuse services.
d. Utilities with reference to location, availability, and compatibility;	The food truck utilizes existing electric utilities on the site. Water and wastewater is self-contained within the trailer.
e. Screening and buffering, features to minimize visual impacts, and/or setbacks from adjacent uses;	The truck will meet the minimum 10' setback requirement. While the truck will be visible from the street, it will need to meet historic preservation guidelines.
f. Control of signs, if any;	Signage will be done with a separate permit and will need to comply with the current sign ordinance in effect. Any variances will require approval.
g. Control of exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;	The owner shall comply with the lighting ordinance per the mobile food vendor ordinance.
h. Required yards and open space;	Not applicable.
i. Height and bulk of structures;	The mobile food vendor meets height requirements.
j. Hours of operation;	The application did not indicate proposed hours of operation. Staff recommends a condition that hours be limited to between 8:00am and 10:00pm.
k. Exterior construction material, building design, and building facade treatment;	Mobile food vendors do not have to comply with our exterior design ordinance, but they do have to comply with our sign ordinance and historic preservation guidelines.
l. Roadway adjustments, traffic-control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets; and	Not applicable.
m. Provision for pedestrian access/amenities/areas;	Pedestrian access to the site remains safe and convenient with the mobile food truck on-site.
5. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity; and,	The mobile food truck will operate in conjunction with an established restaurant, providing additional food options without disrupting the surrounding businesses or residential areas.
6. Noise;	The operation of the food truck is not expected to create excessive noise beyond typical restaurant activity.
7. Odors; and	No concerns noted.
8. Dust.	No concerns noted.

**Conditional Use Permit Requirements**

The following standards are applicable for all mobile food vendors within the City Limits. Note that the Conditional Use Permit can be approved with conditions that further restrict operations.

1. Decibel Level shall not exceed 65 decibels. Decibel level shall be measured at the property line.
2. Hours of operation are limited to the closing time of 11:00 p.m.
3. The property adheres to all Fire and Life Safety Codes found in the International Fire Code
4. Should the City find the mobile food truck to create health and safety issues due to any reasons, the City Administrator may request that the Applicant remove any vehicle from the site. The Applicant shall comply with the City Administrator’s request.
5. This Conditional Use Permit automatically renews for successive two (2) year periods unless an objection is raised by the City Administrator based on either:
  - a. A history of poor code compliance.
  - b. A revision to the Comprehensive Plan that renders the CUP incompatible.
6. The City administrator may revoke a CUP for failure to comply with municipal regulations and the conditions placed on the use.

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

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

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

**Public Notification**

A legal notice advertising the public hearing was placed in the Dripping Springs Century-News, signs were posted on the-site, notice was placed on the City Website, and all property owners within a 300-foot radius of the site were notified of the Conditional Use Permit request. At the time of this report, staff has not received any public comments for this request.

**Meetings Schedule**

August 27, 2024 – Planning and Zoning Commission  
 September 17, 2024 - City Council Meeting

**Attachments**

Attachment 1 - Conditional Use Permit Application  
 Attachment 2 – Applicant submittal materials

Recommended Action:	<ol style="list-style-type: none"> <li>1. The applicant shall receive approval of a Certificate of Appropriateness by the Historic Preservation Commission;</li> <li>2. Hours of operation are limited to between 8:00am and 10:00pm;</li> <li>3. Trash receptacles shall be provided for customer use;</li> <li>4. The Conditional Use Permit shall be reconsidered by City Council within two years of its effective date;</li> <li>5. The permit shall become effective with the issuance of the building permit;</li> <li>6. There shall be no amplified music; and</li> <li>7. Trash must be removed from the food truck site at the end of each business day.</li> </ol>
Alternatives/Options:	Recommend denial of the Conditional Use Permit; recommend approval of the Conditional Use Permit with alternate conditions.
Budget/Financial Impact:	None calculated at this time, but the City would receive additional sales tax revenue.
Public Comments:	Staff has not received any public comments at this time.
Enforcement Issues:	N/A

# Planning Department Staff Report

Item 8.

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Comprehensive Plan Element:	Support the expansion of business and professional services Support Tourism related businesses
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