

MINUTES OF ZONING AND PLANNING COMMISSION  
PUBLIC HEARINGS AND REGULAR MEETING  
CITY OF WEST LAKE HILLS, TEXAS  
January 20, 2016  
6:30 P.M.

PRESENT: ZAPCO Chairman Robert Meisel, Vice-Chairman Les Gage, Commissioners Eric Erickson, Sarah Swanson, Rhett Hoestenbach and Bill Vandersteel

ABSENT: Commissioner Kevin Leahy

1. Call to Order. Chairman Robert Meisel.

**Chairman Meisel calls the meeting to Order at 6:30 p.m.**

2. Consent Agenda: The following items are considered to be self-explanatory by the Commission and will be enacted with one motion. There will be no separate discussion of these item/s unless a Commission Member or citizen so requests.
  - a. Approval of the November 18, 2015 Regular Meeting Minutes.
  - b. Request from applicant to postpone. Variances to remove seven trees greater than 14 inches in diameter at 2 Sweet Sky Road. (Section 22.03.303 of the West Lake Hills Code.) Applicant Owen Norton.
  - c. Request from applicant to postpone. Variance to allow a shed in a building setback at 440 Ridgewood Road. (Section 22.03.281 of the West Lake Hills Code.) Applicant Brian Stillman.
  - d. Request from applicant to postpone. Multiple variances for a new driveway at 103 Crestwood Court. (Section 22.03.281 of the West Lake Hills Code.) Applicant Justin Jacobs.
  - e. Request from applicant to postpone. Proposed site plan amendment and commercial site development permit for Sway Restaurant located at 3437 Bee Cave Road. (Chapter 22 of the West Lake Hills Code.) Applicant Gabe Hovdey.

**VICE-CHAIRMAN GAGE MOVES TO APPROVE THE CONSENT AGENDA. COMMISSIONER VANDERSTEEL SECONDS. UNANIMOUS (5-0) APPROVAL.**

3. Land Use: Final Plat of a 3.45 acre tract located off of Ledgeway and Cedar Oak to be known as the Amended Plat of Part of Site C, Block W, of Stonehedge Estates at 305 Cedar Oak Drive and 404 Ledgeway. Applicant Mike Macari. (Chapter 36 of the West Lake Hills Code.)
  - a. Staff Briefing.

**City Planner Grundman: You saw this plat in November as a preliminary. The only issue was the drainage concerns. The application has engineered and provided information to show improvements but that is not a requirement or our plat stage. All comments have been addressed. The only issue is this hasn't been recorded with the County but that can be done before Council. They can't build on Lot 2 until they are addressed. There are no variances being requested.**

- b. Presentation by applicant.

**Mike Macari is the property owner lives at 404 Ledgeway. Ashby has adequately given the background. Since the time that we last met we made a commitment to meet with the neighbors and work with them to talk about the drainage and consider options that may be helpful. That has happened. Mr. Stephenson was here and was concerned about the drainage and although my engineer has indicated that the impact for my lot to the water of the cul-de-sac and there were things that we could do and we are considering a drainage grate that would go across the driveway and other things that could be done at a low cost manner that would help him. I'm meeting with him tomorrow to look at everything to continue that process. That was important to this group and the concept in living in peace and having good relationships with our neighbors. That has happened and continues to happen. We spent some time to address comments that came from the City Engineer and Ashby and the requirements of the plat which have been addressed. Just to refresh the thinking, this is a re-plat of two lots and so we start and end with two lots, it's being reconfigured. That's all my comments.**

- c. Public Hearing: All persons wishing to speak for or against shall be heard.

**Chairman Meisel closes the Public Hearing and reconvenes the meeting.**

- d. Deliberation and action.

**Commissioner Erickson: Mr. Macari has addressed the concerns.**

**COMMISSIONER ERICKSON MOVES TO RECOMMEND APPROVAL. COMMISSIONER VANDERSTEEL SECONDS. UNANIMOUS (5-0) APPROVAL.**

4. Land Use: Multiple variances for a new residence at 1113 Westlake Drive. (Sections 22.03.175(1), 22.03.276 and 22.03.170(f) of the West Lake Hills Code.) Applicant Kim Power.

- a. Staff Briefing.

**City Planner Grundman: This is currently an undeveloped lot. They are requesting a cut and fill, retaining wall and removal of three trees. Five total. The main site plan are highlighted. It's a new residence and they meet the fire flow and drainage. That will come up at the permit stage.**

- b. Presentation by applicant.

**Kim Power is with Dick Clark's office and the owner is present. We are looking at tree and cut and fill and retaining wall in the setback for a driveway. The street is on the high side and we wanted to keep the house on that top edge as possible. You can see it on the site plan. We feel is the most sensitive way to develop the lot which is also the flatter part of the lot. It goes up and down from there. A fairly significant topography. Again, that makes the house stretched across the front of the lot which is**

over in the side building setback. It is well outside the 10 foot driveway setback, the back out turnaround is needed we get up to 6' out of grade. We are staying under the amount for a retaining wall. We are keeping it there and below. It does flatten out to where we can follow the grade. The cut and fill won't exceed the 18" amount. The neighbor on that side is also on that corner of the lot. That is probably most ideal to keep the driveway cuts next to each other and keep the house on the stretch. The trees are on the site plan, all the shaded are dark are protected size. They are pretty evenly scattered. The house fits within keeping 21 of them. It would be probably impossible to find a spot for the house and driveway so we kept it to maintain the oaks along the front building setback and limit the removal of the protected size. I think that's about all. Its 4,400 square feet, one story and when viewed from the street it is below because of the slope.

- c. Public Hearing: All persons wishing to speak for or against shall be heard.

**Chairman Meisel closes the Public Hearing and reconvenes the meeting.**

- d. Deliberation and action.

**Commissioner Hoestenbach: Has anybody talked to the Santos family?**

**Kim: We have reached out with information.**

**Commissioner Vandersteel: They have been notified. If they had a problem they would have notified.**

**City Planner Grundman: Staff recommends approval on the trees. We recommend minimization on the wall in the setback.**

**Chairman Meisel: Very rough measurement, it tells the amount of encroachment is roughly the distance from the northeasterly end. I don't see why it couldn't shift over and fit?**

**Kim: Three 417 is the oak that is where the front entry is and we'd like to stay out of it as much as we can. It does have a branch that goes straight into the house.**

**Chairman Meisel: I know you have put a lot of thought in the configuration, it's still on paper. It is the applicant created hardship. The tree was there before you. Again, we are still dealing with the setback and respect the trees. Does the front door have to go there? There could have been more accommodation.**

**Vice-Chairman Gage: I agree.**

**Commissioner Vandersteel: If I'm looking at the building itself, they have centered the building which is good before it's fair to both neighbors. The driveway is next to the neighbor's driveway. I have the same problem the chairman had. The mass of the building is centered. If**

you moved the building down a little bit it would be a bigger retaining wall. I thought about it. You could change the layout of the whole lot. Any number of trees are on and the trees being removed are well within the area, I think it's how you would handle the driveway.

Commissioner Erickson: It's hard to tell the drawings on how high that wall is going to be. It's hard to tell if you're even approaching the garage and dropping the driveway down. It's hard to tell from this.

Commissioner Vandersteel: It's on the map.

City Planner Grundman: That's in the buildable area.

Commissioner Erickson: How much is that driveway sloping down?

Kim: We could probably get another foot out of it. It's at 676 and the outer corner is 674. We could look at pushing that down a little more. It needs to slope that way or drainage.

Commissioner Erickson: One of the things I'm thinking they are trying to obtain a view. Then from there how do you get a driveway that is comfortable?

Kim: We're cutting in and part of that is, there is a retaining wall and the street view would be the high side.

Commissioner Erickson: You could go down further. I've seen it done in other areas.

Kim: We're just talking about this with the builder today. We'd like to stay out of the live oak at the front. It might involve a little bit of drainage work to push the house a little lower. We'd be willing to look at that.

Commissioner Erickson: If you had it down two feet, you're within that 18" and everybody's happy.

Kim: It would be more like 4' on that edge.

Commissioner Erickson: If you were to come down 6" you would be at the 18". I heard a comment earlier that the wall is not going to be greater than 5'.

Kim: We have it at 6' at the highest corner.

Commissioner Erickson: There are ways to jiggle this. I know the way that Dick builds these things. You can bring everything down.

Kim: That would be a lot more cut at the front. I asked the builder the same question and he was real concerned about the drainage.

**Commissioner Erickson:** We've seen people when you build beyond the line from the road, you could do some terracing if concerned about drainage. It looks there are ways to drop this down.

**Commissioner Swanson:** Are you proposing making the driveway steeper?

**Commissioner Erickson:** IT wouldn't trigger a variance.

**Kim:** We would hit that 20% slope on the driveway.

**Chairman Meisel:** Id' like to get you out of the setback. Here you've got circumstances you have to push towards the opposite lot line.

**Kim:** We do understand the setbacks are important.

**Chairman Meisel:** Just push it to the side. You're not taking any more tree, or damage 417.

**Commissioner Swanson:** You'd lose the tree?

**Kim:** Yes.

**Vice-Chairman Gage:** Not the trunk?

**Chairman Meisel:** You could modify the entry way.

**Kim:** If it was a head on approach it's not as nice of a design since it's a busy street. It's a protected size because of the multi-trunk. It's 20' tall.

**Commissioner Swanson:** You actually raised the foundation to get a better view?

**Kim:** No, we're lowering it. If we shifted it up, we get in the way of that tree that is in the middle of the lot. That is the main concern. The topography is similar in that direction. It would be a bad idea for us to try and fix that by going over the hill further.

**Commissioner Swanson:** It sounds like a very difficult lot. How is it going to impact the neighbors? I don't see a need for them to move it.

**Commissioner Vandersteel:** The placement inches of trees could be around the retaining wall by the driveway. I'm imaging looking from the neighbor's property and seeing a retaining but a rhythm of the building. I don't find it as an offense. I couldn't come up with a better configuration.

**City Planner Grundman:** What's that distance?

**Kim:** About 32' from the edge of the garage. Another option would be to save a couple of feet by turning this way but that's further out.

**COMMISSIONER SWANSON MOVES TO RECOMMEND APPROVAL OF THE TREE AND SETBACK VARIANCES. COMMISSIONER VANDERSTEEL SECONDS.**

**Commissioner Erickson: Is there any other way to bring that driveway down?**

**APPROVED (3-1-1). VICE-CHAIRMAN GAGE OPPOSES AND COMMISSIONER ERICKSON ABSTAINED.**

5. Land Use: Variance to remove a tree greater than 14 inches in trunk diameter at 14 North Peak Road. (Section 22.03.304 of the West Lake Hills Code.) Applicant Mark Lakins.

a. Staff Briefing.

**City Planner Grundman: They are requesting to remove one tree. A cedar elm at 14". It is a new home and this is the only variance requested. It's just over a half acre.**

b. Presentation by applicant.

**Mark Lakin is the designer. We met with him previously to build a new home at 14 North Peak. The tree variance was what we want to go for. We met with Christy to see if she had recommendations. The house footprint would be best and taking this tree.**

c. Public Hearing: All persons wishing to speak for or against shall be heard.

**Chairman Meisel closes the Public Hearing and reconvenes the meeting.**

d. Deliberation and action.

**VICE-CHAIRMAN GAGE MOVES TO RECOMMEND APPROVAL. COMMISSIONER ERICKSON SECONDS. UNANIMOUS (5-0) APPROVAL.**

6. Land Use: After-the-fact variance for a cut in a side setback at 5 Wren Valley Cove. (Section 22.03.281 of the West Lake Hills Code.) Applicant Edward Gordon.

a. Staff Briefing.

**City Planner Grundman: This is a new house under construction which is a pretty steep area of the city. During the process they excavated two 5' cuts in the setback by accident. They have to request the variance and they have proposed to remedy the situation. I don't know we can deny the variance but there may be a better solution.**

b. Presentation by applicant.

**Winn Whitman is the architect. We designed the home in 2013 and 2014. It is a very tight lot. It sat vacant for many years. It's a tricky lots. We obtained variances in 2014 for the driveway cut and slope. It's a modest sized home of 3,700 two levels. The steep nature of site it was determined that we would need to make a large cut through rock. The rock was solid enough that the cut would be stable and approved by the City. Fast forward a year and they made a mistake excavating. One of the trees is on the adjacent property and not on this property. They were going off of that. They cut about 6' partially into the setback before the builder realizes what was going on. On December 9<sup>th</sup> and the builder sat with the staff and said we were sorry and my client reiterated his desire to make things right. We looked at piling material back up on the material portion of the cut. We have two engineer's letters and they say the cut is**

more stable and safe to prefer to leave the cut as it and not attempt to fill the area in the setback. The bench cut in error helped in stabilizing the cut. It diverts water to keep water from flowing down toward the home. We've generated some photos that show the cut that you can see from both angles the home obscures the cut. In addition, the bench cut looks more natural than 18' wood. What I feel would work best would be install some plants and vegetate the French cut to help direct water around the house. We also propose to grow fig ivy on the face but once it gets established it complete covers that rock face. We respectfully request this variance as indicated.

- c. Public Hearing: All persons wishing to speak for or against shall be heard.

David Lindsey owns the property east of the property. I've listened to this and talked to Mr. Gordon several times on the property. It was an accident that Mr. Gordon should have avoided before it got this far. It's very far into the setback. It would have been prevented with a simple tape measurer. It is so incredible to make that argument. I don't know the technical aspects of not being able to reject this variance. They went so far before they discovered and doubt this was accidental. I have discontent with this and urging you do what you can do to remedy this. If you've been out there and looked down at what happened. They are within 10' from my property. That's my issue.

Chairman Meisel closes the Public Hearing and reconvenes the meeting.

- d. Deliberation and action.

Commissioner Vandersteel: Was there every a site plan in our packet?

City Planner Grundman: They provided a survey, I apologize it wasn't in the packets.

Commissioner Erickson: It just makes me think about the trees on the Bagan's property.

Commissioner Vandersteel: Is this bench wide enough to plant trees?

Ed: Yes.

Commissioner Vandersteel: I don't remember the approved retaining wall?

Will: It was a single open cut but it's been benched back.

Commissioner Vandersteel: It would have been much taller. Just to mediate this problem, it would be hard to plant to cover a high retaining wall.

Commissioner Erickson: One of the problems is cracking is breaking down over time. I remember approving this ages ago.

**Commissioner Swanson:** What are the possible remedies and what can be do? If you try to replace rock you'll have a less stable wall.

**Chairman Meisel:** One possible analysis is granting an after-the-fact variance is removing a citation for violation the ordinance.

**Commissioner Swanson:** Is it worth sending a message to other people?

**Chairman Meisel:** You don't have to intend to violate the ordinance. IN some ways we are here with a pretty empty vessel.

**Commissioner Swanson:** Did you have something in mind?

**City Planner Grundman:** The best solution would be to fill a little and landscape as much as you can? You have to put in a retaining wall that wouldn't look natural at wall.

**Commissioner Swanson:** Would you put fill in?

**Commissioner Erickson:** It depends on the size of the stone.

**Commissioner Vandersteel:** Fundamentally we have a side set of undisturbed property and it's gone. The neighbor has lost 12' that was supposed to be buffered. I'm thinking how that's remedied. How we take action, I'm not clear.

**Chairman Meisel:** We can recommend approval or disapproval.

**Commissioner Vandersteel:** If we recommend approval with conditions?

**Chairman Meisel:** We can say with disapprove because we don't have x, y z.

**City Planner Grundman:** Would you like to see a landscape plan?

**Winn:** We would like to come up with what Ashby has proposed.

**Commissioner Erickson:** It weighs heavily on after-the-fact when it affects the neighbors.

**Chairman Meisel:** The neighbors rely on us for this. We have obligations. We need more data, and I'm very visual oriented that shows where the cut is and that sort of thing. A detail plan on how you're going to fix this mess. Neighbors input.

**Commissioner Erickson:** You may want to postpone and come back with more information?

**City Planner Grundman:** We initially put a stop work order but when they got paperwork in we let them continue on the house building.

**Winn:** We can have something before Board of Adjustment.

**Chairman Meisel:** What about the neighbor?

**David Lindsey:** I think if you would look at the site you would see the enormity of the cut. The fact that it got this far before stopped, I'm sorry it's not believable. The recommendations for mitigation for this. I don't understand that part of it. I would landscape the hell out of it. It's about 10' from my property and not 25'. I know what happens.

**Chairman Meisel:** Would you like to participate?

**David:** Yes, I would. I'm ticked off about not spitting.

**Commissioner Erickson:** I can't imagine the day you found out this went down.

**Chairman Meisel:** We can't speculate if this was an accident or not. The healing path is how to make this as good as we can make it. We need to go forward from here. If you can go to BOA in three weeks, have the neighbors come with you?

**VICE-CHAIRMAN GAGE MOVES TO RECOMMEND SENDING FORWARD WITHOUT RECOMMENDATION. COMMISSIONER ERICKSON SECONDS. APPROVED (4-1) COMMISSIONER HOESTENBACH OPPOSES.**

7. Zoning Amendment: Proposed amendment to Planned Development District regulations with a Commercial Building Permit and site plan amendment for a parking lot addition at Belmont Village located at 4310 Bee Cave Road. (Chapter 38 of the West Lake Hills Code.) Applicant Stephen Brollier.
  - a. Staff Briefing.

**City Planner Grundman:** This is a zoning matter. It will be a discretionary item for the council. The only different is 18 more parking spaces. They are under the impervious cover and a minimal cut. The big concern that staff has is the tree replacement. The original allowed 35% but the code is 75%. They are proposing the same here but that is the biggest concern of the plan.

**Commissioner Swanson:** How many trees are being removed?

**City Planner Grundman:** They are really going from 78 to 96. The letter says 71 but currently there are 78. 60 trees are being removed, 175 inches. Part of that is misleading. They are removing 321 inches. 175 do require replacement and are proposing 45. The tree fund is for lots that don't have enough room to replant; a tree dedicated fund.

- b. Presentation by applicant.

Paul Chapman is the representative. I hope you're enjoying having us here as we are being here, being a community in West Lake Hills. A quick overview. I brought the civil engineer. They can all answer all the technical inches and all that. Let me give you of what we're up to. We are proposing to add 18 spaces to take us from 78 to 96 from .56 to .68 ratio. We're a little tight in the afternoon. Donna is the one that brought it up to me. We've got 24 communities operations. 12 of those have a ratio below of what we have here. We thought we had put in plenty. It might have something to do with our employees not having mass transit. A lot of our other locations we have mass transit available. We have a shift overlap. We are removing some trees, moving trees. We modified to add some evergreen screening here. That isn't in your original numbers. We are adding some screening. The other thing that they asked us to do come up with visuals and photos will be passed around. A couple of aerials. The area in the foreground and another from the east then a photo of the East end and you can see the adjacent property. As you talked about we meet everything in the PDD we could have gone in with this. There are no variances, we are only changing the quantity spaces. That's really it. We also have one copy for everyone.

- c. Public Hearing: All persons wishing to speak for or against shall be heard.

Ryan Trayers lives at 799 Buckeye. I'm here because we reviewed the proposal for additional parking and myself we got disgusted we want to oppose it. There are several factors on why. First, the original plan was put in place and had limitations that were placed on parking. That was done to insure that the property preserves the natural beauty of the area. The facility has only been open for a few years and is asking for more parking. That is a big expansion in my opinion. They are wanting to cut down more trees. Also, taking away trees is going to take away the buffer from the city and neighbors and that will increase the noise that the neighbors are exposed to. Since the facility went in we do hear more ambulance noise. Taking away more trees will make that louder. Lastly, I think it is important the City and the developer adheres to the original plan because the neighbors have concerns about what will happen to this property. What can be expect in another five years? That's going to impact us with the additional noise and having more parking nearby will impact our property values. We are not in favor of this proposal.

Marcus Whitfield lives at 406 Spiller Lane. I'm not affected by it. During construction the area where the utilities tie into Buckeye was a dead tree zone. They pulled out all the trees and they haven't grown back. They didn't get it right on the first time. I don't think we got it right on the first round. They didn't fix what they did the first time. Take some time to figure out where they need to be planted. It should be done correctly.

Brad Calzada lives at 720 Buckeye which is directly behind the area where this construction would take place. We bought out house 2014 but my understanding was it was a very controversial process and no further

expansions would be done. It is my understanding it is mainly due to miscalculations on parking spaces for a facility of this size. I'm not opposed to all development but this would detract from the beauty of the neighbor. The sound of autos would be an issue and also the headlights. You did a good job of how this was originally approved. The way they put this now I would hear and see the cars. They came up with the idea to put up this screen but I wouldn't see the natural beauty. To meet their needs they need to find another solution. They have all these islands in the middle of the parking lot and I think they needed a place to put the trees for the original plan. That is my personal opinion. I think that could be done. You could restripe part of the lot. Lastly, my view of Austin and West Lake, we're in an urban area and we need to come up with a solution. Carpooling is a great solution. The problem only occurs during a period of time when they have shift changes. This is a necessary part of their business. There could be some kind of solution. There was a petition that was circulated around the neighborhood. We have that with us and want to get it on record.

**Chairman Meisel closes the Public Hearing and reconvenes the meeting.**

Deliberation and action.

**Chairman Meisel: I have a question for the applicant. I know there are terrain issues out there. You could have gone west?**

**Scott: We did look at that. It would have cut into the rock and a creek that would go across. The impact to that rock area. The second was water quality. We are capturing this water. Because you're cutting into the rock. The way we mitigate over here acts as a filter strip.**

**Commissioner Vandersteel: The paved area along the West side, is that a service area?**

**Scott: Service area and courtyard. It is a significant cut back there. Part of the history here is a cut wall all the way back to the back area that extends all the way of where that bluff is. We have electrical pads that would be a hardship to move.**

**Commissioner Erickson: When we were having this whole process this was being designed and engineered to keep the neighbors happy and getting sewer. It is a substantial cut in the back.**

**Chairman Meisel: The crisis seems to occur at shift change? Can that be staggered?**

**Donna is the Executive Director. We have staff arriving staggered already. 6:00 and 11:00 through the course of the day. 7:30 and 8:00. Our caregivers and nurses that cross over three times a day. We have to pull the teams together and they need to be together to address concerns. I do have different departments and staff members that come in at**

**different times. There is a crunch time in the afternoon and the fire lanes have become an issue.**

**Commissioner Vandersteel: How many units?**

**Donna: 140.**

**Commissioner Erickson: Was the 96 in the original plans?**

**Paul: The PDD allowed us 71 and council allowed 78. It was approved by WLH.**

**Chairman Meisel: You have a bus or large limo. What is the capacity?**

**Donna: 16.**

**Chairman Meisel: Can that be utilized for staff?**

**Donna: I would have to investigate that.**

**Chairman Meisel: There is sometimes a solution that doesn't require bricks and mortar. Maybe that is the solution you need. Just a suggestion.**

**Commissioner Erickson: We should have asked at BDC about that lane?**

**Scott: That is a fire lane. The other part is this is a 20' fire lane. This allows us to add 5' to the fire lane. Westlake Fire Department is in favor of this.**

**Commissioner Erickson: How high will that wall be?**

**Scott: 5' to 6'.**

**Commissioner Erickson: We thought that would buffer the sound and reach out to the neighbors. We had asked for pictures.**

**Commissioner Vandersteel: Interesting point you made about the sound.**

**Commissioner Swanson: Is this Brad's house? My mom is in assisted living. There is no place else to go. ON the other hand, I am concerned that people at 720 Buckeye currently have a deck with trees with a little bit of parking lot. If this goes in will have a definite view of a parking lot. The reason that fewer parking spaces were approved because of the deal?**

**Paul: It was a self-inflicted error.**

**Commissioner Swanson: What other places on the property were investigated?**

**Scott:** It's not conducive to that. If you didn't know where this was you wouldn't see it.

**Commissioner Vandersteel:** A building of this size would have so minimal parking?

**Chairman Meisel:** IN a year or two when they are at 100% we'll be looking for another 25 spaces. If you're going to be coming up with a solution, we don't want to be back here in two years.

**Commissioner Erickson:** Sound and cut for this drive and reducing sound to the neighbors, they are setbacks above this parking lot to go up with a sound wall.

**Vice-Chairman Gage:** The way to keep that sound out is to keep those trees there. I'd like to find a way to provide the additional parking but I'm concerned about the neighbors.

**Commissioner Hoestenbach:** I want to hear from the neighbors. What compromises were made?

**Ryan:** The land was not originally zoned for this facility. I just expected it was put together not to cut down too many trees and a lot of traffic. The agreement was there.

**Vice-Chairman Gage:** The neighbor was our primary concern because we were here for hours and hours of testimony.

**Chairman Meisel:** Low traffic and low visibility and sewer. We pretty much had to accept that this would work. A shuttle run back and forth to a bus stop or a parking lot off site. I'm not trying to rework your business but I do feel for the neighbors. This parking enlargement is going right in the teeth of that agreement. Again, at this point I want to meet your needs for parking and safety, I don't like making it happen at the expense of the neighbors. Please look at it again even if it involves opening some areas of Bee Cave.

**Commissioner Erickson:** The biggest comment was at BDC was what would come back from the neighbors.

**Commissioner Hoestenbach:** What about the islands that Brad was talking about?

**Paul:** Your ordinance requires these trees but removing them would require a variance. It would create 6 or 7 spaces.

**Commissioner Erickson:** There was a huge filtration under this structure.

**Scott:** Most of the trees in question are Cedars.

**Commissioner Erickson:** What would you propose making sure these re-plantings proceed?

**Candy:** Understory trees, even the junipers have views under.

**Paul:** We've tried very hard to go back in and screen. Big picture, we had 5,500 trees and we have 4,400 trees. We did go back to do the sewer. WE can look at it again.

**Candy:** We have permanent irrigation.

**Paul:** Before we end, is Brad's idea of wiping out the peninsulas, would this body support that? If that is an option we could look at that and restripe a longer run.

**Chairman Meisel:** That is a better question to bring to the Building Design Committee.

**Commissioner Erickson:** If this were just your standard strip mall I would be opposed to it completely. I see all the vegetation I tend to view it a little bit better. Just my comment for the record.

**Commissioner Vandersteel:** You're concern about looking over this cut. The height of the retaining wall could block that. That wall would bounce the sound away from your house.

**Brad:** The wall runs around the west side and would protect them from the noise. It levels out and my property looks right down on that parking lot. They are adding that big loop towards us.

**Commissioner Swanson:** Did you ever consider a parking lot right off of Bee Cave?

**Paul:** Earl Broussard said forget it. Dead on arrival. You've got to preserve those trees. We'd like to study some options.

**VICE-CHAIRMAN GAGE MOVES TO RECOMMEND POSTPONEMENT.**

**Brad:** In the earlier discussion, it would be nice for the builder to talk with the neighbor. If they could loop us in on the altered plans to try to form some opinions before the meeting.

**COMMISSIONER ERICKSON SECONDS. UNANIMOUS (5-0) APPROVAL TO ACCEPT POSTPONEMENT.**

8. Land Use: Commercial Building Permit and site plan amendment for a District Operations Building for Eanes ISD at 4300 Westbank Drive. (Section 22.02.005 and 28.03.098 of the West Lake Hills Code.) Applicant Don Sansom.
  - a. Staff Briefing.

**City Planner Grundman:** This project came through last year. They received 10 tree variances and preliminary plans and are under the review process. There are no variances being asked for.

- b. Presentation by applicant.

**Don Sansom is the Engineer with Urban Design Group.** We are here because we have flushed out the plans for the project. We thank you for the previous approval. It is construction for student parking spaces and also a building to house the maintenance staff. It is not an educational building. The property is 12.2 acres and the variances that were approved for a plan, nothing has changed, the configurations and provided all the necessary design and backup to your reviewers for the project. You have received copies of the plans. How we got here, we actually before submitting had a preliminary concept plan and met with the Konstanty neighbors and conformed to their suggestions. We're doing exactly what we told them what we were going to do. We'll providing all the backup information they need. Large photos are presented to the Commission. There is a ridge on the property. The folks who live back here can't see over the hill so they won't see the parking lot of the students. Finally, there is an old metal building that is being used for equipment. Again, that existing drive will be taken out and trees will be planted and access to the warehouse will not be from that drive but from the other side.

- c. Public Hearing: All persons wishing to speak for or against shall be heard.

**Chairman Meisel closes the Public Hearing and reconvenes the meeting.**

- d. Deliberation and action.

**Commissioner Erickson:** It's pretty amazing there aren't any issues with the neighbors. The relocation of the driveway will eliminate all of that.

**COMMISSIONER ERICKSON MOVES TO RECOMMEND APPROVAL.**

**Commissioner Swanson:** The students access off of Westbank? They get in and out of the driveway without getting on 360?

**Don:** It is one driveway that has always been there.

**Commissioner Swanson:** No.

**Don:** We've heard that Westbank might be widen to have a right turn lane.

**VICE-CHAIRMAN GAGE SECONDS. UNANIMOUS (5-0) APPROVAL.**

**Commissioner Vandersteel:** Nothing changes?

**Don: Yes.**

9. Land Use: Commercial Building Permit and site amendment for a parking lot and Pastor Rectory at 5455 Bee Cave Road for St. John Neumann Catholic Church. Applicant Bob Galloway. (Sections 22.02.005 and 22.03.249 of the West Lake Hills Code.)
- a. Staff Briefing.

**City Planner Grundman: This is very similar to the previous project. They are coming through for the site plan amendment. It's within the buildable area. Tree variances have already been approved.**

- b. Presentation by applicant.

**Bob Galloway is with Jackson Galloway Architects. Just a quick review. The new church opened about 5 years ago. The seating is 1,470. There are 360 spaces on the site. Anytime there is a large mass or large event that gets 850 in terms of attendance, unfortunately we've had situations where fire lanes are blocked and parking out on 360 right-of-way. Sometimes cars will park on 360 and Bee Cave Road. There is probably once a month or so that exceeds that parking lot capacity. There are 5 masses on a weekend. We are adding a new parking lot on the south side. We are showing 180 spaces for that new parking lot. It is a sloped hillside and terraced. The bottom terrace which is right along the drainage way is vital for the church. The elevation of that terrace matches the floor level of the church. We are putting two bridges and have fully accessible parking spaces on that side of the creek as well as visitor spaces that will make for better parking. That is what we're proposing. The second park is a new Rectory. They are wanting on-site residence is just under 4,000 sq. ft. of space for a priest or one guest or visitor suite as well. There are two garages that go along with that. You can see the rectory location is on the site plan. It is also the location where the largest protected trees are located. Last year when we came before you with the tree variances, we needed 3 trees out. We were able to dodge most of those. In doing that, the neighbors on Sundown Parkway were concerned about the downstream impact on the site. We talked to them about water quality ponds and runoff control that we were doing. Don was the original design engineer when it first move onto the site. The other concern were lights and how we were doing low 20' poles that followed the terraces. Everybody was quite comfortable with that. One of the concerns that came up were wanting to be precise about the impervious cover on the site. We agreed upon a method to do a more careful survey. The total site is 28 acres. Existing is 22%. It will bump up to 8.71 acres. We have met with Ashby and Robert and gone through the incentives for the impervious cover. We have allowed 47% we are still well below that allowed impervious cover. Don can follow up on any specifics.**

- c. Public Hearing: All persons wishing to speak for or against shall be heard.

**Chairman Meisel closes the Public Hearing and reconvenes the meeting.**

d. Deliberation and action.

**Commissioner Vandersteel:** The current total impervious allowed is what percentage?

**City Planner Grundman:** The base allowed is 35%; incentives to wastewater, increasing setbacks and landscaping, 75% of parking underneath or side, maintain site and maintain 25%, donation of right-of-way that would be you at 47%.

**Commissioner Vandersteel:** With this parking it's only 32%?

**Commissioner Erickson:** They are redeveloping an older portion?

**Bob:** We have considered adding additional parking along this side when this moves.

**Commissioner Erickson:** There is a commercial development right behind that lot.

**Bob:** We are doing some screening and fencing.

**Vice-Chairman Gage:** Were the people on Sundown happy with your lighting?

**Bob:** Yes, they were.

**Chairman Meisel:** The Rectory is four units?

**Bob:** Three of the residents is a common living area. One is a stand-alone apartment. It is part of the operation of the church.

**VICE-CHAIRMAN GAGE MOVES TO RECOMMEND APPROVAL. COMMISSIONER VANDERSTEEL SECONDS. UNANIMOUS (5-0) APPROVAL.**

10. Adjournment by Chairman Robert Meisel.

**Chairman Meisel adjourns the meeting at 9:00 p.m.**