

MINUTES OF ZONING AND PLANNING COMMISSION
PUBLIC HEARINGS AND REGULAR MEETING
CITY OF WEST LAKE HILLS, TEXAS
February 15, 2017
6:30 P.M.

PRESENT: ZAPCO Chairman Robert Meisel, Vice-Chairman Les Gage, Commissioners Sarah Swanson, Kathy Tullos, Beth South, Rhett Hoestenbach and Bill Vandersteel

ABSENT: None

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 January 18, 2017 Regular Meeting Minutes.

Commissioner Swanson has a few corrections. The important one is Page 9 regarding 6 Nob Hill, I voted in favor.

City Planner Grundman: I think that was pointed out, we just didn't reprint it.

Commissioner Swanson: As long as I'm delaying progress here, on Page 5, talking about the Mike Lacey's letter, I didn't say the working was edgy, I said it was hedging. Like not making a commitment regarding Buckeye Trail.

VICE-CHAIRMAN GAGE MOVES TO APPROVE THE MINUTES AS CORRECTED. COMMISSIONER HOESTENBACH SECONDS. UNANIMOUS (6-0) APPROVAL.

3. Land Use: Commercial Monument Sign with a variance for 7-Eleven at 3625 Bee Cave Road. (Section 32.03.007 and 32.03.008 of the West Lake Hills Code.) Applicant Carrie Barry.

- a. Staff Briefing.

Chairman Meisel: The notice sign has been on display at the site.

City Planner Grundman: As you said, this was postponed because of the notice issue. We have put them first on the agenda. It's a variance for the color. They are wanting the commercial colors. It meets code and replacing due to the widening.

- b. Presentation by applicant.

Austin Stanley is with Comet Signs. To clarify the issue was the colors or just the color Red? We are requesting to allow the logo and the majority of the sign is not red and will be an improvement of what is there. Overall it is an improvement to the community. That's all I have.

- 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.

Chairman Meisel: They have a lot of signs on that property already. There are logos on pumps, above the pumps, stuck in the windows, doors, most of those are unpermitted. Our sign ordinance is clear signs inside count as signage as if they hung it on the outside. The number of signs really I think defeats the purpose of the ordinance which is not to have a city full of that type of commercialization. Whatever the merits, I want to put out to commission and staff that there are problems over there that need to be addressed.

Commissioner Hoestenbach: I was confused of where the sign is going to be where it is or back?

Commissioner Vandersteel: It will be back where it shows the roadway which looks far enough back so the turners can get out the property.

Commissioner Swanson: Does the orange comply?

City Planner Grundman: Technically, but orange is more an earth tone than red.

Commissioner Swanson: I've found in the last few months I'm noticing in two instances we talk about signs about ones that aren't in earth tones, I regretted we approved them. They stand out in our landscape that I didn't notice that. Seeing the red and orange is a concern.

City Planner Grundman: Signs don't require a hardship.

Vandersteel: Logos are an identity. Their argument has been made about their identity is an overall inventory of what fits within our ordinances. What can we do about that?

Commissioner Tullos: Is there a red or brick-ish color what would make everybody happy?

City Planner Grundman: Typically is what we see is more a maroon as opposed to the brighter red.

Commissioner Swanson: The corporation getting its logo is what we're here to protect. We're here to protect the integrity of our community. The community gets to protect its character.

Commissioner Tullos: Are there any demonstrable?

Commissioner Hoestenbach: My problem is if you look at the code you see what colors are able to be used. It either complies or doesn't.

Commissioner South: They should have in their brand standards where they have a black and white option. Most corporations that have brand standards. My suggestion would be to stay with our requirements. If we allow this why did we allow others? The best way is to see if it can be a black or gray tone. If all the businesses that come to us if we stay firm they will all be identified but won't be in the bright colors. I do think it's important to maintain that is the PMS color that is standard.

Commissioner Vandersteel: If we modify our colors to match our standards, they would recognize the 7-Eleven but they would know where it is. It's sort of scaling the type of marketing and the location.

Vice-Chairman Gage: There are only two service stations in West Lake Hills.

Commissioner South: It won't affect business.

Chairman Meisel: Color is an issue. We're always being asked to address color.

Commissioner Tullos: We have an ordinance and a local preference and we don't have demonstrable harm.

Chairman Meisel: Additional signage needs to be addressed. There is a lot of signs. I was noticing the canopy over the gas pumps.

Commissioner South: I'm wondering if they are in the works on the canopy.

City Planner Grundman: The initial application had both but it would be a variance.

Commissioner Swanson: I'm very concerned about a precedence. Before we know it we won't recognize this community as the type of place it is now.

COMMISSIONER SWANSON MOVES TO RECOMMEND DENIAL. COMMISSIONER HOESTENBACH SECONDS. UNANIMOUS (6-0) DENIAL.

4. Land Use: After-the-fact variance for excavation in a side building setback at 101 Stratford Reserve Place. (Section 22.03.170 of the West Lake Hills Code.) Applicants Brady and Shana Anderson.
 - a. Staff Briefing.

City Planner Grundman: This is after-the-fact in the side setback. The cut at its largest is a 12' cut that is 11'9" from the side property line.

There is a proposal in your packets D-1 that is their proposed to remedy the situation including landscaping with walls and fill.

Chairman Meisel: How did this happen?

City Planner Grundman: The contractor went beyond their scope of work.

b. Presentation by applicant.

Brady Anderson is the applicant. We wanted to raise our children in the area. We wanted to look at the district we wanted to raise them. In 2013 we began to look at the properties. Our story would read as probably as bad as last night's news. We chose this property for the location and beauty. At the recommendation of friends that used this builder, we were not completely aware of the technical difficulties of working in West Lake Hills. He assured us after we met with Ashby and others at the city office. We had I don't know how many meetings and I realized our builder was over his head. Designing and excavating the property I was continuing asking questions. He told me you are a surgeon, are you sure you know what you're doing? I know what I'm doing. I still continued to ask questions and I got nervous when I saw the forming going up with the foundation and the city said we were in violation it would be very expensive to be corrected. The property is very sloped and instead of trying to build the house higher we chose to excavate down to keep it down below that requirement. There is 12' wall on one side and a drop off. That was when I went the next door neighbors. The developer is using Sendero Homes and has built many homes in West Lake Hills to look at my plans, lot and tell me does this look crazy? They spent some time and they came to us and said we don't care if you use us but fire your guy. That was March of last year. Spent months and months in legal battles to clean of the liens of unpaid vendors. It's so unfavorable to the homeowner. We were just glad we didn't make a foundation that was more difficult to remedy. When we finished our battles with the homebuilder, we got Sendero Homes. It is physically impossible to build this house. We spent 18 years trying to design our dream home. This is where we want to be. We are going to start over. We got a new architect, builder, and spent the last 8 months designing a new house for this property. Yes, the previous had excavated more than allowed. Our intent is not to leave it that way. We don't want to violate the codes. We have proposed to build the retaining wall to code one foot over for every foot up and try to replace the flora that has been disrupted. After-the-fact is to allow us to correct what has been done wrong. That was never is our intentions. We have shrunk the footprint of the house to accommodate the code.

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 Tullos: Welcome to the neighborhood.

Commissioner Vandersteel: The original plan was the foundation wall was to be cut in the hillside?

Brady: It would be terraced but he botched it. It didn't materialize the way it was supposed to.

Commissioner Vandersteel: What you're presenting here, that section shows the building line. The upper retaining wall seems quite a bit taller than it needs to be.

Brady: It won't be higher than the natural grade. They have an elevation there before it was excavated.

Chairman Meisel: You completely redesigned the house?

Brady: We completed redesigned.

Commissioner Swanson: They've made a good faith effort in being responsible.

COMMISSIONER SWANSON MOVES TO RECOMMEND APPROVAL. COMMISSIONER TULLOS SECONDS. UNANIMOUS (6-0) APPROVAL.

5. Land Use: Request for multiple variances (cut and fill, retaining walls in a building setback; and the removal of 2 Cedar trees of 14 inches or greater) for the construction of a new residence at 1 Sweet Sky Road. (Sections 22.03.276, 22.03.170(f) and 22.03.304(4) of the West Lake Hills Code. Applicants Mario Segovia.

- a. Staff Briefing.

City Planner Grundman: The request is for four variances, cut and retaining wall and trees. The maximum cut that they are asking for is 4' including the retaining wall. Just so you have the information. The tree are T93 multi which is 22 1'2" cedar. Total replacement of 58". There should be a new drawing on the dais for you.

Vice-Chairman Gage: What is the difference?

City Planner Grundman: They updated the numbers on the front and it is updated.

- b. Presentation by applicant.

Mario Segovia is with Dick Clark Architects and is here to represent the owners. As Ashby said, we are requesting two trees, retaining wall and cut and fill. It is a single family residence; main level and a lower level but it is within the footprint. It is a dramatic slope, 28.5% slope. We do qualify for the 32' height. We have positioned this house to get the least amount of cut as we can. The fill is for the curb cut at the street. The southwest corner of the site is about 12' below street level and the southeast portion is about 3' so it is pretty dramatic. We tried to pull the

house into the shallowest portion of the site in order to help with this cut and with the 18% slope. It is primarily for safety; backing out we do need to cut within the 50' setback to get a car turnaround so we wouldn't have to back out down that long drive. If we didn't terrace it back it would be 9' tall. Three terraces allow any visitors a path down to the house and also create a garden area and soften that landscape. The trees are T93 and T215 is in the terraced area. T93 is in the footprint. They are Cedars and we are trying to keep as much of the landscape as possible. We've got dark earth tone colors to blend into the landscape. That pretty much covers my end.

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

Becky Butschek lives at 701 Windsong. This is now the 4th application for variances for this development. Tree removal, cut and fill. When this was developed it was passed with no variances. I'm asking you to do the same thing to support the people that spoke against this in the beginning. You guys have turned down over people in the development for the same thing and want you to be consistent.

Ace Pickens lives at 713 Windsong. We'll look down on these roofs. This is about round 4, 5, 6 and 7 of this subdivision. Everybody should have known they would face these problems when they bought these lots. This will be a California big box house we would ask you deny these variances.

Kevin Stutz is the property owner who purchased the lot last year. We currently live downtown and we're tired of downtown. With that said, we found this extremely small subdivision. We hired one of the best architects in town who has done lots of work in the West Lake Hills area. We've designed an extremely small box type house which sits low profile and a private and tucked into the trees so it is below the tree lines. With that said, with the slope on the lot, we've attempted to minimize the height and put our driveway in there. A safety issue attempt to design where we can safely exit the property. It is a house we are excited about and being in West Lake Hills and hired a talented firm to help us design the house. Thank you.

Chairman Meisel closes the Public Hearing and reconvenes the meeting.

- d. Deliberation and action.

Commissioner Vandersteel: Same architect made a presentation a month or so ago, and it had much more minor cut and fill for it driveway. I was stunned when I saw this in the same subdivision with more cuts in the front setback. That surprised me. To me it is a matter of such careful work was done keeping the roof line and the house got situated just fine but we've got a driveway which is part of the house. To me it wasn't fully considered. It's as design problem and not a hardship. There is one large tree in front of the pool. I can't speak for everybody here, moving the house further down the house. The trees are less an issue as the cut and fill.

Commissioner Hoestenbach: I certainly understand the slope can be a hardship. You got to the application and what other alternatives were considered in the design. I didn't really hear about alternatives. I presume talks about our design team and layouts on the site, none gave the minimization that we prefer. What other alternatives considered? This approach we're seeking is the least invasive that's the type of thing I was wanting to hear. Is there any answer for that?

Mario: We positioned the house every possible way. The flattest is toward the front of the house. It drops dramatically after that 50'. That drive has to have some fill. You are dropping from the street to the property line. You have to get a variance for a driveway. The developer was wrong in promising that. The property adjacent and this house slopes are very different. Their slope went along with the drive. If we had a garage turned at 90% so we could approach this way that actually made the drive worse with more cut and fill. The driveway is actually on the flattest portion of the site.

Kim Powers: Because the close is 28% and the driveway can only be 20%, the further down we move the house the more cut or fill. The further down it goes the more we have to snake the driveway.

Commissioner Vandersteel: The driveway seems to run along the contour lines. If I look at the whole building moving North, so that basically the driveway remains on the flat area. The driveway runs along the contour line. It could be configured in such a way. I have a question about is the off-street parking requirements we have. Can that double as a turnaround?

City Planner Grundman: Yes. They can use it. That often is what they do.

Commissioner Vandersteel: This guest parking area is a good backup. I'm seeing this large arch for a drive court?

Kim: The problem is if there are cars in the guest parking you can't back out.

Vice-Chairman Gage: How large is that area, parking?

Mario: Curb to the edge is approximately 24'.

Commissioner Tullos: You've also taken a divot out of the driveway. This is a lot of house for a lot you know was going to be tough to build.

Vice-Chairman Gage: Those planters to the street, what is the distance?

Mario: It's within the setback. It varies. 16' at the narrow and 28'.

Commissioner Vandersteel: We're not allowing cuts in the right-of-way?

City Planner Grundman: That's part of the request.

Commissioner Tullos: You're basically half way through the 50' line.

Kevin: The front area has a wall that spans from if you're standing on the property, not including the entire guardrail with posts.

Vice-Chairman Gage: It was there when you bought the lot.

Kevin: We liked it that it was tucked way down.

Chairman Meisel: We've pretty well explored what our questions are.

Commissioner Vandersteel: I think it is a design problem. I don't see it couldn't have been configured without a large amount of cut in the setback. It's very lovely but it's too much. The real hardship doesn't seem to be there.

COMMISSIONER VANDERSTEEL MOVES TO RECOMMEND DENIAL DUE TO DESIGN. COMMISSIONER TULLOS SECONDS. UNANIMOUS (6-0) DENIAL.

6. Land Use: Request for a variances for two driveway cuts and two driveway setbacks at 211 Reveille Road. (Section 22.03.249 of the West Lake Hills Code.) Applicant Clay Woody.

- a. Staff Briefing.

City Planner Grundman: They are requesting two driveway cuts and encroachment. They are asking to keep both cuts which requires a variance.

- b. Presentation by applicant.

Annie is the Clayton Little and is the representative. Clay has lived in West Lake Hills for 8 or 9 years. He lives down the street from this property. He came to us and we've been working with him to get all these things into the design. The most important aspect is the three car garage is not viewed from the street. We want the driveway to go a little in the setback. It is a 10' setback and we're asking to go 4.6" and closer to the property line in the back and screen with plants. Page A2.3 there is a front elevation and you can see it is going to be a large house but you can't feel the depth of that garage. The most important thing that I failed to mention is our hardship. On both sides of the driveway we have two heritage trees. An Oak tree and 17" oak on the other side. We would like to hear your recommendations to us and if we're on the right track or not. The second variance we are asking for a secondary driveway cut. As I mentioned my client lives on this street and traffic is a main concern and safety. Even though it's not appropriate, it is a safety issue. Backing up into Reveille is pretty dangerous and we want to keep the secondary cut. That is up to your discretion. If you have any questions.

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

Laurie Maccini lives at 202 Reveille and has lived there for 20 years. I reviewed the plans and it is an extremely small house. I do not feel there is any type of hardship. There also looks to be that they may be asking to take down a tree for a future pool. It is a very deep lot.

Clay Woody is the owner. I wanted to introduce myself. The variances we are asking for, I was told the two curb cuts was grandfathered and it makes it safer. The new neighbors that I have are friends. One of the main concerns I should have is safety. I don't know if they were coming off Reveille, to think about that when I designed this place. The two curb cuts is safe and is current but a little different. We wanted to hide the garages. We also didn't want a long house. We didn't want a long house. We didn't want it to look big from the street. I have two kids, another due on Monday. I'm building this home that can support my family that is growing. I'm just looking for a place to put everything. I would like everybody to have their own room. The other space is just for a home office and a workout room. I didn't want it to look like a McMansion and lived on the street for 7 or 8 years. I'm trying to do something good for the street. I've hired them to do a great job for a house that blends in. We don't have a pool so I don't know where that came from. I want to take advantage of the large yard. I don't take advantage of the property size and a side lawn. Green space is important to me. I guess that's all I have.

Chairman Meisel closes the Public Hearing and reconvenes the meeting.

- d. Deliberation and action.

Commissioner Hoestenbach: Obviously we're not here to make a decision on how big your house can be. We have to consider the variance and the hardship. For me I'm having a hard time see the hardship. The design has created the hardship. You can still have a very nice home. That's just where I'm at.

Commissioner Vandersteel: This issue about safety and the two curb cuts. The way you have it designed now you don't need two curb cuts. There is more asphalt on your lawn. There is no need for it. As far as the driveway in the setback.

City Planner Grundman: The main driveway is 4.5' in the setback.

Commissioner Vandersteel: The driveway could be relocated. The only thing left would be the drive but for the rest of it, it needs to be reworked.

Vice-Chairman Gage: We're denying two cuts in West Lake Hills. I'm wondering about the second story office?

Clay: No just a personal office. I'm currently 217 Reveille. If you park in the garage, backing up and pulling out forward. When I talk about the safety factor, you pull up the house and just leave instead of reversing out. There is a remodel that was done on Oakridge and Forest View.

Chairman Meisel: That is my house. That was a balancing act. Reveille is a very busy street.

Clay: It has existing cuts.

Chairman Meisel: It's a pre-existing non-conforming.

Vice-Chairman Gage: We don't want a parking lot in front of the house.

Commissioner Vandersteel: You already have a 3-car garage.

Clay: Is there any scenario that it can be allowed?

Vice-Chairman Gage: I would never vote for it. You want a place for your family. What I see is when you have a three car garage is not a garage, it's a parking lot in front.

Commissioner Hoestenbach: We all sympathize but we have the same situations we have to deal with.

Chairman Meisel: The pre-existing non-conforming allows that to remain. But it's not a get out of jail free card. If you want to rework your design to maintain, it could be done. Because of the lot size and condition, you're putting 10 lbs. of sand in a 5 lbs. sack. At the same time, we've got a responsibility to protect the ordinances. I would urge you to rework. You could postpone and come back next month with a re-design. If we do a trade-off then you're not asking for a variance. We'll try to work with you on that sideline.

Clay: The garage gets used as storage. Do you prefer if I have a parking area?

Chairman Meisel: Commonly called a hammerhead. You could fit stuff in. It is going to be touch having the garage that close to the line. If you slim the house and move the garage you're out of your setback.

Annie: It's actually the trees. There is 21" tree we have to go around and 17" tree to go around. We need to do something.

VICE-CHAIRMAN GAGE MOVES TO RECOMMEND DENIAL.

Clay: Asks for postponement.

7. Land Use: Proposed Rezone to Planned Development District at 96 and 98 Redbud Trail with base Zoning B-2 for development of a Service Station and Grocery Store to be known as Westlake Auto and Westlake Grocery. (Chapter 38 of the West Lake Hills Code.) Applicant. Hamid Miri.

- a. Staff Briefing.

City Planner Grundman: As you said, it is a rezone to PDD. The 7th one in the city. It is B-2 which will expire in 2020. It will revert to R-1. They came last year to ask to B-2 zoning and council recommended PDD to allow them to not have to get a variance for all individual items.

- b. Presentation by applicant.

Sahid is present. As you know why we are here to rezone to PDD. It is basically a service station and convenient store that has been many years. The service station and store have been serving the community and it's been there and the applicant has been trying to improve the appearance of what is there right now. The utility services are provided by the city so there is no septic there. The applicant is not planning of changing any configuration of the building. Everything will stay the same and improve cosmetically and serve the city of West Lake Hills. Raising the canopy 2-3' to prevent damage from the trucks. Again, we're here to serve the city and he is wishing to continue that service for many years to come.

- 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

Chairman Meisel: We did look at this at BDC and the point was this particular business really qualifies as an asset to the community. The PDD is a good solution. You guys can look through this. PDD cuts it with a knife. The question was the scope of services being offered. We encouraged the applicant to expand services. Perhaps it's not this could have limited on-site consumption. These folks are very supportive members of the community.

Commissioner Swanson: This won't allow them that they are currently using? If they sell the property, can you tell me about selling it with your uses?

City Planner Grundman: Special Use Permit is by owner; PDD is by property.

COMMISSIONER TULLOS MOVES TO RECOMMEND APPROVAL. COMMISSIONER HOESTENBACH SECONDS. UNANIMOUS (6-0) APPROVAL.

8. Adjournment by Chairman Robert Meisel.

Meeting is adjourned at 8:05 p.m.