

MINUTES OF ZONING AND PLANNING COMMISSION
PUBLIC HEARINGS AND REGULAR MEETING
CITY OF WEST LAKE HILLS, TEXAS
February 17, 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: ZAPCO Commissioner Kevin Leahy resigns

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 20, 2016 Regular Meeting Minutes.
 - b. 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.
 - c. 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.
 - d. Request from applicant to postpone. 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.

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

3. Land Use: Multiple variances for a new driveway at 103 Crestwood Court. (Section 22.03.281 of the West Lake Hills Code.) Applicant Justin Jacobs.

- a. Staff Briefing.

City Planner Grundman: The variances are cut and fill, driveway setback and retaining wall. It is currently encroaching. It is challenging in the current state. We met on site and discussed emergency vehicle access to see if a vehicle could fit. They can do a model to see if it is possible. They are not removing landscaping.

- b. Presentation by applicant.

Justin Jacobs is the property owner with his wife Anne. We have three variances for a safety hardship. One is a new variance and the other are two that were granted in 2001. Before we get to the slideshow, my wife and I have always wanted to live in West Lake Hills, we looked at this house as we looked at it, the driveway is a concern. We have three kids.

Our middle son has severe allergies. Ashby told us the committee would understand for safety hardships. We have had instances with our son and he's had an ambulance come get him. The driveway became a concern for us. We want a safe environment and access for emergency vehicles. We want to shave off that corner. The Fire Department suggested it would make a more easy access for convenience. It is difficult to get in. Cutting that corner a little bit. This shows it from the street level. We don't want to do anything up the rest of the driveway. We want to leave it as is. The ambulance has to stop midway up the driveway. We want to push a little bit closer to the property line. We want to adhere to all the regulations. We don't want to take a single tree in the setback. Our intention is to add trees at the back end of this which is the last protected area. No variance is being asked for regarding trees. This is difficult to navigate. You can see the arrow of what we are wanting to shave. In continuing back around, right now the driveway is less than 12 feet in some areas. The yellow line where the drive is currently; red line is the proposed revision. This is a rough draft. You get the idea. The part in the back is not where we are requesting a variance. Right now it is impossible for any vehicle to get up and back down. That shows the coverage. There is 120 feet of mostly trees. We are not taking any trees but we are adding more in the back. An EMS report is also shown to the Commission.

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

Don Bennett and wife are present. We are at 101 Crestwood Court and in Justin's presentation, ours is the house on the other side of the trees there. I should note that we are very much in support to modify their driveway to provide access to emergency vehicles. We are very supportive of being good neighbors. We've been remodeling in the last few years and we are very excited to have them as neighbors. One of their reasons for discussion is our difficult and lack of understanding to the variance process. When we first read the application it indicated we had given our consent for this request. I believe they submitted modification to the application yet we never got to see that. We wanted to preserve our rights moving forward. We don't want going forward for years from now buying the property and want to build a garage right up to that area, our understanding this would be our only opportunity to object. We will be able to have input along their planning stage of their project. I would maybe edit Ashby's comment at the beginning, we haven't given our unconditional but conditional approval of the variances. We want opportunity to review the plan and anything that isn't in keeping with our best interests and property values.

Pete at 105 Crestwood Court. The first picture put up that would be on my side. I have no objection to that. I have walked that and saw where everything would be. It is critical for his child for them to have this variance.

Chairman Meisel closes the Public Hearing and reconvenes the meeting.

- d. Deliberation and action.

Commissioner Swanson: I visited the property twice. The first time I realized how difficult it was to get back down. Are these variances going to give reasonable access to emergency vehicles? You are still going to have a tortuous driveway. Chief Lacey was not confident that these variances would provide access and that computer model would give Jacobs the certainty they need and what they need to get those emergency vehicles in and out. With insurance about a very sick child, they need a peace of mind really effects the problem.

Vice-Chairman Gage: My question is, why can't the driveway go more to the left?

Jacobs: We would also be asking for a variance on the other side. It would be removing native trees.

Commissioner Hoestenbach: The trees are denser on that side?

Jacobs: Yes. From our vantage point it doesn't do anything to the natural terrain.

Commissioner Hoestenbach: Thank you for providing the presentation. You've clearly demonstrated a hardship.

Vice-Chairman Gage: What variance are we giving?

Jacobs: It varies. We will work with them to make sure they are comfortable with it. It won't be just a straight line. There will be places where it will be closer to the property line.

Commissioner Erickson: When will you get the emergency report?

City Planner Grundman: That was just done today.

Commissioner Erickson: I get what's going on but we don't have a finished project of what's going on. Getting an engineer involved, this is it and there is where it going. They neighbor would be satisfied. Do you know where we are going with this?

Vice-Chairman Gage: I have a problem writing a blank check.

Chairman Meisel: You won't have any problem proving a sick child's safety is not a hardship. There are still questions of accessibility for emergency vehicles. We're really focusing on getting emergency vehicles up their safety. We want to make sure we're granting one that works.

Commissioner Erickson: And having adequate information to face the granting of the variance. The engineering study on that so you know what will work. Right now we don't have enough information to move forward on the variance.

Commissioner Vandersteel: I understand why you won't move forward if you don't think we'll approve it.

Commissioner Swanson: They can get the computer model showing the size of emergency vehicles could make it up the driveway, turnaround and come back down with different changes.

Jacobs: We did call EMS out.

Commissioner Swanson: You were talking about Austin and Travis County.

Jacobs: He marked it off and showed where it might do the trick.

Commissioner Swanson: Safety needs to be shown that the right changes are going to help.

Jacobs: Shaving that corner would help.

Commissioner Swanson: Chief Lacey wasn't that certain. Everybody is concerned with the safety of your child but we don't want to get you a false sense of security.

Commissioner Vandersteel: The next step would be to figure out when you know with a drawing will satisfy and that way you'll know and it works. Right now the intent we are all on board with it. We'd like to see the next step to see that it will work.

Jacobs: We were advised to spend a lot of money, if we were going to be shot down. It sounds we need to get more specific.

COMMISSIONER HOESTENBACH MOVES TO RECOMMEND APPROVAL SUBJECT TO PROVIDING AN ENGINEERING REPORT. COMMISSIONER VANDERSTEEL SECONDS.

Commissioner Erickson: What I'm seeing from the pictures is lack of information, that wall cut may trigger another variance. There are several variables in there. You can get an engineer study.

Jacobs: We had that done and it won't go over 4 feet.

City Planner Grundman: That is included.

Commissioner Erickson: You are extending the area for a turnaround. From what I can tell, it has a lack of a hammerhead.

City Planner Grundman: The turnaround is not tied to a variance. It was for ease of emergency access.

Commissioner Swanson: I think we will see variances arise that are unnecessary.

Commissioner Erickson: Should it be postponed to get the information together.

Chairman Meisel: Can you get the report together before BOA on the 9th? You can ask BOA for postponement.

Jacobs: Yes. To put her mind at ease, happy wife, happy life.

VOTE IS UNANIMOUS (5-0) APPROVAL.

4. Land Use: Variances to remove trees greater than 14 inches in trunk diameter, cut and fill and retaining walls in a building setback at 2 Sweet Sky. (Section 22.03.304 of the West Lake Hills Code.) Applicant David Smith.

- a. Staff Briefing.

City Planner Grundman: This is the first application we've seen for this subdivision. The lot has changed hands. The request is to remove trees, cut and fill. It is 7,000 sq. ft. with 17.8% impervious cover. You've received an e-mail concerned about the size of the structure. The applicant for the subdivision put a plat note on the plat about the square footage. There is no limit on the square footage of the house, based on the normal impervious cover.

- b. Presentation by applicant.

Dick Clark is the architect. I am representing the Smith's. This house was designed for a different area. They have always wanted to live in West Lake Hills. We had to flip the plan because of the view. We did flip it; there is not a flat site in WLH. You want to stay under the height restriction and keep your drive under 20% which is difficult. The most difficult is dealing with vehicles. Trying to push this house down as much as we can and submerge the garage so the rest of the house can stay under the height restriction. We're making a minor change to the second story to fit under the height restriction. This opportunity came up and they had one day to buy it. The owner decided not to do something. We are asking for three variances. It has an unusual front setback. They are almost 100' back to the setback. A variance for cut and fill and retaining walls in the setback. They are behind the garage, the highest is 8', next is 4'. They are asking to remove 4 cedar trees. Two are in the building site and two against the garage. It's a cedar forest. It has over 40 clumps. All the variances are multiples. What we are asking, there are a couple of things regarding the height. Moving it back will help and we are changing the drive but doesn't change what we're asking tonight. We are going to smooth that out a little bit. The 32' height limitation it already has 40 14" clumps of trees. We are trying to keep the house tucked into the hill as much as we can. Rule of WLH, don't see my house from the street. We are balancing the cut and fill. We trying to disturb the site a little as possible. I have pictures of the trees.

- c. Public Hearing: All persons wishing to speak for or against shall be heard. **Becky Butschek** lives at 701 Windsong. I'm directly across the canyon across the house. The developer hasn't replaced all the trees for putting on the road. I am depending on all the trees for the light and sound from

coming into the back of my house. We were also told that these could be developed without any variances. It was passed by ZAPCO and Council and here we are. We need to be consistent; no variances means no variances. We need the trees need to go back in before taking out more.

Chris Gunter and my wife and I live on Skyline Drive across the canyon from Windsong. I want to make sure, did you receive two letters? Both of them asked to make sure you got them; both opposing and so are my wife and I. This development was done under a cloud of controversy and remains today. Keller Capital proposed this development and asked for a variety of variances. It caused Keller to announce to this commission and the council he was going to create a development that did not require any variances. He made those representations time and time again. His development doesn't not require variances. The lots that were approved there are driveways on those lots that don't require variances. That development was sold here at city hall on the promise that this could be done without variances. Here we are now a year and a half later and the first project wants variances. It can be done without a variance. The current plat shows that. We are opposed to it. I would like to correct one thing; this is a huge project. It's not just 7,000, it is 6,300 and the A/C is 8,400, the un-A/C is another 1,500. This house and garage is over 10,000 sq. ft. You add in the hardscaping and landscaping is over 16,000. This has got to be one of the biggest that exists in WLH. She lives downstream in that creek and they are worried about the runoff from this project. We're opposed to it.

Ace Pickens with Diana at 713 Windsong. Chris gave a little history. Back in 2014 we came in for the first time somebody wanted to spend some money to develop a tract of land that should haven't been. It was a 15' subdivision plat. It had 5 houses with multiple variances. Variances were for each lot. That plat went from 5 lots to 7 lots with no variances. The developer kicked down the road. I call it the great wall of Westlake. Now the people that buy those lots they have to ask for variances. I'm hopeful the developer told them that. If they think there wasn't going to be opposition to these, Mr. Clark in his letter said there is no way to design a house that doesn't require a variance. He has announced what everybody in Travis County knows. There were warnings to everybody that if variances were going to be asked for there would be trouble. If it could be done, God bless them; if not, deny it.

Dwight Thompson at 900 Redbud Trail. I look on this property. I do have an interest here. It's not your responsibility, having said that, there are some really good things to protect the interest of the neighborhood. When cedar trees are all you've got that's your screen that was promised to your neighbors. Changing those building site breaches those promises and doesn't comply with the ordinance. At last from my perspective, I don't see a hardship cause by the ordinance except you brought a plan and doesn't work. I had that problem when I built. This is not an easy place to construct. I'm not against homes and against neighbors or big houses. Those visual screens are important and it changes.

Chairman Meisel closes the Public Hearing and reconvenes the meeting.

- d. Deliberation and action.

Commissioner Vandersteel: One thing about how the street was laid out, the setback around that dogleg. Why don't re-plot and make the street part of the driveway. Any of this retaining wall wouldn't be in the setback. Where the retaining wall is being requested is well inside the property lines. As for the trees, that's a different issue.

VICE-CHAIRMAN GAGE MOVES TO RECOMMEND DENIAL OF THE REQUEST BASED ON LACK OF HARDSHIP AND PREVIOUS MEETINGS. COMMISSIONER ERICKSON SECONDS.

Commissioner Hoestenbach: Dick, it seemed to me that you indicated that it couldn't be built without cutting trees. Is it this particular house or any house?

Dick: The clumps are 14", you would have to take some to put in any house. We're not asking for variances about the drive. We have a legal driveway. If all I have to do is raise the garage 3'. But then you have to go down 3' into the house. Nobody wants to walk up and down and this garage is for the cut and fill. They don't want to ever have to go down six steps and that is their hardship. Everybody talks about see this house, if we raise it you'll see it more.

Chairman Meisel: That is an issue that needs to be worked out between property owners and neighbors.

Commissioner Hoestenbach: The neighbors need to talk about this a little bit.

VOTE IS (4-1). COMMISSIONER VANDERSTEEL ABSTAINS.

Vice-Chairman Gage: Can we get those trees planted in that area?

City Planner Grundman: The developer is working to get that done.

- 5. Land Use: Variance to request for a retaining wall in a building setback at 5103 Rollingwood Drive. (Section 22.03.281 of the West Lake Hills Code.) Applicant Charles Martin.

- a. Staff Briefing.

This variance came before you July of last year as the applicant was constructing the house. It was a less visual impact. They are doing 3' walls instead of 6'. They had to come back.

- b. Presentation by applicant.

Charles Martin is building the house on Rollingwood. It was previously approved but when we saw the cut we wanted to lower the wall and do another wall and having terracing. You can see it is just a portion of the wall that we are asking to lower. That's it.

- 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: Ashby, do we have a record of the original retaining wall?

Vice-Chairman Gage: It's on the application site plan.

City Planner Grundman: He's lowering.

Commissioner Erickson: You're doing two shorter walls?

Vice-Chairman Gage: For safety and esthetics.

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

6. Land Use: Variance request to remove a tree greater than 14 inches in trunk diameter at 1801 Wild Cat Hollow. (Section 22.03.304 of the West Lake Hills Code.) Applicant Krista Whitson.

- a. Staff Briefing.

City Planner Grundman: This is to removal a 16" pecan tree. Three were granted in 2014 and will expire and a driveway slope. That's a separate variance of what she's asking for tonight.

- b. Presentation by applicant.

Krista is present. We are designing the house. It is disconnected from the rest of Wildcat Hollow. The house has been demolished. It is 2.7 acres. We were here for the fire hydrant. We couldn't build a hydrant and got a variance for a second emergency vehicle access drive. The design has changed. The bright red tree is a 16" pecan. We originally had 3 juniper trees. We are now taking out one. The hydrant and access drive and the original driveway, part of the hardship needed to connect to the garage. IN connecting the garage, the yellow is the conditioned part of the house. We looked at an alternative but the live oaks aren't variance trees but we wanted to preserve those. The pecan tree is shown on the slideshow. Behind it you can see a lot of junipers on the site. We are proposing to mitigate with live oak trees. We are showing 4 6" live oaks trees; 2 neighbors in the rear, one on the side so the replacement will go to the closer neighbor. We were going to plant it up hill so it will screen. We currently have a variance for 3 junipers, can be trade the 2 juniper for the pecan?

- 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: There is a tradeoff being done already. They are trees that they are not removing now? There were 3 variance trees?

City Planner Grundman: They are removing one that they originally were granted and removing another.

Chairman Meisel: You can't build a house in West Lake Hills without cutting trees. Our ordinance permits and committed to the replacement inches.

COMMISSIONER ERICKSON MOVES TO RECOMMEND APPROVAL.

Commissioner Hoestenbach: Would you state the hardship? The design is driving the need to remove this pecan tree? It seems like a fairly nice size house. What is the hardship?

Krista: Where the fire truck can park. The hydrant downhill the site plan shows the 900' is marked, the majority of the house needs to be close to that.

Chairman Meisel: The hardship is the distance from the hydrant.

Commissioner Erickson: They are making an effort for minimization.

MOTION DIES WITHOUT A MOTION.

Chairman Meisel: A variance granted is not a president of previous variances. We have a hardship for fire protection.

Vice-Chairman Gage: The client has changed their mind.

Commissioner Erickson: They are trading one tree for another tree. That is what drove my motion.

Commissioner Swanson: Maybe it is the size of the trees.

COMMISSIONER ERICKSON MOVES TO RECOMMEND APPROVAL. VICE-CHAIRMAN GAGE SECONDS. APPROVED (4-1) COMMISSIONER SWANSON ABSTAINS.

7. Land Use: Variance request to remove a tree greater than 14 inches in trunk diameter at 118 Reveille Road. (Section 22.03.304 of the West Lake Hills Code.) Applicants Paul and Maureen Christen.
- a. Staff Briefing.

City Planner Grundman: This is requesting a multi-trunk live oak. In the packet there is a little bit of confusion. I've received calls about the

garage on the plan. Removing that garage because it would have put them over their impervious cover. The tree is right against the back corner of the house and creates issues to access to the garage. If you look at the site plan, on the second page, there is a garage and addition shown, they have been withdrawn. They are going to add a second floor instead of the addition.

- b. Presentation by applicant.

Maureen is the property owner. Pictures are provided at the dais. That tree on our survey is listed as 206. I did meet with Christy. We didn't have the option of taking only a part of it. The current garage, we have difficulty making that turn because of the tree. It is very close to the property line. If the tree keeps growing will we be able to access. The tricky part is large and beautiful and talked about a detached garage. Can we make it a forward facing garage but we would have to remove trees as well. I took a picture of the front and what that would require. We could remove all that asphalt and I would love to reduce that. As I was walking the property we were concerned about the root zone, if we used a different surface, i.e., pavers.

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

Laurie Maccini lives at 202 Reveille, I'm one house over. While we will miss the Bishops that have lived there forever. I know what you do in one variance doesn't do anything to do for the next. There are many empty nesters that have moved. I hope whatever is decided that take in consideration we are on small lots. I like the mature trees. If granted, I hope replacement trees are ordered. I hope you keep in mind Oak wilt concerns that they do consider other tree varieties should we not stop the oak wilt. We'll be in a whole lot of trouble. Keep in mind let's not become Rollingwood without trees. We can be quite comfortable on our smaller lots.

Chairman Meisel closes the Public Hearing and reconvenes the meeting.

- e. Deliberation and action.

Vice-Chairman Gage: What they are asking for is the removal of one tree for what?

Chairman Meisel: To allow better access to the garage.

Vice-Chairman Gage: I think the plan isn't fully developed yet.

Commissioner Vandersteel: They are looking at recommendations. Clearly this floorplan is valuable at this time?

Commissioner Swanson: I was on the property and it was a little inconvenient.

Commissioner Vandersteel: The only disadvantage is the garage facing the street. The less asphalt the less impervious cover that would be immediate reasons.

Applicant: Most of the trees are in the front but we want to add more in the back. It would be nice to add that.

Commissioner Vandersteel: I'm not sure how to move forward.

Chairman Meisel: I'm confused. As I understand it; you have a garage that you can currently access but you want to remove a tree for better access.

Vice-Chairman Gage: We don't know what she's asking for.

Chairman Meisel: They are going up instead of out.

Commissioner Erickson: The tree would interfere on going up?

Applicant: The right side is over the allowance; the left side has more space. It would be close. We could bring the second story in. I more see it as an impervious cover issue. I can't get in the garage as easily.

Chairman Meisel: It's a pre-existing non-conforming. The problem I'm seeing I don't want to sign a death warrant for a tree when I can see what you come back for permitting will be another variance; unless you're planning to chop off both sides of the house.

City Planner Grundman: If she adds the second floor, she's allowed to do that because she won't be increasing impervious cover. Driveway is existing non-conforming.

Vice-Chairman Gage: The footprint is staying the same.

Commissioner Erickson: Hardship is access to the garage?

Applicant: Two of the three could be permitted once we get our building permit because they are closer to the house. But that would be the preferred.

Commissioner Swanson: If you flip the garage?

Applicant: I see the one in the rear is a bigger issue.

Commissioner Vandersteel: When are you planning on doing the work?

Applicant: In late spring.

Commissioner Vandersteel: You would finalize your plan and then come back, after that discussion. It sounds to me that our interests are aligned. I've had one neighbor contact me. I'm going to hear people out and be flexible.

Vice-Chairman Gage: Should we move without recommendation or postpone for more information?

VICE-CHAIRMAN GAGE MOVES TO POSTPONE. COMMISSIONER ERICKSON SECONDS. UNANIMOUS (5-0) POSTPONEMENT.

8. Land Use: Variance request to encroach a driveway setback for a new driveway at 311 Westlake Drive. (Section 22.03.281 of the West Lake Hills Code.) Applicant Liana Davis.

a. Staff Briefing.

City Planner Grundman: They want to proceed with the driveway tonight and the trees they will come back. It was rezoned in 2008. A duplex was torn down. All you are looking at is the driveway. The neighbor has no objection.

b. Presentation by applicant.

Liana Davis is representing the property owner. As Ashby brought to your attention and the hardship is the small lot. It was presented to ZAPCO. Lot 3A is 311 Westlake Drive. It was developed with an adjoining lot and zoned in 1966 as R-2 for duplexes. It has a common driveway. The zoning was changed in 2008 to R-1. Each lot requires a single driveway. The new zonings setback have created the hardship to build a single family residence. Our plan complies with the new setbacks with exception to the driveway. The driveway entry must follow that property line. We request that you review with me. The next page shows the original plat. It does show the 30' setback and rear easement. Skipping two pages, 1993 the R-2 zoning with 30' setbacks and a rear utility easement. You'll see the intersection views of Westlake Drive and Rocky River. Lot 4-A is just to the left of our lot. Our lot faces Rocky River but has as Westlake address. Our plea is our new site plan what we are faced with. A 30' building line and setbacks, that really compacts the size of the area we have to work with. We have chosen the best place for the driveway that shows no trees will be impacted. It allows easier access onto Rocky River than Westlake. I did have tree on here but we'll address that at another time. Our driveway is along the property line. It provides a minimal impact to landscape and will have a safer driveway and a safeguard for traffic. The adjacent at 311 Reveille has no objections with their property line. That concludes my presentation.

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 seems to be a design driven hardship. What buffering?

Applicant: There is a fence in-between.

Chairman Meisel: I have a question. The current driveway is on lot 4A, have you talked ab out a shared driveway?

Applicant: That is not a possibility.

Chairman Meisel: We encourage shared driveways. Given that door has been closed. That is possibly one of the most dangerous intersections in the city.

Applicant: Moving it to Rocky River would be safer.

Commissioner Hoestenbach: You're getting away from Westlake Drive with this driveway. It's a safety issue.

Commissioner Vandersteel: What you have provide is a better solution.

Chairman Meisel: The driveway does not affect the trees.

City Planner Grundman: We need to separate them out because of lack of notice. The March meeting will address the trees.

Applicant: I would request moving forward with this so we can work on design.

Commissioner Swanson: I just concerns me where the driveway will be on Rocky River. What were the discussions?

Applicant: They would not entertain that. There is quite a distance of clearance.

Commissioner Erickson: You don't need 26' of driveway. There is a lack of plans here.

City Planner Grundman: The side is 10' setback.

Commissioner Erickson: There is a design driven hardship. It would be good to see a whole plan.

Applicant: With no impact to trees.

Chairman Meisel: There is a hardship regarding traffic on Westlake.

Commissioner Erickson: I don't disagree but I think more can be done with the driveway when you enter the property.

Chairman Meisel: This does minimize tree destruction.

COMMISSIONER HOESTENBACH MOVES TO RECOMMEND APPROVAL. COMMISSIONER VANDERSTEEL SECONDS. APPROVED (4-1). COMMISSIONER ERICKSON ABSTAINS.

9. Land Use: Proposed preliminary re-plat of 324 and 326 Eanes School Road in the Dorsetteshire Estates Subdivision. (Chapter 36 of the West Lake Hills Code.) Applicant Alan Rhames.

- a. Staff Briefing.

City Planner Grundman: This is sliding over a lot line. No variances are requested. The final version will be next month if no issues. It meets our ordinances.

- b. Presentation by applicant.

Alan Rhames is the representative. They are both platted and .8 acres of excess that is being moved. We went through the process to make sure everything fit on the lot. They are not planning on developing the lot. The only change would be adding property pins.

- 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.

10. Land Use: Proposed preliminary re-plat with a variance at 301 Eanes School Road in the Shadowood Subdivision. (Chapter 36 of the West Lake Hills Code.) Applicant Eran Montoya.

- a. Staff Briefing.

City Planner Grundman: This is right down the road from the other one. This is in the ETJ so they came in and they want to do a subdivision plat. The issue is they are asking for variances for shared driveways for a couple of the lots. There is a historical wall where the existing driveway. If you look at the drawing, the two right properties in West Lake Hills, they are not touching those.

- b. Presentation by applicant.

Eran Montoya with Ryan Street and Associates. This is a new subdivision. It's not part of the Shadowood Subdivision. An updated plan is placed at the dais. The area that has the red outline is the area of the new subdivision. It also represents the boundary of the ETJ. It is the donut hole in the city of West Lake Hills. The existing is 4.5 acres in size. We are proposing to subdivision in 4 one acre lots. One of the features is

there is a historic wall by the State and that wall extends from the north east side of the property cutting across the corner and turns along the front of Eanes School Road. There is one gap in that wall which is where the entrance was and there is an existing driveway that enters the property through that wall. What we are proposing to do is create four lots out of this tract and we would like to have a shared common driveway to be used by two of those four lots reduce the total number of driveways from four to three. The only way to achieve that is with a joint access easement because of where the access is through the wall and the way the requirements for one acre lots force the configuration of these lots we end up with an easement that cuts through three properties. The variance that is required is for encroaching the side setbacks because of the existing road. The red is the 10' separate from the property line. The benefit is you have a shared common driveway that can be used by two of the properties.

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

Roger Gordon represents that own 402 Camp Craft Road under contract. They've asked me to come forward to support this variance to preserve the stone wall and they asked that the commission to preserve this wall.

Chairman Meisel closes the Public Hearing and reconvenes the meeting.

Deliberation and action.

Commissioner Swanson: That gap is where the barn is?

Eran: The barn is not protected but the wall is.

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

11. Land Use: Variance to exceed allowed impervious cover at 515 south Capital of Texas Highway. (Section 22.03.281 of the West Lake Hills Code.) Applicant David Zedeck.

- a. Staff Briefing.

City Planner Grundman: The proposal would put them at 35.9% impervious cover. It is to put a shed and pavement with top over the old septic field to be used as a cross-fit. It would put them at 5.9% over.

- b. Presentation by applicant.

Scott is with Forge Craft Design. This is the lot that is behind Hat Creek. This is currently zoned O and the applicant tonight is to exceed the base zoning currently 38.9% current and adding 2.1%. This the building. The parking area down here is outlined. There are 11 live oaks over 14" in this area. We have 46 feet of slope across this site. We have parking under the building. Because of the slope and trees on the site, the current

scenario is under parked for this building. We are looking to increase it by adding this platform here for fitness as part of their fitness program and also a shade structure over the top of it. The neighboring B zoning, the corner of the site there is a water quality detention here and shows live oaks on site. This corner is water quality detention. We are asking for consideration for based on the hardship being slope and existing live oak trees being considered the 8% credit for B zoning types.

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

Thomas Bold and wife run the fitness program at the facility. We are passionate about health and fitness and would like that have that taken into consideration and one of the things we are seeing is getting the folks outside more often. We'd like to get them outside and breathing the fresh air. Thank you.

Chairman Meisel closes the Public Hearing and reconvenes the meeting.

- e. Deliberation and action.

Commissioner Vandersteel: I'm confused about the hardship. Parking is not the problem. You're adding more parking.

Chairman Meisel: This rubber platform, is that a structure being put on top of what was a septic field?

Scott: A sport court.

Commissioner Erickson: What is the hardship?

Scott: If it wasn't sloped the way it is, trees on site, parking would be much more efficient. It's under parked and a very inefficient layout and the slope is kind of the previous use of the site.

Vice-Chairman Gage: Not every site is perfect for every project.

Commissioner Vandersteel: There is more asphalt per car?

Commissioner Erickson: If you expand the facility it will be creating another hardship.

Scott: The expansion is 2.1% impervious cover.

Commissioner Erickson: That doesn't address the issue. Adding a sports court attracts more people to the facility. You're increasing traffic.

Vice-Chairman Gage: That workout area is 60x40?

Chairman Meisel: Storage shed is already there?

Scott: No. We've looked at other sites but weights roll downhill.

Commissioner Vandersteel: It is totally void of trees right now.

Scott: No impact to other properties so there is no visibility to this platform from other properties.

Commissioner Vandersteel: Is there any restrictions to use in O?

Commissioner Erickson: Where is the nearest residents?

Scott: There is a great buffer.

Chairman Meisel: They're up hill and sound carries up. I think you need a common use agreement with the hospital.

Commissioner Swanson: We have impervious cover restrictions for this reason.

Commissioner Hoestenbach: I like the idea a lot. It's just unfortunately I'm not seeing a hardship.

Scott: The water quality is addressed with the impervious cover and we want to gain that credit.

Commissioner Erickson: One issue, when we have new business uses we look at traffic impact, times of day, how many people will be using these facilities, this isn't being addressed?

Chairman Meisel: It could turn into Tiger Mom Bootcamp. O is relatively flexible. Yes, you can say it's for employees only but the opportunity is there for subsequent tenant to say, we can turn some extra coin here. That's another problem we have here. We've lost control of it.

Scott: If we were to request a change in zoning B, by right we could claim the 8%?

Chairman Meisel: Swell, if you get that rezoning.

City Planner Grundman: The workout area, if they are using it because it is for employees only, but as a business for weekend use, I would consider that a business and go up to a B-1 or special use.

COMMISSIONER SWANSON MOVES TO RECOMMEND DENIAL FOR NO HARDSHIP. COMMISSIONER ERICKSON SECONDS. UNANIMOUS (5-0) DENIAL.

12. Land Use: Commercial Sign for Blenders & Bowls at 3736 Bee Cave Road, Suite 8. (Section 32.03.008 of the West Lake Hills Code.) Applicant Kara Jordan.
 - a. Staff Briefing.

City Planner Grundman: This was the old Hai Kai. BDC came up with color questions.

- b. Presentation by applicant.

Kara is present. We are a new business and we would like to have a sign hung. We chose nice earth tone colors. On the edge is a very nice earth tone green. We're presenting that to you.

- 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: What kind of food?

Kara: Brazilian food.

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

13. Land Use: Commercial Sign with a variance for Westlake Animal Hospital at 3930 Bee Cave Road. (Section 32.03.005 of the West Lake Hills Code.) Applicant Gus Voelzel.

- a. Staff Briefing.

City Planner Grundman: You can see the rendering with animals on the bottom. Anything that is not text is considered a logo. BDC recommended a different color. The applicant has done so.

Chairman Meisel: As far as sign variances, is there any change and does it need a hardship?

Erin: No.

City Planner Grundman: Signs do not require a hardship.

- b. Presentation by applicant.

Gus Voelzel is the applicant. My son is one of the owners of the hospital. This business is 35 years old and I designed the sign. I thought it would be fun to have a dog and cat to cover the poles on the sign. At the recommendation of BDC was to raise the berm and decrease the height of the dog and cat to be more in compliance with the logo issue and changed the color that will rust to a dark brown.

- 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: There is a red line here that shows a berm?
Is that going to be a problem to cars exiting?**

Gus: No. It is to the left of the existing sign.

Commissioner Swanson: Is it closer to the street?

Gus: Back, because they are widening.

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

14. Adjournment by Chairman Robert Meisel.

MEETING ADJOURNS AT 9:15 P.M.