

MINUTES OF ZONING AND PLANNING COMMISSION
PUBLIC HEARINGS AND REGULAR MEETING
CITY OF WEST LAKE HILLS, TEXAS
March 16, 2016
6:30 P.M.

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

ABSENT: ZAPCO Commissioner Sarah Swanson

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 February 17, 2016 Regular Meeting Minutes.

ITEM #9 HAS BEEN ADDED TO CONSENT FOR POSTPONEMENT.

VICE-CHAIRMAN GAGE MOVES TO APPROVE. COMMISSIONER ERICKSON SECONDS. UNANIMOUS (4-0) APPROVAL.

3. Land Use: Request for the removal of trees greater than 14 inches in trunk diameter at 311 Westlake Drive. (Section 22.03.304 of the West Lake Hills Code.) Applicant Liana Davis.

- a. Staff Briefing.

City Planner Grundman: This item came before you last month on the driveway setback. This was pushed back because of a clerical error. They all fall within the footprint of the proposed house. Recommendation is approval.

- b. Presentation by applicant.

Liana Davis is the presenter. We did appear last month and tree situation was postponed. The driveway was approved at B"OA. Today is a copy of the site plan that shows where the driveway and where it ties into the house. The tree in question 346, 345 and 344, the larger circles. We discussed before when we talked about the driveway and what the situation is with the trees as well as the position of the house. The house is the only clear area with the exception of the cluster of trees. The replacements are on the back edge and also a chart that shows the replacement schedule. Our hardship falls in line that was previously zoned as duplex and with the reset we've got a very small piece of this lot to build on. That is basically my request.

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

- d. **Chairman Meisel closes the Public Hearing and reconvenes the meeting.**
Deliberation and action.

Commissioner Erickson: Based on the efforts and replacement, MOVES TO RECOMMEND APPROVAL. COMMISSIONER VANDERSTEEL SECONDS. UNANIMOUS (4-0) APPROVAL.

4. Land Use: Variance to encroach in a building setback at 440 Ridgewood Road. (Section 22.03.281 of the West Lake Hills Code.) Applicant Brian Stillman.

- a. Staff Briefing.

City Planner Grundman: The request is as setback encroachment. The shed is being replaced. We got an e-mail from a neighbor they have no problem as long it doesn't get taller but will in the same spot and size.

- b. Presentation by applicant.

Brian Stillman is present. I'm asking to replace an existing shed which is older and aluminum damaged by a tree that fell during a storm. That is where we keep lawn equipment, etc. We don't have a garage or carport on the property so it is the only storage.

- 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: Are you doing any remodeling or just the shed?

Brian: Just the shed.

Commissioner Vandersteel: Did you have a thought about putting it by the house?

Brian: It is on the back left corner of the lot.

Commissioner Erickson: The reason why I'm asking, that's the new shed. The approximate size and a picture of the existing shed.

Brian: The pictures should be in the application.

Commissioner Erickson: It will be larger including the overhangs.

Vice-Chairman Gage: Have you talked with the neighbors?

Brian: Yes; they don't have a problem with them. The peak would be a flat top and would run this direction.

Commissioner Erickson: What is the height of the 8 x 12?

Chairman Meisel: We try to get you ready for board of adjustment. When you go there, you need to have in the packet an existing picture of the shed and the height so they would be able to make a good decision.

Vice-Chairman Gage: The dimensions of the new shed.

Chairman Meisel: Is this a movable shed that you're building?

Brian: It is going to be on a pier and beam. This looks like it's on a concrete pier.

Commissioner Erickson: It would be good to have the manual on the shed. Approximately is a huge flag when dealing with size.

Brian: It would be larger; I'm asking to go 10 x 12 rather than 8 x 10.

Chairman Meisel: This is .24 acre lot.

Commissioner Erickson: What is the impervious cover right now?

Chairman Meisel: Where I'm going with this, if you want to replace what you've got, I'm not why you can't bring it forward and not encroach the setback?

Brian: There is not 20' on the other side of the house.

Chairman Meisel: I think it should be moved from the back of the yard.

Commissioner Erickson: If the shed were the same size as existing, we're trying to utilize the same footprint, I could probably see valid argument but to go larger.

Brian: It would not be a concrete foundation.

Chairman Meisel: Our code distinguishes between movable structures.

Commissioner Erickson: I see the staff recommendation with language approval due to no changing in existing condition.

Brian: I can take that. Soon that rotted floor is going to go.

Commissioner Erickson: Were here to advise and assist you. You'll get the same stuff at BOA.

Chairman Meisel: If we're going to make a motion, make an addition the application provide accurate dimensions of the shed should not go for anything bigger or taller.

VICE-CHAIRMAN GAGE MOVES TO RECOMMEND APPROVAL BASED ON THE NEW SHED IS THE SAME DIMENSIONS AND IN

**THE SAME LOCATION. COMMISSIONER
VANDERSTEELSECONDS. UNANIMOUS (4-0) APPROVAL.**

5. 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 request came before you last month but was postponed. The applicant has decided to go forward with the tree in the front of the house. The plan would be to remove that tree for the access to the garage.

- b. Presentation by applicant.

Maureen Christen is the property owner and is renovating the property. Per our discussion last month the original site plan was to do an addition on the main floor, we've changed gears and adding a second story. The elm would be in the way of the forward facing garage. We also submitted an additional site plan and the look that we're going for on the property. IN part, we feel why it is a better tree removed. There is a tree that is a 22" live, #112 that has a large canopy. There is still plenty of large trees that the neighbors could enjoy. We have a large driveway in the back of the property. We want to reduce the impervious cover.

- 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: It's hard to make a decision unless we know exactly what you want?

Chairman Meisel: This is somebody's lake cabin in Minnesota.

Commissioner Erickson: The garage is forward facing.

Maureen: What we were proposing is get rid of the highlighted area.

Commissioner Hoestenbach: There are three trees here. Two are smaller?

Maureen: The original tree is a two-trunk tree.

Chairman Meisel: What is this cross section?

Maureen: There is a covered patio here.

Chairman Meisel: The garage comes in here and pushes something else out?

Maureen: One side of the porch will become part of the garage.

Chairman Meisel: About the second driveway, the City is against second driveways. It's pre-existing but you're modifying.

Maureen: If you remove more than half the driveway it must be removed? If you look at this versus the first site plan, it is an improvement.

Commissioner Hoestenbach: You had a neighbor that showed up that discussed it.

Maureen: The neighbor behind us showed up.

Commissioner Vandersteel: This is a much better plan.

Commissioner Vandersteel: Given the status of the information we have here can we make a recommendation?

Chairman Meisel: Your package as it sits right now is way under par. I would urge you to borrow this to redo for council. It appears to me to be reasonable.

Commissioner Hoestenbach: Your hardship was the elderly moving in with you?

Maureen: That's our situation with a large family.

COMMISSIONER VANDERSTEEL MOVES TO RECOMMEND APPROVAL BASED ON PROVIDING MORE CLEAR DOCUMENTATION. COMMISSIONER HOESTENBACH SECONDS.

Vice-Chairman Gage: Would we specify the trees being removed?

COMMISSIONER VANDERSTEEL: AMENDS THE MOTION. A STREET FACING GARAGE WHICH WILL REQUIRE THE REMOVAL OF A TREE AND REMOVAL OF SECOND DRIVEWAY ENTRANCE AND BACK DRIVE IMPERVIOUS COVER.

Commissioner Erickson: It takes the existing driveway out of the setbacks.

VOTE UNANIMOUS (4-0) APPROVAL.

6. Land Use: Variances to request removal of trees greater than 14 inches in trunk diameter at 3 Valbella Drive. (Section 22.03.304 of the West Lake Hills Code.) Applicant Owen Norton.
 - a. Staff Briefing.

City Planner Grundman: Last month you saw the east side of Juniper Ridge, this is west. There are three variance trees to be removed on a vacant lot. Two trees are not in the footprint but one is.

- b. Presentation by applicant.

Owen Norton is the property owner. We only want one tree; not three. Christy said it is only one tree; the others weren't big enough. Where we are putting the house is where we would take the least amount of trees. It's a cedar and it the one right next to the driveway which the root system would get into the driveway.

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

Chris Gunter lives on Skyline Drive. We were here a couple of weeks ago talking about another lot here. We are opposed here. We thought there were three requests. This raises another question about these re-measurements that are going on. This is now the third occasion where the initial tree survey for the subdivisions shows the trees that are 14" or larger and we're coming in here and learning that Christy is going out and re-measuring these trees. It happened on the subdivision that the entire road infrastructure which is a lot of road down in that canyon without being one 14" tree or larger. I have since learned that there was. The developer and Christy went out there and re-measurements were done. The same happened on the east end. This is a surprise tonight. That is going to be an issue for a later time. I do find it disturbing on file are just be circumvented and re-measuring the trees. I didn't intend to get on the soap box about that issue. I'm still opposed to it. The City is recommending against it and staff because there is no undue hardship found here. I don't believe that it is when you design a massive projects. Not only do we have a big main how and separate casita and garage over 9,000 sq. ft. and almost 15,000 impervious cover. Interesting enough, no detention pond, I'm opposed to it. I back the City on this one. There is no hardship.

Ace Pickens lives on Windsong Trail. This is variances in and around the great wall of Westlake. I don't know Mr. Norton but he should have known that if he bought one of these lots there would be someone here to oppose these variances. If they could do it without a variance, fine.

Chris lives at 701 Windsong Trail. I had the same concerns I'm just downstream from the project. This is a very large of impervious cover and I don't know the specific trees and concerned about the trees being removed and no revegetation. I'm opposed on that.

Chairman Meisel closes the Public Hearing and reconvenes the meeting.

- d. Deliberation and action.

Chairman Meisel: A tree variance doesn't require a hardship.

Erin: Most variances require a hardship.

City Planner Grundman: Signage is the only variance that doesn't require a hardship.

Chairman Meisel: In the meantime, Mr. Norton, I can't read this. Where is tree #1365?

Vice-Chairman Gage: It's the one that is in the footprint of the house.

Applicant: I can explain what happened with the re-measurement. They are putting the ground measurement. 52" inches high is the accurate reading. It's misinformation. Christy went out with me.

Commissioner Erickson: We ran into this with St. John Neumann. The surveyors go very conservative.

Chairman Meisel: This tree is what is before us.

Commissioner Hoestenbach: Is this the tree we're talking about at the corner of the driveway?

City Planner Grundman: It's tree 1059. There is no hardship on 1059.

Chairman Meisel: It does require a variance and has to show a hardship.

Commissioner Vandersteel: In the packet is a retaining wall.

Chairman Meisel: The only item we are addressing is one tree, #1059, at the corner of the driveway.

Commissioner Hoestenbach: When I read through earlier I was looking for a hardship and I know it is a heavy treed lot. The code does require that there is no reasonable alternative? Have you looked at that?

Applicant: It is a two acre lot. The setback on it, we are squeezing this house in. We tried it in three different spots.

Commissioner Hoestenbach: I can't see the trees on here. It's difficult to read.

Applicant: Alternative sites are shown at the dais.

Commissioner Erickson: This is a design driven hardship.

Commissioner Hoestenbach: If you redesign this to miss these variance trees, we don't have a say so. It's hard for us to grant the variance because we are held to what the code provides for us.

Commissioner Erickson: We listen to neighbor feedback on variance requests. That weighs a great deal with the council unless there is a true hardship.

COMMISSIONER ERICKSON MOVES TO RECOMMEND DENIAL BASED ON IT BEING A DESIGN DRIVEN HARDSHIP. COMMISSIONER HOESTENBACH SECONDS. UNANIMOUS (4-0) DENIAL.

7. Land Use: After-the-fact variance to locate a propane tank in a building setback at 711 Butler Cove. (Sections 22.03.281 and 22.03.304 of the West Lake Hills Code.) Applicant John Hagy.

- a. Staff Briefing.

City Planner Grundman: The request is for a propane tank in the setback. The tree issues are strictly for council. The tank was built in the setback. There was a previously approved tree variance but is not part of the agenda.

- b. Presentation by applicant.

John Hagy is the builder. That site plan shows the location of the tank. We permitted the house in May 2014 and when we ran the underground utility from Austin Energy that the transformer that they installed was not going to be sufficient to get both houses serviced. Greg Reynolds is building a house there, too. If you see where the pull box is, it's in a direct line where the propane tank is. Our choices were to move it into the design of the house. When we got our final inspection David brought it up that the tank cannot go there. There are pictures there behind the fence.

- 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: What is it servicing in the home?

John: An outdoor barbeque, water heater, etc.

Commissioner Vandersteel: Being underground it is not a visual issue.

Commissioner Erickson: Does it meet the county required setbacks?

John: Yes, sir.

VICE-CHAIRMAN GAGE MOVES TO RECOMMEND APPROVAL. COMMISSIONER ERICKSON SECONDS. UNANIMOUS (4-0) APPROVAL.

8. Land Use: Final plat of 324 and 326 Eanes School Road in the Dorsetshire Estates Subdivision. (Chapter 36 of the West Lake Hills Code.) Applicant Alan Rhames.

- a. Staff Briefing.

City Planner Grundman: This is the final plat. All they are doing is moving a lot line.

- b. Presentation by applicant.

Alan Rhames is the engineer. They want to move the lot line over. Both lots meet the city requirements.

- 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 MOVES TO RECOMMEND APPROVAL.
COMMISSIONER VANDERSTEEL SECONDS. UNANIMOUS (4-0)
APPROVAL.

- 9. Land Use: Final plat with variances at 301 Eanes School Road in the Old Oliver Ranch. (Chapter 36 of the West Lake Hills Code.) Applicant Eran Montoya.

- a. Staff Briefing.
- b. Presentation by applicant.
- c. Public Hearing: All persons wishing to speak for or against shall be heard.
- d. Deliberation and action.

ITEM IS POSTPONED.

- 10. 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 item came in January and they had proposed an East side parking. They went back and met with staff and on site they are pushing it to the West side. They are getting rid of planter items for more parking since it is not visible from Bee Cave Road.

- b. Presentation by applicant.

Mark Maclaine works with Belmont Village. We wanted to add 18 spots on the East side the neighbor showed up and voiced displeasure on that side of the property. You voted to postpone. We met with the Mayor and another man on site. Perhaps eliminating the landscape in the parking to see how many spaces we could add and investigated going west. Removing the islands could happen immediately. Going west would disrupt some Cedars and come back with that at a later date. We will be adding 22 spaces. We believe this meets the feedback from the

neighborhood. We do have the approval from the West neighbor. I forwarded the e-mail to Ashby.

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

Chairman Meisel closes the Public Hearing and reconvenes the meeting.

Commissioner Vandersteel: You have addressed a lot of conditions.

Scott: The civil engineer. In regards to going down the hill, this is a completely self-contained wall. 3 sides will be shielded by the wall. We will take into consideration your suggestions and we amend once we get into the design phase. Our concern would be the shielding of the parking lot.

Chairman Meisel: I'm not seeing an application or an amendment to the site plan?

Mark: That is dated 12/01/15, dead on arrival at the last meeting.

Chairman Meisel: At the moment, you are 75% capacity and you're out of parking?

Mark: We aren't parking in the fire lane, we anticipate not having enough.

Chairman Meisel: What happens when you staff 100%?

Mark: We have found depending on the area the parking ratios are different. Our new standard is .7. The community we're developing in Lakeway is less than that. Due to a lack of public transportation, due to the pay rates of our employees and no sidewalks in West Lake Hills, we'll address that issue. We submitted for building permit to expand our special care to use less parking. We're trying to attack it in several different ways.

Chairman Meisel: This additional 22 spaces will bring you to .71 ratio? When you came three years ago you said this is exactly what we needed, but buses don't run out here.

Mark: The lack of public transportation and the residents here have private care. That is also we didn't anticipate.

COMMISSIONER ERICKSON MOVES TO RECOMMEND APPROVAL BASED ON KEEPING THINGS COMPACT. VICE-CHAIRMAN GAGE SECONDS BECAUSE OF THE GOOD JOB. UNANIMOUS (4-0) APPROVAL.

11. Land Use: Zoning Extension for Westlake Grocery/Westlake Auto Care at 96/98 Redbud Trail. (Section Chapter 38 of the West Lake Hills Code.) Applicant Hamid Miri.

- a. Staff Briefing.

The request is to grant a permanent extension. This came before ZAPCO in the 1990's they were granted until 2020. They are requesting a permanent zoning change. There is a pretty lengthy petition.

- b. Presentation by applicant.

Hamid is asking to get zoning extension.

- 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: Granting the extension is easier than changing the zoning?

City Planner Grundman: It's the same process. The reason it was that way is because it is a gas station.

Chairman Meisel: We are limited to considering the extension.

Vice-Chairman Gage: Is it limited to a timeframe?

VICE-CHAIRMAN GAGE MOVES TO RECOMMEND GIVING AN ADDITIONAL 25 YEAR EXTENSION. COMMISSIONER ERICKSON SECONDS. UNANIMOUS (4-0) APPROVAL.

- 12. Land Use: Commercial Site Development Permit for Sway Restaurant at 3437 Bee Cave Road. (Chapter 22 of the West Lake Hills Code.) Applicant Gabe Hovdey.

- a. Staff Briefing.

City Planner Grundman: The request would allow the applicant to demo the building, utilities, the development it part of the BCR extension. They will come in for the application of the building.

- b. Presentation by applicant.

Gabe is the applicant and the project engineer. What has been submitted and asked for is only for the site disturbance/clearance. The actual building plans have not been submitted at this time. We intend to install erosion control measures, parking area, preparation and completion of the landscaping, wastewater services, and on-site detention facility. The site is being recommended by WD10 and the FD as shown. The property is at 3437 Bee Cave Road. It has 65% impervious cover and will have a two-story structure, 5900 sq. ft. The adjacent property owner is the church has allowed the restaurant to use their parking lot. The water quality treatment that is shown is approved by TCEQ. The underground facility that diverts water to an existing small channel that is on the

church's property. No hydrant is being proposed. WW connects to the back of the property. We are proposing to connect to that stub. 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.

COMMISSIONER ERICKSON MOVES TO RECOMMEND APPROVAL.

Chairman Meisel: You have an agreement with the church? Is that in writing and binding?

Gabe: A copy has been sent to the city. The property won't sign this lease agreement until the project is approved through council.

Chairman Meisel: What is the lease terms?

Gabe: I'm not sure.

Chairman Meisel: It is relevant to know what this turns into.

Gabe: Whoever moves in would have to support that agreement.

City Planner Grundman: The agreement you sent me does not have the date filled in.

Gabe: It's up to discussion.

Commissioner Erickson: It would expire when Sway left the site.

Vice-Chairman Gage: It would need to be a specified term?

Chairman Meisel: I'm hesitant to allow a permit if it is going to be strangled due to parking. We're having to deal with the traffic if the parking goes array. Can they get a C/O if they haven't completed their parking lease?

City Planner Grundman: Not if they're under their ratio.

Gabe: This is for the site work not the building plan. I would expect the property owner to provide.

Chairman Meisel: We have a chicken and egg problem.

Vice-Chairman Gage: I would say conditional a lease being presented at the time.

Commissioner Hoestenbach: You want it to be executed?

Chairman Meisel: I don't think we can approve it without it.

Vice-Chairman Gage: We can make it conditional so both parties are protected.

Gabe: This is conditional on the executed documented with the church? Is there a way to associate it with the building plan?

Vice-Chairman Gage: It seems they could go forward with this but before a building permit is issued.

COMMISSIONER ERICKSON MOVES TO RECOMMEND APPROVAL OF THE SITE DEVELOPMENT PLAN. COMMISSIONER VANDERSTEEL SECONDS. UNANIMOUS (4-0) APPROVAL.

13. Adjournment by Chairman Robert Meisel.

Meeting is adjourned at 8:14 p.m.