

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

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

ABSENT: None

1. Call to Order. Chairman Robert Meisel.

Chairman Meisel swears in Commissioner Kathryn Tullos.

Chairman Meisel calls the meeting to Order at 6:32 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 March 16, 2016 Regular Meeting Minutes.

Chairman Meisel moves Item #10 for Westlake Market Signage to the consent agenda. It was passed and approved by BDC. It has no variances.

COMMISSIONER ERICKSON MOVES TO APPROVE. VICE-CHAIRMAN GAGE SECONDS. UNANIMOUS (6-0) APPROVAL.

3. Land Use: Multiple variances for construction of a new residence at 1905 Yaupon Valley Road. (Section 22.03.281 of the West Lake Hills Code.) Applicant Kevin Cutsinger.
 - a. Staff Briefing.

City Planner Grundman: The total number of variances are 7 because we count each tree a variance. The trees are in the footprint and one in the footprint of the driveway. Everything else will be covered by Mr. Flores.

- b. Presentation by applicant.

Mr. Flores is the architect. We are asking for variances. It is right under 2 acres with a lot of slope, 24.7%. The height restriction, we are trying to stay under 30'. To the ridge it is 32.4. That is one of the variances we are seeking. We are only 20' above natural grade. We do an upside down house. I'm not too keen on a flat roof. We are using tiled roof. We can do a flat roof. They all have to do with the slope. The retaining wall at the backside of the driveway. I'm trying to keep from Yaupon on the garage level. When we flattened at the garage that is 7' above natural grade. There are a couple of Cedar trees where we are placing the house. We have placed it to where we aren't encroaching any setbacks. We are

not blocking any views. We are 75' behind the property line. That is what I'm here to ask for.

- 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 the height of the wall? It looks like 9' but you say its 7'?

Mr. Flores: I thought it was 7'. To the top of the end of the driveway, it is 9'.

Chairman Meisel: Are you including the guardrail in the height?

Mr. Flores: There is a little wall and iron on top of that.

Commissioner Vandersteel: This is a point of reference. That wall faces 360.

Commissioner Hoestenbach: You won't see the wall from 360 because the tree line.

Commissioner Vandersteel: I looked at your roof situation. The numbers say the ridge line elevation is 114'. I took the site plan and I drew where the ridgeline would be. It falls 83.5'. You're not even a foot over that.

Mr. Flores: We were taping at the float where the foundation is. The left just goes as little bit steeper.

Commissioner Hoestenbach: There was a letter provided in support of the project because the way the house is placed and designed. There are bigger trees in the center of the lot and the way the house is positioned which is close to another property that the property owns?

Mr. Flores: As many trees as we have we will lose a couple due to the house placement.

Commissioner Hoestenbach: A suggestion from the neighbor provided there is a condition that the madrone trees are preserved. We could recommend that tree protection is done on those trees.

Mr. Flores: I agree with that.

City Planner Grundman: If you make that a condition, we can require tree protection to make sure that happens. They have a pre-construction meeting before they start.

Chairman Meisel: We have heard about the rogue subcontractor before in after-the-fact variances. That dog does not hunt. You bring them on your lot you are responsible.

Commissioner Hoestenbach: You may want to check the rules to see what the height rules are.

Commissioner Erickson: I don't see the hardship on this design; it is a design driven hardship.

Mr. Flores: Would you like to see it lowered?

Chairman Meisel: As far as the height, if you are designing through that level, we need to hear from specific reason why it had to be pushed in that way to get that done.

Commissioner Hoestenbach: To his point, the slope lot, I understand you're building an upside down house, from the street, the house is not going to appear that tall because it is going down the slope. We like to see a buffer between the street and house.

Mr. Flores: I designed the house next door and it is hidden because of the vegetation.

Commissioner Hoestenbach: The way it is designed you are close to meeting the master plan. Just tweak that height a little bit on the house.

Chairman Meisel: You can press on with a recommendation right now. You can revise your application before BOA and address some of those concerns. The alternative is come back in May and we'll pick it up again at that time.

Mr. Flores: We want to proceed.

COMMISSIONER VANDERSTEEL MOVES TO RECOMMEND APPROVAL FOR THE WALLS, CUT AND FILL AND THE REMOVAL OF TREES CONDITIONED ON TREE PROTECTION FOR THE MADRONES. VICE-CHAIRMAN GAGE SECONDS. UNANIMOUS (6-0) APPROVAL.

COMMISSIONER ERICKSON MOVES TO RECOMMEND DENIAL ON THE HEIGHT VARIANCE. COMMISSIONER TULLOS SECONDS. UNANIMOUS (6-0) DENIAL.

4. Land Use: Multiple variances for setback encroachments at 1000 Madrone Road. (Section 22.03.281 of the West Lake Hills Code.) Applicant Brian Smith.
 - a. Staff Briefing.

City Planner Grundman: The request is 3, after-the-fact for a wall in the front setback; second propane tank and extending a park court in the front setback. The lot has front setbacks on 3 sides. It was here in 2014

allowed due lot size and encroachments. All were approved and permitted.

- b. Presentation by applicant.

Brian Smith is the property owner. Additional letter of support are provided. Thank you for your time. We are wanting preservation and restoration for the property. As Ashby pointed out, it was built on .67 acre lot. It is a two story lot with a workshop and shed. There are 150 trees on the lot. There is a snapshot in your packet. We came during the purchase process and got that approved. The 1996 setback rules rendered the building envelope. The carport exists in the current setbacks. Before we bought the property, the septic was condemned. They have been replaced in 2015 and licensed this month. We originally planned a lighter renovation but the hold was full of mold and was not disclosed by the seller. We agreed to finish the renovations. The first, brick wall in the setback in ATF surrounding electrical services. We needed to move a pole in a wash between the properties. We needed as place and didn't want to take out existing trees. We chose a new location from Austin Energy and the distance from the pole where the connection to the property was exceeded 50'. It necessitated an installation which was a challenge. There was nowhere to put the service behind the setback. We put it between the house and discovered we needed to connect a separate service for the shed. We couldn't route the house because it was going to be rebuilt due to the mold. I've placed a picture in your packet. We would have had to connect. We didn't want the neighbors to have to look at it. The electrician didn't inform us about a wall in the setback. IN December 2015 we constructed a retaining wall that won't go anywhere and a 5' b rick wall around 21/2 sides of the structure. Our new architect filed for the permit on the new home. There was no other place to put the remote service. It was trying to be a good citizen and wanted it to look good. I've spent over \$15,000 on this project. Removal of the wall and find a solution would be cost prohibitive. I've been trying to move into the property since 2014. Number 2, under the guidance of the first GC and direct propane, we located it for appliances for both structures. I did ask the city for placement and discovered we needed to re-engineer, we buried new lines not knowing it couldn't go in the setback. It fulfills the regulations for the tank and keeping separation guidelines. When plans submitted were in violation, we couldn't cross electric and propane lines. The last two variances are simple. We desire to collect rain water to water our plants. We consider putting a rainwater tank in the setback. The roof has already been approved and it would be more elegant the shield them from view. Lastly is the enclosure for trash bins outside the existing shed and hide them from view. GC was not aware of the regulations and do have support from neighbors. I hope you consider the request.

- 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: I live down the street and have seen this whole process. I was a little surprised about the utility issue. Screening is present but you see the inside the electrical box. You may be putting landscaping to screen that. Approval should be screened better than it is. The 4th side is completely exposed.

Chairman Meisel: This was necessitated because the service was moved by COA. The distance issue comes into play.

Brian: The new pole needed to closer to the road. The issue is the restriction due to it supporting other poles.

Chairman Meisel: Your remote drop, COA could have demanded an easement.

Brian: They couldn't relocate the pole.

Chairman Meisel: A new pole in lieu of what was there right now?

Brian: It was out by the road.

Chairman Meisel: I'm seen plenty of lots where the service drop is 100' back from the road and utility demands an easement and sets poles as needed to get to the structure. Why wasn't that done?

Brian: When we selected the location we wanted to save trees. I was told I could put the electrical service anywhere. The wall is the issue.

Vice-Chairman Gage: The city of Austin often demands an easement and sets another pole on the property.

Brian: They did not bring that up. We were dealing with a long connection.

Commissioner Erickson: A resolution is take down the brick and put vegetation.

Commissioner Vandersteel: Panels would work.

Commissioner Swanson: The neighbors don't have any objections.

Commissioner Vandersteel: I think it's just a matter of planting.

Commissioner Hoestenbach: Propane tank.

Commissioner Vandersteel: It's a tough one finding an appropriate location. A lot of your property is septic field. There is one possible location by the front door but that's no good.

Brian: WE also considered the root systems.

Commissioner Hoestenbach: You're 10' from the house and 5' from electrical?

Commissioner Erickson: It does meet County guidelines.

Commissioner Vandersteel: Anywhere it could go would be in the setback.

Chairman Meisel: This coverage for the driveway is driven by the rainwater collection system?

Brian: We were going to put tanks underneath it and provide more parking space.

Commissioner Tullos: The rainwater sits on the pad? Are they visible from the street?

Brian: The carport is open on 3 sides. There is a lot of vegetation and we were planning on doing screening; the idea being having a screen keeping you from seeing anything.

Commissioner Vandersteel: This is part of David Weber's design as well?

Vice-Chairman Gage: What size tank?

Brian: 2,000 to 3,000 gallons.

Vice-Chairman Gage: I can't approve something I don't see.

Chairman Meisel: We need a hardcopy in the record. We are advisory purposes. It needs to be a hardcopy before BOA.

Commissioner Erickson: The hardship is avoiding another variance by putting rainwater collections?

Commissioner Vandersteel: It was a pre-existing non-conforming so what you do with the building. The pre-existing is the hardship.

Chairman Meisel: The last is the enclosure of the trash cans. I'm not seeing a hardship at all. Our ordinances say they go back somewhere.

Commissioner Erickson: It's all complaint driven; call the City. We need a plan for this. We need to see the collection tanks, etc.

Chairman Meisel: We need a lot more documentation. The fence is okay and can be in the setback.

Commissioner Tullos: The shed is the dark area?

Chairman Meisel: They have to be 20' from the edge of the pavement.

City Planner Grundman: That would have to comply with the front yard fence requirements. That would defeat the purpose of enclosing.

Commissioner Swanson: If there was an outside closet would that be okay as part of the shed?

Chairman Meisel: We're going to make a recommendation conditioned on mainly providing appropriate documentation with accurate information. They need to be clearly identified and dimensioned. City Staff can help you with this.

Commissioner Swanson: Also vegetation you're going to use.

Chairman Meisel: That brick also needs to be screened. Again, we have two or three things. I don't think we've got enough information to make a recommendation. Alternative is to postpone.

Brian: We'll postpone.

Commissioner Erickson: We're here to assist you.

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

a. Staff Briefing.

City Planner Grundman: This is the final plat with 3 variances for the setback encroachments. This came through in February and was approved. They final plat documents weren't provided last month.

b. Presentation by applicant.

Eran Montoya is with Ryan Street Associates. This piece of property is not in the city of WLH. It's a little donut of County. It is 4.5 acres and we are proposing to subdivide into 4 lots. These lots all have access to Eanes School Road except for the fact about the historic wall that is a barrier and prevents access to 3/4th of the front property. We requested the variances to allow a joint use access easement and it is shaped to avoid excessive damage to trees or existing vegetation. It is an existing driveway and it forces crossing over 3 of the property lines and they is why we are requesting variances.

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 Swanson: When we heard this in February we learned the history barn, would the applicants be willing to maintain that historic barn structure?

Eran: I think it is just one wall or two walls. It is not a structure.

Commissioner Swanson: Would you have any problem maintaining that?

Eran: The rock wall is certainly as part of the landmark status. I'm not sure what that barn is doing. The barn was not there initially. It was built in the 1960's. I'm not sure it warrants preservation from historic perspective. Cedar limbs are used as rafters.

Commissioner Swanson: You said in February you would maintain it.

Chairman Meisel: I like the points you're raising but the barn is not on our public notice and we shouldn't be discussing it.

Commissioner Swanson: I'm just talking about the preservation of the wall of the barn.

COMMISSIONER ERICKSON MOVES TO RECOMMEND APPROVAL. COMMISSIONER VANDERSTEEL SECONDS.

Chairman Meisel: We are discussion an ETJ. AMEND MOTION TO LOOK INTO THE ARCHELOLOGY FOF THE BARN.

VOTE: UNANIMOUS (6-0) APPROVAL.

6. Zoning Amendment: Proposed amendment to Planned Development District #4 for the Westlake Athletic and Community Center located at 4300 Westbank Drive. (Chapter 38 of the West Lake Hills Code.) Applicant Jeff Buch.

- a. Staff Briefing.

City Planner Grundman: The original PDD allowed for 54.9% impervious cover. They are asking for 57.1% and amending the fence in the back from a 10' wood fence to 8' chain link. They want to put it in the PDD to tie up all the loose ends.

- b. Presentation by applicant.

Jeff Buch is with the WACC. We are asking for two amendments to the PDD. The second issue is for the impervious cover. The building was 600 sq. ft. smaller than what we designed. When we came through for final approval, safety sidewalks had to be put in. The impervious cover increase are strictly sidewalks behind the building. Another bit which was just an error on our part, the retaining walls in the pond weren't in the original calculations. That was another 900'. The last bit is Eanes ISD is improving the upper part of the tract and as part of it is adding a sidewalk for students to use. Our pond does handle the water. The concrete calculation is added. That is where we've gone. The ultimate is still 1.5% less than what it was when we got the property. We are asking for an additional 800 sq. ft. just in case. Instead of being a perfect

number in case there was a miss somewhere and done for fire and safety reasons.

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

Laurie Massini lives on Reveille. I would appreciate it being postponed because 800 sq. ft. is not very small. The bond passed and they will be putting in a very large operations/high tech and a huge maintenance and warehouse up there, too. That is not a small amount to cover. We already have issues with runoff and flooding.

Chairman Meisel closes the Public Hearing and reconvenes the meeting.

- d. Deliberation and action.

Commissioner Vandersteel: When this originally went through, the fence was an issue. Were the neighbor's involved?

City Planner Grundman: It is in the back portion of the property. It is that portion, 10' wood privacy has been changed.

Jeff: It was Mr. Massa's request to make it a chain link fence.

COMMISSIONER HOESTENBACH MOVES TO RECOMMEND APPROVAL. COMMISSIONER ERICKSON SECONDS.

Jeff: There have been two surveys on the property. When the surveyors do this, they have come up with two different numbers. It appears that is a natural margin of error.

Commissioner Erickson: What is the total number?

Jeff: 257,000 sq. ft. If we would ever build on that we would have to come back.

Laurie: It is just a concern.

Chairman Meisel: This is a PDD, even a sidewalk is a change to their ordinance and have to come before us to change it.

VOTE: UNANIMOUS (6-0) APPROVAL.

7. Land Use: Discussion Only. Informational presentation to a Proposed Rezoning of 402 Camp Craft Road to Planned Development District with a Governmental, Utility and Institutional base district in order to allow for a private school (Acton Academy West) to be developed on the property. (Chapter 38 of the West Lake Hills Code.) Applicant Roger Gordon.

- a. Staff Briefing.

City Planner Grundman: This is a discussion only. They will be asking for a PDD with a GUI base. They want to locate a school there.

- b. Presentation by applicant.

Roger Gordon is on behalf of Acton Academy. The road was named after a summer camp on Camp Craft. For over 20 years the Birdwell family owned the property. The information in your package shows an application for the camp in 1959. For the past 25 years has fallen into disrepair. Over the last 60 years or so has been continually subdivided. The lot lines fit around the structures on the property. My clients purchased the property earlier this year primarily as a storage site. There are 12-20 vehicles on the property. Old boats, trucks, junk metal, all sorts of things and not consistent with the City. We're approaching this is because it is the most simple way to have a one room school house. We are having 40 students. We won't be adding any new structures to this site. We will be eliminating some on the site. All improvements are code related. There is an existing driveway. The PDD would allow us to change the lot line setbacks. This was zoned GUI until 1992 when down zoned because it wasn't being used as a school. I'd like to show you the property in the current state. A video is shown on the overhead. Hopefully when all is said and done, we will have a facility for alternative education and the owner of the academy is present. We are hypersensitive to the neighbors. We had a meeting with them yesterday.

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

Brian Holts is the executive director. The school is a new way of learning for the 21st century. We work to equip them with public speaking, goal setting, and independent learning using the internet, mentors, professional to equip them with skills to success and find what we call a hero's journey.

Chairman Meisel closes the Public Hearing and reconvenes the meeting.

(Note: This item is for discussion only. No action will be taken.)

Vice-Chairman Gage: Ages go through high school?

Commissioner Erickson: How many students?

Brian: 40.

Commissioner Swanson: You don't have a cap in mind?

Roger: As the property is right now, 40 is the cap. In the future, when you do have the capacity to hook up to wastewater we would come back on expanding. For the purpose of the PDD we anticipate 40 students until we get wastewater.

Commissioner Hoestenbach: How are they segregated by age?

Brian: They are by skills. I might have a student that is working to increase math schools. We have learning levels, not class levels. It will have open areas. We all work together.

Chairman Meisel: I want to provide some information. It is true, the property was zone GUI in 1992. The City initiated a roll back. IN 1996 Mr. Nutt came back and suggested this R-1 designation as a placeholder until a decision for the use was appropriate. Council made it clear that it was not O zoning. Right now if you go Camp Craft, there is a low water crossing at the driveway. I'm real concerned about having kids in there when somebody forgets something and there is one point of access subject to flooding on that school. There is a hazard there that I find terrifying. There needs to be an emergency for a truck or ambulance to get in there.

Roger: We anticipate that this wouldn't be approved by the emergency services. If the city wishes to close the low water crossing, that is not a turnkey decision. We will take appropriate actions to get students out. That being said, it should not foreclose the opportunity to use this property. I was not there in 1992 and I do believe the placeholder concept but it was being consistent on how the property was being used. For 30-50 years, this hasn't been residential. The subdivision was done and the City encouraged toe downzoning.

Vice-Chairman Gage: Are we going to do something with the road at some point?

Roger: We discussed what Camp Craft Road holds. This effects far more than this property. That is happening far down the road.

City Planner Grundman: We're doing our drainage master plan right now and this is one of our top issues. It's a known issue.

Commissioner Erickson: I could see that exit going under water in a heartbeat.

Roger: This is not the first time this issue has come up. I believe that any plan would have a component that would address this. I'm not sure how to come up with the plan until we have enough input with the appropriate city staff.

Commissioner Swanson: I'm worried about the traffic issue. You said you would stagger around the other schools. Already with Trinity at pickup, the lower school is out of the boundaries can accommodate. They are having to wait on Camp Craft. It's kind of hard to imagine where you'll get a sufficient window. Traffic has become almost unworkable. It wasn't a big issue 10 years ago. Solely because of the Trinity, it can be a 15 minute sit. What is has done to traffic here has made it very difficult.

Roger: We are anticipating 8 cars.

Commissioner Tullos: In five years you'll have a different population.

Roger: Klotz did a study and one of the issues was simply enforcement. There is nothing I can do that people aren't turning left. According to our data they've identified some windows or opportunity. But the traffic can't put a cap on another neighbor.

Commissioner Swanson: The surrounding neighbors is the increased noise. People that will be buying property by a historic wall might have concerns.

Roger: The neighbors enjoy the sounds of schools. Their primary concerns are dumpster trucks; not kids playing during daytime hours.

Commissioner Swanson: A Konstanty neighbor was extremely concerned about the noise.

Chairman Meisel: 10 years ago it was a right turn only from Trinity. This has been occupied off and on over the years. The septic system was condemned. The prior owner was a guest of the State of Texas in Huntsville. There is a profound problem with enforcement. I'm going to file daily complaints until this property is mowed and cleared. Since that operation pre-dated WLH you can't get any more grandfathered than that. Out at the back to the West is all residential. I feel that there is a lot of merit president that the City actively look at O zoning and rejected it. This is meant to be residential. After I studied it for a while the folks on Konstanty are very proactive.

Commissioner Swanson: The people that are behind haven't developed yet.

Dave Claunch: There was a proposal to do multi-family and that got shot down. The biggest opponent was Ms. Oliver who has passed. There have been several proposals of people wanting to do something with this property.

Commissioner Tullos: How many staff members?

Brian: 3 full time and 2-3 part time.

Commissioner Tullos: Mentors will come from the community?

Brian: We bring in professional and parents in a community and run workshops.

Commissioner Tullos: How many parking places will be needed?

Roger: There will be two spots for handicapped and 8 other spots.

Commissioner Tullos: Do you provide food service?

Brian: They will bring their own lunch.

Commissioner Erickson: Shifts will be coming and going and won't have sufficient parking?

Brian: We have two to three guides. Afternoons will be work-study.

Commissioner Swanson: You anticipate use during the summer?

Roger: It's as year round school.

Commissioner Swanson: I have a question about the traffic study and when it was done.

8. Land Use: Proposed site plan amendment, building permit and commercial signage at 4238 Bee Cave Road (Royal Fig Catering). (Section 22.02.005 of the West Lake Hills Code.) Applicant James Schneider.

a. Staff Briefing.

City Planner Grundman: This is the Royal Fig. What they are proposing is all pre-agreed upon items in the Bee Cave acquisition. All of it is included and all documents were part of the agreement. It's been fully executed.

b. Presentation by applicant.

Kay Flowers is the property owner. This with the Dave and Linda all of this has taken 3 years and reviews. Some of the elements that were happening is because of the widening. We discussed alternatives and came up with a plan to move the driveway. We need to have fencing, connecting to WW and now asphalt and curbs. At some point after widened the front wall will be demoed and the driveway will be retired a new wall will be put with fence. The lighting is similar to what you have out here. It is below what is allowed and carefully planned. The signage will be moved next to the new driveway. The front rock wall will allow for drainage.

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 HOESTENBACH SECONDS. UNANIMOUS (6-0)
APPROVAL.**

- 9. Zoning Amendment: 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 Broliier.

- a. Staff Briefing.

City Planner Grundman: This is the permit to do the work that was done for the PDD. This is phase I which is taking out parking islands and adding 8 spaces and reconfigured the parking. This is the permit request.

- b. Presentation by applicant.

Scott Foster is present for any questions. This is phase I.

- 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 Swanson: The lot was full, you're not going to have enough parking. Have you looked outside the box with a shuttle?

Joey: Right now we are about 75% occupied. With employees where at the number and not too many additional employee.

Commissioner Swanson: The current proposed will not be adequate? I can't imagine when you have an Easter brunch or when you're at 100% and they have their own private aides, I don't think this is going to be sufficient.

Scott: Each Phase will provide relief. Shuttle service will be provide for special occasions.

**VICE-CHAIRMAN GAGE MOVES TO RECOMMEND APPROVAL.
COMMISSIONER ERICKSON SECONDS. UNANIMOUS (6-0)
APPROVAL.**

- 10. Land Use: Commercial Wall Hanging Sign for Westlake Market at 96 Redbud Trail. (Section 32.03.008 of the West Lake Hills Code.) Applicant Eva Villanueva.

- 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.

THIS ITEM WAS MOVED TO CONSENT.

11. Land Use: Discussion regarding an amendment to City Code to modify the Zoning Amendment process. (Section 38.05.094 of the West Lake Hills Code.) City Planner Ashby Grundman.

- a. Staff Briefing.

City Planner Grundman: In your packet you have an ordinance with track changes. The major one is an option to if ZAPCO recommends denial. Page 5 and goes onto Page 6.

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

Chairman Meisel closes the Public Hearing and reconvenes the meeting.

- c. Deliberation and action.

Commissioner Tullos: When you're talking about ZAPCO sending it's reasoning to council is that like findings of fact?

City Planner Grundman: Minutes act as our ZAPCO report.

Commissioner Erickson: It would be nice to have something not tossed out the window.

City Planner Grundman: This was recommended by our City Attorney. This is more of a formal process. ZAPCO typically deals with zoning related matters and so here if something gets denied, there's not any weight. Council can change it but this gives you more power.

Commissioner Swanson: It just seemed that if there is approval, is that a request to have an appeal. It's not clear to me. Page 6 at the top and highlighted in blue. The request would require a simple majority.

City Planner Grundman: So what would happen if ZAPCO recommends denial they file an appeal, council gets the appeal.

Commissioner Hoestenbach: They look at the minutes and decide if the appeal is granted?

City Planner Grundman: That would be in my staff report. If you would like a more formal report from the chairman.

Commissioner Swanson: We're not going to hear the merits at that time?

Commissioner Tullos: I have the same issue.

Commissioner Swanson: Just for a regular appeal, you need a majority of the city council. If in fact all request denial, you only need a less number. That's as lower standard if it is unanimous?

City Planner Grundman: That needs to be changed. It originally said super-majority.

Commissioner Swanson: IN number 3, 3 lines down from the bottom, I would make that “proposal” rather than “request” to keep the language consistent. IN D at the bottom of 6, council may send a letter. Change “May” to “Shall”.

City Planner Grundman: It’s consistent with our current language.

Commissioner Swanson: I’d be happy to look at this before the next meeting.

Commissioner Hoestenbach: How long have we been doing this process?

City Planner Grundman: Since 1996.

Commissioner Hoestenbach: Are there any complaints?

City Planner Grundman: The City attorney recommended it because it is more in line without municipalities.

Commissioner Vandersteel: I don’t have a problem with this way or another way.

Vice-Chairman Gage: Many times council wants to do it this way because it lessens their load.

Commissioner Hoestenbach: When we have applicants that aren’t ready.

City Planner Grundman: This is only for zoning matters, not variance requests.

Commissioners Tullos and Swanson would like to see changes. I would like to include the information about the denial and should be given notice.

12. Adjournment by Chairman Robert Meisel.

MEETING IS ADJOURNED AT 8:50 P.M.