

MINUTES OF ZONING AND PLANNING COMMISSION  
PUBLIC HEARINGS AND REGULAR MEETING  
CITY OF WEST LAKE HILLS, TEXAS  
May 18, 2016  
6:30 P.M.

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

ABSENT: None

1. Call to Order. Chairman Robert Meisel.

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

2. Consent Agenda: The following items are considered to be self-explanatory by the Commission and will be enacted with one motion. There will be no separate discussion of these item/s unless a Commission Member or citizen so requests.

- a. Approval of the April 20, 2016 Regular Meeting Minutes.

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

3. 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: This came before you last month and was postponed to gather more information and submit photos and clarifications. As a reminder, this has front setbacks all but one side. There is an after-the-fact for the wall and propane tank. A carport expansion and rainwater tanks and enclosure.**

- b. Presentation by applicant.

**Brian Smith is the owner. I'm here to follow up on the last meeting. We are requesting four variances. The propane is not in so that is not an after-the-fact. I wanted to briefly review the information. The first is the brick wall surrounding in the setback. We have site plan 001 and views 1 and 2 which document our plan. It has vegetation screening. Variance B is the placement of the propane tank which has not been installed yet. The fresh water tanks which is shaded in green is required to be feet away from a structure. Critical root zones are marked. The carport roof over the driveway and enclosure of trash 002, 003 and views 3, 4 and 5 show the original thought of putting them in the setback instead of enclosing in the carport. There are two 1,150 gallon rainwater tanks. In preparing the site plan there were certain things we discovered. Hardship is the buildable area. We are subjected to 3 50' setbacks. The total lot is 38 feet grade. 20' from the driveway with the main home on the flat pad. When installing the fresh water line we installed propane lined which complied. The requested carport is only a small additional**

square footage. We want to save rainwater to safe resources and are happy to see the house being renovated instead of being demoed. I appreciate your time and consideration.

- 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. Extensively the request, the propane is self-explanatory. The carport is very small and will cover a longer vehicle. It's a semi-structure instead of a building.

**Chairman Meisel:** Water tanks are structures.

**Commissioner Vandersteel:** I looked at the property and only place I thought the tank could go somewhere else but it is pretty much stuck where it is. I have a tank in the setback as well and nobody can see it. We have a handle on what they are planning to do. It's not open ended.

**Commissioner Erickson:** Is there a reason why the tank couldn't be buried?

**Brian:** At the time we thought we could put it above ground. The field is down on this portion of the lot. At the time I would have had the septic vender help me burying it. When the lines that are there now we can't drive any heavy equipment over the lines for septic. We encountered limestone anywhere on the property. If I had known I would have had the tank buried.

**Commissioner Erickson:** You mentioned the location of the tank?

**Brian:** There is no way to place it now because we've done all the digging.

**Commissioner Erickson:** Why can't that tank go underground?

**Brian:** We've already installed the septic lines. The tank would be walked in by men. It is 250 gallons.

**Commissioner Vandersteel:** Do know what color the tank is?

**Brian:** Whatever color we need to.

**Commissioner Vandersteel:** Parks Department has a color that makes it look like it disappears.

**Commissioner Erickson:** There are questions about reflectiveness.

**COMMISSIONER ERICKSON MOVES TO RECOMMEND APPROVAL WITH THE LOT BEING A HARDSHIP, KEEPING IN**

**THE FOOTPRINT AND THE TREES. COMMISSIONER  
VANDERSTEEL SECONDS. UNANIMOUS (6-0) APPROVAL.**

4. Land Use: Variance to remove a tree with a trunk diameter of 14 inches or greater at 719 Butler Cove. (Section 22.03.304 of the West Lake Hills Code.) Applicant representative John Hathaway.

- a. Staff Briefing.

**City Planner Grundman: This is to remove a cedar. 15, 11 and 9 which is by our Code is a 25 inch tree. Page A.01 is in red on the site plan. By Code they are required to replace 88" and are showing 99".**

- b. Presentation by applicant.

**David Burton is the builder for the project. This is pretty straight forward. I'm here as the representative. The owners are moving from Chicago. One of their desires is to have a safe and open backyard. The site was for environmental less impact. The conservation easement leaves us one side for the driveway which impacts this one tree. IF it was on the other side it would impact 13 trees. 21% impervious cover. 240 trees are on the property. In total is 28 trees which is less than 2% of the trees on the lot. We met with Christy and thought it was a reasonable request. John has updated the plans with replacement, trees on the survey and noted of what will be removed.**

- 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: It is a big tree but it doesn't bother me to have it removed. The driveway would be complicated to get around it. So the easement prevents you from putting in a driveway?**

**Commissioner Erickson: Has the architect considered moving the house to reconfigure the driveway?**

**David: He did look at that and tried to give them enough backyard space.**

**Commissioner Hoestenbach: The conservation is 50' which gives them less in the buildable area. What is the tree situation around the pool in the back?**

**David: I've got a larger copy.**

**Commissioner Erickson: Where is the hardship?**

**Commissioner Vandersteel: From Google Earth that are trees that are not shown.**

**Commissioner Hoestenbach: I'm talking about trees in this area. What's preventing you from moving the house back?**

**David:** Our tree survey is accurate and reflecting anything greater than 3". I know we wanted to accomplish was not the garage facing the street.

**Commissioner Vandersteel:** The lot is surrounded by 3 sides.

**Commissioner Erickson:** I'm really trying to see the hardship here.

**Commissioner Hoestenbach:** The easement qualify.

**David:** Going over to the right side we wouldn't any 14" trees but we would take out 13. It's not better for the lot and tree situation.

**City Planner Grundman:** There are a couple of big trees in there; depending on how the house is situated. There are variance trees in there.

**David:** That does limit our options.

**Commissioner Vandersteel:** My observation, everybody has to have a driveway. Looking at the tree survey, there are some small stuff at the back in the house without going through that Cedar tree. That would be the hardship is you've got to get to the lot. I'll take that as hardship.

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

5. Land Use: Multiple variances for setback encroachments, tree removal and cut and fill at 1601 Canyon View Drive. (Sections 22.03.304(d), 22.03.210(f) and 22.03.210(a) of the West Lake Hills Code.) Applicant Lora Reynolds.

- a. Staff Briefing.

**City Planner Grundman:** This is five variances. Four are related to cut and fill. A retaining wall and cut in fill in the front and side setback and fill over 6' in the buildable area. Tree of 15" live oak tree. That are consistent with a previous non-conforming structure. They are going to a single driveway. The original design had more variances and they were able to shrink the design to make it to where they didn't need to request that variance.

- b. Presentation by applicant.

**Davin Fillpot is the architect.** Tonight I am here with the applicant and here architect. As Ashby said, if we flip to the second drawing in the set, it is a very accurately of what exists on the site. Back in 2011 or 2010 when the property was demoed, in our site visit with Christy she informed us when the house was demoed the City required the existing non-conforming remain to preserve a large number of 14" trees in the front, rear and side. The drawings in front of you shows where the two curb cuts come in from Canyon View. The existing retaining walls in the setbacks and beyond the max allowable height. They go from 4" to a max of 4 1/2'. The front setback is on the backside of the driveway. That wall

is 4 ½' high and holding the trees in the front setback. The driveway comes in and exists beyond that 20' setback. There are also the old concrete slab and old foundation retaining wall that is 9' high. That exists beyond the front setback line. However, it is creating conditions that are creating the variances. If the homeowner wanted to build on top of the existing slab on site, four of these five variances would still be requested in addition two additional variances would be needed in the current state. They brought back and worked with Ashby and eliminated one of the curb cuts in order to minimum site disturbance and build the house over the old foundation and limit the footprint of the development in the general area by 8 to 10' in the rear. The site is being preserved in 90% of the natural state. It is 9% impervious cover. If you flip to the next drawing, the cut and fill diagram, indicate various depths. You're permitted 18" in the setback. The architect indicated where it was pulled back and take advantage of the existing and allowing the front elevation in the front to not exceed 17'. The areas where cut and fill are required are located in the areas where the retaining walls current exist. They need to be repairs to give these trees another 50 years to live. A slightly different configuration. Over here by the curb we have a variance tree that is being pinned by a retaining wall. The owner and architect what to preserve that tree. The wall extends further out to get past the building line. Natural grade drops off just past that building line. No additional paving will have to be reduced. The heavy fill you see actually exists behind the current foundation wall. The non-conforming is far enough in when the new comes in you have to fill in they have to fill in to get the grade up. It is beyond the building line. They are having to get the front elevation where that old cut used to be. That is where a lot of these variances are coming from. The only other is the one tree in the back, the split Oak, in order to minimize the footprint disturbance, without having to go further down the hill. The side setback we have a full disclosure we have a 6" cut to give a continuous level for a small yard down grade. That is the scope of the variances. The typography is a hardship.

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

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

- d. Deliberation and action.

**Commissioner Tullos: I'd like further explanation of the removal of the tree.**

**Davin: The tree located in the back is currently where the old patio is paved. Page L1.1 and it is located in the critical root zone approximately 20' in past the front setback line, directly behind the setback. That is where the tan circle exists. It is primarily where the home would existing over the existing paving area in the back. By requesting that tree it allows the home to exist with minimal site disturbance. Does that answer your question?**

**Commissioner Tullos: Basically you want to put a room there?**

**Davin: Yes.**

**Commissioner Tullos:** That needs to be there because?

**David Fox:** In dealing with this particular property, we wanted to be as surgical as possible as we approached the development of the property. It previously was a small 3 bedroom house. We are proposing a 6 bedroom house. In trying to work around it is impossible and then having access, curb cuts, etc. We have minimized the impact on the site by located the house where the former house was and believe some of these trees were planted around the former house that was here. In other words, 40 years later they created a tight envelope and we want to use that envelope and not disturb the site.

**Commissioner Vandersteel:** What is the square footage?

**David:** 7,000 on 2.7 acres. We're at about 10%.

**Commissioner Vandersteel:** It's a large house but appropriately designed. You're only asking to remove one tree.

**David:** If we were to shift we would hit larger trees which is what we were trying to avoid.

**Commissioner Vandersteel:** Thank you for removing the second driveway entrance. You removed pre-existing variances. I applaud you for that one. It's a good plan and mapped out of where the buildable area is. You're keeping is low lying.

**David:** That is something that is very important. The idea you use all these walls are like garden walls and the house is behind it. The first floor is 2,800 sq. ft. It is a modest size house. We really wanted to minimize the impact on the neighborhood and also it is just the way our client presents herself.

**Commissioner Vandersteel:** Around the driveway are rectangles? As the driveway comes in, I don't know what they are?

**David:** There are several clumps of live oaks which we would like to keep all of them because they are nice trees. There are a bunch of rubble walls that we want to remove. We want landscaping features but would be below the maximum of 18".

**Commissioner Tullos:** I want to understand if you move the house to save this tree it would impact more trees?

**David:** Yes. We worked very hard to avoid coming before you for any variances. I believe you can color in the lines very nicely. It was a real push and pull. We really made an attempt on that.

**City Planner Grundman:** Where is septic?

**David:** Below where the topo is, quite a bit down the slope. The minimal type of system. Our goal is to not remove any trees in that area. We've

walked that portion of the lot with the septic designer. We're not removing any trees to accommodate that.

**City Planner Grundman:** It gets really steep down there.

**David:** It's a little less steep.

**COMMISSIONER ERICKSON MOVES TO RECOMMEND APPROVAL OF THE FIVE VARIANCES BASED ON TOPOGRAPHY AND EFFORTS TO MINIMIZE AND REPLACE PRE-EXISTING NON-CONFORMING STRUCTURES WHICH THE CITY REQUESTED TO REMAIN. COMMISSIONER TULLOS SECONDS. UNANIMOUS (6-0) APPROVAL.**

6. Land Use: Proposed Amendment to Land Use Map and Rezoning of 402 Camp Craft Road to Planned Development District with a Governmental, Utility and Institutional base district from One-Family (R-1) 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:** As you know this came before you as discussion only. I have passed out the memo quick is required by Code. The memo discusses the history of the property. There have been a number of zoning requests that have failed either by denial or expiration. Listen to tape. These criteria are not met. We have received 37 e-mails, 36 in support, only 12 are residents.

- b. Presentation by applicant.

**Roger Gordon is here on behalf of the owner. During my limited time during the application. The history is very important. IN terms of history, this was re-plated in 1988 where the current Armstrong Music is currently located. It was zoned GUI until 1992 after two year extensions which were owned by the banks. The previous city administrator moved to re-zone and for the down zone. The bank did not response so the R-1 downzoning was approved. In August 1992 an application for O office was submitted. A small law firm was pursued. The application failed. Commission Nutt the change R-1 goes against the master plan while the land is in repose which it has been since 1993. The commissioners did not want to change the consideration. Mike is one of the e-mails of support. IN June 1995 Dave Freeman purchased the property and used it from 1992 to 2016 as an auto repair yard and junk facility. Previously it was used as a daycare. Dave Freeman in April 4, 2008 was sentenced in prison and Buster McCall applied to build some residents on the property. There was an incredible amount of opposition to the applicant. That failed. From 2008 when Freeman got out of prison, he used it as a getaway and junk yard. I've got a lot of photos along with virtually of junk metal stored on the property. March this year my clients bought this property and want to create a value to this community. We've come before ZAPCO and held open house meetings and tours. I can represent to you that every neighbor has provided a letter of support. The two**

residents that back up to the property support it. This includes Laurent Massa, and other members of Konstanty. They have supported our project. We need to be good neighbors. There are concerns about traffic and analysis have been taken. I'm not going to represent that traffic will be fine on Camp Craft Road. Our traffic engineer states it is manageable. BDC told us that a lot of issues would be coming up. The support of the neighbors and the low water crossing. We have had meetings with City staff and Chief Gerdes. We think the school is a very small school which is consistent with the Master Plan. In 1992 when the city administration downzoned this property. It should have been GUI. This plan is appropriate. We are prepared to answer concerns the neighbors have.

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

Teresa Burroff is opposed. I've been at 501 Konstanty for 23 years. 500 Konstanty also opposes this. She sent me an e-mail is opposed to it and another resident that is opposed. You don't have total support on Konstanty. They invited us as a done deal. The Community Impact states there is a new school opening on Camp Craft as a done deal, along with a story about Camp Craft not being able to support the traffic. My problem is I've been before this committee. You are changing here is a residential to commercial. I've been here before the music schools, trinity, every one of those came through this committee and most often I've been here saying this is a residential community. I can't make a left hand turn. I can't make a turn from Camp Craft on Westbank. There is no improvements. Eanes did not support spending money to improve that intersection. We have seen the impact of the WACC. I'm not against Acton, I'm against the location. When you talk about all the supporters, my back yard is Camp Craft. I'm the most impacted. I really ask for your help that I've been here 23 years before this. It needs to stop and needs to stay residential. That is before we had Trinity, WACC, and all these other things. We need to provide a community for residents. It's bringing traffic to an already overdriven road. Thank you for your consideration.

Jerry Burkes and served on ZAPCO. I was here when the attorneys wanted to locate there and traffic was an issue then. It is almost interesting, there will be 80 students. If I were a parent I would want to see Camp Craft Road at that time. I don't know how you get your kids in and out of there? There is no way an emergency vehicle will get down Camp Craft. If I had children at the age, it's just not in the right location. There is very few nice residential lots left in Westlake. This is a very beautiful lot if it was cleaned up. It would be a real asset to continue you to keep it residential.

McKinsey Price is a mother who have children that attend Acton. It has been an amazing experience. We have a one-room school. There is no desk, no lectures. They are sitting on floors, couches. We had to find another place and got a lot of draw from Westlake. I had no idea what I was getting into when we started this process. I do things at the high school and when I saw the lot we were told it could be zoned as anything. I honestly thought it was easy as dropping off a piece of paper. The seller

was excited about us restoring the original camp craft. For those of you it is a beautiful piece of property. I thought it was a non-brainer. After we were under contract, one of the other parents wanted us to contact a zoning lawyer. I apologize for not knowing. We're excited about it. I feel like we have spent a lot of time to address concerns. I do thank those that are willing to learn about the project.

Brian Holts is the executive director. We are very excited about the project. We can only have 40 next year at this location. We are a micro-school. We want to stay that way. We currently have Westlake families that are looking for alternative education in the community.

Chairman Meisel closes the Public Hearing and reconvenes the meeting.

d. Deliberation and action.

Commissioner Erickson: The septic field is close to the floodplain issue. I noted when you came last month, there was commentary of facilitators coming back and forth. You talked about a staging of when they would come and go and it would be throughout the day. It impacts the traffic greater than if a group was there. I appreciate your position in falling in love with the property. I personally you didn't do more diligence. I see a rock and a hard place here.

Commissioner Vandersteel: It seems the few issues are the master plan and figure out our land use map and how this property plugs in. The residential zonings around you that is a great concern. Because of what has been put there, no matter what happens there the traffic will be horrible. Traffic, is this being addressed somewhere else in the City?

Chairman Meisel: Improvement on Camp Craft who knows when that will happen.

City Planner Grundman: There is currently a plan to improve but along the site of the low water crossing there is no plans.

Commissioner Tullos: If you're in a hole you stop digging. The traffic study I thought was left a lot of questions unanswered. For example, the available bell schedules. You have one school that starts at one time, one other, that takes into account a number of activities at two of those locations and all those times are occupied. It doesn't account for the WACC, Elsass, and all the commercial through traffic that goes through there. It was a substantial hole. We never get the parameters of the study.

Roger: It was a one-day study? Wend. March 23<sup>rd</sup>.

Commissioner Tullos: We don't know if this was typical. We don't have information. The biggest concern is unacceptable position on CC, but this is fine. That conclusion doesn't follow from the information in the report. We're just operating very inadequate information to base a decision here.

**Commissioner Swanson:** In the afternoon, if you're looking for a window. You'll find worse problem. Trinity has cars waiting to pick, two pick up times waiting to get in. Eanes Elem has cars waiting to get in for after school. I don't think you're going to have that window. Ultimate, when we make decisions I think what we are looking is the best interest is the community as a whole in which adding more traffic on CC during school times is in the best interest of the community. You must have a wonderful school and can't help but give us concern. We've watched Trinity do a wonderful job but it's made it almost impassible.

**Commissioner Tullos:** Sarah has pointed out, we're hoping to attract and grow. That will attract more cars.

**Commissioner Swanson:** Talk about the concerns about the driveways?

**Roger:** Chief Gerdes and Lacey, the basic feedback after that meeting, is the police department is prepared to review a plan but won't implement. It is not concerned that if roads are closed. Where we're at right now, ATXfloods shows when the road is closed. The school also closes. What is the sweet spot when the roads closed school is cancelled? The practical problem is during the school day. We met with TCS office and the current operating plan is to have 3 full time employees at the school to have Training that will provide individuals to make a smart decision out of our driveway and out on to the road. That is based on Chief Gerdes that we don't turn on CC. We doesn't want people driving around the barricades.

**Commissioner Tullos:** Your parents are on site?

**Roger:** They will take them off site.

**Commissioner Tullos:** You've got a crossing that has closed and your parents are waiting at that point?

**Roger:** We're going to keep the kids on campus until the school day closes. The idea in that situation is to use the driveway at the Enclave and the employees trained will be trained to make a decision on the spot.

**Commissioner Swanson:** Has the Enclave been contacted about this?

**Commissioner Erickson:** Why would anyone under that scenarios if that would place the children in harm's way due to the location of that facility?

**Roger:** The low water crossing will not be a problem forever.

**Vice-Chairman Gage:** I've been here 28 years.

**Commissioner Erickson:** I've seen incredible things in the last 50- years. To me it boggles my mind. Just trying to get somebody there for the benefit of education and the stress of traffic back and forth. That's my personal opinion.

**McKinsey Price:** I'm excited about my kids being here. We've talked about all the things that have gone on.

**Roger:** We're not going to create risk where it doesn't need to be created. If there is a major water event we're not going to have school that day.

**Commissioner Erickson:** I'm just thinking about when it does occur.

**Roger:** That's just the nature of Texas.

**Commissioner Erickson:** Where I'm going with this, we're advisory and opinions. My point is, if you've got 40 or 50 people there, 20 cars on site for those individuals, there is no predictability. This event happens now you've got cars stuck and people trying to leave Eanes, Trinity, it's just something to think about.

**Roger:** This is not a constant stream of vehicles on site. We're talking about safety. We can prepare a plan that the Chief is prepared to sign off on. They have that right to make that decision.

**Chairman Meisel:** We have a responsibility.

**Commissioner Hoestenbach:** The Code does provide that this project has to be in the best interest of WLH and has to be in conformance with the plan. We have to look at whether this is designed to lessen congestion on the streets. Is it going to lessen other dangers? It does not. It is not going to prevent overcrowding of the land. It's not designed to do that. Finally, it's a private school but according the Code we are looking at these tenants. This is not a public school, it's private.

**Commissioner Erickson:** Based on development, as you notice throughout Travis County that are being totally removed because development that was anticipated further upstream impacted other communities got flooded. I can see further development up the creek. We're battling it all the time. Everything goes down this creek. Water goes where it goes. It is just a concern. If it was single family.

**Chairman Meisel:** Residential use is single family. If I were in my home and I could not get out I wouldn't feel bad about jumping my neighbor's fence. When you open a school there is an implied safety factor there. It's a bubble. Looking at the use of the land, the fewer the better. R-1 is the fewer. I'm also concerned about the traffic study. It is one day. In any event, it might be a good idea before you go further with this get a second study. Get another study, an additional day or two to get a better idea. I'm pessimistic that there is anything other than horrible traffic. I don't see this going forward with a positive recommendation at this point.

**Roger:** I appreciate that. We have already done our traffic study. The traffic load requirements, quite frankly, I'm not sure that multiple days are going to change. All the issues have been identified.

**VICE-CHAIRMAN GAGES MOVES TO RECOMMEND DENIAL.  
COMMISSIONER SWANSON SECONDS.**

**Commissioner Vandersteel:** It's one of the situations that you look at the picture, it's a great school, and the property is the devil in the details. You've got a lot invested in this already. On the one hand it looks great but the details make it sad that it is not disclosed that it hasn't been used for much in a very long time.

**VOTE: (5-1) COMMISSIONER VANDERSTEEL ABSTAINED.**

**Chairman Meisel:** Do you have a piece of paper from the seller that states you are guaranteed a re-zone?

7. Land Use: Commercial Monument Sign with a variance for St. John Neumann Catholic Church at 5455 Bee Cave Road. (Chapter 32.03.007 of the West Lake Hills Code.) Applicant Chad Nusbaum.

- a. Staff Briefing.

**City Planner Grundman:** This is a request for a new monument sign that will not be on their property. It will be on the Village @ Westlake's property and they have an agreement for that. The rest of the sign conforms to the Code.

- b. Presentation by applicant.

**Chad is the chief ops officer at the church. We want to be able to re-install the sign at the approximate location before the right turn lane was added. In 2011-2012 there was a right turn lane in front of the Village and the church. Part of the discussion was the sign at the time the sign would have to be removed. A couple of things to note. The property to widen BC was donated to TxDot. About two years ago we investigated on how to reinstall the sign and was told no. About six months ago I made contact with TxDot and he came out and saw the situation. They said at this point the only way would be outside the right-of-way which would be 51' from the road. WE talked to the district engineer and we had luck in working through these situations. We can make something happen. An agreement between the City, TxDOT and the Village with the stipulation as BCR is widen we would relocate the sign. There are no plans to widen so we are prepared to take that chance. We met with Ashby and Robert Wood to discuss this. We decided on a way to proceed. They have approved it as acceptable. The variance is whenever we had the property, in order to terminate our entrance we had to go through the property owned by the Village. We have an easement and need a variance to install that there. We've talked with Endeavor and have agreed that it acceptable to them.**

**Asst. City Attorney Mueller:** The property owner needs to be the applicant?

**Chairman Meisel:** I think we need Endeavor here.

**Asst. City Attorney Mueller:** We need the property owner to be here to agree.

**City Planner Grundman:** TxDot is the one that would agree to be in their right-of-way.

**Chairman Meisel:** TxDOT can approve it as much as they want it.

**Commissioner Vandersteel:** Do you have anything from Endeavor?

**Chad:** I have an e-mail from Colin Bearden that they are in agreement.

**Chairman Meisel:** We need something with a signature.

**Commissioner Tullos:** Can we made that a condition?

**Chad:** Does it need to be signed by Endeavor or the property owners themselves?

**Chairman Meisel:** Endeavor.

**Commissioner Hoestenbach:** The bottom of the sign is stone or brick? Is that okay?

**City Planner Grundman:** You're allowed an 18" base.

- 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 SUBJECT TO A LETTER OF AGREEMENT BEING PROVIDED FROM ENDEAVOR ALLOWING PLACEMENT AT THE CURRENT LOCATION. COMMISSIONER SWANSON SECONDS. UNANIMOUS (6-0) APPROVAL.**

- 8. 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.

**There were comments that we needed to address before council. I know in speaking with some of the commissioners the language and that nature. Do you want to dive into that?**

**Commissioner Erickson:** Our city attorney addressed the concerns.

**Commissioner Swanson:** I was looking at it differently as far as conformity. I started typing and occurred to me to not go through this line by line. Is there a mechanism to get a subcommittee to go through

**this? If it becomes part of the city code it needs to confirm in the style. If you guys approve we can move it forward to council.**

**City Planner Grundman: I wanted to clarify to Laura, this being a recommendation board, can it be done with a subcommittee or does it need to come back?**

**Asst. City Attorney Mueller: That's not a change in the zoning board I would want to review Chapter 38 and I want to make sure I think I want to look at it.**

**Commissioner Swanson: I would like a subcommittee to submit a report that we have conditions to be able to add to get a little more authority and conditions.**

**Commissioner Tullos: There are constitutional limits on that as well.**

**Chairman Meisel: I'm hearing Sarah wants to be on the committee? Kathryn would like to join. Ashby and Laura will be there. We are going to allow the committee to draft this in detail and come back next month.**

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

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

- 9. Adjournment by Chairman Robert Meisel.

**Meeting is adjourned at 8:25 p.m.**