

MINUTES OF ZONING AND PLANNING COMMISSION
PUBLIC HEARINGS AND REGULAR MEETING
CITY OF WEST LAKE HILLS, TEXAS
May 16, 2018
6:30 P.M.

PRESENT: Chairman Robert Meisel, Commissioners Laurie Maccini, Kathy Tullos, Rhett Hoestenbach, Bill Vandersteel and Sarah Swanson

ABSENT: Vice-Chairman Les Gage

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 18, 2018 Regular Meeting Minutes.

Commissioner Tullos found a typo on page 5, under “d”, Commissioner Vandersteel said “most of the lights under the trees” but it says light.

**COMMISSIONER SWANSON MOVES TO APPROVE.
COMMISSIONER TULLOS SECONDS. UNANIMOUS (5-0)
APPROVAL.**

3. Land Use: Proposed Site Plan Amendment and Commercial Building Permit for Eanes Elementary School at 4101 Bee Cave Road. (Section 20.02.005 of the West Lake Hills Code.) Applicants Roger Mueller and Don Sansom.

- a. Staff Briefing.

City Planner Grundman: This is a proposed amendment to their site plan and a building permit to enclose a cooler. The cooler sits on existing impervious cover. They are building a little building around the cooler so it will last longer. There are no variances.

- b. Presentation by applicant.

Don Samson is a civil engineer with Urban Design Group and here with me is Roger Mueller with Fields Architects. We have been retained by Eanes School District to assist them in replacing an existing walk-in cooler that is located outside the elementary school building on the back side of the building. The walk-in cooler today looks like a metal building. It has outlived its useful life and needs to be replaced. Rather than replacing it with a similar design the district wants to do something more efficient and want to increase the size of it. It is increased 100 sq. ft. The existing cooler is on a concrete slab. No change in impervious cover and no impact on trees or utilities. The new cooler will be enclosed with a roof so it will look more like a building. Not that you can see it from

Camp Craft or Eanes School Road, it will be protected from the elements and be more efficient so there are many reasons for enclosing it. With that, we're here to answer any questions you might have about it. Roger can talk about the architecture and I can talk about the site impact.

- 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 MOVES TO RECOMMEND FORWARDING APPROVAL. COMMISSIONER HOESTENBACH SECONDS. UNANIMOUS (5-0) APPROVAL.

4. Land Use: Proposed Amendment to a Planned Development District for Trinity Episcopal School at 3901 Bee Cave Road. (Article 38.06 of the West Lake Hills Code.) Applicant David Hartman.

- a. Staff Briefing.

City Planner Grundman: This item came before you last time in March and the applicant requested postponement for the April meeting so they are back before you tonight. A little background, for any re-zone ZAPCO is required to look at few things. They are lessening congestion on the streets, secured safety from fire and other dangers, promote health and general welfare, provide adequate air and light, prevent the overcrowding of land, avoid undue concentration of population and facilitate the adequate provision of transportation, water, sewer, schools, parks and other public requirements. The current properties are zoned a combination of GUI, PDD-2 with a base of GUI and B-1. The proposed rezone would be the entire property be PDD with a base GUI. The requested PDD includes 27 code deviations, which are building height, building sizes, setback encroachments and then 19 trees with trunk diameters of 14" or greater and then the last one is they are requesting for a two-year window to apply for their building permit instead of a one-year window as required by code. In our report, we talk about the biggest item being traffic concerns. While the TIA showed little to no impact on the traffic, we believe it didn't take into account the current issues and how to resolve those. There is an e-mail on the dais from Trinity outlining some of their conversations with TxDOT and some of the things they tried to approach the traffic issue at Westlake and Bee Cave.

Assistant City Attorney Mueller: You should have received a legal memo from me about the issues. If you have any questions.

Commissioner Vandersteel: May I request that we have a moment to read this e-mail?

Commissioner Hoestenbach: Is this the same one you e-mailed to us?

City Planner Grundman: I just got it yesterday. I don't think I sent it out to you guys.

Chairman Meisel: I'm troubled this application has been pending since February and yet two days ago we get more material the night of the hearing. The public hasn't had an opportunity to review this.

b. Presentation by applicant.

Marie Kidd is Head of School and Trinity Episcopal. Thank you for the opportunity with the extended time to again present to you our school's application for the PDD. Even with the extended time we promise we will move through and address all the element of the PDD and the concerns. I will mention that at least one of the e-mails that you received was a response to questions that were asked? Is that correct?

City Planner Grundman: I think some of the pages in the TIA didn't print correctly.

Marie: They were in the soft copy but not in the hard copy. As I said before, this is to improve the delivery of our educational program and meet best practices in education. We do this for all the students. We education those in both our regular school year program as well as the underserved students that our summer outreach program partnership with Rodriguez Elementary School and the Austin ISD. I would like you to quickly remind you that Trinity is completely committed to the K through 8 model and believe our school has reached the optimum size and provide a strong educational experience for students and still support a connected community. We have no intention to build a high school or to increase our enrollment to the addition of sections of students. We require additional spaces for our students to address the needs for programs we want to deliver to our students. After reading the City staff report we recognize that traffic continues to be the biggest hurdle for this project. To clear the record of the last meeting, where it mentioned we were reluctant to make any traffic changes, I want you to know that I had come ready that night and offer a voluntary right hand turn and following the traffic report and fortunately our time ran out and the session was closed. We went back to school and I wasn't able to make the offer. But we did go ahead with our plans for the voluntary restriction to a right hand turn only during afternoon carpool which was established on Monday April 23rd. We had to follow a variety of things. We had spring break and we had to notify the parents to make the change. We were hoping to bring data to you at this meeting. Within just days, we caught the TxDOT. They arrived one afternoon and we were told immediately to stop right hand turn restrictions so they could test new timing for the signals in order to address the Westlake backup. We understand City Manager Robert Wood heard recently from Ryan McCabe of TxDOT that the adjusted timing of the signal appears to be helping with the back log on Westlake Drive. You will hear more about this in a moment. In preparation for tonight, we have been diligent in our review of Article 38.06 which governs planned development districts. I believe you will find documentation in the binder before you. Finally, we appreciate the wisdom and insight we have received from the BDC and ZAPCO

processes. We are presenting here what we believe is a better modified proposal based on the input. Thank you. I'll turn it over to our other presenters.

Dale Blankenship is the Director of Facilities and a coach at Trinity. I'm talking about traffic and parking. Early in the process we were asked to provide a traffic analysis. That was provided by Big Red Dog Engineering. The first time that we asked them to run that analysis, they came back and said we provide less than 2% of the traffic. That's not our issue. The issue came back that traffic flow is our problem. As per your request, we did another analysis and the main thing that came out of that study was that traffic could be improved by signal changes. After doing this study, we decided to take pictures of the intersection because what tells a story better than pictures. Note the time and date that is right in the middle of the afternoon pickup on a Monday, February 5th. A few things to note here. All the East-West traffic blocking the intersection, a big backup on Westlake Drive. A blue car playing chicken with a gray car. That blue car is trying to turn north. If you notice the light is green. Nobody can go anywhere because we basically have gridlock and the gridlock is caused by the backlog that is happening from Westbank coming back all the way through the intersection and people are trying to get through. It was posed to us in a meeting we are the big cause of the problem. I took it upon myself to go watched during the day and we still have, notice the time, a big backlog on Westlake Drive, we still had a little bit of backup but wasn't as bad. We do admit that we add a little traffic problem in the previous configuration of the lighting. There still was backup even when we weren't in session. We do want to help. We do want to partner with the city but we took it upon ourselves to replace the cones. Two days later TxDOT asked us to remove the cones so they could make their changes and do their own study. A few observations we had after watching those two days, we were putting extra traffic into that backup trying to go to Westbank already because nobody could turn left or go straight. In addition to that, our parents were having to go out our Camp Craft exit to try and go north on Camp Craft and eventually go West on Bee Cave Road. That was adding to the Camp Craft backup. Our neighboring businesses immediately to our east, just that one hour, they didn't have a way to go west very easily. They were forced to go either through our property which added to Camp Craft backup or they were forced to venture out to one of the most dangerous intersections in Westlake and go west. It was very dangerous. As you know, TxDOT made their changes. They added 10 more seconds of green for the north and south both ways which allowed Westlake Drive traffic to clear out. They also allowed left turns on Westlake going north a little more time. I don't know exactly how much time they had but they did add some time. After they made their changes they basically assured us they could fix this problem. I was hoping to get into a meeting with TxDOT. We're still kind of hoping to hear what came out of those meetings. This will go in phases. We're not planning on building this all at one. We have to fundraise. The community building and parking lot first, Phase One. TxDOT is scheduled to finish their project the fall of 2019. For us to start, we need fundraising and the whole permit process for the building permits. We don't see us being done before TxDOT. In addition to that, we are taking roughly 1/3 of our traffic away from that intersection. It

will go out 3 exits. One last thing, I went back, I'm not sure what e-mails you received, but after TxDOT made the change I went back and starting taking pictures. I have more pictures. What I'm not trying to do, is take one or two specific pictures. I took probably 20 pictures during that one hour and it shows the traffic flowing well or non-existent. This is Monday, May 14th, that same time, no traffic. TxDOT made their change between 3:00-4:00 and it cleared out the problem. It cleared out all the traffic on Westbank, it backs it up a little bit here. I went ahead and stayed the same day and took pictures at 3:20 to 3:52 that day. Westlake was the biggest backup. We were through with most of our traffic by that time that day. We understand you will make a recommendation and we will follow it. The parking, this is an aerial shot and it shows an existing faculty lot that has 57 spaces. This is the existing office space and the new building, all of this is existing. This is where we're putting the new lot. We are removing 57 spaces and build a 42 space lot and cognizant of the trees and didn't want to take out too many trees. I want to show you a few things. We're not adding any existing curb cuts. We're adding an additional 1000 feet for our parents to drop off and pick up every day for cuing space. We need this lot to make the cuing work. We can't allow people to come in and park and drop off when we are cuing people. It helps us manage the overflow. We don't want to be out on the streets. Over our entire site including existing property and Westbank property, we have 279 spaces. After construction, we will end up with 256. 169 is all we need but that is not sufficient for daily purposes. We need 200 spaces. We have to have the ability drive in, park, visitors, we have faculty, we have vendors that come on site and need the parking for the daily use. In addition to that, we have 25 events every year, plays, musicals where we need all 260 spaces in addition to that we need more than that. We have to go out and partner with Eanes Elementary, Elsass and they let us borrow spaces. It happens on a regular basis. Again, the goals that we have we want to make sure we have efficient pickup and drop off every day. We want to stay out of green spaces. When we go over that number that we currently have, we have to park on our field and under trees and we know that's not a good thing to do. We are going to have graduation on the same day on the 25th. We want to add more capacity so we can all use it.

Chad Johnson. I am joined by Matt Dawson. Our teams have worked together on the evolution of the campus dating back to 2002. We gave an overview of the overall plan. We wanted to focus on the 9 specific terms of the PDD. If you could refer to your binder under at Tab C - Code deviations. C1 is community building area. We are requesting 32,000 sq. ft. to combine athletics and fine arts into a single building and limit impact on trees on that parcel. Diagram that Dale shared on 1.2, we outlined we are placing the majority on an existing area to limit to have as little impact on the trees. What could be two buildings we are putting in a condensed building with the look of two buildings? Item C2 is the Cave Centers Building. We are requesting a building of 22,000 sq. ft. to be used for library, maker space labs and IT support for all grades. We are condensing the sq. ft. for their programs. We are needing a larger space so we can keep it more compact and no do a small separate building that would have to be separated. If you look at the drawing after C2-2 the Blue House Hall is planned to be demolished and be

replaced with a new inner garden with two buildings and the Cave Centers Building to the south. We are using the footprint of the area and using that same footprint to provide two buildings and the playground to the center so we're trying to keep it compact. The third is C3 the Community Building height, we are requesting a height of 34'6" for a small portion of the gym required for volleyball, mechanical and structural depths which goes with the gym. 85% of that roof area is within compliance with GUI zoning. There is 50% of that roof area that effected primarily by the duct area work for the gym that's where we're getting beyond that 30'. We are keeping the height as compact as we possibly can. C3-2 shows an overall view of that building. 15% of the building is above 30' which is the gym area on the east side of the building. We looked at the massing of that building as compared to the existing building; see that on C3-5. We have a rendering of a proposed building and not a sloped roof. Item C4 height 31'6" to have two floors of academy space. We have 98% within the compliance of the 30'. One corner drops down 3' lower than the first floor. We can't make it all to that corner. That corner is facing into the campus and not out. Item C5 is the building setback. This relates to Lot 2 that Dale pointed out where faculty parking is. We want to define that parking as a side yard setback. It has a frontage would be to Bee Cave Road. There had been an overlay that lot which is internal has a side yard 20' and normal 50' front yard setback along the entire frontage of Westbank Drive. The next is C6, a shade canopy in the setback. We are requesting that an accessory open shade canopy be provided along the north edge of the fire lane that connects the Community Building to the existing campus to provide shelter from sun and rain. Trinity has reviewed this design with the property owner immediately north, you'll see in your binder that property owner, Eric Johnson, has provided a letter of support and reviewed the location of that canopy and his in agreement and provided a letter of approval. C-7 is a housekeeping issue that we are doing. We are combining all the properties together as one lot. We are asking that all the internal property lines be removed with the PDD because all those will be viewed as one property and there is a graphic of that on C7-2. C8 revolves around the tree removal and replacement for the project. Trinity is a very densely wooded site. It includes 100 trees greater than 14" or larger, not including all the trees that haven't been surveyed across the creek to preserve the natural look of the site. Any development impacts trees. We have tried to limit the effect on the trees on the site. We have requested removing 19 trees that are greater than 14" in diameter and replace these inches with new trees on the site. The design that we have put together with the 14" trees along the right-of-ways and the buffer zones between adjacent properties to overlap existing building footprints and try to limit the impact on the trees.

Matt Dawson is the landscape architect. Refer to the diagram on C8.4, I want to talk about mitigation. We did take a lot of time and walked the site. We made sure we can mitigate all the trees that are being removed and we can place them on site. I also wanted to mention, if ZAPCO prefers or if you guys are interested, that Trinity would be willing to give a portion of the mitigation to the tree fund if it would be better to the community, if that is an option. The tree protection in the construction zone will be protected with fencing and all the standard practices there. I

wanted to add we are preserving 81 of the 14” plus trees on the site. There are more than were not surveyed. We are preserving a lot of them. In the lower parking lot, the original plan you saw we were proposing 8 of those trees. After talking to you guys and getting your comments, we redesigned and are only removing 3 of those. That is a reduction of 63%.

Commissioner Swanson: So is that toward Westlake? On Westbank toward Westlake?

Commissioner Vandersteel: Yes.

Matt: The previous plan we had the removal of 9 trees and we reworked it several times and we’re only removing 3.

Commissioner Vandersteel: Is that from the previous plan?

Matt: This is the current plan. Further in the packet there are several pages of photos that show the quality of the trees that we are preserving. We did take a lot of time to walk the site and look at everything there. It’s a really nice campus and we want to keep that aesthetic and preserve as much as we could.

Chad: The last item, C9, that’s the extension on the normal PDD that allows for one year effective period, and due to the school, we need to have a capital campaign and fundraising and not have to come back through the process again to ask that be extended to two years. We need the time for fundraising before we start.

Marie: In closing in your binders you have letters of support for our project from the community and from businesses and residential as well as Trinity families that reside in West Lake Hills. Trinity strives to be a good member of the community and partnering with our neighbors sharing parking spaces when we all have big days, committing to preserving the greenbelt at the back of our property as a nature preserve and outdoor classrooms and working with TxDOT and the city to improve traffic and offering support of the replanting Bee Cave Road. We are happy to answer any of your questions now. I’m the final speaker.

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

Alan Smith is here in support of the Trinity PDD. I’ve been involved with Trinity for the past 17 years as a parent and trustee. In that period I’ve been involved in building projects brought before ZAPCO and the City of West Lake Hills. It has always been my experience the City and Trinity have been working well together on other projects and have been good partners. Trinity has helped with traffic when requested by the city to extend our turn lane on Camp Craft Road on that entrance as well as implementing right turns during the morning drop off. Those were requests by the City. After the project was done when it was determined and all we asked is that we put up the signs and that the West Lake Police Department enforce it just to get that snap effect on getting the parents even though you notify one or two tickets and it goes through the system

and you're done. We also worked with the City on the sewer hook-up when we built our field. We built a sewer line where Texas Capital Bank used to be over behind Breed Hardware in that shopping center. We paid for the line and included taps all the way over because the city had run short on the sewer project so we jumped in and did that. Our families continue to bring Westlake merchants additional revenue which of course result in additional sales tax revenue to the City. We've got letters from Honey Baked Ham. They value the Trinity community being there. We've been great neighbors. The majority have sent letters in support for our PDD. Even as I was coming over, Westlake High School was having a big event and they are using our overflow right now as we speak. In closing, I would ask that we continue to be good partners and look forward to in the future. We need to build bridges and not walls and working with TxDOT to get the light signals right. Eventually as I understand, when Camp Craft is final done. Finally I'd say that we want Westlake to be able to say that anyone that looks to move to Westlake we have the best public and private schools in the country. Thank you for your time and allowing me to speak.

Chairman Meisel closes the Public Hearing and reconvenes the meeting.

d. Deliberation and action.

Commissioner Vandersteel: A couple of things; this general comment this was very well put together. The trees you are removing, which ones are Oak on the plan? That's the only detail I have. In looking how we're going to go forward in this meeting, should we discuss how to look at the individual variance requests and discuss each one? Traffic and general topics and how to go about this.

Commissioner Swanson: I have one other idea. I'm wondering if we ought to be talking about the changes proposed or the current PDD separately from those on the properties that are being proposed be added to the PDD, because they involve such different issues.

Commissioner Vandersteel: That's how it is now. The new property will be added into it.

Commissioner Swanson: If it's added, if the applicant is allowed to do what it is proposing.

Commissioner Vandersteel: But that's what we're here for.

Commissioner Swanson: No. If we do it that way, we'd be talking about all the tracts as if they had already been added to the PDD. There are very different issues for the different tracts. But, we can approach this different ways. I'll be happy to do it your way.

Commissioner Vandersteel: I was just thinking that we have the existing PDD, then we have this new lot added in. I'm thinking what this application is about is about making all lots into one PDD.

Commissioner Swanson: And then talking about the items in the PDD.

Commissioner Vandersteel: I'm a little confused about the PDD2?

Commissioner Swanson: I'm also confused about why we're using PDD when it has always been PD.

Assistant City Attorney Mueller: So, on the PDD2, Commissioner Swanson said that's the current PDD and only covers one project. The PDD is the district. The PDD is the type of land use we're talking about. That's why there are two different.

Commissioner Swanson: The Westbank tract versus the current PDD?

Assistant City Attorney Mueller: Yes. There are two different tracts. They are not the same piece of property, but they are trying to zone them all one district to a Planned Develop District.

City Planner Grundman: It's an amendment to that.

Assistant City Attorney Mueller: It's not legally pertinent which way we go with that.

Commissioner Swanson: It's drastically pertinent with various things.

Assistant City Attorney Mueller: You could do the whole lot as PDD2.

Commissioner Swanson: Why don't we move forward with Bill's proposal? I think it's a good way to do it.

Commissioner Vandersteel: You made a great chart of their variance requests and proposal. I saw the staff chart in the Staff report Page 3 of 20 is where it begins. They divide it into 9 sections, of course we have a ridiculous number of variances because 19 are trees. The first one they are talking about is the building sq. ft. for the community building and they ask for maximum 40,000 per building but the code allows 32,000. My question is why? I went through the materials and it was clear to me, make it one building but look like two buildings. I think that is a reasonable way to accomplish a goal unless I'm missing something about the 20,000 sq. ft. limit.

Commissioner Swanson: You might be missing something. One thing missing is need. This is a school of approximately 540 kids max. Is that your cap?

Marie: Currently 534.

Commissioner Swanson: Your expected cap is what?

Marie: We don't have a cap. We have a limitation in terms of the buildings we have. We have 3 sections.

Commissioner Swanson: Let's go back; what is your current number again?

Marie: 534.

Commissioner Vandersteel: Part of the application you've made has to do with uses and the number of students and you made clear that you would not exceed this number of students and that's written into the ordinance.

Commissioner Swanson: So you're not capping?

Commissioner Vandersteel: But if the number of students is part of the ordinance.

Commissioner Swanson: But they're saying that they don't want it.

Commissioner Vandersteel: But if it's written in a document and we all sign it, it's a legal document. Am I mistaken?

Commissioner Swanson: I think we're used to looking at hardship. We've been told that we can use our own standards, but I would guess that most of us will be using hardship or need as our standards. You've got a school with 534 students and they already have a very, very large gym. Most of the kids are K-5 students, who won't be involved in serious team sports. Only a small percentage of Trinity's students are middle school students (about 180 students), who are an age when some kids tend to be on teams that meet frequently. If you look, for example, at Hill Country, it has 2 gyms which serve 1070 middle school students and it has great sports programs. When we look at Trinity's need, I personally don't see it. Based on the number of class periods and the student population at Trinity, I don't see a need.

Commissioner Vandersteel: My response, I don't know in a case like this, somebody comes in here and we don't have requirements. We do have a 20,000 sq. ft. GSF minimum. This issue that we are talking about in this particular case. In the analogy if I'm building a house, it's too big but you have to have a large living room, are we in a position to redesign their house? No, you can't build one big building instead of two?

Commissioner Swanson: If they were talking about building within the parameters, and without so many trees being taken down. One of the things about this project that's occurred to me, I've looked so many times at your plans. The current front setback on Westbank, would it be allowed if you rebuilding under the current standard? What is your current setback? You're talking it back to 20'?

Commissioner Vandersteel: That's a different situation.

Chairman Meisel: Let's get back on this issue of this building that is double the allowable size in West Lake Hills.

Commissioner Swanson: One last comment; I think when people buy property in West Lake Hills they do not have a legitimate expectation of getting it rezoned. I think that goes for anybody. I also think that we can tell from things that have happened over the last year that the citizens of West Lake Hills do have an expectation that the city won't allow more intense development of commercial parcels that would be allowed under the current zoning. I think we can tell that from the responses to the proposed PDD on

the west side of the School Yard office building. The people of this city have made it clear that they don't want to see commercial properties developed more intensely than the currently zoning allows. That is a really big building. From the drawings, on the Westbank side, it looks like a big box store. We I was reviewing the plans, and people happened to be at my house, I asked them what they thought this was a drawing of. The answers were, "World Market in Sunset Valley, a Home Depot..."

Chairman Meisel: ...Best Buy. Again, a proposal to double in size. The city has a value on minimization and not having giant structures. There has been no substantive argument that there is any hardship that compels for these buildings. We have one of 20,000 and 16,000. That will be fine. I would say as to Item one, I propose a recommendation of no.

CHAIRMAN MEISEL MOVES TO RECOMMEND ON ITEM ONE, NO. COMMISSIONER SWANSON SECONDS.

Commissioner Maccini: As a community building, part is a gym and part is fine arts for theatre?

Marie: Like a black box.

Commissioner Maccini: If they were to split it up, would they have to conform to the building in the setbacks? Just fire code only.

Commissioner Swanson: And you might save the trees in the process.

Commissioner Vandersteel: The functions are distinct from one another to an extent. I think they have a good point. It almost seems like separate buildings.

CHAIRMAN MEISEL: WE HAVE A MOTION TO RECOMMEND DISAPPROVAL OF THE 32,000 SQ. FT. BUILDING. (2-1-2) ONE OPPOSED AND TWO OBSTAINED. (COMMISSIONER VANDERSTEEL AND COMMISSIONER MACCINI).

Assistant City Attorney Mueller: We can add conditions.

Commissioner Swanson: We're talking about items first. We'll get to that later.

Chairman Meisel: When we make a recommendation on the whole thing, we can make it subject to these requirements.

Commissioner Swanson: Our adding this into the PDD we think the applicant needs to take this information and come back in a year.

Chairman Meisel: We've made a preliminary decision as a no on the 32,000. Next item is the K-8 Center. Again, an oversize building. Same arguments.

Marie: The spaces we are using are common and also libraries and IT space and art studios all in this single building.

Chad: There are floorplans.

Chairman Meisel: What we are talking about is design convenience. I've been on this commission since 2005 and I have never seen a design come it that says we need to go six feet into the adjoining property line. The only line designers respect are property lines and our requirements for size, setback is just a matter for negotiation. I for one think we need to get a lot stricter on this. I think that is the first rule is go look and what the boundary lines are in the sky, etc. And to come in and say you have the rule.

CHAIRMAN MEISEL MOVES TO FORWARD RECOMMENDATION THAT ITEM 2, THE 22,000 SQ. FT. BUILDING NOT BE APPROVED. COMMISSIONER TULLOS SECONDS. UNANIMOUS (5-0) APPROVAL.

Chairman Meisel: Item 3 is the height on the gym. This is the second gym. It appears the argument is based on the grade?

City Planner Grundman: It's related to the duct work of the building.

Commissioner Swanson: Since we've already said no the building size?

Chairman Meisel: It's an element of their proposal. The height on the gym, I've looked up the 23' clearance, the designer added 1' for equipment and again, this is a design driven thing. The height I'm not clear why, you may need to go a little deeper in the ground.

Commissioner Vandersteel: Two aspects, the building mass over an entrance and is an extension upward, that particular part is a design thing.

Chad: Drawing 3.2, the orange is the 30' above, green are allowed to be above. The areas that are seen coming through is higher than the 30'.

Commissioner Vandersteel: The little things look like mechanical equipment to me. That is part of the mass over the entrance. It doesn't need to be at that height or be there at all. The other component of this, one side of the building is the gym, the other side is two levels of rooms. I'm trying to figure out the 24' requirement of the gym is? How did we get the height out of that? That seems excessive.

Chad: The breakdown on C3-4, the need for height for volleyball and basketball equipment. The primary duct line and the 6' truss that goes across that area. We're adding this from the 23'.

Chairman Meisel: All this wouldn't be a problem if it was lower.

Chad: We're trying to keep an accessible approach.

Chairman Meisel: We're a couple of ramps away from having this low enough that the height will cease to be the problem.

Commissioner Vandersteel: Where the entrance is one of the lower points of the grade. That's where the first floor is. That canopy over the entrance is purely aesthetic.

Dale: If we drop the entire building, we wouldn't be able to get in the north end which would be for shipping and receiving. We'd add to impervious cover and we'd try to get in the north side and access the south side.

Chairman Meisel: This is the community building?

Commissioner Tullos: That applies to the amount of space for the trusses.

Chairman Meisel: When you're confronted with a design situation you have to come up with a way to a challenge. We need to get the building down or re-engineer the trusses. I am not an engineer.

COMMISSIONER VANDERSTEEL MOVES TO FORWARD RECOMMENDATION TO NOT APPROVE ITEM 3 FOR THE COMMUNITY BUILDING HEIGHT. COMMISSIONER SWANSON SECONDS. (4-1) COMMISSIONER MACCINI VOTES AGAINST.

Item C-4, K-8 Building Height

Commissioner Vandersteel: In the previous building, you had a 13' floor in classrooms, in this one you have 14'. There is a library going in here. I was wondering if maybe one floor was 13' and one was 14'. I don't know the difference for one height versus the other? You could reduce the height by a foot.

Chad: The use on the first floor are locker rooms that don't need a ceiling. The black box, we could leave the ceiling open. That's the difference between the Community Building.

The hardship the grade on that corner that pokes up is because that building on that one corner has a drop off we got the building within the 30'. We're talking about an area of 2 rows of chairs here just to put it in perspective.

Commissioner Swanson: I'm confused. I thought Laura told us we could choose our own standards for assessing whether an allowance is warranted for a PDD? So we haven't been given the existing standard. Of course, I think any of us would at least be using need, if not hardship.

Assistant City Attorney Mueller: You use the standard that is in the Zoning Code and then you decide how to apply it. But it's a statutorily required hardship.

Commissioner Swanson: Thank you.

Chad: The WAC has a PDD approach, when it went through it was viewed as a need and not defined as a variance.

Chairman Meisel: This isn't it. Nevertheless, we learned something from that experience.

Commissioner Vandersteel: In terms of the K-8 of the building, the 31'6" is that for the top of the roof of pertinence?

Chad: That's not included. It's a very small corner of the building. The current building is above existing grade.

Commissioner Vandersteel: I'm going to point out to the commission, requesting 31'6". That sounds like they are penetrating a very small portion.

Chairman Meisel: There are other solutions of variances of grade.

Commissioner Vandersteel: It goes back to your initial comments. It's written in the code, stick to it.

COMMISSIONER SWANSON MOVES TO FORWARD RECOMMENDATION TO DENY ITEM 4 BASED ON NON-CONFORMING TO BUILDING STANDARDS BY EXCEEDING HEIGHT. COMMISSIONER TULLOS SECONDS. (3-2) COMMISSIONER HOEHSTENBACK AND VANDERSTEEL OPPOSED.

Setbacks; Item 5.

Chairman Meisel: It is a valid point. They are entitled to some relief there. That is a flag lot and is subject to a 50' setback. On flag lots you have to measure the setback where it reaches its maximum width. Since we are pushing these lots together anyway.

Commissioner Swanson: I HAVE ONE QUESTION. The applicant has a sense that it may not be able to use the property purchased on Westbank the way they had intended, and they would not be the first applicant we have seen over the course of the last year and a half who, upon learning that they couldn't do what they wanted to do, put the property up for sale. And so I wonder, if we agree to this setback, will that convey with the property if it is sold? That said, generally, I don't have an issue with it.

Commissioner Vandersteel: That particular lot line, C5-1. There is a misinterpretation from the street line.

City Planner Grundman: Our ordinance says it is a front setback. If a side it would be 25'.

Commissioner Swanson: What is the current zoning on that portion of the property? Is it GUI?

Chairman Meisel: You're asking for 20'?

City Planner Grundman: If treated as a side, it would be 25'.

Commissioner Swanson: Setbacks is 25'? If that is what the zoning would be, that seems fair.

Commissioner Hoestenbach: Obviously 50' is over the top. 20' is inside anything else we'd allow. 25' is more reasonable.

Commissioner Maccini: Where is the parking?

Commissioner Vandersteel: Is that an open space to the south of that line?

Chairman Meisel: Why 20' instead of 25'? Is that for the new building?

Chad: A covered walkway on the north side of the building.

Commissioner Vandersteel: We're not talking about the covered walkway in the setback. We're just talking about the setback itself. What I'm looking at right now, it doesn't have any impact of what you're building. That's not what we're talking about.

Chad: The 25' does not affect the building itself. The extra 5' is a covered walkway to allow students to go from the main entrance.

Commissioner Swanson: So you're fine with 25' more or less?

COMMISSIONER VANDERSTEEL MOVES TO RECOMMEND APPROVAL OF ACCEPTING A 25' SIDE YARD SETBACK AND NOT 20' FOR ITEM 5. COMMISSIONER SWANSON SECONDS. UNANIMOUS (5-0) APPROVAL.

Item 6; the shade canopy.

Chad: On the lower side of the fire lane connecting the community building.

Chairman Meisel: That's in the 25' setback?

Commissioner Swanson: Until we know what they will need a walkway to, I think that is premature. I think if we had a different plan for the new property, that would make a lot of sense, for there to be a walkway, but at this point we don't know what they are walking to. We've had other applicants this last year thought we really can't do what we thought we could do here, and they sold their property.

Commissioner Maccini: You could argue it goes to the field. The neighbors are fine with that because we got letters.

Commissioner Vandersteel: The worst thing that could happen is they don't build it.

Chairman Meisel: We have communication from the neighbors that have no objections. We also have 3000 members with whom we have not heard who are relying on our ordinances be enforced. Again, the location of this, it lines up with the new building.

Chad: It's on the north side of the fire lane.

Commissioner Swanson: Can you move that?

Commissioner Maccini: Here's why I'm good with it. Having children, if you're caught on the field kids are on the field, as a safety concern you would have to go back to classrooms or at least under a canopy. To me it is a safety issue.

Commissioner Vandersteel: That seems reasonable as a hardship.

Chairman Meisel: What I'm seeing on this drawing, if the walkway was on the south side of the fire lane, it would be out of the setback and closer to the field.

Marie: There is a drop off down to the play area.

Chad: The fire lane is to be used for emergency and that needs to be 14' to allow emergency access.

Chairman Meisel: We do have elevation. Stairs go down to the field?

Marie: There are several drops down to the level.

Dale: Possible ADA issue if we move it to the south side.

COMMISSIONER TULLOS MOVES TO FORWARD RECOMMENDING APPROVAL IN THE SETBACK. COMMISSIONER VANDERSTEEL SECONDS. UNANIMOUS (5-0) APPROVAL.

Item 7 to ignore setbacks –

Chairman Meisel: That's a no brainer. I suggest we approve that.

Commissioner Hoestenbach: It doesn't affect any setbacks that are not a part of the PDD.

Commissioner Swanson: It looks like it goes all the way up to the neighbors to the south.

Commissioner Vandersteel: I had the same confusion.

Chairman Meisel: We are not re-subdividing to merge the lots, we are treating them as though they were.

Commissioner Swanson: We're not doing anything to change the setbacks?

City Planner Grundman: They are accurate with the code.

COMMISSIONER VANDERSTEEL MOVES TO FORWARD RECOMMENDATION TO APPROVE. COMMISSIONER HOESTENBACK SECONDS. UNANIOUS (5-0) APPROVAL.

Item 8; Trees

Chairman Meisel: I'm troubled by the presentation for the trees.

Commissioner Vandersteel: C8-2. That helps. It shows which will be removed and what is remaining.

Chairman Meisel: It's not tied back to the tree survey. The tree survey tells us what is there.

Chad: The full size is L1 and L3.

Commissioner Vandersteel: My concern, the redesign may affect what you're removing. I'm a little hesitant to comment or want to make a motion specifically about the trees.

Commissioner Swanson: It's not ready yet. I agree with you.

Commissioner Vandersteel: Some are large cedars. Given the size of the whole campus, I think the request is reasonable in terms of the number and type of trees. What happens in the next moment of looking at this?

Commissioner Swanson: I feel it's a whole lot of trees. Another owner might look at it differently.

Chairman Meisel: This is going to be tied to this.

Commissioner Vandersteel: When you look at the entire parcel of 21 acres, it's really not that many trees. There are a lot of trees that aren't being taken way.

Commissioner Swanson: When you are adding a new phase to a PDD, you are supposed to look at preserving natural areas. The ordinance does say that.

Chairman Meisel: Are you saying we should deny that?

COMMISSIONER SWANSON MOVES TO FORWARD RECOMMENDING DENIAL ON NOT APPROVING OVERSIZED BUILDING SO WE NO LONGER HAVE A REASON THAT THESE TREES NEED TO BE REMOVED.

Commissioner Maccini: I have trouble cutting that many trees. Commercial or residential, one of the problems in our community we get to monitor and we got oak wilt and it is probably too soon to be talking about what is being cut down. I would strongly urge you to have a variety of trees. I don't see where people have replaced trees and it dies and no follow-up of replacement because they are all dead. I appreciate a variety of trees and plants that are native and our region specifically and not tropical.

Commissioner Tullos: I have concerns in two areas: One, I'm trying to figure what trees are in buildable areas which is what you were talking about. Assuming the new parking lot sits as is, you could shear off a few of the spaces and keep the trees in that space in that lot. Those are two things that I noticed on 8-2.

Commissioner Vandersteel: I was going to recommend in looking at these drawings, we have an attitude of taking down this type of tree instead of that kind of tree. Cedars are not native. In terms of replacement trees. You've done a good job of making it clear.

Commissioner Hoestenbach: When we're looking at the PDD, I really didn't view this project as I would a residential variance. I was focused on the master plan. What troubled me most was the trees. We're supposed to preserve the natural environment. I agree with Bill that we are probably going to less

heartbroken about a cedar than a Live Oak. You can see there may be a way to reconfigure around the variance trees. I understand the ones in the middle of the building. Sometimes those have to be cut.

COMMISSIONER HOESTENBACH MOVES TO FORWARD RECOMMENDING DENIAL OF THAT PARTICULAR REQUEST BASED ON NOT COMPLIANCE WITH THE MASTER PLAN.

Commissioner Vandersteel: Is this something we deny or shelve because the situation isn't clear as to what is going to happen?

Assistant City Attorney Mueller: These are the conditions to whatever recommendations, whether you recommend approval of the PDD with the conditions and that these items not be a part of it. Or you recommend denial of the whole PDD and those are your concerns. That's kind of the way it will be phrased.

Chairman Meisel: We're not making a recommendation on the trees because we don't know how this is going to shake out.

Commissioner Swanson: I would rather a recommend denial based on the number of trees being removed.

COMMISSIONER TULLOS MOVES TO FORWARD RECOMMENDING DISAPPROVAL ON ITEM 8. COMMISSIONER SWANSON SECONDS. UNANIMOUS (5-0) DENIAL.

Two year extension to take out building permit

Chairman Meisel: No harm, no foul. I don't want to see them in a year for an extension.

COMMISSIONER VANDERSTEEL MOVES TO FORWARD RECOMMENDING APPROVAL THE REQUEST FOR THE TWO YEARS. COMMISSIONER TULLOS SECONDS. UNANIMOUS (5-0) APPROVAL.

The whole PDD

Commissioner Vandersteel: I looked at the drainage. I looked good to me but I don't know if we need to talk about it.

Chairman Meisel: We're hired engineers and they have blessed it.

Commissioner Vandersteel: The packet was clear and informative. Traffic was not. It was badly written. When they changed the timing, they didn't at Westbank, only at Westlake Drive?

Dale: He made them at that intersection (Westlake & Bee Cave Road).

Commissioner Swanson: I had a talk with TxDOT.

Dale: I went back to Mr. McCabe and he said he made changes around the area.

Commissioner Swanson: They've clearly made some changes that have improved traffic flow on Westbank. It's the first time in many years that, after dropping off someone at Westlake High School in the morning, it's possible to almost drive up to the light at Walgreens, without having to wait in a line. But, it's actually harder now to get off of Westlake Drive in the morning. So they are still changing it?

Commissioner Vandersteel: The traffic analysis, I am concerned about we are in the middle of Bee Cave Road construction, we can't predict that is going to happen.

Chairman Meisel: I agree the traffic analysis it is opaque on a good day.

Dale: There is a new sheriff in town. There was a gentleman on the 25th did the changes for us. He's very open to making changes. Create a good relationship with him. He's a great guy.

Chairman Meisel: We're in your debt for getting that going. That is appreciated.

Commissioner Swanson: Are we going to be making any recommendations regarding traffic? It's very dangerous when you are trying to make a left hand turn on Bee Cave.

Chairman Meisel: I don't know we have the information.

Commissioner Swanson: I think in another year we would be able to say whether it's working so well.

Commissioner Vandersteel: Let's look at the overall thing here. We have a property that has frontage on three streets (Camp Craft, Westbank and Bee Cave). If you say close two and only use one, that's going to be a disaster. There's really not a whole lot you can do.

Commissioner Swanson: I do think you're going to have to have a right turn only. Based on what we know, as far as the ingress and egress on the Westbank side, that should be a right turn only.

Commissioner Vandersteel: I believe what they have created is a longer cue line. You've added a cue line which they didn't have before inside the property.

Commissioner Swanson: They've never been used. They don't know.

Commissioner Tullos: I have two comments, page 45 gave me a great laugh because the recommendations for getting dwell time was to tell parents not to show up until after dismissal. West Lake Hills apparently has its own separate constitutional right. That one just made me laugh. The serious comment, this is in a couple of places in your report, I too found it very confusing to be honest with you. And I've actually read a number of these in my professional life. In a couple of places, the recommendations for improvement measures as a result was to wait for the completion of the TxDOT project. This is just my confusion. They kept saying this has minimal impact but we should wait and see. I saw a disconnect there and couldn't figure out how that report could say that.

Commissioner Vandersteel: That's not how I heard it. What I heard was, there was a traffic situation. It doesn't appear that Trinity is a major contributor to the problem here. The traffic situation that is around Trinity might be solved by the construction and signaling whatever contribution Trinity makes will seem very insignificant at that time. That's how I read it.

Commissioner Swanson: Let me give you a little real world experience, if I may. I've lived in my current house for over 12 years and we have known dozens of people who have had kids at Trinity. I have tended to know, ahead of time, the days when EISD was in session, but Trinity wasn't. On those days, in the afternoon, I could leave my house later than usual, and be able to drive right up to the light at Westlake Drive and Bee Cave, with no waiting. And that has been true for 12 years. So in spite of what someone's study shows, the real impact of Trinity traffic on Westlake Drive traffic for the past 12 years has been that substantial. I would leave my house later when Trinity wasn't holding classes, because I knew I wouldn't be stuck in traffic.

Commissioner Maccini: Living on Reveille, I'm starting to accept that's the way of life in West Lake Hills. We can't control traffic on Bee Cave. I understand what you're saying.

Chairman Meisel: As to the PDD, we're looking inside. They have done the analysis and we have our concerns. Whatever the TIA says is immaterial relevant to the amount of mischief by TxDOT by turning a dial on their timers. Always in every situation we want to look at the simplest response. As long as their student body is capped at 540 students we can look to TxDOT to help us with our traffic.

Commissioner Swanson: When you're on Westbank, I don't think so.

Commissioner Vandersteel: Because it empties into Bee Cave Road.

Commissioner Tullos: Light timing doesn't solve cuing issues. Some want to take a left into the proposed entrance into the pick-up area. Some people are trying to take a right. You've got lines of cars on both lanes on Westbank.

Chairman Meisel: We have jurisdiction on Westbank. We put up our no left turn signs and we set our police officers out there to enforce it that stops it.

Commissioner Tullos: Does that have to be done now or can that be done later?

Chairman Meisel: That can be done anytime.

Commissioner Hoestenbach: Going back to the Master Plan, I didn't hear anything or see anything in the packets that Trinity was the problem for the traffic. As far as the traffic thing is a part of whether we want to recommend approval on the PDD. I'm not really prepared to make that recommendation to council. One of the things we need to consider is traffic calming. I'm not sure if it's making it any worse. It's just one part if we want to make a recommendation on the PDD. I didn't hear anything that we need to make any additional recommendations.

Commissioner Swanson: Let me ask Ashby. You made this recommendation. Based on what you made, can you talk to us about that? A recommendation to make the entrances and exits right turn only?

City Planner Grundman: It seems like a way to help alleviate some of the buildup. If everybody is turning the right out the parking lot whether it be on Bee Cave Road or Westbank, it alleviates a lot of the backup.

Commissioner Maccini: People are making U-turns on Bee Cave Road. People are people. I know that a solution is coming with what they are doing with Bee Cave Road. I know they are dedicating turn lanes so we can hope in the future that we have dedicated signals at Trinity that will mitigate problems. We are creating the situation that would cause that to happen.

Chairman Meisel: That is a law enforcement issue.

Commissioner Vandersteel: A lot of people existing the Village onto Bee Cave Road go down and make a U-turn because they don't know there's another way out.

Commissioner Hoestenbach: There's also an argument that right turn only may cause traffic to be increased because some people are turning right and some people are turning left. And if everybody has to turn the same direction, you're eliminating, maybe half of the cars really want to turn left instead of right. There is not enough information to tell me that is a recommendation we need to make.

Commissioner Tullos: I agree there is not a lot of information. Trinity has spent a lot of its good will in the community and is trying to be cooperative and give solutions. We don't need to give an indication that we would request, require Trinity to continue to work to mitigate traffic issues. We're putting a pin in the issue. We want this addressed. When we know the lay of the land we know what the solution is.

COMMISSIONER SWANSON MOVES TO FORWARD RECOMMENDING DISAPPROVAL UNTIL WE KNOW WHAT THE PLANS ARE GOING TO BE.

Commissioner Vandersteel: Looking at the overall thing, these are not huge make or break things. It doesn't change their master plan. A concept I'm supportive of it with the exception of the particular variances.

Commissioner Swanson: If we recommend disapproval and they come back.....

Chairman Meisel: It will go to council. It doesn't change their rights. Council has the final say so.

Commissioner Swanson: That I do know.

Commissioner Vandersteel: Which facilitates them best?

Assistant City Attorney Mueller: If you vote approval with conditions, they go straight to council. If vote denial with concerns, they have to appeal and let Ashby know they want to go to council after all.

Commissioner Maccini: This is only for the PDD? It's not for all the recommendations?

Assistant City Attorney Mueller: It's for everything.

Commissioner Vandersteel: Everything in this book becomes part of the ordinance.

Commissioner Hoestenbach: As I understand it, the way to approach this is if we did say we wanted to recommend approval and it would be subject to how we've voted on this particular nine items.

Chairman Meisel: We're not even bound by that. It's all in how we present our motion. As for approval or denial of the PDD it is to some extent a glass half full. How is it presented?

Commissioner Swanson: Do we think they are pretty close to being approved or do we think they are pretty far off?

Chairman Meisel: I'm still trying to defend our context of the building mass.

Commissioner Hoestenbach: One is the zoning change because it is a good idea from B-1 to the GUI because it going to change the character of what kind of business and what they building can be used for. You can see how close that is to the playing field. It's a better idea when you have a close proximity to a school where children are all the time. It is a better zoning for that piece of property.

Commissioner Vandersteel: The general feel of what they are wanting to do makes sense to me. I think it can be mitigated.

Commissioner Swanson: I still wonder for the citizens of West Lake Hills, when we are considering a zoning change, is it really better to have another section of school property in that area? Other uses would generate less traffic, instead of adding waves of cars at peak times. We might have uses on the property that would be more beneficial for the city. I'm not sure this is a better use.

CHAIRMAN MOVES THAT WE FORWARD APPROVAL SUBJECT TO THE 9 ITEMS WE HAVE ADDRESSED WITH ADDITIONAL CONDITION ENROLLMENT IS CAPPED 540 STUDENTS; NOT ONE MORE.

Chairman Meisel: My notes from 2009 said cap of 500. There is a real correlation and since I've heard that the additional space allows more sections, I want it clear you can have the space but not 700 students.

COMMISSIONER TULLOS AMENDS REQUIRING TRINITY IN GOOD FAITH WITH WEST LAKE HILLS TO DEAL WITH ANY TRAFFIC ISSUES. COMMISSIONER TULLOS SECONDS.

Commissioner Vandersteel: The whole legal section, I had the impression in this volume are part of the PDD. We are not going to have more than 540 students, does that become legally binding?

Assistant City Attorney Mueller: The information that is in the ordinance controls the PDD itself. Anything that is a change would require a variance to the PDD.

Commissioner Maccini: You said in the beginning you work with Rodriguez Elementary, those children are coming and spending class time?

Marie: We work with Horizons that bring low achieving and we have this summer for an all-day in the summer for them.

Commissioner Maccini: I ask because it is nice to have children from different communities to come into our schools, but in a bus situation so instead of having 30 or 40 more families. If it didn't affect the numbers of cars coming in. I don't know how to say that or approach that.

COMMISSIONER SWANSON AMENDS THAT THERE BE A PROHIBITION TRINITY RENTING OUT TO OUTSIDE ORGANIZATIONS. THERE WOULD BE A CONCERN FOR THE TRAFFIC. YOU'LL HAVE A DIFFERENT SET OF TRAFFIC ISSUES. AMENDMENT DIES WITH NO SECOND.

CHAIRMAN MEISEL: THE TREE REMOVAL REJECTED DUE TO INFORMATION. APPROVAL OF TWO YEAR PERMIT PERIOD. CAPPING 540 STUDENTS. GOOD FAITH EFFORT ON WESTBANK TRAFFIC. (4-1) COMMISSIONER SWANSON OPPOSES.

Marie: It's something we're considering.

5. Adjournment by Chairman Robert Meisel.

Chairman Meisel adjourns the meeting at 9:15 p.m.