

MINUTES OF ZONING AND PLANNING COMMISSION
PUBLIC HEARINGS AND REGULAR MEETING
CITY OF WEST LAKE HILLS, TEXAS
September 19, 2018
6:30 P.M.

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

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 July 18, 2018 Regular Meeting Minutes. Amended by Commissioner Vandersteel.
 - b. Approval of the August 15, 2018 Regular Meeting Minutes.
 - c. Request to postpone by applicant. Land Use: Proposed Monument Sign for Per Stirling Capital Management, LLC at 4800 Bee Cave Road. (Section 32.03.007 of the West Lake Hills Code.) Applicant Ann Lewis.

COMMISSIONER VANDERSTEEL MOVES TO APPROVE. COMMISSIONER HOESTENBACH SECONDS. UNANIMOUS APPROVAL (6-0).

Commissioner Swanson: I have one small amendment to the July 18th minutes.

Chairman Meisel: We'll stop now and withdraw the amendment. We'll the July 18th off the Consent Agenda and without the July 18th minutes. COMMISSIONER VANDERSTEEL MOVES TO APPROVE THE AMENDMENT. COMMISSIONER HOESTENBACH SECONDS. UNANIMOUS (6-0) TO APPROVE.

Commissioner Swanson: On first page, after I speak, is there a staff recommendation, it should say Robert Wood.

COMMISSIONER SWANSON MOVES TO APPROVE. COMMISSIONER VANDERSTEEL SECONDS. (6-0).

3. Land Use: Proposed Vacation of a Plat of Lots 1 and 2 of the Estates of Blackacre Phase One, known as 1110 Blackacre Trail. (Chapter 36 of the West Lake Hills Code.)
 - a. Staff Briefing.

City Administrator Wood: This is pretty straight forward. There used to be 2 lots. At some point there was a decision made to joint them together. There is a larger house built across the property line. They would like to vacate the plat that joins the two lots and tear down the house and build two

houses. They want to go back to the original state. There are no variances. The only issue involved as soon as they vacate the house that is there would be in violation of the code. I talked to the city attorney's office and we decided the easier way to handle assuming it moves forward, council will make the decision with condition no code enforcement will take place for 30 days to give them time to tear the house down. They didn't want to tear the house down and not get the vacation.

Commissioner Hoestenbach: We don't have to make that recommendation?

City Administrator Wood: I don't think so. They want to be able to keep part of the driveway to use while they are doing construction. That is the conditions if you want to weigh in on it you can. It's pretty straight forward.

b. Presentation by applicant.

Nathan Brooks is with the builder. As you've heard we're asking for two requests. Revise the lot and you understand that. I want to elaborate the second, maintaining the driveway and garage. We thought it would be advantageous with the neighbors to use it as construction parking in an effort to be a good neighbor and keep mud and all that mess off the street as much as possible. By maintaining the garage we could keep more stuff off of the lot. I hope that explains the request more clearly.

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

Joel Scherzer has lived at 1453 Redbud Trail since 1970. Let me say first, personally I have my own feeling about the property. Living in West Lake Hills which is like a small neighborhood. I'm against it because I don't like it. I've talked to the Mayor and neighbors and everybody seems to be against it. If variances are not asked for and no codes are broken there is no way I can stop it. I'm still opposed to it. It's bringing Rollingwood and Austin back into West Lake Hills. We can talk and look at the plans, without going into much greater detail I was surprised how quickly this went by. It's like this is already done. You ought to realize what you're doing by changing Blackacre into something that doesn't look like West Lake Hills at all. My house is old fashion. This is tearing down those two buildings and two acres and what that means to West Lake Hills is amazing. Most people are going to drive by and say what happened to West Lake Hills. The other thing, what is the neighborhood going to look like? Over at least 2 years in terms of nails, dirt, mud and everything else that builders do. I had some remodeling done and the developer came out every day and spent about an hour to make sure there was not a single nail there and no real talk in the presentation about this is going to do to this place called Blackacre during the construction. You've heard my point. The two neighbors that aren't here tonight are opposed.

Joan Clayton Schwartz lives at 1106 Blackacre adjoining the site. Again, we're not certain that we can do to block it. We do have questions. We expected to see a plan of what the construction would look like. Who provides oversight into what takes place? Once the process of approving the two site are there any codes that would make certain the new construction would fall in parameters. Will the design match the neighborhood? What is the length of the construction time? It is a very small quiet cul-de-sac. How

much construction crew would be interrupting? On the weekends, if there are set times? Any issue about noise, the length of time it would take. Is there an on-going way that it is monitored? Those are our concerns. We do consider it to be a disruption. For that reason, we would like to know that West Lake Hills has seriously considered the value of the neighborhood. It was originally two sites, we moved in 2004, the neighborhood had been established in 1994. It has a certain feel that will be disrupted.

Michael Schwartz lives at 1106 Blackacre. I don't think this is very neighborly. This is shockingly, disgracefully businesslike and disgusting. The builder is going to make a lot of money. It will hurt lives. I don't know if our dog will be able to take the noise. I've seen what this builder does. This is rather like a cancer. I'm heartbroken that our neighborhood can make this change completely not concerned about the lives of the people that live together. I think the word neighborhood doesn't work here.

Chairman Meisel closes the Public Hearing and reconvenes the meeting.

Chairman Meisel: Everything we do here is governed by the State of Texas. There are certain rules. Discussions that go beyond the agenda are not open for discussion. As the back and forth once we close the public hearing. As for the details brought, we are bound by the statutes of the State of Texas. It regards to a platted subdivision, the owner of a sub-division has a right under statute to withdraw that plat. That is a statutory right. The legislature has considered the issue and made that determination. How soon they tear down the structure. This is simply, limited to a discussion on land use. At the moment the reality is in the future it hasn't happened yet. If the owner decides to act on that they will bring plans to the city and meet the requirements. We have mechanisms in place and enforced by the city inspectors. If they start building something on the drawing, again this is where the neighbors participate. There are ordinances that limit the time when people can be on site. There are ordinances in place to try and protected the neighborhood. This is America; people own property they are free to use it as they see fit. That's how our system works. It sometimes is disruptive. The real problem is the lack of appreciation and value of our land. A 2-acre lot is too expensive. You've got to split it into two one acre lots and two structures.

Commissioner Swanson: I just wanted to say, you frequently say in the opening comments to people who will be testifying say that we are only advisory; its city council that makes the decisions. I'm not sure that they understand that we are only advisory.

Joel: I was on ZAPCO for many years.

Commissioner Swanson: You'll keep us in line, sir. I appreciate that.

Chairman Meisel: Procedurally we can't have any addition comments at this time.

d. Deliberation and action.

Commissioner Tullos: I understand the applicant has intentions to be a good neighbor. This would be a great opportunity for more information to come

out to the neighborhood and answer the questions that are being proposed tonight. These are questions that the facts don't answer. What is the character and sole of the neighborhood? There are some factual things that you have questions about. I would urge the applicant to make that information available early and often and in as many formats and make them available to the people that are going to be your neighbors. What are the plans for the site? That's one of the things we urge you to do. We will probably see you again when you go through your building process. People who are good neighbors it tends to go more easily. There's just something to be said for working as much as you can and within the parameters that constrict us to try and create a good ambiance in the neighborhood.

Commissioner Vandersteel: Blackacre is why I'm on this board. It backs up on my street, some neighbors that backed up had their entire lot cleared. I don't know the actual history is that the way it was developed, it is very much of what is done in West Lake Hills.

Ms. Scherzer: All of the trees had been cut before it became Blackacre. There was a horse trainer and when it began there weren't any trees. The staples had cut Cedar trees and they were removed.

Commissioner Vandersteel: What is currently on that property originally was two lots, you've been living with one house on two acres and it's an unusual situation, what probably is going to be built there is what would have been built originally when the neighborhood went up. This is out of everybody's hands. They have every right to subdivide it.

Commissioner Maccini: I have a clarification question. If the plat is vacated they have to not only take down the house, also the drive and asphalt within that side setback that will have to be removed?

Chairman Meisel: Or come back for a variance.

Commissioner Maccini: There is a substantial amount of asphalt right in the middle of 50' of non-buildable. We are to ignore it for now?

Chairman Meisel: As it stands is a proposal.

Commissioner Maccini: The only way they can leave a structure is approval from council to leave partial structures and drives? Is that correct?

City Administrator Wood: Yes.

Chairman Meisel: They are showing a proposed structure inside the setbacks, if the drive is terminated to make it hammerhead then it a previously permitted structure. I assume it could stay if somebody wanted.

City Administrator Wood: That's what I just asked Laura.

Assistant City Attorney Laura Mueller: As long as it is not in the setback.

Commissioner Maccini: If they requested to use it for construction would they have to get a variance by the city?

City Administrator Wood: For anything in the setback.

Chairman Meisel: They would need special permission for temporary construction.

City Administrator Wood: It can remain in order to help lessen the impact on the property but it would have to be torn down before the Certificate of Occupancy can be issued for the house. Anything in the setback.

Commissioner Maccini: Is there anything about revegetation or are they just left?

City Administrator Wood: The only time they would have to revegetate is if the city inspector determines an erosion issue. Silt fences, etc.

Commissioner Swanson: Since they are asking for an allowance to stay for construction we might recommend to council that as a condition of our recommend is to require the revegetation.

Commissioner Hoestenbach: I would like to comment on what you brought up, Sarah. I wouldn't make any recommendations on something that is not before us. Council can make whatever requirements as far as demo is concerned. That will be taken up when they submit a building permit. I know in the application there is a letter from the HOA, the residence have a voice and be able to address those things and that might be a good place to start for them.

Commissioner Maccini: I just wanted a clarification of what we're voting on.

Commissioner Swanson: They have an absolute right, as Chairman Meisel said, to go ahead and re-divide this into two lots.

Assistant City Attorney Mueller: If no lots have been sold, one owner, they can vacate it.

Commissioner Swanson: They don't need our permission for that?

Assistant City Attorney Mueller: We have to approve it.

Commissioner Swanson: All we're really here to decide on is, can they leave certain improvements in place during the construction process?

Chairman Meisel: We have ordinances in place. It tends more to forbid action than to require action. I'm going to remind the audience the public hearing is closed. As far as this plat is concerned, as soon it is granted by the city, those structures become non-conforming and it is up to us insure our ordinances are being observed. The owner could be cited with driveways in the setbacks. This is where our enforcement comes forth. The HOA and neighbors will insure the builders are in compliance.

Commissioner Swanson: For the benefit of the neighborhood, the owners have the right to subdivide. I would have to think the neighborhood would

prefer to have the driveway and garage remain as places needed during construction.

COMMISSIONER HOESTENBACH MOVES TO RECOMMEND APPROVAL ON THE PROPOSED VACATION AND ALSO TO RECOMMEND THE CITY CONSIDER THE REQUEST FOR THE ONSITE STRUCTURES TO REMAIN FOR THE DEMO OF THE EXISTING STRUCTURE WITHIN A CERTAIN PERIOD OF TIME AS THE CITY SEE'S FIT. COMMISSIONER SWANSON SECONDS.

Commissioner Maccini: I live on Reveille Road and I completely understand the construction. I know it's disruptive. This is the plat not the home. Use the HOA.

COMMISSIONER TULLOS: CALL TO QUESTION. VOTE: UNANIMOUS (5-0) APPROVAL.

4. Land Use: Proposed Preliminary and Final Plat of Nob Hill Harbor View known as 18 Nob Hill Circle and 1412 Harbor View. (Chapter 36 of the West Lake Hills Code.) Applicant Russell Tomer.

- a. Staff Briefing.

City Administrator Wood: This is another platting item. The applicant owns one lot and other is below. They would like to change the property line so they want to enlarge the property on Nob Hill and reduce Harbor View. They will be more than one acre. That does not require any variances. You have the various plat documents that show what they are trying to do. It would end up being more than one acre as far as the staff review, there are no variances. They are vacating a portion of the original plats and re-platting with a different lot line. The technical process has to be vacated and removed from the original and a line gets draw between them.

Chairman Meisel: Do we have a copy of the underlined plat? We're going across two different subdivisions?

City Administrator Wood: The process is a little more complicated but done the same.

Chairman Meisel: No utility easements?

City Administrator Wood: No.

- b. Presentation by applicant.

Russell Tomer. The project is two undeveloped properties and we are shifting the lot lines. That lot shifting involves vacating and no variances are associated with the requests.

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

Martha Freeman has had property on Nob Hill since the 40's. I oppose the proposed the plat. The letter passed out is read at the dais.

Thank you.

Michael Brown lives at 1500 Wild Cat Hollow. My driveway opens on Harbor View. The problem I have is the runoff that we've had. It has been there a long time. The previously owner caused the runoff. We had some construction along the road because it was eating along the road. I remember Haniwald planted a bunch of bamboo. When it rains I have to get a rake and shovel. It goes down to Wild Cat Hollow, my concern is I worry about anything increasing the runoff. We're going to have to do something considerable along there. It is starting to eat away below that line. If you look at it from a point of view it comes across Harbor View. That's my major concern. Somehow the previous owner got away with cutting down a lot of stuff. I prefer not to see that happen again if possible.

Derek: I work for a third party that represents the owner, Renee Campos. We are just requesting a re-plat tonight. We have many hurdles to when we apply for variances for trees and special use permits for a caretaker cottage on the site as well. Those will be presented at future meetings. We have a design team for this development that is world class out of Belgium that shows preservation of nature. He promotes that and a landscape architect and civil engineer and very high quality design team for this development after we get through this approval process. Regarding runoff issues, we are cognizant of that. We also are concerned about the impervious cover on the site. We set out to contact a lot of the neighbors to all 23 within our radius. Most are very favorable. We'll present that further down the road. Norman Haniwald, I have spoken to him about this process. It would improve the runoff on the site because he has seen the design of the building. It will be detained and runoff controlled. There are a lot of trees removed but replacement more than 150 new trees.

Amanda Schmidt lives on Nob Hill. They are right in our site line to the East. I realize this is pre-mature; we're not doing the variances yet. I have seen the renderings. A 15,000 sq. ft. house plus a servant's quarters is unprecedented on our mountain. The only way, we have 25% impervious rules the only way they can accomplish this is to consolidate the lots. This is the first step in the development. As a neighbor thinking about a gatehouse within feet of our property does not make us happy. We would hope you would oppose the subdivision because it is the first thing for this to be possible to happen. It's a large building for the City of West Lake Hills.

Jennifer Harper lives at 1516 Wild Cat Hollow which is the lot this actually ends at. It is a lot on Nob Hill toward the back of the property. I'm expressing concern I second the concern about drainage, if a drainage study has been done? We are having seepage in our garage due to clearing. It's not so much as a questions I just want to get my name down with concerns about drainage.

Chairman Meisel closes the Public Hearing and reconvenes the meeting.

d. Deliberation and action.

Commissioner Vandersteel: This is two separate lots which each lot is in a different subdivision. They want to change the size and shape of each lot. The Nob Hill lot is a concern used to 2.35 acres and being proposed to become 1.64.

Chairman Meisel: You've got it backwards.

Commissioner Swanson: It's different from the previous situation. The owner had a right to change. In this case, there are valid concerns about drainage in that area. Many people are experience drainage issues on very steep property like that.

Chairman Meisel: This raises a policy question. The discussion of 15,000 sq. ft. structure. Most commercial are less than 15,000. We have a maximum of 20,000 for office buildings. Do we as a matter of policy want to approve a proposed subdivision to accommodate that scale of building? We've already have 10,000 sq. ft. under construction in our city. There is a market we have the control and we don't have to make lots that big.

Commissioner Swanson: Or we don't have to facilitate them.

Chairman Meisel: The Rocky River house, it is a 10,000 sq. ft. house on a 2.5-acre lot. I don't think we're obligated to make a 2.5-acre lot.

Commissioner Swanson: And I think what the first speaker said about the Master Plan and keeping a certain character for the City of West Lake Hills is something that city has decided it wants to maintain.

Commissioner Tullos: When we talk about markets, I thinks it's also fair to look at what this does to markets of the surrounding properties. To make something developable to make money for one party doesn't mean it doesn't have a negative impact on another. I think we have a case and point where this has happened.

Commissioner Vandersteel: The nature of the access is very limited. I think we need to figure out how our ordinances what we can limit?

**COMMISSIONER SWANSON MOVES TO RECOMMEND DENIAL.
COMMISSIONER TULLOS SECONDS.**

Commissioner Hoestenbach: I hear what everybody is saying. I know they concerns of the neighbors. Thank you for your input. My concern, I haven't heard anything that they are trying to do anything illegally. We are not at that stage yet. I'm concerned about telling someone they can't do something with their property. I get a vote on this. I would recommend approval because I haven't heard anything that they can't legally do this.

Chairman Meisel: This is a situation because there are two existing legal platted lots. When we apply for a plat, this is a new plat. That does trigger of what is best for our city, the spirit of West Lake Hills.

Commissioner Hoestenbach: I agree with that. But I also agree that we are not at the stage where we are reviewing a plan. I've heard neighbors say, look, there's going to be a 50,000 sq. ft. house. I haven't seen anything. To just vote it down because it's going to be bad down the road is not appropriate.

Chairman Meisel: If a subdivision came in and wanted to put in a series of 4 acre lots and a sq. ft. limitation, the size of the house, there is an issue and is that meeting our goals of the city, the master plan. This doesn't have that limitation. Under the 25% impervious cover rule, we may or may not be enabling giant mansions.

Commissioner Hoestenbach: I don't disagree with that. It increases the impervious cover and potential more trees being cut, I get that. Again, I don't see anything that is outside the law.

City Administrator Wood: I think if somebody did come in and proposed a subdivision that has 10 parcels that are 5 acres. I don't know that could be refused because they are at least an acre. We don't have a maximum acreage for a lot. I see this similar to the last one where I understand about concerns down the road, the platting meets the requirements.

Commissioner Tullos: I'd like to focus back where this is headed. We don't have an imperative as the previous case. What we have left to guide us is what West Lake Hills is? What kind of community are we looking for? That is the core of this question. If we are a community as long as it meets the ordinance, or other considerations have been put to us by the neighbors tonight, that's why I support the motion. I would call to question.

Commissioner Vandersteel: In the previous application, I need to know the difference?

Commissioner Tullos: It's my understanding that we don't have any legal right to deny, first of all.

Assistant City Attorney Mueller: Unless you can show they are violating some regulation. If they are re-platting it the city council has to approve it.

Chairman Meisel: I'm going out on a limb, it's not a re-plat because it is in different subdivisions.

Commissioner Vandersteel: If it's in the same subdivision it would be a different scenario. Any deed restrictions that need to be observed?

Chairman Meisel: That's up to the property owner?

Commissioner Swanson: If one of the subdivisions were more restrictive. My sense of the first situation had been two lots and were combined and then separated.

COMMISSIONER TULLOS: I CALLED THE MOTION.

Chairman Meisel: VOTE: (4-1). COMMISSIONER HOESTENBACH OPPOSES.

Chairman Meisel: Thanks to everybody that showed up.

5. Land Use: Variance to remove of one tree with trunk diameters of 14 inches or greater (Tree #825 – 15” Live Oak) for the construction of a new residence at 701 Butler Cove. (Section 22.03.304 of the West Lake Hills Code.) Applicant David Burton.

- a. Staff Briefing.

Commissioner Swanson: I couldn't see a public notice sign on the property.

City Administrator Wood: We know the sign was up at one time. This is the one we heard last month.

Commissioner Swanson: We hope that those signs stay up. We want the neighbors and the community to know that there is going to be a public hearing on the property. How can we start dealing with that in a better way? It's seems that too often the public notice signs aren't there. Is public notice being complied with and can we hear it?

City Administrator Wood: I know the sign was up at one time when they originally came through. The property owner might be asking to weigh in.

John Hathaway: The sign has been present since the last meeting. I was up there on Sunday and it was still there and in the easement.

City Administrator Wood: We already discussed this from last month. They have reduced their request from 3 to 1 tree and that was done by a re-design and one was declared dead and no longer needs a variance.

- b. Presentation by applicant.

John Hathaway is with Vanguard Studio and is representing the Yorks. I know this was discussed at the last meeting. David Burton presented that application. David gave me a recap of the meeting. He got some feedback from the commission and thought we could work harder to save more of the trees. You should have a map of the property in front of you. We're a little over an acre. It's squarely in the middle of the lot. There is an easement and that is where the sign it. There is construction going on. It's tricky getting to the property. It's heavily wooded. We tried to put the house in the flattest portion with the least number of trees. This is one initially asked for we regrouped and that one we looked at, a lot of Cedar trees there. It's not obvious that it was dead and met with the

arborist and agreed the tree was dead. Basically what we tried to do was how we could save this tree. The canopy was leaning where we would be building. We looked at redesigning the garage maybe 5-6' to have a backup space and in order to do that, we are proposing a 3-4" portion of the driveway that would go over the CRZ of that tree. It would not be impacted. I spoke with the arborist as well and he's getting a letter together for me. What we're asking for tonight, a variance to remove a 15" live oak. If you have any issues to build the driveway over the CRZ in order to get this to work we pushed the garage to maintain 28' for the backup safety. Safety is an important issue. The other thing is get a variance to have a 12" overhang, just a 12" overhang. Those are the two things that we are asking for your consideration to be able to achieve this house to limit the impact on the property. We do have a nice buffer around and neighbors won't be effected.

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

Christian York and my husband bought this property, we have 4 children and a large family. We feel it is a reasonable size house for the neighborhood. My main thing is safety. We tried to build on the flattest part. That left where we have the site to be built. The reason is a bigger lot for the kids and limited that because we are building around trees. We did reduce the size of the driveway to save the one tree up front. Thank you very much.

Chairman Meisel closes the Public Hearing and reconvenes the meeting.

- d. Deliberation and action.

Chairman Meisel: The original variance. If we didn't have appropriate notice of the type of variance. If we've not had Tree #702 in our sites then we can't be talking about the CRZ. The request is to have a 12" encroachment in a setback.

City Administrator Wood: It was not in the originally application. They sent an updated letter.

CHAIRMAN MEISEL CALLS EXECUTIVE SESSION AT 7:58 p.m.

COMMISSION RETURNS FROM EXECUTIVE SESSION AT 8:05 p.m.

Chairman Meisel: The reason we went into Executive Session, you're efforts to adjust your plan to save and grateful, the encroachment in the setback is a separate variance and not addressed in the application. If we make a recommendation because it was not properly noticed. To avoid, you'll have to reapply for the setback variance. The whole point is tree protection, I don't anticipate you'll have any trouble. It's a procedural matter. We're not trying to be mean or picky.

Commissioner Tullos: It's completely design driver. It is Item one of the letter dated 09/12/18. We tried to re-work design but not able to make sense. This is totally design driver. No hardship.

Commissioner Maccini: If the tree is removed, the replacement is how many inches?

City Administrator Wood: 23”.

Commissioner Hoestenbach: My take on it is, this is a heavily treed lot and not unusual they ask for a tree to be removed on a heavily treed lot. Live Oak is tougher. It’s always difficult in cutting down Oak trees. The comments I made, if you’re talking about a hardship or not which is what we have to look to. When I look you have this drain field that you have to have and a flat portion of the property and the drawing shows, you have a lot more slope. You have other variance trees in the back. I see the applicants have done what they can work around the trees. From what I’m seeing, yes there is a hardship, slope, heavily treed lot and no way around them. There is going to be a variance tree. They could reduce a little bit. I don’t know how much smaller to meet code.

John: Part of the issue is, we’re trying to get the major elements on the ground floor, the whole master bath and that started pushing over into other trees and pushing down the hill making a high slab, making a bigger piece on the property. The house is wide and narrower to stay on that hill. We want to blend into the site. We’re cutting the house down to bring that profile down. Trying to get the normal program of the house. If we could just push one over, we ran into other problems.

Commissioner Tullos: I still see a design driver issue. You knew the trees were there. You knew this was going to be challenging.

Commissioner Hoestenbach: To be fair, she brought these up the last time you were here. It may have been helpful to show another design and show the differences. To be fair to hear comments, there was some notice at the last meeting.

John: It’s based on design. At what point do you got with what is a reasonable amount to save as many as we can to ask for this one tree that is a pretty small house. That’s where I think is where the hardship is.

Commissioner Hoestenbach: To me I think you’ve shown enough. We asked for alternative designs to eliminate the need for a variance. She pointed that out the last time we met. This is why this one doesn’t work. That’s all I’m saying.

Chairman Meisel: We do have additional consideration in the variance process, you cannot deny economic use of the property. We can’t forbid someone from building. We also have to sometime recognize consideration expectations of an owner. A reasonable expectation. In West Lake Hills at this time in the 21st century, a 4600 sq. ft. home is considered modest. There hits a point where a combination of the topography and the trees combine to make the hardship. We have restrictions on cut and fill and retaining walls. It really, it is very difficult design challenge. We’ve seen project after project a tree got sacrificed. That’s what this is asking for. I want you to please to make a motion and get this going.

COMMISSIONER HOESTENBACH MOVES TO RECOMMEND APPROVAL TO CUT TREE #825. COMMISSIONER VANDERSTEEL SECONDS. PASSES (3-2).

6. Land Use: Proposed Monument Sign for Sway Restaurant at 3437 Bee Cave Road. (Section 32.03.007 of the West Lake Hills Code.) Applicant Patrick Jeffers.

- a. Staff Briefing.

City Administrator Wood: This is for the Sway Restaurant. It is taking shape quite nicely. There are no variances.

- b. Presentation by applicant.

Patrick Jeffers is here. The issue was materials that has not been seen but is shown on the site plan and within the sign ordinance.

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

Chairman Meisel closes the Public Hearing and reconvenes the meeting.

- d. Deliberation and action.

Commissioner Hoestenbach: What do the letters mean after the Sway?

Patrick: Sway.

Commissioner Vandersteel: This all conform to the new construction?

Commissioner Swanson: It's going to be this light? Sometimes we see a blue.

Commissioner Vandersteel: It's going to be concrete and wood.

COMMISSIONER MACCINI MOVES TO RECOMMEND APPROVAL. COMMISSIONER TULLOS SECONDS. UNANIMOUS (5-0) APPROVAL.

City Administrator Wood: Our November meeting normally falls the week of Thanksgiving. We have to either back up earlier but we need to make that decision. Mark will need to send notices.

MEETING WILL BE MOVED TO THURSDAY THE 15th.

7. Adjournment by Chairman Robert Meisel.

Meeting is adjourned at 8:25 p.m.