

MINUTES OF A BUILDING DESIGN COMMITTEE MEETING
CITY OF WEST LAKE HILLS, TEXAS
Wednesday, October 3, 2018
5:30 P.M.

PRESENT: BDC Chairman Brian Plunkett, ZAPCO Chairman Robert Meisel and ZAPCO Commissioner Kathy Tullos

1. Call to Order. Chairman Brian Plunkett.

BDC Chairman Plunkett calls the meeting to Order at 5:29 p.m.

2. Land Use: An Amended Commercial Site Plan with variances (4 variance trees to be removed) and a Commercial Building Permit for a paved parking area for Westlake Medical Center at 5656 Bee Cave Road. (Sections 22.02.005 and 22.03.302 of the West Lake Hills Code.) Applicant John Conquest.

- a. Staff Briefing.

Coordinator/Planner Naini: This is zoned B-1. They are wanting to amend the site plan for a parking lot and in the process they will need to remove four variance trees. We didn't receive a list from the applicant. These four were looked at by Mark. We are waiting to get confirmation.

- b. Presentation by applicant.

John Conquest: I had made it easier and highlighted the CRZ to make it easier to see them. The four trees are 1107, 811, 814 and 588.

BDC Chairman Plunkett: What we have is a blowup of what we received?

John: Yes.

BDC Chairman Plunkett: The first I would suggest is, highlight on the drawing where the four are. Make it easy for the council and ZAPCO. One in the upper left corner in between 2 parking spots. 2 about 2/3rd and one at the lower side. The other thing I did not go to the site. The amendment is to add the parking lot. It's all just woods back there?

John: The after-the-fact variance was denied at council for the pavers. They were in the process of removing those pavers.

BDC Member Tullos: The look of the presentation, several of these trees are very close to other trees. It's hard to distinguish. Do something exactly where the specific tree is.

BDC Chairman Plunkett: Highlight in red the CRZ to remove. What is on the upper side?

John: Residential, duplexes.

BDC Member Meisel: It comes off of Redbud Trail and is a cul-de-sac.

BDC Chairman Plunkett: Why was the after-the-fact variance denied?

John: **

Coordinator/Planner Naini: They didn't demonstrate hardship.

BDC Member Tullos: What's the hardship here?

John: Lacking parking spaces. They didn't demonstrate hardship; it was more after-the-fact and not truly hardship. We demonstrated all along the way. We didn't have Ashby's approval recommendation and two, it was after-the-fact they didn't think there was enough hardship. He does not have the parking. He's hiring drivers to get people around. He pays some employees to park across Bee Cave Road. He's trying to help the parking situation but it is wildly successful and always busy. This gravel lot that had been in place since the parking was constructed. It was probably a staging but employees parked up there. We'll just pave it over and get rid of the mud on our lot. Instead it got denied.

BDC Member Meisel: That's a non-started. The whole point is this is design driven. It is a question of squeezing the room out of this lot.

John: I can reduce the number of trees but I can't get to zero trees. I have tried and looked at alternatives and tried different routes through here. There is 49 spots in this configuration. Numbers off the top of my head, if I drop to 3 trees I can do mid-30s and two variance trees I drop to mid-20s. I essentially drop the number of spaces out of this in half.

BDC Chairman Plunkett: I can see one is right in the middle of the drive area. Tree 811 looks like it is right in the middle.

John: That one I cannot save. There are variance trees on the right of that. I can squeeze anything in there.

BDC Chairman Plunkett: If you lose that one spot you could still have traffic down there.

John: Unless I can pave over ½ CRZ then we'd be more than happy to save that tree. The gray circle is as close as we can get to the tree and technically meets the city regulations.

BDC Member Meisel: I'm quite sure that if the city does not grant this variance you will come up with another solution. This is a trend I'm seeing at ZAPCO more and more. The tree was there first. It's a known legal fact, the setbacks, to say well, it's just a tree and to design right over it is a problem. I'm trying not to give you a hard time. This is the process. Again, you may have the more reasonable ZAPCO members here. This is generated by the desire to meet your tenant's needs. You have some high demand services. In any event, the trees were there long before. You need to get them to curtail their operations. These are all available alternatives to cutting down more trees. What is your impervious cover on this lot?

John: I meet the requirement.

BDC Member Tullos: Since we are here for feedback, it would be helpful to have a look at some of the other plans considered that involved fewer trees. If you cut off the little end to the west that 8 spaces that you lose. If you go to three trees you're not at 35.

John: It's a one-way road.

BDC Member Tullos: All I'm saying is, we're going to look and see what you considered, why did you reject this plan and that plan. We are very interested in people's thought processes and why is has to be here and why that tree. Urge to give as much detail as you can.

John: I'll present you with all three of them. This would have netted 13 spaces. If we can get the 2 tree variance and get 25 spaces, I think Rip would be happy about it. He would love the 50 but the reality is he needs more parking.

BDC Member Meisel: The paving didn't involve any trees. Why was it a variance?

BDC Chairman Plunkett: It encroached in the back.

BDC Member Meisel: Often, ZAPCO will trade you a tree for a setback. It will grant you a setback to save a tree. If you apply for an after-the-fact, we'll have to tweak that so it's not the same application. You might want to bring back a different variation of that application because it didn't involve any trees.

John: It didn't. It would encroach the CRZ on a couple of these trees.

BDC Member Meisel: Suggestion: If you want to get to a CRZ get an arborist and our arborist open to mitigation. Maybe not paved, but pavers or something that will let air and water through.

BDC Chairman Plunkett: Especially where you get in the CRZ.

John: With one of the other plans if we're allowed to encroach in here to get that one.

BDC Chairman Plunkett: Could you make a single lane?

John: That's 20'. I did a 13' to go to a little sharper and I couldn't get through without touching the others.

BDC Chairman Plunkett: You could go between these two trees.

BDC Member Tullos: Particularly we're down to brass tax. If the owner will go to 25 don't come in and ask for double.

John: Ideally he would like the 35.

BDC Member Meisel: We're opening the door for you with the other variance.

John: Question. That was one of the alternatives was, in this direction, the 3 three option I still lose trees because of the setback. If I loop around I would have to push them past the setback

BDC Member Meisel: What about going to the line?

John: There is a retaining wall. If I could encroach in that setback.

BDC Chairman Plunkett: You might want to show, if I save the tree you might go in a setback?

BDC Member Meisel: That goes toward a cliff.

BDC Chairman Plunkett: I wouldn't predict how the council would go.

BDC Member Meisel: A lot of council are ZAPCO veterans.

John: I could squeeze through here but still clip that CRZ. If you would approve that on this way.....

BDC Member Tullos: Don't demonstrate 50 spaces if you can't get it.

John: By encroaching into the setback is that something you would support?

BDC Member Meisel: In the application there are 4 variances. In response to the advice of the BDC, it would be encroaching that's a real effort toward mitigation. These are important earmarks in the decision making process. Again, with the assistance from an arborist, there is a better change that ZAPCO and council would go with a CRZ than cutting down these trees. It will be a shady parking area for 28 spaces. Your client is going to love it.

BDC Chairman Plunkett: You've already made an effort. Show an amended plan.

BDC Member Tullos: Do we have a notice issue?

BDC Member Meisel: There is notice for amendment to a site plan. If someone comes down here, what are they trying to do?

BDC Member Tullos: If it were only commercial but it effects residential.

BDC Chairman Plunkett: What you're giving is an alternative to protect the trees or a setback and over what space.

John: It would be for a distance of 60' there about.

BDC Member Tullos: Pictures would be very helpful.

BDC Member Meisel: Show that there is a rock shelf.

BDC Chairman Plunkett: A satellite view would be helpful to show what is adjacent to the property to give perspective.

BDC Member Meisel: You may be able to get some parking spaces from the neighbors.

John: He's talked with Rip but was going to charge an arm and a leg.

BDC Member Meisel: Expand your thinking to recapture the lot. You don't have to go all the way to the property line. You're going to be in a lot more comfortable position for a setback than asking for trees.

John: I thought the setback was gospel?

BDC Member Tullos: Can it go over that north lip?

John: It would make this configuration easier and parking would be back this way.

BDC Member Tullos: It's time for some creativity.

BDC Chairman Plunkett: ZAPCO and council would be more commendable on a setback.

BDC Member Meisel: You could go down to 12-15' in a one way in and one way out that frees up those spaces there.

BDC Chairman Plunkett: You might want to bring several options minimizing your encroachment. I don't want to send you down the road.

BDC Member Tullos: You can pre-vote on a hypothetical.

John: What our goal is is what we can get a variance for. I will bring additional alternatives and the setback and ability.

BDC Member Tullos: Do remember to tell us about the neighbors. What are they going to do with that? Pictures would show the elevation.

John: Just across the property is almost 8' rise.

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

BDC Chairman Plunkett closes the Public Hearing.

- 3. Adjournment. Chairman Brian Plunkett.

BDC Chairman Plunkett adjourns the meeting at 6:10.