

MINUTES OF ZONING AND PLANNING COMMISSION
PUBLIC HEARINGS AND REGULAR MEETING
CITY OF WEST LAKE HILLS, TEXAS
October 17, 2018
6:30 P.M.

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

ABSENT: None

1. Call to Order. Chairman Robert Meisel.

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

2. Consent Agenda: The following items are considered to be self-explanatory by the Commission and will be enacted with one motion. There will be no separate discussion of these item/s unless a Commission Member or citizen so requests.
 - a. Approval of the September 19, 2018 Regular Meeting Minutes.
 - b. Request to postpone by applicant. Land Use: Variance to remove trees for the construction of a new residence at 18 Nob Hill Circle. (Section 22.03.304 of the West Lake Hills Code.)
 - c. Request to postpone by applicant. Land Use: An Amended Commercial Site Plan with variances (4 trees to be removed) and Commercial Building Permit for a paved parking area for Westlake Medical at 5656 Bee Cave Road. (Sections 22.02.005 and 22.03.302 of the West Lake Hills Code.)

Commissioner Vandersteel: On Page 10, Chairman Meisel moved to approve and Commissioner Hoestenbach seconded, the Vote was 4-1. It's doesn't say approved or denied.

Chairman Meisel: It was for denial.

Commissioner Vandersteel: It really doesn't make it clear for a recommendation for denial.

Commissioner Swanson: On Page 13, at the top gives the vote 3-2. It should say who voted each way. On page 4, 3rd line, sole should be soul.

COMMISSIONER VANDERSTEEL MOVES TO ACCEPT AMENDMENTS TO THE MINUTES. VICE-CHAIRMAN GAGE SECONDS. UNANIMOUS (6-0) APPROVAL.

COMMISSIONER SWANSON MOVES TO ACCEPT THE POSTPONED ITEMS. COMMISSIONER HOESTENBACH SECONDS. UNANIMOUS (6-0) ACCEPTANCE OF THE POSTPONEMENT.

3. Land Use: Variance to remove six Cedar trees with trunk diameters of 14 inches or greater (Tree #4110 – 14”, Tree #4112 – 16”, Tree #4125 - 14.5”, Tree #4126 – 16”, Tree #4146 - 17”; and Tree #4168 – 17.25”) to provide screening between the neighboring property and reduce fire hazard at 1408 Circle Ridge Drive. (Section 22.03.304 of the West Lake Hills Code.) Applicant Karl Rove.

- a. Staff Briefing.

City Administrator Wood: The request is part of a larger project that I, sure Mr. Rove will explain. From the staff report there was a request to remove trees. There is a total of 16 Cedars that are part of the project to be removed. My understanding of the plan they would like to create a vegetative screen instead of a fence.

- b. Presentation by applicant.

Karl Rove: Our neighbor to the west had to get their septic field into compliance. The first time since we've lived in the house we can see them and they can see us. There is 150' north to south and about 30' wide at the north part and 50' at the south part. There are 17 Cedars that I would like to remove. 3 are within 30' of a structure; one is within 30' of the guest house. I would like to replace with 36 Oaks on the property line that would be 6" Cedars. These trees are at the tree farm that I proposed to put in. I would like to have a line along the property line and go to the east of them and staggered so we would fill in the holes a line of 4" Oaks. So they would be 15' apart. They are going up a hill and block the view of the neighbor. Replacing 3 large Cedars that are within 30' of the house. You can see an example of the tree of how the 8" Oaks will be. The 8" Oaks will have to swing them off the back of the truck and plant them. One of the variance Oaks will be replaced with an Oak depending on how steep. In addition we putting 4 additional Oaks on the south side, there is more space and blocking the neighbor to the west and southwest. 8 additional Oaks along the driveway, 4" Oaks. We have a very narrow driveway and would block the view of the neighbors. Below the house I have 40 Cedars and 10 Red Oaks as long as I'm going to be doing the west side of the house. We could do this in a 2-week period. We want to wait until the freeze and replace them within the week. The city says I have 157" but we will be putting in 180" inches.

- 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: Just about the number of inches, 143"? Are you working with an arborist?

Karl Rove: Yes. We've been successful in planting wild flowers. There are about 12 blue jays that flew out of the trees.

Commissioner Vandersteel: This is a tried and true method?

Commissioner Swanson: Putting four more Cedars, did you mean Oaks?

Commissioner Maccini: You're doing a variety?

Karl Rove: Most Live Oak.

Assistant City Attorney Mueller: A variety would probably be healthiest.

Commissioner Tullos: I have a question about the notice. The statement states to build a septic field?

Commissioner Maccini: That's sufficient the only thing is what we're talking about the tree material.

Commissioner Tullos: This is more of an aesthetic change. If we do this is should be with correct notice.

Assistant City Attorney Mueller: If you think it should be done differently.

Commissioner Vandersteel: If it were reversed, I don't think they will be upset if we take away the septic concept.

Chairman Meisel: Ruling, relying on council, is the notice is sufficient? Whatever shortcoming, it is legally sufficient. Nobody showed up. Let's move on and address the subject of the request. Part of what we do here is help you vent your argument to give a better pitch to the Board of Adjustment. To that end, we suggest put a compass arrow on your drawings because you're talking about directions. Your driveway faced west. Get that compass back in there.

Commissioner Tullos: Have we identified the hardship?

Commissioner Vandersteel: The hardship mentioned is the septic field next door that removed a lot of trees. He's trying the best way he can to fix it. The hardship is a little more abstract.

Commissioner Tullos: I know there is a fire hazard issue as well. I'm having trouble attaching the hardship to the trees.

Commissioner Vandersteel: The arborist looked at the situation and wanted to make a vegetative screen. Is that how it went?

Commissioner Tullos: We usually hold it up to a higher standard.

Chairman Meisel: The Cedar maybe have grown too large and replacing with numerous vegetation and promotes privacy.

Commissioner Tullos: I certainly take your point and agree. In vetting if the trees are identified were linked to a hardship. The maps are a little difficult to read.

Commissioner Vandersteel: Some are in the buffer zone.

Commissioner Tullos: It's not clear to me which ones are.

Commissioner Swanson: With the amount of replacement I feel more sympathetic with him creating a better vegetative buffer. Create the natural aspect and maintaining it.

Chairman Meisel: There is an excess of the minimal required inches. Frankly Cedars are not a favored class.

Commissioner Tullos: We ask all applicants to identify hardships. To me this packet doesn't give me that confirmation. I just want to perform our function.

Chairman Meisel: Show the Cedar with the height and what is under it. It would be good to have each.

Commissioner Swanson: The second was discussed.

COMMISSIONER VANDERSTEEL MOVES TO RECOMMEND APPROVAL OF ALL TREES AND REPLACEMENT AS PRESENTED. COMMISSIONER HOESTENBACH SECONDS. UNANIMOUS (6-0) APPROVAL.

4. Land Use: Variance to remove three trees with trunk diameters of 14 inches or greater (Tree #1 – 16” Live Oak, Tree #2 – 14” Live Oak and Tree #12 – Twin 11” Spanish Oak) to improve drainage at 506 Spiller Lane. (Section 22.03.007 of the West Lake Hills Code.) Applicant Mark Wise.

- a. Staff Briefing.

City Administrator Wood: This is one you've seen, a couple of these lately in case the trees don't survive. My understanding they are protecting the trees and will take them if they died from the work they are doing. The request is not to remove them but to have the ability to remove them in the future.

Vice-Chairman Gage: Is there a time zone on that? If the motion is passed and is yes, is that forever?

Commissioner Swanson: Is there a time limit?

City Administrator Wood: By granting the variance, they would be allowed to work in the CRZ then we count that as removing because it might die. It allows them to do the work but it could die in 6 months or ten years. The second part is an unknown.

Chairman Meisel: Are we going to allow work in the CRZ?

City Administrator Wood: They would be considering it removing the tree. There is an updated survey at your seat tonight.

- b. Presentation by applicant.

Mark Wise is representing the homeowners. There is a house built in the mid 70's. The slope grade is in the front entry of the house. Also at the front is where the grinder pump for the house and septic system is. Currently when it rains water is encroaching into the house and flooding the grinder and septic and causing damage to the house structure. They

are wanting to mitigate that in redirecting water flow around the house. There are two in the front and we are going to move the grinder pump further away so it doesn't impact that area. We want to redirect water around the house and landscaping and reshaping some stuff.

- 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: You do water features. Are you working with an arborist? I've seen where they keep the level of the trees. Is that something that is being considered?

Mark: We are going to move retaining walls that are supporting where that root zone is. We are going to cut through roots and seal off the roots. There is a whole process during construction to save the trees. Retaining walls are being moved to redirect water. It would be helpful to have a description of that kind of thing.

Commissioner Tullos: Staff report says additional information is required.

Commissioner Hoestenbach: Are you working with an arborist that is going to be onsite?

Mark: I haven't chosen one yet.

Commissioner Hoestenbach: I was uncomfortable to grant removing trees because if you grant the variance as proposed, it seems we're giving a green light to cut the trees. There is less of an effort to save the trees. I'm not saying that's what you're going to do. Chairman Meisel stated that what we are looking at is allowing this work to happen in the CRZ. If we are going to allow this work in the CRZ, it's important to feel comfortable with that to hear from an arborist.

Mark: We're having civil engineering.

Commissioner Tullos: I feel like we're voting on a hypothetical.

Commissioner Swanson: I think two of those are the most beautiful trees.

Mark: We don't have any choice with the water damage.

Commissioner Maccini: Is this part of a larger remodel of the property? The footprint looks.

Chairman Meisel: There is also on your improved plans a typo Tree #2 on this sheet is identified as 19" Live Oak where everywhere else is 14" Live Oak. That's a major difference.

Mark: The surveyor didn't know how to label it.

Chairman Meisel: We have an ordinance that describes how to measure multi-stem.

Commissioner Tullos: Those should be flagged as multi-trunk. Tree #7 and Tree #15. Cedar cluster at Tree #791. I have a feeling those are multi-trunks.

Chairman Meisel: I'm going to make a Rule. This is not ripe for consideration. The matter is postponed until the November meeting. You can postpone further if you need. We need to know the arborist report. If not the arborist and a clear picture of what's going on. What's happening that points you to the removal of these or any tree.

Commissioner Vandersteel: A more detailed report of where you're doing the work.

Commissioner Hoestenbach: Does the variance request need to be changed?

City Administrator Wood: I was going to ask Laura the same thing? Could we change the language of the request to the CRZ?

Assistant City Attorney Mueller: I was looking for the description to see if that was a violation and I couldn't find it. I would need to look at it more. The city arborist to go ahead and ask as if they were going to cut down the tree.

City Administrator Wood: To be clear we're not giving you permission to cut the tree.

Chairman Meisel: Postpone until the November meeting.

Mark: An arborist plan?

Commissioner Vandersteel: We need to see more detail.

Commissioner Maccini: Id' like to see the trees on the contour map.

Commissioner Hoestenbach: If you could have the arborist speak if you have explored other alternatives and this is the only way you could do this.

Mark: That would be more of a civil engineer.

ITEM IS POSTPONED UNTIL THE NOVEMBER MEETING.

5. 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.

- a. Staff Briefing.

City Administrator Wood: They are asking for a sign permit. When they did their right-of-way acquisition with the City, part of that stated they could have a sign that was built more or less the same. There is a pre-approval for the concept of the sign. They are turning in the actual sign. The sign was significantly the same and approved in the acquisition

agreement. There are no variances because it was pre-approved in the other process. That's why this is different from the one before. It conforms to the pre-approved sign.

Vice-Chairman Gage: There's nothing for us to do is approve?

Chairman Meisel: This is a judgement in a county court.

City Administrator Wood: It was actually done as an imminent domain case.

Commissioner Vandersteel: What are we approving?

Chairman Meisel: We're approving the one in your right hand. It is slightly different but not its size, we're being asked to approve it.

Commissioner Vandersteel: Now I understand.

- b. Presentation by applicant.
- 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.

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

- 6. Land Use: Proposed Amendment #2 to a Uniform Sign Agreement for Johnson Four Corners, Ltd. at 3654 Bee Cave Road to allow any commercial establishment a business name to appear on an awning at this location (Trianon Coffee is current business). Applicant Charles Lauriat.
 - a. Staff Briefing.

City Administrator Wood: This was located at Walsh Tarleton and Bee Cave Road. They are moving to what is Johnson Four Corners. That was a Delaware Subs and then changed to a gym for a long time. When that gym came in they asked for an amendment to the sign agreement. Unfortunately the way, it would have been better that the tenant can have their name so they could have it on their awning. We're changing that amendment that the tenant can have their name on their awning. It's not considered a variance, it's an amendment.

Commissioner Swanson: So they didn't have to do notice?

City Administrator Wood: Correct.

- b. Presentation by applicant.

Charles. All I want to do is make a green awning black and put my name on it. I don't really care if you want to change it for everybody; I just want it changed for me. I'm done.

City Administrator Wood: The amendment could be done for this specific business or any business.

- 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.

Chairman Meisel: What about colors? Is black approved signs?

Assistant City Attorney Mueller: It's considered a natural color.

Vice-Chairman Gage: The verbiage I was told was natural tones.

Commissioner Maccini: Black is a neutral color.

Chairman Meisel: Why black as opposed to any other color?

Charles: A more classic look.

Assistant City Attorney Mueller: It says black and earth tones.

Commissioner Swanson: I would rather it be for this tenant than open ended?

COMMISSIONER SWANSON MOVES TO RECOMMEND APPROVAL CONDITIONED IT BE LIMITED TO THE INDIVIDUAL BUSINESS NAME. COMMISSIONER VANDERSTEEL SECONDS. UNANIMOUS (6-0) APPROVAL.

7. Adjournment by Chairman Robert Meisel.

Chairman Meisel adjourns the meeting at 7:22 p.m.