



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF CITY COUNCIL REGULAR MEETING
Wednesday, April 10, 2024 at 7:00 PM

Notice is hereby given that the City Council of the City of West Lake Hills, Texas, will hold a Regular Meeting on the 10th day of April 2024 at 7:00 p.m., in the Council Chambers, Municipal Building, 911 Westlake Drive, West Lake Hills, Texas, at which time the following items will be discussed, to-wit:

REMOTE ACCESS - Join Zoom Meeting at <https://us02web.zoom.us/j/3499549035>
Or via telephone: Dial (346) 248-7799
Meeting ID: 349 954 9035

If you wish to speak during the meeting or provide written comments, please email your name, phone number, comments, and the item number you wish to speak/comment on to citysec@westlakehills.gov by 1:00 P.M. on April 10, 2024.

1. Call to Order
2. Citizen Communications The City Council welcomes public comments at this point on any issue. If the issue is listed on the agenda, the speaker may choose to comment during the Public Comment period or when the specific agenda item is taken up by the Council later in the meeting. The Council cannot respond to or discuss matters not listed on the agenda. The Council may provide factual information, refer the item to a staff member, or request the item be added to a future meeting agenda. Speakers shall limit their comments to five (5) minutes each.
3. Consent Agenda All Consent Agenda items listed are considered to be routine by the City Council and will be enacted by one (1) motion. No separate discussion or action on any of the items is necessary unless requested by a Council Member.
 - a. Approval of the March 27, 2024 Regular Meeting Minutes.
4. Land Use **613 Rock Park** - Discuss and consider action on variances for removal of three trees greater than 14 inches (Section 22.03.304 of the West Lake Hills Code). Applicant: Alfredo Terrones, MMRY, LLC.

5. Land Use **712 Windsong Trail** - Discuss and consider action on a variance to allow an encroachment of up to 20 feet into the 30-foot front yard fence setback (Section 22.03.173 of the West Lake Hills Code). Applicant: Heather Barnes.
6. Administration Discussion and update on bond items regarding Proposition B (street and drainage projects).
7. Ordinance Discuss and consider action on an ordinance amending Chapter 16 Traffic, Article 16.03 Speed, by adding Section 16.03.011 Temporary Construction Speed Zone to adopt a temporary construction speed zone of 20 miles per hour on Camp Craft Road from 500 feet south of Ranch-to-Market Road 2244 (Bee Cave Road) to approximately 200 feet north of Konstanty Circle and on Eanes School Road from Camp Craft Road for approximately 1100 feet.
8. Executive Session In accordance with Texas Government Code, Section 551.001, et seq, the City Council will recess into Executive Session (closed meeting) to discuss the following:
 - a. Section 551.071 - Consultation with the attorney regarding pending or contemplated litigation, or settlement offer; or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act, re: City of West Lake Hills v. the following:
 1. Jaffe - 1405 Wildcat Hollow;
 2. Alvarez - 1505 Wildcat Hollow;
 3. Lambert - 1600 Westlake Drive; and
 4. 1836 Real Estate, LLC - 707 Butler Cove.
9. Executive Session Reconvene into Open Session and take action if and as deemed appropriate in the City Councils' discretion regarding consultation with attorney.
10. Adjournment

Approved by: Linda Anthony, Mayor

Certificate

I certify that the above Notice of the April 10, 2024 City Council Regular Meeting was posted on the bulletin board at the Municipal Building, 911 Westlake Drive, West Lake Hills, Texas on Friday, April 5, 2024 by 5:00 pm. and will remain posted continuously until said meeting is convened.

Signed by: Terry Blanchard, City Secretary

The City of West Lake Hills is committed to compliance with the Americans with Disabilities Act. Reasonable accommodation and equal access to communications will be provided upon request.

All items on the agenda are for discussion and/or action. City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development).

CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A CITY COUNCIL REGULAR MEETING
Wednesday, March 27, 2024 at 7:00 PM

1. Call to Order

With a quorum present, Mayor Anthony called the meeting to order at 7:01 p.m.

CITY COUNCIL PRESENT:

Mayor Linda Anthony
Mayor Pro Tem Gordon Bowman
Jim O'Connor
Brian Plunkett
Beth South
Darin Walker

CITY STAFF PRESENT:

City Administrator Trey Fletcher
City Secretary Terry Blanchard
Finance Director Vonda Ragsdale
Director of BDS Jennifer Bills
Lieutenant Robert Mills
City Attorney Josh Brockman-Weber

2. Citizen Communications The City Council welcomes public comments at this point on any issue. If the issue is listed on the agenda, the speaker may choose to comment during the Public Comment period or when the specific agenda item is taken up by the Council later in the meeting. The Council cannot respond to or discuss matters not listed on the agenda. The Council may provide factual information, refer the item to a staff member, or request the item be added to a future meeting agenda. Speakers shall limit their comments to five (5) minutes each.

Mayor Anthony opened the meeting for public comments. Hearing none, the public comment section was closed.

3. Consent Agenda All Consent Agenda items listed are considered to be routine by the City Council and will be enacted by one (1) motion. No separate discussion or action on any of the items is necessary unless requested by a Council Member.

- a. Approval of the March 13, 2024 Regular Meeting Minutes.

MOTION: Upon a motion made by Councilmember Bowman and a second by Councilmember O'Connor, the Council voted five (5) for and none (0) opposed to approve the Consent Agenda as presented. Motion carried.

4. Finance Discuss and consider action on award of Depository Banking Services agreement from submitted proposals.

Finance Director Vonda Ragsdale reported that three (3) proposals were submitted - Frost Bank, Wells Fargo Bank, and Plains Capital Bank. After evaluation, the recommendation is for Frost Bank for another five (5) year agreement.

MOTION: Upon a motion made by Councilmember South and a second by Councilmember O'Connor, the Council voted five (5) for and none (0) opposed to authorize the City Administrator to execute a Banking Depository Services contract with Frost Bank. Motion carried.

5. Administration Discussion and update on street maintenance projects.

Susan Turrieta with Walter P. Moore gave a brief summary and reviewed the modified plan with the City Council.

6. Land Use **4010 Bee Cave Road** - Discuss and consider action to approve a variance for sign size for a free-standing commercial sign, single business at 4010 Bee Cave Road for the new Municipal Building (Section 32.03.008(2) of the West Lake Hills Code). Applicant: Trey Fletcher, City of West Lake Hills.

Director Jennifer Bills gave a brief summary. Mayor Anthony commented on the sign being a minimal design that is functional. It is an understated concept.

MOTION: Upon a motion made by Councilmember Walker and a second by Councilmember South, the Council voted five (5) for and none (0) opposed to approve the variance as presented. Motion carried.

7. Administration Discussion and update on bond items regarding Proposition A (new municipal complex) and Proposition B (street and drainage projects).

City Administrator Trey Fletcher gave a brief update on Proposition A. The following points were discussed:

- Received TCEQ approval.
- Consensus regarding fence height has been confirmed at 8'.
- The subdivision plat has been approved.
- Continue to have weekly BIM coordination meetings.
- Austin Energy has completed infrastructure improvements.
- A demolition permit has been submitted.
- The public use of the parking lot will stop beginning April 22.
- The site development permit is close to approval and issuance of the building permit will follow.
- The Groundbreaking Ceremony will be held on May 1st at 11 a.m.
- The Council discussed concerns for pedestrian traffic.

8. Administration Discuss and consider augmentations to support code enforcement efforts and enhance citizen communications.

City Administrator Fletcher gave a summary of modules available within the Civic Plus platform. The following modules were reviewed:

- Mass Notification System - would replace Blackboard Connect for emergency communications with residents and staff.
- SeeClickFix (311 CRM Solution) - could be added to provide additional options for resident communication of issues within the City.
- Code Enforcement - could be added to assist with reporting of complaints/violations, tracking of service orders, generation of notices/letters, etc.

MOTION: Upon a motion made by Councilmember Plunkett and a second by Councilmember Walker, the Council voted five (5) for and none (0) opposed to authorize the City Administrator to move forward by switching from Blackboard Connect to the CivicPlus Mass Notification System with the additional CivicPlus SeeClickFix 311 CRM Solution and Code Enforcement modules and including the associated costs in the FY 2024-25 budget. Motion carried.

9. Executive Session In accordance with Texas Government Code, Section 551.001, et seq, the City Council will recess into Executive Session (closed meeting) to discuss the following:
 - a. Section 551.071 - Consultation with the attorney regarding pending or contemplated litigation, or settlement offer; or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act, re: City of West Lake Hills v. the following:
 1. Jaffe - 1405 Wildcat Hollow;
 2. Alvarez - 1505 Wildcat Hollow;
 3. Lambert - 1600 Westlake Drive; and
 4. 1836 Real Estate, LLC - 707 Butler Cove.

Council convened into Executive Session at 7:40 p.m.

10. Executive Session Reconvene into Open Session and take action if and as deemed appropriate in the City Councils' discretion regarding consultation with attorney.

Council reconvened in Open Session at 8:07 p.m. No action was taken.

11. Adjournment

MOTION: Upon a motion made by Councilmember Walker and a second by Councilmember O'Connor, the Council voted five (5) for and none (0) opposed to adjourn the meeting at 8:08 p.m. Motion carried.

Respectfully submitted,

LINDA ANTHONY, MAYOR

ATTEST:

Terry Blanchard, TRMC
City Secretary

These minutes were approved on April 10, 2024.



City of West Lake Hills
Board of Adjustment

AGENDA REPORT

Meeting Date:	April 10, 2024	Item Number:	7
	Building & Development		
Department:	Services		
Prepared By:	Jennifer C. Bills	Cost / Budget:	None
Exhibits:	See Attached	Source of Funds:	N/A

Subject

613 Rock Park: Discuss and make recommendations on three variances:

1. Allow one primary residential unit with an attached dwelling unit – More than 2 dwelling units per acre (Section 38.03.034)
2. Schedule of Regulations - Establishing Setbacks for R-3 Transitional smaller than 0.5 acres (Section 22.03.281)

Applicant: Alfredo Terrones, MMRV, LLC

Recommendation

Staff recommends approval of the variance request, based on the analysis below.

The Zoning & Planning Commission considered the item at their regular meeting on March 20, 2024 and recommended denial by a vote of 4-0 (Maccini abstained) (Attachment 7).

- The Commission found that there is a hardship given the small size of the property for R-3 zoning and that the setbacks and building types minimized the impact to the community, while complying with the approved Development Agreement.

Discussion

Property Information, Zoning & Site Characteristics:

Owner: Ark Home 3 LLC

Legal Description: Westwood Villas Section 2, Lot 9

Lot Size: 0.4242

Zoning: R-3 Transitional Residential

The properties surrounding the subject property are zoned B-2 Business and ETJ – Extraterritorial Jurisdiction (Travis County).

Background & Analysis:

This property was annexed into the West Lake Hills city limits on January 12, 2011 (Attachment 1). For the property owner to consent to annexation, the city entered into a Development Agreement with the owner that agreed to certain density increases, that were in keeping with the multifamily development that was on the property at the time. This development agreement transfers with the property. In 2021, the same three

variances were considered and approved by the BOA and City Council on September 8, 2021 (<https://westlakehillstx.portal.civicclerk.com/event/92/files/attachment/1914>), however the proposal at the time was for two single family dwellings on the lot. Public wastewater is not yet available in this area, so the property is proposing a new septic system. Given the size of the lot, two single-family structures are not feasible, so the applicant has revised the plans for a single-family house with an attached guest house (1,000 square feet).

1. Section 38.03.034 –R-3 Transitional Residential Zoning - More than 2 dwelling units per acre:
The R-3 district allows clustered single-family dwelling and detached single-family units on the same lot, but requires that there are not more than two dwelling units per acre (0.5 acres per unit). Given the size of the lot, 0.4242 acres, it is not large enough for one unit. The Development Agreement, Section 5.2 allows for the owner to maximize the unit density, given that the impervious cover limit of 50% per the agreement is not exceeded. The proposed plans have an impervious cover of 24.8%, so they are meeting the terms of the agreement.
2. Section 22.03.281 – Rear and Side Setbacks for an R-3 Transitional
The code does not list setbacks for a lot smaller than 0.50 acres. For lots greater than an 0.5 acres, the setbacks are:

Front 50 feet	Requested 30 feet
Side: 50 feet	Requested 10 feet
Rear: 50 feet	Requested 30 feet

The setbacks requested by the applicant are compliant with building and fire code separation requirements and will allow the property owner to exercise the density maximization as allowed in Section 5.2 of the Development Agreement.

Variance Criteria Review:

When applying for a variance, the applicant has provided the following evidence:

1. The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.
The City and the Owner previously entered into an annexation and development agreement. Since the last variance approval, site constraints including septic & topography have prevented the new owner from developing 2 units thus this variance is seeking to only build 1 house on this site.
2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.
No other tree removal variance is being sought except for those approved in the 2021 variance.
3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.
In order to protect trees while still designing a septic system that meets local and state requirements, the system can only sustain 1 house on this lot.
4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.
Correct.
5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.
This is consistent with zoning and surrounding area when considering lot size, topography, and trees.

6. *The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.*

This variance presents no adverse impact to neighboring properties.

Outdoor Lighting

Outdoor lighting is not proposed with this variance request. Any outdoor lighting will need to comply with the City's Code.

Compliance with Adopted International Building Code

The property and future construction will have to comply with all applicable City codes.

Subdivision

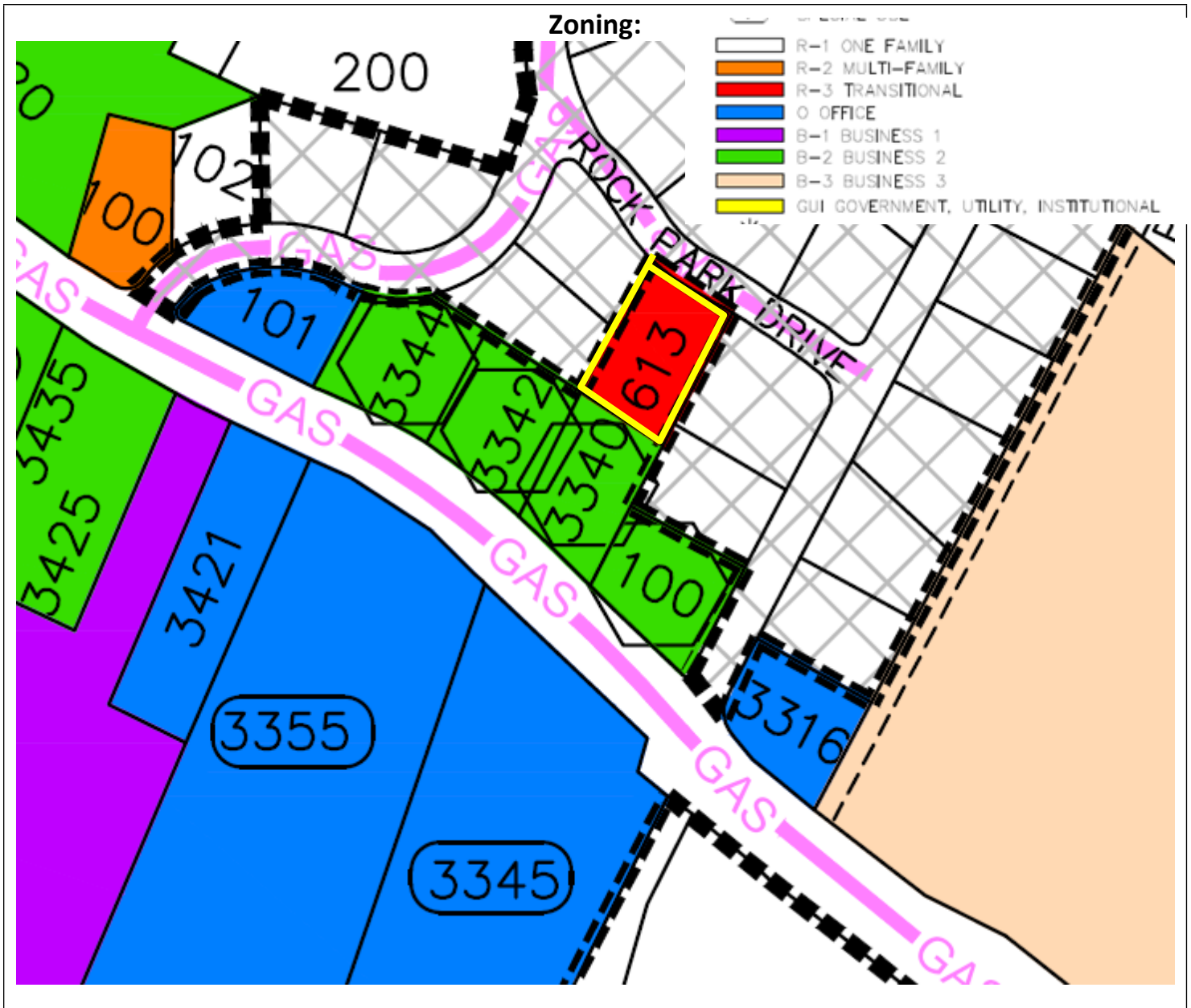
There is no change to the subdivision proposed with this application.

Comprehensive Planning Analysis

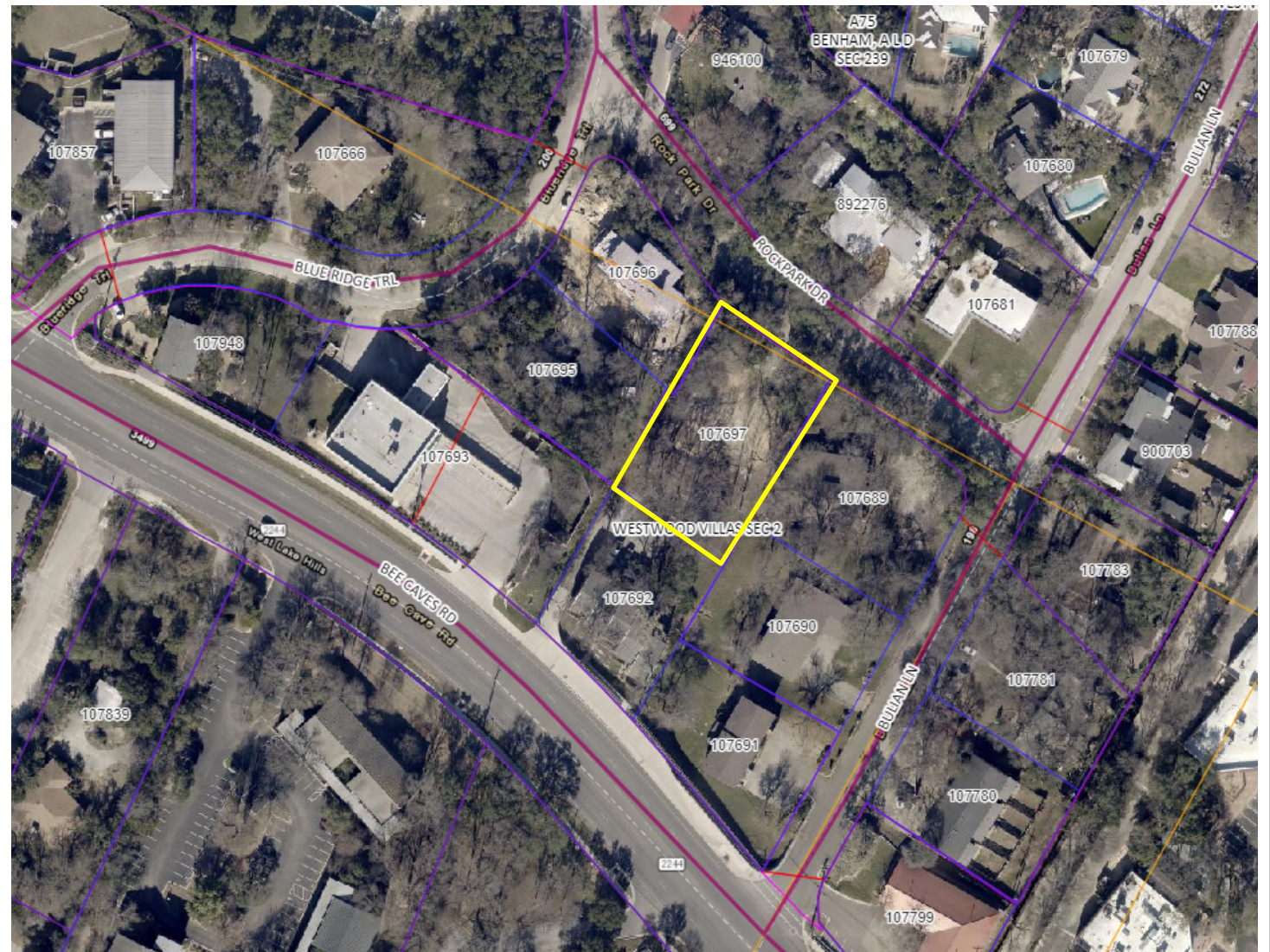
The existing and future land use is in conformance with the City of West Lake Hills Master Plan.

Links to Relevant Code:

- [Section 22.03.275 Building setback distances](#)
- [Section 22.03.281 Schedule of Regulations](#)
- [Section 22.03.170 Site disturbance \(excavation, grading or filling\)](#)
- [Section 22.03.034 Tree and Vegetation Removal and Replacement](#)
- [Section 38.05.031 Variances](#)
- [Section 22.03.514 Criteria and process required for granting a variance](#)



Aerial:



City of West Lake Hills

Dave Claunch, Mayor

911 Westlake Drive
West Lake Hills, Texas 78746-4509



CITY COUNCIL MEMBERS:

Andrew Schwartz, Mayor Pro Tem

Davin Fillpot

Stan Graham

Jean Goehring

Spencer Stevens

Robert J. Wood, City Administrator

City Hall: (512) 327-3628

Fax: (512) 327-1863

www.westlakehills.org

cityhall@westlakehills.org

Police Department: (512) 327-1195

Fax: (512) 329-5517

March 31, 2011

Kiester, Lockwood & Ciccone, L.L.P.
611 West 14th Street
Austin, TX 78701

Re: Development Agreement between the City of West Lake Hills and Christopher M. Crane

To Whom It May Concern:

Enclosed please find a copy of the above referenced Development Agreement that was recorded in the Official Records of Travis County on March 16, 2011.

Please forward a copy of the recorded agreement to Christopher M. Crane for his files.

Sincerely,

Janet Rogers
City Secretary

Enclosure



Handwritten initials: JKH

City of West Lake Hills
Received
MAR 27 2011

City of West Lake Hills
Received
MAR 27 2011

CONFIDENTIAL ECONOMIC DEVELOPMENT COMMUNICATION

ETJ Development Agreement

between

City of West Lake Hills

&

Christopher M. Crane

July 14, 2010

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ETJ DEVELOPMENT AGREEMENT

STATE OF TEXAS

§
§
§

COUNTY OF TRAVIS

This Development Agreement (this “Agreement”) is between the **City of West Lake Hills**, (“City”), and **Christopher M. Crane** (“Owner”). In this Agreement, the City and Owner are sometimes individually referred to as a “Party” and collectively referred to as the “Parties”.

RECITALS:

WHEREAS, Owner possesses a four-unit, multi-family residential complex (the “Property”) located wholly within the extraterritorial jurisdiction (“ETJ”) of the City and in Travis County, Texas (the “County”), which is more fully described in *Exhibit A* attached hereto; and

WHEREAS, the City has adopted a Comprehensive Plan to guide the City in planning for future growth and development and the City Council finds that this Agreement is consistent with the Comprehensive Plan; and

WHEREAS, the City has determined that development agreements such as this will benefit the City by establishing land use controls; preserving a desired form of residential housing; providing for the construction of appropriate and necessary utility infrastructure; encouraging economic development; protecting the environment; preserving the scenic ambiance; and promoting the welfare of the citizens of the City and its ETJ; and

WHEREAS, this Agreement grants Owner a measure of predictability in terms of applicable municipal regulations and services; and

WHEREAS, this Agreement runs with the land, and thus shall be acknowledged by a Texas Notary Public, then filed in and among the land records of Travis County, and is binding upon subsequent purchasers of the Property, or any portions thereof; and

WHEREAS, the City is statutorily authorized to enter into such agreements with owners of property located in the City’s ETJ pursuant to Texas Local Government Code Section 212.172; and

WHEREAS, Owner and the City have conducted numerous public hearings, posted sufficient public notice, and received broad public input regarding the proposal contained within this Agreement.

NOW THEREFORE, FOR GOOD & VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, including the above recitals and the agreements set forth below, the City and Owner agree as follows:

ARTICLE 1. DEFINITIONS

1.1 General

Words and phrases used in this Agreement shall have the meanings set forth in this section. Terms that are not defined below, but are defined in the City's Code of Ordinances (the "Code"), shall be given the meanings set forth in the Code. Words and phrases not defined in the Code shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

1.2 Specific

Agreement: This contract between the City of West Lake Hills, Texas and Owner, including all Exhibits hereto, which are incorporated herein for all intents and purposes.

City: The City of West Lake Hills, an incorporated Type A, general-law municipality located in Travis County, Texas.

City Council: The governing body of the City of West Lake Hills, Texas, (i.e., the Board of Alderman).

City Limits: The incorporated municipal boundary of the City of West Lake Hills.

County: Travis County, Texas.

Effective Date: The date upon which this Agreement is executed by all Parties.

Impervious Cover: Manmade or constructed coverage of the natural ground with any structure or surface that impedes, inhibits or does not permit the absorption or passage of water into the subsurface of the natural land. Impervious cover includes, but is not limited to, buildings, parking areas, roads, streets, driveways, sidewalks, swimming pools, impermeable concrete, asphalt paving, compacted base material, and brick pavers on compacted base. Permeable pavement, pavers and manmade areas of compacted or uncompacted rock or stone shall be considered 100 percent (100%) impervious cover, regardless of how much water they allow to pass through to natural ground. Decks that allow the passage of water to natural ground shall be considered 50 percent (50%)

impervious cover. Roof overhangs/eaves are not considered impervious cover. For purposes of compliance with this Chapter, the term expressly excludes storage tanks for rainwater collection systems.

LCRA: The Lower Colorado River Authority, a quasi-governmental entity created and operating under the laws of the State of Texas, or its successor agency.

Master Plan: The master plan of the City, originally presented in 1979, as may be amended, modified or supplemented by the City, sometimes referred to as the Comprehensive Plan.

Owner: Christopher M. Crane, and any successor and assign; and any subsequent owner(s).

Property: Approximately 0.424 acres of land located in Travis County, Texas, at 613 Rockpark Drive (sometimes also referred to as “Rock Park” Drive), 78746 (LOT 9, WESTWOOD VILLAS, SEC 2), more fully described on the attached *Exhibit A*.

Septic System: A privately owned and operated on-site sewage facility (OSSF).

ZAPCO: The Zoning and Planning Commission, a volunteer citizen advisory board of the City of West Lake Hills that has been granted specific land use and development regulatory authority pursuant to City ordinances and state statutes.

ARTICLE 2. PUBLIC BENEFITS

- 2.1 Orderly Growth:** The City desires that development within its ETJ occur in an orderly manner in order to protect the health, safety and welfare of the City’s present and future citizens; preserve the environment; enhance property values; and provide for preservation and expansion of the City’s tax base. This Agreement will benefit the City by facilitating the annexation of property into the City Limits, thus expanding the tax base and the scope of the City’s regulatory authority.
- 2.2 Economic Development:** This Agreement serves a legitimate economic development purpose by perpetuating a use of land that is compatible with the nearby Bee Cave Road commercial area, but that will not adversely impact neighboring single-family or multi-family residences.
- 2.3 Provision of Housing:** Multi-family housing is scarce in the City. This Agreement preserves a type of housing for the City’s present and future citizens and allows for potential redevelopment of housing that will minimize negative environmental impacts and promote the aesthetic enhancement of the City Limits and its ETJ. Further, the development of housing in accordance with this Agreement will promote safe and attractive housing conditions and a self-sustaining community.

ARTICLE 3. WASTEWATER INFRASTRUCTURE

- 3.1 The City will not conduct regular Septic System inspections of the Property until the year 2020 or until such time as wastewater service is available to the Property, whichever comes first. Alternatively, the City will allow the septic system to be maintained and repaired as opposed to replaced as long as it can be repaired to operate in good and work like manner. Owner will maintain the Septic System and perform routine repairs necessary to ensure compliance with all City and State regulations. Nothing herein shall be interpreted as the City's waiver of Owner's legal obligations to keep Septic System in working order.
- 3.2 When, if ever, in accordance with its capital improvements plan, the City extends its centralized municipal wastewater system to the Property and commences the provision of wastewater service to the Property, the Property will be eligible to connect to and be served by that system. The City will waive the first ten thousand dollars (\$10,000.00) of all fees involved for Owner to connect. Any connection fees that exceed ten thousand dollars (\$10,000.00) at the time shall be paid for by Owner.

ARTICLE 4. SOLID WASTE

- 4.1. **Level of Service:** The City will provide each residential dwelling on the Property with the same level of municipal solid waste collection and disposal service as is provided to single-family residential dwellings.
- 4.2. **Fees for Service:** The fees for solid waste services provided to the Property shall be at the same rate as that charged to single-family dwellings in the City until such time as wastewater service is available to the Property.

ARTICLE 5. PROPERTY DEVELOPMENT

- 5.1. **Land Use:** The Property can continue to be used or redeveloped for multi-family residential purposes, including apartments, condominiums or townhouses.
- 5.2. **Density:** If Owner redevelops the Property, Owner is allowed under this Agreement to achieve the maximum density for the property so long as it does not exceed the impervious cover requirements as stipulated herein. If the Owner decides to redevelop the Property, then the City agrees to cooperate in good faith and approve of any permits, certifications or licensure requested by the Owner that are otherwise compliant with City and State regulations.
- 5.3. **Impervious Cover:** The Parties agree to limit the Impervious Cover on the Property to a maximum of fifty percent (50%) of the Property.

- 5.4. **Permits:** Upon the Effective Date of this Agreement, Owner may utilize or redevelop the Property consistent with this Agreement. Any future permits required by law for the construction, use or redevelopment of the Property shall be subject to this Agreement. Unless specifically provided for herein, the Property shall be subject to the City of West Lake Hills' Code of Ordinances.
- 5.5. **Deed Restrictions:** Owner agrees that all restrictive covenants for the Project shall reinforce the provisions of this Agreement, and shall be applied to all builders and subsequent buyers, and shall be appropriately drafted and filed to effectuate this intent and Agreement.

ARTICLE 6. ANNEXATION

The Parties acknowledge that this Agreement is contingent upon:

- (1) Owner submitting to the City a valid request for annexation;
- (2) the City granting such request; and
- (3) such request becoming effective so that the Property is formally annexed into the City Limits.

ARTICLE 7. DURATION

- 7.1. **Initial Term.** The term of this Agreement will commence on the Effective Date and continue for 25 years unless sooner terminated under this Agreement. This Agreement may be extended for a longer duration not to exceed an additional five (5) years upon mutual agreement of the Parties. In the event such an extension is agreed to all, provisions of this Agreement shall remain in full force and effect throughout the extension.
- 7.2. **Expiration.** After the Initial Term and any extension, this Agreement will be of no further force and effect. Expiration of this Agreement shall not affect the validity of any annexations or regulatory actions on the Property prior to the expiration date.
- 7.3. **Termination or Amendment.** This Agreement may be terminated or amended as to all of the Property at any time by mutual written consent of the City and Owner or may be terminated or amended only as to a portion of the Property by the mutual written consent of the City and Owner of only the portion of the Property affected by the amendment or termination. Neither the City or Owner may unilaterally amend or terminate this Agreement.

ARTICLE 8. GENERAL PROVISIONS

8.1. Assignment & Binding Effect:

- 8.1.1.** This Agreement, and the rights and obligations of Owner hereunder, may be assigned by Owner to a subsequent purchaser of all or a portion of the Property provided that the assignee assumes all of the obligations hereunder. Any assignment must be in writing, specifically describe the Property, set forth the assigned rights and obligations and be executed by the proposed assignee. A copy of the assignment document must be delivered to the City and recorded in the real property records as may be required by applicable law. Upon any such assignment, the assignor will be released of any further obligations under this Agreement as to the Property.
- 8.1.2.** The provisions of this Agreement will be binding upon, and inure to the benefit of the Parties, and their respective successors and assigns.
- 8.1.3.** Owner agrees that all restrictive covenants for the Property shall reinforce this Agreement. The Agreement shall be recorded in the Travis County land records to place subsequent purchasers on notice.

- 8.2. **Severability:** If any provision of this Agreement is illegal, invalid, or unenforceable, under present or future laws, it is the intention of the Parties that the remainder of this Agreement not be affected, and, in lieu of each illegal, invalid, or unenforceable provision, that a provision be added to this Agreement which is legal, valid, and enforceable and is as similar in terms to the illegal, invalid or enforceable provision as is possible.
- 8.3. **Governing Law, Jurisdiction & Venue:** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, as it applies to contracts performed within the State of Texas and without regard to any choice of law rules or principles to the contrary. The parties acknowledge that this Agreement is performable in *Travis County*, Texas and hereby submit to the jurisdiction of the courts of that County, and hereby agree that any such Court shall be a proper forum for the determination of any dispute arising hereunder.
- 8.4. **No Third Party Beneficiary:** This Agreement is not intended, nor will it be construed, to create any third-party beneficiary rights in any person or entity who is not a Party, unless expressly otherwise provided.
- 8.5. **Remedies for Default:** If either Party defaults under this Agreement, the non-defaulting Party will have all rights and remedies available under this Agreement and applicable law, including the right to institute legal action to enjoin any threatened or attempted violation of this Agreement or to enforce the defaulting Party's obligations under this Agreement by specific performance or writ of mandamus, or to terminate this Agreement. In the event of a default by the City, Owner will be entitled to seek a writ of mandamus, in addition to seeking any other available remedies. All remedies available to a Party will be cumulative and the pursuit of one remedy will not constitute an election of remedies or a waiver of the right to pursue any other available remedy.
- 8.6. **Reservation of Rights:** To the extent not inconsistent with this Agreement, each Party reserves all rights, privileges, and immunities under applicable laws.
- 8.7. **Attorneys Fees:** The prevailing Party in any dispute under this Agreement will be entitled to recover from the non-prevailing Party its reasonable attorney's fees, expenses and court costs in connection with any original action, any appeals, and any post-judgment proceedings to collect or enforce a judgment in accordance with Section 271.159 of the Texas Local Government Code, as amended.

- 8.8. **Waiver:** Any failure by a Party to insist upon strict performance by the other Party of any provision of this Agreement will not, regardless of the length of time during which that failure continues, be deemed a waiver of that Party's right insist upon strict compliance with all terms of this Agreement. In order to be effective as to a Party, any waiver of default under this Agreement must be in writing, and a written waiver will only be effective as to the specific default and as to the specific period of time set forth in the written waiver. A written waiver will not constitute a waiver of any subsequent default, or of the right to require performance of the same or any other provision of this Agreement in the future.
- 8.9. **Entire Agreement:** This Agreement contains the entire agreement of the Parties, and there are no other agreements or promises, oral or written, between the Parties regarding the subject matter of this Agreement. This Agreement may be amended only by written agreement signed by the Parties. An amendment to this Agreement may only be approved by an affirmative vote of at least three of the five (3 of 5) members of the City Council.
- 8.10. **Exhibits, Headings, Construction & Counterparts:** All exhibits attached to this Agreement are incorporated into and made a part of this Agreement for all purposes. The paragraph headings contained in this Agreement are for convenience only and do not enlarge or limit the scope or meaning of the paragraphs. Each of the Parties has been actively and equally involved in the negotiation of this Agreement. Accordingly, the rule of construction that any ambiguities are to be resolved against the drafting Party will not be employed in interpreting this Agreement or its exhibits. This Agreement may be executed in any number of counterparts, each of which will be deemed to be an original, and all of which will together constitute the same instrument. This Agreement will become effective only when one or more counterparts, individually or taken together, bear the signatures of all of the Parties.
- 8.11. **Time:** Time is of the essence of this Agreement. In computing the number of days for purposes of this Agreement, all days will be counted, including Saturdays, Sundays and legal holidays; however, if the final day of any time period falls on a Saturday, Sunday or legal holiday, then the final day will be deemed to be the next day that is not a Saturday, Sunday or legal holiday.
- 8.12. **Authority for Execution:** The City certifies, represents, and warrants that the execution of this Agreement has been duly authorized and that this Agreement has been approved in conformity with City ordinances and other applicable legal requirements. Owner certifies, represents, and warrants that the execution of this Agreement is duly authorized in conformity with Owner's authority.
- 8.13. **Property Rights:** Owner expressly and unconditionally waives and releases the City from any obligation to perform a takings impact assessment under the Texas Private Real Property Rights Act, Texas Government Code Chapter 2007, as it may apply to this Agreement, and the Property.

- 8.14. Notices:** Any notices or approvals under this Agreement must be in writing and may be sent by hand delivery, facsimile (with confirmation of delivery) or certified mail, return receipt requested, to the Parties at the following addresses or as such addresses may be changed from time to time by written notice to the other Parties:

CITY:

Original: Robert J. Wood
City Administrator
City of West Lake Hills
911 Westlake Drive
West Lake Hills, TX 78746
Tel: (512) 327-3628
Fax: (512)-327-1863

Copy to: Bojorquez Law Firm, PLLC
Attention: Alan J. Bojorquez
West Lake Hills City Attorney
12325 Hymeadow Dr., Ste. 2-100
Austin, Texas 78750
Tel: (512) 250-0411
Fax: (512) 250-0749

OWNER:

Original: Christopher M. Crane
613 Rockpark Drive
Austin, TX 78746

Copy to: Kiester, Lockwood & Ciccone, L.L.P.
611 West 14th Street
Austin, Texas 78701
Tel: (512) 477-5796
Fax: (512) 477-5821

Either City or Owner may change their mailing address at any time by giving written notice of such change to the other in the manner provided herein at least ten days prior to the date such change is effected. All notices under this Agreement will be deemed given on the earlier of the date personal delivery is effected or on the delivery date or attempted delivery date shown on the return receipt or facsimile confirmation.

ARTICLE 9. EXHIBITS

Exhibits: The following exhibits are attached to this Agreement, and made a part hereof for all purposes:

Exhibit A - Map depicting graphic illustration of the Property

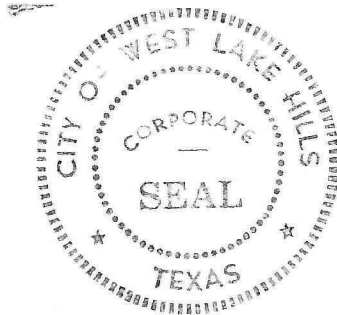
Exhibit B - Annexation Petition

STATE OF TEXAS

§
§
§

COUNTY OF TRAVIS

IN WITNESS WHEREOF, the undersigned Parties have executed this Agreement on the dates indicated below, to be effective on the date the last party signs.



CITY OF WEST LAKE HILLS:

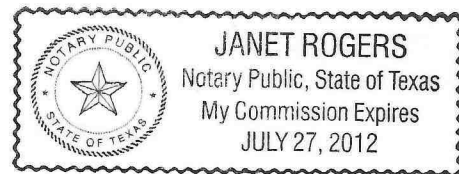
by: [Signature]
Dave Claunch, Mayor

date: 1/12/11

This instrument was executed by **Dave Claunch** before me on this, the 12th day of January 2010: 2011

[Signature]
Notary Public, State of Texas

My commission expires: 7/27/12



City of West Lake Hills
Christopher Crane

ETJ Development Agreement
Page 13 of 14

STATE OF TEXAS

COUNTY OF TRAVIS

§
§
§

OWNER:

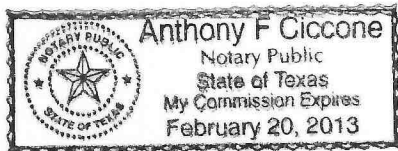
by:

Christopher M. Crane
Christopher M. Crane

date:

7-27-2010

This instrument was executed by **Christopher M. Crane** before me on this, the 3rd day of Sept 2010.



[Signature]
Notary Public, State of Texas

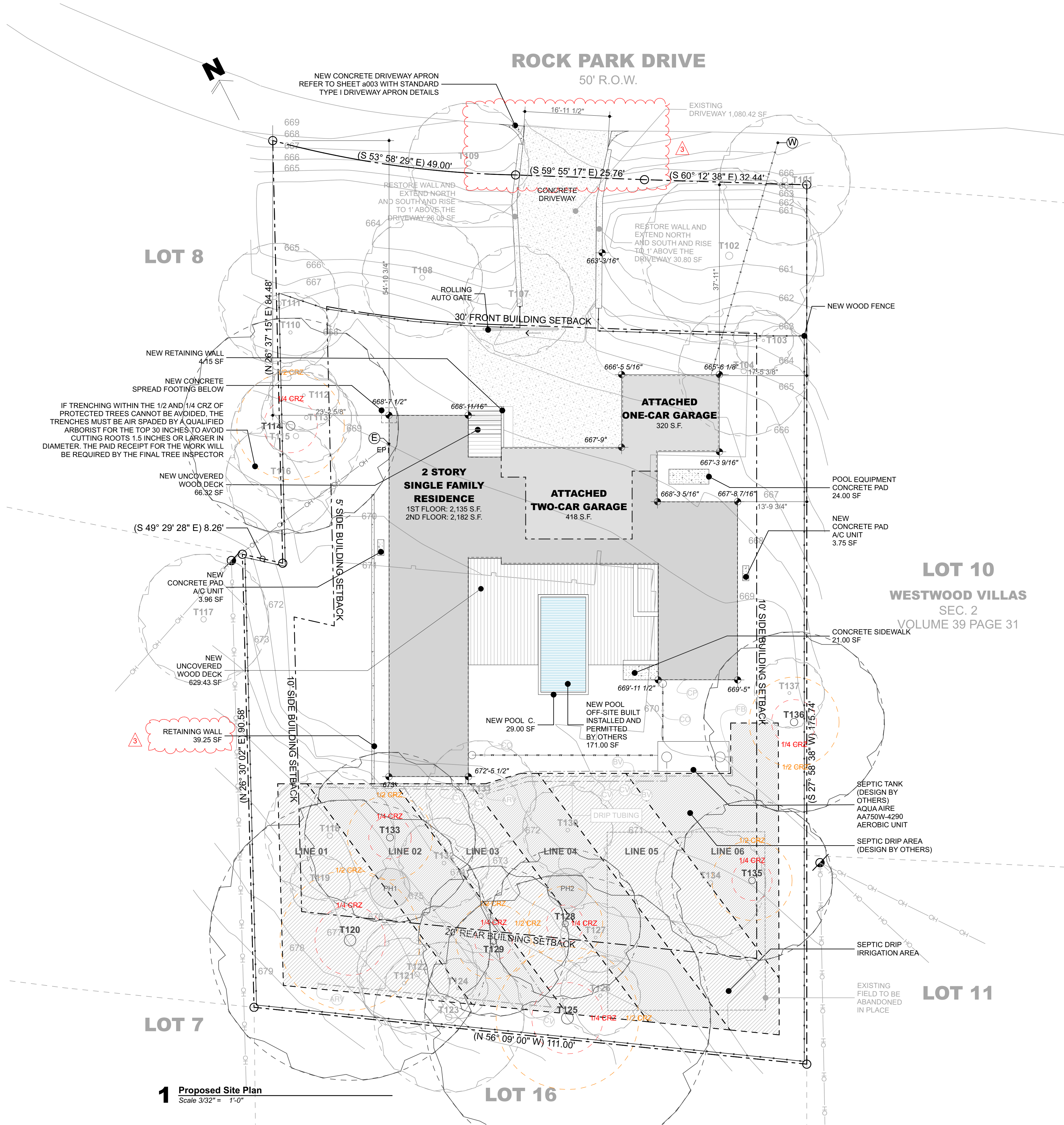
My commission expires: 9/3/10

City of West Lake Hills
Christopher Crane

ETJ Development Agreement
Page 14 of 14

TREE SCHEDULE

Tree ID	Species	Trunk Diameter
T101	HACKBERRY	13 1/2"
T102	CEDAR ELM	16 1/2"
T103	HACKBERRY	6 1/2"
T104	HACKBERRY	14"
T107	CHINABERRY	11 1/2"
T108	HACKBERRY	11 1/2"
T109	HACKBERRY	13"
T110	ASH TREE	9"
T111	LIVE OAK	12 1/2"
T112	HACKBERRY	7"
T113	HACKBERRY	9"
T114	LIVE OAK	20 1/2"
T115	LIVE OAK	13"
T116	HACKBERRY	11 1/2"
T117	CEDAR ELM	13 1/2"
T118	CEDAR ELM	12 1/2"
T119	CEDAR ELM	6"
T120	CEDAR ELM	25"
T121	CEDAR ELM	8 1/2"
T122	CEDAR ELM	12"
T123	CEDAR ELM	15"
T124	CEDAR ELM	96"
T125	CEDAR ELM	28 1/2"
T126	LIVE OAK	7 1/2"
T127	LIVE OAK	6"
T128	CEDAR ELM	14 1/2"
T129	CEDAR ELM	15"
T130	GREEN ASH	9"
T131	CEDAR ELM	11"
T132	CEDAR ELM	8 1/2"
T133	CEDAR ELM	17"
T134	GREEN ASH	11"
T135	GREEN ASH	16"
T136	HACKBERRY	18"
T137	HACKBERRY	7"



Proposed Site Plan General Notes

- All conflicts to be brought to the attention of the Architect prior to performing work.
- The dimensions on this sheet are to face of framing and/or masonry, and centerline of column and/or beam, unless otherwise noted.
- Do not scale the drawings. If a specific dimension is not given, contact the Architect for clarification.

Proposed Site Plan Legend

- topographic lines 1'-0" interval
- property line
- building setback line
- tent setback plane
- overhead utility line
- underground electrical line
- underground waste water line
- water line
- proposed fence
- existing fence
- 8.5' x 17' parking space
- asphalt
- concrete
- power pole
- electrical meter
- water meter
- water valve
- gas meter
- waste water tap
- control panel
- two-way cleanout
- filter box
- ball valve
- check valve
- air release valve

Not for construction. This document is incomplete and may not be used for regulatory approval, permitting, or construction.

Date: 11.20.2023
Architect, Jose Alfredo Terrones
Texas Registration No. 26134

Consultants:

Project, 613 Rock Park, 2023
Project No. 23-005
New Modular Residence
613 Rock Park,
West Lake Hills, Texas 78746

Owner, ARK Home 3, LLC
POX BOX, 36251
San Jose, California, 95158

Issue:

- | | |
|---------------|------------|
| 1. Permit Set | 07.07.2023 |
| 2. Revision 1 | 11.10.2023 |
| 3. Revision 2 | 01.24.2024 |

These drawings and specifications are and shall remain the property of the Architect. They may not be reused, reproduced or altered in any way without prior approval from and with compensation to the architect.

Scale. If printed on a 22"x34" sheet the scale is as indicated. If printed on a 11"x17" sheet the scale is reduced by half.

Proposed Site Plan



Re: 613 Rock Park - Variance revision

Dear Chair Meisel,

This variance request is a revision to the previously approved variance request approved on – 2021. The only item changing is to go from 2 units to 1 unit due to topographic, trees and septic constraints. All setback variances and tree removal variances from 2021 remain the same.

Thank you for your consideration.

Regards,

Alfredo Terrones

Registered Architect at mmry

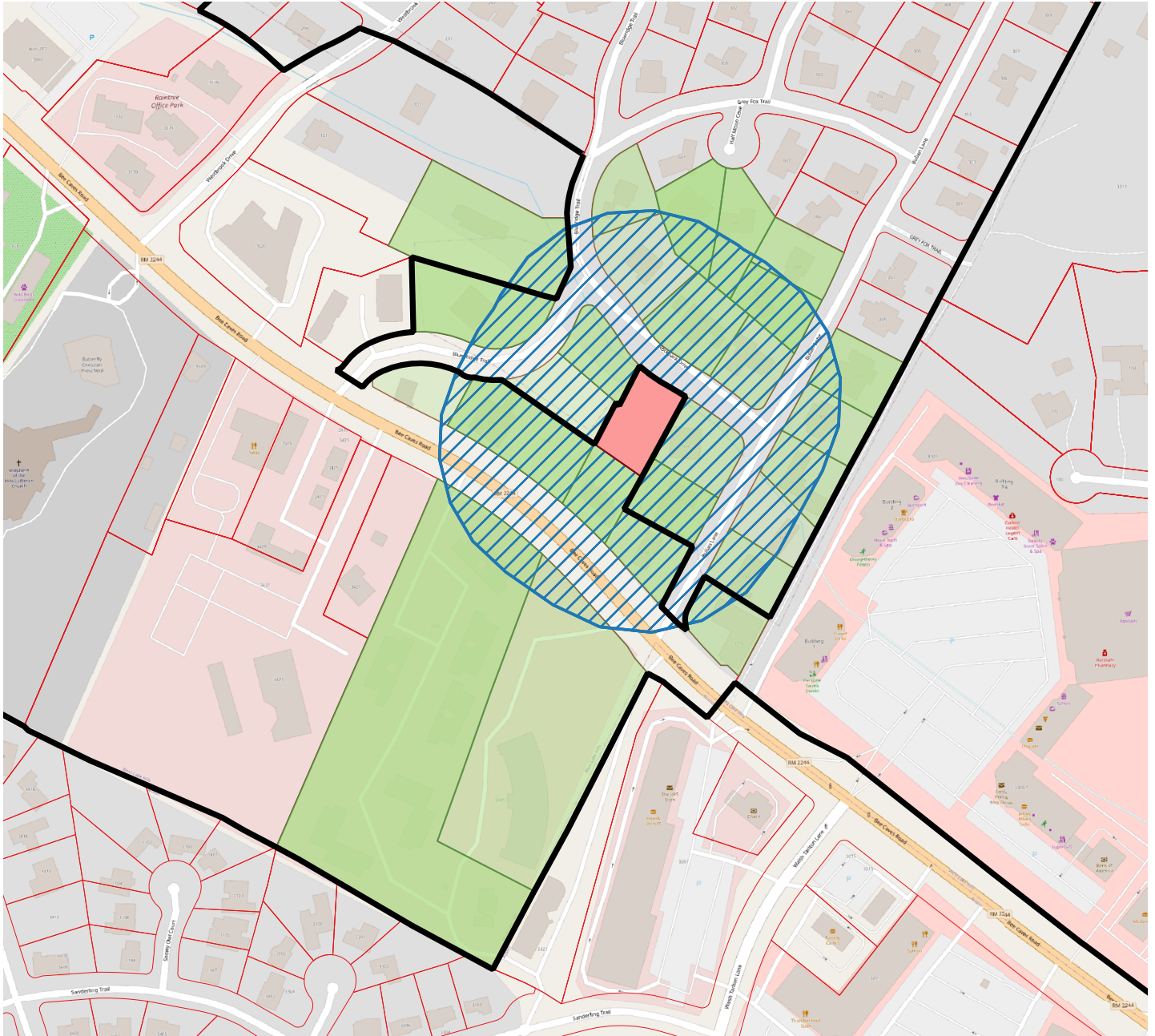
alfredo@mmry.ooo

Tel. (956) 615 4865

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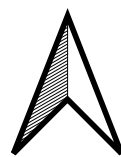
Notification Area

613 Rock Park Variance



Legend

-  Subject Parcel
-  Notification Area
-  Notification Parcels
-  Parcels
-  West Lake Hills City Limits



0 100 200 300 400 ft



Re: 613 Rock Park Variance

Margo Pflum <margopflum@yahoo.com>

Wed 3/6/2024 11:35 AM

To: Planner <planner@westlakehills.gov>

Thanks for the update. I moved into my current home in 2023 so I didn't live here in 2021 during the previous approval.

Best,
Margo

On Mar 6, 2024, at 9:33 AM, Planner <planner@westlakehills.gov> wrote:

Hello Ms. Pflum,

We will relay your feedback to the ZAPCO at the March 20th meeting. The commission agenda and staff report with exhibits will be posted to the website on March 15th by 5:00 pm. This item is similar to the variance request that was approved on September 8, 2021 (<https://westlakehillstx.portal.civicclerk.com/event/92/files/agenda/462>), except instead of two separate single family structures, the project is for a single family house with an attached guest house.

Thanks,

Jennifer C. Bills, AICP, LEED AP
Director of Building and Development Services
City of West Lake Hills, TX
Office - 512.327.3628
Direct - 512.610.6838

To request a Pre-Application Meeting, please go to: [Pre-Application Meeting Request](#) and provide the required information.

From: Margo Pflum <margopflum@yahoo.com>

Sent: Thursday, February 29, 2024 4:36 PM

To: Planner <planner@westlakehills.gov>

Subject: 613 Rock Park Variance

Hi - I received this notice and I am against any variances in setback or removal of trees. There are currently no plans shown so I guess these will be loaded onto your website soon.

I live at 105 Blue Ridge Trail.

Thank you,
Margo Pflum
512 970-5053

City of West Lake Hills

MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO)

REGULAR MEETING

Wednesday, February 21, 2024 at 6:30 PM

1. **Call to Order: Chairman Robert Meisel.**

- a. Meeting begins at 6:30pm
- b. Roll Call
 - i. Chair Robert Meisel: Present
 - ii. Vice-Chair Jim Pledger: Present
 - iii. Commissioner Julia Webber: Present
 - iv. Commissioner Karen Bartoletti: Present
 - v. Commissioner Patrick Stewart: Present
 - vi. Commissioner Laurie Maccini: Present

REMOTE ACCESS: Any citizens or applicants that wish to speak at the meeting are encouraged to attend virtually, as the number of people in the chambers will be limited due to physical distancing.

Join Zoom Meeting: <https://us02web.zoom.us/j/3499549035>

Meeting ID: 349 954 9035

If you wish to listen to the meeting via telephone:

Dial **(346) 248-7799**

Meeting ID: **349 954 9035.**

If you wish to speak during the meeting or provide written comments, please provide your name, phone number, comments, and the item number you wish to speak on to planner@westlakehills.gov by 1:00 P.M. on February 21, 2024

2. **Citizen Communications:** The Commission welcomes public comments at this point on any issue. If the issue is listed on the agenda, the speaker may choose to comment during the Public Comment period or when the specific agenda item is taken up by the Commission later in the meeting. The Commission cannot respond to or discuss matters not listed on the agenda. The Commission may provide factual information, refer the item to a staff member, or request the item be added to a future meeting agenda. Speakers shall limit their comments to five (5) minutes each.

- a. No speakers present in-person or online

3. 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 items unless a Commission Member or citizen so requests.

1. Minutes from the January 17, 2024 regular Zoning & Planning Commission Meeting.
2. Report of Previous ZAPCO cases acted on by the BOA/City Council.

- a. **Action**: Commissioner Stewart moves that all items be approved
- Commissioner Maccini Seconds
 - Motion carries 4:0

4. Public Hearing: **712 Windsong Trail**: Discuss and make a recommendation on a variance to allow an encroachment of up to 20 feet into the 30-foot front yard fence setback (Section 22.03.173 of the West Lake Hills Code)

Applicant: Heather Barnes

- a. Staff Report: Director Bills delivered a briefing on property and fence and recommends approval of variance.
- b. Public Comments:
- Applicant Heather Barnes shared a presentation on the property and why she believes the fence would be a positive for her family and the neighborhood.
 - Neighbor Ace Pickens spoke out in favor of the variance on behalf of the nearby neighbors.
- c. Discussion:
- Commissioners in general agreement that the 30-foot setback may not make sense in this particular case, but cannot determine that an actual hardship exists.
 - Commissioners expressed that fence setbacks in established neighborhoods may not always make sense, but that this is a policy issue that they would like to see addressed by Council
 - Commissioners want Council to be aware that ZAPCO
- d. Action:
- Commissioner Bartoletti moves that the variance be forwarded to Council with a recommendation of approval.
 - Motion dies without a second

- Commissioner Pledger moves that the variance be forwarded to Council with a recommendation with a recommendation of **denial** for lack of hardship.
 - Commissioner Webber Seconds
 - Motion Carries 4:1 with Commissioner Bartoletti voting against the motion.

Recommendation will be forwarded to City Council on April 10, 2024

5. Public Hearing: 702 Loma Linda: Discuss and make a recommendation on a variance to exceed the 30-foot building height maximum by 3 feet, 2 inches feet for a balcony roof. (Section 22.03.279 of the West Lake Hills Code).

Applicant: Jenna Montoya

- a. Staff Report: Director Bills delivers briefing on building history and variance. Staff recommends denial of the variance request.
- b. Public Comment: Applicant Jenna Montoya discusses their project
- c. Discussion:
 - Commissioner Webber notes that variance is design-driven, and that the floor/ceiling height could have been adjusted instead
- d. **Action:** Commissioner Stewart moves that the variance be forwarded to Council with a recommendation with a recommendation of **denial** for lack of hardship.
 - Commissioner Webber Seconds
 - Motion Carries Unanimously 5-0

Recommendation will be forwarded to the Board of Adjustment on April 10th, 2024

6. Public Hearing: 902 Redbud Trail: Discuss and make a recommendation on a variance to allow grading in the setback greater than 18 inches (Section 22.03.170 of the West Lake Hills Code).

Applicant: Samy Aboel-Nil

- a. Staff Report: Director Bills delivers briefing on retaining wall/planter in setback. Staff recommends approval of the variance.
- b. Public Comment: Architect David Bench discusses the project and the variance request.
- c. Discussion:

- Commissioners not entirely clear if the feature is a retaining wall and therefore a grade change, or a planter that would not require variance.
- d. **Action:** Commissioner Bartoletti moves that the variance be forwarded to Council with a recommendation with a recommendation of **approval**.
 - Commissioner Webber Seconds
 - Motion Carries Unanimously 5-0

Recommendation will be forwarded to the Board of Adjustment on April 10th, 2024

7. Public Hearing: 311 Westhaven Drive: Discuss and make recommendation on a variance for an encroachment of 5 feet into the 20-foot side setback for an addition to an existing nonconforming single-family house (Section 22.03.275 and 22.03.281 of the West Lake Hills Code).

Applicant: Elizabeth Salaiz

- a. Staff Report: Director Bills delivers briefing on expansion of existing non-conforming structure with a reduction in overall impervious cover. Staff recommends approval of the variance.
- b. Public Comment: Owner Jon Hibler discusses the project and the variance request.
- c. **Action:** Commissioner Maccini moves that the variance be forwarded to Council with a recommendation with a recommendation of **approval**.
 - Commissioner Webber Seconds
 - Motion Carries Unanimously 5-0

Recommendation will be forwarded to the Board of Adjustment on April 10th, 2024

8. Public Hearing: 613 Rock Park: Discuss and make recommendations on three variances:
- 1. Allow one primary residential unit with an attached dwelling unit – More than 2 dwelling units per acre (Section 38.03.034)
 - 2. Schedule of Regulations - Establishing Setbacks for R-3 Transitional smaller than 0.5 acres (Section 22.03.281)
 - 3. Removal of three trees greater than 14 inches (Section 22.03.304)
 - a. T105 – 17 Inch Live Oak
 - b. T106 – 15 Inch Cedar Elm

- c. T138 – 24.5 Inch (15/17 double trunk) Hackberry

Applicant: Alfredo Terrones

- a. Staff Report: Director Bills delivers briefing on history of Development Agreement and how the R-3 zoning district does not allow lots this size, and previous variances granted. Staff recommends approval of the variances.
- b. Public Comment:
 - Architect Alfredo Terrones discusses the project, septic requirements, and the reduced density versus the development agreement.
 - Community member Andrew Holck spoke expressing that the development does not cause him concern considering the much more extensive development occurring in the surrounding properties in the ETJ.
- c. Discussion
 - Commissioners ask why the proposed building is considered 2 separate dwelling units.
 - Director Bills explains that code defines a dwelling as having its own independent living, sanitary, and kitchen facilities. Since the main house doesn't need to be accessed from the smaller suite for use as a dwelling, it is a separate dwelling by code.
- d. **Action:** Commissioner Bartoletti moves that the variance be forwarded to Council with a recommendation with a recommendation of **approval**.
 - Commissioner Pledger Seconds
 - Motion Carries 4-0, with Commissioner Maccini abstaining.

Recommendation will be forwarded to the Board of Adjustment and City Council on April 10th, 2024

- 9. Public Hearing: **4010 Bee Cave:** Discuss and make a recommendation to approve a variance for sign size for a free-standing commercial sign, single business use at 4010 Bee Cave Rd for the new Municipal Building. (Section 32.03.008 (2) West Lake Hills Code)

Applicant: Trey Fletcher

- a. Staff Report: Director Bills delivers briefing on sign for new City Hall building.
- b. Public Comment:
 - Jennifer Bills: Building and Development Director expresses that the goal of the sign is to keep in line with existing and planned signage on redbud and

Bee Cave, and that while the building is for single-use in that the City is the sole user, the separate services (municipal offices, Court, and Police) are similar to a multi-tenant building

c. Discussion:

- Chairman Meisel expresses concern that City is willing to waive ordinances for its own use.
- Commissioner Pledger expresses that facilities serving the public good such as schools and hospitals have been given special consideration.
- Commissioner Maccini requests that the planter be removed from the sign, as it would require extra maintenance and water to maintain for minimal benefit.

d. **Action:** Commissioner Bartoletti moves that the variance be forwarded to Council with a recommendation with a recommendation of **approval**.

- Commissioner Pledger Seconds
- Motion Carries 4-1 with Commissioner Maccini voting against approval

Recommendation will be forwarded to the City Council on March 27th, 2024

10. **Adjournment: Chairman Robert Meisel.**

a. Meeting Adjourned at 8:20 pm

Respectfully submitted,

ROBERT MEISEL, CHAIRMAN

ATTEST:

Development Coordinator Joel Sherrouse

These minutes were approved on _____, 2024.

DRAFT



City of West Lake Hills City Council

AGENDA REPORT

Meeting Date:	April 10, 2024	Item Number:	5
Department:	Building & Development Services		
Prepared By:	Jennifer C. Bills	Cost / Budget:	None
Exhibits:	See Attached	Source of Funds:	N/A

Subject

712 Windsong Trl: Discuss and make a recommendation on a variance to allow an encroachment of up to 20 feet into the 30-foot front yard fence setback (Section 22.03.173 of the West Lake Hills Code).

Applicant: Heather Barnes

Recommendation

Staff recommend approval of a variance to encroach up to 20 feet into the front yard setback with the fence proposed. Given similar setback for the neighboring properties (Attachment 11) and that the fence will be open and all landscaping standards will be met with the property lines, the fence is consistent with established fence setbacks on Windsong.

The Zoning & Planning Commission considered the item at their regular meeting on March 20, 2024 and recommended denial by a vote of 4-1 (Bartoletti against) (Attachment 10).

- The Commission found that there is no hardship to the applicant. They stated the intention of the setback is to allow space within the front yard for wildlife access through the community.
- The Commission also requested that City Council review the intent and regulations for front yard fences to have a consistent standard and reduce the number of variance requests.

Discussion

Property Information, Zoning & Site Characteristics:

Owner: William and Heather Barnes

Legal Description: Hannah Subdivision, Lot 2

Lot Size: 1.085 acres

Zoning: R-1 One Family Residential

The properties surrounding the subject property are zoned R-1 One Family.

Background & Analysis:

The applicant request is to encroach into the required 30-foot front yard fence setback by up to 20 feet (Attachment 1). The proposed fence would be a black wrought iron style, metal picket, 4-foot-tall fence with a closed top rail (Attachment 2). The applicant has provided a planting list of vegetation that will be installed per Section 22.03.173 (Attachment 8). There will be at least 5 feet between the fence and the property line in which to install the required vegetation on property (not in the right-of-way). The applicant has provided a

letter signed by neighbors and pictures of similar style fences that exist along Windsong that encroach into the front yard fence setbacks (Attachment 6).

Variance Criteria Review:

When applying for a variance, the applicant has provided the following evidence:

1. *The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.*

The primary motivation behind my request for a fence is to address concerns related to deer intrusion into my property and safety of my children and dogs with the speed of the cars that go by on my street. The presence of deer poses health risks, such as the spread of ticks and the deposition of deer feces, which can be detrimental to both my family's well-being and the overall hygiene of the property. Enforcing the standard setback requirement of 30 feet from the street, as stipulated in the ordinance, would place the proposed fence uncomfortably close to my front door. This strict enforcement would essentially leave the front yard unprotected, defeating the purpose of installing a fence to mitigate the deer-related issues mentioned earlier.

To provide a visual understanding, the enforcement of the setback requirement would position the fence a mere few feet from my front door, rendering the enclosed area ineffective in preventing deer access to the front yard. This would not only compromise the effectiveness of the fence but also present a safety concern for my family, as it would disrupt the natural flow and accessibility of our property.

Proposed Solution:

To address these concerns and ensure the effectiveness of the fence in safeguarding against deer intrusion, I kindly request a variance from the setback requirement to allow for a practical and functional placement of the fence. This adjustment would enable us to create a secure and enclosed space while maintaining the necessary distance from the front door for safety and convenience. I am more than willing to collaborate with the city to find a solution that meets both the requirements of the ordinance and the unique conditions of my property. I believe that this variance is essential to balance the preservation of the natural aesthetics of the neighborhood with the practical considerations of protecting my family and property from potential health risks associated with deer presence.

I appreciate your time and consideration in reviewing my application for a variance. If required, I am available for further discussion or clarification regarding the specifics of my request.

2. *There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.*

The proposed fence installation has been carefully planned to minimize any unreasonable disruption to the natural terrain and existing flora on my property. Here are the key reasons why the requested variance will not result in undue harm to the environment:

Strategic Placement: The fence will be strategically placed within the property boundaries, avoiding sensitive areas with significant vegetation or natural features. This ensures that the installation has minimal impact on the existing flora and natural terrain.

Selective Design: The design of the fence takes into consideration the preservation of existing vegetation. Where possible, the fence will be installed in a manner that allows for the retention of mature trees and other valuable flora, ensuring a harmonious coexistence between the man-made structure and the natural surroundings.

Low Environmental Footprint: The chosen materials for the fence are environmentally friendly and have a low impact on the surrounding ecosystem. The installation process will be conducted with care to prevent unnecessary disruption to the soil and vegetation.

Compliance with Best Practices: The installation will adhere to best practices for environmental conservation, including measures to protect roots, prevent soil erosion, and minimize disturbances to the natural topography.

Mitigation Strategies: In the event that any disruption to the natural terrain is unavoidable, I am committed to implementing mitigation strategies, such as replanting native vegetation or adopting erosion control measures, to restore and protect the affected areas.

Preserving the Aesthetics of the Neighborhood:

It is my intention to contribute positively to the overall aesthetics of the neighborhood while being mindful of the local environment. The proposed fence aims to strike a balance between addressing practical concerns related to deer intrusion and maintaining the natural beauty of the surroundings.

3. *There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.*

I want to provide insight into the alternatives I have considered and explain why these options are not viable in alleviating the difficulty or hardship I believe exists regarding the installation of a fence on my property at [Your Property Address].

Alternatives Considered:

Alternative Fence Designs: I explored various fence designs and configurations to find one that complies with the setback requirements without compromising its effectiveness in deterring deer. However, given the size and layout of my property, alternative designs would either obstruct visibility or fail to provide sufficient coverage, thus not addressing the primary concern of deer intrusion and, more importantly, the safety of my children playing outside.

Natural Repellents: Investigating the use of natural deer repellents or barriers was another consideration. However, these methods are often temporary, require frequent reapplication, and may not provide consistent protection. Additionally, they do not offer the same level of security and peace of mind that a physical fence can provide, especially when it comes to ensuring the safety of my children during outdoor play.

Challenges with Alternatives:

Ineffective Solutions: Alternative fence designs or natural repellents may not offer the same level of effectiveness in deterring deer as a properly placed physical fence. The goal is to create a secure and enclosed space, not only for addressing deer intrusion but also for ensuring the safety of my children while they play outside.

4. *The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.*

I affirm that the requested variance will be tailored to the minimum extent necessary to alleviate the difficulty or hardship complained of. The proposed adjustments to setback requirements and fence placement are carefully designed to address the specific challenges related to deer intrusion, ensuring the safety of my children during outdoor play, without exceeding the minimum modifications essential for achieving the desired outcome. This commitment reflects my dedication to maintaining a balance between compliance with zoning regulations and the practical needs of safeguarding my family and property.

5. *The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.*

I firmly believe that the requested variance does not violate the intent of the Zoning Ordinance or the goals outlined in the City's Comprehensive Plan. The primary objective of the variance is to address a

unique and specific challenge related to deer intrusion while concurrently ensuring the safety of my children during outdoor activities. This aligns with the broader goals of enhancing the well-being and quality of life for residents within the community, which is a fundamental aspect of the City's Comprehensive Plan.

The variance seeks to strike a balance between adhering to zoning regulations and responding to the practical needs of homeowners, promoting a harmonious and secure living environment. By focusing on the specific circumstances of my property and its topographical challenges, the variance aims to complement rather than contradict the overarching goals of the City's Comprehensive Plan, fostering a community that is both aesthetically pleasing and functional for its residents.

I wish to highlight that the proposed variance aligns seamlessly with the existing neighborhood landscape, as all adjacent neighbors have similarly positioned fences, within a few feet from the street. This uniformity not only contributes to a harmonious aesthetic look but also establishes a neighborhood character that is consistent and visually cohesive.

By seeking to position my fence in a manner akin to neighboring properties, I am aiming to enhance the overall visual appeal of the community while simultaneously addressing the specific challenges posed by deer intrusion. This approach ensures that the requested variance is not only in harmony with the immediate surroundings but also respects the established character of the neighborhood.

6. *The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.*

I firmly believe that the requested variance will not have an adverse effect on neighboring properties or interfere with the respective owners' enjoyment thereof. The proposed fence installation is designed to align with the existing character of the neighborhood, taking into consideration the aesthetic and functional aspects of adjacent properties.

By maintaining a cohesive and harmonious design that mirrors the established norms within the neighborhood, the variance seeks to enhance the overall appeal rather than detract from it. The choice of materials, design elements, and setback considerations have been carefully evaluated to ensure that the visual impact is in line with the preferences and standards of the community.

Moreover, the primary purpose of the fence is to address concerns related to deer intrusion and create a secure space for my children to play outdoors. These objectives are not only in the best interest of my family but also contribute to the overall well-being of the community by mitigating potential issues associated with wildlife.

I am committed to open communication with my neighbors and the city, ensuring that the proposed variance respects the rights and enjoyment of neighboring properties while addressing the specific needs of my own.

Outdoor Lighting

Outdoor lighting is not proposed with this variance request. Any outdoor lighting will need to comply with the City's Code.

Compliance with Adopted International Building Code

The property and future construction will have to comply with all applicable City codes.

Subdivision

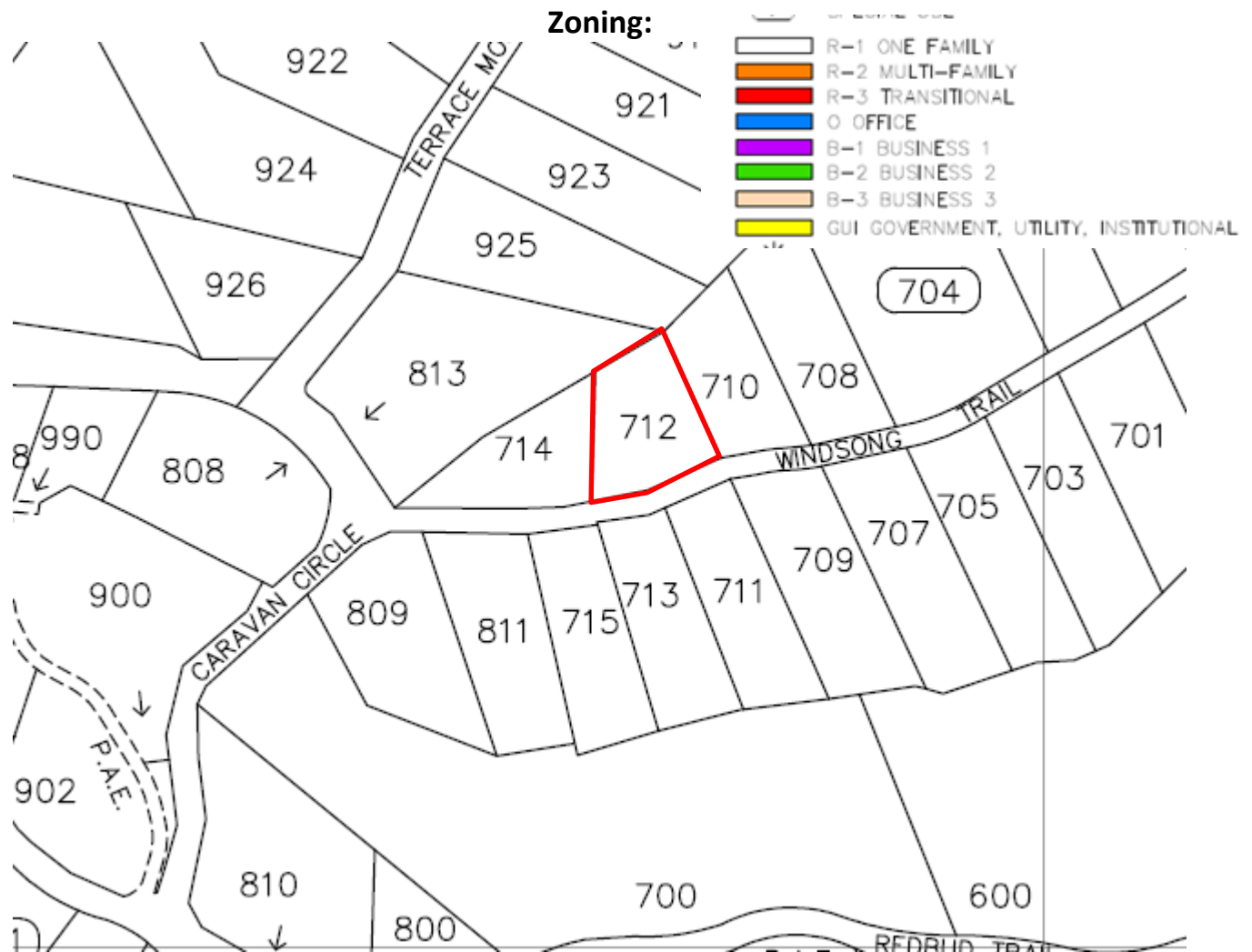
There is no change to the subdivision proposed with this application.

Comprehensive Planning Analysis

The existing and future land use is in conformance with the City of West Lake Hills Master Plan.

Links to Relevant Code:

- [Section 22.03.173: Fences \(Residential\)](#)
- [Section 38.05.031: Variances](#)
- [Section 22.03.511: Criteria and process required for granting variance](#)



Aerial:



Dear Robert Meisel,

I hope this letter finds you well. I am writing to apply for a variance regarding the placement of a fence on my property at 712 Windsong Trail.. My primary objective is to create a safe and secure space for my children and dogs to play, as well as to mitigate concerns related to deer intrusion, ticks, and deer droppings.

Placement Challenges:

Enforcing the standard setback requirement of 30 feet from the street, as stipulated in the ordinance, would result in the proposed fence being positioned only a few feet from my front door. This strict enforcement would essentially prevent the creation of a fence perimeter around my front yard, compromising the safety and security of the outdoor space where my children and pets play.

Safety Concerns:

The proximity of the front door to the proposed fence location raises safety concerns, especially given the fast-paced traffic on our street. Creating a defined perimeter further back from the street is essential to ensure the safety of my children and dogs, protecting them from the risks associated with cars passing at high speeds.

Neighbor Consistency:

It's important to note that all our surrounding neighbors have their fences within three feet of the street, contributing to a consistent aesthetic within the neighborhood. This unity in fence placement not only promotes a harmonious appearance but also reflects the practical considerations of creating safe and enclosed spaces within front yards. Our fence would also match the exact material as adjacent neighbors' fences.

Deer Mitigation:

The requested variance is motivated by the need to prevent deer intrusion, which can lead to tick-related concerns and deer droppings. By establishing a secure perimeter around the front yard, I aim to create a protected area for my family, mitigating potential health risks associated with deer presence. I have found 7 ticks in the past month in my house, supposedly from our dogs.

I kindly request the city's consideration for this variance to enable the placement of the fence in a manner that aligns with the safety needs of my family, the consistency observed in neighboring properties, and the practical challenges posed by the unique characteristics of my property.

Thank you for your time and attention to this matter. I am available for further discussion or clarification as needed, and will comply with any modifications, as needed.

712 Windsong Trail

① See Post Setting Chart
± 1/2" O.C.

1-1/8" 3-15/16" TYP 3/4" ∅ x 18 Ga. Picket 1-1/2" ∅ x 16 Ga. Rail 1-1/2" x 1-1/2" x 16 Ga. Rail

3' Tall = 28-3/4"
3.5' Tall = 34-3/4"
4' Tall = 40-3/4"
5' Tall = 50-3/4"
6' Tall = 60-3/4"

Height Selection Box

3' Tall
3.5' Tall
4' Tall
5' Tall
6' Tall

4' & Under has 3-3/4" Stick down
5' High has 5-3/4" Stick down
6' & Up has 7-3/4" Stick down

Depth Selection

Plated Post
24"
36"

Distance +/-
△ -NTS

Notes

- ① 6' Panels will be identical to this drawing, except there will be 15 pickets and post spacing shown in post setting chart. ☒
- ② Plated post optional. All post will be mounted to center of plate unless offset is needed for installation

Post Selection Box

2" ∅ x 16 Ga. Post
2" ∅ x 14 Ga. Post
2-1/2" ∅ x 14 Ga. Post
2-1/2" ∅ x 12 Ga. Post
3" ∅ x 12 Ga. Post
4" ∅ x 11 Ga. Post
6" ∅ x 3/16" Wall. Post

Internal locking rods through each rail & picket

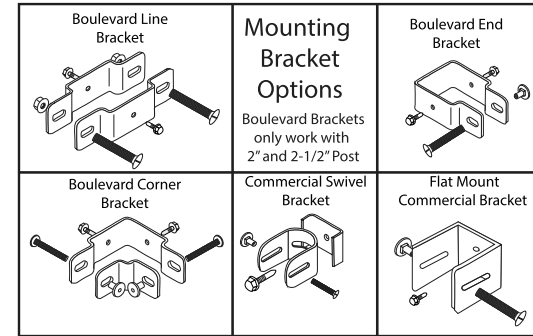
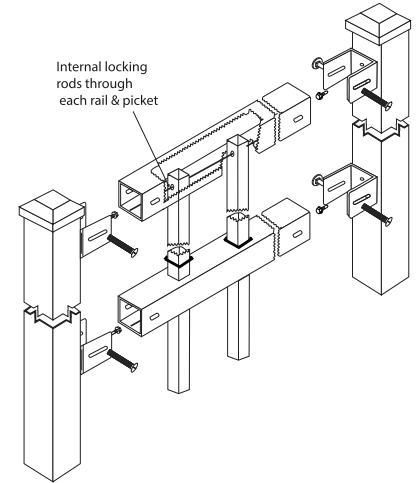


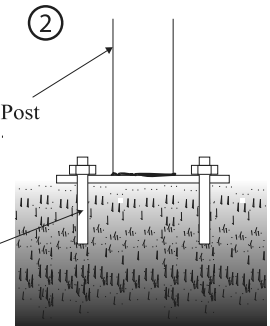
Plate Selection for Plated Post

Size	Thickness
4x4	
6x6	
8x8	
12x12	

②

Post

Concrete Anchor Bolt



☒ Post Setting Chart

STEPHENS PIPE & STEEL
Centurion
Ornamental Steel Fence System

POST SIZE	2" POSTS		2-1/2" POSTS		3" POSTS		4" POSTS		6" POSTS	
PANEL WIDTH	6'	8'	6'	8'	6'	8'	6'	8'	6'	8'
POST SETTINGS ± 1/2" O.C.	76-1/4"	95"	76-3/4"	95-1/2"	77-1/4"	96"	78-1/4"	97"	80-1/4"	99"

Project:

SPS Centurion 1 Panel :
Titan 2-Rail

Approved By/Date

Revision NO.

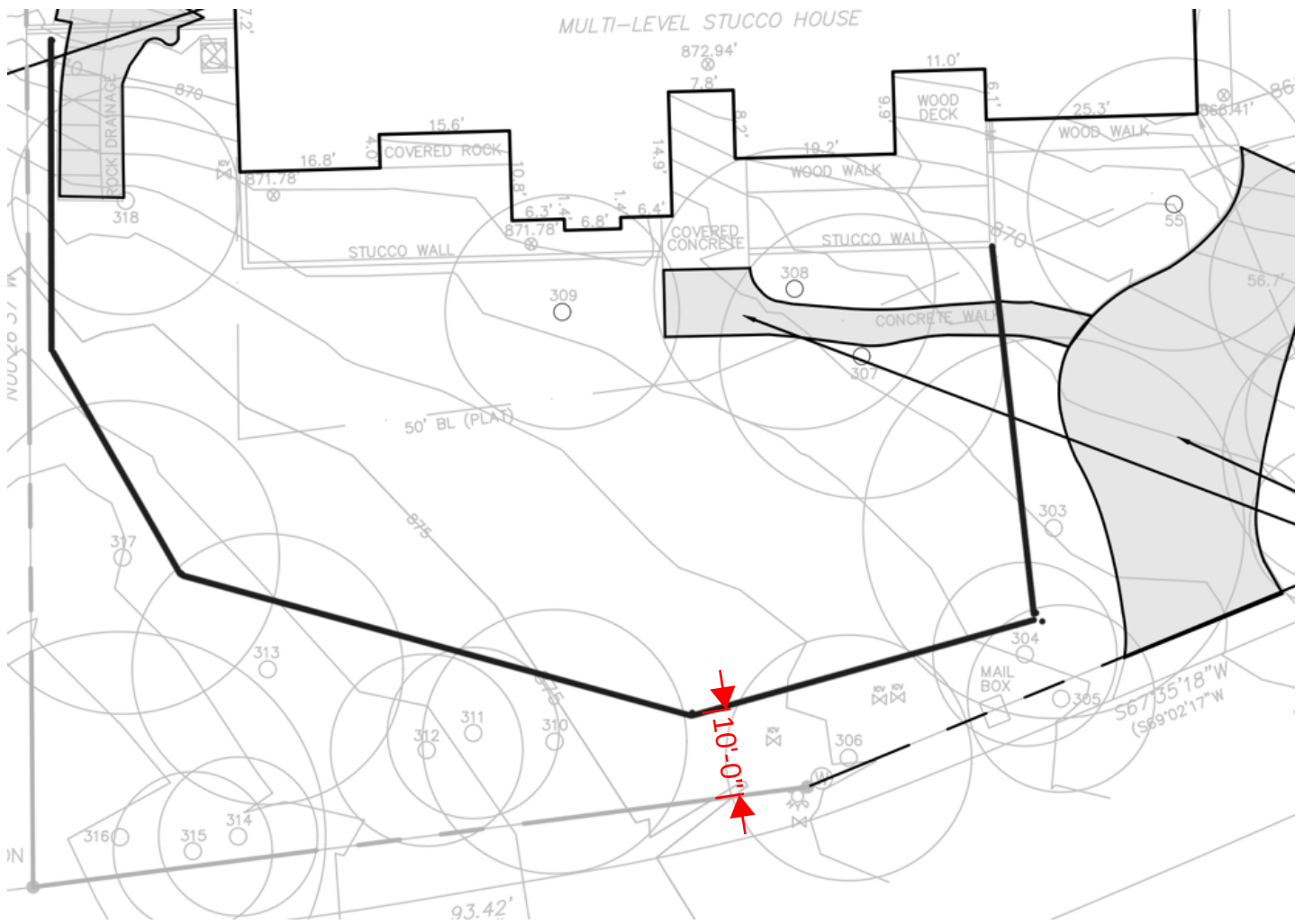
Drawing NO.

Robert Curry

Effective Date

C1-P-TIT-2R-CS

712 Windsong Trail



















Dear Neighbors,

We, the undersigned residents of 712 Windsong Trail, respectfully petition for your support in granting permission for Heather and William Barnes to install a four-foot fence around their front yard.

The proposed fence will be constructed using the same materials as those used by surrounding neighbors, ensuring harmony and consistency in the streetscape. Its design will complement the aesthetic appeal of our street, while providing practical benefits for Heather and William and their family.

The primary purpose of the fence is to enhance safety and security for Heather and William's two young children, and two dogs. With the installation of a fence, they will have a designated area where they can play freely without the risk of running into the street, thereby reducing the potential for accidents and ensuring peace of mind for all residents.

Furthermore, the fence will serve as a barrier to protect their yard from deer and the associated risks of deer droppings and ticks. This measure not only safeguards the health and well-being of Heather and William Barnes' family but also contributes to the overall cleanliness and hygiene of our neighborhood.

We believe that granting permission for Heather and William Barnes to install a front yard fence is in the best interest of our community. By supporting this petition, we affirm our commitment to fostering a safe, harmonious, and inclusive environment for all residents.

Thank you for your consideration and support.

Sincerely,

Heather and William Barnes
712 Windsong Trail
3.6.24

Diana & Rodney Holt - 714 Windsong Stephanie Norblum
Alice Pickens - 713 Rachel Mott
Rhonda Pickens - 713 [Signature]
Matt Mott - 715 Jathie Logan Cty Logan

Vegetation plan 712 Windsong Trail

Our vegetation plan between a fence line and street featuring native Texas plants, such as yucca species- spp, paleleaf, red, and twistleaf. These will be planted around the cactus that is already present. They vary in height from one to three feet tall. As a resident committed to enhancing the beauty and ecological diversity of our neighborhood, I am eager to contribute to the overall aesthetic appeal while promoting sustainability through the use of native Texas plants. I am more than willing to collaborate and make any adjustments deemed necessary by the city.

<i>Dasyliirion texanum</i>	E	3-4	3-4	Shade	E	summer	on sturdy stalk	L	X	barrier plant, requires good drainage, may attract hummingbirds, remove old bloom stalks at the base
----------------------------	---	-----	-----	-------	---	--------	-----------------	---	---	--



Yucca



Paleleaf Yucca



Red Yucca



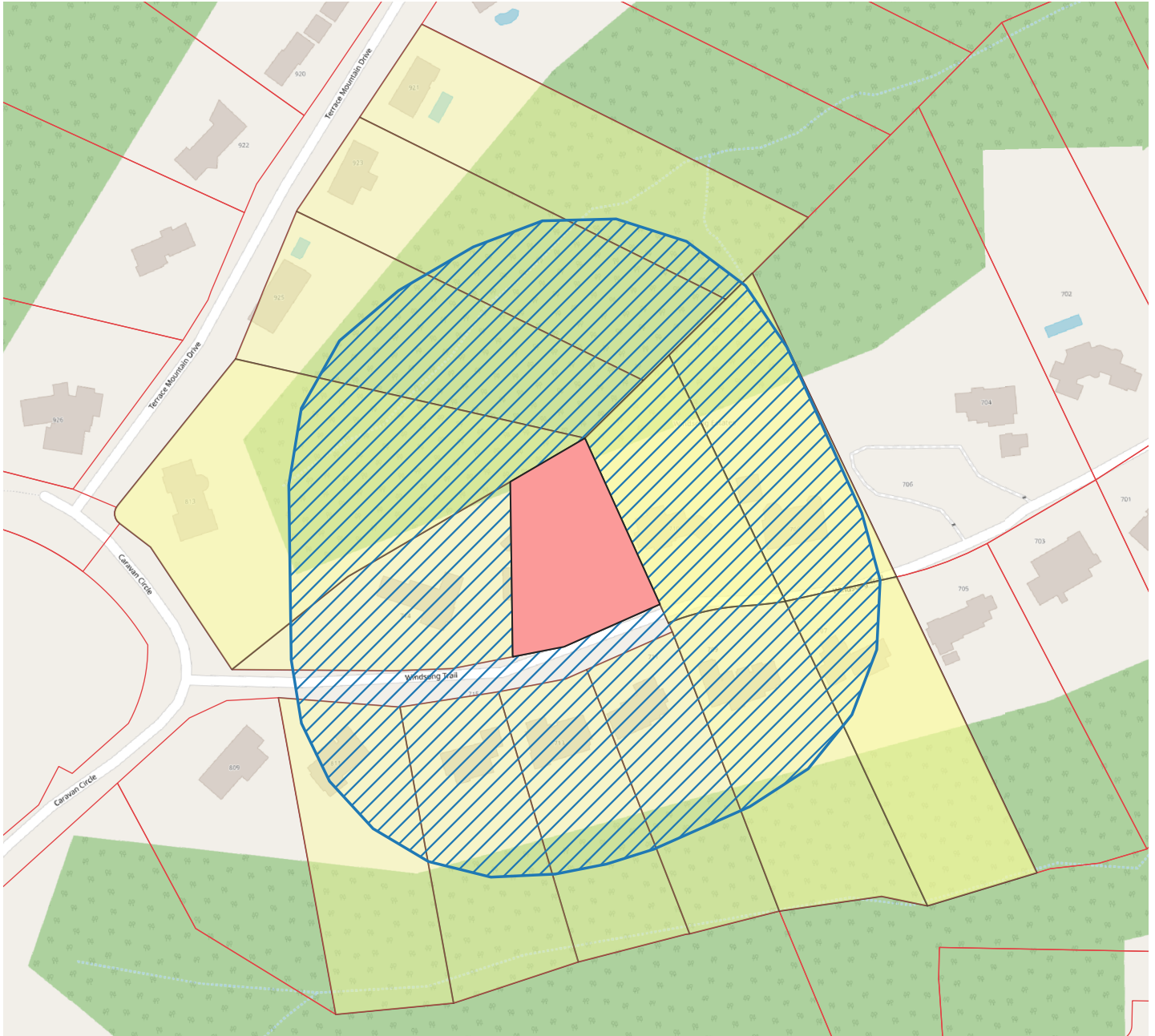
Twistleaf Yucca

Common Name	Texas Native	Height	Spread	Light	Evergreen/Deciduous	Seasonal Interest	Color/Feature	Water	Wildlife	Comments & Maintenance
-------------	--------------	--------	--------	-------	---------------------	-------------------	---------------	-------	----------	------------------------

Yucca spp.		varies	varies	Sun/ Part Shade	E	Spring and/or summer	Mostly white	VL	X	Fragrant flowers; deer typically eat blossoms but not foliage; Yucca spp. are available in many sizes, leaf types and hardiness; Paleleaf (<i>Y. pallida</i>), Twistleaf (<i>Y. rupicola</i>), Softleaf (<i>Y. recurvifolia</i>), and Big Bend (<i>Y. rostrata</i>) are recommended varieties; remove old bloom stalks at the base
Yucca, Paleleaf <i>Yucca pallida</i>	B	1'	2'	Sun/ Part Shade	E	Summer	White flowers	VL	X	Fragrant flowers; blue-green leaves; deer will eat blooms but not foliage; flowers attract moths; remove old bloom stalks at the base; <i>H. funifera</i> is Giant Yucca
Yucca, Red <i>Hesperaloe parviflora</i>	E	2-4'	4'	Sun	E	Spring - summer	Coral spike	VL	X	May colonize; deer will eat blooms but not foliage; attracts hummingbirds; remove old bloom stalks at the base
Yucca, Twistleaf <i>Yucca rupicola</i>	E	1-2'	2'	Sun/ Part Shade	E	Summer	White	L	X	Older leaves are twisted; deer eat flowers but not foliage; nectar attracts nocturnal moths; larval host plant for the Yucca Giant Skipper; remove old flower stalks at the base

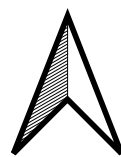
Notification Area

712 Windsong Trail Variance

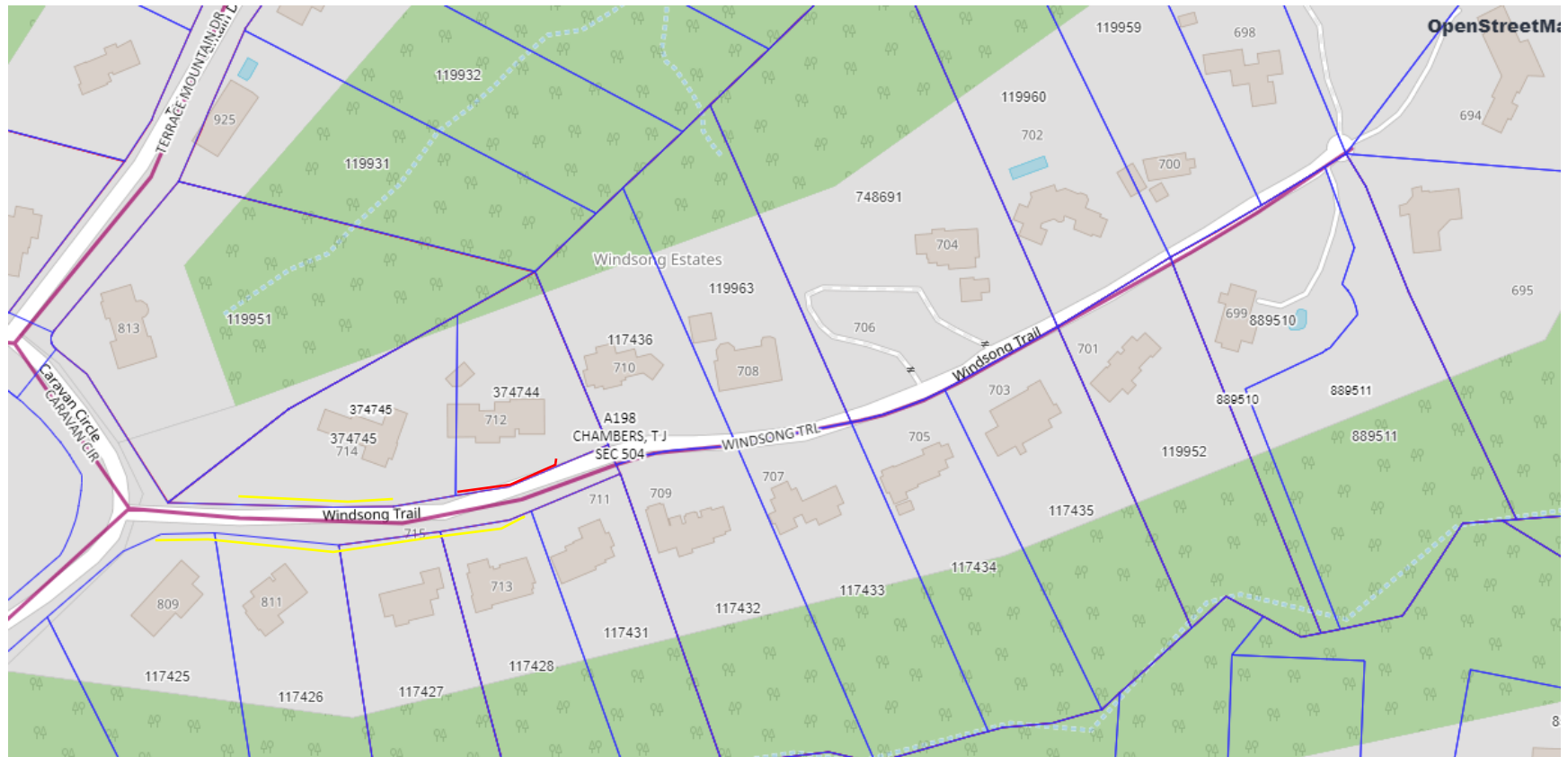


Legend

-  Subject Parcel
-  Notification Area
-  Notified Parcels
-  Parcels



Attachment 11 - Existing non-conforming fences



- Existing encroaching front yard fence
- Proposed fence for 712 Windsong

City of West Lake Hills

MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO)

REGULAR MEETING

Wednesday, February 21, 2024 at 6:30 PM

1. **Call to Order: Chairman Robert Meisel.**

- a. Meeting begins at 6:30pm
- b. Roll Call
 - i. Chair Robert Meisel: Present
 - ii. Vice-Chair Jim Pledger: Present
 - iii. Commissioner Julia Webber: Present
 - iv. Commissioner Karen Bartoletti: Present
 - v. Commissioner Patrick Stewart: Present
 - vi. Commissioner Laurie Maccini: Present

REMOTE ACCESS: Any citizens or applicants that wish to speak at the meeting are encouraged to attend virtually, as the number of people in the chambers will be limited due to physical distancing.

Join Zoom Meeting: <https://us02web.zoom.us/j/3499549035>

Meeting ID: 349 954 9035

If you wish to listen to the meeting via telephone:

Dial **(346) 248-7799**

Meeting ID: **349 954 9035.**

If you wish to speak during the meeting or provide written comments, please provide your name, phone number, comments, and the item number you wish to speak on to planner@westlakehills.gov by 1:00 P.M. on February 21, 2024

2. **Citizen Communications:** The Commission welcomes public comments at this point on any issue. If the issue is listed on the agenda, the speaker may choose to comment during the Public Comment period or when the specific agenda item is taken up by the Commission later in the meeting. The Commission cannot respond to or discuss matters not listed on the agenda. The Commission may provide factual information, refer the item to a staff member, or request the item be added to a future meeting agenda. Speakers shall limit their comments to five (5) minutes each.

- a. No speakers present in-person or online

3. 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 items unless a Commission Member or citizen so requests.

1. Minutes from the January 17, 2024 regular Zoning & Planning Commission Meeting.
2. Report of Previous ZAPCO cases acted on by the BOA/City Council.

- a. **Action**: Commissioner Stewart moves that all items be approved
- Commissioner Maccini Seconds
 - Motion carries 4:0

4. Public Hearing: **712 Windsong Trail**: Discuss and make a recommendation on a variance to allow an encroachment of up to 20 feet into the 30-foot front yard fence setback (Section 22.03.173 of the West Lake Hills Code)

Applicant: Heather Barnes

- a. Staff Report: Director Bills delivered a briefing on property and fence and recommends approval of variance.
- b. Public Comments:
- Applicant Heather Barnes shared a presentation on the property and why she believes the fence would be a positive for her family and the neighborhood.
 - Neighbor Ace Pickens spoke out in favor of the variance on behalf of the nearby neighbors.
- c. Discussion:
- Commissioners in general agreement that the 30-foot setback may not make sense in this particular case, but cannot determine that an actual hardship exists.
 - Commissioners expressed that fence setbacks in established neighborhoods may not always make sense, but that this is a policy issue that they would like to see addressed by Council
 - Commissioners want Council to be aware that ZAPCO
- d. Action:
- Commissioner Bartoletti moves that the variance be forwarded to Council with a recommendation of approval.
 - Motion dies without a second

- Commissioner Pledger moves that the variance be forwarded to Council with a recommendation with a recommendation of **denial** for lack of hardship.
 - Commissioner Webber Seconds
 - Motion Carries 4:1 with Commissioner Bartoletti voting against the motion.

Recommendation will be forwarded to City Council on April 10, 2024

5. Public Hearing: 702 Loma Linda: Discuss and make a recommendation on a variance to exceed the 30-foot building height maximum by 3 feet, 2 inches feet for a balcony roof. (Section 22.03.279 of the West Lake Hills Code).

Applicant: Jenna Montoya

- a. Staff Report: Director Bills delivers briefing on building history and variance. Staff recommends denial of the variance request.
- b. Public Comment: Applicant Jenna Montoya discusses their project
- c. Discussion:
 - Commissioner Webber notes that variance is design-driven, and that the floor/ceiling height could have been adjusted instead
- d. **Action:** Commissioner Stewart moves that the variance be forwarded to Council with a recommendation with a recommendation of **denial** for lack of hardship.
 - Commissioner Webber Seconds
 - Motion Carries Unanimously 5-0

Recommendation will be forwarded to the Board of Adjustment on April 10th, 2024

6. Public Hearing: 902 Redbud Trail: Discuss and make a recommendation on a variance to allow grading in the setback greater than 18 inches (Section 22.03.170 of the West Lake Hills Code).

Applicant: Samy Aboel-Nil

- a. Staff Report: Director Bills delivers briefing on retaining wall/planter in setback. Staff recommends approval of the variance.
- b. Public Comment: Architect David Bench discusses the project and the variance request.
- c. Discussion:

- Commissioners not entirely clear if the feature is a retaining wall and therefore a grade change, or a planter that would not require variance.
- d. **Action:** Commissioner Bartoletti moves that the variance be forwarded to Council with a recommendation with a recommendation of **approval**.
 - Commissioner Webber Seconds
 - Motion Carries Unanimously 5-0

Recommendation will be forwarded to the Board of Adjustment on April 10th, 2024

7. Public Hearing: 311 Westhaven Drive: Discuss and make recommendation on a variance for an encroachment of 5 feet into the 20-foot side setback for an addition to an existing nonconforming single-family house (Section 22.03.275 and 22.03.281 of the West Lake Hills Code).

Applicant: Elizabeth Salaiz

- a. Staff Report: Director Bills delivers briefing on expansion of existing non-conforming structure with a reduction in overall impervious cover. Staff recommends approval of the variance.
- b. Public Comment: Owner Jon Hibler discusses the project and the variance request.
- c. **Action:** Commissioner Maccini moves that the variance be forwarded to Council with a recommendation with a recommendation of **approval**.
 - Commissioner Webber Seconds
 - Motion Carries Unanimously 5-0

Recommendation will be forwarded to the Board of Adjustment on April 10th, 2024

8. Public Hearing: 613 Rock Park: Discuss and make recommendations on three variances:
- 1. Allow one primary residential unit with an attached dwelling unit – More than 2 dwelling units per acre (Section 38.03.034)
 - 2. Schedule of Regulations - Establishing Setbacks for R-3 Transitional smaller than 0.5 acres (Section 22.03.281)
 - 3. Removal of three trees greater than 14 inches (Section 22.03.304)
 - a. T105 – 17 Inch Live Oak
 - b. T106 – 15 Inch Cedar Elm

- c. T138 – 24.5 Inch (15/17 double trunk) Hackberry

Applicant: Alfredo Terrones

- a. Staff Report: Director Bills delivers briefing on history of Development Agreement and how the R-3 zoning district does not allow lots this size, and previous variances granted. Staff recommends approval of the variances.
- b. Public Comment:
 - Architect Alfredo Terrones discusses the project, septic requirements, and the reduced density versus the development agreement.
 - Community member Andrew Holck spoke expressing that the development does not cause him concern considering the much more extensive development occurring in the surrounding properties in the ETJ.
- c. Discussion
 - Commissioners ask why the proposed building is considered 2 separate dwelling units.
 - Director Bills explains that code defines a dwelling as having its own independent living, sanitary, and kitchen facilities. Since the main house doesn't need to be accessed from the smaller suite for use as a dwelling, it is a separate dwelling by code.
- d. **Action:** Commissioner Bartoletti moves that the variance be forwarded to Council with a recommendation with a recommendation of **approval**.
 - Commissioner Pledger Seconds
 - Motion Carries 4-0, with Commissioner Maccini abstaining.

Recommendation will be forwarded to the Board of Adjustment and City Council on April 10th, 2024

- 9. Public Hearing: **4010 Bee Cave:** Discuss and make a recommendation to approve a variance for sign size for a free-standing commercial sign, single business use at 4010 Bee Cave Rd for the new Municipal Building. (Section 32.03.008 (2) West Lake Hills Code)

Applicant: Trey Fletcher

- a. Staff Report: Director Bills delivers briefing on sign for new City Hall building.
- b. Public Comment:
 - Jennifer Bills: Building and Development Director expresses that the goal of the sign is to keep in line with existing and planned signage on redbud and

Bee Cave, and that while the building is for single-use in that the City is the sole user, the separate services (municipal offices, Court, and Police) are similar to a multi-tenant building

c. Discussion:

- Chairman Meisel expresses concern that City is willing to waive ordinances for its own use.
- Commissioner Pledger expresses that facilities serving the public good such as schools and hospitals have been given special consideration.
- Commissioner Maccini requests that the planter be removed from the sign, as it would require extra maintenance and water to maintain for minimal benefit.

d. **Action:** Commissioner Bartoletti moves that the variance be forwarded to Council with a recommendation with a recommendation of **approval**.

- Commissioner Pledger Seconds
- Motion Carries 4-1 with Commissioner Maccini voting against approval

Recommendation will be forwarded to the City Council on March 27th, 2024

10. **Adjournment: Chairman Robert Meisel.**

a. Meeting Adjourned at 8:20 pm

Respectfully submitted,

ROBERT MEISEL, CHAIRMAN

ATTEST:

Development Coordinator Joel Sherrouse

These minutes were approved on _____, 2024.

DRAFT



City of West Lake Hills City Council

AGENDA REPORT

Meeting Date:	<u>April 10, 2024</u>	Item Number:	<u>6</u>
Department:	<u>Administration</u>		
	<u>Trey Fletcher,</u>		
Prepared By:	<u>City Administrator</u>	Cost / Budget:	<u>See below</u>
Exhibits:	<u>None</u>	Source of Funds:	<u>2022 Bond Funds</u>

Subject

Discussion and update on bond items regarding Proposition B (street and drainage projects).

Recommendation

Receive the report and provide direction as appropriate.

Discussion

Proposition B authorized \$11.8 million for the completion of various street and drainage improvements. Plans were amended per City Council direction to remove drainage improvements on Laurel Valley and remove the improvements to Terrace Mountain. All other easements required to move forward have been acquired. Recent activities:

- The bid was awarded to Smith Contracting Co., Inc. as the lowest acceptable bid with a base bid proposal of \$7,925,930.93 and Bid Alternate of \$8,806.00.
- Contract documents have been executed and a preconstruction meeting was held on March 18, 2024, with a follow-up on April 3.
- Notice to Proceed (NTP) was issued on April 1.

Looking ahead:

- Smith Contracting is looking to start construction on as many items outside the road as possible. Request to shift traffic to the eastside of ROW for the installation of the upstream wingwall (EC301) as soon as possible; may require flagging operations (i.e. one lane of traffic) during non-peak hours. Traffic will need to be shifted back over to its original configuration, after completion of wingwall EC 301, to work on the downstream wingwalls (EC302) & rock riprap.
- Working hours leading up to, and including all work involved in completing culvert work on Eanes School & Camp Craft, will potentially need to be extended to 7 days a week (7am to 9pm) ...as needed/approved. Note, § 22.03.056 Construction hours. All construction in the city is limited to Monday through Saturday during the hours from 7:00 a.m. to 6:00 p.m. Construction work on Sundays and city holidays is not allowed without prior approval from the city administrator.

- An ordinance will be proposed on April 24 to establish a construction zone speed limit to reduce speed limit by means of temporary ordinance, to 20 mph along Camp Craft for construction. This effectively reduces the speed in the school zones as well.
- Community Outreach regarding construction activities



City of West Lake Hills City Council

AGENDA REPORT

Meeting Date:	<u>April 10, 2024</u>	Item Number:	<u>7</u>
Department:	<u>Administration</u>		
	<u>Trey Fletcher,</u>		
Prepared By:	<u>City Administrator</u>	Cost / Budget:	<u>n/a</u>
Exhibits:	<u>Proposed Ordinance</u>	Source of Funds:	<u>n/a</u>

Subject

Discuss and consider action to approve an ordinance adding Section 16.03.011 "Temporary Construction Speed Zone" of Article 16.03 "Speed" in Chapter 16 "Traffic" of the Code of Ordinances of the City of West Lake Hills to adopt a temporary construction speed zone of 20 miles per hour affecting Camp Craft Road and Eanes School Road.

Recommendation

Staff recommend approval.

Discussion

The construction zone is in the vicinity of multiple school campuses including a school zone along Camp Craft Road, as well as Eanes School Road. The proposed ordinance allows for the implementation of a temporary construction zone speed limit to be applied and enforceable for the specified area for the duration of the project. The reduced speed limit to 20 miles per hour is to ensure the safety of construction crews, and the driving public.

Similar provisions may be proposed for other construction zone corridors associated with the bond program if warranted.

ORDINANCE NO. 2024-003

AN ORDINANCE ADDING SECTION 16.03.011 "TEMPORARY CONSTRUCTION SPEED ZONE" OF ARTICLE 16.03 "SPEED" IN CHAPTER 16 "TRAFFIC," OF THE CODE OF ORDINANCES OF THE CITY OF WEST LAKE HILLS, TRAVIS COUNTY, TEXAS, TO ADOPT A TEMPORARY CONSTRUCTION SPEED ZONE OF 20 MILES PER HOUR ON CAMP CRAFT ROAD FROM 500 FEET SOUTH OF RANCH-TO-MARKET ROAD 2244 (BEE CAVE ROAD) TO APPROXIMATELY 200 FEET NORTH OF KONSTANTY CIRCLE AND ON EANES SCHOOL ROAD FROM CAMP CRAFT ROAD FOR APPROXIMATELY 1100 FEET; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR A PENALTY; PROVIDING FOR AN EFFECTIVE DATE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, Section 545.352 of the Texas Transportation Code establishes prima facie reasonable and prudent speed limits for streets and highways situated in the State of Texas; and

WHEREAS, Section 545.356(b) of the Texas Transportation Code gives the governing body of a municipality the same authority as the Texas Transportation Commission to alter prima facie speed limits when a highway is under repair, construction, or maintenance; and

WHEREAS, Chapter 2, Section 3 of the *Procedures for Establishing Speed Zones* adopted by the Texas Transportation Commission states that normal speed studies are not required on sections of a highway under construction; and

WHEREAS, construction will soon commence on Camp Craft Road from 500 feet south of Ranch-to-Market Road 2244 (Bee Cave Road) to approximately 200 feet north of Konstanty Circle and on Eanes School Road from Camp Craft Road for approximately 1100 feet as part of the Proposition B (street and drainage projects),

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST LAKE HILLS, TEXAS:

SECTION 1. Findings Incorporated. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. Amendment. That Article 16.03 "Speed" in Chapter 16 "Traffic," of the Code of Ordinances of the City of West Lake Hills, Texas, shall be and is hereby amended to add a new Section 16.03.011 entitled "Temporary Construction Speed Zone" to read as follows:

"16.03.011. Temporary construction speed zone.

- (a) During construction of the "Proposition B" project (Camp Craft Road), ("Project"), the temporary speed limit shall be 20 miles per hour on Camp Craft Road from 500 feet south of Bee Cave Road to approximately 200 feet north of Konstanty Circle and on Eanes School Road from Camp Craft Road for

approximately 1100 feet. This temporary speed limit shall expire upon completion of the Project. It shall be unlawful for any person to drive a motor vehicle at a speed in excess of the speed so declared in this section when signs are in place giving notice thereof.

(b) Enforcement and penalties for violating Sec. 16.03.011 shall be governed by Sec. 16.03.010.”

SECTION 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. That the terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this ordinance shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance and the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

SECTION 5. That nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 6. That it is the intention of the City Council and is hereby ordained that the provisions of this ordinance shall become and be a part of the Code of Ordinances of the City of West Lake Hills, Texas, and that sections of this ordinance may be renumbered or relettered to accomplish such intention.

SECTION 7. That a violation of this ordinance shall be a Class C misdemeanor and the penalty for violating this ordinance shall be a fine of not less than \$1.00 or more than \$200.00.

SECTION 8. That this ordinance shall take effect upon its passage and publication as required by the City of West Lake Hills.

SECTION 9. That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED this 10th day of April, 2024.

Linda Anthony, Mayor

ATTEST:

Terry Blanchard, City Secretary

APPROVED AS TO FORM & LEGALITY:

Josh Brockman-Weber, City Attorney