

CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING
Wednesday, October 21, 2020 at 6:30 PM

1. Call to Order. Chairman Robert Meisel.

With a quorum present, Chairman Meisel called the meeting to order at 6: p.m.

Members in attendance were Chairman Robert Meisel, Vice-Chairman Jim Pledger, Commissioners Laurie Maccini, James Vaughan and Bill Vandersteel. Bill Harwell is absent.

2. Consent Agenda The following items are considered to be self-explanatory by the Commission and will be enacted with one motion. There will be no separate discussion of these item/s unless a Commission Member or citizen so requests.
 - a. Approval of the September 16, 2020 Regular Meeting Minutes.

VICE-CHAIRMAN PLEDGER MOVES TO APPROVE THE MINUTES. COMMISSIONER MACCINI SECONDS. UNANIMOUS (4-0) APPROVAL.

3. Land Use 2 Downie Place: Discussion/recommendation of a request to partially release a drainage easement in order to construct a storage area (West Lake Hills Code Sec. 36.01.017). Owner/Applicant William Wiese.
 - a. Staff Briefing

City Planner Naini gives her staff briefing. Staff Recommendation: Approval.

- b. Presentation by applicant

Bill and Channing Wiese are present and the property owners. Tracy Bratton is the engineer and discusses the drainage and impact and provided requested information from the city engineer.

Bill Vandersteel: Thank you for a thorough report.

Chairman Meisel: Excellent Report.

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

**Chairman Meisel opened the meeting for public comments.
Hearing none, the public comment section was closed.**

- d. Deliberation and Action

**COMMISSIONER VANDERSTEEL MOVES TO
RECOMMEND APPROVAL. VICE-CHAIRMAN PLEDGER
SECONDS. UNANIMOUS (4-0) APPROVAL.**

4. Land Use 409 Ledgeway Ridge: Discussion/recommendation on a variance application with five (5) variance requests in order to construct a new residence: 1) roof overhang setback encroachment on east side of house; 2) roof overhang setback encroachment on west side of house; 3) & 4) two (2) retaining walls encroaching into the setbacks; and 5) landscape arbor encroaching the front setback (West Lake Hills Code Sec. 22.03.170). Owners Jim and Laura McBride/Applicant Kyle McCollum.

- a. Staff Briefing

**City Planner Naini gives her staff briefing. Staff
Recommendation: Denial due to the building could be re-
designed to conform to Code.**

- b. Presentation by applicant

**Kyle McCollum is the applicant. Because of the drainage
easement we have a limited buildable area. The variances in the
front are for drainage.**

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

**Chairman Meisel opened the meeting for public comments.
Hearing none, the public comment section was closed.**

d. Deliberation and Action

Commissioner Vandersteel: It's a beautiful house. I have issues with the front retaining walls and arbor.

Chairman Meisel: Why the retaining walls are the size they are?

Planner Naini: Our code allows 18" but these are up to 6'.

Chairman Meisel: It's a design driven issue.

Commissioner Vandersteel: It looks like a huge amount of fill?

Kyle: No, sir. We want to deflect the water on each side. We can bring that down. We're wanting to keep the water away from the house.

Commissioner Vandersteel: That is much too large a structure in the front. If you want privacy use plantings and not structures.

Commissioner Maccini: During the subdivision process we talked about the drainage. This is design driven.

Chairman Meisel: It's not our place to suggest alternatives.

COMMISSIONER MACCINI MOVES TO RECOMMEND DENIAL ON ALL VARIANCES. VICE-CHAIRMAN PLEDGER SECONDS. (4-0) DENIAL.

5. Land Use 301 A Cedar Oak Drive: Discussion/recommendation on a variance application for the removal of five (5) trees equal to or greater than 14" in diameter in order to construct a new residence: 1) Tree # 1000 - 15" Cedar; 2) Tree # 1081 - 15" Cedar; 3) Tree # 1087 - 14" Cedar; 4) Tree # 1127 - 19" Cedar; and 5) Tree # 1187 - 16" Cedar (West Lake Hills Code Sec. 22.03.304). Applicant Greg Reynolds.

a. Staff Briefing

City Planner Naini gives her staff briefing. Staff Recommendation: Approval. Consider each of the variance trees.

Commissioner Maccini: This is a 2-story house, bi-level?

Planner Naini: Yes.

Vice-Chairman Pledger: Any considerable amount of space left for the tree will support it?

Planner Naini: Yes. It is out of the Critical Root Zone.

Commissioner Maccini: We're only talking about the trees.

b. Presentation by applicant

Greg Reynolds is the applicant and owner. It is 1.1 acre. Only 1/3 of the area is usable. Number one priority was to preserve this tree. I met with the owners of other properties and they are supportive.

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

Chairman Meisel opened the meeting for public comments. Hearing none, the public comment section was closed.

d. Deliberation and Action

Commissioner Vaughan: This seems reasonable.

Chairman Meisel: He does have to put in a lot of replacement trees. This is a win-win.

Commissioner Maccini: Mature Cedars do have a place in the ecosystem. Tree #1000 is a 15" Cedar, the other ones are outdoor areas. We do have ordinances for a reason.

Commissioner Vandersteel: They are saving the best tree possible. They did a nice job with this one.

Chairman Meisel: I don't see grounds to deny the variances requested.

COMMISSIONER VANDERSTEEL MOVES TO RECOMMEND APPROVAL AS CITED. COMMISSIONER VAUGHAN SECONDS. APPROVED (3-1) COMMISSIONER MACCINI OPPOSES.

6. Land Use 416 Ridgewood Road: Discussion/recommendation on a variance request to encroach a setback in order to construct an accessory building to serve as a home office or school room (West Lake Hills Code Sec. 22.03.001) Applicant Victoria Keith.

a. Staff Briefing

City Planner Naini gives her staff briefing. Staff Recommendation: Denial due to no hardship.

Commissioner Vandersteel: I have a discrepancy with the location.

Commissioner Vaughan: The house is in the setback?

Planner Naini: Yes on both sides.

b. Presentation by applicant

Application is not present.

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

Chairman Meisel opened the meeting for public comments. Hearing none, the public comment section was closed.

d. Deliberation and Action

VICE-CHAIRMAN PLEDGER MOVES TO RECOMMEND DENIAL FOR LACK OF HARDSHIP. MOTION DIES WITH NO SECOND.

Commissioner Vandersteel: This was built before the current setbacks.

Chairman Meisel: Variances are forever. A temporary structure has a different set of rules.

Commissioner Vaughan: I have a hard time voting on it without the applicant not being here.

Commissioner Maccini: If the structure does encroach more than the house.

Vice-Chairman Pledger: I don't see any kind of hardship.

Commissioner Vandersteel: I'm worried about setting a precedent with these small buildings.

COMMISSIONER VAUGHAN MOVES TO TABLE. VICE-CHAIRMAN PLEDGER SECONDS. UNANIMOUS (4-0) TO TABLE.

7. Land Use **1801 Westlake Drive:** Discussion/recommendation of an ordinance and zoning map amendment to rezone 1801 Westlake Drive from Transitional Residential District (R-3) to a Planned Development District (PDD) with a base zoning district of R-3 in order to construct residential condominiums (West Lake Hills Code Sec. 38.05.092 and Sec. 38.06). Applicants 1801 Westlake Drive Venture, LLC & BV Austin Apartments, LLC.

a. Staff Briefing

City Planner Naini gives her staff briefing.

This is 1.94 acres with 26 units. Steep topo, located on Bee Creek. 20 units are proposed. 2 separate buildings.

Building 1 is a 3-story and Building 2 is a 4-story unit. Hight is 35' on Building 1 and 46' for Building 2; 34.01% impervious cover. Code deviations are gone over.

Staff	Recommendation:	Options
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Vice-Chairman Pledger: When we look at the solutions, does that preclude modifications like height and setback?

Planner Naini: You can make separate recommendations.

Commissioner Maccini: If we go for the PDD, that doesn't allow all the variances?

Planner Naini: Variances are part of the PDD.

Commissioner Maccini: They are currently apartments and they will be condos? Is that allowable?

Planner Naini: It's a similar use.

Chairman Meisel: There is no grandfathering of the use if the apartments are removed.

Commissioner Vandersteel: There is no non-residential around this site. It goes against the R-3 zoning.

b. Presentation by applicant

Terry Irion is speaking for the applicant. We are not asking for a grandfathering. It's an old structure. We are trying to stay within the R-3 zoning requirements. No increase in impervious cover. Current 26 units will be replaced with 24. All parking will be under the building.

David Shiflet is the archiect. The VanDeMark's built this in 1962. We thought it would be very low impact.

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

Chairman Meisel opened the meeting for public comments.

Josh Mabry asks if the Fire Department has ladder trucks that would reach the building?

Josephine Whitley: Thank you for the opportunity. I'm the southern neighbor of this property. I've been here since 1981. I'm concerned about it being torn down. Why should it be allowed to remain 5' from my property? The number of units is decreasing but the parking will increase. I got news about this through the notice but no specific plan was being discussed. The neighbors need to have a need to see this and its effects.

Dan Brown is the engineer on the project has no comments.

The Public Comments Section is closed.

d. Deliberation and Action

Commissioner Vandersteel: I have two problems with the setback and height. That is a very deep valley. I'm having a hard time with the 5' setback.

Mark Richardson is the architect: Building 1 does have 3 units on the ground level.

Vice-Chairman Pledger: Height and setback should be met if torn down. The last one to diminish is next to R-1 zoning.

Commissioner Vaughan: This is a unique situation. I think the council needs to decide what to do with R-3. I'm inclined to kick it to council since you've already talked to them.

Commissioner Vandersteel: R-3 needs to be re-thought.

Commissioner Vaughan: The zoning doesn't make sense.

Commissioner Vandersteel: The building is so deep it won't be that noticable.

Vice-Chairman Pledger: I keep hearing about the height of the building is shielded from the road, the southside there are houses and I don't know how 45' building would look from those houses.

Commissioner Maccini: I have issues with height, impervious cover, setbacks and trees. Too much on a small property.

Chairman Meisel: The council needs a specific recommendation.

Vice-Chairman Pledger: I'm not opposed to using a PDD but I think the variances ought to be compliant.

Commissioner Vaughan: I think council needs to decide what they want with these two tracts. They need to fix R-3.

COMMISSIONER MACCINI MOVES TO RECOMMEND DENIAL OF PDD BASED ON THE VARIANCES AS PRESENTED. MOTION DIES WITH NO SECOND.

Commissioner Vandersteel: There is no communication between ZAPCO and council.

Commissioner Vaughan suggests going one by one.

Chairman Meisel: What's appropriate for this property?

8. Adjournment. Chairman Robert Meisel.

Motion to adjourn the meeting at 8:47 p.m.

Respectfully submitted,

ROBERT MEISEL, CHAIRMAN

ATTEST:

ZAPCO Secretary Mark Litrell

These minutes were approved on _____, 2020.