

CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING
Wednesday, March 17, 2021 at 6:30 PM

1. Call to Order. Chairman Robert Meisel.

With a quorum present, Chairman Meisel called the meeting to order at 6:30 p.m.

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

Chairman Meisel announces that Item 9 is postponing.

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 January 20, 2021 Regular Meeting Minutes.

**VICE-CHAIRMAN PLEDGER MOVES TO APPROVE.
SECONDED BY COMMISSIONER BARTOLETTI.
UNANIMOUS (4-0) APPROVAL.**

3. Land Use 118 Bluff Park Circle: Discussion/recommendation on a variance request to construct a swimming pool encroaching a building setback (West Lake Hills Code Sec. 22.03.281). Owners/Applicants Emily & Matt Franke.
 - a. Staff Briefing

Planner Naini gives the Staff Report. Staff Recommendation: Approval.

- b. Presentation by applicant

Matt and Emily Franke are present and explain why they are requesting the variance.

- 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 Maccini: My only concern is the pool size and decking in the encroachment.

Emily Franke: We were concerned about the distance from the drain field. The deck is shallow.

Chairman Meisel: The hardship is terrain and trees which would be effected if not an encroachment.

VICE-CHAIRMAN PLEDGERS MOVES TO RECOMMEND APPROVAL BASED ON THE HARDSHIPS MENTIONED. COMMISSIONER VAUGHAN SECONDS. COMMISSIONER BARTOLETTI OPPOSES. (3-1) APPROVAL.

4. Land Use 808 Westlake Drive: Discussion/recommendation on three variance requests for the construction of a fence: 1) Encroachment into a front yard fence setback (Westlake Drive); 2) Encroachment into a front yard setback (Yaupon Valley); and 3) Construct a solid front yard fence. (West Lake Hills Code Sec. 22.03.173). Owner/Applicant Cynthia Brandimarte.

a. Staff Briefing

Planner Naini gives the Staff Briefing . Staff Recommendation: Approval due to being in the same location and no removal of vegetation. Disapproval for solid fence.

Commissioner Maccini: How tall is the fence?

Planner Naini: 6'.

b. Presentation by applicant

Cynthia Brandimarte is the application. I've waited six months to prepare for this hearing. An attractive wood fence will provide a barrier from noise and pollution.

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 Bartoletti: The degree of noise and traffic does present a hardship.

Chairman Meisel: We can all agree that conditions on Westlake Drive are getting worse.

Commissioner Maccini: I live on Reveille and I understand the traffic. She should be able to enjoy her lot.

Vice-Chairman Pledger. The location of the fence is set back and a fair amount of plants already.

COMMISSIONER MACCINI MOVES TO RECOMMEND APPROVAL AS REQUESTED. VICE-CHAIRMAN PLEDGER SECONDS. UNANIMOUS (4-0) APPROVAL.

5. Land Use 310 Westhaven Drive: Discussion/recommendation on a variance request to allow a driveway gate to open towards the street (City of West Lake Hills Code Sec. 22.03.173). Applicants/Owners Andrew Schwartz & Sylvia Arabian.

a. Staff Briefing

Planner Naini gives the Staff Briefing. Staff Recommendation: Approval.

b. Presentation by applicant

Andrew Schwartz is the property owner. Right in the middle of our driveway is a huge tree and the fence will wrap around that.

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. Given the location, I don't think there is a major issue.

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

6. **Land Use 3423 Bee Cave Road:** Discussion/recommendation on a request for several variances in order to construct a new medical office building: 1) removal of six trees 14" or greater (#5040 - 16" Cedar; #5046 - 14" Cedar; #5140 - 15" Live Oak; # 5143 - 14" Live Oak; #5324 - 18" Cedar; & # 5373 - 14" Cedar); 2) building height exceeds maximum permitted height; and 3) impervious cover exceeds maximum permitted (West Lake Hills Code Sec. 22.03.304 & Sec. 22.03.281). Owner the Keller Group/Applicant Central Austin Management Group-Peter Narvarte.

a. Staff Briefing

Planner Naini gives the Staff Briefing: Staff Recommendation: Commissioner's approval as submitted or subject to conditions.

b. Presentation by applicant

Peter Narvarte is representing the group.

Randy Kunik: I've had my practice in the Schoolyard for 25 years and live on Buckeye. West Lake Hills is a part of all our homes. The location is perfect for patients and future patients. Our goal is to be sensitive to our neighbors.

Peter: There are a lot of details in the application. It will be lower than Sway Restaurant and heavy vegetation. There is a parking agreement in place.

- c. Public Hearing: All Persons Wishing to Speak for or Against Shall be Heard.

Kristi Berrier lives directly behind the property. There is a drainage structure behind our yard. We have concerns on what effect it will have on our property. We do request we be taken into account.

Olga Kobzar lives on Snowy Owl. The key to me is doing it appropriately. Making sure it is the right size and doesn't create any safety concerns. This application looks incomplete. The proposal is the minimum necessary. There is no traffic study provided.

Kimberly Klein: My two children go to Acton School. We needed to express our concerns about the impact during construction process on the students. The increase in traffic is also a concern.

Jessica Blacklock: I'm opposed to this project. A variance should show a hardship. This development will cause hardship to the neighbors. The entrance to the parking garage is close to the entrance to the school.

David and Laura Linton: We live behind the property. I'm not a lawyer but I know the law. It can only be granted as a hardship.

Mark Barrier: You heard from my wife earlier. We are on the downhill side of the property. Tree removal is a concern. Height of the building is also a concern. This is going to have a huge negative impact on our property. We've been ignored.

Chairman Meisel closes the Public Hearing.

d. Deliberation and Action

Vice-Chairman Pledger: This is not a zoning issue, am I correct?

Planner Naini: No, just variances.

Vice-Chairman Pledger: I'm not sure when a hydrologist report is needed, with the impervious cover involved has that been done?

Peter: We do have an engineer and drainage easement that we are allowed to impact. We will do a Type III drainage. We do have opportunity to improve that runoff.

Vice-Chairman Pledger: Has there been flooding?

Peter: I don't know that. We would go through that in the engineering.

Vice-Chairman Pledger: One concern is and you're looking at the building during the year, it looks like the building would look into the windows of neighbors.

Peter: We've taken drone photos from every direction. Shepherd of the Hills and others are larger buildings.

Chairman Meisel: The applicant hasn't shown a hardship. Given the building is not buildable by our code.

COMMISSIONER VAUGHAN MOVES TO RECOMMEND DENIAL. VICE-CHAIRMAN PLEDGER SECONDS.

Commissioner Maccini: I am hopeful the council hasn't already made up their minds. I appreciate what Ms. Blacklock said.

Vice-Chairman Pledger: I have to say I think this building has a lot of positive aspects. There may be some reasonable modifications to the building. There is a possible for design issues to improve the privacy question. Some work needs to be done. Solve the issues and the needs and address the neighbor's issues.

Commissioner Maccini: There needs to be mitigation on the design.

UNANIMOUS (4-0) DENIAL.

7. Land Use 4700 & 4704 Bee Cave Road: Discussion/Consideration of a rezoning request from One-Family Residential District (R-1) to Government, Utility, & Institutional District (GUI) for two properties with the following variances: 1) cut/fill; 2) driveway and parking setback encroachments; 3) retaining walls encroaching a setback and exceeding maximum permitted height; 4) minimum lot size; 5) rear and side building setback encroachments; 6) consider incentives to have up to 46% impervious cover; 7) variance to minimum lot size required to consider impervious cover incentives; 8) variance to permit nonresidential development on slopes exceeding 25%; and 9) removal of 48 trees 14" or greater (West Lake Hills Code Sec. 38.05.092, Sec. 22.03.210, Sec. 22.03.249, Sec. 22.03.276, Sec. 22.03.281, & Sec. 22.03.304). Owner/Applicant Ramon Aguirre - Young Peoples Workshop.

a. Staff Briefing

Planner Naini gives the Staff Briefing: Staff Recommendation: Approval by the Commission or approval with conditions.

b. Presentation by applicant

Ramon Aguirre is joined with the architect and engineers. A background is given. We want to be a continued asset to the community.

David Polkinghorn is the architect and explains the application and the requests for each variance.

- c. Public Hearing: All Persons Wishing to Speak for or Against Shall be Heard.

Richard South lives at 103 Swiftcurrent and has for 30 years. We've had 3 rain events that have affected our property. He did approach us to discuss the project. Most concerning is the 40' retaining wall. This is a zoning issue. We're entitled to have reports and studies done that haven't been.

Mike Haberman lives at 107 Swiftcurrent and has for 3 1/2 years. We love the natural surroundings. This will negatively impact all of that. Why haven't the studies been done? This is a residential neighborhood.

Ramesh Jandhyala lives at 101 Swiftcurrent: I am a new member of this community for the past 3 to 4 years. My concern was addressed in a letter.

Chairman Meisel closes the Public Hearing.

- d. Deliberation and Action

Commissioner Vaughan: The neighbors have a right to have concerns.

Commissioner Maccini: I understand the desire to rezone, what they want to build doesn't match the property. Variances are above and beyond. Square peg round hole.

Vice-Chairman Pledger: 40' cuts I don't understand. I believe the impervious cover is excessive. I'm going to recommend denial on all requests.

Chairman Meisel: GUI zoning requires a 2-acre lot and this is not. This is a non-starter.

COMMISSIONER BARTOLETTI MOVES TO RECOMMEND DENIAL ENTIRELY. VICE-CHAIRMAN PLEDGER SECONDS. UNANIMOUS (4-0) DENIAL.

8. Land Use 0 Wild Cat Hollow (Wild Cat Estates): Discussion/recommendation on a variance request to allow continuation of a private street in lieu of constructing a public street for a new proposed subdivision (West Lake Hills Code Sec. 36.01.009 (a)(3)). Owner David Altounian/Applicant Foursquare builders, LLC.

a. Staff Briefing

Planner Naini gives the Staff Briefing: Staff Recommendation: Approval.

Commissioner Bartoletti: The existing private road, how far does it go to the paved part of Wildcat Hollow? Is that dirt portion a private road?

David Altounian: That is a private road.

Commissioner Bartoletti: How will access be accomplished?

David: The plan is an extension off a private road.

Vice-Chairman Pledger: In the future can you number e-mails sent?

Wes Wigginton: 20' private access.

b. Presentation by applicant

Wes Wigginton is the representative. Five of the lots are developable. It is not a public road. The Fire Department recommends a 20' wide road for emergency access. We want to save more trees on the properties.

c. Public Hearing: All Persons Wishing to Speak for or Against Shall be Heard.

Chris Gunter lives at 410 Skyline which is directly up the hill. We are opposed to the private street. The applicant has not shown a hardship. Our biggest concern is adequate fire department access. Lots 2 and 3 don't have access by the private street.

Steve Margolin lives next door and have the same concerns with fire department access.

David Altounian: We've owned this property since 1999. We have excellent water pressure now.

Chairman Meisel closes the Public Hearing.

d. Deliberation and Action

Commissioner Maccini: This is considered a development or just a road?

Wes Wigginton: This is only addressing accessing the property.

Commissioner Maccini: Are you considering this as a construction road?

Wes: It will be addressed under the building permits.

Chairman Meisel: You have lot 4 and 7 is a disaster waiting to happen. The whole project seems inappropriate and design driven. No hardship has been shown.

Wes: Many parts of the city are a hazard. It's all handled by the HOA.

Commissioner Maccini: You're lacking a hardship in this case.

Wes: A public road would take more trees.

Commissioner Bartoletti: The proposed private drive, explain how access to lots 2 and 3 is accomplished?

Wes: Ultimately all will be off the private access.

Vice-Chairman Pledger: You're going to need to give us more information here.

Commissioner Vaughan: We have to assume the applicant wants to build a private drive. We don't have a visual. For me that's something I'd like to see.

Vice-Chairman Pledger: I live on a private access road. I don't understand what we're being asked to approve.

Chris Gunter: The original site plan showed the road going much further with turnaround. The fire department has no access to lot 2 and 3.

COMMISSIONER MACCINI MOVES TO RECOMMEND DISAPPROVAL FOR LACK OF HARDSHIP. VICE-CHAIRMAN PLEDGER SECONDS. (3-1) COMMISSIONER VAUGHAN OBSTAINS.

9. **Land Use Seven Point Seven Ranch:** Discussion/recommendation on an application for several variance requests for a proposed subdivision located at Caravan Circle between Kennan Road and Terrace Mountain: 1) Encroachment into a side building setback; 2) Proposed lots have slopes exceeding 30% for 50% or more of the lot; 3) No conservation easement on the south property line; 4) Provide only one location for a proposed on-site sewage facilities septic field smaller than 6,000sf on less than 30% slopes. (West Lake Hills Code Sec. 22.03.281, 36.01.009, 36.01.010, & 36.01.011). Owner Ranch Dubois Holdings/Applicant Jeffrey Dochen.

- a. Staff Briefing

THIS ITEM WAS POSTPONED.

- b. Presentation by applicant
c. **Public Hearing:** All Persons Wishing to Speak for or Against Shall be Heard.
d. Deliberation and Action

10. **Land Use 803 Westlake Drive:** Discussion/recommendation on an application to subdivide a tract of land into an eight-lot single family subdivision for a property zoned R-1. (West Lake Hills Code Chapter 36). Owners Doyle & Colleen Moore/Power of Attorney Terry Irion.

- a. Staff Briefing

Zoning and Planning Commission went into Executive Session at 9:19 p.m. and reconvened in Open Session at 9:35 p.m.

Planner Naini: No staff recommendation.

- b. Presentation by applicant

Terry Irion represents the applicants. Ric Thompson is the engineer. Terry explains the history of the property.

- c. Public Hearing: All Persons Wishing to Speak for or Against Shall be Heard.

Bobby Levinski is with SOS and is opposed to the application. This is a very important environmental property and has caves on this property.

Robert Kleeman: I don't see any variances and referenced his letter submitted earlier.

Randy Lee lives at 6 Rocky River Cove which is right across the valley and objects to this application and references his letter submitted.

George Peyton lives at 7 Rocky River Cove and also submitted a letter of objection. Any development would be directly in our back yards.

Doris Robitaille lives at 806 Rocky River Road which is across the creek. I'm concerned about the environment and tree removal. It's difficult to built on. I would love to see it being preserved.

Karen Downing is concern about the lots under an acre and traffic on Westlake Drive.

Chairman Meisel closes the Public Hearing.

- d. Deliberation and Action

VICE-CHAIRMAN PLEDGER MOVES TO RECOMMEND DENIAL DUE TO NON-COMPLIANCE WITH CITY CODE. COMMISSIONER BARTOLETTI SECONDS. UNANIMOUS (4-0). DENIAL.

11. Adjournment. Chairman Robert Meisel.

Motion to adjourn the meeting made at 10.07 p.m. by Chairman Meisel.

Motion to Adjourn carried unanimously by a vote of 4 ayes to 0 nays.

Respectfully submitted,

ROBERT MEISEL, CHAIRMAN

ATTEST:

ZAPCO Secretary Mark Litrell

These minutes were approved on _____, 2020.