

CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING
Wednesday, July 21, 2021 at 6:30 PM

1. Call to Order. Chairman Robert Meisel.

With a quorum present, Chairman Meisel called the meeting to order at 6:32 p.m. Members in attendance were Chairman Robert Meisel, Vice-Chairman Jim Pledger, Commissioners Bill Harwell, Laurie Maccini, Karen Bartoletti and James Vaughan.

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 June 16, 2021 Regular Meeting Minutes

**COMMISSIONER VAUGHAN MOVES TO APPROVE THE MINUTES.
COMMISSIONER HARWELL SECONDS.**

Commissioner Bartoletti: This is a general comment. We should have fewer direct quotes.

UNANIMOUS (5-0) APPROVAL.

3. Land Use 110 Reveille Road: Public Hearing and Discussion/recommendation on an application for a variance request to remove a tree with a diameter of greater than 14 inches (West Lake Hills Code Sec. 22.03.304). Zachary Mills.

A. Section 22.03.304 – Tree and Vegetation Removal and Replacement

Staff Report given by Director Grundman. Staff Recommendation: Approval

Presentation by Applicant

Zach Mills: The tree is in the middle of the building footprint and it limits what we can do with the lot. I will be planting a lot of new trees.

Public Hearing

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

Deliberation and Action

Commissioner Harwell: It appears there are other trees noted on the plat.

Zach: I've already gotten permission to get those removed by the city arborist. Tree #3783 is in rough shape.

Commissioner Maccini: Why wasn't there a full tree survey on the application?

Zach: All the trees are on the site plan here.

Commissioner Maccini: It doesn't list the ones that are going to be taken out.

Zach: Tree #3782 is the one in question. Tree #3783 is permitted to be removed. Tree #3780 is going to be removed.

Commissioner Maccini: Asks about tree protection for the overhanging trees during the construction of the second floor.

Chairman Meisel points out photos of the tree.

Commissioner Maccini: Asks about impervious cover.

COMMISSIONER BARTOLETTI MOVES TO RECOMMEND APPROVAL. COMMISSIONER HARWELL SECONDS BASED ON THE APPLICANT'S COMMITMENT TO REPLACE 27.75" FOR TREE #3782. UNANIMOUS (5-0) APPROVAL.

4. Land Use 116 Skyline Drive: Public Hearing and Discussion/recommendation on an application for a variance request to encroach a front building setback (West Lake Hills Code Sec. 22.03.281 & 22.03.275). Kim Power agent for Brian Sharples.

A. Section 22.03.281 – Encroachment in a Building Setback
Section 22.03.275 – Building Setback Distances

Staff Report given by Director Grundman: Staff Recommendation: Denial based on lack of hardship. However, approval would not affect the adjacent properties. Three letters of support came in today.

Commissioner Bartoletti: Does it come right out to the property line?

Director Grundman: It's 10' from the property line.

Presentation by Applicant

Kim Power is the architect. This is a funky shaped lot on Skyline. The carport is in the setback but 20' from the street. Mature trees surround the parking area.

Brian Sharples is the property owner. This parking was there before the construction of the new house. We want a barrier between those trees and vehicles.

Public Hearing

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

Deliberation and Action

Commissioner Harwell: Is there lighting proposed in this area?

Brian: It would be nice to have it but not necessary.

Commissioner Maccini: The majority of the properties don't have covered parking in addition to a garage. I'm not seeing a hardship.

Commissioner Vaughan: I'm inclined to support this.

Commissioner Bartoletti: Although this isn't a compelling hardship, I do feel for people that have to park under Cedar trees. There are no burdens. I see it as a minor hardship and don't see any offsetting factors. This isn't going to trouble anybody.

Chairman Meisel: The roof becomes a structure.

Commissioner Maccini: There is not a treeless driveway on Reveille Road. If that's a hardship, we all have hardships.

Vice-Chairman Pledger: I'm leaning toward approval. I have a lot of sympathy for the situation.

COMMISSIONER BARTOLETTI MOVES TO RECOMMEND APPROVAL. COMMISSIONER VAUGHAN SECONDS. APPROVED (4-1). COMMISSIONER MACCINI OPPOSES.

5. **Land Use 201 West Spring Drive:** Public Hearing and Discussion/recommendation on an application for a variance request to (West Lake Hills Code Sec. 22.03.281). Rafael Acuna

A. Section 22.03.281 – Encroachment in a building setback

Staff Briefing given by Director Grundman. Staff Recommendation: Denial for lack of hardship.

Vice-Chairman Pledger: The house uses the existing foundation? On Page 58 it doesn't appear to be as wide as on Page 59. It looks like the new building is wider and closer to the

property line than the proceeding house.

Director Grundman: The proposal would enclose that carport.

Presentation by Applicant

Rafael Acuna is the applicant. This property is .25 acres. All the trees will be protected and the second floor will be set back.

Public Hearing

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

Deliberation and Action

Commissioner Maccini: This is 100% design driven. A large house on a small lot.

Chairman Meisel: Is this a spec home?

Rafael: Yes.

Commissioner Vaughan: The previous home was a one-story. I didn't see a letter from the neighbor.

Director Grundman: I received it at 5:22 this afternoon. It is from Clark Hamilton and he supports the staff recommendation.

Clark Hamilton: It would be impossible to plant vegetation. The second floor does change the dynamic of that. It is a lot of house for that lot. We would have appreciated some outreach by the builder. That is my concern.

COMMISSIONER VAUGHAN MOVES TO RECOMMEND DENIAL FOR LACK OF HARDSHIP. VICE-CHAIRMAN PLEDGER SECONDS. UNANIMOUS (5-0) DENIAL.

6. Land Use **613 Rock Park Drive**: Public Hearing and Discussion/recommendation on an application for a variance request related to density, building setbacks and tree removal (West Lake Hills Code Sec. 38.03.034, 22.03.281 and 22.03.304). Brad Walters agent for Christopher Crane.

- A. Section 38.03.034 – More than two (2) single-family dwelling units per acre;
Section 22.03.281 – Encroachment in a building setback;
Section 22.03.304 - Tree and vegetation removal and replacement

Staff Report given by Director Grundman: Staff Recommendation: Denial for lack of hardship. There are no responses to the public notices.

Commissioner Maccini: Can you go into more depth with that agreement?

Director Grundman: It was done back in 2010. They were allowed to do 4 units.

Commissioner Bartoletti: To me the agreement doesn't provide any clue as to how we resolve this question. I don't think we have any information in this agreement.

Commissioner Vaughan: 5.2 is contradictory. I don't feel comfortable in determining what to do.

Commissioner Maccini: I share the same thing. Can the city lawyer look at it?

Director Grundman: I would recommend postponing so staff can get with the city attorney.

Presentation by Applicant

Christopher Crane: It was originally a 4-plex. The mayor at the time, Dave Claunch, and city manager, Robert Wood, came to me and discussed getting my property annexed to stop a storage facility. I was given this development agreement. I didn't feel I was getting support for it. We worked with city attorney Alan Bojorquez for months. I want to reduce the density for the neighborhood.

Brad Walters: I have been working with Mr. Crane for a while. Why are we asking for variances for the setbacks in an R-3 zoning when it was annexed was transitional. It is designed for larger lots. The side is 50' on each side. This lot is 105' wide. If the side setback is enforced there is no building area. I was surprised staff doesn't support this after asking for guidance. We thought that staff was supporting and this has been an unbelievable experience.

Christopher: If we postpone does that mean we come back next month?

Chairman Meisel: To August or September. We have to get with our counsel.

Christopher: We should address this as an amendment? I'm there. Is someone there that remembers this?

Commissioner Maccini: I'd love to have all conditions in the agreement.

Public Hearing

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

APPLICANT REQUESTS TO POSTPONE.

7. **Land Use 708 Split Rail Trail:** Public Hearing and Discussion/recommendation on an application for a variance request to remove two trees greater than 14 inches in diameter (West Lake Hills Code Sec. 22.03.304). Stephen Hawkins agent for Chris and Shanon Smith.

A. Section 22.03.304 – Tree and Vegetation Removal and Replacement

Staff Briefing by Director Grundman: Staff Recommendation: Approval of Tree #638 but not approval of Tree #490 because it could be saved.

Presentation by Applicant

Stephen Hawkins is the applicant. We have done several design changes to work around the trees and build the house inside the buildable area. We have 300 plus trees on the lot.

Public Hearing

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

Deliberation and Action

Commissioner Maccini: This is design driven.

COMMISSIONER MACCINI MOVES TO RECOMMEND DENIAL BASED ON LACK OF HARDSHIP. VICE-CHAIRMAN PLEDGER SECONDS. UNANIMOUS (5-0) DENIAL.

8. **Land Use 3423 Bee Cave Road:** Public Hearing and Discussion/recommendation on an application for a request for multiple variances to construct a new medical office building: 1) Removal of Six Trees 14 inches or greater (#5140, 15 Inch Live Oak, #5143, 14 Inch Live Oak, #5373, 14 Inch Cedar, #5374, 15 Inch Live Oak, #5385, 15 Inch Cedar and #5548, 15 Inch Cedar), 2) Building Height exceeds maximum permitted height, 3) Impervious Cover exceeds maximum permitted, 4) Cut and Fill exceeds maximum permitted; (West Lake Hills Code Sec. 22.03.170, 22.03.281, 22.03.249, 22.03.278 & 22.03.304). Peter Narvarte agent for KCBC LLC.

A. Section 22.03.170 – Site Disturbance (Excavation, Grading or Filling)

Section 22.03.281 – Schedule of Regulations. (Impervious Cover & Height)

Section 22.03.249 – Driveway, Parking and Loading Area Setbacks

Section 22.03.304 – Tree and Vegetation Removal and Replacement

CHAIRMAN MEISEL ANNOUNCES THIS ITEM IS BEING POSTPONED TO AUGUST DUE TO NOTIFICATION ERROR.

9. Land Use 4101 Bee Cave Road: Public hearing and Discussion/recommendation on an application for a sign variance request (West Lake Hills Code Sec. 32.03.006, 32.01.016). Andrew Chapman agent for Eanes ISD.

A. Section 32.03.006 – Freestanding Commercial Signs
Section 32.01.016 – Prohibited Signs

Staff Briefing by Director Grundman: Staff Recommendation: Denial. No public responses submitted.

Chairman Meisel: The Westbank Library has an approved sign?

Commissioner Bartoletti: Does the code prohibit a changeable message or LED sign?

Director Grundman: It's not an LED, it's the changeable letters portion.

Chairman Meisel: There is a changeable sign out there now.

Commissioner Bartoletti: Why does it violate the code?

Director Grundman: it appears based off the photo, the existing is a temporary sign due to road expansion.

Vice-Chairman Pledger: That has been on that property for 10 or 15 years.

Presentation by Applicant

Jeremy Trimble is the applicant. We have had changeable letters for 35 years. This is important on how to communicate with the students and community.

Public Notice

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

Deliberation and Action

Chairman Meisel: I'm seeing two designs? Which one is the one you want?

Jeremy: The smaller sign.

Commissioner Maccini: Why is the sign location moving and the variance is for the size of the sign?

Jeremy: We did look at options. We had to move the sign because of the sidewalk. There are utilities under there due to the widening.

Commissioner Maccini: Are we asking for a size variance?

Jeremy: Yes by a small margin.

VICE-CHAIRMAN PLEDGER MOVES TO RECOMMEND APPROVAL. COMMISSIONER HARWELL SECONDS. AMENDED RECOMMENDATION TO ALLOW 28.75 SQ. FT. AND THE DESIGN ALLIGNS AS DESCRIBED ON PAGE 184 OF 193 OF THE PACKET.

UNANIMOUS (5-0) APPROVAL.

10. Adjournment. Chairman Robert Meisel.

Motion to adjourn the meeting made at 8:32 p.m. by Chairman Meisel with a Second by Vice-Chairman Pledger.

Motion to Adjourn carried unanimously by a vote of 5 ayes to 0 nays.

Respectfully submitted,

ROBERT MEISEL, CHAIRMAN

ATTEST:

ZAPCO Secretary Mark Littrell

These minutes were approved on _____, 2021.