

CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING
Wednesday, August 18, 2021 at 6:30 PM

1. Call to Order. Chairman Robert Meisel.

With a quorum present, Vice-Chairman Jim Pledger called the meeting to order at 6:33 p.m.

Members in attendance were 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 July 21, 2021 Regular Meeting Minutes

COMMISSIONER VAUGHAN MOVES TO APPROVE THE MINUTES.

COMMISSIONER HARWELL SECONDS. UNANIMOUS (4-0) APPROVAL.

3. Land Use 403 Skyline Drive: 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). Benito Keiderling.

- Section 22.03.275 – Building Setback Distances
- Section 22.03.281 – Encroachment in a Building Setback
- Section 22.03.281 – Impervious Cover

Director Grundman gives the Staff Report . Staff Recommendation: Denial due to lack of hardship. Three letters of support are attached.

Commissioner Harwell: The lot adjacent to this, 401 Skyline, has a garage that is very close to the street. Did they receive a variance for a setback?

Vice-Chairman: This is a very steep lot.

Director Grundman: The topography of the lot could play into it. I don't think there was minimization.

Presentation by Applicant

Benito Keiderling is the owner. The lot is a very steep slope. The house on either side are not far from the street for the same reason. It would actually line up with the other houses. The height is very challenging because of the slope. The final thing is the lot is just over half an acre. We will keep the landscape very beautiful. That's what we love about West Lake Hills.

Public Hearing

Vice-Chairman Pledger opened the meeting for public comments.

Eric Upton lives at 302 Redbud Trail which is immediately down the hill. We have lived here for 35 years. I'm philosophically against the height limit.

Vice-Chairman Pledger closes the Public Hearing and reconvenes the meeting.

Deliberation and Action

Commissioner Maccini: All the requests are design driven. I don't see the hardship. A 5,000 sq. ft. house is not mitigating with regards to impervious cover. They are all based on the house design and no hardship, in my opinion.

Commissioner Vaughan: On page 27 of the packet, the left side would be the front of the house?

Director Grundman: The left side is Skyline Drive.

Commissioner Vaughan: This does seem pretty complex to me. All the houses on Skyline have the same problems. The extra 11 feet, you could cut off the pool deck.

Director Grundman: The black line is the natural grade. The height has to be 30' max above that.

Commissioner Vaughan: Thank you for clarifying. A small section of a second story, correct?

Vice-Chairman Pledger: This is a design driven issue. There aren't very many hardships relative to height.

Commissioner Vaughan: I mis-interpreted this diagram.

Commissioner Bartoletti: I would recommend approval on the front setback but struggling with the other two.

COMMISSIONER BARTOLETTI MOVES TO RECOMMEND APPROVAL OF FRONT SET BACK BUT DENIAL OF THE OTHER TWO VARIANCE REQUESTS. COMMISSIONER HARWELL SECONDS. UNANIMOUS (4-0) APPROVAL.

4. Land Use 613 Rock Park Drive: 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.

- 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 Removal

Commissioner Maccini requests going into Executive Session.

ZAPCO went into Executive Session at 7:00 p.m. and reconvened in Open Session at 7:13 p.m.

Director Grundman gives the Staff Briefing. Staff Recommendation: Approval as presented. No responses to notices.

Presentation by Applicant

Christopher Crane is the owner. I could give a history but would that be helpful? The first proposal was in 2017 to 12 units. I re-worked it so I came back with another proposal and really struggled with the process of getting permits. We kept reducing the size and I feel I made a great effort to be compliant and we are building really good homes for the area.

Commissioner Maccini: Did you consider a single family dwelling there?

Christopher Crane: I'm surrounded by multi-family and a bank.

Brad Walters: Duplexes are directly across.

Public Hearing

Vice-Chairman Pledger opened the meeting for public comments. Hearing none, the public comment section was closed

Deliberation and Action

Commissioner Vaughan: I'm in favor of all variances as presented. I think he did a favor for the city. I feel obligated to abide by that.

Commissioner Maccini: I do wish a single family dwelling but I understand.

COMMISSIONER VAUGHAN MOVES TO RECOMMEND APPROVAL OF ALL VARIANCES AS REQUESTED. COMMISSIONER HARWELL SECONDS. UNANIMOUS (4-0) APPROVAL.

5. **Land Use 3423 Bee Cave Road:** 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.

- 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

Director Grundman gives the Staff Briefing. Staff Recommendation: Approval.

Vice-Chairman Pledger: If they meet the incentives they can eliminate the height?

Director Grundman: Council would have to make a ruling on that.

Commissioner Bartoletti: If our determination do we want the council to have the option to approve if incentives are met?

Director Grundman: You can have no recommendation.

Presentation by Applicant

Peter Narvarte is the applicant. After guidance we reduced the scale. We pushed it away from the schools and toward Shepherd of the Hills. We reduced the size to 20,000 sq. ft. We've tried to listen to everybody and address their concerns. I appreciate your time.

Commissioner Bartoletti: Could you address the parking issue?

Peter: The first time we had a garage; we removed that.

Commissioner Vaughan: About the schools, how long do those leases last?

Peter: We have the property under contract. I know they have an option to extend. Acton has another five years and Primrose has options.

Commissioner Harwell: Do you know the number of staff and clients that would use the parking?

Peter: 4 per 1,000. Employees, 25-30 people. There wouldn't be traffic on Friday or weekends.

Public Hearing

Vice-Chairman Pledger opened the meeting for public comments.

Jessica Blacklock: I'm a resident and business owner in Westlake. The new proposal

is deeply concerning. There has been no effort to address the school concerns.

David Linton: We appreciate the opportunity, with wife Laura. We have two children that attend Acton. We've spoken at previous meetings against the proposal.

Mark Barrier: My property is immediately south of Bee Cave. I appreciate the effort the developer has made to bring it down. The building will actually move closer to my property. The impervious cover is an issue due to the increase. All the drainage runs off to our property. The package does mention drainage improvements but we don't know how this is going to happen. I feel we still need to oppose those.

Public hearing is closed.

Deliberation and Action

Commissioner Harwell: My biggest concern is the ingress and digress of the property. I can see the need for a new stop light to accommodate the cars that will be going to this property. That is a bigger concern than height or impervious cover.

Commissioner Vaughan: I still have a hard time with a hardship on this property. The hardship is a financial hardship which we cannot consider.

Commissioner Maccini: There aren't hardships. Flooding is a concern of the homeowners. This is purely design driven.

COMMISSIONER MACCINI MOVES TO RECOMMEND DENIAL FOR LACK OF HARDSHIP. COMMISSIONER BARTOLETTI SECONDS. UNANIMOUS (4-0). DENIAL.

6. **Land Use 402 Spiller Lane:** Discussion/recommendation on an application for a minor subdivision plat for a property zoned R-1. (West Lake Hills Code Chapter 36). Agent Andrew Dodson for owner Robert Josey.

- Section 36.01.018 Minor Plat

Director Grundman gives the Staff Briefing. Staff Recommendation: Approval due to conforming to Code.

Presentation by Applicant

Andrew Dodson is the applicant for Dr. Josey. This is one item that needed to be cleaned up so we could move forward with the building permit.

Commissioner Maccini: The plat, it doesn't change the restriction for the home?

Director Grundman: No, it would have to conform to code.

Public Hearing

Vice-Chairman Pledger opened the meeting for public comments. Hearing none, the public comment section was closed.

Deliberation and Action

**COMMISSIONER MACCINI MOVES TO RECOMMEND APPROVAL.
COMMISSIONER VAUGHAN SECONDS. UNANIMOUS (4-0) APPROVAL.**

7. Adjournment. Chairman Robert Meisel.
Meeting is adjourned at 8:02 p.m.

Respectfully submitted,

ROBERT MEISEL, CHAIRMAN

ATTEST:

ZAPCO Secretary Mark Litrell

These minutes were approved on _____, 2020.