

MINUTES OF ZONING AND PLANNING COMMISSION  
PUBLIC HEARINGS AND REGULAR MEETING  
CITY OF WEST LAKE HILLS, TEXAS  
January 17, 2018  
6:30 P.M.

PRESENT: ZAPCO Chairman Robert Meisel, Vice-Chairman Les Gage, Commissioners Sarah Swanson, Bill Vandersteel, Kathy Tullos, Rhett Hoestenbach and Laurie Maccini

ABSENT: None

1. Call to Order. Chairman Robert Meisel.

**Chairman Meisel calls the meeting to Order at 6:30 p.m.**

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 November 15, 2017 Regular Meeting Minutes.

**Commissioner Swanson: I have a couple of changes. On Page 7, the third paragraph down, where it says that was no hardship in having an older parent needing extra space in a non-conforming house. I hope I didn't say that. Take out that no. And then on Page 10 at the very bottom, I had proposed some language changes and youI don't have to do it for these minutes but in general, if I'm actually proposing specific language changes and they get adopted and go forward, it would help me to see the exact language changes were for the cCode for the future.**

**COMMISSIONER SWANSON MOVES TO APPROVE. VICE-CHAIRMAN GAGE SECONDS. UNANIMOUS (6-0) APPROVAL.**

3. Land Use: Proposed Final Plat of Lots 1, 2 and 3 of the W. Sparks Subdivision (True North Subdivision) at 1200 Westlake Drive. (Chapter 36 of the West Lake Hills Code.) Applicant Austin Pitner.

- a. Staff Briefing.

**City Planner Grundman: This is a final plat. A little historyAs a reminder, it is currently 2 lots that will be 3 lots, totalingtotally 4.28 acres. Each lot will be over an acre. They are expanding. There are no variances. This is the final stage. If approved it will go to Ccouncil.**

- b. Presentation by applicant.

**No applicant present.**

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

**Chairman Meisel closes the Public Hearing and reconvenes the meeting.**

- d. Deliberation and action.

**Commissioner Swanson:** I have a couple of things. They didn't put the back setback on just to show they have it.the plat. Can we get that included?

**Commissioner Vandersteel:** We talked about drainage?

**Commissioner Swanson:** What do we know about the drainage study?

**City Planner Grundman:** Typically it is not required unless it is a new subdivision. Because this is a replat, it was not required. Each lot as it is developed will have to meet code for the a drainage requirement.

**Chairman Meisel:** TRE & Associates has providedve a drainage letter. It's been looked at. Our subdivision rules prohibit anything that will dump water on the neighbors.

**Commissioner Vandersteel:** I have a concern about the hydrants.

**City Planner Grundman:** This area has good flow after all. They won't be required to install sprinklers.

**Chairman Meisel:** The fire issues are during the building permit submittal. Other than we have shown that utilities are available, there is not much beyond that.

**City Planner Grundman:** Fire Department says there is adequate flow.

**COMMISSIONER VANDERSTEEL MOVES TO RECOMMEND APPROVAL. COMMISSIONER TULLOS SECONDS. UNANIMOUS (6-0) APPROVAL.**

4. **Land Use:** Variance request to renovate an existing non-conforming cabana and to exceed the allowable impervious cover at 310 Westhaven Drive. (Section 22.03.281 of the West Lake Hills Code.) Applicant Sylvia Arabian.

- a. Staff Briefing.

**City Planner Grundman:** The existing cabana sits 14' from the rear property line. This proposal would bring the closest corner to 11.5'. They are also

proposing doing a walkway. There is a front walk redesign as well that would add some of the impervious cover.

**Chairman Meisel:** The stone and greenhouse?

**City Planner Grundman:** The one-story frame pool house. The 3<sup>rd</sup> page is the proposed footprint.

**Commissioner Vandersteel:** Was a lot of this grandfathered?

**City Planner Grundman:** I don't know that information. From research it was done before the current owners purchased the property.

b. Presentation by applicant.

Sylvia Arabian is the applicant. The original survey was so you could see how much we've removed of impervious cover. Several decks, walks, to bring the amount of impervious cover at level down. At this point we're basically don't have anything else to remove. What we are proposing is reconfiguring walkway, and that is as far as impervious cover is concerned. Extending the cabana 2' would increase the width of that section. That's about it.

**Andrew Schwartz:** I wanted to give a little history of this house. The house was built in the early 60s and by the developer of the neighborhood. Every time he went bankrupt he expanded the house. When we looked at it in 2003 it had lost its Certificate of Occupancy. One of the old mold houses. We gutted it and the big history was it was built in the 60s. The other reason is the bottom of the roof is right here to my head. That's that. Any other questions we'll be happy to answer.

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

**Chairman Meisel closes the Public Hearing and reconvenes the meeting.**

d. Deliberation and action.

**Commissioner Vandersteel:** I colored in the drawing because it was astounding how many things are in the setbacks. There is a lot here. It makes for a difficult circumstances. Things are in the setback that shouldn't be. The request you are requesting is miniscule. It's a tough one.

**Commissioner Tullos:** I'm in the same position. I appreciate the efforts. We do need to watch impervious creep. All of a sudden they add up.

**Commissioner Swanson:** Have you talked to neighbors?

**Sylvia:** The neighbors haven't had a problem with it since they put up a 5-dog kennel.

**Commissioner Maccini:** I appreciate the headroom issue. Is it a design driven request? You can raise the roof without expanding? You're not looking at this as a guest house?

**Sylvia:** It's not enclosed.

**Commissioner Maccini:** That's just a design driven request?

**Sylvia:** It's a cook top and a sink. In order to get seating and that's where that 2' comes from.

**Commissioner Maccini:** You're asking for just that little creep in impervious cover. Do you need that little more to have the seating?

**Sylvia:** I think with all of the work we've done to reduce the impervious cover, this is the first time we've come in. That small amount would make such a difference to our family it would be something to be considered.

**Commissioner Vandersteel:** The numbers we saw from 40.1% at the moment. What was it before?

**Sylvia:** We had no survey.

**Commissioner Vandersteel:** The west corner, another wood deck, take that one away.

**Sylvia:** The pond was gone; sidewalk along the front of the house. We've removed the walkway around the house. At this point if we were going to reduce more, we would have removed part of the driveway. Our drive is used for the school bus, trucks, and used as a turnaround.

**Commissioner Vandersteel:** There is an island in the drive?

**Sylvia:** And it is quite ugly.

**Chairman Meisel:** I understand raising the roof. No Our cul-de-sac that is a safety issue. I have to ask, if you need 2 more feet why can't you come 2' into the property?

**Sylvia:** There is a large tree in the way.

**City Planner Grundman:** T8 is 22".

**Chairman Meisel:** For the benefit you might want to color shade those in a little bit.

**Commissioner Vandersteel:** You can use the survey you have here. You can approximate what you've removed. What you're adding way less than what you've removed.

**Commissioner Hoestenbach:** The other thing I'm looking at this that lays out a hardship. You go in front of Council home in on a hardship. Maybe the old cabana is a safety hazard. In order for us to be able to consider it should be based on hardship. I always listen for is a hardship. I haven't heard it in this case. I appreciate all that you've done.

**Sylvia:** The cabana has to be raised so he doesn't bump his head.

**Commissioner Tullos:** The fact you wish to have a different design, under the ordinance doesn't constitute a hardship. We're looking for something else.

**Commissioner Swanson:** Can you talk to your architect about the design?

**Andrew:** I think we have to ask for a variance anyway because it is in the setback.

**Commissioner Swanson:** What would be a design to meet your family needs?; I'm not seeing it either.

**Chairman Meisel:** The height does require something to be done on the building.

**Commissioner Vandersteel:** There was some concrete flatwork in front of it. Is it still there? If you were extending the length you wouldn't be increasing the impervious cover. When you did the calculations you added the 2' that extended from that.

**Sylvia:** We've got the footprint, we want to add 2'.

**COMMISSIONER TULLOS MOVES TO RECOMMEND DENIAL FOR LACK OF A HARDSHIP.**

**COMMISSIONER SWANSON RECOMMENDS POSTPONEMENT. TO COME BACK.**

**APPLICATION APPLICANT REQUESTS TO POSTPONE TO FEBRUARY MEETING.**

**Chairman Meisel:** Keep the sign up.

**Commissioner Swanson: If you move it closer to the lot line, it would be nice to get a letter from the neighbors.**

5. Land Use: Variance request for a driveway setback encroachment and the removal of two trees larger than 14 inches in diameter (Tree #34 is a 19-inch Live Oak and Tree #20 is a 16-inch multi-stem Live Oak) for the construction of a new residence at 405 Buena Vista Circle. (Sections 22.03.175 and 22.03.304 of the West Lake Hills Code.) Applicant David Kilpatrick.

- a. Staff Briefing.

**City Planner Grundman: You should have a revised variance packet at the dais tonight. They included the tree numbers on the letter. There was an issue with the printer. That's the only thing revised on the application just so you're aware of it. There are 3 variances requested. Driveway setback, the driveway curves before 20'. There is an alternative proposed driveway that wouldn't require variances. The other two are for trees. T20 is a 16" multi-stem Live Oak and T24 is 19" Live Oak. This would but require 53" of replacement. They do have a proposed replacement plan.**

- b. Presentation by applicant.

**Dave Kilpatrick is present. Let me start with T34 19" Live Oak. That particular tree is currently leaning towards and over the existing roof. Both the proposed and existing site plans is heavily treed. T34 much like most of the other are starved for daylight. T34 has grown over the roof. We're concerned if that tree continues to lean it may cause damage to the proposed house. T34 is in conflict with the proposed house; not just for the structural damage but the leaning of the trunk bangs into the house. The second is related to the driveway variance. It is currently in the existing driveway. Its health has been compromised over time and continued vehicle traffic over root zones. The primary reason for the driveway, we have an alternate approach driveway. However, from the topography at the same elevation, when you get out to the corner, if we were to include a guardrail the corner would be 10.5' above grade. The neighbors would be looking at a 10' wall. We feel like we're reducing building mass and impervious cover by 400 sq. ft. That's the gist of it.**

**Chairman Meisel: What is your function?**

**Dave: I'm the architect.**

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

**Bob is the homeowner. I'm not sure if you have a picture of the current house. My goal when I bought the house 20 years ago, my goal has been to return it back to**

**more native. The last part is to scrape the house and build something appropriate for the environment in which we live. Instead of towering over the neighbors, we're backing up the house so we're not encroaching more than we need to. My neighbor has been there 18 years.**

**Chairman Meisel closes the Public Hearing and reconvenes the meeting.**

- d. Deliberation and action.

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**Commissioner Tullos:** I'm concerned about the hardship on T34. I know something could have happened in the future. It's not what is in the ordinance. It might hit the house; it might fall down.

**Commissioner Swanson:** Is there some type of report from an arborist?

**Dave:** We met with Christy and her assessment is the tree is not unhealthy but starved for daylight. Their recommendation would allow other trees to rejuvenate.

**Vice-Chairman Gage:** Could you do the same with the other trees and save this one?

**Dave:** One of our other challenges is the leaning, it is restricting our footprint.

**Commissioner Vandersteel:** It leans this direction?

**Commissioner Hoestenbach:** What is the height of the existing home?

**Dave:** 40'.

**Commissioner Hoestenbach:** The new height?

**Dave:** Just under 30'. That drawing shows the proposed project.

**Commissioner Hoestenbach:** Is that the entire listing of the trees on the property?

**Dave:** All are indicated but the schedule only shows 14" or greater and what is proposed to be removed?

**Commissioner Hoestenbach:** On undeveloped lots we understand that trees need to be removed. There is already a structure there. There might be a little less heartburn if it was an undeveloped lot. I do note there are plenty of times with new construction and there is an allowance to be cut that are variances trees because there is no other way to do it. The concern here is there may be an alternative that could save these trees?

**Dave:** If we were to push the house down the hill, away from T34, then we would be eating up the alternative side driveway approach would leave the approach up the hill, and then would have affected other trees.

**Commissioner Hoestenbach:** If you go before Council, get a letter from the neighbor and that they would prefer a tree be cut instead of the driveway built up.

**Commissioner Vandersteel:** T34 looking at the picture, all I remember it was a very tall house. But the new house isn't very tall. Could the new house fit under the tree?

**Dave:** I plotted the face of the building and the trunk hits upper floor. The picture that has T34 at the bottom, it looks like that is 2 stories; that is a story and a half. The existing house is a grade change, sitting down below a site wall and below the tree is a story and a half.

**Commissioner Tullos:** You're talking about T34 being in conflict. When you were making your presentation potentially might affect; are you sure or is that a potentially? Assuming you're sure, that's because of the design of the house. Does the house need to change for the tree?

**Commissioner Swanson:** There is going to be protection of the trees?

**Dave:** I don't know if the council would consider it a hardship. Because the lot has grown up around the house, in order to demo the existing house and built back as many square feet, the existing house exceeds what is currently allowed. They want to take it down and build a new house that is in compliance with the height.

**Commissioner Hoestenbach:** He's submitted a hardship for the trees. They create a hardship because the house cannot be built. I don't know that there is an alternative. For me, I think they have demonstrated the hardship.

**Commissioner Vandersteel:** One of the hardships is a corner lot. This tree is not dead center of the buildable area. In that case it presents a difficult thing to work around. What you're doing is all the replacement trees will be in the setback. One could argue all of the replacement is improving the situation.

**Chairman Meisel:** A couple of questions. What is the square footage. Of the existing house?

**Dave:** 3,200 old; 3,100 new.

**Chairman Meisel:** 3,200 in West Lake Hills is a pretty small house. If an applicant came before us and wanted to go over the 30' height but save trees, what are we going to do? They are getting rid of a non-conforming structure. This is a necessary consequence to bring the structure into conformance. That's an argument. I'm not advocating.

**Commissioner Vandersteel:** I concur with the point. We have these setbacks to serve as a natural buffer. It's a tough call.

**Vice-Chairman Gage:** If we remove that one tree, you would replace it with what?

**Dave:** 115” of Yaupon and Mountain Laurel.

**City Planner Grundman:** The code now requires if removed a variance you have to replace single trunk 3” trees. They could alter their plans.

**Dave:** What happens if we can’t replace? That’s 53” worth of shade trees. I don’t have; I have one area where I can plant a shade tree and I do have confirmation from the arborist. We take the tree down and we don’t have anywhere to plant.

**Chairman Meisel:** We have confronted this before. It’s physically impossible to shoe in. Get your plan and bring it in. You may want to postpone this. There is a lot more work to be done before BOA. You’re not required to do so.

**Commissioner Maccini:** One of the great things about Live Oaks is they are nesting trees. More variety is safer of the vegetation is better.

**Dave:** I think we should postpone.

**Commissioner Swanson:** Can you ask the arborist about the health of the T34.

6. Land Use: Variance request to encroach a side building setback for an addition at 14 Sugar Creek Drive. (Section 22.03.281 of the West Lake Hills Code.) Applicants Scott and Elisabeth Kelly.
  - a. Staff Briefing.

**City Planner Grundman:** You received an e-mail from the neighbors and I pulled the original variance request from 1989. This is for an addition. This proposal is closer to the street but not into that setback. They are maintaining that encroachment but adding a floor. This proposal eEssentially doubling the size of the house. It doesn’t go closer to the side property line; it goes closer to the street.

**Commissioner Vandersteel:** The drawing shown me, the building actually gets larger.

**Chairman Meisel:** It’s getting larger toward the front property line and not closer to the neighbor on the side.

**City Planner Grundman:** They have the previous approved variance, they are staying along that line.

**Mae-Mae:** A04 shows it is a two story.

- b. Presentation by applicant.

**Scott Kelly is the homeowner. We purchased this home a few months ago. We have a family of 5. We wanted to move in and add onto the house. This is the current home. There was a side setback for this area done in 1989. We're hoping to expand the house in this direction but keeping the same setback. Currently this is a current survey. This is the area in question here. There is a stone way and driveway here. The only possibility here is to go forward. There is a large 19" Live Oak tree in the front center of the house. We cannot go this direction because of a creek. We can go back but not far. There is a spring that happens here. This is where our septic is currently located. It was mostly along the concrete drive. It has multiple Live Oak trees and larger Live Oak trees we're keeping. The reason over what is the driveway it would minute damage to the trees. This is on AS3 which has been rotated showing the encroachment is located. This is actually a second story (attic storage area). It is heavily wooded. The house would run along the driveway. The Live Oak would be retained in the front. Other views are shown on the overhead. I don't know if I have anything else right now.**

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

**Mae-Mae lives next door. We are 16 Sugar Creek. From the picture where the court is. We are on the other side of that. My first comment that I sent this morning, when we first received the packet it was so hard to read. We tried to contact them but there was no reply. One of my concerns was they seem to think there was already a setback approved in 1989. Back in 1989, where we sit, there was nobody there. Our home was built in 2005. It's only 2,500 sq. ft. Looking at the proposal they are doubling the square feet. As you can see on that side elevation, we're looking at the existing garage, and it has the slope roof. Now the whole thing will be a 2-story building. I want to make sure they save the tree they have shown on the survey, AS3 on the upper right hand corner. I wonder how that tree is going to be saved when a 2-story is going to be there. That's one concern I have. It looks like that now. When it is 2-story how are the trees going to cover it up? Maybe they can answer that?**

**My second comment looking at the same picture, it looks like a staircase as an exterior entrance, the floorplan, this part of the 3-car garage looks to me like a main room, it was just kind of odd to me as an Airbnb to have this mother-in-law setup. I was curious why the entry there. It says main room. I don't understand what that means? Those are my concerns.**

**Chairman Meisel: Those are my concerns. Simple clarification on the letter a 10' setback, on the architect says AS1 it says 15' building setback. If you look at the drawing it shows 30' from the front, all the property has 50' from the front.**

**One last thing, the A/C pads that is shown on AS1, AS3; those two pads they are beyond the setback.**

**Felicia is the building designer. I want to go down your list. First of all, on the site you asked her house. The house is set back quite a bit. Where we're going up right now there isn't anything visible from the side. The expansion, the second floor the client has extended family, grandparents, they have another daughter that lives here and they come back and forth. Having a private entrance for the grandparents. We designed the porch because of the location of the trees. We want to keep the trees. We'll address the root system on the design. The other reason for the second staircase is but also for fire safety. Having another exterior route and be able to put it exit on the front but we didn't want to encroach on that side. We limited the windows on that side so you don't think we're looking into your yard. The slope you can see the proposed site. We really have a lot of slope to contend with and limit any drainage of the lot, tree locations, we've got to be able to expand the septic to allow the additional square footage.**

**Chairman Meisel closes the Public Hearing and reconvenes the meeting.**

**d. Deliberation and action.**

**Commissioner Vandersteel: Thank you for presenting the information. It appears a garage was basically encroaching into the setback. It looks like they're moving the setback line that will be moved over. It seemed like a fairly minimal setback encroachment. Now we're talking about a 2-story structure and I don't know my guess the drawings show the footprint up to the setback like, that doesn't include the eave. It shouldn't encroach the setback line. They are supposed to be 25' and flies into the face of the ordinance. The amount of volume of building that will be in a setback; it's a huge amount of volume. The solution it violates the ordinance and I have a real problem with it.**

**Commissioner Swanson: I agree. The original variance was allowed for the garage, there wouldn't have been the same concern.**

**Commissioner Tullos: The encroachment was made by a garage.**

**Chairman Meisel: I had assumed the light area in the trees and I didn't realize the slope was so steep. The A/C units that are in the setback and they are non-conforming and unpermitted that has to be dealt with. They are beyond the 10' permitted. As far as the setback itself, the new addition, I just preside.**

**Commissioner Swanson: I don't see a hardship.**

**Commissioner Hoestenbach:** This is a family here. They do have a wet weather creek and a dry creek. They are boxed in in terms of design. I'm not saying this is the best design and I understand the concern over it and the neighbor's concern. I don't think the property owners should be discouraged from trying to expand their home and maybe to go back to the drawing board on this and I'm sure the Kelly's and Stiles could get together and go over this to address the concerns. There may come a time when you need to expand on your own property and want the same consideration.

**Mae-Mae:** The drawing was hard for us to read. We have no objection to your adding on. We just wanted to learn. They didn't mention this was going to be a 2-story addition. There is no scale written here. This is massive to me.

**Commissioner Hoestenbach:** Take another look at the design and neighbors need to talk to each other. It's got a much better chance of happening. We can't speculate why it was approved the first time.

**Chairman Meisel:** That appears to be what is shown.

**Vice-Chairman Gage:** I've had a similar situation in my neighborhood.

**Commissioner Tullos:** It's on us now what impact and what that impact is going to have.

**Commissioner Vandersteel:** I want to point out, it seems to indicate a 30' SBL and our ordinance call for a 50' front. Your addition might get close to that 50'. If I was looking at the site, it's very ambitious for the constraints for the site. A previous garage encroachment doesn't mean to allow it.

**Commissioner Swanson:** When did you buy the house?

**Ms. Kelly:** We had Ashby come out and look at the lot. As far as the lot goes, because there is all the concrete there and no trees would be removed, those were our thinking and discussed it prior to purchasing.

**Commissioner Swanson:** Are you staying there now?

**Ms. Kelly:** No.

**Commissioner Maccini:** The whole request is design driven. I don't see a hardship at all. Your house is lovely. There is no compelling reason to support any kind of variance.

**COMMISSIONER TULLOS MOVES TO RECOMMEND DENIAL.  
COMMISSIONER VANDERSTEEL SECONDS.**

**Commissioner Vandersteel:** You do have hardships on that site, the large tree in the front. If I had to made a trade-off.

**Commissioner Hoestenbach:** I think they should be given the opportunity to postpone.

**Commissioner Tullos:** I'll withdrawn the motion if they wish.

**Chairman Meisel:** If you want to try to see if there are other workarounds, I would think that would be a good thing to do.

**Ms. Kelly:** If we postpone and work on the design?

**Commissioner Swanson:** If you're coming back to remove Live Oak you'll need a good reason.

**Chairman Meisel:** I'm going to declare the motion not active. Applicant requests to postpone.

7. Land Use: Proposed Release of Easement and partial release of an easement at 22 Sugar Shack Drive. (Section 36.01.018 of the West Lake Hills Code.) Applicants Christopher and Brittany Keyland.
  - a. Staff Briefing.

**City Planner Grundman:** This is a request for release for two easments. The reason for one of them being a partial release is The reason is half of the lot is City of Austin and they have already abandoniedng on the Austin side, they need to do it in West Lake Hills. The most helpful document is the survey that is Item 8 in your packet. It outlines the survey and where the easements are. That will help give you an idea of what they're asking for. In reviewing the application, if you do approve it tonight, staff recommends requiringe written approval from WD10 and that would give them time to get that document. The yellow is City of Austin, blue and pink is what they're asking for tonight.

- b. Presentation by applicant.

**Commissioner Maccini:** where are the lot lines? We have Lot 21, we're talking about the pink and that's on lot 21?

**Commissioner Vandersteel:** That will tell you the lot line.

**Linda Sullivan:** I'm been working with them since 2016. I'm assisting them in the process. Their goal is to add into the center of the lot where they kind of cross. A

history. Built in 1965 in the middle of 4 lots. They purchased the property in January 2011. December 2011 they completed the release of easements for the interior of the home. In February 2012 they filed with Travis County outlining that this wasn't going to be split again. In March 2016 I was contacted and that point I met with Ashby and with the real estate department with City of Austin. In the time since we started we did get the City of Austin the easement release and completed in June 2017. Back to 2016 I met with Ashby we all thought it was in the best interest to finish with one side and finish with the other. Even though we had prepped them, all of the utility companies they all replied that it was already done. I'm not clear on what WD10 needs. They just said your lawyer should know. We're in a no-where land when it comes to that agreement. I don't have whatever they need. That brings us up to date.

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

**Chairman Meisel closes the Public Hearing and reconvenes the meeting.**

- d. Deliberation and action.

**Commissioner Vandersteel: What utilities?**

**Chairman Meisel:** AD Stanger filed this subdivision which includes Lot 21 and 22, West Lake Hills didn't exist. They were on the edge of City of Austin. I guess Elzeyie bought the adjoining Lot 4 in City of Austin. These got merged together. The easements were there as a requirement of the subdivision. When the owner came and built across the lot lines, that's when the problems started. Easements cross the interior of the lots and are released by everybody.

**Commissioner Swanson:** Have all easements been accounted for? I'm sure they have.

**Commissioner Tullos:** Are you sure Rollingwood doesn't have a dog in this fight?

**Linda:** I contacted utilities and wanted to be on the safe side.

**COMMISSIONER TULLOS MOVES TO RECOMMEND APPROVAL.  
COMMISSIONER SWANSON SECONDS. UNANIMOUS (6-0) APPROVAL.**

- 8. Land Use: Approval of a Commercial Building Permit for Shepherd of the Hills Lutheran Church at 3525 Bee Cave Road. (Section 22.02.005 of the West Lake Hills Code.) Applicant Bill Dawson.

- a. Staff Briefing.

**City Planner Grundman:** This is a building permit based on a portion of previously approved variances in December. They are conforming to emergency vehicle access. They are going to rework the courtyard, playground, buildings and BDC saw this a couple of weeks ago and thought it was a good project.

**b. Presentation by applicant.**

**Bill Dawson** is the director of operations. This project has gone through different phases in review starting with this commission and then reviewing the city's commercial principles, having a park like setting. All these different principles.

**Eric McInerney Architect:** As you recall when we were last here, we had a long list of variances. Three were granted. We reduced the number of variances and our latest request were approved by BOA. With what is before you we divided our plan into pieces. The impervious cover and tree variance. A general idea this is what the complex looks like. An overhead presentation is done. We have removed the confusing 3<sup>rd</sup> driveway and bigger better driveway for emergency vehicles. We are re-landscaping to create a gathering space for the church. The playground is moving to an area back here and levels for accessibility that is not creating a cut and fill variance. An existing drive is being removed. The vast majority is behind parking. We are creating a more public space for the back of the property. That's pretty much what we are doing with the site plan. BDC was very encouraging.

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

**Tom Grevlos:** is the Senior Pastor. We have been a congregation for 40 plus years. It has invested greatly in this community. This project is a concern from those that are first in the cradle and a foot away from the grave. We have a variety of age groups that are represented. We want to take care of a lot of maintenance needs. No projects have been done for 20 years that needed attention. Our vision is a church without walls and to continue serving our scouts and pre-school families, elderly that are served in this community. We've gone through a capital campaign. They are wanting a future in this community. This has been going on for about 4 years. There has been a lot of great conversations and are very excited about moving forward.

**Chairman Meisel** closes the Public Hearing and reconvenes the meeting.

**Chairman Meisel:** This site plan conforms to our ordinances? All we are doing here is saying nice drawing?

**City Planner Grundman:** There is a building permit associated with it as well.

**Chairman Meisel:** What was the determination of the stones?

**City Planner Grundman:** BOA voted to approve it. They shifted the boulders so they are not in the setback anymore and voted to approve. This is not part of this request. They wanted the site work done first.

**Vice-Chairman Gage:** My issue is the parking lot lights.

**ArchitectEric:** We will comply.

**Chairman Meisel:** There will be compliance with the West Lake Hills version of the dark sky?

**Architect:** That is what we're showing.

**d. Deliberation and action.**

**VICE-CHAIRMAN GAGE MOVES TO RECOMMEND APPROVAL. COMMISSIONER SWANSON SECONDS. UNANIMOUS (6-0) APPROVAL.**

9. Land Use: Proposed Commercial Site Plan Amendment and Commercial Building Permit for an outdoor playground for Kerbey Lane Café at 701 South Capital of Texas Highway, Suite M600. (Section 28.03.098 of the West Lake Hills Code.) Applicant Richard Weiss.

a. Staff Briefing.

**City Planner Grundman:** This is a proposal for a A site plan amendment and building permit. Removal of concrete slab.

b. Presentation by applicant.

**Richard is the architect for Kerbey Lane. An overhead presentation is done showing the proposed site plan and playground. This is on the Chic-fil-a side. We have one in Round Rock and would be nice for the guest. We are not adding impervious cover. Photos are shown of the area. That's my presentation.**

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

**Chairman Meisel closes the Public Hearing and reconvenes the meeting.**

d. Deliberation and action.

**Chairman Meisel:** West Lake Hills has color pallette ordinances. Lime green is not included.

**Richard:** It would be blue.

**Chairman Meisel:** We prefer earth tones.

**Richard:** The color of the building itself would and could be used.

**Vice-Chairman Gage:** This is behind the patio area and fully enclosed.

**Commissioner Swanson:** Can you commit to bringing it closer to earth tones?.

**Commissioner Maccini:** It's a 6' fence, what is your safety to get in and out?

**Richard:** There is an existing gate there and accessible to the playground.

**Commissioner Maccini:** Nobody can access it from the outside?

**Richard:** We are on the same page.

**Commissioner Maccini:** What is the maintenance and cleaning?

**Richard:** Typical maintenance schedule. They have a lot in all areas of their restaurant. They do have a check list every hour.

**Chairman Meisel:** If Emergency personnel are needed, what is their access?

**Richard:** From this patio right here.

**Commissioner Vandersteel:** Somebody can walk from the parking into the patio and playground?

**Richard:** There is an entrance on the side of the building.

**COMMISSIONER VANDERSTEEL MOVES TO RECOMMEND APPROVAL.  
COMMISSIONER TULLOS SECONDS. UNANIMOUS (6-0) APPROVAL.**

10. Land Use: Proposed Commercial Wall Hanging Sign for Birds Barbershop at 3736 Bee Cave Road, Suite 2. (Section 32.03.008 of the West Lake Hills Code.) Applicant Michael Portman.

a. Staff Briefing.

**City Planner Grundman:** This is a new wall hanging sign. It does conform to code. The only sign being requested is the wall hanging sign and BDC recommended forwarding to ZAPCO. The last page is the appropriate one.

b. Presentation by applicant.

**Michael is the owner and happy to be in West Lake Hills. We have an approved temporary banner up. This is the second of 3 meetings. This is the exact materials. It's an old basketball court that we are repurposing to be the background. There is an eave to keep a flat light on it. That's it.**

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

**Chairman Meisel closes the Public Hearing and reconvenes the meeting.**

d. Deliberation and action.

**Chairman Meisel: I want to note, I noticed the other day, you're open, there seemed to be bright lights in the window that was Bird's Barbershop.**

**Commissioner Vandersteel: In our packet, I got three drawings?**

**Michael: When I had them re-render it was made shorter.**

**City Planner Grundman: Under 12 sq. ft.**

**Chairman Meisel: Do you have barbers in the shop, or cosmetologists?**

**Michael: Both.**

**COMMISSIONER SWANSON MOVES TO RECOMMEND APPROVAL.  
COMMISSIONER TULLOS SECONDS. UNANIMOUS (6-0) APPROVAL.**

11. Adjournment by Chairman Robert Meisel.

**Meeting is adjourned at 8:44 p.m.**