

MINUTES OF ZONING AND PLANNING COMMISSION
PUBLIC HEARINGS AND REGULAR MEETING
CITY OF WEST LAKE HILLS, TEXAS
January 16, 2019
6:30 P.M.

PRESENT: ZAPCO Chairman Robert Meisel, Vice-Chairman Les Gage, Commissioners Bill Harwell, Rhett Hoestenbach, Bill Vandersteel and Laurie Maccini

ABSENT: ZAPCO Commissioner Sarah Swanson

1. Call to Order. Chairman Robert Meisel.

Chairman Meisel calls the meeting to Order at 6:30 p.m. Bill Harwell is welcomed to the Commission.

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, 2018 Special Meeting Minutes.
 - b. Request to postpone by applicant. Land Use: **111 Westlake Drive** – Variance request for encroachment into a side setback and variance request to exceed allowed impervious cover (West Lake Hills Code Section 22.03.281 and Section 1.01.003). Applicant Gavin and Jennie Moreland.

VICE-CHAIRMAN GAGE MOVES TO APPROVE. COMMISSIONER HOESTENBACH SECONDS. UNANIMOUS (5-0) APPROVAL.

3. Land Use: **717 ½ Yaupon Valley Road** – Zoning change from R-1 One-Family Residential to GUI Government, Utility and Institutional (West Lake Hills Code, Section 38.03.001 – Classification of districts and Section 38.05.092 – Procedure for changing zoning classification of particular parcels of land). Applicant James McDermott for Travis County Water District #10.

Chairman Meisel: Items 3 and 4 will be discussed together.

- a. Staff Briefing.

City Planner Naini: This zoning change request is R-1 to GUI. The property is about a ¼ acre. This has been a pump station since the 1950's. This has been in existing prior to our zoning ordinance. The zoning classification will match the land use. They are needing to make several changes and improvements, including an electrical building and equipment on site. Staff recommends approval of the zoning and the second staff report, again, this is R-1 to GUI. All of these variances are from the GUI requirements. This is an amended site plan with variances. (1) Minimum lot size. Our ordinance requires it to be 2 acres. The dimensions don't meet the requirement. (2) Encroachment into side setback. Building will encroach on the east side. The generator will also encroach. The pad is about 3.8' from the eastern side setback; (3) Encroachment of accessory structure of the eaves and overhangs. (4) Removal of trees is for a 14" cedar and the proposed location of the

structure will avoid removal of a 34" Cottonwood tree (5) grading and filling in a setback. (6) Retaining wall to exceed 6' in a small section; and (7) install a new building within the CRZ of a 34" Cottonwood tree. All the proposed changes they have tried to design with requirements of other entities in mind. These are for the public health and benefit we recommend approval.

Chairman Meisel: This is improvement to the water pressure?

Tom Arndt: It will increasing the capacity to Bee Cave Road.

- b. Presentation by applicant.

Tom Ardt is giving the presentation. Water District 10 serves all this area. The district was formed in 1957. As Paul Wakefield told me the property owner told him to build it here. We discovered there is no land title for us. After a year of negotiations we bought this and we own it now. We can't move the pump station. This is a hill going up and way back. We're in a hole. The only person that can see it is Mr. Rushing on Spiller Lane. It is private property now. The Fire Department wants a 50' back to the electrical building. We have to have the 50'. We have a number of encroachments. The 34" Cottonwood, we want to get to those roots and get the barrier in before it starts to bud. She went through all the variances. We reduced the impervious cover. An overhead slideshow is presented. A quick video is shown. We have to have security fence with razor wire on top for homeland security. The emergency is if we ever lose power. Texas gas is doing a line off of Spiller. I'll answer any questions.

- 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 looked at. I'm just down the street and I never knew it was there. It is a very small portion of a larger lot.

Tom: We own this ¼ acre. There is a private owner. It's a family. That lot is landlocked.

Commissioner Vandersteel: You answered my question.

Commissioner Maccini: We just saws this at BDC and you referenced the building would be stucco and a green roof, any would be pleasing and you won't see it. They would melt into the flora around them. Given what the multiple restrictions that they have to have. We were very pleased with what they were saying.

Tom: There are 2900 customers that we serve. This is part of the \$46M bond program.

COMMISSIONER MACCINI MOVES TO RECOMMEND APPROVAL OF THE ZONING CHANGE AND STATED. COMMISSIONER VANDERSTEEL SECONDS. UNANIMOUS (5-0) APPROVAL.

4. Land Use: 717 ½ Yaupon Valley Road – Amended site plan with seven variances to install improvements including a building and generator for the McConnell Pump Station. Applicant James McDermott for Travis County Water District #10.
- Section 22.03.281 – Minimum lot dimensions for lot zoned GUI;
 - Section 22.03.275 and 22.03.281 – Encroachment into a minimum side building setback;
 - Section 22.03.276 - Encroachment of accessory structure, overhangs and eaves in a building setback;
 - Section 22.03.304(a)(4) – Removal of trees greater than 14-inches in diameter (Tree #5311 - 14” Cedar Tree);
 - Section 22.03.210 – Grading and filling within a minimum side building setback;
 - Section 22.03.399(f) – Retaining wall to exceed 6 feet; and
 - Section 22.03.304 and Section 3 – Tree and Natural Area Preservation, Sec. 3.5.2. of the City of Austin Environmental Criteria Manual - Install a new building within the Critical Root Zone (CRZ) of Tree #5289 - 34” Cottonwood.
- a. Staff Briefing.
 - b. Presentation by applicant.
 - c. Public Hearing: All persons wishing to speak for or against shall be heard.
 - d. Deliberation and action.
5. Land Use: 300 Laurel Valley Road - A proposed subdivision consisting of seven (7) single-family residential lots described as Lot 1, Block A, Deloney A.F. Subdivision – 13.013 acres (West Lake Hills Code, Chapter 36 – Subdivisions). Applicant Emmett P. McCall.
- a. Staff Briefing.

City Planner Naini: This is a preliminary plat approval for a subdivision. The tract are zoned R-1. The smallest lot is 1.11 acres and the largest is 4.71 acres. There is an existing lot on Lot 4. The existing drive will be removed eventually and it is expected to remain for construction access. A portion is the floodplain. The next step would be construction plans and the final. Staff recommends approval and city engineer’s comments have been addressed. There are no variances.
 - b. Presentation by applicant.

Buster McCall is the owner of the 13 acres. This is a design of what the subdivision is. We want to create 7 lots and my idea is creating a child friendly neighborhood. West Lake Hills doesn’t have a lot of lots that don’t face a busy street. Not all neighbors are happy with it and I’ve talked with them and I’ve tried to address issues and not compromising

city code. I will continue to try. As Anjali pointed out, I'm not asking for any variances. Just pointing out things we met with code there is a 50' easement around the tract. Each tract meets the setback, access slopes over 50% of the lot. Because of the terrain and the back of the lots face a floodplain I don't anticipate large homes here. Most of them are constricted because of the situations. I'm not expecting these to be McMansions because of the lots. As was pointed out, it meets all code requirements and access crossing a flood zone with a bridge was not in my vision. That is what I'm anticipating doing.

Commissioner Vandersteel: What does the blue represent?

Buster: Septic requirements.

Chairman Meisel: Is this a driveway on Lot 4 that kind of comes down?

Buster: As this driveway exists across the floodplain, the owners have owned it since the 1940's. The reason I show it as amputated, the City mass dictated that this go away.

Chairman Meisel: I see this red line that points to the east, what is that red line?

Buster: The property line.

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

Mike Macari and wife live at 404 Ledge way. We are neighbors to the west of the subdivision. I want to thank you for the opportunity and thank you for your service. There are really at the outset I want to make clear, we're not here to object nobody likes the idea of 7 large homes right next to us. A person's ability to develop within the guidelines is something that he has the ability to do. Buster is honorable. His intentions are good. I don't have any problems with him but the issues we have related to the access to the property. The issue for us, the photos are valuable. We have lived on Ledge way for 44 years. We've been here a long time. It is a little back street that serves our driveway. It is about 150' feet long. The way the subdivision is proposed the bulk of the access will be from Laurel Valley to Ledge way. That brings a lot of concerns related to the construction traffic to build out the subdivision all of which will be coming in and out of Ledge way. It is a quality of life and safety concerns. Because it is 13 acres and the only access we know is from Laurel Valley which crosses a dam that crosses the creek. When we started talking to Buster that access was going to remain. This latest shows that will be removed. As we were thinking we were looking at 5 of the 7 lots would access from Cedar Oak, we're now finding Laurel Valley will be removed. All of the traffic will come through Ledge way. All we are asking for it is possible, Laurel Valley, that access existing there is nothing that has to be done. The fire marshal doesn't have any problems with that whatsoever. We have proposed an alternate access plan, 3 from Laurel Valley and 3 from Ledge way and one from Cedar Oak. We are

asking can be split the access over more than one access point so that no one is disturbed. Nobody wants all the access in their neighborhood. Ledgeway is a 12' back road. It comes up to the end up the driveway to our home. There is a surface and what we want to ask for that remain a 12' road so the boundaries are at the gate. The fire marshal is okay with that. We put some flags there to see if it was expanded, we're asking that section remain at 12'. The other issue is the management of all the construction traffic that we will have.

Chairman Meisel: The construction traffic is controlled by city staff. Our staff is going to do what we've asked them to do. Construction is always an issue for everybody.

Mike: Is it possible for notes to be put on the final plat that would speak to management of construction. That is something that we could do. Asking for city code and the construction to stay within the subdivision. There is a large section there that could be used for staging. The summary is help us with the access to be split more evenly. Pave Ledgeway and resurface at 12' and start inside the subdivision and finally ideas that would help with the management of construction with notes on the plat to ask future home builders and will build the homes to agree to that. Construction stay within the subdivision. Those are things we are asking for.

Toni Schmidt lives at 302 Cedar Oak Drive. I've been there 18 years. Cedar Oak is part of Redbud Hills built in 94. At some point there was a big Butler property and when the family split it up and asked for access. We were attracted to the drive for the privacy. Since then we've had some drainage issues. Now we're supporting 10 lots. We have 3 properties accessing the cul-de-sac. We've had issues with trucks being about to turn around. There is number 10 being wanted to access which means 4 will be accessing the cul-de-sac. We can't image having four. We had concerns about the 13 hours and knew it was going to happen. Over the years we asked different staff members can they punch through Cedar Oak. There is no hardship from Laurel Valley and was able to accommodate it. It's landlocked because it was designed that way. It's just not fair when it could have been designed differently.

Susan Mahoney has lived across this property since 1965. I'm grateful that Buster has kept us up with what is going on. I will say that road that goes from Laurel Valley if you look at your records, it was never a legal road or the damming of Bee Creek. There is nothing you could do at this time. Stay alert to those sort of things. I understand the concerns with the traffic. Just because it is there doesn't mean it should be there. Maybe it means something since it's been there since 1965.

Jan Wolfe points on the site plan where she lives. Our concern is Ledgeway. I want to make sure the interior road is the same size as Laurel Valley. If we could keep from the gate down smaller it will make people slow down. You can't see very well in that area. That's my

primary concern it would be nice to have construction equipment. Buster has been great.

Martha Euer has lived on Cedar Oak since 1991. I do have a question for Buster. Why do you have to come from here rather than going through Cedar Oak? He's not landlocked and no hardship to be able to get on Cedar Oak. He has access from the other houses.

Chairman Meisel closes the Public Hearing and reconvenes the meeting.

d. Deliberation and action.

Commissioner Vandersteel: First of all, I live not far from there. I've always loved that property. When I got the drawing I thought it wasn't that bad.

Buster: Cedar Oak is for one lot.

Commissioner Vandersteel: It's not a make or break.

Ric Thompson: This drawing has been revised a little. The slopes were too high. We couldn't get up that hill. This guy isn't cut off from the rest of the subdivision.

Commissioner Vandersteel: I'm summarizing you cannot build within the 100 year floodplain. This is a preliminary plat so there aren't things shown and it looks like you have already you have drawings with the slopes and colors.

Buster: There is 11.2% is 25% or greater. The east side is sloped.

Commissioner Vandersteel: Between the floodplain and the slope you did a good job. The concern that Ms. Mahoney had about the street. I live on Madrone which is the same situation. I live sort of near the end and there hasn't been any issues. There is construction that is being renovated for four years now. Make sure there is access for emergency vehicles. Is there going to be a gate?

Buster: That just indicates where the property starts.

Commissioner Vandersteel: The street continues access from Ledgeway? Laurel Valley is a through street. Therefore it becomes a problem having driveways on Laurel Valley. Granted you've lived there a long time, take a look at Madrone Road. You did a good job.

Commissioner Hoestenbach: The cul-de-sac, there is a temp road there now? Is that accessing a different lot off of Cedar Oak?

Buster: That's going to a house that is being built around the corner.

Commissioner Hoestenbach: There will be a little access down there?

Buster: It will be at least 50' because of the conservation easement. Any builder would do their staging in here that is respectable to West Lake Hills.

Commissioner Hoestenbach: That's almost like another house in that cul-de-sac?

Buster: Lot 2.

Commissioner Hoestenbach: Lot 2 would feel like another house at the end of the cul-de-sac?

Buster: It has to be 50' further in. Topographies aren't clear, it's very flat right up in here and then it drops off the hill on that particular lot.

Commissioner Maccini: The driveway as seen on this original plan that's not feasible because it's too steep to have a drive here?

Ric: Correct.

Commissioner Maccini: The only way on Lot 2 is access from Cedar Oak?

Ric: That's correct.

Commissioner Maccini: Clarification, were you recommending this newest from Cedar Oak or plan?

City Planner Naini: From Cedar Oak because of the slopes. That's how we've been reviewing it.

Commissioner Hoestenbach: This is a preliminary plat. They've done a great job with meeting with the neighbors. We make recommendations on what we see and just the point is, you just listened to the neighbors and there are opinions but it sounds like it's been discussed.

Chairman Meisel: I want to make one point with width of pavement, as much as we cherish the rural nature of a lane, this is West Lake Hills and I've seen time and again there will be a trailer and they don't park well and 12' strip could have that eaten up by a landscaper, you will have serious trouble if an ambulance needs to get through there. This is a critical matter for public safety. It is full of Cedar and full of tinder. The area is fire prone. I would urge everybody to google Paradise, CA. I appreciate Mr. McCall's efforts and working with the city and with the residents in the city. It seems like another example of that.

Commissioner Hoestenbach: Right now, your plan is subdivision and the lots will be sold. Because I didn't want to make recommendations on construction. I don't know what we could really do at this point considering that the bulk will be each lot is sold and there is a plan to build and there has to be a plan on where they are going to work, there isn't we can make right now. You're trying to keep as much as you can to keep it on site.

Buster: And you don't want to get the visit by the West Lake Hills Police Department.

Chairman Meisel: Construction workers are parking on private property. You are under no obligation to provide any accommodation to anybody. I expect you to call the police. That is your right. You have the right they stay off your land. This is a preliminary and will be back for a final.

Buster: This is going to stay at 7 lots.

Commissioner Harwell: The road with the gate to Laurel Valley, I heard somebody mention that would be taken out? Is that true?

Buster: It will be drained and back to nature.

Commissioner Harwell: To follow up, a subdivision wide staging area down in that area.

Buster: This would be a great area to do that.

Vice-Chairman Gage: If you have 7 lots and you don't sell them all, they will be built at different times.

Buster: Any work is staying inside here.

COMMISSIONER VANDERSTEEL MOVES TO RECOMMEND APPROVAL OF THE PRELIMINARY AS PRESENTED. COMMISSIONER HOESTNBACH SECONDS. (4-1) COMMISSIONER MACCINI ABSTAINED.

6. Land Use: 1110 Blackacre Trail – Variance request to remove two trees 14” or greater, and variance request to allow construction in ½ critical root zone (CRZ) of one tree 14” or greater. Applicant Claudia de la Vega.

- Variance to allow work in ½ CRZ - Tree #491 – 15.5” Cedar (Sections 22.03.304 and 22.03.305 of the West Lake Hills Code and Section 3 – Tree and Natural Area Preservation, Sec. 3.5.2. of the City of Austin Environmental Criteria Manual)
- Variance to remove Tree# 480 – 17” Cedar (Section 22.03.304 – Tree and vegetation removal and replacement)
- Variance to remove Tree #496 – 15.5” Live Oak (Section 22.03.304 – Tree and vegetation removal and replacement)

- a. Staff Briefing.

City Planner Naini: They are requesting tree variances and allow construction in the CRZ and being requested in conjunction with a building permit. The CRZ of 491 is partially impacted by the building footprint. The surveyor things they tree can be retained but is being done as a precautionary measure. There is an existing home that is being demoed. It is zoned R-1. Staff recommendation is approval to impact the

CRZ. Per City of Austin standards, the applicant requested this to be extra cautious. It is the owner's responsibility to replace if it dies. Staff recommends denial for the other two for no hardship.

- b. Presentation by applicant.

Claudia De La Vega is present. You can see I have color coordinated. Dark green are Oak and light green are Cedar. We have two trees that fall within the footprint of the building. The 3rd is barely encroaching. We're asking because of the state of the tree. Russell noted the tree is maybe not alive. We are taking measures to if in good health to protect it during the construction in the hopes of saving it. For precautionary measures in case during construction. We designed the proposed house to where it would fall 80% where there is now a home. We are trying to minimize the undeveloped area. We are only taking one Oak out of 33 and 1 ½ Cedars out of 36. We carefully sought out involving 144 trees. This is the best layout where we would least impact the trees on the site. We have gone over the inches that we are required to replace. We are taking and replacing 38 trees, almost double. We are very well aware of environmentally friendly West Lake Hills is and you see the efforts of what we have done with the trees on site. The outer line is the CRZ.

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

Luis Jauregui is the home builder. The only thing I would like to ask is this is one of the trees in question. The current house is exactly in the same footprint. This garage is exactly where the existing garage is. This house has been here for about 20 years and had great landscaping. The only point I wanted to add the existing garage, the tree is between the detached garage and the house. I'm not sure if it was in the original construction or a planted tree but between the existing foundation and the garage. We looked at alternatives and we didn't want to disturb the Oaks. We felt that removing this tree in order not to do a detached garage. We need to stay behind the front setback. That's all I wanted to add to the presentation.

Chairman Meisel closes the Public Hearing and reconvenes the meeting.

- d. Deliberation and action.

Vice-Chairman Gage: The tree on the top right hand corner, there was no way to slide the house forward?

Claudia: We're limited on the setbacks. It would affect more trees and we wanted to minimize the cluster of trees. The design was to be around the trees and the existing topo and land.

Vice-Chairman Gage: Does the lot slope there in the front?

Claudia: It starts to slope there. We understand and we feel the layout was done for that reason, we're hoping to save the tree. These are gorgeous and beautiful trees.

Luis: In thinking about moving, additionally there is a large number of trees and hollies that we are preserving. It is very mature.

Commissioner Harwell: The Live Oak tree that is between the house and garage, is it substantial?

Claudia: This is actually not. There is a gas line that runs through that area. I know there is a gas meter right here.

Commissioner Harwell: How close?

Claudia: 2'. They are probably not even 10'. There is quite a bit of stuff happening there.

Commissioner Hoestenbach: I have a question about tree 496, 15 ½" Live Oak in the garage area, looking at the plan this is a 4-car garage, the idea is that you don't want to have a detached garage. You want to walk into the house from the garage?

Claudia: It's an open garage.

Commissioner Hoestenbach: Is there not a way to design a walkway to come in between the trees. What is the distance, 14" and 16" Live Oak, maybe this could be a little bit smaller.

Luis: There is not enough room to make a connector.

Claudia: This is already an existing area. You have meters, walkways, encroaching would affect areas that are not developed.

Commissioner Vandersteel: I suspect the reason why the garage exists was to save a tree. I do want to talk about the elephant in the room. These are fleshed out drawings. We need to know if the site is going to work. Why would you not have done these on tracing paper? At this point, you've finished the project depending it's going to happen. My thinking is that it doesn't show to me I get the sense to work around the trees. It appears that way. I do appreciate the replacement trees but that's something I would take into consideration.

Luis: We met with Russell on site and we showed him the things we are doing. This is the first house I've done in West Lake Hills in 20 years. I apologize not grasping the process but I want to tell you we look into learn more about the proper way to do things. It was possibly out of Russell's feedback and gave us instructions and bring it out to you. I just want to tell you we spent a lot of time when we first started the process before we had the house design. The second time the second time the winds that tree broke and 3 came down with the winds. I met with him to make sure that he know and we talked about this tree. You

can take it to the city. We were following the process and we did spend a lot of time which resulted in taking more trees that we wanted to avoid.

Commissioner Vandersteel: You weren't given enough guidance.

Commissioner Maccini: I appreciate the tree #491 that you will be careful with it, we are tasked if something is a hardship or design driven. There is no other way around it. On the past vs. the new house, it is clear what you're trying to put in there. It's a 4-car garage, but that's just a design choice. There's just not. Trees #480 and #496 specifically, and the larger Cedar, there is nothing that is a hardship.

Luis: We can move the house forward.

Commissioner Maccini: It's a design choice not a hardship. There's nothing saying you have to have a 4-car garage.

Chairman Meisel: The problem is trying to put 10 lbs. in a 5 lb. bag. That can be moved southeast because if you're going to ask for a variance, I'd rather see a driveway encroach to avoid a tree. This needs to be re-evaluated. This is the lot and situation you found on the ground. I would urge you to look at that. I'm giving voice and life the existing ordinances. I urge this be reconsidered.

Commissioner Vandersteel: In terms of the hardship with the trees, right in the middle of the buildable area is a tree. That was no any other option. If the tree is where it is located, it should not present a hardship in the planning process.

Luis: We didn't present a hardship, we can stay within the rules; we can do that top save the Cedar.

Commissioner Maccini: We have to see a hardship present. That's our parameter.

Chairman Meisel: State statutes variances can't be granted without hardship.

Luis: We're just trying to do the best for the neighborhood.

Commissioner Hoestenbach: You basically have a crepe myrtle and yaupon can be re-planted.

COMMISSIONER HOESTENBACH MOVES TO RECOMMEND APPROVAL OF VARIANCE TO ALLOW WORK IN CRZ FOR 491. MOVES TO NOT RECOMMEND APPROVAL FOR REMOVAL AND DENY FOR 480 FOR LACK OF HARDSHIP AND DENY 496 FOR LACK OF HARDSHIP. COMMISSIONER MACCINI SECONDS.

Chairman Meisel: If you modify and move to council, if denied you cannot come back for a year. You can ask for postpone at BOA.

Luis: We request to postpone.

COMMISSIONER HOESTENBACH WITHDRAWS HIS MOTION AND MOVES TO ACCEPT POSTPONEMENT.

7. Land Use: **18 Nob Hill Circle** - Variance request to remove four trees 14” or greater for the construction of a new residence at 18 Nob Hill Circle. Applicant Rene Campos (Power of Attorney Mel Lawrence and Dylan Stewart)

- Variance to remove Tree # 905 – 16.5” Ashe Juniper (Section 22.03.304 – Tree and vegetation removal and replacement)
- Variance to remove and relocate Tree #758 – 14.5” Ashe Juniper (Section 22.03.304 – Tree and vegetation removal and replacement)
- Variance to remove and relocate Tree #759 – 17” Ashe Juniper (Section 22.03.304 – Tree and vegetation removal and replacement)
- Variance to remove and relocate Tree #860 – 16.75” Ashe Juniper (Section 22.03.304 – Tree and vegetation removal and replacement)

- a. Staff Briefing.

City Planner Naini: The request is four tree variances listed above. I did speak with the applicant and the planner they have been able to redesign the tree variances are no longer needed. Tree 905 is the only variance. This project is a single family home. This is a vacant property. We saw a re-plat back in December. The applicant has hired an arborist and determined Tree 905 is damaged and won't survive. This is treated as a variance due to the lot being vacant. Staff recommends denial and no action for the other three trees.

Chairman Meisel: 758, 759 and 860 are withdrawn?

City Planner Naini: Yes. The 16.5” Cedar is the only variance request.

- b. Presentation by applicant.

Dylan is present. Michele Lynch is going to hand out graphics. My presentation I will reference this graphic showing where we have landed since we submitted the last set of materials. As a design team we've tried to be transparent with what we are doing. Staff has been very helpful. We've had 3 meetings with neighbors as well and what our intentions are. Tree 905 is the requested variance. The other trees we've conceded the storage building and for 860 we've adjusted the loop driveway that is required for the emergency vehicle. With 905 the house is situated in an area it the idea spot to be placed on a ledge. We are dealing with 50% slopes. We have a large juniper (800 trees) and proposed difficulty in a site for the house and ideal level area for the house. Working with the spirit of West Lake Hills is that we are needing to remove trees for various purposes. Our plan it to replant the site with nature trees that will fill in and help us create a screen through the site. The house is meant to hide within the site. He enjoys his property and every neighbor to not be able to see it. With that, the intent is diversity on the site, working with drainage, we're not creating unduly runoff from the site, catch water and use it for irrigation. We want to delete the use of

irrigation. Whatever runoff we will work with grading. All material will be stone, wood, craftsmanship, very well made. This whole design is compliant with the ordinance. The variance is something we want you to consider. Our arborist is here, Mark is available for questions. There are more pictures showing where we met edits. In the process they thought they had more variance trees but were measurement errors. They made a strong effort and see the figures on 905. If we were going to come in for maintenance for branch failure, we would be recommending to get rid of that tree. It's certainly not a tree worth saving and not in good condition. They put a lot of effort into that.

- 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 Maccini: At this point, 905 is alive. It is a design driven request. Even with the information we received, it's not dead. It's a design driven request for house placement.

Commissioner Hoestenbach: My thought, unlike the last applicant where you had a lot that had been cleared of trees and they wanted to come in and take additional trees and was design driven. This is a heavily treed lot that hasn't been developed. We are going to be granting variances to cut down trees to build a project. All of these lots are heavily treed. I'm amazed this is the only variance they are request. As the architect noted, keeping the second story down below and not visible to the neighbor, there is evidence I think they have demonstrated a hardship and grant.

Commissioner Vandersteel: I went up there and it's a forest. It was hard to judge which tree is being asked for. I didn't find a tree that stood out amongst all the other things.

COMMISSIONER HOESTENBACH MOVES TO RECOMMEND APPROVAL. VICE-CHAIRMAN GAGE SECONDS. (4-1) COMMISSIONER MACCINI OPPOSES.

8. Adjournment by Chairman Robert Meisel.

Chairman Meisel adjourns the meeting at 8:30 p.m.