

MINUTES OF ZONING AND PLANNING COMMISSION
PUBLIC HEARINGS AND REGULAR MEETING
CITY OF WEST LAKE HILLS, TEXAS
February 20, 2019
6:30 P.M.

PRESENT: ZAPCO Chairman Robert Meisel, Vice-Chairman Les Gage, Commissioners Bill Harwell, Bill Vandersteel and Sarah Swanson

ABSENT: Commissioners Rhett Hoestenbach & Laurie Maccini

- 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 January 16, 2019 Meeting Minutes.

**VICE-CHAIRMAN GAGE MOVES TO APPROVE.
COMMISSIONER VANDERSTEEL SECONDS. (4-0) APPROVAL.**

- 3) Land Use: 1405 Wildcat Hollow – After-the-fact variance requests for a fence exceed height allowance and to encroach in the setback and a retaining wall to exceed height allowance and encroach in the setback. Applicant Douglas Jaffe, III; Power of Attorney Jan Sotelo.

- Variance for fence height and setback encroachment (West Lake Hills Code Section 22.03.173)
- Variance for retaining wall height and setback encroachment (West Lake Hills Code Sections 22.03.170 and 22.03.281)

- a. Staff Briefing.

City Planner Naini: My staff report is on file. The property is 1.8 acres. The resident has applied for two after-the-fact variances. The second is for a fence and exceeds the heights. The applicant has already done the work. This doesn't cover all the issues that are going on. Other variances may be applied for. We did receive the application several months ago and received materials at the very deadline. I would recommend postponing to next month's meeting. We still do have several questions that haven't been addressed yet.

Chairman Meisel: I'm not certain we can hear comments on an incomplete application. The public should have opportunity to review what has been submitted.

CHAIRMAN MEISEL MOVES TO POSTPONE. VICE-CHAIRMAN GAGE SECONDS. UNANIMOUS (4-0) ACCEPTANCE TO POSTPONE.

- b. Presentation by applicant.
- c. Public Hearing: All persons wishing to speak for or against shall be heard.
- d. Deliberation and action.

NO ACTION TAKEN.

- 4) Land Use: 111 Westlake Drive – After-the-fact variance requests for encroachment into a side setback and variance request to exceed allowed impervious cover. Applicants Gavin and Jennie Moreland; Power of Attorney Cedric Dupont.

- Variance to for driveway setback encroachment (West Lake Hills Code Sections 22.03.175 and 22.03.281)
- Variance to exceed maximum impervious cover (West Lake Hills Code Sections 1.01.003 and 22.03.281)

- a. Staff Briefing.

City Planner Naini: This also is an after-the-fact variance to increase impervious cover to install river rock along the driveway. The rock area is intended to improve pulling into the garage in addition to aiding in erosion control. It does not allow adquate turning space. The gravel is not intended for parking but for providing better drainage. I have in my reports an impervious cover analysis. The property is allows 31.4%. If 50% it would be 32.14. This is a minor increase in impervious cover. Staff had warned them they needed more space. It has been negatively impacting them. Neighbors have sent letters of support. It won't create any hardships for the neighbors. It is not going to distrust the natural terrain. There isn't a reasonable altnerative. Adding more concrete would create more variances and have more impact on the lot. There aren't other options. Staff recommends approval.

Commissioner Vandersteel: The requirement is for ample space to turn around. Is this a new requirement?

Planner Naini: It was built 15 months ago.

Commissioner Swanson: I have a question on the same topic. A number of commissioners said there isn't enough room when we were assured there was enough space?

Planner Naini: It's very difficult to turn into their garage.

Commissioner Swanson: We were assured there was enough space.

Planner Naini: They are driving into the dirt so the driveway must stop before 10' from the property line.

Commissioner Swanson: We were misinformed a year ago?

Vice-Chairman Gage: It's a small lot.

Commissioner Swanson: I remember the house was needing to be smaller because it is small lot.

b. Presentation by applicant.

Cedric Dupont in representing. They bought this house that sat on the market for a long time. I can't believe they got the sq. ft. on that home. The impervious was maxed out. They do use the garage. They wanted to have a suburban because they have two kids. They were afraid they would hit the fence and every time they backed out they would have to go on that grass and they were using mulch, but because the grade there where the driveway is, has a slight grade. It goes on the neighbor's yard. They didn't realize the gravel rock would change the impervious cover. It was a hardship issue. When I visit I always back in. During the day I would not suggest doing that. There is no way to get a regular size auto in there without going in the dirt. If the rocks are the issue, we could put in a French drain. The owner wants something more permanent than mulch. It makes the problem worse and creates pooling. I have photos after rains.

Chairman Meisel: I would urge you to include the photos before BOA.

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 remember when this was built and I said, how do you get in and out of the garages? I was wondering if the location of the driveway is the problem. I don't see how you can solve the problem. It was a badly thought out building.

Commissioner Swanson: You mentioned you would be doing the work on the French drain, etc.? Were you involved in the initial construction?

Cedric: No.

Commissioner Swanson: We had this discussion over a year ago when we saw this application. It's troublesome to have a builder build something that would trigger variances.

Chairman Maisel: The city granted a building permit to a non-conforming design. It's a conflict between the setback and turnaround. That's the hardship.

Commissioner Swanson: They live here now and didn't make the problem.

Vice-Chairman Gage: There is a fence there. The good news is that we have some flexibility imposing on the next door neighbors.

Commissioner Harwell: Is there a sub-bed or grading material before the rock?

Cedric: I can certainly find that out before the next meeting.

Commissioner Vandersteel: That probably wouldn't be a bad idea.

Cedric: That's why they chose the bigger rock. It doesn't move as if it were pea grave.

COMMISSIONER VANDERSTEEL MOVES TO RECOMMEND APPROVAL. VICE-CHAIRMAN GAGE SECONDS. UNANIMOUS (4-0) APPROVAL.

5) Land Use: **1110 Blackacre Trail** – Variance request to allow construction in the critical root zone (CRZ) of two trees 14” or greater. Applicant Claudia de la Vega.

- Variance to encroach in the critical root zone – Tree # 480 – 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 encroach in the critical root zone – Tree #315 – 20” Live Oak (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)

a. Staff Briefing.

Planner Naini: This project came last month and was postponed and had 3 tree variances. Based on the feedback they re-designed the footprint around the garage. The revised are to allow construction in the CRZ. The original request was to remove two trees as well as impact the CRZ of an additional tree. They looked up the survey to make sure they were avoiding the protected trees. Neither trees will be impacted. They will be encroaching in the outer portion. With these two variances they are minimally encroaching. Staff recommends approval and requests the applicant air spades to avoid impactding the root system.

b. Presentation by applicant.

Claudia: Last time we were here we requested removal of two trees and encroach a third. After going back and hiring an arborist, we not only redesigned the whole garage but we were able to save all the trees. With our arborist we walked the site and we were able to make an analysis to see which trees were crucial not to impact. As you can see we are now only encroaching #315 which we are encroaching nearly as much as the current house. We are not effecting any other areas or trees, the previous tree we were going to remove. We won't be impacting that area. We have really tried our best to show we really don't plan to intend on hurting the land or trees and we're prepared to save all these trees. We have every intention to bring the sick trees back up to life. We hope you take that into consideration.

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 went out there and you are doing a good job protecting the trees. I like how you rearranged the garage. That was a very nice solution. There is flatwork next to these trees and it's very healthy and hearty. I appreciate the little tweaks and the effort you made. Nice job.

Chairman Meisel: We really appreciate when people listen.

COMMISSIONER VANDERSTEEL MOVES TO RECOMMEND APPROVAL. COMMISSIONER SWANSON SECONDS. UNANIMOUS (4-0) APPROVAL.

6) Land Use: 4609 Bee Cave Road – An Amended Commercial Site Plan and a Commercial Building Permit for The Hills Professional II. (Sections 22.02.005 and 22.03.302 of the West Lake Hills Code.) Applicant John Barzizza.

a. Staff Briefing.

Planner Naini: The property is zoned B-2. It is subject to a development agreement which are in the packets. The property is under an agreement between West Lake Hills and the Hills Medical Office from 2006 and amended 2008 and 2015. The site plan was approved by city council in May 2015. Per the agreement they could have up to 48' in height. It is a conditional use and permitted under the B-2 regulations. The building plans are for exterior only. Interior will be submitted at a later time. It is currently being reviewed by Fire Department, ATS and city engineers. It is still under review but all of our codes are met before approving permits. Staff recommends approval. Any non-residential projects have to come through council. Mike Lacey had questions and comments. It hasn't been granted approval yet. If you're uncomfortable approving it before going to council, it would go next week. I don't think our comments will be addressed.

Chairman Meisel: If we approve the amendment, staff and council accepts you can go to permitting?

Planner Naini: Yes.

Commissioner Vandersteel: This is the set of documents that are the response to the comments and being reviewed? I understood why it was submitted.

Commissioner Swanson: Will we be looking at parking spaces if it came back to us?

Planner Naini: It's an office.

Commissioner Swanson: We've been through issues like that with Westlake Medical. We had a bad experience with that and there might be reasons to bring it back.

Chairman Meisel: I think we should hear from the applicant. I first saw this project my first year on the commission. As a historical fact we have never had a problem with a plan as submitted. This particular development has been low profile and no stress.

Vice-Chairman Gage: Parking is a huge issue?

John: We're not changing any parking.

Chairman Meisel: The development agreement included the parking.

John: All the civil work.

Architect: We added 6 additional spaces by taking a little bit of the building.

Vice-Chairman Gage: I hope you understand out concerns.

John: This parking is better than any parking in the city of West Lake Hills. This is the last building that will be built on the property.

b. Presentation by applicant.

John is the property owner. The history of this project is well known to some of you here. There are 4 buildings here on 4 tracts. It used to be the Health Club. The Hills main building was converted to Bright Horizons and as part of that, to make that happen, the final development of this property, we went ahead and split the back building project into two phases. All of the parking has been built, storm water system, water line, detention, etc. We are here with an application to go vertical. Let me say this, I don't own this property anymore. I came before you in 2015 to get a 5-year extension on my ability to build this last building. Every other building built after the agreement was executed went with the land. This was the only building that was limited by a 10-year period of time. Once it was determined to repurpose it was time to develop this property. We needed parking for the Bright Horizons to happen. Phase I is done. I sold this property in January 2019 because I have about two years left on the 5-year extension I got. We're very late in the business cycle. A rock solid business wanted to build this as a headquarters. They are the largest PPO in the country. They are based out of Phoenix. This will be a second headquarters for them. The Holders are the architects. I'm here to show them how to move the permit through the process. The only amendment we're asking for speaks beneficially is to downsize the building. When you begin to fill the buildings and the parking is absorbed, as a developer with a conscience, you want to build that final installment people won't complete for the parking. The parking was previously designed when the agreement was approved. Medical uses parking uses get more restricted. We intentionally recruited medical to this campus and wanted to downsize to make sense. We are not building 3 stories. We are building two stories and a 3,000 conference/board room for the manage care. It will be tricked out as a boardroom. I realize it could one day absorb offices but as a smaller size, the parking works beautifully. You haven't heard of parking issues

on this property. I'm very sure that you'll not hear that in the future. Another thing we brought to the equation that will be live Friday, is a stop light that will function. I went to TxDOT. I've lived in that end of the road and they hit the gas, we have 3 entrances this property. Unlike any other property in West Lake Hills you have a lot more utilities to serve this than any other in the city today. To put a visual on this, this has been here so many times in the last 17 years. This was built 13 years ago; this one 4 years ago. This was gutted and repurposed. This building is all medical, this building is half medical and academy. They have 40 stores around the country and do very well. I want to say selling this property was not my first choice but I was running out of time and I didn't want to ask for another extension. He is going to be a great corporate citizen in West Lake Hills. My plan for 30,000 was more commercial. This is a customized plan. They will occupy about 60% of this building. Other services will benefit the community.

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

Mack Holder, III is FAIA. There are 141 spaces for cars. We have lots of parking on the site. We have tucked in 4 handicapped spaces. We have 32,000 sq. ft. where we could have put 45,000, and we made it smaller and more parking and shorter. We have exceeded your requirements in every aspect.

Chairman Meisel closes the Public Hearing and reconvenes the meeting.

- d. Deliberation and action.

Commissioner Swanson: I want to hear the required spaces and what you have?

Mack: 141 for every 240 sq. ft. and required 1 for 300. We have 40% more.

Commissioner Vandersteel: You mentioned the 3 entrances, will it be indicated how to get out the property?

John: It will be self-explanatory when they drive onto the property. New customers will come in the main driveway. Yes, there will be signage coming before the city and we have approved signage as you go down to the base of the driveway. We got that approved for Bright Horizons and directional signs. You will have arrows to show you how to get out. Each of the 3 buildings have their own access. The Bright Horizons have one access, the main driveway. It's very balanced and spread out. The professional building has two. They will probably use both. I think it is well served. We were fortunate the light will help the citizens by slowing people down coming in and coming out.

Commissioner Swanson: Anjali, their having 40% more parking, is that your understanding?

Planner Naini: I don't know off the top of my head. I would have to double-check.

Chairman Meisel: We are going by the development agreement.

Planner Naini: 1 per 300 in our ordinance.

VICE-CHAIRMAN GAGES MOVES TO RECOMMEND APPROVAL PENDING REQUIREMENT FROM THE FIRE MARSHAL AND OTHER REVIEW AUTHORIZED TO SIGN OFF. COMMISSIONER HARWELL SECONDS. UNANIMOUS (4-0) APPROVAL.

7) Adjournment by Chairman Robert Meisel.

Chairman Meisel adjourns the meeting at 7:30 p.m.

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