

MINUTES OF ZONING AND PLANNING COMMISSION
PUBLIC HEARINGS AND REGULAR MEETING
CITY OF WEST LAKE HILLS, TEXAS
May 15, 2019
6:30 P.M.

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

ABSENT: Commissioner Bill Vandersteel

1. Call to Order. Chairman Robert Meisel.

Chairman Meisel calls the meeting to Order at 6:30. Tonight Commissioner Hoestenbach is serving his last meeting tonight due to moving to Dallas. His service has been greatly appreciated.

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 April 17, 2019 Meeting Minutes.
 - b. Request to postpone by applicant: Land Use: 102 Westlake Drive – Proposed site plan amendment with a parking setback variance, impervious cover variance, and tree variances to increase parking and provide emergency access at 102 Westlake Drive. Applicant Dr. Bill Ramsdell (Power of Attorney Travis Wilson)

VICE-CHAIRMAN GAGE MOVES TO APPROVE.

COMMISSIONER SWANSON: I'd like to hold for just a minute and make just a general comment rather than taking up the commission's time but for this last month, there were a lot of inaccuracies and I would hope in the future we wouldn't see that. I think it would take too long. I'll submit the changes in writing so we don't have to take up the commission's time.

CHAIRMAN MEISEL MOVES TO TABLE THE APPROVAL OF THE MINUTES. COMMISSIONER MACCINI SECONDS.

3. Executive Session: Consultation with Legal Counsel on legal issues related to variance procedures for Planning and Zoning Commission recommendations. (Consultation with Legal Counsel, Texas Government Code Section 551.071).

Executive Session at 6:34 p.m.

Returned to Regular Meeting at 6:40 p.m.

4. Land Use: 5000 Bee Cave Road: Sign permit application for a freestanding monument sign (Sections 32.03.007 of the West Lake Hills Code). Owner Thomajan Squared, L.P. (Applicant Texas EcoGrow – Chad Geeslin).
 - a. Staff Briefing.

City Planner Naini: This is a pretty straight forward application. It is Zoned O - Office, and the site has medical and health related businesses.

They are replacing signs that were removed due to the widening of Bee Cave Road. The applicant is providing the required landscaping around the signs. The signs comply with Code and staff recommends approval.

- b. Presentation by applicant.

Applicant does not speak.

- 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 MOVES TO RECOMMEND APPROVAL. COMMISSIONER HARWELL SECONDS. UANIMOUS (5-0) APPROVAL.

- 5. Land Use: 1903 Yaupon Valley Road: A variance request to remove six trees 14” or greater (Tree #350 – 15” Spanish Oak; Tree # 371 – 21.5” Spanish Oak; Tree # 384 – 25.5” Spanish Oak; Tree # 391 – 15” Spanish Oak; Tree # 394 – 14.5” Spanish Oak; and Tree # 399 – 17” Spanish Oak) for the construction of a new residence (Section 22.03.304 of the West Lake Hills Code). Applicants James and Danielle Hatchitt (Power of Attorney Mike Watson).

- a. Staff Briefing.

City Planner Naini: The tract is Zoned R-1 and is 1.17 acres. The trees are itemized by Ms. Naini. Moving onto the variance review, when applying they need to establish the criteria; (1) special conditions will result in a hardship for the applicant; (2) There will not be an unreasonable disruption. The applicant is proposing to remove 6 trees that are 14” or greater in addition to several smaller trees. This is a significant disruption. (3) There is no reasonable alternative. Regarding other alternatives, two different locations of the home resulted in extensive cuts to drop the driveway or resulted in one edge of the driveway being higher. (4) The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of. The application states that placing the home at the front of the lot will require them to request some trees to be removed (the same number of trees are at the other site), and will not require us to apply for any other variances. Staff recommends denial. Many lots in the area have similar characteristics and recommends postponement to redesign and look at other options.

- b. Presentation by applicant.

Mike Watson is representing the property owners. We are looking for guidance to meet a solution. This site plan does not convey every tree 3” or larger but the lot is very densely wooded. There isn’t an existing structure. We know there are alternatives. We are trying to work with council and get guidance and direction. The owners are flexible to solutions. There are some unique situations. It’s a very unique home site. It slopes off into the preservation area. Again, other considerations, trees 371, 384, 399, 394, 391 are all multi-trunk Spanish Oak that have the same base. For example, 384 the most prominent is a seven-trunk tree. It’s not this beautiful 25” free

standing tree. Its trunk is going all over the place. We welcome your feedback and direction. We have a civil engineer for drainage plans. We've looked at the septic and those trees are itemized here. These trees are not variance trees. We have avoided trees with the driveway and setbacks to keep the natural beauty of the neighborhood.

- 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 Harwell: It is an incredibly dense property.

Chairman Meisel: One of the criteria for a variance, we cannot allow our code structure to deny the reasonable economic value of the property. Typically when something comes in on a vacant lot it is thick with trees. You can't make an omelet without breaking eggs. That's where we are at. The hardship is, they bought the lot with reasonable expectations.

Commissioner Maccini: I appreciate that. When you buy the lot it needs to work with the lot. It is a lovely design and I appreciate it is not a massive house. It's still more of a square. It's sitting on the lot, not working within the lot. There might be ways to design the house to work around those trees. The multi-trunk could be quite beautiful. Tree 384 looks to have a massive canopy. How do you balance? This was a hard one.

Commissioner Swanson: Those are some huge trees that are coming out. What if you have not as many garages? What would that do to the possibility to preserve some of the trees? I was just talking about decisions people make and how it impacts the feel of the community when you start removing big trees.

Commissioner Hoestenbach: My thought on it, after hearing what Chairman Meisel says, it is unusual to see someone come in and request six variance trees. That's a little unusual. I would suggest postponing, recognizing some trees are going to be cut. You will need a septic field. This is a difficult lot to squeeze a house on. I'm looking where the septic field is and it is a good place to put it. Also again about maybe some suggestions, take some photos of the trees. I know some of the folks have gone out and looked at the lot. I know the city made some alternative recommendations about the foundation. If you show that you looked at it, why that's not a good option, those are just my thoughts. You made a good presentation you might want to go back and look at it again with maybe a new plan with different alternatives.

Vice-Chairman Gage: Would you like to postpone?

Mike: Yes.

Commissioner Hoestenbach: In looking at your site plan, you show a notch out in the front of the property, I'm familiar with this property, there is a little piece in the front that belongs to you now. I don't think the survey you

have is the most current. It was amended a couple of years ago. You have a little more room to work with.

Chairman Meisel: You've got a difficult situation here. You want to identify and work around the trees enough, you get into issues of grades, cuts, and it may be helpful to have council realize everything has a cost. That helps with the council. We'll accept your request for postponement.

Designer: If we save a bunch of trees, what about the ridge? That ridge height will be falling with the topography. We will have to ask for a ridge exemption. Are the trees more sacred than the ridge?

Commissioner Hoestenbach: You may want to talk to your next door neighbor because they had a similar situation.

Commissioner Swanson: Asking for 6 variance trees will be jarring. Keep that in mind.

Commissioner Hoestenbach: It's not visible to anybody but on 360. Just to say we don't have a problem with it.

6. **Land Use: 116 Reveille Road:** A variance request to remove one tree 14" or greater (a 16" Oak tree) for the construction of a new residence (Section 22.03.304 of the West Lake Hills Code). Applicant Owen Nalle – Nalle Custom Homes.

- a. Staff Briefing.

Commissioner Maccini is recusing herself due to receiving notice from the applicant.

City Planner Naini: It has an existing home that will be demolished. The applicant is requesting a tree removal. The need comes from the placement of the oak tree. It is a side facing garage. In your packets you should have supplemental information with a tree survey. Looking at the criteria: (1) The applicant states the only alternative is the drive location requires a front entry. Maintaining this access requires a front facing garage; (2) there will be no unreasonable disturbance of flora. The applicant states the design tucks the home into the natural, existing flora and not altering the look of the estate style property; (3) no reasonable alternative to alleviate the hardship. The applicant responded he is open to mitigating trees on the lot; and (4) The variance will not be greater than the minimum required to alleviate the difficulty or hardship. The application states that we are only requesting the removal of one protected tree. **Recommendation:** The variance is design driven. Staff Recommendation is denial. The applicant may want to design other options.

- b. Presentation by applicant.

Jesse Nalle is present. Anjali did a great job explaining. A swing-in side entry is a better feel for the neighborhood. Better curb appeal and more custom feel to a nice street. We have been able to maintain nice trees. All we ask is for the removal of one Oak. A swing-in is a better option for the property. For the overall it will be a better route to go. We're happy to re-plant 16 or more oak trees.

City Planner Naini: It's 150% replacement.

Chairman Meisel: Which tree number?

Jesse: Tree 71.

- 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 Hoestenbach: I was trying to hear the hardship. We don't feel you demonstrated a hardship. What is the hardship?

Jesse: I would think it would be inferior construction design. I think the city would appreciate that. A swing-in garage would look better.

Vice-Chairman Gage: Aren't there front facing garages on that street? Everybody looks at something differently. Just a garage fits your design better.

Jesse: Garage doors aren't appealing to the neighborhood.

Vice-Chairman Gage: I guess I live in an unappealing house.

Commissioner Swanson: Reveille is a street that has lost a lot of its character. They want to hold on to some of the old trees.

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

Commissioner Maccini returns to the dais.

7. Land Use: 1408 Redbud Trail: A variance request to encroach into the driveway setback for the construction of a new residence (Section 22.03.304 of the West Lake Hills Code). Applicant Seven Custom Homes, LLC.

- a. Staff Briefing.

City Planner Naini: The property is 1.197 acres. They are building a new home on a flag-shaped lot. An existing drive is in place and they want to remove it and reconstruct with pavers. They will reduce the footprint and impervious cover. Because the applicant is demolishing more than 50% of the driveway it will lose its grandfathered non-conforming status. There is no other way to access the property. Looking at the criteria: (1) the shape is a special condition. (2) The driveway is already in the setback, the location is in the footprint of the existing driveway no unreasonable destruction to flora; (3) there is no reasonable alternative with no other access location. (4) The variance will not be greater than the minimum required. Staff Recommendation is approval. Unique shape and special conditions.

Commissioner Maccini: This variance is only for the driveway?

City Planner Naini: Yes.

- b. Presentation by applicant.

David Lyon is the applicant. Photos are provided with overlays. Other than that, it's about all.

- 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: Is there a plan to take out the asphalt and do landscaping?

David: Yes.

Commissioner Swanson: They are reducing impervious cover.

COMMISSIONER SWANSON MOVES TO RECOMMEND APPROVAL. COMMISSIONER MACCINI SECONDS. UNANIMOUS (5-0) APPROVAL.

8. Land Use: 3342 Bee Cave Road: Proposed Development Agreement Amendment at 3342 Bee Cave Road. (Development Agreement between the City of West Lake Hills and 3342 Bee Caves, LLC) Applicant Mac Ragsdale, Triangle Building Company (Power of Attorney Benjamin Green, Kimley-Horn).

- a. Staff Briefing.

City Planner Naini: I will try to combine Items 8 and 9. You saw this last month. This is a development agreement. They are asking for increase in impervious cover. They reduced to 57%. This item is in conjunction with the second item. Jumping into the next one, the site plan amendment, you did recommend approval for the building facade. The site plan had 5 additional parking spaces, they are proposing additional. Per our code for B-2, the impervious cover is 35% but can go to 47%, the applicant has come back and there is a letter talking about the different incentives. Looking at the different incentives, they want to use a filtration pond as well as right-of-way. The second is construction of pedestrian access. The sidewalk will connect with the existing building. They are asking for the 50% total. With the incentive items, you can only go to 47%. I don't really know how that number came up. I still recommend denial. It is still a lot of impervious cover. Alternatively you may recommend to postpone again. This is not actually a variance, it's an amendment to the Development Agreement. They would still have to come back with a site plan that meets the allowable impervious cover.

Chairman Meisel: No matter what incentives, they are not allowed over 47%?

City Planner Naini: That's the max.

Commissioner Hoestenbach: Can you have a development agreement and we're going to 56% on this agreement?

Commissioner Maccini: You adopt it by ordinance, that's usually how it's done, or PDD.

Chairman Meisel: If they flip from development agreement to PDD can they restart the clock?

Assistant City Attorney Mueller: In order to change it has to be amended, not by PDD.

City Planner Naini: We look for what the applicant is doing above and beyond.

Commissioner Harwell: Mr. Green's letter, a proposed TxDOT sidewalk? Is that happening or not?

City Planner Naini: Or if we looked at allowing additional impervious for the sidewalk.

Chairman Meisel: They are marching down Bee Cave Road with the sidewalk.

b. Presentation by applicant.

Ben Green is present with a photo presentation. We are working with TxDOT. The hardship is, once this sidewalk is built it opens up the tenant to liability. We would like to make this ADA accessible. Four additional parking is proposed. Parking a hardship due to the expected traffic this business would see. There are 18 spaces at the site. There are 14 spaces for staff leaving four spaces. Based on the building use and the sq. ft., there are 444 trips per day expected for this business. The peak hour factor in the afternoon will be up to 900 visitors. Our hardship is serving accessibility as well as being able to park for customers. It was brought up the maximum allowed for this type was 47% with incentives included. With our development agreement we are exceeding that. If 35% is the base, the 47% should be our new base. Our client is willing to go above and beyond to work with staff.

Commissioner Harwell: Out of the current there are 18? What's the disabled parking situation?

Ben: We are required to have one.

Commissioner Harwell: If TxDOT doesn't extend sidewalk there, what's the plan?

Ben: Once the sidewalk is built, there is a potential for liability not having that connection. It's currently under construction. We're getting under way with that as soon as possible. Currently the site is concrete.

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.

Vice-Chairman Gage: What building material?

Ben: Pavers could be used if it would help with impervious cover. They are willing to do what it takes to make it work.

Commissioner Swanson: The vast majority of the spaces are for people working there?

Ben: Fully staffed with 12 offices.

Commissioner Swanson: Have you looked into alternative parking?

Ben: There is multi-family on this side.

Commissioner Swanson: Sometimes they have a shuttle service. Have you looked into that?

John is with Amegy Bank: The hardship for us, we're basically a business so we have a lot of face to face clients, we've maxed out the space. We looked at every opportunity that had better parking. This was the first opening that came up. We already have lenders in the Austin area and a retail branch. This is our Austin headquarters and that's why it's heavy on staff. We have looked around in terms of parking at a nearby church, we have looked around there. Bee Cave is super busy. A shuttle is something we'd look into. It's an unusual scenario to shuttle.

Commissioner Hoestenbach: The parking spaces, when you came here last time, what is your impervious cover? It's only those 4 spaces that put you over. What if you get rid of the four spaces what will it be?

Ben: The existing site was annexed into the city, again, I don't know how the error was made because it was already existing.

Commissioner Hoestenbach: You were at 60% and got down to 57%. When you were talking about maybe a recommendation we might make to keep the 4 spaces, you're still at 57%. It would be more acceptable if pervious materials used.

Commissioner Swanson: As it stands it is 51%?

Commissioner Maccini: I don't think you have a new standard for your base. That doesn't work for me. You're putting too big a business in a too small a space. You say you're having a lot of car traffic. I'm having trouble with it, it's a concrete block. It's a big business in a small space.

Ben: There is opportunity for more planting.

Chairman Meisel: This may be information you provide to the council.

Commissioner Hoestenbach: This almost seems this should be forwarded without recommendation to City Council. We're talking about an impact on our city. It might be a better decision for them to make.

Commissioner Swanson: This goes so counter to the master plan to the addition to impervious cover when we're over the limit. ADA can be conditioned on TxDOT building the sidewalk, we're seeing this all the time. They are wanting impervious cover way over the limits. We are trying to preserve a quality of life.

VICE-CHAIRMAN GAGE MOVES TO RECOMMEND FORWARDING WITHOUT RECOMMENDATION. COMMISSIONER HOESTENBACH SECONDS. (3-2) COMMISSIONERS HARWELL AND SWANSON OPPOSE.

Commissioner Swanson: It is a counter to the master plan. I would recommend denial.

9. Land Use: 3342 Bee Cave Road: Proposed commercial building permit for exterior improvements and site plan amendment at 3342 Bee Cave Road. (Sections 22.02.005 and 22.03.302 of the West Lake Hills Code.) Applicant Mac Ragsdale, Triangle Building Company (Power of Attorney Benjamin Green, Kimley-Horn).
- Staff Briefing.
 - Presentation by applicant.
 - Public Hearing: All persons wishing to speak for or against shall be heard.
 - Deliberation and action.

ADDRESSED WITH THE PREVIOUS ITEM.

10. Land Use: 3342 Bee Cave Road: Sign permit application for projecting signs, a freestanding monument sign, directional signs, and window signs. Owner Amegy Bank (Applicant Accent Sign and Awning – John Shepherd).
- Projecting wall signs (Sec. 32.03.008 of the West Lake Hills Code)
 - Freestanding commercial signs (Sec. 32.03.007 of the West Lake Hills Code)
 - Traffic-control signs (Sec. 32.03.003 of the West Lake Hills Code)
 - Commercial signs in/on windows/doors (Sec. 32.03.010 of the West Lake Hills Code)
- Staff Briefing.

City Planner Naini breaks down the five signs as follows:

- (1) Meets code
- (2) Meets code
- (3) Meets code
- (4) Meets code
- (5) Meets code

Staff Recommendation is approval.

- Presentation by applicant.

Ben: All our signs meet the criteria.

Scott Clanton is the architect. You approved the portal.

City Planner Naini: The signs are approved separately.

- 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 HARWELL MOVES TO RECOMMEND APPROVAL.
VICE-CHAIRMAN GAGE SECONDS. UNANIMOUS (5-0) APPROVAL.**

11. Land Use: 300 Laurel Valley: Proposed Final Subdivision Plat & Construction Plans for East Ledgeway Subdivision, subdividing a 13.0-Acre Tract North of Laurel Valley Road into Seven (7) Single-Family Residential Lots (Legal Description: East Ledgeway Subdivision, Resubdivision of Lot 1, Block A of the A.F. Deloney Subdivision – 13.0 Acres). (Chapter 36 of the West Lake Hills Code). Applicant Emmet P. McCall (Engineer Ric Thompson).

- a. Staff Briefing.

City Planner Naini: Access will be primarily from Ledgeway East. The final plat is in conformance with the preliminary plat approved by City Council. Construction plans have been submitted with drainage and are currently under review by the city engineer. Staff recommendation is approval conditioned that all comments are addressed. The applicant has been working really hard getting everything addressed.

- b. Presentation by applicant.

- 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: What's our norm here?

City Planner Naini: Council is the final authority on it. They meet next week. I'm certain if it will be ready but can be approved conditionally. Our engineer will provide a letter showing a final comment list with the comments cleared.

Chairman Meisel: We're still waiting for engineer's report. Postpone to next month.

12. Land Use: 1405 Wildcat Hollow – After-the-fact variance requests for a fence to 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 (Section 22.03.173 of the West Lake Hills Code)

- Variance for retaining wall height and setback encroachment (Sections 22.03.170 and 22.03.281 of the West Lake Hills Code)

a. Staff Briefing.

City Planner Naini: I don't have anything new to report. It is the same report from last month. Staff did not receive additional information in time. Staff recommendation is to make a recommendation to move the application forward to Council and Board of Adjustment June 12th.

b. Presentation by applicant.

Douglas Jaffe owns 1405 Wild Cat Hollow. It was requested for additional information. It took us two weeks to get someone to document those items. Drainage report is coming in tomorrow. With that being said we are asking for a postponement to present that information which Anjali has the as-builts. She asked for information for items that were there before we purchased the house.

Chairman Meisel: You have been turning in information as you get it?

Douglas: I sent it in to Anjali.

Chairman Meisel: That's where we stand with the application?

Douglas: No, sir.

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

Scott Gill lives at 1407 Wildcat. I think you received a letter in February. Our concern has been and continues to be focused largely on the retaining wall built to the south of our property. The reason for concern when it was constructed we saw the workers show us, it was built without any engineering drawings. I have photos of the foundation being built. The original foundation was not steel re-enforced. Concrete blocks went up and was accidentally hit and fell down. Since that time another wall was hit and that one has been cut down lower. We have two walls that are quite high. One is supporting a lot of dirt and rock as a retaining wall. They have been bridged in between. We have no idea what the integrity of it is. Our concern is a wall built in different stages, materials and manners and don't know if it will hold up over time. Should that fail it comes smack into our house. Our request continues to be to have the city to make us comfortable that this will not pose a threat to us. The heights are not attractive. It is the only wall around that we see. We have a nice relationship and we want to keep it that way. We want it to be attractive. We've been going on with this a couple of years now. For my partner and me it became stressful and we moved out. The noise and the activity can come to the end, however the city and Jaffe work this out. That's my word concerning this project.

Pam Reed is on Harbor View. This is a post-fact variance. There are many issues regarding this property. This has already been built and re-built again. There has to be a hardship and the applicant didn't go through any process with the city and get permits that were needed. We saw an applicant come in to find a solution. This has never happened in this case. We feel like

we've been under siege at this point. It's very sad to see and eager for the city to take action and wrap it up and return to our lives.

David Carr lives at 1503 Wild Cat Hollow. My wife and I have been there 3 ½ years and moved to Westlake for Eanes ISD. We specifically wanted to be in a wooded environment. I have seen with my eyes but also felt the emotional distraught of the activities and denigration of the erosion that has gone on there. It is a disrespect of the law, the codes, the neighbors and environment and has impacted many people here and has been a terrible thing to see. It needs to be made right at some time. Thank you.

Chairman Meisel closes the Public Hearing and reconvenes the meeting.

d. Deliberation and action.

Chairman Meisel: I don't feel we can forward with inadequate documentation. It needs to be in the office for review. If we forward it, it would be without recommendation. The alternative would be postponement which there has been numerous. We shouldn't let it go to hearing.

Douglas Jaffe: This is the first time that we've asked for postponement. It takes time to get. That was just last month.

Chairman Meisel: In a perfect world, all that documentation is brought together for a variance. We would have that information in the file and engineers would review and have a finished package. It's available for the public to review, they have an opportunity to give their input. This has been complicated by the after-the-fact situation. This started not on your watch.

Douglas: Scott's issue, we don't have an issue with cutting down the wall. There was a 65,000 pound drilling truck on site. We have no problem cutting it down to match the wall height, in terms of life safety.

Chairman Meisel: I'm hopeful everyone can work it out. Administratively we are having to do something with it. Right now the problems on the lot continue. At the same time, the neighbors feel threatened by the safety of the wall. I want the neighbors to understand we want to work it out. We're being asked to make a decision.

Commissioner Swanson: When did this matter first come before this commission?

City Planner Naini: February. Originally it was going on January and I didn't get adequate information to provide adequate public notice. I did provide notice for February.

Commissioner Swanson: Why was that information not forthcoming?

Douglas: We did provide for the retaining wall. We've invited the commissioners on site.

Commissioner Swanson: What's a reasonable amount of time to get those reports and have the engineer to come out?

City Planner Naini: I've been making requests for months.

Chairman Meisel: The logical thing to me is, it sounds there is good faith effort.

Commissioner Maccini: On the application, it's not just about the structural plan. The placement and height? Is that part of the information we could expect?

Chairman Meisel: It should be in the as-builts.

Douglas: Per the engineer's report, the city can come out tomorrow. There is no risk to Scott's home.

Vice-Chairman Gage: I have four houses being built below me and it's very distracting to hear it all day long.

COMMISSIONER SWANSON MOVES TO ALLOW A ONE MONTH POSTPONEMENT WITH GOOD EFFORT. VICE-CHAIRMAN GAGE STATES IF THE INFORMATION IS NOT RECEIVED IN 30 DAYS IT WILL BE WITHDRAWN.

Chairman Meisel: If you have it by the 31st?

City Planner Naini: We have been asking for the same information for several months now.

Assistant City Attorney Mueller: He can also provide this information to Board of Adjustment.

Chairman Meisel: We could forward with no recommendation.

Commissioner Swanson: Postpone until June 19th for the requested information.

City Planner Naini: It is the job of the applicant to show what they are asking for. That information has not been provided to us.

Pam Reed: If the information is not given by the end of the month, what are the consequences?

Chairman Meisel: The acting Chair will ask for the recommendation for denial for non-compliance. We don't have the authority to cancel an application.

COMMISSIONER SWANSON MOVES TO POSTPONE TO JUNE 19TH MEETING WITH PROVISION FOR THE ENGINEERING REPORTS, EXPLANATION OF AS-BUILT BY THE CLOSE OF BUSINESS ON MAY 31ST. VICE-CHAIRMAN GAGE SECONDS. UNANIMOUS (5-0) ACCEPTANCE OF POSTPONEMENT.

13. Adjournment. Chairman Robert Meisel.

Chairman Meisel adjourns the meeting at 8:35 p.m.