

CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A BOARD OF ADJUSTMENT (BOA) REGULAR MEETING
Wednesday, November 13, 2024 at 7:00 PM

1. Call to Order

With a quorum present, Chair Vaughan called the meeting to order at 7:02 p.m.

BOARD MEMBERS PRESENT:

Chair James Vaughan
Gordon Bowman
Dana Harmon
Beth South
Jim O'Connor (alternate)

CITY STAFF PRESENT:

City Administrator Trey Fletcher
City Secretary Terry Blanchard
Director of BDS Jennifer Bills
Chief of Police Scott Gerdes
City Attorney Josh Brockman-Weber

2. Citizen Communications The Board welcomes public comments at this point on any issue. If the issue is listed on the agenda, the speaker may choose to comment during the Public Comment period or when the specific agenda item is taken up by the Board later in the meeting. The Board cannot respond to or discuss matters not listed on the agenda. The Board may provide factual information, refer the item to a staff member, or request the item be added to a future meeting agenda. Speakers shall limit their comments to five (5) minutes each.

Chair Vaughan opened the meeting for public comments. Hearing none, the public comment section was closed.

3. Administration Discuss and consider action on approval of the October 9, 2024 Regular Meeting Minutes.

MOTION: Upon a motion made by Board Member Bowman and a second by Board Member South, the Board voted four (4) for and none (0) opposed with one (1) abstention to approve the minutes as presented. Motion carried.

4. Public Hearing 3736 Bee Cave Rd Suite 3 – Discuss and consider action to approve Ordinance 157-2024-E for a Special Use Permit request to allow the sale of beer and wine beverages in a restaurant for on-premise and off-premise consumption on a property Zoned B-2 Business 2 District (West Lake Hills Code, Section 38.04.031). Applicant: Austin Epicure (Marissa Mireur).

Director Bills gave a brief summary. Staff recommends approval. Marissa Mireur (owner) gave a history of her business and answered questions from the Council.

MOTION: Upon a motion made by Board Member Harmon and a second by Board Member O'Connor, the Board voted five (5) for and none (0) opposed to approve the ordinance as presented. Motion carried.

5. Land Use 3638 Bee Cave Rd Suite 104– Discuss and consider action on variance requests to:

- a. Section 24.03.006 (a) Maximum lumen limit – exceeding 6,000 lumen limit per luminaire;
- b. Section 24.03.006 (a) Maximum lumen limit – exceeding 2.5 lumens per square foot;
- c. Section 24.03.006 (b) General Parking and pedestrian areas – exceeding the limit of zero up-lighting for a non-shielded luminaire;
- d. Section 24.03.006 (d) Maximum Color Temperature – exceeding color temperature rating of 3500 K; and
- e. Section 24.03.004 (a) Shielding – not providing shielding of the luminaires.

for the installation of an Outdoor Digital Display (West Lake Hills Code, Section 24.03.004 Standards for all districts and 24.03.006 Standards for O, GUI, B-1 and B-2 districts).

Applicant: AP ATX Restaurant Holding, LLC (Austin's Pizza Westlake).

Director Bills gave a summary. Staff recommends denial. ZAPCO recommends approval with five (5) conditions. Eddie Patterson (owner) gave a presentation to the Council regarding the variance requests.

The Council found no hardship to allow for a variance. Council directed the staff and city attorney to research a Special Use Permit for this issue that includes the following conditions:

- Meets International Dark-Sky Association (IDA) recommendation that outdoor displays candelas per square meter be in the range of 20-40 cd/sqm;
- Sound mediation, if necessary;
- The screen be limited to 1% brightness beginning at sunset;
- The screen be shielded according to the recommendations of the city lighting consultant;
- The screen be restricted from any use between 10 p.m. and sunrise;
- The remainder of the site be brought into full compliance with current lighting regulations; and
- The SUP be temporary in nature and will expire upon the adoption of the new lighting ordinances drafted in response to City Council Resolution 2023-06-01, at which time the screen will need to come into compliance with the new ordinance.

The SUP will be placed on the December BOA meeting agenda.

6. Adjournment

MOTION: Upon a motion made by Board Member Bowman and a second by Board Member O'Connor, the Board voted five (5) for and none (0) opposed to adjourn the meeting at 8:02 p.m. Motion carried.

Respectfully submitted,



JAMES VAUGHAN, CHAIR

ATTEST:

Terry Blanchard
Terry Blanchard, TRMC
City Secretary



These minutes were approved on December 11, 2024.