



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF BOARD OF ADJUSTMENT (BOA) REGULAR MEETING
Wednesday, May 12, 2021 at 7:00 PM

Notice is hereby given that the Board of Adjustment (BOA) of the City of West Lake Hills, Texas, will hold a REMOTE Regular Meeting on the 12th day of May 2021 at 7:00 p.m., at which time the following items will be discussed, to-wit:

REMOTE ACCESS ONLY:

In accordance with the Open Meetings Act update from the Office of the Texas Attorney General issued March 19, 2020, the City Council of the City of West Lake Hills will conduct a telephonic meeting in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID19).

The public may participate in this meeting by dialing in to the following toll free number: (346) 248-7799, Meeting ID 862 5250 2259, Password: 183077

If you wish to speak during the meeting, please provide your name, phone number and the item number you wish to speak on to citysec@westlakehills.org by 1:00 P.M. on May 12, 2021

Members of the public who wish to submit their written comments in lieu of speaking shall submit their comments by emailing citysec@westlakehills.org. Comments must be received by 1:00 P.M. on May 12, 2021

1. Call to Order
2. Citizen Communications The City Council 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 Council Later in the Meeting. The Council Cannot Respond to Matters Not Listed on the Agenda Until a Future Meeting. Speakers Shall Limit Their Comments to Five (5) Minutes Each
3. Consent Agenda All Consent Agenda Items Listed are Considered to be Routine by the City Council and Will be Enacted by One (1) Motion. No Separate Discussion or Action on any of the Items is Necessary Unless Desired by a Council Member or Citizen

- a. Approval of the April 14, 2021 Regular Meeting Minutes
- b. **3638 Bee Cave Road, Ste. 102 & 103 (YPW Spanish Immersion School):**
Adopt an Ordinance for a Special Use Permit Request to Allow for the Expansion of Preschool and Day Care Services for a Property Zoned B – 2 Business 2 District (West Lake Hills Code Sec. 38.03.037 and Article 38.04, Division 2). Applicant Ramon Aguirre

4. Adjournment

Approved by: Linda Anthony, Mayor

Certificate

I certify that the above Notice of the May 12, 2021 Board of Adjustment Regular Meeting was posted on the bulletin board at the Municipal Building, 911 Westlake Drive, West Lake Hills, Texas on Friday, May 7, 2021 by 5:00 pm. and will remain posted continuously until said meeting is convened.

Signed by: Stephanie Mills, City Secretary

The City of West Lake Hills is committed to compliance with the Americans with Disabilities Act. Reasonable accommodations and equal access to communications will be provided upon request.

All items on the agenda are for discussion and/or action. The Board of Adjustment reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development).

CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A BOARD OF ADJUSTMENT REGULAR MEETING
Wednesday, April 14, 2021 at 7:00 PM

1. Call to Order

With a quorum present, Mayor Anthony called the meeting to order at 7:00 p.m. Members in attendance were Mayor Linda Anthony, Mayor Pro Tem Jim O'Connor, Councilmembers Rhonda McCollough, Brian Plunkett, Beth South, and Darin Walker.

2. Citizen Communications The City Council 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 Council Later in the Meeting. The Council Cannot Respond to Matters Not Listed on the Agenda Until a Future Meeting. Speakers Shall Limit Their Comments to Five (5) Minutes Each

Mayor Anthony opened the meeting for public comments. Hearing none, the public comment section was closed

3. Consent Agenda All Consent Agenda Items Listed are Considered to be Routine by the City Council and Will be Enacted by One (1) Motion. No Separate Discussion or Action on any of the Items is Necessary Unless Desired by a Council Member or Citizen
- a. Approval of the February 10, 2021 Regular Meeting Minutes
 - b. **701 S. Capital of Texas Highway #E-550 (Izumi Sushi):** Adopt an Ordinance for a Special Use Permit Request to Allow the Sale of Alcoholic Beverages in a Restaurant for On-Site Consumption for a Property Zoned B – 3 – Business 3 District. (West Lake Hills Code Sec. 38.03.038 & Article 38.04). Applicant Yongbo Li

Motion for Approval made by Councilmember Walker with a Second by Mayor Pro Tem O'Connor

Motion for Approval carried unanimously by a vote of 5 ayes to 0 nays

4. Land Use **118 Bluff Park Circle:** Discussion/recommendation on a variance request to construct a swimming pool encroaching a building setback (West Lake Hills Code Sec. 22.03.281). Owners/Applicants Emily & Matt Franke.
- a. Public Hearing: All Persons Wishing to Speak for or Against Shall be Heard.

Applicant Emily Franke and citizen Tom Mooney spoke on this item

Motion for Approval with the condition that the pool be moved 4 feet closer to the

home made by Councilmember Plunkett with a Second by Mayor Pro Tem O'Connor

Motion for Approval carried unanimously by a vote of 5 ayes to 0 nays

5. Land Use 3423 Bee Cave Road: Discuss and Consider Action on a Request for Several Variances in Order to Construct a New Medical Office Building:
- 1) removal of six trees 14" or greater (#5040 - 16" Cedar; #5046 - 14" Cedar; #5140 - 15" Live Oak; # 5143 - 14" Live Oak; #5324 - 18" Cedar; & # 5373 - 14" Cedar)
 - 2) building height exceeds maximum permitted height
 - 3) impervious cover exceeds maximum permitted
(West Lake Hills Code Sec. 22.03.304 & Sec. 22.03.281)
- Owner the Keller Group/Applicant Central Austin Management Group-Peter Navarte
(Note this is a dual City Council/Board of Adjustment item; the tree variances should be considered by City Council and the building height and impervious cover variances should be considered by BOA)

- a. Public Hearing: All Persons Wishing to Speak for or Against Shall be Heard.

**Applicant Peter Navarte spoke on this item along with 10 citizens:
David Linton, Jayme Bynum, Bill Klein, Jessica Blacklock, Brian Rodgers, Sarah Donovan, Mark Berrier, Rebecca Ryan, Olga Kobzar, and Andrew Weary
This item was withdrawn from consideration by the applicant**

6. Adjournment

Motion to adjourn the meeting made at 8:58 p.m. by Councilmember Walker with a Second by Mayor Pro Tem O'Conn.

Motion to Adjourn carried unanimously by a vote of 5 ayes to 0 nays

Respectfully submitted,

LINDA ANTHONY, MAYOR

ATTEST:

Stephanie Mills, City Secretary

These minutes were approved on May 12, 2021 2021.



SPECIAL USE PERMIT (SUP) STAFF REPORT

MAY 12, 2021

Permit Number: 16589

Agenda Item: 3638 Bee Cave Road, Ste. 102 & 103 (YPW): Adopt an Ordinance for a Special Use Permit Request to Allow for the Expansion of Preschool and Day Care Services for a Property Zoned B-2 Business 2 District. (West Lake Hills Code Sec. 38.03.037 and Article 38.04, Division 2). Applicant Ramon Aguirre.

Applicant Information: Ramon Aguirre, YPW School Director of Operations

Hearing Dates:

May 12, 2021 Board of Adjustment

Requested Action: Special Use Permit to expand the existing day care and preschool services at this location into two additional suites.

Location: The property is located at the corner of Bee Cave Road and Westwood Terrace, and east of Reveille Road.

Zoning & Site Characteristics: The subject school is located in the Johnson Four Corners Center zoned B – 2 Business 2 District. The surrounding adjacent properties are zoned O – Office and R – 1- One Family Residential.

Background & Analysis: YPW Spanish Immersion School would like to expand their operations at their existing location (3638 Bee Cave Rd, Ste. 101) by combining two additional suites, #s 102 and 103. The use will remain the same – day care and preschool. The hours of operation are 7:00am to 6:00pm, Monday to Friday. The additional number of students will be approximately 30, plus 4 staff.

SUP Criteria & Analysis:

(1) The appearance, size, density and operating characteristics of the proposed special use are compatible with the surrounding neighborhood and uses;

- The school/day care is existing and YPW would like to expand it into two additional suites at their existing location.

(2) The proposed use will not have an adverse effect on the value of surrounding properties or impede their proper development;

- The existing use is not anticipated to have an adverse effect on the value of surrounding properties or impede their development.

(3) The proposed use will not create a nuisance factor or otherwise interfere with a neighbor's enjoyment of the neighbor's property or operation of the neighbor's business;

- YPW is already existing at this location and the proposed expansion should not interfere with neighbors' enjoyment of their properties.

(4) The traffic that the proposed use can reasonably be expected to generate on existing streets will not create or add significantly to congestion, a safety hazard, or a parking problem in the area, nor will it disturb the peace and quiet of the neighborhood; and

- It is not anticipated to increase traffic or disturb the peace and quiet of the neighborhood.

(5) The proposed use shall comply with all other applicable ordinances and regulations.

- The school will comply with all other applicable Code regulations.

Traffic/Transportation

No impact expected.

Lighting

Outdoor lighting is not proposed with this application.

Building Code

The property and future construction will have to comply with all applicable City codes.

Subdivision

This request will not change the subdivision.

Comprehensive Planning Analysis

The request is in compliance with the Master Plan based on current and future land use.

Staff Recommendation:

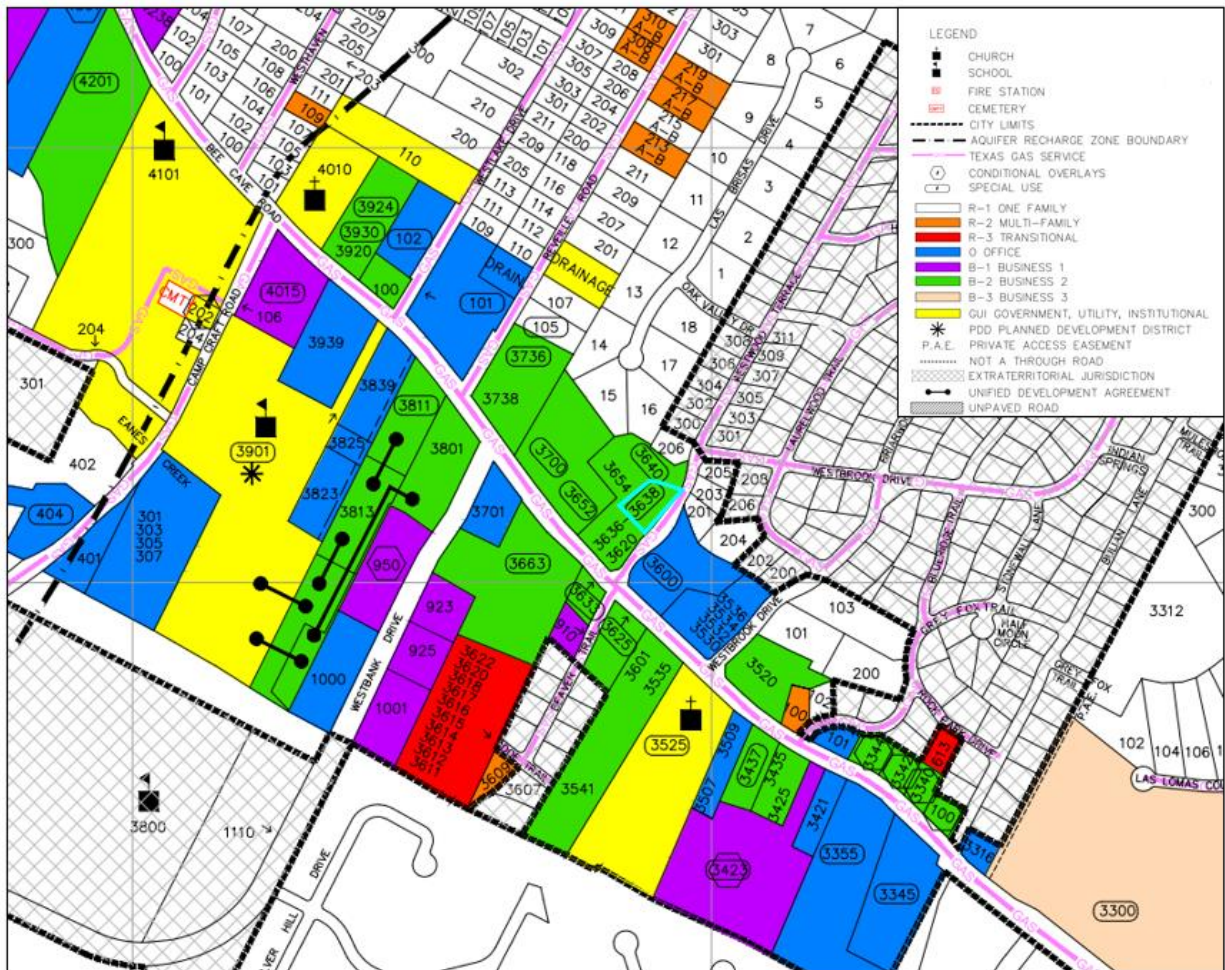
Staff recommends approval. The application as presented meets City Code requirements.

Links to Code:

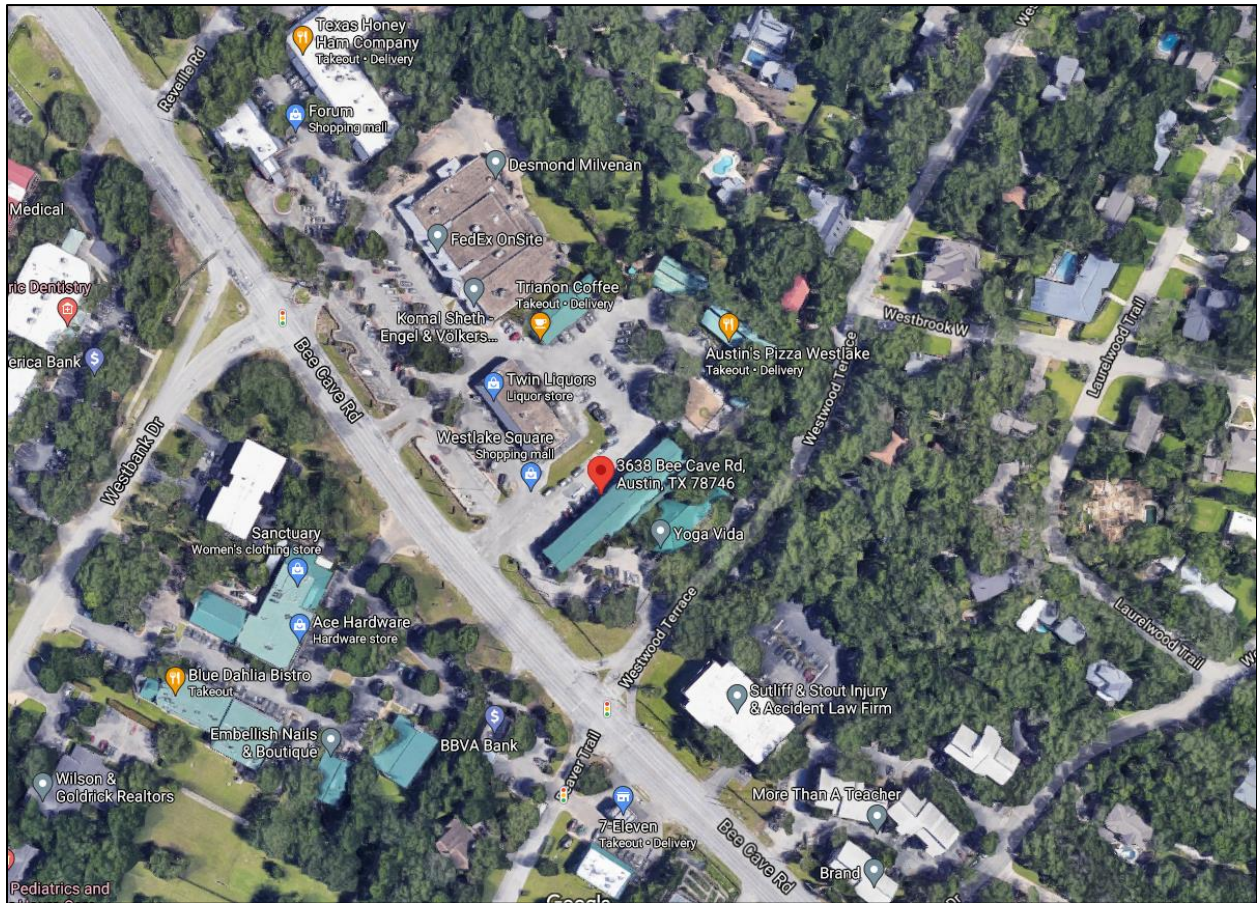
- [Sec. 38.03.037 B-32 business 2 district](#)
- [Article 38.04 Supplementary Regulations, Division 2. Special Uses](#)

(Maps to follow)

Zoning:



Aerial:



SPECIAL USE PERMIT APPLICATION



Date Received: _____ Received By: _____
Amount Due \$ _____ Date Payment Received: _____
Admin Complete Date: _____ Permit No: _____

*****All applications and supporting documents should be submitted electronically to
pzsec@westlakehills.org and planner@westlakehills.org*****

APPLICANT INFORMATION

The agent is the official contact person for this project and the single point of contact. All correspondence and communication will be conducted with the agent. If no agent is listed, the owner will be considered the agent.

Property Owner: _____ **Phone:** _____

Email: _____

Address: _____ **City:** _____ **State:** _____ **Zip:** _____

Agent*: _____ **Phone:** _____

Email: _____

Address: _____ **City:** _____ **State:** _____ **Zip:** _____

**Please submit Power of Attorney form designating authorized agent.*

PROJECT INFORMATION

Property Address: _____

Subdivision Name: _____

Block: _____ **Lot:** _____ **Tax Parcel ID:** _____

Current Zoning Classification: _____ **Total Lot Area:** _____ acres

Proposed Special Use: _____ **Applying for Variance** ☐ Yes ☐ No
(if yes, please submit separate variance application)

Name of Business (if applicable): _____

Hours of Operation: _____ **Duration of Use:** _____

Present Land Use: _____



SPECIAL USE PERMIT APPLICATION

Brief description of proposed project:

AUTHORIZATION & ACKNOWLEDGEMENT

The above information is true to the best of my knowledge. I attest that the real property described is owned by me and all others as signed below. If the below is signed by the authorized agent of said property, the signature of the property owner must be included below or consent must be attached (Power of Attorney Form).

Ramon Aguirre

Signature

Date

Printed Name

APPLICATION CHECKLIST

Special Use Permit Application Checklist

- ☐ Completed, signed application
- ☐ Power of Attorney form, if applicable
- ☐ Proof of ownership of subject property
- ☐ Traffic Impact Analysis, if applicable (*required for projects expected to generate 200 trips a day, refer to Chapter 38 of the Code*)
- ☐ Letter addressed to BOA Chairperson describing proposed Special Use
- ☐ Property survey/Site Plan
- ☐ Building elevations if available
- ☐ Pictures of property
- ☐ Payment of application fees by check or credit card (*refer to Appendix A: Fee Schedule in the Code of Ordinances for current fees*)
- ☐ Other applicable information as required by staff



SPECIAL USE PERMIT APPLICATION

SPECIAL USE PERMIT PROCESS & PROCEDURES

Public Hearings

SUP applications are considered by the Board of Adjustment, which meets the second (2nd) Wednesday of the month. All meetings are held in the Council Chambers at City Hall, 911 Westlake Drive at 7:00pm and the agenda and meeting packet are posted on the City website the Friday before.

Public Notices

All public notices are handled by staff. Letters are sent to neighbors within 300' of the applicant's property at least ten (10) days before the BOA meeting; a notice in the newspaper is published at least fifteen (15) days prior to the meeting; and staff will provide the applicant with a notice sign to be placed on the property at least ten (10) days before the meeting.

Application Deadlines

Applications are due forty-five (45) days prior to the next BOA meeting. In some circumstances it may be possible to receive an extension by contacting planner@westlakehills.org

SUP Review Criteria

Refer to the City's Zoning Ordinance, Chapter 38, Article 38.04, Division 2 for Special Use criteria applicable to all special uses and criteria applicable to individual special uses.

STAFF NOTES

For Completion by Staff Only

Date public notification letters mailed: _____

Newspaper notice deadline: _____ Publication Date: _____

Date of Board of Adjustment Meeting: _____

Board of Adjustment Action: _____

Notes:

JOHNSON FOUR CORNERS, LTD.
11100 Laurel Creek Cir
Austin, Texas 78726

March 25, 2021

To Whom It May Concern:

YPW Spanish Immersion School is granted authorization to request a Special Use Permit from the City of West Lake Hills for the space located at 3638 Bee Caves Road, Suites 102 and 103.

Sincerely,

A handwritten signature in blue ink, appearing to read "Eric Johnson", with a stylized flourish at the end.

Eric Johnson
Compliance Manager of Five Corners, LLC,
General Partner of Johnson Four Corners, Ltd.

April 12, 2021

Board of Adjustment

City of West Lake Hills, TX

RE: Special Use Permit - Day Care Center - at 3638 Bee Caves Rd #102 and #103

Specific Details:

Number of Children (in both suites #102 and #103): Approximately 30

Number of staff personnel: 4

Hours of Operation: Monday to Friday 7:00 am to 6:00 pm

To Whom It May Concern:

We are requesting a special use permit for the combined suites #102 and #103 at 3638 Bee Caves Rd at the Westlake Court center. We would like to add new space for our existing Spanish Immersion Day Care and preschool at this location.

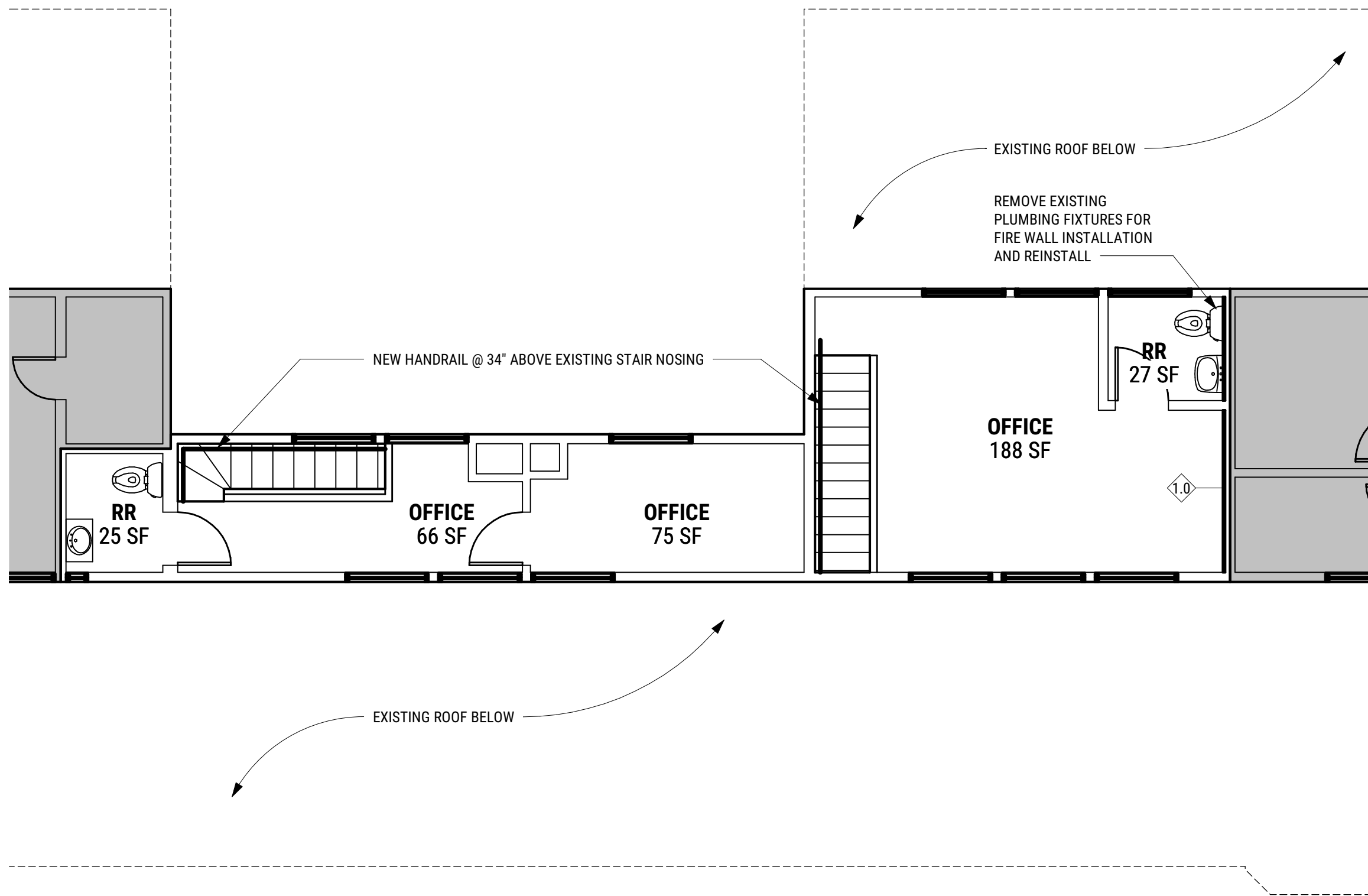
Please note that a special use permit has already been approved for 3638 Bee Cave Rd. Suite #101. Now we are just including the additional suites #102 and #103.

Please do not hesitate to contact me should you require additional information.

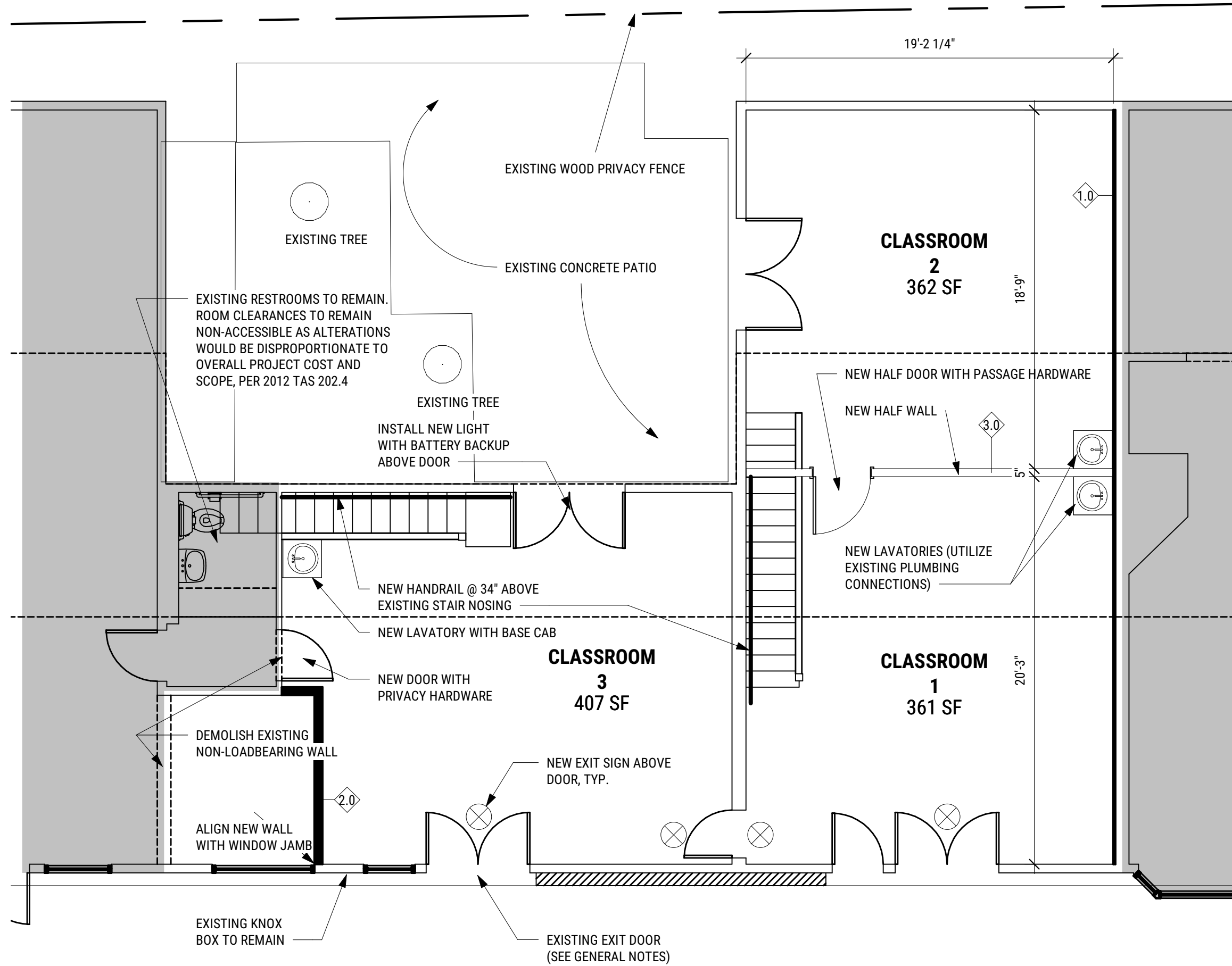
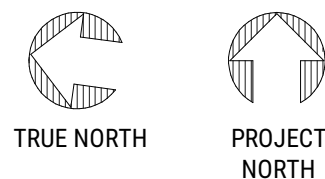
Sincerely

Ramon Aguirre

Ramon Aguirre
raguirre@ypwkids.com
YPW Director of Operations



2 SECOND FLOOR PLAN
3/16" = 1'-0"



1 FIRST FLOOR PLAN
3/16" = 1'-0"

- GENERAL PLAN NOTES:
- NO WORK IN SHADED AREAS.
 - LIGHTING AND POWER TO RUN ON EXISTING CIRCUITS.
 - FLOORS, WALLS, HVAC EQUIPMENT, DOORS, WINDOWS, AND NEW CEILINGS SHALL BE CLEANED AT THE COMPLETION OF THE PROJECT.
 - WALL-MOUNTED PORTABLE FIRE EXTINGUISHERS, COMPLIANT WITH NFPA, ABBREVIATED "FE" ON PLANS.
 - EXISTING EXIT DOORS SHALL:
 - REMAIN UNLOCKED DURING BUSINESS HOURS.
 - RECEIVE NEW KEYPAD AND ENTRANCE HARDWARE WITH LEVER HANDLE AT EXTERIOR DOORS.
 - RECEIVE NEW NON-LOCKING PASSAGE HARDWARE WITH LEVER HANDLE AT INTERIOR DOORS.

CODE ANALYSIS NOTES (2012 INTERNATIONAL BUILDING CODE):

OCCUPANCY TYPE: DAY CARE (SECTION 1004)

1014.2 Egress through intervening spaces.
Egress through intervening spaces shall comply with this section.
1. Egress from a room or space shall not pass through adjoining or intervening rooms or areas, except where such adjoining rooms or areas and the area served are accessory to one or the other, are not a Group H occupancy and provide a discernible path of egress travel to an exit.
2. An exit access shall not pass through a room that can be locked to prevent egress.

1015.6 Day care means of egress.
Day care facilities, rooms or spaces where care is provided for more than 10 children that are 2 1/2 years of age or less, shall have access to not less than two exits or exit access doorways.

ROOM FINISH NOTES

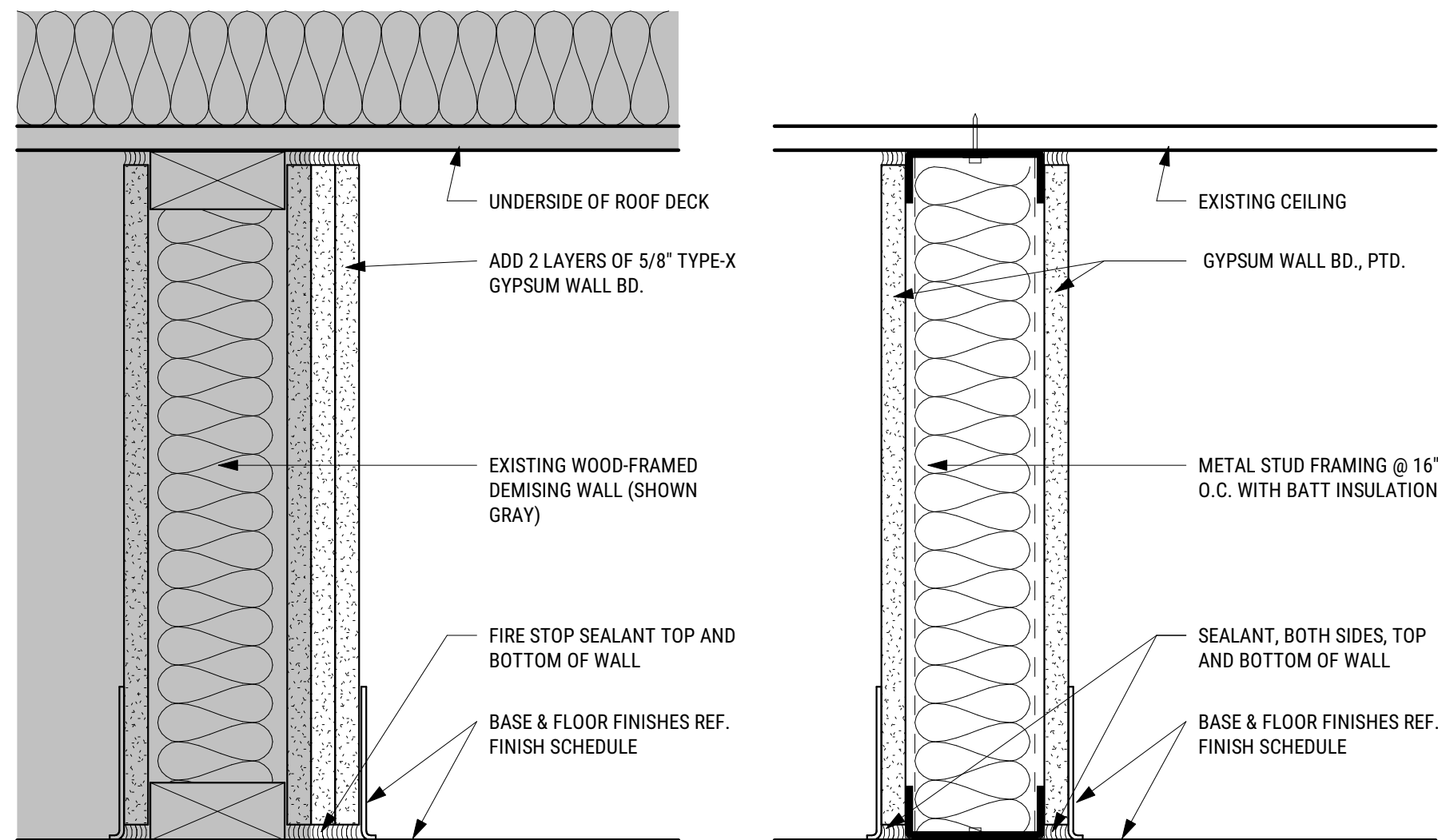
ALL ROOMS SHALL RECEIVE THE FOLLOWING NEW FINISHES:

FLOORING
VINYL PLANK "WOOD" FLOORING

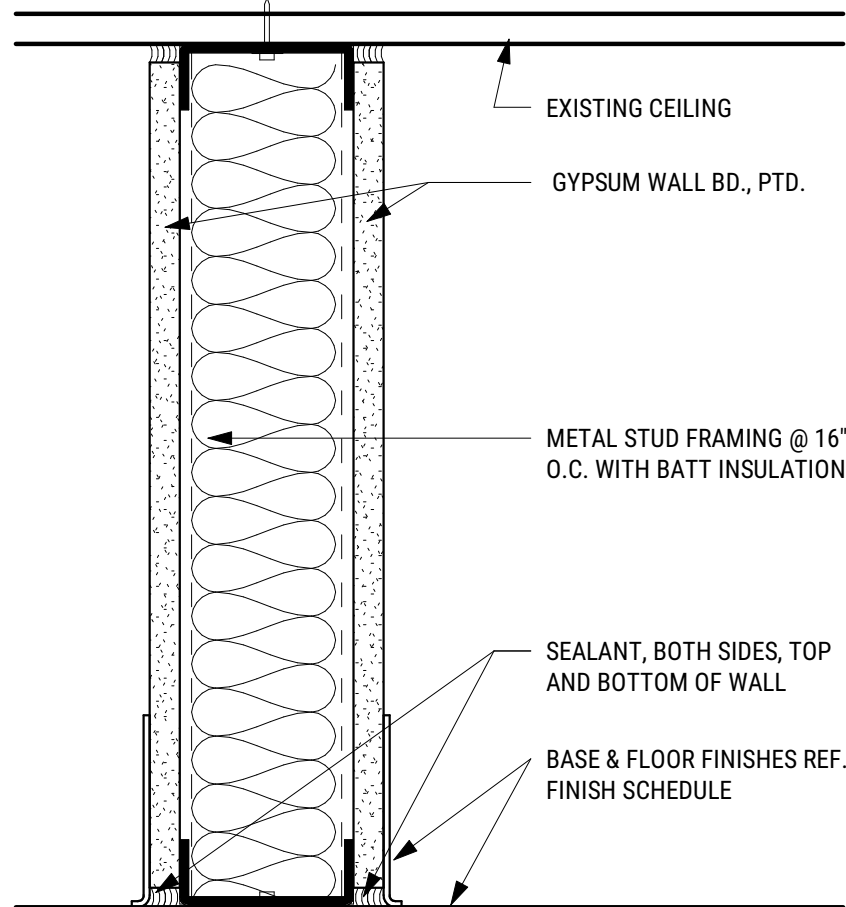
BASE
EXISTING WOOD BASE WITH NEW PAINTED FINISH

WALLS
REPAIR ALL WALL BLEMISHES, REFLOAT HEAVILY DAMAGED WALLS, PROVIDE NEW PAINT, ROLL-ON TEXTURE, COLOR SELECTED BY OWNER

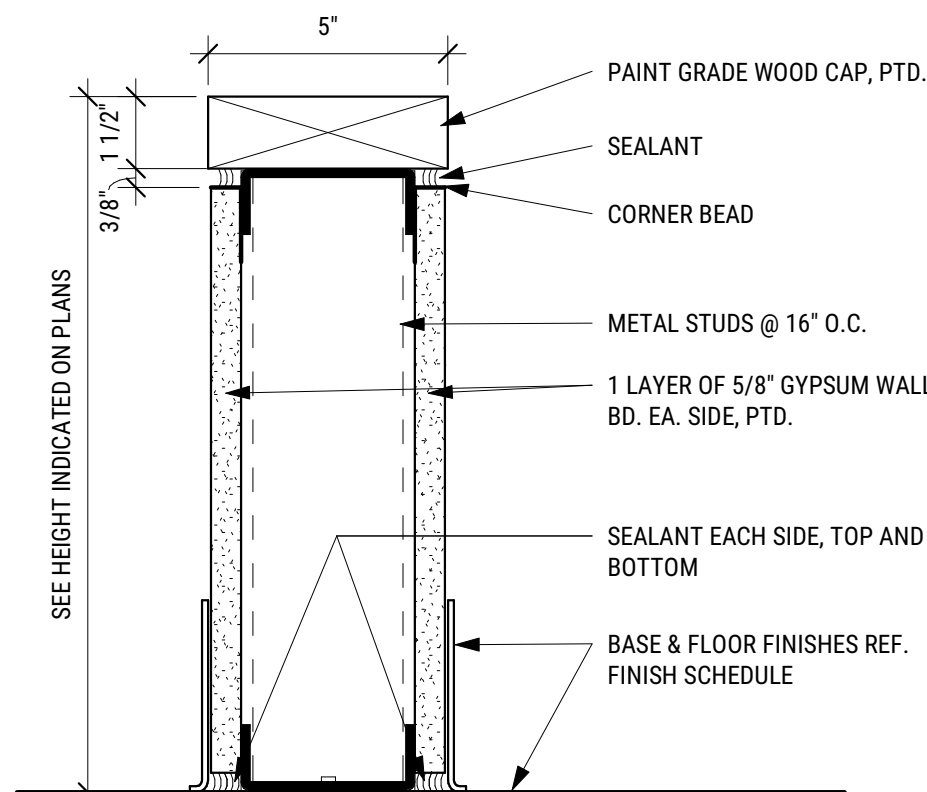
CEILING
EXISTING EXPOSED WOOD JOISTS TO REMAIN. CLEAN AND REPLACE ALL FLEXIBLE CONDUIT WITH CODE COMPLIANT EMT CONDUIT.



1.0 FIRE-RATED SEPARATION
WALL W/ EXISTING WOOD STUDS



2.0 NON-RATED SEPARATION
WALL W/ 3 5/8" STUDS



3.0 NON-RATED PARTIAL HEIGHT
WALL W/ 3 5/8" STUDS

3 PARTITION TYPES
3" = 1'-0"



YPW Spanish Immersion School

3638 BEE CAVES ROAD, SUITE 102 AND 103
WESTLAKE HILLS, TEXAS 78746

FLOOR PLAN

A1

SPECIAL USE PERMIT 157-2021-B

A PERMIT SETTING THE CONDITIONS UNDER WHICH A SPECIAL USE SHALL BE PERMITTED AND AUTHORIZING THE CITY ADMINISTRATOR TO NOTE THE CHANGE ON THE OFFICIAL ZONING MAP OF THE CITY.

WHEREAS, Young Peoples Workshops Spanish Immersion Preschool has requested a Special Use Permit for the herein described parcel of land at 3638 Bee Cave Road, Suites 102 and 103, to allow for a day care, preschool and summer camp use as a special use in this district.

WHEREAS, the notice as required by Section 38.04.031 of the West Lake Hills Code has been given to adjacent property owners; and

WHEREAS, Public Hearings have been held by the Board of Adjustment as required by law; and

WHEREAS, a valid objection in the Public Hearings or a written protest has not been submitted against the proposed Special Use Permit; and

WHEREAS, the Board of Adjustment find that the application for a Special Use Permit meets the requirements of Section 38.04.031 of the West Lake Hills Code; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ADJUSTMENT OF THE CITY OF WEST LAKE HILLS, TEXAS:

Article 1. The legal description of said parcel of land is as follows:

Lot 1, Las Brisas re-subdivision of Lot 19 and Block A Westwood Section 1

Article 2. The permit is granted under the following general terms and conditions.

1. The hours of operation are 7:00 a.m. and ending at 6:00 p.m., Monday through Friday with approximately 30 students.
2. The Special Use shall not have an adverse effect on the property value of surrounding properties or impede their proper development.
3. The Special Use shall not create a nuisance factor or otherwise interfere with any neighbors' enjoyment of their property or operation of their businesses.
4. All representations, whether oral or written, made by the applicant, or his agent, in support of a Special Use Permit are conditions upon which this permit is granted.
5. Applicant agrees to comply with all applicable federal, state, and local statutes, rules, regulations, and ordinances.

Article 3. This Special Use Permit is granted to YPW Spanish Immersion Preschool, a daycare, preschool and summer camp, as a special use in this district at 3638 Bee Cave Road, Suites 102 and 103.

Article 4. This Special Use Permit is not transferable to another person or another parcel of land and shall cease upon change of ownership of property or business.

Article 5. The Board of Adjustment, after notice and Public Hearing, may revoke this Special Use Permit for one or more of the following reasons:

1. A violation of any of the representations, plans, terms, general or special conditions; and limitations applicable to the Special Use.
2. A violation of any applicable ordinance or regulation.
3. A change in the nature of the use without prior approval of the City.
4. Operation or maintenance of the Special Use in a manner that is detrimental to the public's health or safety, or to constitute a nuisance.

Article 6. If this Special Use is discontinued for more than six (6) consecutive months, it shall be deemed abandoned.

Article 7. This Special Use Permit is issued under the following special conditions:

1. The duration of this Special Use Permit shall be for two (2) years from the effective date hereon.
2. This Special Use Permit may be renewed for two-year periods at the discretion of the City Administrator provided no written complaints have been received during the use period. When complaints have been registered, the applicant will obtain renewal approval from the Board of Adjustment.

Article 8. The application form entitled "Special Use Permit Form" along with any supporting correspondence and documents and marked as Exhibit "A" attached hereto are incorporated herein by reference for all pertinent purposes.

Article 9. This Special Use Permit shall become effective on the 12th day of May, 2021.

PASSED AND APPROVED this 12th day of May, 2021.

Linda Anthony, BOA Chair

ATTEST:

Stephanie Mills

I/We acknowledge receipt of this SUP and agree to abide by its terms and conditions.

Applicant's Signature