



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF BOARD OF ADJUSTMENT (BOA) REGULAR MEETING
Wednesday, July 13, 2022 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 Regular Meeting on the 13th day of July 2022 at 7:00 p.m., in the Council Chamber, Municipal Building, 911 Westlake Drive, West Lake Hills, Texas, at which time the following items will be discussed, to-wit:

REMOTE ACCESS:

Due to the COVID-19 status in Travis County, any citizens or applicants that wish to speak at the meeting are encouraged to attend virtually, as the number of people in the chambers will be limited due to physical distancing. Facial Coverings are not required, but highly recommended, and will be available for any that need one.

Join Zoom Meeting: Copy and Paste the link below:

<https://us02web.zoom.us/j/3499549035?pwd=Qmc2dDVXWWZHSVFyK0xoSTJwMyswUT09>

Meeting ID:349 954 9035

Passcode:387042

If you wish to listen to the meeting via telephone: Dial (346) 248-7799, Meeting ID 349 954 9035, Password: 387042.

If you wish to speak during the meeting, please provide your name, phone number and the item number you wish to speak on to agrundman@westlakehills.gov by 1:00 P.M. on July 13, 2022.

Members of the public who wish to submit their written comments in lieu of speaking shall submit their comments by emailing agrundman@westlakehills.gov. Comments must be received by 1:00 P.M. on July 13, 2022.

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 June 22, 2022 Special Called Meeting Minutes
 - b. 3300 Bee Cave Road, Suite 110 (Flower Child): Adopt an Ordinance for a Special Use Permit Request to Allow the Sale of Alcoholic Beverages in a Restaurant for On-Site Consumption for Property Zoned B-3, Business 3 (West Lake Hills Code Sec. 38.03.038 & Article 38.04).
4. Adjournment

Approved by: Linda Anthony, Mayor

Certificate

I certify that the above Notice of the July 13, 2022 Board of Adjustment Regular Meeting was posted on the bulletin board at the Municipal Building, 911 Westlake Drive, West Lake Hills, Texas on 8th of July 2022, by 5:00 pm. and will remain posted continuously until said meeting is convened.

Signed by: Ashby Grundman, City Secretary Designee

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. City Council 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 (BOA) REGULAR MEETING
Wednesday, June 22, 2022 at 7:00 PM

1. Call to Order

With a quorum present, Chair Anthony called the meeting to order at 7:00 p.m. Members in attendance were Chair Linda Anthony, Mayor Pro Tem Darin Walker Board Members Rhonda McCollough, Brian Plunkett, Beth South and Gordon Bowman.

2. Citizen Communications

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

3. 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 June 8, 2022 Regular Meeting Minutes.

Mayor Pro Tem Walker moved to approve. Councilmember Bowman seconds. Unanimous 5-0 approval.

4. **412 Ridgewood Road** Discuss and consider action on an application for variances to encroach in a side building setback (West Lake Hills Code Section 22.03.281). Applicant Gregg and Christine Machon.

Mayor Pro Tem Walker moved to approval all variances. Councilmember Plunkett seconds. Unanimous (6-0) approval.

5. **5902 Bee Cave Road:** Discuss and consider action on an application for a variance request to encroach in a front setback, exceed the maximum allowable impervious cover and remove one tree with a trunk diameter of fourteen inches or greater (West Lake Hills Code Section 22.03.281 and 22.03.304). Applicant Hat Creek Burgers WLRE LLC (Scott Brown).

Councilmember Plunkett moves to approve. Mayor Pro Tem Walker seconds. Unanimous (5-0) approval.

6. Adjournment

Meeting adjourns at 7:23 p.m.

Respectfully submitted,

LINDA ANTHONY, MAYOR

ATTEST:

Ashby Grundman, City Secretary Designee

These minutes were approved on _____, 2022.

DRAFT



**SPECIAL USE PERMIT (SUP)
STAFF REPORT**

JULY 13, 2022

Permit Number: 2022-1066

Agenda Item: 3300 Bee Cave Road, Suite 110 (Flower Child): Adopt an Ordinance for a Special Use Permit Request to Allow the Sale of Alcoholic Beverages in a Restaurant for On-Site Consumption for Property Zoned B-3, Business 3 (West Lake Hills Code Sec. 38.03.038 & Article 38.04).

Requested Action: The applicant is seeking approval of a Special Use Permit.

Applicant Information: Kyle Hill

Location: The property is located at 3300 Bee Cave Road, in the Westbank Market Shopping Center.

Zoning & Site Characteristics:

The property is zoned Business 3, B-3

Hearing Dates:

July 13, 2022

Board of Adjustment

Sec. 38.03.038 Business 3 B-3

(c) Special uses. Special uses permitted upon approval of the board of adjustment are:

- (1) Alcoholic beverages sold in a restaurant for on- or off-premises consumption.

Staff Recommendation

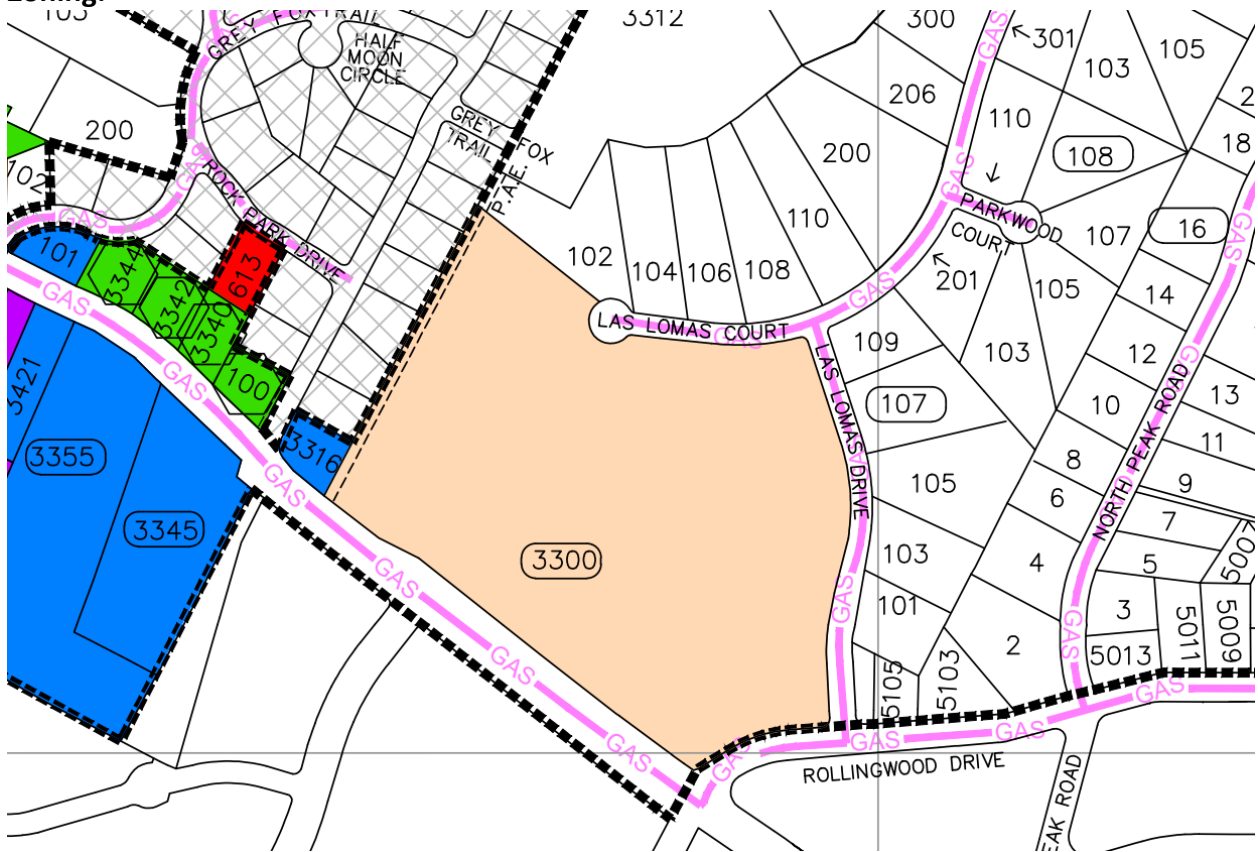
Staff recommends approval of the site plan revision.

Links to Code:

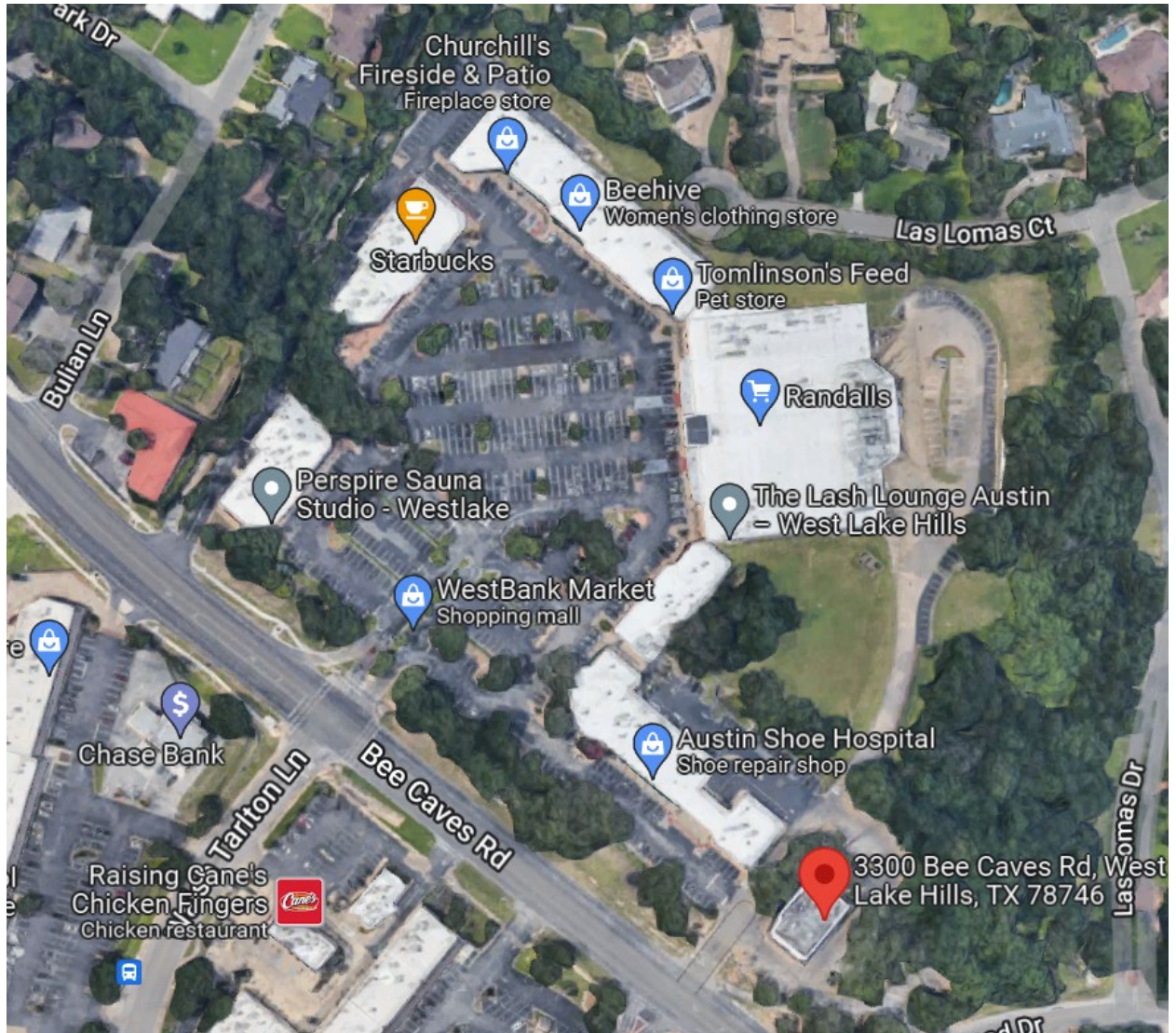
[Sec. 1.01.003 Definitions and rules of construction](#)

(Maps to follow)

Zoning:



Aerial:



SPECIAL USE PERMIT 157-2022-C

A PERMIT SETTING FORTH THE CONDITIONS UNDER WHICH BEER AND WINE BEVERAGES MAY BE SOLD FOR ON-PREMISE CONSUMPTION, AND AUTHORIZING THE CITY ADMINISTRATOR TO NOTE THE CHANGE ON THE OFFICIAL ZONING MAP OF THE CITY.

WHEREAS, Flower Child. has requested a Special Use Permit (SUP) for the sale of on and off-premises consumption of beer and wine at Flower Child located at 3300 Bee Cave Road, Suite 150, West Lake Hills, Texas, the herein described parcel of land; and

WHEREAS, the notice as required by Section 38.03.037, 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 (BOA) as required by law; and

WHEREAS, any and all protests submitted against the proposed SUP have been considered by BOA; and

WHEREAS, BOA find that the application for Special Use Permit meets the requirements of Section 38.03.037 of the West Lake Hills Code; and

WHEREAS, beer and wine will be sold and consumed on the premises, and the premises will be used as a restaurant; and

WHEREAS, the public interest dictates that special conditions be set forth regulating the sale of beer and wine under the Special Use Permit provisions of the West Lake Hills Code; and

WHEREAS, the applicant has agreed to the special conditions regulating the sale of beer and wine contained herein; and

WHEREAS, BOA at its Public Hearing on the Special Use Permit on the herein described parcel is not contrary to the public interest;

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

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

Lot 1, Westbank Market Subdivision

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

1. Beer and wine may be sold on the premises under the following conditions:
 - (a) Beer and wine may be sold only during the hours set by the Texas Alcoholic Beverage Commission (TABC).
 - (b) Hours of Operation for the restaurant are:
11:00 a.m. to 8:00 p.m. Sunday through Wednesday;
11:00 a.m. to 8:30 p.m. Thursday through Saturday.
 - (c) Beer and wine beverages shall be sold for on and off-premise consumption only.

- (d) The permitted use shall not create nuisance factors which interfere with adjoining property owners' enjoyment of their property or operation of business.
 - (e) The permit shall expire upon any change in the ownership of the business, Flower Child.
2. Applicant must comply with all applicable federal, state and local statutes, rules, regulations and ordinances.

Article 3. This Special Use Permit is not transferable to another person/business or another parcel of land.

Article 4. 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 this Special Use Permit.
- 2. A violation of any laws, ordinances or regulations.
- 3. A change in the nature of the use of Flower Child.
- 4. Operation or maintenance of the Special Use Permit in a manner that is detrimental to the public health or safety, or so as to constitute a nuisance.

Article 5. If this Special Use Permit is discontinued for more than sixty (60) consecutive days, it shall be deemed abandoned.

Article 6. The duration of this Special Use Permit shall be for two (2) years from the effective date hereon.

Article 7. This Special Use Permit may be renewed for two (2) 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. The City Administrator is hereby authorized and shall promptly note the change on the Official Zoning Map of the City of West Lake Hills, Texas. The zoning map shall indicate that there is a Special Use Permit for the premises.

Article 10. This Special Use Permit shall become effective on the 13th day of July, 2022.

PASSED AND APPROVED this 13th day of July, 2022.

LINDA ANTHONY, BOA CHAIR

ATTEST:

City Staff

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

Applicant's Signature

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: Westbank Market, LP Phone: 512-477-1212

Email: [REDACTED]

Address: 2001 Ross Ave, Ste 2400 City: Dallas State: TX Zip: 75201

Agent*: Kyle V. Hill Phone: 512-473-0300

Ema [REDACTED]

Address: 3345 Bee Cave Rd, Ste 105 City: West Lake Hills State: TX Zip: 78746

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

PROJECT INFORMATION

Property Address: 3300 Bee Cave Rd, Ste 105

Subdivision Name: Westbank Market

Block: _____ Lot: _____ Tax Parcel ID: 107778

Current Zoning Classification: B-3 Business 3 Total Lot Area: N/A acres

Proposed Special Use: beer/wine sold in restaurant Applying for Variance ☐ Yes ☒ No
(if yes, please submit separate variance application)

Name of Business (if applicable): FC Westbank Market Austin, LLC dba Flower Child

Sunday - Wednesday: 11a - 8p;
Hours of Operation: Thursday - Saturday: 11a - 8:30p Duration of Use: expiration or termination of lease

Present Land Use: vacant restaurant



SPECIAL USE PERMIT APPLICATION

Brief description of proposed project:

Flower Child will operate a healthy fast-casual restaurant at this location, which will be its third in the Austin-area and eighth in Texas. Flower Child would like to obtain a Wine and Malt Beverage Retailer's Permit (BG) from TABC authorizing it to sell beer and wine for on- and off-premises consumption at the restaurant. Attached is a copy of Flower Child's food and beverage menu in support of its request for SUP approval. Flower Child holds BG permits at all of its restaurants in Texas and enjoys a stellar compliance history at each.

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).

Kyle V Hill
Signature

06/13/2022
Date

Kyle V Hill, attorney
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:



SPECIAL POWER OF ATTORNEY FORM

KNOW ALL PERSONS BY THIS DOCUMENT that I, SAMUEL FOX
have made, constituted and appointed Kyle V. Hill
to be my duly authorized representative in connection with an application dated 06/13/2022,
to be heard by the Building Design Committee, Zoning & Planning Commission, and City
Council/Board of Adjustment of the City of West Lake Hills, Texas. All representations, whether
oral or written, made by the representative in support of the request have the full force and effect
of the applicant's approval. I do by this document constitute the above named representative as
my true and lawful attorney-in-fact to act in my name, place and stead, to do and perform any act
in connection with such application which I myself might perform or do if I was personally present.

FC Westbank Market Austin LLC

~~Property Owner~~/Applicant Name



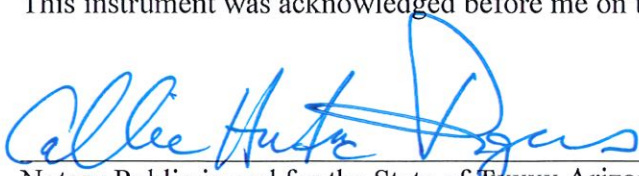
~~Property Owner~~/Applicant Signature

<u>4455 E Camelback Rd #B100</u>	<u>Phoenix</u>	<u>AZ</u>	<u>85018</u>
Street Address	City	State	Zip Code

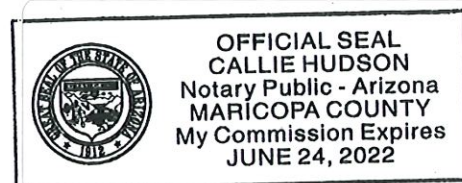
480-905-6920

~~Property Owner~~/Applicant Phone Number

This instrument was acknowledged before me on this the 13 day of June, 2022.



Notary Public in and for the State of ~~Texas~~ Arizona



FLOWER CHILD

HEALTHY FOOD FOR A HAPPY WORLD

SALADS

OUR ORGANIC PRODUCE IS GUIDED BY THE DIRTY DOZEN LIST

try our lemon avocado dressing
sugar-free & dairy-free

GINGER MISO CRUNCH \$8.95

carrot zoodles, zucchini, red pepper, asian cabbage, mint, cashew, sesame seeds

ORGANIC KALE \$8.95

pink grapefruit, organic apple, red cabbage, black currant, smoked almond, white cheddar, apple cider vinaigrette

AVOCADO CAESAR \$9.45

romaine, parmesan bread crumb, chive, avocado caesar dressing

CHOPPED VEGETABLE \$9.45

organic greens, romaine, avocado, heirloom carrot, snap pea, radish, baby tomato, cucumber, toasted sesame seed, ginger miso vinaigrette

TURKEY & AVOCADO COBB \$12.95

romaine, arugula, red cabbage, avocado, tomato, cucumber, crunchy corn, pickled onion, smoked almond, gorgonzola vinaigrette

BOWLS

GLOW BOWL

\$10.45

spicy sweet potato noodle, bok choy, zucchini, onion, jalapeño, shiitake mushroom, coconut milk, sunflower butter

GRILLED CHICKEN THIGH
"YAKI" NOODLES \$14.50

wok seared vegetables, spicy sesame garlic sauce, roasted cashew

MOTHER EARTH

\$10.45

ancient grains, sweet potato, portobello mushroom, avocado, cucumber, broccoli pesto, charred onion, leafy greens, red pepper miso vinaigrette, hemp seed

CHICKEN ENCHILADAS

\$13.45

guajillo chile, smoked gouda, poblano crema, organic black bean, roasted corn, avocado

"FORBIDDEN" RICE

\$10.45

black pearl, red japonica, snap pea, bok choy, broccoli, carrot, onion, toasted sesame, red chili hoisin



DAILY SOUP

\$6.50

CRUSHED AVOCADO TOAST \$7.50

soft egg*, black sesame, white cheddar

SIMPLE HUMMUS \$6

peppadew, olive, lemon & oregano

SUB RAW VEGGIES \$3

AVOCADO HUMMUS \$7

sweet corn, radish, clementine & pumpkin seed

SUB RAW VEGGIES \$3

ENTRÉES

pick a protein + 2 sides

CHICKEN

\$13.45

STEAK*

served medium

\$14.95

SALMON*

\$15.95

SHRIMP

\$15.45

TOFU

\$12.25

3 VEGETARIAN SIDES

\$13.45

CAULIFLOWER "RISOTTO"

lemon gremolata, toasted bread crumb

BBQ heirloom CARROTS

avocado ranch, garden herb, pumpkin seed

gluten-free MAC & CHEESE

aged white cheddar, parmesan

yuzu GRILLED ASPARAGUS

charred onion, savoy cabbage, golden miso

smashed GOLD POTATO

roasted garlic & thyme

roasted BROCCOLI

lemon, garlic, parmesan bread crumb

SWEET CORN & QUINOA

with greek yogurt

red chile glazed SWEET POTATO

with bok choy & sesame seed

organic BROWN RICE

CLEMENTINE & ORGANIC APPLE

single sides \$4.75 each

HEALTHY KIDS

\$7.50 «12 & UNDER»

pick a protein + 2 sides

CHICKEN | STEAK | TOFU

BROCCOLI WITH PARMESAN

SMASHED POTATO

SWEET CORN & QUINOA

GLUTEN-FREE MAC & CHEESE

CLEMENTINE & ORGANIC APPLE

ADD PROTEIN

CHICKEN \$4.25

STEAK* served medium \$5.50

SALMON* \$6.75

SHRIMP \$6.25

TOFU \$3.25

VEGETARIAN VEGAN GLUTEN-FREE

*These items may be served raw or undercooked. Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions. While we offer gluten-free items, our kitchen is not gluten-free.

IAMAFLOWERCHILD.COM

f t i /eatflowerchild



WRAPS

BIRD IS THE WORD \$11.95

grilled chicken, poblano peppers, broccoli, peppadew, melted pepper jack cheese, charred onion

FLYING AVOCADO \$11.95

smoked turkey, gouda, romaine, tomato, avocado hummus

THAI DYE \$9.95

spicy tofu, thai basil, avocado, carrot, daikon radish, cilantro, snap pea

THE REBEL* \$12.95

grilled steak, charred onion, port salut cheese, arugula, horseradish yogurt

FAMILY PACKS

TAKEOUT ONLY

\$49 BUNDLE

«SERVES 4-6»

large grilled chicken

SUB: STEAK*, SHRIMP*, OR SALMON* +\$10

choice of 2 large sides

large chopped vegetable salad

BUILD YOUR OWN large proteins

TOFU \$15 | CHICKEN \$19

STEAK* \$24 | SHRIMP \$27

SALMON* \$29

large salads

CHOPPED VEGETABLE \$18

TURKEY & AVOCADO COBB \$25

ORGANIC KALE \$17

AVOCADO CAESAR \$18

large sides \$13 ea.

DRINKS

ICED TEA, LEMONADE & HOT TEA \$3.50

KOMBUCHA ON TAP

LOCAL BEER

SEASONAL SANGRIA

WINE

SPARKLING WINE

ROSÉ

SAUVIGNON BLANC ON TAP

CHARDONNAY

PINOT NOIR ON TAP

RED BLEND ON TAP

\$6.50

\$6

\$8

6oz / 8oz

\$9

\$8 \$10

\$8 \$10

\$8 \$10

\$7 \$9

\$8 \$10