



CITY OF ROLLINGWOOD BOARD OF ADJUSTMENT MEETING MINUTES

Wednesday, October 26, 2022

The Board of Adjustment of the City of Rollingwood, Texas held a meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on October 26, 2022. Members of the public and the Board of Adjustment were able to participate in the meeting virtually, as long as a quorum of the Board of Adjustment and the presiding officer were physically present at the Municipal Building, in accordance with the Texas Open Meetings Act. A video recording of the meeting was made and will be posted to the City's website and available to the public in accordance with the Texas Public Information Act upon written request.

CALL BOARD OF ADJUSTMENT MEETING TO ORDER

1. Roll Call

Acting Chair Brad O'Donnell called the meeting to order at 6:04 p.m.

Present Members: Chair Brad O'Donnell, Robert Turner, Kevin Schell, Keith Martinson, and Gerald Speitel.

Also Present: City Administrator Ashley Wayman, City Attorney Megan Santee, Mayor Pro Tem Sara Hutson, Council Member Brook Brown, Council Member Phil McDuffee, Development Services Manager Nikki Dykes, and City Secretary Desiree Adair.

PUBLIC COMMENTS

There were no public comments.

CONSENT AGENDA

All Consent Agenda items listed are considered to be routine by the Board of Adjustment and may be enacted by one (1) motion. There will be no separate discussion of Consent Agenda items unless a Board Member has requested that the item be discussed, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Regular Agenda.

2. Discussion and possible action on the minutes from the May 25, 2022 Board of Adjustment meeting

Gerald Speitel moved to approve the minutes from May 25, 2022. Keith Martinson seconded the motion. The motion carried with 5 in favor and 0 against.

REGULAR AGENDA

3. Public hearing, discussion and possible action on a request for a special exception under the City's Code of Ordinances, Section 107-491(a)(1), to permit the reconstruction of the nonconforming tennis courts at the Western Hills Athletic Club located at 4801 Rollingwood Drive

Chair Brad O'Donnell opened the public hearing at 6:06 p.m.

Development Services Manager Nikki Dykes presented the items in the agenda, identified the applicant, and explained the special exception requests.

Chair Brad O'Donnell asked City Attorney Megan Santee about specified portions of the Code.

Zach Elkins, 16 North Peak and on behalf of Western Hills Athletic Club, provided a presentation including a summary of proposed improvements to the tennis courts and volleyball court, the history of the club, satellite and other pictures, a discussion of pickleball / efficient use of space, and zoning constraints. He summarized the history of this request and asked for an extension of the variances previously received. He continued the presentation to show the landscaping plans, drainage plans, and positive impacts to the community.

Brian Nash, 4 Chris Cove and Western Hills Athletic Club board member, spoke regarding the differences between variance and special exception requests. Specifically, he spoke on the review in regards to impact on the welfare, safety, and health of the community. He claims that the Western Hills Athletic Club has previously received approval from 2 neighboring properties and are attempting to be cooperative with the surrounding landowners. He mentioned that there have been previous approvals by City Council for the parking plan, landscaping design, and the tree ordinance.

Chair Brad O'Donnell asked why the Western Hills Athletic Club did not rebuild the courts and move the other two courts down ten feet, and why they have not moved forward with the building. Brian Nash responded that they have spent a lot of time and money, and plans would need to be redone. Zach Elkins explained their belief of what the granted variances covered, suboptimal design, and loss of trees. Marie Timmerman, 501 Vale and former member of the Western Hills Athletic Club board, explained issues with TCEQ water quality approval.

The Board of Adjustment asked questions of the applicant including moving forward with building, variance expiration, special exceptions, and pickleball court plans.

Brian Nash explained that they consider this meeting as one item although presented in the agenda as two items.

The Board of Adjustment asked questions about the neighbor approvals and pickleball noise.

Zach Elkins discussed the difference between tennis and pickleball and addressing the noise levels with pickleball. He discussed studies and proposed doing their own noise study.

The Board members continued to discuss the noise of pickleball on the courts, and the applicant explained that the club is willing to take steps toward mitigation of the noise effects. They also discussed the limited membership of the club as well as a survey of the members.

City Attorney Megan Santee interjected with a point of order about the time of the start of the public hearing and the Chair's ability to call up item 4 simultaneously.

Chair Brad O'Donnell called up item 4 at this time.

David French, 308 Buckeye Trail and also on the board of the Western Hills Athletic Club, spoke in favor of the facility and the project.

Marie Timmerman, 501 Vale, discussed that there is an approved parking plan. She discussed the difference in parking issues between the swim program and tennis program. She discussed multiple meetings, multiple notices, and support from members.

Toni Hudson, 2904 Hatley Drive, described her concerns regarding noise level, drainage plans, access to the courts, and landscape plans including trees.

Tony Broglio, 2403 Vance, spoke about noise in the community and thinks this expansion will be an improvement to the club and community.

Anne Turner, 301 Almarion Drive, spoke regarding her concerns about impervious cover, the private nature of the club, membership information, and construction plans.

Duncan Ashworth, 2910 Hatley Drive, asked questions about the agenda items and which plans were being considered. Chair Brad O'Donnell explained that the Board of Adjustment will vote on each separately but that the Western Hills Athletic Club has the ability to decide how to proceed. Mr. Ashworth asked questions about impervious cover, drainage, and permission to build in the setback.

City Administrator Ashley Wayman mentioned that we received new emails from the public since the meeting has begun.

Zach Elkins discussed the benefits of tennis and the crowded aspect of nearby courts. He explained that they do not have a two court plan implied in the first item. He thinks the intent of the special exception provision applies here.

Brook Brown, 307 Nixon, discussed the application of a special exception in regards to item 3, nonconformity, and the Code. She also discussed that the applicants aren't asking for item 3 and do not have an application for this item. She discussed her memo regarding the expansion of the courts and the Code's limit to act on the variances previously granted. She explained that the applicant cannot ask for a variance extension in this meeting.

Brian Nash spoke regarding the petition and the special exception process, the drainage plan that was developed by a professional engineer, and claimed that it was reviewed and approved by the City's engineer. He explained in the new plans that one of the courts would have a detention pond underneath. Mr. Nash explained openness to tree plans and noise level

mitigation. He explained that they want to make sure that this project is not a detriment to the welfare of the community.

Chair Brad O'Donnell closed the Public Hearing at 7:45 p.m.

Chair Brad O'Donnell reopened the Public Hearing at 7:46 p.m.

Chair Brad O'Donnell asked for general summaries of the public comment emails received. City Administrator Ashley Wayman read the public comments from five emails in support of the special exception request. Eitels, 2801 Vance, in support. Tom Mitchell, 2405 Vance Lane, in support. Carlos and Gilda Terado in support. Greg Demas in support.

Chair Brad O'Donnell closed the Public Hearing at 7:48 p.m.

The Board of Adjustment discussed the special exception requests, the allowance in the past of nonconforming structures, drainage, extension of nonconformance, the authority of the Board to grant special exceptions, and the best interest of the City.

Brian Nash spoke regarding Code conflicts and the potential of tabling this item.

City Attorney Megan Santee explained that tabling this item for a future meeting must be date specific.

Chair Brad O'Donnell asked if the Western Hills Athletic Club would like to request more time.

City Attorney Megan Santee explained that if the board would like to postpone, they shall provide a date specific meeting. City Administrator Ashley Wayman explained that there would have to be a time specific and date certain meeting set to determine a quorum for that day.

Brook Brown explained the process of new evidence to be presented by the applicant and the opportunity for public review and comment.

City Attorney Megan Santee explained that the board may defer if it concludes additional evidence is needed, alternative solutions require further examination, or the evidence presented requires further review.

Chair Brad O'Donnell moved to approve agenda item 3 based on Section 107 – 491 of the City Code: (1) the Board of Adjustment is empowered under Chapter 107 of the City's Code of Ordinances to grant the special exception, (2) the public convenience and welfare will not be substantially or permanently injured in the granting of the special exception, and finally (3) the granting of the special exception will not adversely affect the public health, convenience, safety, or general welfare, with a time frame for 180 days to submit an application for permit and be willing to add on other special exceptions as they are presented. Gerald Speitel seconded the motion. Roll call vote:

Robert Turner	Yes
Kevin Schell	Yes
Keith Martinson	Yes
Gerald Speitel	Yes
Brad O'Donnell	Yes

The motion carried with 5 in favor and 0 against.

4. Public hearing, discussion and possible action on a request for special exception under the City's Code of Ordinances, Section 107-491(a)(2), to permit the enlargement and expansion of the nonconforming tennis courts at the Western Hills Athletic Club located at 4801 Rollingwood Drive

This item was called up with item 3.

Chair Brad O'Donnell moved to table agenda item 4 to be heard again within 90 days. Robert Turner seconded the motion.

Robert Turner	Yes
Kevin Schell	Yes
Keith Martinson	Yes
Gerald Speitel	Yes
Brad O'Donnell	Yes

The motion carried with 5 in favor and 0 against.

City Attorney Megan Santee explained that we will coordinate and review the rules of the board to determine whether or not an additional public hearing is required based on the rules that allow the Board of Adjustment to postpone a decision to receive additional evidence, and if it's necessary, then we will coordinate with staff and make sure everything gets done in compliance for that board meeting.

ADJOURNMENT OF MEETING

Chair Brad O'Donnell adjourned the meeting at 8:24 p.m.

Minutes Adopted on the _____ day of _____, 2022.

Brad O'Donnell, Chair

ATTEST:

Desiree Adair, City Secretary