City of West Lake Hills

MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO)
REGULAR MEETING

Wednesday, October 16, 2024 at 6:30 PM

1. **Call to Order: Acting Chair Karen Bartoletti**
    a. Meeting begins at 6:30pm
    b. Roll Call
        - Chair Robert Meisel: Present (Excused)
        - Vice-Chair Jim Pledger: Present (Excused)
        - Commissioner Julia Webber: Present
        - Commissioner Karen Bartoletti: Present (Acting Chair)
        - Commissioner Patrick Stewart: Present
        - Commissioner Laurie Maccini: Present

2. Citizen Communications:
    a. None

3. 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 items unless a Commission Member or citizen so requests.

    a. September 18, 2024 Zoning and Planning Commission minutes
    b. Report of the Previous ZAPCO cases acted on by the BOA/City Council
    c. **Action:** Commissioner Maccini moves for approval of the Consent Agenda
        i. Commissioner Webber Seconds
        ii. Motion carries unanimously 4:0

4. Public Hearing **3638 Bee Cave Suite 104** - Discuss and make a recommendation on a variance request to:
    1. Section 24.03.006 (a) Maximum lumen limit – exceeding 6,000 lumen limit per luminaire; and
    2. Section 22.03.006 (a) Maximum lumen limit – exceeding 2.5 lumens per square foot; and
    3. Section 24.03.006 (b) General Parking and pedestrian areas – exceeding the limit of zero up-lighting for a non-shielded luminaire; and
    4. Section 24.006 (d) Maximum Color Temperature – exceeding color temperature rating of 3500 K.

5. 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

a. **Staff Report:**
   ii. Director Bills presents staff briefing on the unpermitted structure, the outdoor lighting ordinance, and the requested variances

b. **Public Comments:**
   iii. **Eddy Patterson** – applicant
      1. Makes presentation on variance request.
         a. Slides appended to minutes as ***Attachment A***

c. **Discussion:**
   a. The commission asked several clarifying questions of Andew Gauld, the City's lighting consultant from Oldner Lighting.
   b. **Commissioner Bartoletti:** Is Dark Skies Ordinance still being worked on?
      i. **Director Bills:** Our existing code is close to dark skies, but the full dark skies ordinance has not been drafted or adopted
   c. **Commissioner Bartoletti:** Code change vs variance
      i. **Director Bills:** Remedy when there is no hardship is a code amendment, not a variance
   d. **Commissioner Webber:** Can a temporary variance be granted
      i. **Director Bills:** Need to check with legal
   e. **Commissioner Maccini:** Business is willing to mitigate
   f. **Commissioner Bartoletti:** Not ZAPCO's charge to write ad-hoc code
   g. **Commissioner Webber:** Is there a way to seek partnership with neighboring jurisdictions to address lighting in the area. Many people don't know where West Lake Hills begins and ends.

d. **Action:** Commissioner Maccini moves that the variance request be forwarded to the Board of Adjustment with a recommendation of Conditional approval with the conditions that
   1. The screen be limited to 1% brightness beginning at sunset; and

2. the screen be shielded according to the recommendations of city lighting consultant; and
3. the screen be restricted from any use between 10pm and sunrise; and
4. the remainder of the site (on the tenant's lease space) be brought into full compliance with current lighting regulations; and
5. that the variance is temporary in nature and will expire upon the adoption of the new lighting ordinances that will be 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.

i. Commissioner Stewart Seconds
ii. Motion **carries** Unanimously (4-0)

Recommendation will be forwarded to Board of Adjustment for consideration on November 13, 2024.

5. **Adjournment:**
   b. **Acting Chair Bartoletti** adjourns the meeting at **7:44pm**

APPROVED:

Robert Meisel, Chair

ATTEST:

Joel Sherrouse, Development Coordinator

These minutes were approved on November 20, 2024.

Attachment A

Austin's™ PIZZA

- Supporting our local community together for over 20 years -

ZAPCO

West Lake Hills

October 16, 2024

Attachment A

Austin's Pizza

We are here tonight…

To **ASK** for your help and approval by allowing us to turn on our outdoor TV at Austin's Pizza - Westlake

TV is **FREE** for our entire community to enjoy with friends & family

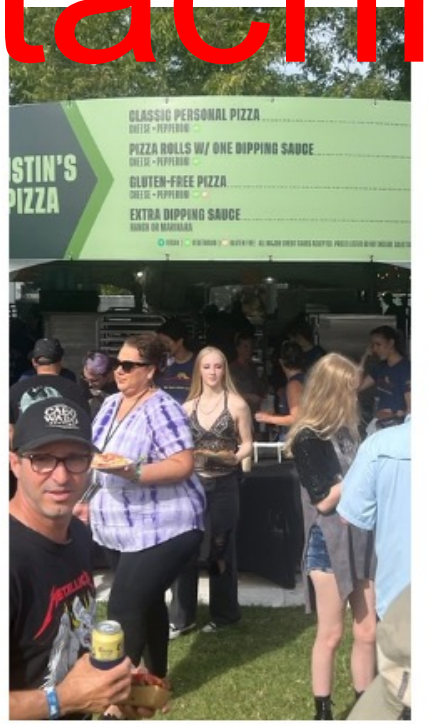
Attachment A

Austin's Pizza

Austin's Pizza is a beloved local company and has been proudly serving pizzas since 1999.

Our West Lake location has been in operation since 2008.

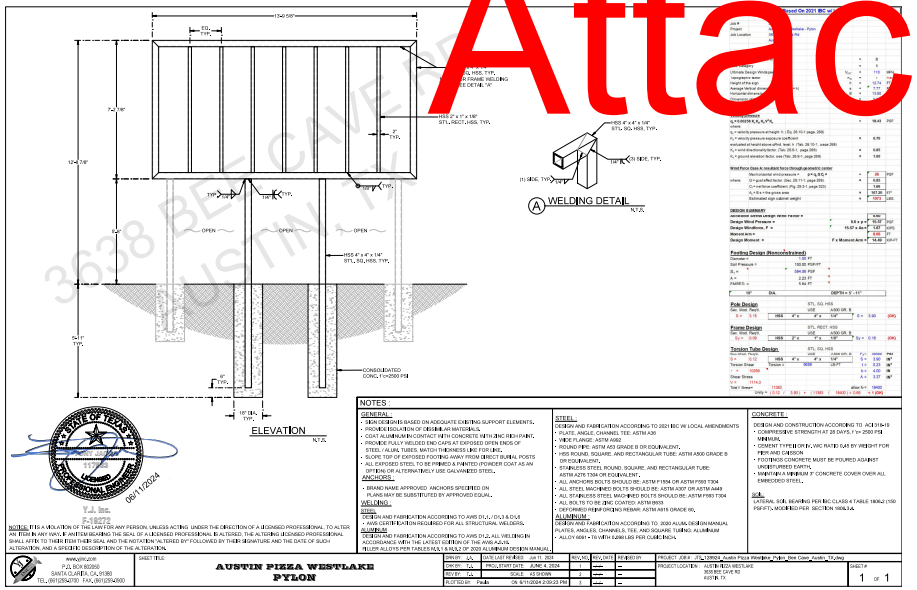
Attachment A



Austin's PIZZA

- Local Iconic Austin brand since 1999
- Customers want to **Support Local**
- Experienced Restaurant Operator
- Employ 46 people in Austin
- Active in supporting events in the Central Texas Community

Attachment A



Travis County Emergency Services District No. 9
Westlake Fire Department
Emergency Prevention Division
P.O. Box 162170
Austin, TX 78716-2170
512-539-3491 www.westlakefd.org www.wfdpermits.com

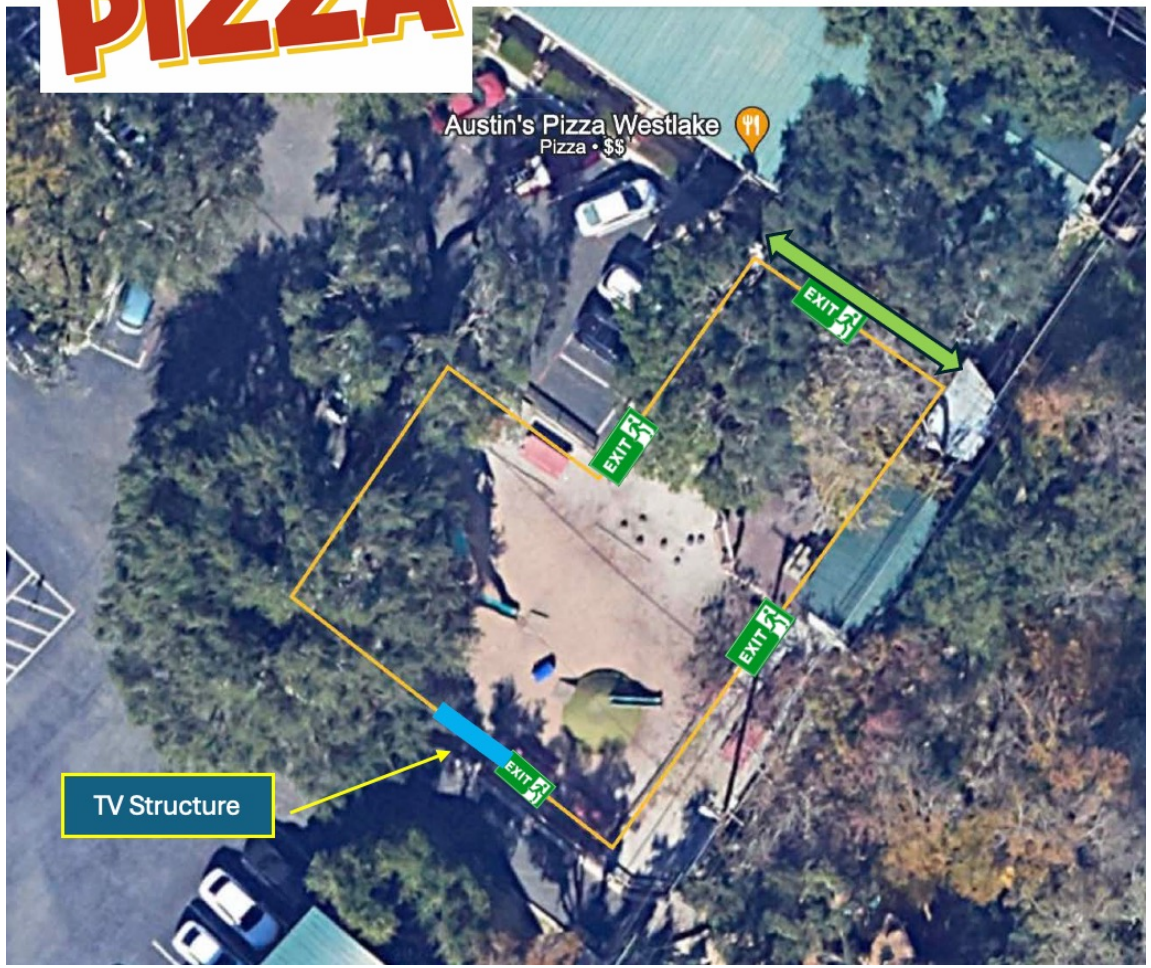
Scan to verify
240637

Inspection Self-Report

Self-Report Date: **September 10, 2024** *Inspection Status:* **Passed**
Inspection Type: **Fire Final**
Inspection Scope: **Fire Final of an intalled fence around the exterior dining areas.**
Location: **Austin's Pizza, 3638 BEE CAVE RD, Ste 104, West Lake Hills, TX 78746**
Inspected By: **Chris Gill**

Austin's PIZZA™

3636 Bee Caves Rd, Austin, Texas



Attachment A

Austin's Pizza

i. The ordinance does not allow any light fixture to have more than 6,000lm output, reference Sec 24.03.006 (a).

ii. The total lumens per square foot of all existing and proposed light fixtures on the property may not exceed 2.5lm/sqft. Reference Sec.24.03.006 (a).

iii. The output of a landscape light fixture may not exceed 1,050lm. Reference Sec.24.03.006 (c).

iv. All light fixtures must have a color temperature of 3,500K or less. Reference Sec.24.03.006 (d).

v. All outdoor luminaires in all districts shall be shielded, hooded, or diffused so that it is a fully shielded luminaire. Reference Sec.24.03.004 (a).

- Display is tucked back into property
- Display Screen faces away from any sight-lines
- No obstruction to business, neighbors, traffic and/or pedestrians
- Display can be Dimmed to meet ordinance
- Structure is not higher than any other structure on property
- Structurally is engineered to meet all safety requirements

1. The current codes are outdated and do not properly reflect LED lighting that is used today
2. It also does not reflect LED lighting output can be **DIMMED**
3. The current codes ONLY references Lumen output in day-time use when outside sun usage should not be applicable

Attachment A

When connecting multiple panels that emit light such as those with a specification of 5000 NITs, the overall brightness perceived (measured in NITs) does not simply increase additively. The NIT value is a measure of luminance per unit area.

If you connect 18 panels, each emitting 5000 NITs, the aggregate luminance of the display area would still be 5000 NITs, assuming they are correctly aligned and not overlapping or interfering with each other's light output.

However, the total light output in terms of overall brightness, perceived by an observer, would be greater due to the increased surface area and the combined intensity of all the panels.

In summary, The NIT value remains 5000 NITs

For comparisons:

Solar street light lumens varies depending on street lighting application. For lighting residential areas, the average is 5000 lumens. For roadways, highways, building perimeters, universities, it can range from **6,400 to 18,000 lumens**. Mar 16, 2020

HeiSolar
https://www.heisolar.com › Blog

How Many Lumens Do I Need for Outdoor Lighting? - HeiSolar

In general, residential streets may require around 5,000 to 12,000 lumens per street light, while arterial roads and highways may require higher lumen outputs, ranging from **10,000 to 40,000 lumens**. Jul 19, 2023

ULTRAVISION
LED SOLUTIONS

Pro Outdoor
3.9mm

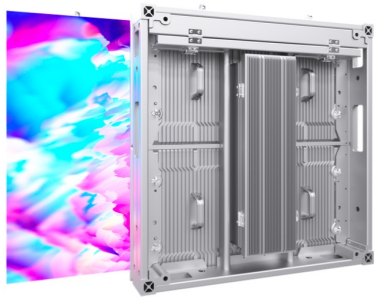
The Outdoor P is the right choice fo your next event or permanent display. These features make it simple to configure and use right out of the box.

PRODUCT SPECIFICATIONS

Pixel Pitch:	3.91mm
Density (pixel/m² / pixel/ft²):	65,536 / 6,088
Pixel Composition:	SMD
Viewing Angle:	H 160°, V 90°
Max Brightness (Nits):	5,000
Panel Size (mm / inches):	500x500/750/1000 19.7x19.7/29.51/39.37
Refresh Rate:	3840Hz
Pixels per Panel:	16,384 / 24,576 / 32,768
Pixel Matrix:	128x128/192/256
Panel Weight:	19.85 / 29.77 / 36.38 lbs
Operating Temp (C/F):	-30°C to 55°C / -22°F to 131°F
Operating Humidity:	10% - 90%
IP Rating:	IP66

ELECTRICAL SPECIFICATIONS

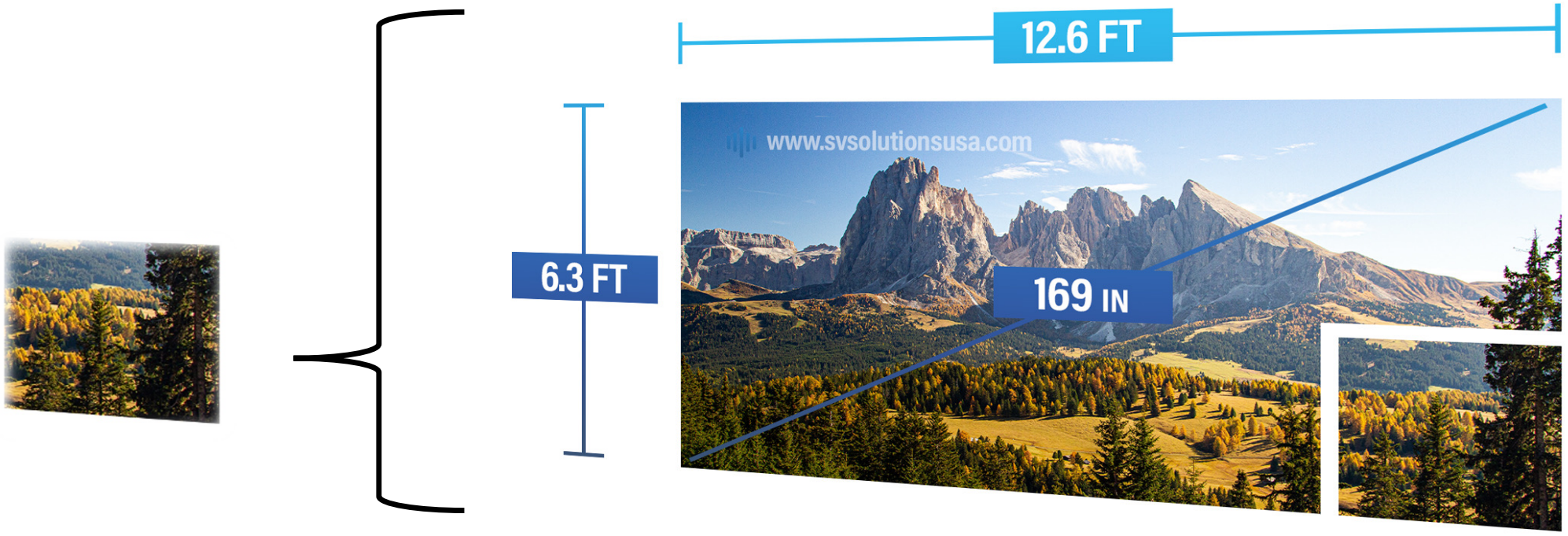
Max Power (per m²/ft²):	700W / 65.03W
Avg. Power (per m²/ft²):	210W / 19.51W
Voltage (VAC):	110-220V / 50-60Hz



- Modular system for easy assembly and set up in many different configurations
- light-weight aluminum means a lower cost of installation
- 30% less power consumption, fan-less design means lower cost of operation
- Front or rear service
- Slim dimensions - less than 3.3"
- Display digital playback of recorded, live, or static images.
- ETL/CE/FCC Certified
- Industry standard 5-year warranty, with optional 10-year extended warranty

Attachment A

Austin's Pizza



The total NITS at 100%, uses 4,500 to 5,000 NITS
This is due to disbursement of the signal being displayed.
The broadcast signal does not exponentially grow as it is disbursed.

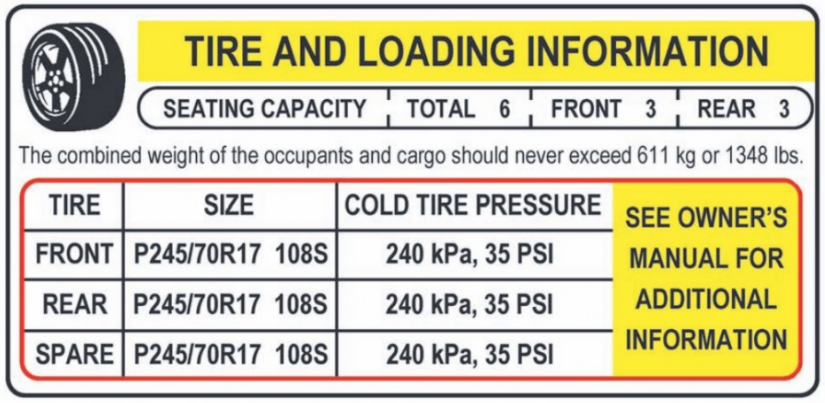
Attachment A

Illustration – PSI

Tire Type	Tire Size	Recommended Pressure (PSI)
Cross Country (XC)	26"	30-50 PSI
Cross Country (XC)	27.5"	25-45 PSI
Cross Country (XC)	29"	20-40 PSI
Trail/Enduro	26"	25-45 PSI
Trail/Enduro	27.5"	20-40 PSI
Trail/Enduro	29"	18-38 PSI
Downhill/Freeride	26"	20-35 PSI
Downhill/Freeride	27.5"	18-33 PSI
Downhill/Freeride	29"	16-30 PSI

Bike tire pressure is **30-45** psi
Car Tire pressure is **35** psi

The size of the car tire is much larger than the size of bike tire; however, the PSI does not increase/decrease due to size of tire



Attachment A

Professional Opinions

Outdoor lighting.
Lighting that is installed, located or used in such a manner to cause light rays to shine outdoors. Residential luminaires installed indoors that cause light to shine outside are not considered outdoor lighting. Nonresidential luminaires installed indoors that cause light to shine outside are considered outdoor lighting."

The term TV or Display is not defined in the City of Westlake standards.
Based on these definitions and Ultravision's letter the TV does not fall under this ordinance.

If the ordinance is to apply to a TV being defined as a Luminaire or Light fixture, per Ultravision's letter; the total lumen output is under the required amount listed in the ordinances.

COFFMAN ENGINEERS, INC.

Sam Swinbank, PE

STATE OF TEXAS
SAM SWINBANK
92593
LICENSED
PROFESSIONAL ENGINEER

When referring to our specification sheet for these 3.9mm Pro Panels one will observe the maximum brightness for this display is 5,000 nits. To determine the number of lumens output by the display, one can use the common formula of 1 Nit = 3.426 Lumens. Using this formula and multiplying the 5000 Nits by 3.426, one will receive a maximum value of 17,130 Lumens for this 4 meter by 2 meter display. Please note that this value is far lower than the estimated value of 411,000 Lumens provided previously by the city.

When looking at the maximum brightness of the display one has to keep in mind that this is the true maximum value of brightness that can be achieved with the display, this means that the panels would have to be at 100% brightness emitting white light to achieve this value. The display will not be outputting a pure white image in most cases and will typically not be run at 100% brightness, especially at night, and as such will not typically be outputting 5,000 nits. I was informed that the lumen limit at night is 6,000 Lumens which would equate to 1,751.31 Nits, using the formula provided previously. To achieve this lower level of brightness and limit the output of the display all one would need to do is reduce the brightness setting on the controller to 35%, guaranteeing that the maximum brightness of the display does not exceed 1,750 Nits in the evenings.

ULTRAVISION
LED SOLUTIONS

In the future, for LED displays (such as the one at Austin's Pizza), I highly recommend the city consider providing their maximum brightness limit in a value of Nits, rather than Lumens, as this is the standard brightness unit within the industry and will cause far less confusion for anyone utilizing an LED display and would be far more accurate to describing the maximum specified output of a display.

I hope this letter gives you a well informed understanding of LED displays and their brightness values.

Best Regards,

Cody Carlson

Cody Carlson, LED Systems and Technology Engineer

Attachment A

Outdoor Displays are already in **USE** all around Austin....

Several other business in Austin already provide similar experiences with outdoor displays, which are much larger in size than what Austin's Pizza is requesting

Victory Lap

Sound & Cinema

Austin Parks & Recreation

Movies in the Park

...and many others

Attachment A

FOR CONTEXT: Less than 1,000 yards (928 yards) away Westlake High School operates a Jumbotron (+ several athletic fields) which is MUCH larger than the display Austin's Pizza is requesting.

Attachment A

Day-Time TEST

September 12th 8:18am

Outside with Daytime Sun-Light

4298 LuX

https://youtube.com/shorts/vEkWk2xWOAY

Both Test conducted at Austin's Pizza - West Lake

Night-Time TEST

September 23rd 9:04pm

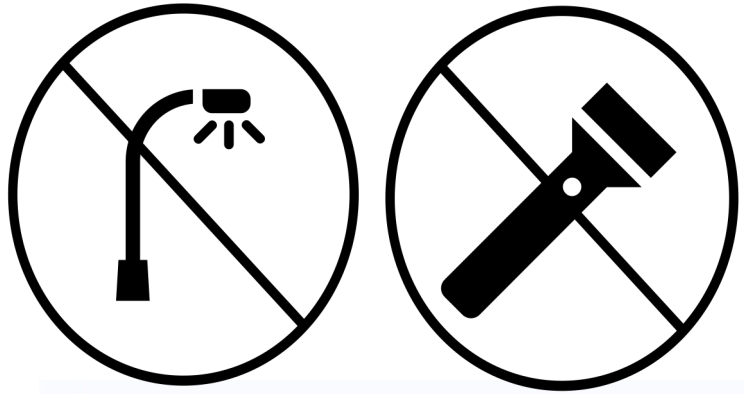
12-17 LuX

https://youtube.com/shorts/EYlHdjwpAJY?feature=share

Attachment A

TV is NOT a Light Fixture or Flashlight

TV is not a source of light as a light fixture would provide;
nor does it operate in a constant state of 100% white background
- pictures provide by city are misleading -



AI Overview

No, a TV is not a light fixture:

Light fixture definition

A light fixture is a part of a light that's attached to a wall or ceiling and holds the light bulb or other lighting element.

TV is not on 24 hrs. like other light fixtures provided in picture

TV can be dimmed

TV will be turned OFF nightly

Please note light source in background that is brighter while much further away and stays ON 24 hrs

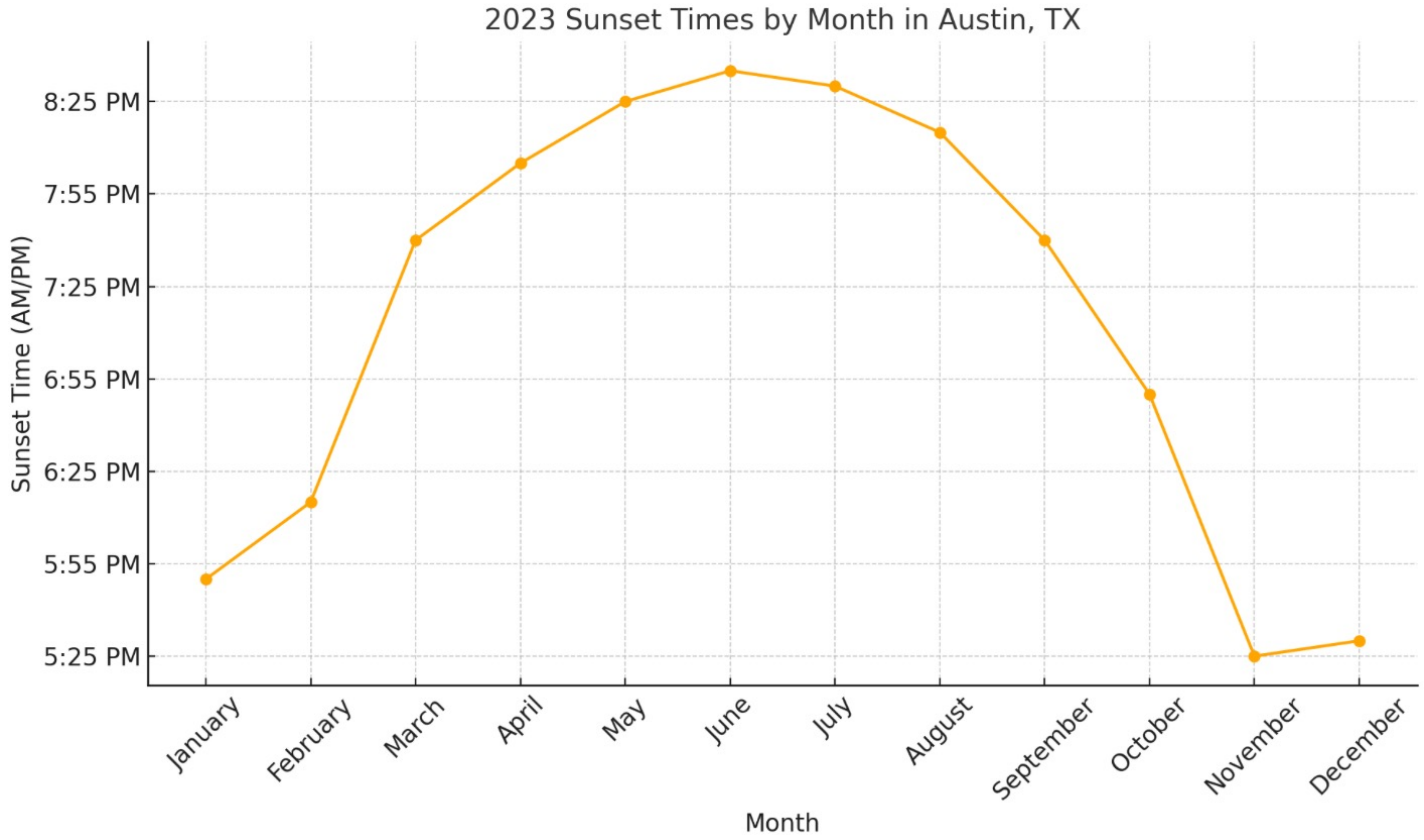
Please note upper security porch lights (behind TV) that are much brighter and stay ON 24 hrs

Attachment A

Please consider times of darkness when TV is requested to be used

Austin, Texas

Sunsets Times by month



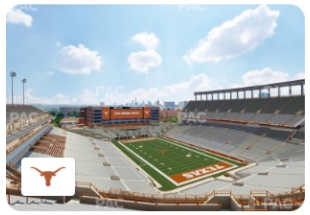
To request the TV be turned on for a few hours past sunset is reasonable, especially during March-October when sunsets occur later

Attachment A

Entertainment Cost for a Family of (4) in Austin

UT Football Game
$605

- 4 - Tickets
- Parking



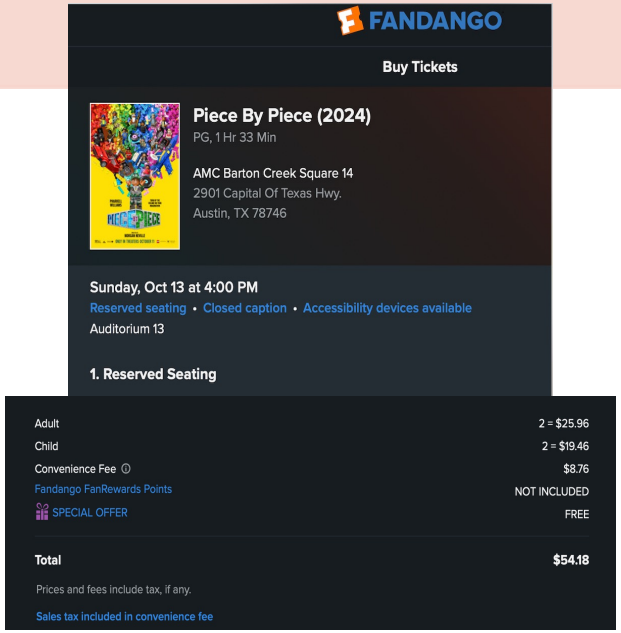
9 Amazing Deal

$140 each

Section 120, Row 20 | 1-4 tickets

Movie at theater
$54

- 4 - Tickets



Austin's Pizza
FREE

- Sports – **FREE**
- Movies - **FREE**

Attachment A

Outdoor Display is positioned AWAY from any traffic, pedestrians, and businesses → Operates in a controlled environment that meets all safety codes & regulations

Daytime Use should not be impacted by Lumens – we suggest ordinance be reflected to nighttime use → NITS vs. Lumens – with the adoption of LED we suggest the codes be updated to reflect the use of NITS vs. Lumens

We suggest the “all-or-nothing” code be updated to reflect the ability to dim and to properly reflect day and/or night-time use → Creates a FUN & FREE experience for the whole Family and to our entire community

Attachment A

Our Request & Suggestions:

Allow Austin's Pizza to use the Outdoor Display:

- Allow day-time use, as we believe lumen ordinance does not apply during outside day use
- Allow night-time use until 10:30pm
- We will Dimmed Outdoor display to 35% at night; which meets current lumen thresholds – since current ordinance does not allow dimming
- We will add a top cover & curtain on display to prevent any potential up-light and/or light obstruction to address the (1) neighbor's concern

Austin's Pizza

Thank you for your consideration

Attachment A

APPENDIX

Austin's™ PIZZA

Attachment A

HARDSHIP ? YES !

Why Are So Many Restaurants Closing in 2024?

Neal Sherman
CEO & Founder of TAGeX Brands; Culinary Institute of America Fellow; NYU Stern

September 6, 2024

You're not mistaken if you've noticed an uptick in restaurant closures this year.

Red Lobster, TGI Fridays, MOD Pizza, Tijuana Flats, Boston Market, Applebee's, and Outback Steakhouse are just a handful of fast-casual chains that have closed locations this year. So what's been the breaking point for these restaurants?

Why is the restaurant industry struggling?

COVID-19 Impact: The COVID-19 pandemic has led to widespread closures and reduced capacity for restaurants and other food service businesses globally, reducing the number of jobs available in the industry. Additionally, many food service workers have hesitated to return to work due to the risk of contracting COVID-19.

The Restaurant Business is HARD:

- **COVID** – Pre-Covid Austin's Pizza had **(12) locations** now we are down to **(5) locations**
- Economic Challenges
- **Inflation** – Cost of Goods increase across board
- **3rd Party delivery services** – consumers are becoming more accustomed to on-line ordering platforms - ie. **UBER, Door Dash & Favor**
- **Increased Competition**
- **Labor cost & shortages** – labor continues to increase and hard to find staff
- **Rents** continue to increases

West Lake is our anchor location

We are trying to provide more dine-in experiences/occasions and offer the **TV FREE** to attract more families & customers

• **Enhance guests' dining experiences –** When restaurants create unique and immersive dining experiences, they attract customers and encourage repeat business. This includes themed dining environments, interactive meal preparations, and personalized service.

Attachment A

For Context & Comparison :

New City Hall will create much more light pollution than our single source TV

- **80** +/- New Parking Spots - **HOW MUCH LIGHT ?**
- How many parking lights will be erected
- Bright white lights
- High Lumens
- Can not be dimmed
- Stays on 24hrs
- Was a lighting test plan submitted / approved

By comparison, our request to turn on TV for a couple hours past sunset seems reasonable.

Please note that we are in **favor** of the new City Hall and have no objections to the project in any manner

Attachment A

West Lake Hills City Hall

Parking Lot Lights

- **Parking Lot Lights measured measured 15.5 LuX**
- These lights are in the same LuX range as Austin's Pizza TV
- There are at least (4) of these light structures at the city of West Lake parking lot
- These parking lights stay **ON from Dusk to Dawn Everyday**

Light TEST, October 14th, 2024

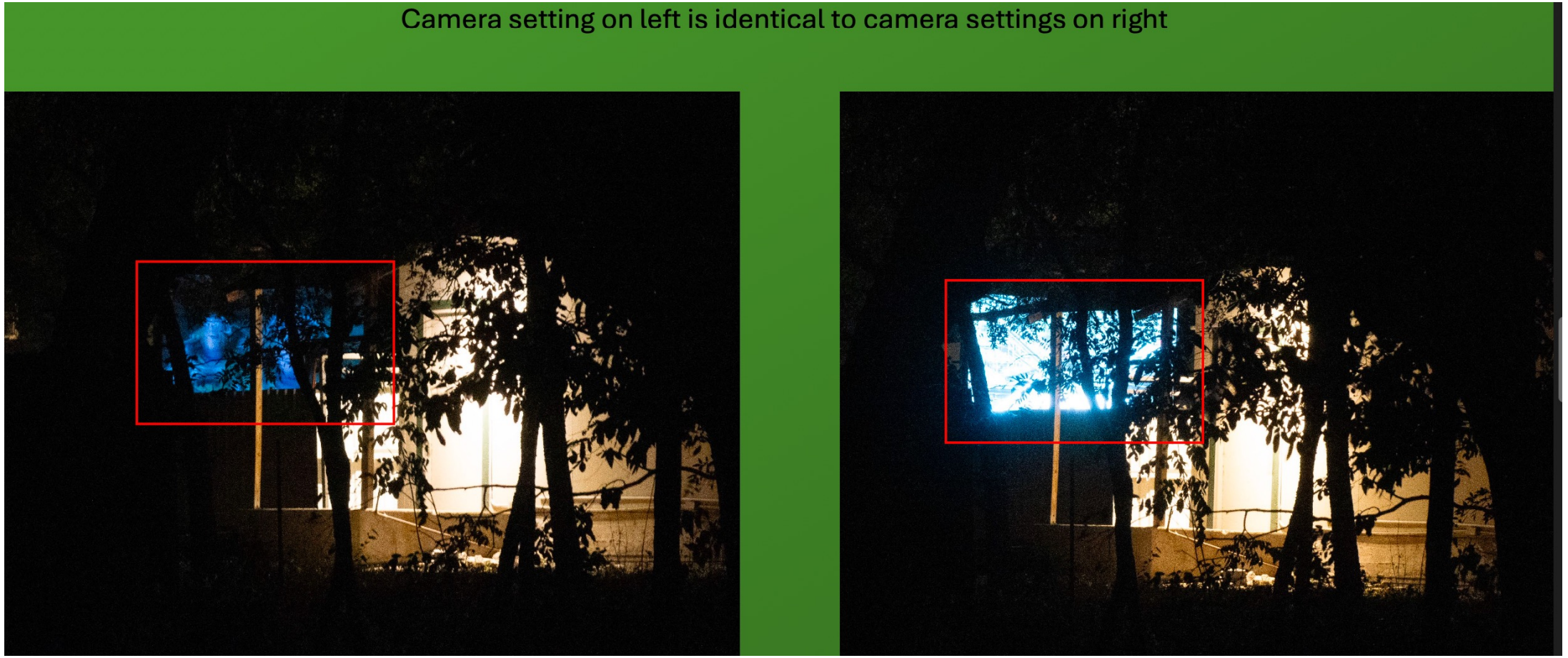
By comparison, asking for the use of one TV for a limited use produces less light pollution than multiple parking lights left on **ALL** night; as shown in this example

Parking Lot lights at West Lake Hills

Attachment A

In the examples provided by City of West Lake Hills

Please note that the pictures show light from the storage shed which is brighter than the TV



Attachment A

MLO is **NOT** a one-size fit all program

Examine Local Flexibility Needs

- **Argument**: Stress that **local needs vary** and a one-size-fits-all approach may not be ideal for certain communities. For example, growing urban areas may require more flexibility in lighting intensity to accommodate expanding infrastructure and development.
- **Solution**: Request a **community-specific lighting plan** or **adjustable zoning regulations** that take into account the unique growth patterns, population density, and activity levels of West Lake Hills.

Consider Aesthetic and Commercial Factors

- **Argument**: For businesses, especially those relying on nighttime visibility (e.g., restaurants, shopping centers, entertainment venues), reducing lighting to MLO-recommended levels may impact **visibility and attractivity**, especially in Lighting Zones 2 and 3.
- **Solution**: Suggest that **commercial corridors** or high-activity zones be reclassified into higher lighting zones to support businesses and maintain vibrant night-time activity. Propose using **architectural lighting designs** that reduce light pollution while still enhancing the visual appeal.

Our West Lake community at large is in FULL support & welcomes the use of such TV.

“There is nothing like this in our community and we REALLY need something like this”

Attachment A

MLO is **NOT** a one-size fit all program

Engage the Public and Local Stakeholders

- **Argument**: Many residents and businesses may not be fully aware of the MLO and its implications on everyday activities. Building support for or against the initiative requires community engagement.
- **Solution**: Host **public forums** or **discussions** to explain how the MLO may impact local businesses, security, and aesthetics. Collect feedback and petition for adjustments to the ordinance that better align with community desires.

Propose a More Lenient Interpretation of Lighting Zones

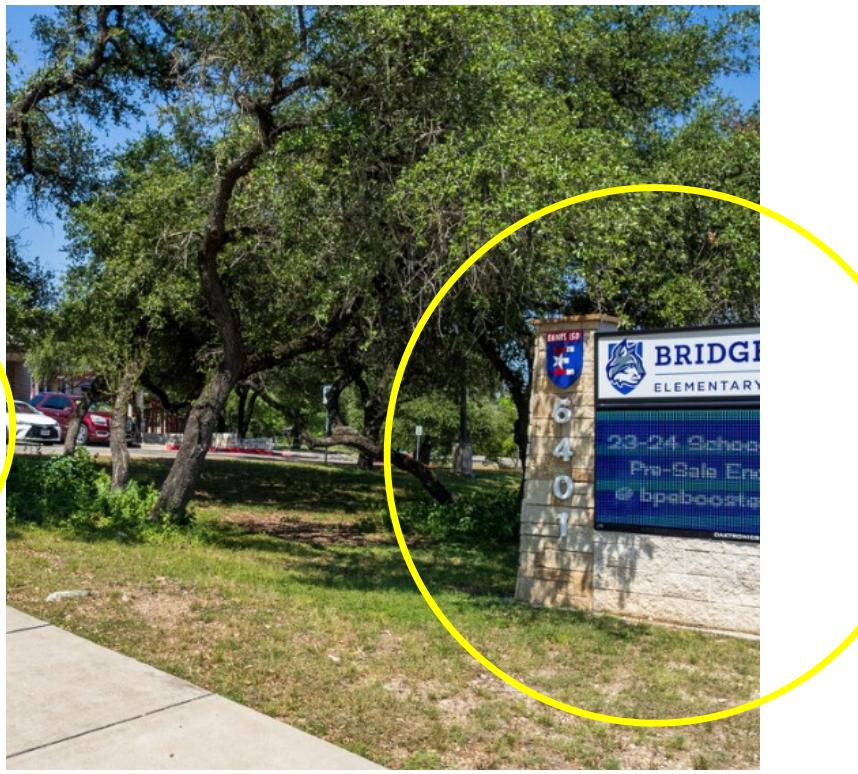
- **Argument**: Challenge the strict classification of zones by suggesting that some areas, such as transition zones between urban and suburban areas, may need more lighting flexibility.
- **Solution**: Propose **revisions to lighting zone boundaries** or encourage local governments to adjust the zoning designations based on actual light usage patterns rather than purely geographic or population-based factors. **Austin's population is over 1 million residents**

The local economy may be negatively affected by strict MLO compliance, and request lighting exemptions for key entertainment, shopping, or dining districts that rely on night-time activity. **Not to mention all the athletic events already in-place throughout the community?**

Attachment A

Other examples of LED displays in use West Lake Hills

- Please note that all these examples have their displays directly in sight-lines of opposing traffic, business, and pedestrian use.

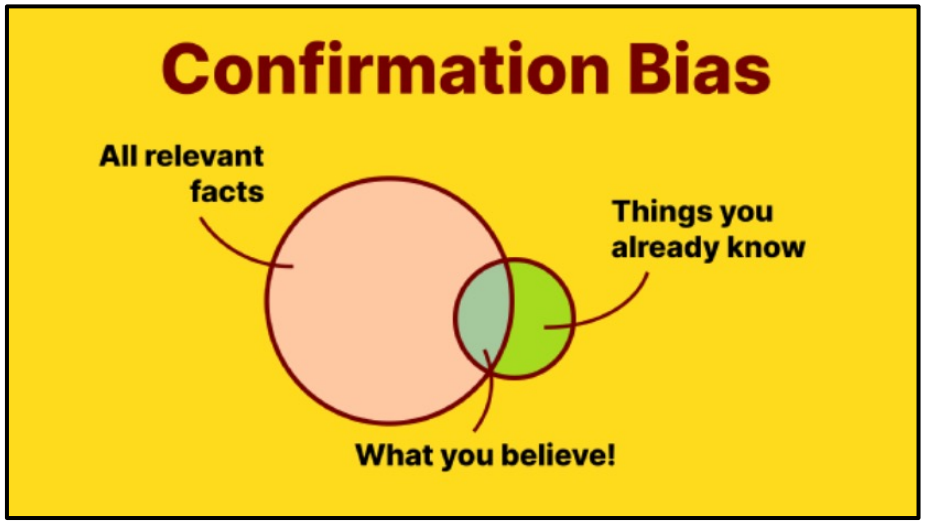


Attachment A

Confirmation Bias

Is Coffee **Good** for you or **Bad** for you **?**

There is a great deal of research & information to suggest both.



Good for you

- Antioxidants
- Improves Cognitive Function
- Reduce risk of certain diseases

Bad for you

- Anxiety and Jitters
- Sleep Disruption
- Heart Health

We asked for a balance view in weighing this decision.