



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF CITY COUNCIL REGULAR MEETING
Wednesday, June 23, 2021 at 7:00 PM

Notice is hereby given that the City Council of the City of West Lake Hills, Texas, will hold a REMOTE Regular Meeting on the 23rd day of June 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 882 1421 9405 , Password: 122007

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 June 23, 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 June 23, 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 June 9, 2021 Regular Meeting Minutes

- b. **701 S Capital of Texas Highway, Unit N840:** Discuss and Consider Action on an Application to Request an Amendment to the Village of Westlake Uniform Sign Criteria Agreement to Include the Sign Colors for the Motto Mortgage logo and Lettering to be Changed to Match the National Company Logo Colors. (West Lake Hills Code Sec. 32.01.016). Applicants: Mary Anne McMahon
- 4. Ordinance Discuss and Consider Action for Approval of an Ordinance of the City of West Lake Hills, Texas, Amending Sections 18.03.067, 22.03.513, 26.02.064, 28.03.161, 36.01.013, 38.02.012, 38.05.034, and Appendix A, Section A9.003 of the Code of Ordinances, to Modify the Enforcement Procedures for Work Performed or Completed Without a Permit and/or Variance; and Providing for the Following: Findings of Fact; Enactment; Repealer; Severability; Penalty; Codification; Effective date; and Proper Notice & Meeting
 - a. Citizens Communications: All Persons Wishing to Speak on this Matter Shall be Heard
- 5. Ordinance Discuss and Consider Action on an Ordinance of the City of West Lake Hills Amending Chapter 22, Article 22.03 of the Code of Ordinances, to Reduce the Length of Certain Permits
 - a. Citizens Communications: All Persons Wishing to Speak on this Matter Shall be Heard
- 6. Ordinance Discuss and Consider Action on an Ordinance on the Repeal of No Left Turns on Bee Cave Road and No Right Turns on Reveille Road and Rocky River Road
 - a. Citizens Communications: All Persons Wishing to Speak on this Matter Shall be Heard
- 7. Land Use **3625 Bee Cave Road:** Discuss and Consider Action on an Application for a Sign Variance Request to Allow LED Lighting for an Existing Sign, Business: 7-11. (West Lake Hills Code Sec. 32.01.016). Applicants: Casey Britten and Yoshiro Hatsuno
 - a. Public Hearing: All Persons Wishing to Speak for or Against Shall be Heard.
- 8. Land Use **4100 Westbank Drive:** Discuss and Consider Action on an Application for a Sign Variance Request to Allow a Sign to Exceed Allowable Square Footage to 59.5 sq. ft. (West Lake Hills Code Sec. 32.03.009(2). Applicant Representative: Jeremy Trimble, registered agent for Eanes ISD and the Westlake Hills High School Aquatics Center.
 - a. Public Hearing: All Persons Wishing to Speak for or Against Shall be Heard.
- 9. Land Use **4100 Westbank Drive:** Discuss and Consider Action on an Application for a Sign Variance Request to Allow a Sign to Exceed Allowable Square Footage to 59.5 sq. ft. (West Lake Hills Code Sec. 32.03.009(2). Applicant Representative: Jeremy Trimble, registered agent for Eanes ISD and the Westlake Hills High School Robotics Center.

- a. Public Hearing: All Persons Wishing to Speak for or Against Shall be Heard.
10. Land Use Discussion Regarding Possible Future Modifications to our Codes and Regulations for the Definition of a Driveway
 - a. Citizens Communications: All Persons Wishing to Speak on this Matter Shall be Heard
11. Administration Discussion Regarding Future Possible Bond Election Dates and Deadlines, Plans for Preliminary Budget Discussions Including Sales Tax Update and Property Tax Impacts.
 - a. Citizens Communications: All Persons Wishing to Speak on this Matter Shall be Heard
12. Executive Session An Executive Session may be held in accordance with the authority contained in Texas Government Code, Section 551 for:
 - a. Consultation with City Attorney Regarding Pending Litigation, including variances submitted as part of the Master Grading and Vegetation Plan, in Cause No. 2019032801; City of West Lake Hills, Plaintiff, v. Jaffe Ventures, LLC; Douglas Jaffe III, and 1405 Wild Cat Hollow, West Lake Hills, Texas, Defendants and Cause No. D1GN19007546: City of West Lake Hills, Plaintiff v. Jaffe Ventures, LLC and Douglas Jaffe III (Texas Government Code Section 551.071)
 - b. Consultation with City Attorney Regarding Pending Litigation on the Denial of the Moore Estates Subdivision Application: Project 16329 located at 803 Westlake Drive. (Texas Government Code Section 551.071)
13. Adjournment

Approved by: Linda Anthony, Mayor

Certificate

I certify that the above Notice of the June 23, 2021 City Council REMOTE Regular Meeting was posted on the bulletin board at the Municipal Building, 911 Westlake Drive, West Lake Hills, Texas on Friday, June 18 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. 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 CITY COUNCIL REGULAR MEETING
Wednesday, June 9, 2021, at 7:00 PM

1. Call to Order

With a quorum present, Mayor Anthony called the meeting to order at 7:02 p.m. Members in attendance were Mayor Linda Anthony, Mayor Pro Tem Walker, Councilmembers Rhonda McCollough, Brian Plunkett, Beth South, and Gordon Bowman.

2. Ceremonial Administer the Oath of Office to new Police Officer Andrew Madrigal

Chief Gerdes introduced our newest officer, Jeremiah Madrigal. Mayor Anthony gave the Oath of Office.

3. 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

4. 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 May 26, 2021 Regular Meeting Minutes

Motion for Approval made by Councilmember McCollough with a Second by Councilmember Plunkett

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

5. Executive Session Consultation with City Attorney Regarding Pending Litigation, including variances submitted as part of the Master Grading and Vegetation Plan, in Cause No. 2019032801; City of West Lake Hills, Plaintiff, v. Jaffe Ventures, LLC; Douglas Jaffe III, and 1405 Wild Cat Hollow, West Lake Hills, Texas, Defendants and Cause No. D1GN19007546: City of West Lake Hills, Plaintiff v. Jaffe Ventures, LLC and Douglas Jaffe III (Texas Government Code Section 551.071)

Mayor Anthony canceled the executive session

6. Adjournment

**Motion to adjourn the meeting made at 7:12 p.m. by Councilmember Plunkett with a
Second by Mayor Pro Tem Walker.**

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 _____, 2021.



UNIFORM SIGN AMENDMENT REQUEST STAFF REPORT

July 23, 2021

Permit Number:

Agenda Item Land Use: 701 S Capital of Texas Highway, Unit N840: Discuss and consider action on an application to request an amendment to the Village of Westlake Uniform Sign Criteria agreement to include the sign colors for the Motto Mortgage logo and lettering to be changed to match the national company logo colors. (West Lake Hills Code Sec. 32.01.016). Applicants: Mary Anne McMahon.

Requested Action:

The applicant has requested an amendment to the Uniform Sign Agreement for the Village of Westlake Shopping Center located at 701 S. Capital of Texas Highway. The proposed amendment includes the following:

- To include the sign colors for the Motto Mortgage logo and lettering to be changed to match the national company logo colors an amendment to the Village of Westlake Uniform Sign Criteria agreement.

Applicant Information: Mary Anne McMahon

Location: 701 S Capital of Texas Highway

Zoning & Site Characteristics: The property is within the B3 Business 3 District.

Hearing Dates:

July 23, 2021 City Council

Background/Analysis:

The applicant is leasing Suite N840 of the Village of Westlake shopping center and is making plans for it to become a REMAX/ Motto Mortgage office. The proposed amendment includes two colors to add to the Village of Westlake Uniform Sign Criteria agreement which appear below:



PMS 3305U



Pantone 540C

The Village at Westlake shopping center Uniform Sign Agreement allows the following sign colors:

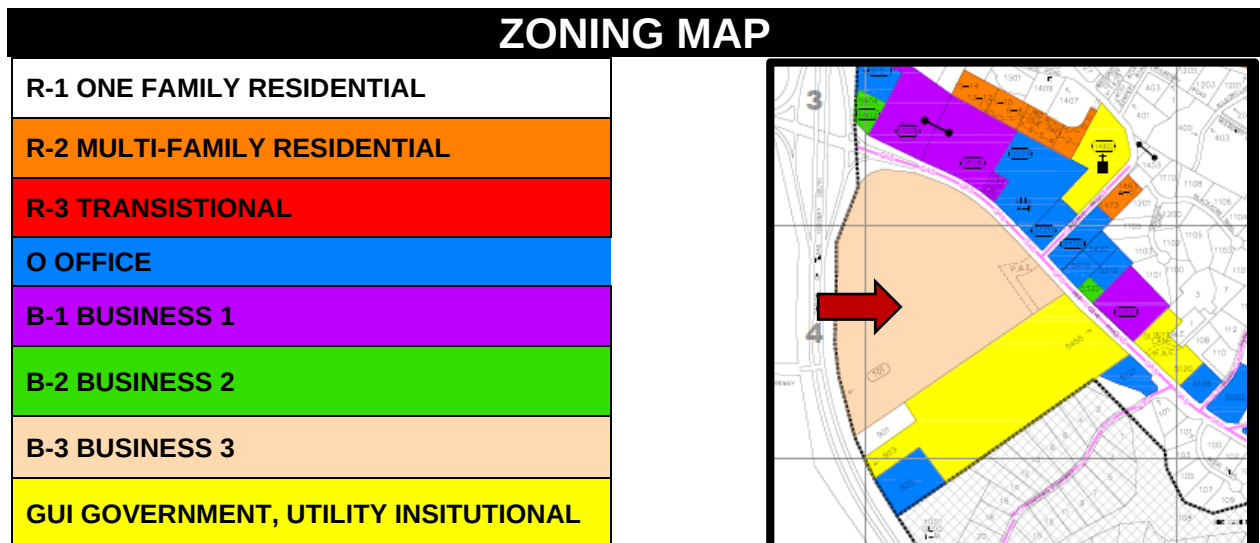
PMS 153U	Burn Orange
PMS 4625U	Dark Brown
PMS 3305U	Dark Green
PMS 484U	Dark Red
PMS 7506U	Cream / White
Hexachrome Black	

Staff Recommendation

Staff recommends APPROVAL of the amendment to the Village of Westlake Uniform Sign Criteria agreement.

Links to Code:

- [Sec. 32.01.001 Definitions](#)
- [Sec. 32.02.002 Application procedure for signs requiring permits](#)
- [Sec. 32.03.009 Projecting, wall and hanging commercial signs](#)



AERIAL PHOTO





SIGN PERMIT APPLICATION

Date of Receipt: _____ Permit Fees: _____
Collected By: _____ Date Permit Issued: _____

APPLICANT INFORMATION

Property Address: 701 S Capital of Tx Hwy, Ste N840 Westlake Hills, Tx 78746

Street City State Zip

Block: _____ Lot: _____ Tax Parcel ID: _____ Zoning District: _____

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: maryanne@remaxposh.com

701 S Capital of Tx Hwy, Ste N840 Westlake Hills, Tx 78746
Address: _____ City: _____ State: _____ Zip: _____

Agent (with written approval from Owner):

Name: Mary Anne McMahon Phone: 512-947-9684 Email: maryanne@remaxposh.com

Address: same City: _____ State: _____ Zip: _____

Signature: [Signature] Date: 04/09/2021

Sign Contractor: ATX Signage Phone: 602-756-9261 Email: maryanne@remaxposh.com

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

SIGN SPECIFICATIONS*

Check one option below:

☒ Permanent Sign ☐ Temporary Sign ☐ Uniform Sign Agreement Amendment

Sign Category (*refer to Code, Sec. 32.03*): _____

Is the property subject to a Uniform Sign Agreement? ☐ Y ☐ N

Dimensions: _____ Total Square Feet: _____ # of Signs Proposed: _____

Type of Material: See Attached Sign Colors: _____

Method of Attachment: _____

Type of Sign Lighting (if applicable): _____

Width of Storefront: _____ Linear Frontage of Business: _____

Sign Message: _____

Temporary Signs Only:



SIGN PERMIT APPLICATION

Duration – Start Date: _____ End Date: _____

*Application must include sign renderings showing sign dimensions, letter dimensions, color, material, location, lighting specifications (refer to Chapter 24, Article 24.03 & Chapter 32), landscaping plans if applicable, and any other details required by staff. Commercial sign applications should include an Assumed Name Certificate/DBA for Business. If sign is under a Uniform Sign Agreement, sign must comply with the Agreement or else applicant must request an Amendment to the Uniform Sign Agreement.

VARIANCES & AMENDMENTS TO UNIFORM SIGN AGREEMENT

Variance

Are you applying for a variance to the Sign Ordinance? ☒ Yes ☐ No
(If yes, you will also need to submit a separate variance application and fee)

Amendment to Uniform Sign Agreement

Name/Address of Uniform Sign Agreement: _____
Reason for Amendment: _____

Please attach a separate sheet describing the sign specifications applicant is requesting to change/remove/add to the Uniform Sign Agreement. Please also submit a cover letter addressed to the ZAPCO Chairperson explaining your project.

APPROVAL NOTES – FOR COMPLETION BY STAFF ONLY

Administrative Approval Sign Meets Requirements: ☐ Yes ☐ No

Approved by City Administrator: _____ Date: _____

City Council Approval (Non-Administrative Approval)

BDC Date and Comments: _____

ZAPCO Date & Recommendation: _____

City Council Date & Action: _____



REMAX-MOTTO MORTGAGE WALL SIGN

SIGN DETAILS:

Reverse Channel letters, led illumination, .090 Al Letters.

3" deep returns.

Painted Pantone pms 3305u pantone 540c,. individually mounted on facade. ,



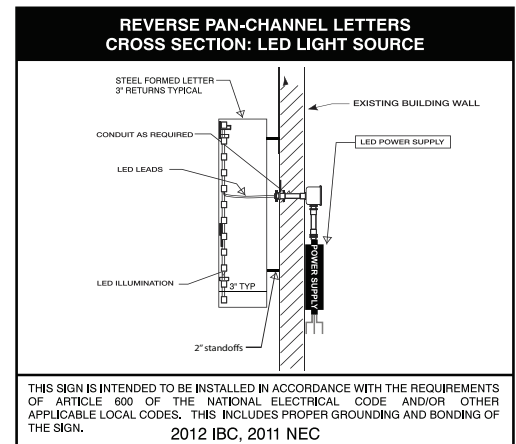
PMS 3305U



Pantone 540C

SIGN SIZE: 20 sq ft

REVERSE PAN CHANNEL NUMBERS WITH
RETURNS, PAINTED GRAY, HALO
ILLUMINATED WITH WHITE LED





April 8, 2021

ZAPCO Chairperson

RE: Project Description for 701 S. Capital of TX Hwy., Suite N840
Westlake Hills, TX 78746

The above mentioned address has been leased by me for the purpose of opening a new Real Estate office and Mortgage office in the Westlake Hills area. I am requesting the sign colors for the Motto Mortgage logo and lettering be changed to match the national company logo colors.

Should you require further information, please do not hesitate to contact me at 512-947-9684 or MaryAnneMcMahon1@gmail.com.

Respectfully,

Mary Anne McMahon
Broker/Owner

RE/MAX
Austin Skyline, REALTORS®
950 Westbank Dr., Suite 100
Austin, Texas 78746
Office: (512) 328-5151
Fax: (512) 328-0404

VILLAGE AT WESTLAKE UNIFORM SIGNAGE CRITERIA

I. GENERAL TENANT SIGNAGE CRITERIA

- A. Signs shall be individual channel letters, open to the back wall, internally illuminated with white LED's to match the color of 6500 white neon.
- B. Each tenant may use an individual style of lettering, subject to landlord's approval.
- C. Sign letters shall be constructed of .090 aluminum and painted.
- D. Sign colors to be compatible with building architectural design and approved by landlord.
- E. Sign letter depth shall be 3 inches. Signs shall be mounted with two inches of clearance between the back of the letters and the masonry face.
- F. The advertising and informative content of all exterior tenant signage except as expressly provided herein shall be limited to letters designating the store name and as long as it does not conflict with the architectural character of the shopping center (determined by landlord) a crest, shield or logo which shall be subject to the constraints of one letter.
- G. The maximum overall length of signs, except as provided herein, shall not exceed 75% of the storefront width (or in the case of architectural tower signage, 90% of the tower width.) In no case shall any sign or portion of any sign extend beyond 75% of the storefront (or building wall length) of the tenant's lease premises without landlord's approval. Where allotted, fascia length is less than the storefront width (as at corners), the sign shall be no longer than 90% of the applicable fascia length, without landlord's approval.
- H. Formula to calculate square footage of the sign:
 - 1. Calculate area of each letter as follows:
Height of letter (in inches) squared X .75.
 - 2. Sum the areas of the individual letters from (a).
 - 3. Divide the sum from (b) by 144.
- I. Maximum area of any sign is 95 square feet.
- J. Color samples are attached to be used for verification purposes.

K. APPROVED (UNIVERSAL) COLORS:

PMS 153U (burnt orange)
PMS 4625U (dark brown)
PMS 3305U (dark green)
PMS 484U (dark red)
PMS 7506U (cream/white)
Hexachrome Black

- L. All tenants shall submit design drawings of their signage to landlord for landlord's approval and shall be subject to compliance to The Village at Westlake sign criteria approved by the City of West Lake Hills.

II. TENANT IDENTIFICATION SIGNAGE CRITERIA BY BUILDING

- A. General Provisions. Except as otherwise provided herein, each tenant shall be limited to one sign containing the name of the business and is subject to the following conditions:

1. If the total number of letters in tenant's sign is ≤ 14 letters, the tenant may utilize up to 18" high letters.
2. If the total number of letters in tenant's sign is 15-20 letters, the tenant may utilize up to 15" high letters.
3. If the total number of letters in tenant's sign is 21-32 letters, the tenant may utilize up to 12" letters.
4. The greater of 1 letter for each word in tenant's sign, or 2 letters, may be up to 9" higher than otherwise allowed for total number of letters.
5. The sign area (surface area) of a sign shall not exceed 24 square feet.

- B. Special Provisions. The special provisions are subject to landlord's approval on a case-by-case basis and in no event shall the total square feet of any one sign exceed 95 square feet.

1. **Building A.** If a tenant leases over 5,000 sq. ft. and leases the tower element, tenant may have a) up to 18" high letters for up to two signs (if two sides of the leased storefront face the interior of the site) with not more than 32 letters for the two signs combined; or b) up to 24" high letters but not more than 48 sq. ft. of sign area for the two signs combined for alternative "b".
2. **Building C.** If a tenant leases 35,000 sq. ft. or more, the tenant may have up to 24" high letters for one sign and the sign may also contain the nature of tenant's business (≤ 12 letters), tenant's logo and tenant's name.
3. **Building E.** If a tenant leases 4,000 sq. ft. or more and leases the tower element, the tenant may have one sign on the exterior of each of two sides of the leased premises that are visible from the interior of the site. If a tenant leases 6,500 sq. ft. or more and leases the tower element, the tenant may have a) up to two signs with up to 24" high letters but not more than 75 sq. ft. of sign area for the two signs combined.

4. **Building F, (G).** If a tenant leases the space facing loop 360, the tenant may have one sign with up to 24" high letters on the side facing loop 360, and one other sign on the side of Building F, (G) facing building H, (J) so long as the sign sq. ft. of the two signs combined does not exceed 48 sq. ft. per tenant.
5. **Building H.** One tenant leasing the entire building may have signs as permitted in II.A, but a sign on three sides of the building shall be allowed.
6. **Buildings J, K.** A tenant may have signs on two sides of the building as long as the total sq. ft. of the two signs combined does not exceed 60 sq. ft. with a maximum individual letter height of 38". The signs may also contain the nature of tenant's business and tenant's logo.
7. **Buildings L, M.** A tenant may have signs on two sides of the building as long as the total sq. ft. of the two signs combined does not exceed 48 sq. ft. with a maximum individual letter size of 36". The signs may also contain the nature of tenant's business and tenant's logo. One wood sign may also be included on the building entry side as part of one of the two signs allowed (with total signage sq. ft. still limited to 48 sq. ft.)
8. **Building N, (Q).** If a tenant leases the front corner closest to to building M, (P), the tenant may have 2 signs per tenant, one facing building M, (P), the other at the front of building N, (Q).
9. **Building P.** If a tenant leases 20,000 sq. ft. or more, the tenant may have two signs with letters up to 30" high for one sign, and up to 30" for a second sign on a different side of the building visible from the interior of the site. The sign may also include the nature of tenant's business (<=12 letters) and tenant's logo.

III. TENANT ADDRESS SIGNAGE CRITERIA

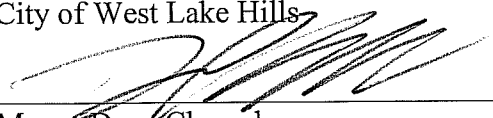
Standard vinyl applied address numerals/letters for identification of tenant's space and hours of operation shall be allowed on tenant's storefront. Numeral/letter height shall be 4". Color to be silver, gold leaf or white.

IV. TENANT SERVICE ENTRY SIGN CRITERIA

Tenant identification on rear or side service doors shall be 5" in height and the color shall be black.

Approved:

City of West Lake Hills



Mayor Dave Claunch

Westlake Retail Limited Partnership
dba WLR Limited Partnership

By: LaSalle Investment Management, Inc., its Authorized Agent

By: 

Name: Colin Bearden

Title: Sr. Property Manager



**VARIANCE PROCEDURES CODE AMENDMENTS
STAFF REPORT**

JUNE 23, 2021

Agenda Item: Ordinance: Discuss and consider action for Approval of an Ordinance of the City of West Lake Hills, Texas, amending Sections 18.03.067, 22.03.513, 26.02.064, 28.03.161, 36.01.013, 38.02.012, 38.05.034, and Appendix A, Section A9.003 of the Code of Ordinances, to modify the enforcement procedures for work performed or completed without a permit and/or variance; and providing for the following: findings of fact; enactment; repealer; severability; penalty; codification; effective date; and proper notice & meeting.

Summary of Proposed Code Amendments:

Staff proposes to amend the Code of Ordinances to expedite the enforcement actions for work performed or completed without permits(s) and/or variance(s).

The goal of these amendments is to provide clearer standards and expedite enforcement actions for work performed without a variance after the application has been denied or withdrawn. Currently, the Code provides that if a variance application is denied or withdrawn, the applicant has 14 days to bring the property into compliance or make an agreement, in writing, with the city administrator regarding a timeframe for bringing the property into compliance. The Code also requires the City to issue a stop work order for work done without a permit/variance that is in effect until a decision on the variance is made.

The proposed amendments reduce the amount of time to ten days and eliminate the written agreement option. After ten days, the City may bring immediate enforcement action for work done without a permit/variance, or work subject to a variance application that was denied/withdrawn. A resulting conviction in municipal court shall not relieve any person from fully complying with any other requirements of the Code.

Staff Recommendation:

Staff recommends approval of the proposed Code amendments.

ORDINANCE NO. 2021-004

AN ORDINANCE OF THE CITY OF WEST LAKE HILLS, TEXAS, AMENDING, SECTIONS 18.03.067, 22.03.513, 26.02.064, 28.03.161, 36.01.013, 38.02.012, 38.05.034, AND APPENDIX A, SECTION A9.003 OF THE CODE OF ORDINANCES, TO MODIFY THE ENFORCEMENT PROCEDURES FOR WORK PERFORMED OR COMPLETED WITHOUT A PERMIT OR VARIANCE; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; PENALTY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE & MEETING.

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the West Lake Hills City Council desires to modify the enforcement procedures for work performed or completed without a permit and/or variance; and

WHEREAS, the City Council desires to update its codes to meet the changing conditions in the City; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City to adopt the following rules.

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

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Chapter 18, Article 18.03, Division 3, Section 18.03.067 of the West Lake Hills Code of Ordinances is hereby amended to read in accordance with *Attachment "A"* which is attached hereto and incorporated into this Ordinance and the City Code for all intents and purposes. Underlined and italicized text shall be added, and struck-through and bracketed text shall be deleted as indicated in *Attachment "A"*.

Chapter 22, Article 22.03, Division 16, Section 22.03.513 of the West Lake Hills Code of Ordinances is hereby amended to read in accordance with *Attachment "B"* which is attached hereto and incorporated into this Ordinance and the City Code for all intents and purposes.

Underlined and italicized text shall be added, and struck-through and bracketed text shall be deleted as indicated in *Attachment “B”*.

Chapter 26, Article 26.02, Division 3, Section 26.02.064 of the West Lake Hills Code of Ordinances is hereby amended to read in accordance with *Attachment “C”* which is attached hereto and incorporated into this Ordinance and the City Code for all intents and purposes. Underlined and italicized text shall be added, and struck-through and bracketed text shall be deleted as indicated in *Attachment “C”*.

Chapter 28, Article 28.03, Division 6, Section 28.03.161 of the West Lake Hills Code of Ordinances is hereby amended to read in accordance with *Attachment “D”* which is attached hereto and incorporated into this Ordinance and the City Code for all intents and purposes. Underlined and italicized text shall be added, and struck-through and bracketed text shall be deleted as indicated in *Attachment “D”*.

Chapter 36, Article 36.01, Section 36.01.013 of the West Lake Hills Code of Ordinances is hereby amended to read in accordance with *Attachment “E”* which is attached hereto and incorporated into this Ordinance and the City Code for all intents and purposes. Underlined and italicized text shall be added, and struck-through and bracketed text shall be deleted as indicated in *Attachment “E”*.

Chapter 38, Article 38.02, Section 38.02.012 of the West Lake Hills Code of Ordinances is hereby amended to read in accordance with *Attachment “F”* which is attached hereto and incorporated into this Ordinance and the City Code for all intents and purposes. Underlined and italicized text shall be added, and struck-through and bracketed text shall be deleted as indicated in *Attachment “F”*.

Chapter 38, Article 38.05, Division 2, Section 38.05.034 of the West Lake Hills Code of Ordinances is hereby amended to read in accordance with *Attachment “G”* which is attached hereto and incorporated into this Ordinance and the City Code for all intents and purposes. Underlined and italicized text shall be added, and struck-through and bracketed text shall be deleted as indicated in *Attachment “G”*.

Appendix A, Article A9.00, Section A9.003 of the West Lake Hills Code of Ordinances is hereby amended to read in accordance with *Attachment “H”* which is attached hereto and incorporated into this Ordinance and the City Code for all intents and purposes. Underlined and italicized text shall be added, and struck-through and bracketed text shall be deleted as indicated in *Attachment “H”*.

3. REPEALER

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed

invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED THIS, THE ____ DAY OF _____, 2021

CITY OF WEST LAKE HILLS:

Linda Anthony, Mayor

ATTEST:

Stephanie Mills, City Secretary

ATTACHMENT “A”

CHAPTER 18 UTILITIES

ARTICLE 18.03 SEWERS

Division 3. On-Site Sewage Facilities

Sec. 18.03.067 Supplemental rules and procedures

...

(12) Variances.

...

(I) If the ~~[after-the-fact]~~ variance application(s) are denied or withdrawn prior to approval, the applicant has ~~[fourteen (14)]~~ *ten (10)* days to bring the property into compliance ~~[or make an agreement, in writing, with the city administrator regarding a timeframe for bringing the property into compliance]~~. If the deviation(s) are not corrected within the ~~[fourteen (14)]~~ *ten (10)* days ~~[or timeframe agreed to, in writing, by the city administrator]~~, immediate enforcement action described by section 2.02.041 of this code may be taken to bring the property into compliance. *A resulting conviction in municipal court shall not relieve any person from fully complying with any other requirement of this chapter.*

.

ATTACHMENT “B”

CHAPTER 22 BUILDING REGULATIONS

ARTICLE 22.03 CONSTRUCTION CODE

Division 16. Application for Variance; Appeal from Denial of Permit

Sec. 22.03.513 Proceeding without a permit or variance

...

(b) If work requiring a permit/variance is begun or completed before a permit is issued/variance is approved, the city administrator shall investigate the circumstances of the failure to obtain such a permit/variance and make a report a part of the permit/variance request. A stop-work order shall be in effect until a decision on approval or denial of a ~~an~~ *after-the-fact* variance is made. Approval of such permit/variance by the city council/city administrator shall not preclude the responsible party from being cited for a violation of this division, and being fined or prosecuted in municipal court.

(c) If the ~~[after-the-fact]~~ variance application(s) are denied or withdrawn prior to approval, the applicant has ~~[fourteen (14)]~~ *ten (10)* days to bring the property into compliance ~~[or make an agreement, in writing, with the city administrator regarding a timeframe for bringing the property into compliance]~~. If the deviation(s) are not corrected within the ~~[fourteen (14)]~~ *ten (10)* days or timeframe agreed to, in writing, by the city administrator, immediate enforcement action described by section 2.02.041 of this code may be taken to bring the property into compliance. *A resulting conviction in municipal court shall not relieve any person from fully complying with any other requirement of this chapter.*

ATTACHMENT “C”

CHAPTER 26 FLOOD DAMAGE PREVENTION

ARTICLE 26.02 FLOOD HAZARD AREAS

Division 3. Administration

Sec. 26.02.064 Variance procedures

...

(l) If the ~~[after-the-fact]~~ variance application(s) are denied or withdrawn prior to approval, the applicant has ~~[fourteen (14)]~~ *ten (10)* days to bring the property into compliance ~~[or make an agreement, in writing, with the city administrator regarding a timeframe for bringing the property into compliance]~~. If the deviation(s) are not corrected within the ~~[fourteen (14)]~~ *ten (10)* days or timeframe agreed to, in writing, by the city administrator, immediate enforcement action described by section 2.02.041 of this code may be taken to bring the property into compliance. *A resulting conviction in municipal court shall not relieve any person from fully complying with any other requirement of this chapter.*

ATTACHMENT “D”

CHAPTER 28 PLANNING AND GENERAL DEVELOPMENT

ARTICLE 28.03 SITE PLANS IN ETJ

Division 6. Variances

Sec. 28.03.161 ~~[After the fact variance]~~ Enforcement

If the ~~[after the fact]~~ variance application(s) are denied or withdrawn prior to approval, the applicant has ~~[fourteen (14)]~~ ten (10) days to bring the property into compliance ~~[or make an agreement, in writing, with the city administrator regarding a timeframe for bringing the property into compliance]~~. If the deviation(s) are not corrected within the ~~[fourteen (14)]~~ ten (10) days or timeframe agreed to, in writing, by the city administrator, immediate enforcement action described by section 2.02.041 of this code may be taken to bring the property into compliance. A resulting conviction in municipal court shall not relieve any person from fully complying with any other requirement of this chapter.

ATTACHMENT “E”

CHAPTER 36 SUBDIVISIONS

ARTICLE 36.01 GENERAL PROVISIONS

Sec. 36.01.013 Criteria for variances

...

(f) If the ~~[after-the-fact]~~ variance application(s) are denied or withdrawn prior to approval, the applicant has ~~[fourteen (14)]~~ ten (10) days to bring the property into compliance ~~[or make an agreement, in writing, with the city administrator regarding a timeframe for bringing the property into compliance]~~. If the deviation(s) are not corrected within the ~~[fourteen (14)]~~ ten (10) days or timeframe agreed to, in writing, by the city administrator, immediate enforcement action described by section 2.02.041 of this code may be taken to bring the property into compliance. A resulting conviction in municipal court shall not relieve any person from fully complying with any other requirement of this chapter.

ATTACHMENT “F”

CHAPTER 38 ZONING

ARTICLE 38.02 BOARD OF ADJUSTMENT

Sec. 38.02.012 ~~[After the fact variances]~~ Enforcement

If the ~~[after the fact]~~ variance application(s) are denied or withdrawn prior to approval, the applicant has ~~[fourteen (14)]~~ ten (10) days to bring the property into compliance ~~[or make an agreement, in writing, with the city administrator regarding a timeframe for bringing the property into compliance]~~. If the deviation(s) are not corrected within the ~~[fourteen (14)]~~ ten (10) days or timeframe agreed to, in writing, by the city administrator, immediate enforcement action described by section 2.02.041 of this Code may be taken to bring the property into compliance.

ATTACHMENT “G”

CHAPTER 38 ZONING

ARTICLE 38.05 ADMINISTRATION AND ENFORCEMENT

Division 2. Variances

Sec. 38.05.034 Procedure

...

(k) ~~[After the fact variance requests.]~~ Proceeding without a variance. If work requiring a variance is begun or completed before obtaining approval of the variance, the city administrator shall investigate the circumstances of the failure to obtain such a variance and make the report a part of the variance request application. A stop-work order shall be in effect until a decision on approval or denial is made. Approval of such variance by the board of adjustment shall not preclude the responsible party from being cited for a violation of this chapter and being prosecuted in municipal court pursuant to section 38.05.064. If the ~~[after-the-fact]~~ variance application(s) are denied or withdrawn prior to approval, the applicant has ~~[fourteen (14)]~~ ten (10) days to bring the property into compliance ~~[or make an agreement, in writing, with the city administrator regarding a timeframe for bringing the property into compliance]~~. If the deviation(s) are not corrected within the ~~[fourteen (14)]~~ ten (10) days or timeframe agreed to, in writing, by the city administrator, immediate enforcement action described by section 2.02.041 of this Code may be taken to bring the property into compliance. A resulting conviction in municipal court shall not relieve any person from fully complying with any other requirement of this chapter.

ATTACHMENT “H”

APPENDIX A FEE SCHEDULE

ARTICLE A9.00 BUILDING AND DEVELOPMENT FEES

Sec. A9.003 Building

- (a) New commercial permit: \$6,300.00 plus:
 - (1) \$0.10 per square foot for all construction under 10,000 square feet; or
 - (2) \$0.25 per square foot for all construction of 10,000 square feet or greater.
 - (3) \$2,000.00 drainage review fee.
 - (4) \$200.00 outdoor lighting review fee, if applicable.
- (b) New residential permit (initial application)*: \$3,050.00 plus:
 - (1) \$0.10 per square foot for all construction under 7,000 square feet; or
 - (2) \$0.25 per square foot for all construction of 7,000 square feet or greater.
 - (3) Drainage review fees as follows:
 - (A) Type I application: \$500.00;
 - (B) Type II application: \$1,000.00;
 - (C) Type III application: \$1,500.00.
 - (4) \$100.00 outdoor lighting review fee, if applicable.
 - (5) \$750.00 inspections/technical code review fee.
- (c) New residential permit (first extension): \$4,575.00 plus:
 - (1) \$0.10 per square foot for all construction under 7,000 square feet; or
 - (2) \$0.25 per square foot for all construction of 7,000 square feet or greater.
- (d) New residential permit (second extension): \$7,625.00 plus:
 - (1) \$0.10 per square foot for all construction under 7,000 square feet; or

- (2) \$0.25 per square foot for all construction of 7,000 square feet or greater.
- (e) New residential permit (third extension): \$9,150.00 plus:
 - (1) \$0.10 per square foot for all construction under 7,000 square feet; or
 - (2) \$0.25 per square foot for all construction of 7,000 square feet or greater.
- (f) Commercial remodel: \$2,180.00–\$4,740.00 (\$2,180.00 base permit fee plus \$640.00 per each \$100,000.00 of construction costs) plus \$0.10 per square foot, plus technical review and inspection fees listed below:
 - (1) \$400.00 inspections/technical review fee.
 - (2) \$1,000.00 drainage review fee, if applicable.
 - (3) \$100.00 outdoor lighting review fee, if applicable.
- (g) Commercial addition: \$2,900.00–\$5,460.00 (\$2,900.00 base permit fee plus \$640.00 per each \$100,000.00 of construction costs) plus \$0.10 per square foot, plus technical review and inspection fees listed below:
 - (1) \$1,000.00 drainage review fee.
 - (2) \$100.00 outdoor lighting review fee, if applicable.
 - (3) \$500.00 inspections/technical review fee.
- (h) Residential remodel: \$500.00 plus \$0.10 per square foot, plus technical review and inspection fees listed below:
 - (1) Drainage review fees as follows:
 - (A) Type I application: \$500.00;
 - (B) Type II application: \$1,000.00;
 - (C) Type III application: \$1,500.00 (if applicable).
 - (2) \$100.00 outdoor lighting review fee, if applicable.
 - (3) \$400.00 inspections/technical review fee.
- (i) Residential addition: \$500.00 plus \$0.10 per square foot, plus technical review and inspection fees listed below:
 - (1) Drainage review fees as follows:
 - (A) Type I application: \$500.00;

- (B) Type II application: \$1,000.00;
- (C) Type III application: \$1,500.00 (if applicable).
- (2) \$100.00 outdoor lighting review fee, if applicable.
- (3) \$400.00 inspections/technical review fee.
- (j) Swimming pool: \$1,440.00 + \$0.10/square foot, plus technical review and inspection fees listed below:
 - (1) Drainage review fees as follows:
 - (A) Type I application: \$500.00;
 - (B) Type II application: \$1,000.00;
 - (C) Type III application: \$1,500.00 (if applicable).
 - (2) \$100.00 outdoor lighting review fee, if applicable.
 - (3) \$275.00 inspections/technical review fee.
 - (k) Utility development (each mile): \$500.00.
 - (l) Structure movement (through): \$150.00.
 - (m) Structure movement (into): \$350.00.
 - (n) Consultant, per request: \$200.00 or cost.
 - (o) Consultant, per hour: \$200.00 or cost.
 - (p) Each variance or appeal:
 - (1) Commercial \$750.00.***
 - (2) Residential: \$500.00.***
 - (q) Building demolition:
 - (1) Residential: \$100.00.
 - (2) Commercial: \$500.00.
 - (r) Oak wilt, each permit: \$150.00 for residential, \$300.00 for commercial.
 - (s) Plumbing inspections: \$500.00 (see applicable inspections fees listed under individual

permit types).

(t) Landscaping:

(1) Tree application: No fee.

(2) Tree removal and replacement for nondiseased trees between ten (10) inches and less than fourteen (14) inches (section 22.03.301 et seq.): \$150.00 per caliper inch.

(3) Tree removal and replacement for nondiseased trees fourteen (14) inches and greater (section 22.03.301 et seq.): \$200.00 per caliper inch.

(4) Unauthorized tree removal for nondiseased trees (section 22.03.301 et seq.): \$500.00 per caliper inch.

(u) Unified development agreement application:

(1) Commercial: \$500.00.

(2) Residential: \$250.00.

(v) Fence permit application: \$250.00 for residential, \$500.00 for commercial.

(w) Mailbox permit application: \$100.00.

In addition to the standard fee, professional services fees may be required depending on the nature of the request (see section A9.007).

*** An additional fee of \$150.00 will be added for notification costs.

* An initial deposit of double the initial permit fee shall be submitted upon application for a residential building permit.

Note: For work done without a variance, building permit, or special use permit, ~~[all after the fact variance applications, building permit applications and special use applications,]~~ all application fees will be doubled.



PERMIT DURATION CODE AMENDMENTS STAFF REPORT

JUNE 23, 2021

Agenda Item: Ordinance: Discuss and Consider Action on an Ordinance of the City of West Lake Hills Amending Chapter 22, Article 22.03 of the Code of Ordinances, to Reduce the Length of Certain Permits.

Summary of Proposed Code Amendments:

Staff proposes to amend Chapter 22 of the Code of Ordinances to reduce the length of certain permits.

Permits, Generally

Currently, the Code provides that a permit, other than one for a fence and associated screening vegetation or for demolition, expires if the building, construction, or work authorized by such permit is not completed according to the approved plans and specifications within 24 months from the date such permit is approved. After permit expiration, the applicant can obtain a 12-month extension if the certain conditions are met, and the work has not been suspended or abandoned for a period exceeding 12 months.

The proposed Code amendments reduce the permit length to 12 months and the permit extension length to 6 months. To obtain approval for a permit extension, the work must have not been suspended or abandoned for a period exceeding 6 months.

Fence Permits

The proposed Code amendments reduce the fence permit length to 6 months and the commencement time to 60 days (or a date specified by the city council to accommodate the next favorable growing season, whichever is later).

Tree Removal Permits

The proposed Code amendments reduce the tree removal permit length to one year and the commencement time to 60 days.

Staff Recommendation:

Staff recommends approval of the proposed Code amendments.

ORDINANCE NO. 2021-005

AN ORDINANCE OF THE CITY OF WEST LAKE HILLS, TEXAS, AMENDING CHAPTER 22, ARTICLE 22.03, OF THE CODE OF ORDINANCES, TO REDUCE THE LENGTH OF CERTAIN PERMITS; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; PENALTY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE & MEETING.

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the West Lake Hills City Council desires to reduce the length of certain permits; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of West Lake Hills to adopt an ordinance amending Chapter 22: Building Regulations.

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

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Chapter 22, Article 22.03, Division 4, Section 22.03.137 of the West Lake Hills Code of Ordinances is hereby amended to read in accordance with *Attachment "A"* which is attached hereto and incorporated into this Ordinance and the City Code for all intents and purposes. Underlined and italicized text shall be added, and struck-through and bracketed text shall be deleted as indicated in *Attachment "A"*.

Chapter 22, Article 22.03, Division 5, Section 22.03.173 of the West Lake Hills Code of Ordinances is hereby amended to read in accordance with *Attachment "B"* which is attached hereto and incorporated into this Ordinance and the City Code for all intents and purposes. Underlined and italicized text shall be added, and struck-through and bracketed text shall be deleted as indicated in *Attachment "B"*.

Chapter 22, Article 22.03, Division 9, Section 22.03.303 of the West Lake Hills Code of Ordinances is hereby amended to read in accordance with *Attachment "C"* which is attached hereto and incorporated into this Ordinance and the City Code for all intents and purposes.

Underlined and italicized text shall be added, and struck-through and bracketed text shall be deleted as indicated in *Attachment "C"*.

3. REPEALER

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED THIS, THE ____ DAY OF _____, 2021

CITY OF WEST LAKE HILLS:

Linda Anthony, Mayor

ATTEST:

Stephanie Mills, City Secretary

ATTACHMENT “A”

CHAPTER 22 BUILDING REGULATIONS

ARTICLE 22.03 CONSTRUCTION CODE

Division 4. Permits and Inspections

Sec. 22.03.137 Expiration

(a) Any permit, other than one for a fence and associated screening vegetation or for demolition issued under the provisions of this article shall expire if the building, construction, or work authorized by such permit is not commenced within 60 days from the date such permit is approved, or if the building, construction, or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of [~~12~~] 6 months. A permit for a fence and associated screening vegetation shall expire if the construction of the fence and the planting of the associated screening vegetation has not commenced within 60 days or on a date specified by the city council to accommodate the next favorable growing season, whichever is later. A permit for demolition shall expire in accordance with the provisions of division 18 of this article. Notwithstanding the preceding sentences, a permit, other than one for a fence and associated screening vegetation or for demolition, expires if the building, construction, or work authorized by such permit is not completed according to the approved plans and specifications within [~~24~~] 12 months from the date such permit is approved. A permit for a fence and associated screening vegetation expires if the fence is not completed and the screening vegetation is not entirely established according to the approved plans and specifications within six months of the approval date of the permit.

(b) Before any such work can be resumed, an extension to the permit shall first be obtained; the fee for which shall be set by the city council in a standard fee schedule. The city administrator may approve such extensions, provided that:

(1) No changes have been made or will be made in the original plans and specifications for such work;

(2) Any suspension or abandonment of construction has not exceeded [~~twelve (12)~~] six (6) months. A permit under the construction code shall be considered suspended if construction has “substantially ceased” during the [~~12~~] 6 month period. A permit under the construction code shall be considered abandoned if construction has “completely ceased” during the [~~12~~] 6 month period; and

(3) The additional fees for extension of the permit, if any, are paid pursuant to the amounts set by the city fee schedule.

(c) Except for extensions for demolition permits, any extension approved by the city administrator will be valid for [~~twelve (12)~~] six (6) months from the date of approval. Extensions for demolition permits shall be in accordance with the provisions of division 18 of this article.

(d) The permit shall only be renewed if the applicant has commenced construction during the term of the original permit. The maximum number of extensions shall be limited to three (3).

ATTACHMENT “B”

CHAPTER 22 BUILDING REGULATIONS

ARTICLE 22.03 CONSTRUCTION CODE

Division 5. Minimum Standards for Residential Buildings

Sec. 22.03.173 Fences

(a) In approving permits to construct fences, the city shall be guided by their appropriateness to the character of the neighborhood and the rights of adjacent landowners to views and prevailing breezes.

(b) Unless required by an applicable international, national, or uniform code adopted by the city, fences in general, and “front-yard” fences in particular, are discouraged or limited by the city with due regard to the rights of privacy and security inherent in the ownership of property. This policy derives from the desire to preserve the rural nature and aesthetic attractiveness of the environs and to facilitate the safe movement of people, wildlife, and vehicles about the city.

(c) Definitions.

Fence. A barrier enclosing or bordering a field, yard, etc., usually made of posts and wire or wood, used to prevent entrance, to confine, or to mark a boundary.

Front-yard fence. A fence that runs generally parallel to property lines abutting any public or private streets and is constructed or serves to prevent or hinder ingress onto or through a property from the direction of the public or private street.

Gate. A door or frame that closes an opening in a wall or fence.

Retaining wall. A wall for holding in place a mass of earth or the like, as at the edge of a terrace or excavation.

Security access box. A small, wall-mounted safe that holds building keys for fire departments, emergency medical services, and sometimes police to retrieve in emergency situations. Local fire companies can hold master keys to all boxes in their response area, so that they can quickly enter a building without having to force entry or find individual keys held in deposit at the station. Also known as a Knox Box® Rapid Entry System.

Walls. A masonry structure enclosing space (e.g., field, yard); for purposes of this section, a wall is considered a type of fence.

(d) Requirements.

(1) General requirements. All fences, especially and particularly those built along streets or on common property lines, shall be well maintained and pleasing to the eye. Fences shall be constructed so that both sides are finished and identical or so

that the finished side is the exterior side, that is, the side facing adjacent lots or streets. For fences that have support posts or structures on only one side of the fence, that side shall be the interior side, that is, the side facing toward the property and structure. Fences shall be muted in color to prevent domination of the landscape or the structures they contain. Fences constructed of materials with a bright or shiny finish must be primed and painted a natural color to comply with this provision.

(2) Prohibited materials. The use of barbed wire or any other sharp, pointed, or penetrating materials to build new fences is prohibited. Existing fences made of barbed wire, or any sharp, pointed, or penetrating material may not be lengthened or altered except to redesign them in accordance with this regulation.

(3) Subdivision fence. A subdivision fence/wall or one designed to enclose more than one lot is prohibited unless there is common ownership of the lots or parcels of land sought to be fenced. Fencing of subdivisions or of more than one lot prior to the sale of individual lots is prohibited also.

(4) Swimming pool barriers. Swimming pool barriers must conform to sections 22.03.167, 22.03.207 and any applicable international, national, or uniform code adopted by the city.

(5) Gated driveways. Gated driveways shall be constructed so that entering/exiting vehicles will be completely off the street when stopped to open/close the gate. Driveway gates shall open parallel to, or away from, the street and shall comply with the setback distances provided for in subsection (6)(B) below. Electric or electronically controlled driveway gates shall have an emergency power source as an integral component of the system. All gates that are capable of being locked, and that are constructed after the effective date of this section shall be equipped with a security access box approved by the county emergency services district No. 9. All gates that are capable of being locked and that are in existence on or prior to the effective date of this section must be retrofitted to be equipped with a security access box approved by the county emergency services district No. 9 within 6 months of the effective date of this section.

(6) Front-yard fence requirements.

(A) Front-yard fences shall:

(i) Be landscaped on the side(s) facing the street(s) with native vegetation from the city's recommended plant list so that a minimum of 80% of the total area of the front-yard fence exposed to the streetscape is effectively screened from view;

(ii) Be constructed to allow a minimum of 80% visibility through the front-yard fence prior to the installation of the landscaping required in subsection (6)(A) above;

(iii) Blend in with their natural surroundings in both color (e.g., brown, black, rust, etc.) and texture and by means of landscaping.

(iv) Have columns, posts, supports, or other components that are made of metal (excepting chainlink), brick, rock, stone, or wood in order to complement the principal structure on the property and the natural surroundings.

(B) Except as may be required by subsection (5) above, the setback distance for a front-yard fence shall be determined as follows:

(i) For lots less than 0.75 acre, the minimum front setback distance for front-yard fences shall be 20 feet from the nearest pavement edge of the public or private street, provided that no fence shall be constructed in the right-of-way.

(ii) For lots 0.75 acre and larger, the minimum front setback distance for front-yard fences shall be 30 feet from the nearest pavement edge of the public or private street, provided, that no fence shall be constructed in the right-of-way.

(iii) Rear and side setbacks set forth in section 22.03.281 do not apply to front-yard fences.

(7) Side and rear fences. Fences may be located on side and rear property lines that do not face or abut public or private streets. If a fence on a side property line extends toward a public or private street, the side yard fence shall end at a point along the side property line so as to conform to the setback distances stated in subsection (6)(B) above.

(8) Walls. Walls are considered a type of fence. Walls used as front-yard fences are treated as accessory structures and shall:

(A) Have the same front setback requirements as a principal building under the appropriate category in section 22.03.281;

(B) Meet all front-yard fence requirements stated in subsection (6) of this section, except for subsection (6)(A)(ii).

(9) Height of fences.

(A) Fences shall not exceed of 6 feet in height per side on or parallel to each property line measured from existing natural ground level.

(B) A fence that is electrified shall be no more than 4 feet in height measured from existing natural ground level.

(10) Fence permit.

(A) Front-yard fences that comply with the front-yard fence criteria may be approved by the city administrator. The city administrator may approve permits for “side-yard” or “rear-yard” fences, i.e. those that are behind the front-yard fence setback and that are on or parallel to side or rear property lines. The city administrator may also approve the use of temporary fences for limited and specific purposes for time periods of a year or less. All fence applications not approved by the city administrator or fences that require variances require ZAPCO review and city council approval.

(B) Applications for a permit to erect a fence, besides a front-yard fence, shall include a site plan, a detailed description and dimensions of the proposed fence. Front-yard fence permit applications shall include:

(i) A street-view elevation drawing at one-quarter scale equals one foot, showing the proposed fence and related improvements, the entire street frontage, and any related structures;

(ii) A site/landscape plan, at no less than ten scale, showing all structures, existing and proposed vegetation, and the materials and colors of the proposed fence;

(iii) A depiction of the growth and size of the vegetation three years from planting;

(iv) A scale drawing of a typical elevation of fence from post to post, showing the support structure, picket/slat size and shape, the amount of visible space between each picket/slat, and any other design details or features that will be visible from the exterior or street frontage side of the fence.

(C) A permit for a fence and associated screening vegetation shall expire if construction of the fence and the planting of the associated screening vegetation has not commenced within ~~[90]~~ 60 days or a date specified by the city council to accommodate the next favorable growing season, whichever is later. Notwithstanding the preceding sentence, a permit for a fence and associated screening vegetation expires if the fence is not completed and the screening vegetation is not entirely established according to the approved plans and specifications within ~~[12]~~ 6 months of the approval date of the permit. Before resuming work, a new permit must be obtained in accordance with section 22.03.137(b).

(11) Reconstruction of fence. Should 50% or more of any fence, as determined by the city inspector, be destroyed by any means, reconstruction of such fence shall conform to the provisions of this section.

(12) Vacant lot. Fences are prohibited on a vacant lot.

ATTACHMENT “C”

CHAPTER 22 BUILDING REGULATIONS

ARTICLE 22.03 CONSTRUCTION CODE

Division 9. Trees and Vegetation

Sec. 22.03.303 Required permits and tree survey

(a) Prohibition. No trees or vegetation may be removed from any property except as allowed under subsections (b), (c) or (d) below. Anyone wishing to remove trees or vegetation under any other conditions must receive a variance from the city.

(b) No-fee permit. A no-fee permit issued by a city inspector is required to remove:

(1) Single tree. A single tree with a trunk diameter of less than ten (10) inches (as measured at a point 54 inches above the ground) once per calendar year.

(2) Understory vegetation. In order to establish a small yard or septic field only when deemed appropriate by the city inspector, except as allowed in subsection (3) below.

(3) New construction. Trees or vegetation for any new construction or expansion of structures, driveways, parking areas or a small yard not visible from streets or adjacent properties at an elevation consistent with a site plan and/or building permit previously approved/issued by the city. In such cases, an additional building permit is required under article 22.03 of this code. Please see subsection (4) below for additional replacement requirements related to new construction.

(4) Fire safety buffer zone.

(A) Trees less than twelve (12) inches in diameter (as measured at a point fifty-four (54) inches above the ground) and understory vegetation to establish a “fire safety buffer zone” (FSBZ) as part of fireescaping according to Firewise Landscape Design and The Texas Forest Service at Texas A&M, which is defined as an area of land extending up to thirty (30) feet from the perimeter of habitable structures established for fire prevention purposes.

(B) This FSBZ may be expanded, upon approval of the city inspector, to include an area up to one hundred (100) feet from the perimeter of habitable structures for those lots having down slopes in excess of 25% below the habitable structure only for the removal of Ashe Junipers (commonly referred to as “cedars”) if less than twelve (12) inches in diameter as measured at a point fifty-four (54) inches above the ground.

(C) Trees removed to establish a FSBZ, as described in this subsection, do not require replacement, except:

(i) Full replacement inches are required for trees and vegetation removed to establish the FSBZ in the proposed footprint of any new construction or expansion of structures within a FSBZ within five (5) years of issuance of the permit for the FSBZ.

(ii) Full replacement inches are required for trees and vegetation removed to expand a FSBZ (related to new construction) within five (5) years of issuance of the permit for a prior FSBZ.

(5) Non-native invasive species tree(s) or plant(s). Non-native invasive species trees, plants and shrubs do not require replacement as long as the city arborist/inspector identifies them as such and stipulates that no adverse effect of erosion will occur from the removal. In the case of non-native invasive shrubs or understory that serve as understory vegetative screening at external perimeter of property, the city inspector may require replacement native vegetative screening to be installed along the periphery of the property when, at the city inspector's discretion, the screening is necessary and reasonable to mitigate the community impact of the loss of the removal and to maintain the rural feel of the neighborhood.

(6) When removing live conifers and Juniperus species (commonly referred to as "cedars") of three (3) inches in diameter or less as measured at a point fifty-four (54) inches above the ground as a fire prevention measure whether inside or outside of a fire safety buffer zone. Trees removed in accordance with this subsection do not require replacement.

(7) When removing diseased, dying or dead trees, or a tree that poses an imminent or immediate threat to persons or property as determined by the city inspector or city administrator, under the following conditions:

(A) The property owner must submit a request for the permit to the city inspector specifying the affected species, location, and trunk diameter, including a description of the threat if applicable.

(B) If the city inspector concurs with the property owner's assessment of the condition of the tree, then the permit shall be issued.

(C) If the city inspector does not concur with the property owner's assessment of the condition of the tree, then the property owner shall have the right to submit a signed letter from a certified arborist identifying the specific disease, condition from which the tree suffers, or the threat it poses and providing a professional justification for the tree's removal. The city administrator shall then consider the arborist's letter and determine if a permit is warranted. If the city administrator does not approve the permit, then the applicant may appeal the decision to the city council.

(D) In all cases, the permit for removal must be received prior to removal of the tree except as otherwise provided for in subsection (c) below.

(c) Timing for no-fee permit. The no-fee permit must be received prior to removal except when said trees or vegetation have naturally fallen onto a structure and/or are blocking a driveway, sidewalk or other means of egress from a property or structure. In such cases, the permit must be secured by the end of the next business day. Any tree stump(s) must be left in place until the city inspector has come on-site to measure the stump(s) for the purpose of determining the replacement requirements (if any).

(d) Exception.

(1) A permit is not required to remove trees or vegetation in the following instances:

(A) When the vegetation removal is considered common household gardening or ground care.

(B) When pruning live trees so that no more than 25% of a tree's live foliage shall be trimmed off or pruned per year. The Texas Forest Service at Texas A&M's best management practices recommends removing no more than 25% of the live foliage within the tree canopy in an annual growing season. Refer to article 24.04 regarding pruning times and methods for Oak Wilt prevention.

(C) When removing dead vegetation, dead brush piles, and other flammable dead organic material.

(D) Limbing-up. When removing dead or living limbs to reduce the fuel ladder effect as follows:

(i) Trees that are fifteen (15) feet or higher may be limbed up to nine (9) feet;

(ii) Trees that are twenty (20) feet or higher may be limbed up to twelve (12) feet if they are within 30 feet of a habitable structure;

(iii) In all cases, no more than 25% of the tree's live foliage may be removed per year.

(2) Exemption from the requirement to obtain a permit does not exempt a person from adhering to the Code of Ordinances.

(e) Permit application process. Each application for a tree removal permit shall be made by the owner of the property or by the owner's authorized agent. Applicants may contact the city by phone, U.S. mail, fax, email or in person to request an appointment with the city inspector who will conduct an on-site meeting with the applicant in order to document the size, species, location and condition of the tree(s) to be removed. If granted by the city inspector in accordance with subsection (f) below, the applicant will receive a copy of the approved application to serve as the permit for display per subsection (g) below and the city shall retain a copy for its records.

(f) Issuance. The city inspector shall issue the proper permit once the completed application providing the relevant criteria defined in this division have been met.

(g) Display. The property owner must display the permit near the mailbox or primary entrance to the property for the duration of the vegetation removal process.

(h) Expiration. Tree removal permits issued in accordance with this section for new construction shall expire [~~two (2) years~~] one (1) year from the date of issuance. If the associated building permit issued for the new construction expires or is revoked for any reason, then the tree removal permit shall expire as well. All other permits issued for removal in accordance with this section shall expire [~~ninety (90)~~] within sixty (60) days from the date such permit is approved.

(i) Tree survey. Applications for tree removal variances where no construction is involved, and thus bypasses ZAPCO going directly to the city council, must include a tree survey.



NO LEFT/RIGHT TURN CODE AMENDMENTS STAFF REPORT

JUNE 23, 2021

Agenda Item: Ordinance: Discuss and Consider Action on an Ordinance on the Repeal of No Left Turns on Bee Cave Road and No Right Turns on Reveille Road.

Summary of Proposed Code Amendments:

Staff proposes to amend the Code of Ordinances to repeal sections of the Code prohibiting Left Turns Eastbound on Bee Cave Road during certain times and Right Turns Northbound on Reveille Road during certain times.

Currently, the Code prohibits a driver traveling eastbound on Bee Cave from turning left onto Buckeye Trail, McConnell Drive, Westhaven Drive, or Reveille Road from 7:00 a.m. to 9:00 p.m. or a driver traveling northbound on Reveille Road from turning right onto Rocky River Road from 7:00 a.m. to 9:00 p.m.

The ordinance provisions at issue were enacted before the completion of certain street improvements. Now that the improvements have been completed, the placement of “No Left Turn” signs on Bee Cave Road at its intersections with Buckeye Trail, McConnell Drive, Westhaven Drive and Reveille Road and “No Right Turn” signs on Reveille Road at its intersections with Rocky River Road is no longer necessary to ensure the safe ingress and egress of vehicular traffic upon the public streets of the City of West Lake Hills. The proposed Code amendments remove the prohibitions discussed above.

Staff Recommendation:

Staff recommends approval of the proposed Code amendments.

ORDINANCE NO. 2021-006

AN ORDINANCE OF THE CITY OF WEST LAKE HILLS, TEXAS, REPEALING CHAPTER 16, ARTICLE 16.04, DIVISION 2 OF THE CODE OF ORDINANCES PROHIBITING LEFT TURNS EASTBOUND ON BEE CAVE ROAD DURING CERTAIN TIMES FROM CERTAIN STREETS AND AUTHORIZING THE INSTALLATION OF NO LEFT TURN TRAFFIC CONTROL DEVICES; REPEALING CHAPTER 16, ARTICLE 16.04, DIVISION 3 OF THE CODE OF ORDINANCES PROHIBITING RIGHT TURNS NORTHBOUND ON REVEILLE ROAD DURING CERTAIN TIMES FROM CERTAIN STREETS AND AUTHORIZING THE INSTALLATION OF NO LEFT TURN TRAFFIC CONTROL DEVICES PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; REPEAL OF SECTIONS 16.04.031-16.04.033 AND 16.04.061-16.04.063; REPEALER; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of West Lake Hills (“City Council”) finds and determines that the placement of “No Left Turn” signs on Bee Cave Road at its intersections with Buckeye Trail, McConnell Drive, Westhaven Drive and Reveille Road from 7 a.m. to 9 p.m. is no longer necessary in order to ensure the safe ingress and egress of vehicular traffic upon the public streets of the City of West Lake Hills; and

WHEREAS, the City Council of the City of West Lake Hills (“City Council”) finds and determines that the placement of “No Right Turn” signs on Reveille Road at its intersections with Rocky River Road from 7 a.m. to 9 p.m. is no longer necessary in order to ensure the safe ingress and egress of vehicular traffic upon the public streets of the City of West Lake Hills; and

WHEREAS, the City Council finds that it has authority to remove traffic control signs on its streets in its city limits pursuant to Chapters 311 and 544 of Texas Transportation Code and Chapter 311 of the Texas Government Code; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City Council finds that the amendments imposed by this Ordinance are characterized as reasonable, necessary, and proper for the good government of the City of West Lake Hills.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST LAKE HILLS, THAT:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. REPEAL

Chapter 16, Article 16.04, Division 2, No Left Turns, including sections 16.04.031 through 16.04.033 of the West Lake Hills Code of Ordinances is hereby repealed in its entirety.

Chapter 16, Article 16.04, Division 3, No Right Turns, including sections 16.04.061 through 16.04.063 of the West Lake Hills Code of Ordinances is hereby repealed in its entirety.

3. REPEALER

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED & APPROVED THIS, THE ____ DAY OF _____, 2021

CITY OF WEST LAKE HILLS:

Linda Anthony, Mayor

ATTEST:

Stephanie Mills, City Secretary



SIGN VARIANCE STAFF REPORT

June 23, 2021

Project Address: 3625 Bee Cave Road

Project Number: 16626

Agenda Item: Land Use: **3625 Bee Cave Road**, Discussion/recommendation on an application for a variance request for a sign variance. (West Lake Hills Code Sec. 32.01.016). Casey Britten and Yoshiro Hatsuno.

Applicant Information: Casey Britten and Yoshiro Hatsuno

Hearing Dates:

June 16, 2021 ZAPCO

June 23, 2021 City Council

Location: The subject property fronts Bee Cave Road along the commercial corridor and is a retail gas station.

Zoning & Site Characteristics:

The subject property is zoned Business B2.

The site is surrounded by commercial and residential uses.

Background & Analysis:

The applicant is requesting to reface an existing monument sign with new faces and retrofitting the existing lighting with LEDs.

Variance Criteria Review:

When applying for a variance, the applicant has established by competent evidence that:

- 1. The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.**
The application states – *“Failing to use new technology that has become standard for the brand will create a marketing disadvantage and cause additional work for our employees sometimes multiple times per day. Further, if we do not update and modernize our signage our business will appear antiquated compared to competition in the area.”*
- 2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.**
The application states – *“There will be no impact on flora, this is a face change to an existing sign only.”*

3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.

The application states – *“The alternative to updating these faces would be leaving the existing signage which creates increased work for employees and a marketing disadvantage for our company.”*

4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.

The application states – *“This requested new sign will easily and clearly convey gas prices to customers utilizing technology.”*

5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.

The application states – *“This is not a constantly changing message board, the gas prices will remain stationary and not cause any distraction.”*

6. The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.

The application states – *“There is already an existing sign including gas prices, the reface of this sign and changing the existing pricer to a reader board will create an improved aesthetic for neighbors and, because the numbers are stationary, it will not be a distraction. Customers will also more readily be able to see prices.”*

Outdoor Lighting

Outdoor lighting is not proposed with this variance request. Any outdoor lighting will need to comply with the City’s Code.

Compliance with Adopted Uniform 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 existing and future land use is in conformance with the City of West Lake Hills Master Plan.

ZAPCO Recommendation:

On Wednesday, June 16, 2021, the ZAPCO Commission held a public hearing for this case and forwarded a recommendation to the City Council for DENIAL with a vote of 4 - 1.

Staff Recommendation:

Staff recommends DENIAL based on the following findings of fact:

- There are no existing special circumstances resulting in a physical hardship.
- The request is not in harmony with the intent of the City Sign Ordinance and Comprehensive Plan.

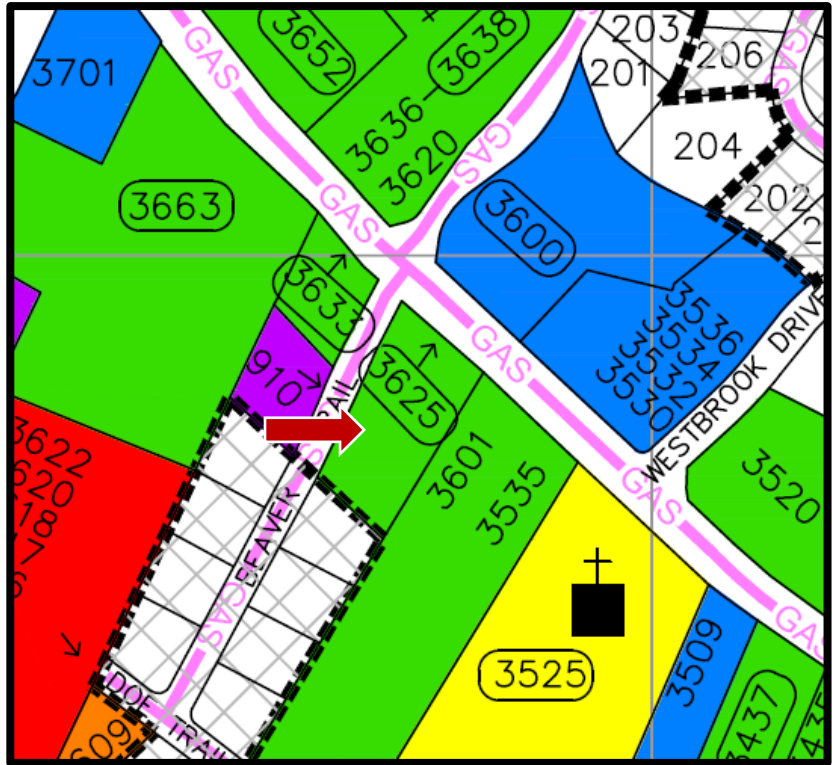
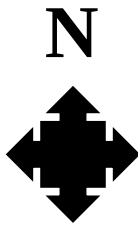
Links to Relevant Code:

- [Sec. 32.01.016 Schedule of Regulations](#)

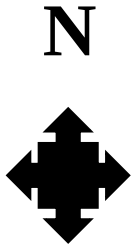
- **Sec. 22.03.514 Criteria and process required for granting variance**

ZONING MAP

R-1 ONE FAMILY RESIDENTIAL
R-2 MULTI-FAMILY RESIDENTIAL
R-3 TRANSITIONAL
O OFFICE
B-1 BUSINESS 1
B-2 BUSINESS 2
B-3 BUSINESS 3
GUI GOVERNMENT, UTILITY INSTITUTIONAL



AERIAL PHOTO





SPECIAL POWER OF ATTORNEY FORM

KNOW ALL PERSONS BY THIS DOCUMENT that I, Yoshihiro Hatsuno
have made, constituted and appointed Casey Britten
to be my duly authorized representative in connection with an application dated 4.29.2021,
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.

Yoshihiro Hatsuno
Property Owner/Applicant Name

[Signature]
Property Owner/Applicant Signature

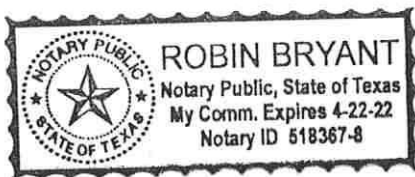
3200 Hackberry Rd. Irving
Street Address City

TX 75063
State Zip Code

972-828-7011
Property Owner/Applicant Phone Number

This instrument was acknowledged before me on this the 14 day of April, 20 21.

Robin Bryant
Notary Public in and for the State of Texas



VARIANCE 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 & PROPERTY 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: 7-Eleven, Inc Phone: 972-828-7011

Email: _____

Address: 3200 Hackberry Road City: Irving State: TX Zip: 75063

Agent*: Yoshihiro Hattuno ^{Casey Britten} Phone: 972-828-7543 210-771-5143

Email: Yoshihiro.Hattuno@7-11.com casey@ihangsigns.com

Address: 10803 Gulfdale Dr, Ste 209 City: San Antonio State: TX Zip: 78216

Property Address: 3625 Bee Cave Road City: West Lake Hills State: TX Zip: 78746

Property Information

Subdivision Name: Sam B. Griffin Subdivision

Block: _____ Lot: One TCAD Tax Parcel ID: 2002105079

Current Zoning Classification: B2 (Business 2 District) Total Lot Size (Acres): 1.02 Acres

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

PROJECT INFORMATION

Please list all variances being applied for: (Please be detailed-for tree variances, must include tree #, size, species; setback variances-which setback and how far is requested encroachment; for height specify how much height being requested; etc.)

- 1) Refacing existing monument sign and retrofitting to LED's
- 2) _____
- 3) _____
- 4) _____
- 5) _____



VARIANCE APPLICATION

- 6) _____
7) _____
8) _____
9) _____
10) _____

Brief Description of project/why variances are needed: Refacing an existing monument sign with new

faces and retrofitting the lighting to LED's. The variance is needed due to Sec. 32.01.016 - Prohibited Signs:
states LED's and changeable sign faces proposed do not meet standards and changeable electronic variable
message signs, digital signs and light emitting LED signs are prohibited.

Variance Questionnaire (*Applicant must demonstrate a hardship for variance request. The ZAPCO Commissioners, Board of Adjustment/City Council consider these responses when evaluating your application.*)

1) Describe in detail any special conditions you believe will result in unnecessary hardship to you if the terms of this ordinance are strictly or literally enforced.

Failing to use new technology that has become standard for the brand will create a marketing
disadvantage and cause additional work for our employees sometimes multiple times per day.
Further, if we do not update and modernize our signage our business will appear antiquated
compared to competition in the area.

2) Why do you think the natural terrain and existing flora will not be unreasonably disrupted or destroyed if the variance you are requesting is granted?

There will be no impact on flora, this is a face change to an existing sign only.

3) What other alternatives have you considered? Why won't those other options alleviate the difficulty or hardship that you think exists?

The alternative to updating these faces would be leaving the existing signage which creates
increased work for employees and a marketing disadvantage for our company.

4) Why do you believe the variance you are requesting is the minimum required to alleviate the difficulty or hardship you think exists?

This requested new sign will easily and clearly convey gas prices to customers utilizing technology.



VARIANCE APPLICATION

5) Why do you believe your variance does not violate the intent of the Zoning Ordinance or the goals of the City's Comprehensive Plan?

This is not a constantly changing message board, the gas prices will remain stationary and not cause any distraction.

6) Why do you believe your variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners?

There is already an existing sign including gas prices, the reface of this sign and changing the existing pricer to a reader board will create an improved aesthetic for neighbors and, because the numbers are stationary, it will not be a distraction. Customers will also more readily be able to see prices.

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).

Signature

Date

April 14, 2021

Printed Name

Yoshihiro Hatsuho



VARIANCE APPLICATION

APPLICATION CHECKLIST

Variance Application Checklist

- ☒ Completed, signed application
- ☒ Power of Attorney form, if applicable
- ☒ Proof of ownership of subject property
- ☒ Completed Variance Hardship Questionnaire
- ☒ Property survey
- ☒ Proposed site plan with building setbacks clearly labeled
- ☐ Building elevations, if applicable
- ☐ Tree and topo survey, if applicable
- ☒ Preliminary plans for proposed project (pool plans, building plans, fence design, etc.)
- ☒ Photos of property showing existing conditions (for tree variances, include photos of proposed variance trees)
- ☐ Letters/emails of support from neighbors, if able to obtain
- ☒ Payment of application fees (*refer to Appendix A: Fee Schedule in the Code of Ordinances for current fees. Fees are due upfront with application.*)
- ☐ Other relevant information, as determined necessary by staff (for example, if variance is for cut/fill/retaining wall, you may be requested to provide a drainage report)

Variance Process and Information

- City staff will prepare public notification letters and will provide you a public notice sign to place on the property. You will be notified when the public notice sign is available to be picked-up.
- If you want to see example variance applications, please see the Agenda page on the City website at <https://www.westlakehills.org/> to view the latest ZAPCO, Council and BOA packets
- All variance applications are first considered by the Zoning and Planning Commission (ZAPCO), which is an advisory commission only. Final action is then determined by either City Council or Board of Adjustment, depending on the type of variance being requested.
- Agenda packets are digital and posted on the website the Friday prior to the meeting by 5pm. Staff will send you a meeting reminder email after the agenda and packet are posted.
- Applicants or a designated representative are required to attend/speak at each public hearing; otherwise you will risk postponement or denial for no-show. Applicants should keep remarks brief and the typical time allotment is 5 minutes for ZAPCO and 5 – 10 minutes for City Council/BOA.
- Please note ZAPCO is an advisory commission only – final action must be taken by City Council or BOA, depending on the type of variance. If ZAPCO recommends denial, you can still move forward to City Council/BOA unless you decide to withdraw or postpone your variance request.
- If City Council/BOA denies your variance, you have to wait one year before you can reapply for the same variance.
- If approved by City Council/BOA, variances expire within one year of the approval date if a permit application has not been filed to perform the scope of work related to the variance.



VARIANCE APPLICATION

STAFF NOTES

For Completion by Staff Only

Date public notification letters mailed: _____

Date of ZAPCO Meeting: _____

ZAPCO Recommendation: _____

Date of City Council/BOA Meeting: _____

City Council/BOA

Action: _____

Notes:



Attention: ZAPCO Commissioner

We are requesting a variance for the 7-Eleven monument sign located at 3625 Bee Cave Road. Our scope of work will involve refacing the existing monument sign with new faces and retrofitting the lighting to LED's.

The variance is due to Sec. 32.01.016 - Prohibited Signs. The LED's and changeable sign faces proposed do not meet standards and changeable electronic variable message signs, digital signs and light emitting LED signs are prohibited.

The new LED's we are installing are not a constantly changing message board. The gas prices will remain stationary and will not cause any distraction. Failure to use this new technology that has become a standard for the brand will create a marketing disadvantage and cause additional work for our employees. Further, if we do not update and modernize our signage, our business will appear antiquated compared to competition in the area. This requested new sign will easily and clearly convey gas prices to customers utilizing technology.

We appreciate your consideration in this matter, please do not hesitate to let us know if you need any additional information.

A handwritten signature in black ink, appearing to read "P. Imbus", with a stylized flourish at the end.

Patti Imbus, Permit Expeditor
Britten Lift & Installation Services, LLC

LED SET CONFIGURATION

ITEM CONSISTS OF
FOUR (4) WHITE 8" LED PRICE LINE
ONE (1) MASTER CONTROLLER
ONE (1) REMOTE CONTROL

SPECIFIED LED MANUFACTURER
PWM ELECTRONIC PRICE SIGNS

ITEM 2 - LED PART NUMBER:
1SEPWM08W1-SSTRK

PARTS COMPONENT LIST

ITEM	PART NUMBER	DESCRIPTION	QTY
1	1SENYLED2PD7248A01	71 3/4" x 47 3/4" 2 PRODUCT PRICER	2
2	1SEPWM30W1-SSTRK	8" 1P WHITE LED PRICER (PWM TRACK LEDS)	4
3			
4			

REVISION HISTORY:

REV	DATE	REQUESTED BY	UPDATED BY
A	03/18/21	KH	AM/RA

REVISION DESCRIPTION
INITIAL DRAWING RELEASE

PARTS LIST:

ITEM	DECORATION
A	WHITE
B	BLACK
C	
D	
E	
F	
G	

MATERIAL LIST

1	PLASTIC
2	1 1/2" STRUCTURAL RETAINER
3	
4	
5	

SECOND SURFACE DECORATION

SCALE: 1:14

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRIC CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN

GENERAL NOTES

1.TOLERANCE (UNLESS NOTED)
• GRAPHICS +/-1/8" • FACE SIZE + 1/16"-1/4"
• CABINET +/- 1/8" • VINYL OVERLAP + 1/8" +/- 1/16"
• ALL COPY LEVEL UNLESS NOTED OTHERWISE
2. VIEWING DISTANCE 25' TO 50' UNLESS NOTED OTHERWISE
3. PMS COLOR CALLOUT INDICATES USE OF SPRAYLAT MIX SYSTEM
4. NO DEVIATION OR MATERIAL SUBSTITUTION WITHOUT ECN.
5. ALL ELECTRICAL SIGNS TO COMPLY WITH UL 48

DESCRIPTION

6' x 4' APPROX.
FLAT REPL FACE
W/ ATTACHED RETAINER

VOLTAGE: CIRCUIT: CURRENT: DESIGN LOAD:

DRAWN BY: CHECKED BY:
RITCHEL A.MATTHEWS

CLIENT: 7-ELEVEN

LOCATION: 346242 - AUSTIN TX 78102

QUOTE: 346242 DATE: 03/18/2021

DRAWING/PART # REV SHEET #
SENYLED7248A01-KIT A 1 OF 3

APPROVAL SIGNATURE

By signing, you are validating the dimensions and graphic provided to SignResource and/or you are handling your own installation.

FRONT VIEW

OPPOSITE FRONT VIEW

Please Note: Weights and Measures requirements vary by State, County and Municipality. It is the responsibility of the customer to confirm that these graphics are compliant with all local Regulations, Statues and Ordinances. Compliancy must be confirmed by the party obtaining the permit. SignResource is not liable for misinterpretation of local Weights and Measures requirements or any rule changes that may occur after the order has been placed. If permitting and installation is provided by SignResource, we will make every effort to confirm the signage provided is compliant at the time of installation.

INFORMATION BAR:

THIS IS A KIT PART ORDER

KIT PART NUMBER
SENYLED7248A01-KIT

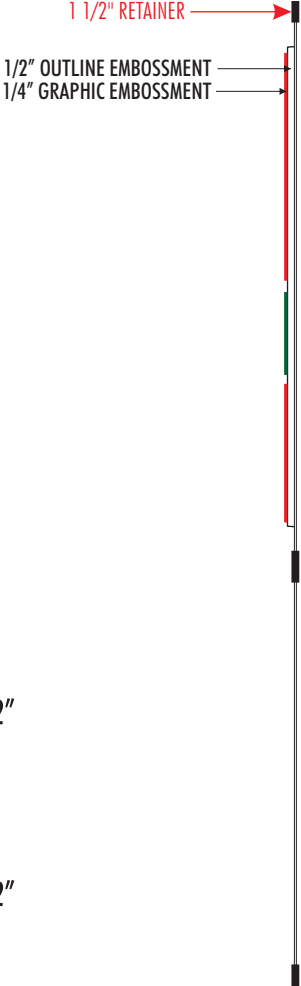
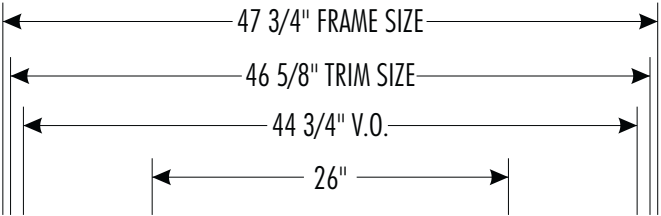
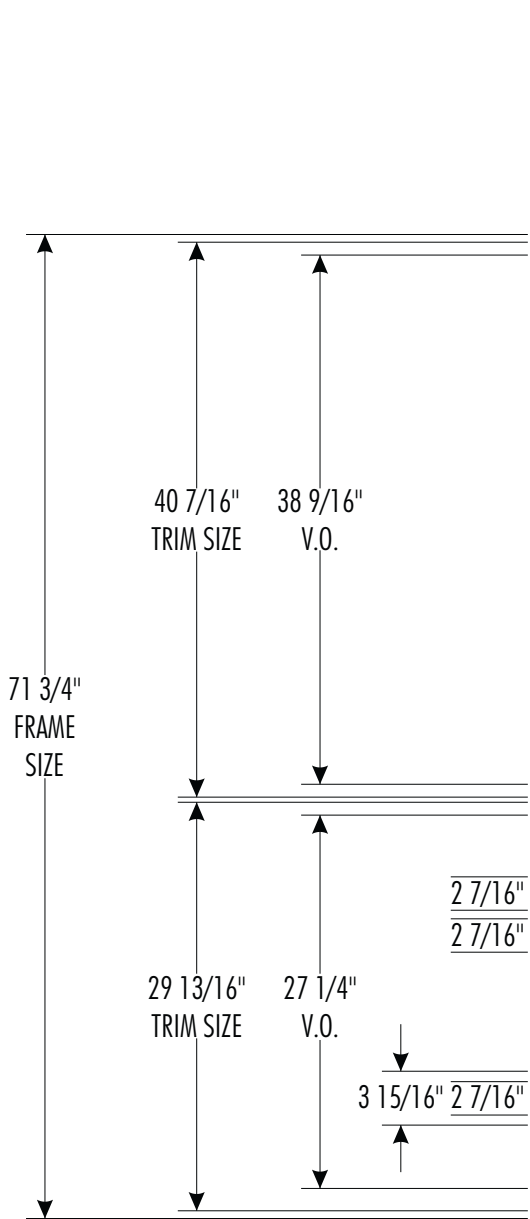
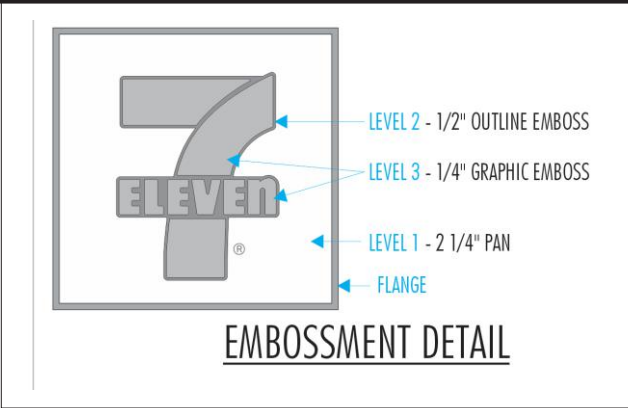
PAGE NUMBER
1 OF 3

QUOTE:
346242



INSTALLER RESPONSIBLE TO MODIFY CABINET TO HAVE PROPER VENTING IN THE SIGN FOR THE LEDS

INSTALLER MUST VENT SIGNS PER LED MANUFACTURER SPECIFICATIONS



FRONT VIEW
CABINET SIZE: 72 1/4" x 48 1/4"

SIDE VIEW

USES PWM WHITE LED'S PART# (2)1SEPWM08W1-SSTRK

Please Note: Weights and Measures requirements vary by State, County and Municipality. It is the responsibility of the customer to confirm that these graphics are compliant with all local Regulations, Statutes and Ordinances. Compliancy must be confirmed by the party obtaining the permit. SignResource is not liable for misinterpretation of local Weights and Measures requirements or any rule changes that may occur after the order has been placed. If permitting and installation is provided by SignResource, we will make every effort to confirm the signage provided is compliant at the time of installation.

APPROVAL SIGNATURE
By signing, you are validating the dimensions and graphic provided to SignResource and/or you are handling your own installation.

INFORMATION BAR:	KIT PART NUMBER	PART NUMBER	PAGE NUMBER	QUOTE NUMBER
THIS IS A KIT PART ORDER	SENYLED7248A01-KIT	1SENYLED2PD7248A01	2 OF 3	346242

REVISION HISTORY:			
REV	DATE	REQUESTED BY	UPDATED BY
A	03/18/21	KH	AM/RA
REVISION DESCRIPTION			
INITIAL DRAWING RELEASE			

PARTS LIST:	
ITEM	DECORATION
A	WHITE
B	BLACK
C	
D	
E	
F	
G	
MATERIAL LIST	
1	PLASTIC
2	1 1/2" STRUCTURAL RETAINER
3	
4	
5	

SECOND SURFACE DECORATION
7-11 FIRST SURFACE DECORATION
SCALE: 1:14

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRIC CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN

GENERAL NOTES

1. TOLERANCE (UNLESS NOTED)
 - GRAPHICS +/- 1/8" • FACE SIZE + 1/16"-1/4"
 - CABINET +/- 1/8" • VINYL OVERLAP + 1/8" +/- 1/16"
 - ALL COPY LEVEL UNLESS NOTED OTHERWISE
2. VIEWING DISTANCE 25' TO 50' UNLESS NOTED OTHERWISE
3. PMS COLOR CALLOUT INDICATES USE OF SPRAYLAT MIX SYSTEM
4. NO DEVIATION OR MATERIAL SUBSTITUTION WITHOUT ECN.
5. ALL ELECTRICAL SIGNS TO COMPLY WITH UL 48

DESCRIPTION			
6' x 4' APPROX. FLAT REPL FACE W/ ATTACHED RETAINER			
VOLTAGE:	CIRCUIT:	CURRENT:	DESIGN LOAD:
DRAWN BY: RITCHEL			
CHECKED BY: A.MATTHEWS			
CLIENT: 7-ELEVEN			
LOCATION: 346242 - AUSTIN TX 78102			
QUOTE: 346242	DATE: 03/18/2021		
DRAWING/PART # 1SENYLED2PD7248A01	REV. A	SHEET # 2 OF 3	
This document reflects trade secrets and confidential business information, and may not be copied, published, or disseminated in any manner without the prior express written approval of SignResource. All rights reserved, including patent, trademark and copyright.			
Page 62 of 101			



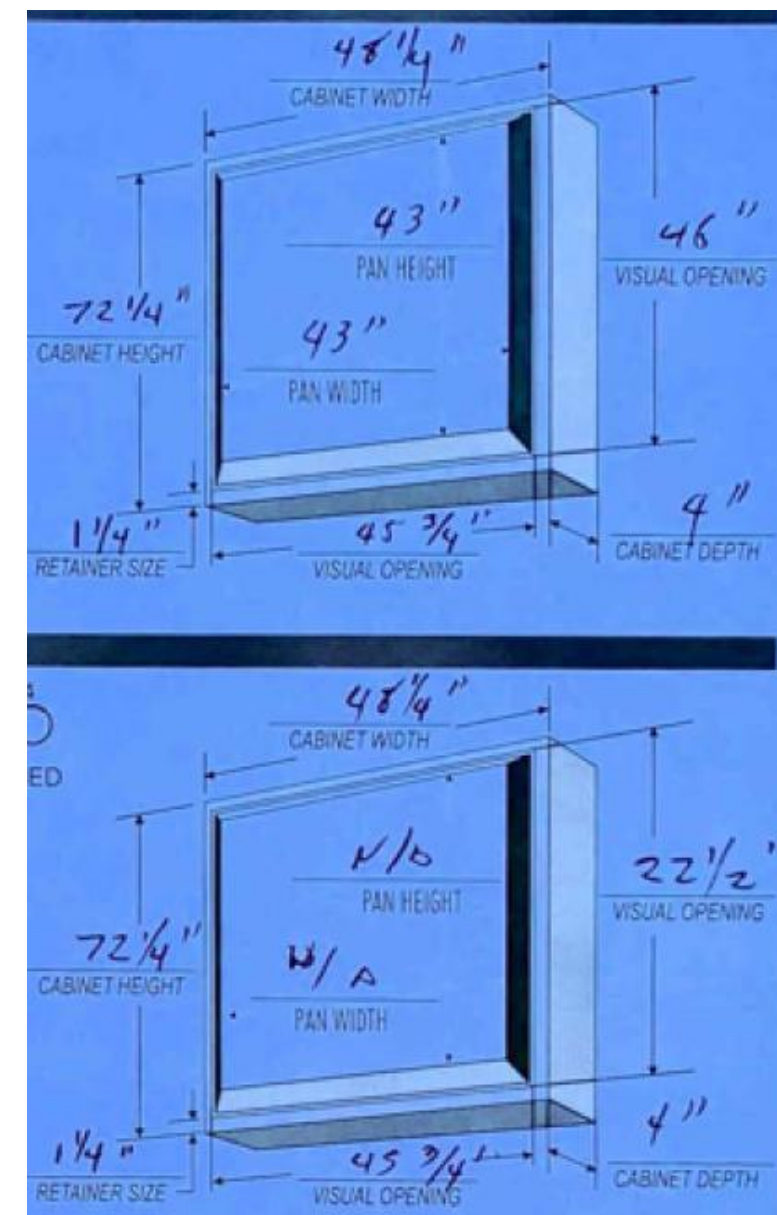
EXISTING EXISTING FONT 9"

24.20 SQ. FT.



PROPOSED

24.20 SQ. FT.



INFORMATION BAR

THIS IS A KIT PART ORDER

KIT PART NUMBER

SENYLED7248A01-KIT

PART NUMBER

SURVEY

PAGE NUMBER

3 OF 3

QUOTE:

346242

SITE # 346242

SITE ADDRESS:

**3625 BEE CAVE RD.
AUSTIN TX 78102**

REGULAR
UNLEADED

1.89 $\frac{9}{10}$

DIESEL

2.21 $\frac{9}{10}$



7-Eleven

REGULAR UNLEADED	1.89 ⁹ / ₁₀
DIESEL	2.21 ⁹ / ₁₀





REGULAR
UNLEADED

1.89 $\frac{9}{10}$

DIESEL

2.21 $\frac{9}{10}$



MID SIGN

THIS RENDERING IS FOR REFERENCE AND PERMITTING PURPOSES ONLY.
ANY SEPARATE OF OPTIONAL COMPONENTS MUST BE ORDERED SEPARATELY.
VERIFY SIZE OF LEDS WITH PRODUCTION GRAPHICS PRIOR TO ORDERING LED MODULES

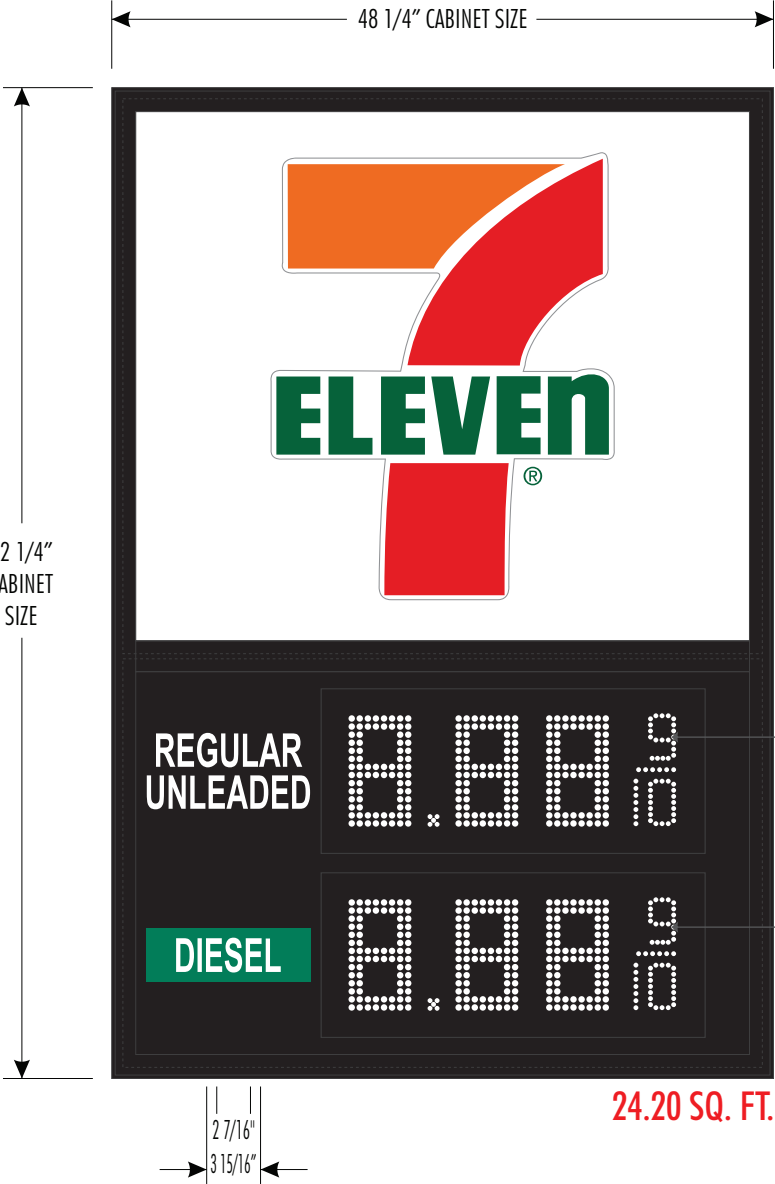


EXISTING EXISTING FONT 9" 24.20 SQ. FT.



PROPOSED 24.20 SQ. FT.

CLEAN/POWERWASH
PAINT CABINETS AND POLES IF NEEDED

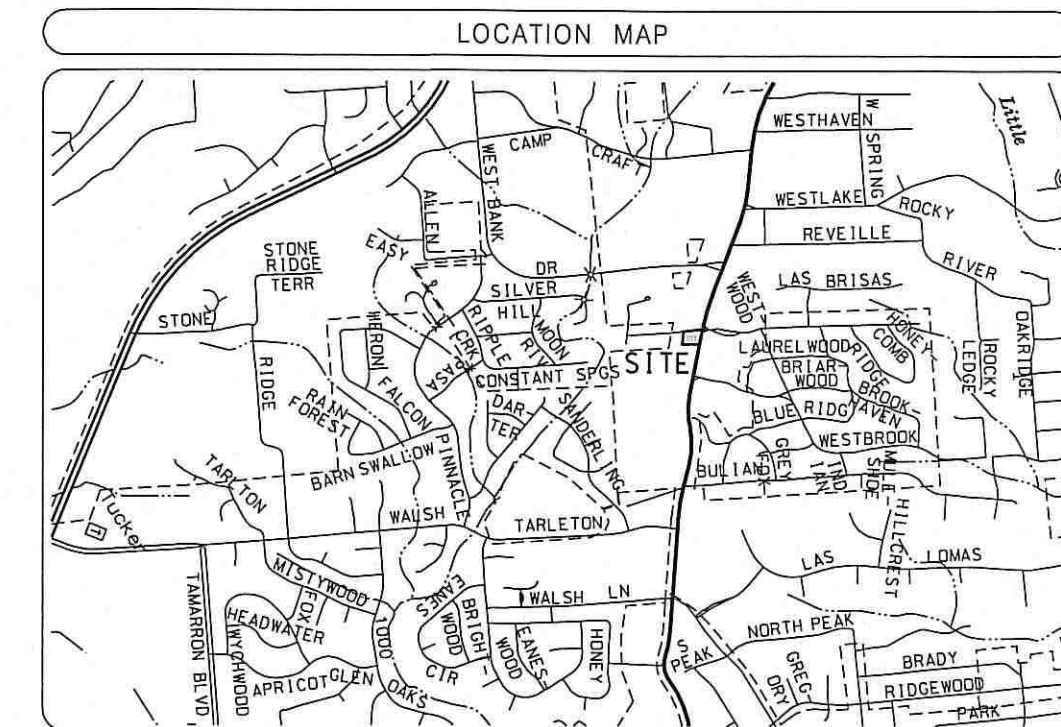
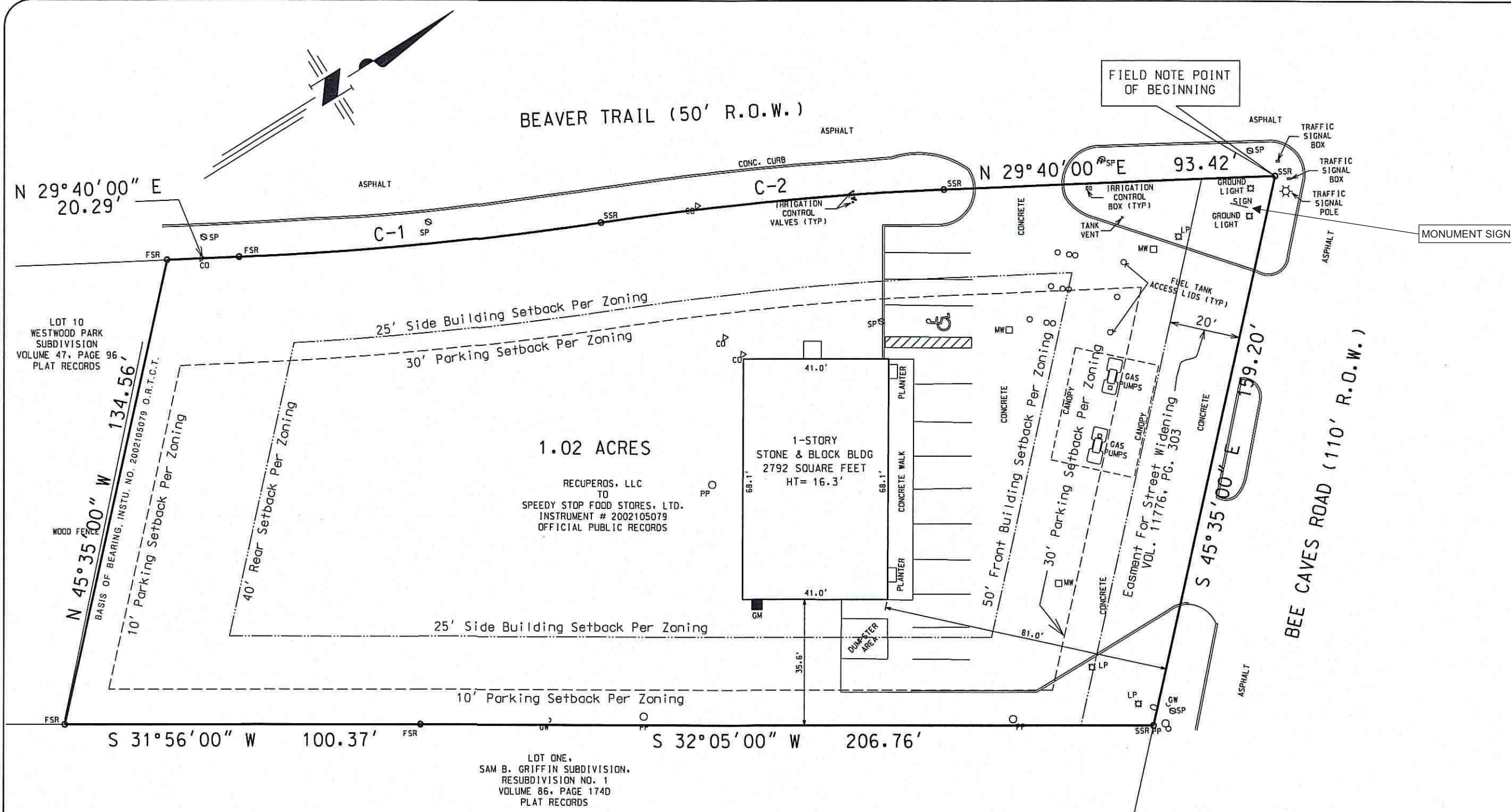


REPLACEMENT FACES

SCALE 1:14

SITE #: 36577

SITE ADDRESS:
3625 BEE CAVE RD
AUSTIN TX 78102



NOTES CORRESPONDING TO SCHEDULE "B"

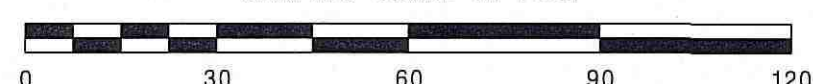
B(10)(b). A street widening easement granted to the City of West Lake Hills, as described in Volume 11776, Page 303, of the Real Property Records of Travis County, Texas.

PARKING SPACES: (OBSERVED)
REGULAR: 13
HANDICAPPED: 1
TOTAL: 14

LEGEND

- OPP POWER POLE
- LP LIGHT POLE
- TEB TELEPHONE BOX
- EM ELECTRIC METER
- AC AIR CONDITIONER
- WM WATER METER
- FH FIRE HYDRANT
- WV WATER VALVE
- MH MANHOLE
- COL COLUMN
- CO CLEANOUT
- B BOLLARD
- H HANDICAP PARKING
- W WOOD FENCE
- CONC CONCRETE
- FSR FOUND 5/8" STEEL REBAR
- IRV IRRIGATION CONTROL VALVE
- SP SIGN POLE
- GM GAS METER
- MW MONITOR WELL
- SSR SET 5/8" STEEL REBAR

GRAPHIC SCALE IN FEET



CURVE DATA

C-1 R=933.54' CHORD=N 26°31'00" E, 102.60' L=102.65'
C-2 R=883.54' CHORD=N 26°31'00" E, 97.10' L=97.15'

FLOOD NOTE

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS LOCATED IN ZONE "X" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 48453C0445H, WHICH BEARS AN EFFECTIVE DATE OF 09/26/2008 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

GENERAL NOTES

- ALL FIELD MEASUREMENTS MATCHED RECORD DIMENSIONS WITH THE PRECISION REQUIREMENTS OF ALTA/ACSM SPECIFICATIONS UNLESS OTHERWISE SHOWN.
- THE SURVEY MAP CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY.
- THERE ARE NO DISCREPANCIES BETWEEN THE BOUNDARY LINES OF THE PROPERTY AS SHOWN ON THIS SURVEY MAP AND AS DESCRIBED IN THE LEGAL DESCRIPTION PRESENTED IN THE TITLE COMMITMENT.
- THE BOUNDARY LINE DIMENSIONS AS SHOWN ON THIS SURVEY MAP FORM A MATHEMATICALLY CLOSED FIGURE WITHIN +/- 0.1 FOOT.
- THE BOUNDARY LINES OF THE PROPERTY ARE CONTIGUOUS WITH THE BOUNDARY LINES OF ALL ADJOINING STREETS, HIGHWAYS, RIGHT OF WAY EASEMENTS, PUBLIC OR PRIVATE, AS DESCRIBED IN THEIR MOST RECENT RESPECTIVE LEGAL DESCRIPTIONS OF RECORD.
- EXCEPT AS OTHERWISE NOTED BELOW, IF THE PROPERTY CONSIST OF TWO OR MORE PARCELS, THESE ARE NO GAPS OR GORES BETWEEN SAID PARCELS.
- ALL UTILITIES APPEAR TO ENTER THE PROPERTY VIA A PUBLIC RIGHT-OF-WAY.
- THE ABOVE GROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION ONLY. THE SURVEYOR MAKES NO GUARANTEE THAT THE UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER CERTIFIES THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE FIELD INFORMATION OBTAINED.

LEGAL DESCRIPTION

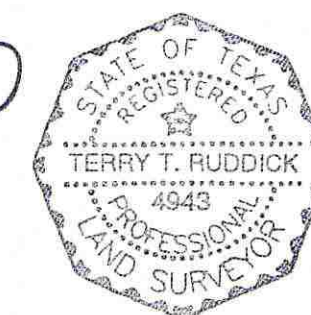
BEING a 1.02 acre tract of land situated in the Wilkenson Sparks Survey, Travis County, Texas and being a portion of that certain tract of land as conveyed to Lamar Beard, as recorded in Volume 1638, Page 480 of the Deed Records of said County, same being a portion of Lots Seven (7) and Eight (8) of Barton Springs Estates, according to the established map and plat of said addition of record in Volume 3, Page 192 of the Plat Records of Travis County, Texas, and further being that same tract of land as conveyed by Recuperos, LLC to Speedy Stop Food Stores, Ltd. according to Instrument # 2002105079 of the Official Public Records of said County.

SURVEYOR'S CERTIFICATE

TO: 7-ELEVEN, INC., SPEEDY STOP FOOD STORES, LLC AND STEWART TITLE OF THE COASTAL BEND AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 7 (a), 7(b)(1), 7(c), 8, 9, 11(a), 13 and 14 OF TABLE "A" THEREOF.

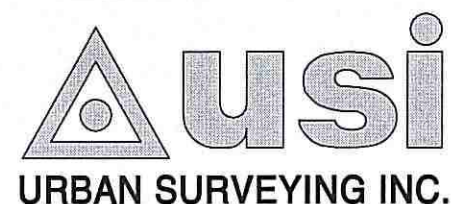
TERRY T. RUDDICK
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS NO. 4943



FIELD WORK COMPLETED ON 09/05/2012

THE PROPERTY SHOWN HEREON IS THE SAME AS THAT DESCRIBED IN STEWART TITLE GUARANTY COMPANY'S TITLE COMMITMENT FILE NO. 2121502 WITH AN EFFECTIVE DATE OF AUGUST 23, 2012.

SPEEDY STOP STORE NO. 78, LOCATION 1255
3625 BEE CAVES, WESTLAKE HILLS, TEXAS 78746



2004 N. COMMERCE ST., VICTORIA, TEXAS 77901
(361) 578-9837 FAX (361) 576-9924
104 E. FRENCH ST., CUERO, TEXAS 77954
(361) 277-9061 FAX (361) 277-9063

ALTA/ACSM LAND TITLE SURVEY

PROJECT:

CLIENT:

STEWART TITLE COMPANY

DGN BY: W.P.H.
DATE: 09/06/12
FILE: S18912

JOB: S18912.00

SHEET 1 OF 1



1 TITLE DESCRIPTION

BEING A 1.02 ACRES OF LAND SITUATED IN THE WILKINSON SPARKS SURVEY, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN TRACT OF LAND AS CONVEYED TO LAMAR BEARD, AS RECORDED IN VOLUME 1638, PAGE 480 OF THE DEED RECORDS OF SAID COUNTY, SAME BEING A PORTION OF LOTS SEVEN (7) AND EIGHT (8) OF BARTON SPRINGS ESTATES, ACCORDING TO THE ESTABLISHED MAP AND PLAT OF SAID ADDITION OF RECORD IN VOLUME 3, PAGE 192 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND FURTHER BEING THAT SAME TRACT OF LAND AS CONVEYED BY RECUPEROS, LLC TO SPEEDY STOP FOOD STORES, LTD. ACCORDING TO INSTRUMENT #2002105079 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY, SAID 1.02 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH DIAMETER STEEL REBAR FOUND MARKING THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF BEAVER TRAIL (50' R.O.W.) AND THE WEST RIGHT-OF-WAY LINE OF BEE CAVES ROAD (110' R.O.W.);

THENCE, SOUTH 45 DEG. 35' 00" EAST, ALONG SAID BEE CAVES ROAD RIGHT-OF-WAY LINE, A DISTANCE OF 159.20 FEET (RECORD) TO A 5/8 INCH DIAMETER STEEL REBAR SET TO MARK THE COMMON CORNER OF SAID SPEEDY STOP FOOD STORES TRACT OF LAND AND THAT CERTAIN TRACT OF LAND KNOWN AS LOT ONE (1) OF THE SAM B. GRIFFIN SUBDIVISION, RESUBDIVISION NO. 1, ACCORDING TO THE ESTABLISHED MAP AND PLAT OF SAID ADDITION OF RECORD IN VOLUME 86, PAGE 1740 OF THE PLAT RECORDS OF SAID COUNTY;

THENCE, SOUTH 32 DEG. 05' 00" WEST, ALONG THE COMMON LINE OF SAID LOT 1, A DISTANCE OF 206.76 FEET TO A 5/8 INCH DIAMETER STEEL REBAR FOUND MARKING AN ANGLE POINT;

THENCE, SOUTH 31 DEG. 56' 00" WEST, ALONG THE COMMON LINE OF SAID LOT 1, A DISTANCE OF 100.37 FEET (RECORD) TO A 5/8 INCH DIAMETER STEEL REBAR FOUND MARKING THE COMMON CORNER OF SAID SPEEDY STOP FOOD STORES TRACT OF LAND AND THAT CERTAIN TRACT OF LAND KNOWN AS LOT TEN (10) OF WESTWOOD PARK SUBDIVISION, ACCORDING TO THE ESTABLISHED MAP AND PLAT OF SAID ADDITION OF RECORD IN VOLUME 47, PAGE 96 OF THE PLAT RECORDS OF SAID COUNTY;

THENCE, NORTH 45 DEG. 35' 00" WEST, (BASIS OF BEARING) ALONG THE COMMON LINE OF SAID LOT 10, A DISTANCE OF 134.56 FEET (RECORD) TO A 5/8 INCH DIAMETER STEEL REBAR FOUND MARKING THE COMMON CORNER OF SAID SPEEDY STOP FOOD STORES TRACT OF LAND AND SAID LOT 10, IN THE AFORESAID EAST RIGHT-OF-WAY LINE OF BEAVER TRAIL;

THENCE, NORTH 29 DEG. 40' 00" EAST, ALONG SAID BEAVER TRAIL RIGHT-OF-WAY LINE, A DISTANCE OF 20.29 FEET (RECORD) TO A 5/8 INCH DIAMETER STEEL REBAR FOUND MARKING THE BEGINNING OF A CURVE TO THE LEFT;

THENCE, CONTINUING ALONG SAID BEAVER TRAIL RIGHT-OF-WAY LINE WITH SAID CURVE TO THE LEFT, RADIUS = 933.54 FEET, CHORD = N 26 DEG. 31' 00" E, 102.60 FEET, FOR AN ARC LENGTH OF 102.65 FEET (RECORD) TO A 5/8 INCH DIAMETER STEEL REBAR SET TO MARK THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE, CONTINUING ALONG SAID BEAVER TRAIL RIGHT-OF-WAY LINE WITH SAID CURVE TO THE RIGHT, RADIUS = 883.54 FEET, CHORD = N 26 DEG. 31' 00" EAST, 97.10 FEET, FOR AN ARC LENGTH OF 97.15 FEET (RECORD) TO A 5/8 INCH DIAMETER STEEL REBAR SET TO MARK THE POINT OF TANGENCY;

THENCE NORTH 29 DEG. 40' 00" EAST, CONTINUING ALONG SAID BEAVER TRAIL RIGHT-OF-WAY LINE, A DISTANCE OF 93.42 FEET TO THE POINT OF BEGINNING, CONTAINING WITHIN THESE METES AND BOUNDS A 1.02 ACRE TRACT OF LAND, MORE OR LESS.

THE LAND SHOWN IN THIS SURVEY IS THE SAME AS THAT DESCRIBED IN STEWART TITLE GUARANTY COMPANY COMMITMENT NO. 16000332298, DATED SEPTEMBER 30, 2016, ISSUED OCTOBER 26, 2016.

3 SCHEDULE 'B' ITEMS

NOTES CORRESPONDING TO SCHEDULE "B":

1. - 9. NOT SURVEY ITEMS

(10) THE FOLLOWING MATTERS AND ALL TERMS OF THE DOCUMENTS CREATING OR OFFERING EVIDENCE OF THE MATTERS (WE MUST INSERT MATTERS OR DELETE THIS EXCEPTION.):

(10A) NOT A SURVEY ITEM

(10B) A STREET WIDENING EASEMENT GRANTED TO THE CITY OF WEST LAKE HILLS, AS DESCRIBED IN VOLUME 11776, PAGE 303, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS. (AFFECTS SUBJECT PROPERTY, PLOTTED)

11 SURVEYOR'S NOTES

1. This survey does not constitute a title search by Boundary Boys, LLC. To determine ownership or easements of record, rights of way or title of record, Boundary Boys, LLC relied upon Stewart Title Guaranty Company's, Commitment No. 16000332298, effective September 30, 2016, issued October 20, 2016.

2. This ALTA/NSPS Land Title Survey, and the information herein, may not be used for any additional or extended purposes beyond that for which it was intended and may not be used by any parties other than those to which it is certified.

3. No observable evidence of earth moving work, building construction or building additions within recent months.

4. No observable evidence of changes in street right of way lines completed, and available from the controlling jurisdiction and no observable evidence of recent street or sidewalk construction or repairs.

5. Property has direct access to Bee Cave Road and Beaver Trail, both public rights-of-way.

6. All statements within the certification, and other references located elsewhere hereon, related to: utilities, improvements, structures, buildings, party walls, parking, easements, servitudes, and encroachments, are based solely on above ground, visible evidence, unless another source of information is specifically referenced hereon.

7. Notice: According to Texas law, no legal action based upon any defect in this survey may be commenced more than ten years from the date of the certificate shown hereon.

8. The land shown depicts the same property as is insured on Stewart Title Guaranty Company's, Commitment No. 16000332298, effective September 30, 2016, issued October 20, 2016.

9. This Survey Substantially Complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A Condition 2 Survey.

9 LEGEND

□	STORM DRAIN GRATE	—X—	FENCE
⊙	SEWER MANHOLE	—	SIGN
☆	LIGHT POLE	⊠	TELEPHONE PEDESTAL
⚡	FIRE HYDRANT	ELEC	ELECTRICAL BOX
WV	WATER VALVE	⊕	WATER MANHOLE
⊕	STORM DRAIN MANHOLE	⊕	UNKNOWN MANHOLE
•	BOLLARD	⊠	ELECTRIC PEDESTAL
(M)	MEASURED	TLVT	TELEPHONE VAULT
(P)	PLATTED	WM	WATER METER
(U.N.O.)	UNLESS NOTED OTHERWISE	R	RISER
●	FOUND MONUMENT AS DESCRIBED (U.N.O.)	⊕	CLEANOUT
CONCRETE		EVL	ELECTRICAL VAULT
⊕	HANDICAPPED PARKING	GM	GAS METER
⊕	ELECTRIC POLE	HT	HEIGHT TAKEN
⊕	GUY WIRE ANCHOR	—DH—	OVERHEAD ELECTRIC LINE
		—PL—	PROPERTY LINE

8 ZONING INFORMATION

SITE RESTRICTION:
ZONE - B-2 (Business 2 District)

SETBACKS
FRONT - 50'
SIDE - 25' each side, 50' total
REAR - 40'

HEIGHT - 30'
Max Floor Area: 20,000 Sq. Ft.
Parking Requirements: 1 space for each 200 square feet of floor area --- 14 spaces

All site restrictions were obtained per the Commercial Due Diligence Services Zoning Compliance Report, Store #36577, dated December 2, 2016.

10 BASIS OF BEARINGS

THE BEARINGS ARE BASED ON THE SOUTHERLY LINE OF THAT TRACT OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, STATE OF TEXAS, DESCRIBED IN THE WARRANTY DEED RECORDED IN DOCUMENT NO. 2002105079, RECORDS OF TRAVIS COUNTY, SAID LINE BEING MONUMENTED AS SHOWN HEREON AND HAVING A GPS DERIVED VRS NAD 83 BEARING OF N45°53'44"W.

2 TITLE INFORMATION

The Title Description and Schedule B Items hereon are from Stewart Title Guaranty Company's, Commitment No. 16000332298, effective September 30, 2016, issued October 20, 2016.

6 CEMETERY

There is no visible evidence of cemeteries on the subject property at the time of survey.

13 LAND AREA

44,254 Square Feet or
±1.016 Acres

5 FLOOD INFORMATION

By graphic plotting only, this property is located in Zone "X" of the Flood Insurance Rate Map, Community Panel No. 48453C04453, which bears an effective date of January 6, 2016, and is NOT in a special flood hazard area. No field surveying was performed to determine this Zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency. Zone "X" denotes areas outside the 500 year flood plain.

15 BUILDING HEIGHT

Bldg1: Height 19.0' or 1 Story

14 BUILDING AREA

Bldg 1: 2,748 square feet

12 PARKING INFORMATION

13 Striped Standard Spaces
1 Striped Handicap Spaces
14 Total Striped Parking Spaces

Approved CDS Surveyor

Survey and Plot by:

David C. Holmes

Professional Land Surveyor
Certificate of Authorization Number RPLS 6595
Boundary Boys, LLC
P.O. Box 2441
Harker Heights, TX 76548
Telephone: 303-709-7899
d.holmes@boundaryboys.com

Key to CDS ALTA Survey

1 TITLE DESCRIPTION

2 TITLE INFORMATION

3 SCHEDULE 'B' ITEMS

4 SURVEYOR CERTIFICATION

5 FLOOD INFORMATION

6 CEMETERY

7 POSSIBLE ENCROACHMENTS

8 ZONING INFORMATION

9 LEGEND

10 BASIS OF BEARING

11 SURVEYOR'S NOTES

12 PARKING INFORMATION

13 LAND AREA

14 BUILDING AREA

15 BUILDING HEIGHT

16 VICINITY MAP

17 NORTH ARROW / SCALE

18 CLIENT INFORMATION BOX

19 SURVEY DRAWING

20 PROJECT ADDRESS

18 ALTA/NSPS Land Title Survey

This survey prepared in accordance with the "Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys (Effective February 23, 2016)"

This Survey Coordinated By:



3550 W. Robinson Street, Third Floor
Norman, OK 73072
Office: 405.253.2444

Toll Free: 888.457.7878

Drawn By:

JP

Surveyor

Ref.No: 1CDD0364

Aprvd By:

DCH

Field Date:

11-2-16

Scale:

1" = 30'

Date: 11-15-16

Revision: #1

Date: 12-8-16

Revision: #2

Date: 12-13-16

Revision: #3

Date:

Revision:

Prepared For:

Store #36577

20 PROJECT ADDRESS

3625 Bee Cave Road,
Austin, TX

Project Name:
SLB - 7 - ELEVEN

CDS Project Number
16-08-0453:109

4 SURVEYOR CERTIFICATION

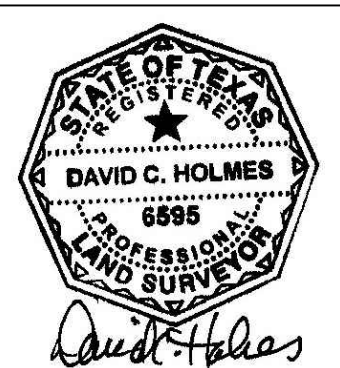
To: 7-Eleven, Inc., a Texas corporation; MDC COAST 6, LLC, a Delaware limited liability company; Stewart Title Guaranty Company, and Commercial Due Diligence Services.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS and includes Items 1 (Except in states that require record monument plotting), 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 13, 14, 16, 20, and 21(a) (Graphically depict in relation to the subject tract or property any offsite easements or servitudes benefiting the surveyed property and disclosed in Record Documents provided to the surveyor as part of the Schedule "A").

The field work was completed on November 2, 2016.

Date of Plot or Map: November 14, 2016

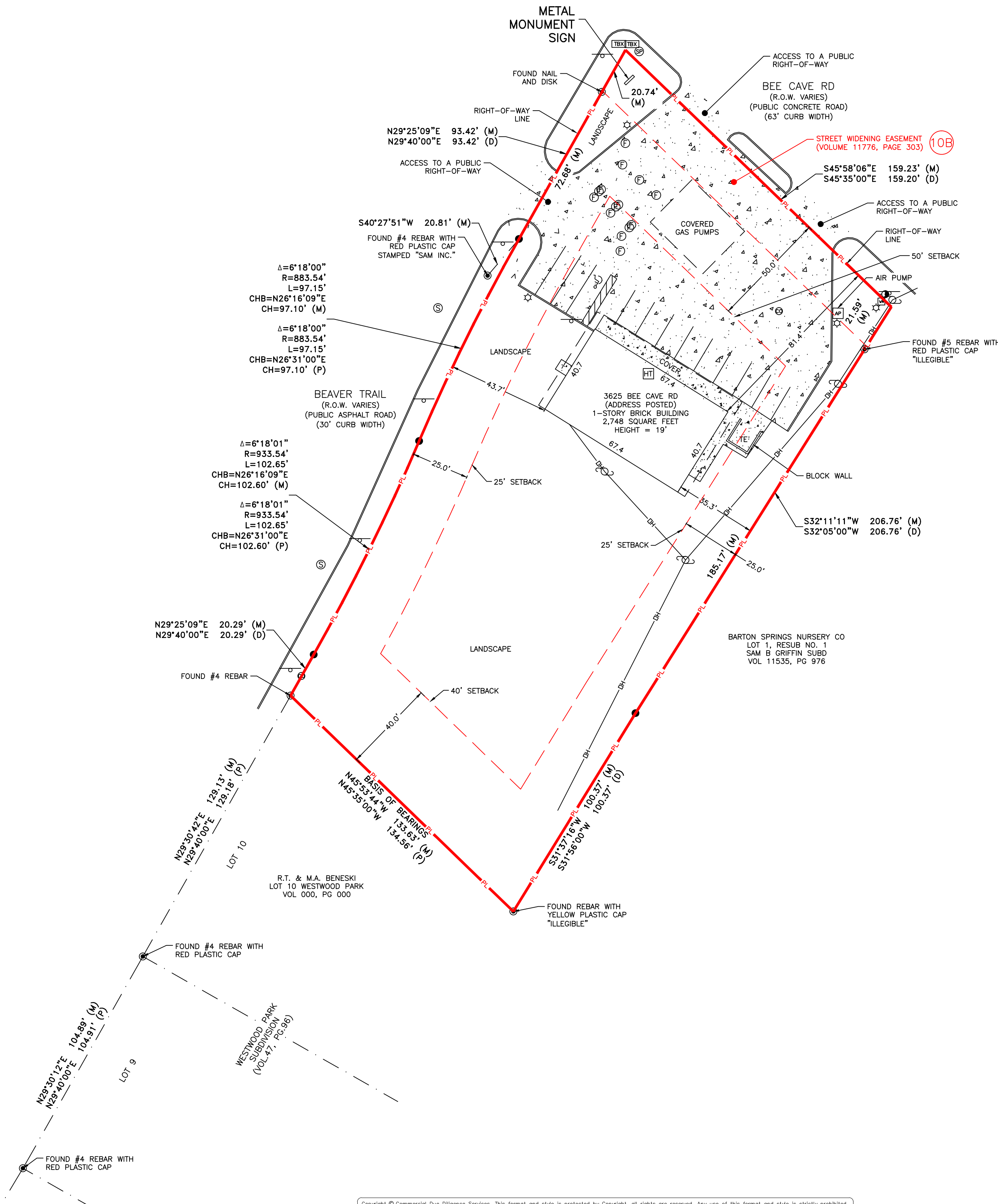
David C. Holmes, Professional Licensed Surveyor
RPLS 6595 (TX), Firm No. 10194189
Boundary Boys, LLC
P.O. Box 2441
Harker Heights, TX 76548
Telephone: 303-709-7899



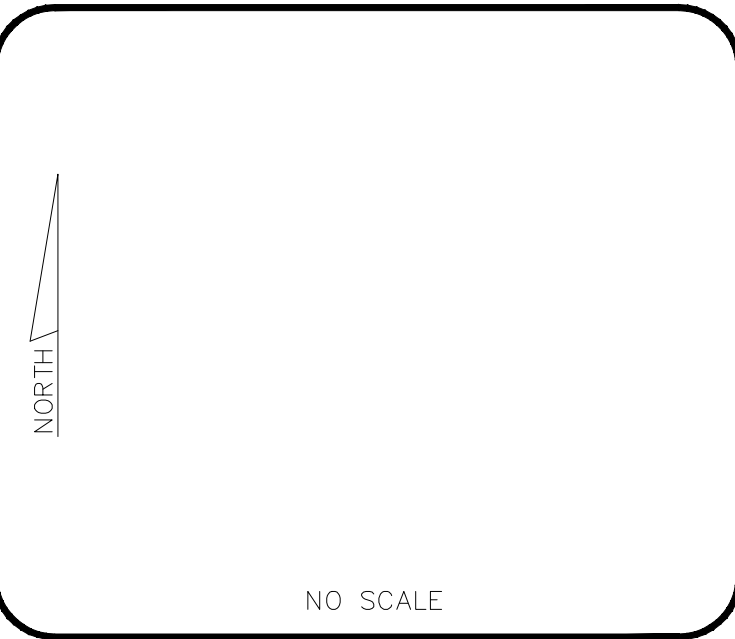


A.L.T.A./N.S.P.S. LAND TITLE SURVEY

A PARCEL OF LAND IN THE WILKENSON SPARKS SURVEY, VOLUME 1638, PAGE 480,
COUNTY OF TRAVIS, STATE OF TEXAS



16 VICINITY MAP



VICINITY MAP

Approved CDS Surveyor

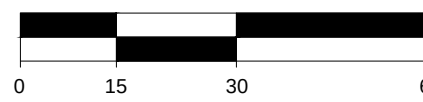
Survey and Plot by:

David C. Holmes

Professional Land Surveyor
Certificate of Authorization Number RPLS 6595
Boundary Boys, LLC
PO Box 2441
Harker Heights, TX 76548
Telephone: 303-709-7899
d.holmes@boundaryboys.com

SCALE : 1" = 30'

17 NORTH ARROW / SCALE



18 ALTA/NSPS Land Title Survey

This survey prepared in accordance with the "Minimum Standard
Detail Requirements for ALTA/NSPS Land Title Surveys
(Effective February 23, 2016)

This Work Coordinated By:



3550 W. Robinson Street, Third Floor
Norman, OK 73072
Office: 405.253.2444

Toll Free: 888.457.7878

Drawn By: JP	Date: 11-15-16 Revision: #1
Surveyor Ref.No: 1CDD0364	Date: 12-8-16 Revision: #2
Aprvd By: DCH	Date: 12-13-16 Revision: #3
Field Date: 11-2-16	Date:
Scale: 1"= 30'	Revision:

Prepared For:

Store #36577

20 PROJECT ADDRESS

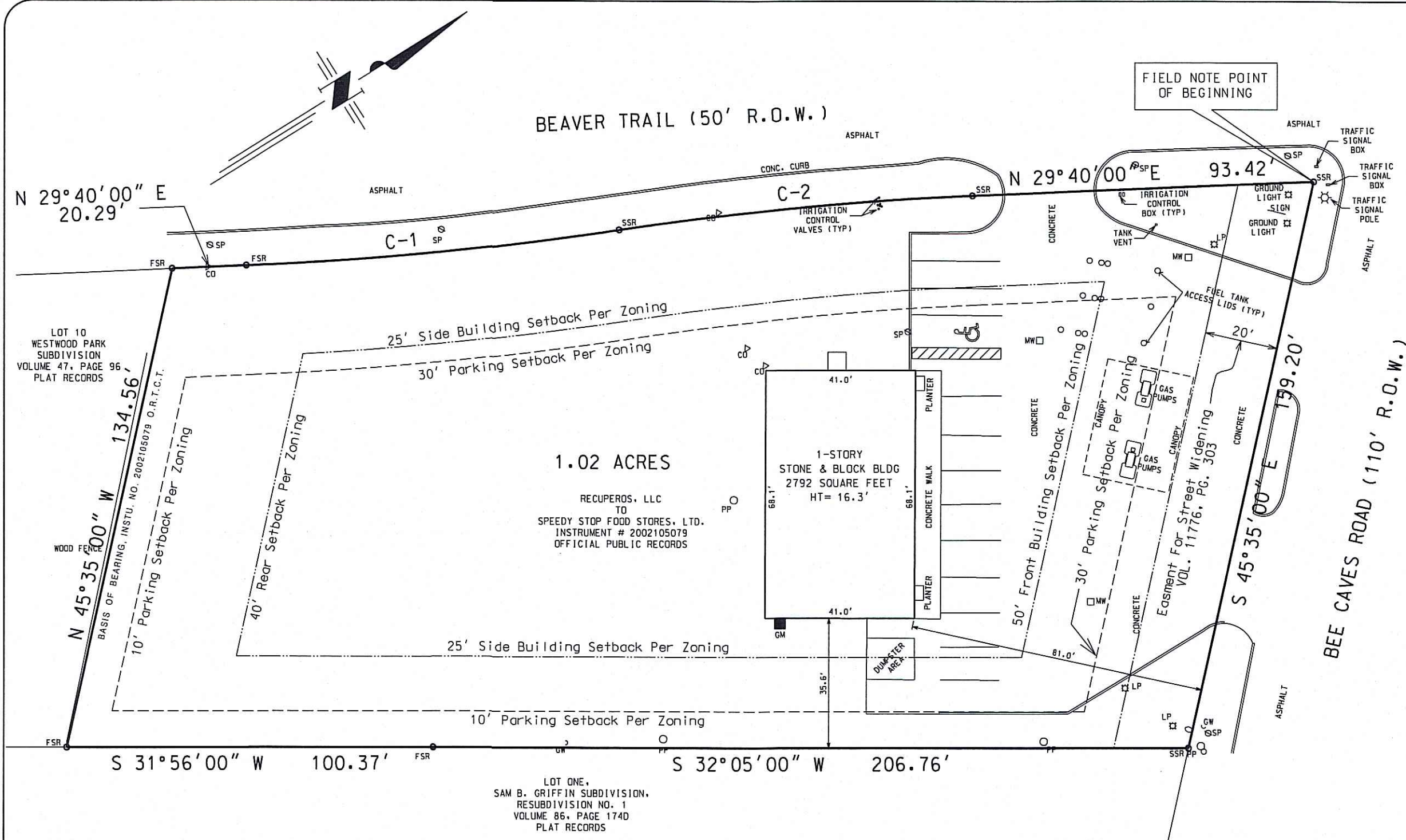
3625 Bee Cave Road,
Austin, TX

Project Name:
SLB - 7 - ELEVEN

CDS Project Number
16-08-0453:109

Sheet 2 of 2

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PARKING SPACES: (OBSERVED)
REGULAR: 13
HANDICAPPED: 1
TOTAL: 14

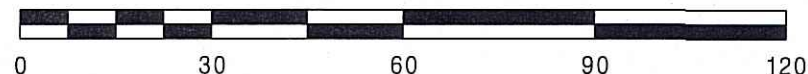
CURVE DATA

C-1 R=933.54' CHORD=N 26°31'00" E, 102.60' L=102.65'
C-2 R=883.54' CHORD=N 26°31'00" E, 97.10' L=97.15'

LEGEND

OPP POWER POLE
LP LIGHT POLE
TB TELEPHONE BOX
EM ELECTRIC METER
AC AIR CONDITIONER
WM WATER METER
FH FIRE HYDRANT
WV WATER VALVE
MH MANHOLE
COL COLUMN
CO CLEANOUT
B BOLLARD
B HANDICAP PARKING
W WOOD FENCE
CONC CONCRETE
FSR FOUND 5/8" STEEL REBAR
IRV IRRIGATION CONTROL VALVE
SP SIGN POLE
GM GAS METER
MW MONITOR WELL
SSR SET 5/8" STEEL REBAR

GRAPHIC SCALE IN FEET

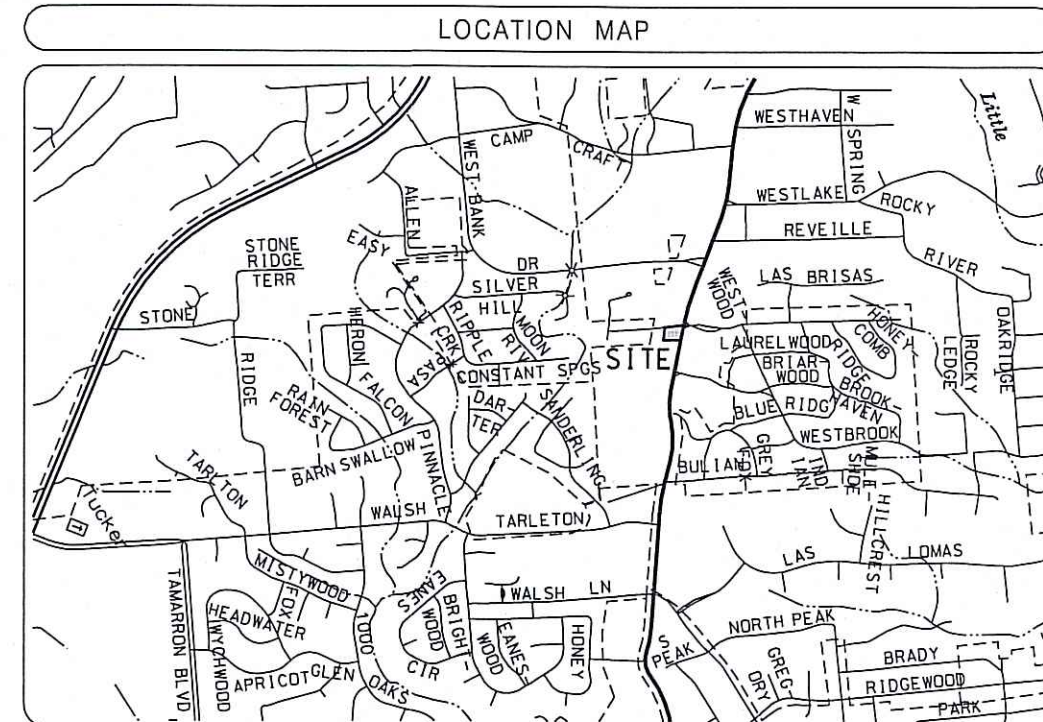


FLOOD NOTE

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS LOCATED IN ZONE "X" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 48453C0445H, WHICH BEARS AN EFFECTIVE DATE OF 09/26/2008 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

GENERAL NOTES

- ALL FIELD MEASUREMENTS MATCHED RECORD DIMENSIONS WITH THE PRECISION REQUIREMENTS OF ALTA/ACSM SPECIFICATIONS UNLESS OTHERWISE SHOWN.
- THE SURVEY MAP CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY.
- THERE ARE NO DISCREPANCIES BETWEEN THE BOUNDARY LINES OF THE PROPERTY AS SHOWN ON THIS SURVEY MAP AND AS DESCRIBED IN THE LEGAL DESCRIPTION PRESENTED IN THE TITLE COMMITMENT.
- THE BOUNDARY LINE DIMENSIONS AS SHOWN ON THIS SURVEY MAP FORM A MATHEMATICALLY CLOSED FIGURE WITHIN +/- 0.1 FOOT.
- THE BOUNDARY LINES OF THE PROPERTY ARE CONTIGUOUS WITH THE BOUNDARY LINES OF ALL ADJOINING STREETS, HIGHWAYS, RIGHT OF WAY EASEMENTS, PUBLIC OR PRIVATE, AS DESCRIBED IN THEIR MOST RECENT RESPECTIVE LEGAL DESCRIPTIONS OF RECORD.
- EXCEPT AS OTHERWISE NOTED BELOW, IF THE PROPERTY CONSIST OF TWO OR MORE PARCELS, THESE ARE NO GAPS OR GORES BETWEEN SAID PARCELS.
- ALL UTILITIES APPEAR TO ENTER THE PROPERTY VIA A PUBLIC RIGHT-OF-WAY.
- THE ABOVE GROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION ONLY. THE SURVEYOR MAKES NO GUARANTEE THAT THE UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER CERTIFIES THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE FIELD INFORMATION OBTAINED.



NOTES CORRESPONDING TO SCHEDULE "B"

B(10)(b). A street widening easement granted to the City of West Lake Hills, as described in Volume 11776, Page 303, of the Real Property Records of Travis County, Texas.

LEGAL DESCRIPTION

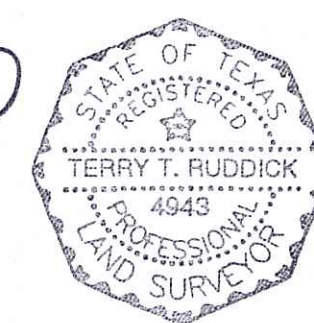
BEING a 1.02 acre tract of land situated in the Wilkenson Sparks Survey, Travis County, Texas and being a portion of that certain tract of land as conveyed to Lamar Beard, as recorded in Volume 1638, Page 480 of the Deed Records of said County, same being a portion of Lots Seven (7) and Eight (8) of Barton Springs Estates, according to the established map and plat of said addition of record in Volume 3, Page 192 of the Plat Records of Travis County, Texas, and further being that same tract of land as conveyed by Recuperos, LLC to Speedy Stop Food Stores, Ltd. according to Instrument # 2002105079 of the Official Public Records of said County.

SURVEYOR'S CERTIFICATE

TO: 7-ELEVEN, INC., SPEEDY STOP FOOD STORES, LLC AND STEWART TITLE OF THE COASTAL BEND AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 7 (a), 7(b)(1), 7(c), 8, 9, 11(a), 13 and 14 OF TABLE "A" THEREOF.

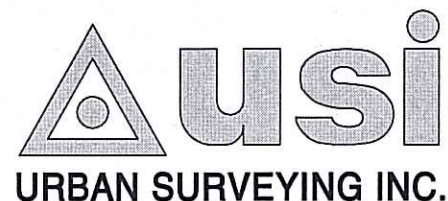
TERRY T. RUDDICK
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS NO. 4943
11/19/12



FIELD WORK COMPLETED ON 09/05/2012

THE PROPERTY SHOWN HEREON IS THE SAME AS THAT DESCRIBED IN STEWART TITLE GUARANTY COMPANY'S TITLE COMMITMENT FILE NO. 2121502 WITH AN EFFECTIVE DATE OF AUGUST 23, 2012.

SPEEDY STOP STORE NO. 78, LOCATION 1255
3625 BEE CAVES, WESTLAKE HILLS, TEXAS 78746



2004 N. COMMERCE ST., VICTORIA, TEXAS 77901
(361) 578-9837 FAX (361) 576-9924
104 E. FRENCH ST., CUERO, TEXAS 77954
(361) 277-9061 FAX (361) 277-9063

ALTA/ACSM LAND TITLE SURVEY

PROJECT:

CLIENT:

STEWART TITLE COMPANY

DGN BY: W.P.H.
DATE: 09/06/12
FILE: S18912

JOB: S18912.00

SHEET 1 OF 1



SIGN VARIANCE STAFF REPORT

June 23, 2021

Project Address: 4100 Westbank Drive

Project Number: 16590

Agenda Item: Land Use: 4100 Westbank Drive: Discussion/recommendation on an application for a variance request to Allow a sign to exceed allowable square footage to 59.5 sq. ft. (West Lake Hills Code Sec. 32.03.009(2)). Jeremy Trimble agent for Westlake Hills High School Aquatics Center

Applicant Information: Jeremy Trimble agent for Westlake Hills High School Aquatics Center

Hearing Dates:

June 16, 2021 ZAPCO
June 23, 2021 City Council

Location: The subject property is the West Lake Hills High School property.

Zoning & Site Characteristics:

The subject property is zoned One Family Residential R1.

The site is surrounded by single-family residential lots.

Background & Analysis:

The applicant is requesting to allow a wall mounted sign to exceed maximum square footage of 12 square feet to 59.5 sq. ft. Section 32.03.009(2) – Projecting, wall and commercial hanging signs.

Variance Criteria Review:

When applying for a variance, the applicant has established by competent evidence that:

1. The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.

The application states – *“Since the building will be utilized often for after-school events, building identification and wayfinding to the building will be critical for potential visitors to the building. Without explicit identification of the building that is clearly visible from a distance, there is concern that parents and visitors from the community will become disoriented and could wander astray while trying to locate the building – i.e., parents and visitors will experience uncertainty and unnecessary hardship in trying to locate the building.”*

2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.

The application states – *“The proposed signage would be mounted directly to the building structure, adjacent to a drive that is located internally within the school campus, distant from any city/neighborhood road. Since the proposed signage is not an independent free-standing structure on the site, natural terrain and existing flora would not be affected (other than disturbance caused by the actual building footprint) if a variance were granted.”*

3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.

The application states – *“There two other alternatives; adhere to the signage size restrictions, which would result in signage so small as to be insignificant and essentially pointless; or delete the provision of signage altogether. Both of these options would not address the important need for explicit building identification and wayfinding.”*

4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.

The application states – *“Explicit building identification and wayfinding to the building are critical for the potential occupants. Clear, easily visible signage is an important information system that would help guide and navigate students, staff, visitors, parents, and members of the community to this specific building destination. Wayfinding is particularly relevant within a complex built environment such as the existing high school campus.”*

5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.

The application states – *“ Presuming the intent of the Ordinance is to avert the introduction of any obtrusive man-made feature that would corrupt the natural beauty of the surrounding contextual*

environment, please know that the proposed signage would be an internal feature exclusive to the school campus grounds, essentially inconspicuous and imperceptible to the surrounding city and neighborhood areas outside of the campus.”

6. The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.

The application states – “The proposed signage would be mounted to a building and tucked away internally within the school campus, distant from any city/neighborhood road or thoroughfare. As perceived from the scale of the entire campus, the proposed signage would be achromatic and blend in amongst the existing campus features and structures, unnoticeable to the surrounding neighboring properties.”

Outdoor Lighting

Outdoor lighting is proposed with this variance request. Any outdoor lighting will need to comply with the City’s Code.

Compliance with Adopted Uniform 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 existing and future land use is in conformance with the City of West Lake Hills Master Plan.

ZAPCO Recommendation:

On Wednesday, June 16, 2021, the ZAPCO Commission held a public hearing for this case and forwarded a recommendation to the City Council for DENIAL with a vote of 5-0.

Staff Recommendation

Staff recommends: DENIAL based on the following findings of fact:

- There are no special circumstances resulting in a physical hardship.
- The proposed scale of the sign is not in harmony with the intent of the City Zoning Ordinance and Comprehensive Plan.
- The sign could be designed to meet the standards of the City Sign Code and properly provide building identification and direction.

Links to Relevant Code:

- [Section 32.03.009\(2\) – Projecting, wall and commercial hanging signs. Schedule of Regulations](#)
- [Sec. 22.03.514 Criteria and process required for granting variance](#)

ZONING MAP

R-1 ONE FAMILY RESIDENTIAL

R-2 MULTI-FAMILY RESIDENTIAL

R-3 TRANSITIONAL

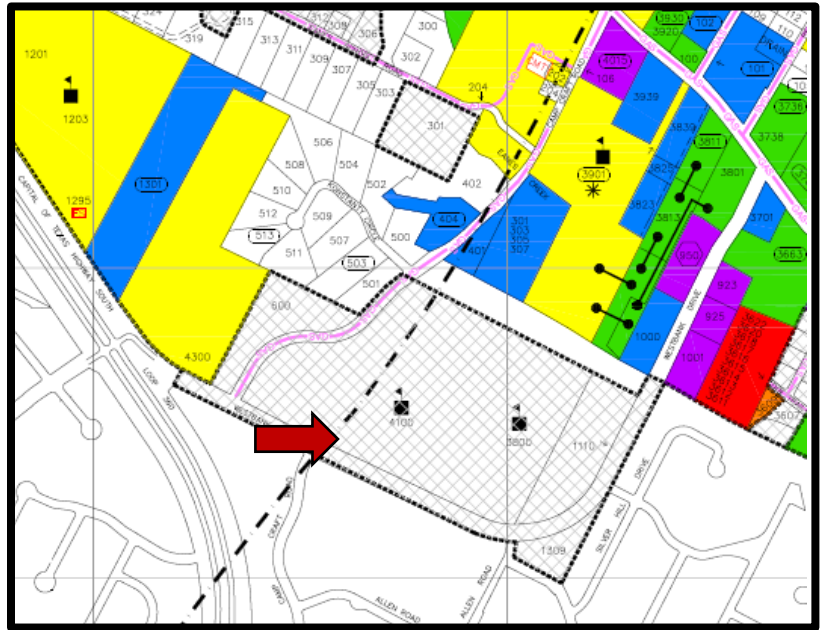
O OFFICE

B-1 BUSINESS 1

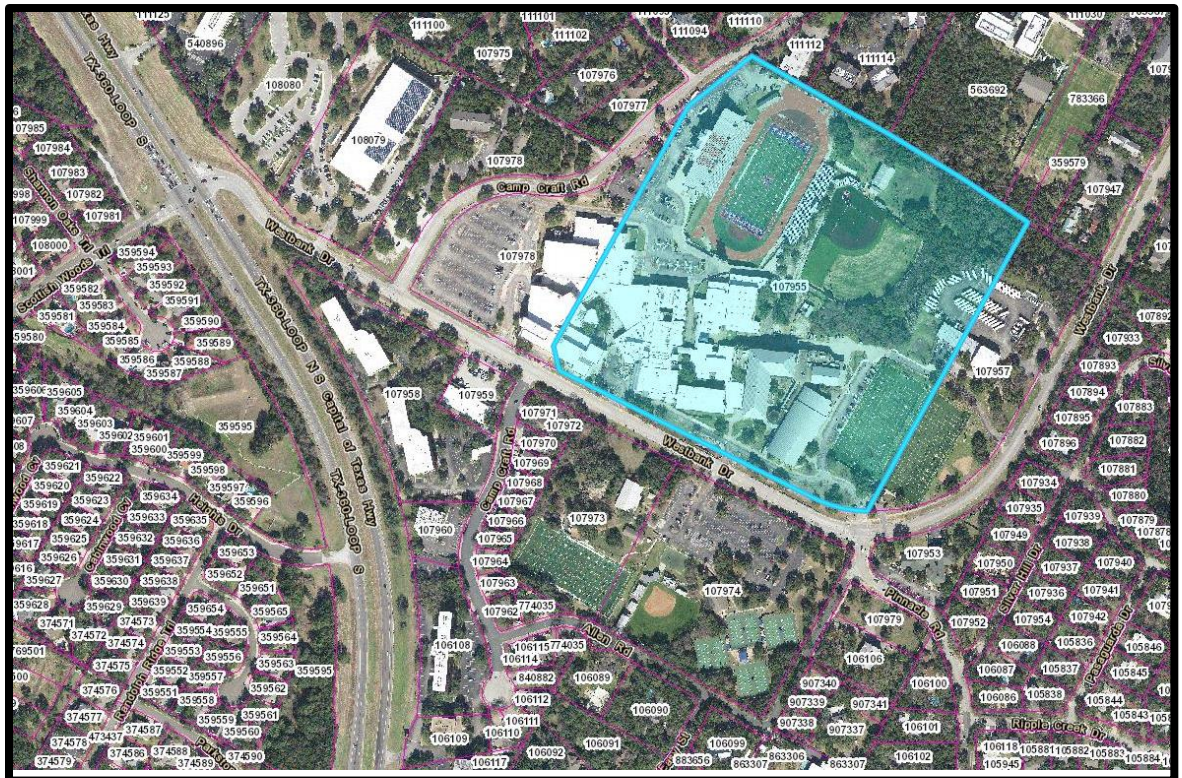
B-2 BUSINESS 2

B-3 BUSINESS 3

GUI GOVERNMENT, UTILITY INSTITUTIONAL



AERIAL PHOTO



VARIANCE 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 & PROPERTY 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: _____ Eanes ISD _____ Phone: _____ (512) 731-9280 _____

Email: _____ jtrimble@eanesisd.net _____

Address: _____ 4100 Westbank Drive _____ City: _____ Austin _____ State: _____ TX _____ Zip: _____ 78746 _____

Agent*: _____ Jeremy Trimble _____ Phone: _____ (512) 732-9000 _____

Email: _____ jtrimble@eanesisd.net _____

Address: _____ 601 Camp Craft Road _____ City: _____ Austin _____ State: _____ TX _____ Zip: _____ 78746 _____

Property Address: _____ 4100 Westbank Drive _____ City: _____ Austin _____ State: _____ TX _____ Zip: _____ 78746 _____

Property Information

Subdivision Name: _____ West Lake Hills _____

Block: _____ 37.137 Acres _____ Lot: _____ Street L.P. Sundberg Survey 71 _____ TCAD Tax Parcel ID: _____ City Abstract 723 _____

Current Zoning Classification: _____ Public Educational Facility/Property located within City of West Lake Hills ETJ _____

Total Lot Size (Acres): _____ 37.137 Acres _____

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

PROJECT INFORMATION

Please list all variances being applied for: *(Please be detailed-for tree variances, must include tree #, size, species; setback variances-which setback and how far is requested encroachment; for height specify how much height being requested; etc.)*

1) Sign Permit Variance: Allow size increase for exterior building identification signage (1 line of letters).



VARIANCE APPLICATION

Brief Description of project/why variances are needed: The project consists of construction of a new Aquatics Building and associated Building Identification Signage for an existing High School campus. The building will be utilized by students, staff, and the community, both during & outside of normal school hours, particularly for parent/community events and district sanctioned competitive events. For wayfinding purposes, it's important that identification of the building (i.e., signage) be explicit and easily visible from a distance, particularly given the complex site layout of the existing high school campus. A variance is required because compliance with the current size restrictions would result in signage so small as to be imperceptible from even a short distance; thus, defeating the entire purpose for the signage.

Variance Questionnaire *(Applicant must demonstrate a hardship for variance request. The ZAPCO V Commissioners, Board of Adjustment/City Council consider these responses when evaluating your application.)*

1) Describe in detail any special conditions you believe will result in unnecessary hardship to you if the terms of this ordinance are strictly or literally enforced.

Since the building will be utilized often for after-school events, building identification and wayfinding to the building will be critical for potential visitors to the building. Without explicit identification of the building that is clearly visible from a distance, there is concern that parents and visitors from the community will become disoriented and could wander astray while trying to locate the building – i.e., parents and visitors will experience uncertainty and unnecessary hardship in trying to locate the building.

2) Why do you think the natural terrain and existing flora will not be unreasonably disrupted or destroyed if the variance you are requesting is granted?

The proposed signage would be mounted directly to the building structure, adjacent to a drive that is located internally within the school campus, distant from any city/neighborhood road. Since the proposed signage is not an independent free-standing structure on the site, natural terrain and existing flora would not be affected (other than disturbance caused by the actual building footprint) if a variance were granted.

3) What other alternatives have you considered? Why won't those other options alleviate the difficulty or hardship that you think exists?

There two other alternatives; adhere to the signage size restrictions, which would result in signage so small as to be insignificant and essentially pointless; or delete the provision of signage altogether. Both of these options would not address the important need for explicit building identification and wayfinding.

4) Why do you believe the variance you are requesting is the minimum required to alleviate the difficulty or hardship you think exists?

Explicit building identification and wayfinding to the building are critical for the potential occupants. Clear, easily visible signage is an important information system that would help guide and navigate students, staff, visitors, parents, and members of the community to this specific building destination. Wayfinding is particularly relevant within a complex built environment such as the existing high school campus.



VARIANCE APPLICATION

5) Why do you believe your variance does not violate the intent of the Zoning Ordinance or the goals of the City's Comprehensive Plan?

Presuming the intent of the Ordinance is to avert the introduction of any obtrusive man-made feature that would corrupt the natural beauty of the surrounding contextual environment, please know that the proposed signage would be an internal feature exclusive to the school campus grounds, essentially inconspicuous and imperceptible to the surrounding city and neighborhood areas outside of the campus.

6) Why do you believe your variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners?

The proposed signage would be mounted to a building and tucked away internally within the school campus, distant from any city/neighborhood road or thoroughfare. As perceived from the scale of the entire campus, the proposed signage would be achromatic and blend in amongst the existing campus features and structures, unnoticeable to the surrounding neighboring properties.

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).

Jeremy Trimble
Signature

4/5/2021
Date

Jeremy Trimble, COO
Printed Name



VARIANCE APPLICATION

APPLICATION CHECKLIST

Variance Application Checklist

- ☐ Completed, signed application
- ☐ Power of Attorney form, if applicable
- ☐ Proof of ownership of subject property
- ☐ Completed Variance Hardship Questionnaire
- ☐ Property survey
- ☐ Proposed site plan with building setbacks clearly labeled
- ☐ Building elevations, if applicable
- ☐ Tree and topo survey, if applicable
- ☐ Preliminary plans for proposed project (pool plans, building plans, fence design, etc.)
- ☐ Photos of property showing existing conditions (for tree variances, include photos of proposed variance trees)
- ☐ Letters/emails of support from neighbors, if able to obtain
- ☐ Payment of application fees (*refer to Appendix A: Fee Schedule in the Code of Ordinances for current fees. Fees are due upfront with application.*)
- ☐ Other relevant information, as determined necessary by staff (for example, if variance is for cut/fill/retaining wall, you may be requested to provide a drainage report)

Variance Process and Information

- City staff will prepare public notification letters and will provide you a public notice sign to place on the property. You will be notified when the public notice sign is available to be picked-up.
- If you want to see example variance applications, please see the Agenda page on the City website at <https://www.westlakehills.org/> to view the latest ZAPCO, Council and BOA packets
- All variance applications are first considered by the Zoning and Planning Commission (ZAPCO), which is an advisory commission only. Final action is then determined by either City Council or Board of Adjustment, depending on the type of variance being requested.
- Agenda packets are digital and posted on the website the Friday prior to the meeting by 5pm. Staff will send you a meeting reminder email after the agenda and packet are posted.
- Applicants or a designated representative are required to attend/speak at each public hearing; otherwise you will risk postponement or denial for no-show. Applicants should keep remarks brief and the typical time allotment is 5 minutes for ZAPCO and 5 – 10 minutes for City Council/BOA.
- Please note ZAPCO is an advisory commission only – final action must be taken by City Council or BOA, depending on the type of variance. If ZAPCO recommends denial, you can still move forward to City Council/BOA unless you decide to withdraw or postpone your variance request.
- If City Council/BOA denies your variance, you have to wait one year before you can reapply for the same variance.
- If approved by City Council/BOA, variances expire within one year of the approval date if a permit application has not been filed to perform the scope of work related to the variance.



VARIANCE APPLICATION

STAFF NOTES

For Completion by Staff Only

Date public notification letters mailed: _____

Date of ZAPCO Meeting: _____

ZAPCO Recommendation: _____

Date of City Council/BOA Meeting: _____

City Council/BOA

Action: _____

Notes:

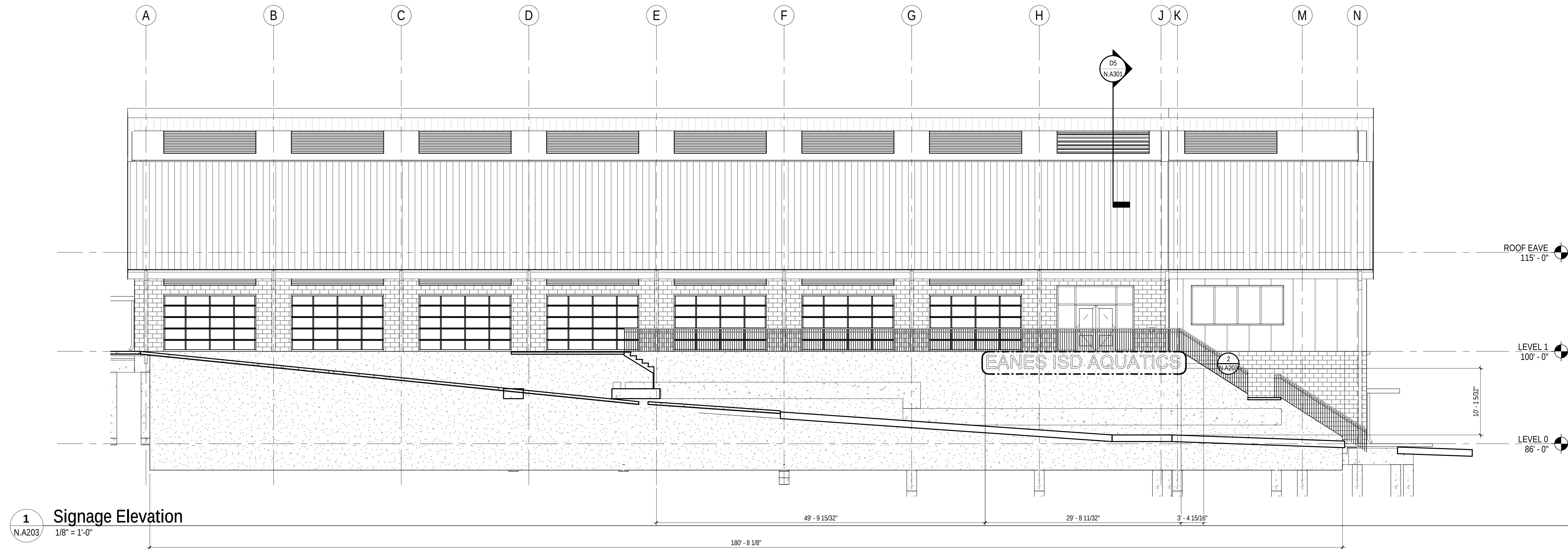
E

D

C

B

A



1 Signage Elevation
1/8" = 1'-0"



2 Signage Elevation - Callout 1
1/4" = 1'-0"

Revision By Appd YYYY.MM.DD

FOR BIDDING, PERMIT, CONSTRUCTION
Issued By Appd 2020.04.02
YYYY.MM.DD

File Name: N/A	Author: Dwn.	Designer: Dgn.	Checker: Ckd.	07/21/20
				YYYY.MM.DD

Permit/Seal

Client/Project Logo

Client/Project
Eanes ISD

Westlake HS Aquatic Center

4100 Westbank Dr
Austin Texas 78746

Title
Building Signage

Project No.
214000736
Revision

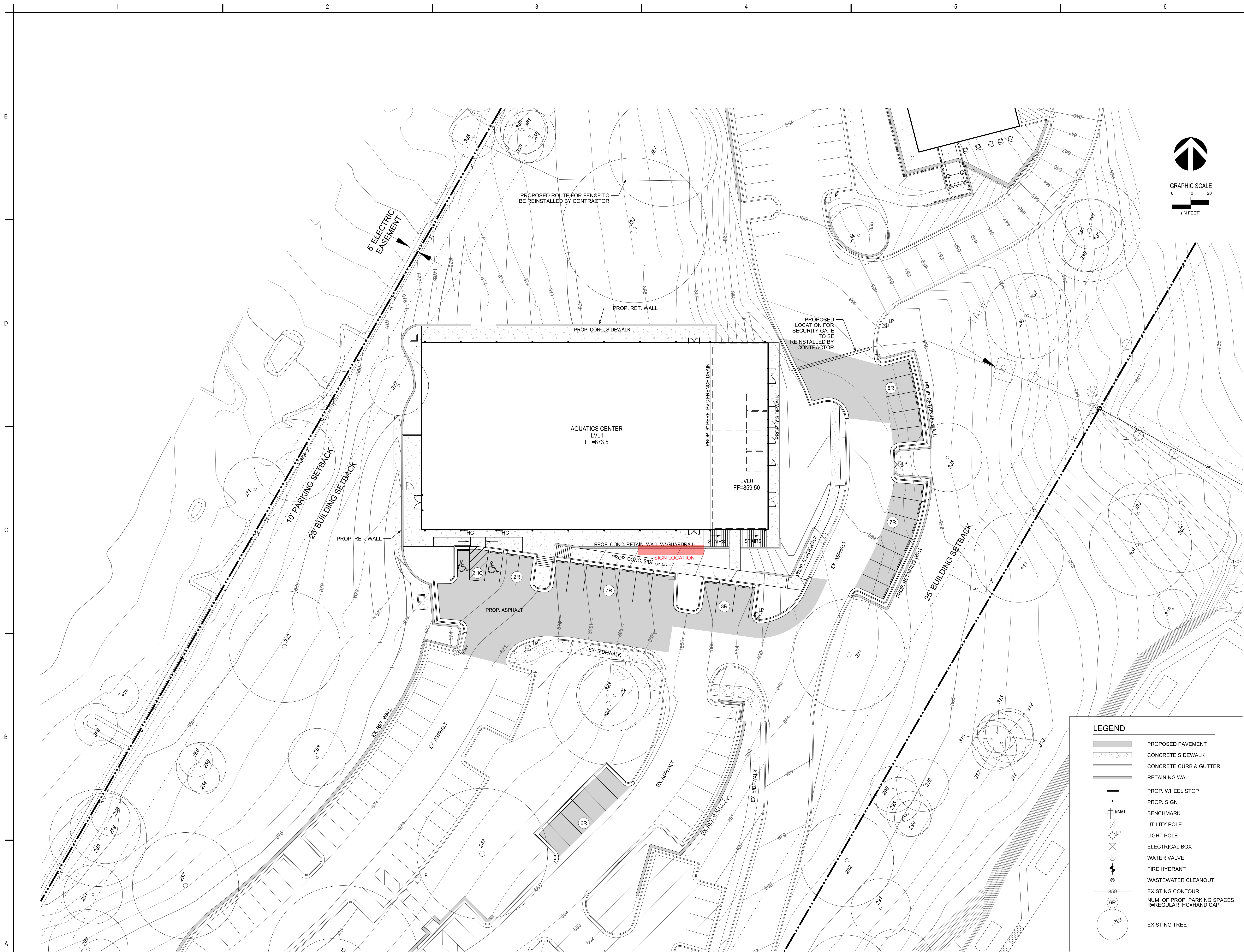
Scale
As indicated
Drawing No.

N.A203



EANES ISD AQUATICS





Stantec Architecture Inc.
3021 Bee Caves Road
Suite 300
Austin, TX 78746-5590
Tel: (512) 867-6000 • www.stantec.com

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TX Registered Engineering Firm #F-1114
TBPLS Firm No. 10065900
5707 Southwest Parkway
Building 2, Suite 250
Austin, TX 78735
Phone: 512-306-8252

Notes



Revision	By	Appd	YYYY.MM.DD

PACKAGE A	By	Appd	YYYY.MM.DD
Issued			
File Name: N/A	Author	Designer	Checker
	Dwnr	Drgh	Chkd
			YYYY.MM.DD

Permit/Seal



Client/Project Logo

Client/Project
EANES ISD

Westlake HS Aquatic Center

Title
SITE PLAN

Project No. 214000736	Scale As indicated
Revision	Drawing No. N.C8



SIGN VARIANCE STAFF REPORT

June 23, 2021

Project Address: 4100 Westbank Drive

Project Number: 16591

Land Use: 4100 Westbank Drive: Discussion/recommendation on an application for a variance request to Allow a sign to exceed allowable square footage to 59.5 sq. ft. (West Lake Hills Code Sec. 32.03.009(2)). Jeremy Trimble agent for Westlake Hills High School Robotics Center.

Applicant Information: Jeremy Trimble agent for Westlake Hills High School Robotics Center

Hearing Dates:

June 16, 2021 ZAPCO

June 23, 2021 City Council

Location: The subject property is the West Lake Hills High School property.

Zoning & Site Characteristics:

The subject property is zoned One Family Residential R1.

The site is surrounded by single-family residential lots.

Background & Analysis:

The applicant is requesting to allow a wall mounted sign to exceed allowable square footage to 59.5 sq. ft. Section 32.03.009(2) – Projecting, wall and commercial hanging signs. The City Sign ordinance allow a maximum square footage for “projecting” and “wall” signs not to exceed twelve (12 sf) square feet

Variance Criteria Review:

When applying for a variance, the applicant has established by competent evidence that:

- 1. The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.**

The application states – “Since the building will be utilized often for after-school events, building identification and wayfinding to the building will be critical for potential visitors to the building.

Without explicit identification of the building that is clearly visible from a distance, there is concern

that parents and visitors from the community will become disoriented and could wander astray while trying to locate the building – i.e., parents and visitors will experience uncertainty and unnecessary hardship in trying to locate the building.”

2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.

The application states – “The proposed signage would be mounted directly to the building structure, adjacent to a drive that is located internally within the school campus, distant from any city/neighborhood road. Since the proposed signage is not an independent free-standing structure on the site, natural terrain and existing flora would not be affected (other than disturbance caused by the actual building footprint) if a variance were granted.”

3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.

The application states – “There two other alternatives; adhere to the signage size restrictions, which would result in signage so small as to be insignificant and essentially pointless; or delete the provision of signage altogether. Both of these options would not address the important need for explicit building identification and wayfinding.”

4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.

The application states – “Explicit building identification and wayfinding to the building are critical for the potential occupants. Clear, easily visible signage is an important information system that would help guide and navigate students, staff, visitors, parents, and members of the community to this specific building destination. Wayfinding is particularly relevant within a complex built environment such as the existing high school campus.”

5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.

The application states – “Presuming the intent of the Ordinance is to avert the introduction of any obtrusive man-made feature that would corrupt the natural beauty of the surrounding contextual environment, please know that the proposed signage would be an internal feature exclusive to the school campus grounds, essentially inconspicuous and imperceptible to the surrounding city and neighborhood areas outside of the campus.”

6. The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.

The application states – “The proposed signage would be mounted to a building and tucked away internally within the school campus, distant from any city/neighborhood road or thoroughfare. As perceived from the scale of the entire campus, the proposed signage would be achromatic and

blend in amongst the existing campus features and structures, unnoticeable to the surrounding neighboring properties.”

Outdoor Lighting

Outdoor lighting is not proposed with this variance request. Any outdoor lighting will need to comply with the City's Code.

Compliance with Adopted Uniform 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 existing and future land use is in conformance with the City of West Lake Hills Master Plan.

ZAPCO Recommendation:

On Wednesday, June 16, 2021, the ZAPCO Commission held a public hearing for this case and forwarded a recommendation to the City Council for DENIAL with a vote of 5-0.

Staff Recommendation

Staff recommends: DENIAL based on the following findings of fact:

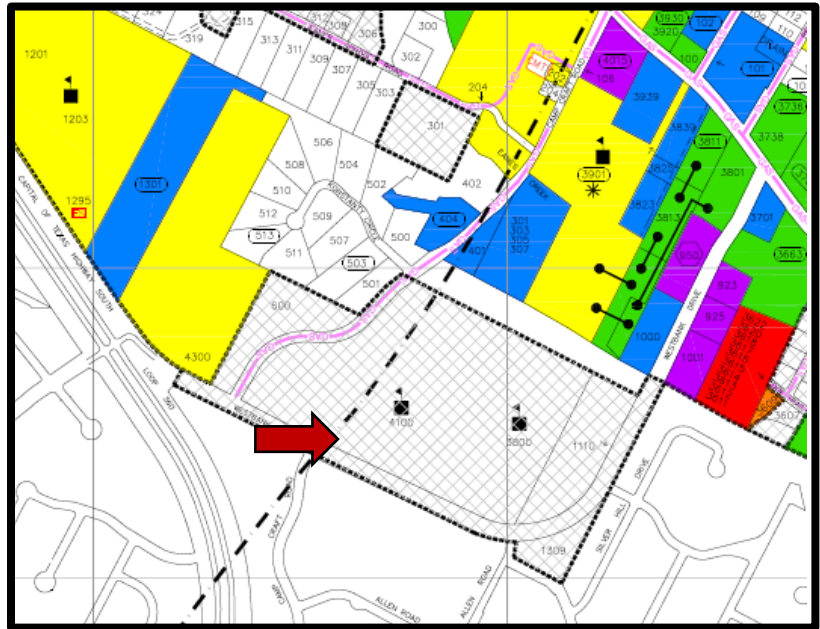
- There are no special circumstances resulting in a physical hardship.
- The proposed scale of the sign is not in harmony with the intent of the City Zoning Ordinance and Comprehensive Plan.
- The sign could be designed to meet the standards of the City Sign Code and properly provide building identification and direction.

Links to Relevant Code:

- [Sec. 32.03.009\(2\) Sign Ordinance Regulations](#)
- [Sec. 22.03.514 Criteria and process required for granting variance](#)

ZONING MAP

R-1 ONE FAMILY RESIDENTIAL
R-2 MULTI-FAMILY RESIDENTIAL
R-3 TRANSITIONAL
O OFFICE
B-1 BUSINESS 1
B-2 BUSINESS 2
B-3 BUSINESS 3
GUI GOVERNMENT, UTILITY INSTITUTIONAL



AERIAL PHOTO



VARIANCE 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 & PROPERTY 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: _____ Eanes ISD _____ Phone: _____ (512) 731-9280 _____

Email: _____ jtrimble@eanesisd.net _____

Address: _____ 4100 Westbank Drive _____ City: _____ Austin _____ State: _____ TX _____ Zip: _____ 78746 _____

Agent*: _____ Jeremy Trimble _____ Phone: _____ (512) 732-9000 _____

Email: _____ jtrimble@eanesisd.net _____

Address: _____ 601 Camp Craft Road _____ City: _____ Austin _____ State: _____ TX _____ Zip: _____ 78746 _____

Property Address: _____ 4100 Westbank Drive _____ City: _____ Austin _____ State: _____ TX _____ Zip: _____ 78746 _____

Property Information

Subdivision Name: _____ West Lake Hills _____

Block: _____ 37.137 Acres _____ Lot: _____ Street L.P. Sundberg Survey 71 _____ TCAD Tax Parcel ID: _____ City Abstract 723 _____

Current Zoning Classification: _____ Public Educational Facility/Property located within City of West Lake Hills ETJ _____

Total Lot Size (Acres): _____ 37.137 Acres _____

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

PROJECT INFORMATION

Please list all variances being applied for: *(Please be detailed-for tree variances, must include tree #, size, species; setback variances-which setback and how far is requested encroachment; for height specify how much height being requested; etc.)*

1) Sign Permit Variance: Allow size increase for exterior building identification signage (1 line of letters).



VARIANCE APPLICATION

Brief Description of project/why variances are needed: The project consists of construction of a new Robotics Building and associated Building Identification Signage for an existing High School campus. The building will be utilized by students, staff, and the community, both during & outside of normal school hours, particularly for parent/community events and district sanctioned competitive events. For wayfinding purposes, it's important that identification of the building (i.e., signage) be explicit and easily visible from a distance, particularly given the complex site layout of the existing high school campus. A variance is required because compliance with the current size restrictions would result in signage so small as to be imperceptible from even a short distance; thus, defeating the entire purpose for the signage.

Variance Questionnaire *(Applicant must demonstrate a hardship for variance request. The ZAPCO V Commissioners, Board of Adjustment/City Council consider these responses when evaluating your application.)*

1) Describe in detail any special conditions you believe will result in unnecessary hardship to you if the terms of this ordinance are strictly or literally enforced.

Since the building will be utilized often for after-school events, building identification and wayfinding to the building will be critical for potential visitors to the building. Without explicit identification of the building that is clearly visible from a distance, there is concern that parents and visitors from the community will become disoriented and could wander astray while trying to locate the building – i.e., parents and visitors will experience uncertainty and unnecessary hardship in trying to locate the building.

2) Why do you think the natural terrain and existing flora will not be unreasonably disrupted or destroyed if the variance you are requesting is granted?

The proposed signage would be mounted directly to the building structure, adjacent to a drive that is located internally within the school campus, distant from any city/neighborhood road. Since the proposed signage is not an independent free-standing structure on the site, natural terrain and existing flora would not be affected (other than disturbance caused by the actual building footprint) if a variance were granted.

3) What other alternatives have you considered? Why won't those other options alleviate the difficulty or hardship that you think exists?

There two other alternatives; adhere to the signage size restrictions, which would result in signage so small as to be insignificant and essentially pointless; or delete the provision of signage altogether. Both of these options would not address the important need for explicit building identification and wayfinding.

4) Why do you believe the variance you are requesting is the minimum required to alleviate the difficulty or hardship you think exists?

Explicit building identification and wayfinding to the building are critical for the potential occupants. Clear, easily visible signage is an important information system that would help guide and navigate students, staff, visitors, parents, and members of the community to this specific building destination. Wayfinding is particularly relevant within a complex built environment such as the existing high school campus.



VARIANCE APPLICATION

5) Why do you believe your variance does not violate the intent of the Zoning Ordinance or the goals of the City's Comprehensive Plan?

Presuming the intent of the Ordinance is to avert the introduction of any obtrusive man-made feature that would corrupt the natural beauty of the surrounding contextual environment, please know that the proposed signage would be an internal feature exclusive to the school campus grounds, essentially inconspicuous and imperceptible to the surrounding city and neighborhood areas outside of the campus.

6) Why do you believe your variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners?

The proposed signage would be mounted to a building and tucked away internally within the school campus, distant from any city/neighborhood road or thoroughfare. As perceived from the scale of the entire campus, the proposed signage would be achromatic and blend in amongst the existing campus features and structures, unnoticeable to the surrounding neighboring properties.

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).

Jeremy Trimble
Signature

4/5/2021
Date

Jeremy Trimble, COO
Printed Name



VARIANCE APPLICATION

APPLICATION CHECKLIST

Variance Application Checklist

- ☐ Completed, signed application
- ☐ Power of Attorney form, if applicable
- ☐ Proof of ownership of subject property
- ☐ Completed Variance Hardship Questionnaire
- ☐ Property survey
- ☐ Proposed site plan with building setbacks clearly labeled
- ☐ Building elevations, if applicable
- ☐ Tree and topo survey, if applicable
- ☐ Preliminary plans for proposed project (pool plans, building plans, fence design, etc.)
- ☐ Photos of property showing existing conditions (for tree variances, include photos of proposed variance trees)
- ☐ Letters/emails of support from neighbors, if able to obtain
- ☐ Payment of application fees (*refer to Appendix A: Fee Schedule in the Code of Ordinances for current fees. Fees are due upfront with application.*)
- ☐ Other relevant information, as determined necessary by staff (for example, if variance is for cut/fill/retaining wall, you may be requested to provide a drainage report)

Variance Process and Information

- City staff will prepare public notification letters and will provide you a public notice sign to place on the property. You will be notified when the public notice sign is available to be picked-up.
- If you want to see example variance applications, please see the Agenda page on the City website at <https://www.westlakehills.org/> to view the latest ZAPCO, Council and BOA packets
- All variance applications are first considered by the Zoning and Planning Commission (ZAPCO), which is an advisory commission only. Final action is then determined by either City Council or Board of Adjustment, depending on the type of variance being requested.
- Agenda packets are digital and posted on the website the Friday prior to the meeting by 5pm. Staff will send you a meeting reminder email after the agenda and packet are posted.
- Applicants or a designated representative are required to attend/speak at each public hearing; otherwise you will risk postponement or denial for no-show. Applicants should keep remarks brief and the typical time allotment is 5 minutes for ZAPCO and 5 – 10 minutes for City Council/BOA.
- Please note ZAPCO is an advisory commission only – final action must be taken by City Council or BOA, depending on the type of variance. If ZAPCO recommends denial, you can still move forward to City Council/BOA unless you decide to withdraw or postpone your variance request.
- If City Council/BOA denies your variance, you have to wait one year before you can reapply for the same variance.
- If approved by City Council/BOA, variances expire within one year of the approval date if a permit application has not been filed to perform the scope of work related to the variance.



VARIANCE APPLICATION

STAFF NOTES

For Completion by Staff Only

Date public notification letters mailed: _____

Date of ZAPCO Meeting: _____

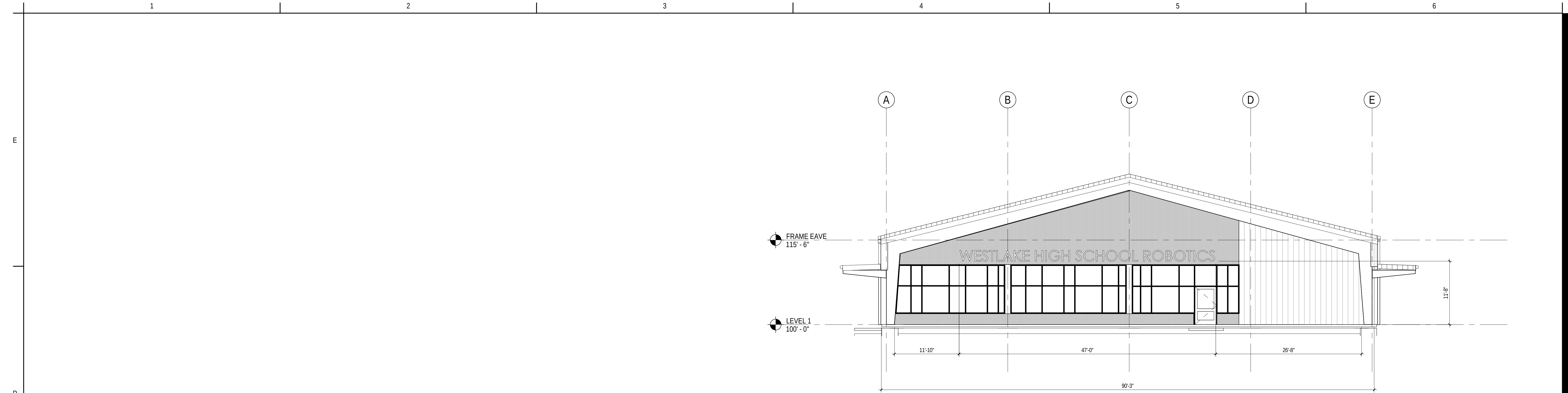
ZAPCO Recommendation: _____

Date of City Council/BOA Meeting: _____

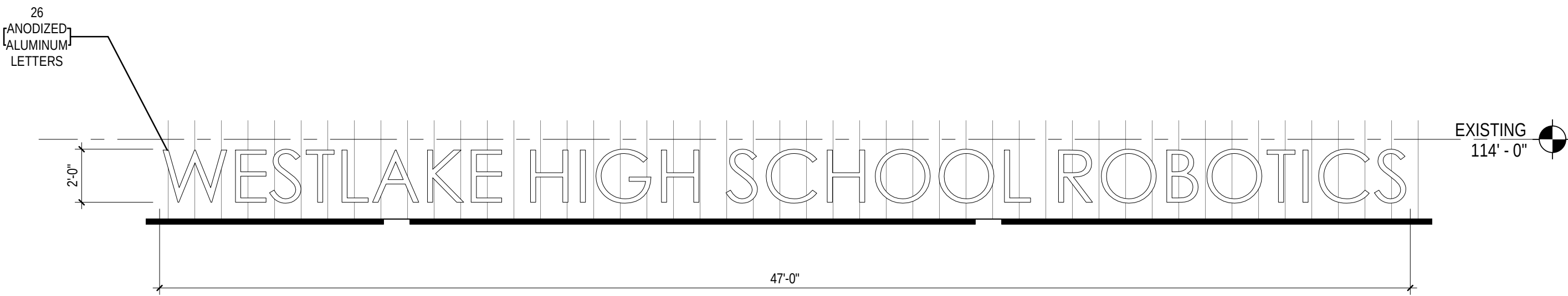
City Council/BOA

Action: _____

Notes:



2 SOUTH ELEVATION
R.A303 1/8" = 1'-0"



1 Signage Elevation- Callout
R.A303 1/4" = 1'-0"



STANTEC ARCHITECTURE INC.
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Consultant

Notes

Revision By Appd YYYY.MM.DD

FOR BIDDING, PERMIT, CONSTRUCTION			2020.04.02
Issued	By	Appd	YYYY.MM.DD
File Name: N/A	Author: Dwn.	Designer: Dgn.	Checker: Ckd.
			07/27/20
			YYYY.MM.DD

Permit/Seal

Client/Project Logo

Client/Project
Eanes ISD

Westlake HS Robotics Addition

4100 Westbank Dr
Austin Texas 78746

Title
Signage Elevation

Project No. 214000736	Scale As indicated
Revision	Drawing No.

R.A303





WESTLAKE HIGH SCHOOL ROBOTICS



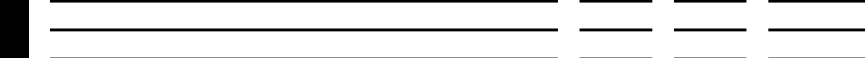


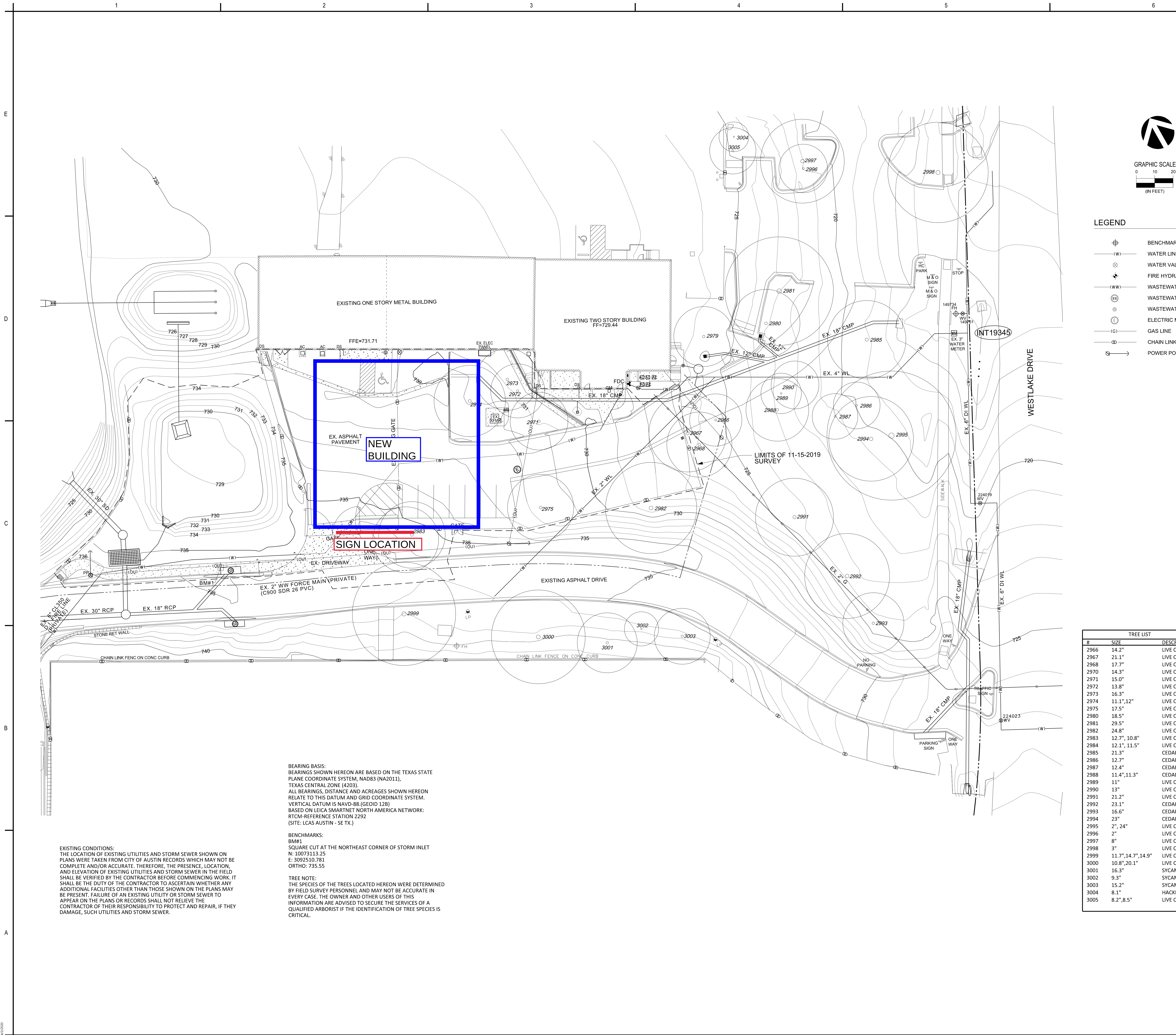
Consultant

 **DUNAWAY**

TX Registered Engineering Firm #F-1114
TBPLS Firm No., 10065900
5707 Southwest Parkway
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1. *Journal of the American Medical Association*, 2000; 283: 2689-2693.





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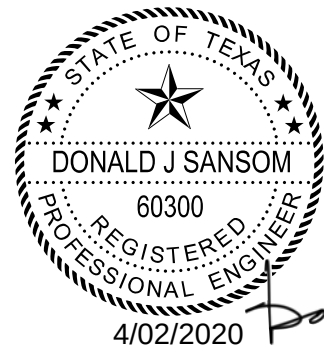
Notes



Revision	By	Appd	YYYY.MM.DD

PACKAGE A	By	Appd	YYYY.MM.DD
Issued			
File Name: N/A	Author	Designer	Checker
	Dwnr	Drgh	Chkd
			YYYY.MM.DD

Permit/Seal



Client/Project Logo

Client/Project
EARNES ISD

Westlake HS Robotics
Addition

Title
EXISTING CONDITIONS

Project No. 214000736	Scale As indicated
Revision 1	Drawing No. R.C3