



City of Hutto

Agenda

Zoning Hearing Board

Tuesday, September 26, 2023 at 7:00 PM

Council Chambers

In accordance with the Texas Open Meetings Act this meeting agenda is posted for public information, continuously, for at least 72 hours prior to the scheduled time of the meeting on the bulletin board located on the exterior wall of the City Hall building at 500 West Live Oak, Hutto, Texas. This meeting agenda is also accessible via the Internet at huttotx.gov

1. CALL SESSION TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

Any citizen wishing to speak during public comment may do so after completing the required registration form. The purpose of this item is to allow the residents of Hutto and other interested persons an opportunity to address the City Council on agenda issues and on non-agenda issues that are a matter of the jurisdiction of the City Council (i.e., City policy or legislative issues). Non-agenda issues regarding daily operational or administrative matters should be first dealt with at the administrative level by calling City Hall at (512) 759-4839 during business hours. Each person providing public comment will be limited to 3 minutes. Any citizen wishing to speak during public comment may do so after completing the required registration form. Written comments for this meeting may also be sent to comments@huttotx.gov PRIOR to 4:00 pm on September 26, 2023. The email must include name, address, phone # and email to be recognized properly. Written comments will be provided to Council.

4. AGENDA ITEMS

- 4.1. Consideration and possible action on the meeting minutes from the regular scheduled Zoning Board of Adjustments Commission meeting held on October 25, 2022.
- 4.2. Consideration of a public hearing and possible action regarding a variance request for the property located at 310 Ed Schmidt Boulevard from the parking lot and vehicular use screening standards, as outlined in Chapter 4, Section 10.407.5.2 of the Unified Development Code (UDC), to allow a reduction in the required landscape screening.

5. DEVELOPMENT SERVICES DIRECTOR REPORT

6. ADJOURNMENT

7. CERTIFICATION

I certify that this notice of the September 26, 2023 Hutto Zoning Hearing Board meeting was posted on the City of Hutto website and the City Hall bulletin board of the City of Hutto on September 21, 2023 before 5:00 P.M.



The City of Hutto is committed to comply with the Americans Disability Act. The Hutto City Council Chamber is wheelchair accessible. Request for reasonable special accommodations must be made 48 hours prior to the meeting. Please email the City Secretary's office at City.Secretary@huttox.gov or call (512) 759-4033 for assistance.

AGENDA ITEM REPORT

4.1.



To: Zoning Board of Adjustment
Subject: Consideration and possible action on the meeting minutes from the regular scheduled Zoning Board of Adjustments Commission meeting held on October 25, 2022.
Meeting: Tuesday, September 26, 2023
Department: Development Services
Staff Contact:

BACKGROUND INFORMATION:

SUMMARY OF REQUEST:

STAFF REVIEW:

FISCAL NOTES:

POLICY IMPLICATIONS:

ATTACHMENTS:

1. Zoning oard of Adjustments meeting minutes 10.25.2022



City of Hutto

Minutes

Zoning Hearing Board

Tuesday, October 25, 2022 at 7:00 PM

City Council Chambers

1. CALL SESSION TO ORDER

The meeting was called to order at 7:00PM.

2. ROLL CALL

Members of the Zoning Board of Adjustments in attendance were: Ray Alba, Robert Balcer, Norman Delay, Alt Rick Hudson, Anthony DeFrancis, Jim Morris and Jonathan Drolet. Members of the City of Hutto staff in attendance were: Ashley Lumpkin, Development Services Director, John Byrum, Planning Manager, and Angel Kavanaugh, Management Assistant.

3. PUBLIC COMMENT

There was no public comment.

4. AGENDA ITEMS

- 4.1. Consideration and possible action on the meeting minutes from the regular scheduled Zoning Board of Adjustments Commission meeting held on July 26, 2022.

Commissioner Norman Delay made a motion to accept the meeting minutes from the regular scheduled Zoning Board of Adjustments Commission meeting held on July 26, 2022 as written, seconded by Commissioner Ray Alba. motion passed 7 Ayes to 0 Nays.

- 4.2. Consideration of a public hearing and possible action regarding variance requests for the property located at 106 Fistril Drive to permit an increase in the rear fence height to extend an additional two (2) feet beyond the code allowed six (6) feet for a total of eight (8) feet as outlined in Unified Development Code Section 10/408.4 Permitted Fences, walls and hedges.

Staff presented applicants' request for a variance for the property located at 106 Fistril Drive to permit an increase in the rear fence height to extend an additional two (2) feet beyond the code allowed six (6) feet for a total of eight (8) feet as outlined in Unified Development Code Section 10/408.4 Permitted Fences, walls and hedges.

The public hearing opened at 7:05PM. Sheila Berry, 105 Tolcarne Drive, spoke in favor of the applicant, stating she was in favor of the variance request. The public hearing was closed at 7:08 PM.

Discussion ensued between staff, applicant and commissioners.

Commissioner Jim Morris made a motion to deny variance requests for the property

located at 106 Fistril Drive to permit an increase in the rear fence height to extend an additional two (2) feet beyond the code allowed six (6) feet for a total of eight (8) feet as outlined in Unified Development Code Section 10/408.4 Permitted Fences, walls and hedges as presented, seconded by Commissioner Anthony DeFrancis. The motion to deny variance passed 7 Ayes to 0 Nays.

- 4.3. Consideration of a public hearing and possible action regarding variance requests for the property located at 310 Luna Vista Drive to permit an increase in the fence height to extend an additional two (2) feet beyond the code allowed six (6) feet for a total of eight (8) feet as outlined in Unified Development Code Section 10.408.4 Permitted Fences, walls and hedges.

Staff presented applicants' request for a variance for the property located at 310 Luna Vista Drive to permit an increase in the fence height to extend an additional two (2) feet beyond the code allowed six (6) feet for a total of eight (8) feet as outlined in Unified Development Code Section 10.408.4 Permitted Fences, walls and hedges.

The public hearing opened at 7:25PM. Joel Herrera the owner of 310 Luna Vista spoke about the reason for the height of the fence. The public hearing was closed at 7:28PM.

Discussion ensued between staff, applicant and commissioners.

Commissioner Norman Delay made a motion to deny applicants variance requests for the property located at 310 Luna Vista Drive to permit an increase in the fence height to extend an additional two (2) feet beyond the code allowed six (6) feet for a total of eight (8) feet as outlined in Unified Development Code Section 10.408.4 Permitted Fences, walls and hedges as presented, seconded by Robert Balcer. Motion to deny variance passed 7 Ayes to 0 Nays.

5. DEVELOPMENT SERVICES DIRECTOR REPORT

Ashly Bailey is working on scheduling a ZBA training with Legal.

6. ADJOURNMENT

The meeting was adjourned at 7:35PM.

7. CERTIFICATION

I certify that this notice of the October 25, 2022 Hutto Zoning Hearing Board meeting was posted on the City of Hutto website and the City Hall bulletin board of the City of Hutto on October 18, 2022 at 5:00 P.M.

Zoning Board of Adjustments Chair

AGENDA ITEM REPORT

4.2.



To: Zoning Board of Adjustment
Subject: Consideration of a public hearing and possible action regarding a variance request for the property located at 310 Ed Schmidt Boulevard from the parking lot and vehicular use screening standards, as outlined in Chapter 4, Section 10.407.5.2 of the Unified Development Code (UDC), to allow a reduction in the required landscape screening.
Meeting: Tuesday, September 26, 2023
Department: Development Services
Staff Contact:

BACKGROUND INFORMATION:

The restaurant (Mighty Fine) located at 310 Ed Schmidt Boulevard was constructed in 2023 and is Lot 3, Block A of Hansons Corner Addition Replat. The property is zoned B-2 (General Commercial).

Section 10.407.5.2 (Parking lot and vehicular use screening) - The perimeter of all vehicular use areas including parking areas, drive aisles, and loading areas shall be screened as follows:

- Vehicular use areas shall be screened from all abutting rights-of-way by a continuous landscaped area not less than 10 ft. deep.
- Vehicular use areas shall be screened from all abutting private property by a continuous landscaped area not less than 8 ft. deep.
- Landscape screening shall contain one (1) large tree per thirty (30) linear feet, or portion thereof, and a continuous hedge not less than 3 ft. in height.
- In addition to the required vehicular use screening, all outdoor parking shall have landscaping islands within the parking area equal to not less than 7% of the gross parking lot area.
- Landscape islands shall be required on both ends of all parking aisles, if such spaces are not adjacent to another landscaped area or entry throat.
- Not more than ten (10) consecutive parking spaces shall be provided without a landscaped island.
- Landscape islands shall be a minimum of 9 ft. wide and 18 ft. deep, and shall contain at least one (1) large tree and four (4) shrubs.
- Driveways and entry throats shall contain at least one (1) large tree and five (5) shrubs on eachside.
- Required parking lot landscaping may be counted toward the minimum landscaped area required in Section 10.407.5.1.

Neighbor Responses and Notification

60 notifications were sent out to property owners within 600' of this site. To date, staff has received no responses in support or opposition of this variance request.

AGENDA ITEM REPORT

4.2.



SUMMARY OF REQUEST:

Variance Evaluation and Recommendation

The proposed request does not meet the variance approval criteria.

- There are unique conditions peculiar to the parcel, such as an unusual shape, that does not exist on adjacent parcels.
 - True. The easement existed prior to the Hanson's Corner development, occurring in 2004 and affects other properties along the easement. The applicant submitted paperwork from the easement owner during the site plan approval indicating the easement owner was supportive of the development.
- Strict application of this code deprives the applicant of rights commonly enjoyed by other land in the area or land with a similar zoning designation.
 - True. The applicant had previously submitted paperwork indicating the easement owner granted acknowledgment and approval of the development. However, that decision was reversed after building construction commenced. Strict application of the code will negatively affect the property in that it cannot meet the ordinance if the easement owner will not provide the allowance to place landscaping within the easement.
- The variance is in harmony with the spirit of this code and community, neighborhood and other applicable land use and development plans, and will not adversely affect property near the subject site.
 - True. The applicant is still trying to provide screening via berm/small species in the areas where it's required within the gas easement.
- Conditions resulting in the request are not self-created by disregard or ignorance of this code.
 - True. The applicant submitted a compliant landscape plan that provided the proper screening in the areas in question but the owner of the gas easement informed the applicant during construction that they would not be allowed the shrubs as approved. The maximum that would be allowed on a shrub is 18" in the easement.
- The variance does not confer special privilege that this code does not permit on other lands, structures or buildings in the same zoning district.
 - True. It is very common in areas of underground and overhead utilities for applicants to seek variances to gain alternative compliance with the Unified Development Code landscaping requirements while adhering to the easement restrictions.
- The variance is the minimum necessary to grant relief.
 - This is true. The applicant is asking to swap the shrubs that fall within the easement to a different short species or earthen berm for this area within the easement. All other landscaped areas on site will be code compliant.

AGENDA ITEM REPORT

4.2.



STAFF REVIEW:

Based on the findings, staff recommends approval of the proposed variance request. It should be noted that during water restrictions, the installation of landscaping is not required until after the water restrictions end.

FISCAL NOTES:

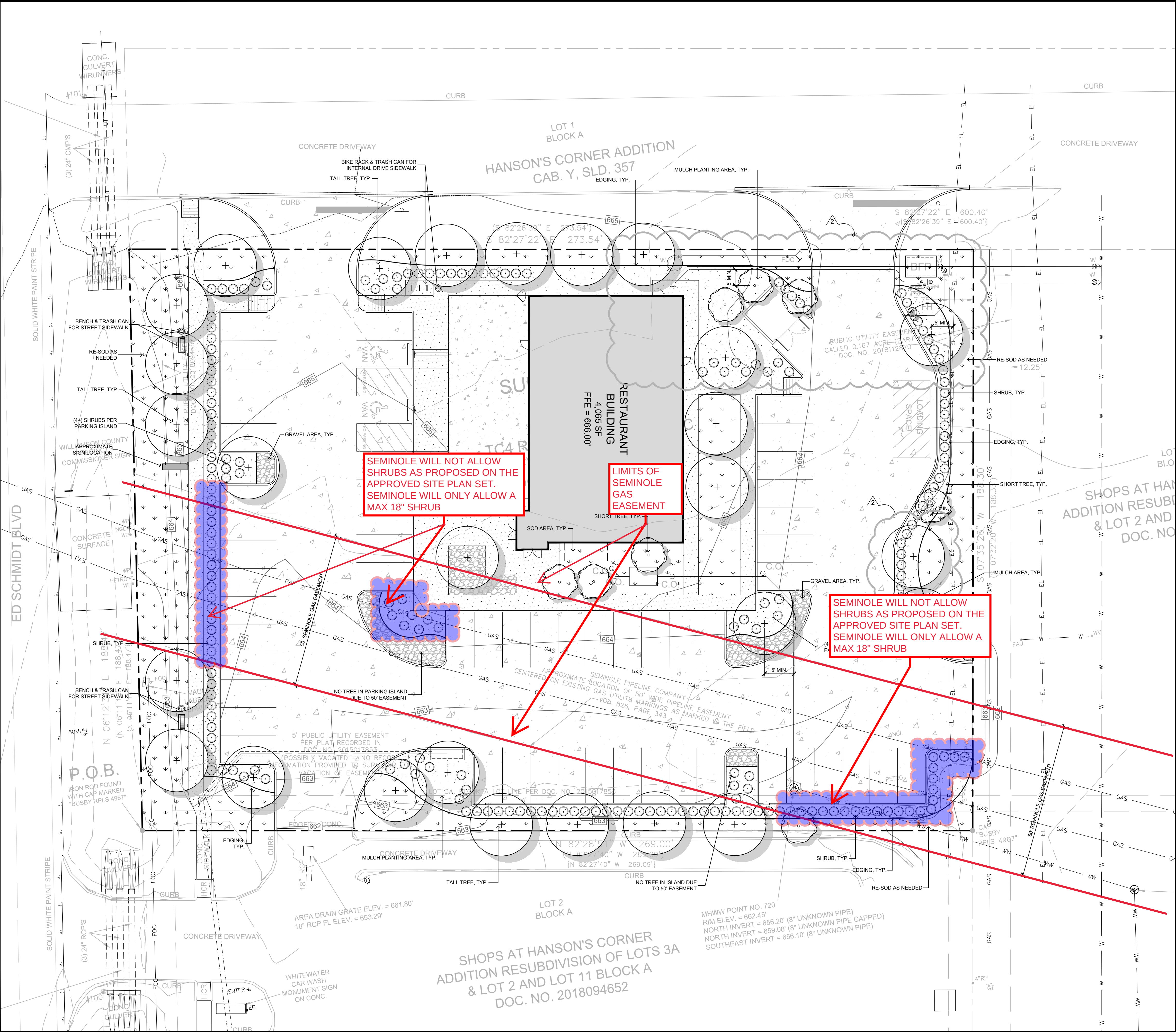
None

POLICY IMPLICATIONS:

None

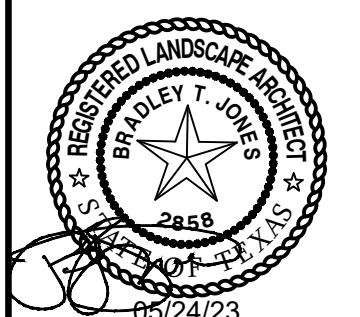
ATTACHMENTS:

1. 5-MightyFineHutto-LandscapePlan-Notes
2. 4-08-07-23-MightyFine-VarianceRequest-Narrative
3. Mighty Fine Zoning



LANDSCAPE REQUIREMENTS		
NON-RESIDENTIAL DEVELOPMENT	Required	Provided
TOTAL SITE AREA	N/A	51,096 sf
Minimum Landscape Area: 51,096 (15%) = 7,665 sf	7,665 sf (15%)	12,000 sf (23%)
Tree & Shrub Requirements: 7,665 sf / 500 sf = 15.33		
Trees Required = 15.33 (2) = 31 Trees Large Trees Provided: 27 Small Trees Provided: 8	31	31
Shrubs Required = 15.33 (4) = 61 Shrubs Shrubs Provided: 205	61	205
PARKING LOT LANDSCAPING	Required	Provided
TOTAL GROSS PARKING LOT AREA	N/A	24,375 sf
Landscape Island Reuired: 24,375 sf (7%) = 1,706 sf	1,706 sf (7%)	1,800+ sf (7%)
SITE FURNITURE	Required	Provided
ED SCHMIDT BLVD SIDEWALK Site Furniture Required: 2 Amenities / 100 l.f. 188 lf / 100' = 4 Amenities Benches Provided: 2 Trash Cans Provided: 2 Bike Racks Provided: 0 Masonry Planters Provided: 0	N/A 4	188 lf 4
NORTH INTERNAL DRIVE Site Furniture Required: 2 Amenities / 100 l.f. 70 lf / 100' = 2 Amenities Benches Provided: 0 Trash Cans Provided: 1 Bike Racks Provided: 1 Masonry Planters Provided: 0	N/A 2	70 lf 2

REVISIONS	
Date	Description
05/10/23	△ SIGN CONFLICT
05/24/23	△ UTILITY UPDATE

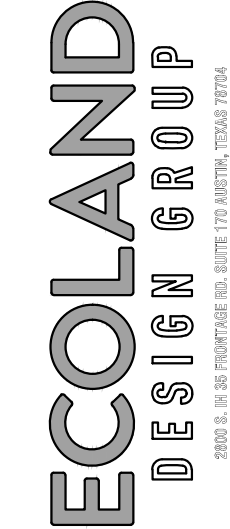


HANSON'S CORNER MIGHT FINE

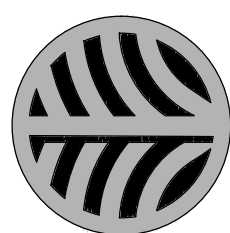
310 ED SCHMIDT BLVD. HUTTO, TEXAS 78634

LANDSCAPE SUBMITTAL PLAN

DATE: 05-24-23
SCALE: 1/16" = 1'-0"



ECOLAND
DESIGN GROUP



Sheet:
L1 of L2

JOB#: E193-02

TALL TREES				
SYMBOL	QUANTITY	COMMON NAME	SCIENTIFIC NAME	SIZE AND CONDITION
	28	Cedar Elm	Ulmus crassifolia	3" caliper / 10' height minimum
		Chinquapin Oak	Quercus muehlenbergii	3" caliper / 10' height minimum
		Live Oak	Quercus virginiana	3" caliper / 10' height minimum

*NOTE: NO MORE THAN 50% OF ALL TREES SHALL BE OF THE SAME SPECIES

SHORT TREES				
SYMBOL	QUANTITY	COMMON NAME	SCIENTIFIC NAME	SIZE AND CONDITION
	8	Crape Myrtle	Lagerstromia indica	2" caliper / 6' height minimum
		Mexican Redbud	Cercis canadensis var. mexicana	2" caliper / 6' height minimum
		Yaupon Holly	Ilex vomitoria	2" caliper / 6' height minimum

*NOTE: NO MORE THAN 50% OF ALL TREES SHALL BE OF THE SAME SPECIES

SHRUBS				
SYMBOL	QUANTITY	COMMON NAME	SCIENTIFIC NAME	SIZE AND CONDITION
	205	Agave	Agavaceae	3 gallon minimum., 24" ht.
		Big Muhly	Muhlenbergia lindheimeri	3 gallon minimum., 24" ht.
		Dwarf Wax Myrtle	Myrica cerifera ver. pumila	3 gallon minimum., 24" ht.
		Texas Sage	Leucophyllum frutescens	3 gallon minimum., 24" ht.

TURF GRASS				
SYMBOL	QUANTITY	COMMON NAME	SCIENTIFIC NAME	SIZE AND CONDITION
	+/- TBD	Tiffway 419 Bermuda Grass	Cynodon dactylon var. Tiffway 419	SF - Solid sod free of weeds

MISCELLANEOUS		
SYMBOL	QUANTITY	DESCRIPTION
	+/- 1,000	SF 3" depth 3/4" limestone gravel w/ weed mat
	+/- 5,665	SF 3" depth native hardwood mulch
	+/- 650	L.F. Bender board, poly edging 1/8" x 5" with 12" stakes. Finish: Black-Note: bottom 1/2 of edging to be installed below grade, typ.

GENERAL LANDSCAPE CONSTRUCTION NOTES

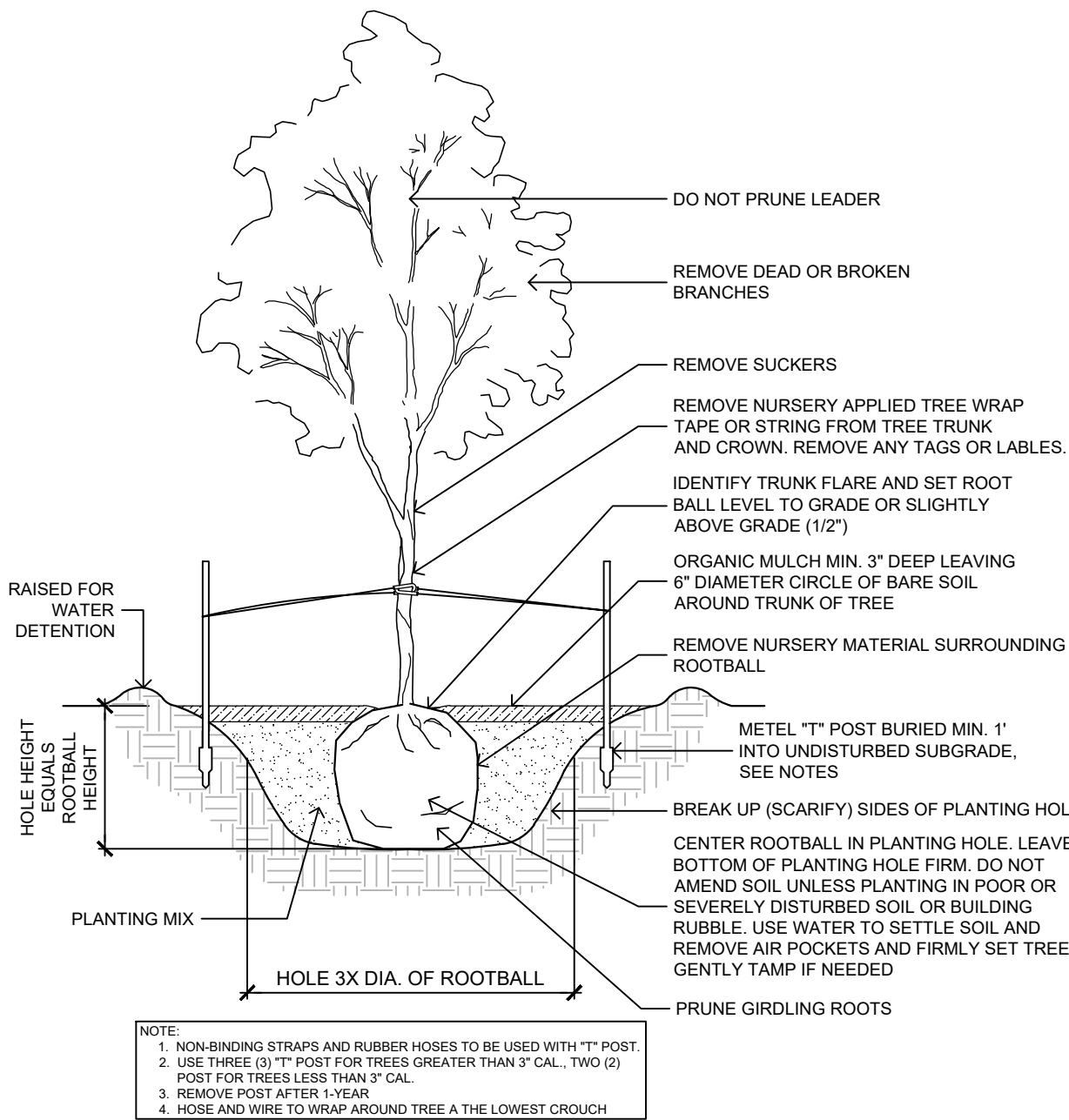
- Contractor shall provide all labor and materials necessary to complete the work shown on the plans.
- All proposed landscaping is to be installed as per local city ordinances and codes. Notify owner's representative and landscape architect of any discrepancies prior to construction.
- All plant material shall comply with plant size per container as stated by the American Association of Nurseryman.
- Plants are subject to inspection and approval by the landscape architect. Plants are required for the site may be inspected and tagged at growing site before delivery.
- Groundcover bed preparation shall be 2 inches of planting mix tilled 8 inches into bed areas.
- Shrubs and trees shall be pocket planted. Excavate planting hole 1-1/2 times the width and height of the root ball. Backfill with 3/4 sandy loam.
- Grading shall provide positive drainage away from buildings and other structures. Fine grade for positive drainage to prevent ponding.
- Quantities provided in the plant list are for general use only, contractor is responsible for quality of workmanship, superintendence and scheduling of work.
- Contractor is responsible for quality of workmanship, superintendence and scheduling of work.
- Contractor is responsible for removal of trash and job safety conditions.
- Contractor to provide (1) year warranty on all plant material.

MAINTENANCE NOTES

Trees and vegetation, irrigation systems, fences, walls and other landscape elements are considered elements of the project in the same way as parking, building materials, and other site details. The applicant, landowner or successors must be jointly and severally responsible for regular maintenance of all landscaping elements in good condition. Landscaping must be maintained free from disease, pests, weeds and litter.

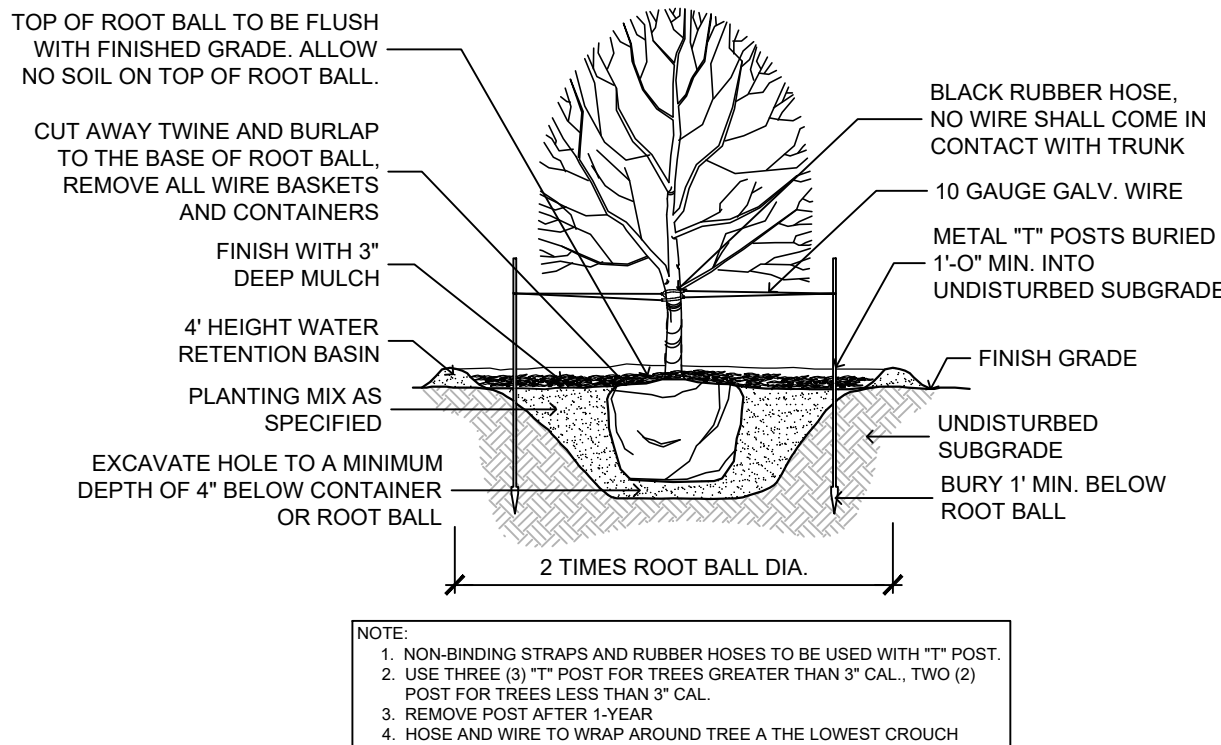
CITY OF HUTTO LANDSCAPE NOTES

- Native 'Tall' Trees must have a caliper of at least 3 inches
- Native 'Short' Trees must have a caliper of at least 2 inches
- Planted shrubs must have a minimum 3-gallon container or be at least 2 ft. tall
- Shrubs growing to at least 3 ft. tall must be placed at least 10 ft. from curb cuts. This is to maintain clear driver sight distance at driveway-street intersections
- Planting areas for each tree provided shall have a minimum undisturbed pervious area of at least 100 square feet and shall be planted or covered with grass, mulch, or other appropriate groundcover
- Trees must be placed at least 10 ft. from streetlights and 5 ft. from wet utilities, unless otherwise approved by the City Engineer. Trees must be placed at least 4 ft. from gas lines, unless otherwise approved by the City Engineer. Conduit may be required to protect underground electric lines near trees. Root barriers shall be required when trees are within right-of-way
- Ground cover must be planted on areas on a developed parcel that are not part of an impervious surface, covered with porous paving, occupied by shrubbery or gardens, or under a tree dipline
- Shrub and ground cover planting beds must be separated from turf grass with edging, and must have open surface areas covered with mulch
- Topsoil removed during construction activity must be conserved for later use on areas requiring revegetation and landscaping, to the maximum extent practicable
- Landscaping plants must be free of defects, and of normal health, height, leaf density and spread appropriate to the species, as defined by American Association of Nurserymen standards
- Landscaping must be installed using sound horticultural practices, in a way that encourages quick establishment and healthy growth. Landscaping in each phase must either be installed or the installation must be secured with a letter of credit, escrow or performance bond for 150% of landscaping value before a certificate of occupancy for any building in a phase is issued
- Trees and vegetation, irrigation systems, fences, walls and other landscape elements are considered elements of the project in the same way as parking, building materials and other site details. The applicant, landowner or successors must be jointly and severally responsible for regular maintenance of all landscaping elements in good condition
- Landscaping must be maintained free from disease, pests, weeds and litter
- Landscaping elements that are removed or dead must be promptly replaced
- All plants on newly developed parcels, except those developed for single household and two household dwellings, must be irrigated, with these exceptions:
 - Plants that do not require irrigation for establishment
 - Mature xeriscape areas, with established plants that do not require irrigation for survival
 - Trees established for two years or more



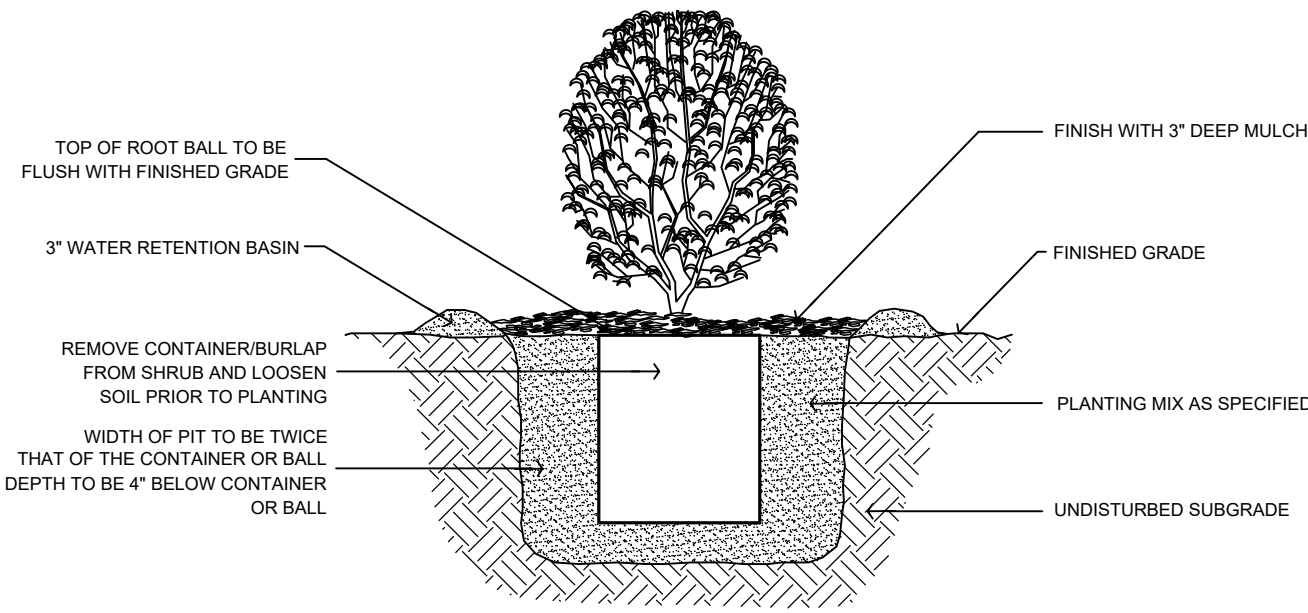
A SHADE TREE PLANTING DETAIL
SECTION

SCALE: N.T.S.



B ORNAMENTAL TREE PLANTING DETAIL
SECTION

SCALE: N.T.S.



C SHRUB PLANTING DETAIL
SECTION

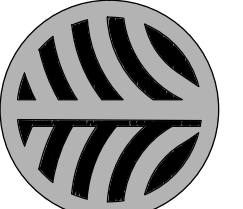
SCALE: N.T.S.

HANSON'S CORNER MIGHT FINE
310 ED SCHMIDT BLVD. HUTTO, TEXAS 78634
LANDSCAPE SUBMITTAL NOTES & DETAILS

DATE: 05-24-23

SCALE: AS SHOWN

ECOLAND
DESIGN GROUP
HUTTO, TX 78634
WWW.ECOLANDDESIGNGROUP.COM 512.544.8214



Sheet:

L2 of L2

JOB#: E193-02



August 7, 2023

City of Hutto Development Services
500 W. Live Oak Street
Hutto, TX 78634

Re: **Mighty Fine at Hanson's Corner – Variance Request Narrative – 310 Ed Schmidt Blvd. Hutto, Texas 78634**

To whom it concerns:

REQUEST:

We are formally requesting a variance for site design standards from Section **10.407.5.2 Parking lot and Vehicluar Use Screening** for portions of our site that fall within Enterprise Products gas easements (reference attached landscape plan). Although we have an approved plan showing the code compliant screening, we were informed on site during construction that Seminole Gas / Enterprise products will not allow any landscape that grows taller than 18" within their easement.

POSSIBLE ALTERNATIVES:

1. Reduce the shrubs within the gas easement to a species that maxes out at 18".
2. Provide a landscaped berm (max of 24" per Seminole) to buffer the parking within the gas easement.

REVIEW CRITERIA FINDINGS:

3. The variance is in harmony with the spirit of the UDC and the community, neighborhood and other applicable land use and development plans, and will not adversely affect property near the subject site. *We are still trying to provide screening via berm / smaller species in the areas where it's required within the gas easement.*

4. Conditions resulting in the request are not self-created by disregard or ignorance of the of the UDC. *We submitted a compliant landscape plan that provided the proper screening in the areas in question but the owner of the gas easement informed us during construction that they would not allow the shrubs as approved. They said they would only allow a shrub a max a 18" in the easement.*

5. The variance is the minimum necessary to grant relief. *We are only asking to swap the shrubs that fall within the easement to a different short species or berm this area. All other landscape on site will be code compliant.*

Thanks in advance for your consideration,

Sincerely,

A handwritten signature in blue ink, appearing to read "Bradley Jones", with a large, stylized flourish at the end.

Bradley Jones, *Partner*

Hutto Official Zoning Map

