



## **CITY OF ROLLINGWOOD COMPREHENSIVE RESIDENTIAL CODE REVIEW COMMITTEE AGENDA**

**Tuesday, September 10, 2024**

Notice is hereby given that the Comprehensive Residential Code Review Committee of the City of Rollingwood, Texas will hold a meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on September 10, 2024 at 5:00 PM. Members of the public and the Comprehensive Residential Code Review Committee may participate in the meeting virtually, as long as a quorum of the Comprehensive Residential Code Review Committee and the presiding officer are physically present at the Municipal Building, in accordance with the Texas Open Meetings Act. The public may watch this meeting live and have the opportunity to comment via audio devices at the link below. The public may also participate in this meeting by dialing one of the toll-free numbers below and entering the meeting ID and Passcode.

**Link:** <https://us02web.zoom.us/j/5307372193?pwd=QmNUbmZBQ1lwUjNjNmK5RnJreIRFUT09>

**Toll-Free Numbers:** (833) 548-0276 or (833) 548-0282

**Meeting ID:** 530 737 2193

**Password:** 9fryms

The public will be permitted to offer public comments via their audio devices when logged in to the meeting or telephonically by calling in as provided by the agenda and as permitted by the presiding officer during the meeting. If a member of the public is having difficulties accessing the public meeting, they can contact the city at [mrodriguez@rollingwoodtx.gov](mailto:mrodriguez@rollingwoodtx.gov). Written questions or comments may be submitted up to two hours before the meeting. A video recording of the meeting will be made and will be posted to the City's website and available to the public in accordance with the Texas Public Information Act upon written request.

### **CALL COMPREHENSIVE RESIDENTIAL CODE REVIEW COMMITTEE MEETING AND PUBLIC WORKSHOP TO ORDER**

1. Roll Call

### **PUBLIC COMMENTS**

Citizens wishing to address the Comprehensive Residential Code Review Committee for items not on the agenda will be received at this time. Please limit comments to 3 minutes. In accordance with the Open Meetings Act, the Committee is restricted from discussing or taking action on items not listed on the agenda.

**Citizens who wish to address the Comprehensive Residential Code Review Committee with regard to matters on the agenda will be received at the time the item is considered.**

**CONSENT AGENDA**

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

- 2. Discussion and possible action on the minutes from the August 27, 2024 CRCRC meeting

**REGULAR AGENDA**

- 3. Discussion and possible action on emails and letters to the CRCRC from August 27, 2024 to September 9, 2024
- 4. Discussion and possible action regarding late CRCRC additions, if any, to its Residential Building Heights proposal
- 5. Discussion and possible action on Critical Root Zone (CRZ) protection during construction
- 6. Discussion and possible action regarding HVAC unit placement in yards
- 7. Discussion and possible action regarding vegetative barriers between lots
- 8. Discussion and possible action regarding drainage structures between lots

**ADJOURNMENT OF MEETING AND PUBLIC WORKSHOP**

**CERTIFICATION OF POSTING**

I hereby certify that the above Notice of Meeting was posted on the bulletin board at the Rollingwood Municipal Building, in Rollingwood, Texas and to the City website at [www.rollingwoodtx.gov](http://www.rollingwoodtx.gov) on Friday, September 6, 2024 at 5:00 p.m.

Ashley Wayman

Ashley Wayman, City Administrator

NOTICE -

The City of Rollingwood is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please contact the City Secretary, at (512) 327-1838 for information. Hearing-impaired or speech-disabled persons equipped with telecommunication devices for the deaf may call (512) 272-9116 or may utilize the stateside Relay Texas Program at 1-800-735-2988.

The Comprehensive Residential Code Review Committee will announce that it will go into executive session, if necessary, to deliberate any matter listed on this agenda for which an exception to open meetings requirements permits such closed deliberation, including but not limited to consultation with the city's attorney(s) pursuant to Texas Government Code section 551.071, as announced at the time of the closed session.

Consultation with legal counsel pursuant to section 551.071 of the Texas Government Code;  
discussion of personnel matters pursuant to section 551.074 of the Texas Government Code;  
real estate acquisition pursuant to section 551.072 of the Texas Government Code;  
prospective gifts pursuant to section 551.073 of the Texas Government Code;

security personnel and device pursuant to section 551.076 of the Texas Government Code;  
and/or economic development pursuant to section 551.087 of the Texas Government Code.  
Action, if any, will be taken in open session.



# CITY OF ROLLINGWOOD COMPREHENSIVE RESIDENTIAL CODE REVIEW COMMITTEE MINUTES

Tuesday, August 27, 2024

The CRCRC of the City of Rollingwood, Texas held a meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on August 27, 2024. Members of the public and the CRCRC were able to participate in the meeting virtually, as long as a quorum of the CRCRC and the presiding officer were physically present at the Municipal Building, in accordance with the Texas Open Meetings Act. A video recording of the meeting was made and will be posted to the City’s website and available to the public in accordance with the Texas Public Information Act upon written request.

## CALL COMPREHENSIVE RESIDENTIAL CODE REVIEW COMMITTEE MEETING AND PUBLIC WORKSHOP TO ORDER

1. Roll Call

**Chair Dave Bench called the meeting to order at 5:03 p.m.**

**Present Members:** Chair Dave Bench, Jay van Bavel, Thom Farrell, Brian Rider, and Alex Robinette

**Also Present:** Assistant to the City Administrator Makayla Rodriguez and Development Services Manager Nikki Stautzenberger

## PUBLIC COMMENTS

There were no public comments.

## CONSENT AGENDA

2. Discussion and possible action on the minutes from the August 13, 2024 CRCRC meeting

Brian Rider discussed a correction to the meeting minutes.

**Thom Farrell moved to approve the minutes with edits. Brian Rider seconded the motion. The motion carried with 5 in favor and 0 against.**

3. Discussion and possible action on the minutes from the August 20, 2024 CRCRC meeting

**Brian Rider moved to approve the minutes as written. Thom Farrell seconded the motion. The motion carried with 4 in favor and 1 abstention (Robinette).**

## REGULAR AGENDA

- 4. Discussion and possible action on emails and letters to the CRCRC from August 13, 2024 to August 26, 2024

Assistant to the City Administrator Makayla Rodriguez discussed that there were no emails received during the timeframe.

- 5. Discussion on recent City Council meeting and upcoming joint City Council, Planning and Zoning, and CRCRC meeting

Chair Dave Bench discussed the recent City Council meeting and shared that there was consensus to have a joint meeting with City Council, Planning and Zoning, and the CRCRC to review the recommendations. The CRCRC members discussed the joint meeting, documents for the joint meeting, and the public hearing process.

Development Services Manager Nikki Stautzenberger discussed the public hearing process with the CRCRC.

- 6. Discussion and possible action on critical root zone protection

Jay van Bavel shared a brief an update regarding critical root zone protection. Chair Dave Bench stated that the item will be tabled to the next meeting.

- 7. Discussion and possible action on fence height recommendation

The CRCRC discussed fence height in surrounding cities, the city’s fence ordinance, and fence height recommendations. The CRCRC asked questions of Development Services Manager Nikki Stautzenberger regarding the fence permitting process.

**Thom Farrell moved to recommendation that there is a base height on fences that are from natural grade at 6ft and allowed up to 8ft. Anything over 6ft requires to be engineered and 8ft is the maximum allowed with neighbors approval or you can go to the Board of Adjustment for a special exemption with the following parts to be considered; privacy, continuity, and safety. Brian Rider seconded the motion.**

The CRCRC discussed the motion language and amendments.

**Brian Rider moved to modify the motion such that the standard would be 6ft from natural grade, anything over 6ft needs to be engineered, 8ft could be administratively approved if engineered and does not need neighbor approval, and anything over 8ft has to be engineered and have Board of Adjustment approval based on safety, continuity, and privacy issues and all measured from natural grade. Thom Farrell seconded the motion amendment. The motion carried with 5 in favor and 0 against.**

- 8. Continued discussion and possible action on enforcement recommendation

*Chair Dave Bench tabled this item.*

- 9. Discussion on next steps

The CRCRC discussed adding items to the Planning and Zoning meeting on September 4, 2024 and reviewed the CRCRC formation document to see what has been addressed. They discussed building height, the tree ordinance, and cut and fill.

Jerry Fleming, 305 Nixon Drive and member on the Planning and Zoning Commission, shared information regarding a special exception on a lot within Rollingwood.

The CRCRC discussed cut and fill, fire safety in relation to the code, the fire department, and continued to review items on the CRCRC formation document.

Chair Dave Bench discussed drainage and impervious cover. Mr. Bench stated that he will reach out to the fire department to see if they can present tree and fire safety at a future CRCRC meeting.

10. Discussion on final CRCRC report

Chair Dave Bench discussed what should be included in the final CRCRC report and next steps.

**ADJOURNMENT OF MEETING AND PUBLIC WORKSHOP**

**The meeting was adjourned at 7:00 p.m.**

**Minutes adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.**

\_\_\_\_\_  
**Dave Bench, Chair**

**ATTEST:**

\_\_\_\_\_  
**Ashley Wayman, City Administrator**

**Ashley Wayman**

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**From:** catherine horne [REDACTED]  
**Sent:** Wednesday, September 4, 2024 5:16 PM  
**To:** Ashley Wayman; Sara Hutson  
**Subject:** Forward to CC

Good day. I am in full support of the CRCC(??) recommendation regarding building height. I trust their work and judgement and believe this will stop the abuses and excessive heights.

That said, I am disturbed by former Council Member Wendy Hundley’s and Ryan Clinton’s misleading newsletters and emails regarding height.

I live on a flat lot and have a home that does not exceed 35ft and cannot for the life of me understand why everyone is upset about the proposed changes. A sloped lot gains an additional 10 ft of height for a house- seen or unseen from the street depending on lot location. I don’t have this option because I am on a flat lot. I think that specific difference between a sloped lot and flat lot has been ignored. We dont all have that option so those who have a sloped lot have more options than the majority of lots do.

I would ask the City to work to put together a one page explanation of the changes in layman’s terms with diagrams. In addition it might be in the cities best interest to meet with local realtors and builders to explain the info. There is so much misinformation and crazy scare tactics about not being able to build and most restrictive city which is clearly not the case. Rollingwood has liberal building codes and none of this is negatively impacting your value. A less desirable lots value may be more negatively impacted by market conditions because people aren’t willing to pay extremes for the neighborhood- that may be the issue that building code changes cannot fix.

Again I fully support the work of the Committee and I hope that the City Council will support their efforts and time spent on this issue.

Thank you!

Catherine Horne

Sent from my iPhone

**Ashley Wayman**

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**From:** Danielle Hasso [REDACTED]  
**Sent:** Wednesday, September 4, 2024 4:48 PM  
**To:** Ashley Wayman  
**Subject:** Opposition to parallel plane proposal

Hi Ashley,

Can you please forward my input to the council and planning and zoning committee regarding tonight’s discussion of the parallel plane proposal?

I am against the parallel plane proposal.

I believe it puts an unnecessary and unfair burden on sloped properties and decreases the value of those lots after families have already purchased them. Sloped lots are already trickier and more costly to build on and applying the same parallel plane rules to flat and sloped lots negatively and unfairly impacts owners of sloped lots. This is not an equitable solution.

The other issue I foresee is enforcement. Since the measurements would be different at each centimeter. This leaves room for some properties (likely sloped lots) to be overly scrutinized, delaying build time and costing money, while others (flat lots) would likely breeze through. When any lot’s building height compliance is called into question it will likely cost the city and homeowner a lot of time, money, energy, and frustration.

Here are some alternate proposals I’ve read that I would be much more in favor of:

(1) have a different maximum roof height for flat-roofed homes than for sloped-roof homes. This is a common practice in other cities.

(2) eliminate 4-story homes - restrict homes to 3 stories

(3) require wall "articulation"

(4) encourage natural barriers between homes, especially those with large elevation changes between them

Impose the same regulations on all lots so it’s equitable.

Thanks for your time!



Warmly,  
Danielle Hasso

Sent from my iPhone

**Ashley Wayman**

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**From:** Dave [redacted] >  
**Sent:** Wednesday, September 4, 2024 10:51 AM  
**To:** Ashley Wayman  
**Subject:** Fwd: Urgently Request Your Support for Building Height Recommendation

Ashley  
Not sure if this got to anyone else. Please add it to CRCRC emails and/or otherwise distribute appropriately. More may be coming.  
Best  
Dave

----- Forwarded Message -----  
**From:** "Kathy Borth" <[redacted]>  
**To:** "Dave" <[redacted]>  
**Sent:** Wednesday, September 4, 2024 10:43:11 AM  
**Subject:** Re: Urgently Request Your Support for Building Height Recommendation

I support the parallel plane provision as written in the revised building codes.  
Our city has become a hodge podge of white, flat roof boxes which enable maximum height. And are visually unappealing to most.  
I wonder also about the height ladders which our fire fighters use: are they adequate to 35'?

Kathy Borth  
[redacted]

On Sep 4, 2024, at 9:20 AM, Dave <[redacted]> wrote:

BQ\_BEGIN

Dear Fellow Rollingwood Citizen,

This note urgently requests your written support for the Comprehensive Residential Code Review Committee (CRCRC) building height recommendation that reigns-in future new-builds that overwhelm the lots on which that they are built, reduces the privacy issues that massive new-builds create and promotes neighborhood aesthetic harmony without affecting property values.

Some time ago you expressed to Rollingwood City Council, Planning & Zoning or some other Rollingwood government entity your concern about the size and in particular the height of homes that are presently being built in Rollingwood. Your input and the input of others caused City Council to create the CRCRC whose charge is to review the current building codes for fitness. A CRCRC survey gathered public opinion from over 270 residents representing 218 or roughly half of the households in Rollingwood. On the issue of building height, the CRCRC found that the majority responses were in favor of keeping the current 35-foot limit, but that steps need to be taken to prevent it from being exceeded.

Under the current code, a building is allowed up to an additional 10 feet of height if the elevation difference across a lot's buildable area exceeds 10 feet. If the elevation difference is 7 feet, then an additional 7 feet of height is allowed; and so on. In recent years, a few developers "gamed" the system to create slope that wasn't originally there resulting in "outlier" homes whose height and mass exceed the limit of what should have been reasonably built and thereby robbing the neighborhood of privacy and aesthetic harmony.

The certified architects on the CRCRC looked at the building codes of many cities across the country whose slope considerations are similar to Rollingwood's. They found that a number of municipalities restrict building heights to a set maximum by using a measurement method that follows the natural slope rather than "gaming" it. The method, called "parallel plane", is what CRCRC recommends.

There are a few vocal opponents to the CRCRC recommendation. They make the case that restricting to 35 feet is unfair to sloped lots and so they recommend other methods that average lot slope to provide additional height above 35 feet. The CRCRC view is that 35 feet is a generous height that is greater than the allowable of any other nearby municipality, including Austin, Westlake Hills or Lakeway. Designing a home using parallel plane is not difficult even for those lots that are severely sloped and will help spare neighborhoods of the privacy and the building disharmony issues that they have recently experienced when an overwhelmingly oversized house is built next door.

I ask that you urgently email your support for the CRCRC parallel plane recommendation to the mayor and one or more of our City Council members. Find email addresses below. Please also copy Ashley Wayman, the City Administrator.

Mayor Gavin Massingill [ <mailto:gmassingill@rollingwoodtx.gov> | [gmassingill@rollingwoodtx.gov](mailto:gmassingill@rollingwoodtx.gov) ]

Council Members Brook Brown [ <mailto:bbrown@rollingwoodtx.gov> | [bbrown@rollingwoodtx.gov](mailto:bbrown@rollingwoodtx.gov) ]

Kevin Glasheen [ <mailto:kglasheen@rollingwoodtx.gov> | [kglasheen@rollingwoodtx.gov](mailto:kglasheen@rollingwoodtx.gov) ]

tsion [ mailto:shutson@rollingwoodtx.gov | shutson@rollingwoodtx.gov ]

Phil McDuffee [ mailto:pmcduffee@rollingwoodtx.gov | pmcduffee@rollingwoodtx.gov ]

Alec Robinson [ mailto:arobinson@rollingwoodtx.gov | arobinson@rollingwoodtx.gov ]

City Administrator Ashley Wayman [ mailto:awayman@rollingwoodtx.gov | awayman@rollingwoodtx.gov ]

There is a joint meeting of City Council, P&Z and CRCRC scheduled for this evening 9/4/24 at 6:00pm where the issue of building height measurement will be discussed. You are invited to stop by and hear the arguments for and against the CRCRC proposal. No official action will be taken until a formal public hearing has been held.

The CRCRC and I appreciate your help with this. We've been working hard on this issue for well over a year and are excited to see our recommendation come to fruition but we need your voice. Feel free to share this note with your neighbors.

Sincerely,

Dave Bench

CRCRC Chair

BQ\_END

**Ashley Wayman**

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**From:** Maria Abernathy <[REDACTED]>  
**Sent:** Wednesday, September 4, 2024 1:58 PM  
**To:** Gavin Massingill; Sara Hutson; Brook Brown; Kevin Glasheen; Phil McDuffee; Alec Robinson; Ashley Wayman  
**Cc:** DC Bench  
**Subject:** In support of the CRCRC

Although I cannot attend the joint Council/P&Z/CRCRC meeting tonight, I want to register my great appreciation for the work done by CRCRC members regarding a building height ordinance, enforcement recommendations, and a stronger tree canopy ordinance.

Every one of the CRCRC members is a highly educated and busy professional, and they most generously donated months of their personal time to improve our shared space in this small city. I commend them for surveying every citizen who wished to comment, for analyzing the desires expressed, and for formulating proposed ordinances to protect the natural beauty and the privacy which so many of us value here. I doubt that any of the CRCRC members will benefit financially from these new ordinances. I hope that we will examine the motives of those who disparage their work.

Thank you to all involved in these efforts - CRCRC, City Council, and P&Z.

Maria Abernathy  
Rollingwood resident since 1979

**Ashley Wayman**

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**From:** Michael Connors <[REDACTED]>  
**Sent:** Wednesday, September 4, 2024 1:28 PM  
**To:** Ashley Wayman  
**Cc:** Connors, Megan (US - Austin)  
**Subject:** Rollingwood meeting tonight - my opposition

Hi -

I am the owner of 2514 Timberline Drive and wanted to oppose what has been referred to as the "parallel plane" method of measuring building height.

We have one of the most sloped lots in Rollingwood and if that method were to be used on our house, our house would not be built / designed to meet our needs.

We believe we have designed a house that is aesthetically pleasing, meets the current code outlined by Rollingwood, and others should do the same under the current code.

My point is:

Let's hold people to the current code and/or adjust the code ever so slightly so that we balance the needs of Rollingwood residents and not put us in a position of extreme rules/codes.

Let's rely on research and analysis as other cities have had these same conversations for years - let's use research and analysis to guide us and not the opinion of just a few.

I cannot make this meeting tonight and hope that my email/point is heard.

Thanks.  
Mike

**Ashley Wayman**

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**From:** robert turner <[REDACTED]>  
**Sent:** Wednesday, September 4, 2024 12:05 PM  
**To:** Ashley Wayman  
**Subject:** Proposed RW Building Restrictions -- Meeting Tonight

Hi Ashely -

Would you be so kind as to forward my comments to the Council and P&Z

I am **IN FAVOR** of altering our height ordinance to reign in the worst case scenarios.  
I am **NOT IN FAVOR** of the parallel plan method..... and would suggest that we adopt a single fixed point that the majority of cities in America use.  
We should adopt with something that is tried and true, is both simply to calculate and enforce and is equitably applied to ALL lots thru out the city.

All the best..... Bob

=====

Robert Turner

[REDACTED]  
[REDACTED]

**Ashley Wayman**

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**From:** Ronald Hasso <[REDACTED]>  
**Sent:** Wednesday, September 4, 2024 11:16 AM  
**To:** Ashley Wayman  
**Subject:** CRCRC Height Limit Proposal

Hi Ashley,

Please forward my email to Council and P&Z.

I am strongly against the CRCRC's Parallel Plane height-limit proposal.

The Parallel Plane method of height determination is extremely unfair to those in our city with sloped lots and far too restrictive in general.

This proposal is not in the best interests of our city and our residents.

Thank you,

Ronald Hasso



**Ashley Wayman**

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**From:** Terri McCabe <[REDACTED]>  
**Sent:** Wednesday, September 4, 2024 11:48 AM  
**To:** Phil McDuffee; Ashley Wayman; Kevin Glasheen  
**Cc:** Philip Ellis  
**Subject:** Restrict Rollingwood Building heights

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I (we) vote restricted building heights. Parallel plane. Stop allowing builders to game the system. Respect the neighbors and aesthetics by following the intentional restrictions.

Best,

Terri McCabe  
4704 Timberline  
[REDACTED]

**Ashley Wayman**

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**From:** Virginia Bettis <[REDACTED]>  
**Sent:** Wednesday, September 4, 2024 10:44 AM  
**To:** Ashley Wayman  
**Subject:** Fwd: Height ordinance discussion

Hi Ashley, this is Virginia Bettis.

I'm out of the country, but I did receive an email about this and would like to ask if you would please forward this to the council and to P&Z.

I appreciate your help. Thank you

We have not changed our position on this because it is not in our best interest for where we live. Thank you very much.

----- Forwarded message -----

**From:** Virginia Bettis <[REDACTED]>  
**Date:** Tue, Jul 16, 2024 at 8:03 PM  
**Subject:** Height ordinance discussion  
**To:** Gavin Massingill <[gmassingill@rollingwoodtx.gov](mailto:gmassingill@rollingwoodtx.gov)>, <[arobinson@rollingwoodtx.gov](mailto:arobinson@rollingwoodtx.gov)>, <[bbrown@rollingwoodtx.gov](mailto:bbrown@rollingwoodtx.gov)>, <[kglasheen@rollingwoodtx.gov](mailto:kglasheen@rollingwoodtx.gov)>, <[pmcduffee@rollingwoodtx.com](mailto:pmcduffee@rollingwoodtx.com)>, <[shutson@rollingwoodtx.gov](mailto:shutson@rollingwoodtx.gov)>

Hi everyone,

This is Jim and Virginia Bettis on Timberline Drive. We have lived in Rollingwood since 1985.

We love it here, we are retired, and inevitably our home will be sold at some point in the future.

- Because our home is on a significant slope, it will be negatively impacted by the "parallel plane" proposal because it reduces the buildable volume of sloped lots, although it has no effect on flat lots.

- Reducing the buildable volume will reduce our homesite's value at time of sale.

- The unspecified "Special exception" Language may ultimately help someone escape the problems with the parallel plane proposal, but the fact that it has no guidelines makes this application very unpredictable.

No one can know when looking at our lot, whether they will or won't be granted a special exception.

Why would a future potential buyer take on the headache of not knowing if they can build a great flat home on our lot if they can buy a flat lot and build one there instead?

These are Our concerns.

Thank you,

*Virginia and Jim Bettis*

4712 Timberline Dr, Rollingwood, TX 78746

## Ashley Wayman

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**From:** Jesse Butler <[REDACTED]>  
**Sent:** Thursday, September 5, 2024 12:42 PM  
**To:** Ashley Wayman  
**Subject:** Building Restrictions on Parallel Plane Proposal

Hello. Ashley,

We would like to give input on tonight's meeting regarding building height restrictions. We agree with the recommendations made by Ryan Clinton regarding not using parallel plane guidelines. We believe that it is important to have equity between construction guidelines for both flat and sloped lots.

We appreciate your service to Rollingwood.

Regards,

Diane and Jess Butler  
4822 Rollingwood Drive

**Ashley Wayman**

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**From:** Danielle Hasso <[REDACTED]>  
**Sent:** Friday, September 6, 2024 8:49 AM  
**To:** Alex Robinette  
**Cc:** Ashley Wayman  
**Subject:** Re: Opposition to parallel plane proposal

Hi Alex,

I want to thank you again for your time, research, and dedication to trying to find a solution that works for most. It's really apparent from hearing you talk and from your replies that you truly have thought through the nuances. I appreciate you taking the time to reply to me so thoroughly as I know you've probably received a number of comments. I'm sorry that you and the CRCRC have gotten so much animosity and I greatly appreciate you all volunteering for these roles. You didn't create these problems, you've just volunteered to try to help solve and prevent them. I think that's important for people to remember.

As I mentioned in my communication with you, it's not my home I'm concerned for. I was concerned specifically for friends and neighbors with tricky lots (ie Ryan Clinton). We used to live at 4814 Timberline Dr and there's a few other lots as you come down that steep hill that I was thinking about.

This idea that the building could be higher in the middle sounds like a nice compromise. I also think it's worth considering a height adjustment for slope. Or, the idea of the fixed point with a parallel plane cap. I'm not the expert nor have I put in the amount of time, energy, and effort that you all have. I would support something that sort of gives a little back to some houses with major slopes.

I listened to the part of the meeting last night that spoke to building heights in it's entirety. I think the objective, guaranteed, special exceptions are another great way to ensure some of the trickier lots are being considered. I know it would be tricky to make the whole code revolve around a few specific properties. As is the same with the ones that are trying to be sort of prevented in the future like with Park Hills.

I wanted to also echo Brook's sentiment that for the lay-person the survey was a bit confusing. As you mentioned, Alex the problems and solutions are more complex than a simple question on a survey. So I appreciate your consideration of the responses but I'm not even sure what I said or if I'd still agree with myself today.

Thanks for explaining your thoughts on the natural barriers and the wall articulation. Having heard them, I agree with not having it in there. If people were in support I wonder if it could be something more like Asheville did where it's not a requirement but something you could do to be allowed to build a few extra feet. As I was thinking through the natural barriers I was reminded that at our old house our screen trees died 2 years in a row in the freezes. The third time we planted the trees have survived, but each winter they struggle and sometimes have to be cut down to a certain point to grow back.

Thank you again for your time.

Warmly,  
Danielle Hasso

P.S. I took Ronald off because I did not want to speak for him/these opinions are my own. Ashley, feel free to forward on to the rest of CRCRC, P&Z, and Council.

On Sep 5, 2024, at 3:50 PM, Alexandra Robinette <[REDACTED]> wrote:

Hi Ashley,

Can you please forward to Council, P&Z, and CRCRC members.

Thank you!  
Alex

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Hi Danielle and Ronald,

Thank you very much for taking the time to share your thoughts and concerns about current building height measurement recommendations. I can assure you that every effort we have made has been primarily focused on sloped lots and how best to address the concerns.

I first want to mention that if your concerns pertain to your own home and whether or not you could have built it under proposed rules - I've reviewed your plans with Nikki at the city and found that your current design, including how it is sited, would work within the parallel plane concept.

- Reference Datum is 650
- Max Allowable Ht. is 685 (650 + 35)
- The site plan indicates existing grade is 646-648 below the highest point of your roof.
- It appears your max ridgeline is actually about 2' lower than max allowed, according to your plans and RW rules, so around 683.

We simply subtract the existing grades below, from the ridgeline above:  $683 - 648 = 35'$   
I used 648 because this is an area that will require interpretation (as all contours do) and we want to allow flexibility for ridge lines vs flat roofs:

Common practice has been to use either average grade, or average of major building corners, or the RW hybrid-approach, where a single datum point becomes the reference datum. An increasing number of US cites are starting to consider average ground plane surrounding the home as the reference datum, in particular where there is notable grade change. I've spoken with a number of planners around the country about this trend, with a focus on cities of similar size, topography, economics, and adjacencies to major growing cities.

The City of Westlake Hills uses the same height measurement method we are proposing, without referring to "parallel plane", which seems to cause a lot of confusion and false assumptions. It's fair to conclude that local architects are working in both locations and will be familiar and comfortable with the process. We've also been discussing issues and concerns with RW staff in each of our meetings, as well as one on one for the last 18 months.

Regarding your other bullet points:

- We already have a different set of measurements for roof types, even though the survey did not really support it, we felt as you do, that they should be treated differently.
- We haven't really seen any examples of 4-stories in RW. There is one home with a below-grade garage which might constitute a 4th story, but we are trying a more encompassing approach that would take care of that. That doesn't mean we can't throw it in there, I just think the overall height takes care of what you can realistically build. One thing to consider is that on a steeply sloping lot, you can end up with multiple levels if you chose, and provided they don't exceed the maximum height, you can end up with 4 levels or stories, just not "stacked".
- Wall articulation has been a topic of lengthy discussion and consideration, many examples of code language for this in other cities have been noted in our packets. We tabled it for now, but with sufficient interest we are happy to put it back on our agenda. We try to tread carefully!
- We agree with natural barriers - we've tried to address that with the tree ordinance, and it would be nice to have some protections for the impacts to setbacks overall, like with excessive grading up to the property line that removes all the existing natural barrier. It's also challenging if someone builds up their foundation, and the neighbor sits below, it's hard to screen - and who pays for it? But yes, everyone would like to have a sense of privacy by use of natural barriers.

We are getting very close to finding a solution that pulls together the unique considerations and culture of Rollingwood, without impacting the majority of homeowners and most of what we see built currently. The concept is to make minor changes by trapping out the few builders that have exploited our rules and impacted neighbors. It's not easy!

Please feel free to reach out to me or any other CRCRC member directly if you have questions, concerns or suggestions.

Best,  
Alex  
[Redacted]

On Sep 5, 2024, at 10:57 AM, Ashley Wayman <awayman@rollingwoodtx.gov> wrote:

*\*The Mayor, Council, CRCRC and P&Z Members are blind copied on this email.*

Hi All,

Please see the email below from Danielle Hasso.

Thanks,  
Ashley

**Ashley Wayman**  
City Administrator  
City of Rollingwood  
(512) 327-1838  
[www.rollingwoodtx.gov](http://www.rollingwoodtx.gov)



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**From:** Danielle Hasso <[REDACTED]>  
**Sent:** Wednesday, September 4, 2024 4:48 PM  
**To:** Ashley Wayman <[awayman@rollingwoodtx.gov](mailto:awayman@rollingwoodtx.gov)>  
**Subject:** Opposition to parallel plane proposal

Hi Ashley,

Can you please forward my input to the council and planning and zoning committee regarding tonight's discussion of the parallel plane proposal?

I am against the parallel plane proposal.

I believe it puts an unnecessary and unfair burden on sloped properties and decreases the value of those lots after families have already purchased them. Sloped lots are already trickier and more costly to build on and applying the same parallel plane rules to flat and sloped lots negatively and unfairly impacts owners of sloped lots. This is not an equitable solution.

The other issue I foresee is enforcement. Since the measurements would be different at each centimeter. This leaves room for some properties (likely sloped lots) to be overly scrutinized, delaying build time and costing money, while others (flat lots) would likely breeze through. When any lot's building height compliance is called into question it will likely cost the city and homeowner a lot of time, money, energy, and frustration.

Here are some alternate proposals I've read that I would be much more in favor of:

(1) have a different maximum roof height for flat-roofed homes than for sloped-roof homes. This is a common practice in other cities.

(2) eliminate 4-story homes - restrict homes to 3 stories

(3) require wall "articulation"

(4) encourage natural barriers between homes, especially those with large elevation changes between them

Impose the same regulations on all lots so it's equitable.

Thanks for your time!

Warmly,  
Danielle Hasso

Sent from my iPhone



## CRCRC BUILDING HEIGHT AND ASSOCIATED RECOMMENDATIONS 8-21-24

### RESIDENTIAL BUILDING HEIGHT:

CRCRC Approved 3-18-24

Sec. 107-71. - *Maximum permissible height - Unchanged - No portion of any building or structure (except a chimney, attic vent, lightning rod, or any equipment required by the city building code) may exceed 35 feet in height. Except as may be required by applicable codes, no chimney, attic vent, lightning rod or required equipment may extend more than three feet above the highest point of the following: the coping of a flat roof, the deck line of a mansard roof, or the gable of a pitched or hipped roof.*

### RESIDENTIAL BUILDING HEIGHT MEASUREMENT:

#### Sec. 107-3. - Definitions

CRCRC Approved 8-13-24:

*Building height, residential, means the vertical distance from the original native ground surface or finished grade, whichever is lower, to the highest point directly above.*

*Original native ground surface is the existing grade on the lot prior to development of the residential building as may be shown on certified topographic survey of the property*

*Existing grade may be adjusted graphically as a straight line across unusual or minor topographic variations including pools, ponds, existing basements, rock outcroppings depressions and natural drainage ways, with the intent to approximate original grade without penalty for previous construction.*

CRCRC Approved 8-20-24

*Parallel Plane is an imaginary plane that is 35' above and parallel to the original native ground surface. No part of a building or structure, exclusive of the exceptions outlined below may break this plane.*

*Building height may be increased below the parallel plane by way of excavation, when starting a minimum of 20ft. horizontal from the side or rear property lines, as follows:  
a. As to the portion of the building above the excavated area: 40ft. above finished floor for uppermost surface of eave/parapet;*

*b. As to the portion of the building above the excavated area: 45ft. above finished floor for ridgeline of sloped roof with min. 3/12 pitch  
The parallel plane may not be breached. Any exposed foundation resulting from this increase may not exceed 18 inches.*

#### **CRCRC Approved 6-25-24**

*The maximum allowable building height along the building setbacks, when starting from the 10ft. setback is 25ft. as measured from existing or finished grade, whichever is lower, adding one foot of height to every additional foot of setback, up to 35ft., such that the maximum height of 35ft. is at least 20ft. horizontal from the nearest property line.*

### **SPECIAL EXCEPTIONS**

#### **CRCRC Approved 7-23-24:**

##### **Extremely Sloped Lots**

*Should the slope of a lot be so severe that the requirements proposed above have extreme adverse impact on the lot, an owner may seek relief from these requirements by special exception granted by the Board of Adjustment. Although not required, letters of agreement from adjoining neighbors will be given due consideration.*

#### **CRCRC Approved 8-20-24:**

##### **Flood Plain / Drainage Easements**

*Should some portion of the buildable area reside on or adjacent to a flood plain or drainage easement, and it can be shown that such would have extreme adverse impact on the lot's buildable potential, an owner may seek relief from these requirements by special exception granted by the Board of Adjustment. In such cases the Board may grant an exception for up to 5 additional feet of building height.*

## **FOUNDATION HEIGHT**

**CRCRC Approved 8-20-24:**

### **Foundation Height**

*Foundation exposure within public view from the right-of-way cannot exceed 6'*

*Foundation exposure within public view from the right-of-way must be screened such that viewable portion does not exceed 2.5 feet (30").*

1 **ORDINANCE NO. \_\_\_\_\_**

2 **AN ORDINANCE AMENDING CHAPTER 107 OF THE CITY OF**  
3 **ROLLINGWOOD'S CODE OF ORDINANCES RELATED TO**  
4 **RESIDENTIAL BUILDING HEIGHTS AND HEIGHT**  
5 **MEASUREMENT; PROVIDING FOR SEVERABILITY AND AN**  
6 **EFFECTIVE DATE.**

7 **WHEREAS**, the City of Rollingwood is a General Law Type A City under the  
8 statutes of the State of Texas; and

9 **WHEREAS**, the Texas Local Government Code Chapter 211 provides authority to  
10 regulate the height, number of stories, and size of buildings and other structures; and

11 **WHEREAS**, the City Council of the City of Rollingwood ("City Council") finds  
12 that maintaining the existing character and aesthetic appeal of residential neighborhoods is  
13 of paramount importance. The introduction of excessively tall residential buildings  
14 threatens to alter the visual and cultural fabric of the community; and

15 **WHEREAS**, the City Council finds and determines that taller buildings can lead  
16 to privacy concerns for adjacent properties, as higher floors may overlook yards, gardens,  
17 and living spaces and this intrusion into private spaces can affect residents' quality of life  
18 and sense of security; and

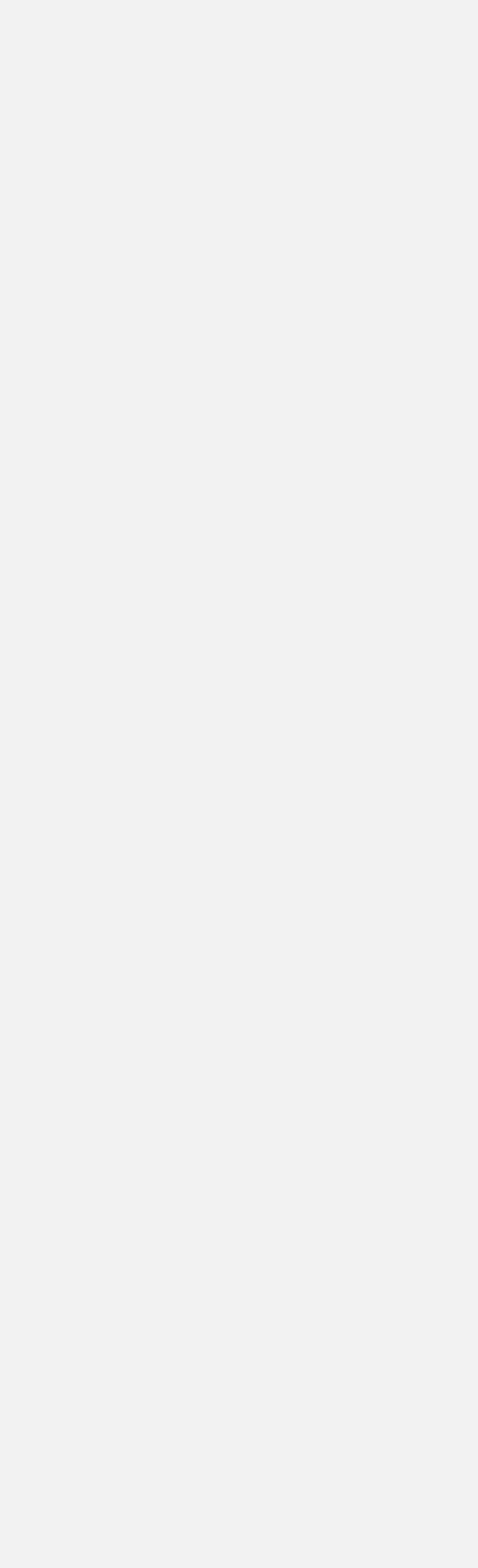
19 **WHEREAS**, the City Council finds and determines that the regulation of  
20 residential building heights proposed herein is consistent with the goals and policies  
21 outlined in the City's Comprehensive Plan and support the Plan's vision for sustainable  
22 development, community character preservation, and balanced growth; and

23 **WHEREAS**, the Comprehensive Residential Code Review Committee (the  
24 "CRCRC") was appointed, among other issues, to study the effect of building heights and  
25 building height regulation; and

26 **WHEREAS**, the City Council finds and declares that regulating residential  
27 building heights is essential for preserving the community's character, protecting residents'  
28 privacy, promoting environmental sustainability, and ensuring equitable and sustainable  
29 growth. These findings form the basis for the proposed height regulations, which will be  
30 implemented in accordance with applicable laws and community goals.

31  
32 **NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**  
33 **OF ROLLINGWOOD, TEXAS, THAT:**

34 **SECTION 1.** All the above premises are hereby found to be true and correct legislative  
35 and factual findings of the City Council and are hereby approved and incorporated into the  
36 body of this Ordinance as if copied in their entirety.



37 **SECTION 2.** Code Amendment. The following sections of the Rollingwood Code of  
38 Ordinances is hereby amended as follows with ~~striketroughs~~ being deletions from the  
39 Code and underlines being additions to the Code:

40 Section 107-3 of Definitions is amended to read as follows:

41 Building height, residential, means the vertical distance from the Original  
42 Native Ground Surface or finished grade, whichever is lower, to the highest  
43 point directly above.

44 ~~Building height, residential, means the vertical distance above a reference~~  
45 ~~datum measured to the highest point of the building. The reference datum~~  
46 ~~shall be selected by either of the following, whichever yields a greater~~  
47 ~~height of the building:~~

48 (1) ~~— The elevation of the highest adjoining original native ground~~  
49 ~~surface to the exterior wall of the building when such original native~~  
50 ~~ground surface is not more than ten feet above the lowest adjoining~~  
51 ~~original native ground surface; or~~

52 (2) ~~— An elevation of ten feet higher than the lowest adjoining~~  
53 ~~original native ground surface when the highest adjoining original~~  
54 ~~native ground surface described in subsection (1) of this section is~~  
55 ~~more than ten feet above lowest adjoining original native ground~~  
56 ~~surface;~~

57 (3) ~~— The original native ground surface shall be determined as the~~  
58 ~~existing grade on the lot prior to development of the residential~~  
59 ~~building as may be shown on approved building plans or survey of~~  
60 ~~the property.~~

61 ~~This definition shall apply to all residential buildings or structures within~~  
62 ~~the city including residential buildings constructed in the R— Residential~~  
63 ~~Zoning District (see section 107-71 for Maximum permissible height in R—~~  
64 ~~Residential Zoning District).~~

65 Original Native Ground Surface means the existing grade on a lot prior to  
66 development of the residential building as may be shown on a certified topographic  
67 survey of the property.

68 Parallel Plane is an imaginary plane that is thirty-five (35) feet above and parallel  
69 to the original native ground surface. No part of a building or structure, exclusive  
70 of the exceptions outlined in this chapter may break this plane.

71

72 Section 107-71 is amended to add the following language:

73 **Sec. 107-71. - Maximum permissible height.**

74 (a) No portion of any building or structure (except a chimney, attic vent,  
 75 lightning rod, or any equipment required by the city building code) may  
 76 exceed thirty-five (35) feet in height. Except as may be required by  
 77 applicable codes, no chimney, attic vent, lightning rod or required  
 78 equipment may extend more than three feet above the highest point of the  
 79 following: the coping of a flat roof, the deck line of a mansard roof, or the  
 80 gable of a pitched or hipped roof.

81 (b) The maximum allowable building height is twenty-five (25) feet when  
 82 the building is placed ten (10) feet from the property line, as measured from  
 83 the existing or finished grade, whichever is lower. For each additional foot  
 84 of distance beyond ten (10) feet from the property line, the height may  
 85 increase by one (1) foot, up to a maximum of thirty-five (35) feet. The  
 86 maximum height of thirty-five (35) feet must be achieved at a distance of at  
 87 least twenty (20) feet from the nearest property line.

88 (c) Should a landowner believe the slope of a lot be so severe that the  
 89 requirements proposed above have extreme adverse impact on the lot, an  
 90 owner may seek relief from these requirements by special exception granted  
 91 by the Board of Adjustment.

**Commented [AW1]:** Legal recommendation is this be by variance.

92 (d) Existing grade may be adjusted graphically as a straight line across  
 93 unusual or minor topographic variations including pools, ponds, existing  
 94 basements, rock outcroppings depressions and natural drainage ways, with  
 95 the intent to approximate original grade without penalty for previous  
 96 construction.

97 (e) Building height may be increased below the parallel plane by way of  
 98 excavation, when starting a minimum of twenty (20) feet horizontal from  
 99 the side or rear property lines, as follows:

100 i. As to the portion of the building above the excavated area: forty  
 101 (40) feet above finished floor for uppermost surface of eave/parapet;

102 ii. As to the portion of the building above the excavated area: forty-  
 103 five (45) feet above finished floor for ridgeline of sloped roof with  
 104 minimum of three over twelve (3/12) roof pitch.

105 The Parallel Plane may not be breached. Any exposed foundation resulting  
 106 from this increase may not exceed eighteen (18) inches.

107 (f) Foundation exposure within public view from the right-of-way cannot  
 108 exceed six feet. Foundation exposure within public view from the right-of-  
 109 way must be screened such that the viewable portion does not exceed two  
 110 and a half (2.5) feet.

111 Section 107-81 Special Exception.

112 Should some portion of the buildable area reside on or adjacent to a flood  
 113 plain or drainage easement, and it can be shown that such would have  
 114 extreme adverse impact on the lot’s buildable potential, an owner may seek  
 115 relief from these requirements by special exception granted by the Board of  
 116 Adjustment. In such cases the Board may grant a special exception for up  
 117 to five (5) additional feet of building height.

118 **SECTION 3.** All provisions of the ordinances of the City of Rollingwood in conflict with  
 119 the provisions of this ordinance are hereby repealed to the extent of such conflict, and all  
 120 other provisions of the ordinances of the City of Rollingwood not in conflict with the  
 121 provisions of this ordinance shall remain in full force and effect.

122 **SECTION 4.** Should any sentence, paragraph, sub-article, clause, phrase or section of this  
 123 ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not  
 124 affect the validity of this ordinance as a whole, or any part or provision thereof other than  
 125 the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity  
 126 of the Code of Ordinances as a whole.

127 **SECTION 5.** This ordinance shall take effect immediately from and after its passage and  
 128 the publication of the caption, as the law and charter in such cases provide.

129 **APPROVED, PASSED AND ADOPTED** by the City Council of the City of  
 130 Rollingwood, Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 2024  
 131

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\_\_\_\_\_  
 Gavin Massingill, Mayor

137 ATTEST:

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139

\_\_\_\_\_

140

\_\_\_\_\_, City Secretary

141

**Proposed substitute wording for Tree Ordinance Sec 107-376 (a) (2) to specify tree and Critical Root Zone protection and mulching requirements**

(2a) Tree root protection shall be installed prior to the start of any site work, including demolition or site preparation and be maintained continuously throughout the project. Tree protection shall be removed at the end of the project after all construction and final grading is complete, but before final inspection. Any premature removal or failure of tree protection can lead to root damage and require remedial tree care.

(2b) Fencing is the primary method of tree protection and is intended to prevent access to the Critical Root Zone (CRZ). Tree fencing shall have a minimum height of 5 feet. Fencing shall be installed on steel t-posts with a maximum spacing of 10 feet between posts. Fencing shall be installed around or beyond the CRZ of all preserved trees or any natural areas designated for preservation.

(2c) Mulch is required for any section of the (CRZ) that is not protected by fencing or under existing hardscape and has not been approved for impacts (such as building footprint or driveway). Mulch used for tree protection shall be any natural wood type. Rough single grind mulch, which resists compaction better than double grind and is usually less expensive is preferred, but any natural wood type is acceptable. Dyed mulch or mulch made from non-biological material such as rubber or stone shall not be used as tree protection.

(2d) Mulch shall be installed to a minimum depth of 8 inches and maximum of 12 inches. Mulch shall be replenished as required, removed at end of the project, and shall not be piled against the tree trunk.