



**CITY OF ROLLINGWOOD  
PLANNING AND ZONING COMMISSION MEETING  
AGENDA**

**Wednesday, September 06, 2023**

Notice is hereby given that the Planning and Zoning Commission 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 06, 2023 at 6:00 PM. Members of the public and the Planning and Zoning Commission may participate in the meeting virtually, as long as a quorum of the Planning and Zoning Commission 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=QmNUbmZBQ1lwUjNjNmM5RnJreIRFUT09>

**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 [dadair@rollingwoodtx.gov](mailto:dadair@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 ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING TO ORDER**

- 1. Roll Call

**PUBLIC COMMENTS**

Citizens wishing to address the Planning and Zoning Commission 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 Planning and Zoning Commission is restricted from discussing or taking action on items not listed on the agenda.

Citizens who wish to address the Planning and Zoning Commission 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 Planning and Zoning Commission 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 February 27, 2023 Planning and Zoning Commission meeting
- 3. Discussion and possible action on the minutes from the April 5, 2023 Joint City Council and Planning and Zoning Commission meeting

**REGULAR AGENDA**

- 4. Update on Comprehensive Residential Code Review Committee (CRCRC) activities and progress

**ADJOURNMENT OF MEETING**

**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) by **5:00 p.m.** on **September 1, 2023.**

*Desiree Adair*  
Desiree Adair, City Secretary

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 Planning and Zoning Commission 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 Local 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 Local Government Code;  
discussion of personnel matters pursuant to section 551.074 of the Texas Local Government Code;  
real estate acquisition pursuant to section 551.072 of the Texas Local Government Code;  
prospective gifts pursuant to section 551.073 of the Texas Local Government Code;  
security personnel and device pursuant to section 551.076 of the Texas Local Government Code;  
and/or economic development pursuant to section 551.087 of the Texas Local Government Code.  
Action, if any, will be taken in open session.



## **CITY OF ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING MINUTES**

**Monday, February 27, 2023**

The Planning and Zoning Commission 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 February 27, 2023. Members of the public and the Planning and Zoning Commission were able to participate in the meeting virtually, as long as a quorum of the Planning and Zoning Commission 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 ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING TO ORDER**

#### 1. Roll Call

**Dave Bench called the meeting to order at 6:08 p.m.**

**Members Present:** Amie Rodnick, Dave Bench, Brian Nash, Tony Stein, and Mike Rhodes

**Also Present:** City Administrator Ashley Wayman, City Attorney Megan Santee, City Secretary Desiree Adair, Development Services Manager Nikki Stautzenberger, Assistant to the City Administrator Makayla Rodriguez, and Council Member Brook Brown

### **PUBLIC COMMENTS**

There were no public comments.

### **CONSENT AGENDA**

All Consent Agenda items listed are considered to be routine by the Planning and Zoning Commission 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 January 4, 2023 Planning and Zoning Commission meeting

**Brian Nash moved to approve the Consent Agenda. Mike Rhodes seconded the motion. The motion carried with 4 in favor, 0 against, and 1 abstention (Rodnick).**

**REGULAR AGENDA**

3. Discussion and possible action to elect a Chair of the Planning and Zoning Commission

**Amie Rodnick moved to elect Dave Bench. Mike Rhodes seconded the motion. The motion carried with 4 in favor, 0 against, and 1 abstention (Bench).**

4. Presentation and discussion on the role of the Planning and Zoning Commission, and development application and code amendment procedures including amendments to the zoning regulations and associated notification

Bryce Cox, planner with Denton, Navarro, Rocha, Bernal, and Zech (DNRBZ), provided a presentation on the role of the Planning and Zoning Commission, development application, and Code amendment procedures. He discussed the duties of the Planning and Zoning Commission from both Texas State law and the Rollingwood Code, zoning district boundary changes, zoning regulation changes, P & Z recommendations to City Council, City Council action, Public Hearing notification from both Texas State law and the Rollingwood Code, and best practice recommendations for zoning regulation changes.

The Commission asked questions of Mr. Cox.

Dave Bench and the Commission thanked Amie Rodnick for her years of service.

5. Discussion regarding building projections into required yards and the definition of Yard in the R - Residential zoning district

Deets Justice, 310 Pleasant Drive, commented on the push for these amendments and his concerns. He suggested a neutrally worded survey sent out City wide.

*Dave Bench called up item 6 at this time.*

The Commission discussed the language for item 5, the small amount of public input, the compilation of emails that Dave Bench provided, unintended consequences, and spec homes.

The Commission continued to discuss approaches to height measurement, rooflines, and styles of homes.

Dana Hollingsworth, 303 Almarion Drive, discussed grandfathering, the definition and application thereof, provided a personal example, and discussed how height limitations punish sloped grades.

The Commission discussed restrictions, non- compliance, and consequences.

Brook Brown, 307 Nixon, mentioned how Section 107-422 explains what one can and can't do when there is a nonconforming structure. She explained the 50% rule.

Development Services Manager Nikki Stautzenberger explained how the 50% rule is calculated.

The Commission discussed height limits and the nuances of considering this item.

Deets Justice requested the definition of a projection.

Brook Brown, 307 Nixon, discussed her understanding of the measurement of building height.

The Commission discussed the measurement of building height with different grades.

Dana Hollingsworth stated her support for a committee. She asked for more women on the committee and no council members on this citizen committee. She expressed her opinion on building and the size of lots.

*Brian Nash left the meeting at 8:09 p.m.*

City Administrator Ashley Wayman requested staff direction for the noticing language for the public hearings.

Mr. Cox discussed the process of moving forward with public hearing notices, Planning and Zoning recommendations, and taking action.

The Planning and Zoning Commission discussed options for their actions.

City Attorney Megan Santee explained the joint public hearings and staff direction for notice language.

The Commission decided on no language change to the noticing needed for the public hearings.

*The Commission called up item 8 at this time.*

6. Discussion on the definition of Building Height, Residential, residential building height, and related provisions

*This item was called up in conjunction with item 5.*

7. Discussion and possible action to set two joint public hearings with City Council on April 5, 2023 regarding (1) building projections into required yards and the definition of Yard in the R - Residential zoning district (Sections 107-3 Definitions, 107-75 Yards generally, and 107-76 Minimum Required Depth and Width of Yards), and (2) the definition of Building Height, Residential, and residential building height in the R – Residential zoning district (Sections 107-3 Definitions and 107-71 Maximum Permissible Height)

Tony Stein asked Council Member Brown why City Council asked for joint public hearings.

Council Member Brook Brown responded that having joint public hearings would save resources and time, as well as allow the Council to attend to hear the P & Z's perspective.

Shanthi Jayakumar, 3309 Park Hills Dr, handed out pictures of properties in Rollingwood under construction that were part of a project she undertook with another resident. She also

mentioned the history of building requirements in Rollingwood, privacy issues, and drainage issues.

**Mike Rhodes moved to set the joint public hearings as stated in the item. Tony Stein seconded the motion. The motion carried with 4 in favor and 0 against.**

- 8. Discussion and possible action on creating a Residential Code Review Committee and appointment of committee members

The Planning and Zoning Commission discussed their options for recommending the creation of a residential code review committee.

Tony Stein requested specific real-world examples and unintended consequences. The Commission discussed the potential for a residential code review committee.

Tony Stein mentioned that there are citizens interested in serving on the committee and that would encourage participation.

The Planning and Zoning Commission discussed the nature of the committee and the Texas Open Meetings Act.

**Mike Rhodes made a motion to recommend this committee as written and proposed. Amie Rodnick seconded the motion. The motion carried with 4 in favor and 0 against.**

*Dave Bench returned to item 7 at this time.*

**ADJOURNMENT OF MEETING**

The meeting was adjourned at 9:04 p.m. by Dave Bench.

Minutes Adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

ATTEST:

\_\_\_\_\_  
Desiree Adair, City Secretary



**CITY OF ROLLINGWOOD  
JOINT PLANNING AND ZONING COMMISSION AND CITY COUNCIL  
MEETING  
MINUTES**

**Wednesday, April 05, 2023**

The Planning and Zoning Commission of the City of Rollingwood, Texas held a joint meeting with the Rollingwood City Council, open to the public, in the municipal Building at 403 Nixon Drive in Rollingwood, Texas on April 5, 2023 at 6:00 p.m. Members of the public, the Planning and Zoning Commission, and the City Council were able to participate in the meeting virtually, as long as a quorum of the Planning and Zoning Commission and the City Council and the respective presiding officers 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 JOINT CITY COUNCIL AND PLANNING AND ZONING COMMISSION MEETING TO ORDER**

**Mayor Pro Tem Sara Hutson called the Joint City Council meeting to order at 6:06 p.m.**

1. City Council Roll Call

**Present Members of City Council:** Mayor Pro Tem Sara Hutson, Council Member Phil McDuffee, Council Member Alec Robinson, and Council Member Brook Brown.

**Chair Dave Bench called the Planning and Zoning Commission meeting to order at 6:07 p.m.**

2. Planning and Zoning Commission Roll Call

**Present Members of Planning and Zoning Commission:** Chair Dave Bench, Amie Rodnick, Michael Hall, Greg Demas, Michael Rhodes, and Tony Stein.

**Also Present:** City Administrator Ashley Wayman, City Attorney Charles Zech, City Secretary Desiree Adair, Development Services Manager Nikki Stautzenberger, and Assistant to the City Administrator Makayla Rodriguez.

**PUBLIC COMMENTS**

The following individuals spoke during public comments:

- Ellin Wilson, 3018 Hatley Drive, spoke regarding concerns for home views and houses not in compliance with the Code.

Mayor Pro Tem Sara Hutson spoke regarding the details of the actions being taken tonight to clarify the inconsistencies and gaps in the Code. The Comprehensive Residential Code Review Committee (CRCRC) has been established to review the residential Code and make recommendations including opportunity for citizen input.

**PUBLIC HEARINGS**

- 3. Update regarding the Joint Public Hearing process

City Administrator Ashley Wayman explained the process of joint public hearings which is possible due to an ordinance passed at the last City Council meeting. The City Council may at its discretion at a properly noticed public meeting determine that a public hearing shall be held before both the Planning and Zoning Commission and the City Council. If that determination is made at a public meeting and the City Council votes on it, the joint public hearing process is begun. The noticing requirements will include both items at the same noticed public hearing when there is a joint public hearing. There still is a requirement for the Planning and Zoning Commission to make a recommendation before the City Council acts.

- 4. Public hearing regarding an amendment to the Code of Ordinances Sections 107-3 Definitions, 107-75 Yards generally, and 107-76 Minimum Required Depth and Width of Yards, related to building projections into requested yards and the definition of Yard in the R-Residential zoning district

**Mayor Pro Tem Sara Hutson opened the public hearing at 6:15 p.m.**

There was no public input.

**Mayor Pro Tem Sara Hutson closed the public hearing at 6:16 p.m.**

- 5. Public hearing regarding an amendment to the Code of Ordinances Sections 107-3 Definitions and 107-71 Maximum Permissible Height, related to the definition of Building Height, Residential and residential building height in the R- Residential zoning district

**Mayor Pro Tem Sara Hutson opened the public hearing at 6:17 p.m.**

There was no public input.

**Mayor Pro Tem Sara Hutson closed the public hearing at 6:18 p.m.**

**Mayor Pro Tem Sara Hutson recessed the City Council meeting at 6:19 p.m.**

**REGULAR AGENDA**

- 6. Planning and Zoning Commission discussion and possible action regarding an amendment to the Code of Ordinances Sections 107-3 Definitions, 107-75 Yards generally, and 107-76 Minimum Required Depth and Width of Yards, related to building projections into requested yards and the definition of Yard in the R-Residential zoning district



Chair Dave Bench began the discussion to determine a recommendation for City Council.

**Amie Rodnick moved to adopt the amendment as stated in the agenda packet. Mike Rhodes seconded the motion. The motion carried with 6 in favor and 0 against.**

- 7. Planning and Zoning Commission discussion and possible action regarding an amendment to the Code of Ordinances Sections 107-3 Definitions and 107-71 Maximum Permissible Height, related to the definition of Building Height, Residential and residential building height in the R- Residential zoning district

**Amie Rodnick moved to adopt the amendment as stated in the packet. Chair Dave Bench seconded the motion.**

The Planning and Zoning Commission discussed the methodology for measurement of the maximum height, the development of the Comprehensive Residential Code Review Committee (CRCRC) and its purpose, and full consideration of height by the CRCRC.

City Attorney Charles Zech interjected that the Planning and Zoning Commission is obligated to make a recommendation to City Council.

Ellin Wilson, 3018 Hatley Drive, asked a question regarding the definition of height.

Kendra Roloson, 301 Wallis, discussed the nature of where the measurement was taken from - original native ground surface versus the finished grade. Her concern is taking away the 5 feet of native ground surface.

Shanthy Jayakumar, 3309 Park Hills Drive, spoke regarding property rights and privacy. She mentioned concerns of the builder clearing a lot before measurement occurs. She asked the members of the Planning and Zoning Commission to drive around and see what is going on.

**The motion failed with 2 in favor and 4 against.**

**Tony Stein moved to not recommend the proposed changes to Council. Mike Hall seconded the motion.**

Greg Demas mentioned that he supports a full look at the Code on this complex issue of height.

Tony Stein believes that the proposed changes won't make a meaningful difference. He is not opposed to potential changes but would like a holistic approach.

Greg Demas requested that the CRCRC approach the height issue first and set forth a recommendation.

**The motion carried with 4 in favor and 2 against.**

**Chair Dave Bench adjourned the Planning and Zoning Commission meeting at 6:50 p.m.**

**Mayor Pro Tem Sara Huston reconvened the City Council meeting at 6:52 p.m.**

- 8. City Council discussion and possible action regarding an amendment to the Code of Ordinances Sections 107-3 Definitions, 107-75 Yards generally, and 107-76 Minimum Required Depth and

Width of Yards, related to building projections into requested yards and the definition of Yard in the R-Residential zoning district

**Council Member Brook Brown moved for adoption of the amendments to the Code of Ordinances for 107-3, 107-75, and 107-76 related to the depth and width of yards, with one amendment to add the changes that are recommended to Section 107-71 of the Code with respect to height to that ordinance. This motion failed for lack of a second.**

The City Council and City Attorney Charles Zech discussed the two separate ordinances for yards and height.

**Council Member Brook Brown moved to adopt Ordinance 2023-04-05-08 as proposed in item number 8. Council Member Phil McDuffee seconded the motion.**

Mayor Pro Tem Sara Hutson asked staff to notify council of late additions to the packet.

The City Council discussed the proposed changes to this ordinance regarding landscaping.

Council Member Brook Brown spoke to the substance of this ordinance regarding projections and that she believes that these are reasonable moderate steps that are improvements to the Code.

Mayor Pro Tem Sara Hutson discussed that though she is in favor of the proposed amendments, she would like a definition of porch added and to consider the limitations to be placed on porches. She also discussed the spacing of homes and required side yard depths, and the proposed allowances in projections into side yards.

The City Council further discussed the proposed ordinance.

**Council Member Brook Brown restated her motion to adopt Ordinance 2023-04-05-08 as proposed. Council Member Phil McDuffee seconded the motion. The motion carried with 4 in favor and 0 against.**

- 9. City Council discussion and possible action regarding an amendment to the Code of Ordinances Sections 107-3 Definitions and 107-71 Maximum Permissible Height, related to the definition of Building Height, Residential and residential building height in the R- Residential zoning district

City Attorney Charles Zech explained that because the Planning and Zoning Commission moved to not recommend this amendment, then it will take a unanimous vote of the members on the dais to pass this ordinance.

City Administrator Ashley Wayman discussed the specifics of the draft ordinance included in the packet.

The Council discussed that they did not have enough time to review this draft ordinance ahead of the meeting.

Council Member Brook Brown recommended that they eliminate the changed language relating to 107-71 because it had not been seen before tonight. She also discussed that the language in the ordinance section 107-3 should match what was considered during the earlier public hearings, and discussed a change that she saw.

City Administrator Ashley Wayman discussed the options given that the ordinance did not reflect that the Planning and Zoning Commission recommended denial of the proposed changes.

The City Council discussed bringing back an updated ordinance to the next City Council meeting.

**Council Member Brook Brown moved to adopt the ordinance 2023-04-05-XX related to yards as proposed in item number 8, which we have just adopted, and that we now amend that ordinance to add the amendments that were in the packet for section 107-3. Mayor Pro Tem Sara Hutson seconded the motion for discussion.**

Council Member Phil McDuffee discussed bringing this item back at the next City Council meeting.

The City Council discussed the effects of these proposed changes for the interim before a full review is completed of the residential zoning code.

**Council Member Brook Brown withdrew her motion.**

**Council Member Brook Brown moved to ask counsel to bring back to the next meeting an ordinance that addresses the proposed changes to 107-3 for consideration by the Council. Council Member Alec Robinson seconded the motion.**

Council Member Phil McDuffee discussed issues that have been brought up and the need for these specifics to be brought up to the community.

Council Member Brook Brown discussed that no members of the building community have spoken out against the proposed changes and the City Council further discussed these proposed changes.

Deets Justice, 310 Pleasant Drive, asked if anyone solicited the opinion of any builders currently building, and Council Member Brook Brown stated that they had been solicited but there were no responses.

Council Member Alec Robinson discussed reviewing a clean ordinance at the next regular Council meeting.

**The motion carried with 4 in favor and 0 against.**

The City Council, staff and City Attorney Charles Zech discussed the presented changes to 101-2, the process by which that section should be amended and whether a conflict is created by having different definitions in this section and the zoning section of the code.

Bryce Cox, of Denton Navarro Rocha Bernal and Zech (DNRBZ), explained the previous adoption of this local amendment to the International Residential Code and what it governs and discussed with Council that they would work with the City's building official to determine what action should be taken regarding this local amendment. He stated that they would bring back a companion piece or pieces that create consistency in the Code.

City Attorney Charles Zech stated that there was something going on at the legislature right now and has been asked by the Mayor if the Council could take a quick recess so that he could see if any action can be taken regarding a bill on the floor to state that the City Council opposes any action that would allow the legislature to regulate the size of yards.

**Mayor Pro Tem Sara Hutson called for a five minute recess at 7:40 p.m.**

Council Member Brook Brown asked City Attorney Charles Zech to ask the Mayor if he would feel comfortable opposing that bill in its entirety.

**Mayor Pro Tem Sara Hutson called the meeting back to order at 7:44 p.m.**

**Mayor Pro Tem Sara Hutson stated that the City Council would convene into executive session for consultation with legal counsel pursuant to section 551.071 at 7:44 p.m.**

City Attorney Charles Zech stated this executive session would be for consultation with legal counsel regarding whether a motion could be taken to authorize the Mayor to oppose legislation on yards and setbacks.

**Mayor Pro Tem Sara Hutson reconvened the regular session at 7:46 p.m. and stated that no action was taken in executive session.**

**ADJOURNMENT OF MEETING**

*Planning and Zoning Commission Chair Dave Bench adjourned the Planning and Zoning Commission meeting previously at 6:50 p.m.*

**Mayor Pro Tem Sara Hutson adjourned the City Council meeting at 7:46 p.m.**

**Minutes Adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2023 by the Planning and Zoning Commission.**

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

**ATTEST:**

\_\_\_\_\_  
**Desiree Adair, City Secretary**

**Minutes Adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2023 by the City Council.**

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

**ATTEST:**

\_\_\_\_\_  
**Desiree Adair, City Secretary**