

## CITY OF ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING AGENDA

Wednesday, June 04, 2025

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 June 04, 2025 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=QmNUbmZBQ1lwUlNjNmk5RnJrelRFUT09

**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 <a href="mailto:morotypeculored">morotypeculored</a> 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.

 Discussion and possible action on the minutes from the May 7, 2025 Planning and Zoning Commission meeting

## **REGULAR AGENDA**

- 3. Discussion and possible action on a recommendation for fence construction materials
- Discussion and possible action on addressing setback orientation for lots with limited street frontage
- 5. Discussion and possible action on installation of a valley gutter at the intersection of Vale Street and Bettis Boulevard or other water diversion structures
- 6. Discussion and possible action on definitions and regulations of playhouses and playscapes
- 7. Discussion and possible action on defining mechanical equipment and accessory structures
- 8. Discussion and possible action to clarify allowable times for construction activities, including defining activities impacted including construction, landscaping, utility work, and tree trimming

## **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 prior to 5:00 p.m. on May 30, 2025.

## Makayla Rodríguez

Makayla Rodriguez, 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 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 PLANNING AND ZONING COMMISSION MEETING MINUTES

Wednesday, May 07, 2025

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 May 7, 2025. 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

Genie Nyer called the meeting to order at 6:07 p.m.

**Present Members:** Genie Nyer, Jerry Fleming, Michael Hall, Tony Stein, and Chair Dave Bench (Virtually)

**Also Present:** City Administrator Alun Thomas, City Secretary Makayla Rodriguez, Development Services Manager Nikki Stautzenberger, and City Planner Amanda Padilla

## **PUBLIC COMMENTS**

Genie Nyer announced that Michael Rhodes resigned from the Planning and Zoning Commission.

## **PRESENTATIONS**

2. Follow up presentation by AlterStudio regarding the assessment of residential building height and proposed height measurement using properties located at 2403 Bettis Boulevard, 5 Rock Way Cove, 4715 Timberline Drive, and 4902 Timberline Drive

Sam Alamo of AlterStudio explained the updated scope of work given from the previous presentation. He continued to review graphical models for the properties at 2403 Bettis Boulevard, 5 Rock Way Cove, 4715 Timberline Drive, and 4902 Timberline Drive.

The Planning and Zoning Commission discussed asked clarifying questions regarding the graphical model's dimensions, measurement, and excavation.

2.

Development Services Manager Nikki Stautzenberger shared information regarding native ground surface. Genie Nyer recommended City Council to examine verbiage and redefine native ground and existing grade before finalizing the draft ordinance.

The Planning and Zoning Commission discussed and asked questions regarding the parallel plane method and the segment method.

Genie Nyer thanked Sam Alamo for his work as well as City Council for the appropriation of additional funds.

## **CONSENT AGENDA**

- 3. Discussion and possible action on the minutes from the March 5, 2025 Planning and Zoning Commission meeting
- 4. Discussion and possible action on the minutes from the March 26, 2025 Joint City Council and Planning and Zoning Commission meeting

Chair Dave Bench moved to approve the Consent Agenda. Jerry Fleming seconded the motion. The motion carried with 5 in favor and 0 against.

## **REGULAR AGENDA**

5. Discussion and possible action on proposed amendments to the city's Code of Ordinances regarding residential building height in the Residential Zoning District

Jerry Fleming moved to approve the proposed draft ordinance in the packet so that it can be passed on to City Council. Dave Bench seconded the motion.

Genie Nyer amended the motion to recommend that City Council examine the verbiage for existing grade and native grade. Jerry Fleming accepted the amendment.

Chair Dave Bench gave clarity to legal's guidance regarding the use of variances as opposed to special exceptions in the draft ordinance.

Chair Dave Bench amended the motion to change special exception to a variance as recommended by legal counsel. Jerry Fleming accepted the amendment.

The Planning and Zoning Commission continued discussion on the use of variances and special exceptions. City Planner Amanda Padilla gave clarification on variance criteria.

Duke Garwood, resident at 5 Rock Way Cove, shared his experience with variances and special exceptions with the Planning and Zoning Commission.

The motion carried with 4 in favor and 1 against (Hall).

6. Discussion and possible action on definitions and regulations of playhouses and playscapes

Development Services Manager Nikki Stautzenberger explained that Jerry Fleming identified additional definitions for playscapes and playhouses.

2.

The Planning and Zoning Commission discussed and shared their feedback regarding Mr. Fleming's definitions.

Jerry Fleming moved to adopt the definitions as proposed with the exception that second sentence of playhouse be deleted and playscape will remain as shown. Tony Stein seconded the motion. The motion carried with 5 in favor and 0 against.

Jerry Fleming discussed additional amendments to the draft ordinance.

Genie Nyer moved to remove D2 from section 107-81 definitions of the draft ordinance. Chair Dave Bench seconded the motion.

The Planning and Zoning Commission and City staff discussed the proposed changes to the draft ordinance.

The motion carried with 5 in favor and 0 against.

7. Discussion and possible action on a recommendation for fence construction materials

The Planning and Zoning Commission discussed prohibited fence construction materials and agreed to bring the item back for discussion at the next meeting.

City Planner Amanda Padilla stated that majority of cities throughout Texas regulate fencing.

The Planning and Zoning Commission continued discussion on fence construction materials.

Chair Dave Bench moved to table the item. Tony Stein seconded the motion. The motion carried with 5 in favor and 0 against.

## **ADJOURNMENT OF MEETING**

The meeting was adjourned at 7	7:49 p.m.		
Minutes adopted on the	day of	, 2025.	
		Dave Bench, Chair	
ATTEST:			
Makayla Rodriguez, City Secre			

## **Building Code Sampling of Fence Materials**

## **Current Rollingwood Fence Code (minus recently approved height restrictions)**

#### 107-34. - Fences.

- (a) Except as otherwise provided in this section, no front-yard fence may be erected or maintained.
- (b) <u>A front-yard fence</u> complying with the criteria provided in this subsection (b) of this section is allowed on property in a residential zoning district. The following criteria shall apply to such a fence:
- (1) The height shall not exceed three feet measured perpendicular from the adjacent finish grade;
- (2) Piers or posts may exceed the maximum height and fencing adjacent to the pier or post by four inches;
- (3) On sloped lots, to accommodate variations in elevation of the ground beneath a fence segment between two piers or posts, a fence may exceed the maximum height by up to six inches, provided that the average height of such fence segment does not exceed the maximum height;
- (4) The fence shall be constructed of such materials or in a manner to allow for an average of 80 percent visibility through the fence;
- (5) All fence components shall be a minimum of 15 feet from the curb, or edge of the street pavement where there is no curb;
- (6) The fence shall have columns, posts, or supports that are metal, brick, rock, stone, or wood;
- (7) If only one side of the fence is stained wood or other finished material, the finished side shall face away from the interior of the property; if support components are provided on only one side of the fence, such support components shall be on the side facing the interior of the property;
- (8) If a fence crosses a driveway or means of vehicular access to the property, the fence and any gate shall be located so that entering vehicles will be completely off the street when stopped for the gate to open, and such gate shall open parallel to or away from the street;
- (9) No chain link, barbed wire, or electrified fences shall be installed or maintained;

- (10) No fence, including decorative or ornamental fence tops, shall be designed to include or be constructed of barbed wire, broken glass or any exposed sharp or pointed materials that may penetrate or impale persons or animals.
- (c) On a corner lot, a fence may be erected and maintained in a side yard and rear yard adjacent to a street, but may be located no closer than 15 feet from:
- (1) The edge of the street curb closest to the property, if the street has a curb; or
- (2) The edge of the street pavement, if there is no curb.
- (d) If a fence along the side or rear of a lot or property is erected to the property line, adequate access to utility lines and meters shall be provided.
- (e) In no event may a fence be erected or maintained in or upon a city right-of-way or public right-of-way, except when installed by the city or its agents for municipal purposes.
- (f) All fences shall be maintained in good condition.

## From RW Drainage Criteria Manual

#### 4.4.5 STORMWATER DETENTION

Aesthetic enhancement is required for exposed concrete of drainage facilities that are visible from adjacent roadways and neighboring properties. All concrete shall be stained and/or stamped concrete or veneered with rock, brick, steel, tile or other material or method that is harmonious with the landscaping and design of improvements, as approved by the City Engineer. If indisputable evidence is provided that demonstrates that drainage facilities will not be visible from adjacent properties or roadways, due to significant differences in elevation, screening may not be required. If topography is claimed in lieu of screening, the developer shall provide a contour map to scale with sections at appropriate intervals that clearly illustrates the topographic differences.

## **West Lake Hills**

22.03.173 General requirements.

All fences, especially and particularly those built along streets or on common property lines, shall be well maintained and pleasing to the eye. Fences shall be constructed so that both sides are finished and identical or so that the finished side is the exterior side, that is, the side facing adjacent lots or streets. For fences that have support posts or structures on only one side of the

fence, that side shall be the interior side, that is, the side facing toward the property and structure. Fences shall be muted in color to prevent domination of the landscape or the structures they contain. Fences constructed of materials with a bright or shiny finish must be primed and painted a natural color to comply with this provision.

Prohibited materials.

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

## Highland Park, TX

No code provision for fence materials

## Olmos Park, TX

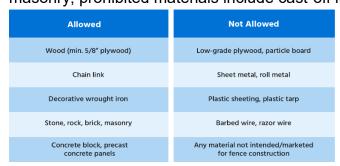
There is an eight-foot height restriction on the *fences* built or altered between the applicable front building setback line and the rear of the property, including a *fence* across the rear of the property. Such a *fence* shall be constructed of ornamental iron, metal, chainlink, hurricane, wood, stone, brick, or block, or a combination thereof. The term "ornamental iron" shall, however, include pillars or supports of other approved materials necessary to support the ornamental iron.

#### Aspen CO.

<u>Fences shall be constructed of wood, stone, wrought iron, concrete, metal, wire, or masonry.</u>
<u>Chain link, plastic, vinyl or synthetic fences are prohibited.</u>

**Question:** Does a row of bushes that are planted close enough together such that it provides privacy constitute a fence?

1. San Antonio-Permitted materials must be of similar durability to wood or masonry; prohibited materials include cast-off items or those not originally intended for fencing.



- 2. Westlake-While the code does not provide an exhaustive list of approved materials, it emphasizes that fencing materials should:
  - Blend with natural surroundings: Fences should be constructed to complement the natural environment in both color (e.g., brown, black, rust) and texture.
  - Allow visibility: Front-yard fences must allow a minimum of 80% visibility through the fence prior to landscaping installation.
  - Use quality materials: Columns, posts, supports, or other components should be made of metal (excluding chain link), brick, rock, stone, or wood to complement the principal structure and natural surroundings.
- 3. City of Austin-Permitted Fence Materials:
  - General Materials: Austin does not restrict specific fence materials;
     homeowners may use wood, vinyl, metal, chain link, etc., provided they comply with safety and design standards.
  - Pool Fencing: Chain-link or slatted fences are prohibited around pools due to climb ability concerns .
  - Prohibited Features:
    - Spiked pickets or decorative elements above the top rail
    - Vertical pickets spaced between 2–9 inches above the top rail
    - Razor wire or barbed wire (except around FAA-regulated airports)
    - Any design posing a risk of entrapment or impalement
- Leander- Leander adheres to the 2015 International Residential Code with local amendments.
  - -Permitted Fence Materials:
    - Chain link, tubular steel, or board-on-board wood with open slat spacing are acceptable, especially within drainage easements.
  - -Prohibited Features:
    - Electrically charged fences
    - Barbed wire (unless on agricultural properties over 5 acres)
- Search for cities in Texas that specifically prohibit cinderblock, only 2 came up, Paris Texas and Texas City, Texas. SanAntonio specifically allows cinder block: if it meets durability and "aesthetic standards"

This is a general statement from Texas State Law concerning restricting building materials:

House Bill 2439, effective since September 1, 2019, limits municipalities from restricting building materials approved by national model codes. However, this law primarily pertains to building exteriors and may not directly apply to fencing materials. Therefore, local ordinances regarding fencing materials, such as those mentioned above, may still be enforceable.

# AGENDA ITEM SUMMARY SHEET City of Rollingwood

Meeting Date: June 4, 2025

## **Submitted By:**

Staff

## **Agenda Item:**

Discussion and possible action on addressing setback orientation for lots with limited street frontage.

## **Description:**

There are several lots in Rollingwood that have no street frontage other than the driveway. In our code, setbacks are set based on street frontage which is not applicable for these lots. We need to establish the basis for setting setbacks for these lots to ensure protection of property rights for these property owners and adjacent property owners.

## 4 Inwood Cove 5 Inwood Cove

## Recent Rebuilds



## 4914 Timberline Drive (Remodeled 2010)



## 98 Wallis Lane (Current empty lot)



## 108 Kristy (Rebuilt 2024)



## **Action Requested:**

To discuss and consider various options for how setbacks would be placed on lots with limited street frontage.

## Fiscal Impacts:

No fiscal impacts are anticipated.

## **Attachments:**

N/A

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## **AGENDA ITEM SUMMARY SHEET**

## City of Rollingwood

Meeting Date: June 4, 2025

## Submitted By:

Staff

## **Agenda Item:**

Discussion and possible action on addressing setback orientation for lots with limited street frontage.

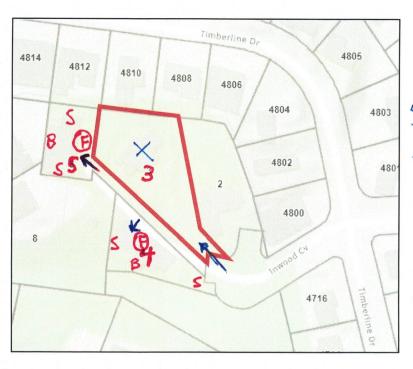
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## 4 Inwood Cove 5 Inwood Cove

#### Recent Rebuilds

If Front, badd
Setback is
determined by
where driveway
enters into main
lot area as is
done in Westlake,
Pustin, then
Front yard would
be as indicated



Lots on

4 Inwood CV \$

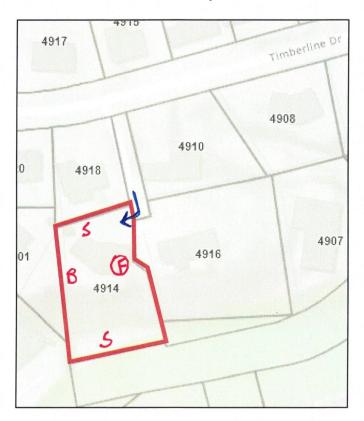
5 Inwood CV have

driveways as
indicated and
are "flag" lots

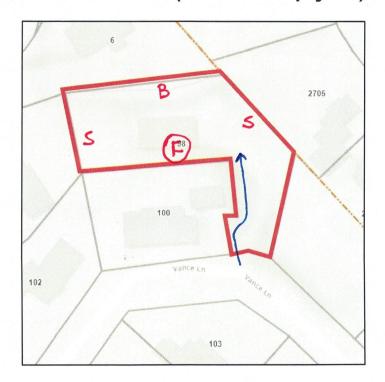
3 Inwood CV 15

not a "flag" lot.

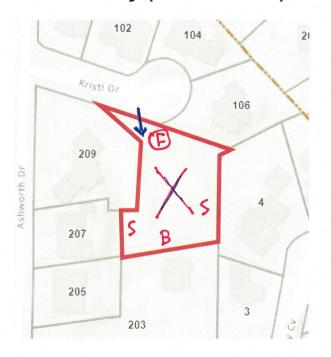
## 4914 Timberline Drive (Remodeled 2010)



## 98 Wallis Lane (Current empty lot)



## 108 Kristy (Rebuilt 2024)



This lot is not a "flag" lot as driveway enters street directly

## **Action Requested:**

To discuss and consider various options for how setbacks would be placed on lots with limited street frontage.

## **Fiscal Impacts:**

No fiscal impacts are anticipated.

## **Attachments:**

N/A

## "FLAG"LOT SETBACKS AND DETERMINATION OF FRONT, BACK AND SIDE SETBACKS

This scenario happens often with flag lots, panhandle lots, or landlocked parcels with only driveway access to a public street. The determination of front, side, and rear yard setbacks in these cases depends on how the local zoning code defines a front yard when there's no street-facing frontage. Here's how cities typically handle it:

## 1. Default Rule: Front Yard = Access Point

In many zoning codes, the front yard is defined as the side facing the street or the primary access easement, even if the house doesn't visually "face" the street.

- For flag lots or recessed lots, the "pole" of the flag (the driveway) connects the lot to the street.
- The end of the driveway where it meets the main part of the lot is often considered the front yard for setback purposes.
- The opposite side is the rear yard.
- The remaining two are side yards.

## 2. Defined by Lot Orientation or Entry Point

If there's no clear street frontage, cities may base setbacks on:

- The orientation of the front door or primary entrance.
- The direction the house faces architecturally.
- A city-defined "front lot line" sometimes whichever lot line is narrowest, opposite the rear lot line, or closest to the driveway.

#### 3. Rear Yard = Opposite of Front Yard

Once the front yard is defined, the rear is generally directly opposite, and the remaining sides are side yards. Setbacks for each yard are then applied accordingly:

- Front yard setback is often the largest.
- Rear yard is also significant.

- Side yard setbacks are usually smaller
- 4. Zoning Variability

Some cities have specific flag lot or panhandle lot provisions. For example:

- Cities may reduce front setbacks for recessed lots.
- May allow a different method to define the "front" for privacy or development flexibility.

In the City of Austin, flag lots—also known as panhandle or frying pan lots—are parcels that access a public street via a narrow strip of land (the "pole") leading to a larger, buildable area (the "flag"). Due to their unique configuration, the City has specific guidelines for determining yard setbacks on these lots.

## **Determining Yard Setbacks on Flag Lots**

#### **Front Yard Setback**

For flag lots, the front yard is typically considered the portion of the lot adjacent to the access strip connecting to the public street. This area is treated as the front for setback purposes, regardless of the orientation of the dwelling.

According to recent amendments to the Land Development Code:

- The minimum front yard setback for a flag lot is 5 feet.
- If the flag lot shares a front lot line with a lot that was subdivided to less than 5,750 square feet on or after August 16, 2024, the front yard setback can be reduced to 0 feet.

## Rear and Side Yard Setbacks

Once the front yard is established, the rear yard is located directly opposite the front yard, and the remaining sides are considered side yards. Setback requirements for these yards are determined by the zoning district in which the property is located. For example, in the SF-4A zoning district:

4

- Rear yard setback: 5 feet
- Interior side yard setback: 3.5 feet, with a combined minimum of 7 feet for both sides

In the City of West Lake Hills, Texas, flag lots—also known as panhandle or frying pan lots—are subject to the same setback requirements as standard lots. However, due to their unique configuration, specific considerations apply when determining how these setbacks are measured.

## **Standard Setback Requirements**

According to the West Lake Hills Code of Ordinances, the minimum setback distances for principal buildings are:

Front yard: 50 feet

Rear yard: 30 feet

Side yards: 25 feet on each side

These distances are measured from the respective property lines inward toward the structure.

## **Determining Setbacks on Flag Lots**

For flag lots, the determination of front, rear, and side yards is based on the configuration of the lot:

- Front Yard: The front yard is considered to be the portion of the lot adjacent to the access strip (the "pole") that connects the lot to the public street.
- Rear Yard: Located directly opposite the front yard.
- Side Yards: The remaining two sides of the lot.

Importantly, on flag lots, setback measurements are taken from the point where the lot reaches its maximum width, not along the narrow access strip. This approach ensures that the buildable area complies with the required setbacks.

In the City of Rollingwood, Texas, the zoning code does not explicitly define "flag lots" or provide unique setback requirements for them. Instead, all residential lots, including those with flag-like configurations, are subject to the standard setback requirements outlined in the city's zoning ordinances.

## **Standard Setback Requirements**

According to Section 107-75 of the Rollingwood Code of Ordinances:

- Front Yard: Minimum depth of 30 feet
- Rear Yard: Minimum depth of 20 feet
- Side Yards: Minimum of 10 feet on each side, with a combined total of 25 feet

These setbacks are measured from the respective property lines inward toward the structure.

Given the unique configurations of such lots, it's advisable to consult directly with the City's Building and Development Department to ensure accurate application of setback requirements.

- 6/2/2025
- (a) Each lot shall have a front yard, two side yards and a rear yard.
- (b) On each lot, the rear yard shall be to the rear of the front yard.
- (c) The building official shall determine the street address, and thus the front yard, of each corner lot.

(Code 1987, ch. 11, subch. G, art. V, § 9; Code 1995, § 14.02.209)

ON LOIS WITH LIMITED STREET FRONTAGE,
THE SETERACK CRIENTATION SHALL BE APPROVED
THE SETERAL BY THE BOARD & ADJUSTICENT.

## 91. - Special exceptions.

- (a) The board of adjustment may, in a specific case, where the board of adjustment makes the findings required under subsection (c) herein, grant the following special exceptions from the requirements of this division:
  - (1) Permit the reconstruction of a nonconforming building or structure that has been damaged by fire or other cause;
  - (2) Permit the enlargement or extension of a nonconforming use or nonconforming building upon the lot occupied by such use or building at the time of the passage of this division;

In undeveloped sections of the city, grant temporary and conditional permits for not more than two years, provided that the grant of a temporary or conditional permit shall not be reason or cause for extension of such permit;

- Permit such modifications of yard, open space, lot area, or lot width regulations as may be necessary to improve a parcel of land, if the parcel is of such restricted size that it cannot be appropriately improved without such modification; or
- Permit a public utility or public service building of a ground area or height at variance with those provided for the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety or general welfare.
- (6) Permit a reduction or modification in the 75-foot setback requirements of <u>section 107-108(a)</u> and/or the 75-foot greenbelt requirements of <u>section 107-109(a)</u>, provided that:
  - a. In addition to the notice and hearing required under subsection 107-494(a), the board of adjustment shall conduct a public hearing on the application to consider public comment and any alternative to the proposed application. The public hearing required by this subsection shall be held no less than 30 days prior to the date of any hearing at which the board of adjustment will consider action on the application. Upon the decision of the board of adjustment or upon request of the applicant, the board of adjustment may recess such public hearing, from time to time, to consider any alternative proposal. In the event the applicant requests the board of adjustment to consider an alternative proposal, notice of the alternative proposal shall be given in the manner required by subsection 107-491(a), and the hearing on the alternative proposal shall be set no less than 30-days prior to the date notice is given; and
  - b. The board of adjustment finds all of the following:
    - The lot to be developed has no existing 75-foot greenbelt or the existing greenbelt is less than the required 75-feet;
    - The proposed alternative, as compared to the existing development, mitigates the impact of the existing development upon adjacent residential properties and/or improves to the greatest extent practicable the buffering of the adjacent residential properties, and preserves or enhances existing landscaping to the greatest reasonable extent;
    - 3. The proposed alternative, as compared to the existing development, is consistent with and promotes the recommendations and policies within the city's comprehensive plan;
    - The proposed alternative enhances the site, as compared to the existing development, without detriment to the adjacent residential properties, and therefore, the overall environment of the city; and
    - The proposed alternative if granted will not have a detrimental impact on any adjacent properties.

EGUIRED YARD(8)
RIENTATION

ONFIGURATIONS (4)
PROGRAPHY (5)

# AGENDA ITEM SUMMARY SHEET City of Rollingwood

Meeting Date: May 21, 2025

## **Submitted By:**

Sara Hutson

## **Agenda Item:**

Discussion and possible action on installation of a valley gutter at the intersection of Vale Street and Bettis Boulevard and other water diversion structures

## **Description:**

Runoff coming down Bettis (and Vale) does not continue straight across Vale but curves northeast and then crosses Vale towards the front walk of 305 Vale. During heavy rains the runoff can top the curb and run into the yard. This has been an issue for nearly 20 years, and appears to be getting more frequent. Installation of a valley gutter or other diversionary structure to ensure water crosses Vale at the intersection and continues down Bettis is needed.

## **Action Requested:**

To discuss and consider various options and forward to the Planning and Zoning Commission for input if needed.

## **Fiscal Impacts:**

No fiscal impacts to the city are anticipated.

## **Attachments:**

N/A

## To Whom It May Concern:

I am writing to formally express my concern about recent drainage activity near my property at 401 Vale, particularly at the intersection of Bettis and Vale in Rollingwood. I am requesting that this letter be made part of the public record and shared with city council members and any committees addressing drainage infrastructure in this area.

On the evening of April 22, 2025, at approximately 7:20 PM, I backed out of our garage to head toward Vale. To my alarm, I encountered a large volume of water rapidly flowing down Bettis. It had been diverted from its normal flow pattern, and was running across the entire south side of the road, reaching our driveway. The water was so deep I feared it could enter the sedan I was driving. I accelerated to avoid the water, but could not clear it entirely until I passed through the Bettis-Vale intersection.

At the time, I assumed it was an unusual storm event. Later, I found that the City had conducted an unannounced drainage test just up the street. Long limestone rocks had been placed across the roadway in a way that diverted the natural water flow—water that had, for over 20 years, followed a consistent path—so that it now directed straight toward our driveway.

When we rebuilt our home, we preserved the original driveway on Bettis, which had been in place for over five decades, precisely because it had never experienced drainage problems. We understood how sensitive this area is and made decisions accordingly. Our home includes a basement level—the same basement that has existed at this location for over 70 years. A change in water flow that causes flooding at our property would result in severe and costly damage.

I am deeply concerned that this drainage experiment was carried out without notice to nearby homeowners, especially those like us who are directly downstream from the affected flow path. I have since learned that the city may be planning permanent drainage changes at this intersection. Despite being directly affected, I was never been contacted by the city or given the opportunity to provide input.

I request that the City of Rollingwood take the following actions:

- 1. **Formally notify nearby residents** of any planned drainage changes or tests, especially when they alter long-standing drainage paths in historically stable areas.
- 2. **Conduct a full engineering-based drainage impact study** before making any further modifications at Bettis and Vale, as is required for private homeowners when building or remodeling.

3. **Ensure any changes made do not disproportionately burden individual properties** like 401 Vale with runoff. Water should be distributed equitably, and the drainage design must protect—not endanger—existing homes.

Given the events of April 22 and the nature of the changes already tested, I must state clearly: if flooding occurs at our home due to changes in city drainage infrastructure—especially when that infrastructure has diverted runoff toward our property—the city will bear responsibility. Our home has never flooded in over 70 years under the existing footprint and driveway layout. Any flooding that results from newly altered water paths would be a direct consequence of those modifications.

Finally, I urge the city to recognize that the volume of water this area receives—from both Bettis and Vale—is substantial. Even modest redirection or channeling decisions can have significant consequences, not only for our home but for others further down Vale as well.

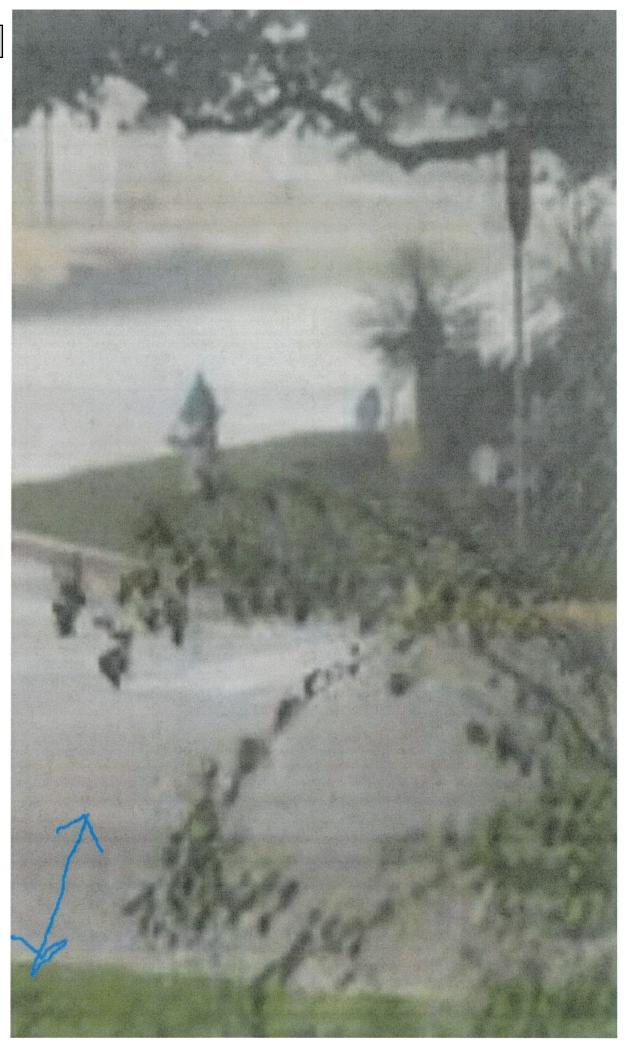
Thank you for your time and for your continued work on behalf of the City of Rollingwood. I look forward to being kept informed on this issue going forward.

Sincerely, J. E. Hundley

401 Vale Street







## Makayla Rodriguez

From:

Wendi Hundley

Sent:

Sunday, June 1, 2025 11:14 AM Makayla Rodriguez; Alun Thomas

To: Cc:

Jon Hundley

Subject:

P&Z Public Comment Agenda Item #5 - Proposed Drainage Infrastructure at Vale Street

and Bettis Boulevard

Follow Up Flag:

Follow up

Flag Status:

Completed

Hello,

We would appreciate it if you would please forward this email to the P&Z members I, and also include this email as our public comment for agenda item #5 for the upcoming P&Z meeting.

Thank you.:)

Dear Planning & Zoning Commission Members,

I hope you're all doing well. I'm writing as the homeowner at 401 Vale Street—our home sits directly next to the intersection of Vale and Bettis where drainage changes are being considered.

First, I just want to say how sorry I was to hear that 305 Vale has been dealing with drainage issues. I genuinely hope the City can help find a good solution for them. At the same time, I hope any fix doesn't unintentionally push the problem downhill to our home or others nearby. I know that's not anyone's goal, but it's something we're really worried about.

At the May 21 City Council meeting, Council Member Glasheen made a motion to move forward with an engineering study and then install infrastructure at this intersection. That motion passed, and my understanding is that a thorough engineering analysis would come first, before anything is built.

So I was surprised to see this now listed on your June 4 agenda as:

"Discussion and possible action on installation of a valley gutter at the intersection of Vale Street and Bettis Boulevard or other water diversion structures."

That wording raised a few concerns for us, and I hope you'll take these in the spirit they're intended—with respect, and with a shared interest in doing this right:

- 1. P&Z's Role: From what I understand, Planning & Zoning usually focuses on zoning, platting, and land use—not water infrastructure projects. So I'm not totally clear why this item is coming to your commission, especially before an engineering report has been completed.
- 2. Council voted to start with a professional study. It feels premature to talk about specific infrastructure like a valley gutter when no one's seen the engineering analysis yet. I'd love to see that information guide the conversation before anything is finalized.

- 3. We live right next to the area being discussed and haven't received any details about what's being proposed. We only learned about this agenda item a few days ago. It would mean a lot to have a more open process with input from the homeowners who will be directly affected.
- 4.Our home sits downhill from this intersection, and we already receive runoff from multiple directions. After the drainage "test" the City ran on April 22, we saw water build up in a way we've never seen before—nearly cresting over the original raised driveway apron that's been there since the 1950s. We have photos and video of it. If that water had gone just a bit higher, it could have flooded our basement and backyard. We have a drainage map and elevation info showing how water flows through our lot—everything heads to the southeast corner near 403 Vale, right where our vulnerable areas are.

We're not trying to stand in the way of a solution—in fact, we'd love to see one that works. But we're really concerned about being put in a position where water that used to flow elsewhere now ends up in our basement or yard. It's never been a problem in all the years our house and the former 1950s house (with same footprint) has been here, and we want to keep it that way.

If possible, I'd kindly ask the Commission to hold off on any decisions about installing drainage infrastructure until the engineering study is done and made public. I really think that's the best way to make a smart, fair decision that protects everyone involved.

Thanks so much for taking the time to read this and for all the ways you serve our community. I know none of this is easy, and I truly appreciate your time and thoughtfulness.

Warmly, Wendi Hundley 401 Vale Street Rollingwood, TX 78746

P.S. Please read my husband's email to Mr. Thomas (below) for more detailed information about our concerns.

From: Jon Hundley

Date: May 28, 2025 at 7:16:50 PM GMT+2

To: Wendi Hundley

Subject: Fwd: Drainage Concerns Related to 401 Vale and Bettis/305

Vale

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

From: Makayla Rodriguez < mrodriguez @rollingwoodtx.gov >

Date: Wed, May 28, 2025 at 12:14 PM

Subject: Drainage Concerns Related to 401 Vale and Bettis/305 Vale

To:

Thank you for your communication to the City of Rollingwood. Your request has been received and is being processed. All written requests for documents or information from the public fall under the Texas Public Information Act.

Consistent with the Texas Public Information Act, you can expect communication from the City of Rollingwood within 10 business days after the date of the request for information.

The City will make an effort to ensure the information requested is made available to you in a timely manner. Depending on the scope of the request and the time required to research and compile the information, the City may not be able to produce the information you have requested in the required 10 days, if this happens you will be notified of the following:

- The date the information will be available.
- A cost estimate of charges for the request.
- A letter advising that some of the responsive information may or must be withheld by the City, and whether or not an Attorney General opinion is being sought.
- The need for clarification from you.

Thanks,

Makayla Rodriguez

City Secretary

City of Rollingwood

(512) 327-1838

www.rollingwoodtx.gov



From: Jon Hundley

Sent: Sunday, May 25, 2025 3:33 PM

To: Alun Thomas <athomas@rollingwoodtx.gov>

Subject: Drainage Concerns Related to 401 Vale and Bettis/305 Vale

Mr. Thomas,

Thank you for your help with this issue and for including my public comment in the City Council agenda packet. I am sorry to hear that 305 Vale is experiencing drainage issues, and I hope a thoughtful and equitable solution can be found to protect all affected properties.

After watching the City Council meeting, I had some follow-up questions that I hope you can help me with:

- 1. There was a drainage test conducted near my property, where limestone rocks were placed to redirect water flow toward 401 Vale. Could you please confirm who authorized or directed this test, and what its purpose and findings were? Were any City officers or elected officials—including Council Member Sara Hutson—involved in initiating, approving, or supervising this test? Around the time of the test, we observed Council Member Hutson meeting with the property owners at 305 Vale. In hindsight, it appears this meeting may have been related to the drainage concerns later discussed at the Council meeting. However, we were not contacted or informed about the issue, even though our home at 401 Vale is directly adjacent and may be equally or more affected by any redirection of water. If this was a coordinated City effort, I would appreciate clarification on why nearby property owners like us were not included. While the meeting may not have been formal, the fact that one property owner received direct engagement while others—whose homes are also vulnerable—were excluded raises concerns about transparency and fairness. All potentially affected residents should be equally informed and included in any process that could impact their property.
- 2. During the meeting, Council Member Hutson mentioned that the property owners at 305 Vale have recently made some landscape changes, including grading and the addition of large berms along the front of the property, with an opening for a sidewalk that leads to their front door. I'd appreciate if the

engineers could take a look at whether this newer landscaping might be unintentionally concentrating water in one area of the yard and directing it toward their entry. There may be opportunities to adjust the layout to help distribute the water more evenly and improve the situation for them—without creating new issues downstream. We're not entirely sure how or where the water is pooling or jumping the curb into their yard, as was discussed at the meeting, but we do wonder whether private property improvements may have unintentionally contributed to the current challenge.

- 3. During the meeting, it was implied that the intent is to direct water straight down Bettis into Eanes Creek, avoiding the turn onto Vale. Is that an accurate understanding of the Council's directive? It was also suggested that this might involve installing a valley gutter, speed bump, or other surface-level diversionary structure. If that is the direction being pursued, I would like to understand whether the proposed infrastructure will be engineered to manage the full volume and velocity of stormwater during significant rain events—such as a 25- or 100-year flood—or whether it would merely deflect water toward a new location without effectively containing or conveying it. Redirection without adequate capacity or planning could significantly increase the risk of flooding at downstream properties, including ours at 401 Vale. Will this risk be modeled and fully accounted for as part of the engineering analysis?
- 4. Given the natural slope of the area, even small amounts of overflow can cross the street and flow downhill toward 401 Vale. This is not a theoretical concern—we have both video and photo evidence of water backing up near our property after the April 22 drainage test. During that test, we observed that the diversion altered the typical path of water. Instead of turning onto Vale as it normally does, the water continued down Bettis but crossed to the other side of the road at the intersection as sheet flow, flowing downhill and joining the existing runoff in the curb and gutter along the south side of the street—directly along the side of our home—rather than remaining on the north side, where it has historically flowed. This caused a noticeable buildup of water at the Bettis/Vale intersection and along our curb. Our property already receives stormwater from the curb and gutter system that carries water north along the east side of Vale. The diverted water from Bettis compounded this existing flow, creating a much larger volume and velocity of runoff concentrated along the south side. The water came dangerously close to overtopping the original raised section of our driveway apron, which was constructed in the 1950s and intentionally preserved during our construction because our property has never previously experienced water crossing over it. Had the rain lasted even slightly longer or been more intense, it likely would have resulted in water entering our basement, pool

equipment area, and backyard. This experience underscores the very real and immediate risk that a redirection of flow—without properly engineered conveyance—could create for our property. I would like confirmation that the engineering review will include a comprehensive hydrologic and hydraulic (H&H) analysis and that the City will take all necessary steps to ensure flood risk is not shifted to our home.

- 5. Council Member Hutson mentioned diversionary structures and road crowns. However, from what we can see, Bettis lacks a sufficient crown to reliably keep water within the gutter during heavy rainfall. If water is redirected down Bettis and overflows to the south side, it could directly impact our basement, pool equipment, and yard. Will this risk be fully evaluated as part of the proposed engineering solution?
- 6. Redirecting water using a valley gutter or other surface-level structure as part of a repaving project does not appear to meet the engineering standards typically required for altering stormwater flow. Without a formal H&H analysis, changes like this can inadvertently increase flood risk for downstream properties. In our case, runoff redirected to the south side could overwhelm our lot, which sits below street level. Any permanent drainage changes should follow generally accepted engineering practices and be based on a hydrologic and hydraulic (H&H) study. Proceeding without that level of review would not meet the professional standard of care expected in municipal stormwater design and could expose the City to liability if those changes cause damage to private property.
- 7. We have a complete drainage assessment of our property, which shows that all water flows toward the southeast corner of our lot—adjoining 403 Vale. Our garage, basement, pool equipment, and backyard are directly in the path of this natural drainage. I would like to formally submit this drainage map, elevation information, and other relevant documentation to the engineers. Could you please let me know the best way to do that?
- 8. Will the engineers be reviewing topographic maps and conducting elevation surveys of Bettis, Vale, and surrounding properties to model water movement accurately? These tools are essential for identifying risk and designing appropriate infrastructure.

- 9. I would also like confirmation that the engineers engaged by the City will be permitted to make fully independent, expert determinations regarding any drainage changes—free from direction or influence by individual Council Members. I am especially concerned about the potential conflict posed by Council Member Sara Hutson, who is both a licensed drainage engineer and an elected official. Unless she is formally acting as the engineer of record for this project (with legal responsibility and regulatory oversight), she should not be informally guiding drainage design. These decisions must be made by professionals retained by the City and documented through a transparent, unbiased process. I also ask that the engineers receive my public comments and all supporting materials.
- 10. During the meeting, Council Member Hutson referred to a 2006 memo regarding 305 Vale. Could you please share a copy that memo with me? The memo was not included with the meeting documents.
- 11. The drainage flow patterns in this area have remained largely unchanged for over 20 years. Our property at 401 Vale has never flooded in nearly 70 years, despite sitting at a lower elevation than 305 Vale. It's possible that the existing drainage arrangement—though imperfect—has remained in place because it effectively balances water flow between multiple properties and prevents a cascading or domino effect. Any proposed change should be reviewed carefully to avoid disrupting this balance and shifting unintended risk to downstream homeowners.
- 12. Now that these concerns have been raised, I respectfully ask that the City commit to notifying affected property owners before any drainage modifications are approved or implemented. How will notice be provided, and can you confirm that I will be included on any relevant communication list?
- 13. Under Texas Water Code § 11.086(a), no person—including a municipality—may divert or impound the natural flow of surface water in a manner that causes overflow and damages another property. If drainage changes lead to flooding at 401 Vale, the City could be in violation of this statute and subject to liability.

14. Article I, Section 17 of the Texas Constitution prohibits the taking, damaging, or destruction of private property for public use without compensation. If changes to City infrastructure redirect stormwater toward our property and result in flooding, this could constitute a taking. We do not consent to our land being used to receive public water flow and reserve all rights under the law.

15. If the City makes a change that shifts the flooding problem to our property, it would constitute negligence and the City would be responsible for any resulting damage to our home and land. As has been the case in prior instances, when the City acts negligently, TML insurance does not provide coverage. As a resident, I do not want to be placed in the position of having no other option but to pursue legal action against the City to protect our property if preventable flooding is redirected to 401 Vale.

I am raising these concerns in good faith and before any construction begins so that the City has a full and fair opportunity to evaluate the risks and consider alternative solutions. If drainage changes are implemented in a way that causes flooding or damage to our home, we will be able to show that this outcome was both foreseeable and avoidable. My goal in writing this letter is to help prevent that scenario and to ensure that any solution protects not just one property, but the entire affected area.

Thank you for your attention to this important matter.

Thanks, Jon

401 Vale

Murfee Engineering Company

October 28, 2002

Ms. Lorri Dissmore City Secretary City of Rollingwood 403 Nixon Drive Rollingwood, TX 78746

RE:

City of Rollingwood

Drainage Study

MEC Project No. 99041.10

Dear Ms. Dissmore:

As requested, I have summarized on the attached table the results of my review of the drainage problems reported by homeowners within the City of Rollingwood. I have included in the summary a general description of the problems based on my site visits during recent rainstorms, potential solutions, and my opinion of the City's responsibility and priority for these areas. Since I have not completed a detailed design for each solution, the cost estimates I have prepared should be considered preliminary at this time.

Please call me if you have any questions.

Sincerely,

Don Sansom, P.E.

cc:

Thom Farrell George Murfee

Page 1 of 3

#### PRELIMINARY DRAINAGE STUDY

Prepared by Murfee Engineering Company, Inc. October 28, 2002

	LOCATION / OWNER	REPORTED PROBLEM	CAUSE	RECOMMENDED SOLUTION	CITY / HOMEOWNER	PRIORITY (City projects)	ESTIMATED COST
1.	2802 Rollingwood George Primeaux	Water from Rollingwood Drive overflows onto driveway and into garage.	Driveway constructed without proper crest to keep water within the street.	Reconstruct driveway	Homeowner	-	\$5000
2.	4902 Timberline Mark Blake	Garage flooded on Nov. 15, 2001.	Driveway slopes down steeply from the street to the garage. Landscaping on side of the house is higher than the driveway causing ponding and flooding of the garage.	Remove landscaping and construct drainage swale on the south side of the house.	Homeowner	-	\$1000
3.	2500 Timberline Bob Lindell	Water from Rollingwood Dr. ponds at low point on Timberline, overtops curb and passes	Timberline pavement constructed at improper elevation without provisions for drainage.	Install curb inlet on Timberline and 100 feet of storm drainage pipe.	City	Moderate	\$10,500
4.	A) 4903 South Crest John Carlton	Flood damage from storm flow from back of house.	Rear yard slopes towards home. Obstructions, fencing and greenhouse, prevent runoff from passing through lot.	Remove obstructions.	Homeowner		\$1500
4.	B) 4903 South Crest B Nancy Roser	Drainage way along the west lot line has eroded creek bank and edge of driveway	Lack of drainage facilities	Install gabion and concrete slope protection	City X	Low	\$7,600

#### F ROLLINGWOOD

#### PRELIMINARY DRAINAGE STUDY

Prepared by Murfee Engineering Company, Inc. October 28, 2002

	LOCATIÓN / OWNER	REPORTED PROBLEM	CAUSE	RECOMMNEDED SOLUTION	CITY / HOMEOWNER	PRIORITY (City projects)	ESTIMATED COST
5.	305 Vale Ken Kṛakow	Ponding water at the intersection of Vale and Bettis. On November 15, 2001, water flowed over	Improper construction of intersection without provisions for drainage. Low point on Vale Street causes ponding of water.	Reconstruct intersection and approximately 50 feet of Vale St.	City	Low	\$9125
		curb into front door.	Grading of front yard directs water that overtops the curb towards the house.	Regrade lot to provide swale directing runoff away from the house.	Homeowner		\$1000
6.	3200 Park Hills Ron Wilson	Water in back door in heavy rains.	Grading of backyard directs runoff towards the house.	Regrade rear yard.	Homeowner	-	-
7.	3 Westgate Circle Joan Byrne	Runoff from circle deposits gravel in her backyard and heavy rains flood her	A short concrete flume along the side lot line conveys runoff from the street. Downstream of the	Replace and extend concrete flume/sidewalk to convey runoff around	City	Moderate	\$7100
		garage. Erosion problems created under her greenhouse in backyard.	flume, heavy storm flows have caused erosion and deposited gravel from the City's previous repaving project.	the house. Remove gravel and replace sod. Replace driveway.			
8.	303 Pleasant	Flooding of backyard and porch.	Runoff from the street and upstream areas passes through the backyard of this lot.	Regrade rear yard to provide positive drainage.	Homeowner	-	-

#### PRELIMINARY DRAINAGE STUDY

Prepared by Murfee Engineering Company, Inc. October 28, 2002

LOCATION / OWNER	REPORTED PROBLEM	CAUSE	RECOMMENDED SOLUTION	CITY / HOMEOWNER	PRIORITY (City projects)	ESTIMATED COST
9. Randolph Place	Drainage from Jeffrey Cove causes flooding on Randolph Place.	Absence of drainage facilities to convey large flows from upstream areas. Runoff from the street passes through lot at Randolph causing flooding of the house and erosion.	Install inlets and storm drainage pipe to capture and convey runoff from Randolph though front and side yards of impacted homes.	City	High	\$47,500
10. 106 Kristy Drive / Scott Kyle	Runoff from circle discharges onto lot.	Lack of inlet or other drainage facilities	Install concrete flume.	City UN be solved	High	\$1500 Fn-
11. Rockway @. Wallis	Drainage causes flooding in front yard.	Roadside ditches convey runoff	No action required.	Homeowner	-	-

Client:	CITY OF ROLLING	GWOOD				By: D Sansom
Project:	DRAINAGE STUDY					
	Improvements to remedy localized drainage problems					
		DECORPORTO I	OLÍANITITY	LDIT	I D HT DD IOC	A MOVE DIE
NO.	LOCATION  2802 Rollingwood Dr.	DESCRIPTION Remove ex. drive	QUANTITY 1	UNIT SES ::	UNIT PRICE \$500.00	AMOUNT \$500.00
1	2802 Kollingwood Dr.	Conc. driveway approach	1200	LS		
And the latest the second		Conc. driveway approach		SF		\$3,000.00
					Subtotal :	\$5,000.00
	- Change		o national de la Marie	95. T Q 35	55000000000000000000000000000000000000	Calculated in control of the control
2 ~ * * * * * * * * * * * * * * * * * *	4902 Timberline Dr.	Minor regrading				\$500.00 \$500.00
		Landscape repair	THE TWO IS			\$1,000.00
ertu)papa (p. 1884)			1995 N. A.	- 4034 F. 345F	Selection of the select	(2) (2) (2) (2) (3) (3) (3) (4) (4) (4) (4) (4) (4) (4) (4) (4) (4
3	2500 Timberline Dr.	10' Curb inlet	1	EA	\$3,000.00	\$3,000.00
		18" RCP	100	LF	\$60.00	\$6,000.00
		Conc. curb	100	LF	\$15.00 Subtotal	\$1,500.00
			<u> </u>		Subtotal	\$10,500.00
.≽@:4a ∀re-	4903 Southcrest	Minor regrading	1988			\$500.00
YOR WANTE	<b>安徽的基本</b> 的一种扩展	Landscape repair	1.66	*LS		
SS (Mil)				<b>188</b> 2/3	Subtotal	\$1,500.00
4b	Southcrest	Conc. rip rap	250	SF	\$10.00	\$2,500.00
70	Bounerest	Gabion wall	17	CY	\$300.00	\$5,100.00
					Subtotal	\$7,600.00
				<u> </u>		
5	305 Vale	Remove ex. asphalt	1 250	LS	\$1,500.00	\$1,500.00
		Reshape roadway	350 350	SY SY	\$7.50	\$2,625.00
		Replace asphalt Replace curb	100	LF	\$10.00 \$15.00	\$3,500.00 \$1,500.00
			100	<u> </u>	Subtotal	\$9,125.00
					Factor by Whate Wallet	
- 6 😘	3200 Park Hills	None:	50 日本 30000g			1947年1947年1947年1947年1947年1947年1947年1947年
7	3 Westgate Circle	Extend conc. flume	100	LF	\$20.00	\$2,000.0
		Remove ex. drive	1	LS	\$500.00	\$500.0
		Conc. driveway	600	SF	\$6.00	\$3,600.0
		Landscape repair	1	LS	\$1,000.00 Subtotal	\$1,000.0
······································				<del> </del>	Subtotal	\$7,100.0
8 .	303 Pleasant	None	T. SHAMAS	11.5	· 香花 (1) (1) (1)	2年的19 20 海門聯聯級和
9	Randolph Place	Drainage inlets	2	EA	\$4,000.00	\$8,000.0
<u></u>	Kandolph Flace	24" RCP	300	LF	\$100.00	
		Conc flume	50	LF	\$20.00	
		Remove ex. drive	1	EA	\$500.00	
		Conc drive	. 500	SF	\$6.00	\$3,000.0
		Conc headwall	1	EA	\$2,500.00	\$2,500.0
		Landscape repair	1	LS	\$2,500.00	
					Subtotal	\$47,500.0
10	106 Kristy	Conc. flume	: 50	LF	\$20.00	\$1,000.0
	*	Landscape repair	1	LS	\$500.00	
					Subtotal	\$1,500.0
. 11	Rockway at Wallis	None	1	<b> </b>	<b>-</b>	
. 11	INDOKWAY AL WAIRS	TORC				
	CONSTRUCTION COSTS	(City items only)				\$83,325.0
25% CONTIN						\$20,831.2
TOTAL CO	ST		<u> </u>	<u> </u>	L	\$104,156.2
V.	= Homeowner items					

1	ORDINANCE NO
2 3 4 5 6	AN ORDINANCE AMENDING CHAPTER 107, SECTION 107-3 AND ADDING SECTION 107-85 OF THE CITY OF ROLLINGWOOD'S CODE OF ORDINANCES RELATED TO PLAYHOUSES AND PLAYSCAPES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.
7 8	<b>WHEREAS</b> , the City of Rollingwood is a General Law Type A City under the statutes of the State of Texas; and
9 10 11	<b>WHEREAS</b> , the Texas Local Government Code Chapter 211 provides authority to regulate the height, number of stories, and size of buildings and other structures such as playhouses and playscapes; and
12 13 14 15	WHEREAS, the City Council of the City of Rollingwood ("City Council") finds that scale and placement of playhouses and playscapes can impact the character of residential neighborhoods by affecting the spacing between structures, visibility from adjacent properties, and overall aesthetic harmony; and
16 17 18 19	<b>WHEREAS</b> , the City Council finds and determines that playhouses and playscapes, particularly those of significant height or located near property lines, can impact the privacy and quiet enjoyment of adjacent properties by creating sightlines into private spaces and generating noise; and
20 21 22 23	WHEREAS, the City Council finds and determines that unregulated placement of oversized playhouses and playscapes may create safety concerns, obstruct views, or lead to neighborhood disputes regarding setbacks, visual impact, and compatibility with surrounding structures; and
24 25 26 27	WHEREAS, the City Council finds and declares that establishing reasonable regulations for the size and location of playhouses and playscapes is essential to maintaining the character of residential areas, minimizing conflicts between neighbors, and ensuring that such structures are safely and appropriately integrated within properties.
28 29	NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLINGWOOD, TEXAS, THAT:
30 31 32	<b>SECTION 1.</b> All the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.
33 34 35	<b>SECTION 2.</b> Code Amendment. The following sections of the Rollingwood Code of Ordinances are hereby amended as follows with strikethroughs being deletions from the Code and <u>underlines</u> being additions to the Code:

**Sec. 107-3. – Definitions.** 

Section 107-3 and 107-85 is amended as follows:

36

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38 39	<u>Playhouse means a freestanding structure with a roof supported by walls</u> and is designed as a toy for children's activities.
40	Playscape means a freestanding structure that is mostly unenclosed, has no
41	solid floor, and is designed for children's activities. A playscape typically
42	consists of a swing, slide, and climbing walls or ladder.
43	Sec. 107- 85 Playhouses and Playscapes.
44	(a) Playhouses and playscapes are exempt from regulations for accessory
45	buildings or structures, if they comply with the regulations outlined in
46	this subsection.
47	(b) Playscapes may be in a required side or rear yard.
48	(c) Playhouses less than six (6) feet in height may be in a required side or
49	rear yard
50	(d) Playhouses exceeding six (6) feet in height may be in a required side or
51	rear yard if all of the following conditions are met:
52	(1) The maximum height, measured to the topmost part of the
53	playhouse, does not exceed twelve (12) feet above natural grade;
54	(2) The total area of the playhouse shall not exceed 120 square feet
55	in a required rear yard and fifty (50) square feet in a required
56	side yard; and
57	(3) The playhouse must be set back at least six (6) feet from any
58	property line.
59	
60	SECTION 3. All provisions of the ordinances of the City of Rollingwood in conflict with
61	the provisions of this ordinance are hereby repealed to the extent of such conflict, and all
62	other provisions of the City of Rollingwood ordinances which are not in conflict with the
63	provisions of this ordinance shall remain in full force and effect.
64	SECTION 4. Should any sentence, paragraph, sub-article, clause, phrase or section of this
65	ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not
66	affect the validity of this ordinance as a whole, or any part or provision thereof other than
67	the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity
68	of the Code of Ordinances as a whole.
69	<b>SECTION 5</b> . This ordinance shall take effect immediately from and after its passage and
70	the publication of the caption, as the law and charter in such cases provide.
71	APPROVED, PASSED AND ADOPTED by the City Council of the City of
72	Rollingwood, Texas, on the day of, 2025
73	

75		
76		
77		
78		Gavin Massingill, Mayor
79	ATTEST:	
80		
81		
82	Makayla Rodriguez, City Secretary	

#### **AGENDA ITEM SUMMARY SHEET**

### **City Council City of Rollingwood**

Meeting Date: June 4, 2025

#### **Submitted By:**

Staff

#### Agenda Item:

Discussion and possible action on definitions and regulations of playhouses and playscapes

#### **Description:**

At the May 21, 2025, City Council meeting, the Council discussed the proposed ordinance language for adding definitions and Section 107-85 regarding Playhouses and Playscapes. Council had comments regarding:

- Definition of Playscape specifically "has no solid floor" as some play scape structures have an upper floor with a 'playhouse' component. This definition is unnecessarily restrictive.
- Placement of Playhouses. Make sure all yards are taken into consideration.
  - Proposed language: Sec. 107-85(d)(3) the playhouse must be set back at least six
     (6) feet from any property line
  - What about on a corner lot? Example: Sec. 107-34(b)(5)- Fences- All fence components shall be a minimum of 15 feet from the curb, or edge of the street pavement where there is no curb
  - Council is making sure that you couldn't have a playhouse closer to the street than you could have a fence

#### **Action Requested:**

Consider the comments made by the City Council regarding proposed amendments to the Rollingwood Code of Ordinances, Chapter 107 (Zoning) related to definitions and the placement of Playhouses and Playscapes.

#### **Fiscal Impacts:**

No Fiscal impacts presented at this time.

#### **Attachments:**

 Draft ordinance amending Section 107-3 Definitions and adding Section 107-85 related to the playhouses and playscapes 

## -AT GRADE LEVEL NOR WITHIN 48" OF GRADE,

Playhouse means a freestanding structure with a roof supported by walls and is designed as a toy for children's activities.

<u>Playscape</u> means a freestanding structure that is mostly unenclosed, has no solid floor and is designed for children's activities. A playscape typically consists of a swing, slide, and climbing walls or ladder.

#### Sec. 107-85 Playhouses and Playscapes.

- (a) <u>Playhouses and playscapes are exempt from regulations for accessory buildings or structures, if they comply with the regulations outlined in this subsection.</u>
- (b) Playscapes may be in a required side or rear yard.
- (c) <u>Playhouses less than six (6) feet in height may be in a required side or</u> rear yard
- (d) <u>Playhouses exceeding six (6) feet in height may be in a required side or</u> rear yard if all of the following conditions are met:
  - (1) The maximum height, measured to the topmost part of the playhouse, does not exceed twelve (12) feet above natural grade:
  - (2) The total area of the playhouse shall not exceed 120 square feet in a required rear yard and fifty (50) square feet in a required side yard; and
  - (3) The playhouse must be set back at least six (6) feet from any property line.

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

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

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

71 APPROVED, PASSED AND ADOPTED by the City Council of the City of Rollingwood, Texas, on the \_\_\_\_\_ day of \_\_\_\_\_\_, 2025

1	ORDINANCE NO
2 3 4 5 6	AN ORDINANCE AMENDING CHAPTER 107, SECTION 107-3 DEFINITIONS AND ADDING SECTION 107-84 OF THE CITY OF ROLLINGWOOD'S CODE OF ORDINANCES RELATED TO MECHANICAL EQUIPMENT IN REQUIRED YARDS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.
7 8	<b>WHEREAS</b> , the City of Rollingwood is a General Law Type A City under the statutes of the State of Texas; and
9 10 11	<b>WHEREAS</b> , the Texas Local Government Code Chapter 211 provides authority to regulate the height, number of stories, and size of buildings and other structures including mechanical equipment; and
12 13 14 15 16	WHEREAS, the City Council of the City of Rollingwood ("City Council") finds that the placement of mechanical equipment in residential neighborhoods, particularly in required yards, can negatively impact the character of the area by obscuring open yards, generating noise, and compromising aesthetic harmony, which may affect the quiet enjoyment of adjacent properties; and
17 18 19 20	<b>WHEREAS</b> , the City Council finds that establishing reasonable regulations for the location, and screening of mechanical equipment is essential to maintaining the character of residential areas, minimizing conflicts between neighbors, and ensuring that such equipment is safely and appropriately integrated within properties.
21 22	NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLINGWOOD, TEXAS, THAT:
23 24 25	<b>SECTION 1.</b> All the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.
26 27 28	<b>SECTION 2.</b> Code Amendment. The following sections of the Rollingwood Code of Ordinances are hereby amended as follows with strikethroughs being deletions from the Code and <u>underlines</u> being additions to the Code:
29	Section 107-3 and 107-84 is amended as follows:
30	Sec. 107-3. – Definitions.
31 32	Mechanical equipment means heating and air conditioning units, pool equipment, and household generators.
33	
34	Sec. 107-84 Mechanical equipment in required yards.
35 36	<ul><li>(a) Mechanical equipment is prohibited in the required front yard.</li><li>(b) Mechanical equipment is permitted in the required backyard.</li></ul>

37	(c) Mechanical equipment is permitted in the required side yard, subject to
38	the following conditions:
39	(1) A minimum setback of ten (10) feet from the property line is
40	<u>required.</u>
41	(2) The equipment shall be screened from public view using either
42 43	vegetative or structured screening.
44 45 46 47	<b>SECTION 3</b> . All provisions of the ordinances of the City of Rollingwood in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and all other provisions of the City of Rollingwood ordinances which are not in conflict with the provisions of this ordinance shall remain in full force and effect.
48 49 50 51 52	<b>SECTION 4.</b> Should any sentence, paragraph, sub-article, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.
53 54	<b>SECTION 5</b> . This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.
55 56 57	APPROVED, PASSED AND ADOPTED by the City Council of the City of Rollingwood, Texas, on the day of, 2025
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62	Gavin Massingill, Mayor
63	ATTEST:
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66	Makayla Rodriguez, City Secretary

#### AGENDA ITEM SUMMARY SHEET

### **City Council City of Rollingwood**

Meeting Date: June 4, 2025

#### **Submitted By:**

Staff

#### **Agenda Item:**

Discussion and possible action on definitions and regulations of mechanical equipment

#### **Description:**

At the May 21, 2025, City Council meeting, the Council discussed the proposed ordinance language for adding definitions and Section 107-84 regarding Mechanical Equipment. Council had comments regarding:

 Concerned that there are no requirements on how close you can put the equipment up to the fence in the side or back yard.

#### **Action Requested:**

Consider the comments made by the City Council regarding proposed amendments to the Rollingwood Code of Ordinances, Chapter 107 (Zoning) related to definitions and the placement of mechanical equipment

#### **Fiscal Impacts:**

No Fiscal impacts presented at this time.

#### Attachments:

 Draft ordinance amending Section 107-3 Definitions and adding Section 107-84 related to the mechanical equipment

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1	ORDINANCE NO
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7 8	WHEREAS, the City of Rollingwood is a General Law Type A City under the statutes of the State of Texas; and
9 10 11	WHEREAS, the Texas Local Government Code Chapter 211 provides authority to regulate the height, number of stories, and size of buildings and other structures including mechanical equipment; and
12 13 14 15 16	WHEREAS, the City Council of the City of Rollingwood ("City Council") finds that the placement of mechanical equipment in residential neighborhoods, particularly in required yards, can negatively impact the character of the area by obscuring open yards, generating noise, and compromising aesthetic harmony, which may affect the quiet enjoyment of adjacent properties; and
17 18 19 20	WHEREAS, the City Council finds that establishing reasonable regulations for the location, and screening of mechanical equipment is essential to maintaining the character of residential areas, minimizing conflicts between neighbors, and ensuring that such equipment is safely and appropriately integrated within properties.
21 22	NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLINGWOOD, TEXAS, THAT:
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34	Sec. 107-84 Mechanical equipment in required yards.
35 36	<ul><li>(a) Mechanical equipment is prohibited in the required front yard.</li><li>(b) Mechanical equipment is permitted in the required backyard.</li></ul>

# AND IN THE REQUIRED READ YARDS,

37	Mechanical equipment is permitted in the required side yard subject to				
38	the following conditions:  (1) A minimum setback of ten (10) feet from the property line is				
39	required.				
40 41	(2) The equipment shall be screened from public view using either				
42	vegetative or structured screening.				
43					
44 45 46 47	<b>SECTION 3</b> . All provisions of the ordinances of the City of Rollingwood in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and all other provisions of the City of Rollingwood ordinances which are not in conflict with the provisions of this ordinance shall remain in full force and effect.				
48 49 50 51 52	<b>SECTION 4.</b> Should any sentence, paragraph, sub-article, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.				
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58					
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62	Gavin Massingill, Mayor				
63	ATTEST:				
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66	Makayla Rodriguez, City Secretary				

# AGENDA ITEM SUMMARY SHEET City of Rollingwood

Meeting Date: May 21, 2025

#### **Submitted By:**

Sara Hutson

#### **Agenda Item:**

Discussion and possible action to clarify allowable times for construction activities, including defining activities impacted including construction, landscaping, utility work, and tree trimming

#### **Description:**

With all of the home construction along with utility construction going on in Rollingwood, we need to be sure everyone is clear on what activities are included in the construction time limitations. We have had questions/complaints about Google Fiber activities on weekends, but we also have other activities that need to be clarified. I found no definition of "construction" in the code.

#### **Action Requested:**

To discuss and consider various options and forward to Planning and Zoning Commission for input.

#### **Fiscal Impacts:**

No fiscal impacts are anticipated.

#### **Attachments:**

Sec. 101-247(b), (f), and (g).

#### Sec. 101-247. Conduct of construction restricted.

- (a) Declaration of nuisances. Except as permitted or excepted from regulation pursuant to this section, construction and demolition activities, and the use and maintenance of portable toilets and receptacles described in this section are hereby declared to be a nuisance.
- (b) Prohibited days and hours/signage. Except as provided in subsection (f) of this section, construction or demolition activities shall not be permitted on weekends or designated city holidays, or between the hours of 7:00 p.m. and the following 7:00 a.m. on weekdays. Except in connection with activity excepted by subsection (f) of this section, the building permit holder shall post on the affected site a sign prescribed by the building official or other designee of the city council site providing notice of the restrictions provided in this subsection. At the permit holder's election, the building official may provide the prescribed sign to be posted and may charge a reasonable fee therefor, based on the cost of production to the city, to be added to the building permit fee.
- (c) Prohibited receptacles. The location or maintenance of the following receptacles on any part of a property that is visible from a public street or another property is prohibited unless expressly allowed pursuant to subsection (e) of this section:
  - (1) Any movable receptacle (other than a permitted storage shed or other outbuilding) commonly used or actually used for storage of materials or personal property, such as receptacles used for moving and temporarily storing furnishings and personal property in connection with a move of residency or temporary vacation of a residence during a renovation project; and
  - (2) Any movable receptacle commonly or actually used for disposal or storage of construction waste, such as roll-off containers and dumpsters.
- (d) *Prohibited portable toilets.* The location or maintenance of a portable toilet on any property is prohibited unless expressly allowed pursuant to subsection (e) of this section.
- (e) Exceptions applicable to prohibited receptacles and portable toilets. A receptacle or portable toilet is permitted:
  - (1) During the pendency of a building permit affecting the property but not longer than a period of ten days after active and progressing construction work pursuant to such building permit for such property ceases. Construction work shall be deemed not to be active and progressing if such work ceases or no substantial progress is made for more than four consecutive weeks; and
  - (2) During the pendency, not to exceed 90 days, of construction, renovation or landscaping activity for which no building permit is required pursuant to the terms of this Code, if the owner of the affected property first submits a registration to the city secretary on a form promulgated by the building official indicating the nature of the work and the number of receptacles or portable toilets to be used and the commencement date for their use.
- (f) Exceptions to prohibited days and hours of construction and demolition.
  - (1) Minor construction. Minor construction and demolition activities include maintenance and repair work normally associated with home or business ownership and occupancy, landscaping, mowing, fencing, or painting, provided that no such activity creates a nuisance condition related to noise, traffic, odor, dust, or other conditions and is not in violation of any other city ordinance.
  - (2) Interior construction activities. Between the hours of 10:00 a.m. and 4:00 p.m. on Saturdays, interior construction activities are permitted provided the activities:
    - a. Take place wholly within a dried-in structure (i.e., for which exterior veneer and roof are substantially complete);

- b. Do not require large equipment such as cement trucks, dozers, cranes or dump trucks;
- c. Do not create a nuisance condition related to noise, traffic, odor, dust, or other conditions and are not in violation of any other city ordinance.
- (3) Emergency work or work on public utilities. Emergency work or work on public service utilities or work in the interest of public safety, as may be approved by the city administrator or his designee, is permitted.
- (g) Variance. The city council is authorized, upon written application, to grant a variance from the requirements of this section as will not be contrary to the public interest, where, due to special conditions or circumstances, literal enforcement of the requirements of this section will result in unnecessary hardship, or a variance therefrom will result a diminished inconvenience to the public and occupants of surrounding properties, and so that the spirit of this section shall be observed and substantial justice done. The city council must be satisfied that the grant of the variance will not merely serve as a convenience to the applicant but will serve to alleviate some demonstrable and unusual hardship or difficulty or will result in a tangible diminishment of inconvenience to the public and occupants of surrounding properties.
- (h) *Enforcement*. If the building official or the police department determines that there is a violation of this section, such building official or police officer may issue a ticket or citation.
- (i) Penal. A violation of this section shall constitute a class C misdemeanor that, upon conviction, may result in a fine not exceeding \$500.00 per violation. Each day that such violation continues shall constitute a separate offense.

(Code 1995, § 3.01.001; Ord. No. 2013-03-20, 3-20-2013; Ord. No. 2014-05-21(C), 5-21-2014; Ord. No. 2016-05-18(A), § 2, 5-18-2016; Ord. No. 2019-12-18-29, § 1, 12-18-2019; Ord. No. 2022-09-21-21, § 2, 9-21-2022)