



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

**Wednesday, August 07, 2024**

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 August 07, 2024 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 [mrodriguez@rollingwoodtx.gov](mailto:mrodriguez@rollingwoodtx.gov). Written questions or comments may be submitted up to two hours before the meeting. A video recording of the meeting will be made and will be posted to the City’s website and available to the public in accordance with the Texas Public Information Act upon written request.

**CALL 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 April 24, 2024 Joint City Council and Planning and Zoning Commission meeting
- 3. Discussion and possible action on the minutes from the May 1, 2024 Planning and Zoning Commission meeting
- 4. Discussion and possible action on the minutes from the May 8, 2024 Special Planning and Zoning Commission meeting
- 5. Discussion and possible action on the minutes from the July 10, 2024 Joint Planning and Zoning Commission, Board of Adjustment and CRCRC Training

**PUBLIC HEARING**

- 6. Public hearing, discussion and possible action on a city-initiated rezoning of 5100 Rollingwood Drive (Parcel ID 107772) from the Commercial District (C) to the Residential (R)
- 7. Public hearing, discussion and possible action on an ordinance amending the zoning ordinance to prohibit the rental of amenities in the residential zoning district

**REGULAR AGENDA**

- 8. Discussion and possible action regarding a draft ordinance providing that the front yard of a lot shall be the yard which abuts the addressed street
- 9. Discussion regarding the CRCRC Residential Building Height recommendations that have been set for public hearing on September 4, 2024
- 10. Discussion regarding the CRCRC Residential Tree and Landscape Recommendations that have been set for public hearing on September 4, 2024
- 11. Update on CRCRC workshop regarding building height

**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) on Friday, August 2, 2024 at 5:00 p.m.

Ashley Wayman  
Ashley Wayman, City Administrator

## NOTICE -

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

The 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  
JOINT CITY COUNCIL AND PLANNING AND ZONING COMMISSION  
MEETING  
MINUTES**

**Wednesday, April 24, 2024**

The City Council and the Planning and Zoning Commission of the City of Rollingwood, Texas held a joint meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on April 24, 2024. Members of the public and the City Council and Planning and Zoning Commission were able to participate in the meeting virtually, as long as a quorum of the City Council and Planning and Zoning Commission and the 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**

1. City Council Roll Call

**Mayor Gavin Massingill called the meeting to order at 6:02 p.m.**

**Present Members:** Mayor Gavin Massingill, Mayor Pro Tem Sara Hutson, Council Member Phil McDuffee, Council Member Alec Robinson, Council Member Brook Brown and Council Member Kevin Glasheen

2. Planning and Zoning Commission Roll Call

**Acting Chair Genie Nyer called for a Roll Call of the Planning and Zoning Commission.**

**Present Members:** Genie Nyer, Michael Hall, Jerry Fleming, Michael Rhodes and Tony Stein

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

**PUBLIC COMMENTS**

The following individuals spoke during public comments:

- Shanthi Jayakumar, 3309 Park Hills Drive, discussed the volume of material generated by the Strike Force Commission. She discussed the history of the commission and their tireless work over two years. Ms. Jayakumar thanked the leaders for serving in the Strike Force and stated that this is a moment for critical thinking.

**PRESENTATIONS**

- 3. Presentation, overview and discussion of the proposed code amendments and associated rezoning to implement the Comprehensive Plan

Thom Farrell, 3223 Park Hills Drive, discussed the Comprehensive Plan and existing land use conditions within Rollingwood. The Strike Force Commission received citizen input on future land use for the City of Rollingwood including what was wanted and what was not wanted. He introduced the elements of the Commercial Corridor in the City of Rollingwood.

Ryan Clinton, 4714 Timberline Drive, discussed the community effort of the Strike Force commission and described the lengthy process of codification of the Comprehensive Plan. He stated that they attempted to implement the Comprehensive Plan but thinks attention should be paid to lighting, signage, trees, and a special exception. He discussed the Commercial Corridor recommendations including encouragement of retail use, limiting development height, maintaining frontage setbacks, prohibiting the clearing of native vegetation within the FEMA floodplain, safer pedestrian crossing of Bee Cave Road at Edgegrove Drive, replacement of current setbacks between commercially zoned properties and residentially zoned properties with a 75 foot setback, reducing the number of ingress/egress points on Bee Cave Road, encouragement of building of walking and biking paths on commercially zoned lots along the south side of Dry Creek, enforcement, modify development standards for front setback, impervious cover, and design to lessen impact of commercial development adjacent to residential properties, incentives for commercial properties, safe harbor, update commercial signage regulations, and enforcement and penalties.

Council Member Brook Brown, 307 Nixon and Council Member, discussed the Summary of Comprehensive Plan Code Revisions policies and explained the Commercial Corridor Project Composite Draft Index. Ms. Brown outlined and discussed Comprehensive Plan Policies as outlined in the Plan Code Revisions:

Comprehensive Plan Policy 1: Allow retail and office uses on commercially zoned properties and encourage restaurant development where a restaurant or retail use would not create a nuisance for adjacent residential properties, except where residential properties are adjacent to office properties today and could be negatively impacted by conversion of that office use to retail use.

Comprehensive Plan Policy 2: On the north side of Bee Caves Road, limit development on commercially zoned lots to two stories and 30 feet in height. On the south side of Bee Caves Road, limit development on commercially zoned lots to 3 stories and 45 feet in height.

Comprehensive Plan Policy 3: Maintain current Rollingwood Drive frontage setbacks.

Comprehensive Plan Policy 4: Prohibit the clearing of native vegetation within the FEMA floodplain on commercially zoned properties.

Comprehensive Plan Policy 5: Work with stakeholders to envision and create a safer pedestrian crossing of Bee Caves Road at Edgegrove Drive.

Comprehensive Plan Policy 6: Replace current setbacks between commercially zoned properties and residentially zoned properties with a 75-foot setback measured from the edge of any residentially zoned lot to the edge of any building on any commercially zoned lot. The clearing of native vegetation shall be prohibited in this 75-foot setback. In addition, the City should require replanting of previously cleared spaces within the 75-foot setback between the edge of any residentially zoned lot and the edge of any building on any commercially zoned lot.

Comprehensive Plan Policy 7: To reduce the number of ingress/egress points on Bee Caves Road, eliminate any existing code provisions that require a driveway on every commercially zoned lot.

Council Member Brook Brown recommended that City Council and the Planning and Zoning Commission consider the elimination of parking space minimums.

Comprehensive Plan Policy 8: Encourage the building of walking and biking paths on commercially zoned lots along the south side of Dry Creek on the north side of Bee Caves Road.

Comprehensive Plan Policy 9: The City should require an as-built survey as part of its final permitting and Certificate of Occupancy for all new commercial development. In addition, the City should exercise its full discretion and employ all means to enforce all development rules regulating commercially zoned lots.

Comprehensive Plan Policy 10: Modify development standards as necessary based on following recommendations: the front setback for commercial properties along the north side of Bee Caves Road be reduced from the current 25-foot setback to a 5-foot setback, where the developer has agreed to 1) contribute any required right-of-way to TX Dot, and 2) implement a landscape plan, including appropriate irrigation and maintenance, that provides native species shade trees along sidewalks and rear lot pedestrian paths.

Comprehensive Plan Policy 11: The City should establish commercial impervious cover requirements such that impervious cover shall not exceed 55% provided that no new project development will create any increases to storm water runoff.

Comprehensive Plan Policy 12: The development code should incentivize permanent low impact development practices such as rainwater harvesting, bio-retention, rain gardens, green roofs, infiltration/filter strips, conservation landscaping using native plants and trees that promote the area’s natural habitat including bird, bee, butterfly friendly plants, and natural area preservation over and above required greenbelt setbacks, by development of a schedule of impervious cover limit increases up to an additional 10% for use of such practices: 1) there are no increases to storm water runoff, 2) the site plan meets all TCEQ best management practices for water quality, and meets the design elements described below.

Comprehensive Plan Policy 13: All requirements associated with impervious cover incentives, storm water management and water quality be mandatory, not subject to variance, and enforced by requirements for engineering certification that the design meets all requirements as initially submitted in the permitting process and for engineering certification that the design as built meets all impervious cover, storm water management, and water quality requirements before the issuance of any occupancy permit.

Comprehensive Plan Policy 14: Design requirements to lessen impact of commercial development to adjacent residential properties: Where roofs are visible from adjacent residential lots, the City should adopt appropriate design requirements that mask and/or eliminate the impact of (i) building mechanical elements (AC units, vents, wireless facilities, etc.) by requiring such elements be located at ground level and not on roofs, or if located on roofs, masked by the roof; (ii) require all solar panels be masked; and (iii) require the site plan to provide a vegetative buffer and safety features between a residential lot and a commercial lot where there is no greenbelt, topographical, or line of sight buffer between the commercial lot and any residential lot.

Comprehensive Plan Policy 15: The City should adopt lighting design criteria to eliminate impact to adjacent residential properties, down-shield night-time lights, and adopt standards consistent with the “Dark Skies” lighting policies of similarly sized Central Texas Hill Country communities, the International Dark Skies communities or other state-certified "Dark Skies" organization.

Comprehensive Plan Policy 16: Review and revise necessary ordinances regarding interior and exterior lighting.

Comprehensive Plan Policy 17: Landscaping/shade/setback incentives - The City should require that landscaping within the setback along Bee Caves Road, where possible, and along any pedestrian walkways, include sufficient trees to shade sidewalks and pedestrian paths.

Comprehensive Plan Policy 18: Employ a tree ordinance similar to that in residential areas that will preserve heritage trees, that requires replacement of heritage trees with a tree or trees of the same species and having the same total caliper inches, and require replacement of other protected trees so as to maintain current tree canopies.

Council Member Brown discussed incentives for protecting and maintaining heritage trees, credits toward additional landscaping requirements, protection of critical root zones, and planting of new trees of the same species.

Comprehensive Plan Policy 19: The City should permit the renovation and, if necessary, rebuilding of existing structures on commercially zoned lots provided that such renovation or rebuilding 1) was in compliance with all City ordinances at the time it was built; and 2) is limited to the footprint of the existing structure.

Council Member Brook Brown stated that this is a special exception with requirements applying to redevelopment of a commercial lot.

Comprehensive Plan Policy 20: Update commercial signage regulations as needed to bring rules up to date with modern technology and building needs.

Comprehensive Plan Policy 21: Update enforcement and penalties for zoning ordinance violations as necessary to ensure the City has adequate tools for code enforcement.

Ms. Brown stated that there are exceptions to this provision and additional incentives.

Council Member Brook Brown discussed the schedule of meetings for the review and adoption of the proposed Commercial Code amendments in accordance with the Comprehensive Plan.

Bill Fowler, owner of 2714 Bee Cave Road, asked about the rationale of limiting the north side of Bee Cave Road to two stories and the south side to three stories.

Council Member Brook Brown responded that the survey supported the two-story limitation on the north side of Bee Caves Road.

Mr. Fowler asked if these recommendations would require any action on behalf of owners or changes in uses. Ms. Brown stated that it would not require action except for the case of changing out lighting fixtures when they would need to be brought up to Code.

**PUBLIC HEARING**

- 4. Public hearing and discussion regarding an amendment to the City’s Code of Ordinances Part I, Chapter 24 Signs and Advertising and Part II, Chapters 101 Buildings and Construction, 103 Environmental Protection and Control, and 107 Zoning related to aligning the City’s codes with the recommendations in the City’s Comprehensive Plan for the commercial corridor and other matters in connection therewith

**Mayor Gavin Massingill opened the public hearing at 7:12 p.m.**

City Administrator Ashley Wayman discussed the procedure for tonight’s meeting including public hearings.

No individuals spoke during the public hearing.

**Mayor Gavin Massingill closed the public hearing at 7:13 p.m.**

- 5. Public hearing and discussion on the rezoning of the following parcels of land from Professional and Business Office District (C-1) and Business District (C-2) to Commercial District (C): 5100 Rollingwood Dr.; 2901 Bee Cave Rd.; 3160 Bee Cave Rd.; 3144 Bee Cave Rd.; 3102 Bee Cave Rd.; 2900 Bee Cave Rd.; 3103 Bee Cave Rd.; 2826 Bee Cave Rd.; 3101 Bee Cave Rd.; 2829 Bee Cave Rd.; 1015 Bee Cave Woods Dr.; 2824 Bee Cave Rd.; 3012 Bee Cave Rd.; 2814 Bee Cave Rd.; 3010 Bee Cave Rd.; 2808 Bee Cave Rd.; 3008 Bee Cave Rd.; 2802 Bee Cave Rd.; 3001 Bee Cave Rd.; 2800 Bee Cave Rd.; 3006 Bee Cave Rd.; 2724 Bee Cave Rd.; 2720 Bee Cave Rd.; 2714 Bee Cave Rd.; 2712 Bee Cave Rd.; 2710 Bee Cave Rd.; 2708 Bee Cave Rd.; 2706 Bee Cave Rd.; 2700 Bee Cave Rd.; Travis County Appraisal District Property ID #'s 721173 and 105621

**Mayor Gavin Massingill opened the public hearing at 7:15 p.m.**

No individuals spoke during the public hearing.

**Mayor Gavin Massingill closed the public hearing at 7:15 p.m.**

Council Member Brook Brown stated that she is keeping a folder of suggestions or changes for consideration.

**ADJOURNMENT OF MEETING**

**Mayor Gavin Massingill adjourned the City Council meeting at 7:16 p.m.**

**Acting Chair Genie Nyer adjourned the Planning and Zoning meeting at 7:16 p.m.**



**Minutes Adopted by City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.**

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

**ATTEST:**

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

**Minutes Adopted by the Planning and Zoning Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.**

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

**ATTEST:**

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



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

**Wednesday, May 01, 2024**

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 1, 2024. 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

**Chair Dave Bench called the meeting to order at 6:04 p.m.**

**Members Present:** Genie Nyer, Michael Hall, Jerry Fleming, Michael Rhodes and Dave Bench

*Brian Nash joined the meeting during items 2 and 4, discussed concurrently.*

**Also Present:** City Administrator Ashley Wayman, City Attorney Charles Zech, Assistant City Administrator Desiree Adair, Development Services Manager Nikki Stautzenberger, Council Member Brook Brown, and Council Member Sara Hutson

### **PUBLIC COMMENTS**

No individuals spoke during public comments.

*Chair Dave Bench moved to the Consent Agenda at this time.*

### **PRESENTATIONS**

#### 2. Presentation, overview and discussion of the proposed code amendments and associated rezoning to implement the Comprehensive Plan

Council Member Brook Brown, 307 Nixon Drive, spoke regarding the Comprehensive Plan, zoning changes, and the process of adopting the proposed code amendments. She discussed changes in setbacks and height for commercial properties, combining office, retail, and commercial uses, reductions in setbacks by meeting specific requirements, updates to the current

lighting standards, standards with respect to tree protection in the commercial corridor, trees along sidewalks adjacent to public rights of way, and landscaping requirements.

*Chair Dave Bench called up agenda item 4 to be discussed concurrently with item 2.*

Mike Rhodes asked questions regarding the process of adoption of the proposed code amendments.

*Brian Nash joined the meeting at 6:15 p.m.*

City Administrator Ashley Wayman explained the process and how changes could be made.

Council Member Brook Brown spoke regarding the schedule, Mr. Fleming’s proposed changes to the lighting section, and the time allowed to consider these changes.

Chair Dave Bench asked Council Member Brook Brown if she would do something like this the same way again and she replied she would not. She suggested considering smaller chunks at a time and involving a planner earlier in the process.

Brian Nash thanked Council Member Brook Brown for her work.

Mike Rhodes asked if any current properties have exceeded the maximum allowable impervious cover restrictions. Council Member Brook Brown responded that there may be one property that exceeds these restrictions and there are PUDs, that are not included in this zoning change, that have various impervious cover differences.

Mike Rhodes asked if there is drainage infrastructure for these commercial properties. Council Member Brook Brown discussed commercial properties that still have septic fields and are not connected to the sewer system.

Council Member Brook Brown and the Commission discussed the Comprehensive Plan and how it could be changed in the future. Council Member Brook Brown stated that any zoning change that is made would need to be consistent with the Comprehensive Plan and revisions could occur in the future at City Council’s direction.

City Attorney Charlie Zech explained that the Planning and Zoning Commission is a recommending body that makes recommendations to the City Council.

The Commission discussed impervious cover, how changing the impervious cover regulations relates to stimulating development, and what properties are subject to redevelopment.

Bryce Cox, planning consultant with DNRBSZ, discussed the framework of development and that there is always the opportunity to make changes and tweaks to the code. He thanked Council Member Brook Brown, Thom Farrell, and Ryan Clinton for their time and hard work in this project. He discussed the proposed parking recommendations and other recommendations that make this a more enticing code than the current code for commercial development.

Sara Hutson, 2805 Rock Way, discussed the Recharge Zone and restrictions regarding drainage and impervious cover. She explained how commercial development affects the storm water that the city has to handle.

The Commission discussed other possible limits based on drainage or TCEQ requirements. Council Member Brook Brown offered to review the drainage criteria and TCEQ requirements and explained that she believed that commercial properties were also subject to TCEQ requirements.

The Planning and Zoning Commission discussed the revisions that Jerry Fleming submitted regarding lighting.

The Planning and Zoning Commission discussed the next steps regarding the proposed language and whether they should vote today or take another week to review.

Brian Nash discussed the work that went into this document and his idea for increasing pedestrian interaction and enjoyability and encouraging retail development to increase future revenues. He also discussed his concern regarding the section about dedicating land to the bike path in exchange for parking reduction and the vision of a walkable commercial area.

Mr. Cox stated that these discussions should be had in this meeting. He explained that the code is the minimum rules, and that they tried to keep in mind existing businesses but also encourage walkability by allowing buildings to be brought closer to the road to create a pedestrian friendly area, reducing parking requirements and providing for a pedestrian trail.

The Planning and Zoning Commission and Mr. Cox discussed the impervious cover, buffering, flood plain concerns, and the recommendations regarding vegetation. Mr. Cox explained that it is very common to see buffering between uses, including walls and landscaping and explained the intent of the landscaping and buffering sections. He also discussed how non-conforming properties are handled.

Council Member Brook Brown discussed the FEMA flood plain between the residential and commercial areas, and that it was important to maintain the privacy between the commercial area and Timberline Drive. She showed and discussed pictures of what Wimberley has done in their commercial district, including heritage trees, mulched yards near a creek, kids play areas near the creek, natural landscaping along the creek, commercial properties with outdoor covered areas, and picnic tables along the creek for outdoor eating without a lot of landscaping.

Brian Nash discussed his vision of a landscaped path and his concern about dark sky lighting limitations.

Jerry Fleming discussed foot-candles and international dark sky regulations.

The Commission and Mr. Cox discussed what requirements would affect current PUDs and the comprehensive nature of the commercial code amendments.

Mike Rhodes asked how many commercial property owners reviewed this plan and what their reaction was. Council Member Brook Brown stated that the owner of the Palisades was a member of the Strike Force, as was a director of the Westlake Chamber of Commerce. She also discussed that they had commercial property owners that would come talk to the task force and the various ways they were invited to provide input. She also responded to questions from the Commission about what would happen if a future owner of the Palisades wanted to redevelop the property.

Chair Dave Bench asked the Commission if they would like to act today or take another week to review.

Some members expressed interest in having another week to review and Chair Dave Bench tabled item 4.

*Chair Dave Bench moved to item 5 at this time.*

**CONSENT AGENDA**

- 3. Discussion and possible action on the minutes from the April 3, 2024 Planning and Zoning Commission meeting

**Genie Nyer moved to accept the minutes of the P & Z meeting. Jerry Fleming seconded the motion. The motion carried with 5 in favor and 0 against.**

*Chair Dave Bench moved back to Presentations at this time.*

**REGULAR AGENDA**

- 4. Discussion and possible action regarding an amendment to the City’s Code of Ordinances Part I, Chapter 24 Signs and Advertising and Part II, Chapters 101 Buildings and Construction, 103 Environmental Protection and Control, and 107 Zoning related to aligning the City’s codes with the recommendations in the City’s Comprehensive Plan for the commercial corridor and other matters in connection therewith

*This item was discussed concurrently with item 2.*

- 5. Discussion and possible action regarding the rezoning of the following parcels of land from Professional and Business Office District (C-1) and Business District (C-2) to Commercial District (C): 5100 Rollingwood Dr.; 2901 Bee Cave Rd.; 3160 Bee Cave Rd.; 3144 Bee Cave Rd.; 3102 Bee Cave Rd.; 2900 Bee Cave Rd.; 3103 Bee Cave Rd.; 2826 Bee Cave Rd.; 3101 Bee Cave Rd.; 2829 Bee Cave Rd.; 1015 Bee Cave Woods Dr.; 2824 Bee Cave Rd.; 3012 Bee Cave Rd.; 2814 Bee Cave Rd.; 3010 Bee Cave Rd.; 2808 Bee Cave Rd.; 3008 Bee Cave Rd.; 2802 Bee Cave Rd.; 3001 Bee Cave Rd.; 2800 Bee Cave Rd.; 3006 Bee Cave Rd.; 2724 Bee Cave Rd.; 2720 Bee Cave Rd.; 2714 Bee Cave Rd.; 2712 Bee Cave Rd.; 2710 Bee Cave Rd.; 2708 Bee Cave Rd.; 2706 Bee Cave Rd.; 2700 Bee Cave Rd.; Travis County Appraisal District Property ID #'s 721173 and 105621

City Administrator Ashley Wayman explained that this item would not need to be acted on until the commission acts on item 4 at their next meeting, but explained that this item is the rezoning of C-1 and C-2 districts to the Commercial District (C) associated with the text amendment.

No action was taken and his item was tabled.

- 6. Discussion and possible action regarding Tree recommendations from the CRCRC

Jay van Bavel, 5012 Timberline and member of the CRCRC, introduced himself to the Commission. He discussed how he has observed a degradation of the urban forest in Rollingwood and the CRCRC survey question responses involving trees. Mr. van Bavel presented and explained the tree recommendations one by one.

City Attorney Charles Zech stated that he would need to verify that none of these recommendations conflict with state law.

Genie Nyer commented that she is supportive of looking at these issues individually, and explained that at the last City Council meeting some members preferred having these issues come to them individually as opposed to taking them all at once.

The Commission discussed the CRCRC and their recommendation process and topics.

Chair Dave Bench discussed that he is aware of one council member who would like the CRCRC to deliver their recommendations as a single package and three council members that would like them brought to them individually.

Michael Hall discussed his concern about handling the issues individually, explaining how tree regulations and tenting could both impact a sloped lot, but if handled separately there may be consequences on certain lots. He explained that he would like to see the recommendations comprehensively.

Brian Nash agreed that he would like to see a comprehensive approach and that he is hearing concerns in the community about the piecemeal approach.

Chair Dave Bench discussed the survey results. He and the Commission discussed the approach of the CRCRC.

Genie Nyer stated that she is only hearing from residents that they should take up these issues individually and quickly.

The Commission further discussed the process of the CRCRC making recommendations.

Chair Dave Bench asked if he could put an item on the next agenda to talk about anything that the Commission wants to talk about related to the process discussion and City Attorney Charles Zech stated that they could talk about process but the agenda item must be specific enough to notify the public of the topic to be discussed.

Chair Dave Bench stated that this item did not need action tonight, but that the next time that the revised revisions come to the Planning and Zoning Commission they would be asking for a recommendation.

Brian Nash made a recommendation that the substance of the tree recommendations be discussed at their next meeting. Dave Bench stated he would put this item on the next agenda.

The Commission thanked Jay van Bavel for the presentation regarding the tree ordinance recommendations.

7. Discussion regarding Special Exceptions

Chair Dave Bench discussed the presentation included in the meeting packet from the city’s law firm, which he got from a recent training that he attended. He also discussed how special exceptions are handled through the Board of Adjustment.

Chair Dave Bench requested that the Commission study and learn about Special Exceptions.

**ADJOURNMENT OF MEETING**

The meeting was adjourned at 8:57 p.m.

Minutes Adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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

ATTEST:

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



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

Wednesday, May 08, 2024

The Planning and Zoning Commission of the City of Rollingwood, Texas held a special meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on May 8, 2024. 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

**Chair Dave Bench called the meeting to order at 6:05 p.m.**

**Members Present:** Genie Nyer, Brian Nash, Tony Stein, Jerry Fleming, and Dave Bench

*Michael Rhodes joined the meeting during item 2.*

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

### **PUBLIC COMMENTS**

The following individuals spoke during public comments:

- Gene Feit, 5100 Rollingwood Drive, spoke regarding the zoning of his home and the changes provided in the draft documents. He discussed that his home is zoned commercial and that he is concerned with the section about non-conforming structures that were residences. He requested that the Commission look into his particular situation and explained that he would like to have the option to sell the property either as residential or commercial.

Chair Dave Bench asked if he would be open to having the property re-zoned to residential and Mr. Feit stated that he would. He and the commission discussed why the property was zoned as it is and Chair Dave Bench stated that they would look into it.

Bryce Cox, Planning Consultant with DNRBSZ, stated that this could be discussed with item 3.



## **REGULAR AGENDA**

2. Discussion and possible action regarding an amendment to the City's Code of Ordinances Part I, Chapter 24 Signs and Advertising and Part II, Chapters 101 Buildings and Construction, 103 Environmental Protection and Control, and 107 Zoning related to aligning the City's codes with the recommendations in the City's Comprehensive Plan for the commercial corridor and other matters in connection therewith

Thom Farrell, 3223 Park Hills Drive, spoke regarding impervious cover and incentives for redevelopment. He discussed the parking recommendation and other recommendations in the draft amendments.

The Commission and Mr. Farrell discussed engagement with commercial business owners, the incentives being proposed, the concerns of commercial property owners and tenants, impervious cover requirements and incentives for redevelopment.

Council Member Brook Brown, 307 Nixon Drive, discussed the reduction in the rear setback/greenbelt requirement, increased allowance of retail uses, increase in the number of stories allowed on the south side of Bee Cave Road, the updates to the signage requirements and mandating shared driveways and shared access.

*Michael Rhodes joined the meeting at 6:32 p.m.*

The Commission and Mr. Farrell discussed walkability, the Rollingwood property near the creek, the importance of protecting the residential properties that are affected by commercial development, that some of the commercial properties are still on septic, and that the amendments don't preclude creation of new PUDs and the current Treemont residential PUD.

Mike Rhodes discussed existing properties with impervious cover greater than 60%. Thom Farrell described the various improvements being made regarding parking that will help eliminate the need for some impervious cover. He also discussed the economic obsolescence of some of the older buildings and that their intent was to give more options for that redevelopment.

Bryce Cox discussed existing nonconforming uses and rebuilding. He also discussed the parking requirement for retail in square footage detail.

Council member Brook Brown discussed options for parking on the south side of Bee Cave Road where there is a three-story height limit.

The Planning and Zoning Commission and Thom Farrell discussed market forces, limitations and opportunity costs.

**Jerry Fleming moved to adopt the composite draft with the changes as recommended by Mr. Fleming. Genie Nyer seconded the motion.**

Brian Nash asked City Council to consider the provisions that prohibit veterinarians and music studios and the language in the roof design section about maximizing aesthetic appeal, explaining that it seemed vague.

**Chair Dave Bench called for a Roll Call vote:**

- Mike Rhodes - Yes**
- Genie Nyer - Yes**
- Tony Stein - Yes**
- Brian Nash - Yes**
- Jerry Fleming - Yes**
- Dave Bench - Yes**

**The motion carried with 6 in favor and 0 against.**

3. Discussion and possible action regarding the rezoning of the following parcels of land from Professional and Business Office District (C-1) and Business District (C-2) to Commercial District (C): 5100 Rollingwood Dr.; 2901 Bee Cave Rd.; 3160 Bee Cave Rd.; 3144 Bee Cave Rd.; 3102 Bee Cave Rd.; 2900 Bee Cave Rd.; 3103 Bee Cave Rd.; 2826 Bee Cave Rd.; 3101 Bee Cave Rd.; 2829 Bee Cave Rd.; 1015 Bee Cave Woods Dr.; 2824 Bee Cave Rd.; 3012 Bee Cave Rd.; 2814 Bee Cave Rd.; 3010 Bee Cave Rd.; 2808 Bee Cave Rd.; 3008 Bee Cave Rd.; 2802 Bee Cave Rd.; 3001 Bee Cave Rd.; 2800 Bee Cave Rd.; 3006 Bee Cave Rd.; 2724 Bee Cave Rd.; 2720 Bee Cave Rd.; 2714 Bee Cave Rd.; 2712 Bee Cave Rd.; 2710 Bee Cave Rd.; 2708 Bee Cave Rd.; 2706 Bee Cave Rd.; 2700 Bee Cave Rd.; Travis County Appraisal District Property ID #'s 721173 and 105621

Bryce Cox discussed 5100 Rollingwood Drive that is currently zoned commercial. He explained that his recommendation is to include it in tonight’s rezoning to Commercial District (C) and to have staff work with the property owner to rezone the property to Residential (R) at a later date. He further explained that the property is currently a nonconforming use and the use is allowed to continue.

The Commission and Mr. Cox discussed the required noticing for the future rezoning process to for this property and the Planning and Zoning Commission’s role in that process. Mr. Cox reiterated that this property should be included in tonight’s rezoning to Commercial (C) and that the rezoning to Residential (R) would need to happen at a later date.

Thom Farrell discussed that if the City initiates the re-zoning process, there would be no fee required.

Gene Feit discussed the topography of his property.

Bryce Cox stated that they could include in their motion a recommendation that the city council consider city-initiated rezoning of the property.

Mike Rhodes asked Mr. Feit if he would like to rezone to residential and he stated that he would.

**Mike Rhodes moved to approve agenda item three as written with the one recommendation to have the City initiate residential zoning for 5100 Rollingwood Drive. Tony Stein seconded the motion. The motion carried with 6 in favor and 0 against.**

4. Discussion on recommendations from the CRCRC regarding the Residential Tree Ordinance

Chair Dave Bench discussed that the Commission asked for this to be brought back today for more discussion to inform the work of the CRCRC and that no action would be taken by the Commission today.

Genie Nyer described her concern for tree density on lots from planting too many small trees and Tony Stein echoed this concern.

Jay van Bavel, 5012 Timberline Drive and member of the CRCRC, discussed the intention of preserving heritage trees and maintaining and protecting the current tree canopy, not to increase it. He stated that they are open to recommendations regarding ratios.

Brian Nash discussed his conversations with an arborist and a two landscape architects for feedback on the proposed regulations.

Mr. van Bavel discussed options for the ratios. He explained that the subcommittee looked at tree ordinances from the cities of Rollingwood, Austin, West Lake Hills, and Leander.

Genie Nyer discussed her concerns with item 8 regarding heritage trees and approval from City Council. She asked what happens when a heritage tree dies.

Mr. van Bavel discussed options for having a heritage tree removal permit approved.

Council Member Brook Brown discussed a staff permitting process for determining if a heritage tree is dead, diseased, or dying.

Brian Nash discussed historical tree identification in Rollingwood and individual property rights.

Jerry Fleming asked about the West Lake Hills ordinance. Genie Nyer discussed her concern regarding dead trees that have not been removed.

City Administrator Ashley Wayman discussed the process for dead or diseased trees, when an arborist is required, and when a property owner is required to remove trees that are classified as a public nuisance. She also explained that anyone could report a dead or diseased tree to city hall and it would be investigated.

Thom Farrell suggested that the fee could be waived in some of these instances and City Administrator Ashley Wayman discussed that if there is a dead tree, the code allows the opportunity to waive the permit application fee and the replacement requirement.

Tony Stein shared his concerns regarding having to obtain City Council approval and the politicization of the tree removal decision.

The Commission discussed special exceptions to the Board of Adjustment, and that where the tree is positioned on the lot should be considered when making these requirements. The Commission further discussed the front setbacks, buildable area, powerline provisions, density per acre, and critical root zones.

The Commission asked Bryce Cox whether they should consult an arborist for some of these concerns and he explained the situations when an arborist would be helpful.

The Commission discussed the permit application process, drainage in the rear setbacks and the process of making recommendations to the City Council related to trees.

Mr. van Bavel and the Commission discussed and clarified the recommendations to take back to the CRCRC related to the proposed tree ordinance.

Council Member Brook Brown discussed that when they looked at this in connection with the commercial code they looked at Sunset Valley, Lakeway, Bee Cave West Lake Hills, Wimberley and Dripping Springs.

Brian Nash discussed the classification of trees and his concern with protecting all large trees. He also questioned why cedar elms are considered protected due to their life span and them not being sturdy.

The Commission discussed providing for some diversity in species.

Jay van Bavel discussed an exception in the commercial ordinance to the replacement requirements if the existing tree canopy would prohibit the growth of replacement trees. He explained that this may be something they could consider in the residential ordinance.

Chair Dave Bench requested that the Commission members attend a CRCRC meeting or send them an email with questions or recommendations.

Brian Nash discussed the proposal to rename city arborist, and he stated that he would prefer to keep it as the certified arborist. The Commission discussed the current process and what the proposed changes would do.

The Commission discussed a future recommendation to increase in building fees to cover some of these costs in the building process.

Brian Nash discussed his suggestion that there are instances that should remain “city arborist” but other that could be replaced with “building official” or “city official.”

Thom Farrell discussed costs that can be collected prior to providing a certificate of occupancy.

Genie Nyer stated that she would like the term “certified arborist” be used instead of “city arborist.”

The Planning and Zoning Commission thanked Jay van Bavel for his presentation and work on this topic.

#### 5. Discussion and possible action to schedule a workshop and training session for the Planning and Zoning Commission

Chair Dave Bench discussed the training he has taken previously put on by the city attorney at a recent event and proposed a potential joint training for the Planning and Zoning Commission and Board of Adjustment. He explained what he would like to get out of a training and discussion of goals of the Planning and Zoning Commission.

Brian Nash discussed that this could be handled by putting an item on the regular agenda and Bryce Cox discussed how items should be put on an agenda.

City Attorney Evan Fry discussed that it would be best to keep items posted in the regular agenda.

Bryce Cox offered to incorporate training into regular meetings.

Dave Bench expressed that he would like to have a separately scheduled training.

*Brian Nash left the dais at 8:33 p.m.*

Bryce Cox discussed specific topics that could come before the Planning and Zoning Commission and the relevant criteria for each.

Dave Bench stated that he would work with city staff to get something set up.

**ADJOURNMENT OF MEETING**

**The meeting was adjourned at 8:38 p.m.**

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

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

**ATTEST:**

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



**CITY OF ROLLINGWOOD  
JOINT PLANNING AND ZONING, BOARD OF ADJUSTMENT, AND CRCRC  
TRAINING  
MINUTES**

**Wednesday, July 10, 2024**

The Planning and Zoning Commission, Board of Adjustment and Comprehensive Residential Code Review Committee 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 Wednesday, July 10, 2024. 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 ROLLINGWOOD PLANNING AND ZONING COMMISSION, BOARD OF ADJUSTMENT, AND CRCRC TRAINING TO ORDER**

1. Roll Call

Dave Bench called the training to order at 6:05 p.m.

**Present Planning and Zoning Commission Members:** Chair Dave Bench, Tony Stein, Michael Hall and Jerry Fleming

**Present Board of Adjustment Members:** Keith Martinson and Kevin Schell

*Note: a quorum of the Board of Adjustment was not present.*

**Present CRCRC Members:** Chair Dave Bench, Duke Garwood, Jay Van Bavel and Thom Farrell

**PUBLIC COMMENTS**

There were no public comments.

**REGULAR AGENDA**

2. Training and discussion on the roles and responsibilities of the Planning and Zoning Commission, Board of Adjustment, and Comprehensive Residential Code Review Committee, development applications and processes, and other matters in connection therewith

Bryce Cox, with DNRBSZ, provided a training and answered questions regarding the roles and responsibilities of the Planning and Zoning Commission, Board of Adjustment, and Comprehensive Residential Code Review Committee.

**ADJOURNMENT OF MEETING**

The training was adjourned at 7:25 p.m.

Minutes adopted by the Planning and Zoning Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
**Dave Bench, Planning and Zoning  
Commission Chair**

Minutes adopted by the Comprehensive Residential Code Review Committee on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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**Dave Bench, Comprehensive Residential  
Code Review Committee Chair**

**ATTEST:**

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

**AGENDA ITEM SUMMARY SHEET**  
**City of Rollingwood**  
**Meeting Date: August 7, 2024**  
**Planning and Zoning Commission**

**Submitted By:**

Staff

**Agenda Item:**

Public hearing, discussion and possible action on a city-initiated rezoning of 5100 Rollingwood Drive (Parcel ID 107772) from the Commercial District (C) to the Residential District (R)

**Description:**

At the Special May 8, 2024 Planning and Zoning Commission meeting, during the item regarding rezoning parcels in the City from C-1 and C-2 to Commercial District (C) the following motion was made:

**Motion: to approve agenda item three as written with the one recommendation to have the City initiate residential zoning for 5100 Rollingwood Drive.**

**The motion carried with 6 in favor and 0 against.**

This public hearing before the Planning and Zoning Commission is required, and a recommendation must be made to the City Council regarding the rezoning of this parcel of property.

**Action Requested:**

To hold a public hearing, discuss and make a recommendation to the City Council regarding the rezoning of 5100 Rollingwood Drive (Parcel ID 107772) from the Commercial District (C) to the Residential District (R)

**Fiscal Impacts:**

No significant fiscal impacts anticipated at this time

**Attachments:**

- Draft Ordinance rezoning of 5100 Rollingwood Drive (Parcel ID 107772) from the Commercial District (C) to the Residential District (R)



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**CITY OF ROLLINGWOOD, TEXAS**

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

**AN ORDINANCE OF THE CITY OF ROLLINGWOOD, TEXAS  
AMENDING THE OFFICIAL ZONING MAP BY REZONING 5100  
ROLLINGWOOD DRIVE FROM THE COMMERCIAL DISTRICT (C) TO  
RESIDENTIAL DISTRICT (R); PROVIDING FOR SEVERABILITY; AND  
PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Rollingwood (“City”) is a General Law Type A City under the statutes of the State of Texas; and

**WHEREAS**, the City is empowered by Chapter 211 of the Texas Local Government Code to establish a zoning ordinance establishing zoning districts and permissible land uses within the incorporated limits of the City; and

**WHEREAS**, the City Council has previously adopted zoning regulations as Chapter 107 of the City of Rollingwood Code of Ordinances, as amended; and

**WHEREAS**, the City Council may – from time to time – choose to amend, supplement, change, or modify the City’s zoning regulations, boundaries, or classifications; and

**WHEREAS**, the City has initiated the rezoning of 5100 Rollingwood Drive (TCAD Property ID 107772) from the Commercial District (C) to the Residential District (R), as shown on the attached Exhibits A and B; and

**WHEREAS**, on July 17, 2024, notices of the public hearing were mailed to property owners whose property is affected by the proposed change; and

**WHEREAS**, the Planning and Zoning Commission held a public hearing on August 7, 2024 on the proposed rezoning of the aforementioned parcel of land; and

**WHEREAS**, the Planning and Zoning Commission, after consideration of the proposed rezoning, recommended (approval/denial) on August 7, 2024; and

**WHEREAS**, the City Council held a public hearing on August 21, 2024 on the proposed rezoning of the aforementioned parcel of land; and

**WHEREAS**, the City Council hereby finds and determines that the proposed rezoning promotes the public health, safety, and general welfare of the City; and

**WHEREAS**, the City Council finds and determines that the proposed rezoning is consistent with the Comprehensive Plan for the City; and

**WHEREAS**, the City has complied with all conditions and precedent necessary to take this action and has properly noticed and conducted all public hearings and public meetings pursuant to the Texas Local Government Code and Texas Government Code, as applicable; and



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ATTEST:

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Ashley Wayman, City Administrator

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# Exhibit A

## Description of Property

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**Address:** 5100 Rollingwood Drive

**TCAD Property ID #:** 107772

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# Exhibit B

## Zoning Map

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**AGENDA ITEM SUMMARY SHEET**  
**City of Rollingwood**  
**Meeting Date: August 7, 2024**  
**Planning and Zoning Commission**

**Submitted By:**

Staff

**Agenda Item:**

Public hearing, discussion and possible action on an ordinance amending the zoning ordinance to prohibit the rental of amenities in the residential zoning district

**Description:**

At the April 3 Planning and Zoning Commission meeting, the following motion was made:

**Motion: To direct the City staff to post this [draft ordinance regarding a proposed zoning amendment to prohibit rental of amenities in the residential zoning district] for a public hearing at a future scheduled public hearing and to also put it back to City Council for clarification on whether properties would be able to be utilized for things like commercials or filming sets, parking, charity events, and the definition of what it means for something to be a rental.**

**The motion carried with 6 in favor and 0 against.**

At the May 15, 2024 City Council Meeting, the City Council reviewed the proposed ordinance and discussed the answers to the questions from the Planning and Zoning Commission.

The attached ordinance, as referred to by the Planning and Zoning Commission, does not address:

- photoshoots/filming of a commercial; and
- rental of parking (we assume on private driveways).

These uses, however, are not listed in the permitted uses section for the residential district (Section 107-68 of the City Code) and if not specifically allowed would be considered prohibited, unless it was a home occupation of an occupant of the residence.

The Council then asked staff to report back to the Planning and Zoning Commission with the answers to their questions and proceed with the public hearing process.

**Action Requested:**

Hold a public hearing, discuss, and make a recommendation to the City Council regarding an ordinance amending the zoning ordinance to prohibit the rental of amenities in the residential zoning district

**Fiscal Impacts:**

No significant fiscal impacts anticipated at this time.

**Attachments:**

- Draft ordinance amending the zoning ordinance to prohibit the rental of amenities in the residential zoning district

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

**AN ORDINANCE AMENDING ARTICLE II, DIVISION 2, SECTION 107-69 (PROHIBITED USES) TO PROVIDE FOR PROHIBITION OF RENTAL OF RESIDENTIAL AMENITIES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

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

**WHEREAS**, the City Council of the City of Rollingwood (“City Council”) wishes to amend the City’s zoning regulations to prohibit the rental of residential and commercial amenities; and

**WHEREAS**, the City Council has determined that the public interest would be served by prohibiting the rental of residential and commercial amenities; and

**WHEREAS**, the City Council finds that the amendments provided for herein are reasonable, necessary, and proper for the good of the City.

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

**SECTION 1.** 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.

**SECTION 2.** Code Amendment.

Section 107-3 of Definitions is amended to add the following definition:

*Amenity.* An indoor area or an outdoor area located anywhere on a lot, or the roof of a structure, or any other building including but not limited to pools, sport courts, patio areas, outdoor kitchens, grills, landscaped areas, and areas of decking, decorative paving or other similar surface, used for recreational purposes.

Section 107-69 (Prohibited uses), is amended to add a new Section 107-69(a)(7) as follows:

107-69(a)(7) The rental of any residential Amenity including but not limited to any feature of a residential Dwelling, or place, except where the Amenity is included as part of the rental of a Dwelling for longer than 30 days.

**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 ordinances of the City of Rollingwood 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



37 affect the validity of this ordinance as a whole, or any part or provision thereof other than  
38 the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity  
39 of the Code of Ordinances as a whole.

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

42 **APPROVED, PASSED AND ADOPTED** by the City Council of the City of  
43 Rollingwood, Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 2024

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Gavin Massingill, Mayor

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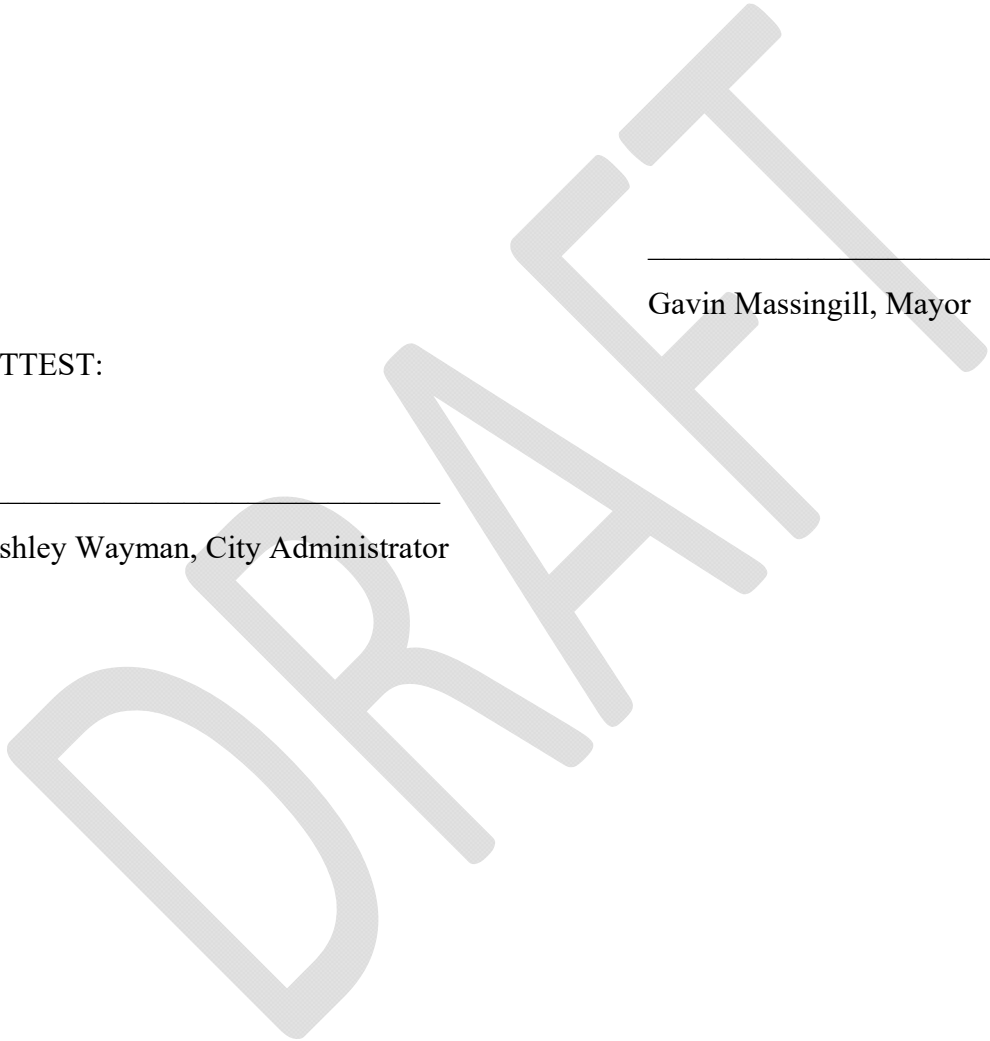
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Ashley Wayman, City Administrator



**AGENDA ITEM SUMMARY SHEET**  
**City of Rollingwood**  
**Meeting Date: August 7, 2024**  
**Planning and Zoning Commission**

**Submitted By:**

Staff

**Agenda Item:**

Discussion and possible action regarding a draft ordinance providing that the front yard of a lot shall be the yard which abuts the addressed street

**Description:**

At the May 15, 2024 City Council Meeting, the City Council reviewed a draft ordinance providing that the front yard of a lot shall be the lot's addressed street. The City Council provided clarifications to legal counsel regarding the proposed ordinance and directed staff to send the revised ordinance to the Planning and Zoning Commission for review and discussion before being posted for a public hearing.

**Action Requested:**

Review and discuss the proposed ordinance. No action requested.

**Fiscal Impacts:**

No significant fiscal impacts anticipated at this time

**Attachments:**

- DRAFT Ordinance providing that the front yard of a lot shall be the yard which abuts the addressed street

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

**AN ORDINANCE AMENDING ARTICLE II, DIVISION 2, SECTIONS 107-3 (DEFINITIONS) AND 107-75 (YARDS GENERALLY) TO PROVIDE THAT THE FRONT YARD OF A LOT SHALL BE THE A YARD WHICH ABUTS THE ADDRESSED STREET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

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

**WHEREAS**, the City Council of the City of Rollingwood (“City Council”) wishes to amend the City’s zoning regulations to require that the front of a yard of a lot match the addressed street of the lot; and

**WHEREAS**, the City Council has determined that the public interest would be served by this requirement; and

**WHEREAS**, the City Council finds that the amendments provided for herein are reasonable, necessary, and proper for the good of the City.

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

**SECTION 1.** 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.

**SECTION 2.** Code Amendment.

**Section 107-3. – Definitions**

*Yard, front*, means a yard which abuts the addressed street of the lot, ~~faces a street~~, is located between the main building on a lot and the street easement or front line of the lot, and extends across the front of a lot between the side lot lines.

**Sec. 107-75. - Yards generally.**

- (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.~~

**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 ordinances of the City of Rollingwood not in conflict with the provisions of this ordinance shall remain in full force and effect.

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

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

43 **APPROVED, PASSED AND ADOPTED** by the City Council of the City of  
44 Rollingwood, Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 2024

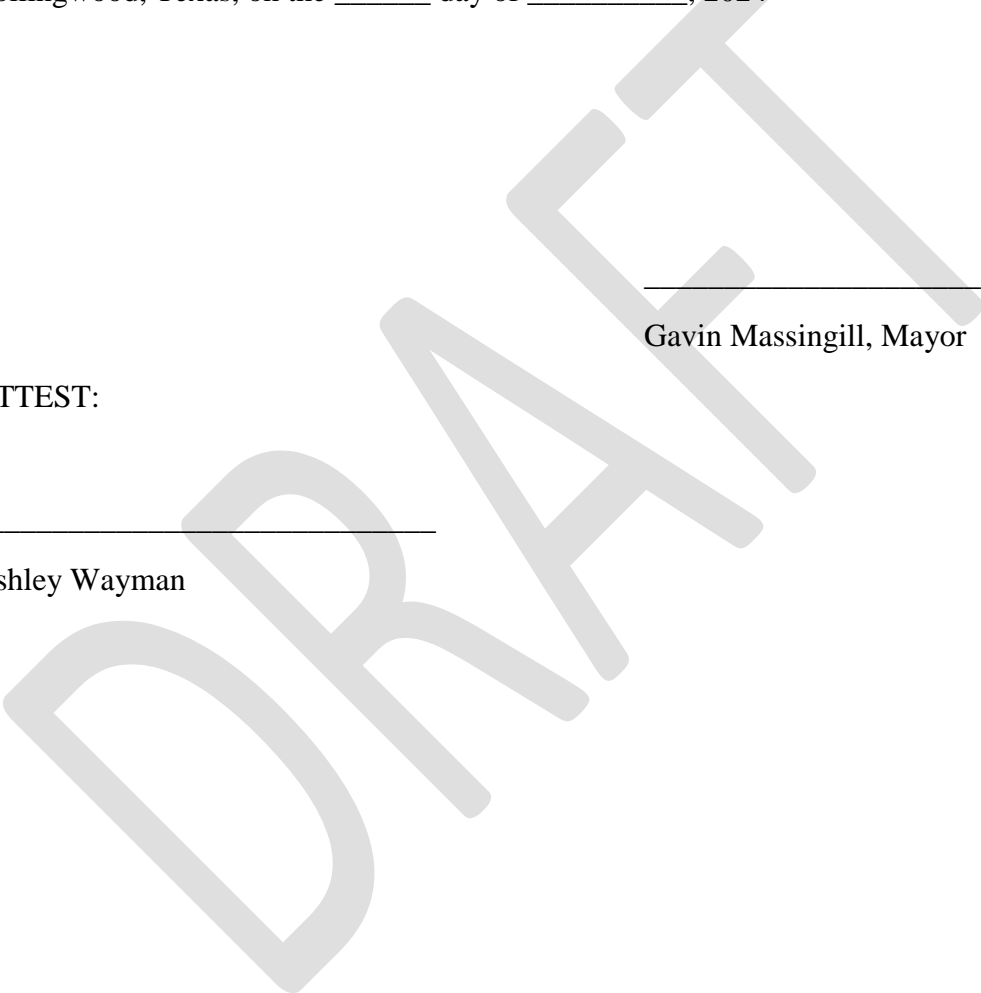
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50 Gavin Massingill, Mayor

51 ATTEST:

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54 Ashley Wayman



**AGENDA ITEM SUMMARY SHEET**  
**City of Rollingwood**  
**Meeting Date: August 7, 2024**  
**Planning and Zoning Commission**

**Submitted By:**

Staff

**Agenda Item:**

Discussion regarding the CRCRC Building Height recommendations that have been set for public hearing on September 4, 2024

**Description:**

At the July City Council Meeting, the City Council reviewed recommendations from the CRCRC related to residential building height. There was some discussion about what had been adopted by the CRCRC and what was before the City Council, but ultimately the Council moved to:

- Request that legal counsel draft the amendments recommended by the CRCRC regarding building height (exactly as they were recommended by the CRCRC).
- To set a joint public hearing on the proposed amendments related to residential building height for September 4, 2024.

This item is before the Planning and Zoning Commission today to provide an update regarding what will be coming to the September 4, 2024 P&Z meeting. The attached recommendations are currently being drafted into ordinance language by the city's legal counsel.

**Action Requested:**

No action requested at this time.

**Fiscal Impacts:**

No significant fiscal impacts anticipated at this time.

**Attachments:**

- Recommendations from the CRCRC regarding residential building height

**CRCRC RECOMMENDATION ON RESIDENTIAL BUILDING HEIGHTS AND HEIGHT MEASUREMENT**

**RESIDENTIAL BUILDING HEIGHT: CRCRC RECOMMENDATION**

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

**RESIDENTIAL BUILDING HEIGHT MEASUREMENT: CRCRC RECOMMENDATION**

*Sec. 107-3. - Definitions*

*Building height, residential, means the vertical distance above any point on the surveyed existing grade.*

**TENTING: CRCRC RECOMMENDATION**

*Adopt a set of tenting rules that restricts exterior wall heights incrementally by distance from the lot line*

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

**SPECIAL EXCEPTION: CRCRC RECOMMENDATION**

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

**\*Note: This item regarding foundation exposure has NOT been approved by the CRCRC, and thus should be left out of this draft of the building height recommendations. However, the CRCRC is going to attempt to approve this recommendation at their August 13 meeting, and take it to Council at the August 21 City Council Meeting. If the City Council approves it, they may want to include it in the amendment that goes to the joint City Council/ P&Z public hearing on September 4<sup>th</sup>.**

**FOUNDATION EXPOSURE:**

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

*Foundation exposure within public view must be screened such that viewable portion does not exceed 2.5 feet (30")*

City regulations require that a permit be obtained, and an inspection fee paid, for every new septic tank installation. Permits and inspections are required for replacement systems, as well as major repair or renovation work on existing systems. The City's septic tank design and construction standards track those of the state health department and Travis County.

Water Service

All households are served by the City water system. Local water rates are indexed to the prices charged by the City of Austin, which is Rollingwood's bulk supplier.

Water bills are payable within 20 days of billing. Failure to pay a bill timely can result in disconnection of service. Prior to termination of service, the particular resident will be given notice and an opportunity to protest his/her bill. A \$20 fee is charged for each disconnection and each reconnection.

Water Conservation

From time to time, Rollingwood residents have been subjected to summertime conservation programs restricting lawn sprinkling and other nonessential water uses. These mandatory conservation measures are required by the City of Austin as part of its agreement to supply water to Rollingwood. Local conservation requirements are identical to those applicable in the City of Austin.

Zoning

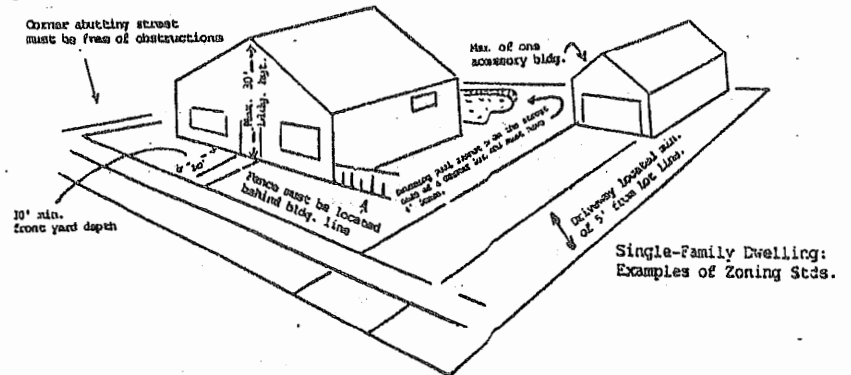
The City's zoning ordinance regulates the use of property by landowners, including the number and

kinds of structures and other improvements that are allowed on a particular parcel.

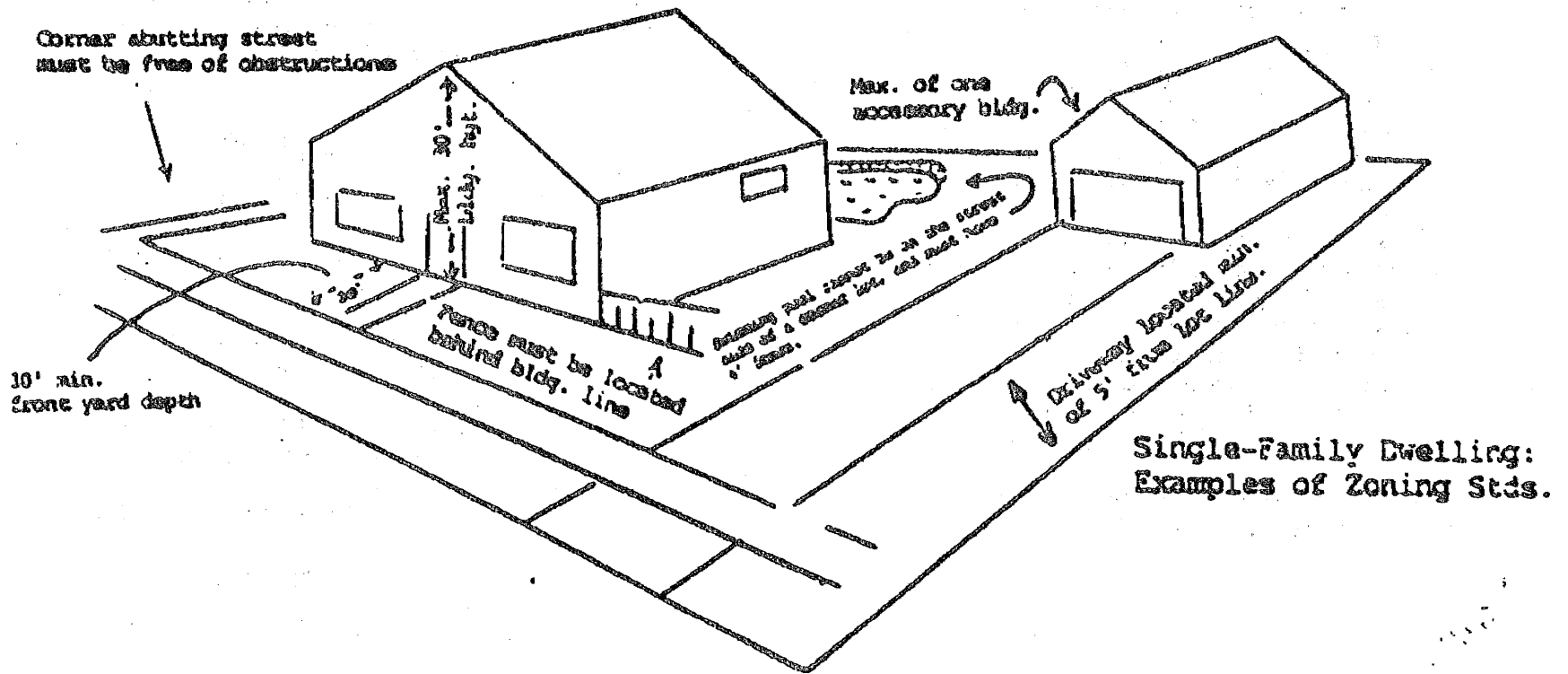
Zoning promotes harmony in the physical environment by segregating the different types of uses (e.g., residential and commercial) into their own districts, and by imposing aesthetic requirements to improve the appearance of the community. Zoning also facilitates an orderly community, by preventing overcrowding and traffic congestion, and by creating proper relationships between lots and homes.

Among all of the various City requirements, zoning is among the most important. Its enforcement, however, is dependent upon cooperation by residents and city officials alike. In turn, this translates into voluntary compliance by individual landowners, reports of violations by citizens and municipal personnel, and vigorous enforcement by the City.

Many zoning violations are the result of lack of knowledge, rather than deliberate intent. Some







**AGENDA ITEM SUMMARY SHEET**  
**City of Rollingwood**  
**Meeting Date: August 7, 2024**  
**Planning and Zoning Commission**

**Submitted By:**

Staff

**Agenda Item:**

Discussion regarding the CRCRC Residential Tree and Landscape Recommendations that have been set for public hearing on September 4, 2024

**Description:**

At the July City Council Meeting, the City Council reviewed recommendations from the CRCRC related to residential trees and landscaping. The City Council moved to:

- Request that legal counsel draft the amendments recommended by the CRCRC regarding residential trees and landscaping.
- To set a joint public hearing on the proposed amendments related to residential trees and landscaping for September 4, 2024.

This item is before the Planning and Zoning Commission today to provide an update regarding what will be coming to the September 4, 2024 P&Z meeting. The attached recommendations are currently being drafted into ordinance language by the city’s legal counsel.

**Action Requested:**

No action requested at this time.

**Fiscal Impacts:**

No significant fiscal impacts anticipated at this time.

**Attachments:**

- Recommendations from the CRCRC regarding residential trees and landscaping

Recommended Changes to Rollingwood Tree Maintenance Ordinance from the CRCRC.

These recommended changes are based on the strong support in the survey (question 15) for maintaining the tree canopy in Rollingwood (74% said maintaining the tree canopy had either high or very high priority). When asked whether they thought the current tree ordinance was adequate to this task (question 16), 51% of respondents said “yes”. However, in the comments from those “yes” votes, many were either uncertain what the current tree ordinance stated and/or had not any occasion to refer to the ordinance for recent tree work on their property. There was strong support in all the comments for increasing the protection for “heritage trees”.

Based on these survey results, the CRCRC has the following recommendations to strengthen the current tree ordinance to make it more effective in protecting and maintaining the current tree canopy.

Exact proposed wording or specific change is in green.

1. Change the name of Article II, Division 10, Subdivision 2 to “Residential Landscape and Tree Canopy Management.”
2. Introduce the concept of xeriscape landscaping into the ordinance, with some suggestions to use native and adapted low water use plants, and drought tolerant turf grasses for lawns. (no regulations, only education) “Landscape: Because the city experiences frequent drought conditions, low water demanding landscapes (Xeriscapes) are encouraged by using native and adapted low water use plants from the Austin Grow Green Guide. (Insert link here) Consideration should also be given to planting turfgrass on less than 50% of the total landscaped areas, with that turf grass preferably having summer dormancy capabilities such as Buffalo grass, Zoysia grass, or non-seeding varieties of Bermuda grass.” Section 107-369 (a): Purpose
3. Inserted statement that “the site plan and project design will preserve the existing natural character of the landscape and the retention of protective trees as much as possible” This statement to be inserted into Purpose Section of Sec 107-369.
4. Insert a definition for a “Heritage Tree” category into ordinance for those trees 24 inches in diameter measured 4 ½ feet above natural grade. “Heritage tree” means a tree of a “protected species” defined as having a diameter of 24 inches or more, measured 4½ feet above natural grade. To determine the diameter of a multi-trunk tree, measure all the trunks; add the total diameter of the largest trunk to ½ the diameter of each additional trunk. A total diameter of 24” or higher for a multi-trunk tree would qualify as a Heritage tree. (Sec 107-371 Subdivision b- 2). (see addendum A- list of protected species)
5. Change the criteria for planting alternatives to protected species (from the utility setback tree list) to limit it to only protected trees removed from areas 20 feet from a utility line. In other words, a protected species removed from setbacks, right of way and buildable area must be replaced with a protected species, if not removed from the 20 ft utility setback area.” For protected trees removed from within 20 feet of an above-ground power, cable, or telephone line the following species can be used for replacement: These species cannot be used to replace a protected tree removed from areas that are not 20 feet from an above ground power cable, or telephone line.” Sec 107-369 (c)-2 (see Addendum B Replacement species list for trees planted 20ft from utility lines.)

6. Adding a definition for Critical Root Zone (CRZ), that is area around tree trunk with a radius of one foot for every inch of diameter. "Critical root zone" means the area around and under a tree having a radius of one foot per inch of diameter from the trunk of the tree outwards and twenty-four inches in depth. For example, for a tree having a 10-inch diameter, the critical root zone is 10 feet out from the trunk and twenty-four inches deep. No construction or disturbance shall occur within an area that constitutes more than (50%) of the total critical root zone, and one half the radial distance of the CRZ for each tree being preserved as a protected tree or heritage tree." Sec 107-369 (g).
7. Change the term "city arborist" used 13 times in the current ordinance indicated to review, approve, and implement all tree removal permits to "City Development Officer". However, a city arborist will be used in those areas of code where the expertise of an arborist is necessary or desired.
8. Remove Sections (d) and (e) of Section 107-372. All protected trees and heritage trees removed from a lot should be replaced on that lot unless a Special Exception is obtained to replant on an adjacent lot with that neighbor's permission. 107-372 (d) and (e).
9. Removal of Heritage trees from setback areas would require a separate "Heritage Tree Removal Permit". Removal of a Heritage tree is prohibited unless a Heritage Tree Removal Special Exception is granted by the Board of Adjustment upon a finding that: (i) all reasonable efforts have been made to avoid removing the tree, (ii) the location of the tree precludes all reasonable access to the property or all reasonable use of the property, and (iii) removal of the tree is not based on a condition caused by the method or design chosen by the applicant to develop the property. 107-373 (a).
10. A Heritage Tree Removal Special Exception will not be required for Heritage Trees removed from the proposed building footprint area but would be subject to the normal tree removal permitting and replacement process.
11. Protected trees (12–24-inch diameter) removed from the buildable area must be replaced by one protected species tree. Replacement of a Heritage Tree removed from setback areas, (with Heritage Tree Removal Special Exception) and proposed building footprint area (which would not require a Special Exception), must be replaced with one tree 6 inches in diameter, or more, for every 12 inches in diameter of the removed tree. For example: 24 inches = 2 six-inch diameter trees, 36 inches = 3 trees, etc. to be replaced. An exception to these mitigation requirements may be granted by the city development officer, after consulting with the City Arborist, and with the approval of the BOA if the applicant demonstrates: (1) the existing tree canopy would prohibit the growth of these replacement tree(s); or (2) the required replacement trees to be installed would have to be planted under the canopy of an existing tree. See section 107-375 (h).
12. If a protected or heritage tree straddles the boundary between setback line and buildable area line, it shall be considered removed from the setback area if 25% or more of the trunk diameter is in the setback area. Sec 107-375 (c).
13. An application for a tree removal permit must include a tree survey that shows all trees that are at least 12 inches in diameter 4 ½ feet above natural grade and indicate the Critical Root Zone of these trees as well. Sec 107-376 (a)-1.
14. The maximum number of replacement trees required for trees removed from the buildable area will remain capped at seven. Sec 107-375 (h).

15. Maintain the replacement ratio of protected trees removed from the setback areas at 3 replacement trees for each removed. Sec 107-375 (a).
  16. Development application requirements must include a tree survey indicating the location of all protected and heritage trees together with their CRZ. A protection plan must be submitted for these trees to include evidence that sufficient care must be demonstrated to ensure survival of these protected trees, including adequate watering before, during and after construction until an occupancy certificate is granted. Sec 107-376 (a)-1
  17. All replacement trees must survive for at least three years, and the city development officer shall keep track of these replacements, so that at 3 years post planting, their survival and health can be assessed, consulting with an arborist if necessary. Sec 107-378 (d).
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These items would not require code changes:

18. Section 107-380 requires all vendors doing tree trimming, removal, or demolition, to have an annual permit to do so from the city secretary. The city website should be amended so that residents can easily access the up-to-date list of approved and permitted tree service vendors and how a preferred vendor can obtain a no cost permit from the city. Sec 107-380.
19. The CRCRC supports a program to plant “commemorative trees” on city property, especially parks, where the cost would come through citizen donations. This program is under consideration by the Parks Commission.
20. The CRCRC also supports a proposal that was very strongly supported in the survey (question 17, 85% said “yes”) to consider a plan sponsored by the city, or private donations, to plant additional trees, with owner approval, in public ROW. The CRCRC did not include any proposed changes to the current ordinance, to accommodate this proposal, and may investigate further the practical and legal ramifications of this idea, perhaps presenting it later.