



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

Wednesday, October 06, 2021

Notice is hereby given that the Planning and Zoning Commission of the City of Rollingwood, Texas will hold a regular meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on October 06, 2021 at 6:00 PM, where the following items will be discussed:

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 Utility 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 August 31, 2021 Planning and Zoning Commission meeting

PUBLIC HEARING

3. Public hearing, discussion and possible action on a plat amendment for 403 Farley Trail
4. Public hearing, discussion and possible action to approve an ordinance to require silt fencing for any residential landscaping work that could result in silt discharge, including but not limited to sod installation and turf installation
5. Public hearing, discussion and possible action to approve and ordinance to add a definition for retaining walls to specify any fence or wall built or designed to retain or restrain lateral forces of soil or other materials, said materials being similar in height to the height of the wall

- 6. Public hearing, discussion and possible action to approve an ordinance for driveways that limits residential lots to not more than 3 total curb cuts, and not more than 2 on a single street frontage, and limits the total combined width of aprons to not exceed a total of 45 feet
- 7. Public hearing, discussion and possible action to approve an ordinance to update Chapter 107, Article 5, Division 3, Board of Adjustment of the City of Rollingwood Code of Ordinances to meet State requirements

REGULAR AGENDA

- 8. Workshop regarding required elements for preliminary and final plats

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 on Thursday, September 30, 2021 at 5:00 p.m.



Ashley Wayman, City Secretary

NOTICE -

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

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

Consultation with legal counsel pursuant to section 551.071 of the Texas Local Government Code;
discussion of personnel matters pursuant to section 551.074 of the Texas Local Government Code;
real estate acquisition pursuant to section 551.072 of the Texas Local Government Code;
prospective gifts pursuant to section 551.073 of the Texas Local Government Code;
security personnel and device pursuant to section 551.076 of the Texas Local Government Code;
and/or economic development pursuant to section 551.087 of the Texas Local Government Code.
Action, if any, will be taken in open session.

AGENDA ITEM SUMMARY SHEET

City of Rollingwood

Meeting Date: October 6, 2021

Submitted By:

Director of Development Carrie Caylor

Agenda Item:

Public hearing, discussion, and possible action regarding an amended plat at 403 Farley Trail.

Description:

The applicant has applied for an amended plat because the side setback is shown as fifteen (15) feet along one side of the lot. The zoning code allows for ten (10) feet along side lots as long as there is a minimum of 25' maintained between neighboring structures. The applicant seeks an amended plat in advance of a planned construction project. Code allows for the administrative approval of amended plats, or that the plat go before the Planning and Zoning Commission in the event of a denial.

Action Requested:

Staff recommends denial of this amended plat because it does not meet all applicable codes, provisions, and requirements. Specifically the plat does not meet the following requirements:

1. A minimum 5' wide Public Utility Easements is required along each side property line (Code of Ordinances Sec.105-63)
2. Topographic contours in 2 foot intervals must be shown (Subdivision Submittal Requirements Checklist)
3. The statement that the property is located within the City of Rollingwood, included in the body of the plat rather than the notes. (Subdivision Submittal Requirements Checklist)
4. Removal or correction of note four which improperly states that electricity is provided by Pedernales Electric. Electricity is provided by Austin Energy.
5. Addresses of adjoining property owners are not shown on the plat (Subdivision Submittal Requirements Checklist)
6. All building setback lines are not shown (Subdivision Submittal Requirements Checklist)

Fiscal Impacts:

N/A

Attachments:

- Proposed Plat
- Current Plat
- Plat Review Letter
- Plat Review Checklist
- Plat Application
- Tax Certificate

City of Rollingwood
SUBDIVISION SUBMITTAL REQUIREMENTS CHECKLIST

ADDRESS: **403 FARLEY TR**

REVIEW DATE:

GENERAL SUBMITTAL REQUIREMENTS	Y/N/A	REMARKS
Filing Date		
Subdivision Title/Name Amended Plat of 403 Subdivision		
Filing fee: \$1500.00 Check # _____ or Cash Inv. 238		
Plat Application with signature by record owner or duly authorized agent		
Current original Tax Certificate(s) issued by Travis County indicating that all taxes have been paid (tax receipts are not acceptable)		Certified copy to be submitted before filing
Certified copy of owner's deed (or contract to purchase for a preliminary plat)		Certified copy to be submitted before filing
Draft of separate restrictive covenants required by ordinance or those desired by applicant to be referenced on plat	N/A	
Variance requests and justifications, if known	N/A	
ITEMS REQUIRED TO BE SHOWN ON PLAT		
Name of owners and mailing addresses	Y	
Subdivision plat with original signature by record owner, notarized as indicated	Y	
A signature block with date for: Chair, City Planning and Zoning Commission.	*	Not required for Amended Plat
A signature block with date for: Mayor, City of Rollingwood attesting approval of the plat.	*	Not required for Amended Plat. Discuss s
Sketch showing location of the subdivision in relation to major streets or roadways, and containing a north arrow	Y	
North Point Scale: 1" = 100'	Y	
Lot and block numbers	Y	
Show 2-ft contours	N	Must be shown.
Statement indicating that the property is located in the City of Rollingwood (see example below in item 1, Supplemental Checklist Information)	Y	
Recording certificate for Travis County Clerk with short "Filed for Record" note (see wording below in item 2, Supplemental Checklist Information)	Y	
Restriction prohibiting occupancy of any lot until the individual on-site disposal system is approved. All external lines providing service to the proposed subdivision are required to be in place before taps are sold.	Y	
Restriction prohibiting occupancy of any lot until connection is made to a public water/wastewater system or other water system approved by the City of Rollingwood.	Y	
Certification bearing the name, original signature, seal, address, and signature date of public surveyor or professional engineer registered in the State of Texas attesting that requirements of survey-related items on the plat are correct.	N	Engineer's seal must be shown.
Certification bearing original signature, seal and signature date of engineer responsible for flood plain and other engineering items; also references to the Federal Insurance Rate Map, panel number and date of study must be shown.	Y	Must be shown.
Statement by the record owner dedicating all streets, alleys, easements, parks, and other open spaces to public use. For privately held streets, a statement indicating that provisions for perpetual maintenance and taxation will be provided.	N.	Statement of dedication improperly shown.
Names, locations, sizes of existing and proposed streets, alleys, and easements bordering or traversing the subdivision.	Y	
Names, locations, and sizes of boundary streets.	Y	
Names, addresses and property lines of adjoining owners (with deed references and adjoining subdivisions with lot and block number and plat reference for finals only)	N	Names and lots shown. Addresses missing.
Acreage or square footage of overall subdivision plus acreage and square footage of individual commercial lots	Y	
Accurate limits of the 100-year flood plains for all creeks and major drainage channels based on existing channel conditions and assuming fully developed watershed conditions	Y	
Building setback lines	N	All setbacks must be shown overlaid
Minimum floor slab elevations for all lots adjacent to a waterway.	N/A	
Survey tie across all existing streets bordering or traversing the subdivision to verify right-of-way width (or provide a copy of the street deed if street is dedicated by separate instrument).	Y	
Centerline radii, radii at all intersection corners, and tangents between proposed reverse curves for all proposed streets.	Y	
Location of all permanent concrete monuments and primary control points to which all dimensions, bearings, and similar data shall be referred, shown in feet and hundredths of a foot.	N/A	

*DENIED 8/2/2021



8/27/2021

To: Katie Kam
Wheels & Water LLC.

Electronic Delivery: katiekam@wheelsandwaterllc.com

Re: Plat Review – 403 Farley Trail

Dear Katie,

Your plat is set to public hearing for Tuesday, August 31st at 6:00 p.m. The meeting details, agenda and packet will be available this afternoon by 5:00 p.m. at <https://www.rollingwoodtx.gov/meetings>. Staff recommends denial of this amended plat because it does not meet all applicable codes, provisions, and requirements. Specifically the plat does not meet the following requirements:

1. A minimum 5' wide Public Utility Easements is required along each side property line (Code of Ordinances Sec.105-63)
2. Topographic contours in 2 foot intervals must be shown (Subdivision Submittal Requirements Checklist)
3. The statement that the property is located within the City of Rollingwood, included in the body of the plat rather than the notes. (Subdivision Submittal Requirements Checklist)
4. Removal or correction of note four which improperly states that electricity is provided by Pedernales Electric. Electricity is provided by Austin Energy.
5. Addresses of adjoining property owners are not shown on the plat (Subdivision Submittal Requirements Checklist)
6. All building setback lines are not shown (Subdivision Submittal Requirements Checklist)

[Texas Local Government Code Sec.212.009.b-2](#) provides an option to voluntarily waiver your rights to 30-day action for up to an additional 30 days, creating a maximum 60 day total requirement if you would like to make these corrections, and resubmit for administrative approval.

Sincerely,

A handwritten signature in cursive script that reads "Carrie Caylor".

Carrie Caylor
Director of Development Services



SURVEY PLAT NOTES:

- 1). HORIZONTAL POSITIONS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983, TEXAS COORDINATE SYSTEM, CENTRAL ZONE (FIPS 4203) UTILIZING THE LOCAL VRS NETWORK BASE No. (PRS97541659158).
- 2). VERTICAL ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM 1988 (NAVD 88), UTILIZING GEOID 12B.
- 3). GRID DISTANCES SHOWN HEREON, ARE IN US SURVEY FEET.

BENCHMARK NOTE:

B.M. #100

DESCRIPTION: A MAG NAIL WITH WASHER SET IN LIP OF CURB, ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF FARLEY TRAIL, HAVING A 50' RIGHT-OF-WAY WIDTH. (± 41' SOUTHWEST OF THE NORTHWESTERLY LOT CORNER OF THE SUBJECT TRACT AND ± 170' SOUTH OF THE CENTERLINE OF BETTIS BOULEVARD, HAVING A 60' RIGHT-OF-WAY WIDTH).

GRID COORDINATES:
NORTHING = 10071906.6000', EASTING = 3102370.9660', ELEVATION = 568.74'

OWNER: VICTOR & LYDIA LUIS

ADDRESS: 403 FARLEY TRAIL ROLLINGWOOD, TEXAS 78746,

SURVEYOR: CHARLES M. BENSON REGISTERED PROFESSIONAL LAND SURVEYOR No. 4863 EAGLE EYE CONSTRUCTION LAYOUT (512) 528-5308

ADDRESS: 1807 S. US HIGHWAY 183 LEANDER, TEXAS 78641

ENGINEER: KATIE KAM PROFESSIONAL ENGINEER, TEXAS REGISTRATION No. 125856 WHEELS & WATER, LLC (512) 820-0070

ADDRESS: 2116 ROBERT BROWNING STREET AUSTIN, TEXAS 78723

SUBDIVISION DETAILS

TOTAL SUBDIVISION ACREAGE: 0.401 ACRES
 TOTAL SUBDIVISION SQUARE FOOTAGE: ± 17,450 Sq. Ft.
 TOTAL No. OF LOT(S) : ONE (1)
 TOTAL No. OF BLOCK(S): ONE (1)
 TOTAL No. OF PARKLAND DEDICATIONS: ZERO (0)
 TOTAL No. OF PUBLIC RIGHT-OF-WAY DEDICATIONS: ZERO (0)

SUBDIVISION LOT DETAILS

LOT 1, BLOCK A (0.401 ACRES, ± 17,450 Sq. Ft.)

SUBDIVISION LAND USE

SINGLE FAMILY RESIDENTIAL

SUBMITTAL DATE:

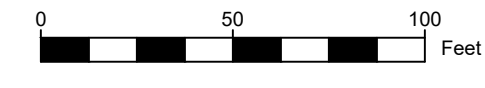
GENERAL PLAT NOTES:

- 1). THIS SUBDIVISION LIES WITHIN THE FULL PURPOSE CITY LIMITS OF THE CITY OF ROLLINGWOOD, TRAVIS COUNTY, TEXAS, ON THIS THE _____ DAY OF _____, 2021.
- 2). THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF EANES INDEPENDENT SCHOOL DISTRICT.
- 3). WATER AND WASTEWATER SERVICE WILL BE PROVIDED BY THE CITY OF ROLLINGWOOD.
- 4). ELECTRIC UTILITY SERVICE WILL BE PROVIDED BY PEDERNALES ELECTRIC COOPERATIVE.
- 5). NO LOT IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTION IS MADE TO A PUBLIC WATER AND WASTEWATER SYSTEM APPROVED BY THE CITY OF ROLLINGWOOD, TRAVIS COUNTY, TEXAS.
- 6). A TEN (10) FOOT PUBLIC UTILITY, ELECTRIC AND TELECOMMUNICATIONS EASEMENT IS HEREBY DEDICATED ADJACENT TO THE REAR LOT LINE OF THE SUBJECT TRACT.
- 7). ALL RESTRICTIONS AND NOTES FROM THE PREVIOUSLY EXISTING SUBDIVISION (403 SUBDIVISION, RECORDED UNDER DOCUMENT No. 201100192, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS) SHALL APPLY TO THIS AMENDED PLAT.
- 8). THIS AMENDED PLAT REMOVES BUILDING SETBACK LINES.
- 9). BUILDING SETBACK LINES SHALL BE IN ACCORDANCE WITH CURRENT ZONING REQUIREMENTS.
- 10). THE SUBJECT TRACT SHOWN HEREON LIES WITHIN FLOOD ZONE "X" (UNSHADED) ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP FOR THE CITY OF ROLLINGWOOD, TRAVIS COUNTY, TEXAS, DEVELOPED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), DATED JANUARY 22, 2020 UNDER MAP No. 48453C0445K.

• ZONE "X" UNSHADED : (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AREA OF MINIMAL FLOOD HAZARD, USUALLY DEPICTED ON FIRMS AS ABOVE THE 500-YEAR FLOOD LEVELS).

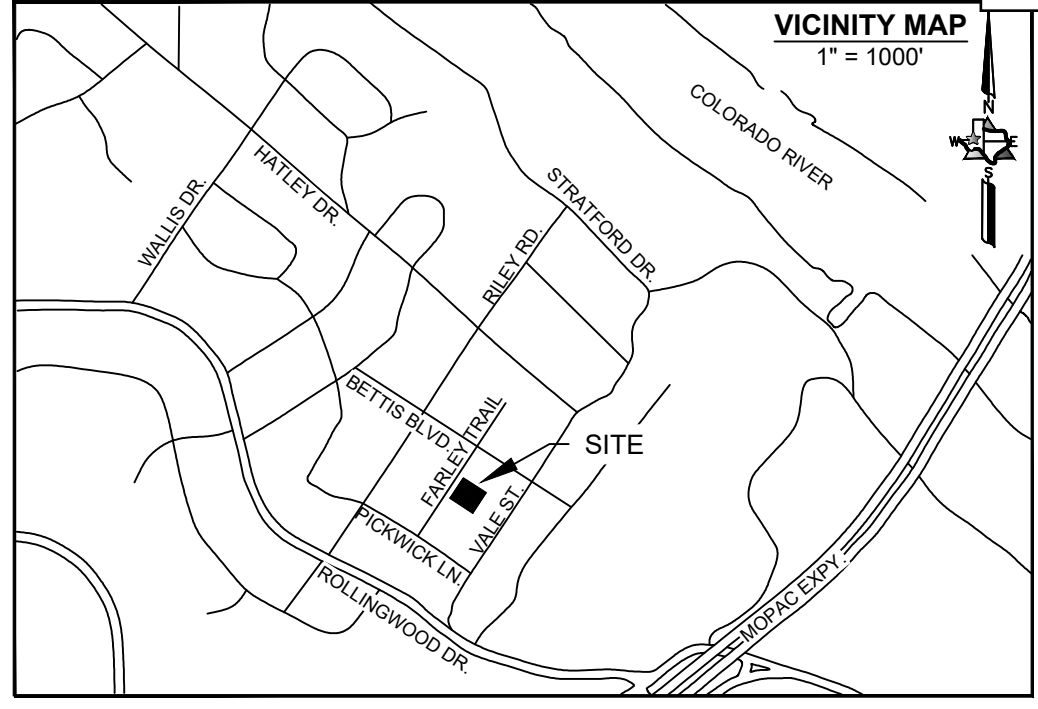
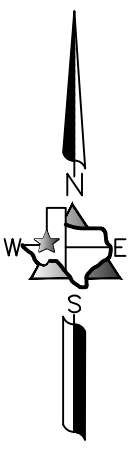
AMENDED PLAT OF 403 SUBDIVISION

SCALE: 1" = 50'



LEGEND

- BOUNDARY FOUND/SET (NOTED)
- CALCULATED POINT
- ⊕ BENCHMARK LOCATION
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
- R.P.R.T.C.T. REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
- D.R.T.C.T. DEED RECORDS OF TRAVIS COUNTY, TEXAS
- P.R.T.C.T. PLAT RECORDS OF TRAVIS COUNTY, TEXAS
-) RECORD CALL



STATE OF TEXAS
COUNTY OF TRAVIS

CITY OF ROLLINGWOOD

APPROVE BY THE CITY OF ROLLINGWOOD, TRAVIS COUNTY, TEXAS.

ACTING CHAIR
PLANNING AND ZONING COMMISSION

MIKE DYSON, MAYOR

DATE

STATE OF TEXAS
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS:

THAT I/WE, VICTOR M. LUIS AND LYDIA P. LUIS, BEING THE OWNER OF A 0.401 ACRE (APPROX. 17,450 Sq. Ft.) TRACT OF LAND, SITUATED IN THE HENRY P. HILL SURVEY No. 21, ABSTRACT No. 14, LOCATED IN TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS BEING ALL OF LOT 1, BLOCK A, 403 SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED UNDER DOCUMENT No. 201100192 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING THAT SAME TRACT OF LAND DESCRIBED IN THAT CERTAIN WARRANTY DEED, CONVEYED TO VICTOR M. LUIS AND SPOUSE LYDIA P. LUIS, DATED FEBRUARY 23, 2021 AND APPEARING OF RECORD UNDER DOCUMENT No.(s) 2021036145 AND 2021037593 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, DOES HEREBY SUBDIVIDE SAID LAND IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, TO BE KNOWN AS:

AMENDED PLAT OF 403 SUBDIVISION

AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS, ALLEYS, PARKS AND AND EASEMENTS AS SHOWN HEREON.

WITNESS MY HAND THIS THE _____ DAY OF _____, 2021.

 VICTOR M. LUIS
 403 FARLEY TRAIL
 ROLLINGWOOD, TEXAS 78746

 LYDIA P. LUIS
 403 FARLEY TRAIL
 ROLLINGWOOD, TEXAS 78746

STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED

VICTOR M. LUIS AND LYDIA P. LUIS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 2021.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS (SEAL)

PRINTED NAME OF NOTARY / EXPIRES

STATE OF TEXAS
COUNTY OF TRAVIS

I, DANA DEBEAUVOIR, COUNTY CLERK OF TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR

RECORD IN MY OFFICE ON THE _____ DAY OF _____, 2021.

AT _____ O'CLOCK ____ M., IN THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS UNDER

DOCUMENT No. _____

FILED FOR RECORD ON THE _____ DAY OF _____, 2021.

 DANA DEBEAUVOIR
 COUNTY CLERK
 TRAVIS COUNTY, TEXAS

BY: _____
DEPUTY

**ENGINEER'S CERTIFICATION
STATE OF TEXAS**

I, KATIE KAM, REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE ENGINEERING WORK BEING SUBMITTED HERewith; THAT ALL INFORMATION SHOWN THEREON IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AS RELATED TO THE ENGINEERING PORTIONS THEREOF; AND THAT SAID PLAT COMPLIES WITH THE CITY OF ROLLINGWOOD CODE OF ORDINANCES.

 KATIE KAM, PHD, PE
 TEXAS REGISTRATION No. 125856
 WHEELS & WATER LLC

DATE: _____

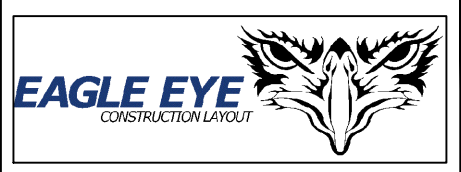
**SURVEYOR'S CERTIFICATION
STATE OF TEXAS**

I, CHARLES M. BENSON, REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE SURVEYING WORK BEING SUBMITTED HERewith; THAT ALL INFORMATION SHOWN THEREON IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AS RELATED TO THE SURVEYING PORTIONS THEREOF; AND THAT SAID PLAT COMPLIES WITH THE CITY OF ROLLINGWOOD CODE OF ORDINANCES.

PRELIMINARY, FOR REVIEW ONLY DATE: 05/21/2021

 CHARLES M. BENSON, R.P.L.S.
 TEXAS REGISTRATION No. 4863
 EAGLE EYE CONSTRUCTION LAYOUT

DATE: _____



1807 S. US HIGHWAY 183
 LEANDER, TEXAS 78641
 (512) 528-5308

WEB: eecl.us T.B.P.L.S. FIRM #10194139
 EMAIL: eagle@eecl.us

PROJECT:
403 SUBDIVISION
 CLIENT:
VICTOR LUIS

DATE: 06/29/2021

SCALE: 1" = 30'
BY: rc/emb

SHEET 01 of 02

CITY OF ROLLINGWOOD PLAT APPLICATION

SUBDIVISION NAME AND LOCATION:

CURRENT LEGAL DESCRIPTION: Lot 1 Block A 403 Subdivision

PROPOSED LEGAL DESCRIPTION: SUBDIVISION Amended Plat of 403 Subdivision

LOT 1 BLOCK A

STREET LOCATION: 403 Farley Trail

OWNER INFORMATION:

NAME: Victor M. Luis and Lydia P Luis

CONTACT: Victor Luis

STREET ADDRESS: 403 Farley Trail

CITY/STATE/ZIP: AUSTIN TX 78746

TELEPHONE: 646-300-3146 7

EMAIL: vm Luis22@gmail.com

PRIMARY CONTACT/AGENT INFORMATION:

FIRM NAME: Wheels & Water LLC

CONTACT: Katie Kam

STREET ADDRESS: 2116 Robert Browning Street

CITY/STATE/ZIP: Austin, Texas 78723

TELEPHONE: 512-820-0070

EMAIL: katiekam@wheelsandwaterllc.com

ENGINEER INFORMATION:

FIRM NAME: Wheels & Water LLC

CONTACT: Katie Kam

STREET ADDRESS: 2116 Robert Browning Street

CITY/STATE/ZIP: Austin, Texas 78723

TELEPHONE: 512-820-0070

EMAIL: katiekam@wheelsandwaterllc.com

SURVEYOR INFORMATION:

FIRM NAME: Eagle Eye Construction Layout

CONTACT: Robert Cusick

STREET ADDRESS: 1807 S. US Highway 183

CITY/STATE/ZIP: Leander TX 78641

TELEPHONE: 512-528-5308

EMAIL: robert@eecl.us

RELATED CASES:

EXISTING ZONING: Residential (R) District

PROPOSED ZONING: n/a

ZONING CASE NUMBERS: _____

ZONING ORDINANCE NUMBERS: _____

PROJECT INFORMATION: CITY USE ONLY

PROCESS TYPE: _____ 1 = Subdivide; _____ 2 = Plat-building permit; _____ 3 = Replat/Vacation; _____ 4 = Resubdivide

ADDRESS: _____

FILING DATE: _____

HEARING DATES: P&Z

COUNCIL _____

ACCEPTED BY _____

OWNER'S ACKNOWLEDGMENT

STATE OF TEXAS)(

COUNTY OF TRAVIS)(

KNOW ALL MEN BY THESE PRESENTS:

That VICTOR M. LUIS
(Individual)

(Corporation, acting by and through)

Lydia Park Luis

(Partnership, acting by and through)

(Other)

owner(s) of the tract(s) of land described in warranty deed(s) recorded in Volume(s) 2021036145 Page(s) _____ of deed records of Travis County, copies thereof attached hereto and made a part hereof for all pertinent purposes, do hereby make and/or authorize Eagle Eye Construction Layout to make application for subdivision of such property in accordance with the accompanying plan/plat, and do hereby offer to dedicate to the public use all streets and easements shown thereon, or as may otherwise be required by applicable ordinances, pursuant to the City of Rollingwood Code of Ordinances and Chapter 212, of the Texas Local Government Code.

Witness my hand this 2nd day of June

Witness my hand this 2nd day of June

2021.
[Signature]
(Owner's signature)

2021.
[Signature]
(Owner's signature)

This instrument acknowledged before me on the 2 day of June, 2021.

This instrument acknowledged before me on the 2nd day of June, 2021.

[Signature]
Notary Public, in and for

Texas
Notary Public in and for



[Signature]
My Commission expires: 09-04-2024

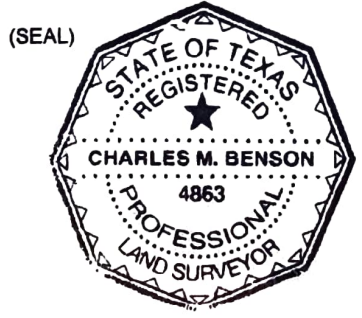


ENGINEER'S / SURVEYOR'S CERTIFICATION

This is to certify that I am authorized to practice the profession of Engineering/Surveying in the State of Texas; that I prepared/reviewed the plan/plat submitted herewith; that all information shown thereon is accurate and correct to the best of my knowledge as related to the engineering / surveying portions thereof; and that said plat complies with the City of Rollingwood Code of Ordinances.

Witness my hand this 1 day of JUNE, 2021

[Signature]
Engineer's/Surveyor's signature



OWNER'S ACKNOWLEDGMENT

STATE OF TEXAS)

COUNTY OF TRAVIS)

KNOW ALL MEN BY THESE PRESENTS:

That VICTOR M. LUIS
(Individual)
Lydin Park Luis

(Corporation, acting by and through)

(Partnership, acting by and through)

(Other)


owner(s) of the tract(s) of land described in warranty deed(s) recorded in Volume(s) 2021036145 Page(s) _____ of deed records of Travis County, copies thereof attached hereto and made a part hereof for all pertinent purposes, do hereby make and/or authorize Katie Kam with Wheels & Water LLC to make application for subdivision of such property in accordance with the accompanying plan/plat, and do hereby offer to dedicate to the public use all streets and easements shown thereon, or as may otherwise be required by applicable ordinances, pursuant to the City of Rollingwood Code of Ordinances and Chapter 212, of the Texas Local Government Code.

Witness my hand this 2nd day of June
20 21.
[Signature]
(Owner's signature)

Witness my hand this 2nd day of June
20 21.
[Signature]
(Owner's signature)

This instrument acknowledged before me on the 2 day of June, 2021.
[Signature]
Notary Public, in and for

This instrument acknowledged before me on the 2nd day of June, 2021.
Texas
Notary Public in and for

Texas

My Commission expires _____

[Signature]
My Commission expires: 09-04-2024

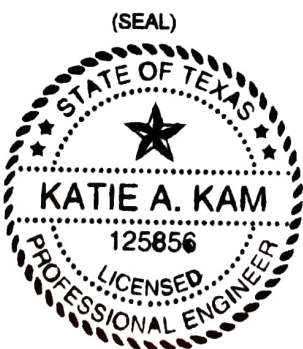
ANDREA INES MATA
Notary Public, State of Texas
Comm. Expires 09-04-2024
Notary ID 132661136


ENGINEER'S / SURVEYOR'S CERTIFICATION

This is to certify that I am authorized to practice the profession of Engineering/Surveying in the State of Texas; that I prepared/reviewed the plan/plat submitted herewith; that all information shown thereon is accurate and correct to the best of my knowledge as related to the engineering / surveying portions thereof; and that said plat complies with the City of Rollingwood Code of Ordinances.

Witness my hand this 1 day of June, 2021.

Katie Kam
Engineer's/Surveyor's signature

(SEAL)

KATIE A. KAM
125856
LICENSED PROFESSIONAL ENGINEER

Bruce Elfant
Travis County Tax Assessor-Collector
P.O. Box 1748
Austin, Texas 78767
(512) 854-9473

ACCOUNT NUMBER: 01-0709-0604-0000

PROPERTY OWNER:

PROPERTY DESCRIPTION:

MCCOLLUM MARK
403 FARLEY TRL
AUSTIN, TX 78746-5707

LOT 1 BLK A 403 SUBD

ACRES .4003 MIN% .000000000000 TYPE

SITUS INFORMATION: 403 FARLEY TRL AUSTIN

This is to certify that after a careful check of tax records of this office, the following taxes, delinquent taxes, penalties and interests are due on the described property of the following tax unit(s):

YEAR	ENTITY	TOTAL
2020	TRAVIS COUNTY	*ALL PAID*
	EANES ISD	*ALL PAID*
	CITY OF ROLLINGWOOD	*ALL PAID*
	TRAVIS CENTRAL HEALTH	*ALL PAID*
	TRAVIS COUNTY ESD #9	*ALL PAID*
TOTAL SEQUENCE 0		*ALL PAID*
TOTAL TAX:		*ALL PAID*
UNPAID FEES:		* NONE *
INTEREST ON FEES:		* NONE *
COMMISSION:		* NONE *
TOTAL DUE ==>		*ALL PAID*

TAXES PAID FOR YEAR 2020 \$36,573.01

ALL TAXES PAID IN FULL PRIOR TO AND INCLUDING THE YEAR 2020 EXCEPT FOR UNPAID YEARS LISTED ABOVE.
The above described property may be subject to special valuation based on its use, and additional rollback taxes may become due. (Section 23.55, State Property Tax Code).
Pursuant to Section 31.08 of the State Property Tax Code, there is a fee of \$10.00 for all Tax Certificates.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS DATE OF 06/16/2021

Fee Paid: \$10.00

Bruce Elfant
Tax Assessor-Collector

By: 

AGENDA ITEM SUMMARY SHEET

City of Rollingwood

Meeting Date: October 6, 2021

Submitted By:

Director of Development Carrie Caylor

Agenda Item:

Public hearing, discussion and possible action to approve an ordinance to require silt fencing for any residential landscaping work that could result in silt discharge, including but not limited to sod installation and turf installation.

Description:

At the September 31st Planning and Zoning Meeting, staff agreed to bring back an ordinance for final review of this item.

Action Requested:

Staff requests that the Planning and Zoning Commission approve the draft ordinance as written.

Fiscal Impacts:

N/A

Attachments:

- Ordinance Document

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ROLLINGWOOD APPROVING AN AMENDMENT TO THE CITY OF ROLLINGWOOD, TEXAS CODE OF ORDINANCES, PART II OF THE LAND DEVELOPMENT CODE, SECTION 101-250 STORAGE OF DIRT, GRAVEL AND OTHER PERVIOUS MATERIALS; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council finds the City of Rollingwood (City) is a Texas General Law Municipality and the Texas Local Government Code authorizes the City of Rollingwood to exercise jurisdiction over City zoning as deemed appropriate by the City;

WHEREAS, the City must comply with Texas Commission on Environmental Quality requirements for Municipal Separate Storm Sewer System (MS4);

WHEREAS, those requirements include the City maintaining a Stormwater Management Plan;

WHEREAS, the City sits over the Edward’s Aquifer Recharge Zone and receives water from the Edwards Aquifer;

WHEREAS, discharges into municipal storm sewer systems could result in compromised water systems;

WHEREAS, the City is responsible for maintaining infrastructure that includes storm sewer systems and drinking water;

WHEREAS, on October 6, 2021 the Planning and Zoning Commission conducted a public hearing and after consideration, hereby makes a recommendation of approval of this amendment; and

WHEREAS, on (date) the City Council conducted a public hearing and after consideration and recommendation by the Planning and Zoning Commission determined that the ordinance amendment be approved as provided herein.

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section 2. Amendment to Municipal Code of Ordinances. The City of Rollingwood, Texas Code of Ordinances, Section 101-250 – Storage of dirt, gravel and other pervious materials, is hereby amended by deleting (strike-through) and adding (underlined) language as follows:

The holder of a building permit, or the property owner for work where a building permit is not required, shall enclose with a silt fence or securely cover with a water-resistant tarp or other material any dirt, fill, gravel or other pervious material stored on the site for a period in excess of eight hours. All work, including landscaping, which may result in silt discharge into public streets or drainage ways is required to be enclosed by silt fencing or similar protection for the duration of work and/or until sod, turf, or other site stabilizing material has been installed.

Section 3. Severability. If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

Section 4. Repealer. This ordinance shall be cumulative of all other ordinances of the City of Bee Cave, and this ordinance shall not operate to repeal or affect any other ordinances of the City of Rollingwood except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, are hereby repealed.

Section 5. Effective Date. This Ordinance will take effect upon its adoption by the City Council.

PASSED AND APPROVED this _____ day of _____, 2021.

CITY OF ROLLINGWOOD, TEXAS

By: _____
Michael Dyson, Mayor

ATTEST:

Ashley Wayman, City Secretary

APPROVED AS TO FORM:

Charles E. Zech, City Attorney
DENTON NAVARRO ROCHA BERNAL & ZECH, PC

AGENDA ITEM SUMMARY SHEET

City of Rollingwood

Meeting Date: October 6, 2021

Submitted By:

Director of Development Carrie Caylor

Agenda Item:

Public hearing, discussion and possible action to approve and ordinance to add a definition for retaining walls to specify any fence or wall built or designed to retain or restrain lateral forces of soil or other materials said materials being similar in height to the height of the soil or other materials being retained.

Description:

At the September 31st Planning and Zoning Meeting, staff agreed to bring back an ordinance for final review of this item.

Action Requested:

Staff requests that the Planning and Zoning Commission approve the draft ordinance as written.

Fiscal Impacts:

N/A

Attachments:

- Ordinance Document

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ROLLINGWOOD APPROVING AN AMENDMENT TO THE CITY OF ROLLINGWOOD, TEXAS CODE OF ORDINANCES, PART II OF THE LAND DEVELOPMENT CODE, SECTION 107-3 DEFINITIONS; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council finds the City of Rollingwood (City) is a Texas General Law Municipality and the Texas Local Government Code authorizes the City of Rollingwood to exercise jurisdiction over City zoning as deemed appropriate by the City; 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, on October 6, 2021 the Planning and Zoning Commission conducted a public hearing and after consideration, hereby makes a recommendation of approval of this amendment; and

WHEREAS, on (date) the City Council conducted a public hearing and after consideration and recommendation by the Planning and Zoning Commission determined that the ordinance amendment be approved as provided herein.

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section 2. Amendment to Municipal Code of Ordinances. The City of Rollingwood, Texas Code of Ordinances, Part II Land Development Code; Section 107-3 Definitions, is hereby amended by deleting (strike-through) and adding (underlined) language as follows:

Retaining Wall means any fence or wall built or designed to retain or restrain lateral forces of soil or other materials, said fence or wall being similar in height to the height of the soil or other materials being retained.

Section 3. Severability. If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

Section 4. Repealer. This ordinance shall be cumulative of all other ordinances of the City of Bee Cave, and this ordinance shall not operate to repeal or affect any other ordinances of the City of Rollingwood except insofar as the provisions thereof might be inconsistent or in

conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, are hereby repealed.

Section 5. Effective Date. This Ordinance will take effect upon its adoption by the City Council.

PASSED AND APPROVED this _____ day of _____, 2021.

CITY OF ROLLINGWOOD, TEXAS

By: _____
Michael Dyson, Mayor

ATTEST:

Ashley Wayman, City Secretary

APPROVED AS TO FORM:

Charles E. Zech, City Attorney
DENTON NAVARRO ROCHA BERNAL & ZECH, PC

AGENDA ITEM SUMMARY SHEET

City of Rollingwood

Meeting Date: October 6, 2021

Submitted By:

Director of Development Carrie Caylor

Agenda Item:

Public hearing, discussion and possible action to approve an ordinance for driveways that limits residential lots to not more than 3 total curb cuts, and not more than 2 on a single street frontage, and limits the total combined width of aprons to not exceed a total of 45 feet

Description:

At the August 31st meeting, staff agreed to bring back an ordinance for P&Z to consider adopting based on the recommendations discussed in the meeting.

Action Requested:

Staff requests that the Commission approve the ordinance as written.

Fiscal Impacts:

N/A

Attachments:

- Ordinance Document

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ROLLINGWOOD APPROVING AN AMENDMENT TO THE CITY OF ROLLINGWOOD, TEXAS CODE OF ORDINANCES, PART I CODE OF ORDINANCES, SECTION 28-70 DRIVEWAYS WITH MORE THAN ONE CURB CUT; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council finds the City of Rollingwood (City) is a Texas General Law Municipality and the Texas Local Government Code authorizes the City of Rollingwood to exercise jurisdiction over City zoning as deemed appropriate by the City;

WHEREAS, driveways are a means of ingress and egress from residential lots;

WHEREAS, ingress and egress from residential lots needs to be safe for both public benefit and property owner benefit;

WHEREAS, there has been continued desire to maintain open frontage on residential lots;

WHEREAS, there are frontage requirements for residentially zoned lots;

WHEREAS, on October 6, 2021 the Planning and Zoning Commission conducted a public hearing and after consideration, hereby makes a recommendation of approval of this amendment; and

WHEREAS, on (date) the City Council conducted a public hearing and after consideration and recommendation by the Planning and Zoning Commission determined that the ordinance amendment be approved as provided herein.

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section 2. Amendment to Municipal Code of Ordinances. The City of Rollingwood, Texas Code of Ordinances, Section 28-70 Driveways with more than one curb cut, is hereby amended by deleting (strike-through) and adding (underlined) language as follows:

Circular driveways or continuous driveways with more than one curb cut are allowed, provided that all other aspects of the building permit are in order and full compliance is made with all applicable city ordinances, and the following:

- (1) The centerlines of the driveways are no closer to each other than 35 feet.
- (2) The edge of any resulting driveway is not closer to the side property line than five feet.
- (3) The grade of the driveway is such that it provides positive drainage to the street, or, if

that is not possible due to topography, drainage structures or grading/landscaping is provided to ensure that drainage from the driveway does not cause flow onto another property in such a manner as to cause damage to that property.

- (4) Circular driveways or continuous driveways with more than one curb cut shall be allowed on only one street on corner lots. This includes driveways that cut across corner lots from one street to the intersection street.
- (5) Each residential lot shall maintain not more than three (3) total curb cuts, with no more than two curb cuts on a single street frontage.
- (6) The total combined widths of all aprons on a residential lot shall not exceed a combined width of forty-five (45) feet.

Section 3. Severability. If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

Section 4. Repealer. This ordinance shall be cumulative of all other ordinances of the City of Bee Cave, and this ordinance shall not operate to repeal or affect any other ordinances of the City of Rollingwood except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, are hereby repealed.

Section 5. Effective Date. This Ordinance will take effect upon its adoption by the City Council.

PASSED AND APPROVED this _____ day of _____, 2021.

CITY OF ROLLINGWOOD, TEXAS

By: _____
Michael Dyson, Mayor

ATTEST:

Ashley Wayman, City Secretary

APPROVED AS TO FORM:

Charles E. Zech, City Attorney

DENTON NAVARRO ROCHA BERNAL & ZECH, PC

AGENDA ITEM SUMMARY SHEET

City of Rollingwood

Meeting Date: October 6, 2021

Submitted By:

Director of Development Carrie Caylor

Agenda Item:

Public hearing, discussion and possible action to approve an ordinance to update Chapter 107, Article 5, Division 3, Board of Adjustment of the City of Rollingwood Code of Ordinances to meet State requirements.

Description:

The Code of Ordinances section governing the Board of Adjustment requires updates that reflect recent changes made in the legislative session, and generally bring it into alignment with State Local Government Code. The code has been re-written in the ordinance to reflect those changes as well as make it generally easier to read.

Action Requested:

Staff requests that the Commission approve the ordinance as written.

Fiscal Impacts:

N/A

Attachments:

- Ordinance Document

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ROLLINGWOOD APPROVING AN AMENDMENT TO THE CITY OF ROLLINGWOOD, TEXAS CODE OF ORDINANCES, PART II OF THE LAND DEVELOPMENT CODE, DIVISION III BOARD OF ADJUSTMENT; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council finds the City of Rollingwood (City) is a Texas General Law Municipality and the Texas Local Government Code authorizes the City of Rollingwood to exercise jurisdiction over City zoning as deemed appropriate by the City; 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, on October 6, 2021 the Planning and Zoning Commission conducted a public hearing and after consideration, hereby makes a recommendation of approval of this amendment; and

WHEREAS, on (date) the City Council conducted a public hearing and after consideration and recommendation by the Planning and Zoning Commission determined that the ordinance amendment be approved as provided herein.

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section 2. Addition to Municipal Code of Ordinances. The City of Rollingwood, Texas Code of Ordinances, are hereby amended as set forth on Exhibit A hereto.

Section 3. Severability. If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

Section 4. Repealer. This ordinance shall be cumulative of all other ordinances of the City of Rollingwood, and this ordinance shall not operate to repeal or affect any other ordinances of the City of Rollingwood except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any,

are hereby repealed.

Section 5. Public Meeting. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all required by Chapter 551, as amended, Texas Government Code.

Section 6. Effective Date. This Ordinance will take effect upon its adoption by the City Council.

PASSED AND APPROVED this _____ day of _____, 2021.

CITY OF ROLLINGWOOD, TEXAS

By: _____
Michael Dyson, Mayor

ATTEST:

Ashley Wayman, City Secretary

APPROVED AS TO FORM:

Charles E. Zech, City Attorney
DENTON NAVARRO ROCHA BERNAL & ZECH, PC

Exhibit A

Section 107-490 through Section 107-515 are hereby repealed and replaced with the following:

Sec.107-490 Duties

The board of Adjustment shall have the following duties:

- (a) The board may hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the City's zoning regulations
- (b) The board is authorized to hear and decide a special exception to the zoning regulations as allowed by Sec.107-492
- (c) The board may authorize variances from the terms of City's zoning regulations provided that the variance as will not be contrary to the public interest, and due to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done.
- (d) The board shall determine, in cases of uncertainty, the classification of any use not specifically named in this zoning ordinance.

Sec.107-491 Appeals based on error**(a) *Applicability***

The board may hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter.

(b) *Submittal and Processing of Appeal*

An appeal by a person aggrieved by a decision of an administrative official must be filed with the City Administrator or his/her designee no later than the 20th day after the date the decision was made. An appeal shall contain a written statement of the reasons why the decision is erroneous and shall be accompanied by a filing fee established by the City Council. An appeal may include any other documents that support the position of the appellant. Upon filing of the appeal, the City Administrator or his/her designee shall promptly transmit to the board all of the papers constituting the record of action that is appealed.

(c) *Stays of Proceedings*

An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the board or a court of record on application, after notice to the official, if due cause is shown.

(d) *Notice*

Public notice of the appeal hearing shall be given through posting of the meeting agenda. Notice of the appeal hearing shall be mailed at least ten (10) days before the hearing date to the following persons at the address shown on the current tax rolls of the city and deposit of the notices in the U.S. mail will be deemed compliance with this requirement:

- (i) The appellant.
- (ii) The owners of the property located within 250 feet of any point of the lot the appeal is requested for.

(e) *Hearings*

At the hearing, any party may appear in person or by agent or by attorney. All testimony shall be given in a manner prescribed by the rules of the board. Hearings conducted by the board shall be open to the public; however, the board may meet in executive session pursuant to V.T.C.A., Government Code ch. 551.

(f) *Decision by the Board*

The board shall set a reasonable time for the appeal hearing and shall give public notice of the hearing and due notice to the parties in interest. The board shall decide the appeal at the next meeting for which notice can be provided following the hearing and not later than the 60th day after the date of the appeal is filed. In exercising its authority under this subsection, the board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the board has the same authority as the administrative official.

(g) *Time Limit*

If the board grants relief on an appeal, a new development application or permit application shall be submitted within 180 days after the date of such approval or the appeal shall become null and void.

(h) *Notification of Decision on Appeal*

The appellant shall be notified of the decision on the appeal.

Sec.107-492 Special Exceptions

(a) *Purpose*

The board is authorized to hear and decide a special exception to the zoning regulations which are not permitted by right in a particular district because of potential adverse effect, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted by the board, where specifically authorized by Sec.107-492 (d). A special exception is an allowed variation from the zoning regulations, but is differentiated from a variance as the term is used in this Zoning Ordinance by the following:

- (1) A special exception does not require a finding of an unnecessary hardship.
- (2) Specifically allowed and pre-determined by Sec.107-492(d).

(b) *Application Requirements*

Any request for a special exception shall be accompanied by an application prepared in accordance with the City's application rules in effect at the time of submittal and payment of a filing fee in the amount established by the city council and set forth in the fee schedule on file with the city.

(c) *Processing of Application and Decision*

- (1) *Submittal.* An application for a special exception shall be submitted to the City Administrator or his/her designee. The City Administrator or his/her designee shall review the application for completeness in accordance with Section 105-23. The City Administrator or his/her designee may, at its option, request a recommendation from any other appropriate City department or consultant. The City Administrator or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the City Administrator or his/her designee shall forward a written recommendation to the board for consideration.
- (2) *Notice.* An application for a special exception requires mailed notice of the public hearing. The notice must be mailed at least ten (10) days before the hearing date to the following persons at the address shown on the current tax rolls of the city and deposit of the notices in the U.S. mail will be deemed compliance with this requirement:

- (i) The petitioner.
 - (ii) The owners of the property located within 250 feet of any point of the lot the special exception is requested for.
- (3) *Decision by the Board.*
- (i) The board shall receive the recommendation of the City Administrator or his/her designee and shall hold a public hearing. The board may vote to approve, approve with conditions, or deny the special exception.
 - (ii) The board may, on its own motion or by request of the property owner, postpone consideration of the special exception in order to review additional information or modifications which may have a direct bearing on the final decision.
 - (iii) The concurring vote of four members of the board shall be necessary to grant any special exception.
- (d) *Special Exception Authorized*
When, in the board's judgment, the public convenience and welfare will be substantially served and neighboring property will not be substantially or permanently injured, the board may, in a specific case, after public notice and hearing, grant the following special exceptions from the requirements of this chapter:
- (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;
 - (3) 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
 - (4) Permit modifications to lot area, lot dimensions, or height requirements of a district for a public utility or public service building when it is found reasonably necessary for the public health, convenience, safety, or general welfare.
 - (5) The board may grant such other special exceptions as may be provided for elsewhere in this zoning ordinance, subject to the terms and conditions therein set out.
- (e) *Findings*
Prior to granting a special exception, the board shall make a finding that it is empowered under this zoning ordinance to grant the special exception, and that the grant of the special exception will not adversely affect the public health, convenience, safety or general welfare.
- (f) *The Board may Impose Conditions*
In granting a special exception, the board may prescribe appropriate conditions and safeguards in conformity with this zoning ordinance.
- (g) *Time Limit*
The board shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

Sec.107-493 Variances

- (a) *Purpose*
The board may authorize variances from the terms of this chapter provided that the variance as will not be contrary to the public interest, and due to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship, and so that the spirit of this ordinance shall be observed

and substantial justice done. Approval of a variance authorizes a property owner to submit subsequent development applications consistent with the approved variance

(b) *Application Requirements*

Any request for a variance shall be accompanied by an application prepared in accordance with the City's application rules in effect at the time of submittal and payment of a filing fee in the amount established by the city council and set forth in the fee schedule on file with the city.

(c) *Processing of Application and Decision.*

(1) *Submittal.* An application for a variance shall be submitted to the City Administrator or his/her designee. The City Administrator or his/her designee shall review the application for completeness in accordance with Section 105-23. The City Administrator or his/her designee may, at its option, request a recommendation from any other appropriate City department or consultant. The City Administrator or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the City Administrator or his/her designee shall forward a written recommendation to the board for consideration.

(2) *Notice.* An application for a variance requires mailed notice of the public hearing. The notice must be mailed at least ten (10) days before the hearing date to the following persons at the address shown on the current tax rolls of the city and deposit of the notices in the U.S. mail will be deemed compliance with this requirement:

- (i) The petitioner.
- (ii) The owners of the property located within 250 feet of any point of the lot the variance is requested for.

(3) *Decision by the Board.*

- (i) The board shall receive the recommendation of the City Administrator or his/her designee and shall hold a public hearing. The board may vote to approve, approve with conditions, or deny the variance.
- (ii) The board may, on its own motion or by request of the property owner, postpone consideration of the variance in order to review additional information or modifications which may have a direct bearing on the final decision.
- (iii) The concurring vote of four members of the board shall be necessary to grant any variance.
- (iv) The approval shall be effective for a period of 180 days after the date of such approval. If no associated development application or permit application is submitted within that time, the variance shall become null and void.

(d) *Criteria for Zoning Variance Approval*

In order to make a finding of a hardship and grant a variance the board must determine the following:

- (1) The variance is not contrary to the public interest;
- (2) Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship;
- (3) The variance, if granted, would be the minimum necessary relief required to alleviate the unnecessary hardship.
- (4) By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done;
- (5) Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the subject property is located;

- (6) Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located; and
- (7) Such the plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located;
- (8) In considering a variance as applied to a structure, the board may consider the following as grounds to determine whether an unnecessary hardship would result from compliance with the ordinance:
 - (i) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code;
 - (ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
 - (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
 - (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - (v) the municipality considers the structure to be a nonconforming structure.

Sec. 107-494. Limitations.

No appeal, request for a variance nor application for a special exception may be filed by the same applicant within 180 days of the date upon which the board denied such appeal, request or application, unless other property in the immediate vicinity has, within the 180-day period, been changed or acted on by the board or city council so as to alter the facts and conditions upon which the previous board action was based. Such change of circumstances shall permit the rehearing of an appeal, request or application by the board prior to the expiration of the 180-day period, but such conditions shall in no way have any force in law to compel the board to reconsider the appeal, request or application. Such subsequent rehearing shall be considered entirely on its merits and the peculiar and specific conditions related to the property with reference to which such proceeding is brought.

Sec. 107-495. Appeals from the board of adjustment.

Any person, jointly or severally, aggrieved by any decision of the board, or any taxpayer, officer, department, or board of the city may present any such matter to a court of competent jurisdiction for review, after the final action of the board thereon, and in the manner and upon the terms provided by the laws of the state, including Texas Local Government Code Sec.211.011

Secs. 107-496—107-515. Reserved.