



CITY OF ROLLINGWOOD COMPREHENSIVE RESIDENTIAL CODE REVIEW COMMITTEE AGENDA

Thursday, September 26, 2024

Notice is hereby given that the Comprehensive Residential Code Review Committee of the City of Rollingwood, Texas will hold a meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on September 26, 2024 at 5:00 PM. Members of the public and the Comprehensive Residential Code Review Committee may participate in the meeting virtually, as long as a quorum of the Comprehensive Residential Code Review Committee and the presiding officer are physically present at the Municipal Building, in accordance with the Texas Open Meetings Act. The public may watch this meeting live and have the opportunity to comment via audio devices at the link below. The public may also participate in this meeting by dialing one of the toll-free numbers below and entering the meeting ID and Passcode.

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

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

Meeting ID: 530 737 2193

Password: 9fryms

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

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

1. Roll Call

PUBLIC COMMENTS

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

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

CONSENT AGENDA

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

- 2. Discussion and possible action on the minutes from the September 4, 2024 joint City Council, Planning and Zoning Commission, and CRCRC meeting
- 3. Discussion and possible action on the minutes from the September 10, 2024 CRCRC meeting
- 4. Discussion and possible action on a recommendation regarding CRZ protection during construction

REGULAR AGENDA

- 5. Discussion and possible action on emails and letters to the CRCRC from September 10, 2024 to September 25, 2024
- 6. Discussion on the unintentional release of survey identities
- 7. Discussion and possible action regarding final CRCRC additions and/or changes, if any, to its Residential Building Heights proposal
- 8. Discussion and possible action on tree removal fee recommendations
- 9. Discussion and possible action on CRCRC positions on drainage, impervious cover, and FAR
- 10. Discussion and possible action regarding setback requirements as related to vegetative barriers between lots

ADJOURNMENT OF MEETING AND PUBLIC WORKSHOP

CERTIFICATION OF POSTING

I hereby certify that the above Notice of Meeting was posted on the bulletin board at the Rollingwood Municipal Building, in Rollingwood, Texas and to the City website at www.rollingwoodtx.gov on Monday, September 23, 2024 at 5:00 p.m.

Ashley Wayman
Ashley Wayman, City Administrator

NOTICE -

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

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

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



**CITY OF ROLLINGWOOD
JOINT CITY COUNCIL, PLANNING AND ZONING COMMISSION AND
COMPREHENSIVE RESIDENTIAL CODE REVIEW COMMITTEE
MINUTES**

Wednesday, September 04, 2024

The City Council, Planning and Zoning Commission, 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 September 4, 2024. Members of the public and the City Council, Planning and Zoning Commission, and Comprehensive Residential Code Review Committee were able to participate in the meeting virtually, as long as a quorum of the City Council, Planning and Zoning Commission, and Comprehensive Residential Code Review Committee 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 JOINT CITY COUNCIL, PLANNING AND ZONING COMMISSION AND COMPREHENSIVE RESIDENTIAL CODE REVIEW COMMITTEE MEETING TO ORDER

1. Roll Call

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

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

Present Planning and Zoning Commission Members: Chair Dave Bench, Jerry Flemming, Michael Hall, Brian Nash, Genie Nyer, Tony Stein, and Michael Rhodes (Virtually)

Present CRCRC Members: Chair Dave Bench, Jay van Bavel, Duke Garwood, and Alex Robinette

Brian Rider joined the meeting at 6:08 p.m.

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

PUBLIC COMMENTS

There were no public comments.

REGULAR AGENDA

2. Discussion regarding recommendations from the CRCRC regarding residential landscape and tree canopy management

Brian Rider joined the meeting at 6:08 p.m.

City Administrator Ashley Wayman explained that the recommendations from CRCRC have been reviewed by City Council and are in draft ordinance form. She stated that the item was not posted for action.

Jay van Bavel, 5012 Timberline Drive and member of the CRCRC, explained the recommended changes to the tree maintenance ordinance. Mr. Van Bavel discussed added definitions, tree replacement, and tree removal.

City Council asked questions of Mr. Van Bavel regarding the heritage trees, protected trees, and critical root zones.

Tony Stein, 5012 Timberline Drive and member of the Planning and Zoning Commission, asked questions of Mr. van Bavel on how scenarios would apply to the recommendations and long-term management.

City Administrator Ashley Wayman discussed the next steps for the residential landscape and tree canopy management recommendations.

3. Discussion regarding recommendations from the CRCRC regarding residential building height and related provisions

City Administrator Ashley Wayman explained the items in the packet.

Duke Garwood, 5 Rock Way Cove and member of the CRCRC, discussed his experience on the CRCRC as well as complimented Alex Robinette for her work on the committee.

Alex Robinette, 2501 Bettis Boulevard and member of the CRCRC, shared a history of the CRCRC recommendations. She discussed building height, the building height survey results, alternative building height methods, and how other cities are measuring height.

Members of City Council asked questions of Ms. Robinette regarding building height methods as well as discussed building height and special exceptions.

City Attorney Charles Zech stated the difference between a special exception and a variance.

Members of City Council and the Planning and Zoning Commission continued discussion on building height with Alex Robinette.

Shanthi Jayakumar, 3309 Park Hills Drive, thanked City Council, Planning and Zoning Commission, and the CRCRC for their service as well as discussed feedback and building height.

Jeff Ezell, 4709 Timberline Drive, discussed a home in Rollingwood and the parallel plane method. He also discussed alternative building height methods.

City Council members asked questions of Mr. Ezell regarding parallel plane and alternative building height methods.

Ryan Clinton, 4714 Timberline Drive, presented an example to represent a sloped lot and discussed the role of the Planning and Zoning Commission as well as building height in other cities.

City Council and members of the CRCRC asked questions of Ryan Clinton in regard to building height.

Members of the CRCRC and the City Council discussed building height, the parallel plane method, and building height in other cities.

Genie Nyer, 206 Ashworth Drive and member of the Planning and Zoning Commission, discussed the building height survey and vegetative barriers.

Amy Patillo, 3 Rock Way Cove, shared her appreciation for the CRCRC’s consideration to her concerns and expressed other considerations.

City Council discussed survey participation and thanked everyone for their efforts.

Tony Stein, 5012 Rollingwood Drive and member of the Planning and Zoning Commission, thanked members of the CRCRC and discussed his desire to have a simple solution for building height.

Mayor Gavin Massingill thanked everyone for their participation.

4. Discussion regarding recommendations from the CRCRC regarding side yard projections in the Residential Zoning District

City Administrator Ashley Wayman discussed the attachments in the packet.

Chair Dave Bench discussed side yard projections and recommendations.

Members of City Council and the Planning and Zoning Commission asked questions of Mr. Bench regarding eaves and the building height survey.

Alex Robinette explained the side yard projection recommendations.

Members of the Planning and Zoning Commission continued to discuss and ask questions about side yard projections and drainage.

Jeff Ezell, 4709 Timberline Drive, stated that he agrees with limitations for projections and asked questions regarding setbacks.

5. Discussion and possible action on a recommendation from the CRCRC that the City Council and Planning and Zoning Commission hold a workshop regarding the proposed amendments related to residential building height

Mayor Gavin Massingill explained the purpose of the item and discussed the concept of the CRCRC workshop.

Thom Farrell, 3223 Park Hills Drive and member of the CRCRC, discussed the desire to hold a CRCRC workshop.

Members of City Council and Thom Farrell discussed what parties should be present for the workshop as well as building height proposals.

Council Member Alec Robinson stated his support for the workshop.

- 6. Discussion and possible action to schedule future public meetings or hearings, which may be joint meetings, or public hearings, regarding topics including but not limited to residential building height, side yard projections, and residential landscape and tree canopy management

City Administrator Ashley Wayman explained the intent of the item.

City Council asked questions regarding the recommendation approval process and future meeting dates.

City Administrator Ashley Watman discussed the public hearing process.

Mayor Gavin Massingill and Chair Dave Bench discussed next steps.

Members of Planning and Zoning discussed future meetings. They agreed to meet on Tuesday, September 10, 2024.

ADJOURNMENT OF MEETING

The meeting was adjourned at 9:15 p.m.

Minutes adopted on the _____ day of _____, 2024.

Gavin Massingill, Mayor

ATTEST:

Ashley Wayman, City Administrator

Minutes adopted on the _____ day of _____, 2024.

Dave Bench, Chair

ATTEST:

Ashley Wayman, City Administrator

Minutes adopted on the _____ day of _____, 2024.

Dave Bench, Chair

ATTEST:

Ashley Wayman, City Administrator



CITY OF ROLLINGWOOD COMPREHENSIVE RESIDENTIAL CODE REVIEW COMMITTEE AGENDA

Tuesday, September 10, 2024

The CRCRC of the City of Rollingwood, Texas held a meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on September 10, 2024. Members of the public and the CRCRC were able to participate in the meeting virtually, as long as a quorum of the CRCRC and the presiding officer were physically present at the Municipal Building, in accordance with the Texas Open Meetings Act. A video recording of the meeting was made and will be posted to the City's website and available to the public in accordance with the Texas Public Information Act upon written request.

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

1. Roll Call

Chair Dave Bench called the meeting to order at 5:02 p.m.

Present Members: Chair Dave Bench, Jay van Bavel, Thom Farrell, Duke Garwood, and Brian Rider

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

PUBLIC COMMENTS

There were no public comments.

CONSENT AGENDA

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

Thom Farrell moved to approve the meeting minutes. Jay van Bavel seconded the motion. The motion carried with 5 in favor and 0 against.

REGULAR AGENDA

3. Discussion and possible action on emails and letters to the CRCRC from August 27, 2024 to September 9, 2024

The CRCRC discussed the emails received during the timeframe. They discussed the parallel plane method and feedback from the community.

4. Discussion and possible action regarding late CRCRC additions, if any, to its Residential Building Heights proposal

Chair Dave Bench discussed the joint City Council, Planning and Zoning Commission, and CRCRC meeting.

Thom Farrell stated that he would like Alex Robinette to be present before moving forward with the recommendations.

Thom Farrell moved to table the item. Duke Garwood seconded the motion.

The CRCRC discussed slope lots and the joint City Council, Planning and Zoning, and CRCRC meeting. Chair Dave Bench discussed next steps.

The CRCRC continued discussion on the joint City Council, Planning and Zoning, and CRCRC meeting.

Jerry Fleming, 305 Nixon Drive, discussed and asked questions regarding elevations. Development Services Manager Nikki Stautzenberger provided clarity on elevation measurement.

Brian Rider moved to amend the motion to table this item and commit to finalizing the building height recommendations at the next meeting. Thom Farrell seconded the motion. The motion carried with 5 in favor and 0 against.

5. Discussion and possible action on Critical Root Zone (CRZ) protection during construction

Jay van Bavel reviewed the Critical Root Zone protection language with the CRCRC. He asked questions of Development Services Manager Nikki Stautzenberger regarding language clarification.

Mr. van Bavel continued to review the Critical Root Zone protection language. The CRCRC discussed changes to the proposed language.

Jay van Bavel moved to adopt the verbiage and to send it to Planning and Zoning if approved. Brian Rider seconded the motion. The motion carried with 5 in favor and 0 against.

6. Discussion and possible action regarding HVAC unit placement in yards

Chair Dave Bench stated that he would like to specify where HVAC systems are allowed to be in yards. The CRCRC discussed HVAC system locations.

Development Services Manager Nikki Stautzenberger explained that locations for HVAC systems and related systems are not addressed within the code. She stated that she would like to have clarification within the code regarding this matter.

The CRCRC and Jerry Fleming discussed setbacks and locations for HVAC systems.

Tony Stein, 5012 Rollingwood Drive and member of Planning and Zoning, shared his experience with his pool and setbacks in his property.

Duke Garwood moved to allow HVAC in the setback with screening, vegetative, or structure in setback, not in front yards. Thom Farrell seconded the motion.

The CRCRC and Jerry Fleming discussed the zoning code and setbacks. They also discussed generators and the motion language. They continued discussion on yards and locations for HVAC systems.

Duke Garwood amended his motion to allow HVAC exterior equipment inside minimum side yard setbacks with screening, vegetative, or structured from public view, not in front yards, Generators, not in minimum side yards or front yards, Pool equipment, not in minimum side yards or front yards. Thom Farrell seconded the motion.

Jerry Fleming proposed a rewrite of the setback minimum yards.

The motion carried with 3 in favor 2 against (Bench and van Bavel).

- 7. Discussion and possible action regarding vegetative barriers between lots

The CRCRC discussed suggestions on how to add privacy between lots.

Tony Stein, 5012 Rollingwood Drive and member of the Planning and Zoning Commission, discussed vegetative screening and Genie Nyer’s lot.

Chair Dave Bench moved to bring Genie Nyer in the conversation. Thom Farrell seconded the motion. The motion carried with 5 in favor and 0 against.

- 8. Discussion and possible action regarding drainage structures between lots

The CRCRC discussed the drainage control manual, drainage structures in the setback, drainage features, and critical root zone.

Thom Farrell moved to table item 8. Jay van Bavel seconded the motion. The motion carried with 5 in favor and 0 against.

ADJOURNMENT OF MEETING AND PUBLIC WORKSHOP

The meeting was adjourned at 6:36 p.m.

Minutes adopted on the _____ day of _____, 2024.

Dave Bench, Chair

ATTEST:

Ashley Wayman, City Administrator

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

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

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

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

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

Ashley Wayman

From: Alexandra Robinette [REDACTED]
Sent: Saturday, September 7, 2024 12:18 PM
To: [REDACTED]
Cc: Ashley Wayman; Makayla Rodriguez; Nikki Stautzenberger
Subject: Fwd: Rollingwood meeting tonight - my opposition

(RW Staff - please share with Council, P&Z, CRCRC)

Hi Michael,

Thank you for taking the time to share your concerns. I'm familiar with your property and have discussed it on several occasions with other CRCRC members with an eye towards insuring that it would be okay. We recognize your situation is challenging, but even considering what you have built, if we apply the parallel plane method, only the top of your highest roof exceeds the plane by about 3ft. There is nothing about the design of your home that even triggers a concern to anyone - it's a perfectly lovely solution to a challenging location.

I know a lot of information has been thrown around that gives the impression that homeowners on sloping lots should be very concerned, but that is simply not the case. Alternate "new" suggestions others are making have actually long been in our packets for consideration. There are numerous misrepresentations of what other cites do, suggesting they offer additional height forgiveness on sloped lots where we don't, but omit the fact that the maximum height is only 25' in many of those cites. When the additions are applied, they basically match what we have recommended.

We have been researching this for 18 months, talking to numerous planning authorities and architects in other cities, all while looking carefully at plans for over 60 homes in RW. The use of parallel plane is a newer concept being used in many cities of similar size, topography, economics, and proximity to major growing cities, slowly replacing the single point measurements used more frequently in the past. The City of Westlake uses this method, and local architects are familiar with how it works. City staff have also been in our meetings and one on one conversations as we discuss solutions that work for them as well.

There are a few lots along Timberline that are likely built out as far as practical given the topography, steepness, and instability of the terrain beyond. They are already limited by our current rules, the new suggestions would not be taking anything away than they currently have. I'm not an engineer, but I would think it unwise to risk building a support structure for a home for my family on an actively crumbling hillside. I'm sure it can be done at great expense. Instead those homes could build higher than what they have currently, or we are also considering exceptions where their front setbacks could be shrunk to allow for more flat, stable area on which to build. Even beyond that, if they wanted to cantilever, we are open to a solution that allows them to build to the max height provided they use a columned-support system that is open underneath when the height exceeds some amount, not yet determined.

At the very least, I want to assure you that we are hearing your concerns and have been doing everything we can to offer solutions that we believe will work for challenging lots without impacting neighbors privacy, or the character of the neighborhood as a whole. Here are some of the current solutions that have been considered as exceptions:

- facing an established green space
- the top of a sloped roof would be granted leniency for exceeding the parallel plane by some measure, maybe up to 5ft., with some limitation on the length of that roof so that it is not running across the entire buildable area - i.e. in the center of a lot, and not the edges. Flat roofs have greater restrictions.
- Being some distance lower than street level

Allowing excavations below grade that exceed overall maximum height, measured differently for sloped and flat roofs

- Narrowing setbacks on lots that are greatly limited as an overall, including those that have demonstrated a need for property tax breaks due to a high percentage of unbuildable area

A Special Exception is recommended that allows any outliers we haven't addressed to be granted a variance.

We have also suggested simply using the current rules on the book that allow people to choose the higher or lower grade as a reference datum, but enforce Sec. 107-71 Maximum Permissible Height, which says nothing can exceed 35ft., with the exception of chimneys, etc. The tenting rules we have suggested would also be applied.

Always happy to discuss further.

Kindly,
Alex
512-656-8272

Begin forwarded message:

From: Ashley Wayman <awayman@rollingwoodtx.gov>
Subject: FW: Rollingwood meeting tonight - my opposition
Date: September 4, 2024 at 1:45:55 PM CDT
To: Ashley Wayman <awayman@rollingwoodtx.gov>
Cc: Makayla Rodriguez <mrodriguez@rollingwoodtx.gov>, Nikki Stautzenberger <nstautz@rollingwoodtx.gov>

*The Mayor, Council, Planning and Zoning Commission and CRCRC Members are blind copied on this email.

Hi All,

Please see the email below from Michael Connors.

Thanks,
Ashley

Ashley Wayman
City Administrator
 City of Rollingwood
 (512) 327-1838
www.rollingwoodtx.gov



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

Hi -

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

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

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

My point is:


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

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

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

Thanks.

Mike

 Outlook

Re: Height ordinance discussion

From Alexandra Robinette [REDACTED]**Date** Thu 9/19/2024 5:47 PM**To** [REDACTED]**Cc** Makayla Rodriguez <mrodriguez@rollingwoodtx.gov>; Nikki Stautzenberger <nstautz@rollingwoodtx.gov>; Ashley Wayman <awayman@rollingwoodtx.gov>

Hi Virginia,

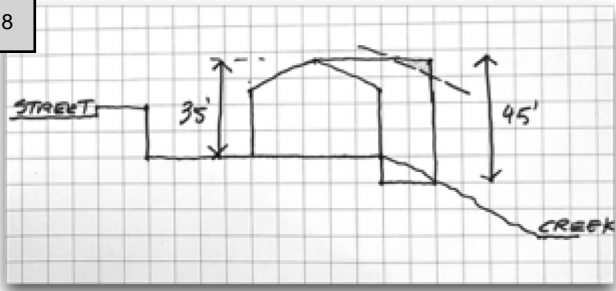
Thank you for taking the time to share your concerns about current building height measurement recommendations. It's a complex topic that is not easy to summarize beyond what most people probably want to read, but given your interest and concern, I wanted to do what I can to give more context.

I had an opportunity to visit your property last week with Phil McDuffy and meet your husband, Jim. Based on my observation, I would assume that you all agree that you are likely built out as far as practical given the topography, steepness, and instability of the terrain beyond. I'm sure it can be done at some expense. It has been suggested on numerous occasions that a cantilever could be allowed to the max height, provided you use a columned-support system that is open underneath when the height exceeds some amount, since the overall height of the support structure itself could be close to 20' in your situation.

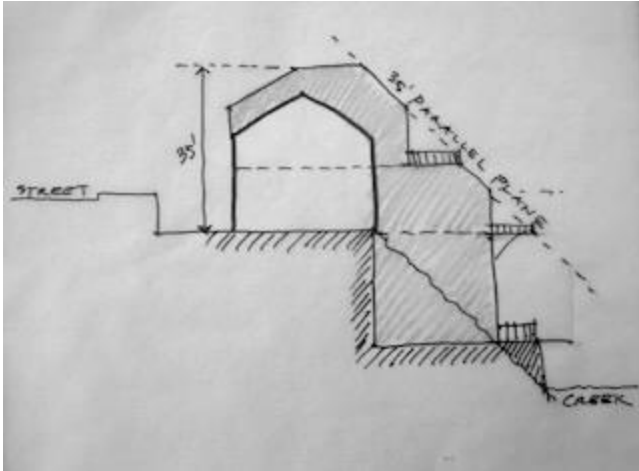
To that end, it does seem likely that you are also limited by current RW rules in terms of what you can build beyond the cliff edge. The most you could build would be up to 45' starting from the lowest point of the building footprint, which would limit how high you can build on the flat portion above. I'm guessing your house right now is around 25' tall. I'm sure it is preferred to build up to 35' on the flat portion. Beyond that, you would be limited to an additional 10' of structure below on the steep slope. And because of the nature of the steep slope, you would start to need a lot of exposed foundation, which has to be included in the overall 45' - so by basic geometry it limits how far out you can go towards the creek.

I made this very rough sketch showing how you can build up to 35', but also the limits based on overall height.

The small triangulated blue area is the only piece affected by a "parallel plane". This has been the intent all along is to just cut off the upper portion of the intentionally tall structures that people are complaining about. You wouldn't be losing lots of volume, in fact, if your slope is 20%, the most you would lose is 2% of the total volume, as calculated by finding the area of the parallelogram with respect to a rectangle.



This second sketch is showing what you can do under parallel plane - you can exceed the 45' as you work your way down the hillside, so long as you stay under the 35' parallel plane. So in theory, you can add a substantial amount of additional volume.



Parallel plane would stop this home at the blue line. Others in the community have suggested alternative height measurement options that allow this home to be even taller.



While “parallel plane” sounds like an obscure term, it’s currently being used in Westlake Hills, Dripping Springs, and an increasing number of US cities (in WA, OR, CA, MT, CO, NC) of similar size, topography, economics, and adjacency to a major growing city. We certainly didn’t invent it! It is viewed more as a building cap that protects the air space above an existing lot, and therefore the privacy of neighbors and the scale and context of the community. What is most interesting is that when you apply it to nearly all of the sloping properties in RW, you find that they built following a “terraced” format, which doesn’t necessarily refer to the ground level being stepped, but rather the height of the volumes

ve. These homes have broad first levels, not "split level". Parallel plane simply codifies best practices.

I know a lot of information has been thrown around that gives the impression that homeowners on sloping lots should be very concerned, but that is simply not the case - math doesn't lie! There are numerous misrepresentations of what other cites do, suggesting they offer additional height forgiveness on sloped lots where we don't, but omit the fact that the maximum height is only 25' in many of those cites. Our max height of 35' gives a lot more flexibility and area in which to build.

I hope that you will reach out any time to me or any one on CRCRC or council if you have any questions, this is a lot to unpack.

Very best,
Alex Robinette
2500 Hatley Dr.
512-656-8272

On Sep 4, 2024, at 11:43 AM, Ashley Wayman <awayman@rollingwoodtx.gov> wrote:

*The Mayor, Council, Planning and Zoning Commission and CRCRC Members are blind copied on this email.

Hi All,

Please see the email below from Virginia Bettis.

Thanks,
Ashley

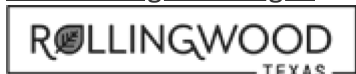
Ashley Wayman

City Administrator

City of Rollingwood

(512) 327-1838

www.rollingwoodtx.gov



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

Hi Ashley, this is Virginia Bettis.

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

I appreciate your help. Thank you

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

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

From: **Virginia Bettis** [REDACTED]

Date: Tue, Jul 16, 2024 at 8:03 PM

Subject: Height ordinance discussion

To: Gavin Massingill <gmassingill@rollingwoodtx.gov>, <arobinson@rollinngwoodtx.gov>, <bbrown@rollingwoodtx.gov>, <kglasheen@rollingwoodtx.gov>, <pmcduffee@rollingwoodtx.com>, <shutson@rollingwoodtx.gov>

Hi everyone,

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

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

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

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

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

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

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

These are Our concerns.

Thank you,

Virginia and Jim Bettis

4712 Timberline Dr, Rollingwood, TX 78746

 Outlook

CRCRC: Agenda Item 6: Context and Clarification

From Wendi Hundley [REDACTED]
Date Wed 9/25/2024 7:59 AM
To CRCRC <CRCRC@rollingwoodtx.gov>
Cc Makayla Rodriguez <mrodriguez@rollingwoodtx.gov>; Ashley Wayman <awayman@rollingwoodtx.gov>

Dear CRCRC Members,

I've reviewed the agenda packet, specifically item number 6, and since my name and request are mentioned, I kindly ask that this email be included as part of the record for that item.

I understand there may have been some confusion regarding the survey information collected and the Texas Public Information Act. It is unfortunate that the CRCRC misrepresented the survey as being confidential from the public. As you know, survey responses and data collected by the city, even through a third party, are considered public information under the Texas Public Information Act.

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I requested the survey data to better understand what changes might have been made by Chair Bench, not to create any disruption. I did not distribute the information publicly or use my email list. My intention has always been to support transparency and ensure everyone feels comfortable engaging in civic matters.

I also want to address the open letter dated September 20, 2024, included in the packet. It appears this letter may have been issued without the CRCRC having a public discussion in a properly noticed meeting. This might give the impression that it was agreed upon outside of the open meeting process. However, I don't believe the CRCRC committee members collectively agreed on this letter in private, and it's likely that Chair Bench acted independently in posting the open letter and this agenda item. Since no action can be taken on this letter tonight, as this agenda item is posted for discussion only, I hope this can be clarified to avoid any misunderstandings and reinforce our commitment to open and transparent processes.

This agenda item is concerning because it could discourage not only my participation but also that of others who want to be involved and request public information. I'm concerned that the current agenda item could be seen as retaliation for my Public Information Request, which goes against the principles of transparency and trust we should all be working to uphold. Using official channels to target citizens for exercising legal rights is not only unethical but also a serious misuse of authority that discourages community participation.

Our community thrives when we all feel safe and supported in engaging with our local government. We all want what's best for Rollingwood, and fostering an environment of openness and trust is essential to achieving that.

Thank you for considering my concerns. I truly believe we can all work together to ensure that everyone feels included and respected in our community.

Best regards,

Wendi Hundley

Makayla Rodriguez

From: Wendi Hundley [REDACTED]
Sent: Thursday, September 26, 2024 1:30 PM
To: CRCRC; DC Bench
Cc: Ashley Wayman; Makayla Rodriguez
Subject: *NEW* Clarification and Concern Regarding Agenda Item 6

Dear Chair Bench,

I hope this message finds you well. I am reaching out to seek clarification and promote transparency regarding the recent handling of my letter dated September 25, 2024, concerning Agenda Item 6. It appears that my letter was not included under the relevant agenda item but was instead placed under Agenda Item 5.

I would also like to offer some additional context, if you are open to it. The snippet of my correspondence with the city that you included does not reflect the entirety of my communication on this matter. I submitted two Public Information Requests (PIRs) related to this issue. The initial PIR was submitted on November 15, 2023. The city informed me that my request was under legal review and that they would need my permission to provide redacted information. I did not give permission for redacted information because my intent was to access the complete, unredacted dataset. My motivation for seeking the unredacted data was to understand what may have been changed, particularly after your comments at the November 13 CRCRC meeting and the November 14 City Council meeting regarding your intention to refine the raw survey data before distributing.

Despite this, on December 1, 2023, I received a dataset from the city that included redactions, which was not what I requested. I followed up to clarify that I was seeking the complete dataset without redactions, and this was treated as a new PIR.

The city categorized it as a new request because, according to Texas State Code, a governmental body must seek a ruling from the Texas Attorney General's Office Open Records Division before redacting most information from requested documents. The Attorney General's ruling to the city on March 5, 2024 (OR2024-007881), stated that the city was not permitted to redact information and must release the records in full.

There were 10 months and 10 days between my original PIR on November 15, 2023, and the inclusion of this issue under CRCRC Agenda Item 6 on September 26, 2024. This long delay naturally raises questions about the timing and intent behind including this item on the agenda after such a considerable gap. I did not anticipate being singled out for engaging in a lawful and protected civic activity. I discovered this agenda item only yesterday and wrote to the CRCRC to clarify my involvement and provide context. While I would like to address this matter in person tonight, my family and I will be attending my daughter's volleyball game.

I have a few questions I would appreciate your insight on:

Inclusion of Correspondence in Agenda Item 6: As Chair, would you consider including my letter dated September 25, 2024, along with this email under Agenda Item 6? Including them where they are most relevant would provide the public with a comprehensive view of my involvement and concerns in the appropriate context.

2. **Other Public Requests and Access to Data:** I have not made any public comments, oral or written, about the survey data. However, I have noticed that other individuals have publicly commented and provided their own analysis of the survey data. I am curious to know how these individuals obtained the dataset, as I did not provide it to them. Have there been any other Public Information Requests (PIRs) for this data? If so, shouldn't those requests also be included in the discussion?
3. **Selective Focus on My Request:** Could you help me understand why only my request was included under Agenda Item 6? Has there been any coordination with specific community members known for making public comments directed at me? I suppose we will find out at tonight's meeting?
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5. **Compliance with Training Requirements:** Have you completed the required training on the Texas Open Meetings Act and the Texas Public Information Act, which all public officials are expected to undertake? If so, how do these laws guide your decisions regarding public information and open meetings?

I am concerned that this agenda item might be retaliation for my Public Information Request and politically motivated, potentially singling me out for simply exercising my rights. This could impact the transparency and trust we should all be fostering within our community. It's crucial that official channels are used fairly and not in a way that might discourage residents from participating or sharing their concerns. I sincerely hope this is not the case. I remain committed to working together with integrity and respect for our shared values. Thank you for your attention to this matter.

I would appreciate your response to these questions for the public record.

Sincerely,
Wendi Hundley

September 20, 2024

To the Citizens of Rollingwood

Last Fall, the Comprehensive Residential Code Review Committee (CRCRC) asked you to complete a survey designed to gather public opinion on Rollingwood's current residential building code. We assured you that your responses would be confidential to encourage candid comments and to avoid upset or embarrassment that might result from neighbors commenting on their neighbor's houses.

When we assured you that the responses would be kept confidential, we believed that we could keep those responses confidential. Unfortunately, we were wrong. The City received an open records request from a Rollingwood citizen asking for all the survey responses including any redacted comments and the addresses of the respondents.

We opposed the open records request, and sought advice from the Texas Attorney General, who ruled that we had to instruct our survey contractor to release the requested information. We regret the fact that we were unable to fulfill our promise to keep this information confidential, and apologize to all those who participated in the survey.

The CRCRC continues to operate without knowing the identities or addresses of the survey respondents.

Sincerely,

The CRCRC



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 5, 2024

Ms. Megan R. Santee
Counsel for the City of Rollingwood
Denton, Navarro, Rocha, Bernal & Zech, P.C.
2517 North Main Avenue
San Antonio, Texas 78212-4685

OR2024-007881

Dear Ms. Santee:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 23-103463 (Ref. No. SA23-497).

The City of Rollingwood (the "city"), which you represent, received a request for information pertaining to a specified survey. You claim some of the submitted information is excepted from disclosure under sections 552.101 and 552.110 of the Government Code. In addition, you state release of the submitted information may implicate the proprietary interests of Buie & Co. ("Buie"). Accordingly, the city states, and provides documentation showing, it notified Buie of the request for information and of the right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have received comments from Buie. We have considered the submitted arguments and reviewed the submitted information.

Initially, we understand Buie to argue some of the information at issue was supplied with the expectation of confidentiality. We note information is not confidential under the Act simply because the party submitting the information to a governmental body anticipates or requests that it be kept confidential. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 677 (Tex. 1976). Thus, a governmental body cannot, through an agreement or contract, overrule or repeal provisions of the Act. Attorney General Opinion JM-672 (1987); Open Records Decision Nos. 541 at 3 (1990) ("[T]he obligations of a governmental body under [the predecessor to the Act] cannot be compromised simply by its decision to enter into a contract."), 203 at 1 (1978) (mere expectation of confidentiality by person supplying information does not satisfy requirements of statutory predecessor to section

552.110). Consequently, unless the information at issue falls within an exception to disclosure, the city must release it, notwithstanding any expectations or agreement specifying otherwise.

Section 552.101 of the Government Code excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Gov’t Code § 552.101. Section 552.101 encompasses the doctrine of common-law privacy, which protects information that is (1) highly intimate or embarrassing, the publication of which would be highly objectionable to a reasonable person, and (2) not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). To demonstrate the applicability of common-law privacy, both prongs of this test must be satisfied. *Id.* at 681-82. Types of information considered intimate and embarrassing by the Texas Supreme Court are delineated in *Industrial Foundation*. *Id.* at 683. Upon review, we find the city has failed to demonstrate any portion of the information at issue is highly intimate or embarrassing and not of legitimate public concern. Thus, the city may not withhold any portion of the submitted information under section 552.101 in conjunction with common-law privacy.

Section 552.101 of the Government Code also encompasses the doctrine of constitutional privacy. Constitutional privacy consists of two interrelated types of privacy: (1) the right to make certain kinds of decisions independently and (2) an individual’s interest in avoiding disclosure of personal matters. Open Records Decision No. 455 at 4 (1987). The first type protects an individual’s autonomy within “zones of privacy” which include matters related to marriage, procreation, contraception, family relationships, and child rearing and education. *Id.* The second type of constitutional privacy requires a balancing between the individual’s privacy interests and the public’s need to know information of public concern. *Id.* The scope of information protected is narrower than that under the common law doctrine of privacy; the information must concern the “most intimate aspects of human affairs.” *Id.* at 5 (quoting *Ramie v. City of Hedwig Village, Texas*, 765 F.2d 490 (5th Cir. 1985)). After review of the information at issue, we find the city has failed to demonstrate any portion of the information falls within the zones of privacy or implicates an individual’s privacy interests for purposes of constitutional privacy. Therefore, the city may not withhold any portion of the information at issue under section 552.101 on the basis of constitutional privacy.

Section 552.110(b) of the Government Code states, “information is [excepted from required disclosure] if it is demonstrated based on specific factual evidence that the information is a trade secret.” See Gov’t Code § 552.110(b). Section 552.110(a) defines a trade secret as all forms and types of information if:

- (1) the owner of the trade secret has taken reasonable measures under the circumstances to keep the information secret; and
- (2) the information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable through proper means by, another person who can obtain economic value from the disclosure or use of the information.

Ms. Megan R. Santee - Page 3

Id. § 552.110(a). Section 552.110(c) of the Government Code excepts from disclosure “commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained[.]” *Id.* § 552.110(c). The city argues some of the information at issue is excepted from disclosure under section 552.110. However, section 552.110 is designed to protect the interests of third parties, not the interests of a governmental body. Thus, we do not address the city’s argument under section 552.110 of the Government Code.

Buie argues some of its information at issue consists of trade secrets subject to section 552.110(b) and commercial or financial information subject to section 552.110(c). Upon review, we find Buie has failed to provide specific factual evidence demonstrating the information at issue constitutes a trade secret or commercial or financial information, the release of which would result in substantial competitive harm. Therefore, the city may not withhold any portion of the information at issue under section 552.110 of the Government Code. The city must release the submitted information.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

D. Michelle Case
Assistant Attorney General
Open Records Division

DMH/jxd

Ref: ID# 23-103463

c: Requestor

Third Party

From: Wendi Hundley [REDACTED]
Sent: Friday, December 1, 2023 6:26 PM
To: Desiree Adair <dadair@rollingwoodtx.gov>
Subject: Re: Public Information Request 2023-11-15-01

Hi Desiree,

I don't see IP addresses or names and addresses on the information provided. I know I included my name and address when I took the survey.

I believe the public information act only excludes email addresses from public disclosure. I am not asking for any new information to be produced just the report that includes all the data that was collected, except for email addresses. I would like to request all of the data please. Thanks!

Wendi
Sent from my iPhone

On Dec 1, 2023, at 5:26 PM, Desiree Adair <dadair@rollingwoodtx.gov> wrote:

Wendi,

Please find attached responsive information to your Public Information Request. We have processed your request for information in accordance with the terms of the Public Information Act.

At this time, the City will consider this public information request closed.

Please let me know if you have any questions.

Best,
Desiree

Desiree Adair
City Secretary
City of Rollingwood
512.327.1838
www.rollingwoodtx.gov

<image002.png>

 Outlook

CRCRC: Agenda Item 6: Context and Clarification

From Wendi Hundley [REDACTED]
Date Wed 9/25/2024 7:59 AM
To CRCRC <CRCRC@rollingwoodtx.gov>
Cc Makayla Rodriguez <mrodriguez@rollingwoodtx.gov>; Ashley Wayman <awayman@rollingwoodtx.gov>

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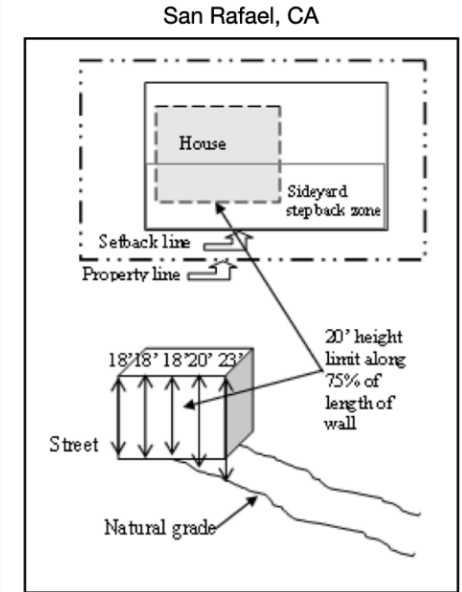
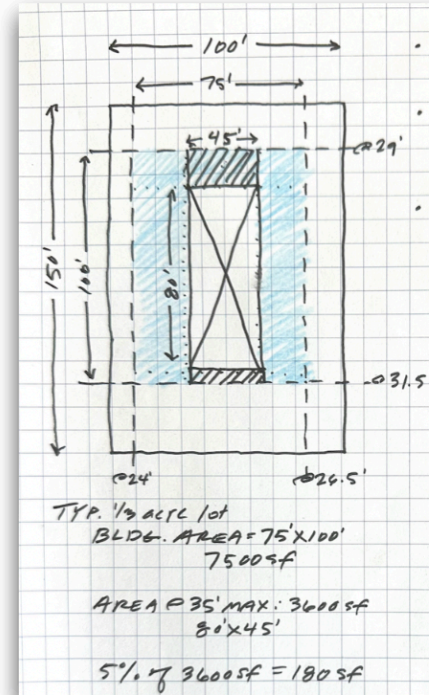
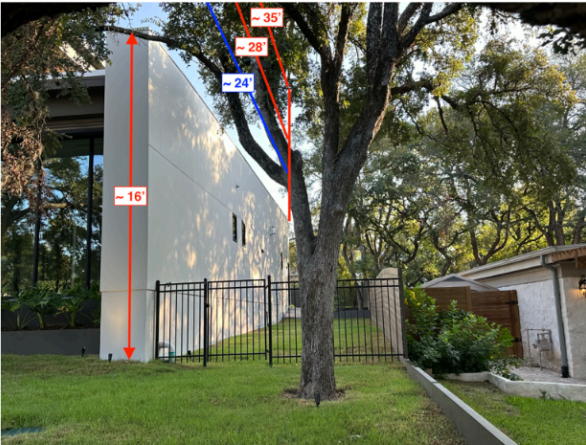
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I would appreciate your response to these questions for the public record.

Sincerely,
Wendi Hundley

How could tenting work?

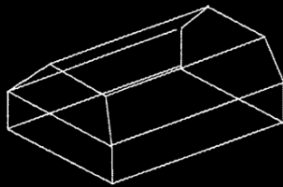
- Similar to parallel plane in providing an imaginary height cap
- can be used to limit excessive bulk and “looming” along the side and rear setbacks between neighbors.
- is another tool for limited additional height with respect to distance from the property line.
- @ 10' = 24.0'
 - use average height of 24', NTE 30' for 20% of side elevation as measured from the lowest adjacent grade, by adding 6" vertical for every 12" horizontal:
 - if existing grade change is +10', or
 - if min. 15% grade change along setback
- @ 15' = 26.5' (adds 2.5')
- @ 20' = 29.0' (adds 5.0')
- @ 30' = 31.5' (adds 7.5')
- @ 35' = 36.5' (adds 12.5')



Special Exception: If the lot configuration, location, size, and slope are such that restrictions cannot reasonably be met, and with approval of all affected neighbors, Board of Adjustment shall consider.

Daylight plane

The daylight plane in conjunction with the setbacks & height limits, create an invisible tent



intended to contain development on the lot in a way that preserves privacy and exposure to natural light.

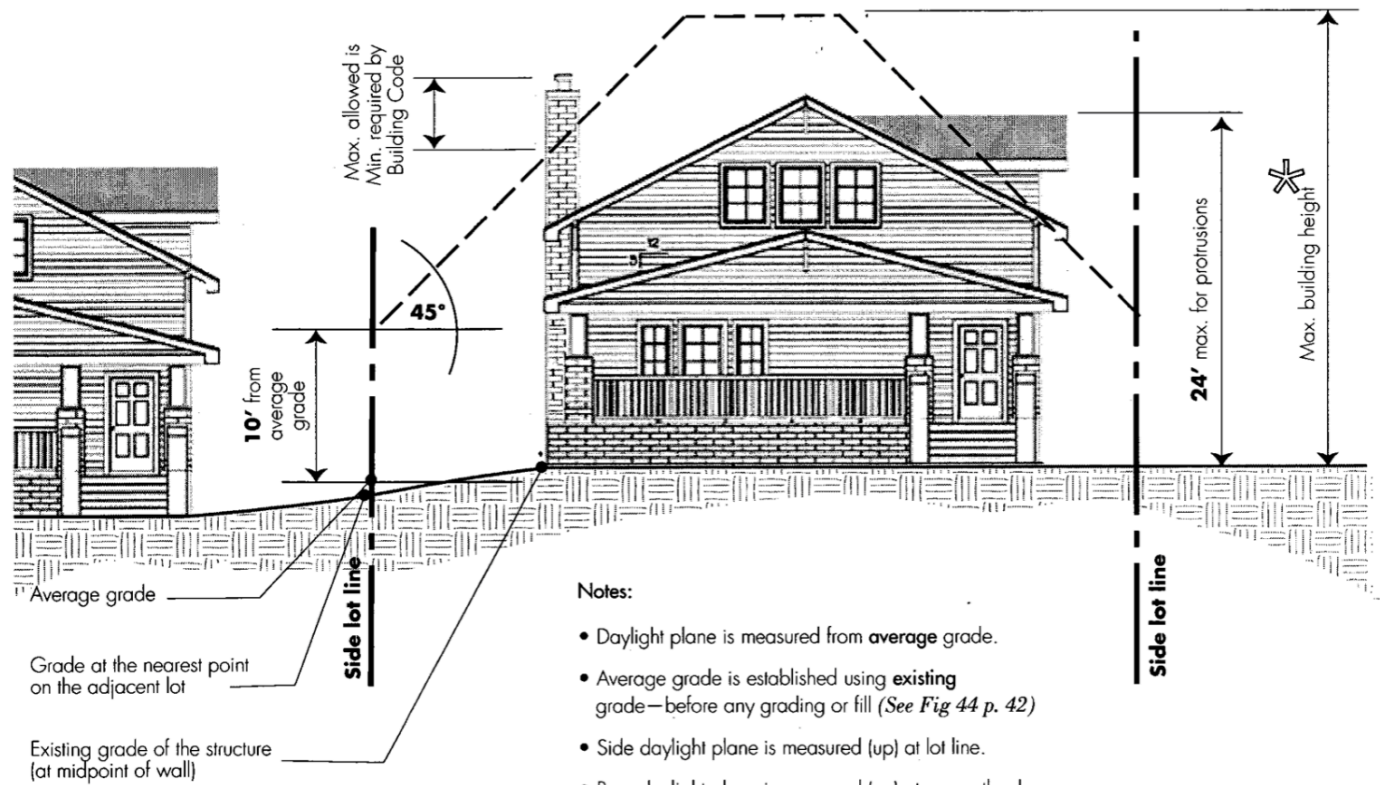
Code sections

- Page 26**
18.12.040 (a) Table 2
- Page 27**
18.04
- Page 28**
18.12.040 (c) Table 2
- Page 29**
18.12.050 (b) (2)
18.12.040 (j)

Primary daylight plane (sides)

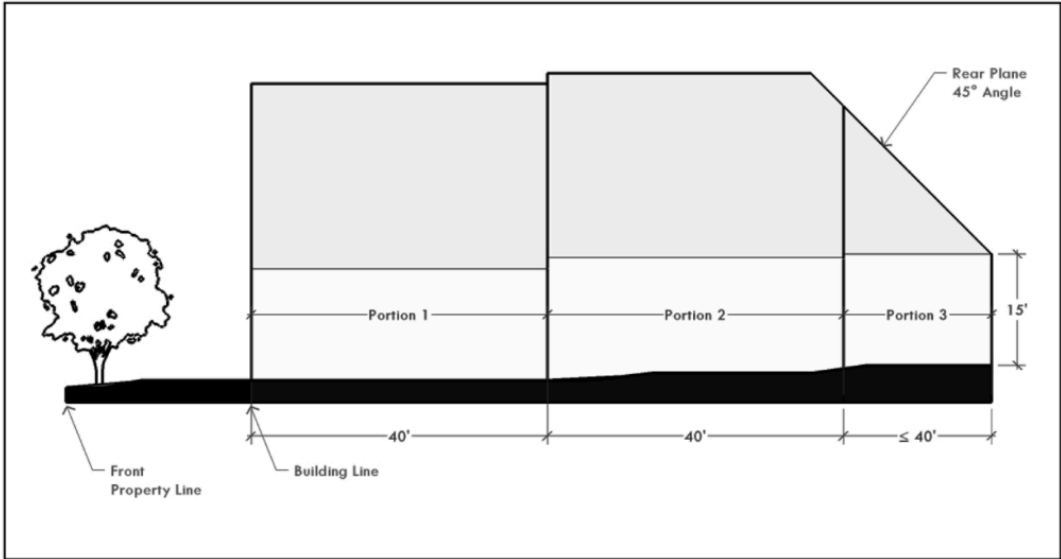
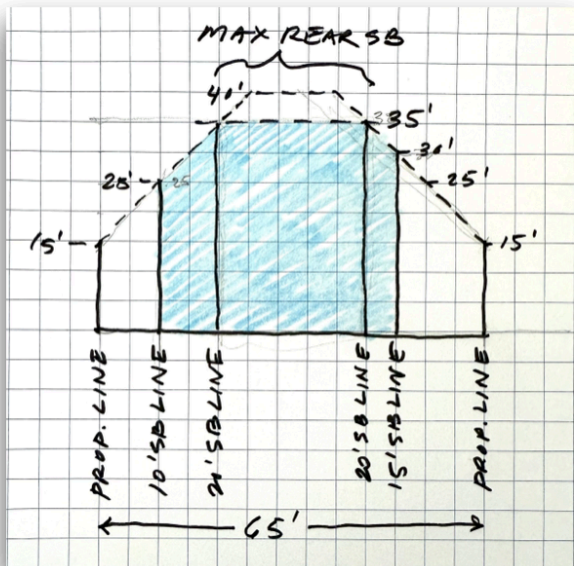
The primary daylight plane regulates structures located within the *buildable area*. Structures located in the rear and/or side yards are regulated by the accessory-structure daylight plan described on the next page.

Fig 20 Front elevation showing side primary daylight plane



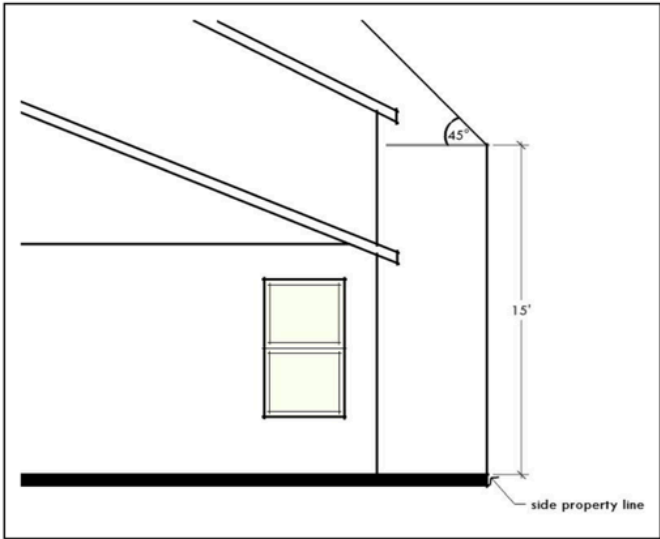
Notes:

- Daylight plane is measured from **average grade**.
- Average grade is established using **existing grade**—before any grading or fill (See Fig 44 p. 42)
- Side daylight plane is measured (up) at lot line.
- Rear daylight plane is measured (up) at rear setback.



*No portion of any Front Elevation shall exceed 35ft.
Set 15' springline along Property Line

City of Austin - Setback Planes



Report of the Subcommittee
Drainage, Impervious Cover, and FAR Issues
Rollingwood CRCRC

The subcommittee of the CRCRC which was assigned the task of considering and researching the issues of Drainage, Impervious Cover and FAR (Floor area ratio) possibilities reports as follows:

The subcommittee had several meetings, mostly at City Hall, and all very informal. We considered the questionnaire and responses to the questionnaire sent out as the full CRCRC began its work. We asked Jerry Fleming, a Rollingwood resident and engineer whose home is significantly impacted by the ongoing drainage work at this time, to sit in with us. We also asked Nikki Stautzenberger, our Development Services Manager, to attend meetings and respond to questions and make suggestions.

The issues of drainage, impervious cover and floor-to-area (“”) are intertwined in that building regulations of each kind do impact the amount of water runoff and/or the speed of water runoff from developed properties. In addition, each indirectly or directly impacts how much development can occur on a lot. Nearby cities have used one or more of these kinds of regulations precisely for those building limitations in addition to water runoff impacts.

The issues of what drainage features should be required on a lot development (for example detention features in landscaping or more formal detention ponds) could deal with how fast or how slowly rainfall would drain off of an improved lot and the impact of that on water flow and timing issues of water flow on downstream homes. It is assumed that a requirement of more impervious cover on an improved property would result in some way to reduce and slow water runoff from that property. And floor-to area-ratio is another possible regulation which could result in more yard area (and therefore more impervious cover) and so impact the amount and speed of runoff.

The issues of impervious cover are to some degree dealt with by the Texas Commission on Environmental Quality (TCEQ). Rollingwood is in the Barton Creek Recharge Zone and TCEQ has regulations in place which require some drainage control if a lot is to contain more than 20% impervious cover. This regulation is a matter of state level law and is separate from any regulation which Rollingwood could possibly consider. For most of the citizens of Rollingwood, this regulation is seen and manifest in the presence on newly constructed home lots of large metal (usually) tanks into which rainwater from roofs is to drain and then later drain onto the ground in a more controlled and slower way.

Regulation of all of these factors (drainage structures, impervious cover limits, and FAR limitations) in development of property are used in various areas of the municipalities which surround Rollingwood or which are in the Austin area. Members of the subcommittee, particularly Brian Rider and Thom Farrell, have had involvement in these issues in their business lives outside of their ownership of homes in Rollingwood.

While the purposes and features of land use regulations intended to deal with drainage, impervious cover and FAR are not difficult to understand, the true impact of such regulations on a particular tract is a matter of significant engineering work and expertise. The CRCRC as a whole, and this subcommittee in particular, did not have a budget to engage engineers whose expertise would be the use and efficiency of the regulations to be considered. The subcommittee therefore considered the information available to it, the experience of its sources, and the wishes of the community in coming to the conclusion that the subcommittee did not recommend that Rollingwood should adopt any building regulation on the residential areas of the city, beyond the existing drainage ordinances and drainage manual, to deal with matters of on-lot drainage structures, impervious cover requirements, or FAR.

Drainage:

Results of citizen questionnaire: There was no question on the questionnaire specifically about drainage. Citizens did comment about drainage matters in their responses to other questions.

The final meeting of the Subcommittee in early July occurred on an afternoon when the excavation for drainage improvements which are part of the City's project were loudly heard in City Hall. The committee did not find that there were issues of drainage beyond the issues dealt with by the City's project for any significant numbers of citizens. The subcommittee did not think it had the expertise to make improvements on the City's current drainage manual or that there was any demand for us to insert ourselves into the ongoing work of the City's engineers and Council.

Impervious Cover:

Results of citizen questionnaire: The questionnaire solicited citizen response to the question (no. 20) whether more should be done to limit the amount of impervious cover on a building lot. The responses were 102 for and 159 against. The comments, analyzed separately, did indicate that the citizens of Rollingwood understood that the issue of impervious cover had drainage implications and they relied on the City's studies and initiatives with bonds, etc. to deal with that problem. The issue of whether we need to use impervious cover regulations to curb development of "big" houses was mentioned, but reliance on setbacks and other design standards was frequently cited as a better approach to the building size issue.

The larger committee of the whole of CRCRC has recommended regulations for building setbacks. The whole committee has also recommended improvements to the ordinances requiring plantings of trees and shrubs in those areas. TCEQ regulations require drainage improvements if the impervious cover of a lot in Rollingwood used for residential development exceeds 20%. Similarly to the decision of the subcommittee that it does not have either a mandate from the citizens to improve regulations dealing with impervious cover and the impact on impervious cover which is a result of the setback recommendations and the landscaping recommendations within those setbacks, the subcommittee does not

recommend any regulation directly addressing limits on impervious cover for the residential areas of Rollingwood.

Floor to Area Ratio:

Results of citizen questionnaire: Citizen response to this question (no. 6) about adoption of a FAR, was evenly split with 136 in favor and 131 opposed. The commentary focused on the use of setbacks and vegetation requirements in those setbacks as the better way to deal with what FAR might deal with – which is protecting the neighborhood feel of Rollingwood and the appearance that Rollingwood is an area of lots of trees. Commentary about protection of “property rights” and the possible infringements of those rights by FAR regulation was particularly strong.

In view of the proposals of the whole committee of CRCRC concerning setbacks and building heights, as well as the impact of TCEQ regulations, and in view of the lack of significant desire by the citizens for any FAR kind of regulations, the subcommittee does not recommend any FAR regulations for Rollingwood. The subcommittee reflected the orientation of the whole of the CRCRC committee that the goal of the CRCRC effort is not to discourage large houses in Rollingwood, but to maintain the character of the community via the height, tree ordinance, drainage ordinance, and setback ordinances rather than directly attacking building sizes, which is what FARs usually do.