



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

Wednesday, April 05, 2023

The Planning and Zoning Commission of the City of Rollingwood, Texas held a joint meeting with the Rollingwood City Council, open to the public, in the municipal Building at 403 Nixon Drive in Rollingwood, Texas on April 5, 2023 at 6:00 p.m. Members of the public, the Planning and Zoning Commission, and the City Council were able to participate in the meeting virtually, as long as a quorum of the Planning and Zoning Commission and the City Council and the respective presiding officers were physically present at the Municipal Building, in accordance with the Texas Open Meetings Act. A video recording of the meeting was made and will be posted to the City's website and available to the public in accordance with the Texas Public Information Act upon written request.

CALL JOINT CITY COUNCIL AND PLANNING AND ZONING COMMISSION MEETING TO ORDER

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

1. City Council Roll Call

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

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

2. Planning and Zoning Commission Roll Call

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

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

PUBLIC COMMENTS

The following individuals spoke during public comments:

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

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

PUBLIC HEARINGS

3. Update regarding the Joint Public Hearing process

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

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

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

There was no public input.

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

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

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

There was no public input.

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

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

REGULAR AGENDA

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

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

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

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

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

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

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

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

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

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

The motion failed with 2 in favor and 4 against.

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

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

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

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

The motion carried with 4 in favor and 2 against.

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

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

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

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

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

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

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

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

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

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

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

The City Council further discussed the proposed ordinance.

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

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

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

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

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

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

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

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

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

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

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

Council Member Brook Brown withdrew her motion.

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

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

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

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

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

The motion carried with 4 in favor and 0 against.

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

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

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

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

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

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

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

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

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

ADJOURNMENT OF MEETING

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

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

Minutes Adopted on the _____ day of _____, 2023 by the Planning and Zoning Commission.

Dave Bench, Chair

ATTEST:

Desiree Adair, City Secretary

Minutes Adopted on the _____ day of _____, 2023 by the City Council.

Gavin Massingill, Mayor

ATTEST:

Desiree Adair, City Secretary