



San Antonio | Austin | Rio Grande Valley | Texas Gulf Coast
2500 W. William Cannon Drive, Suite 609 | Austin, Texas 78745-5320
V 512-279-6431 | F 512-279-6438

December 16, 2022

Ashley Wayman
City Administrator
City of Rollingwood
403 Nixon Drive
Rollingwood, Texas 78746

Re: Estimate for Commercial Corridor Ordinance Updates

Dear City Administrator Wayman,

The following estimate has been prepared for the City of Rollingwood to update the City's Code of Ordinances to incorporate changes recommended in the Comprehensive Plan for the commercial corridor.

The following chart identifies what is included in this estimate:

Description
Background Research
<p>Code of Ordinances draft amendment to address the following Comprehensive Plan recommendations for the Commercial Corridor:</p> <ul style="list-style-type: none">• Allow retail and office uses on commercially zoned properties and encourage restaurant development where a restaurant or retail use would not create a nuisance for adjacent residential properties, except where residential properties are adjacent to office properties today and could be negatively impacted by conversion of that office use to retail uses - extended hours, traffic, noise, smells and related concerns with restaurants, bars, and convenience stores, being the primary concerns.• On the north side of Bee Caves Road, limit development on commercially zoned lots to two stories and 30 feet in height. On the south side of Bee Caves Road, limit development on commercially zoned lots to 3 stories and 45 feet in height.• Maintain current Rollingwood Drive frontage setbacks (i.e., setbacks between commercial buildings and Rollingwood Drive).• Prohibit the clearing of native vegetation within the FEMA floodplain on commercially zoned properties.• Replace current setbacks between commercially zoned properties and residentially zoned properties with a 75-foot setback measured from the edge of any residentially

zoned lot to the edge of any building on any commercially zoned lot. The clearing of native vegetation shall be prohibited in this 75-foot setback. In addition, the City should require replanting of previously cleared spaces within the 75-foot setback between the edge of any residentially zoned lot and the edge of any building on any commercially zoned lot.

- To reduce the number of ingress/egress points on Bee Caves Road, eliminate any existing code provisions that require a driveway on every commercially zoned lot.
- Encourage the building of walking and biking paths on commercially zoned lots along the south side of Dry Creek (sometimes called Eanes Creek) on the north side of Bee Caves Road.
- Enforcement: The City should require an as-built survey as part of its final permitting and Certificate of Occupancy for all new commercial development. In addition, the City should exercise its full discretion and employ all means to enforce all development rules regulating commercially zoned lots.
- Modify development standards as necessary based on following recommendations:
 - Front setback: the front setback for commercial properties along the north side of Bee Caves Road be reduced from the current 25-foot setback to a 5-foot setback, where the developer has agreed to: 1) contribute any required right of way to TX DOT, and 2) implement a landscape plan, including appropriate irrigation and maintenance, that provides native species shade trees along sidewalks and rear lot pedestrian paths.
 - Impervious cover:
 - City should establish commercial impervious cover requirements such that impervious cover shall not exceed 55% provided that no new project development will create any increases to storm water runoff (either volume or rate of flow of runoff).
 - Incentives: the development code should incentivize permanent low impact development practices such as rainwater harvesting, bio-retention, rain gardens, green roofs, infiltration/filter strips, conservation landscaping using native plants and trees that promote the area's natural habitat including bird-, bee-, butterfly-friendly plants, and natural area preservation over and above required greenbelt setbacks, by development of a schedule of impervious cover limit increases up to an additional 10% for use of such practices: 1) there are no increases to storm water runoff (either volume or rate of flow of runoff), 2) the site plan meets all TCEQ best management practices for water quality, and meets the design elements described below.
 - Certification: all requirements associated with impervious cover incentives, storm water management and water quality be mandatory, not subject to variance, and enforced by requirements for engineering certification that the design meets all requirements as initially submitted in the permitting process and for engineering certification that the design as built meets all impervious cover, storm water management, and water quality requirements before the issuance of any occupancy permit.

<ul style="list-style-type: none"> ○ Design requirements to lessen impact of commercial development to adjacent residential properties: <ul style="list-style-type: none"> ▪ Where roofs are visible from adjacent residential lots, the City should adopt appropriate design requirements that mask and/or eliminate the impact of (i) building mechanical elements (AC units, vents, wireless facilities, etc.) by requiring such elements be located at ground level and not on roofs, or if located on roofs, masked by the roof; (ii) require all solar panels be masked; and (iii) require the site plan to provide a vegetative buffer and safety features between a residential lot and a commercial lot where there is no greenbelt, topographical, or line of sight buffer between the commercial lot and any residential lot. ▪ The City should adopt lighting design criteria to eliminate impact to adjacent residential properties, down-shield night-time lights, and adopt standards consistent with the “Dark Skies” lighting policies of similarly sized Central Texas Hill Country communities, the International Dark Skies communities or other state-certified "Dark Skies" organization. ▪ Review and revise necessary ordinances regarding interior and exterior lighting. ○ Landscaping/shade/setback incentives for commercial properties: the City should: <ul style="list-style-type: none"> ▪ Require that landscaping within the setback along Bee Caves Road, where possible, and along any pedestrian walkways, include sufficient trees to shade sidewalks and pedestrian paths. ▪ Employ a tree ordinance similar to that in residential areas that will preserve heritage trees, that requires replacement of heritage trees with a tree or trees of the same species and having the same total caliper inches, and require replacement of other protected trees so as to maintain current tree canopies. • Safe harbor: the City should permit the renovation and, if necessary, rebuilding of existing structures on commercially zoned lots provided that such renovation or rebuilding 1) was in compliance with all City ordinances at the time it was built; and 2) is limited to the footprint of the existing structure. • Update commercial signage regulations as needed to bring rules up to date with modern technology and building needs. • Post-permit Enforcement and penalties: update enforcement and penalties for zoning ordinance violations as necessary to ensure the City has adequate tools for code enforcement.
Revisions to draft based on comments from City Staff, Planning & Zoning Commission, and City Council.
Meetings:
3 Workshops (can be City Council, Planning & Zoning Commission or joint)
1 Public open house to present the final draft to the Public

2 Adoption meetings (Planning & Zoning Commission and City Council)

It is important to note that the following items are NOT included in the proposal:

- Comprehensive Plan recommendation for the commercial corridor related to envisioning a safer pedestrian crossing at Bee Caves Road & Edgegrove Drive
- Legal review has not been factored into this estimate and will be conducted and billed separately
- Consultation and review fees charged by the City Engineer or other City consultants
- Public hearing notices
- Printed copies of the draft ordinance

Any additional requested meetings beyond what is included in the proposal as well as any requests that fall outside the scope of the proposal will be billed at the corresponding hourly rate plus any expenses in accordance with the current City Attorney engagement rates. The hourly rates are:

- \$210 Partner
- \$200 Associate
- \$140 Planner
- \$130 Law Clerk
- \$100 Paralegal

The deliverables for this project will include an adoption ordinance and associated exhibits for updating the Code of Ordinances. All documents will be provided digitally in Microsoft Word format (.docx) and PDF format (.pdf).

This estimate is proposed at a flat rate of \$36,000, plus expenses. The project will be invoiced monthly based on the percentage of the project that was completed in that month with the project balance being invoiced with the completion and delivery of the draft ordinance. Any add-on or hourly billed work will be invoiced monthly as the work is performed.

All related travel expenses are charged at cost and all related mileage is charged by multiplying the actual miles traveled by the then current IRS rate. Digital copies of all work are included in the estimate, and we can provide paper copies for an additional fee. Copy rates are .20 cents per page, color copies are .70 cents per page.

This project is presented in phases to help expedite the update process. We anticipate this project taking 5-8 months to complete depending on the scheduling of meetings and workshops.

Please feel free to contact our office with any questions you may have regarding this estimate. Thank you for the opportunity and we look forward to working with you on this project.

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Very truly yours,

DENTON NAVARRO ROCHA BERNAL & ZECH
A Professional Corporation

A handwritten signature in blue ink, appearing to read "C. E. Zech", is written over a light blue horizontal line.

CHARLES E. ZECH