



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

**Wednesday, May 08, 2024**

The Planning and Zoning Commission of the City of Rollingwood, Texas held a special meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on May 8, 2024. Members of the public and the Planning and Zoning Commission were able to participate in the meeting virtually, as long as a quorum of the Planning and Zoning Commission and the presiding officer were physically present at the Municipal Building, in accordance with the Texas Open Meetings Act. A video recording of the meeting was made and will be posted to the City's website and available to the public in accordance with the Texas Public Information Act upon written request.

### **CALL ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING TO ORDER**

#### 1. Roll Call

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

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

*Michael Rhodes joined the meeting during item 2.*

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

### **PUBLIC COMMENTS**

The following individuals spoke during public comments:

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

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

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

## **REGULAR AGENDA**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Gene Feit discussed the topography of his property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Commission discussed providing for some diversity in species.

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

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

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

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

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

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

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

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

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

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

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

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

Bryce Cox offered to incorporate training into regular meetings.

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

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

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

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

**ADJOURNMENT OF MEETING**

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

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

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

**ATTEST:**

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**Ashley Wayman, City Administrator**