

Agenda Item & Caption: Discussion and possible action in regard to the process for hiring legal and planning services and scheduling dates for draft ordinance changes and public hearings in connection with implementation of the commercial zoning changes under the Comprehensive Plan.

Submitted by: Council Member Brook Brown

Action Requested: Discussion of the process for and contracting of the professional services to draft the zoning changes recommended in the Comprehensive Plan for the commercial corridor. The budget for the current fiscal year includes \$ 40,000 for planning and legal services to draft the changes to the commercial zoning code necessary to implement the recommendations in the Comprehensive Plan.

This agenda item permits the City Council to discuss how these services may be acquired, processes for review by the Planning and Zoning Commission and Council, target deadlines for this work, target dates for workshops and public hearings, and any related matters.

Supporting Documents: City of Rollingwood Comprehensive Plan contains the following recommendations for the Commercial Zone. See Comprehensive Plan, Pages 24-28:

- 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.
- Work with stakeholders to envision and create a safer pedestrian crossing of Bee Caves Road at Edgemoor Drive. (Long-term vision: build a pedestrian bridge across Bee Caves Road within Rollingwood.)
- 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.

Design requirements to lessen impact of commercial development to adjacent residential properties:

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:

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: The zoning ordinance for commercial properties should include provisions sufficient to permit revocation of occupancy permits in the event the owner fails to maintain compliance with any permit requirement including impervious cover incentives, and landscaping, shade, setback requirements, and/or Dark Sky requirements, in addition to use of all fines and other enforcement provisions, including daily financial penalties for non-compliance.