



CITY OF ROLLINGWOOD COMPREHENSIVE RESIDENTIAL CODE REVIEW COMMITTEE MINUTES

Tuesday, May 14, 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 May 14, 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 5:04 p.m.

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

Also Present: City Administrator Ashley Wayman, Assistant City Administrator Desiree Adair, 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 April 9, 2024 CRCRC meeting

Jay van Bavel moved to accept the minutes of the April 9th meeting as presented. Alex Robinette seconded the motion. The motion passed with 5 in favor and 0 against.

REGULAR AGENDA

3. Discussion and possible action on emails and letters relevant to the CRCRC from April 5, 2024 to May 10, 2024
4. Discussion regarding Special Exceptions

Chair Dave Bench discussed a PowerPoint presentation regarding special exceptions. He discussed the Zoning Board of Adjustment (BOA), what the BOA can do, special exceptions, special exception examples, and variances.

The CRCRC discussed special exceptions, how they are used, and the instances in which they could be used.

5. Discussion and next steps following the April 17, 2024 City Council meeting Building Height discussion

Chair Dave Bench invited members of the public to discuss building height.

Amy Pattillo, 3 Rock Way Cove, provided a handout (Attachment A) to members of the CRCRC. She discussed her observations regarding the number of lots that have drainage easements and are sloped in the City. Her concern is regarding piecemeal zoning within the City and the effect of this zoning on these sloped lots with drainage easements. Ms. Pattillo feels that lots that are not flat would be penalized with building height restrictions. She discussed floodplain maps and how they have evolved. Ms. Pattillo suggested a special zoning district for lots with drainage easements.

Jeff Ezell, 4709 Timberline, provided a handout (Attachment B) to members of the CRCRC. He discussed his concerns with the building height proposal including the comprehensive nature of the committee recommendations, the formation documents, community support, topography of the City, and creating hardship. Mr. Ezell continued to discuss the history of the CRCRC including documents from the Strike Force Survey, the CRCRC Survey, CRCRC workshops, and the results including comments. He requested proposals that don't create winners and losers. Mr. Ezell stated he is thankful for the work and respects the members of the CRCRC but encourages them to stick to their goals.

The CRCRC and Mr. Ezell discussed details regarding height, topography, parallel plane, roof types, the survey, the comments and the process.

Wendi Hundley, 401 Vale, discussed the lots that they have lived on in Rollingwood. She explained how she loves the neighborhood, the topography, and the trees. Ms. Hundley discussed the hiring of an architect who works well with topography, thanked the CRCRC members for their time and work, and asked that the CRCRC look at all viewpoints and consider them. She discussed steps that City Council has taken regarding reference datum and height. Ms. Hundley would like to gain some education regarding her house and whether it is in conformance. Ms. Hundley provided a handout (Attachment C) to members of the CRCRC. She discussed the sloping nature, elevations, footprint, and nearest adjacent grade of her lot and home. Ms. Hundley explained that she can't comment if it is difficult to understand.

The CRCRC and Wendi Hundley discussed the height of her home, adjacent grades and reference datum.

Debbie Arnow, 304 Inwood, thanked the CRCRC for their communication and appreciated the idea of a height restriction. However, she thinks that because lot prices are so expensive, the height restriction may promote building on much more of the lot than typical which she is against. She discussed how the home next door has clear cut to the lot line

debasing her fence stability. Ms. Arnow reiterated that she loves the building height restriction and likes that slope is being taken into account on different topographies on lots throughout the City.

Ryan Clinton, 4714 Timberline Drive, thanked the members for their time and hard work. He discussed the goal from the beginning of the CRCRC to come up with a community consensus. Mr. Clinton discussed his participation with the Strike Force and the Comprehensive Plan. He believes that the best indicator of community consensus is the survey, and the goal should be the least restrictive method to control the building height issues. He discussed the average grade and slope lot adjustment but believes the removal of any adjustment and tenting effectively forces split level home design. He encouraged the CRCRC to not use the parallel plane method because he believes it is something that families do not want. He provided a handout (Attachment D) to the CRCRC members with the Code and administrative guidance from the City of Lynnwood, Washington. He discussed public viewing points in Rollingwood that make new homes feel more imposing and is attempting to come up with a community solution that cuts off the worst offenders.

The CRCRC and Mr. Clinton discussed the handout, lot averaging, tenting, setbacks, grades, and an example drawing.

Chair Dave Bench invited all to come back to the next meeting in two weeks.

Thom Farrell moved to table agenda items 5 through 9 to the next meeting in two weeks. Jay van Bavel seconded the motion. The motion carried with 5 in favor and 0 against.

6. Discussion and possible action regarding Tree Subcommittee recommendations following the May 8, 2024 Planning and Zoning meeting

The CRCRC did not discuss this item.

7. Discussion and possible action regarding Lighting subcommittee recommendations

The CRCRC did not discuss this item.

8. Discussion and possible action regarding creation of Impervious Cover/Drainage subcommittee

The CRCRC did not discuss this item.

9. Discussion and possible action on future meeting dates and agenda topics for discussion

The CRCRC did not discuss this item.

ADJOURNMENT OF MEETING AND PUBLIC WORKSHOP

The meeting was adjourned at 7:00 p.m.

Minutes adopted on the _____ day of _____, 2024.

Dave Bench, Chair

ATTEST:

Desiree Adair, City Secretary

Attachment A

Attachment B

Comprehensive Residential Code Review Committee (“CRCRC”)

May 14, 2024 Meeting

Overview

Introduction:

The CRCRC does not have enough support from the residents for the cumulative proposals they have made. Furthermore, the proposals they have made adversely impact lots with topography, but do not impact lots without topography. It's primitive and unfair to a select group of residents. We will walk through the results derived from the raw data of the survey, other sources provided by the CRCRC and will deliver detailed evidence as to why the CRCRC does not have the necessary support.

Agenda:

1. History, Position and Interpretation
2. Why Does CRCRC Believe They Have Majority Support?
3. Survey Results and Interpretation
4. Examples of Concerns with the Proposals
5. Examples of Unintended Consequences
6. Quick Solutions / Thoughts

Item #1: History, Position and Interpretation

1. Before this process began I had an opportunity to speak with two members of city council and two members of the soon to be formed CRCRC. I expressed at that time, which is still my position today, that no matter what is determined we should go slow, provide a comprehensive proposal and ensure that no decision hurts some of our residents, but do not impact others.
 - a) My reason for being here today is my great concern with what has been proposed:
 - i. First, it is not comprehensive, which will lead to a bunch of unintended consequences
 - At the January 22, 2024 meeting Nikki Stautzenberger, Development Services Manager, explained that the recommendations are meant to be comprehensive and stated the reasons why this is important from the city's perspective. The members of the CRCRC agreed that anything taken to P&Z would only be for informational purposes and that they intended the final proposals from the CRCRC to be comprehensive. What has changed?
 - ii. And, more importantly, what has been proposed with regards to height will severely impact anyone with topographical change, yet leave those without topography changes unimpacted. This stand alone proposal will immediately create winners and losers, which is incredibly un-neighborly, especially in light of the fact that nearly every home in Rollingwood has topography at change at some level and more than 50% of the homes have topography changes of 5 feet or greater ⁽¹⁾
 - b) The cumulative proposals are extremely draconian:
 - i. The proposal for measuring height was an explicit question on the survey and it only received 27% of the vote, which is not a majority, and that is a mandated deliverable per the CRCRC formation document
 - ii. The tenting proposal, in conjunction with the height measurement proposal, severely limits development on lots with material topographical change, and forces homes into split-level designs and/or flat roofs
2. The CRCRC is misinterpreting the available data, has not provided conclusive evidence in support of their proposals and is conjecturing results
3. The residents are not against change, but the residents are not supportive of such extreme proposals

⁽¹⁾ Analysis completed on <https://maps.equatorstudios.com>

Item #2: Why Does CRCRC Believe They Have Majority Support?

The CRCRC Formation document outlines that one of their two deliverables is that the CRCRC should “Report recommendations including rationale of majority viewpoint, and any notes that happened”

1. Members of the CRCRC continually mention different sources of feedback, which they believe provide support for the proposals. It is impossible to prove that any feedback outside of the survey is not duplicative. Although the members may have received phone calls, emails, in person communications and survey responses, one cannot assume the different mediums are unique opinions/votes. The sole purpose of the survey was to capture all opinions in one place.
2. The CRCRC posted a document entitled “CRCRC Survey Analysis with Recommendations on: Building Heights, Building Height Measurement and ‘Bulk/Tenting’ Planes” with the intent to summarize feedback from its multiple data sources and provide recommendations ([Link Here](#) on page 6). Their recommendations are based on:

2021 Comprehensive Plan Strike Force Survey	78 Emails from 69 Individuals (Jan – Aug 2023)	CRCRC Survey Results
Study of old, new and permitted homes in Rollingwood	Public Workshop Posted Presentation and Comment Cards	Research of nearby cities building codes

a) Feedback from 2021 Comprehensive Plan Strike Force Survey:

- i. The document states “The Strike Force never asked a question, “do you want to change the residential building rules”, there were however a lot of unprompted responses regarding concerns about building trends. About 30% of responses on the 2021 Strike Force Residential Survey-Q3 specifically cited concerns over new building trends, versus 1% of responses in favor of current building trends, the remaining addressed other concerns.”
 - To infer anything from a non-existent survey question and relate it to the CRCRC mandate is conjecture, furthermore, this question was asked in the CRCRC survey:

b) The document states “Emails in 2023, regarding potential building code changes, indicate 47% in favor of changes, 28% asking for a limited or careful study, 15% preferring no changes, 10% N/A.”

- i. These were unsolicited and varied, which doesn’t provide evidence or support of favoring one of the current proposals
- ii. If the opinions from this data set are to be used now than we must notate the key results as it relates to the current proposals:
 - Only 31% of respondents noted a concern of height
 - 0% noted a desire for “tenting”

Item #2: Why Does CRCRC Believe They Have Majority Support?

4. The CRCRC's materials (e.g. – “*Chart Summary’s*”) provided to Planning & Zoning for the April 3, 2024 meeting ([Link Here](#)) in support of their proposals do not provide evidence of additional support beyond the base survey’s questions tallied votes. Rather, these materials are only a summary of how a respondent votes wholistically and relationally to other survey questions. More specifically, the provided summaries only relate how each respondent answered a question to how they voted on other survey questions. Below see below for examples:

a) Chart 1 ([Link Here](#)):

- i. In this chart it takes all of the respondents that answered that they are “not satisfied with build trends” and then shows how they voted for the other survey questions (e.g. – *do they want code changes, are ok with building heights, etc*)
 - The summary of this Chart 1 shows that the majority of respondents who voted that they were not satisfied with building trends also voted in separate survey questions that they wanted code changes, wanted a change to the reference datum, wanted to limit upper stories, etc
 - This is nothing more than a relational comparison. This chart does not provide additional or less support for the original question.

b) Chart 3 ([Link Here](#)):

- i. In this chart it takes all of the respondents that answered that they “do want changes to the building code” and then shows how they voted for the other survey questions
 - The summary of this Chart 3 shows that the majority of respondents who voted that they do want changes to the building code also voted in separate questions that they wanted changes to the reference datum, were supportive of FAR limits, wanted tenting, etc
 - Again, this is only a relational comparison and does not provide additional support of the base question

5. 2023 CRCRC Survey Results:

- i. Being that the aforementioned data sources are vague and unsubstantiated it is necessary for the CRCRC to focus on the results of the survey

Item #3: Survey Results

Question #1: Are you generally satisfied with the trend of new construction in Rollingwood?

CRCRC Posted Results	
No Votes	130
Yes Votes	138
No Response	6
Total Votes	274

- Of the write-in comments only 31 out of 274 respondents, or 11% specifically mention height as a concern and four respondents made a comment regarding “tenting”. I’ve noted the other concerns below *(each respondent could have more than one concern)*

Write-In Concerns						
Height	Size	Tenting	Setbacks	Foundation Height	Trees	Other
31	73	4	13	7	25	48

Question #2: Do you think Rollingwood should consider changes to the its building code?

CRCRC Posted Results	
No Votes	80
Yes Votes	175
No Response	20
Total Votes	275

- Important to notate that the question was should we “consider changes”
- Of the write-in comments only 49 out of 275 respondents, or 18% specifically mention height as a concern. 7 respondents noted the “tenting” concept. I’ve noted the other concerns below *(each respondent could have more than one concern)*

Write-In Concerns						
Height	Size	Tenting	Setbacks	Foundation Height	Trees	Other
49	9	7	28	2	11	35

Item #3: Survey Results (*cont.*)

Question #3: Is Rollingwood's maximum residential height of 35 feet...

CRCRC Posted Results		
About Right	175	63.87%
Too High	70	25.55%
Too Low	21	7.66%
No Response	8	2.92%
Total Votes	274	100.00%

- This question is specifically asking about the “maximum residential height of 35’”, which applies to all lots
- This has nothing to do with the 10’ bonus, nor can it be inferred to do so. I’ve noted the other concerns below (*each respondent could have more than one concern*)

Write-In Concerns							
Height / Size	Parallel Plane	Tenting	Setbacks	Foundation Height	Measurement	Lower Height for Flat Roofs	Others
10	2	7	3	7	26	2	23

Question #4: Should we look at alternative ways to measure building heights, and if so, which options are preferred?

CRCRC Posted Results			
No Votes	89	32.46%	
Yes Votes	172	62.77%	
No Response	13	4.74%	
Total Votes	274	100.00%	

- This vote confirms the respondents desire to “look at alternative ways...”
- The sub-question below provides additional details

- Option 1: measuring the height of the home using the average of the slope
- Option 2: measuring the height of the home using an average elevation of the building footprint, measured from the major corners
- Option 3: measuring the height of the home using the “parallel plane” methodology

123 Total Votes for Option 1, 2 or 3.
Above summary shows 172 “yes” votes... where did approx. 50 votes go?

CRCRC Posted Results			
Option 1	22	8.03%	
Option 2	26	9.49%	
Option 3	75	27.37%	
No Response	151	55.11%	
Total Votes	274	100.00%	

Item #3: Survey Results (cont.)

Question 4 (cont.):

- Adjusted CRCRC Posted Results
 - Adjusted Results take into account actual votes of Question 4, actual votes for Options 1, 2 and 3 and the write-in comments:
 - 5 respondents did not vote for either "No" or "Yes", but had write-in comments
 - 1 respondent via write-in that supported "No"
 - 4 respondents via write-in were open to a new measurement, but did not support the parallel plane
 - 89 respondents voted "No" to question 4. These votes were included in the "No Response" line item above
 - 5 respondents that voted "No" voted for Option 1 (one vote), Option 2 (two votes) or Option 3 (two votes)
 - 51 respondents voted "Yes", but did not select 1, 2 or 3 although they did provide write-in opinions

Adjusted Q4 & Sub-Q4 Results

"No" to Alternative Ways to Measure	87	31.75%
Option 1 - average of the slope	24	8.76%
Option 2 - average elevation of building	28	10.22%
Option 3 - parallel plane	78	28.47%
"Yes" but did not select an Option but had write-in support of Option 1 or 2	1	0.36%
"Yes" but did not select an Option but had write-in support of Option 1, 2 or 3	1	0.36%
"Yes" but did not select an Option but had write-in comments were "unsure"	20	7.30%
"Yes" but did not select an Option and did not provide a comment	29	10.58%
"Yes" but did not select an Option but had write-in support of parallel plane	1	0.36%
Did not vote "No" or "Yes" but had write-in "unsure"	5	1.82%
Total Votes	274	100.00%

Item #3: Survey Results (cont.)

Question #10: Should we develop a set of “tenting” rules for RW that restrict building height along a setback?

CRCRC Posted Results	
Yes	142 51.82%
No	112 40.88%
No Response	20 7.30%
Total Votes	274 100.00%

- This vote shows that the respondents did want the CRCRC to develop a set of “tenting” rules

Question #18: Should we consider the creation of special zoning districts for unusual lots?

CRCRC Posted Results	
No	n/a 49.40%
Yes	n/a 48.00%
No Response	n/a 2.60%
Total Votes	0 100.00%

- I am providing the results of this question, because the respondents have said that they do not want special zoning districts. The write-in comments also noted concerns of confusion and complexity, how to determine which lots qualified, and controversy associated with establishing these exceptions. There was a general concern of treating each lot equally and fairly.

Item #4: Examples of Concerns

1. If you review the topographical change in the lots between Timberline Drive and Rollingwood Drive between Edgegrove and Riley. The majority of those lots have a ravine (drop of elevation) between the two backyards.
 - i. Think of a “U-Shape” topography change between the homes
 - ii. In this example, even though they have huge topo changes they are equal on both sides, so neither lot / homeowner is adversely impacting the other because they are both impacting each other equally. But, the CRCRC proposal will impact everyone who has not rebuilt yet, which means they have now created winners and losers. The loser being the person who is sandwiched between already built homes, but no longer has the ability to recreate what their neighbors have already built
2. Think of a lot that slopes left to right from the street that has a 9’ change in topo in the buildable area.
 - i. Assume...that on the high side of the lot the home owner’s adjacent neighbor has a tree that has canopy that grows into their buildable area, which means that buildable area is not utilizable without written consent of the neighbor to remove / reduce the canopy of their tree
 - ii. Given 9’ change in topo on the subject property’s buildable area, the new “tenting” rule, which limits height at 25’ at the 10’ setback that would only leave 16’ of buildable height on that end of the house
 - i. But, since the other side of the house is precluded from building due to the neighbors tree this home has no way to build a 2-story home on either end of the property and maximize livable square footage
3. The proposal still leaves the community at risk for 35’ front facades, even on flat lots. For example, in the case of a modern house / flat roof, such as the spec builder next door to my home, this proposal wouldn’t solve anything, because they can still build an imposing street side façade that impacts anyone who drives by.

Item #5: Examples of Unintended Consequences

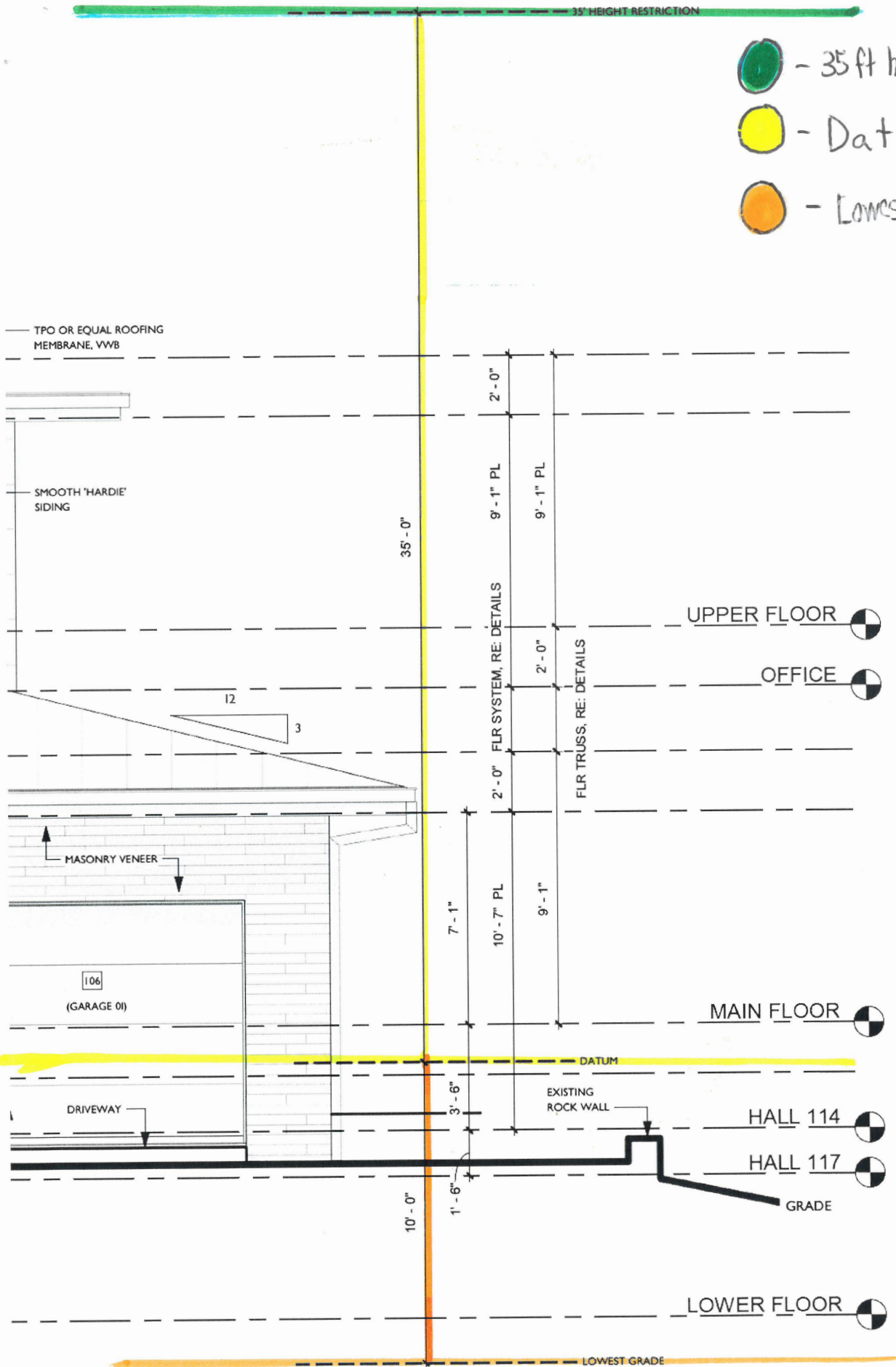
1. The parallel plane methodology will limit architectural diversity and result in more flat roof homes
 - a) By measuring the height of the home from the ridge line it does two things:
 - a. Punishes homes with pitched roofs, because they will lose usable height by selecting a pitched roof. But, if they select a flat roof what would be the attic in a pitched roof now become part of the conditioned space.
 - b. By pushing people to build flat roofs at a max height could create more of an “optically imposing” home because there is no slope at the top of the home softening the appearance
2. On a sloped lot; both the parallel plane methodology and tenting will force people into split level homes:
 - a) A split level home is not functional for elderly, those with disabilities or those who are building their forever home.
 - b) A split level home is not functional for families with young kids as it requires additional needs for safety concerns / gates to ensure kids don't fall down the multiple levels of stairs
3. By creating abnormal rules it will result in additional problem for residents:
 - a) Architects will not want to deal with one off, complex rules that limit creativity, which is what CRCRC is proposing
 - b) This may result in many top architects to stop working in Rollingwood
 - c) They will charge more for the hassle, which puts additional burden on the home owner
4. These rules would be considered very abnormal compared to the vast majority of the cities in the United States, which take average measurements at both the ground level and the roof level. This allows the home builder / architect the flexibility to build aesthetically pleasing homes, allows the home owner to have a traditional level first floor, as well as allows them the choice to use a flat roof or a pitched roof.

Item #6: Quick Solutions / Thoughts

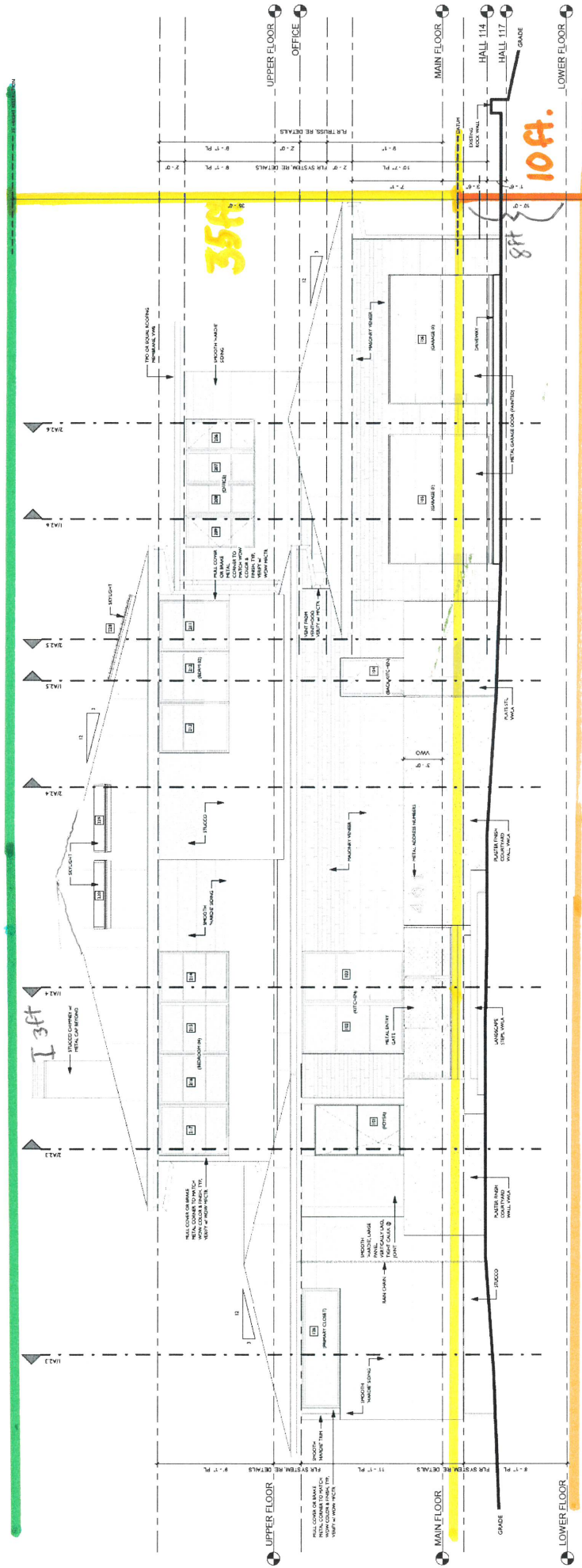
1. Do not allow 4th stories
2. Make proposals that don't create winners and losers out of our residents
 - a) We are a community, friends and neighbors...let's treat each other as such
3. Focus on what the community supports and it is not the parallel plane methodology of measuring height
4. Do not do this on a one-off basis, but rather as a comprehensive proposal, which we all wanted and agreed to when we began this process

Attachment C

- - 35 ft height restriction
- - Datum
- - Lowest Grade



North Elevation (Enlarged for Reference)



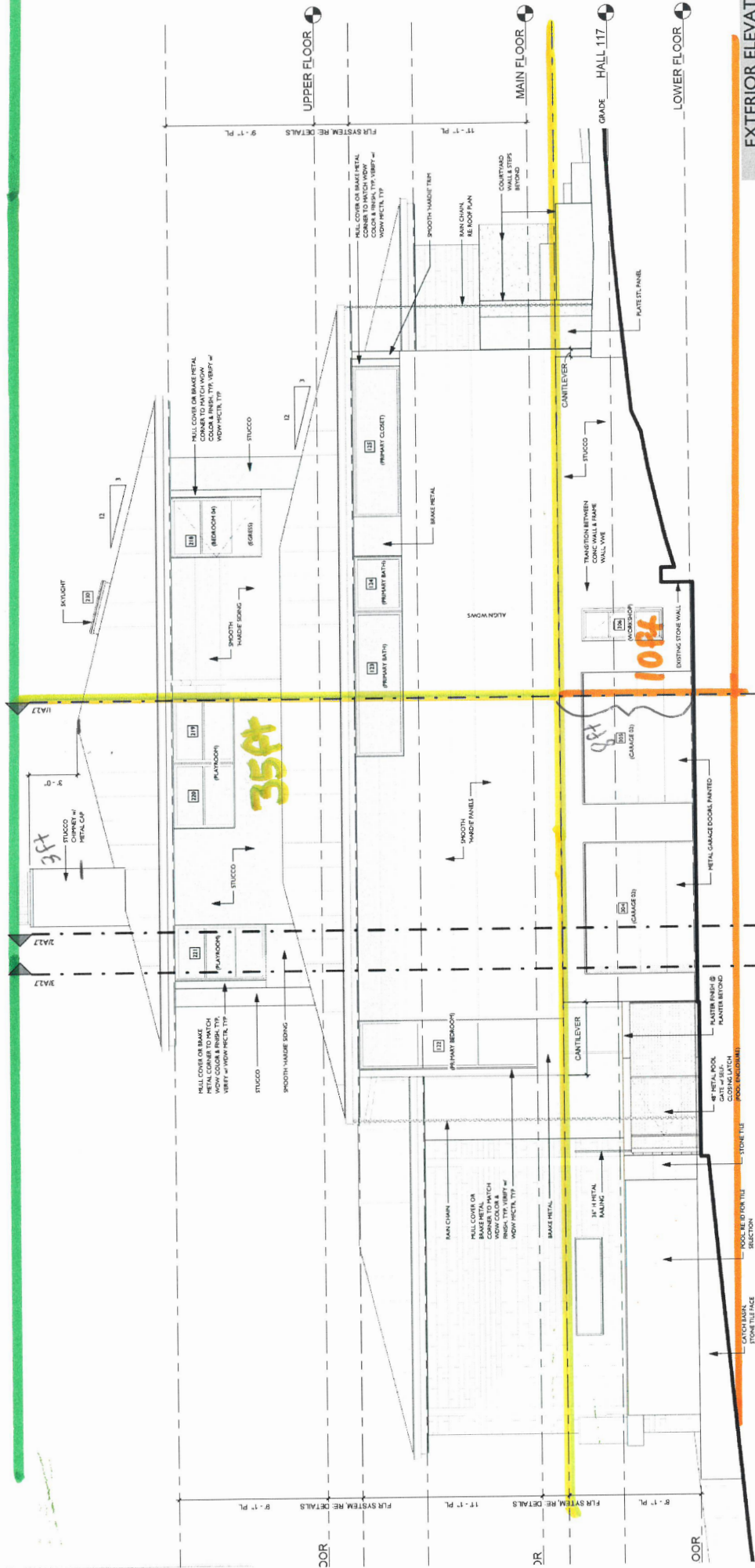
1 NORTH ELEVATION 1/8" = 1'-0"

- - 35 ft height restriction
- - Datum
- - Lowest Grade

North Elevation

1 SOUTH ELEVATION

1/4" = 1'-0"



2 EAST ELEVATION

1/4" = 1'-0"

EXTERIOR ELEVATIONS

● - 35 ft height Restriction

● - Datum

● - Lowest Grade

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Drawn By: EMH

East Elevation



35 ft

10 ft.

1 SOUTH ELEVATION
1/4" = 1'-0"

- - 35 ft Height Restriction
- - Datum
- - Lowest Grade

South Elevation



EXTERIOR ELEVATIONS

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Drawn by: JDL

- - 35 ft height limit
- - DATUM
- Lowest Grade

WEST ELEVATION

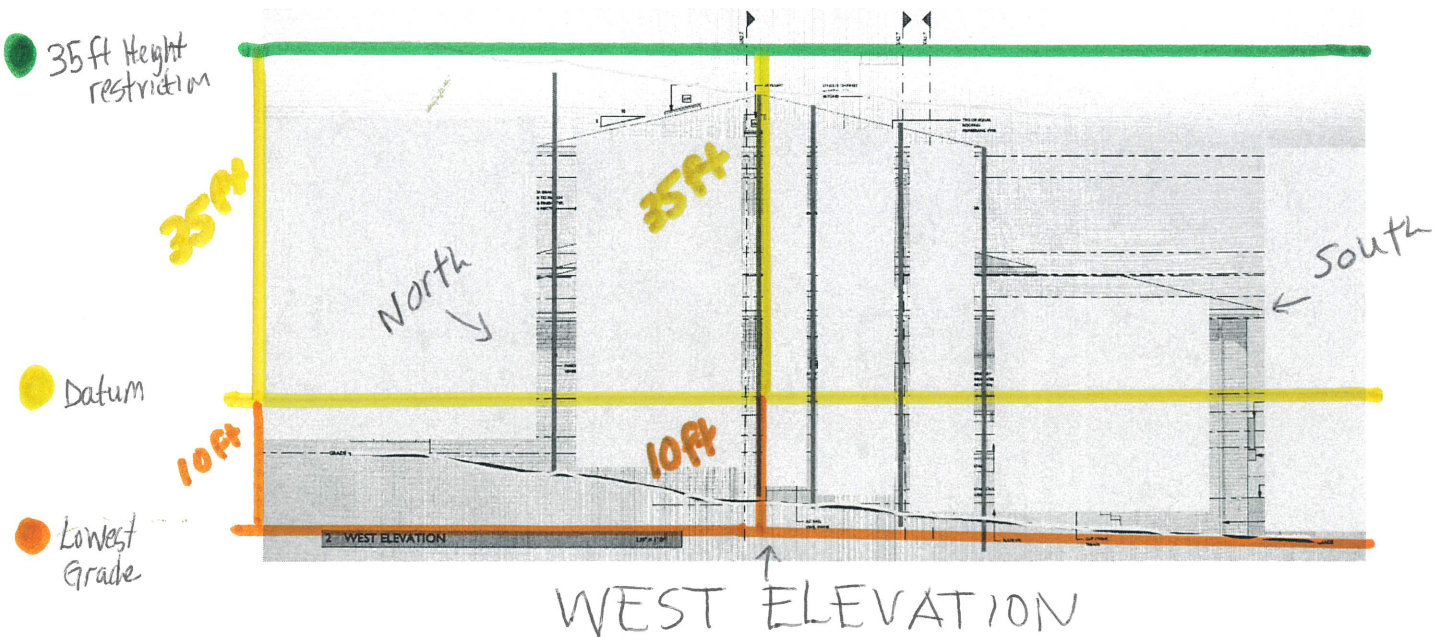
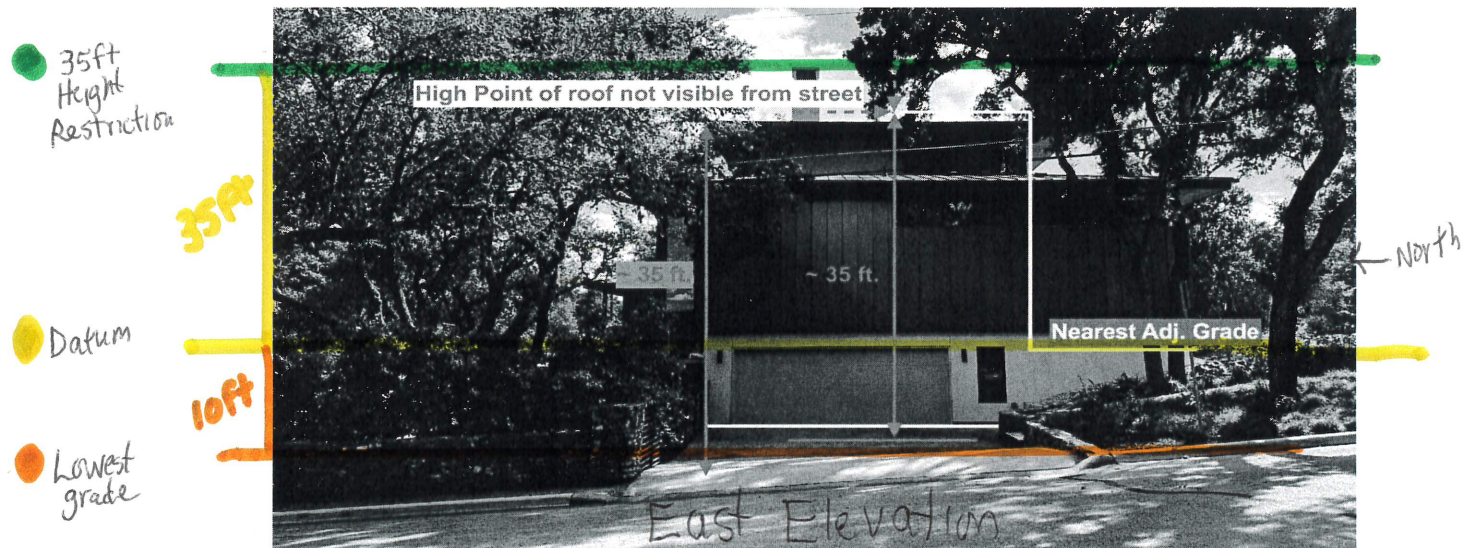
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J.D. Lake

THIS SET TO
REMAIN
ON-SITE

INCLUDED IN CRCRC PACKET



Attachment D

How to Determine the Average (Existing Grade (AEG))

Average Grade Level

“Average grade level” means the average of the natural or existing topography at the center of all exterior walls of a building or structure to be placed on a site; provided, that in the case of structures to be built over water, average grade level shall be the elevation of ordinary high water.

(Note: Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.)

Procedure

- Determine the existing grade at the mid-point of all walls of the proposed

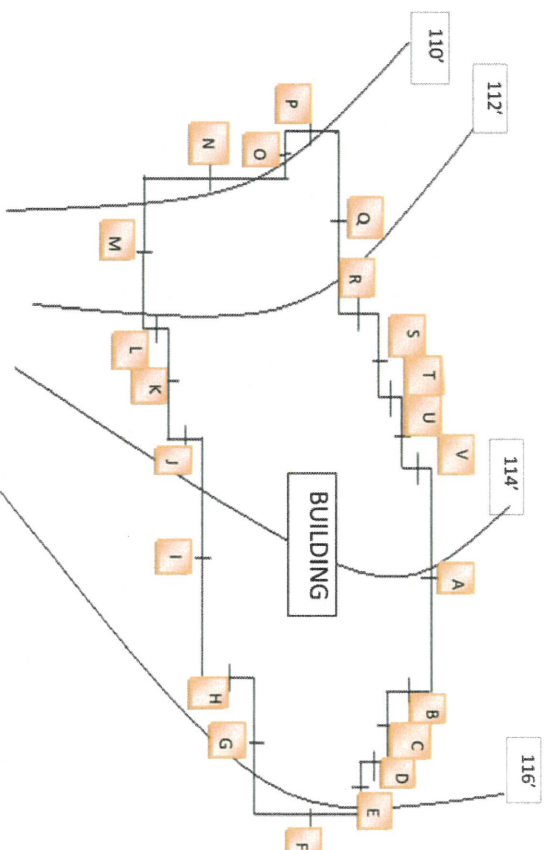
- Determine AEG:

Formula: $\frac{\text{sum of mid-point elevations}}{\text{number of wall segments}}$

$$A+B+C \dots +V = \frac{2492.5}{22} = 113.30 \text{ AEG (Average [existing] Grade)}$$

A	114	G	115.75	M	111	S	112.6
B	114.75	H	115.5	N	109.8	T	113
C	115	I	114.8	O	110	U	113.25
D	115.5	J	113.5	P	110	V	113.5
E	115.75	K	113	Q	111.2		
F	116.10	L	112.25	R	112.25		

AVERAGE EXISTING GRADE (AEG) IS REQUIRED TO BE LOCATED & LABELED ON ELEVATION DRAWINGS



- ### Determining a Story Above Grade Plane
- Is the floor surface of the story in question located entirely above the grade plane elevation?
 - Is the floor surface of the floor above the story in question located more than 6 feet above the grade elevation?
 - Is the floor surface of the floor above the story in question located more than 12 feet above any of the grade measurements at any point along the building exterior walls?

If you answered yes to any of the three questions above, the floor in question is considered a story above grade plane.

21.02.145 Building height.

“*Building height*” means the vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

21.02.380 Grade, lot.

“*Lot grade*” means the average of the finished ground level at the center of all exposed walls of the building. In case walls are parallel to and within five feet of the sidewalk, the above ground level shall be measured at the sidewalk. (Ord. 2020 § 2, 1994; Ord. 190 Art. IV § 407, 1964)

21.42.200 Development standards.

Maximum Building Height, 8400sf: 35 ft.