

## Ashley Wayman

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**From:** Alexandra Robinette [REDACTED]  
**Sent:** Saturday, September 7, 2024 12:18 PM  
**To:** [REDACTED]  
**Cc:** Ashley Wayman; Makayla Rodriguez; Nikki Stautzenberger  
**Subject:** Fwd: Rollingwood meeting tonight - my opposition

(RW Staff - please share with Council, P&Z, CRCRC)

Hi Michael,

Thank you for taking the time to share your concerns. I'm familiar with your property and have discussed it on several occasions with other CRCRC members with an eye towards insuring that it would be okay. We recognize your situation is challenging, but even considering what you have built, if we apply the parallel plane method, only the top of your highest roof exceeds the plane by about 3ft. There is nothing about the design of your home that even triggers a concern to anyone - it's a perfectly lovely solution to a challenging location.

I know a lot of information has been thrown around that gives the impression that homeowners on sloping lots should be very concerned, but that is simply not the case. Alternate "new" suggestions others are making have actually long been in our packets for consideration. There are numerous misrepresentations of what other cities do, suggesting they offer additional height forgiveness on sloped lots where we don't, but omit the fact that the maximum height is only 25' in many of those cities. When the additions are applied, they basically match what we have recommended.

We have been researching this for 18 months, talking to numerous planning authorities and architects in other cities, all while looking carefully at plans for over 60 homes in RW. The use of parallel plane is a newer concept being used in many cities of similar size, topography, economics, and proximity to major growing cities, slowly replacing the single point measurements used more frequently in the past. The City of Westlake uses this method, and local architects are familiar with how it works. City staff have also been in our meetings and one on one conversations as we discuss solutions that work for them as well.

There are a few lots along Timberline that are likely built out as far as practical given the topography, steepness, and instability of the terrain beyond. They are already limited by our current rules, the new suggestions would not be taking anything away than they currently have. I'm not an engineer, but I would think it unwise to risk building a support structure for a home for my family on an actively crumbling hillside. I'm sure it can be done at great expense. Instead those homes could build higher than what they have currently, or we are also considering exceptions where their front setbacks could be shrunk to allow for more flat, stable area on which to build. Even beyond that, if they wanted to cantilever, we are open to a solution that allows them to build to the max height provided they use a columned-support system that is open underneath when the height exceeds some amount, not yet determined.

At the very least, I want to assure you that we are hearing your concerns and have been doing everything we can to offer solutions that we believe will work for challenging lots without impacting neighbors privacy, or the character of the neighborhood as a whole. Here are some of the current solutions that have been considered as exceptions:

- facing an established green space
- the top of a sloped roof would be granted leniency for exceeding the parallel plane by some measure, maybe up to 5ft., with some limitation on the length of that roof so that it is not running across the entire buildable area - i.e. in the center of a lot, and not the edges. Flat roofs have greater restrictions.
- Being some distance lower than street level

- Allowing excavations below grade that exceed overall maximum height, measured differently for sloped and flat roofs
- Narrowing setbacks on lots that are greatly limited as an overall, including those that have demonstrated a need for property tax breaks due to a high percentage of unbuildable area

A Special Exception is recommended that allows any outliers we haven't addressed to be granted a variance.

We have also suggested simply using the current rules on the book that allow people to chose the higher or lower grade as a reference datum, but enforce Sec. 107-71 Maximum Permissible Height, which says nothing can exceed 35ft., with the exception of chimneys, etc. The tenting rules we have suggested would also be applied.

Always happy to discuss further.

Kindly,  
Alex  
512-656-8272

Begin forwarded message:

**From:** Ashley Wayman <awayman@rollingwoodtx.gov>  
**Subject:** FW: Rollingwood meeting tonight - my opposition  
**Date:** September 4, 2024 at 1:45:55 PM CDT  
**To:** Ashley Wayman <awayman@rollingwoodtx.gov>  
**Cc:** Makayla Rodriguez <mrodriguez@rollingwoodtx.gov>, Nikki Stautzenberger <nstautz@rollingwoodtx.gov>

\*The Mayor, Council, Planning and Zoning Commission and CRCRC Members are blind copied on this email.

Hi All,

Please see the email below from Michael Connors.

Thanks,  
Ashley

**Ashley Wayman**  
**City Administrator**  
City of Rollingwood  
(512) 327-1838  
[www.rollingwoodtx.gov](http://www.rollingwoodtx.gov)



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**From:** Michael Connors [REDACTED]  
**Sent:** Wednesday, September 4, 2024 1:28 PM  
**To:** Ashley Wayman <[awayman@rollingwoodtx.gov](mailto:awayman@rollingwoodtx.gov)>  
**Cc:** Connors, Megan (US - Austin) [REDACTED]  
**Subject:** Rollingwood meeting tonight - my opposition

Hi -

I am the owner of 2514 Timberline Drive and wanted to oppose what has been referred to as the "parallel plane" method of measuring building height.

We have one of the most sloped lots in Rollingwood and if that method were to be used on our house, our house would not be built / designed to meet our needs.

We believe we have designed a house that is aesthetically pleasing, meets the current code outlined by Rollingwood, and others should do the same under the current code.

My point is:

Let's hold people to the current code and/or adjust the code ever so slightly so that we balance the needs of Rollingwood residents and not put us in a position of extreme rules/codes.

Let's rely on research and analysis as other cities have had these same conversations for years - let's use research and analysis to guide us and not the opinion of just a few.

I cannot make this meeting tonight and hope that my email/point is heard.

Thanks.

Mike

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**Re: Height ordinance discussion**

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**From** Alexandra Robinette [REDACTED]

**Date** Thu 9/19/2024 5:47 PM

**To** [REDACTED]

**Cc** Makayla Rodriguez <mrodriguez@rollingwoodtx.gov>; Nikki Stautzenberger <nstautz@rollingwoodtx.gov>; Ashley Wayman <awayman@rollingwoodtx.gov>

Hi Virginia,

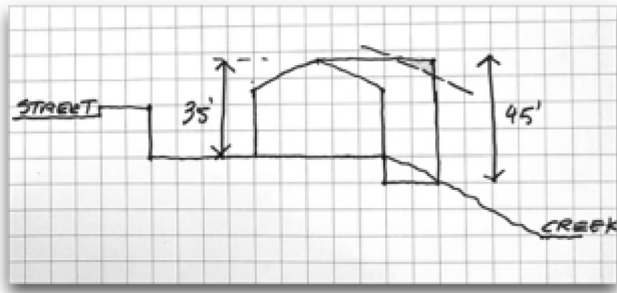
Thank you for taking the time to share your concerns about current building height measurement recommendations. It's a complex topic that is not easy to summarize beyond what most people probably want to read, but given your interest and concern, I wanted to do what I can to give more context.

I had an opportunity to visit your property last week with Phil McDuffy and meet your husband, Jim. Based on my observation, I would assume that you all agree that you are likely built out as far as practical given the topography, steepness, and instability of the terrain beyond. I'm sure it can be done at some expense. It has been suggested on numerous occasions that a cantilever could be allowed to the max height, provided you use a columned-support system that is open underneath when the height exceeds some amount, since the overall height of the support structure itself could be close to 20' in your situation.

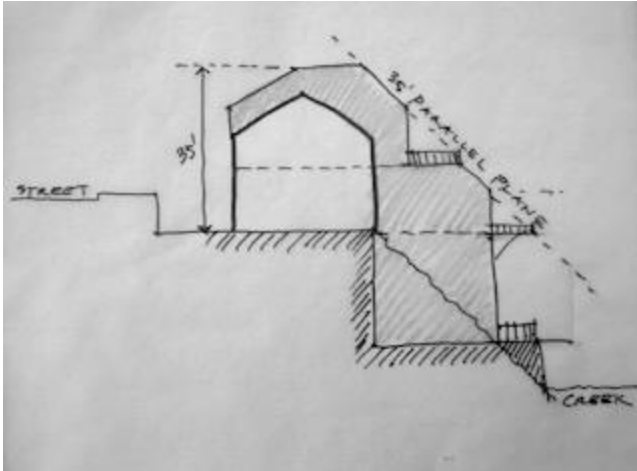
To that end, it does seem likely that you are also limited by current RW rules in terms of what you can build beyond the cliff edge. The most you could build would be up to 45' starting from the lowest point of the building footprint, which would limit how high you can build on the flat portion above. I'm guessing your house right now is around 25' tall. I'm sure it is preferred to build up to 35' on the flat portion. Beyond that, you would be limited to an additional 10' of structure below on the steep slope. And because of the nature of the steep slope, you would start to need a lot of exposed foundation, which has to be included in the overall 45' - so by basic geometry it limits how far out you can go towards the creek.

I made this very rough sketch showing how you can build up to 35', but also the limits based on overall height.

The small triangulated blue area is the only piece affected by a "parallel plane". This has been the intent all along is to just cut off the upper portion of the intentionally tall structures that people are complaining about. You wouldn't be losing lots of volume, in fact, if your slope is 20%, the most you would lose is 2% of the total volume, as calculated by finding the area of the parallelogram with respect to a rectangle.



This second sketch is showing what you can do under parallel plane - you can exceed the 45' as you work your way down the hillside, so long as you stay under the 35' parallel plane. So in theory, you can add a substantial amount of additional volume.



Parallel plane would stop this home at the blue line. Others in the community have suggested alternative height measurement options that allow this home to be even taller.



While "parallel plane" sounds like an obscure term, it's currently being used in Westlake Hills, Dripping Springs, and an increasing number of US cities (in WA, OR, CA, MT, CO, NC) of similar size, topography, economics, and adjacency to a major growing city. We certainly didn't invent it! It is viewed more as a building cap that protects the air space above an existing lot, and therefore the privacy of neighbors and the scale and context of the community. What is most interesting is that when you apply it to nearly all of the sloping properties in RW, you find that they built following a "terraced" format, which doesn't necessarily refer to the ground level being stepped, but rather the height of the volumes

above. These homes have broad first levels, not "split level". Parallel plane simply codifies best practices.

I know a lot of information has been thrown around that gives the impression that homeowners on sloping lots should be very concerned, but that is simply not the case - math doesn't lie! There are numerous misrepresentations of what other cities do, suggesting they offer additional height forgiveness on sloped lots where we don't, but omit the fact that the maximum height is only 25' in many of those cities. Our max height of 35' gives a lot more flexibility and area in which to build.

I hope that you will reach out any time to me or any one on CRCRC or council if you have any questions, this is a lot to unpack.

Very best,  
Alex Robinette  
2500 Hatley Dr.  
512-656-8272

On Sep 4, 2024, at 11:43 AM, Ashley Wayman <awayman@rollingwoodtx.gov> wrote:

\*The Mayor, Council, Planning and Zoning Commission and CRCRC Members are blind copied on this email.

Hi All,

Please see the email below from Virginia Bettis.

Thanks,  
Ashley

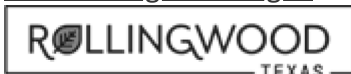
**Ashley Wayman**

**City Administrator**

City of Rollingwood

(512) 327-1838

[www.rollingwoodtx.gov](http://www.rollingwoodtx.gov)



**From:** Virginia Bettis [REDACTED]  
**Sent:** Wednesday, September 4, 2024 10:44 AM  
**To:** Ashley Wayman <awayman@rollingwoodtx.gov>  
**Subject:** Fwd: Height ordinance discussion

Hi Ashley, this is Virginia Bettis.  
I'm out of the country, but I did receive an email about this and would like to ask if you would please forward this to the council and to P&Z.  
I appreciate your help. Thank you

We have not changed our position on this because it is not in our best interest for where we live.  
Thank you very much.

----- Forwarded message -----

From: **Virginia Bettis** [REDACTED]

Date: Tue, Jul 16, 2024 at 8:03 PM

Subject: Height ordinance discussion

To: Gavin Massingill <[gmassingill@rollingwoodtx.gov](mailto:gmassingill@rollingwoodtx.gov)>, <[arobinson@rollingwoodtx.gov](mailto:arobinson@rollingwoodtx.gov)>, <[bbrown@rollingwoodtx.gov](mailto:bbrown@rollingwoodtx.gov)>, <[kglasheen@rollingwoodtx.gov](mailto:kglasheen@rollingwoodtx.gov)>, <[pmcduffee@rollingwoodtx.com](mailto:pmcduffee@rollingwoodtx.com)>, <[shutson@rollingwoodtx.gov](mailto:shutson@rollingwoodtx.gov)>

Hi everyone,

This is Jim and Virginia Bettis on Timberline Drive. We have lived in Rollingwood since 1985.

We love it here, we are retired, and inevitably our home will be sold at some point in the future.

- Because our home is on a significant slope, it will be negatively impacted by the "parallel plane" proposal because it reduces the buildable volume of sloped lots, although it has no effect on flat lots.

- Reducing the buildable volume will reduce our homesite's value at time of sale.

- The unspecified "Special exception" Language may ultimately help someone escape the problems with the parallel plane proposal, but the fact that it has no guidelines makes this application very unpredictable.

No one can know when looking at our lot, whether they will or won't be granted a special exception.

Why would a future potential buyer take on the headache of not knowing if they can build a great flat home on our lot if they can buy a flat lot and build one there instead?

These are Our concerns.

Thank you,

*Virginia and Jim Bettis*

4712 Timberline Dr, Rollingwood, TX 78746



Outlook

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**CRCRC: Agenda Item 6: Context and Clarification**

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**From** Wendi Hundley [REDACTED]  
**Date** Wed 9/25/2024 7:59 AM  
**To** CRCRC <CRCRC@rollingwoodtx.gov>  
**Cc** Makayla Rodriguez <mrodriguez@rollingwoodtx.gov>; Ashley Wayman <awayman@rollingwoodtx.gov>

Dear CRCRC Members,

I've reviewed the agenda packet, specifically item number 6, and since my name and request are mentioned, I kindly ask that this email be included as part of the record for that item.

I understand there may have been some confusion regarding the survey information collected and the Texas Public Information Act. It is unfortunate that the CRCRC misrepresented the survey as being confidential from the public. As you know, survey responses and data collected by the city, even through a third party, are considered public information under the Texas Public Information Act.

At the November 13, 2023, CRCRC meeting, Brian Rider and Thom Farrell mentioned that anyone interested in seeing the entirety of the information the CRCRC was reviewing could simply file an open records request. Chair Bench expressed concerns about releasing the raw data without some adjustments and suggested creating a new data set that might or might not include all information. Thom Farrell rightly pointed out that "you cannot go wrong by releasing data" and that trying to control or limit the release of information can lead to misunderstandings. I completely agree—transparency is crucial, and any effort to selectively release data can inadvertently erode the trust we've worked so hard to build.

There were additional discussions at the November 14, 2023, City Council meeting by Council Member McDuffee and Chair Bench about refining the raw survey data, potentially altering specific addresses, and creating a new data set. These actions raise similar concerns about transparency and fairness in how information is shared. This non-content-neutral approach and lack of transparency in editing the data raised serious concerns.

I requested the survey data to better understand what changes might have been made by Chair Bench, not to create any disruption. I did not distribute the information publicly or use my email list. My intention has always been to support transparency and ensure everyone feels comfortable engaging in civic matters.

I also want to address the open letter dated September 20, 2024, included in the packet. It appears this letter may have been issued without the CRCRC having a public discussion in a properly noticed meeting. This might give the impression that it was agreed upon outside of the open meeting process. However, I don't believe the CRCRC committee members collectively agreed on this letter in private, and it's likely that Chair Bench acted independently in posting the open letter and this agenda item. Since no action can be taken on this letter tonight, as this agenda item is posted for discussion only, I hope this can be clarified to avoid any misunderstandings and reinforce our commitment to open and transparent processes.



This agenda item is concerning because it could discourage not only my participation but also that of others who want to be involved and request public information. I'm concerned that the current agenda item could be seen as retaliation for my Public Information Request, which goes against the principles of transparency and trust we should all be working to uphold. Using official channels to target citizens for exercising legal rights is not only unethical but also a serious misuse of authority that discourages community participation.

Our community thrives when we all feel safe and supported in engaging with our local government. We all want what's best for Rollingwood, and fostering an environment of openness and trust is essential to achieving that.

Thank you for considering my concerns. I truly believe we can all work together to ensure that everyone feels included and respected in our community.

Best regards,

Wendi Hundley

## Makayla Rodriguez

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**From:** Wendi Hundley [REDACTED]  
**Sent:** Thursday, September 26, 2024 1:30 PM  
**To:** CRCRC; DC Bench  
**Cc:** Ashley Wayman; Makayla Rodriguez  
**Subject:** \*NEW\* Clarification and Concern Regarding Agenda Item 6

Dear Chair Bench,

I hope this message finds you well. I am reaching out to seek clarification and promote transparency regarding the recent handling of my letter dated September 25, 2024, concerning Agenda Item 6. It appears that my letter was not included under the relevant agenda item but was instead placed under Agenda Item 5.

I would also like to offer some additional context, if you are open to it. The snippet of my correspondence with the city that you included does not reflect the entirety of my communication on this matter. I submitted two Public Information Requests (PIRs) related to this issue. The initial PIR was submitted on November 15, 2023. The city informed me that my request was under legal review and that they would need my permission to provide redacted information. I did not give permission for redacted information because my intent was to access the complete, unredacted dataset. My motivation for seeking the unredacted data was to understand what may have been changed, particularly after your comments at the November 13 CRCRC meeting and the November 14 City Council meeting regarding your intention to refine the raw survey data before distributing.

Despite this, on December 1, 2023, I received a dataset from the city that included redactions, which was not what I requested. I followed up to clarify that I was seeking the complete dataset without redactions, and this was treated as a new PIR.

The city categorized it as a new request because, according to Texas State Code, a governmental body must seek a ruling from the Texas Attorney General's Office Open Records Division before redacting most information from requested documents. The Attorney General's ruling to the city on March 5, 2024 (OR2024-007881), stated that the city was not permitted to redact information and must release the records in full.

There were 10 months and 10 days between my original PIR on November 15, 2023, and the inclusion of this issue under CRCRC Agenda Item 6 on September 26, 2024. This long delay naturally raises questions about the timing and intent behind including this item on the agenda after such a considerable gap. I did not anticipate being singled out for engaging in a lawful and protected civic activity. I discovered this agenda item only yesterday and wrote to the CRCRC to clarify my involvement and provide context. While I would like to address this matter in person tonight, my family and I will be attending my daughter's volleyball game.

I have a few questions I would appreciate your insight on:

1. **Inclusion of Correspondence in Agenda Item 6:** As Chair, would you consider including my letter dated September 25, 2024, along with this email under Agenda Item 6? Including them where they are most relevant would provide the public with a comprehensive view of my involvement and concerns in the appropriate context.
2. **Other Public Requests and Access to Data:** I have not made any public comments, oral or written, about the survey data. However, I have noticed that other individuals have publicly commented and provided their own analysis of the survey data. I am curious to know how these individuals obtained the dataset, as I did not provide it to them. Have there been any other Public Information Requests (PIRs) for this data? If so, shouldn't those requests also be included in the discussion?
3. **Selective Focus on My Request:** Could you help me understand why only my request was included under Agenda Item 6? Has there been any coordination with specific community members known for making public comments directed at me? I suppose we will find out at tonight's meeting?
4. **Open Letter from CRCRC:** I noticed that an open letter was presented as representing the entire CRCRC. Could you clarify how this letter was drafted without a properly published meeting? Did all members of the CRCRC have the opportunity to review and agree to the letter outside of a public meeting? If not, how was it included in the agenda?
5. **Compliance with Training Requirements:** Have you completed the required training on the Texas Open Meetings Act and the Texas Public Information Act, which all public officials are expected to undertake? If so, how do these laws guide your decisions regarding public information and open meetings?

I am concerned that this agenda item might be retaliation for my Public Information Request and politically motivated, potentially singling me out for simply exercising my rights. This could impact the transparency and trust we should all be fostering within our community. It's crucial that official channels are used fairly and not in a way that might discourage residents from participating or sharing their concerns. I sincerely hope this is not the case. I remain committed to working together with integrity and respect for our shared values. Thank you for your attention to this matter.

I would appreciate your response to these questions for the public record.

Sincerely,  
Wendi Hundley