

# Development Code Advisory Committee

## August 20, 2014 Meeting Minutes

### 1. Call to Order

The meeting was called to order at 3:05 p.m. in the Planning & Development Services (PDS) Conference Room.

### 2. Roll Call

**Members present:** Brent Baker, Brian Cave, David Sour, Chuck Glace, Keith Hickman, and Jeff Seiler

**Members absent:** Bo Spencer

**Staff present:** Planning Manager Susan Brennan, Senior Planners Brad Dushkin and Joelle Jordan, and Planning Technician Kerstin Harding

**Also present:** Planning & Zoning Commissioner Stacie Bryan

### 3. Approval of the August 6, 2014 meeting minutes

**Motion** by Brian Cave and second by Chuck Glace to approve the minutes of the August 6, 2014 Development Code Advisory Committee meeting as presented.

**Vote:** Aye: Brent Baker, Brian Cave, David Sour, Chuck Glace, Keith Hickman, and Jeff Seiler.  
Nay: None. The vote was 6-0.

### 4. Policy Discussion

#### Meeting recap

Senior Planner Bradley Dushkin gave a short summary of the Committee's recommendations regarding the topics discussed at the previous meeting, and asked the members if they had any additional comments:

- On-site detention to the 100-yr storm event: Committee supported requiring detention to the 100-yr storm event instead of the 25-yr storm event.
- Drainage easements/lots for the ultimate 1% annual chance floodplain in residential neighborhoods: The Committee agreed that in residential neighborhoods the ultimate 1% annual chance floodplain should be on separate lots dedicated to the city rather than easements on residential lots.
- Accessory dwelling units: The Committee supported permitting and regulating accessory dwelling units in single-family, office and neighborhood commercial zoning districts.
- Follow-up items: Staff continues to research issues relating to nonresidential building design standards, single-family front/rear setback encroachment, subdivision design guidelines, and variance processes for allowing flag lots.

## **Landscaped right-of-way strip in single-family neighborhoods**

One of the Planning & Zoning Commissioners has asked that the Committee take a look at the standards for landscape strips between the sidewalk and curb in residential neighborhoods. Mr. Dushkin explained that the landscape strip is not required; the developer has the choice of a minimum 5-ft wide sidewalk next to the curb or a 4-ft wide sidewalk with a minimum 3-ft landscape strip. Ms. Brennan noted that the resident is responsible for maintenance of the landscape strip in front of their home, which often leads to inconsistent plantings and maintenance. She suggested that perhaps if the community wants to have a consistent appearance, the homeowners' association (HOA) should adopt deed restrictions.

- Mr. Baker observed that volume builders will generally choose the landscape strip option because an additional 3 ft. width of sod is less expensive than an additional 1 ft. width of concrete. Also, TCEQ now requires any landscape areas less than 4 feet wide to use drip irrigation, which in a landscape strip is less effective than spray irrigation and requires additional soil amendment. Some higher-end subdivisions include irrigation in the landscape strip, but most don't.
- Mr. Sour felt that the landscape strip is aesthetically preferable to the wider sidewalk. Mr. Baker suggested that if the aim is an appealing streetscape, widen the buffer by another 2-6 feet so that it is wide enough for trees, better plantings, and spray irrigation. It would also give developers another option for placing the new trees required to mitigate the loss of the original trees on the site.
- Ms. Brennan asked, assuming the landscape buffer stays, should it be the responsibility of the City or neighborhood? The Committee agreed that it should be up to the neighborhood. Ms. Brennan then stated that the city could create standards for the strips that would be available to the neighborhood.

## **Historic preservation ordinance amendments**

Ms. Jordan outlined possible amendments to the historic preservation ordinance relating to maintenance problems, which the Historic Preservation Commission (HPC) had discussed at its work session the previous evening.

The City has a minimum maintenance requirement for historically designated properties, but the wording is vague, making it difficult to enforce. Many cities have a "demolition by neglect" clause, with specific legal action if the structure is allowed to deteriorate to the point that its structural soundness or historical significance is threatened. The clause establishes a procedure for intervention to prevent further deterioration, typically a time limit to begin and/or complete repairs, and a penalty for failing to do so.

Staff research also noted that most cities have stronger consequences for destroying a historic property, whether by legal or illegal demolition, demolition by neglect, extensive inappropriate alterations, or removing the historic designation. Penalties in other cities ranged from helping the owner find resources to adequately maintain the structure, a per day zoning violation, repayment of some or all historic tax exemptions (including those paid to previous owners), and/or a 1-3 year moratorium for any building or site permits on the site if the building is demolished. In Round Rock, the only tool the City has to prevent demolition is to impose an up to 120-day waiting period. The waiting period is intended to allow the owner to find an alternative to demolition. After the waiting period the owner may obtain a building permit for demolition.

At its work session the HPC proposed that:

- Minimum maintenance criteria should be clarified. The new criteria could be adapted from existing maintenance criteria from the historic tax exemption program.
- The minimum maintenance criteria should apply to both the structure and character of the building.
- The HPC should be the body to determine whether the maintenance criteria is not being met, with the aid of a report from the Building Official.

- Repairs should begin within 30 days and be completed within a year, with the possibility for an annual extension.
- A suitable penalty for failing to do so should include a zoning violation and ineligibility for the historic tax exemption until repairs are completed.
- A penalty for demolishing a historic structure, including demolition by neglect, should include repayment of the last 5 years of historic tax exemptions, since the City had granted the exemption as an incentive to preserve a historic resource. This would include exemptions paid to previous owners, and if the owner had not participated in the exemption program, an equivalent fine should be imposed.

Ms. Jordan asked the Committee members for their comments.

- Mr. Cave asked if there were any historic properties that currently might be in a stage of demolition by neglect. Ms. Brennan said that there are currently at least two, and Ms. Jordan said that three properties in the last ten years have been lost.
- Mr. Sour asked if the tax exemption is the only incentive the City has to encourage maintenance of historic properties. Ms. Jordan replied that it was.
- Ms. Jordan observed that an owner who invests in maintaining their property is less likely to want to demolish it, whereas when a property has been allowed to deteriorate to the point that extensive repairs are needed, demolition seems to become easier to justify. She also noted that many other cities also have nonprofit organizations to help owners with maintenance or to buy properties outright.
- Mr. Cave asked whether someone could buy [a particular historic property], remove the historic designation and demolish it. Ms. Brennan replied that a historic property can be demolished without removing the designation, the only impediment is the waiting period. Properties are un-designated by removing the historic overlay zoning from the property, following a standard rezoning process.
- Mr. Cave, Mr. Sour and Mr. Baker said that they agreed with the 5-year exemption repayment penalty. Mr. Sour felt that designation carries responsibilities, and if the owner receives an exemption to help preserve the property and then decides to demolish it anyway, they are not living up to their side of the bargain.
- Mr. Baker noted that most homes in the city are in communities where maintenance is enforced by a homeowners' association, which also has the enforcement power to assess a lien on noncompliant properties. The historic properties are in areas that don't have a homeowners' association to enforce maintenance standards, so tighter, enforceable maintenance standards would fill this need.

### **Update on proposed East End Historic District**

Ms. Jordan presented an update on the status of the proposed East End Historic District after the Committee had given its endorsement at the July 16, 2014 meeting. Two weeks after the meeting the proposal was presented to the Planning & Zoning Commission, which expressed some concern about the tax impact.

The proposal was then presented at the City Council briefing on August 12. The Council's concerns were primarily about imposing controls on the "noncontributing" properties in the proposed historic district. However, they were not averse to allowing some review at the staff level for new construction and major alterations. Ms. Jordan noted that most of the proposed district is zoned MU-L, which allows some commercial use but requires that structures maintain a residential appearance. It would be possible to create design standards to define that residential look based on the historic design standards (to minimize the risk of a suburban look), and apply them in the standard review process for these properties.

- Mr. Cave asked about the northeast part of the proposed historic district that was zoned SF-2. Ms. Brennan said that they could consider expanding the MU-L district so that it would effectively create a unified district, but that it would have to be done with neighborhood support.

### **Mixed-use zoning districts**

At a previous meeting Ms. Jordan had introduced two proposed new mixed-use zoning districts, which could be applied to any area of the City outside downtown. The intent of having standardized zoning districts for mixed-use projects is to reduce reliance on PUDs, which are labor-intensive for both the developer and staff. The Committee had expressed agreement with the concept, but had asked to see the drafts of the new districts.

The two districts are tentatively called district (MU-X), which is intended for smaller scale properties or infill redevelopment, and (MU-X2) for large lot or greenfield development. Copies of the draft ordinances were distributed, and Ms. Jordan began discussion by calling the Committee's attention to the purpose statement for both mixed-use districts:

Purpose: To establish areas of mixed land uses primarily for uses on lots where:

- A residential component could not otherwise be accommodated;
- Desired development or redevelopment cannot be accommodated with existing commercial district standards; or
- The development desired is of a more pedestrian-oriented and urban scale.

The development standards for both districts are intended to encourage high-quality construction that fits the proportions and functional characteristics of a mixed-use district with an urban and pedestrian-oriented feel, but are not intended to impart a specific style. The MU-X district (small-scale/infill) has development standards similar to the existing MU-2 district, with minimal setbacks, and a height limit of three stories or 50 ft.

Development standards for the MU-X2 district will be divided into three categories for different parts of the project: standards for areas internal to the development, areas on arterials, and areas on freeways. The project must include at least two land use categories, including residential (except in certain cases) and a minimum of 15% open space. Land use standards will list prohibited uses instead of permitted uses. The project must include a thoroughfare plan of private streets within the development, unless the City agrees to accept their dedication as public streets. The project must establish a layout with design standards, and include a parking generation study.

There were several items that staff felt would benefit from the Committee's input:

- Whether single-family homes should be incorporated into the MU-X district.
- How a parking ratio should be determined, or whether a parking study should be required for each project instead.
- Whether 12 acres is the appropriate distinction between a small project and a large one (for reference: the old HEB site at Mays and US 79 is 10 acres; Garden Ridge site is 13 acres, and the IKEA site is 20 acres).
- Whether a large project should designate a "Main Street."
- Whether there are enough incentives built in for these new districts to be attractive to developers.

Ms. Jordan asked the Committee for their comments:

- Mr. Seiler asked what these mixed-use zoning districts would provide that a PUD couldn't. Ms. Jordan and Ms. Brennan replied that the primary benefit is to not have to create a PUD, and Mr. Dushkin added that many PUDs end up being amended frequently, which would not be necessary with an established zoning district.
- Several members speculated on where in the city MU-X redevelopment might be appropriate. Staff noted Mays St, parts of Sam Bass, and parts of 79 may be appropriate for the small scale/infill district. Ms. Brennan noted that several areas that may be appropriate for large scale mixed-use development were identified on the Future Land Use Map in 2010, such as the Boardwalk Center.
- Mr. Cave and Mr. Sour thought that the districts are good ideas worth pursuing, but wondered if the incentives for the MU-X2 district were strong enough for developers to make use of it.
- Ms. Brennan felt that the new districts could also be used as the base zoning district for future PUDs, so that parts of the project refer back to the mixed-use district standards rather than to single-category, more suburban style zoning regulations.
- Mr. Cave noted that in his practice [as a real estate agent] the people who like to live in dense, mixed use communities also like and expect public transit. High-density mixed-use development may not be marketable without it.

#### **Development Code – next steps**

Ms. Brennan thanked the Committee for their work, and described the next steps in revising the development code. Staff will need to draft language for any significant changes to the existing code, which will hopefully be ready for review by the Planning & Zoning Commission at its retreat in January. After incorporating their comments, the draft will go to the Legal Department for review, and then staff will begin the public input program. Hopefully it will be ready for the adoption process in summer. She encouraged the Committee members to attend some of these meetings. Progress will be updated on the department's website.

Mr. Baker asked about the format at the Planning & Zoning Commission retreat. Mr. Dushkin said that staff would present the proposed edits, staff opinion, the Committee opinion, and any other public input. It's possible that additional policy questions might emerge from the Commission's discussion.

#### **5. Discussion regarding any development issues in Round Rock**

None of the Committee members offered additional development issues for discussion.

#### **6. Adjournment**

The meeting adjourned at 3:58 p.m.

**Respectfully Submitted,**

**Kerstin Harding  
Planning Technician**