

Development Code Advisory Committee

July 16, 2014 Meeting Minutes

1. Call to Order

The meeting was called to order at 3:07 p.m. in the Planning & Development Services (PDS) Conference Room.

2. Roll Call

Members present: Brent Baker, Brian Cave, Chuck Glace, and David Sour

Members absent: Keith Hickman, Jeff Seiler, and Bo Spencer

Staff present: PDS Director Brad Wiseman, Planning Manager Susan Brennan, Senior Planners Brad Dushkin, Ashley Lumpkin and Joelle Jordan, DSO Manager Aneil Naik, and Planning Technician Kerstin Harding

Also present: Planning & Zoning Commission Chairman Frank Leffingwell

3. Approval of the June 18, 2014 meeting minutes

Motion by David Sour and second by Brian Cave to approve the minutes of the June 18, 2014 Development Code Advisory Committee meeting as presented.

Vote: Aye: Brent Baker, Brian Cave, Chuck Glace, and David Sour. Nay: None. The vote was 4-0.

4. Policy Discussion

Meeting recap

Planning Manager Susan Brennan 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:

- Platting procedures: The Committee supported allowing administrative rather than commission review of minor and amending plats. Staff will develop a set of criteria to determine when a concept plan may be waived (lack of environmental constraints, utilities in place, limited transportation impact).
- Flag lots/driveway separation: The Committee supported allowing flag lots only as a variance rather than by right. Staff will research the criteria that other communities use to evaluate requests for flag lots.
- Connectivity/subdivision design principles: There was agreement that Round Rock should adopt clearer subdivision design principles, and staff will compile a list of other cities' design principles to present to the Committee at a future meeting.

On-site stormwater detention

DSO Manager Aneil Naik described the City's requirements for stormwater detention, which staff believes may be due for an update. Currently the City requires on-site detention to accommodate a 25-year rainfall event (4% chance in any given year) and conveyance of the 100-year event (1% annual chance). This standard was adopted to be consistent with the City of Austin's standard at the time. Since then, Austin has increased the on-site detention requirement to accommodate the 100-year rainfall event, as have many of the other benchmark cities, such as Frisco.

DSO staff reviewed detention ponds in several recent projects to assess how much larger the detention ponds would have had to be if they were required to accommodate the 100-year event instead of the 25-year event. In most cases the difference was small: the additional pond height to detain the 100-year runoff instead of the 25-year runoff was less than a foot at a Lamb's Automotive site with 85% impervious cover. They noted that the projects submitted are increasingly being designed for the 100-year event, in excess of the City's requirements.

Mr. Naik said that he was ambivalent about changing the requirement to accommodate a 100-year rainfall event, and was interested in the Committee's input. Options other than a universal requirement could also be considered, such as only requiring the additional detention capacity for properties up to a certain size.

- Mr. Sour said that he was under the impression that detention ponds are not always required. Mr. Naik replied that projects may participate in a regional detention system if they can prove conveyance of the 100-year rainfall event without any adverse impact downstream. Roughly a quarter of projects are able to prove conveyance without an adverse impact downstream, and the detention requirement wouldn't apply to them.
- Mr. Cave thought that changing the requirement would be a very sensible and responsible way to reduce the stormwater impact on those downstream.
- Mr. Glace pointed out that although the cost impact of the increased requirement on small projects such as those mentioned would be minimal – only \$1000-1500 – on a large project it presented a significant burden, both in construction cost and site area. Mr. Naik noted that when he tried to analyze the impact of the change on very large projects, such as a subdivision with several detention ponds, the difference was too complex to quantify. However, he noted that the developers of several recent large projects – IKEA, the outlet mall, a subdivision – had chosen to build to the 100-year event, presumably for liability reasons.
- Mr. Cave questioned the argument of it being too expensive to require large developers to build detention areas that can handle 100 year flood, asking if it's fair to allow developers to save money so that when the storm water is not held on their property, it flows downstream causing damage and financial implications to someone else. Mr. Cave argued it was not right to pass the burden on to someone else to deal with financially because the developer doesn't want to be responsible and is only concerned with making money.
- Mr. Baker asked if other cities had adopted the higher standard in order to support denser development. Mr. Naik noted that for several years Frisco has required detention for even the 1-year storm, which had proved to be far too restrictive to be workable. The requirement is in the process of being repealed.
- Mr. Glace thought that if a significant number of developers are choosing to build to the higher standard independently, the burden of doing so probably isn't that onerous.
- Mr. Baker said that it would be good to look at all the projects over the last 12-18 months and see how many were building to the 100-year event, regardless of the size of the site.

- Mr. Naik noted that if the project engineer can't prove that there will be no adverse impact downstream, the City already has the power to require additional detention. Mr. Cave asked what the point of increasing the standard is if there won't be an adverse impact downstream anyway? Why is the City reviewing this topic? Mr. Wiseman answered that the department is always looking to our peer cities to see how standard practice is evolving, and evaluating where the best tradeoff between cost and impact is for Round Rock. The City strives to have high development standards without being overly burdensome; if it takes burden off the regional system and eases the impact of a flood, it may be worth it. Also, the City is less than halfway built out, so impervious cover issues will only become more important.
- Mr. Naik also noted that estimating adverse impact is somewhat subjective – different engineers can come to different conclusions - so leaving some contingency is generally a good idea.
- Mr. Wiseman said that the Committee would revisit the topic at a later meeting, and asked the members to think about it and discuss with their colleagues in the meantime.

Drainage easements

Ms. Lumpkin outlined a specific issue that had arisen relating to the platting of flood and drainage areas. In residential subdivisions, developers may currently accommodate floodplains and drainage features in easements on residential lots, rather than in dedicated drainage lots. Originally this policy came about to accommodate property owners with very deep lots along Brushy Creek who wanted direct access to the creek for aesthetic and recreational purposes. However, several issues commonly arise in more conventional subdivisions:

- The usable area of the lot can drop significantly below the minimum lot size of 6,500 square feet, leaving the homeowner with no room for outdoor features like pools and sheds. Then the Building Inspection Department has to explain to the homeowner why they can't build these features even though they have a large lot.
- Often homeowners will build fences, sheds, etc. in the drainage easement anyway, either out of ignorance or to get the most use out of their property. This is not a problem when the easement is to accommodate a buried pipe, but for an open drainage way or floodplain, even dense shrubbery can compromise its effectiveness. Although these features are not permitted in the easements, residents add them anyway and it is impractical for the City to police them.

Ms. Lumpkin asked the Committee for their thoughts. Should all stormwater facility and 100-year/1% annual chance floodplain areas be excluded from residential lots and dedicated to the City on separate drainage lots? Should easements be allowed for drainage facilities but not floodplain? Should drainage easements be allowed, but not counted as part of the lot size? Should the easement restrictions be made more clearly conveyed to the homeowner?

- Mr. Sour asked about the cost of maintenance and lost taxes to the City if drainage areas were dedicated to it. Ms. Lumpkin replied that it would have some effect, although floodplain areas generally do not have high appraisal values, and open drainage areas are generally landscaped and maintained to as close to a natural state as possible, so maintenance is not as intensive as other landscaping. Mr. Baker noted that his HOA had to keep their stormwater ponds mowed in order to discourage snakes from inhabiting them.
- Mr. Cave asked about allowing metal breakaway fences in drainage easements, as is done in some hurricane-prone areas. Mr. Naik said that the breakaway fences are rather expensive to require. Mr. Cave also asked why this topic is an issue. Ms. Lumpkin replied that developers will create large lots that contain floodplain and charge a premium to the buyer when much of the lot can't be used.

- Mr. Sour mused that there should be a way to still get some recreational use out of these areas. Mr. Baker thought there should be some case-by-case way to evaluate the best lot arrangement around drainage features – maybe it’s a matter of getting a better subdivision layout. Ms. Brennan observed that it came back to the City’s lack of specific subdivision design standards, and said that the Committee would revisit the topic at a later meeting.

Signs (electronic messaging systems)

Ms. Jordan gave the Committee an overview of the new sign ordinance and some issues that have since emerged. The new ordinance was adopted in March 2013, and its major changes were to set standards according to road type instead of by zoning district, disallow pole signs except on freeways, and to allow larger monument signs. The first issue relates to electronic messaging centers (EMCs), which include both the text versions and the newer animated LED screens, which have become more popular as the price has come down. The city has recently received a number of complaints that the signs are too bright, that they change too quickly, and generally present a driving distraction.

The ordinance includes limits on brightness and how quickly the message can change, which are based on TxDOT’s standards, which are more comprehensive than most of our benchmark cities’ standards. Animation is not allowed. The problem is that the standards are difficult to enforce – the messages change frequently, the limits may be forgotten when programming new ones, and establishments with EMCs change management frequently and the new managers reprogram the signs without knowledge of the ordinance. Ms. Jordan asked the Committee for their thoughts about the problem.

- Several members expressed distaste for the electronic signs, citing their least favorite examples.
- Mr. Baker expressed dismay that the electronic signs are allowed on tall pole signs, which are a traveler’s first impression of the city.
- Mr. Sour said he’d rather see them at a distance on top of a pole than down at eye level on a monument, but he’d rather not have them at all. He and Mr. Glace noted that Lakeway and Bee Cave don’t allow them, and it doesn’t seem to have hurt their businesses.
- Mr. Sour asked whether extending the interval between messages reduced the value of the sign, and inquired whether doing so would be possible for existing signs.
- Mr. Baker commented that white backgrounds should not be allowed as they are blindingly bright at night, and Mr. Cave agreed, calling it a safety issue.
- Mr. Cave asked about the large EMC at the Dell Diamond. Mr. Sour thought it wasn’t so bad because it was proportionate and appropriate to the nature of the building.
- Mr. Baker observed that the electronic signs are more appropriate for schools and churches to advertise upcoming events – they would rather use the screens than buy lots of banners. The changeable plastic letters are labor intensive and thus are often not updated with current information.
- Mr. Leffingwell remarked he feels something needs to be done from a safety perspective, as EMCs can be very distracting to drivers.
- The Committee was in general agreement that stricter standards are necessary for EMCs, whether in the form of increasing the interval, permitting them only for schools and churches, or simply banning them outright.

Signs (incidental signs)

Ms. Jordan asked the Committee for their input regarding limits on incidental signage. Incidental signs are small signs, typically on a building, conveying information incidental to operation of the business, such as menu boards, movie poster boxes, suite directories, hours of operation, credit cards accepted, open/closed, etc. Currently incidental signs are defined and allowed but not regulated, and thus have no explicit limit on size or number.

Recently there have been a number of very large incidental signs, such as the Budweiser sign on the Dell Diamond. Staff suggests continuing to exempt incidental signs that are internal to a property and not visible from adjacent roads (such as signs within the outlet mall), but to limit external signs to perhaps 25% of the total allowable wall signage. Staff does not propose to begin requiring permits for incidental signs, but the maximum would be there to establish a limit.

- There was significant discussion to clarify the definition of incidental signs for the Committee.
- Mr. Glace said he thought the staff recommendation was appropriate.

Signs (on big-box-stores)

Ms. Jordan explained that the sign ordinance deliberately established a maximum area for wall signs – 200 square feet on commercial roads and 300 square feet on freeways – which have turned out to be too limited for big box stores. It is particularly a problem when the store has tenant-style businesses inside, such as garden centers, optometrists, etc.

Staff proposes to double the maximum sign area for wall signs on buildings where the façade length exceeds 100 ft. *and* the gross floor area for a single tenant exceeds 100,000 square feet.

- The Committee agreed with staff's proposal.

Downtown residential historic character requirements

At the Committee's first meeting a member suggested that one topic for future discussion should be residential design requirements for parts of downtown in order to respect its historic character and strengthen its defining characteristics. Ms. Jordan informed the Committee that staff will be discussing a possible East End Historic District with the City Council, and would like the Committee to weigh in.

The idea for a new historic district has evolved over the last several years. The 2010 Downtown Master Plan identified a "Residential Character Area" in the eastern part of the study area, and recommended a distinct set of design guidelines to respect its historic character. At a public meeting during development of the plan, residents of the area had expressed a desire for standards to prevent a "suburban" look for new downtown houses.

Grants from the Texas Historical Commission funded a historic resources survey, which identified a concentration of homes in the area that merit historic preservation, many of which had already been designated individually. It was decided that a new historic district would be the preferable way to regulate character in the area, since the character is historic and there is an established historical preservation ordinance, review body and review process.

The City conducted an outreach effort to property owners in the proposed district to inform them about the implications of being in a historic district, and to gauge their support for it. Outreach consisted of mailings, presentations to the neighborhood association, and a mailed survey soliciting their input. Of the 85 individual property owners, 47% responded; of those who responded, 63% favored establishing the district. When the project was concluded, however, the proposal to create the district was not brought forward to the City Council. Nine months later, a large house was constructed in the area that many residents felt detracted from the area character, and the Heart of Round Rock Neighborhood Association

sent a message signed by the board member to PDS Director Brad Wiseman requesting the new historic district.

Ms. Jordan explained what designation as a historic district would mean for property owners. Any changes to the exterior of a structure in a historic district must first have that change approved by either City staff or the Historic Preservation Commission, depending on the extent of the alteration. This applies to all properties, including new construction on currently vacant lots, not just the properties that are individually designated as historic or contributing. Properties that have historic significance (“contributing” properties) are held to a standard that preserve and enhance their original character, and properties with less historic character (“noncontributing” properties) are held to a standard that enhances, but need not mimic, the district character. For example, a new structure might not be allowed to have a large garage at the front of the house, or might be restricted to certain roof shapes. All properties in the district would also be eligible to apply for a partial property tax exemption. If all the newly eligible properties applied for the exemption, the total tax impact to the City would be approximately \$40,000.

Mr. Wiseman noted that creating the historic district would also have implications for removal or demolition. Demolition is not prohibited, but if the HPC believes it would be inappropriate it can impose a 120-day waiting period. This, and the fact that the new structure in its place would still be subject to historic review, would encourage potential tear-down developers to look elsewhere.

- Several Committee members looked at pictures of the recently-constructed home, noting features that made it stand out from the neighborhood, particularly its size and hipped roof.
- Mr. Cave, a resident of the proposed district and member of its neighborhood association, reported that those who are active in the community really want the district. He observed that if the tourism downtown benefits from the existing commercial historic district, why wouldn't it benefit from a residential district?
- Mr. Sour and Mr. Glace said they favored establishing the district.
- Mr. Baker said that historic places are part of what makes a city special, and supported a district as opposed to individual designations to avoid a “Swiss cheese” effect. He observed that the review requirements were not unlike those of a homeowners’ association.

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 4:30 p.m.

Respectfully Submitted,

**Kerstin Harding
Planning Technician**