

# Development Code Advisory Committee

## August 6, 2014 Meeting Minutes

### 1. Call to Order

The meeting was called to order at 3:02 p.m. in the Planning & Development Services (PDS) Conference Room.

### 2. Roll Call

**Members present:** Brian Cave, David Sour, Keith Hickman, Jeff Seiler, and Bo Spencer

**Members absent:** Brent Baker and Chuck Glace

**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 Commissioner J. Hollis Bone

### 3. Approval of the July 16, 2014 meeting minutes

**Motion** by Brian Cave and second by David Sour to approve the minutes of the July 16, 2014 Development Code Advisory Committee meeting as amended by Mr. Cave.

**Vote:** Aye: Brian Cave, David Sour, Keith Hickman, Jeff Seiler, and Bo Spencer. Nay: None. The vote was 5-0.

### 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:

- On-site detention to the 100-yr storm event and drainage easements for the 1% annual chance floodplain in residential neighborhoods: The Committee discussed these topics but due to limited attendance at the previous meeting they were to be continued at the present meeting.
- Sign ordinance amendments: The Committee supported Staff's recommendations regarding electronic messaging centers (EMCs), incidental signs, and big box sign regulations.
- Downtown residential historic district: The Committee supported the creation of an East End Historic District to help preserve and strengthen the defining characteristics of the downtown neighborhood. Staff was to then bring the topic to City Council at an upcoming packet briefing.

#### 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.

- Mr. Hickman raised the point that sloped sites are easy to deal with for detention purposes, but flat sites typically require pumping. Increasing the size of ponds on flat sites would increase the amount of required pumping. It might be worth considering sloped sites versus flat sites when determining what size pond is required.
- Mr. Seiler mentioned that depth isn't much of an issue; it's the overall size of the pond.
- Mr. Sour said he initially wasn't sure about requiring detention to the 100-yr storm event, but after speaking with his engineer he feels more comfortable with it.
- Mr. Naik said many engineers voluntarily detain to the 100-yr due to fears of liability down the road in the event of downstream flooding.

### **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, issues commonly arise in more conventional subdivisions: the usable area of the lot can drop significantly; homeowners purchase lots not realizing they are unable to build anything in an easement like pools and sheds, after which the Building Inspection Department has to explain to the homeowner why they can't build these features even though they have a large lot.

As a result, Staff recommends requiring developers to dedicate to the City all 1% chance annual floodplain in new single family subdivisions.

- Mr. Hickman asked about access for maintenance of drainage easements.
- Mr. Sour mentioned that requiring dedication to the City will make it like a recreational amenity. Homeowners with such easements will maintain it to the standard of their yard, which is mowed, while the City will maintain it largely in a natural state.
- Mr. Spencer asked why the City doesn't use the minimum lot standards exclusive of the floodplain. Ms. Lumpkin replied the City allows the floodplain to be there but it doesn't count toward the minimum square footage. Mr. Spencer then said it creates a problem when a homeowner puts a fence ahead of the floodplain which puts part of their lot on "public access" and if something happens on it they could be liable. Ms. Lumpkin said that is part of why Staff wants to require dedication of this floodplain to the City, to take the responsibility off the hands of the homeowner.
- Ms. Lumpkin brought up Mr. Sour's point from the previous meeting that dedicating that land to the City will remove it from City tax rolls. She also asked if the County would assess commercial floodplain differently from residential floodplain.
- Mr. Sour asked if it would be possible to fence all the floodplain so people can tell visually that it's a separate lot. Ms. Lumpkin replied that residents would typically want a fence, even if it's view fencing.
- Mr. Hickman asked how the shape of the floodplain will change when FEMA updates their maps and how that affects existing easements on residential lots.

- Mr. Cave asked how it affects current residents. Ms. Lumpkin replied it will only apply to new subdivisions, and it's only ultimate 1% floodplain which is a stricter requirement from the City than what FEMA requires.

### **Accessory dwelling units**

Mr. Dushkin outlined what accessory dwelling units (ADUs) are and explained that they are being illegally constructed in older neighborhoods of the City. Currently they are only permitted in the downtown mixed use districts. He reviewed policies of benchmark cities, many of which permit ADUs but with strict regulations. He then asked the Committee's feelings about them and whether the City should permit them in single family, office, and local commercial zoning districts.

- Mr. Hickman said you have to be careful in creating a definition for accessory dwelling unit.
- Mr. Wiseman mentioned many residents desire to have their elderly parent(s) or a student home from college live with them but in a separate unit on the property.
- Mr. Cave asked why this topic is being brought up. Ms. Brennan replied that the General Plan calls for diversifying the housing options in Round Rock, but also added that most new neighborhoods with deed restrictions would prevent accessory dwelling units. Mr. Hickman asked how enforceable are deed restrictions, and Staff replied the City doesn't get involved in that.
- Mr. Spencer said he expects greater demand for these units due to the aging population. He also asked what the difference is between building an expansion to a house for an ADU versus building a detached ADU in the rear.
- Mr. Cave asked if and how regulations can be created for ADUs. Mr. Wiseman mentioned physical and structural requirements are easier to create and enforce over occupancy restrictions.
- Mr. Sour asked why current regulations need to be changed. Mr. Wiseman replied that the City is receiving many inquiries from interested residents.
- Mr. Spencer said if people want to get around the rules, they will find a way. He also said it's sometimes better for people to see they can do something legally than to try to prevent it by omission.
- Mr. Spencer asked what happens when the City allows something but an HOA doesn't. Mr. Wiseman replied that the stricter rule would apply, which is typically that of the HOA, and the City doesn't enforce specific HOA rules.
- Mr. Cave said he wants to allow ADUs in order to have it done right instead of having it done illegally.
- Staff asked if it would be appropriate to permit ADUs in Office and C-2 districts, sort of as live/work units, which have been requested by multiple landowners outside of downtown.
- Mr. Sour said it is essentially the definition of mixed-use, to allow a compatible business and residence to share a property. It would be appropriate for such low intensity zoning districts.
- The Committee gave approval to move forward with permitting accessory dwelling units in single family, office, and local commercial zoning districts.

### **Non-residential building design standards**

Mr. Dushkin brought forth research from other cities outlining how developers in other cities reacted to increased non-residential building design standards in those cities. Most cities saw some initial pushback, but developers said market conditions are far more important than local building codes. If the market demands or can support their product/service, they will find a way to locate there.

- Mr. Spencer asked for a refresher regarding proposed new materials requirements, specifically if metal cladding would be permitted. Mr. Dushkin replied it would be, and that new language would hopefully provide clarity that new materials and trends not accommodated by the Code may be permitted in some cases by the Zoning Administrator.
- Ms. Brennan reiterated that City Council has expressed a desire for greater durability in building materials and there is a need for flexibility for the Director to approve alternate designs.
- Mr. Sour asked, referring to the previous meeting at which this topic was discussed, if it would be possible to incorporate incentives for greater design. Staff replied that would be possible, offering an example that perhaps requiring stricter materials could allow more flexibility in articulation.

### **Front & rear setback encroachment (single-family)**

Mr. Dushkin presented draft language permitting front and rear setback encroachment in single family zoning districts. The Committee recommended moving forward with that language, which will provide flexibility to homeowners.

### **Subdivision design principles**

Mr. Dushkin stated that research on other cities came up almost empty with the exception of Leander and said the City could create its own section or it could do away with it altogether. He then asked the Committee for direction.

- Ms. Brennan and Mr. Wiseman mentioned that new PUDs such as Freeman could set the example for this future section. The new single family PUDs set forth specific design standards for the neighborhood as a whole.
- Ms. Lumpkin asked if we want this section to be a list of general guidelines, or if it's a place where we can set new policy that must be adhered to. Should we require things like amenities and open space in neighborhoods? Mr. Spencer said we should be requiring such things. If there are going to be standards for buildings, then why not for subdivisions?
- Mr. Cave mentioned it goes back to a desire he has been repeating that he wants Round Rock to have a look, and not just like "anytown" or a hodgepodge like Disneyworld. That could be addressed here from a quality standpoint, establishing neighborhoods where things last for a long time instead of falling apart after 10 years.

### **Flag lots**

Mr. Dushkin explained Pflugerville's variance process for flag lots, which the Committee stated would be a good solution for Round Rock. Requiring a developer to go the Planning and Zoning Commission to obtain a variance for a flag lot would be better than allowing them by right.

Staff distributed draft copies of the mixed use districts for review prior to the next meeting.

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 4:18 p.m.

**Respectfully Submitted,**

**Brad Dushkin  
Senior Planner**