

**Fire Code Appeal**  
**Fire Apparatus Access Road**  
**Determination**  
**7213 Huebner Road**  
**Poss Landing Subdivision**

Regular City Council Meeting

Mindy Teague, Director

November 7, 2023

# Appeal

- By Casey O'Neil and Century Communities, Poss Landing Subdivision, 7213 Huebner Road
- Appealing the Fire Chief's denial of an appeal to the 2021 International Fire Code, Appendix D Fire Apparatus Access Roads, D107 One or Two-Family Dwelling Residential Developments, D107.1 One or Two-Family Dwelling Residential Developments & D107.2 Remoteness
- To allow a non-compliant secondary fire apparatus access road
- To allow the proposed 86-unit single family dwelling subdivision to be constructed without fire sprinkler systems in each home

# Request

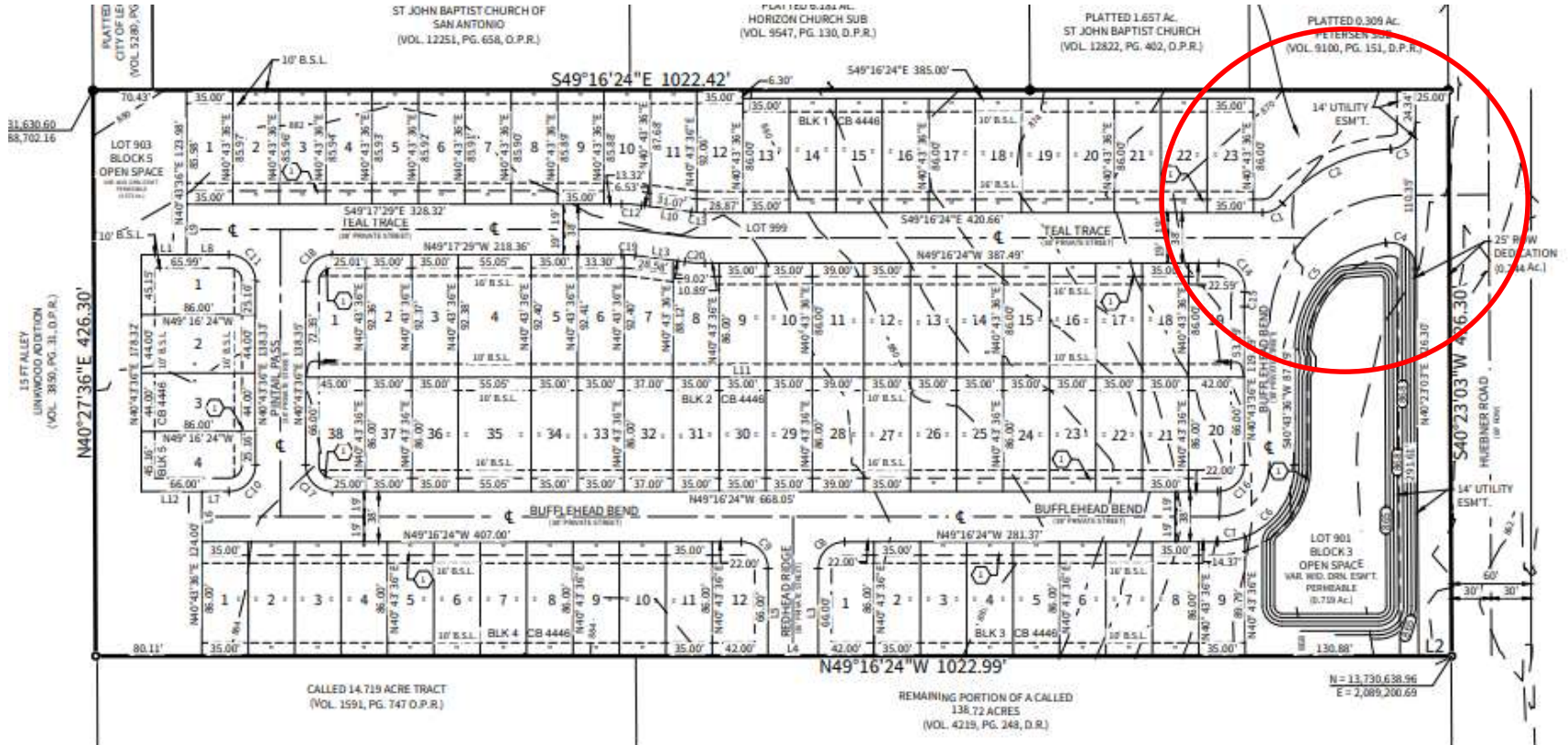
- This is a ten-acre residential housing development located at 7213 Huebner Road, now known as Poss Landing
- Developer previously stated that due to inability to provide a secondary fire apparatus access road that meets the requirements of the Code, he would fire sprinkle all of the housing units
- The property was then platted, and the developer started negotiations with several building contractors for the construction of the homes

# Background

- Developer has now been turned down by 3 home building companies - all stating the cost of installing & maintaining residential fire sprinkler systems is too high
- Staff made some inquiries of residential fire sprinkler companies & was informed that the cost for installing the systems is between \$3.50 & \$5.00 per sq. ft. , resulting in an estimated cost of \$896,000 for the 86 units

# Approved Plat

Current Access Road



AREA MAINTENANCE NOTE:

ENHANCE OF ALL PRIVATE STREETS (LOT 999, BLOCK 1), OPEN SPACE, (INCLUDING LOT 902, LOT 901, BLOCK 3, AND LOT 903, BLOCK 5), DRAINAGE EASEMENTS AND EASEMENTS OF ANY NATURE WITHIN THIS SUBDIVISION SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS, DEPRITY OWNERS' ASSOCIATION, OR ITS SUCCESSORS OR ASSIGNS AND NOT THE LIABILITY OF THE CITY OF LEON VALLEY.

IN VERIFICATION NOTE:

IN OF THE FEMA 1% ANNUAL CHANCE (100-YEAR) FLOODPLAIN EXISTS WITHIN THIS PLAT AS

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD
C1	30.00'	48.7334°	17.18'	87.9239°30"E	16.00'

LINE TABLE		
LINE	BEARING	LENGTH
L1	N49°16'24"W	54.00'



# Proposed Second Egress



Future access

Huebner access

# 2021 International Fire Code

- D107.1 One or Two-Family Dwelling Residential Developments
  - Developments of one or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads.
- Exceptions:
  - 1. Where there are more than 30 dwelling units accessed from a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with section 903 3.1.1, 903 3.1.2, 903 3.1.3, access from two directions will not be required.

# 2021 International Fire Code

- 2. The number of dwelling units accessed from a single fire apparatus road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.
- D107.2 Remoteness
  - Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.”
  - The overall diagonal distance is 1107 linear feet and half of that is 553 linear feet, so the ingress/egress roads would have to be at least 553 linear feet apart



# Purpose

- To gain as much compliance as possible, the applicant is proposing to replat the property to provide an additional fire apparatus only access road along Huebner Rd
- The distance between the approved ingress/egress road to the newly proposed access road is approximately 290+/- linear feet, so they would be noncompliant by about 263 +/- linear feet
- There is a vacant 5-acre tract of land adjoining this subdivision and the developer has placed a street stub out for a future connection to that parcel, but the timing of the future development is unknown

# Purpose

- LVCC Chapter 5 Fire Prevention, Article 5.04 Fire Code, Section 5.04.005 Appeals states:
  - Whenever the fire marshal shall disapprove an application, or refuse to grant a license or permit applied for, or when it is claimed that the provisions of the code do not apply or that the same has been wrongly interpreted by the fire marshal, the applicant may appeal from the decision of the fire marshal to the council within 30 days from the date of the decision of the fire marshal
- The applicant is asking the City Council for approval of an appeal to the code

# Staff Analysis

- The Fire Chief is opposed to the appeal, as the proposed secondary fire apparatus access road is not to code & the applicant knew the homes would have to be fire sprinkled from the onset of planning for this development
- The Building Inspector notes that the 2021 International Residential Building Code will require additional fire-proofing to each home without fire sprinklers, due to the distance between the homes
- The appeal is for monetary reasons and is self-imposed

# Options

- #1 Adhere to the Fire Code - require the developer to fire sprinkle each unit, as mandated
- #2 Approve the appeal request and allow two entrances off of Huebner Road, with potential for future connection to Huebner Road via the undeveloped 5-acre parcel
  - If approved, applicant will be required to replat the property to construct the additional entrance onto Huebner Road
  - The developer will most likely have to reduce the number of dwelling units to 85, reconfigure the detention pond, and construct additional roadway paving, curbs, etc.

# S.E.E. Statement

- Social Equity - The proposed development will increase the housing stock in Leon Valley and will offer residents alternatives to single family home ownership
- Economic Development - The development will bring in more ad valorem and sales taxes
- Environmental Stewardship – New construction includes modern building standards, which include environmentally friendly options