

## MAYOR AND COUNCIL COMMUNICATION

**DATE:** November 7, 2023  
**TO:** Mayor and City Council  
**FROM:** Mindy Teague, Director of Planning and Zoning

**SUBJECT:** Discussion and Action to Consider an Appeal to the 2021 International Fire Code, Appendix D Fire Apparatus Access Roads, Section D107 One or Two-Family Residential Developments, D107.1 One or Two-Family Dwelling Residential Developments and D107.2 Remoteness, to Allow Non-Fire Sprinklered Housing Units, at the Poss Landing Subdivision, Located at 7213 Huebner Road - M. Teague, Planning and Zoning Director

**SPONSOR(S):** None

### **PURPOSE**

The purpose of this item is to consider an appeal by Casey O'Neil, owner of the Poss Landing Subdivision at 7213 Huebner Road, to the 2021 International Fire Code, Appendix D Fire Apparatus Access Roads, Section D107 One or Two-Family Residential Developments, D107.1 One or Two-Family Dwelling Residential Developments and D107.2 Remoteness, to allow non-fire sprinklered housing units.

This is a ten-acre residential housing development located at 7213 Huebner Road, now known as Poss Landing. The developer of the subdivision had previously stated that because he was unable to provide a secondary fire apparatus access road that meets the requirements of Section D107.2 Remoteness, he would fire sprinkler 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.

He has now been turned down by three home building companies, and all have stated that the costs of installing and maintaining fire sprinkler systems is too high. Staff made some inquiries of residential fire sprinkler companies and was informed that the cost for installing the systems would be between \$3.50 and \$5.00 per square foot, resulting in an estimated cost of \$896,000 for the 86 units.

The 2021 International Fire Code, Appendix D States:

*“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.*

*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.”*

To gain as much compliance as possible with the Fire Code, the applicant is proposing to replat the property to provide an additional fire apparatus access road along Huebner Road. The distance between the approved ingress/egress road to the newly proposed access road is approximately \*\*\* linear feet, so they are noncompliant by about \*\* feet. There is a vacant five-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.

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 for approval of an appeal to the code.

#### **FISCAL IMPACT**

The approval of the appeal will result in a reduction of approximately \$896,000 in building costs to the developer. The construction of 86 housing units on this property will increase the City’s ad valorem and sales taxes.

#### **RECOMMENDATION**

The Fire Chief recommends disapproval of the appeal, as the proposed secondary fire apparatus access road is not to code and the applicant knew the homes would have to be fire sprinkled from the onset of planning for this development. In addition, the appeal is for monetary reasons only and is self-imposed.

#### **S.E.E. IMPACT STATEMENT**

**Social Equity** – Building and Fire Codes protect all of our citizen’s public’s health, safety, and welfare.

**Economic Development** – The construction of 86 new homes will increase ad valorem and sales taxes.

Environmental Stewardship – Properly permitting new development projects ensures that structures are built according to the new environmental codes.

APPROVE: \_\_\_\_\_

DISAPPROVE: \_\_\_\_\_

APPROVE WITH THE FOLLOWING AMENDMENTS:

---

---

---

ATTEST:

---

**Sandra Passailaigue, TRMC**  
City Secretary