

**MINUTES OF THE REGULAR MEETING  
OF THE PLANNING AND ZONING COMMISSION  
OF THE CITY OF ROWLETT, TEXAS, HELD IN THE MUNICIPAL CENTER  
4000 MAIN STREET, AT 7:00 P.M., SEPTEMBER 14, 2010**

PRESENT: Chairman Rick Sheffield, Vice-Chairman Greg Peebles, Commissioners Charles Alexander, Chris Cigainero, Joe Charles

ALSO PRESENT: Alternate Karl Crawley (voting member), Robert Kittrell (voting member)

Absent: Commissioner Greg Landry

STAFF PRESENT: Planning Manager Erin Jones, Planner II Marc Kurbansade, City Attorney David Berman, Deputy City Secretary Stacey Chadwick

**A. CALL TO ORDER**

---

Chairman Rick Sheffield called the meeting to order at 7:00 p.m.

**B. CONSENT AGENDA**

---

**1. Minutes of the Regular Meeting of August 24, 2010.**

Commissioner Chris Cigainero made a motion to approve the Minutes of the Regular Meeting of August 24, 2010. Alternate Karl Crawley seconded the motion. The motion passed with a 7/0 vote.

**2. Minutes of the Joint City Council and Planning and Zoning Commission Work Session of August 31, 2010.**

Alternate Karl Crawley made a motion to approve the Minutes, as amended, of the Regular Meeting of August 31, 2010. Commissioner Chris Cigainero seconded the motion. Motion carried with a 6/0/1 vote with Commissioner Charles Alexander abstaining from voting since he was not present at the August 31, 2010 meeting.

**C. REGULAR ITEMS**

---

**1. Consider and make a recommendation on a request to extend previously approved alternate building material for The River Church Addition, Phase 1, being 1.6± acres of land located on the north side of Liberty Grove Road at Princeton Road. Zoned SF-40 (Single-Family 40).**

Erin Jones, Planning Manager, came forward to present the case. Mrs. Jones stated that on December 21, 2004 City Council approved a resolution for The River Church to put up a temporary building for a period of four years. City Council stipulated that within four years the building either had to be removed or brought completely up to 2008 masonry standards. On December 9, 2008, the Planning and Zoning Commission recommended denial of the Church's request to extend the alternative building materials for a period of one year. The request was subsequently approved by the City Council as Resolution 007-09 in January 2010. The Church is currently in violation of the exterior building standards as specified in the *Rowlett Development Code (RDC)*. The applicant, Senior Pastor Kason Huddleston, is requesting a five year extension of the previously approved alternative building materials. Mrs. Jones presented pictures of the building and stated that they were included in the packets given to the commissioners. Also included in the packet was a letter from the applicant. Mrs. Jones mentioned that as stated in the letter, this request is due in part to the effect of the economic downturn on the Church's income. Mrs. Jones stated that public, institutional, and commercial buildings such as the Church are required to have a 100 percent exterior masonry and 20 percent accent material. Mrs. Jones stated that the

**MINUTES OF THE REGULAR MEETING  
OF THE PLANNING AND ZONING COMMISSION  
OF THE CITY OF ROWLETT, TEXAS, HELD IN THE MUNICIPAL CENTER  
4000 MAIN STREET, AT 7:00 P.M., SEPTEMBER 14, 2010**

Planning and Zoning Commission has the authority to make a recommendation to the City Council and City Council can approve alternative building materials. The Planning and Zoning Commission as always can recommend approval, denial, or some variation. If this issue goes forward and City Council does not grant the extension the Church will be required to come into conformance or have to remove the building. Ms. Jones then gave the Commission an opportunity to ask her or the applicant any questions. Chairman Sheffield asked when the applicant contacted staff regarding the extension since it expired over six months ago. Mrs. Jones stated that she initiated contact with the applicant in May, 2010 when it came to her attention that the Church was in violation, and the pastor then submitted a letter in August requesting another extension. Chairman Sheffield asked if the applicant initiated the request for an extension in 2008 after the initial four years or if staff had to follow up. Mrs. Jones stated that she was not as personally involved at that time, but that she believed staff did have to follow up with the Church several times prior to the Church requesting an extension in November when the resolution expired in December. Chairman Sheffield stated that he had no more questions for staff and asked the Commissioners if any of them had any questions. No further questions were presented so Chairman Sheffield stated he would entertain a motion. Commissioner Cigainero made a motion to recommend denial of the request. The motion was seconded by Alternate Karl Crawley. The motion passed with a 6/1 vote with Alternate Robert Kittrell casting the dissenting vote.

- 2. Conduct a Public Hearing to consider and take appropriate action on a Planned Development (PD) application for a single family residential development. The subject property is located on the east side of Dexham Road approximately 115 feet south of Foxwood Drive, being 71.445± acres, in the Reason Crist Survey, Abstract 225, Dallas County. (Case Number PD10-465)**

Marc Kurbansade, Planner II, came forward to present the case. He began the presentation by providing background information on this case—He stated that the original PD was approved in September 2005 and the Preliminary Plat was approved in June 2007; the Plat has since expired. Mr. Kurbansade stated that the prerequisites of the approved PD Ordinance, such as the conditions for improvements to Dorsey Elementary School, have been satisfied; however, no additional construction has commenced on the subject site. He stated that the prior zoning application was submitted on June 8, 2010, and then went onto a P&Z Commission Work Session on June 22, 2010, and then the application went before the July 13, 2010, P&Z Commission public hearing where it was recommended for denial by a vote of 5-2. He stated that at that hearing several issues were brought up by both the Commission and the residents, such as traffic concerns and market analysis concerns. He then stated that due to the recommendation of denial and the concerns brought up by the Commission and the residents, the applicant formally withdrew the application on August 4th to do more studies and analyses. Mr. Kurbansade stated that the applicant submitted a new application on August 17, 2010 and with that application the applicant had data that addressed the issues that had been brought up to the previous application. Mr. Kurbansade noted that since the recommendation of denial at the July 13, 2010, Planning & Zoning Commission meeting, the applicant had attended a Parks & Recreation Advisory Board meeting on August 11, 2010, as well as two different Neighborhood Meetings, held on August 19, 2010 and August 21, 2010. Mr. Kurbansade noted that both neighborhood meetings were fairly well attended with approximately 10-12 residents in attendance at each.

Mr. Kurbansade noted that the main reason for the application being submitted was in response to the changed residential market conditions from when the application was originally approved in 2005. He further stated that

**MINUTES OF THE REGULAR MEETING  
OF THE PLANNING AND ZONING COMMISSION  
OF THE CITY OF ROWLETT, TEXAS, HELD IN THE MUNICIPAL CENTER  
4000 MAIN STREET, AT 7:00 P.M., SEPTEMBER 14, 2010**

the most apparent difference between the original PD Ordinance and the proposed PD Ordinance is density; the original PD Ordinance allowed for 120 dwelling units or 1.7 dwelling units per acre and the proposed PD Ordinance allows for 166 dwelling units or 2.3 dwelling units per acre. Mr. Kurbansade stated that the applicant performed an analysis to compare the proposed density of the subject site to the density of the surrounding neighborhoods. The analysis showed that the average density of the surrounding neighborhood is 4.9 dwelling units per acre, with the minimum density being 3.4 dwelling units per acre and the maximum density being just over 7 dwelling units per acre. The proposed development also includes approximately 17.3 acres of open space to be improved by the developer. The majority of this open space includes an area designated as a wetlands; the remainder will be improved with a public hike & bike trail and landscaping to be incorporated into the development. Mr. Kurbansade provided a Location Map showing the proximity of the site to existing development and thoroughfares.

Mr. Kurbansade presented the rezoning approval criteria of the Rowlett Development Code. He stated that in response to criterion #1, the application is in response to a changed housing market conditions. He stated that criterion #2 addresses the Goals of the Comprehensive Plan, and provided examples of applicable Goals. He continued to discuss criterion #3 and that the proposed development would not detract from the health, safety, morals and general welfare of the public. Criterion #4 was discussed as it pertains to transportation issues; he highlighted points of vehicular access as well as connections from neighborhood streets to major thoroughfare facilities. He stated that some of the alleys adjacent to the subject site are used as thoroughfares. Also, with respect to criterion #4, Mr. Kurbansade discussed the issue of water pressure in the surrounding neighborhood. He further stated that the issue of water pressure is part of an additional study being done by the City of Rowlett and it was being addressed already. Mr. Kurbansade stated that he believed that this would no longer be an issue by the time the project was done because it is already being addressed. Commissioner Cigainero asked if Mr. Kurbansade had any print outs on the current water pressure readings in the area in question. Mr. Kurbansade stated that he did have a chart available. Criterion #5 was discussed by Mr. Kurbansade as it pertains to the relocation of the FEMA floodplain and the wetlands permits. He stated that the City would condition the approval so that building permits could not be issued for home sites in the current floodplain. Criterion #6 was presented and he discussed how the proposed development would be consistent with the surrounding area. Criterion #7 was discussed by Mr. Kurbansade to illustrate the suitability for the subject property for the proposed zoning designation. Criterion #8 was discussed and whether or not there is an excessive proliferation of the proposed use. Mr. Kurbansade then discussed Criterion #9 and how the proposed rezoning would be compatible in scale with uses on other properties in the vicinity. Criterion #10 was then presented to discuss the supply of land in the economically relevant area. He stated that SF-9 zoning makes up 17.1% of all residential zoning land in the City; but also stressed that that number did not include PD zoning designations.

Mr. Kurbansade then presented a series of charts depicting the differences between the existing Planned Development regulations and the proposed Planned Development regulations. Mr. Kurbansade then clarified that an Economic Development Incentive Agreement will be brought forward at a future date, and the incentive that are being sought were provided simply for the sake of disclosure. Mr. Kurbansade then reiterated the Notes and Waiver Requests being sought as outlined in the Staff Report. He made note of the changes from the staff report: 1) Accessory Buildings would abide by the current Rowlett Development Code standards; 2) Until the LOMR is

**MINUTES OF THE REGULAR MEETING  
OF THE PLANNING AND ZONING COMMISSION  
OF THE CITY OF ROWLETT, TEXAS, HELD IN THE MUNICIPAL CENTER  
4000 MAIN STREET, AT 7:00 P.M., SEPTEMBER 14, 2010**

approved, Building Permits would not be issued for those lots located in the Floodplain. Mr. Kurbansade then summarized the Public Hearing Notices, by stating that 146 notices were on August 24, 2010, and 35 replies were received—31 opposed and 4 in favor of the request. He also stated that based on the opposition replies received the 20% threshold per Texas Local Government Code requirements for a super-majority vote by City Council had not been reached.

Chairman Sheffield recognized Mr. Jay Volk to present. Mr. Jay Volk, 204 Crepe Myrtle Lane, Murphy, TX, 75094, came forward to present as a consultant for the applicant, Standard Pacific Homes. Mr. Volk provided a Location Map and highlighted the site characteristics including the location of the wetlands and the floodplain. Mr. Volk then presented the street and lot layout for the property, discussing the five points of access as well as the fact that the property will most likely be developed in phases as opposed to the one phase proposed in the initial Planned Development. Mr. Volk then provided a slide showing the location of the Open Space areas with respect to the proposed street and lot configuration. Mr. Volk noted that there is 17.3 acres of Open Space proposed, of which seven acres would be improved, the remainder of which would remain in its natural state. Mr. Volk then stated that 5.9 acres of the wetlands area would be improved (irrigated and landscaped) as shown on the slide. Mr. Volk stated that the areas would be accessible to the general public, but would be maintained by the HOA. Mr. Volk then discussed the Hike & Bike Trail, by stating that it is approximately 4700 linear feet in length, and discussed how it traversed through the property and tied into the City's trail network. Mr. Volk then discussed the tree mitigation that would be required and how the proposed landscaping would offset the mitigation requirements, specifically mentioning that he is proposing four 4-inch trees for each residential lot and proposing that one of the trees on the lot would count toward the mitigation requirements. Mr. Volk then provided a comprehensive slide showing the street and lot layout, open space and landscaping. Mr. Volk then mentioned that the proposed development is not proposing alley access and would be a front-entry side-swing product. Mr. Volk then displayed typical home photos for the project. Mr. Volk then provided home sales prices for Standard Pacific for the past several years with comparison to other homebuilders in the DFW Metroplex. Mr. Volk then presented a summary of what the alternative would be under the current Planned Development ordinance. Mr. Volk discussed the differences—proposed plan does not have any direct alley access; approved plan has all park areas as private; approved plan does not have upgraded fencing requirement; and proposed plan impacts less area of wetlands. Mr. Volk then explained how the approved plan would carry more per lot costs, which would result in a lower quality home product than the proposed plan in order to enter the market at a certain price point. Mr. Volk then also explained how other factors such as phasing would contribute to decreased home quality in order to maintain a lower home sales price.

Mr. Ted Wilson, 16660 Dallas Parkway, Suite 1200, Dallas, TX, 75248, of Residential Strategies, Inc. came forward to speak as a consultant for the applicant. Mr. Wilson spoke specifically on the residential housing market demand aspect of the project. Mr. Wilson provided a background on the residential housing market demand for the area focusing on a study area that is a 5-mile radius around the subject property. Mr. Wilson provided residential housing market data within the 5-mile radius study area and stated that market deterioration since the original approval has caused the price point to be shifted down. Mr. Wilson discussed in conclusion that the market would not support a higher price point as in the past. In order to achieve a lower price point, the applicant has two options – smaller lot size or value engineering of home.

**MINUTES OF THE REGULAR MEETING  
OF THE PLANNING AND ZONING COMMISSION  
OF THE CITY OF ROWLETT, TEXAS, HELD IN THE MUNICIPAL CENTER  
4000 MAIN STREET, AT 7:00 P.M., SEPTEMBER 14, 2010**

Mr. Volk then resumed his presentation. Mr. Volk discussed the proposed density lot size and its compatibility with the surrounding neighborhoods. Mr. Volk then discussed traffic as it relates to the site, by referring to the traffic analysis submitted as part of the application. Mr. Volk stated that the traffic analysis findings show that the proposed additional 46 homes will not have a negative impact on the Level of Service of surrounding roads. Mr. Volk also discussed that the traffic analysis alluded to the alleys being used as thoroughfares for the proposed development and the proposed development will help to eliminate cut-through traffic. Mr. Volk also discussed the proposed townhome development in the City of Garland at the corner of Firewheel Parkway and Castle Road, and that the majority of traffic from this development will use the adjacent thoroughfares. Mr. Volk showed the proposed points of ingress/egress on a slide to illustrate connectivity to the neighborhood as well as to the adjacent thoroughfares. Mr. Volk then discussed the impact of traffic explained by peak hour traffic. Mr. Volk then discussed the wetlands area and how the proposed development impacts less of the wetlands than the current approved plan. Mr. Volk reiterated that the approval process for wetlands permits is the same by either plan, that he would need to go through the US Army Corps of Engineers. Mr. Volk then explained that there is no net impact on the floodplain area as a result of this development with respect of the existing versus proposed plan. Mr. Volk then spoke with respect to the water pressure issue in the surrounding neighborhood. Mr. Volk then spoke with respect to the soil conditions and the natural springs/perched groundwater on the subject site. Mr. Volk stated that a geotechnical engineer has been retained to assist throughout the construction process, which will be supplemented by Standard Pacific's rigorous foundation testing process. Mr. Volk then spoke about their meetings with Garland ISD and with the principal for Norma Dorsey Elementary. Mr. Volk stated that the principal was looking forward to the subject site being developed so that the area that is currently being used as a "cut through" by current students could be monitored. Mr. Volk then spoke in reference to the subject remaining a "greenbelt". He stated that the area was always intended to be developed. Mr. Volk then stated that the obstruction of views would not be any different between the current plan versus the proposed plan. Mr. Volk then explained that the zoning approval is just the beginning of the development process. Mr. Volk concluded his presentation.

Chairman Sheffield opened the public hearing.

Artie Castro, 1618 Dartbrook, Rowlett, TX, 75089, came forward to speak. Mr. Castro spoke about which homes in which phase would be built first—the smaller or larger homes. He also commented about residents using Covington because it is a school zone and people will use other roads. He spoke about the maintenance of the fences. He then spoke about water pressure issues.

Maggie Gillespie, 1726 Dartbrook, Rowlett, TX, came forward to speak. Ms. Gillespie spoke about the progression of approvals of number of lots for the subject property. Ms. Gillespie spoke that she did not want to see more than 120 lots being built. Ms. Gillespie then asked the Planning & Zoning Commission to take quality of life issues into account.

**MINUTES OF THE REGULAR MEETING  
OF THE PLANNING AND ZONING COMMISSION  
OF THE CITY OF ROWLETT, TEXAS, HELD IN THE MUNICIPAL CENTER  
4000 MAIN STREET, AT 7:00 P.M., SEPTEMBER 14, 2010**

Larry Robertson, 7005 Tremont Lane Rowlett, TX, came forward to speak. Mr. Robertson spoke about the data presented. Mr. Robertson had concerns about the amount of traffic that would result from the development. He then commented about the traffic in the alleys and how people will use alleyways to go to certain places. Mr. Robertson then stated that the safety from a school perspective for students would be the same for 120 homes or 166 homes. He then concluded by thanking the Commission and stated that he opposed the project.

David Sperry, 7109 Tremont Lane, Rowlett, TX, came forward to speak. Mr. Sperry stated his biggest issue is the safety issue. He opposes developing anything that runs adjacent to Dorsey Elementary. He then spoke about the potential deterioration of wooden fences, using a fence along Hickox Road as an example. He then spoke about the quality of homes being reduced for the 120-lot plan. He then concluded by stating he was opposed to the project.

Patrick Neely, 7117 Tremont Lane, Rowlett, TX, came forward to speak. Mr. Neely stated he was there to make a formal protest against the project being proposed. He stated that his main concerns were the increased traffic and the safety of the children in the neighborhood. He asked about the elevations of the homes and his loss of privacy of the adjacent lots.

Mr. Kerry Lumkis, 7113 Tremont Lane , Rowlett, TX, came forward to speak. Mr. Lumkis stated that he was opposed to going from 120 lots to 166 lots. He stated that he was opposed to the single fence line that will be part of the 166-lot scenario. He then spoke about potential future rezoning on future phases. Mr. Lumkis concluded by stating he was opposed and referenced the 31 opposed versus 4 "in favor" public hearing" responses received.

Chairman Sheffield closed the public hearing.

Chairman Sheffield recognized Alternate Crawley. Alternate Crawley asked Jay Volk to elaborate on the proposed traffic impacts comparing the current versus proposed zoning and to discuss the impact on alley traffic. Mr. Volk spoke about the methodology used for the trip generation portion of the traffic study. Mr. Volk then spoke about the trip distribution. Alternate Crawley asked how many points of access Norma Dorsey Elementary has now. Mr. Volk stated that they have two points of access—one on Covington and one on Dexham. Alternate Crawley then asked if when meeting with the [Garland Independent School] District if there were any concerns with changes in access to the school. Mr. Volk said that he met with the Director of Facilities and showed him the plan, and stated he did not express any concerns with access or capacity of the school. Alternate Crawley asked Mr. Volk to explain the restrictions for lot size/home size distribution by phasing. Mr. Volk stated that each phase has to individually meet the overall requirements, with them being cumulative in nature. Mr. Volk then stated that each phase will have at least two points of access.

Commissioner Charles asked Mr. Volk for clarification on the fencing issue. He asked if this was public fencing or fencing for individual lots. Commissioner Charles asked if it was correct if this would be a Code Enforcement issue if the fencing were to fall down. Mr. Volk agreed and stated that the upgraded fencing would include steel posts and stained board-on-board fencing.

**MINUTES OF THE REGULAR MEETING  
OF THE PLANNING AND ZONING COMMISSION  
OF THE CITY OF ROWLETT, TEXAS, HELD IN THE MUNICIPAL CENTER  
4000 MAIN STREET, AT 7:00 P.M., SEPTEMBER 14, 2010**

Commissioner Cigainero asked Mr. Volk about the quality of the fencing components. Mr. Volk stated that the homebuilder would want Phase I to be of high quality for sales in future Phases.

Alternate Crawley asked Staff about tree mitigation. He asked if they removed all of the trees, what assurance the City has to make sure that all trees are mitigated for. Ms. Erin Jones, Planning Manager, stated that the Tree Mitigation plan would go through Planning & Zoning Commission and City Council in the future.

of  
Crawley asked if there were measures to ensure mitigation was done and Ms. Jones confirmed.

Commissioner Cigainero commented about the undeveloped property being used for dumping, and that there are no flood control measures in place now. He stated that the property will be eventually developed because it is zoned that way and that we need to find the best way to make this property work for everyone in the City of Rowlett. He then commented on the potential for the wetlands being improved. He then commented about traffic concerns, and stated that the proposed plan will move traffic from alleys onto streets where it belongs.

Chairman Sheffield commented on the process and its ultimate impact on the proposal. He commented on weighing the current proposal versus the proposed proposal and its impact on the people in the neighborhood.

Alternate Crawley made a motion to recommend approval of the request as presented by staff subject to the following two conditions: Accessory buildings shall be regulated by the current Rowlett Development Code requirements and lots shall not be allowed to be developed in the 100-year floodplain. Commissioner Cigainero seconded the motion. The motion passed with a vote of 7/0.

**D. ADJOURNMENT**

---

Chairman Rick Sheffield adjourned the meeting at 8:40 p.m.

  
\_\_\_\_\_  
Chairman

 10/12/10  
\_\_\_\_\_  
Secretary