

**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., DECEMBER 28, 2010**

PRESENT: Chairman Rick Sheffield, Vice-Chairman Greg Landry, Commissioners Chris Cigainero, Karl Crawley, Greg Peebles, Charles Alexander

ALSO PRESENT: Alternate Robert Kittrell (voting member), Carl Pankratz (non-voting member)

ABSENT: Commissioner Joe Charles

STAFF PRESENT: Planning Manager Erin Jones, Planner II Marc Kurbansade, City Secretary Susie Quinn, Development Services Technician Ashley McCoy

A. CALL TO ORDER

Chairman Rick Sheffield called the meeting to order at 7:02 p.m.

B. CONSENT AGENDA

1. **Minutes of the Regular Meeting of December 14, 2010**
2. **Minutes of the Joint Meeting of December 14, 2010**

Commissioner Karl Crawley made a motion to approve the Consent Agenda. Alternate Robert Kittrell seconded the motion. Motion carried with a 5-0-2 vote with Commissioners Charles Alexander and Greg Peebles abstaining since they were not present at the December 14, 2010 meeting.

C. PUBLIC HEARINGS

1. **Conduct a Public Hearing and take appropriate action on a Conditional Use Permit for a Hair Salon use within a General Commercial/Retail (C-2) zoning district. The subject property is located at 3320 Lakeview Parkway, Suite 3334, being a portion of Tract 12 in the U Matthusen Survey, Abstract number 1017, Page 470, Dallas, County, Rowlett, Texas. The subject property is further described as a 1,260 square foot lease space within the 1st Rowlett Center Shopping Center. (CUP10-493)**

Erin Jones, Planning Manager, came forward to present the case. Mrs. Jones stated that applicant submitted a Certificate of Occupancy application for a hair salon. Through the zoning check process it was found that a Conditional Use Permit is required in C-2 zoning. Mrs. Jones stated that the business met all general requirements under the *Rowlett Development Code (RDC)* and Staff recommended approval. Chairman Sheffield opened the public hearing at 7:03 pm and asked for anyone wishing to speak to come forward. Chairman Sheffield recognized Mr. Ray Kneggs to speak. Mr. Kneggs, 1006 Broadmoor, Rowlett, TX 75088, came forward to speak in favor of approval. He gave a short history of the thirty-four year old shopping center, First Rowlett Center. He spoke favorably of the applicant and thanked the commission for their consideration. No further speakers came forward so Chairman Sheffield closed the public hearing at 7:05 pm and said if there was no other discussion he would entertain a motion. Commissioner Charles Alexander made a motion to approve the request. The motion was seconded by Commissioner Chris Cigainero. The motion passed with a 7-0 vote.

2. **Continue a Public Hearing tabled from the December 14, 2010 meeting, to consider and take appropriate action on a Replat application. The subject property is located at 5001 Chiesa Road, being a total of 3.352 ±**

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acres, further described as proposed Lot 1R, Block A of the Meadow View Addition, situated in the James Hobbs Survey, Abstract No. 571, City of Rowlett, Dallas County, Texas. (Case Number RP10-475)

Commissioner Karl Crawley made a motion to remove item from the table. The motion was seconded by Vice-Chair Greg Landry. The motion passed with a 7-0 vote. 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 property was located just south of Lakeview Parkway, at the southwest corner of Shipp Road and Chiesa Road. His presentation showed the property platted as two separate lots, currently zoned as SF-10 and including plat of Lot 1 Block A of the Meadowview Addition. He mentioned a large gas line easement that traverses the property and noted the development challenges it may impose. Mr. Kurbansade presented the proposed re-plat with the fire lane easement. He stated that public hearing notice requirements were satisfied per the *Rowlett Development Code (RDC)*. Mr. Kurbansade acknowledged that the proposed re-plat was reviewed by the Planning Department, Engineering Department and the Fire Marshall and comments were provided. He stated that three responses to the mail out notices were returned, two opposing and one with no position noted. Mr. Kurbansade concluded that based on the fact that it meets all criteria set forth in the *Rowlett Development Code (RDC)*, staff recommends approval for the proposed re-plat. Chairman Sheffield opened the public hearing at 7:10 pm and asked for anyone wishing to speak to come forward. Chairman Sheffield recognized Jim ^{Priley} ~~Roddy~~, Brockette/Davis/Drake Engineers, 4144 North Central Expressway, Dallas, TX, came forward and offered to answer any questions the Commission may have. He stated that the design team and members of the congregation were also present to answer any questions. Chairman Sheffield asked for any questions from the Commission and there were no questions. With no one else wishing to speak Chairman Sheffield closed the public hearing at 7:11 pm. The Commission had nothing they wished to discuss and Chairman Sheffield entertained a motion. Alternate Robert Kittrell made a motion to approve. Motion was seconded by Vice-Chair Greg Landry. The motion passed with a 7-0 vote.

D. ITEMS FOR INDIVIDUAL CONSIDERATION

- 1. Consider and make a recommendation on a Tree Preservation Plan associated with the Rowlett Kingdom Hall of Jehovah's Witnesses. The subject property is located at 5001 Chiesa Road, being a total of 3.352 ± acres, further described as proposed Lot 1R, Block A of the Meadow View Addition, situated in the James Hobbs Survey, Abstract No. 571, City of Rowlett, Dallas County, Texas. (DP10-476)**

Marc Kurbansade, Planner II, came forward to present the case. He began by stating that this was the companion item to the previous public hearing. Mr. Kurbansade provided a short background on the trees proposed to be removed and saved. He acknowledged a change to the staff report and referenced an addendum that was provided during the Work Session. The addendum noted modifications to be made to the proposed tree credits. This change resulted in the calculation of 51" of mitigation as opposed to the 2.83" as shown in the staff report, in effect requiring thirteen 4" trees to be planted on the property previously shown as one 4" tree. Mr. Kurbansade noted that the *Rowlett Development Code (RDC)* provides the standards for tree preservation to prohibit the indiscriminate clearing of trees and to maintain the quality and aesthetics within the city. He requested that if the Commission made a favorable recommendation to send to City Council that they include the information provided

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in the addendum to the staff report. Chairman Rick Sheffield asked for any questions from the Commission. Commissioner Karl Crawley questioned the right-of-way dedication on the re-plat and the effect on the trees on this portion of the property. Mr. Kurbansade stated there was no new dedication of right-of-way as part of the re-plat. Chairman Sheffield voiced a concern about the increase of trees to be replaced from one tree to thirteen and the potential for grouping all the replacement trees in the rear of the property. He asked if the applicant had thought about where the replacement trees will be placed on the site. Jim ^{Miller} ~~Reilly~~, Brockette/Davis/Drake Engineers, 4144 North Central Expressway, Dallas, TX, came forward and stated that the proposed landscape plan includes seven internal landscaping islands and a large triangular island and that the trees will be evenly dispersed throughout the site. He also mentioned the perimeter landscaping but acknowledged the challenge that the previously mentioned gas easement imposed on the options for the planting of the replacement trees in that area. Commissioner Chris Cigainero asked the approximate burial depth of the gas line. Mr. ^{Miller} ~~Reilly~~ responded that ATMOS Energy has not disclosed that information but will be present on the site if the line is being worked on. He stated that Atmos has provided him with a depth range of a minimum of 30" to an unknown maximum. With no other discussion, Chairman Sheffield reminded the Commission that there was an addendum that is to be included in any motions for recommendation for City Council and then stated that he would entertain a motion. Vice-Chair Greg Landry made a motion to recommend approval to the City Council including the addendum. Commissioner Charles Alexander seconded the motion. Planner II, Marc Kurbansade asked if Commission would like to include any conditions regarding the placement of trees in their recommendation. Chairman Sheffield stated that he is satisfied with the applicant's answer on record and asked for votes. The motion passed with a 7-0 vote.

- 2. Consider and make a recommendation on a request from Tower Custom Homes, LLC to convert the Waterford Estates Subdivision from a public development to a private development. The subject property is located on the north side of Miller Road approximately 1,697 feet east of Kirby Road, being 3.5 ± acres, in the Thomas Lumley Survey, Abstract Number 789, City of Rowlett, Dallas County, Texas, further described as the Waterford Estates Subdivision.**

Erin Jones, Planning Manager, came forward to present the case. Mrs. Jones presented a location map of the Waterford Estates, roughly located at the corner of Miller Road and Kirby Road, east of Kirby Road. She stated that the preliminary plat and tree preservation plan were approved in 2004; and the final plat was approved and filed January, 2006. Mrs. Jones stated that the applicant came to staff to discuss the possibility of making the subdivision private. She noted that the public improvements were accepted by the city in 2009 and the applicant must go through a significant process in order for City Council to approve the conversion to a private development. She informed the Commission that this is the first step in that process. Mrs. Jones stated that the applicant has submitted a letter petitioning the City Council to allow the subdivision to go private and that staff received the required letters from one hundred percent of the owners in the subdivision stating that they support the conversion. She stated that following the Planning and Zoning Commission recommendation and if the City Council is in favor of the conversion, there are several items that will need to take place before the streets are deeded over to the owner. These items include a re-plat that will need to be approved by the Commission, extensive revisions to the HOA documents, and a private access amenity plan will go before the Commission before final approval at City Council. Mrs. Jones requested that the Commission include any concerns, conditions

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or requests for further research in their recommendation to City Council. Chairman Sheffield asked the Commission if they had any questions. Commissioner Karl Crawley questioned the length of the maintenance bond given to the City by the private developer and where that maintenance bond goes when the city no longer owns the streets. Mrs. Jones answered that the City Engineers are aware of that and she will consult with them prior to the privatization. Chairman Rick Sheffield brought up the discussion from the work session regarding the reservation of the oil, mineral and gas rights, and the difference between a Quit-Claim Deed and a Special Warranty Deed and recommended that staff discuss those items further with the City Attorney prior to taking this item to City Council. Commissioner Karl Crawley asked Mrs. Jones to restate which items will be brought back before the Commission before final approval. She stated that the re-plat and a recommendation on the private access amenity plan will be reviewed by the Commission. Mrs. Jones also stated that the HOA documents do not officially have to be reviewed by the Commission however they are typically reviewed at the time of re-plat so there will likely be discussion of the HOA documents at that time. Alternate Robert Kittrell reminded the Commission of a discussion in the Work Session regarding the possibility of including a provision in the final agreement that would allow the streets to revert back to the City if they are not properly maintained. Chairman Sheffield asked for any further questions and with none stated, he entertained a motion. Alternate Robert Kittrell made a motion to recommend approval to City Council with the following considerations:

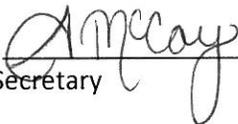
1. That all oil, mineral, and gas rights be retained by the City.
2. That staff further discuss Quit-Claim versus Special Warranty Deed with the City Attorney.
3. That the Council considers requiring a provision in the final agreement that would allow the streets to revert back to the City if they are not properly maintained.

The motion was seconded by Commissioner Karl Crawley. The motion passed with a 6-1 vote, with Commissioner Chris Cigainero casting the opposing vote.

E. ADJOURNMENT

Chairman Rick Sheffield adjourned the meeting at 7:28 p.m.


Chairman


Secretary