

**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., FEBRUARY 28, 2012**

PRESENT: Chairman Rick Sheffield; Vice-Chairman Greg Landry; Commissioners Rosalind Jeffers, Greg Peebles, Joe Charles, Karl Crawley

ALSO PRESENT: Alternates Jonas Tune (voting member), Ronald Meyer (non-voting member)

ABSENT: Commissioner Charles Alexander; Alternate Sharon Starks

STAFF PRESENT: Planning Director Erin Jones, Senior Planner Marc Kurbansade, Planner I Michele Berry, Development Services Technician Ashley McCoy

A. CALL TO ORDER

Chairman Rick Sheffield called the meeting to order at 7:01 p.m.

B. CONSENT AGENDA

1. Minutes of the Regular Meeting of February 14, 2012

Vice-Chairman Greg Landry made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Karl Crawley and passed with a 6-0-1 vote. Commissioner Rosalind Jeffers abstained from voting.

C. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Consider and make a recommendation to City Council regarding a request for alternative building materials for a single family home remodel located at 3402 Juniper Court, being Lot 23R, Block 9 of the Westwood Estates 6 Addition. (DP12-572)

Michele Berry, Planner I came forward to present the case. She stated the owners of the home have recently completed a remodel that involved turning the existing garage into a living area. The plans were originally submitted for review showing the proposed improvements to be bricked, which is part of the reason the building inspector approved the plans. The siding shown on the original plans was approved based on the fact that it was existing and did not appear to be part of the construction project. However, at some point in the remodel process the homeowners decided to add an office/sunroom to their expansion plans. These plans were not submitted to the City for review but the building inspector would have approved the plans had they been properly submitted as the revised plans still show the rear wall as brick. Ms. Berry stated that upon conducting a final inspection of the improvements the building inspector discovered the additional office/sunroom as well as the use of cement board siding along the rear wall and the homeowners were informed that the siding was not allowed and they would need to use brick. Aside from the siding, the office/sunroom addition was constructed per current code standards and will be permitted to remain. The office/sunroom is in approximately the same location as the previous siding used in the original construction of the home. She noted that the applicant indicated to staff that they did not think that additional approvals were required based on the fact that siding was previously used; therefore they modified the materials

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without consulting the City. The homeowners made an attempt to comply but were informed the brick used to construct the home was no longer in production and a close match was not available. As a result the homeowners are requesting to use fiber cement board siding as an alternative building material on this portion of the house. Ms. Berry stated that staff would recommend approval because the proposed cement fiber board is in conformance with the intent of the residential building standards outlined in the code. Commissioner Greg Peebles made a motion to recommend approval of the alternative building material request for a single family home remodel located at 3402 Juniper Court. Commissioner Crawley seconded the motion and the motion passed with a 7-0 vote.

- 2. Conduct a Public Hearing and consider making a recommendation on an Ordinance to rezone the subject property from an existing Mixed-Use North Shore (MU-NS) zoning district to a Planned Development zoning district with an underlying zoning district of Single Family Residential 5/15 (SF-5). The subject property is located on the south side of Liberty Grove Road approximately 200-feet east of the intersection of Merritt Rd. and Liberty Grove Rd., being all of a 58.83 acre tract conveyed from Mattie Mae Taylor to James E. Patterson, Donald M. Patterson and A.W. Franke by deed recorded in Volume 69071 at Page 1500 of Deed Records of Dallas County, Texas and being out of the JESSIE S. STARKEY SURVEY, ABSTRACT NO. 1333. (PD11-550)**

Erin Jones, Planning Director came forward to present the case. She stated that the subject property is located on the south side of Liberty Grove Road approximately 200-feet east of the intersection of Merritt Road and Liberty Grove Road, and retains a zoning designation of Mixed-Use North Shore (MU-NS). The applicant is requesting to rezone the subject property to a Planned Development zoning district with an underlying base zoning district of Single-Family Residential 5/15 (SF-5). The subject property was included in the "Center for Commerce + Industry" (Area B-1) of the Realize Rowlett 2020 Plan. The intent of the "Center for Commerce + Industry" designation is to provide for Flex Office, Class B Office, Limited Service Hotels and Active and Passive Public Spaces. The applicant disagrees with the inclusion of this property in the current opportunity area, and would like to rezone to develop as a residential subdivision. The Planned Development follows the general guidelines for an SF-5 zoning district with the exception that the applicant is requesting a 20 foot rear setback, sidewalks on only one side of the street and front entry driveways. Mrs. Jones stated that it is staff's interpretation that the requested rezoning does not correct an error in zoning and deviates significantly from the vision for this property set forth in Realize Rowlett 2020. She also noted that Liberty Grove road was a service level F with no improvements planned in the immediate future. Mrs. Jones stated that the current zoning designation is largely consistent with the vision set forth in Realize Rowlett 2020 therefore staff would recommend denial of the request. Chairman Sheffield opened the public hearing and recognized Jim Douglas, 2309 Ave K, Plano, Texas to speak as the applicant. Mr. Douglas noted the open spaces and the access points to those open spaces. He stated that he felt a commercial use on this property was not likely and asked Don Dykstra to give a presentation regarding the types of developments that Bloomfield Homes produce. Chairman Sheffield recognized Stephanie Shackelford to speak in favor of the rezoning request. Seeing no other speakers, Chairman Sheffield closed the public hearing and Commissioner Crawley inquired when the amenities would be built. The applicant responded that they would be built during the first phase of construction and Commissioner Crawley asked for clarification on the sidewalks being located only on one side of the street. The applicant stated that there would be five foot sidewalks that lead to the hike and bike trails and noted that the wider sidewalks make it easier for more people to use them. Commissioner Crawley stated he thought there should be sidewalks on both sides of the street. Vice-Chairman Landry inquired about the applicant's plans to add a third/turn lane to Liberty Grove to allow for the traffic and the applicant responded that they would add a lane for acceleration and deceleration along the width of the subdivision to

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allow traffic to merge onto Liberty Grove. Vice-Chairman Landry stated that he felt it was a good use for the land but would prefer to adhere to the Realize Rowlett 2020 plan. Commissioner Crawley asked which uses were allowed in Mixed-Use North Shore and Mrs. Jones responded that the zoning is intended for technology park type uses and under the Realize Rowlett 2020 plan uses would include Flex Office, Class B Office, Limited Service Hotels and Active and Passive public spaces. Commissioner Crawley inquired if improvements to the streets in the area would need to be improved before the area could be developed according to the Realize Rowlett 2020 vision and Mrs. Jones stated that the utilities were sufficient but roadway improvements were necessary. Commissioner Crawley asked how long the owners had owned the property and when it was rezoned. The applicants replied that they had owned the property for approximately twenty-five years and Mrs. Jones responded that it was rezoned Mixed-Use North Shore about ten years ago but the zoning had been similar since about 1993. Chairman Sheffield inquired if there were other properties given as options to the applicant and Mrs. Jones replied that there were other areas but the applicants had selected this property because the owner was interested in the project. Commissioner Peebles stated that he felt the applicants had made a good case but he would also prefer to follow the vision of the Realize Rowlett 2020 plan. Commissioner Crawley agreed. Chairman Sheffield reviewed the process of the past year during the Realize Rowlett 2020 plan and stated that he felt the vision should be upheld. Commissioner Peebles made a motion to recommend denial of the request to rezone the subject property from an existing Mixed-Use North Shore zoning district to a Planned Development zoning district. Vice-Chairman Landry seconded the motion and the motion passed with a 7-0 vote.

3. **Conduct a Public Hearing and take appropriate action on a Conditional Use Permit for a “Kennel or Veterinarian Office (no outside pens or runs)” within a Planned Development zoning district. The subject property is located at the southeast corner of Chiesa Road and Liberty Grove Road, being an unplatted 0.922 acre tract of land located in the H. Hamilton Survey, Abstract No. 548, Dallas County, Texas. (CUP12-568)**

Marc Kurbansade, Senior Planner came forward to present the case. He stated that the subject property retains a zoning designation of Planned Development with a base zoning district of C-1 for Neighborhood Retail. The proposed use on the subject property is for a “Kennel or Veterinarian Office (no outside pens or runs)” and according to current Rowlett Development Code regulations the use requires the approval of a Conditional Use Permit. The proposed Concept Plan does not significantly deviate from the approved Concept Plan whereby an amendment to the PD would be required. He noted the building would be slightly smaller and the fire lane would be sufficient. He stated that staff would recommend approval and one response in opposition to the kennel aspect was received from the mailed notices. Commissioner Peebles asked how many veterinary offices were currently located in the City and Mr. Kurbansade stated he could think of possibly four or five. Commissioner Peebles stated he felt that the City needed the veterinary office. Chairman Sheffield opened the public hearing and recognized Lou Patterson, 8602 Liberty Grove Road, Rowlett, Texas to speak in favor of the request and inquire how the current zoning would be affected. Commissioner Peebles responded that a Conditional Use Permit would be for this use only and does not constitute a change in zoning. Chairman Sheffield closed the public hearing and Commissioner Crawley noted the appropriate use of a Conditional Use Permit. Commissioner Jeffers made a motion to approve the application for a CUP to operate a “Kennel or Veterinarian Office (no outside pens or runs)” within a Planned Development zoning district. Commissioner Crawley seconded the motion and the motion passed with a 7-0 vote.

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A. ADJOURNMENT

Chairman Rick Sheffield adjourned the meeting at 7:57 p.m.

A handwritten signature in black ink, appearing to be 'R. Sheffield', written over a horizontal line.

Chairman

A handwritten signature in black ink, appearing to be 'Amccay', written over a horizontal line.

Secretary