

**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., APRIL 23, 2013**

PRESENT: Chairman Rick Sheffield; Commissioners Greg Peebles, Rosalind Jeffers, Karl Crawley, Michael Lucas

ALSO PRESENT: Alternates Jonas Tune (voting member), Tina Dorenbecker (voting member)

ABSENT: Vice-Chairman Greg Landry; Commissioner Joe Charles; Alternate Ronald Meyer

STAFF PRESENT: Planning Director Erin Jones, Senior Planner Arti Harchekar, Planner II Michele Berry, Development Services Technician Ashley McCoy

A. CALL TO ORDER

Chairman Rick Sheffield called the meeting to order at 7:05 p.m.

B. CONSENT AGENDA

1. Minutes of the Regular Meeting of March 26, 2013.

Commissioner Karl Crawley made a motion to approve the Consent Agenda. Alternate Jonas Tune seconded the motion and it passed with a 6-0-1 vote. Commissioner Jeffers abstained from voting since she was not present at the March 26, 2013 meeting.

C. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Conduct a public hearing and make a recommendation to City Council on a Planned Development Zoning Overlay for 6809 Miller Road to allow for office and storage uses in conjunction with the existing single family home to be used by the applicant, Kayak Instructions, Inc. The subject property is .98± acres further described as a portion of Tracts 16.2, 66, and 58 out of the Charles D. Merrell Survey, Abstract Number 957, Dallas County Texas and being out of a 12.1 acre tract awarded to C.A. Roan by judgment number 70-10642-1 of the 162nd District Court of Dallas County, dated July 12, 1972. (PD13-650)

Erin Jones, Planning Director, came forward to present the case. She presented a location map and stated that the applicant, Dave Holl, currently runs the kayaking program at Paddlepoint Park in cooperation with the Parks and Recreation Department and within the last year the program has gained region wide popularity and draws people from across the metroplex. Currently there is a small storage container at Paddlepoint Park that holds approximately 60 kayaks and as demand for the program has grown so has demand for additional kayaks within close proximity to the park. Mr. Holl stores additional kayaks in off-site storage and trucks them in as necessary on busy weekends. When 3809 Miller Rd became available, Mr. Holl purchased it in the hopes of using the property both as a primary residence and office, as well as constructing a 1,200 square foot accessory structure to house additional kayaks to serve his non-profit kayaking business and the program at Paddlepoint Park. The current Home Occupation Code states that a home occupation can occupy no more

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than 500 square feet either in a primary or accessory structure. Due to the size, Staff was unable to approve the request as a standard home occupation and a Planned Development became necessary to allow the accessory structure and the home occupation to exceed 500 square feet. A proposal was presented to Council for feedback in a work session on March 5, 2013. Council was general in favor if properly screened, only limited tree removal occurred and there was no commercial traffic. The applicant has agreed to install additional landscaping to provide screening along the railroad for the homes to the east and also along the existing access easement to help block the view of the accessory structure from the single family neighborhood set to begin construction this summer. The applicant has stated there will be no retail traffic but he will conduct limited internet sales which would be allowed under any home occupation. Transportation of the kayaks will occur only through the access easement and not through the single family neighborhood using a standard pick-up truck and trailer. Mr. Holl will also replace the existing chain link fence with a 6 or 8 foot solid wood fence to provide additional screening in the instances that he must leave kayaks out for a short period of time to dry before storing. Mrs. Jones showed example photos of the proposed accessory structure and stated that from Staff's perspective the proposed PD is in essence to allow a home occupation that would not otherwise be permitted due to the size of the accessory structure and the applicant has made an effort to address all Council and neighbor concerns. Mrs. Jones discussed the notices returned in opposition to the request and how they were being addressed. Commissioner Crawley reviewed the properties that sent in the notices and their location in reference to the subject property and asked if the developer for the adjacent property had submitted a notice. Mrs. Jones stated that he had not submitted formal comments but did express concerns about the applicant driving through the subdivision with trailers on a daily basis, the need for additional screening, and compatible building materials for the accessory structure. She noted that the applicant has addressed all of these concerns to the greatest extent possible in the development regulations included in this proposal. Chairman Sheffield opened the public hearing and recognized Betty Morrow, 6811 Miller Rd to speak in opposition of the request. She voiced concerns about the building and a commercial business being allowed to operate on the property, and requested that if the request was approved that the City rezone her property to commercial as well. Chairman Sheffield closed the public hearing and inquired if this would be any different than say a realtor with an office in their home and storing signs in a standard storage building. Mrs. Jones responded that it would be very similar and the Planned Development would not change the underlying zoning district of single family but would allow for the larger storage building and for that building to be used as a home occupation. Commissioner Crawley noted that the accessory building and home occupation would be allowed by right if it did not exceed 500 square feet. Commissioner Lucas made a motion to recommend approval of the rezoning request. Commissioner Crawley seconded the motion and it passed with a 7-0 vote.

- 2. Conduct a public hearing and make a recommendation to City Council regarding a major warrant request to update a legal non-conforming monument sign with electronic display at 4309 Main Street, being further described as a 4.664 acre portion of Tract 12 of the Thomas Payne Abstract 1165, Page 360, City of Rowlett, Dallas County, Texas. (MW13-653)**

Michele Berry, Planner II came forward to present the case. She presented a location map and stated that in November of 2012 the City Council adopted the Form Based Code regulations and applied them to the Downtown area making the existing monument sign legal non-conforming. Prior to adoption of the Form Based Code the First Baptist Church of Rowlett had contacted the City to inquire about replacing their

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monument sign with an electronic display system and at the time the change would have been permitted. However, by the time the Church was able to raise the funds and have an electronic display sign built to replace the existing changeable copy monument sign the Form Based Codes ordinance had been adopted. Under the current Urban Village zoning in the Form Based Code (UV-FB) electronic display is permitted; however, this zoning district does not allow for monument type signage and a Major Warrant is required to replace the monument sign. Ms. Berry presented photos of the sign location and the proposed electronic display board and noted that they would be following all other electronic display requirements set forth in the code. Although, this sign does not meet the intent of the Form Based Code it is for an existing site serving a civic purpose. There are special considerations for working with the existing site and mitigating for site constraints within the Form Based Code. Ms. Berry reviewed the other approval criteria and stated that the current UDO, Dennis Wilson, has reviewed the Church's application and recommends approval. Staff concurs with the UDO's analysis and recommends approval of this request. Commissioner Crawley verified that no animation would be allowed and Ms. Berry confirmed that it would be required to be a static image for eight seconds. Chairman Sheffield opened the public hearing and recognized Barbara Onstott, Vice President of Datatronic Control Systems. Ms. Onstott represents the contractor hired by the applicant to construct the sign. She gave a brief history of the project and requested approval. Commissioner Crawley made a motion to recommend approval of the major warrant to the City Council. Commissioner Peebles seconded the motion and it passed with a 7-0 vote.

- 3. Conduct a public hearing and make a recommendation on a rezoning request from the existing Single Family 40 Zoning District to the New Neighborhood Form Based Zoning District for the purposes of building a pedestrian-oriented, single-family neighborhood to be governed by the City of Rowlett's Form Based Code. The subject properties are located at: 2910 and 3200 Castle Drive (respectively further described as a 1 acre portion of Tract 59 and 33.98 acre portion of Tract 50); 3621, 3713, 3717 and 3937 Hickox Road (respectively further described as a 19.93 acre portion of Tract 88, 4.02 acre portion of Tract 6.1, 4.02 acre portion of Tract 89, and 2.21 acre portion of Tract 100); all properties are of the Reason Crist Survey, Abstract No. 225, Page 585, in the City of Rowlett, Dallas County, Texas. (FA13-648)**

Arti Harchekar, Senior Planner came forward to present the case. She presented a location map and stated that the applicant requests a rezoning from the existing Single Family 40 Zoning District to the New Neighborhood Form Based Zoning District for the purposes of building a pedestrian-oriented, single-family neighborhood to be governed by the City of Rowlett's *Form Based Code*. Mrs. Harchekar outlined the Form Based Code development review process and noted that it is designed to be more streamlined and developer friendly. Mrs. Harchekar stated that the applicant has been working with the City for a little over a year and had initially approached Staff with a traditional neighborhood design and Staff indicated that a conventional subdivision would not be looked upon favorably because the site is in Northshore Area A as designated in the *Realize Rowlett 2020 Comprehensive Plan*, and based on market studies conducted during the *Realize Rowlett 2020 Comprehensive Plan* process, the City has an oversupply of the requested residential product type. From the onset, the applicant was presented the option of waiting until the Northshore Planning Initiative was conducted in order to achieve a holistic master plan for the area and the applicant was encouraged to participate in the planning process. When the applicant returned to move forward with their development, they were offered three options. They could participate in the Northshore Planning Initiative to achieve the City's goal of a holistic master plan for the area. At the time the Northshore Planning Initiative was slated to commence in January 2013, the timeline has since been changed to begin in October 2013. They could also talk to the adjacent property owners and generate a Regulating Plan for the land bound by Castle Drive to the north-west, the existing single-family residential subdivisions (Castle Hill Estates and Ravens Nest) to the south-west, Hickox Road to the south-east and Merritt Road to the north-east. This option would take into account access off of Merritt Road and thus pull development into their site resulting in a Town Center

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Development, require more coordination between the applicant and additional property owners and ensure predictable build out of adjacent properties. The third option and the one chosen by the applicant was to design the applicant's 65± acres with the requirement that the applicant provide connections, using the street grid network, to tie into the overall Northshore Master Plan. Based on the intent to proceed with Option 3, Staff informed the applicant that they could apply the New Neighborhood Form Based District to their site by taking a Framework Plan through the rezoning process. Staff suggested that the applicant wait until after the *Form Based Code* was adopted before proceeding in lieu of proposing a Planned Development utilizing interim standards. Mrs. Harchekar reviewed the vision for the Northshore Area, East and West and stated that this application could serve as an appropriate transition between the existing single family neighborhoods and the envisioned flex office and town center developments. She reviewed the results of the extensive site analysis performed for the applicant and how the results affected the subject property and surrounding neighborhoods. She discussed the proposed open space placements and why those locations were chosen and noted that the applicant will be using the approved street sections allowed in the Form Based Code. Since the rezoning request is proceeding prior to the Northshore Planning Initiative, Staff could not make a concrete decision about the future, pedestrian-oriented design of Castle Drive and Hickox Road at this time. The applicant will be required to pay into an escrow fund the cost to put in the sidewalk and amenity zone and the City will decide when to install the improvements once the Northshore Planning Initiative is completed. City Staff determined that a Traffic Impact Analysis (TIA) would not be required at the time of rezoning (Framework Plan Phase). A TIA will be required at the time a Regulating Plan is submitted and the City Engineer may ask for additional studies if the building type allocation significantly deviates from that provided at the Regulating Plan Phase as Development Plans are submitted and the future neighborhood builds out. This is to allow the future neighborhood to adapt to market conditions with each phase of development. This also allows Staff to be able to make sure that the City is maintaining sufficient levels of service for existing development and for the proposed development. Mrs. Harchekar reviewed the approval criteria and Staff's interpretation along with the applicant's perspective of how those criteria have been met. Of the 53 notices mailed to surrounding property owners, two were received; one in favor and another that Staff has assumed is in favor due to the fact it came from the same property owner as the one in favor. In light of the fact that the rezoning request will align the future neighborhood with the vision of the Realize Rowlett 2020 Comprehensive Plan, ensure that the future neighborhood meets the intent of the Form Based Code, allow for a variety of housing types, and provide an appropriate transition within Northshore Area A to the existing single-family residential subdivisions, Staff recommends approval of the proposed request and asks that the Planning and Zoning Commission recommend approval to the City Council. Chairman Sheffield noted that this is the first FBC rezoning request since the adoption in November and inquired if it was too early to tell how much open space will be designated and Mrs. Harchekar responded that it was too early to tell with the Framework Plan but that Form Based Codes require a minimum of fourteen percent or ten percent with a minor warrant. Commissioner Crawley asked if there was an appeals process if Staff did not approve the Regulating Plan and Mrs. Harchekar replied that the appeals process was done through minor and major warrants. Commissioner Crawley verified that the Regulating Plan would be included in the packet for reference when the preliminary plat is submitted for approval and Mrs. Harchekar confirmed it would. Chairman Sheffield opened the public hearing and recognized Mike Roberts, 3937 Hickox Rd Rowlett, TX to speak. Mr. Roberts noted that although his property was listed in the item description, it was not actually included in the land area being discussed. He also voiced concerns that the infrastructure may not be able to accommodate the new development. Chairman Sheffield closed the public hearing. Mrs. Jones noted that the Public Works Department is currently working to improve the water pressure in the Upper Pressure Plane. Staff concluded that Mr. Robert's property is not actually part of the request and the address was a typographical error in the item description. Alternate Tune inquired how the fees to be paid into the escrow fund would be calculated and Mrs. Harchekar referred to a table of fees included in the packet. Commissioner Peebles voiced several concerns with the request and stated that he did not feel that the development is

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appropriate for that area at this time. He made a recommendation of denial for the rezoning request. No second followed and Commissioner Jeffers made a recommendation to City Council for approval of the rezoning request. Commissioner Crawley seconded the motion and it passed with a 4-2-1 vote. Commissioner Peebles and Alternate Tune cast the opposing votes and Alternate Dorenbecker abstained from voting.

- 4. Conduct a public hearing and make a recommendation to City Council regarding a request to rezone five parcels in light of the adopted Downtown Plan and rezoning of the Downtown area to the Urban Village Form Based District in November 2012. The request is to rezone two properties at 4701 Rowlett Road and 3410 Main Street from Mixed Use Downtown to General Commercial. These properties are further described as Lot 1, Block 1 of the Toler Business Park and a 0.94 acre +/- tract in the Thomas Collins Survey, Abstract 332 in the City of Rowlett, Dallas County, Texas. The request is also to remove the Oliver Village Sub-district overlay from three properties located at 3926, 4000, and 4016 Rowlett Road and use the base zoning districts of Institutional Urban, Multifamily Urban and Limited Office, respectively. These properties are further described as Lot 1, Block A of the Primera Iglesia Bautista Rowlett Addition; a 2.3 acre +/- tract the William Crabtree Survey, Abstract 3447; and Lot 1, Block 1 of the Nolan Addition to the City of Rowlett, Dallas County, Texas. (ZA13-651)**

Michele Berry, Planner II came forward to present the case. She presented a location map and stated that the rezoning request was due to the challenges posed by the rezoning of the previous Mixed Use Downtown zoning district to the Urban Village Form Based District. During this process it was determined these five parcels were not considered part of the downtown area. As such, staff proposes rezoning to General Commercial or base zoning districts when applicable in order to allow text amendments to the Rowlett Development Code. Ms. Berry reviewed the subject properties and their proposed new zonings to match the existing uses on each property. She reviewed the approval criteria and stated that Staff would recommend approval. Chairman Sheffield opened the public hearing and seeing no speakers closed the public hearing. Commissioner Jeffers made a motion to recommend approval of the rezoning request. Alternate Tune seconded the motion and it passed with a 7-0 vote.

- 5. Conduct a public hearing and make a recommendation to City Council regarding text amendments to the Rowlett Development Code as it pertains to Chapter 77-200 Zoning Districts; Section 77-301 Table of Allowed Uses; Section 77-303 Accessory Uses and Structures; Section 77-401 Table of Dimensional Requirements, Section 77-402 General Measurements and Standards; Section 77-504 Landscaping and Screening; Section 77-506 Off-street Parking and Loading; Section 77-507 Public and Institution Commercial Building Standards; Section 77-510 Exterior Lighting; Section 77-512 Signage; Chapter 77-800 Review and Approval Procedures; Section 77-1103 Definitions of general use chart categories and specific use types; Section 86-32 Special Use Permits; and Part VI Downtown Land Use Plan.**

Michele Berry, Planner II came forward to present the case. She noted that changes to the RDC are part of Fiscal Year 2013 Work Plan as concerns of over portions of the code have been raised by members of the Planning and Zoning Commission, City Council, and Staff over the past several years. Work Sessions were held with the Planning and Zoning Commission on January 22, 2013 and with City Council on March 19, 2013 and April 2, 2013. She stated that the purpose to the changes within the Tale of Uses were to address concerns raised by staff, City Council, developers, and the Planning and Zoning Commission with the main concern reducing hurdles for small business by allowing compatible uses by right that currently require a Conditional Use Permit. Per City Council's direction we are removing the Conditional Use Permit and using only a Special Use Permit. Ms. Berry reviewed the proposed changes to the Use Categories and Table of Uses. She reviewed

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the proposed changes to the landscaping requirements and noted that the majority of the changes would allow for better growth of trees and protect nearby concrete. Mrs. Berry presented the proposed changes to the accessory structures section including requiring all accessory buildings over 500 square feet to obtain a SUP, regardless of materials or lot coverage. She noted that Staff will be looking at the fee schedule to make fees different for commercial and residential. She reviewed the proposed changes to carports and solar panels. Ms. Berry also presented the proposed changes to the signage requirements based on experiences since the adoption of the signage regulations approximately one year ago. She reviewed the approval criteria and Staff's analysis of those criteria. She stated that Staff would recommend approval. Commissioner Peebles initiated discussion on possible wording changes related to Barbershop or Beauty Shop and the exclusion of massage services. However, ultimately no changes were proposed to the wording of the use category. Commissioner Peebles requested further clarification on tree spacing and Ms. Berry stated that two buffers were discussed and the width of those buffers made the difference in the required spacing. Chairman Sheffield opened the public hearing and seeing no speakers closed the public hearing. Commissioner Peebles made a motion to recommend approval of the text amendments to the Rowlett Development Code. Commissioner Lucas seconded the motion and it passed with a 7-0 vote.

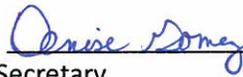
D. ADJOURMENT

Chairman Sheffield thanked Ms. McCoy for her service and wished her well in her upcoming opportunities.

Chairman Rick Sheffield adjourned the meeting at 8:39 p.m.



Chairman



Secretary