

**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., May 14, 2013**

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

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

ABSENT: Commissioners Greg Peebles, Alternate Ronald Meyer

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

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 March 26, 2013.

Commissioner Karl Crawley made a motion to approve the Consent Agenda. Commissioner Rosalind Jeffers seconded the motion and it passed with a 6-0-1 vote. Commissioner Charles abstained from voting since he was not present at the April 23, 2013 meeting.

C. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Conduct a public hearing and make a recommendation to City Council regarding a City initiated request to rezone the subject property from the Urban Village Form Based District to the New Neighborhood Form Based District. The subject property is located at 8701 Liberty Grove Road, further described as a 19.8 ± acre part of the James M. Hamilton Survey, Abstract 544, and being a part of that called 40 acre tract of land (Tract I) described in a warranty deed to Raney Family Partnership, Ltd. as recorded Volume 94164, Page 3198, City of Rowlett, Dallas County, Texas. (FA 13-656)

Erin Jones, Planner Director, came forward to present the case. Mrs. Jones stated there was a typo in the packet and clarified that the subject property is actually 12.6 acres. Mrs. Jones explained that when going through the adoption process for Realize Rowlett 2020 Phase II and more specifically the Healthy Living Framework plan in November 2012 it was brought up during public comments that the proposed boundary between the New Neighborhood and Urban Village Districts split a property, the boundary line was then amended so as not to split the property using the best information available at the time. Mrs. Jones explained that the revision inadvertently caused the subject property to be affected when that was not the intent. Mrs. Jones explained that the proposed boundary reflects the intent of the initial rezoning and recommended approval. The Commissioner had no questions for staff. Chairman Sheffield opened the public hearing and there were no speakers. Vice Chairman

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Greg Landry made a motion to recommend approval of the request and Commissioner Crawley seconded the motion. The motion passed 7-0.

- 2. Conduct a public hearing and make a recommendation on a request to rezone a property from Single Family 8 and Single Family 10 for a Planned Development Overlay to allow for an Assisted Living Facility. The subject property is located at 7000 Chiesa Road, further described as a 9.36 ± acre portion of Tract 1.1 of the James Saunders Abstract, No. 1424, Page 035, in the City of Rowlett, Dallas County, Texas. (PD13-652)**

Michele Berry, Planner II, came forward to present the case. She showed a map of the subject property and gave an overview of the project. Ms. Berry explained where the proposed Planned Developed exceeded Rowlett development standards in regards to setbacks, lot coverage, and architecture. Ms. Berry then explained where the proposal deviated from the Rowlett Development Code landscaping standards by reducing tree, shrubs, berms, and fences along required compatibility and incompatibility buffers. She stated the Church was in favor of no trees or shrubs in the compatibility buffer to the South. She also explained the existing tree row provided screening separating the proposed use from the residential property to the east and how increased setbacks to the north and east augmented the buffers. Ms. Berry went through the ten criteria in the Rowlett Development Code. Ms. Berry addressed the four main concerns raised in public notices were reduced property values, increased traffic, increased noise from emergency vehicles, and other possible uses. Commissioner Greg Landry asked about added evergreen trees to the incompatibility buffers. Staff said this could be included in the recommendation to City Council. Chairman Sheffield opened the public hearing.

Cindy Rushing of 7313 and 7317 Chiesa Road came forward to speak in opposition based on water pressure and sewer flow, traffic concerns, increased emergency vehicles, improvements needed to Chiesa Road, lack of parking at the proposed facility, lack of buffer between existing residential and the residential nature of the property. She stated commercial developed should be relocated to State Highway 66.

Melissa Pugh of 7218 North Point Drive came forward to speak in opposition stating that in the past residents have opposed rezoning of this property.

Larry Beckham of 9313 Willard Street came forward to speak in favor of the project stating that an assisted living facility was needed in Rowlett, that senior deserve to enjoy a quite atmosphere, that nursing center has been a good neighbor at his current location, that it would be less noise and traffic but that a screening wall would be beneficial.

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Brandon Pugh of 7318 North Point came forward to speak in opposition stating that previous apartment complex rezoning requests had opposition from the adjacent property owners, that the request only benefits the church, that peak traffic should be measured for the whole street, that traffic is currently an issue, that access and emergency access is difficult, that Chiesa Road should be widened before any development, that there is a trailer park and open field nearby, that Danridge Road dead ends to Church and field but was never completed, there are traffic safety concerns with older drivers.

Adam Henning of 8005 Horseshoe Bend came forward to speak in opposition stating that there will be numerous emergency calls and private ambulances calls, that the use should be located on State Highway 66 closer to the hospital, that lights will run all night long at the facility affecting neighbors, that the facility won't be exclusively for Rowlett residents, and that trucks and ambulances will create wear and tear on Chiesa Road.

Chris Allen of 7001 Westway Drive came forward to speak in opposition stating that he visited 400 neighbors to discuss this rezoning, that is opposed to the assisted living facility or any other commercial endeavor for traffic and safety reasons, that other vacant land will become commercial property, that fire and paramedic calls will be frequent, that commercial building will be a drain on the utilities, that previously the proposal for Institutional Urban Zoning was withdrawn, that property values will decline, resale interest will decline and asked why the request was redirected to do a Planned Development and what uses would be permitted. Chairman Sheffield responded that the Planned Development overlay is specifically targeted for the Assisted Living or Nursing Center. Mr. Allen concluded the facility is not desired in the neighborhood and should be located elsewhere.

Rick Bosworth, the project developer, of 4446 South came forward to speak in favor of the request stating he and revised the request from a straight zoning to a Planned Development to provide more comfort to the neighbors and prevent other potential uses, that he held a meeting with neighbors on March 8, 2013 and seven neighbors attended, that traffic would be less based on information for the Institute of Traffic Engineers, that based on the Mercer House they could expect about two emergency calls per week, that there would be a positive economic impact in terms of jobs and taxes, and that the property has been zoned Single Family for years but has not yet been developed.

Commissioner Crawley stated additional evergreen trees would be beneficial, that he had no concerns with traffic or noise.

Vice Chairman Landry stated that we cannot know that the property will never develop as single family, that change is always difficult and asked if it would be better for the facility to relocate.

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Chairman Sheffield asked if staff had looked at water and sewer capacity in regards to the upper pressure plan project. Ms. Berry stated that the Interim City engineer, Tom Harris, had looked at available capacity before he retired and that service were available. Mrs. Jones added that the upper pressure plan would be complete in about a year to address water pressure issues. Chairman Sheffield asked how that corresponded to the construction of the facility. Mr. Bosworth stated that they plan to open in November 2014.

Commissioner Crawley asked if there was an age restriction and what type of license was being requested from the state. Ms. Berry stated there was not an age restriction and that younger disabled residential might reside there. Mr. Bosworth expanded saying they are applying for an assisted living facility type B license from the state, that anyone could reside there but they had to have a certain level of mobility for evacuation purposes, and that the facility would be geared to seniors.

Commissioner Jonas Tune stated that he resided close to an assisted senior living facility and found them to be a good neighbor and that more emergency calls were generated at the park near his home.

Commissioner Crawley made a motion to recommend approval of the request to the City Council with the criteria that large evergreen canopy trees be planted every 50 along the eastern boundary. Commissioner Lucas seconded. The motion passed 5-2. Commissioners Landry and Charles voted in opposition.

D. ADJOURMENT

Chairman Rick Sheffield adjourned the meeting at 8:09 p.m.



Chairman



Secretary