

**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., JUNE 25, 2013**

PRESENT: Vice-Chairman Greg Landry, Commissioners Michael Lucas, Gregory Peebles, Karl Crawley, Rosalind Jeffers

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

ABSENT: Chairman Rick Sheffield, Alternate Tina Dorenbecker

STAFF PRESENT: Planning Director Erin Jones, Deputy City Secretary Stacey Chadwick, Development Services Technicians Denise Gomez and Lola Isom

A. CALL TO ORDER

Vice Chairman Greg Landry called the meeting to order at 7:05 p.m.

B. CONSENT AGENDA

1. **Minutes of the Regular Meeting of June 11, 2013.**
2. **Consider and take appropriate action on a final plat application. The subject property is located at 7900 Schrade Road, being 5.775 acres in the James Saunders Survey Abstract No. 1424, City of Rowlett, Dallas County, Texas. (FP13-664).**

Commissioner Karl Crawley made a motion to approve the Consent Agenda, and Alternate Jonas Tune seconded the motion. The items passed with a 7-0 vote.

C. ITEMS FOR INDIVIDUAL CONSIDERATION

1. **Consider and make a recommendation to City Council regarding a request for alternative building materials for a proposed patio enclosure for a single family home located at 8605 Russell Drive, being further described as Lot 4, Block B of the Waterview Phase 14 Addition to the City of Rowlett, TX, Dallas, County (DP13-666).**

Erin Jones, Planning Director, came forward to present the case. Mrs. Jones presented a location map, two photographs of the existing home, and a preliminary drawing of the proposed patio enclosure. She stated that a formal building permit will be required if this item is approved. She presented photographs of another house to provide an example of siding similar to what is being proposed and present an idea of what the enclosure would look like with the alternate building material. Mrs. Jones referenced 77.508.C.1 of the Rowlett Development Code which requires 100 percent masonry construction, but alternative material can be recommended by the Planning & Zoning Commission and approved by City Council. She stated that staff was recommending approval because they believe that cementitious siding is a durable material and aesthetically pleasing in line with the character of the area. Vice Chairman Landry opened the item up for discussion from the commission. Commissioner Peebles asked Mrs. Jones how many enclosures like this were in this specific neighborhood. Mrs. Jones said that she did not know off of the top of her head. There was

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no additional discussion amongst the commission this item. Commissioner Rosalind Jeffers made a motion to recommend approval of the alternative building material request, and Commissioner Crawley seconded the motion. The motion passed 7-0.

- 2. Conduct a public hearing and make a recommendation on a Major Warrant request. The subject property is located at 3602 Main Street, being 0.151+ acres further described as Lot 69 of the Original Town Rowlett Addition, City of Rowlett, Dallas County, Texas. The applicant requests a Major Warrant to use the existing structure as a single family residence (MajW 13-665).**

Erin Jones, Planning Director, came forward to present the case. Mrs. Jones presented a location map which noted surrounding locations as well as the Downtown Regulating Plan which was adopted as part of Realize Rowlett 2020 Phase II initiative to put the location into context. She provided background on the subject property. She stated that the property was one of several that was rezoned to the Form Based Urban Village District (FB-UV) on November 6, 2012 as part of the Realize Rowlett 2020 Phase II initiative and was previously zoned as Mixed-Use Downtown Zoning District. She said that staff estimates that the property has probably been vacant for around seven years and the last known occupant was a hair salon in the early 2000's. She stated that the existing structure is 900 square feet in size and that it was originally constructed in 1939. She stated that the current owners, Randy Crawford and Maggie Duke, purchased the property in 2011 with the intent to use it as a retail shop. Due to the previous restrictive requirements under the Rowlett Development Code, the structure would have had to have been brought back up to code and was unable to be reused as is. She clarified that in the case of the 2011 proposal, the use was not the issue it was the structure. She explained that staff worked with the owners through a Planned Development Application at that time, but it was withdrawn by the owners after the Planning and Zoning Commission tabled the item.

She stated that through the Realize Rowlett 2020 Phase II process Staff acknowledged that development and redevelopment of the downtown area will take time and allowing property owners to use and reuse the properties without having to make extensive improvements will hopefully reinvigorate the area in the interim. To that end the non-conforming provisions were significantly reduced in the Form Based Code Districts to help foster redevelopment. She stated that even with the reduced non-conformity standards a single-family use is not permitted by right in the Form Based Urban Village District because the district is intended to be urban in nature and accommodate a higher level of density than can be achieved through single family homes. Mrs. Jones stated that since this use cannot be approved administratively due to the length of time the structure was vacant, the applicant (owners) have requested a Major Warrant to reinstate the legal non-conforming use of a single-family residence. She stated that staff recommends approval with the condition that once the single-family use has been established, all non-conforming provisions of the Form Based Code will be enforced from that point forward. She presented four photographs of the building (one of each side) and mentioned that cosmetic and foundation repairs are needed. She stated that the applicants (owners) have conveyed to staff that they want to improve the appearance of the structure to look somewhat similar to the dentist office that is across the street from the subject property. She provided photographs of four single-family properties which are adjacent to 3602 Main Street. She explained that although the proposed use would deviate from the current code, it would stay true to the current character of the area due to the surrounding single-

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family properties without inhibiting the overall realization of the district as a whole. She stated that the agenda item is a public hearing and that notifications were sent to 16 property owners within 200 feet of the property (5 were returned, 2 were in favor, and 2 were in opposition), signage was posted, and a notice was published in the paper. She explained that the overall opposition stemmed from the desire to see commercial business in the downtown area, and limited the ability to use the structure as a single family home. Mrs. Jones stated that staff and the applicant both agree that the best long-term use of the property should be commercial when the market demands it, but it is better to have the structure occupied and approved rather than vacant in the interim.

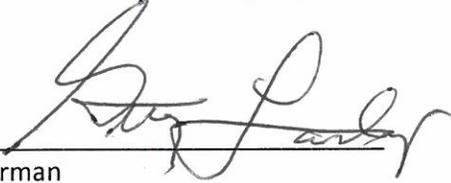
She mentioned that the Urban Design Officer reviewed all plans and requests as required by the Form Based Code, and that the UDO was recommending approval of the requested Major Warrant. Mrs. Jones concluded her presentation and Vice Chairman Landry opened up the floor for discussion or questions from the commission. Commissioner Greg Peebles asked Mrs. Jones if the Major Warrant is approved and then the structure is converted to a conforming use, thus removing the ability to occupy it as a single family residence after that time, could a new owner in the future come back and request another Major Warrant to reinstate the single-family use again. She stated that it would be a possibility if approved by City Council. Vice Chairman Landry asked what the last use was at the property to which Mrs. Jones answered that it was a beauty shop about seven years ago. He also received clarification that the project directly east is also a single-family home. Commissioner Crawley asked if the Board of Adjustment's abandonment of non-conforming use process was taken out of play when the use changed to a beauty shop. Mrs. Jones stated that the Form Based Code does not follow the same procedures as that of the Board of Adjustments and the Major/Minor Warrant procedures replace the need for the Board of Adjustments variance process in this case. Vice Chairman Landry then asked if the property still has a kitchen and similar facilities as that of a single-family home. Mrs. Jones stated that the applicant (owner) could better answer that question. Commissioner Jeffers asked what guarantees would they have that the property would be brought up to code, would the house be habitable while the changes were being made, and would the City of Rowlett require that the changes be made first before occupying the property. Mrs. Jones stated that she had spoken with the Building Official and there is no permit required for foundation repair or cosmetic upgrades. She stated that the house would not be habitable while the foundation was being repaired and that permits would be required if any plumbing or electrical work was being performed and the owners could not move in until corresponding permits were issued. Mrs. Jones took a moment to clarify that a Major Warrant is not a Zoning Change. Vice Chairman Landry opened the public hearing. Randy Crawford (current address of 18470 North Dallas Parkway), owner of the subject property, came to the podium. He stated that his intent is not to move in until it is habitable and he mentioned that he was on the Rowlett Downtown Task force and is fully aware and agrees with the overall vision for downtown. He feels that by occupying the property, it will make the area more marketable and his goal is to sell it for a commercial use in the future. He answered Vice Chairman Landry's earlier question by stating that the property has a kitchen, a bathroom, and a 15 X 15 laundry facility. Mr. Crawford stated that he has already begun to level and reinforce the foundation and will complete that work regardless of whether or not this Major Warrant request is approved. Vice Chair Landry closed the public hearing and there was no discussion amongst the commissioners. Commissioner Crawley made a motion recommending approval of the Major

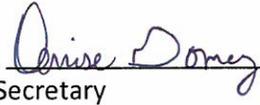
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Warrant Request. Commissioner Jeffers seconded the motion. The motion passed with a 5-2 vote with Commissioner Michael Lucas and Alternate Ronald Meyer casting the opposing votes.

D. ADJOURNMENT

Vice Chairman Landry adjourned the meeting at 7:27 p.m.


Chairman


Secretary