

**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., SEPTEMBER 24, 2013**

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

ALSO PRESENT: Alternates Tina Dorenbecker, Jonas Tune

ABSENT: Alternate Ronald Meyer

STAFF PRESENT: Director of Development Services Erin Jones, Principal Planner Garrett Langford, Development Services Technicians Denise Gomez, Lola Isom

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 August 27, 2013.

Commissioner Karl Crawley made a motion to approve. Commissioner Gregory Peebles seconded the motion. The agenda passed with a 7-0 vote.

C. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Conduct a public hearing and make a recommendation on an Ordinance amending Planned Development (PD) 028-10 (Lakehill Addition), specifically regarding fence regulations for key lots. The subject property is located on the east side of Dexham Road approximately 115 feet south of Foxwood Drive, being 71.445 +/- acres, in the Reason Crist Survey, Abstract 225, Dallas County. (Case Number PD13-675)

Garrett Langford, Principal Planner, came forward to present the case. He presented a location map of the subject property. He explained that the property was zoned as a planned development for single-family residential back in 2010. The final plat for Phase I was approved in March 2011. The final plat for Phase II was approved in July of 2013. Mr. Langford stated that the applicant is requesting an amendment to the planned development regarding the fence height requirements for key lots.

He mentioned that the applicant is requesting to increase the allowable height of side yard fences for key lots. Mr. Langford presented the key lot definition as defined by the Rowlett Development Code. He provided a visual drawing of a key lot. He explained that these lots are where rear property lines back up to the side property line of the lots directly behind them. Mr. Langford stated that a key lot has two front building lines of at least 25'. He revealed that the purpose of key lot requirements for two primary front yards is to provide a clear, continuous building line along both streets. Mr. Langford further explained that the key lot designation does not apply if there is a break such as an alley, public space, or other property between it and the lot behind it. He stated that the current maximum allowed height for front yard fencing is 3'. He said that the applicant is requesting the requirement to be raised to allow for a 6' fence. Mr. Langford provided pictures of two existing homes that are classified as key lots currently in the Lakehill Addition and have 6' fencing in the side yard.

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He showed that the Lakehill Addition has ten corner lots that are designated as key lots. He explained that should the request be approved a 45 degree visibility clip will be required in order to provide the lot behind the key lot visibility to the side street. Mr. Langford provided an example of the specific language that the applicant was proposing in order to amend Exhibit C of PD 028-10. He mentioned that 156 public notices were sent out on September 6, 2013 per state and development code regulations. He received three responses by the September 18, 2013 deadline. Mr. Langford explained that two of the respondents were confused with the content of the notice and he acknowledged that it was rather short and could have provided more descriptive information as to what a key lot actually is. The third respondent expressed that the proposed amendment would create more obstructions. He stated that if this is approved, and someone does build a fence closer to the right-of-way, they would be required to follow the board-on-board cedar fence requirements already established within the subject planned development. He stated that staff believes that the request generally meets the intent of the criteria aligned in the Rowlett Development Code and said he would be happy to answer any questions from the commission.

Chairman Rick Sheffield formally opened the item up for questioning amongst the commission. Vice-Chairman Greg Landry inquired about how far the applicant was planning to bring the fence up towards the front of the house. He stated that he would prefer if it was required to move back a bit and not extend the entire street length of the house. Mr. Langford answered by stating that it may be possible to re-word how far the fence comes forward but, as it is written now, they could bring it up to the front of the house. Commissioner Karl Crawley interjected and asked if the applicant was proposing to bring the fence to the front building line or to the edge of the house. Mr. Langford stated that the language, as currently written, would allow them to bring the fence to the front of the house.

Commissioner Gregory Peebles asked if the same regulations would apply if it were just a corner lot and not a key lot. Mr. Langford stated that yes, if it was a corner lot, they could go all the way to the property line. Erin Jones, Director of Development Services, expressed that this statement is correct.

Commissioner Karl Crawley asked if it was a non-key corner lot, would there be a side yard setback. Ms. Jones said yes.

Commissioner Karl Crawley asked Commissioner Gregory Peebles' question again for further clarification. Ms. Jones reconsidered the inquiry. She said that she did not think you could not take a fence all the way to the property line and that there would be a 5' side yard setback, but she was not sure of the requirement and would confirm with the Building Official who oversees most fence permits. She also stated that she believed that the intent of the applicant was merely to extend the height of the fencing requirements and they had intended to meet all other requirements as stated currently in the code. She acknowledged that Staff probably misrepresented a portion of the code requirements for the side yard setbacks. She said that since she was not sure of the side setback if any, she recommended that the Commission make a condition that the applicant will meet the base standard for side yard fences as used for standard side yards if that was the concern.

Chairman Rick Sheffield asked if the proposed language clarified that the 45 degree clip must begin at the side setback of the house. Mr. Langford confirmed that it did.

The commission further discussed whether or not there really is a side yard on corner key lots or if there would actually be two front yards.

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Chairman Rick Sheffield closed the item for questioning from the commission and opened up the public hearing.

Jay Volk with Standard Pacific Homes came forward to speak. He opened up a PowerPoint presentation that he put together for the meeting. Mr. Volk gave an extensive overview of the Standard Pacific development within the area. A few minutes into the presentation, Chairman Rick Sheffield asked that the applicant please focus on the agenda. Mr. Volk further explained that most of the Standard Pacific floor plans are heavily characterized by some sort of outdoor living aspect and the desire to provide a larger yard for home buyers. He mentioned that he was unaware that there would be a 5' side yard setback on a typical lot. He said that he would be happy to amend his proposal to honor that requirement. Mr. Volk stated that two houses would be directly affected by the proposed amendment; 2013 Covington Drive and 6106 Livingstone Street. He revealed that 2013 Covington Drive currently has a 6' retaining wall adjacent to the subject property. He expressed that not having the visibility clip may not be an issue to the homeowners. He stated that the visibility from 6106 Livingstone Street would not be obstructed as proposed due to the alignment of the house and the curvature of the street. Mr. Volk said he appreciates the consideration of the commission.

Commissioner Karl Crawley asked if the applicant knew the key lot regulations when they designed the plat. Mr. Volk said he did not. Commissioner Karl Crawley asked Ms. Jones if the requirements had changed. Ms. Jones said they had not.

The commission further discussed adding a condition to the approval of this item regarding the standard side yard setback.

Vice-Chairman Greg Landry stated that the appearance of one long fence alongside the street is not widely utilized in Rowlett. He would like to ensure that conditions are added to any approvals.

Chairman Rick Sheffield dismissed Mr. Volk from further questioning by the commission. He asked if any other speakers would like to come forward. The public hearing was closed.

Commissioner Gregory Peebles explained that he has had similar experience with this particular restriction going either way. He would just like to ensure that there is continuity within the subdivision.

The commission discussed the side and front yard setback regulations and the possibility of flipping the house and how that would affect the proposal.

Chairman Rick Sheffield entertained a motion by the commission.

Commissioner Karl Crawley motioned to recommend approval with the following modifications:

1. The fence in the side yard must comply with the 45 degree visibility clip requirement as stated in the staff report.
2. The fence set back in the side yard on the street side must comply as stated in the Rowlett Development Code and current planned development for the subject property.
3. The front of the fence must be set back the greater of 45' or the front edge of the house.

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The motion was seconded by Alternate Tina Dorenbecker. The item passed 5-2 vote.

2. **Conduct a public hearing and make a recommendation on a request from the City of Rowlett to rescind Special Use Permit Ordinance Number 7-2-02B. The purpose of this request is to reinstate the base zoning of Commercial Retail Highway (C-3) on the subject property. The subject property is located at 4600 Miller Road, being .94 +/- acres in Tract 1.4 of the Margaret J. Riley Abstract 1261 Page 535, and 1.86 +/- acres further described as Block A, Lot 2 Magnolia Springs Office/Retail Addition, Dallas County, City of Rowlett, Texas.**

Garrett Langford, Principal Planner, came forward to present the case. He explained that the subject Special Use Permit was approved in 2002 to allow for a proposed gas station on the property. He stated that the property was never developed and has remained vacant since that time. Mr. Langford said that the property owner, D.R. Horton, is proposing to add a third office building to the property. He presented a site plan. He stated that the property owner is proposing to add 23,000 +/- square foot office building. Mr. Langford mentioned that, if approved, the property would need to be replatted along PGBT and that the affected lots would need to be resized accordingly to accommodate the newly proposed development. Mr. Langford stated that the Special Use Permit currently enforced would no longer conform to the newly requested use and is now deemed obsolete. He said that staff recommends approval and would be happy to answer any questions.

Chairman Rick Sheffield opened the item up for questioning by the commission. No questions were asked.

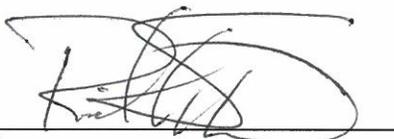
Chairman Rick Sheffield opened up the public hearing. No one came forward. The public hearing was closed.

Vice-Chairman Greg Landry motioned to approve this item. Commissioner Rosalind Jeffers seconded the motion. The item passed 7-0.

Chairman Rick Sheffield thanked Commissioner Rosalind Jeffers and Alternate Tina Dorenbecker for their service to the Planning and Zoning Commission. This is their last hearing on the commission for the City of Rowlett.

D. ADJOURNMENT

Chairman Rick Sheffield adjourned the meeting at 7:38 p.m.



Chairman



Secretary