

**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., October 29, 2013**

PRESENT: Chairman Rick Sheffield, Vice-Chairman Greg Landry, Commissioners Clayton Farrow, Gregory Peebles, Karl Crawley, Michael Lucas, Jonas Tune

ALSO PRESENT: Alternates Gabriela Borcoman, James Moseley, Consultant Arti Harchekar

ABSENT: Alternate Thomas Newsom

STAFF PRESENT: Director of Development Services Erin Jones, Principal Planner Garrett Langford, Development Services Technician Lola Isom, City Attorney David Berman, Regulatory Engineer Samantha Renz, Fire Marshal Bryan Beckner

A. CALL TO ORDER

Chairman Rick Sheffield called the meeting to order at 7:00 p.m. He invited the attendees to fill out a Public Speaker card if they wish to speak during the public hearing.

B. CONSENT AGENDA

1. Minutes of the Regular Meeting of October 8, 2013.

Commissioner Karl Crawley made a motion to approve. Vice-Chairman Greg Landry 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 a Residential Planned Development (PD) district rezoning request. The subject property is generally located west of Liberty Grove Road and east of Larkin Lane and Berryman Road, being 69.761 ± acres situated in the Reason Crist Survey (Dallas County Abstract Number 225), City of Rowlett, Dallas and Rockwall County, Texas. The applicant requests a zoning change from the current Single Family 40 and Mixed Use North Shore zoning district to a Planned Development Zoning Overlay district for the purpose of primarily developing a single family residential development with ancillary garden office uses. (PD13-676)

Garrett Langford, Principal Planner, came forward to present the case. He presented a location map of the subject property. He explained that the applicant is requesting to rezone the property for the use of 230 single-family lots and 1.5 acres for office use. Mr. Langford presented a map that displayed the current zoning of the property, which is Mixed Use North Shore District, and a small portion of SF-40 as well as the surrounding area. He presented a boundary map exhibit of the proposed rezoning area and a concept plan for the proposed single-family development submitted by the applicant. He explained that the applicant is proposing 4 lot categories ranging from 4,000-10,000 square feet. Then, he presented the minimum base zoning requirements for the proposed zoning classifications and further clarified that anything not specified in the potential PD (planned development) would refer back to the base zoning requirements as regulated by the Rowlett Development Code. He presented the amenities that were proposed by the applicant, and noted that the majority of them are already required by the Rowlett Development Code. Mr. Langford mentioned that the subject property is currently designated as North Shore Area A within the Realize Rowlett 2020 Comprehensive Plan and the intended goal of the location is to potentially diversify the City's tax base. He mentioned that staff feels that this area provides that largest opportunity to meet that goal.

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He revealed that the City of Rowlett is getting ready to begin a North Shore master planning initiative, and that City Council expressed a general consensus for approval of the master planning effort at their October 28, 2013 Meeting and the request for final approval will go before City Council on November 5, 2013. He stated that, if approved, a detailed market analysis and workforce study will be performed as part of the planning effort for this area including the subject property. Mr. Langford explained that there are a set of questions that must be answered in order for staff to make a recommendation to approve or deny any particular case. He stated that the details were outlined in the staff report. He said that the City of Rowlett feels that the proposed rezoning request would not correct any errors and is not consistent with the Rowlett Comprehensive Plan. Mr. Langford stated that 35 public hearing notices were sent out on October 11, 2013 and he received 21 responses. He stated that 19 were in opposition and 2 were in favor of the request. He mentioned that he also received 66 responses from 48 properties (multiple responses were received) outside of the 200 ft. notification area. He stated that the public hearing notice was published in the newspaper and signs were displayed on the subject property. Mr. Langford presented a location map showing the location of the respondents and highlighted whether they were in favor or in opposition. He stated that staff recommends for the commission to recommend denial.

Commissioner Karl Crawley asked what amount of undeveloped land in Rowlett that would allow for the same use as the proposed. Erin Jones, Director of Development Services, stated that she was not sure off the top of her head, but when Staff ran the numbers over a year ago there were around 500 lots that were entitled for single family homes; that number has likely changed since that time due to homes being build and other subdivisions being approved.

Commissioner Karl Crawley asked if Mr. Langford could clarify the time frame for which the North Shore Area planning is to occur. Mr. Langford stated that a study of the area would be accelerated and the goal is to be complete within a 5 month period. Commissioner Karl Crawley pointed out that the applicant had proposed to begin construction by January of 2014. Ms. Jones stated that the applicant had not officially submitted any plat or engineering specifications and that the review process can typically take longer than 2 ½ months.

Ms. Jones took a moment to further clarify that the North Shore area is not intended to be 100% commercial development, and that there will certainly be residential product types proposed throughout the district upon completion of the Master Plan. However, without completing the master plan Staff cannot say with certainty where, what or how much of those product types should exist.

Chairman Rick Sheffield verified with Ms. Jones that the applicant was made aware of the recommendation from Staff to deny this request. Ms. Jones confirmed that yes; the applicant was made aware from the beginning.

Chairman Rick Sheffield opened up the public hearing. The following speakers came forward and spoke in opposition of the rezoning request:

1. Lesley Perry
3805 Toler Road
Rowlett, TX 75089

2. Jim McDougale
3205 Larkin Lane
Rowlett, TX 75089

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3. Keith Kyser
3302 Larkin Lane
Rowlett, TX 75089

4. Dale Gilyard
3402 Larkin Lane
Rowlett, TX 75089

5. Michael Strozesky
3410 Larkin Lane
Rowlett, TX 75089

6. Dan Kowalski
3510 Larkin Lane
Rowlett, TX 75089

7. Lloyd Osborn
3114 Toler Road
Rowlett, TX 75089

8. James Blanton
3901 Toler Road
Rowlett, TX 75089

9. David Ellis
4002 Toler Road
Rowlett, TX 75089

10. David Erickson
3801 Toler Road
Rowlett, TX 75089

11. Tony Perdue, Sr.
3305 Larkin Lane
Rowlett, TX 75089

12. Dennis Smith
4302 Toler Road
Rowlett, TX 75089

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13. Sal Jubera
3906 Toler Road
Rowlett, TX 75089

14. Stephanie Wilson
3401 Larkin Lane
Rowlett, TX 75089

15. Leon Huseman
3201 Larkin Lane
Rowlett, TX 75089

16. Anton Barons
3110 Larkin Lane
Rowlett, TX 75089

In summary, the items of concern included the increase in traffic and noise, the possibility of an increase in crime, the possibility of a decrease in property values due to the proposed lot sizes, the possibility of not being able to supply enough water and public safety to service the site, the fact that it deviates from the intended goals of the Realize Rowlett 2020 Comprehensive Plan, and overwhelming opposition in regards to making Berryman Rd. and Larkin Ln. access points to the new subdivision.

One speaker came forward in favor of the request:

1. Bruce French, Developer
9001 Airport Freeway, #400
North Richland Hills, TX 76180

Mr. French expressed appreciation for the Staff at the City of Rowlett through the entire process. He inferred that his proposal was a better use of the property than what is lined out in the Realize Rowlett 2020 Comprehensive Plan, and while they are not mixed-use builders they had attempted to include a range of lot sizes and the addition of an office area at the main entrance to the site. He also discussed the possible price points of the products types proposed for the subject property. He mentioned that based on the current market this was a good opportunity to supply a move up housing market and that his proposed development could provide a buffer to rest of the North Shore Area when developed.

Chairman Rick Sheffield closed the public hearing and opened the item up to questioning from the commission. There was a discussion amongst the commission regarding residential connectivity to the intended North Shore district, the likelihood of a wide variety of residential development within the North Shore master planning initiative, and the intended commercial uses for the Mixed Use development on the site.

Chairman Rick Sheffield used the analogy of the apple cart versus the fruit cart to reiterate the need for a variety of development types in this area. Then, he inquired as to how many attendees came to any of the Realize

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Rowlett 2020 meetings. He further discussed the North Shore master planning initiative and explained that this proposal goes against the goals for the plan. Commissioner Karl Crawley discussed the need for the public to be present at the public meetings associated with the North Shore master planning effort.

Commissioner Gregory Peebles made a motion to recommend denial of the rezoning request. Commissioner Karl Crawley seconded the motion. The item was recommended for denial with a 7-0 vote.

- 2. Conduct a public hearing and make a recommendation on a rezoning request. The Subject Property is located at 3100 Merritt Road, further described as a 28.532 ± acres portion of 31.59 ± acre Tract 2 in the McKinney and WMS Abstract, Number 1015, Page 460 in the City of Rowlett, Dallas County, Texas. The applicant requests a rezoning from the existing Planned Development (ORD-052-06) Zoning District to the Urban Village Form Based Zoning District for the purposes of building a pedestrian-oriented, multi-family neighborhood to be governed by the City of Rowlett's Form Based Code. (FA13-673)**

Ms. Jones came forward to introduce Arti Harchekar, Urban Design Consultant and former City of Rowlett Urban Designer. She stated that Ms. Harchekar would be presenting the case on behalf of City staff.

Ms. Harchekar came forward to present the case. She presented a location map and explained that the subject property is about 28.5 acres and is currently zoned Planned Development Multi-Family. She explained that the applicant is requesting the property to be rezoned to the Form Based Code Urban Village District. Ms. Harchekar summarized the Form Based Code review and approval process. Due to the billboards on the site, she explained that the applicant was required to submit a detailed regulating plan. She stated that the applicant came to the City in December of 2012 to discuss access to this site. She further discussed what was explained to the applicant regarding potential amendments that would be necessary to be within code regulations and the steps that would need to be taken to move forward with the request to develop under the Urban Village District.

Ms. Harchekar presented a location map of the North Shore Area. She explained that the North Shore planning initiative remained a constant throughout discussions with applicant. She explained that the North Shore area consists of 2 areas; the east which is intended for a major employment hub within the city and the west that is intended for town center development with attached residential product types. She said that residential will be allowed in the far western portion, but will not be the dominant use. She stated that the North Shore area includes about 1,200 developable acres. Then, Ms. Harchekar presented the applicant's site analysis diagram and mentioned that the property would directly affect the City of Sachse, the City of Garland, and the City of Rowlett. She further explained the drainage, billboards, flood plain, connectivity, key public spaces and focal points, access points, and pedestrian elements. Ms. Harchekar stated that staff has determined that a traffic impact analysis would not be required until the development plan is submitted.

She presented the Master Plan and mentioned that the development would need to be screened from the existing toll road and billboards to the greatest extent possible. She described the proposed building type as Mixed Residential. She further discussed the definition of the public realm, intimate urban open spaces, feature access points, block structure, the design charette, and the ability for the plan to be absorption into the overall North Shore Planning Area. She explained that staff feels that the request does fall in line with the vision and plan for the area. She mentioned Section 77-805 of the Rowlett Development Code. She further explained that the current zoning doesn't reflect the content in the comprehensive plan, but the request for rezoning does. She said that staff has evaluated the site and already determined that adequate water and

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sewer service can be provided to the site. She stated that the Mixed Use development being proposed will help the City meet an unmet demand and the request does meet the intent of the Form Based Code.

Ms. Harchekar said that 17 notices were mailed out on October 3, 2013. She said she received 1 response in favor of the request. She stated that legal notice was published in the newspaper and zoning signs were placed on the subject property.

She stated that staff and the Urban Design Officer recommend approval of this item.

Vice-Chairman Greg Landry made the point that currently the only access is through Sachse and Rowlett will have no control on what develops on the Sachse side. He asked what thought had been given to future connection points into Rowlett. Ms. Harchekar said that the future access points were an integral part of thinking through the plan and making sure appropriate access points can be tied into upon completion of the North Shore Master Plan. The access points are denoted on the plans and can be extended when future development occurs.

Commissioner Karl Crawley asked if the City of Garland tract was owned by Garland. Ms. Jones confirmed that she thought it was. The developer's representative, Elvio Bruni, interjected to say that it was indeed only an easement.

There was further discussion amongst the commission regarding screening the billboards, a potential frisbee golf buffer area, and the property elevations.

Chairman Rick Sheffield requested clarification from Ms. Jones as to why Item C.1. of this agenda was recommended for denial, but this item is being recommended for approval seeing as they are in the same North Shore area. Ms. Jones stated that the main difference is the existing entitlement for multi-family for this site and the fact that mixed-residential has been identified as a desirable product type for the area.

Commissioner Gregory Peebles asked if fire sprinklers would be required in the proposed units. Ms. Jones said yes. Commissioner Gregory Peebles asked which fire station would service this area. Bryan Beckner, Fire Marshal, stated that Fire Station #4 would service this particular area. Ms. Jones pulled up a map that presented the emergency response time.

Chairman Rick Sheffield opened the public hearing.

Two speakers came forward in favor of the request:

1. Elvio Bruni, Developer
2210 Stanford Court
McKinney, TX 75070

2. Jonathan Brown, Designer
7814 Killarney Lane
Rowlett, TX 75089

Both speakers expressed their excitement for the upcoming development and said they would be happy to answer any questions.

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Chairman Rick Sheffield closed the public hearing

Chairman Rick Sheffield asked how the infrastructure would be paid for. Ms. Jones stated that Staff has been given general direction from Council to move forward with a facilities agreement to potentially partner with the developer and get sewer throughout the entire area, not just for this project site.

Vice-Chairman Greg Landry wanted to let the commission know that the details for this case were previously reviewed in detail by the commission.

Commissioner Karl Crawley stated that this development will be a nice urban-like gateway to the City of Rowlett.

Commissioner Karl Crawley made a motion to approve this request. Vice-Chair Greg Landry seconded the motion. The item passed 7-0.

3. Elect Chairman and Vice Chair for 2013-2014.

Commissioner Karl Crawley made a motion to nominate and elect Rick Sheffield as the Chairman of the commission and Greg Landry as the Vice-Chairman. Commissioner Michael Lucas seconded the motion. The item passed 7-0.

D. ADJOURNMENT

Chairman Rick Sheffield adjourned the meeting at 8:51 p.m.



Chairman



Secretary