



**AGENDA
PLANNING & ZONING COMMISSION
TUESDAY, DECEMBER 9, 2014**

The Planning and Zoning Commission will convene into a Regular Meeting at 7:00 p.m. in the Annex Conference Room, 4004 Main Street, Rowlett, at which time the following items will be considered:

A. CALL TO ORDER

1. Update Report from Director of Development Services.

B. CONSENT AGENDA

1. Minutes of the Planning and Zoning Commission Meeting of November 25, 2014.
2. Consider and take on a final plat for a property located at 7000 Chiesa Road, further described as being a 9.15 +/- acre tract of land in the James Saunders Survey, Abstract No. 1424, City of Rowlett, Dallas County, Texas. (FP14-732)

C. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Conduct a public hearing and take action on a Replat for Lots 1 and 2, Block B, of the Municipal Complex Addition, two unplatted tracts and portions of the Main Street/Coyle Street rights-of-way. The proposed Replat is generally located at the northwest corner of Skyline Drive and Main Street, City of Rowlett, Dallas County, Texas. (RP14-751)
2. Conduct a public hearing and make a recommendation on amendments to the Rowlett Development Code as it pertains to Signage in Section 77-512, specifically signage for nonresidential uses in residentially zoned areas.
3. Consider and take action on a request for a minor modification for Connection Community Church located at 3700 Chaha Road, further described as Lot 1, Block 1, Bay Baptist Church Addition, City of Rowlett, Dallas County, Texas. (DP14-729)

D. ADJOURNMENT

NOTE: THE PLANNING AND ZONING COMMISSION MAY RETIRE AND CONVENE INTO EXECUTIVE, CLOSED SESSION ON ANY MATTER RELATED TO ANY OF THE ABOVE AGENDA ITEMS FOR THE PURPOSES OF PRIVATE CONSULTATION WITH THE CITY ATTORNEY UNDER SECTION 551.071 OF THE TEXAS GOVERNMENT CODE.

NOTE: THE CITY OF ROWLETT MEETING ROOMS ARE ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT FOR FURTHER INFORMATION.

A handwritten signature in black ink, appearing to read "Garrett Langford".

Garrett Langford, Principal Planner

**MINUTES OF THE MEETING
OF THE PLANNING & ZONING COMMISSION
OF THE CITY OF ROWLETT, TEXAS, HELD IN THE MUNICIPAL CENTER
4000 MAIN STREET, AT 7:00 P.M., NOVEMBER 25, 2014**

PRESENT: Chairman Karl Crawley, Vice-Chairman Michael Lucas, Commissioners Jonas Tune, James Moseley, Thomas Finney, Chris Kilgore

ABSENT: Commissioner Clayton Farrow, Alternates Lisa Cain, Christe Cavaness, Gabriela Borcoman

STAFF PRESENT: Director of Development Services Marc Kurbansade, Development Services Coordinator Lola Isom, Development Services Technician Lorie Strickland

A. CALL TO ORDER

Chairman Karl Crawley called the meeting to order at 7:00 p.m.

1. Update Report from Director of Development Services.

No update was provided to the Commissioners during this meeting.

B. CONSENT AGENDA

1. Minutes of the Planning and Zoning Commission Meeting of November 11, 2014.

Vice-Chairman Michael Lucas made a motion to approve the Consent Agenda. Commissioner Thomas Finney seconded the motion. The Consent Agenda passed with a 6-0 vote.

C. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Remove the item from the table, conduct a public hearing and make a recommendation on a request for a Special Use Permit to operate a licensed massage and day spa establishment at a property located at 8809 Lakeview Parkway, Suite 100, within Lakepoint Shopping Center Addition, City of Rowlett, Rockwall County, Texas. (SUP14-745)

Director of Development Services Marc Kurbansade came forward to present the case. He presented a location map of the property. Mr. Kurbansade gave a brief background on the case. Mr. Kurbansade stated we did not receive any public hearing notice responses. Mr. Kurbansade summarized the staff analysis and stated that staff recommends approval of the request with the following stipulation:

The SUP shall be limited to licensed massage therapy establishments only

**MINUTES OF THE MEETING
OF THE PLANNING & ZONING COMMISSION
OF THE CITY OF ROWLETT, TEXAS, HELD IN THE MUNICIPAL CENTER
4000 MAIN STREET, AT 7:00 P.M., NOVEMBER 25, 2014**

Chairman Karl Crawley opened the public hearing.

The following speaker came forward:

Sunny Hollister
8805 Lakeview Pkwy.
Representative of Sensational Day Spa

Ms. Hollister stated that the day spa will have an open concept design and the main focus will be skin care, body massage, reflexology, and, if approved, there will be a sign prohibiting illegal activity.

No additional speakers came forward.

Chairman Karl Crawley closed the public hearing.

Commissioner Thomas Finney expressed concern regarding permanently changing zoning for future development. He recommended the Commission to deny the SUP request.

Commissioner Chris Kilgore made a motion to recommend approval of the SUP with staff's stipulation as well as the following condition:

The SUP shall be in effect for so long as the applicant and any business succeeding to the SUP remains appropriately licensed with the State of Texas.

Commissioner James Moseley seconded the motion. The recommendation passed with a 5-1 vote. Commissioner Thomas Finney voted in opposition.

D. ADJOURNMENT

Chairman Karl Crawley adjourned the meeting at 7:09 p.m.

Chairman

Secretary



City of Rowlett

Staff Report

Planning & Zoning Commission

4000 Main Street
P.O. Box 99
Rowlett, TX 75030-0099
www.rowlett.com

AGENDA DATE: 12/09/2014

AGENDA ITEM: B.2

AGENDA LOCATION:

Consent Agenda

TITLE

Consider and take action on a Final Plat for the Rowlett Assisted Living located at 7000 Chiesa Road, further described as being a 9.15 +/- acre tract of land in the James Saunders Survey, Abstract No. 1424, City of Rowlett, Dallas County, Texas. (FP14-732)

STAFF REPRESENTATIVE

Garrett Langford, AICP, Principal Planner

SUMMARY

The subject property is a 9.15-acre tract of land located along the east side of Chiesa Road, adjacent to the Crossroads Church (Attachment 1 Location Map). The applicants are proposing a 63-bed assisted living facility. A Final Plat is one of the last steps in the development review process prior to the issuance of a building permit. The Final Plat will create a legal lot that complies with all applicable subdivision standards. The proposed Final Plat will create a single lot for a recreational vehicle and boat storage facility.

BACKGROUND INFORMATION

The subject property is a 9.15-acre tract of land located along the east side of Chiesa Road, adjacent to the Crossroads Church (Attachment 1 Location Map). The applicants are proposing a 63-bed assisted living facility. The subject property was rezoned to a Planned Development (PD) on June 4, 2013, to allow the assisted living facility with stipulations (Attachment 2 – PD Ordinance 017-13). The Development Plan was approved by the Planning and Zoning Commission on August 12, 2014.

DISCUSSION

Chapter 77-806 of the Rowlett *Development Code (RDC)* states that the Planning and Zoning Commission may only approve a Final Plat when the following criteria are met.

- (a) Conforms to Chapter 77-600, Subdivision and land development, and any regulations adopted pursuant to that chapter;
- (b) Promotes the public health, safety and welfare;
- (c) Provides for the proper arrangement of streets in relation to existing or proposed streets;
- (d) Provides for the efficient movement of vehicular and pedestrian traffic;
- (e) Ensures adequate and properly placed utilities;

- (f) Provides access for firefighting apparatus as determined by the fire marshal;
- (g) Provides light and air and avoids congestion;
- (h) Facilitates the orderly and efficient layout and use of the land; and
- (i) Furthers the goals and policies of the comprehensive plan and the city council.”

City Staff from the Planning and Engineering Divisions as well as the Fire Marshal’s Office have reviewed the plat for compliance. It is their opinion that all of the above criteria have been met.

FISCAL IMPACT/BUDGET IMPLICATIONS

N/A

RECOMMENDED ACTION

Staff recommends the Planning and Zoning Commission approve the Final Plat.

ATTACHMENTS

Attachment 1 – Location Map

Attachment 2 – Final Plat

OWNER'S CERTIFICATE

STATE OF TEXAS §
COUNTY OF DALLAS §

WHEREAS, Richard A. Bosworth, Pat Gerald and Lanell Gerald are the owners of that certain lot, tract or parcel of land situated in the JAMES SAUNDERS SURVEY, A-1424, City of Rowlett, Dallas County, Texas, and being all of that same tract of land described in deed to Richard A. Bosworth, Pat Gerald and Lanell Gerald, recorded in Instrument No. 201300238910 of the Deed Records of Dallas County, Texas, and said tract being more particularly described as follows:

COMMENCING at the present intersection of the southeast R.O.W. line of Bellaire Lane (a 50' R.O.W.) with the east R.O.W. line of Chiesa Road (a variable width R.O.W.); said point beginning a curve to the right having a central angle of 18°52'50" and a radius of 985.00', bearing S 71°00'57" W. Thence southerly around said curve and along the east line of Chiesa Road, a distance of 324.58' to a point; Thence S 00°06'13" E, 8.95' along the east line of Chiesa Road to a 3/4" iron rod found at the southwest corner of that same tract of land described in deed to Janet Gail Kenney, recorded in Volume 2003129, Page 179 of the Deed Records of Dallas County, Texas, and the POINT OF BEGINNING;

THENCE S 87°34'00" E, 318.29' along the south line of said Kenney property to a 1/2" iron rod found for corner in the southwest line of Block 17 of Lots 9R-22R, Block 17, Princeton Park Phase III-A, an addition to the City of Rowlett, Texas, recorded in Volume 98219, Page 62 of the Map Records of Dallas County, Texas;

THENCE S 44°56'06" E, 889.50' along the southwest line of said Block 17 to a 3/4" iron rod found at the northeast corner of that same tract of land described in deed to Crossroads Baptist Church, recorded in Volume 99225, Page 1978 of the Deed Records of Dallas County, Texas;

THENCE S 89°53'47" W along the north line of said Crossroads Baptist Church property, at 139.16' passing the northeast corner of Lot 1, Block 1 of Crossroads Church, an addition to the City of Rowlett, Texas, recorded in Volume 98245, Page 11 of the Map Records of Dallas County, Texas, and continuing along the north line of said Lot 1 for a total distance of 945.10' to a point for corner in the east line of Chiesa Road;

THENCE N 00°06'13" W, 644.91' along the east line of Chiesa Road to the point of beginning and containing 400,625.92 square feet or 9.1971 acres of land.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That we, Richard A. Bosworth, Pat Gerald and Lanell Gerald, Owners, do hereby bind ourselves and their heirs, assignees and successors of title this plat designating the herein above described property as "THE OAKS AT LIBERTY GROVE", an addition to the City of Rowlett, and do hereby dedicate to the public use forever the streets, alleys, and right-of-way easements shown thereon, and do hereby reserve the easement strips shown on this plat for the mutual use and accommodation of garbage collection agencies and all public utilities desiring to use or using same. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easement strips, and any public utility shall at all times have the right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, without the necessity at any time of procuring the permission of anyone.

The undersigned does covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of General Public vehicular and pedestrian use and access, and for Fire Department and emergency use, in, along, upon, and across said premises, with the right and privilege at all times of the City of Rowlett, its agents, employees, workmen, and representatives having ingress, egress, and regress in, along, upon, and across said premises.

That the undersigned does hereby covenant and agree that he (they) shall construct upon the fire lane easements, as dedicated and shown hereon, a hard surface and that he (they) shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats, or other impediments to the access of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating Fire Lane, No Parking. The police or his duly authorized representative is hereby authorized to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for Fire Department and emergency use.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Rowlett, Texas.

Witness our hands at Dallas, Texas, this ____ day of ____ 2014.

Richard A. Bosworth, Owner Pat Gerald, Owner Lanell Gerald, Owner

STATE OF TEXAS §
COUNTY OF ____ §

Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Richard A. Bosworth, Pat Gerald and Lanell Gerald, Owners, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they each executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this ____ day of ____ 2014.

Notary Public in and for the State of Texas

THE OAKS AT LIBERTY GROVE
FINAL PLAT
LOT 1, BLOCK A

9.1970 ACRES SITUATED IN THE JAMES SAUNDERS SURVEY, A-1424, CITY OF ROWLETT, DALLAS COUNTY, TEXAS.

ENGINEER JOHN CONQUEST, P.E.
OWNERS RICHARD A. BOSWORTH, PAT GERALD & LANELL GERALD

DAVIS LAND SURVEYING CO., INC.
9777 FERGUSON ROAD, SUITE 105
DALLAS, TEXAS 75228

This plat is hereby approved by the Planning and Zoning Commission of the City of Rowlett, Texas

Chairman, Planning and Zoning Commission Date

ATTEST: Signature Date

Signature Date

Name & Title

The Director of Development Services of the City of Rowlett, Texas hereby certifies that to the best of his/her knowledge or belief, this subdivision plat conforms to all requirements of the Code of Ordinances and with engineering construction standards and processes adopted by the City of Rowlett, Texas as to which his/her approval is required.

Director of Development Services Date

ATTEST: Signature Date

Signature Date

Name & Title

KNOW ALL MEN BY THESE PRESENTS:

That I, Scott Davis, do hereby certify, that I prepared this plat from an actual on the ground survey of the land as described and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the Platting Rules and Regulations of the City of Rowlett Planning and Zoning Commission.

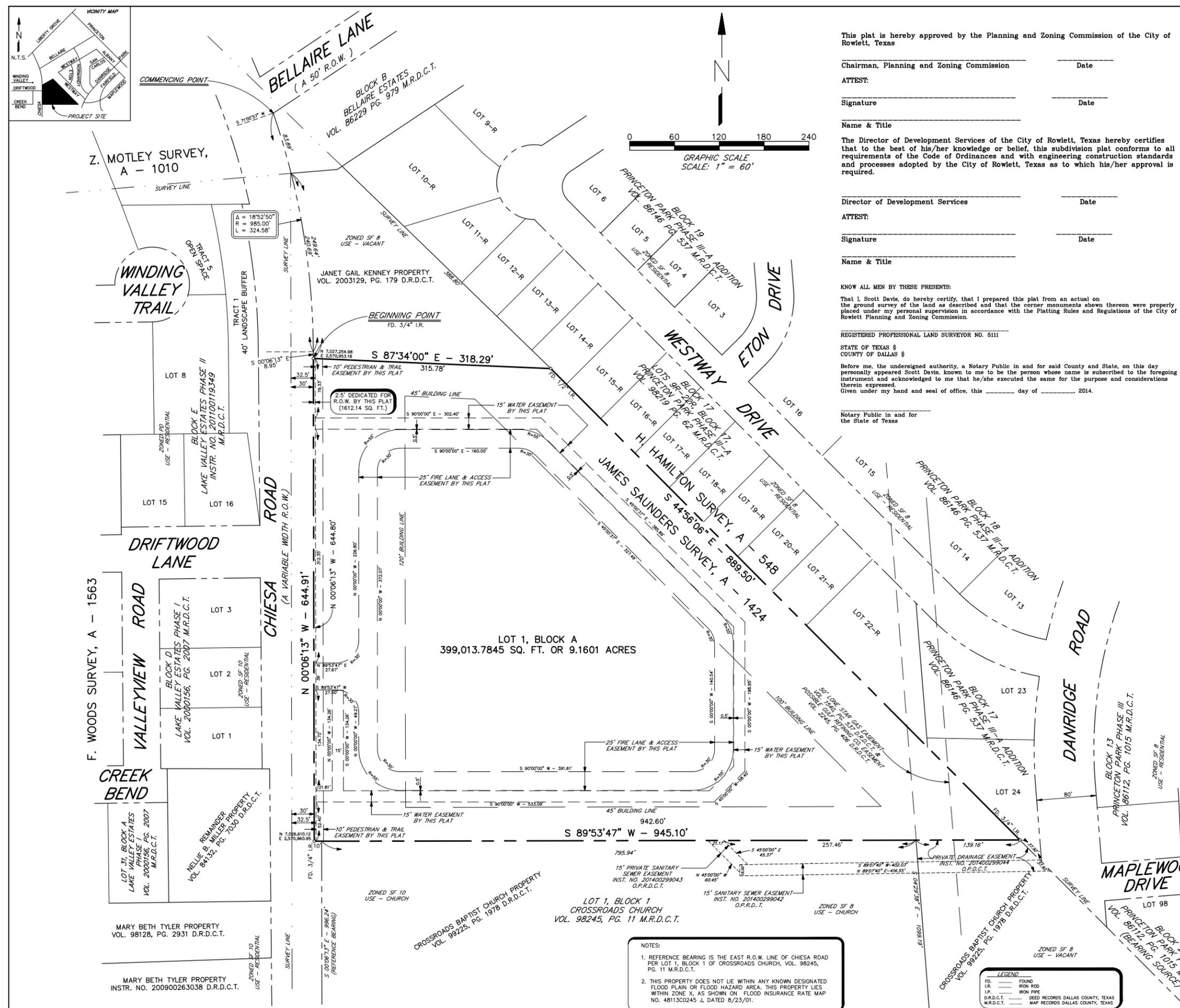
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6111

STATE OF TEXAS §
COUNTY OF DALLAS §

Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Scott Davis, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this ____ day of ____ 2014.

Notary Public in and for the State of Texas



- NOTES:
1. REFERENCE BEARING IS THE EAST R.O.W. LINE OF CHIESA ROAD PER LOT 1, BLOCK 1 OF CROSSROADS CHURCH, VOL. 98245, PG. 11 M.R.D.C.T.
2. THIS PROPERTY DOES NOT LIE WITHIN ANY KNOWN DESIGNATED FLOOD PLAIN OR FLOOD HAZARD AREA. THIS PROPERTY LIES WITHIN ZONE X, AS SHOWN ON FLOOD INSURANCE RATE MAP NO. 48113C0245 J, DATED 8/23/01.

LEGEND table with symbols for FOUND, IRON ROD, IRON PIPE, DEED RECORDS DALLAS COUNTY, TEXAS, and MAP RECORDS DALLAS COUNTY, TEXAS.

DATE: 4/22/14
JOB NO. 130118



City of Rowlett

Staff Report

Planning & Zoning Commission

4000 Main Street
P.O. Box 99
Rowlett, TX 75030-0099
www.rowlett.com

AGENDA DATE: 12/09/2014

AGENDA ITEM: C.1

AGENDA LOCATION:

Individual Consideration

TITLE

Conduct a public hearing and take action on a Replat for Lots 1 and 2, Block B, of the Municipal Complex Addition, two unplatted tracts and portions of the Main Street/Coyle Street rights-of-way. The proposed Replat is generally located at the northwest corner of Skyline Drive and Main Street, City of Rowlett, Dallas County, Texas. (RP14-751)

STAFF REPRESENTATIVE

Marc Kurbansade, Director of Development Services

SUMMARY

The subject property is a 1.834 acre tract of land generally located at the northwest corner of Skyline Drive and Main Street, south of Coyle Street. The proposed Replat will create four lots, include right-of-way dedication for Martin Drive and a portion of Main Street, and include a right-of-way abandonment to be included in the proposed Lot 2C.

BACKGROUND INFORMATION

The subject property is a 1.834-acre tract of land generally located at the northwest corner of Skyline Drive and Main Street, south of Coyle Street (Attachment 1 Location Map). The property consists of portions of existing Lots 1 and 2, Block B, Municipal Complex Addition, and also includes all of the tract of land recorded in Volume 86065, Page 3690, Deed Records of Dallas County, Texas (D.R.D.C.T.), all of the tract of land recorded in Volume 86089, Page 3479, D.R.D.C.T., and part of the Main Street/Coyle Street right-of-way situated in the William Crabtree Survey, Abstract No. 347, all within the City of Rowlett, Dallas County.

The purpose of the Replat is two-fold:

- 1) To dedicate right-of-way for the recently opened portion of Martin Drive between Coyle Street and Main Street; and
- 2) To create two new lots (proposed Lots 2A & 2C) to be conveyed to another party as part of a proposed restaurant development.

As part of the dedication of Martin Drive, portions of existing Lots 1 and 2 are required to be replatted, which will result in proposed Lots 1R and 2A, respectively. Lot 1R is currently occupied by the existing Development Services Building. Lot 2A will be one of the proposed lots to be occupied by a future restaurant development use. A portion of existing Lot 2 as well as a portion of unrecorded land will result in the creation of proposed Lot 2B. Lot 2B will remain

as open space and serve as a pedestrian plaza. Finally, portions of unplatted land as well as current right-of-way scheduled to be abandoned by this plat will be included in the creation of proposed Lot 2C. Lot 2C will be the other proposed lot to be occupied by a future restaurant use.

The proposed restaurant development is part of an Economic Development Agreement approved by City Council on October 14, 2014, via Resolution 096-14. This proposed development will include three restaurant uses located in two buildings. The two future restaurant buildings coupled with the existing pedestrian plaza are all in concert with the Downtown vision adopted as part of Realize Rowlett 2020.

DISCUSSION

Chapter 77-806 of the Rowlett *Development Code (RDC)* states that the Planning and Zoning Commission may only approve a Final Plat when the following criteria are met.

- (a) Conforms to Chapter 77-600, Subdivision and land development, and any regulations adopted pursuant to that chapter;
- (b) Promotes the public health, safety and welfare;
- (c) Provides for the proper arrangement of streets in relation to existing or proposed streets;
- (d) Provides for the efficient movement of vehicular and pedestrian traffic;
- (e) Ensures adequate and properly placed utilities;
- (f) Provides access for firefighting apparatus as determined by the fire marshal;
- (g) Provides light and air and avoids congestion;
- (h) Facilitates the orderly and efficient layout and use of the land; and
- (i) Furthers the goals and policies of the comprehensive plan and the city council.”

City Staff has reviewed the plat for compliance. It is their opinion that all of the above criteria have been met.

FISCAL IMPACT/BUDGET IMPLICATIONS

N/A

RECOMMENDED ACTION

Staff recommends the Planning and Zoning Commission approve the Final Plat.

ATTACHMENTS

Attachment 1 – Location Map

Attachment 2 – Replat

Location Map





City of Rowlett

Staff Report

Planning & Zoning Commission

4000 Main Street
P.O. Box 99
Rowlett, TX 75030-0099
www.rowlett.com

AGENDA DATE: 12/09/2014

AGENDA ITEM: C.2

AGENDA LOCATION

Individual Consideration

TITLE

Conduct a public hearing and make a recommendation on amendments to the Rowlett Development Code as it pertains to Signage in Section 77-512, specifically signage for nonresidential uses in residentially zoned areas.

STAFF REPRESENTATIVE

Garrett Langford, AICP, Principal Planner

SUMMARY

On May 15, 2012, the City Council approved a significant amendment to the Rowlett Development Code's (RDC) signage provisions. This amendment added additional sign types, provided detailed definitions, and more specifically categorized permitted signs by zoning district. It recently came to staff's attention that an important provision regarding signage for nonresidential uses in residentially zoned areas was inadvertently eliminated through the 2012 code amendment. The purpose of this item is to add the eliminated provision back into the RDC to address this unique circumstance.

BACKGROUND INFORMATION

Monument and wall signs are not permitted in residentially zoned areas. However, prior to the 2012 RDC amendment the following exception was included in the code:

"Monument and wall signs as permitted by the Planning and Zoning Commission [may be allowed] for nonresidential uses allowed in residential districts."

Examples of nonresidential uses allowed in some or all residential districts include religious institutions, daycares, municipal uses, schools, and veterinarian clinics. It was not staff's intent that these types of uses would be prohibited from having any signage. Staff discovered the oversight recently when a newly constructed church within a residentially zoned district inquired about a permit for a monument sign. While there are not many instances in the City where this circumstance exists, a provision is needed in the code to address these unique circumstances when they do arise.

The previous provision was subjective in nature and required individual approval by the Planning and Zoning Commission. In order to streamline the process and provide a clear standard, staff proposes to amend the RDC to include the following provision:

"Single tenant monument and wall signs as permitted in Table 5.12-1, Specific Sign Regulations, shall be permitted for nonresidential uses allowed in residential districts." The adopted standard for monument and wall signs as referenced in Table 5.12-1 are as follows:

Sign Type	Number Allowed	Max Area	Max Height	Max Width	Other Restrictions
Wall	N/A	The greater of 10% of the façade or 60 sq. ft. combined	Equal to 1/3 height of façade up to 10 ft.	75% of façade width	Shall not project more than 30 inches from the wall.
Monument	1 per building. Additional monument signs are allowed if the frontage exceeds 300 feet and the signs are 150 feet from the closest monument sign.	48 sq. ft., 80 sq. ft. including frame	10 ft.	N/A	Setback 10 feet from property line. Monument base shall not be less than two feet high. Minimum base width is one foot. Bases shall be landscaped.

In addition, all signs are required to adhere to the lighting requirements found in Section 77-512, Subsection D.3 (a) as follows:

"Lighting. In no case shall lighting spill over one foot candle onto public streets or 0.03 foot candles onto adjacent residential property."

Staff has created a strikethrough-underline document to show where this reference has been added (Attachment 1).

DISCUSSION

Per Section 77-804.C of the RDC, text amendments should be considered based on the following criteria.

1. Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact;
2. Whether the proposed amendment is consistent with the comprehensive plan and the stated purposes of this Code;
3. Whether the proposed amendment will protect the health, safety, morals, and general welfare of the public;

4. Whether the proposed amendment will result in significant mitigation of adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation; and
5. Whether the proposed amendment will advance the goals of the city council.

It is staff's professional opinion that the proposed amendment meets the above criteria. Most notably, criteria number one, as this amendment will correct an error by reinstating a provision in the RDC that was eliminated in error.

Public Notice

As required by the RDC, notice of this public hearing was published in the Rowlett Lakeshore Times on Thursday November 20, 2014.

FINANCIAL IMPACT/BUDGET IMPLICATIONS

N/A

RECOMMENDED ACTION

Staff recommends that the Planning and Zoning Commission make a favorable recommendation to City Council regarding this request.

ATTACHMENTS

Attachment 1- Rowlett Development Code Strikethrough and Underline

Section 77-512. Signs.

E. Signage regulations by type.

- 1. Signs allowed in specific zoning districts.* The type of signs allowed in specific zoning districts are described in this section. It is unlawful for any person to erect or maintain any sign in a zoning district mentioned in this section unless such sign is of a type specifically allowed in such district. Table 5.12-2 below lists the signs allowed by zoning district.
- 2. Exception. Single tenant monument and wall signs as permitted in Table 5.12-1, Specific Sign Regulations, shall be permitted for nonresidential uses allowed in residential districts.*



City of Rowlett

Staff Report

Planning & Zoning Commission

4000 Main Street
P.O. Box 99
Rowlett, TX 75030-0099
www.rowlett.com

AGENDA DATE: 12/09/2014

AGENDA ITEM: C.3

AGENDA LOCATION:

Individual Consideration

TITLE

Consider and take action on a request for a minor modification for Connection Community Church located at 3700 Chaha Road, further described as Lot 1, Block 1 Bay Baptist Church Addition to the City of Rowlett, Dallas County, Texas. (DP14-729)

STAFF REPRESENTATIVE

Garrett Langford, AICP, Principal Planner

SUMMARY

The applicant is requesting a minor modification to increase the number of continuous parking spaces without requiring a landscape island. The Rowlett Development Code (RDC) requires landscape islands every 12 parking spaces and at the terminus of all rows of parking. The applicant is proposing three rows of parking spaces that will have 13 spaces, 14 spaces, and 13 spaces respectively before installing a landscape island. The applicant is proposing to expand their parking lot by 40 spaces. The RDC allows the Planning and Zoning commission to approve minor modifications up to a maximum of 20 percent from the development standards.

BACKGROUND INFORMATION

The subject property is located 3700 Chaha Road (Attachment 1 – Location Map). To the north and to the east of the subject property are single family subdivisions zoned SF-9. To the south of the subject property is a single family subdivision zoned Planned Development #3-20-80B and to the west is a day care nursery zoned Special Use Permit #9-22-99C.

The subject property is 9.352 acres in size and is developed with a 5,130 square-foot building and 63 parking spaces. The applicant is proposing to expand their parking lot by 40 spaces to the west of the existing building (Attachment 2 – Site Plan). The landscape and buffering requirements were limited to the parking lot expansion and do not apply to the entire lot. The applicant is required to install a landscaped buffer along Chaha Road and along the western edge of the new parking lot. The proposed parking lot expansion meets all other applicable development standards with the exception of the 12 continuous parking spaces limit. Complying with this requirement will result in four fewer parking spaces under the proposed parking layout.

The applicant has indicated that it is their long term plan to build a new sanctuary building. The future location of the sanctuary building has not been identified on the site plan. However, they have verbally indicated that the proposed building will be located between the new parking lot and a 100-ft wide easement owned by Oncor Electric. The Oncor easement runs diagonally across the property from the southwest to the northeast as shown on the site plan. Within this easement are overhead high voltage electrical lines. The Oncor easements will not permit any building or any additional code required parking on this portion of the lot.

A development plan for a parking lot expansion is eligible for administrative approval. However, the applicant is requesting a minor modification to the requirements of the City's landscaping provisions. Chapter 77-811 states that the Planning and Zoning Commission may approve a minor modification as long as it does not exceed 20% of the requirement from the development standards. The development standards that are eligible for minor modifications include driveways, parking, landscaping, and architectural standards. Dimensional standards such as building height and setbacks are not eligible for minor modifications.

The applicant is requesting a minor modification to allow three rows of parking spaces that will have more than 12 continuous parking spaces. The three row of parking spaces will have 13, 14, and 13 continuous parking spaces. In this instance, the Planning and Zoning Commission may approve a minor modification not to exceed 20% of the 12 continuous parking spaces which equals up to 14 spaces. Denying the requested minor modification will remove four parking spaces from the proposed parking lot layout.

The applicant's reason for the request is to maximize the number of parking spaces for their future sanctuary as they do not plan to add any additional parking in the future. While the applicant does not identify the location of the future building, they have indicated that the sanctuary will be located to the south of the new parking lot. As stated in the applicant's request letter (Attachment 3), the Oncor easement limits where they can build future parking. Therefore, they are attempting to maximize the number of spaces with the current parking lot expansion project.

DISCUSSION

Section 77-811.B.4 of the RDC outlines approval criteria for minor modifications. Staff recommends that the Planning and Zoning Commission consider the request based on these approval criteria as detailed below. Staff comments are provided in bold italics.

1. The requested modification is consistent with the comprehensive plan or the stated purpose of this Code;

The stated purpose of landscape islands is to relieve the expanse of paving. Allowing the minor modification to expand the number of continuous parking spaces by two spaces in one row of parking and by one space in the other two rows of parking space would run counter to the purpose of the Code.

2. The requested modification meets all other applicable building and safety codes;

This criteria is not applicable to this request as it does not involve building and safety code.

3. The requested modification does not encroach into a recorded easement or cross a building line;

The requested modification will not involve encroaching into a recorded easement or building line.

4. The requested modification will have no significant adverse impact on the health, safety, or general welfare of surrounding property owners or the general public, or such impacts will be substantially mitigated; and

The general purpose of requiring landscaping including the landscape islands is to enhance the general welfare of the public by improving the beautification and environment of the City. Specifically, the Code restricts the number of continuous spaces to 12 to limit the expanse of paving. Allowing more than 12 continuous spaces would run counter to the purpose of the Code. However, the proposed landscape plan may mitigate the impact the more expansive paving by including two additional trees with the four required trees along the frontage of the new parking lot.

5. The requested modification is necessary to either:
 - a. Compensate for some practical difficulty or some unusual aspect of the site of the proposed development not shared by landowners in general; or
 - b. Accommodate an alternative or innovative design practice that achieves to the same or better degree the objective of the existing design standard to be modified.

Complying with the 12 continuous parking space requirement will result in a reduction of four parking spaces under the propose parking layout. The applicant is attempting to maximize the number of spaces with the parking lot expansion as they do not want to have to construct additional parking in the future. The applicant has identified the existence of the Oncor easements that traverse the subject property as a practical difficulty that is unique to their property. The easement does limit their ability to develop the site. It is a possibility that the applicant will not be able to make up for the four parking spaces and the new sanctuary building in the area between the new parking lot and the Oncor easement. However, the applicant has not provided a site plan showing the exact location of the future sanctuary building. As a result, Staff cannot fully substantiate whether there will be enough room for the new sanctuary and additional parking or not.

In conclusion, Staff cannot support the request for a minor modification without a site plan substantiating the applicant's concern that the Oncor easement will prevent them from constructing four additional parking spaces in the future.

FISCAL IMPACT/BUDGET IMPLICATIONS

N/A

RECOMMENDED ACTION

It is staff's recommendation to deny the proposed minor modification because the applicant has failed to provide adequate information to determine if the modification is warranted or not.

ATTACHMENTS

Attachment 1 – Location Map

Attachment 2 – Site Plan and Landscape Plan

Attachment 3 – Minor Modification Request Letter

Location Map

ATTACHMENT 1

3700 Chaha Road



HAGAN ENGINEERING, INC.

CIVIL • MECHANICAL • ELECTRICAL • ARCHITECTURE

Garrett Langford
Principal Planner
City of Rowlett
3901 Main st.
Rowlett, Texas 75030

Dec. 1, 2014
Project 830

Mr. Langford

This letter is a request for a minor modification to have more than 12 continuous parking spaces without a landscaping island. We have three rows of parking of 13, 14 and 13 spaces. We are requesting this minor modification due to the fact that we have 4 parking islands shown already in a small parking lot addition and we need to maximize the parking for the future planned sanctuary building. The space available to provide parking is limited due to the existing Oncor Easement and the futures building foot print.

Thank you:
Rod Ekern
Engineer, Architect