

**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., AUGUST 12, 2008**

PRESENT: Chairman Kevin Moore, Vice-Chairman Greg Peebles, Commissioners Chuck Knickerbocker, Charles Alexander, Rick Sheffield, Chris Cigainero

ALSO PRESENT: Alternate Greg Landry

ABSENT: Commissioner Jeff Thomas

STAFF PRESENT: City Attorney David Berman, Development Services Director Keri Samford, Assistant Director of Development Services Alaina Ray, Planner II Erin Jones, Sr. Administrative Assistant Kendra Frederick

A. CALL TO ORDER

Chairman Moore called the meeting to order at 7:14 p.m.

B. CONSENT AGENDA

1. Minutes of the regular meeting of August 12, 2008.

Commissioner Rick Sheffield made a motion to approve the minutes on record. Commissioner Charles Alexander seconded the motion. Motion passed with a 6-0-1 vote with Chairman Moore abstaining from voting since he was not at the July 22, 2008 meeting.

C. PUBLIC HEARINGS

1. Conduct a public hearing and take appropriate action on a request to amend PD #7-16-85 to allow for the installation of argon/neon lighting for the existing hospital located at 8600 Scenic Drive and any future phases. [ZAT08-376]

Erin Jones made the staff presentation. She stated that Lake Pointe Medical Center is requesting to amend planned development #7-16-85 to allow for the installation of argon/neon lighting around the roof of the existing hospital and also requests to be allowed to do so on any future developments associated with the hospital.

With no one wishing to speak at the public hearing Vice-Chairman Greg Peebles made a motion to close the public hearing and Commissioner Chris Cigainero seconded the motion. Motion passed with a 7-0 vote.

Commissioner Knickerbocker requests limitations on hours of operation be included in the amendment

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and that residents from the surrounding neighborhoods be permitted to comment after the hospital provides a mock up of the proposed lighting. Mr. Knickerbocker states he feels that there is not enough information to decide if there will be enough lighting or not enough lighting. Ms. Samford asked for clarification as to if he wanted a display brought in to the City Council meeting or the lighting on the actual building on a trial basis and he stated that he believed the only way to see how it will really look is to show it on the building. City Attorney David Berman stated that if a mock up or some type of demonstration is requested it would cause the item to be tabled for the Planning and Zoning but that does not mean there cannot be a separate recommendation to City Council.

Vice-Chairman Peebles stated that the hours of operation for the lighting could not be restricted because the hospital will want the lights on all night long. Mr. Peebles also requested that any future phases should have to come through the approval process through P & Z to eliminate free-reign of anything that comes in on that site. Keri Samford, Development Services Director, stated that the request made by Mr. Peebles and Chairman Moore was possible and specific lighting location can be conditioned if the commission so desires.

Commissioner Rick Sheffield made a motion to recommend to City Council to amend PD #7-16-85 to allow the installation of argon/neon lighting for the existing hospital with the following conditions:

1. Lights be a maximum diameter of 15 millimeters,
2. The colors be limited to blue and red only,
3. Red lights be specifically used for the ER only,
4. Maintenance of any defective lights be completed within 30 days,
5. Any future phases will need to come back to P & Z for the process of approval.

Commissioner Charles Alexander seconded the motion. Motion passed with a 5-2 vote with Mr. Landry and Mr. Knickerbocker casting the opposing votes.

Commissioner Chuck Knickerbocker made a recommendation as follows:

1. Applicant provides a live mock up of the proposed lighting on the existing hospital before City Council approval.

Commissioner Charles Alexander seconded the motion. Motion passed with a 4-3 vote with Charles Alexander, Chris Cigainero, and Rick Sheffield casting the opposing votes.

2. **Conduct a public hearing and take appropriate action on a Conditional Use Permit (CUP) revision for a 4,000 ± sq. ft. pharmacy with no drive-thru. The subject property is located at 9015 Lakeview Parkway being .63 acres located approximately 1,100 feet west of Scenic Dr. [CUP08-357]**

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4000 MAIN STREET, AT 7:00 P.M., AUGUST 12, 2008, Cont.**

Erin Jones came forward and discussed that this applicant requested in April 2008 to do a shopping center with a 4,000 square foot pharmacy with drive-thru in addition to 7,000± square feet of retail. The applicant has chosen not to move forward with the original concept plan and is proposing to plat the property into two separate lots and only develop the pharmacy. Currently they are not proposing to do a drive-thru or the rest of the shopping center. Ms. Jones stated that the applicant is not requesting any changes to the conditions that were approved by the Planning and Zoning Commission and the City Council. Staff recommends that the wording be changed to remove "all retail uses within a shopping center" to read "a structure as shown in Exhibit B."

Della Vickers at 9006 Chimneywood Drive came forward. Ms. Vickers asked the following questions: 1. Will the wall still have a 5 foot setback, 2. Will the applicant only build that small section of wall, 3. Where will the dumpsters be located, and 4. Will there be an alleyway behind the building. Chairman Moore stated that there will not be an alleyway behind this building and that the dumpster will be located behind the building. Ms. Samford stated that all of the conditions that were on the original CUP will also be placed on this CUP including the 5 ft. set back. She also stated that the applicant is only required to build a wall behind where his building is located so it will be a reduced wall.

Debra Teel at 9010 Chimneywood Drive came forward and stated that the applicant was rude and that she objects to his request to replat. Ms. Teel also stated that she does not want a waste enclosure next to their home, that it be placed to the east or west of the development and requests that the Commissioner's take into consideration the citizens and not the builder. Ms. Samford stated that to move the dumpster would have to be a variance from the Rowlett Development Code.

Commissioner Chuck Knickerbocker made a motion to close the public hearing. Vice-Chairman Greg Peebles seconded the motion. Motion passed with a 7-0 vote.

Commissioner Rick Sheffield stated that breaking the lot into two lots does not guarantee that the second lot would be developed in a consistent fashion if he owned it or if the applicant sold it. He also stated that the applicant was aware that the infrastructure had to be put in on the entire property at the time of development and feels as though changes should not have been made in three months in the development cycle.

Commissioner Knickerbocker stated that he wished the applicant would have been present to ask about the 20 or 30 ft up front. He stated that if the applicant would be willing to move the building closer up front it may alleviate some of the neighbor's fears.

Commissioner Greg Peebles stated his concern about any future developments and maintaining the same type of wall that would be put up behind the applicant's building. Mr. Peebles also questioned why the applicant wants to put his building at the back of the lot away from the most visible traffic route on Hwy 66.

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Chairman Moore stated that he considers it an insult that the applicant has not shown up for both of the Planning and Zoning meetings.

Commissioner Chris Cigainero made a motion to deny the CUP. Commissioner Sheffield seconded the motion. Motion carried with a 7-0.

D. ITEM FOR INDIVIDUAL CONSIDERATION

- 1. Consider and take appropriate action on a request for a Development Plan (Site Plan, Façade Plan, Landscape Plan) for a 29,777± square foot, four-story office/retail building within the Expo Center Subdivision, Block 1, Lot 2R, containing 63,890 ± square feet of land located at 3801 Lakeview Parkway. [DP08-340 Lakeview Tower]**

Alaina Ray, Assistant Director of Development Services, came forward to present this case. Ms. Ray stated that this request is for a 4-story, 29,777± sq. ft. building. An SUP was approved in 2005, revised in 2006 to allow medical and dental uses. The revised SUP allowed 66,111 sq. ft. of total building space on the site with a maximum height of 90 feet. Ms. Ray stated that the applicant needs approval due to the size of the building. The approval of this development plan would bring their total square footage up to 58,288 sq. ft. on the site which is within their allowed square footage. Any proposals brought in at a later time would require a revision to the SUP if it sent them over the allowed 66,111 square feet. The applicant is requesting that on the 4th floor an alternate building material be used, specifically composite metal wall panel.

Mr. Landry asked if the purpose of the office/retail building would be all real estate and Ms. Ray stated that the applicant plans to lease out to larger office tenants and retail would be on the first floor. She also stated that the applicant is leaving the possibility of a small restaurant on the first floor as well as the possibility of a fourth floor restaurant. Ms. Ray noted that Engineering had expressed concern that a deceleration lane was not being shown and referred to the comments made by Tom Harris, Assistant City Engineer, during the work session.

Chairman Moore asked if the request of a deceleration lane would be an improvement to, or would be located on, the adjacent site to the east. Ms. Ray stated that it would have to be located on the property to the east and would require additional right-of-way dedication in order to fit a deceleration lane and a sidewalk on the property. It would be an off-site improvement and make the property to the east have a non-conforming landscape buffer. Mr. Moore also wanted to make clear that on the cross access in the front of the building, the applicant is stubbing out where it could be re-graded in the future and linked to the property to the west. Ms. Ray stated that the applicant has tried several times to get cross access with the property owner to the west and has been unsuccessful. On the application, the applicant requests that a retaining wall be put in at the stub-out. Mr. Moore states that the proposed

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site does have access to Big A Road and as previously discussed in the work session could have access in the back that could run next to the old Albertson's. Ms. Ray stated that the applicant could feasibly show cross access to an area in the back of Albertson's along Big A Road but the plan does not currently; but either way the applicant could accommodate it if that were a requirement of this approval since there is no change in grade of the land in the rear.

Commissioner Knickerbocker made a motion to recommend approval to City Council the Façade Plan as submitted. Commissioner Cigainero seconded the motion. Motion passed with a 7-0 vote.

Commissioner Sheffield made a motion to approve the Landscape Plan as submitted. Commissioner Peebles seconded the motion. Motion passed with a 7-0 vote.

Commissioner Greg Landry made a motion to approve the Site Plan as submitted with no requirement for a TIA or a deceleration lane. Commissioner Charles Alexander seconded the motion. Motion passed with a 6-1 vote with Commissioner Sheffield casting the opposing vote.

E. ADJOURNMENT

Chairman Moore adjourned the meeting at 8:15 p.m.



Chairman



Secretary

