



**AGENDA
PLANNING & ZONING COMMISSION
TUESDAY, OCTOBER 13, 2015**

The Planning and Zoning Commission will convene into a Work Session at 6:00 p.m. in the Annex Conference Room, 4004 Main Street, Rowlett, at which time the following items will be considered:

- i. Call to Order
- ii. Administer the Oath of Office and the Statement of Elected/Appointed Officer to the newly appointed and reappointed members.
- iii. Planning and Zoning Commission Orientation
- iv. Discuss items on the regular agenda
- v. Adjourn

The Planning and Zoning Commission will convene into a Regular Meeting at 6:30 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.
2. Elect a Chairman and Vice-Chairman.

B. CONSENT AGENDA

1. Minutes of the Planning and Zoning Commission Meeting of September 22, 2015.
2. Consider and take action on a Final Plat for Usuga Medical Addition, located at 8100 Lakeview Parkway further described as being 1.87 acres of land located in the James Sanders Survey, Abstract No. 1424, City of Rowlett, Dallas County, Texas (FP39-2015).

C. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Conduct a public hearing and make a recommendation on a request for a Special Use Permit to allow an accessory structure that does not meet the requirements in Section 77-303 of the Rowlett Development Code. The subject property is located at 4810 Scenic Drive being further described as being 1.133 +/- acres in the Whitaker Crabtree Abstract #60, City of Rowlett, Rockwall County, Texas. (SUP26-2015).

2. Consider and take appropriate action on a request for a temporary use permit located at 4410 Toler Road, further described as Lot 9, Block 1 of the Rowlett Ranch Estates Subdivision, City of Rowlett, Dallas County, Texas. (TUP42-2015).
3. Consider and make a recommendation to City Council regarding a tree mitigation plan and related tree removal permit application for more than three trees associated with Evergreen Senior Living. The subject property is located at 5500 Old Rowlett Road, further described as a 5.50 +/- acres of land located in the John M. Thomas Survey, Abstract No. 1478, City of Rowlett, Dallas County, Texas.
4. Consider and make a recommendation on an Alternative Landscape Plan for F&F Concrete located at 2416 Chandler Drive, further described as Lot 3R, Block A of the Storage Max of Rowlett Addition, City of Rowlett, Dallas County, Texas. (DP14-2015).

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.



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 6:30 P.M., SEPTEMBER 22, 2015**

PRESENT: Chairman Karl Crawley, Vice-Chairman Michael Lucas, Commissioners James Moseley, Chris Kilgore, Alternates Gabriela Borcoman, Lisa Estevez

ABSENT: Commissioners Jonas Tune, Clayton Farrow, Thomas Finney

STAFF PRESENT: Principal Planner Garrett Langford, Development Services Coordinator Lola Isom

A. CALL TO ORDER

Chairman Karl Crawley called the meeting to order at 6:31 p.m.

1. Update Report from Director of Development Services.

Principal Planner Garrett Langford announced that National Night Out will be held on October 6, 2015. Due to that event, he stated that City Council would not have a meeting on that night. He stated that City Council will reschedule the October 6, 2015 meeting to October 13, 2015. Due to this change, if a Planning and Zoning Commission meeting is needed on October 13, 2015, the meeting will be relocated to the Annex Building at 4004 Main Street.

Mr. Langford stated that funding is included in the City of Rowlett FY2016 Budget for Planning and Zoning Commissioner training.

B. CONSENT AGENDA

1. Minutes of the Planning and Zoning Commission Meeting of September 8, 2015.

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

C. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Consider and take action on a Preliminary Plat for the Evergreen at Rowlett Addition, located at 5500 Old Rowlett Road, further described as being 5.50 +/- acres of land located in the John M. Thomas Survey, Abstract No. 1478, City of Rowlett, Dallas County, Texas (Case # 2015-27).

**MINUTES OF THE MEETING
OF THE PLANNING & ZONING COMMISSION
OF THE CITY OF ROWLETT, TEXAS, HELD IN THE MUNICIPAL CENTER
4000 MAIN STREET, AT 6:30 P.M., SEPTEMBER 22, 2015**

Mr. Langford came forward to present the case. He provided background on the case. He stated that staff recommends approval.

There was discussion amongst the Commission regarding the tax credits.

Vice-Chairman Michael Lucas made a motion to approve the item. Alternate Gabriela Borcoman seconded the motion. The motion passed with a 6-0 vote.

D. ADJOURNMENT

Chairman Karl Crawley adjourned the meeting at 6:35 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: 10/13/2015

AGENDA ITEM: B2

AGENDA LOCATION:

Consent Agenda

TITLE

Consider and take action on a Final Plat for Usuga Medical Addition, located at 8100 Lakeview Parkway further described as being 1.87 acres of land located in the James Sanders Survey, Abstract No. 1424, City of Rowlett, Dallas County, Texas (FP39-2015).

STAFF REPRESENTATIVE

Garrett Langford, Principal Planner

SUMMARY

The Final Plat is one of the last steps in the development process where the proposed subdivision is approved upon meeting all applicable development requirements. This final plat involves creating one lot (Attachment 1 – Final Plat) for a future medical office building.

BACKGROUND INFORMATION

The subject property is located south of Lakeview Parkway and Richmond Drive (Attachment 2 – Location Map). The subject property is zoned General Commercial C-2. A medical office is a permitted use in the C-2 zoning district. The Final Plat is the one of the last step in the development process before the issuance of the building permit. The Development Plan (site, landscape, tree survey and façade plans), including the Alternative Landscape Plan were approved on April 7, 2015. The engineering plans are near approval and the applicant is expected to submit for the building permit shortly. Approval of the Final Plat is required before the building permit can released to the developer.

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 Final Plat and has determined that it is in compliance with the Rowlett Development Code. Staff recommends approval of this request.

FISCAL IMPACT/BUDGET IMPLICATIONS

N/A

RECOMMENDED ACTION

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

ATTACHMENTS

Attachment 1 – Proposed Final Plat

Attachment 2 – Location Map

STATE OF TEXAS
COUNTY OF DALLAS

WHEREAS DR. LUIS D. USUGA AND DR. RICHARD R. TORRES are the sole owners of that certain 1.87 acre tract of land situated in the Sanders Survey, Abstract No. 1424, City of Rowlett, Dallas County, Texas, and being all that certain tract of land in Warranty Deed to Dr. Luis D. Usuga, as recorded in Volume 2004137, Page 5027, Official Public Records, Dallas County, Texas, and being all that certain tract of land in Warranty Deed to Dr. Richard R. Torres, as recorded in Volume 2004145, Page 2968, said Official Public Records, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found on the Southwest corner of said Usuga tract, same being in the North line of a 10 foot alley as dedicated by Dalrock Heights Addition, as recorded in Volume 91190, Page 3362, Map Records, Dallas County, Texas, same being the Southeast corner of that certain tract of land in Warranty Deed to Christopher Lewis and Shirley Lewis, as recorded under Instrument Number 201100250068, said Official Public Records;

THENCE North 31 deg. 55 min. 24 sec. West along the common line of said Usuga tract and said Lewis tract, a distance of 209.59 feet to a 1/2 inch iron rod found for the Northwest corner of said Usuga tract, same being the Northeast corner of said Lewis tract, same being in the South right-of-way line of State Highway 66 (Lakeview Parkway) (variable width right-of-way);

THENCE North 59 deg. 47 min. 48 sec. East along the common line of said Usuga tract and the South right-of-way line of said State Highway 66, passing the common North corner of said Usuga tract and aforesaid Torres tract, and continuing along the common line of said Torres tract and the South right-of-way line of said State Highway 66, a total distance of 372.79 feet to an 'X' cut found in concrete for the Northeast corner of said Torres tract, same being in the South right-of-way line of said State Highway 66, same being the Northwest corner of that certain tract of land in Warranty Deed to Deniso Mala, as recorded under Instrument Number 20070251562, aforesaid Official Public Records;

THENCE South 24 deg. 33 min. 21 sec. East, along the common line of said Torres tract and said Mala tract, a distance of 162.03 feet to a 1/2 inch iron rod set with "Peiser & Mankin SURV" red plastic cap (hereinafter referred to as 1/2 inch iron rod set) for the most Easterly Southeast corner of said Torres tract, same being the Southwest corner of said Mala tract, same being in the North line of that certain tract of land in Warranty Deed to David E. George, as recorded in Volume 2003143, Page 9397, said Official Public Records;

THENCE along the common line of said Torres tract and said George tract the following bearings and distances:

South 86 deg. 30 min. 05 sec. West., 91.46 feet to 1/2 inch iron rod found for angle point;

South 02 deg. 39 min. 49 sec. West., 83.34 feet to a 1/2 inch iron rod found for angle point;

South 30 deg. 31 min. 17 sec. East, 144.07 feet to a 1/2 inch iron rod set for the most southerly Southeast corner of aforesaid Torres tract, same being the Southwest corner of aforesaid George tract, same being in the North line of the aforesaid 10 foot alley;

THENCE South 88 deg. 51 min. 27 sec. West, along the common line of said Torres tract and said 10 foot alley, passing the common South corner of said Torres tract and aforesaid Usuga tract, continuing along the common line of said Usuga tract and said 10 foot alley, a total distance of 256.74 feet to THE POINT OF BEGINNING and containing 81,256 square feet or 1.87 acres of computed land, more or less.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That I, DR. LUIS D. USUGA AND DR. RICHARD R. TORRES, do hereby bind themselves and their heirs, assignees and successors of title this plat designating the hereinabove described property as **LOT 1, BLOCK 1, USUGA MEDICAL ADDITION**, 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. Additionally, I certify that I am the sole owner of the dedicated property and that no other's interest is attached to this property unless otherwise indicated on the required Mortgage Holder Certification that is included on this plat. This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Rowlett, Texas.

ACCESS EASEMENT

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 either 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.

FIRE LANE EASEMENT

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 of 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 Departments and emergency use.

WITNESS MY HAND at _____ County, Texas, this the _____ day of _____, 2015.

Dr. Luis D. Usuga, Owner

STATE OF TEXAS:
COUNTY OF _____:

BEFORE ME, the undersigned, a Notary Public in and for said County and State on this day personally appeared Dr. Luis D. Usuga, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated. GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2015.

Notary Public in and for the State of Texas

WITNESS MY HAND at _____ County, Texas, this the _____ day of _____, 2015.

Dr. Richard R. Torres, Owner

STATE OF TEXAS:
COUNTY OF _____:

BEFORE ME, the undersigned, a Notary Public in and for said County and State on this day personally appeared Dr. Richard R. Torres, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated. GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2015.

Notary Public in and for the State of Texas

**USUGA MEDICAL ADDITION
FINAL PLAT
LOT 1, BLOCK 1**

BEING A 1.87 ACRE TRACT OF LAND IN THE
JAMES SANDERS SURVEY, ABSTRACT NO. 1424
OUT OF THE
CITY OF ROWLETT, DALLAS COUNTY, TEXAS
THIS PLAT FILED IN INSTRUMENT NO. _____

ENGINEER:
JUAN J. VASQUEZ, P.E.,
VASQUEZ ENGINEERING, L.L.C.
1919 S. SHILOH ROAD,
SUITE 440, LB 44
GARLAND, TEXAS 75042
972-278-2948 TELE
972-271-1383 FAX

OWNER:
DR. LUIS D. USUGA
8305 TURNBERRY STREET
ROWLETT, TEXAS 75089

OWNER:
DR. RICHARD R. TORRES
1564 CHAMPIONS COURT
ROCKWALL, TEXAS 75087

SURVEYOR'S CERTIFICATE

I, Timothy R. Mankin, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that I prepared this plat from an actual on the ground survey of the land and that the monuments shown thereon were found and/or placed under my personal supervision in accordance with Platting Rules and regulations of the City Planning Commission of the City of Rowlett, Texas.

**PRELIMINARY, FOR REVIEW ONLY
THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE**

Timothy R. Mankin _____ Date
Registered Professional Land Surveyor, No. 6122

STATE OF TEXAS:
COUNTY OF TARRANT:

BEFORE me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared TIMOTHY R. MANKIN, known to me to be the person or persons whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same in the capacity herein stated and the act and deed of said company. GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2015.

Notary Public in and for Tarrant County, Texas

My Commission Expires: _____

LINE TABLE with columns: LINE, LENGTH, BEARING. Contains 36 entries (L1-L36) detailing boundary measurements.

CURVE TABLE with columns: CURVE, LENGTH, RADIUS, DELTA, CB, CD. Contains 15 entries (C1-C15) detailing curve data.

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

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

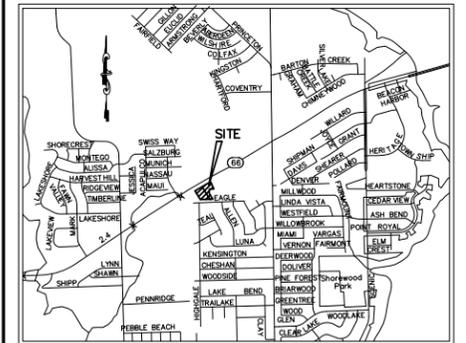
Name & Title _____

NOTES:

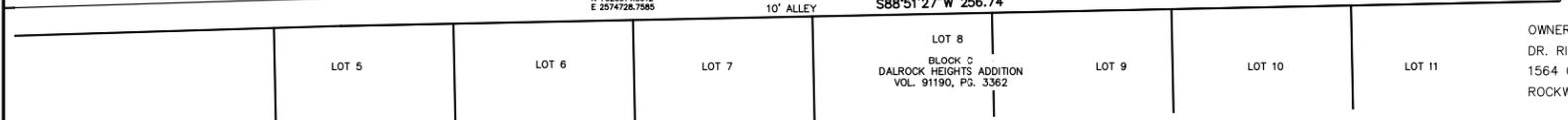
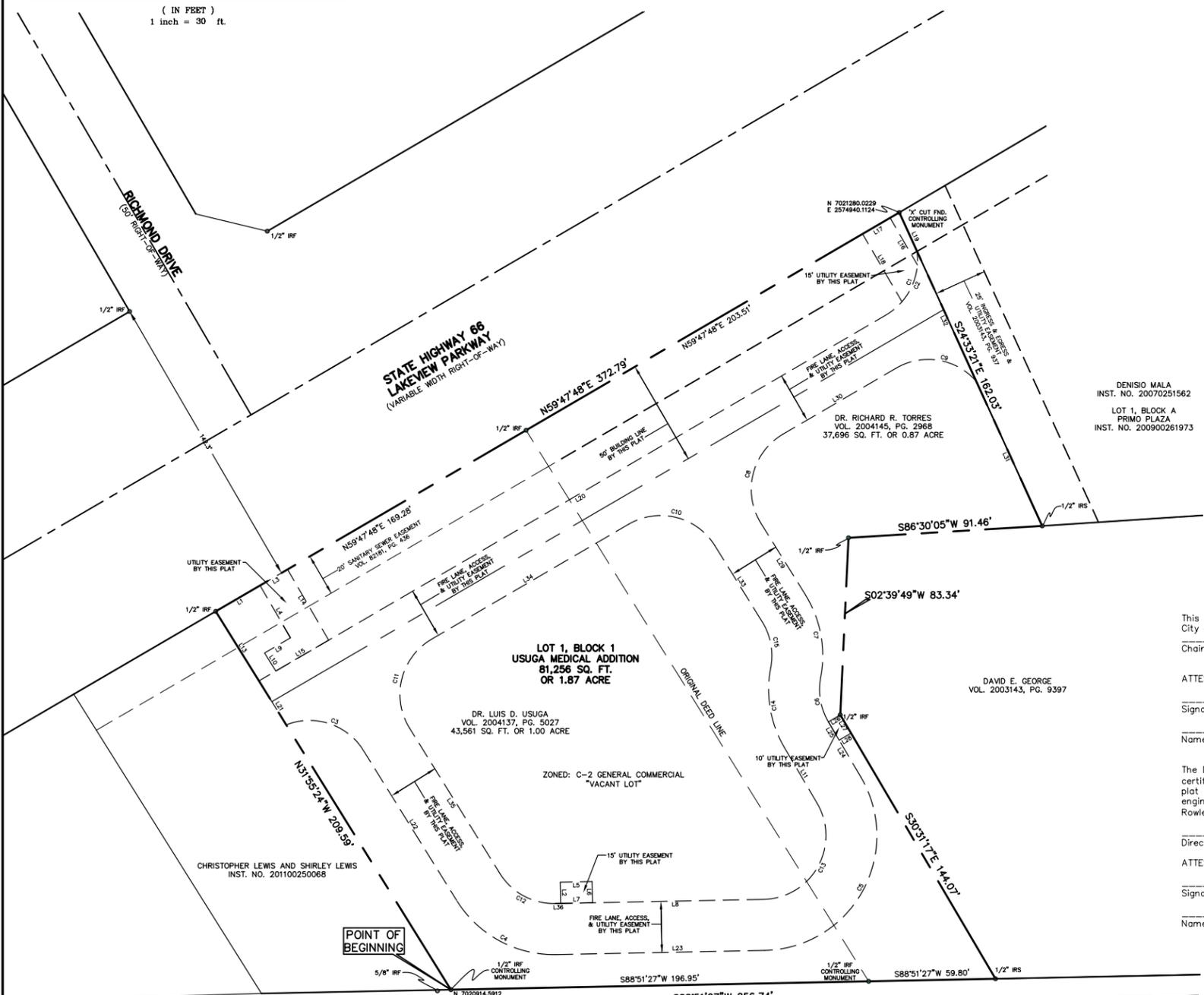
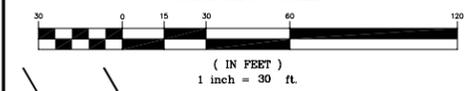
- 1. IRF - Iron Rod Found
2. IRS - Iron Rod Set w/ "PEISER & MANKIN SURV" red plastic cap
3. Basis of Bearing - Based on the GPS Observations of City of Rowlett Geodetic Control Network, NAD83, Texas North Central Zone 4202, Stations D-4 and E-5.
ELEVATIONS ARE BASED ON CITY OF ROWLETT BENCHMARK:
D-4: Berntsen Top Security Monument with access cover located in the West end of North Point Drive median at intersection of Chiesa Road, elevation=482.06'
E-5: Berntsen Top Security Monument with access cover located in the North right of way of Sailor Street 115 feet East of the centerline of Gold Road, elevation=454.53'
4. The purpose of this plat is to plat 1 Lot from 2 tracts of land.

FLOOD CERTIFICATE

As determined by the FLOOD INSURANCE RATE MAPS for Dallas County, the subject property Does Not appear to lie within a Special Flood Hazard Area (100 Year Flood), Map date 07/7/2014 Community Panel No. 48113C0245K subject lot is located in Zone 'X'. If this site is not within an identified flood hazard area, this Flood Statement does not imply that the property and/or structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Flood Statement shall not create liability on the part of the Surveyor.



GRAPHIC SCALE



Professional information for Peiser & Mankin Surveying, LLC, including contact details, address, and a logo for the Texas Society of Professional Surveyors.





City of Rowlett

Staff Report

Planning & Zoning Commission

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

AGENDA DATE: 10/13/2015

AGENDA ITEM: C1

AGENDA LOCATION:

Individual Consideration

TITLE

Conduct a public hearing and make a recommendation on a request for a Special Use Permit to allow an accessory structure that does not meet the requirements in Section 77-303 of the Rowlett Development Code. The subject property is located at 4810 Scenic Drive being further described as being 1.09 +/- acres in the Whitaker Crabtree Abstract #60, City of Rowlett, Rockwall County, Texas. (SUP26-2015)

STAFF REPRESENTATIVE

Garrett Langford, AICP, Principal Planner

SUMMARY

The applicants, Darrell and Barbara Hollowell, are requesting a Special Use Permit (SUP) to construct a 720 square-foot accessory structure on their property at 4810 Scenic Drive (Attachment 1 – Location Map). An SUP is needed as the applicants' proposal will not meet the size, setback and height requirements in Section 77-303 of the Rowlett Development Code (RDC).

BACKGROUND INFORMATION

The subject property at 4810 Scenic Drive is a 1.09 acre lot zoned Single Family 10 (SF-10). The subject property currently has a 1,464 square-foot single-family home. The applicants are proposing to construct an accessory structure that they will use to store home and yard equipment and to use it as a workshop. (Attachment 2 – Applicant's Statement).

The applicants are proposing to build a 24-foot by 30-foot detached garage located 12 feet from the side property line to the south and 40 feet from the front property line (Attachment 3 – Site Plan). This location will place the storage building closer to the street than the house which is 85 feet from the front property line. The applicants are proposing to place the structure in the front yard to avoid the cost of building a retaining wall due to the steeper terrain of the rear yard.

The exterior of the proposed structure will consist of cementitious fiberboard that will match the color that is on the house. Additionally, the structure will have a pitched roof with shingles matching the house. The structure will not exceed the height of the house. The accessory structure will have an overhead door facing to the north (Attachment 4 – Building Exterior).

The RDC allows accessory structures to be located in the front yard provided that they meet the same setback requirements of the house and do not exceed the maximum size of 500 square feet and the maximum height of seven feet. The front setback for the subject property is 25 feet and the side yard setback is 18 feet (10% of the lot width). The table below shows what is required versus what is being proposed. The proposed structure meets the material and lot coverage requirements, but it will exceed the maximum size of 500 square feet, the maximum height of seven feet and will encroach into the side yard setback.

<i>Use standard</i>	<i>Regulation</i>	<i>Proposed Structure</i>
<i>Max. size</i>	<i>500 square feet</i>	<i>720 square feet</i>
<i>Max height</i>	<i>7 feet</i>	<i>14 feet</i>
<i>Min. side yard setback</i>	<i>18 feet</i>	<i>12 feet</i>
<i>Max Lot Coverage</i>	<i>45%</i>	<i>8%</i>

The lot coverage was calculated by including all existing structures and impervious surfaces with the proposed structure.

DISCUSSION

The RDC permits an accessory structure that does not meet the before-mentioned requirements with the approval of a Special Use Permit. The approval criteria for an SUP are outlined in Section 77-206 of the RDC. The Planning and Zoning Commission should consider the request based on these approval criteria as detailed below. Staff has added additional commentary in bold italics beneath each point of consideration where applicable.

Section 77-206.D. Approval Criteria. Recommendations and decisions on Special Use Permits shall be based on consideration of the following criteria:

1. The proposed Special Use Permit is consistent with the Comprehensive Plan and other infrastructure-related plans, all applicable provisions of this Code, and applicable state and federal regulations;

The subject property is not located within one of the 13 opportunity areas in the Realize Rowlett 2020 Comprehensive Plan. However, the Guiding Principles in the Plan should be considered in decisions about zoning. The most relevant principle to this zoning request is the principle of “value existing neighborhoods.” The applicant is proposing to build a quality structure with high quality materials that match the design and color of the house making it consistent with the subject property. Given the design and quality of the proposed structure, it is Staff’s opinion that the request would not deter the value of the surrounding properties.

2. The proposed Special Use Permit is consistent with the purpose and intent of the zoning district in which it is located;

Accessory buildings are allowed in residential zoning districts provided they meet the requirements previously mentioned. As it was indicated previously, the proposed structure does not meet height, size or setback requirements. While the proposed structure exceeds the size requirements, it does not come close to exceeding the lot coverage requirements. The property is slightly larger than one acre making it appropriate for a 720 square-foot accessory structure.

The height of the proposed structure will exceed the maximum size height for an accessory structure located in the front yard. However, the design and size of the structure is more akin to a detached garage. The 14-foot high structure will match the height of the house which is an appropriate height for a detached garage.

The applicant is requesting a 12-ft side yard setback instead of 18-ft side yard setback in order to avoid damaging an existing tree located to the north of the proposed structure.

3. Whether the proposed Special Use Permit meets the challenge of some changing condition, trend, or fact;

The applicants are requesting a Special Use Permit to construct an accessory structure that does not meet the before mentioned requirements.

4. Whether the proposed Special Use Permit will protect or enhance the health, safety, morals, or general welfare of the public;

The proposal should not negatively affect the health, safety, morals or general welfare of the public. The proposed structure will have some screening from Scenic Drive as the proposed structure is located behind a mature pecan tree and recently planted shrubs. Additionally, the exterior materials and color of the proposed structure will match that of the existing the home.

5. Whether the municipality and other service providers will be able to provide sufficient transportation and utility facilities and services to the subject property, while maintaining sufficient levels of service to existing development;

Adequate utilities, access roads and drainage facilities are being provided for the subject property. This SUP will not increase any demands on utilities.

6. Whether the proposed Special Use Permit is consistent with or will have significant adverse impacts on other property in the vicinity of the subject tract; and

The proposed structure will be constructed with materials that are consistent and compatible with the house on the property. Additionally, the proposed structure will have some screening with the landscaping located along the front of the property.

The size of structure is not out of proportion with the size of the property which is over an acre. The design, color and quality of the proposed structure will match that of the existing house making it less intrusive. Therefore, it is Staff's opinion that the proposed structure will not have any significant adverse impact on the adjacent properties.

7. The suitability of the subject property for the existing zoning and the proposed use sought by the Special Use Permit;

An accessory structure is a permitted use in the SF-10 zoning district. In Staff's opinion, the proposed design and compatibility of the proposed structure with the house make the request suitable for this property.

It is Staff's opinion that the request meets the criteria outlined in the RDC for a Special Use Permit. The request is not expected to have an adverse impact on adjacent properties. The design and quality of the proposed structure will make it compatible with the house and surrounding structures.

Public Notice

On September 17, 2015, a total of 14 notices were mailed to property owners within 200 feet and a total of 37 courtesy notices were mailed to property owners within 500 feet. As of October 9, 2015, two public notices were received in favor of the request while none were received in opposition. Two response from the 500-ft courtesy notices was received in favor of the request while two were received in opposition. The responses are available in Attachment 6 – Returned Public Notices.

Staff published the Legal Notice in the Rowlett Lakeshore Times on September 17, 2015, and placed a zoning sign on the subject property on September 15, 2015, in accordance with the Rowlett Development Code.

FISCAL IMPACT/BUDGET IMPLICATIONS

N/A

RECOMMENDED ACTION

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

ATTACHMENTS

- Attachment 1 – Location Map
- Attachment 2 – Applicant's Statement
- Attachment 3 – Site Plan
- Attachment 4 – Building Elevations
- Attachment 5 – Site Photos
- Attachment 6 – Returned Public Notices

Location Map: 4810 Scenic Drive





August 25, 2015

City of Rowlett

STATEMENT OF INTENT AND PURPOSE: Minor SUP Accessory Building

To whom it may concern:

Our property requires an Accessory Building to house equipment and materials related to upkeep and property maintenance - for example, tractor and 3-point related attachments, workshop, etc.

Our property is quite unique. The house was built in 1950 and pre-dates not only the neighborhoods surrounding it, but also the incorporation of the city of Rowlett. Due to the size of the property and the additional adjacent takeline property, the equipment needs are more than your typically standard lot. We are not part of a subdivision, but we are conscious of maintaining a visually pleasing estate. We are currently having to leave equipment, accessories, and materials exposed to the weather. It would be of great benefit to preserve the value of our investments to properly house them in an appropriately sized accessory building. This will also improve the organization and beautification of the estate.

The proposed location of the accessory building sits well behind the neighbor's front building line and is situated to the side our existing home – this space is largely unused - and will not impede the waterfront sightlines for our neighbor. There will be appropriate landscaping to screen the accessory building from the street. The facade of the accessory building will closely match our existing home (shingled roof, siding/treatment matching in color, with matching roof pitch not exceeding the height of existing home) nestled within our mature pecan trees.

We've attached a Tuff Shed "standard ranch garage" drawing and sketch-up design of what we have in mind – 24x30 ft building with a maximum height roof peak of 14 feet, 5/12 roof pitch, shingled, and eaves on all sides (mirroring our home) – this is stick built and not a prefab metal building, and intended to match the style of our home. This will not be used for living quarters or any commercial uses.

If you should have any questions, please do not hesitate to contact us.

Warmest Regards,
The Hollowells

Exhibit B - Intent & Purpose

WILLIAM CRABTREE SURVEY, ABSTRACT NO. 60
ROCKWALL COUNTY, TEXAS
AUGUST 25, 2015
DARRELL HOLLOWELL – 4810 SCENIC DRIVE
(214) 616-0296
720 SQ FT PROPOSED ACCESSORY BLDG



From front easement



12 feet from south property line and 40 feet from west property line

EXHIBIT A – PROJECT SITE PHOTOS

**WILLIAM CRABTREE SURVEY, ABSTRACT NO. 60
ROCKWALL COUNTY, TEXAS
AUGUST 25, 2015
DARRELL HOLLOWELL – 4810 SCENIC DRIVE
(214) 616-0296
720 SQ FT PROPOSED ACCESSORY BLDG**



Facing South – the poles are to approximate the 24x30 accessory building



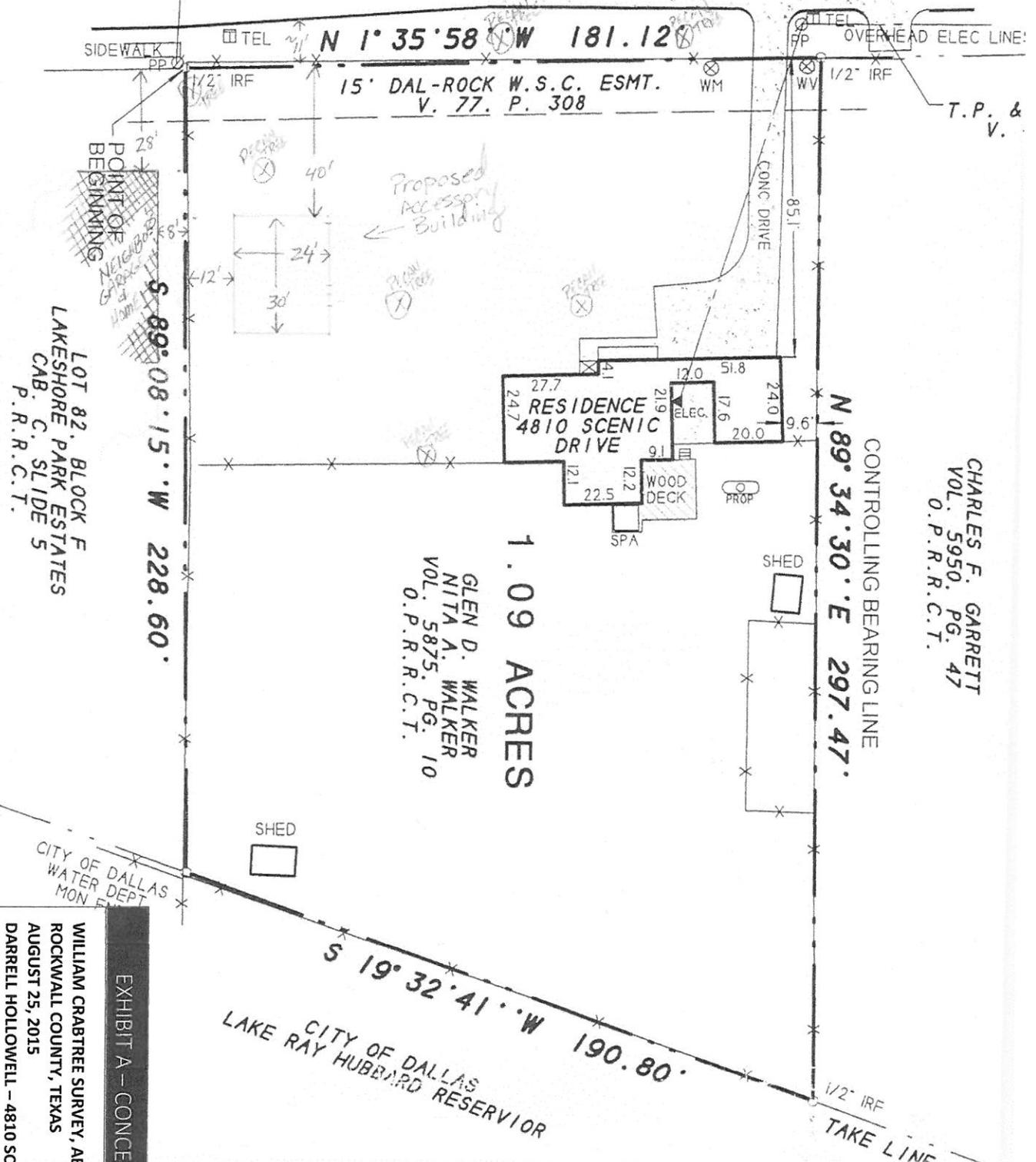
EXHIBIT A – PROJECT SITE PHOTOS

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AUGUST 25, 2015
DARRELL HOLLOWELL – 4810 SCENIC DRIVE
(214) 616-0296
720 SQ FT PROPOSED ACCESSORY BLDG**



SCENIC DRIVE

VARIABLE WIDTH R.O.W. PER V. 1766. P. 315



LOT 82, BLOCK F
 LAKESHORE PARK ESTATES
 CAB. C. SLIDE 5
 P.R.R.C.T.

1.09 ACRES
 GLEN D. WALKER
 NITA A. WALKER
 VOL. 5875, PG. 10
 O.P.R.R.C.T.

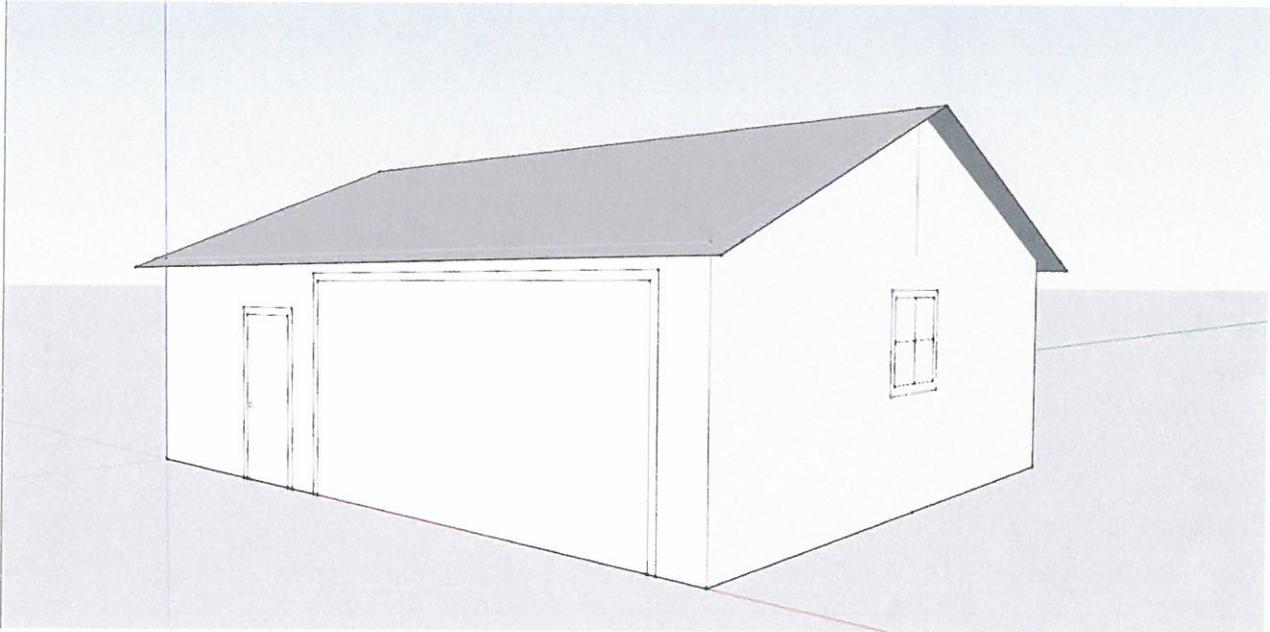
CHARLES F. GARRETT
 VOL. 5950, PG. 47
 O.P.R.R.C.T.

EXHIBIT A - CONCEPT PLAN

WILLIAM CRABTREE SURVEY, ABSTRACT NO. 60
 ROCKWALL COUNTY, TEXAS
 AUGUST 25, 2015
 DARRELL HOLLOWELL - 4810 SCENIC DRIVE
 (214) 616-0296
 720 SQ. FT. PROPOSED ACCESSORY BLDG

CITY OF DALLAS
 LAKE RAY HUBBARD RESERVIOR

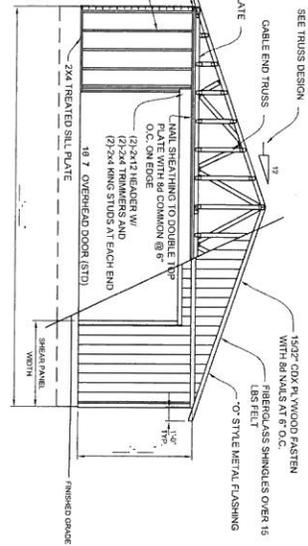
CITY OF DALLAS
 WATER DEPT
 MON



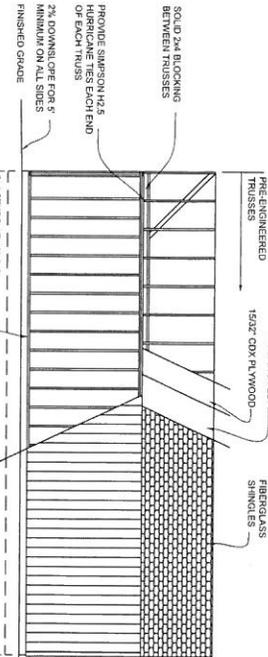
30' (w/ door and garage door) x 24' (with window facing west/street)

EXHIBIT A – Concept Plan

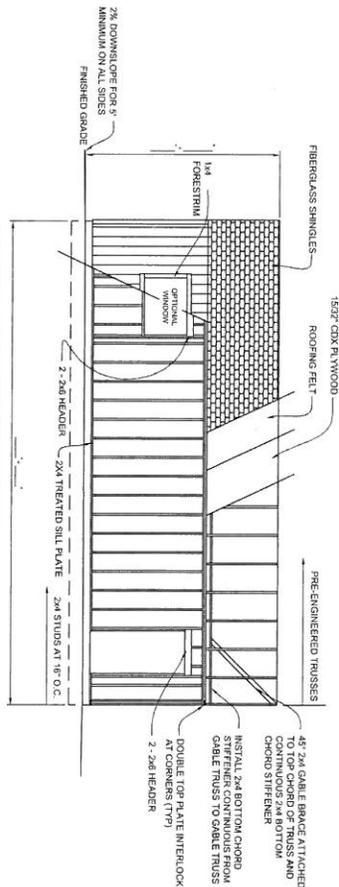
**WILLIAM CRABTREE SURVEY, ABSTRACT NO. 60
ROCKWALL COUNTY, TEXAS
AUGUST 25, 2015
DARRELL HOLLOWELL – 4810 SCENIC DRIVE
(214) 616-0296
720 SQ FT PROPOSED ACCESSORY BLDG**



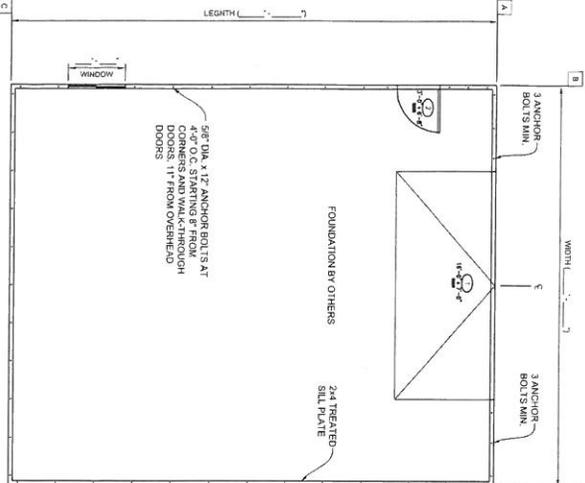
END WALL ELEVATION WITH OPENING
SCALE: 1/4" = 1'-0"



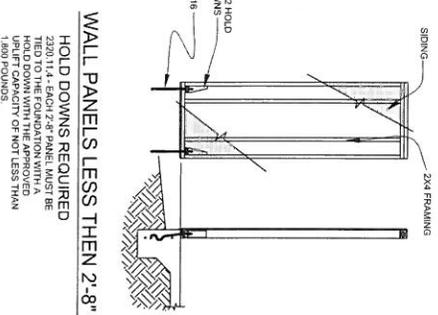
BLANK SIDE WALL ELEVATION
SCALE: 1/4" = 1'-0"



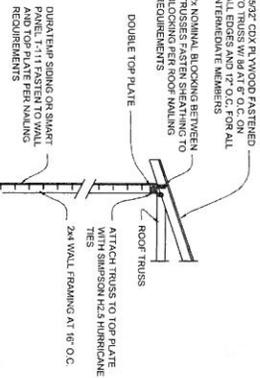
SIDE WALL ELEVATION WITH OPENINGS
SCALE: 1/4" = 1'-0"



FLOOR PLAN
SCALE: 1/4" = 1'-0"



WALL PANELS LESS THEN 2'-8"
SCALE: 1/4" = 1'-0"



TRUSS ATTACHMENT
SCALE: 1/4" = 1'-0"

- STRUCTURAL NOTES:**
1. ALL LUMBER SHALL BE #1 OR BETTER, WITH A BASE MINIMUM ALLOWABLE EXTREME FIBER BENDING STRESS FOR HANKING (F_b) OF 850 PSI ETC., UNLESS OTHERWISE NOTED.
 2. REFER TO THE TRUSS DESIGN FOR DESIGN INFORMATION.
- LUMBER:**
- REFERENCE:** 2005 IRC & RJC AND AMENDMENTS PER LOCAL BUILDING DEPARTMENT JURISDICTION OVER THIS PROJECT.

210-RG-11

<p>TUFF SHED Storage Buildings & Garages TUFF SHED, INC. 445 W. 104th Street, Suite 100 Houston, TX 77042 800-964-6833 Fax: (713) 661-9117</p>	<p>THIS DRAWING AND THE DESIGN ARE THE PROPERTY OF TUFF SHED, INC. THESE DRAWINGS ARE FOR A BUILDING TO BE SUPPLIED AND BUILT BY TUFF SHED. ANY OTHER USE IS FORBIDDEN BY BOTH TUFF SHED AND THE ENGINEER OF RECORD McGinnis ASSOCIATES.</p>	<p>PO No. _____ Customer: RANCH GARAGE Description: _____ SQ FT Site Address: _____</p>	<p>Inv No. _____</p>
	<p>McGINNIS & ASSOCIATES CONSULTING ENGINEERS, INC. 3110 WESTMARK DRIVE SAINT LOUIS, MISSOURI 63131 PHONE: (314) 469-6460</p>	<p>510226</p>	

Exhibit A -
William Crabtree Aht 60
Rockwall County Tx
August 25, 2015
Durrell Hollowell
4810 Scenic Drive
214-616-0296

Sheet 1 of 1
A1

4810 Scenic Drive



4810 Scenic Drive



4810 Scenic Drive





Department of Development Services

09-15-15P02:20 RCVD

NOTICE OF PUBLIC HEARING

TO: Property Owner

09-15-15P02:20 RCVD

RE: Application for a Special Use Permit

LOCATION: The subject property is located at 4810 Scenic Drive further described as being 1.133 +/- acres in the Whitaker Crabtree Abstract #60, City of Rowlett, Rockwall County, Texas. A map is attached for reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.

EXPLANATION OF REQUEST: The applicant is proposing to construct a 720 square-foot accessory structure at 4810 Scenic Drive. A Special Use Permit is needed as the applicant's proposal does not meet the accessory structure requirements in Section 77-303 of Rowlett Development Code. (SUP26-2015)

[X] I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

[] I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: We do not object to the structure as long as it is not constructed to be even with or extend beyond the front of our house. Our neighbors Darrell & Barbie have stated that the "Garage" will not be even with or extend beyond the front of our house.

PROPERTY OWNER NAME

(print):

THOMAS J AND DALE M. ROW

SIGNATURE:

Thomas J and Dale Row

ADDRESS:

4714 SCENIC DRIVE, ROWLETT, TX 75088

Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services located at 3901 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 6:30 p.m. on the 22nd day of September, 2015, and that the City Council will hold a public hearing at 7:30 p.m. on the 13th day of October, 2015. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

Please legibly respond in ink. If the signature and/or address are missing, your comments will not be recorded. Your response must be received in the Development Service Department by 5 pm on Wednesday, September 17, 2015, for your comments to be included in the Planning and Zoning Commission packet and/or by Wednesday, October 7, 2015, to be included in the City Council packet. All responses received by October 7th will be forwarded to the Council as well; it is not necessary to respond twice. Responses received after the times noted above shall not be counted in the record of response.

Any owner of property subject to a proposed rezoning or affected by a proposed rezoning may protest the rezoning by filing a written protest (this form is sufficient) with the Director of Development Services within the time specified above. The protest shall object to the zoning map amendment, contain a legal description of the property on behalf of which the protest is made, and be signed by the owner of the property. If protests in the form of opposition are received from property owners within 200 feet of the subject property, and the property owners own a combined minimum of 20 percent or more of the land area, approval by the city council shall only occur with a concurring vote of at least three-fourths of the full membership of the city council.

If you have any questions concerning this request, please contact the Department of Development Services

Phone 972-412-6166

FAX 972-412-6228

glangford@rowlett.com

RETURN BY FAX OR MAIL

City of Rowlett

Development Services

PO Box 99

Rowlett, TX 75030-0099



Department of Development Services

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS:

PROPERTY OWNER NAME

(print):

Harry Grayson

SIGNATURE:

[Handwritten signature]

ADDRESS:

4810 Scenic Dr.

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Development Services
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Rowlett, TX 75030-0099



Department of Development Services

Please note that the P&Z public hearing is being rescheduled from September 22nd to October 13th. The related City Council meeting is rescheduled for October 20th. Previously submitted written comments will be included in the upcoming public hearing. It is not necessary to resubmit.

COURTESY NOTICE OF PUBLIC HEARING

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: *None*

PROPERTY OWNER NAME

(print): *Michael Hohenberger*

SIGNATURE: *[Signature]*

ADDRESS: *4614 Lakepointe Ave, Rowlett 75088*

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glangford@rowlett.com

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City of Rowlett
Development Services
PO Box 99
Rowlett, TX 75030-0099

09-30-15P03:30 RCVD



Department of Development Services

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS:

PROPERTY OWNER NAME

(print):

SIGNATURE:

ADDRESS:

Tara Statmann
Tara Statmann
4910 Scenic Dr Rowlett TX 75088

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: *Will not compliment neighborhood architecture. Seems "Farm" vs Residential Appearance. Already trashy - Tractor/Trailer of Trailer by trash easily seen FROM STREET - see pic.*

PROPERTY OWNER NAME (print): *TIM/NANCY RAMSEY*

SIGNATURE: *TIM W Ramsey*

ADDRESS: *4614 SCENIC DR. Rowlett, TX 75088*

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: *IF it does not meet code, it should not be allowed. Codes are there for a reason*

PROPERTY OWNER NAME (print): *Donald W. Talpack*
SIGNATURE: *D.W. Talpack*
ADDRESS: *9217 Wood Lake Dr Rowlett Tx 75088*

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09-17-15P04:32 RCVD



City of Rowlett

Staff Report

Planning & Zoning Commission

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

AGENDA DATE: 10/13/2015

AGENDA ITEM: C2

AGENDA LOCATION:

Individual Consideration

TITLE

Consider and take appropriate action on a request for a temporary use permit located at 4410 Toler Road, further described as Lot 9, Block 1 of the Rowlett Ranch Estates Subdivision, City of Rowlett, Dallas County, Texas (Case Number:42-2015).

STAFF REPRESENTATIVE

Erin Jones, Senior Planner

SUMMARY

Section 77-304.B.6 of the Rowlett Development Code (RDC), entitled, "Similar temporary uses," allows the Planning and Zoning Commission to consider "similar temporary uses" defined as a request that does not clearly fit within the other categories of temporary uses listed in the Code, but which, "in the opinion of the planning director, are compatible with the zoning district and surrounding land uses."

In this case, the applicant is requesting that the Commission approve a "similar temporary use" permit for up to 180 days (six months) in order to allow four storage containers to remain in the rear of his single-family property (Attachment 1 - Location Map) for the duration of a major foundation repair and subsequent remodeling project.

BACKGROUND INFORMATION

On September 25, 2015, the applicant, Mark Blanton, received a warning from a City of Rowlett Code Enforcement Officer for having storage containers in his backyard without an approved permit. As explained in Mr. Blanton's letter to the Commission (Attachment 2 - Letter), when he contacted the storage company he was told that no additional City permits were necessary as long as the containers were located in his backyard. Since his lot is over one acre he requested that the containers be placed as far back on the lot as possible to minimize the visibility from the street (Attachment 3- Concept Plan). It was only after the containers were delivered that he was informed by Rowlett Code Enforcement that additional permits are required. Once the misunderstanding was discovered it was not possible to return the containers without incurring a substantial fee. Mr. Blanton contacted the Development Services Department immediately to discuss the requirements for a temporary use permit.

To date, the City of Rowlett does not have specific regulations regarding portable on demand storage containers often referred to as PODS. Throughout the last five to ten years these types

of storage systems have gained popularity as they offer an affordable option for temporary storage that can remain on site throughout short remodeling projects or while packing for a move. Due to the fact that they are not specifically addressed in Rowlett Code of Ordinances, staff interprets them to be incidental uses and has largely taken a common sense approach to regulating them. This generally means that as long as there is not a threat to safety (i.e. they are not stored in the street), and they are not deemed a nuisance to neighboring properties (i.e. they are not stored in the front yard and remain on site for a limited amount of time), then they are not specifically regulated. Staff interprets a limited amount of time to be no more than three weeks. Beyond that amount of time they become a longer term temporary use and it is more appropriate to review them in light of the City's temporary use permit policies to ensure that they are adequately maintained and removed in a timely fashion upon the permit expiration date.

DISCUSSION

Section 77-304 of the Rowlett Development Code (RDC) allows "similar temporary uses" for a 30-day period subject to approval by the Planning and Zoning Commission. An extension may be granted for 120 days subject to approval by the Planning and Zoning Commission. However, Section 77-810 of the RDC, authorizes the Commission to grant a temporary use permit for those temporary uses not specifically listed in Section 77-304 or uses requesting a duration not allowed in Section 77-304. Therefore, the Commission has the authority to grant a temporary use permit beyond the 120-day limited specified in Section 77-304. In this case the applicant is requesting a six month time period.

The requirements and approval criteria are detailed below including staff commentary in italics beneath each point of consideration where applicable. Staff recommends that the Planning and Zoning Commission consider the request based on the criteria as detailed below.

1. The temporary use or structure shall not be detrimental to property, or improvements in the surrounding area or to the public health, safety, or general welfare.

The proposed temporary storage containers are located solely on the property owner's private property and are not deemed to be detrimental to property or improvements in the surrounding area nor to the public health, safety, or general welfare.

2. The temporary use or structure shall not have adverse impacts on adjacent land uses and aesthetics as viewed from thoroughfares as determined by the planning director.

While portions of the storage containers are visible from Toler Road and Lakehill Drive, the views are limited (Attachment 4- Photos). The containers will be more visible from the backyards of the adjacent properties than they are from the thoroughfares because many of the properties in this area have wrought iron or other types of fences that do not fully block views. However, considering that the containers are not a permanent addition, Staff does not have reason to believe that there will be any true adverse impacts to neighboring properties. As outlined

in the applicant's letter he is willing to build a fence around the containers to further screen them from view.

3. Permanent alterations to the site are prohibited. At the conclusion of the temporary use or at the expiration of the permit, whichever occurs first, all disturbed areas of the site shall be restored or improved to the condition that existed prior to the use.

There are no permanent alterations to the site being proposed for the temporary storage containers.

4. All temporary signs associated with the temporary use or structure shall be removed when the activity ends or when the permit expires, whichever occurs first.

The applicant is not proposing any temporary signs associated with the temporary use.

5. The temporary use or structure shall not violate any applicable conditions of approval that apply to a principal use on the site, including parking and setback requirements.

The temporary use does not violate any applicable conditions of approval that apply to the principal use of a single-family home.

6. The temporary use regulations of this section do not exempt the applicant or operator from any other required permits, such as building permits or health department permits.

No additional permits are required for this temporary use.

7. If the property is undeveloped, it shall contain sufficient land area to allow the temporary use or structure to occur, as well as any parking and traffic circulation that may be associated with the temporary use, without disturbing sensitive or protected resources, including required buffers, 100-year floodplains, stream protection setbacks, wetlands, areas of slope greater than 20 percent, and required landscaping.

The subject property is developed, therefore, this requirement is not applicable.

8. If the property is developed, the temporary use shall be located in an area that is not actively used by an existing approved principal use, and that would support the proposed temporary use without encroaching or creating a negative impact on existing buffers, open space, landscaping, traffic movements, pedestrian circulation, or parking space availability.

The proposed storage containers are located on the rear of the property and will in no way impede traffic movements, pedestrian circulation and parking on the

site. There is no required buffers, open space or landscaping associated with this site because it is an existing single-family home.

9. Tents and other temporary structures shall be located so as not to interfere with the normal operations of any permanent use located on the property, shall be anchored, and shall have a fire rating approved by the fire marshal and the building official.

The storage containers do not interfere with the normal operations of the existing home. In addition, staff from the Planning Division spoke to the Fire Marshal about the proposed use and he raised no concerns based on the applicant's intention to store furniture and other items that are not deemed highly flammable.

10. No temporary use shall be established if such will require installation by cranes or other such heavy equipment on a public street unless first approved by the city. Such installation may require that an amount be placed in escrow to cover the costs of repairs to such streets or portions thereof.

This section is not applicable to the subject request.

11. Floodplains. Applications for temporary structures to be located in the 100-year floodplain shall be required to submit a plan to the public works department for the removal of such structure(s) in the event of a flood notification. The plan shall include the following information:
 - (a) The name, address, and phone number of the individual responsible for the removal of the temporary structures and the property owner;
 - (b) The time frame prior to the event at which a structure will be removed; and
 - (c) A plan to remove the temporary use earlier than the scheduled removal date, if required

The subject site is not located in the 100-year floodplain; therefore, the provisions of this section are not applicable.

In conclusion, while the *Rowlett Code of Ordinances* does not specifically address temporary storage containers for use in residential areas, it is the interpretation of the director of planning that it is most appropriate to review prolonged use of these containers as a "similar temporary use" and evaluate them based on the criteria stated above. Based on the size of the subject property, the location that containers have been placed to limit visibility from the street and the applicant's willingness to further screen the containers with the addition of a fence, Staff supports this request.

FISCAL IMPACT/BUDGET IMPLICATIONS

N/A

RECOMMENDED ACTION

Staff recommends approval of the requested temporary use permit for a duration not to exceed six months.

ATTACHMENTS

Attachment 1 – Location Map

Attachment 2 – Letter

Attachment 3 – Concept Plan

Attachment 4 – Photos

September 29, 2015

City of Rowlett
Planning and Zoning Commission
P.O. Box 99
Rowlett, TX 75030

Commissioners:

Please allow this letter to serve as my request for a Temporary Use Permit (TUP) to be located at my residence: 4410 Toler Road, Rowlett, TX.

The purpose of the TUP is to allow four storage containers to remain on the rear of my property for the duration of a major foundation repair and subsequent remodeling project that is necessitated by the foundation repair. The purpose of the containers are to store my home furnishings throughout the project. The project is estimated to last approximately six months. This is due to the fact that I am coordinating the work between four separate contractors: Foundation Repair, Sheetrock and Paint, Cabinet and Floors, and Brick Repair. Each step in the process is contingent on the previous step being completed, which leads to an extended timeline.

When researching different options for storage the on-site storage containers were the best option to meet my storage and budgetary needs during the foundation repair. Upon contacting the storage company I was told that no additional City permits were necessary as long as the containers were located in my backyard. Since my lot is over one acre I asked them to place the containers as far back on the lot as possible to minimize the visibility from the street. It was only after the containers were delivered that I was informed by Rowlett Code Enforcement that additional permits are required.

Returning the containers un-used or storing them off site is not a financially viable option for me. I was planning to construct a fence around my property in the coming months. However, I am currently negotiating the placement with my neighbor. In the meantime I am willing to construct an 8 foot, solid, wood fence around the containers within the next 30 days to further mitigate any visibility concerns that the Commission may have.

The foundation repair project is scheduled to begin on October 15, 2015 or as soon as I can pack up my furnishings and the containers will be removed no later than April 15, 2015. I respectfully request that the Commission approve my TUP request. Thank you in advance for your consideration.

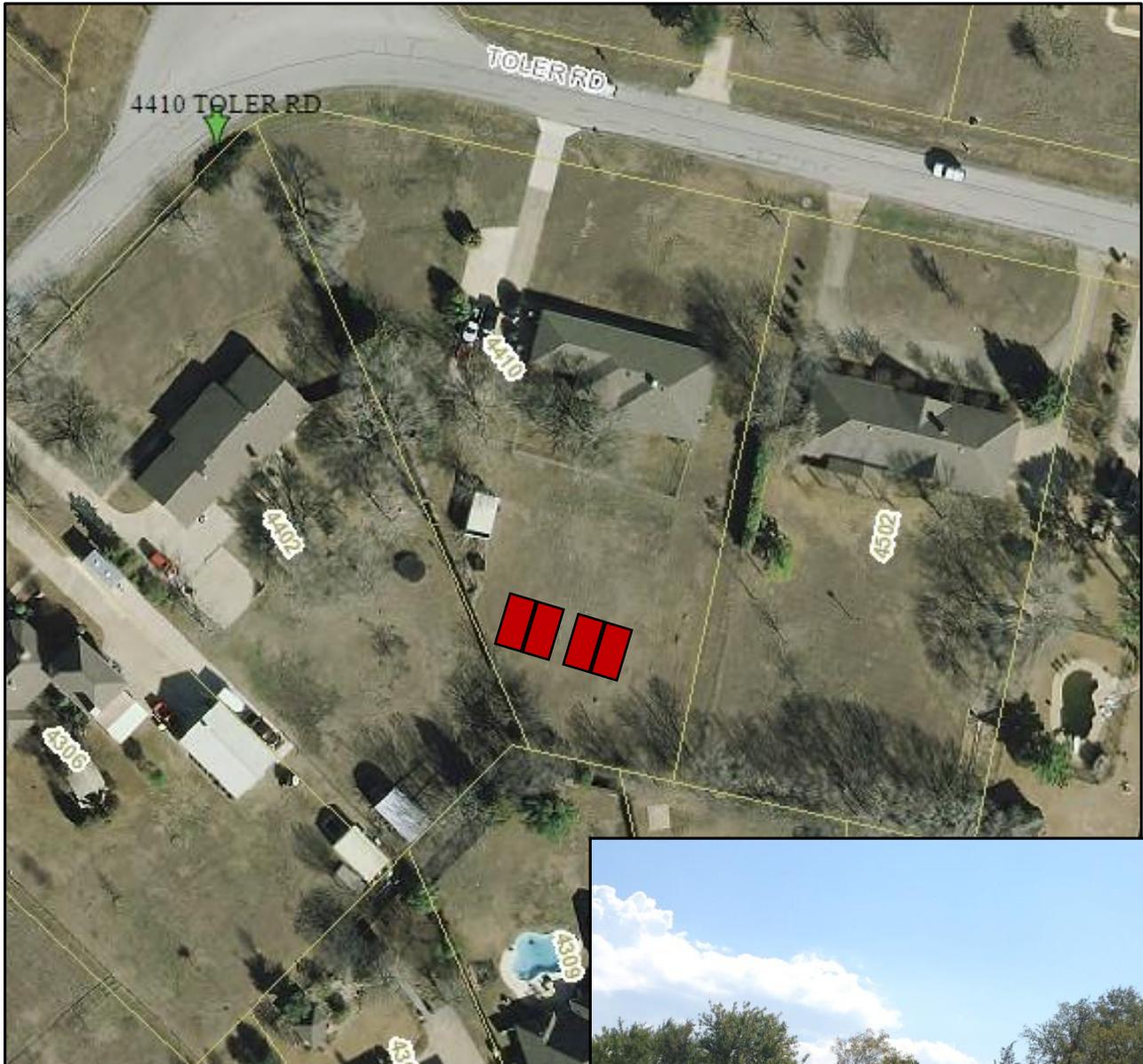
Sincerely,



Mark Blanton

4410 Toler Road
Applicant: Mark Blanton
TUP Case Number: 42-2015

Temporary Use Permit Request: Four - 8' X 8' X 20' (160 sq. ft.) storage containers located in the rear of the property for a duration of six months in order to facilitate on-site storage for an extensive foundation repair and remodeling project.



Site Pictures

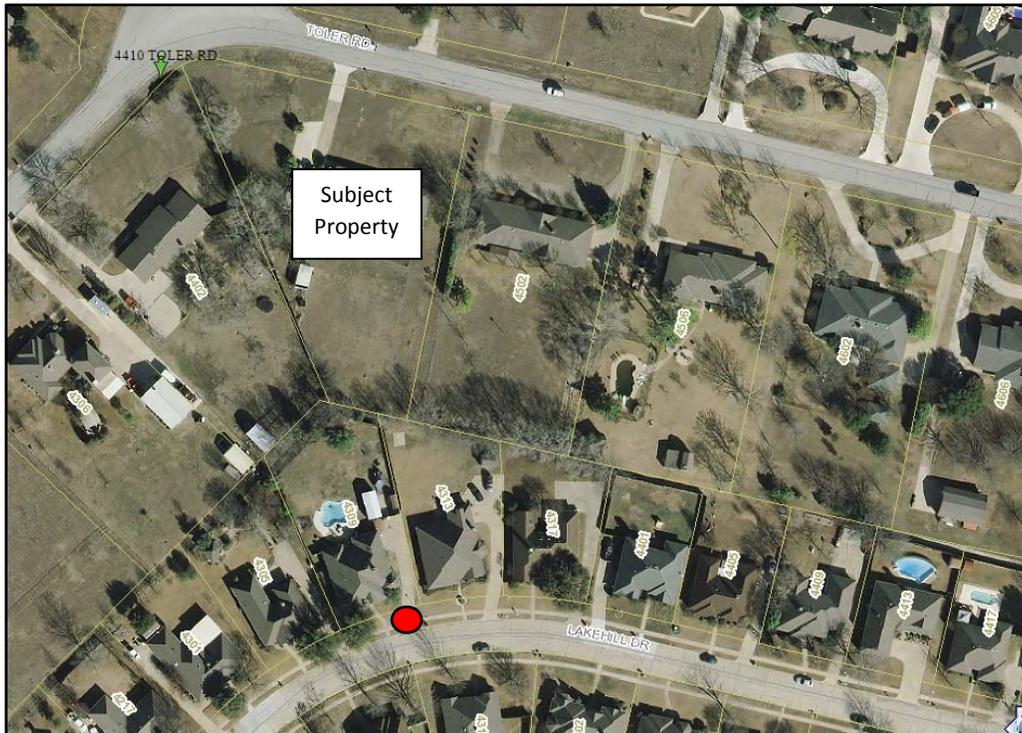


Pictures from the Street and Neighboring Properties



The red dot indicates the vantage point from where the picture was taken.

4410 Toler Road TUP Case Number: 42-2015
Mark Blanton, Owner



The red dot indicates the vantage point from where the picture was taken.

4410 Toler Road TUP Case Number: 42-2015
Mark Blanton, Owner

AGENDA DATE: 10/13/2015

AGENDA ITEM: C3

AGENDA LOCATION:

Individual Consideration

TITLE

Consider and make a recommendation to City Council regarding a tree mitigation plan and related tree removal permit application for more than three trees associated with Evergreen Senior Living. The subject property is located at 5500 Old Rowlett Road, further described as a 5.50 +/- acres of land located in the John M. Thomas Survey, Abstract No. 1478, City of Rowlett, Dallas County, Texas.

STAFF REPRESENTATIVE

Erin Jones, Senior Planner

SUMMARY

This is a request to remove more than three protected trees from a 5.50 +/- acre tract of land located at 5500 Old Rowlett Road. The removal of more than three protected trees requires a recommendation from the Planning and Zoning Commission and final approval from the City Council.

BACKGROUND INFORMATION

The subject property is located east of Old Rowlett Road, north of Big A Road, west of R. Arnold Edwards Park and south of Tulip Lane as seen in the location map included below:



The property was rezoned from Limited Office (O-1) to Planned Development 022-15 on June 2, 2015, to allow for a Senior Apartment Complex. Following zoning, the preliminary plat was approved by the Planning and Zoning Commission on September 22, 2015. The applicant has since submitted development plans (site, landscape, tree survey and façade plans) for Staff's review. The applicant must receive approval for the tree mitigation plan prior to proceeding with the remaining development plan items as changes to the mitigation plan could alter the required landscape plan. The remaining development plan items are tentatively scheduled for the Planning and Zoning Commission's consideration on October 27, 2015, contingent on the City Council's approval of the tree mitigation plan at their October 20, 2015, meeting. Following those approvals, the applicant will be required to submit civil engineering plans, a final plat, and building plans prior to receiving a building permit.

The applicant is proposing to remove seven Hackberry trees totaling in 93 caliper inches. Six of the trees are protected totaling in 83 caliper inches (Attachment 1 – Tree Survey and Preservation/Mitigation Plan). The RDC classifies Hackberry as a protected tree when it is measured at least 11 caliper inches at a height of 4.5 feet above the ground. The applicant is preserving two protected trees totaling in 27 caliper inches, which brings the total mitigation required to 56 caliper inches. The applicant is proposing to mitigate all 56 caliper inches on site by planting an additional 15 trees beyond the base landscaping requirements.

DISCUSSION

Per section 77-508. H of the Rowlett Development Code, "Tree preservation". The purpose of tree preservation is as follows:

1. Purpose. The purpose of this section is to encourage the preservation of long-established trees of sizes that, once removed, can be replaced only after many generations of tree growth; to preserve protected trees during construction; and to control the removal of protected trees. It is the intent of this section to achieve the following:
 - (a) Prohibit the indiscriminate clearing of trees from property;
 - (b) To the greatest extent possible, preserve and maintain protected trees so as to enhance the quality of development;
 - (c) Protect and increase the value of residential and commercial properties within the city by maintaining the city's current tree inventory;
 - (d) Maintain and enhance a positive image for the attraction of new business enterprises to the city;
 - (e) Protect healthy quality trees and promote the natural ecological environmental and aesthetic qualities of the city; and
 - (f) Help provide needed shaded areas in order to provide relief from the heat by reducing the ambient temperature.

The City Council shall deny a tree removal permit and associated tree survey and preservation plan if it is determined that:

1. Removal of the tree is not reasonably required in order to conduct anticipated activities;
2. A reasonable accommodation can be made to preserve the tree; or
3. The purpose and intent of this subchapter is not being met by the applicant.

The proposed tree removal is needed in order to conduct anticipated activities on the site and no reasonable accommodation could be made. To deny the removal will require the developer to substantially re-configure their proposed development. As such, Staff is in support of the subject tree removal and mitigation plan.

FISCAL IMPACT

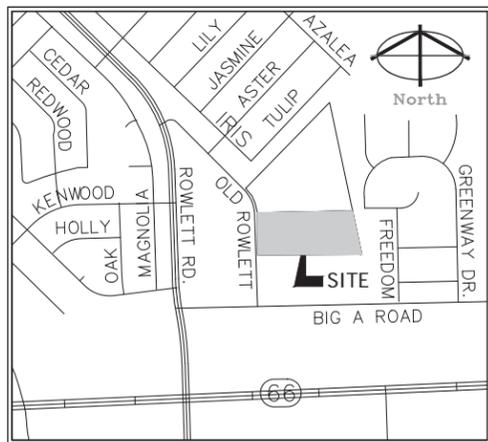
N/A

RECOMMENDED ACTION

Staff requests that the Planning and Zoning Commission make a favorable recommendation to the City Council regarding the applicant's request to remove 83 caliper inches and mitigate the required 56 caliper inches on site by planting an additional 15 trees beyond the base landscaping requirements.

ATTACHMENTS

Attachment 1 – Tree Mitigation Plan



VICINITY MAP
N.T.S.

LOT 1R, BLOCK 1
ROWLETT MEDICAL PLAZA ADDITION
INST. No. 201300383770
O.P.R.D.C.T.

TRACT 40
MASTER TOUCH INV GROUP LLC
INST. NO. 20070391220
O.P.R.D.C.T.

ZONED C-2

OLD ROWLETT ROAD

REMAINDER OF
GARLAND GENERAL AGENCY, INC.
(TRACT 1)
VOLUME 89144, PAGE 1353
D.R.D.C.T.

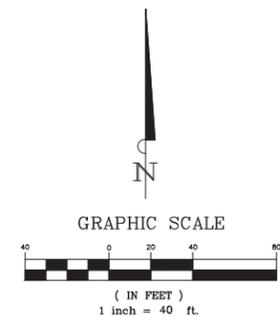
ZONED O-1

F.F. = 514.0±

PROPOSED SENIOR COMMUNITY
(4-STORY)
PROPOSED ZONING PD - PLANNED DEVELOPMENT
(5.50 ACRES)

LOT 1, BLOCK 1
5.50 ACRES OR
239,580 SQUARE FEET

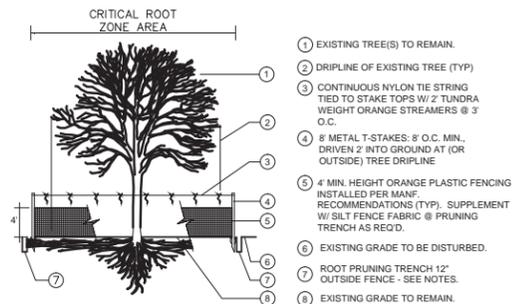
RICHARD JOY COYLE JR. &
JERRY COYLE RICHARD
VOL. 88057, PG. 3617
D.R.D.C.T.



LEGEND:

- EXISTING TREE TO REMAIN
- EXISTING TREE TO BE REMOVED

- NOTES:
- PERFORM ROOT PRUNING ON ALL EXISTING TREES TO REMAIN WHERE CONSTRUCTION ACTIVITY FALLS WITHIN DRIP LINE OF EXISTING TREES.
 - ROOT PRUNING METHOD: 2 MONTHS MIN. PRIOR TO EXCAVATION & CONSTRUCTION ACTIVITIES, HAND CUT ROOTS BY DIGGING A 18"-24" DEEP x 8" WIDE TRENCH ALONG THE OUTSIDE PERIMETER OF EXISTING TREE(S) ADJACENT TO CONSTRUCTION AREAS. MAXIMIZE PRUNING TRENCH DISTANCE FROM TRUNK TO THE FULLEST EXTENT POSSIBLE. W/ THE ROOT PRUNING LINE PLACED @ THE EDGE OF CONSTRUCTION LIMITS.



D TREE PROTECTION DETAIL
NOT TO SCALE

MITIGATION PLANT LIST:

SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE	SPECIFICATION
TREES					
QV1	3	<i>Quercus virginiana</i>	LIVE OAK	100 GAL	4" CAL., 12' HT., FULL, MATCHING, SYMMETRICAL
TD1	10	<i>Taxodium distichum</i>	BALD CYPRESS	100 GAL	4" CAL., 12' HT., FULL, MATCHING, SYMMETRICAL
PC1	2	<i>Pistachia chinensis</i>	CHINESE PISTACHE	100 GAL	4" CAL., 12' HT., FULL, MATCHING, SYMMETRICAL

ENGINEER/SURVEYOR:
BANNISTER ENGINEERING, LLC
1696 COUNTRY CLUB DR.,
MANSFIELD, TX 76063
(817) 842-2094
CONTACT: TRAVIS ATTANASIO

OWNER:
GARLAND GENERAL AGENCY, INC.
819 MAIN STREET
GARLAND, TX 75040
(972) 276-5673

APPLICANT:
CHURCHILL RESIDENTIAL, INC.
5605 N. MACARTHUR BLVD. SUITE 580
IRVING, TX 75038
(972) 550-7800
CONTACT: BRAD FORSLUND

TREE #	CALIPER	TYPE	REMAIN	REMOVE	NOTES
1	14	HACKBERRY	X		
2	16	HACKBERRY		X	
3	11	HACKBERRY		X	
4	11	HACKBERRY		X	
5	15	HACKBERRY		X	
6	13	HACKBERRY	X		
7	13	HACKBERRY		X	
8	10	HACKBERRY		X	
9	17	HACKBERRY		X	
TOTAL	120		27	93	

TOTAL CALIPER INCHES EXISTING:	120
TOTAL CALIPER INCHES TO BE REMOVED:	93
TOTAL CALIPER INCHES TO REMAIN:	27
TOTAL CALIPER INCHES FOR MITIGATION:	56
TOTAL CALIPER INCHES MITIGATED:	60



Know what's below.
Call before you dig.

(@ least 48 hours prior to digging)

INFORMATION ON THIS SHEET IS PERTINENT TO ALL OTHER DESIGN SHEETS IN THIS SET OF DRAWINGS. THE CONTRACTOR SHALL NOT SEPARATE DRAWINGS FROM THE SET FOR DISTRIBUTION TO SPECIFIC DISCIPLINES. EACH SUBCONTRACTOR SHALL BE PROVIDED WITH ALL SHEETS WITHIN THIS PLAN SET.

EVERGREEN AT ROWLETT ADDITION

CITY OF ROWLETT
DALLAS COUNTY, TEXAS

TREE PRESERVATION PLAN

FOR REVIEW ONLY

THESE DOCUMENTS ARE FOR REVIEW ONLY AND NOT FOR CONSTRUCTION. NO BRIDGES OR PERMITTING HAVE BEEN PREPARED BY OR UNDER THE SUPERVISION OF: ARCHITECT: JEFFREY W. LINDER, L.A. No. 2033, Exp. 10/09/2015

SHEET NO.

L-1.1

BANNISTER
ENGINEERING
240 N. Mitchell Road
Mansfield, TX 76063 | 817.842.2094 | 817.842.2095 fax
REGISTRATION # F-10599 (TEXAS)

PROJECT NO.: 085-15-03



City of Rowlett

Staff Report

Planning & Zoning Commission

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

AGENDA DATE: 10/13/2015

AGENDA ITEM: C4

AGENDA LOCATION:

Individual Consideration

TITLE

Consider and make a recommendation on an Alternative Landscape Plan for F&F Concrete located at 2416 Chandler Drive, further described as Lot 3R, Block A of the Storage Max of Rowlett Addition, City of Rowlett, Dallas County, Texas. (DP14-2015).

STAFF REPRESENTATIVE

Garrett Langford, AICP, Principal Planner

SUMMARY

The applicant is requesting an Alternative Landscape Plan to use existing tree foliage to satisfy the screening requirements along the DART rail line for a proposed office-warehouse development within the Industrial Overlay (IO) District. The main purpose of this item is to present the ALP to the Planning and Zoning Commission and request their recommendation to the City Council.

BACKGROUND INFORMATION

The subject property is located at 2416 Chandler Drive (Attachment 1) and is zoned IO with a basing zoning of General Manufacturing (M-2). The property owner is proposing to construct an office-warehouse building for his concrete business. The IO District covers the City's industrial area and contains fewer development requirements than it was normally required outside of the overlay district. Within the IO District there are no landscaping requirements with the exception of screening along the DART Rail Line. The IO District requires a landscaped evergreen buffer along the property line when adjacent to the DART Rail Line. The IO District provides an option to utilize existing foliage to satisfy the buffer requirements subject to approval of an ALP.

The proposed ALP (Attachment 2) identifies the existing trees and shows pictures of the trees from different angles. The proposed development will not remove any of the existing trees. The development will include a 7,194 square-foot office warehouse building with 11 parking spaces. The building will serve as headquarters for the property owner's concrete business.

The IO District requires an ALP in order to allow existing foliage to satisfy the screening requirements along the DART Rail Line. As the property is over one acre in size, it will require City Council action upon a recommendation by the Planning and Zoning Commission.

DISCUSSION

Section 77-504.I.4 of the RDC outlines approval criteria of ALPs. Staff recommends that the Planning and Zoning Commission consider the request based on these approval criteria as detailed below.

1. There are unique characteristics of the property site design or use that warrant special consideration to modify or deviate from the requirements of this section and that these characteristics are not self-created.
2. The ALP meets or exceeds the minimum requirements of this section while recognizing the unusual site design or use restraints on the property.
3. Approval of the ALP will provide for both increased consistency and compatibility with adjacent projects located in the general vicinity of the property.
4. The ALP conforms to the requirements of this section and no modifications are requested except those explicitly provided in Section 77-504.I.2(b).

The purpose of this request is to allow existing trees to satisfy the landscape buffer requirements along the south property line adjacent to the DART Rail Line. The IO District requires a solid evergreen buffer or approval of an ALP if the existing trees provide sufficient screening year around. There are 10 trees located along the south property line that are at least four caliber inches in size. Additionally, there is a cluster of Willow trees located north of the existing detention area that provides additional screening. The property owner is not removing of any the existing trees from the property. It is Staff's opinion that the existing trees will provide sufficient year-round screening from the DART Rail Line and meets the screening requirements outlined in the IO District.

FISCAL IMPACT/BUDGET IMPLICATIONS

N/A

RECOMMENDED ACTION

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

ATTACHMENTS

Attachment 1 – Location Map

Attachment 2 – Alternative Landscape Plan

Attachment 3 – Pictures from DART

Location Map: 2416 Chandler Drive



2416 Chandler Drive (Taken from DART)



2416 Chandler Drive (Taken from DART)

