



City of Rowlett City Council Joint Work Session Minutes

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

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Tuesday, March 31, 2009

6:30 PM

Room D – Community Centre – 5300 Main St.

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item herein.

The City of Rowlett reserves the right to reconvene, recess or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

1. CALL TO ORDER

1.A City Council

Mayor Harper called the meeting to order at 6:30 p.m. and asked each Chairman to call the meeting to order.

1.B Planning and Zoning

Chairman Moore called the meeting to order.

1.C Board of Adjustment

Chairman Beckham called the meeting to order.

Each member of the Planning and Zoning Commission and Board of Adjustment was introduced.

2. WORK SESSION ITEMS

2.A Discussion of staff recommendations for Planning & Zoning Commission and City Council agenda items.

Keri Samford, Director of Development Services, presented the Council and boards with a brief history of staff recommendations for the Planning and Zoning Commission and the City Council agenda items. If permitted, staff recommendations will be based solely on the ordinances and codes in place at the time of the recommendation. Stated personal preference and political objectives will not contribute to a staff recommendation.

Three benefits to having a staff recommendation are:

- No bias – staff recommendation is not looked at as preferential treatment
- Early feedback – staff communicates with project representative
- Helps to establish quality proposals – developer's will know up front what is expected

Stated staff recommendations give a perception that Rowlett expects quality projects that meet or exceed established regulations.

Lynda Humble, City Manager, reiterated that staff is a resource that offers recommendations; the final authority rests with the City Council.

Mayor Harper stated the joint meeting is to bring all perspectives together.

Concerns were voiced including those regarding the approval/denial process; does a negative staff recommendation prompt a denial vote; applicant's knowledge of a possible denial which would allow the applicant to make necessary changes; and the need for staff to continue communications with applicants.

Mayor Harper stated any statement that involves "no"; should be followed with a "but".

Following remarks requested of each Council and Board members, a consensus was reached to receive staff recommendations once again.

2.B Presentation on Internal Development Review Process and Review Proposed Development Code Changes to clarify jurisdiction and resolve ambiguity.

Lynda Humble, City Manager, briefly presented the history of this item. Stated staff has worked hard to correct the problems that have been identified in the Code.

Keri Samford, Director of Development Services, presented a PowerPoint presentation entitled "City of Rowlett – Development Review Process (16 slides).

Staff Participation

- Lynda Humble, City Manager
- David Berman, City Attorney
- Development Services Department
 - Keri Samford, Director of Development Services
 - Alaina Ray, Assistant Director of Development Services
- Engineering Department
 - Pat Baugh, Director of Public Works
 - Shawn Poe, Assistant Director of Public Works/City Engineer
 - Tom Harris, Assistant City Engineer
- Economic Development Department
 - Ben White, Director of Economic Development
- Fire Department
 - George Harris, Fire Chief

Purpose

- Identify and correct areas of conflict within the Development Code.
- Eliminate vague language in Development Code.
- Develop comprehensive and accurate list of areas of authority for City Council, Planning and Zoning Commission and Board of Adjustment.
- Develop a standardized communications model to provide a higher level of customer service (internal and external).

Approach

- Multiple meetings with staff to discuss all issues.
- Staff committed to common goals of encouraging development and providing quality customer service.
- Evaluate all processes and make changes where necessary.

Meeting Agenda Items

- Discussed recent projects and issues that were raised during the review process:
 - Project Primo's
 - Big Lots
- Discussion of conflicts within Development Code.

- Developed action plan to resolve conflicts, including timeline and staff accountability.
- Developed plan to document processes, create transparency and improve communication.

Actions and Outcomes

- Created New Development Review Flow-Chart to illustrate review process
- Developed Chart to clearly indicate authority of:
 - City Council
 - Planning and Zoning Commission
 - Board of Adjustment
 - Staff
- Changes resulting from the creation of the authority chart.
 - Created Definitions:
 - Variance
 - Deviation
 - Waiver
 - Identified conflicts and ambiguity.
 - Removed the term "exception".
 - Give guidance to applicants on appeal process.
- New procedures for Development Review Committee/Pre-Application Meetings.
 - Agenda for each meeting to ensure coverage of crucial topics.
 - Direction will be provided regarding submission of plans and any high-impact issues that may affect development (including Traffic Impact Analysis).
 - Summary meeting report distributed to all attendees and representatives after meeting.
- Impact to Economic Development.
 - Economic Development Department can better manage issues that arise from a project.
 - Improved communication allows the development community to have a positive experience in Rowlett.
- Scoping Meeting
 - For projects requiring a Traffic Impact Analysis.
 - Held between Engineering Department and Applicant/Consultant prior to submission of plans.
 - Discuss traffic/access issues.
 - Provide direction for methodology of report.
 - Meeting minutes distributed to all staff and representatives.
- Developed Communication Model
 - All parties will be offered the opportunity to remain aware of all issues and outcomes.
 - All parties (internal and external) involved in a project will be copied on all communication.
 - If crucial issues arise that need to be addressed, DRC members will communicate to resolve the issues.

Next Steps

- "Brown Paper Exercise"
 - Staff will "walk through" a recent project to uncover all areas of conflict and determine how new procedures would have affected outcome.
- Development Code Revisions
 - Changes to Development Code will be brought forward to Planning and Zoning Commission on May 12th and City Council on June 2nd in order to remove conflicts and clean up vague language.
- Orientations
 - Planning and Zoning Commission
 - Orientation for members.
 - Discussion of scope of authority.
 - Board of Adjustment
 - Orientation for members.

- Discussion of scope of authority.
- Discussion of requests to be heard by BOA.
- City Council Work Session
 - Future policy discussion of options for transportation and mobility.

Council stated the distribution of minutes to the owner/representative is critical.

A member of the Commission asked that a draft of each section be sent to the Commission in advance to review as opposed to the entire draft document being sent at one time to review.

Mayor suggested staff create a brief report concerning non-conforming use variances.

2.C Discussion of Green Codes - Standards for Lighting to develop expectations for future presentations by staff.

Keri Samford, Director of Development Services, brought forth a brief history of this item. A PowerPoint presentation entitled "City of Rowlett, City Council, Planning and Zoning Commission, Board of Adjustments Joint Meeting – March 31, 2009 (18 slides) was presented.

Lighting

Purpose of Current Lighting Regulations

- The general purpose of this section is to require outdoor lighting that is:
 - Adequate for safety and convenience
 - In scale with the activity to be illuminated and its surroundings
 - Directed to the surface or activity to be illuminated; and
 - Designed to clearly render people and objects visible and contribute to a pleasant nighttime environment

Issues in the Forefront

- There have been changes in the lighting industry since the existing code was adopted in 2006:
 - Increase in energy costs
 - Energy savings available through the use of new technology
- The loss of the often-neglected scenic view of the night sky due to increased urban sky-glow according to the International Dark-Sky Association (I.D.A.).
- Interference in the use or enjoyment of property which is not intended to be illuminated at night.
- Can tailor regulations to specific zoning districts.

The Dark Skies Movement

- The Dark Skies movement was founded to educate the public in order to help reduce light pollution so people can see the stars, to reduce the effects of unnatural lighting on the environment, and to cut down on energy usage.
- The movement started with astronomers concern that the nocturnal glow from urban areas was blotting out the sight of the stars in the night sky.
- Artificial light at night has also been shown to affect the mating, migration, and predation behaviors of many different species and, consequently, the ecological community as a whole.
- The Dark Skies movement encourages the use of full cutoff light fixtures that cast little or no light upward, in public areas and generally to encourage communities to adopt such lighting regulations.
- Full cutoff lighting can efficiently and safely light any type business, residence, etc.
 - Bad lighting can diminish security and may even attract criminals, giving them places to hide in the deep shadows created by bright, glary light.
 - Glare is blinding; objects become invisible.

What is Light Pollution?

- Light pollution is any adverse effect of artificial light, including sky glow, glare, light trespass, decreased visibility at night, and natural resource and energy waste.
- Light pollution wastes energy, affects astronomers and scientists, disrupts global wildlife and ecological balance, and has been linked to negative consequences in human health.
- No limit of canopy lighting can be dangerous since it can cause eyes to lose their dark adaptation, leaving the customer night-blind.
- It also causes danger to passing motorists whose vision is disturbed by the glare and spill over light on the road.
- Criminals, vehicles, and structures can also hide in this glare, causing danger to motorists and pedestrians.

Lighting and the Environment

- Energy is wasted when light spills up to the sky, is used when not needed, or if the light uses more wattage than needed.*
 - It has been estimated that the United States wastes over \$2 billion dollars per year lighting up the night sky when a majority of that light could be directed down to the ground.
 - Lighting is contributing to an increase in greenhouse gases.*
 - Generating 1 kilowatt hour of electricity produces 2 pounds of carbon dioxide emissions.
- *(According to the I.D.A.)

Solutions to Light Pollution

- Use lights only when and where necessary.
- Shield or recess the bulbs so no glare is visible.
- Aim fixtures downward so there is no upward spill of light or light trespass. When possible, retrofit or replace all existing fixtures of poor quality.
- Use low pressure sodium (LPS) light sources whenever possible. LPS lamps are also the most energy-efficient light sources that exist.
 - High and low Pressure Sodium bulbs are energy efficient as are LED lights. They use little energy, but provide lots of light where you need it.
- Turn off the lights when not needed. Timers can be very effective.

Basic Definitions

- *Foot-candle*: A unit of measure of the intensity of light falling on a surface originally defined as the amount of light a candle generates from one foot away.
- *A Lumen*: Equal to one foot-candle falling on one square foot of area.
 - Foot-candle (fc) = 1 Lumen ft²
 - Lumen = Luminous flux or quantity of light

Summary of Current Regulations

- Regulations for most exterior lighting is the same for any type of residential or nonresidential development.
- Design standards include, but are not limited to, the following:
 - Light sources must be concealed or shielded with an angle less than 90°.
 - Parking lots shall be lighted as unobtrusively as possible to meet the functional needs of safe circulation and protection of people and property.
 - The style of light standards and fixtures shall match the architecture on the site.
 - Exterior lighting may not exceed 1 footcandle at any point off-site.
 - Upward-directed lighting shall use a narrow cone beam of light that will not extend beyond the illuminated object.
- Height standards are regulated.

Area Lighting Regulations

- Rockwall (less restrictive than Rowlett):

- All mounted luminaries exceeding 15 watts shall be directed down with either a partial cut-off or full cut-off source.
- No lighting limits at property lines.
- Prohibited lighting: An unshielded light source, including bare bulbs, above 15 watts, except for temporary holiday lighting.
- Sachse (less restrictive than Rowlett):
 - *Exterior lighting.* All exterior lighting shall be directed toward the property where located, and in a downward direction. Lenses shall be of the non-glare type.
 - No lighting limits at property lines.
- Garland (limited restrictions):
 - The allowable max intensity measured at the property line of a residential use in a residential district shall be 0.5 fc.
 - Light sources shall be down-light or shielded as to reduce glare effect and spill over to adjacent properties & streets.
 - Bare bulbs above 15 watts or strings of lamps are prohibited except for temporary holiday lighting.
 - Illumination of parking areas shall be sufficient to ensure the visibility of pedestrians & the safe movement of traffic.
- Little Elm (more restrictive than Rowlett):
 - The limit of illumination on neighboring property is based on the zoning and/or use of the neighboring property.
 - Subject property lighting is limited, with greater limits allowed for under canopies (such as service stations and ATM's).
 - Full cutoff luminaries are required in all outdoor lighting installations.
 - Mercury vapor lamps prohibited.
- Plano (more restrictive than Rowlett):
 - The limit of illumination on neighboring property is based on the adjoining zoning only.
 - Subject property lighting limited.
 - Shielding requirements vary by lamp type.
 - Mercury vapor lamps prohibited.

Ideas for Consideration

- Provide regulations to limit illumination on properties based on the zoning of the neighboring property.
- Allow increased lighting under canopies (such as service stations or walk-up ATM's).
- Require 50% parking of lot lights to be turned off one-hour after business closes.
- Prohibit mercury vapor lamps and promote the use of low pressure sodium lamps to reduce light pollution.
- Further restrict flood light usage.
- Prohibit drop lens fixtures (use shielded and flush).
- Require downward lighting for exterior on-premise sign illumination.

Potential Limitations On Subject Property

- The maximum outdoor illuminance level on the subject property shall not exceed 25 footcandles at any point, with the following exception:
 - Lighting under canopies (such as service stations and ATM's) shall not exceed 40 footcandles.

Directions

- Discuss Dark Skies movement and gauge interest in applying the concept to development in Rowlett.
- Determine if City Council would like to proceed with revisions to lighting regulations at this time.
- If the Council chooses to proceed, provide staff direction on the parameters for any potential revisions.

Council asked if there was an additional cost associated with Dark Skies.

Staff answered in the affirmative but stated it will depend on how the program is incorporated into a development plan as a developer.

Council stated there would be a mix in businesses that would be following Dark Skies and those current businesses that would not; asked how that would look.

Staff stated the differences would be noticed.

Council stated an Ad Hoc Committee should be formed from the Commissioners to further look into the Dark Skies program; concerned with the potential impact on the community; was viewed as promoting efficiency; and would like to possibly have more restrictions in a zoning perspective.

Members of the Commission voiced concern with the safety issue of reduced lighting in parking lots.

- 2.D Future Agenda Items: Church uses/development along major corridors; Smart Development Codes (form based development codes); Overlay Districts; Building Materials for Residential Development; Conservation.

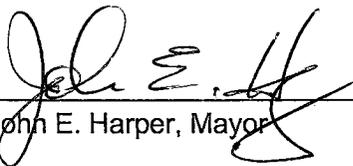
Additional items to be discussed in the future include: Smart Communities (residential green codes), parking requirements and passive design (street alignments) in respect to ordinances for energy efficiency.

Deputy Mayor Pro Tem Maggiotto requested the City Manager to assign him to a member of the Planning Department, within the next four (4) weeks, to begin work on creating an ordinance that specifically addresses the Homeowner Association (HOA) Covenants, Conditions and Restrictions (CC&R) as it relates to Solar PV and Solar Thermal and possibly wind turbines.

3. ADJOURNMENT

The Chairmen of the Board of Adjustment and Planning and Zoning Commission adjourned the meeting.

Mayor Harper adjourned the meeting at 8:39 p.m.



John E. Harper, Mayor



Susie Quinn, City Secretary

Date Approved: April 21, 2009