



City of Rowlett
Joint Work Session Minutes
City Council
Planning and Zoning Commission

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Tuesday, August 31, 2010

6:00 P.M.

Municipal Building – 4000 Main Street

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.

Present: Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Jackson, Councilmember Phillips, Councilmember Davis, Councilmember Kilgore and Councilmember Gallops

Absent: Mayor Harper

1. CALL TO ORDER

1A. City Council

Mayor Pro Tem Gottel called the meeting to order at 6:00 p.m.

1B. Planning and Zoning Commission

Chairman Rick Sheffield called the meeting to order at 6:01 p.m. All Commissioners and Alternates were present, with the exception of Commissioner Charles Alexander who was not in attendance.

2. WORK SESSION ITEMS

2A. Presentation on the Dallas Area Rapid Transit Traction Power Sub Station.

Planning staff provided background information by stating that Dallas Area Rapid Transit (DART) anticipates the completion of the rail to Rowlett by 2012. Four Traction Power Sub Stations (TPSS) will be required to power the trains along the four and a half mile expansion from Garland to Rowlett. Two of these stations will be located in Rowlett, with site number three being on Dexham Road and site number four on Coyle Street. Pictures of current DART TPSS sites were displayed, with staff

further stating that the main difference between the example and the proposed TPSS buildings in Rowlett is that more landscaping to help screen the building from view will be provided. The equipment is sensitive and cannot sit in storage, so they are connected upon arrival. The sites are being prepared and the Dexham TPSS will be connected in summer 2011 and the Coyle Street Station the following month. Staff asked for questions and/or feedback.

A question regarding location of the Dexham TPSS site which was originally on the other side of the street was asked regarding the reasoning for the move. DART consultant, Mike Brown with Austin Bridge and Road, stated that they started out on the southwest corner but because of property issues and vision issues, it was moved to the northwest corner of the intersection.

A question regarding the Coyle Street TPSS location taking up the whole property was also asked. Staff stated that it will not. It appears that the Coyle Street TPSS will be immediately adjacent to the station, right in the middle of everything and caddy-corner from the downtown business district was also discussed. A question from the Planning and Zoning Commission (P&Z) was asked if the placement is due to the Rowlett station being at the end of the line. Mr. Brown confirmed that yes; the TPSS sites are spaced about one mile apart.

2B. Discuss Minor Conditional Use Permits (CUP) and Special Use Permit (SUP) fees.

Staff presented background information, stating that over the past year staff has initiated changes to the *Rowlett Development Code* to help reduce the burden on residents when applying for a CUP for Accessory Structures. The main benefit of those changes is that the Planning and Zoning Commission (P&Z) now has the authority to approve different façade materials and those requests no longer have to go to City Council, which speeds up the process. Staff is hearing feedback from residents that there is still a financial burden making it difficult to apply for a CUP or SUP. Additionally, Rowlett requires CUP's for several uses in commercial districts, like medical uses, and staff stated that this has made it difficult for some small businesses. The differences between a CUP and a SUP were summarized by staff.

Currently the City of Rowlett charges six hundred and fifty dollars (\$650.00) for SUP's and CUP's, and makes no distinction between residential and commercial or between minor and major projects. She stated Rowlett does not have a minor CUP or SUP formal definition, they use the term internally. Staff considers minor CUP's or SUP's a commercial use that includes no new constructions and involves only a name change or use change. Staff considers any residential SUP/CUP a minor SUP/CUP. They are considered minor because they require significantly less time than regular SUP/CUP. Staff conducted a survey of surrounding cities to insure that Rowlett remains consistent in pricing with those cities. The results of that survey indicate that Rowlett has the highest residential CUP/SUP cost, and second highest for commercial existing construction.

To determine the cost of a minor CUP or SUP to the City, staff calculated the average amount of time staff spends working on a minor CUP or SUP application and then added the cost of the public hearing notices. She stated that the resulting cost was two hundred and fifty (\$250.00) dollars plus one dollar (\$1.00) per public hearing notice required. That is the fee that staff will be proposing for minor CUP's and SUP's. She stated that from a cost recovery stand point, the City recovers all of its costs, and from a customer service stand point, the new fee is responsive to the concerns voiced by citizens and small business owners.

A member of the Council asked how many minor CUP's or SUP's applications staff receives. Staff replied that eight had been received during calendar 2010, though the number fluctuates. Staff further stated that if council approves changes to allow medical office uses in commercial zoning without a CUP, the number of CUP's might come down.

A member of the P&Z asked if the same amount of work would be required for a one acre tract of land versus 20 acres. Staff stated that typically the type of uses associated with a 20 acre parcel would not be considered a minor CUP or SUP.

A Commissioner also asked if staff was going to create a definition of a Minor CUP/SUP. The current definition that staff has been using internally would be the formal definition.

After several comments from different Commissioners the consensus is that it will benefit customer service, stop the apologizing for the higher costs and the lower cost should make the process more manageable for property owners that will make the requirement for separate applications for different issues on the same property more sustainable.

Next were comments from Councilmembers regarding the time line remaining at least a month. Staff explained that the required public hearings will keep the time frame the same for minor permits. Staff added that if the City changes the approved uses in certain districts that might help the small business community. The issue of granting a conditional Certificate of Occupancy was discussed and it was determined that doing such would put staff in a very difficult position.

An overall consensus was reached that this type of amendment could be supported and the fees included on the September 21, 2010 Master Fee Schedule resolution.

2C. Discussion of Incidental Uses specifically as it relates to outside vending machines and other similar uses.

Staff provided background information stating that in July of 2009, the Planning and Zoning Commission (P&Z) approved a Conditional Use Permit for a Redbox DVD vending machine to be placed outside of the Walgreens located at Lakeview Parkway. A CUP was required because the former Director of Planning had interpreted the Redbox machine to be outdoor sales, and a CUP is required for outdoor sales in the C-2 zoning district. Since staff had not received any similar request before, staff went with the strictest interpretation possible. However, since 2009 similar uses have become common place throughout the Metroplex. Staff indicated these types of machines are in Rowlett but they were all indoors. When informed of the CUP requirement, some applications were never completed. A request for a Redbox outside another Walgreens has resulted in a proposed amendment of a Planned Development scheduled to go before City Council on September 7, 2010. Staff believes it is necessary to redefine what an Incidental Use is, as the Rowlett Development Code Incidental Use is defined as subordinate to the primary use or structure. Staff considers Redbox and similar machines as subordinate to primary uses for retail uses.

Staff's research determined that Redbox machines were no more intrusive than five gallon propane tank storage which does not require a CUP in retail uses. Staff discussed two options:

Option 1) the City can continue to consider the Redbox and similar machines as outdoor sales.

Doing this would allow the P&Z the authority to determine on a case by case basis whether not the machines can be installed. This option requires the applicant to pay a substantial fee and wait a month or more. Staff also stated that if the City continues to consider the machines as outdoor sales, then it should consider all machines like soft drink machines outdoor sales.

Option 2) is to consider the machines Incidental Accessory Uses and allow them in certain retail uses. Staff stated that doing this would reduce the applicant's time and expense and allow for a clear yes or no answer to the business owner. Staff stated that the drawback to this option is that the city has no ability to limit the number of machines an establishment can have outside. Staff also stated that the only zoning district in the City where Incidental Accessory Uses is allowed and outdoor sales is not allowed is SF-40.

Staff recommends that the City follow option two and consider the DVD vending machines as Incidental Accessory Uses.

Members of Council questioned whether the number of Incidental Accessory Uses could be controlled. Council was assured the numbers can be limited. One Councilmember suggested option one, so that control of the number of accessory outdoor uses remains with the Planning and Zoning Commission. The large fee is the only problem with option one.

A Commissioner stated that should be a staff decision, but that the City needs to better define the Incidental Accessory Uses to be able to control how many and what type of Incidental Accessory Uses a site can have. Some agreed if the City goes with option two that the Incidental Accessory Uses need to be clearly defined, and not allow for any grey area.

Another Commissioner believes the definition in the zoning regulations should be determined by percentage, square footage and setbacks, and not by specific machine use.

One other Commissioner asked what staff's basis for determining approval if the City went with option two and considered Redbox machines Incidental Accessory Uses. Staff stated that there are some aesthetic issues that Councilmembers and the Commissioners have issues with that the code does not address. The P & Z Chair agreed with the City Manager.

Commissioners asked if there is a way to have the Planning and Zoning Commission still make the decisions without the public hearing and lengthy process. Also asked, was there a way for the Incidental Accessory Uses to be allowed if it met certain conditions without going before the Commission. But if they do not meet the conditions, they can still go before the Commission for approval.

It was summarized that the City probably cannot write an ordinance that will fully protect against all unforeseen issues so it is best to keep it as a discretionary approval. It was further stated that looking at each outdoor sales use on a case by case base, as in option one is the right choice. Staff stated that the development code is not written for the code enforcement. And that both options fail to fix the problem of aesthetics.

It was asked if Council should give a list of pre-approved Incidental Accessory Uses that would not be required to go through the CUP process. One Commissioner stated that providing pre-approved Incidental Accessory Uses to staff would be more practical than having the same uses apply for a CUP over and over again.

Staff was asked to examine the issue further.

2D. Discuss the Comprehensive Plan Update.

Staff presented the item, stating the purpose of the Comprehensive Plan is to provide a measure of predictability and clarity for all the stakeholders involved. Staff stated that the Comprehensive Plan also provides a vision for the City. The Plan has not been updated since 2001 and with the development of the President George Bush Turnpike (PGBT), Dallas Area Rapid Transit (DART)'s Blue Line Extension, and other significant changes in the community, an update is necessary. The City issued a Request for Qualification, (RFQ) on August 16th, 2010, and that the city has received a lot of interest from consulting firms. The RFQ's are due September 9th.

Staff described the Comprehensive Plan as a roadmap to achieve what the community wants. The Plan needs to have measurable goals and that the plan should further identify areas for development and redevelopment. Staff stressed that the City should strive to incorporate all the voices of the City. It was further stated that the visioning process should help lay the foundation for citizen participation as the community endeavors to guide the overall goals of the City. Whichever consultant is selected, they need to work to get as much citizen participation as possible. Staff stated that the visioning process can be as important as the plan itself, if there is good citizen participation then the City can use that participation to help implement the Plan. The City can use scenario planning as a tool to help identify how changes today in the plan can effect the City in the future, and that the consultant should have experience in scenario planning. Staff does not want a typical comprehensive plan, but instead an innovated one. The comprehensive plan will utilize sector planning instead of a traditional land use map. Staff also stated the Plan should not focus on current developments, but on certain sectors and possible development in undeveloped or under developed areas. Staff concluded the presentation by stressing that the plan should have definable goals and ways to measure those goals.

Staff stated that scenario planning will help Council deal with issues relating to which areas to direct funding to, and help create timelines for prospective developments.

A Councilmember stated that the City needs to be careful about what they develop insuring that it is right development. He also stressed that the plan needs input from the citizens.

Another Councilmember stated his largest concern is the community vision of the City. That vision will help determine if Rowlett will be a connected center or a unique community. He stressed the Plan has to have community buy-in. He also stated that, in his opinion, the Downtown area should be first in future planning efforts. He does not want a plan that falls short of providing clear requirements specifically for downtown. He also stated that he does not want

Euclidean zoning anymore. Staff asked him to clarify his statement. The Councilmember stated again that he does not want Euclidean zoning, but that he was unsure about the sector zoning. Staff stated that the "to-do" list was an extremely important part of the plan. It also stated that the City is putting together a committee of staff, councilmembers, commissioners, and other stakeholders to review the RFQ's and make a recommendation to Council in early October.

A Commissioner stated that he was very interested in the scenario planning and the possible outcomes those simulations would have.

A Councilmember stated that it was important to get a wide variety of Rowlett's population for the public input. Another Councilmember stated that he agrees and that the consultant needs to use innovative ways to get citizen participation.

Another Councilmember stated that he is interested in form based codes and moving away from traditional zoning.

Councilmember Kilgore stated that he believes there should be an educational component in the plan or process. Staff agreed and that the consultants will be innovative and forward thinking. A Commissioner stated that the public should be educated on density and form based code. He stated that the City and the consultants should find innovative ways to get public input from sources like Parent-Teacher Associations (PTA). He also expressed interest in the scenario planning.

A Commissioner expressed interest in the scenario planning and also suggested examining other cities around the area for successful developments and failed developments. Another Commissioner suggested adding questionnaires to the water bills to gather resident's opinions. Mayor Pro Tem suggested public forums to gather resident opinions. Staff stated that through public meetings, the citizens would be engaged and educated; thereby enabling them to provide a more informed opinion.

The Mayor Pro Tem stated that it appears to be consensus that the Council and Commission is looking for a wide variety of public involvement to gather opinions from citizens who have not necessarily expressed their opinions to the City before.

A couple of Commissioners agreed that the City should look at other communities around the Metroplex for successful developments and that the plan should provide a good guide to tell developers about what will and will not be acceptable in Rowlett. The Mayor Pro Tem stated that as long as the City has a plan or vision, we will be able to find the right developer.

The group agreed that the City should look at North Texas 2050 plans and other areas around the country but keep in mind Rowlett is unique and what works in one city may not work in Rowlett.

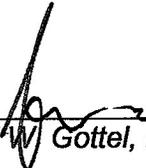
Mayor Pro Tem stressed the PTA idea as an innovative method for receiving public input and engage the public.

Staff also stated that when the process of public input begins that all the Commissioners and Councilmembers should reach out to the community to gather public input as they all have different contacts throughout the community.

3. ADJOURNMENT

3A. Planning and Zoning Commission
Commissioner Rick Sheffield adjourned the meeting at 7:39 p.m.

3B. City Council
Mayor Pro Tem Gottel adjourned the meeting at 7:40 p.m.



Todd W. Gottel, Mayor Pro Tem



Susie Quinn, City Secretary

Date Approved: September 21, 2010