

**MINUTES OF THE REGULAR MEETING
OF THE PLANNING AND ZONING COMMISSION
OF THE CITY OF ROWLETT, TEXAS, HELD IN THE MUNICIPAL CENTER
4000 MAIN STREET, AT 7:00 P.M., MAY 24, 2011**

PRESENT: Chairman Rick Sheffield, Vice-Chairman Greg Landry, Commissioners Greg Peebles, Chris Cigainero, Joe Charles, Charles Alexander

ALSO PRESENT: Alternate Robert Kittrell (voting member), Alternate Carl Pankratz (non-voting member)

ABSENT: Commissioner Karl Crawley

STAFF PRESENT: Planning Manager Erin Jones, Senior Planner Marc Kurbansade, Development Services Technician Ashley McCoy

A. CALL TO ORDER

Chairman Rick Sheffield called the meeting to order at 7:15 p.m.

B. CONSENT AGENDA

1. Minutes of the Regular Meeting of May 10, 2011

Commissioner Greg Peebles made a motion to approve the Consent Agenda. Commissioner Chris Cigainero seconded the motion. Motion passed with a 6-0-1 vote with Commissioner Charles Alexander abstaining from voting since he was not present at the May 10, 2011 meeting.

C. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Consider and provide a recommendation to City Council for an amenity plan and accompanying landscaping plan for the Waterford Estates Subdivision. The subject property is located on the north side of Miller Road approximately 1,697 feet east of Kirby Road, being 3.5 ± acres, in the Thomas Lumley Survey, Abstract Number 789, City of Rowlett, Dallas County, Texas.

Erin Jones, Planning Manager came forward to present the case. She presented a vicinity map and gave a brief background stating that the preliminary plat and the tree preservation plan were originally approved for the subdivision in April of 2004 and the final plat was filed in Dallas County in 2006. Mrs. Jones also stated that the public improvements were accepted by the Department of Public Works in 2009 and in 2010 the applicant filed a request to convert the subdivision to a private street subdivision. The lengthy process for conversion included an appearance before the Commission to make a recommendation to City Council who then on March 1, 2011 verbally accepted the applicant's request to convert the subdivision to a private street agreement as long as all applicable code requirements were met. She stated that at the December 28, 2010 meeting the Commission's recommendation included four points of clarification to be reviewed by staff. Those points were presented to City Council at the March 1st meeting and there was a brief discussion. Mrs. Jones then gave a brief overview of each point; first being that all oil and mineral rights be retained by the City to which the City Attorney has stated that he will ensure that the provision is included in the final deed documents. Next, the Commission requested that staff further discuss the difference between a Quit-Claim Deed and a Special Warranty Deed with the City Attorney who stands by his initial recommendation to use a Special Warranty Deed and that the City Council will defer to his judgment on that matter. Third, Commission requested that staff research what happens to the maintenance bond should the subdivision go private to

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which the City Engineer has responded that the maintenance bond is not transferrable and the new owner will need to supply their own. And lastly, that if City Council allows the subdivision to go private that a provision be set in the final agreement that would allow the streets to revert back to the City if not properly maintained to which the City Attorney can provide a clause to be written into the final Special Warranty Deed and the current code requirements give the City the authority to use the money in the existing HOA to recoup some costs or levy a tax on each individual homeowner to ensure that the streets are maintained properly. Mrs. Jones then presented that four items that remained for approval following the March 1st City Council meeting; that a private access amenity plan and landscape plan be submitted, that an amending plat showing the streets as private and indicating the required city easements be submitted which has been submitted and is currently under staff review pending approval based on City Council's decision, and that the updated Homeowner's Association documents be filed with the county. She stated that the applicant has been made aware that the Special Warranty Deed will not be issued by the City until those documents have been filed due to the fact that the City will be deeding the streets over to the HOA which cannot be done until the HOA actually exists. Mrs. Jones clarified that the filing of the plat does not convert the streets, the deed makes it official per the City Attorney. Mrs. Jones stated that the applicant is planning to submit the HOA documents within the next few weeks. She noted that Chapter 77, section 606 of the Rowlett Development Code addresses amenity plans and gives staff the opportunity to review in more detail access boxes, turn around radii in entrances for emergency interests, and landscaping and screening walls. Mrs. Jones stated that City staff from Planning, Engineering, and the Fire Marshal's Office have reviewed the plan in detail and are recommending approval. She noted that the turnaround located outside of the gate does not meet traditional fire lane requirements; however the Fire Marshal is recommending that it be striped as a fire lane to ensure that there is no parking. Emergency access will be provided by the internal turnaround and a Knox-Box on the gate so that emergency vehicles will have access to the subdivision at any time. Staff has also addressed proper queuing for cars waiting to enter the subdivision and the location of the proposed keypad. Mrs. Jones noted that the point of an amenity plan is to show any proposed HOA structures that may be present on the lot, in this case there are none, however the applicant is proposing a future boat dock to be maintained by the HOA and a sidewalk leading to the Take-Area providing access to that boat dock. When that is built, it will be reviewed under the Take-Area Ordinance regulations. She stated that the associated landscape plan did meet and in some places exceed the requirements of the code. Vice-Chairman Greg Landry inquired if the plans being submitted showed where the Fire Marshal's recommendation to stripe the turnaround as a fire lane had been implemented and Mrs. Jones responded that the Fire Marshal only suggested the striping and it was not a requirement but the applicant had indicated that they will stripe the turnaround and it is shown as a fire lane on the submitted plans. Commissioner Chris Cigainero asked if there was a guide that could be provided regarding the reserve fund for maintenance and Mrs. Jones stated that there was a specific calculation in the code and it is required to be in the HOA documents. Chairman Rick Sheffield noted that maintaining oil and mineral rights on the land was suggested by Alternate Carl Pankratz and that he felt it was a valid point and it protected the interests of the City. Commissioner Greg Peebles made a motion to recommend approval to City Council as presented. Alternate Robert Kittrell seconded the motion. Motion passed with a 7-0 vote.

D. PUBLIC HEARINGS

- 1. Continue a public hearing to consider and take appropriate action on a Conditional Use Permit (CUP) application to allow the operation of an Indoor Recreation and Entertainment Use for a portion of an existing building within an existing Planned Development with a Light Manufacturing/M-1 base zoning**

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district. The subject property is located at 2502 Lawing Lane, being Lot 5, Block B of the Highpoint Industrial Park Addition. (Case Number CUP11-514)

Commissioner Greg Peebles made a motion to remove the item from table. Commissioner Charles Alexander seconded the motion. Motion passed with a 7-0 vote. Marc Kurbansade, Senior Planner came forward to present the case. He stated that he had received notice from the applicant wishing to postpone the public hearing indefinitely. Mr. Kurbansade noted that the public hearing would be noticed again when necessary. Chairman Sheffield closed the public hearing and no action was taken.

- 2. Conduct a public hearing to consider and take appropriate action on a Replat application. The subject property is located at 5001 Chiesa Road, being a total of 3.352 ± acres, further described as proposed Lot 1R, Block A of the Meadow View Addition, situated in the James Hobbs Survey, Abstract No. 571, City of Rowlett, Dallas County. (Case Number RP10-475)**

Marc Kurbansade, Senior Planner came forward to present the case. He presented that the plat was presented and approved by the Commission in December 2010 however it was never filed with Dallas County. Since that point, in the process of satisfying other necessary requirements and approvals, it was determined an additional utility easement would be needed internally and along Chiesa Road. Mr. Kurbansade stated that the simplest recourse was to submit a replat before the Commission for approval and due to the fact that the property is zoned Single Family-10, a public hearing is required. He presented the existing plat and the proposed replat with the proposed fire lane easement and internal utility easement. He stated that notice was sent out accordingly to property owners within 200 feet with two returned, one in favor and one opposed, and staff, the Engineering and Fire Marshal's offices were recommending approval. Chairman Sheffield opened the public hearing and seeing no speakers closed the public hearing and entertained a motion. Chairman Greg Landry made a motion to approve the request as presented. Commissioner Joe Charles seconded the motion. Motion passed with a 7-0 vote.

- 3. Conduct a public hearing to consider and make recommendation on proposed text amendments to the following sections of the Rowlett Development Code: Section 77-807 (Conditional Use Permit); Section 77-902 (Regulations applicable to all Nonconformities); Section 77-507 (Public/Institutional and Commercial Building Standards); and Section 77-504 (Landscaping and Screening).**

Marc Kurbansade, Senior Planner came forward to present the case. He stated that the item was discussed at length in detail during the Work Session and he deferred to the Commission's preference regarding the level of detail for the presentation. Chairman Sheffield requested a brief summary of each point for those watching the meeting on video. Mr. Kurbansade presented that four sections of the code had proposed amendments; conditional use permits, nonconformities, building massing and façade, and landscaping. He stated that the amendments are being requested due to feedback from the public, staff level initiation, City Attorney review, Commission and City Council review, and general comments. He noted that the item was scheduled to be presented to City Council on June 21, 2011. Mr. Kurbansade presented the changes to each section beginning with the proposed transferability of Conditional Use Permits from one owner to another of a property if similar use remains followed by the changes to nonconformities to clean up discrepancies as it refers to uses, structures and properties as they are defined in that section of the code. He then addressed building massing and façade changes to allow eaved roofs to have external drains provided they are architecturally integrated into the design of the building and the extensive changes to the landscaping code including compatibility and perimeter buffers as they are defined and pertain to adjacent uses and classifications of thoroughfares.

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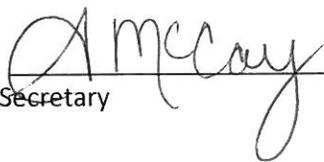
Chairman Sheffield stated that during the Work Session, some changes were discussed and the Commission would like for the item to be presented at a later time with those changes in place before making a recommendation to City Council and opened the public hearing. Chairman Sheffield asked for any additional comments from the Commissioners to be sent to Mr. Kurbansade no later than June 5, 2011 and Commissioner Greg Peebles made a motion to table the public hearing until the June 14, 2011 meeting. Commissioner Charles Alexander seconded the motion. Motion passed with a 7-0 vote.

E. ADJOURMENT

Chairman Rick Sheffield adjourned the meeting at 7:35 p.m.



Chairman



Secretary