

**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 5:45 P.M., AUGUST 8, 2011**

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

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

ABSENT:

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 6:30 p.m.

B. CONSENT AGENDA

1. Minutes of the Regular Meeting of July 26, 2011

Vice-Chairman Greg Landry made a motion to approve the Consent Agenda and Commissioner Charles Alexander seconded the motion. The motion passed with a 7-0 vote.

C. PUBLIC HEARINGS

1. Conduct a Public Hearing and consider approving an Ordinance to rezone the subject property from Mixed Use Downtown (MU-DT) to a Planned Development zoning district with an MU-DT base zoning district. The subject property is located at 3602 Main Street, being Lot 69 in the Town of Rowlett Addition, Dallas County. (PD11-521)

Commissioner Joe Charles asked for clarification on whether the Commission would be approving the ordinance or making a recommendation to City Council and Chairman Sheffield replied that it would be a recommendation. Marc Kurbansade, Senior Planner came forward to present the case. He stated that the property is currently zoned Mixed Use – Downtown and the use of the property was discontinued more than 180 days and no longer holds a nonconforming status. He noted that without the nonconforming status the site would be required to be developed according to the current zoning regulations and the Planned Development served to capture the existing building as the requirements for the lot with the base zoning district of MU-DT remaining in place and setting the majority of the code requirements with the exceptions listed in Exhibit D. Mr. Kurbansade showed a location map of the approximately fifty foot wide lot on the corner of Oliver Street and Main Street. He stated that the property was predominately surrounded by MU-DT zoning with Mixed Use – Town Square approximately five hundred feet to the east and Oliver Village nearby. He presented the concept plan showing the existing one story structure and existing parking on the south end of the site directly backing into Oliver Street. Mr. Kurbansade noted the discussion during Work Session regarding sidewalks both for patrons of the business and pedestrians walking downtown and the consideration of an ADA compliant sidewalk built internal to the site as well as a sidewalk built adjacent to Oliver Street. He presented photos of the site and reviewed the deviations from the current code that are being requested including minimum heights and zero setbacks that could not be obtained utilizing the existing

**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 5:45 P.M., AUGUST 8, 2011**

building. He stated that the conditions being proposed represented the lot in its current state. Mr. Kurbansade stated that of the notices mailed out, four were returned in favor and one opposed and further stated that staff would recommend approval with the stipulation that an ADA compliant sidewalk be built internal to the site and reviewed the conditions mentioned in the work session of a possible five year expiration date on the PD, a sidewalk to be built on Oliver Street for pedestrian traffic and the removal of any trees due to the construction of the sidewalk to be mitigated elsewhere on the site. Chairman Sheffield inquired if the landscaping being proposed already existed on the site or if it would be added and Mr. Kurbansade responded that it would be in addition to the existing landscaping on the lot. Chairman Sheffield opened the public hearing and recognized Michael Coker, 2700 Swiss Ave, Dallas, Texas as representative for the applicants to speak. Mr. Coker stated that the plan was to plant a large canopy tree towards the center of the site however if the existing trees are required to be removed, the proposed location of the canopy tree may need to adjusted to allow for the mitigation of those trees being removed. He stated that the expiration date of the PD would be agreeable if the Commission deemed it necessary. Vice-Chairman Greg Landry inquired if the owner was aware of the nonconforming use when the property was purchased and Mr. Coker responded that they were. Vice-Chairman Landry further inquired if the intent was to purchase the lot as an investment property and Mr. Coker was not able to speak as to the intent of his clients but was able to state that his clients had hoped to utilize the lot if possible until such time as the viability of the DART rail became an asset. Vice-Chairman Landry noted that though there was not a clear definition of the downtown area at this time the intent in the future was clear and the current one story existing structures did not meet that intent but could be used in the meantime to allow existing vacant building to be occupied. Vice-Chairman Landry suggested that the item be postponed to allow for questions regarding the sidewalks and expiration dates to be answered. Commissioner Cigainero expressed concerns about the delay and stated the he felt the Commission could proceed with the information provided to them. Mr. Coker stated that his clients would like to move forward as soon as would be possible. Commissioner Crawley expressed his concerns that should the Commission recommend an expiration date and then it is determined the Commission does not have that purview the item would not then be presented again to the Commission for a new recommendation. Chairman Sheffield inquired if an expiration date could be a condition of a PD and Erin Jones, Planning Manager stated that she believed it could. Commissioner Crawley stated that he did not think it could be done. Mr. Kurbansade noted that at the City's discretion the property could be rezoned at any time in the future and Chairman Sheffield stated that he believed it was within the purview of the Commission and that City Council could strike the expiration date if required. Commissioner Crawley stated that he was not comfortable making a decision for recommendation without the assurance of whether or not the Commission could impose an expiration date on the PD and suggested the item be postponed until further clarification could be obtained for this issue and more information regarding building materials. Mr. Coker suggested that the Commission may consider writing into the PD that on a certain date in the future the Planning & Zoning Commission will call a public hearing to consider the zoning on the property which would give the Commission a date to reconsider the zoning of the lot but would not be an automatic expiration date. Chairman Sheffield closed the public hearing and commented on the discussion during the work session pointing out the short time frame being proposed. He reviewed the options of the Commission possibly recessing to get in touch with the City Attorney or tabling the item to a date certain meeting. Vice-Chairman Landry stated that with the nonconforming building materials and the possible expiration date he would like more clarification and time to consider before making a recommendation. Commissioner Cigainero noted that Mr. Coker had no objections to postponing the item to a date specific time and agreed with Vice-Chairman Landry. Commissioner Peebles inquired if the Commission wished to go through each of the proposed deviations to reach a consensus on each. Chairman Sheffield listed each deviation one by one and some concerns were raised about the lap siding being permitted and Commissioner Crawley stated that the Commission could

**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 5:45 P.M., AUGUST 8, 2011**

impose a condition as to what type of siding they would allow. Commissioner Cigainero inquired if the proposed materials were available or if the repairs would be patched and Vice-Chairman Landry suggested the possibility of a better quality siding. Commissioner Cigainero stated that it would only have to last the duration of the PD and Vice-Chairman Landry noted that before the work session discussion the PD was proposed as long term. Commissioner Peebles continued outlining the deviations with agreement among the Commissioners as to the existing parking lot and proposed landscaping. Commissioner Cigainero inquired if the landscaping at the front of the parking lot was required even though the parking faced internal to the lot and Mr. Kurbansade responded that current landscaping code took precedence and parking lot screening was required by that code. Commissioner Crawley asked if the proposed shrubs were appropriate for this use and Mr. Kurbansade replied that they would be. Commissioner Crawley voiced concerns about the height of one floor in the event that the property is redeveloped before the expiration date of the PD and Mr. Kurbansade stated that the new development would be required to be approved by the Commission before work could commence. Commissioner Crawley stated that he would like to see a PD specific to the existing building only and in the event that the use is discontinued the PD would become null and void and Mr. Kurbansade clarified that what he was looking for would be to immediately rezone the property back to MU – DT as soon as the PD is approved so that the use is then legal nonconforming and only permitted for that one use. Commissioner Crawley stated he wanted an as built PD and Commissioner Alexander made a motion to table the item until the August 23, 2011 meeting. Commissioner Crawley seconded the motion. The motion passed with a 7-0 vote and the item was tabled.

D. ADJOURNMENT

Chairman Rick Sheffield adjourned the meeting at 6:55 p.m.

Chairman



Secretary

