



**City of Rowlett**  
**Meeting Minutes**  
**City Council**

4000 Main Street  
Rowlett, TX 75030-0099  
www.rowlett.com

**Planning and Zoning Commission**

*City of Rowlett City Council meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary at 972-412-6109 or write PO Box 99, Rowlett, Texas, 75030-0099, at least 48 hours in advance of the meeting.*

Thursday, October 25, 2011

5:15 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.

**Council Present:** Mayor Gottel, Mayor Pro Tem Phillips, Councilmember Davis, Councilmember Pankratz, Councilmember Miller and Councilmember Gallops

**Council Absent:** Deputy Mayor Pro Tem Kilgore

**Commission Present:** Chairman Sheffield, Commissioner Crawley, Commissioner Charles, Commissioner Alexander, Commissioner Jeffers, Alternate Commissioner Meyer, Alternate Commissioner Tune

**Commission Absent:** Vice-Chairman Landry and Commissioner Peebles

**1. CALL TO ORDER**

Mayor Gottel called the meeting to order at 5:15 p.m.

**2. INDIVIDUAL CONSIDERATION ITEMS**

**2A. Discuss upcoming out-of-town conference with regard to a Councilmember attending conference as prescribed in the Council Rules of Procedure.**

Councilmember Gallops gave a brief background regarding the North Texas Crime Commission Conference. He stated to adhere to the Council's travel policy, he would like to discuss the conference and seek Council consensus for a member of Council to attend.

Several members of Council voiced approval for Councilmember Gallops to attend the conference; two members of Council voiced concerns about attending the conference.

A majority of the Council approved Councilmember Gallops attending the conference and asked the City Secretary's Office to execute his travel arrangements.

### **3. CALL TO ORDER, PLANNING AND ZONING COMMISSION**

Chairman Rick Sheffield called the meeting to order at 5:20 p.m.

- 3A.** The City Council and the Planning and Zoning Commission shall conduct a joint public hearing. Following the hearing, the Planning and Zoning Commission shall deliberate and make a recommendation (final report) to the City Council, and the City Council shall deliberate and take final action on a rezoning request to rezone property to PD - Planned Development zoning district with an underlying Light Manufacturing (M-1) base zoning district for light manufacturing uses as well as single tenant office and human health services (limited to dental or medical offices or clinic) for property located at 3101 and 3105 Main Street, further described as Lots 15 and 16, Block 1 of the Toler Business Park Addition. (PD11-541)

Staff presented the case. As outlined in detail at the September 20, 2011 City Council Work Session and the October 11, 2011 Planning and Zoning Commission Work Session, staff is working on significant amendments to the development and use standards for the manufacturing zoning districts in order to make regulations more flexible for existing buildings. However, it is anticipated that the proposed revisions will not go into effect until January 2012 at the earliest. Harry Aston, the owner and applicant for 3101 and 3105 Main Street submitted a Certificate of Occupancy (CO) application for a medical office use on August 23, 2011. The properties are currently zoned Light Manufacturing (M-1) and office uses are prohibited. When staff denied the CO application they informed Mr. Aston that plans were underway to revise some of the regulations in the manufacturing districts, including a provision that may allow limited office uses. He indicated that if he had to wait until January he would lose the tenant. On September 20, 2011, Mr. Aston spoke during the Citizens' Input portion of the City Council meeting and expressed his concerns. Mr. Aston indicated that the current occupant of 3101 Main Street is an auto repair business with unsightly outdoor storage which is visible from the DART line. In addition, unlike some sites in the area he has room on his property to provide adequate parking for an office use and he wants to clean up the site and provide a use that that will bring value to the area. In a Council Work Session later than same evening, staff provided an overview of the proposed industrial overlay and proposed changes to the manufacturing zoning districts. Council provided a general consensus to proceed with the amendments as presented. Since Mr. Aston's request is generally in line with the overall proposed revisions, the Council indicated that they would support an expedited zoning process separate and apart from the overall amendments. The City Manager then directed staff to provide Mr. Aston with an expedited zoning process. She noted that while staff did expedite the zoning process, Mr. Aston was required to submit all applicable fees and documentation associated with a rezoning

request. The zoning request is for a rezoning from Light Manufacturing (M-1) to a Planned Development with an M-1 base zoning district. The intent of the Planned Development request is to accommodate light manufacturing uses, as well as single tenant office and human health services, limited to dental or medical offices or clinic, with a Conditional Use Permit (CUP). The proposed tenant is Alternative and Traditional Medical Center, which offers a variety of both medical and integrative health care services and is wishing to move to this location from their current space on State Highway 66. The associated ordinance was written to require a CUP for single tenant office and human health services, limited to dental or medical offices or clinic, after the 90<sup>th</sup> day from the effective date of the ordinance should there be a change in tenancy. This prevents the current applicant from having to go back through a separate CUP process following PD approval as long as a CO is issued for the Alternative and Traditional Medical Center within 90 days. In order to bring the proposed PD into alignment with the overall manufacturing standards proposed for future adoption, staff included language in the ordinance to allow the structure and property to stay as is, but gives the owner the flexibility to make some improvements that will not increase the non-conformity. Should the property owner wish to make improvements that exceed 50% of the appraised value, they will be required to bring the site completely up to the code standards in place at the time of the proposed improvement. Staff stated that one notice was returned in favor of the request and that staff recognizes that this PD is being used as an interim measure and recommends that it be rescinded when the overall manufacturing standards are revised. As mentioned throughout the presentations given on September 20<sup>th</sup> and October 11<sup>th</sup>, it is staff's goal to rescind as many PDs as possible in order to create unified standards for all manufacturing areas outside of the proposed industrial overlay district. The proposed PD was written to be in compliance with the proposed standards in order to allow for a seamless transition when the time comes to amend the overall manufacturing standards. Staff presented the concept plan showing adequate parking and stated that the Fire Marshal and the City Engineer had reviewed the plan and approved.

A member of Council stated the purpose of the joint public hearing was to expedite the process of the request for zoning change and inquired if the timeline was on target.

Staff stated that the timeline had been established at the September 20, 2011 meeting and it was now just over thirty days.

Council noted the flexibility and accelerated pace of this request.

The City Manager stated that staff had been given thirty days to complete the request and it was late by four days but a request of this nature typically requires 120 days.

Mayor Gottel invited Harry Aston, the applicant/property owner, to speak.

Mr. Aston stated that the tenant currently moving from the property had a large amount of outdoor storage and the proposed tenant would be a visual improvement to the area.

A member of the Commission inquired if any additional landscaping would be required for the property being near the future DART Rail.

Staff responded that no additional landscaping was proposed.

The City Manager replied that from that location on the DART Rail, the rail is elevated and looks down on the property and that the area would be paved and outdoor storage removed, aesthetic improvements sought were being met.

A member of the Commission noted that landscaping near the DART Rail was requested whenever possible; another member of the Commission inquired if the requirement of the Certificate of Occupancy being obtained within ninety days included all the paving and tenant finish-out and expressed concerns that the paving may not be finished due to inclement weather.

Staff affirmed that it was included and the applicant felt that it was possible to have everything completed in that timeframe.

A member of the Commission suggested that the deadline be extended an additional thirty days.

The public hearing was opened and closed at 5:31 p.m. with no one speaking.

Commissioner Charles Alexander made a motion to recommend approval to City Council. Commissioner Rosalind Jeffers seconded the motion. Commissioner Crawley requested the motion to be amended to allow 120 days instead of 90 for the issuance of a Certificate of Occupancy. The amended motion was accepted and passed by the Commission with a 5-0 vote.

**A motion was made by Mayor Pro Tem Phillips, seconded by Councilmember Miller, to approve the agenda item as read with the following change: to extend the Conditional Use Permit from 90 days to 120 days. This item was adopted as ORD-028-11. The motion carried by the following vote:**

**Ayes: 6 Mayor Gottel, Mayor Pro Tem Phillips, Councilmember Davis, Councilmember Pankratz, Councilmember Miller and Councilmember Gallops**

**Absent: 1 Deputy Mayor Pro Tem Kilgore**

- 3B.** Staff and the consultant team led by Hellmuth Obata Kassabaum LP (HOK) will provide the City Council and the Planning and Zoning Commission with an update regarding recent meetings with property owners and provide an overview of the scope for the second phase of the Realize Rowlett 2020 initiative.

Staff introduced the item by providing a brief update since the adoption of the Realize Rowlett 2020 plan. Stated that the Realize Rowlett 2020 plan was only the first step in proactively planning the City's future. Specific implementation measures were outlined requiring immediate action. The City is aware that there is a very limited timeframe to prepare for potential development opportunities, especially with the upcoming opening of President George Bush Turnpike (PGBT) and the Dallas Area Rapid Transit (DART). Stated that staff has begun Phase II of the process.

The City Manager clarified that the process included Phase I which has been completed and approved, an interim step followed by Phase II. It was noted that the interim step was comprised of meeting with property owners and potential developers and was currently ongoing in preparation for phase two.

Staff stated that the interim and Phase II portions of the plan seek to address communication and protecting the vision, focusing on the five subareas that have the most impact on balancing the City's portfolio. It was noted that through meetings with property owners and developer interests, the City will better understand their intentions for development and help to merge the visions. Community outreach programs were implemented in order to educate residents about smart growth and traditional neighborhood principles. Staff is working to prepare a zoning code and supportive tools consistent with the Vision and to prepare small area plans for each of the strategic opportunity areas. Staff is also developing design guidelines that identify character for future roads, pedestrian zones, structures, building location and materials.

Staff reviewed the five key opportunity areas that were identified either because a developer was ready to begin work, the return on investment was high or the City viewed it as an area that needed to be protected. The five key target areas are Area B-2: Woodside Living, Area C-1: Lakeside Living, Area D-1: Healthy Living, Area E-1: Signature Gateway, and Area E-4: Old Town. Phase II will include extensive education, detailed economic analysis of the five priority areas and the creation of citywide development standards, general concept plans for the top priority areas, and ultimately Form Based Code zoning standards to be adopted for each of the priority areas. Throughout this process, stakeholder input and public outreach will be of the utmost importance. Staff noted that the City hired Dennis Wilson, with Townscape as an extension of the HOK team. Mr. Wilson specializes in Form Based Code and Smart Code. In the short-term, he has been charged with leading the effort to educate staff, Planning and Zoning Commission, Council, and the Community in more detail about Form Based Codes. From a long-term perspective, he will be an integral part of the Phase II process as we work towards implementing these concepts.

Staff reviewed the necessary creation of citywide standards that would be the start of Phase II and gave examples. Staff described the next step of creating concept plans for the five key areas based on detailed economic analysis and the general concepts created under the citywide standards which will be included as an amendment to the Comprehensive Plan. After adoption of these concept plans, the next step will be the creation of the form based code zoning for the key areas that will be specific zoning standards adopted by ordinance. It will be at that point that the City will require the developer to provide the detailed regulating plan. The

Old-Town plan will be significantly more detailed in scope than the other four and by leveraging off the consultants' knowledge and the work they have done to date, the City can save time and money in the implementation of the area plan.

The City Manager stated that December 2012 is deadline for the plan and explained why the consultants were to remain through the end.

Staff presented the plan for public outreach and communication including joint meetings with the Planning and Zoning Commission and City Council, bi-weekly updates to both, and public meetings with the community.

A member of Council requested that any questions or surveys presented to the public come before Council in order to ensure that they are clear.

The City Manager responded that it has been addressed and will be done among staff and the consultants with the help of the Steering Committee to keep the process moving at an accelerated pace if Council is agreeable.

A member of Council inquired if there was any interest in bringing the questions before Council and received the consensus that staff, the consultants and the Steering Committee would be able to review those questions efficiently for clarity.

Staff recommended that the Steering Committee remain as is, replacing appointees as needed with the addition of two citizens as the Committee will serve as a sounding board before and after public hearing and prior to taking items to Planning and Zoning Commission and City Council for discussion.

The City Manager noted that the Steering Committee would take on a new role for Phase II to help explain the plan to the community.

A member of Council stated that this was the time to educate the community and get feedback from the citizens. Another member of Council shared some of the responses he had received from citizens and his experience and concerns about efficiently allocating space.

The City Manager stated that throughout the process it was going to remain a primary concern to educate everyone possible.

Staff explained how Dennis Wilson is able to make form based codes understandable to all. Staff detailed the upcoming public stakeholders meetings and possible methods of reaching the public for their input; introduced the idea of a committee comprised of development professionals to consult ensuring that the codes are not only useful but also embraced by the development community. Staff expressed the City's view that Old Towne should have a distinct identity and the possibility of a Steering Committee and public process separate from the rest of the plan.

The City Manager described that the downtown area affects all citizens and should be the community's plan even more than the other areas.

A member of Council stated that Councilmember Kilgore had indicated that the downtown should be the downtown the Rowlett has not had and present a desired stopping point as the end of the DART line.

A member of the Commission inquired about the thought process behind the separate steering committee.

Staff responded that downtown property owners and businesses were thought to have more of a vested interest and that components of the original Steering Committee would be used with the addition of some with vested interests.

The City Manager acknowledged that members of the Planning and Zoning Commission and the Council already on the Steering Committee would not change but that certain representatives would become more key in their roles than the past meetings had required. It was also noted that nonconforming structures in the downtown area would require transition and property owners would play a key role with their input.

A member of Council inquired how the property owners had responded in the meetings with staff and the consultants.

Staff responded that the consultants, Mark Bowers and Anne Ricker would go through each area and how the owners reacted in their presentation. Staff addressed the current Rowlett Development Code and noted that it would not be a possibility to rescind the code entirely so revisions were underway to enable it to be read in conjunction with the form based codes until it can be phased out.

It was stated the consultants would remain onboard after adoption to assist staff with implementation.

A member of Council asked what the proposed timeframe for the expansion of the Steering Committee was.

Staff responded that the contract should be presented to Council late November to be followed with a request to appoint the new members.

Mr. Bowers, HOK representative, and Ms. Ricker, Ricker-Cunningham representative, came forward to present the results of meetings held with property owners and developers in the four key development areas other than Old Town. Beginning with Area C-1, Lakeside Living, greater diversification and choice are key components of the plan in this area. Mr. Bowers noted that there is an existing Planned Development zoning for a large portion of this land with the concept plan showing traditional single family detached homes. Ms. Ricker presented a test fit concept

that showed a vision encouraging the use of the lake front property by all and bringing the water amenity into the development through water features.

The Council discussed the potential of the success of the site if it were developed similarly to the test fit and potential uses for the lake front area.

Mr. Bowers stated that discussion with the owner of the property included a note that through clustering the structures, many of the existing trees and other landscaping could remain on the site. Ms. Ricker described how they determined the value of the test fit and the value of the proposed Planned Development concept plan to show the developer there could be more with a model similar to the test fit.

A member of Council noted the value in differentiation and amenities.

Ms. Ricker expressed the need to protect the vision and not just accept the first thing to be offered. Ms. Ricker noted that this property is on the market and the owner was interested in the land transaction so further discussions with a potential developer may be necessary in the future.

The consultants continued with Area D-1, Healthy Living, and stated that the representatives from Lakepointe Hospital were in full support of the plan to bring a medical district and diversified housing to the area. Mr. Bowers stated that land owners in the area with the potential of redevelopment should be included in the discussions and expressed the need that even as parcels are divided, a master plan should be maintained for continuity. Ms. Ricker noted that the hospital expressed the need for housing for staff and possible hotels for visiting doctors. Mr. Bowers confirmed that all property owners involved in discussions for this area strongly supported the vision.

In Area B-2, Woodside Living, the developer's vision for the area is consistent with the Realize Rowlett 2020 plan for Town Center development with mixed residential and supporting retail.

The City Manager discussed the two streets for the area that would be part of the Master Thoroughfare Plan giving direct access to the area and talked about neighborhood services zoning.

A member of the Commission inquired if coordination with the City of Garland would be required for one of the two major streets for the area.

The City Manager stated she believed it would require the City of Garland to open a permit with the Texas Commission on Environmental Quality that the City of Rowlett would be responsible for paying for so that the road could pass through the landfill.

In Area E-1, Signature Gateway, two of the three property owners have been coordinating efforts in a limited manner and are interested in the Realize Rowlett 2020 vision for the site and would like to explore concepts further with the City.

The City Manager emphasized the variety of businesses that would be attracted to the area and supporting trades attracted to the population provided by those businesses. This must be a destination point due to the limited access to the area and few exit ramps along PGBT leading to the parcels. The third owner has been unreachable and the City Manager noted that staff understood the importance of communicating with him and will continue to try to make contact.

A member of the Commission voiced the need for a residential component in the area and suggested the possibility of a second tower for housing.

Ms. Ricker responded that it had been discussed the possibility of three towers with one being hotel accommodations and another residential, possibly utilizing the concierge services of the hotel. Mr. Bowers noted that though penthouse views were available in DFW, this would be the only penthouse view on the lake. Ms. Humble noted that if the Realize Rowlett 2020 Plan is done right, this could make Rowlett the place to live, shop and work.

A member of Council emphasized the need to get it done right to keep the support of the citizens and acknowledged those who had been developing the vision for many years.

A member of the Commission stressed the importance of public/private partnerships.

Mr. Bowers concluded that all stakeholders interviewed were willing to continue discussions with the City to further the implementation of the Realize Rowlett 2020 Plan and recommended the City do additional market analysis and development proforma for each area from a developer's perspective, prepare a concept plan for each area that responds to key opportunities and constraints on each site and results in a more detailed framework for future development and prepare citywide development standards and a form based code for each area.

The City Manager stated the goal was to have all of this done by September 2012 and discussed funding for Phase II.

Members of Council recommended caution when developing form based codes; expressed approval and support of the ideas; and cautioned against overspending but supported moving forward and requested all information provided to the public be clear and understandable.

A member of the Commission noted the importance of thorough communication throughout the project.

The City Manager noted a standing item on all agendas for updates.

A member of Council stated he felt it was the best use of funds to invest in the future of the City; another member of Council shared the responses he received from the public regarding the plan and expressed excitement over the upcoming progress.

4. **ADJOURNMENT**

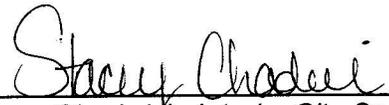
4A. City Council

Mayor Gottel adjourned the meeting at 7:35 p.m.

4B. Planning and Zoning Commission

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

  
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Todd W. Gottel, Mayor

  
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Stacey Chadwick, Interim City Secretary

Date Approved: November 15, 2011