

**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., SEPTEMBER 11, 2012**

PRESENT: Chairman Rick Sheffield; Vice-Chairman Greg Landry; Commissioners Charles Alexander, Greg Peebles, Joe Charles, Karl Crawley, Rosalind Jeffers

ALSO PRESENT: Alternate Jonas Tune

ABSENT: Alternate Ronald Meyer

STAFF PRESENT: Planning Director Erin Jones, Senior Planner Arti Harchekar, Planner II Michele Berry, Development Services Technician Ashley McCoy

A. CALL TO ORDER

Chairman Rick Sheffield called the meeting to order at 7:00 p.m.

B. CONSENT AGENDA

1. **Minutes of the Regular Meeting of August 28, 2012**
2. **Consider and take appropriate action on a final plat application. The subject property is generally located east of Dalrock Road and south of Liberty Grove Road, being 21.963 acres in the Harrison Blevins Survey Abstract No. 94, City of Rowlett, Dallas County, Texas. (FP12-614)**

Commissioner Greg Peebles made a motion to approve the Consent Agenda. Commissioner Karl Crawley seconded the motion and it passed with a 6-0-1 vote. Commissioner Rosalind Jeffers abstained from voting since she was not present at the August 28, 2012 meeting.

C. ITEMS FOR INDIVIDUAL CONSIDERATION

1. **Consider and take appropriate action on a final plat application. The subject property is located at 5000 Lakeview Parkway, being an unplatted 0.91 acre portion of Tract 14.1, Page 886 from the Thomas Lumley Survey Abstract No 789, Dallas County, Texas. (FP12-612)**

Michele Berry, Planner II came forward to present the case. She presented a location map and noted that a Conditional Use Permit (CUP) and preliminary plat request for Discount Tire were approved by the Commission on March 13, 2012. At the time of preliminary plat it was noted that the fire lane and drainage easements would not be wholly located on the Discount Tire property and separate instruments to record these easements would need to be filed. To ensure ease of locating the easements, Staff requested they be referenced on the final plat and are requiring that these instruments be filed before City signatures are obtained. Commissioner Crawley made a motion to approve the final plat contingent on the noted easements being recorded prior to signatures. Vice-Chairman Greg Landry seconded the motion and the motion passed with a 6-1 vote with Commissioner Peebles casting the opposing vote.

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2. **Conduct a public hearing and take appropriate action on an expansion of a Conditional Use Permit for a Spa Establishment with Massage and Permanent Cosmetics use within a General Commercial/Retail (C-2) zoning district. The subject property is located at 5700 Rowlett Road Suite 150, being a portion of the Concord Health Care addition. The subject business currently occupies a 3,211 square foot lease space and proposes to expand into an additional 2,017 square foot lease space. (CUP12-615)**

Michele Berry, Planner II came forward to present the case. She presented a location map and stated that on April 12, 2011 Body Enhancement Day Spa received a Conditional Use Permit for a "Spa Establishment with Massage and Permanent Cosmetics". The CUP specified a lease space of 3,211 square feet and the business is looking to expand into a second lease space to add an additional 2,017 square feet. Section 77-807.E of the RDC states that *any changes to the terms and conditions of approval of the conditional use permit that cannot be made using the minor modification process shall require separate review and approval by the planning and zoning commission. Any application for approval of such changes shall be filed, processed, reviewed, and approved or denied in the manner set forth in this section for the original application.* Ms. Berry reviewed the approval criteria and stated that Staff would recommend approval. Chairman Sheffield opened the public hearing and recognizing no speakers closed the public hearing. Commissioner Alexander made a motion to approve an expansion of a Conditional Use Permit for a Spa Establishment with Massage and Permanent Cosmetics use within a General Commercial/Retail (C-2) zoning district. Commissioner Crawley seconded the motion and the motion passed with a 7-0 vote.

3. **Conduct a public hearing and make a recommendation on a Planned Development rezoning request. The subject property is generally located at the northeast Corner of Vinson Road and Stonewall Road, being 227.9 ± acres situated in the Williams Blevins Survey (Dallas County Abstract Number 8), a part of the M. L. Price Survey (Dallas County Abstract 1115 and Rockwall County Abstract Number 257), a part of the Elisha Price Survey (Dallas County Abstract Number 1114 and Rockwall County Abstract Number 256), a part of the Atkinson Clements Survey (Dallas County Abstract Number 255), City of Rowlett, Dallas and Rockwall County, Texas. The applicant requests a zoning change from the current Single Family 40 zoning district to a Planned Development Zoning Overlay district for the purpose of developing a single family residential development with approximately 665 homes. (PD11-546)**

Erin Jones, Planning Director came forward to present the case. She presented a location map and gave a brief history of the proposed projects for the site. In 2003 a zoning case was initiated to rezone from Single Family 40 (SF-40) to a Planned Development (PD) with 10,000 sq. ft. lots and a minimum housing size of 2,100 square feet and the request was denied. Per David Berman, City Attorney, following the zoning denial the property owner, Mr. Bo Hoag, requested that his property be dis-annexed from the City. The City denied his request for dis-annexation and the property owner filed a lawsuit against the City. The City won the lawsuit and the property owner did not pursue rezoning the property again until 2010. On September 20, 2011 the City Council adopted the Realize Rowlett 2020 Comprehensive Plan. The plan designated the subject property as area C-2 "Family Life." On October 11, 2011 the property owner in conjunction with DR Horton submitted a formal rezoning request. In January 2012 Staff discussed a potential facilities agreement to upsize sewer lines with the City Council in an executive session and Council was generally in favor of the partnership. In February 2012 staff brought a request forward to discuss with the Council in an executive session regarding fire

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suppression systems as recommended by the Rowlett Fire Chief. Mrs. Jones noted that the option to waive impact fees with the requirement of the fire suppression systems was not favored by the City Council as the only impact fees to waive would be street impact fees and those would be needed in the event of roadway improvements for the area. This proposed PD application was submitted prior to the City's discussions on "interim residential standards" and the fiscal realities of the residential housing market in the City of Rowlett, which was discussed in detail at the Joint City Council and Planning and Zoning Commission meeting on April 19, 2012 and several times since. However, staff highly encouraged the applicant to attend the meetings and revise the submittal according to the feedback received. The applicant's original request was tabled indefinitely on May 8, 2012 in order to provide sufficient time to work towards meeting the interim standards. After working closely with Staff and Dennis Wilson of Townscape trying to meet the interim standards, the applicant requested a work session on July 24, 2012 in order to seek feedback from the Commission prior to proceeding with finalization of the plan and a formal public hearing. That submittal generally embraced the interim standards by including a mix of three building types dispersed amongst the proposed 665 lots. At the July 24, 2012 Work Session sixteen outstanding items were noted as remaining issues that needed to be addressed before Staff would be comfortable providing a formal recommendation regarding the amended submittal. With the exception of these items the submittal was deemed satisfactory. Mrs. Jones reviewed the major items and how the applicant has addressed them including a cross section of the buffer landscaping along Vinson Road, that the internal blocks be end capped similar to the surrounding blocks, that the landscaping buffer along the southern portion of the property be landscaped similarly to the northern portion and changes to the trail widths as requested. Mrs. Jones discussed the items that did not meet Staff's recommendation such as fences greater than 42 inches in height should not project into the side street setback beyond the building façade where as the applicant is requesting that fences be allowed no more than 17 feet from the street, fences should not exceed six feet in height and be at least three feet off the rear property line in the alley and the applicant requests an eight foot maximum allowable on the property line. She stated that Staff was originally recommending that all fences facing onto open space or streets be open picket however the applicant has shown that wood fences would be substantially screened from the right-of-way and Staff would be agreeable to allowing wood fences. She stated that Staff would recommend a seven and three foot setback requirement on the cottage lots to allow for architectural features such as roof eaves as opposed to the nine and one foot setbacks the applicant is proposing. Mrs. Jones reviewed the approval criteria and stated that as of Tuesday September 11, 2012 nineteen responses to the mailed notices were returned, two in favor and 17 opposed. The majority of the concerns are related to traffic and the smaller lot sizes. Mrs. Jones stated that all responses were from property owners outside the City of Rowlett City Limits. She noted that the City Engineer has reviewed a traffic analysis report and concurred with the conclusion of the report and deemed that traffic to and from the site would be mitigated through several access points and a traffic calming circle. She also noted that the water is supplied through the East Fork Special Utilities District and is not provided by the City of Rowlett. Commissioner Crawley inquired when the Merritt Road connector would be completed and Mrs. Jones replied that it is currently unfunded so there is not a specific date. Commissioner Peebles asked if the property around the subject property was annexed by the City and Mrs. Jones responded that it was not. Chairman Sheffield asked for clarification on the points of access for ingress and egress and Jim Proce, Managing Director of Public Works came forward to point out the points of access and multiple directions of travel. He stated that there was currently not much traffic in the area and the addition of the proposed homes would produce a noticeable increase in traffic but would not

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cause any foreseeable problems. Chairman Sheffield asked why the PD was being proposed when the Form Based Codes were so close to adoption and Mrs. Jones replied that she believed the applicant wanted to move forward and not wait. Vice-Chairman Landry inquired if setbacks were being reduced for the side and front yards in the interim standards and where fences in line with building facades were in relation to fences on lots with greater side setback requirements. Mrs. Jones responded that in the interim standards the setbacks for front and side have been reduced and stated that Staff felt this submittal was greatly improved over prior proposals. She also noted that a PD does not necessarily guarantee the same end product as a Form Based Code (FBC). A PD allows for a significant amount of flexibility without the stop gap measures that are incorporated into FBCs and Staff asked that should the Commission choose to recommend approval of this application staff recommends that it be with the conditions that the fence regulations are restored to the original language used in the interim standards, the setback requirements for the Casita and Cottage lots are restored to the original language used in the interim standards and all homes incorporate a fire suppression system. Commissioner Peebles noted the increase to 665 homes from the original proposal of 558 and Mrs. Jones stated that with the mix of housing types an increased density was inevitable. Vice-Chairman Landry asked if this was the only subdivision that the City was requiring fire suppression systems and Chief George Harris came forward to state that the current code required all houses greater than 5,000 square feet to have a fire suppression system however the location of the subject property causes delayed response times for the engines arriving second and third to support the responding station. This would hinder the ability to quickly contain the fire and with no future plans to build a fire station closer to the subject property, fire suppression systems in each home would greatly help to overcome the delay in response time. Commissioner Crawley inquired if with the adoption of Form Based Codes the need for fire suppression systems would become more prevalent and if the issue was with the distance between the houses and Chief Harris replied that though greater distances between homes helps to minimize damage from the fire spreading to the next lot, the issue with this property was really the distance from the responding fire stations and the PD request opens the option for the City to request additional requirements beyond the code. Vice-Chairman made a motion to remove the item from table. Commissioner Crawley seconded the motion and it passed with a 6-1 vote with Commissioner Peebles casting the opposing vote. Chairman Sheffield opened the public hearing and recognized Jerry Silo, JBI Partners-16301 Quorum Dr, Addison, TX to speak as agent for the applicant. Mr. Silo gave a short presentation addressing the traffic concerns and the outcome of the traffic impact analysis report. He addressed the concerns of Staff from the applicant's standpoint and explained why they were requesting some of the items that Staff was unable to support. Mr. Silo reasoned that these changes were for the benefit of the potential homeowners. He stated that he believed that Chief Harris had agreed to allow a dry pipe fire suppression system versus a wet pipe system to avoid potential issues with freezing and or leaking and requested that the Commission specify that a dry pipe system would be allowed. Commissioner Crawley asked if the applicants would be willing to commit to the design guidelines provided as an intent statement to eliminate the flexibility that Staff was concerned with and Mr. Silo responded that the design guidelines provided matched the interim standards in place until Form Based Codes were adopted. Commissioner Crawley inquired if the design guidelines could be attached to the PD request and Mrs. Jones replied that they would be attached but the way it was written would allow for the mix of building materials but would not actually require it and the PD would not require meeting with the future Urban Design Officer to ensure that the intent of the code is met. Vice-Chairman Landry asked where a fence line would occur on a nine-one setback lot and a seven-three setback lot and Mr. Silo gave a demonstration indicating fence lines

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would be behind the houses and not in the side yards. Commissioner Crawley inquired if there would be windows in the one or three foot setback sides of the house and Mr. Silo indicated there would not. Chairman Sheffield asked about the variation from the interim standards to allow more wattage on exterior lighting and Mr. Silo stated that the reason for that variation was to allow for a two bulb fixture for the security of the homeowners. Chairman Sheffield closed the public hearing and asked Staff if on the nine-one setback the concern was items such as roof overhangs and Mrs. Jones replied that architectural overhangs could not cross property lines and a three foot setback would ensure enough space. Commissioner Peebles expressed concerns with allowing the PD and stated that he felt it was in the best interest of the City to wait until the Form Based Codes are adopted. Chairman Sheffield stated that he had initially agreed but after hearing the Fire Chief's reasons for requesting the fire suppression systems, he agreed that the fire suppression systems were needed as the PD dictates. Commissioner Crawley stated that he felt they should approve the PD with some conditions so that the applicant could move forward with the project and not have to wait and that he thought this was very close to the Form Based Codes that were being discussed. Vice-Chairman Landry cautioned that builders do not always produce what is expected even though it still meets code. Commissioner Crawley suggested that the applicants be required to meet with the Urban Design Officer and Mrs. Jones noted that even if they meet with the Urban Design Officer and it is not what the City wants, if they are producing a product that meets the language of the PD, the City must allow it. Mrs. Jones suggested that Commission could make their recommendation with conditions and the City Attorney could verify the legality of those conditions before City Council votes. Chairman Sheffield voiced his general approval of the proposed request with the Staff recommended conditions and Commissioner Crawley made a motion to recommend approval of the Planned Development rezoning request with the Staff recommended conditions, requirement that proposed homes be reviewed by the future Urban Design Officer and inclusion of dry pipe fire suppression systems in each home. Commissioner Jeffers seconded the motion and the motion passed with a 5-2 vote with Commissioners Charles and Peebles casting the opposing votes.

D. ADJOURMENT

Chairman Rick Sheffield adjourned the meeting at 8:37 p.m.



Chairman



Secretary