

**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., NOVEMBER 13, 2012**

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

ALSO PRESENT: Alternate Tina Dorenbecker (non-voting member)

ABSENT: Alternates Jonas Tune, Ronald Meyer

STAFF PRESENT: Senior Planner Arti Harchekar, Planner II Michele Berry, Deputy City Secretary Stacey Chadwick

A. CALL TO ORDER

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

B. CONSENT AGENDA

2. Consider and take action on a preliminary replat request for a property located at 2600 Lakeview Parkway being further described as Lot 1, Block 1 of the Toler Industrial Park Addition to the City of Rowlett, Dallas County, Texas (PP12-619).
3. Consider and take action on a final plat request for a single residential lot located at 2407 Dalrock Road, being further described as a 0.234 acre tract of the William Crabtree Survey, Abstract 346, City of Rowlett, Dallas County, Texas (FP12-622).
4. Consider and take action on a final plat request for a property located at 5620 Rowlett Road being further described as a 0.545 acre portion of the R. Crist Survey, Abstract 225 and the U. Matthusen Survey, Abstract 1017, City of Rowlett, Dallas County, Texas (FP12-624).

Vice Chairman Landry made a motion to approve the Consent Agenda. Commissioner Karl Crawley seconded the motion and it passed with a 7-0 vote.

C. ITEMS FOR INDIVIDUAL CONSIDERATION

B.1 Minutes of the Regular Meeting of October 23, 2012.

Commissioner Michael Lucas requested that the minutes be amended to reflect that he was present at the meeting and to strike prior Commissioner Alexander from the attendance as he was no longer a member at that time. Commissioner Greg Peebles made a motion to approve the Minutes of the Regular Meeting of October 23, 2012 as amended. Commissioner Karl Crawley seconded the motion and it passed with a 6-0-1 vote with Commissioner Jeffers abstaining since she was not present at that meeting.

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- 1. Conduct a public hearing and make a recommendation regarding rescinding a Planned Development located at 5404 Kenwood Drive, further described at Lot 5A, Block A of the Luke's Landing Addition (PD12-592) and reinstating the previous General Commercial zoning classification.**

Michele Berry, Planner II came forward to present the case. She presented a location map and noted that on February 7, 2012 Council approved a resolution in support of the project with the understanding that support of the project does not indicate approval of a rezoning request and all required approvals will be required prior to constructing the project. On July 12, 2012 the Planning and Zoning Commission recommended approval to City Council with conditions that landscaping be enhanced and on July 17, 2012 the City Council voted to approve the Planned Development with the condition that landscaping be enhanced and that the main entry be rotated to face northwards. As was noted at the time of approval the development was contingent on state funding and Staff committed to the Council at that time that if funding was not received Staff would initiate rescinding the PD as soon as possible. In October, the applicant informed staff that they had not received funding and that the project would not be moving forward, therefore Staff is bringing forward a request to rescind the approved Planned Development zoning. Ms. Berry stated that of the notices sent out, three were received in opposition and noted that one of those three was received from the property owner requesting that the PD remain on the property since he is still looking for a senior living development. Commissioner Crawley inquired about a note in the minutes where City Attorney David Berman spoke of the language for deed restrictions and Ms. Berry responded that there were not deed restrictions on the property but that the property owner would privately regulate age restrictions for their residents and the zoning required Evergreen to be an 'age restricted senior independent living community'. Commissioner Peebles asked that if the PD were left in place if it would be valid for another two years and Ms. Berry replied that the way the code is written a PD expires after two years but that the language is misleading as a PD constitutes a change in zoning and must be rescinded when no longer applicable. Chairman Sheffield opened the public hearing and recognized Bill Foose, 3129 Hanover, Dallas Texas as a representative of the Stainback Organization who owns the property to request that the PD zoning remain on the property since they are still looking to develop a senior living community. Ms. Berry noted that the language of the PD would likely require that the zoning be reopened if there were any substantial changes to the site plan as written into the PD and stated that the options were to rescind the PD and reinstate the former zoning district or to wait the two years and if no progress were made to rescind the PD at that time. She stated that Staff had committed from the beginning to rescind the PD as soon as possible if funding was not granted. Seeing no further speakers, Chairman Sheffield closed the public hearing and Commissioner Jeffers clarified that if a new developer wanted to build anything different than the approved site plan they would not be able to under the current PD and Ms. Berry confirmed that the site plan was adopted as an exhibit of the PD and significant changes would require the zoning to be reopened. Commissioner Crawley asked for examples of significant changes and Ms. Berry gave a few examples including a change in the number of units, layout of the buildings and masonry requirements and stated any clear regulations written into the PD that were to be changed would require the PD to be opened again for review. Vice-Chairman Landry inquired if certain changes to the building shape would still meet the intent and Ms. Berry stated that if they would be changing the circulation on site the PD would need to be opened and the changes reviewed. Vice-Chairman Landry noted that the circulation is defined by the drainage easement on the

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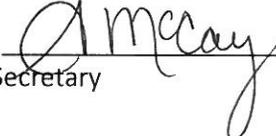
property and stated that he felt the site plan approval should be separate from the PD. Vice-Chairman Landry inquired why Staff was in a rush to rescind the PD and Commissioner Crawley stated he would like to see the PD ordinance and the approved site plan and noted the tax credit process. Ms. Berry noted that Staff was following through on their commitment to bring forward a request to rescind the PD as soon as possible if Evergreen did not receive their funding. Chairman Sheffield stated that he felt the site plan should be pulled from the ordinance without rescinding the entire ordinance. Arti Harchekar noted to the Commission that the applicant had stated they were also actively marketing the site for pad sites and using the site plan. Mr. Foose stated that the property owner would prefer that the entire property be taken and used by the senior living community but if they can't make that happen they would use the property for retail. Commissioner Crawley stated that he still had questions and would like Staff to provide more information and made a motion to table the item until the December 11, 2012 meeting. Commissioner Lucas seconded the motion and it passed with a 4-3 vote with Chairman Sheffield, Vice-Chairman Landry and Commissioner Charles casting the opposing votes.

D. ADJOURNMENT

Chairman Rick Sheffield adjourned the meeting at 7:26 p.m.



Chairman



Secretary