



City of Rowlett

Meeting Minutes

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

City Council Planning and Zoning Commission

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Thursday, October 4, 2012

6:00 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 Pro Tem Phillips, Deputy Mayor Pro Tem Gallops, Councilmember Pankratz, Councilmember Davis

Council Absent: Mayor Gottel, Councilmember Kilgore, Councilmember Miller

Commission Present: Chairman Sheffield, Vice-Chairman Landry, Commissioner Lucas, Commissioner Peebles, Commissioner Charles, Commissioner Crawley, Alternate Commissioner Tune, Alternate Commissioner Meyer, Alternate Commissioner Dorenbecker

Commission Absent: Commissioner Jeffers

1. CALL TO ORDER

1a. Mayor Pro Tem Phillips called the meeting to order at 6:00 p.m.

1b. Chairman Sheffield called the meeting to order at 6:00 p.m.

2. WORK SESSION ITEMS

- 2a. Staff and the consultant team led by Hellmuth Obata Kassabaum LP HOK will provide the City Council and Planning and Zoning Commission with an update regarding the Realize Rowlett 2020 Phase II Planning Process.

Erin Jones, Planning Director came forward to give a brief summary of the process to date and noted the process began in 2010 with the intention of updating the Comprehensive Plan to acknowledge the President George Bush Tollway, the new DART Rail Station and the significant shift in the economy. She stated that due to the fact that the City was substantially built out, a traditional Comprehensive Plan was not needed and this was an opportunity to examine the remaining land and try to balance the City's portfolio of assets to ensure all new development opportunities contributed to long term fiscal sustainability. The new Comprehensive Plan was adopted on September 20, 2011 and set the guiding

principles for new and redeveloping sites. Mrs. Jones explained that the City's chosen method for implementing the vision established in the comp plan is through Form Based Codes. She reviewed the four key areas targeted for the adoption of Form Based Codes and stated that Form Based Codes would allow for the creation of great places with value while minimizing bureaucracy.

Mrs. Jones gave an overview of the outstanding Form Based Codes issues starting with open space requirements. At one of the first Joint Work Sessions, Deputy Mayor Pro Tem Kilgore stated that he felt twenty percent open space would be a good amount. She stated that Staff wanted to ensure the value and encourage usability of open space and noted that developers in Form Based Code areas typically spend 25-45% more on these types of developments. She also highlighted other standards within the City that would raise costs for investors such as more stringent concrete regulations due to soil conditions. Mrs. Jones stated that based on studies and recommendations from the consultant team, Staff would recommend a requirement of fourteen percent open space, with a minor warrant allowable for no less than ten percent and a major warrant required for less than ten percent. Councilmember Davis asked how much open space Hometown, seen on the Development Tour, had and Mrs. Jones responded that Hometown had 11.4 percent privately maintained open space and the floodplain provided an additional 7 percent City maintained open space. Councilmember Davis inquired if the recommended fourteen percent would still allow up to half to be floodplain and Mrs. Jones stated that it would and noted that the only time that twenty percent would be a feasible requirement is with the inclusion of large floodplain areas. Mrs. Jones stated that though the recommended requirement would be less, the code would be more stringent on what could be considered open space including conditions that only half of the requirement could be met using floodplain, all open space must be fronted on by homes, open space must be at least twice the size of the average lot width, and that at least eighty percent of homes must be within eight hundred feet walking distance from the open space. She also stated that the RDC did not currently set a percentage requirement for open space in developments. Lynda Humble, City Manager stated that if a higher percentage of open space was important to Council it may be worthwhile to look at the current code and make the changes there instead of through the Form Based Codes where higher value products are inherent with the code. Mayor Pro Tem Phillips noted that it was important to make open space usable and Mrs. Jones responded that the floodplain provision was already written into the code and the decision had been made not to allow a developer to count Take Area towards their requirement since that land was not owned by the property owner or the City of Rowlett. Councilmember Pankratz commented that he liked the pragmatic approach being taken but stated that developments should contain as close to fourteen percent as possible and minor and major warrants used sparingly. Commissioner Peebles inquired who would approve minor warrants and Mrs. Jones replied that it would be reviewed by the Urban Design Officer for a recommendation and final approval by Staff. Drew Howard, Advisory Committee Member, asked if the open space requirements would prevent lots of land placed at the back of developments and Mrs. Jones responded that developers could have vacant spaces if they chose but it would only count toward the open space calculation if it met all of the requirements. Vice-Chairman Landry asked if detention ponds would count toward open space and Mrs. Jones stated that it would if all other requirements of the code are met, and that Staff would encourage, but not require ISWM standards. Commissioner Crawley encouraged amending the Rowlett Development Code to focus on standards that increase the value of open space instead of strict percentage requirements when considering code revisions outside of the Form Based Code districts. Gregory Craig, Advisory Committee Member, inquired how the City was looking at the ISWM standards and low impact development standards and Mrs. Jones replied that Staff has chosen to at this time consider the ISWM standards as highly encouraged but not required until further information is available and the standards can become more widely known and accepted and noted that the codes could be amended at that time.

Mrs. Jones continued with tree mitigation requirements. She stated that it would be highly encouraged to save large specimen trees (oak, elm, and pecan species only) on development sites and a one for one

credit for saved specimen trees over eight caliper inches. Developers would be able to deduct dying trees and would receive credit for trees placed in streetscapes, along trails or in open space. She noted that a four to one credit would be given for saved oak, elm or pecan trees and stated that as additional zoning categories are added to the code in the future, tree mitigation requirements will be reviewed for each category. Mrs. Jones discussed a possible sustainable mitigation allowance in the Urban Village District permitting developers to either follow the tree mitigation requirements as written into the code or to save at least twenty percent of the existing canopy with at least ten percent being specimen trees and provide a structural system including amended soil for optimal tree growth and retention of storm water for street trees, mitigation requirements will be waived. Chairman Sheffield inquired if the only option for not mitigating onsite was to pay into the Reforestation Fund and Mrs. Jones stated that typically trees mitigated offsite became the responsibility of the City to maintain and it was more efficient to let the City determine when and where to plant to maximize the ability to maintain them. Vice-Chairman Landry recommended using different categories based on the caliper inch of each tree to determine mitigation credits and Mrs. Jones stated that it had been discussed and Staff would try to refine the possibilities. Gregory Craig expressed the importance of saving the larger trees that cannot be replaced through planting and Councilmember Davis requested refinement on the code and agreed on the importance of saving as many large trees as possible. Councilmember Pankratz noted that tree mitigation requirements would vary from district to district and voiced his preference that Signature Gateway retain as many of the existing trees as possible and Mrs. Jones stated that the intent of Form Based Codes was to work with the natural topography of sites.

Mrs. Jones then covered major and minor warrants. She stated that Staff would recommend major and minor warrants be permitted as proposed to allow for flexibility when working with developers. She stated that minor warrants are intended to be used when almost any requirement in the code is to be varied by a small degree and still meets the intent of the code where as major warrants are greater variations and would need approval from Council. She reviewed some of the code requirements that specifically called for major warrants for deviations. Commissioner Crawley inquired if fence heights would be eligible for warrants to allow for higher fences along the outside perimeters of Form Based Code districts where they abut existing neighborhoods with 8 ft. fences. Mrs. Jones responded that Staff would look into the possibility. Deputy Mayor Pro Tem Gallops asked if there was the possibility of a developer requesting so many minor warrants that the code would no longer regulate the development and Mrs. Jones replied that at that point the development would no longer meet the intent of the code and the developer would have to seek major warrants for Council's approval. Mayor Pro Tem Phillips inquired if the list of minor warrants was all inclusive and suggested that other items may need minor warrants and Mrs. Jones stated that the only items in the code not eligible for minor warrants when necessary were those items specifically requiring a major warrant. Councilmember Davis addressed citizen concerns about allowing administrative approval by stating that the code would be as clear on intent as possible and as long as developers stayed within those regulations the development process would go much more quickly and noted that under the current code development following the code regulations were not reviewed by the Commission and Council but are approved by Staff. Councilmember Pankratz asked how the appeal process would work and Mrs. Jones responded that a case would go before the Planning & Zoning Commission for a recommendation and then to City Council for approval. Councilmember Pankratz noted that though types of allowed materials would be regulated by the code style would not and Mrs. Jones stated that the code would allow different types of materials to be used if they were durable and as new durable materials are discovered they can be added to the list of allowed materials for construction. Vice-Chairman Landry agreed with the use of different materials but inquired if the code regulated how much of each type could be used on a single structure and Mrs. Jones replied that the intent was to use no more than three materials but did not specify that a structure must have more than one material and noted the no repeat requirement that ensures variety among structures. Vice-Chairman Landry inquired what the definition of a repeat façade would be and Dennis Wilson, Townscapes replied that each façade

must be substantially different using porches, roof shapes, and articulations, etc. Mayor Pro Tem Phillips cautioned against regulating materials too strictly. Councilmember Davis agreed and Vice-Chairman Landry asked if colors would be regulated. Mrs. Jones responded that they would not be regulated to allow flexibility and creativity. Mrs. Jones asked if the Council and Commission were agreeable to signage falling under minor warrants and received a consensus that they were.

Mrs. Jones addressed concerns about the functions and authority of the Urban Design Officer (UDO). She stated that the UDO would serve as a recommending body to Staff and Staff has the responsibility and control of what comments are relayed to the applicant and what gets approved. The UDO will offer a third party unbiased prospective and allow for consistency in the event of Staff changes. Councilmember Davis inquired if the UDO would be a City employee and Mrs. Jones responded that they would be a third party consultant. Lynda Humble stated that the UDO would be a contracted position to interpret policy and would allow for input from Council and the Commission when selecting candidates for the UDO.

Mrs. Jones asked for further comments and Councilmember Pankratz inquired if there should be a severability clause. David Berman, City Attorney responded that before the code was adopted he would write in all of the necessary legal paragraphs. Mrs. Jones reviewed the final adoption process and the sub-area plans that will be adopted as amendments to the Comprehensive Plan and assured that great care will be taken to not create undevelopable lots. Chairman Sheffield asked if Staff had calculated the open space percentages on the sub-area plans to be adopted and Mrs. Jones stated that the exact calculations had not be done but that if adjustments needed to be made throughout development to meet the code requirements they would. Councilmember Davis noted the amount of work done on the plans throughout the process and thanked all Staff and consultants.

Anne Ricker, Ricker I Cunningham came forward to present the Downtown plan. She presented the study area and noted that it extended north of DART and east of PGBT. She discussed the transition from naming the area Old Town to Downtown and stated that it is important to remember that it is a downtown that happens to include a transit station, but must also function independently of the station. She reviewed the methodology used to formulate the downtown regulating plan and discussed the fiscal importance of having a healthy downtown. Mrs. Ricker noted the role of transit as an anchor and gave statistics for typical developments and demographics near rail stations. She addressed the existing industrial and non-conforming uses and stated that those uses and structures would be allowed to continue until redevelopment occurs. She presented maps of various statistical data, demographics and psychographics within the City's trade area as part of the conditions analysis of the downtown area. She reviewed the development and design goals recommended by the Downtown Task Force and the plan principles and elements. She analyzed the challenges that the Downtown Plan will face and presented case study results to demonstrate reasonable expectations and returns. Mrs. Ricker discussed the possible percentage of gap that the City would have to fill and how that number was calculated then noted possible tools and strategies for the City to minimize that gap. Councilmember Pankratz inquired how much the City should have to give from a practical perspective as projects come forward and Mrs. Ricker responded that the City was going in the right direction to allow flex space on the ground floors to accommodate different users as the market changes. She presented the guiding principles that will govern the code for Downtown and the recommended priority strategies for the City and then specifically Downtown. She noted that the existing nonconformities codes have made some uses and buildings difficult to use and have encouraged very little maintenance of buildings and stated that the new code will allow those uses and building to become useful again until total redevelopment occurs. Chairman Sheffield inquired how nonconformities that are outside of the subarea plan would be treated and Mrs. Jones replied that Staff would be working to rezone those properties accordingly following the adoption of the Form Based Code. Councilmember Pankratz noted that the current code prohibits the sale of alcohol in residential zoning districts and asked how that would be handled in the Downtown area with

restaurants and surrounding mixed uses and asked if variances allowed by the State Law could be treated as major or minor warrants. He also inquired how the laws would affect uses surrounding the hospital and Commissioner Crawley responded that it only affects public hospitals not privately run hospitals. Lynda Humble stated that the State Law mandated a three hundred foot perimeter around any establishment serving alcohol but that Staff would be bringing to Council a proposed appeals process for any business falling at 301 to 1000 feet that would allow each case to be reviewed individually. Councilmember Pankratz noted the provision that any business within one thousand feet with intent must notify GSD and Ms. Humble responded that it was a courtesy notice only and Council could decide how much weight to give their responses. Mrs. Ricker presented the Downtown Regulating Plan and the zoning amendment intent statements.

Mrs. Jones asked for any final comments or questions and seeing none noted the Planning & Zoning Public Hearing is scheduled for October 23, 2012 and the City Council Public Hearing is scheduled for November 6, 2012 with possible adoption occurring that night. With that she thanked the Commission, Council, Advisory Committee, and Task Force for their time and dedication throughout this process.

3. ADJOURNMENT

3A. City Council

Mayor Pro Tem Phillips adjourned the meeting at 8:27 p.m.

3B. Planning and Zoning Commission

Chairman Sheffield adjourned the meeting at 8:27 p.m.