

**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., FEBRUARY 26, 2013**

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

**ALSO PRESENT:** Alternates Ronald Meyer (non-voting member), Tina Dorenbecker (non-voting member), Jonas Tune (non-voting member)

**ABSENT:**

**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 February 12, 2013.**
2. **Consider and take action on a Final Plat request for AECW Rowlett Carwash, located at 2600 Lakeview Parkway and being a Replat of Lot 1, Block A, of the Toler Industrial Park Addition to the City of Rowlett, Dallas County, Texas. (FP13-642).**
3. **Consider and take action on a Final Plat request for Phase I of the Springfield Commons Addition, located at 5 Gordon Smith Drive and being a Replat of Lot 5, Block A, of the Home Depot Addition to the City of Rowlett, Dallas County, Texas. (RP13-638).**

Vice-Chairman Greg 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**

---

1. **Consider and conduct a public hearing on a revised Conditional Use Permit to expand an existing office use in a 8,657 square foot lease the business into an additional 3,012 square foot lease space and to begin a new "medical office or clinic" use in the General Commercial/Retail (C-2) zoning district. The subject property is located at 5700 Lakeview Parkway, Suite 100, being Lot 2R, Block A, of the Concord Healthcare Addition to the City of Rowlett, Dallas County, Texas. (CUP13-640).**

Michele Berry, Planner II came forward to present the case. She presented a location map and stated that Berry Family Services, an existing Rowlett business, was granted a CUP for an "Office" use to locate into a 8,657 square foot lease space at 5700 Rowlett Road on June 26, 2012. Now, they would like to expand into the adjacent 3,012 square foot lease space at Suite 100 and add "Medical Clinic Use" to the building to see patients in-house for various therapy appointments. The RDC states a Conditional Use Permit (CUP) is required for a "Medical clinic" in the C-2 Zoning District and a revised CUP is also required to the expansion of

**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., FEBRUARY 26, 2013**

the office use. Ms. Berry presented photos of the proposed new layout of the space and gave a brief description of the types of services the applicant provides their patients. She reviewed the approval criteria and stated that Staff would recommend approval. Commissioner Crawley verified that the requirement for a CUP for Medical Office in C-2 zoning would be removed with the upcoming code revisions. Chairman Sheffield opened the public hearing and seeing no speakers closed the public hearing. Vice-Chairman Landry made a motion to approve the revised Conditional Use Permit to expand an existing office use in a 8,657 square foot lease the business into an additional 3,012 square foot lease space and to begin a new "medical office or clinic" use in the General Commercial/Retail (C-2) zoning district. Commissioner Crawley seconded the motion and it passed with a 7-0 vote.

- 2. Consider and make a recommendation on an amended tree mitigation plan and related tree removal permit application for more than three trees associated with the Mallard Reserve Subdivision. The subject property is 7.7± acres of land located north of Lakeview Parkway on Scenic Road, 430± feet north of Chimneywood Drive, along the west shoreline of Lake Ray Hubbard.**

Erin Jones, Planning Director came forward to present the case. She stated that the subject property is 7.7± acres of land, 15 single family lots and adjacent to, but not included in Realize Rowlett 2020 Healthy Living opportunity area. She noted that the preliminary plat was approved on March 23, 2004 along with the initial Tree Survey Preservation Plan and the final plat was approved October 12, 2004. An amended Tree Survey Preservation Plan was approved on January 23, 2007 and after several ownership transitions a revised Tree Survey and Preservation Plan was approved administratively on July 31, 2012 as only two trees were proposed for removal and sufficient credits remained from the original plan. Mrs. Jones reported that on November 26, 2012 a neighbor called in to say that three trees were illegally cut down. Staff went to inspect and found three protected trees that were required to be preserved according to the revised Tree Survey and Preservation Plan had been removed. These trees were removed in accordance with the grading shown on an approved drainage plan. Mrs. Jones noted that Mallard Reserve was initially intended to be a custom home subdivision. Thus the tree preservation/mitigation plans approved in 2004 and 2007 primarily focused on the common areas, leaving the trees on the pad sites to be mitigated by the future home builders. Representatives from M Christopher have stated that they assumed the trees could be removed by right due to the fact that a grading plan was previously approved that would require the removal of the trees to meet the terms of the grading plan. However, the drainage plan and the tree preservation plan are separate and the tree preservation plan should have been amended prior to removal. To correct the previous error of removing trees without proper permit and to remove additional trees the applicant has submitted a revised Tree Preservation Plan and Landscaping Plan. Though they are proposing to mitigate nine trees onsite, they are also requesting waiver of mitigation and mitigation fees for the remaining 30". Mrs. Jones reviewed the trees proposed to be removed and the mitigation required for each and noted the 32" remaining credit from the original plan leaving 30" to be mitigated for at this time. She noted the requirements set forth in Sec. 77-508 of the Rowlett Development Code and stated that Staff would have supported the request had it come forward in a legal manner namely because the removal was required in order to conduct anticipated activities on the site and no reasonable accommodation could be made. Based on the site constraints and for the sake of healthy tree growth Staff is supportive of waiving the remaining mitigation requirements on site and due to the complex history, Staff would be supportive of waiving the payment of fees in lieu of mitigation and/or off site mitigation in light of the complex history of this site should the Council see fit to do so. Commissioner Crawley inquired when the last revisions were made to the Tree Mitigation requirements and Mrs. Jones responded that they were revised in 2010 and would also be in the upcoming revisions. Commissioner Peebles inquired if the development plans should have been resubmitted with the ownership changes and Mrs. Jones

**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., FEBRUARY 26, 2013**

responded that the property was straight zoning and the development plans were tied to the property and not the owner so as long as each new owner was willing to follow those plans they did not require resubmittal. Chairman Sheffield reviewed the components of the recommendation and Commissioner Peebles stated that he would like to see the mitigation trees planted elsewhere instead of waiving the mitigation entirely. Mrs. Jones clarified that the applicant has proposed to mitigate onsite for the three trees removed illegally and the waiver of mitigation requirements would be for the additional trees to be removed with revised Tree Survey Preservation Plan. Commissioner Crawley inquired if any fines were imposed for the illegal removal of the three trees and Mrs. Jones responded that fines were imposed and the applicant/owner is currently working through those legal proceedings. Chairman Sheffield agreed that the trees should be planted elsewhere on City property. Commissioner Crawley asked if the trees would be required to be planted within a certain distance of the subject property or if the applicant could possibly set up an account with the tree farm so that the City could draw from that account to plant when seasonably appropriate. Mrs. Jones responded that the code currently only allows for four options and Council has the authority to select which option to allow. Vice-Chairman Landry inquired if the fees collected in lieu of mitigation went into a mitigation fund or the general fund and Mrs. Jones replied that money collect in lieu of mitigation went directly into a specific Tree Preservation Fund. Commissioner Crawley requested the amount in that fund be provided to the Commission at a later date. Commissioner Lucas made a motion to recommend approval of the tree removal application with no waiver of the mitigation requirements. Commissioner Crawley seconded the motion and it passed with a 7-0 vote.

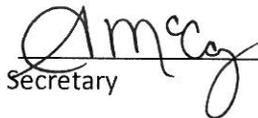
**D. ADJOURMENT**

---

Chairman Rick Sheffield adjourned the meeting at 7:22 p.m.



Chairman



Secretary