

**MINUTES OF THE WORK SESSION AND REGULAR MEETING
OF THE PLANNING & ZONING COMMISSION
OF THE CITY OF ROWLETT, TEXAS, HELD IN THE MUNICIPAL CENTER
4000 MAIN STREET, AT 6:00 P.M., January 12, 2016**

PRESENT: Chairman Michael Lucas, Vice-Chairman Jonas Tune, Commissioners James Moseley, Thomas Finney, Chris Kilgore, Lisa Estevez, Alternates Stephen Ritchey, Kim Clark

STAFF PRESENT: Director of Development Services Marc Kurbansade, Principal Planner Garrett Langford, Urban Design Manager Daniel Acevedo, Development Services Coordinator Lola Isom

WORK SESSION

i. Call to Order

Vice Chairman Michael Lucas called the Work Session to order at 6:00 p.m.

ii. Discuss items on the regular agenda

Vice Chairman Lucas asked that staff provide a short overview of each item on the regular agenda.

Garrett Langford, Principal Planner, provided the update from staff. He reminded the Commissioners of the upcoming North Texas Planning Symposium training to be held on Friday, January 15, 2016, at the Garland Event Center and asked those that signed up to pick up their tickets from him after the meeting.

Mr. Langford then gave the Commission the opportunity to discuss the election of Chairman and Vice-Chairman. The Commission chose to defer that discussion to the regular meeting.

Mr. Langford then begin providing an overview of each item on the agenda. There was no discussion for item B.2, the Final Plat for Munoz Addition.

He provided a brief summary of item C.1, a Special Use Permit (SUP) request for an accessory building located at 2905 Weems Way. He stated that this request is unique in that there are additional deed restrictions in place for this neighborhood. While the City does not inforce deed restrictions, staff did inform the applicant that he needed to talk to his neighbors regarding the deed restrictions. The applicant chose to proceed with a design option that does not meet the deed restrictions and as such staff is recommending denial. In addition, he clarified that two of the public hearing responses included in the packet that were marked "in favor" were changed as of the day of the meeting when the

**MINUTES OF THE WORK SESSION AND REGULAR MEETING
OF THE PLANNING & ZONING COMMISSION
OF THE CITY OF ROWLETT, TEXAS, HELD IN THE MUNICIPAL CENTER
4000 MAIN STREET, AT 6:00 P.M., January 12, 2016**

property owners visited city offices to revised their responses by marking “in opposition” to the request. Mr. Langford then asked if the Commission wanted to have any additional discussion this time. Commissioner Lisa Estevez asked which standards take precedence between lot coverage and the maximum accessory building size since in this case there is plenty of lot coverage to accommodate the request, but the proposal is significantly larger than the base accessory structure standard. Mr. Langford explained that one does not carry more weight than the other and in order to be approved it would have to meet both requirements and the SUP process allows the Commission and Council to factor in circumstances such as lot size. Vice-Chairman Lucas reiterated that the applicant had produced a plan that would be in conformance with the deed restrictions, but is choosing to proceed with the one that is not. Commission James Moseley stated that based on the staff report it was his understanding that staff would consider changing their recommendation to approval if the plan meeting the deed restrictions moved forward. Mr. Langford confirmed that those comments were accurate. Marc Kurbansade, Director of Development Services, interjected that based on the number of responses received from the neighbors this will be a case that staff monitors to determine if a super majority vote will be required at City Council. There were no additional questions or discussions on this item.

Mr. Kurbansade provided the overview for item C.2, the North Shore South rezoning case. He stated that the subject property falls within the Northshore area in the Comprehensive Plan and then more specifically within the North Shore South Zoning District. He stated that the proposed rezoning is in line with the Comprehensive Plan as it calls for low to moderate density single family homes in this area. He said that when evaluating the proposal, staff focused on what the important items were at the time of the North Shore South rezoning, which included: buffering the existing homes on Larkin Lane from the shift in density that would take place to the north. This was accomplished through adopting a Rural Neighborhood zoning district adjacent to Larkin Lane and then transitioning directly to the Urban Neighborhood District to the north at the time of the North Shore South adoption in 2014. Mr. Kurbansade stated that in reviewing this from a different perspective it would seem that the jump from Rural to Urban Neighborhood left out an obvious transitional zone in that the New Neighborhood District is more dense than Rural, but less dense than Urban Neighborhood. He stated that both scenarios meet the intent of the Comprehensive Plan as both are considered low to moderate density residential product types. He then discussed the market demand for Rural Residential lots stating that there is an estimated absorption rate of one to two homes every two to three months. He stated that developers who have shown interest in this area have conveyed that in order to develop under the current zoning they would have to consider the Rural

**MINUTES OF THE WORK SESSION AND REGULAR MEETING
OF THE PLANNING & ZONING COMMISSION
OF THE CITY OF ROWLETT, TEXAS, HELD IN THE MUNICIPAL CENTER
4000 MAIN STREET, AT 6:00 P.M., January 12, 2016**

Residential lots “throw away lots” and focus on developing the Urban Neighborhood lots due to market conditions, which ultimately does not create a neighborhood atmosphere as is the intent of the comprehensive plan. Those discussions with developers and the property owner lead staff to contemplate how the intent of the code can be met, while providing adequate buffers for the adjacent neighbors on Larkin Lane, and meeting current market demands. The New Neighborhood District with a heavily landscaped 40 foot buffer is a viable option to achieve all three of those objectives. He provided an overview of the warrant request to go from 49 foot lots to 50 foot lots in the Cottage Category and allowing larger homes to be built than the base standards.

Commissioner Moseley asked for clarification about density. Mr. Kurbansade said that the New Neighborhood District is in essence the average of the Rural and Urban Neighborhood Districts, but will end up being slightly less dense than the current zoning because Urban Neighborhood is such a dense district. Commissioner Thomas Finney asked what the surrounding zoning was. Mr. Kurbansade answered that it is SF-40 to the south and then Urban Neighborhood leading up to Commercial Center to the north towards Merritt Road and PGBT. This is the only Rural Neighborhood area in the North Shore South District. Commissioner Finney stated that as he sees it, the current zoning does not truly provide a transition to the denser zoning district to the north, but rather provides a progression from low density to low density to high density. Whereas the New neighborhood proposal will allow for a transition from low density to medium density to high density.

iii. Adjourn

With no further discussion Vice-Chairman Lucas adjourned the work session at 6:25 p.m. and stated that the Commission would reconvene in the Council Chambers at 6:30 for the Regular Session.

REGULAR MEETING

PRESENT: Chairman Michael Lucas, Vice-Chairman Jonas Tune, Commissioners James Moseley, Thomas Finney, Chris Kilgore, Lisa Estevez, Alternates Stephen Ritchey, Kim Clark (voting member)

**MINUTES OF THE WORK SESSION AND REGULAR MEETING
OF THE PLANNING & ZONING COMMISSION
OF THE CITY OF ROWLETT, TEXAS, HELD IN THE MUNICIPAL CENTER
4000 MAIN STREET, AT 6:00 P.M., January 12, 2016**

STAFF PRESENT: Director of Development Services Marc Kurbansade, Principal Planner Garrett Langford, Urban Design Manager Daniel Acevedo, Development Services Coordinator Lola Isom

A. CALL TO ORDER

Vice-Chairman Lucas called the Regular Meeting to order at 6:30 p.m.

1. Update Report from Staff.

Mr. Langford reiterated his reminder about the North Texas Planning Symposium that was mentioned in the work session.

2. Elect a Chairman and a Vice-Chairman.

Vice-Chairman Lucas opened up the floor for nominations. Commissioner Moseley nominated Michael Lucas for Chairman and Commissioner Estevez seconded the nomination. The nomination was approved unanimously with a 7/0 vote. Commissioner Moseley then nominated Jonas Tune for Vice-Chairman and Commissioner Chris Kilgore seconded the nomination. The nomination was approved unanimously with a 7/0 vote.

B. CONSENT AGENDA

1. Minutes of the Planning and Zoning Commission Meeting of December 8, 2015.

Commissioner Estevez made a motion to approve the minutes as presented and Commissioner Moseley seconded it. The motion carried with a 7/0 vote.

2. Consider and take appropriate action on a Final Plat for Munoz Addition located at 2525 Fuqua Road further described as being 0.2577 acres out of the Charles D. Merrell Survey, Abstract 957, City of Rowlett, Dallas County, Texas.

Commissioner Estevez made a motion to approve the item and Vice-Chairman Tune seconded it. The motion carried with a 7/0 vote.

C. ITEMS FOR INDIVIDUAL CONSIDERATION

**MINUTES OF THE WORK SESSION AND REGULAR MEETING
OF THE PLANNING & ZONING COMMISSION
OF THE CITY OF ROWLETT, TEXAS, HELD IN THE MUNICIPAL CENTER
4000 MAIN STREET, AT 6:00 P.M., January 12, 2016**

- 1. Conduct a public hearing and make a recommendation on a request for a Special Use Permit to allow an accessory building that does not meet the requirements in Section 77-303 of the Rowlett Development Code. The subject property is located at 2905 Weems Way being further described as being Lot 11, Block 1, Toler Ridge Addition, City of Rowlett, Dallas County, Texas.**

Mr. Langford presented the item to the Commission. He stated that the reason for the SUP is for an accessory building that exceeds the maximum size requirement that can be allowed by right by the Rowlett Development Code. He provided a location map to orient the Commissioners to the site. He provided an overview of the setback and lot coverage requirements. He explained that this request is unique in that there are additional deed restrictions in place for this neighborhood that are more restrictive than the City's zoning requirements. While the City does not enforce deed restrictions, staff has informed the applicant that they cannot support a design that is in direct conflict with the deed restrictions. The applicant was informed of the deed restrictions and encouraged to reach out to his neighbors to discuss the implications of the restrictions on his proposed accessory building. Mr. Langford stated that the applicant has worked through an alternative design that would meet the deed restrictions, but has chosen not to pursue it at this time due to cost concerns. As such, staff is recommending denial of the request. He provided an overview of the public hearing responses and concluded his presentation.

Chairman Lucas opened the public hearing. The following people spoke in opposition of the item:

Jennifer Glick
3010 Weems Way
Rowlett, TX

Pattie Sade
2902 Weems Way
Rowlett, TX

Irene Proce
2906 Weems Way
Rowlett, TX

**MINUTES OF THE WORK SESSION AND REGULAR MEETING
OF THE PLANNING & ZONING COMMISSION
OF THE CITY OF ROWLETT, TEXAS, HELD IN THE MUNICIPAL CENTER
4000 MAIN STREET, AT 6:00 P.M., January 12, 2016**

John Shoemaker
3101 Weems Way
Rowlett, TX

A summary of their concerns are as follows: the proposal will lower property values, the proposal violates the deeds restrictions that they complied with at the time of building their homes and/or accessory buildings, concerned about the size of the building and that it might be used as a commercial business instead of just a personal garage.

The following people spoke in favor of the item:

Randy Hoedebeck

Stated that he lives in Rowlett, but no address was given. He went on to say that he is the general contractor working with the homeowner and that he has built numerous homes in Rowlett over the years and does quality work. He stated that the homeowner is willing to consider the second option if that is what is needed to get the building constructed.

Elizabeth Horsman
2905 Weems Way
Rowlett, TX

She stated that she is the homeowner and is aware of several accessory buildings in the area that do not meet the deed restrictions. Furthermore, her husband owns six cars and if the garage is built, then they will not be on the street. She stated that they have tried to provide a proposal that is aesthetically pleasing and will fit well with the neighborhood and asked the Commission to consider that when making their decision.

With no additional comments, Chairman Lucas closed the public hearing and requested comments from the Commission. Commissioner Kilgore stated that in a general sense he is not concerned with the actual accessory building and does not think it would detract from the neighborhood; however, he is not inclined to discount the deed restrictions that are in place and for that reason he is opposed. Commissioner Finney echoed Commissioner Kilgore's thoughts and added that he would encourage the property owner to work towards a consensus with the neighbors instead of trying to fight the deed restrictions. Chairman Lucas stated that he agreed with the other Commissioners and couldn't support the proposal in light of the current deed restrictions.

**MINUTES OF THE WORK SESSION AND REGULAR MEETING
OF THE PLANNING & ZONING COMMISSION
OF THE CITY OF ROWLETT, TEXAS, HELD IN THE MUNICIPAL CENTER
4000 MAIN STREET, AT 6:00 P.M., January 12, 2016**

Commissioner Kilgore made a motion to recommend denial of the item and Commissioner Finney seconded the motion. The motion carried with a 7/0 vote.

2. **Conduct a public hearing and make a recommendation on a rezoning request from Rural Neighborhood and Urban Neighborhood Form Based Districts to the New Neighborhood Form Based Zoning District for the purposes of building a pedestrian-oriented, single family neighborhood. The subject property is located in the North Shore South District as identified in the Realize Rowlett 2020 Comprehensive Plan, being 3200 and 3600 Hickox Road, further described as 61.96 +/- acres of land situated in the Reason Crist Survey, Abstract No. 225, City of Rowlett, Dallas County, Texas.**

Mr. Kurbansade came forward to present the request. He provided a location map to help orient the Commissioners to the subject property. He provided an overview of the intent of the North Shore Area from the perspective of the Comprehensive Plan and the subsequent North Shore South Zoning District that was approved in April 2014. More specifically, he stated that single family homes in this area were to be limited and used as a transition from the existing homes along Larkin Lane and Toler Road to more dense commercial development to the north. He stated that the zoning that was approved previously accomplished that transition through the use of the Rural Neighborhood and Urban Neighborhood Districts. He stated that as staff started receiving interest in this area for different product types than what would be allowed under the current zoning, the main objective was to evaluate them in light of the intent of the comprehensive plan and if they provide as good of, if not better, buffer than the current zoning. He stated that in his opinion, this proposal utilizing the New Neighborhood District accomplishes both of those objectives. He provided a detailed overview of the proposed buffer. He provided an overview of the development process and highlighted the fact that since this is proposed as a Form Based District the zoning will be the only step in the process where the Commission and City Council will have discretionary approval. All other approvals with the exception of plats, which are ministerial in nature, will be administrative. He stated that he was not going to go through all the rezoning criteria individually in the presentation since it was provided in detail in the staff report, but did highlight the buffer, open space and road network shown on the framework plan and the three major warrant requests pertaining to lot size and housing size. He then presented the public hearing responses stating that within the 200 foot buffer area staff received three in opposition and zero in favor. With that he stated that staff recommends approval and concluded his presentation.

**MINUTES OF THE WORK SESSION AND REGULAR MEETING
OF THE PLANNING & ZONING COMMISSION
OF THE CITY OF ROWLETT, TEXAS, HELD IN THE MUNICIPAL CENTER
4000 MAIN STREET, AT 6:00 P.M., January 12, 2016**

Chairman Lucas asked if there was any discussion or questions from the Commission at this time. Commissioner Finney asked why the major warrants were considered major and not minor. Mr. Kurbansade explained that this is an area where staff has a level of discretion and if the request had only been for a limited number of lots, then it likely would have been considered minor because the request in and of itself is minor. However, since the applicant is requesting a blanket approval for the entire subdivision staff deemed it worthy of a major warrant and public discussion. Commissioner Finney then asked if there was any concern with an approval like this setting precedence to which Mr. Kurbansade replied no. He explained that staff typically likes to address warrants later in the process with the development plan when more details are known; however, in this case these warrants were minor enough that he deemed it appropriate to present with the zoning case. With no additional questions or comments Chairman Lucas opened the public hearing.

The following people spoke in favor of the item:

Christopher Jackson
600 N. Pearl St., Ste. 650
Dallas, TX 75201

Mr. Jackson came forward and stated that he is the applicant in this case. He provided a list of past developments that his company has worked on and stated that they strive to promote quality in all their developments and cater to a move up buyer. He went on to emphasize that they have put forward a major effort to understand the intent of Realize Rowlett 2020 and the vision for the area. He highlighted the areas of the plan such as open space, drainage, trails, housing selection, design requirements etc. that meet the City's vision for the area. He spent the majority of his time highlighting the buffer feature and explaining how they were using it as a transition element from Larkin Lane. He provided his perspective on the major warrant requests. He concluded stating that his company is known for building neighborhoods and that is what they want to do on this property because they believe in Rowlett's vision.

Mr. Kurbansade returned to the podium to reiterate that only one warrant was included in the packet. The other two were late additions and pertain to the housing sizes.

The following people spoke in opposition to the item:

**MINUTES OF THE WORK SESSION AND REGULAR MEETING
OF THE PLANNING & ZONING COMMISSION
OF THE CITY OF ROWLETT, TEXAS, HELD IN THE MUNICIPAL CENTER
4000 MAIN STREET, AT 6:00 P.M., January 12, 2016**

Jim McDougal
3205 Larkin Lane
Rowlett, TX

Leon Hooseman
3201 Larkin Lane
Rowlett, TX

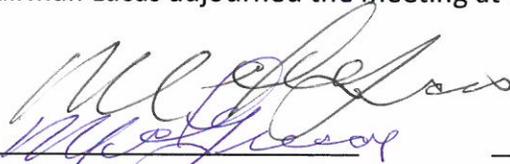
A summary of their concerns are as follows: proposed lot sizes, the proposal will lower property values, inadequate buffer because there is no fence or true barrier between their backyard and the trail system, lack of full warrant list on the notices, previous zoning was discussed at length and agreed to by the homeowners because there were to be like sized lots backing up to their lots and this proposal is nowhere close to what was agreed to.

With no additional speakers, Chairman Lucas closed the public meeting and called for more discussion or a motion. Commissioner Kilgore made a motion to recommend approval of the item as presented and Commissioner Finney seconded the motion. The motion passed with a 5-2 vote with Commissioner Moseley and Alternate Kim Clark casting the opposing votes.

Mr. McDougal spoke from the audience and said that he had not seen the breakdown of the votes and asked for a show of hands again. Chairman Lucas honored the request and the Commissioners indicated their vote by a show of hands.

D. ADJOURNMENT

Chairman Lucas adjourned the meeting at 7:43 p.m.



Chairman



Secretary

