

**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, 2008**

PRESENT: Chairman Kevin Moore, Vice-Chairman Greg Peebles,
Commissioners Charles Alexander, Chris Kilgore, Patrick Jackson,
Jeff Thomas, Alternate Rick Sheffield

ALSO PRESENT: Alternate Chris Cigainero

ABSENT: Commissioner Chuck Knickerbocker

STAFF PRESENT: City Attorney David Berman, Development Services Director Keri Samford, Planner II Alaina Ray, Commission Secretary Dawn Frye and Kim Watwood.

A. CALL TO ORDER

Chairman Moore called the meeting to order at 7:20 p.m.

B. CONSENT AGENDA

1. Minutes of the regular meeting of January 22, 2008 was approved.

Vote 6-0-1 with Commissioner Kilgore abstaining.

C. PUBLIC HEARINGS

1. To consider and take appropriate action on an amendments to the Rowlett Development Code.

Ms. Samford: Thank you Chairman and Commissioners. I've asked for the work session this is the same document that you saw in the joint work session with the city council with the exception of two items. One being the cell tower regulations. After looking at those and discussion with city attorney's office and city managers office I think we are going to re-visit that and come back with a brand new ordinance at a later date. So that has been removed. The item which was discussed at that joint work session with adding the wall signs and the wording that says no lighting shall produce shine or glare onto adjacent residential property has been added. And lastly, as I've said in economic development static plan we've identified some target industries and we've added those in the mix use transit area as a conditional use permit. Which again means it will have to come before the planning and zoning commission at that time. It is on a case by case basis and it is done by the use and owner of the property. And you can put conditions on that. So those are the changes other than that it's the same as in your packet.

Chairman Moore: This is a public hearing anyone wishing to testify on this item please stand. Recognizing no one, we will take a motion to close the public hearing. We have a motion and seconded by Commissioner Jackson please cast your votes. Commissioner Thomas wishes to

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change his vote to yes. Commissioner Kilgore it took his vote but his vote was yes. So that motion passes 7-0.

The question was raised as to whether the definition of convenience store is one that was agreed upon previously.

Ms. Samford: The pervious definition that was in the ordinance did not get carried over. So yes that was the definition agreed to through the unified development code process with all the committees, council, planning and zoning commission.

Commissioner: I was just thinking their might be room to have a convenience store without a gas pump for example in a development coming forward. For instance, has a piece of land adjacent to a housing development we wouldn't be opposed to having a convenience store we just don't want the gas pumps close by. Would that issue come up? I think it has before recently within the last two years that residence were in favor of a convenience store but didn't want the gas pumps. I don't remember exactly where it was but I remember we had some discussions about that not to long ago. So, I was just curious if this would be an item worth reconsidering.

Ms. Samford: I know it was discussed at length; of gas stations in the master thoroughfare plan but adjacent to other convenience stores. Can't be two cattycorner from each other and distance as well also ties into the beverage sales.

Commissioner: Ok. Let me add this out there if a store did come in with no gas pumps would that be reviewed on a case by case basis? It's not like we would exclude a store. All we are talking about right now is just the definition of convenience stores correct? A use permit for beer if someone wanted to come in and do that. In the planned development or something similar to that you can ask for certain regulations above and beyond but vary off of that so that would be a avenue they can take. Someone could come in present it before the planning. We would like to put a convenience store here but according to your definition it has to have a gas pump we don't award gas pumps.

Ms. Samford: That's correct it would come before the planning and zoning commission and then to city council.

Commissioner: Ok very good. Just wanted to make sure there was an option available for that to take place. Similar store absent to gas pumps would that fall into another definition perhaps? General retail or a neighborhood grocery store. It could; that's just something we would have to look at. I would think that as a commission we would certainly deal with that on a case by case or we could make up a name – what ever name you would want. Is it a form or fit function on feature? It maybe a non-issue but I just wanted the clarification. Thank you.

Chairman Moore asked if there was any other discussion on the item. **The motion was made to recommend approval of the amendments to the *Rowlett Development Code* as presented to the City Council. The motion was seconded. The motion passed 7-0.**

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D. ITEM FOR INDIVIDUAL CONSIDERATION

1. Consider and take appropriate action on the tree survey preservation plan for a single family residential lot containing 0.65± acres of land, located at 5006 Lake Forest Drive, Lot 35, Block A, Lake Forest Estates. [DP08-342 Braswell Residence]

Ms. Ray: Thank you Mr. Chairman and Commissioners. This property is a single family residence and the applicant has requested trees to be removed so they can construct a single family residence on this property. As you can see in the aerial photograph that was shown with the staff report it is a heavily wooded lot. Trees are necessary to be removed in order to build the home. Based on the Rowlett Development Code they would not be required to provide any mitigation for the trees being removed. They are protecting 212 inches of trees. They received 2 inches of credit per inch of protected trees. That results in 424 inches of credit. They are removing 160.5 inches of credit so no mitigation would be required. They are preserving a lot of trees on the property that are not shown on the plans that you have simply because they are too small to be counted as protected trees under our ordinance. They are preserving a lot of smaller trees on the property. So it will still be very heavy wooded and blend in with the surrounding area. I am available for any questions and the applicant is available as well.

Chairman Moore: Any questions for staff? Thank you. Does the applicant want to come forward and make a statement? Does anyone have any questions for the applicant?

Applicant (Neal Braswell): Thanks for considering the application.

Chairman Moore: Could you state your name?

Applicant: Neal Braswell 6114 Faringdon Ln, Rowlett. I've been a residence for about fourteen years in Rowlett.

Chairman Moore: Any questions for the applicant?

Commissioner: I noticed on this plan there are trees that are in the house area. Why do we have to remove those?

Ms. Ray: Chairman I can answer that question. A lot of this is due to grading on the property. If you are moving dirt onto those root zones those trees are likely not to survive, or if you have to dig down through the roots they are going to be destroyed. Plus there needs to be enough room around the home for the yard to be leveled out. So there will be some grading on this property, so that is why some of the trees outside the building area are being removed.

Mr. Braswell: If you see the dash line that's where the tree protection fence is going to be. My intentions are to try and save the trees on the opposite side of the house near the fence. However; when I submitted my plan the first time I kind of wanted to keep these but if I have to take them

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out I will take them out. Staff said I am saving plenty of trees so I need to tell them if I am taking them out now. If I have to take them out later for some reason then I am going to have to come back and ask for permission.

Mr. Braswell stated that they would keep as many of the trees as they can.

Chairman Moore asked if there was any other discussion on the item. The motion was made by Commissioner Thomas to approve and was seconded. **The motion passed 7-0.**

Chairman Moore: Before we adjourn I'm going to do my best to make Dawn cry. I wanted to personally on behalf of the commission thank you for all the work you've put in for us. I know you go above and beyond with your job details that you do for us. Such as the e-mails and making sure they have everything they need. So we can function and you have done so much for the citizens of Rowlett and the majority has no idea what all you do. So, in that we would like to award you this certificate of appreciation.

Dawn: Thank you very much. I've been blessed to have worked with all of the commissioners for the last 10.5 years.

E. ADJOURNMENT

Chairman Moore adjourned the meeting at 7:33 p.m.

Chairman

Secretary