The Planning and Zoning Commission will convene into a Work Session at 6:45 p.m. in the City Hall Conference Room at the Municipal Center, 4000 Main Street, Rowlett, at which time the following items will be considered:

i. Call to Order.

ii. Discuss items on the regular agenda.

iii. Adjourn.

The Planning and Zoning Commission will convene into a Regular Meeting at 7:00 p.m. in the City Hall Chambers at the Municipal Center, 4000 Main Street, Rowlett, at which time the following items will be considered:

A. CALL TO ORDER

1. Update Report from Staff.

B. CONSENT AGENDA


2. Consider approval of a Final Plat for the Country Way Addition. The property is located at 3661 and 3641 Elm Grove and approximately 17.269 acres of a tract of land located in the James Eidson Survey, Abstract 437, Dallas County, Rowlett, Texas.

C. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Consider and take action on a request by, Dave Holl, for a Temporary Use Permit (TUP) to allow the placement of five metal storage containers on property zoned Planned Development (PD) for Single Family (SF-7) Use. The 4.014 acre site is located at 6917 Miller Road further described as being Tract 21 of the James Hobbes Survey Abstract 571, in the City of Rowlett, Dallas County, Texas. (File Number: PR-000330-2018).

2. Consider approval of a Replat of the Heritage Medical Office Addition. The site is located at 6701 Heritage Parkway and approximately 2.4532 acres of a tract of land located in the W.G. Deweese Survey, Abstract 70, Rockwall County, Rowlett, Texas.
D. ADJOURNMENT

NOTE: THE PLANNING AND ZONING COMMISSION MAY RETIRE AND CONVENE INTO EXECUTIVE, CLOSED SESSION ON ANY MATTER RELATED TO ANY OF THE ABOVE AGENDA ITEMS FOR THE PURPOSES OF PRIVATE CONSULTATION WITH THE CITY ATTORNEY UNDER SECTION 551.071 OF THE TEXAS GOVERNMENT CODE.

NOTE: THE CITY OF ROWLETT MEETING ROOMS ARE ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT FOR FURTHER INFORMATION.

________________________________________
Susan Nix, Community Development Coordinator
MINUTES OF THE WORK SESSION AND REGULAR MEETING
OF THE PLANNING & ZONING COMMISSION
OF THE CITY OF ROWLETT, TEXAS, HELD IN THE CITY COUNCIL CHAMBERS
4000 MAIN STREET, AT 7:00 P.M., AUGUST 28, 2018

WORK SESSION

PRESENT: Chairman James Moseley, Interim Vice Chairman Kevin Moore, Commissioners Lisa Estevez, Stephen Ritchey, Mark Engen, Alternate John Cote

ABSENT: Commissioner Caleb Baucom, Alternate Willie Nowell, Jr.

STAFF PRESENT: Director of Community Development Munal Mauladad, Planning Manager Daniel Acevedo, Senior Planner Tara Bradley, Community Development Coordinator Susan Nix.

i. Call to Order.

Chairman James Moseley called the Work Session to order at 6:46 p.m.

ii. Discuss items on the regular agenda.

Daniel Acevedo explained that item B2 will be moved from Consent to an item for Individual Consideration.

There was discussion regarding item C2. Daniel explained that this item is two separate requests for the same property and will require a motion for both requests.

iii. Adjourn.

Chairman James Moseley adjourned the Work Session at 6:52 p.m.

REGULAR SESSION

PRESENT: Chairman James Moseley, Interim Vice Chairman Kevin Moore, Commissioners Lisa Estevez, Stephen Ritchey, Mark Engen, Alternate John Cote

ABSENT: Commissioner Caleb Baucom, Alternate Willie Nowell, Jr.

STAFF PRESENT: Director of Community Development Munal Mauladad, Planning Manager Daniel Acevedo, Senior Planner Tara Bradley, Community Development Coordinator Susan Nix.
A. CALL TO ORDER

Chairman James Moseley called the Regular Meeting to order at 7:00 p.m.

1. Update Report from Staff.

There was no update report from staff.

B. CONSENT AGENDA


Commissioner Lisa Estevez made a motion to approve the minutes. Commissioner Mark Engen seconded the motion. The motion passed with a 6-0 vote.

2. Consider approval of a Replat of the Bubbus Addition. The property is approximately 3.717 acres of a tract of land located in the Reason Crist Survey, Abstract 225, Rowlett, Dallas County, Texas

Planning Manager, Daniel Acevedo, presented the information for this item and stated that staff recommends approval.

There was no discussion amongst the Commission.

Alternate John Cote made a motion to approve the request. Commissioner Lisa Estevez seconded the motion. The motion for approval passed with a 6-0 vote.

C. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Conduct a public hearing and make a recommendation on a request by Brad Williams of Winstead PC, on the behalf of the property owners, Emmanuel Snoy, Charles-Albert Snoy, and Maric Pascale Snoy for; 1) A change in zoning from Form Based Urban Village District (FB-UV) to General Commercial/Retail (C-2) on approximately 6.0 acres and 2) A Special Use Permit (SUP) to permit a drive-through restaurant on approximately 1.3 acres of the 6.0 acres. The property is generally located north of Lakeview Parkway west of Scenic Drive, in the Josiah Hart
Survey, Abstract No. 111, and in the Zalcon Center 1 Addition, Block A, Lot 2, City of Rowlett, Rockwall County, Texas. (RDC-ZONE-000416-2018 and RDC-ZONE-000413-2018).

Senior Planner, Tara Bradley, presented the information for this item. She stated that staff recommends the approval of both the rezoning and the SUP, this concluded her presentation.

Brad Williams, applicant with Winstead, PC – presented additional information regarding the item.

Commissioner Mark Engen had a question regarding lights after closing time.

Matthew Parmelee, with Golden Tree Restaurants, came forward and explained the lights will be on a timer and can be set to turn off at any time.

The public hearing was opened and closed with 8 speakers.

Matthew Hargrove, 9110 Chimneywood Drive, Rowlett; spoke in opposition of this item.
Lisa Helms, 9014 Chimneywood Drive, Rowlett; spoke in opposition of this item.
Thomas Helms, 9014 Chimneywood Drive, Rowlett; spoke in opposition of this item.
Gordon Edwards, Owner, 7001 Preston Road, Dallas; spoke in favor of this item.
John Teel, 9010 Chimneywood Drive, Rowlett; spoke in favor of this item.
Larry Beckham, 9313 Willard Street, Rowlett; spoke in favor of this item.
Stephen Flores, 9313 Chimneywood Drive, Rowlett; spoke in opposition of this item.
Robert Vickers, 9006 Chimneywood Drive, Rowlett; spoke in favor of this item.

There was discussion amongst the Commissioners being in favor of the zoning request.

Commissioner Lisa Estevez made a motion to approve the zoning request for this item. Commissioner Mark Engen seconded the motion. The motion for approval passed with a 6-0 vote.

There was discussion amongst the Commissioners regarding the SUP request. Several of the Commissioners had concerns and questions regarding the cut through access from Silverlake Drive, traffic studies, other traffic related issues, ventilation requirements, and the screen wall height.
Several of the Commissioners commended the developer on providing such a thorough presentation, and meeting with and addressing the homeowner’s concerns.

Alternate John Cote made a motion to approve the SUP request for this item with the following conditions; 1) The restaurants and drive-thru close no later than 10:00 p.m.  2) The Silverlake connector is not developed until a traffic analysis is conducted and issues addressed. Commissioner Lisa Estevez seconded the motion. The motion for approval with conditions did not pass with a 2-4 vote. James Moseley, Kevin Moore, Stephen Ritchey, and Mark Engen voted against.

Alternate John Cote made a motion to approve the SUP request for this item with the following conditions; 1) The restaurants and drive-thru close no later than 10:00 p.m.  2) The Silverlake connector is not developed. Vice Chairman Kevin Moore seconded the motion. The motion for approval with conditions passed with a 5-1 vote. Stephen Ritchey voted against.

D. ADJOURNMENT

Chairman James Moseley adjourned the meeting at 8:31 p.m.
AGENDA DATE: 09/25/2018

AGENDA ITEM: B2

AGENDA LOCATION:
Consent Agenda

TITLE
Consider approval of a Final Plat for the Country Way Addition. The property is located at 3661 and 3641 Elm Grove and approximately 17.269 acres of a tract of land located in the James Eidson Survey, Abstract 437, Dallas County, Rowlett, Texas.

STAFF REPRESENTATIVE
Tara Bradley, Senior Planner

ZONING
Extraterritorial Jurisdiction (ETJ)

NUMBER OF LOTS
Fourteen (14) single family lots and two (2) Common Areas

BACKGROUND INFORMATION
The subject property is located within the City’s Extraterritorial Jurisdiction (ETJ). The ETJ is the unincorporated area beyond the City’s municipal boundary where the City has limited authority to regulate land development. Although the City may have limited authority to regulate development within the ETJ, it can ensure that infrastructure, such as water, drainage, sewer and streets comply with the City’s engineering specifications and standards for the proposed development.

The purpose of the plat is to create 16 lots of record to develop the site for residential use. All technical requirements related to the Rowlett Development Code (RDC) Section 77-600 Subdivision Ordinance and Local Government Code have been addressed. The Preliminary Plat was approved by the Planning and Zoning Commission on September 13, 2016.

RECOMMENDATION
Approval

ATTACHMENTS
Attachment 1 - Final Plat
AGENDA DATE: 09/25/2018

AGENDA LOCATION:
Individual Consideration

TITLE
Consider and take action on a request by, Dave Holl, for a Temporary Use Permit (TUP) to allow the placement of five metal storage containers on property zoned Planned Development (PD) for Single Family (SF-7) Use. The 4.014 acre site is located at 6917 Miller Road further described as being Tract 21 of the James Hobbes Survey Abstract 571, in the City of Rowlett, Dallas County, Texas. (File Number: PR-000330-2018).

STAFF REPRESENTATIVE
Daniel Acevedo, Planning Manager

BACKGROUND INFORMATION
The applicant is proposing to relocate three (3) storage containers from Paddle Point Park and place them on the subject property for one year or less, pending the completion of his retail and warehouse building. In addition, two (2) metal storage containers currently reside on the property. These two (2) containers have not been formally permitted. Once complete, the applicant has stated that he will have the ability to eliminate at least two (2) containers. The requested term of the TUP is one year.

The timeline below provides the background regarding the subject property:
• (2012) - One storage container was placed at Paddle Point Park.
• (2015) - A Tornado destroyed the residence at 6917 Miller Road.
• (2016) - 6917 Miller Road (Kayak Crossing) was rezoned from Single Family-40 (SF-40) to Planned Development (PD) with an underlying Single Family-7 (SF-7) and Commercial-1 (C-1) base zoning.
• (2016 - 2017) - Two additional storage containers were placed at Paddle Point Park and two storage containers were placed at 6917 Miller Road (Kayak Crossing).
• (2018) - February 20, 2018, A license agreement was executed with Parks and Recreation and Mr. Holl allowing him to locate storage containers at Paddle Point Park, with the condition that the containers be removed no later than October 15, 2018.

DISCUSSION
Section 77-304 of the RDC allows “similar temporary uses” for a 30-day period subject to approval by the Planning and Zoning Commission. An extension may be granted for 120 days subject to approval by the Planning and Zoning Commission. However, Section 77-810 of the RDC,
authorizes the Commission to grant a temporary use permit for those temporary uses not specifically listed in Section 77-304 or uses requesting a duration not allowed in Section 77-304.

In this case, the applicant is requesting a use not listed in Section 77-304 and a duration not allowed in said section for the duration of one year, necessitating a request for a TUP.

The approval criteria for TUPs are outlined below:

1. The temporary use or structure shall not be detrimental to property, or improvements in the surrounding area or to the public health, safety, or general welfare.

   The proposed temporary storage containers are located solely on the owner’s property and are not deemed to be detrimental to property or improvements in the surrounding area, the public health, safety, or general welfare.

2. The temporary use or structure shall not have adverse impacts on adjacent land uses and aesthetics as viewed from thoroughfares as determined by the planning director.

   Metal Storage containers are not an allowed building type in the city for commercial, industrial or residential use. The storage containers will be and are visible from Miller and Chiesa Roads. These structures will aesthetically impact the surrounding neighborhood with building types that are dramatically different from the architectural fabric. Furthermore, the applicant currently uses the containers as storage for an active business, which is not in harmony with the City’s conventional requirements for warehousing and business operations.

3. Permanent alterations to the site are prohibited. At the conclusion of the temporary use or at the expiration of the permit, whichever occurs first, all disturbed areas of the site shall be restored or improved to the condition that existed prior to the use.

   There are no permanent alterations to the site being proposed for the temporary storage containers.

4. All temporary signs associated with the temporary use or structure shall be removed when the activity ends or when the permit expires, whichever occurs first.

   The applicant is not proposing temporary signs associated with the temporary use.

5. The temporary use or structure shall not violate any applicable conditions of approval that apply to a principal use on the site, including parking and setback requirements.

   While the principal use on the site is Single Family (SF-7) the site remains undeveloped, metal storage containers are not permitted in the SF-7 zoning.
district. However, as a temporary use, the storage containers will not violate any applicable conditions of approval that apply to the site.

6. The temporary use regulations of this section do not exempt the applicant or operator from any other required permits, such as building permits or health department permits.

The proposed temporary use will not require utilities, building or health permits, as they will remain in their current condition.

7. If the property is undeveloped, it shall contain sufficient land area to allow the temporary use or structure to occur, as well as any parking and traffic circulation that may be associated with the temporary use, without disturbing sensitive or protected resources, including required buffers, 100-year floodplains, stream protection setbacks, wetlands, areas of slope greater than 20 percent, and required landscaping.

The subject property is undeveloped, and there is sufficient land area to allow the temporary storage containers.

8. If the property is developed, the temporary use shall be located in an area that is not actively used by an existing approved principal use, and that would support the proposed temporary use without encroaching or creating a negative impact on existing buffers, open space, landscaping, traffic movements, pedestrian circulation, or parking space availability.

The property is undeveloped.

9. Tents and other temporary structures shall be located so as not to interfere with the normal operations of any permanent use located on the property, shall be anchored, and shall have a fire rating approved by the fire marshal and the building official.

Currently, the site remains undeveloped. In addition, the applicant is not proposing any anchoring mechanisms.

10. No temporary use shall be established if such will require installation by cranes or other such heavy equipment on a public street unless first approved by the city. Such installation may require that an amount be placed in escrow to cover the costs of repairs to such streets or portions thereof.

The transport of the storage containers will occur within the parking lot at Paddle Point Park and along Miller Road.

11. Floodplains. Applications for temporary structures to be located in the 100-year floodplain shall be required to submit a plan to the public works department for the removal of such
structure(s) in the event of a flood notification. The plan shall include the following information:
(a) The name, address, and phone number of the individual responsible for the removal of the temporary structures and the property owner;
(b) The time frame prior to the event at which a structure will be removed; and
(c) A plan to remove the temporary use earlier than the scheduled removal date, if required

The proposed location is not situated in the 100-year floodplain; therefore, the provisions of this section are not applicable.

It should be taken into consideration, that the applicant is pursuing a resolution, by building a warehouse that will eventually eliminate the need for the storage containers. It is recommended that the proposed TUP be granted for no more than 90 days from the date of approval. While it is not typical to allow metal storage containers as a temporary use on residentially zoned property, this extended time frame will allow Mr. Holl adequate time to complete the construction of his warehouse and eliminate the need for containers. At expiration, the Temporary Use Permit would expire and the storage containers would have to be removed.

FISCAL IMPACT/BUDGET IMPLICATIONS
N/A

RECOMMENDED ACTION
Approval of the Temporary Use Permit, not to exceed 90 days from the date of approval.

ATTACHMENTS
Attachment 1 – Location Map
Attachment 2 – Site Plan
Attachment 3 – Photos
Attachment 4 – Letters
Attachment 5 – License Agreement Resolution (RES-017-18)
Case # PR-000330-2018
Existing Containers (8'x40' each)
Existing Containers (8'x40' each)
Proposed relocation of containers (40'x40' collectively)
Existing 30'x30' barn to remain
*Structures NOT drawn to scale
Existing driveway for 6917 Miller Rd
Structure shown was taken out in the 2015 Christmas tornado
August 20, 2018

To whom it may concern;

I write on behalf of Dave Holl, in support of the relocation of containers being placed at 6917 Miller Road, Rowlett TX 75088. I strongly support the change and believe it will be a positive impact and essential to the growth of our community. We enjoy his services (Dave's Kayak instructions)

Thank you,

Omar Lopez

6807 Chardonnay

Rowlett, TX 75088
City of Rowlett

Sunday, August 19, 2018

To Whom it may Concern;

I am the neighbor of Dave Holl and I am in favor of the containers being placed at 6917 Miller Road, Rowlett TX 75088.

Dave's Kayak instructions has brought a very nice active living group of people to our neighborhood and I will continue to support him in every way. We need his business and wonderful kind of people that comes with it.

Thank you,

William Shaver
6916 Miller Road
Rowlett, TX 75088

[Signature]
City of Rowlett

Sunday, August 19, 2018

To Whom it may Concern;

I am also the neighbor of Dave Holl and I am in favor of the containers being placed at 6917 Miller Road, Rowlett TX 75088.

Dave’s Kayak instructions has brought a very nice active living group of people to our neighborhood and I will continue to support him in every way. We need his business and wonderful kind of people that comes with it.

Thank you,
Wei Zhang
6916 Miller Road
Rowlett, TX 75088

[Signature]
City of Rowlett
Official Copy

Resolution: RES-017-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLET, TEXAS, APPROVING A SECOND AMENDMENT TO THE LICENSE AGREEMENT WITH DAVE HOLL, KAYAK INSTRUCTION, INC., AND KAYAK FOUNDATION, INC. AT PADDLE POINT PARK; EXTENDING THE DURATION OF THE LICENSE AGREEMENT AND PROVIDING FOR THE USE AND DISPOSITION OF STORAGE CONTAINERS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has entered into a Master Lease with the City of Dallas, Texas, that allows the City to grant concessions and franchises in the area known as the “Take Area,” which is defined in the Master Lease as the perimeter boundary of the land owned by the City of Dallas surrounding Lake Ray Hubbard; and

WHEREAS, the City and Kayak Instruction, Inc., (Service Provider) have entered into a License Agreement the “Agreement”) that allows Service Provider the opportunity to operate a non-exclusive franchise, license and privilege to conduct kayak classes, tours, events and related activities at Lake Ray Hubbard from the docks and facilities located in Paddle Point Park; and

WHEREAS, the parties have agreed to amend the Agreement to revise the original agreement, as set forth hereinafter.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS:

SECTION 1: That the City Council of the City of Rowlett, Texas, hereby approves the Second Amendment to the License Agreement by and between the City and Kayak Instruction, Inc., and Kayak Instruction Foundation, Inc., a true and correct copy of which is attached hereto and incorporated herein as Exhibit "A."

SECTION 2: That the City Council hereby authorizes the City Manager to execute the Amendment on the City's behalf, after approval by the City Attorney, and to execute such related documents as may be necessary to give effect to this resolution.

SECTION 3: This resolution shall become effective immediately upon its passage. The Amendment approved herein shall be effective as of April 1, 2018, regardless of the date signed.

At a meeting of the City Council on February 20, 2018 this Resolution be adopted. The motion carried by the following vote:

Ayes: 7  Mayor Dana-Bashian, Mayor Pro Tem Brown, Deputy Mayor Pro Tem Bobbitt, Councilmember Margolis, Councilmember Sherrill, Councilmember Grubisich and Councilmember Bell.
Approved by  
Mayor

Approved to form by  
City Attorney

Certified by  
City Secretary

Date February 20, 2018
SECOND AMENDMENT TO LICENSE AGREEMENT

THIS SECOND AMENDMENT TO LICENSE AGREEMENT ("Amendment") is made and entered into by and between Kayak Instruction, Inc., and Kayak Instruction Foundation, Inc. (collectively, "Service Provider") and the City of Rowlett, Texas ("City"), as of the date set forth hereinbelow.

WHEREAS, the City has entered into a Master Lease with the City of Dallas, Texas, that allows the City to grant concessions and franchises in the area known as the "Take Area," which is defined in the Master Lease as the perimeter boundary of the land owned by the City of Dallas surrounding Lake Ray Hubbard; and

WHEREAS, Paddle Point Park ("Park") is a public park located within the Take Area; and

WHEREAS, the City and Service Provider have entered into a License Agreement (the "Agreement") that allows Service Provider the opportunity to operate a non-exclusive franchise, license and privilege to rent kayaks, conduct kayak classes, tours, events and related activities at Lake Ray Hubbard from the docks and facilities located in the Park, and have entered into an amendment (the "First Amendment to License Agreement," ) revising license fees and duration; and

WHEREAS, the parties have agreed to amend the Agreement to extend the term of the license, as set forth hereinafter,

NOW THEREFORE, in consideration of the premises and the mutual promises, covenants and agreements set forth herein, the Service Provider and the City hereby agree as follows:

Section 5 of the Agreement shall henceforth read in its entirety as follows:

"Section 5. All storage pods/containers shall be removed from the Park property on or before February 9, 2018 and shall remain off the property during the City's renovations to the Park's facilities (including resurfacing of the parking lot and construction of a dock) (the "Renovations"). Upon written notice from the City that the Park renovations have been complete, Service Provider may place and use no more than three (3) storage pods/containers at City-approved locations within the Park, which containers shall first be approved by the City, which approval shall not be unreasonably withheld, conditioned or delayed. All storage pods/containers shall be removed from the Park property no later than October 15, 2018, unless otherwise allowed by the City. If the Service Provider ceases operation of the classes, events, or programs, or should this Agreement be terminated for any reason, the Service Provider, at its sole expense, will immediately remove the containers and return the docks, facilities and storage areas to their original condition, ordinary wear and tear excepted, within thirty (30) days of said cessation of operations or termination."
Section 6 of the Agreement, notwithstanding anything contained within the First Amendment to License Agreement, shall henceforth read in its entirety as follows:

"Section 6. The term of this Agreement shall end, and this Agreement shall expire, unless otherwise sooner terminated, on March 31, 2025. If not terminated, this Agreement may be renewed for two additional terms of five (5) years each, beyond March 31, 2025, by mutual agreement of the parties. Any failure by the Service Provider or its successors or assigns to observe the terms and conditions of this Agreement shall constitute grounds for forfeiture and immediate termination of all the Service Provider's rights and privileges under this Agreement. The City may terminate this Agreement at any time for the public convenience on thirty (30) days' written notice."

All other terms, provisions and conditions of the Agreement shall remain in effect as written.

This Amendment shall be effective as of April 1, 2018, regardless of the date signed.

KAYAK INSTRUCTION, INC., and
KAYAK INSTRUCTION FOUNDATION, INC.

By: ______________________

Dave Holl
Title: President
Its Authorized Representative
Date: 2/20/2018

CITY OF ROWLETT

By: ______________________

Brian Funderburk, City Manager
Date: 2/21/18

ATTEST

Laura Hallmark, City Secretary
TITLE
Consider approval of a Replat of the Heritage Medical Office Addition. The site is located at 6701 Heritage Parkway and approximately 2.4532 acres of a tract of land located in the W.G. Deweese Survey, Abstract 70, Rockwall County, Rowlett, Texas.

STAFF REPRESENTATIVE
Carlos A. Monsalve, Urban Designer

ZONING
FBC- UV District

NUMBER OF LOTS
Two lots

BACKGROUND INFORMATION
The Replat will abandon easements that are in the location of the new building footprint, and establish new easements to facilitate the development of the medical office building north of the existing facility. Per section 212.014 of the Texas Local Government Code, a public hearing is required for properties that are replated. All technical requirements related to the subdivision ordinance and requirements have been addressed.

RECOMMENDATION
Approval

ATTACHMENTS
Attachment 1 – Replat