



**AGENDA  
PLANNING & ZONING COMMISSION  
TUESDAY, NOVEMBER 9, 2010**

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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, TX, at which time the following items will be discussed:

- I. Call to Order.
- II. Minutes of the Regular Meeting of October 12, 2010.
- III. Discussion of Items on the Regular Agenda.
- IV. Adjournment.

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**

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**B. CONSENT AGENDA**

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1. Minutes of the Regular Meeting of October 12, 2010.
2. Consider and take appropriate action on a preliminary plat application. The subject property is approximately located at the Southwest Corner of Chiesa Road and Liberty Grove Road, being 23.7 ± acres situated in the H. Hamilton Survey, Abstract Number 548, Z. Motley Survey, Abstract Number 1010, and the F. Wood Survey, Abstract Number 1563, City of Rowlett, Dallas County, Texas, further described as Lake Valley Estates Phase II. (PP10-468)

**C. REGULAR ITEMS**

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1. Conduct a Public Hearing to consider and take appropriate action on a Conditional Use Permit (CUP) application for a 2,724± square foot restaurant with drive-thru. The subject property is located at 4725 Lakeview Parkway, being a 0.829 acre portion of Lots 4 & 5, Block C of the Lake Center Plaza Subdivision, Thomas Payne Survey, Abstract No. 1165, City of Rowlett, Dallas County, Texas. (Case Number CUP10-469)
2. Conduct a Public Hearing and take appropriate action on a Temporary Use Permit (TUP) application for the use of a temporary modular building over a 60-day period during construction of permanent facilities on-

site. The subject property is located at 6800 Scenic Drive, within the Heritage on the Lake Tract 10 Subdivision, Lot 5R, Block 4, Rockwall County, Texas. (TUP10-472)

#### **D. ADJOURNMENT**

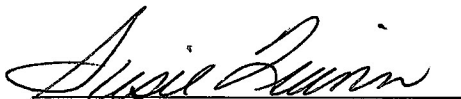
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NOTE: THE PLANNING AND ZONING COMMISSION MAY RETIRE AND CONVENE INTO EXECUTIVE, CLOSED SESSION ON ANY MATTER RELATED TO ANY OF THE ABOVE AGENDA ITEMS FOR THE PURPOSES OF PRIVATE CONSULTATION WITH THE CITY ATTORNEY UNDER SECTION 551.071 OF THE TEXAS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

#### **CERTIFICATE**

I certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of Rowlett, Texas, on or before the 4<sup>th</sup> day of November, 2010 by 5:00 p.m.

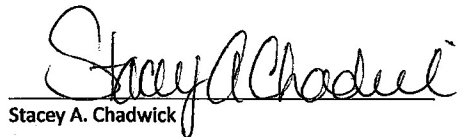


Susie Quinn, City Secretary

I certify that the above notice of meeting was posted on the bulletin board inside the Municipal Center, as well as outside the Municipal Center, 4000 Main Street, Rowlett, Texas, on or before the 5<sup>th</sup> day of November, 2010 by 5:00 p.m.

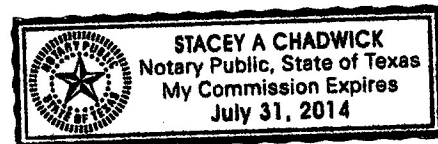
State of Texas, Dallas County, Texas

This instrument was acknowledged before me on November 4, 2010, by Susie Quinn, City Secretary.



Stacey A. Chadwick

Commission Expires:



**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., OCTOBER 12, 2010**

PRESENT: Chairman Rick Sheffield, Commissioners Greg Landry Charles Alexander, Chris Cigainero, Joe Charles, Karl Crawley

ALSO PRESENT: Alternate Robert Kittrell (voting member), Carl Pankratz (non-voting member)

Absent: Vice-Chairman Greg Peebles

STAFF PRESENT: Planning Manager Erin Jones, Planner II Marc Kurbansade, City Attorney David Berman, Deputy City Secretary Stacey Chadwick

**A. CALL TO ORDER**

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Chairman Rick Sheffield called the meeting to order at 7:12 p.m.

**B. CONSENT AGENDA**

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**1. Minutes of the Regular Meeting of September 14, 2010.**

Commissioner Karl Crawley made a motion to approve the Minutes of the Regular Meeting of September 14, 2010 as amended. Commissioner Charles Alexander seconded the motion. The motion passed with a 7/0 vote.

**C. REGULAR ITEMS**

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**1. Conduct a Public Hearing to consider and take appropriate action on a Conditional Use Permit (CUP) application for a 3,341± square foot restaurant with drive-thru. The subject property is located at 8700 Lakeview Parkway, being a .87 acre portion of the Josiah Hart Survey, Abstract Number 111, City of Rowlett, TX, Rockwall County. (CUP10-467)**

Erin Jones, Planning Manager, came forward to present the case. She presented a location map and concept plan. She stated that drive-thru restaurants in general commercial (C-2) zoning require a CUP. She noted that if approved the CUP will only be associated with Whataburger. If a different restaurant occupies the building in the future a new CUP will be required. She then went on to state that the concept plan meets the minimum standards for approval. She stated that the proposed CUP meets the requirements for approval as outlined in the *Rowlett Development Code* and that based on that staff recommends approval. Chairman Rick Sheffield opened the public hearing. Jeff Bryan, 10686 Linda Circle, Forney, TX 75126, came forward to speak. He stated that he was speaking as a requirement of a Master's level course at the University of Texas at Dallas. He went on to ask the Commission to consider the potential increase in traffic and noise as the proposed restaurant would be open 24 hours a day and is in close proximity to a residential neighborhood. He also stated that the on-going smell associated with the restaurant may be a nuisance to some of the surrounding residents. Chris Trusty, 7910 Glenview Way, Rowlett, TX 75089, came forward to speak. He also stated that he was speaking as a requirement of a Master's level course at the University of Texas at Dallas; however, as a Rowlett resident he is in favor of the Whataburger. He stated that the Whataburger will be an asset to the community and will give people on that side of the City a new dining option. He stated that the existing Whataburger on the west side of the City has always been well maintained and he is sure the proposed one will be too. He pointed out that the majority of residents

**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., OCTOBER 12, 2010**

that responded to the public hearing notices are in favor of the Whataburger. He pointed out that there are no entrances from the proposed Whataburger into the adjacent neighborhood and that that area is already a heavily traveled intersection so he does not see how this project will significantly increase traffic to the neighborhood. He stated that the use fits well with the surrounding uses and he is glad to see something proposed on that corner as it is a dead corner. Matt Moore, 801 Cherry Street, Fort Worth, TX came forward to speak. He stated that he is with Kimley-Horn and Associates representing Whataburger of Mesquite. He requested that the Commission approve the proposed CUP and offered to answer any questions. With no one else wishing to speak Chairman Sheffield closed the public hearing and asked if there were any questions for staff or the applicant. The Chair recognized Commissioner Chris Cigainero. Commissioner Cigainero stated that on the one public hearing notice returned in opposition the citizen noted that they were concerned about car lights coming into their backyard. He said that the applicant did not appear to be requesting any landscape or berm waivers so he does not see the car lights as an issue. Ms. Jones stated that it is important to note that the Whataburger site is not directly adjacent to the residential neighborhood and if the property to the south develops that developer will be required to install a screening wall and put in additional landscaping for screening. Whataburger is not being required to do that because they are not adjacent to the residential neighborhood. Commissioner Cigainero stated that Rowlett has a prevailing south wind so he does not think the smell will be an issue and he does not see how this use will generate significantly more traffic than already exists at the intersection. With no other questions or comments the Chair entertained a motion. Commissioner Charles Alexander made a motion to approve the item. Commissioner Crawley seconded the motion. The motion passed with a 7/0 vote.

**A. ADJOURNMENT**

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**Chairman Rick Sheffield adjourned the meeting at 7:20 p.m.**

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Chairman

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Secretary



**Department of Public Works  
Planning Division**

## **Agenda Item – B.2 Case Number – PP10-468 Lake Valley Phase II – Preliminary Plat**

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### **Request**

*John Anderson, Goodwin and Marshall Inc. / Applicant  
Steve Howard, Lennar Homes of Texas / Owner*

Consider and take appropriate action on a preliminary plat application. The subject property is approximately located at the southwest Corner of Chiesa Road and Liberty Grove Road, being 23.7 ± acres situated in the in the H. Hamilton Survey, Abstract Number 548, Z. Motley Survey, Abstract Number 1010, and the F. Wood Survey, Abstract Number 1563, City of Rowlett, Dallas County, Texas, further described as Lake Valley Estates Phase II. (PP10-468)

### **Background**

*Erin Jones, Planning Manager*

The subject property is zoned Planned Development (PD) 007-07. This PD ordinance was approved by the Rowlett City Council on March 20, 2007. The PD called for the property to be developed similar to straight Single Family (SF) 15 zoning with exceptions outlined throughout the PD (Attachment 2).

A preliminary plat associated with the subject site was approved by the Planning and Zoning Commission on August 14, 2007. The minutes of that meeting are included as Attachment 3. Following the 2007 approval, action was not taken by the previous owner/applicant to file a final plat or to request an extension of the preliminary plat; the preliminary plat subsequently expired.

After meeting with City Staff the current applicant submitted another preliminary plat for review on September 7, 2010.

### **Staff Analysis**

Chapter 77-806 of the Rowlett *Development Code (RDC)* states that, "approval of a preliminary plat shall be deemed an expression of approval of the layouts submitted on the preliminary plat as a guide for the future installation of streets, water, sewer, and other required improvements and utilities and as a guide to the preparation of the final plat. Except as provided for in this section, approval of the preliminary plat shall constitute conditional approval of the final plat when all conditions of approval noted as provided in this section have been met."

It is important to note that per the same section of the RDC, "no construction work shall begin on the proposed improvements in the proposed subdivision prior to approval of the final plat by the planning and zoning commission and the construction plans by the director of public works and/or director of utilities. The subdivider, at its sole and exclusive risk, may undertake certain ground excavations for grading and drainage purposes, install

underground utilities, and install drainage, if the proper permits and approvals for such works are issued by the director of public works.”

The RDC further states that the Planning and Zoning Commission may only approve a preliminary and or final plat when the following criteria are met:

- “(a) Conforms to Chapter 77-600, Subdivision and land development, and any regulations adopted pursuant to that chapter;
- (b) Promotes the public health, safety and welfare;
- (c) Provides for the proper arrangement of streets in relation to existing or proposed streets;
- (d) Provides for the efficient movement of vehicular and pedestrian traffic;
- (e) Ensures adequate and properly placed utilities;
- (f) Provides access for firefighting apparatus as determined by the fire marshal;
- (g) Provides light and air and avoids congestion;
- (h) Facilitates the orderly and efficient layout and use of the land; and
- (i) Furthers the goals and policies of the comprehensive plan and the city council.”

City staff from the Planning and Engineering Divisions as well as the Fire Marshal’s Office have reviewed the preliminary plat for compliance; it is their educated opinion that all the above criteria have been met. In addition the proposed preliminary plat adheres to the requirements outlined in PD 07-007. Based on the above mentioned factors staff recommends approval.

## **Attachments**

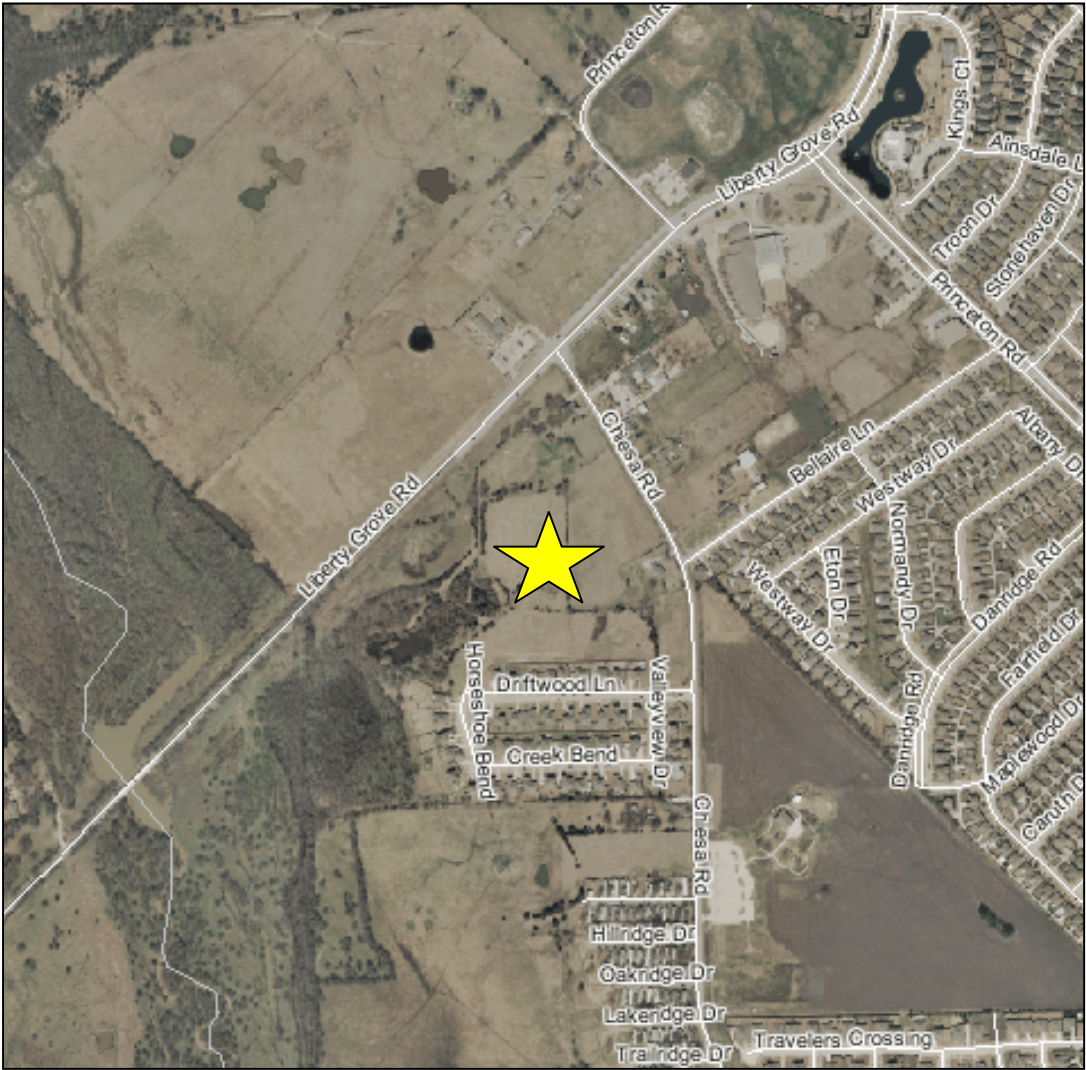
Attachment 1- Location Map

Attachment 2- PD 007-07

Attachment 3- P&Z Minutes

Attachment 4- Preliminary Plat

Location Map





**City of Rowlett**  
**Official Copy**  
Ordinance: ORD-007-07

**ATTACHMENT 2**  
4000 Main Street  
P.O. Box 99  
Rowlett, TX 75030-0099  
www.rowlett.com

File Number: 2007-121

Enactment Number: ORD-007-07

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, AMENDING THE COMPREHENSIVE PLAN, COMPREHENSIVE ZONING ORDINANCE, AND ZONING MAP AND CHANGING THE ZONING FROM SINGLE-FAMILY 20 (SF-20) RESIDENTIAL DISTRICT (31.9± ACRES) TO PLANNED DEVELOPMENT SINGLE-FAMILY (PD-SF) RESIDENTIAL DISTRICT (23.7± ACRES) AND PLANNED DEVELOPMENT LIMITED COMMERCIAL/RETAIL (PD-C-1) DISTRICT (8.2+/- ACRES), CONTAINING A TOTAL OF 31.9± ACRES OF LAND LOCATED GENERALLY ON THE SOUTHWEST CORNER OF LIBERTY GROVE ROAD AND CHIESA ROAD; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR FINES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Kevin Kessler, P.E., Carter & Burgess, Inc., authorized to file the subject application on behalf of the property owner/s, made application for a change in zoning, requesting a Planned Development-C-1/Planned Development Single-Family Residential zoning; and

**WHEREAS**, the Planning and Zoning Commission of the City of Rowlett and the governing body of the City of Rowlett, in compliance with the laws of the State of Texas and the ordinances of the City of Rowlett, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing and where the governing body in the exercise of its legislative discretion has concluded that the Zoning Ordinance of the City of Rowlett of the Code of Ordinances should be amended.

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

**Section 1:** That the Comprehensive Plan, Comprehensive Zoning Ordinance, and Zoning Map of the City of Rowlett, Texas are hereby amended by granting a change in zoning for 31.9± acres of land from Single-Family 20 (SF-20) Residential District to a Planned Development Single-Family (PD-SF) Residential District (23.7± acres) and to a Planned Development Limited Commercial/Retail (PD-C-1) District (8.2± acres) generally located on the southwest corner of Liberty Grove Road and Chiesa Road.

**Section 2:** That the property described in Exhibit 'A' (Legal Description) shall be developed in accordance with the following exhibits:

Exhibit 'B' - Zoning Concept Plan  
Exhibit 'C' - Development Regulations

**Section 3:** That all provisions of the Comprehensive Plan, and Zoning Ordinance of the City of Rowlett of the Code of Ordinances in conflict with the provisions of this ordinance be, and the same are developed and hereby, repealed, and all other provisions of the ordinances of the City of Rowlett not in conflict with the provisions of this ordinance shall remain in full force and effect.



**Section 4:** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

**Section 5:** An offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

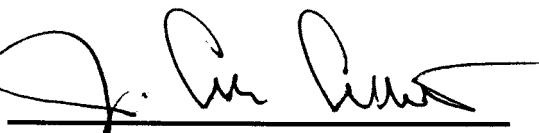
**Section 6:** That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Rowlett, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand (\$2,000.00) Dollars for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**Section 7:** That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such case provides.

At a meeting of the City Council on 3/20/2007, a motion was made by Deputy Mayor Pro Tem Bryan, seconded by Councilmember Alsup, that this Ordinance be adopted. The motion passed by the following vote:

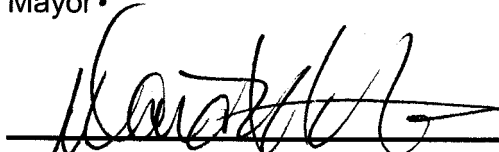
**Ayes:** 6 Mayor Pro Tem Alberts, Deputy Mayor Pro Tem Bryan, Councilmember Alsup, Councilmember Maggiotto, Councilmember Rushing and Councilmember Sebastian

Approved by

  
Mayor

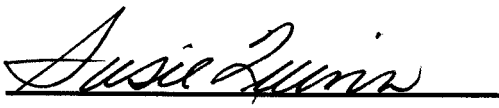
Date 3/20/07

Approved to Form by

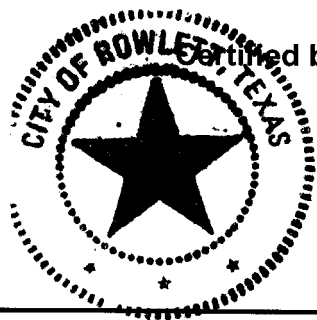
  
City Attorney

Date 3/20/07

Certified by

  
City Secretary

Date 3/20/07



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**31.954 ACRES**

BEING A 31.954 ACRE TRACT OF LAND SITUATED IN THE H. HAMILTON SURVEY, ABSTRACT NO. 548, IN THE Z. MOTLEY SURVEY, ABSTRACT NO. 1010, AND IN THE F. WOOD SURVEY, ABSTRACT NO. 1563, CITY OF ROWLETT, DALLAS COUNTY, TEXAS, AND BEING PART OF A 112.9 ACRE TRACT OF LAND DESCRIBED IN A DEED TO OPAL MAE WELK HARGROVE AS RECORDED IN VOLUME 2000110, PAGE 1019 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, ALL OF LOT 1, BLOCK 1 OF THE WELK ADDITION, AN ADDITION TO THE CITY OF ROWLETT, AS RECORDED IN VOLUME 96234, PAGE 3743 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, PART OF A 28.619 ACRE TRACT OF LAND DESCRIBED AS TRACT ONE IN A DEED TO SLI-RESLAND PARTNERS, LTD. AS RECORDED IN VOLUME 99234, PAGE 5278 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, AND PART OF A 2.299 ACRE TRACT OF LAND DESCRIBED AS TRACT TWO IN A DEED TO SLI-RESLAND PARTNERS, LTD. AS RECORDED IN VOLUME 99234, PAGE 5278 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, SAID 31.954 ACRE TRACT, WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES NAD83, NORTH CENTRAL ZONE, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** AT THE MOST WESTERLY CORNER OF LOT 16, BLOCK A OF LAKE VALLEY ESTATES, PHASE 1, AN ADDITION TO THE CITY OF ROWLETT, AS RECORDED IN VOLUME 56, PAGE 2007 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS AND IN THE EAST LINE OF A 8.71 ACRE TRACT OF LAND DESCRIBED IN A DEED TO THE CITY OF DALLAS, TEXAS AS RECORDED IN VOLUME 640, PAGE 1089 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS;

THENCE, ALONG THE EAST LINES OF SAID 8.71 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES:

NORTH 34 DEGREES 50 MINUTES 42 SECONDS WEST, A DISTANCE OF 256.67 FEET TO A POINT FOR CORNER;

NORTH 24 DEGREES 28 MINUTES 58 SECONDS EAST, A DISTANCE OF 73.06 FEET TO A POINT FOR CORNER;

NORTH 00 DEGREES 56 MINUTES 30 SECONDS EAST, A DISTANCE OF 369.90 FEET TO A ON THE SOUTHEAST RIGHT-OF-WAY LINE OF LIBERTY GROVE ROAD (VARIABLE WIDTH RIGHT-OF-WAY);

THENCE, NORTH 44 DEGREES 43 MINUTES 44 SECONDS EAST, ALONG THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID LIBERTY GROVE ROAD, A DISTANCE OF 1209.79 FEET TO A POINT ON THE SOUTHWEST RIGHT-OF-WAY LINE OF CHIESA ROAD (VARIABLE WIDTH RIGHT-OF-WAY);

THENCE, ALONG THE SOUTHWEST RIGHT-OF-WAY LINE OF SAID CHIESA ROAD, THE FOLLOWING COURSES AND DISTANCES:

## ATTACHMENT 2

SOUTH 85 DEGREES 11 MINUTES 05 SECONDS EAST, A DISTANCE OF 28.44 FEET TO A POINT FOR CORNER;

SOUTH 30 DEGREES 53 MINUTES 38 SECONDS EAST, A DISTANCE OF 82.10 FEET TO A POINT FOR CORNER;

NORTH 58 DEGREES 22 MINUTES 48 SECONDS EAST, A DISTANCE OF 10.23 FEET TO A POINT FOR CORNER;

SOUTH 30 DEGREES 58 MINUTES 53 SECONDS EAST, A DISTANCE OF 816.23 FEET TO A POINT AT THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 02 DEGREES 34 MINUTES 20 SECONDS, A RADIUS OF 936.90 FEET, AND A LONG CHORD THAT BEARS SOUTH 29 DEGREES 41 MINUTES 09 SECONDS EAST, A DISTANCE OF 42.06 FEET;

ALONG SAID NON-TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 42.06 FEET TO A POINT AT A SOUTHEAST CORNER OF AFORESAID 28.619 ACRE TRACT AND AT THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN A DEED TO JOE C. EVANS AND MARY HELEN EVANS AS RECORDED IN VOLUME 284, PAGE 826 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS;

THENCE, ALONG THE COMMON LINES OF SAID 28.619 ACRE TRACT AND SAID EVANS TRACT, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 56 DEGREES 39 MINUTES 25 SECONDS WEST, A DISTANCE OF 171.11 FEET TO A POINT FOR CORNER;

SOUTH 22 DEGREES 19 MINUTES 22 SECONDS EAST, A DISTANCE OF 154.10 FEET TO A POINT FOR CORNER;

NORTH 88 DEGREES 57 MINUTES 06 SECONDS EAST, A DISTANCE OF 171.28 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF AFORESAID CHIESA ROAD, AT THE SOUTHEAST CORNER OF AFORESAID EVANS TRACT, A NORTHEAST CORNER OF AFORESAID 28.619 ACRE TRACT, AND AT THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 11 DEGREES 58 MINUTES 49 SECONDS, A RADIUS OF 921.50 FEET, AND A LONG CHORD THAT BEARS SOUTH 06 DEGREES 30 MINUTES 50 SECONDS EAST, A DISTANCE OF 192.33 FEET;

THENCE, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID CHIESA ROAD, THE EAST LINE OF SAID 28.619 ACRE TRACT, AND THE EAST LINE OF AFORESAID 2.299 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES:

ALONG SAID NON-TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 192.68 FEET TO A POINT FOR CORNER;

## ATTACHMENT 2

SOUTH 00 DEGREES 55 MINUTES 37 SECONDS EAST, A DISTANCE OF 237.47 FEET TO THE MOST EASTERLY NORTHEAST CORNER OF AFORESAID LAKE VALLEY ESTATES, PHASE 1;

THENCE, ALONG THE NORTH LINES OF SAID LAKE VALLEY ESTATES, PHASE 1, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 88 DEGREES 38 MINUTES 42 SECONDS WEST, A DISTANCE OF 144.94 FEET TO A POINT FOR CORNER;

SOUTH 88 DEGREES 52 MINUTES 58 SECONDS WEST, A DISTANCE OF 50.00 FEET TO A POINT FOR CORNER;

NORTH 01 DEGREE 06 MINUTES 03 SECONDS WEST, A DISTANCE OF 123.29 FEET TO A POINT FOR CORNER;

SOUTH 88 DEGREES 38 MINUTES 42 SECONDS WEST, A DISTANCE OF 701.31 FEET TO A POINT FOR CORNER;

SOUTH 39 DEGREES 25 MINUTES 13 SECONDS WEST, A DISTANCE OF 137.71 FEET TO A POINT FOR CORNER;

NORTH 50 DEGREES 34 MINUTES 47 SECONDS WEST, A DISTANCE OF 50.00 FEET TO A POINT AT THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 20 DEGREES 06 MINUTES 07 SECONDS, A RADIUS OF 225.00 FEET, AND A LONG CHORD THAT BEARS SOUTH 29 DEGREES 22 MINUTES 09 SECONDS WEST, A DISTANCE OF 78.54 FEET;

ALONG SAID NON-TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 78.94 FEET TO A POINT FOR CORNER;

NORTH 70 DEGREES 20 MINUTES 41 SECONDS WEST, A DISTANCE OF 217.66 FEET TO A POINT FOR CORNER;

SOUTH 55 DEGREES 22 MINUTES 11 SECONDS WEST, A DISTANCE OF 128.64 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 31.954 ACRES OF LAND, MORE OR LESS.



PROPERTY OWNER		RECORDING DATA (G.L.B.C.T.)	ZONING	EXISTING LAND USE
OPAL WALK LOT 1, BLOCK 1 - WELK ADDITION		VOLUME 2000110, PAGE 1019	SF-20	UNDEVELOPED
OPAL WALK LOT 1, BLOCK 1 - WELK ADDITION		VOLUME 96234, PAGE 3743	SF-20	UNDEVELOPED
SUNSHINE PARTNERS, LTD. (TRACT ONE)		VOLUME 96234, PAGE 3276	SF-20	UNDEVELOPED
SUNSHINE PARTNERS, LTD. (TRACT TWO)		VOLUME 96234, PAGE 3276	SF-20	UNDEVELOPED
SUNSHINE PARTNERS, LTD. (TRACT TWO)		VOLUME 96234, PAGE 3276	SF-20	UNDEVELOPED

**NOTES:**

1. This Concept Plan is for illustrative purposes only and subject to change. This Concept Plan, along with development regulations (EX-NH31 "C"), are intended to describe the intent of the Planned Development. Significant deviations from this Concept Plan, as determined by the Director of Planning, will require an amendment to the Concept Plan, and as necessary, the Development Regulations.

2. All Existing Structures will be removed.

2. All Existing Structures will be removed.
3. This project is intended to be developed in one Phase for Single-Family Residential use.
4. All current development requirements of the City of Rowlett as amended shall be met unless approved otherwise within this Planned Development Zoning District development regulation.
- The Master Thoroughfare Plan for the City of Rowlett, Texas indicates that Liberty Grove Road is a Major Thoroughfare with a 110 foot right-of-way. Liberty Grove Road is a secondary Thoroughfare with a 60 foot right-of-way.

**PURPOSE/INTENT:** The purpose/intent of this application is to permit Single-Family Residential and Retail/Commercial uses within the proposed district.

- Land use proposed is Single Family Residential and Commercial (Retail).
- Development Summary:  
 Proposed Zoning: Single-Family Residential (R-2400)  
 Proposed Zoning: PD-15-B, PC-C-1  
 Total Acres: 31.884 Acres  
 Total Lots: 10  
 Residential Density: 2.2 Dwellings per Acre
- There will be no significant impact to the Existing Zoning System, the imp. generation will be similar to the existing zoning.
- Water and Wastewater Facilities are available adjacent to the site.
- There will be no significant impact to Adjacent Land Uses. This development generally conforms with the Comprehensive Plan.

**ZONING CONCEPT PLAN  
EXHIBIT "B"  
LAKE VALLEY ESTATES  
PHASE 2**

31.954 ACRES

11.764 ACRES NET OF RIGHT-OF-WAY DEDICATION  
IN THE  
H. HAMILTON SURVEY, ABSTRACT NO. 549  
Z. MOTLEY SURVEY, ABSTRACT NO. 1010  
AND THE F. WOOD SURVEY, ABSTRACT NO. 1863  
IN THE  
CITY OF ROWLETT, DALLAS COUNTY, TEXAS

**OWNER/APPLICANT: RESLAND DEVELOPMENT CORPORATION**

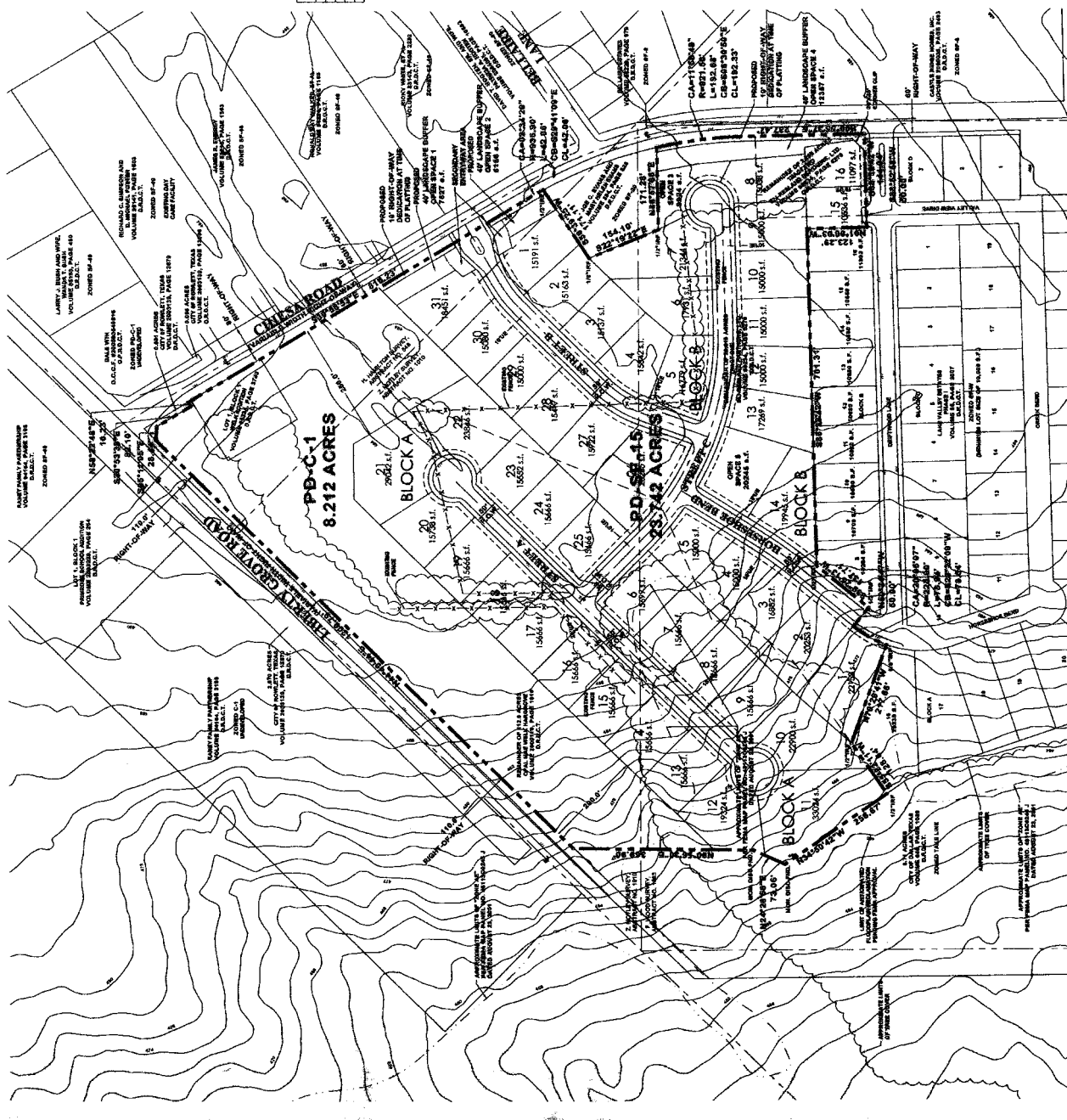
586 STEMMONS FREEWAY  
SUITE 400 SOUTH  
DALLAS, TX 75247  
CONTACT: MARK JOHNS

**ENGINEER/SURVEYOR:**

**CARTER & BURGESS, INC.**  
900 BLUMSBROOK DRIVE, SUITE 200  
DALLAS, TX 75247-4661

NOVEMBER 2008

TESTING SPECIFICATION



**Exhibit "C"**

**Planned Development Regulations**

Lake Valley Estates  
Rowlett, Texas

February 23, 2007

**I. Single Family Residential**

**1. Permitted Uses**

Property and buildings in this Planned Development District shall be similar to those permitted uses in the Single Family Residential District SF-15 of the current City of Rowlett Development Code (RDC).

**2. Building Regulations**

**A. Minimum Floor Area per Dwelling Unit**

The minimum area of the main building shall be 2,400 square feet, with at least 40% with a minimum 3,000 square feet, exclusive of garages and breezeways.

**B. Building Materials**

Buildings shall be of standard 100% masonry construction per elevation (including chimneys), exclusive of doors, and windows.

**C. Height Regulations**

No building shall exceed 2-1/2 stories or 35 feet (35') in height except as provided in accordance with the City of Rowlett Development Code (RDC).

**3. Area Regulations**

**A. Front Yard Setback**

- 1) The minimum depth of the front yard shall be 30 feet (30').
- 2) When a yard has double frontage, the front yard requirement shall be complied with only the side by which the homeowner shall enter the lot and consider the dwelling unit front entry.

**B. Side Yard Setback**

- 1) The minimum width of the side yard shall be seven and one half feet (7.5') or 10% of lot width, whichever is greater.
- 2) Where the corner lot is a key lot, the required front yard shall be provided on both streets

- 3) Where lots have double frontage running through from one street to another, the required front yard shall be provided on both streets.

**C. Rear Yard Setback**

- 1) The minimum depth of the rear yard shall be 20 feet (20') or 20 percent (20%) of the depth of the lot, whichever is smaller.
- 2) Unattached accessory buildings may be located in the rear yard of the main building and shall be set back not less than three feet (3') from the rear lot line.

**D. Lot Width**

There shall be a minimum lot width of one hundred feet (100') at the front building line, and such lot shall abut on a street for a distance not less than thirty-five feet (35'), except lots that front Driftwood Lane may have an average width of not less than eighty feet (80').

**E. Lot Depth**

There shall be a minimum lot depth of one hundred twenty feet (120').

**F. Lot Area**

- 1) For each dwelling, and building accessory thereto, there shall be a minimum lot area of not less than 15,000 square feet, except lots that front Driftwood Lane shall have a minimum lot area of not less than 10,000 square feet
- 2) For church main and accessory buildings, there shall be a minimum lot area of not less than 21,780 square feet.

**G. Lot Density**

There shall be a maximum of 2.0 dwelling units per acre.

**H. Lot Count**

There shall be a maximum of 47 single-family residential lots allowed for this Planned Development.

**I. Lot Coverage**

Main and accessory buildings shall not cover more than 45 percent (45%) of the lot area of any lot.

J. Garages

All garages shall be situated as to not front directly onto a residential street right-of-way (except corner lots). Otherwise, garages shall meet the requirements of the Rowlett Development Code (RDC).

**II. Commercial / Retail District**

1. Permitted Uses

Property and buildings in this Planned Development District shall match exactly to those permitted uses and standards in the Limited Commercial/Retail District C-1 of the current City of Rowlett Development Code as of June 6, 2006.

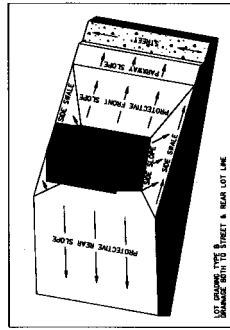


### III. Modifications Requested from the Rowlett Development Code

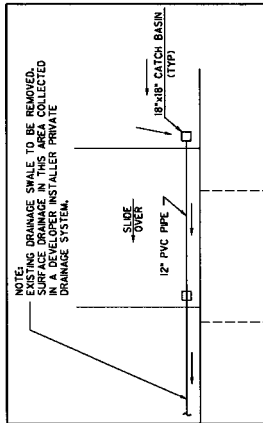
Chapter	Section	Requirement	Proposed
VI	C.4.	Alley Component Required.	Alley not required to match Phase 1.
VI	C.3.	Drive Lanes. 60 foot (60') right-of-way required for Residential Streets with no alleys.	50 foot (50') right-of-way with 31 foot (31') back-to-back street pavement and 10' utility easement as shown in Exhibit B to match existing Phase 1.
V	D.9.	Landscape buffer of 40 feet (40') in width in required adjacent to arterial roads.	The Landscape Buffer on Chiesa Road will transition from 0-40', south to north, beginning at the existing entrance to Lake Valley Estates at Driftwood and Chiesa Road to match existing Phase 1.
77	603 Streets, Item 8	Street intersection offset requirement is 150'	Reduction of offset to 120'

#### Other Development Standards

1. All current development requirements of the City of Rowlett as amended shall be met unless otherwise approved within these Planned Development Zoning District Development Regulations.
2. The Drainage Improvements agreed upon as specified in the P&Z Minutes and identified on Exhibit "D" in preliminary design form are required upon receiving City Engineer approval of the drainage plans.
3. A masonry screening wall having a minimum height of 6 feet shall be installed along the common PD-C-1/PD-SF boundary at time of infrastructure installation for the 47 single-family lots.



TYPICAL GRADING PATTERN FOR LOTS 8 & 15



DEVELOPER INSTALLED  
PRIVATE DRAINAGE SYSTEM  
DETAIL A

AREA A EXISTING CONDITIONS

A = 6.7 AC  
C = 100.0 IN/HR  
Q = 0.3 cfs  
O = 18.1 cfs

AREA B PROPOSED DEVELOPMENT AREA

A = 1.6 AC  
C = 100.0 IN/HR  
Q = 0.5 cfs  
O = 7.2 cfs

"EXHIBIT D"

DRAINAGE EXHIBIT  
LAKE VALLEY ESTATES  
PHASE 2

ENGINEER / SURVEYOR:

**Carter & Burgess**

CARTER & BURGESS, INC.  
7750 EMBROOK DRIVE, SUITE 250  
DALLAS, TEXAS 75249  
(214) 338-0445 FAX (214) 338-0447

**MINUTES OF THE REGULAR MEETING    ATTACHMENT 3  
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., AUGUST 14, 2007**

PRESENT:                    Chairman Sean Kirk, Vice-Chairman Kevin Moore, Commissioners  
Greg Peebles, Charles Alexander, Julie Faulkner, Rick Sheffield,  
Jeff Thomas

ALSO PRESENT:        Alternate Michael Dahl

ABSENT:                    Alternate Chuck Knickerbocker

STAFF PRESENT:      City Attorney David Berman, Development Services Director Keri  
Samford, Planner II Teresa Biddick, Planner I Lisa Campbell,  
Commission Secretary Dawn Frye

**A. CALL TO ORDER**

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

**B. CONSENT AGENDA**

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**1. Minutes of the regular meeting of July 24, 2007.**

Mr. Moore moved to approve the minutes as submitted. Mr. Thomas seconded the motion. The motion was approved with a 7-0 vote.

**C. PUBLIC HEARING**

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**1. Conduct a public hearing and take appropriate action on the application for a Replat of Lot 2, Block C, Pearson Addition, containing 24.1± acres of land located on the northeast corner of Nita Pearson Drive and Woodside Road. [FP07-286 Pearson Addition Replat]**

Mr. Alexander stepped down from this item since he is an employee of the Garland Independent School District, which constitutes a conflict of interest.

Ms. Biddick came forward and indicated that the applicant proposes to replat Lot 2, Block C, a flag-shaped lot, in order to subdivide it into two lots and dedicate right-of-way to connect Nita Pearson Drive and Pickard Drive. There was no additional information that had not been included in the staff report. The applicant was present at the meeting.

The Chairman opened the public hearing and asked anyone who wished to testify concerning this application to stand and be sworn in.

**MINUTES OF THE REGULAR MEETING      ATTACHMENT 3  
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., AUGUST 14, 2007, Cont.**

Jess Hudson, Executive Director, Garland ISD School Facilities, 701 North First Street, Garland, came forward to answer any questions.

There were no further witnesses. Mr. Moore made a motion to close the public hearing. The motion was seconded by Mr. Thomas. The motion passed with a 6-0 vote.

Mr. Sheffield moved to approve the Replat of Lot 2, Block C, Pearson Addition. Mr. Thomas seconded the motion. The motion passed with a 5-1 vote. Mr. Kirk cast the dissenting vote.

**D. ITEM FOR INDIVIDUAL CONSIDERATION**

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1. **Consider and take appropriate action on the application for a Preliminary Plat of Lake Valley Estates, Phase 2 (Tracts 1 & 2, zoned PD-SF-15 & PD-C-1, respectively), containing 31.9± acres of land located at the southwest corner of Liberty Grove and Chiesa Roads. [PP07-280 Lake Valley Estates, Phase 2]**

Ms. Campbell came forward and stated that PD Ordinance 007-07 was approved by the City Council in March of 2007, for the subject property. It is to be subdivided into 8.2 acres with C-1 zoning and 23.7 acres with SF-15 zoning, which has a minimum lot size of 15,000 square feet. The direct access entry is off Chiesa Road, which is shown as a 4-lane divided thoroughfare with an 85-ft. right-of-way on the Master Thoroughfare Plan. Right-of-way will be dedicated so that 42.5 feet will be measured from the center line. No right-of-way will be dedicated on Liberty Grove Road because a full 110-ft. right-of-way already exists. Ms. Campbell indicated that there are four modification requests to the Subdivision Ordinance. She explained that they have already been approved as part of the Planned Development Ordinance, but Planning and Zoning Commission approval is still required both now and again at the Final Plat stage. These modifications are requested in order to match Phase 1 of the Lake Valley Estates subdivision.

Ms. Campbell enumerated the modification requests. She stated that the Preliminary Plat conforms to the Comprehensive Plan and meets the minimum requirements of the Rowlett Development Code. It also complies with the Zoning Concept Plan and the Development Regulations exhibit attached to the Planned Development Ordinance. Ms. Campbell indicated that Mr. Kevin Kessler and Mr. Cole Henley of Carter & Burgess were present.

For the record, Mr. Sheffield asked if the modification requests from the original Planned Development were consistent in the documentation that the Commission had received. Ms. Campbell affirmed that they were consistent.

**MINUTES OF THE REGULAR MEETING      ATTACHMENT 3  
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., AUGUST 14, 2007, Cont.**

Kevin Kessler, P.E., Carter & Burgess, Inc., 7950 Elmbrook Drive, Dallas, came forward to answer any questions.

Mr. Thomas made a motion to approve the Preliminary Plat for Lake Valley Estates, Phase 2, with the following modifications:

1. Allow alley requirement to be waived to match Phase 1;
2. Allow waiver of 60-ft. right-of-way requirement for residential streets with no alleys for 50-ft. right-of-way with 31-ft. back-to-back street pavement and a 10-ft. utility easement to match Phase 1;
3. Allow waiver of 40-ft. wide Landscape Buffer adjacent to arterial roads for a Landscape Buffer that will transition from 0-ft. to 40-ft., south to north, beginning at the existing entrance of Lake Valley Estates at Driftwood Lane and Chiesa Road to match Phase 1; and
4. Allow street intersection minimum offset requirement to be reduced from 150-ft. to 120-ft.

Mr. Moore seconded the motion. The motion passed with a 7-0 vote.

The Chairman announced that he had submitted his resignation to the City Council yesterday effective the end of this month due to the difference in philosophy he has with the new City Council. He indicated that the way things are going to be done in the City under the new City Council does not fit with him. Mr. Kirk stated that it had been a great honor and privilege to serve with all of the Planning and Zoning Commission and to serve the City and particularly the staff of this City. He singled out Ms. Frye and thanked her for the amazing job she had done during the time he had been on the Commission and even before he was on the Commission.

**E. ADJOURNMENT**

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The Chairman adjourned the meeting at 7:30 p.m.

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Chairman

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Secretary



## LEGAL DESCRIPTION

BEING A 23.742 ACRE TRACT OF LAND SITUATED IN THE H. HAMILTON SURVEY, ABSTRACT NO. 548, IN THE Z. MOTLEY SURVEY, ABSTRACT NO. 1010, AND IN THE F. WOOD SURVEY, ABSTRACT NO. 1563, CITY OF ROWLETT, DALLAS COUNTY, TEXAS, AND BEING ALL OF A 23.742 ACRE TRACT OF LAND CONVEYED TO KAYVALLEY, L.P., AS RECORDED IN COUNTY CLERK'S FILE NO. 2009015443, DEED RECORDS, DALLAS COUNTY, TEXAS, SAID 23.742 ACRE TRACT, WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES NAD83, NORTH CENTRAL ZONE, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID 23.742 ACRE TRACT AND THE NORTHWEST CORNER OF LOT 16, BLOCK A OF LAKE VALLEY ESTATES, PHASE 1, AN ADDITION TO THE CITY OF ROWLETT, AS RECORDED IN VOLUME 56, PAGE 2007, DEED RECORDS, DALLAS COUNTY, TEXAS, SAID POINT BEING ON THE EAST LINE OF A 8.71 ACRE TRACT OF LAND CONVEYED TO THE CITY OF DALLAS, TEXAS, AS RECORDED IN VOLUME 640, PAGE 1089, DEED RECORDS, DALLAS COUNTY, TEXAS;

THENCE, ALONG THE WEST LINE OF SAID 23.742 ACRE TRACT AND THE EAST LINE OF SAID 8.71 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES:

NORTH 34 DEGREES 50 MINUTES 42 SECONDS WEST, A DISTANCE OF 256.67 FEET TO MONUMENT DISC FOUND FOR CORNER;

NORTH 24 DEGREES 28 MINUTES 58 SECONDS EAST, A DISTANCE OF 73.06 FEET TO MONUMENT DISC FOUND FOR CORNER;

NORTH 00 DEGREES 56 MINUTES 30 SECONDS EAST, A DISTANCE OF 80.88 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" FOUND FOR THE NORTHWEST CORNER OF SAID 23.742 ACRE TRACT AND A SOUTHWEST CORNER OF THE REMAINDER OF A 112.9 ACRE TRACT OF LAND CONVEYED TO OPAL MAE WELK HARGROVE, AS RECORDED IN VOLUME 2000110, PAGE 1019, DEED RECORDS, DALLAS COUNTY, TEXAS;

THENCE, ALONG THE NORTH LINE OF SAID 23.742 ACRE TRACT AND THE SOUTH LINE OF THE REMAINDER OF SAID 112.9 ACRE TRACT OVER AND ACROSS AFORESAID 112.9 ACRE TRACT OF LAND, THE FOLLOWING COURSES AND DISTANCES:

NORTH 44 DEGREES 43 MINUTES 44 SECONDS EAST, A DISTANCE OF 1044.20 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" FOUND FOR CORNER;

NORTH 89 DEGREES 43 MINUTES 44 SECONDS EAST, A DISTANCE OF 115.86 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" FOUND FOR CORNER;

SOUTH 30 DEGREES 56 MINUTES 53 SECONDS EAST, PASSING AT A DISTANCE OF 460.43 FEET THE NORTHWEST CORNER OF THE TRACT OF LAND CONVEYED TO OPAL MAE WELK, AS RECORDED IN COUNTY CLERK'S FILE NO. 20070394581, DEED RECORDS, DALLAS COUNTY, TEXAS, CONTINUING ALONG THE WEST LINE OF SAID OPAL MAE WELK TRACT IN ALL A TOTAL DISTANCE OF 276.83 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" FOUND FOR THE SOUTHWEST CORNER OF SAID OPAL MAE WELK TRACT;

THENCE, NORTH 44 DEGREES 43 MINUTES 44 SECONDS EAST, ALONG THE NORTH LINE OF SAID 23.742 ACRE TRACT AND THE SOUTH LINE OF THE SAID OPAL MAE WELK TRACT, A DISTANCE OF 276.83 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" FOUND FOR THE NORTHEAST CORNER OF SAID 23.742 ACRE TRACT, SAID POINT ALSO BEING ON THE SOUTHWEST RIGHT-OF-WAY LINE OF CHIESA ROAD (VARIABLE WIDTH RIGHT-OF-WAY);

THENCE, ALONG THE EAST LINE OF SAID 23.742 ACRE TRACT AND THE SOUTHWEST RIGHT-OF-WAY LINE OF SAID CHIESA ROAD, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 30 DEGREES 56 MINUTES 53 SECONDS EAST, A DISTANCE OF 255.74 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" FOUND FOR CORNER AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 02 DEGREES 34 MINUTES 20 SECONDS, A RADIUS OF 936.90 FEET, AND A LONG CHORD THAT BEARS SOUTH 29 DEGREES 41 MINUTES 09 SECONDS EAST, A DISTANCE OF 42.06 FEET;

ALONG SAID NON-TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 42.06 FEET TO A 1/2 INCH IRON ROD FOUND FOR A SOUTHEAST CORNER OF SAID 23.742 ACRE TRACT AND THE NORTHEAST CORNER OF A TRACT OF LAND CONVEYED TO SHRADE PROPERTIES, L.P., AS RECORDED IN COUNTY CLERK'S FILE NO. 20080137083, DEED RECORDS, DALLAS COUNTY, TEXAS;

THENCE ALONG THE COMMON LINES OF SAID 23.742 ACRE TRACT AND SAID SHRADE PROPERTIES, L.P. TRACT, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 56 DEGREES 39 MINUTES 25 SECONDS WEST, A DISTANCE OF 171.11 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER;

SOUTH 22 DEGREES 19 MINUTES 22 SECONDS EAST, A DISTANCE OF 154.10 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER;

NORTH 88 DEGREES 57 MINUTES 06 SECONDS EAST, A DISTANCE OF 174.28 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" FOUND FOR A NORTHEAST CORNER OF SAID 23.742 ACRE TRACT AND THE SOUTHEAST CORNER OF SAID SHRADE PROPERTIES, L.P. TRACT, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF AFORESAID CHIESA ROAD AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 11 DEGREES 58 MINUTES 49 SECONDS, A RADIUS OF 921.50 FEET, AND A LONG CHORD THAT BEARS SOUTH 06 DEGREES 30 MINUTES 50 SECONDS EAST, A DISTANCE OF 192.33 FEET;

THENCE, ALONG THE EAST LINE OF SAID 23.742 ACRE TRACT AND THE WEST RIGHT-OF-WAY LINE OF SAID CHIESA ROAD, THE FOLLOWING COURSES AND DISTANCES:

ALONG SAID NON-TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 192.68 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" FOUND FOR CORNER;

SOUTH 00 DEGREES 55 MINUTES 37 SECONDS EAST, A DISTANCE OF 237.47 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" FOUND THE SOUTHEAST CORNER OF SAID 23.742 ACRE TRACT;

THENCE, ALONG THE SOUTH LINE OF SAID 23.742 ACRE TRACT AND THE NORTH LINE OF AFORESAID LAKE VALLEY ESTATES, PHASE 1, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 88 DEGREES 39 MINUTES 42 SECONDS WEST, A DISTANCE OF 144.84 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" FOUND FOR CORNER;

SOUTH 88 DEGREES 52 MINUTES 58 SECONDS WEST, A DISTANCE OF 50.00 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" FOUND FOR CORNER;

NORTH 04 DEGREES 06 MINUTES 03 SECONDS WEST, A DISTANCE OF 123.29 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" FOUND FOR CORNER;

SOUTH 88 DEGREES 38 MINUTES 42 SECONDS WEST, A DISTANCE OF 701.31 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER;

SOUTH 39 DEGREES 25 MINUTES 13 SECONDS WEST, A DISTANCE OF 137.71 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER;

NORTH 50 DEGREES 34 MINUTES 47 SECONDS WEST, A DISTANCE OF 50.00 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" FOUND FOR CORNER AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 20 DEGREES 06 MINUTES 07 SECONDS, A RADIUS OF 225.00 FEET, AND A LONG CHORD THAT BEARS SOUTH 29 DEGREES 22 MINUTES 09 SECONDS EAST, A DISTANCE OF 78.54 FEET;

ALONG SAID NON-TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 78.94 FEET TO A 5/8 INCH IRON ROD FOUND FOR CORNER;

NORTH 70 DEGREES 20 MINUTES 41 SECONDS WEST, A DISTANCE OF 217.66 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER;

SOUTH 55 DEGREES 22 MINUTES 11 SECONDS WEST, A DISTANCE OF 128.64 FEET TO THE POINT OF BEGINNING AND CONTAINING 23.742 ACRES OF LAND, MORE OR LESS.

## NOTES

1. ALL PROPOSED STREETS SHOWN ARE 50' PUBLIC R.O.W.'s UNLESS OTHERWISE NOTED.
2. PRIVATE TRACTS SHALL BE MAINTAINED BY THE HOA.
3. ALL LOTS WILL BE FRONT ENTRY.
4. NO PARKING SIGNS OR STRIPING WILL BE INSTALLED ON BOTH SIDES OF STREET
5. PER THE PD, A MINIMUM 6' TALL MASONRY SCREENING WALL SHALL BE CONSTRUCTED BETWEEN THE COMMERCIAL AND RESIDENTIAL ZONING DISTRICTS AT THE TIME OF THE DEVELOPMENT.
6. THE SCREENING WALL (ALONG LOTS 12-22, 30 & 31, BLOCK F) SHALL BE MAINTAINED BY THE HOA.
7. EROSION CONTROL ALONG THE FLOODPLAIN WILL BE THE RESPONSIBILITY OF THE HOA.

## CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C1	78.94'	225.00'	20°06'03"	S29°23'09"W	78.53'
C2	42.03'	925.40'	2°36'08"	S29°22'30"E	42.02'
C3	192.73'	925.40'	11°55'57"	S06°39'06"E	192.38'
C4	62.25'	250.00'	14°16'04"	S51°52'20"W	62.09'
C5	103.52'	250.00'	23°43'29"	S32°52'34"W	102.78'
C6	144.29'	650.00'	12°43'08"	S51°37'16"E	143.99'
C7	124.86'	650.00'	11°00'21"	S63°29'00"E	124.67'
C8	253.58'	650.00'	22°21'10"	S80°09'45"E	251.98'
C9	129.45'	1000.00'	7°25'00"	N35°43'41"E	129.36'

## LINE TABLE

LINE	BEARING	DISTANCE
L1	S88°39'40"W	145.67'
L2	S88°53'56"W	50.00'
L3	N01°05'06"W	123.29'
L4	S39°26'11"W	137.71'
L5	N50°33'49"W	50.00'
L6	S22°15'02"E	154.20'
L7	S59°00'22"W	114.78'
L8	S44°44'18"W	238.05'
L9	S21°00'50"W	140.71'
L10	S45°15'42"E	166.22'
L11	N88°39'40"E	221.01'
L12	N01°20'20"W	25.00'
L13	N39°26'11"E	150.35'
L14	N32°01'11"E	183.14'
L15	N44°44'18"E	511.00'
L16	N44°44'18"E	363.36'

APPROXIMATE LOCATION OF 100 YEAR FLOODPLAIN PER FEMA MAP NO. 4813C0245 J DATED AUGUST 23, 2001

CITY OF DALLAS  
LAKE RAY HUBBARD  
PARK

APPROXIMATE LOCATION OF 100 YEAR FLOODPLAIN PER FUTURE LOMR-F AND PROPOSED DFIRM

DEVELOPED BY:



LENNAR HOMES OF TEXAS,  
LAND & CONSTRUCTION, LTD.  
1707 MARKETPLACE BLVD., SUITE 250  
IRVING, TEXAS 75063 PHONE: (469)587-5215

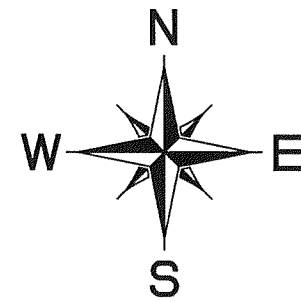
PREPARED BY:

GOODWIN  
MARSHALL  
CIVIL ENGINEERS ~ PLANNERS ~ SURVEYORS  
2405 Mustang Drive, Grapevine, TX. 76051  
Metro (817) 329-4373

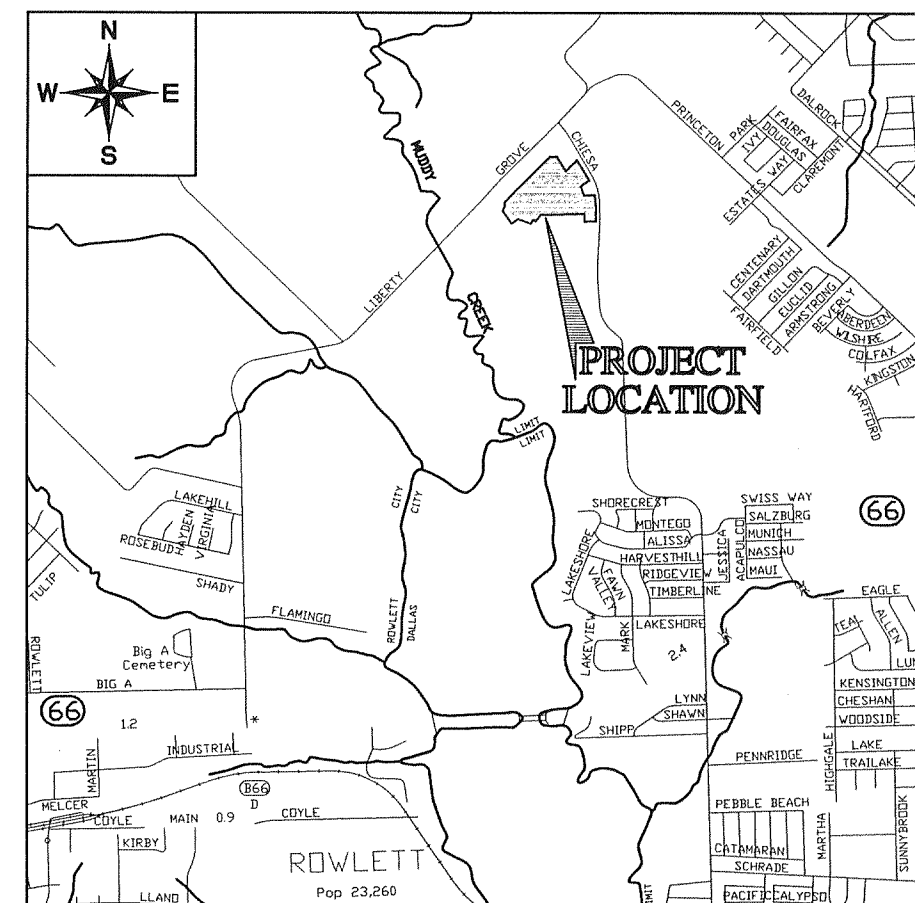
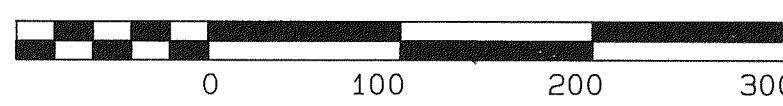
PHASE 2 – 23.742 ACRES  
47 LOTS DEVELOPED ON 2 BLOCKS PER PD ZONING:  
LOTS 1-31, BLOCK F, LOTS 1-16, BLOCK E

OPEN SPACE LOTS:  
TRACT 4,5 BLOCK E

LANDSCAPE BUFFER LOTS:  
TRACT 1,2 BLOCK E, TRACT 3 BLOCK F



GRAPHIC SCALE 1"=100'



VICINITY MAP  
N.T.S.

CHAIRMAN, CITY OF ROWLETT, PLANNING AND ZONING COMMISSION	DATE
DIRECTOR OF PUBLIC WORKS	DATE

PRELIMINARY PLAT – FOR INSPECTION PURPOSES ONLY  
APPROVED FOR PREPARATION OF FINAL PLAT

## LAKE VALLEY ESTATES PRELIMINARY PLAT PHASE 2

47 RESIDENTIAL LOTS, 5 OPEN SPACE LOTS

BEING 23.742 ACRES

SITUATED IN THE

H. HAMILTON SURVEY, ABSTRACT No. 548

Z. MOTLEY SURVEY, ABSTRACT No. 1010

F. WOOD SURVEY, ABSTRACT No. 1563

CITY OF ROWLETT, DALLAS COUNTY, TEXAS

NOVEMBER 2, 2010





**Department of Public  
Works/Planning Division**

## **Agenda Item – C.1**

### **Case Number – CUP10-469**

### **Raising Cane's – Conditional Use Permit**

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**Request**

*Emery Shane, Dover Cliff Development, Owner*  
*Michael Clark, Winkelmann & Associates, Inc., Applicant*

Conduct a Public Hearing to consider and take appropriate action on a Conditional Use Permit (CUP) application for a 2,724± square foot restaurant with drive-thru. The subject property is located at 4725 Lakeview Parkway, being a 0.829 acre portion of Lots 4 & 5, Block C of the Lake Center Plaza Subdivision, Thomas Payne Survey, Abstract No. 1165, City of Rowlett, Dallas County, Texas. (Case Number CUP10-469)

**Background**

*Marc Kurbansade, Planner II*

The property is located in a General Commercial Retail (C-2) zoning district and is currently vacant. A location map is included as Attachment 1. Per the *Rowlett Development Code* a CUP is required for a restaurant with drive-thru in a C-2 zoning district. If the proposed CUP is approved the applicant will be required to obtain the following administrative approvals prior to the issuance of a building permit: Plat, Development Plans (Site Plan, Landscape Plan, and Façade Plans), Civil Engineering Plans, and Building Construction Plans.

**Zoning Adjacent to the Property**

NORTH: SUP (for C-2 uses)  
EAST: C-2  
SOUTH: C-2  
WEST: C-2

**Analysis**

The approval criteria for a CUP are outlined in Section 77-807 of the *Rowlett Development Code*. Staff recommends that the Planning and Zoning Commission consider the request based on these approval criteria as detailed below.

*"Section 77-807.D. Approval Criteria.* A conditional use permit application shall be approved by the planning and zoning commission if all of the following criteria have been met:

1. The proposed use is consistent with the comprehensive plan and other infrastructure-related plans, all applicable provisions of this Code, and applicable state and federal regulations;
2. The proposed use is consistent with the purpose and intent of the zoning district in which it is located;
3. The proposed use is consistent with any applicable use-specific standards set forth in subchapter 77-303;
4. The use as proposed is compatible with adjacent uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);
5. The proposed use is compatible with city council goals related to the corridor upon which it is proposed, as applicable;
6. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practicable; and
7. The proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities."

### **Staff Recommendation**

The Concept Plan (Attachment 2) has been reviewed by city staff and is substantially conforming. Based on the fact that the proposal generally meets all of the CUP approval criteria outlined Section 77-807 of the *Rowlett Development Code*, staff recommends approval of the proposed CUP.

Please note that Section 77-807 of the *Rowlett Development Code* states that, "a conditional use permit is not transferable and does not constitute a change of zoning." If approved, this CUP will only be associated with Raising Cane's. Any future tenants would be required to submit a new CUP application.

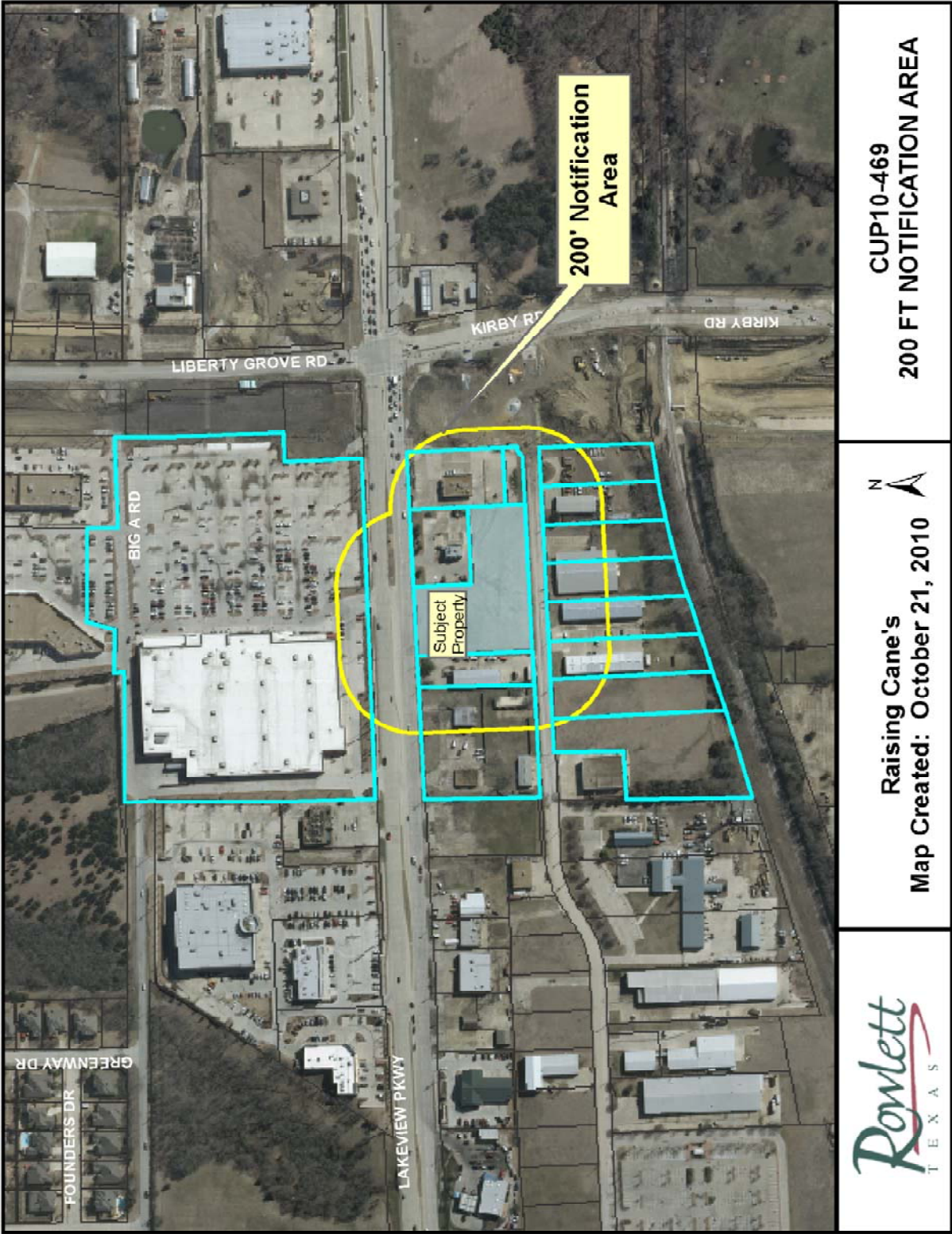
### **Notices**

Notice of this public hearing was mailed to the property owner and all other property owners within 200-feet of the subject property, as indicated by the most recently approved municipal tax roll and as required by Texas Local Government Code and *Rowlett Development Code*. Nine notices were mailed to a total of 13 separate properties on October 21, 2010. As of Wednesday, November 3, 2010, three responses were returned representing a total of seven individual properties. Of these responses, five properties are in favor and two properties are in opposition. These responses are included as Attachment 3.

### **Attachments**

- 1- Location Map
- 2- Concept Plan
- 3- Public Hearing Notice Responses







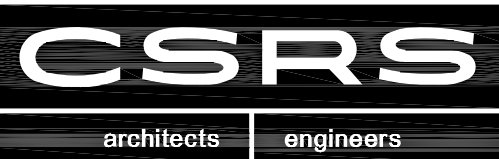
Store Support Office  
5800 TENNYSON PARKWAY, STE 200  
DALLAS, TEXAS 75225  
Tel: 972.769.3357 Fax: 972.769.3101

Proposed Store:

**Raising Cane's**  
**Store No. 80**  
**Lakeview Parkway (Hwy 66)**  
**Rowlett, TX**

Prototype 4

Architect Information:



CSRS, Inc.  
6767 Perkins Road Suite 200 Baton Rouge, LA 70808  
Tel: 225 769-0546 Fax: 225 767-0060  
www.csronline.com



CONSULTING CIVIL ENGINEERS ■ SURVEYORS  
6750 MILLCREST PLAZA DRIVE, SUITE 325 (972) 490-7090  
DALLAS, TEXAS 75230 (972) 490-7099 FAX  
Texas Engineers Registration No. 89  
Texas Surveyors Registration No. 100866-00  
COPYRIGHT © 2010, Winkelmann & Associates, Inc.

Site Data:

Zoning	C-2
Setbacks	Front: 80'
	Side: 0'
	Rear: 30'
Flood Zone	Zone: X
B.F.E	483'

Statistics:

Total area	36,023 SF (0.82 AC)
Parking Required (1 sp. / 100 S.F.)	28
Parking Provided	28
Drive-Thru stack	4

Date: 09-28-10  
Revised: -  
Scale: 1"= 30'



Drawn By: MMG

Study Number:

**SD-1**

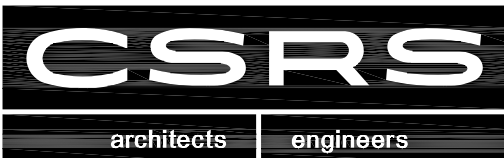
4	10-25-10	Resubmittal	M.D.C.
3	10-22-10	Resubmittal	M.D.C.
2	10-12-10	Resubmittal	M.D.C.
1	09-28-10	Initial Submittal	M.D.C.
No.	Date	Revision	Approv.

## Concept Plan - Exhibit B

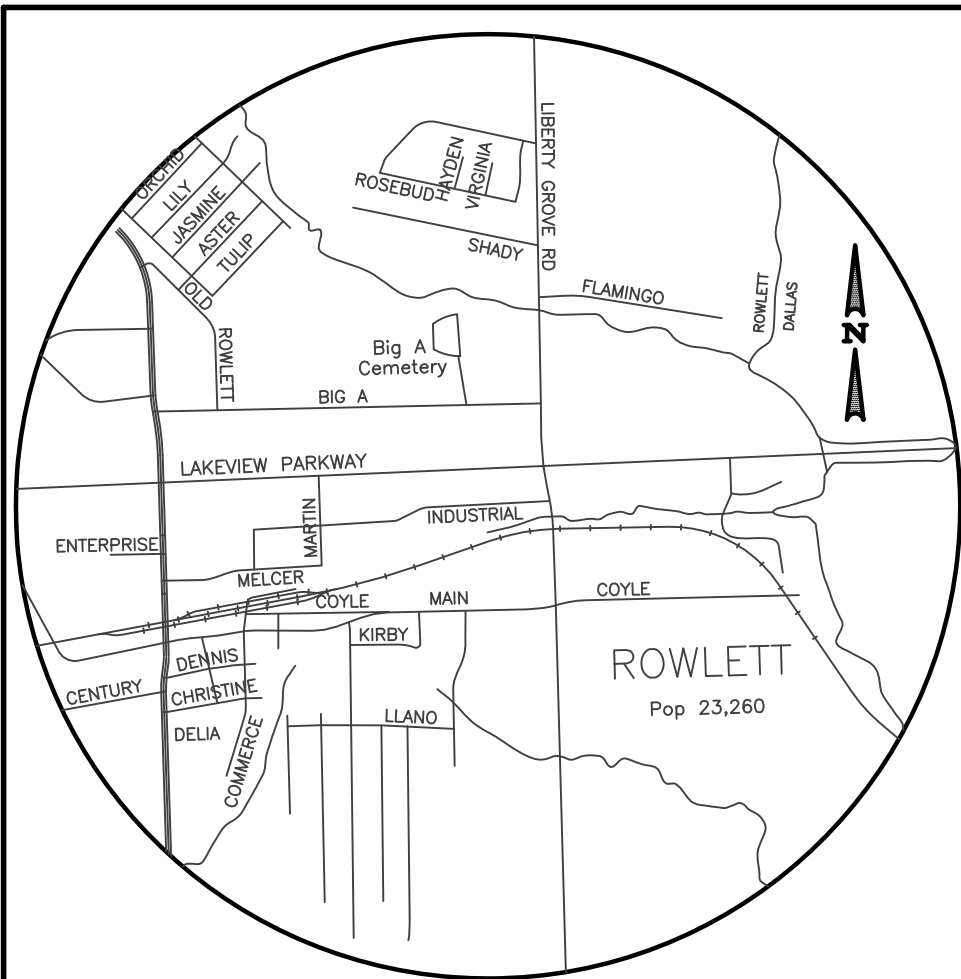
**RAISING CANE'S**  
**0.829 ACRES**  
**PORTION OF LOTS 4 & 5**  
**BLOCK C LAKE CENTER PLAZA**  
**THOMAS PAYNE SURVEY, ABSTRACT NO. 1165**  
**DALLAS COUNTY, TEXAS**



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DALLAS, TEXAS 75230 (972) 490-7099 FAX  
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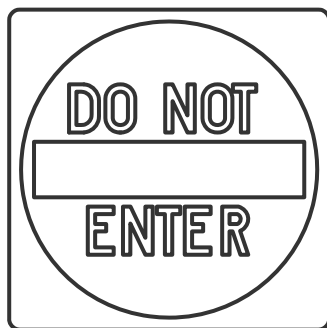


CSRS, Inc.  
6767 Perkins Road Suite 200 Baton Rouge, LA 70808  
Tel: 225 769-0546 Fax: 225 767-0060  
www.csronline.com

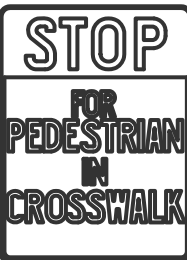


VICINITY MAP  
NOT TO SCALE

### SIGN LEGEND



"I" 30"x30"



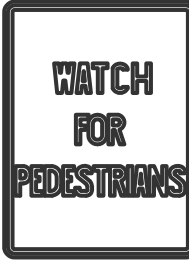
"D" 18"x24"



"E2" 18"x24"



"J" 30"x30"



"E1" 18"x24"



"R3-2" 24"x24"

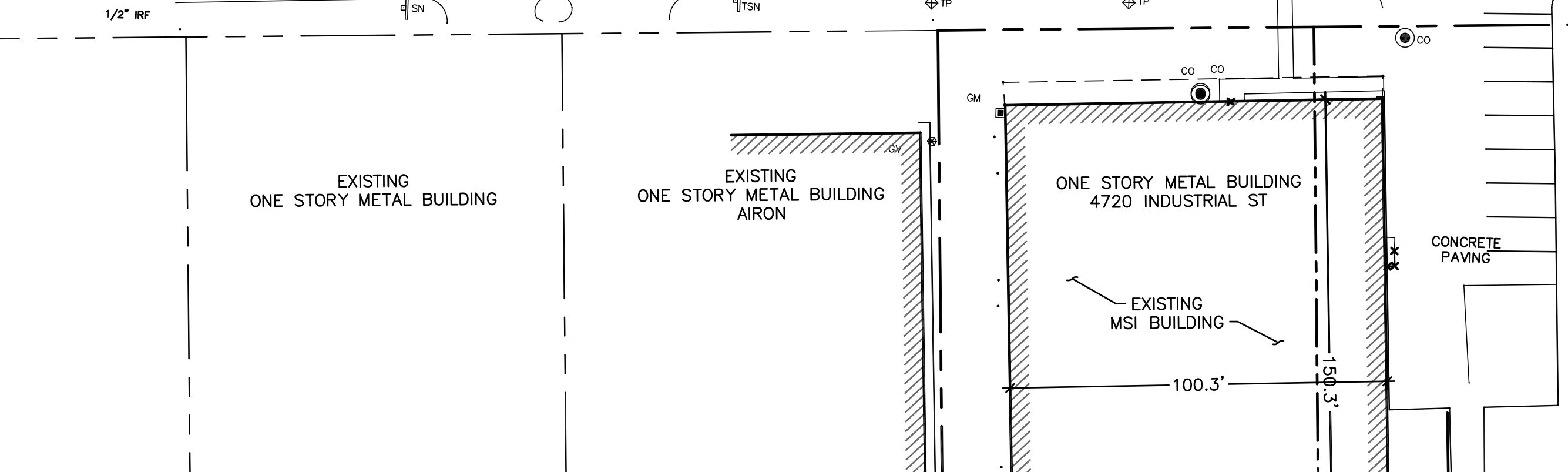


"R3-4" 24"x24"

### NOTES:

- THIS CONCEPT PLAN IS FOR ILLUSTRATIVE PURPOSES ONLY AND SUBJECT TO CHANGE. THIS CONCEPT PLAN, ALONG WITH DEVELOPMENT REGULATIONS, ARE INTENDED TO DESCRIBE THE INTENT OF THE DEVELOPMENT. SIGNIFICANT DEVIATIONS FROM THIS CONCEPT PLAN, AS DETERMINED BY THE DIRECTOR OF PLANNING, WILL REQUIRE AN AMENDMENT TO THE CONCEPT PLAN AND, AS NECESSARY, THE DEVELOPMENT REGULATIONS.
- ALL CURRENT DEVELOPMENT REQUIREMENTS OF THE CITY AS AMENDED SHALL BE MET UNLESS OTHERWISE APPROVED.
- ON-SITE DETENTION WILL BE REQUIRED.
- THE PROPOSED NEW DRIVEWAY WILL BE CONTINGENT UPON CITY OF ROWLETT AND TxDOT APPROVAL & THE CLOSURE OF THE EXISTING DRIVEWAY TO THE EAST FOR LOT 2R, BLOCK C.

ASPHALT PAVING w/ CONCRETE CURB AND GUTTER



Scale: 1" = 30'-0"





Department of Public  
Works/Planning Division

### NOTICE OF PUBLIC HEARING

**TO:** Property Owner

**RE:** Application for a Conditional Use Permit (CUP)

**LOCATION:** 4725 Lakeview Parkway, being a 0.829 acre portion of Lots 4 & 5, Block C of the Lake Center Plaza Subdivision, Thomas Payne Survey, Abstract No. 1165, Dallas County, City of Rowlett, Texas. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.

**EXPLANATION OF REQUEST:** The applicant requests a Conditional Use Permit (CUP) for a restaurant with a drive-thru, more specifically described as Raising Cane's, in a C-2 (General Commercial/Retail) zoning district.

- ☒ I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- ☐ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:**

GREAT TENANT! GREAT FOOD.

I own 3 of 8 LOTS (OWNED) AFFECTED!

**SIGNATURE:**

*Emily L. McNamee*

**ADDRESS:**

100 NORTH POINT CENTER EAST, SUITE 510  
ALPHARETTA, GA 30022

Your written comments are being solicited in the above case. Additional information is available in the Department of Public Works/Planning Division at 3901 Main Street. The Planning and Zoning Commission will hold a public hearing and may take final action on the above case on **Tuesday, November 9, 2010**. All meetings are typically held in the City Council Chambers, 4000 Main Street, Rowlett, Texas.

Please legibly respond in ink. If the signature and/or address are missing, your comments will not be recorded. Your response must be received in the Planning Division by **5:00 pm on Wednesday, November 3, 2010**, for your comments to be included in the Planning and Zoning Commission's November 9<sup>th</sup> packet. Responses received after that time will be forwarded to the Commission at the respective public hearing.

If you have any questions concerning this request, please contact the Public Works / Planning Division at  
Phone 972-463-3904  
FAX 972-412-6228  
mkurbansade@rowlett.com

**RETURN BY FAX OR MAIL**  
City of Rowlett  
Public Works / Planning Division  
PO Box 99  
Rowlett, TX 75030-0099



Department of Public  
Works/Planning Division

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- ☐ I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:  
☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS:

*Simple. The City Will Not  
Work With Me @ 4604 Industrial  
So I am opposing this Request!*

SIGNATURE:

ADDRESS:

*[Signature]*  
*4604 Industrial - Rowlett*

Your written comments are being solicited in the above case. Additional information is available in the Department of Public Works/Planning Division at 3901 Main Street. The Planning and Zoning Commission will hold a public hearing and may take final action on the above case on **Tuesday, November 9, 2010**. All meetings are typically held in the City Council Chambers, 4000 Main Street, Rowlett, Texas.

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Department of Public  
Works/Planning Division

NOTICE OF PUBLIC HEARING

TO: Property Owner

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EXPLANATION OF REQUEST: The applicant requests a Conditional Use Permit (CUP) for a restaurant with a drive-thru, more specifically described as Raising Cane's, in a C-2 (General Commercial/Retail) zoning district.

- ☒ I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- ☐ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS:

*It will help improve the area.*

SIGNATURE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Your written comments are being solicited in the above case. Additional information is available in the Department of Public Works/Planning Division at 3901 Main Street. The Planning and Zoning Commission will hold a public hearing and may take final action on the above case on **Tuesday, November 9, 2010**. All meetings are typically held in the City Council Chambers, 4000 Main Street, Rowlett, Texas.

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FAX 972-412-6228  
mkurbansade@rowlett.com

**RETURN BY FAX OR MAIL**  
City of Rowlett  
Public Works / Planning Division  
PO Box 99  
Rowlett, TX 75030-0099

*HANNAH SARAH LTD  
26 INCLUDES 2 PROPERTIES  
MAILING: 2601 MARKET ST, GARLAND, TX*





**Department of Public  
Works/Planning Division**

## **Agenda Item – C.2**

### **Case Number – TUP10-472**

### **Lake Pointe Medical Center Modular Building**

### **Temporary Use Permit**

---

**Request**

*Jeff Patterson, Lake Pointe Medical Center,  
Chief Operating Officer, Applicant*

Conduct a public hearing and take appropriate action on a Temporary Use Permit (TUP) application for the use of a temporary modular building over a 60-day period during construction of permanent facilities on-site. The subject property is located at 6800 Scenic Drive, within the Heritage on the Lake Tract 10 Subdivision, Lot 5R, Block 4, Rockwall County, Texas. (Case Number TUP10-472)

**Background**

*Marc Kurbansade, Planner II*

Lake Pointe Medical Center is currently in the process of constructing an Interventional Cath Lab within the existing medical center building. The proposed Modular Cath Lab will allow Lake Pointe Medical Center to utilize an interim facility while the permanent Interventional Cath Lab facility is being completed. A letter from the applicant summarizing the request is included in Attachment 1.

The subject property is located at 6800 Scenic Drive and is part of the Lake Pointe Medical Center complex (See Attachment 2 – Location Map).

A TUP for the proposed modular building was approved by the Planning Division on October 28, 2010 for a period of 30 days. This staff-level approval was done in accordance with Section 77-304.D.1(a) of the Rowlett Development Code. Following staff approval, the modular building was subsequently placed adjacent to the eastern façade of the existing main building on October 30, 2010. A sketch showing the location of the modular building and photos of the building are included as Attachment 3 and Attachment 4, respectively.

This request would allow the modular building to remain for a period of 60 days, which is concurrent with the first 30 days approved by Staff, thus allowing the modular building for the 60-day period from October 30, 2010 until December 29, 2010. In accordance with current City Ordinances, the applicant is also requesting a 60-day extension, which would allow the temporary building to be permitted from December 29, 2010 until February 27, 2011.

## Staff Analysis

Temporary Use Permits are regulated by Chapter 10, Article XI of the City Code of Ordinances as well as Section 77-304 and Section 77-810 of the Rowlett Development Code. The requirements and approval criteria for each of these Sections are detailed below including staff commentary in italics beneath each point of consideration where applicable. Staff recommends that the Planning and Zoning Commission consider the request based on these approval criteria as detailed below.

### Chapter 10, Article XI –City Code of Ordinances

#### Section 10-415. General Requirements.

- (a) If temporary power is required, it must be supplied overhead or underground directly to the specific temporary use. No open wiring laying directly on the ground will be permitted.  
*Staff Comment: The applicant has been coordinating with the City or Rowlett Building Inspections Department to ensure that the applicable requirements are being met.*
- (b) All buildings or structures shall set back according to the current zoning district for principal uses on the land on which the temporary use is occurring.  
*Staff Comment: The proposed modular building will be setback in excess of approximately 110-feet, which is in compliance with the requirements for the current zoning district.*
- (c) The maximum time period for a temporary use permit under this article shall be 60 days. Any renewal of such time period or extension thereof shall only be permitted by specific resolution of the city council upon request by the temporary permit holder.  
*Staff Comment: This temporary use permit is for a duration of 60 days, which requires Planning & Zoning Commission approval pursuant to Section 10-415(h). If this request is approved by Planning & Zoning Commission, the applicant will go before the City Council on November 16, 2010 to request an additional 60-day extension.*
- (d) A new temporary use permit is required for each new location within the city, regardless of whether or not the temporary use is located on the same property as a previous temporary use permit or on a new site.  
*Staff Comment: This request is for a new temporary use permit on this site. There are no records of a prior temporary use permit being granted for this site.*
- (e) A temporary use permit for the use of real property, buildings or structures for religious or public gatherings may be permitted in any zoning district, provided that the use will not adversely affect adjacent properties in residentially zoned districts.  
*Staff Comment: This requirement is not applicable to the request at hand.*
- (f) Temporary permits for carnivals, amusement parks and Christmas tree sales may be authorized in the C-1, C-2, I-1, or I-2 districts only.  
*Staff Comment: This requirement is not applicable to the request at hand.*
- (g) A temporary use permit may only be renewed or extended once, for a period not to exceed 60 additional days, by action of the city council. No new temporary use permit for the same temporary use on the same property may be granted for a period of six months from the date of termination of such renewal or additional period.

*Staff Comment: If this request is approved by Planning & Zoning Commission, the applicant will go before the City Council on November 16, 2010 to request an additional 60-day extension.*

- (h) For those temporary uses other than specifically listed in section 10-411(a), (b) and (c), application shall be made to the planning and zoning commission. The commission shall hold a public hearing by which certain factors regarding the application shall be considered, such as nature of the use; time period allowed for the use; parking; cleanup requirements; and signage. Following such hearing, the commission may grant or deny the application and, if granted, the commission may impose such conditions, regulations or restrictions as deemed necessary. A denial by the commission shall be appealable to the city council, provided that the city secretary is given written notice of such appeal within five days of the commission decision.

*Staff Comment: Based on the requirements listed in this Section, this request is being brought before the Planning & Zoning Commission. Since the proposed use does not include any of the temporary uses listed in Section 10-411(a), (b) or (c), which are seasonal type use greater than 60 days, carnival or amusement park, and Christmas tree sales, Planning & Zoning Commission approval is required.*

**Section 77-304.C. General requirements for all temporary uses.** All temporary uses or structures shall meet the following general requirements, unless otherwise specified in this Code:

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.

*Staff Comment: The proposed temporary building will be located so as not to be detrimental to property or improvements in the surrounding area nor to 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.

*Staff Comment: Based upon a review from the Planning Director, this temporary use will not have any adverse impacts on adjacent land uses and aesthetics as viewed from thoroughfares. The temporary building will be out of general view from adjacent thoroughfares.*

3. The temporary use shall comply with all applicable general and specific regulations of this section unless otherwise expressly stated.

*Staff Comment: The proposed temporary use complies with all other regulations of this section.*

4. Permanent alterations to the site are prohibited.

*Staff Comment: There are no permanent alterations to the site being proposed.*

5. Unless otherwise stated in this Code or in the terms of the temporary use permit, the temporary use shall expire 30 days after approval of the temporary use permit. Renewal of the permit may be permitted pursuant to the procedures outlined in [subchapter] 77-810.

*Staff Comment: The applicant is requesting approval of a temporary use permit for a period of 60 days. Pursuant to Chapter 10, Article XI of the City Code of Ordinances, this request requires Planning & Zoning Commission approval.*



6. 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.

*Staff Comment: The applicant is not proposing any temporary signs associated with the temporary use.*

7. The temporary use or structure shall not violate any applicable conditions of approval that apply to a principal use on the site.

*Staff Comment: The temporary use does not violate any applicable conditions of approval that apply to the principal use of a hospital/medical center.*

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

*Staff Comment: The property owner is currently coordinating with the City of Rowlett to ensure all necessary permits are in place; however, it should be noted that health department permits are not specifically required for this temporary use.*

9. 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. 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.

*Staff Comment: The subject property is developed, therefore, this requirement is not applicable.*

10. 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.

*Staff Comment: The proposed modular building is located in an area that is complementary to the existing principal building and serves to support the facility's function in a temporary capacity. Furthermore, the proposed modular building is not detrimental nor does it create a negative impact on the above-mentioned criteria.*

11. 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 building official.

*Staff Comment: The proposed temporary structure does not utilize a tent.*

12. Off-street parking shall be adequate to accommodate the proposed temporary use.

*Staff Comment: The existing parking facilities at Lake Pointe Medical Center will be adequate to accommodate the proposed temporary use.*

13. 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.

*Staff Comment: The subject site is not located in the 100-year floodplain; therefore, the provisions of this section are not applicable.*

### **Staff Recommendation**

Based upon the information provided by the applicant reviewed in light of the Rowlett Development Code and City Code of Ordinances, staff recommends approval of this request.

### **Conclusion**

Pursuant to Chapter 10, Article XI of the City Code of Ordinances, a temporary use permit for this type of use requires Planning & Zoning Commission approval. If approved, the temporary use will be only for a duration of 60 days, thus expiring on December 29, 2010.

### **Attachments**

- 1 – Applicant Letter
- 2 – Location Map
- 3 – Concept Sketch
- 4 – Site Photos



10/25/10

Mr. Marc J. Kurbansade, ACIP  
Department of Public Works / Planning Division  
City of Rowlett  
3901 Main Street  
Rowlett, TX 75088

Reference: Letter of Intent - Lake Pointe Medical Center – Request for Use of Modular Cath Lab

Dear Mr. Kurbansade,

As you know, Lake Pointe Medical Center will soon begin construction on an Interventional Cath Lab, replacing the current analog unit at the facility. In the interim, the hospital would like to request permission to utilize a modular cath lab beginning October 30 and running through the end of the year. The new cath lab, in conjunction with a remodeled operating room for open heart surgery, will further Lake Pointe's cardiac services and enhance the quality of care and outcomes for the population.

I am requesting that the City of Rowlett approve the Temporary Use Permit for Lake Pointe Medical Center's Modular Cath Lab, with an understanding that the hospital will need to petition the City Council for ratification of its use further than the initial 30 days.

Thank you for your time and support.

A handwritten signature in black ink, appearing to read 'Jeff Patterson', is written over a horizontal line.

Mr. Jeff Patterson  
Chief Operating Officer  
Lake Pointe Medical Center  
6800 Scenic Dr.  
Rowlett, TX 75088

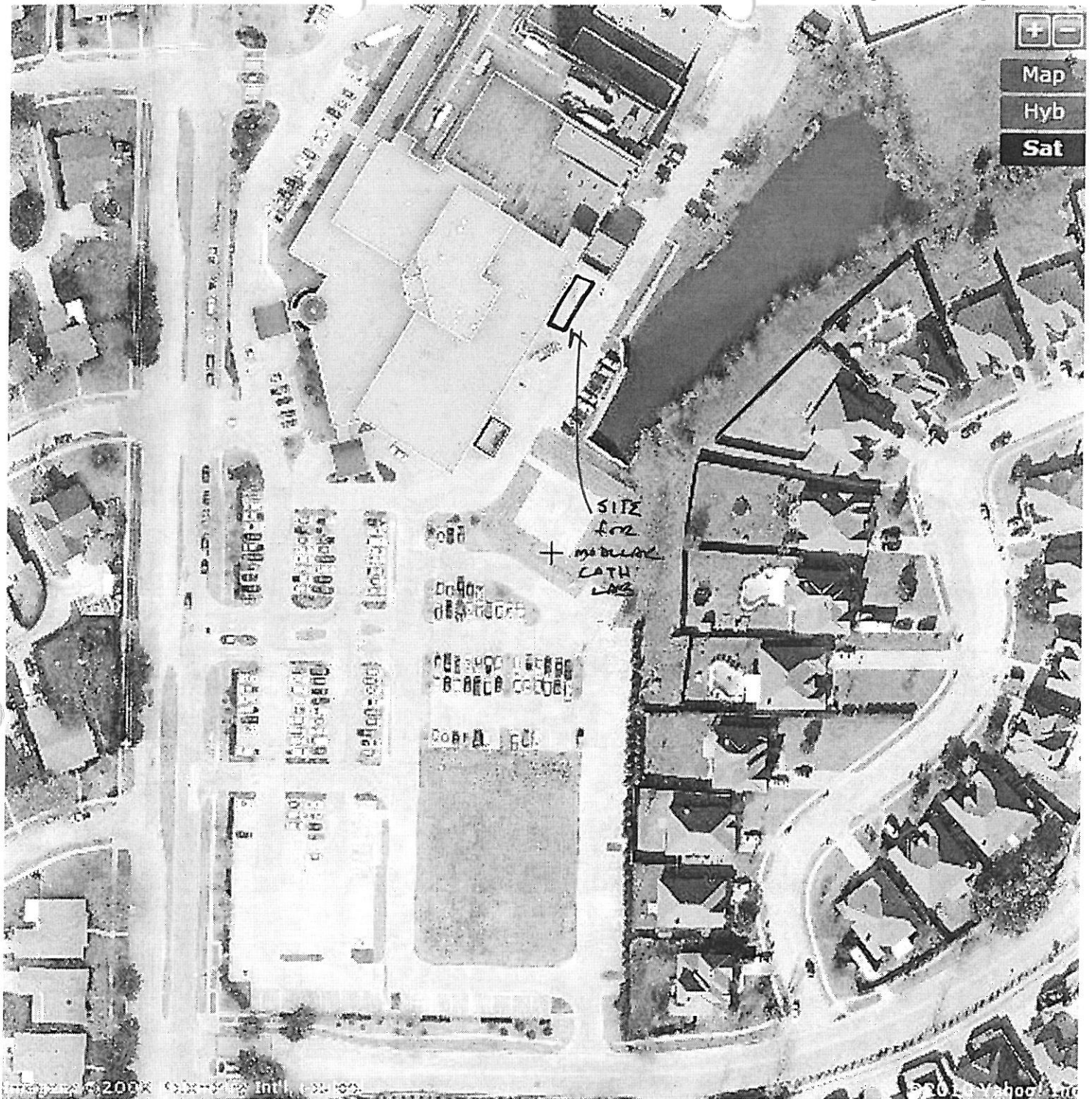


**ATTACHMENT 2**





ATTACHMENT 3



## ATTACHMENT 4

