

**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., JUNE 22, 2010**

PRESENT: Chairman Rick Sheffield, Vice-Chairman Greg Peebles, Commissioners Joe Charles, Charles Alexander, Chris Cigainero, Greg Landry

ALSO PRESENT: Alternate Karl Crawley (voting member), Robert Kittrell

STAFF PRESENT: Planning Manager Erin Jones, Planner II Marc Kurbansade, Sr. Administrative Assistant Kendra Frederick

**A. CALL TO ORDER**

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Chairman Rick Sheffield called the meeting to order at 7:03 p.m.

**B. CONSENT AGENDA**

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**1. Minutes of the Regular Meeting of June 8, 2010.**

Vice-Chairman Greg Peebles made a motion to approve the Minutes of the Regular Meeting of June 8, 2010. Commissioner Alexander seconded the motion. Motion carried with a 6-0-1 vote with Alternative Karl Crawley abstaining from voting since he was not a voting member at the June 8, 2010 meeting.

**C. REGULAR ITEMS**

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**1. Conduct a Public Hearing to consider and take appropriate action on a Temporary Use Permit (TUP) application for sales of seasonal items over a 60-day period. The subject property is located at 7200 Lakeview Parkway, within the Rowlett Family Dentistry Plat, Lot 1.1, Block 1. (Case Number TUP10-458)**

Marc Kurbansade, Planner II came forward to present the case. He stated that if approved, the TUP will be for the sale of pumpkins, flowers and firewood for the dates of October 15, 2010 through December 15, 2010. The applicant is proposing that the hours of operation be 7:00 am – 3:00 pm on Saturday and Sunday, or any other day of the week when the Rowlett Family Dentistry office is closed. This is due to the fact that the applicant will be using the dentist office parking lot to accommodate the TUP customers. Chapter 10, Article XI of the City Code of Ordinances, requires Planning & Zoning Commission approval for a temporary use permit for this type of use. Mr. Kurbansade outlined all the code requirements for a TUP and indicated how the proposed TUP meets the guidelines. He gave a brief overview of where the proposed TUP will be located with proximity to Rowlett Family Dentistry and other surrounding properties. He specifically outlined the parking, signage, location of dump trailer, requirements for the tent, and the location and size of stands where the merchandise will be displayed. He indicated that the applicant is proposing hay on the site and that staff does not anticipate that it will become a nuisance. This is based on the fact that hay takes on Velcro like properties and binds with the grass. However, if hay blowing off site becomes an issue the applicant will be asked to remove the hay. There was a brief discussion amongst the commissioners regarding how it will be confirmed that the dentist office is really closed and what prevents the applicant from requesting an extension when this TUP expires on December 15<sup>th</sup>. Mr. Kurbansade responded that any extension over 60 days will require City Council approval. Chairman Rick Sheffield opened the public hearing. The applicant John Mitchell, 608 E. Washington St., Rockwall, Texas, came forward to speak. He stated that Dr. Bogard, the dentist, is getting close to retirement so he is not open some days of the week and his

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schedule varies. Mr. Mitchell went on to state that he has arranged to coordinate with Dr. Bogard's office manager to ensure that his hours do not overlap with the dentist office's hours. Mr. Mitchell stated that due to the doctor's schedule the TUP hours will have to be flexible to ensure there is no overlap. He stated that since he has another location outside of Rowlett he is not completely dependent on the dentist office to be successful in his venture. He stated that he owns the vacant property and thought this would be a good idea. The applicant confirmed that he is planning to operate from 7 a.m.-3p.m. and will not have any electricity. He also confirmed that he will remove all items on the site, excluding the bales of hay and straw, at the end of each day. The applicant committed to post "no smoking signs" at the request of Vice Chairman Peebles to reduce the risk of a fire hazard since the site will be surrounded by hay. With no one else wishing to speak Chairman Sheffield closed the public hearing. Chairman Sheffield stated that he was still concerned about the hours of operation and how they will be monitored. Erin Jones, Planning Manager, stated that the applicant has committed to operating only when Rowlett Family Dentistry is closed and only from 7 a.m. - 3 p.m. For the duration of the TUP staff can monitor the hours of operation as they would with any other business with special restriction. If the applicant is caught not adhering to the conditions of the TUP approval staff can and will require that he leave the site. With no other questions, Commissioner Landry made a motion to approve the TUP with the following conditions:

- 1) Temporary use will only be allowed to operate between the hours of 7:00 am and 3:00 pm when the Rowlett Family Dentistry office is closed. Applicant shall coordinate with Rowlett Family Dentistry to determine when the office will be closed to conduct sales.
- 2) Flowers, pumpkins and firewood shall be the only permitted sales items.
- 3) Temporary use will commence operation on October 15, 2010 and conclude on December 15, 2010.
- 4) Firewood stacks, flower stands, tent and truck/dump trailer must be removed from the property each night after the operation has closed. Hay and straw for the pumpkin patch shall be permitted to remain on the site overnight. At the conclusion of the temporary use permit, the site shall be restored to its original condition.
- 5) A maximum of two signs, with a maximum area of 15 square feet each and set back 10 feet from the property line shall be permitted for the duration of the temporary use permit with the stipulation that signs must be removed daily when business is not in operation.
- 6) A "No Smoking" sign shall be displayed on the property.
- 7) Parking for the temporary use shall be permitted to utilize the parking lot of Rowlett Family Dentistry per the signed authorization from Rowlett Family Dentistry dated April 30, 2010.

Commissioner Cigainero seconded the motion. The motion passed with a 7/0 vote.

**D. ADJOURNMENT**

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**Chairman Rick Sheffield adjourned the meeting at 7:30 p.m.**

  
Chairman

  
Secretary