

**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

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

B. CONSENT AGENDA

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

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

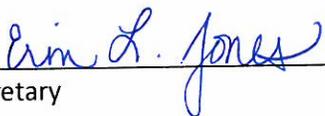
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that responded to the public hearing notices are in favor of the Whataburger. He pointed out that there are no entrances from the proposed Whataburger into the adjacent neighborhood and that that area is already a heavily traveled intersection so he 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

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


Chairman


Secretary