

**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., MARCH 8, 2011**

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

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

ABSENT: Commissioner Joe Charles

STAFF PRESENT: Planning Manager Erin Jones, Senior Planner Marc Kurbansade, Development Services Technician Ashley McCoy

A. CALL TO ORDER

Chairman Rick Sheffield called the meeting to order at 7:00 p.m.

B. CONSENT AGENDA

1. Minutes of the Regular Meeting of February 22, 2011.

Commissioner Karl Crawley made a motion to approve the Consent Agenda. Commissioner Greg Peebles seconded the motion. Motion carried with a 6-0-1 vote with Alternate Robert Kittrell abstaining since he was not seated at the Council dais for the February 22, 2011 meeting.

C. PUBLIC HEARINGS

1. Conduct a public hearing and make a recommendation on a request of the City of Rowlett to amend PD 3-1-94B to update Use Regulations pertaining to "Outdoor Storage, Display and Sales". (Case Number PD10-496)

Marc Kurbansade, Senior Planner came forward to present the case. He presented a location map showing the location to be at the northwest corner of Dalrock and SH 66. Mr. Kurbansade stated that the reason for the application was the intention of installing a kiosk at the 7-Eleven store within the shopping center and in the research for that it was found that some cleanup of the PD ordinance was needed to expand from the opposite corner. He stated that the property of about seventeen acres is governed by a PD ordinance approved in 1994 which is associated with the 1988 zoning code and presented a list of approved uses. Mr. Kurbansade also stated that the 1988 zoning code was a little unclear in the definitions of some accessory buildings and the addition of the amendments to the PD would provide clarification by requiring a Conditional Use Permit for accessory buildings. This is similar to the requirements of the current code. He presented photos of the location including the existing accessory uses at the 7-Eleven store and Albertson's. Mr. Kurbansade presented the ten criteria necessary for approval. He stated that four responses in favor and one opposed were received to the notices sent out and staff recommends that the Commission make a recommendation of approval to City Council to require a Conditional Use Permit for any future incidental uses proposed and to allow current uses to remain for as long as they are not expanded or improved upon. Commissioner Karl Crawley inquired if a new CUP would be required if the vendor of the machines were to change and Staff response was that it would be required. Chairman Sheffield opened the public hearing at 7:07 pm to anyone wishing to speak for or against. Recognizing no speakers, he closed the public hearing and

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asked for any additional comments from the commissioners. Commissioner Chris Cigainero mentioned the possibility of requiring additional safety requirements for propane storage. With no other questions or comments Chairman Sheffield entertained a motion. Commissioner Greg Peebles made a motion to recommend approval of the request as presented. Commissioner Charles Alexander seconded the motion. The motion passed with a 7/0 vote.

- 2. Conduct a Public Hearing to consider and take appropriate action on a Conditional Use Permit (CUP) application for the use of an existing 3,920 square foot building for a "Vehicle Service and Repair, Light" use. The 0.642-acre subject property is located at 8408 Lakeview Parkway, located in the America's Service Station Addition, Lot 1, Block A. (Case Number CUP11-499)**

Marc Kurbansade, Senior Planner came forward to present the case. He presented a survey plat of the property showing the building footprint and existing parking with shared access to SH 66 with the building immediately west. Mr. Kurbansade gave background on the property located in a C-2 zoning district and is currently vacant. In C-2 zoning a CUP is required for vehicle service and repair, light use. He mentioned other items that will have to be administratively approved by staff if the CUP is approved. Current fire code requires the fire sprinkler system to be updated and landscaping would also need to be brought up to current code prior to a certificate of occupancy being issued. Mr. Kurbansade said that staff has reviewed the application and found it substantially conforming to the code requirements set forth in Section 77-807 and stated that CUP is not transferable and does not constitute a change in zoning. He stated that the public hearing was noticed according to state law and of the eight notices sent out none were returned with responses in favor or against. Chairman Rick Sheffield opened the public hearing at 7:18 pm and asked for anyone wishing to speak on the item to come forward. He recognized Masud Arif, 2324 Cup Dr, Plano, TX 75074, to say that he has been in the business for twelve years and was the Vice-President for DFW Discount Tire in Garland, TX. He stated that he would like to bring a nice atmosphere and clean facility to the location and he has been working with the Fire Marshal to bring the building up to code. Commissioner Cigainero pointed out that this is not part of a national chain and inquired about the disposal of tires and fluid clean-up procedures, if anything would be stored outside in an easily viewable location. Mr. Arif responded that he hired outside companies to pick-up the used tires and fluid waste and that all work and storage will remain inside the building. Commission Alexander asked about a containment solution for barrels. Mr. Arif stated that all pickups would be done from inside the building and no barrels would be stored outside. Chairman Sheffield closed the public hearing seeing no others wishing to speak. With no other questions or comments from the Commissioners, Chairman Sheffield entertained a motion. Vice-Chairman Greg Landry made a motion to approve. Commissioner Karl Crawley seconded the motion. The motion passed with a 7/0 vote.

- 3. Conduct a public hearing and take appropriate action on a Conditional Use Permit (CUP) application for constructing a detached garage exceeding 500 square-feet in area in conjunction with proposing to utilize exterior building materials that are not similar in type and composition to those of the primary structure. The subject property is located at 3902 Castle Drive being Block 2, Lot 11 of the Castle Park Estates Addition. (Case Number CUP11-500)**

Marc Kurbansade, Senior Planner came forward to present the case. He presented a location map showing the property just off the intersection of Merritt Road and Castle Drive and a site plan with aerial photo. Mr. Kurbansade showed photos of the existing house and the material being proposed for use in construction of the garage. He gave a little background on the property being zoned SF-40 and the proposed garage would be thirty feet by thirty feet, nine hundred square feet, with a cement board exterior and two doors facing the road on an existing foundation constructed in 2005. He stated that staff has reviewed the application and worked with the applicant and that of the fourteen notices sent out three were returned in favor of the

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request. Chairman Sheffield asked for any questions and Commissioner Karl Crawley inquired the minimum lot size in the subdivision. Mr. Kurbansade responded that it was forty thousand square feet, just shy of one acre. Commissioner Crawley points out that this is a non-conforming lot at just over thirty-eight thousand square feet and Planning Manager, Erin Jones, states that there is a provision in the code that allows residential to be improved as long as it doesn't exceed twenty-five percent of the appraised value. Chairman Sheffield opened the public hearing at 7:14 pm and recognized Dan Evans, 3902 Castle Drive, Rowlett, TX 75088, to offer to answer any questions. Vice-Chairman Greg Landry asked the homeowner if the roof of the garage would have the same pitch and if the composition shingles would match the existing house. Mr. Evans stated that they watch match as closely as possible. Seeing no others wishing to speak, Chairman Sheffield closed the public hearing and asked for any additional discussion or questions. With no other questions or comments Chairman Sheffield entertained a motion. Commissioner Chris Cigainero made a motion to approve. Alternate Robert Kittrell seconded the motion. The motion passed with a 7/0 vote.

D. ITEMS FOR INDIVIDUAL CONSIDERATION

- 1. Consider and make a recommendation to City Council regarding a request for alternative building materials. The 0.642-acre subject property is located at 8408 Lakeview Parkway, located in the America's Service Station Addition, Lot 1, Block A.**

Erin Jones, Planning Manager came forward to present the case. She provided a brief history of the property stating that the building was constructed in the year 2000 and has been vacant for more than six months; therefore, it must be brought up to current Code requirements. She indicated that the existing building is constructed of 100% brick and that 20 percent accent materials are shown on each elevation by way of alternating shape, and size of the bricks, which is permitted under current code requirements. Ms. Jones indicated that the building façade is painted brick, which is considered an alternative building material per current Code standards and requires a Planning and Zoning Commission recommendation and City Council approval. She showed a picture indicating that the original colors of the building were green and yellow, but that the building was repainted to a neutral grey color following the closure of the previous use. She stated that she spoke to the Senior Building Inspector who indicated that while it is possible to remove paint from natural brick it is a difficult and often unsuccessful process. The final result is likely to be less aesthetically appealing than the painted brick. Ms. Jones stated that the applicant's contractor also reiterated the same information. She stated that the applicant is making significant site improvements, such as additional landscaping and a fire suppression system. Based on those improvements and the building inspector's information, staff recommends approval of the applicant's request and asks that the Commission recommend approval of painted brick as an alternative building material to the City Council. Ms. Jones concluded her presentation by clarifying that since the *Rowlett Development Code* does not regulate building material color the approval of this request is not tied to a specific color of paint. The current applicant does not have plans to change the existing color, but it would be possible for him or any future owner to do so with no additional alternative building material approval required should the Council ultimately grant this request. Ms. Jones stated that she would entertain any questions. Chairman Rick Sheffield stated that while the Commission cannot require it he would like to see the accent materials painted a contrasting color in the future. Commissioner Karl Crawley stated that he was glad to see a new business coming to town and wished the applicant luck. With no other questions or comments Chairman Sheffield entertained a motion. Commissioner

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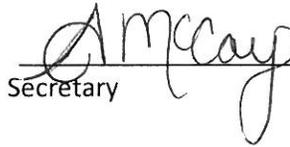
Greg Peebles made a motion to recommend approval of the request as presented. Vice-Chairman Greg Landry seconded the motion. The motion passed with a 7/0 vote.

E. ADJOURMENT

Chairman Rick Sheffield adjourned the meeting at 7:26 p.m.



Chairman



Secretary