

**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., JULY 12, 2011**

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

ALSO PRESENT: Alternate Robert Kittrell (voting member)

ABSENT: Commissioner Karl Crawley

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

A. CALL TO ORDER

Chairman Rick Sheffield called the meeting to order at 7:10 p.m.

B. CONSENT AGENDA

1. **Minutes of the Joint Session of June 9, 2011**
2. **Minutes of the Regular Meeting of June 14, 2011**

Commissioner Charles Alexander made a motion to approve the Consent Agenda. Alternate Robert Kittrell seconded the motion. Motion passed with a 6-0-1 vote with Vice-Chairman Greg Landry abstaining from voting since he was not present at the June 9, 2011 joint session.

C. PUBLIC HEARINGS

1. **Conduct a public hearing and take appropriate action on a Conditional Use Permit (CUP) application. The applicant requests a CUP for a Barbershop in a General Commercial/Retail (C-2) zoning district. The subject property is located at 7209 Lakeview Parkway, being a 0.695 ±acre portion of Tract 26, Page 717 from the James Hobbs Abstract Number 571. (CUP11-520).**

Erin Jones, Planning Manager came forward to present the case. She stated that the property previously housed the Rowlett Piano Studio and is bordered to the east by a residential house; west by an insurance company; north by a church and across Lakeview Parkway is a dentist's office but all surrounding lots are zoned C-2. In C-2 zoning a Conditional Use Permit is required for Barbershop uses or other retail/personal service. Mrs. Jones stated that the location is a non-conforming site, however it is legal non-conforming and has not been vacant for over six months so the applicant is not being required to bring the entire site up to current code. She noted that there are provisions in the code that allow the City Engineer to require that one of the driveways be closed with a permanent curb to come into compliance with current driveway spacing standards. She also stated that in addition to this requirement staff is requiring the owner to stripe the fire lane and restripe the parking spaces. Mrs. Jones noted that for the driveway to be closed a TxDOT permit would have to be obtained due to the fact that SH 66 is a TxDOT road and would have to be closed to their standards. Commissioner Chris Cigainero inquired if the driveway being closed off would be used as additional parking and Mrs. Jones replied that according to the concept plan, it is not planned to be used for parking. Commissioner Cigainero voiced concerns that any cars parked against that curb may hang over into the traffic of SH 66 and Mrs. Jones stated that Assistant City Engineer, Tom Harris, believed that TxDOT would require

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the owner to tear out the concrete when installing the curb but that has not yet been confirmed. Chairman Rick Sheffield asked if a buffer would still be required to be maintained and Mrs. Jones answered that vehicles would not be permitted to overhang onto HW66. Chairman Sheffield inquired if the cost of the driveway closure was included in the estimated costs of improvements and Mrs. Jones replied that staff considered the closure an improvement to the property and a requirement imposed by the City so it was not included in the estimated costs of improvement but that the applicant was aware if he exceeds twenty five percent of the appraised tax value of the property, he will be required to bring other items up to current code. Vice-Chairman Landry asked if the owner would be required to put a curb along the property line as well and landscape and Mrs. Jones answered that a permanent curb would be required along the property line but that staff could not require landscaping. Mrs. Jones noted that if the owner chose to use the space for parking there is a two foot overhang requirement so it would not be permitted to have vehicles overhang into the street. Chairman Sheffield opened the public hearing and seeing no speakers closed the public hearing. Vice-Chairman Landry inquired if the proposed layout of the fire lanes and parking had been approved and agreed upon by the Fire Marshal and Planning Department and Mrs. Jones stated that prior to submitting the CUP application, the applicant and the owner met with the Fire Marshal, Building Official, Planning and Engineering to discuss the requirements for the site. Vice-Chairman Landry asked if the existing radius was satisfactory even after the driveway is closed and there is only one driveway operational and Mrs. Jones replied that this had been discussed with the owner and that it was satisfactory to the City Engineer since there was not going to be enough additional traffic to cause concern. She also noted that when the site completely redevelops there will be a provision for cross access to the additional sites but that could not be imposed upon the applicant at this time. She presented a concept plan of the parking spaces and fire lane. Commissioner Cigainero asked if the owner planned to tear the concrete of the driveway out and fill the area and Mrs. Jones answered that the City's Requirement is that the owner close the driveway with a completed curb and if TxDOT requires them to pull out the concrete then they will have to do so. Vice-Chairman Landry stated that he believed TxDOT would not require the concrete to be torn out but only required curbs and gutters per standard. Mrs. Jones stated that staff could not impose any additional requirements at this time and that staff believed the driveway closure would make the street safer to drive on. Chairman Sheffield clarified that if improvements exceeded twenty five percent other requirements could then be imposed. Chairman Sheffield asked for any other questions or discussion from the Commission and Commissioner Cigainero expressed concerns about the closure being only concrete bounded on two sides by a curb and people potentially thinking it is a driveway and running up on the curb. Chairman Sheffield acknowledged the concerns but noted that it was not within purview to require additional changes but encouraged the applicant to consider the change if he wished. Vice-Chairman Landry made a motion to approve the Conditional Use Permit with the conditions that a permanent closure of one driveway be done per TxDOT standards and striping be done to the fire lane and parking spaces per the agreed upon concept plan. Commissioner Peebles seconded the motion. The motion passed with a 6-1 vote with Commissioner Cigainero casting the opposing vote.

2. **Conduct a public hearing and make a recommendation on the request of the City of Rowlett to make text amendments to the following sections of the Rowlett Development Code: Section 10 Article XI (Temporary uses of Real Property, Buildings and Structures), Section 10 Article IV (Concrete or Asphalt Batching Plants), Section 77-303 (Accessory Uses and Structures), Section 77-304 (Temporary Uses and Structures), Section 77-810 (Temporary Use Permits), and Section 52 (Special Events).**

Michele Berry, Planning Intern came forward to present the case. She stated that some revisions to the code

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were being proposed to clear up some confusion and contradicting sections and to provide for more coordination between affected departments. She presented that Section 77-304 will hold all of the regulations as to which uses are allowed with a Temporary Use Permit, those allowed without a TUP, and the general requirements are for all temporary uses. Ms. Berry stated that Section 77-810 would contain the regulations on the process for obtaining a TUP allowing Chapter 10 Article XI to be stricken due to redundancy with all of the regulations within being moved to Sections 77-304 and 77-810. She also noted that uses that are currently in Accessory Uses sections and Special Events sections will also be moved and struck from their current location. All regulations pertaining to permanent and temporary concrete or asphalt batching plants will be moved to Chapter 10 Article IV, Concrete or Asphalt Batching Plants. Ms. Berry presented the current outline and the proposed outline of Section 77-304 showing the modifications making the section clearer and easier to follow and the changes to permitted uses, striking 'Temporary spaces for recreational uses in a residential development under construction' as no potential uses could be found that may apply. She noted that 'Temporary semi-trailer, wheeled vehicle or containerized freight' would be moved over from Section 77-303 and per discussion from the Work Session car washes would not be required to obtain a TUP. She also noted that 'Seasonal type uses' and 'Similar temporary uses' were being moved over from Chapter 10 Article XI. Ms. Berry presented a table indicating the time lines permitted for the different types of temporary uses with maximum permit length available for approval administratively by the Planning Director and extensions to be approved by the Planning and Zoning Commission. She stated that the main changes to the regulations included that temporary parking would be allowed on unapproved surfaces for up to two consecutive days provided the grass is maintained and kept short to reduce the risk of fire and minimize pollution to the site to allow parking on vacant lots during large events or festivals. She also noted that a regulation would be added to require that 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 and would apply to all temporary uses not just those on undeveloped sites. Ms. Berry addressed the process for obtaining a permit including a filing deadline of two weeks prior to the start of the use, getting approval from the Director of Planning provided all criteria are met and the event occurs within the timeline outline, and all appeals to the Director's decision would go before the Board of Adjustment and appeals to the Planning and Zoning Commission's decisions would go to City Council whose decision would be final and binding. She noted that the regulations for temporary batch plants would be moved to the section regulating permanent batch plants and reorganized to allow appropriate regulation for the intensive use. Ms. Berry stated that staff requested the recommendation of the revisions with the Commission's input on temporary car washes to City Council. The Commission's input included striking car washes from temporary uses requiring a permit and renumbering the section accordingly and to reinstate Section 77-304C.1(c) including car washes as a use not requiring a permit. Car washes would be required to notify the City of their event by signing a form acknowledging the rules and that no cleansing chemicals would be permitted if not one hundred percent biodegradable. Ms. Berry stated that there had been some discussion about changing the deadline for filing to four weeks prior to start of use but it was decided to keep the deadline at two weeks and four weeks only if it required other City department approvals or involvement. Chairman Sheffield noted that there was discussion about car washes in the Work Session but was not certain that there was a consensus and asked that Commissioners include a recommendation in their motion. Chairman Sheffield opened the public hearing and seeing no speakers closed the public hearing. Commissioner Cigainero made a motion to recommend approval to City Council as written with suggested changes that Section 77-304B.5 be deleted, add Section 77-304C.1(c) and reformat, and Section 77-810C.1(b) should remain as written. Commissioner Alexander seconded the motion. The motion passed with a 7-0 vote.

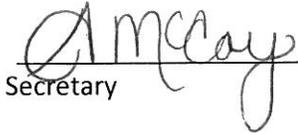
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D. ADJOURNMENT

Chairman Rick Sheffield adjourned the meeting at 7:31 p.m.



Chairman



Secretary