

**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., SEPTEMBER 27, 2011**

PRESENT: Chairman Rick Sheffield, Commissioners Chris Cigainero, Joe Charles, Karl Crawley, Charles Alexander, Alternate Robert Kittrell

ALSO PRESENT: City Attorney David Berman

ABSENT: Vice-Chairman Greg Landry, Commissioner Greg Peebles

STAFF PRESENT: Planning Manager Erin Jones, Senior Planner Marc Kurbansade, Planner I Michele Berry, Deputy City Secretary Stacey Chadwick

**A. CALL TO ORDER**

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

**B. CONSENT AGENDA**

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**1. Minutes of the Regular Meeting of September 13, 2011**

Commissioner Chris Cigainero made a motion to approve the Consent Agenda and Commissioner Kittrell seconded the motion. The motion passed with a 4-0 vote and two abstentions.

**C. ITEMS FOR INDIVIDUAL CONSIDERATION**

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**1. Consider and make a recommendation to City Council regarding a request for alternative building materials, specifically painted brick, for a restaurant with drive-thru in an existing lease space located at 1700 Dalrock Road, being a 1,000 square foot portion of a building on Lot 1, Block A, of the One Stop Dalrock NO 1 Addition. (DP11-538)**

Michele Berry, Planner I, came forward to present the case. She stated the property is located at 1700 Dalrock Road and is a lease space within an existing shopping center. The applicant previously obtained a CUP for a restaurant with a drive-thru at this location. She stated that the applicant did submit development plans and a building permit application indicating that they intended to paint the brick; however, due to staff error it was not caught and permits were issued. Painted brick requires City Council approval as an alternative building material. She stated that the applicants acted in good faith and staff is bringing forward an alternative building material request retroactively to bring the building into compliance. She presented images of the site with the painted brick which is painted Church's Chicken corporate colors: beige, yellow, red and blue. In addition Ms. Berry presented a statement by Mr. Sami Ebrahim, the property owner, who was unable to be present. She explained that removing paint from brick is difficult and often less aesthetically appealing than the paint and gave staff's recommendation to give a favorable recommendation to City Council. Chairman Sheffield asked if the applicant was being charged the fee as this was due to a staff error and Mrs. Berry responded that staff had waived the application fee. Commissioner Cigainero made a motion to deny and was seconded by Commissioner Charles. The motion tied with a 3-3 vote. Commissioner Charles made a motion to approve and was seconded by Commissioner Kittrell. The motion passed with 4-2 vote. Chairman Sheffield clarified that is was a recommendation to City Council to approve the alternate building material request.

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- 2. Conduct a public hearing and take appropriate action on a Conditional Use Permit (CUP) application. The applicant requests a CUP for a Tailor's with dry cleaning drop-off and pick-up in the General Commercial/Retail (C-2) zoning district. The subject property is located at 5000 Rowlett Road, being a 1,200 square foot lease space in Lot 1, Block 1 of the Rowlett Business Park 3 Addition. (CUP11-533)**

Michele Berry, Planner I, came forward to present the case. She stated the site was a 1,200 square foot lease space previously used as a tanning salon and is proposed to be used for a Tailor shop with dry cleaning drop-off and pick-up both of which are considered a "General Personal Service Establishments" and require a Conditional Use Permit (CUP). She stated that no dry-cleaning will take place on site and that staff recommended approval of the proposed CUP. Eleven notices were sent and two were returned in favor of the item. Chairman Sheffield opened the public hearing and Mr. Ronald Emert of 8110 Glen Hollow Drive in Garland TX, a representative for the property owner and the applicant came forward to speak. He stated that he had been working with Ms. Tran, the applicant, who could not be there and that the lease prevented Ms. Tran from providing dry-cleaning on site and requested the Commission give approval. Commissioner Alexander made motion to approve the CUP and was seconded by Commissioner Crawley. The motion passed with 6-0 vote.

- 3. Conduct a public hearing and take appropriate action on a Conditional Use Permit (CUP) application. The applicant requests a Conditional Use Permit (CUP) for a "Spa or Massage Establishment" in the General Commercial/Retail (C-2) zoning district. The subject property is located at 4301 Lakeview Parkway, Suite 600, being an existing lease space in an 11,500 sq-ft +/- building in Lot 3R Block 1 of the LA Fitness-Rowlett Replat Addition. (CUP11-535)**

Marc Kurbansade, Senior Planner came forward to present the case. He stated that the subject property is zoned General Commercial/Retail (C-2) and that the subject property has a Special Use Permit (Ordinance No. 001-06) for restaurant and retail uses. The existing use was previously granted a Conditional Use Permit on December 12, 2006 for a "Spa or Massage Establishment (massage therapy facility)" use at the current location. However, the minutes from that meeting explicitly stated that the proposed use would not include "spa" services. He stated this would not change the current use of the site significantly and that staff did recommend approval. Commissioner Alexander made a motion to approve and was seconded by Commissioner Cigainero. The motion passed with a 6-0 vote.

- 4. Conduct a Public Hearing and make a recommendation on a Planned Development (PD) application. The subject property is located at 3503 Rowlett Road, being a 6.9 ± acre parcel, further described as Tract 28 in the Thomas Collins Abstract Number 332, Page 515, Dallas County, Rowlett, TX. The applicant requests a rezoning to a Planned Development zoning district with an underlying Limited Commercial/Retail (C-1) base zoning district in order to accommodate both retail and self storage mini-warehouse facilities on the property. (PD11-530)**

Erin Jones, Planning manager came forward to present the case. Mrs. Jones stated the site location at Rowlett and Miller Road is vacant and is zoned C-1. She summarized that the applicant is requesting a Planned Development with C-1 base zoning for commercial, office, light manufacturing and self-storage uses. She presented the concept plan for the PD and the square footage of office/retail and self storage and mentioned the unofficial concept plan brought to the commissioners on April 12, 2011. Mrs. Jones stated access to the site is limited to southbound traffic through either through the gas station or a U-turn on Rowlett Road and

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the right-in right-out curb cut on Miller for safe entry and exit. She presented renderings of the proposed development. She stated that the rear mini-storage wall will be combined with the screening requirements. She discussed the approval criteria the commissioners are given to consider. She stated that the proposed rezoning did not appear to correct an error or change in trend or fact and that the proposed re-zoning was reviewed in light of both the new and old comprehensive plan since it was submitted prior to the recent adoption. The proposed use generally meets the intent of both comprehensive plans in terms of use. Three guiding principles from the recently adopted comprehensive plan apply to the proposal: the applicant has worked with neighbors to provide a proposal that values the existing neighborhood, the development will grow the economy but will not provide a diversity of jobs or business opportunities, the proposal may be aesthetically pleasing today and market based but may not hold its value over the long term and would not be an investment in places of lasting value. Mrs. Jones stated the proposal does not raise concerns about health, safety, welfare, traffic, provision of utilities, or negative effects on the natural environment as it has been zoned commercial for years and City services are provided. There are concerns about the effect on neighboring properties that the applicant has mitigated by submitting the plan as one phase and not allowing the Certificate of Occupancy for the Storage to be provided until the Certificate of Occupancy for the retail is provided. Mrs. Jones addressed the issue of proliferation of uses and stated that other existing mini-storage facilities in the city reported 86% occupancy, that there is no zoning district in the City that could allow all the proposed uses by right but other properties that could be used for mini-storage throughout the city. She stated in terms of development standards the applicant was requesting a reduction in rear building setback to 15 feet, a reduction in the side buffer to 15 feet, and that the incompatibility buffer landscaping for residential adjacency be provided outside the screening wall. Mrs. Jones stated the applicant is providing a maintenance easement to allow easier maintenance and the applicant is providing two more feet of concrete in the alley to allow residents to back out of their driveways easily. The applicant is proposing all C-1 uses currently allowed, dental medical offices or clinic, financial institutions, specialty foods stores, restaurants, barbershops, spa or massage establishments, pet stores, and bakeries uses currently requiring a Conditional Use Permit be allowed by right and light repair shops, small scale manufacturing, contractor shops, and mini-warehouse/self storage uses currently prohibited be allowed by right. Mrs. Jones went over the hours of operation Monday through Friday the office will be open from 9 am-7 pm, Saturday from 9 am-5 pm, and Sunday from 12pm - 5pm, with gate hours from 6 am-9 pm every day. Mrs. Jones stated prohibited uses will be permanent cosmetics and 24 hour operations, and outdoor storage which are stricter than current standards. She stated staff did not recommend approval as the proposed PD does not generally propose higher standards as is required by Section 77-205 of the Rowlett Development Code. Mrs. Jones stated notices were sent, and presented a map of eight notices returned in opposition and two returned in favor of the request. Commissioner Sheffield opened the public hearing. Sean Valk came forward to represent the applicant. He gave background on the property and the various types of developments that the property owner has looked at. He stated he contacted the adjacent homeowners and had a meeting with 19 homeowners and they raised some concerns that the property owner tried to alleviate, that the intent was to make the project a collective process and asset to the community, so the property owner had agreed to increase the width of the alley way, that the reduction of setback was to accommodate the large area required by City Staff for retention. He stated they had 3 types of masonry construction will be used in the screening wall and the wall height would be 15 foot and extend to Rowlett and Miller Road per resident requests, and all photometric requirements would be meet and lights would be turned away from the residential development. He stated

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some prospective tenants were a salon and yoga studio and that the intent of the allowed uses was to allow small business like home inspectors and pest control. He said the residents did not want them to close off the existing approach on Rowlett Road. He stated the property owner has funds ready to go and will do the retail first. Chairman Sheffield asked if he had just one neighborhood meeting. He stated he had two; one in May with 19 attendees and one in July with one attendee, and corresponded via e-mail. He stated he has never worked on a project where mini-warehouse brings down property value. Chairman Sheffield asked about the Sunday hours and Mr. Valk clarified gate versus office hours. Susan Trout of 3017 Scott Drive came forward to voice concerns that there was poor public access to the retail site, that the limited square footage for retail/office use will not bring in money for the city, that stucco walls facing the residential areas will become an eyesore, that the project will reduce neighborhood property value, and that the retail was simply masking the ministorage. Evelyn Luck of 3411 Sara came forward to speak in opposition to the storage sheds stating they lower residential property value and that the retention ponds will produce mosquitoes. Stanley Pollard of 3110 Sycamore Street came forward to speak in opposition listing the addresses of seven existing self-storage units and stated that these were all in industrial or heavy commercial areas and do not back to residential areas, that the taxes paid by the self-storage would be minimal, that the development would not enhance the city and will prevent the neighborhood from being regenerated by home ownership, that the C-1 zoning may be realized after the widening of Rowlett Road, that setback should not be reduced, that the curb cuts should not be changed, and that the new Comprehensive plan does not apply. Mitsy Arning of 3414 Sara Drive came forward to speak in opposition stating the development would reduce property values and desirability of the area and that she did not send in a form or contact anyone so she wanted to speak to make sure her voice was heard at the meeting. Chairman Sheffield closed the public hearing and read Commissioner Peebles comments in opposition to the project as Commissioner Peebles was unable to attend. Commissioner Crawley asked the applicant what percentage of the mini-storage would be homeowners storing excess goods versus business storage. Mr. Valk responded 70-80% would be homeowners. Other uses might be document storage, pharmacy representatives, and landscaper's storage. Commissioner Crawley inquired as to the stucco wall and Mr. Valk affirmed the stucco is the 12 inch cap on the wall with brick and masonry construction. Commissioner Crawley inquired about maintenance of the detention pond and Mr. Valk responded the detention is required and will be maintained. Commissioner Crawley asked if the screening wall would block the detention pond and Mr. Valk replied yes and stated that they would work with staff to make it more of a feature. Crawley asked if the Planning and Zoning would see development plans. Mrs. Jones responded that due to the development's size the site plan, elevations, and landscape plan would come back to the commission. Crawley inquired about taxes and Mr. Valk responded the project value is 7.5-9 million dollars with about 175,000 to 200,000 dollars per year and that sales tax would be paid but the real value to the City would be in jobs. Commissioner Cigainero stated the land has been there forever and feels it is a good development, that the detention will benefit the road, lighting, aesthetics, and security issues are addressed well. Commissioner Cigainero applauded the work with the neighbors and thanked those that came to voice their opinion. Commissioner Cigainero asked if the storage unit would be visible from outside and Mr. Valk responded that it would not be visible from the outside. Commissioner Cigainero asked about the concrete in the alley and where plants would be located. Mr. Valk responded two feet of extra pavement would be provided going to Miller and Rowlett Road and that concerns about tree roots can be addressed by selecting species with downward root systems. He asked if they were flexible with the façade and Mr. Valk responded they would like to build something that would grow with the City. Mr. Kittrell asked about revenue

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and Mr. Valk responded up to 150,000 dollars a month in gross receipts. Chairman Sheffield asked about uses proposed and Mr. Valk responded they wanted to allow a variety of uses and local businesses like a Gymboree, a pet shop, or a delicatessen. City Attorney David Berman requested that prohibited uses list be moved to Exhibit C so it could be prohibited in the Planned Development. Commissioner Crawley asked about the difference between permanent cosmetics and tattoo uses. Mrs. Jones responded that language would be clarified and the intent is to prohibit tattoo shops but under the current development code tattoo shops fall into the permanent cosmetic category. Chairman Sheffield stated that he felt that Council still desired to have a CUP process and those items requiring a CUP should still require a CUP, that he was opposed to setback changes, that the retail portion was small, and that there is little value added. Commissioner Crawley stated opposition to light repair shop, small scale manufacturing, and contractor shop uses. Chairman Sheffield asked which uses are currently prohibited and Mrs. Jones stated that print shop, light repair shop, small scale manufacturing, contractor shop and mini-warehousing uses are currently prohibited and office, pet store, barbershop, nail salon and personal service uses require a CUP. Commissioner Crawley made a motion to recommend approval to City Council with the revisions to add to the prohibited list in Exhibit C the light repair shop, small scale manufacturing and contract shop, to allow dental and medical office by right, and for all other uses currently requiring a CUP to still require a CUP. Commissioner Cigainero seconded the motion. The motion did not pass with 2-4 vote.

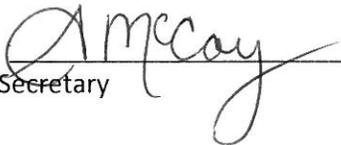
**B. ADJOURNMENT**

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Chairman Sheffield announced Mr. Chris Cigainero and Mr. Robert Kittrell would be leaving the Commission and would be missed and thanked them for their service.

**Chairman Rick Sheffield adjourned the meeting at 8:20 p.m.**

  
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Chairman

  
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Secretary