

**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., NOVEMBER 22, 2011**

PRESENT: Chairman Rick Sheffield; Vice-Chairman Greg Landry; Commissioners, Rosalind Jeffers, Greg Peebles, Joe Charles Karl Crawley

ALSO PRESENT: Alternates Ronald Meyer (voting member), Jonas Tune (non-voting member)

ABSENT: Commissioner Charles Alexander; Alternate Sharon Starks

STAFF PRESENT: Planning Manager Erin Jones, Senior Planner Marc Kurbansade, Planner I 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. Consider and take appropriate action on a preliminary plat application. The subject property is approximately 1.723 acres +/- and is generally located at the southwest corner of Rowlett Road and Lakeview Parkway (SH 66), City of Rowlett, Dallas County, Texas, further described as a proposed replat of Lots 1 and 2, Block A, Schrade Business Park Addition and all of a tract of land recorded in Instrument No. 200600031076, Official Public Records of Dallas County, Texas. (Case Number PP11-552)

Vice-Chairman Greg Landry made a motion to approve the preliminary plat application. The motion was seconded by Commissioner Karl Crawley and passed with a 7-0 vote.

C. ITEMS FOR INDIVIDUAL CONSIDERATION

1. **Minutes of the Regular Meeting of November 8, 2011.**

Commissioner Greg Peebles made a motion to approve the Minutes of the Regular Meeting of November 8, 2011. The motion was seconded by Vice-Chairman Landry and passed with a 6-0-1 vote. Commissioner Crawley abstained from voting.

2. **Minutes of the Joint Meeting with City Council of November 3, 2011.**

Commissioner Greg Peebles made a motion to approve the Minutes of the Joint Meeting with City Council of November 3, 2011. The motion was seconded by Commissioner Rosalind Jeffers and passed with a 4-0-3 vote. Vice-Chairman Landry, Commissioner Crawley and Alternate Ronald Meyer abstained from voting.

3. **Conduct a public hearing and take appropriate action on a Conditional Use Permit (CUP) application for a 1,200 ± square foot residential accessory structure with a façade composed of cement fiber board siding; a material that is not similar in type and composition to the exterior building materials of the primary structure. The subject property is located at 6411 Bluebonnet Drive, being Lot 2, Block A of the Lakeridge Estates No 4 Addition. (CUP11-557)**

**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., NOVEMBER 22, 2011**

Michele Berry, Planner I came forward to present the case. She stated that the owner and applicant, Mr. Patrik Kneifel, is requesting a Conditional Use Permit to construct a 1,200 square foot storage building and garage using fiber cement board. The storage building and garage is proposed to be used primarily for storage and possibly woodworking, which the applicant has indicated as a hobby. The primary structure is a one story brick home in the Lakeridge Estates subdivision and a CUP is required to allow the fiber cement siding on the storage building and garage. Ms. Berry noted that the applicant had poured the concrete slab over three months ago without knowing a permit for concrete or a CUP were required to build the proposed accessory building. When he came in for a building permit he was informed he would need a CUP for the building materials that are not similar in type or composition to the brick on the main house and that a permit is required for concrete over 100 square feet. Mr. Kneifel has provided a signed and notarized hold harmless letter as requested by the Senior Building Inspector, Blake Scott, to release the City from any responsibility due to the failure to obtain a permit and the required inspections and is working with Mr. Scott to ensure the slab is structurally sound. The applicant has been made aware that permits will be required for the extension of the driveway and for any electrical work he intends to do in the garage in the future. Ms. Berry stated that the applicant proposes to use James Hardie Siding, a fiber cement board, painted beige with darker trim for the exterior of the accessory building and asphalt shingles for the roof. Ms. Berry reviewed the criteria for the CUP approval and noted that these criteria were met and Staff was recommending approval. She stated that six responses to the mailed notices had been received, two in favor of the request and four opposed. Chairman Sheffield opened the public hearing and recognized Jack Beeson, 3517 Locust Street, Rowlett, Texas 75088 to speak in opposition of the CUP request. Mr. Beeson stated that his property was located directly behind the applicant's and he believed the applicant would be using the structure for a business and noise would be an issue. He also expressed concerns about the applicant's failure to obtain permits and what he believed to be plumbing in the slab for potential living space. Seeing no other speakers Chairman Sheffield closed the public hearing and conferred with David Berman, City Attorney regarding the use of the word "shall" in Section 77.807D and whether it meant that the Commission must approve the CUP if those seven criteria were met. Chairman Sheffield inquired if Staff felt certain the criteria had been met and Erin Jones, Planning Manager stated that Staff had carefully reviewed the application and based on the information provided and further research into possible code or noise violations felt that all criteria had been met. Chairman Sheffield clarified that the request to be considered was if the applicant could use the fiber cement board, not if the building itself could be built and Mrs. Jones noted that if the applicant were to use brick the building would be allowed with the proper permits. Commissioner Crawley noted that it was Staff's opinion that the criteria had been met but that the Commissioners could view it differently and Mr. Berman stated that the use of the word "shall" indicated something must be done but the Commission could disagree with Staff's perspective. Vice-Chairman Landry inquired if building permits would be required for the structure and Mrs. Jones replied that permit fees are charged to cover inspections and due to the fact no inspections on the slab can be done at this point those fees will not be charged but the applicant will be required to provide documentation to prove the stability of the slab and will be required to obtain permits and inspections for the structure itself. Commissioner Crawley asked at what point does the presence of plumbing indicate a use other than accessory such as living space and Mrs. Jones responded that sinks or possibly a bathroom would be allowed but if a kitchen were added that would be a red flag and the structure would not be permitted to be an inhabitable space. Commissioner Greg Peebles made a motion to deny the Conditional Use Permit for cement fiber siding on an accessory building over 500 square feet and Alternate Meyer seconded the motion. The motion passed with a 4-3 vote.

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., NOVEMBER 22, 2011

A. ADJOURNMENT

Chairman Rick Sheffield adjourned the meeting at 7:29 p.m.


Chairman


Secretary