

**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., JANUARY 8, 2013**

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

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

ABSENT: Commissioner Karl Crawley

STAFF PRESENT: Planning Director Erin Jones, Senior Planner Arti Harchekar, Development Services Technician Ashley McCoy

A. CALL TO ORDER

Chairman Rick Sheffield called the meeting to order at 7:05 p.m.

B. CONSENT AGENDA

1. **Minutes of the Regular Meeting of December 11, 2012.**
2. **Consider and take action on a final plat application for a property located at 3801 and 3809 Miller Road, being further described as a 6.087 acre portion of the William Crabtree Abstract No 347, Tract 12, Page 607, Dallas County, Texas (FP12-631).**
3. **Consider and take action on a replat application for a property located at 4623-4629 Commerce Street, further described as Lots 25-32 of the Original Town of Rowlett (FP12-632).**

Vice-Chairman Greg Landry made a motion to approve the Consent Agenda. Commissioner Michael Lucas seconded the motion and it passed with a 7-0 vote.

C. ITEMS FOR INDIVIDUAL CONSIDERATION

1. **Consider and make a recommendation regarding an application for alternative building materials for garage conversion for a single family home located at 3506 Larkin Lane, being Lot 18, Block 3 of the Chandler Park 4 Addition to the City of Rowlett, Dallas County, Texas (DP12-634).**

Arti Harchekar, Senior Planner came forward to present the case. She presented a location map and noted the zoning of SF-40. She stated that there was currently a single-family home on the lot and the applicant wished to do a garage conversion using hardie-board siding seen only on the side façade and painted to match the trim of the home. Mrs. Harchekar noted that the existing home was brick but that the applicant's contractor was unable to find a match and stated that the hardie-board proposed meets the intent of the Code and Staff would recommend approval. Commissioner Peebles inquired that if the applicant chose to build a garage in the future if there would be any setback or coverage issues and Mrs. Jones responded that Staff had not reviewed the application to that depth and those concerns would be addressed at such time that the

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applicant makes a request. Commissioner Jeffers made a motion to recommend approval of the alternative building materials request. Vice-Chairman Landry seconded the motion and it passed with a 7-0 vote.

- 2. Conduct a public hearing and take action on a request for a Conditional Use Permit (CUP) for an "Office" use and outside display and sales of ice in the General Commercial/Retail (C-2) zoning district. The subject property is a 2,574 square foot existing building located at 8126 Lakeview Parkway being a 0.316 acre unplatted portion of Tract 1424 in the James Saunders Abstract, Page 030, City of Rowlett, Dallas County, Texas (CUP12-633).**

Arti Harchekar, Senior Planner came forward to present the case. She presented a location map and stated that the applicant/owner would like to use a portion of the building for her business office and would also like to place a vending style ice machine outside of the location to service personal needs and also the needs of the nearby homes and businesses. She presented photos of the site location and proposed location of the ice machine and noted that the machine would be screened from Lakeview Parkway with shrubs and the shrubs existing along Lakeview Parkway. Mrs. Harchekar noted that the Code requires eight parking spaces for an office building of this size and seven are currently provided but that Staff did not anticipate a substantial increase in traffic or a negative impact on parking. She stated that Staff would recommend approval and noted that no responses were received to the mailed notices. Commissioner Peebles inquired if the Health Department had reviewed the request and Mrs. Jones replied that the Health Inspector would do an inspection prior to installation of the ice machine but that the request was to allow the use. Chairman Sheffield requested clarification on Staff's recommendation as in the packet the recommendation was to hold a public hearing and make a decision and then the presentation stated that Staff would recommend approval and Mrs. Harchekar responded that the case manager, Michele Berry had written the recommendation in the Staff Report so that is the recommendation that Staff would suggest. Vice-Chairman Landry inquired about the City's authority to ensure the machine is properly maintained and does not become an eyesore and Mrs. Harchekar responded that the Code Enforcement Department could oversee that. Commissioner Jeffers inquired if a future tenant would be required to obtain a CUP to continue using the ice machine and Mrs. Harchekar replied that the CUP would not transfer to a new owner or tenant and would need to be reapplied for. Chairman Sheffield opened the public hearing and recognized Tena Golden, 6306 Lancashire Dr, Rowlett, Texas to speak as the owner and applicant. Mrs. Golden described the machine and her intentions of its use. Vice-Chairman Landry noted that the handicap accessible parking was in the rear of the building and inquired where the handicap accessible entrance was and if the size of the machine in the proposed location would hinder access to that entrance and Mrs. Golden responded that the handicap accessible entrance was also in the rear so those needing access would not have to pass by the machine. Vice-Chairman Landry expressed concern that vehicles could hit the machine due to the fact that there is no curb and Mrs. Golden indicated that she would be willing to install steel bollards if needed. Commissioner Lucas expressed concern that as customers are attracted from Lakeview Parkway there is not adequate parking and Mrs. Golden stated that once the fence has been removed additional parking could be added if required. Commissioner Charles expressed concern about the lack of screening of the machine from Lakeview Parkway and inquired if there was a location in the rear of the building that the machine could be placed. Mrs. Golden responded that if the machine were placed in the rear of the building, it would have a negative impact on the handicap accessible entrance to the building. Chairman Sheffield closed the public hearing and Commissioner Jeffers inquired if

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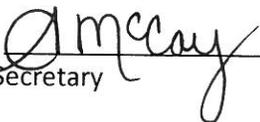
the CUP were granted for both the office use and the outdoor sales if the applicant would then be required to have the ice machine on site until a new owner or tenant moved in. Mrs. Jones replied that the items could be considered as two separate CUP requests and Staff had combined them for ease but if at any time the applicant wished to abandon the CUP for the ice machine, it would not affect the CUP for the office use. Vice-Chairman Landry asked if anyone from the City would review the installation of the machine and Mrs. Jones responded that the Health Inspector would inspect the machine before issuing a Health Permit and the Commission could make other requirements conditions of the CUP and the City would review them before issuance of the Certificate of Occupancy. Commissioner Charles expressed further concern about the lack of screening around the ice machine and Commissioner Lucas noted that the machine generates revenue and would not be able to do so if concealed. Commissioner Peebles agreed that he believed revenue was an intended outcome of the machine. Commissioner Charles stated that he would like to see a structure screening the machine from view of vehicles traveling along Lakeview Parkway and made a motion to approve the Conditional Use Permit for Office use in C-2 zoning but to deny the Conditional Use Permit request for outdoor sales. Commissioner Lucas seconded the motion and it passed with a 6-1 vote with Vice-Chairman Landry casting the opposing vote.

D. ADJOURNMENT

Chairman Rick Sheffield adjourned the meeting at 7:34 p.m.



Chairman



Secretary