

**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 26, 2013**

PRESENT: Vice-Chairman Greg Landry; Commissioners Greg Peebles, Joe Charles, Karl Crawley, Michael Lucas

ALSO PRESENT:

ABSENT: Chairman Rick Sheffield; Commissioner Rosalind Jeffers; Alternates Ronald Meyer, Tina Dorenbecker, Jonas Tune

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

A. CALL TO ORDER

Vice-Chairman Greg Landry called the meeting to order at 7:01 p.m.

B. CONSENT AGENDA

1. Minutes of the Regular Meeting of February 26, 2013.

Commissioner Karl Crawley made a motion to approve the Consent Agenda. Commissioner Greg Peebles seconded the motion and it passed with a 5-0 vote.

C. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Conduct a public hearing and make a recommendation regarding a request to rezone a parcel from the Limited Commercial zoning district to the Single Family – 8 zoning district. The subject property is a 0.151 acre portion of a 3 acre unplatted lot in the William Crabtree Survey, Abstract No. 346, City of Rowlett, Dallas County, Texas. (ZA13-645)

Michele Berry, Planner II came forward to present the case. She presented a location map and stated that the subject property is a three acre piece of land zoned Single-Family 8. However, a 0.151 acre strip on the southern border of the lot is zoned Limited Commercial. She stated that the applicant came in to meet with staff to discuss platting of the property and it was noticed that the property had split zoning. The applicant was informed that the first step would be to request a zoning change for the small portion zoned Limited Commercial. She presented a current zoning map of the property and noted that the majority of the surrounding properties are zoned SF. She stated that Staff would recommend approval based on the requirements set forth in the RDC. Vice-Chairman Landry opened the public hearing and seeing no speakers, closed the public hearing. Commissioner Crawley made a motion to recommend approval of the rezoning request. Commissioner Lucas seconded the motion and during the voting a resident spoke up stating he had wished to speak. Commissioner Crawley made a motion to reopen the public hearing and Commissioner Peebles seconded the motion. The motion passed with a 5-0 vote and Vice-Chairman Landry asked the gentleman to come forward. Tommy Hodge, 2122 Dana, Rowlett, TX came forward to speak against allowing the rezoning and in concern of the lack of posting notice. Vice-Chairman Landry reclosed the public hearing

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and Commissioner Crawley noted that he had seen the postings and pointed out that the rezoning would only affect a very small portion of the lot. Commissioner Crawley made a motion to recommend approval of the rezoning request. Commissioner Lucas seconded the motion and it passed with a 5-0 vote.

- 2. Conduct a public hearing and take action on a Conditional Use Permit request for a “Massage Establishment” use in the General Commercial zoning district. The subject property is Suite 115, a 1,486 square foot lease space, located at 5101 Rowlett Road, further described as 2.96 acres in the U Matthusen Survey, Abstract 1017, Page 470, City of Rowlett, Dallas County, Texas. (CUP13-644)**

Michele Berry, Planner II came forward to present the case. She presented a location map and stated that the applicant, Huizha Pu, proposes to open a foot spa at this location and has previously owned similar establishments at other locations. She stated that per the RDC the best fit classification for the establishment would be “Massage or spa therapy establishment” and per Table 3.1-1 of the RDC a Conditional Use Permit (CUP) is required for a “massage establishment” in the C-2 Zoning District. She also noted that the Health Inspector for the City of Rowlett has reviewed the plans and will be working closely with the applicant to ensure all codes are met. She reviewed other uses currently within the same shopping center and stated that Staff would recommend approval based on the fact that the proposal generally meets all the CUP approval criteria outlined in the RDC. Vice-Chairman Landry opened the public hearing and seeing no speakers, closed the public hearing. The applicant’s representative voiced concerns that the owner’s name was misspelled and Staff stated they would correct the spelling. Commissioner Peebles inquired if the owner was a licensed massage therapist in the State of Texas and the applicant’s representative responded that foot massage was not required to have a state license. Commissioner Peebles clarified that the business was actually a foot reflexology establishment and not required by the State of Texas to have a massage license. Commissioner Peebles made a motion to approve the Conditional Use Permit request for a “Massage Establishment” use in the General Commercial zoning district. Commissioner Crawley seconded the motion and it passed with a 5-0 vote.

- 3. Conduct a public hearing and take action on a Conditional Use Permit request for a 768 square foot detached garage constructed of materials different in type and composition from the primary structure, specifically fiber cement board. The subject property is located at 8005 Dalrock Road, further described as a 2.01 acre portion of Tract 25 in the Hanse Hamilton Survey, Abstract No. 538, Page 596, City of Rowlett, Dallas County, Texas. (CUP13-647)**

Michele Berry, Planner II came forward to present the case. She presented a location map and stated that the property is zoned SF-8. However, the property is approximately 2 acres and is a long and narrow lot. Ms. Berry presented a concept plan and noted that the location of the proposed building is directly behind the primary structure making it difficult to be seen from the road. She stated that the applicant is proposing to use a prefabricated building and cover it with fiber cement board siding and asphalt shingles. She also presented photos of the current buildings on the property that will be removed to reference the color and a photo of the proposed barn style building with three garage doors. Ms. Berry stated that Staff would recommend approval as the proposed building did generally meet the guidelines set forth in the RDC and other homes in the neighborhood had similar larger accessory structures. Vice-Chairman Landry asked if the proposed building would have the loft above the garage doors as shown in the photos. Ms. Berry responded that the building would only be 20 feet tall and the applicant stated that there would be space above the garage doors for storage. Vice-Chairman Landry clarified that it would be closed in with an access panel and the applicant affirmed. Vice-Chairman Landry inquired if the proposed building would be less than the maximum height of the district and Ms. Berry responded that the maximum height is 35 feet and the building would only be 20

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feet in height. Vice-Chairman opened the public hearing and seeing no speakers, closed the public hearing. Commissioner Crawley made a motion to approve the Conditional Use Permit request for a 768 square foot detached garage constructed of materials different in type and composition from the primary structure, specifically fiber cement board. Commissioner Charles seconded the motion and it passed with a 5-0 vote.

- 4. Conduct a public hearing and take action on a Conditional Use Permit request for a "General Day Care, more than 20 enrolled" use in the Limited Commercial zoning district. The subject property is 4115 Dalrock Road being further described as Lot 2, Block A of the Marian Addition to the City of Rowlett, Dallas County, Texas. (CUP13-645)**

Michele Berry, Planner II came forward to present the case. She presented a location map and stated that the property was originally developed in 1996 as a day care. In 2005, a Special Use Permit was approved for an office use (Attachment 5 – SUP50-05). However, the office use left in November, 2009 and the property has remained vacant since. A request to consider that there was never intent to abandon the property was denied by the Board of Adjustment on April 4, 2011. As such, the property lost its legally non-conforming status. Ms. Berry presented photos of the subject property and proposed play area. She stated that based on the fact that the proposal generally meets all the CUP approval criteria outlined in the RDC, staff recommends approval of the proposed CUP and noted that if approved, this CUP will only be associated with the current user. Any future tenants would be required to submit a new CUP application. She also stated that due to constraints with pavement and landscaping, if the CUP is approved, we will also discuss an Alternative Landscape Plan, Item C.5 on tonight's agenda. Commissioner Crawley inquired if the neighbors to the north had responded to the notices and Ms. Berry replied that the property owner at 4205 Dalrock had responded in favor of the request stating "the last time it was a daycare they were a good neighbor." Vice-Chairman Landry opened the public hearing and recognized Linda Thompson, 3613 Andrea, Rowlett, Texas to speak as the applicant. She stated that she currently owns and operates a day care in Garland and would like to relocate to Rowlett. She spoke on the attributes of her facility and of the improvements she would like to make on the property. Vice-Chairman Landry asked about the age groups that would be in attendance and Mrs. Thompson responded that they currently cared for 18 months to 12 years. Commissioner Peebles expressed confusion that there was discussion during the work session about a church in Rockwall and Mrs. Thompson is referring to an establishment in Garland. Ms. Berry stated that she was mistaken about Rockwall and Mrs. Thompson was actually relocating from Garland. Vice-Chairman Landry closed the public hearing and Commissioner Crawley stated that he agreed with the day care use and thought it was a good fit for the property. Commissioner Crawley made a motion to approve the Conditional Use Permit request for a "General Day Care, more than 20 enrolled" use in the Limited Commercial zoning district. Commissioner Peebles seconded the motion and it passed with a 5-0 vote.

- 5. Consider and take action on an Alternative Landscape Plan request in the Limited Commercial zoning district. The subject property is 4115 Dalrock Road being further described as Lot 2, Block A of the Marian Addition to the City of Rowlett, Dallas County, Texas. (DP13-649)**

Michele Berry, Planner II came forward to present the case. She stated that this was a follow up to the previous agenda item and that due to the Board of Adjustment decision that the property was abandoned, the landscaping would need to be brought up to current RDC standards. However, the concrete existing on the property does not allow for the buffers required and the applicant has prepared an alternative landscape plan. Ms. Berry highlighted the proposed changes including additional plantings along the border of the property and a steel tubular and chainlink fence around the play area. She stated that based on the fact that the proposal generally meets all the ALP approval criteria outlined in the RDC, staff recommends approval of the

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proposed ALP and noted that the Commission could approve an ALP, provided the subject property is less than one gross acre and the total right-of-way frontage is less than 250 feet. Commissioner Peebles made a motion to approve the Alternative Landscape Plan request in the Limited Commercial zoning district. Commissioner Crawley seconded the motion and it passed with a 5-0 vote.

D. ADJOURNMENT

Vice-Chairman Greg Landry adjourned the meeting at 7:30 p.m.



Chairman



Secretary