

**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., DECEMBER 9, 2008**

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

**ALSO PRESENT:** Alternate Joe Charles

**STAFF PRESENT:** Development Services Director Keri Samford, Assistant Director of  
Development Services Alaina Ray, Amy Mathews Planner II, Erin  
Jones Planner II, Sr. Administrative Assistant Kendra Frederick

**A. CALL TO ORDER**

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

**B. CONSENT AGENDA**

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**1. Minutes of the regular meeting of November 11, 2008.**

Vice Chairman Greg Peebles made a motion to approve the minutes of the regular meeting of November 11, 2008. Commissioner Greg Landry seconded the motion. Motion passed with a 7-0 vote.

**C. PUBLIC HEARINGS**

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**1. Conduct a Public Hearing to consider and take appropriate action on a Conditional Use Permit (CUP) application for a 788± square foot accessory structure. The subject property is located at 4001 Chiesa Road and is part of the James Hobbs Abstract 571 PG 721. [CUP08-397]**

Amy Mathews came forward to present this case. Ms. Mathews explained this 788± accessory structure would be located at the rear portion of the property. She explained that a CUP is required because the proposed structure is over 500 square feet, it is over 25% of the primary structure, and because there is one other small structure already located on the property. The applicant is proposing that the structure be stone with a roof to match the home.

The applicant, James Fisher at 4001 Chiesa Road, came forward to address questions from Staff and Commissioners. Chairman Moore asked if the smaller structure already on location will stay or come down once this structure is built. The applicant responded saying that if he has to get rid of the building he will but he would like for the Commission to be flexible with him and let him leave it for some period of time. Mr. Moore also asked the applicant if he was planning on using real stone or cultured stone and the applicant responded with cultured stone. Mr. Moore stated that he does not believe that cultured stone meets masonry requirements so an interpretation from the Building Official would be needed. Commissioner Chris Cigainero asked the applicant if he was planning on removing any trees and the

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applicant replied with no, he did not want to remove any trees. Keri Samford stated that she believes that cultured stone is not specifically listed, and if that is the case, the applicant would have to request a variance for alternate building materials and appear before City Council for approval. With no further discussion, Mr. Cigainero made a motion to close the public hearing. Commissioner Rick Sheffield seconded the motion. Motion passed 7-0 vote.

Mr. Moore stated that the item should be tabled until further information on the masonry requirements for cultured stone can be gathered. The applicant stated that he would be willing to do stone if he had to. Mr. Sheffield made a motion to table the item for further information. Commissioner Charles Alexander seconded the motion. Motion to table carried with a 7-0 vote.

**D. ITEM FOR INDIVIDUAL CONSIDERATION**

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- 1. Consider a request and make a recommendation to City Council to extend previously approved alternate building material for The River Church Addition, Phase 1, being 1.6± acres of land located on the north side of Liberty Grove Road at Princeton Road. Zoned SF-40 (Single-Family 40).**

Erin Jones came forward to present this case. Ms. Jones stated that on December 21, 2004 City Council approved a four year material variance for a temporary building. City Council stipulated that within four years the building either had to be removed, brought completely up to 2008 masonry standards or the applicant had the option to come in and ask for an extension. The applicant stated in meetings with staff and in a letter provided to P&Z that due to financial hardships, the church is not in a position to move the building or bring it up to code at this time and requests a one year extension. Ms. Jones stated that staff began contacting the church in August of 2008 reminding them that their expiration date was coming up with no response from the church until the end of November when they set up a meeting to discuss an extension. Ms. Jones stated that it was her understanding that a split in the denomination forced the church to finance the remainder of the \$200,000 loan on the building rather than to continue to lease it. Commissioner Sheffield stated, "according to the church's letter they financed the \$200,000 loan back in August 2007 they therefore knew over a year ago that they would have a financial hardship in preparing this building to meet code. However, they don't plan to implement a means to raise capital until January of next year. To me, this shows a lack of good faith." Commissioner Cigainero stated that after reading the minutes from the City Council meeting on December 14, 2004, the Council and City Attorney discussed and made very clear that the timeline and stipulations of the variance. With no further discussion, Commissioner Sheffield made a motion to recommend denial to City Council for the extension of the previously approved alternate building material for The River Church Addition. Vice-Chairman Greg Peebles seconded the motion. Motion passed with a 6-1 vote.

- 2. Consider and take appropriate action on the Tree Survey/Preservation Plan for relocation of the Coyle House to a site within Pecan Grove Park adjacent to Main Street.**

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Alaina Ray, Assistant Director of Development Services, came forward to present this case. As a result of NTTA and future PGBT, the Coyle House has to be relocated to Pecan Grove Park. The relocation will result in the removal of fourteen protected trees under our Tree Preservation Ordinances, ten of which are Hackberries, three Bois D' Arcs, and one Pecan tree. The applicant would be required to replace the protected trees with a total of 183 protected caliper inches of trees. They are relocating 96 caliper inches from the existing site as well as planting an addition 90 caliper inches which would consist of Pecan trees, putting a total of 31 trees around the Coyle Homestead site in Pecan Grove Park. With no further discussion, Commissioner Charles Alexander made a motion to approve the Tree Survey/Preservation Plan. Mr. Landry seconded the motion. Motion passed with a 7-0 vote.

**E. ADJOURNMENT**

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Chairman Moore adjourned the meeting at 7:43 p.m.



Chairman



Secretary

