

**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 13, 2009**

PRESENT: Chairman Kevin Moore, Vice-Chairman Greg Peebles,
Commissioners Charles Alexander, Chuck Knickerbocker, Rick
Sheffield, Greg Landry

ALSO PRESENT: Alternate Joe Charles

ABSENT: Commissioner Chris Cigainero

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

A. CALL TO ORDER

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

B. CONSENT AGENDA

1. Minutes of the regular meeting of December 23, 2008.

Commissioner Rick Sheffield made a motion to approve the minutes of December 23, 2008. Vice-Chairman Greg Peebles seconded the motion. Motion approved 5-0-1 with Commissioner Charles Alexander abstaining from voting since he was not at the December 23, 2008 meeting.

C. PUBLIC HEARINGS

1. Conduct a public hearing and take appropriate action on a Special Use Permit (SUP) application for a gas station and convenience store. The subject property is located at 1803 Dalrock Road and is a part of the Racetrac Addition, Lot 1, Block A. [SUP08-393]

Amy Mathews came forward to present this case. Ms. Mathews stated that the applicant is requesting to build a 5, 577 square foot convenience store with gas stalls. The Rowlett Development Code requires an SUP for this use within a C-1 zoning district and requires a convenience store to include gas pumps. The applicant is also requesting that their dumpster enclosure be allowed to face Dalrock Road and the Development Code states that the opening of a dumpster enclosure shall not face a public street or an access easement. There were twenty-eight property owner notifications mailed out, six came back with two in favor and four opposed.

Applicant Anita James, Racetrac Petroleum, 3225 Cumberland Blvd, Atlanta, GA came forward to let the citizens and Staff know she is here with Kevin Patel, the engineer, to answer any questions.

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Mr. Peebles asked what the distance was between this proposed location and the other proposed location on Hwy 66 and Ms. James stated that it was two and a half miles.

Eric Wesley of 566 Reed Drive, Rockwall, TX, speaking on behalf of a relative that lives at 1901 Chiesa Road, came forward to ask a few questions. Mr. Wesley asked what kind of time frame Racetrac is looking at from the beginning of the project to the end. Ms. James stated the project would be turned over to construction in March or April of this year and would be under construction for three to four months. Mr. Wesley asked if there were certain hours that construction begins and ends each day. Mr. Moore stated that the City dictates hours of construction and stated that construction does not go into the deep night. Mr. Wesley stated that there are still residents that will be right across from the construction and one of the concerns is traffic. The concern is they feel the traffic would increase and want to know if there are any plans to alleviate the traffic. Ms. Samford stated that the project would be on two roadways, both Chiesa and Dalrock, and one of the things to help mitigate the traffic would be that the south bound traffic would have a deceleration lane so the traffic would be moved off the two major lanes of traffic in order to slow down turning traffic. Ms. James stated that convenience stores do not generate traffic, they simply pick up passer-by traffic; and act as a convenience to existing traffic. Mr. Wesley asked if there were plans to increase the lanes on both Dalrock and Chiesa and Ms. Samford stated she was unsure of those plans. Mr. Wesley asked if the business was a 24 hour operation and the applicant stated that it was. Mr. Wesley asked also if there were extra safety precautions taken for the residents and Mr. Moore stated that the City dictates a big part of that as including temporary fencing and road clean-up. He then asked if there were going to be any barriers put in place and Ms. James stated that they only put silt fences for erosion to keep dirt from draining unto other sites and added that Racetrac is dedicating thirty feet off of Chiesa Road for any future expansion of Chiesa. Mr. Wesley then asked for clarification that the address 1901 Chiesa Road is in the C-1 zoning district and asked if there was a plan that the public could view to see what plans the City has for that location. Ms. Samford stated that this information is available at www.rowlett.com, under the department GIS tab. She stated that there are downloaded and interactive mapping options available, one being the zoning map and the other being the comprehensive plan which will explain what each zoning designations are and the intent.

Bertha Wallace of 1926 Chiesa Road, Rowlett, TX came forward and asked if this Public Hearing Notice was the first one sent out by Planning and asked when the notices are generally sent out. Ms. Samford stated that Staff is required by State Law to send out a notice 15 days in advance to property owners within 200 feet of the proposed location and this case would also be carried forward to City Council if they do make recommendation for approval. Ms. Wallace also asked what direction the entrance to Racetrac is and Mr. Moore stated that there will be two entrances, one on Dalrock and the other on Chiesa. Ms. Wallace stated that after adding a turning lane at Chiesa and Dalrock, the turn is still too difficult for buses and the narrow road is too dangerous with people speeding and seems to be poorly engineered. She also asked if Racetrac will be getting a liquor license and wine and Ms. James stated yes. Ms. Wallace stated that the proposed project needs to be located far enough back to ensure that the children and everyone else in the area are safe. Mr. Peebles asked Ms. Mathews if she would show

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Ms. Wallace the 30 foot dedication of land from Racetrac on Chiesa to help alleviate some of her concerns. Ms. Mathews explained that eventually the other side of Chiesa will also dedicate 30 feet and it is in the plans in the future to widen Chiesa. Mr. Moore explained to Ms. Wallace that the city does not have any control over how fast the citizens drive but if there were ever any kind of issue like this that rise, to make sure to attend the City Council meeting because Council would be the ones to approve changes to the Thoroughfare plans. Ms. Wallace stated that the City Council, in the past, resurfaced the road but did not go back and add the preexisting approved speed bumps. Mr. Moore told her she can go to the Traffic and Safety Committee to share her concerns as well.

Mark Andrews of 1900 Dalrock, Rowlett, TX came forward. Mr. Andrews stated that there are already two gas stations on Dalrock across the street and wonders if there is a need for a third gas station. He also stated that traffic will be negatively affected both coming and going due to the area and its location relative to the interstate. Mr. Andrews stated that he feels Rowlett has a great opportunity to market that area because of its location. He stated that economically office buildings would benefit the community from a property tax standpoint far better and that the fair market value of the buildings going into that area would be significantly higher than these types of structures. Mr. Andrews stated that he is trying to look at this as to how it would benefit the area and feels that Racetrac would be taking revenue from other businesses in the area.

Ms. James clarified from an earlier statement that Racetrac will not be selling liquor; they will only be selling beer and wine. Mr. Sheffield made a motion to close the public hearing. Mr. Alexander seconded the motion. Motion passed with a 6-0 vote.

Mr. Peebles made a motion to deny the request for the Special Use Permit for Racetrac. Mr. Sheffield seconded the motion. The vote tied 3 - 3. Mr. Peebles asked for a discussion.

Mr. Peebles stated that he agrees with the citizens in the area that there really is no need for another gas station in that area. He also stated that with having two facilities available across the street and having another gas station two and a half miles up the road is too much and believes Rowlett has enough.

Mr. Sheffield stated that the discussion for the highest and best use for property is a valid discussion and the point of saying the City of Rowlett has too many gas stations and convenience stores does not matter otherwise the City could say the same thing about nail salons. He also stated that the City cannot say that we have too many of something because if the area is zoned for that type of use, it's an allowed use and the Commission lacks control of saying what can and cannot go into a specific location based on the number of existing similar businesses.

Mr. Moore stated that he is viewing this as a tax base and if there is an office building added to that location, nothing would really be added to the tax base. He also stated that he feels the project will not alter traffic too much. If a passer-by needs gas driving south on Dalrock, they will stop on the way to the

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highway since the other two existing gas stations are on the other side of the road. He also stated that citizens have said before they do not want more fast-food restaurants, they want sit-down restaurants. Mr. Moore stated, "What are the uses that will go in there and if it is office, what would the City gain from it?" Mr. Sheffield stated that looking at the railroad track and the development, asked what type of development could be done there. The city has a willing client to develop this land and to add to the community. He also stated that the only traffic increase he could see is traffic from the neighborhood nearby running by to get a gallon of milk for dinner. Mr. Sheffield stated that the traffic issues brought up earlier in the meeting are not Racetrac's issues; they are the city's issues and needs to be taken to City Council. He feels that this is an appropriate development for that location, the traffic is not an issue, and the city has a responsible client coming in not only for this location but for another proposed location on Hwy 66 and sees positive things for the City.

Mr. Sheffield made a motion to recommend approval to City Council of the SUP including allowing the dumpster enclosure to face Dalrock. Commissioner Joseph Charles seconded the motion. Motion carried with a 5-1 vote.

Ms. Samford informed the citizens that this case will move forward to City Council so citizens within 200 feet of this proposed location will be receiving another Public Hearing Notice. The meeting will either be the 3rd of February or 17th of February. She also stated that the City Council Agenda is posted on the city's website.

D. ITEM FOR INDIVIDUAL CONSIDERATION

- 1. Consider and take appropriate action on a request for exceptions to the *Rowlett Development Code* for a Landscape Plan and Site Plan for Big Lots. The subject property is located at 3601 Lakeview Parkway being Lot 2, Block 1 of the A.S.P.I. Number 1 Subdivision [Case Number DP08-401]**

Item was removed from the Agenda

- 2. Consider a request and make a recommendation to City Council regarding alternate building materials for a single family home. The subject property is located on 1.53± acres being lot 1, block A of the KC Subdivision.**

Erin Jones came forward to present this case. She stated that in September 2008, the Commission approved a Tree Preservation Plan for this property and soon thereafter the Plat was Administratively Approved. The applicant, Mr. Clark contacted staff in December stating that he wanted to use alternate building materials in constructing this house. Ms. Jones stated that per the Rowlett Development Code, residential development must be 100% stone and/or brick masonry. The applicant is requesting that approximately 34% of the construction be real stucco. Ms. Jones clarified that the applicant is not proposing to use EIFS. In addition, the applicant is also requesting to use the same stucco material or

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stone veneer for two chimneys for esthetics only. Keri Samford stated that per code if the chimney is going to be masonry then the rest of the fire place structure is required to be constructed out of masonry as well. She went on to state that the reasoning behind this requirement is to protect fire fighters from chimneys caving in due to being constructed out of a heavier material than the rest of the fireplace. Commissioner Rick Sheffield asked if the fireplace was masonry inside and just putting the stucco material on top.

Applicant Robert Clark at 5009 Lake Forest Dr., Rowlett, TX came forward and stated that currently there are only framing materials in the home. Mr. Clark stated that it is his understanding to have a wood burning fireplace requires 100% masonry but a gas fireplace does not require 100% masonry construction. He is proposing gas. Mr. Clark stated that the request is from an aesthetic standpoint only and that lighter material such as stucco or stone veneer should alleviate the concern of a potential collapse. He also stated that since the home is over 5,000 sq. ft. there will be a sprinkler system in the house which will be added protection if a fire should occur.

Commissioner Greg Landry asked staff if an alternative building material is approved by City Council when the applicant applies for a building permit will the building inspections department allow the material if it does not meet the code? Ms. Samford stated that if alternative materials are approved by City Council, the approved material is allowed for the specific project it was approved for and that the building department would issue the permit accordingly. Ms. Jones stated that a building inspector called her from the field while inspecting this house and asked that the chimney materials be added to the request. It is her understanding that the building inspector did not have a problem with the alternative material since it was only for aesthetic reasons. Chairman Moore stated that in 2003 he used cedar for his chimney for aesthetics only to cover the metal pipe coming through the roof. He stated that the applicant wants to use a non-combustible masonry product and the code does not state specifically that stucco or stone veneer is a masonry product. Mr. Moore asked the applicant what type of sheathing was being used on the home to apply the stucco. The applicant stated that he knew it was a radiant barrier but did not have any additional details at this time. Mr. Moore went on to explain various types of sheathing. Mr. Moore stated that whoever makes the motion needs to state what can and cannot be used as stucco. Mr. Landry made a motion to recommend approval of this item to City Council with the condition that the stucco used is cement plaster stucco as defined by the City of Rowlett Development Code and not an EIFS product. Furthermore, the alternative materials used on the chimney structures also have to be stucco or a stone veneer as defined by the City of Rowlett Development Code. Commissioner Charles Alexander seconded the motion. Motion carried with a 6-0 vote.

Chairman Moore also wanted to thank Chuck Knickerbocker for his service as a Commissioner on the Planning and Zoning Commission.

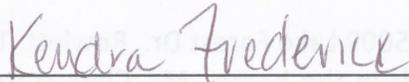
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E. ADJOURNMENT

Chairman Moore adjourned the meeting at 8:09 p.m.



Chairman



Secretary