

**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., FEBRUARY 10, 2009**

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

ABSENT: Chairman Kevin Moore

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

A. CALL TO ORDER

Vice Chairman Greg Peebles called the meeting at 7:05 pm.

B. CONSENT AGENDA

1. Minutes of the regular meeting of January 27, 2009.

Commissioner Charles Alexander made a motion to approve the minutes of the regular meeting of January 27, 2009. Commissioner Rick Sheffield seconded the motion. Motion passed with a 5-0 vote.

C. PUBLIC HEARINGS

1. Conduct and Public Hearing and take appropriate action on a Conditional Use Permit (CUP) application for a 1,500± square foot accessory structure. The subject property is located at 2909 and 2913 Toler Road and was recently platted into one lot being Block 4, Lot 1R of the Chandler Park Subdivision No. 3. [CUP08-405] – tabled item from 1/27/09

Erin Jones came forward to discuss this case. Ms. Jones stated that the recently platted property is at the corner of Toler Road and Hickox. The conditional use permit is required because the accessory structure is over 500 square feet and the structure would exceed 25% of the primary structure, per the *Rowlett Development Code*. The applicant is requesting to have a 1,500 square foot accessory structure and the structure which is 48% of the primary structure. Ms. Jones also stated that the code states that there can only be one accessory structure on the property and currently Mr. Lawson, the applicant, already has an existing shed on the property. Mr. Lawson is also requesting to use alternate building materials which would require a recommendation to City Council.

Vice-Chairman Greg Peebles stated that since this item was tabled at the last meeting there needed to be a motion to take the item off the table. Commissioner Rick Sheffield made a motion to bring the item back from the table. Commissioner Chris Cigainero seconded the motion. Motion passed with a 6-0 vote. Mr. Peebles asked if there was anyone who wanted to speak since this was a public hearing and with no one Mr. Alexander made a motion to close

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the public hearing. Commissioner Joe Charles seconded the motion. Motion passed with a 6-0 vote.

Mr. Alexander made a motion to approve the Conditional Use Permit as stated. Motion did not carry due to lack of a second. Mr. Cigainero made a motion to deny the Conditional Use Permit as stated. Mr. Charles seconded the motion. Motion carried with a 4-2 vote with Mr. Landry and Mr. Alexander casting the opposing votes.

D. ITEM FOR INDIVIDUAL CONSIDERATION

- 1. Consider and make a recommendation to City Council regarding a request for alternative building materials for a 1500± square foot accessory structure. The subject property is located at 2909 and 2913 Toler Rd. being Block 4, Lot 1R of the Chandler Park Subdivision No. 3.**

D.1 WAS REMOVED FROM DISCUSSION DUE TO THE DENIAL OF ITEM C.1

- 2. 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 (DP08-401)**

Erin Jones came forward to present this case. She stated that since the location has been vacant for over six months, the applicant is required to bring it up to code. The applicant submitted a modified Site Plan and Landscape Plan. The applicant is requesting several variances. The first variance requested is to waive the 20% accent material requirements. Ms. Jones stated that the building is 100% masonry but at the time the building was built, the 20% accent materials were not required. The applicant is proposing to provide 11% of the required 15% total landscaped area. Ms. Jones also stated the applicant is requesting that the perimeter landscape requirements be waived. She stated that as it was discussed in the work session, the site is currently over parked by 42 spaces so there is 7,560 square feet that the applicant could potentially put landscaping in.

Mr. Sheffield asked what landscaping is currently at the site and Ms. Jones stated that originally it started out at 4%. Mr. Sheffield also asked about the process and how it is determined which parking spaces would be turned into landscaping. Ms. Jones stated that when the original plans came in Big Lots was not showing any improvements to the landscaping plan and staff informed them that if they did not want to do any improvements they needed to request a complete waiver. Ms. Jones stated that when Big Lots came back to the city later, they had shown that they would be willing to take out the parking spaces to put additional green space. Mr. Landry asked Ms. Jones about the parking islands. He stated that within the islands that are shaded, there is a bolded line indicating an island. He asked if the applicant is adding to the size of the parking lot island or if it is staying the same size and landscaping is being added. Ms. Keri Samford deferred the question to the applicant.

Ross Harle with Tabani Group Inc., 16600 N. Dallas Parkway Ste. 300, Dallas, TX 75248 came

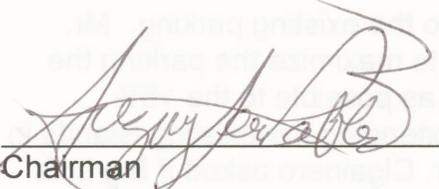
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forward. Mr. Landry asked if there was going to be any change to the existing parking. Mr. Harle stated that with this being a multi-tenant use, Big Lots had to maximize the parking the best way they could and at the same time tried to come as close as possible to the 15% landscaping requirement. Mr. Harle explained that they will be extending the existing islands in the parking lot and adding additional green space to the side. Mr. Cigainero asked if Big Lots would consider moving the current green space to the North side blocking the back of the Industrial area. Mr. Harle stated that the uses are for retail so Big Lots needs to have the parking available for the potential tenant and in addition to the lease agreement that the Tabani Group has with Big Lots states this interior area cannot be modified. Mr. Cigainero asked about painting the backside of the building and Mr. Alexander asked if the front or the side of the building were the same as the back, and if so, they needed to be painted also. Mr. Landry stated that a condition could be added to repaint all the existing painted walls. Zeshan Tabani with the Tabani Group Inc, 16600 N. Dallas Parkway, Ste. 300, Dallas, TX 75248 came forward. Mr. Tabani clarified that they will paint the backside of the building as well as the side of the building as requested. Mr. Landry stated that the landscaping Big Lots is trying to do does favor the retail establishment by having the parking as close to the front as possible but asked if it served the needs of bringing up the lot to current standards. He also stated that the commission has the ability to require screening of the industrial area to the north. Mr. Cigainero stated that he does not see how it would be an additional effort to landscape the north side of the lot to screen the industrial buildings but states the use for this property is a good use. Mr. Sheffield stated that he agreed with both Mr. Cigainero and Mr. Landry's comments regarding the landscaping on the north side. He stated that he thinks that if the existing green space were to be reduced by the number by the number of parking spaces at the north side of the property and be converted back into parking and the green space was to be relocated to the north to provide screening this would provide perimeter landscaping on the north without reducing the green space percentage, certainly the applicant could work out a lease to get the screening were it required by the commission. He also agreed that the exterior walls needed to be repainted. Mr. Sheffield made a motion to approve the request for exceptions to the *Rowlett Development Code* for the Landscape Plan and the Site Plan with the following changes: 1. 20% of the accent materials is waived. 2. All existing painted portions of the building, especially the east and north sides shall be repainted. 3. 15% landscaped area requirement is reduced to 11% of the gross lot area. 4. Perimeter landscaping requirements are required to be installed only where the northern most 18 parking spaces currently exist. This will act as a landscape buffer from the adjacent industrial area. In order to keep parking counts as proposed and the total landscape area at the approved 11% the applicant may choose to add 18 parking spaces back in elsewhere on the property where parking was originally proposed to be removed in lieu of landscaping. Mr. Landry seconded the motion. Motion carried with a 6-0 vote.

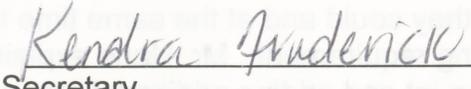
E. ADJOURNMENT

Vice Chairman Greg Peebles adjourned the meeting at 7:27 p.m.

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Chairman



Secretary