

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., APRIL 14, 2009

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

ALSO PRESENT: Alternate Robert Kittrell, Alternate Karl Crawley

ABSENT: Commissioner Chris Cigainero

STAFF PRESENT: Development Services Director Keri Samford, Amy Mathews
Planner II, Secretary Kendra Frederick

A. CALL TO ORDER

Chairman Moore called the meeting to order at 7:00 p.m.

B. CONSENT AGENDA

1. Minutes of the Regular Meeting of March 10, 2009.

Vice-Chairman Greg Peebles made a motion to approve the minutes of the March 10, 2009 meeting. Commissioner Rick Sheffield seconded the motion. Motion approved with a 6-0-1 vote with Alternate Robert Kittrell abstaining from voting since he was not seated at the dais at the March 10, 2009.

C. PUBLIC HEARINGS

1. Conduct a Public Hearing to consider and take appropriate action on a Conditional Use Permit (CUP) application to allow operation of a preschool at an existing church. The subject property is located at 5700 Mark Lane in the Pure Heart Fellowship Church Block 1 Lot 1. [CUP09-421]

Amy Mathews came forward to present this case. Ms. Mathews stated that the school is a Spanish immersion school to teach children a second language. The location will be used by existing classrooms which will be held Monday through Friday from 9:00 am to 2:00 pm with the maximum student enrollment being approximately 60 depending on State guidelines. Ms. Mathews stated that the playground is not gated, but will be gated before opening due to state standards. Ms. Mathews explained that since the Spanish Schoolhouse is a separate pre-school that is not associated with the church, they are required to have a Conditional Use Permit. There were 37 public hearing notices mailed out and there were seven responses received from within the 200 foot area required by state law, five of which were against and two in favor. There were also an additional ten other notices that were received outside of the 200 foot notice area, zero was in favor and 10 were opposed. The concerns included traffic, noise, issues with the existing church, and potential new construction. Mr. Sheffield wanted to clarify that if the church were running this day care they could implement the daycare and it would not require them to come forward to the Planning and Zoning Commission. Keri

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Samford, Director of Development Services, stated that there was a question posed in the work session about the zoning of the lots and stated that the lots west of the church, with residential on it, is zoned Commercial 2 (C-2). Mr. Moore opened the public hearing.

George Needler at 6806 Fawn Valley Place, Rowlett, TX came forward. Mr. Needler stated that the church has not kept up with code requirements, specifically the grass height exceeding the maximum height. He expressed that if the church cannot keep up with city ordinances, how can the city be sure that the day care would keep up with the ordinances. He also stated that he noticed that it was stated that there were 37 notices mailed out and only 31 were received by the neighbors. He stated that he cannot prove if the city did or did not send out the correct number of notices but several neighbors stated they did not receive the public hearing notice. With no further comments, Mr. Peebles made a motion to close the public hearing. Commissioner Charles Alexander seconded the motion. Motion passed with a 6-1 vote.

Mr. Sheffield stated that should a motion be approved, he would recommend that the play ground must meet all state requirements for fencing. Mr. Sheffield also acknowledged the concern about the noise and further stated that by the size of the playground, there will only be about 10 – 12 students on the playground at one time. Furthermore, the concerns about code enforcements with the church, the church is not applying, the Spanish School House is a separate entity and “you can’t hold the sins of the parents against the children”. The church is only a house for the school.

Mr. Moore asked if there was documentation of the amount of notices that were sent out and Ms. Samford stated that a copy of the mailing labels was provided to Mr. and Mrs. Needler. She further stated that staff does notice per state law which is mailing be provided to properties within 200 feet of the subject property and those names listed as owners per the Dallas Central Appraisal District or the Rockwall County Central Appraisal District at the time of mailing. She also stated that there is no requirement for the notices to be certified or registered mail. The city does have a metered system that does monitor how many pieces of mail go out which is charged back to the proper division.

Mr. Sheffield made a motion to approve the Conditional Use Permit as presented with the additional condition that the daycare meets all state requirements for fencing on the playground. Mr. Alexander seconded the motion. Motion passed with a 6-1 vote with Commissioner Joe Charles casting the opposing vote.

D. ADJOURNMENT

Chairman Moore adjourned the meeting at 7:15 p.m.



Chairman


Secretary