

**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., NOVEMBER 9, 2010**

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

ALSO PRESENT: Alternate Robert Kittrell (non-voting member), Carl Pankratz (voting member)

ABSENT: Charles Alexander

STAFF PRESENT: Planning Manager Erin Jones, Planner II Marc Kurbansade, Deputy City Secretary Stacey Chadwick

A. CALL TO ORDER

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

B. CONSENT AGENDA

1. **Minutes of the Regular Meeting of October 12, 2010**
2. **Consider and take appropriate action on a preliminary plat application. The subject property is approximately located at the Southwest Corner of Chiesa Road and Liberty Grove Road, being 23.7 ± acres situated in the H. Hamilton Survey, Abstract Number 548, Z. Motley Survey, Abstract Number 1010, and the F. Wood Survey, Abstract Number 1563, City of Rowlett, Dallas County, Texas, further described as Lake Valley Estates Phase II. (PP10-468)**

Commissioner Karl Crawley made a motion to approve the items on the consent agenda. Alternate Carl Pankratz seconded the motion. The motion passed with a 7/0 vote.

C. REGULAR ITEMS

1. **Conduct a Public Hearing to consider and take appropriate action on a Conditional Use Permit (CUP) application for a 2,724± square foot restaurant with drive-thru. The subject property is located at 4725 Lakeview Parkway, being a 0.829 acre portion of Lots 4 & 5, Block C of the Lake Center Plaza Subdivision, Thomas Payne Survey, Abstract No. 1165, City of Rowlett, Dallas County, Texas. (Case Number CUP10-469)**

Marc Kurbansade, Planner II, came forward to present the case. He provided a location map and stated that the property is part of two existing platted lots. Mr. Kurbansade then displayed a copy of the Concept Plan and explained its relationship to the existing surrounding properties. Mr. Kurbansade explained that the proposed Raising Cane's restaurant will have cross access with the existing Papa John's to the east and will share a new driveway. He explained that the existing driveway in front of Papa John's will eventually be removed with the construction of the new proposed shared driveway. Mr. Kurbansade stated the item is before the Planning & Zoning Commission this evening strictly for the drive-thru portion of the request. Mr. Kurbansade stated that staff is currently reviewing Development Plans on a preliminary basis at this time. Mr. Kurbansade provided background information on the subject site—property is zoned C-2; property is currently vacant; restaurant use with drive-thru does require a Conditional Use Permit; and property is

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bordered on east, west and south by C-2 zoned property and on north by property zoned SUP for C-2 Commercial uses. Mr. Kurbansade explained that if the Conditional Use Permit was approved there were still many other approvals that would need to be granted. Mr. Kurbansade stated that staff reviewed the Concept Plan and it does generally conform to City Code requirements and met Conditional Use Permit approval criteria. He further stated that based on these facts, staff recommends approval of the request. Mr. Kurbansade stated that the Conditional Use Permit is not transferable and does not constitute a change in zoning. Mr. Kurbansade provided a summary of the public hearing notice responses—five properties in favor, two properties were opposed. Mr. Kurbansade concluded his presentation by stating the applicant was present and here to answer any questions.

Chairman Sheffield asked if any Commissioners had questions for staff. Commissioner Crawley asked what causes Papa John's to close their driveway. Mr. Kurbansade stated that new driveway would be located across from an existing median cut and there is an agreement between the property owners to close this driveway.

With no other questions from Commissioners, Chairman Sheffield opened the public hearing. Michael Clark, applicant, Winkelmann and Associates, 6750 Hillcrest Plaza Drive, Suite 325, Dallas, TX 75230, came forward to speak. Mr. Clark further addressed the driveway closure question from Commissioner Crawley by stating that the subject property and the Papa John's property have the same property owner. With no other speakers present, Chairman Sheffield closed the public hearing.

Commissioner Cigainero made a motion to approve the item as presented. Commissioner Karl Crawley seconded the motion. The motion passed with a 7/0 vote.

- 2. Conduct a Public Hearing and take appropriate action on a Temporary Use Permit (TUP) application for the use of a temporary modular building over a 60-day period during construction of permanent facilities on-site. The subject property is located at 6800 Scenic Drive, within the Heritage on the Lake Tract 10 Subdivision, Lot 5R, Block 4, Rockwall County, Texas. (TUP10-472)**

Marc Kurbansade, Planner II came forward to present the case. He provided a location map and stated that Lake Pointe Medical Center is in the process of constructing an Interventional Cath Lab within the existing medical center building. The proposed Modular Cath Lab will allow Lake Pointe Medical Center to utilize an interim facility while the permanent Interventional Cath Lab facility is being completed. He went on to explain that TUP requirements are regulated by Chapter 10, Article XI of the City Code of Ordinances as well as Section 77-304 and Section 77-810 of the Rowlett Development Code. A TUP for the proposed modular building was approved by the Planning Division on October 28, 2010 for a period of 30 days. This staff-level approval was done in accordance with Section 77-304.D.1(a) of the Rowlett Development Code. He explained that if approved, the requested Planning and Zoning Commission extension would allow the modular building to remain for a period of 60 days, which is concurrent with the first 30 days approved by Staff, thus allowing the modular building for the 60-day period from October 30, 2010 until December 29, 2010. He went on to state that in accordance with current City Ordinances, the applicant is also requesting a 60-day extension from City Council, which would allow the temporary building to be permitted from December 29, 2010 until February 27, 2011 for a total of 120 days which is the maximum permitted by the Code of Ordinances. Commissioner Karl Crawley asked why the 60 day extension would not start from November 9, 2010 since that is the day it would be approved. Mr. Kurbansade reiterated that there are two Chapters of the Rowlett Code of Ordinances that must be read in harmony. A maximum of 120 days is permitted with the proper

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approvals. There are several ways of enumerating that time limit; this seemed to be the most logical. Chairman Rick Sheffield noted that there are conflicts within the Code and that staff is working towards a solution. With no other questions Chairman Sheffield opened the public hearing. Jeff Patterson, Chief Operating Officer for Lake Pointe Medical Center, located at 6800 Scenic Drive came forward to speak. He thanked Mr. Kurbansade and the Commission and requested approval of the proposed TUP extension. With no one else wishing to speak Chairman Sheffield closed the public hearing. Vice Chairman Peebles made a motion to approve the item as presented. Commissioner Joe Charles seconded the motion. The motion passed with a 7/0 vote.

A. ADJOURNMENT

Chairman Rick Sheffield adjourned the meeting at 7:18 p.m.


Chairman

 12/14/10
Secretary