

**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 6:45 P.M., APRIL 26, 2011**

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

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

ABSENT: Commissioners Charles Alexander, Joe Charles

STAFF PRESENT: Planning Manager Erin Jones, Senior Planner Marc Kurbansade, Development Services Technician Ashley McCoy

**A. CALL TO ORDER**

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Chairman Rick Sheffield called the meeting to order at 6:45 p.m.

**B. CONSENT AGENDA**

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**1. Minutes of the Regular Meeting of April 12, 2011**

Commissioner Greg Peebles made a motion to approve the Consent Agenda as amended. Vice-chairman Greg Landry seconded the motion. Motion passed with a 6-0-1 vote with Alternate Carl Pankratz abstaining from voting since he was not present at the April 12, 2011 meeting.

**C. ITEMS FOR INDIVIDUAL CONSIDERATION**

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**1. Consider and make a recommendation to City Council regarding a Tree Survey / Preservation Plan and accompanying Tree Removal Permit associated with the Falcon Ridge Addition, a single-family residential development. The subject property is located on the west side of Scenic Drive approximately 200 feet north of Nottingham Court and approximately 125 feet south of Fairmont Circle, being 12.90+ acres, in the W. Crabtree Survey, Abstract 60, Rockwall County.**

Erin Jones, Planning Manager, came forward to present the case. She presented a location map of the property and stated that the tree preservation plan indicated that there are a total of 2,555 caliper inches on site and the applicant is requesting to remove 1,850 inches of protected trees. Mrs. Jones also stated that there were 745 inches exempt from mitigation due to the fact they are in City right-of-way or they fall within a required utility easement. The applicant is saving a total of 342 inches making the total mitigation required 763 inches or approximately 190 four inch trees on site. The draft landscape plan proposes to mitigate 656 inches on site and pay the payment in lieu of for the remaining 107 inches. She informed the Commission that the applicant has added a provision in their HOA documents that requires homeowners to maintain a total of 2 four inch trees on their lot at all times, which goes above and beyond the normal landscaping requirements. Commissioner Greg Peebles inquired if any other HOAs have the same restriction to maintain two trees and Mrs. Jones replied that Lake Valley Phase II and Lakehill are the only other ones she was aware of. Vice-chairman Greg Landry asked if any of the trees used for screening would be considered as those required to be maintained and Mrs. Jones stated that all of the trees that fall under the provision would be located in property owner's front yards. Alternate Carl Pankratz asked if the HOA would be responsible for maintaining the mitigation trees after the two years had passed and Mrs. Jones responded that after two years, mitigation

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trees are not required to be replaced if they die and would not be the responsibility of the City. Vice-chairman Landry voiced concerns that the trees in the backyards would be cut down by the homeowners after the two years and Commissioner Chris Cigainero inquired if the trees along the back would be inside or outside of the fence line. Mrs. Jones replied that they would be inside the fence and are considered as mitigation trees and could be cut down. Commissioner Cigainero asked if the Commission could require the applicant to pay in lieu of planting for more trees so that the City could plant them where they would be maintained for more than two years and Mrs. Jones responded that the Code gives the applicant the option to mitigate on site, plant off site, or pay in lieu of planting, but that the Code does not give the Commission the authority to require the applicant to pay in lieu of mitigating on site. Chairman Sheffield noted that it is within the purview of the Commission to recommend the applicant plant off site instead of paying in lieu of mitigation and asked if there was a specific fund that the money goes into for planting and Mrs. Jones stated that the money is deposited into the City's Reforestation Fund. With no other questions or comments, Chairman Sheffield entertained a motion. Alternate Robert Kittrell made a motion to recommend approval as presented. Commissioner Karl Crawley seconded the motion. The motion passed with a 5-2 vote with Commissioner Chris Cigainero and Vice-chairman Greg Landry casting the opposing votes.

- 2. Consider a request and make recommendation to City Council regarding a request for alternative building materials. The subject property is located at the southwest corner of Castle Drive and Toler Road, being Lot 1, Block 1 of the Victory Park Baptist Church Addition.**

Marc Kurbansade, Senior Planner, came forward to present the case. He indicated that he would present items C.2 and C.3 together since the background information was the same but stated that two separate motions would be required. He presented a location map and gave a brief history of the property. He stated that staff had been working with the applicant, and new owner of the site, for six to nine months in preliminary meetings discussing items that need to be brought up to code and engineering issues to be addressed. Mr. Kurbansade presented a site plan indicating the existing Youth Ministry building with a small addition proposed to be built and the existing unfinished Worship Center. He stated that the Youth Ministry building was constructed in 1992 and is currently one hundred percent brick masonry and the applicant is proposing to paint the brick to match the stucco of the larger Worship Center. The proposed bright colors and painted brick require a recommendation from the Commission and approval from City Council. The applicant is also requesting a waiver to allow for external down spouts on the north façade of the Youth Ministry building. Mr. Kurbansade explained that construction of the Worship Center began in 2005 and was never fully completed by the previous owner; the building fell into disrepair. The applicant is proposing to complete the construction and incorporate a color palette that is considered bright colors according to the Code. Mr. Kurbansade presented color renderings provided by the applicant and provided the Commission with a physical color palette indicating samples of the proposed colors. Commissioner Greg Peebles asked Mr. Kurbansade to display the pictures supplied in the work session. The pictures, taken by Commissioner Peebles, showed examples of existing churches within the City. Commissioner Peebles expressed concerns about the proposed bright colors and painted brick. He noted that there are no other buildings within the City that look like the proposed building and stated that the proposed colors are too gaudy for the surrounding neighborhood. He stated that the existing brick is in good condition and he is opposed to painting it. Commissioner Karl Crawley asked Mr. Kurbansade to show the Code's definition of "bright colors" on the screen again and stated that the definition is vague. Mr. Kurbansade agreed that the Code is subjective in this area. Commissioner Crawley stated that based on the actual colors shown on the palette he would not consider the colors bright but rather earth tones. Commissioner Chris Cigainero noted that this property is located near the landfill and has become an eyesore as it sat unused for so many years. He stated that he

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would like to see the brick left natural but appreciates the applicant's efforts to finish the building and remove the eye sore. Commissioner Peebles stated that many years ago when the original church was approved the color scheme was nowhere near what is being proposed now. In addition he noted that the new owners, Firewheel Bible Fellowship, had a church building off Firewheel Parkway in Garland and the building was not painted with bright colors. He reiterated that he cannot support the request. Alternate Carl Pankratz asked the applicant to be mindful of the surrounding citizens as the colors will affect the surrounding property owners. He stated that he would be voting favorably based on what he knows of federal statutes. Chairman Sheffield asked the applicant to come forward to answer questions and recognized Kelly McCarthy, 6604 Bradford Estates Dr, Sachse, TX, from McCarthy Architecture. Chairman Sheffield inquired if there were other branches to the church or if this would be a one of a kind building. Mr. McCarthy responded that Bible Churches are independent of each other and that this design is not representative of a group of churches within a denomination; the branding does not go beyond the church itself. Chairman Sheffield asked if the applicant had considered painting the stucco to match the brick instead of painting the brick to match the stucco. Mr. McCarthy stated that to paint the stucco of the larger building to match the brick would cause the look to be very heavy since the brick is a deep color. He stated that the larger building does not lend itself to be anything other than contemporary because it is a big box. He indicated that there is no other material, within the church's budget, that would allow the unfinished building to be turned into what may be considered a traditional church building with a steeple. He reiterated that the site lends itself to a contemporary design. He indicated that the church would be willing to leave the brick natural if that is what is required of them but does not think it is a good idea to match the brick color on the larger building. Alternate Robert Kittrell asked if a survey had been taken among the congregation members and how they felt about the colors to which Mr. McCarthy answered that the members were split in their opinions, but the majority approved. Commissioner Cigainero inquired about the density of proposed trees and whether there would be any up lighting. Mr. McCarthy stated that the applicant intended to follow the previously approved landscape plan and that up lighting was not intended. The Commissioners discussed the difference between the colors on the computer generated rendering and those presented on the physical sample color palette. Commissioner Cigainero made the comment that he liked the color choice but was opposed to painting the brick. Commissioner Karl Crawley made a motion recommending the item for approval based on the physical color palette presented. Vice-chairman Greg Landry seconded the motion. The motion passed with a 5-2 vote with Commissioner Greg Peebles and Chairman Rick Sheffield casting the opposing votes.

3. **Consider approval of a waiver request from Section 77-507 C.4.(e).(1).c of the Rowlett Development Code, to permit the use of external wall drains on a single facade of one building within the overall site. The subject property is located at the southwest corner of Castle Drive and Toler Road, being Lot 1, Block 1 of the Victory Park Baptist Church Addition.**

Marc Kurbansade presented this case in conjunction with the previous item. Commissioner Karl Crawley inquired of the total number of external wall drains to be used and Mr. Kurbansade showed the proposed design indicating four external wall drains. He stated that the remainder of the building does not have drains and the water runs between the two buildings and also that the larger building does have external wall drains that were built under a prior code that allowed the drains. Alternate Carl Pankratz made a motion to approve the request. Commissioner Karl Crawley seconded the motion. The motion passed with a 6-1 vote with Vice-chairman Greg Landry casting the opposing vote.

#### **D. ADJOURNMENT**

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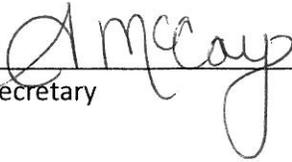
**Chairman Rick Sheffield adjourned the meeting at 7:22 p.m.**

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Chairman



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Secretary