

**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., AUGUST 23, 2011**

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

ALSO PRESENT: Alternate Robert Kittrell (non-voting member), City Attorney David Berman

ABSENT:

STAFF PRESENT: Planning Manager Erin Jones, Planner I Michele Berry, Development Services Technician Ashley McCoy

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 August 8, 2011

2. Minutes of the Joint Work Session of August 9, 2011

Chairman Sheffield separated the items on the Consent Agenda into two votes. Commissioner Charles Alexander made a motion to approve the Minutes of the Regular Meeting of August 8, 2011 and Commissioner Karl Crawley seconded the motion. The motion passed with a 7-0 vote. Commissioner Crawley made a motion to approve the Minutes of the Joint Work Session of August 9, 2011 and Commissioner Chris Cigainero seconded the motion. The motion passed with a 6-0-1 vote with Commissioner Alexander abstaining from voting since he was not present at the Joint Work Session.

C. ITEMS FOR INDIVIDUAL CONSIDERATION

- 1. Conduct a Public Hearing and take appropriate action on a Conditional Use Permit (CUP) application. The applicant requests a CUP for a Restaurant (with drive-thru) in the General Commercial/Retail (C-2) zoning district. The subject property is located at 3600 Lakeview Parkway, being a standalone 425 square foot building in Lot 1 Block 1 of the Timberlake Shopping Center. A restaurant with a drive-thru is currently constructed on the subject site; the CUP is due to a change in tenant. (CUP11-529)**

Michele Berry, Planner I came forward to present the case. She presented a map showing the building to be located directly on the boundary between two separately owned properties and photos of the existing restaurant with drive-thru. She also presented the proposed site plan showing the new arrangement of traffic flow and parking including the closure of the south drive-thru and use of parking spaces on the property as stacking spaces for the remaining north drive-thru with employees taking the orders to the waiting vehicles. She stated that the applicant proposed to open the walk up window on the east side of the building and appropriate signage warning drivers about the pedestrians. Ms. Berry presented photos of the planter boxes that the applicant proposed to use to close of the south drive-thru to block access to vehicles and allow the employees safe passage to the vehicles waiting on orders. She noted that the Police, Fire and Health

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Departments voiced no concerns about the concept plan and stated that the legal nonconforming property could not be required to be brought up to current code regulations however the CUP is required due to the change in tenant. Ms. Berry stated that no responses were received from the five notices sent to surrounding property owners. Chairman Sheffield opened the public hearing and recognized Sammy Walker, 6201 Dalrock Road, Rowlett, TX as the current tenant of the space to state his recommendation to allow the applicant to open his restaurant. Chris Peña, 2640 Massey Lane, Rockwall, TX came forward as the applicant to state that he had ten years experience in the food industry and looked forward to bringing a business to the City of Rowlett that will become a landmark in the City. Chairman Sheffield closed the public hearing and Commissioner Cigainero expressed concerns about the appearance of the back of the building where the trash bins are currently stored and noted that Mr. Peña had stated during the Work Session that the area would be cleaned. Commissioner Cigainero inquired if any conditions should be added to the CUP to ensure that it would be cleaned and Chairman Sheffield responded that it was not within the Commission's purview to require any changes due to the fact the structure is legal nonconforming but that it could be requested and the applicant had expressed willingness to clean the area. Vice-Chairman Greg Landry noted the other items discussed in the Work Session of concerns about the proposed parking and stacking spaces and stated that upon further discussion with staff and the applicant it was realized that options were limited. Commissioner Greg Peebles voiced concerns that the striping for traffic flow may not be enough and suggested signs for the individual spaces indicating appropriate parking. Erin Jones, Planning Manager stated that it was specified in the application that the spaces would have signs indicating parking for that restaurant only. Vice-Chairman Landry stated that he thought this use would be a good fit for the location. Commissioner Alexander made a motion to approve the CUP for a Restaurant (with drive-thru) in C-2 zoning and Vice-Chairman Landry seconded the motion. The motion passed with a 7-0 vote.

2. **Conduct a public hearing and consider making a recommendation on an Ordinance to rezone the subject property from General Manufacturing (M-2) to a Planned Development zoning district with an M-2 base zoning district. The subject property is located at 2202 Lakeview Parkway, being all of Lot 59R, Block 3 of the plat of Lots 59R & 60R, Block 3, Toler Industrial Park No. 3, an addition to the City of Rowlett, Dallas County, Texas; being all of Lot 58, Block 3 of the plat of Toler Industrial Park No. 3, an addition to the City of Rowlett, Dallas County, Texas; being all of that tract of land as described in deed to David Shanks, recorded in Volume 95070, Page 1515, Deed Records, Dallas, County, Texas, being a portion of Lakeview Parkway (State Highway No. 66) and being a portion of Grisham Drive. (PD11-526)**

Erin Jones, Planning Manager came forward to request that the item be tabled to the Regular Meeting on September 13, 2011 due to the zoning sign not having been properly placed on the property as required. She stated the applicant would have that done before the next Regular Meeting. Commissioner Peebles made a motion to table the item to the September 13, 2011 Regular Meeting and Commissioner Alexander seconded the motion. The motion passed with a 7-0 vote.

3. **Conduct a public hearing and make a recommendation to the City Council on the Realize Rowlett 2020 Vision Plan, which will serve as an amendment to the City's current Comprehensive Plan.**

Erin Jones, Planning Manager came forward to request the item to be tabled to a Special Meeting on August 30, 2011 at 7:00 pm. She stated that further review was necessary as the final format was established although not much of the content was changed since the Joint Meeting. By holding the Special Meeting, as

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long as nothing happens to table the item once again, the item will still be able to go before City Council on September 6, 2011 with final adoption on September 20, 2011. Chairman Sheffield verified that the item was noticed for this meeting and would need to be tabled. Commissioner Cigainero inquired if the item should be discussed to establish questions or concerns to be addressed before the recommendation. Mrs. Jones responded that the Joint Meeting with City Council on August 9, 2011 was intended to serve that purpose. Commissioner Cigainero expressed concerns that the Joint Meeting was rushed and that questions were not encouraged and Mrs. Jones stated that the Work Session before the Special Meeting could last as long as the Commissioners needed and the item could be tabled again at that time if necessary. Commissioner Crawley voiced concerns that the item has been set for City Council on September 6, 2011 before the recommendation from the Commission is made. Mrs. Jones replied that items must be scheduled in advance but could be rescheduled as needed. Chairman Sheffield noted that a few of the Commissioners had been part of the process and the others may have only seen the material at the few Joint Sessions held with City Council and stated that he had hoped for more questions to be asked at the Joint Sessions. He offered a Work Session on August 30, 2011 long enough to allow all Commissioners to feel comfortable in their recommendation. Commissioner Crawley expressed concerns about the lack of time to review the content before the Special Meeting. Mrs. Jones stated that the bulk of the information had been provided prior to the Joint meeting and that the information had not significantly changed since that time. Staff took the lack of questions at the Joint Meeting to be a positive sign that most of details had been worked through and generally met the Commissioner's expectations. She reiterated that the content would be presented in detail again at the special meeting and that she would have the draft plan to the Commissioners as soon as possible prior to the meeting on the 30th. Commissioner Crawley noted that the public would want to speak at the special meeting since they were discouraged from asking questions at the Joint Work Session. Chairman Sheffield clarified that the Joint Work Session was not a public meeting, whereas the special meeting on the 30th is scheduled for a formal public hearing. Chairman Sheffield reiterated that the Work Session could be as long as the Commission needed but he was confident that the content could be reviewed prior to the meeting. Vice-Chairman Landry voiced concerns about recommending approval at the special meeting as there is the potential for numerous changes after the detailed discussion. He stated that the presentation at the Joint Meeting was good, but that it was the consultant's recommendation and changes may be required. Mrs. Jones stated that the information presented at the Joint Meeting was the culmination of six public meetings and that the recommended plan is based on the stakeholder recommendations, not just the consultant's. Vice-Chairman Landry stated that the Commission's recommendation should be presented after detailed discussion and after reviewing the document on their own they may have suggestions as to what should be changed or ideas to be considered. Mrs. Jones stated that the Comprehensive Plan does not constitute zoning but a vision of what opportunity areas have the potential to become and that any specific zoning would be addressed separately. Chairman Sheffield stated that the questions were welcomed and commended the Commissioners for taking the task seriously. He noted that the approval of the Comp Plan was just the high level vision for an area based on market capabilities and public input and the specific area plans in the next steps will incorporate the details the Commission has concerns with. Commissioner Cigainero stated that he felt the consultants and staff had done a great job but the Commission should take time and not rush through to ensure the recommendation is done correctly. Chairman Sheffield restated that the item could be tabled again if the Commissioners still felt they needed more time after the meeting on the 30th and recommended driving to the sites in the future. Vice-Chairman Landry made a motion to table the item to a Special Meeting on August 30, 2011 and Commissioner Alexander seconded the motion. The motion passed with a 7-0 vote.

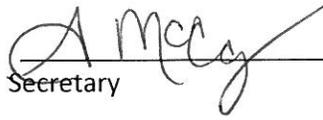
D. ADJOURMENT

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

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Chairman



Secretary