

**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., SEPTEMBER 13, 2011**

**PRESENT:** Chairman Rick Sheffield, Vice-Chairman Greg Landry, Chris Cigainero, Joe Charles,

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

**ABSENT:** Commissioners Greg Peebles, Charles Alexander, Karl Crawley

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

**WORK SESSION**

---

Chairman Rick Sheffield called the Work Session to order at 5:40 p.m. The Commissioners watched an hour long webinar titled "Form-Based Codes and How They Can Transform Cities and Towns" and due to potential copyright issues the video feed was cut. The Commissioners then had a brief discussion of the items on the regular agenda to be presented during the Regular Meeting immediately following including some of the questions and concerns that had been voiced at the Work Session on August 23, 2011 about the Planned Development request, Item C.1, and addressed by applicant and staff in the time between. Chairman Sheffield adjourned the Work Session at 7:00 p.m.

**A. CALL TO ORDER**

---

Chairman Rick Sheffield called the meeting to order at 7:05 p.m.

**B. CONSENT AGENDA**

---

1. Minutes of the Regular Meeting of August 23, 2011
2. Minutes of the Special Meeting of August 30, 2011
3. Consider and take appropriate action on a replat application. The subject property is located off Lakeview Parkway, being 293 ± feet west of Edgewater Drive, further described as Lot 1R, Block A of the Your Car Wash Addition, being a replat of Lots 1 and 2, Block A, of the Car Wash Equipment Co. Addition as recorded in Volume 86099, Page 2977, M.R.D.C.T. Thomas Lundy Survey, Abstract Number 789 in the City of Rowlett, Dallas County, Texas.

Vice-Chairman Greg Landry made a motion to approve the Consent Agenda and Commissioner Chris Cigainero seconded the motion. The motion passed with a 5-0 vote.

**C. ITEMS FOR INDIVIDUAL CONSIDERATION**

---

1. Remove item from table, 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

**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., SEPTEMBER 13, 2011**

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)

Vice-Chairman Greg Landry made a motion to remove the item from the table. Alternate Robert Kittrell seconded the motion and the motion passed with a 5-0 vote. Marc Kurbansade, Senior Planner came forward to present the case. He stated that the property is currently zoned M-2/General Manufacturing and is approximately 1 ¼ acres with the building occupying about 16,000 square feet. The use of the property has not been discontinued for 180 days or more so there are no nonconforming status issues. Mr. Kurbansade stated that the request was to rezone the property to PD with an M-2 base using the existing site as-is as the standards for the PD. He presented a location map and concept plan and noted that the existing building occupied the majority of the subject property. He stated that although the request was initiated for a single tenant in the building, the zoning request would affect the entire property. He presented photos of the site including the spaces for past and present tenants. Mr. Kurbansade stated that staff requested that if the recommendation was to approve the PD zoning that a condition be included that a cross access easement be recorded on the west end of the property. He showed a zoning map indicating the majority of the surrounding properties zoned as M-2 and reviewed the approval criteria. Mr. Kurbansade referenced a shared parking study provided by the applicant showing that only a very limited number of customers visit their site each day. He presented the summary of deviations provided as Exhibit D in the staff report and noted that the Commission could add to or change these deviations as part of their recommendation. He stated that the public hearing was noticed in accordance with state law and no responses were received. Mr. Kurbansade stated that staff would recommend denial based on the standards set forth in the Rowlett Development Code that the request would not be increasing the quality of the property but is instead allowing the property to exist as it is in the current condition. Vice-Chairman Landry asked if the cross access easement was existing or if one would have to be dedicated and Mr. Kurbansade responded that a cross access easement did not formally exist even though the property is currently paved property line to property line and the City Engineer recommended a condition of approval be that a cross access easement be recorded for any future redevelopment of the site. Chairman Sheffield opened the public hearing and recognized Paul Bland, 19 S. Copperfield, Savannah, Georgia to speak as the Director of Real Estate for TitleMax. Mr. Bland gave a brief history of the company and overview of the intent and purpose of TitleMax. He stated that the company typically makes significant enhancements to sites they occupy however the subject property does not lend itself to many potential improvements and offered with the permission of the owner to change the façade appearance, preferably the north side facing Lakeview Parkway. Vice-Chairman Landry stated that he would like to see uniformity along the building perhaps through signage using an awning sign similar to the existing business along the north side of the building. Mr. Bland responded that their signs are not simple box signs and do have dimension and stated that TitleMax prefers not to use awning signs but was willing to consult with the other businesses in the building to achieve uniformity. Seeing no other speakers Chairman Sheffield closed the public hearing and Vice-Chairman Landry stated that the PD request allowed the Commission to address nonconforming issues that would otherwise not be within their purview if not for the rezoning. He

**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., SEPTEMBER 13, 2011**

also stated that he didn't believe that allowing the use would negatively affect the property or surrounding lots. Commissioner Cigainero commented that uniformity is preferred but he felt it was unlikely that the other tenants would be willing to change their spaces and that allowing the use would be preferable to the space remaining vacant. Chairman Sheffield stated that it was within the purview of the Commission to include conditions with their recommendation and noted that the applicant was a tenant and the owner would need to give approval for any changes to the building. City Attorney David Berman noted that the applicant was offering to make the improvements and seemed to have consent from the owner. Vice-Chairman Landry suggested that a condition be that any façade changes come back to the Commission for approval before being done. Mr. Berman stated that the Commission could include those conditions in their recommendation and City Council would review them before final approval. Alternate Kittrell made a motion to recommend approval with the condition of a cross access easement be recorded on the west end of the subject property. No second followed and Vice-Chairman Landry made a motion to recommend approval of 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 to allow the use of a financial institution with the conditions that a cross access easement be recorded on the west end of the subject property and a façade plan come back before the Commission for improvements to the north side of the building. Commissioner Cigainero seconded the motion and the motion passed with a 3-2 vote with Chairman Sheffield and Commissioner Charles casting the opposing votes.

- 2. Conduct a public hearing and make a recommendation on a request from the City of Rowlett to rescind Special Use Permit Ordinance Number 3-5-96B. The purpose of this request is to reinstate the base zoning of C-2 (General Commercial/Retail) on the subject property. The subject property is located at 4501 Lakeview Parkway, being .2 ± acres, further described as Tract 2.2 in the Thomas Payne Abstract Number 1165, Page 650, Dallas County, City of Rowlett, Texas and 4509 Lakeview Parkway, being .7 ± acres, further described as Block 1, Lot 1 of the East Park Subdivision, Dallas County, City of Rowlett, Texas.**

Erin Jones, Planning Manager came forward to present the case. She showed a location map on the screen and stated that the subject property was previously occupied by the Mandarin Chinese Restaurant. She stated that while conducting research the proposed Raising Cane's Conditional Use Permit (CUP) application, which is being presented as agenda item C.3 tonight, it came to staff's attention that the base zoning of the property is C-2. However, the property also retains a Specific Use Permit (SUP) Zoning Overlay that was approved in 1996 for a private club. She stated that in 1996 a private club SUP zoning designation was the only way for restaurants to legally serve alcohol in the City of Rowlett. However, in 2004 the Citizens of Rowlett elected to allow limited alcohol sales within the City limits. A Private Club SUP zoning designation is no longer required. She noted that unlike a CUP, a SUP is a zoning change and does run with the land. In 2007 the City Council rescinded the majority of the SUPs Citywide. Based on staff's research, Ordinance 3-5-96B was not rescinded, likely due to the fact that the business was still in operation until last year. She indicated that the SUP ordinance states that the property can only be developed in accordance with the associated site plan. The site cannot be redeveloped unless the SUP is rescinded. She stated that regardless of the pending CUP application, the subject SUP is obsolete and should be rescinded in order to update the City's records. She stated that public hearing notices were mailed, posted, and published in accordance with State Law, and staff received one notice back in opposition, although the respondent did not note why they were in opposition. She stated

**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., SEPTEMBER 13, 2011**

that staff recommends that the Commission recommend approval of this request to the City Council. Chairman Sheffield opened the public hearing. With no one wishing to speak he closed the public hearing. Vice-Chairman Landry made a motion to recommend that the City Council rescind Ordinance Number 3-5-96B. Commissioner Joe Charles seconded the motion. The motion passed with a 5-0 vote.

- 3. Conduct a public hearing and take appropriate action on a Conditional Use Permit (CUP) Application. The applicant requests a CUP for a restaurant with a drive-thru, more specifically described as Raising Cane's, in a C-2 (General Commercial/Retail) zoning district. The subject property is located at 4501 Lakeview Parkway, being .2 ± acres, further described as Tract 2.2 in the Thomas Payne Abstract Number 1165, Page 650, Dallas County, City of Rowlett, Texas and 4509 Lakeview Parkway, being .7 ± acres, further described as Block 1, Lot 1 of the East Park Subdivision, Dallas County, City of Rowlett, Texas. (CUP11-527)**

Erin Jones, Planning Manager came forward to present the case. She showed a location map on the screen and stated that this site is the same as the previous item. She stated that the base zoning of the property is general commercial/retail (C-2), and a CUP is required for restaurants with drive-thru in C-2 zoning. If approved, Raising Cane's intends to demolish the existing building and completely redevelop the site. Raising Cane's received a CUP approval for a different location in November 2010. However, since that time they have formally withdrawn that request in order to pursue the subject property. As noted in Section 77-807 of the *Rowlett Development Code* (RDC), "a conditional use permit is not transferable and does not constitute a change of zoning." The applicant was required to apply for a new CUP due to the change in location. Mrs. Jones went on to reiterate that the site currently retains a Specific Use Permit (SUP) Zoning Overlay for a private club, but Per David Berman, City Attorney, it is permissible for the Planning and Zoning Commission to approve the CUP request contingent on the City Council rescinding the previously approved SUP. Council action on the SUP is scheduled for September 20, 2011. Mrs. Jones went on to outline the approval criteria for a CUP as noted in Section 77-807 of the RDC. She stated that the Concept Plan was reviewed by city staff and is substantially conforming. She stated that six public hearing notices were mailed in accordance with RDC requirements, and staff received one notice back in opposition, although the respondent did not note why they were in opposition. Based on the fact that the proposal generally meets the CUP approval criteria staff recommends approval of the proposed CUP. Chairman Sheffield opened the public hearing. With no one wishing to speak he closed the public hearing. Commissioner Chris Cigainero made motion to approve the CUP contingent on the City Council rescinding Ordinance Number 3-5-96B. Alternate Robert Kittrell seconded the motion. The motion passed with a 5-0 vote.

- 4. Consider and make a recommendation to City Council regarding a request for alternative building materials for a proposed single family home located at 506 Point Royal, being Lot 22, Block A of the Point Royal Estates Addition. (DP11-532)**

Michele Berry came forward to present the case. She presented a map showing the property to be located south of Lakeview Parkway and east of Scenic Drive along the Take Area. She stated that the property is currently zoned Single Family 10 and a residence was previously constructed on the site but the new owners received a demolition permit and are proposing to build a new single family residence. The applicants would like to build a one hundred percent masonry stucco structure which is considered an alternative building

**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., SEPTEMBER 13, 2011**

material as it is not brick or stone masonry. Ms. Berry presented images of the proposed finished building and photos of other residences in the neighborhood composed of stucco and stated that the applicant's reason for requesting a stucco finish was to achieve the desired aesthetic of the lake front residential building. She stated that the applicants were requesting to use ¾ inch masonry stucco applied to the house and staff would recommend approval as it would help promote visual variety and would relate to other residences in the surrounding neighborhood. Vice-Chairman Landry requested verification that the material would be a cementitious variety of stucco and Ms. Berry stated that the applicant's request was specifically for ¾ inch cement masonry stucco. Vice-Chairman Landry made a motion to recommend approval of the request for alternative building materials and Commissioner Charles seconded the motion. The motion passed with a 5-0 vote.

- 5. Consider and make a recommendation to City Council regarding a request for alternative building materials for a proposed single family home located at 9113 Merritt Road, being an unplatted 4.0127 acre parcel of land in the Jesse W. James Survey, Abstract Number 1666, Page 320, Rowlett, TX, Dallas County. (DP11-534)**

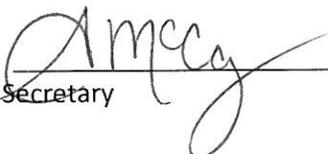
Michele Berry came forward to present the case. She presented a map showing the property to be located in the northern portion of the City on Merritt Road between Castle Road and Hickox Road and currently zoned Single Family 40. The applicants previously obtained a CUP to building a five hundred square foot barn accessory structure with a metal façade to care for the livestock on the property. The owners are now requesting to build a country style single family residence with a similar design using a cement fiber board siding. Ms. Berry presented design sketches showing the proposed color to be a light cream. She referenced materials provided by the applicant stating that they would be using James Hardie Board siding and the durability of the product. Ms. Berry presented images of the proposed finished building and photos of other residences in the neighborhood composed of stucco and wood siding. She stated that staff would recommend approval as it does meet the intent of the code and would fit in with other residences in the surrounding neighborhood. Alternate Robert Kittrell made a motion to recommend approval of the request for alternative building materials and Commissioner Cigainero seconded the motion. The motion passed with a 5-0 vote.

**C. ADJOURNMENT**

---

**Chairman Rick Sheffield adjourned the meeting at 7:52 p.m.**

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Secretary