



**AGENDA**  
**BOARD OF ADJUSTMENT**  
**MONDAY, JULY 27, 2015**  
**4000 MAIN STREET**

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The Board of Adjustment will convene into a Work Session at **6:00 p.m.** in the City Hall Conference Room at the Municipal Center, 4000 Main Street, Rowlett, at which time the following items will be considered:

- i. Call to Order.
  - ii. Discuss items on the regular agenda.
  - iii. Adjournment.
- 

The Board of Adjustment will convene into a Regular Meeting at **6:30 p.m.** in the City Hall Chambers at the Municipal Center at which time the following items will be considered:

1. Call to Order.
2. Consider approval of the minutes of the Board of Adjustment Meeting of April 6, 2015.
3. Conduct a public hearing and take action on a request to appeal an administrative decision by the Planning Division to not allow Line-X (spray-on bed liner business) to occupy the subject property either as a permitted use or as a continuation of a legal nonconforming use. The subject property is located at 3902 Industrial Drive Lakeview Parkway, further described as being Lot 2, Block 4 of the Rowlett Business Park #2 Addition, City of Rowlett, Dallas County, Texas.
4. Conduct a public hearing and take action on a request for variances to Section 77-505.F.2.(c) and Section 77-505.F.2.(e) of the Rowlett Development Code. The subject property is located at 6300 Dalrock Road, further described as being Lot 2, Block 1 of the CVS Dalrock Addition, City of Rowlett, Rockwall County, Texas.
5. Adjournment.

NOTE: THE BOARD OF ADJUSTMENT MAY RETIRE AND CONVELE INTO EXECUTIVE, CLOSED SESSION ON ANY MATTER RELATED TO ANY OF THE ABOVE AGENDA ITEMS FOR THE PURPOSES OF PRIVATE CONSULTATION WITH THE CITY ATTORNEY UNDER SECTION 551.071 OF THE TEXAS GOVERNMENT CODE.

NOTE: THE CITY OF ROWLETT MEETING ROOMS ARE ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE PLANNING DEPARTMENT AT 972-463-3949 FOR FURTHER INFORMATION.

A handwritten signature in black ink, appearing to read "Garrett Langford".

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Garrett Langford, Principal Planner

**MINUTES OF THE BOARD OF ADJUSTMENT OF THE CITY OF ROWLETT, TEXAS  
HELD IN THE ROWLETT MUNICIPAL CENTER,  
4004 MAIN STREET, ROWLETT, TEXAS  
April 6, 2015**

**PRESENT:** Chairman Raymond Moyer, Vice-Chair Wanda Hoff, Alternates Members Kellie McKee and Tony Brown

**ABSENT:** Board Members Chris Kizziar, Harris D. Brown, Alternate Robert Vickers

**STAFF PRESENT:** Fire Chief Neil Howard, Director of Public Works Tim Rogers, Director of Parks & Recreation Jermel Stevenson, Principal Planner Garrett Langford, Development Services Technician Denise Gomez

**WORK SESSION**

**1. Call to Order.**

Chairman Raymond Moyer called The Board of Adjustment Work Session to order at 6:52 p.m.

**2. Bond Election Presentation.**

Fire Chief Neil Howard, Director of Public Works Tim Rogers, and Director of Parks & Recreation Jermel Stevenson were present for a question and answer session about the upcoming Bond Election.

**3. Discuss items on the regular agenda.**

There was no discussion of the regular agenda.

Alternate Member Tony Brown made a motion to close the Work Session. Alternate Member Kellie McKee seconded the motion. The vote to close the Work Session passed 4-0.

**4. Adjournment.**

The Work Session was adjourned at 6:58 p.m.

**REGULAR MEETING**

**PRESENT:** Chairman Raymond Moyer, Vice-Chair Wanda Hoff, Member Chris Kizziar, Alternate Members Kellie McKee, Tony Brown

**ABSENT:** Board Members Harris D. Brown, Alternate Robert Vickers

**STAFF PRESENT:** Principal Planner Garrett Langford, Development Services Technician Denise Gomez

**MINUTES OF THE BOARD OF ADJUSTMENT OF THE CITY OF ROWLETT, TEXAS  
HELD IN THE ROWLETT MUNICIPAL CENTER,  
4004 MAIN STREET, ROWLETT, TEXAS  
April 6, 2015**

**1. Call to Order.**

Chairman Raymond Moyer called The Board of Adjustment Regular Meeting to order at 7:00 p.m.

**2. Consider approval of the minutes of the Regular Meeting of The Board of Adjustment from March 2, 2015.**

Alternate Member Kellie McKee made a motion to approve the minutes. Vice-Chair Wanda Hoff seconded the motion. The item passed 4-0.

**3. Conduct a public hearing and consider a request for a Special Exception to allow a wall sign to exceed the maximum height. The subject property is located at 5100 Lakeview Parkway, further described as being Lot 2, Block 1 of the Greenway Liberty Grove Addition, City of Rowlett, Dallas County, Texas.**

Principal Planner Garrett Langford gave a presentation, read the proposal, showed slides of the property and proposed sign, gave background information, and code requirements. Mr. Langford stated that seven notices were mailed out on March 20, 2015, and that there were none returned in favor or otherwise. Mr. Langford stated that staff recommends approval.

There were no questions or discussion from the Board Members.

Chairman Raymond Moyer opened the public hearing.

The following speakers came forward:

**Mrs. Kristin Cope  
513 Fenwick Dr.  
Sunnyvale, TX 75182  
Applicant**

Mrs. Cope shared why the sign is important to the practice and how it will make the business very visible.

**Mr. Josh Cope  
513 Fenwick Dr.  
Sunnyvale, TX 75182  
Applicant**

Mr. Cope shared how happy he is to be in Rowlett.

There was some discussion between the Board and the applicants about the building and what type of practice this would be.

The following speaker came forward:

**MINUTES OF THE BOARD OF ADJUSTMENT OF THE CITY OF ROWLETT, TEXAS  
HELD IN THE ROWLETT MUNICIPAL CENTER,  
4004 MAIN STREET, ROWLETT, TEXAS  
April 6, 2015**

**City Council Member Debby Bobbitt  
4413 Chaha Rd.  
Rowlett, TX 75088**

City Council Member Bobbitt asked the applicants if the sign would be illuminated from behind and if the building was flush with Discount Tire.

There was some discussion between the applicant and City Council Member Bobbitt about the lighting, material, color, and appearance of the sign. The applicant stated that the two buildings are flush due to the setback provision.

Alternate Member Kellie McKee made a motion to close the public hearing. Member Chris Kizziar seconded the motion. The motion to close passed 5-0.

Chairman Raymond Moyer closed the public hearing.

There was some discussion amongst the Board Members about this new building, the sign type, and how it is becoming more prevalent.

Member Chris Kizziar made a motion to approve the request for the Special Exception. Vice-Chair Wanda Hoff seconded the motion. The item passed 5-0.

**4. Adjournment.**

Alternate Member Tony Brown made a motion to adjourn. Member Chris Kizziar seconded the motion. The motion to adjourn passed 5-0.

The meeting was adjourned at 7:18 p.m.

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**Chairman- Raymond Moyer**

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**Secretary**

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**Date**



**AGENDA DATE:** 07/27/2015

**AGENDA ITEM:** 3

**AGENDA LOCATION:**

**Individual Consideration**

**TITLE**

Conduct a public hearing and take action on a request to appeal an administrative decision by the Planning Division to not allow Line-X (spray-on bed liner business) to occupy the subject property either as a permitted use or as a continuation of a legal nonconforming use. The subject property is located at 3902 Industrial Drive Lakeview Parkway, further described as being Lot 2, Block 4 of the Rowlett Business Park #2 Addition, City of Rowlett, Dallas County, Texas.

**STAFF REPRESENTATIVE**

Garrett Langford, AICP, Principal Planner

**SUMMARY**

The property owner is attempting to lease their property at 3902 Industrial Drive (Attachment 1 – Location Map) to a Line-X franchise. The subject property is zoned Urban Village Form-Based (UV-FB) Zoning District. Staff reviewed the proposed bed liner franchise and classified the use as a major automotive repair use which is not permitted within the UV-FB zoning district (Attachment 2 – Staff Interpretation). The applicant filed an appeal to reverse Staff's interpretation and to classify the proposed use as a small-scale manufacturing for on-site retail sale which is permitted by minor warrant in UV-FB zoning district.

**BACKGROUND INFORMATION**

The subject property is currently occupied by Dougherty Sprague Enterprises, Inc. (DSE) that is scheduled to vacate the property by July 31, 2015. The property owner is seeking to replace DSE with Line-X which provides spray-on truck bed liners. The proposed use involves washing/cleaning, sanding, scouring and chemical spraying the surfaces of truck beds to form a bed liner. Line-X is not limited to truck bed liners as they can apply their process to other materials such as speaker shells, shelving, pallet jacks, furniture, etc.

The City rezoned the subject property and the surrounding properties from Mixed Use-Transit Zoning District (MU-TR) to the UV-FB District on November 6, 2012, as part of the Realize Rowlett 2020 Downtown Plan. The City issued a certificate-of-occupancy to DSE on June 24, 2009, to occupy the subject property within the MU-TR district as an office use with ancillary storage. DSE also uses the subject property as a testing laboratory for asbestos and storm-water. According to City's zoning ordinance, the existing use would be classified a combination of office/warehouse, and research and scientific laboratory. Under the UV-FB, both of these uses are allowed by Minor Warrant making the current use legal nonconforming.

The subject property may be occupied by another use that is permitted within the UV-FB zoning district or it may be occupied by another nonconforming use. The Rowlett Development Code (RDC) permits a nonconforming use to change to another nonconforming use, provided that (a) the new use creates no greater impacts on surrounding properties and is no more intensive than the use it replaces, and (b) no structural alterations to the building are required to accommodate such change. On June 23, 2015, Staff made the interpretation that the Line X would not be permitted to occupy the subject property as a permitted use or as a continuation of a legal nonconforming use due to the fact that it is Staff's interpretation that it is a more intensive use than the current occupant.

## **DISCUSSION**

Section 77-813 of the RDC allows the applicant to appeal Staff administrative decision to the Board of Adjustment. That section goes on to state that "an asserted error in any order, requirement, permit, decision, determination, refusal, or interpretation made by Staff, City Board or Commission in interpreting and/or enforcing the provisions of this Code may be appealed to the Board of Adjustment."

Staff made the interpretation that the spray-on bed liner use contains the same operational characteristics that of a vehicle paint and body facility which is classified as a "vehicle service and repair, heavy." Both uses involve sanding and scouring the vehicle surfaces, and the spraying of chemicals/paint within a Spray Booth, which contains fumes and/or chemicals. The "vehicle service and repair, heavy" land use category is defined by the RDC as "an establishment involved in the major repair and maintenance of automobiles, motorcycles, trucks, vans, trailers, or recreational vehicles. Services include engine, transmission, or differential repair or replacement; body work; upholstery work; painting; and associated repairs." {*Underline added for emphasis*}

The applicant disagrees with Staff's interpretation and contends that Line-X should be classified as a "small-scale manufacturing for on-site retail sale" use. The RDC defines small-scale manufacturing as "Establishments and businesses that are involved in the small-scale, on-site manufacture of goods that are intended for on-site sales. Examples include, but are not limited to, book binding, candy making, toy manufacturing, apparel assemblage, food products, furniture making, glass blowing, jewelry and watch, leather goods fabrication, musical instruments manufacturing, sporting goods manufacturing, shoe making, and perfume production."

Small-scale manufacturing is intended for low impact manufacturing uses that do not involve obtrusive noise, odor, fumes, dust, and/or toxic materials. The proposed use will consist of noise, odor, fumes, dust, toxic material, and vibration similar to a paint and body vehicle repair uses. As it was indicated above, Staff believes that the proposed use most appropriately falls within the "vehicle service and repair, heavy" land use category. It is the applicant's position that the line-x is no more intense from example uses provide for small-scale manufacturing.

## **Public Notice**

Staff mailed 16 notices of this request to property owners within 200 feet on July 10, 2015. As of July 24, 2015, two property owners responded in favor of the request while one responded in opposition.

## **BOARD DECISION**

The Board has multiple options when evaluating this case:

1. Reaffirm Staff's interpretation and uphold the decision that the proposed use is most appropriately categorized as "vehicle service and repair, heavy",
2. Find that the proposed use is most appropriately categorized as a small-scale manufacturing for on-site retail sale as suggested by the applicant,
3. Find that the propose use is most appropriately categorized under another use category listed in the RDC.

It should be noted that if the Board makes a different interpretation from Staff, then that will set a precedent which will be followed by Staff and applied citywide. For example, if the Board makes the interpretation that Line-X is to be classified a small-scale manufacturing for on-site retail sale, then Line-X would be permitted to located in any zoning districts that permits small-scale manufacturing for on-site retail sale. The RDC permits small-scale manufacturing for on-site retail sale in the Light Manufacturing (M-1) zoning district, as well as in Light Commercial (C-1) and General Commercial (C-2) zoning districts with a Special Use Permit.

4. Lastly, the Board may find that the proposed use is no more intensive than the current tenant and allow the legal non-conforming use to continue.

## **ATTACHMENTS**

Attachment 1 – Location Map

Attachment 2 – Staff Interpretation

Attachment 3 – Applicant's Appeal Request

Attachment 4 – Line-X photos





**Department of Development  
Services**

*SENT VIA EMAIL: [jonathanfolds@wingaero.com](mailto:jonathanfolds@wingaero.com)*

June 23, 2015

Jonathan Folds  
National Sales Manager  
Associate General Manager  
Wing Aero Products  
Via Email: [jonathanfolds@wingaero.com](mailto:jonathanfolds@wingaero.com)

**RE: Land Use Interpretation  
3902 Industrial Drive**

On June 6, 2015, you made a request for a formal interpretation as to whether a spray-on truck bed liner use would be permitted as an allowable use or as a continuation of a legal nonconforming use at the subject property located as 3902 Industrial Drive.

**Current Zoning:**

The subject property is currently zoned Urban Village Form-Based (UV-FB) Zoning District. The subject property and the surrounding properties were rezoned from Mixed Use-Transit Zoning District (MU-TR) to the UV-FB District on November 6, 2012, as part of the Realize Rowlett 2020 Downtown Plan.

**Existing Use:**

The City issued a certificate-of-occupancy Dougherty Sprague Enterprises, Inc. (DSE) on June 24, 2009, to occupy the subject property within the MU-TR district as an office use with ancillary storage. Additional information provided on June 11, 2015, indicated that DSE also uses the subject property as a testing laboratory for asbestos and storm-water. According to our zoning ordinance, the existing use would be classified a combination of office/warehouse, and research and scientific laboratory. Under the UV-FB, both of these uses are allowed by Minor Warrant making the current use legal nonconforming.

**Proposed Use:**

The proposed use as a spray-on bed liner use was described in the following correspondence:

- June 11, 2015. "The spray-on bed liner company (franchise name is unknown to me at this point) would use the entire front office area as a product showroom and retail sales center." "The liners themselves are custom built on-site for each vehicle based on the retail sale made up front. The production and assembly work will be done on-site in proprietary bays that protect the area from fumes or chemicals."

- June 17, 2015, you confirmed that the bed liner would involve washing/cleaning, sanding, scouring and chemical spraying the surfaces of truck beds to form a bed liner. You also explained that this process may be used in other applications such as “speaker shells, shelving, and pallet jacks with the potential for any product becoming a mold for this kind of liner.”
- June 19, 2015, you provided a link to the Material Safety Data Sheet (MSDS) on the chemical used in the spray-on process.

**Fire Marshal Determination:**

On June 22, 2015, based on the provided MSDS, the Rowlett Fire Marshal has determined that a Spray Booth will be required for the proposed use.

**Zoning Classification of Use:**

Staff has reviewed the proposed spray-on truck bed liner use and determined that the “vehicle service and repair, heavy” represents the most appropriate land use classification. It is Staff’s interpretation that the spray-on bed liner use contains the same operational characteristics that of a vehicle paint and body facility which is classified as a “vehicle service and repair, heavy.” Both uses involve sanding and scouring the vehicle surfaces, and the spraying of chemicals/paint within a Spray Booth, which contains fumes and/or chemicals. The “vehicle service and repair, heavy” land use category is defined by the Rowlett Development Code as “an establishment involved in the major repair and maintenance of automobiles, motorcycles, trucks, vans, trailers, or recreational vehicles. Services include engine, transmission, or differential repair or replacement; body work; upholstery work; painting; and associated repairs.” {*Underline added for emphasis*}

On June 11, 2015, you forwarded an email, and indicated that the bed liner use should be classified as a “Small-scale manufacturing for on-site retail sale.” It is Staff’s interpretation that the proposed use as described above is not a “small-scale manufacturing for on-site retail sale.” The Rowlett Development Code defines small-scale manufacturing as “Establishments and businesses that are involved in the small-scale, on-site manufacture of goods that are intended for on-site sales. Examples include, but are not limited to, book binding, candy making, toy manufacturing, apparel assemblage, food products, furniture making, glass blowing, jewelry and watch, leather goods fabrication, musical instruments manufacturing, sporting goods manufacturing, shoe making, and perfume production.”

Small-scale manufacturing is intended for low impact manufacturing uses that do not involve obtrusive noise, odor, fumes, dust, and/or toxic materials. The proposed use will consist of noise, odor, fumes, dust, toxic material, and vibration similar to a paint and body vehicle repair uses. As it was indicated above, the proposed use most appropriately falls within the “vehicle service and repair, heavy” land use category.

**Legal Nonconforming Status:**

As indicated above, the existing use is a legal nonconforming use. Section 77-903.B.1 of the Rowlett Development Code allows a change in a nonconforming use to another nonconforming use, “provided that (a) the new use creates no greater impacts on the surrounding properties and is no more intensive than the use it replaces, and (b) no structural alternations to the building are required to accommodate such change...” If the change in use meets “a” and “b”, then another nonconforming use may replace the existing nonconforming use.

The proposed use as described above does not meet the above conditions “a” and “b.” The proposed use is a more intensive use than the existing use because it involves sanding, scouring, and spraying of toxic chemicals. Secondly, the proposed use would require the installation of a spray booth which depending on size and type may structurally alter the building.

It should be noted that the property was developed in 1999 under a Planned Development with a base zoning of C-2, General Commercial (Ordinance No. 7-6-93C). At that time, “Automobile assembly, painting, upholstery, rebuilding” and “Automobile body repair” were not permitted in the C-2 zoning district. When the property was rezoned to the MU-TR, vehicle service related uses were no longer permitted. There is no record of a heavy vehicle services land use of being permitted since the subject property was developed in 1999.

Please feel free to contact me with any questions, 972-412-6166 or [glangford@rowlett.com](mailto:glangford@rowlett.com).

Sincerely,

A handwritten signature in cursive script, appearing to read "Garrett Langford".

Garrett Langford, AICP

July 7, 2015

Rowlett Board of Adjustment  
c/o Garrett Langford, Principal Planner  
City of Rowlett  
3901 Main Street  
Rowlett, TX 75030

**RE: Land Use Interpretation**  
**3902 Industrial Drive**

To whom it may Concern:

Rowlett is at a turning point. The general intent of rezoning for Realize Rowlett 2020 is to encourage the development and growth of business and commercial uses that will be in demand from new access to PGBT and the DART Blue Line service. This commercial expansion of the tax base will help Rowlett grow beyond its current bedroom community status and allow us to keep pace with other growing communities around us. However, unexpected detrimental effects of this otherwise good and proper plan must be addressed in order to bridge any transition period that exists prior to the completion of this vision. Local business owners caught in this evolution face potential hardships as prior acceptable land uses are winnowed down.

In this particular case, Wing Aero Products as a landlord is being adversely affected by site-specific interpretation of existing form-based codes. After major recruitment by then-Mayor Mark Enoch, Wing Aero relocated their business from Garland to Rowlett in 1999, purchasing a lot and building a facility in the Industrial Park east of Rowlett Road. Our occupancy of this building at 3902 Industrial existed from the time of its completion in 1999 through 2008 (expanding four doors down the street into a larger facility), prior to the adoption of form-based codes for Urban Village development. Because we occupied the building prior to its use as a rental property, any potential tenant is now subject to similar use restrictions.

Our request of the Board of Adjustment is to grant a variance allowing the interpretation of Section 77-903.B.1(a) of the Rowlett Development code to extend beyond a site-specific review to the general use of the area's businesses (using the variance's same 200-500 foot circle of



800-942-9464

972-463-6080

972-463-0078 fax

influence). The basic purpose of all restrictive zoning ordinances is to “prevent one property owner from committing his property to a use which would be unduly imposed on the adjoining landowners in the use and enjoyment of their property.” [Strong v. City of Grand Prairie, 679 S.W.2d 767, 768 (Tex. App.—Fort Worth 1984, no writ)]. In total, within 500 feet of the address in question, there are at least four automotive businesses similar in use that qualify under the same grandfathered exclusion we seek. All have been in business in that area since the late 1990s or earlier.

Inclusion into this protected group will move Rowlett toward its comprehensive plan for Realize Rowlett 2020, bringing more customers into this area by allowing current residents a retail establishment they can patronize within our city limits. The tenant in question, Line-X, is expanding its franchise to three local areas: Mesquite, Rockwall, and Rowlett (if our building is made available through this request). The expansion of this franchise into neighboring, competitive communities demonstrates this request not to be contrary to the public interest.

The current companies in this industrial park are long-standing pillars of our business community with little likelihood of impending movement out of this area, given that no amortization schedule was imposed with the introduction of the form-based codes. Structural use of the existing buildings, before major renovations or repairs are necessary, will not compel compliance to existing codes for at least another 15-20 years, depending on the building. Since the typical industrial/commercial lease term is only three years, this potential tenant will not alter the existing use of the area for the foreseeable future.

Thank you for your consideration of this important appeal request.

Sincerely,

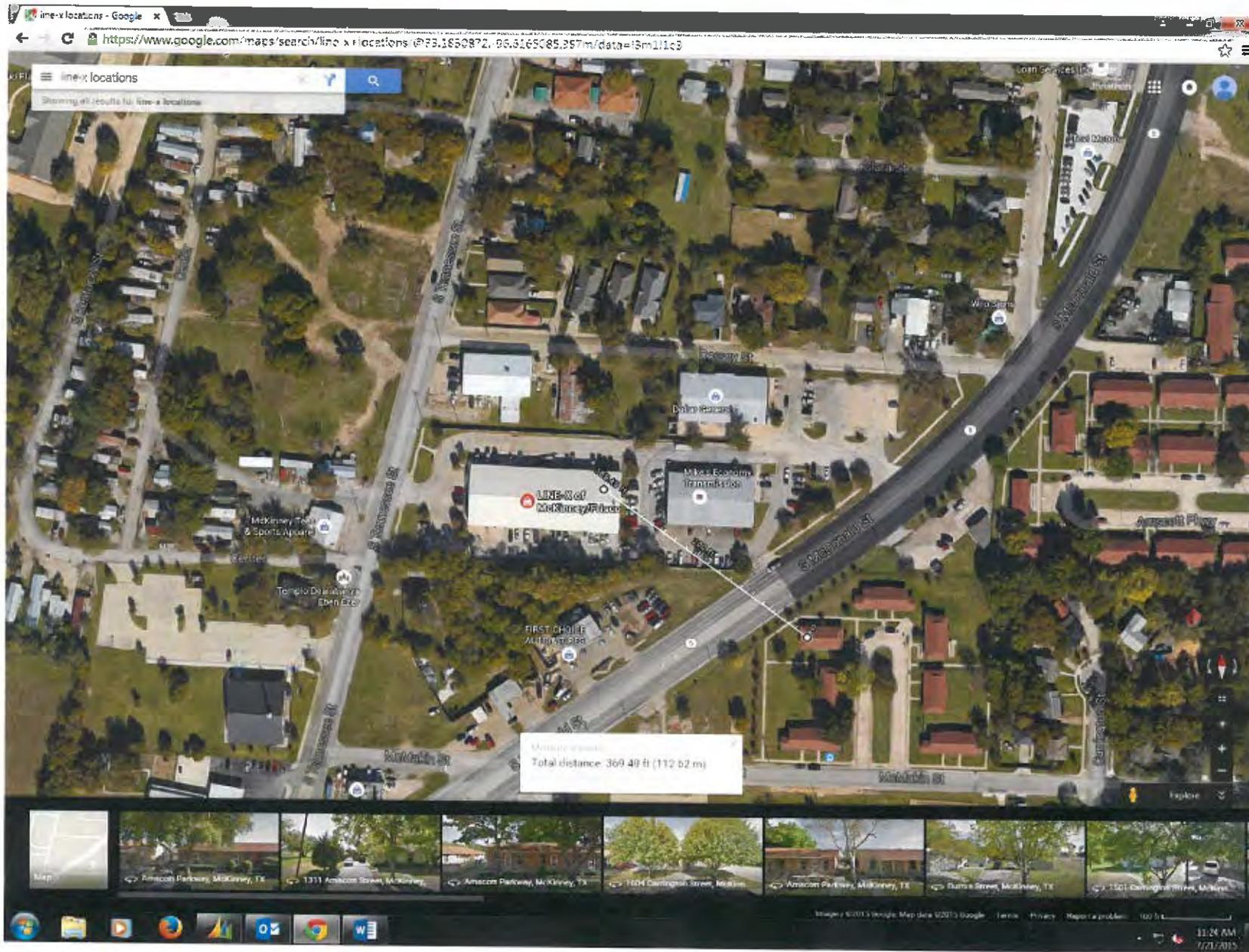
A handwritten signature in black ink that reads "Jonathan Folds". The signature is written in a cursive, flowing style.

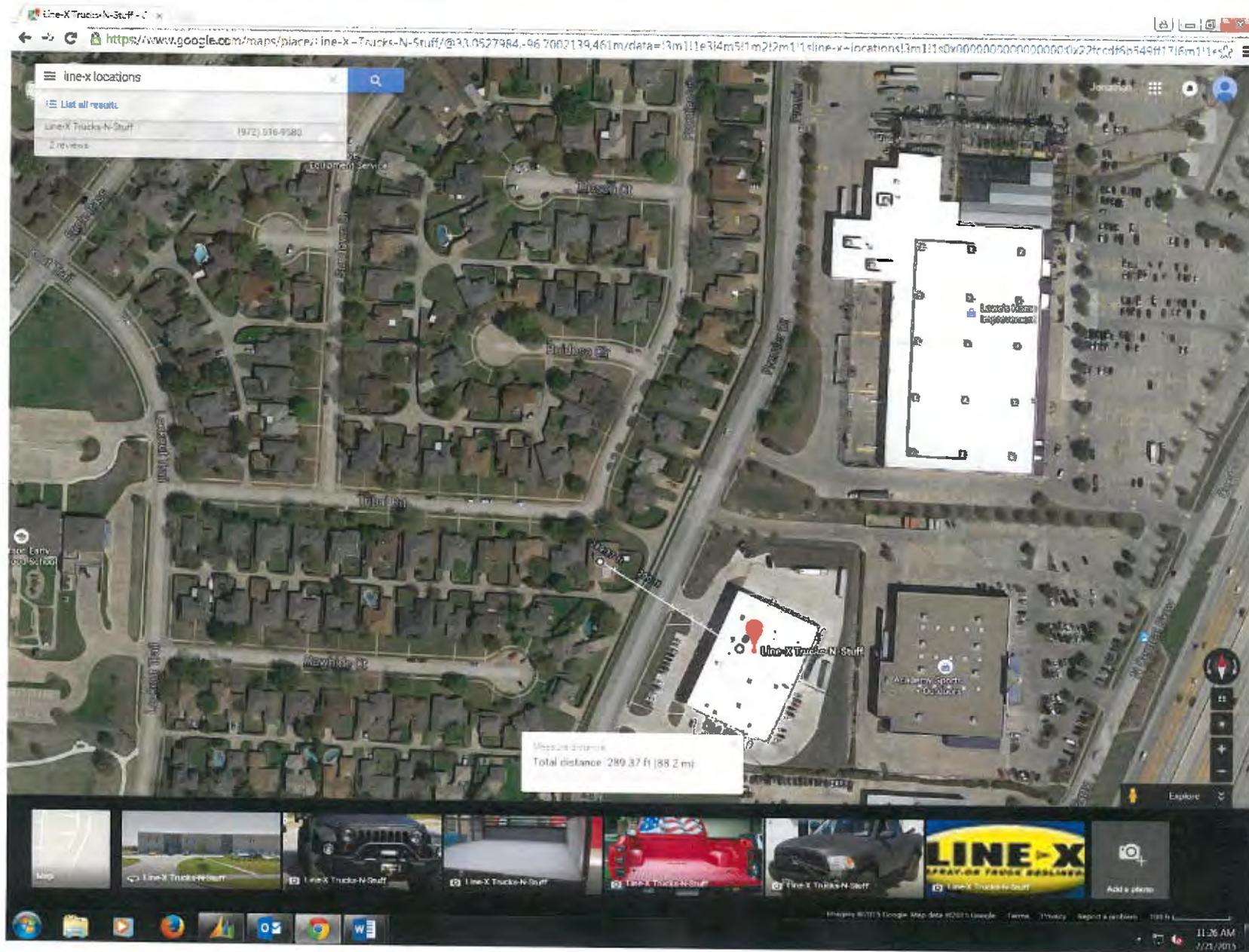
Jonathan Folds

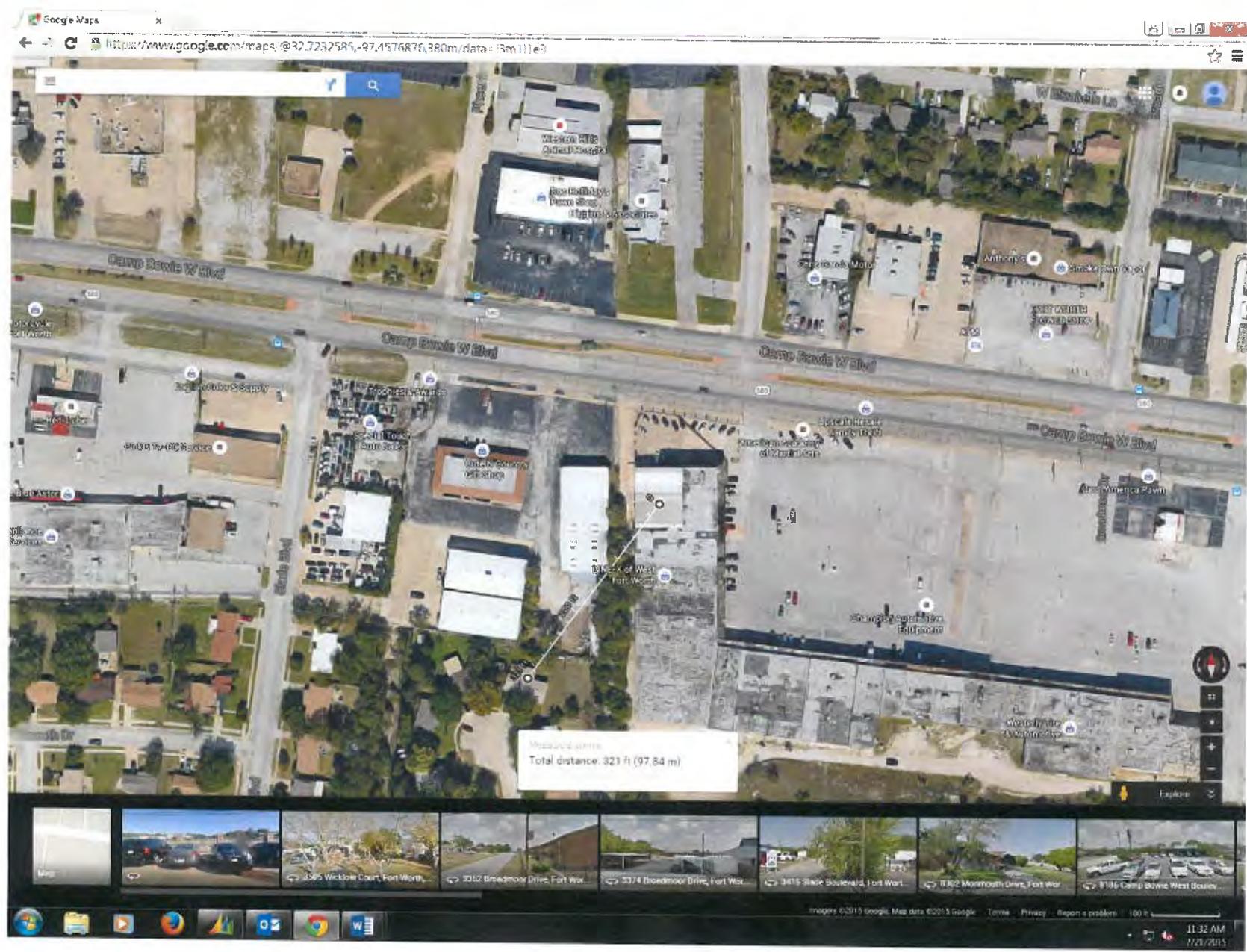
Wing Aero Products

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jonathanfolds@wingaero.com

















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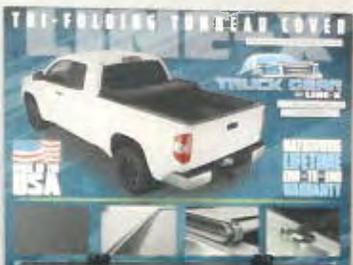
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A!

A display board for B&W Trailer Hitches. It features a grid of 12 numbered cards, each showing a different hitch model. To the right of the grid is a photograph of a woman and a man standing next to a yellow truck. Below the grid, there are several brochures and a small sign that says "B&W Trailer Hitches".

**B&W**  
**TRAILER HITCHES**

A small brochure or flyer for B&W Trailer Hitches, featuring a photograph of a person in a blue shirt working on a vehicle.

Authorized Dealer of  
**B&W**  
**TRAILER HITCHES**

A workbench area with a grey perforated metal surface. On the left, there is a large package of "Dreze 1800" products. In the center, there is a "Heavy Duty Ribbon" package. To the right, there is a "Dreze 1800" package. A silver metal rod with a black handle is mounted on the wall. A small sign with a list of items is attached to the wall.

A white metal shelving unit with three shelves. The top shelf has a white plastic bag. The middle shelf has a blue box labeled "5412" and "Truck Wheel". The bottom shelf has a yellow box labeled "Pike". A silver metal rod is attached to the side of the unit.





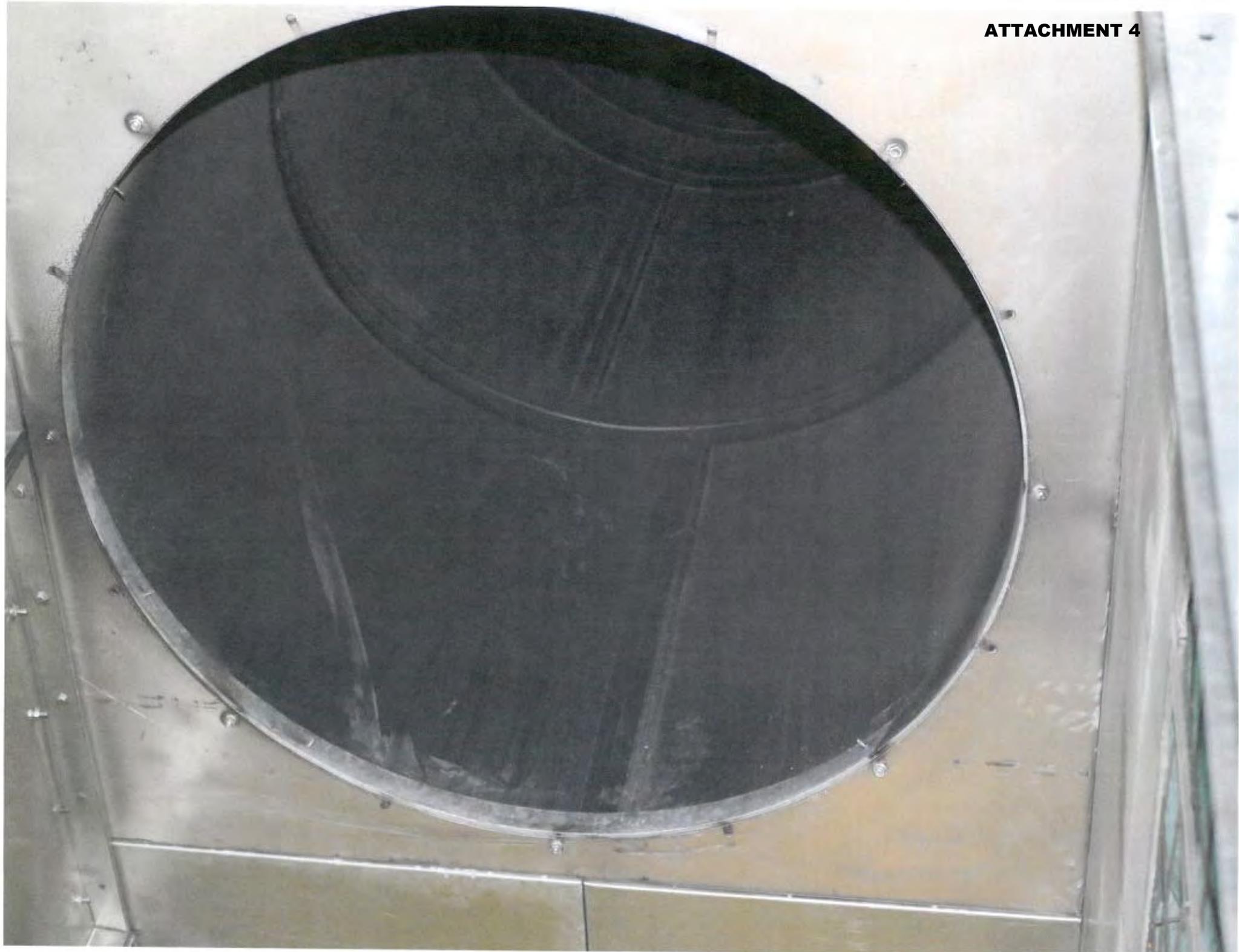


























**Department of Development Services**

**NOTICE OF PUBLIC HEARING**

**TO:** Property Owner  
**RE:** Application for an Appeal of an Administrative Decision

**LOCATION:** The subject property is located at 3902 Industrial Drive Lakeview Parkway, further described as being Lot 2, Block 4 of the Rowlett Business Park #2 Addition, City of Rowlett, Dallas County, Texas. A location map depicting the 200 foot notification area is attached for reference.

**EXPLANATION OF REQUEST:** The applicant is requesting an appeal of an administrative decision by the Planning Division to not allow Line X (spray-on bed liner business) to occupy the subject property either as a permitted use or as a continuation of a legal nonconforming use.

- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** WE HAVE NO OPPOSITION TO THE APPLICANT'S REQUEST TO OCCUPY THE ADDRESS AS A BUSINESS THAT INSTALLS SPRAY-ON BED LINERS.

**ADDRESS:** 3805 INDUSTRIAL, Rowlett, TX  
 Jim Benke 214.796.7803

Your written comments are being solicited in the above case. Additional information is available through the Department of Development Services located at 3901 Main Street. The Board of Adjustment will hold a public hearing and may take final action on the above case at **6:30 p.m. on Monday, July 27, 2015**. The meeting will be held in the Annex Conference Room, located at 4004 Main Street, Rowlett, Texas.

Please respond legibly in ink. If the signature and/or address is missing, your comments will not be recorded. Your response must be received in the Department of Development Services **by 5:00 pm on Thursday, July 23, 2015**, for your comments to be included in the Board Members packet. Responses received after that time will be forwarded to the Board at the respective public hearing.

If you have any questions concerning this request, please contact  
 Garrett Langford in the  
 Department of Development Services  
 Phone 972-412-6166  
[glangford@rowlett.com](mailto:glangford@rowlett.com)

**RETURN BY FAX OR MAIL**  
 City of Rowlett  
 Department of Development Services  
 PO Box 99  
 Rowlett, TX 75030-0099  
 FAX 972-412-6228

07-24-15P12:11 RCVD



**Department of Development Services**

**NOTICE OF PUBLIC HEARING**

07-21-15P03:03 RCVD

**TO:** Property Owner  
**RE:** Application for an Appeal of an Administrative Decision

**LOCATION:** The subject property is located at 3902 Industrial Drive Lakeview Parkway, further described as being Lot 2, Block 4 of the Rowlett Business Park #2 Addition, City of Rowlett, Dallas County, Texas. A location map depicting the 200 foot notification area is attached for reference.

**EXPLANATION OF REQUEST:** The applicant is requesting an appeal of an administrative decision by the Planning Division to not allow Line X (spray-on bed liner business) to occupy the subject property either as a permitted use or as a continuation of a legal nonconforming use.

- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** *The spray-on bed liner business does not comply with the present zoning laws.*

**ADDRESS:** *3817 Industrial St.*

Your written comments are being solicited in the above case. Additional information is available through the Department of Development Services located at 3901 Main Street. The Board of Adjustment will hold a public hearing and may take final action on the above case at **6:30 p.m. on Monday, July 27, 2015**. The meeting will be held in the Annex Conference Room, located at 4004 Main Street, Rowlett, Texas.

Please respond legibly in ink. If the signature and/or address is missing, your comments will not be recorded. Your response must be received in the Department of Development Services **by 5:00 pm on Thursday, July 23, 2015**, for your comments to be included in the Board Members packet. Responses received after that time will be forwarded to the Board at the respective public hearing.

<p>If you have any questions concerning this request, please contact                  Garrett Langford in the                  Department of Development Services                  Phone 972-412-6166  <a href="mailto:glangford@rowlett.com">glangford@rowlett.com</a></p>	<p><b>RETURN BY FAX OR MAIL</b>                  City of Rowlett                  Department of Development Services                  PO Box 99                  Rowlett, TX 75030-0099                  FAX 972-412-6228</p>
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Department of Development Services

NOTICE OF PUBLIC HEARING

**TO:** Property Owner  
**RE:** Application for an Appeal of an Administrative Decision

**LOCATION:** The subject property is located at 3902 Industrial Drive Lakeview Parkway, further described as being Lot 2, Block 4 of the Rowlett Business Park #2 Addition, City of Rowlett, Dallas County, Texas. A location map depicting the 200 foot notification area is attached for reference.

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

*[Handwritten Signature]*  
 JOHN WING

**COMMENTS:** We feel this is a good use of the building we <sup>(OWN)</sup> occupy for over 10 years, soon to be vacant. Our business outgrew 3902 and have located this tenant.

**ADDRESS:** N&J Holdings (JOHN WING) 1401 Shadybrook Ln (Home)  
 Wing AeroProducts 5009 Martin Drive, Rowlett, TX 75088 (Business)

Your written comments are being solicited in the above case. Additional information is available through the Department of Development Services located at 3901 Main Street. The Board of Adjustment will hold a public hearing and may take final action on the above case at 6:30 p.m. on Monday, July 27, 2015. The meeting will be held in the Annex Conference Room, located at 4004 Main Street, Rowlett, Texas.

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---	---



**AGENDA DATE:** 07/27/2015

**AGENDA ITEM:** 4

**AGENDA LOCATION:**  
**Individual Consideration**

**TITLE**

Conduct a public hearing and take action on a request for variances to Section 77-505.F.2.(c) and Section 77-505.F.2.(e) of the Rowlett Development Code. The subject property is located at 6300 Dalrock Road, further described as being Lot 2, Block 1 of the CVS Dalrock Addition, City of Rowlett, Rockwall County, Texas.

**STAFF REPRESENTATIVE**

Garrett Langford, AICP, Principal Planner

**SUMMARY**

The applicant is proposing to install a new driveway for a proposed multi-tenant retail development that will not meet the driveway separation requirements from an existing driveway and a storm inlet at 6300 Dalrock Road (Attachment 1 – Location Map). The applicant is requesting variances from the driveway standards in Sections 77-505.F.2.(c) and 77-505.F.2.(e) of the Rowlett Development Code (RDC).

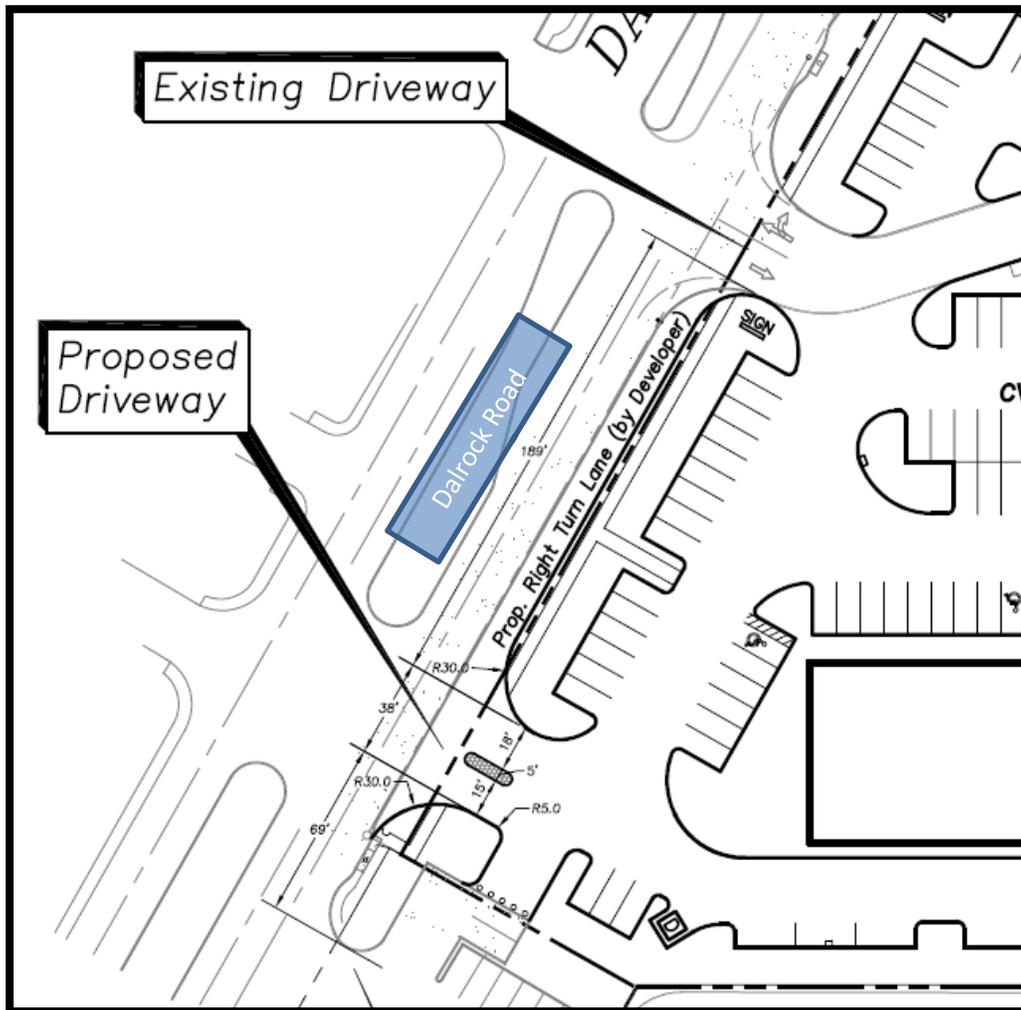
**BACKGROUND INFORMATION**

The subject property is located at 6300 Dalrock Road, adjacent to recently constructed Walmart Neighborhood Market located at 8100 Lakeview Parkway. The subject property retains a zoning designation of General Commercial/Retail (C-2). The applicant is proposing to construct two multi-tenant retail buildings (Attachment 2 – Overall Site Plan). The applicant has not identified specific tenants at this time; however, the C-2 zoning allows retail, personal services, office, and restaurant uses by right.

The Development Plan (site plan, landscape plan, façade plan, and lighting plan) for the proposed development is nearing completion and will be scheduled for the Planning and Zoning Commission's review and approval in coming weeks. The Development Plan must satisfy all of the City's development requirements before the Planning and Zoning Commission can approve the plans. The development requirements include regulations for building architecture, landscaping, lighting, parking, and driveway spacing. During the review of the site plan, it became apparent that the existing traffic in the area combined with the anticipated traffic associated with the proposed development will necessitate an additional driveway on Dalrock Road. However, it also became apparent that the additional driveway would not satisfy all of the driveway spacing requirements outlined in the RDC due to existing site constraints.

It is Staff's professional opinion that in this case the second driveway is needed in order to provide the most efficient traffic circulation possible. The image below indicates the existing

driveway, which provides ingress and egress for CVS, Whataburger and Walmart Neighborhood Market. In addition, it shows the second driveway location proposed south of the existing driveway.



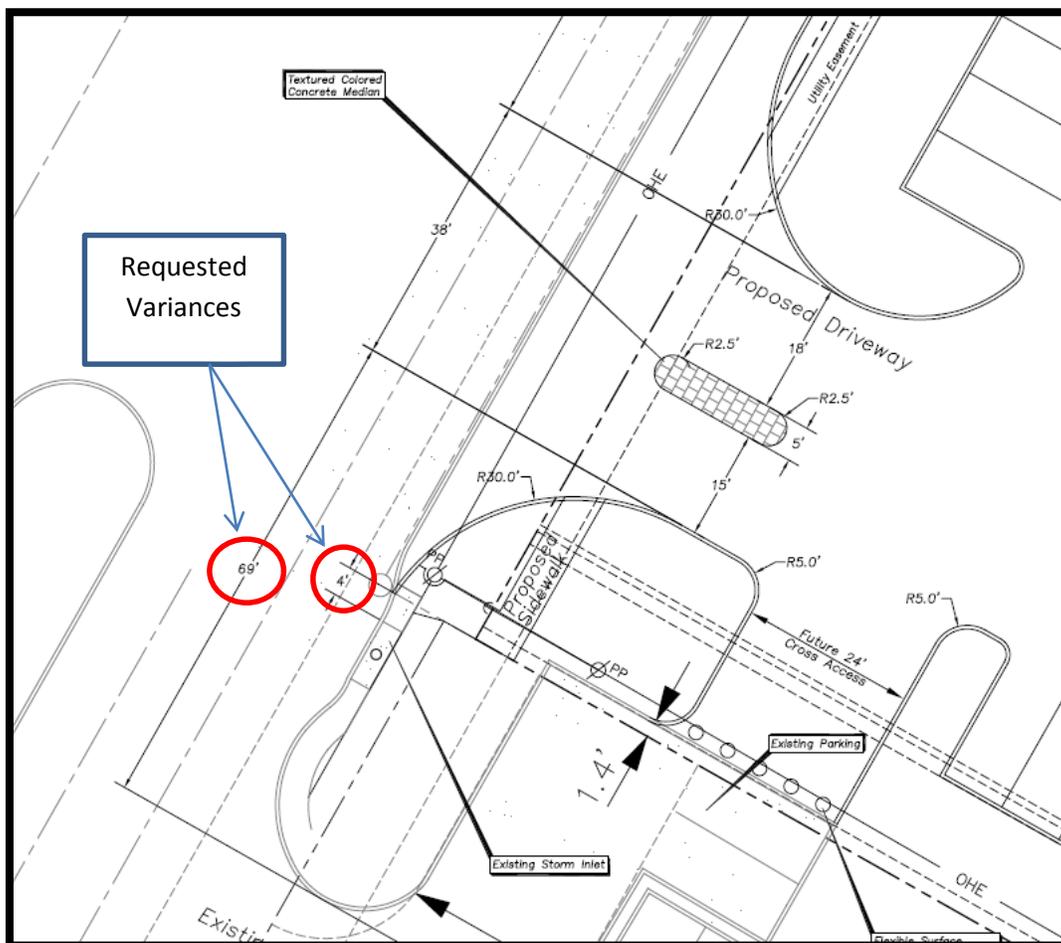
The RDC permits each lot one driveway. An additional driveway may be permitted when a property has continuous frontage of more than 200 feet. In this case, the subject property has a continuous frontage of 400 feet along Dalrock Road. The RDC also states that a second driveway may be permitted (regardless of the amount of frontage) when analysis has determined that the size and configuration of a single driveway cannot accommodate the anticipated traffic in the area. Staff including engineers from the Development Services and Public Works Departments have determined that the second driveway is needed to accommodate the anticipated increase in traffic in the area. Below is the approximate traffic generated by the existing uses and the proposed development based on Institute of Traffic Engineers' Manual on Traffic Generation.

Traffic Generation*			
Use:	Daily Trip	PM Hour	PM Exiting
CVS	1,474	151	38
Walmart N. Market	4,344	403	126

Whataburger	1,685	111	27
Proposed development	1,685	144	49
*Source ITE 9 <sup>th</sup> Edition			

Per the RDC, the minimum driveway separation on Dalrock Road is 150 feet. If the proposed variance is approved, then the developer will align the new driveway with the existing median opening located on Dalrock Road. This will provide the proposed development and the existing developments two points of ingress and egress for the southbound and northbound traffic on Dalrock Road.

This configuration places the new driveway 189 feet to the south of the existing driveway that serves CVS, Whataburger and Walmart Neighborhood Market. The new driveway will be 69 feet north of the existing driveway for the Valvoline Instant Oil Change that is located south of the proposed development. The location of the new driveway will not meet the separation requirement from the driveway for Valvoline. In addition, the new driveway will not meet the minimum separation of ten feet from a storm sewer inlet. As such, the applicant is requesting variances from these two requirements.



## **DISCUSSION**

The approval criteria for a driveway variance are outlined in Section 77-505.F.3.(b) of the Rowlett Development Code. Staff recommends that Board of Adjustment consider the request based on the following approval criteria as stated below. Section 77-505.F.3.(b) provides the following the criteria when considering a variance to driveway standards.

The Board may not vary or waive any of the provisions of this section except where physical impossibility prevents compliance, or where strict compliance deprives the property owner of a reasonable use of the property. Financial hardship shall not constitute physical impossibility. The variance granted shall be the minimum necessary to accommodate the hardship and meet the intent of the provisions of this section. In no event shall the Board of Adjustment have the ability to grant additional development rights not related to physical impossibility.

As indicated in the previous section, Staff determined that the expected traffic from the proposed development combined with the existing development justifies having a second driveway. In addition, the proposed development has 400 feet of continuous frontage along Dalrock Road, which meets the RDC criteria for a second driveway. In this case the placement of the existing Valvoline Driveway and sewer inlet create a physical impossibility that prevents full compliance with the RDC standards for driveway spacing.

Upon analyzing the site in detail, Staff grew concerned that having one driveway on Dalrock for the existing and proposed development in the area will cause traffic congestion on Dalrock Road. To that end, The Development Services Engineer worked extensively with the applicant to design the new driveway to minimize the number of variances needed to accommodate the hardship while still providing for the most efficient traffic flow possible. In conclusion, it is Staff's professional opinion that having two driveways in this situation will facilitate more efficient traffic movements than having one driveway.

### **Public Notice**

Staff mailed 35 notices on this request to property owners within 200 feet of the subject property on July 10, 2015. As of July 24, 2015, four property owners responded in opposition to the request while one responded in favor (Attachment 4 – Public Notices). The opposing property owners listed concerns with increasing traffic and having nearby retail/restaurant uses.

It is important to note that the proposed development is allowed by right. It is Staff's professional opinion that should this variance request be approved, it will help facilitate more efficient traffic movements in the area.

## **FISCAL IMPACT/BUDGET IMPLICATIONS**

N/A

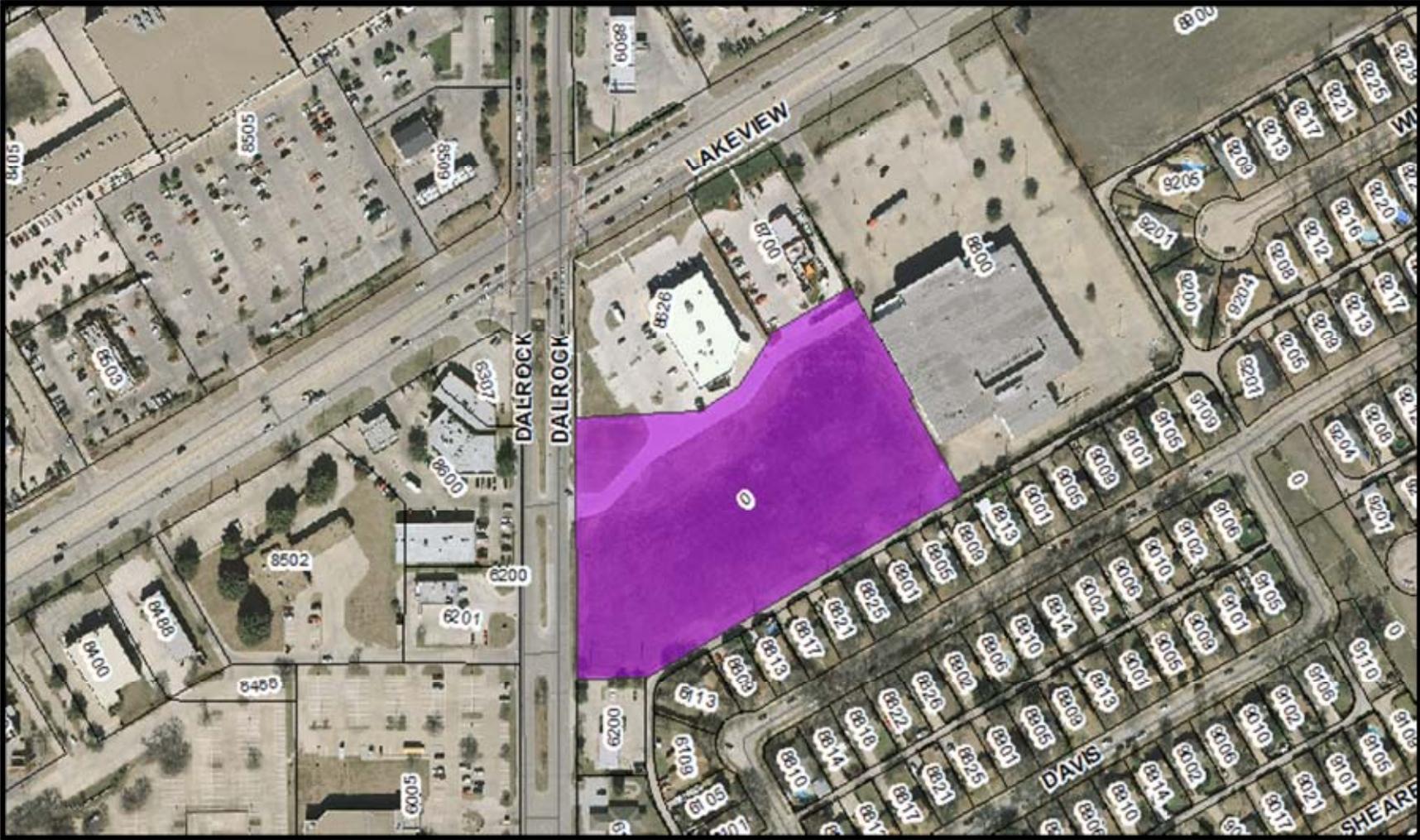
## **RECOMMENDED ACTION**

Staff recommends approval of the request.

## **ATTACHMENTS**

- Attachment 1 – Location Map
- Attachment 2 – Overall Site Plan
- Attachment 3 – Driveway Exhibit
- Attachment 4 – Public Notices
- Attachment 5 – Applicant's Presentation

LOCATION MAP



PLAN LEGEND

- PROJECT BOUNDARY LINE
- RIGHT-OF-WAY LINE
- OTHER PROPERTY BOUNDARY
- RIGHT-OF-WAY CENTERLINE

**VILBIG & ASSOCIATES, PLLC**  
 CONSULTING ENGINEERS & SURVEYORS  
 10132 MONROE DRIVE DALLAS, TEXAS 75229  
 (214) 352-7333 www.vilbig.com  
 TEXAS ENG. FIRM # F5684 & SURVEYING FIRM # 1003000

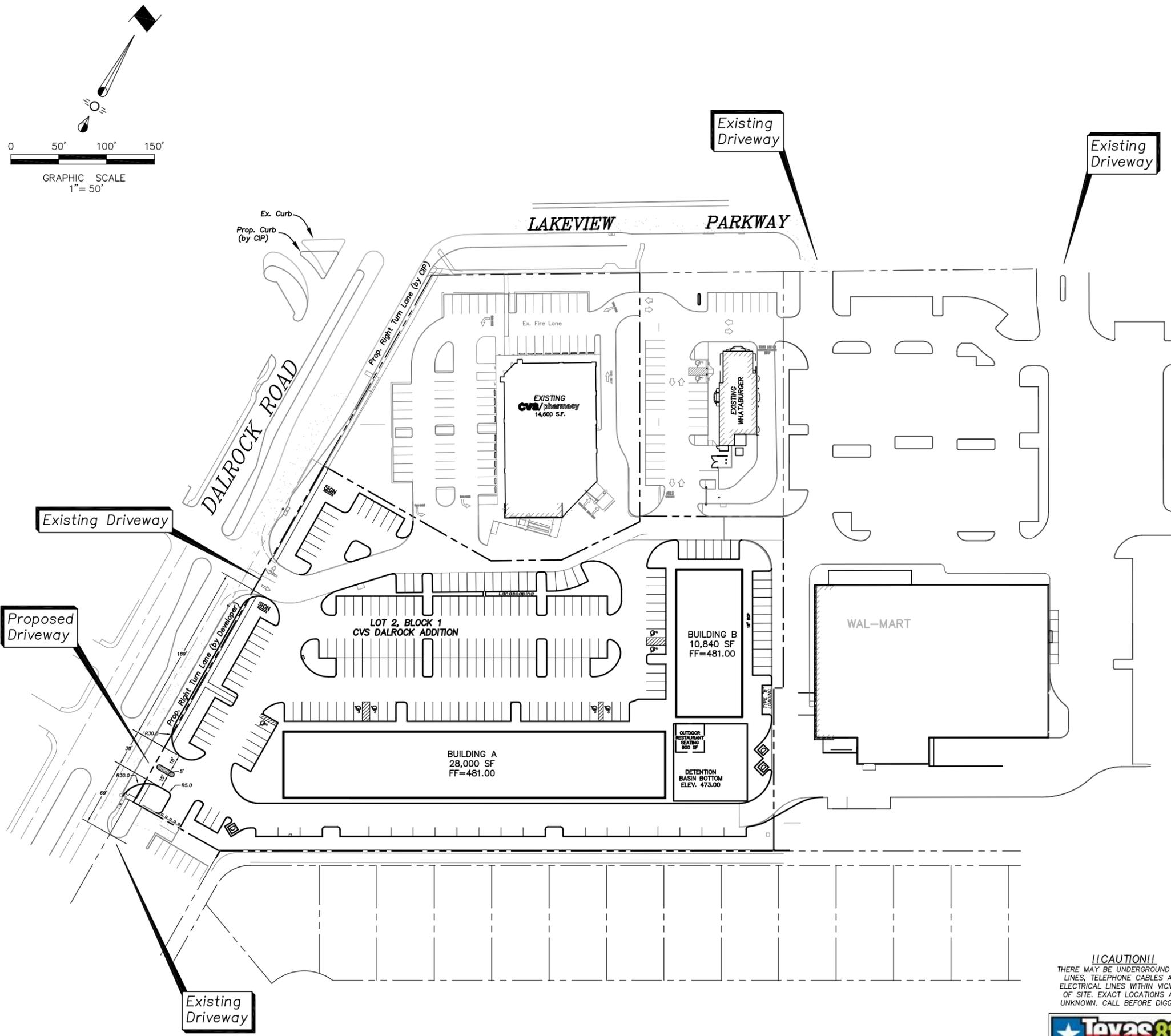
THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF THE INTERIM DESIGN REVIEW ONLY. THE AUTHORITY OF DAVID A. VILBIG, P.E., 67207 ON JULY 21, 2015. IT IS NOT TO BE USED FOR CONSTRUCTION, FINAL BID, OR PERMIT PURPOSES.

**DALROCK CROSSINGS**  
 LOT 1, BLOCK 1 - CVS DALROCK ADDITION  
 SE CORNER DALROCK RD & LAKEVIEW PKWY  
 ROWLETT, TEXAS

**OVERALL EXHIBIT**

SUBMITTAL #1: --/--/--  
 SUBMITTAL #2: --/--/--  
 SUBMITTAL #3: --/--/--  
 SUBMITTAL #4: --/--/--  
 DESIGN: MVV DRAWN: TLV  
 CHECKED: DAV  
 SCALE: N/A  
 VA PROJECT NO: 932-01

SHEET  
**C1.3**  
 1 OF 1



User: Owner Z:\932-1 Dalrock and Lakeview - Rowlett\048 932-1\A Final\932-1 Plans 2015.dwg  
 Jul 21, 2015 - 7:56pm © Vilbig & Associates, P.L.L.C. Unauthorized duplication is prohibited.

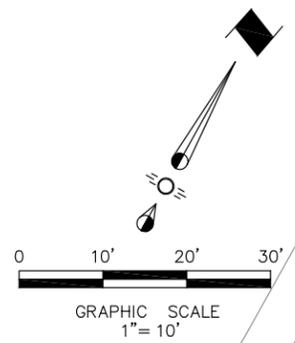
**!!CAUTION!!**  
 THERE MAY BE UNDERGROUND GAS LINES, TELEPHONE CABLES AND ELECTRICAL LINES WITHIN VICINITY OF SITE. EXACT LOCATIONS ARE UNKNOWN. CALL BEFORE DIGGING!

**PROGRESS PLOTS**  
 FOR INTERIM DESIGN REVIEW ONLY  
 NOT FOR CONSTRUCTION  
 DATE: 07/21/2015

NO.	DATE	BY	DESCRIPTION

REVISIONS

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 User: Owner Z:\932-1 Dalrock and Lakeview - Rowlett\04 932-1\A Final\932-1 Plans 2015.dwg  
 Jul 21, 2015 - 7:23pm



DALROCK ROAD

Existing Left Turn Lane

189' to Existing Driveway

Proposed Right Turn Lane  
(by Developer)

Proposed Sidewalk

Textured Colored Concrete Median

38'

OHE

R60.0'

Proposed Driveway

R2.5'

18'

R2.5'

R30.0'

15'

R5.0'

R5.0'

Future 24' Cross Access

Proposed Sidewalk

4'

1.4'

Existing Storm Inlet

Existing Parking

Flexible Surface Mounted Marker per TxDOT (OM-22)(FLX)SRF(B1)

Existing Driveway

25' MUTUAL ACCESS ESMT. CAB.D. SLIDE 100 P.R.R.C.T.

OHE

Utility Easement

PP

PP

**!!CAUTION!!**  
 THERE MAY BE UNDERGROUND GAS LINES, TELEPHONE CABLES AND ELECTRICAL LINES WITHIN VICINITY OF SITE. EXACT LOCATIONS ARE UNKNOWN. CALL BEFORE DIGGING!



**PLAN LEGEND**

- PROJECT BOUNDARY LINE
- RIGHT-OF-WAY LINE
- OTHER PROPERTY BOUNDARY
- RIGHT-OF-WAY CENTERLINE
- I.R.F. PROPERTY MONUMENT & TYPE (IRON ROD FOUND)
- OHE-PP OVERHEAD ELECTRIC LINE W/ POWER POLE & GUY WIRE
- UGEL-PP UNDERGROUND ELECTRIC LINE
- UGTEL Mkr-UGTEL Riser UNDERGROUND TELEPHONE LINE W/ RISER & LINE MARKER
- Gas Mkr-GAS UNDERGROUND GAS LINE W/ RISER & LINE MARKER
- ⊠ EXISTING GAS METER
- /// EXISTING ASPHALT PAVING
- EXISTING CONCRETE PAVING
- EXISTING CURB
- x- EXISTING FENCE
- 20" PECAN EX. TREE, TYPE & DIAMETER
- ⊠ LIGHT EXISTING STREET OR FLOOD LIGHT
- ◆ BENCHMARK

**VILBIG & ASSOCIATES, P.L.L.C.**  
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 10132 MONROE DRIVE DALLAS, TEXAS 75229  
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**DALROCK CROSSINGS**  
 LOT 1, BLOCK 1 - CVS DALROCK ADDITION  
 SE CORNER DALROCK RD & LAKEVIEW PKWY  
 ROWLETT, TEXAS

**DRIVEWAY EXHIBIT**

SUBMITTAL #1: --/--/--  
 SUBMITTAL #2: --/--/--  
 SUBMITTAL #3: --/--/--  
 SUBMITTAL #4: --/--/--  
 DESIGN: MVV DRAWN: TLY  
 CHECKED: DAV  
 SCALE: N/A  
 VA PROJECT NO: 932-01

NO.	DATE	BY	DESCRIPTION

**PROGRESS PLOTS**  
 FOR INTERIM DESIGN REVIEW ONLY  
 NOT FOR CONSTRUCTION  
 DATE: 07/21/2015

SHEET  
**C1.2**  
 1 OF 1



Department of Development Services

**NOTICE OF PUBLIC HEARING**

**TO:** Property Owner  
**RE:** Application for Variances

**LOCATION:** The subject property is located at 6300 Dalrock Road, further described as being Lot 2, Block 1 of the CVS Dalrock Addition, City of Rowlett, Rockwall County, Texas. A location map depicting the 200 foot notification area is attached for reference.

**EXPLANATION OF REQUEST:** The applicant is requesting variances to Section 77-505.F.2.(c) and Section 77-505.F.2.(e) of the Rowlett Development Code. The applicant is proposing to install a new driveway for a proposed multi-tenant retail development that will not meet the driveway separation requirements from an existing driveway and storm inlet.

- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** I AM IN FAVOR OF CONTINUED BUSINESS DEVELOPMENT AND DO NOT FEEL THAT THIS WILL NEGATIVELY IMPACT THE AREA.

**ADDRESS:** 6110 DALROCK ROAD, ROWLETT, TX 75085

Your written comments are being solicited in the above case. Additional information is available through the Department of Development Services located at 3901 Main Street. The Board of Adjustment will hold a public hearing and may take final action on the above case at **6:30 p.m. on Monday, July 27, 2015**. The meeting will be held in the Annex Conference Room, located at 4004 Main Street, Rowlett, Texas.

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 Phone 972-412-6166  
[glangford@rowlett.com](mailto:glangford@rowlett.com)

**RETURN BY FAX OR MAIL**  
 City of Rowlett  
 Department of Development Services  
 PO Box 99  
 Rowlett, TX 75030-0099  
 FAX 972-412-6228

07-24-15P12:11 RCVD



Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner  
RE: Application for Variances

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: INCREASES IN TRAFFIC AT AN ALREADY CONGESTED INTERSECTION, INCREASE IN NOISE TO MY PROPERTY

ADDRESS: 8813 SHEPMAN ST ROWLETT TX 75088

Your written comments are being solicited in the above case. Additional information is available through the Department of Development Services located at 3901 Main Street. The Board of Adjustment will hold a public hearing and may take final action on the above case at 6:30 p.m. on Monday, July 27, 2015. The meeting will be held in the Annex Conference Room, located at 4004 Main Street, Rowlett, Texas.

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RETURN BY FAX OR MAIL City of Rowlett Department of Development Services PO Box 99 Rowlett, TX 75080-0099 FAX 972-412-6228



Department of Development Services

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: No, Traffic is bad enough!  
No Restaurants that stinks  
ADDRESS: 8809 SHIPMAN (House backs up to this)

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Phone 972-412-6166  
glangford@rowlett.com

RETURN BY FAX OR MAIL  
City of Rowlett  
Department of Development Services  
PO Box 99  
Rowlett, TX 75030-0099  
FAX 972-412-6228  
07-14-15A08:12 PGV8



Department of Development Services

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: To much traffic.

ADDRESS:

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Department of Development Services

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: it would increase crime, and more people walking thru my yard, it make it louder, and decrease HomeV.

ADDRESS: 6113 Denver St

Your written comments will be included in the above case. Additional information is available through the Department of Development Services located at 3501 Main Street. The Board of Adjustment will hold a public hearing and may take final action on the above case at 6:30 p.m. on Monday, July 27, 2015. The meeting will be held in the Annex Conference Room, located at 4004 Main Street, Rowlett, Texas.

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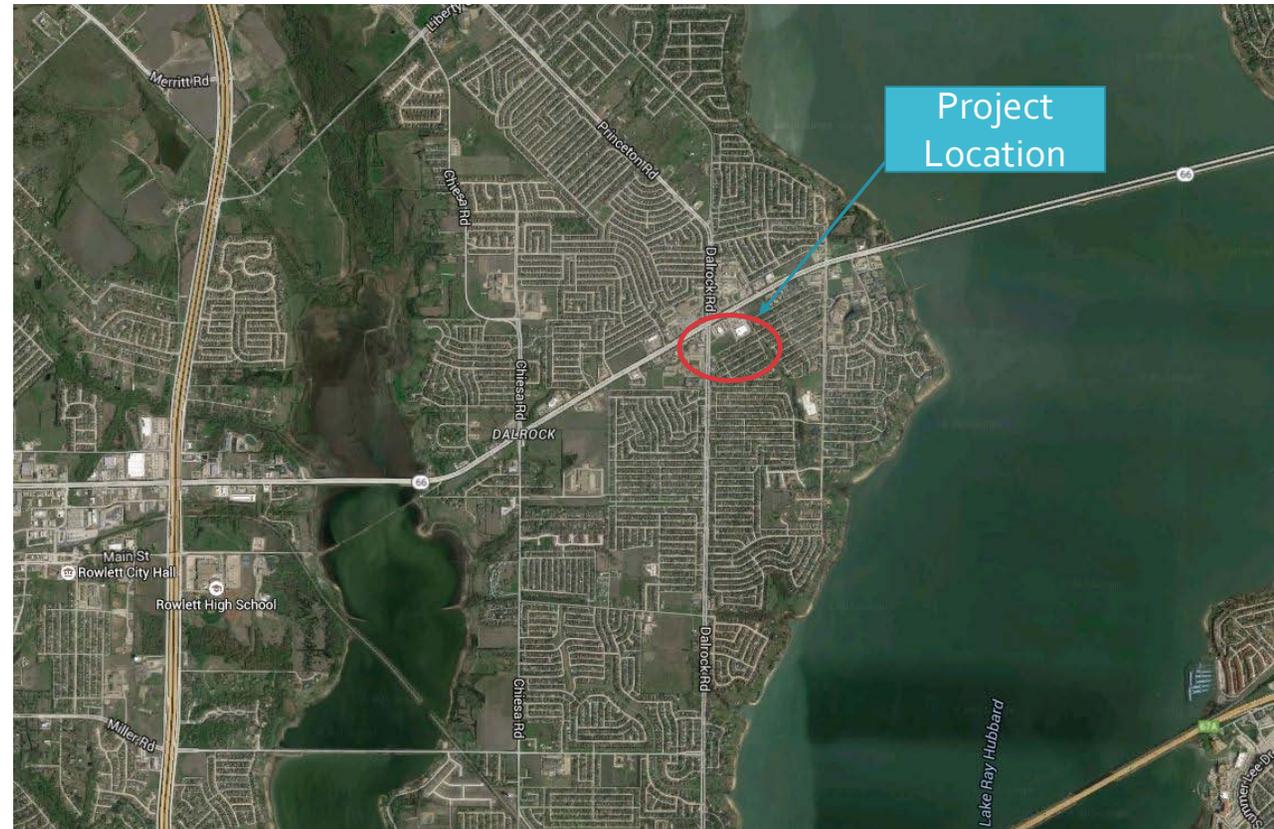
# Dalrock Crossing Driveway Variance

City of Rowlett – Board of Adjustments

July 27, 2015

# Location Overview

Southeast corner of Dalrock Road & Lakeview Parkway (Highway 66)



# Existing Conditions

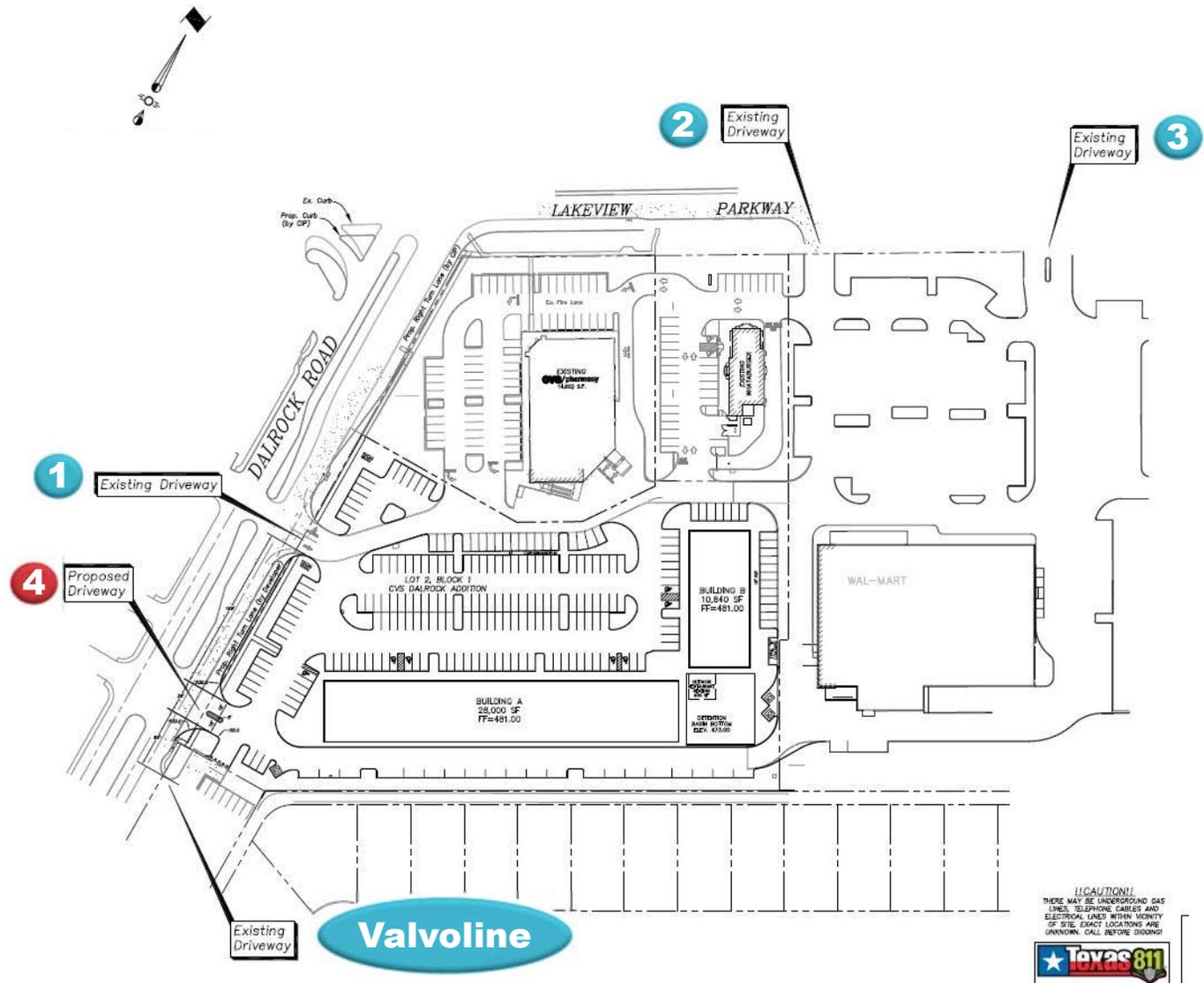
## Site Circulation

**Valvoline**



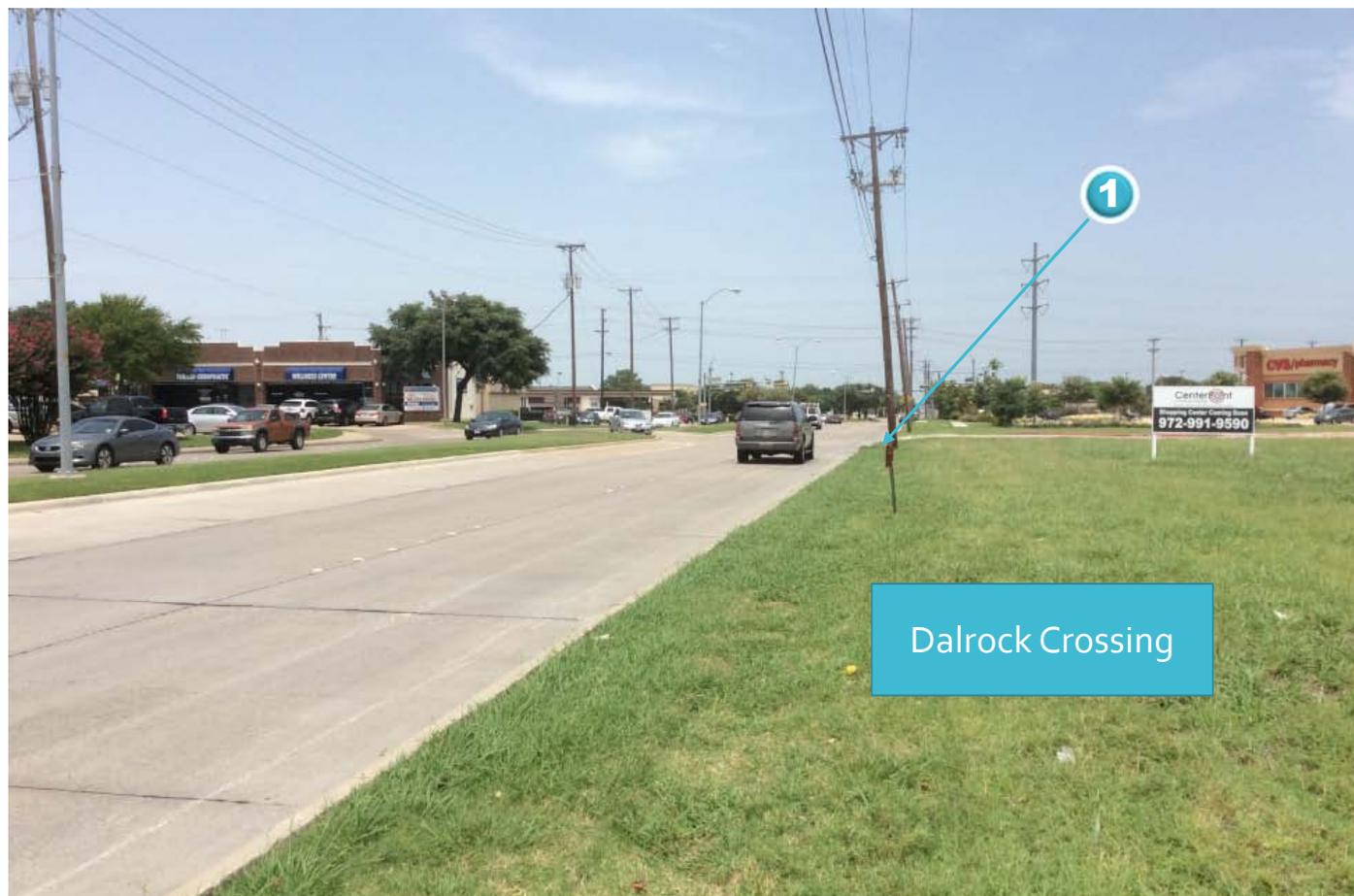
# Proposed Conditions

Site Circulation



# Existing Conditions

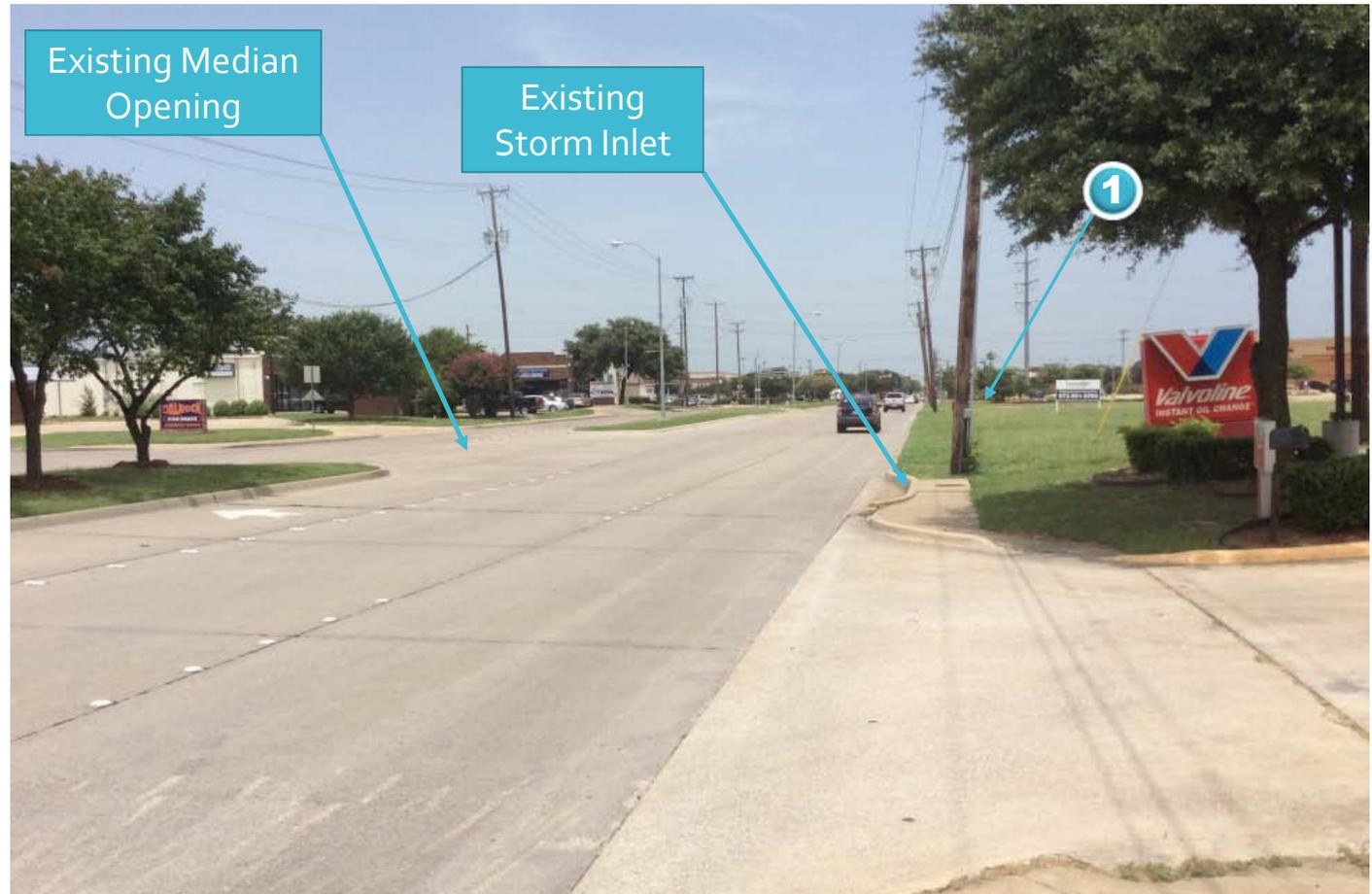
Dalrock Road looking North



Dalrock Crossing

# Existing Conditions

From Valvoline Driveway looking North



Wide Angle from the Valvoline Driveway Looking North



# Existing Conditions

From Proposed Driveway looking  
West



# Existing Conditions

From the West Side of Dalrock Road at the CVS Driveway looking South





Thank you!

