

**MINUTES OF THE BOARD OF ADJUSTMENT OF THE CITY OF ROWLETT, TEXAS  
HELD IN THE ROWLETT MUNICIPAL CENTER,  
4004 MAIN STREET, ROWLETT, TEXAS  
July 27, 2015**

**PRESENT:** Chairman Raymond Moyer, Board Members Chris Kizziar, Harris D. Brown, Alternates Robert Vickers, Kellie McKee, Tony Brown

**ABSENT:** Vice-Chair Wanda Hoff

**STAFF PRESENT:** Director of Development Services Marc Kurbansade, Principal Planner Garrett Langford, Economic Development Specialist Nathan Weber, Development Services Coordinator Lola Isom

**OTHERS PRESENT:** City Attorney David Berman, Planning and Zoning Chairman Karl Crawley

**WORK SESSION**

**1. Call to Order.**

Chairman Raymond Moyer called the Work Session to order at 6:13 p.m.

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

Director of Development Services, Marc Kurbansade, summarized the items on the Regular Agenda. He explained the importance of interpreting administrative decision and he set the parameters of discretionary capacity.

City Attorney, David Berman, explained that if more than five members participated in a Board Meeting, then only five are allowed to vote. He stated that a motion will only carry if four out of the five members vote affirmatively. Alternate Kellie McKee chose not to vote for the Regular Meeting.

**3. Adjournment.**

A motion was made to adjourn the meeting by Ray Moyer. Member Kizziar seconded the motion. The motion carried and the Work Session was adjourned at 6:19 p.m.

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**REGULAR MEETING**

**PRESENT:** Chairman Raymond Moyer, Board Members Chris Kizziar, Harris D. Brown, Alternates Robert Vickers, Kellie McKee, Tony Brown

**ABSENT:** Vice-Chair Wanda Hoff

**STAFF PRESENT:** Principal Planner Garrett Langford, Economic Development Specialist Nathan Weber, Development Services Coordinator Lola Isom

**OTHERS PRESENT:** City Attorney David Berman, Planning and Zoning Chairman Karl Crawley

**1. Call to Order.**

Chairman Raymond Moyer called the Regular Meeting to order at 6:30 p.m.

**2. Consider approval of the minutes of the Board of Adjustment Meeting of April 6, 2015.**

Alternate Member Robert Vickers made a motion to approve the minutes. Member Harris D. Brown seconded the motion. The item passed 5-0.

**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.**

Principal Planner Garrett Langford presented the case. He presented a location map and provided background on the property occupancy and zoning history. He explained that this item is an appeal request of staff's interpretation. Mr. Langford presented site photos and provided detail on the proposed use for Line-X. He summarized staff's interpretation in comparison to the applicant's interpretation.

Mr. Langford stated that 16 public hearing notices were sent; two were returned in favor and one in opposition. He presented a map of the public hearing notification area.

He explained that the Board has multiple options to consider 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,*

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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.*

There was discussion amongst the Board regarding similar uses near the proposed area, the Realize Rowlett 2020 vision, containment of noise/spray, Fire Marshal's requirements, structural alterations, and legal non-conforming uses.

Chairman Raymond Moyer opened the public hearing.

The following speaker came forward:

**Jonathan Folds  
8601 Sawgrass Lane  
Rowlett, Texas  
Applicant**

Mr. Folds explained his intent, provided additional detail in regards to the applicant's interpretation, provided detail on the chemical liner and its application, stated that this use should not be classified as vehicular or automotive, provided examples of other local franchises and neighboring uses in other cities, and provided detail on noise level and chemical/environmental data report information.

There was discussion amongst the Board regarding neighboring properties, the Line-X product preparation, structural changes, ventilation, the applicant's interpretation of a manufactured product, neighboring storm water testing facility, current zoning, "small scale manufacturing," and appealing to district court.

Chairman Raymond Moyer closed the public hearing.

There was some discussion amongst the Board Members regarding the Board of Adjustment interpretation, the Realize Rowlett 2020 vision, and the "vehicle heavy interpretation."

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Member Chris Kizziar made a motion to approve option number four, to allow Line-X to occupy the building at 3902 Industrial Drive as a legal nonconforming use. Alternate Robert Vickers seconded the motion. The item passed 4-0-1. Member Harris D. Brown abstained from the vote.

- 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.**

Principal Planner Garrett Langford presented the case. He presented a location map, background information, future public improvements and the Site Plan. Mr. Langford stated that 35 public hearing notices were sent; two were returned in favor and four in opposition. He presented a map of the public hearing notification area.

There was discussion amongst the Board regarding the driveway location and egress.

Mr. Langford provided site photos, explained that the proposed driveway does not meet the separation requirements from the existing driveway and storm inlet to the south. However, he stated that the traffic counts justify the need for an additional driveway. He stated that staff recommends approval of the request.

Chairman Raymond Moyer opened the public hearing.

The following speaker came forward:

**David Vilbig  
10132 Monroe  
Dallas, Texas  
Civil Engineer**

Mr. Vilbig stated that he was present to answer any questions.

There was discussion amongst the Board regarding the concrete median and the driveway for Valvoline.

The following speaker came forward:

**Robin Wilson  
6200 Dalrock Road  
Owner of Valvoline**

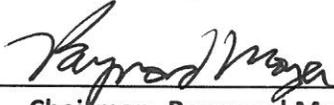
Mr. Wilson stated that he does not want to lose his driveway. Mr. Langford clarified that the proposal does not indicate that this would occur.

- 5. Adjournment.**

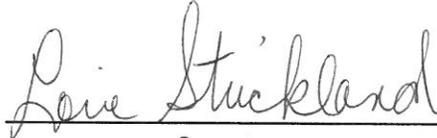
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Alternate Member Robert Vickers made a motion to adjourn. Alternate Member Tony Brown seconded the motion. The motion to adjourn passed 5-0.

The meeting was adjourned at 7:42 p.m.



Chairman- Raymond Moyer



Secretary

10/7/15

Date

