

2 **Minutes of**  
4 **PLANNING AND ZONING COMMISSION PUBLIC HEARING**  
6 **January 11, 2011**

8 **CALL TO ORDER**

8 The meeting was called to order by Phillip Herbst at 6:00 p.m. with the following members present:  
10 Barry Buchanan, Connie Jackson, Craig Renfro, Kristen Minth and John McCutcheon. Mark  
Stubbs was absent.

12 Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Irene  
14 Hatcher, David Gonzales and Chris Spencer.

16 **CONSENT AGENDA ITEMS**

18 *Approval of Minutes* for December 14, 2010 Planning and Zoning Commission meeting

20 Buchanan made a motion to approve the minutes for December 14, 2010.

22 Minth seconded the motion.

A vote was taken, and the motion passed by a vote of 4-0 (Jackson and McCutcheon abstained).

24 **SITE PLANS / PLATS**

26 **SP2010-015**

28 **Discuss and consider a request by Cameron Slown of Adams Engineering for approval of a**  
30 **site plan for McDonald's Restaurant, being a 4,700-sf drive-thru restaurant located on a 1.32-**  
**acre part of Lot 6, Block A, Stone Creek Retail Addition, which is zoned (PD-70) Planned**  
**Development No. 70 district and situated along the east side of North Goliad (SH 205) north of**  
**Bordeaux Drive, and take any action necessary.**

32 Hampton stated the background of the case, including that the SUP for the drive-thru use  
34 was recently approved by the City. He stated the Architectural Review Board reviewed this case  
earlier this evening. He stated they asked for a couple of additional articulation elements at the front  
36 of the building and the main entrance. He stated the applicant or architect were agreeable to doing  
that and will come back to show what they have come up with at the next meeting.

38 John Christen, 9628 Heatherdale, Dallas, and representative for McDonalds, stated that he  
40 will come back on January 25<sup>th</sup> and resubmit with the changes that the ARB suggested.

42 **Commissioner Minth made a motion to table SP2010-015, a request by Cameron Slown**  
**of Adams Engineering for approval of a site plan for McDonald's Restaurant, being a**  
**4,700-sf drive-thru restaurant located on a 1.32-acre part of Lot 6, Block A, Stone Creek**  
**Retail Addition, which is zoned (PD-70) Planned Development No. 70 district and**  
**situated along the east side of North Goliad (SH 205) north of Bordeaux Drive.**

46 Commissioner Jackson seconded the motion.

48 It was voted on and passed 6 to 0.

50 **PUBLIC HEARING ITEMS**

52 **Z2010-024**

2 **Hold a public hearing and consider a request by Darby Burkey of Rockwall Flower & Design**  
4 **for approval of a Specific Use Permit (SUP) to allow for a "General Retail Store" within (PD-53)**  
6 **Planned Development No. 53 district, specifically at 1014 Ridge Road being Lot 2, Block A,**  
8 **Rock Ridge Office Park Addition, and take any action necessary.**

10 Hampton stated the applicant has submitted a request for approval of a Specific Use Permit  
12 (SUP) to allow for a "General Retail Store" within (PD-53) Planned Development No. 53 district,  
14 specifically for a flower shop. PD-53 has an underlying zoning of "Residential Office." A flower shop  
16 is not a listed use in the Unified Development Code, and staff considers it a "general retail use" that  
18 could be considered at this location via an SUP. Most retail uses are not allowed in Residential-  
20 Office; however, this SUP provision was added to the RO district several years to allow for  
22 consideration of unique and/or boutique type uses that may fit well into such a district.

24 The subject property at 1014 Ridge Road was converted from a residential home into office  
26 use in 2004, and features a 2,212-sf building. With a large rear yard, over time the parking area has  
28 been increased to 15 parking spaces, which exceeds the required nine (9) spaces for retail use at this  
30 location. The existing drive aisle connects to other office uses to the north (Gussio law office) and  
32 south (Waller chiropractic office). The owner of the chiropractic office building, R. D. Vanderslice, has  
34 recently purchased the subject property.

36 The owner of the property as well as the applicant has submitted explanation letters for the  
38 request. Ms. Burkey has stated that the family business has been in Rockwall since 1937. While the  
40 business is "retail" in a technical sense, it is comprised primarily of phone and internet orders of  
42 flowers and other gifts. Additionally, she has clarified that she receives deliveries of merchandise and  
44 inventory from regular vans rather than large 18-wheeler trucks.

46 If approved, the SUP could be tied specifically to a flower shop business and not allow other  
48 types of retail uses. This could help alleviate any concerns of increased traffic or interruption to  
50 existing SF residential to the west. Staff feels like the proposed flower shop would be of a low  
52 intensity, and not much different than a medical office or massage studio use which are both already  
54 operating efficiently within the PD. The Commission and Council could also consider other conditions  
56 (e.g. limitations on hours of operation); however, staff has not included any additional items with their  
recommendation.

Notices were mailed to 16 property owners within 200-ft of the subject property. Staff has  
received two (2) notices "in favor" and three (3) notices "in opposition" to the SUP request. Hampton  
stated that at the time of this meeting, two (2) of the three (3) notices in opposition have retracted  
their notice.

Hampton stated that due to the retraction of opposition approval will not require a 3/4 vote of  
all eligible members of the City Council.

Staff would recommend approval of the Specific Use Permit with the following conditions:

1. The property shall be used only as a flower shop and related uses. No other retail use(s)  
shall be allowed on the property unless a new SUP is applied for and approved by the  
City Council.

Buchanan inquired what the screening requirement is between (RO) Residential Office and the  
residential area. Hampton stated there is not a formal screening policy regarding (RO) Residential Office  
zoning. He stated if it is a concern, that it can be addressed during the SUP process.

*Herbst opened the public hearing at 6:16 pm.*

Darby Burkey, 2585 Desert Falls Lane, Rockwall stated that her business is a daytime business  
and she feels it will be an asset to this area. She stated that it will not have heavy traffic or bright lighting  
that would interfere with the residences.

2  
4 Jackson inquired whether she is requesting a General Retail store so she can sell other things  
6 such as gifts and invitations. The applicant stated that her business is events, weddings and special  
8 events. She stated that people will come in mostly by appointment only and that there will not be much  
10 walk-in traffic. She stated that anything associated with the décor of any type of event that would involve  
12 floral they would try to accommodate that.

14 R.D. Vanderslice, 1408 S. Lakeshore Drive, Rockwall, stated he owns the building. He listed the  
16 upgrades that have been done to the property since he purchased it. He explained the landscaping that  
18 he plans on doing once spring arrives. He stated he is going to make the back of the building as attractive  
20 as the front is, and that it is going to be a park-like setting. He stated that this will improve the area. He  
22 stated when you go to small towns you like family-owned businesses. He further stated that he hopes the  
24 Commission approves this.

26 Minth inquired whether the fence behind the building is the homeowner's fence or whether it  
28 belongs to this building. Mr. Vanderslice stated that the property owner probably put it up. McCutcheon  
30 inquired how many people come in and out of the chiropractor's office on a daily basis. Mr. Vanderslice  
32 stated he does not know, but stated the office is only open two days a week at this time.

34 *With no further public comment, the public hearing was closed at 6:26.*

36 **Commissioner Renfro made a motion to approve Z2010-024, a request by Darby Burkey  
38 of Rockwall Flower & Design for approval of a Specific Use Permit (SUP) to allow for a  
40 "General Retail Store" within (PD-53) Planned Development No. 53 district, specifically  
42 at 1014 Ridge Road being Lot 2, Block A, Rock Ridge Office Park Addition, with staff  
44 recommendations.**

46 Buchanan stated that his original concern was the ingress and egress. He stated that his  
48 second concern was the screening. LaCroix briefly explained some background of the property  
50 and described the access easement that is behind the property and the fencing.

52 **Commissioner Jackson seconded the motion.**

54 **It was voted on and passed 6 to 0.**

56 **Z2010-025**

58 **Hold a public hearing and consider a request by Jonathan Wakefield of Christian Brothers  
60 Automotive Corporation for approval of a Specific Use Permit (SUP) to allow for "Automotive  
62 Repair, Minor" within the (C) Commercial District, specifically on a 0.70-acre tract within the  
64 proposed Rockwall Market Center South Addition, which is currently described as Tract 12-2,  
Abstract 64, E. P. G. Chisum Survey and situated along the north side of Ralph Hall Pkwy east  
of Market Center Blvd, and take any action necessary.**

66 Spencer stated the applicant has submitted an application for a Specific Use Permit to allow  
68 for a stand-alone "Auto Repair Garage, Minor" within the (C) Commercial District. The proposed  
4,875-sf Christian Brothers Automotive store is located on a 0.70-acre tract. The subject site is  
situated along the north side of Ralph Hall Pkwy east of Market Center Blvd.

70 The site is part of a larger development known as the Rockwall Market Center South.  
72 Recently the Planning and Zoning Commission and the City Council approved a preliminary plat for  
the site. Additionally, site plans for the Autumn Leaves Memory Care Facility located on lot 1 and the  
proposed HomeBank located on lot 4 were recently approved.

74 Staff recommended that a conceptual site plan and building elevations be submitted for the  
76 Planning and Zoning Commission and City Council to consider the proposed use. The proposed  
building includes nine (9) service bays. Currently the bay doors as shown on the conceptual site plan

2 face Ralph Hall Ct., which if approved as part of the SUP would be a waiver to Article IV, Section  
4 2.1.8.2 of the Unified Development Code. The site will be accessed from two (2) proposed curb cuts  
6 on Ralph Hall Ct. It should be noted that a formal site plan review will be required in the future,  
8 should the SUP be approved.

10 If approved, staff has included several conditions that would limit activity specific to the  
12 Christian Brothers business model, including limitations on bulk storage of materials and type of work  
14 performed. In addition, staff has included the standard conditions for minor auto repair use as  
16 specified in the UDC, including no overnight outside display/storage on the property.

18 Staff feels that the Planning and Zoning Commission and the City Council should give heavy  
20 consideration of the SUP at this location for the following reasons:

22 Adjacent land uses

- 24 • New non-residential development currently being planned and developed on both the  
26 east and west sides of the site.
- 28 • Existing high intense commercial retail/restaurants (i.e. Home Depot and On The  
30 Border) located immediately north of the property.

32 The buffering of existing single-family residences to the south

- 34 • The site is bordered on the south property line by Ralph Hall Parkway, which is a four  
36 lane divided roadway with 85' of right-of-way.
- 38 • Existing 6' masonry walls located along the south right-of-way line of Ralph Hall  
40 Parkway, separating the existing single-family neighborhood from Ralph Hall  
42 Parkway.

44 SUPs approved in recent years for other Minor Auto Repair developments in the vicinity.

- 46 • National, Tire & Battery (NTB) at Ralph Hall Pkwy and Horizon Rd.
- 48 • Horizon Rd. Oil and Lube facility located in front of Lowes along Horizon Rd.
- 50 • Valvoline Express Oil Change at Ralph Hall Pkwy and S. Goliad (SH 205)

52 Staff mailed notices to ten (10) owners within 200-ft of the subject property. At the time of this  
54 report, two (2) responses in favor of the request have been returned.

56 Staff recommends approval of the SUP, but with the following conditions:

1. Future site plan submittal and approval shall be required.
2. No vehicles, equipment, parts or inventory shall be stored outside overnight.
3. There shall be no bulk storage of tires within the facility.
4. No welding or painting work shall take place within the facility.
5. The Specific Use Permit may be subject to periodic review by the Planning and Zoning  
Commission or City Council to ensure the business is in compliance with all conditions  
stated herein.

Herbst opened the public hearing at 6:36 pm.

Jonathan Wakefield, (Christian Brothers), 15995 N. Barkers Landing, Houston, TX stated the  
additional requirements requested by staff is how Christian Brothers operates anyway. He stated there  
will not be vehicles left outside overnight. He stated that their business does not generate a lot of light or  
noise. He stated that, through site selection, they have tried to have as little negative impact to the  
community as possible. There was discussion regarding the bay doors. Mr. Wakefield showed pictures of  
the interior and exterior of the building. There was discussion regarding the landscaping of the property.  
He stated their intent is to not look like or feel like an automotive repair shop. He stated what the shop  
floor is made of and explained how it is maintained. He stated that the adjacent memory care facility is  
going to block most of their visibility.

2 Renfro inquired how many cars a day the facility is expecting to service. Mr. Wakefield stated  
they expect to service 54 vehicles a week. He said that 4 or 5 bays will be turned over during the day. He  
4 stated 4 bays usually have vehicles that take multiple days to repair, but that those vehicles are stored  
inside those bays at night. Renfro inquired about the roadway in front of Christian Brothers. Spencer  
6 described the surrounding area and the growth that is taking place. Renfro inquired whether staff looks at  
the cluster of automotive shops in the same area. Spencer stated the differences between other  
8 automotive stores and Christian Brothers. Spencer further stated that due to the design of this building,  
this location can be recycled into an office building very easily.

10  
12 Mr. Wakefield stated that the initial lease term to the franchisee is 15 years, followed by 5-year  
extensions up to 60 years. He stated the franchisee is so invested in the property that they usually  
14 purchase the building within 5 – 7 years. He stated they have opened 80 stores and have never closed a  
store. There was discussion regarding oil storage and disposal.

16 Jim Cervine, Gateway America Properties, P.O. Box 1295, Rockwall, stated they are a site  
18 selection company. He stated his background of looking for property in Rockwall for Christian Brothers.

20 *With no further public comment, the public hearing was closed at 6:54 pm.*

22 Spencer stated he would like to amend the recommendation and attach the elevation that was  
shown tonight as Exhibit B. He stated that site plan and building plans would be subject to that elevation.

24 **Commissioner Minth made a motion to approve Z2010-025, a request by Jonathan  
Wakefield of Christian Brothers Automotive Corporation for approval of a Specific Use  
26 Permit (SUP) to allow for “Automotive Repair, Minor” within the (C) Commercial District,  
specifically on a 0.70-acre tract within the proposed Rockwall Market Center South  
28 Addition, which is currently described as Tract 12-2, Abstract 64, E. P. G. Chisum  
Survey and situated along the north side of Ralph Hall Pkwy east of Market Center Blvd,  
30 with staff recommendations including the new condition (#6) that the elevation be  
included with the SUP ordinance.**

32 Commissioner Buchanan seconded the motion.

34 It was voted on and passed 6 to 0.

### 36 **DISCUSSION ITEMS**

38 **Planning Director’s Report on the following Planning and Zoning Commission matters that  
40 have been recently acted on by City Council:**

42 a) **Z2010-020:** SUP for Bed and Breakfast Operation (Autumn Ct)

44 LaCroix reported that City Council denied this request.

46 b) **Z2010-022:** SUP for Bail Bond Service (811 Yellowjacket Lane)

48 LaCroix reported that City Council approved this request.

50 c) **Z2010-023:** SUP for McDonalds (Stone Creek Retail)

52 LaCroix reported that City Council approved this request.

54 d) **P2010-019:** Rockwall Market Center South (Final Plat)

56 LaCroix reported that City Council approved this request.

2 e) SP2010-014: Variance for HomeBank (Exterior Materials)

4 LaCroix reported that City Council approved this request.

6

8 **ADJOURNMENT**

The meeting adjourned at 6:59 p.m.

10

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF  
12 ROCKWALL, Texas, this 22 day of FOR, 2011.

14



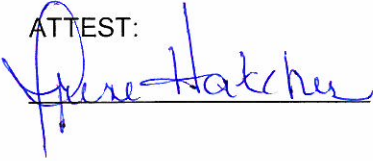
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Phillip Herbst, Chairman

18

ATTEST:

20



2 **Minutes of**  
3 **PLANNING AND ZONING COMMISSION WORK SESSION**  
4 **January 25, 2010**

6 **CALL TO ORDER**

8 The meeting was called to order by Phillip Herbst at 6:01 p.m. with the following members present:  
9 Barry Buchanan, Connie Jackson, Craig Renfro, Kristen Minth, John McCutcheon and Mark  
10 Stubbs.

12 Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Irene  
13 Hatcher and David Gonzales.

14 **ACTION ITEMS**

16 **SP2010-015**

18 **Discuss and consider a request by Cameron Slown of Adams Engineering for approval of a**  
19 **site plan for McDonald's Restaurant, being a 4,700-sf drive-thru restaurant located on a 1.32-**  
20 **acre part of Lot 6, Block A, Stone Creek Retail Addition, which is zoned (PD-70) Planned**  
21 **Development No. 70 district and situated along the east side of North Goliad (SH 205) north of**  
22 **Bordeaux Drive, and take any action necessary.**

24 Hampton stated the submitted site plan is for a 4,700-sf McDonald's drive-thru restaurant  
25 located in the Stone Creek Retail development. The site is a 1.32-acre portion of the existing Lot 6,  
26 which will be required to be replatted in the future to accommodate the development. A Specific Use  
27 Permit (SUP) was approved for the drive-thru use on January 3, 2011 via Ordinance No. 11-02,  
28 contingent on site plan review including formal Architectural Review. A copy of the approved  
29 ordinance is attached for reference.

30 Access to the site is obtained from the existing drives/fire lanes into the Stone Creek Retail  
31 center from SH 205 and Bordeaux. No additional curb cuts are proposed. The developer will also be  
32 extending the perimeter sidewalk along SH 205 as well as tie into other pedestrian walkways that  
33 currently exist in the center. Additionally, an outdoor seating area has been provided at the southwest  
34 corner of the building in an effort to meet the PD-70 requirement for pedestrian-oriented design.  
35 Overall, the site plan complies with the approved concept plan from the SUP ordinance.

38 Since the review of the SUP, the applicant has increased the parking area to 49 spaces,  
39 which exceeds the minimum requirement of 47 spaces. The drive-thru features two (2) order locations  
40 that is intended to increase efficiency and circulation, as well as sufficient stacking lanes and an  
41 "escape lane" to meet City specifications. An 8-ft dumpster enclosure and small enclosed storage  
42 building is located at the rear of the site, both of which will feature brick/stone materials to match the  
43 primary building.

46 The landscape plan illustrates that approximately 23% of the site is open space, exceeding  
47 the City's minimum requirement of 15%. Additionally, a buffer exceeding the 20-ft requirement for the  
48 N SH 205 Overlay district has been provided. It should be noted that because of a 20-ft NTMWD  
49 water easement taking up much of the buffer, the required buffer plantings are relegated to a  
50 relatively narrow area immediately adjacent to the parking spaces. Further, the applicant is requesting  
51 consideration that 3 of the required 7 "canopy trees" and 2 of the required 9 "accent trees" be allowed  
52 to be planted in other locations on the site. It is staff's recommendation that this proposal be  
53 considered, given the easement limitations within the landscape buffer. The applicant has distributed  
54 these planting materials along the north property line along the main drive into the shopping center as  
55 well as additional trees within the parking islands.

2 A condition of the SUP was that the outdoor seating area and drive-thru area be landscaped  
4 as well. The applicant has complied with this standard by offering a combination of trees, shrubs,  
6 groundcover, boulders and enhanced paving in both locations. The seating area also features a  
8 tubular steel fence to provide more physical separation from the adjacent drive aisle.

10 The applicant has provided a revised photometric plan and cut sheets/photo renderings of all  
12 light fixtures. The light levels have been reduced to 0.2-FC or less at the front property line adjacent  
14 to SH 205, which complies with City specifications. The maximum lighting height for all fixtures will be  
16 20-ft, and it appears the fixtures to be used in the parking lot will match those used elsewhere in the  
18 Stone Creek Retail development. The plan appears to meet all other requirements of the City's  
lighting ordinance.

20 The building elevations illustrate a building with a maximum overall height of 24'8" (primary  
22 wall is 19'3"). The proposed materials are a combination of brick and two different types of natural  
24 stone. The materials match or complement materials used on the balance of the Stone Creek Retail  
shopping center. The building is accented with awnings, canopies and architectural features on all  
four sides of the structure complying with Overlay standards.

26 Hampton stated the applicant has submitted a cross-section detail showing that the rooftop  
28 equipment will be screened by the proposed parapet roof system. Staff has included a condition that  
30 all equipment – including HVAC, vent hoods, etc - shall be screened, which can be verified in full  
32 detail at the time of building permit submittal.

34 A revised elevation has been submitted, in which the applicant has illustrated some  
36 "shadowing" to better represent the articulation of the building. More importantly, the architect has  
38 enhanced the south entrance and varied the parapet heights in the rear 2/3 of the building to provide  
40 more vertical articulation as viewed from each side. The entrance element on the south elevation has  
42 been raised above the parapet height as well as extended out approximately 3'4" to provide more  
44 massing as encouraged at the Architectural Review Board meeting on January 11th.

46 Hampton reported that the Architectural Review Board earlier in the evening had  
48 recommended approval of the site plan/elevations with the following stipulations:

- 50 1. Increase width of stone "hearth element" on drive-thru side of building.
- 52 2. Increase height of stone element on rear elevation.
- 54 3. Additional articulation/material change on south elevation in between two service doors.

56 As submitted, the proposed building elevation does require one variance to the North SH 205  
58 Overlay district requirements, specifically the Rooftop Design standards. As in other Overlay districts,  
60 any building less than 6,000-sf requires a full pitched roof system. The proposed McDonalds features  
62 a flat roof with parapet walls. It should be noted that in many cases, variances to the pitched roof  
64 requirement have been approved for similar restaurants in the City. In close proximity to this site, a  
variance was approved for the Sonic at SH 205 and FM 552. Other examples include Steak N Shake,  
Taco Cabana, In N Out Burger, and Logan's Roadhouse. The variance to the N SH 205 overlay  
standards requires a super majority (3/4) vote of Council members present for approval.

66 Staff recommends approval of the site plan with the following conditions:

- 68 1. Adherence to all engineering and fire department requirements.
- 70 2. All rooftop mechanical equipment must be fully screened from horizontal view.
- 72 3. Adherence to all Architectural Review Board requirements.

74 Herbst inquired about who decides which of the three (3) options of outdoor seating is going  
to be utilized. Hampton stated that typically that is left up to the developer. There was discussion  
regarding the landscaping and the buffer. Hampton stated what is being presented at this meeting is



2 what the applicant is asking for approval of. Renfro stated that McDonald's is doing everything that  
4 the Commission is asking of them. There was discussion regarding the "hearth element" and changes  
6 proposed by the ARB. Hampton stated the way the case is being presented today, the applicant is  
meeting the City's standards.

8 John Christen, 9628 Heatherdale, Dallas and representing McDonalds, was present to  
answer questions. Minth stated that she would lean more towards having more planters in the seating  
10 area. Herbst inquired about the chimney. Mr. Christen stated whatever the ARB wants, he is fine with.

12 **Commissioner Minth made a motion to approve SP2010-015, a request by Cameron  
Slown of Adams Engineering for approval of a site plan for McDonald's Restaurant,  
14 being a 4,700-sf drive-thru restaurant located on a 1.32-acre part of Lot 6, Block A,  
Stone Creek Retail Addition, which is zoned (PD-70) Planned Development No. 70  
16 district and situated along the east side of North Goliad (SH 205) north of Bordeaux  
Drive, with staff recommendations and stated that she would like to go with the ARB  
18 recommendations.**

20 Jackson stated she believes the ARB is asking the applicant to go above and beyond. She  
cannot second this motion as it has been proposed. Herbst stated he does not agree with the hearth  
22 element idea but does agree with the other recommendations from the ARB. Buchanan requested  
clarification of the ARB's recommendations.

24 David Larson, 633 Sorita Circle, Heath and architect for McDonalds, gave further clarification  
on the ARB's request regarding the hearth element. He stated that is not a featured element that  
26 McDonald's usually has. There was discussion regarding the use of a canopy or changing the  
material around the service doors. He stated they do not want the draw attention to a door that the  
28 guests would not be able to use.

30 There was discussion of the added square footage with the ARB's requests regarding the  
vestibule. Buchanan inquired whether the same effect could be accomplished by changing the brick  
32 instead of enlarging the entryway.

34 Jackson stated she is not in favor of raising the arch or of changing anything. She stated that  
it should be left the way it is. Stubbs agreed that it should be left as is.

36 **Commissioner Minth amended her motion to approve SP2010-015, a request by  
38 Cameron Slown of Adams Engineering for approval of a site plan for McDonald's  
Restaurant, being a 4,700-sf drive-thru restaurant located on a 1.32-acre part of Lot 6,  
40 Block A, Stone Creek Retail Addition, which is zoned (PD-70) Planned Development No.  
70 district and situated along the east side of North Goliad (SH 205) north of Bordeaux  
42 Drive, with staff recommendations 1 and 2 but to exclude the additional changes  
recommended by the Architectural Review Board.**

44 **Commissioner Buchanan seconded the motion.**

46 **It was voted on and passed 7 to 0.**

48 **MIS2011-002**

50 **Discuss and consider a request by Karin Sumrall of The Woodmont Company for approval of  
a variance to the outdoor lighting requirements of the Unified Development Code, specifically  
52 to allow for directional light fixtures in association with the existing Best Buy store on Lot 6,  
Block A, Rockwall Business Park East Addition (aka Rockwall Plaza Phase I), which is zoned  
54 (C) Commercial district and located at 995 East IH-30, and take any action necessary.**

56 Hampton stated, on behalf of Best Buy, Karin Sumrall of the Woodmont Company has  
submitted a formal request for variance to the City's lighting standards. Recently, it was noticed by

2 staff that unauthorized "flood-light" type fixtures were installed on existing parking lot poles in front of  
4 Best Buy for the purpose of directing light at the front facade/signage. The City's lighting ordinance  
requires all lighting to be oriented downward and be full cut-off type with a maximum 1" reveal.

6 The Commission was given pictures of the existing lights that the City has asked Best Buy to  
8 remove. In no situation would staff recommend the use of the existing flood lights as they produce  
high horizontal glare that could be a nuisance. Best Buy would like to utilize a less invasive fixture  
10 that could still direct some light to the front of their store. Attached are two (2) options the applicant is  
proposing for consideration. The first is a fixture similar to one approved by the Commission for the  
12 Honda of Rockwall auto dealership (which has yet to be constructed). These fixtures have an  
enclosure that narrowly focuses the light on the desired element, but is intended to completely shield  
14 the light source so that it cannot be seen from adjacent properties or right-of-way. The second option  
is a similar style of light fixture; however, the surface of the light appears to be flush with the edge of  
16 the canister instead of recessed back.

18 Staff feels like the proposed fixture, or one similar to it, could be a viable option as long as it  
produces no glare to passing motorists or creates other issues that would be contrary to the intent of  
20 the ordinance. Ultimately, the consideration of the variance to the lighting standards is a judgment call  
for the Planning and Zoning Commission.

22 Buchanan inquired what the difference is between this one and the one from the Honda  
dealership. There was discussion regarding, if this request is granted, will it open up the door for  
24 every store to request the same lighting.

26 Karin Sumrall, The Woodmont Company, 2100 W. 7<sup>th</sup> Street, Ft. Worth, stated these lights  
have been there for a long time. She stated the desire is to have the lights on one pole. She further  
28 stated they are trying to find the right light for the area and the company.

30 Hampton stated Honda is the only business that has been approved for this type of variance.  
LaCroix stated that Chase Bank had a code violation due to their lighting. He stated that it is a similar  
32 situation to this one. Herbst stated that the Honda is a stand-alone building. He stated that a shopping  
center with multiple tenants that might want to do this would be a different matter and that he cannot  
34 support it.

36 **Commissioner Jackson made a motion to deny MIS2011-002, a request by Karin Sumrall  
of The Woodmont Company for approval of a variance to the outdoor lighting  
38 requirements of the Unified Development Code, specifically to allow for directional light  
fixtures in association with the existing Best Buy store on Lot 6, Block A, Rockwall  
40 Business Park East Addition (aka Rockwall Plaza Phase I), which is zoned (C)  
Commercial district and located at 995 East IH-30.**

42 **Commissioner Buchanan seconded the motion.**

44 **It was voted on and approved (denied) 7 to 0.**

46 **MIS2011-003**

48 **Discuss and consider a request by David Reno for approval of a special request to the  
standards of the (PD-75) Planned Development No. 75 district (Ord 09-37), specifically to allow  
50 for the expansion of a non-conforming accessory building(s) on the property located at 218  
Russel Drive, being Lots 1228-1230, Rockwall Lake Estates Phase 2, and take any action  
52 necessary.**

54 Gonzales explained that the applicant, David Reno, is requesting a special exception to allow  
for the expansion of a metal accessory structure within Lake Rockwall Estates. Mr. Reno has  
56 submitted a letter of explanation, elevations, site plan, and a materials inventory.

2 The proposed structure would expand a non-conforming accessory structure from one  
4 hundred fifty (150) sq-ft to approximately four hundred ten (410) sq-ft and be attached to the existing  
6 four hundred (400) sq-ft carport. The proposed structure will be ten (10) ft in height and will consist of  
8 metal siding, matching the existing accessory structure. Also, the non-conforming accessory structure  
sets back approximately seven (7) ft from the primary residence as opposed to the ten (10) ft  
requirement for the distance between separate buildings.

10 Gonzales discussed the PD-75 Development Standards for Lake Rockwall Estates, including  
12 the ability for the City to consider special requests. He stated that staff does feel the request for the  
proposed accessory structure to merit consideration of the special exception, and that this to be a  
judgment call for the Planning and Zoning Commission and the City Council.

14 Should the special exception be approved, staff recommends the following conditions:

- 16 1. Adherence to Engineering and Fire Department standards.
- 18 2. Submittal and approval of building permit.
- 20 3. The accessory structure must adhere to the structural and material requirements of the  
22 building code.

24 Buchanan inquired what number of accessory buildings would be permitted in this area. He  
26 stated there are now four and two will be joined, and that it seems like a lot of buildings. Gonzales  
stated the limit in PD-75, which is same for other SF areas in the City. LaCroix stated that a carport is  
not considered in that category. Buchanan stated there will still be three (3) buildings. There was  
discussion regarding the different heights of the structures and whether they will match each other  
and blend to look like one building.

28 David Reno, 218 Russel, Rockwall, stated he has been living in this area for 14 years. He  
30 gave the background of the property and what his future plans are for the buildings and the property.  
He explained the need for the additional structure, and outlined the things that he is going to store in  
the storage area. He stated the colors on all the buildings will match.

32 Herbst stated that he does not have an issue with the applicant's request. McCutcheon stated  
34 that he is also in favor with the applicant's request. Buchanan inquired whether the end result is going  
to look like one building or two separate buildings put together. Mr. Reno stated that it is going to look  
like one building.

36 **Commissioner Buchanan made a motion to approve MIS2011-003, a request by David  
38 Reno for approval of a special request to the standards of the (PD-75) Planned  
40 Development No. 75 district (Ord. 09-37), specifically to allow for the expansion of a  
non-conforming accessory building(s) on the property located at 218 Russel Drive,  
42 being Lots 1228-1230, Rockwall Lake Estates Phase 2, with staff recommendations.**

44 **Commissioner Stubbs seconded the motion.**

46 **It was voted on and passed 7 to 0.**

48 **SP2011-001**

50 **Discuss and consider a request by Mark Pross of Pross Design Group, Inc., for approval of  
special exceptions to the Unified Development Code, in association with an administrative site  
52 plan for a proposed 119,745-sf expansion to SPR Packaging, located on Lot 1, Block A, SPR  
Packaging Addition, being 10.8672-acres zoned (LI) Light Industrial District and located at  
1480 Justin Drive, and take any action necessary.**

54 Hampton stated the staff is currently administratively reviewing the site plan for the expansion  
of SPR Packaging. SPR Packaging is an industrial business located at the northwest corner of Justin

2 Road and Industrial Street. The subject site is a 10.8672-acre tract known as Lot 1, Block A, SPR  
4 Packaging Addition and is zoned LI (Light Industrial). The site plan includes building elevations,  
lighting, landscaping and other elements generally required for the review process. The applicant is  
requesting certain waivers to the City's requirements which include the following:

- 6 • Reduction of required parking of 214 spaces to 100 spaces. The applicant has  
indicated the maximum number of employees to be 95 after this expansion.
- 8 • Elimination of the 20% stone requirement by substituting a cast stone form-liner on  
10 the wall panels. The applicant has included an elevation study to indicate the areas  
that are proposed to receive the cast stone form-liner.
- 12 • Elimination of the horizontal articulation requirement for the south elevation facing  
Justin Road.
- 14 • Elimination of the required parking lot landscaping requirements for the proposed  
south parking lot.

16 Hampton briefly discussed the parking requirements from the Unified Development Code,  
and that there is a provision that allows the Commission to consider a reduction in parking if the use  
18 would warrant such a reduction. As has become the trend in planning, staff is also concerned with the  
building's ability to be recycled with another use in the future. With that in mind, staff requested that  
20 the applicant include future parking on the site plan to ensure that if needed the parking requirements  
could be met. Hampton added that in November and December of 2006 the Planning and Zoning  
22 Commission and the City Council approved a similar parking waiver for Phase I of SPR.

24 Hampton then discussed the construction materials requirements from the Unified  
Development Code, and that exceptions to these requirement, including allowing concrete tilt-up  
26 walls, may be permitted on a case by case basis by the Council. He added that the Planning and  
Zoning Commission and the City Council also approved the use of tilt-wall and form-liner in place of  
28 stone for Phase I of SPR in 2006 .

30 Hampton then explained the building articulation requirements of the Unified Development  
Code, and explained that the articulation requirements were met on Phase I. However, with the  
32 expansion being approximately three times the size of Phase 1, the applicant is requesting relief for  
Phase 2, though they have provided the required vertical articulation on the south elevation.

34 Finally, Hampton discussed the landscaping requirements as it pertains to this site. He  
36 explained that in a meeting with the applicant earlier in the day, staff went over the landscaping  
issues and believes they have come to an agreement on the outstanding tree mitigation for the  
38 project. The applicant would prefer not to put landscape islands in the parking area in question  
because it is also their existing and future truck loading area.

40 Frank Richardson, 11297 Covy Point Lane, Frisco, stated the reasons for the requested  
42 variances. He stated they are extensions of the variances from the 2006 and 2007 case. He  
described the articulation they are proposing and the trees they are planting along Justin Road. He  
44 stated they should meet the City's requirements. He further stated the trees that have to be taken  
down on the site. He stated they do know they have to mitigate the amount and they are willing to do  
46 so. He stated the trees would be planted closer to Justin Road in case a future owner may need the  
property to meet parking requirements.

48 There was discussion regarding the type of business that is run out of the property. Mr.  
50 Richardson described the business. He stated they are building a larger building than they need  
currently, but he stated that it will never be cheaper to build than it is right now.

52 Stubbs inquired whether the parking plans should be a concern for the Commission. LaCroix  
54 stated he does not have a problem with the existing parking due to the fact there is an area for future

2 parking shown. Hampton stated that a condition could be added that requires the additional parking  
4 should be building change ownership and the future use requires the spaces.

6 **Commissioner Stubbs made a motion to approve SP2011-001, a request by Mark Pross  
8 of Pross Design Group, Inc., for approval of special exceptions to the Unified  
10 Development Code, in association with an administrative site plan for a proposed  
12 177,288-sf expansion to SPR Packaging, located on Lot 1, Block A, SPR Packaging  
14 Addition, being 10.8672-acres zoned (LI) Light Industrial District and located at 1480  
16 Justin Drive, with staff recommendations with the following conditions.**

- 18 **1. Should the business change, the new business would have to add additional  
20 parking if needed.**

22 **Commissioner Renfro seconded the motion.**

24 Renfro stated that his concern was economic impact and the overall value of the property  
26 deteriorating. He stated that parking is significant when it comes to commercial real estate.

28 **It was voted on and passed 7 to 0.**

30 **DISCUSSION ITEMS**

32 **Z2011-001**  
34 **Discuss and consider a request by Mike Regan of Regan Custom Homes for approval of a  
36 Specific Use Permit (SUP) to allow for an additional accessory building not otherwise allowed  
38 by Article IV of the Unified Development Code, on the property located at 2585 Rolling  
40 Meadows Drive, being 4.39-acres zoned (SF-E/4.0) Single-Family Estate district and known as  
42 Lot 5, Block A, Rolling Meadows Estates.**

44 Gonzales stated the background of this case and what the applicant is requesting. Gonzales  
46 stated how the accessory structure code reads. Gonzales stated the history of the existing pool  
48 house. He stated the size of the proposed cabana and the materials that it will be constructed from.  
50 Gonzales stated the existing home next door has three structures that have been approved.

52 Mike Regan, Regan Custom Homes, stated the applicant's address as 2585 Rolling Meadows and  
54 stated the owner wants to build a cabana that he can use year around.

56 *Hampton presented Z2011-002 and SP2011-002 together.*

58 **Z2011-002**  
60 **Discuss and consider a request by Ray A. Duerer of CDA Architects for approval of an  
62 amendment to (PD-9) Planned Development No. 9 district, specifically to allow for a proposed  
64 fuel center in conjunction with the existing Kroger store located on Lot 18, Block A, Horizon  
66 Ridge Addition, being 7.1779-acres situated at 2935 Ridge Road within the Scenic Overlay  
68 district.**

70 **SP2011-002**  
72 **Discuss and consider a request by Ray A. Duerer of CDA Architects for approval of an  
74 amended site plan for Kroger, specifically to add a proposed fuel center with five (5) gasoline  
76 pumps, located on Lot 18, Block A, Horizon Ridge Addition, being 7.1779-acres zoned (PD-9)  
78 Planned Development No. 9 district and situated within the Scenic Overlay district, and  
80 located at 2935 Ridge Road.**

82 Hampton stated the applicant's request. He discussed the parking requirement for Kroger and  
84 how the proposed fuel center would impact that. He stated at times they do set up special event tents  
86 for sale items, such as for Valentine's Day, and stated those events may need to be addressed prior

2 to approval of this request. Hampton stated the building was built prior to the requirement of real  
4 stone in the overlay districts, and that the applicant is proposing to use simulated stone to match the  
6 building. At their meeting earlier in the evening, the Architectural Review Board approved the site plan  
8 and elevations subject to the architect using a natural stone that matches the cultured stone on the  
primary building. Hampton stated the landscape requirement and stated what the applicant is  
requesting. Hampton stated the photometric standard has changed as well and stated that staff will  
require that the applicant lower the light levels under the canopy.

10 Nece Braden of CDA Architects, Jeremy Yee of CEI Engineers, and Jared Sobczak of Kroger,  
12 were all present to answer questions.

14 Stubbs stated there are times that parking lot is full. There was discussion regarding why the gas  
16 pumps were not put in originally. Jackson inquired whether they are planning to have air and water,  
and Hampton demonstrated where the air and water would be located. Buchanan stated this will  
make the parking even worse. He stated this is not a great plan for traffic flow.

18 Mr. Sobczak stated they are considering not having the outside sales for Christmas trees and  
20 Valentine's Day, et cetera. He stated that if that is the tradeoff for having gas, then they would go with  
the gas. Renfro stated the parking lot is extremely busy, but that no one parks in the spots that far  
22 out. He inquired whether the ingress and egress will be altered. LaCroix stated the entrances are not  
changing. LaCroix stated the original concept from Kroger presented to staff was to rotate the gas  
24 station the other way. He stated staff was opposed to that and Kroger has changed it to the current  
location. He stated what staff is suggesting for the landscaping and outside display. He stated the  
26 cleanliness of the site is imperative. He stated the issue may not just be parking but also the  
circulation of the parking lot.

28 Hampton reiterated that by building the fuel center it will take out the possibility of them to have  
30 special events in the parking lot. Hampton stated unless there is a dedicated area on this site plan,  
the applicant will not be able to have any special events in the future.

32 Mr. Sobczak explained the importance of service to the customer to offer gasoline and the  
34 discounts that come along with it. He further stated the flow of traffic can be looked at during the  
process to see how it can be adjusted. Buchanan stated his concern for traffic flow is the southwest  
36 corner. He believes it will be a hazard if not addressed. There was discussion regarding the material  
used on the existing Kroger and the proposed material for the gas station. Minth stated her hesitation  
38 is not just the flow but also the speed with which cars pull into that parking lot.

40 Mr. Yee told the Commission they would go back and focus on the site plan and traffic circulation.  
LaCroix stated if there is shared parking in the center that may help with the eight missing spaces.

## 42 ADJOURNMENT

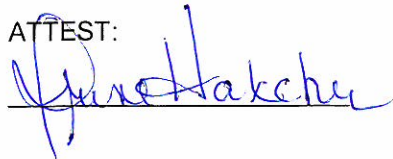
44 The meeting adjourned at 7:43 p.m.

46 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF  
ROCKWALL, Texas, this 22 day of FEB, 2010.

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52 Phillip Herbst, Chairman

54 ATTEST:

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**Minutes of  
PLANNING AND ZONING COMMISSION PUBLIC HEARING  
February 8, 2011**

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**CALL TO ORDER**

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The meeting was called to order by Vice Chair Connie Jackson at 6:00 p.m. with the following members present: Barry Buchanan, Kristen Minth and John McCutcheon. Phillip Herbst and Mark Stubbs were absent. Craig Renfro arrived at 6:05 pm.

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Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Irene Hatcher, David Gonzales and Chris Spencer.

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**ACTION ITEMS**

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**Z2011-001**

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**Hold a public hearing and consider a request by Mike Regan of Regan Custom Homes for approval of a Specific Use Permit (SUP) to allow for an additional accessory building not otherwise allowed by Article IV of the Unified Development Code, on the property located at 2585 Rolling Meadows Drive, being 4.39-acres zoned (SF-E/4.0) Single-Family Estate district and known as Lot 5, Block A, Rolling Meadows Estates, and take any action necessary.**

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Gonzales stated Mike Regan of Regan Custom Homes is requesting approval of a Specific Use Permit (SUP) to allow for an accessory structure that is not otherwise allowed by the Unified Development Code, for a property located in the Rolling Meadows Addition. The property is zoned SF-E/4.0 (Single-Family - Estate district), is situated on 4.39 acres, and is located at 2585 Rolling Meadows Dr.

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Currently, the property has 2 accessory structures. One structure is an approximately 1700 sq-ft single story pool house, with an overall roof height of twenty-seven (27) feet, which was approved in 2003 with a Conditional Use Permit (CUP) due to the height exceeding 15-ft. The pool house has an approximately 1200 sq-ft enclosed area with a 500 sq-ft open veranda. The exterior materials on the pool house match those found on the primary structure. The second structure is a 280 sq-ft cabana with six (6) concrete columns and a pitched composition roof. This structure was in existence prior to the construction of the pool house in 2003.

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Under the use standards of the Unified Development Code, the accessory building shall be accessory to a residential use and located on the same lot. By right, in the SF-E/4.0 district, no more than two (2) accessory buildings shall be allowed which are up to 625 sq-ft (each) and are 15-ft or less in height; or a single building which is up to 2000 sq-ft in area (SF-E/4.0) and 15-ft or less in height, provided the exterior cladding contains the same materials, excluding glass, as is found on the main structure and generally in the same proportion. Accessory buildings not meeting these standards shall require approval of an SUP

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Gonzales stated the applicant is proposing to demolish the existing 280 sq-ft structure and replace it with a 960 sq-ft cabana. Since there is already one accessory building less than two-thousand (2000) sq-ft on the property, an SUP is required for any additional buildings. The applicant has submitted proposed elevations and a site plan for this structure. The proposed structure will be a single story building with a roof height of 14-ft (at the mid-point of the roof), which does not exceed the 15-ft maximum height requirement of the Unified Development Code. The structure will be comprised primarily of stucco and stone and will have a pitched composition roof. The proposed structure will also include an outdoor kitchen and fireplace, with the materials and colors of the cabana matching the primary structure.

2 Staff does feel the approval of the SUP to be a judgment call for the Planning and Zoning  
4 Commission and City Council. It should be noted that a similar request to exceed the maximum  
6 square footage of two (2) accessory structures has been granted in the past, more specifically the  
property located at 2625 Rolling Meadows Dr. Furthermore, there are several properties within the  
Rolling Meadows Addition that have been granted SUPs for material, size, and/or height exceptions.

8 A public notice was published in the Rockwall County News on January 28, 2011. Also,  
10 seven (7) notices were mailed to property owners of record within 200-ft of the subject property. At  
the time of this report, staff has received one (1) notice "in favor" and none "opposed to" the request.

12 *Renfro arrived at 6:05 pm.*

14 Should the request be approved, staff would recommend the following conditions:

- 16 1. Adherence to Engineering and Fire Department standards.
- 18 2. The accessory structure shall comply with the approved site plan and elevations.
- 20 3. The accessory structure shall not exceed the maximum height of 15-ft at the mid-point of  
the roof.
- 22 4. The accessory structure shall not exceed 930 sq-ft in area.
- 24 5. The exterior cladding shall contain only materials found on the main structure.
- 26 6. The accessory structure is subject to administrative review in the event that the subject  
property is sold to another party, conveyed in any manner to another party, subdivided, or  
replatted.
- 28 7. The City Council reserves the right to review the Specific Use Permit granted herein upon  
the expiration of one (1) year from the date hereof.

30 *Jackson opened the public hearing was opened at 6:07 pm.*

32 Mike Reagan, 300 N. Sorrels Road, Royse City was present to ask that the request be  
34 granted and to answer any questions the Commission may have.

36 *With no further public comment the public hearing was closed at 6:08 pm.*

38 **Commissioner Buchanan made a motion to approve Z2011-001, a request by Mike  
40 Regan of Regan Custom Homes for approval of a Specific Use Permit (SUP) to allow for  
42 an additional accessory building not otherwise allowed by Article IV of the Unified  
44 Development Code, on the property located at 2585 Rolling Meadows Drive, being 4.39-  
46 acres zoned (SF-E/4.0) Single-Family Estate district and known as Lot 5, Block A,  
48 Rolling Meadows Estates, with staff recommendations.**

50 **Commissioner Minth seconded the motion.**

52 **It was voted on and passed 5 to 0.**

54 **Z2011-003**

56 **Hold a public hearing and consider a request by Robbie Halleen of Emmaus Church for  
approval of a Specific Use Permit (SUP) to allow for a "Church/House of Worship" in the (DT)  
Downtown district, specifically within part of the existing building located at 316 South Goliad,  
being Lot 1RA of the Cain Properties #1 Addition, and take any action necessary.**

Hampton stated the applicant has submitted an SUP application as part of a request to  
establish a new church in the "DT" Downtown district. An SUP has been required for the downtown  
area since the district was created in 2007, though there are other existing churches (e.g. Joy  
Lutheran) that were in place prior to the zoning. In staff's opinion, the SUP requirement is intended to  
ensure that any new church does not negatively impact the downtown area in terms of parking  
availability, and that any new construction or expansion of an existing church is in keeping with the  
DT requirements in terms of building scale and context.



2 The subject request by Emmaus Church is to occupy a part of the existing multi-tenant  
4 building located at 316 South Goliad. The church is currently in another location in Rockwall, and the  
6 proposed location would allow them to expand and include office/classroom uses typically associated  
8 with a church.

10 The City's parking requirement for a church is one space per four seats in the main  
12 sanctuary. The applicant's exhibit indicates 130 seats in the sanctuary, which requires 34 parking  
14 spaces. There are approximately 100 parking spaces at the shopping center. Many of the existing  
16 tenants operate and utilize the parking spaces during traditional business hours while the church  
18 expects their demand to be primarily on Sundays and to a lesser extent weekday evenings. Staff  
20 feels like based on this mix of uses, the existing supply of parking could handle the church use.

22 Notification of the proposed SUP was published in the newspaper as required. In accordance  
24 with City policy, notifications of all zoning cases are also published on the City's website. Notices  
26 were mailed to 31 owners located within 200-ft of the subject property. At the time of this report, one  
28 response "in favor" had been returned.

30 Staff would recommend approval of the SUP with the following condition:

- 32 1. That no overflow parking shall be allowed on the vacant lot to the north of the subject  
34 property.

36 Buchanan inquired about the hours of operation and clarified the parking requirement for a  
38 church.

40 *Jackson opened the public hearing at 6:14 pm.*

42 Robbie Halleen, 505 E. Boydston Suite 6, Rockwall was present for questions. He stated that  
44 worship would be Sunday mornings with some bible study meetings throughout the week.

46 *With no further public comment, the public hearing was closed at 6:16 pm.*

48 **Commissioner Minth made a motion to approve Z2011-003, a request by Robbie Halleen  
50 of Emmaus Church for approval of a Specific Use Permit (SUP) to allow for a  
52 "Church/House of Worship" in the (DT) Downtown district, specifically within part of the  
54 existing building located at 316 South Goliad, being Lot 1RA of the Cain Properties #1  
56 Addition, with staff recommendations.**

**Commissioner Renfro seconded the motion.**

**It was voted on and passed 5 to 0.**

**Z2011-002**

**Hold a public hearing and consider a request by Ray A. Duerer of CDA Architects for approval  
of an amendment to (PD-9) Planned Development No. 9 district, specifically to allow for a  
proposed fuel center in conjunction with the existing Kroger store located on Lot 18, Block A,  
Horizon Ridge Addition, being 7.1779-acres situated at 2935 Ridge Road within the Scenic  
Overlay district, and take any action necessary.**

Hampton stated an application has been filed on behalf of Kroger to amend the PD-9 zoning  
to allow for the development of a fuel center within the existing parking lot associated with their  
grocery store located at 2935 Ridge Road. The underlying zoning for PD-9 is General Retail. The  
7.1779-acre subject property is Lot 18, Block A, Horizon Ridge Addition, and was developed in  
conjunction with two adjacent retail strip centers located on separate tracts (Lots 17 and 19) that are  
owned by another party.

2 The original development plan was first approved in 2001 (for a "Tom Thumb" anchored  
shopping center), and in fact included a 4-pump fuel center and kiosk in association with the grocery  
4 store. The PD was amended at that time (Ord 01-43) to allow for the fuel center, but the use was  
specifically limited to a 0.8-acre area that is situated adjacent to FM 3097/Horizon Road. Kroger built  
6 the grocery store more or less in compliance with the 2001 Tom Thumb plan; however, the permitted  
location of the fuel center is now "off-site" and controlled by the owner of the adjacent retail building  
8 (Regency). It is staff's understanding that Kroger's preference is for the fuel center to be located on  
their own property and in front of their store.

10 A full site plan submittal (including elevations, landscape plan, and lighting plan) has been  
submitted concurrently for review by the Planning and Zoning Commission. The site plan indicates  
12 the proposed development would reduce the provided parking on the property by 34 spaces. It's  
important to note that the reduction of the parking field for Kroger reduces the parking below the City's  
14 required level for retail development by eight (8) parking spaces. Essentially, approval of the PD  
amendment as submitted constitutes a "variance" to the City's parking standard.

18 The reduced parking - coupled with the potential for increased traffic due to the fuel center -  
could create traffic and circulation issues for what remains a heavily utilized shopping center. Further,  
20 staff feels the Commission and City Council should address Kroger's traditional use of the area  
allocated for the fuel center for seasonal events such as Christmas tree sales or Valentine's Day tent  
22 sale. If approved, staff would recommend that the Council consider restrictions on these types of  
special events which, if they were to continue, could exasperate the parking issue.

24 Finally, staff would encourage the Commission and Council to consider a limitation of outside  
display at and around the fuel center. Currently, the applicant has indicated only an ice machine  
26 adjacent to the fuel kiosk. The City has been consistent with this requirement in recent years. It  
should be noted that with the similar fuel center that was developed in conjunction with Tom Thumb in  
28 north Rockwall, the only authorized outside display is an ice machine (which was painted to match  
the exterior materials of the kiosk). Prior to that, Murphy Oil was approved in front of the Walmart  
30 Supercenter under the condition that no outside display be permitted.

32 Ultimately, staff feels that approval of the PD amendment is a judgment call for the  
Commission and Council given the high use of the existing parking lot and the reduction in parking  
34 that would result with the proposed fuel center. On the positive side, the applicant has oriented the  
fuel center "perpendicular" to FM 740 as encouraged by staff, and will be adding 17 new trees within  
36 the street buffer and in other areas around the fuel center to minimize any negative visual impact to  
the shopping center. The associated lighting plan has also been revised since the Planning  
38 Commission's work session to meet current City specifications relative to maximum light levels under  
the canopy, and the fuel canopy structure will feature natural stone columns that should match the  
40 existing Kroger store but also meet Overlay requirements.

42 Notice of the zoning change was published in the newspaper, and a zoning change sign was  
44 posted on the property along Ridge Road. Notices were mailed to 19 owners within 200-ft of the  
subject property. At the time of this report, no responses had been received. Hampton stated that  
46 staff received a notice this week that is opposed to the zoning change.

48 If approved, staff would offer the following recommendations:

- 50 1. The development shall strictly adhere to the approved concept plan (Exhibit A),  
landscape plan (Exhibit B) and building elevations (Exhibit C).
- 52 2. Approval of the concept plan constitutes approval of a variance to the City's minimum  
parking standards.
- 54 3. Approval of full site plan by the Planning and Zoning Commission shall be required.
- 56 4. No outside display of merchandise shall be permitted within or around the proposed fuel  
center, except for the ice machine as shown on the concept plan and elevations, which  
shall be painted to match the exterior materials of the adjacent kiosk. However, the

2 grocery store shall continue to display merchandise as permitted under the City's  
3 "incidental display" requirements of the Unified Development Code.

- 4 5. No seasonal sales of merchandise or other special event (e.g. Christmas tree sales,  
5 Valentine's Day tent sale) that would result in a further reduction of the required parking  
6 spaces shall be allowed on the property, unless specifically permitted on a case-by-case  
7 basis by the City Council.

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10 *Jackson opened the public hearing at 6:26 pm.*

11 Ray Duerer, (CDA Architects) 14403 Corner Stone Village Drive, Houston addressed the  
12 parking issue. Buchanan commented on the changes made to the site plan on the southwest corner  
13 of the lot. He stated the parking is still an issue. He stated he does not see how this new addition will  
14 not hurt Kroger's business. Renfro inquired whether some of the cart returns or grassy islands can be  
15 removed.

16 Jared Sobczak (Kroger Engineering) 1331 E. Airport Freeway, Irving stated the cart returns  
17 are a convenience for the customer. He stated the landscape islands are a landscape requirement by  
18 the City. He stated the air and water machine's location is flexible, but they are also a convenience for  
19 the customer. He stated if it is an issue for the Commission they would be willing to remove it, but that  
20 they have already changed the location of them and made the space for them larger.

21 McCutcheon inquired if there will be diesel offered and asked if it will be offered at all pumps.  
22 Mr. Sobczak stated which pumps will be offering diesel. Minth stated she does not like the canopy.  
23 She stated she would have a hard time approving the appearance of this. Mr. Sobczak stated they  
24 are flexible. He stated that a pitched roof will block visibility to the store. He showed some examples  
25 of fuel centers at different Kroger stores. Hampton stated that staff is proposing that the elevation be  
26 tied to the zoning recommendation.

27  
28 LaCroix stated the background of working with Kroger over the last year. He described the  
29 discussions staff has had regarding the placement of the fuel center so the visibility of the store  
30 remains. He stated staff and Kroger have had discussions regarding having the fuel station blend in  
31 and not block visibility of the store. There was discussion regarding where the fuel drops would be  
32 and how often the tanks would be filled.

33  
34 Danny Murphy, 2910 Ridge Road, who owns Park Avenue Cleaners and Murphy Plaza  
35 across Ridge Rd from this location, stated the background of his business experience in Rockwall. He  
36 stated that the Kroger store has helped his business, but stated he is not in favor of the fuel station.  
37 He pointed out where and how many other pumps are in the same vicinity. He stated he is not  
38 opposed to progress, but is not in favor of this. He stated that this is not conducive to the Scenic  
39 Overlay District. He stated this area has enough gas pumps already.

40  
41 *With no further public comment, the public hearing was closed at 6:43 pm.*

42  
43  
44  
45 **Commissioner Renfro made a motion to approve Z2011-002, a request by Ray A. Duerer  
46 of CDA Architects for approval of an amendment to (PD-9) Planned Development No. 9  
47 district, specifically to allow for a proposed fuel center in conjunction with the existing  
48 Kroger store located on Lot 18, Block A, Horizon Ridge Addition, being 7.1779-acres  
49 situated at 2935 Ridge Road within the Scenic Overlay district, with staff  
50 recommendations.**

51 Minth stated she would like some discussion. She stated she is having trouble approving this  
52 request and will not be able to second this motion. Renfro stated he understands the problem with the  
53 congestion. He stated that businesses have selected Rockwall for expansion and he does not want to  
54 discourage businesses that will increase our tax base and employment to our citizens. He stated  
55 Kroger listened to staff and made the changes that were asked of them.

2 Buchanan stated that he is in favor of growth also, but this can send the wrong message. He  
4 stated he does not want to make a congested area even more congested. He stated he does not  
want a negative affect with the public.

6 McCutcheon stated just because someone wants to spend money does not mean we have to  
8 say yes. He stated this is a chance Kroger is taking that their customers may swear them off. He  
stated he and his wife struggle with the parking lot already.

10 Jackson stated she is in favor of this because of the convenience to the customers.

12 Hampton clarified that the elevation will be tied to the ordinance amending the PD, and the  
14 Commission should talk about any issues anyone may have with the look of the fuel station if they are  
16 considering a recommendation to approve. Minth stated she understands the convenience of having  
the fuel station, but feels the fuel center needs more of a pitched roof. She stated that it is going to be  
18 seen with or without the pitched roof. She stated she will not be able to second the motion with the  
flat roof. Minth presented a picture on her phone of an example of the type of roof she would like to  
see (i.e. 7-Eleven in Frisco).

20 Mr. Sobczak stated he can change the roof of the fuel station to a Mansard roof. There was  
22 discussion regarding the color of the awnings and roof line, and Mr. Sobczak stated they had  
changed the colors to an earthtone scheme in certain locations.

24 **Renfro amended his motion to require that the elevations be amended to include a  
26 Mansard roof and the color to be earth tones to match the Kroger building.**

28 **Commissioner Minth seconded the motion.**

30 **It was voted on and passed 3 to 2. (McCutcheon and Buchanan against)**

### 32 **SITE PLANS / PLATS**

34 **SP2011-002**

36 **Discuss and consider a request by Ray A. Duerer of CDA Architects for approval of an**  
38 **amended site plan for Kroger, specifically to add a proposed fuel center with five (5) gasoline**  
**pumps, located on Lot 18, Block A, Horizon Ridge Addition, being 7.1779-acres zoned (PD-9)**  
**Planned Development No. 9 district and situated within the Scenic Overlay district, and**  
**located at 2935 Ridge Road, and take any action necessary.**

40 Hampton briefly outlined the issues that were already addressed with the previous agenda  
42 item, such as parking and outside display of the ice machine. Hampton stated the reconfiguration of  
the parking lot requires the removal of six (6) Bald Cypress trees, which the applicant has indicated  
44 have grown to approximately 48" overall. The applicant has mitigated for those by providing 17 new  
4-inch caliper trees (or 68"). The additional trees are provided in an effort to bring the FM 740  
46 landscape buffer closer into compliance with current Scenic Overlay requirements. There are 7 new  
Live Oaks proposed within this buffer, which also features existing Oak trees and a solid hedge of  
shrubs adjacent to the existing parking spaces.

48 The photometric plan indicates the removal of several parking lot light poles, which would  
50 obviously be replaced with the lighting associated with the fuel center. The applicant has reduced the  
lighting levels on the photometric plan in order to comply with the City's maximum 35-FC standard  
52 "under canopy." A cut-sheet of the canopy lighting has also been provided showing that these new  
fixtures would be cut-off and recessed into the canopy as required by City ordinance.

2 Elevations for the fuel center are included and illustrate the canopy structure has a maximum  
4 height of 19-ft, which will be raised a bit with the Mansard element, while the kiosk is 11-ft in height.  
The elevations have been revised to also show the proposed location of the ice machine on the site.

6 Both the kiosk and the columns of the canopy feature a concrete base and natural "field  
8 stone" that will match the existing Kroger store. The existing store and retail buildings were approved  
10 prior to the City's natural stone requirement, and thus were constructed using a cultured stone  
12 product. At their January 25, 2011 meeting, the Architectural Review Board approved the elevations,  
but recommended that the new materials be a natural stone that would match the Kroger store. The  
applicant has stated in their response letter that a natural stone has been found that will match the  
cultured material used on the store.

14 Contingent on City Council approval of the related amendment to PD-9 (Case # Z2011-002),  
16 staff would recommend approval of the site plan under the following conditions:

1. Adherence to all engineering and fire department requirements.
2. Separate permit(s) required for all signage.

18 Hampton added that the Commission will also need to include the same conditions relative to  
20 the canopy roof and earth tone colors.

22 Danny Murphy, 2910 Ridge Road, Rockwall asked if he could speak, and Jackson allowed it.  
24 Mr. Murphy inquired about the number of gas pumps that are being requested. He stated that with  
this fuel station, the area will have well over 30 pumps. He stated he feels this is cluttering an already  
26 cluttered area. He does not want to stand in the way of progress, but this might be an issue for City  
Council. Minth stated that she does not disagree, but feels that she has to think about what will  
28 happen in the future in this area.

30 **Commissioner Minth made a motion to approve SP2011-002, a request by Ray A. Duerer  
of CDA Architects for approval of an amended site plan for Kroger, specifically to add a  
32 proposed fuel center with five (5) gasoline pumps, located on Lot 18, Block A, Horizon  
Ridge Addition, being 7.1779-acres zoned (PD-9) Planned Development No. 9 district  
34 and situated within the Scenic Overlay district, and located at 2935 Ridge Road, with  
staff recommendations with the additional recommendations of the roof and the earth  
36 tone colors.**

38 **Commissioner Renfro seconded the motion.**

40 Renfro stated he feels this area is the right area for commercial and businesses. He stated  
further south should be kept residential. He feels this is the right thing for the city.

42 **It was voted on and passed 3 to 2. (Buchanan and McCutcheon against)**

#### 44 **DISCUSSION ITEMS**

46 **Planning Director's Report on the following Planning and Zoning Commission matters that have  
48 been recently acted on by City Council:**

- a) **Z2010-024: SUP for Rockwall Flower (1014 Ridge Rd)**

50 LaCroix stated this case was approved by City Council.

- b) **Z2010-025: SUP for Christian Brothers Automotive (Rockwall Market Center South)**

54 LaCroix stated this case was approved by City Council.

- c) **SP2010-015: McDonalds (Stone Creek Retail) – Rooftop Design variance**

2 LaCroix stated this case was approved by City Council.

4 d) **SP2011-001: Variances for SPR Packaging expansion**

6 LaCroix stated this case was approved by City Council.

8 e) **MIS2011-002: Best Buy Lighting Variance (P&Z decision appealed to City Council)**

10 LaCroix stated this case was approved by City Council and explained the discussion that took  
12 place at the City Council meeting.

14 f) **MIS2011-003: Special Exception to PD-75 (218 Russel Drive)**

16 LaCroix stated this case was approved by City Council and explained the process of the vote.

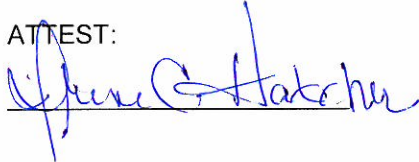
18 **ADJOURNMENT**

20 The meeting adjourned at 7:13 p.m.

22 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF  
ROCKWALL, Texas, this 22 day of February, 2011.

24 

26 Connie Jackson, Vice Chair

28 ATTEST:  
30 

2 **Minutes of**  
3 **PLANNING AND ZONING COMMISSION WORK SESSION**  
4 **February 22, 2011**

6 **CALL TO ORDER**

8 The meeting was called to order by Phillip Herbst at 6:00 p.m. with the following members present:  
9 Barry Buchanan, Connie Jackson, Kristen Minth and John McCutcheon. Craig Renfro and Mark  
10 Stubbs were absent.

12 Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Irene  
13 Hatcher, David Gonzales and Chris Spencer.

14 **CONSENT AGENDA ITEMS**

16 *Approval of Minutes* for January 11, 2011 and January 25, 2011 Planning and Zoning Commission  
17 meeting

18 Jackson made a motion to approve the minutes for January 11, 2011 and January 25, 2011.  
19 Buchanan seconded the motion.

20 A vote was taken, and the motion passed by a vote of 5-0.

22 *Approval of Minutes* for February 8, 2011 Planning and Zoning Commission meeting

24 Minth made a motion to approve the minutes for February 8, 2011.  
25 Jackson seconded the motion.

26 A vote was taken, and the motion passed by a vote of 4 -0 (Herbst abstained)

28 **DISCUSSION ITEMS**

30 **Z2011-004**

32 *Discuss and consider approval of a city-initiated request to amend the Unified Development*  
33 *Code (Ord. No. 04-38), specifically an amendment to Article IV, Permissible Uses, that would*  
34 *allow for "Auto Repair, Minor" within the "DT" Downtown district subject to approval of a*  
35 *Specific Use Permit.*

36 LaCroix provided some background to a request by Mr. Jerry Archer to find a way for him to  
37 continue his business at its current location. He stated the State purchased his property when the  
38 construction of SH205 was underway. LaCroix stated the background of the building at 306 E  
39 Washington where Mr. Archer currently operates his business. He stated Mr. Archer applied for and  
40 received approval of an SUP when he moved his business to the current location, but at that time the  
41 property was zoned General Retail. LaCroix further stated that since that time, the downtown district  
42 was expanded. He stated in the new DT zoning minor automotive repair was excluded. LaCroix also  
43 stated the existing building does not meet code. For example, the building would have to be upgraded  
44 with a fire sprinkler system. He was granted an SUP for two (2) years and the time limit is up.

46 The current proposal is to add an SUP provision in the DT district for minor auto repair. LaCroix  
47 stated there can be limitations put in the SUP if the Council grants it.

48 LaCroix stated that staff was directed from Council to send letters out to all downtown  
49 businesses. Buchanan inquired whether any notices were returned to the city. LaCroix stated that  
50 only one notice was received so far and it was in favor. There was discussion regarding the difference  
51 between major and minor automotive repair in the downtown district.  
52  
53  
54

2 Z2011-005

4 *Discuss and consider a request by Jerry Sylo of JBI Partners, Inc. for approval of a change in*  
6 *zoning from (Ag) Agricultural district to (PD) Planned Development district on a 264.6-acre*  
8 *property comprised of parcels known as Tracts 17-4, 17-13, 17-15, 17-16 and 40-8 of Abstract*  
10 *80, W. W. Ford Survey, and situated along the west side of SH 205 (S. Goliad) and south side*  
12 *of S FM 549.*

14 Hampton stated the request of the applicant. He stated where the property is located. Hampton  
16 stated the background of the property and the annexation process with regards to it and the 212  
18 agreements associated with it. Hampton showed and explained the concept plan. Hampton went over  
20 what the DRC and staff discussed regarding this development and how it relates to the  
22 Comprehensive Plan.

24 Hampton discussed the proposed open space on the current concept plan presented. He  
26 discussed the amount of proposed open space in the development. He stated the park dedication that  
28 is being proposed. Hampton further stated there is a large horse stable on the property that they  
30 would like to try to take advantage of and use as a unique park feature. He stated there are existing  
32 equestrian trails that run through the property. He stated the applicant is proposing not to use alleys  
34 in this subdivision. Hampton stated there have been subdivisions approved without alleys.

36 Buchanan inquired about the open space area that is not designated as anything and wanted to  
38 know what the proposed use is for that area. Buchanan further inquired about the phasing of the  
40 subdivision. Hampton stated that has not been decided at this time. There was discussion regarding  
42 the pad size and the size of the actual lot. There was discussion regarding the number of curb cuts  
44 shown versus what TXDOT will allow and the requirements for those.

46 Jackson stated her concerns about the park area and the lack of parking. She inquired about  
48 where the children who may live in this development would go to school. She stated she wants to  
50 make sure that the infrastructure is there.

52 Mr. Jerry Sylo, JBI Partners, 16301 Quorum Drive, Addison, discussed the proposal. He stated  
54 the property is beautiful with rolling hills, and that they are working with the topography and drainage.  
56 He stated all the lots will drain towards the streets, so there will be no cross drainage across other  
people's property.

Mr. Sylo gave the background of the equestrian arena and how it can be used to the advantage  
of the city and the development. He stated the idea surrounding the park and the intended community  
center. He further stated the arena setting would be for the residents in the surrounding area. He  
stated if the Parks Department is not agreeable to the location of the park, they are willing to relocate  
it to where the neighborhood park and Texas-shaped lake is located.

Mr. Sylo addressed the questions regarding the entrances off of SH205. He stated the reason for  
internalizing the neighborhood park is to keep the traffic volume down where children may be trying to  
cross the street to play at the park. Mr. Sylo also addressed the school issue. He stated that the  
school district has a master plan and a population projection. He went on to explain the open space  
locations. He stated when the drawing is put into the computer, the lot lines may change. He stated  
they have a lot of flexibility with the lot shape and size as this develops. There was discussion  
regarding the requirements of the overlay district.

Mintn inquired what the minimum setback is for the development. Hampton stated for these lot  
sizes the side yard setback is typically 6-ft, but that the applicant is requesting 5-ft setbacks. She  
went on to state issues with the lot size, shape and what some properties may back up to. Buchanan  
inquired whether they are proposing this to be volume builders instead of custom builders. Mr. Sylo  
stated he does not know what is going to happen, and that he does not have a builder in mind right  
now. Mr. Sylo stated the phasing in which they are anticipating the development to be built.




2 Mr. Sylo inquired of the Commissioners whether there is something that they see that they feel is  
4 not going to work. Buchanan stated he likes having the separate park area which will be accessible to  
6 the neighborhoods and then having the internal park area for the residents. Minth stated she believes  
8 they are on the right track, but that she will not be in favor of the 5-ft side setback. She stated they  
need to have either a 6 or 7-ft setback. Buchanan stated that the additional foot in the setback does  
make a huge difference and he would rather see 6-ft rather than the 5-ft setbacks.

10 LaCroix stated that the Parks Board may have to spend some extra time on this case to make it  
right. He stated that they would like to take the very best plan and get to the standard the city wants.

## 12 ADJOURNMENT

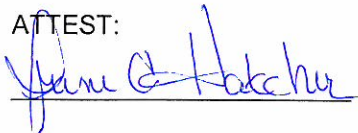
14 The meeting adjourned at 7:00 p.m.

16 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF  
ROCKWALL, Texas, this 8 day of MARCH, 2011.

18  
20 

22 Phillip Herbst, Chairman

24 ATTEST:

26 



2 **Minutes of**  
4 **PLANNING AND ZONING COMMISSION PUBLIC HEARING**  
6 **March 8, 2011**

6 **CALL TO ORDER**

8 The meeting was called to order by Chairman Phillip Herbst at 6:00 p.m. with the following  
10 members present: Barry Buchanan, Connie Jackson, Craig Renfro, Kristen Minth and John  
McCutcheon. Mark Stubbs was absent.

12 Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Irene  
14 Hatcher, David Gonzales and Chris Spencer.

16 **ACTION ITEMS**

18 *Approval of Minutes* for February 22, 2011 Planning and Zoning Commission meeting

20 Minth made a motion to approve the minutes from February 22, 2011.

22 Jackson seconded the motion.

A vote was taken and the motion passed by a vote of 5 to 0. (Renfro abstained.)

24 **CONSENT AGENDA**

26 P2011-001

28 Discuss and consider a request by Randall Pogue of Pogue Engineering & Development Co.  
for approval of a replat for Lot 1, Block A, SPR Packaging Addition, being a 10.19-acre tract  
zoned (LI) Light Industrial district and located at 1480 Justin Drive, and take any action  
necessary.

30 P2011-002

32 Discuss and consider a request by Pann Sribhen of PSA Engineering, LLC for approval of a  
final plat of Lot 4, Rockwall Market Center South Addition, being 0.9970-acres zoned (C)  
34 Commercial district and situated at the northeast corner of Ralph Hall Pkwy and Market Center  
Blvd, with staff recommendations.

36 Commissioner Minth made a motion to approve P2011-001 a request by Randall Pogue  
38 of Pogue Engineering & Development Co. for approval of a replat for Lot 1, Block A,  
SPR Packaging Addition, being a 10.19-acre tract zoned (LI) Light Industrial district and  
40 located at 1480 Justin Drive with staff recommendations, and P2011-002 a request by  
Pann Sribhen of PSA Engineering, LLC for approval of a final plat of Lot 4, Rockwall  
42 Market Center South Addition, being 0.9970-acres zoned (C) Commercial district and  
situated at the northeast corner of Ralph Hall Pkwy and Market Center Blvd, with staff  
44 recommendations.

46 Commissioner Renfro seconded the motion.

48 It was voted on and passed 6 to 0.

50 **PUBLIC HEARING ITEMS**

52 Z2011-004

54 Hold a public hearing and consider approval of a city-initiated request to amend the Unified  
Development Code (Ord. No. 04-38), specifically an amendment to Article IV, Permissible

2 **Uses, that would allow for "Auto Repair, Minor" within the "DT" Downtown district subject to**  
3 **approval of a Specific Use Permit, and take any action necessary.**

4  
5 LaCroix stated that at the February 7th, 2011 regularly scheduled City Council Meeting, the  
6 Council directed staff to initiate a text amendment to the Unified Development Code (UDC) to  
7 consider allowing a Specific Use Permit (SUP) provision for "Auto Repair, Minor" within the  
8 Downtown, "DT", zoning district. A business owner within the "DT" district who currently operates a  
9 minor auto repair business (Archer's Car Care, 306 E. Washington) made the request to Council for  
10 this change to the district.

11  
12 Mr. Archer has operated his business for over two years at this location with a "time-limited"  
13 specific use permit, which was granted while the property was still zoned "GR" General Retail. This  
14 permit has expired and the use is no longer allowed to continue unless a provision is added to the  
15 code to allow a Specific Use Permit for this type of business.

16  
17 There are certain existing conditions required to operate a minor auto repair business in  
18 general retail and commercial districts within the City. Those things include bay door placement,  
19 restrictions on outside storage of vehicles or equipment, restricted noise levels and distance  
20 separation from residential neighborhoods. If the amendment is approved these conditions would also  
21 apply to the "DT", Downtown District. Staff has added an additional provision to the list that  
22 discourages the use within 500-ft of the County Courthouse property. It should be noted that any  
23 proposed new, ground-up construction of an auto repair use would also be subject to the form-based  
24 code of the Downtown zoning district.

25  
26 The Specific Use Permit requirement allows the City Council to consider other requirements  
27 and regulations to further limit these types of businesses that can include the location, hours and  
28 days of operation, building facades, signage and additional screening.

29  
30 Being a text amendment to the Unified Development Code, staff published the required  
31 notification in the newspaper at least 15 days prior to the public hearings. In addition, notice of the  
32 proposed amendment was placed on the City's website and distributed via "eNews." Also, the Council  
33 directed staff to notify all owners in the downtown area. Staff mailed notices to every property owner  
34 on record within the "DT" district, and also hand-delivered notices to the businesses in the downtown  
35 area. At the time of this report, response has been minimal with only one (1) notice in support of the  
36 amendment being received.

37  
38 Minth asked for clarification on what effect this would have on other businesses in the future  
39 that may want to come into the downtown district. LaCroix clarified. Buchanan inquired about the  
40 requirement to sprinkler the building. LaCroix stated that Mr. Archer has agreed to sprinkler the  
41 building if this is approved.

42 *Herbst opened the public hearing at 6:12 p.m.*

43  
44 Jerry Archer, owner of Archer's Car Care, stated the background of his business. He stated  
45 that 5 – 7 years ago he was on Goliad and had a thriving business. He stated they have built a good  
46 rapport with the people around the downtown area. He described the 2-year time limit he was given  
47 when he had to move his business. He described the problems with the relocation, the economy and  
48 the Cash for Clunkers program through the government, and how those affected his business. He  
49 stated he tries to give service at a good price and cannot afford a high rent at a new location. He  
50 stated that after all of the changes, he has settled in and his business is coming back. He stated he  
51 would like to stay where he is.

52  
53 Blakeley Hall, 207 E. Rusk Street, stated he supports Mr. Archer's business. He stated he  
54 cannot see the business. He stated he uses them and everybody loves him. He stated that most  
55 downtown people support him. He stated that the State made him move and there probably won't be  
56

2 anyone else with this same request. He further stated that his business has not stopped anyone else  
4 from coming to the downtown area. He stated he has never heard anything bad about Mr. Archer's.

6 Gerald Houser, 1108 Aspen Court, owns the Ready Mix Plant on 276. He stated he is a long-  
8 time customer of Archer's Car Care and he loves where he is. He believes that business is a plus for  
10 the area. He stated he has been an asset for as long as he has been there.

12 Dean Glasscock, 393 N. Country Lane, stated his parents bought a home on Washington  
14 Street and his daughter lives there now. He stated he feels the business should stay right where it is.

16 Larry Corwin, 13 Harker Circle, stated he has been here for 9 years. He explained that when  
18 he lived in Wylie he would drive here to use Archer's. He stated that this business is exactly what  
20 Rockwall is all about, the small town feel. He stated that Jerry is a responsible business owner that  
22 respects his neighbors.

24 Dr. Barbara Montgomery, 205 N. Clark Street, stated she has been here for over 40 years.  
26 She stated her car is 24 years old and Mr. Archer has taken care of it for her all of these years. She  
28 stated that this business is part of Old Town, and that it should be protected as well.

30 Kendra Kilpatrick, 402 E. Washington Street, stated that Archer's is the only person that has  
32 taken care of her car since she started driving and she would like to see it stay.

34 Mary Hanrahan, 201 S. Clark Street, stated she has used Archer's, and that she likes that  
36 she can drop her car off and walk home. She stated she does not want to go to the chain stores. She  
38 stated this is a service we need in this area and it is an asset.

40 Ron Harper, 601 E. Kaufman Street, Chairman of the Historic Preservation Advisory Board,  
42 stated he is just reiterating what everyone else has said here tonight. He is putting his full support  
44 behind this business.

46 LaCroix stated there will also be an SUP process before this case is able to be approved, and  
48 that the hearing tonight is just for the amendment to the Code to allow Mr. Archer to request the SUP.

50 *With no further public comment, the public hearing was closed at 6:30 pm.*

52 **Commissioner Renfro made a motion to approve Z2011-004, a city-initiated request to  
54 amend the Unified Development Code (Ord. No. 04-38), specifically an amendment to  
56 Article IV, Permissible Uses, that would allow for "Auto Repair, Minor" within the "DT"  
Downtown district subject to approval of a Specific Use Permit, with staff  
recommendations.**

Buchanan stated this business is not offensive to anybody. He stated that you do not even  
know that it is there except for its sign. He stated that he is going to be in support of this  
business remaining.

**Commissioner Minth seconded the motion.**

**It was voted on and passed 6 to 0.**

**Z2011-005**

**Hold a public hearing and consider a request by Jerry Sylo of JBI Partners, Inc. for approval of  
a change in zoning from (Ag) Agricultural district to (PD) Planned Development district on a  
264.6-acre property comprised of parcels known as Tracts 17-4, 17-13, 17-15, 17-16 and 40-8 of  
Abstract 80, W. W. Ford Survey, and situated along the west side of SH 205 (S. Goliad) and  
south side of S FM 549, and take any action necessary.**

2 Hampton stated the applicant, Jerry Sylo of JBI Partners, has submitted an application on  
4 behalf of the property owner (3L Realty) to rezone approximately 264-acres from (Ag) Agricultural to a  
6 (PD) Planned Development District for a master planned community that includes single family  
8 residential housing, a public park, and other open space areas. The property, which was annexed into  
the City in October 2010, is located along the southwest side of SH 205 and southeast side of S FM  
549. The property is currently utilized as an equestrian center, with one primary residence, at least  
one other housing unit, a large enclosed arena building, and several other buildings associated with  
the operation.

10 The surrounding zoning includes single family estate development to the north (Willowcrest  
12 Estates, Oaks of Buffalo Way) and a combination of single family estate development and agricultural  
uses to the west. Several properties in the vicinity are under a current "212 Development Agreement"  
14 and have not yet been annexed. Land to the east and south of the property is located outside the  
City's jurisdiction. It should also be pointed out that there is a pending zoning change request from  
16 (Ag) to (C) Commercial for the 7-acre tract at the southwest corner of SH 205 and FM 549. That  
property was annexed at the same time as the subject tract, and has an existing office use  
18 established.

20 Hampton stated the applicant has submitted PD Development Standards and two proposed  
PD Concept Plans affiliated with the zoning change request. We have attached a copy of the  
22 proposed Planned Development District Standards for your review. It should be noted that the  
applicant has incorporated the anti-monotony standards, higher fencing standards, and other special  
24 requirements now required for all proposed Planned Developments in the City.

26 Each of the proposed PD Concept Plans are a revision of the original Plan submitted for the  
February 22nd Planning and Zoning Commission work session. These are included in your packet  
28 and labeled as "PD Development Plan" and "PD Development Plan #2."

30 The most significant change for this option is the relocation of the proposed "public park" from  
the western perimeter and inclusive of the existing arena structure, to a more centralized location  
32 adjacent to the existing "Texas-shaped" lake and private open space area.

34 Plan #2 has maintained the previous public park location at the western edge of property, but  
the majority of the adjacent lots are now "siding" to the proposed park as opposed to "backing" to it.  
36 This revision is based on recommendations of staff and the Planning Commission at the work session  
on February 22.

38 Both concept plans indicate access into the subdivision from one entry point from FM 549  
40 and three (3) entry roads from SH 205. A traffic study has also been submitted by the applicant  
outlining the anticipated impact of the development and the suggested improvements for these entry  
42 ways. These points of access are adequate for public safety and circulation of traffic in and out of the  
proposed subdivision.

44 As designed, the proposed development would not have any access points to Wylie Rd,  
46 which is a recently annexed roadway along the entire south border of the property. In addition, there  
is a small portion of frontage along Cullins Road, which currently features a secondary entrance into  
48 the equestrian center. PD Development Plan #2, which features the public park adjacent to Cullins  
Rd, would utilize this existing entrance as a primary entrance into the park. On the other hand, with  
50 PD Development Plan #1 it is not anticipated that this entrance will be maintained.

52 The principal land use for the development is single family residential. Each of the proposed  
concept plans indicates two lot types categorized as "Area A" and "Area B." Area A is designated for  
54 lots with a minimum lot size of 10,000-sf and lot width of 80-ft. All development is proposed to follow  
the SF-10 zoning requirements, except that the minimum dwelling unit size has been increased to  
56 2,200-sf. Area B is designated for lots with a minimum lot size of 8,400-sf and lot width of 70-ft. All

2 development is proposed to follow the SF-8.4 zoning requirements, except that the minimum dwelling  
4 unit size has been increased to 2,000-sf.

6 The City's future land use plan for this property indicates "low density residential" – which is  
8 defined as a density of "less than 2 units per acre" or approximately 528 units. However,  
10 Comprehensive Plan policies for all new residential growth which were adopted by the City Council in  
12 2007 and subsequently incorporated into the Planned Development regulations of the Unified  
14 Development Code allow for consideration of a density "up to 2.5 units per gross acre with the  
16 dedication and/or development of additional amenities that would exceed the minimum standards for  
18 residential Planned Developments which could include:

- 12 Parks and open space
- 14 Golf Course
- 16 Neighborhood amenity/recreation center
- 18 Integration of schools into the community fabric
- Development of trails and parks in flood plains
- Development of municipal parks and recreation facilities"

20 With this in mind, the applicant's proposed PD currently proposes a density of either 2.16  
22 units per acre (PD Development Plan) or 2.20 units per acre (PD Development Plan #2).

24 A focal point of this proposed concept plan is the open space incorporated into each plan.  
26 The 2007 Comprehensive Plan policy updates for new residential growth and the PD standards of the  
28 Unified Development Code require a minimum of 20% open space for new PDs, of which 50% can be  
30 floodplain. For the 264.6-acre development, the minimum open space dedication is 52.92-acres. Of  
32 that requirement, 50% (or 26.46-acres) can be flood plain.

34 Being recently annexed, the development is not covered by an existing Overlay district in the  
36 City. However, the applicant has proposed minimum 20-ft buffers along S FM 549, SH 205 and Wylie  
38 Rd, and has submitted a conceptual detail of the buffer plantings and screening fence proposed for  
40 the development.

42 This proposal is the first significant residential development proposed since the City's  
44 adoption of the 2007 Comprehensive Plan policy updates referenced above. Furthermore, this  
46 proposal represents the first development plan that has requested increased density "up to 2.5 units  
48 per acre" based on the "additional amenities" proposed – which was a specific provision of the 2007  
50 update for all future residential growth, including those areas shown as "low density" on the Future  
52 Land Use Plan.

54 The fundamental difference between the two concept plans presented is the location and  
56 functionality of the proposed 10-acre public park. The public park site in the "PD Development Plan"  
is merged with the large private open space that features the Texas-shaped lake, creating a desirable  
centralized location for recreational activity. The public park site in "PD Development Plan #2"  
includes the existing 64,000-sf arena and other structures that could be incorporated into a unique  
park development. Primary access for the park would most likely be from "outside" the Highgate  
development via Cullins Drive, through the existing entrance to the property.

At this point, both plans are providing additional open space and amenity that could be  
considered for increasing the density beyond 2 units per acre. Staff recommends that we submit both  
alternatives to the City's Parks Board for their review and recommendation prior to Planning and  
Zoning Commission final consideration.

Four (4) zoning change signs were posted on the subject property, and notification was  
published in the newspaper as required. In accordance with City policy, notifications of all zoning  
cases are also published on the City's website and distributed through the "eNews" network.

2 Notices were mailed to 21 owners located within 200-ft of the subject property and within the  
4 City limits. At the time of this report, two (2) responses "in opposition" have been returned.

6 At this time, based on the uncertainty of the public park options, staff would recommend that  
8 the Commission "continue" the public hearing to allow the applicant to present each plan to the Parks  
10 Board at their meeting on March 14, 2011.

12 However, if approved at this time, staff would recommend the following conditions of  
14 approval:

- 16 1. That development of the Property shall generally be in accordance with the PD Concept  
18 Plan attached hereto and incorporated herein by reference as Exhibit "B," and the PD  
20 Development Standards, attached hereto and incorporated herein by reference as Exhibit  
22 "C."
- 24 2. That a Master Parks and Open Space Plan for the Property, prepared in accordance with  
26 this ordinance and consistent with the PD Concept Plan attached hereto as Exhibit "B,"  
28 shall be considered for approval by the City Council following recommendation of the  
30 Parks and Recreation Board.
- 32 3. The following plans and plats shall be required in the order listed below:
  - 34 a. Open Space Master Plan
  - 36 b. Master plat
    - 38 i. A master plat application covering all of the Property, shall be  
40 submitted and shall identify each phase of development. No master  
42 plat application shall be approved until the Open Space Master Plan  
44 for all of the Property has been approved; however, the Open Space  
46 Master Plan may be processed by the City concurrently with the  
48 master plat application.
  - 50 c. PD site plan(s)
  - 52 d. Preliminary plat(s)
    - 54 i. A preliminary plat application shall be submitted for each phase of  
56 residential development. A PD site plan application, including a site  
plan application for improvements for parkland or trails, may be  
processed by the City concurrently with a preliminary plat application  
for that phase of the development.
  - e. Final plat(s)

The Commission discussed the minimum lot size square footage with and without the open  
space/park space area. There was discussion regarding the low-density requirement of the city.  
Buchanan stated that putting this type of density into a very low density area is changing the dynamic  
of the area. Hampton agreed and stated the applicant is basing his density level on what the land use  
plan requirements are at this time.

*Herbst opened the public hearing at 6:53 pm.*

Jerry Sylo, 16301 Quorum Drive, Addison, stated he represents the owner. Mr. Sylo stated  
the background of his submission for the development. He gave the background of the second  
alternative for the site plan. He stated his client is okay with either proposal. He stated they are willing  
to do whatever the Planning and Zoning Commission and the Park Board prefer.

Mr. Sylo gave the location of the property. He discussed the floodplain, the Texas-shaped  
lake and the arena that are currently on the property. He discussed the possibilities there are with the  
arena for a sports complex/neighborhood park. He discussed the lot size, and they are proposing to  
have 572 lots. He compared the house size requirement by the city and what size they are proposing.  
Mr. Sylo went over the design philosophy of the development. He stated their intent is to have the  
open space visible to everyone and not have houses backed up to all of the open space.



2 Mr. Sylo discussed what amount of property will be open space and how that property will be  
4 used. He stated they are proposing 71 acres of open space. He stated that some of the proposed  
6 open space is in the floodplain which is something the city cannot count, but it will be open space,  
which equates to 27 % of the development. He stated there will be a hike and bike trail.

8 Mr. Sylo stated the difference between the two different plans. He stated the only difference  
in the plans is how the park land is handled. Mr. Sylo stated his belief that the proposed plan does  
10 comply with the City's Master Plan. He stated they respectfully requests that the Commission approve  
the proposal.

12 There was discussion on how the Commission or the City makes sure the development is  
14 built as presented.

16 Minth clarified if one of the parks will be city maintained. Mr. Sylo stated that in each plan a  
10-acre public park site would be dedicated to the City. Minth inquired whether any of the properties  
18 would require the owner to have 100-year flood insurance. Mr. Sylo state, no, no one would have to  
have that type of insurance. Minth stated she does not want to have one lot so close to the floodplain  
20 that FEMA can come in and change that. Minth stated that the bridge connecting phase 1 and phase  
22 3 needs to be constructed with phase 1 for access purposes. There was discussion regarding the  
expense that goes along with that.

24 Renfro stated the density seems high for this area of town. Mr. Sylo stated that two units per  
acre complies with the City's plan. Mr. Sylo stated that what is being proposed is what people can  
26 afford with state of the economy. There was further discussion on density. Mr. Sylo stated the quality  
of the community and how the amenities proposed outweigh the lot size.

28 Buchanan stated his problem with the lot size is the type of builder that would be building in  
the development.

30 *Prior to opening the public hearing, Herbst called for a brief recess to be taken at 7:33 p.m.*  
32 *The meeting reconvened at 7:41 p.m.*

34 Bret Wilson, 535 Cullins Road, stated that Mr. Buchanan's statement that this will change the  
environment of the area is an understatement. He stated he was annexed in January, and that he is  
36 concerned what this is going to do to his property value. He stated his concerns about having 560+  
homeowners using the same roads. He stated this type of development does not fit in with the current  
38 homes in that area. Mr. Wilson stated the comparisons of the lot size with the other property in the  
surrounding developments. He further stated he is concerned on the impact on the school system as  
40 it is right now. He stated when he built his house he knew they would eventually be annexed into the  
city. He stated that the density of the property is too much and is irresponsible. He stated the  
42 developer is trying to do the best for his client but is not taking into consideration the current  
residents. He stated he would request that this not be approved as presented.

44 Mark Holmes, 2050 Silver Hawk Court, stated he built in Oaks of Buffalo Way. He stated he  
46 is currently on the HOA board, and that the neighbors that he has spoken to are not pleased at the  
prospect of this development. He stated they have a deed restriction of 3200-sf home size, and that  
48 they are on 1.5 acre lots. He stated this is a drastic change in the environment. He stated there are  
no privacy fences or front facing garages. He went on to discuss the property value. He stated he is  
50 already down 20% and this would only aggravate that. He went over the volume of traffic. He stated  
his concerns with the school district. He stated his concerns about the infrastructure. He stated the  
52 number of houses that are for sale in this area and stated this is not a good idea for this area. He  
stated the developer has met the legal requirements for the city, but not for the residents in this area.

54 Anthony Cox stated he is not in the 200-ft buffer area but he does live in the area. He stated  
56 the purpose of the Unified Development Code as he understands it. He stated that it is supposed to  
be for the property surrounding the proposed development. He stated this use does not match the

2 area at all. He stated we don't build what we don't need. He stated that there has not been a market  
4 study on what the area needs, but that type of study would be appropriate. He stated there should be  
an impact study of the value and the need specific to Rockwall.

6 Mr. Cox discussed the land use itself. He noted that there are no alleys proposed for this  
8 development and that alleys are usually proposed. Mr. Cox stated that the majority of the open space  
10 is floodplain that would not be able to be built on anyway. He questioned what amenities are going to  
be offered to the community, and that the amenities are insufficient to trade off for the proposed  
12 density. He inquired whether the developer is going to build a community center or is going to donate  
land for a school. He stated this is going to set the standard for any developer who comes in after.

14 He continued that the traffic plan this area is marked as a "Level of Service D" which is  
"Heavy." He stated there is no plan for a 4-lane highway in that area. He stated that it is the  
16 Commission's responsibility to look forward and make sure we are not getting ahead of ourselves.  
He stated the Commission should have a full understanding of what impact this is going to have on  
18 the community. He stated that this board is not in charge of the schools, but they are responsible for  
how communities grow and develop and they should not compound the problem. He stated that since  
20 this is a planning body that it would be appropriate to have the applicant prepare a study on what the  
consequences would be to the schools. He stated then maybe the applicant will be willing to give up  
22 some of the lots and dedicate some property for schools.

24 Mr. Cox read some comments from property owners in that area. He stated how this will  
change the area permanently. He stated the commission has to decide if this is right and fair. He  
26 stated they are only asking for responsible building. He stated all the studies that are lacking to  
approve this development and move forward. He stated the reason they live here is the quality of life.  
He stated if he wanted high density he would move to Dallas.

28 Edward Burzair, 2175 Arrowhead Court, Rockwall, stated he agrees with Mr. Buchanan  
30 regarding the density issue. He stated having a gem like Rockwall this close to Dallas is a miracle. He  
stated the traffic study is based on 549 becoming a 4-lane highway and not on the existing 2-lane  
32 road that is there now. He questioned what this is going to do to the water demand in the area. He  
asked the Commission to please consider keeping this area Agricultural or at the very least keeping it  
34 lower density.

36 Mr. Sylo rebutted the statements regarding the traffic study. He stated they have not gotten  
negative feedback from the city regarding the traffic study. He stated that everything regarding traffic  
38 studies is going to be an assumption at this point. Mr. Sylo explained the different levels categorized  
in a traffic study. He stated that the developer of the property is willing to do the upgrades to the  
40 intersections and turn lanes that the traffic study says need to be done. He explained the difference  
between developing property in the county and developing in the city.

42 Mr. Sylo went on to explain the development of schools. He stated he agrees this  
44 development is different than what is out there. He stated it is not worse than what is out there, but it  
is different. He addressed the issue of alleys versus no alleys and front facing garages. He stated that  
46 some people prefer front entry and some prefer alley entries. He addressed the issues of what  
Rockwall wants to be. He stated this is what every new development looks like north of I-30. He went  
48 on to address the issue with not showing parking at the dedicated park area, and that they are going  
to leave that up to the parks department. Mr. Sylo inquired from the Planning Staff if they have a  
50 preference. LaCroix stated that the parks department will make a recommendation to the Planning  
and Zoning Commission and then make a decision.

52 Renfro stated he does not want the city to be beholden to a prototype because that is what  
54 the market looks like now. He stated that in 5 – 10 years the market may be back and we may not  
want this built as presented. He inquired how flexible the owner/developer is to changing the lot size  
56 at this point. Mr. Sylo said the Commission makes those types of decisions every day. He stated that

2 knowing the facts at the time and making the best decision at the time with the current information is  
4 the only thing anyone can do. Mr. Sylo stated that smaller lots do not make for bad neighbors.

6 Jackson stated that it is too dense for the surrounding neighborhood. She stated if she had to  
8 pick she likes the park being around the pond. She stated she can probably live with no alleys, but  
10 she does have an issue with the density. Buchanan stated that the responsibility of this body is to  
12 plan for 20 – 30 years down the road. He stated there is a lot of property for sale in Rockwall and in  
14 Heath. He stated he thinks putting this density in this environment is not a good idea. He stated he  
16 has mixed feelings on the issue of alleys. He stated he feels this is the wrong subdivision in this area.

18 McCutcheon stated he is going to agree with some of the other commissioners regarding the  
20 density. He stated that TXDOT did not pay attention to this area when the economy was good. He  
22 stated he is also flexible on the alley issue. He stated the real issue is about the community and this  
24 development is not appropriate.

26 **Commissioner Renfro made a motion to continue the public hearing for Z2011-005, a  
28 request by Jerry Sylo of JBI Partners, Inc. for approval of a change in zoning from (Ag)  
30 Agricultural district to (PD) Planned Development district on a 264.6-acre property  
32 comprised of parcels known as Tracts 17-4, 17-13, 17-15, 17-16 and 40-8 of Abstract 80,  
34 W. W. Ford Survey, and situated along the west side of SH 205 (S. Goliad) and south  
36 side of S FM 549, to the next public hearing on April 12, 2011.**

38 The applicant agreed.

40 LaCroix stated the public hearing will be open for comments from the public.

42 Minth stated she is concerned about the density, but she believes the lot sizes are what the  
44 market can support at this time. She stated her opinion on the alleys and front versus side  
46 entrance garages. There was discussion whether there is a need for this development right  
48 now.

50 Mr. Sylo explained the process of developing this property. He stated that the reality is  
52 Rockwall will continue to grow. He feels it is a quality development proposal, and that his  
54 client cannot sell a piece of agriculturally zoned land unless there is a known development on  
56 the property.

58 LaCroix explained the differences in the development standards in Rockwall now than they  
60 were 11 years ago. He stated the development standards are higher in the city than they are in  
62 the county, under which standards most of the surrounding development was built.

64 Buchanan stated that when a city considers the cost to a developer to develop property then  
66 the city is making a mistake. He stated he does not see why a contingency is being made for  
68 the park when the park does not seem to be a big deal. McCutcheon inquired why the park  
70 board has to weigh in on the decision. LaCroix stated the amenities have a lot to do with the  
72 density.

74 **Commissioner Minth seconded the motion to continue the public hearing until April 12,  
76 2011.**

78 It was voted on and passed 5 to 1, with Buchanan against.

### 80 **DISCUSSION ITEMS**

- 82 1. Discuss a joint work session with the Architectural Review Board, and take any action necessary.  
84  
86

2 Hampton stated the Architectural Review Board is requesting a joint work session because they  
want to make sure there is no disconnect between the Planning and Zoning Commission and the ARB.  
4 LaCroix stated that he believes there are going to be some applications that require architectural review  
board input so he thinks the joint session should happen sooner rather than later. The Commission  
6 stated they would let staff make the judgment about what date works best for both boards, with the next  
work session on March 29<sup>th</sup> being a possibility.

8  
10 2. Planning Director's Report on the following Planning and Zoning Commission matters that have been  
recently acted on by City Council:

12 a) Z2011-001: SUP for Accessory Building (2585 Rolling Meadows Dr)

14 LaCroix stated that City Council approved this request.

16 b) Z2011-003: SUP for Emmaus Church (316 South Goliad)

18 LaCroix stated that City Council approved this request.

## 20 ADJOURNMENT

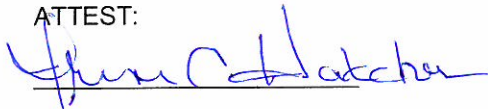
22 The meeting adjourned at 9:05 p.m.

24 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF  
ROCKWALL, Texas, this 29 day of MARCH, 2011.

26  
28 

30 Phillip Herbst, Chairman

32 ATTEST:

34 

2 **Minutes of**  
4 **PLANNING AND ZONING COMMISSION WORK SESSION**  
6 **March 29, 2011**

8 **CALL TO ORDER**

10 The meeting was called to order by Phillip Herbst at 6:00 p.m. with the following members present:  
12 Barry Buchanan, Connie Jackson, Craig Renfro, John McCutcheon and Mark Stubbs. Kristen  
14 Minth was absent.

16 Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Irene  
18 Hatcher, David Gonzales and Chris Spencer.

20 **ACTION ITEMS**

22 ***Approval of Minutes*** for March 8, 2011 Planning and Zoning Commission meeting

24 Jackson made a motion to approve the minutes for March 8, 2011.

26 Buchanan seconded the motion.

28 A vote was taken, and the motion passed by a vote of 5-0 (Stubbs abstained)

30 **P2011-003**

32 **Discuss and consider a request by Randall Pogue of Pogue Engineering & Development**  
34 **Company, Inc., for approval of a replat of Lot 6, Block A, Stone Creek Retail Addition, being**  
36 **9.3298-acres zoned (PD-70) Planned Development No. 70 district and located at 3066 N Goliad**  
38 **St, and take any action necessary.**

40 Hampton stated the submitted replat is intended to accommodate the recently approved  
42 McDonalds Restaurant, which will be located on the proposed Lot 7, Block A, Stone Creek Retail  
44 Addition, which comprises 1.32-acres of the existing Lot 6. The remaining 8-acres of the existing Lot  
46 6 will be replatted into a new Lot 8.

48 Included on the replat is the dedication of new firelane, access, utility and drainage  
50 easements required for development of the McDonalds project. The development will tie into the  
52 existing access easements and driveways from SH 205 and Bordeaux drive that currently serve the  
54 Stone Creek Retail shopping center.

The replat appears to meet all the requirements of the Planned Development No. 70 district  
as well as the underlying "GR" General Retail zoning for this property.

The landscape plan for McDonalds was previously approved with the site plan.

Staff recommends approval of the replat subject to the following condition(s):

1. Adherence to all engineering and fire department requirements.

Commissioner Renfro made a motion to approve P2011-003, a request by Randall  
Pogue of Pogue Engineering & Development Company, Inc., for approval of a replat of  
Lot 6, Block A, Stone Creek Retail Addition, being 9.3298-acres zoned (PD-70) Planned  
Development No. 70 district and located at 3066 N Goliad St, with staff  
recommendations.

Commissioner Jackson seconded the motion.

It was voted on and passed 6 to 0.

2 SP2011-003

4 Discuss and consider a request by Kevin McKibben of McDonalds Corp, for approval of an  
6 amended site plan and building elevations for the existing McDonalds Restaurant located on  
8 Lot 8R, Block A, Rockwall Towne Center Ph 1 Addition, being 1.219-acres zoned (C)  
Commercial district and located at 610 E IH-30 within the IH-30 Overlay and Scenic Overlay  
districts, and take any action necessary.

10 Gonzales stated the applicant, Kevin McKibben of McDonalds Corp, has made a request to  
12 amend the site plan and building elevations for a proposed remodel of the existing McDonalds  
14 Restaurant located at 610 E IH-30. The proposed remodel will consist of replacing the current  
mansard style roof system with parapet walls and canopies as well as additional accents and  
16 branding elements. Improvements will also be made to the sidewalks as well as bring the ADA  
parking area located on the east side of the restaurant into compliance.

18 The restaurant was built in 1985, prior to the adoption of the district's overlay architectural  
design standards. The structure has EIFS as the primary exterior material, along with stucco, a tile  
20 accent banding and brick. The site was expanded in 1999 to include the "Play Place" (located on the  
south end of the building) and was replatted to create an additional parking area on the west side of  
22 the property.

24 The proposed remodel will remove the existing EIFS and tile accents and will be replaced  
with a new EIFS finish with stone features on the east, west, and south elevations. Where stucco is  
26 present, EIFS will be applied to provide a uniformed appearance. The Play Place will have an  
aluminum louver incorporated as a window accent as well as to provide shade for the interior.  
28 Additional architectural elements incorporated will include canopies on the east and west elevations,  
a masonry wall structure on the drive-thru side that is raised above the parapet height with a branding  
30 element attached, varied roof heights, and a pre-weathered galvalume (corrugated metal) parapet  
banding.

32 The architect has provided before and after photos of a restaurant in Red Oak that has been  
remodeled and is similar in appearance to the Rockwall location along with another restaurant that  
34 has incorporated the corrugated metal parapet banding.

36 Staff does feel the remodel request to merit consideration, particularly since the existing  
structure was built prior to the current overlay design standards. The architect is attempting to tie two  
38 existing building elements together with a unified appearance of materials and color.

40 As submitted, the proposed remodel does require a variance to the Architectural Standards  
for the IH-30 and Scenic Overlay district requirements, including the use of secondary exterior  
42 materials and for the use of cultured stone in lieu of natural stone. To help minimize the variance  
request, staff has asked the architect to investigate the possibility of utilizing a natural "cut" stone that  
44 could be applied to the building similar to cultured stone.

46 Should the request be approved, staff would recommend the following conditions:

- 48 1. Adherence to Engineering and Fire Department requirements.  
50 2. Provide natural or quarried stone as opposed to cultured stone where indicated on the  
elevations if structurally possible.  
52 3. All rooftop mechanical equipment (e.g. HVAC, vents, hoods, etc.) should be screened and  
not visible from any direction.  
54 4. City Council to approve any variance(s) to the Architectural Standards of the IH-30 and  
Scenic Overlay districts.

56 There was discussion whether there is going to be remodel on the interior and exterior.  
Gonzales stated, yes, the interior will also be remodeled. There was discussion regarding what the

2 variance requests will consist of as it relates to the architectural standards. Gonzales stated the  
4 variances proposed. Hampton reiterated that the Architectural Review Board reviewed the request  
and unanimously was in favor of approval, despite the variances requested.

6 David Larsen, 633 Sorita Circle, Heath was present to answer any questions. Stubbs inquired  
8 what color stone is being proposed. Larson stated they are considering the same natural cut stone as  
on the north SH 205 location. He stated they are open on that but using natural cut stone they are  
10 somewhat limited because of its availability. He stated they are looking for a contrast in color to the  
brick.

12 **Commissioner Buchanan made a motion to approve SP2011-003, a request by Kevin  
14 McKibben of McDonalds Corp, for approval of an amended site plan and building  
elevations for the existing McDonalds Restaurant located on Lot 8R, Block A, Rockwall  
16 Towne Center Ph 1 Addition, being 1.219-acres zoned (C) Commercial district and located  
at 610 E IH-30 within the IH-30 Overlay and Scenic Overlay districts, with staff  
18 recommendations.**

20 **Commissioner Jackson seconded the motion.**

22 **It was voted on and passed 6-0.**

24 **SP2011-004**

26 **Discuss and consider a request by Stephen Seitz of Seitz Architects, Inc., for approval of an  
amended site plan for a proposed expansion of Rockwall Surgery Center, which is located on  
28 Lot 3R, Block B, The Woods at Rockwall Addition, being 1.1988-acres zoned (C) Commercial  
district and located at 825 Yellowjacket Lane within the Scenic Overlay district, and take any  
action necessary.**

30 Spencer stated the applicant is seeking approval of a 3,168-sq. ft. expansion to the existing  
32 Rockwall Surgery Center. The expansion is located along the east façade of the existing building  
adjacent to Greencrest Blvd.

34 The current medical facility is approximately 8,000-sf, which requires 40 parking spaces at  
36 today's standard of 1 space per 200-sf. The development currently has 40 parking spaces to meet  
that requirement. The proposed expansion would increase the overall size of the facility to  
38 approximately 11,000-sf requiring a total of 55 parking spaces. To compensate for the increased size,  
as well as the replacement of several existing parking spaces that would be lost with the expansion,  
40 the applicant is proposing to use 20+ spaces of the high school parking lot. It is staff's understanding  
that the RISD parking lot would be used primarily by employees of the facility so as to allow patients  
42 and families to utilize the remaining onsite parking. The specific parking lot that would be utilized by  
the surgery center on an as-needed basis is the lot adjacent to the baseball/softball complex. As  
44 allowed under Article VI of the Unified Development Code the City Council approved a request from  
the applicant to allow off-site parking through a parking agreement with RISD.

46 The applicant has submitted elevations for a 16' high building expansion with the primary  
48 materials being brick, aluminum fascia panel, and E.I.F.S.

50 The applicant is basing the expansion elevations on materials found on the existing building.  
The original building was constructed in 2003 and pre-dates the 20% natural stone requirement and  
52 the maximum 10% secondary material (i.e. E.I.F.S. and aluminum) requirement that are found today  
with the Scenic Overlay district.

54 In staff's opinion, the Planning and Zoning Commission and the City Council should consider  
56 that the applicant is matching the materials found on the existing buildings. Staff also feels that the  
literal enforcement of the 20% natural stone requirement and the maximum 10% secondary material  
(i.e. E.I.F.S. and aluminum) would cause the entire building to lack symmetry and balance.

2 Approving the elevations as submitted would in essence be granting **two** variances to the Scenic  
4 Overlay by the City Council but staff believes the intent and the spirit of the ordinance would have  
been met.

6 If the Planning and Zoning Commission and the City Council approved the proposed  
elevations as submitted the following variances to the Scenic Overlay district would be granted:

8 1. Walls visible from a public street or open space must have a minimum 20% natural or  
quarried stone.

10 2. Secondary materials used on the façade of a building are those that comprise less than  
12 10% of an elevation area. Permitted secondary materials are all primary materials, aluminum or other  
metal, EIFS, cast stone, cultured stone or other materials as approved by the Director of Planning or  
14 his/her designee.

16 Approval of any variance to the Scenic Overlay Corridor shall require City Council approval  
by a three-quarter (3/4) majority vote of those City Council members present with a minimum of four  
18 (4) affirmative votes.

20 Staff is recommending approval of the amended site plan subject to the following conditions:

22 1. Adherence to all Engineering and Fire Department Standards.

24 2. All rooftop equipment shall be screened from adjacent rights-of-ways and properties.

26 3. The off-site parking agreement with RISD shall be filed at the County prior to issuance of  
a building permit.

28 4. Any new exterior lighting fixtures shall require the submission and approval of a  
photometric plan. All new exterior lighting fixtures shall be as close to the existing fixtures in  
appearance and lighting levels as possible.

30 5. Approval of the variances to the Scenic Overlay district by the City Council.

32 Commissioner Renfro made a motion to approve **SP2011-004**, a request by Stephen  
Seitz of Seitz Architects, Inc., for approval of an amended site plan for a proposed  
expansion of Rockwall Surgery Center, which is located on Lot 3R, Block B, The  
Woods at Rockwall Addition, being 1.1988-acres zoned (C) Commercial district and  
located at 825 Yellowjacket Lane within the Scenic Overlay district, with staff  
34 recommendations.

36 Commissioner Jackson seconded the motion.

38 It was voted on and passed 6-0.

#### 40 **DISCUSSION ITEMS**

42 **Z2011-006**

44 Discuss and consider a request by Jenniffer Norman of JKW Winery LLC for approval of a  
Specific Use Permit (SUP) to allow for a "winery" within the (PD-7) Planned Development No. 7  
46 district, specifically to be located within The Harbor development at 2083 Summer Lee Drive,  
Suite 209, being within Lot 2, Block A, The Harbor-Rockwall Addition.

48 Spencer stated the background of this request. He stated where the proposed location is at  
the Harbor. Spencer stated the reasons why an SUP is required. He discussed outdoor seating.  
50 Spencer stated this will require TABC approval. Spencer further stated that all other city departments  
have approved the request for the winery.

52 Renfro inquired whether people can smoke on the patio while having wine. LaCroix stated  
54 that they are not preparing food there, so they will not be getting a food and beverage permit. He  
stated that they are not going to be listed as a restaurant.



2 Jennifer Norman and Karen Wilson, 9305 Grant Drive, Rowlett, stated their request and that  
4 there will be three (3) barrels of wine aging on site. There was further discussion regarding the layout  
6 of the facility. Herbst inquired whether they are serving food. The applicant stated they are selling  
prepackaged cheese and crackers. She further stated they are allowing people to order takeout from  
the other restaurants and bring it to their patio to eat and consume wine.

8 Herbst confirmed that a public hearing for this request would be held in two weeks.

10 Z2011-007

12 Discuss and consider a request by Russell Phillips of Harbor Heights Investors, LP, for  
approval of a "PD Development Plan" within (PD-32) Planned Development No. 32 district, in  
14 accordance with Ordinance No. 10-21, specifically on a 3.945-acre tract of land comprised of  
all or part of Tracts 1-1, 1-2, 1-3, 7, 9 and 14, Abstract 11, M. J. Barksdale Survey, part of Tract  
41, Abstract 207, E. Teal Survey, part of Lot 1, Block 7, George Moton Addition, and part of the  
16 existing platted right-of-way for Hilltop Drive, said 3.945-acre tract being situated along the  
south side of the IH-30 service road west of Horizon Road and more specifically described in a  
18 legal description on file at the City of Rockwall Planning Department office.

20 Hampton gave the background of this case. He discussed the PD Development Plan process  
as outlined in the overall PD-32 ordinance for the site. He stated the subject property is in the Summit  
22 Office Subdistrict. He discussed the maximum height of the buildings allowed. He explained what  
support retail is. He discussed the proposal for a bank and the request to allow it to have a drive-thru.  
24 Hampton stated the streetscape requirements, and discussed the changes to Street Type E being  
proposed with this plan. He discussed the parking that is being proposed for this location. Hampton  
26 stated this case would in the future have to go through the regular development process such as site  
plan and platting review.

28 Herbst inquired the status of the existing church. Hampton stated that it is still in operation.  
30 Buchanan inquired if there was an illustration that could show what was approved and what is being  
proposed. There was discussion regarding the restaurant being on the ground level versus allowing it  
32 to be on the top floor. There was discussion regarding the parking garage being a welcome addition  
to the Harbor. LaCroix stated there has always been anticipation that some things would change. He  
34 stated the developer is working well with what the original concept plan was and stated that is the  
most important factor of this plan. LaCroix stated this is a great first step. Buchanan inquired about  
36 the time frame of this development.

38 Russell Phillips, 5 Terrabella Lane, Heath, was present for questions. He stated the time  
frame to break ground on the streets and infrastructure is April. He stated that he hoped to break  
40 ground on the building in July. He stated they are in final design of the office building now. He stated  
he believes the restaurant at the top of the office tower will be welcomed and a perfect setting to view  
42 the lake.

## 44 ADJOURNMENT

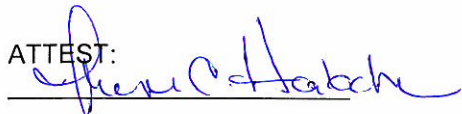
46 The meeting adjourned at 6:43 p.m.

48 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF  
ROCKWALL, Texas, this 12 day of APRIL, 2011.

50 

Phillip Herbst, Chairman

54 ATTEST:



Introduction	5
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1891  
 1892  
 1893

2 **Minutes of**  
3 **PLANNING AND ZONING COMMISSION PUBLIC HEARING**  
4 **April 12, 2011**

6 **CALL TO ORDER**

8 The meeting was called to order by Phillip Herbst at 6:01 p.m. with the following members present:  
9 Barry Buchanan, Connie Jackson, Craig Renfro, Kristen Minth, John McCutcheon and Mark  
10 Stubbs.

12 Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Irene  
13 Hatcher, David Gonzales and Chris Spencer.

14 **CONSENT AGENDA ITEMS**

16 *Approval of Minutes* for March 29, 2011 Planning and Zoning Commission meeting

18 Jackson made a motion to approve the minutes for March 29, 2011.

20 Buchanan seconded the motion.

22 A vote was taken, and the motion passed by a vote of 6-0 (Minth abstained).

24 **PUBLIC HEARING ITEMS**

26 1. Z2011-005

28 *Continue* a public hearing and consider a request by Jerry Sylo of JBI Partners, Inc. for  
29 approval of a change in zoning from (Ag) Agricultural district to (PD) Planned Development  
30 district on a 264.6-acre property comprised of parcels known as Tracts 17-4, 17-13, 17-15, 17-  
31 16 and 40-8 of Abstract 80, W. W. Ford Survey, and situated along the west side of SH 205 (S.  
32 Goliad) and south side of S FM 549, and take any action necessary.

34 Hampton stated that at the March 8, 2011 meeting, the Planning and Zoning Commission  
35 opened – and continued – the public hearing for the proposed PD zoning for Highgate property.  
36 As suggested by staff and the Commission, the development was presented to the Parks Board  
37 on March 14th.

38 However, on April 5 staff received a letter from the applicant stating their desire to withdraw  
39 their zoning application. Staff would recommend the Commission formally acknowledge and  
40 motion to allow for the withdrawal of the zoning case. The City Attorney has indicated to staff this  
41 would effectively close the zoning case on the property, and keep the property zoned as (Ag)  
42 Agricultural.

44 *Herbst stated the public hearing was still open at 6:05 pm.*

46 David Golden, Willow Crest, stated that his concern is the traffic if the roads are not improved  
47 prior to this being developed.

48 Cody Barrick 5459 S. FM 549 stated his property would be surrounded if this development was  
49 approved. He inquired what the process will be if the owner wants to proceed with the development.  
50 Hampton explained the process of a rezoning request. Mr. Barrick further stated his concerns about  
51 lots sitting vacant in existing developments.

52 *With no further public comment, the public hearing was closed at 6:07.*

54

2 Commissioner Buchanan made a motion to approve the **withdrawal** of Z2011-005, a  
4 request by Jerry Sylo of JBI Partners, Inc. for approval of a **change** in zoning from (Ag)  
6 Agricultural district to (PD) Planned Development district **on** a 264.6-acre property  
8 comprised of parcels known as Tracts 17-4, 17-13, 17-15, 17-16 and 40-8 of Abstract 80,  
W. W. Ford Survey, and situated along the west side of SH 205 (S. Goliad) and south  
side of S FM 549.

10 Commissioner Minth seconded the motion.

12 It was voted on and passed 7 to 0.

14 2. Z2011-006

14 Hold a public hearing and consider a request by Jenniffer Norman of JKW Winery LLC for  
16 approval of a Specific Use Permit (SUP) to allow for a “winery” within the (PD-7) Planned  
18 Development No. 7 district, specifically to be located within The Harbor development at 2083  
Summer Lee Drive, Suite 209, being within Lot 2, Block A, The Harbor-Rockwall Addition, and  
take any action necessary.

20 Spencer stated the applicant, Jenniffer Norman, of JKW Winery LLC has submitted a request  
22 for approval of a Specific Use Permit (SUP) to allow for a “winery” within the (PD-7) Planned  
24 Development No. 7 district, specifically to be located within The Harbor development at 2083  
Summer Lee Drive, Suite 209.

26 In November/December of 2010 the Planning and Zoning Commission and the City Council  
28 approved an amendment to the Unified Development Code to allow for a “Winery” in the  
30 Downtown, General Retail, and Commercial zoning districts with an SUP and in the Light  
Industrial and Heavy Industrial zoning districts by right. Planned Development No. 7 (PD-7) has  
an underlying Commercial zoning and therefore requires that a “Winery” obtain a SUP to operate  
within the PD.

32 The applicant is proposing the winery to occupy a total of 3,809-sq. ft. The applicant has  
34 indicated that initially the winery will open with a total of 2,387-sq. ft. and in the future will have  
36 the opportunity to incorporate the adjacent unfinished/unoccupied 1,422-sq. ft. into the winery.  
38 Staff has attached a floor plan showing both spaces (proposed phase I and future expansion) as  
well as the area for outdoor seating. The floor plan is to be attached to the SUP ordinance as  
Exhibit “A” and will regulate both the overall square footage of the establishment and the  
location/number of outdoor seating. Any changes to “Exhibit A” will require the applicant to submit  
a formal request to amend the SUP through the public hearing process.

40 In addition to the SUP the applicant will need to obtain a winery permit from the Texas  
42 Alcohol and Beverage Commission prior to issuance of a Certificate of Occupancy.

44 Notices were mailed to 20 owners located within 200-ft of the subject property. At the time of  
46 this report, one (1) response in favor has been returned.

48 Staff recommends approval of the SUP subject to the following conditions:

- 48 1. Adherence to all City of Rockwall Fire, Building and Health Department standards.
- 50 2. The winery shall be limited to a maximum 3,810- sq. ft. as shown on “Exhibit A”.
- 52 3. The number of outdoor tables shall be limited to three (3) and placed in front of the  
winery as shown on “Exhibit A”.
- 54 4. Obtain a winery permit from the Texas Alcohol and Beverage Commission prior to  
issuance of a Certificate of Occupancy.

56 There was discussion regarding what the future space would consist of.

*Herbst opened the public hearing at 6:15 pm.*

2 Jenniffer Norman 4510 Lake Haven Drive, Rowlett and Karen Wilson, 9305 Grant Drive, Rowlett  
4 requested approval for the SUP for the winery. There was discussion regarding the winery licensing  
process and where the applicants are in that process.

6 *With no further public comment, the public hearing was closed at 6:17.*

8 Commissioner Minth made a motion to approve Z2011-006, a request by Jenniffer  
10 Norman of JKW Winery LLC for approval of a Specific Use Permit (SUP) to allow for a  
"winery" within the (PD-7) Planned Development No. 7 district, specifically to be located  
12 within The Harbor development at 2083 Summer Lee Drive, Suite 209, being within Lot 2,  
Block A, The Harbor-Rockwall Addition, with staff recommendations.

14 Commissioner Jackson seconded the motion.

16 Renfro inquired about the smoking of cigars outside. Spencer stated that it will be allowed.

18 The motion was voted on and passed 7 to 0.

20 3. Z2011-007

22 Hold a public hearing and consider a request by Russell Phillips of Harbor Heights Investors,  
LP, for approval of a "PD Development Plan" within (PD-32) Planned Development No. 32  
24 district, in accordance with Ordinance No. 10-21, specifically on a 3.945-acre tract of land  
comprised of all or part of Tracts 1-1, 1-2, 1-3, 7, 9 and 14, Abstract 11, M. J. Barksdale Survey,  
26 part of Tract 41, Abstract 207, E. Teal Survey, part of Lot 1, Block 7, George Moton Addition,  
and part of the existing platted right-of-way for Hilltop Drive, said 3.945-acre tract being  
28 situated along the south side of the IH-30 service road west of Horizon Road and more  
specifically described in a legal description on file at the City of Rockwall Planning  
Department office, and take any action necessary.

30 Hampton stated that pursuant to the approved ordinance for PD-32 (Ord. No. 10-21), a "PD  
32 Development Plan" has been submitted for a development proposal on a 3.9-acre tract located  
near the intersection of Horizon Road and the IH-30 Service Road. The development is situated  
34 with the "Summit Office" subdistrict of PD-32. The approved PD-32 ordinance dictates in  
substantial detail the types of land uses allowed in each subdistrict, as well as setbacks, height  
36 and other area requirements within the subdistrict. There are also district-wide requirements for  
"streetscape" design, utilities and grading, density, and open space among other things. (Note:  
38 Excerpts of the PD-32 ordinance as it relates to this development proposal are attached to this  
report).

40 Section 9 of the PD-32 ordinance states the following for "PD Development Plans" and  
42 waivers:

44 *"A development plan shall be required if a proposed development within any Sub-district does  
not meet the intent of the PD Concept Plan or the Sub-district Plan, or requires waivers not  
46 provided for in Section 9.C. of this ordinance... If a development plan is required it shall be  
submitted and approved in accordance with Article X, Planned Development, of the City of  
48 Rockwall Unified Development Code.*

50 *A waiver request may only be made in conjunction with an application for a PD Development  
Plan or a PD Site Plan... In order to approve a waiver, the City Council must find that the waiver:*

- 52 a. *Meets the general intent of PD District or Sub-district in which the property is located, and*  
54 b. *Will result in an improved project which will be an attractive contribution to the PD District  
or Sub-district; and*  
56 c. *Will not prevent the implementation of the intent of this PD District.*

2           *The City Council may impose conditions on granting any waiver to mitigate negative impacts*  
4           *to neighboring properties or public streets or open space, or to implement the intent of the District*  
6           *or Sub-district."*

8           In working with the applicant, staff has determined that a Development Plan is required for  
10           this proposal for the following reasons:

- 12           1)     To allow for restaurant and/or retail uses beyond the "support retail/restaurant use" on  
14           "ground floor only" as stipulated in Summit Office subdistrict standards.
  - 16           a)     Developer proposes a stand-alone "pad site" for restaurant/retail use.
  - 18           b)     Developer also proposes a restaurant use on the top floor of proposed office  
20           tower.
- 22           2)     To allow for a drive-through in association with a proposed bank.
- 24           3)     To allow for a revision to "Streetscape E" on the south side of development site  
26           adjacent to the proposed bank drive-through.
  - 28           a)     Developer proposes to remove parking on north side of street to accommodate  
30           bank drive-through lane.
  - 32           b)     Developer proposes to convert angled spaces on south side of street to parallel  
34           spaces due to grading issues.

36           Hampton noted that during the establishment of the PD-32 ordinance, staff anticipated there  
38           would be requests to amend or adjust the concept plan and/or subdistrict standards, especially  
40           given that the parcelization of the PD is very complex and the standards within the PD are so  
42           detailed. The PD Development Plan process was instituted within PD-32 to provide for some  
44           element of flexibility as development projects materialized.

46           By and large the applicant in this case will comply with the PD-32 ordinance. The  
48           predominant use will be office as intended in this subdistrict, and will include the development of  
50           a parking garage as shown on the approved PD Concept Plan. The north/south street connecting  
52           the IH-30 service road with Summer Lee will be built according to the streetscape standards, as  
54           will an east/west street connecting the subject site to the future "traffic circle" at Shoreline Drive.

56           Staff feels each of the proposed "changes" outlined above are reasonable requests that,  
while not meeting the specific standards outlined in the PD, also do not appear to be detrimental  
to the overall intent of the PD. Staff also does not feel the changes will prevent the  
implementation of the intent of this PD District. And, assuming the other streetscape features  
such as sidewalks, landscaping, lighting, etc can be maintained as outlined in the PD after the  
proposed parking changes in this request, it is arguable that the proposed plan will result in an  
improved project which will be an attractive contribution to the PD District or Sub-district.

Using this criteria as outlined in the PD-32 ordinance, staff would recommend approval of the  
PD Development Plan subject to the conditions outlined below.

Staff has posted signs on the subject property and published a notice in the newspaper as  
required by law. In addition, information on the PD Development Plan has been posted on the  
City's website and sent out via "eNews."

Notices were also mailed to the owners of approximately 30 tracts located within 200-ft of the  
subject property. At the time of this report, no responses have been received.

Staff would recommend approval of the PD Development Plan with the following conditions:

1.     Future submittal and approval of detailed PD Site Plan for review, which shall indicate  
compliance with all applicable standards of the PD-32 district with the following  
exceptions:

- 2 a. Restaurant/retail use shall be allowed on the top floor of the proposed office
- 4 tower and on the pad site indicated on the approved Development Plan
- 6 attached hereto as Exhibit "B."
- 8 b. A drive-through shall be permissible in conjunction with a financial institution,
- 10 but shall strictly adhere to the approved Development Plan attached hereto as
- 12 Exhibit "B."
- 14 c. All streets shall be designed and constructed in accordance to the streetscape
- 16 requirements of Ordinance No. 10-21, as amended, except that the onstreet
- 18 parking for "Street C" on the Development Plan shall be modified as shown on
- 20 Exhibit "B." Other streetscape elements such as landscaping, sidewalks,
- 22 lighting, etc shall be provided to the furthest extent possible for "Street C" in
- 24 accordance with the adopted streetscape requirements, and as otherwise
- 26 approved by the City of Rockwall.
- 28 2. Future submittal and approval of all required subdivision plats.
- 30 3. All required parking for the additional restaurant/retail use(s) granted by approval of
- 32 this PD Development Plan shall be met with the parking provided by this development
- 34 (i.e. garage, surface, etc).
- 36 4. Architectural design of all buildings within the Summit Office Subdistrict of the PD-32
- 38 district shall be subject to the Harbor District Design Guidelines as adopted by
- 40 Resolution No. 10-40, Exhibit "A" and to architectural review as prescribed by the
- 42 Unified Development Code.

24 There was discussion regarding connectivity of the upper and lower sections until the entire  
 26 project builds out. Hampton stated how the two sections will have access to each other. There  
 28 was discussion regarding who is building the parking garage. Hampton stated the developer will  
 30 be building the roads, the building and the garage but the city will also be part of developing some  
 32 of this. Renfro pointed out that this is the gateway to the city coming in from I-30. He stated that  
 34 this is what was envisioned for that area.

36 *Herbst opened the public hearing at 6:34 pm.*

38 Chris Cuny, Project Engineer, #2 Horizon Court, Heath, stated working with the city has  
 40 been great. He discussed the bank location and the need for the bank to have a drive-thru. He  
 42 discussed the streetscape. He stated the elevations of the road and walls that will be needed due to  
 44 the landscape and elevations. He stated they fully intend to adhere to all of the streetscape  
 46 requirements with lighting and the treescape. He stated that the restaurant on the top floor will be a  
 48 dramatic view.

50 Freddie Jackson, 1812 Bristol Lane, Rockwall, stated his concern is the building of the  
 52 garage right behind the church will decrease the value of the church's property. He stated without a  
 54 view of the lake it will further diminish the value of that property. He stated that the church has been  
 56 here 136 years.

Mr. Cuny stated he appreciates the concerns of Mr. Jackson, and that they have been  
 meeting with the church leaders to work on different issues. He stated that the pad-site restaurant will  
 not obstruct the view of the lake from the church.

Sam Buffington stated he was born and raised in Rockwall. He stated part of this property  
 has been in his family for as long as he can remember. He stated he has been in contact with the  
 developer and he is in favor of the development.

*With no further public comment, the public hearing was closed at 6:42 pm.*

**Commissioner Minth made a motion to approve Z2011-007, a request by Russell Phillips of Harbor Heights Investors, LP, for approval of a "PD Development Plan" within (PD-32) Planned Development No. 32 district, in accordance with Ordinance No. 10-21,**

2 specifically on a 3.945-acre tract of land comprised of all or **part** of Tracts 1-1, 1-2, 1-3, 7,  
4 9 and 14, Abstract 11, M. J. Barksdale Survey, part of **Tract 41**, Abstract 207, E. Teal  
6 Survey, part of Lot 1, Block 7, George Moton Addition, and **part** of the existing platted  
8 right-of-way for Hilltop Drive, said 3.945-acre tract being situated along the south side of  
the IH-30 service road west of Horizon Road and more specifically described in a legal  
description on file at the City of Rockwall Planning Department office, with staff  
recommendations.

10 Commissioner Jackson seconded the motion.

12 Stubbs inquired how tall the parking garage will be. Hampton stated it is proposed to be 3  
14 stories. Buchanan stated that he does not think the garage will be in the line of sight of the  
church nor will the restaurant pad site. He believes it will increase the value of the surrounding  
16 property.

18 The motion was voted on and passed 7 to 0.

### 20 DISCUSSION ITEMS

22 4. Planning Director's Report on the following Planning and Zoning Commission matters that have been  
recently acted on by City Council:

24 a) **Z2010-021: Rezoning from "Ag" to "GR" for SWC of FM 549 and SH 205**

26 Hampton stated this case was delayed at the Council level for a couple of months, but that  
28 Council had approved the zoning change at their last meeting.

30 b) **Z2011-004: UDC Amendment for Auto Repair for "DT" district**

32 Hampton stated Council approved the amendment.

34 c) **SP2011-003: Variances for McDonalds remodel**

36 Hampton stated Council approved the variances.

38 d) **SP2011-004: Variances for Rockwall Surgery Center expansion**

40 Hampton stated Council approved the variance.

### 42 **ADJOURNMENT**

44 The meeting adjourned at 6:47 p.m.

46 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF  
ROCKWALL, Texas, this 10 day of JUNE MAY 2011.

48  
50 

Phillip Herbst, Chairman

52 ATTEST:

54 



2 **MINUTES**  
3 **PLANNING AND ZONING COMMISSION**

4 Tuesday, May 10, 2011  
5 6:00 Public Hearing  
6 City Hall, 385 S. Goliad, Rockwall, Texas 75087

8 I. CALL TO ORDER

10 The meeting was called to order by Phillip Herbst at 6:00 p.m. with the following  
11 members present: Barry Buchanan, Connie Jackson, Craig Renfro, Kristen Minth, John  
12 McCutcheon and Mark Stubbs.

14 Additionally, the following staff members were present: Robert LaCroix, Michael  
15 Hampton, JoDee Sanford, David Gonzales and Chris Spencer.

16 II. CONSENT AGENDA ITEMS

- 18 1. Approval of Minutes for April 12, 2011 Planning and Zoning Commission meeting

20 Commissioner Jackson made a motion to approve the minutes for April 12, 2011.  
21 Buchanan seconded the motion.  
22 A vote was taken, and the motion passed by a vote of 7- 0.

24 III. ACTION ITEMS

- 26 1. P2011-004  
27 Discuss and consider a request by Pann Sribhen of PSA Engineering, LLC for  
28 approval of a final plat of Lot 2, Rockwall Market Center South Addition, being  
29 0.702-acres zoned (C) Commercial district and situated at the northwest corner  
30 of Ralph Hall Pkwy and Ralph Hall Ct, and take any action necessary.

32 Spencer stated that the subject request is a final plat for lot 2 of the Rockwall Market  
33 Center South Addition. The subject site is zoned (C) Commercial district and located at  
34 the northwest corner of Ralph Hall Parkway and Ralph Hall Court. A Specific Use Permit  
35 (SUP) was approved by the Planning and Zoning Commission and City Council earlier  
36 this year for a 4,968-s.f. minor automotive repair garage (Christian Brothers).  
37 Additionally, an administrative site plan was recently approved by city staff.

40 Lot 2 will have access via two drives on Ralph Hall Court. The site will also have access  
41 to Market Center Drive via a future mutual access easement across the unplatted lot 3  
42 and an existing mutual access easement across lot 4 (Homebank).

44 The final plat appears to conform to all area requirements specified in the Commercial  
45 (C) district and is dedicating all the necessary fire lane, access, utility and drainage  
46 easements.

48 Staff recommends approval of the final plat subject to the following conditions:  
49 Adherence to all engineering and fire department standards.

2 Commission Buchanan asked about changes from the previous review by the  
4 Commission and Spencer answered that the case is in compliance with standards and  
conditions as the Commission previously set.

6 Commissioner Renfro made a motion to approve P2011-004, a request by Pann Sribhen  
8 of PSA Engineering, LLC for approval of a final plat of Lot 2, Rockwall Market Center  
South Addition, being 0.702-acres zoned (C) Commercial district and situated at the  
northwest corner of Ralph Hall Pkwy and Ralph Hall Ct, with staff recommendations.

10 Commissioner Stubbs seconded the motion.

12 It was voted on and passed 7 to 0.

14 2. Z2011-002  
16 Discuss and consider a request by Christina Konrad of Kroger, Inc to refile an  
18 application within one year of City Council denial, relative to a request for an  
20 amendment to (PD-9) Planned Development No. 9 district, specifically to allow  
22 for a proposed fuel center in conjunction with the existing Kroger store located on  
Lot 18, Block A, Horizon Ridge Addition, being 7.1779-acres situated at 2935  
Ridge Road within the Scenic Overlay district, and take any action necessary.

24 Hampton stated that on January 18, 2011 the City Council denied a request by CDA  
26 Architects (on behalf of Kroger) to amend Planned Development No. 9 district that would  
have allowed the development of a fuel center in front of the existing Kroger grocery  
store at 2935 Ridge Road.

28 Article II of the City's Unified Development Code includes the following as criteria for  
30 determining whether a zoning/SUP case can be resubmitted within one year of being  
denied by City Council:

32 *"Reapplication Due to Changed Conditions. A proposal to rezone a tract or parcel of land  
34 which has been previously rejected by the Council may be resubmitted within one year  
only if there is an actual change in conditions relating to zoning principles of the tract or  
36 parcel of land or the property surrounding it. In that event, the applicant must submit to  
the Director of Planning, in writing, a resume describing such changed conditions. The  
38 Director of Planning shall investigate the property or cause such an investigation to be  
made and shall report to the Planning and Zoning Commission whether or not such  
40 changed conditions exist. Upon hearing this report, the Planning and Zoning  
Commission shall either grant or deny the request to refile the proposal for rezoning."*

42 Staff has attached the following documents from Kroger that are intended to highlight  
the changed conditions for this proposal:

- 44 • Letter from Christina Konrad describing changed conditions and updated request
- 46 • Revised site plan highlighting locations of new parking available on Kroger parcel
- 48 • Excerpt from Reciprocal Agreement between Kroger and adjacent owner of  
shopping center buildings indicating "shared" access to shopping center parking, which  
currently has approximately 107 surplus spaces

52 It should be noted that the Commission recommended approval of the original PD  
amendment request, by a vote of 3 to 2. The approval included changes to the building  
elevations for the fuel canopy that the applicant has agreed to comply with. However, the  
City Council ultimately denied the PD Amendment by a vote of 4 to 2, with a central issue

2 being that the proposal would result in a “variance” to the onsite parking requirement for  
4 Kroger. In addition, it was not clear how much parking was required for the adjacent  
shopping center and how much existed on those properties.

6 The applicant has addressed both of these issues with the new information and would  
8 like the opportunity to refile the zoning application. It is staff’s opinion that a reasonable  
amount of “changed conditions” exist in this scenario and would recommend that the  
Commission allow for the filing of a new application within the one year time period.

10 Christina Konrad, Kroger Construction Manager  
12 3824 Lace Park  
Bedford, Texas

14 Konrad stated the site plan shows the area where the fuel center would be located is an  
16 area that is not generally used by customers for parking. She stated the reason for  
application is based upon feedback from customers and the value that a fuel center will  
18 provide.

20 Commissioner Buchanan asked about the changes being made to the parking spaces. He  
stated that his general concern is with the traffic and congestion off Ridge Road into the  
22 fuel center.

24 LaCroix stated that the recalculation of the parking spaces does meet the requirements.  
They have also clarified the reciprocal parking agreement with the Shopping Center. The  
26 location of the fuel center has not changed.

28 Commissioner Herbst clarified that the Commission is considering to allow the applicant  
to refile their application based upon new information that addresses previous concerns.

30 Commissioner Renfro sought clarification regarding why the Council denied the SUP. He  
32 also asked about the widening of Ridge Road in helping with the traffic flow.

34 Commissioner Jackson clarified that certain conditions that applied before would come  
into effect again upon reapplication.

36 Applicant responded that they are aware that same conditions will apply.

38 Commissioner Stubbs stated that he is concerned about traffic flow, but that he would  
40 support reconsideration.

42 Commissioner Jackson made a motion to approve Z2011-002, a request by Christina  
Konrad of Kroger, Inc to refile an application within one year of City Council denial,  
44 relative to a request for an amendment to (PD-9) Planned Development No. 9 district,  
specifically to allow for a proposed fuel center in conjunction with the existing Kroger  
46 store located on Lot 18, Block A, Horizon Ridge Addition, being 7.1779-acres situated at  
2935 Ridge Road within the Scenic Overlay district, with staff recommendations.

48 Commissioner Stubbs seconded the motion.

50 It was voted on and passed 7 to 0.

2  
4 IV. DISCUSSION ITEMS

6 1. Z2011-008

8 Discuss and consider a request by Brad and Amy Thomas for approval of a  
10 Specific Use Permit (SUP) to allow for a temporary portable beverage service  
facility within the (GR) General Retail district, on the rear part of a 0.79-acre tract  
located at 2002 South Goliad and described as Lot 2, Loretta Anderson Addition  
(aka Luigi's Restaurant).

12 **Gonzales generally described the location as well as the building type, parking and  
14 seating and stated that other conditions pursuant to the UDC will be met. He also  
16 referenced a signed agreement with Luigi's that allows for use of the site and their  
restroom facilities. The signage for the business will vary from the standards as the  
applicant would like to use a banner.**

18 **The applicant is aware that an existing cross access easement on the property will need  
20 to remain clear in order to provide appropriate traffic circulation.**

22 **Commissioner Herbst stated that his primary concern is the safety of the children.**

24 **Gonzales stated that the fence barricade will provide for pedestrian safety.**

26 **Brad Thomas  
7109 Don Gomez  
Garland, Texas**

28 **Commissioner Renfro clarified that the business will only serve non-alcoholic beverages.**

30 **Commissioner McCutcheon asked about the issue of Luigi's Restaurant being closed on  
32 Mondays.**

34 **Mr. Thomas stated that he has contacted the corporate office of EZ Mart and has  
36 received permission to use their restroom facilities as a customer of EZ Mart, in the event  
Luigi's is closed.**

38 **Commissioner McCutcheon clarified that this would pass the Health Codes and Gonzales  
40 answered that it was not an issue since the situation would occur only one day per week.**

42 2. Planning Director's Report on the following Planning and Zoning Commission  
matters that have been recently acted on by City Council:

44 a) Z2011-006: KE Cellars Winery (The Harbor) – SUP

46 **LaCroix stated that the item was approved and the Winery should be open in June.**

48 b) Z2011-007: Harbor Heights - PD Development Plan

50 **LaCroix stated that the item was approved as an amendment to the site and that  
52 groundbreaking should occur in May.**

2 Commissioner Herbst asked for an update at the next meeting from the Architectural  
4 Review Board on the architectural topics discussed at their recent joint work session.

6 V. ADJOURNMENT

8 The meeting adjourned at 6:30 p.m.

10 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY  
OF ROCKWALL, Texas, this 31 day of MAY, 2011.

12   
Phillip Herbst, Chairman

14 Attest:

16   
JoDee Sanford, Planning Coordinator

## MINUTES

### PLANNING AND ZONING COMMISSION

Tuesday, May 31, 2011

6:00 Work Session

City Hall, 385 South Goliad, Rockwall, Texas 75087

#### I. CALL TO ORDER

The meeting was called to order by Phillip Herbst at 6:00 p.m. with the following members present: Barry Buchanan, Connie Jackson, Craig Renfro, John McCutcheon and Mark Stubbs. Kristen Minth was absent from the meeting.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, JoDee Sanford, David Gonzales and Chris Spencer.

#### II. ACTION ITEMS

1. Approval of Minutes for May 10, 2011 Planning and Zoning Commission meeting

Commissioner Jackson made a motion to approve the minutes for May 10, 2011. Buchanan seconded the motion.

A vote was taken, and the motion passed unanimously by all present.

2. MIS2011-004

Discuss and consider a request by Kathy Adams on behalf of Marcella Hince, for approval of a special request to the standards of the (PD-75) Planned Development No. 75 district (Ord 09-37), specifically to allow for the remodeling and expansion of their existing residential home located at 214 Bass Road, being Lot 708, Block C, Rockwall Lake Estates #1, and take any action necessary.

Hampton stated that the owner of the property at 214 Bass Rd, Marcella Hince, and her daughter, Kathy Adams, have submitted a request for the City to consider several special exceptions to the requirements of the PD-75 zoning requirements that govern new development and/or redevelopment in Lake Rockwall Estates. There is currently a single-family home on the subject property, along with four (4) small portable storage buildings and one larger accessory building. The large accessory building is used primarily for storage, but also has some plumbing facilities and a room used as a secondary living unit. According to the applicant, the primary single family home is approximately 1000-sf.

Ms. Hince would like to expand the home and completely renovate the exterior, which was built in a log-cabin style with 100% wood. Hampton presented photos showing the significant deterioration of the wood materials, which according to the applicant is also infested with termites. PD-75 incorporates the City's standard residential masonry requirement of "80% masonry" including a maximum 50% limitation on hardiboard, stucco and other synthetic materials. The applicant has indicated to staff they would like to use 100% hardiboard lap siding, which is a masonry material but obviously exceeds the 50% limitation set forth in the Unified Development Code. However, staff feels that strong consideration should be given to allowing the exception in this case given the overall improvement that would result. In addition, the material would not be out of context since there are many lots in close proximity to the subject site that feature homes with various forms of siding (masonry, vinyl, etc).

2 The other exception(s) requested by the applicant in this case relate to the front yard  
3 setbacks for the lot. Being a corner lot, the City considers both street frontages as the  
4 "front yard" and therefore, stipulate a 20-ft minimum setback. Along Texas Rd, the  
5 existing home is setback approximately 11-ft, which the applicant is proposing to  
6 maintain. Along Bass Rd, the front wall of the home is setback approximately 24-ft, an  
7 existing porch structure is setback about 15-ft, and the existing concrete slab is setback  
8 approximately 10.5-ft. The applicant is requesting to expand the front part of the home to  
9 the edge of the existing slab to create more interior space for the family, resulting in a  
10 10.5-ft setback for this facade. Again, staff feels that consideration is warranted given the  
11 improvements that should result, which will be permitted and inspected to ensure  
12 compliance with all health and safety codes. Further, a site visit by staff and aerial  
13 photos of the area offer evidence that many homes in the area are less than the 20-ft  
14 setback requirement. This is not surprising given that the area was built-up and homes  
15 were modified long before the area was annexed and zoned in 2009.

16 Finally, staff would point out that 3 of the 4 portable buildings will be removed in  
17 association with this work, and the applicant has indicated that the larger accessory  
18 building will be converted into a storage and "sewing room." As part of the approval,  
19 staff is recommending that the non-conforming use of the structure as a secondary living  
20 unit be disallowed after completion of the home expansion.

22 Staff feels the request for special exception warrants strong consideration for approval  
23 by the Commission and Council, and would offer the following conditions if approved:

- 24 1. Applicant to submit a building permit application and comply with all structural, health  
25 and safety codes of the City.
- 26 2. Exterior of home shall be 100% hardiboard lap siding, or alternatively may comply with  
27 the General Residential District standards of the Unified Development Code.
- 28 3. The minimum front yard setback shall be 10-ft along both Texas and Bass street  
29 frontages.
- 30 4. After completion of the home expansion and remodel, the existing 20-ft x 16-ft  
31 accessory building shall no longer be used as a secondary living unit.
- 32 5. After completion of the home expansion and remodel, a single portable building up to  
33 120-sf shall be allowed to remain on the property in compliance with the Unified  
34 Development Code.
- 35 6. Any new fencing on the property shall comply with the City's fence ordinance and PD-  
36 75, including the provisions for front yard fences.

38 Commissioner Herbst inquired about the concrete drive extending to the property line  
39 and if this would need to be addressed with a variance. Hampton stated that this would  
40 be addressed through permitting.

42 Commissioner Buchanan asked if any other front yard variances had been allowed and  
43 Hampton answered that one was allowed recently due to the rebuilding of a carport.

44 Commissioner Renfro inquired about the accessory buildings that would be kept on the  
45 property. Hampton discussed what is currently allowed.

48 Kathy Myers Adams  
49 Marcella Hince  
50 214 Bass Road  
51 Rockwall, Texas

52 Ms. Hince generally described the plan for the remodel of the property.  
53

2 Commissioner Herbst asked about the exterior building materials. Ms. Hince stated that  
4 they intended to cover the exterior with hardiboard. It would not be put on the accessory  
6 building though they would be painted to match.

8 Commissioner Stubbs asked if the applicant had inquired about the cost associated with  
10 the 80% masonry requirement as compared to the proposed 100% hardiboard. The  
12 applicant indicated that brick was more expensive.

14 Commissioner McCutcheon inquired about the roofing materials and the applicant stated  
16 their intention to replace the entire roof.

18 Commissioner Herbst stated his support.

20 Commissioner Jackson made a motion to approve MIS2011-004, a request by Kathy  
22 Adams on behalf of Marcella Hince, for approval of a special request to the standards of  
24 the (PD-75) Planned Development No. 75 district (Ord 09-37), specifically to allow for the  
26 remodeling and expansion of their existing residential home located at 214 Bass Road,  
28 being Lot 708, Block C, Rockwall Lake Estates #1, with staff recommendations.

30 Commissioner Buchanan seconded the motion.

32 A vote was taken, and the motion passed unanimously by all present.

34 III. PUBLIC HEARING ITEMS

36 3. Z2011-008

38 Hold a public hearing and consider a request by Brad and Amy Thomas for  
40 approval of a Specific Use Permit (SUP) to allow for a temporary portable  
42 beverage service facility within the (GR) General Retail district, on the rear part of  
44 a 0.79-acre tract located at 2002 South Goliad and described as Lot 2, Loretta  
46 Anderson Addition (aka Luigi's Restaurant), and take any action necessary.

48 Gonzales stated that the applicant is requesting a specific use permit to operate a  
50 temporary portable beverage service facility, as defined under the Unified Development  
52 Code's Use Standards. The proposed SUP will specifically be for the operation of a snow  
54 cone stand and will be located on the west side of Luigi's Restaurant. The site can be  
accessed from either South Goliad or Yellowjacket Lane. However, it should be noted  
that there is a 24-ft cross access easement located on the far west side of the property  
that must remain clear for traffic circulation.

Mr. Thomas has submitted a conceptual site plan indicating the location of the snow  
cone stand and ice merchandiser, seating area, and picket fence/barricade demarking the  
area between the 24-ft cross access easement and the snow cone stand. Although  
additional parking is not required, the site plan does indicate an area with three parking  
spaces (not striped) available for customer use. Also, the applicant has obtained an  
agreement from the owner (Mario Smajli) granting permission for the use of his property  
as well as the restroom facilities to accommodate the employees of Tropical Sno. The  
snow cone stand will be a 10' X 8' wood framed structure with 3 serving windows and a  
composition roof. Prior to commencement of the operation, inspections by the Building  
and Health departments are required in order to obtain the necessary permits to operate  
the business.

Staff feels the SUP request does merit consideration, but considers this to be a judgment  
call for the Planning and Zoning Commission and City Council. If granted, the SUP is



2 limited to 150 days. However, since this is a seasonal product and considering the timing  
3 of the SUP request, the applicant has stated they will not surpass the 150 day limit this  
4 year. As a note, SUPs have been granted in the past for snow cone stands, namely the  
5 Ice Train which relocated in 2009 to its current location at 901 S. Goliad St. and in 2004,  
6 the Sno Shack, which was located at the corner of I-30 and Ridge Rd (formerly known as  
Cajun Catfish).

8 Currently, the Use Standards do not allow for any freestanding signs. However, the  
9 applicant is requesting an exception to these standards for the use of a banner. The  
10 banner would be attached to the picket fence/barricade. A visual representation of the  
11 banner was included in the Commission's packet for consideration.

12 A public notice was published in the Rockwall County News, as required by law, on May  
13 20, 2011. Also, fourteen notices have been sent to all property owners within 200 feet of  
14 the subject property. At the time of this report, staff has received one (1) notice "in  
15 opposition" to the request.

18 Should the request be approved, staff would recommend the following conditions:

- 19 1. The beverage service shall be limited to a snow cone stand for consumption on or  
20 near the premises.
- 21 2. The Tropical Sno temporary portable beverage facility shall operate for a time period  
22 not to exceed 150 days this year. Each year hereafter, the Specific Use Permit shall be  
23 in force between May 1st and September 30th until such time that the property  
24 conditions change (e.g. SUP not renewed), which shall deem the SUP null and void.  
25 The SUP shall be renewed on an annual basis via submittal and approval of building  
26 and/or health permits.
- 27 3. No additional freestanding signage shall be permitted, with the exception of a banner  
28 attached to the fence/barricade.
- 29 4. The temporary portable structure shall meet all health and electrical codes of the City  
30 and obtain all necessary permits prior to the operation of the business.

32 Commissioner Herbst expressed concern regarding crossing traffic and the safety of the  
33 customers and Gonzales stated that the applicant is using the barricade to separate the  
34 driving lane.

36 Commissioner Buchanan asked about the cross access easement location and Gonzales  
37 explained that it would need to remain clear.

38 Commissioner Jackson asked about the use of EZ Mart's restrooms for both employees  
39 of the stand and customers. Gonzales answered that the agreement for use of the  
40 restrooms applied to employees, but that this would be necessary only as backup option  
41 when Luigi's is closed.

44 Commissioner Herbst then opened the public hearing at 6:34 p.m.

46 Amy Thomas  
47 7109 Don Gomez  
48 Garland, Texas

50 Mrs. Thomas verified that the fencing was to protect customers from the high traffic  
51 cross access easement and stated the barricade would provide only one entrance and  
52 exit and could be made longer if necessary.

2 Commissioner Herbst clarified the agreement with EZ Mart for use of their restrooms and  
4 the applicant answered that EZ Mart would provide a place for the employees of the  
stand to purchase food and use the restroom facilities on Mondays when Luigi's is  
closed.

6 Commissioner Jackson asked about the hours of operation and applicant stated that the  
8 hours of operation would be 10AM – 9PM. She added that they would consider  
corresponding their hours with Luigi's if necessary. Applicant stated that EZ Mart did  
have longer hours of operation.

10 Commissioner Herbst asked about how to ensure the fence is properly located and  
12 installed after approval. LaCroix stated that approval could be conditioned upon the  
installation of a fence.

14 Commissioner Renfro asked for clarification that the approval was strictly for the SUP of  
16 the snow cone stand and LaCroix verified.

18 There being no one wishing to come forth and speak, Chairman Herbst then closed the  
20 public hearing at 6:39 p.m.

22 Commissioner Renfro made a motion to approve Z2011-008, a request by Brad and Amy  
24 Thomas for approval of a Specific Use Permit (SUP) to allow for a temporary portable  
beverage service facility within the (GR) General Retail district, on the rear part of a 0.79-  
26 acre tract located at 2002 South Goliad and described as Lot 2, Loretta Anderson  
Addition (aka Luigi's Restaurant), with staff recommendations and the additional  
condition that the fence/barricade shall properly enclose the building, ordering area and  
seating area from the adjacent 24-ft access easement.

28 Commissioner McCutcheon seconded the motion.

30 Commissioner Buchanan stated that he would not approve because of his concern for  
32 safety.

34 It was voted on and failed with a vote of 3 to 3, with Stubbs, Herbst and Buchanan  
36 dissenting. No further action was taken. After brief discussion, LaCroix clarified that this  
item would proceed to City Council with no recommendation by the Commission.

#### 38 IV. DISCUSSION ITEMS

##### 40 4. Z2011-010

42 Discuss and consider a request by Mark Lowen of The Lenity Group LLC for  
44 approval of a zoning change from (GR) General Retail district to (PD) Planned  
Development district, specifically to allow for a congregate care/elderly housing  
46 facility on a 4.279-acre tract known as Tract 16-5, Abstract 145, J. D. McFarland  
Survey, situated along the southeast side of Yellowjacket Lane east of Kyle  
Drive.

48 Hampton stated that the request is for a zoning change to allow for a planned  
50 development for a new use that is not covered in the UDC and described the location of  
the property. Hampton also generally described "congregate care." The applicant has  
52 turned in a concept plan and has reworked some of the issues previously noted.  
Applicant held a neighborhood meeting to discuss any issues that other property owners  
54 in the area might have as well as introduce the project to them.

Commissioner Buchanan asked about a left hand turn lane off of Yellowjacket and Hampton responded that a left hand turn lane would be constructed to the required engineering standards.

Commissioner Herbst inquired about the project having only one entrance to the facility and Hampton stated that no other entrance is required.

Commissioner Herbst also asked about health codes and Hampton answered that a state license is not required for congregate care facilities but they would have to conform to other health standards for dining facilities and the on-site pool.

Michael Fuller  
471 High Street  
Salem, Oregon

(Rusty Prentice, engineer with Kimley-Horn, was also present)

Mr. Fuller, representing the applicant, stated that they construct these types of facilities nationwide. They held a neighborhood meeting. They have many amenities and see a need in this area for this type of facility. The facility is an active retirement community. They serve 3 meals per day in a commercial kitchen and have housekeeping service. Also, applicant stated that a manager lives onsite. Applicant also mentioned that they are willing to make adjustments to the plan as needed.

Commissioner Jackson inquired about private transportation and applicant responded that they have some scheduled trips and will use a van to provide that service.

5. Z2011-011

Discuss and consider a request by Misty Phillips (and others) for approval of a zoning change from (Ag) Agricultural district to (RO) Residential Office district, on property totaling approximately 3.25-acres overall and comprised of Tract 6 (4031 North Goliad), Tract 21 (4037 North Goliad) and Tract 22 (4035 North Goliad) of Abstract 187, J. Strickland Survey, situated along the west side of North Goliad south of Windham Drive, within the North SH 205 Overlay district.

Gonzales briefly discussed the case and gave an overview of the size and location of the property as well as the allowed uses for the Residential Office district.

Misty Phillips  
2008 South Lakeshore  
Rockwall, Texas

Applicant gave a power point presentation that discussed the reason for requesting a zoning change from agricultural to residential office.

6. Z2011-012

Discuss and consider a request by Christina Konrad of Kroger Texas LP for approval of an amendment to (PD-9) Planned Development No. 9 district, specifically to allow for a proposed fuel center in conjunction with the existing Kroger store located on Lot 18, Block A, Horizon Ridge Addition, being 7.1779-acres situated at 2935 Ridge Road within the Scenic Overlay district.

Spencer gave a brief history on the case and discussed the changes from the previous submittal.

2 Christina Konrad  
3824 Lace Park  
4 Bedford, Texas

6 (Jeremy Yee with CEI Engineering was also present.)

8 Ms. Conrad stated that Kroger has implemented an efficiency program that will help with  
traffic congestion and they are bringing it to this store.

10 Commissioner Buchanan stated that his concern is with a left hand turn off of FM740  
12 where traffic tends to back up and become congested.

14 Commissioner Stubbs inquired about the possibility of creating a median that would  
block traffic from making the left turn into the fuel area. He stated that in the past his  
16 concern was with the parking and he is more inclined to approve the project with that  
issue addressed. Applicant responded that the entrance is a truck route.

18 Spencer inquired whether the truck could come in from the north entrance. Applicant  
20 stated that they have explored other options and this appears to be the safest truck  
route.

22 Commissioner Renfro clarified that the biggest issue is the turn lane but that the road  
24 will be widened. LaCroix answered that there will be a median in the future but until then  
there will be a continuous left turn lane.

26 *Commissioner Stubbs left the meeting at 7:30 p.m.*

28 Commissioner Jackson asked about moving the fuel center in order to reroute traffic.  
30 LaCroix stated that staff has worked with Kroger to minimize the visual impact of the fuel  
center. Applicant stated that moving the fuel center would impact the number of parking  
32 spaces that are required.

34 After continued discussion, Ms. Konrad and Mr. Yee stated they would investigate  
options for traffic control on this project and report back at the next meeting.

36  
38 7. Z2011-013  
Discuss and consider a request by Don Lord, on behalf of Jim Menconi of Empire  
Self Storage, for approval of a Specific Use Permit (SUP) to allow for the  
40 expansion of the existing "Buffalo Ridge" mini-warehouse facility located on  
Tracts 26, 26-4 and 26-6, Abstract 80, W. W. Ford Survey, being 8.84-acres  
42 overall zoned (C) Commercial district and situated at 5543 and 5573 FM 3097  
(Horizon Rd).

44 Spencer gave a brief overview of the case and the location of the property.

46 Don Lord, applicant, was present at the meeting.

48  
50 8. Z2011-009  
Discuss and consider approval of a city-initiated request to amend the Unified  
Development Code (Ord. No. 04-38), specifically Article IV, Permissible Uses,  
52 relative to the provisions and standards for "Assisted Living Facilities,"  
"Congregate Care Facilities," "Convalescent Care Facilities/Nursing Homes" and  
54 other similar uses.

2 Hampton discussed the history of the case and described the reason behind the change  
4 to the UDC. Staff asked the City Council to consider adding a new use for congregate  
6 care to the UDC, and after discussions at two different meetings, the Council ultimately  
8 initiated an expanded amendment to the UDC to also include changes to the existing  
standards for uses such as assisted living and nursing facilities. The recommendation  
from Council at this time is to require an SUP for all these uses regardless of zoning  
district.

10 Commissioner Buchanan asked about the reasoning behind opposition with some  
12 Council members and Hampton answered that the reasons are not completely clear as  
14 those opposed to the potential changes did not give specific reasons for their votes.  
LaCroix added that some confusion occurs in regard to the definition of  
group/community home and assisted living and their regulation.

16 Commissioner Renfro asked for further clarification on the issues that Council had with  
18 these types of uses. LaCroix responded that there was some concern with the location of  
these types of facilities and felt the need to require an SUP at that time.

20 V. ADJOURNMENT

22 The meeting adjourned at 8:04 p.m.

24 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF  
ROCKWALL, Texas, this 14 day of June, 2011.

26



28

Connie Jackson, Vice Chairman

Attest:

30



32

JoDee Sanford, Planning Coordinator

**MINUTES**  
**PLANNING AND ZONING COMMISSION**

Tuesday, June 14, 2011

6:00 Public Hearing

City Hall, 385 South Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

The meeting was called to order by Connie Jackson at 6:03 p.m. with the following members present: Barry Buchanan, Craig Renfro, and Kristen Minth. Chairman Phillip Herbst, and Commissioners John McCutcheon and Mark Stubbs were absent from the meeting.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, JoDee Sanford, David Gonzales and Chris Spencer. Chuck Todd, City Engineer, was also present.

II. CONSENT AGENDA ITEMS

1. Approval of Minutes for May 31, 2011 Planning and Zoning Commission meeting

Commissioner Renfro made a motion to approve the minutes for May 31, 2011.

Buchanan seconded the motion.

A vote was taken, and the motion passed by a vote of 3- 0, with Minth abstaining.

III. PUBLIC HEARING ITEMS

2. Z2011-010

Hold a public hearing and consider a request by Mark Lowen of The Lenity Group LLC for approval of a zoning change from (GR) General Retail district to (PD) Planned Development district, specifically to allow for a congregate care/elderly housing facility on a 4.279-acre tract known as Tract 16-5, Abstract 145, J. D. McFarland Survey, situated along the southeast side of Yellowjacket Lane east of Kyle Drive, and take any action necessary.

Hampton stated that the Lenity Group has submitted an application to rezone approximately 4.3-acres from (GR) General Retail district to (PD) Planned Development district, specifically to accommodate the development of a "congregate care" facility. This specific use is not presently defined or listed in the City's Unified Development Code, though a proposed amendment to the UDC is running concurrently to this request that would add the use to the code. As opposed to waiting for the results of this amendment process, the applicant has brought forward a PD proposal that would essentially maintain the underlying GR zoning for the subject property, but add one additional use and development standards for the proposed facility.

A revised PD Concept Plan has been submitted by the applicant that addresses comments made by development review staff and the Planning Commission at the May 31, 2011 work session. The development will now be accessed by a single drive from Yellowjacket Lane that is located entirely within the subject property. The drive will align with a new median opening and left turn lane that will be spaced sufficiently from other median openings in Yellowjacket Lane.

The proposed congregate care facility will be a single, 3-story structure with 118 suites for retirement living. The applicant has submitted a written summary of the development

2 and the anticipated demographic. For informational purposes, the applicant has also  
4 submitted to staff a color sketch of the building and draft floor plans of each floor;  
however, these details are not to be tied down at this stage but rather during the future  
PD Site Plan review.

6 Staff has provided more information on congregate care uses in the UDC Amendment  
8 case in which the use is proposed to be added to the code. The subject property, in  
10 staff's opinion, is an ideal location for such a use. The property is currently zoned (GR)  
General Retail, but is located "mid-block" along Yellowjacket without the key visibility  
12 that would be found of a major arterial and/or intersection. Staff would not anticipate this  
site to attract a retail or commercial type development.

14 Further, the site is located adjacent to the existing Rockwall Ford auto dealership to the  
16 south, the Mission Rockwall multi-family development to the west, the City-owned  
baseball park site to the east and across Yellowjacket Lane from an existing single-family  
18 neighborhood (Waterstone) and the newly constructed Sonoma Ct multi-family  
development to the north. The site is considered a "transitional" site between high-  
20 intensity freeway commercial use (i.e. auto dealership) and lower intensity residential  
use. A congregate care facility restricted to residents 62 years and older would be  
considered an ideal "transitional" use between these types of development patterns.

22 The Concept Plan also indicates a number of amenities and services that will be provided  
24 with the development. The submitted development is wholly compliant with the proposed  
standards that Staff has drafted for the UDC to ensure any future congregate care  
26 developments are of high quality. The developer has presented the concept to the City to  
showcase that the development is a high-value project with minimal impact to  
28 surrounding schools and the traffic system.

30 It is important to note that the Concept Plan has been amended to include an  
underground detention system, which will allow the developer to save some of the  
32 existing trees at the northwestern corner of the site. Staff felt these trees provided some  
buffer along Yellowjacket Ln and would create extra amenity beyond a typical detention  
34 area.

36 Also important to note with this Concept Plan is the relatively low parking ratio provided.  
The developer has submitted information on the typical demand for parking for this type  
38 of use, which is far less than other residential or commercial uses given the fact that  
most of the residents choose not to drive and private van/bus transportation is included  
40 to each resident as part of the amenity package.

42 Future platting, site plan review and engineering/building plans review will be required  
should the PD zoning be approved by the Council. While the Concept Plan illustrates in  
44 advanced detail how they anticipate meeting the City's utility, detention and fire  
protection requirements, those items will be reviewed in more detail at those later stages.

46 Staff has attached in its recommendation a comprehensive set of development standards  
that the project must follow.

48 Staff has posted signs on the subject property and published a notice in the newspaper  
50 as required by law. In addition, information on the PD Concept Plan has been posted on  
the City's website for "current zoning cases."

52 Notices were also mailed to the owners of 14 tracts located within 200-ft of the subject  
54 property. At the time of this report, no responses have been received.

2 It should also be noted that the applicant scheduled a meeting on May 25th and invited  
4 all owners within 200-ft of the subject property, as well as the Waterstone Estates HOA  
6 president, to discuss the proposed development and field any concerns or questions.

8 Staff recommends approval of the change in zoning from (GR) General Retail district to  
10 (PD) Planned Development district with the following conditions:

- 12 1. That the subject property described in the legal description (Exhibit "A") and PD  
14 Concept Plan (Exhibit "B") be subject to the PD Development Standards as  
16 described in Exhibit "C."
- 18 2. Future development of each tract will require submittal and approval of PD Site  
20 Plan(s), engineering plans, preliminary and final plat, etc.

22 Commissioner Jackson then opened the public hearing at 6:18 p.m.

24 Mark Lowen, Lenity Group LLC  
26 471 High Street, Suite 10  
28 Salem, Oregon

30 Mr. Lowen presented a PowerPoint that provided a brief description of "congregate care"  
32 and the individuals that typically live in these types of facilities as well as their lifestyle.  
34 In addition, he explained the building design and showed examples of facilities.

36 There being no others wishing to come forth and speak, Commissioner Jackson then  
38 closed the public hearing at 6:30 p.m.

40 Commissioner Renfro inquired about the one entrance into the facility and the  
42 consequences in the event of an emergency. Hampton answered that in this case  
44 additional entrances are not required due to size, and that the Fire department did not  
46 require any during their review of the plan. LaCroix stated that the possibility of an  
48 additional emergency access point is being discussed.

50 Commissioner Minth made a motion to approve Z2011-010, a request by Mark Lowen of  
52 The Lenity Group LLC for approval of a zoning change from (GR) General Retail district  
54 to (PD) Planned Development district, specifically to allow for a congregate care/elderly  
housing facility on a 4.279-acre tract known as Tract 16-5, Abstract 145, J. D. McFarland  
Survey, situated along the southeast side of Yellowjacket Lane east of Kyle Drive, with  
staff recommendations.

Commissioner Buchanan seconded the motion.

A vote was taken, and the motion passed unanimously by all present.

3. Z2011-011  
Hold a public hearing and consider a request by Misty Phillips (and others) for  
approval of a zoning change from (Ag) Agricultural district to (RO) Residential  
Office district, on property totaling approximately 3.25-acres overall and  
comprised of Tract 6 (4031 North Goliad), Tract 21 (4037 North Goliad) and Tract  
22 (4035 North Goliad) of Abstract 187, J. Strickland Survey, situated along the  
west side of North Goliad south of Windham Drive, within the North SH 205  
Overlay district, and take any action necessary.

Gonzales stated that the applicant, on behalf of herself and the 2 other owners, is  
requesting a zoning change from (AG) Agricultural district to (RO) Residential district for  
three properties located at 4031, 4035, and 4037 North Goliad. The three lots comprise a  
total of 3.25 acres with home sites on each individual parcel. The properties are situated



2 within the (N SH 205 OV) North Goliad Overlay district and are adjacent to the Castle  
Ridge Estates and Harlan Park residential subdivisions.

4 The (RO) Residential Office district recognizes older single-family residential areas that  
6 can be converted to low-intensity office uses (e.g. professional, medical, other services,  
etc.). This allows property owners to consider redevelopment of their properties, thereby  
8 extending the economic life of the structures. Since these properties are generally  
located along major thoroughfares, the (RO) Residential Office district provides a  
10 transition between residential districts and high-intensity non-residential uses. However,  
the standards require a buffering of non-residential uses from residential properties.

12 The City has three areas designated as (RO) Residential Office districts where  
redevelopment has occurred, predominately PD-50 (north of downtown) and PD-53  
14 (across from Brookshire's Shopping Center), all of which are located along major  
thoroughfares and are highly visible. The applicant has been involved with three  
16 properties located within PD-50 that have been converted to non-residential uses in the  
past. These and others in these districts serve as examples of the potential investment  
18 that redevelopment will have for the properties being requested. Goliad serves as a  
major corridor and as you enter the City from the north, these three homes are the first  
20 properties visible to south bound traffic. As a note, Castle Ridge Estates and Harlan Park  
are newer subdivisions that "back" to the subject lots and are unlikely that a) the subject  
22 properties can be absorbed into those subdivisions, and b) the subject properties will  
retain their value or be redeveloped as Single-Family homes.

24 Staff does feel the application to rezone the properties to have merit and does support  
26 the request. However, upon development, the properties must be site planned and  
platted to meet the standards for the (RO) Residential Office and the North SH 205  
28 Overlay districts.

30 A notice was published on May 27, 2011 in the Rockwall County News and a sign was  
posted on the property indicating a zoning change request. Also, twenty-nine (29)  
32 notices were mailed to property owners of record within 200-ft of the subject property  
and at the time of this report, staff has received two (2) notices opposing the request.

34 Staff is in favor of the zoning change and supports the request.

36 Commissioner Buchanan inquired if expansion of the existing properties is allowed.  
38 Gonzales stated that expansion and redevelopment is allowed in Residential – Office  
District.

40 Commissioner Jackson then opened the public hearing at 6:40 p.m.

42 Misty Phillips  
44 2008 S. Lakeshore  
Rockwall, Texas

46 Ms. Phillips showed a PowerPoint presentation that briefly described the reason for the  
48 zoning change request.

50 Commissioner Buchanan asked the applicant of any immediate plans for the property  
and if there was any interest from tenants. Ms. Phillips responded that she did have  
52 tenants that were interested in leasing the space and that she intends to enhance the  
property through landscaping and upkeep but there were no intentions of expanding at  
54 this time.

56 Jennifer Dayman

2 519 Cellars Ct.  
Rockwall, Texas

4 Ms. Dayman stated her concerns with the proposed zoning change. The property backs  
6 up to her backyard and she feels that it will change the landscape of the area by  
increasing traffic and the installation of parking lots. She also mentioned that there are  
already vacant commercial spaces in the area.

8  
10 Yvonne Sullivan  
521 Cellars Ct.  
Rockwall, Texas

12  
14 Ms. Sullivan stated that her property backs up to the property discussed. She believes  
that it will decrease the property value of the existing homes. She is concerned about the  
lighting, increased noise and traffic, and parking. She asked about the properties that are  
16 included within the proposed change.

18 Gonzales stated that three properties were proposed for rezoning.

20 Ms. Phillips showed a slide for the property located at 907 North Goliad and stated that  
her main objective is to clean-up the property so that it appears attractive.

22  
24 LaCroix discussed the limited uses of the "R-O" district and the size and types of the  
businesses within the district.

26 Ms. Dayman said that her concern is with a parking lot for the business and the unknown  
28 intentions for the properties. LaCroix gave a brief history of the reasoning behind the "R-  
O" district in enhancing the appearance of the properties in these areas while also  
preventing the devaluation of such properties and surrounding properties.

30  
32 Ms. Sullivan reiterated the unknown intentions for the properties. LaCroix responded that  
the properties could remain residential after the zoning change, but that the proposed  
zoning offered different options for the properties while still limiting the allowed uses.

34  
36 There being no one else wishing to come forth and speak, Commissioner Jackson then  
closed the public hearing at 7:00 p.m.

38 Commissioner Buchanan commented that the rehabilitation of the properties should  
have a positive effect on the nearby properties.

40  
42 Commissioner Renfro made a motion to approve Z2011-011, a request by Misty Phillips  
(and others) for approval of a zoning change from (Ag) Agricultural district to (RO)  
44 Residential Office district, on property totaling approximately 3.25-acres overall and  
comprised of Tract 6 (4031 North Goliad), Tract 21 (4037 North Goliad) and Tract 22 (4035  
46 North Goliad) of Abstract 187, J. Strickland Survey, situated along the west side of North  
Goliad south of Windham Drive, within the North SH 205 Overlay district.

48 Commissioner Minth seconded the motion.

50 A vote was taken, and the motion passed unanimously of all present.

52 4. Z2011-012

54 Hold a public hearing and consider a request by Christina Konrad of Kroger  
Texas LP for approval of an amendment to (PD-9) Planned Development No. 9  
56 district, specifically to allow for a proposed fuel center in conjunction with the  
existing Kroger store located on Lot 18, Block A, Horizon Ridge Addition, being

7.1779-acres situated at 2935 Ridge Road within the Scenic Overlay district, and take any action necessary.

Spencer stated that an application has been filed on behalf of Kroger to amend the PD-9 zoning to allow for the development of a fuel center within the existing parking lot associated with their grocery store located at 2935 Ridge Road. The underlying zoning for PD-9 is General Retail. The 7.1779-acre subject property is Lot 18, Block A, Horizon Ridge Addition, and was developed in conjunction with two adjacent retail strip centers located on separate tracts (Lots 17 and 19) that are owned by another party.

The original development plan was first approved in 2001 (for a "Tom Thumb" anchored shopping center), and in fact included a 4-pump fuel center and kiosk in association with the grocery store. The PD was amended at that time (Ord 01-43) to allow for the fuel center, but the use was specifically limited to a 0.8-acre area that is situated adjacent to FM 3097/Horizon Road. Kroger built the grocery store more or less in compliance with the 2001 Tom Thumb plan; however, the permitted location of the fuel center is now "off-site" and controlled by the owner of the adjacent retail building (Regency). It is staff's understanding that Kroger's preference is for the fuel center to be located on their own property and in front of their store.

Earlier this year the applicant submitted a request to amend the PD to allow for the development of a fuel center within the existing parking lot. The application was ultimately denied, with prejudice, by the City Council.

In May of this year, the applicant submitted a request to the Planning and Zoning Commission seeking permission to "refile" a new zoning application for PD Amendment within one year of the City Council's denial based on a "change of conditions" outlined by the applicant. On 5/10/2011, the Planning and Zoning Commission voted 7 to 0 to allow the applicant to "refile" a new zoning application for PD Amendment.

It's important to note that the revised PD amendment is meeting the City's parking requirements for retail development. This differs from the previous PD amendment request from Kroger which was failed to meet the City's parking requirements by eight parking spaces.

As part of the PD amendment request the applicant has also provided staff with a copy of a mutual parking agreement that they have with the other owner of the shopping center, Regency. The two other buildings, owned by Regency, that comprise the remaining portion of the shopping center have a total 364-parking spaces. Currently the required parking for those two buildings is 257-spaces, providing for a surplus of 107-parking spaces. Staff feels that the Planning and Zoning Commission and City Council should give the mutual parking agreement consideration in reviewing this request. It is a common practice for the city to review the proposed/existing parking for an entire shopping center in totality and not just one building at a time to determine if the proposed parking meets city standards.

Finally, staff would encourage the Commission and Council to consider a limitation of outside display at and around the fuel center. Currently, the applicant has indicated only an ice machine adjacent to the fuel kiosk. The City has been consistent with this requirement in recent years. It should be noted that with the similar fuel center that was developed in conjunction with Tom Thumb in north Rockwall, the only authorized outside display is an ice machine (which was painted to match the exterior materials of the kiosk). Prior to that, Murphy Oil was approved in front of the Wal-Mart Supercenter under the condition that no outside display be permitted.

2 The applicant has oriented the fuel center "perpendicular" to FM 740 as encouraged by  
3 staff, and will be adding 17 new trees within the street buffer and in other areas around  
4 the fuel center to minimize any negative visual impact to the shopping center. The fuel  
5 canopy structure will feature natural stone columns that should match the existing  
6 Kroger store but also meet Overlay requirements.

7 Notice of the zoning change was published in the newspaper, and a zoning change sign  
8 was posted on the property along Ridge Road. Notices were mailed to 19 owners within  
9 200-ft of the subject property. At the time of this report, one (1) response in opposition  
10 had been received.

11 Ultimately, staff feels that approval of the PD amendment is a judgment call for the  
12 Commission and Council. If approved, staff would offer the following recommendations:

- 13 1. The development shall strictly adhere to the approved concept plan (Exhibit A),  
14 landscape plan (Exhibit B) and building elevations (Exhibit C).
- 15 2. No outside display of merchandise shall be permitted within or around the  
16 proposed fuel center, except for the ice machine as shown on the concept plan  
17 and elevations, which shall be painted to match the exterior materials of the  
18 adjacent kiosk. However, the grocery store shall continue to display merchandise  
19 as permitted under the City's "incidental display" requirements of the Unified  
20 Development Code.
- 21 3. No seasonal sales of merchandise or other special event (e.g. Christmas tree  
22 sales, Valentine's Day tent sale) that would result in a further reduction of the  
23 required parking spaces shall be allowed on the property, unless specifically  
24 permitted on a case-by-case basis by the City Council.

25 LaCroix gave a brief description of the new site plan and the changes that have been  
26 made per the City Engineer's suggestions.

27 Todd stated that his concern was with traffic congestion on FM 740 and that this new site  
28 plan addresses that issue.

29 Commissioner Minth inquired about the number of parking spaces that will need to be  
30 adjusted to allow for the new median. LaCroix stated that the number of parking spaces  
31 is no longer an issue.

32 Commissioner Buchanan asked for clarification on the traffic flow into and out of the fuel  
33 station. LaCroix and Todd discussed the new plan.

34 Commissioner Jackson asked if cars would be able to drive over the median. Todd  
35 answered that it would be a standard 6" curb.

36 Commissioner Jackson then opened the public hearing at 7:18 p.m.

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Christina Konrad  
1331 E. Airport Freeway  
Irving, Texas

Ms. Konrad briefly presented the proposed plans for the Kroger fuel center and the  
benefits of the fuel center.

Commissioner Buchanan asked about the timing of the delivery trucks. Ms. Konrad  
stated that the trucks arrive at different times throughout the day, but they could adjust  
for traffic.

Danny Murphy

2910 Ridge Road  
Rockwall, Texas

Mr. Murphy stated that four other businesses in the area sell fuel. He interviewed customers of the existing Kroger and the majority of those individuals stated their main concern as parking. He believes that parking at this store is already a problem and the fuel center will enhance the parking issue.

John Pierce  
Wood Meadow  
Garland, Texas

Mr. Pierce stated he was the manager of the Rockwall Kroger store, and asked for the Commission's support of the fuel center. He stated that all of Kroger's competitors are able to sell fuel and that many of Kroger's customers inquire about a fuel center at the Rockwall store. He mentioned that Kroger is a busy store but that they have an adequate number of spaces.

Nate Collins  
1331 E. Airport Freeway  
Irving, Texas

Mr. Collins stated that they have an adequate number of parking spaces per the City's requirements and that current customers of the store have expressed interest in a fuel center.

There being no one else wishing to come forth and speak, Commissioner Jackson then closed the public hearing at 7:31 p.m.

Commissioner Buchanan stated that his concern has been traffic flow and he appreciates Kroger working on this issue.

Commissioner Renfro made a motion to approve Z2011-012, a request by Christina Konrad of Kroger Texas LP for approval of an amendment to (PD-9) Planned Development No. 9 district, specifically to allow for a proposed fuel center in conjunction with the existing Kroger store located on Lot 18, Block A, Horizon Ridge Addition, being 7.1779-acres situated at 2935 Ridge Road within the Scenic Overlay district, with staff recommendations, and the additional condition that a right in/right out only median shall be installed within 12 months of the issuance of the building permit for the fuel center.

Commissioner Minth seconded the motion.

A vote was taken, and the motion passed by a vote of 3- 1, with Buchanan voting against.

5. Z2011-013

Hold a public hearing and consider a request by Don Lord, on behalf of Jim Menconi of Empire Self Storage, for approval of a Specific Use Permit (SUP) to allow for the expansion of the existing "Buffalo Ridge" mini-warehouse facility located on Tracts 26, 26-4 and 26-6, Abstract 80, W. W. Ford Survey, being 8.84-acres overall zoned (C) Commercial district and situated at 5543 and 5573 FM 3097 (Horizon Rd), and take any action necessary.

Spencer stated that the applicant is still working through the staff's comments and was not prepared to go forward tonight. Since the public hearing was advertised, the Commission needed to open the public hearing and continue it to the next meeting.

Commissioner Jackson opened the public hearing at 7:34 p.m.

Commissioner Minth made a motion to continue the public hearing to the June 28, 2011 Planning & Zoning Meeting.

Commissioner Renfro seconded the motion.

A vote was taken, and the motion passed unanimously by all those present.

6. Z2011-009

Hold a public hearing and consider approval of a city-initiated request to amend the Unified Development Code (Ord. No. 04-38), specifically Article IV, Permissible Uses, relative to the provisions and standards for "Assisted Living Facilities," "Congregate Care Facilities," "Convalescent Care Facilities/Nursing Homes" and other similar uses, and take any action necessary.

Hampton stated that in recent years, staff has received several development inquiries for a relatively new retirement housing concept commonly referred to as "congregate care." This use is not explicitly covered by the current regulations and use restrictions within the Unified Development Code (UDC). After the most recent inquiry in March 2011, staff requested that the City Council consider initiating an amendment to the UDC to add "congregate care" as a listed use in certain zoning districts, along with minimum standards that would ensure any such facility built in Rockwall would be a quality development. After discussing the concept at two Council meetings, as well as receiving a presentation from a developer of such facilities, the Council voted to move forward with a proposed amendment to add "congregate care" as a listed use in certain zoning districts with a Specific Use Permit (SUP).

However, during this process, the Council also opened up discussion on other similar uses that are presently listed in the UDC, such as "assisted living facilities" and "convalescent / nursing facilities," and ultimately directed staff to expand the amendment to require an SUP for these uses in all zoning districts. In drafting these amendments, staff has continued its research of state law and how other cities across the state regulate these types of uses. The following is a use-by-use breakdown of staff's final recommended changes to the UDC based on all the discussion and research thus far.

**Amendment #1 – Group or Community Home**

The definition and allowances for "group homes," particularly in our residential districts, is largely based on state law for these types of facilities. While staff is recommending a minor change to the conditions for the "group homes" and "assisted living" uses to provide a more clear distinction between the two, we would not recommend changing the land use table for group homes at this time. State law is clear in that local communities must provide allowances for these types of facilities.

**Amendment #2 – Assisted Living Facility**

As stated above, the Council also directed staff to amend the land use table for "assisted living facilities" so as to require an SUP in all zoning districts, even those where the use is not presently allowed. It first should be noted that in looking at this issue, staff believes a definition of "assisted living" in the context of the Rockwall UDC is necessary, and have added this to Article IV for the Commission and Council's consideration (See Exhibit B). The purpose of this amendment is to clearly distinguish an assisted living facility (i.e. 7 or more unrelated residents) from a small "group home" (6 or fewer).

Further, in consideration of the current allowances for "group or community homes" by the UDC and state law, specifically in our SF and 2F zoning districts, staff would not

2 recommend that assisted living facilities be allowed (by right or with an SUP) in these  
3 residential districts. In terms of whether to allow assisted living “by right” or with an SUP  
4 in non-residential districts, staff has found that the majority of cities in our research (e.g.  
5 Plano, Georgetown, Tyler, and McKinney among others) do NOT require a SUP in their  
6 multi-family, office, retail or commercial districts. We have found two (Athens and  
7 Southlake) that do require an SUP in these types of zoning districts.

8 Staff has proposed in the “final” amended land use table (Exhibit A) to expand the  
9 assisted living use in certain zoning districts with an SUP, as directed by Council, but  
10 would propose that this use continue to be allowed by right in the MF-14, GR and C  
11 districts which falls in line with most of our market cities.

### 12 Amendment #3 – Convalescent Care Facility / Nursing Home

13 Staff is not recommending any significant changes to the definitions and use restrictions  
14 for nursing homes. Again, the majority of cities that we investigated allow these types of  
15 facilities by right in multi-family, retail and commercial districts, and generally either  
16 required an SUP or prohibited them in industrial districts. Further, we have not found any  
17 cities that list this use as permitted or with an SUP in any SF residential districts. In light  
18 of these findings, staff feels like the current regulations in the Rockwall UDC for nursing  
19 home facilities are appropriate. One exception is that staff would propose to add an SUP  
20 provision for nursing facilities in MF-14. It should be noted again that the majority of the  
21 cities in our research allow this use by right in their multifamily zoning districts. And  
22 more importantly, staff would note that the current zoning for the Rockwall Nursing  
23 Home at Fannin Street and Storrs is MF-14.

### 26 Amendment #4 - Congregate Care

27 The last point of discussion is the addition of “congregate care” as a newly listed use in  
28 the City’s Land Use Table. This use is similar to assisted living, except that a license by  
29 the State of Texas is not required since personal care services are not included.  
30 “Personal care services” means: assistance with meals, dressing, movement, bathing, or  
31 other personal needs or maintenance; the administration of medication by a person  
32 licensed to administer medication or the assistance with the supervision of medication;  
33 or general supervision or oversight of the physical and mental well-being of a person  
34 who needs assistance to maintain a private and independent residence in an assisted  
35 living facility or who needs assistance to manage the person’s personal life, regardless  
36 of whether a guardian has been appointed for the person.

37 Staff’s original recommendation was to regulate “congregate care” in the same manner  
38 as “assisted living.” However, the City Council did stipulate that an SUP be required in  
39 any zoning district for the new use so that it could be examined on a case-by-case basis.  
40 Staff has discovered that certain cities (e.g. Tyler, Flower Mound) do require a Specific  
41 Use Permit in non-residential districts for congregate care use. But we have not found  
42 any cities in Texas or nationally that allow for congregate care facilities in single-family  
43 districts, and would discourage the Commission or Council to add this use to any SF, 2F,  
44 or ZL-5 district in Rockwall.

45 The “final” amended land use table (Exhibit A) includes an updated staff  
46 recommendation for regulating congregate care facilities. Also attached in “Exhibit B” is  
47 a definition and set of conditions staff has developed to ensure any potential  
48 development fits the unique nature of a congregate care facility.

49 Notice of the proposed amendments to the UDC was published in the newspaper at least  
50 15 days prior to the public hearing in accordance with state law. In addition, a notice was  
51 published on the city’s “current zoning cases” website in accordance with Council  
52 policy.

2 Staff would recommend approval of amendments to Article IV of the Unified Development  
4 Code as outlined in Exhibit A (Final Amended Land Use Table) and Exhibit B (Amended  
use conditions for Assisted Living, Convalescent Care/Nursing Home, Congregate Care  
Facility, and Group/Community Homes).

6 Commissioner Renfro asked if an SUP would create liability with the City by creating a  
8 custodial agreement. LaCroix responded that it would not, but the conditions of the SUP  
make it a long-term commitment for the developer. Hampton stated that requiring an SUP  
for this type of development could be a potential deterrent to developers.

10 Commissioner Jackson then opened the public hearing at 7:52 p.m.

12 There being no one wishing to come forth and speak, Commissioner Jackson then  
14 closed the public hearing at 7:52 p.m.

16 Commissioner Buchanan made a motion to approve Z2011-009, a city-initiated request to  
18 amend the Unified Development Code (Ord. No. 04-38), specifically Article IV, Permissible  
Uses, relative to the provisions and standards for "Assisted Living Facilities,"  
20 "Congregate Care Facilities," "Convalescent Care Facilities/Nursing Homes" and other  
similar uses, as recommended by Planning staff.

22 Commission Renfro seconded the motion.

24 A vote was taken, and the motion passed unanimously by all those present.

26 IV. DISCUSSION ITEMS

28 7. Planning Director's Report on the following Planning and Zoning Commission  
matters that have been recently acted on by City Council:

30 a) Z2011-008: SUP for Tropical Sno (Brad Thomas) on Luigi's property

32 LaCroix reported that Council approved the request 7-0. However, a notice against the  
34 request was received after the Council meeting which puts those against over 20% and  
will require a super majority vote at the next Council meeting.

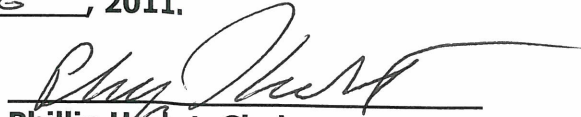
36 b) MIS2011-004: Special Exceptions for 214 Bass Road

38 LaCroix reported that Council approved the request.

40 V. ADJOURNMENT

42 The meeting adjourned at 7:56 p.m.

44 **PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY**  
46 **OF ROCKWALL, Texas, this 28 day of JUNE, 2011.**

48   
Phillip Herbst, Chairman

50 Attest:

52   
JoDee Sanford, Planning Coordinator



**MINUTES**  
**PLANNING AND ZONING COMMISSION**

Tuesday, June 28, 2011

6:00 Work Session

City Hall, 385 South Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

The meeting was called to order by Phillip Herbst at 6:00 p.m. with the following members present: Barry Buchanan, Connie Jackson, Craig Renfro, John McCutcheon and Mark Stubbs. Kristen Minth arrived at 6:22 p.m.

Additionally, the following staff members were present: Robert LaCroix, JoDee Sanford, David Gonzales and Chris Spencer.

II. ACTION ITEMS

1. Approval of Minutes for June 14, 2011 Planning and Zoning Commission meeting

Commissioner Buchanan made a motion to approve the minutes for June 14, 2011.

Commissioner Jackson seconded the motion.

A vote was taken, and the motion passed by a vote of 3 to 0, with Phillip Herbst, John McCutcheon and Mark Stubbs abstaining.

2. P2011-008

Discuss and consider a request by Jerry and Barbara Faircloth for approval of a replat of Lot 8, Skyview Country Estates, being 2.36-acres located at the southeast corner of Breezy Hill Lane and Kimberly Lane within the extra-territorial jurisdiction (ETJ) of the City of Rockwall, and take any action necessary.

Gonzales stated that Mr. and Mrs. Faircloth are requesting approval of a replat for their property located at Lot 8, Skyview Country Estates. The 2.36-acre lot is located along the southeast corner of Breezy Hill Lane (PD-74) and Kimberly Lane, which is outside of the city limits, but is within the City's extraterritorial jurisdiction (ETJ).

According to the City's Subdivision Ordinance (Ord. No. 08-26), property located outside of the city limits, but within the City's extraterritorial jurisdiction (ETJ), that is subdivided into parcels or tracts of less than five (5) acres are required to meet the City's standards for plat filing. Furthermore, the plat must be reviewed by the Planning and Zoning Commission and approved by City Council.

Staff is in support of the request given the plat was inadvertently filed with Rockwall County in January of this year. Mr. and Mrs. Faircloth would like to resolve the issue by meeting the City's Subdivision Ordinance requirements and allowing the plat to be re-filed with City approval. As a note, the right of way, utility and waterline easements have been dedicated by separate instruments as well as seventy-five (75) foot building line set-backs.

Staff recommends approval of the request.

LaCroix clarified that the request is for final approval of a plat.

Commissioner Jackson made a motion to approve P2011-008, a request by Jerry and Barbara Faircloth for approval of a replat of Lot 8, Skyview Country Estates, being 2.36-acres located at the southeast corner of Breezy Hill Lane and Kimberly Lane within the extra-territorial jurisdiction (ETJ) of the City of Rockwall, with staff recommendations.

Commissioner Buchanan seconded the motion.

A vote was taken, and the motion passed unanimously by all present.

III. PUBLIC HEARING ITEMS

3. Z2011-013

Continue a public hearing and consider approval of a request by Don Lord, on behalf of Jim Menconi of Empire Self Storage, for approval of a Specific Use Permit (SUP) to allow for the expansion of the existing "Buffalo Ridge" mini-warehouse facility located on Tracts 26, 26-4 and 26-6, Abstract 80, W. W. Ford Survey, being 8.84-acres overall zoned (C) Commercial district and situated at 5543 and 5573 FM 3097 (Horizon Rd), and take any action necessary.

Spencer stated that the applicant is still working through the staff's comments and is not prepared to go forward tonight. They have requested an additional two weeks.

Commissioner Jackson made a motion to continue the public hearing to the July 12, 2011 Planning & Zoning Meeting.

Commissioner Renfro seconded the motion.

A vote was taken, and the motion passed unanimously by all present.

IV. DISCUSSION ITEMS

4. Appointment with Architectural Review Board representative to receive the Board's recommendations and comments for items on the agenda requiring architectural review.

Clark Staggs  
1601 Seascape  
Rockwall, Texas

Mr. Staggs stated that the ARB reviewed the Rockwall Nursing & Rehabilitation project and made the following recommendations:

- a. Improve the appearance of the portico.
- b. Increase the width of the driveway under the portico to accommodate two SUVs with room for people to get around the vehicles.
- c. Greater variation in the roof elevations.

A few additional recommendations were made and the applicants stated that the recommendations would be addressed and brought back for review in two weeks.

Commissioner Herbst inquired about the clearance height of the portico. Mr. Staggs answered that it appeared that it would accommodate larger vehicles.

5. SP2011-006

2 Discuss and consider a request by Michael S. Kendall of Kendall Landscape  
3 Architecture for approval of an amended site plan for Rockwall Nursing &  
4 Rehabilitation, being a 56,615-sf nursing / convalescent care facility located on  
5 the proposed Lot 6, Block C, Horizon Ridge Medical Park Addition, being 4.54-  
6 acres zoned (PD-9) Planned Development No. 9 district and situated along the  
7 southwest side of Medical Drive, and take any action necessary.

8 **Spencer stated that the private access easement would need to be addressed prior to  
9 approval of the final plat and the applicant is aware of the issue. In addition, the  
10 photometric cut sheet shows a flood light. The applicant will address this by changing  
11 out the fixture.**

12 **Commissioner Buchanan clarified that the lighting would be changed to downward  
13 lighting.**

14 **Mike Kendall  
15 6276 Santa Barbara  
16 Dallas, Texas**

17 **Mr. Kendall stated that they would revise their drawings based upon comments from the  
18 ARB and staff.**

19 **Commissioner Herbst asked about the clearance. Mr. Kendall responded that it would be  
20 a standard height for a passenger van.**

21 **6. P2011-005**

22 Discuss and consider a request by Brad Larsen of Galaxy Ranch Shopping  
23 Center for approval of a replat of Lot 2, The Larsen School Addition, being 6.80-  
24 acres zoned (PD-10) Planned Development No. 10 district and designated for  
25 Commercial uses, located along the northwest side of the future realignment of  
26 SH 276 and east of Townsend Rd, and take any action necessary.

27 **Spencer gave a brief description of the location of the property as well as some history  
28 of the project.**

29 **Commissioner Renfro asked if there were any issues previously that required the project  
30 to be resubmitted. Spencer responded that the project is being completed in phases and  
31 that this is the next phase of the project.**

32 **7. Z2011-014**

33 Discuss and consider a request by Jerry Archer of Archer Car Care for approval  
34 of a Specific Use Permit (SUP) to allow for "Auto Repair, Minor" within the (DT)  
35 Downtown district, on a 0.23-acre tract known as the west part of Lots 1-4, Block  
36 U, Rockwall Old Town Addition and located at 306 E. Washington.

37 **LaCroix gave a brief history of the case and the location of the property.**

38 **Commissioner Buchanan asked about the requirement to add fire sprinklers to the  
39 existing building. LaCroix answered that a waiver of the fire sprinkler was granted in the  
40 original SUP and that Mr. Archer could ask for a waiver as part of this SUP.**

41 **Commissioner Jackson inquired about a time limit on the SUP. LaCroix responded that  
42 the addition of a time limit would not be recommended for the SUP.**

8. P2011-006

Discuss and consider a request by Adam Buczek of The Skorburg Company for approval of a final plat of Stone Creek Phase II-A, being 41 single-family lots on 10.051-acres zoned (PD-70) Planned Development No. 70 district and situated south of Featherstone Drive and east of Deverson Drive, and take any action necessary.

LaCroix discussed the status of phase II of the Stone Creek development and stated that at this time staff is reviewing the technical aspects of the development with the applicant.

9. P2011-007

Discuss and consider a request by Adam Buczek of The Skorburg Company for approval of a final plat of Stone Creek Phase II-B, being 52 single-family lots on 10.315-acres zoned (PD-70) Planned Development No. 70 district and situated north and east of Bordeaux Drive and northwest of Featherstone Drive, and take any action necessary.

V. ADJOURNMENT

The meeting adjourned at 6:28 p.m.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 12 day of JULY, 2011.

  
Phillip Herbst, Chairman

Attest:

  
JoDee Sanford, Planning Coordinator

**MINUTES**  
**PLANNING AND ZONING COMMISSION**

Tuesday, July 12, 2011

6:00 Public Hearing

City Hall, 385 South Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

The meeting was called to order by Phillip Herbst at 6:01 p.m. with the following members present: Barry Buchanan, Connie Jackson, Craig Renfro, Kristen Minth, John McCutcheon and Mark Stubbs.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, JoDee Sanford, David Gonzales and Chris Spencer.

II. CONSENT AGENDA ITEMS

1. Approval of Minutes for June 28, 2011 Planning and Zoning Commission meeting.

2. P2011-005

Discuss and consider a request by Brad Larsen of Galaxy Ranch Shopping Center for approval of a replat of Lot 2, The Larsen School Addition, being 6.80-acres zoned (PD-10) Planned Development No. 10 district and designated for Commercial uses, located along the northwest side of the future realignment of SH 276 and east of Townsend Rd, and take any action necessary.

3. P2011-006

Discuss and consider a request by Adam Buczek of The Skorborg Company for approval of a final plat of Stone Creek Phase II-A, being 41 single-family lots on 13.121-acres zoned (PD-70) Planned Development No. 70 district and situated south of Featherstone Drive and east of Deverson Drive, and take any action necessary.

4. P2011-007

Discuss and consider a request by Adam Buczek of The Skorborg Company for approval of a final plat of Stone Creek Phase II-B, being 52 single-family lots on 10.315-acres zoned (PD-70) Planned Development No. 70 district and situated north and east of Bordeaux Drive and northwest of Featherstone Drive, and take any action necessary.

Commissioner Herbst pulled Item #1.

Commissioner Buchanan made a motion to approve Consent Agenda items #2, 3, 4.

Commissioner Jackson seconded the motion.

A vote was taken, and the motion passed by a vote of 7- 0.

Commissioner Stubbs made a motion to approve the minutes for June 28, 2011.

2 Commissioner Jackson seconded the motion.

4 A vote was taken, and the motion passed by a vote of 6 - 0, with Minth abstaining.

6 III. PUBLIC HEARING ITEMS

8 5. Z2011-013

10 *Continue a public hearing* and consider approval of a request by Don Lord, on  
12 behalf of Jim Menconi of Empire Self Storage, for approval of a Specific Use  
14 Permit (SUP) to allow for the expansion of the existing "Buffalo Ridge" mini-  
warehouse facility located on Tracts 26, 26-4 and 26-6, Abstract 80, W. W. Ford  
Survey, being 8.84-acres overall zoned (C) Commercial district and situated at  
5543 and 5573 FM 3097 (Horizon Rd), and take any action necessary.

16 Spencer stated that the applicant Don Lord, has submitted a request for approval of a  
18 Specific Use Permit (SUP) to allow for the expansion of the existing "Buffalo Ridge" mini-  
warehouse. The existing mini-warehouse facility is comprised of an office and four (4)  
20 existing storage buildings containing 24,000-sq.ft. of storage area. The existing office  
22 and four storage buildings are currently clad in an acrylic (stucco) type finish. The  
existing mini-warehouse buildings were constructed and the use established prior to the  
property being annexed into the city in 2004.

24 The applicant is proposing to construct an additional six storage buildings and one  
26 office/residence on the site. The new storage buildings are proposed to range in size  
from 7,950-sq.ft. to 12,650-sq.ft. with a total of 80,350-sq.ft. of new storage area.

28 As part of the SUP the applicant is asking the P&Z and the City Council to consider  
30 alternative exterior elevations for those perimeter facades facing F.M 3097. Article IV,  
32 Section 2.1.10 WHOLESALE, DISTRIBUTION & STORAGE, "Mini-Warehouse" (6) states  
34 "All exterior perimeter walls facing the front, rear and side property lines shall be 100%  
brick construction, unless otherwise approved by the Planning and Zoning Commission  
and City Council". In this case the applicant is proposing to use a combination of brick  
veneer and metal siding. Conceptual elevations have been provided by the applicant.

36 The applicant is also requesting that the P&Z and Council consider a combination of  
38 landscaping and tubular steel fencing to serve as the required screening mechanism.  
Article IV, Section 2.1.10 WHOLESALE, DISTRIBUTION & STORAGE, "Mini-Warehouse"  
40 (9) states "All screening fences shall be wrought iron with landscaping / living screen or  
42 masonry. See-through fencing should be wrought iron, or similar. Chain link fencing of  
any kind shall be prohibited." The concept site plan also illustrates the addition of a  
2,100-sq.ft. office/residence. Article IV, Section 2.1.10 "Mini-Warehouse" (17) states "The  
residential unit as an accessory to the permitted use shall not exceed 1600 square feet."

44 Article IV, Section 2.1.10 WHOLESALE, DISTRIBUTION & STORAGE, "Mini-Warehouse"  
46 (5) states "No direct access from FM 740, SH 205, SH 66, SH 276, FM 3097, FM 552, FM  
48 549 and John King Blvd. The Council may consider granting direct access from the  
above mentioned roadways after review and determination of the availability of access to  
50 the specific property." As stated previously the existing four buildings were constructed  
and the use established prior to city annexation in 2004. The existing site has direct  
access from F.M. 3097 (Horizon Road). With this in mind the applicant is proposing future

2 retail type development along F.M. 3097. If subdivided in the future, the Commercial (C)  
3 district would require the mini-warehouse development to have a minimum 60' of  
4 frontage along F.M. 3097.

6 Over the past few weeks the applicant has worked with staff to create and provide details  
7 required by the City of Rockwall UDC. Leading up to the meeting, the applicant continued  
8 to submit additional information, such as:

- 9 • The total number of units proposed: 597 units
- 10 • The percentage of metal siding proposed to be used on perimeter facades facing  
11 F.M. 3097: 52% brick and 48% metal.
- 12 • Conceptual elevations for exterior facades not facing F.M. 3097
- 13 • The square footage of the proposed residence area: 1600-sf.

14 Notice of the zoning change was published in the newspaper, and a zoning change sign  
15 was posted on the property along Horizon Road. Notices were mailed to 18 owners within  
16 200-ft of the subject property. No notices have been returned.

18 With the additional information received, staff would offer the following conditions if the  
19 SUP were to be approved by the Commission:

- 20 1. Storage / Mini-warehouse shall be allowed on the subject property  
21 described in Exhibit A, provided that it is in strict accordance with the site  
22 plan attached in Exhibit "B" and the elevations attached in Exhibit "C"..
  - 23 a. The areas shown as "Future Development" on the attached Exhibit  
24 "B" shall be developed with uses permitted within the (C)  
25 Commercial district. Further, no expansion of the storage / mini-  
26 warehouse use shall be allowed in these areas unless approved by  
27 an amended Specific Use Permit (SUP) in the future.
- 28 2. All development shall require approval of a site plan, plat, engineering  
29 plans and building plans.
- 30 3. The onsite residence shall be limited to a maximum of 1,600-sq.ft.
- 31 4. Construction of perimeter buildings A, B1, C, E, and F shall be completed  
32 concurrently with or prior to the construction of internal buildings B and D.
- 33 5. Adherence to all Engineering and Fire Department standards.
- 34 6. Unless otherwise listed in the SUP Ordinance the development shall adhere  
35 to all of the requirements listed in Article IV, Section 2.1.10 WHOLESALE,  
36 DISTRIBUTION & STORAGE, "Mini-Warehouse" of the City of Rockwall  
37 Unified Development Code.

38 Commissioner Renfro inquired about the delay in getting information to staff in order to  
39 make the necessary recommendations. Spencer gave some background information and  
40 stated that the applicant has provided all the information that has been requested of  
41 them at this point and has cooperated with staff.

44 *\*\*Note: The applicant had temporarily left the Council Chambers, so Chairman Herbst  
45 temporarily delayed the public hearing for Z2011-013 and moved case Z2011-014 up on the  
46 agenda (see below for remaining discussion and vote on Z2011-013).*

- 48 6. Z2011-014  
49 Hold a public hearing and consider a request by Jerry Archer of Archer Car Care  
50 for approval of a Specific Use Permit (SUP) to allow for "Auto Repair, Minor"

within the (DT) Downtown district, on a 0.23-acre tract known as the west part of Lots 1-4, Block U, Rockwall Old Town Addition and located at 306 E. Washington, and take any action necessary.

Hampton stated that the applicant, Jerry Archer, has submitted an application for a SUP (specific use permit) for a stand-alone "Auto Repair Garage, Minor." The subject property proposed for the SUP is located at 306 E. Washington, approximately one block east of Fannin Street. As the Commission and Council are aware, Mr. Archer received an SUP for this use at this location in 2007; however, that SUP was granted under the previous "GR" zoning and was limited to two (2) years with no renewal option. That SUP (Ord No. 07-44) has expired.

Earlier in 2011, an amendment was approved to the "DT" Downtown district that allows for consideration of a SUP for minor automotive repair in downtown provided that the proposed use is at least 500-ft from the historic courthouse property.

Currently, the building at 306 E. Washington is divided into three separate suites with the two front suites fronting Washington utilized as office/retail space. Archer's Car Care occupies Suite C in the rear part of the building. An existing, unimproved City right-of-way (Rose St) lies on the west side of the property and has been used for parking and access for many years. There are five existing parking spaces at the front of the building along Washington Street.

"Automobile Repair, Minor" is defined in the Unified Development Code as: the "repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plugs, and filter changing; tire alignment; tune-ups, emergency road service; replacement of starters, alternators, hoses, brake parts, mufflers; performing state inspections and making minor repairs necessary to pass said inspection; servicing of air-conditioning systems, and similar minor services for motor vehicles except heavy land vehicles, but not including any operation named under "Automobile Repair, Major" or any other similar use. All work must be performed inside an enclosed building. Vehicles shall not be stored on site for longer than 14 days."

Archer's Car Care has been an established business in the Downtown area for many years; having been located on SH 205 prior to the expansion of that road. The applicant would like to continue their trade in the downtown area due to the local customer base they have developed and continue to serve. Though in 2007, the subject site was considered an interim location while the applicant searched for a more permanent location, the applicant has settled into this location and has not created any apparent negative conflicts to surrounding properties or the downtown area.

Staff would include the same types of conditions from the 2007 ordinance that prohibited outside storage/display and limited the hours of operation. In addition, in previous discussions with the City, Mr. Archer expressed intent to comply with requirements of the Fire Department (e.g. fire sprinkler). A waiver was approved with the 2007 SUP ordinance; however, that was only for the 24-month period and any extension of the life of the use was to trigger the additional fire requirements. Unless specifically approved otherwise by the City Council, staff has included those conditions below.

Notices were mailed to 20 owners within 200-ft of the subject site, and at the time one response was returned in favor of the request.



- 2 If approved, staff would offer the following conditions:
- 4 1. That vehicles shall not be stored on site for longer than 48 hours (two days).
  - 6 2. That no exterior storage or display shall be allowed, except for vehicles as provided above and the required oil storage tank associated with the use, which shall be placed behind the building and not within any City right-of-way.
  - 8 3. That the hours of operation be limited from 7:00am to 7:00pm Monday through Friday, and from 7:00am to 12:00pm on Saturday.
  - 10 4. That a fire sprinkler system be installed in the building within six (6) months from the final approval date of the SUP.
  - 12 5. That the building shall meet all other applicable building and fire code requirements unless specifically waived by City Council.

16 Commissioner Buchanan inquired about a time limit on the SUP and Hampton stated that the proposed SUP would not have a time limit.

18 Chairman Herbst opened the public hearing at 6:23 p.m.

20 Jerry Archer  
22 306 E. Washington  
24 Rockwall, Texas

26 There being no others wishing to come forth and speak, Commissioner Herbst then closed the public hearing at 6:24 p.m.

28 Commissioner Minth made a motion to approve Z2011-014, a request by Jerry Archer of Archer Car Care for approval of a Specific Use Permit (SUP) to allow for "Auto Repair, Minor" within the (DT) Downtown district, on a 0.23-acre tract known as the west part of Lots 1-4, Block U, Rockwall Old Town Addition and located at 306 E. Washington, with staff recommendations.

34 Commissioner Jackson seconded the motion.

36 A vote was taken, and the motion passed by a vote of 7- 0.

38 *Noting that the applicant for case Z2011-013 had returned to the meeting, Chairman Herbst stated that the "continued" public hearing was open at 6:24 p.m.*

40 Don Lord  
42 1809 Bristol Lane  
44 Rockwall, Texas

46 Mr. Lord gave a brief description of the project.

48 Commissioner Renfro asked if Mr. Lord was agreeable with the staff recommendations. Mr. Lord stated that the two issues of concern are the pitched roof and the percentage of brick on the buildings.

50

2 Commissioner Renfro asked about future development standards and Spencer stated  
4 that this SUP would not waive the development standards for any future developments.  
Commissioner Renfro stated that the development standards needed to remain  
consistent along Horizon Road.

6 Commissioner Buchanan stated that his concern is with the exception to the 100% brick.  
Commissioner Buchanan asked if other properties in the city had any such exception.  
8 Spencer responded that other properties have metal siding, however, those properties  
are zoned differently.

10 Commissioner Minth also stated that the metal buildings will be seen from the sides of  
12 the property.

14 Commissioner Stubbs stated that he disagreed and believes that the project improves  
the look of the property.

16 LaCroix confirmed that the area around the property is zoned commercial.

18 Commissioner Renfro stated that his concern is the appearance from Horizon Road.

20 Commissioner Herbst inquired about outside storage on the property. Spencer  
22 responded that outside storage is prohibited, and in fact the existing outside storage on  
the property would be cleaned up if this SUP were to be approved.

24 Commissioner Herbst asked about the current office building.

26 Spencer asked the applicant to confirm whether the buildings in the rear of the project  
28 are enclosed and not covered parking. Mr. Lord responded that he is unsure. Spencer  
stated that covered parking or open storage of boats, trailers, etc is not allowed and that  
30 all buildings must be enclosed.

32 LaCroix stated that the applicant has the option to request covered parking as part of the  
SUP when they go before Council.

34 There being no others wishing to come forth and speak, Commissioner Herbst then  
36 closed the public hearing at 6:50 p.m.

38 Commissioner Renfro made a motion to approve Z2011-013, a request by Don Lord, on  
behalf of Jim Menconi of Empire Self Storage, for approval of a Specific Use Permit (SUP)  
40 to allow for the expansion of the existing "Buffalo Ridge" mini-warehouse facility located  
on Tracts 26, 26-4 and 26-6, Abstract 80, W. W. Ford Survey, being 8.84-acres overall  
42 zoned (C) Commercial district and situated at 5543 and 5573 FM 3097 (Horizon Rd), with  
staff recommendations and the following additional conditions:

- 44 1. That the number of units be limited to 597
- 46 2. That the exterior materials be limited to a minimum of 52% brick masonry and a  
48 maximum of 48% metal siding for the perimeter buildings facing Horizon Road, a  
minimum of 12% brick masonry and maximum of 88% metal siding for the  
perimeter buildings not facing Horizon Road, and a maximum of 100% metal  
siding for the interior buildings.

50

2 Commissioner Stubbs seconded the motion.

4 A vote was taken, and the motion passed by a vote of 6 - 1, with Buchanan against.

6 7. Z2011-016

8 Hold a public hearing and consider a request by Richard Skorburg of Stone  
10 Creek Balance, Ltd., for proposed amendments to (PD-70) Planned  
12 Development District No. 70, being 395-acres of land overall and generally  
14 known as the Stone Creek Development, located along the east side SH 205,  
16 south side of FM 552, west of Hays Road and John King Boulevard and north of  
18 Quail Run Road, and take any action necessary.

20 Hampton stated that the developer of the Stone Creek residential subdivision has  
22 submitted a proposed amendment to the PD-70 zoning district, which was established in  
24 2007 for the 395-acre overall development. As the Commission and Council may recall,  
26 an amendment was approved in 2009 (Ord No. 09-44) that designated approximately  
seven (7) acres at the southwest corner of the subject tract as "general retail." Those 7-  
acres are situated immediately north of the CVS Pharmacy located on North Goliad, and  
immediately west of the City's new Fire Station #3. The amended concept plan resulted in  
reduction in the overall single-family residential lot count from 935 to 918 lots.

28 Now, the developer is requesting to reconfigure the approved retail site at this location.  
30 The size of the tract would be increased from 7-acres to approximately 8.402-acres, with  
32 the increased land resulting from increased frontage along SH 205. However, the revised  
34 master plan also shows approximately 0.8-acre of the 8.4-acres would be maintained as  
open space, so the total net retail area is around 7.6-acres.

36 No other changes to the PD are being requested. Ultimate development of the retail site  
38 would require submittal and review of a PD Development Plan, which is a public hearing  
40 process requiring approval of the Planning Commission and City Council, as well as a  
42 PD Site Plan and all platting procedures. Further, the same strict controls in PD-70  
44 utilized for the Stone Creek Retail project (i.e. Tom Thumb) applies to the subject  
46 property, including limitations on land use and standards for appropriate connectivity to  
48 the neighborhood.

50 A similar request was submitted in 2010 by the applicant, and ultimately withdrawn due  
to a handful of issues raised by staff and the Planning Commission. The developer has  
attempted to address these issues with the current request.

40 Issue #1 - Existing Trees / Floodplain

42 A large portion of the area proposed to be "added" to the retail site is within the flood  
44 plain. A key consideration has been the impact that the increased retail area would have  
46 on the heavily treed open space area. One of the City's supporting reasons for changing  
48 this area to retail in 2009, as excerpted from the staff reports and minutes during that  
review, was that "...it appears that the development of this area as office/retail could  
result in less impact to the existing creek and heavily treed area in this part of the site,  
given that a residential street that parallels SH 205 and crosses the creek (as shown on  
the original Concept Plan) would no longer be necessary."

50 The applicant's revised concept plan recognizes the primary stand of large Pecan trees,  
and has broken the proposed retail site to a small north "pad" (1-acre) and larger south

pad (6.6-acres). The Concept Plan is illustrative only, and staff would note that the procedural requirements already in place for the PD (i.e. PD Development Plan, Site Plan and platting) can be utilized to ensure all floodplain requirements are met. A detailed flood study could be required at that time, and therefore ultimate development of the property may not be as expansive as shown on their submitted "Exhibit B" drawing.

Issue #2 - Minimum Open Space

Staff has asked the developer to confirm that the proposed reduction of open space by approximately 1.402-acres in this area does not reduce the required open space for the entire PD below the minimum levels. Ultimately, 20% (or 79-acres) of the entire 395-acre PD show be reserved with open space, with some credit provided for the planned school site as well as the floodplain areas. The revised master layout received by staff indicates that 83.11-acres (21%) of the project remains as open space, which does not appear to include any portion of the school tract.

Issue #3 - Access

Beyond the floodplain and open space issues, the developer is also showing on their exhibit a second access point at the northwest corner of the retail tract to provide access to the north pad site. Currently, the only access from SH 205 is obtained by tying into the existing drive into CVS Pharmacy. The engineering department has expressed concerns about a second access point meeting the driveway spacing standards of TXDOT and/or the Engineering Dept. Staff feels that granting the PD amendment does not guarantee access to this northern part of the retail property, and would defer a final determination on this issue until the time of preliminary plat or site plan review for the site.

Notices of the public hearings were mailed to 94 unique property owners situated either inside PD-70 or within 200-ft of the PD. At the time of this report, one (1) notice "in opposition" has been returned.

A notice was also placed in the Rockwall County News and signs posted on the subject property. Information about the zoning case was also published on the City's website in accordance with City policy.

Should the Planning Commission and City Council approve the proposed amendment to PD-70, staff would offer the following conditions:

1. Adherence to all requirements of the existing (PD-70) Planned Development No. 70 district (i.e. Ord No. 09-44), including future submittal and approval of a PD Development Plan for the subject retail site.
2. Adherence to all engineering requirements, including but not limited to approval of all access points into the retail tract, potential amendments to the existing FEMA flood plain, drainage and detention requirements, etc.

Commissioner Herbst then opened the public hearing at 7:04 p.m.

Adam Buzcek  
8214 Westchester Drive, #710  
Dallas, Texas

Mr. Buzcek gave a presentation that discussed the changes from the previous submittal and gave a brief description of the proposed project.

2 Commissioner Herbst asked about the distance from the back of the retail property line  
4 to the nearest residential property. Mr. Buzcek responded that open space exists  
6 between the properties. Hampton added that screening between the residential and  
8 commercial property would be addressed in detail during the development plan stage.

6 Commissioner Minth stated that her concern is with the traffic entering and exiting the  
8 retail sites. Hampton stated that the current drive into CVS would remain as the main  
10 entrance under the current zoning or the proposed change. The only difference is that a  
12 2<sup>nd</sup> access point would be needed if the additional pad site was added on the north side of  
14 the creek.

12 Cenia Bowen  
14 538 Covey Trail  
16 Rockwall, Texas

16 Ms. Bowen wanted to see the plan for the proposed retail site.

18 There being no others wishing to come forth and speak, Commissioner Herbst then  
20 closed the public hearing at 7:16 p.m.

22 Commissioner Jackson made a motion to approve Z2011-016, a request by Richard  
24 Skoburg of Stone Creek Balance, Ltd., for proposed amendments to (PD-70) Planned  
26 Development District No. 70, being 395-acres of land overall and generally known as the  
28 Stone Creek Development, located along the east side SH 205, south side of FM 552,  
west of Hays Road and John King Boulevard and north of Quail Run Road, with staff  
recommendations.

28 Buchanan seconded the motion.

30 A vote was taken, and the motion passed by a vote of 7- 0.

32 IV. SITE PLANS / PLATS

- 34 8. Appointment with Architectural Review Board representative to receive the  
36 Board's recommendations and comments for items on the agenda requiring  
architectural review.

38 LaCroix stated that the ARB reviewed the plans for the Nursing & Rehabilitation. The  
40 architects on the project have complied with all requests by the ARB and they  
recommend approval at this time.

- 42 9. SP2011-006  
44 Discuss and consider a request by Michael S. Kendall of Kendall Landscape  
46 Architecture for approval of an amended site plan for Rockwall Nursing &  
48 Rehabilitation, being a 56,615-sf nursing / convalescent care facility located on  
the proposed Lot 6, Block C, Horizon Ridge Medical Park Addition, being 4.54-  
acres zoned (PD-9) Planned Development No. 9 district and situated along the  
southwest side of Medical Drive, and take any action necessary.

50 Spencer stated that the applicant has submitted a site plan application for a nursing  
home facility located on a 4.54-acre site located in the Horizon Ridge Medical Park. A

2 preliminary plat and site plan for the site were both previously approved by the City in  
2006.

4 The proposed building is 56,615-sf and will have 140 beds. The parking requirement for  
6 the use is one space per six (6) beds, or 24 parking spaces. Additionally, one space is  
8 required for each employee during the largest shift, which the applicant has indicated to  
be 24. A total of 100 spaces, including four (4) handicap accessible, are provided to meet  
the requirement of 48 spaces.

10 The landscape plan indicates that 36% of the site is landscaped, which exceeds City  
standards. Eight (8) trees are shown along Medical Drive and additional plantings are  
12 included throughout the property. The parking areas appear to be landscaped in  
accordance with City specifications.

14 Lighting plans have been submitted with the application and appear to meet all City  
16 standards. The light poles will be 22-ft (plus approx. 2-ft base). The maximum allowable  
light levels at all property lines shall be 0.2-FC, and the plan appears to comply.

18 The building elevations reflect a building primarily consisting of natural stone, brick,  
20 hardi plank siding, a composite shingle roof, and standing seam over the front entry. The  
dumpster screen detail indicates an enclosure of native stone and brick to match the  
22 building. This particular lot is not located within the Scenic Overlay district, but was  
subject to Architectural Review because of its PD zoning to determine compatibility with  
24 surrounding development. The ARB approved the elevations and site plan earlier in the  
evening.

26 Staff recommends approval of the site plan subject to the following conditions:

- 28 1. Adherence to all engineering and fire department standards.
- 30 2. Abandonment of the access easement crossing the site and a copy of the filed  
abandonment provided to the city prior to acceptance of a final plat.
- 32 3. All mechanical equipment shall be screened from adjacent properties and  
rights-of-ways. Details of screening shall be required at the time of building  
34 permit submittal.

36 Mike Kendall  
6976 Santa Barbara  
Dallas, Texas

38 Mr. Kendall stated he was available if there were any questions.

40 Commissioner Jackson made a motion to approve SP2011-006, a request by Michael S.  
42 Kendall of Kendall Landscape Architecture for approval of an amended site plan for  
Rockwall Nursing & Rehabilitation, being a 56,615-sf nursing / convalescent care facility  
44 located on the proposed Lot 6, Block C, Horizon Ridge Medical Park Addition, being 4.54-  
acres zoned (PD-9) Planned Development No. 9 district and situated along the southwest  
46 side of Medical Drive, with staff recommendations.

48 Commissioner Minth seconded the motion.

50 A vote was taken, and the motion passed by a vote of 7- 0.

10. MIS2011-005

Discuss and consider a request by Dan DeMeyer of Rockwall Area Habitat for Humanity for a waiver to the front yard setback requirements set forth in Article V, Section 6.4, Southside Residential Neighborhood Overlay (SRO) District, of the City of Rockwall Unified Development Code for a proposed single-family home located on Lot 42, Canup Addition, being 904 Davey Crocket, which is zoned SF-7 District and located within the (SRO) Southside Residential Neighborhood Overlay District, and take any action necessary.

Spencer stated that the applicant, Dan DeMeyer of Rockwall Area Habitat for Humanity, is requesting a waiver to Section 6.4(C)(6) of the Unified Development Code. The above referenced section states that a front yard setback shall be a minimum of 20'. The existing lot is 50'x100' with double frontage on Davy Crocket and Emma Jane. The applicant is proposing a new 30'x53' single-family home. The applicant is meeting all of the required setbacks (20' along Emma Jane, 6' rear, and 6' side) with the exception of the 20' front yard setback along Davy Crocket. The applicant is requesting that the P&Z and City Council reduce the 20' front yard setback along Davy Crocket to 14'. This would allow for the construction of a 30'x53' single family home.

The subject site is located within the Southside Residential Overlay (SRO) district which allows the Planning and Zoning Commission and the City Council to consider waivers and special request on a case-by-case basis. Staff feels that the request meets the intent of the Southside Residential Neighborhood Overlay District and should be given heavy consideration by the Planning and Zoning Commission and the City Council.

Commissioner Buchanan inquired about the setbacks for other properties along Davy Crockett. Spencer responded that the setbacks vary in the Southside area.

Commissioner Stubbs asked if the setback was off the curb or the right of way. Spencer answered that the setback is from the right of way line.

LaCroix stated that the overlay district in this area was put in place because of the varied layout of the different parcels of property in the district. It allows variances in the standards in an effort to make each property functional for the owner.

Commissioner Stubbs made a motion to approve MIS2011-005, a request by Dan DeMeyer of Rockwall Area Habitat for Humanity for a waiver to the front yard setback requirements set forth in Article V, Section 6.4, Southside Residential Neighborhood Overlay (SRO) District, of the City of Rockwall Unified Development Code for a proposed single-family home located on Lot 42, Canup Addition, being 904 Davy Crocket, which is zoned SF-7 District and located within the (SRO) Southside Residential Neighborhood Overlay District, with staff recommendations.

Commissioner Buchanan seconded the motion.

A vote was taken, and the motion passed by a vote of 7- 0.

V. DISCUSSION ITEMS

11. Planning Director's Report on the following Planning and Zoning Commission matters that have been recently acted on by City Council:

a) P2011-008: Replat (Skyview Country Estates - Lot 8)

LaCroix stated that this item was approved by Council.

b) Z2011-009: UDC Amendments (Congregate Care, Assisted Living, etc)

LaCroix stated that the amendments passed with some adjustments. The Council approved the change to allow Congregate Care through the Specific Use Permit process.

c) Z2011-010: Lenity Group PD (Congregate Care on Yellow Jacket Ln)

This item failed with a vote of 3-3, but the applicant may bring another request forward.

d) Z2011-011: Ag to RO - 4031-4037 North Goliad

The item was approved by Council.


e) Z2011-012: Kroger Fuel PD Amendment

The item was approved by Council.

VI. ADJOURNMENT

The meeting adjourned at 7:46 p.m.

**PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 26 day of JULY, 2011.**

  
Phillip Herbst, Chairman

Attest:

  
JoDee Sanford, Planning Coordinator



**MINUTES**  
**PLANNING AND ZONING COMMISSION**  
Tuesday, July 26, 2011  
6:00 Work Session  
City Hall, 385 South Goliad, Rockwall, Texas

I. CALL TO ORDER

The meeting was called to order by Phillip Herbst at 6:00 p.m. with the following members present: Barry Buchanan, Connie Jackson, Craig Renfro, Kristen Minth, and John McCutcheon. Commissioner Mark Stubbs was absent.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, JoDee Sanford, and David Gonzales.

II. ACTION ITEMS

1. Approval of Minutes for July 12, 2011 Planning and Zoning Commission meeting.

Commissioner Buchanan made a motion to approve the minutes for July 12, 2011.

Commissioner Jackson seconded the motion.

A vote was taken, and the motion passed unanimously by all present.

2. MIS2011-006

Discuss and consider a request by Juventino and Maria Acosta for approval of a special request to the standards of the (PD-75) Planned Development No. 75 district (Ord 09-37), specifically for the replacement of a carport structure that encroaches into the minimum front yard setback, located at 251 Bass Road, being Lot 438, Block D, Rockwall Lake Estates #1, and take any action necessary.

Gonzales stated that the applicants, Juventino and Maria Acosta, have submitted a special request to allow for the replacement of an existing attached carport that encroaches into the minimum 20-ft front yard setback. Enclosed in your packet you will find a letter of explanation for the special request, elevations, and a site plan for the proposed structure.

The existing carport is an all metal structure with a flat roof and is currently nine feet from the right-of-way. The proposed attached carport would expand the existing non-conforming structure by 120 sq-ft and extend the proposed structure to within three feet of the right-of-way. This would result in a seventeen 17-ft variance to the front yard setback. According to the applicant, the extension is needed to create a walkway between the vehicles parked and the front façade, leading to the front door. The proposed attached carport will consist of wooden posts and a pitched composition roof (matching the existing primary structure's roof).

Existing carport: 19' X 20' = 380 sq-ft.

2 Proposed carport: 25' X 20'= 500 sq-ft.

4 Under the Use Standards, Article IV, Permissible Uses, of the Unified Development Code  
6 (UDC), carports must be located 20-ft behind the corner of the front façade and if visible  
8 from a public street, must be constructed of materials matching those of the primary  
10 structure. Carports not meeting these standards must obtain an SUP. However, the PD-  
12 75 Development Standards for Lake Rockwall Estates, under Area 1, Section A, states:  
14 Minimum depth of front yard setback requires 20-ft and goes on to say: These setbacks  
16 and frontage requirements may be varied by the Planning and Zoning Commission and  
18 City Council upon request of the applicant.

20 Also, PD-75 Development Standards for Lake Rockwall Estates, under the Additional  
22 Standards for Areas 1 and 2, Section C. Consideration of Special Request states: The  
24 City Council may consider special requests in the Lake Rockwall Planned Development  
26 District in Areas 1 and 2. Such requests may include, but not limited to, the use of  
28 building materials not otherwise allowed, authorization of specific land uses not  
30 otherwise allowed, or other requests submitted for consideration.

32 Upon receipt of such special requests, the Planning and Zoning Commission shall review  
34 the same and forward its recommendation to the City Council for consideration. The City  
36 Council may approve special request and any such approval shall preempt any other  
38 underlying zoning restrictions in the Zoning Ordinance. Such special requests may be  
40 denied by the City Council by passage of a motion to deny.

42 Staff does feel the request for the proposed carport, which would tie in better with the  
44 existing homes appearance, to merit consideration of the special request. However, staff  
46 feels the significant increase in size and decrease in setback that is being requested may  
48 be excessive, and ultimately feels this to be a judgment call for the Planning and Zoning  
50 Commission and the City Council.

Staff would not recommend approval of the expansion of the carport. However, should  
the special exception be approved, staff recommends the following conditions:

1. Adherence to Engineering and Fire Department standards.
2. Submittal and approval of building permit.
3. The attached carport must adhere to the structural and material requirements of the building code.
4. The attached carport not encroach into the existing setback of nine (9) feet from right-of-way or the existing side setback.

Commissioner Herbst inquired about the right of way and Gonzales confirmed the location of the right of way.

Commissioner Jackson asked about the roof on the house and the building and Gonzales stated that the roof for the carport would correspond to that of the house.

Commissioner Herbst clarified the dimensions on the carport and Gonzales clarified those dimensions.

2 Commissioner Renfro asked about the goal of the applicants and Gonzales responded  
4 that the applicant's goal is to make the property more aesthetically pleasing as well as  
add additional space for walking between the carport and the front of the house.

6 Jose Lopez  
441 Bass  
8 Rockwall, Texas

10 Mr. Lopez stated that he is assisting the property owners in gaining better access to the  
front door of the home.

12  
14 Commissioner Renfro asked if the homeowners are willing to work with the Commission  
to find ways to meet their needs and Mr. Lopez said that the property owner's are willing  
to work with the Commission.

16  
18 Commissioner Herbst stated that his concern is having a structure within 3 feet from the  
right of way.

20 Commissioner Buchanan stated that he has the same concern as Commissioner Herbst.  
He also stated that the average carport or garage is 20 ft x 20 ft.

22  
24 Commissioner Renfro stated that he would like to work with the applicant to develop a  
solution.

26 LaCroix stated that staff would not recommend that the posts of the structure be set  
28 further into the area, but that a 30-inch overhang of the roof would be allowed.

30 Commissioner Minth stated that keeping the posts in their current location and allowing  
the 30-inch overhang of the roof is a compromise she is willing to allow.

32 Commissioner Jackson inquired as to whether a 30-inch overhang would be allowed on  
34 all sides and LaCroix stated that generally it is allowed and that the size of the carport is  
measured from the position of the support posts.

36 Commissioner Jackson made a motion to approve MIS2011-006, a request by Juventino  
38 and Maria Acosta for approval of a special request to the standards of the (PD-75)  
Planned Development No. 75 district (Ord 09-37), specifically for the replacement of a  
40 carport structure that encroaches into the minimum front yard setback, located at 251  
Bass Road, being Lot 438, Block D, Rockwall Lake Estates #1, with staff  
42 recommendations, except that the carport shall be expanded from a 19' X 20' structure to  
a 20' X 20' structure.

44 Commissioner Minth seconded the motion.

46 A vote was taken, and the motion passed unanimously by all present.

48 3. MIS2011-007  
50 Discuss and consider a request by Herman and April Rodriguez for approval of a  
special request to the standards of the (PD-75) Planned Development No. 75  
district (Ord 09-37), specifically for the construction of a detached garage not

meeting the exterior materials requirements, located at 373 Blanche, being Lots 882 and 883, Block A, Rockwall Lake Estates #2, and take any action necessary.

Gonzales stated that the applicants, Herman and April Rodriguez, have submitted a special request to allow for the construction of a detached garage that does not meet the exterior material requirements. ~~Enclosed in your packet you will find a letter of explanation for the special request, materials data sheets, and a site plan for the proposed structure.~~

The proposed detached garage will be a 24' X 30' (720 sq-ft) structure and will consist of galvanized steel construction with a pitched roof system and an overall height of nine (9) ft. Under the Use Standards, Article IV, Permissible Uses of the Unified Development Code (UDC), one detached garage shall be allowed provided that it does not exceed 900 sq-ft in area and that the exterior cladding contains the same materials, excluding glass, as found on the main structure and generally in the same proportion. Accessory structures not meeting these standards must obtain an SUP.

However, PD-75 Development Standards for Lake Rockwall Estates, under the Additional Standards for Areas 1 and 2, Section C. Consideration of Special Request states:

The City Council may consider special requests in the Lake Rockwall Planned Development District in Areas 1 and 2. Such requests may include, but not limited to, the use of building materials not otherwise allowed, authorization of specific land uses not otherwise allowed, or other requests submitted for consideration.

Upon receipt of such special requests, the Planning and Zoning Commission shall review the same and forward its recommendation to the City Council for consideration. The City Council may approve special request and any such approval shall preempt any other underlying zoning restrictions in the Zoning Ordinance. Such special requests may be denied by the City Council by passage of a motion to deny.

Also, based on the site plan submitted, the placement of the detached garage will be six (6) ft. from the primary structure and does not meet the 10-ft building separation requirement. Staff would recommend the building meet the 10-ft separation as required by the standards established in the PD-75 district.

Staff does feel the request for the proposed detached garage to merit consideration of the special request. However, staff feels the use of siding, such as Hardy Plank, to be an appropriate material rather than a metal finish, and considers this to ultimately be a judgment call for the Planning and Zoning Commission and the City Council for the special request.

Staff would not recommend approval of the metal building, but would support the use of a cementaceous product such as Hardy Plank. However, should the special exception be approved, staff recommends the following conditions:

1. Adherence to Engineering and Fire Department standards.
2. Submittal and approval of building permit.
3. The detached garage must adhere to the structural and material requirements of the building code.

- 2 4. The detached garage must be separated by a minimum of 10-ft from any other  
building.  
4 5. The use of a cementaceous product as the exterior cladding material and that the  
materials be of a grade equal to or greater than Hardy Plank.

6 Commissioner Herbst confirmed the side setback.  
8

10 April Rodriguez  
373 Blanche  
Rockwall, Texas

12 Commissioner Herbst asked the applicant about the recommendation to use a  
14 cementaceous product such as hardy siding and Ms. Rodriguez stated they would agree  
to using that type of product.

16 Commissioner Jackson made a motion to approve MIS2011-007, a request by Herman  
18 and April Rodriguez for approval of a special request to the standards of the (PD-75)  
Planned Development No. 75 district (Ord 09-37), specifically for the construction of a  
20 detached garage not meeting the exterior materials requirements, located at 373 Blanche,  
being Lots 882 and 883, Block A, Rockwall Lake Estates #2, with staff recommendations.

22 Commissioner McCutcheon seconded the motion.

24 A vote was taken, and the motion passed unanimously by all present.  
26

28 III. DISCUSSION ITEMS

- 30 4. P2011-009  
Discuss and consider a request by Chris Cuny of F.C. Cuny Corp for approval of  
32 a final plat of Eagle Point Estates, being 13 lots on 7.054-acres zoned (SF-10)  
Single Family Residential district and including the property currently addressed  
34 as 1310 Ridge Road (i.e. Tracts 16 and 16-1, Abstract 1, D. Atkins Survey) and  
1400 Ridge Road (i.e. part of Lot 1, Block A, Carroll Estates Subdivision).

36 Hampton gave a brief overview of the case and its location.

38 Commissioner Minth asked if Block B could potentially become RO in the future and  
Hampton stated that it is currently zoned residential.  
40

42 Commissioner Buchanan asked if there were any changes from the last submittal and  
Hampton stated that the applicants are completing another step of the City's process.  
44 The previous submittal was a preliminary plat, and since that time the applicant has been  
working through the engineering plans.

46 Commissioner Renfro inquired about the traffic flow and Hampton responded that the  
48 platting process is more technical and as long as it complies with the technical  
requirements then there is an obligation to approve that application.

- 50 5. Z2011-017  
52 Discuss and consider a request by Stuart and Brenda Meyers for approval of an  
amendment to an existing Specific Use Permit (Ord. No. 06-52), including a

2 request to allow for a "Hair Salon" and a "General Retail Store" in conjunction  
4 with the existing "restaurant of less than 2,000-sf," within (PD-50) Planned  
6 Development No. 50 district, specifically on Lot 1, Abate Injury Rehab Center  
Addition, located at 506 N. Goliad.

8 Gonzales gave a brief description of the case.

10 6. Z2011-018

12 Discuss and consider a request by Mark Lowen of The Lenity Group LLC for  
14 approval of a Specific Use Permit (SUP) to allow for a "congregate care facility"  
within the (GR) General Retail district, specifically on a 4.26-acre tract known as  
Tract 16-5, Abstract 145, J. D. McFarland Survey, situated along the southeast  
side of Yellowjacket Lane east of Kyle Drive.

16 Hampton provided some background information on the case.

18 Commissioner Renfro stated that this may be the best use of this particular property.

20 Commissioner Buchanan stated that this development is a good fit for the neighborhood.

22 Rusty Prentice  
12700 Park Central Drive  
24 Dallas, Texas

26 Mr. Prentice invited the Commission and the community to attend a community meeting  
on Wednesday, August 3<sup>rd</sup> to discuss the project and any concerns.

28 7. Z2011-019

30 Discuss and consider approval of a city-initiated request to amend the Unified  
32 Development Code (Ord. No. 04-38), specifically Article IV, Permissible Uses,  
relative to the addition of new listed uses and standards for "Urban Agriculture."

34 Hampton provided a brief history of the case and the definition of "Urban Agriculture."

36 LaCroix discussed some of the research and background information concerning "Urban  
38 Agriculture" and the reasoning behind the amendment to the Unified Development Code.

40 Commissioner Minth questioned the use of the words "animal related" within the  
ordinance and the structure that would be constructed because of its location  
42 surrounded by high quality residential development. She also inquired about restrictions  
on construction start times due to noise disturbances. Hampton stated that construction  
44 activities are limited to start of 7:00 am on weekdays and 8:00am on Saturdays. LaCroix  
stated that limitations within the code of ordinances as well as the SUP would allow the  
46 opportunity for restrictions for anything animal related.

48 Commissioner Renfro stated his support for the change.

50 8. Discuss status of Planning Commission's recommendations from 2009 PD  
Review, specifically for PD-26 and PD-31, and take any action necessary.

2 Hampton gave a brief overview of the 2009 PD Review, and stated that staff would  
4 recommend the review for PD-26 and PD-31 be held after the completion of John King  
6 Blvd in approximately one year. At that time, staff could also bring forth any other PD  
districts that might be appropriate for review.

8 Commissioner Minth made a motion to postpone the PD Review, specifically for PD-26  
and PD-31, until the Fall 2012.

10 Commissioner Jackson seconded the motion.

12 A vote was taken, and the motion passed unanimously by all present.

14 IV. ADJOURNMENT

16 The meeting adjourned at 7:09 p.m.

18 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF  
ROCKWALL, Texas, this 9 day of AUGUST, 2011.

20  
22   
Phillip Herbst, Chairman

Attest:

24   
26 JoDee Sanford, Planning Coordinator

28

2  
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6  
8

**MINUTES**  
**PLANNING AND ZONING COMMISSION**  
Tuesday, August 9, 2011  
6:00 P.M. Public Hearing  
City Hall, 385 South Goliad, Rockwall, Texas

10  
12  
14

I. CALL TO ORDER

The meeting was called to order by Phillip Herbst at 6:00 p.m. with the following members present: Barry Buchanan, Connie Jackson, Craig Renfro, Kristen Minth, John McCutcheon and Dennis Lewis.

16  
18

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, JoDee Sanford, David Gonzales and Chris Spencer.

20  
22  
24

II. CONSENT AGENDA

1. Approval of Minutes for July 26, 2011 Planning and Zoning Commission meeting

2. P2011-009

26  
28  
30

Discuss and consider a request by Chris Cuny of F.C. Cuny Corp for approval of a final plat of Eagle Point Estates, being 13 lots on 7.054-acres zoned (SF-10) Single Family Residential district and including the property currently addressed as 1310 Ridge Road (i.e. Tracts 16 and 16-1, Abstract 1, D. Atkins Survey) and 1400 Ridge Road (i.e. part of Lot 1, Block A, Carroll Estates Subdivision).

32  
34

Commissioner Herbst pulled Item #1.

Commissioner Herbst asked for page numbers to be included on the July 26, 2011 minutes as well as one non-substantive statement to be removed.

36  
38

Commissioner Buchanan made a motion to approve the minutes as amended for July 26, 2011.

40  
42

Commissioner Jackson seconded the motion.

A vote was taken, and the motion passed by a vote of 6- 0, with Lewis abstaining.

44  
46

Commissioner Minth made a motion to approve Consent Agenda item #2.

Commissioner Buchanan seconded the motion.

48  
50

A vote was taken, and the motion passed by a vote of 7 - 0.

III. PUBLIC HEARING ITEMS

3. Z2011-017



2 Hold a public hearing and consider a request by Stuart and Brenda  
4 Meyers for approval of an amendment to an existing Specific Use Permit  
6 (Ord. No. 06-52), including a request to allow for a "Hair Salon" and a  
8 "General Retail Store" in conjunction with the existing "restaurant of less  
than 2,000-sf," within (PD-50) Planned Development No. 50 district,  
specifically on Lot 1, Abate Injury Rehab Center Addition, located at 506  
N. Goliad, and take any action necessary.

10 Gonzales stated that the applicants, Stuart and Brenda Meyers, are requesting approval  
of an amendment to an existing Specific Use Permit (Ord. 06-52) to allow for a Hair Salon  
12 and a General Retail store. Currently, the SUP allows for a restaurant (Sterling Tea) that  
is less than two thousand (2000) sq-ft without a drive thru or drive-in. The restaurant's  
14 hours of operation are limited from 7am to 8pm. The property is located at 506 N Goliad  
St and is within Planned Development district No. 50 (PD-50). PD-50 was established in  
16 2002 as a Residential/Office district to allow property owners the ability to convert their  
homes to low intensity commercial type uses. In 2006, the Meyers were granted an SUP  
18 to allow for the use of a restaurant, and will continue this use as stipulated in the  
ordinance. The existing Sterling Tea will partner with a coffee shop/bakery, but will  
20 continue operating in a similar fashion.

22 To be considered now is an amendment to the existing SUP that would allow for the use  
of a "Hair Salon," which was recently discovered to already be in operation. The hair  
24 salon has two (2) chairs and is occupying two (2) rooms within the structure for a total of  
three hundred seventy-one (371) sq-ft. Staff would recommend that the salon be limited  
26 to the current two (2) chair operation. Also to consider would be the hours of operation  
for the hair salon. Currently, there are two (2) hair salons that operate within PD-50 -  
28 Mirror Mirror (802 N Goliad) and Renda's Place (907 N Goliad). Their hours of operation  
have been restricted from 8am to 8pm (within their respective SUP's), primarily due to  
30 the residential properties that surround PD-50 and the potential for late night traffic  
conditions (e.g. noise, lights, etc.). However, at the subject location, staff would  
32 recommend the same hours of operation (7am to 8pm) for all business operations to  
prevent any confusion. The one hour difference between the existing hair salons in PD-  
34 50 and the proposed hair salon could be considered reasonable given the restaurant for  
this location could already be open at 7am.

36 Also to be considered as an amendment to the existing SUP is the use of a "General  
38 Retail" store. This will be for the Life Disc Sports, which is a retailer of disc sports  
supplies as well as an office for disc golf course design. The retail portion will be limited  
40 to one hundred ninety-five (195) sq-ft as indicated on the floor plan submitted. Staff  
would also recommend the hours of operation for the general retail use be limited to  
42 what has been established for the restaurant (7am to 8pm).

44 The existing structure is a 2300-sf building, was site planned in 2005 and has 13  
designated parking spaces. Based on the floor plan submitted and City parking  
46 requirements, there is adequate parking for the restaurant, hair salon and the general  
retail uses. Also, the current Specific Use Permit (SUP) stipulates that no parking will be  
48 allowed along Hwy 205 or in front of the building and staff would recommend this  
continue to be enforced.

50 Based on the floor plan submitted, the uses being proposed, and the ability to park each  
52 use, staff supports and recommends approval of the request.

2 A sign has been posted and notices have been mailed to twenty-five (25) property  
owners within 200-ft of the subject property as required by law. At time of this report,  
4 staff has received two (2) notices "in favor of" and one (1) response "opposed to" the  
request.

6  
8 Staff recommends approval of the request with the following additions by amending Ord.  
No. 06-52 to include:

- 10 1. The following uses shall be allowed on the subject property in accordance  
with the floor plan attached hereto as Exhibit "A,"
  - 12 a. Restaurant, less than 2000 sq-ft, without drive-thru or drive-in
  - 14 b. Hair Salon
  - 16 c. General Retail Store
- 18 2. The hair salon shall not exceed five hundred (500) sq-ft in area and shall be  
limited to a maximum of two (2) chairs.
- 20 3. The general retail store shall not exceed two hundred fifty (250) sq-ft in area.
- 22 4. All business operations shall be limited to the hours between 7 a.m. and 8 p.m.  
At the time that the properties on both sides redevelop, the hours of  
operations shall be changed to between 6:30 a.m. and 8:00 p.m.
- 24 5. Alteration to building elevations shall be subject to review and  
recommendation by the Historic Preservation Advisory Board.
- 26 6. Paving of the access easement and the relocation/improvements for the  
temporary parking be completed within 45 days of completion of development  
of either adjacent tract.
- 28 7. No parking shall be allowed in the SH205 right of way or in front of the  
building.
- 30 8. The City Council reserves the right to review the Specific Use Permit granted  
herein upon the expiration of one (1) year from the date hereof.

32 Commissioner Herbst inquired about the conference/education room and its use.  
Gonzales responded that the room will be part of the restaurant use.

34 Commissioner Buchanan asked whether all the uses are allowed within the current  
zoning district and Gonzales replied that all these uses are allowed with an SUP in the  
36 Residential Office District (R-O).

38 Commissioner Renfro asked about the issue with the neighbor that shares a drive with  
this particular property and ways in which the impact could be minimized. Gonzales  
40 stated that signs are posted to help resolve this issue and the applicant is willing to  
continue to work to improve the situation.

42 Commissioner Minth asked if there is a better way to separate the two drives and  
questioned whether the drive was wide enough for two cars. Gonzales stated that the  
44 drive does go along the property line. Hampton stated that they have dedicated a 10'  
46 easement on the property as a mutual access along with an easement along the back of  
the property. Once the properties on either side are converted to an approved use, then  
48 those properties will be able to link and join driveways.

50 Commissioner Herbst opened the public hearing at 6:16 p.m.

52 Jeremy Standifer (tenant)  
2771 Massey Lane  
54 Rockwall, Texas

2 Brenda Myers (owner)  
1614 S. Lakeshore Drive  
4 Rockwall, Texas

6 Mr. Standifer briefly discussed the premise of his proposed businesses.

8 Mrs. Myers stated that this is small business with a very specific clientele. Mrs. Myers  
10 also stated that she has read the letter from Mr. Criswell whom is in opposition to the  
12 business and believes that the driveway issue is resolved as long as the Criswell's park  
in the center of their drive and that they will work with the neighbors as well as put up  
any signage necessary.

14 Commissioner Minth inquired as to whether some barricade could be put up between the  
16 properties. LaCroix stated it must be an agreement between the property owners.

18 Shirley Black  
502 N. Goliad  
Rockwall, Texas

20 Mrs. Black stated that she believes that the business will be an asset to the community.

22 There being no others wishing to come forth and speak, Commissioner Herbst then  
24 closed the public hearing at 6:22 p.m.

26 Commissioner Jackson clarified the number of parking spaces. Gonzales answered that  
28 13 spaces are available including two inside a garage.

30 Commissioner Buchanan made a motion to approve Z2011-017, a request by Stuart and  
32 Brenda Meyers for approval of an amendment to an existing Specific Use Permit (Ord.  
34 No. 06-52), including a request to allow for a "Hair Salon" and a "General Retail Store" in  
conjunction with the existing "restaurant of less than 2,000-sf," within (PD-50) Planned  
Development No. 50 district, specifically on Lot 1, Abate Injury Rehab Center Addition,  
located at 506 N. Goliad, with staff recommendations.

36 Commissioner Minth seconded the motion.

38 A vote was taken, and the motion passed by a vote of 6- 1, with Renfro against.

40 4. Z2011-018  
42 Hold a public hearing and consider a request by Mark Lowen of The Lenity  
44 Group LLC for approval of a Specific Use Permit (SUP) to allow for a  
46 "congregate care facility" within the (GR) General Retail district,  
specifically on a 4.26-acre tract known as Tract 16-5, Abstract 145, J. D.  
McFarland Survey, situated along the southeast side of Yellowjacket Lane  
east of Kyle Drive, and take any action necessary.

48 Hampton stated that the Lenity Group has submitted an application for a Specific Use  
50 Permit (SUP) to allow for a congregate care facility on a 4.26-acre tract zoned (GR)  
52 General Retail district. Earlier this year, the applicant submitted an application to rezone  
54 the same property to (PD) Planned Development district, to accommodate the proposed  
development. While the PD proposal ultimately failed to receive approval by the City  
Council (after a 3-3 vote), the Council did approve an amendment to the Unified  
Development Code that added "congregate care" to the permitted land use table in

2 certain zoning districts with an SUP. The applicant has chosen to submit for  
4 consideration the SUP case on this property, and has attempted to address some of the  
concerns expressed by Council during the previous case.

6 Staff provided for reference the City's newly adopted requirements for congregate care  
8 use in the UDC. The subject property, in staff's opinion, is an ideal location for such a  
10 use. The property is currently zoned (GR) General Retail, but is located "mid-block"  
along Yellow Jacket without the key visibility that would be found of a major arterial  
and/or intersection. Staff would not anticipate this site to attract a retail or commercial  
type development.

12 Further, the site is located adjacent to the existing Rockwall Ford auto dealership to the  
14 south, the Mission Rockwall multi-family development to the west, the City-owned  
baseball park site to the east and across Yellow Jacket Lane from an existing single-  
16 family neighborhood (Waterstone) and the newly constructed Sonoma Ct multi-family  
development to the north. The site is considered a "transitional" site between high-  
18 intensity freeway commercial use (i.e. auto dealership) and lower intensity residential  
use. A congregate care facility restricted to residents 62 years and older would be  
20 considered an ideal "transitional" use between these types of development patterns.

22 The Concept Plan also indicates a number of amenities and services that will be provided  
with the development. The developer has presented the concept to the City to showcase  
24 that the development is a high-value project with minimal impact to surrounding schools  
and the traffic system. As with the previous submittal, the SUP Concept Plan includes a  
26 proposal for an underground detention system, which will allow the developer to save  
some of the existing trees at the northwestern corner of the site. Staff felt these trees  
28 provided some buffer along Yellow Jacket Ln and would create extra amenity beyond a  
typical detention area.

30 Also important to note with this Concept Plan is the relatively low parking ratio provided.  
32 The developer has submitted information on the typical demand for parking for this type  
of use, which is far less than other residential or commercial uses given the fact that  
34 most of the residents choose not to drive and private van/bus transportation is included  
to each resident as part of the amenity package.

36 The submitted development is compliant with the congregate care use standards from  
38 the UDC. It must also be pointed out that if the SUP were approved, the only use  
permitted on the property other than typical "GR" uses would be congregate care. The  
40 underlying GR zoning does not allow for multi-family use. Moreover, given that the units  
do not have full kitchen facilities, it seems unlikely that the development could ever be  
42 retrofitted into a standard multi-family development. Further, other uses that could  
seemingly adapt to the proposed facility, such as an assisted living facility or hotel,  
44 would require Council review (and discretion) of a separate SUP in order for that to be  
possible.

46 Future platting, site plan review and engineering/building plans review will be required  
48 should the SUP be approved by the Council. While the Concept Plan illustrates in  
advanced detail how they anticipate to meet the City's utility, detention and fire  
50 protection requirements, those items will be reviewed in more detail at those later stages.

52 Staff has posted a sign on the subject property and published a notice in the newspaper  
as required by law. In addition, information on the SUP Concept Plan has been posted on  
54 the City's website for "current zoning cases."

2 Notices were also mailed to the owners of 14 tracts located within 200-ft of the subject  
property. At the time of this report, staff has received four (4) responses "in favor" of the  
4 SUP; however, it is not clear if these are from owners from within the 200-ft notice area.

6 Finally, it should be noted that the applicant scheduled a meeting on August 3rd at the  
Harry Myers Community Center and invited ALL owners within the Waterstone Estates  
8 neighborhood to discuss the proposed development and field any concerns or  
questions. A negative impact to the neighborhood was one of the concerns expressed by  
10 City Council in their deadlocked vote, so the applicant scheduled the meeting in hopes of  
identifying those issues, if any. The applicant should be able to report on the attendance  
12 and discussion during the public hearings.

14 Staff recommends approval of the Specific Use Permit (SUP) with the following  
conditions:

- 16
- 18 1. That the subject property adhere to the SUP Concept Plan (Exhibit "B").
  - 20 2. Future development of the property will require submittal and approval of site  
plan, engineering plans, and final plat.
  - 22 3. That the use shall strictly comply with the definition and allowances provided  
for "congregate care" in Article IV of the Unified Development Code.
  - 24 4. That there shall be a maximum of 118 congregate care units in the  
development.
  - 26 5. That there shall be a minimum of 40% open space provided in the  
development.
  - 28 6. That a minimum of 0.73-parking spaces shall be provided per unit.
  7. That the maximum building size shall be 115,000-sf.
  - 30 8. That the maximum height shall be 40-feet, as defined in the Unified  
Development Code.

32 Chairman Herbst opened the public hearing at 6:35 p.m.

34 Rusty Prentice (Applicant's Engineer)  
12700 Park Central Drive  
Dallas, Texas

36 Mr. Prentice stated that they had the community meeting with a turn out of about 12-15  
38 people. Most of those individuals were concerned that the project had slipped by without  
their knowledge and didn't understand the status of the project within the process. Any  
40 other questions were addressed during the meeting and most everyone indicated by the  
end of the meeting that they would like to see the project move forward and see this as a  
42 good transitional development between the heavy retail approaching more single family.

44 Commissioner Minth stated that she attended the meeting and that once the questions  
were answered most everyone that attended was in favor of the request after the  
46 meeting. Commissioner Minth asked whether the applicant would be able to respond to  
differences in the level of care that residents at the facility may require. Mr. Prentice  
48 responded that the property will be for senior living and that if residents present medical  
issues that need to be addressed at a higher level then those residents will be asked to  
50 seek that treatment at a facility that can provide that higher level of care.

52 Commissioner Minth also stated that one of the concerns was with smoking at the facility  
due to the presence of oxygen tanks that some residents may require. Mr. Prentice stated  
54 that is something that the applicants would be willing to compromise on as long as it is  
consistent with other buildings in the area.

2 Commissioner Buchanan asked about an anticipated construction start date once all  
4 approvals are received. Mr. Prentice responded that the goal is to start the first quarter of  
6 2013 or potentially sooner if the opportunity presents.

8 Dennis and Phyllis Hillary  
10 143 Pelican Cove  
12 Rockwall, Texas

14 Mr. and Mrs. Hillary stated that they are in favor of the request and that they are  
16 homeowners within Waterstone Estates. They feel as if this development will have  
18 minimal impact on their community. Mr. and Mrs. Hillary walked around the  
20 neighborhood asking those in the area to sign a petition stating they are in favor of the  
22 facility. They have received about 18 signatures in support of the project. Out of the 44  
24 doors that they knocked on, there was no answer at 21 of them. Three (3) others stated  
26 they were not in favor, and two (2) were undecided.

28 Harold Snyder  
30 1519 Murphy Drive  
32 Rockwall, Texas

34 Mr. Snyder stated that he is on the Waterstone Estates HOA Board, but is at the meeting  
36 as an independent resident. He attended the first meeting that the Lenity Group held. He  
38 stated that his concern was with the joint entrance to the park and that this concern has  
40 been addressed. Another concern is with resident's confusion that could lead them to  
42 wander from the property and suggested fencing. A number of resident's within the  
44 neighborhood have expressed concern with the management company determining  
46 whether the facility is suitable for a resident that requires additional medical care and  
48 what type of notice would be given to the resident to find a higher level care should the  
50 need arise. The HOA board is somewhat split as to their opinion regarding the facility.  
52 Originally, the HOA took no stand in the request for this facility, but additional questions  
54 have arisen over time. Mr. Snyder believes that the board is currently reserved in it's  
opinion and still has questions, but will have a vote before the next City Council meeting  
regarding this request. He urged the Commission to look very seriously at this  
development because it is a large project with a large amount of square footage. The  
amount of traffic in and out of the facility is still a concern as well as parking and Mr.  
Snyder does not believe that 0.73 is enough parking spaces.

40 Commissioner Lewis inquired if medical personnel would be on staff at the community  
42 and LaCroix responded that the facility was specifically for senior living and medical  
44 personnel would not be on staff at the facility.

44 There being no others wishing to come forth and speak, Commissioner Herbst then  
46 closed the public hearing at 6:50 p.m.

48 Commissioner Renfro made a motion to approve Z2011-018, a request by Mark Lowen of  
50 The Lenity Group LLC for approval of a Specific Use Permit (SUP) to allow for a  
52 "congregate care facility" within the (GR) General Retail district, specifically on a 4.26-  
54 acre tract known as Tract 16-5, Abstract 145, J. D. McFarland Survey, situated along the  
southeast side of Yellowjacket Lane east of Kyle Drive, with staff recommendations.

54 Commissioner Jackson seconded the motion.

2 Before a vote was taken, Commissioner Buchanan stated that he would like for the  
4 applicant to comment on any of the issues raised during the hearing.

6 Mr. Prentice, the applicant's representative, stated that he has spoken previously to Mr.  
8 Snyder and that the applicant took the fencing request under advisement. However, their  
10 residents do appreciate the openness of the environment and many like to take  
12 advantage of the walkway around the perimeter of the facility. Mr. Prentice also said that  
14 residents of the facility generally like to congregate in different areas around the facility  
16 and so people wandering off is less of a concern. He stated that leases are on a month to  
18 month basis and residents that require increased care would have the opportunity to  
20 seek that care at the end of each month. Mr. Prentice stated his opinion that the  
22 applicants have adequately addressed any questions or concerns through the two  
24 community meetings they held, but will continue to communicate with the Waterstone  
26 HOA Board and other community members.

28 Commissioner Buchanan inquired about state regulations for the facility. Mr. Prentice  
30 stated that because there is no medical component, they are not regulated by the state.

32 Commissioner Minth stated that only one person at the meeting mentioned that they  
34 were a HOA board member and that at the end of the meeting that member stated  
36 support for the development.

38 Commissioner Renfro stated that the property is private property and could be  
40 developed in many ways and this facility provides the best use of the property with low  
42 density parking and little impact in terms of traffic and noise. Commissioner Renfro  
44 commented that the Commission should not be policing commercial real estate and  
46 should support this type of endeavor.

48 A vote was taken, and the motion passed by a vote of 7- 0.

50 5. Z2011-019  
52 Hold a public hearing and consider approval of a city-initiated request to  
54 amend the Unified Development Code (Ord. No. 04-38), specifically Article  
IV, Permissible Uses, relative to the addition of new listed uses and  
standards for "Urban Agriculture," and take any action necessary.

56 Hampton stated that staff has drafted a set of amendments to the Unified Development  
58 Code that would accommodate the development and/or use of land in the city as an  
60 "urban farm" or "community garden." Collectively, the staff is proposing to add a new  
62 section for "Urban Agriculture" into Article IV, Permissible Uses of the UDC and in  
64 general require a Specific Use Permit (SUP) in all zoning districts.

66 The proposal is a formal response to interest by members of the Rockwall community to  
68 establish farming and other agricultural related uses that are not otherwise addressed in  
70 the current UDC. Presently, a landowner is allowed to use "unplatted" land for  
72 agricultural purposes in any zoning district, which allows for the common use of such  
74 land for cattle/horse grazing, growing of hay and other crops, and so on. However, there  
is not a mechanism available that would allow an individual to set up a retail component,  
such as a fruit/vegetable stand for example, on such property. Furthermore, there are  
lots that are platted, in both commercial and residential areas of the City, that could  
viably be used as a community garden or farm activities that would be excluded from the  
"agricultural uses on unplatted land" category.

2 Farming and agricultural activities are clearly a part of the City of Rockwall's heritage,  
4 and continue to be present throughout the city today. Beyond that, there are trends  
6 nationwide in communities' promoting "urban agriculture" as a tool for environmental  
8 quality and sustainability, health, and economic and community development. Staff  
provided copies of one of many recent publications by the American Planning  
Association that addresses this trend and how communities are accommodating them.

10 The amendment that staff has proposed includes specific requirements for details such  
12 as minimum/maximum site areas, the use and storage of mechanical equipment, hours of  
operation for retail sales, deliveries, signage, accessory structures and a requirement for  
a "management plan."

14 Since the exact types of farms, gardens and activities that landowners may want to  
16 establish are expected to vary, staff is recommending that an SUP be required in all  
18 zoning districts. The one exception would be the Agricultural district, where most  
20 farming activity is currently allowed. However, a proposal to establish any retail sales  
22 component in the Agricultural district would also trigger the SUP requirement. These  
types of retail may include anything from a small, temporary fruit stand structure to a  
large, open-aided farmer's market type structure. Consequently, staff felt the best  
approach would be to review these on a case-by-case basis via the SUP process, which  
includes a public hearing and involvement of the surrounding property owners.

24 A notice in the newspaper was published at least 15 days prior to the public hearing as  
26 required by law. In addition, information on the proposed amendment has also been  
published on the City's "Current Zoning Cases" webpage.

28 Staff recommends approval of the proposed amendments to Article IV, Permissible Uses,  
30 of the Unified Development Code (see attached).

32 Commissioner Lewis inquired as to whether green houses would be allowed under the  
34 amendment and Hampton stated that green house standards currently exist in the  
ordinance, but details of the structure would need to be submitted and approved as part  
of the permit.

36 Commissioner Herbst opened the public hearing at 7:04 p.m.

38 There being no others wishing to come forth and speak, Commissioner Herbst then  
40 closed the public hearing at 7:04 p.m.

42 Commissioner Jackson made a motion to approve Z2011-019, a city-initiated request to  
44 amend the Unified Development Code (Ord. No. 04-38), specifically Article IV, Permissible  
Uses, relative to the addition of new listed uses and standards for "Urban Agriculture,"  
with staff recommendations.

46 Commissioner Minth seconded the motion.

48 A vote was taken, and the motion passed by a vote of 7- 0.

#### 50 IV. DISCUSSION ITEMS

52 6. Planning Director's Report on the following Planning and Zoning  
Commission matters that have been recently acted on by City Council:

54 a) MIS2011-006: Special Exception – Carport at 251 Bass Rd



- 2                   b)    Z2011-013: Buffalo Ridge Mini-Warehouse (SUP)  
3                   c)    Z2011-014: Archer Car Care (SUP)  
4                   d)    Z2011-016: Stone Creek PD-70 Amendment

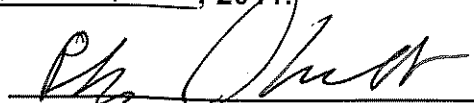
6    LaCroix stated that all of these cases were approved at the last Council meeting.

8    V.    ADJOURNMENT

10   The meeting adjourned at 7:05 p.m.

12   PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE  
13   CITY OF ROCKWALL, Texas, this 30 day of AUGUST, 2011.

14

  
\_\_\_\_\_  
Phillip Herbst, Chairman

16

Attest:

18

20

  
\_\_\_\_\_  
JoDee Sanford, Planning Coordinator

2 MINUTES  
4 PLANNING AND ZONING COMMISSION  
6 Tuesday, August 30, 2011  
6:00 P.M. Work Session  
8 City Hall, 385 South Goliad, Rockwall, Texas

8 I. CALL TO ORDER

10 The meeting was called to order by Phillip Herbst at 6:00 p.m. with the following  
12 members present: Barry Buchanan, Connie Jackson, Craig Renfro, and Kristen Minth.  
Commissioners John McCutcheon and Dennis Lewis were absent.

14 Additionally, the following staff members were present: Robert LaCroix, Michael  
Hampton, Chris Spencer, JoDee Sanford, and David Gonzales.

16 II. CONSENT AGENDA

- 18 1. Approval of Minutes for August 9, 2011 Planning and Zoning Commission meeting
- 20 2. P2011-011  
22 Discuss and consider a request by Jay Bedford of AJ Bedford Group, Inc. for  
24 approval of a replat of Lots 1, 4 and 5, Block A, Original Town of Rockwall Addition,  
being 0.356-acre zoned (DT) Downtown district and including the properties located  
26 at 301 North Alamo and 303 North Alamo, and take any action necessary.
- 28 3. P2011-015  
30 Discuss and consider a request by Jack DeGagne of Darden SW, LLC for approval  
32 of a replat of Lot 10, Rockwall Business Park East Addition, being 12.661-acres  
overall zoned (C) Commercial district and situated along the south side of IH-30,  
west of SH 205 and along the north side of Ralph Hall Pkwy, and take any action  
necessary.

34 Commissioner Buchanan made a motion to approve all Consent Agenda items.

36 Commissioner Jackson seconded the motion.

38 A vote was taken, and the motion passed unanimously by all present.

40 III. SITE PLANS / PLATS

- 42 4. Appointment with Architectural Review Board representative to receive the Board's  
44 recommendations and comments for items on the agenda requiring architectural  
review.

46 Spencer represented the ARB and stated that in regard to the Harbor Heights site plan  
48 the applicants will bring more detailed information at the regular scheduled meeting in  
September. In regards to MIS2011-008 (Cole Mountain), the ARB did recommend  
50 approval subject to the condition that the store front be wrapped with the same materials  
all the way around the front façade.

- 52 5. MIS2011-008  
54 Discuss and consider a request by Rob Gates of Cole Mountain, Inc. for approval of  
variances to the architectural requirements of the SH 205 Overlay district, relative to  
proposed exterior modifications to the existing façade of the building located at 1407

2 South Goliad (former Richard's BBQ, etc), being a 0.5-acre tract known as Tract 34,  
4 Abstract 255, B. J. T. Lewis Survey, and take any action necessary.

6 Spencer stated that the applicant, Rob Gates, is requesting a waiver to the SH 205  
8 Overlay standards to allow for the installation of "Barn Wood" and Galvalum metal siding  
10 on an existing building located at 1407 S. Goliad.

12 The applicant is requesting the waiver in an effort to occupy the existing lease space  
14 (formerly Richard's BBQ, etc) and open his second Cole Mountain restaurant. The  
16 waiver would allow the applicant to use "Barn Wood" to construct a roof parapet, replace  
18 the existing shingles with Galvalum metal siding, and to utilize 6"x 6" wood post and  
20 Galvalum metal siding to construct a 6' wide front porch.

22 The lease space that the applicant is proposing to occupy is a large portion of the  
24 existing building but is not the entire building. As part of this request the applicant is  
26 only proposing to improve the storefront that faces South Goliad. If approved the  
28 remaining building storefront will remain in its existing condition for the immediate  
30 future. Since the applicant's request is a waiver to the SH 205 Overlay a super-majority (6  
32 out of 7) vote in-favor by the City Council is required for approval.

34 Staff believes that this is a judgment call for the Planning and Zoning Commission and  
36 the City Council.

38 Commissioner Buchanan asked if the parking requirements could be met and Spencer  
40 stated that the restaurant use has been previously established at this location so legally  
42 the City is unable to require parking expansion or restoration. It is considered an  
44 existing condition.

46 Commissioner Jackson inquired as to whether barn wood is a fire-rated building  
48 material. Spencer answered that the fire department has approved the material because  
50 it is a cladding and not a wall component.

52 Commissioner Renfro asked what businesses are located to the North and South of the  
54 property. Spencer stated that Autozone is located to the North with no connection  
56 between sites due to the difference in grading. The site to the South is a vacant  
58 warehouse space and few parking spaces. Commissioner Renfro asked the square  
60 footage of the building and Spencer stated that it is approximately 2,000 square feet and  
62 the parking requirements for mixed use office and restaurant space would require about  
64 20 spaces.

66 Commissioner Renfro inquired to the impact of traffic on Goliad from restaurant patrons.  
68 La Croix responded that the issue is that the restaurant use has been allowed and  
70 established at this location and the parking is nonconforming. The variance of the front  
72 façade, because it is in an overlay district, is the issue being brought before the  
74 Commission at this time.

76 Spencer stated that there is some overflow gravel parking in the back.

78 Commissioner Minth stated that the picture shows an expansion of the previous  
80 restaurant.

82 Rob Gates  
84 104 North Clark  
86 Rockwall, Texas

2 Mr. Gates stated that the owner to the east has agreed to allow him to use the parking on  
4 his property. The restaurant will not occupy the entire space, but would like to give the  
entire façade the same unified look.

6 Commissioner Buchanan asked how many seating spaces the restaurant would have and  
8 Mr. Gates stated approximately 80 seats.

10 Commissioner Renfro made a motion to approve MIS2011-008, a request by Rob Gates of  
12 Cole Mountain, Inc. for approval of variances to the architectural requirements of the SH  
205 Overlay district, relative to proposed exterior modifications to the existing façade of  
14 the building located at 1407 South Goliad (former Richard's BBQ, etc), being a 0.5-acre  
tract known as Tract 34, Abstract 255, B. J. T. Lewis Survey, with staff recommendations  
and recommendations of the Architectural Review Board.

16 Commissioner Jackson seconded the motion.

18 A vote was taken, and the motion passed unanimously by all present.

20 IV. DISCUSSION ITEMS

- 22 6. P2011-012  
24 Discuss and consider a request by Dan Demeyer of Rockwall Area Habitat for  
26 Humanity for approval of a residential replat of the west part of Lot 1, Block J, Sanger  
28 Brothers Addition, specifically to create two (2) residential lots, being 0.28-acre  
overall zoned (SF-7) Single Family Residential district and located at the  
southeastern corner of Sam Houston and Ross within the (SRO) Southside  
Residential Overlay district, and take any action necessary.

30 **Spencer gave a brief overview of the description of the case and the location of the**  
32 **property.**

- 34 7. P2011-016  
36 Discuss and consider a request by David and Anne Ruff for approval of a final plat of  
the Ruff and Sartain Addition, being 0.71-acres overall zoned (SF-7) Single Family  
38 Residential district and including properties currently described as Tract 27-01,  
Abstract 29, R. Ballard Survey (206 Hammack Ln) and Tract 56, Abstract 29, R.  
Ballard Survey (805 Aluminum Plant Rd), and take any action necessary.

40 **Gonzales gave a brief description of the case and the location of the property.**

- 42 8. P2011-014  
44 Discuss and consider a request by Chris Cuny of F. C. Cuny Corp for approval of a  
46 preliminary plat of the Harbor District Addition, being 10.812-acres overall zoned  
(PD-32) Planned Development No. 32 district and situated along the south side of  
48 IH-30, north of Summer Lee Dr and east of Shoreline Dr, and take any action  
necessary.

50 **Hampton explained the case and described the property.**

- 52 9. SP2011-009  
54 Discuss and consider a request by Chris Cuny of F. C. Cuny Corp for approval of a  
PD Site Plan of the Trend Tower at the Harbor, being a seven (7) story office /  
commercial building to be located on a 2.149-acre tract proposed to be Lot 1, Block

2 A, Harbor District Addition, which is zoned (PD-32) Planned Development No. 32  
4 district and south of IH-30 and west of Horizon Road, and take any action necessary.

6 Hampton discussed the property location and gave a description of the case.

8 Chris Cuny  
#2 Horizon Ct.  
Heath, Texas

10 Mr. Cuny stated that they are 1 ½ weeks from completion of the dirt work. They have  
12 awarded the contract for infrastructure which is set to begin in about two weeks. They  
14 received the technical comments from staff and intend to be back before the Board and  
Commission at the end of September.

16 Commissioner Renfro inquired about the total leasable space of the building and Mr.  
18 Cuny stated that approximately 100,000 – 120,000 square feet will be available.

20 10. Z2011-020

22 Discuss and consider a request by Rob Whittle for approval of a "PD Development  
24 Plan" within (PD-32) Planned Development No. 32 district, in accordance with  
26 Ordinance No. 10-21, specifically on tracts of land totaling approximately 12.72-acres  
28 and comprised of Tracts 12, 12-1, 16 and 16-1, Abstract 11, M. J. Barksdale Survey;  
Lot 1-1, Block A, Henry Africa Subdivision; and Lot 3A, Block A, Shoreline Plaza  
Addition; said 12.72-acres being situated along the south side of the IH-30 service  
road west of Shoreline Drive and more specifically described in legal descriptions on  
file at the City of Rockwall Planning Department office, and take any action  
necessary.

30 Hampton described the case and the location of the property.

32 Rob Whittle  
34 P.O. Box 369  
Rockwall, Texas

36 Mr. Whittle stated some adjustments needed to be made to the plan in order to ensure  
38 that the parking garage was on the appropriate property. Mr. Whittle believes they have  
more than the required parking for restaurant spaces.

40 Commissioner Herbst asked whether the multi-family would consist of apartments or  
42 condominiums and Mr. Whittle stated that the ordinance requires that any multi-family be  
condominiums. Mr. Whittle confirmed that the lower level would be retail spaces with  
residential on the upper level.

44 Commissioner Renfro stated that the concept appears to have nice views of the fountain  
46 upon entry to the development and Mr. Whittle stated that there would be excellent views  
of the fountain.

48 V. ADJOURNMENT

50 The meeting adjourned at 6:53 p.m.

2 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF  
ROCKWALL, Texas, this 13 day of SEPTEMBER, 2011.

4

  
Phillip Herbst, Chairman

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Attest:

8

  
Jodee Sanford, Planning Coordinator

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**MINUTES**  
**PLANNING AND ZONING COMMISSION**  
Tuesday, September 13, 2011  
6:00 P.M. Public Hearing  
City Hall, 385 South Goliad, Rockwall, Texas

**I. CALL TO ORDER**

The meeting was called to order by Chairman Phillip Herbst at 6:01 p.m. with the following members present: Barry Buchanan, Connie Jackson, Craig Renfro, Kristen Minth, John McCutcheon and Dennis Lewis.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, David Gonzales, and JoDee Sanford.

Approval of Minutes for August 30, 2011 Planning and Zoning Commission meeting

Commissioner Jackson made a motion to approve the minutes for August 30, 2011.

Commissioner Buchanan seconded the motion.

A vote was taken, and the motion passed by a vote of 5- 0, with McCutcheon and Lewis abstaining.

**II. CONSENT AGENDA**

1. P2011-014

Discuss and consider a request by Chris Cuny of F. C. Cuny Corp for approval of a preliminary plat of the Harbor District Addition, being 10.812-acres overall zoned (PD-32) Planned Development No. 32 district and situated along the south side of IH-30, north of Summer Lee Dr and east of Shoreline Dr, and take any action necessary.

2. P2011-016

Discuss and consider a request by David and Anne Ruff for approval of a final plat of the Ruff and Sartain Addition, being 0.71-acres overall zoned (SF-7) Single Family Residential district and including properties currently described as Tract 27-01, Abstract 29, R. Ballard Survey (206 Hammack Ln) and Tract 56, Abstract 29, R. Ballard Survey (805 Aluminum Plant Rd), and take any action necessary.

Commissioner Renfro made a motion to approve all Consent Agenda items, with staff conditions.

Commissioner Jackson seconded the motion.

A vote was taken, and the motion passed by a vote of 7- 0.

**III. PUBLIC HEARINGS**

3. P2011-012

Hold a public hearing and consider a request by Dan Demeyer of Rockwall Area Habitat for Humanity for approval of a residential replat of the west part of Lot 1, Block J, Sanger



2 Brothers Addition, specifically to create two (2) residential lots, being 0.28-acre overall  
4 zoned (SF-7) Single Family Residential district and located at the southeastern corner of  
6 Sam Houston and Ross within the (SRO) Southside Residential Overlay district, and  
take any action necessary.

8 **Spencer stated that Dan Demeyer of Rockwall Area Habitat for Humanity is requesting**  
10 **approval of a residential replat of the west part of Lot 1, Block J, Sanger Brothers**  
12 **Addition, specifically to create two residential lots. The proposed site is zoned (SF-7)**  
14 **Single Family Residential district and located within the Southside Residential Overlay**  
16 **district.**

18 **The replat is being submitted to begin the process of constructing two Habitat for**  
20 **Humanity Single-Family homes. As submitted the plat does comply with all of the**  
22 **standards outlined in the (SF-7) Single Family Residential district and the (SRO)**  
24 **Southside Residential Overlay district.**

26 **Notices were mailed to 26 owners located within 200-ft of the subject property and within**  
28 **the Sanger Brothers Addition. At the time of this report no responses have been**  
30 **returned.**

32 **Staff recommends approval of the replat.**

34 **Chairman Herbst opened the public hearing at 6:05 p.m.**

36 **Jim Beebe**  
38 **Habitat for Humanity**  
40 **Vice-President**

42 **There being no others wishing to come forth and speak, Chairman Herbst then closed**  
44 **the public hearing at 6:06 p.m.**

46 **Commissioner Minth made a motion to approve P2011-012, a request by Dan Demeyer of**  
48 **Rockwall Area Habitat for Humanity for approval of a residential replat of the west part of**  
50 **Lot 1, Block J, Sanger Brothers Addition, specifically to create two (2) residential lots,**  
52 **being 0.28-acre overall zoned (SF-7) Single Family Residential district and located at the**  
**southeastern corner of Sam Houston and Ross within the (SRO) Southside Residential**  
**Overlay district, with staff recommendations.**

**Commissioner Buchanan seconded the motion.**

**A vote was taken, and the motion passed by a vote of 7- 0.**

4. Z2011-020  
Hold a public hearing and consider a request by Rob Whittle for approval of a "PD  
Development Plan" within (PD-32) Planned Development No. 32 district, in accordance  
with Ordinance No. 10-21, specifically on tracts of land totaling approximately 12.72-  
acres and comprised of Tracts 12, 12-1, 16 and 16-1, Abstract 11, M. J. Barksdale  
Survey; Lot 1-1, Block A, Henry Africa Subdivision; and Lot 3A, Block A, Shoreline Plaza  
Addition; said 12.72-acres being situated along the south side of the IH-30 service road  
west of Shoreline Drive and more specifically described in legal descriptions on file at  
the City of Rockwall Planning Department office, and take any action necessary.

2  
4 Hampton stated that pursuant to the approved ordinance for PD-32, a "PD Development  
6 Plan" has been submitted for a development proposal on approximately 12.72-acres  
8 situated along the south side of the IH-30 Service Road west of Shoreline Drive. The tract  
10 is commonly referred to as "The Harbor Phase 2" and is sited immediately north of the  
existing Harbor development, specifically the fountain area and Cinemark Theater. The  
development is comprised of six parcels of land, and is situated within three different  
subdistricts of PD-32 - the "Harbor Residential" subdistrict, the "Freeway Frontage"  
subdistrict, and the "Harbor Link Mixed-Use" subdistrict.

12 In working with the applicant, staff has determined that a Development Plan is required  
14 for this proposal for the following reasons (per Section 9 of the PD-32 ordinance):

- 16 1) To allow for a locational shift of the "Street Type H" and "Street Type E" segments  
18 situated along the east side of proposed urban residential building and parking  
20 garage.
- 22 2) To allow for revisions to "Street Type J" on the south side of development site  
24 adjacent to the existing fountain area.
  - 26 a. Street paving width increased from 20-ft to 24-ft to meet Fire Department aerial  
28 apparatus requirements
  - 30 b. Removal of 3-ft "Residential Landscape Edge" within public ROW adjacent to  
32 proposed building, and replacement with "privately owned / maintained" 11-ft  
34 "Retail / Residential Landscape Sidewalk Edge"

36 As noted earlier this year with the Harbor Heights PD Development Plan (Z2011-007),  
38 during the establishment of the PD-32 ordinance staff anticipated there would be  
40 requests to amend or adjust the concept plan and/or subdistrict standards, especially  
given that the parcelization of the PD is very complex and the standards within the PD  
are so detailed. The PD Development Plan process was instituted within PD-32 to provide  
for some element of flexibility as development projects materialized. The primary reason  
that a PD Development Plan is necessary for this proposed development is the current  
configuration of property ownership in this area. A significant amount of the "Harbor  
Residential" subdistrict is owned by other parties and thus out of the control of the  
applicant. The applicant is arguing that a strict adherence to the approved street layout  
leaves them with an irregular-shaped and unviable tract for development, particularly  
within the Harbor Residential subdistrict. Shifting the road that separates the Harbor  
Residential and Freeway Frontage subdistricts would give the applicant sufficient room  
to develop both sides in accordance with the standards of PD-32.

42 Within the PD-32 ordinance, the Freeway Frontage subdistrict allows for ground level  
44 restaurant and retail uses, and one (1) upper floor of retail, restaurant and office uses. A  
46 third floor of office only is also an option. At this time, the applicant has indicated a  
conceptual plan to have 29,500-sf of single-story retail/restaurant use.

48 The Harbor Residential subdistrict is intended primarily as an "urban residential" district  
50 with condominium units. The first level allows for retail, restaurant and residential use,  
52 and up to four (4) upper floors can be developed that could be used as either residential  
or office. The applicant is proposing a 5-story structure with 33,000-sf of "retail /  
restaurant / residential" flex space on the ground level and four (4) levels of urban  
residential units above.

2  
4 It is staff's position that adequate parking is provided under the current plan to support  
6 the proposed uses. Ultimately, the parking must be evaluated at the time of PD Site Plan  
and continuously monitored as tenants begin to occupy the retail / restaurant areas  
shown on the plan. Under the proposed plan, the overall amount of proposed parking is  
approximately 994 spaces, including:

- 8 • 500 spaces in parking garage (incl. 38 in "lower level" near Harbor Fountain)
- 10 • 359 surface parking spaces in Freeway Frontage district
- 135 "on-street" parking spaces

12 The 994 count does not include the existing parking located northeast of Cinemark that  
14 is situated on the subject property with the "Harbor Link Mixed Use" subdistrict. Other  
owners, including the City of Rockwall, control property within this subdistrict and  
redevelopment of this parking could occur in the future.

16 The required parking in PD-32 is 1.5 parking spaces per residential unit. For flexibility  
18 purposes, the applicant's architect has provided residential options ranging from 236  
units (requiring 354 parking spaces) to 264 units (requiring 396 parking spaces).

20 For the non-residential uses proposed in this plan, the PD-32 requirement is 1 space per  
22 100-sf for restaurant use, 1 space per 250-sf for retail, and 1 space per 300-sf for office. If  
the 62,500-sf of potential commercial use were used 100% for restaurant, 625 parking  
24 spaces would be required. It may be more realistic to expect a 50/50 breakdown of  
31,250-sf of restaurant and 31,250-sf of retail, which would require 438 parking spaces.

26 Under the proposed plan the "maximum use" would be 264 residential units and 62,500-  
28 sf of restaurant, resulting in a "worst case" overall parking requirement of 1021 spaces.  
However, when using the 236 unit option and the 50/50 breakdown of retail and  
30 restaurant, the parking requirement drops to 792 spaces.

32 Overall, it is apparent that the applicant can comply with the PD-32 ordinance, with the  
exception of the proposed location of the north/south street that ultimately will provide  
34 another connection between the IH-30 service road and Summer Lee Drive. Despite the  
location shift, the road can continue to be designed and built in accordance with the PD-  
36 32 street type standards. However, as shown on the current Development Plan the  
applicant has actually shown this street as "Type E" for the entire length, which could  
38 result in more parking should the City accept this option.

40 The proposed modifications to "Street J" adjacent to the fountain area are relatively  
minor in nature, and are necessitated in part by requirements of the Fire Department.  
42 Further, a larger "streetscape area" of 11-ft is proposed in addition to the 8-ft sidewalk  
that is intended to accommodate patio dining if demand for restaurant space on the  
44 ground level exists.

46 All other future public streets affected by this plan, whether shown correctly on the  
Development Plan or not, can and should be built according to the streetscape standards  
48 of PD-32, and staff would propose a condition ensuring so within the PD Development  
Plan ordinance should City Council approve it. There are details that must be worked out  
50 in the future platting and site planning stages of development, such as an agreement and  
construction of the portion of the public road within the Takeline area as well as the

2 formal abandonment of the north portion of Lakefront Trail. Both of these issues were  
4 anticipated in the adoption of the PD-32 master plan.

6 Staff feels that both of the proposed "changes" outlined above are reasonable requests  
8 that, while not meeting the specific standards outlined in the PD, also do not appear to  
10 be detrimental to the overall intent of the PD. Staff also does not feel the changes will  
12 prevent the implementation of the intent of this PD District. And, assuming the other  
streetscape features such as sidewalks, landscaping, lighting, etc can be maintained as  
outlined in the PD it is arguable that the proposed plan will result in an improved project  
which will be an attractive contribution to the PD District or Sub-district.

14 Using this criteria, as outlined in the PD-32 ordinance, staff would recommend approval  
of the PD Development Plan subject to the conditions outlined below.

16 Staff has posted signs on the subject property and published a notice in the newspaper  
18 as required by law. In addition, information on the PD Development Plan has been posted  
on the City's website and sent out via "eNews."

20 Notices were also mailed to the owners of approximately 20 tracts located within 200-ft of  
22 the subject property. At the time of this report, no responses have been received.

24 Staff would recommend approval of the PD Development Plan with the following  
conditions:

- 26 1. Future submittal and approval of detailed PD Site Plan shall be required, which  
28 shall indicate compliance with all applicable standards of the PD-32 district  
(Ordinance No. 10-21), as amended, with the exception of the following  
modifications to the Street Type requirements:
  - 30 a. The north/south public road connecting IH-30 to Summer Lee, and situated  
32 adjacent to the east side of the proposed 5-story residential building and  
parking garage, shall be relocated as shown on the PD Development Plan  
34 attached hereto as Exhibit "B." The road shall be designed and constructed  
in accordance with the "Street Type H" and/or "Street Type E" standards as  
outlined in Exhibit C-4 of Ordinance No. 10-21.
  - 36 b. The public road situated between the existing Harbor Fountain and the  
proposed "retail/restaurant/residential" building on the PD Development  
38 Plan (Exhibit B) shall be built according to the "Revised Type J Street"  
section depicted on page 2 of Exhibit B.
- 40 2. Future submittal and approval of all required subdivision plats.
- 42 3. All required parking for the development shall be met with parking provided by  
44 this development (i.e. garage, surface, on-street, etc).
- 46 4. Architectural design of all buildings within the Harbor Residential and Freeway  
48 Frontage Subdistricts of the PD-32 district shall be subject to the Harbor  
District Design Guidelines as adopted by Resolution No. 10-40, Exhibit "A" and  
to architectural review as prescribed by the Unified Development Code.
- 50 5. In the event that the ground level of the proposed "retail / restaurant /  
residential" building(s) are utilized for restaurant uses with outdoor patios, the  
on-street parking areas directly in front of those restaurant(s) shall be reserved  
for valet and/or other temporary loading or drop-off areas only. If the ground  
level uses are retail, office or residential uses, the on-street parking areas shall  
be dedicated to permanent parking spaces.

- 2           6. Facilities agreement outlining the appropriate permitting and construction  
4           responsibilities for the portion of public or private drives within the City of  
6           Dallas Takeline area shall be considered prior to or concurrently with the  
8           preliminary plat for the development.
- 6           7. Facilities agreement for the abandonment of the north portion of Lakefront  
8           Trail shall be considered prior to or concurrently with the preliminary plat for  
            the development.

10       Commissioner Minth inquired as to the future road being moved and creating two  
12       additional access areas to Interstate 30. Hampton stated that during the site plan process  
14       the Engineering and Fire Departments as well as TXDot will need to give approval for the  
            plan. LaCroix clarified that the concept plan shows the adjustment for the exit ramp.

16       Commissioner Buchanan asked if the residential spaces would be condominiums.  
18       Hampton stated that the PD-32 plan requires them to be condominiums. LaCroix stated  
20       that the condominiums can be leased out. Buchanan additionally inquired as to other  
            similar spaces in the area. La Croix stated that The Rockwall Commons also has retail on  
            the first level with residential above, though that project is an apartment structure.

22       Commissioner Lewis clarified whether the commercial buildings are one story. Hampton  
24       confirmed that they are one story, but the PD-32 ordinance does allow for additional  
            stories if parking can be provided.

26       Commissioner Jackson questioned if the street parking is the only proposed parking  
28       spaces. La Croix said that the parking garage on the plan is connected to the residential  
30       units on the upper level. Commissioner Jackson stated that she is concerned with the  
            small size of the residential units. Hampton responded that the size of the residential  
            units is not specified within the PD-32 guidelines.

32       Commissioner Renfro stated the proposed parking is about 9 parking spaces per 1,000  
34       square feet of commercial space. Hampton stated that the City requires 10 parking  
36       spaces per 1,000 square feet of restaurant space. Commissioner Renfro stated that not  
            all of the space will be restaurant. LaCroix stated that the applicant has over calculated  
            the parking to allow for the flexibility of other uses.

38       Chairman Herbst inquired as to the revisions on the plans. Hampton stated that a fire  
            lane is shown around the building on the revisions.

40       Chairman Herbst opened the public hearing at 6:36 p.m.

42       Rob Whittle, Applicant

44       Mr. Whittle stated that the reason for the revised concept plan is that the original PD-32  
46       Concept Plan shows the garage for this area on property owned by another owner. He  
            has made adjustments so that a parking garage can be located on his property.

48       Commissioner Lewis stated that he wants to ensure that the back of the building is not  
50       facing the Harbor. Mr. Whittle stated that he will make sure the look of the building is  
            appealing on all sides.

52       Jim McClintock, Shoreline Trail

2 Mr. McClintock is concerned about the traffic due to the phasing of the project. LaCroix  
4 stated that grading in the area would need to be addressed if the project moves forward.  
6 At this time, the Commission is only considering a change to the zoning of the property.

8 There being no others wishing to come forth and speak, Chairman Herbst then closed  
the public hearing at 6:44 p.m.

10 Commissioner Renfro made a motion to approve Z2011-020, a request by Rob Whittle for  
12 approval of a "PD Development Plan" within (PD-32) Planned Development No. 32  
14 district, in accordance with Ordinance No. 10-21, specifically on tracts of land totaling  
16 approximately 12.72-acres and comprised of Tracts 12, 12-1, 16 and 16-1, Abstract 11, M.  
18 J. Barksdale Survey; Lot 1-1, Block A, Henry Africa Subdivision; and Lot 3A, Block A,  
Shoreline Plaza Addition; said 12.72-acres being situated along the south side of the IH-  
30 service road west of Shoreline Drive and more specifically described in legal  
descriptions on file at the City of Rockwall Planning Department office, with staff  
recommendations.

20 Commissioner Minth seconded the motion.

22 A vote was taken, and the motion passed by a vote of 7- 0.

24 IV. SITE PLANS / PLATS

26 5. SP2011-011

28 Discuss and consider a request by Suzanne Duval of Murphy Oil, for approval of an  
amended site plan and variance to the exterior material requirements for the existing  
30 Murphy Oil located at 776 E-I30, specifically to allow for a metal storage building  
located on Lot 5, Block A, Wal-Mart Supercenter Addition, being 1.013 acres, zoned  
32 (C) Commercial district and situated within the I-30 Overlay district, and take any  
action necessary.

34 Gonzales stated that Suzanne Duval of Murphy Oil USA has made a request to amend the  
site plan for the existing Murphy Oil fuel center and is seeking a variance for the exterior  
36 material requirements for a proposed metal storage unit. The Murphy Oil fuel center is  
located on the southwest corner of the Wal-Mart Supercenter Addition along I-30 and is  
38 located within the I-30 Overlay district.

40 The proposed storage unit will be used for storing soda's and other merchandise to  
allow more accessibility inside the two hundred forty-three (243) sq-ft kiosk. The  
42 proposed storage unit will be an 8-ft X 7-ft (56 sq-ft) flat roofed metal structure and will be  
placed adjacent to the building and will not interfere with any required parking spaces.  
44 Also, the exterior of the storage unit will be painted to match the existing color of the  
building.

46 A site plan was approved for Murphy Oil USA in 2004 and includes a stipulation for no  
48 outside sales or display within the leased area, which effectively denied a request for an  
ice merchandiser to be located next to the building. Although this is a storage unit, staff  
50 would recommend that no outside sales and display continue to be enforced should the  
site plan be amended to allow for the accessory structure. Also to be considered, the  
52 existing buildings site plan was approved prior to the revised I-30 Overlay district

2 requirements; therefore the exterior consists of a smooth face CMU veneer. Currently,  
4 the material requirements within the I-30 Overlay district calls for 90% masonry materials  
6 including a 20% natural or quarried stone as a minimum for the structure. For these  
reasons, staff feels this request to be a judgment call for the Planning and Zoning  
Commission and City Council.

8 Should the request be approved, staff would recommend the following conditions:  
10 1. No outside sales or display within the Murphy Oil lease area shall be  
allowed.  
12 2. Must adhere to Engineering and Fire Department standards.  
3. Submittal and approval of a building permit.

14 Commissioner Lewis stated that the storage unit will sit on top of a trench drain that  
would need to be addressed. He is also concerned with the visibility around some of the  
16 gas pumps. He also clarified that the overlay district required 90% masonry.

18 Wayne Gibson, Murphy Oil  
200 Peach Street  
20 Arkansas

22 Commissioner Jackson asked if they had done a price comparison between the metal  
and stone storage building. Mr. Gibson stated that they planned to face the metal  
24 structure with the same material as is currently on the building.

26 Commissioner Lewis asked if a motion could be made to approve the case with the split-  
face blocking included. LaCroix stated that a motion to approve could be made.

28 Commissioner McCutcheon clarified that the building would be a permanent structure.  
30 Mr. Gibson stated that the building would be permanent.

32 LaCroix also stated that the light on the back of the building does not meet the City's  
standards and it would need to be replaced or shielded.

34 Chairman Herbst asked if the trench drain needed to be addressed at this time. LaCroix  
36 stated that this would be addressed through engineering or building inspections.

38 Commissioner Minth inquired as to the way the roof could be designed to allow for the  
appearance of one building. Mr. Gibson stated that the existing roof could be extended to  
40 cover the storage building.

42 Commissioner Jackson made a motion to approve SP2011-011, an amended site plan  
and variance to the exterior material requirements for the existing Murphy Oil located at  
44 776 E-I30, specifically to allow for a metal storage building located on Lot 5, Block A,  
Wal-Mart Supercenter Addition, being 1.013 acres, zoned (C) Commercial district and  
46 situated within the I-30 Overlay district, with staff recommendations and the exterior of  
the building be split face materials as well as the light on the North side changed to meet  
48 the City of Rockwall's standards.

50 Commissioner Lewis seconded the motion.

52 A vote was taken, and the motion passed by a vote of 7- 0.

2

LaCroix noted that with the changes approved by the Commission and agreement by the applicant, a variance was no longer necessary and this case would not need to go before the City Council.

6

V. DISCUSSION ITEMS

8

- 6. Discuss upcoming election of Chair / Vice-Chair positions for Planning and Zoning Commission

10

LaCroix stated that City Council has not completed reappointments officially. However, the next agenda will include this election.

14

- 7. Planning Director's Report on the following Planning and Zoning Commission matters that have been recently acted on by City Council:
  - a) MIS2011-008: Variance (Building materials) – Cole Mountain restaurant

16

18

The variance was approved and the Council did not require the applicant to reface the entire building, only the portion the applicant was going to occupy.

20

- b) Z2011-017: The Life House (SUP)

22

The SUP was approved.

24

- c) Z2011-018: Congregate Care (SUP) – Lenity Group

26

The case was approved after some discussion.

28

- d) Z2011-019: UDC Amendment re: Urban Agriculture

30

The amendment was approved.

32

VI. ADJOURNMENT

34

The meeting adjourned at 7:09 p.m.

36

**PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 25 day of Oct, 2011.**

38

40

  
 Phillip Herbst, Chairman

42

Attest:

44

  
 JoDee Sanford, Planning Coordinator

46





**MINUTES**  
**PLANNING AND ZONING COMMISSION WORK SESSION**  
**City Hall, 385 South Goliad, Rockwall, Texas**  
**Council Chambers**  
**September 27, 2011**  
**6:00 P.M.**

**I. CALL TO ORDER**

The meeting was called to order by Chairman Phillip Herbst at 6:00 p.m. with the following members present: Barry Buchanan, Connie Jackson, Craig Renfro, Kristen Minth, John McCutcheon and Dennis Lewis.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, JoDee Sanford, and David Gonzales.

ELECTION of Planning and Zoning Commission Chair and Vice-Chair positions

Commissioner Renfro nominated Phillip Herbst as Chair.

Commissioner Buchanan seconded the nomination.

A vote was taken, and the motion passed 7-0.

Commissioner Buchanan nominated Connie Jackson as Vice-Chair.

Commissioner Lewis seconded the nomination.

A vote was taken, and the motion passed 7-0.

**II. DISCUSSION ITEMS**

**1. Z2011-021**

Discuss and consider a request by Jill Blase of Blase Family Farm for approval of a Specific Use Permit (SUP) to allow for an "Urban Farm" within (PD-3) Planned Development No. 3 district, specifically on a 13.3-acre tract of land comprised of Tract 11-3, Abstract 21, N. Butler Survey, and Tract 11-3, Abstract 98, A. Hanna Survey, located at 1232 East Fork Drive.

Hampton gave an overview of the case and the location of the property. In addition, he discussed the types of items that would be grown on the property and the special events that will occur.

Commissioner Lewis inquired as to whether building inspections had any questions regarding this case. Hampton explained that there hasn't been a formal inspection at this stage. A "special event permit" would be issued through the Code Enforcement Department.

Jill Blase  
1220 East Fork Drive  
Rockwall, Texas

Chairman Herbst asked about the trees on the property. Mrs. Blase stated that they are keeping all of the trees on the property except for a small area for parking.

2 Commissioner Renfro asked about the business plan. Commissioner Renfro also asked  
4 about communication with surrounding property owners.

6 Commissioner Buchanan inquired as to how much of the property would be cultivated  
8 for blueberries and pumpkins. Mrs. Blase stated that they have already planted about 500  
10 blueberry plants on their home property, and would like to plant an additional 500 in the  
12 clearing in the rear half of the 13-acres they've purchased. There is also room on this  
14 tract for pumpkins to be grown.

16 Commissioner Jackson stated that she is a board member at the Shores and the board  
18 appears to be in support of this case.

20 Commissioner McCutcheon asked about the plan for irrigation. Mrs. Blase stated that it  
22 was a drip irrigation system.

24 Commissioner Minth stated that there may be some reservations among the residents of  
26 the Lakeview Summit neighborhood to the dirt roads and the progression of the farm into  
28 a year-round business.

30 Commissioner Lewis stated his concern with a lack of parking and asked for more details  
32 on the farm train. Commissioner Lewis additionally stated that he was concerned with  
34 the structure and that public safety must be the number one concern.

36 Commissioner Renfro asked if the animals would be rented for an event or if they would  
38 be the property of the applicants. Mrs. Blase stated that the animals would be rented  
40 specifically for the event.

42 Commissioner Lewis asked about the hours of operation for the business.  
44 Commissioner Minth stated that she does feel that the hours of operation are a little  
46 excessive, but that she is willing to work with the owners. Mrs. Blase stated that the  
48 hours of 7am to 7pm proposed by the staff are appropriate, since in June when blueberry  
50 season comes around customers will want to come earlier in the day.

52 2. Z2011-022

54 Discuss and consider a request by Misty Phillips for approval of a Specific Use Permit  
(SUP) to allow for a "Hair Salon" and "General Retail" uses within the (RO) Residential  
Office district, specifically on a 0.609-acre tract located at 4037 North Goliad and  
currently described as Tract 21, Abstract 187, J. Strickland Survey.

56 Gonzales gave a brief overview of the case and the location of the property. Additionally,  
58 he stated that the applicants are requesting an exception to the parking setbacks as well  
60 as a variance to the screening at the rear of the property.

62 Commissioner Buchanan asked if the house would be remodeled up to the current code,  
64 building permits, and inspections.

66 Commissioner Renfro asked about the distance from the parking spaces to the street.  
68 Gonzales stated there would be a landscape buffer of 20-ft that meets the overlay  
70 standard.

72 Commissioner Lewis asked if the Phase I is 8 spaces and if Phase II parking would be  
74 built only if needed. Staff clarified that if the first occupant of the building is an office  
user, they probably would not need more than the 8 spaces they are showing in Phase I.  
However, if it does begin with a salon, all 13 spaces may be built at one time.

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3. Planning Director's Report on the following Planning and Zoning Commission matters that have been recently acted on by City Council:
- a) P2011-012: Habitat for Humanity - Sanger Brothers Addition (Replat)
  - b) P2011-014: Harbor District Addition (Preliminary Plat)
  - c) P2011-016: Ruff and Sartain Addition (Final Plat)
  - d) Z2011-020: Harbor Phase 2 (PD Development Plan)

LaCroix stated that all of the above cases were approved by Council.

III. ADJOURNMENT

The meeting adjourned at 6:53 p.m.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 25 day of OCT., 2011.

  
\_\_\_\_\_  
Phillip Herbst, Chairman

Attest:

  
\_\_\_\_\_  
JoDee Sanford, Planning Coordinator



2 **MINUTES**  
3 **PLANNING AND ZONING COMMISSION PUBLIC HEARING**  
4 **City Hall, 385 South Goliad, Rockwall, Texas**  
5 **Council Chambers**  
6 **November 8, 2011**  
7 **6:00 P.M.**

8 I. **CALL TO ORDER**

10 The meeting was called to order by Chairman Phillip Herbst at 6:00 p.m. with the  
11 following members present: Barry Buchanan, Connie Jackson, Craig Renfro, Kristen  
12 Minth, John McCutcheon and Dennis Lewis.

14 Additionally, the following staff members were present: Robert LaCroix, Michael  
15 Hampton, JoDee Sanford, David Gonzales and Chris Spencer.

- 16
- 17 1. Approval of Minutes for October 11, 2011 Planning and Zoning Commission  
18 meeting
  - 19 2. Approval of Minutes for October 25, 2011 Planning and Zoning Commission  
20 meeting
- 21

22 Commissioner Buchanan made a motion to approve the minutes for October 11, 2011  
23 and October 25, 2011.

24 Commissioner Jackson seconded the motion.

25 A vote was taken, and the motion passed by a vote of 7- 0.

26 II. **PUBLIC HEARING ITEMS**

- 27
- 28 3. MIS2011-009  
29 Hold a public hearing in consideration of the 2011 Rockwall Comprehensive Plan  
30 Update.

31 LaCroix stated that since early 2010, the city staff and the Council-appointed  
32 "Comprehensive Plan Advisory Committee" have been working on various updates to  
33 the Comprehensive Plan (aka "Hometown 2000 Plan"), which was last approved in 2001  
34 via Resolution 01-40. After initial kick-off meetings with the City's lead consultant  
35 (Dennis Wilson with Townscape), the Committee has met several times and on October  
36 13, 2011 offered their recommendation for approval of the current proposal.

37 The 2011 Comprehensive Plan is intended to build upon the City of Rockwall's 2001  
38 Comprehensive Plan, "Hometown 2000" Plan, adopted on December 17, 2001. The City  
39 Council, recognizing the growth the City has experienced in the past ten (10) years along  
40 with the expansion of its corporate limits and extra territorial jurisdiction (ETJ),  
41 appointed the 2011 Comprehensive Plan Advisory Committee to study and make  
42 recommendations on updating the Future Land Use Plan and Thoroughfare Plan.

43 The update is also intended to integrate into the Comprehensive Plan, the policy updates  
44 adopted in early 2007 by the City Council that established guidelines for new residential

2 growth in the City. Finally, the Plan references the "Parks, Recreation & Open Space  
4 Master Plan 2010-2020" which was adopted by City Council in May 2010, with special  
6 emphasis on linking this plan with the Land Use and Thoroughfare Plans to ensure a  
holistic approach to the review of new development and infrastructure planning.

8 The Comprehensive Plan is used as a guide to all future Council action concerning land  
10 use and development regulations and expenditures for capital improvements. The  
12 citizens of Rockwall have been involved in the development of the Plan through  
14 participation in committee(s) and/or through public meetings and public hearings.  
Comprehensive plans for the City date back to 1966 with updates to the plan in 1986,  
1995, the aforementioned 2001 update, 2004 and 2007 updates. The Hometown 2000 Plan  
was updated in 2004 with the adoption of the Downtown Plan and again in 2007 with  
updated land use policies related to residential development.

16 Commissioner Minth asked for a greater explanation regarding the City boundaries  
18 entering into Collin County and a proposed Golf Course. LaCroix explained that the City  
is negotiating an interlocal agreement with Collin County currently which gives the City  
of Rockwall jurisdiction over the subdivision of property.

20 Chairman Herbst opened the public hearing at 6:17 p.m.

22 Michael Hunter  
24 220 W. Quail Run Rd  
Rockwall, Texas

26 Mr. Hunter recognized staff for developing the update for the plan and stated that this  
28 type of plan is very important. Mr. Hunter sat on the committee that originally developed  
the plan. Mr. Hunter believes that this plan provides residents of Rockwall some security  
30 that the City has done its due diligence and has some control over development to new  
areas.

32 Ross Ramsay  
34 637 Stafford Circle  
Rockwall, Texas

36 Mr. Ramsay recognized the city's Planning Department in developing the update for the  
38 plan. He stated that pages 3-4 discuss environmental quality and preserving open space,  
which is extremely important. There is a county-wide effort for connectivity and push to  
40 preserve the flood plains. In addition, he stated that page 19 discusses environmental  
quality. Page 24 discusses community development coordination in preserving and  
42 controlling development which can be costly. He asked that the Commissioners address  
the Council regarding these issues which he feels will bring the City of Rockwall to an  
44 even higher level.

46 Clifton Kropp  
1950 Creekside Drive  
48 Rockwall, Texas

50 Mr. Kropp stated the need for ball fields within Rockwall so that the many children in  
Rockwall have the opportunity to play locally rather than having to travel to have those

2 same opportunities. He urged the Commission to consider all options that would allow  
4 the immediate development of athletic fields within the city.

6 There being no others wishing to come forth and speak, Chairman Herbst then closed  
8 the public hearing at 6:29 p.m.

10 The Commission took no action and will hold another public hearing on November 29,  
12 2011.

14 4. Z2011-023

16 Hold a public hearing and consider a request by Tommy Yetts of Rockwall  
18 Marine for approval of a Specific Use Permit (SUP) to allow for the expansion of  
20 a pre-existing boat and trailer dealership (with accessory repair and storage)  
22 within (PD-46) Planned Development No. 46 district, located at 2315 SH 276 and  
24 being 2.19-acres overall to be comprised of all of Tract 2-7, Abstract 186, J. A.  
26 Ramsey Survey (1.497-acres) and part of Tract 2, Abstract 186, J. A. Ramsey  
28 Survey (0.694-acre), and take any action necessary.

30 Hampton stated that the applicant, Tommy Yetts, has submitted an application for a  
32 Specific Use Permit (SUP) that would allow him to expand his existing boat sales, repair  
34 and service business. He currently operates Rockwall Marine within PD-46 on  
36 approximately 1.5-acres, and has been in existence since before the City annexed the  
38 site in 1999. He has a contract to purchase an additional 0.694-acre from the owner (Rick  
40 Sharp) of the 10-acre property to the east. The additional property is intended to provide  
42 additional boat storage area for Rockwall Marine.

44 The PD-46 ordinance on Mr. Yetts and Mr. Sharp's properties designates the underlying  
46 zoning as "C" Commercial; however, the PD as approved also allowed additional uses on  
48 each property based on what existed at the time. The boat storage and repair is allowed  
50 by right on Mr. Yett's tract, and a "trucking operation" is the additional use allowed on  
52 Mr. Sharp's tract. However, in order to allow the additional boat-related business on the  
0.6-acre portion, an SUP is required in the underlying Commercial zoning.

It should be noted that in 2007, Mr. Yetts had intentions to purchase the entire 10-acre  
tract and received approval of an SUP by the Planning Commission and City Council to  
move his entire boat dealership onto the property, as well as construct multiple buildings  
for retail storage, including storage of RVs and boats. The current plan differs in that the  
applicant is only acquiring an unused portion of the 10-acre tract, and Mr. Sharp will  
continue to utilize the other buildings and remaining property for his business.

The applicant has submitted a conceptual site plan for the proposed expansion. A 6-ft  
solid cedar fence is proposed to screen the storage area, which will be setback  
approximately 230 to 260-ft from SH 276. It should be noted that an additional acre of  
vacant land rests between SH 276 and the 0.694-acre that Mr. Yetts is purchasing, that  
Mr. Sharp is currently marketing for sale. That parcel could be developed in the future  
with commercial use that would further screen the proposed storage area.

Given these conditions, staff feels the additional storage area warrants consideration.  
However, staff does feel improvements along the SH 276 frontage are necessary to bring  
the property closer into compliance with current engineering and zoning standards.  
Specifically, staff would recommend that all parking and display areas in front of the



2 business be paved to City standards, and that landscaping be installed to comply with  
SH 276 Overlay standards. Staff has met with the applicant on these conditions and he  
4 has agreed to fulfill them, but is requesting time within the SUP to complete the work.

6 Mr. Yetts is asking for 12 months from the approval date of the SUP to complete the  
landscaping work, which would be three (3) canopy trees and four (4) accent trees per  
8 100-ft frontage. Staff does not see an issue with this request, particularly given the  
current drought restrictions that inhibit the planting of new landscaping materials.

10 In addition, Mr. Yetts is asking for 36 months from the approval date of the SUP to  
12 complete the concrete paving work for the front display/parking area. Obviously, one  
issue is cost that Mr. Yetts would like to have additional time to address. Another issue,  
14 however, is that if/when development occurs on the vacant 1-acre property to the east,  
the driveway currently serving Rockwall Marine will be shifted to the east to become a  
16 "shared" driveway. It is the hope of all parties involved that this paving work can be done  
all at once to minimize cost and disruption. However, staff would discourage an "open-  
18 ended" condition for the paving work and is thus recommending a maximum of 36-  
months be given for Mr. Yetts to complete his share of the paving improvements. This  
20 condition can be reinforced and clarified in the form of a facilities agreement between the  
City, Mr. Yetts and Mr. Sharp.

22 Staff has posted a sign on the subject property and published a notice in the newspaper  
24 as required by law. In addition, information on the proposed SUP has been posted on the  
City's website.

26 Notices were mailed to the owners of 7 tracts located within 200-ft of the subject  
28 property. At the time of this report, one (1) response "in favor" of the request has been  
received.

30 Staff would recommend approval of the SUP with the following conditions:

- 32 1. That the development comply with the site plan attached hereto as Exhibit "A"  
including the 6-ft cedar fence screening for the expanded storage area.
- 34 2. That a final plat for the 2.19-acre subject property be submitted and approved  
by the City prior to issuance of a building permit for the proposed expansion.
- 36 3. That landscaping be installed to comply with SH 276 Overlay standards within  
twelve (12) months of the approval date of the SUP.
- 38 4. That all outside display and parking areas between the building and front  
property line be paved in accordance with City specifications within 36 months  
40 of the approval date of the SUP.
- 42 5. That a facilities agreement outlining the paving requirements and future  
driveway relocation be approved by City Council.

44 Commissioner Lewis stated that 36 months is a long time, however, the economy  
warrants that amount of time. He asked if the paving would be required to be completed  
46 sooner than 36 months if the property at the front were developed within that time period.  
Hampton responded that the conditions to the SUP could be changed to reflect that idea.

48 Commissioner Renfro stated that 36 months out is a lot of latitude and worries that the  
50 Commission will then be setting a precedent. He asked what controls were in place to  
ensure it would be completed within that amount of time. Hampton stated that if the

2 conditions were not complied with in a 36 month period it would become a zoning  
violation and be subject to fines.

4 Commissioner Jackson asked for Commissioner Lewis's expertise as a concrete  
6 contractor as to whether it is cheaper to pour a large amount of concrete at one time or  
8 to pour it in stages. Commissioner Lewis stated that it would be cheaper to pour all  
concrete at one time.

10 Tommy Yetts  
542 East Ridge Drive  
12 Royse City, Texas

14 Mr. Yetts explained that they are looking to utilize this additional space to store some  
boats as they are being worked on and completed. In addition, they will be able to  
16 connect to City sewer system through this property rather than having to be on a septic  
system.

18 Chairman Herbst asked Mr. Yetts if the addition would be for boat storage. Mr. Yetts  
20 replied that it will be used to store boats that are being repaired, but they will not store  
boats for extended periods of time. Mr. Yetts also ensured the Commission that the  
22 concrete work would be completed within the 36 month time frame.

24 Chairman Herbst opened the public hearing at 6:43 p.m.

26 There being no one wishing to come forth and speak, Chairman Herbst then closed the  
public hearing at 6:43 p.m.

28 Commissioner Minth made a motion to approve Z2011-023, a request by Tommy Yetts of  
30 Rockwall Marine for approval of a Specific Use Permit (SUP) to allow for the expansion of  
a pre-existing boat and trailer dealership (with accessory repair and storage) within (PD-  
32 46) Planned Development No. 46 district, located at 2315 SH 276 and being 2.19-acres  
overall to be comprised of all of Tract 2-7, Abstract 186, J. A. Ramsey Survey (1.497-  
34 acres) and part of Tract 2, Abstract 186, J. A. Ramsey Survey (0.694-acre), with staff  
recommendations.

36 Commissioner Jackson seconded the motion.

38 A vote was taken, and the motion passed by a vote of 7- 0.

- 40 5. Z2011-024  
42 Hold a public hearing and consider approval of a city-initiated request to amend  
the Unified Development Code (Ord. No. 04-38), specifically Article IV,  
44 Permissible Uses, relative to provisions for outside storage and/or display, and  
take any action necessary.

46 Hampton stated that at the October 3, 2011 meeting the City Council heard from  
48 representatives from "Tree Frogs," a retailer of large children's recreational equipment,  
who has been looking at properties within the IH-30 corridor to set up their retail  
50 business, which would include a substantial amount of outside display of playground  
equipment. Following the presentation by the applicant and after receiving background

2 information from staff on other similar requests, the Council directed staff to prepare an  
4 amendment that would allow for consideration of these types of uses.

6 Staff has had countless inquiries in recent years for potential purchasers or lessees of  
8 properties within the IH-30 corridor, and who were interested in some element of outside  
10 storage or display. The primary zoning along IH-30 east of SH 205 (where most of the  
12 inquiries are occurring) is Light Industrial, in which the Unified Development Code (UDC)  
does allow for "outside storage" under certain screening and buffer requirements.  
However, Article IV of the UDC presently states that "No outside storage shall be allowed  
in any zoning district adjacent to IH-30."

14 Notwithstanding, there are certain uses with outside display/storage that can be  
considered on a case-by-case basis via the Specific Use Permit (SUP) process. The types  
of uses that the City can consider through this process include:

- 16 • Commercial Amusement/Recreation (outside)
- 18 • Building & Landscape Material with Limited Outside Storage
- Feed Store / Ranch Supply
- 20 • Heavy Machinery & Equipment (Rental, Sales & Service)
- Boat & Trailer Dealership (New and Used)
- 22 • Motor Vehicle Dealership, New (Cars and Light Trucks)
- RV Sales and Service
- 24 • Towing and Impound Yard
- Truck Rental

26 It should be noted that there remain a number of existing businesses along the IH-30  
28 corridor that were annexed into the City with some element of outside storage. There are  
also 2-3 properties that received a special "PD" zoning that included provisions for  
outside storage that was in place when the property was annexed.

30 Hampton continued that there have been many inquiries for interested parties to rent or  
32 purchase property along IH-30 – primarily east of SH 205 – to set up a business that  
includes some element of outside storage. Since only a small handful of uses are  
34 covered explicitly in the list above, staff has turned the majority of them away under the  
"no outside storage adjacent to IH-30" clause. There are other LI and Heavy Commercial  
36 properties in the City of Rockwall where their uses would be allowed; however, many of  
these properties do not feature the retail visibility that the potential users are seeking.

38 An underlying issue is that there are several vacant or underutilized buildings sitting on  
40 large properties that cannot be fully utilized with the current limitation on outside  
storage. In better economic times, staff expects many of these properties to be  
42 redeveloped, particularly when the intersections of IH-30 / John King Blvd and IH-30 / FM  
549 begin to develop with significant commercial projects.

44 In the short term, Planning staff feels it may be worth considering some type of measure  
46 to be able to allow, on a temporary or time-limited basis, uses that may contain outside  
display or storage. To be sure, there have been several inquiries for uses that seemed  
48 undesirable or detrimental to the corridor. But on the other hand, staff has also  
communicated with reputable businesses with quality employment and tax revenue  
50 impacts that we were not able to accommodate in this corridor.

2 If the Commission and Council ultimately are open to and elect to approve such an  
4 amendment to the UDC, staff would strongly recommend that any additional outside  
6 display or storage be considered through the SUP process. The SUP process would  
8 allow for the case-by-case consideration of each proposal, as well as provide a  
10 mechanism for the Planning Commission and Council to set time limits/expiration  
12 clauses when appropriate. Other requirements that could be stipulated in an SUP  
14 ordinance are screening and buffer requirements, the amount of outside display/storage  
16 area, paving or utility upgrades, and other measures that could improve the property  
18 while providing the landowners some intermediate use of it until such time there are  
20 opportunities to redevelop.

22 A draft amendment to the "outside storage" definitions/conditions and a draft  
24 amendment to the Land Use Tables, with proposed changes highlighted in yellow was  
26 included in the Commissioner's packets.

28 A notice was published in the newspaper 15 days prior to the public hearings in  
30 accordance with legal requirements. In addition, staff placed notice of the proposed  
32 amendments and a copy of the draft changes on the City's "current zoning cases"  
34 webpage for public viewing and comment.

36 Staff recommends approval of the draft amendments to the "outside storage"  
38 definitions/conditions and to the Land Use Tables.

40 Commissioner Lewis asked how the temporary time limit would work. Hampton stated  
42 that the City has issued SUPs in the past on a temporary basis for some circumstances.  
44 Sometimes "uses" are truly temporary. Commissioner Lewis asked if the permit would  
46 stay with the applicant or with the property. Hampton stated that typically it stays with  
48 the property. Commissioner Lewis asked for clarification of the term "incidental display."  
50 Hampton stated that incidental display allows businesses to have a certain percentage of  
52 display of products in the front of their store. This amendment applies to outside storage  
that is separate from incidental display.

54 Chairman Herbst opened the public hearing at 6:54 p.m.

56 Brian Karlan (representing Tree Frogs)  
58 Keller Williams  
60 5800 Legacy Circle  
62 Plano, Texas

64 Mr. Karlan passed out brochures to the Commissioners and discussed the cost of this  
66 type of recreational equipment and the materials.

68 Chairman Herbst asked if Tree Frogs is who approached the Council. Mr. Karlan replied  
70 that both he and the owner of Tree Frogs have discussed this with staff and Council.  
72 Chairman Herbst then asked how much storage space they would need. Mr. Karlan  
74 answered that Tree Frogs would need about 15,000 square feet of open storage framed  
76 with fencing and a small sales office.

78 Chairman Herbst stated that he saw a condition that would limit the outdoor display to  
80 5% of the total building square footage. Hampton clarified that incidental display is  
82 limited to 5%. Outdoor display would be considered separate from that condition.

2  
4 There being no others wishing to come forth and speak, Chairman Herbst then closed the public hearing at 6:58 p.m.

6 Commissioner Jackson made a motion to approve Z2011-024, a request to amend the Unified Development Code (Ord. No. 04-38), specifically Article IV, Permissible Uses, relative to provisions for outside storage and/or display, with staff recommendations.

10 Commissioner Minth seconded the motion.

12 A vote was taken, and the motion passed by a vote of 7- 0.

14 III. ACTION ITEMS

16 6. MIS2011-010  
18 Discuss and consider approval of a request from Marcus Cummings of Drees Custom Homes for a variance from the (PD-70) Planned Development District No. 70 development standards specifically to allow a corner lot with fencing on the side property line adjacent to the street to be setback less than five (5) feet for Lot 9, Block E, and Lot 10, Block E, Stone Creek Addition located at 781 Featherstone and 778 Hanover Drive, respectively, and take any action necessary.

24 LaCroix stated that Planned Development District No. 70 requires the following for fencing on corner lots: "Corner lot fencing (adjacent to the street) shall provide masonry columns at forty-five feet (45') off center spacing that begins at the rear property line corner and terminates ten feet (10') behind the front yard building setback line. A maximum six (6') foot solid board on board panel cedar fencing shall be allowed between the masonry columns along the side and/or rear yard lot adjacent to a street. In addition, the fencing shall be setback from the side property line adjacent to a street a minimum of five feet (5'). The property owner shall maintain that portion of the property outside the fence."

34 The City Building Department became aware that two corner lots with homes located in the Stone Creek Subdivision ready for final inspection did not meet the five foot (5') setback requirement. The fences and a retaining wall have already been constructed on these lots located at 781 Featherstone and 778 Hanover and being more particularly described as Lot 9, Block E and Lot 10, Block E, Stone Creek Addition.

40 Drees Custom Homes, being the owner of 778 Hanover and also representing the owner of 781 Featherstone, is requesting a variance of 4'-9" for the currently installed stone retaining wall, stone columns and 6' board on board cedar fence located on the east side property line of both lots. The current installed location exists due to the inability to locate the retaining wall and fence 14'-6" from the street due to an existing platted 10' utility easement that lies adjacent to both lots parallel to Harvard Drive.

48 The Drees representative has stated that during the process of obtaining building permits Drees was required by the City to obtain permission from utility providers to install the retaining wall and fence within the utility easement to achieve the required setback of 14'-6" from the street. In correspondence with Oncor Electric, Drees was informed that would not be allowed to locate the fence and retaining in the middle of the

2 easement, Oncor being concerned that they needed adequate space for any future  
4 maintenance to the buried line. Drees proceeded to construct the retaining wall and  
6 fence approximately 3" off the property line to minimize any issues with Oncor. City  
inspection staff was not informed of this situation until after the retaining wall and fence  
had been completed.

8 Staff believes there is some merit in considering this variance due to the location of the  
10 easement. The location of this main electrical line for the subdivision is critical; however,  
12 some compromise distance from the property could have possibly been achieved to  
14 lessen the amount of variance being requested. However, we do not feel in this situation  
that the development standards are being compromised due to the higher standards that  
are in place for the fencing and the retaining wall.

16 In this case, staff would recommend approval based on the extenuating circumstances  
related to the utility easement.

18 Commissioner Minth clarified that Drees is requesting this variance on the behalf of the  
20 homeowner. LaCroix stated that one home has already been purchased from Drees. The  
other home is still owned by Drees.

22 Commissioner Buchanan made a motion to approve MIS2011-010, a request from Marcus  
24 Cummings of Drees Custom Homes for a variance from the (PD-70) Planned  
Development District No. 70 development standards specifically to allow a corner lot with  
26 fencing on the side property line adjacent to the street to be setback less than five (5)  
feet for Lot 9, Block E, and Lot 10, Block E, Stone Creek Addition located at 781  
Featherstone and 778 Hanover Drive, respectively, with staff recommendations.

28 Commissioner Jackson seconded the motion.

30 A vote was taken, and the motion passed by a vote of 7- 0.

32 7. Appointment with Architectural Review Board representative to receive the  
34 Board's recommendations and comments for items on the agenda requiring  
architectural review.

36 The ARB unanimously recommended approval of the Autozone and thanked the  
38 applicant for adding additional architectural elements to the site plan.

40 8. SP2011-013  
42 Discuss and consider a request by Jonathan Hake of Cross Engineering  
44 Consultants for approval of a site plan for Autozone, being a proposed 7,365-sf  
46 retail store located on Lot 13R, Block A, Horizon Ridge Addition, being a 1.02-  
acre tract zoned (PD-9) Planned Development No. 9 district and situated along  
the east side of Ridge Road north of Summer Lee Drive and south of Arista  
Drive, within the Scenic Overlay district, and take any action necessary.

48 Spencer stated that the applicant has submitted a site plan application for an Autozone  
50 retail store located on a 1.02-acre site in the Horizon Ridge Addition.

2 The site will be accessed via one proposed mutual access drive from Ridge Road.  
4 Additionally, the proposed development is providing cross access to the developed lot to  
the north and the undeveloped lot to the south.

6 The proposed Autozone is shown to be a 7,365-sq. ft. building requiring 31 parking  
spaces at a ratio of one parking space for every 250 sq. ft. The applicant is meeting city  
8 requirements by proposing to install 37 parking spaces.

10 The applicant is proposing to install five large canopy trees and six accent trees in the  
landscape buffers along Ridge Road in an effort to comply with the Scenic Overlay  
12 district. As required by the Scenic Overlay district the applicant is installing four  
shumard red oak trees along the east side (rear facade) of the building. Additionally, at  
14 the direction of staff and the Architectural Review Board the applicant has included  
additional landscaping around the building foundation and along the north property line.  
16 As currently submitted the remaining portion of the landscape plan meets all the  
requirements of the Unified Development Code.

18 All exterior lighting shall be a maximum of 20' in height (including the base), shall be  
20 directed downward with a maximum 1" reveal. The photometric plan appears to meet all  
other city requirements.

22 The proposed building is a 21' high single-story building, with three towers elements  
24 ranging from 27'2" to 31'9" in height. The building is proposed to be clad with Natural  
Stone Chalk veneer, brick, EIFS and a standing seam metal roof. In an effort to comply  
26 with the architectural standards of the Scenic Overlay, the applicant has included in the  
revised elevations standing seam roof elements, standing seam canopies, metal trellises,  
28 additional store front windows, vertical and horizontal articulation.

30 In staff's opinion the applicant has gone a long way in adhering to the requirements of  
the Unified Development Code, the requests of city staff, the recommendations of the  
32 Architectural Review Board and the existing architecture in the area.

34 Staff recommends approval of the site plan subject to the following conditions:

1. Adherence to all Engineering and Fire Department Standards.

36 Commissioner Lewis commended the Planning staff and Autozone on working to add  
38 architectural elements to the plan so that the building better reflected the Planned  
Development standards.

40 Commissioner Buchanan asked if there is a loading zone on site. Spencer stated that  
42 there is a loading area on the site and described the location of the area. Spencer also  
discussed that they are required to have a loading zone.

44 Wade Davis  
46 123 S. Front Street  
Memphis, Tennessee

48 Mr. Davis stated that a truck will enter the site for deliveries about once a month.  
50 Commissioner Buchanan asked what time those deliveries will occur. Mr. Davis stated  
that they would occur when the store is closed and they do have software to run traffic  
52 patterns.

2 Commissioner Buchanan asked that the directional error on the elevations be corrected.  
4 Mr. Davis stated that a corrected copy will be provided to the City.

6 Commissioner Lewis made a motion to approve SP2011-013, a request by Jonathan Hake  
8 of Cross Engineering Consultants for approval of a site plan for Autozone, being a  
10 proposed 7,365-sf retail store located on Lot 13R, Block A, Horizon Ridge Addition, being  
12 a 1.02-acre tract zoned (PD-9) Planned Development No. 9 district and situated along the  
east side of Ridge Road north of Summer Lee Drive and south of Arista Drive, within the  
Scenic Overlay district, with staff recommendations.

14 Commissioner Minth seconded the motion.

16 A vote was taken, and the motion passed by a vote of 7- 0.

18 9. SP2011-014

20 Discuss and consider a request by Jim Gahl of Gahl Architecture, Inc. for  
22 approval of a site plan for Inwood National Bank, being a proposed 5,555-sf  
financial institution located on Lot 4, Carlisle Plaza Addition, being a 1.0664-acre  
tract zoned (C) Commercial district and located at 599 East IH-30 (formerly  
World Savings Bank), within the Scenic Overlay district, and take any action  
24 necessary.

26 Gonzales stated that the applicant is seeking approval of a site plan for a proposed  
Inwood National Bank that will be located on Lot 4 of the Carlisle Plaza Addition.  
28 Currently, the site is home to an approximately 3200-sf building (formerly World Savings  
and Loan) that is vacant and will be demolished to make way for the proposed structure.

30 The proposed site will house a 5555-sf building comprised of natural stone and a  
standing seam metal roof accented by a cast stone border, stucco trim features, and  
32 wooden beams as roof elements. The site will be accessed primarily from two existing  
points of entry along Ridge Rd. The parking ratio for a financial institution is one space  
34 per 300-sf, which equals 19 spaces. The applicant is proposing 24 spaces, meeting the  
City's standard. The building's footprint provides horizontal articulation on all four sides.

36 The applicant has submitted a landscape plan indicating a total of 37% landscaping  
38 coverage with an assortment of canopy trees, accent trees, shrubs, grasses and flowers.  
The total landscaped area exceeds the 15% minimum for a commercial development.  
40 Also, the applicant is proposing five 6" red oak trees within the landscape buffer strip  
along Ridge Rd. Since this does not meet the standards established in the Scenic  
42 Overlay district, a variance will be required to approve the landscape buffer strip as  
submitted. Along the south property line are five live oak trees totaling 69" that will  
44 remain on site. Also, there are two live oak trees on the west property line totaling 20"  
that will be removed. This will be mitigated by the addition of seven trees (3 red oak and  
46 4 bald cypress) totaling 32", which will net five additional trees and 12" for the site.

48 The Unified Development Code requires all lighting to be contained on site at a maximum  
intensity of 20-FC, with the exception for canopy lighting not to exceed 35-FC. Lighting at  
50 the property lines are not to exceed 0.2-FC to control glare and spillover lighting, with the  
exception of commercial developments that contain more than one lot. This site will have  
52 an ATM machine located on the south side property drive-thru lane. Based on the ATM



2 lighting requirements, this is creating spillover lighting onto the adjacent commercial  
property. However, this meets the standards for spillover lighting for commercial  
4 developments containing more than one lot. Also, the Scenic Overlay requires light  
poles not to exceed 20-ft in height (including the base) and that all light sources are to be  
6 full cut-off with a maximum one inch reveal and directed down. Based on the lighting  
plan submitted, the site appears to meet these standards for the Unified Development  
8 Code.

10 The proposed building will be comprised primarily of a thin cut natural stone using a two  
color combination to provide accenting. A lighter colored "field stone" will be  
12 prominently displayed on all four sides with a darker stone used as accents on the  
columns and projections as depicted in the color rendering. The standing seam metal  
14 roof will have an overall height of 29' 10" and will have varying roof heights that provide  
vertical articulation. The gabled roof elements are accented with wooden beams that are  
16 structural in nature. Stucco is present in the column caps and window ledges that  
provide additional accenting, along with a cast stone base and trim at the water table  
18 surrounding the building. Also, concrete columns are located in the drive-thru and are  
visible on the west and south elevations. It should be noted that the cast stone, concrete  
20 columns and wood beams are considered secondary materials and will require a  
variance due to their exceeding 10% of the elevations for each side of the structure.

22 Also, the Scenic Overlay district requires four architectural elements to be incorporated  
in the design of the building. The color rendering and the proposed elevations depict  
24 several elements that meet this requirement such as an awning displayed on a projection in  
the color rendering, the canopy over the drive-thru, peaked roof elements and varied roof  
26 heights, projections and recesses, and the Portico with large stoned columns located at  
the main entrance to the building. All of these architectural elements as presented meet  
28 this requirement.

30 On October 25, 2011, the Architectural Review Board recommended the applicant use a  
bronze colored standing seam metal roof and to consider the use of cast stone rather  
32 than stucco for the column caps and window ledges. It is the desire of the applicant to  
choose between three colors (bronze, gray, and blue/green) for the roof that will provide  
34 a contrast for the structure. Also, the applicant proposes to maintain the stucco elements  
as provided in the elevations due to the structural changes that would be required for the  
36 additional cast stone.

38 Based on the Scenic Overlay district requirements and the submitted site plan, the  
40 following variances require approval from the City Council by a 3/4 majority vote:

42 1) Secondary materials within the overlay district are limited to less than 10% of  
an elevations area. The elevations presented exceed the 10% requirement for  
44 the cast stone base and trim, the wooden beams, and the concrete columns at  
the drive-thru and west and south elevations.

46 2) The landscape buffer strip does not meet the minimum standards for the  
48 amount of trees to be placed within this easement. The applicant is providing  
(5) 6" red oak trees within this buffer strip. However, based on the landscape  
50 plan submitted, the applicant is exceeding the 15% requirement by providing  
37% landscaping for the entire site, including several canopy and accent trees

2 dispersed throughout the site. The applicant is also keeping five mature live  
4 oak trees measuring a total of 69" located on the south property line.

6 As submitted, staff supports both of the variances requested.

8 Staff recommends approval of the request with the following conditions:

- 10 1. Cut sheets for all lighting fixtures shall be provided and approved by the  
12 Planning and Zoning Department prior to issuance of a building permit. Any  
changes to the lighting plan which result in increased lighting levels or glare  
may require approval of the Planning and Zoning Commission.
- 14 2. All building and pole mounted lighting fixtures shall be full cut-off with a  
16 maximum one inch reveal and directed down. The height of light poles  
(including base) shall not exceed 20-ft. Provide detail at submittal of building  
permit.
- 18 3. Approval by the Planning and Zoning Commission required for the 6 flood  
lamps, which shall be projected onto the building, shielded and screened with  
landscaping.
- 20 4. Re-label the "Fire Lane and Access Easement" adjacent to the  
south/southwest property line to "Utility Easement" on site plan (A101).
- 22 5. Must adhere to all Engineering standards.
- 24 6. Must adhere to all Fire Department standards, including fire hydrant coverage.
- 26 7. Approval by City Council required for variance to the Architectural Standards.
- 28 8. Approval by City Council required for variance to the Landscape Standards for  
the buffer strip.

30 Commissioner Lewis asked if the stucco is on the top and the base of the columns.  
Gonzales stated that the base of the columns is cast stone. Stucco is on the column  
caps.

32 Jim Gahl  
34 3875 Regent Drive  
Dallas, Texas

36 Mr. Gahl stated that the owners are willing to commit to a mock-up panel to show all  
38 colors of the building and they will ensure a quality building. They want to meet all  
requirements.

40 Commissioner Jackson agreed that a mock-up is necessary to get a clear picture of the  
42 color scheme and look of the building.

44 Commissioner Minth asked to keep the colors somewhat muted.

46 Commissioner Jackson stated that this new design is a vast improvement to the  
building.

48 Commissioner Jackson made a motion to approve SP2011-014, a request by Jim Gahl of  
50 Gahl Architecture, Inc. for approval of a site plan for Inwood National Bank, being a  
proposed 5,555-sf financial institution located on Lot 4, Carlisle Plaza Addition, being a  
52 1.0664-acre tract zoned (C) Commercial district and located at 599 East IH-30 (formerly  
World Savings Bank), within the Scenic Overlay district, with staff recommendations.

2 Commissioner Buchanan seconded the motion.

4 A vote was taken, and the motion passed by a vote of 7- 0.

6 IV. ADJOURNMENT

8 The meeting adjourned at 7:33 p.m.

10  
12 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE  
CITY OF ROCKWALL, Texas, this 29 day of NOV, 2011.

14   
Phillip Herbst, Chairman

16 Attest:

18   
JoDee Sanford, Planning Coordinator

**AGENDA**  
**PLANNING AND ZONING COMMISSION WORK SESSION**  
City Hall, 385 South Goliad, Rockwall, Texas  
Council Chambers  
November 29, 2011  
6:00 P.M.

I. CALL TO ORDER

The meeting was called to order by Chairman Phillip Herbst at 6:02 p.m. with the following members present: Barry Buchanan, Connie Jackson, Craig Renfro, Kristen Minth, and Dennis Lewis. John McCutcheon was not in attendance.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, JoDee Sanford, and David Gonzales.

1. Approval of Minutes for November 8, 2011 Planning and Zoning Commission meeting

Commissioner Jackson made a motion to approve the minutes for November 8, 2011.

Commissioner Renfro seconded the motion.

A vote was taken, and the motion passed unanimously by all present.

*(Note: Action Item #3 was discussed prior to the public hearing and then the agenda was resumed.)*

II. PUBLIC HEARING ITEMS

2. MIS2011-009

Hold a public hearing and consider making a recommendation to City Council relative to the 2011 Rockwall Comprehensive Plan Update, and take any action necessary.

La Croix stated this is the second public hearing for the proposed plan and briefly discussed the update and the changes that it addresses. In addition, he stated that several plans have been adopted over several years and this Comprehensive Plan Update incorporates all of these plans that have been successful. He also stated that this plan will allow some enhancements to the land use and the development of specific areas in the future. The update also cleans up some issues that staff has encountered. It will outline open space and parks and will identify other types of urban development.

Commissioner Minth asked about rumors of high density development surrounding a proposed golf course on Anna Cade. La Croix stated he is not aware of this development, but that this area is in Collin County and that the City has jurisdiction over the subdivision of land within this ETJ area. Staff is currently working on an interlocal agreement with Collin County.

Chairman Herbst opened the public hearing at 6:15pm.

2 There being no one wishing to speak, Chairman Herbst closed the public hearing at 6:15pm.

4 Commissioner Jackson made a motion to recommend approval of MIS2011-009, being the 2011 Rockwall Comprehensive Plan Update.

6 Commissioner Minth seconded the motion.

8 A vote was taken, and the motion passed unanimously by all present.

10 III. ACTION ITEMS

- 12 3. Appointment with Architectural Review Board representative to receive the Board's  
14 recommendations and comments for items on the agenda requiring architectural  
16 review.

18 Julien Meyrat spoke on behalf of the ARB and stated that the ARB rewards innovation  
and creativity. Mr. Meyrat stated that in regards to the Honda of Rockwall, they would like  
20 the applicant to revisit some of the design and articulation elements from the original  
proposal in 2008, and reflect a car dealership by refiguring the façade and making it more  
22 attractive from the Interstate. The meeting was productive and he anticipates what the  
applicant might bring forward at a later date.

24 Clark Staggs spoke on behalf of the ARB as well and stated that the ARB's  
recommendation is that the Commission take no action at this time.

26 Commissioner Jackson inquired if the ARB was specific on the changes that they would  
28 like to see. Mr. Staggs stated that they were very clear and the applicants walked away  
with specific details and ideas on what was expected.

30 *(Note: The agenda resumed with Public Hearing Item #2.)*

- 32 4. SP2011-015

34 Discuss and consider a request by Bennett Ratliff of The Ratliff Group, LLC for  
approval of an amended site plan for Honda of Rockwall, located on the proposed  
36 Lot 1, Block 1, Honda of Rockwall Addition, being 8.686-acres zoned (C)  
Commercial district and situated within the IH-30 Overlay district, located along the  
38 south side of Interstate 30 east of Commerce St and west of John L. King Blvd, and  
take any action necessary.

40 *Chairman Herbst stated that Commissioner Lewis would recuse himself from the*  
42 *discussion due to a potential conflict of interest.*

44 Hampton stated that after a few years delay due to a state dealer protest process, the  
developer of the proposed Honda of Rockwall auto dealership has brought back an  
46 amended site plan and building elevations for consideration by the Architectural Review  
Board and Planning and Zoning Commission. Given the ARB's recommendation earlier  
48 in the meeting to delay consideration of the case, Hampton stated he would hold off on  
discussing the specifics of the site plan unless the Commission wanted him to do so.

50 Bennett Ratliff

2 Ratliff Group (representing Honda of Rockwall)

4 Mr. Ratliff said that the meeting with the ARB was productive and the board gave specific  
6 direction to address their concerns. He feels these requests are reasonable and they are  
working to balance the needs of the facility with the budget and the ARB's architectural  
requirements.

8 Commissioner Minth made a motion to table SP2011-015, a request by Bennett Ratliff of  
10 The Ratliff Group, LLC for approval of an amended site plan for Honda of Rockwall,  
located on the proposed Lot 1, Block 1, Honda of Rockwall Addition, being 8.686-acres  
12 zoned (C) Commercial district and situated within the IH-30 Overlay district, located  
along the south side of Interstate 30 east of Commerce St and west of John L. King Blvd,  
until December 13, 2011.

14 Commissioner Buchanan seconded the motion.

16 A vote was taken, and the motion passed 5-0, with Lewis abstaining.

18 5. SP2011-016

20 Discuss and consider a request by Scott Self of Pro Soap, Inc., for approval of a  
22 variance to the Architectural Standards of the IH-30 Overlay district, specifically to  
allow for a 1500-sf metal building on the property located at 1830 E IH-30, being  
24 1.92-acres zoned (LI) Light Industrial district and described as Tract 9-2, Abstract  
134, J. Lockhart Survey, and take any action necessary. (Note: 3/4 vote by City  
Council required for approval)

26 Hampton stated that the applicant (Scott Self) has submitted an application for site plan  
28 approval, specifically requesting a variance to the IH-30 Overlay requirements in order to  
construct a 1500-sf metal storage building for personal storage of boats and supplies.  
30 According to the applicant, who also operates the Sea Wolf catamaran out of the  
Harbor/Chandlers Landing Marina, the building will be used to store materials for the  
32 construction of another sailing vessel to be used with his Sea Wolf business.

34 The subject property was annexed into Rockwall over 20 years ago with at least one  
primary building on the property, which still is intact today and used for Mr. Self's Pro  
36 Soap business. The property was zoned from "Ag" to "LI" in 1991 (Ord 91-8). In 1994, the  
Board of Adjustment granted a variance to Mr. Self to construct a 14-unit storage  
38 building in the rear of the site using metal for the exterior construction.

40 The proposed building will be situated behind the primary Pro Soap building. The  
applicant has submitted an aerial photo of the property with an outline of the proposed  
42 building shown. He has also submitted a photograph of the existing storage building that  
was allowed by the 1994 Board of Adjustment decision.

44 No existing trees will be affected by the proposed construction, and no additional  
46 landscaping materials are proposed at this time. The applicant has previously planted  
several trees and crape myrtles along the IH-30 frontage road and the Pro Soap entry  
48 road, which will help to screen the proposed building from the frontage road.

50 No new lighting is proposed at this time; however, any additional exterior lighting or  
wallpack fixtures must be downward lit with full cut-off type fixtures.

2 Approval of the metal exterior will require a variance to the IH-30 Overlay district, which  
4 requires a 3/4 vote for approval by City Council members.

6 Staff would point out that the majority of the existing buildings on the subject site and  
8 surrounding properties are also metal buildings, many of which existed prior to  
10 annexation of the area. The proposed 1500-sf building will be a minor addition compared  
12 to the other buildings on the site, and arguably will be screened from IH-30 by the  
14 existing Pro Soap building and existing landscaping. According to the applicant, when  
construction of the sailboat is complete the proposed building will help to enclose and  
hide some of the existing outside storage on the property (e.g. boats and other personal  
belongings). Given these conditions, staff feels the proposed variance warrants  
consideration.

14 If approved, staff would offer the following conditions:

- 16 1. Adherence to all engineering and fire department requirements.
- 18 2. Submittal and approval of a building permit required.
- 20 3. If applicable, all new exterior lights shall be directed downward with full cut-off type  
22 fixtures.

24 Commissioner Buchanan asked about the architectural standards for the district.  
26 Hampton stated the overlay district requires 90% primary material (brick or stone) on the  
28 exterior of a building and allows for only 10% secondary material (metal).

30 Commissioner Renfro stated that this proposed building is in line with the surrounding  
32 existing buildings. Hampton stated that staff does feel that the proposed building is  
34 similar to the existing buildings in the area.

36 Scott Self  
38 319 Harbor View Drive  
40 Rockwall, Texas

42 Mr. Self stated that the primary use of the building is to store boats and/or boat parts.  
44 The proposed building will be constructed between two existing metal buildings. The  
46 building will be screened by many existing crepe myrtles. Mr. Self stated that, if required,  
48 he will add masonry to the exterior. However, none of the surrounding buildings have a  
50 masonry façade. The building will not be used commercially.

Commissioner Buchanan asked if the proposed building could be used to expand the  
Pro Soap building. Mr. Self responded that is not the intent, and that it will be built at a  
lower grade than the Pro Soap building and so connecting the two structures would be  
difficult.

44 Commissioner Jackson stated her support for the project.

46 Commissioner Renfro made a motion to approve SP2011-016, a request by Scott Self of  
48 Pro Soap, Inc., for approval of a variance to the Architectural Standards of the IH-30  
50 Overlay district, specifically to allow for a 1500-sf metal building on the property located  
at 1830 E IH-30, being 1.92-acres zoned (LI) Light Industrial district and described as  
Tract 9-2, Abstract 134, J. Lockhart Survey, with staff recommendations.

Commissioner Lewis seconded the motion.

A vote was taken, and the motion passed unanimously by all present.

IV. ADJOURNMENT

The meeting adjourned at 6:32 p.m.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF  
ROCKWALL, Texas, this 27 day of December, 2011.

Donnie Garton, Vice Chair  
~~Phillip Herbst, Chairman~~

Attest:

JoDee Sanford  
JoDee Sanford, Planning Coordinator





**MINUTES**  
**PLANNING AND ZONING COMMISSION PUBLIC HEARING**  
**City Hall, 385 South Goliad, Rockwall, Texas**  
**Council Chambers**  
**December 13, 2011**  
**6:00 P.M.**

I. CALL TO ORDER

The meeting was called to order by Chairman Phillip Herbst at 6:00 p.m. with the following members present: Barry Buchanan, Connie Jackson, Craig Renfro, Kristen Minth, John McCutcheon and Dennis Lewis.

Additionally, the following staff members were present: Robert LaCroix, JoDee Sanford, David Gonzales and Chris Spencer.

II. SITE PLANS / PLATS

1. Appointment with Architectural Review Board representative to receive the Board's recommendations and comments for items on the agenda requiring architectural review.

LaCroix spoke on behalf of the ARB and stated that the Board reviewed the site plan for Honda of Rockwall and approved of the revisions.

2. SP2011-015

Discuss and consider a request by Bennett Ratliff of The Ratliff Group, LLC for approval of an amended site plan for Honda of Rockwall, located on the proposed Lot 1, Block 1, Honda of Rockwall Addition, being 8.686-acres zoned (C) Commercial district and situated within the IH-30 Overlay district, located along the south side of Interstate 30 east of Commerce St and west of John L. King Blvd, and take any action necessary.

*Chairman Herbst stated that Commissioner Lewis would recuse himself from discussion of this item due to a potential conflict of interest.*

Spencer stated that after a few years delay due to a state dealer protest process, the developer of the proposed Honda of Rockwall auto dealership has brought back an amended site plan and building elevations for consideration by the Architectural Review Board and Planning and Zoning Commission. The original site plan for the development was approved in September 2008, and included variances to the IH-30 Overlay district for the Architectural Standards / masonry requirements and for the orientation of the bay doors of the service area. New variances are not necessary for these features as that part of the approval has not been altered by the proposed amendments. The applicant has submitted an updated LEED pre-certification form that signifies the developer's intent to seek certification for green design. It appears the current intent is to seek "Certified" status with the potential for the "Silver" level.

Staff has identified the following changes to the site plan from the original 2008 plan:

- 1) Reduced building size from 63,702-sf to 53,321-sf.

- 2) Increased "potential" future building expansion from 8,300-sf to 12,156-sf.
- 3) Small increase in front display/parking area of approximately 5 spaces (143 to 148).
- 4) Reduction in rear inventory/parking area by approximately 33 spaces (377 to 344).
- 5) Increased open (display?) area in between front facade of building and parking spaces.

Staff has identified the following changes to the landscape plan from the original 2008 plan:

- 1) Identification of 2 protected trees on property and appropriate mitigation (i.e. five 3" Cedar Elm trees)
- 2) Increased detention/open space area in rear of site from 23,480-sf to 31,604-sf, and twelve (12) additional trees planted to make up difference

An updated photometric plan and more complete set of proposed light fixtures has been submitted with this plan. The fixtures appear to be full cutoff type and comply with city specifications. The maximum height for any exterior lighting is 30-ft within the IH-30 Overlay district.

Staff has included conditions of approval to ensure that the maximum light level is 35-FC measured anywhere on the site to comply with city specifications for auto dealerships. Additionally, the maximum levels allowed at property lines adjacent to the right-of-way (front property line) and adjacent to residential uses (rear property line) is 0.2-FC. Staff would also recommend that additional shielding be installed along the side property line fixtures should those levels exceed 0.2-FC.

Staff has identified the following changes to the building elevations from the original 2008 plan:

North Elevation (Front Facade) changes:

- 1) "Glass Curtain Wall" has been minimized and replaced with more concrete tilt wall similar to other facades of building

South Elevation (Rear Facade) changes:

- 1) Replaced structural "trellis" features with "Greenscreen" wire system, which will be landscaped with ivy (see detail sheets for greenscreen system from applicant).

East Elevation (facing new street) changes:

- 1) Replaced structural "trellis" features with "Greenscreen" wire system, which will be landscaped with ivy.
- 2) Removed water cistern features
- 3) Building area reduction is most apparent on this facade, but has resulted in more horizontal articulation.
- 4) New "Aiolite" structure added for sun control (see detail sheets from applicant)

West Elevation changes:

- 1) Replaced structural "trellis" features with "Greenscreen" wire system, which will be landscaped with ivy.
- 2) Removed water cistern features
- 3) New "Aiolite" structure added for sun control.

Updated building elevations based on ARB input were submitted by the applicant and include:

- Additional “Green Screen” on east elevation
- Additional horizontal “detailing” on store front elevation similar to the store front elevation approved in 2008
- The softening of gray tones on store front elevation

If the amended site plan, landscape plan, photometric plan and building elevations are approved by the Commission, staff would offer the following recommendations.

1. Adherence to all engineering and fire department requirements.
2. Final approval and filing of the final plat.
3. All exterior lighting shall comply with City requirements, including the maximum overall mounting height of 30-ft, the maximum light level of 35-FC measured anywhere on the site and the maximum light level of 0.2-FC at all property lines, particularly along the front property line adjacent to IH-30 and the rear property line adjacent to residential uses. If necessary, additional shields shall be added to all perimeter light fixtures to meet these requirements.
4. Adherence to all Architectural Review Board recommendations.

**Bennett Ratliff**  
The Ratliff Group (representing Honda of Rockwall)

Mr. Ratliff stated that the revisions represent a compromise of the look the ARB was trying to achieve and the budget. They are also trying to achieve LEED “Silver” certification.

Commissioner Jackson asked how the green walls would stay green during droughts without the use of a cistern. Mr. Ratliff said that they are looking at the feasibility of capturing the condensation from the air conditioning units and ground water with an underground tank.

Chairman Herbst inquired about the 7 bay doors shown on the plan. Mr. Ratliff stated that 3 doors are for the service drive and the other 4 doors are for quick lube.

Commissioner Jackson asked if any of the building materials have been presented. Spencer stated that staff did receive samples of the building materials.

Commissioner Jackson made a motion to approve SP2011-015, a request by Bennett Ratliff of The Ratliff Group, LLC for approval of an amended site plan for Honda of Rockwall, located on the proposed Lot 1, Block 1, Honda of Rockwall Addition, being 8.686-acres zoned (C) Commercial district and situated within the IH-30 Overlay district, located along the south side of Interstate 30 east of Commerce St and west of John L. King Blvd, with staff recommendations.

Commissioner Minth seconded the motion.

A vote was taken, and the motion passed by a vote of 6- 0, with Lewis abstaining.

3. P2011-020

Discuss and consider a request by Robert S. Whittle of Mariah Bay Development, Inc., Heath Golf and Yacht Club, and Rockwall Hotel and Conference Group, Inc.,

2 and Fredric Smith, representing TF-Harbor, LLC, for approval of a replat of Lots 1  
4 and 2, Block A, The Harbor - Rockwall Addition, and an unplatted 8.139-acre tract  
6 located in Abstract 11, M. J. Barksdale Survey, being 31.5797-acres overall zoned  
(PD-7) Planned Development No. 7 district and (PD-32) Planned Development No.  
32 district, and generally situated along the northwest side of Summer Lee Drive  
south of IH-30 and west of Lakefront Trail, and take any action necessary.

8 LaCroix stated that a replat has been submitted for The Harbor - Rockwall Addition by  
10 the applicant. The purpose of the replat is to reconfigure the existing Lots 1 and 2 into  
12 three new lots, as well as bring in an additional 8.139-acres that is currently unplatted  
(including the fountain area maintained by the City of Rockwall and vacant land owned  
by a separate entity of the applicant).

14 The replat is necessary to clean up the ownership lines of the Harbor development,  
16 which has become fragmented over the past year. Generally speaking, the proposed  
replat will result in the following configuration:

- 18 • Lot 3 (1.8610-acre) - pad site for future office development
- Lot 4 (8.9244-acre) - Hilton Hotel site
- 20 • Lot 5 (12.6747-acre) - Harbor retail development including Cinemark theater
- Lot 6 (1.7812-acre) - fountain area, to be dedicated to the City of Rockwall
- 22 • Lot 7 (6.3384-acre) - remainder tract included in plat as a "conveyance" lot, to be  
retained by Heath Golf and Yacht Club, Inc.

24 All of the easements that were included on the original plat will be maintained on this  
26 replat, such as firelane, access, public access, etc. The surveyor of the replat has  
discovered some old roadway easements that were apparently never abandoned that  
need to be abandoned now.

28 Staff recommends approval of the replat with the following conditions:

- 30 1. Adherence to all engineering and fire department requirements.
- 32 2. Lot 6, Block A, shall be dedicated to the City of Rockwall. Notation(s) shall be  
added to the replat prior to filing indicating as such.
- 34 3. Correction of minor notation and scrivener errors and verification that each lot  
boundary properly closes.

36 Commissioner Minth made a motion to approve P2011-020, a request by Robert S.  
38 Whittle of Mariah Bay Development, Inc., Heath Golf and Yacht Club, and Rockwall Hotel  
and Conference Group, Inc., and Fredric Smith, representing TF-Harbor, LLC, for  
40 approval of a replat of Lots 1 and 2, Block A, The Harbor - Rockwall Addition, and an  
unplatted 8.139-acre tract located in Abstract 11, M. J. Barksdale Survey, being 31.5797-  
42 acres overall zoned (PD-7) Planned Development No. 7 district and (PD-32) Planned  
Development No. 32 district, and generally situated along the northwest side of Summer  
Lee Drive south of IH-30 and west of Lakefront Trail, with staff recommendations.

44 Commissioner Jackson seconded the motion.

46 A vote was taken, and the motion passed by a vote of 7- 0.

48 III. ADJOURNMENT

The meeting adjourned at 6:21 p.m.

2

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE  
CITY OF ROCKWALL, Texas, this 27 day of December, 2011.

4

6

Phillip Herbst, Chairman  
*Phillip Herbst, Chairman*

8 Attest:

10

Jodee Sanford  
Jodee Sanford, Planning Coordinator

12



**MINUTES**  
**PLANNING AND ZONING COMMISSION WORK SESSION**  
**City Hall, 385 South Goliad, Rockwall, Texas**  
**Council Chambers**  
**December 27, 2011**  
**6:00 P.M.**

**I. CALL TO ORDER**

The meeting was called to order by Vice-Chair Connie Jackson at 6:00 p.m. with the following members present: Barry Buchanan, Craig Renfro, John McCutcheon and Dennis Lewis. Chairman Phillip Herbst and Kristen Minth were not in attendance.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, and JoDee Sanford.

**II. ACTION ITEMS**

1. Approval of Minutes for November 29, 2011 Planning and Zoning Commission meeting

Commissioner Buchanan made a motion to approve the minutes for November 29, 2011.

Commissioner Renfro seconded the motion.

A vote was taken, and the motion passed 4-0, with McCutcheon abstaining.

2. Approval of Minutes for December 13, 2011 Planning and Zoning Commission meeting

Commissioner Buchanan made a motion to approve the minutes for December 13, 2011.

Commissioner McCutcheon seconded the motion.

A vote was taken, and the motion passed unanimously by all present.

3. P2011-021

Discuss and consider a request by Wade Davis of AutoZone for approval of a replat of Lot 13R, Block A, Horizon Ridge Addition, being a 1.02-acre tract zoned (PD-9) Planned Development No. 9 district and located at 3021 Ridge Road, and take any action necessary.

Hampton stated that the submitted replat is intended to accommodate the recently approved AutoZone, which will be located on the existing Lot 13R, Block A, Horizon Ridge Addition, being a 1.020-acre site.

Included on the replat is the dedication of new firelane, access, utility and drainage easements required for development of the AutoZone project. The development will have access to Ridge Road (F.M. 740) via the existing access easement located on the north property line.



2 The replat appears to meet all the requirements of the (PD-9) Planned Development No. 9  
4 district as well as the underlying "GR" General Retail zoning for this property.

6 Staff recommends approval of the replat subject to the following conditions:

- 6 1. Adherence to all Engineering and Fire Department standards.
- 8 2. Change lot numeration from "Lot 13R1 to "Lot 23."
- 10 3. Correct "Firelane, Access & Water Easement" to "Firelane, Access and Utility  
12 Easement".
- 14 4. Add word "drainage" to detention easements.
- 16 5. Provide lot closure.
- 18 6. Correct 2011 to read 2012 in signature/notary blocks.

20 Hampton stated that Jonathan Hake of Cross Engineering was in attendance to represent  
22 the applicant and answer any questions.

24 Commissioner Lewis made a motion to approve P2011-021, a request by Wade Davis of  
26 AutoZone for approval of a replat of Lot 13R, Block A, Horizon Ridge Addition, being a  
28 1.02-acre tract zoned (PD-9) Planned Development No. 9 district and located at 3021  
30 Ridge Road, with staff recommendations.

32 Commissioner Buchanan seconded the motion.

34 A vote was taken, and the motion passed unanimously by all present.

36 III. DISCUSSION ITEMS

- 38 4. Z2011-026  
39 Discuss and consider a request by Frank Conselman for approval of a Specific Use  
41 Permit (SUP) allowing for a landing/stairs exceeding the maximum requirements  
43 within the Lake Ray Hubbard Takeline Overlay (TL OV) District, in the take area  
45 adjacent to their property at 1210 Crestcove Drive, being Lot 26, Block B, Hillcrest  
47 Shores Phase 3 Addition.

49 Hampton briefly described the case and the location of the property, as well as two other  
51 similar cases approved in the same vicinity.

- 53 5. Z2011-025  
54 Discuss and consider a request from Mushtak Khatri of T Rockwall Commons, LLC  
56 for approval of an amendment to (PD-1) Planned Development No. 1 district,  
58 specifically for a PD Concept / Development plan for "Rockwall Commons Phase II,"  
60 being a proposed retail and residential mixed-use development on a 2.88-acre tract  
62 currently described as Tract 6-2, Abstract 255, B. J. T. Lewis Survey, located along  
64 the east side of Ridge Road immediately north of Rockwall Commons Addition.

66 Hampton gave an overview of the case and description of the property. LaCroix  
68 discussed the connectivity between the properties in this planned development.

70 Mushtak Khatri  
72 16600 Dallas Parkway  
74 Dallas, Texas

2 Vice-Chair Jackson asked about the occupancy rate in the existing Rockwall Commons  
4 development. Mr. Khatri stated that the multi-family occupancy rate is about 99% and the  
6 office space is occupied at about 87%. There is about 7,500 square feet of retail space  
8 under the units and about 1,100 square feet is available for lease. Mr. Khatri stated that  
they already have a high-end salon wanting to lease space in the new development and  
that the new residential units would be more upscale in terms of interior finishes. They  
also want to add green features where possible.

10 Commissioner Renfro clarified the number of units in Phase II. Mr. Khatri responded that  
12 there are 140 residential units with 25% being 1 bedroom, 50% being 2 bedroom, and 25%  
being 3 bedroom units.

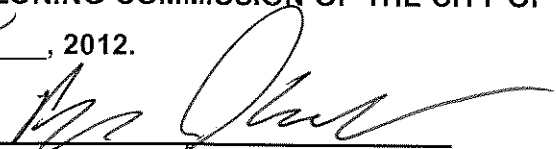
14 IV. ADJOURNMENT

16 The meeting adjourned at 6:23 p.m.

18 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF  
ROCKWALL, Texas, this 10 day of JAN, 2012.

20

22

  
Phillip Herbst, Chairman

Attest:

24

26

  
JoDee Sanford, Planning Coordinator