

**Minutes of  
PLANNING AND ZONING COMMISSION MEETING  
January 9, 2007**

**CALL TO ORDER**

The meeting was called to order by Chairman, Greg Burgamy at 6:00 p.m. with the following members present; Glen Farris, Bill Bricker, Glen Smith, and Connie Jackson. Commissioner Hunter and Commissioner Lucas arrived late.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, Leslie Ryan and Kim Whitley.

***Approval of Minutes*** for November 14, 2006 Planning and Zoning Commission meeting.

***Approval of Minutes*** for November 28, 2006 Planning and Zoning Commission meeting.

Jackson made a motion to table both sets of minutes.

Farris seconded the motion. The motion was voted on and passed 5 to 0.

**CONSENT AGENDA ITEMS**

Farris pulled consent agenda item #1 for discussion.

**P2006-062**

**Discuss and consider a request by Randall Pogue of Pogue Engineering & Development Co. for approval of a preliminary plat for SPR Packaging Addition, being a 10.19-acre tract zoned (LI) Light Industrial district and located at the northwest corner of Industrial Blvd and the future Justin Road extension, and take any action necessary.**

Jackson made a motion to approve P2006-062 with staff conditions.

Smith seconded the motion. The motion was voted on and passed 6 to 0.

**P2006-060**

**Discuss and consider a request by Billy Kimbrough of Gulf States Toyota for approval of a preliminary plat of Lot 1, Block 1, Toyota of Rockwall Addition, being 11.2561-acres zoned (LI) Light Industrial district and located along the south side of IH-30 east of SH 205 and west of Townsend Drive, and take any action necessary.**

After brief discussion, Jackson made a motion to approve P2006-060 with staff recommendations.

Hunter seconded the motion. The motion was voted on and passed 6 to 0.

## **ARCHITECTURAL REVIEW BOARD ITEMS**

### **SP2006-040**

**Discuss and consider a request by Sean Flaherty of The Wallace Group for approval of an amended site plan and amended building elevations for the Plaza at Rockwall (aka Rockwall Crossing Phase 2) commercial development, located on a 47-acre (+/-) tract zoned (PD-14) Planned Development No. 14 district and (C) Commercial district, and situated within the IH-30 Corridor Overlay District and SH 205 Corridor Overlay District, and take any action necessary.**

Hampton summarized that at the 12/12/06 meeting, the Architectural Review Board and the Planning and Zoning Commission each approved the amended site plan and building elevations for the Plaza at Rockwall development, with the exception of the proposed changes to Buildings 1, 25 and 26. Each board stated that the design of these three buildings should be closer to what the City originally approved in June 2006, which included more articulation and especially the "curved" walls at the east end of Building 1 and west end of Building 25. As a result, the developer has submitted revised color elevations for these buildings with designs that more closely resemble the original versions. The elevations still reflect modifications suited for the specific tenants such as signage and loading areas. However, staff feels the changes now proposed are not as significant a change from the approved plans, and would recommend approval.

Peg Smith, an ARB representative, came forward to inform the commission that the Architectural Review Board was in favor of the amended elevations and site plan.

Raymond Poche, the applicant, came forward to address the commission and answer any questions.

After brief discussion, Lucas made a motion to approve the request by Sean Flaherty of The Wallace Group for approval of the elevations for Buildings 1, 25 and 26 as recommended by staff and with the following conditions:

1. Glass be added to the west side of Building 1.

Smith seconded the motion. The motion was voted on and passed 7 to 0.

### **SP2006-042**

**Discuss and consider a request by Billy Kimbrough of Gulf States Toyota for approval of a site plan for Toyota of Rockwall on Lot 1, Block 1, Toyota of Rockwall Addition, being 11.2561-acres zoned (LI) Light Industrial district and located along the south side of IH-30 east of SH 205 and west of Townsend Drive, within the IH-30 Overlay District, and take any action necessary.**

Spencer stated that the site plan for the Toyota of Rockwall Addition is intended to accommodate development of an 11.2561-acre tract for a Toyota Car Dealership. With this development the applicant is trying to obtain a LEED rated building.

The subject property is zoned (LI) Light Industrial district and is located within the I-30 Overlay District. A Preliminary Plat for the site is running concurrently with the Site Plan.

#### Site Plan

The site is proposed to be accessed from I-30 by two (2) proposed drives. The first drive is a mutual access drive located on the adjacent property to the west and the second is located about half way along the site's frontage and will serve as the primary entrance. The proposed drives and the location of security fencing/gates will provide for cross access with vacant property to the west as required by the I-30 Overlay District. The proposed dealership requires a total of 188-parking spaces. The applicant is exceeding city standards by proposing to install 245-parking spaces.

The proposed site plan shows used and new vehicle display along the I-30 frontage road. Staff feels that some type of different display elements and orientation should be used in these display areas in an effort to break up the potential view from I-30. As shown the vehicle display resembles parking and not product display. Within the I-30 Overlay district product display in front of the building is allowed but parking is limited to only two (2) rows between the building and the street. All recently approved car dealerships with I-30 frontage in the City of Rockwall have incorporated various elements into their product display in some manner.

The applicant is requesting a variance to the Unified Development Code to allow overhead (bay) doors to face the street. The overhead doors are located on the west side of the building as part of the dealership's oil & lube center.

Currently located along the I-30 frontage on the site are two (2) existing billboards. Billboards are not permitted within the City of Rockwall and are considered a non-conforming use. The existing billboards may only be used as off-site signage and are not allowed to advertise the on-site dealership.

The site plan also illustrates a few types of security fencing some of which are to be located along the side and rear property lines. One of the types of fencing the applicant is proposing is chain link fencing with a fabric screen. The Unified Development code only allows chain link within 10' of a property line if it is completely screened from adjacent properties by a live screen. Staff is recommending that the chain link fencing be changed to a different fencing material or it be completely screened from adjacent properties by a live, landscaping screen.

Detailed engineering plans must be submitted and approved prior to approval of a final plat or replat of the property. Engineering and fire review will include approval of firelane and fire hydrant locations, driveway locations and required TXDOT permits, utility issues, turn lanes and deceleration lanes, etc.

#### Building Elevations

The applicant has submitted elevations for a 34' high typical building. The applicant is proposing to use recycled (80%) aluminum for the store front and tilt-wall panel

for the remaining building. The applicant has expressed that the reason for the tilt-wall panel is to allow for what is known as a “green wall”. The “green wall” will use condensation collected from the roof-top air conditioning units to irrigate a fast growing ivy that will eventually cover the tilt-wall panels. Both the “green wall” and the recycled aluminum are being integrated into the development as part of the LEED rated building concept. The applicant has also expressed to staff that the intent is not only to use recycled building materials but also to use building materials that are easily recycled when the proposed building is retired.

The proposed materials require a variance to the I-30 Overlay District Section (C) Architectural Standards, (1) Masonry Requirements. Any variance to the I-30 Overlay district requires a recommendation from the Planning and Zoning Commission and a super-majority (3/4) vote by City Council for approval.

The elevations as submitted meet the remaining requirements and standards of the Unified Development Code.

The applicant has submitted a line of sight study for the roof-top mechanical equipment. All mechanical equipment both roof-top and ground mounted is required to be screened from city rights-of-way and adjacent properties.

#### Lighting Plan

The photometric plan submitted for the project appears to meet City requirements. The maximum mounting height for all exterior lighting is 30-ft in the IH-30 Overlay district, and all fixtures must be full or partial cut-off as defined in the Unified Development Code.

#### Landscape Plan

The overall site area of 490,314-sf requires a minimum of 10% (or 49,031-sf) of landscape area. The proposed landscape plan exceeds the required 10% by providing for 100,781-sf or 20.55%. The applicant is providing the minimum 20-ft buffer along I-30 and is exceeding the requirement for both canopy and accent trees.

The landscape plan complies with the requirement of one (1) tree per every 750-sf of detention area. However, the required detention trees must be planted in or around the proposed detention pond. The proposed landscape plan does not show any trees around or in the proposed detention pond.

Also the landscape plan fails to meet the requirement of no parking space being farther than 80-ft from a large canopy tree. This is primarily a problem for the customer parking located in front of the building and the employee parking adjacent to the detention pond.

The developer is proposing to install native plant species that require a minimal amount of water and maintenance. Staff is recommending that the applicant provide a detailed plant list prior to or in conjunction with the application for Final

Plat to be reviewed and approved by staff. A final tree plan will be required to accompany the final plat as part of the final plat application approval process.

Staff Recommends approval of the request with the following conditions:

1. Adherence to Engineering and Fire Department standards.
2. Alter the Used & New Car display along I-30 to reflect less of a parking lot appearance and more of a product display.
3. All mechanical equipment both roof-top and ground mounted be screened from city rights-of-way and adjacent properties.
4. Provide detailed planting specie list prior to or in conjunction with the application for final plat.
5. All parking spaces be located within 80' of a large canopy (3" caliper) tree.
6. The required detention trees be placed in or around the detention pond area.
7. Dumpster screen walls be of a color matching the primary building materials.
8. The chain link fencing be changed to a different fencing material or it be completely screened from adjacent properties by a live, landscaping screen.
9. City Council to approve the variance to I-30 Overlay District Section (C) Architectural Standards, (1) Masonry Requirements by a super majority (3/4) vote.
10. City Council to approve the variance for the bay doors by a simple majority vote.

Mrs. Smith, a representative of the ARB, came forward to inform the commission that they had decided to leave the decision up to the commission on this project.

Bennett Ratliff, a representative of the applicant, came forward to give the commission a presentation on LEED and to answer any questions.

The commission extensively discussed the LEED project with the applicant and its materials as well as the tilt wall and green wall.

Commissioner Bricker stated that he would prefer to see the LEED Toyota project in McKinney up close before making a decision on the proposal, and would not be comfortable recommending approval of the site plan tonight.

Commissioner Hunter stated that the applicant's intent to obtain LEED certification should be sufficient reason to consider the variances, and is not concerned that this will set precedence for future projects wanting to vary from the masonry standards simply to build a cheaper project.

Jackson made a motion to approve the request by Billy Kimbrough of Gulf States Toyota for approval of a site plan for Toyota of Rockwall on Lot 1, Block 1, Toyota of Rockwall Addition, being 11.2561-acres zoned (LI) Light Industrial district and located along the south side of IH-30 east of SH 205 and west of Townsend Drive,

within the IH-30 Overlay District, as recommended by staff and with the following recommendation:

1. Staffs recommendation #8 be changed to read that the chain link fencing be changed to rod iron fencing material.

Smith seconded the motion. The motion was voted on and passed 4 to 3 with Bricker, Farris and Lucas voting against.

## **PUBLIC HEARING ITEMS**

Lucas abstained from this case due to conflict of interest.

### **P2006-061**

**Hold a public hearing and consider a request by Ed Hurst of Integrity Concepts, LLC, for approval of a final plat of Lots 1-3, Block A, Integrity Addition, being a 0.66-acre tract zoned (ZL-5) Zero Lot Line District and including a replat of Billy Peoples No. 3 Addition and a final plat of part of a 0.393-acre tract known as B.F. Boydston, Lot 61B, located along Boydston west of Clark Street, and take any action necessary.**

The applicant, Ed Hurst of Integrity Concepts, LLC, is requesting approval of a final plat of Lots 1-3, Block A, of the Integrity Addition. The property is a 0.66-acre tract zoned (ZL-5) Zero Lot Line District and includes a replat of Billy Peoples No. 3 Addition and a final plat of part of a 0.393-acre tract known as B.F. Boydston, Lot 61B, located along Boydston west of Clark Street.

The purpose of this replat is to create three zero lot line lots for single family homes. Each lot is 51 ft wide by 190 ft deep. An offsite 5 ft maintenance easement is proposed for maintenance of the zero-lot line home on lot 1, which must be filed before the final plat. The plat appears to meet the area requirements in the (ZL-5) zero-lot line district, and is recommended for approval.

Staff is recommending approval based on the following conditions:

1. Adherence to all Engineering and Fire comments.
2. Offsite 5 ft. maintenance easement for lot 1 shall be filed by separate instrument prior to filing of final plat.
3. Volume/page and ownership for Billy Peoples #3 Addition and other property within Integrity's plat must be shown prior to filing.
4. Add signature line for P&Z Commission.

Burgamy opened the public hearing.

Ed Hurst, applicant, was present to answer any questions.

Smith made a motion to approve the request by Ed Hurst of Integrity Concepts, LLC, for approval of a final plat of Lots 1-3, Block A, Integrity Addition, being a 0.66-

acre tract zoned (ZL-5) Zero Lot Line District and including a replat of Billy Peoples No. 3 Addition and a final plat of part of a 0.393-acre tract known as B.F. Boydston, Lot 61B, located along Boydston west of Clark Street, as recommended by staff.

Hunter seconded the motion. The motion was voted on and passed 6 to 0.

#### **AM2006-003**

**Hold a public hearing and consider City-initiated amendments to the Comprehensive Land Use Plan (Resolution No. 01-40), and take any action necessary.**

Staff is bringing forward the recommendations from the City Council Subcommittee on the proposed amendment to the Comprehensive Plan. The City Charter states that "the existing master plan for the physical development of the City contains recommendations for the growth, development and beautification of the City and its extraterritorial jurisdiction. Additions to and amendments of the master plan (comprehensive plan) shall be by resolution, but before any such revision the Commission shall hold at least one public hearing on the proposed action." Essentially, this proposed amendment is intended to encourage the development of distinctive neighborhoods. The amendment's objective is to encourage large master planned neighborhoods with a mixture of uses, unit types and lot sizes to create sustainable neighborhoods and to facilitate transitions between uses. Recommendations include enhanced open space requirements, higher standards for residential design and proposed changes to the zoning ordinance to established modified standards.

Staff Recommends approval of the request.

Burgamy opened the public hearing.

With no public comments, the public hearing was closed.

Burgamy stated that he had problems with the recommendations for a minimum of 10% mixed housing types in larger residential developments, and did not believe the City should try to dictate something the market should control.

After discussion, Jackson made a motion to approve the City-initiated amendments to the Comprehensive Land Use Plan (Resolution No. 01-40, as recommended by staff.

Bricker seconded the motion. The motion was voted on and passed 6 to 1 with Burgamy voting against.

#### **Z2006-026**

**Hold a public hearing and consider a city-initiated request to amend the Unified Development Code (Ord. 04-38) of the City of Rockwall, specifically to create a new "DT" Downtown Zoning District and establish form-based standards relating to new**

**development and redevelopment in the area specified in the Downtown Plan, and take any action necessary.**

Staff is submitting the proposed form-based zoning standards and amendments to the Land Use Tables in the Unified Development Code relative to establishing the new Downtown (DT) zoning district. The purpose of the Downtown District is to implement the recommendations of the Comprehensive Plan by encouraging new development and redevelopment in the Downtown area. The intent of this zoning district is:

1. To provide a comfortable and attractive environment for pedestrians which include such things as buildings framing public space, street trees, lighting and awnings that will attract pedestrians.
2. To construct continuous building frontage along block faces except where it is desirable to provide for pedestrian and auto pass-throughs to parking at mid block.
3. To provide shared and consolidated parking both on-street and in the center of blocks that will benefit the entire district.
4. To contribute to the definition and use of public sidewalks, parks and plazas.
5. To design and build an infrastructure of buildings to accommodate a range of uses over time without the need to destroy older buildings and rebuild them for each successive use.
6. To design streets and buildings which will contribute to creating a safe environment.

The City Council established a form-based zoning committee in late 2005, which has worked with the staff and the City's consultant (Townscape) on developing the standards since that time. The Planning department and Townscape conducted a town hall meeting on October 30, 2006 to discuss the proposed code with property owners and tenants in the downtown area. Additionally, the Council and Planning and Zoning Commission held a joint worksession on this topic on November 29, 2006.

If the standards are approved by the Council, staff will initiate a zoning case proposing to rezone all property identified as part of the expanded downtown area to the new "DT" designation. This process will include additional notification to property owners within and 200-ft around the district, and public hearings before the Planning Commission and City Council as required by law.

Staff Recommends approval of the request.

Burgamy opened the public hearing, and after no public comment, closed the public hearing.

Bricker made a motion to approve the city-initiated request to amend the Unified Development Code (Ord. 04-38) of the City of Rockwall, specifically to create a new "DT" Downtown Zoning District and establish form-based standards relating to new



development and redevelopment in the area specified in the Downtown Plan, as recommended by staff.

Smith seconded the motion. The motion was voted on and passed 6 to 1 with Lucas voting against.

#### **Z2006-027**

**Hold a public hearing and consider a request by Tim and Kelly Bray for approval of an amendment to (PD-61) Planned Development No. 61 district, being a 2.63-acre tract known as Lot AB, Block 87, B.F. Boydston Addition, and located south of the Highwood Addition at the termination of Valley Drive, and take any action necessary.**

Spencer stated that the applicant requested to continue the meeting to the January 30, 2007 P&Z Meeting.

Smith made a motion to continue the request by Tim and Kelly Bray for approval of an amendment to (PD-61) Planned Development No. 61 district, being a 2.63-acre tract known as Lot AB, Block 87, B.F. Boydston Addition, and located south of the Highwood Addition at the termination of Valley Drive, to the January 30, 2007 P&Z Meeting.

Jackson seconded the motion. The motion was voted on and passed 7 to 0.

#### **ACTION ITEMS**

Bricker abstained from this case due to conflict of interest.

#### **MIS2007-001**

**Discuss and consider a request by David Block for consideration of a special exception(s) to the Unified Development Code in association with a proposed airplane hangar constructed of metal on his 1.82-acre property situated along the west side of the Ralph Hall Municipal Airport, and take any action necessary.**

LaCroix stated that David Block owns property adjacent to the City Airport facility. The property has an existing metal building used as an airplane hangar. Mr. Block needs some additional room to store his personal aircraft and would like to build an additional hangar on his property adjacent to the existing hangar. Mr. Block has submitted plans to the City requesting a building permit. However, several issues are preventing staff from being able to permit this building. These include the inability to plat the property due to the lack of access to a public street; inability to provide adequate fire flow and other utilities; building materials that do not meet the City's standards for construction; and other issues such as parking, landscaping, etc. and general requirements for development. In addition to Mr. Block's existing hangar, other metal buildings used as hangars are on the north side of his property. The Unified Development Code under Article II, Section 8.5 allows the City Council to make special exceptions to the standards of the ordinance after the

Planning and Zoning Commission has made recommendation on the special exception.

#### "Criteria for Granting Special Exceptions

The City Council may make special exceptions to the standards in this ordinance that are consistent with the general purpose and intent of the ordinance. The Planning and Zoning Commission shall make recommendations on Special Exceptions.

Special exceptions are subject to appropriate conditions and safeguards to ensure that the special exceptions are consistent with the general purpose and intent of this ordinance and the City's Comprehensive Plan.

The City Council, pursuant to the powers conferred upon it by State law, the ordinances of the City, and this Article may grant special exceptions to the provisions of this ordinance upon finding that:

- A. Such special exception will not substantially or permanently injure the appropriate use of adjacent property in the same district; and
- B. Such special exception will not adversely affect the health, safety or general welfare of the public; and
- C. Such special exception will not be contrary to the public interest; and
- D. Such special exception will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the exception is sought is located, except as provided elsewhere in this ordinance; and
- E. Such special exception will be in harmony with the spirit and purpose of this ordinance; and
- F. Such special exception will not alter the essential character of the district in which is located the property for which the exception is sought; and
- G. Such special exception will not substantially weaken the general purposes of the zoning regulations established for the district in which the property is located; and
- H. Such special exception is within the spirit and intent of the City's Comprehensive plan and other policies."

The Staff feels that there are special conditions associated with this property that warrant consideration of a special exception. In general, the majority of airplane hangars for both small and large airports have hangars constructed of metal. All of the existing hangars at the airport are currently constructed of metal. There is a paved area in front of the buildings that is on the airport property but provides access and parking to Mr. Block's existing building. Additional pavement can be installed to access the new building. Mr. Block is willing to meet the building code as far as separation and has stated that he would he install a fire hydrant when the City installs an adjacent water line which is planned for this area. Staff would support granting the exceptions for this building with the condition that a future fire hydrant be installed.

Jackson made a motion to approve the request by David Block for consideration of a special exception(s) to the Unified Development Code in association with a proposed airplane hangar constructed of metal on his 1.82-acre property situated along the west side of the Ralph Hall Municipal Airport, as recommended by staff.

Hunter seconded the motion. The motion was voted on and passed 6 to 0 with Bricker abstaining.

#### **H2006-005**

**Discuss and consider a city initiated request for the adoption of the North Goliad Historic District, including Design Review Guidelines, and take any action necessary. The area is zoned (PD-50) Planned Development and (GR) General Retail District and is situated along North Goliad, south of Live Oak Street and North of Interurban, containing approximately 21.29 acres of land. A portion of the proposed district is also located within the Old Town Rockwall Historic District.**

In June of 2005, the City Council directed staff by a vote of 6-0 to work with the Historic Preservation Advisory Board in the creation of a North Goliad Historic District. Over the past year staff, the Historic Preservation Advisory Board and the HPAB subcommittee have worked on creating and finalizing the proposed guidelines for the District.

All the properties located within the proposed district are currently zoned PD-50 (Planned Development No. 50) or General Retail district. All the properties that are located along the east side of North Goliad are currently within the existing Old Town Rockwall Historic District and 925 North Goliad is a landmark property. The existing guidelines for the "Old Town Rockwall Historic District" are intended to be residential in nature and do not provide the applicant seeking a Certificate of Appropriateness or the Historic Preservation Advisory Board with the proper direction concerning this type of Historic district.

The North Goliad corridor is continuing to change from a single family area to a professional office district. Staff feels that as the properties convert to non-residential uses, the historic single-family character that identifies the North Goliad corridor should be preserved.

A North Goliad Historic District Town Hall meeting was held on August 3, with citizens, staff and three Board members. Staff sent a copy of the guidelines out to each property owner located within the District prior to the meeting. At the meeting, staff briefly explained the proposed guidelines and then took questions and comments from the audience. The following are a list of concerns raised by those property owners and citizens that were present:

1. Availability and expense of using historic materials instead of existing aluminum siding that many properties currently have.
2. Added step to an already bureaucratic permit process.

3. Concern of residents that still live on North Goliad about more properties converting to non-residential uses.
4. Allowing front-yard parking for non-residential uses.
5. Lower than adequate security lighting levels.
6. Expanding the uses allowed within PD-50 and relaxing the zoning restrictions.

Prior to the HPAB meeting on August 17, 2006 and prior to the P&Z and City Council public hearings for September 12th and September 18th, respectively, staff has sent notices to the property owners located within the proposed district as well as those located within 200' (161 notices overall). At the time of this report we have received seven (7) responses in favor and six (6) in opposition.

Staff Recommends approval of the request.

After brief discussion with the P&Z Subcommittee for the North Goliad Historic District, Bricker made a motion to deny the city initiated request for the adoption of the North Goliad Historic District, including Design Review Guidelines, and alternatively recommended to Council that they follow the outline from the Subcommittee and create a new Planned Development for the district.

Hunter seconded the motion. It was voted on and passed 7 to 0.

## **ADDITIONAL DISCUSSION ITEMS**

Miscellaneous Discussion of Land Use Issues

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:07 p.m.

**Minutes of  
PLANNING AND ZONING COMMISSION WORKSESSION  
January 30, 2007**

**CALL TO ORDER**

The meeting was called to order by Vice Chairman, Bill Bricker at 6:00 p.m. with the following members present; Glen Farris, Glen Smith, Michael Hunter, and Mike Lucas. Commissioner Jackson and Commissioner Burgamy arrived late.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, Leslie Ryan and Kim Whitley.

***Approval of Minutes*** for November 14, 2006 Planning and Zoning Commission meeting.

Smith made a motion to approve the minutes.

Hunter seconded the motion. The motion was voted on and passed 5 to 0.

***Approval of Minutes*** for November 28, 2006 Planning and Zoning Commission meeting.

Farris made a motion to approve the minutes.

Smith seconded the motion. The motion was voted on and passed 5 to 0.

***Approval of Minutes*** for December 12, 2006 Planning and Zoning Commission meeting.

Hunter made a motion to approve the minutes.

Farris seconded the motion. The motion was voted on and passed 5 to 1 to 0 with Lucas abstaining.

***Approval of Minutes*** for January 9, 2007 Planning and Zoning Commission meeting.

Hunter made a motion to approve the minutes with the one change of the ARB comment being added to the Toyota site plan case.

Smith seconded the motion. The motion was voted on and passed 5 to 0.

**CONSENT AGENDA ITEMS**

Burgamy arrived to the meeting at 6:10 pm.

Bricker pulled consent agenda item #3 for discussion.

**P2007-001**

**Discuss and consider a request by Andrew Qualls of Arista Office, LP for approval of a replat of Lot 9R, Block A, Horizon Ridge Addition, being a 1.72-acre tract zoned (PD-9) Planned Development No. 9 and situated at 1010 W. Ralph Hall Parkway, and take any action necessary.**

**P2007-002**

**Discuss and consider a request by Kaveen Patel of Rockwall RMKP, LP, for approval of a replat of Lot 4R, Block C, La Jolla Pointe Phase 1 Addition, being a 1.751-acre tract zoned (C) Commercial district and located at 1549 Laguna Drive, and take any action necessary.**

Lucas made a motion to approve consent agenda items 1 and 2 with staff conditions.

Smith seconded the motion. The motion was voted on and passed 6 to 0.

**P2007-003**

**Discuss and consider a request by Randall Pogue of Pogue Engineering & Development Co. for approval of a final plat for SPR Packaging Addition, being a 10.19-acre tract zoned (LI) Light Industrial district and located at the northwest corner of Industrial Blvd and the future Justin Road extension, and take any action necessary.**

After brief discussion regarding air quality concerns resulting from the proposed SPR development, LaCroix stated that the permitting process involves state and federal requirements and review. However, the use is permitted in the LI district, and the stated issue is not something that is reviewed during the platting process.

Lucas made a motion to approve P2007-003 with staff recommendations.

Smith seconded the motion. The motion was voted on and passed 6 to 0.

**ACTION ITEMS**

**MIS2007-002**

**Discuss and consider a request by Roger Nielsen of Rockwall Housing Development Corporation for a waiver to the masonry requirements set forth in Article V, Section 3.1, General Residential District Standards, of the City of Rockwall Unified Development Code for a proposed triplex located on a portion of Lots 3 & 4, Block H, Sanger Brothers Addition, being 403, 405 and 407 Bourn Street, which is zoned MF-14 District and located within the (SO) Southside Residential Neighborhood Overlay District, and take any action necessary.**

Spencer outlined that the applicant, Roger Nielsen of the Rockwall Housing Development Corporation, is requesting a waiver to Section 3.1(A)(1) of the Unified Development Code. The above referenced section states "Hardy Plank or similar cementaceous material may be used for up to 50% of the masonry requirement".

The applicant is proposing a multi-family triplex with exterior cladding being comprised of 100% Hardy Plank.

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. The subject site is a 0.15-acre tract being a portion of Lots 3 & 4 of the Sanger Addition, located at 403, 405 & 407 Bourn Street.

Staff feels that the architectural style of the house and the proposed materials will blend in well with the neighboring Historic District and meets the intent of the Southside Residential Neighborhood Overlay District.

Roger Nielsen, the applicant, came forward to address the commission and answer any questions.

After brief discussion, Hunter made a motion to approve the request by Roger Nielsen of Rockwall Housing Development Corporation for a waiver to the masonry requirements set forth in Article V, Section 3.1, General Residential District Standards, of the City of Rockwall Unified Development Code for a proposed triplex located on a portion of Lots 3 & 4, Block H, Sanger Brothers Addition, being 403, 405 and 407 Bourn Street, which is zoned MF-14 District and located within the (SO) Southside Residential Neighborhood Overlay District, as recommended by staff.

Farris seconded the motion. The motion was voted on and passed 6 to 0.

There being no further action items the commission continued to the work session.

Commissioner Jackson arrived to the meeting at 6:38 pm.

## **ADDITIONAL DISCUSSION ITEMS**

Miscellaneous Discussion of Land Use Issues

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:13 p.m.

**Minutes of  
PLANNING AND ZONING COMMISSION MEETING  
February 13, 2007**

**CALL TO ORDER**

The meeting was called to order by Chairman, Greg Burgamy at 6:00 p.m. with the following members present; Glen Smith, Michael Hunter, and Connie Jackson. Commissioner Farris, Commissioner Lucas and Commissioner Bricker were absent.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, and Leslie Ryan.

***Approval of Minutes*** for January 30, 2007 Planning and Zoning Commission meeting.

Hunter made a motion to approve the minutes.

Smith seconded the motion. The motion was voted on and passed 3 to 0 with Jackson abstaining.

**PUBLIC HEARING ITEMS**

**Z2007-001**

**Hold a public hearing and consider a request by Preston Engineering and Construction, Inc., for approval of a change in zoning from (Ag) Agricultural district to (C) Commercial district on a 4.791-acre tract known as Tract 20, Abstract 145, J D McFarland Survey, and also being the location of the existing TXDOT equipment yard at the northeast corner of Mims Rd and Ralph Hall Parkway, and take any action necessary.**

Preston Engineering and Construction, Inc., is requesting approval for a change in zoning from (Ag) Agricultural district to (C) Commercial district on Tract 20, Abstract 145 of JD McFarland Survey. The property is 4.791 acres, is located at the northeast corner of Mims Rd. and Ralph Hall Parkway, and is also being the location of the existing TXDOT equipment yard.

The applicant has a contract to buy this property from TXDOT, who operates an equipment yard at the location. Currently the property is zoned "AG" and has been used by TXDOT for many years. It is designated on the Future Land Use Plan as a Public Use, given the TXDOT ownership. Commercial zoning is located all along the IH-30 corridor from SH 205 to the lake. However it is surrounded by the new Rockwall Crossing Development to the east. Additional commercial developments (Kohl's, Bahama Buck's and Chuck E Cheese) are located to the west.

Staff Recommends approval of the request.



Burgamy opened the public hearing and asked if anyone wished to speak. There being no response he closed the public hearing.

Smith made a motion to approve the request by Preston Engineering and Construction, Inc., for approval of a change in zoning from (Ag) Agricultural district to (C) Commercial district on a 4.791-acre tract known as Tract 20, Abstract 145, J D McFarland Survey, and also being the location of the existing TXDOT equipment yard at the northeast corner of Mims Rd and Ralph Hall Parkway, as recommended by staff.

Jackson seconded the motion. The motion was voted on and passed 4 to 0.

#### **Z2007-002**

**Hold a public hearing and consider a request by Lewis Andrews and others, for approval of a change in zoning from (SF-10) Single Family Residential district to (PD) Planned Development district with underlying (RO) Residential Office uses and requirements, for all properties located along the west side of SH 205 (N. Goliad) north of Los Altos and south of Sonoma Drive, including those properties within the Green Valley subdivision, and specifically all those properties addressed as 1201 through 1401 N. Goliad Street, and take any action necessary.**

The applicant is requesting to rezone 5.7489-acres located along the west side of SH 205, south of Sonoma Dr. and north of Los Altos Dr. from (SF-10) Single Family to (PD) Planned Development district with underlying (RO) Residential Office uses and requirements. Mr. Andrews owns the property located at 1213 N. Goliad and is representing the owners of the remaining portion of subject site. Attached is a request for rezoning of the subject site signed by each owner.

The applicant stated at the worksession that little interest has been generated for purchasing of the property as residential, given the nature of the adjacent SH 205. It is staff's opinion that this section of SH 205 may be a reasonable Residential Office property, particularly given the site's natural buffer along the west and north sides of the property as it lays adjacent to the Lakeview Summit development.

The "RO" zoning district is limited in the size and height of buildings that can be constructed, and is intended to provide limited residential and office uses for one or more neighborhoods. The applicant has provided a list of the uses that they are requesting as part of the zoning request. The requested uses by the applicant are fewer in number than those uses allowed within the Residential Office district. Additionally, any development of a lot as non-residential would require adherence to the City's residential adjacency standards, the N SH 205 Corridor Overlay standards, landscaping and tree preservation ordinances, and all other City ordinances. Engineering concerns to be addressed with platting would include wetland mitigation, floodplain issues, and ROW dedication for SH 205.

Notices were mailed to 60 property owners within 200-ft of the subject tract, and at the time of this report, one response "in opposition" and one response "in favor" have been returned.

Staff feels that this is a judgment call for the Planning and Zoning Commission and the City Council. If the Planning and Zoning Commission and the City Council approve the request staff would offer the following conditions:

1. The permitted uses within the PD be limited to the following:
  - a. Office General
  - b. Office building less than 5,000 sq. ft.
  - c. Home Occupation
  - d. Single-Family Detached
  - e. Single-Family, Zero-Lot Line
  - f. Bed and Breakfast
  - g. Studio-Art, Photography or Music
  - h. Group/Community Home (SUP)
  - i. Residential Care Facility (SUP)
2. All parking be located in the rear of the properties, behind the rear building wall.
3. Cross access easements required to provide access to adjoining lots.

Burgamy opened the public hearing.

The commission briefly discussed the definition of a Residential Care Facility and what that use entails.

Greg Luellen, a representative of the applicant, came forward to address the Commission.

John Vance, of 1215 N. Goliad, came forward to address the commission. He wanted to know why he didn't see the list of uses before the meeting.

Lana Price, of 1203 N. Goliad, came forward to address the commission and inform them that she is not in favor of assisted living being allowed on that property.

Marvin Dennis, of 1209 N. Goliad, came forward to address the commission and express that he is in favor of this zoning change.

Jay Garrett, of 1330 Calistoga Drive, came forward to address the commission and express his concerns regarding height requirements and tree preservation.

Allen Kern, of 1211 N. Goliad, came forward to address the commission and express that he is concerned with the requirement that the parking be restricted to only being allowed behind the building because he thinks that will cause a major problem.

Chairman Burgamy asked if anyone else wished to speak. There being no response he declared the public hearing closed.

After brief discussion regarding the allowed uses and parking, Jackson made a motion to approve the request by Lewis Andrews and others, for approval of a change in zoning from (SF-10) Single Family Residential district to (PD) Planned Development district with underlying (RO) Residential Office uses and requirements, for all properties located along the west side of SH 205 (N. Goliad) north of Los Altos and south of Sonoma Drive, including those properties within the Green Valley subdivision, and specifically all those properties addressed as 1201 through 1401 N. Goliad Street, as recommended by staff with the following conditions:

1. Remove Town homes and Assisted Living Facilities from the Permitted Uses List.
2. The Group/Community Home be allowed with a Specific Use Permit (SUP) only.

Smith seconded the motion. The motion was voted on and passed 4 to 0.

#### **Z2007-003**

**Hold a public hearing and consider a request by Tim and Kelly Bray for approval of a zoning change from (PD-61) Planned Development No. 61 district to Single-Family (SF-10), being a 2.63-acre tract known as Lot AB, Block 87, B.F. Boydston Addition, and located south of the Highwood Addition at the termination of Valley Drive, and take any action necessary.**

The applicant, Tim Bray, has submitted a zoning application in order to change the zoning from Planned Development No. 61 to Single-Family (SF-10) district allowing for two (2) single-family lots located on a 2.63-acre tract.

There are two (2) back-to-back 30' access easements located on the northwest corner of the site (Lot 2), totaling 60'. The access easements provide access to Lot 1, Block A, S. Sparks Addition. Currently the subject site is zoned "PD-61" allowing for ten (10) lots under the Zero Lot Line Residential district with an average lot size of 8,391 sq. ft.

With the change in zoning the applicant is proposing to reduce the density by eight (8) dwelling units. The exhibit submitted by the applicant is not a concept/development plan that will be attached to the ordinance. Under the SF-10 zoning district the site could allow for more than two (2) single-family units. The proposed Development Plan shows Valley Drive terminating as a cul-de-sac just inside the subject site providing for access to both lots.

The proposed concept plan appears to meet all the requirements of the SF-10 zoning district. As the site develops it will be subject to platting and engineering plan approvals.

Notices were mailed to twenty-two (22) property owners within 200-ft of the subject tract, and at the time of this report, one response in opposition has been returned.

Staff Recommends approval of the request.

Chairman Burgamy opened the public hearing.

Tim Bray, the applicant, came forward to address the commission and answer any questions.

Chairman Burgamy asked if anyone else wished to speak. There being no response, he closed the public hearing.

After brief discussion, Hunter made a motion to approve the request by Tim and Kelly Bray for approval of a zoning change from (PD-61) Planned Development No. 61 district to Single-Family (SF-10), being a 2.63-acre tract known as Lot AB, Block 87, B.F. Boydston Addition, and located south of the Highwood Addition at the termination of Valley Drive, as recommended by staff.

Jackson seconded the motion. The motion was voted on and passed 4 to 0.

## **SITE PLANS/PLATS**

### **P2007-004**

**Discuss and consider a request by Troy Bathman of S-SI Rockwall Venture No. One, LP, and Carrollton Venture No. One, LP, for approval of a preliminary plat of Rockwall Centre Corners Addition, being 34.40-acres zoned (C) Commercial district and situated along the south side of IH-30, east side of SH 205 and north side of SH 276, and take any action necessary.**

The subject request is a preliminary plat for a 7-lot, 33.79-acre commercial development to be known as the Rockwall Centre Corners Addition. The development has frontage on I-30 to the northwest, SH 205 to the west, and SH 276 to the south. The subject site is zoned (C) Commercial district and is located within the I-30 Overlay district, the SH 205 Overlay district and the SH 276 Overlay district. All lots within the development shall be subject to site plan application (including but not limited to: site plan, landscape plan, photometric plan, lighting cut-sheets, building elevations, and building material samples) review/approval, engineering plan review/approval and final plat application review/approval.

### **Phasing of Development (Final Plat)**

All the proposed lots shown on the preliminary plat must be platted under one final plat application, due to access, drainage easements, utility easements and other conditions common to the entire development. Failure to final plat all the proposed lots under one application will constitute phasing, requiring a Master Plat/phasing schedule and an amended Preliminary Plat. The final plat shall include all proposed utility and drainage easements for all lots including those for Lots 1 & 7.

A final Tree Mitigation plan is required to be Included in the Final Plat application as part of the approval process.

### **Access issues, traffic improvements and right-of-way**

#### Access & Driveways

The preliminary plat proposes four (4) drives to services the site. One drive will provide access from I-30, one drive will provide access from SH 205 and two drives will provide access from SH 276.

The site plan and preliminary plat for the adjacent Toyota Dealership to the east was approved by the Planning and Zoning Commission and City Council with an access/mutual drive easement drive from I-30 to be shared with the subject site. The I-30 Overlay district requires that developments provide joint/cross access to adjoining properties. As submitted the preliminary plat does not comply with the approved plans for the adjacent Toyota development or the requirements of the I-30 Overlay district. The proposed drive on I-30 may be affected with the inclusion of the required shared drive with the Toyota development.

The proposed drive located on SH 205 adjacent to the existing convenience store fails to meet the City of Rockwall spacing standards for driveways and the SH 205 Overlay district standards of joint/cross access to adjoining properties. In addition it is staff's understanding in speaking with TX DOT that the proposed drive for the subject site and the existing drive for the convenience store will be combined into one drive during the SH 205 roadway reconstructions.

The two (2) drives on SH 276 appear to meet the City of Rockwall spacing standards and have conceptual approval from TX DOT.

#### Traffic Improvements

The preliminary plat fails to illustrate any traffic improvements showing how the proposed development will deal with the additional on-site generated traffic. These improvements include but may not be limited to acceleration, deceleration, and turn lanes.

#### Right-of-Way

Any right-of-way dedication must be confirmed with TX DOT prior to final plat.

### **Site Design Issues**

#### Open & Green Space (floodplain & trees)

At the January 30<sup>th</sup>, worksession the Planning and Zoning Commission expressed concerns about the altering and possible elimination of the existing greenways, floodplains and trees located on site.

The Comprehensive Plan includes the following as Open Space Policies:

- "Incorporate floodplains into an interconnected greenway network that preserves floodwater storage while providing trails and natural areas." (Pg. 4)

- “Provide for clustering of development throughout the city that will result in the preservation of flood plains and the conservation of open space and natural areas.” (Pg. 15)
- “Preserve flood plains to reduce the risk of flooding hazards and to provide more recreation and interaction for residents and workers through a city-wide open space and trail system.”
  - “Utilize the flood plain and adjacent land to provide flood water conveyance and regional storm water detention, and to provide recreational amenity, natural areas and buffering of land uses.”
  - “Ensure that open space is accessible to all citizens.” (Pg. 16)
- “Flood plains and major parks comprise the Parks and Public Open Space category in the Land Use Plan. These areas should be preserved as public and neighborhood-oriented open space, and they should incorporate trails and drainage corridors that are left in a naturalistic state.” (Pg. 19)
- “Protection of existing trees and extensive, well designed plantings of native plants can be a key strategy in extending the green, small town character of central Rockwall into newer and developing areas.” (Pg. 33)
- “All on-site drainage features should be treated in a natural manner so that it forms an amenity.” (Pg. 35)
- “Incorporate floodplains into an interconnected greenway network that preserves their natural floodwater storage functions while providing trails, open space and conservation of natural areas.”
  - “Allow no significant filling of the 100-year floodplain.”
  - “Incorporate other significant natural areas, such as steep slopes and sensitive habitats, into the greenway network.” (Pg. 42)

The floodplain and all drainage areas are required to be in drainage easements and should be illustrated as said easements on the preliminary and final plats.

#### Drainage Issues

A regional detention system is being proposed and will be located entirely on Lot 1. The preliminary plat shows that some of the required detention is to be located in the mitigated floodplain. See the above policies from the Comprehensive Plan regarding floodplains. A 404 permit by the U.S. Army Corps Of Engineers, approval of the preliminary plat, approval of the final plat and approval of engineering plans by the City of Rockwall are required prior to any work in or alteration of the floodplain.

#### Other Engineering Issues

The preliminary plat illustrates how water and sewer service will be provide and extend in lots 2-7 but fails to illustrate this for lot 1. In addition the preliminary plat should also show the extension of any major water or sewer lines that are required to be extended along I-30, SH 205 and SH 276 as part of the site development.

Other engineering and fire department issues such as utility line locations, firelane and fire hydrant dimensions and locations, and so on will be addressed with submittal of full engineering plans and the final plat for a lot as it develops.

Staff recommends tabling the preliminary plat until the following issues can be addressed and corrected:

1. Cross-access and mutual drives with the proposed Toyota development and the existing convenience store.
2. Design alternatives to filling the floodplain and removing trees as presented in the Comprehensive Plan should be considered.
3. Illustrate all required easements (utility & drainage) and water/sewer improvements as required.
4. Illustrate traffic improvements (i.e. acceleration, deceleration & turn lanes)
5. Correct distance and bearings adjacent to the proposed Toyota development.
6. Label of zoning boundary line.

The applicant came forward to discuss the issues addressed by staff and to recommend approval.

Smith made a motion to table the request by Troy Bathman of S-SI Rockwall Venture No. One, LP, and Carrollton Venture No. One, LP, for approval of a preliminary plat of Rockwall Centre Corners Addition, being 34.40-acres zoned (C) Commercial district and situated along the south side of IH-30, east side of SH 205 and north side of SH 276, as recommended by staff.

Hunter seconded the motion. The motion was voted on and passed 4 to 0.

## **ADDITIONAL DISCUSSION ITEMS**

Staff and the commission briefly discussed the North Goliad Historic District.

Miscellaneous Discussion of Land Use Issues.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:02 p.m.

**Minutes of  
PLANNING AND ZONING COMMISSION MEETING  
February 27, 2007**

**CALL TO ORDER**

The meeting was called to order by Chairman, Greg Burgamy at 6:00 p.m. with the following members present; Glen Smith, Michael Hunter, Glen Farris, Mike Lucas, and Bill Bricker. Commissioner Jackson arrived late.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, Kim Whitley and Leslie Ryan.

***At 6:07 pm the Commission retreated to the back conference room to hold Executive Section. They returned back to the chambers at 6:34 pm.***

**ACTION ITEMS**

**P2007-006**

**Discuss and consider a request by Mathew Thomas of Carter Burgess, Inc. for approval of a final plat of Toyota of Rockwall Addition, being 11.2561-acres zoned (LI) Light Industrial district and located along the south side of IH-30 east of SH 205 and west of Townsend Drive, and take any action necessary.**

The final plat for the Toyota of Rockwall Addition is intended to accommodate development of an 11.2561-acre tract for a Toyota Car Dealership.

The subject property is zoned (LI) Light Industrial district and is located within the I-30 Overlay District. The final plat appears to comply with all area requirements in the (LI) Light Industrial district and staff is recommending approval.

The development will be accessed by two (2) proposed drives from I-30, one of which is a mutual access easement with property located to the west. The locations of the proposed driveways have been approved "in concept" by TXDOT.

The applicant has stated on the final plat that there are no protected trees located on the site.

Staff Recommends approval of the request with the following conditions:

1. Adherence to Engineering and Fire standards.
2. Recording of all off-site easements and labeling the recording information on the final plat prior to city signature.
3. Resubmit final plat on 18"x 24" sheets as required by the county for recording.
4. Provide closure report for final plat prior to city signature.
5. Add access to all firelane and utility easements.
6. Add 15' utility easement.



Lucas made a motion to approve the request by Mathew Thomas of Carter Burgess, Inc. for approval of a final plat of Toyota of Rockwall Addition, being 11.2561-acres zoned (LI) Light Industrial district and located along the south side of IH-30 east of SH 205 and west of Townsend Drive, as recommended by staff.

Smith seconded the motion. The motion was voted on and passed 6 to 0.

## **ARCHITECTURAL REVIEW BOARD ITEMS**

*Appointment with Architectural Review Board representative to receive the Board's recommendations and comments for the following items requiring architectural review:*

**Commissioner Jackson arrived at 6:45 pm.**

### **SP2007-001**

**Discuss and consider a request by Michael Allen of Allen & Ridinger Consulting, Inc., for approval of a site plan for Wilkinson Commons, a 4.497-acre commercial development located on the proposed Lots 15-17, Block A, La Jolla Pointe Addition Phase 2, located along the north side of IH-30 west of Ridge Road, zoned (C) Commercial district and situated within the IH-30 Overlay district, and take any action necessary.**

The applicant has submitted a site plan for a retail and restaurant development located on Lot 16, Block A, La Jolla Pointe Phase 2 Addition. Included in the site plan are firelanes and utilities that will eventually serve the adjacent Lots 15 and 17, Block A; however, additional details such as building elevations, landscape plan, photometric plan would be required prior to approval of any additional buildings. The proposed building includes 6,342-sf of restaurant space and 1,693-sf of retail space, requiring a minimum of 71 parking spaces, and the developer is proposing 87 spaces, including two accessible. The development will be accessed from one new drive from the IH-30 service road, and the existing shared drive into Steak N' Shake will be redeveloped to comply with current TXDOT and engineering department standards.

The landscape plan indicates approximately 25% of Lot 16 is open space, exceeding the City's minimum 15% requirement. The 20-ft landscape buffer is provided along IH-30; however, the canopy trees shown on the plan within the front buffer must be a minimum of 4-inches in caliper. All other landscaping requirements appear to be addressed with the plan. Staff would recommend that the landscaping to be installed at this time include all trees on Lot 16, the mitigation trees in the rear of the property (see below), and the landscaping incorporated into the tiered retaining walls on the west and north sides of Lot 15.

The tree removal plan indicates that 21, 4-inch Live Oak trees planted along the abandoned Catalina Drive are to be removed, and mitigated with 23, 4-inch trees in the rear buffer area of Lots 15-17. However, the original tree plan submitted also showed the larger existing trees that were preserved with the original La Jolla Pointe plan. Most of the existing trees are unprotected (e.g. Bois D'arcs and small Hackberries), but there are 3 Elm trees and one Ash that would be removed from

the expansive grading required for this development, requiring 43 additional inches of mitigation. Staff would recommend additional plantings on the site or payment into the City's tree fund for any outstanding balance.

The elevations, which have been substantially revised since the January 30th ARB/P&Z worksession, indicate a single-story building with a maximum height of 33-ft. The materials consist of natural stone, two shades of stucco and a standing seam metal roof. A material board has been submitted to staff and will be available at the ARB and P&Z meetings on February 27th. Based on the number of comments provided by both boards, the developer has altered the building's appearance to include more articulation and architectural features. Additional details and building enhancements are also shown at the rear of the building, and the outdoor dining area appears to have been increased. Staff feels the building design is much improved and would set a good precedent for any future buildings in this development.

The photometric plan indicates pole lights with an overall mounting height of 27.5-ft, which complies with the IH-30 overlay district. The light levels are shown to be 0.2-FC or less at all property lines. All fixtures (including wall mounted) shall be full or partial cut-off as specified in the Unified Development Code.

Staff Recommends approval of the request with the following conditions:

1. Adherence to all engineering and fire department requirements.
2. Future site plan approval shall be required prior to development of Lots 15 and 17.
3. All ground and roof-mounted mechanical equipment shall be screened from view in accordance with City standards.
4. All canopy trees located within the front buffer shall be a minimum 4-inch caliper at the time of planting.
5. Additional 43-inches mitigation required for the existing Elm and Ash trees located near the abandoned Catalina Drive.
6. All lighting (wall and pole-mounted) shall be full cut-off type fixtures as specified in the Unified Development Code.

Melba Jeffus, a member of the ARB, came forward to address the Commission. She informed them that the board's main concern is that the buildings match and look similar in features and materials.

After brief discussion, Lucas made a motion to approve the request by Michael Allen of Allen & Ridinger Consulting, Inc., for approval of a site plan for Wilkinson Commons, a 4.497-acre commercial development located on the proposed Lots 15-17, Block A, La Jolla Pointe Addition Phase 2, located along the north side of IH-30 west of Ridge Road, zoned (C) Commercial district and situated within the IH-30 Overlay district, as recommended by staff and with the following condition:

1. The same stone and landscape features be used throughout all three lots and the buildings have the same architectural style.

Bricker seconded the motion. The motion was voted on and passed 7 to 0.

There being no more action items, the commission continued on to the discussion items.

#### **ADDITIONAL DISCUSSION ITEMS**

Miscellaneous Discussion of Land Use Issues.

#### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:35 p.m.

**Minutes of  
PLANNING AND ZONING COMMISSION MEETING  
March 13, 2007**

**CALL TO ORDER**

The meeting was called to order by Chairman, Greg Burgamy at 6:00 p.m. with the following members present; Glen Farris, Connie Jackson and Michael Hunter. Commissioner Lucas, Commissioner Smith and Commissioner Bricker were absent.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, Kim Whitley and Leslie Ryan.

***Approval of Minutes*** for February 13, 2007 Planning and Zoning Commission meeting.

Jackson made a motion to approve the minutes.

Hunter seconded the motion. The motion was voted on and passed 3 to 0 with Farris abstaining.

***Approval of Minutes*** for February 27, 2007 Planning and Zoning Commission meeting.

Hunter made a motion to approve the minutes.

Farris seconded the motion. The motion was voted on and passed 4 to 0.

**CONSENT AGENDA ITEMS**

**P2007-005**

Discuss and consider a request by Isaac Pena for approval of a final plat of the Isaac Pena Addition, being 1.01-acres zoned (PD-50) Planned Development No. 50 district and located at 925 N. Goliad, and take any action necessary.

**SP2007-003**

Discuss and consider a request by Isaac Pena for approval of a site plan for the Isaac Pena Addition, a 1.01-acre Residential Office development located on the proposed Lot 1, Block A, Isaac Pena Addition, located at 925 North Goliad St and zoned (PD-50) Planned Development No. 50 district, and take any action necessary.

**P2007-007**

Discuss and consider a request by Misty Phillips for approval of a final plat for Lot 1, Block A, Misty Addition, being a 0.141-acre tract zoned (PD-50) Planned Development No. 50 district and designated for (RO) Residential-Office uses, located at 909 N. Goliad and currently described as Block 27, Garner Addition, and take any action necessary.

**SP2007-002**

Discuss and consider a request by Misty Phillips for approval of a site plan for Lot 1, Block A, Misty Addition, being a 0.141-acre tract zoned (PD-50) Planned Development No. 50 district and designated for (RO) Residential-Office uses, located at 909 N. Goliad, and take any action necessary.

**P2007-008**

Discuss and consider a request by Helmberger Associates, Inc., for approval of a replat of Lot 1, Block A, Municipal Industrial Park Addition, being 2.92-acres zoned (LI) Light Industrial district and situated at the northeast corner of Townsend Dr and Whitmore Cir, and take any action necessary.

Jackson made a motion to approve the consent agenda items with staff conditions.

Hunter seconded the motion. The motion was voted on and passed 4 to 0.

**SITE PLANS/ PLATS****SP2007-004**

Discuss and consider a request by Stephen Seitz of Seitz Architects for approval of a special exception to the vertical articulation requirements specified in *Article V, Section 5.1, General Industrial District Standards* and the rooftop mechanical screening requirements specified in *Article V, Section 1.5, Screening of the Unified Development Code*, in association with an administrative site plan for GIS Investigations, located on Lot 3A-R, Block C, Ellis Centre #2 Addition, being a 1-acre tract zoned (LI) Light Industrial District, and take any action necessary.

Staff has received an application for site plan approval from Stephen Seitz for the construction of the GIS Investigations Office development. The proposed 8,086-sf structure is located at the corner of Alpha Dr. and Sigma Ct. The site plan application can and has been reviewed administratively by staff; however, there are two issues with the project as proposed that require the applicant to seek approval of a special exception from the Planning and Zoning Commission and City Council.

First, the proposed building does not meet the building articulation requirements as set forth in Article V, Section 5.1C of the City's Unified Development Code. Though the building does feature some vertical articulation (1' 6" high) it does not have the required 4' of vertical articulation.

Secondly, staff feels that the screening proposed for the rooftop mechanical units also requires consideration of a special exception. The screening requirements in Article V, Section 1.5.3 require that ground and roof-mounted "utility equipment and air conditioning units shall be screened utilizing plantings, berms, or walls matching the main structure."

Stephen Seitz, the architect for GIS Investigations, has submitted specifications for the proposed screening. Additionally a site plan showing the building layout as well as the locations of rooftop screening units has been submitted by the architect

Stephen Seitz, the applicant, came forward to address the commission and request approval.

The commission briefly discussed the site plan and asked the applicant why they were requesting the variances. Seitz explained that they did not want the building to stand out from other older buildings in the vicinity.

Spencer pointed out that the building elevations were interpreted by staff incorrectly, and that there did not appear to be stone as required by the Code. Seitz replied that this was correct. Spencer stated that this is an additional variance that must be approved by the Commission and City Council.

After further discussion, Farris made a motion to deny the request by Stephen Seitz of Seitz Architects for approval of a special exception to the vertical articulation requirements specified in *Article V, Section 5.1, General Industrial District Standards* and the rooftop mechanical screening requirements specified in *Article V, Section 1.5, Screening* of the Unified Development Code, in association with an administrative site plan for GIS Investigations, located on Lot 3A-R, Block C, Ellis Centre #2 Addition, being a 1-acre tract zoned (LI) Light Industrial District.

Jackson seconded the motion. The motion was voted on and passed 4 to 0.

#### **P2007-004**

**Discuss and consider a request by Troy Bathman of S-SI Rockwall Venture No. One, LP, and Carrollton Venture No. One, LP, for approval of a preliminary plat of Rockwall Centre Corners Addition, being 34.40-acres zoned (C) Commercial district and situated along the south side of IH-30, east side of SH 205 and north side of SH 276, and take any action necessary.**

The subject request is a preliminary plat for a 7-lot, 33.79-acre commercial development to be known as the Rockwall Centre Corners Addition. The development has frontage on I-30 to the northwest, SH 205 to the west, and SH 276 to the south. The subject site is zoned (C) Commercial district and is located within the I-30 Overlay district, the SH 205 Overlay district and the SH 276 Overlay district. All lots within the development shall be subject to site plan application (including but not limited to: site plan, landscape plan, photometric plan, lighting cut-sheets, building elevations, and building material samples) review/approval, engineering plan review/approval and final plat application review/approval.

#### **Phasing of Development (Final Plat)**

All the proposed lots shown on the preliminary plat must be platted under one final plat application, due to access, drainage easements, utility easements and other conditions common to the entire development. Failure to final plat all the proposed lots under one application will constitute phasing, requiring a Master Plat/phasing schedule and an amended Preliminary Plat. The final plat shall include all proposed utility and drainage easements for all lots including those for Lots 1 & 7.

A final Tree Mitigation plan is required to be Included in the Final Plat application as part of the approval process.

The preliminary plat proposes four (4) drives to services the site. One drive will provide access from I-30, one drive will provide access from SH 205 and two drives will provide access from SH 276.

The site plan and preliminary plat for the adjacent Toyota Dealership to the east was approved by the Planning and Zoning Commission and City Council with an access/mutual drive easement drive from I-30 to be shared with the subject site. The I-30 Overlay district requires that developments provide joint/cross access to adjoining properties. As submitted the preliminary plat does not comply with the approved plans for the adjacent Toyota development or the requirements of the I-30 Overlay district. The proposed drive on I-30 may be affected with the inclusion of the required shared drive with the Toyota development.

The proposed drive located on SH 205 adjacent to the existing convenience store fails to meet the City of Rockwall spacing standards for driveways and the SH 205 Overlay district standards of joint/cross access to adjoining properties. In addition it is staff's understanding in speaking with TX DOT that the proposed drive for the subject site and the existing drive for the convenience store will be combined into one drive during the SH 205 roadway reconstructions.

The two (2) drives on SH 276 appear to meet the City of Rockwall spacing standards and have conceptual approval from TX DOT.

The preliminary plat fails to illustrate any traffic improvements showing how the proposed development will deal with the additional on-site generated traffic. These improvements include but may not be limited to acceleration, deceleration, and turn lanes.

Any right-of-way dedication must be confirmed with TX DOT prior to final plat.

At the January 30<sup>th</sup>, worksession the Planning and Zoning Commission expressed concerns about the altering and possible elimination of the existing greenways, floodplains and trees located on site.

The Comprehensive Plan includes the following as Open Space Policies:

- "Incorporate floodplains into an interconnected greenway network that preserves floodwater storage while providing trails and natural areas." (Pg. 4)
- "Provide for clustering of development throughout the city that will result in the preservation of flood plains and the conservation of open space and natural areas." (Pg. 15)
- "Preserve flood plains to reduce the risk of flooding hazards and to provide more recreation and interaction for residents and workers through a city-wide open space and trail system."

- “Utilize the flood plain and adjacent land to provide flood water conveyance and regional storm water detention, and to provide recreational amenity, natural areas and buffering of land uses.”
- “Ensure that open space is accessible to all citizens.” (Pg. 16)
- “Flood plains and major parks comprise the Parks and Public Open Space category in the Land Use Plan. These areas should be preserved as public and neighborhood-oriented open space, and they should incorporate trails and drainage corridors that are left in a naturalistic state.” (Pg. 19)
- “Protection of existing trees and extensive, well designed plantings of native plants can be a key strategy in extending the green, small town character of central Rockwall into newer and developing areas.” (Pg. 33)
- “All on-site drainage features should be treated in a natural manner so that it forms an amenity.” (Pg. 35)
- “Incorporate floodplains into an interconnected greenway network that preserves their natural floodwater storage functions while providing trails, open space and conservation of natural areas.”
  - “Allow no significant filling of the 100-year floodplain.”
  - “Incorporate other significant natural areas, such as steep slopes and sensitive habitats, into the greenway network.” (Pg. 42)

The floodplain and all drainage areas are required to be in drainage easements and should be illustrated as said easements on the preliminary and final plats.

A regional detention system is being proposed and will be located entirely on Lot 1. The preliminary plat shows that some of the required detention is to be located in the mitigated floodplain. See the above policies from the Comprehensive Plan regarding floodplains. A 404 permit by the U.S. Army Corps Of Engineers, approval of the preliminary plat, approval of the final plat and approval of engineering plans by the City of Rockwall are required prior to any work in or alteration of the floodplain.

The preliminary plat illustrates how water and sewer service will be provide and extend in lots 2-7 but fails to illustrate this for lot 1. In addition the preliminary plat should also show the extension of any major water or sewer lines that are required to be extended along I-30, SH 205 and SH 276 as part of the site development.

Other engineering and fire department issues such as utility line locations, firelane and fire hydrant dimensions and locations, and so on will be addressed with submittal of full engineering plans and the final plat for a lot as it develops.

Staff recommends approval of the preliminary plat with the following conditions:

1. Adherence to all Engineering and Fire Department standards and regulations.
2. Filing of Drainage Easement for Buffalo Creek by separate instrument prior to Engineering Plan approval.



3. Deed Restrictions with US Corps of Engineers to be filed by separate instrument prior to Engineering Plan approval.

Bill Stuber, a representative of the applicant, came forward to address the Commission and answer any questions.

Terry Simons, an environmental engineer on the project, came forward to address the Commission and discuss the drainage and conservation area and how it works and the positive impact it would have on the city. She also discussed the size and type of trees that they would like to plant.

Jackson made a motion to approve the request by Troy Bathman of S-SI Rockwall Venture No. One, LP, and Carrollton Venture No. One, LP, for approval of a preliminary plat of Rockwall Centre Corners Addition, being 34.40-acres zoned (C) Commercial district and situated along the south side of IH-30, east side of SH 205 and north side of SH 276, as recommended by staff and with the following additional condition:

1. The tree mitigation be spread throughout the public areas and along the walking trails.

Farris seconded the motion. The motion was voted on and passed 4 to 0.

## **PUBLIC HEARING ITEMS**

### **Z2007-005**

**Hold a public hearing and consider a request by Ashley Byrd of Ice Train for approval of a Specific Use Permit (SUP) to allow for a temporary portable beverage service facility within the (C) Commercial zoning district, on a 0.25-acre tract located at 907 S. Goliad, and take any action necessary.**

Ryan stated that the subject tract (Canup subdivision; Lots 4 & 5) is located at the northeast corner of South Goliad (SH 205) and Emma Jane, and the applicant is requesting a specific use permit to operate a temporary portable beverage service facility as defined under Section 8.8, Temporary Uses, of the City of Rockwall Unified Development Code. This is the sixth consecutive year that the applicant has requested this use at this location.

The "Ice Train" portable facility will be set to the north of the "fruit stand" building that will be used for customer seating. Prior to opening for business inspection of the structures by the City Building Official will be required along with all requisite health inspections and permits. Staff is recommending that his SUP be written to allow for the use between May 1st and September 30th of each year until property conditions change. Seventeen (17) notices were sent to property owners within 200-ft of the site, and none have been returned.

Staff Recommends approval of the request with the following conditions:

1. The Ice Train temporary portable beverage facility shall operate between May 1st and September 30th of 2007 and each year hereafter, until such time that property conditions change (e.g. SH205 widening), which shall warrant additional review of the SUP by the P&Z and City Council. Until that time, the SUP shall be renewed on an annual basis via submittal and approval of building and/or health permits.
2. The beverage service shall be limited to a snow cone stand for consumption on or near the premises.
3. Any temporary power poles will be removed on the date of or immediately following the termination date of the permit.
4. No additional freestanding signage shall be permitted.
5. The temporary portable structure/trailer shall meet all health & City electrical codes.
6. The temporary facility shall not reduce the number of required parking spaces of any nearby building or use.
7. The temporary facility shall have permanent restrooms for employees available within 300 feet of the portable beverage service facility (no portable restroom facility is allowed).
8. The SUP includes a variance for the temporary facility to be located on a non-all-weather surface, as utilized in previous years.
9. Drive through to be permitted as utilized by the applicant in the past.

Chairman Burgamy opened the public hearing.

Ashley Byrd, the applicant, came forward to address the commission and answer any questions.

Chairman Burgamy asked if anyone else wished to speak. There being no response, he closed the public hearing.

Farris made a motion to approve the request by Ashley Byrd of Ice Train for approval of a Specific Use Permit (SUP) to allow for a temporary portable beverage service facility within the (C) Commercial zoning district, on a 0.25-acre tract located at 907 S. Goliad, as recommended by staff.

Hunter seconded the motion. The motion was voted on and passed 4 to 0.

#### **Z2007-006**

**Hold a public hearing and consider a request by Richard Skorburg of Skorburg Retail Corporation for a change in zoning from (Ag) Agricultural district to (PD) Planned Development district on approximately 395-acres comprised of Tracts 1 and 2, Abstract 71, W.T. DeWeese Survey, and Tracts 2, 3 and 4, Abstract 131, S. King Survey, located along the east side of SH 205, south side of FM 552, west side of Hayes Rd and north side of Quail Run Rd, and take any action necessary.**

LaCroix stated that the applicant, Richard Skorburg with the Skorburg Company, has submitted a zoning application to rezone approximately 395 acres of land from (Ag) Agricultural to a (PD) Planned Development District for a master planned

community that includes single family residential housing, retail, public use (school site) open space with a trail system, landscaped buffer areas and a public park.

The property is located at the intersection of SH 205 and FM 552, north of Quail Run Road and west of Hays Road. The surrounding zoning includes single family development to the west (Shores, Random Oaks) across SH 205 with a variety of lot sizes ranging from 6,000 square feet in area to 10,000 square feet in area, as well as large estate lots fronting SH 205 which exceed 1.5 acres in area; single family development to the south (Quail Run Valley) with the average lot size of 8,400 square feet in area; and large estate lots zoned agricultural to the east.

In conjunction with this application, the applicant has proposed a development agreement incorporating a conceptual drawing and development standards for a 405 acre tract directly north across FM 552 which lies in the Extraterritorial Jurisdiction (ETJ) of the City. In October of 2004, the City Council denied a preliminary plat of this property that contained 1,519 single family lots based on the inability of the applicant to provide sufficient information to indicate an adequate water and sewer system for the proposed subdivision. The current concept that the applicant has provided for the ETJ tract (annexation pending), indicates 810 single family lots, a density of approximately 2.0 units per acre.

The applicant also has proposed a Capital Facilities Agreement that contains provisions for water, sewer, roads, and park facilities to serve the development.

The City's future land use planning for the area outside the City is for a density of less than 2 units per acre or approximately 810 units. The proposed PD within the City proposes a density of 2.5 units per acre. This area is indicated on the Future Land Plan for a density of 2-3 units per acre.

#### Proposed PD General Requirements Submitted by Applicant

The applicant has submitted PD Development Standards and a PD Concept Plan affiliated with the zoning change request. We have attached a copy of the proposed Planned Development District Standards for your review. *(See attachment)*

#### Access and Roadways

The proposed concept plan indicates access into the subdivision from two entry roads off SH 205, one access off FM 552, one access off the proposed 205 Bypass, one access point off Hays Road and, finally, one access point off Quail Run Road. These points of access are adequate for public safety and circulation of traffic in and out of the proposed subdivision. A traffic impact analysis was provided to the City in January of 2006 with the prior zoning case for this property (Newland). Roadway improvements have been proposed with this application to address the increased traffic that will develop as a result of this development.

#### Land Use

The applicant has proposed primarily single family residential use with a limited retail land use for this Planned Development. These include single family residential, retail/office development, public open space and recreational uses and

public areas for both a school and a potential fire station. The Future Land Use Plan indicates this area to be primarily single family residential with a density of 2-3 units per acre. At the intersections of FM 552 / SH 205 and Quail Run Road / SH 205, commercial nodules are indicated on the Land Use Plan. The concept plan proposes a retail/office use area at the FM 552 and SH 205 intersection.

#### Lotting Patterns

The proposed concept plan indicates a variety of lot sizes ranging from 50' x 120' (6,000 sq. ft.) to 100' x 200' (20,000 sq. ft.) with an average lot size of 8,000 sq. ft. The maximum number of lots for this proposal is 935.

#### Open Space

Two major drainage swales bisect the property. The proposed concept plan indicates that these will be preserved as open space. In addition to these areas, the plan indicates an 8-acre public park adjacent to a proposed elementary school site. A portion of the school site has been credited to the open space requirement. Additionally, open space corridors that are designed to the rear of residential lots are proposed in the southeast quadrant of the tract. The applicant is providing a minimum of 20% open space with only a 50% credit given for the floodplain areas. The Unified Development Code states "unless otherwise provided by the PD Ordinance, a minimum of twenty percent (20%) of the gross land area within the entire PD District shall be devoted to open space, consistent with the open space requirements of the City's Parks and Open Space Plan. Open space for PD Districts may be satisfied by either public or by a combination of public and private open space."

#### Density

The overall density for this area, as recommended by the City of Rockwall Comprehensive Plan, is a medium density of 2 to 3 units per acre. This proposed plan yields a density of 2.5 units per acre. The following is a breakdown of the proposed land use to illustrate the proposed density:

Total area = 395.0 acres

Total Retail/Office = 21.3 acres

School Tract = 10 acres (5 acres credited to open space)

Single Family units = 935 units

Total area	=	395.0 ac
Retail area	=	- 21.3 ac
School area	=	- 5.0 ac
Fire Station	=	- 1.7 ac
Total=		367.0 acres

#### 935 units

367.0 ac = 2.5 units per acre for Tract I (inside the City)

### Overlay District Requirements

The proposed concept plan abuts the North SH 205 Corridor Overlay District and a portion of the project abuts the 205 Bypass Corridor Overlay District. There are 205 Bypass Overlay requirements which require lots to front onto the Bypass with a 30' landscape buffer, without screening walls. If backing is allowed, a 50' landscape buffer is required. The North SH 205 Overlay District also requires residential lots to front on SH 205 without the use of screening walls or fences and if backing is allowed, a 50' landscape buffer is required.

A 60' landscape buffer is proposed for North SH 205, and a 50' landscape buffer is proposed along the 205 Bypass within the PD Development Standards. Additionally, a minimum 10' buffer strip is proposed along Quail Run Rd and Hays Rd.

### Analysis:

The analysis of this proposal begins with a comparison of the PD concept plan with the intent and recommendations of the Comprehensive Land Use Plan. To begin with, the Land Use Plan states that "a greater variety of housing should be provided in specific areas of the city to accommodate a broad range of individual and family demand, including more urban style housing within walking distance of services, as well as lower density more rural style housing with a country atmosphere." The proposed concept plan presents a variety of lot sizes including large half acre lots on the perimeter of the subdivision to the smaller 6,000-sf lifestyle lots in the northwest area of the project that is focused near the retail area. The Plan states "retail areas should be pedestrian-oriented and easily accessible to adjacent residential and commercial neighborhoods." The proposed concept plan proposes a retail and commercial area which offers easy accessibility to the proposed residential neighborhood.

The Plan further states that the City should "encourage a blending of land uses that will result in a strong sense of community and neighborhood identity, and in efficient use of land." The proposed concept plan proposes a retail development and has provided for a school site; however, a future plan must be submitted that indicates how the residential uses will integrate with the retail uses.

The Comprehensive Plan states that the City should "provide for clustering of development throughout the City that will result in the preservation of flood plains and the conservation of open space and natural areas." This plan provides for the preservation of the natural floodplains. The plan does meet the City's required 20% open space requirements for Planned Developments utilizing only 50% credit for the floodplain.

The Comprehensive Plan states that for the purposes of establishing residential policies, low density is defined as less than 2 units per acre, medium density is 2-3 units per acre, and high density is more than 3 units per acre. This property is designated as medium density on the Land Use Plan and thus falls within the

density parameters of the Comprehensive Plan. Development proposed for the ETJ tract is less than 2 units per acre as recommended in the Plan. The land uses surrounding the ETJ tract and to the east and north of the proposed PD District consist of large lot residential.

The Staff has worked closely with the developer to establish PD Standards that will meet the intent of the Comprehensive Plan and benefit the entire community. These standards are intended to enhance and retain the value of the developed property.

Staff sent 63 notices to property owners within 200 feet of the subject property, and at the time of this report one response "in opposition" and three (3) responses "in favor" have been received. Staff also posted signs on the property as required in the UDC. Finally, staff has facilitated meetings with several of the owners who were opposed to the previous zoning case (Newland) to allow the applicant to present their plan and to hear of the citizens' concerns.

Staff recommends approval of the request with the following conditions:

1. That a master parks and open space plan for the property be prepared in accordance with the zoning ordinance and consistent with the Concept Plan.
2. A PD development plan must be approved for the area designated on the Concept Plan as "Retail;" however, the PD Development Plan application may be processed by the City concurrently with a preliminary plat application and a PD site plan application.
3. A capital facilities agreement shall be executed by the Developer for delivery of adequate public facilities and services within the Planned District.
4. Approval of the PD development standards.

Chairman Burgamy opened the public hearing.

Jed Dolson, a representative of the applicant, came forward to give a presentation and to discuss the issues addressed by staff and request approval.

Commissioner Hunter expressed that he is concerned that there will ultimately be six schools within a two mile stretch on a two lane road (FM 552), and concerned how it will impact the road.

Mr. Paul Freese, of Lexington Drive in Turtle Cove, came forward to express his concern with the landscaping and the lack of consideration to drought resistant landscaping and that he wishes the city would consider those things.

Mr. John Wallace, of 2112 Twin Creek, came forward to discuss the current traffic issues and his concern with the road construction that is about to begin and this project going in at the same time causing major traffic issues.

Mr. Rick Dirkse, of 3077 N. Goliad, came forward to address the commission and express that he is concerned that there is too much retail fronting onto SH 205 and showed an exhibit from the first proposal with less retail frontage on SH 205.

Mr. Don French, of 3079 N. Goliad, came forward to express his concern with the increase of traffic on SH 205.

Jed Dolson, the applicant, came back forward to address the commission and to address the concerns that were expressed by the citizens. He also said that they would look at the retail and see what they could do about moving it closer to 552. He also explained that the phasing of the project would be over ten years from start to finish and it would probably be close to a year before any of the first lots are actually finished which would coincide with the time frame that the bypass would be finished.

LaCroix stated that the Commission should note that the retail area must be reviewed again through the PD Development Plan process, which requires public hearing and a more detailed plan. The City will be able to review the options presented by the applicant in further detail.

Chairman Burgamy asked if anyone else wished to speak. There being no response, he closed the public hearing.

Hunter made a motion to approve the request by Richard Skorburg of Skorburg Retail Corporation for a change in zoning from (Ag) Agricultural district to (PD) Planned Development district on approximately 395-acres comprised of Tracts 1 and 2, Abstract 71, W.T. DeWeese Survey, and Tracts 2, 3 and 4, Abstract 131, S. King Survey, located along the east side of SH 205, south side of FM 552, west side of Hayes Rd and north side of Quail Run Rd, as recommended by staff.

Jackson seconded the motion. The motion was voted on and passed 4 to 0.

Chairman Burgamy called for a five minute break at 8:01 pm and reconvened at 8:06 pm.

#### **Z2007-007**

**Hold a public hearing and consider a city-initiated request to amend the Unified Development Code (Ord. 04-38) of the City of Rockwall, specifically Article V, Section 6.15, Lake Ray Hubbard Takeline Overlay (TL OV) District, and take any action necessary.**

Hampton outlined that on Monday, February 19, 2007 the City Council directed staff to initiate several amendments to Article V, Section 6.15, Lake Ray Hubbard

Takeline Overlay (TL OV) District from the City's Unified Development Code, following recommendations by the Takeline Subcommittee.

The draft amendments to the ordinance are attached, and the primary change relates to the addition of a "Boathouse" as a permitted boat-related structure in the district, including specifications on size, materials, setbacks, etc. Other proposed changes include the following:

- Removal of "Security / Safety Fencing" as a permitted structure in the district.
- Removal of the SUP requirements. If approved, "Decks / Patios" and "Gazebo" would be permitted by right using the current specifications. Additionally, "Boat-related structures" on SF lots with less than 50-ft of shoreline would not be permitted at all.
- Miscellaneous definitions and technical clarifications.

As with previous reviews of the takeline ordinance, the City of Dallas must also approve the proposed changes and specifications. Copies of the changes have been sent to Dallas; however, at this time staff has not received final indications of their acceptance. It should be noted that the proposed boathouse requirements are similar to what Dallas has approved for Rowlett, except that Rockwall's are more restrictive in terms of the materials allowed and the type of lots (e.g. SF lots > 50-ft shoreline) that are eligible to construct one.

As requested by members of the Council and the Planning Commission, staff has also attached some specifications for Ironwood (also referred to as "Ipe" by one supplier), which is the only material recommended for use on boathouses, decks and piers.

Staff Recommends approval of the request.

Chairman Burgamy opened the public hearing.

Mr. Lance Westman, of 959 Lexington, came forward to address the commission and express that he is not in favor of the takeline ordinance as it is written. One of his main issues was the fencing for the play yard. He is also concerned with the city taking away the safety features (i.e. safety rail, safety fence) and that his main concern is the safety of his kids and any other kids.

Mr. Paul Freese, of 943 Lexington, came forward to address the commission and express how the original takeline issue had been started and that he was not even aware that the fencing had been removed from the ordinance. He felt that he should have been notified. He explained that the fencing is a safety concern for him and showed a few pictures to show how little space that they have and how easily accessible it is by the public. He also expressed that he does not think that "Cookie-Cutter" type fencing is necessarily best and thinks some personality should be allowed.



Mr. Jeff Grass, of 675 Woodland Way, came forward to address the commission and express that he does not agree with the people on the takeline not being allowed to put up a fence or railing for security.

Mr. L.A. samples, a resident of Rowlett, came forward to address the commission. He informed them that he designs boathouses and wanted to sit in on the meeting. He expressed that he doesn't believe you can put anything wood on the boathouse or the deck over Lake Ray Hubbard. He also explained that Iron Wood is very hard to work with and when it gets old it splinters.

Mr. Lance Westman came forward again to address the commission. He explained that when he had his fence built he just followed what the builder said and was not aware that he was not following the ordinance.

Mr. Randy Greenlee, of 1250 Coastal, came forward to address the commission. He expressed that he is concerned with the language regarding the boathouses. He also briefly discussed Iron Wood and some projects that currently have it. He expressed that he doesn't think the boat houses should have to be galvanized and that it is too costly to do that. He pointed out that Rockwall's docks aren't made of Iron Wood and that the city shouldn't request something that they don't do themselves.

Chairman Burgamy asked if anyone else wished to speak. There being no response he closed the public hearing.

After brief discussion among the commission, Farris made a motion to approve the city-initiated request to amend the Unified Development Code (Ord. 04-38) of the City of Rockwall, specifically Article V, Section 6.15, Lake Ray Hubbard Takeline Overlay (TL OV) District, as presented by staff.

Jackson seconded the motion. The motion was voted on and passed 3 to 1 with Hunter voting against.

## **ADDITIONAL DISCUSSION ITEMS**

Miscellaneous Discussion of Land Use Issues.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:14 p.m.

**Minutes of  
PLANNING AND ZONING COMMISSION MEETING  
March 27, 2007**

**CALL TO ORDER**

The meeting was called to order by Chairman, Greg Burgamy at 6:00 p.m. with the following members present; Glen Farris, Mike Lucas, Bill Bricker and Michael Hunter. Commissioner Smith and Commissioner Jackson were absent.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, Kim Whitley and Leslie Ryan.

**ARCHITECTURAL REVIEW BOARD ITEMS**

**SP2007-006**

**Discuss and consider a request from Scott Barber of Z Projects, LLC for approval of an amended site plan for Lot 1, Block A, Walmart Supercenter Addition, specifically for construction of a drive-through ATM for Wells Fargo as an accessory structure to their existing bank located at 2334 Greencrest Drive, which is zoned (C) Commercial District and situated within the IH-30 Overlay district, and take any action necessary.**

Ryan outlined that Z Projects is requesting approval of an amended site plan for the retail strip center at Lot 1 of the Wal-Mart Supercenter Addition, specifically for construction of a drive-through ATM island with canopy for Wells Fargo. The tract is zoned (C) Commercial District and situated within the IH-30 Overlay district, and located along the north side of IH-30 on the west side of Green Crest Blvd.

The ATM location will remove one row of parking, a total of 10 parking spaces, which leaves the total parking for the shopping center at 169 total spaces. The building is 29,221 square feet, which requires 117 spaces for retail use. The additional 52 spaces give the center flexibility for restaurant uses that have occupied space in this retail strip in the past.

A variance is requested for masonry/stone requirements. Two other recent bank ATM drive-throughs (Chase and Jefferson Bank) were required to match the primary buildings, and staff communicated this to the applicant. The applicant communicated that he is going to speak to Wells Fargo and consider some materials for encasing the ATM structure and will present those at the meeting on March 27.

Staff recommends approval with the following conditions:

1. Approval by Engineering for drive isle and parking space dimensions.

2. The two support poles must be encased with masonry or materials matching the main structure, unless a variance is approved by City Council.
3. 3" tree shall be replanted on site.

The Commission briefly discussed the requirement of providing stone or masonry on the columns and what the previous sites were required to do.

Scott Barber, the applicant, came forward to address the commission and request approval. He informed them that the island would have to be larger to accommodate stone and it would require more space to be taken up in the parking lot.

After further discussion, Farris made a motion to table the request by Scott Barber of Z Projects, LLC for approval of an amended site plan for Lot 1, Block A, Walmart Supercenter Addition, specifically for construction of a drive-through ATM for Wells Fargo as an accessory structure to their existing bank located at 2334 Greencrest Drive, which is zoned (C) Commercial District and situated within the IH-30 Overlay district.

Hunter seconded the motion. The motion was voted on and passed 5 to 0.

There being no more action items, the commission continued on to the discussion items.

## **DISCUSSION ITEMS**

### **Z2007-009**

***Discuss possible amendments to the Unified Development Code.***

***Discuss status of North Goliad Historic District and/or possible amendments to (PD-50) Planned Development No. 50 District, and take any action necessary.***

## **ADDITIONAL DISCUSSION ITEMS**

Miscellaneous Discussion of Land Use Issues.

Hampton stated that the City Council has appointed the Commission to serve as the Capital Improvements Advisory Committee for the upcoming review of land use assumptions and impact fees.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:10 p.m.

**Minutes of  
PLANNING AND ZONING COMMISSION MEETING  
April 10, 2007**

**CALL TO ORDER**

The meeting was called to order by Chairman, Greg Burgamy at 6:00 p.m. with the following members present; Glen Farris, Mike Lucas, Bill Bricker, Connie Jackson and Glen Smith. Commissioner Michael Hunter was absent.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, and Leslie Ryan.

***Approval of Minutes*** for March 13, 2007 Planning and Zoning Commission meeting.

Jackson made a motion to approve the minutes.

Farris seconded the motion. The motion was voted on and passed 3 to 0, with Bricker, Smith and Lucas abstaining.

**SITE PLANS/ PLATS**

**SP2007-006**

**Discuss and consider a request from Scott Barber of Z Projects, LLC for approval of an amended site plan for Lot 1, Block A, Walmart Supercenter Addition, specifically for construction of a drive-through ATM for Wells Fargo as an accessory structure to their existing bank located at 2334 Greencrest Drive, which is zoned (C) Commercial District and situated within the IH-30 Overlay district, and take any action necessary.**

Ryan outlined that Z Projects is requesting approval of an amended site plan for the retail strip center at Lot 1 of the Wal-Mart Supercenter Addition, specifically for construction of a drive-through ATM island with canopy for Wells Fargo. The tract is zoned (C) Commercial District and situated within the IH-30 Overlay district, and located along the north side of IH-30 on the west side of Green Crest Blvd.

The ATM location will remove one row of parking, a total of 10 parking spaces, which leaves the total parking for the shopping center at 169 total spaces. The building is 29,221 square feet, which requires 117 spaces for retail use. The additional 52 spaces give the center flexibility for restaurant uses, that have occupied space in this retail strip in the past.

The applicant covered the lower portion of the light poles with masonry that match the primary building in lieu of putting masonry on the actual ATM machine. The stripes will be removed of those 10 parking spaces being used, and directional arrows will be painted in the direction of vehicle flow at the ATM's entrance and exit. Directional signage has been added as requested by the Commission. In the drive

isle along the ATM lane, "No Entrance" will also be painted on the pavement to avoid traffic moving the wrong direction.

Staff recommends approval with the following conditions:

1. Approval by Engineering for drive isle and parking space dimensions.
2. 3" tree shall be replanted on site.

Scott Barber, the applicant, came forward to address the commission and request approval. An alternative elevation showing masonry on the light pole bases has been submitted in lieu of putting masonry on the ATM itself.

Farris stated that he did not feel the ATM was in a good location, and that he could not approve it as submitted.

After further discussion, Jackson made a motion to approve the request by Scott Barber of Z Projects, LLC for approval of an amended site plan for Lot 1, Block A, Walmart Supercenter Addition, specifically for construction of a drive-through ATM for Wells Fargo at 2334 Greencrest Drive, which is zoned (C) Commercial District and situated within the IH-30 Overlay district, with staff conditions and the additional condition that all lighting shall be 0.2-FC measured at the property line (to be approved by staff prior to permit). The motion by Jackson also was to approve the elevation with stone on the light pole bases, and to recommend approval of a variance to the masonry standards for the ATM structure.

Smith seconded the motion. The motion was voted on and passed 5 to 1, with Farris voting against.

There being no more action items, the commission moved to the discussion items.

## **DISCUSSION ITEMS**

### **Z2007-009**

***Discuss possible amendments to the Unified Development Code.***

**Discuss possible amendments to the Unified Development Code relative to signage within the IH-30 Overlay District.**

***Discuss status of North Goliad Historic District and/or possible amendments to (PD-50) Planned Development No. 50 District.***

## **ADDITIONAL DISCUSSION ITEMS**

Miscellaneous Discussion of Land Use Issues.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:15 p.m.

**Minutes of  
PLANNING AND ZONING COMMISSION MEETING  
April 24, 2007**

**CALL TO ORDER**

The meeting was called to order by Chairman, Bill Bricker at 6:00 p.m. with the following members present; Glen Farris, Mike Lucas, Earl Milner, Connie Jackson, Michael Hunter and Glen Smith.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, Kim Whitley and Leslie Ryan.

**PUBLIC HEARING ITEMS**

**Z2007-009**

**Hold a Public Hearing and consider a city-initiated request to amend the Unified Development Code (Ord. No. 04-38), specifically Article III. Zoning District and Maps; Article IV. Permissible Uses; Article V. District Development Standards; and Article X. Planned Development Regulations; and take any action necessary.**

The City Council, upon recommendation of the Planning and Zoning Commission, has adopted new policies in the Comprehensive Plan relating to future residential development in the City of Rockwall. Following discussion with the Planning and Zoning Commission at the 3/27 and 4/10 meetings, Staff has drafted the proposed policies into the Unified Development Code, which are attached to this report. These amendments include:

Article III, Zoning Districts and Maps

- Establishment of new "SF-1" zoning district

Article IV, Permissible Uses

- Amendment of Land Use Chart to add "SF-1" zoning district, and identify permitted uses

Article V, District Development Standards

- Addition of new "SF-1" zoning district and associated district requirements

Article X, Planned Development

- Updated Open Space Standards, Density standards and other development standards as recommended by the Comprehensive Plan policies

Chairman Bricker opened the public hearing and asked if anyone wished to speak. There being no response, he closed the public hearing.

Staff has uploaded the attached document to the City's website, and a notice has been published in the local newspaper in accordance with the provisions for amending the Code. Also attached for reference is Resolution 07-03, which are the

land use policy updates adopted by the P&Z/Council earlier this year that serve as the basis for these amendments.

Staff Recommends approval of the request.

After brief discussion, Jackson made a motion to approve the city-initiated request to amend the Unified Development Code (Ord. No. 04-38), specifically Article III. Zoning District and Maps; Article IV. Permissible Uses; Article V. District Development Standards; and Article X. Planned Development Regulations, as recommended by staff.

Lucas seconded the motion. The motion was voted on and passed 7 to 0.

Chairman Bricker closed the P&Z Worksession and opened the meeting for the Capital Improvements Advisory Committee (CIAC) at 6:12 pm.

Eddie Haas, of Kelly & Associates, came forward to give a presentation to the commission to discuss the process for adoption of the Roadway Impact Fees for the City of Rockwall and their role as the "Capital Improvements Advisory Board".

Chairman Bricker closed the CIAC meeting and re-opened the P&Z Worksession at 6:41 pm.

There being no more action items, the commission moved to the discussion items.

#### **ARCHITECTURAL REVIEW BOARD ITEMS**

*Appointment with Architectural Review Board representative to receive the Board's recommendations and comments for the following items requiring architectural review:*

##### **SP2007-007**

**Discuss and consider a request by Mark Cramer of Bury + Partners for approval of a site plan for Taco Cabana, located on Lot 14, Block A, La Jolla Pointe Addition Phase 2, being a 1.37-acre tract located along the north side of IH-30 west of Ridge Road, zoned (C) Commercial district and situated within the IH-30 Overlay district, and take any action necessary.**

##### **SP2007-009**

**Discuss and consider a request by Nixon Exantus of RS&H for approval of a site plan for Colonial Bank, located on Lot 6, Block C, La Jolla Pointe Addition Phase 2, being a 0.9941-acre tract located along the north side of IH-30 east of Village Drive, zoned (C) Commercial district and situated within the IH-30 Overlay district, and take any action necessary.**

#### **DISCUSSION ITEMS**

##### **SP2006-038**

**Discuss and consider a request by Children's Lighthouse for approval of an amended tree preservation / mitigation plan associated with their approved site**

plan for their daycare / pre-school facility located on the proposed Lot 1, Block D, North Lakeshore Valley Addition, being 1.543-acres zoned (PD-65) Planned Development No. 65 district and situated along the west side of SH 205 north of Old Quail Run Rd within the North SH 205 Corridor Overlay district, and take any action necessary.

**SP2007-008**

Discuss and consider a request by John Elsey for approval of a site plan for a professional office located on the proposed Lot 1, Block 1, Elsey Addition, being a 0.74-acre tract zoned (PD-69) Planned Development No. 69 district and located at 1213 N. Goliad, and take any action necessary.

**P2007-010**

Discuss and consider a request by John Elsey for approval of a final plat of Lots 1 and 2, Block 1, Elsey Addition, including a replat of Lot 7 and part of Lots 6 and 8 of the Green Valley Addition, being approximately 1.2-acres overall zoned (PD-69) Planned Development No. 69 district and located at 1213 N. Goliad and 1215 N. Goliad (vacant), and take any action necessary.

**Z2007-010**

*Discuss* and consider a city-initiated revision to the City of Rockwall Unified Development Code (Ord. No. 04-38), specifically Article V, District Development Standards, Section 6.6, IH-30 Overlay (IH-30 OV) District, Section F., Signs.

**Z2007-011**

*Discuss* and consider a request by Thomas Jones of Tomden Engineering, LLP, for approval of a change in zoning from (Ag) Agricultural district to (C) Commercial district on a 55.23-acre tract located along the south side of SH 66 and along the planned route of the 205 Bypass and west side of the Ralph Hall Municipal Airport.

*Discuss* status of North Goliad Historic District and/or possible amendments to (PD-50) Planned Development No. 50 District.

**ADDITIONAL DISCUSSION ITEMS**

Miscellaneous Discussion of Land Use Issues.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:20 p.m.



**Minutes of  
PLANNING AND ZONING COMMISSION MEETING  
May 8, 2007**

**CALL TO ORDER**

The meeting was called to order by Chairman, Bill Bricker at 6:00 p.m. with the following members present; Glen Farris, Connie Jackson, Mike Lucas, Earl Milner and Michael Hunter. Commissioner Smith was absent.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, Kim Whitley and Leslie Ryan.

***Approval of Minutes*** for March 27, 2007 Planning and Zoning Commission meeting.

Hunter made a motion to approve the minutes.

Lucas seconded the motion. The motion was voted on and passed 4 to 0 with Jackson and Milner abstaining.

***Approval of Minutes*** for April 10, 2007 Planning and Zoning Commission meeting.

Farris made a motion to approve the minutes.

Jackson seconded the motion. The motion was voted on and passed 4 to 0 with Hunter and Milner abstaining.

**PUBLIC HEARING ITEMS**

**Z2007-010**

**Hold a public hearing and consider a city-initiated revision to the City of Rockwall Unified Development Code (Ord. No. 04-38), specifically Article V, District Development Standards, Section 6.6, IH-30 Overlay (IH-30 OV) District, Section F., Signs, and take any action necessary.**

The City has initiated a request to amend the signage requirements within the IH-30 Overlay district. With several recent developments along IH-30, particularly larger scale developments such as the Plaza at Rockwall and Toyota, developers have expressed interests in incorporating more attractive signage that would match the style and scale of their respective site and building designs. There have been a significant number of variance requests from the Sign Ordinance before the City Council in recent years, many of them related to projects along IH-30.

In response, the staff has drafted an amendment to the IH-30 Overlay District to provide a mechanism for review of special signage requests. The amendment would allow for a commercial development with four (4) or more businesses, or a new automobile dealership, to submit an overall "sign plan" with their site plan. Like

the site plan, a sign plan would be reviewed and approved by the Planning and Zoning Commission (with recommendation by the Architectural Review Board). However, the Commission would also have the ability to approve variances from the sign ordinance such as number of signs, size, height and materials provided the proposed signage meet special criteria that are outlined in the amendment.

Staff has attached the proposed amendment, which has been previously discussed at the Planning and Zoning Commission meetings on 4/10/07 and 4/24/07.

A notice of public hearing has been published in the paper as required by City ordinance and state law.

Staff Recommends approval of the request.

Chairman Bricker opened the public hearing and asked if anyone wished to speak. There being no response, he closed the public hearing,

Jackson made a motion to approve the city-initiated revision to the City of Rockwall Unified Development Code (Ord. No. 04-38), specifically Article V, District Development Standards, Section 6.6, IH-30 Overlay (IH-30 OV) District, Section F., Signs.

Hunter seconded the motion. The motion was voted on and passed 6 to 0.

Chairman Bricker recused himself at 6:09 pm due to conflict of interest.

#### **Z2007-011**

**Hold a public hearing and consider a request by Thomas Jones of Tomden Engineering, LLP, for approval of a change in zoning from (Ag) Agricultural district to (C) Commercial district on a 55.23-acre tract located along the south side of SH 66 and along the planned route of the 205 Bypass and west side of the Ralph Hall Municipal Airport, and take any action necessary.**

The applicant is proposing to rezone 55.23-acres from Agricultural (Ag) to (C) Commercial district. The submitted zoning exhibit illustrates that the subject tract is bordered by the existing municipal airport to the east, and vacant agricultural tracts to the north, south and southwest. To the west of the subject tract lays the "Oak Creek Addition," which was platted approximately 20 years ago but never constructed, and is zoned (2F) Two Family Residential. The subject property has frontage along SH 66, and is bisected by the future SH 205 Bypass running north/south through it.

The City's future land use plan indicates (conceptually) the Bypass running adjacent to the airport, with Single Family Residential designated to the west of the Bypass. However, with the present alignment for the Bypass that is actively being acquired by the City, the majority of the subject tract represents what will reside between the 4-lane divided Bypass and the airport. It is staff's opinion that Commercial zoning would be a reasonable and viable use of land.

The remainder of the 55-acre subject tract is comprised of what will ultimately be the intersection of the 205 Bypass and a potential future alignment of SH 66. Staff feels this intersection will feature high traffic volume in the future, and commercial zoning should be considered. Single Family Residential (as shown on the Land Use Plan), may not be appropriate given the size and shape of the remaining tracts of land after the roads are constructed. There is also the existing TXU overhead transmission easement that transects the property from west to east, further reducing the viability of this tract for desirable residential development.

South of the transmission easement, the applicant has proposed that the east line of the 100-year floodplain serve as the extent of the Commercial zoning. This leaves a narrow strip of developable land between the Bypass and the creek, possibly for office type uses or smaller retail development. Staff feels the 100-yr floodplain / creek is a logical buffer between the proposed commercial zoning and what is intended to be single-family residential. The applicant has stated that a zoning boundary following the east line of the floodplain ensures that future maintenance of this open space would be the responsibility of that future residential HOA.

If the zoning change should be approved, future development of the tract will be subject to the City's subdivision regulations, engineering standards, Overlay requirements, tree preservation requirements and other regulations in place at the time of development.

Signage for the proposed zoning change has been posted along SH 66 and notices were mailed to nine (9) unique property owners within 200-ft of the subject tract. At the time of this report, no responses have been returned.

Staff Recommends approval of the request.

Mr. Tom Jones, the applicant, came forward to address the commission and request approval of the zoning change.

Mr. David Block came forward to express that he is in favor of the zoning change and believes it is a good use for the area.

Farris made a motion to approve the request by Thomas Jones of Tomden Engineering, LLP, for approval of a change in zoning from (Ag) Agricultural district to (C) Commercial district on a 55.23-acre tract located along the south side of SH 66 and along the planned route of the 205 Bypass and west side of the Ralph Hall Municipal Airport.

Jackson seconded the motion. The motion was voted on and passed 5, 0, 1 with Bricker abstaining.

Bricker returned back to the meeting.

## **SITE PLANS/ PLATS**

### **SP2007-007**

**Discuss and consider a request by Mark Cramer of Bury + Partners for approval of a site plan for Taco Cabana, located on Lot 14, Block A, La Jolla Pointe Addition Phase 2, being a 1.37-acre tract located along the north side of IH-30 west of Ridge Road, zoned (C) Commercial district and situated within the IH-30 Overlay district, and take any action necessary.**

The applicant has submitted a site plan for a 4,145 sq. ft. (including 400 sq. ft. patio) drive-thru restaurant located on Lot 14, Block A, La Jolla Phase 2 Addition. The site will be accessed from the IH-30 service road via the mutual access easement with Steak-n-Shake. The required parking for the restaurant is 42 spaces (1 per 100 sq.ft.), and the applicant is proposing 66 spaces, including 2 standard handicap and 1 van space. The additional parking will be used to serve the additional retail space within the Wilkinson Commons development. The other shells within this development will be subject to P&Z and ARB review and approval.

The Landscape Plan indicates that approximately 34.69% (20,702 sq. ft.) of Lot 14 is open space, exceeding the City's minimum 15% requirement. The 20 ft. landscape buffer is provided along IH-30, including the required canopy and accent trees. Other landscaping, including 13 Sabal Palms, adorns the building and parking areas exceeding the landscape standards.

The Building Elevations were approved by ARB on 4/24/07. The elevations indicate that the proposed building will stand 28 ft. in height. The building materials encompass natural stone, two shades of stucco and a standing seam metal roof. The materials will match those approved by P&Z for Wilkinson Commons. Material boards for both will be available for review at the meeting. The applicant is requesting a variance to the pitched roof requirements for a building with less than 6,000 sq. ft. The patio detail has been included in the elevations, constructed of materials matching the main structure and with a pergot and lattice type roof feature.

The photometric plan indicated compliance with the City's lighting ordinance. The overall mounting height is 27 ft. and the lighting levels at the property line shall be 0.2 fc. or less. The lighting included in the lighting cut sheets are indicated to be fully or partially cut-off as specified by the Unified Development Code.

Staff Recommends approval of the request with the following conditions:

1. Adherence to all Engineering and Fire comments
2. All lighting shall be 0.2-fc or less at the perimeter, and shall be cut-off to meet city specifications.
3. Stone features approved in front buffer for Wilkinson Commons shall be added to the landscape plan for Taco Cabana.
4. Variance is required (3/4 vote by City Council) for a building less than 6,000 sq.ft. without a pitched roof.

Mark Cramer, the applicant, came forward to address the commission and request approval.

After brief discussion, Jackson made a motion to approve the request by Mark Cramer of Bury + Partners for approval of a site plan for Taco Cabana, located on Lot 14, Block A, La Jolla Pointe Addition Phase 2, being a 1.37-acre tract located along the north side of IH-30 west of Ridge Road, zoned (C) Commercial district and situated within the IH-30 Overlay district.

Hunter seconded the motion. The motion was voted on and passed 6 to 0.

**SP2007-008**

**Discuss and consider a request by John Elsey for approval of a site plan for a professional office located on the proposed Lot 1, Block 1, Elsey Addition, being a 0.74-acre tract zoned (PD-69) Planned Development No. 69 district and located at 1213 N. Goliad, and take any action necessary.**

The applicant has submitted a request for approval of a site plan on Lot 1, Elsey Addition. The subject site is a 0.74-acre tract zoned (PD-69) Planned Development No. 69 district and located at 1213 N. Goliad. This site plan is in conjunction with the submittal of the proposed final plat. The applicant is planning on moving his office to this 1,900 sq. ft. residential/office structure.

The applicant is adding 2 trees in the front yard along N. Goliad. The existing trees located on the site are shown on the site plan to remain and be incorporated into the development. The proposed office requires seven (7) parking spaces and the applicant is exceeding city requirements by proposing to install eight (8) parking spaces including one (1) handicap space.

A 24' mutual access drive located on the common lot line will provide access to both lots 1 and 2.

Staff Recommends approval of the request with the following conditions:

1. Adherence to all Engineering and Fire Department standards

John Elsey, the applicant, came forward to address the Commission and answer any questions.

Lucas made a motion to approve the request by John Elsey for approval of a site plan for a professional office located on the proposed Lot 1, Block 1, Elsey Addition, being a 0.74-acre tract zoned (PD-69) Planned Development No. 69 district and located at 1213 N. Goliad, as recommended by staff.

Jackson seconded the motion. The motion was voted on and passed 6 to 0.

**P2007-010**

**Discuss and consider a request by John Elsey for approval of a final plat of Lots 1 and 2, Block 1, Elsey Addition, including a replat of Lot 7 and part of Lots 6 and 8 of the Green Valley Addition, being approximately 1.2-acres overall zoned (PD-69) Planned Development No. 69 district and located at 1213 N. Goliad and 1215 N. Goliad (vacant), and take any action necessary.**

The applicant has submitted a request for approval of a final plat of Lots 1 and 2, Block 1, Elsey Addition, including a replat of Lot 7 and part of Lots 6 and 8 of the Green Valley Addition. The subject site is a 1.22-acre tract zoned (PD-69) Planned Development No. 69 district and located at 1213 N. Goliad and 1215 N. Goliad (vacant). This plat is in conjunction with the submittal of the proposed site plan. The property is being platted with the intentions of having an office on the premises.

Right-of Way dedication will be verified with TX DOT prior to building, and a separate permit from TXDOT for any driveway construction is required. A 24' mutual access drive located on the common lot line will provide access to both lots 1 and 2. The final plat is in compliance with all UDC requirements.

Staff Recommends approval of the request with the following condition:

1. Adherence to all Engineering and Fire Department Standards

John Elsey, the applicant, came forward to address the Commission and answer any questions.

Jackson made a motion to approve the request by John Elsey for approval of a final plat of Lots 1 and 2, Block 1, Elsey Addition, including a replat of Lot 7 and part of Lots 6 and 8 of the Green Valley Addition, being approximately 1.2-acres overall zoned (PD-69) Planned Development No. 69 district and located at 1213 N. Goliad and 1215 N. Goliad (vacant), as recommended by staff.

Lucas seconded the motion. The motion was voted on and passed 6 to 0.

**ACTION ITEMS****SP2006-040**

**Discuss a request by Raymond Poche of The Woodmont Company and Tom Pritchett of T.H. Pritchett & Associates, for consideration of alternative landscaping and/or tree mitigation concepts relative to the approved site plan for the Plaza at Rockwall commercial development, located on Lots 6-8, Rockwall Business Park East Addition and situated along the south side of IH-30, west of SH 205 and north Ralph Hall Pkwy, and take any action necessary.**

The Planning and Zoning Commission has approved the site plan, replat and tree mitigation plan for the new Plaza at Rockwall development, which is presently under construction. The Commission may recall at the time of approval, the tree mitigation

requirement was extensive due to the large amount of grading and tree removal that took place.

Overall, the total required “replacement inches” was 3703-inches. With the addition of many mitigation trees on the site, and increasing the size of the required landscaping trees from 3-inches to 5-inches in caliper, the applicant was able to get to approximately 3100-inches of mitigation. Subsequently, the Commission approved the treescape plan with the stipulation that the developer shall receive a credit towards the remaining 600-inches of mitigation with additional shrubs and accent trees. Staff was directed to approve the final landscape plan utilizing the following policies:

- Five (5) 5-gallon shrubs shall equal 1-inch of mitigation,
- One (1) 25-gallon accent tree shall equal 3-inches mitigation.

At this time, the applicant and the landscape architect for the project (Tom Pritchett) would like to present an alternative concept to the Commission that would allow them to substitute additional shrubs, accent trees and/or groundcover for some of the mitigation inches beyond the approved 600-inches. The intent of the applicant is to install low-water use plantings and groundcover at an acceptable ratio (to be considered and determined by the Planning Commission), that could be sustained in periods of drought conditions and water restrictions that the region has experienced over the past year or two.

The applicant will make a brief presentation and contingent on the Planning Commission’s decision; will proceed to producing a revised, detailed landscape plan for the Commission and/or staff’s approval.

Mr. Tom Pritchett, a representative of the applicant, came forward to make a presentation to the commission and request approval to move forward with an alternative landscaping plan.

Farris made a motion to approve the request by Raymond Poche of The Woodmont Company and Tom Pritchett of T.H. Pritchett & Associates, for consideration of alternative landscaping and/or tree mitigation concepts relative to the approved site plan for the Plaza at Rockwall commercial development, located on Lots 6-8, Rockwall Business Park East Addition and situated along the south side of IH-30, west of SH 205 and north Ralph Hall Pkwy, as recommended by staff.

Jackson seconded the motion. The motion was voted on and passed 5 to 1 with Bricker voting against.

**Discuss status of North Goliad Historic District and/or possible amendments to (PD-50) Planned Development No. 50 District, and take any action necessary.**

After brief discussion, the commission unanimously agreed to allow staff to move forward with this zoning case.

**Discuss and consider making a recommendation to Staff to initiate a rezoning**

**case for the proposed Downtown (DT) District, and take any action necessary.**

After brief discussion, the commission unanimously agreed to allow staff to move forward with this zoning case.

#### **ADDITIONAL DISCUSSION ITEMS**

Miscellaneous Discussion of Land Use Issues.

#### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:40 p.m.



**Minutes of  
PLANNING AND ZONING COMMISSION MEETING  
May 29, 2007**

**CALL TO ORDER**

The meeting was called to order by Chairman, Bill Bricker at 7:30 p.m. with the following members present; Connie Jackson, Mike Lucas, Earl Milner and Michael Hunter. Commissioner Smith was absent.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, Kim Whitley and Leslie Ryan.

***Approval of Minutes*** for April 24, 2007 Planning and Zoning Commission meeting.

***Approval of Minutes*** for May 8, 2007 Planning and Zoning Commission meeting.

Jackson made a motion to approve the minutes.

Hunter seconded the motion. The motion was voted on and passed 5 to 0.

**ACTION ITEMS**

**SP2007-009**

**Discuss and consider a request by Nixon Exantus of RS&H for approval of a site plan for Colonial Bank, located on Lot 6, Block C, La Jolla Pointe Addition Phase 2, being a 0.9941-acre tract located along the north side of IH-30 east of Village Drive, zoned (C) Commercial district and situated within the IH-30 Overlay district, and take any action necessary.**

Spencer outlined that the subject site is a 1-acre tract located on Lot 6, Block C, La Jolla Pointe Addition Phase 2. The site plan for the proposed bank illustrates a layout of one (1) building being 3,500 sq. ft. The required parking for the intended use is twelve (12) spaces, and the applicant is exceeding city requirements by providing twenty-five (25) spaces, including two (2) handicap accessible. The site plan shows four (4) drive-thru lanes with the required stacking of six (6) spaces. The site will be accessed from both the I-30 Service Road and Laguna Drive via mutual access drives with the adjoining lots. All on-site detention is proposed to be located underground within drainage easements.

The landscape plan indicates approximately 30% of the site is open space, which exceeds City requirements of 15% for the Commercial district. The landscape buffer along I-30 is shown on the landscape plan to be a minimum 20-ft in width with six (6) 4" caliper shade trees and eight (8) 8' tall ornamental trees which meets city requirements. The applicant is proposing to install an additional Oak, Cedar Elms and Crape Myrtle trees along the north and west property lines.

The building elevations propose a 30' tall typical structure consisting of natural stone, stucco and a standing seam metal roof. All rooftop and ground mounted mechanical equipment must be screened from all adjacent properties and right of ways. Staff would recommend that the Commission look at the option of a screening fence to help screen the mechanical equipment from adjacent properties. The building elevations have been reviewed and approved by the Architectural Review Board (ARB) subject to the approval of building materials.

Staff feels that the photometric plan meets city standards. All canopy lighting shall have no more than a 1" reveal from the canopy ceiling.

Staff Recommends approval of the request with the following conditions:

1. Adherence to Engineering and Fire Department Standards.
2. A screening fence be implemented around the proposed mechanical equipment to screen the equipment from adjacent right-of-ways and properties.
3. All dumpster screen walls are required to be a minimum of 8' in height.
4. The canopy lighting be limited to a maximum 1-inch reveal from the canopy ceiling.
5. All exterior lighting shall be full or partial cut-off with a maximum reveal of 1".

The applicant came forward to address the commission and answer any questions that they had.

After brief discussion, Lucas made a motion to approve the request by Nixon Exantus of RS&H for approval of a site plan for Colonial Bank, located on Lot 6, Block C, La Jolla Pointe Addition Phase 2, being a 0.9941-acre tract located along the north side of IH-30 east of Village Drive, zoned (C) Commercial district and situated within the IH-30 Overlay district, as recommended by staff and with the following condition:

1. The landscaping shown on the north side of building, used to screen the mechanical equipment, shall be of an evergreen variety.

Hunter seconded the motion. The motion was voted on and passed 5 to 0.

#### **P2007-015**

**Discuss and consider a request by Michael Allen of Allen & Ridinger Consulting, Inc., for approval of a replat of Lots 12-14, Block A, La Jolla Pointe Addition Phase 2, located along the north side of IH-30 west of Ridge Road, zoned (C) Commercial district and situated within the IH-30 Overlay district, and take any action necessary.**

Whitley stated that the submitted replat of Lots 12-14, Block A, La Jolla Pointe Addition, Phase 2 is primarily intended to reconfigure existing property lines and includes the dedication of all required firelane, drainage and utility easements for

the proposed Wilkinson Commons development. The replat appears to conform with all requirements of the (C) Commercial district.

Site plans have been approved for a retail/restaurant building on the proposed Lot 16 and for a Taco Cabana restaurant on the proposed Lot 17. Lot 15 is designated for a future bank site; however, a site plan has not yet been submitted for review by the Planning Commission and Architectural Review Board.

Staff Recommends approval of the request with the following conditions:

1. Approval by engineering.
2. Use standard City Signature Block.
3. Abandonment of the 15' sanitary sewer easement and the retaining wall across the center of the property by this plat or separate instrument.
4. Submit a closure calculation on overall lot and each individual lot to engineering.

Mr. Tracy Lapiene of Allen & Ridinger Consulting, Inc. came forward to address the commission and answer any questions.

Jackson made a motion to approve the request by Michael Allen of Allen & Ridinger Consulting, Inc., for approval of a replat of Lots 12-14, Block A, La Jolla Pointe Addition Phase 2, located along the north side of IH-30 west of Ridge Road, zoned (C) Commercial district and situated within the IH-30 Overlay district, as recommended by staff.

Hunter seconded the motion. The motion was voted on and passed 5, 0.

There being no more action items, the commission continued on to the discussion items.

## **ARCHITECTURAL REVIEW BOARD ITEMS**

### **SP2007-012**

**Discuss and consider a request by Richard Akin of The Dimension Group for approval of a site plan for a 7-Eleven retail store with gasoline sales, located on part of Lot 1, Block A, Hillcrest Center Addition, being a 1.02-acre tract located at the northeast corner of FM 552 and SH 205, zoned (GR) General Retail district and situated within the North SH 205 Corridor Overlay district, and take any action necessary.**

### **Z2007-013**

**Discuss and consider a request by Richard Akin of The Dimension Group for approval of a Specific Use Permit (SUP) to allow for a "retail store with gasoline product sales with more than 2 dispensers" within the (GR) General Retail district, in association with a 7-Eleven proposed to be located on part of Lot 1, Block A, Hillcrest Center Addition, being a 1.02-acre tract situated**

within the North SH 205 Corridor Overlay district and located at the northeast corner of FM 552 and SH 205.

**SP2007-013**

**Discuss and consider a request by Tim McMahon of Preston Engineering for approval of a site plan for Rockwall Kia, located on a 5.99-acre tract currently known as Tract 8, Abstract 134, J. Lockhart Survey, located at 1790 Interstate 30, zoned (LI) Light Industrial district and situated within the IH-30 Overlay district, and take any action necessary.**

**P2007-014**

**Discuss and consider a request by Tim McMahon of Preston Engineering for approval of a preliminary plat of the Rockwall Kia Addition, being a 5.99-acre tract zoned (LI) Light Industrial district and located at 1790 Interstate 30, and take any action necessary.**

**DISCUSSION ITEMS**

**Z2007-014**

***Discuss and consider a request by Mary Ann Rojas for a change in zoning from (SF-10) Single Family Residential District to (GR) General Retail district on a 0.28-acre tract being Lot 6, Block 1, L&W Addition, located at 102 Glenn Ave.***

**Z2007-015**

***Discuss and consider a request by Jacques Roy for approval of a Specific Use Permit (SUP) allowing for a "Landing/Stairs exceeding the maximum requirements" within the Lake Ray Hubbard Takeline Overlay (TL OV) District, in the take area adjacent to their property at 1320 Coastal Drive, being Lot 56, Block F, Hillside Phase 5 (The Shores) Addition.***

**Z2007-016**

***Discuss and consider a request by Jacques Roy for approval of a Specific Use Permit (SUP) allowing for a "Deck/patio exceeding the maximum requirements" within the Lake Ray Hubbard Takeline Overlay (TL OV) District, in the take area adjacent to their property at 1320 Coastal Drive, being Lot 56, Block F, Hillside Phase 5 (The Shores) Addition.***

**Z2007-017**

***Discuss and consider a request by Barry Greenlee for approval of a Specific Use Permit (SUP) allowing for a "Landing/Stairs exceeding the maximum requirements" within the Lake Ray Hubbard Takeline Overlay (TL OV) District, in the take area adjacent to their property at 1290 Coastal Drive, being Lot 1, Block F, Crestview Phase 3 (The Shores) Addition.***

**SP2007-014**

**Discuss and consider a request by Misty Phillips for approval of a site plan for an office development located on the proposed Lot 1, Block A, Henry**

**Addition, being a 0.17-acre tract zoned (PD-50) Planned Development No. 50 district and located at 907 N. Goliad, and take any action necessary.**

**P2007-020**

**Discuss and consider a request by Misty Phillips for approval of a final plat for Lot 1, Block A, Henry Addition, being a 0.17-acre tract zoned (PD-50) Planned Development No. 50 district and designated for (RO) Residential-Office uses, located at 907 N. Goliad, and take any action necessary.**

**P2007-016**

**Discuss and consider a request by Randell Curington of Spring Haven Investments, Inc., for approval of a preliminary plat for The Highlands, being a 234.697-acre tract zoned (PD-66) Planned Development No. 66 district and located along the south side of SH 276 east of Rochelle Rd, and take any action necessary.**

**P2007-017**

**Discuss and consider a request by Richard Skoburg of Stone Creek SF, Ltd., for approval of a master plat and open space master plan for Stone Creek Addition, being approximately 395-acres zoned (PD-70) Planned Development No. 70 District and comprised of Tracts 1 and 2, Abstract 71, W.T. DeWeese Survey, and Tracts 2, 3 and 4, Abstract 131, S. King Survey, located along the east side of SH 205, south side of FM 552, west side of Hayes Rd and north side of Quail Run Rd, and take any action necessary.**

**P2007-019**

**Discuss and consider a request by William Stueber of CPH Engineers for approval of a final plat of Rockwall Centre Corners Addition, being 33.14-acres zoned (C) Commercial district and situated along the south side of IH-30, east side of SH 205 and north side of SH 276, and take any action necessary.**

## **ADDITIONAL DISCUSSION ITEMS**

Miscellaneous Discussion of Land Use Issues.

LaCroix informed the Commission that the City Council had denied the proposed amendments to the I-30 Overlay district relating to signage plans. The Council elected to keep approval of any variances under their authority.

Hampton reminded the Commissioners that there was a volunteer appreciation night on Saturday June 9<sup>th</sup> for all Boards and Commissions.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 10:01 p.m.

**Minutes of  
PLANNING AND ZONING COMMISSION MEETING  
June 12, 2007**

**CALL TO ORDER**

The meeting was called to order by Chairman, Bill Bricker at 6:00 p.m. with the following members present; Connie Jackson, Mike Lucas, Earl Milner, Glenn Smith, Bob Cotti and Michael Hunter.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, Kim Whitley and Leslie Ryan.

***Approval of Minutes*** for May 29, 2007 Planning and Zoning Commission meeting.

Jackson made a motion to approve the minutes.

Hunter seconded the motion. The motion was voted on and passed 5 to 0 with Smith and Cotti abstaining.

**CONSENT AGENDA**

**P2007-016**

**Discuss and consider a request by Randell Curington of Spring Haven Investments, Inc., for approval of a preliminary plat for The Highlands, being a 234.697-acre tract zoned (PD-66) Planned Development No. 66 district and located along the south side of SH 276 east of Rochelle Rd, and take any action necessary.**

Staff recommends approval with the following conditions:

1. Engineering plans submittal and approval required, which shall address several issues including but not limited to:
  - a. Siting and construction of lift station.
  - b. Extension and/or upgrade of existing water and sewer lines along SH 276 and FM 549.
  - c. Acquisition of the right to serve water from Blackland.
  - d. TXDOT approval of street locations, turning lanes, deceleration lanes, etc.
2. Facilities agreement required prior to or concurrently with final plat.
3. Adherence to Fire department requirements.
4. Adherence to Parks Board requirements.

**P2007-017**

**Discuss and consider a request by Richard Skorburg of Stone Creek SF, Ltd., for approval of a master plat and open space master plan for Stone Creek Addition, being approximately 395-acres zoned (PD-70) Planned Development No. 70 District and comprised of Tracts 1 and 2, Abstract 71, W.T. DeWeese Survey, and Tracts 2, 3 and 4, Abstract 131, S. King Survey, located along the east side of SH 205, south side of FM 552, west side of Hayes Rd and north side of Quail Run Rd, and take any action necessary.**

Staff Recommends approval of the request with the following conditions:

1. Submittal and approval of preliminary plat.
2. Submittal and approval of engineering plans.
3. Submittal and approval of final plat(s).
4. Approval of Open Space Master Plan by City Council concurrently with master plat.
5. Adherence to Parks Board recommendations.

**SP2007-014**

**Discuss and consider a request by Misty Phillips for approval of a site plan for an office development located on the proposed Lot 1, Block A, Henry Addition, being a 0.17-acre tract zoned (PD-50) Planned Development No. 50 district and located at 907 N. Goliad, and take any action necessary.**

Staff Recommends approval of the request with the following conditions:

1. Adherence to Engineering and Fire comments.
2. Solid screening fence shall be maintained on the west property line.
3. Approval of final plat.

**P2007-020**

**Discuss and consider a request by Misty Phillips for approval of a final plat for Lot 1, Block A, Henry Addition, being a 0.17-acre tract zoned (PD-50) Planned Development No. 50 district and designated for (RO) Residential-Office uses, located at 907 N. Goliad, and take any action necessary.**

Staff Recommends approval of the request with the following conditions:

1. Adherence to Engineering and Fire comments.

*Lucas made a motion to approve the consent agenda, as recommended by staff.*

*Milner seconded the motion. The motion was voted on and passed 7 to 0.*

## **SITE PLANS/ PLATS**

### **SP2007-013**

**Discuss and consider a request by Tim McMahon of Preston Engineering for approval of a site plan for Rockwall Kia, located on a 5.99-acre tract currently known as Tract 8, Abstract 134, J. Lockhart Survey, located at 1790 Interstate 30, zoned (LI) Light Industrial district and situated within the IH-30 Overlay district, and take any action necessary.**

Spencer stated that the site plan submitted by the applicant is for an automobile dealership for Rockwall Kia. The site features an existing building previously used for automotive auction and an existing billboard. The applicant informed the Planning and Zoning Commission at the May 2007 work session that both the existing building and existing billboard would be removed at the time of development. A preliminary plat for the development has been submitted by the applicant and is running concurrently with the site plan.

The site will be accessed via an existing driveway from I-30 that will be reconstructed to TXDOT and engineering department standards. A right-of-way dedication of 5-feet is required for I-30 as part of this development. The applicant is providing adequate parking for customers and employees, but the majority of the 472 total parking spaces are for new car display and inventory.

As part of the Preliminary Plat application the applicant is requesting a variance to IH-30 Overlay (Article V, Section 6.6, D, 3) requiring mutual access/ingress/egress with adjoining properties. Approval of the variance requires a recommendation of approval from the Planning and Zoning Commission and a super majority (3/4) City Council vote.

Approximately 25% of the site is landscaped, meeting City standards. The landscaping shown within the buffer of IH-30 meets Overlay requirements. One tree per 750-sf of detention area, or 55 trees, has been included in the proposed landscape plan. Due to the large number of trees required for the detention pond the applicant is proposing to install some of the trees in the pond and distribute the remaining trees across the site. A row of trees are also provided along the rear property line to comply with Overlay standards.

The proposed elevations for the dealership illustrate an articulated building being a maximum of 24-ft in height. The building as proposed appears to comply with the City's requirements for building articulation and the IH-30 Overlay district. The building features a minimum 20% of native stone, along with brick and split-face CMU. The applicant has removed the overhead doors from the east and west sides of the proposed building and consolidated them into four (4) doors located at the rear of the building as suggested by the Commission at the May work session.



The proposed parking lot lighting is shown to have an overall height of 25 feet, meeting City standards. The photometric plan appears to comply with city standards with exception of an area adjacent to the west property line.

The Architectural Review Board reviewed the proposed elevations and site plan at their 5/29/07 meeting and recommended tabling the item until a perspective rendering could be completed by the applicant.

Staff Recommends approval of the request with the following conditions:

1. Adherence to Engineering and Fire Department Standards.
2. Approval of Preliminary Plat.
3. The material used for the dumpster screening be the same as the primary building material.
4. Submittal and approval of cut-sheets for wall packs and pole lights.
5. All lighting to be partial or full-cutoff with a maximum one-inch reveal.
6. Reduce light levels along the west property line.

The commission extensively discussed cross access and how it was handled in other recent cases for other dealerships. Additionally, the commission discussed the overflow lighting onto the property lines.

Mr. Tim McMahon, the applicant, came forward to address the Commission and answer any questions that they had.

Lucas made a motion to approve the request by Tim McMahon of Preston Engineering for approval of a site plan for Rockwall Kia, located on a 5.99-acre tract currently known as Tract 8, Abstract 134, J. Lockhart Survey, located at 1790 Interstate 30, zoned (LI) Light Industrial district and situated within the IH-30 Overlay district, as recommended by staff and with the following conditions:

1. Reduce light levels along all property lines to what has recently been approved for other auto dealerships on I-30.
2. Staff review IH-30 access to adjoining lots prior to this going to Council.

Hunter seconded the motion. The motion was voted on and passed 7 to 0.

#### **P2007-014**

**Discuss and consider a request by Tim McMahon of Preston Engineering for approval of a preliminary plat of the Rockwall Kia Addition, being a 5.99-acre tract zoned (LI) Light Industrial district and located at 1790 Interstate 30, and take any action necessary.**

Spencer stated that the applicant has submitted a preliminary plat for the Rockwall Kia Addition, being a proposed Kia Car Dealership development located along the south frontage road of I-30 and east of Commerce Street. The site features an existing building previously used for automotive auction and an existing billboard. The applicant informed the Planning and Zoning Commission at the May 2007 work session that both the existing building and existing billboard would be removed at the time of development. A site plan for the development has been submitted by the applicant and is running concurrently with the preliminary plat.

The applicant is requesting a variance to IH-30 Overlay (Article V, Section 6.6, D, 3) requiring mutual access/ingress/egress with adjoining properties.

The site will be accessed via an existing driveway from I-30 that will be reconstructed to TXDOT and engineering department standards. A right-of-way dedication of 5-feet is required for I-30 as part of this development.

The preliminary plat appears to comply with the Light Industrial (LI) zoning requirements.

Staff Recommends approval of the request with the following conditions:

1. Adherence to Engineering and Fire Department standards.
2. Illustrate and label 5' of right-of-way dedication for I-30.
3. Tie two corners to city monuments.
4. Provide closure report.
5. Approval of cross access variance

Jackson made a motion to approve the request by Tim McMahon of Preston Engineering for approval of a preliminary plat of the Rockwall Kia Addition, being a 5.99-acre tract zoned (LI) Light Industrial district and located at 1790 Interstate 30, as recommended by staff.

Smith seconded the motion. The motion was voted on and passed 7 to 0.

## **PUBLIC HEARING ITEMS**

### **Z2007-013**

**Hold a public hearing and consider a request by Richard Akin of The Dimension Group for approval of a Specific Use Permit (SUP) to allow for a "retail store with gasoline product sales with more than 2 dispensers" within the (GR) General Retail district, in association with a 7-Eleven proposed to be located on part of Lot 1, Block A, Hillcrest Center Addition, being a 1.02-acre tract situated within the North SH 205 Corridor Overlay district and located at the northeast corner of FM 552 and SH 205, and take any action necessary.**

Ryan stated that the subject site is a 1.02 acre tract being part of Lot 1, Block A, of the Hillcrest Center. The proposed convenience store with gas sales is located along the northeast side of the SH205 and FM 522 intersection. In the "GR" General Retail Zoning District a retail store with more than two gasoline dispensers requires an SUP.

The applicant has submitted a conceptual site and landscape plan and elevations in an effort to obtain a Specific Use Permit. Approval of the SUP does not constitute site plan approval. However, the P&Z approved the site plan on 6/12/07 subject to council approval of the SUP.

The SUP is contingent upon a site plan that proposes a 3,030 sq. ft. convenience store, 2,680 sq ft. canopy and six (6) gasoline dispensers. The total required parking for the intended use is sixteen (16) and the applicant has provided eighteen (18) spaces. The site will be accessible from SH 205 and FM 552. At the time of final plat a mutual access easement will be required to continue to the adjacent property to the north.

The Landscape plan shows six (6) 4" caliper canopy trees, eight (8) accent trees, and a row of shrubs which are required along the SH 205 ROW via the North SH 205 Overlay.

Four (4) notices were sent to property owners within 200 ft. of the site, and at the time of this report no notices had been returned.

Staff Recommends approval of the request with the following conditions:

1. Adherence to all Engineering and Fire comments.
2. Development to adhere to the approved site plan and elevations.

Bricker opened the public hearing.

Mr. Richard Akin, the applicant, came forward to address the commission and answer any questions.

Bricker asked if anyone else wished to speak. There being no response he closed the public hearing.

After brief discussion, Jackson made a motion to approve the request by Richard Akin of The Dimension Group for approval of a Specific Use Permit (SUP) to allow for a "retail store with gasoline product sales with more than 2 dispensers" within the (GR) General Retail district, in association with a 7-Eleven proposed to be located on part of Lot 1, Block A, Hillcrest Center Addition, being a 1.02-acre tract situated within the North SH 205 Corridor Overlay district and located at the northeast corner of FM 552 and SH 205, as recommended by staff.

Milner seconded the motion. The motion was voted on and passed 7 to 0.

**SP2007-012**

**Discuss and consider a request by Richard Akin of The Dimension Group for approval of a site plan for a 7-Eleven retail store with gasoline sales, located on part of Lot 1, Block A, Hillcrest Center Addition, being a 1.02-acre tract located at the northeast corner of FM 552 and SH 205, zoned (GR) General Retail district and situated within the North SH 205 Corridor Overlay district, and take any action necessary.**

Ryan informed the commission that the applicant has submitted a site plan for a new construction at the site located at the northeast corner of SH 205 and FM 552. The proposal is for a 3,030 sq. ft. 7-Eleven convenient store with gas sales. The site plan shows 6 gas pumps under a 2,680 sq. ft. canopy. The site is zoned "GR" General Retail District and is also subject to the North SH 205 Overlay District. The site plan includes a 20 ft. ROW dedication along FM 552, parking areas and fire lanes are paved to city standards, and the landscaping buffers meet the overlay requirements. The site has a parking standard of 1 per every 250 sq. ft. which totals to 16 spaces and 1 handicap space. The site plan meets the parking requirements by proposing 18 parking spaces and 1 handicap space.

The Landscape Plan shows the required 20 ft. landscape buffer along SH 205, which are landscaped with six 4" caliper Live Oak canopy trees, Wax Myrtles, and Dwarf Burford Hollies. The plan also shows a row of trees along FM 552 and along the east property line, the perimeter behind the building, which meet landscaping standards in the Overlay District. The trees planted behind the building serve as those that should be planted in the detention area.

The Building elevations propose 34% Austin type stone, 15% split face, 43% stucco material and a standing seam metal roof. The elevations show the proposed building stand 25' 7" tall. The applicant presented the materials samples at the June 5, 2007 P&Z work session. The elevations illustrate the 23'4" tall pre-finished metal canopy for the gasoline sales area, as well as the required 8 ft. masonry dumpster enclosure constructed of materials to match the main structure.

The light plan features fixtures with a maximum mounting height of 20 ft. to meet overlay standards. The lighting levels also appear to approach 0.2 fc at the property lines. There are no residential tracks adjacent to this lot within the city limits so residential adjacency standards do not apply.

Staff Recommends approval of the request with the following conditions:

1. Approval of Specific Use Permit for retail store with more than two (2) pumps by City Council.

2. Adherence to Engineering and Fire comments.
3. Dumpster enclosure to meet the 8 ft. height overlay requirement.
4. All canopy lighting must be recessed into the ceiling.

After brief discussion, Cotti made a motion to approve the request by Richard Akin of The Dimension Group for approval of a site plan for a 7-Eleven retail store with gasoline sales, located on part of Lot 1, Block A, Hillcrest Center Addition, being a 1.02-acre tract located at the northeast corner of FM 552 and SH 205, zoned (GR) General Retail district and situated within the North SH 205 Corridor Overlay district, as recommended by staff.

Jackson seconded the motion. The motion was voted on and passed 7 to 0.

#### **Z2007-014**

**Hold a public hearing and consider a request by Mary Ann Rojas for a change in zoning from (SF-10) Single Family Residential District to (GR) General Retail district on a 0.28-acre tract being Lot 6, Block 1, L&W Addition, located at 102 Glenn Ave, and take any action necessary.**

Hampton stated that the applicant's request is to rezone Lot 6, Block 1, L&W Addition (0.28-acre) from (SF-10) Single Family Residential district to (GR) General Retail district. The existing home will be affected by the SH 205 reconstruction project when TXDOT reworks the intersection of SH 205 and FM 740. The right-of-way acquisition required will essentially require the removal or relocation of the existing home. The owner, Ms. Rojas, is proposing to rezone to (GR) General Retail district and argues that the existing SF-10 zoning will make it difficult to sale or redevelop the property after the house is moved given the property's adjacency to FM 740. It is currently a rental property for the owner.

The zoning pattern for S. Goliad between City Hall and the split with FM 740 is already General Retail, with the exception of the Canup property directly north of Ms. Rojas lot. Mr. Canup's property was rezoned in 2005 to PD-62, primarily because it included property adjacent to Alamo Rd which was designated within the PD as SF and Zero-lot line. The two structures fronting Goliad/Ridge were designated for GR within PD-62.

Generally, more intense and/or invasive uses are either not permitted in "GR" or require case-by-case consideration via the Specific Use Permit process (such as commercial amusement, convenience store with more than 2 gas dispensers, auto repair, car wash, etc). Several uses are prohibited or restricted by the Residential Adjacency Standards within the Unified Development Code. The tree preservation requirements and all other applicable codes are also in place to ensure proper development of this property.

Staff feels that consideration of the zoning change is reasonable, given the affect of the TXDOT ROW acquisition and the heavy traffic that exists at this location.

Staff feels the owner may be correct in presuming that the property will be very difficult to market as residential property if the existing structure is damaged by the ROW take. After reviewing the lot configuration, it appears there will be a sufficient building pad on the property for a smaller office/retail development. There is a minimum 20-ft side/rear setback for GR lots adjacent to SF lots and a minimum 15-ft setback from both street frontages. Given those setbacks, there still appears to be a building pad ranging from approximately 35-ft deep at the south end to 45-ft deep at the north end, with a likely orientation towards FM 740. There is also an existing treeline along the west property line that could serve as an effective buffer between the lot and the other residential properties on Glenn Avenue.

Notices were mailed to the 16 property owners within 200-ft of this tract, and at the time of this report two (2) responses "in favor" and two (2) responses "in opposition" had been returned (approximately 8.3%).

Staff Recommends approval of the request.

Bricker opened the public hearing.

Ms. Mary Ann Rojas, the applicant, came forward to address the commission and answer any questions.

Ms. Jo Cobb, owner of 810 S. Alamo, came forward to address the commission and express her opposition to this property being rezoned to general retail. She informed the commission that she does not believe that this neighborhood needs commercial development within it. She stated that it is a nice charming older neighborhood with big trees and cute homes.

Mr. Joe Richeson, of 106 Glenn Avenue, came forward to address the commission and express his opposition to this zoning change. He informed them that he didn't want a business that is accessed off of Glenn Avenue and thinks that people would be parking on the street and causing an increase in traffic and congestion on the street. He stated that he didn't buy the house and invest money into it just to have a commercial establishment within fifty feet of it.

Mr. Ken Melston, of 805 S. Alamo, came forward to address the commission and express that he is opposed to the zoning change from SF to GR. He expressed that this is spot zoning and spot zoning should never happen. He felt that it would change the entire street in the future.

Mr. Hulen McFarlin, of 105 Glenn Avenue, came forward to address the commission and explain that he is opposed to the zoning change as requested. He expressed that he thought parking would be a problem because it is already a problem being zoned SF.

Ms. Hester Newell, of 106 Glenn, came forward to address the commission and express that she is opposed to the zoning change. She also informed the commission that there is currently not enough parking and cars already park in front of her house.

Mr. Jerry Hoover, of 110 Glenn Avenue, expressed that he his opposed to the zoning change.

Ms. Rojas, the applicant, came back forward to address the commission and address the public's concerns.

Bricker asked if anyone else wished to speak. There being no response he closed the public hearing.

Cotti expressed that he could not support rezoning a single property on a residential street to General Retail. He informed the commission that he thinks it's in the best interest of the city for this property to remain Single Family.

Milner asked where the parking would be located and where the access to this lot would be located. He also expressed that he would hate to see this property lose its value by leaving it zoned Single Family.

Hunter discussed how all the properties along Ridge Road are changing their uses to Residential Office and General Retail. He expressed that he thought it would be in the best interest of the neighborhood to turn the house and face it to Ridge Road and use it as a buffer between the road and the neighborhood.

After further discussion, Milner made a motion to approve the request by Mary Ann Rojas for a change in zoning from (SF-10) Single Family Residential District to (GR) General Retail district on a 0.28-acre tract being Lot 6, Block 1, L&W Addition, located at 102 Glenn Ave.

Hunter seconded the motion. The motion was voted on and passed 4 to 3, with Cotti, Bricker and Smith voting against.

Chairman Bricker called for a five minute break at 7:38 pm. The meeting reconvened at 7:45 pm.

#### **Z2007-015**

**Hold a public hearing and consider a request by Jacques Roy for approval of a Specific Use Permit (SUP) allowing for a "Landing/Stairs exceeding the maximum requirements" within the Lake Ray Hubbard Takeline Overlay (TL OV) District, in the take area adjacent to their property at 1320 Coastal Drive, being Lot 56, Block F, Hillside Phase 5 (The Shores) Addition, and take any action necessary.**

Hampton stated that the applicant has made a request for approval of a Specific Use Permit (SUP) allowing for a landing/stairs that exceeds the requirements specified within the Lake Ray Hubbard Takeline Overlay (TL OV) District, in the take area adjacent to their property at 1320 Coastal Drive. The applicants currently have a lease agreement with the City, and attached to this report is a memo and other information from Brad Griggs, Parks Director, in response to comments made by the applicant at the May 29 worksession.

Staff has also attached the requirements for landing/stair structures in the takeline. The applicant's request exceeds the allowed 8'x8' landing area by proposing a 12'x20' landing area. In addition, the proposed exterior material for the structure is "Nextstone" or "Veneerstone"; however, the applicant expressed at the worksession a willingness to use natural stone to comply with the regulations. He also stated that the stairs would be constructed parallel to the retaining wall to comply with takeline requirements.

As the Commission and Council are aware, the applicant commenced construction of the landing/stairs with storage incorporated underneath without a building permit. The owner is requesting the 240-sf storage area for storage of kayaks, lawn care equipment and other items such as tables/chairs for private use in the takeline. The subject site is one of several lots on Coastal Drive and a few others in the Hillcrest Shores Phase 3 Addition where the property owner will be able to utilize an area underneath the landing for storage, given the unique grade differential.

Sixteen (16) notices were sent to property owners within 200-ft of the site, and eight (8) have been returned "in favor."

If request is approved, Staff offers the following conditions:

1. Submittal and approval of a building permit shall be required.
2. The maximum landing area shall be 240-sf (12' x 20').
3. The exterior building materials of the landing/stairs and associated storage shall be natural stone and iron railings in accordance with takeline requirements.
4. The stairs shall be constructed parallel to the existing retaining wall.
5. All other requirements specified for "Landing/Stairs" in the takeline ordinance shall be met.

Bricker opened the public hearing.

Mr. Jaques Roy, the applicant, came forward to address the commission and answer any questions and request for approval.



Bricker asked if anyone else wished to speak. There being no response he closed the public hearing.

After brief discussion, Cotti made a motion to approve the request by Jacques Roy for approval of a Specific Use Permit (SUP) allowing for a "Landing/Stairs exceeding the maximum requirements" within the Lake Ray Hubbard Takeline Overlay (TL OV) District, in the take area adjacent to their property at 1320 Coastal Drive, being Lot 56, Block F, Hillside Phase 5 (The Shores) Addition, as recommended by staff and with the following condition:

1. Items allowed to be stored under the landing/stairs shall include a kayak, chairs and tables, and lawn maintenance equipment. However, no extra fuel or other chemicals shall be stored.

Hunter seconded the motion. The motion was voted on and passed 4 to 3 with Jackson, Bricker and Smith voting against.

#### **Z2007-016**

**Hold a public hearing and consider a request by Jacques Roy for approval of a Specific Use Permit (SUP) allowing for a "Deck/patio exceeding the maximum requirements" within the Lake Ray Hubbard Takeline Overlay (TL OV) District, in the take area adjacent to their property at 1320 Coastal Drive, being Lot 56, Block F, Hillside Phase 5 (The Shores) Addition, and take any action necessary.**

Hampton stated that the applicant has made a request for approval of a Specific Use Permit (SUP) allowing for a deck/patio that exceeds the requirements specified within the Lake Ray Hubbard Takeline Overlay (TL OV) District, in the take area adjacent to their property at 1320 Coastal Drive.

Staff has attached the requirements for deck/patio structures in the takeline. The applicant's proposal does not meet the minimum 20-ft side setback requirement, as he is requesting that the patio be constructed to the property line. The revised proposal for an 18'x60' patio (1080-sf) exceeds the maximum 1000-sf allowance. Staff would recommend that the patio size be reduced to 16'x60' to meet requirements. In addition, the proposed material for the patio is concrete pavers instead of the required "water resistant wood" or "native stone." The applicant desires to tie-in the patio to the 6-ft concrete sidewalk the engineering department requires in conjunction with seawall structures.

Sixteen (16) notices were sent to property owners within 200-ft of the site, and eight (8) have been returned "in favor."

If request is approved, Staff offers the following conditions:

1. Submittal and approval of required building permit(s).

2. The patio shall be constructed in accordance with the site plan attached as Exhibit "A."
3. The patio shall comply with all other City of Rockwall Codes and the specifications set forth in the takeline Overlay district.
4. The maximum size of the patio shall be 16-ft x 60-ft, or 960-sf.
5. The materials for the patio shall be concrete pavers.

Bricker opened the public hearing.

Mr. Jaques Roy, the applicant, came forward to address the commission and answer any questions and request for approval. He said the patio size will be 16-ft, not 18, and that he wanted to use concrete pavers. He stated the reason for the design that extends to each side property line was to cover the all of the fill that now exists due to the seawall having to be constructed further out into the lake.

Bricker asked if anyone else wished to speak. There being no response he closed the public hearing.

After brief discussion, Cotti made a motion to approve the request by Jacques Roy for approval of a Specific Use Permit (SUP) allowing for a "Deck/patio exceeding the maximum requirements" within the Lake Ray Hubbard Takeline Overlay (TL OV) District, in the take area adjacent to their property at 1320 Coastal Drive, being Lot 56, Block F, Hillside Phase 5 (The Shores) Addition, as recommended by staff.

Hunter seconded the motion. The motion was voted on and passed 7 to 0.

#### **Z2007-017**

**Hold a public hearing and consider a request by Barry Greenlee for approval of a Specific Use Permit (SUP) allowing for a "Landing/Stairs exceeding the maximum requirements" within the Lake Ray Hubbard Takeline Overlay (TL OV) District, in the take area adjacent to their property at 1290 Coastal Drive, being Lot 1, Block F, Crestview Phase 3 (The Shores) Addition, and take any action necessary.**

Hampton outlined that the applicant is requesting approval of a specific use permit (SUP) to allow a landing/stairs exceeding the maximum requirements within the Lake Ray Hubbard Takeline Overlay (TLOV) District. The property is located at 1290 Coastal Drive adjacent to the takeline area. The applicant has stated that the landing/stairs was constructed by the builder with the construction of the home. This construction occurred prior to the establishment of the leasing agreement with the City of Dallas and prior to the creation of the Overlay District. Recently, the Takeline District was amended to better clarify the definition of

landing/stairs and to set maximum parameters for building such structures adjacent to retaining walls. The regulations state the following:

“A landing with stairs exceeding the maximum requirements shall require a Specific Use Permit. A landing with stairs shall be constructed with exterior material of natural stone and iron railings. A landing with stairs will be limited to eight (8) feet by eight (8) measured at the top of the adjacent retaining wall and the staircase shall be parallel to the retaining wall with a maximum width of (6) feet. There will be a five (5) foot minimum setback on both side yards.”

The existing structure complies with the requirements specified, with the exception of the exterior materials requirements. The structure is constructed out of redwood and wooden railings. This structure was constructed prior to the Takeline agreement with the City of Dallas and was built by the builder, not the applicant. With this in mind, Staff believes that the approval of the specific use permit is justified; however, certain conditions should be included in order not to expand or perpetuate the structure should it be damaged or need to be rebuilt in the future.

Staff mailed out eighteen (18) notices to surrounding property owners and at this time we have received two (2) returned notices "in favor" of this request.

Staff Recommends approval of the request with the following conditions:

1. The existing structure shall not be enclosed below the landing.
2. The existing structure shall be replaced with a landing/stairs constructed in accordance with the takeline overlay standards (including exterior materials requirements) should the structure be damaged and repair costs exceed fifty (50%) percent of the total value.

Bricker opened the public hearing.

Mr. Greenlee, the applicant, came forward to address the commission and answer any questions and request for approval.

Bricker asked if anyone else wished to speak. There being no response he closed the public hearing.

After brief discussion, Cotti made a motion to approve the request by Barry Greenlee for approval of a Specific Use Permit (SUP) allowing for a "Landing/Stairs exceeding the maximum requirements" within the Lake Ray Hubbard Takeline Overlay (TL OV) District, in the take area adjacent to their property at 1290 Coastal Drive, being Lot 1, Block F, Crestview Phase 3 (The Shores) Addition, as recommended by staff.

Smith seconded the motion. The motion was voted on and passed 6 to 1 with Bricker voting against.

*Commissioner Milner recused himself due to a conflict of interest.*

**P2007-018**

**Hold a public hearing and consider a request by Chad Hudson for approval of a residential replat of Lot 6, Block C, Chandler's Landing Phase 19, being a part of the proposed final plat for Independence Pass Addition, which is 1.47-acres overall and zoned (PD-8) Planned Development No. 8 District, and also including the property currently described as Tract 136, Abstract 207, E. Teal Survey, situated along the west side of FM 740 (Ridge Rd) and at the south terminus of Independence Place, and take any action necessary.**

Hampton discussed that Mr. Hudson is requesting approval of a final plat of the Independence Pass Addition, being a 1.47-acre tract that includes a replat of Lot 6, Block C, Chandler's Landing Phase 19 and a replat of Lot 2, Scenic Estates. The entire property is zoned (PD-8) Planned Development No. 8 District. The 1.21-acre "Scenic Estates" lot was amended in 2005 (Ord 05-30) to allow for Single Family (SF-7) development. A condition with this amendment, however, is that no access to FM 740 is allowed. The amendment was initiated by the Chandler's HOA, who owned the property at that time. The previous use designated for the tract was a park site for the Chandler's Community, which never developed. Mr. Hudson has purchased the property along with the vacant Lot 6 in Phase 19 (which is also designated for single-family detached use) and wants to replat the consolidated property into three (3) lots for development. The three lots range in size from 17,737 sq. ft. to 23,914 sq. ft, all of which far exceed the minimum requirements.

In order to develop the property in this manner, however, the applicant is requesting a special exception to the minimum street frontage requirements. The minimum frontage requirement for SF-7 is 60-ft, while the Phase 19 area requirements (from Ord. 85-43) specify a minimum 50-ft "lot width." The proposed Lot 1 features 44.37-ft of frontage, Lot 2 features 20-ft frontage and Lot 3 features 29.23-ft frontage. An alternative for the applicant is to extend or expand the existing cul-de-sac for Independence Place; however, the mutual property corner of Lot 6 and Lot 5 (which is developed with a home) makes it difficult to extend the road. The developer considered expanding the cul-de-sac but believes the configuration of that road and the resulting lot layout would be less appealing and cost-prohibitive compared to what is proposed.

Both the Phase 19 requirements and the SF-7 zoning requirements specify a 20-ft front yard setback. The applicant has devised a plan that shows that driveways can be constructed despite the reduced lot frontages. Staff feels that consideration could be given to the exception request given the access restraints to the property, and would recommend that the front building setback could be moved back within each lot to a point where the lot width is at least 50-ft.

Being a residential replat, eight (8) notices were sent to property owners within 200-ft of the subject property, and at this time one (1) response "in opposition" has been returned. The applicant has submitted a letter of approval from Chandlers Landing Environmental Committee.

Staff Recommends approval of the request with the following conditions:

1. Adherence to engineering and fire department requirements.
2. Proper labels and dimensions of all existing and proposing utility, access and drainage easements.
3. Approval of special exception to be approved by Planning Commission and City Council for minimum lot frontage requirements.
4. The front building line for each lot shall be shown on the plat and must be located where there is a minimum lot width of 50-ft.

Bricker opened the public hearing.

Mr. Chad Hudson, applicant and Gary Thomas, an engineer on the project, came forward to address the commission and answer any questions and request for approval.

The Commission briefly discussed how each of the lots would be accessed with the narrow frontages and grading issues.

Bricker asked if anyone else wished to speak. There being no response he closed the public hearing.

Smith made a motion to approve the request by Chad Hudson for approval of a residential replat of Lot 6, Block C, Chandler's Landing Phase 19, being a part of the proposed final plat for Independence Pass Addition, which is 1.47-acres overall and zoned (PD-8) Planned Development No. 8 District, and also including the property currently described as Tract 136, Abstract 207, E. Teal Survey, situated along the west side of FM 740 (Ridge Rd) and at the south terminus of Independence Place, as recommended by staff.

Cotti seconded the motion. The motion was voted on and passed 6 to 0 with Milner abstaining.

## **ADDITIONAL DISCUSSION ITEMS**

Miscellaneous Discussion of Land Use Issues.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:36 p.m.

**AGENDA**  
**PLANNING AND ZONING COMMISSION WORKSESSION**  
**City Hall, 385 South Goliad, Rockwall, Texas**  
**Council Chambers**  
**June 26, 2007**  
**6:00 P.M.**

**CALL TO ORDER**

**ACTION ITEMS**

1. **P2006-027 (Michael)**  
Discuss and consider a request by Tim Thompson of Realty Capital for approval of an **extension**, in accordance with Section 24-8 of the City of Rockwall Subdivision Ordinance, for the preliminary plat for Lakes of Somerset Addition, being a 139.354-acre tract zoned (PD-63) Planned Development No. 63 district and located along the north side of S FM 549, east of SH 205 and west of Lofland Lake, and originally approved by City Council on August 21, 2006.
2. **SP2007-006 (Leslie)**  
Discuss and consider an *amended* request from Scott Barber of Z Projects, LLC for approval of an amended site plan for Lot 1, Block A, Walmart Supercenter Addition, specifically for construction of a drive-through ATM for Wells Fargo as an accessory structure to their existing bank located at 2334 Greencrest Drive, which is zoned (C) Commercial District and situated within the IH-30 Overlay district, and take any action necessary.
3. **P2007-024 (Leslie)**  
Discuss and consider a request by David Johnston of Quannah Hospitality Partners for approval of a replat of Lot 4, Block A, Newman Center Addition, specifically to abandon a portion of an existing drainage easement, being a 2.148-acre tract zoned (C) Commercial district and located at 1040 E. IH-30, and take any action necessary.

**PUBLIC HEARING ITEMS**

4. **Z2007-012 (Michael)**  
**Hold a public hearing** and consider a City-initiated request to rezone land of approximately 71.88-acres from Central Business (CBD) District, General Retail (GR) District, Single Family Residential (SF-7) District, Neighborhood Services (NS) District, Multi-Family Residential (MF-14) District, Planned Development No. 50 (PD-50) District, and Planned Development No. 55 (PD-55) District, to Downtown (DT) District in accordance with the City's approved Downtown Plan, and take any action necessary. The 71.88-acre (+/-) subject property is located in the downtown area of the City of Rockwall, Rockwall County, Texas and shall be incorporated as the **Downtown Regulating Plan Boundary**.

**DISCUSSION ITEMS**

5. **Z2007-020 (Leslie)**  
**Discuss** and consider a request by Karen Boykin for approval of a Specific Use Permit (SUP) allowing for a "Landing/Stairs exceeding the maximum requirements" within the Lake Ray Hubbard Takeline Overlay (TL OV) District, in the take area adjacent to their property at 1340 Coastal Drive, being Lot 54, Block F, Hillside Phase 5 (The Shores) Addition.
6. **Z2007-021 (Michael)**  
**Discuss** and consider a request by Gary DeFrain of The Cambridge Companies, Inc., for approval of a Specific Use Permit (SUP) allowing for a "Motor Vehicle Dealership" on a 8.686-acre tract zoned (PD-10) Planned Development No. 10 District and Commercial (C) District, located along the south side of I-30 east of Commerce St and west of the future 205 Bypass.

7. **a) SP2007-015 (Michael)**

Discuss and consider a request by Jed Dolson of Stone Creek SF, Ltd., for approval of a PD Site Plan for Stone Creek Addition, being approximately 373.62-acres zoned (PD-70) Planned Development No. 70 District and comprised of Tracts 1 and 2, Abstract 71, W.T. DeWeese Survey, and Tracts 2, 3 and 4, Abstract 131, S. King Survey, located along the east side of SH 205, south side of FM 552, west side of Hayes Rd and north side of Quail Run Rd, and take any action necessary.

**b) P2007-021 (Michael)**

Discuss and consider a request by Jed Dolson of Skorburg Company for approval of a preliminary plat for Stone Creek Addition, being approximately 373.62-acres zoned (PD-70) Planned Development No. 70 District and comprised of Tracts 1 and 2, Abstract 71, W.T. DeWeese Survey, and Tracts 2, 3 and 4, Abstract 131, S. King Survey, located along the east side of SH 205, south side of FM 552, west side of Hayes Rd and north side of Quail Run Rd, and take any action necessary.

8. **P2007-022 (Chris)**

Discuss and consider a request by Sam Ellis of XLNT Group, Inc., for approval of a final plat of Lot 1, Block D, North Lakeshore Valley Addition, being 1.543-acres zoned (PD-65) Planned Development No. 65 district (Ord. 06-02) and situated along the west side of SH 205 north of Old Quail Run Rd, and take any action necessary.

### **ADDITIONAL DISCUSSION ITEMS**

- Miscellaneous Discussion of Land Use Issues

## **ADJOURNMENT**

This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (972) 772-6406 for further information.

**Posted by 5:00 p.m. this 22<sup>nd</sup> day of June, 2007 by Kim Whitley**

**Minutes of  
PLANNING AND ZONING COMMISSION MEETING  
July 10, 2007**

**CALL TO ORDER**

The meeting was called to order by Chairman, Bill Bricker at 6:00 p.m. with the following members present; Connie Jackson, Bob Cotti and Michael Hunter. Commissioners Michael Lucas, Glen Smith and Earl Milner were absent.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, Kim Whitley and Leslie Ryan.

**CONSENT AGENDA**

1. ***Approval of Minutes*** for June 12, 2007 Planning and Zoning Commission meeting
2. ***Approval of Minutes*** for June 26, 2007 Planning and Zoning Commission meeting
3. **SP2007-015**  
Discuss and consider a request by Jed Dolson of Stone Creek SF, Ltd., for approval of a PD Site Plan for Stone Creek Addition, being approximately 373.62-acres zoned (PD-70) Planned Development No. 70 District and comprised of Tracts 1 and 2, Abstract 71, W.T. DeWeese Survey, and Tracts 2, 3 and 4, Abstract 131, S. King Survey, located along the east side of SH 205, south side of FM 552, west side of Hayes Rd and north side of Quail Run Rd, and take any action necessary.
4. **P2007-021**  
Discuss and consider a request by Jed Dolson of Skorborg Company for approval of a preliminary plat for Stone Creek Addition, being approximately 373.62-acres zoned (PD-70) Planned Development No. 70 District and comprised of Tracts 1 and 2, Abstract 71, W.T. DeWeese Survey, and Tracts 2, 3 and 4, Abstract 131, S. King Survey, located along the east side of SH 205, south side of FM 552, west side of Hayes Rd and north side of Quail Run Rd, and take any action necessary.

Cotti pulled Consent Agenda items #1 and #2 to discuss a few changes.

Cotti made a motion to approve consent agenda items #3 and #4.

Jackson seconded the motion. The motion was voted on and passed 4 to 0.

Cotti discussed the change on the minutes of June 12, 2007.



Cotti made a motion to approve the minutes for June 12, 2007.

Jackson seconded the motion. The motion was voted on and passed 4 to 0.

Cotti discussed the change on the minutes of June 26, 2007.

Cotti made a motion to approve the minutes of June 26, 2007.

Hunter seconded the motion. The motion was voted on and passed 4 to 0.

## **PUBLIC HEARING ITEMS**

### **Z2007-012**

***Continue* a public hearing and consider a City-initiated request to rezone land of approximately 71.88-acres from Central Business (CBD) District, General Retail (GR) District, Single Family Residential (SF-7) District, Neighborhood Services (NS) District, Multi-Family Residential (MF-14) District, Planned Development No. 50 (PD-50) District, and Planned Development No. 55 (PD-55) District, to Downtown (DT) District in accordance with the City's approved Downtown Plan, and take any action necessary. The 71.88-acre (+/-) subject property is located in the downtown area of the City of Rockwall, Rockwall County, Texas and shall be incorporated as the Downtown Regulating Plan Boundary.**

Hampton stated that this was a continuation of the public hearing from the June 26<sup>th</sup> meeting. He outlined that a key component in the implementation of the Downtown Plan adopted by the City Council in November 2004 is the rezoning of property identified as part of the expanded downtown district. The City Council approved amendments to the Unified Development Code earlier this year (Ord. 07-06) to establish the new Downtown (DT) District and associated "form-based" development standards. The next step in implementing the district is the formal rezoning process for the properties that have been identified in the Downtown Plan. Staff has drafted a boundary for the Downtown Regulating Plan (enclosed in your packets) for consideration by the Planning Commission and City Council.

The proposed "Regulating Plan" specifies which blocks within the district are required to feature "retail at grade," as well as identifies the "Historic Core." Both of these are referenced in the DT district requirements and must be identified on the approved Regulating Plan.

The original boundary identified in the Downtown Plan - generally extending to Olive Street on the north, 2nd Street on the west, Storrs Street on the south and San Augustine Street to the east - has been applied. In addition, staff has proposed to extend the boundary in certain locations to include the following additional parcels:

1. Smitty's Restaurant and former Tropical John's (Thomas and Smith Addition). These are existing non-residential parcels located north of Olive Street. Staff has proposed to rezone these properties that serve as an entry into downtown, and to remove PD-55 which limits the use at 302 Williams to a landscape/nursery business.
2. 401, 403 and 405 E. Kaufman Street. These properties are located east of San Augustine. However, San Augustine terminates on the south side of Kaufman, and staff proposes to extend the boundary to San Antonio and include these three homes on Kaufman that are adjacent to Lofland Park.
3. 409 W. Washington. This property is located west of 2nd Street; however, including this property would bring all property "inside" of the City cemetery boundary into the Downtown District.

The proposed rezoning encompasses approximately 177 unique parcels, most of which are zoned (CBD) Central Business District or (GR) General Retail district. There are approximately 12 properties included that are situated within the existing Old Town Rockwall Historic District and one individual "landmark" property (102 N. Fannin). These properties will remain protected if the underlying zoning change is approved.

There are a limited number of existing single family detached homes in the proposed district, some of which are currently zoned SF-7. While new detached single family use is not permitted within the DT district, and the existing single family would essentially become legal non-conforming uses, there are allowances for "urban residential" and a wide variety of non-residential uses within the district that enables a continued life for those homes and properties.

There are also several established businesses in the existing CBD and GR areas that would become (or in most cases, continue as) legal non-conforming uses. These include vehicle sales, warehousing, service stations, and other like uses. It should be noted in each of these cases the land uses shall continue legally until such time they are destroyed or damaged, vacated for 6 months or longer, or redeveloped.

Notices were sent to 383 property owners (177 inside the proposed district, and an additional 206 owners within 200-ft of the proposed district). As of July 5, 2007, three (3) notices "in favor" and six (6) notices "in opposition" have been returned. Staff also posted four (4) signs specifically created for the proposed zoning at the primary entry points.

Staff Recommends approval of the request.

At the 7/9/07 "special meeting," the Historic Preservation Advisory Board recommended approval of rezoning for the Downtown (DT) District as presented by Staff, except that the following properties should be removed from the district: *401, 403 and 405 E. Kaufman Street, and 310 E. Washington Street.*

Bricker continued the public hearing and asked if anyone wished to speak.

Ms. Lena Mooney, of 403 E. Kaufman, came forward to address the commission and express her opposition to the downtown zoning change. She explained that she has lived in her home her whole life and feels that it is part of Old Town Rockwall and should remain zoned single family.

Mr. Johnny Johnson, of 303 N. Clark and 307 E. Kaufman, came forward to express that he is opposed to the downtown zoning change. He explained that he thought the zoning change would eventually destroy the community and it wouldn't look like Old Town Rockwall anymore.

Mr. Ron Harper, a representative of the HPAB, came forward to address the commission. He informed the commission that the board was in favor of the zoning change with the exception of removing those four single family properties. He explained that the reasoning behind removing those properties was to keep the park separated from retail and townhome development.

Mr. Mark Russo, another representative of the HPAB, came forward to address the commission. He further explained that the board believed rezoning those properties was pushing the commercial too far out into the single family district. They felt by removing those properties they were evening out the boundary line of the district.

Mr. Mike Pittman, of 300 Munson, came forward to express his opposition of the zoning change. He explained how he and his neighbors helped build up the neighborhood and replace the shelters at Lofland Park. He informed the commission that the properties next to the park should not be included as part of the downtown district and he believed those and the condos on South Fannin should be removed from the zoning change.

Mr. Bricker asked if anyone else wished to speak. There being no response, he closed the public hearing.

Cotti addressed Ms. Mooney's comment and informed her that this zoning change would not take away any of her residential rights and would not take away her property. He informed the citizens that the zoning change is intended to provide opportunities for growth to the downtown community, and not to take away anybody's rights.

Cotti also expressed gratitude towards the Historic Preservation Advisory Board for calling the special meeting.

Bricker asked Mr. LaCroix if the single family properties could be rebuilt if damaged or destroyed.

Mr. LaCroix informed him that the property would not be able to be rebuilt as single family detached unless they requested a major waiver from City Council and the Board of Adjustment. He also reiterated that this zoning change would not take away any of the current residential uses. As long as the home is occupied as a single family home then it will remain that use, and the homes within the historic district will remain within the historic district.

Bricker stated this is a very long-term change, and it will take some development pressures to really make something happen downtown. Nobody will be able to force Ms. Mooney from her home as long as she doesn't want to move. He has not yet heard a compelling reason to change the boundaries of the rezoning as proposed.

Hunter disagreed, and said he has had a problem with the one section along Lofland Park. He thinks the HPAB has some good points and would be in favor of sending this to Council without the three Kaufman properties.

Bricker asked what Hunter thought about 310 E Washington. Hunter stated he was ok with leaving this property within the boundary.

Cotti asked about the property immediately east of 310 E Washington. Hampton stated it was a residential home. Cotti stated he agreed with Hunter and the Historic Board about removing the three properties on Kaufman.

Jackson asked Mr. LaCroix if it was normal to change the zoning line in the middle of a block.

Mr. LaCroix informed her that typically the zoning lines follow streets or right of way lines and in some cases alleys. He briefly expressed some of the reasoning behind rezoning those single family lots and what the intent was for developing that area within the downtown district, and including Lofland Park into the downtown district. The park has been somewhat unknown until recent development that has happened around it, and the idea is to continue to enhance the park as an amenity by encouraging other development around the park. This could include higher density residential, though not necessarily multi-family. It could develop as urban residential or townhomes.

LaCroix continued by stating the overall plan is about creating opportunities not only around Lofland Park, but the entire downtown area. This is why the proposed boundary includes much more than just the downtown square. The City's population is not stopping at 30,000. It will continue to grow and change and this plan is about creating opportunities for downtown revitalization as the City evolves.

Cotti made a motion to approve the City-initiated request to rezone land of approximately 71.88-acres from Central Business (CBD) District, General Retail (GR) District, Single Family Residential (SF-7) District, Neighborhood Services (NS) District, Multi-Family Residential (MF-14) District, Planned Development No. 50 (PD-50) District, and Planned Development No. 55 (PD-55) District, to Downtown (DT) District in accordance with the City's approved Downtown Plan, as recommended by staff and with the following stipulation:

1. Remove 401, 403 and 405 E. Kaufman from the Downtown District.

Hunter seconded the motion. The motion was voted on and failed 2 to 2, with Bricker and Jackson voting against.

Hunter asked if there should be an opportunity to raise an alternative motion. Cotti stated that after all the work and effort that has been done for Downtown, he would not want to send a failed motion to the City Council.

Jackson explained that she is really bothered by splitting the zoning of the Kaufman block in half, and then made a motion to approve the City-initiated request to rezone land of approximately 71.88-acres from Central Business (CBD) District, General Retail (GR) District, Single Family Residential (SF-7) District, Neighborhood Services (NS) District, Multi-Family Residential (MF-14) District, Planned Development No. 50 (PD-50) District, and Planned Development No. 55 (PD-55) District, to Downtown (DT) District in accordance with the City's approved Downtown Plan, as recommended by staff.

Bricker seconded the motion.

Hunter asked for further clarification on why the three properties on Kaufman is recommended to be included. It appears that most of what he's heard about redeveloping around the park could be accomplished without including these three lots. LaCroix disagreed, and stated the reason is that there is a minimum land area needed for someone to really take on a project, and that without the opportunity to consolidate a larger amount of land, it's unlikely anything would happen. It's also important to remember that 405 Kaufman is vacant, and on the east side of that lot is undeveloped right-of-way. So in essence, the argument is really over two existing single family properties. The right-of-way would likely never be developed, and probably would remain as a green belt tying into Lofland Park. Immediately across the street is the southwestern bell telephone facility that is not going away for many years. This is why the proposed boundary seemed to be more logical from a planning standpoint, and also what is meant by enhancing the park area.

Cotti commented that he will make a different vote. He stated staff will provide the Historic Preservation Advisory Board's recommendation to Council along with the Planning Commission, so it will not be lost. Cotti would rather see a positive

recommendation from the Commission, and agreed with Jackson's justification for the alternative motion.

Bricker explained that in his appointment with Council at their meeting, he will present all findings of the Commission and explain the dilemma they had over these three properties.

The motion was voted on and passed 4 to 0.

#### **Z2007-020**

**Hold a public hearing and consider a request by Karen Boykin for approval of a Specific Use Permit (SUP) allowing for a "Landing/Stairs exceeding the maximum requirements" within the Lake Ray Hubbard Takeline Overlay (TLOV) District, in the take area adjacent to their property at 1340 Coastal Drive, being Lot 54, Block F, Hillside Phase 5 (The Shores) Addition, and take any action necessary.**

Ryan informed the commission that the applicant, David & Karen Boykin, is requesting approval of a specific use permit (SUP) to allow a landing/stairs exceeding the maximum requirements within the Lake Ray Hubbard Takeline Overlay (TLOV) District. The applicant's property is located at 1340 Coastal Drive adjacent to the takeline area. This construction occurred without a building permit. Recently, the Takeline District was amended to better clarify the definition of landing/stairs and to set maximum parameters for building such structures adjacent to retaining walls. The regulations state the following:

"A landing with stairs exceeding the maximum requirements shall require a Specific Use Permit. A landing with stairs shall be constructed with exterior material of natural stone and iron railings. A landing with stairs will be limited to eight (8) feet by eight (8) measured at the top of the adjacent retaining wall and the staircase shall be parallel to the retaining wall with a maximum width of (6) feet. There will be a five (5) foot minimum setback on both side yards."

The existing structure complies with the requirements specified, except the minimum side yard setback of 5-ft. The structure is constructed out of stone matching the retaining wall and black iron railings. The open area under the structure should be enclosed because the opening abuts the property line and may not be accessible in the future. Staff believes that the approval of the specific use permit is a judgment call for the Planning and Zoning Commission and City Council. Conditions should be included in order not to expand or perpetuate the structure should it be damaged or need to be rebuilt in the future.

Staff mailed out Sixteen (16) notices to surrounding property owners and at this time we have received six (6) returned notices "in favor "of this request.

If request is approved, Staff offers the following conditions:

1. Submittal and approval of a building permit shall be required.
2. Existing opening shall be enclosed with matching stone, or with another material(s) as approved by the Planning and Zoning Commission and City Council (e.g. Decorative iron or wood).
3. If the Specific Use Permit is approved, the applicant shall be required to lease the take line area.

Bricker opened the public hearing and asked if anyone wished to speak.

Karen Boykin, applicant, was present to answer any questions.

Jackson asked if the applicant had considered what they want to cover the opening with. Mrs. Boykin stated she had some of the stone left over from when it was constructed, and would use that material.

There being no response he closed the public hearing.

Cotti made a motion to approve the request by Karen Boykin for approval of a Specific Use Permit (SUP) allowing for a "Landing/Stairs exceeding the maximum requirements" within the Lake Ray Hubbard Takeline Overlay (TL OV) District, in the take area adjacent to their property at 1340 Coastal Drive, being Lot 54, Block F, Hillside Phase 5 (The Shores) Addition, as recommended by staff and with the following stipulation:

1. The existing opening must be enclosed with matching stone.

Hunter stated he felt like the owner should have more flexibility in what they used to cover the opening.

Jackson seconded the motion. The motion was voted on and passed 3 to 1 with Hunter voting against.

#### **Z2007-021**

**Hold a public hearing and consider a request by Gary DeFrain of The Cambridge Companies, Inc., for approval of a Specific Use Permit (SUP) allowing for a "Motor Vehicle Dealership" on a 8.686-acre tract zoned (PD-10) Planned Development No. 10 District and Commercial (C) District, located along the south side of I-30 east of Commerce St and west of the future 205 Bypass, and take any action necessary.**

Hampton stated that the applicant, Gary DeFrain of The Cambridge Companies, Inc., has submitted an application for a Specific Use Permit to allow for new car dealership within the Commercial zoning district. The proposed dealership (Honda) is situated on 8.6-acres out of the larger tract of land The Cambridge Companies has owned for many years along the south side of I-30 and bisected by the future 205 Bypass. The subject site is west of the future 205

Bypass and I-30 intersection, and immediately east of the existing Yamaha/Airstream boat and trailer dealership that occupies the former Church of Christ property.

A representative for Honda, John Praisler of Design Forum, has indicated that the SUP request is to obtain the necessary entitlements to purchase the land for development at a future date. Staff recommended that a conceptual site plan and building elevations be submitted for the Planning and Zoning Commission and City Council to consider for the proposed use.

There are two primary site planning issues that staff has identified. First, the I-30 Overlay requirement for cross access is not completely addressed on the proposed plan. The applicant has shown a "fire lane easement" that would tie into the existing cross access easement located on the Yamaha/Airstream property to the east. However, the dealer has expressed a preference that this not be a cross access easement open to the public at all times. Additionally, there are several service bay doors along the front elevation that constitutes a variance to the Unified Development Code.

The building elevations have been revised since the Planning Commission worksession on June 26, 2007, and appear to meet the building material requirements using a combination of brick and natural stone. However, the building falls short of the four-sided architecture requirements, building articulation standards and other design criteria set forth in the Code. Additionally, it is anticipated that a different architect would take on this project when it is ready to be developed and finish out the design.

Unless the Planning Commission and City Council are comfortable with the proposed layout and/or building elevations, staff would not recommend that the site plan and elevations be attached to an approved SUP ordinance. Instead, staff would recommend that a condition be included requiring a full site plan submittal, including Architectural Review and consideration of any variances, at a future time. In this scenario, the Commission and Council would only be considering the proposed land use at this time.

Staff mailed notices to four (4) owners within 200-ft of the subject property, and has received one response "in favor."

If request is approved, Staff offers the following conditions:

1. Approval of the Specific Use Permit (SUP) is for the proposed land use only (i.e. "Motor Vehicle Dealership, New").
2. Future site plan submittal and approval shall be required, including Architectural Review and adherence to all standards specified in the IH-30 Overlay district and other sections of the Unified Development Code.



3. Any variance to the IH-30 Overlay district or other section of the Unified Development shall be considered at the time of site plan approval, including requirements for cross access, building design and materials, and any other site development requirements.
4. The SUP shall expire if development has not commenced within three (3) years from the approval date of the SUP ordinance.

Hunter asked if the three year expiration was appropriate. Hampton replied that expirations have been written into SUPs in the past, and the reasoning for the three year time period is to provide the developer the time to go through the somewhat unique process for car dealers, where other dealers in the region are notified and have opportunities to protest.

Bricker opened the public hearing.

Mr. John Praisler, with Design Forum Architects and a representative of the applicant, came forward to address the commission and request approval. He feels the recommendations from staff are acceptable.

After some additional discussion, Bricker asked if anyone else wished to speak. There being no response he closed the public hearing.

Cotti made a motion to approve the request by Gary DeFrain of The Cambridge Companies, Inc., for approval of a Specific Use Permit (SUP) allowing for a "Motor Vehicle Dealership" on a 8.686-acre tract zoned (PD-10) Planned Development No. 10 District and Commercial (C) District, located along the south side of I-30 east of Commerce St and west of the future 205 Bypass, as recommended by staff.

Jackson seconded the motion. The motion was voted on and passed 4 to 0.

Chairman Bricker called for a ten minute break at 7:22 pm. The meeting reconvened at 7:32 pm.

## **SITE PLANS/ PLATS**

### **P2007-019**

**Discuss and consider a request by William Stueber of CPH Engineers for approval of a final plat of Rockwall Centre Corners Addition, being 33.14-acres zoned (C) Commercial district and situated along the south side of IH-30, east side of SH 205 and north side of SH 276, and take any action necessary.**

Spencer outlined that the subject request is a final plat for a 7-lot, 33.14-acre commercial development to be known as the Rockwall Centre Corners Addition. The development has frontage on I-30 to the northwest, SH 205 to the west, and SH 276 to the south. The subject site is zoned (C) Commercial district and is

located within the I-30 Overlay district, the SH 205 Overlay district and the SH 276 Overlay district. All lots within the development shall be subject to site plan application (including but not limited to: site plan, landscape plan, photometric plan, lighting cut-sheets, building elevations, and building material samples) review/approval.

#### Access & Driveways

The final plat proposes five (5) drives to service the site. Two (2) drives will provide access from I-30, one drive will provide access from SH 205 and two drives will provide access from SH 276.

The site plan, preliminary plat and final plat for the adjacent Toyota Dealership to the east was approved by the Planning and Zoning Commission and City Council with an access/mutual drive easement drive from I-30 to be shared with the subject site. The I-30 Overlay district requires that developments provide joint/cross access to adjoining properties. An existing mutual access and utility easement was previously filed by separate instrument and will provide joint access with the Toyota. The proposed drives on I-30 have been conceptually approved by TX Dot and the City of Rockwall Engineering Department.

The proposed drive located on SH 205 has been altered to reflect one mutual access drive for the subject site and the adjacent existing convenience store as required by TX Dot and the City of Rockwall Engineering Department. The proposed mutual access drive will be constructed during the SH 205 roadway reconstruction.

The proposed drive on SH 205 and the two (2) drives on SH 276 appear to meet the City of Rockwall spacing standards and have conceptual approval from TX DOT.

#### Open & Green Space (floodplain & trees)

The applicant is proposing to remove the existing trees and drainage ditch located at the southwest corner of the site. In an effort to mitigate the removal of any protected trees and alteration of any drainage areas the applicant is proposing a Conservation/Drainage Easement and Tree Mitigation area located along and inside the Buffalo Creek drainage area at the rear of the site. The applicant is also proposing roughly 0.78 miles in trails located along the perimeter of the proposed Conservation Easement. Much of the proposed tree mitigation will go into "Tree Planting Areas" located within the Conservation Easement. The applicants Environmental Engineer informed staff that they believe additional trees in the proposed easement will provide a greater benefit to wildlife that inhabits Buffalo Creek.

With the eventual development of the property located on the opposite side of Buffalo Creek and the reconfiguration of SH 276 staff feels that a Conservation Easement with pedestrian trails will facilitate a walkable/pedestrian friendly

environment for existing and future neighborhoods. In staff's opinion the protection of Buffalo Creek as a natural drainage area and as a habitat for wildlife are top priorities not just for the site but for the entire city.

The final tree survey and landscape plan indicates the required mitigation of 1,160-inches from the site at this time, with the entire 1,160-inches of mitigation to be planted back on-site and in the conservation easement.

#### Drainage System

A regional detention system is being proposed and will be located entirely on Lot 1. The final plat shows that some of the required detention is to be located in the mitigated floodplain. A 404 permit by the U.S. Army Corps Of Engineers and approval of engineering plans by the City of Rockwall are required prior to any work in or alteration of the floodplain.

The final plat appears to comply with all area requirements of the (C) Commercial district and staff is recommending approval.

Staff recommends approval subject to the following conditions:

1. Adherence to all Engineering and Fire Department standards and regulations.
2. That the Deed Restrictions be filed requiring the establishment of a Conservation/Drainage Easement for the Buffalo Creek area adjacent to this plat. The Deed Restrictions shall be reviewed by staff and the city attorney prior to filing for record.

Mr. Bill Stueber, the applicant, came forward to address the commission to answer any questions and request for approval.

LaCroix stated that the City will require that a copy of the deed restrictions be submitted to the City for review prior to this case being reviewed by City Council, but the Commission could make a recommendation.

After brief discussion, Hunter made a motion to approve the request by William Stueber of CPH Engineers for approval of a final plat of Rockwall Centre Corners Addition, being 33.14-acres zoned (C) Commercial district and situated along the south side of IH-30, east side of SH 205 and north side of SH 276, as recommended by staff.

Cotti seconded the motion. The motion was voted on and passed 4 to 0.

#### **P2007-022**

**Discuss and consider a request by Sam Ellis of XLNT Group, Inc., for approval of a final plat of Lot 1, Block D, North Lakeshore Valley Addition, being 1.543-acres zoned (PD-65) Planned Development No. 65 district (Ord. 06-02) and**

**situated along the west side of SH 205 north of Old Quail Run Rd, and take any action necessary.**

Spencer stated that the final plat has been submitted by the applicant for a Daycare known as the Children's Lighthouse. The subject site is part of a larger development known as North Lakeshore Valley (NLV). Last year the Planning and Zoning Commission approved an overall site plan for the entire NLV development, a preliminary plat for the entire NLV development and a lot specific site plan for the Children's Lighthouse.

The site will be accessed via one (1) proposed drive from SH 205 (North Goliad) and through two (2) mutual access drives connecting to the adjacent lot to the south. The parking and fire lane/mutual access easements located on the adjacent lot to the south is being constructed as part of the proposed daycare.

The final tree survey and landscape plan indicates the required mitigation of 141.5-inches from the site at this time, with 84-inches to be planted back in. In addition to the 84-inches that are being planted back into the site the applicant is also receiving a tree preservation credit of 29.3-inches for trees (over 24-inches) saved on the site. The applicant has a mitigation balance of 28.2-inches to replace. The owner will be required to hold at least one tree transplant day prior to construction, with proper notice in the local paper and a sign posted on the property. Any transplanted trees will be credited towards the 141.5-inch mitigation balance. Staff would recommend that any outstanding balance thereafter be mitigated by the applicant establishing an account at a local nursery for the City to acquire trees to plant on City-owned properties and/or right-of-way in the area, or the developer may pay into the tree fund at \$125 per inch (i.e. \$3,525).

The subject property is zoned (PD-65) Planned Development No. 65 and is located within the North SH 205 Overlay District. The final plat appears to comply with all area requirements in the (PD-65) Planned Development No. 65 district and staff is recommending approval.

Staff Recommends approval of the request with the following conditions:

1. Engineering Plan Approval
2. Adherence to all Engineering and Fire Department standards.
3. Recording of all off-site easements and including all off-site easement recording information on the plat prior to city signature.
4. Common Area to be maintained by Property Owner Association, documents for which shall be submitted and reviewed prior to city signature of the final plat.

Mr. Vincent Hanlon, the owner, came forward to address the commission and answer any questions.

Jackson made a motion to approve the request by Sam Ellis of XLNT Group, Inc., for approval of a final plat of Lot 1, Block D, North Lakeshore Valley Addition, being 1.543-acres zoned (PD-65) Planned Development No. 65 district (Ord. 06-02) and situated along the west side of SH 205 north of Old Quail Run Rd, as recommended by staff.

Cotti seconded the motion. The motion was voted on and passed 4 to 0.

There being no other actions items the commission moved on to the discussion items.

## **DISCUSSION ITEMS**

### **Z2007-022**

***Discuss and consider a request by Mike and Paige Brown for approval of a Specific Use Permit (SUP) allowing for a landing/stairs exceeding the maximum requirements within the Lake Ray Hubbard Takeline Overlay (TL OV) District, in the take area adjacent to their property at 1160 Crestcove Drive, being Lot 21, Block B, Hillcrest Shores Phase 3 Addition.***

## **ADDITIONAL DISCUSSION ITEMS**

Miscellaneous Discussion of Land Use Issues.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:51 p.m.

**Minutes of  
PLANNING AND ZONING COMMISSION MEETING  
July 31, 2007**

**CALL TO ORDER**

The meeting was called to order by Chairman, Bill Bricker at 6:00 p.m. with the following members present; Connie Jackson, Bob Cotti, Michael Hunter, Michael Lucas, Glen Smith and Earl Milner.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, Kim Whitley and Leslie Ryan.

**CONSENT AGENDA**

**P2007-025**

**Discuss and consider a request by Scott Maynor of Isbell Engineering Group, Inc., for approval of a replat of Lot 1, Block 1, Chrysler Addition, being a 5.656-acre tract zoned (C) Commercial District and situated at the northwest corner of IH-30 and Kyle Drive within the IH-30 Overlay district, and take any action necessary.**

**P2007-026**

**Discuss and consider a request by Richard Akin of The Dimension Group for approval of a replat of Lot 1, Block A, Hillcrest Center Addition, being a 1.93-acre tract located at the northeast corner of FM 552 and SH 205, zoned (GR) General Retail district and situated within the North SH 205 Corridor Overlay district, and take any action necessary.**

Cotti made a motion to approve the consent agenda with staff conditions.

Smith seconded the motion. The motion was voted on and passed 7 to 0.

*Prior to the public hearing items, Architectural Review Board member John Lindsey provided comments to the Commission on the amended elevations for Rockwall Kia (see SP2007-013 below), and answered questions. The Architectural Review Board recommended approval of the changes, and felt like the material and color changes were acceptable.*

**PUBLIC HEARING ITEMS**

**Z2007-019**

**Hold a public hearing and consider a City-initiated request to amend the Unified Development Code of the City of Rockwall by adding the following new section: Section 6.2-1 (NGC OV) North Goliad Corridor Overlay District, and take any action necessary.**

Spencer stated that at the February 5, 2007 City Council meeting, the Council heard the views and recommendations from the Planning and Zoning Commission and Historic Preservation Advisory Board on the creation of a Historic District along North Goliad. At that point the Council elected to remand the North Goliad District issue back to the Planning Commission to formulate a workable alternative and to review that alternative with the Historic Board before proceeding back to Council. At the April 24, 2007, Planning & Zoning Commission Work Session, the Commission approved the draft proposal of the North Goliad Overlay District. At the June 4, 2007, City Council meeting, the Council reviewed the draft proposal and directed staff to start the public hearing process by a vote of 7-0.

In creating the draft proposal, the Planning and Zoning Commission identified generally recognized architectural styles (Bungalow, Cottage, Craftsman, Folk Victorian, and Queen Anne) they believed to be influential during the period of architectural significance along North Goliad. The proposed guidelines state that development within the corridor shall generally fit within one or more of the following architectural styles listed above.

All building elevations shall be submitted as part of the development application process for review by the Historic Preservation Advisory Board who shall forward a recommendation to the Planning and Zoning Commission.

In addition to architectural styles the Corridor Overlay District also provides standards for exterior signage and lighting. The standards for signage are consistent with the existing signs that have been approved by the Historic Preservation Advisory Board along North Goliad and the standards for lighting are consistent with those found in the Downtown Plan.

All development located within the proposed Corridor Overlay shall be subject to the Unified Development Code and PD-50 requirements.

Staff is recommending that the Historic Preservation Advisory Board begin working with the Planning and Zoning Commission in the research and identification of possible properties located with the Corridor Overlay District worthy of Landmark designation.

Notices were mailed to the one hundred fifty-five (155) property owners within 200-ft of this tract, and at the time of this report one response in opposition had been returned.

Staff Recommends approval of the request.

On July 19, 2007, the Historic Preservation Advisory Board recommended approval of the North Goliad Corridor Overlay district by a vote of 4-0 subject to minor wording changes in Section C. "Architectural Standards":

*"The development for the residential and commercial buildings shall generally recall historic themes but not attempt to duplicate one or more of the following architectural styles."*

Chairman Bricker opened the public hearing at 6:30 pm and asked if anyone wanted to speak.

Ms. Shelby Ward, of 905 N. Alamo, came forward to address the commission and express her opposition.

Ms. Betty Barton, of 406 N. Goliad, came forward to address the commission and ask a few questions and express her opposition.

Ms. Susan Wright, of 603 N. Goliad, came forward to address the commission and ask a few questions of staff.

Ms. Sara Driskell, of 196 Jacobs Crossing, came forward to address the commission and ask for clarification on some of the wording in the notice.

Bricker asked if anyone else wished to speak. There being no response he closed the public hearing at 6:52 pm.

Smith made a motion to approve the City-initiated request to amend the Unified Development Code of the City of Rockwall by adding the following new section: Section 6.2-1 (NGC OV) North Goliad Corridor Overlay District, as recommended by staff and without the amendment by the HPAB.

Cotti seconded the motion. The motion was voted on and passed 7 to 0.

#### **Z2007-018**

**Hold a public hearing and consider a City-initiated amendment to (PD-50) Planned Development No. 50 district (Ord. 05-35), specifically to amend Section 2 "Conditions," and take any action necessary.**

Spencer outlined that on June 4, 2007, the City Council directed staff to amend the existing PD-50. The PD is being amended to remove Section 2(3) "That development within the Planned Development be subject to the Commercial Guidelines of the Rockwall Historic District, as amended". Running concurrently with the proposed amendment to PD-50 is the proposed North Goliad Overlay and the proposed amendment to the Old Town Rockwall Historic District. Amending the PD will avoid potential conflicts between regulations and



guidelines in the development review process associated with the adoption of the North Goliad Overlay.

Notices were mailed to the one hundred fifty-four (154) property owners within 200-ft of this tract, and one response in opposition has been returned.

Staff Recommends approval of the request.

On July 19, 2007, the Historic Preservation Advisory Board recommended approval of the amendment to PD-50 by a vote of 4-0.

Bricker opened the public hearing at 6:54 pm and asked if anyone wished to speak. There being no response he closed the public hearing.

Jackson made a motion to approve the City-initiated request to amend (PD-50) Planned Development No. 50 district (Ord. 05-35), specifically to amend Section 2 "Conditions", as recommended by staff.

Hunter seconded the motion. The motion was voted on and passed 7 to 0.

#### **H2007-006**

**Hold a public hearing and consider a City-initiated request amending the Old Town Rockwall Historic District to remove properties located along the east side of North Goliad, and take any action necessary. The overall proposal is comprised of approximately 9.791-acres and includes those properties from 404 North Goliad to 912 North Goliad.**

Spencer stated that on June 4, 2007 the City Council directed staff to begin the proceedings to remove the properties located along the east side of North Goliad from the Old Town Rockwall Historic District. The subject site is comprised of approximately 9.791-acres, including those properties from 404 North Goliad to 912 North Goliad and is currently zoned "PD-50", Planned Development No. 50 for "R-O", Residential-Office uses.

The subject properties are being removed from the Old Town Rockwall Historic District in an effort to avoid conflicting regulations and guidelines with the proposed North Goliad Overlay. The amendment to the Old Town Rockwall Historic District is running concurrently with the proposed creation of the North Goliad Overlay District and the proposed amendment to the existing PD-50.

Ninety-nine (99) notices were sent out to the surrounding property owners within 200' of the subject tract, and at the time of this report one response in opposition had been returned. An additional courtesy notices was sent to all property owners within the Old Town Rockwall Historic District notifying of the Historic Preservation Advisory Board public hearing.

Staff Recommends approval of the request.

On July 19, 2007, the HPAB recommended approval of the "Old Town Rockwall" Historic district boundary amendment by a vote of 4-0.

Bricker opened the public hearing at 6:58 pm and asked if anyone wanted to speak. There being no response he closed the public hearing.

Cotti made a motion to approve the City-initiated request amending the Old Town Rockwall Historic District to remove properties located along the east side of North Goliad, and take any action necessary. The overall proposal is comprised of approximately 9.791-acres and includes those properties from 404 North Goliad to 912 North Goliad, as recommended by staff.

Smith seconded the motion. The motion was voted on and passed 7 to 0.

### **Z2007-023**

**Hold a public hearing and consider a City-initiated request to amend the Unified Development Code of the City of Rockwall (Ord. No. 04-38), specifically Article IV, Permissible Uses, Section 2, Use Standards, and take any action necessary.**

As the Planning and Zoning Commission and City Council are aware, the City is experiencing significant growth in the development of new restaurants, many of which feature an accessory private club in order to sale alcoholic beverages. Near the end of 2006, there were 19 active private clubs in the City. By the end of 2007, there will be an estimated 35 private clubs.

The private club ordinance of the City has been intact in its current format since the mid 1980s, with the exception of amendments approved in conjunction with the adoption of the Unified Development Code in June 2004, at which time the requirement for a Specific Use Permit was removed. With the current influx of restaurants, however, it has been noted that certain provisions of the ordinance have created issues, particularly for many of the upscale and higher volume franchise dining establishments. These provisions include the disallowance for a separate or "exterior bar entrance," the prohibition of "Happy Hours" and the regulations restricting "gaming devices." Staff has provided the existing private club requirements and the proposed amendments to the Commission.

Staff Recommendation #1: Remove Section 3, No Exterior Bar Entrance.

A recurring problem in the permitting of new restaurants or remodeling of existing establishments are conflicts with the requirement that there shall be no exterior entrance into the bar area. A specific example is a current permit application for Blue Canyon Restaurant proposed to be located at the Harbor, which features a separate "wine bar" in the development's trademark "tower building" located near the fountains. It is staff's opinion that the current ordinance does not allow for this

configuration. Staff anticipates similar issues for the future Hilton Hotel's restaurant and affiliated bar areas that are spread throughout the property.

Another common problem is that there are several restaurants where a separate entrance to the "bar area" would also serve as a pickup area for "To Go" orders (e.g. On the Border, Johnny Carinos, and Saltgrass Steakhouse). Dedicated "To Go" areas and "Curbside Pickup" at these types of restaurants are relatively modern services, but the restaurant managers and owners have argued that it has quickly evolved into an important component of their business. In the past, staff has tried to work around this issue to comply with the ordinance, but in some cases (e.g. Saltgrass) the door into the bar area had to be designated as an emergency exit only.

**Staff Recommendation #2: Remove Section 5, Happy Hours.**

The Code clearly does not allow for "happy hours" or any other opportunity to offer drinks at a reduced price during a specified period of time. Staff believes this section of the ordinance has undoubtedly been the most common source of frustration by restaurant managers and owners. Approximately 4 years ago, staff performed a citywide inspection of the various private clubs in the City and the prohibition of happy hours was also the most widely violated. In an effort to minimize enforcement problems and allow some flexibility to the restaurants, it has been staff's policy to allow for daily drink specials when offered in conjunction with a daily food special. However, at this time, staff feels that removal of this provision would be the most appropriate action.

**Staff Recommendation #3: Remove Section 7, Gaming Devices.**

Staff feels the private club requirements for gaming devices and other commercial amusement, which are fairly detailed, are unnecessary. "Commercial Amusement" is a separately identified use in the Code and is restricted on its own. The inclusion of the requirements and further restriction of these types of devices in the private club section convolutes the regulations when, for example, staff attempts to communicate the rules to a group that may want to build a bowling alley/arcade with an accessory restaurant/private club. Essentially, the Code allows for a bowling alley in the Commercial district, and it also allows for a restaurant/private club, but if a developer wanted to combine the two uses, a Specific Use Permit would be required and all games would have to be in an enclosed glass room. Again, staff feels that removal of this provision may be the most appropriate action at this time.

**Staff Recommendation #4: Amend Section 8, Club Boundaries.**

Staff feels the 2nd paragraph of this section is no longer relevant as Specific Use Permits are no longer required for the private club use. However, staff would want to maintain that a copy of the TABC license is submitted to the City prior to issuance of Certificate of Occupancy (CO), and feels this is a good way to ensure that the private club complies with the TABC rules and restrictions.

In summary, staff believes the primary intent of the private club ordinance is to regulate where private clubs can be located (i.e. the specified distance away from churches, public schools and hospitals), and the maximum revenues (i.e. 40%) that can be generated from the sale of alcohol. Obviously, these provisions are not proposed to be removed with this amendment. For informational purposes, attached is the 2006 private club sales report, and it's clear that the revenues for most establishments are well within the 60% food / 40% alcohol split. The new restaurants that have started reporting in 2007 (e.g. Gloria's, Smitty's, etc) are also well within the acceptable range.

Staff feels the ordinance, when adopted twenty years ago, was intended to protect the City from a relatively unknown private club market. There were fewer restaurants, and developments such as The Harbor and the Plaza at Rockwall had not been built. The restaurants that are coming into these areas and throughout the City tend to be upscale and do not pose the problems that the original ordinance seems to have contemplated. Nonetheless, the restaurant operators desire to have some flexibility in how they promote and run their establishments, and staff feels the proposed amendments would do this without compromising the private club ordinance.

On 7/16/07 the City Council (by a vote of 7 to 0) directed City Staff to draft the amendment to the Private Club requirements.

Bricker opened the public hearing at 7:06 pm and asked if anyone wanted to speak. There being no response he closed the public hearing.

After limited discussion, Jackson made a motion to approve the City-initiated request to amend the Unified Development Code of the City of Rockwall (Ord. No. 04-38), specifically Article IV, Permissible Uses, Section 2, Use Standards, as recommended by staff.

Smith seconded the motion. The motion was voted on and passed 7 to 0.

Bricker called for a five minute break at 7:15 pm.

## **ARCHITECTURAL REVIEW BOARD ITEMS**

*Appointment with Architectural Review Board representative to receive the Board's recommendations and comments for the following items requiring architectural review:*

### **SP2007-013**

**Discuss and consider a request by Tim McMahon of Preston Engineering for approval of an amended site plan (building elevations) for Rockwall Kia, located on a 5.99-acre tract currently known as Tract 8, Abstract 134, J. Lockhart Survey, located at 1790 Interstate 30, zoned (LI) Light Industrial district and situated within the IH-30 Overlay district, and take any action necessary.**

*\*Note: See Architectural Review Board recommendation at beginning of meeting.*

Hampton outlined that the proposal from the developer of Rockwall Kia is for an amendment to the building elevations approved by the ARB & P&Z in June, 2007. The stone material is maintained in the same amount and placement on each wall; however, the approved red brick has been replaced with a white, split-face CMU block and a gray modular face brick accent band.

Color elevations of the approved elevations and sample board are available.

Jackson stated that looking at the two elevations, she prefers the original red brick proposal, and stated she is growing tired of the beige colors used by everyone else.

Cotti stated he also liked the contrasting look of the red brick.

Mr. Tim McMahon, the applicant, came forward to address the commission. The change was brought about by Kia's strong dislike of the red brick.

Hunter, Bricker and Lucas also stated their preference of the original design.

Milner asked if there was any middle ground from Kia's perspective to keep some of the color but also try and get closer to the corporate image they are seeking.

McMahon responded that if the Commission does not like the new proposal, he would be inclined just to inform Kia that they will have to build with original materials, rather than do a third design.

After further discussion, Hunter made a motion to **deny** the request by Tim McMahon of Preston Engineering for approval of an amended site plan (building elevations) for Rockwall Kia, located on a 5.99-acre tract currently known as Tract 8, Abstract 134, J. Lockhart Survey, located at 1790 Interstate 30, zoned (LI) Light Industrial district and situated within the IH-30 Overlay district, as recommended by staff.

Smith seconded the motion. The motion was voted on and passed 6 to 1 with Milner voting against.

#### **Z2007-026**

**Discuss and consider a request by Michael Allen of Allen and Ridinger Consulting for approval of a Specific Use Permit (SUP) to allow for an "Auto Repair Garage, Minor" within the (C) Commercial zoning district, on Lot 1, Block D, La Jolla Pointe Phase 2 Addition, being a 0.688-acre tract situated within the Scenic Overlay (SOV) district at the northwest corner of La Jolla Pointe Dr and Ridge Rd.**

Mr. Mike Allen, the applicant, came forward to address the commission and answer any questions. This was a discussion item and no action was taken.

## **ACTION ITEMS**

### **SP2006-040**

**Discuss and consider a request by The Woodmont Company for approval of an amended landscape plan relative to the approved site plan for the Plaza at Rockwall development, being a 45.6-acre commercial development located at the southwest corner of IH-30 and SH 205 on the proposed Lots 6, 7 and 8, Rockwall Business Park East Addition, and take any action necessary.**

Hampton stated that the Woodmont Company has been working on a revised landscape/tree mitigation plan to incorporate a low-water use strategy at their Plaza at Rockwall development that is presently under construction. The Commission approved the site plan, replat and tree mitigation plan for the new Plaza at Rockwall development in 2006. The Commission may recall at the time of approval, the tree mitigation requirement was extensive due to the large amount of grading and tree removal that took place.

Overall, the total required “replacement inches” was 3703-inches, which is to be planted above and beyond the standard landscaping requirements (e.g. buffer plantings, parking lot landscaping, etc). After the Woodmont Company and their landscape architect, Tom Pritchett, made a presentation to the Commission in May, staff was directed to work with the developer on designing the final landscape plan utilizing the following policies to provide some flexibility in the tree mitigation requirements:

- Five (5) 5-gallon shrubs shall equal 1-inch of mitigation,
- One (1) 25-gallon accent tree shall equal 3-inches mitigation.
- Ten (10) 1-gallon groundcover and/or perennials shall equal 1-inch mitigation.

The applicant has submitted their final treescape plan, and staff has reviewed it for compliance. The basic landscaping requirements are still met on the project, including all required buffer plantings, detention trees and parking lot landscaping. The 15% landscaping area requirement also has been met on the overall property. There are 399, 3-inch or greater trees provided on the project that address the landscape ordinance requirements.

In addition, the developer has followed the direction of the Planning Commission and provided for the 3703-inches of required tree mitigation. The breakdown of proposed plantings is as follows:

- Mitigation trees (3 and 4-inches caliper) 343 trees (1299-inches)

- |                                     |                              |
|-------------------------------------|------------------------------|
| • Accent trees (25-gallon)          | 182 trees (552-inches)       |
| • Shrubs / Hedges (5-gallon)        | 5004 shrubs (1000.8-inches)  |
| • Ground Cover/Perennial (1 gallon) | 8591 total (or 859.1-inches) |

Staff feels the landscape plan, overall, is a better plan than the original in terms of diversifying the planting and increasing the potential for long-term water conservation. While not expressly allowed within the City's current tree preservation/mitigation ordinance, the developer's plan and utilization of a variety of low-water accent trees, shrubs and groundcover follows the Commission's previous recommendation, and staff would recommend approval.

Tom Pritchett, landscape architect came forward to address the Commission and answer questions. He also showed pictures of the various landscaping material proposed.

After brief discussion, Cotti made a motion to approve the request by The Woodmont Company for approval of an amended landscape plan relative to the approved site plan for the Plaza at Rockwall development, being a 45.6-acre commercial development located at the southwest corner of IH-30 and SH 205 on the proposed Lots 6, 7 and 8, Rockwall Business Park East Addition, as recommended by staff.

Lucas seconded the motion. The motion was voted on and passed 7 to 0.

There being no other action items, the commission moved on to the discussion items.

## DISCUSSION ITEMS

### **Z2007-024**

***Discuss* and consider a City-initiated request to amend the Unified Development Code (Ord. 04-38) of the City of Rockwall, specifically Article V, Section 6.15, Lake Ray Hubbard Takeline Overlay (TL OV) District.**

### **Z2007-025**

***Discuss* and consider a request by Phil Powell for a change in zoning from (Ag) Agricultural district to (SF-E/2.0) Single Family Estate district on a 2.921-acre property located at 530 Cullins Rd and currently described as Tract 4-5, Abstract 80, W. W. Ford Survey.**

## ADDITIONAL DISCUSSION ITEMS

Miscellaneous Discussion of Land Use Issues.

## ADJOURNMENT

There being no further business, the meeting was adjourned at 8:45 p.m.

**AGENDA**  
**PLANNING AND ZONING COMMISSION PUBLIC HEARING**  
**City Hall, 385 South Goliad, Rockwall, Texas**  
**Council Chambers**  
**August 14, 2007**  
**6:00 P.M.**

**CALL TO ORDER**

*Approval of Minutes* for July 10, 2007 Planning and Zoning Commission meeting

**ACTION ITEMS**

1. **P2007-027 (Michael)**  
Discuss and consider a request by Danny Murphy of Dan-Cat, Inc. for approval of a final plat of Lot 1, Block A, Murphy Plaza No. 2 Addition, being a 0.61-acre tract zoned (GR) General Retail district and located at 2918 Ridge Rd, and take any action necessary.

**PUBLIC HEARING ITEMS**

2. **Z2007-024 (Michael)**  
Hold a public hearing and consider a City-initiated request to amend the Unified Development Code (Ord. 04-38) of the City of Rockwall, specifically Article V, Section 6.15, Lake Ray Hubbard Takeline Overlay (TL OV) District, and take any action necessary.

**ADDITIONAL DISCUSSION ITEMS**

- Discuss the results of the July 30, 2007 joint worksession with the City Council and Historic Preservation Advisory Board relative to the Downtown "DT" rezoning case, and review additional information and maps compiled by City staff since the worksession.
- Miscellaneous Discussion of Land Use Issues

**ADJOURNMENT**

This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (972) 772-6406 for further information.

**Posted by 5:00 p.m. this 10<sup>th</sup> day of August, 2007 by Kim Whitley**



**Minutes of  
PLANNING AND ZONING COMMISSION MEETING  
August 14, 2007**

**CALL TO ORDER**

The meeting was called to order by Chairman, Bill Bricker at 6:02 p.m. with the following members present; Connie Jackson, Bob Cotti, Michael Lucas, and Glen Smith. Michael Hunter was absent and Earl Milner arrived late.

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

***Approval of Minutes for July 10, 2007 Planning and Zoning Commission meeting.***

Cotti made a motion to approve the minutes for July 10, 2007.

Jackson seconded the motion. The motion was voted on and passed 3 to 0 with Lucas and Smith abstaining.

**ACTION ITEMS**

**P2007-027**

**Discuss and consider a request by Danny Murphy of Dan-Cat, Inc. for approval of a final plat of Lot 1, Block A, Murphy Plaza No. 2 Addition, being a 0.61-acre tract zoned (GR) General Retail district and located at 2918 Ridge Rd, and take any action necessary.**

Hampton stated that the applicant and owner, Mr. Murphy, has requested approval of a final plat for the Murphy Plaza No. 2 Addition, on which is located an existing commercial development located at 2918-2920 Ridge Rd. This final plat was originally approved by the City in 1995 and the project was subsequently constructed. However, the plat was never filed with the County Clerk's office. Rockwall Surveying has redrawn the final plat for the current submittal since the original project engineer/surveyor, Harold Evans, has since passed away.

As approved in 1995, the current final plat submittal provides for a 7.5-ft Right-of-way dedication for the future expansion of FM 740. The sanitary sewer easement at the rear of the property was previously dedicated at the time of their Phase 1 building (Lot 1, Block A, Murphy Plaza Addition), and is indicated on the plat as required.

The final plat appears to meet all city requirements and is recommended for approval.

Staff Recommends approval of the request with the following conditions:

1. Adherence to engineering requirements.
2. Remove all improvements (e.g. buildings, paving, etc) from final plat prior to filing.

Cotti made a motion to approve the request by Danny Murphy of Dan-Cat, Inc. for approval of a final plat of Lot 1, Block A, Murphy Plaza No. 2 Addition, being a 0.61-acre tract zoned (GR) General Retail district and located at 2918 Ridge Rd, as recommended by staff.

Smith seconded the motion. The motion was voted on and passed 5 to 0.

*Milner arrived at 6:12 pm.*

## **PUBLIC HEARING ITEMS**

### **Z2007-024**

**Hold a public hearing and consider a City-initiated request to amend the Unified Development Code (Ord. 04-38) of the City of Rockwall, specifically Article V, Section 6.15, Lake Ray Hubbard Takeline Overlay (TL OV) District, and take any action necessary.**

Hampton stated that at their 7/16/07 meeting, the City Council directed City Staff to draft an amendment to the Takeline Overlay requirements of the Unified Development Code, specifically to add a procedure for variances and/or special exceptions to the Takeline requirements relative to the current eligibility requirements. Currently, an owner is eligible to sublease the takeline adjacent to their lot only if their property is zoned and used as single family detached, and has a minimum lot width of 45-feet at the front building line or 35-feet at the front building line when on a curved street or cul-de-sac.

The City Council's action resulted from input by property owners who reside at 3620, 3622 and 3624 Lakeside Drive. While these lots are situated on a "curved" portion of Lakeside Drive and have the required 35-ft of frontage, the City does not consider them eligible because they are "zero lot line" or "single family attached" homes. Staff has drafted the attached amendment to the takeline ordinance which would give the City Council the opportunity to consider special exceptions to the eligibility requirements only, on a case-by-case basis.

For the Planning Commission and City Council's reference, staff has attached several GIS maps that illustrate the current configuration of lots along the City's shoreline. The maps stop at the Shores Golf Course since none of the lots north of this point are currently eligible. Those lots with a "red dot" are the properties the City considers eligible under today's standards. You will note that the majority of lots that are ineligible are located within Lakeside Village and Chandlers

Landing, where there is a significant number of attached townhomes and other smaller lot configurations.

If request is approved, Staff would recommend that the following wording is added to Section 6.15B, "Application and Boundaries" of the Lake Ray Hubbard Takeline Overlay (TL OV) District:

"The City Council shall have the authority to consider special exceptions to the eligibility standards set forth within this section that apply to those lots within the Lake Ray Hubbard Takeline Overlay district that are zoned and used for detached, attached or zero lot line Single-Family residential uses."

Bricker opened the public hearing at 6:14 pm and asked if anyone wished to speak.

Ms. Pam Watkins, of 3620 Lakeside Drive, came forward to address the commission. She expressed that she would like to ask the commission to approve the variance to the takeline ordinance to give them the opportunity to lease the land and give the council the opportunity to consider the cases.

Mr. Jack McClairie, of 3622 Lakeside Drive, Came forward to address the commission. He expressed that he would just like the opportunity for council to look at each situation and see if it is possible.

Mr. Shawn Wilson, of 3624 Lakeside Drive, came forward to address the commission and explain that he also would just like to have the opportunity to have council consider the use of the takeline on a case by case basis.

Bricker asked if anyone else wished to speak. There being no response, he closed the public hearing at 6:20 pm.

Cotti discussed all the research that was done to create the original takeline ordinance and the reasoning for it being written the way it was. He expressed that because of the reasons stated he could not support the changes.

Milner expressed that he is concerned about writing rules in stone and that he thinks that the council should have the ability to have the hearing and if it cannot get around the legal complications then it will be denied but they should at least be given the option to be heard on each case.

Lucas stated that he knows a lot of work went into the original takeline ordinance and that he didn't want to make a special exception that would only benefit three lots.

After further discussion, Cotti made a motion to **deny** the City-initiated request to amend the Unified Development Code (Ord. 04-38) of the City of Rockwall,

specifically Article V, Section 6.15, Lake Ray Hubbard Takeline Overlay (TL OV) District.

Jackson seconded the motion. The motion was voted on and passed 5 to 1 with Milner voting against.

#### **ADDITIONAL DISCUSSION ITEMS**

- Discuss the results of the July 30, 2007 joint worksession with the City Council and Historic Preservation Advisory Board relative to the Downtown “DT” rezoning case, and review additional information and maps compiled by City staff since the worksession.

Staff gave a brief presentation of some of the maps and other summary information relating to the downtown rezoning case. The Commission stated they felt the information would be beneficial to provide the City Council at their scheduled August 20<sup>th</sup> public hearing, and offered a few recommendations for changes.

- Miscellaneous Discussion of Land Use Issues

#### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:25 p.m.

**Minutes of  
PLANNING AND ZONING COMMISSION MEETING  
September 11, 2007**

**CALL TO ORDER**

The meeting was called to order by Chairman, Bill Bricker at 6:00 p.m. with the following members present; Lynn Davis, Earl Milner, Dennis Lowry, Michael Hunter, and Glen Smith. Bob Cotti was absent.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, Leslie Ryan and Kim Whitley.

***Approval of Minutes for July 31, 2007 Planning and Zoning Commission meeting.***

Milner made a motion to approve the minutes.

Hunter seconded the motion. The motion was voted on and passed 4 to 0 with Davis and Lowry abstaining.

***Approval of Minutes for Aug. 14, 2007 Planning and Zoning Commission meeting.***

Smith made a motion to approve the minutes.

Bricker seconded the motion. The motion was voted on and passed 3 to 0 with Hunter, Davis and Lowry abstaining.

***Approval of Minutes for Aug. 28, 2007 Planning and Zoning Commission meeting.***

Hunter made a motion to approve the minutes.

Smith seconded the motion. The motion was voted on and passed 6 to 0.

**PUBLIC HEARING ITEMS**

**Z2007-027**

**Hold a public hearing and consider a request by Matthew King for approval of a Specific Use Permit (SUP) to allow for a "structure over 36 feet in height" in the Scenic Overlay (SOV) district, specifically for a proposed four-story hotel measuring 46 feet in height, located on Lot 8, Block A, Rockwall Towne Center Phase 4 Addition, being a 1.78-acre tract zoned (C) Commercial and situated on Vigor Way (private street) between IH-30 and Ridge Rd, and take action necessary.**

Spencer stated that the applicant has submitted a Specific Use Permit (SUP) to allow for a "structure over 36 feet in height" in the Scenic Overlay (SOV) district, specifically for a proposed four-story hotel measuring 46 feet in height, located on Lot 8, Block A, Rockwall Towne Center Phase 4 Addition, being a 1.78-acre

tract zoned (C) Commercial and situated on Vigor Way (private street) between IH-30 and Ridge Rd.

The maximum height for structures in the Scenic Overlay District is 60 feet however, a SUP is required for all structures over 36 feet. The proposed building is adjacent to the existing Burger King, Kwik Car, Popeye's, and Wendy's.

In December of 2002 a Conditional Use Permit (CUP) was approved for the Rockwall Town Centre allowing for a building 54 feet in height (only two stories were constructed). The Rockwall Town Centre is located across Vigor Way from the proposed site.

The proposed site will be required to submit and receive approval of a site plan application (including site plan, landscape plan, building elevations, photometric plan, lighting cut sheets, renderings and material samples), engineering plan application and a replat application.

Staff mailed notices to nine (9) owners within 200-ft of the subject property, and at the time of this report no notices had been returned.

Staff Recommends approval of the request with the following conditions:

1. Future site plan submittal and approval shall be required, including Architectural Review and adherence to all standards specified in the Scenic Overlay district and other sections of the Unified Development Code.
2. The Planning & Zoning Commission shall have the discretionary review and approval of the final building elevations including elements of design, but not limited to, such items as materials, ornamentation, articulation, colors, and compatibility with other surrounding structures.
3. The building shall be limited to a maximum of 46 feet in height as defined in the City of Rockwall Unified Development Code.

Mr. Matthew King, the applicant, came forward to answer questions and ask for approval of the specific use permit request.

Bricker opened the public hearing and asked if anyone wished to speak. There being no response he closed the public hearing at 6:12 pm.

Smith made a motion to approve the request by Matthew King for approval of a Specific Use Permit (SUP) to allow for a "structure over 36 feet in height" in the Scenic Overlay (SOV) district, specifically for a proposed four-story hotel measuring 46 feet in height, located on Lot 8, Block A, Rockwall Towne Center Phase 4 Addition, being a 1.78-acre tract zoned (C) Commercial and situated on Vigor Way (private street) between IH-30 and Ridge Rd, as recommended by staff.

Milner seconded the motion. The motion was voted on and passed 6 to 0.

## **SITE PLANS/ PLATS**

### **P2007-028**

**Discuss and consider a request by Marc Bentley of Bentley Engineering, Inc., for approval of a replat of Lot 3A-R, Block C, Ellis Center Phase Two, being a 0.969-acre tract zoned (LI) Light Industrial district and situated at the northeast corner of Alpha Drive and Sigma Court, and take any action necessary.**

Ryan stated that the applicant, Marc Bentley of Bentley Engineering, Inc. has requested approval for a replat of Ellis Center Phase Two Addition. The replat is for Lot 3A, Block C, which was 0.969 of an acre and will create Lot 6, Block C.

The purpose of the replat is to dedicate the required firelane and easements, indicating their location, dimension and purpose. The ROW width of all streets within and adjacent to the replat are labeled. The location of the development has been tied to city monument coordinates and the appropriate plat wording has been used.

Staff Recommends approval of the request with the following conditions:

1. Adherence to all Engineering and Fire comments.
2. Change lot number from 5 to 6 because it is the next available lot number in Block C.

Smith made a motion to approve the request by Marc Bentley of Bentley Engineering, Inc., for approval of a replat of Lot 3A-R, Block C, Ellis Center Phase Two, being a 0.969-acre tract zoned (LI) Light Industrial district and situated at the northeast corner of Alpha Drive and Sigma Court, as recommended by staff.

Lowry seconded the motion. The motion was voted on and passed 6 to 0.

### **P2007-029**

**Discuss and consider a request by Jed Dolson of Stone Creek SF, Inc., for approval of a final plat of Stone Creek Phase I Addition, being 109.522-acres zoned (PD-70) Planned Development No. 70 District and located along the east side of SH 205 south of FM 552 and north of Quail Run Rd, and take any action necessary.**

Hampton stated that the final plat for Stone Creek Phase I shows 260 single family residential lots along with several open space/drainage areas and landscaped common areas that will be maintained by the HOA. The development features a variety of lot types ranging from 6,000-sf minimum to over 20,000-sf minimum. A master plat, preliminary plat, and PD Site Plan has previously been

submitted and approved by the City. A variance to the alley requirements for the entire PD was approved by City Council in April 2007.

A landscape and treescape plan for Phase 1 has been submitted with the final plat. The treescape plan indicates the preservation of a large "tree mass" within the open space/drainage area indicated as Lot 8, Block B. The majority of the remaining trees in Phase 1 are shown to be removed, totaling 1,387-inches. The developer is planting a large amount of trees within the SH 205 buffer and throughout the main boulevards and open spaces, as required by the approved PD concept plan. In Phase 1 alone, approximately 924-inches are proposed by the developer, with another 1,608-inches to be planted by the homebuilders (two, 3-inch trees for each of the 260 lots). The 2,532-inches of new trees will exceed the mitigation requirement for Phase 1 should the Commission approve the proposed plan. A tree transplant day was held by the developer on August 25th; however, no trees were removed by the public.

The Parks Board reviewed the final plat at their September 5, 2007 meeting and staff will provide the recommendations of the Board at the Planning Commission's meeting.

The final plat appears to conform to the approved preliminary plat and meets the minimum requirements of the PD-70 District that governs the development, subject to the conditions staff has included with its recommendation.

Staff Recommends approval of the request with the following conditions:

1. Approval of engineering plans.
2. Adherence to all fire department requirements.
3. Trees 250-256 (in SH 205 buffer near Featherstone Dr) shall be preserved as shown in the summary table?
4. Developer to work with staff to determine the feasibility of preserving Tree #439 (29-inch Pecan) and/or the grove of Pecan trees in Block E (Trees 484-494).
5. Prior to final approval and filing of the final plat, the developer shall submit for City review the Homeowner's Association agreement, deed restrictions, covenants, etc.
6. Need lot/block number for 60-ft landscape buffer south of Featherstone Dr.
7. Adherence to Parks Board recommendations.
8. Planning and Zoning Commission approval of the final site plan and building elevations for the Amenity Center shall be required prior to issuance of a building permit.

After brief discussion, Milner made a motion to approve the request by Jed Dolson of Stone Creek SF, Inc., for approval of a final plat of Stone Creek Phase I Addition, being 109.522-acres zoned (PD-70) Planned Development No. 70 District and located along the east side of SH 205 south of FM 552 and north of Quail Run Rd, as recommended by staff.



Hunter seconded the motion. The motion was voted on and passed 6 to 0.

#### **ADDITIONAL DISCUSSION ITEMS**

- Miscellaneous Discussion of Land Use Issues

#### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 6:45 p.m.

**Minutes of  
PLANNING AND ZONING COMMISSION MEETING  
September 25, 2007**

**CALL TO ORDER**

The meeting was called to order by Chairman, Bill Bricker at 6:00 p.m. with the following members present; Lynn Davis, Earl Milner, Dennis Lowry, Michael Hunter, Bob Cotti and Glen Smith.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, Leslie Ryan and Kim Whitley.

**PUBLIC HEARING ITEMS**

**Z2007-028**

**Hold a public hearing and consider a city-initiated revision to the City of Rockwall Unified Development Code (Ord. No. 04-38), specifically Article IV, Permissible Uses, to amend the Land Use Table to add a Specific Use Permit (SUP) for "General Retail Store" in the Residential Office (RO) district, and take any action necessary.**

LaCroix stated that staff proposes that consideration be given to establishing a Specific Use Permit for a "General Retail Store" in the (RO) Residential Office District. The General Retail Store use is listed in the Land Use Schedule within Article IV, Permissible Uses of the Unified Development Code. This change would allow the Planning Commission and City Council to consider approval of certain light retail uses within the RO District. Land uses that are specifically listed in the use chart but are not allowed in the RO District would continue to be prohibited (unless otherwise authorized, such as "Antiques/Collectable Sales" in PD-50). Some examples of those uses include secondhand dealers, retail stores with gasoline sales, pawn shops, pet shops, antique/collectible stores and rental stores. With this amendment the City would be able to determine on a case by case basis the appropriateness of the proposed use as it relates to surrounding uses and any other criteria of approval such as parking and traffic generation, access to public roadways, noise or lighting issues, and hours of operation.

Over the last few years the North Goliad Corridor, which is primarily the properties within (PD-50) Planned Development No. 50 District, has been undergoing a transformation from residential to professional office and other specifically allowed uses such as the Mirror Mirror hair salon, Sterling Tea restaurant and the Green Cottage antique/collectable sales. In addition to those uses, the underlying (RO) Residential-Office zoning has permitted the conversion of existing residential homes into an art studio, a dance studio, attorney offices, a health care office, a daycare facility and a real estate office.

There are several vacant lots remaining in PD-50 and currently many of the properties are on the market for sale. During the last year, staff has received a

number of requests and inquiries about establishing various light retail uses on North Goliad. Those have included an interior design business, a portrait studio, a bead maker shop, a candle shop and most recently, a cake consulting business.

With the removal of several buildings from the "Goliad Place" development and other similar buildings along SH 205 due to the ongoing reconstruction project, the availability for small, light retail business locations along Goliad Street has become an issue. Many lighter retail uses, particularly those that do not generate excessive traffic, could be an appropriate fit for infill development along this Corridor and would provide a larger variety of uses to citizens that would be entering and/or exiting the Downtown District. This variety of uses could also help generate more interest in the expanded Downtown area, particularly in attracting more shopping and/or personal service opportunities.

The Commission should have received a map illustrating the existing land uses within PD-50, as well as a map for PD-53 along Ridge Road south of Summit Ridge, which are presently the only two areas in the City that are zoned for (RO) Residential office uses. In PD-53, the properties typically have very deep lot depths and are capable of providing the required parking and circulation for limited light retail uses. The Commission and Council may recall that the recently approved PD-69 area across from the YMCA has an underlying "RO" zoning; however, that PD contains a specific list of permitted uses and thus would not be affected by the proposed amendment to the Unified Development Code. PD-69 would have to be amended on its own to allow for retail uses.

Staff Recommends approval of the request.

Bricker opened the public hearing and asked if anyone wished to speak.

Mr. Ron Mason, of 1402 Ridge Road, came forward to address the commission. He expressed that he is opposed to the amendment to the "RO" District to allow for a General Retail Store use with a SUP within the district. He stated the property next to his on Ridge Road was at one time discussed for residential office zoning. LaCroix stated that that case never proceeded to public hearing, and the property remains to be zoned residential. Anyone wishing to change the zoning on that property would have to go through a separate public hearing process.

Bricker asked if anyone else wished to speak. There being no response he closed the public hearing.

Cotti made a motion to approve the city-initiated revision to the City of Rockwall Unified Development Code (Ord. No. 04-38), specifically Article IV, Permissible Uses, to amend the Land Use Table to add a Specific Use Permit (SUP) for "General Retail Store" in the Residential Office (RO) district, as recommended by staff.

Lowry seconded the motion. The motion was voted on and passed 7 to 0.

There being no other action items, the commission moved to the discussion items.

## **ARCHITECTURAL REVIEW BOARD ITEMS**

Mr. Clark Staggs, of the Architectural Review Board briefly discussed their recommendations for each of the following cases. The Board recommended approval of the Arbor House project and the Realty Capital office project, and was split on their recommendation of the building elevations for Chase Bank.

### **SP2007-019**

**Discuss and consider a request by Matthew Cragun of O'Donald Engineering for approval of a site plan for Chase Bank, located on Lot 1, Block 1, Northshore Plaza Phase Two and Lots 1 and 2, Northshore Plaza Phase Three, being a 0.958-acre tract overall zoned (GR) General Retail district and situated within the SH 66 Overlay district, and take any action necessary.**

### **SP2007-021**

**Discuss and consider a request by Shaye Tipton of Arbor House for approval of a site plan for Arbor House Assisted Living, a 55,460-sf assisted living development located on the proposed Lot 7, Block C, Horizon Ridge Medical Park Addition, being 10.488-acres zoned (PD-9) Planned Development No. 9 District and situated along the proposed Medical Drive southwest of Horizon Rd (FM 3097), and take any action necessary.**

### **SP2007-022**

**Discuss and consider a request by Tim Thompson of Realty Capital for approval of a site plan for an office development located on Lot 10R2, Block A, Horizon Ridge Addition, being a 1.1121-acre tract zoned (PD-9) Planned Development No. 9 District and situated at 1211 Arista Rd, and take any action necessary.**

## **DISCUSSION ITEMS**

### **H2007-008**

***Discuss* a request by George Stacey for a Historic Landmark designation for the Austin-Stacey House located at 912 N. Goliad. The tract is zoned (PD-50) Planned Development No. 50 and is located outside of the Old Town Rockwall Historic District and identified as a "High Contributing Property" within the Historic survey.**

### **P2007-030**

**Discuss and consider a request by John Gussio for approval of a final plat of Lot 1, Block 1, Gussio Addition, being a 0.48-acre tract zoned (PD-53) Planned Development No. 53 district and located at 1012 Ridge Road, and take any action necessary.**

**SP2007-020**

**Discuss and consider a request by John Gussio for approval of a site plan for a residential-office development on Lot 1, Block 1, Gussio Addition, being a 0.48-acre tract zoned (PD-53) Planned Development No. 53 district and located at 1012 Ridge Road, and take any action necessary.**

**Z2007-029**

***Discuss and consider a request by Jerry Archer of Archer Car Care for approval of a Specific Use Permit (SUP) to allow for an "Auto Repair Garage, Minor" within the (GR) General Retail 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.***

**Z2007-030**

***Discuss and consider a request by Randall Ahlfs of Tri-star Construction for approval of a Specific Use Permit (SUP) to allow for "Animal Boarding/Kennel without Outside Pens" in the General Retail (GR) district, in conjunction with a proposed Animal Clinic on a 1.08-acre tract comprised of part of Lot 4, Stonebridge Center Phase 1 (0.733-ac), and a 0.347-acre tract known as Block 86C of the B F Boydston Addition and part of Lot 22A, Block J, Stonebridge Meadows #4 Addition, situated along the south side of SH 66 east of Lakeshore Drive, and take any action necessary.***

**Z2007-031**

***Discuss and consider a request by Daniel and Lidia Mendez for approval of a change in zoning from (SF-7) Single Family Residential District to (C) Commercial district for a 0.5-acre tract known as Tract 1, Abstract 24, N M Ballard Survey, and located at 1415 Highway 276, and take any action necessary.***

**Z2007-032**

***Discuss and consider a request by Scott Jungels for approval of a Specific Use Permit (SUP) allowing for a "Landing/Stairs exceeding the maximum requirements" within the Lake Ray Hubbard Takeline Overlay (TL OV) District, in the take area adjacent to his property at 1200 Crestcove Drive, being Lot 25, Block B, Hillcrest Shores Phase 3 Addition, and take any action necessary.***

**ADDITIONAL DISCUSSION ITEMS**

- Miscellaneous Discussion of Land Use Issues

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:42 p.m.

**Minutes of  
PLANNING AND ZONING COMMISSION MEETING  
October 30, 2007**

**CALL TO ORDER**

The meeting was called to order by Chairman, Bill Bricker at 7:29 p.m. with the following members present; Lynn Davis, Earl Milner, Dennis Lowry, Michael Hunter, and Glen Smith. Bob Cotti was absent.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, Leslie Ryan and Kim Whitley.

**ACTION ITEMS**

**P2005-045**

**Discuss and consider a request by Rockwall South Associates, Ltd., for approval of a reinstatement, in accordance with Section 24-8 of the City of Rockwall Subdivision Ordinance, of the preliminary plat for Meadowcreek Business Center Addition, being a 19.8-acre tract zoned (C) Commercial district, situated at the southeast corner of SH 206 and SH 276, and originally approved by City Council on December 5, 2005, and take any action necessary.**

Hampton stated that the City has received a written request from Rockwall South Associates, Ltd., for the Planning and Zoning Commission to consider reinstating the approved preliminary plat for the Meadowcreek Business Center Addition, which is a 19.8-acre tract located at the southeast corner of SH 205 and SH 276. The property is zoned (C) Commercial District.

The preliminary plat was approved by the City Council on December 5, 2005. Lots 1 and 2 (10.1-acres) was subsequently final platted for Marlyn Roberts' auto lube center development, which was formally approved by the City and filed of record in January 2006. No further platting or development has taken place on the remainder of the property since that time.

The City's subdivision regulations specify that a preliminary plat shall expire after one year if a final plat for the entire area has not been submitted. Generally, if a developer submits a final plat for a portion of the overall tract, and continues to submit subsequent final plats for additional "phases" of development, the City will continue to consider that preliminary plat active. However, since a final plat has not been submitted for the Meadowcreek Business Center Addition for nearly two years, the project is considered "lapsed."

Section 24-8 (f) Lapse and extension of preliminary plat approval, of the City's Subdivision Ordinance provides for the procedure and criteria for considering the reinstatement of preliminary plats:

“At any time following the lapse of approval of a preliminary plat, a developer may request, and the Commission may approve, at its discretion, a reinstatement of such preliminary plat for the purpose of considering and approving a final plat for all or a portion of the area covered by the preliminary plat. The Commission shall reinstate a preliminary plat only when it determines that it would be in the public interest to do so to avoid unnecessary review of a new preliminary plat, and when the pattern of development proposed by the plat would not be to the detriment of any nearby area or the general development of the City. The Commission may establish such conditions on reinstatement as are necessary to ensure that the reinstated plat conforms to the City's comprehensive plan, including a requirement that the plat conform to the City's current subdivision standards.”

Staff feels that the subdivision and zoning requirements for this specific area have not changed in a manner that would necessitate the creation and submittal of a new preliminary plat, and would recommend approval of the request for a reinstatement for a period of one year (through October 30, 2008).

However, staff would recommend that a condition be added that the plat conforms to the City's current subdivision standards, including the requirement that engineering plans be approved prior to submittal of a final plat(s) for the subject property.

Gary DeFrain, of Rockwall South Associates, was present to answer any questions.

Milner made a motion to approve the request by Rockwall South Associates, Ltd., for approval of a reinstatement, in accordance with Section 24-8 of the City of Rockwall Subdivision Ordinance, of the preliminary plat for Meadowcreek Business Center Addition, being a 19.8-acre tract zoned (C) Commercial district, situated at the southeast corner of SH 206 and SH 276, with staff recommendations.

Smith seconded the motion. The motion was voted on and passed 6 to 0.

#### **SP2007-019**

**Discuss and consider a request by Matthew Cragun of O'Donald Engineering for approval of a site plan for Chase Bank, located on Lot 1, Block 1, Northshore Plaza Phase Two and Lots 1 and 2, Northshore Plaza Phase Three, being a 0.958-acre tract overall zoned (GR) General Retail district and situated within the SH 66 Overlay district, and take any action necessary.**

Spencer presented that the Planning and Zoning Commission on October 9, 2007, approved the site plan for the Chase Bank located at the northeast corner of SH 66 and North Lakeshore with the following conditions:

1. Adherence to Engineering and Fire Department standards.
2. Submittal and approval of a replat subject to Engineering Plan approval.
3. A maximum of 0.2-FC when measured at the property lines.
4. If the 20" caliper Live Oaks are required to be removed the applicant amend and resubmit a landscape plan to the Planning Staff for approval.
5. *A roof material sample be submitted and approved by the Planning and Zoning Commission at the October Work Session.*

In an effort to meet the above conditions the applicant has provided a material sample of the proposed roof. The color of the proposed roof has been changed from initial request of blue to champagne. The applicant has provided material samples for the Commission to review at the meeting.

Mark Rouch, architect, and Matthew Cragun, applicant, were present to answer questions related to the project.

The Commission and staff discussed at length related issues with the Chase project, including the use of metal versus stucco on their front elevation entry feature. The applicant also stated that their intent for both this project and their other project on FM 3097 was to obtain LEED certification.

Milner made a motion to approve the "champagne" roof color for Chase Bank, located on Lot 1, Block 1, Northshore Plaza Phase Two and Lots 1 and 2, Northshore Plaza Phase Three, and included a recommendation that Chase make an effort to coordinate their two proposed buildings to use similar building materials and appearance.

Smith seconded the motion.

The motion was voted on and passed 6 to 0.

There being no other action items, the commission moved to the discussion items.

## **ARCHITECTURAL REVIEW BOARD ITEMS**

### **Z2007-033**

***Discuss and consider a request by Steve Meier of Mays & Co. Real Estate Development for approval of a Specific Use Permit (SUP) to allow for an "Auto Repair Garage, Minor" within the (C) Commercial zoning district, on Lot 1, Block A, Derrick Addition, being a 0.8121-acre tract located at 740 E IH-30 and situated at the northwest corner of IH-30 and White Hills Drive, and take any action necessary.***



**SP2007-023**

Discuss and consider a request by Steve Meier of Mays & Co. Real Estate Development for approval of a site plan for Firestone Complete Auto Care, located at 740 E IH-30 on a 0.8121-acre site known as Lot 1, Block A, Derrick Addition, zoned (C) Commercial zoning district and situated within the IH-30 Overlay District, and take any action necessary.

**Z2007-034**

*Discuss* and consider a request by David Kochalka of Kimley-Horn & Associates, Inc., for an amendment to (PD-65) Planned Development No. 65 district, being 49.35-acres overall and generally situated along the west side of SH 205 (N. Goliad), south of Quail Run Rd and north of the Lakeview Summit subdivision, and take any action necessary.

**SP2007-024**

Discuss and consider a request by David Kolchalka of Kimley-Horn & Associates, Inc. for approval of a site plan for Walgreens, located on the proposed Lot 1, Block B, North Lakeshore Valley, being 1.9713-acres zoned (PD-65) Planned Development No. 65 district and located at the northwest corner of North Lakeshore Drive and SH 205 within the North SH 205 Corridor Overlay district, and take any action necessary.

**SP2007-025**

Discuss and consider a request by Matthew Cragun of O'Donald Engineering for approval of a site plan for Chase Bank, located on Lot 1, Block A, Mark Carson Addition, being a 0.992-acre tract zoned (PD-9) Planned Development No. 9 district and located at the southwest corner of FM 3097 and Ralph Hall Parkway, and take any action necessary.

**SP2007-026**

Discuss and consider approval by Cody Douglas of Miller Architects for approval of a site plan for Rockwall Medical Center, being a 22,590-sf medical office building located on the proposed Lot 1, Block 1, Rockwall Medical Center Addition (preliminary platted as Flagstone Creek Addition), being 2.4325-acres zoned (PD-54) Planned Development No. 54 district and situated at the southeast corner of Ralph Hall Parkway and Flagstone Creek Blvd, and take any action necessary.

**SP2007-027**

Discuss and consider a request from Pat Grady of Lakeside Chevrolet Co. for approval of an amended site plan and building elevations for the expansion of their existing motor vehicle dealership located at 2005 S. Goliad, being an 8.65-acre tract zoned (C) Commercial district and situated within the SH 205 Overlay District and IH-30 Overlay District, and take any action necessary.

**DISCUSSION ITEMS**

**P2007-032**

**Discuss and consider a request by Chris Cuny of F C Cuny Corp. for approval of a final plat of the Alliance Addition, being a 16.073-acre tract zoned (PD-57) Planned Development No. 57 district and located at the northeast corner of FM 3097 and FM 549, and take any action necessary.**

**Z2007-035**

***Discuss* and consider a request by Tommy and Sylvia Yetts for approval of a Specific Use Permit (SUP) to allow for a "Boat and Trailer Dealership" (and accessory boat/RV storage) within (PD-46) Planned Development No. 46 District, on a 9.953-acre tract known as Tract 2, Abstract 186, J. A. Ramsey Survey, located at 2325 Hwy 276, and take any action necessary.**

**ADDITIONAL DISCUSSION ITEMS**

- Miscellaneous Discussion of Land Use Issues

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:21 p.m.

**Minutes of  
PLANNING AND ZONING COMMISSION MEETING  
October 9, 2007**

**CALL TO ORDER**

The meeting was called to order by Chairman, Bill Bricker at 6:00 p.m. with the following members present: Lynn Davis, Earl Milner, Dennis Lowry, Michael Hunter, Bob Cotti and Glen Smith.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, and Leslie Ryan.

***Approval of Minutes for Sept. 11, 2007 Planning and Zoning Commission meeting.***

Hunter made a motion to approve the minutes.

Smith seconded the motion. The motion was voted on and passed 6 to 0 with Cotti abstaining.

***Approval of Minutes for Sept. 25, 2007 Planning and Zoning Commission meeting.***

Hunter made a motion to approve the minutes.

Smith seconded the motion. The motion was voted on and passed 7 to 0.

**CONSENT AGENDA ITEMS**

**1a) P2007-030**

Discuss and consider a request by John Gussio for approval of a final plat of Lot 1, Block 1, Gussio Addition, being a 0.48-acre tract zoned (PD-53) Planned Development No. 53 district and located at 1012 Ridge Road, and take any action necessary.

**1b) SP2007-020**

Discuss and consider a request by John Gussio for approval of a site plan for a residential-office development on Lot 1, Block 1, Gussio Addition, being a 0.48-acre tract zoned (PD-53) Planned Development No. 53 district and located at 1012 Ridge Road, and take any action necessary.

**2) P2007-031**

Discuss and consider a request by Jon Featherston with Armstrong Development Properties, Inc., for approval of a final plat of Lots 1 and 2, Block A, Allen Anderson Addition, being a 1.85-acre tract zoned (PD-9) Planned Development No. 9 District located at 3000 Horizon Road, and take any action necessary.

### **3) SP2007-021**

**Discuss and consider a request by Shaye Tipton of Arbor House for approval of a site plan for Arbor House Assisted Living, a 55,460-sf assisted living development located on the proposed Lot 7, Block C, Horizon Ridge Medical Park Addition, being 10.488-acres zoned (PD-9) Planned Development No. 9 District and situated along the proposed Medical Drive southwest of Horizon Rd (FM 3097), and take any action necessary.**

### **4) SP2007-022**

**Discuss and consider a request by Tim Thompson of Realty Capital for approval of a site plan for an office development located on Lot 10R2, Block A, Horizon Ridge Addition, being a 1.1121-acre tract zoned (PD-9) Planned Development No. 9 District and situated at 1211 Arista Rd, and take any action necessary.**

At the request of staff, Bricker pulled consent agenda item #4 (SP2007-022).

Cotti made a motion to approve the first three items on the consent agenda with staff conditions.

Hunter seconded the motion. The motion was voted on and passed 7 to 0.

Spencer clarified on the site plan request by Tim Thompson, that Planning staff is recommending that the private parking on the site be signed accordingly but not gated.

After brief discussion, Cotti made a motion to approve the request by Tim Thompson of Realty Capital for approval of a site plan for an office development located on Lot 10R2, Block A, Horizon Ridge Addition, being a 1.1121-acre tract zoned (PD-9) Planned Development No. 9 District and situated at 1211 Arista Rd, with staff recommendations.

Hunter seconded the motion. The motion was voted on and passed 7 to 0.

## **PUBLIC HEARING ITEMS**

### **H2007-008**

**Hold a public hearing and a request by George Stacey for a Historic Landmark designation for the Austin-Stacey House located at 912 N. Goliad. The tract is zoned (PD-50) Planned Development No. 50 and is located outside of the Old Town Rockwall Historic District and identified as a "High Contributing Property" within the Historic survey, and take any action necessary.**

Spencer stated that the house at 912 N. Goliad is listed as a "High Contributing" property within the City of Rockwall Historical Survey. The structure, known as the "Austin-Stacey Home" was constructed in 1891. The original owner, MS "Captain" Austin, was the first elected tax collector and sheriff of Rockwall County and was later elected to the state legislature.

The Foursquare was built to be simple and did not gallivant around between interior and exterior living and entertaining areas - it encouraged a comfortable confinement familiar to post-Civil War homes. Despite having originally been such a defiantly simplistic architecture compared to most other styles of the era, it managed to eventually bear the garnishings of any such style with unusual versatility.

The rules of the American Foursquare were relatively few and lax:

- There were two and a half stories, with four (more or less equally-sized) rooms on each full floor;
- Under a hipped roof, the attic was quite livable due to at least one requisite dormer, with up to two more on the sides, but never on the rear.
- The porch spanned the entire, or nearly so, front of the house;
- The front door was offset, unless the four-room plan was nudged to the sides in favor of a central hall;
- Exterior walls were plain, with the only encouraged outdoor creativity released on the windows and porch.

In recent years a detached garage, an accessory storage building and a swimming pool have been added. Any removal of the existing outbuildings or trees would require a C of A from the Historic Preservation Advisory Board.

The subject site is zoned "PD-50" Planned Development No. 50, for (R-O) Residential Office uses.

In staffs opinion the "Austin-Stacey Home" is significant to the built environment/architecture and the urban fabric of the City of Rockwall.

Thirty-six (36) notices were sent out to property owners within 200. At the time of this report no notices have been received.

Staff Recommends approval of the request.

On September 20, 2007, the Historic Preservation Advisory Board recommended approval of the Landmark designation for 912 N. Goliad by a vote of 4-0 (West and Harper absent).

Mr. George Stacey, of 912 N. Goliad, came forward to address the commission and request approval.

Smith made a motion to approve the request by George Stacey for a Historic Landmark designation for the Austin-Stacey House located at 912 N. Goliad. The tract is zoned (PD-50) Planned Development No. 50 and is located outside of the Old Town Rockwall Historic District and identified as a "High Contributing Property" within the Historic survey, as recommended by staff.

Lowry seconded the motion. The motion was voted on and passed 7 to 0.

**Z2007-029**

**Hold a public hearing and consider a request by Jerry Archer of Archer Car Care for approval of a Specific Use Permit (SUP) to allow for an "Auto Repair Garage, Minor" within the (GR) General Retail 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 has submitted an application for a SUP (specific use permit) for a stand-alone "Auto Repair Garage, Minor." His existing business located at 306 S. Goliad is being removed by the reconstruction of SH 205. This application was filed prior to the new Downtown (DT) zoning district becoming effective. The property was zoned GR, General Retail at the time of the submittal. The subject property proposed for the SUP is located at 306 E. Washington, approximately one block east of Fannin Street.

Currently, this building is divided into three separate suites with the two front suites fronting Washington utilized as office and storage space, and the rear suite currently vacant. The floor plan indicates overhead doors on the rear portion of the building. "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."

An existing, unimproved City right-of-way (i.e. 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. If approved, this SUP would include a waiver to the parking requirements for the proposed use. The rear portion of the building has been used as an electrical contractor's business in the past and associated vehicles were parked in the City right-of-way.

Archer's Car Care has been an established business in the Downtown area for many years and the owners would like to continue their trade in the same general area due to the local customer base they have developed and served. The applicant has indicated to staff his inability to secure a location in the general downtown area that would meet his needs as well as comply with the City's zoning requirements as to a permitted use.

Staff feels that limiting this use to 24 months would allow the applicant an ample amount of time to seek an alternate location that would meet all zoning and building requirements. We would not recommend a permanent specific use permit for this property because of the direct conflict with the new Downtown zoning district requirements.

Notices were mailed to 21 owners within 200-ft of the subject site, and at the time of this report one (1) response has been returned.

If approved, Staff would recommend the following conditions:

1. That the Specific Use Permit be limited to 24 months (two years from the date of approval) and that the City Council shall have the right to review the permit at any time during the 24 month period with the right to revoke the Specific Use Permit if it is deemed that conditions of approval are not being adhered to. Additionally, the applicant shall submit a written statement to City Staff 90 days prior to the expiration of the specific use permit indicating his plans to relocate the business from the temporary location.
2. That vehicles shall not be stored on site for longer than 48 hours (two days).
3. That no exterior storage or display shall be allowed (except for vehicles as provided above).
4. That the hours of operation be limited from 7:00am to 7:00pm Monday through Saturday.
5. That the building shall meet all applicable building and fire code requirements unless specifically waived by City Council.

Chairman Bricker opened the public hearing.

Mr. Jerry Archer, the applicant, came forward to address the commission and request approval. He also presented a petition of support from local residents.

Mr. Ray Robertson, owner of Jim and Deans Garage, came forward to address the commission and express that he is in favor of the specific use permit.

Mr. Larry Blackateer, a member of the Downtown Advisory Committee, came forward to address the commission. He expressed that the Committee did not find this type of business in the successful downtown developments that they had recently visited in the area.

Mrs. Joy Greenwalt, of 209 Tanya, came forward to address the commission and express that she is in favor of the specific use permit.

Mr. Jim Greenwalt, of 209 Tanya, came forward and expressed that he is in favor of the zoning request.

Mr. Jamie Tanner, of 1451 FM 1141, came forward to express that he is in favor of the zoning request.

Mrs. Rhonda Taylor, of 589 Norwood, came forward to express that she is in favor.

Mr. Tom Shirey, of 605 N. Alamo, explained that he is in favor of the zoning request.

Mr. Travis Henderson, of 1525 Ashbourn, came forward to express that he is in favor of the zoning request. He also stated that he is representing TXDoT and that he is the Right of Way administrator for the Dallas district. He read the contract from the State of Texas to the City of Rockwall pertaining to the relocation of the business.

Mr. Mark Russo, of 402B Fannin, expressed that he is in favor of the zoning request.

Ms. Janine Shanks, of 1360 Shore Circle, explained that she is in favor of the request.

Mr. John Crowdell, of 2017 Sunny Circle, expressed that he is in favor of the request and expressed that the city uses their services on an almost daily basis.

Mr. John Vance, of 1215 N. Goliad, came forward to address the commission and express that he is in favor of the specific use permit request.

Mr. John Cullins, of 775 Jeff Boyd Road, came forward to address the commission.

Ms. Iris Smith, the owner of the Rockwall Wedding Chapel, came forward to address the commission and request approval of his zoning request. She expressed that she is not concerned with his business coming in and thinks it will be a good fit. She stated that in talking with Mr. Archer, he said that they would not be open past noon on Saturday, if at all, and that is when her business starts up so there should be no conflicts.

Mr. Blakely Hall, a downtown property owner, came forward to express that he is in favor of the zoning request.

Ms. Nell Welbourne, of 810 Lake Meadows, came forward to express that she is in favor of the zoning request and she thinks the use is appropriate for the proposed location.

Chairman Bricker asked if anyone else wished to speak. There being no response, he closed the public hearing.

Cotti stated that thinking of the downtown plan, if we don't take care of the people who have been downtown for as long as Mr. Archer has and don't give them the opportunity to continue their business, then we close the door on others that want



to come or stay downtown in the future. He also feels like the proposed location could use the upgrading and cleanup that the applicant is willing to do.

Milner complemented Mr. Archer and his obvious impact on the community. He stated that in considering these decision, we need to consider the human element in determining what is best for Rockwall.

Commissioner Davis stated she believed the hours of operation on Saturdays be limited to 7:00 to 12:00 to avoid conflicts with the Wedding Chapel business.

Bricker stated the issue on this case is to be fair, and while there is nobody that would speak against Mr. Archer and his contributions, the Commission has to consider this case not on a personal level but whether the proposed use fits within the new downtown zoning and all future uses the City is trying to attract.

After brief discussion, Cotti made a motion to approve the request by Jerry Archer of Archer Car Care for approval of a Specific Use Permit (SUP) to allow for an "Auto Repair Garage, Minor" within the (GR) General Retail 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, as recommended by staff and with the following condition:

1. Change the hours of operation on Saturdays to close at noon.

Hunter seconded the motion. The motion was voted on and passed 5 to 2 with Bricker and Smith voting against.

*Commissioner Hunter left the meeting.*

#### **Z2007-030**

**Hold a public hearing and consider a request by Randall Ahlfs of Tri-star Construction for approval of a Specific Use Permit (SUP) to allow for "Animal Boarding/Kennel without Outside Pens" in the General Retail (GR) district, in conjunction with a proposed Animal Clinic on a 1.08-acre tract comprised of part of Lot 4, Stonebridge Center Phase 1 (0.733-ac), and a 0.347-acre tract known as Block 86C of the B F Boydston Addition and part of Lot 22A, Block J, Stonebridge Meadows #4 Addition, situated along the south side of SH 66 east of Lakeshore Drive, and take any action necessary.**

Ryan stated that the applicant has submitted a request for a Specific Use Permit (SUP) to allow for an "animal boarding/kennel without outside pens" in the General Retail (GR) and SH 66 Overlay (SH 66 OV) districts. The property is a 1.08 acre tract and is located on the south side of SH 66, east of Lakeshore Drive (to the east of the gas station on the southeast corner).

With the SUP submittal the applicants have included a conceptual floor plan exhibit. A sound attenuation detail is also included that thoroughly addresses all

the elements of the buildings construction that helps with noise control. The fencing detail exhibit is included as well.

The applicant is requesting the SUP for animal boarding to offer as a service ancillary to the primary use of an animal clinic. The animal clinic is an allowed use including kennels. The Unified Development Code defines the animal clinic use as:

1. A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment.
2. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such clinic use.

The Specific Use Permit would allow the veterinarian (Dr. Avery) to also offer boarding/kennel service to customers with animals not requiring medical care.

The proposed site will be required to submit and receive approval of a site plan application (including site plan, landscape plan, building elevations, photometric plan, lighting cut sheets, renderings and material samples), engineering plan application and a replat application.

The applicant has not been able to come to an agreement with the adjacent property owner to the east (Dr. Kuhlmann) about tying into their business. The applicant has redesigned their conceptual site plan with a couple of options for providing adequate turnaround in the rear of the site. The applicant plans to keep the building close to the street and designed in a manner to save the large trees on the site and minimize the impact on the neighborhood to the south of the property.

Staff mailed notices to twenty two (22) owners within 200-ft of the subject property, and at the time of this report one notice "in favor" and six notices "in opposition" have been returned. The opposition calculates to greater than 20%, requiring a 3/4 vote by City Council for approval of the SUP.

Staff Recommends approval of the request with the following conditions:

1. Adherence to all Engineering and Fire comments.
2. That the building be designed to be close to the roadway with parking located primarily to the side and rear of the building and efforts made to preserve as many feature trees as possible.
3. That construction methods and noise attenuation technology be utilized to minimize excessive noise within the kennel area of the building.
4. That a solid screening fence be installed for the dog walk area.
5. That all outside areas of the building, parking area and dog walk area be clean and free of any animal waste and also free of odor or miscellaneous trash and debris.
6. That the animal boarding/kennel area not exceed 25% of the floor area for the building.

Mr. Kevin Meehan, a representative of the applicant, came forward to address the commission and request approval.

Chairman Bricker opened the public hearing.

Mr. Art Kuhlman, of 712 Alexander, and owner of the adjacent dental office, came forward to address the commission and inform them that he is opposed to the request for the specific use permit.

Mr. Fred Smith, of Lake Meadows Circle, came forward to express his concern with the noise and the odor. He informed the commission that he is opposed.

Mrs. Nell Welborn, of 810 Lake Meadows Circle, came forward to address the commission and express her opposition to the proposed use.

Mr. Kurt Avery, the veterinarian, came forward to address the commission and answer some of the questions.

Mr. Stan Haddock, the owner of the property, came forward to address the commission and express that he is in favor of the proposed use. He explained that this is the best use that has been proposed for this location.

Chairman Bricker asked if anyone else wished to speak. There being no answer he closed the public hearing.

Cotti asked if there would be a benefit to giving the applicant additional time to work out issues with the site plan and the concerns of the neighbors. LaCroix responded that the concept plan complies with the City's zoning and comprehensive plans, and that additional time may not help the applicant work out something with Dr Kuhlman. The applicant wants the building closer to the street, and has come up with a way to circulate traffic without depending on Dr Kuhlman's cross access.

Cotti also stated that he acknowledges that the boarding is the only reason for the SUP, and he finds it difficult to see the difference in boarding an animal inside for two or three days as opposed to boarding one overnight for medical purposes.

Davis inquired about other boarding or animal facilities in town, such as PetSmart. Hampton pointed out Dr. Sealock's clinic on Ridge Rd, which is zoned GR and located very close to a dentist office and approximately the same distance to the Lago Vista home development in the back. He also clarified that approving an SUP for the boarding use gives the City an opportunity to require certain things such as noise attenuation on the building walls, which are not otherwise guaranteed if the applicant built an animal clinic without boarding.

After further discussion, Smith made a motion to approve the request by Randall Ahlfs of Tri-star Construction for approval of a Specific Use Permit (SUP) to allow

for “Animal Boarding/Kennel without Outside Pens” in the General Retail (GR) district, in conjunction with a proposed Animal Clinic on a 1.08-acre tract comprised of part of Lot 4, Stonebridge Center Phase 1 (0.733-ac), and a 0.347-acre tract known as Block 86C of the B F Boydston Addition and part of Lot 22A, Block J, Stonebridge Meadows #4 Addition, situated along the south side of SH 66 east of Lakeshore Drive, as recommended by staff.

Davis seconded the motion. The motion was voted on and passed 6 to 0.

*Commissioner Cotti left the meeting at 8:30 pm.*

#### **Z2007-031**

**Hold a public hearing and consider a request by Daniel and Lidia Mendez for approval of a change in zoning from (SF-7) Single Family Residential District to (C) Commercial district for a 0.5-acre tract known as Tract 1, Abstract 24, N M Ballard Survey, and located at 1415 Highway 276, and take any action necessary.**

Hampton stated that the applicant is proposing to rezone a 0.5-acre tract from (SF-7) Single Family Residential to (C) Commercial district. It is designated on the Future Land Use Plan as a Mixed Use. The subject tract is bordered by an existing Single Family Residential (SF-7) lot to the east, Light Industrial (LI) and Heavy Commercial (HC) to the north and Commercial (C) to the west. The subject property has frontage along SH 276.

Staff feels that this is an appropriate land use in accordance with the Comprehensive Plan. The applicant has already applied for and been issued a demolition permit for the existing mobile home located on the property.

Future development of the property will be subject to all City requirements including preliminary/final platting, site plan review, engineering plans review, Architectural Review and compliance with SH 276 Corridor Overlay requirements, etc.

Notices were mailed to eight (8) property owners within 200-ft of the subject request, and at the time of this report none had been returned.

Staff Recommends approval of the request.

Mrs. Lidia Mendez, the applicant, came forward to address the commission and request approval.

Chairman Bricker opened the public hearing and asked if anyone wished to speak. There being no response he closed the public hearing.

Milner made a motion to approve the request by Daniel and Lidia Mendez for approval of a change in zoning from (SF-7) Single Family Residential District to

(C) Commercial district for a 0.5-acre tract known as Tract 1, Abstract 24, N M Ballard Survey, and located at 1415 Highway 276, as recommended by staff.

Smith seconded the motion. The motion was voted on and passed 5 to 0.

#### **Z2007-032**

**Hold a public hearing and consider a request by Scott Jungels for approval of a Specific Use Permit (SUP) allowing for a "Landing/Stairs exceeding the maximum requirements" within the Lake Ray Hubbard Takeline Overlay (TL OV) District, in the take area adjacent to his property at 1200 Crestcove Drive, being Lot 25, Block B, Hillcrest Shores Phase 3 Addition, and take any action necessary.**

Hampton stated that the applicant has made a request for approval of a Specific Use Permit (SUP) allowing for two (2) separate "landing/stairs" that exceed the requirements specified within the Lake Ray Hubbard Takeline Overlay (TL OV) District, in the take area adjacent to their property at 1200 Crestcove Drive. The applicant currently has a lease agreement with the City. The applicant also intends to construct a play structure in the take area and a boat-related structure in conjunction with a sea wall; however, these structures at this time meet all City specifications and will require a building permit only.

Staff has attached the requirements for landing/stairs structures in the takeline. The first landing/stairs exceeds the allowed 8'x8' landing area by proposing a 10'x22' landing area. The extra size is intended to accommodate an adequate, enclosed space under the landing for storage of lawn care equipment, a kayak, canoe and windsurf board, and several large children toys. The 5-ft side setback and all other requirements of the takeline overlay district are met.

The second landing/stairs structure proposed by the applicant is a "ramp", with a landing of 10'x10', again exceeding the maximum 8'x8' allowed. Additionally, the 10-ft wide ramp exceeds the maximum 6-ft wide stairs allowed. The structure would have an exterior of natural stone and iron railings that match the existing wall and comply with overlay requirements. However, the side setback of the proposed landing does not meet the required 5-ft setback. The applicant is not proposing an opening on this side for storage.

As the Commission and Council are aware, several landing/stairs have been approved recently, all of which were existing or under construction before the adoption of the landing/stairs requirements. One similar to the structure proposed by the Jungels was Mr. Roy's 240-sf landing/stairs, which was approved as a larger structure for storage of similar items. The take area behind the properties on Crestcove are typically very large, and from a scale standpoint would be inline with those previously approved on Coastal Drive.

The proposed "ramp style" landing would be the first of its kind, though the Commission has discussed at a recent worksession a similar request by Michael Brown who also lives on Crestcove Drive (Mr. Brown has not yet proceeded to

the public hearing phase). The Jungels' request is also the first known request for two separate structures, though the takeline ordinance does not necessarily preclude more than one structure, provided each could meet all takeline requirements. Staff feels approval of the second "ramp" style landing/stairs is a judgment call for the Commission and City Council. The applicant will be present at the meetings to discuss the request and answer questions.

Notices were sent to fourteen (14) owners within 200-ft of the site, and at this time two (2) responses "in favor" have been returned.

If request is approved, Staff offers the following conditions:

1. Submittal and approval of a building permit shall be required.
2. The landing/stairs structures shall comply with the attached site plan (Exhibit "A") and elevations (Exhibit "B")
3. The maximum landing area shall be 220-sf (10' x 22') for the southernmost landing/stairs, and 100-sf (10'x10') for the northernmost "ramp style" landing/stairs.
4. The 10'x10' "ramp style" landing/stairs shall be located less than 5-ft from the side yard, as shown on the attached site plan, and the ramp shall be constructed with a maximum width of 10-ft.
5. All other requirements specified for "Landing/Stairs" in the takeline ordinance shall be met.
6. Items allowed to be stored under the landing/stairs shall comply with the attached floorplan Exhibit "C" which include lawn care equipment and yard cart; miscellaneous children's toys; and a kayak, canoe, and other similar water items. However, no extra fuel or other chemicals shall be stored within the storage area or takeline.

Mr. Scott Jungels, the applicant, came forward to address the commission and request approval.

Chairman Bricker opened the public hearing and asked if anyone wished to speak. There being no response he closed the public hearing.

After brief discussion, Milner made a motion to approve the request by Scott Jungels for approval of a Specific Use Permit (SUP) allowing for a "Landing/Stairs exceeding the maximum requirements" within the Lake Ray Hubbard Takeline Overlay (TL OV) District, in the take area adjacent to his property at 1200 Crestcove Drive, being Lot 25, Block B, Hillcrest Shores Phase 3 Addition, as recommended by staff.

The motion failed for lack of a second.

Smith made a motion to deny the request by Scott Jungels for approval of a Specific Use Permit (SUP) allowing for a "Landing/Stairs exceeding the maximum requirements" within the Lake Ray Hubbard Takeline Overlay (TL OV)

District, in the take area adjacent to his property at 1200 Crestcove Drive, being Lot 25, Block B, Hillcrest Shores Phase 3 Addition.

Lowry seconded the motion. The motion was voted on and passed 4 to 1 with Milner voting against.

*Smith left the meeting at 9:11 pm.*

## **SITE PLANS/ PLATS**

### **SP2007-004**

**Discuss and consider a request by Stephen Seitz of Seitz Architects for approval of a special exception to the Construction Materials requirements specified in *Article V, Section 5.1, General Industrial District Standards*, of the Unified Development Code, in association with an administrative site plan for GIS Investigations, located on Lot 3A-R, Block C, Ellis Centre #2 Addition, being a 1-acre tract zoned (LI) Light Industrial District, and take any action necessary.**

Spencer stated that staff has received an application for site plan approval from Stephen Seitz for the construction of the GIS Investigations Office development. The proposed 8,086-sf structure is located at the corner of Alpha Dr. and Sigma Ct. The site plan application can and has been reviewed administratively by staff; however, there are two issues with the project as proposed that require the applicant to seek approval of a special exception from the Planning and Zoning Commission and City Council.

First, the proposed building does not meet the building articulation requirements as set forth in Article V, Section 5.1C of the City's Unified Development Code. Though the building does feature some vertical articulation (1' 6" high) it does not have the required 4' of vertical articulation.

Secondly, staff feels that the screening proposed for the rooftop mechanical units also requires consideration of a special exception. The screening requirements in Article V, Section 1.5.3 require that ground and roof-mounted "utility equipment and air conditioning units shall be screened utilizing plantings, berms, or walls matching the main structure."

Stephen Seitz, the architect for GIS Investigations, has submitted specifications for the proposed screening. Additionally a site plan showing the building layout as well as the locations of rooftop screening units has been submitted by the architect.

Mr. Greg Hill, the owner, came forward to address the commission and answer any questions.

The Commission briefly discussed with Mr. Hill the issue of visibility of the area of the building in question.

Milner made a motion to deny the request by Stephen Seitz of Seitz Architects for approval of a special exception to the Construction Materials requirements specified in *Article V, Section 5.1, General Industrial District Standards*, of the Unified Development Code, in association with an administrative site plan for GIS Investigations, located on Lot 3A-R, Block C, Ellis Centre #2 Addition, being a 1-acre tract zoned (LI) Light Industrial District.

Lowry seconded the motion. The motion was voted on and passed 4 to 0.

#### **SP2007-019**

**Discuss and consider a request by Matthew Cragun of O'Donald Engineering for approval of a site plan for Chase Bank, located on Lot 1, Block 1, Northshore Plaza Phase Two and Lots 1 and 2, Northshore Plaza Phase Three, being a 0.958-acre tract overall zoned (GR) General Retail district and situated within the SH 66 Overlay district, and take any action necessary.**

Spencer stated that the site plan is for a Chase Bank development on Lot 1, Block 1, Northshore Plaza Phase Two and Lots 1 and 2, Northshore Plaza Phase Three, being a 0.958-acre tract located at the northeast corner of N. Lakeshore Dr and SH 66. The existing buildings and impervious surface located on the site are proposed to be removed in their entirety.

The site will be accessed from SH 66 and N. Lakeshore Dr. Access from North Lakeshore is obtained via a mutual access drive with the existing Neighborhood Wal-Mart. The required parking for the 3,848-sf bank is 14 spaces (one per 300-sf), and the applicant is proposing 33 spaces, including two accessible spaces. Despite that over 16.7% of the site is proposed as open space.

All mechanical equipment is shown to be ground mounted and contained entirely within a natural stone screen wall measuring 4'4" in height.

As currently shown the landscape buffer along SH 66 does not meet the minimum 20' in width and will require a variance to the SH 66 Overlay District. Any variance to the SH 66 Overlay District requires a recommendation from the Planning and Zoning Commission and a super majority (3/4 vote) vote of approval from the City Council. The minimum 10-ft landscape buffer shown along North Lakeshore meets the requirements of the Unified Development Code. The large street trees proposed along N. Lakeshore Dr and SH 66 (i.e. 7 total) meet City requirements. Other trees are provided around the site to meet landscaping standards.

The applicant is proposing to work with TX DOT to save the existing two (2) 20" caliper Live Oaks at the corner of SH 66 and North Lakeshore. The applicant is also proposing to install the required accent trees for the landscape buffer along SH 66 in the landscape buffer along North Lakeshore. Staff feels that with the existing Live Oak trees and the proposed large caliper trees along SH 66 that any accent trees may inhibit the growth of the large tree canopies. If the applicant is unable to save the existing trees staff would recommend a landscape



plan be submitted that meets all the requirements of the SH 66 Overlay and that it be approved at the staff level.

The proposed elevations for Chase Bank are comprised of natural stone, brick, stucco, cast stone and a standing seam metal roof. The revised elevations appear to meet the standards of the SH 66 Overlay.

The revised lighting details illustrate that the exterior lighting will have a maximum mounting height of 20-ft, which meets SH 66 Overlay standards. Additionally, the light fixtures are fully cut-off in compliance with the City's requirements. The light levels located along the rear property line appear to be excessive and need to be reduced to 0.2-FC. The rest of the site appears to meet the requirements for outdoor lighting outlined in the Unified Development Code.

Staff Recommends approval of the request with the following conditions:

1. Adherence to Engineering and Fire Department standards.
2. Submittal and approval of a replat subject to Engineering Plan approval.
3. A maximum of 0.2-FC when measured at the property lines.
4. If the 20" caliper Live Oaks are required to be removed the applicant amend and resubmit a landscape plan to the Planning Staff for approval.
5. Approval by the Planning and Zoning Commission and the City Council for the variance to the 20' landscape buffer along SH 66 as required in the SH 66 Overlay District.

Mr. Matthew Cragun, the applicant, came forward to address the commission and answer any questions.

After brief discussion, Milner made a motion to approve the request by Matthew Cragun of O'Donald Engineering for approval of a site plan for Chase Bank, located on Lot 1, Block 1, Northshore Plaza Phase Two and Lots 1 and 2, Northshore Plaza Phase Three, being a 0.958-acre tract overall zoned (GR) General Retail district and situated within the SH 66 Overlay district, as recommended by staff and with the following stipulation:

1. A roof material sample be submitted and approved by the Planning and Zoning Commission at the October Work Session.

Lowry seconded the motion. The motion was voted on and passed 4 to 0.

## **ADDITIONAL DISCUSSION ITEMS**

- Miscellaneous Discussion of Land Use Issues

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 10:00 p.m.

**Minutes of  
PLANNING AND ZONING COMMISSION MEETING  
November 13, 2007**

**CALL TO ORDER**

The meeting was called to order by Chairman, Bill Bricker at 6:00 p.m. with the following members present; Lynn Davis, Bob Cotti, Dennis Lowry, Michael Hunter, and Glen Smith. Earl Milner was absent.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, Leslie Ryan and Kim Whitley.

**CONSENT AGENDA**

- 1. *Approval of Minutes* for Oct. 9, 2007 Planning and Zoning Commission meeting.**
- 2. *Approval of Minutes* for Oct. 30, 2007 Planning and Zoning Commission meeting.**
- 3. P2007-032**  
**Discuss and consider a request by Chris Cuny of F C Cuny Corp. for approval of a final plat of the Alliance Addition, being a 16.073-acre tract zoned (PD-57) Planned Development No. 57 district and located at the northeast corner of FM 3097 and FM 549, and take any action necessary.**

Cotti pulled Item #2, and made a motion to approve Consent Agenda Items #1 and #3 with staff conditions.

Hunter seconded the motion. The motion was voted on and passed 6 to 0.

Hunter made a motion to approve Consent Agenda Item #2.

Davis seconded the motion. The motion was voted on and passed 5 to 0 with Cotti abstaining.

**PUBLIC HEARING ITEMS**

**Z2007-033**

**Hold a public hearing and consider a request by Steve Meier of Mays & Co. Real Estate Development for approval of a Specific Use Permit (SUP) to allow for an "Auto Repair Garage, Minor" within the (C) Commercial zoning district, on Lot 1, Block A, Derrick Addition, being a 0.8121-acre tract located at 740 E IH-30 and situated at the northwest corner of IH-30 and White Hills Drive, and take any action necessary.**

Hampton stated that the applicant has submitted an application for a Specific Use Permit to allow for a stand-alone "Auto Repair Garage, Minor" within the (C) Commercial zoning district. The proposed Firestone Car Care store is situated on 0.8121-acre at the northwest corner of White Hills Dr and IH-30. An existing convenience store and gas station on the property would be demolished with the development of the proposed use. The subject site is south of a retail strip center (which includes an Auto Repair shop), east of an office building and west of other retail/restaurant uses (Walmart, Taco Bueno, Car Toys, etc).

In conjunction with the SUP submittal, the applicant has submitted a full site plan application, and if the SUP were approved, staff would recommend including the site plan and building elevations as part of the SUP ordinance. The building includes ten (10) service bays, all of which face west, or interior to the site. The building has been placed towards the street and features architectural details, windows and signage on the east elevation (which faces White Hills Drive) to comply with the four-sided architectural requirements in the IH-30 Overlay district. The front (IH-30 side) of the building is the retail showroom.

Staff feels the proposed use complies with the Unified Development Code, including the IH-30 Overlay standards and the regulations specific to the Auto Repair Garage use such as service bay orientation and the prohibition of outside storage. There are other similar auto repair establishments in the near vicinity, and staff also feels the replacement of the vacant gas station would be a positive improvement to the area.

Staff mailed notices to ten (10) owners within 200-ft of the subject property, and at the time of this report one (1) response "in opposition" had been returned.

Staff Recommends approval of the request with the following conditions:

1. Submittal and approval of engineering plans.
2. Adherence to fire department requirements.
3. Adherence to approved site plan and building elevations.
4. Separate permit(s) to be approved by Code Enforcement Department required for all signage.
5. Vehicles, equipment, parts or inventory shall not be stored outside overnight.

Mr. Steve Meier, the applicant, came forward to answer questions and ask for approval of the specific use permit request.

Bricker opened the public hearing and asked if anyone wished to speak.

Mr. Joe Owen, of 750 E IH-30, came forward to express his opposition to the commission.

Bricker asked if anyone else wished to speak. There being no response, he closed the public hearing.

After brief discussion, Cotti made a motion to approve the request by Steve Meier of Mays & Co. Real Estate Development for approval of a Specific Use Permit (SUP) to allow for an "Auto Repair Garage, Minor" within the (C) Commercial zoning district, on Lot 1, Block A, Derrick Addition, being a 0.8121-acre tract located at 740 E IH-30 and situated at the northwest corner of IH-30 and White Hills Drive, as recommended by staff and with the following stipulation:

1. The site plan and elevations be attached to the SUP ordinance.

Lowry seconded the motion. The motion was voted on and passed 6 to 0.

**SP2007-023** *Not a public hearing, but related to Item 2a*

**Discuss and consider a request by Steve Meier of Mays & Co. Real Estate Development for approval of a site plan for Firestone Complete Auto Care, located at 740 E IH-30 on a 0.8121-acre site known as Lot 1, Block A, Derrick Addition, zoned (C) Commercial zoning district and situated within the IH-30 Overlay District, and take any action necessary.**

Hampton began by stating that to address the adjacent property owner's concern brought out in the public hearing for the SUP, staff has suggested to the applicant that any of the existing trees on the site that have to be removed be mitigated with plantings along the western property line to help screen the site from the office building.

Hampton continued by summarizing the site plan request relating to the SUP that the Commission just approved for Firestone. It should be noted that longstanding drainage issues on the site and within the I30 ROW will be addressed with the redevelopment during the engineering review process.

The materials consist of natural limestone, split-face CMU and stucco, with a composite shingle roof. The revised elevations indicate the percentage of each material, including compliance with the 20% minimum stone requirement. Stucco has been substituted for the EIFS shown on the original submittal.

The landscape plan indicates approximately 25% open space on the lot, exceeding the City's minimum 15% requirement. The 20-ft landscape buffer is provided along IH-30, and includes all required canopy and accent trees and shrubs. A 15-ft buffer (minimum 10-ft required) is provided along White Hills Drive, and includes one tree per 50-ft. Landscaping has been added on the east side of the building to screen the HVAC unit located on the ground. All other minimum landscaping requirements appear to be addressed with the plan.

The photometric plan indicates pole lights with an overall mounting height of 27.5-ft, which complies with the IH-30 overlay district. The light levels are shown to be 0.2-FC or less at all property lines. All fixtures (including wall mounted) shall be full or partial cut-off as specified in the Unified Development Code.

On 10/30/07 the Architectural Review Board recommended that the developer use a darker stone on the building and use a higher quality ("D-Profile" or greater) composite roof material, but approved the building design.

Staff Recommends approval of the request with the following conditions:

1. Approval of Specific Use Permit by City Council.
2. Submittal and approval of engineering plans.
3. Adherence to fire department requirements.
4. Separate permit(s) to be approved by Code Enforcement Department required for all signage.
5. Dumpster enclosure shall be constructed with masonry materials matching the primary structure.

After brief discussion, Cotti made a motion to approve the request by Steve Meier of Mays & Co. Real Estate Development for approval of a site plan for Firestone Complete Auto Care, located at 740 E IH-30 on a 0.8121-acre site known as Lot 1, Block A, Derrick Addition, zoned (C) Commercial zoning district and situated within the IH-30 Overlay District, as recommended by staff and with the following stipulation:

1. The trees be mitigated to the western property line.

Hunter seconded the motion. The motion was voted on and passed 6 to 0.

*Hunter recused himself for the following case.*

#### **Z2007-034**

**Hold a public hearing and consider a request by David Kochalka of Kimley-Horn & Associates, Inc., for an amendment to (PD-65) Planned Development No. 65 district, being 49.35-acres overall and generally situated along the west side of SH 205 (N. Goliad), south of Quail Run Rd and north of the Lakeview Summit subdivision, and take any action necessary.**

Spencer stated that the applicant is proposing to amend PD-65 and has submitted a revised concept plan and amended development standards.

The applicant is requesting that the allowable maximum height of buildings located within 250 of SH 205 on Parcels 3, 4, & 5 be increased from 28-feet to 36-feet.

In addition the applicant is requesting that the additional use of a Retail/Gas Store with a maximum of Maximum Six (6) Dispensers (accommodating up to Twelve (12) Vehicles) be relocated from Parcel 4 to Parcel 5. The Retail/Gas store is being relocated in an effort to accommodate a proposed Walgreens on Parcel 4, located on the northwest corner of SH 205 and North Lakeshore. A site plan for the proposed Walgreens is running concurrently with the proposed amendment to PD-65.

Notices were mailed to 71 property owners within 200-ft of the subject tract, and at the time of this report, eight (8) responses "in opposition" and no response "in favor" had been returned.

Staff recommends approval of the PD amendment.

Mr. Pieter Kessels, the applicant, came forward to address the commission and request approval.

Chairman Bricker opened the public hearing and asked if anyone wished to speak.

Mr. Lanty Dean, of 216 W. Quail Run Road, came forward to address the commission and express his opposition.

Mr. Trent Hyde, of 218 W. Quail Run Road, came forward to address the commission and express his opposition.

Mr. Wesley Pettinger came forward and expressed his opposition to the commission and his environmental concerns.

Mr. Kessels, the applicant, came forward to answer some questions and to address some of the concerns raised by the citizens.

Chairman Bricker asked if anyone else wished to speak. There being no response, he closed the public hearing.

The Commission discussed the issue of the increasing the building height, and generally came to the conclusion that only architectural towers, features and other elements should be constructed above the 28-ft originally agreed to in the PD.

Cotti made a motion to approve the request by David Kochalka of Kimley-Horn & Associates, Inc., for an amendment to (PD-65) Planned Development No. 65 district, being 49.35-acres overall and generally situated along the west side of SH 205 (N. Goliad), south of Quail Run Rd and north of the Lakeview Summit subdivision, as recommended by staff and with the following stipulation:

1. The maximum building height for any structure located within 250 feet of SH 205 not exceed 28 feet, but allowing up to 36 feet for architectural elements and building towers.

Lowry seconded the motion. The motion was voted on and passed 5 to 0 with Hunter abstaining.

*Hunter returned to the meeting.*

#### **Z2007-035**

**Hold a public hearing and consider a request by Tommy and Sylvia Yetts for approval of a Specific Use Permit (SUP) to allow for a "Boat and Trailer**

**Dealership" (and accessory boat/RV storage) within (PD-46) Planned Development No. 46 District, on a 9.953-acre tract known as Tract 2, Abstract 186, J. A. Ramsey Survey, located at 2325 Hwy 276, and take any action necessary.**

Hampton outlined that the applicant has submitted an application for a Specific Use Permit (SUP) for a boat and trailer dealership, and proposes to include related uses such as boat service/repair and boat/RV storage on the subject site. The nearly 10-acre property is immediately east of the applicant's current Rockwall Marine boat sales and service facility on Hwy 276, and the owner has indicated he intends to relocate his business to the larger site.

The PD-46 zoning district (which covers both properties) designates the property as "C" Commercial; however, the PD also specified that the uses intact at that time are also permitted on those specific tracts. The subject property was formerly used as a trucking operation, with one existing building in front used primarily as office and one repair shop located in the center part of the tract. While a boat and trailer dealership is permitted on the Yetts' existing site (since that was the use when PD-46 was approved), an SUP is required on the subject property. In the consideration of this case, Staff feels it is important to note that a trucking operation would be a permitted use on this site.

With their application, the Yetts have submitted a conceptual site plan along with conceptual elevations for the buildings that would face either SH 276 or Springer Rd. The site plan indicates that one existing drive would be maintained on SH 276, and cross access is proposed from their current property to the west to access the proposed boat and RV storage areas of the site. The storage component is intended to be a separate "business" of the applicant with a dedicated entrance and security fence to separate it from their sales and service business. The site plan conceptually indicates their proposed outside display and storage areas related to the sales/service use. A future site plan submittal would be required to specify in more detail the limits of the storage areas, and allow staff to review compliance with the Unified Development Code's provisions for the boat and trailer dealership use (see conditions).

The proposed conceptual elevations show buildings comprised of stucco and cultured stone, with standing seam metal roofs, for each of the various buildings that face either SH 276 or Springer Rd. Interior buildings are proposed to be of metal construction. While the elevations do not comply with the masonry standards in the SH 276 Overlay district or the City's General Commercial standards, the approved PD-46 ordinance (which was approved in 1999, before the Overlay standards) states the following:

"Those tracts with existing buildings will be allowed to use the same exterior materials... for any new buildings that are built. However, if an existing building is expanded to an amount that equals 50% of the appraised tax value of that building, the requirements of the commercial zoning district exterior materials shall be met."

It is staff's opinion that this clause in PD-46 permits new metal buildings on the property since that is what exists today on the site, as long as the proposed use is a permitted use. Since the proposed use requires an SUP, staff has recommended the applicant attempt to dress up the visible parts of the buildings in an effort to upgrade the site aesthetics. Staff feels the applicant is making an attempt to upgrade the buildings, as well as make a significant investment overall in the property. Again, it's important to remember that a trucking company or another use permitted by right in the Commercial district could occupy this site, and would likely construct additional metal buildings without any masonry.

Staff has included a list of conditions if the SUP were approved, and given the circumstances would recommend approval of the proposal. Staff feels the applicant is proposing a positive overall improvement to the subject site, and the proposed use fills a niche for the community. With the City's new standards for boat and RV screening on residential properties, the demand for secure, off-site storage areas has likely increased. Additionally, the City does not have other businesses that specialize in boat sales and service despite its lakefront location. The SUP would provide the applicant with a suitable site to keep their growing business in Rockwall, and could facilitate a development that is preferable to other, potentially more negative alternatives permitted by the zoning.

Notices were mailed to 10 owners within 200-ft of the subject site, and at the time of this report one response "in favor" had been returned.

Staff Recommends approval of the request with the following conditions:

1. Unless otherwise specified in an approved SUP ordinance, the development shall comply with the following Unified Development Code requirements relating to "Boat and Trail Dealerships (New and Used)":
  - a. The area to be used for outside storage and display shall not exceed 50% of the total lot area within 100-ft of any adjacent street.
  - b. All such outside storage and display areas must be permanently paved to City standards.
  - c. All such outside storage and display areas must be screened along all road frontages with a solid evergreen landscape screen a minimum of three feet in height.
  - d. All such outside storage and display areas may be lit with directed exterior lighting that does not glare onto any adjacent roadways.
2. Future site plan (including landscape plan, building elevations and photometric plan) submittal and approval required.
3. Buildings that face SH 276 or Springer Rd shall comply with the attached conceptual building elevations. All interior buildings shall be constructed with a metal exterior, but shall generally match in color and style with the attached elevations.
4. Submittal and approval of final plat required.



5. The development must comply with all onsite engineering and fire department requirements. Offsite engineering requirements for the subject property include:
  - a. Springer Rd paving improvements, minimum 24-ft.
  - b. Extension of sewer line down Springer Rd.
  - c. Sanitary sewer pro-rata due.
  - d. Culverts needed under driveways along Springer Rd.

Mr. Tommy Yetts, the applicant, came forward to address the commission and request approval.

Chairman Bricker opened the public hearing and asked if anyone wished to speak. There being no response, he closed the public hearing.

Smith made a motion to approve the request by Tommy and Sylvia Yetts for approval of a Specific Use Permit (SUP) to allow for a "Boat and Trailer Dealership" (and accessory boat/RV storage) within (PD-46) Planned Development No. 46 District, on a 9.953-acre tract known as Tract 2, Abstract 186, J. A. Ramsey Survey, located at 2325 Hwy 276, as recommended by staff.

Hunter seconded the motion. The motion was voted on and passed 6 to 0.

## **SITE PLANS/ PLATS**

### **SP2007-019**

**Discuss and consider a request by Matthew Cragun of O'Donald Engineering for approval of a variance to the exterior lighting requirements relative to the approved site plan for Chase Bank, located on Lot 1, Block 1, Northshore Plaza Phase Two and Lots 1 and 2, Northshore Plaza Phase Three, being a 0.958-acre tract overall zoned (GR) General Retail district and situated within the SH 66 Overlay district, and take any action necessary.**

Spencer stated that the Planning and Zoning Commission on October 9, 2007, approved the site plan for the Chase Bank located at the northeast corner of SH 66 and North Lakeshore. With this development the applicant is requesting a waiver to the exterior lighting standards of 0.2 ft-candles at the property line. Staff feels that additional evergreen screening and fencing may reduce the amount of ft-candles at the property line. Staff is recommending that the Commission and staff work with the applicant to reduce the amount of ft-candles at the property line prior to seeking a variance from the City Council.

Several light fixtures on the site do not appear to downward light. Staff feels that the applicant needs to either correct the fixtures to be downward light or provide to the Commission proof of how they are planning to shield these fixtures.

The proposed bank is a redevelopment project and all existing structures and pavement currently located on the site are to be removed as part of this proposal.

Any variance to the Unified Development Code requires a recommendation from the Planning and Zoning Commission and a simple majority vote of approval from the City Council.

After brief discussion, Cotti made a motion for staff to work with the applicant in reducing the light levels along the north property line.

Smith seconded the motion. The motion was voted on and passed 6 to 0.

*Hunter recused himself from the meeting for the following item.*

**SP2007-024**

**Discuss and consider a request by David Kolchalka of Kimley-Horn & Associates, Inc. for approval of a site plan for Walgreens, located on the proposed Lot 1, Block B, North Lakeshore Valley, being 1.9713-acres zoned (PD-65) Planned Development No. 65 district and located at the northwest corner of North Lakeshore Drive and SH 205 within the North SH 205 Corridor Overlay district, and take any action necessary.**

Spencer outlined that the site plan submitted by the applicant is for a Walgreens retail store. The subject site is part of a larger development know as North Lakeshore Valley (NLV). The Planning and Zoning Commission approved an overall site plan for the entire NLV development in 2007. Each site plan submitted for all the individual lots contained within the development shall comply with the approved overall site plan, site details and building elevations.

The site will be accessed via one (1) proposed mutual access drive from North Lakeshore and one (1) mutual access drives from the proposed Pecan Valley Drive. The proposed Pecan Valley Drive is required to be constructed up to the west property line as part of the Walgreens development.

The proposed Walgreens is shown to be a 14,820-sq. ft. building requiring sixty (60) parking spaces at ratio of one (1) parking space for every 250 sq. ft. The applicant is exceeding city requirements by proposing to install seventy-eight (78) parking spaces. Staff feels that the site may be a little over park and would suggest that the Commission work with the applicant in reducing any unnecessary parking.

The applicant is proposing to install eight (8) large canopy trees and eleven (11) accent trees along SH 205 in an effort to comply with the SH 205 Overlay district. In addition to the buffer along SH 205 the applicant is meeting the buffer requirements along Pecan Valley and North Lakeshore. A final tree mitigation plan will be required to be approved in conjunction with the final plat.

As currently submitted the landscape plan does not address the row of trees to be planted along the rear of the building as required by the North SH 205 Overlay. Approval of the current landscape plan would require a variance to the

North SH 205 Overlay. Any variance to the North SH 205 Overlay requires a positive recommendation from the Planning and Zoning Commission and a super majority (3/4th) vote of approval by the City Council.

The proposed building is a 26' high single-story building, with a 36' high architectural tower, constructed primarily of Limestone Block, Limestone Block "Ashlar Pattern", EIFS cornices, and a standing seam metal roof. At the time of the November 13th, Planning and Zoning Commission meeting the proposed height of the building exceeds the maximum height of 28' as defined for the subject site by the PD development standards. Running concurrently with the site plan is the zoning application to amend the PD development standards allowing for a maximum height of 36'.

On the south elevation the dumpster and mechanical equipment screen walls appear to be comprised of natural stone; however the dumpster and mechanical equipment screen walls on the north elevation do not appear to reflect the same natural stone material. Staff would recommend that all dumpster and mechanical screen walls be constructed of natural stone.

At the work session, the staff, the Commission and the Architectural Review Board all voiced concern on the lack of horizontal articulation and four-sided architecture on the west and south elevations.

Staff feels that the elevations as submitted do not meet the requirements of the planned development.

All exterior lighting shall be a maximum of 20' in height (including the base) and shall be directed downward with a maximum 1" reveal. The photometric plan appears to meet all other city requirements. The applicant has incorporated the decorative antique style exterior light fixtures as required by the approved PD site plan.

Staff Recommends tabling the request to allow time to resolve the following issues:

1. Architectural Review Board review of revised elevations.
2. Approval of revised building material samples.
3. Excess on-site parking.
4. Four-sided architecture on the west and north elevations. (North SH 205 Overlay & PD-65)
5. Horizontal articulation on the west and north elevations. (Article V UDC)
6. Vertical articulation on the west and north elevations. (Article V UDC)
7. Exterior finish material on the west and north tower elevations. (North SH 205 Overlay & PD-65)
8. Adding a row of trees along the rear elevation. (North SH 205 Overlay)
9. City Council approval of the proposed PD amendment allowing for a maximum height of 36'.

Mr. Craig Pinson, the applicant, came forward to address the commission and answer any questions.

Davis made a motion to table the request by David Kolchalka of Kimley-Horn & Associates, Inc. for approval of a site plan for Walgreens, located on the proposed Lot 1, Block B, North Lakeshore Valley, being 1.9713-acres zoned (PD-65) Planned Development No. 65 district and located at the northwest corner of North Lakeshore Drive and SH 205 within the North SH 205 Corridor Overlay district, as recommended by staff.

Cotti seconded the motion. The motion was voted on and passed 5 to 0 with Hunter abstaining.

*Hunter returned to the meeting.*

#### **SP2007-025**

**Discuss and consider a request by Matthew Cragun of O'Donald Engineering for approval of a site plan for Chase Bank, located on Lot 1, Block A, Mark Carson Addition, being a 0.992-acre tract zoned (PD-9) Planned Development No. 9 district and located at the southwest corner of FM 3097 and Ralph Hall Parkway, and take any action necessary.**

Spencer outlined that the site plan is for a Chase Bank development on Lot 1, Block A, Mark Carson Addition, being a 0.992-acre tract zoned (PD-9) Planned Development No. 9 district, located at the southwest corner of FM 3097 and Ralph Hall Parkway. A carwash previously located on the site has been removed.

The site will be accessed from Ralph Hall Parkway and will have mutual access with the existing Doctor's Office adjacent to the proposed bank. The required parking for the 4,282-sf bank is 15 spaces (one per 300-sf), and the applicant is proposing 47 spaces, including two accessible spaces. Despite that over 28% of the site is proposed as open space.

All mechanical equipment is shown to be ground mounted and contained entirely within a natural stone screen wall measuring 4'4" in height.

As currently shown the landscape buffers along both Ralph Hall Parkway and Horizon Road (FM 3097) meet city requirements. Currently there are eighteen (18) existing trees located on site varying in caliper size from 10" to 4". The applicant is proposing to save and use twelve of the existing on-site trees as part of the required landscaping for the site. Six (6) of the existing trees located at the rear of the property are proposed to be removed to make room for the two way access drive from Ralph Hall and drive-thru by-pass lane. The applicant will have to mitigate a total of forty inches (40"). Due to the size of the site staff would recommend that the applicant work with the City of Rockwall Parks and Recreation Department for placement of the mitigated inches in other needed areas around the city, or pay into the City's tree fund at \$125 an inch.

In addition to the existing landscaping the applicant is proposing to install additional landscaping in both street buffers, in the parking lot and adjacent to the proposed building.

The proposed elevations for Chase Bank are comprised of natural stone, brick, stucco, cast stone and a standing seam metal roof. The elevations appear to meet the requirements of the Unified Development Code and PD-9.

The revised lighting details illustrate that the exterior lighting will have a maximum mounting height of 20-ft, which meets the standards outlined in the Unified Development Code.

With this development, the applicant is requesting a waiver to the exterior lighting standards of 0.2 ft-candles at the property line. Staff feels that additional evergreen screening and fencing may reduce the amount of ft-candles at the property line. Staff is recommending that the Commission and staff work with the applicant to reduce the amount of ft-candles at the property line prior to seeking a variance from the City Council.

Several light fixtures on the site do not appear to downward lit. Staff feels that the applicant needs to either correct the fixtures to be downward lit or provide to the Commission proof of how they are planning to shield these fixtures.

Staff Recommends tabling the request to allow time to resolve the following issues:

1. Reduction of light levels at the property lines.
2. Orientation of light fixtures (all fixtures must be downward lit).

On October 30, 2007 the Architectural Review Board did not forward a formal recommendation to the Planning and Zoning Commission.

If the Planning and Zoning Commission wishes to approve the site plan, staff would offer the following recommendations:

1. Adherence to all Engineering and Fire Department Standards.
2. Work with the Parks and Recreation Department in meeting tree mitigation requirements or pay into the City's tree fund.
3. Approval of variance to the lighting standards by the Planning Commission.

Cotti made a motion to table the request by Matthew Cragun of O'Donald Engineering for approval of a site plan for Chase Bank, located on Lot 1, Block A, Mark Carson Addition, being a 0.992-acre tract zoned (PD-9) Planned Development No. 9 district and located at the southwest corner of FM 3097 and Ralph Hall Parkway, as recommended by staff.

Hunter seconded the motion. The motion was voted on and passed 6 to 0.

**SP2007-026**

**Discuss and consider approval by Cody Douglas of Miller Architects for approval of a site plan for Rockwall Medical Center, being a 22,590-sf medical office building located on the proposed Lot 1, Block 1, Rockwall Medical Center Addition (preliminary platted as Flagstone Creek Addition), being 2.4325-acres zoned (PD-54) Planned Development No. 54 district and situated at the southeast corner of Ralph Hall Parkway and Flagstone Creek Blvd, and take any action necessary.**

Ryan outlined the site plan submitted for Rockwall Medical Center is a 22,590 sq. ft. medical office building. The 2.4325 acre site is located at the northeast corner of Ralph Hall Pkwy and Flagstone Creek Blvd. The parking requirement for the use is one space per 200 sq. ft of medical office, 112 spaces are required and 112 parking spaces and 6 handicap spaces have been provided. The project has 2 access easements, one from Flagstone Creek Blvd. and another off Ralph Hall Parkway, which will serve as cross access for the property to the east.

The landscape plan indicates that the site has 28,783 sq ft of site landscape areas or over 35%, which exceeds the city standards. Eight (8) 4" trees are shown as being planted throughout the property.

The building elevations indicate that the building will be constructed of brick, stucco and Austin white limestone and the roof will be standing seem metal. Overall height of the building at the roofs highest pitch is 35 ft. The buildings architectural features meet all articulation requirements. The dumpster detail includes 8 ft enclosure walls constructed of stone materials matching the main structure. The Architectural Review Board recommended approval of the building, but with the comments that they looks at using a darker stone and lower pitched roofs.

The lighting plans and cut sheets are in compliance with city standards. The light poles are shown to be 22.5 ft in height and the allowable light levels at the property lines shall be 0.2-FC. A maximum of 1" is allowed for exposed luminaries with partial cut-off lighting. As per the lighting plan there is no spill over on to adjacent properties.

Staff Recommends approval of the request with the following conditions:

1. Approval of Engineering plans.
2. Adherence to all fire department requirements.
3. Submittal and approval of final plat.
4. Off-site easements to be filed by separate instrument.
5. Maximum Height of lighting in PD-54 is 20 ft. Reduce pole height to 17.5 or lower.

Cotti made a motion to approve the request by Cody Douglas of Miller Architects for approval of a site plan for Rockwall Medical Center, being a 22,590-sf medical office building located on the proposed Lot 1, Block 1, Rockwall Medical Center

Addition (preliminary platted as Flagstone Creek Addition), being 2.4325-acres zoned (PD-54) Planned Development No. 54 district and situated at the southeast corner of Ralph Hall Parkway and Flagstone Creek Blvd, as recommended by staff.

Smith seconded the motion. The motion was voted on and passed 6 to 0.

#### **SP2007-027**

**Discuss and consider a request from Pat Grady of Lakeside Chevrolet Co. for approval of an amended site plan and building elevations for the expansion of their existing motor vehicle dealership located at 2005 S. Goliad, being an 8.65-acre tract zoned (C) Commercial district and situated within the SH 205 Overlay District and IH-30 Overlay District, and take any action necessary.**

Spencer discussed the request from Pat Grady of Lakeside Chevrolet Co. for approval of an amended site plan and building elevations for the expansion of their existing motor vehicle dealership located at 2005 S. Goliad has been submitted.

The Planning and Zoning Commission approved a site plan for the expansion of the existing dealership in 2006. The parking, exterior lighting and landscaping that were approved as part of the site plan have been installed.

As part of the amended site plan the applicant is requesting that the "showroom" elevations previously approved by the Commission in 2006 be revised as submitted. The applicant has also included a request for approval of a "quick lube and detail" building with the amended site plan application.

The applicant has submitted revised elevations for the proposed showroom. The proposed showroom is a 28'6" high building with a 60' high architectural tower. The building is comprised of Field Stone, Stucco, Scored Split-Face CMU and Standing Seam Metal for the tower roof. As submitted the elevations meet the requirements of both the SH 205 and I-30 Overlay Districts. The applicant has provided a perspective rendering for the Planning and Zoning Commission meeting.

As part of the site plan the applicant is proposing to construct a detached "quick lube and detail" building. The proposed building will be located east of the existing showroom and service shop and northeast of the proposed showroom. The existing showroom will provide screening of the proposed building from SH 205 and the proposed showroom will provide screening from I-30. Staff has discussed with the owner installing a combination of tubular steel fencing and evergreen landscaping or a stone wall along the east side of the show room to help screen the proposed building from I-30.

The proposed "quick lube and detail" building is comprised of Scored Split-Face CMU and Field Stone with a parapet roof. The applicant is proposing a 4'6" Field

Stone water table on both the south and east elevations. As submitted the elevations meet the requirements of both the SH 205 and I-30 Overlay Districts.

Staff Recommends approval of the request.

On October 30, 2007 the Architectural Review Board did not forward a formal recommendation to the Planning and Zoning Commission.

Several members of the Commission expressed that the new color rendering is much more effective at communicating the look of the building, and addressed their concerns brought out at the worksession.

Cotti made a motion to approve the request by Pat Grady of Lakeside Chevrolet Co. for approval of an amended site plan and building elevations for the expansion of their existing motor vehicle dealership located at 2005 S. Goliad, being an 8.65-acre tract zoned (C) Commercial district and situated within the SH 205 Overlay District and IH-30 Overlay District, as recommended by staff.

Hunter seconded the motion. The motion was voted on and passed 6 to 0.

#### **ADDITIONAL DISCUSSION ITEMS**

**1. Z2007-036**

**Discuss and consider a city-initiated revision to the City of Rockwall Unified Development Code (Ord. No. 04-38), specifically Article IV, Permissible Uses, to amend the Land Use Table.**

**2. Miscellaneous Discussion of Land Use Issues**

#### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:30 p.m.



**Minutes of  
PLANNING AND ZONING COMMISSION MEETING  
November 27, 2007**

**CALL TO ORDER**

The meeting was called to order by Chairman, Bill Bricker at 6:01 p.m. with the following members present; Lynn Davis, Bob Cotti, Dennis Lowry, Michael Hunter, and Glen Smith. Earl Milner was absent.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, and Leslie Ryan.

**ARCHITECTURAL REVIEW BOARD ITEMS**

**SP2007-024**

**Discuss and consider a request by David Kolchalka of Kimley-Horn & Associates, Inc. for approval of a site plan for Walgreens, located on the proposed Lot 1, Block B, North Lakeshore Valley, being 1.9713-acres zoned (PD-65) Planned Development No. 65 district and located at the northwest corner of North Lakeshore Drive and SH 205 within the North SH 205 Corridor Overlay district, and take any action necessary.**

Spencer stated that the site plan, tabled at the Commission's meeting on November 13<sup>th</sup>, is for a Walgreens retail store. The subject site is part of a larger development known as North Lakeshore Valley (NLV). The Planning and Zoning Commission approved an overall site plan for the entire NLV development in 2007. Each site plan submitted for all the individual lots contained within the development shall comply with the approved overall site plan, site details and building elevations.

The site will be accessed via one (1) proposed mutual access drive from North Lakeshore and one (1) mutual access drive from the proposed Pecan Valley Drive. The proposed Pecan Valley Drive is required to be constructed up to the west property line as part of the Walgreens development.

The proposed Walgreens is shown to be a 14,820-sq. ft. building requiring sixty (60) parking spaces at ratio of one (1) parking space for every 250 sq. ft. The applicant is exceeding city requirements by proposing to install sixty-nine (69) parking spaces. The applicant has worked with the commission and staff to reduce the parking down from the originally proposed eighty-three (83) spaces down to the current parking count.

All storm water detention is shown to be contained on-site in an underground piping system which will require Engineering Plan review and approval.

The applicant is proposing to install eight (8) large canopy trees and eleven (11) accent trees along SH 205 in an effort to comply with the SH 205 Overlay district.

In addition to the buffer along SH 205 the applicant is meeting the buffer requirements along Pecan Valley and North Lakeshore. A final tree mitigation plan will be required to be approved in conjunction with the final plat.

The resubmitted landscape plan has been revised to show a row of six (6) red bud trees measuring 8' in height at the time of planting along the rear of building (west property line) as required by the North SH 205 Overlay.

The proposed building is a 26' high single-story building, with a 36' high architectural tower, constructed primarily of Limestone Block, Limestone Block "Ashlar Pattern", EIFS cornices, and a standing seam metal roof. At the time of the November 27th, Planning and Zoning Commission meeting the proposed height of the building exceeds the maximum height of 28' as defined for the subject site by the PD development standards. Running concurrently with the site plan is a zoning application to amend the PD development standards allowing for architectural elements and building towers to extend up to a maximum height of 36'. The City Council approved the PD amendment by a vote of 3-2 at the 1<sup>st</sup> reading. The proposed amendment will go to 2<sup>nd</sup> reading on December 3<sup>rd</sup>.

At the work session staff, the Planning and Zoning Commission and the Architectural Review Board all voiced concern on the lack of horizontal articulation and four-sided architecture on the west and south elevations. Again at the public hearing on November 13<sup>th</sup> the Planning and Zoning Commission and staffed worked with the applicant to address the issues with the building.

The resubmitted elevations have incorporated a gray standing seam roof and awning color. The proposed roof color is different than what the commission approved (a Beige/Tan Color) on the conceptual PD elevations. However, the commission did previously approve a terra-cotta color for the Children's Lighthouse Daycare located along SH 205 at the very north end of the development.

The revised elevations do not appear to entirely address the issue of proper dumpster screening. Staff is recommending that the commission approve the elevations with the condition that the dumpster areas be properly screened (with materials consistent with the primary structure) and a separate exhibit be submitted to staff for approval.

Staff feels that the elevations as submitted meet the requirements of the planned development and the approved conceptual PD elevations.

All exterior lighting shall be a maximum of 20' in height (including the base) and shall be directed downward with a maximum 1" reveal. The ft-candles at the west property line appear to be high and need to be reduced to 0.2-ft-candles.

Staff would encourage the applicant to consider removing the pole lights along the west property line in an effort to minimize exterior lighting. Staff feels that the additional lights along the north property may not be needed and do not appear

to be used to light any parking areas or spaces. The remaining portion of the photometric plan appears to meet all other city requirements. The applicant has incorporated the decorative antique style exterior light fixtures as required by the approved PD site plan.

All exterior signage, both wall and ground mounted, requires submittal and approval of separate sign permits by the City of Rockwall Code Enforcement Department.

On October 30, 2007 the Architectural Review Board voted unanimously to recommend that the building be constructed in accordance with the approved elevations and development standards for PD-65.

On November 13, 2007 the Planning and Zoning Commission tabled the site plan by a vote of 5-0 (Hunter abstain).

The Architectural Review Board reviewed the project again at tonight's meeting and recommended approval of the new design, subject to the applicant using the "tan/khaki" color shown on the original PD elevations for the standing seam metal material.

Staff Recommends approval of the request subject to the following conditions:

1. City Council approval of the proposed PD amendment allowing for architectural elements and building towers to extend up to a maximum height of 36' (2<sup>nd</sup> Reading on December 3<sup>rd</sup>).
2. Dumpster areas be properly screened (with materials consistent with the primary structure) and a separate exhibit be submitted to staff for approval.
3. Removal of exterior pole lights along the west property line and reduction of light levels to 0.2 ft-candles.

Craig Pinson, representing Walgreens, was present to answer any questions.

After extensive discussion on the building design and layout, Cotti made a motion to approve the request by David Kolchalka of Kimley-Horn & Associates, Inc. for approval of a site plan for Walgreens, located on the proposed Lot 1, Block B, North Lakeshore Valley, being 1.9713-acres zoned (PD-65) Planned Development No. 65 district and located at the northwest corner of North Lakeshore Drive and SH 205 within the North SH 205 Corridor Overlay district, with staff recommendations and the additional following conditions:

1. The rough face stone be a darker shade of tan than the smooth face stone.
2. The window transom above the front door be arched.
3. The windows located within the tower be arched.
4. The rough stone used on the building water table also be placed around the arched tower windows and form a eyebrow.

Smith seconded the motion. The motion was voted on and passed 6 to 0.

*The Commission continued onto the work session to discuss the following items.*

## **ARCHITECTURAL REVIEW BOARD ITEMS**

### **SP2007-028**

Discuss and consider a request by Kevan Meehan of Tri-Star Construction, Inc. for approval of a site plan for the Avery Veterinary Clinic, being a 6,100-sf animal clinic (with accessory animal boarding) located on a 1.086-acre tract zoned (GR) General Retail district and situated along the south side of SH 66 east of Lakeshore Drive within the SH 66 Overlay District.

## **DISCUSSION ITEMS**

### **P2007-019**

Discuss and consider a request by William Stueber of CPH Engineers for approval of a final plat of Rockwall Centre Corners Addition, being 33.14-acres zoned (C) Commercial district and situated along the south side of IH-30, east side of SH 205 and north side of SH 276.

### **P2007-033**

Discuss and consider a request by Richard Hovas of Tipton Engineering Inc., for approval of a final plat of Castle Ridge Estates Phase 2, being a 29.5228-acre tract zoned (SF-10) Single Family Residential District and located west of SH 205 and north of Dalton Rd.

### **Z2007-036**

Discuss and consider a city-initiated revision to the City of Rockwall Unified Development Code (Ord. No. 04-38), specifically Article IV, Permissible Uses, including amendments to the Land Use Table.

## **ADDITIONAL DISCUSSION ITEMS**

- Miscellaneous Discussion of Land Use Issues

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:30 p.m.

**Minutes of  
PLANNING AND ZONING COMMISSION MEETING  
December 11, 2007**

**CALL TO ORDER**

The meeting was called to order by Chairman, Bill Bricker at 6:00 p.m. with the following members present: Lynn Davis, Earl Milner, Dennis Lowry, Michael Hunter, Bob Cotti and Glen Smith.

Additionally, the following staff members were present: Robert LaCroix, Michael Hampton, Chris Spencer, and Leslie Ryan.

**CONSENT AGENDA ITEMS**

Commissioner Milner pulled consent agenda items #1 and #2 (minutes).

**P2007-033**

**Discuss and consider a request by Richard Hovas of Tipton Engineering Inc., for approval of a final plat of Castle Ridge Estates Phase 2, being a 29.5228-acre tract zoned (SF-10) Single Family Residential District and located west of SH 205 and north of Dalton Rd, and take any action necessary.**

Cotti made a motion to approve P2007-033 with staff conditions.

Hunter seconded the motion. The motion was voted on and passed 7 to 0.

**Approval of Minutes for November 13, 2007 Planning and Zoning Commission meeting**

**Approval of Minutes for November 27, 2007 Planning and Zoning Commission meeting**

Cotti made a motion to approve both sets of minutes.

Davis seconded the motion. The motion was voted on and passed 6 to 0 with Milner abstaining.

**PUBLIC HEARING ITEMS**

**Z2007-036**

**Hold a public hearing and consider a city-initiated revision to the City of Rockwall Unified Development Code (Ord. No. 04-38), specifically Article IV, Permissible Uses, including amendments to the Land Use Table, and take any action necessary.**

Hampton stated that at the November 5th meeting, the City Council initiated an amendment to the Land Use Table of the Unified Development Code (UDC) to

require a Specific Use Permit (SUP) for car dealerships in the Light Industrial district. In preparing the amendment, staff reviewed the existing land use table and would propose that other listed uses that are similar to "Motor Vehicle Dealerships" be considered for the same SUP requirement in the Light Industrial district. Those uses include:

- Heavy Machinery & Equipment Rental (Rental, Sales & Service)
- Boat & Trailer Dealership (New and Used)
- Recreational Vehicle (RV) Sales and Service
- Truck Rental

As the Commission and Council are aware, there is a great deal of vacant and/or underdeveloped land in the IH-30 Corridor zoned for LI, and permitting these types of uses without the closer review provided by the SUP process may not be in the City's best interests.

As part of the amendment to the Permissible Uses section of the Code, staff is also proposing to add provisions for Alcohol Beverage Sales within the UDC given that voters have approved the local option elections for alcohol sales in restaurants (without a private club) and for the sale of beer and wine in retail establishments. The proposed language (attached) is added to the "Other Special Use Standards" section, and mirrors similar language that has been incorporated into the Code of Ordinances by the City Council, who approved amendments to Chapter 3, Alcoholic Beverages at their December 3rd meeting. However, after much discussion the Council removed the exemption to the distance requirements for businesses located within 500-ft of Interstate 30, opting instead to require a variance on a case-by-case basis. The second (and final) reading of this Code amendment will be considered by the Council at a special work session on December 12th. Staff has revised the draft amendments to Article IV to reflect the Council's current direction.

Notice has been published in the newspaper in accordance with state law, and staff will be prepared to further discuss the proposed amendments to Article IV at the public hearing.

Staff Recommends approval of the request.

Chairman Bricker opened the public hearing and asked if anyone wanted to speak. There being no response he closed the public hearing.

Cotti made a motion to approve the city-initiated request to revise the City of Rockwall Unified Development Code (Ord. No. 04-38), specifically Article IV, Permissible Uses, including amendments to the Land Use Table, as recommended by staff.

Smith seconded the motion. The motion was voted on and passed 7 to 0.

## **ACTION ITEMS**

### **Discuss Historic Landmark designation for properties located within the North Goliad Overlay District, and take any action necessary.**

Spencer stated that earlier this year the Historic Preservation Advisory Board, the Planning and Zoning Commission and the City Council approved the North Goliad Overlay District and the removal of those properties from the “Old Town Rockwall” Historic District. As part of the approval process both the Board and the Commission directed staff to start working on a list of properties located within the North Goliad Overlay District to be considered for Historic Landmark designation.

Staff believes that the east side of the 900 block of North Goliad would be the most appropriate place to start. Both the recently designated 912 N. Goliad and the Reese House are located within the 900 block as well as 902 N. Goliad.

The property at 902 N. Goliad was built a year after the Austin-Stacy House in 1894 helping to frame the original North Goliad streetscape. The house has heavy Folk Victorian influences and was recently identified by the HPAB North Goliad Subcommittee with assistance from the city’s former historic consultant as a “Medium Contributing” property. Staff feels that a Historic Landmark designation will allow for proper restoration/redevelopment of the property and eventually lead to a “High Contributing” property.

The property at 908 N. Goliad, the Reese House, was relocated from the parking lot of the First Baptist Church at the northwest corner of S. Goliad and Boydstun. The contribution of the Reese House to the Goliad streetscape has been well documented as well as the contribution to the community of Judge Reese and the Reese family. The house is a textbook example of Neo-Classical architecture and was recently identified by the HPAB North Goliad Subcommittee with assistance from the city’s former historic consultant as a “High Contributing” property after it was relocated.

Earlier this year in a work session the Commission identified both 902 & 908 N. Goliad as properties that could eventually warrant Historic Landmark designation.

Staff has recently been contacted about the redevelopment of both of these properties and feels that Historic Landmark will allow for protection of the structures from these development pressures. The property at 904 N. Goliad, a “Non-Contributing” property, was recently purchased and the structure including the exterior is being totally remodeled.

Under the current ordinance “a historic landmark property may be a single property or structure not contiguous to or part of an existing historic district, but is deemed worthy of preserving”. A landmark district may be designated if the property meets one of the following:

- a. Possesses significance in history, architecture, archeology, and/or culture;
- b. Is associated with events that made a significant contribution to the broad patterns of local, regional, state and/or national history;
- c. Is associated with the lives of persons significant in the City of Rockwall's past;
- d. Embodies the distinctive characteristics of a type, period, and/or method of construction;
- e. Represents the work of a master designer, builder, and/or craftsman; or
- f. Represents an established and familiar visual historical feature of the City.

Spencer stated that Staff is asking the Planning and Zoning Commission to consider this recommendation and take action to move forward with creating a Landmark District and initiating the public hearing process for both 902 & 908 N. Goliad. Staff would also ask for direction from the Commission on any other properties that may be worthy of future Historic Landmark designation within the North Goliad Overlay District.

After brief discussion, Smith made a motion to recommend initiating the process for landmark designation of both 902 and 908 N. Goliad.

Cotti seconded the motion. The motion was voted on and passed 7 to 0.

#### **SP2007-028**

**Discuss and consider a request by Kevan Meehan of Tri-Star Construction, Inc. for approval of a site plan for the Avery Veterinary Clinic, being a 6,100-sf animal clinic (with accessory animal boarding) located on a 1.086-acre tract zoned (GR) General Retail district and situated along the south side of SH 66 east of Lakeshore Drive within the SH 66 Overlay District, and take any action necessary.**

Ryan stated that this site plan was submitted by Tri-Star Construction Inc. for the Avery Veterinary Clinic, a 6,100 sq ft facility with accessory animal boarding. The proposed building would be located roughly 300 ft to the east of the intersection of SH 66 and Lakeshore Dr. The parking requirement is one space per 300 sq ft of Veterinary clinic and office uses. Twenty (20) spaces are required, and 19 standard spaces and 1 handicap space have been provided. The site plan shared a joint access easement with the property to the west.

The landscape plan indicates that 56% of the site is landscaped, exceeding the city standards at 15% for General Retail zoning. There are 10 4" caliper trees planted throughout the site. The applicants have saved every single tree on the site. Staff believes that it would be appropriate in this case to use a landscape screen in lieu of a masonry wall to screen the development from the



neighborhood to the south. There is a landscape scene consisting of 6 ft Nellie R. Stevens evergreen bushes that will serve to screen the site.

The building elevations show that the building will be constructed of colonial brown acme brick, beige stucco, and Leuders natural stone. The roof will be constructed of "weathered wood" 30 year premium shingles and standing seam metal. The overall height of the building at the roof's highest pitch is 27 ft. The buildings architectural features meet all city articulation requirements. The dumpster has 8 ft enclosure walls that match the buildings exterior facade. The Architectural Review Board recommended approval of the building.

The lighting plans and cut sheets are in compliance with all city standards. The light poles will be a maximum of 20 ft in height and the light levels at the property lines are at or less than 0.2 fc. As per the lighting plan there is no spill over on to adjacent properties.

Staff Recommends approval of the request with the following conditions:

1. Approval of Engineering plans.
2. Adherence to all Fire Department requirements.
3. Submittal and approval of final plat.
4. Modify rear buffer to include evergreen plantings that will measure 6 ft. in height at the time of planting.

After brief discussion, Lowry made a motion to approve the request by Kevan Meehan of Tri-Star Construction, Inc. for approval of a site plan for the Avery Veterinary Clinic, being a 6,100-sf animal clinic (with accessory animal boarding) located on a 1.086-acre tract zoned (GR) General Retail district and situated along the south side of SH 66 east of Lakeshore Drive within the SH 66 Overlay District, as recommended by staff.

Smith seconded the motion. The motion was voted on and passed 7 to 0.

#### **P2007-019**

**Discuss and consider a request by William Stueber of CPH Engineers for approval of a final plat of Rockwall Centre Corners Addition, being 33.14-acres zoned (C) Commercial district and situated along the south side of IH-30, east side of SH 205 and north side of SH 276, and take any action necessary.**

Spencer stated that the subject request is a final plat for a 7-lot, 33.14-acre commercial development to be known as the Rockwall Centre Corners Addition. The development has frontage on I-30 to the northwest, SH 205 to the west, and SH 276 to the south. The subject site is zoned (C) Commercial district and is located within the I-30 Overlay district, the SH 205 Overlay district and the SH 276 Overlay district. All lots within the development shall be subject to site plan application (including but not limited to: site plan, landscape plan, photometric plan, lighting cut-sheets, building elevations, and building material samples) review/approval.

The final plat proposes five (5) drives to service the site. Two (2) drives will provide access from I-30, one drive will provide access from SH 205 and two drives will provide access from SH 276.

The site plan, preliminary plat and final plat for the adjacent Toyota Dealership to the east was approved by the Planning and Zoning Commission and City Council with an access/mutual drive easement drive from I-30 to be shared with the subject site. The I-30 Overlay district requires that developments provide joint/cross access to adjoining properties. An existing mutual access and utility easement was previously filed by separate instrument and will provide joint access with the Toyota. The proposed drives on I-30 have been conceptually approved by TX Dot and the City of Rockwall Engineering Department.

The proposed drive located on SH 205 has been altered to reflect one mutual access drive for the subject site and the adjacent existing convenience store as required by TX Dot and the City of Rockwall Engineering Department. The proposed mutual access drive will be constructed during the SH 205 roadway reconstruction.

The proposed drive on SH 205 and the two (2) drives on SH 276 appear to meet the City of Rockwall spacing standards and have conceptual approval from TX DOT.

The applicant is proposing to remove the existing trees and drainage ditch located at the southwest corner of the site. In an effort to mitigate the removal of any protected trees and alteration of any drainage areas the applicant is proposing a Conservation/Drainage Easement and Tree Mitigation area located along and inside the Buffalo Creek drainage area at the rear of the site. The applicant is also proposing roughly 0.78 miles in trails located along the perimeter of the proposed Conservation Easement. Much of the proposed tree mitigation will go into "Tree Planting Areas" located within the Conservation Easement. The applicants Environmental Engineer informed staff that they believe additional trees in the proposed easement will provide a greater benefit to wildlife that inhabits Buffalo Creek.

With the eventual development of the property located on the opposite side of Buffalo Creek and the reconfiguration of SH 276 staff feels that a Conservation Easement with pedestrian trails will facilitate a walkable/pedestrian friendly environment for existing and future neighborhoods. In staff's opinion the protection of Buffalo Creek as a natural drainage area and as a habitat for wildlife are top priorities not just for the site but for the entire city.

The final tree survey and landscape plan indicates the required mitigation of 1,160-inches from the site at this time, with the entire 1,160-inches of mitigation to be planted back on-site, on the property owners adjacent tract to the east and in the conservation easement.

A regional detention system is being proposed and will be located entirely on Lot 1. The final plat shows that some of the required detention is to be located in the mitigated floodplain. A 404 permit by the U.S. Army Corps Of Engineers and approval of engineering plans by the City of Rockwall are required prior to any work in or alteration of the floodplain.

A Developer's Agreement must be approved by the City Council prior to final plat approval by the City Council. The Developer's Agreement shall include but not be limited to off-site planting of trees, providing water to off-site trees until trees are established, construction of 0.78-mile trail adjacent to Conservation Easement and dedication of trail.

The final plat appears to comply with all area requirements of the (C) Commercial district and staff is recommending approval.

Staff recommends approval subject to the following conditions:

1. Adherence to all Engineering and Fire Department standards and regulations.
2. That the Deed Restrictions be filed requiring the establishment of a Conservation/Drainage Easement for the Buffalo Creek area adjacent to this plat prior to City Council approval. The Deed Restrictions shall be reviewed by staff and the city attorney prior to filing for record.
3. A Developer's Agreement approved by City Council prior to approval of the final plat by City Council. The Developer's Agreement shall be reviewed by staff and the city attorney prior to placement on the City Council Agenda.

Cotti made a motion to approve the request by William Stueber of CPH Engineers for approval of a final plat of Rockwall Centre Corners Addition, being 33.14-acres zoned (C) Commercial district and situated along the south side of IH-30, east side of SH 205 and north side of SH 276, as recommended by staff.

Hunter seconded the motion. The motion was voted on and passed 7 to 0.

## **ADDITIONAL DISCUSSION ITEMS**

- Miscellaneous Discussion of Land Use Issues

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 6:47 p.m.