

**Minutes of
PLANNING AND ZONING COMMISSION PUBLIC HEARING
January 13, 2009**

CALL TO ORDER

The meeting was called to order by Bill Bricker at 6:01 p.m. with the following members present: Lynn Davis, Dennis Lowry, Michael Hunter, Earl Milner, Philip Herbst. Barry Buchanan was absent.

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

Several members of the City's Youth Advisory Council were present. Glen Farris introduced the Youth Advisory Council members that were present and explained their role in the community.

CONSENT AGENDA ITEMS

P2008-041

Discuss and consider a request by David Kochalka of Kimley-Horn and Associates, Inc., for approval of a replat of Lot 1, Block 1, Rockwall Centre Corners Addition, being 20.2904-acres zoned (C) Commercial district and located at 1225 SH 276, and take any action necessary.

P2009-001

Discuss and consider a request by Jake Fears of Wier & Associates for approval of a replat of Block E, Rockwall Technology Park Addition, being three proposed lots on 14.274-acres zoned (LI) Light Industrial district and located at the northwest corner of FM 549 and Discovery Blvd, and take any action necessary.

Hunter made a motion to approve the consent agenda as recommended by staff. Herbst seconded the motion.

The motion was voted on and passed 6-0.

SITE PLANS / PLATS

SP2008-016

Discuss and consider a request by Todd Winters of Engineering Concepts for approval of a site plan for Lots 4 and 5, Block A, Presbyterian Hospital of Rockwall Addition, being an approximate 23,200-sf office development located on the 1.92-acre site, which is zoned (PD-9) Planned Development No. 9 district and located along the southwest side of FM 3097 (Horizon Rd) south of the main entrance to the existing hospital, and take any action necessary.

Gonzales stated the site plan submitted is for a medical office development on lots 4 & 5 in the Presbyterian Hospital of Rockwall Addition. It consists of five buildings, all being just less than 5,000 sq. ft. The proposed site is 2.29 acres, and is located along Horizon Rd and the Presbyterian Hospital's private drive. The site will be accessed via a mutual access easement along the east property line (parallel to Horizon Road) that is proposed to connect the private hospital drive and the adjacent lot to the south. The parking requirement for medical office is one space for every 200 sq. ft. The proposed development requires one hundred eight (108) spaces and the applicant is exceeding city requirements by providing one hundred thirteen (113) have been provided.

The landscape plan indicates that 14.34% of the site is landscaped, exceeding the PD-9 requirement of 10%. There are twelve (12) large canopy trees located in the landscape buffer along Horizon Rd., as well as 149 5-gallon Indian Hawthorn shrubs. There are additional large caliper trees

and shrubs planted throughout the site in compliance with the landscape requirements of PD-9 and the Unified Development Code.

The elevations illustrate buildings comprised primarily of stone, cast stone, brick and stucco. The buildings have a maximum height of 28'5" and all have a Metal Roof. The dumpster enclosure is constructed of materials matching the main structure and stands 6 ft. in height.

The lighting plan is exceeding city standards of 0.2-foot candles at the property line. Staff is recommending that the photometric plan and lighting cut-sheets be resubmitted and in compliance with the following requirements prior to building permit application:

- All exterior lighting be a maximum of 0.2-foot candles at the property line
- All exterior lighting be fully cut-off with a maximum 1" reveal.
- All exterior lighting be directed downward.

On 12/30/08 the Architectural Review Board recommended approval of the site plan and building elevations as presented, subject to review of the specific building materials.

Staff Recommends approval of the request with the following conditions:

1. Adherence to all Engineering and Fire Department Standards.
2. All mechanical equipment shall be screened from adjacent properties and rights of ways.
3. The dumpster enclosure area be a minimum of 12' x 10'.
4. The dumpster gates be metal panel.
5. The photometric plan and lighting cut-sheets be resubmitted and in compliance with the Unified Development Code prior to building permit application.

Herbst inquired as to what is between the buildings as far as landscaping. Gonzales stated that area appears to be paved.

Richard King, 5206 Wood Meadow Drive, Garland, Texas, was present to answer questions. Mr. King stated he is the architect on the project.

Bricker inquired of Mr. King what happens to the roof lines with the air conditioning units on the roof. Mr. King explained that there is a parapet area between the sloped roofs. Bricker inquired whether the screening for that is going to look like the metal roof. Mr. King stated that the equipment would be behind the parapet walls. Bricker inquired if the lighting can be within the required 0.2 candles at the property line. Mr. King stated that they are working on getting soft lighting for the edges of the building to get the light levels in and around the building so it does not impact the property line requirement.

Herbst inquired what is going to be between the buildings. Mr. King stated that it will be walkways and some planters. He stated because of the drainage, there cannot be too much put there. He stated it will be approximately 75 percent paved with some benches and pots with plantings and also have some shaded areas. Gonzales stated the fire department does require an all-weather surface for easy travel. Mr. King stated that the area would be kept clear for fire department access.

Commissioner Hunter made a motion to approve SP2008-016, a request by Todd Winters of Engineering Concepts for approval of a site plan for Lots 4 and 5, Block A, Presbyterian Hospital of Rockwall Addition, being an approximate 23,200-sf office development located on the 1.92-acre site, which is zoned (PD-9) Planned Development No. 9 district and located along the southwest side of FM 3097 (Horizon Rd) south of the main entrance to the existing hospital, with staff recommendations.

Commissioner Herbst seconded the motion.

It was voted on and passed 6 to 0.

SP2008-033

Discuss and consider a request by Mike Parrish of Alliance Architects for approval of a site plan for L3 Communications, being a 50,000-sf office building located on part of Lot 3R, Block E, Rockwall Technology Park Addition, being 5.13-acres zoned (LI) Light Industrial district and located at the northwest corner of FM 549 and Discovery Blvd within the FM 549 Overlay District, and take any action necessary.

Hampton stated a site plan has been submitted for a 50,000-sf office building for L3 Communications in the Rockwall Technology Park. The site is within the FM 549 Overlay district, bounded by FM 549 on the east, Discovery Blvd on the south and Science Place on the west. The proposed building requires a minimum of 167 parking spaces. The developer is proposing 214 total spaces, including eight (8) accessible. The development will be accessed from two drives from Science Place. 5-ft sidewalks will be constructed along Discovery Blvd and Science Place as shown on the site plan, and an escrow is required for the future sidewalk to be constructed with the FM 549 widening project. A dumpster location is shown on the site plan, which shall be screened with masonry materials matching the primary structure (e.g. stone/tilt wall) and be a minimum of 8-ft in height pursuant to FM 549 Overlay standards.

The photometric plan indicates that all light levels are at 0.2-FC or less at the property lines. All lighting fixtures, including pole lights in the parking area, have been reduced to 20-ft maximum height to comply with the FM 549 Overlay requirements. All fixtures (including wall mounted) shall be full or partial cut-off as specified in the Unified Development Code.

The landscape plan indicates approximately 37.4% of the subject property to be open space, well exceeding the City's minimum 10% requirement for LI zoning. Staff believes the landscape buffer provided along FM 549 is adequate, even though some of it measures approximately 45-ft in width and falls short of the minimum 50-ft required for office development in the Overlay. Staff has previously held the position that because the 20-ft "landscape and pedestrian easement" was dedicated on the original plat for the Rockwall Technology Park Phase 1 prior to the Overlay requirements being adopted, development in Phase 1 is vested under that standard. The applicant is exceeding the City's minimum 10-ft buffer standard on the other two street frontages (where same 20-ft easement exists), and all buffers have been planted with trees meeting Overlay and City landscaping standards. Credit has been given for the preservation of fifteen (15) existing Cedar trees along FM 549 that were incorporated into the Park's entry element.

The building elevations indicate a single-story building with a typical wall height of 23'6". The building is proposed to be tilt-wall construction, with natural stone accents and other articulation elements. Since the 12/30/08 work session, the architect has revised the elevations to add additional articulation elements on the NE and SE corners of the building, which in staff's opinion have brought the building much closer to compliance with the minimum stone requirements (15% as opposed to 11%) as well as the horizontal/vertical articulation requirements, particularly along the FM 549 frontage. The applicant has submitted a list outlining each of the changes made to the elevations, and will also be at the meeting to further present them.

The Architectural Review Board recommended approval of the building elevations and site plan at their 12/30/08 meeting, subject to the architect utilizing a darker blend of the proposed stone, and increasing the stone percentage from 11%. Staff believes the revised elevations have addressed both of the ARB's recommendations.

Staff Recommends approval of the site plan with the following conditions:

1. Adherence to all engineering and fire department requirements.
2. Escrow required for the future sidewalk to be constructed with the FM 549 widening project (\$3.50-sf x 5-ft walk x 567-ft frontage = approx. \$9,922)

- 2 3. City Council to approve the following variances to the FM 549 Overlay district (3/4
4 vote required):
5 a. Proposed metal panel screening of rooftop mechanical equipment.
6 b. Minimum 20% natural stone requirement.
7 4. City Council to approve the following variance to the General Industrial District
8 standards (simple majority vote required):
9 a. Proposed concrete tilt wall construction.
10 b. Horizontal and vertical articulation.

11 Davis inquired about the front of the building facing Science Place. Hampton stated that it is
12 going to be at the northwest corner, and would face Science Place. Hampton further stated in the
13 future they may be building another building to the north and they may face each other. Davis stated
14 she is concerned that the dumpster is going to be on the FM 549 side since that is the busiest side of
15 the building. Hampton stated there is at least 45 feet of landscape buffer screening along FM 549.

16 Hunter asked whether the Architectural Review Board is okay with the horizontal articulation.
17 Hampton stated that the overall design was okay, but they wanted more stone. Hunter asked if staff is
18 okay with the articulation. Hampton stated that the articulation is a variance and ultimately it is the
19 judgment of the Commission and City Council to make that decision. Hunter verified that staff is okay
20 with the east side elevation facing 549. Hampton stated, yes, they are.

21 Bricker inquired of Hampton about the proposed property detention easement on the site plan
22 and asked if they are using the roadway as detention on site. Hampton stated that he does not think
23 they are using the roadway, but stated that the applicant can confirm.

24 Carlo Silvestri of Wier and Associates, engineer, stated there is a detention area next to FM
25 549. He further stated that the detention along Science Place is within the proposed parking lot. He
26 stated that the ditch along FM 549 is very shallow. He stated they are building a wall and a berm to
27 detain up against it. He further stated that when FM 549 is reconstructed, there is going to be an
28 underground storm drain system. The project can tie into the storm drain system in the future.

29 Bricker inquired why the dumpster is located where it is. Mr. Silvestri stated that that is where
30 it works the best. He further stated that there is going to be landscaping so it will be screened from
31 549. LaCroix stated there is potentially a phase two of this building so, at the moment, this is the best
32 location for the dumpster. Bricker stated that the sample board is better than anything that has been
33 seen this far. He stated this may be the prettiest building in the park.

34 Davis inquired of Hampton what the dumpster requirement is and asked if 10 x 12 is big
35 enough. LaCroix stated that that size came from our waste provider. Davis asked if they are big
36 enough not to be knocked down, as has been an issue in other parts of town. Hampton stated that in
37 the past enclosures were not built to any kind of sizing standard. He stated that we now have some
38 guidelines from Allied Waste and he believes that that issue has been addressed.

39 **Commissioner Herbst made a motion to approve SP2008-033 a request by Mike Parrish of**
40 **Alliance Architects for approval of a site plan for L3 Communications, being a 50,000-sf office**
41 **building located on part of Lot 3R, Block E, Rockwall Technology Park Addition, being 5.13-**
42 **acres zoned (LI) Light Industrial district and located at the northwest corner of FM 549 and**
43 **Discovery Blvd within the FM 549 Overlay District, with staff recommendations.**

44 Commissioner Hunter seconded the motion.

45 It was voted on and passed 6 to 0.

46 **P2008-043**

47 **Discuss and consider a request by Brandon Cox of Pogue Engineering & Development Co.,**
48 **Inc., for approval of a preliminary plat for Stone Creek Retail Addition, being six (6) lots on a**

21.15-acre tract zoned (PD-70) Planned Development No. 70 District and situated at the southeast corner of FM 552 and SH 205, and take any action necessary.

Hampton stated the applicant has submitted a preliminary plat for Lots 1-6, Block A of the proposed Stone Creek Retail Addition, being 21.15-acres overall. The property is bounded by FM 552 to the north, SH 205 to the west, Bordeaux Drive to the south and the future Fairfax Drive to the east. It should be noted a separate preliminary plat will be required for the smaller "Tract 2" of the Stone Creek Retail project that is located on the east side of Fairfax Drive. A site plan has been submitted concurrently for Phase 1 of the development, consisting of a 59,313-sf Tom Thumb grocery store on Lot 2, an accessory gas sales use on Lot 3, and approximately 14,700-sf of retail/restaurant space located on Lot 1.

The site is accessed from one proposed drive from SH 205 and one drive from FM 552, with additional points of access from Bordeaux and Fairfax Drive. The developer will be constructing the required sidewalks along the SH 205, FM 552 and Fairfax Drive frontages that are located within Phase 1. At the time of this report, it remains unclear if there is a right-of-way dedication requirement for FM 552; however, the applicant is working to verify with TXDOT the existing and ultimate ROW needed for the road, which is identified as a "MD4" four-lane divided arterial on the City's Thoroughfare Plan. City standards call for 85-90' ultimate ROW needed, though TXDOT may stipulate more. Staff will update the Commission on this issue at the meeting.

At the time of final plat for the subdivision, a facilities agreement between the City, retail developer and Stone Creek residential developer (Skorburg) may be required to identify the extent and timing of the adjacent improvements, such as Fairfax Drive, Bourdeaux Drive, amenity area at the southeast corner of the shopping center and/or the proposed offsite detention facility. The proposed detention/retention pond for the retail area will be located to the east of "Tract 2" in the 9-acre (+/-) open space tract, and will also help serve future phases of the Stone Creek residential development.

The preliminary plat appears to comply with the PD-70 ordinance and the underlying General Retail zoning district, as well as the recently approved PD Development Plan for the retail development. Staff would recommend approval with the conditions noted.

Staff Recommends approval of the request with the following conditions:

1. Adherence to all engineering and fire department requirements.
2. Determination of right-of-way dedication requirements, if any, prior to submittal of final plat.
3. Submittal and approval of final plat.
4. City Council approval of facilities agreement may be required prior to or concurrently with final plat, outlining the extent and/or timing of required improvements such as, but not limited to: Fairfax Drive, Bordeaux Drive, offsite regional detention facility and amenity feature(s) at the southeast corner of retail site.

Bricker inquired whether they will be able to start construction without the facilities agreement in place. Hampton stated no construction can begin without the final plat being approved. He stated the agreement will have to be approved either before or at the same time as the final plat. Hampton stated that most of the details should be worked out during engineering review, which is the next step after site plan approval.

Bricker inquired of LaCroix what is going on with the detention outfall to the east of Fairfax. LaCroix stated that that is a temporary area for them until Tract 2 develops and then it will be under ground.

Commissioner Hunter made a motion to approve P2008-043, a request by Brandon Cox of Pogue Engineering & Development Co., Inc., for approval of a preliminary plat for Stone Creek Retail Addition, being six (6) lots on a 21.15-acre tract zoned (PD-70)

2 **Planned Development No. 70 District and situated at the southeast corner of FM 552 and**
4 **SH 205, with staff recommendations.**

6 **Commissioner Herbst seconded the motion.**

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

10 **SP2008-034**

12 **Discuss and consider a request by Brandon Cox of Pogue Engineering & Development Co.,**
14 **Inc., for approval of a PD Site Plan for Stone Creek Retail Phase 1, being a 74,000-sf retail**
16 **development on 9.79-acres zoned (PD-70) Planned Development No. 70 District and situated at**
18 **the southeast corner of FM 552 and SH 205 within the North SH 205 Overlay District, and take**
20 **any action necessary.**

22 Hampton stated the applicant has submitted a site plan for Phase 1 of the "Stone Creek
24 Retail" project, which consists primarily of Lots 1, 2 and 3 (or 9.79-acres) of the overall 23.44-acre
development. Phase 1 includes a 59,313-sf Tom Thumb grocery store on Lot 2, along with the
approved accessory gas sales use on Lot 3, and approximately 14,700-sf of retail/restaurant space
located on Lot 1 that will be immediately adjacent to Tom Thumb. The site is accessed from one
proposed drive from SH 205 and one drive from FM 552, with additional points of access from
Bordeaux and Fairfax Drive. The drive from SH 205 has been redesigned to include a median within
the drive aisle intended to minimize congestion into the proposed gas sales area. The plan has been
revised to include a fire lane route with 39-ft radii for the City's larger fire equipment.

26 The site plan indicates that Phase 1 requires 297 parking spaces and that 418 spaces are
provided, including 13 accessible. However, the calculations do not take into account any potential
restaurant use for the 14,700-sf retail building. Assuming up to 50% of that building is utilized as
restaurant, the required parking count for Phase 1 would be 341 spaces. The parking layout adheres
to City standards and the PD Development Plan approved by City Council on January 5, 2009 (Ord
09-01).

32 The developer is proposing a 5-ft sidewalk along the SH 205, FM 552 and Fairfax Drive
34 frontages that are located within Lots 1, 2 and 3. At the time of this report, it remains unclear if there
is a right-of-way dedication requirement for FM 552; however, the applicant is working to verify with
TXDOT the existing and ultimate ROW needed for the road, which is identified as a "MD4" four-lane
divided arterial on the City's Thoroughfare Plan. City standards call for an 85-90' ultimate ROW
needed, though TXDOT may stipulate more. Staff will update the Commission on this issue at the
meeting.

40 At the time of final plat for the subdivision, a facilities agreement between the City, retail
42 developer and Stone Creek residential developer (Skorburg) may be required to identify the extent
and timing of the adjacent improvements, such as Fairfax Drive, Bordeaux Drive, amenity area at the
southeast corner of the shopping center and/or the proposed offsite detention facility.

46 The landscape plan indicates that overall on Lots 1-3, 13.3% of the site is landscaped open
space, falling shy of the City's minimum requirement for 15% in the GR zoning district. However, the
applicant is requesting consideration of a 2.5% credit, per the City's landscape ordinance, for the
parking lot screening provided on the plan. Staff feels the credit request is qualified, given the
additional screening provided (shrubs, berming, etc) along FM 552 and Fairfax Drive which goes
beyond the minimum "1 tree per 50-ft frontage" requirement along those roadways. The combination
of shrubs / berming and the additional trees provided within the buffer along SH 205 is a requirement
of the N SH 205 Overlay district. All other landscaping appears to comply with City specifications.
Staff would recommend that a landscape plan be reviewed and approved by the Planning and
Engineering departments for the offsite regional detention/retention pond during the review of
engineering plans for that facility.

2 There is one protected tree (6-inch Elm) proposed to be removed from the site at this time.
4 The plan shows the removal of the fence/tree line along the north property line; however, these trees
6 appear to be small Hackberry, Bois D'arc and an assortment of other unprotected trees. The only
8 other existing trees on the site are located within the future amenity area at the southeast corner of
the site (beyond the scope of the current landscape plan), and it is anticipated those trees can be
incorporated into that open space feature in a future phase.

10 The applicant has submitted two (2) alternate lighting plans as part of the site plan request.
12 One demonstrates compliance with the maximum 20-ft height requirements for parking lot lighting
14 throughout the development. The second, and developer's preferred plan, proposes 30-ft high pole
16 lights within the primary parking field of Tom Thumb, resulting in fewer pole lights overall. Both plans
have been revised to meet the lighting requirements of the City with no measurements over 0.2-FC at
any property line, and all light fixtures will be required to be downward lit and cut-off in accordance
with City standards.

18 To the best of staff's knowledge, the only variance granted for lighting height since the
20 adoption of various Overlay standards was the allowance for Costco to install 30-ft light poles instead
22 of the 20-ft poles required by the SH 276 Overlay District. However, one of the reasons presented by
Costco was that part of its property was located within the IH-30 Overlay district, which does not limit
the lighting to 20-ft.

24 Building elevations and details have been submitted for the grocery store, retail building,
26 accessory gas canopy / kiosk, and dumpster enclosures, all of which appear to comply with the
28 conceptual elevations approved with the PD Development Plan. The buildings feature a combination
of natural stone, custom concrete masonry units, stucco and standing seam metal roofing elements,
along with additional architectural features such as canopy and arbor structures, wood brackets, etc.

30 The Architectural Review Board unanimously recommended approval of the elevations at
32 their December 30 meeting, subject to the front of the Tom Thumb building including the glass
34 features as originally approved with the Development Plan. The Planning Commission expressed a
similar interest in restoring the glass material as well as other articulation elements over the two
entrances into Tom Thumb at the 12/30 work session, and the applicant has revised the elevations to
comply with the ARB and P&Z's recommendations.

36 It is staff's opinion that each of the Phase 1 buildings comply with the N. SH 205 Overlay
38 standards and the City's General Commercial District standards.

Staff Recommends approval of the request with the following conditions:

- 40 1. Adherence to all engineering and fire department requirements.
- 42 2. City Council approval of facilities agreement may be required prior to or concurrently
44 with final plat, outlining the extent / phasing of improvements such as, but not limited
46 to: Fairfax Drive, Bordeaux Drive, offsite regional detention facility and approved
amenity feature(s) at the southeast corner of retail site.
- 48 3. No outside sales or display shall be allowed except as provided for in the "Incidental
Display" requirements in Article IV of the Unified Development Code.
- 50 4. A separate landscape plan shall be reviewed and approved by staff for the offsite
52 regional detention/retention facility during the engineering plans review process.
- 54 5. All mechanical equipment (ground or roof-mounted) shall be fully screened from view
56 from adjacent property lines and right-of-ways.
6. All exterior lighting fixtures (including pole and wall mounted) shall be full or partial
cut-off as specified in the Unified Development Code.
7. All exterior light fixtures shall have a maximum mounting height of 20-ft pursuant to
the N SH 205 Overlay district, unless a variance is approved by a 3/4 vote of City
Council.

2 Davis questioned why the line under the pharmacy on the color rendering is not on the black
and white drawing. Hampton stated that it is probably just a line missing from the black and white
4 drawing. Lisa Swift of GSO Architects stated that the color rendering is correct.

6 Hunter asked what the difference is in the number of light poles between the 20 ft and 30 ft.
Grey Stogner, of Crestview Real Estate, 8214 Westchester, Dallas, Texas, stated that they are only
8 talking about in the open field of the Tom Thumb area. He stated there would be 28 light poles if they
went with the 20-ft fixtures and 20 poles if they were approved to use the 30-ft poles. He further
10 stated that that is a 25 percent reduction in light poles. Mr. Stogner went on to state that in the original
plans there were 3-headed and 4-headed fixtures. He stated the lighting plans have been reduced,
12 and now show only 2-headed and 3-headed fixtures with 1-headed fixtures on the perimeter. This
reduces the light levels by about 50 percent.

14
16 Hunter inquired as to why there are eight (8) parking spaces along the SH 205 buffer north of
the gas station, and whether those can be eliminated and replaced with landscaping. Mr. Stogner
stated those could be taken out and landscaped.

18
20 Bricker inquired about the location of the trash compactor on the anchor building. Mr. Stogner
indicated that in grocery stores the compactors have to be attached to the building. Bricker further
22 inquired about the placement of the pedestrian walkways and asked why they are not centrally
located to the entrances of the store. Mr. Stogner stated that it lines up with the curb cut at the main
entrance from 205, and will be an attractive main area. He stated that is where they want the attention
24 drawn.

26 Bricker stated that he is not in favor of 30-ft light poles. Davis stated that because of the
residential area, the 20-ft poles are better for the surrounding area.

28
30 Milner clarified that the set standard is 20-ft, but the number of total poles can be reduced
and still keep the light within the boundary with the 30-ft poles. LaCroix stated that that is the
developer's standpoint. LaCroix stated that because the Tom Thumb store is going to be at a higher
32 elevation, there may be a visible glare from the lights from a distance. He stated that the lower the
light poles are, the less glare that will be seen from a distance. Milner stated if the lot was smaller
34 then he could not support the 30-ft light poles. He stated he likes the new lighting plan better than the
others.

36
38 Mr. Stogner stated Williams Middle School has 30-ft poles. LaCroix stated that the City does
not have anything to do with the height of the lights at schools. Mr. Stogner stated that they are just
trying to reduce the maintenance and the number of poles. He further stated the bigger the lot, the
40 higher the poles need to be. Hunter stated he is not in favor of the 30-ft poles for this site.

42 LaCroix stated there should be two separate motions made, one for the site plan overall and
one specifically for the lighting issue.

44
46 **Commissioner Davis made a motion to approve SP2008-034, a request by Brandon Cox**
48 **of Pogue Engineering & Development Co., Inc., for approval of a PD Site Plan for Stone**
50 **Creek Retail Phase 1, being a 74,000-sf retail development on 9.79-acres zoned (PD-70)**
52 **Planned Development No. 70 District and situated at the southeast corner of FM 552 and**
54 **SH 205 within the North SH 205 Overlay District, with staff recommendations and the**
56 **additional condition that the 8 parking spaces along S.H. 205 be removed and replaced**
with landscaping.

Commissioner Herbst seconded the motion.

It was voted on and passed 6 to 0.

Commissioner Davis then made a motion to recommend 20-ft poles be used because of the residential area surrounding this area.

Commissioner Milner seconded the motion.

It was voted on and passed 5 to 1, with Milner voting against.

ADDITIONAL DISCUSSION ITEMS

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

- a) **Z2008-029: Zoning Change from "C" to "PD-44" – TransAm Trucking**

LaCroix briefly reported that City Council approved the zoning change on 1st reading, though not by a unanimous vote.

- **Planning Director's Report to discuss the following City activities, upcoming meetings, future legislative activities, and/or other related matters:**

- a) **Report on Development Projects and Permit Activity for 2008**

Staff and the Commission discussed the case history and permit data for 2008.

- b) **Receive status update on Main Street Program**

LaCroix updated the Commission on this program. He stated that the Main Street Manager position has been assigned to report to him, though the position has not yet been filled. Chris Spencer is currently attending introductory training in Georgetown, and it is anticipated the Planning department will remain heavily involved in downtown efforts.

ADJOURNMENT

The meeting adjourned at 8:02 p.m.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this ____ day of _____, 2009.

Charles W. (Bill) Bricker, Chairman

ATTEST:

**Minutes of
PLANNING AND ZONING COMMISSION WORK SESSION
January 27, 2009**

CALL TO ORDER

The meeting was called to order by Bill Bricker at 6:01 p.m. with the following members present: Michael Hunter, Earl Milner, Philip Herbst and Dennis Lowry. Barry Buchanan and Lynn Davis were absent.

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

Approval of Minutes for December 9, 2008 Planning and Zoning Commission meeting.

Lowry made a motion to approve the minutes from December 9, 2008.

Hunter seconded the motion.

The motion was voted on and passed 3-0, with Milner and Herbst abstaining.

ACTION ITEMS

P2008-042

Discuss and consider a request by Jonathan Youness of RKM Consulting Engineers for approval of a final plat of the Mansions Family Addition, being 32.65-acres zoned (PD-10) Planned Development No. 10 district and located at 1650 S John King Blvd, and take any action necessary.

Hampton stated the applicant has submitted a final plat for the Mansions Family Addition, which is located on Tract C of PD-10. Earlier this year the Planning and Zoning Commission and the City Council approved the Master Development Plan (for PD-10), the Preliminary Plat and site plan for the subject site. A final plat for the Mansions Seniors Addition has been submitted and is running concurrently with the Mansions Family Addition. The plat is indicating the proposed locations of all necessary firelane, access and utility easements, as well as the planned detention/retention pond and drainage easements.

The development will be accessed via two drives, from John King Blvd., one along the north property line and the other along the south property line. The drive along the north property line is a mutual access easement and will provide access to the adjacent tract when it develops in the future. The site will also have access from a single drive on SH 276.

The location of the 100-year floodplain is shown for Buffalo Creek, which separates the age-restricted tract and the multi-family tract (subject site). The Parks Board reviewed the final plat at their January 6, 2009 meeting, and recommended approval. The final plat appears to conform to all area requirements specified in the approved PD ordinance.

The final tree survey and landscape plan indicates the required mitigation of 1,570.5-inches from the site at this time, with the applicant proposing to plant 1,604-inches back onto the Multi-Family tract, the Seniors tract and the open space/park area. In accordance with City Standards, the applicant will be required to hold a tree transplant day prior to construction, with proper notice in the local paper and a sign posted on the property. Staff is recommending that the developer work with staff to determine the feasibility of preserving Trees #1288, 2129, 2134, 2135, 2136 & 2137 (on the Multi-Family Tract) and Trees #2024, 2026, 2045, 2046, 2047, 2048, 2074, 2081 & 2103 (on the

2 Senior Tract). The plan preserves the Buffalo Creek corridor, which with a review of aerial imagery
4 appears to be the most significant area of protected trees.

6 The Developer has submitted an Amenity/Landscape Plan for the Multi-Family Park/Private
8 Open Space area to be reviewed by the Parks Board at their meeting on February 3rd.

8 Staff Recommends approval of the final plat with the following conditions:

- 10 1. Adherence to engineering department and fire department standards.
- 12 2. Developer work with staff to determine the feasibility of preserving Trees #1288,
2129, 2134, 2135, 2136 & 2137 (on the Multi-Family Tract) and Trees #2024, 2026,
2045, 2046, 2047, 2048, 2074, 2081 & 2103 (on the Senior Tract) as identified on the
14 submitted tree preservation plan.
- 16 3. Adherence to Parks Board Recommendations.
 - 18 a. The developer is responsible for the maintenance of the greenbelt areas
20 according to Maintenance Level D Standards. Maintenance is performed four
22 times annually and includes mowing, litter removal and maintaining water flow.
24 Mowing is only performed on two of the quarterly cycles. Areas with this level of
26 maintenance typically include drainage ROW's, undeveloped park land areas and
greenbelt areas. This is the highest level of maintenance for these types of
areas.
 - 28 b. The developer is responsible for the maintenance of the private park areas
according to Maintenance Level A Standards. Maintenance is performed weekly,
including, mowing, edging, trimming and litter removal. Cycle may be longer than
one week due to weather conditions, growth rates and available resources.
 - 30 c. The developer must submit the park site plan to the Park Board for approval
before development.
- 32 4. Approval of Park/Private Open Space Amenity/Landscape Plan by Parks Board.
- 34 5. All off-site easements to be filed with their recording information labeled on the final
plat prior to city signature.
- 36 6. Final driveway location along SH 276 to be approved by TXDOT and
Engineering/Fire department prior to filing of final plat.

38 Milner inquired about the developer maintenance agreement and asked what would happen to
that agreement if the developer sells the property. Hampton stated the final plat should include a
statement that the open space areas are to be maintained by the owner. Hampton stated if it is part of
the plat, it is filed with the county and it becomes a permanent and public record. Hampton stated
further that the level of maintenance should also be stated in the agreement. Milner inquired further if
it is a perpetual agreement no matter who owns the property. Hampton stated we should include that
on the plat just to make sure it is covered.

42 The applicant, Jon Youness of RKM Consulting Engineers, 7616 LBJ Freeway, Suite 530,
Dallas, Texas, was present and stated they are working with TXDOT on the final location of the
44 driveway. He stated that will be incorporated when they file the final plat. Hampton stated the fire
department has to sign off on that driveway also.

46 **Commissioner Hunter made a motion to approve P2008-042, a request by Jonathan
48 Youness of RKM Consulting Engineers for approval of a final plat of the Mansions
Family Addition, being 32.65-acres zoned (PD-10) Planned Development No. 10 district
50 and located at 1650 S John King Blvd, with staff recommendations and the additional
condition that all open space areas will be maintained by the owner according to the
52 Parks Board requirements.**

54 **Commissioner Lowry seconded the motion.**

56 **It was voted on and passed by a vote of 5-0.**

P2009-003

Discuss and consider a request by Jonathan Youness of RKM Consulting Engineers for approval of a final plat of the Mansions Senior Addition, being 18.165-acres zoned (PD-10) Planned Development No. 10 district and located at 1470 S John King Blvd, and take any action necessary.

Hampton stated that the applicant has submitted a final plat for the Mansions Seniors Addition, which is located on Tract B of PD-10. Earlier this year the Planning and Zoning Commission and the City Council approved the Master Development Plan (for PD-10), the Preliminary Plat and site plan for the subject site. A final plat for the Mansions Family Addition has been submitted and is running concurrently with the Mansions Seniors Addition. The plat is indicating the proposed locations of all necessary firelane, access and utility easements, as well as the planned detention ponds and drainage easements.

The development will be accessed via two drives, from John King Blvd., one along the north property line and the other further south towards the rear property line. The drive along the north property line is a mutual access easement and will provide access to the adjacent tract when it develops in the future. The location of the 100-year floodplain is shown for Buffalo Creek, which separates the age-restricted tract (subject site) and the multi-family tract. The final plat appears to conform to all area requirements specified in the approved PD ordinance.

The final tree survey and landscape plan indicates the required mitigation of 1,570.5-inches from the site at this time, with the applicant proposing to plant 1,604-inches back onto the Multi-Family tract, the Seniors tract and the open space/park area. In accordance with City Standards, the applicant will be required to hold a tree transplant day prior to construction, with proper notice in the local paper and a sign posted on the property. Staff is recommending that the developer work with staff to determine the feasibility of preserving Trees #1288, 2129, 2134, 2135, 2136 & 2137 (on the Multi-Family Tract) and Trees #2024, 2026, 2045, 2046, 2047, 2048, 2074, 2081 & 2103 (on the Senior Tract). The plan preserves the Buffalo Creek corridor, which with a review of aerial imagery appears to be the most significant area of protected trees.

The Developer has submitted an Amenity/Landscape Plan for the Multi-Family Park/Private Open Space area to be approved by the Parks Board at their regularly scheduled meeting on February 3rd.

Staff Recommends approval of the final plat with the following conditions:

1. Adherence to engineering department and fire department standards.
2. Developer work with staff to determine the feasibility of preserving Trees #1288, 2129, 2134, 2135, 2136 & 2137 (on the Multi-Family Tract) and Trees #2024, 2026, 2045, 2046, 2047, 2048, 2074, 2081 & 2103 (on the Senior Tract) as identified on the submitted tree preservation plan.
3. Adherence to Parks Board Recommendations.
 - a. The developer is responsible for the maintenance of the greenbelt areas according to Maintenance Level D Standards. Maintenance is performed four times annually and includes mowing, litter removal and maintaining water flow. Mowing is only performed on two of the quarterly cycles. Areas with this level of maintenance typically include drainage ROW's, undeveloped park land areas and greenbelt areas. This is the highest level of maintenance for these types of areas.
 - b. The developer is responsible for the maintenance of the private park areas according to Maintenance Level A Standards. Maintenance is performed weekly, including, mowing, edging, trimming and litter removal. Cycle may be longer than one week due to weather conditions, growth rates and available resources.
 - c. The developer must submit the park site plan to the Park Board for approval before development.
4. Approval of Park/Private Open Space Amenity/Landscape Plan by Parks Board.

- 2 5. All off-site easements to be filed with their recording information labeled on the final plat
prior to city signature.
4 6. Facilities agreement for sewer main shall be approved by City Council prior to filing of the
final plat.
6

8 LaCroix inquired of the applicant about an issue with Oncor. He stated that Oncor prefers to
have paved access to the buildings where they provide service. LaCroix inquired to the applicant if
Oncor had addressed this issue with them.
10

12 Jonathan Youness of RKM Consulting Engineers, applicant, stated that his clients worked
with Oncor today regarding this issue and stated that Oncor is comfortable with accessing the
easement without pavement. Matthew Hiles of Western Rim Investment Advisors, developer,
14 confirmed that he and Oncor have discussed and resolved any access issues that Oncor had.

16 **Commissioner Hunter made a motion to approve P2009-003, a request by Jonathan
Youness of RKM Consulting Engineers for approval of a final plat of the Mansions
18 Senior Addition, being 18.165-acres zoned (PD-10) Planned Development No. 10 district
and located at 1470 S John King Blvd, with staff recommendations and the additional
20 condition that all open space areas will be maintained by the owner according to the
Parks Board requirements.**
22

24 **Commissioner Lowry seconded the motion.**

26 **It was voted on and passed 5-0. (Buchanan and Davis were absent)**

28 **DISCUSSION ITEMS**

30 **P2009-002**

32 **Discuss and consider a request by David Hairston of Rockwall Partners, Ltd for approval of a
replat of Lot 1, Block A, Horizon Car Wash Addition, being 1.76-acres zoned (C) Commercial
district and located at 2525 Horizon Road, and take any action necessary.**

34 Gonzales stated the request of the applicant and stated this case will be back for consideration
in two weeks. Bricker inquired as to why the applicant is abandoning this easement. Gonzales stated
36 there is an issue with the public using the fire lane as an access to Lowe's. He stated that it interferes
with the applicant's business. Bricker asked for clarification on the location of this easement.
38 Gonzales stated it is on the east side of the property between the car wash and the Horizon Lube
Center. LaCroix stated Chief Poindexter agreed to allow the applicant to abandon this easement if the
40 applicant paints the fire lane on the north side of his property, adjacent to Lowe's. LaCroix stated the
applicant would have to submit a plat and go through the process to legally make the change.
42

44 **P2009-004**

46 **Discuss and consider a request by Kevin Wier of Spiars Engineering for approval of a final
plat of Lot 1, Block 1, Honda of Rockwall Addition, being 8.686-acres zoned (C) Commercial
district and situated along the south side of Interstate 30 east of Commerce St and west of
John King Blvd, and take any action necessary.**
48

50 Hampton briefly explained that Honda has submitted a final plat for their future development
site. Bricker asked if they would be constructing cross access. Hampton stated, yes, they would have
cross access in a similar manner to Toyota where the public can pull in off the street and park to look
52 around even after the business is closed. But the car display areas are still gated and secure.

54 **Z2009-001**

56 **Discuss and consider a request by Kimberly Cullins Collichio and Donna Cullins Pritchard for
approval of a zoning change from (Ag) Agricultural district to (LI) Light Industrial district on a**

1.025-acre tract known as Part of Lot 1, Block C, Rockwall Commercial Park Phase I, and located at 1795 East Interstate 30.

Hampton gave the background of this property and the reason for the applicants' request. The property has been zoned Agricultural since it was annexed, and there have been some issues with the issuance of Certificate of Occupancies for uses other than office, which was in place at the time of annexation. Bricker inquired why they want Light Industrial instead of Commercial. LaCroix stated because of the land use plan. LaCroix further stated he would recommend it being Light Industrial instead of Commercial, but the Planning and Zoning Commission can recommend a more restrictive zoning if they want to.

Hunter stated just because it was Light Industrial before does not mean that it has to continue being that now. LaCroix discussed that the depth of the area between I-30 and the railroad corridor to the north is going to lend itself to Light Industrial, though it is likely that Commercial will probably be better suited along I-30.

Hampton stated that state law requires that cities look at their land use plan every 5 to 7 years to make sure it is still relevant and that the development pattern is following that plan. The City's land use map and thoroughfare plan were last updated in 2001, and there has been a significant amount of development that has occurred since that time. For example, the bypass is now built and the City has annexed many areas that are not covered in the land use plan. But we are supposed to use the land use plan when making decisions on zoning.

Bricker stated he would like a bigger view of the area before they change the zoning on it.

ADDITIONAL DISCUSSION ITEMS

- **Planning Director's Report on the following Planning and Zoning Commission matters that have been recently acted on by City Council:**
 - a) **SP2008-033: Variances related to L3 Communications site plan (Rockwall Tech Park)**

LaCroix reported that City Council approved each of the variances that L3 requested, though the vote to allow less than 20% stone was not unanimous.

- b) SP2008-034: Variance related to Stone Creek Retail site plan**

LaCroix explained that the City Council approved the applicant's request to use 30-ft light poles in the Tom Thumb parking field, though the Planning and Zoning Commission had recommended against it.

ADJOURNMENT

The meeting adjourned at 7:16 p.m.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
ROCKWALL, Texas, this _____ day of _____, 2009.

Charles W. (Bill) Bricker, Chairman

ATTEST:

**Minutes of
PLANNING AND ZONING COMMISSION PUBLIC HEARING
February 10, 2009**

CALL TO ORDER

The meeting was called to order by Bill Bricker at 6:02 p.m. with the following members present: Barry Buchanan, Dennis Lowry and Michael Hunter. Earl Milner and Philip Herbst were absent. Lynn Davis arrived at 6:08 pm.

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

Approval of Minutes for December 30, 2008 Planning and Zoning Commission meeting

Commissioner Hunter made a motion to approve the minutes from December 30, 2008.

Commissioner Lowry seconded the motion.

The motion was voted on and passed 4-0.

Approval of Minutes for January 13, 2009 Planning and Zoning Commission meeting

Commissioner Hunter made a motion to approve the minutes from January 13, 2009.

Commissioner Lowry seconded the motion.

The motion was voted on and passed 3-0, with Buchanan abstaining.

Approval of Minutes for January 27, 2009 Planning and Zoning Commission meeting

Commissioner Lowry made a motion to approve the minutes from January 27, 2009.

Commissioner Hunter seconded the motion.

The motion was voted on and passed 3-0, with Buchanan abstaining.

PUBLIC HEARING ITEMS

Z2009-001

Hold a public hearing and consider a request by Kimberly Cullins Collichio and Donna Cullins Pritchard for approval of a zoning change from (Ag) Agricultural district to (LI) Light Industrial district on a 1.025-acre tract known as Part of Lot 1, Block C, Rockwall Commercial Park Phase I, and located at 1795 East Interstate 30, and take any action necessary.

Hampton stated the applicant has requested to rezone the 1.025-acre tract located at 1795 IH-30 from (Ag) Agricultural district to (LI) Light Industrial district. The site features an existing commercial structure that was annexed over 20 years ago, though in recent years has been primarily used as office. The primary tenant is Cook Realtors, and the building also has suites addressed as 1789 IH-30 (Residential Solutions) and 1793 IH-30 (Wes Oxford Insurance Agency).

2 The applicant has not indicated any plans to redevelop the property at this time; however,
4 there have been challenges with potential tenants obtaining a Certificate of Occupancy (CO) for any
6 proposed business other than office, which is considered the only "legal, non-conforming use" on the
8 lot. Other uses that would be allowed with a rezoning to LI are not presently allowed under the Ag
zoning. Further, the Unified Development Code stipulates that "...a [non-conforming] use shall be
deemed to have ceased or been abandoned when it has been discontinued for 180 days during any
three (3) year period whether with the intent to abandon the use or not."

10 The property to the north and east is zoned (LI) Light Industrial and currently developed with
12 the A-1 golf course and practice range. There is also a contractor's yard and turf/building supply
14 business located to the north. Immediately to west is an existing auto repair garage, which like the
subject tract was grandfathered at the time of annexation many years ago and remains zoned
Agricultural.

16 The City's future land use map and Comprehensive Plan designate the subject property and
18 the area around it as "Technology/Light Industrial." One of the primary land use policies within the
20 Comprehensive Plan also states that the City "reserve adequate land for industrial uses on or near
22 IH-30." Given these recommendations from the Comprehensive Plan, and given the adjacent zoning
24 and land use, staff recommends that the rezoning request be approved for the subject site. It should
be noted that any redevelopment and/or building expansion on the subject property would require
separate approval of a site plan, which shall be subject to Architectural Review given its location in
the IH-30 Corridor Overlay district. Also at that time, it is likely that the property would need to be
replatted.

26 Notices were mailed to five (5) property owners within 200-ft of the subject request, and at
28 the time of this report none had been returned.

30 Staff Recommends approval of the request.

32 (Davis arrived at 6:08 pm.)

34 Hunter asked for clarification in the difference of zoning the property Light Industrial versus
36 Commercial. Hampton stated that zoning it Light Industrial will allow more uses that are not
necessarily allowed in Commercial. Bricker clarified the zoning on the property that surrounds
this property and what the long-range plan is for this area.

38 Public Hearing was opened at 6:15 pm

40 The tenant, Robert Cook, (Cook Realtors) appeared in person to represent the applicant,
42 Kimberly Cullins-Collichio, who was also present. Mr. Cook stated he went to the property
44 owner and requested the zoning change on the property so he can expand use of the property.
He stated that there is a great deal of space in the back of the building that he would like to
turn into income.

46 Public Hearing was closed at 6:20 pm

48 Bricker stated there are some uses in Light Industrial zoning that he would not want to see
50 there. He inquired whether the I-30 Overlay would prohibit anything that is usually permitted in
Light Industrial. LaCroix stated there are some restrictions. He stated, for example, outside
storage is not permitted.

52 **Commissioner Buchanan made a motion to approve Z2009-001, a request by Kimberly**
54 **Cullins Collichio and Donna Cullins Pritchard for approval of a zoning change from (Ag)**
56 **Agricultural district to (LI) Light Industrial district on a 1.025-acre tract known as Part of**
Lot 1, Block C, Rockwall Commercial Park Phase I, and located at 1795 East Interstate
30.

2 Commissioner Hunter seconded the motion.

4 It was voted on and passed by a vote of 5-0, with 2 absent.

6 **DISCUSSION ITEMS**

8 **P2009-002**

10 Discuss and consider a request by David Hairston of Rockwall Partners, Ltd for approval of a replat of
12 Lot 1, Block A, Horizon Car Wash Addition, being 1.76-acres zoned (C) Commercial district and
located at 2525 Horizon Road, and take any action necessary.

14 Hampton stated David Hairston of Rockwall Partners, Ltd is requesting approval of a replat of
16 Lot 1, Block A, Horizon Car Wash Addition, which is 1.76-acres and zoned (C) Commercial district.
The property is located at 2525 Horizon Road and was constructed approximately six years ago.

18 The purpose of the replat is to abandon a portion of an existing access easement and fire
20 lane located on the southeast side of the property, and which is highlighted on the replat. The
applicant has indicated that there are issues with cut-through traffic from the adjacent Lowes property
22 across this easement that affects the car wash's staging area for customer vehicles. Once the fire
lane is removed, the applicant would be able to install bollards or another appropriate barrier to deter
the cut-through traffic.

24 The City's fire chief has met with the applicant on site, and has agreed that the fire lane can
26 be removed under the condition that the existing drive aisle between the car wash and Lowes will be
striped as a fire lane through a mutual agreement with Lowes. Under this scenario, fire coverage
28 would remain compliant as per Fire Department specifications.

30 Staff Recommends approval of the request with the following conditions:

- 32 1. Adherence to all Fire Department and Engineering requirements.
34 2. New firelane striping on subject property and adjacent Lowes property must be striped
prior to the filing of this replat.
36 3. Remove shading from existing access easement to remain along west side of property
(next to the Kwik Addition).
38 4. Correct title block to read Lot 2, Block A, Horizon Carwash Addition, being a replat of Lot 1,
Block A.
5. Label each Lot / Block shown with current Cabinet and Slide number.

40 Bricker inquired about the easement on the plans.

42 David Hairston, 744 Windsong Lane of Rockwall appeared in person. He stated that the
44 easement cannot be blocked until they are beyond the fire hydrant.

46 **Chairman Bricker made a motion to approve P2009-002, a request by David Hairston of
Rockwall Partners, Ltd for approval of a replat of Lot 1, Block A, Horizon Car Wash
Addition, being 1.76-acres zoned (C) Commercial district and located at 2525 Horizon
Road, with staff recommendations.**

50 Commissioner Hunter seconded the motion.

52 It was voted on and passed by a vote of 5-0.

54 **P2009-004**

56 Discuss and consider a request by Kevin Wier of Spiars Engineering for approval of a final plat of Lot
1, Block 1, Honda of Rockwall Addition, being 8.686-acres zoned (C) Commercial district and situated

2 along the south side of Interstate 30 east of Commerce St and west of John King Blvd, and take any
4 action necessary.

6 Spencer stated the applicant's request and stated the final plat for the Honda of Rockwall
Addition is intended to accommodate development of an 8.686-acre tract for a Honda Car Dealership.

8 The Site Plan and Preliminary Plat for the site were approved by the Planning and Zoning
10 Commission and City Council in 2008.

12 The subject property is zoned (C) Commercial district and is located within the I-30 Overlay
District.

14 As part of the Preliminary Plat approval the Planning and Zoning Commission and the City
16 Council approved a variance to the recently approved Detention Pond requirements. Approval of the
Preliminary Plat allowed the applicant to construct the detention pond with vertical walls around all or
18 some portion of the perimeter. The recently approved standards for detention ponds allow a
maximum slope of 5 to 1 with no fencing allowed.

20 The final plat appears to conform to all area requirements specified in the Commercial (C)
22 district.

24 The development will be accessed by two (2) proposed drives from I-30, one of which is a
mutual access easement with the existing Yamaha Dealership located to the west.

26 In accordance with City Standards the applicant will be required to hold a tree transplant day
28 prior to construction, with proper notice in the local paper and a sign posted on the property. There is
no tree mitigation required for the site as all existing trees are Cedar and under 11-inches in caliper.

30 Staff Recommends approval of the request with the following conditions:

- 32 1. Adherence to all Engineering and Fire Department Standards.
34 2. Correct recording information for adjacent property to the west (Rockwall Recreational
Addition Cabinet F, Slide 379, P.R.C.T.).
36 3. Label 15' Drainage Easement located on southwest corner of the site.
38 4. All off-site easements to be filed with their recording information labeled on the final plat
prior to city signature.

40 Commissioner Hunter made a motion to approve P2009-004, a request by Kevin Wier
of Spiars Engineering for approval of a final plat of Lot 1, Block 1, Honda of Rockwall
42 Addition, being 8.686-acres zoned (C) Commercial district and situated along the south
side of Interstate 30 east of Commerce St and west of John King Blvd, with staff
44 recommendations.

46 Commissioner Davis seconded the motion.

48 It was voted on and passed by a vote of 5-0.

50 **ADDITIONAL DISCUSSION ITEMS**

- 52 • Planning Director's Report on the following Planning and Zoning Commission matters that have
been recently acted on by City Council:
- 54 a) **P2008-042: Mansions Family Addition (Final Plat)**
56 b) **P2009-003: Mansions Seniors Addition (Final Plat)**

2 LaCroix stated that City Council had approved both plats as recommended by the
4 Commission.

6 **ADJOURNMENT**

8 There being no further business, the meeting adjourned at 6:29 p.m.

10 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
ROCKWALL, Texas, this 24th day of February, 2009.

12 Ch Bricker

14 Charles W. (Bill) Bricker, Chairman

16 ATTEST:

18 Jane Hatcher

**Minutes of
PLANNING AND ZONING COMMISSION WORK SESSION
February 24, 2009**

CALL TO ORDER

The meeting was called to order by Bill Bricker at 6:00 p.m. with the following members present: Lynn Davis, Michael Hunter and Dennis Lowry. Barry Buchanan, Earl Milner and Philip Herbst were absent.

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

Approval of Minutes for February 10, 2009 Planning and Zoning Commission meeting

Lowry made a motion to approve the minutes from February 10, 2009.

Hunter seconded the motion.

The motion was voted on and passed 4-0.

ACTION ITEMS

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

SP2009-001

Discuss and consider a request by Sam Ellis of XLNT Group for approval of amended building elevations for Children's Lighthouse, located on Lot 1, Block D, North Lakeshore Valley Addition, being 1.543-acres zoned (PD-65) Planned Development No. 65 district and located at 3009 North Goliad within the North SH 205 Corridor Overlay district, and take any action necessary.

Spencer stated that the elevations for the Children's Lighthouse development were approved by the Architectural Review Board and the Planning and Zoning Commission in December of 2006. The approved elevations proposed a 29'7" high single-story building constructed primarily of limestone, shale stone and stucco with a grey standing seam metal roof.

The exterior materials and colors were based on the conceptual elevations for the entire North Lakeshore Valley Development. These conceptual elevations were approved as part of the site plan for the entire North Lakeshore Valley and therefore provide the basis for the architectural theme of the entire development. As the ARB and P&Z may remember, the recent approval and construction of the Walgreens was based on the same conceptual elevations for North Lakeshore Valley.

The applicant is requesting that the ARB and P&Z consider altering the exterior materials and colors as follows:

1. Changing the grey standing seam roof on the lighthouse element to red (remaining roof to remain grey).
2. Changing the limestone to a darker stone (grey and brown).
 - a. At this time, the applicant has not informed staff if the requested change in stone is natural or manufactured. (Applicant to provide samples at meeting)

In addition to the changes in materials and color, the proposed rendering depicts dormers on the front elevations that were not included on the originally approved elevations for the Children's

2 Lighthouse. The proposed rendering also does not appear to include the canopy attached to the
4 lighthouse feature.

6 On 2/24/08, the Architectural Review Board recommended approval of the following changes:

1. Red Roof on the lighthouse & porta-cache (drive-thru canopy).
2. A darker limestone above the shale stone water table.

8
10 Hunter clarified what was approved originally and that the applicant is asking for the
12 variances that are in the packet. Spencer clarified the Architectural Review Board's standpoint. Davis
14 inquired what the purpose is of changing the color and material. Spencer stated that the original
application came in with different owners. He stated that the new owners would like different materials
and colors. Davis stated that she does not like the red color on the lighthouse.

16 Mike Ballard (XLNT Group), 2185 Williams Road, Rockwall was present to answer questions.
18 Mr. Ballard showed samples of the original material, and brought in a sample of what he wanted. The
applicant stated that they originally wanted to go with white stone and the Architectural Review Board
turned that down and suggested they go with the darker color. He stated they originally wanted
dormers and the ARB stated no dormers.

20 Hunter stated that the concept for this property includes all 48 acres (North Lakeshore
22 Valley). He stated this property is the first property you will see when you enter Rockwall from the
north and the desired style is Texas Hill Country. The applicant stated the lighter stones such as
24 Austin Stone with the brown Nicotine would represent the Hill Country look. He stated they are trying
to get a transition in color. Hunter inquired about the red lighthouse color. The applicant stated that
26 that is a corporate choice and that he does not have anything to do with that.

28 Davis stated they should keep the gables; otherwise, the building will look too plain. She
stated that because it is the entryway to Rockwall, it has to be more dressed up. Davis stated it
30 should be the brown Nicotine color on the bottom and the whiter Limestone on top. Spencer stated
that the colors on the Walgreens were very close together, but the smooth-cut and rough-cut textures
32 give the materials a different look. Spencer further stated that one of the reasons the ARB is
supporting the material change is they do not necessarily like the way the Walgreens has turned out.

34 Davis stated the original drawing looks like a terra cotta roof. Spencer stated it is a lighter roof
36 than what was recommended, but they thought that grey would give them a little bit of individuality
and would also keep in the same color family. Davis stated they do not want to hold everybody to a
38 cookie-cutter look, but the colors do have to be in the same family of colors if we are going to keep
with the same theme. She stated she does not have any problem changing some of the stone, but
40 she does not want to go too far from the original concept. She stated they would have to keep the
gables. She further stated that the lighthouse is the only thing she would not mind seeing red. The
42 applicant stated they are fine keeping the gables.

44 Hunter stated this property is very close to a residential area and the residents were very
involved with the color choice from the beginning. He stated they did not want anything that stood out
46 in a bad way. Hunter stated he is uncomfortable changing the color scheme and does not think the
red roof on the lighthouse does anything for anyone.

48 Bricker inquired whether the roof was approved in terra cotta. Spencer stated that the original
50 color was grey. The terra cotta is the red color that the applicant is asking for approval. Spencer
stated that the Planning and Zoning Commission originally stipulated the grey color.

52 Bricker stated that he likes the way the Walgreens came out. He stated that he does not like
54 the idea of changing the lighthouse. He stated this is just getting started and there are going to be
other buildings there. Bricker stated he is not in favor of approving the requested changes.

56 Lowry stated that he agrees.

Commissioner Hunter made a motion to deny SP2009-001, a request by Sam Ellis of XLNT Group for approval of amended building elevations for Children's Lighthouse, located on Lot 1, Block D, North Lakeshore Valley Addition, being 1.543-acres zoned (PD-65) Planned Development No. 65 district and located at 3009 North Goliad within the North SH 205 Corridor Overlay district.

Commissioner Lowry seconded the motion.

It was voted on and denied by a vote of 4-0.

Applicant inquired of the Commission that if he stays within the color theme, just a different variation, does this have to come back to P&Z or can it be approved by staff. Bricker stated that if the color is within the theme, staff could make that decision.

MIS2009-001

Discuss and consider a request by James Coffey 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 Single-Family residence located at 316 Portview Place, and take any action necessary.

Spencer stated that the applicant, James Coffey, 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 3,128-s.f. house with exterior cladding being comprised of 30% Stone and 70% Stucco. Section 3.1(A)(1) also states that the Planning and Zoning Commission may approve a waiver for proposals not meeting the requirements of said section. The subject site is a 10,000-square foot tract being Lot 19, Block C, Harbor Landing Phase 2 Addition, located at 316 Portview Place. Staff feels that the architectural style of the house and the proposed materials will blend in well with the neighboring Chandlers Landing.

Bricker inquired whether the Chandler's Landing Architectural Committee needs to approve this. Spencer stated for us to consider the variance, they do not have to. He further stated we usually ask that we get something in writing stating that this is okay with them. Spencer stated we do not have anything in writing right now, but he will ask Mr. Coffey for that.

Hunter inquired about all four elevations. He stated that all of the elevations say something different. Hunter further stated that it does not look like a 70/30 split of stucco and stone. Spencer stated the elevation that is being requested is stone with possibly a brick accent. Spencer stated the front of the home would be primarily stone and the sides and the back would be predominantly stucco with the exception of the doors and windows.

Bricker inquired whether Hardy Plank would require a variance. Spencer stated it would. Spencer stated that this is going to be high quality stuccowork on the house. Bricker stated if the other homeowners approve this and Chandlers does not have a problem with it, he does not have a problem with it.

Chairman Bricker made a motion to approve MIS2009-001, a request by James Coffey 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 Single-Family residence located at 316 Portview Place, provided the owner has permission from the ARB of Chandler's Landing.

Commissioner Davis seconded the motion.

It was voted on and passed by a vote of 4-0.

2
4 **DISCUSSION ITEMS**

6 **P2009-005**

8 **Discuss and consider a request by Arturo Orsornio and Roberto Silva for approval of a final**
10 **plat of Lots 1-4, Block A, Orsornio Silva Addition, same being a replat of the south 1/2 of Lot**
12 **812, all of Lots 813 and 814, and the south 1/2 of Lot 815, Rockwall Lake Development No. 2**
14 **Addition (aka Lake Rockwall Estates #2), being 0.50-acre overall and located along the north**
16 **side of County Line Road east of Eva Place and west of Valerie Place.**

18 Spencer stated that because Lake Rockwall Estates was recently annexed, this is one of
20 many replat applications that are likely going to come in. Spencer stated there is no zoning on this
22 property, so there is no minimum lot size required. Spencer further stated the property owners have
24 one year from the date the property was annexed to complete any construction and comply with
26 building codes.

28 LaCroix added they have to meet health safety standards, but not building codes. Hunter
30 stated that the lots out there are small. LaCroix stated the typical lot size out there is going to come in
32 at around 5000-sf. LaCroix stated that before zoning is started, public hearings will be held to explain
34 what is going to happen. Spencer stated we have to get deeds on the property before it is zoned
36 because people may not own the property. It could be a situation where it is a contract for deed.
38 LaCroix stated that having the deeds and plats and getting ownership straightened out is going to be
40 helpful.

42 **P2009-006**

44 **Discuss and consider a request from Roland Cobb of Prism Leasing, Ltd., for approval of a**
46 **final plat of Lot 1, Block A, Rockwall Car Wash Addition, being 1.048-acres zoned (PD-46)**
48 **Planned Development No. 46 district and located along the north side of SH 276 east of FM**
50 **549, and take any action necessary.**

52 Gonzales briefly discussed the technical requirements and revisions that are necessary for
54 this final plat. Bricker inquired whether this plat has changed from the original plans. Gonzales stated
56 it has not.

58 **Z2009-002**

60 **Discuss and consider a request by Tim Moore for approval of a zoning change from (SF-7)**
62 **Single Family Residential district to (C) Commercial district on a 0.25-acre tract located at 901**
64 **South Goliad, same being described as Lot 1 and the NW part of Block A, Canup Addition.**

66 Spencer briefly outlined the applicants request, and commented that it is being zoned to
68 Commercial to accommodate the request to locate the Ice Train snow cone stand on the property.

70 **Z2009-003**

72 **Discuss and consider a request by Ashley Byrd of The Ice Train for approval of a Specific Use**
74 **Permit (SUP) to allow for a temporary portable beverage service facility within the (C)**
76 **Commercial zoning district, on a 0.25-acre tract located at 901 South Goliad, same being**
78 **described as Lot 1 and the NW part of Block A, Canup Addition.**

80 Spencer briefly outlined the request, and discussed the technical corrections or information
82 needed prior to the public hearing for this item that is scheduled for March 10, 2009.

84 Hunter inquired about access off Goliad. LaCroix stated if there were a home there and there
86 was an existing driveway, a driveway would likely still be permitted. He stated there would not be
88 access off Goliad because it is a vacant lot.

2 Bricker stated he is concerned because there is no site plan, no parking and nothing in place
4 to protect the trees. He stated he is not against the temporary use, but this is not a complete package
6 ready to move forward. He stated that he is not going to be in favor of this until he sees something in
8 writing.

Hunter inquired at what point this would ever be brought back before the P&Z. LaCroix stated
if there was ever a complaint, we could bring it back.

Chairman Bricker stepped out at 7:12 pm.

Z2009-005

**Discuss and consider a request by Jed Dolson of Breezy Hill 405, Ltd., for approval of a
change in zoning from (Ag) Agricultural district to (PD) Planned Development district, for
property currently described as Tracts 7 and 7-1, Abstract 187, J Strickland Survey; Tract 1,
Abstract 190, J Simmons Survey; and Tract 1, Abstract 30, T.R. Bailey Survey; being
approximately 391-acres overall situated along John King Blvd north of FM 552.**

Hampton outlined the proposed zoning change request, including a history of how the
property was annexed into the City and the previous agreements between the property owner and
City Council. A public hearing for the zoning request will be held on March 10, 2009.

Hunter inquired how this will impact the traffic on FM 552. LaCroix stated that any
development would require a Traffic Impact Analysis. LaCroix further stated that they could put in
deceleration lanes and turning lanes on FM 552, or whatever would be recommended by the TIA.

Chairman Bricker returned to the meeting after the discussion.

ADDITIONAL DISCUSSION ITEMS

- **Planning Director's Report on the following Planning and Zoning Commission matters that
have been recently acted on by City Council:**
 - a) **Z2008-028: REDC zoning change request – LI to PD**
 - b) **Z2009-001: 1795 IH-30 zoning change request – Ag to LI**

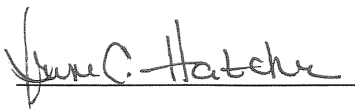
Lacroix stated that City Council approved both zoning cases. The second reading will be held
on March 2, 2009.

With no further discussion, the meeting adjourned at 7:31p.m.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
ROCKWALL, Texas, this 14th day of April, 2009.


Charles W. (Bill) Bricker, Chairman

ATTEST:



**Minutes of
PLANNING AND ZONING COMMISSION WORK SESSION
June 30, 2009**

CALL TO ORDER

The meeting was called to order by Vice Chairman Michael Hunter at 6:00 p.m. with the following members present: Barry Buchanan, Dennis Lowry, Earl Milner and Philip Herbst. Lynn Davis arrived late, and Chairman Bill Bricker was absent.

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

CONSENT ITEMS

1. *Approval of Minutes for May 26, 2009 Planning and Zoning Commission meeting*

2. *Approval of Minutes for June 9, 2009 Planning and Zoning Commission meeting*

3. **P2009-012**

Discuss and consider a request by Brandon Davidson of Corwin Engineering, Inc. for approval of a final plat for the Right-of-Way dedication of the eastern extension of Featherstone Road, located between Deverson Drive and John King Blvd., being 2.382-acres zoned (PD-70) Planned Development No. 70 District, and take any action necessary.

4. **P2009-013**

Discuss and consider a request by Tek Dayalji of the Pastem Corporation, for approval of a replat, of Lot 8, Block A, Rockwall Towne Center Phase 4 Addition, being a 1.74-acre tract zoned (C) Commercial and situated on Vigor Way (private street) between IH-30 and Ridge Rd, and take any action necessary.

Milner pulled Consent Agenda items #3 and #4, and then made a motion to approve the minutes from May 26, 2009 and June 9, 2009.

Herbst seconded the motion.

The motion was voted on and passed 5-0.

Regarding Consent Item #3, Milner clarified the location of the proposed dedication for the Featherstone Road right-of-way dedication. Spencer displayed a location map and explained the exact location of the dedication.

Commissioner Milner made a motion to approve P2009-012, a request by Brandon Davidson of Corwin Engineering, Inc. for approval of a final plat for the Right-of-Way dedication of the eastern extension of Featherstone Road, located between Deverson Drive and John King Blvd., being 2.382-acres zoned (PD-70) Planned Development No. 70 District, with staff conditions.

Commissioner Lowry seconded the motion.

It was voted on and approved by a vote of 5-0.

Regarding Consent Agenda Item #4, Milner inquired whether Vigor Way will always be a private road. Spencer stated the intent has always been for the road to remain private. Spencer stated what the City's obligations would be and what the utility issues would be if the road would ever become city property. Milner inquired if the owner could ever close Vigor Way. Spencer stated that the road could never be closed due to the access easement that is associated with it.

Hunter inquired about the development plan when the development surrounding it was approved. Spencer stated from the first plat, it has been an access easement. He further explained the right-of-way easement, the pavement width and the requirements for utilities. There was discussion regarding the ownership of Vigor Way.

Commissioner Herbst made a motion to approve P2009-013, a request by Tek Dayalji of the Pastem Corporation, for approval of a replat, of Lot 8, Block A, Rockwall Towne Center Phase 4 Addition, being a 1.74-acre tract zoned (C) Commercial and situated on Vigor Way (private street) between IH-30 and Ridge Rd, with staff recommendations.

Commissioner Lowry seconded the motion.

It was voted on and passed by a vote of 5-0.

DISCUSSION ITEMS

P2009-014

Discuss and consider a request by Chad Hudson for approval of a residential replat of Lots 1-3, Block A, Independence Pass Addition, being 1.47-acres zoned (PD-8) Planned Development No. 8 district and situated along the west side of FM 740 (Ridge Rd) and at the south terminus of Independence Place.

Gonzales stated there will be a 10-ft utility easement that will be abandoned by this plat, which is located on the northeast section of the property. He stated there are some technical corrections that need to be made to the plat prior to filing. He stated he has discussed those with the applicant. Gonzales stated that the applicant is not present.

There were no questions of staff by the Commission.

Z2009-013

Discuss and consider a request by Renda Songer for approval of a Specific Use Permit (SUP) to allow for a "Hair Salon" within (PD-50) Planned Development No. 50 district on Lot 1, Block A, Henry Addition, being 0.17-acre and located at 907 N. Goliad.

Hampton stated the underlying zoning is (RO) Residential Office. Hampton stated the applicant has put a sign up and has leased out a business, which is in operation. He explained the parking requirement and stated this is a low-volume salon. He stated there are only three (3) parking spaces for this building. Hampton further explained the engineering department is looking at this case to give some suggestions regarding adding more parking.

Milner inquired whether the parking requirement will be detailed in the SUP. Hampton stated the requirement is one (1) parking space per 250-sf of building. Hampton stated staff has concerns about how many cars could be there at one time.

Misty Phillips, 2008 South Lakeshore (property owner). Ms. Phillips stated that Renda provides cuts and color and takes only one client at a time. She stated that many of the clients come in the evenings and on Saturday or Sunday. Milner clarified if the business is already in operation. LaCroix stated the business is already in operation. LaCroix further stated the business has been permitted to stay open while they applied for the SUP.

2 Milner stated there is a process in place. He stated there have been problems created in the past
4 when the process has not been followed in the proper order. Ms. Phillips stated there was a
6 misunderstanding in the beginning regarding whether she needed an SUP or not. There was
clarification regarding what portion of the building is going to be used for the salon and what portion
Ms. Phillips will be using.

8 *Lynn Davis arrived at 6:21 p.m.*

10 **Z2009-014**

12 **Discuss and consider a request by David and Barbara Powell for approval of a Specific Use**
14 **Permit (SUP) to allow for a "Utility Installation, Other Than Listed," specifically the installation**
of solar panels on the roof of their home located at 606 Shoreview, being Lot 2, Block D,
Stonebridge Meadows #1 Addition and zoned (SF-10) Single Family Residential district.

16 Hampton stated Mr. Powell is requesting approval to install solar panels on their home. Hampton
18 stated there have been similar requests recently for wind turbines to be installed and have been
approved. Hampton stated that Mr. Powell submitted a request letter and pictures of his property, as
well as information regarding the solar panels that he would like to have installed.

20 Dave Powell, 606 Shoreview. Mr. Powell stated that there will be 22 panels installed. He stated if the
22 panels are not placed on the portion of the roof that is facing south, he will lose 17% of the benefit of
having the panels. Milner asked Mr. Powell what if he sold his house and the new owner does not like
24 having solar panels, how would they be removed without damaging the roof. Mr. Powell stated that he
views having the solar panels as a selling point for the house and not as a negative. He stated if the
26 solar panels are going to save you 40% off your electric bill that would attract buyers and not
dissuade them. Milner stated that some people think swimming pools are the greatest thing and other
28 people say they hate swimming pools. He stated that it is not an automatic that everyone would like
the solar panels, but he thinks that it is a positive aspect. Mr. Powell explained how the panels are
30 installed and how they are hooked up to the power.

32 Milner inquired whether the solar panels would create any noise or create any glare. Mr. Powell
stated there will be no noise. He went on to state the angle of his roof and that there should be no
34 glare, but stated that the solar panels are made of glass. Mr. Powell stated he will have to trim a tree
that reaches over his house so it does not block the sun from the solar panels. There was further
36 discussion regarding the trees that are growing over Mr. Powell's roof. Herbst stated he drove by the
applicant's house and stated that he had a hard time seeing the roof through the trees.

38 **MIS2009-002**

40 **Discuss the periodic review of Planned Development districts in the City of Rockwall, and take**
42 **any action necessary.**

44 LaCroix gave an update on PD-14. LaCroix stated that there is dual zoning at these properties,
Commercial (C) and Light Industrial (LI). He stated the property owners, based out of California, are
hesitant to give up the permitted use of a storage facility, but may be open to amending the PD to
46 take out the Light Industrial use if it will still allow for the use of a storage facility. LaCroix stated there
is a list of conditions in the code pertaining to storage facilities. He stated that those conditions could
48 be included in an SUP for a storage facility. He stated that the SUP would ensure that the masonry
requirement is met and all the conditions we have surrounding a storage facility are met.

50 LaCroix stated he spoke to the owner of PD-26 & PD-31. He stated that the owner of the property is
52 planning to redevelop the property included in PD-26 into a retail/commercial center. He stated that
he does not want to do anything right now on PD-31 because of the development of John King
54 Boulevard and I-30. LaCroix stated that he told the owner that some time in the future he may be
asked to come in and talk to the Planning and Zoning Commission to discuss these two PDs.
56 LaCroix stated the owner appeared amenable to that.

LaCroix stated he also spoke to the owner of PD-35, who stated they may not be opposed to rezoning to LI but requested a copy of the PD ordinance to review it further.

LaCroix stated he would like to send letters out to all of the owners of these PDs indicating what the Commission would like them to do and get some feedback from the property owners. He stated that that letter could be sent out officially in the next month. LaCroix then asked the Commission what direction they would like staff to take.

Milner thanked staff for their effort in researching the use of the various PDs. Milner inquired whether the uses on the existing PDs would be grandfathered. LaCroix stated as long as the uses are continued the way they are now, they will be allowed. LaCroix stated when the use ceases, they go away.

Milner made a motion to instruct staff to write a letter regarding the recommendations, including an invitation for the owners to come in and meet with staff or the Commission at a future work session.

Davis clarified what the grandfather clause means. LaCroix stated that abandoned means vacant for six (6) months then it is considered abandoned. However, if the business sells and remains operating in the same capacity under new ownership, it can still operate business as usual.

Davis seconded the motion made by Milner. The motion passed 6-0.

Discuss a proposed plan for zoning of "Lake Rockwall Estates," and take any action necessary.

LaCroix stated the background of what has taken place in the last year preparing for the annexation and the proposed zoning plan for Lake Rockwall Estates. The schedule for the Town Hall Meeting at City Hall and the Special Meetings to take place in Lake Rockwall Estates was displayed and LaCroix explained what will take place at each meeting. LaCroix then explained the public hearing process as it relates to this case. He stated that process should take approximately two and a half months.

Hunter inquired whether the Planning and Zoning Commissioners should attend these meetings. LaCroix stated since the Commissioners are the decision makers in the process, it is best for them not to attend and to let staff run the meetings. LaCroix further stated if anyone wants to attend they may, but they should not answer any questions or identify themselves as P&Z Commissioners and they should let staff answer any questions.

Davis inquired whether the two meetings that are being held in Lake Rockwall Estates should be on different nights, like, one on Tuesday and one on Thursday to give anyone who works on Thursday nights the opportunity to attend. LaCroix stated since the Planning Department is not the only department that is going to be involved with these meetings, it is hard to get a night other than Thursday night that would allow the staff that is needed to answer questions to attend.

LaCroix explained the General Information regarding this zoning. LaCroix explained that Area 1 is north and west of the lake and is made up of predominantly stick-built homes. Area 2 is defined as the area south and east of the lake and is going to be made up of a mixture of mobile homes, manufactured homes and single family homes. Area 3 is the open space, which includes the lake and some flood plain area.

LaCroix explained that the PD is going to be a residential zoning district. He stated that there are some businesses that will become legal, nonconforming uses. He further stated if they cease to operate for six (6) months they are then considered abandoned and the use goes away.

LaCroix stated that the optimum zoning district would be SF-7. LaCroix stated that the "7" usually refers to the lot size minimum of 7000-sf. He stated, however, that the lot sizes in Lake Rockwall Estates is typically around 6000-sf. LaCroix explained the lot configuration in the area and went over

different options that would allow for some flexibility, such as, with the lot size, the house size, the building height and the building coverage on the lot. LaCroix stated the other building requirements apply to the city as a whole.

LaCroix stated that in Area 2 it is proposed that the City can consider some different housing types by an SUP, such as zero-lot line single family, duplex, triplex, fourplex, townhomes and single-family attached. He stated that the subcommittee recommended to Council that there could be no more than 250 units of any combination allowed. He stated there would be public hearings with both the subcommittee and Council regarding any SUP requesting those.

LaCroix explained the standards for a one-time manufactured home replacement and the standards that would have to be met during that process. LaCroix stated there is some possibility that some open space could be dedicated as park land or soccer fields or something in that order in Area 3. LaCroix stated that this information is what is going to be presented at the Town Hall Meeting to solicit feedback from residents of the area and throughout the zoning process.

Milner stated this area is never going to be a high-end home area. He stated that it does need to be upgraded and inquired whether there was consideration to allow vinyl siding to encourage redevelopment. LaCroix stated there has been some research done and there does not seem to be that much of a difference in price between the Hardi-Panel and the vinyl siding. He further stated that he is not sure that the application of the vinyl siding would work on the existing homes. LaCroix stated that Hardi-Plank is an upgrade, but it is an affordable option that will raise the quality and value of the homes and it will be under warranty. Milner stated that the City is trying to attract developers. He stated that he does not want someone to have to come and apply for an SUP to put up vinyl siding. He inquired if there was some grade of vinyl that could be put in that would not require an SUP.

Milner inquired about the duplex and triplex housing. He inquired whether there is a way to put in a stipulation stating that there has to be a certain amount of lots between duplexes or triplexes but that then they would be able to build them. LaCroix stated that something may be able to be written into an SUP on a case-by-case basis. Milner stated that he does not want to put another layer of process on the builder before they can build. LaCroix stated this was a recommendation from the subcommittee to the Council. He stated that the Planning and Zoning Commission could recommend anything they want. He stated that this is a process that the Commission works through, too. Milner inquired whether there is any possibility of getting any convenience stores or commercial stores in this area. LaCroix stated because of the flood plains, it is not possible.

Herbst inquired about how many lots are in Area 1. LaCroix stated he does not know off the top of his head, but that information is available. Herbst inquired about rebuilding in a flood plain. LaCroix stated that you cannot rebuild in a flood plain unless you raise the property to be above the flood plain. Herbst would like a lot count on Area 1 and 2.

Davis inquired whether this area is platted. LaCroix stated, yes, it is platted. He stated the plats would not meet today's standards, but they are platted and the plats are filed with the county. Davis inquired whether we could offer a tax incentive for the first year to entice people to improve their property. LaCroix stated that that would not be something for the Planning and Zoning Department to decide. He stated that would be more for Administration or Council.

Hunter inquired as to why allowing a used manufactured home as a replacement is being considered. LaCroix explained that people have come forward and stated that they can meet the standards with a used manufactured home. He stated that some of the homes in the area are unlivable and this would give an opportunity to some people of upgrading what they have now and upgrade the area. Hunter clarified that the one-time replacement is attached to the land and not the property owner. LaCroix stated it is on the land and not the owner. There was discussion regarding the sewer system and the process of replacing it. Milner inquired whether it is possible to allow a doublewide mobile home, but limit the age of it to something, like, ten years. LaCroix stated that is probably not possible.

2 Davis inquired about the property maintenance code. LaCroix stated that they are going to have to
4 abide by the maintenance code. LaCroix stated that there are some things that are going to end up
6 on the demo list now and some that are marginal. He further stated that some are just really old.
Davis inquired whether the city is going to go out and provide the sewer utilities to the area. LaCroix
stated that City does not have the right to serve the area right now.

8 **ADJOURNMENT**

10 With no further discussion, the meeting adjourned at 7:40 p.m.

12 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
14 ROCKWALL, Texas, this ____ day of _____, 2009.

16 _____
18 Charles W. (Bill) Bricker, Chairman
20 ATTEST:

**Minutes of
PLANNING AND ZONING COMMISSION PUBLIC HEARING
March 10, 2009**

CALL TO ORDER

The meeting was called to order by Bill Bricker at 6:04 p.m. with the following members present: Barry Buchanan, Michael Hunter, Earl Milner, Philip Herbst and Lynn Davis. Dennis Lowry arrived to the meeting late.

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

CONSENT AGENDA ITEMS

P2009-006

Discuss and consider a request from Roland Cobb of Prism Leasing, Ltd., for approval of a final plat of Lot 1, Block A, Rockwall Car Wash Addition, being 1.048-acres zoned (PD-46) Planned Development No. 46 district and located along the north side of SH 276 east of FM 549, and take any action necessary.

Staff Recommends approval of the request with the following conditions:

1. Adherence to all Engineering and Fire Department requirements.
2. Replace signature block with Standard City Signature Block.
3. Notary signature block for surveyor is not necessary and can be removed.

P2009-007

Discuss and consider a request by Leonard Reeves of Studio 13 Design Group for approval of a replat of Lot 1, Block O, Stone Creek Phase 1 Addition, being 2.82-acres zoned (PD-70) Planned Development No. 70 district and designated for the Amenity Center site, located at 475 Featherstone Drive, and take any action necessary.

Staff Recommends approval of the request with the following conditions:

1. Final approval by engineering and fire departments.

Commissioner Hunter made a motion to approve the consent agenda with staff recommendations.

Commissioner Herbst seconded the motion.

It was voted on and passed 6 to 0.

PUBLIC HEARING ITEMS

Z2009-002

Hold a public hearing and consider a request by Tim Moore for approval of a zoning change from (SF-7) Single Family Residential district to (C) Commercial district on a 0.25-acre tract located at 901 South Goliad, same being described as Lot 1 and the NW part of Block A, Canup Addition, and take any action necessary.

Spencer stated the applicant, Tim Moore, is requesting a zoning change from Single Family to Commercial on a 0.25-acre tract located at 901 S. Goliad Street. The lot is located at the northeast corner of S. Goliad and Bourn Street. The lot is surrounded by General Retail to the north, Single Family to the east, Commercial zoning to the south and PD-62 (General Retail along

Goliad) to the west. The subject property is immediately north of the existing Rockwall Floor Covering store which is also owned by the applicant, Tim Moore. The property is the only remaining tract that has SF zoning between Downtown and Ralph Hall Parkway. The City's future land use map and Comprehensive Plan designate the subject property and the area around it as "Commercial."

In order to develop the property, submittal and approval of a site plan application (site plan, landscape plan, photometric plan, building elevations, etc.), engineering plans and final plat application are required. Once developed the property will not have any access from S. Goliad but currently meets the City driveway spacing requirements for two (2) drives off Bourn Street. A Specific Use Permit for the "Ice Train" snow cone/shaved ice stand, to be located on the subject site, is running concurrently with the zoning change.

Notices were sent out to twenty-four (24) property owners within 200 ft. and at the time of this report no responses had been returned.

Staff Recommends approval of the request.

Tim Moore, 201 Meadowdale Drive, Rockwall, appeared in person and requested the zoning change.

Public hearing was opened at 6:10p.m. With no public comment, the public hearing was closed at 6:10p.m.

Commissioner Lowry arrived at 6:11p.m.

Commissioner Davis made a motion to approve Z2009-002, a request by Tim Moore for approval of a zoning change from (SF-7) Single Family Residential district to (C) Commercial district on a 0.25-acre tract located at 901 South Goliad, same being described as Lot 1 and the NW part of Block A, Canup Addition.

Commissioner Milner seconded the motion.

It was voted on and passed 7 to 0.

Z2009-003

Hold a public hearing and consider a request by Ashley Byrd of The 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 901 South Goliad, same being described as Lot 1 and the NW part of Block A, Canup Addition, and take any action necessary.

Spencer stated that the subject tract (Canup subdivision; Lot 1 & NW Part of Block A) is located at the northeast corner of South Goliad (SH 205) and Bourn Street. 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.

Until this year, the "Ice Train" has been located at the northeast corner of S. Goliad and Emma Jane for seven consecutive years. Due to the road improvements for Emma Jane associated with the SH 205 project the owners were forced to find a new location.

The "Ice Train" portable facility will be set to the north of the existing Rockwall Floor Covering store located at 903 S. Goliad. 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. The operation of business is limited to 150 days per year, and staff is recommending May 1st to September 30th.

2
4 Access to the subject site will only be allowed from Bourn Street and must be setback a
6 minimum of 40' from the improved intersection of S. Goliad. Access from S. Goliad will not be
8 permitted. As in previous years the applicant is seeking a waiver to allow the temporary facility to
be located on a non-all-weather surface. Currently the site has no improved parking surfaces;
however, the applicant has agreed to install rock for customer and employee parking in an effort
to keep dirt and mud off of the adjacent streets.

10 Twenty-four (24) notices were sent to property owners within 200-ft of the site and no
12 responses had been returned at the time of this report. An application for a change in zoning from
SF-7 to Commercial on the subject tract is running concurrently with the SUP.

14 Staff Recommends approval of the request with the following conditions:

- 16 1. The Ice Train temporary portable beverage facility shall operate between May 1st
18 and September 30th and each year hereafter, until such time that property
conditions change (e.g. new owner), 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.
- 20 2. The Ice Train temporary portable beverage facility shall be subject to the
22 conceptual site plan to be attached as Exhibit "B" in the SUP ordinance.
- 24 3. The beverage service shall be limited to a snow cone stand for consumption on
26 or near the premises.
- 28 4. Any temporary power poles will be removed on the date of or immediately
following the termination date of the permit.
- 30 5. No additional freestanding signage shall be permitted.
- 32 6. The temporary portable structure/trailer shall meet all health & City electrical
codes.
- 34 7. The temporary facility shall not reduce the number of required parking spaces of
any nearby building or use.
- 36 8. 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).
- 38 9. The SUP includes a variance for the temporary facility to be located on a non-all-
40 weather surface, as utilized in previous years.

42 Hunter asked for clarification regarding what circumstances this SUP would have to come
44 back before the Planning and Zoning Commission. Spencer stated if they could not meet these
46 specifications or if they wanted to increase the size of the facility or if there was a new owner,
48 then this would have to come back before the Commission. Spencer further explained the curb
cuts and the parking.

50 Bricker stated he would like to see the stipulation put in the SUP that they cannot remove
52 any trees. Spencer stated if they wanted to remove any trees, they would have to come in and
54 get a tree removal permit. Bricker stated he wants the curb cuts to be approved by staff. LaCroix
stated the site plan would reflect where the curb cuts and the parking would be. Bricker stated
that when the applicant comes back with the site plan, it could be administratively approved if it
has the curb cuts and the gravel placement is included on it. LaCroix agreed.

50 Bricker opened the public hearing opened at 6:23 p.m.

52 Ashley Byrd appeared in person and requested the SUP for the Ice Train be approved.

54 With no public comments, the public hearing was closed at 6:23 p.m.

Chairman Bricker made a motion to approve Z2009-003, a request by Ashley Byrd of The 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 901 South Goliad, same being described as Lot 1 and the NW part of Block A, Canup Addition, with staff recommendations and the additional recommendation that staff approve curb cuts and adequate on-site parking to meet the requirements for the business before the permit is issued.

Commissioner Hunter seconded the motion.

It was voted on and passed 7-0.

Z2009-005

Hold a public hearing and consider a request by Jed Dolson of Breezy Hill 405, Ltd., for approval of a change in zoning from (Ag) Agricultural district to (PD) Planned Development district, for property currently described as Tracts 7 and 7-1, Abstract 187, J Strickland Survey, being 405.184-acres overall situated along John King Blvd north of FM 552 and west of Breezy Hills Rd, and take any action necessary.

Applicant was not here at the time case was called. The case was moved to the end of the agenda.

SITE PLANS / PLATS

P2009-005

Discuss and consider a request by Arturo Orsornio and Roberto Silva for approval of a final plat of Lots 1-4, Block A, Orsornio Silva Addition, same being a replat of the south 1/2 of Lot 812, all of Lots 813 and 814, and the south 1/2 of Lot 815, Rockwall Lake Development No. 2 Addition (aka Lake Rockwall Estates #2), being 0.50-acre overall and located along the north side of County Line Road east of Eva Place and west of Valerie Place, and take any action necessary.

Spencer stated that the applicant has submitted a request for final plat of Lots 1-4, Block A of the Orsornio Silva Addition. The property is located along the north side of County Line Road, east of Eva Place and west of Valerie Place. The property is being platted with the intentions of having four buildings built on each lot on the premises. Included on the plat is the dedication of a 10-ft utility easement along the mutual lot line of lots 2 & 3. A 10' sanitary sewer easement located along the rear property lines of Lots 1-3 will provide access to the existing Aqua Source sanitary sewer line located in Valerie Place.

Currently the site has only one drive from County Line Road, located on Lot 2. Any additional driveways on County Line Road would not be able to meet the City of Rockwall driveway spacing requirements and therefore would not be permitted. Lot 3 is proposed to be accessed from County Line Road via a common driveway easement with Lot 2. Lots 1 & 4 are accessed from existing drives on Valerie Place and Eva Place.

The City Engineer is requiring right-of-way dedication for County Line Road with an ultimate right-of-way width of 65-feet. The applicant has complied by dedicating variable width right-of-way allowing for a total right-of-way width of 32.5 from the property line to the center of County Line Road.

The final plat application was submitted prior to the final annexation of Lake Rockwall Estates. Staff recommends approval of the plat with the following conditions:

1. Adherence to all Engineering and Fire Department standards.

2 After brief discussion, Commissioner Milner made a motion to approve P2009-005, a
4 request by Arturo Orsornio and Roberto Silva for approval of a final plat of Lots 1-4,
6 Block A, Orsornio Silva Addition, same being a replat of the south 1/2 of Lot 812, all of
8 Lots 813 and 814, and the south 1/2 of Lot 815, Rockwall Lake Development No. 2
Addition (aka Lake Rockwall Estates #2), being 0.50-acre overall and located along the
north side of County Line Road east of Eva Place and west of Valerie Place, with staff
recommendations.

10 Commissioner Hunter seconded the motion.

12 It was voted on and passed 7 to 0.

14 **SP2009-002**

16 Discuss and consider a request by Troy Bradley of Bradley Construction for approval of
18 amended building elevations for an existing Sonic Restaurant, located on Lot 1R, Block 1,
Horizon Village Addition, being 0.7304-acres zoned (C) Commercial district and located at
2805 Horizon Road, and take any action necessary.

20 Spencer stated that a request from Troy Bradley of Bradley Construction for approval of
22 amended building elevations of the front façade and canopy for the existing Sonic Restaurant
located at 2805 Horizon Road has been submitted.

24 Staff feels that the requested changes to the elevations are significant enough to warrant
26 review by the Planning and Zoning Commission.

28 The Planning and Zoning Commission approved a site plan for the Sonic in 2003. At the
time of the original site plan application the Commission worked with the applicant for several
30 meetings regarding the building elevations. The architectural elements and building materials
were introduced into the design to complement the surrounding developments (Horizon Car
32 Wash, Bank of America, etc). As a condition of approval, the Planning and Zoning Commission
required "that stone be used for the entire front entry element (3 sides) and that the same stone
34 be used for the two accent bands around the building in place of the originally proposed textured,
split face rock." Staff would also like to point out that the proposed amended elevations may drop
the percentage of stone below the 20% requirement.

36 Staff feels that this is a judgment call for the P&Z, but if the Commission wishes to
38 approve the amended building elevations and canopy they do so subject to the condition that the
applicant provide stone calculations illustrating the amended building elevations are meeting the
40 20% stone requirement.

42 Milner inquired whether the look of the corporate stores and the look of the franchise
stores are similar in design. Spencer stated the new stores are similar to this one. He stated the
44 major difference is the arched canopy, but the building itself is comparable. They discussed the
20 percent stone requirement.

46 Hunter inquired how much below the 20 percent stone requirement this design will fall.
48 Spencer stated he does not know, at this point, if it will fall below the 20 percent requirement.
Spencer stated that one of the conditions of approval will be that the applicant will inform staff if
50 they are going to fall below the 20 percent requirement.

52 Troy Bradley (Bradley Construction) 620 Salmon Drive, Bedford appeared in person.

54 Bricker inquired of Mr. Bradley about the redesign being corporate driven and inquired
why the other newly approved corporate locations in Rockwall do not look as progressive as this
56 one. Mr. Bradley stated that the store that is under construction on North Goliad started out as a
corporate store and since has become his client's franchise. He stated that the elevations are

different on that Sonic due to the drive-thru window. He further stated that the two stores that he is proposing to remodel do not have drive-thru windows.

Mr. Bradley described the changes in the new design. He stated that they cut down the existing feature over the vestibule. He stated the arched canopy goes over the vestibule and the metal tower sits on top of the canopy. He further stated the arched canopy will abut the front elevation and that it is flashed. He stated the bull nose is the only thing that changes on the side canopy and then the arch goes over the vestibule and the two side canopies.

Bricker inquired about signage. Spencer stated signage would be a separate issue and will go through the code enforcement department.

Milner asked if there is anywhere on the building that additional stone can be placed to make up for the stone that they would like to remove. He stated that they have worked hard to create the identity in that area and he does not want to lose that look. Milner suggested that there could be stone added to the entryway or around the posts to replace what will be taken out. Mr. Bradley stated that there are no plans currently for stone to be added.

Mr. Bradley stated the metal canopy is smaller than the existing vestibule tower, so they will fall below the 20 percent and questioned whether stucco is considered a masonry product or if stone is specified. Spencer stated that in this district it could be either natural or cultured stone.

Spencer stated that there is a photometric plan included in the P&Z packet. He stated that any time you have canopy lighting the globes of the canopy lighting cannot come past the canopy. Bricker stated it appears that the lighting meets the code. Spencer stated the concern is going to be if they drop the lenses down. The City of Rockwall only allows a 1-inch reveal. He stated that we ask they be recessed into the canopy themselves and that there be no reveal.

Mr. Bradley stated that the Goliad store has 12 lights that hang down around 4 or 5 inches. He stated that it was required that the side of the lenses be painted. He stated that in the remodel, they will change the lights to be 1" recessed lighting in the canopies and that the photometric plan reflects that. He further stated that the Horizon store has the 1" reveal canopy lights.

Davis inquired why the yellow metal cannot be taken back to stone to make it blend with the neighborhood. Mr. Bradley stated that the canopy is not designed to handle the weight of stone. He stated the canopy would have to be re-engineered to support that weight. Hunter stated he does not want the amount of stone reduced in any location. Bricker stated the tower element should stay stone and we should have all the Sonic locations have a uniform look.

Davis suggested that a motion be made to table this case and give the applicant a chance to redesign the tower and bring it back to the P&Z. LaCroix stated that staff can look at the redesign. He stated if they have done what P&Z is requesting then staff should be able to approve the redesign.

Mr. Bradley stated that they are willing to wrap the arched canopy around the existing tower.

Commissioner Davis made a motion to approve SP2009-002, a request by Troy Bradley of Bradley Construction for approval of amended building elevations for an existing Sonic Restaurant, located on Lot 1R, Block 1, Horizon Village Addition, being 0.7304-acres zoned (C) Commercial district and located at 2805 Horizon Road, with staff recommendations and the following additional conditions:

- 1. The arched canopy be wrapped around the existing tower.**
- 2. Install recessed lighting under the canopy.**

Commissioner Hunter seconded the motion.

It was voted on and passed 7 to 0.

SP2009-003

Discuss and consider a request by Troy Bradley of Bradley Construction for approval of amended building elevations for an existing Sonic Restaurant, located on Tract 30, Abstract 146, S S McCurry, being 0.5-acres zoned (C) Commercial district and located at 1001 S. Goliad within the SH 205 Corridor Overlay district, and take any action necessary.

Spencer stated that this is a request from Troy Bradley of Bradley Construction for approval of amended building elevations of the front façade and canopy for the existing Sonic Restaurant located at 1001 S. Goliad has been submitted. Staff feels that the requested changes to the elevations are significant enough to warrant review by the Planning and Zoning Commission.

The subject site is located within the SH 205 Corridor Overlay district, however, the development of the site and construction of the building predate the creation of the Overlay. The site and building were remodeled in 2004. The existing building (remodeled 2004) closely resembles, in design and materials, the Sonic that was approved by the P&Z and constructed in 2003 along Horizon Road.

Staff feels that this is a judgment call for the P&Z.

Note: See above (SP2009-002) for the Commission's discussion of this case with the previous item.

Commissioner Davis made a motion to approve SP2009-003, a request by Troy Bradley of Bradley Construction for approval of amended building elevations for an existing Sonic Restaurant, located on Tract 30, Abstract 146, S S McCurry, being 0.5-acres zoned (C) Commercial district and located at 1001 S. Goliad within the SH 205 Corridor Overlay district, with staff recommendations and the following additional conditions:

1. The arched canopy be wrapped around the existing tower.
2. Install recessed lighting under the canopy.

Commissioner Hunter seconded the motion.

It was voted on and passed 7 to 0.

Chairman Bricker excused himself for the next hearing.

Z2009-005

Hold a public hearing and consider a request by Jed Dolson of Breezy Hill 405, Ltd., for approval of a change in zoning from (Ag) Agricultural district to (PD) Planned Development district, for property currently described as Tracts 7 and 7-1, Abstract 187, J Strickland Survey, being 405.184-acres overall situated along John King Blvd north of FM 552 and west of Breezy Hills Rd, and take any action necessary.

Hampton stated that the applicant, Jed Dolson of Breezy Hill 405, Ltd., has submitted a zoning application to rezone approximately 405-acres of land from (Ag) Agricultural to a (PD) Planned Development District for a master planned community that includes single family residential housing, retail/office, public use (school sites), open space with a trail system, landscaped buffer areas and a public park. The property is located along the north side of FM 552, west side of Breezy Hill Rd and along both sides of the recently completed John King Blvd (205 Bypass).

2 The property was annexed in February 2008 after approximately three-years of litigation that
4 ultimately was ruled on by the Texas Supreme Court. Prior to that, in October 2004, the City Council
6 denied a preliminary plat for this property that contained 1,519 single family lots, based on the
8 inability of the applicant to provide sufficient information to supply an adequate water and sewer
10 system for the proposed subdivision. Over the course of the annexation dispute, a Chapter 212
12 Development Agreement was executed in 2007 between the owner of the property at that time
(Caruth Estate), the prospective owner (Skorburg Company/Breezy Hill 405, Ltd) and the City of
Rockwall. The 212 Agreement was executed concurrently with the PD-70 zoning ordinance that was
approved for the separate 395-acre Stone Creek development that was already located within the
City, and was also under contract by the Skorburg Company.

14 Included with the 212 Agreement was a concept plan and development standards that have
16 been carried through onto the current zoning application. However, the key change with the present
18 zoning application is that the applicant is seeking to incorporate 50-acres of "retail" at the northeast
20 corner of FM 552 and John King Blvd. The overall number of single-family residential lots approved at
the time of the 212 Agreement (810 lots) has been reduced to 658. The residential density has been
reduced from 2.0 units/acre to 1.62 "gross" units/acre (658 units on 405-acres), or 1.85 "net"
units/acre (658 units on 355-acres).

22 The lot layout, school sites and open space configuration north of the proposed 50-acres of
24 retail adheres to the concept plan approved with the 212 Agreement.

26 The proposed concept plan indicates access into the subdivision from three entry roads from
28 John King Blvd, one access point from FM 552 into the proposed retail site, and five access points
from Breezy Hill Rd. Breezy Hill Rd would be improved in phases in conjunction with the
development.

30 The applicant has proposed primarily single family residential use with a limited retail land
32 use for this Planned Development. Also shown is a site for a future RISD middle school (west side of
John King Blvd) and a future elementary school site along the east side of John King Blvd. The
34 proposed concept plan indicates a variety of residential lot sizes ranging from 60' x 120' (7,200 sq. ft.)
to 112' x 180' (20,000 sq. ft.). The minimum average lot size is 10,000 sq. ft. The maximum number
36 of lots for this proposal is 658.

38 The proposed concept plan indicates that the drainage/creek that transects the property will
be preserved as open space. Additional open space elements and corridors are incorporated into the
plan, as well as a centrally located private amenity center for the development. The applicant is
40 providing a minimum of 20% open space with only a 50% credit given for the floodplain areas.

42 The project abuts the 205 Bypass Corridor Overlay District. There are 205 Bypass Overlay
44 requirements which require lots to front onto the Bypass without screening walls and a 30' landscape
buffer. If lots are allowed to "back" to the bypass (as shown on the plan), a 50' landscape buffer is
46 required. A 50' landscape buffer is proposed along the 205 Bypass within the PD Development
Standards. Additionally, a minimum 10' buffer strip is proposed along Breezy Hill Rd.

48 The applicant has submitted PD Development Standards and a PD Concept Plan affiliated
50 with the zoning change request. It should be noted that the added development standards and use
limitations for the "General Retail" tract are nearly identical to the retail standards for the Stone Creek
52 development approved as part of PD-70. The proposal includes a requirement for a PD Development
Plan – which is a public hearing process – prior to submittal of a preliminary plat or site plan for the
54 retail tract. Also included is a list of over twenty prohibited uses that are otherwise allowed in GR per
Article IV the City's Unified Development Code, which would eliminate uses such as hotel/motels,
56 billiard parlors/pool halls, self service car wash, and commercial amusement (see attached for
complete list).

One difference between the proposed standards and those approved for the Stone Creek development is that the "maximum building area" for a grocery store is proposed to be 130,000-sf. PD-70 allows for a grocery store up to 80,000-sf. All other development in GR zoning is subject to a maximum building area of 25,000-sf, unless a Specific Use Permit (SUP) is approved by the Planning Commission and City Council.

The City's Future Land Use Plan indicates that the subject property is "Single Family Low Density" (less than 2.0-units per acre). City Council approval of 50-acres of General Retail at the NE corner of FM 552 and John King Blvd would, in effect, constitute an amendment to the Land Use Plan. The applicant, who has been involved with the sale and pre-development of the proposed Tom Thumb shopping center at FM 552 and SH 205, is arguing that there is a larger market for non-residential zoning on the north side of the City. They feel the property at the intersection of John King Blvd (an existing 4-lane arterial) and FM 552 (a future 4-lane arterial) is a logical site for retail use.

The surrounding land use/zoning to the west, north and east of the subject property is predominantly agricultural and single family-estate type development, much of which remains outside of the City limits. Williams Middle School and a city-owned parcel are on the southwest corner of John King Blvd and FM 552, and additional larger-lot County development is situated on southeast corner of that intersection.

Staff feels the request to include the retail area is warranted. It should be noted that at the time of adoption of the future land use plan in 2001, the alignment of the 205 Bypass was not certain in this and other sectors of the City. For example, one alternative shown on the Thoroughfare Plan indicated a potential intersection of the Bypass with SH 205 just south of FM 552. Under that scenario, the subject property would likely have been a far less feasible site for retail use given that no significant north/south route was planned north of FM 552 in this area. It should also be noted that the policy for constructing the bypass prior to 2005 was that it be "developer-driven," which likely would have resulted in a much longer term completion of the roadway. With the approved alignment and accelerated construction of the roadway taking place in the past 2 to 3 years, the City has been asked to consider other zoning cases like this to the land use plan. For example, the City approved PD-71, which is a commercial PD of approximately 55-acres at the intersection of John King Blvd and SH 66, which was also NOT shown on the Future Land Use Plan as a commercial intersection.

The Comprehensive Plan does state that "retail areas should be pedestrian-oriented and easily accessible to adjacent residential 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 (PD Development Plan) must be submitted that indicates how the residential uses will integrate with the retail uses.

The Staff sent nine (9) notices to property owners within 200 feet of the subject property (and within the City of Rockwall), and at the time of this report no responses have been received. Staff also posted signs on the property as required in the UDC.

Staff recommends approval of the request with the following conditions:

1. Approval of the PD development standards.
2. That an Open Space Master Plan for the property be prepared in accordance with the attached PD standards and consistent with the Concept Plan.
3. A PD development plan must be approved by City Council for the area designated on the Concept Plan as "Retail" prior to submittal of a preliminary plat application and/or PD site plan application for the retail tract.

- 2
- 4 4. A capital facilities agreement shall be executed by the Developer for delivery of adequate public facilities and services within the Planned District.

6 Buchanan inquired about the master plan for the City and whether this development is included in that plan. Hampton stated this is represented on the land use plan as a low-density residential area. He stated the only added component is the retail side. Buchanan inquired about there being two big areas of retail in less than a mile. Hampton stated this location would be pulling consumers from not only Rockwall but also Lavon, Royse City, Wylie and other smaller areas that do not have amenities. Hunter stated that he feels like the City is being driven by developers and inquired whether staff has considered the downside of building too much near the same location.

14 LaCroix stated that the 50-acres may not all be retail. It could become a mix of uses, stating there has been inquiries about medical offices there. LaCroix agreed that we should look at the land use plan more comprehensively, and that we do not want all four corners to be retail.

18 Jed Dolson, 3838 Oak Lawn Avenue, Dallas, Texas, applicant was present to answer questions. Mr. Dolson stated that the acreage for the retail is to give the flexibility for whatever retailer may want to come to this location. Mr. Dolson described the size differences between a store like the Tom Thumb he has worked on at Stone Creek and a potential Kroger. Mr. Dolson discussed the acreage and stated that by the time you put in the pad site and the parking, the space disappears rapidly.

26 Milner cautioned about having too much retail that the area cannot support and then the buildings sit empty. He further stated he does not want an eyesore. He stated he does not want four corners of retail or high-density homes. Milner inquired of Mr. Dolson, in his opinion, how the development of the retail site will go. Mr. Dolson explained that this will not all be developed at once. He feels that it should start with about 50 percent.

32 Vice-Chairman Hunter opened the public hearing at 7:44 pm.

34 Larry Hance, property owner of the NW corner of FM 552 and John King Boulevard. He stated he is not against this development, but is here to find out what impact this zoning change will have on his 47 acres. He stated he is attending to meeting to see what the Commission is being asked to approve. He further stated he would like to talk to staff and the applicant to get a better understanding of what this zoning change will ultimately mean. Mr. Hance stated if the Commission is only being asked to approve the zoning change, he is not opposed to it. He further stated that if the Commission is approving the retail site, he would like more information before he supports that. He stated he is not opposed to it, but he does not completely understand it either.

42 LaCroix explained the zoning change and the public hearing process. He stated when it was annexed, it came in as agricultural zoning. He further explained the development plan in the 212 Agreement. Mr. Hance stated since he only found out about this a week ago, it seems a little quick to him.

48 With no further public comment, the public hearing was closed at 7:54 pm.

50 Buchanan stated he feels this commercial area is being developed too close to the residential area. He stated that he feels it is the wrong move for Rockwall, and he is opposed to it.

52 Milner stated that the biggest complaint in this area is that there is a lack of retail, and he thinks the two locations will complement each other. He further stated that there is some retail which is already approved up and down John King Boulevard. He stated is in favor of this development.

56

Herbst stated that he agrees with Commissioner Milner and he is in favor of the development.

Davis stated that the people on the north side of town are going to Rowlett to shop. She stated she would like to see those tax dollars stay in Rockwall.

Lowry stated that this could be very well done. He stated he is in favor of this development and keeping the tax dollars in Rockwall.

Hunter inquired whether the notices that were sent out regarding the planned development notified the public that this planned development included retail. Hampton stated that the notice talked about the planned development, but it did not specify any specific land uses such as retail, various residential lot sizes or school sites. He stated that it is the standard notice we use for every zoning case we have, whether it is a small case or a large case.

Commissioner Milner made a motion to approve Z2009-005, a request by Jed Dolson of Breezy Hill 405, Ltd., for approval of a change in zoning from (Ag) Agricultural district to (PD) Planned Development district, for property currently described as Tracts 7 and 7-1, Abstract 187, J Strickland Survey, being 405.184-acres overall situated along John King Blvd north of FM 552 and west of Breezy Hills Rd, with staff recommendations.

Commissioner Davis seconded the motion.

It was voted on and passed 5 to1 with Buchanan against and Bricker abstaining.

Bricker returned after hearing at 8:29 p.m.

ADJOURNMENT

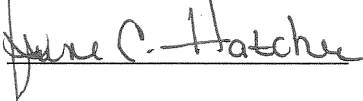
The meeting adjourned at 8:30 p.m.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 14th day of April, 2009.



Charles W. (Bill) Bricker, Chairman

ATTEST:



**Minutes of
PLANNING AND ZONING COMMISSION WORK SESSION
March 31, 2009**

CALL TO ORDER

The meeting was called to order by Bill Bricker at 6:00 p.m. with the following members present: Barry Buchanan, Lynn Davis, Dennis Lowry and Philip Herbst. Michael Hunter arrived late, and Earl Milner was absent.

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

ACTION ITEMS

SP2007-019

Discuss and consider a request by Nichole Christianson of Merriman Associates/Architects, Inc. for approval of an amended lighting plan for Chase Bank, located on Lot 1, Block 1, Northshore Plaza Phase Four, being a 0.958-acre tract zoned (GR) General Retail district and situated within the SH 66 Overlay district, located at 900 W. Rusk, and take any action necessary.

Spencer stated that the project architect for the Chase Bank development at 900 W. Rusk, Nichole Christianson, has requested that the Planning and Zoning Commission review and approve a revised photometric plan. The architect has informed staff that the proposed photometric plan has been revised and resubmitted in an effort to come into compliance with the lighting standards of the Texas Finance Code.

Since the project was initially approved Chase has added an ATM to the front entry vestibule. The Texas Finance Code states the following with regards to Unmanned Teller Machines:

During the period beginning 30 minutes after sunset and ending 30 minutes before sunrise, lighting shall be provided for:

1. an unmanned teller machine;
2. the machines access area and defined parking area; and
3. the exterior of the machines enclosure, if the machine is located in an enclosure.

The lighting must be at least:

1. 10 candlefoot power at the face of the unmanned teller machine and extending in an unobstructed direction outward five feet;
2. 2 candlefoot power within 50 feet from any unobstructed direction from the face of the machine, except as provided by Subdivision 3;
3. if the machine is located within 10 feet of the corner of a building and is generally accessible from the adjacent side, 2 candlefoot power along the first 40 unobstructed feet of the adjacent side of the building; and
4. 2 candlefoot power in the part of the defined parking area within 60 feet of the unmanned teller machine.

The original photometric plan had a maximum 0.2-ft candles at the east property line meeting city standards. The revised photometric plan exceeds city standards with a maximum of 6.6-ft candles at the east property line. In addition to the change in foot candles the applicant has also increased the number of light fixtures on the site.

2 Staff feels that this is a judgment call for the Planning and Zoning Commission. If the
4 Commission elects to approve the request staff would offer the following condition:

- 6 1. All lighting be directed downward with a maximum one inch reveal.

8 Buchanan asked where the light fixtures are now and where the proposed ATM machine will
10 be. Hampton put the original plan and the amended plan up on the overhead. Spencer
explained the original plan was approved with one single light fixture and the amended plan is
requesting three light fixtures.

12 Davis stated a lot went into the original planning of the Chase Bank. She stated that this is an
14 additional ATM that was not included in the beginning. Davis inquired of Spencer how this
lighting compares to the lighting at the Bank of America. Spencer explained the lighting at the
16 Bank of America. He stated that the Planning and Zoning Department and Code Enforcement
worked very hard with them to get them back into compliance. Spencer stated that the
18 Commission should consider the fact that not only are they going to have one set of lights
that do not meet the light levels, they are going to have a second set in the front of the
20 building that do not meet the proper levels.

22 Bricker stated that the location of this light would be going into a vacant lot and would
immediately cause trouble for the next tenant. Bricker inquired whether this is the only
24 possible location for the new ATM machine to be installed. He stated if it was installed in the
front of the building there would be more room and it would go toward a commercial street
and would not be near the property line.

26 Nichole Christianson with Merriman Associates Architects, 300 North Field Street, Dallas,
28 Texas. Ms. Merriman stated that they would have the same requirement no matter what side
of the vestibule they installed the ATM. Bricker inquired why they cannot mount it on the west
30 side of the building. Ms. Merriman stated that Chase Bank has never installed an exterior
ATM that is not enclosed. They have always kept it in an enclosed vestibule.

32 Bricker stated that he is not in favor of this, and that it is an after-the-fact addition. He stated
34 that light pollution is a concern, especially on that corner, and is not in favor of increasing the
light. Herbst inquired whether there was an ATM in the drive-thru. Spencer replied yes.

36 Matt Cragan, 1601 E. Lamar Boulevard appeared and pointed out the different grade
38 elevations of the building and the property. LaCroix inquired whether the Chase Bank on
Horizon has an ATM. Ms. Merriman stated it does and the light report came back fine at that
40 location. LaCroix inquired whether Chase always intended on having an ATM in the vestibule
and just did not tell the Planning and Zoning Commission. Ms. Merriman stated they did not
42 have any intention of installing an ATM in the vestibule until now and this one was noted as
"in the future."

44 Jarrod Boyle, Telios Engineering, 3535 Travis Street, Suite 115 stated that the existing light
46 pole goes from 1 head to 3 heads. He stated that there is a 50-ft perimeter on the
photometric plan. He stated there is no way to get the backside of the circle with two candles.
48 He stated ideally they would put the light on the other side of the driveway and not have as
much of an issue, but it is too close to the property line and is interfered with easements.

50 Davis stated that the 6.6 level is excessive. Bricker inquired if we deny this now, does that
52 prohibit them from coming back with the same request. LaCroix stated that he does not
know. LaCroix asked for clarification from Boyle what else they are referring to when they
54 are talking about the easement. LaCroix also inquired why the light has to get pushed
towards the property line.

56 Boyle stated that the Texas Finance Code dictates the lighting requirement.

Boyle stated that Chase bank wants to offer the most protection while people are using the ATM and making deposits. Davis stated that the Commission should deny it the way it is and the applicant can go back and do the research on the easements that would work.

Commissioner Davis made a motion to deny SP2007-019 a request by Nichole Christianson of Merriman Associates/Architects, Inc. for approval of an amended lighting plan for Chase Bank, located on Lot 1, Block 1, Northshore Plaza Phase Four, being a 0.958-acre tract zoned (GR) General Retail district and situated within the SH 66 Overlay district, located at 900 W. Rusk.

Commissioner Buchanan seconded the motion.

It was voted on and passed 5 to 0.

P2008-036

Discuss and consider a request by David Walls of Walls & Associates for approval of a preliminary plat for Flagstone Corners Addition, being 8.428-acres zoned (PD-54) Planned Development No. 54 district and (PD-60) Planned Development No. 60 district, and located at the southeast corner of Ralph Hall Pkwy and Mims Rd, and take any action necessary.

The applicant, David W. Walls of Walls & Associates, has submitted an application for approval of a preliminary plat for a 7-lot Flagstone Corners Addition, being 8.428-acres zoned (PD-54) Planned Development No. 54 district and (PD-60) Planned Development No. 60 district, and located at the southeast corner of Ralph Hall Pkwy and Mims Rd.

The applicant is showing a right-of-way dedication of 35-feet for Mims Road along lots 6 & 7. Mims Road is currently constructed and is currently in a prescriptive easement. Mutual access easements are shown throughout the plat for circulation between all future developments on the property.

Preliminary engineering plans have been submitted for the project and are currently being reviewed by the Engineering Department. The applicant is currently seeking approval for construction of a detention pond located within lot 1. The location of the proposed detention pond is shown to be in the original location as approved by the Concept/Development Plan for PD-54. 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.

The existing Preliminary Plat and the PD Concept Plan for the entire Flagstone Creek Addition (both the residential and non-residential) were approved in April 2004. As approved the existing development proposed the on-site storm water detention to be located in two ponds, one at the corner of Mims and Ralph Hall and the other on the southeast corner of the site along Flagstone Creek, thus saving the majority of the trees located within the 60' Landscape and Building Setback. The revised Preliminary Plat complies with the approved Concept/Development Plan, utilizing only one pond located on the southeast corner of the site. The 12,300-sf of detention area requires a minimum of 17 trees (one per 750-sq. ft.). The applicant is exceeding the requirement by proposing to install sixteen (16) large caliper trees, seven (7) ornamental trees and three (3) red cedars. The applicant is proposing to utilize the detention pond trees to help screen the development from the adjacent Flagstone estates.

The final tree survey and landscape plan indicates the required mitigation of 21-inches from the site at this time. Staff would recommend that the applicant be allowed to pay the required tree mitigation into the tree fund at \$125 per inch (i.e. \$2,625) or plant seven (7) 3" trees in the southwestern portion of the 60' landscape buffer.

2 All development within the subject tract will be subject to final platting and the site plan
4 review process of the City. As part of the Preliminary Plat the applicant is also requesting a
6 variance to the six foot masonry screen wall required along the south property line of Lot 1 and
the south & east property line of lot 7 and a portion of lot 6.

8 The applicant is proposing to place a four-foot high wrought iron fence and a live screen
located on the existing retaining walls on Lots 1, 6 & 7 in lieu of a masonry screen wall. The
10 wrought iron fence is proposed to be located along the entire backside of the development
including lots 1, 3, 6 & 7. It should be noted that the existing retaining wall is approximately 4-ft. to
12 8-ft. above the finished grade of the single-family lots in Flagstone Estates. Staff would
recommend that the wrought iron fencing and live screen be continued down the south property
14 line of lot 7. A masonry screen wall is not required along the south property of lot 3 due to the
preservation of the required 60' landscape buffer and the existing trees.

16 The UDC requires "any commercial or industrial use or parking lot that has a side or rear
contiguous to any residential district, or multi-family district with more than 5 dwelling units or
18 parking lot that has a side or rear contiguous to any single family, townhouse or duplex district,
shall be screened with a masonry fence (excluding tilt wall or concrete block unless approved by
20 the City Council), six (6) feet in height, unless otherwise approved by the City Council."

22 The preliminary plat appears to conform to all requirements specified in the PD-54 and
PD-60 districts.

24 Staff Recommends approval of the request with the following conditions:

- 26 1. Adherence to all Engineering and Fire Department Standards.
- 28 2. A Variance to the "Six Foot Masonry Screen" be approved by the City Council.
- 30 3. Wrought iron fencing and live screen to be continued down the entire length of the
south property line of lot 7.
- 32 4. All lots shall be subject to submittal and approval of the following items:
- 34 5. Site plan Application (including site plan, landscape plan, photometric plan, building
elevations, lighting cut-sheets & building material samples)
- 36 6. Engineering Plans
- 38 7. Final Plat (in some cases replat) Application
- 40 8. Building Permit Application(s)
- 42 9. The following items be completed prior to acceptance of on-site drainage
improvements by the City of Rockwall Engineering Department:
- 44 10. Wrought iron fence to be installed in its entirety as shown on the approved landscape
plan.
11. The landscaping and screening to be installed in its entirety as shown on the
approved landscape plan.
12. All outstanding tree mitigation be paid or installed.
13. Any drainage (and other) easements be dedicated via separate instrument prior to
construction.

46 Herbst asked what the live screen is composed of and who is going to maintain it after it is in
place. Spencer stated the business owner on the lot is going to be responsible for
48 maintaining the landscaping. He stated that the content of the live screening is going to be
what is represented on the plan that was included in the packet.

50 Davis stated that the wrought iron fence is going to look nice, but she is also concerned about
the responsibility of who is going to maintain the screening. She stated that she is concerned
52 that it may not be maintained and then things will be growing through the fence and not be
maintained for the homeowners. Spencer stated that our code enforcement department goes
54 out and looks at property like that about once a year. Davis inquired whether the landscaping
is going to have irrigation. Spencer stated it will all be irrigated.

David Walls (Walls and Associates) 615 Small Hill Drive, Suite 112, Grand Prairie, Texas explained the area of protected trees and demonstrated where the new trees are going to be located.

Bricker inquired whether the detention pond is a 5 to 1 slope. Mr. Walls stated that some of the detention is provided off site. He stated that the previous project engineer was providing too much detention on site, so this has much less detention onsite than the previous plans did. Applicant stated it has stacked block walls and it varies at a 4 to 5 foot depth. Spencer stated the project was started prior to adoption of the new detention standards, and so the walls are acceptable in this case. Bricker inquired whether the trees in the area are going to be sufficient to screen the detention pond. Mr. Walls stated that between the wrought iron fence and the live screening it would be enough.

Herbst stated that the screening and sight line problem was when the trees were going to be taken out completely. Now that the trees are back in place, the proposed live screening is going to be enough screening.

Bricker inquired what legal mechanism ties the landowner to maintaining that landscaping. Spencer stated that it is the approved landscape plan. Mr. Walls stated that his client is a builder / developer. He is not going to sell any of the property. He stated that it would not be in his client's interest to not maintain his own property. Bricker stated he is not comfortable leaving no provision for the upkeep of the landscaping. He would like it added as a condition.

Commissioner Herbst made a motion to approve P2008-036 a request by David Walls of Walls & Associates for approval of a preliminary plat for Flagstone Corners Addition, being 8.428-acres zoned (PD-54) Planned Development No. 54 district and (PD-60) Planned Development No. 60 district, and located at the southeast corner of Ralph Hall Pkwy and Mims Rd, with staff recommendations and the addition that the landscape maintenance run concurrent with the land ownership.

Commissioner Davis seconded the motion.

It was voted on and passed 5 to 0.

DISCUSSION ITEMS

Z2009-006

Discuss and consider a request by Mike Pittman, Jr. for approval of a Specific Use Permit (SUP) to allow for an accessory building exceeding the maximum size requirement of 225-sf (proposed 314-sf) and not meeting the exterior materials requirements, on his property known as Block 105A-1, B F Boydston Addition and located at 401 S. Clark Street, being approximately 0.74-acre zoned (SF-7) Single Family Residential district and situated within the Old Town Rockwall Historic District.

Hunter arrived at 7:01 p.m.

Herbst inquired whether there was a business being run out of 403 Clark. Spencer stated that that is how code enforcement originally got involved. He further stated that there was some bookkeeping or some type of business being run out of that address.

Buchanan inquired what building material is supposed to be used for a building such as this one and what structure is being used for. Spencer stated that the building is being used for storage. He stated that the building should be built from normal building material.

Mike Pittman, 401 S. Clark, appeared in person and brought photographs to show what is on his property.

2
3 **P2009-008**

4 **Discuss and consider a request by Todd Wintters of Engineering Concepts and Design for**
5 **approval of a replat of Lots 3, 4, 13 and 15, Rainbo Acres Addition (proposed to be named**
6 **Maverick Ranch Addition), being 9.695-acres zoned (C) Commercial district and located along the**
7 **west side of Ranch Trail northeast of Horizon Road (FM 3097).**

8
9 Gonzales stated the purpose is to take the existing four lots and divide them to make six lots total.

10
11 Bricker inquired whether there are any buildings on this property now. Gonzales stated, yes, there
12 are. Bricker inquired whether each lot has its own utilities. LaCroix stated they do have fire protection
13 and water. He stated that they will be required to connect into the new City sewer lines.

14
15 Hampton stated that we might see future site plans or replats on the property should the owner(s)
16 want to expand or add new buildings.

17 **MIS2009-002**

18 **Discuss the process for periodic review of Planned Development districts in the City of Rockwall,**
19 **and take any action necessary.**

20
21 Hampton gave the Commission an update on what the Planned Development districts look like now
22 and gave the status on the old PDs to make sure they meet the community values and standards.
23 Hampton explained the list of the PDs that were included in the packet and how that list is broken
24 down.

25
26 Hampton presented aerial photographs depicting the following PDs:

27
28 Category #1 – No development activity since January 2007

29 PD-1, PD-3, PD-4, PD-5, PD-14, PD-27, PD-45, PD-48, PD-52 and PD-56

30
31 Category #2 – Development Standards or Uses may not be reflective of current community growth
32 patterns or policies

33 PD-26, PD-31, PD-35, PD-43 and PD-46

34
35 Hunter inquired whether there is any documentation showing how much of this undeveloped PD land
36 is in designated flood plain. Hampton stated that we do have some of that data. Hunter inquired
37 whether there has been a comprehensive look at what has developed on the PD properties and
38 whether the existing undeveloped PD properties are still viable with what has gone in around it.
39 LaCroix explained under what circumstances Council can lift or change a zoning of a PD. He stated
40 he thinks you can take out a specific use in a Planned Development, but he does not think that you
41 can downzone an entire piece of property.

42
43 Bricker stated that the Commission should have a couple of weeks to look at the information that has
44 been presented to them. Lowry suggested that we could start the process by sending a letter to the
45 property owner and ask the question, "Do you have a plan for your property?" He stated that might
46 save a lot of grief. LaCroix suggested that the Commission refine the list over the next month and that
47 maybe we should start with a letter.

48
49 Bricker suggested that LaCroix investigate the legal aspect of this and we can review it again at the
50 next work session.

51
52 **ADDITIONAL DISCUSSION ITEMS**

- 53
54
 - Discuss the status of required screening and landscaping at the Harbor/Hilton.

55
56 Contact should be made with Mr. Whittle regarding the landscaping at the Hilton.

- 2
- 4
- 6
- Planning Director's Report on the following Planning and Zoning Commission matters that have been recently acted on by City Council:
 - a) **Z2009-002**: Zoning Change, SF-7 to C (901 S. Goliad)
 - b) **Z2009-003**: Ice Train SUP (901 S. Goliad)

8 Lacroix informed the Commission that both cases were approved by City Council at the March 20th meeting.

10

12

14 **ADJOURNMENT**

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

18 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
ROCKWALL, Texas, this 14th day of April, 2009.

20 CW Bricker

22

24 Charles W. (Bill) Bricker, Chairman

26 ATTEST:

Jane C. Hatcher

**Minutes of
PLANNING AND ZONING COMMISSION PUBLIC HEARING
April 14, 2009**

CALL TO ORDER

The meeting was called to order by Bill Bricker at 6:00 p.m. with the following members present: Barry Buchanan, Dennis Lowry, Michael Hunter, Earl Milner, Philip Herbst and Lynn Davis.

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

Approval of Minutes for February 24, 2009 Planning and Zoning Commission meeting

Hunter made a motion to approve the minutes for February 24, 2009.
Davis seconded the motion.

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

Approval of Minutes for March 10, 2009 Planning and Zoning Commission meeting

Milner made a motion to approve the minutes for March 10, 2009.
Hunter seconded the motion.

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

Approval of Minutes for March 31, 2009 Planning and Zoning Commission meeting

Davis made a motion to approve minutes from March 31, 2009.
Herbst seconded the motion.

A vote was taken, and the motion passed by a vote of 6-0 (Milner Abstained).

PUBLIC HEARING ITEMS

Z2009-006

Hold a public hearing and consider a request by Mike Pittman, Jr. for approval of a Specific Use Permit (SUP) to allow for an accessory building exceeding the maximum size requirement of 225-sf (proposed 314-sf) and not meeting the exterior materials requirements, on his property known as Block 105A-1, B F Boydston Addition and located at 401 S. Clark Street, being approximately 0.74-acre zoned (SF-7) Single Family Residential district and situated within the Old Town Rockwall Historic District, and take any action necessary.

Spencer stated that the Specific Use Permit is for an existing building that was constructed in late 2008 without an approved building permit from the City of Rockwall. The applicant has been working with the City of Rockwall Code Enforcement department to mitigate several Code violations on the subject site. The existing building is 314-sf in area, less than 15-ft in height and has a 100% cementitious exterior cladding. The existing house is comprised of lap wood siding and has a composition shingle roof. The accessory building was constructed with channel iron and five gallon buckets. The construction of the accessory building was not inspected and does not appear to meet the International Residential Code.

Under Article IV (Permissible Uses) Section 2.1.2(4) of the Unified Development Code, an accessory building is allowed in SF-7 provided that the proposed accessory building is less than 225 square feet in area and less than 15 feet in height, and provided the exterior cladding contains the same materials found on the main structure and generally in the same proportion. The existing accessory building complies with the maximum height requirements. A Specific Use Permit is

required as outlined in Section 2.1.2(6) in the Unified Development Code due to the square footage of the proposed accessory building (314-sf) exceeding the allowable size for an accessory building (225-sf) and the exterior cladding not matching the main structure.

The subject site is in the "Old Town Rockwall" Historic District and will require a Certificate of Appropriateness approved by the Historic Preservation Advisory Board prior to issuance of a building permit.

Notices were mailed to twenty-three (23) property owners within 200-ft of the request, and at the time of this report no responses had been returned.

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

1. A Certificate of Appropriateness be approved by the Historic Preservation Advisory Board prior to issuance of a building permit. The application for C of A cannot be accepted until after approval of the SUP by the City Council and P&Z.
2. Verification that the existing accessory building is located outside of the 100-year flood plain.
3. No additional "Accessory Buildings" shall be allowed on the subject property, including a detached garage.
4. The accessory building shall not be altered or enlarged without first amending the Specific Use Permit and obtaining the proper building permits.
5. The accessory building is subject to administrative review in the event that the subject property is sold to another party, conveyed in any manner to another party, subdivided, or replatted.
6. The City Council reserves the right to review the Specific Use Permit granted herein upon the expiration of one (1) year from the date hereof.

Lowry inquired whether the method of constructing this type of building has ever been approved. Spencer stated this method has not been approved in Rockwall to his knowledge.

Herbst inquired as to when the structure was built. Spencer stated that the picture was taken in September 2008. Davis inquired whether the building would have to be torn down if this is denied. Spencer stated yes.

Hunter inquired what type of inspection would be required to determine if the structure was sound. Spencer stated there are a number of ways it can be inspected. He stated it could be a structural engineer, an architect, craftsman, or someone qualified to attest to the soundness of the structure. Hunter inquired why that was not part of the recommendation. Spencer stated that the soundness of the building is not why this is before the Planning and Zoning Commission. He stated that the Planning and Zoning Commission is being asked to approve or deny the size of the structure and the exterior cladding.

Hunter inquired if the SUP is denied, does this case end here. Spencer stated that it would go to the City Council. Hunter inquired whether this case would go before the Building Standards Board or the Historic Board. Spencer stated if the P&Z denies it now and the Council denies it, the structure would have to come down in order to come into compliance with the property maintenance and the building codes.

Milner inquired, since this property is part of Historic Rockwall, what is in place to allow a structure that does not have historic cladding. Spencer stated that in historic districts, the outbuildings often do not match the primary structure.

2 Buchanan inquired about the code violations regarding this structure. Spencer stated that
4 there are some building materials, wood and trailers being stored onsite. He stated when the
6 code enforcement officers investigated the storage issue, they discovered this building which
8 did not get the appropriate permits. He stated that is why this case is before the Planning and
Zoning Commission now.

10 Buchanan inquired about the structural integrity of the building. Spencer stated that our code
12 enforcement department and the building inspections department have not seen many
buildings like this.

14 Mike Pittman, applicant, stated that when he built this building, he did not know that he
16 needed a building permit. Mr. Pittman stated that in 1999 he talked to a builder in town and
18 that builder told him he did not need a building permit. He stated he would have gotten a
20 permit had he known he needed one. He described the other structures on his property. Mr.
Pittman described the method he used to build the building. He stated he started building
these structures and benches on his property because he had building material left over from
his work. He stated that since it is round, he could not use wood, so he plastered the exterior.
Mr. Pittman stated he intends on cleaning it and making it look better.

22 Hunter inquired if the accessory building is visible from the street. Mr. Pittman stated not
24 really. He stated he is building a fence right now, and that when the fence is complete, you
will not be able to see this structure. He stated that you could see it between 403 and 405
26 Clark. He stated the 5 gallon buckets are filled with sand.

28 Herbst inquired whether Mr. Pittman checked with the City before he built this structure. Mr.
Pittman stated, no. Herbst inquired of Mr. Pittman why he thinks the Planning and Zoning
30 Commission should approve this. Mr. Pittman stated the Code Enforcement Department
stopped at his property because they thought he was pouring concrete. He stated that he
32 was constructing his fence and they asked for a fence permit and that is where this all
started. He stated he has been to court and has warrants for his arrest.

34 Milner stated to Mr. Pittman that he is aware that this is in the historic district. Mr. Pittman
36 stated that plaster is one of the oldest products there is. Milner inquired of Mr. Pittman
whether he feels this structure is in line with the historic district. Mr. Pittman stated that this
38 structure looks like an old farm structure. He stated not necessarily in this area, but it is
something you would find on an old farm property.

40 The public hearing was opened at 6:26 pm.

42 There was no public input, and the public hearing was closed at 6:26 pm.

44 Milner stated that there are many people in town that worked hard on our historic district. He
46 stated he cannot see how this fits in that district. Milner further stated that he is concerned
about what could happen a few years from now when the buckets begin deteriorating. He
48 stated if you are going to build something, you go to the City, get a permit, and do not depend
on a third party. He state that Mr. Pittman had an opportunity to come to the City and that the
City would have been up front with him regarding this structure. He stated he cannot support
50 this SUP.

52 Herbst stated that he is sympathetic to Mr. Pittman's position, but he thinks this will open the
54 door for other unorthodox buildings and structures and he cannot support it.

56 **After more brief discussion, Commissioner Buchanan made a motion to deny Z2009-006 a
request by Mike Pittman, Jr. for approval of a Specific Use Permit (SUP) to allow for an
accessory building exceeding the maximum size requirement of 225-sf (proposed 314-sf)**

2 and not meeting the exterior materials requirements, on his property known as Block 105A-
4 1, B F Boydston Addition and located at 401 S. Clark Street, being approximately 0.74-acre
6 zoned (SF-7) Single Family Residential district and situated within the Old Town Rockwall
8 Historic District.

10 Hunter restated the reasons that the SUP is being requested. He stated that the request is
12 straightforward. He stated that, in the past, other SUPs for structures larger than 225-sf and
14 materials not being the same as the house have been approved. He stated, in his opinion, it is
16 not for the Planning and Zoning Commission to deny this SUP based on the look of the
18 structure or the appropriateness of the structure based on it being located in the historic
district. He stated, in his opinion, it should go before the Historic Board and/or the Building
Inspections and if they say, no, it is not appropriate then it can come before this Commission.
He stated that he feels that if the Board denies the request at this point, he feels this Board
could be stepping out ahead of itself. He stated that, although he does not like the look of the
structure, he would say okay at this point and let the other boards look at it and have it come
back before this Board if necessary.

20 **Chairman Bricker seconded the motion to deny the request.**

22 Bricker further stated that this is one of several buildings that have come in for a permit after
24 the fact and they are always out of compliance. He stated he would never have approved this
structure with dirt floors, no proven construction techniques and no foundation. He stated it is a
unique building that does not belong in the City without further study.

26 **The motion to deny was voted on and passed 6 to 1. (Hunter voting against)**

28 **ACTION ITEMS**

30 **P2009-008**

32 **Discuss and consider a request by Todd Wintters of Engineering Concepts and Design for**
34 **approval of a replat of Lots 3, 4, 13 and 15, Rainbo Acres Addition (proposed to be named**
36 **Maverick Ranch Addition), being 9.695-acres zoned (C) Commercial district and located along**
the west side of Ranch Trail northeast of Horizon Road (FM 3097), and take any action
necessary.

38 Gonzales stated that Todd Wintters of Engineering Concepts and Design is requesting a
40 replat of the Rainbo Acres Addition, Lots 3, 4, 13 and 15. It is a 9.695-acre parcel that is zoned (C)
42 Commercial district and located along the west side of Ranch Trail northeast of Horizon Road. The
property was annexed in 2004 and had structures that did not meet the current building standards at
the time of annexation. However, the replat does meet the minimum lot size and frontage
requirements for a commercially zoned district.

44 The purpose of the replat is to establish boundaries that will create six lots (numbers 1-6).
46 This will delineate lot lines and buildings situated on a particular lot and will facilitate any future sales
of individual lots. There is a 25-foot right-of-way dedication depicted on the plat (88 sq ft) adjacent to
County Line Rd. The addition is proposed to be renamed the Maverick Ranch Addition.

48 Staff Recommends approval of the request with the following conditions:

- 50 1. Adherence to all engineering and fire department requirements.
- 52 2. Payment of pro-rata for water and wastewater.

54 Milner asked for clarification between the existing and proposed configuration. Gonzales
clarified the old and new lot configuration of the property. Herbst inquired whether there is a
relationship between the property across Ranch Trail and this property. Hampton stated that

2 those are different owners. Much of the construction in this area happened at the same time,
4 but they are different owners.

6 Hunter questioned whether the lot size meets the requirement for Commercial zoning.
8 Gonzales stated the lot size does meet the minimum requirement.

10 **Commissioner Davis made a motion to approve P2009-008 a request by Todd Wintters of**
12 **Engineering Concepts and Design for approval of a replat of Lots 3, 4, 13 and 15, Rainbo**
14 **Acres Addition (proposed to be named Maverick Ranch Addition), being 9.695-acres zoned**
16 **(C) Commercial district and located along the west side of Ranch Trail northeast of**
18 **Horizon Road (FM 3097), with staff recommendations.**

20 **Commissioner Milner seconded the motion with staff recommendations.**

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

24 **P2009-009**

26 **Discuss and consider a request by Brandon Cox of Pogue Engineering for approval of a final**
28 **plat of Stone Creek Retail Addition, being 23.8284-acres zoned (PD-70) Planned Development**
30 **No. 70 district and located at the southeast corner of SH 205 and FM 552, and take any action**
32 **necessary.**

34 Hampton stated the applicant has submitted a final plat for Lots 1-6, Block A, Stone Creek
36 Retail Addition, consisting of 23.8284-acres overall. The property is bounded by FM 552 to the north,
38 SH 205 to the west, Bordeaux Drive to the south and the future Fairfax Drive to the east. The final
40 plat includes the dedication of Fairfax Drive (i.e. 100-ft ROW) along the east side of the property,
42 resulting in a "net" area of 21.1522-acres for the proposed retail development. A separate preliminary
44 and final plat will be required for the smaller "Tract 2" of the Stone Creek Retail project that is located
46 to the east of Fairfax Drive.

48 A site plan and engineering plans have already been approved for Phase 1 of the
50 development, which includes a 59,313-sf Tom Thumb grocery store on Lot 2, an accessory gas sales
52 use on Lot 3, and approximately 14,700-sf of retail/restaurant space located on Lot 1. Lots 4 and 5
54 will be vacant pad sites and Lot 6 is a larger tract set aside for future phases of the shopping center to
the south.

The site is accessed from one proposed drive from SH 205 and one drive from FM 552, with
additional points of access from Bordeaux and Fairfax Drive. All drives provide "cross access"
throughout the development. No dedication has been required along FM 552, which is identified as a
"MD4" four-lane divided arterial on the City's Thoroughfare Plan. City standards call for 85-90'
ultimate ROW needed, and 100-ft ROW exists at the FM 552 / SH 205 intersection adjacent to the 7-
Eleven development.

The developer is dedicating pedestrian access easements along SH 205 and FM 552 to
accommodate the sidewalks within the landscaped buffer areas as approved on the site plan. An
offsite regional detention facility is provided to the east of the property, and adequate drainage
easements are provided on the plat to move drainage from the subject tract to that location. The final
plat appears to comply with the PD-70 ordinance and the underlying General Retail zoning district, as
well as the approved PD Development Plan.

Staff Recommends approval of the request with the following conditions:

1. Adherence to all engineering and fire department requirements.

2. City Council approval of facilities agreement outlining the extent and/or timing of required improvements such as Fairfax Drive, Bordeaux Drive, offsite regional detention facility and amenity features at the southeast corner of Lot 6, Block A.
3. Increase/darken line weight of lot lines for proposed Lots 1-6, Block A.
4. Add 180-day expiration statement to City Signature block.
5. Include 100-ft right-of-way dedication for remainder of Bordeaux Drive on final plat prior to filing.

Bricker asked for clarification on the right-of-way as shown on the plat. Hampton explained the right-of-way and the pedestrian easement. Bricker stated that when this plan was presented in total, the drainage easement on Tract 2 to the east is where they were going to put a berm and buffer and now it looks like it is going to be a drainage ditch. Bricker inquired who owns the drainage easement. Hampton stated that the developer (Grey Stogner with Crestview Real Estate) also owns both properties, including the offsite drainage easement. Bricker inquired as to who will be responsible for the culvert and be responsible for following through with the original plan. Hampton stated the P&Z will be reviewing the preliminary plat, a site plan and the final plat for Tract 2 in the future, at which time we can ensure that takes place.

Buchanan inquired what the right-of-way dedication further up on FM552, not only at the intersection with SH 205, was going to consist of. Hampton stated that any additional right-of-way that is needed in the future would have to come off the north side to line up with what is already in place.

Commissioner Hunter made a motion to approve P2009-009 a request by Brandon Cox of Pogue Engineering for approval of a final plat of Stone Creek Retail Addition, being 23.8284-acres zoned (PD-70) Planned Development No. 70 district and located at the southeast corner of SH 205 and FM 552, with staff recommendations.

Commissioner Herbst seconded the motion with staff recommendations.

It was voted on and passed 7 to 0.

MIS2009-004

Discuss and consider a request by John Wardell of Lakepointe Church for approval of a special exception in accordance with Article II, Section 8.5 of the Unified Development Code, specifically to allow for the construction of a single-family home on Lots 1331 and 1332, Rockwall Lake Estates #2 Addition, which is zoned (Ag) Agricultural district and located at 496 Nicole, and take any action necessary.

LaCroix stated that John Wardell from Lakepointe Church has submitted a request for a special exception(s) to allow the church to build a single family home in the newly annexed Lake Rockwall Estates area. The property is located at 496 Nicole. At this time, there are issues preventing staff from being able to permit the new home construction. Primarily, the property has yet to be zoned from Agricultural district since the time of annexation in February. A single-family home is only permitted on Agricultural tracts of ten (10) acres or more.

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.

LaCroix briefly went over the section of the Unified Development Code relating to special exceptions and the various criteria used to consider them.

2 The Staff feels that there are special conditions associated with this property that warrant
4 consideration of a special exception. Mr. Wardell has stated the church intends to meet the standards
6 of the SF-7 zoning district, including minimum house size, building setback and masonry
requirements. A final plat or replat may be required, though staff believes it will qualify as a "minor
plat" which can be administratively reviewed and approved.

8 Staff Recommends approval of the request subject to the following conditions:

1. Submittal and approval of a building permit.
2. Submittal and approval of a final plat or replat of the subject property. However, the
approval of this exception request shall be considered a waiver to the street improvement
and sidewalk requirements from the City's subdivision ordinance.

14 Hunter inquired whether there is going to be a replat of this property. LaCroix stated, yes,
16 there would be a replat. Hunter inquired whether the replatted lot will meet SF-7 and whether
the surrounding properties are going to be residential. LaCroix stated, yes. Bricker inquired
18 about the utilities out there. LaCroix stated that we do not have the right to serve that area
yet. He stated that we would have to purchase the right to serve. LaCroix stated that Mr.
20 Wardell will be required to provide proper documentation from the county stating that they
can provide adequate water and sewer to the property. Hunter inquired whether they are
22 going to be required to build to City standards. LaCroix stated, yes, they will be required to
build to City standards.

24 John Wardell, 880 Ivy Lane, Rockwall, stated they are going to meet all of the requirements
of SF-7 and all of the building standards required by the City and state. Mr. Wardell stated
26 that they are going to build a quality home. He stated that they would not want to put the
church's name on something that is substandard. He further stated the church wants to help
28 raise the standard of living in that neighborhood. He stated that this will be run much like the
Habitat for Humanity. He stated that the homes will be built by volunteers. He stated that
30 when a family qualifies and is chosen, they will be able to get into the house by paying back
the building costs in a loan-type basis.

32 Hunter informed Mr. Wardell that they might be qualified for some type of HUD grant in
34 Rockwall to assist with the projects as they go along. Mr. Wardell stated they could use
whatever help they can get.

36 **After brief discussion, Commissioner Hunter made a motion to approve MIS2009-004 a
38 request by John Wardell of Lakepointe Church for approval of a special exception in
accordance with Article II, Section 8.5 of the Unified Development Code, specifically to
40 allow for the construction of a single-family home on Lots 1331 and 1332, Rockwall Lake
Estates #2 Addition, which is zoned (Ag) Agricultural district and located at 496 Nicole,
42 with staff recommendations.**

44 **Commissioner Milner seconded the motion with staff recommendations.**

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

48 **ADDITIONAL DISCUSSION ITEMS**

- 50 • **Planning Director's Report on the following Planning and Zoning Commission matters that**
52 **have been recently acted on by City Council:**

- 54 a) **Z2009-005: Breezy Hill 405-acres (Rezone Ag to PD)**

LaCroix stated that City Council approved Breezy Hill 405. He stated that some citizens came to voice their opinion or listen to what Council had to say.

b) P2008-036: Flagstone Corners (Preliminary Plat / Screening Variance)

LaCroix stated that City Council approved Flagstone Corners. LaCroix stated some of the issues that were discussed were regarding tree mitigation and other concerns in the case. He stated that City Council felt that the screening mechanism and fencing was adequate and that the P&Z did a good job with the screening.

ADJOURNMENT

The meeting adjourned at 7:20 p.m.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
ROCKWALL, Texas, this 12th day of May, 2009.

Ch Bricker

Charles W. (Bill) Bricker, Chairman

ATTEST:

Diane C. Hatch

**Minutes of
PLANNING AND ZONING COMMISSION WORK SESSION
April 28, 2009**

CALL TO ORDER

The meeting was called to order by Bill Bricker at 6:02 p.m. with the following members present: Lynn Davis, Michael Hunter, Earl Milner, Philip Herbst and Dennis Lowry. Barry Buchanan arrived late.

Additionally, the following staff members were present: Michael Hampton and Chris Spencer. Robert LaCroix, David Gonzales and Irene Hatcher were not present.

DISCUSSION ITEMS

1. Z2009-007

Discuss and consider a city-initiated request to amend the Unified Development Code (Ord. No. 04-38), specifically Article V. District Development Standards; Article VII. Environmental Performance; Article VIII. Landscape Standards; and Article IX. Tree Preservation.

Hampton outlined the various changes that were proposed to the Unified Development Code, stating most of them are minor in nature and are related to recommendations or actions recently taken by City Council or one of their subcommittees.

The Commission discussed the amendments to the Overlay districts related to the limits of the Overlay applying to newly annexed property. Hunter asked if adding a statement that the limits of the Overlays are extended or amended as annexation occurs is necessary, and also suggested that the wording used (extended vs. amended) be consistent. Hampton stated staff will work on making the wording a little more consistent in each section, and will have graphical representation at the public hearing of the applicable Overlays for the Commission to further evaluate the changes being discussed. Milner questioned whether extending an Overlay such as FM 549, particularly north of SH 66, is necessary and would create an unnecessary hardship on the residential properties. Hampton stated that most Overlay standards apply to non-residential development, and would not apply to residential property. However, there are requirements such as landscape buffering for new residential subdivisions that could occur on some of the vacant tracts in these areas.

The Commission also briefly discussed the proposed changes to the noise ordinance. Milner asked if there were reports available from the noise consultant. Hampton stated the City hired a consultant (AECOM) to look at the current noise regulations in both the UDC and the Code of Ordinances, and it was determined the two ordinances were in conflict. The recommendation of the consultant was to remove the noise regulations from the UDC entirely and update the Code of Ordinances. Bricker wanted clarification about whether the new noise regulations in the Code of Ordinances covered the residential adjacency requirements. Hampton stated the residential adjacency standards are staying intact, and only the reference to Article VII is being amended to refer to the new section in the Code of Ordinances.

Chairman Bricker announced at 6:27 that Barry Buchanan had arrived.

2. MIS2009-002

Discuss the periodic review of Planned Development districts in the City of Rockwall, and take any action necessary.

**Minutes of
PLANNING AND ZONING COMMISSION WORK SESSION
May 26, 2009**

CALL TO ORDER

The meeting was called to order by Bill Bricker at 6:35 p.m. with the following members present: Barry Buchanan, Dennis Lowry, Michael Hunter, Earl Milner and Philip Herbst. Lynn Davis was absent.

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

ACTION ITEMS

MIS2009-005

Discuss and consider a request by Julie Fort of Strasburger & Price, LLP for approval of a special exception to Section 24-16 of the Subdivision Regulations of the City of Rockwall, specifically for a waiver to the street improvement requirements for Springer Road as it relates to the 3.99-acre property located at the southeast corner of FM 549 and Springer Road, which is zoned (PD-46) Planned Development No. 46 district and described as Tract 2-9, Abstract 186, J. A. Ramsey Survey, and take any action necessary.

LaCroix stated that staff has received a request for a special exception to the road improvements requirement as provided in Section 24-16 of the City of Rockwall Subdivision Regulations for Springer Road. The property is approximately 4 acres and is located at the southeast corner of FM 549 and Springer Road. The request as stated in the attachment letter is asking for the waiver of the road construction cost that has been estimated at \$174,000. The property owner has stated that literal enforcement of the Subdivision Ordinance imposing this fee results in an unnecessary hardship against the property. Staff has attached the original letter from the owner's attorney making the request in addition to documents submitted by the attorney as background material to substantiate their hardship claim.

LaCroix stated that exceptions typically are considered at the time of platting as the ordinance states "when a proposed subdivision of land abuts on both sides of an existing substandard road, or on one side of said road, being substandard according to then existing current City of Rockwall Standard Specifications, the developer shall be required to improve the existing road, including sidewalks, to bring the same to City of Rockwall standards, or to replace it with a standard city street at no cost to the City of Rockwall other than as set out in the cost sharing policy of the city in effect at the time of approval of the final plat."

LaCroix further stated that Section 24-16 of the Subdivision Ordinance provides the criteria for granting a special exception: "Where in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, upon recommendation by the city planning and zoning commission, the city council may, in specific cases, at a regular meeting of the city council, and subject to appropriate conditions and safeguards, authorize special exceptions to these regulations in order to permit reasonable development and improvement of property where the literal enforcement of these regulations would result in an unnecessary hardship."

Hunter inquired if the escrow amount would also be \$174,000. LaCroix stated that the escrow amount is 110% of the actual cost of the roadway. He stated that the amount is an estimated cost. He further stated that it could come out to be more than the \$174,000 if they escrowed for it instead of building the road.

2 Julie Fort appeared on behalf of Mr. Ronnie Hamilton. Ms. Fort stated her background as it relates to
4 this case. Ms. Fort stated that she served as a planning commissioner in the City of Frisco. She
6 stated when a city acts irresponsibly it results in bad case law being passed in Austin, which has a
8 negative impact on all cities. She stated that some of the statues that are being dealt with in this case
are an example of that.

10 Ms. Fort stated that the Mr. Hamilton is not a developer. She stated Mr. Hamilton inherited the
12 property from his mother and wants to sell it. Ms. Fort indicated that Mr. Hamilton has lost two sales
14 on this property due to the costs associated with developing it. She stated that Mr. Hamilton is not
seeking to waive everything, however, she stated that state law requires that fees be proportionate to
the impact the four (4) acres will have on the infrastructure in the city of Rockwall.

16 Ms. Fort listed in detail all the fees that will have to be paid by the purchaser in order to develop this
18 property. Ms. Fort read the requirements under 24-16 of the Subdivision Regulations in order to grant
the special exception. Ms. Fort discussed each section of the regulation that should be considered by
the Commission in order to decide whether to grant the special exception.

20 Ms. Fort stated that the key issue in this case is that literal enforcement creates unreasonable
22 hardship. She stated the cost of developing this property far exceeds the property's value. She
stated, at this point, the property is unmarketable with the Springer Road fee being imposed. Ms. Fort
stated that this is not a proportionality appeal. She stated this is a special exception request.
24 However, she stated that the lack of proportionality is something that can be taken into consideration.

26 Ms. Fort stated that one-half of Springer Road has already been constructed by an owner who owns
28 sixty (60) acres. She stated that the City is asking Mr. Hamilton who owns four (4) acres to construct
the same amount of road as the owner of the sixty (60) acres. Ms. Fort went on to compare what
impact a four (4) acre tract of land would have compared to what a sixty (60) acre tract would have.

30 Ms. Fort went on to state that if the City undercharged or did not charge other property owners the
32 proper amount, then that should not be Mr. Hamilton's burden. She stated if someone else paid less
34 than their share, then that is the City's issue to take care of.

36 Ms. Fort stated that Section 24-16 was last amended in 1986. She stated that there have been
changes in the law since then that affect this type of case. She discussed the language in section 24-
38 16 in detail. She stated that this section does not restrict when you can request a special exception.
Ms. Fort stated that Mr. Hamilton is asking for the Springer Road construction fee, or escrow plus the
extra 15%, be waived with the special exception.

40 Chairman Bricker read the ordinance and inquired whether Ms. Fort has the same copy. Ms. Fort
42 stated she does not have that copy; however, the last sentence is the same. Bricker stated that the
road fee, the \$174,000, is not determined until a plat is submitted. He stated that proportionality would
44 be decided at that point. Ms. Fort stated that initially the City Engineer set a much higher fee than the
\$174,000. She stated when that amount was challenged the City Engineer came back with the
46 \$174,000. She stated whether that amount would change again would depend on the staff.

48 LaCroix stated that that is the cost of the road. Bricker stated to Ms. Fort that that is the full amount of
the road construction and the proportionality would be determined later when the impact of the road
50 was determined. Ms. Fort stated the impact the fees are having on her client. She discussed the land
use plan and the zoning on this property.

52 Terry Morgan, the City's consulting attorney substituting for Pete Eckert (City Attorney), asked Ms.
54 Fort if she believes the City's subdivision ordinance does not comply with state law because it does
not have a proportionality appeal provision. Ms. Fort stated if the City's ordinance constitutes a taking
without compensation then it does not comply with state law. Ms. Fort discussed Section 9.8 of the
56 ordinance. There was discussion regarding the subdivision ordinance and how long it has been in

effect, including recent amendments in 2005. Mr. Morgan discussed with Ms. Fort that there has been no plat filed for this property and no site plan filed. Mr. Morgan stated the City cannot consider proportionality without having seen an application or a plat.

Ms. Fort stated they are here under the special exception provision based on an unnecessary hardship. She reiterated the issues with perspective buyers and the fees associated with developing the property. Mr. Morgan stated that a plat must be filed in order to allow the City to make a determination on proportionality. Ms. Fort stated to do the engineering for the plat is an expense. Mr. Morgan stated the process the City has in place before they can get to a proportionality decision.

Herbst inquired about how much of Springer Road REDC has built. Chuck Todd (City Engineer) stated the REDC built the full length of their property. He listed all the roadways the REDC has built as it pertains to developing their property.

Bricker stated that development costs can exceed the property's value. He stated that the fees cannot be looked at until the plat is filed and the impact can then be determined.

Ronnie Hamilton (5150 Normandy Drive, Frisco, Texas) inquired how proportionality can be decided when the land on the other side of the road is vacant. Bricker stated Mr. Hamilton is only being asked to build the side of the road that his property is on. He stated the road must meet the building and engineering standards that are in already place. Bricker stated that proportionality is not calculated based on what is on the other side of the road.

Mr. Morgan described the ordinance and what the state law says regarding development and the impact of traffic. Mr. Morgan described how that system and methodology works. He stated our system is not based on what is on one side of the street or the other.

Chuck Todd described the formula that is used to calculate the impact on the road and the estimated cost. Ms. Fort inquired how the City determined what road the owners of sixty (60) acres had to build without knowing what they were going to build on the property. Mr. Todd stated the owners of the sixty (60) acres met the ordinance by improving their half of the road, so proportionality did not have to be decided. Mr. Todd described the method to determining the impact fees for both pieces of property. Mr. Todd again described the formula he used to determine the estimated cost to construct the road and then how he calculated the actual cost.

Hunter stated that he is concerned about waiving the fees at this point because he does not have enough information to calculate what the impact of developing the property would be on the City's infrastructure.

Ms. Fort inquired what the most intensive use for this property is under PD-46. LaCroix stated the most intensive use would probably either be retail or medical offices. Ms. Fort inquired whether this case can be tabled until they can do an analysis based on what the most intense use allowed is. LaCroix stated there is a proportionality appeal process in the ordinance, but there has to be a plat application filed to make that determination. He stated that there cannot be a proportionality study unless there is an application turned in.

Bricker stated we cannot determine the maximum impact without having a plat filed and knowing what is going to be built on the property. Ms. Fort stated that the ordinance does not state that a plat is required. Bricker stated we need a plat to waive any fees. Bricker further stated it does not seem excessive to go through the platting process to determine proportionality. He stated that this is not the proper way to approach having the property evaluated to see what that fee would be. Ms. Fort stated that this process is allowed by the City ordinance.

Ms. Fort discussed that Mr. Hamilton does not know what the property will be developed for so he would not know where to put an entrance or an exit in order to submit a plat. Bricker stated that a prospective developer would. Mr. Hamilton stated that no one will purchase his property under these

2 circumstances. Mr. Hamilton stated he cannot find out what the property across the street is selling
4 for.

6 Bricker inquired whether there was any discussion or a motion from the Commissioners.

8 **Commissioner Milner made a motion to deny MIS2009-005 a request by Julie Fort of**
10 **Strasburger & Price, LLP for approval of a special exception to Section 24-16 of the**
12 **Subdivision Regulations of the City of Rockwall, specifically for a waiver to the street**
14 **improvement requirements for Springer Road as it relates to the 3.99-acre property**
16 **located at the southeast corner of FM 549 and Springer Road, which is zoned (PD-46)**
18 **Planned Development No. 46 district and described as Tract 2-9, Abstract 186, J. A.**
20 **Ramsey Survey.**

22 **Commissioner Hunter seconded the motion.** He stated the applicant has a right to come
24 back when they have more information or a plat, or they are ready to develop so this can be
26 revisited.

28 Milner stated he agrees. He further stated he does not want this to be denied with prejudice.
30 He stated he would like the applicant to have the ability to come back before the Commission.

32 Mr. Morgan stated if they want to introduce information on proportionality in the context which
34 the ordinance contemplates, they can come back. He stated if they are denied there, they
36 could ask for consideration based on hardship.

38 Milner stated he is denying this request as presented tonight, but without prejudice.

40 Bricker stated he supports the motion to deny but if it comes back properly with proportionality
42 and a plat, he will entertain the request at that point. He stated he would not be in favor of
44 granting a waiver in any other condition. He further stated, in his view, this is not the proper
46 way to assess the property.

48 **A vote was taken. The request was denied by a vote of 6 to 0.**

50 **DISCUSSION ITEMS**

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

56 *No one from the Architectural Review Board was present.*

58 **SP2009-004**

60 **Discuss and consider a request by Travis Bousquet of The Bousquet Group, Inc., for approval**
62 **of a site plan for a 10,000-sf medical office development located on part of Lot 1, Block A,**
64 **Quail Run Retail Addition, being 1.2337-acres zoned (PD-5) Planned Development No. 5**
66 **district and situated within the North SH 205 Overlay District, located at the southeast corner**
68 **of SH 205 and Quail Run Rd, and take any action necessary.**

70 Spencer gave the background of the property and the detention pond and stated the opinion
72 of the Architectural Review Board and the staff's opinion on the development and the proposed usage
74 of the 1.23-acre site and the remaining 11 acres.

76 Spencer discussed a development agreement that will be tied to the replat of this property
78 regarding tree mitigation and any other mitigation still outstanding. Spencer discussed that staff would
80 like this structure to be finished out on all four (4) sides due to its visibility to the property behind it and
82 the possibility of an anchor building coming in later. Spencer discussed the color of the structure tying
84 in the color of the CVS and the Walgreens.

Herbst inquired about the detention area not being on the plat. Spencer stated that the detention pond is offsite and is not included on the plat. He stated that they would have to adhere to the requirements. Spencer stated the requirements for the detention pond and the tree mitigation in the detention area. Milner clarified that this detention pond was started under a previous standard, but inquired which standard the detention pond will be completed under. Spencer stated the slopes meet the new requirements. He stated that one (1) side will have a wall and the other three (3) sides will be a 3 to 1 slope. Spencer stated that on top of the wall there would be the wrought iron fencing requirement. Bricker inquired whether they should be required to have the rest of the detention pond completed before the development moves forward. Spencer stated that once design comes in, we are requiring that design to be finalized and ready to go before the site plan comes back before the Commission. Spencer stated the engineer will not release this project for CO until the detention pond is completed and up to standard.

Hunter inquired whether this proposed building would meet the stone requirement. Spencer stated they will meet the stone requirement. Spencer stated one recommendation from the ARB is that the finish on the roofing material be a duller finish so it does not interfere with the vision of motorists.

SP2009-005

Discuss and consider a request by William Stueber of CPH Engineers for approval of a site plan for a 17,398-sf retail development located on Lot 6, Block 1, Rockwall Centre Corners Addition, being 2.506-acres zoned (C) Commercial district and situated within the IH-30 Overlay District, SH 205 Overlay District and the SH 276 Overlay District, located along the east side of SH 205 south of IH-30 and north of SH 276, and take any action necessary.

Spencer stated that this is the first application for development of a pad site in front of CostCo. He stated that the rear façade is going to be visible from the high volume of business from CostCo, and that staff would like to see the architectural features and articulation increased to improve this façade.

Spencer stated that as currently submitted, this case will have to go to Council for a waiver of horizontal articulation standards. Spencer stated the most important thing is that the applicant comes in with the four-sided architecture on the rear facades. Spencer discussed the parking in the rear of the building and the three (3) overlay districts that this structure is in require a row of trees be planted at the rear of the building. Spencer stated that staff would like to see those trees disbursed throughout the islands in the rear parking along the perimeter of the drive isles and frame the building looking at it from the CostCo.

Milner stated this is a visible entryway into Rockwall. He stated there is no leeway in getting away from articulation standards. He stated CostCo was held to a high standard and this structure should be as well.

Bill Stueber (CPH Engineers) 9310 Seagrove Drive, Dallas, Texas discussed the articulation of the building and the impact they are trying to achieve. Bret Flory (Cross Architects) 1255 West 15th Street, Plano stated he does not see a problem meeting all of the requirements except for the horizontal articulation. He explained what the elevation is going to look like.

Bricker explained what they went through with CostCo to get the articulation the City wants. He stated that it has to have 4-sided articulation to keep up the look of the corner. Bricker stated they do not have to match the colors, but they do have to have colors that complement the CostCo colors. Milner stated it is up to Mr. Stueber to come up with what looks good and then the Commission will decide if it meets our standards. There was brief discussion regarding the type of businesses that may go in to that location.

A recess was taken at 7:53 p.m.

The meeting reconvened at 8:01 p.m.

2
3 Z2009-009

4 Discuss and consider a request by Randall Edmiston of Randall Ross Design Build for
5 approval of a Specific Use Permit (SUP) to allow for a detached garage/accessory structure
6 exceeding the maximum height requirement of 15-ft and not meeting the exterior materials
7 requirements, on the property located at 3815 Pinebluff, which is zoned (SF-10) Single Family
8 Residential district and known as Lot 1, Block E, Timber Creek Estates.

9
10 Gonzales stated that the subject property is located in the Timber Creek Estates Addition,
11 and is located at the southwest corner of Hwy 276 and Pinebluff. A brick subdivision wall wraps
12 around a portion of the front of the property and extends along the Hwy 276 property line (approx.
13 350-375 ft in length). The brick wall is approx. 8 ft in height. The remainder of the property appears to
14 have a 6-ft wood privacy fence. At the rear of the property is a 100-ft drainage ROW that runs behind
15 the properties on Pinebluff and extends to Rochell Rd. This wooded area (behind the subject
16 property) with tall trees acts as a screen and decreases visibility from the residential properties to the
17 south.

18
19 Gonzales explained that under the Use Standards of the UDC, one detached garage shall be
20 allowed provided that it does not exceed 900 sq ft in area or 15 ft in height, provided that it is located
21 on the same lot as the residential use and that the exterior cladding contains the same materials,
22 excluding glass, as found on the main structure and is generally in the same proportion. In addition, a
23 separate living area/guest quarters is allowed as long as it does exceed 30% of the area of the main
24 structure. The main structure is 3014 sq ft, and 30% of that equals 904 sq ft, which is the maximum
25 area for a guest quarters.

26
27 The proposed structure will be comprised of 2 levels. The lower level will be the garage area
28 and is shown to be 848 sq ft (according to the drawings submitted), falls within the requirements for a
29 detached garage. The upper level will be the separate living quarters for the mother-in-law and is 817
30 sq ft, which is below the 30% requirement.

31
32 The applicant is seeking an exception to the height requirement of 15 ft. to allow for the
33 second level to be built. The proposed structure would be approx. 24 ½ ft in height at midpoint of the
34 roof with an overall height of 26 ½ ft to accommodate 9 ft ceilings in the living area. In addition, the
35 applicant is seeking an exception to the materials requirement where they are proposing to use Hardi-
36 Board as the exterior cladding material with no brick on the structure. This would be a cost savings
37 element for the homeowner.

38
39 Staff feels that brick could be added to the front facade in-order to meet the materials
40 requirements. The front facade will be facing north, towards Hwy 276 and would be visible to
41 passerby traffic. Notices will be sent to the properties within 200-ft as required. The public hearing will
42 be in two weeks.

43
44 Hunter inquired about the percentage of brick on the main house. Gonzales stated the masonry
45 requirement. There was discussion regarding what is on the surrounding property. Bricker inquired
46 whether the zoning ordinance allows for detached living quarters. Gonzales stated it does and he
47 stated the ordinance requirement for the subdivision. Milner asked for clarification on the location for
48 the proposed structure. Gonzales described the layout of the existing property and stated where the
49 proposed location for the new structure will be.

50
51 Bricker stated if they met the building material standard, the only SUP they would need is for the
52 height of the structure. Hunter stated that there should be some brick that matches the house so it
53 looks like they belong together.

54
55 Randal Edmiston, applicant, was present and discussed the possibility of having brick on only the first
56 floor of the detached garage and guest quarters. Buchanan stated that the exterior should have the
same building material as the main house.

2
3 **Z2009-010**

4 **Discuss and consider a request by Lynette Coughlin for approval of a zoning change from**
5 **(NS) Neighborhood Services district to (GR) General Retail district on a tract known as Block**
6 **80A, B F Boydston Addition, being approximately 0.74-acre and located at 603 South Goliad.**

7
8 Gonzales briefly explained the history of the property and the reasons for the zoning request.
9 The proposed zoning would be appropriate for the property and is consistent with the City's
10 Comprehensive Plan.

11
12 Bricker inquired if the proposed use fits in the Neighborhood Services zoning. Gonzales stated the
13 difference between the zoning. Hampton clarified that the applicant may also want to do weddings at
14 this facility and that a "banquet facility" is not allowed under the current Neighborhood Services (NS)
15 zoning. LaCroix added that the fire department informed planning staff earlier in the day that if this
16 building's use changes to accommodate events or gatherings, there may be some issues that need to
17 be addressed and they will have to meet the fire codes.

18
19 **Z2009-011**

20 **Discuss and consider a request from Ricardo and Immaculate "Macky" Refuerzo of Rockwall**
21 **Adult Day Services for approval of a Specific Use Permit (SUP) to allow for a Daycare on a 2.0-**
22 **acre tract zoned (Ag) Agricultural district and described as Lot 1, DeWoody Addition, located**
23 **at 3011 North Goliad (immediately north of the Children's Lighthouse daycare that is under**
24 **construction).**

25
26 Hampton gave the background and information regarding this case. He stated this case does
27 not need a zoning change. It can go forward with an SUP for the specific use of an adult daycare.
28 Hampton stated the fire department requirements and the parking issues that will need to be
29 addressed.

30
31 Hunter inquired whether the applicant plans to expand beyond this building. Hampton stated they
32 would be limited on what they can do on the back property due to flood plain. Hampton stated that the
33 applicants have expressed that they would like to keep the back yard like it is and make it like a park
34 atmosphere. Hunter further inquired whether there are any plans to have access to Quail Run from
35 this property. Hampton stated that there has not been any discussion regarding that; however, he
36 stated it would probably be cost prohibitive for that to happen. Hunter stated that the cross access of
37 this property and the childcare center next door may not work together.

38
39 Bricker inquired about the zoning. Hampton stated that if it was rezoned to commercial, it would allow
40 for many other uses. Bricker inquired about the access from Quail Run and whether that is something
41 that is a good idea. Hunter stated he does not want to do anything that would inhibit their business
42 negatively. LaCroix stated that we need to address the issue of the access from Quail Run, but the
43 owners need to be involved in that discussion because it will be placed on their property whether
44 these applicants purchase and develop the property or not. Bricker stated he would like staff to have
45 a recommendation at the next meeting on how they should handle the access to Quail Run from this
46 property.

47
48 Immaculate Refuerzo, applicant, stated the reasons she is asking for the SUP and what type of
49 service this establishment is going to offer their clients and the community. She discussed the
50 intended business days and hours of operation.

51
52 **MIS2009-002**

53 **Discuss the periodic review of Planned Development districts in the City of Rockwall, and take**
54 **any action necessary.**

2 LaCroix gave a report on the PD review and outlined which of them staff thinks should be pursued
4 further. He stated that PD-14 is zoned LI and Commercial zoning. He stated that the City may want to
try to get that rezoned.

6 LaCroix stated that PD-26 is one that he would like to receive an update about what the owners want
8 to do with this property. He stated that the owner has not filed an application on that property yet, but
had been working on a development plan. He stated that staff will talk to the owner if an application
10 does not come in. LaCroix stated PD-31 is right next to PD-26 and it is the same owner. He stated he
thinks the owner may be willing to rezone it and redevelop the property. LaCroix stated if the
12 Commission would like, staff can ask the property owner to come in on a work session and discuss
the options with him.

14 LaCroix discussed PD-35 and the LI zoning on it. He stated that there is some outside storage
16 allowed with specific uses that conflicts current standards along IH-30, and he would like to discuss
that with the owner.

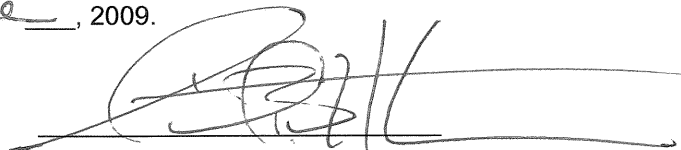
18 LaCroix discussed his thoughts on PD-46. He stated it has many different allowed and established
20 uses within the PD. He stated that the building materials that are allowed may be an issue they might
want to address. However, with so much recent activity in and around the PD it may not be prudent to
22 open that zoning up at this time.

24 Milner stated he is concerned about PD-15, PD-26, PD-31 and PD-35 being more visible to I-30. He
stated he agrees with LaCroix regarding PD-46 and leaving that alone right now. He stated that he
26 thinks the other property owners should be contacted and see what their plans are. Bricker agrees
and gave LaCroix the direction to contact the other four (4) property owners and see what their plans
28 are. LaCroix will then give the Commission an update, or will bring the property owners in during a
work session to meet with the Commission.

30 ADJOURNMENT

32 The meeting adjourned at 8:51 p.m.

34 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
36 ROCKWALL, Texas, this 30th day of June, 2009.



Charles W. (Bill) Bricker, Chairman

42 ATTEST:

44 

**Minutes of
PLANNING AND ZONING COMMISSION PUBLIC HEARING
June 9, 2009**

CALL TO ORDER

The meeting was called to order by Bill Bricker at 6:00 p.m. with the following members present: Barry Buchanan, Lynn Davis, Dennis Lowry, Michael Hunter, Earl Milner and Philip Herbst.

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

CONSENT AGENDA ITEMS

Approval of Minutes for May 12, 2009 Planning and Zoning Commission meeting

Herbst stated the following corrections need to be made:

Page 4, Lines 16, 19, 24 & 25 change the word "Hard-panel" to "Hardi-Panel and "Hard-Plank" to Hardi-Plank."

Herbst made a motion to approve the minutes for May 12, 2009 with those corrections.

Hunter seconded the motion.

A vote was taken, and the motion passed by a vote of 6-0. (Buchanan Abstained)

PUBLIC HEARING ITEMS

Z2009-009

Hold a public hearing and consider a request by Randall Edmiston of Randall Ross Design Build for approval of a Specific Use Permit (SUP) to allow for a detached garage/accessory structure exceeding the maximum height requirement of 15-ft, on the property located at 3815 Pinebluff, which is zoned (SF-10) Single Family Residential district and known as Lot 1, Block E, Timber Creek Estates, and take any action necessary.

Hampton stated that the applicant, Randall Edmiston, has submitted a request for approval of a Specific Use Permit (SUP) to allow for a detached garage/accessory structure exceeding the maximum height requirement of 15 ft. The property is located in the Timber Creek Estates Addition at 3815 Pinebluff and is zoned (SF-10) Single Family Residential district. Hampton also noted that the request has been amended since the May 26th work session, as the applicant is no longer seeking to vary from the exterior materials requirements as previously submitted. Brick has been added to the proposed building that matches the main home in color and proportion.

Under Article IV Permissible Uses of the Unified Development Code, Sec. 2.1.2 (2) Accessory Building, one detached garage shall be allowed provided that it does not exceed 900 square feet in area or 15 feet in height, provided that it is located on the same lot as the residential use and that the exterior cladding contains the same materials, excluding glass, as found on the main structure and is generally in the same proportion. In addition, a "Guest Quarters/Secondary Living Unit" is allowed by right in the SF-10 Residential district under the following conditions:

1. Guest quarters or secondary living unit may be allowed on a property in a residential zoning district provided that it is ancillary to the primary use and that only one such facility is provided.
2. The area of such quarters shall not exceed 30% of the area of the main structure.

3. No such use may be sold or conveyed separately without meeting the requirements of the zoning district and the Subdivision Ordinance.

The applicant has submitted proposed elevations and floor plans for the detached garage/accessory structure. The structure will be 2-stories and have an overall height of 26 1/2 ft., exceeding the maximum height of 15 ft. The garage will have an area of 848 sq. ft., meeting the requirements for a detached garage. The upstairs living area will be 817 sq ft. and does not exceed 30% of the area of the main structure, which meets the requirements for the guest quarters/separate living area. The total area of the detached garage/accessory structure will be 1665 sq ft. The exterior cladding materials will be comprised of brick, hardibacker planks and a composition roof that matches and is proportional to the primary structure.

Staff feels the approval of the SUP to be a judgment call by the Planning and Zoning Commission and the City Council. As a note, approval of SUPs for exceptions to the height requirements of accessory structures have been granted in the past.

Notices were mailed to the property owners of record with-in 200 ft. of the subject property. At the time of this report, staff has not received any notices either "in favor" or "in opposition" of the request.

If approved, Staff would offer the following conditions:

1. The detached garage/accessory structure shall comply with the submitted site plan and building elevations.
2. The detached garage/accessory structure shall not exceed an overall height of 26 ½ ft.
3. The area of the detached garage shall not exceed 900 sq ft.
4. The 2nd floor guest quarters/secondary living area shall not exceed 30% of the area of the main structure (i.e. 904 sq ft).
5. The guest quarters/secondary living unit shall be ancillary to the primary use and only one such unit shall be provided.
6. The detached garage/accessory structure may not be sold or conveyed separately without meeting the requirements of the zoning district and the Subdivision Ordinance.
7. The accessory building is subject to administrative review in the event that the subject property is sold, conveyed to another party, subdivided or replatted.
8. The City Council reserves the right to review the SUP granted herein upon the expiration of one (1) year from the date hereof.

Randall Edmiston, 5222 Alcott Street, Dallas, Texas was present to answer questions.

Milner inquired what the maximum height for a house is. Hampton stated that it is 36 ft. Milner inquired about the status of the home owner's association and the applicant stated it is dependant on the outcome of this hearing is. Milner clarified that the secondary house is not taller than the primary house. The applicant stated that he doe not know the height of the primary house, but the secondary house is not going to be taller.

Davis inquired whether both buildings will share the same driveway and wanted clarification that the secondary building could not be sold separately. Hampton stated they could not be sold separately. Lowry inquired if there has been a precedent set for this being passed. Hampton stated that similar requests have been approved in previous years.

Hunter clarified that the use is the same use of the entire property and clarified that the upstairs of the new building could not be subdivided in the future. Hampton confirmed that that is correct.

2 Buchanan inquired what the building is being built for. Mr. Edmiston stated that the owner's
4 mother-in-law is going to reside in the 2nd floor of the building.

6 Chairman Bricker opened the public hearing at 6:16 pm
With no public comment, the public hearing was closed at 6:16 pm.

8 **Commissioner Hunter made a motion to approve Z2009-009, a request by Randall**
10 **Edmiston of Randall Ross Design Build for approval of a Specific Use Permit (SUP) to**
12 **allow for a detached garage/accessory structure exceeding the maximum height**
14 **requirement of 15-ft, on the property located at 3815 Pinebluff, which is zoned (SF-10)**
Single Family Residential district and known as Lot 1, Block E, Timber Creek Estates,
with staff recommendations.

16 **Commissioner Milner seconded the motion.**

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

20 **Z2009-010**

22 **Hold a public hearing and consider a request by Lynette Coughlin for approval of a zoning**
24 **change from (NS) Neighborhood Services district to (GR) General Retail district on a tract**
known as Block 80A, B F Boydston Addition, being approximately 0.74-acre and located at 603
South Goliad, and take any action necessary.

26 Hampton stated that the applicant, Lynette Coughlin, has submitted a request for approval of
28 a zoning change from (NS) Neighborhood Services district to (GR) General Retail district. The
property is a 0.74-acre lot located on the southeast corner of Goliad and St. Mary's St. at 603 South
30 Goliad. The subject property was originally zoned SF-7 (residential). In 1999, a request to re-zone the
32 property to (GR) General Retail was approved to accommodate a photography studio. In 2001, the
property was rezoned to (NS) Neighborhood Services to accommodate a request for a Conditional
Use Permit that was approved for an accessory use to allow residential uses of the property in
conjunction with the photography studio.

34 The surrounding properties in this area of Goliad Street are zoned (GR) General Retail with
36 the exception of an (SF-10) residential tract which includes the First Baptist Church. The proposed
zoning change will allow the applicant to operate an office and retail facility and to expand the
38 operation to include a use consistent with a banquet facility, which is not available as a use in the
current (NS) Neighborhood Services zoning district. The proposed zoning would be appropriate for
40 the property and is consistent with the City's Comprehensive Plan.

42 Notices were mailed to all property owners with-in 200 ft of the subject property. At the time
of this report, one (1) notice has been returned "in favor" of the request to rezone.

44 Staff Recommends approval of the request.

46 Lynette Coughlin of 2360 Shorecrest Drive and Stephen Straughan of 2884 Ridge Road
48 requested the zoning be changed from (NS) Neighborhood Services to (GR) General Retail.

50 Bricker opened the public hearing at 6:21pm.

52 With no public comment, the public hearing was closed at 6:21pm.

54 **Commissioner Herbst made a motion to approve Z2009-010, a request by Lynette**
Coughlin for approval of a zoning change from (NS) Neighborhood Services district to
(GR) General Retail district on a tract known as Block 80A, B F Boydston Addition,
56 **being approximately 0.74-acre and located at 603 South Goliad.**

2 Commissioner Lowry seconded the motion.

4 It was voted on and passed 7 to 0.

6 Z2009-011

8 Hold a public hearing and consider a request from Ricardo and Immaculate "Macky" Refuerzo
10 of Rockwall Adult Day Services for approval of a Specific Use Permit (SUP) to allow for a
12 Daycare on a 2.0-acre tract zoned (Ag) Agricultural district and described as Lot 1, DeWoody
Addition, located at 3011 North Goliad (immediately north of the Children's Lighthouse
daycare that is under construction), and take any action necessary.

14 Hampton stated that the applicants have submitted a Specific Use Permit (SUP) application
16 to allow for an adult daycare facility at the existing structure at 3011 North Goliad. The City's Unified
18 Development Code requires an SUP for a daycare for seven (7) or more children or adults in the
20 Agricultural district and all residential districts. The applicant has indicated that the facility will be
designed to accommodate up to 25-30 clients between the hours of 7:00 am and 6:00 pm only, no
overnight use. The site is immediately adjacent to the Children's Lighthouse facility that is under
construction at 3009 North Goliad.

22 To staff's knowledge, the home is presently vacant and the applicants have a contract to
24 purchase it and convert to the non-residential use, contingent on approval of the SUP. The applicant
has plans to install a fire sprinkler system and other life safety measures to bring the existing home
into compliance with City and State building codes. There are no plans for expansion or significant
exterior modifications to the building; however, the change in use would require construction of
driveways, firelane and parking in accordance with City specifications. Utility improvements such as
extension of water/sewer facilities and a fire hydrant(s) may also be required.

28 The applicant has submitted a preliminary concept plan to aid the Commission and City
30 Council in their decision. There are two existing driveways into the property from SH 205 (N Goliad),
but it is likely that TXDOT and/or the City's engineering department would only allow for one under
today's standards. Adequate pick-up/drop-off space and a minimum of one (1) parking space per 300-
sf is required for daycare use, requiring a minimum of nine (9) parking spaces for the 2500-sf
structure. The concept plan as drawn would need to be revised, but in an effort to avoid significant
upfront costs, the applicant has indicated they are seeking approval of the SUP that would allow the
land use prior to contracting with an engineer or architect to develop those plans.

38 As discussed at the P&Z work session, there does appear to be adequate open land in the
40 rear of the home to accommodate the necessary parking, and room for a drive aisle to circulate
around the front of the building depending on where the final driveway location would be. More
importantly, there appears to be sufficient area so as not to require disturbance of the existing creek
and tree areas in the rear half of the lot. The applicant indicated it is their desire to preserve this area
as an amenity for their clients. This natural area also would help buffer the use from the residential
uses to the north and west of the property.

46 The Commission also discussed the existing barn and driveway on the rear part of the
48 property (west of the creek) that is access from Quail Run Rd. The applicant has not yet indicated
their proposed plans for this structure.

50 The lot remains agriculturally zoned, and the single-family structure is technically a legal,
52 nonconforming use. As the Commission and Council are aware, there have been several commercial
developments commenced in the "North Lakeshore Valley" project and along North Goliad in general.
54 While not part of the PD-65 zoning request several years ago, it is arguable that the subject property
warrants similar consideration given the increased traffic on SH 205 and its potentially reduced
56 viability as a residential use. The approval of the SUP would allow only for the daycare use, though
staff would anticipate other rezoning requests for the property if the SUP were denied. The proposed
use also minimizes the impact to the site such as the existing trees and creek area, which in its

2 natural state provides a better and more logical boundary between the "commercial" and residential
4 zoning than the current boundary between the subject site and the Children's Lighthouse
development.

6 Staff would recommend that if the SUP were approved a more detailed site plan be submitted
8 in the future and approved by the Planning and Zoning Commission prior to issuance of any building
permit(s).

10 Notices were mailed to 17 property owners within 200-ft of the subject property, and at this
12 time staff has received five (5) total responses "in opposition." The amount of opposition appears to
be 19.1% of the notice area at this time. If opposition were to exceeding 20% of the notice area, a 3/4
14 vote of all eligible members of City Council would be required for approval.

16 If request is approved, staff would offer the following conditions:

- 18 1. Submittal and approval of a detailed site plan by the Planning and Zoning
Commission required prior to issuance of any building permit(s) for the daycare.
- 20 2. Adherence to all engineering and fire department requirements.
- 22 3. The existing creek and tree cover along the north and west portions of the subject
site shall be preserved to the extent possible and shall serve as a buffer between the
proposed daycare use and adjacent single-family residential uses. A tree
24 preservation plan shall be reviewed with the site plan and approved by the Planning
and Zoning Commission.
- 26 4. Minimum 20-ft landscape buffer required along SH 205, exclusive of any required
ROW dedication, with plantings meeting the N SH 205 Overlay district requirements.

28 Milner inquired, if this SUP was denied, what else could come in on this property. Hampton
stated what other uses are permitted in the AG zoning. He gave an example of an animal boarding
30 facility or an animal clinic would be a permitted use of this property, subject to meeting the code
requirements.

32 Hunter inquired what the property that was not labeled on the location map to the north is
zoned. Hampton stated that the immediate property to the north is zoned as Single Family Estate,
34 and the property north of that is zoned SF-16. Both of these were rezoned within the past 10 years or
so to accommodate new home construction. There are two older homes further to the north that are
36 also zoned (AG) Agriculture like the subject property. Hunter inquired about the zoning going north on
SH 205 and whether the future use would be residential or commercial. Hampton discussed the
38 property across from the YMCA that was rezoned to PD/Residential-Office, as well as the recent
developments in North Lakeshore Valley just south of the subject site. Hampton stated that on the
40 thoroughfare plan SH 205 is designated as a 6-lane road, and discussed the close proximity of the
existing road to this thoroughfare. He stated it is arguable that residential use does not make sense
42 for the future.

44 Hunter inquired whether the access to this property off of Quail Run has been established.
Hampton stated that it would probably be cost prohibitive to make Quail Run a point of access. He
46 further stated that the applicant has not stated any desire to do that. Hunter inquired whether a
condition could be put into the recommendation stating that there can be no entry off the rear of that
48 property to Quail Run. LaCroix stated that is a restriction that would be placed on the land and he
would be hesitant to do that in this case because the applicants are not the owners of the property.

50 Hunter inquired if there have been any studies that have looked at adult daycares and what
52 the impact is on the neighborhood and property values that surround them. LaCroix stated there may
be information regarding what impact a daycare has on a neighborhood, but not an adult daycare.
54 He stated that the impact would be noise and traffic. There was discussion regarding the buffering
between this property and the children's daycare located just south on SH 205 to protect the
56 residential area in this area. LaCroix stated that there could be a requirement that the landscape
buffer, the creek area, be left as it is as a natural buffer to the residential area.

2 Lowry stated that a precedent has been established for the use of the land and that this is
4 going to have a positive impact on the community and it will be offering a service to the community.
6 He stated that arguably this is a benefit to the citizens.

8 Bricker inquired whether we could limit the hours of operation. LaCroix stated yes.

10 Hampton read from the Unified Development Code, that a daycare use and other institutional
12 uses are compatible in the City's residential districts. Bricker stated that he believes there have been
studies saying that it is not detrimental to the surrounding property values to have a daycare present.

14 Immaculate Refuerzo, applicant, 4519 Grantham Drive, Garland, Texas 75043, was present
16 to answer questions and seek approval. She stated that she and her husband are both registered
nurses. She stated the adult daycare is a service that is needed and will help the community. She
18 further stated that they have no desire to change the property except for what the city and state
require, which are the driveway, the parking lot and whatever else may be needed. She stated her
clients will be 65 and older. She stated they are quieter than children. She stated that they want to
develop the backyard to have a park-like atmosphere. She stated she wants to stress that this is not a
20 nursing home and they are limiting their hours to what other adult daycares are doing.

22 Hunter asked how many employees will be working at the facility. Mrs. Refuerzo stated three
(3) initially and that they plan on being able to take care of a maximum of 30 adults. She stated, at the
24 beginning, there would be one (1) caregiver, one (1) cook and one (1) activity director. She stated the
things they would like to do in the backyard are add benches, add more lights and repair the fence.

26 Davis inquired whether there would be any adults that might be suffering from memory loss
28 or confusion. Mrs. Refuerzo stated there would be no mental or physical problems with any her
clients. Herbst inquired what other facilities are around the Dallas area that provides the same
30 service. He inquired whether she has had experience running a business such as this one. Mrs.
Refuerzo stated they do not have experience running a business, and then she gave her and her
32 husband's background and experience. Herbst inquired whether these facilities are typically located
in residential areas. Mr. Refuerzo indicated they are usually near residential areas.

34 Herbst inquired whether the Department of Licensing and Disability Services has a maximum
36 size they can have for this type of business. Mrs. Refuerzo stated that they require 40-sf of living
space per person not including the kitchen area, restroom and office. She stated that the most they
38 can have at this facility is 40-50. She stated the requirement of staff per person is one 1 to 8. She
stated that they plan to have one (1) staff member to every six (6) clients.

40 Bricker opened the public hearing at 7:02 pm.

42 Janice and Troy Clark (3025 N. Goliad). Mr. Clark stated that they are just north of this
44 property. He stated that they are concerned about what this will do to the value of their property. He
stated he will have an undue amount of new neighbors that will have a clear line of sight into his
46 backyard. He stated that he is concerned about the noise level and the addition of new lights. Mr.
Troy stated that their vision is that homes in Rockwall will be maintained. He stated that is why they
48 chose their property. He further stated that he would like to go back and fight the daycare two doors
down. Mrs. Troy stated that part of the reason she purchased her property is because their backyard
50 is also park-like. Mr. Clark stated that there is a slippery slope with this zoning that anything could go
on that property. Mr. Clark stated that he is concerned about the noise, the parking and the traffic.

52 Hunter inquired whether there are only trees separating the property. Mr. Clark stated that
54 there is a 3-ft barbed wire fence that divides the property. He stated he has a fence around his pool
and down the alley. Hunter inquired of Mr. Clark what his vision is for the property to the south of him.
56 Mr. Clark stated he would like to see it remain residential. Mrs. Clark stated that they never received a

2 public notice regarding the child daycare because it is only required to be sent out to the properties
4 within 200-ft.

6 Stephen Mullet (1844 Oak Bend) stated that his concern is about the value of his home. He
8 stated that he is concerned if this does not work as a business, then this is still going to be a
10 commercial property. He gave the logistics of the house and the elevations of the property. He further
12 stated his concern regarding the number of elderly people who could possibly be residing during the
14 day at that property.

16 LaCroix clarified that this is not commercial property. He stated it is zoned agricultural.
18 LaCroix further stated the only use that is being requested is for daycare, and that the zoning would
20 stay Ag. He stated that no other commercial business could come in. He stated that they cannot alter
22 the business and make it something else.

24 Lanty Dean (216 West Quail Run Road) stated his concern is the number of people that they
26 expect to be able to house in that home. He stated that he has some anxiety about them handling
28 that many people and the traffic that would come with it. He stated he also has concerns about the
30 rear access to Quail Run. He asked for confirmation from LaCroix that if this business did not prevail
then the use would be withdrawn and another company would have to start from the beginning.
LaCroix stated that is correct.

32 LaCroix stated that if this case goes to City Council, we will be requesting to provide a copy
34 of state requirements regarding the number of people allowed for the size of the house.

36 Mrs. Refuerzo clarified that her clients will not be outside all of the time. She stated that they
38 would consider their neighbors' concerns. She stated that they will only be open Monday through
Friday, no holidays and no weekends. She stated they would like to reinforce the fence for safety
purposes. She stated that she does not know about the traffic yet, but they will be respectful of their
neighbors.

42 Lowry stated that there are measures to protect the public from noise issues and nuisances.
44 Davis stated that the biggest thing we face today is that the baby boomers are getting older. She
46 stated there are adults who cannot drive themselves to the places they want to go. She further stated
48 that she does not think there is going to be a noise issue. She stated the state has regulations with
respect to how many clients a facility of this nature can care for. She stated that a provision can be
included to check in on this in a year and make sure that there are no violations.

50 With no further public comment, the public hearing was closed at 7:39 pm

52 Hunter stated that this area has gone through a lot of change in the past years. He stated that
54 the existing property owners are taken into consideration when changes have been approved in the
past. He stated if we can do a buffer and put in a review period then he would not oppose this. He
stated that he is not sure that this use would cause any more traffic than any other use.

56 Buchanan stated he has concerns about non-residential use encroaching upon residential
use. He stated he has concerns regarding property values, ingress/ egress, safety and volume of the
traffic coming on and off SH205.

Milner stated that geriatric care is the biggest growing business in this country. He stated that
there are numerous choices out there other than a nursing home. He stated that it is a welcome to a
person of his generation to have some place to take an elderly person for the day and give the
caretaker a break during the day. He stated that he is pleased that the applicant did not try to take up
a high concrete area. They will not feel trapped. They have room to move around. He stated that
there is not going to be a lot of activity outside. He stated that this facility is taking good use of the
land, and will blend better with the neighborhood than any other use. He stated that he understands

the opposition and understands that people are trying to protect their property values, but stated that times are changing and this area is changing.

Bricker inquired of LaCroix whether we can change the SUP from stating simply a daycare center to a senior daycare center. LaCroix stated that we do not have an SUP for that. He stated we may be able to put in a condition that it only be utilized as an adult daycare center. He stated that if they wanted to change the use, they would have to come back in for a review. Bricker stated he is concerned about what this could become in the future.

Bricker stated that the Planning and Zoning Commission is responsible for finding the best use of the property and to consider those around the property and not interfere with their property rights. Bricker further stated that, to address the privacy issue, the privacy fencing is always the responsibility of the property owner. He stated that if this goes forward, he would limit the hours of operation so there will be no need for additional lighting in the backyard.

Bricker asked if we have the ability to eliminate a connection to Quail Run and to keep the trees for the barrier and keep the creek. LaCroix stated that is conditioned in the SUP. Bricker stated that if the motion was done properly, he will support this. LaCroix stated that a condition should be included in the motion stating that the City Council reserves the right to review this SUP on an annual basis, if they choose, to ensure that these conditions are being met.

Commissioner Davis made a motion to approve Z2009-011, a request by from Ricardo and Immaculate "Macky" Refuerzo of Rockwall Adult Day Services for approval of a Specific Use Permit (SUP) to allow for a Daycare on a 2.0-acre tract zoned (Ag) Agricultural district and described as Lot 1, DeWoody Addition, located at 3011 North Goliad (immediately north of the Children's Lighthouse daycare that is under construction), with staff recommendations and the following additional conditions:

- 1) The facility shall only be used as an adult/senior daycare (i.e. not a children's daycare).**
- 2) The hours of operation shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday.**
- 3) The City Council reserves the right to review the SUP granted herein upon the expiration of one (1) year from the date hereof.**

Commissioner Milner seconded the motion.

It was voted on and passed 6 to 1. (Buchanan opposed)

*A recess was taken at 7:44 pm.
Meeting reconvened at 7:55 pm.*

SITE PLANS / PLATS

SP2009-004

Discuss and consider a request by Travis Bousquet of The Bousquet Group, Inc., for approval of a site plan for a 10,000-sf medical office development located on part of Lot 1, Block A, Quail Run Retail Addition, being 1.2337-acres zoned (PD-5) Planned Development No. 5 district and situated within the North SH 205 Overlay District, located at the southeast corner of SH 205 and Quail Run Rd, and take any action necessary.

Spencer stated that the site plan submitted by the applicant is for a 10,000-sf medical office/retail development. The subject site is part of a larger development known as Quail Run Retail. The site will be accessed via two (2) proposed mutual access drives from Quail Run Road. The off-site access drive is required to be installed as part of this development.

2 The medical office building requires fifty (50) parking spaces at a ratio of one (1) parking
4 space for every 200 sq. ft. The applicant is exceeding city requirements by proposing to install fifty-
three (53) parking spaces.

6 All storm water detention is proposed to be contained in the reconstructed regional detention
8 pond located along the site's south property line. The reconstruction of the detention pond will
require Engineering Plan review and approval.

10 The applicant is proposing to install five (5) large canopy trees and seven (7) accent trees
12 along SH 205 in an effort to comply with the North SH 205 Overlay district. In addition to the buffer
along SH 205 the applicant is meeting the buffer requirements along Quail Run Road by proposing
14 three (3) canopy trees and six (6) accent trees.

16 The final tree survey done in conjunction with the final plat for the 11.3-acre site (know as
Quail Run Retail) indicates a required tree mitigation balance of 548.25-inches. The subject property,
18 a 1.2337-acre site, is responsible for 59.8-inches of the outstanding tree mitigation balance. The
applicant is proposing to install 42-inches of on-site tree mitigation, leaving a balance of 17.8-inches.

20 The remaining 10-acres of Quail Run Retail have an outstanding tree mitigation balance of
488.5-inches. Drainage and storm water requirements dictate that the property owner redesign and
22 construct the existing detention pond in conjunction with the development of the medical office
building. The property owner is meeting the city landscape requirement for detention ponds (one tree
24 for every 750-sf of detention area) by proposing to install fifty-eight (58) 3-inch trees. Staff is
recommended that the Commission allow the detention pond trees (174-inches) to be credited toward
26 the outstanding tree mitigation balance for the site. This would leave a tree mitigation balance of
314.5-inches to be addressed in a Developer's Agreement. The Developer's Agreement is required to
28 be submitted and approved by the City Council in conjunction with the replat. Staff will be
recommending to the City Council that the Developer's Agreement require that the property owner
30 mitigate the entire balance of tree mitigation (314.5-inches) in conjunction with the next phase of
development for the remaining 10-acres.

32 The proposed building is a 24' high single-story building, with a 30' high architectural tower,
34 constructed primarily of Nicotine Native Stone, Burnished CMU, Stucco, EIFS cornices, and a
standing seam metal roof. Staff feels that the revised elevations as submitted meet the requirements
36 of the Unified Development Code and have addressed the issues of four-sided architecture and
horizontal articulation on the rear facade.

38 All exterior lighting shall be a maximum of 20' in height (including the base) and shall be
40 directed downward with a maximum 1" reveal. The photometric plan submitted for the project appears
to meet City requirements in that anticipated light levels do not exceed 0.2-FC at the property lines.

42 All exterior signage, both wall and ground mounted, requires submittal and approval of
44 separate sign permits by the City of Rockwall Code Enforcement Department.

46 Staff Recommends approval of the request subject to the following conditions:

- 48 1. Adherence to all Engineering and Fire Department Standards.
- 50 2. Submittal and approval of a Developer's Agreement in conjunction with the replat.
 - 52 a. Developer's Agreement to address any outstanding Tree Mitigation and
Detention/Drainage Improvement for the remaining 10.04-acres.
 - 54 b. Developer's Agreement to address required buffer trees (five (5) 3" caliper
trees) along off-site access drive adjacent to Quail Run.
- 56 3. Applicant work with the owner of the detention pond and place two-(2) accent trees in
or around the detention pond adjacent to SH 205 to mitigate the remaining 17.8-
inches of on-site tree mitigation.
4. Removal of wheel stops on all 18' parking spaces.

2 Hunter asked for clarification on the location of the detention pond. Spencer stated where the
4 detention pond is and went on to explain how the detention pond will be constructed. Spencer
6 explained it only needs to be big enough for the existing CVS and the proposed dental office and
8 what will happen in the future when the remaining lots develop.

10 Davis inquired whether the building is going to look like the exhibit or will it change. Spencer
12 stated what could possibly change on the building that is different from the exhibit. Spencer stated
14 that the overall architecture and elevations will not change without having to come back before the
16 Planning and Zoning Commission. Spencer explained how the colors tie into the existing CVS and
18 Walgreens located at the same corner.

20 Davis inquired if, after this structure is built, there will be enough room on the property to build
22 another structure. Spencer stated, yes, there is 10 acres of land left for the owners to bring in other
24 developments.

26 Travis Bousquet, (The Bousquet Group), 8761 Westin Lane, Argyle, was present to answer
28 questions. Mr. Bousquet stated he has been talking to staff about the conditions and the detention
30 pond. Mr. Bousquet discussed the landscaping and tree mitigation and stated that he will adhere to all
32 the conditions that the staff is recommending. He stated that 6000-sf is going to be occupied by a
34 dentist and his wife who is a doctor.

36 **Commissioner Milner made a motion to approve SP2009-004, a request by Travis
38 Bousquet of The Bousquet Group, Inc., for approval of a site plan for a 10,000-sf
40 medical office development located on part of Lot 1, Block A, Quail Run Retail
42 Addition, being 1.2337-acres zoned (PD-5) Planned Development No. 5 district and
44 situated within the North SH 205 Overlay District, located at the southeast corner of SH
46 205 and Quail Run Rd, with the amended staff recommendations.**

48 **Commissioner Herbst seconded the motion.**

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

52 **SP2009-005**

54 **Discuss and consider a request by William Stueber of CPH Engineers for approval of a site
56 plan for a 17,398-sf retail development located on Lot 6, Block 1, Rockwall Centre Corners
Addition, being 2.506-acres zoned (C) Commercial district and situated within the IH-30
Overlay District, SH 205 Overlay District and the SH 276 Overlay District, located along the
east side of SH 205 south of IH-30 and north of SH 276, and take any action necessary.**

Spencer stated that the applicant, William Stueber, has submitted a proposed site plan for a
retail/office development. The proposed site plan proposes two buildings, totaling over 17,300-sf.
Both buildings one and two are proposed to be office, retail and restaurant uses. The site is accessed
from SH 205 via one existing drive on lot 6. The proposed site will have access to I-30, SH 276 and
the rest of the Centre Corners development through an existing network of mutual access drives.

The applicant is proposing 17,398-sq. ft. of retail (one parking space for every 250-sf)
requiring 70 parking spaces. The applicant is exceeding city requirements by proposing 111 parking
spaces. The additional parking spaces would permit the applicant the flexibility to increase the square
footage of restaurant usage or medical office usage as dictated by the market.

Throughout the site plan review process, general engineering and fire department comments
have been forwarded to the applicant. Detailed engineering plans must be submitted and approved
prior to approval of a final plat or replat of the property. Many of the required site improvements were
previously installed in conjunction with the CostCo. development.

2 The applicant has not submitted any details for the dumpster screen. Staff is recommending
4 that the applicant submit the details for review and approval by staff. The dumpster screen is required
to be a minimum 8' in height and be constructed of the primary materials found on the building(s).

6 The applicant has submitted elevations for both buildings one and two. Buildings one and two
are proposed to have a maximum height of 30' and be constructed out of natural stone, brick and
8 stucco. The building as submitted meets the requirements of the SH 205 Overlay and all other
applicable sections of the Unified Development Code.

10 The applicant is proposing a 20' separation between buildings one and two. This would allow
12 for a courtyard setting with outdoor dining for the end lease spaces of both buildings. In an effort to
comply with the four-sided architecture requirement and frame the entrances of the courtyard the
14 applicant has incorporated a stone wall and arched entry way on both the west and east elevations.
The architect has also incorporated proposed 5'x5' planter boxes at both interior corners of buildings
16 one and two.

18 The photometric plan submitted for the project exceeds City requirements in that anticipated
light levels are well beyond the allowable 0.2-FC at the property lines. Staff is recommending that the
20 applicant redesign the lighting plan in an effort to come into compliance with the City of Rockwall
lighting standards. Staff feels that the lighting plan could be brought into compliance with the
22 introduction of lighting fixture shields similar to those currently found on the CostCo parking lot
lighting. In conjunction with the lighting plan the applicant also needs to submit the cut-sheets for all
24 exterior lighting fixtures (wall and pole mounted). The maximum mounting height for all exterior
lighting is 30-ft in the I-30 Overlay district, and all fixtures must be full or partial cut-off as defined in
26 the Unified Development Code.

28 The applicant is proposing to install fifteen (15) large canopy trees, eighteen (18) accent trees
and a row of shrubs in the landscape buffer along SH 205. In addition to the buffer along SH 205 the
30 applicant is proposing to install eleven (11) large canopy trees in the development's rear parking
area. As currently submitted the landscape plan meets all the requirements of the Unified
32 Development Code.

34 On 5/26/09 the Architectural Review Board recommended approval of the site plan subject to
additional architectural elements be added the rear façade of both buildings in an effort to comply with
36 the 4-side architecture requirements of the SH 205 Overlay District.

38 Staff Recommends approval of the request with the following conditions:

- 40 1. Adherence to all Engineering and Fire Department Standards.
- 42 2. All mechanical equipment, both roof-top and ground mounted, shall be screened
from adjacent properties and rights-of-ways.
- 44 3. Removal of General Plan Façade Note "This façade plan is for conceptual purposes
only. All building plans require review and approval of the Building Inspection
Department" from elevations.
- 46 4. The applicant redesign and resubmit the lighting plan in an effort to come into
compliance with the City of Rockwall lighting standards. Once the lighting plan is in
48 compliance with City of Rockwall lighting standards, staff will approve the amended
lighting plan.
- 50 5. Submittal of cut-sheets for all exterior lighting fixtures (wall and pole mounted). The
parking lot light fixtures should match those used in the Cost Co development.
- 52 6. The applicant to submit dumpster screen details for review and approval by staff.

54 Bill Stueber, applicant, (CPH Engineers) 9310 Seagrove Drive, described the lighting that he
is proposing to use along SH 205.

56 Bret Flory, (Cross Architects) 1255 West 15th Street, Plano, Texas stated he can answer any
questions the Commission may have.

Herbst stated he likes the front of the building. He stated the back of the building is okay. He stated he would like to see faux windows at street level on the back of the building. LaCroix stated he agrees that that would make the rear of the building look nicer. Mr. Stueber stated that the rear doors may shift depending upon what businesses actually go in. There was discussion between Mr. Stueber, Mr. Flory and LaCroix regarding the feasibility of putting in faux windows and a few doors on the rear of the building to give it a nicer appearance. Mr. Stueber stated that he would like to look at signage first before looking into doors or windows.

Davis stated she is concerned about the back of the building facing CostCo. Davis stated if signs are going to go on the back of the building, she would like them to be quality signs and not just stick on signs. Mr. Stueber stated that it is very important to have the front of the building facing 205.

Bricker stated he does not like the setup. He stated that the actual building is going to be a lot flatter than the rendering would appear. Bricker stated he does not understand the back of the building facing potential customers that are parked in CostCo. He further stated that maybe something could be done with the archway that states that it is an entryway to this new building. Bricker further stated that it is a big improvement from what they had at the last meeting, but he still is not satisfied with the rear of the building.

Bricker asked whether there could be signage on the back of the building with lighting to make it look nicer and draw attention to the fact that it is retail. Mr. Stueber stated that he could come in with something nicer. Mr. Flory stated that they can continue the decorative sconces and lighting and signage in the back to make it look nicer and more uniform.

There was further discussion by Mr. Stueber, Milner, and Davis about how to make the entryway more inviting. Davis inquired about making the sidewalk along the back of the building wider. Mr. Stueber stated it is 5ft now. He stated he may be able to make it wider to make it look more appealing. Bricker inquired whether it would be a better idea to widen the sidewalk or put a 2-ft area to plant alongside the existing sidewalk. Mr. Stueber stated that becomes a maintenance issue. He stated that no matter what you do, those never continue to look nice.

LaCroix stated he thinks it looks good. He stated he likes the entrance. He further stated that the sconces and lighting on the building can be brought around to the rear and some quality signage on the rear of the building would make it really look good. LaCroix stated a wider sidewalk would also make it more appealing.

Herbst stated he is in favor of this with the amendments and recommendations.

Commissioner Davis made a motion to approve SP2009-005, a request by William Stueber of CPH Engineers for approval of a site plan for a 17,398-sf retail development located on Lot 6, Block 1, Rockwall Centre Corners Addition, being 2.506-acres zoned (C) Commercial district and situated within the IH-30 Overlay District, SH 205 Overlay District and the SH 276 Overlay District, located along the east side of SH 205 south of IH-30 and north of SH 276, with staff recommendations and the following additional conditions:

- 1. Placement of uniform tenant signage on rear building facade(s).**
- 2. Continuation of decorative wall sconces from front building facade(s) to rear building facade(s).**
- 3. Rear courtyard archway to be illuminated by accent lighting.**
- 4. Expansion of sidewalk adjacent to rear building facade(s).**

Commissioner Herbst seconded the motion.

It was voted on and passed 7 to 0.

2
4 **DISCUSSION ITEMS**

6 1. Planning Director's Report on the following Planning and Zoning Commission matters that have been recently acted on or initiated by City Council:

8 a. **Approved - Z2009-007: UDC Amendments**

LaCroix gave an update regarding the noise ordinance and other amendments.

10 b. **Approved - MIS2009-006: Special Exception Request – 162 Donald Dr (Larry Gray)**

12 LaCroix stated that Council decided on Hardi-Panels and Hardi-Skirting as the requirement. He stated that Council felt since there has not yet been zoning established in Lake Rockwall Estates this Special Exception could be granted.

14 c. **Initiated - Planned Development Zoning process for Lake Rockwall Estates area**

LaCroix gave an update on where the zoning process is for Lake Rockwall Estates.

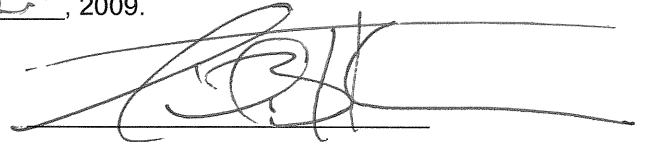
16 d. **Initiated - Amendment(s) to General Industrial District Standards**

18 LaCroix updated the Commission on what amendments they are considering making to the General Industrial District Standards.

20 **ADJOURNMENT**

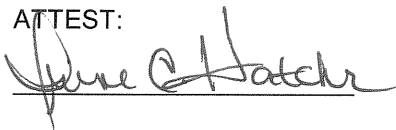
22 The meeting adjourned at 9:12 p.m.

24 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
ROCKWALL, Texas, this 30th day of June, 2009.

26
28 

Charles W. (Bill) Bricker, Chairman

30 ATTEST:

32 

**Minutes of
PLANNING AND ZONING COMMISSION PUBLIC HEARING
July 14, 2009**

CALL TO ORDER

The meeting was called to order by Bill Bricker at 6:00 p.m. with the following members present: Barry Buchanan, Lynn Davis, Dennis Lowry, Michael Hunter, Earl Milner and Philip Herbst.

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

PUBLIC HEARING ITEMS

P2009-014

Hold a public hearing and consider a request by Chad Hudson for approval of a residential replat of Lots 1-3, Block A, Independence Pass Addition, being 1.47-acres zoned (PD-8) Planned Development No. 8 district and situated along the west side of FM 740 (Ridge Rd) and at the south terminus of Independence Place, and take any action necessary.

Gonzales stated the applicant, Chad Hudson, has submitted a request for approval of a residential replat of Lots 1-3, Block A, Independence Pass Addition and creating a single lot, being 1.47 acres. The property is zoned PD-8 with an underlying zoning of SF-10 residential and complies with the current zoning. The property is located at 107 Independence Place, within the Chandlers Landing community. The 10-ft utility easement located on lot one (1) will be abandoned by this plat.

A residential replat requires notice to be mailed out to all property owners of the subdivision within 200 ft of the proposed property. In this case, the Independence Pass Subdivision includes three lots, all of which are owned by Chad Hudson; therefore, only one (1) notice is required to be mailed. At the time of this report, staff has received one (1) notice "in favor" of the residential replat request.

Staff recommends approval of the request with the following conditions:

1. Adherence to all Engineering requirements
2. Label cabinet and slide for Oncor easement, unless it is being dedicated by this plat
3. Label correct number of acres in title block, plat and owners certificate
4. Correct owners certificate with the current recorded plat information

Bricker inquired whether the width of the lot meets the requirements. Gonzales stated it does meet the requirements. Bricker inquired whether the HOA approved this. LaCroix stated that it did not have to go to the HOA because it is staying in SF-10 as a single-family residential lot.

The public hearing was opened at 6:05 p.m.

Harold Fetty, 6770 FM 1565, stated the easement that Oncor was creating is needed to serve the three (3) lots and that will remain. He stated the easement will be recorded through the plat. Mr. Fetty further stated that the other easement is not needed and will not remain.

Herbst inquired about the retaining wall on the property. Mr. Fetty described where the retaining wall is on the property and indicated that the applicant has no plans to build any part of his structure east of that wall and stated it can remain where it is.

With no further public comment, the public hearing was closed at 6:07 p.m.

Commissioner Herbst made a motion to approve P2009-014, a request by Chad Hudson for approval of a residential replat of Lots 1-3, Block A, Independence Pass Addition, being 1.47-acres zoned (PD-8) Planned Development No. 8 district and situated along the west side of FM 740 (Ridge Rd) and at the south terminus of Independence Place, with staff recommendations.

Commissioner Hunter seconded the motion.

It was voted on and passed 7 to 0.

Z2009-013

Hold a public hearing and consider a request by Renda Songer for approval of a Specific Use Permit (SUP) to allow for a "Hair Salon" within (PD-50) Planned Development No. 50 district on Lot 1, Block A, Henry Addition, being 0.17-acre and located at 907 N. Goliad.

Hampton stated that the applicant, Renda Songer, has submitted a request for approval of a Specific Use Permit (SUP) to allow for a "Hair Salon" within (PD-50) Planned Development No. 50 district, which is designated for (RO) Residential Office uses. The applicant has actually opened the business (Renda's Place) without a SUP or Certificate of Occupancy (CO).

The property owners, Henry and Misty Phillips, attended the Commission's work session on June 30th and stated that Ms. Songer has rented approximately 850-sf of the existing structure. There is approximately 225-sf remaining that is utilized as a separate office. A site plan and final plat were approved for the property's conversion to office use in 2007, and there are three (3) existing parking spaces accessed from a shared drive with the adjacent lot on 909 N. Goliad (also owned by the Phillips).

The City's parking requirement for the proposed arrangement is four (4) spaces for the salon and one for the office. The owner has received approval from the City Engineer's office to expand the existing parking lot on the property to provide a total of five (5) parking spaces, which would satisfy City specifications. With the additional spaces and the smaller size of the proposed hair salon, staff feels the SUP warrants consideration. Staff would stipulate that the hours of operation be limited in the same manner as the Mirror Mirror salon, which is located in the same PD-50 area. Restricting the hours from 8:00 am to 8:00 pm should minimize any interruptions to remaining residential properties in the vicinity, and also keeps the use consistent with a typical office use that would already be allowed on the property.

Notices were mailed to twenty-three (23) property owners within 200-ft of the site. At the time of this report, three (3) notices "in favor" of the request have been received.

Staff recommends approval subject to the following conditions:

1. Expansion of existing parking lot to at least five (5) parking spaces to be reviewed and approved by City Engineer prior to issuance of Certificate of Occupancy for the proposed hair salon.
2. The hours of operation shall be limited to between 8 a.m. to 8 p.m.
3. No parking will be allowed in the SH205 right of way or in front of the building.
4. The City Council reserves the right to review the Specific Use Permit granted herein upon the expiration of one (1) year from the date hereof.

Hunter asked for clarification on who is using which part of the house. Hampton stated that the hair salon will be using 850-sf for the salon use and the property owner will use the remainder of the building for her own use. Hampton went on to explain the parking changes that have been presented to the engineering department, which brings the parking into compliance.

The public hearing was opened at 6:15 p.m.

Henry Phillips, 2008 S. Lakeshore, and property owner of 907 and 909 North Goliad, requested approval of the SUP. Bricker asked Mr. Phillips whether he is confident that the engineering department is going to approve the parking. Mr. Phillips stated he is confident that the engineering department is going to approve the redesigned parking. Davis inquired of Mr. Phillips, if the time requirement is limited to 8 p.m., can that be met with the current business hours of operation. The applicant stated, yes, that requirement will not be a problem.

LaCroix stated it is two businesses using one parking lot. He stated that the Commission should put in a condition stating that it will be a single-chair salon. LaCroix stated the applicant can come back if they want to add more chairs to make sure the parking is adequate. After further discussion, the Commission agreed that the salon should be limited to two (2) chairs due to the parking limitation.

Bricker asked Mr. Phillips if there would be a problem with limiting the salon to two (2) chairs. Mr. Phillips stated that that would not be an issue.

With no further public comment, the public hearing was closed at 6:20 p.m.

Commissioner Hunter made a motion to approve Z2009-013, a request by Renda Songer for approval of a Specific Use Permit (SUP) to allow for a "Hair Salon" within (PD-50) Planned Development No. 50 district on Lot 1, Block A, Henry Addition, being 0.17-acre and located at 907 N. Goliad, with staff recommendation of limiting the salon to having only two (2) chairs, with staff recommendations and the additional condition that the hair salon be limited to two (2) chairs.

Commissioner Herbst seconded the motion.

It was voted on and passed 7 to 0.

Z2009-014

Hold a public hearing and consider a request by David and Barbara Powell for approval of a Specific Use Permit (SUP) to allow for a "Utility Installation, Other Than Listed," specifically the installation of solar panels on the roof of their home located at 606 Shoreview, being Lot 2, Block D, Stonebridge Meadows #1 Addition and zoned (SF-10) Single Family Residential district, and take any action necessary.

Hampton stated that the applicant has submitted a request for approval of a Specific Use Permit (SUP) to allow for a "Utility Installation, Other Than Listed," specifically twenty-two (22) solar panels on the roof of their home at 606 Shoreview Drive.

The applicant has submitted a letter explaining the request and additional information regarding the specifications for the equipment, the anticipated energy production (i.e. reduction of electric grid energy consumption), and several illustrations of how the panels would be affixed to the roof. To maximize the exposure to the sun, the applicant is proposing to install all 22 panels on the south-facing roof, which is also the front roof of the home facing Shoreview Drive. However, as discussed at the Commission's work session on June 30th and illustrated with many pictures taken by staff and the applicant, the front roof of the home is largely screened by the existing mature vegetation at the applicant's home and neighboring properties.

In staff's opinion, the applicant's request is worthy of consideration given his goal of reduction of energy consumption and the presence of adequate screening to minimize any visibility of the proposed solar panels from the street and/or neighboring properties. Ultimately, we feel this type of request is a judgment call for P&Z and Council until such time any specific guidelines are adopted for solar power facilities. It should be noted that SUPs have been approved for two (2) similar requests to install wind turbines (one small residential application on FM 549 and one larger commercial facility on Sids Rd).

2
3 Notices were mailed to 21 property owners within 200-ft of the subject property, and thus far
4 staff has received two (2) notice "in favor" and one (1) notice "in opposition."

5 If the request is approved, staff would recommend the following conditions:

- 6 1. A maximum of twenty-two (22) solar panels shall be attached to the roof as shown on the
7 elevations attached as Exhibit "A."
8 2. All mechanical equipment (e.g. Inverter box) and batteries shall be completely screened
9 from adjacent right-of-ways and properties.
10 3. The solar panel equipment shall be the Schüco 180-Watt system with the physical
11 specifications as submitted by the applicant.
12

13 Hunter asked if these panels are damaged, would the applicant have to come back before
14 the commission before they could be repaired. Hunter also inquired whether the commission is being
15 asked to approve the company providing the panels or just the size and the number of panels.
16 Hampton stated it is not the brand that is being approved. He stated that it is the specific wattage and
17 specific size of the panels that are being asked to be approved. Hunter inquired whether the
18 connector panels are going to be on top of the roof and visible or if they will be installed under the
19 roof.
20

21 Buchanan inquired whether there is a picture showing what the view is from directly across
22 the street. Hampton presented the requested photographs. Buchanan inquired whether there will be
23 any glare from across the street when the leaves are no longer on the trees.
24

25 Dave Powell, 606 Shoreview and Tom Stumpf (Standard Renewable Energy) stated they are
26 all tempered glass covers. Mr. Stumpf stated that the whole purpose of the solar panels is to absorb
27 the light and not reflect it. He stated that there will be no obstruction or glare that would impact the
28 neighbors. Mr. Stumpf further stated that they are all going to be separate panels, but will be
29 connected by wiring. Mr. Stumpf stated that if there are any wires visible, it will be minimal. He stated
30 that the panels are going to be secured with clips. Mr. Powell stated that there are no batteries. He
31 stated that the panels are on a grid.
32

33 Davis stated that there will be wires running across the roof to connect the panels. She stated
34 that the applicant's Bartlett Pear trees are going to lose leaves and could die and she wanted to make
35 sure that there will be no glare. Mr. Stumpf stated there will not be any glare at all due to the angle of
36 the applicant's roof. Davis inquired whether there will be a humming sound associated with the
37 panels. Mr. Stumpf stated that if there was any hum whatsoever, you would have to be standing
38 directly next to the panels in order to hear anything.
39

40 Davis inquired what maintenance will be done on the panels to keep them looking good. Mr.
41 Stumpf stated the only maintenance needed is spraying the panels off with a hose occasionally to get
42 any dust or pollen off of the panels.
43

44 Hunter inquired where the inverter box is going to be. Mr. Powell stated the inverter box will
45 be located in the garage. Hunter inquired whether the number of panels that Mr. Powell is going to
46 install is the maximum number that could be installed. Mr. Powell stated no. Buchanan asked if the
47 roof would have to be supported in any way to support the panels themselves. Mr. Stumpf stated if
48 the roof is strong enough to be walked on it is strong enough to hold the panels due to the distribution
49 of weight in the panels themselves.
50

51 Mr. Powell inquired whether we could get an ordinance for a more straightforward approach
52 to install solar panels.
53

54 The public hearing was opened at 6:45 p.m.
55

56 With no public comment, the public hearing was closed 6:46 p.m.

2
4 Bricker stated he is speaking for himself and not for the entire commission and stated that he
6 feels the job of the Planning and Zoning Commission is not to decide the cost effectiveness or
8 payback of something. He stated that the Commission's job is to decide whether a structure, an
10 attachment, a building change or whatever is being requested is not opposed by the neighbors and
12 that it does not cause any other problem. Bricker inquired whether we should put in a clause stating
14 that the panels should be in good repair or they would have to be taken down. Hunter inquired who
16 would be responsible, from the City's point of view, for keeping up with the maintenance. LaCroix
stated that there is a property maintenance code, but stated that it would be hard to regulate whether
it is unsightly. There was further discussion regarding regulating the functionality and the appearance
of the panels. LaCroix stated that there would have to be something written into the SUP regarding
unsightly appearance or something to that effect. Hunter stated that he is in favor of the panels, but
as we go forward, there has to be something specific to brands and number of panels that should be
taken into consideration.

18 Lowry stated that permits can be granted and can also be revoked. LaCroix stated if it was
20 determined that the panels were creating a nuisance then that can be written into the SUP and then
that can be revoked.

22 Milner inquired whether there can be something added regarding the specific brand or that it
should be equal or equivalent to what is installed.

24 **Commissioner Buchanan made a motion to approve Z2009-014, a request by David**
26 **and Barbara Powell for approval of a Specific Use Permit (SUP) to allow for a "Utility**
28 **Installation, Other Than Listed," specifically the installation of solar panels on the roof**
30 **of their home located at 606 Shoreview, being Lot 2, Block D, Stonebridge Meadows #1**
32 **Addition and zoned (SF-10) Single Family Residential district, with staff**
34 **recommendations.**

36 Davis stated that since this is being issued as an SUP, we should write in it that it is reviewed
38 in one year to make sure that it is all going okay. LaCroix stated that we do not normally make
it mandatory, but stated that Council can review any time they want to. Bricker stated that he
understands why that is being requested, but he does not want to leave Mr. Powell open to
possibly having to take them down in one year.

40 Hunter clarified whether we are approving the manufacturer or the quality of the solar panels.
42 Hampton stated that we are not looking for a specific manufacturer, but rather a control of the
size, shape and power. Hunter stated that he is not in favor of applying a review in this case.
He stated that if anyone were going to speak out against this case, they would be speaking out
now.

44 **Commissioner Hunter seconded the motion.**

46 Bricker stated that there are two issues that need to be addressed and taken to Council. He
48 stated that we do not have an engineer's certificate to prove that this roof is going to support
the panels. He stated that in future cases, there should be an engineer's certificate stating that
the roof is going to support the panels. The second thing is to deal with the wiring and how it is
connected from panel to panel and attached to the house.

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

52 **DISCUSSION ITEMS**

- 54
- 56 • Planning Director's Report on the following Planning and Zoning Commission matters that have
been recently acted on by City Council:
 - a) **Z2009-009: Accessory Building SUP – 3815 Pinebluff**

LaCroix gave an update and stated that this case was approved by Council.

b) **Z2009-010**: Zoning Change, NS to GR – 603 S. Goliad

LaCroix gave an update and stated that this case was approved by Council.

c) **Z2009-011**: Adult Daycare SUP – 3011 N. Goliad

LaCroix gave an update and stated that this case was denied by Council. He stated that Council did not necessarily disagree with the use but did not like the location.

ADJOURNMENT

The meeting adjourned at 7:03 p.m.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
ROCKWALL, Texas, this ____ day of _____, 2009.

Charles W. (Bill) Bricker, Chairman

ATTEST:

**Minutes of
PLANNING AND ZONING COMMISSION WORK SESSION
July 28, 2009**

CALL TO ORDER

The meeting was called to order by Bill Bricker at 6:01 p.m. with the following members present: Barry Buchanan, Lynn Davis, Michael Hunter, Earl Milner and Philip Herbst. Dennis Lowry was absent.

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

Tony Hayes and Kristen Minth, newly appointed members, were also present.

1. *Approval of Minutes for June 30, 2009 Planning and Zoning Commission meeting*

Milner made a motion to approve the minutes from June 30, 2009.

Herbst seconded the motion.

The motion was voted on and passed 5 to 0. (Bricker abstained)

2. *Approval of Minutes for July 14, 2009 Planning and Zoning Commission meeting*

Herbst made a motion to approve the minutes from July 14, 2009.

Milner seconded the motion.

The motion was voted on and passed 6 to 0.

ACTION ITEMS

3. MIS2009-002

Discuss the periodic review of Planned Development districts in the City of Rockwall, and take any action necessary.

Based on the direction of the Planning Commission at the June 30, 2009 work session, Staff sent a letter to each of property owners for the four Planned Development districts that were recommended for further review, which include PD-14, PD-26, PD-31 and PD-35. In the letter, we had requested a response by the owners on or before July 24, 2009 so that we could report to the Commission at their July 28th work session. As of this date, two of the property owners (representing three of the four PD Districts) have responded to the letter. Below is a brief summary for each PD as of this date.

PD-14 (Rockwall Plaza)

Background: One remaining vacant property in PD-14 along the south side of Ralph Hall Pkwy, currently designated for "C" and "LI" uses (excluding hotel/motel). The option discussed by the Planning Commission in previous work sessions has been to remove the "LI" component from this tract(s), given the recent development of the balance of the PD as a commercial shopping center.

In June, staff was able to contact by phone Jim Vaudagna with Bank Bay Properties (San Jose, CA), and discuss the current zoning of this property. Mr. Vaudagna's partnership group has

ownership of almost 14-acres, including the vacant tract (6-acres) and existing "Vault" self-storage facility (6-acres). They also own the Hacienda Car Wash and adjacent strip retail center, both of which are leased by those tenants.

Staff mailed the existing PD-14 ordinance and a letter to Mr. Vaudagna on July 7, 2009. Attached is an email from Mr. Vaudagna sent on July 14, 2009 in response to the letter. As you will note, because of recent struggles to sell the property, Mr. Vaudagna has indicated he would NOT be in favor of a change in zoning that would potentially reduce any entitlements or marketability.

PD-26 (1520 E. IH-30)

Background: Designated LI with additional uses such as contractor's yard, auto sales, paint and body shop, and accessory outdoor storage. The option discussed by the Planning Commission in previous work sessions has been to remove the additional uses from the PD, or rezone to "straight" LI zoning.

PD-31 (1530 E. IH-30)

Background: Designated HC with additional uses such as outside storage of heavy equipment, trucks and landscaping material, automotive repair, and fuel storage. The option discussed by the Planning Commission in previous work sessions has been to remove the additional uses from the PD, or rezone to "straight" LI zoning.

Staff has communicated with Raymond Jowers, who owns both of the above properties, which are next to one another along the south side of IH-30. Mr. Jowers met with staff in April/May to discuss potential redevelopment plans on PD-26, and subsequently staff has contacted him to get an update on the status of those plans.

Staff mailed the existing PD-26 and PD-31 ordinances and a letter to Mr. Jowers on July 7, 2009. Mr. Jowers has not provided a written response to the letter sent by staff after the June 30th work session; however, he has indicated he will be at the July 28th meeting to discuss the PD Review and his future plans for the properties with the Commission in more detail.

PD-35 (1535 E. IH-30)

Background: Designated LI with additional allowed use of outside storage in conjunction with a stone fabrication operation. The option discussed by the Planning Commission in previous work sessions has been to remove the additional uses and outside storage provisions from the PD, or simply rezone to "straight" LI zoning.

Staff contacted the current owner, Darrell McCallum of North Texas Appliance. Mr. McCallum acquired the property and moved his appliance store to this address in 2007 (the store was previously in downtown Rockwall). Mr. McCallum stated he was not aware of the PD zoning on the property, and was not necessarily opposed to being rezoned to straight LI as long as he could continue to use the property as he currently does. However, he requested staff to send him a copy of the ordinance to consider it further.

Staff mailed the existing PD ordinance and letter to Mr. McCallum on July 7, 2009. However, at the time of this memo we have not received a formal response from him.

The commission and staff discussed the current uses in PD-14 zoned as Light Industrial (LI) and how those uses would be affected if the zoning were to be changed to Commercial (C). LaCroix stated that the zoning could be changed to straight Commercial (C) without keeping it as a PD or Commercial (C) and having it still remain a PD just taking out the Light Industrial (LI) zoning.

Raymond Jowers, PO Box 1870, Rockwall, TX 75087, addressed the Commission and stated that on PD-26 no one wants to purchase or rent that property because the State of Texas is trying to deny him access to that property. He stated that this property has an opportunity for further

development due to its location. He stated that the surrounding property is not large enough to do anything with by itself.

Mr. Jowers stated he has no problem with zoning PD-31 Light Industrial (LI). He stated that PD-26 allows auto sales and Light Industrial (LI) zoning does not. LaCroix explained that even if the zoning on PD-26 is changed to Light Industrial (LI) the existing use on the property can remain. He stated that if that use ever ceases, then it cannot come back even through an SUP. LaCroix stated that there is no zoning outside of PD-26 that allows for used car sales except at a new car dealership.

There was discussion regarding what could happen to the zoning if Mr. Jowers and the surrounding property owners combined their properties to create eight (8) acres and wanted to develop that property together. LaCroix stated that the zoning on the individual properties would not have to change just because the owners decided to develop it together.

Bricker stated that he feels that PD-26 should be zoned Light Industrial (LI). He stated that the use of the land is what should be considered because the ownership of it will probably change over time. He asked if it is possible to amend the current PD to allow the uses that are in the Light Industrial (LI) zoning and anything not included in the Light Industrial (LI) standard would be required to go through the SUP process. LaCroix stated he does not know if they can do that.

LaCroix suggested that the Commission could consider making a recommendation to review this again in 24 months. He stated that would make sure that, at the completion of the bypass, it would be looked at again and there is a definitive timeframe for that next review.

Mr. Jowers stated he would like to have as many options for his property as he can. He stated that, in this economy, he does not want to lose any options for marketability. Bricker stated that under the PD the property is always open for review. He stated that in Light Industrial (LI) zoning the use is locked in.

The Commission and staff discussed PD-35. LaCroix stated that Mr. McCallum has no issue with changing the zoning from PD-35 to Light Industrial (LI).

LaCroix clarified that PD-14 covers more property that was discussed earlier. He stated that it encompasses both sides of Ralph Hall Parkway. LaCroix stated that the entire property should be zoned straight Commercial (C). He stated that the property owners have not been contacted. Hampton stated that there is no requirement that the owners be notified of the review.

Commissioner Herbst made a motion to recommend the following recommendations be forwarded to City Council for consideration:

- 1) All of PD-14, including the developed portions such as Rockwall Plaza and the Vault storage facility, be rezoned to straight "C" Commercial.**
- 2) PD-35 be rezoned to straight "LI" Light Industrial.**
- 3) PD-26 and PD-31 be reviewed again in 24 months to allow the John King Blvd exchange with IH-30 to be completed. However, no amendments to these PDs should be initiated at this time.**

Commissioner Buchanan seconded the motion.

It was voted on and approved by a vote of 6 to 0.

DISCUSSION ITEMS

4. Z2009-015

2 **Discuss and consider a request by Heritage Christian Academy for approval of a Specific Use**
4 **Permit (SUP) to allow for "Private School Temporary Education Buildings" within the (MF-14)**
6 **Multi-Family Residential district on Lot 1, Block A, Heritage Christian Academy Addition, being**
8 **6.64-acres and located at 1408 South Goliad.**

10 Hampton gave a brief outline of the request, and explained the previous Conditional Use Permits
12 that were approved for the property for the existing temporary portable buildings. The applicant
14 was not present at the work session, and the Commission directed staff to communicate to the
16 school that they would like information about their school's long-range plans. Hampton stated he
18 would contact the applicant and let them know to be prepared to address the Commission's
20 questions at the August 11th public hearing.

22 5. **P2009-015**

24 **Discuss and consider a request by Austin J. Bedford of AJ Bedford Group, Inc., for approval**
26 **of a replat of Lots 5 and 6, Block 1, Rockwall Centre Corners Addition, being 3.734-acres**
28 **zoned (C) Commercial district and situated at the southeast corner of SH 205 and IH-30.**

30 Spencer briefly discussed that staff had forwarded comments to the applicant, primarily relating to
32 technical corrections to the plat. The Commission has approved a site plan for this site earlier this
34 year.

36 6. **P2009-016**

38 **Discuss and consider a request by Adam Crump of Douphrate & Associates, Inc., for approval**
40 **of a replat of Lot 1, Block A, Quail Run Retail Addition, being 11.2825-acres zoned (PD-5)**
42 **Planned Development No. 5 district and situated along the east side of SH 205 (North Goliad),**
44 **south of Quail Run Road and north of Memorial Drive.**

46 Spencer briefly discussed that staff had forwarded comments to the applicant, and also discussed
48 the facilities agreement that will be required for the detention structures and tree mitigation
50 requirements affiliated with the project. The Commission approved a site plan for a 10,000-sf
52 medical facility on this property earlier this year.

54 7. **P2009-017**

56 **Discuss and consider a request by Todd Wintters of Engineering Concepts & Design for**
58 **approval of a replat of Lots 4 and 5, Block A, Presbyterian Hospital of Rockwall Addition,**
60 **being 2.253-acres zoned (PD-9) Planned Development No. 9 District and situated along the**
62 **southwest side of FM 3097 (Horizon Road) north of Tubbs Road.**

64 Gonzales briefly outlined the replat request and discussed the needed revisions that the applicant
66 will be making before the next meeting on August 11th.

68 8. **Z2009-008**

70 **Discuss and consider a City-initiated request for a change in zoning from (Ag) Agricultural**
72 **district to (PD) Planned Development district on approximately 329.53-acres known as "Lake**
74 **Rockwall Estates," located along the south side of Tubbs Road, east side of Horizon Road (FM**
76 **3097), and north side of County Line Road.**

78 LaCroix gave the background of the subcommittee meetings and the public meetings that have
80 taken place regarding the rezoning of Lake Rockwall Estates. He stated that one of the biggest
82 issues for the residents is their water bill through Aqua Source. LaCroix further stated that multi-
84 family housing is a big concern for the residents. He stated that the impact on density and
86 parking that multi-family housing would bring is a concern to the residents. LaCroix stated that
88 the residents would like only to see single-family housing allowed.

90 LaCroix discussed the lot size that would be needed for multi-family housing. He stated the way
92 it is now, density is an issue because there are multiple structures or homes on single lots.

LaCroix further stated that with the way the city zoning is now it may create less density with multi-family homes due to the requirement of the lot size.

LaCroix listed the zoning requirements in Lake Rockwall Estates for the new Planning and Zoning Commission members that were present. He described, using a map, where Areas I, II and III are located. LaCroix discussed Phase II and the proposal from the subcommittee and staff for the proposed requirements for multi-family homes. LaCroix stated Area I is proposed to be single-family zoning. LaCroix further explained that Area III is floodplain and cannot be built in.

LaCroix stated that Area II is predominantly mobile homes or manufactured homes. LaCroix discussed a previous case that came in requesting the replacement of a manufactured home. He discussed the special exception that the applicant was allowed to request to the masonry requirements and other standards that went along with that case. LaCroix discussed in detail the requirements for replacing a manufactured home. LaCroix discussed the front yard fence requirements.

Bricker inquired about a traffic-impact study. LaCroix stated that it is not warranted and it would not be informative for the area. There was discussion regarding cementitious siding versus vinyl siding. There was discussion regarding a garage requirement on multi-family homes. Bricker stated that he is in favor of the multi-family units because he feels that it would be an upgrade to the community. LaCroix stated that anything larger than a duplex would require fire protection to be installed.

There was discussion regarding the floodplain and commercial zoning. Hunter clarified that there is commercial use in the area now. LaCroix stated that that came in prior to the annexation into the city and that they will become nonconforming uses. Hunter inquired whether there could be manufactured housing duplexes. LaCroix stated if they meet the requirements they can. There was further discussion regarding the zoning for duplexes and triplexes with manufactured buildings. There was discussion regarding the population in Area I, Area II and Area III.

Milner commented on the water situation with Aqua Source and inquired how long it will take for the city to take over the water service. LaCroix stated that that is a negotiation situation. He stated that it could take years to resolve. Milner stated if a developer comes in, the city needs to hold them to a standard and make sure that they build to a standard that Rockwall requires. He encouraged the board to hold the developer to a certain standard and to do it right.

Hunter inquired whether there is a maximum size house that can be built. LaCroix stated the house size can take up to 45% of the lot size. Hunter inquired whether a two-story manufactured home is okay. LaCroix stated if it met the height requirements, yes. There was discussion on the fence requirement. LaCroix stated if there is a repair made to a fence, it can be repaired with the same material. He further stated if they replace the fence, it has to meet the fence standard for the city. LaCroix discussed the other standards and other exceptions for front yard fences.

There was discussion regarding drainage issues and the maintenance of the streets. LaCroix stated that the streets will be maintained like any other street in Rockwall. He stated that there are other places in the city with older streets and those streets are patched when there is an issue with the road.

Hunter inquired whether Aqua Source has to meet city standards for water pressure and the other standards that the city has. LaCroix stated that they do not have to meet any city standards, but they do have to meet whatever state standards are in place. There was discussion regarding fire protection.

Buchanan inquired about code enforcement and the area coming into compliance. He inquired whether anyone has contacted other cities to find out how they were successful with transition with an annexation of this kind. LaCroix stated that he has not contacted any other cities. He

2 stated that this area has a multitude of challenges with the density of the area and the floodplain
4 that he has never dealt with before. He stated that they are just going to work through it.

6 Milner inquired about the insurance rating for the city with the challenges for fire protection.
8 LaCroix stated he does not know how it will impact our rating as a city. He stated that the Fire
10 Chief would have to be asked that question.

12 Bricker stated that other cities have duplexes and single family homes coexisting. He stated the
14 conditions in the code that would make it difficult to have a manufactured duplex or triplex and
16 meet the code. Bricker stated that, under those circumstances, he thinks bringing in duplexes
18 and triplexes into the area would increase its value. He stated that he is in favor of multi-family
20 living. Bricker discussed the impact fees that will come into the city with new development versus
22 replacement of existing homes.

24 LaCroix clarified that the Commission is asking for attached garages to be required on any multi-
26 family structures. Bricker stated that, yes that is what they are suggesting.

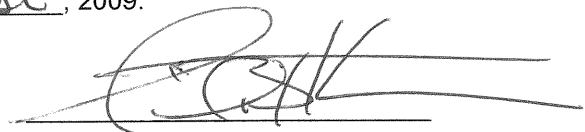
28 Milner said good-bye.

30 Bricker said good-bye.

32 **ADJOURNMENT**

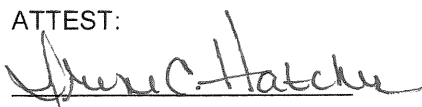
34 The meeting adjourned at 8:59 p.m.

36 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
38 ROCKWALL, Texas, this 25th day of August, 2009.



Michael Hunter, Chairman

ATTEST:



**Minutes of
PLANNING AND ZONING COMMISSION PUBLIC HEARING
August 11, 2009**

CALL TO ORDER

The meeting was called to order by Vice Chairman Michael Hunter at 6:00 p.m. with the following members present: Barry Buchanan, Connie Jackson, Tony Hayes, Kristen Minth, Mark Stubbs and Philip Herbst.

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

ELECTION of Planning and Zoning Commission Chair and Vice-Chair positions

Commissioner Herbst made a motion to nominate Commissioner Hunter for Chairman of the Planning and Zoning Commission.

Commissioner Jackson seconded the motion.

It was voted on and passed 7 to 0.

Commissioner Buchanan made a motion to nominate Commissioner Herbst for Vice Chairman of the Planning and Zoning Commission.

Commissioner Hayes seconded the motion.

It was voted on and passed 7 to 0.

CONSENT ITEMS

1. P2009-015

Discuss and consider a request by Austin J. Bedford of AJ Bedford Group, Inc., for approval of a replat of Lots 5 and 6, Block 1, Rockwall Centre Corners Addition, being 3.734-acres zoned (C) Commercial district and situated at the southeast corner of SH 205 and IH-30, and take any action necessary.

Staff is recommending approval of the replat subject to the following conditions:

1. Adherence to all Engineering and Fire Department Standards.

2. P2009-016

Discuss and consider a request by Adam Crump of Doupbrate & Associates, Inc., for approval of a replat of Lot 1, Block A, Quail Run Retail Addition, being 11.2825-acres zoned (PD-5) Planned Development No. 5 district and situated along the east side of SH 205 (North Goliad), south of Quail Run Road and north of Memorial Drive, and take any action necessary.

Staff is recommending approval of the replat subject to the following conditions:

1. Adherence to all Engineering and Fire Department Standards.
2. Approval and execution of the Developer's Agreement prior to City Signature of the Replat.

3. P2009-017

Discuss and consider a request by Todd Wintters of Engineering Concepts & Design for approval of a replat of Lots 4 and 5, Block A, Presbyterian Hospital of Rockwall Addition,

being 2.253-acres zoned (PD-9) Planned Development No. 9 District and situated along the southwest side of FM 3097 (Horizon Road) north of Tubbs Road, and take any action necessary.

Staff recommends approval with the following conditions:

1. Adherence to all Engineering and Fire Department standards.
2. Tie two corners to City monumentation.
3. Label the firelane, access & utility easement to include dimensions. (Lot 5)
4. Provide Vol & Pg for the firelane, access & utility easement and 7.5' drainage easement at the primary entrance to the hospital. (Lot 15)
5. Correct title block and plat to read new lot number "20". (Remove 4-R)

Commissioner Herbst made a motion to approve the consent agenda items with staff recommendations.

Commissioner Minth seconded the motion.

It was voted on and passed 7 to 0.

PUBLIC HEARING ITEMS

4. Z2009-015

Hold a public hearing and consider a request by Heritage Christian Academy for approval of a Specific Use Permit (SUP) to allow for "Private School Temporary Education Buildings" within the (MF-14) Multi-Family Residential district on Lot 1, Block A, Heritage Christian Academy Addition, being 6.64-acres and located at 1408 South Goliad, and take any action necessary.

Hampton stated that Heritage Christian Academy has submitted an application for a Specific Use Permit (SUP) to allow for temporary educational buildings at their property located at 1408 South Goliad. In actuality, the three (3) portable buildings in question are already on the site and were previously authorized as part of the City's approval of a Conditional Use Permit (CUP) in 2003.

The CUP for the portable buildings was approved for five (5) years and has since expired. It should be noted that the primary focus of the CUP in 2003 was for a larger, temporary classroom building for which the school subsequently decided to construct as a permanent masonry structure on the front part of the site. The new building is 2-story; however, only the first floor has been finished out on the interior. The CUP also included the three portable buildings that remain in the rear of the property. Two of them have been used for classrooms since the school purchased the property from the Methodist church. The third building has been utilized for storage to date; however, the school has proposed to run electric power to the building for additional classroom space.

The applicant's representative (Dean Cathey) has indicated to staff that the primary reason for the request to extend the life of the temporary buildings on the site is funding. The school does not have the funds to replace the buildings with permanent structures, nor are they able to "finish-out" the second floor of the newer classroom building. Staff has requested that the applicant provide additional information on the school's future plans for the property at the public hearing on August 11.

Notices were mailed to five (5) property owners within 200-ft of the subject property, and at this time no responses have been returned.

If the request were approved, staff would offer the following conditions:

1. The SUP shall be valid for a period of three (3) years from the date of approval, at which time all portable buildings shall be removed from the property unless another SUP is approved by City Council.
2. The owner shall install skirting around the portable building located at the southeast corner of the property prior to occupancy of the building.

3. All building and fire code requirements shall be met prior to occupancy of the portable buildings.

Dean Cathey, 3066 Rochelle Rd (applicant representative), was present to answer questions.

Herbst asked what the school's plans were for finishing out the existing building. Mr. Cathey replied that the plan is basically year-to-year. He stated that one of the buildings was on the property when the school bought the property, but was moved to the back to get it out of the firelane.

Hunter opened the public hearing at 6:17 pm.

There being no public input, the public hearing was closed at 6:17 pm.

Herbst stated he was still uncomfortable with uncertainty of the school's future plans.

Minth asked if and how the requirement for the skirting can be tied to permit. Hampton replied that it would be a requirement that staff or building inspectors would look for before the building was approved for occupancy.

Buchanan asked if the SUP could be tied to the occupancy of the 2-story building. That is, the SUP be good for 3 years or upon completion of the 2nd floor, whichever were to occur first. LaCroix stated it would be better to include the time frame in the SUP, and hopefully that would be incentive enough for the school to work towards finishing out the 2nd floor.

Jackson stated that most of the public school sites in the community have these types of buildings, and that the current economy is tough, so she is in favor of the three year SUP.

Mr. Cathey stated they have estimated that finishing out the 2nd floor would be around \$600,000, which the school simply does not have available. However, there is a need for extra classroom space to accommodate a new learning lab.

After further discussion, Commissioner Herbst made a motion to approve Z2009-015, a request by Heritage Christian Academy for approval of a Specific Use Permit (SUP) to allow for "Private School Temporary Education Buildings" within the (MF-14) Multi-Family Residential district on Lot 1, Block A, Heritage Christian Academy Addition, being 6.64-acres and located at 1408 South Goliad, with staff recommendations.

Commissioner Jackson seconded the motion.

It was voted on and passed 7 to 0.

5. Z2009-008

Hold a public hearing and consider a City-initiated request for a change in zoning from (Ag) Agricultural district to (PD) Planned Development district on approximately 329.53-acres known as "Lake Rockwall Estates," located along the south side of Tubbs Road, east side of Horizon Road (FM 3097), and north side of County Line Road, and take any action necessary.

Note: Enid Reyes (from Lakepointe / Lake Rockwall Estates Community Center) was present to translate the staff's presentation for Spanish-speaking members in the audience.

LaCroix outlined that the City has drafted a Planned Development district ordinance as a zoning proposal for the area commonly known as Lake Rockwall Estates. A copy of the proposed zoning map exhibit was shown. The PD is divided into Area 1 (west side of Lake Rockwall comprised mostly of "stick-built" SF housing); Area 2 (east side of Lake Rockwall comprised of mixture of housing types including manufactured and mobile homes); and Area 3 (open space and drainage

2 areas). The proposed plan for the area is for a Single-Family residential zoning. No Commercial
4 zoning is proposed for the PD.

6 The underlying zoning for the area is the (SF-7) Single Family Residential district. Staff has
8 proposed that a minimum lot size of 5,000-sf be utilized to accommodate the typical lot patterns that
10 exist in both Areas 1 and 2. The masonry standards for Areas 1 and 2 are proposed to be the same
12 as the rest of the City, including a minimum 80% masonry requirement and a maximum 50% of
14 cementaceous materials (e.g. stucco, Hardiboard, etc). The staff has proposed that the PD include
provisions for front yard fences that would not require City Council approval unless an exception is
requested. There is also a provision for owners to make an exception request to City Council about
such things as building setbacks, lot frontage or depth requirements, use of building materials not
otherwise allowed, and other special requests.

16 The proposed PD standards also include special provisions for Area 2. First, the PD proposal
18 allows for up to 250 overall units of alternative housing types – including duplex, triplex, fourplex,
20 townhomes and zero-lot line development. A builder/developer would have to seek approval of a
Specific Use Permit (SUP) from the Planning Commission and City Council to construct these units.
Additionally, there are higher standards for these types of units such as larger lot size requirements,
minimum garage requirements, minimum unit sizes and masonry construction requirements.

22 An additional proposal for Area 2 is the one-time replacement clause for manufactured
24 housing. Under the proposal, existing mobile homes or manufactured homes in Area 2 could be
replaced one time provided that the following conditions are met:

- Home must be permanently attached to an engineered, concrete foundation
- Primary roof pitch must be at least 3:12 inches.
- Minimum 90% masonry requirement, which can be met with Hardiboard lap siding,
“Cemplank” lap siding or a similar cementaceous lap siding material
- Replacement home shall be a HUD-code manufactured home that is newer and at least
as large in living space as the prior home

32 Area 3 is restricted to open space, and because of floodplain this area

34 Lacroix also reported that during public meetings held at both City Hall and the Lake
36 Rockwall Estates Community Center, many residents have voiced various concerns about allowing
38 for additional housing types beyond detached single-family housing. However, staff has kept the
40 proposal intact since the subcommittee and task force recommended it. We also feel consideration of
42 some (if not all) of these housing types should be given to allow for some flexibility and potential
incentives for redevelopment of vacant or abandoned properties. The controls are in the PD
standards that would ensure that these housing types – if approved by an SUP – are of high quality.
We also feel like the proposal fits the guidelines of the City’s Comprehensive Plan, particularly those
that call for a mixture of housing types.

44 In accordance with State law, staff has mailed notices of the P&Z public hearing to property
46 owners both within the proposed PD (1085 owners) and within 200-ft of the proposed PD (73
owners). As of the meeting, staff has received the following responses:

48 Within proposed PD

13 "in favor"

5 notices "in opposition"

52 Within 200-ft of proposed PD

4 "in favor"

0 "in opposition"

56 Buchanan inquired about how the other housing types were counted – for example, if a fourplex
counted as four units or one unit. LaCroix stated a fourplex would count as four (4) units.

Herbst inquired about the availability of sewer in Area 2. LaCroix stated there are some streets (e.g. Renee, Nicole, etc) that do not have sewer service. Herbst asked for clarification on the restrictions against new development on lots without sewer. LaCroix stated new septic systems are not being permitted on vacant, single lots. LaCroix stated the County is doing the inspections/permitting for septic systems. Buchanan asked about the State requirements for septic systems. LaCroix believes the state requirement is 1/2-acre, and the County and City requires 1 ½ acres. Two lots in this area do not typically result in ½ acre, but he believes the County has approved these in the past.

Hunter asked for clarification on the 250-unit maximum. LaCroix stated all of the proposed housing types would count towards the 250 count. He added that since the last work session a requirement for garages has also been added for duplexes, triplexes and quadplexes. Hunter clarified that garages are not required for single-family housing, which LaCroix replied is correct.

Hunter clarified that if any other housing types were requested, there would be another public hearing required. LaCroix stated that with the SUP requirement, there are public hearings required for the P&Z and City Council.

Minh asked how many units were in the area now. LaCroix stated staff estimates there are 639 units in Area 2, but we do not know exactly what types of units all of these lots have, or how many existing duplexes, etc there are. Herbst stated that his notes from previous meetings showed 640 lots, 429 property owners and 181 vacant lots. In Area 1, there are 443 lots and 68 vacant lots.

LaCroix stated that when you figure in the land area, staff determined there is enough land for almost 1000 single-family lots. Ultimately, staff estimated that 12 to 15% of the total land area could be utilized for the alternative housing types using the 250 maximum count. He further stated that the subcommittee who came up with the 250-unit provision recognized that this could be an incentive for developers to bring in more fire protection, water or sewer service into the area.

Hayes asked for clarification on the 1000 lots. LaCroix stated that staff has calculated there is enough land area in Area 2 to accommodate up to 940 single-family lots, based on an average 6000-sf lot size. This is essentially an increase of 300 of what is out there today, so an increase in density is potential even without the alternative housing types. Staff saw the 250-unit provision as an incentive for more redevelopment to occur.

Hunter opened the public hearing at 7:13 pm.

Norm Mastalarz, 514 Lakeside Dr, addressed the Commission and asked about the floodplain shown on the map. His home is in the floodplain now, but apparently was not at the time it was built. LaCroix stated the Corps of Engineers has adopted the City's recent flood study, which is where these floodplains came from. Mr. Mastalarz also stated concerns about taxes and the need for a special permit for setbacks.

Gigi James, 445 Lakeside Drive, addressed the Commission and stated concerns about her property within Area 3. She owns the property at the corner of Tubbs and Horizon, and pays a lot annually in taxes and maintenance. She is in favor of the proposal overall, but is worried about the no development being allowed on her property shown in Area 3.

James Merkel, 420 Wayne, addressed the Commission and stated he was on the masterplanning task force, during which time he was opposed to the multi-family housing types. He believes the area should be single-family dwellings, and that any existing duplexes were built prior to annexation. Mr. Merkel also stated there are deed restrictions for the neighborhood that are being ignored. He stated he was concerned about the front yard fence restrictions, and would prefer that chain linked fences be considered. Stubbs asked which part of the deed restrictions are in conflict with the proposed requirements.

Mr. Merkel stated the primary thing is that only single-family dwellings are allowed in the Deed restrictions, though it has not been enforced in the past.

John White, 1929 S. Lakeshore Drive, and who owns a company in the area, addressed the Commission and stated he felt like to this point the opposition to multi-family has been unanimous in previous meetings. He stated that chain link is the dominant fence type in the community. The City has done some things to help the community continue its self-renewal such as animal control, code enforcement, etc. He outlined his concerns about the duplexes and other multi-family dwellings such as small unit sizes, impacts on schools, etc.

Mary Garza, 482 Eva Place, addressed the Commission and stated she is also opposed to the multi-family dwellings. The roads are too narrow to accommodate the extra density.

Joan Stanley, 298 Wayne Drive, addressed the Commission and stated she was glad to be annexed, but is opposed to the multi-family units. She said the owners have not been able to enforce the deed restriction because of funding issues. She witnessed a bunch of duplexes being built right before annexation, and hoped that after the annexation the City would put a stop to it.

Stubbs asked if there was any clarifications necessary on the fencing questions posed earlier in the hearing.

Gigi James reappeared and stated she believes the chain-linked fences are used by the residents for safety reasons and to contain their dogs. LaCroix stated the Commission can propose a different requirement for fencing if they see fit.

LaCroix also commented on the proposed alternative housing types, and that the proposal is based on recommendations of the overall Task Force that met and discussed the future land use planning efforts for 12-18 months.

Randolph Sullivan, 186 Chris Drive, addressed the Commission and asked for more clarifications on the fence requirements, specifically what the height and materials requirements are for back yards. LaCroix stated the maximum height for fences is 8-ft.

With no further input, the public hearing was closed at 7:59 pm.

Minth asked if existing fences that do not meet current City requirements would be grandfathered, which LaCroix stated they would be. They could be repaired, but would have to be replaced with a fence that meets City standards.

Herbst stated he believes the multi-family housing types would encourage more investors and rental units, and cannot support this provision.

Hunter called for a 10-minute break at 8:01 pm.

The meeting reconvened at 8:11 pm.

Buchanan clarified if the current proposal was an all or nothing deal. LaCroix stated the Commission and Council can adjust as they see fit. Buchanan stated he was in favor of the annexation from the beginning, and that his idea about what the annexation meant was to improve the area. He feels the multi-family provisions may provide a short-term improvement, but do not offer long term improvements. He is also not in favor of the one-time replacement clause proposed in the PD.

Minth asked if the one-time replacement is a State requirement. LaCroix stated the proposal is based on a State requirement. She also clarified if the parking and driveway requirements, and why a

garage is not required on a single-family home in the proposal. LaCroix stated a garage is not required for any of our single-family districts throughout the City, though some of the newer Planned Developments and/or deed restrictions require garages.

Minth also asked about exterior wall materials and for clarification on the 120-sf and 10-ft height requirements. Is this a loophole for an owner to construct a small dwelling unit? Hampton stated all single-family lots in the City are allowed to have one portable building less than 120-sf, which does not have to be masonry construction. Anything larger – such as an accessory building, detached garage, etc – must meet the masonry standards. But the minimum housing size is still 1100-sf in the SF-7 zoning district, so any new homes would have to comply with that.

Hunter clarified that the City could require a garage for any new single-family district, which LaCroix stated the Commission could recommend that. On the multi-family piece, Hunter stated there are a couple of things that bother him. One, even if the approved PD for this area does not allow multi-family, it does not mean there will not be any rental property. If multi-family were allowed, does the City have any rights to inspect rental property to make sure it meets health and safety codes? In other cities, inspectors go out on an annual basis and inspect multi-family properties. Very few however inspect single-family rental house. LaCroix stated that the City had never done this to his knowledge.

Stubbs asked about what options there are for fence requirements. He stated he thinks that chain linked fences are fairly common in the area, and that it may be worthwhile to consider allowing for these by right instead of having to set them off all property lines 10-ft or install landscaping to screen them.

Buchanan stated the SUP provision would result in some multi-family being approved, and he is simply against it. Minth agreed, and stated that while she sees some value in having different opportunities available, the City has already heard the outcry from residents opposing such units and questioned why we would want to have future zoning cases to hear it again if they've already stated their position.

Hayes stated he agrees on the Commission's statements thus far about not allowing for the other housing types. He proposed that a time limit be added to the PD that would allow for replacement of fences for a specific time, and then subsequently everyone must follow current City standards.

LaCroix outlined some of staff's concerns about potential issues with businesses and storage yards that would crop up if we were to be too permissive on the fence requirements, especially in the front yards.

Herbst asked if there is a way to differentiate between businesses and residential fences. LaCroix stated it will be difficult. Herbst clarified at what point you would have to comply with the new standards. LaCroix stated that staff would have to work with residents or contractors to determine what is considered a repair job versus a replacement, but typically if the entire fence is being removed and replaced they would have to comply with current city standards.

Hunter stated that the area has come in, is already developed, and that one of the things we are trying to do is ensure they have some of the same standards used elsewhere in the City.

Herbst stated he is prepared to offer a motion. Hunter asked if the Commission is prepared to vote tonight. Each of the members stated they were prepared to vote on the proposal.

Commissioner Herbst made a motion to approve Z2009-008, a request for a change in zoning from (Ag) Agricultural district to (PD) Planned Development district on approximately 329.53-acres known as "Lake Rockwall Estates," located along the south side of Tubbs Road, east side of Horizon Road (FM 3097), and north side of County Line Road, with staff recommendations except for the following changes:

- 2 1. Remove all other housing types
4 2. Add a provision that would allow chain link fencing along the side and rear property lines.

6 Commissioner Hayes seconded the motion.

8 It was voted on and passed 7 to 0.

10 **ADDITIONAL DISCUSSION ITEMS**

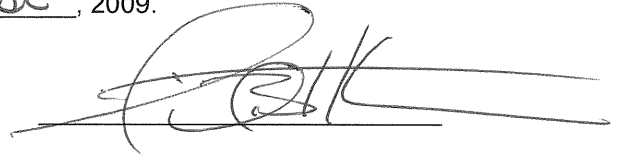
- 12 • Planning Director's Report on the following Planning and Zoning Commission matters that have
14 been recently acted on by City Council:
a) **MIS2009-002: Planned Development (PD) Review**

16 LaCroix updated the Commission about the Council's approval to proceed with a PD
18 amendment to PD-14 and PD-35. These zoning cases will be reviewed over the next cycle.

20 **ADJOURNMENT**

22 The meeting adjourned at 8:54 p.m.

24 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
ROCKWALL, Texas, this 25th day of August, 2009.

26 
28

30 Michael Hunter, Chairman

32 ATTEST:



**Minutes of
PLANNING AND ZONING COMMISSION WORK SESSION
AUGUST 25, 2009**

CALL TO ORDER

The meeting was called to order by Michael Hunter at 6:00 p.m. with the following members present: Barry Buchanan, Connie Jackson, Phillip Herbst, Tony Hayes and Kristen Minth. Mark Stubbs was absent.

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

1. *Approval of Minutes for July 28, 2009 Planning and Zoning Commission meeting*

Herbst made a motion to approve the minutes for July 28, 2009.

Buchanan seconded the motion.

A vote was taken, and the motion passed by a vote of 3-0. (Hayes, Jackson and Minth abstained.)

2. *Approval of Minutes for August 11, 2009 Planning and Zoning Commission meeting*

Jackson made a motion to approve the minutes for August 11, 2009.

Herbst seconded the motion.

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

Spencer stated that the applicants for case **Z2009-020** (a request by Lance and Geraldine Roberston of The Cottage Rockwall for approval of a Specific Use Permit to allow for a "restaurant of less than 2000-sf (no drive-thru)" within Planned Development No. 50 District) have withdrawn their application.

ACTION ITEMS

3. *SP2009-004*

Discuss and consider a request by Duane Myers, AIA, for approval of amended building elevations for the Quail Run Medical development, being a 10,000-sf medical office development located on the proposed Lot 2, Block A, Quail Run Retail Addition, being 1.2337-acres zoned (PD-5) Planned Development No. 5 district and situated within the North SH 205 Overlay District, located at the southeast corner of SH 205 and Quail Run Rd, and take any action necessary.

Spencer gave the background of the case and stated that the elevations and site plan were approved by the Planning and Zoning Commission and the ARB in June of 2009. Spencer stated that the applicant has requested additional changes to the elevations, including the requested changes in the approved color. Spencer stated that the original intent in the color choice was to match the look of the CVS. He stated that the applicant would now like to match more closely the Walgreens color scheme.

There was discussion regarding the articulation on the south side of the structure. Hunter inquired whether the changes have gone before the Architectural Review Board. Spencer stated that the Planning and Zoning Commission has the authority to approve the requested changes.

There was discussion regarding the color of the canvas awnings. Mr. Myers stated that they are open to suggestions and discussion on the color, and further stated that there will be more opportunity for color in the signage.

Minth inquired whether this building is going to be striped on the side and have more accents. Mr. Myers described the texture and the difference in the colors that will be present when the building is done. Minth stated she is concerned about the need for repairs to the foundation in the future and that the striping and colors will not be matched when any repairs are complete. Mr. Myers described how the foundation will be constructed and stated he does not anticipate future foundation problems.

Herbst discussed the south side and north side articulation. He inquired whether there is anything that can be done to break up the look of those two sides. Mr. Meyers stated that there is potential to put additional openings in one side or the other.

There was discussion regarding the look of the entryway into the city. It was stated that the original intent was to have it resemble the Hill Country. Mr. Myers stated that that is more of an issue of color rather than material and stated that they are open to discussion regarding the color scheme.

Jackson stated that she is happier with the new proposed look rather than the one that was approved. She stated she would be happy to approve it with the recommendation of changing the color of the awnings. She stated that the metal roof and the Texas stone resemble the look of the Hill Country.

Herbst agreed with Jackson and stated that he likes the new rendition rather than the approved one with the change in the color of the awnings and also add windows or faux windows the south elevation.

Commissioner Jackson made a motion to approve SP2009-004, a request by Duane Myers, AIA, for approval of amended building elevations for the Quail Run Medical development located on the proposed Lot 2, Block A, Quail Run Retail Addition, located at the southeast corner of SH 205 and Quail Run Rd, with the following conditions:

- 1. Change color on awnings.**
- 2. Add windows on the south elevation if it fits with the tenant, otherwise have it stand as is.**

It was clarified before the vote that both of the above conditions can be reviewed and approved by staff.

Commissioner Herbst seconded the motion.

It was voted on and passed 6 to 0.

DISCUSSION ITEMS

4. P2009-018

Discuss and consider a request by Jon Heinley for approval of a residential replat of Lot 15, Block D, Lake Ridge Park Addition, being 0.42-acre zoned (SF-10) Single Family Residential district and located at 1926 South Lakeshore Drive, specifically to replat the existing drainage and utility easement in the rear of the property.

Gonzales described the abandonment of the easement that is being requested. He further stated that approval letters from the utility companies will be required.

5. Z2009-016

Discuss and consider approval of a City-initiated request for a change in zoning from (PD-14) Planned Development No. 14 District to (C) Commercial district, for approximately 56.78-acres comprised of Lot 1, Block C and Lots 5, 6 and 9, Block A, Rockwall Business Park East Addition, generally located south of IH-30, west of SH 205 and along the north and south sides of Ralph Hall Pkwy.

Hampton stated the current zoning and the PD Review process that has taken place over the past several months. LaCroix described the process and purpose of reviewing PDs for the new commissioners and stated the frequency in which they should be reviewed.

6. **Z2009-017**

Discuss and consider approval of a City-initiated request for a change in zoning from (PD-35) Planned Development No. 35 District to (LI) Light Industrial district, for a 2.343-acre property known as Tract 15-1, Abstract 99, A. Hanna Survey, and located at 1535 IH-30.

Hampton described the existing zoning and use and explained the proposed zoning change. Hampton stated that staff has spoke to the owner and stated that he seemed indifferent to the zoning change, as long as they could continue to operate their business as usual.

7. **Z2009-018**

Discuss and consider a request by Jed Dolson of Stone Creek Balance, Ltd, for proposed amendments to (PD-70) Planned Development No. 70 District (Ord. 07-13), being 395-acres overall and generally known as the Stone Creek development, 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.

Hampton briefly described PD-70 and its background. Hampton stated that the applicant is requesting that 7-acres of this development in the vicinity of CVS and the new Fire Station #3 on Quail Run Rd be changed from Residential to General Retail. Hampton further described the uses of the surrounding property, and that the proposed retail site would have the same restrictions as the larger retail tract in Stone Creek. There are also minor wording changes throughout the PD ordinance that staff is taking the opportunity to amend with this case, to address some confusion amongst staff and the various builders in the Stone Creek subdivision. Hampton stated that this case will be coming up for a public hearing on September 15th.

There was discussion regarding the ingress and egress into the subdivision and access to SH205 and Quail Run. There was discussion regarding the possible uses of these 7 acres if the zoning for it was changed. There was discussion regarding the development standards being changed to allow front-access garages.

Jed Dolson (applicant) addressed the Commission and described the reasons for the request for the change in the zoning. He stated that a better use for these 7-acres would be for medical offices or possibly a day care rather than keeping it zoned for residential.

There was discussion regarding notices being sent out and signage being put up regarding the zoning change. Hampton stated that notices will go out to everyone within 200-ft of PD-70 in its entirety.

8. **Z2009-019**

Discuss and consider a request by Dwayne Zinn of Cross Engineering Consultants for approval of a Specific Use Permit (SUP) to allow for "Automotive Repair, Minor" within (PD-49) Planned Development No. 49 District, specifically a 4,922-sf Christian Brothers Automotive on Lot 2, Block A, Wal-Mart Rockwall Addition, being 1.003-acres and situated along the north side of SH 66 (W Rusk) east of North Lakeshore Drive.

Hampton stated the applicant's request. He stated there will be an impact on some of the trees on the site if this application is approved. Hampton discussed the limitations of mutual access with Chase Bank, but that access is obtained from the Wal-Mart parking lot in the rear of the site. There will be no access from SH 66 for the proposed Christian Brothers Automotive. Hampton stated that there have been conceptual building designs and landscape plans submitted by the applicant. There was some discussion regarding the architectural style that will be used for the structure.

Robert Vann (Main and Main Developers) stated the background and the beliefs of the company and its owners. Mr. Vann demonstrated with photographs what the building will look like inside and out. He stated he feels that Christian Brothers Automotive will be a good addition to Rockwall. He discussed the day-to-day operation and services offered. Mr. Vann discussed the interview process for the franchisees and the amount they invest. There was discussion regarding shared access with Chase and Wal-Mart. There was discussion regarding the site plan and elevations and the visibility of the structure from SH66.

9. **Z2009-020**

Discuss and consider a request by Lance and Geraldine Roberston of The Cottage Rockwall for approval of a Specific Use Permit (SUP) to allow for a "restaurant of less than 2000-sf (no drive-thru)" within (PD-50) Planned Development No. 50 District, specifically on the 0.30-acre property located at 805 North Goliad and known as Block 24C, Amick Addition, situated within the North Goliad Corridor Overlay District.

This item was withdrawn by the applicant.

ADDITIONAL DISCUSSION ITEMS

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

a) Z2009-015: Heritage Christian Academy (SUP for Temporary Buildings)

LaCroix gave the Commission an update on the outcome of the Council meeting. He stated that Council passed the SUP, but will review it in one year instead of three years.

11. Planning Director's Report to discuss the following City activities, upcoming meetings, future legislative activities, and/or other related matters:

a) Update on current development cases submitted for "Administrative" review:

1. SP2009-006: National Tire & Battery (NTB) – Horizon Village Addition

LaCroix gave the Commission an update on the site plan application received for National Tire and Battery. The site plan can be approved by staff, though the Planning Commission and City Council approved an SUP for the use in 2008.

2. SP2009-007: Medical Office / Retail Building – Rainbo Acres

LaCroix gave the Commission an update on the site plan application received for an office/retail building at the intersection of Horizon Rd and Ranch Trail. LaCroix stated that there is a portion of the building elevations that are not in compliance, but if amended to meet the City's articulation requirements can be approved administratively.

3. P2009-019: Orsornio Silva Addition (Lake Rockwall Estates) – Replat 2 lots

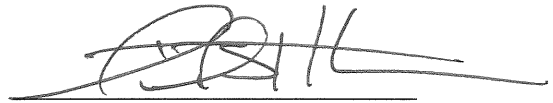
LaCroix gave the Commission an update on the application for replat.

Hunter requested that on the next agenda there be an item to talk about Planning and Zoning Commission procedures.

2 **ADJOURNMENT**

4 The meeting adjourned at 7:41 p.m.

6 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
8 ROCKWALL, Texas, this 16th day of September, 2009.

10 

12 Michael Hunter, Chairman

14 ATTEST:

16 

**Minutes of
PLANNING AND ZONING COMMISSION PUBLIC HEARING
September 15, 2009**

CALL TO ORDER

The meeting was called to order by Chairman Michael Hunter at 6:00 p.m. with the following members present: Barry Buchanan, Mark Stubbs, Connie Jackson, Kristen Minth and Phillip Herbst. Tony Hayes was absent.

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

CONSENT AGENDA ITEMS

Approval of Minutes for August 25, 2009 Planning and Zoning Commission meeting

Herbst made a motion to approve the minutes for August 25, 2009.

Jackson seconded the motion.

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

P2009-020

Discuss and consider a request by Robert Howman of Glenn Engineering for approval of a final plat of Lot 1, Block 1, Herman E. Utley Middle School Addition, being 41.649-acres zoned (Ag) Agriculture district and located on the east side of T.L. Townsend at the intersection of Yellowjacket Lane, and take any action necessary.

Commissioner Minth made a motion to approve P2009-020, a request by Robert Howman of Glenn Engineering for approval of a final plat of Lot 1, Block 1, Herman E. Utley Middle School Addition, being 41.649-acres zoned (Ag) Agriculture district and located on the east side of T.L. Townsend at the intersection of Yellowjacket Lane, with staff recommendations.

Commissioner Jackson seconded the motion.

It was voted on and passed 6 to 0.

PUBLIC HEARING ITEMS

P2009-018

Hold a public hearing and consider a request by Jon Heinley for approval of a residential replat of Lot 15, Block D, Lake Ridge Park Addition, being 0.42-acre zoned (SF-10) Single Family Residential district and located at 1926 South Lakeshore Drive, specifically to replat the existing drainage and utility easement in the rear of the property, and take any action necessary.

Gonzales stated that the applicant, Mr. Heinley, has submitted a request for approval of a residential replat of Lot 15, Block D of the Lake Ridge Park Addition, being .042 acres and is located at 1926 S. Lakeshore Dr. The property is zoned (SF-10) Single-Family Residential and complies with the current zoning.

The purpose of the replat is to abandon approximately a 50-ft wide portion of the Drainage & Utility Easement that located at the rear yard of the property. The replat will also establish two easements at the rear of the property. One being a 10-ft Oncor Electric Delivery Company and AT&T Easement, and the second, a 20-ft Drainage & Utility Easement along the creek bed. Staff does

2 require release letters from all of the utility companies prior to the abandonment of this portion of the
4 easement.

6 Since this is a residential replat, notice is required to be mailed to all property owners of the
8 Lake Ridge Park Subdivision that are within 200-ft of the proposed property. There were 14 notices
mailed and at the time of this report, staff has received 2 notices "in favor" of the residential replat
request.

10 Staff recommends approval of the request with the following conditions:

- 12 1. Adherence to all Engineering and Fire Department standards.
14 2. Release letters from all utility companies are required for the abandonment of a portion of
the easement.

16 Public hearing was opened at 6:08 p.m.

18 Beth Heinley, spouse of the applicant, was present to answer questions and requested the
replat be approved.

20 With no further public comment, the public hearing was closed at 6:09 pm.

22 **Commissioner Buchanan made a motion to approve P2009-018, a request by Jon**
24 **Heinley for approval of a residential replat of Lot 15, Block D, Lake Ridge Park**
26 **Addition, being 0.42-acre zoned (SF-10) Single Family Residential district and located**
at 1926 South Lakeshore Drive, specifically to replat the existing drainage and utility
easement in the rear of the property, with staff recommendations.

28 Stubbs inquired whether there was any response from the utility companies. Gonzales stated
30 no, but the letters will have to be received before the replat is signed and filed at the County.

32 **Commissioner Stubbs seconded the motion.**

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

36 **Z2009-016**

38 **Hold a public hearing and consider approval of a City-initiated request for a change in zoning**
40 **from (PD-14) Planned Development No. 14 District to (C) Commercial district, for**
approximately 56.78-acres comprised of Lot 1, Block C and Lots 5, 6 and 9, Block A, Rockwall
Business Park East Addition, generally located south of IH-30, west of SH 205 and along the
north and south sides of Ralph Hall Pkwy, and take any action necessary.

42 Hampton stated the City has initiated a zoning case to rezone approximately 56-acres from
44 (PD-14) Planned Development No. 14 district to (C) Commercial district. The 56-acres comprise all of
PD-14 and if approved, the zoning change would eliminate this planned development in its entirety.
46 The underlying zoning in PD-14 encompasses all uses with the (C) Commercial district and (LI) Light
Industrial district, with certain exceptions such as the prohibition of hotel-type uses. The bottom-line
48 effect of the proposed zoning change is that uses currently allowed in the LI district would no longer
be permitted, or in some cases would require a Specific Use Permit. It should also be noted that if
50 approved to Commercial, hotel uses would no longer be prohibited but rather could be considered
with a Specific Use Permit.

52 The proposed zoning change follows the recommendations of the Planning and Zoning
54 Commission and City Council resulting from the 2009 Planned Development Review (PD Review)
process. During this process, property owners within the PD were contacted by staff and feedback
56 was solicited about the potential changes. PD-14 is comprised of several parcels, all of which are
under the ownership of two entities – Dallas East (owners of the property along south side of Ralph

Hall Pkwy) and CNLRS Rockwall LP (developers/owners of the Plaza shopping center north of Ralph Hall Pkwy).

During the PD Review process between March and July 2009, the Planning staff and Commission identified the PD-14 district as a potential candidate for amendment, specifically because of the allowance of LI uses. The property is surrounded on four sides by existing "C" zoning, with a very small part of the PD at the far southwest corner bordering the new Flagstone Creek residential neighborhood. In addition, the development pattern for the area has been commercial in nature, with the recent development of the Plaza as well as new office developments along Ralph Hall Pkwy immediately to the west. Further, the area is indicated on the City's Future Land Use Map as "commercial."

The primary focus of the PD Review revolved around the vacant 6-acre property owned by Dallas East (aka Bank Bay properties) that is adjacent to Flagstone, as well as the vacant "Phase 2" part of the Rockwall Plaza development that lays adjacent to the TA truck stop. A site plan has been approved for Phase 2 of the Plaza development, and the owners are continuing to work on plans to expand the shopping center. They have not expressed any opposition to the zoning change to this point.

Mr. James Vaudagna, representing Dallas East/Bank Bay properties, has submitted written opposition to the change. Similar to his issues during the PD Review process, he has stated a reluctance to give up any potential land uses for his property because they have been unable to sell the property to date under its current zoning. Hampton explained that since the existing owners own more than 20% of the property in the existing PD it will take a super majority vote from City Council. Staff has also discussed with Mr. Vaudagna the issue of their existing mini-storage facility (i.e. The Vault), which would no longer be permitted "by right" in the straight commercial zoning (it is permitted by right in LI). However, it would be possible to expand or redevelop the storage facility within the Commercial district with a Specific Use Permit. Otherwise, the zoning change would not affect the existing facility and it can continue to operate as-is.

Staff has posted zoning change signage on the property, and has mailed notices to 26 owners either inside PD-14 or within 200-ft of the proposed zoning change. So far staff has received one (1) notice "in favor" and five (5) notices "opposed" to the request, three of which are from Dallas East. Since their property constitutes approximately 22% of the area within PD-14, a 3/4 vote by eligible members of City Council will be required.

Staff recommends approval of the zoning change from PD-14 to Commercial.

Chairman Hunter opened the public hearing at 6:17p.m.

Sandy Robitzsch, 790 River Rock Lane, inquired whether there is already a plan for a commercial use. Hampton clarified that the property is now zoned (C) Commercial and (LI) Light Industrial, and this proposal will just remove the (LI) Light Industrial zoning.

With no further public comment, the public hearing was closed at 6:18 pm.

Commissioner Herbst made a motion to approve Z2009-016, a City-initiated request for a change in zoning from (PD-14) Planned Development No. 14 District to (C) Commercial district, for approximately 56.78-acres comprised of Lot 1, Block C and Lots 5, 6 and 9, Block A, Rockwall Business Park East Addition, generally located south of IH-30, west of SH 205 and along the north and south sides of Ralph Hall Pkwy, with staff recommendations.

Commissioner Jackson seconded the motion.

It was voted on and passed 6 to 0.

Z2009-017

Hold a public hearing and consider approval of a City-initiated request for a change in zoning from (PD-35) Planned Development No. 35 District to (LI) Light Industrial district, for a 2.343-acre property known as Tract 15-1, Abstract 99, A. Hanna Survey, and located at 1535 IH-30, and take any action necessary.

Hampton stated the City has initiated a zoning case to rezone a 2.343-acre tract from (PD-35) Planned Development No. 35 district to (LI) Light Industrial district. The subject property comprises all of PD-35 and if approved, the zoning change would eliminate this planned development in its entirety. The underlying zoning in PD-35 is (LI) Light Industrial district; however, the additional use of "stone fabrication with outside storage" and several other conditions are specified in the ordinance. The proposed zoning change would essentially eliminate the extra land use and development conditions (e.g. landscape screen) that were associated with it.

The proposed zoning change follows the recommendations of the Planning and Zoning Commission and City Council resulting from the 2009 Planned Development Review (PD Review) process. During this process, the property owner (Mr. Darrell McCallum) was contacted by staff and feedback was solicited about the potential change. Mr. McCallum stated he was not aware of the PD zoning, and did not seem to object to the change as long as he would be able to continue operating his appliance business from the location, which he moved from the downtown square a couple years ago.

The property is surrounded on four sides by existing "LI" zoning, and is designated on the City's Future Land Use Map as "Technology/Light Industrial." Staff feels like the proposed zoning is more appropriate than the current PD ordinance, given that outside storage is no longer an allowed use along IH-30 under the current Unified Development Code standards.

Staff has posted zoning change signage on the property, and has mailed notices to six (6) owners within 200-ft of the proposed zoning change. Staff has not received any responses.

Staff recommends approval of the zoning change from PD-35 to Light Industrial.

The public hearing was opened at 6:23 p.m.

With no public comment, the public hearing was closed at 6:23 pm.

Commissioner Minth made a motion to approve Z2009-017, a City-initiated request for a change in zoning from (PD-35) Planned Development No. 35 District to (LI) Light Industrial district, for a 2.343-acre property known as Tract 15-1, Abstract 99, A. Hanna Survey, and located at 1535 IH-30, with staff recommendations.

Commissioner Herbst seconded the motion.

It was voted on and passed 6 to 0.

Z2009-018

Hold a public hearing and consider a request by Jed Dolson of Stone Creek Balance, Ltd, for proposed amendments to (PD-70) Planned Development No. 70 District (Ord. 07-13), being 395-acres overall and generally known as the Stone Creek development, 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.

Hampton stated that the developer of the Stone Creek residential subdivision has submitted a proposed amendment to the PD-70 zoning district, which was approved in 2007 for the 395-acre overall development. The primary focus of the proposed amendment is to designate approximately seven (7) acres at the southwest corner of the subject tract as general retail. The 7-acres are situated immediately north of the CVS Pharmacy located on North Goliad, and immediately west of the City's

new Fire Station #3. The current PD Concept Plan indicates residential lots in this area; however, the applicant has stated they feel like the proposed retail use is more appropriate given the adjacent non-residential land uses. If the amended concept plan were approved, the maximum overall residential lot count for the Stone Creek subdivision would be reduced from 935 SF lots to 918 SF lots.

In addition to the amended Concept Plan, staff has worked with the applicant on several changes to the existing PD Development Standards (i.e. Exhibit "C" of the approved PD Ordinance). Included in the textual changes are overall adjustments to the ultimate lot count (by type) that would result with the proposed 7-acres of additional retail. Staff has also removed several references to alley requirements and lot types served by alleys in the PD ordinance, as the City Council approved a waiver to the alley requirements for the subdivision not long after adoption of the PD. Finally, staff has also tried to clarify some of the residential requirements in the PD that have been unclear for building inspections staff and/or various builders in the subdivision. These include a clarification on the requirements for tubular steel fencing as well as a clarification on the prohibition of "cementitious siding" on all chimneys.

Staff feels like the proposed change from residential to retail on the 7-acres warrants consideration. It appears that the development of this area as office/retail could result in less impact to the existing creek and heavily treed area in this part of the site, given that a residential street that parallels SH 205 and crosses the creek (as shown on the original Concept Plan) would no longer be necessary. Additionally, the developer has made a sensible argument that this area, which is sandwiched between the fire station and CVS Pharmacy, could be difficult to market for upscale residential homes.

Further, and perhaps most important, staff feels the proposal conforms to the City's Future Land Use Map, which designates the intersection of SH 205 and Quail Run as a potential retail/commercial node. The intersection has already developed in this manner with CVS, the North Lakeshore Valley development (Walgreens, Children's Lighthouse, etc) and the upcoming medical office building recently approved at the SE corner of the intersection. Finally, the same strict controls in PD-70 utilized for the Stone Creek Retail project (i.e. Tom Thumb) would apply to this 7-acre tract, including limitations on land use, the Development Plan public-hearing process and standards for appropriate connectivity to the neighborhood.

Staff has posted zoning change signage along both SH 205 and Quail Run Rd, and has also mailed notices to 67 owners within 200-ft of the subject property. So far, one (1) response "opposed" to the request has been received.

Staff recommends approval of the proposed amendment to PD-70 (Ord. No. 07-13) subject to the approval of the amended PD Concept Plan (Exhibit "B") and amended PD Development Standards (Exhibit "C").

Hunter asked for clarification regarding the changes to the chimney standards and the ingress and egress for this property. Hampton stated that he thought the wording for the masonry standard for chimneys could be worded better. There was further discussion regarding TX DOT requirements and the requirement from the fire department.

Jed Dolson, 3838 Oak Lawn, Dallas Texas, (Stone Creek Balance, Ltd) gave a Power Point presentation. He discussed the growth of the intersection at Quail Run and SH 205. Mr. Dolson discussed tree preservation. Mr. Dolson listed the advantages to the City in Ad Valorem taxes and sales tax dollars that would come into the city if this property were zoned commercial rather than remaining residential. Mr. Dolson stated that he would envision the same type of design process with this development as was done with the Tom Thumb.

The public hearing was opened at 6:46 p.m.

With no public comment, the public hearing was closed at 6:47 pm.

Herbst stated he is in support of this request. Buchanan stated he thinks this is a better option for this piece of property. There was discussion regarding whether there should be vehicle access between the residential site and the commercial site. Mr. Dolson stated that the intent is to keep the creek and tree area in its natural state and to build walking paths. Minth stated she is in favor of walking paths, and she is not in favor of having vehicle access from the neighborhood into the proposed commercial tract. Herbst stated that he is not in favor of breaking through the commercial and residential area because it will bring undesirable traffic into the neighborhood.

Commissioner Herbst made a motion to approve Z2009-018, a request by Jed Dolson of Stone Creek Balance, Ltd, for proposed amendments to (PD-70) Planned Development No. 70 District (Ord. 07-13), being 395-acres overall and generally known as the Stone Creek development, 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, with staff recommendations.

Commissioner Minth seconded the motion.

Jackson inquired whether the motion to approve should include the rewording of the masonry standard for chimneys and a provision for restricting access from the commercial area to the neighborhood. Hampton stated that the chimney amendment should be made, but it is not necessary to add anything regarding access because the Concept Plan does not show access, and the Commission will have another opportunity to review at Development Plan stage, which is another public hearing process.

Commissioner Herbst amended his motion to include that the requirement for masonry chimneys be reworded so that masonry is required if a chimney is constructed.

Commissioner Minth amended her second to include the additional stipulation.

Stubbs recused himself from voting on this case.

It was voted on and passed 5 to 0. (Stubbs abstained.)

Z2009-019

Hold a public hearing and consider a request by Dwayne Zinn of Cross Engineering Consultants for approval of a Specific Use Permit (SUP) to allow for "Automotive Repair, Minor" within (PD-49) Planned Development No. 49 District, specifically a 4,922-sf Christian Brothers Automotive on Lot 2, Block A, Wal-Mart Rockwall Addition, being 1.003-acres and situated along the north side of SH 66 (W Rusk) east of North Lakeshore 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 (PD-49) Planned Development No. 49 district, which has an underlying "GR" General Retail classification. The proposed 4,922-sf Christian Brothers Automotive store is located on Lot 2, Block A, Wal-Mart Rockwall Addition. The subject site is south of the existing Wal-Mart Neighborhood Market and immediately east of the Chase Bank along SH 66.

Staff recommended that a conceptual site plan, landscape/tree plan and building elevations be submitted for the Planning and Zoning Commission and City Council to consider the proposed use. The proposed building includes nine (9) service bays, and has been oriented in a manner that the bays do not face the street, which follows City specifications. The front of the proposed structure closest to SH 66 features the office/showroom part of the building. Due to existing drainage infrastructure in the west part of the site and an existing power pole adjacent to the existing cross access within the Chase development, the applicant's site plan does not obtain access from SH 66.

2 Instead, the site will be accessed from the cross access/firelane easement located on the Wal-Mart
4 site.

6 The conceptual building elevations appear to comply with City requirements, including the
8 standards for building articulation and 4-sided architecture, masonry and natural stone, pitched roof
10 system and the screening of all mechanical equipment. Additionally, the building's design and
materials appear to complement the Wal-Mart shopping center. However, staff would recommend
that a formal site plan review be required in the future, including Architectural Review, to ensure that
all requirements of the SH 66 Overlay district are met.

12 The landscape plan submitted by the applicant indicates the removal of ten (10) trees from
14 the site, resulting in approximately 77-inches of required mitigation. The applicant has addressed the
mitigation with 88-inches of new trees plus a wide variety of accent trees, shrubs and ground cover.
16 However, it should be noted that the largest tree, a 54" (double-trunk) Hackberry, is in visibly poor
condition. The site is very heavily vegetated, and the applicant's plan does result in the preservation
18 of all of the trees along the east and south property lines that would serve to create a natural buffer
between the bay doors and SH 66. Additionally, there are several 4 to 5-inch trees that were planted
20 with the Wal-Mart development that could be transplanted instead of "removed" as shown on the
applicant's plan. A formal landscape plan review and approval would occur with the site plan review.

22 Staff has posted a zoning sign on the property, and mailed notices to seven (7) owners within
200-ft of the subject property. At the time of this report, two (2) notices "in favor" and one (1) notice
24 "opposed" has been returned. Additionally, one (1) notice "opposed" to the request has been received
from an owner beyond 200-ft of the subject property.

26 Staff recommends approval of the SUP, but with the following conditions:
28 1. Future site plan submittal and approval shall be required, including adherence to all
standards specified in the Unified Development Code and SH 66 Overlay district.
30 2. No vehicles, equipment, parts or inventory shall be stored outside overnight.
32 3. Hours of operation shall be limited to between 7:00 am and 7:00 pm, Monday through
Saturday.
34 4. There shall be no bulk storage of tires within the facility.

36 Herbst inquired about condition #4 and asked if tires should also be added in condition #2.
Hampton stated he considered tires under "parts" and does not think you have to specify tires in
condition #2.

38 Hunter asked Chase Bank responded to the notice. Hampton stated they had not responded.

40 The public hearing was opened at 7:08 p.m.

42 Robert Vann, of Main and Main Development, Las Colinas, representing Christian Brothers
44 Automotive. Mr. Vann gave the background of Christian Brothers and their beliefs. Through a Power
Point presentation, Mr. Vann demonstrated the structure they intend to build and the building
46 elevations. Mr. Vann stated that they would like to keep the 4-ft stone beneath the glass all the way
around the building. He stated with irrigating the landscaping, the stone would hold up better. Mr.
48 Vann went on to explain what type of service the business provides and discussed the franchisee
policy. It is truly a light automotive repair, with no welding or painting.

50 Minth clarified the hours of operation limitation in staff's proposed conditions and that if the
52 applicant would be willing to restrict it to their actual hours of operation. Mr. Vann stated that he is
comfortable with hours of operation being limited to 7:00 am to 6:00 pm Monday through Friday, and
54 7:00 am to 12:00 pm on Saturdays. Typically Christian Brothers only opens on Saturdays for the first
three months but he would ask for six months.

2 Bob Carroll, 206 Alta Vista Drive, Rockwall, stated he is in opposition to this business coming
4 to this location. He stated that he was in opposition of Wal-Mart and the strip center. He stated that he
6 is concerned about the City's ability to enforce any rules placed on this business. He inquired about
8 odor pollution. He stated that he has been having problems since the strip center opened with debris
from the dumpsters being everywhere and the sound of the garbage trucks every day at 7 a.m.
coming to pick up trash. Mr. Carroll stated that the City cannot enforce the codes that are in place
now, and he does not believe that they will be able to with another business.

10 Russell Phelps, 214 Alta Vista, stated he is very depressed at the possibility of having an
12 automobile repair place at the entrance to our city. He stated that he does not want that as our image.
14 He stated that when the Wal-Mart was approved, it was his understanding that that was all that was
going to be put on that property. He stated that an auto repair business does not complement the
residential area. He stated that he can hear the dumpsters every day at 7am picking up the trash at
the strip center.

16 Stan Haines, 303 Carriage Trail, stated that he is shocked to see that the City is considering
18 putting an automotive repair shop in that location. He stated he would like to see something like a
20 park, a restaurant, something that is more suited to the neighborhood. He stated that he could go to
22 about six (6) places to get his car fixed within a couple of miles. He stated that there is a view of the
lake from that property. He said he is concerned about the possibility of oil leaks or any kind of leak
that could then seep into the lake.

24 Robert Beaumont, 218 Alta Vista, stated he is concerned about congestion. He stated that he
26 agrees that that is not the right location for an automotive place. He stated that he would rather see
something retail going in. He stated that Christian Brothers can go to I30 and fit in, but they do not fit
in with this neighborhood.

28 Mr. Vann addressed each concern of the residents. He stated that this is a destination
30 business and not something that you would just stop by and go in. Mr. Vann described some of the
32 items that might be disposed of in the trash. He stated that more oil comes off the road from traffic
than will ever come off of the property of Christian Brothers. He went on to describe how the interior
floors are cleaned. Mr. Vann further responded to the issue of congestion.

34 Buchanan inquired about the review process after the business is open. Mr. Vann stated that
36 they have a Facilities and Operation division. He stated there is oversight of the business after it is
open, but he is uncertain as to what that process is.

38 There was discussion regarding the required parking and what would happen to the building
40 if this business fails. There was discussion regarding code enforcement. Hampton stated that a
42 zoning violation would be more punitive and result in action being taken more forcefully than a minor
code enforcement violation such as dumpster gates being left open. There could be a fine of up to
44 \$2000 per day if the owner were to ignore, for example, a warning about storing cars or parts outside
if it were prohibited in the SUP. Hampton stated that the Commission might put in some additional
conditions that will remain with the property and not the business.

46 With no further public comment, the public hearing was closed at 7:50 pm.

48 Buchanan stated that he is not in favor of this project. He stated that it sends the wrong
50 message to the community. He stated he would love to have them in Rockwall, but not at this
location. Herbst agreed. He stated that the gate for auto repair should not be opened at this location.

52 Minth inquired if not this business, what else could go in this location. Hampton stated that
54 quite a few things are allowed in (GR) General Retail. He stated that recently there have been other
inquiries for this same property for gas stations, fast food restaurants and additional retail space. He
56 stated that the other inquiries have been for very high volume businesses, some of which would
require the same SUP process. But Christian Brothers is the only developer to come forward with a

plan that appears to meet all of the SH 66 Overlay standards, doesn't seek to remove the majority of the trees, and does not even propose access from SH 66. He also stated that our Comprehensive Plan calls for the distribution of services at the neighborhood level.

Jackson stated that the building is nice on all four sides, being constructed of brick and stone. She stated that she visited the Christian Brothers on Northwest Highway and Garland Road. She stated that she was impressed with how nice the building looks. Stubbs stated he is in favor of this passing, and that he would not mind if one was closer to his home. There was discussion regarding tabling this case and notifying residents who live outside the 200-ft limit to see if there is any feedback. Jackson stated that a blast email went out to the Shores residents and pointed out that no one is present at this meeting.

Hunter stated that the business plan does not present a lot of congestion. He stated that there are many other businesses that would bring more congestion and odors, such as a gas station or a fast food restaurant. Hunter stated that he feels this is more of a boutique automotive shop rather than a full automotive repair shop. He stated that that is the kind of business that you want in a neighborhood.

Minth inquired about trash storage and how it can be hidden. Hampton stated that dumpster screening is part of the process and will be reviewed later with a site plan. He also stated that we can add in the SUP a periodic review from the date of issuance to make sure that all of the conditions are being met.

Commissioner Minth made a motion to approve Z2009-019, a request by Dwayne Zinn of Cross Engineering Consultants for approval of a Specific Use Permit (SUP) to allow for "Automotive Repair, Minor" within (PD-49) Planned Development No. 49 District, specifically a 4,922-sf Christian Brothers Automotive on Lot 2, Block A, Wal-Mart Rockwall Addition, being 1.003-acres and situated along the north side of SH 66 (W Rusk) east of North Lakeshore Dr, with staff recommendations and the following additional recommendations:

- 1. Hours of operation shall be limited to 7 a.m. to 6 p.m., Monday through Friday. Additionally, for the first six (6) months only, the business shall be open from 7 a.m. to 12 p.m. on Saturday.**
- 2. No welding and no painting.**
- 3. Business to be reviewed in one year to ensure compliance.**

Commissioner Jackson seconded the motion.

It was voted on and passed 4 to2. (Herbst and Buchanan against)

ADDITIONAL DISCUSSION ITEMS

Discuss meeting procedures for the Planning and Zoning Commission, and take any action necessary.

Hunter stated that he would like cell phones turned off or turned to silent during the meetings. Hunter stated that there have also been inquiries about having internet access available in council chambers. After some discussion, Staff indicated they would look into having internet availability for the general meeting log-in so that it can be pulled up on the large screen for all the Commissioners and public to see if necessary.

2 Hunter stated that the perception to the public should be that we are here to listen to them and
4 give 100% of our time to them. He stated that he would like to see no one use a phone in a meeting at all
6 unless it is an actual emergency. Minth stated everyone is professional and are adults and that she thinks
the board does use discretion while using the cell phone. Stubbs stated his opinion on the cell phone
policy.

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

a) **Z2009-008: Lake Rockwall Estates Proposed PD zoning**

12 Hampton stated that the LRE zoning was approved by Council on first reading, as recommended
14 by the Commission, and that the second reading is scheduled for September 21st.

16 **ADJOURNMENT**

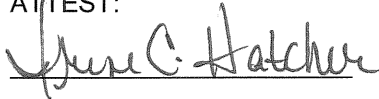
The meeting adjourned at 8:35 p.m.

18 **PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF**
20 **ROCKWALL, Texas, this 29th day of September, 2009.**



Michael Hunter, Chairman

26 **ATTEST:**

28 

**Minutes of
PLANNING AND ZONING COMMISSION WORK SESSION
SEPTEMBER 29, 2009**

CALL TO ORDER

The meeting was called to order by Michael Hunter at 6:00 p.m. with the following members present: Barry Buchanan, Connie Jackson, Phillip Herbst and Kristen Minth. Tony Hayes was absent, and Mark Stubbs arrived late.

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

ACTION ITEMS

Approval of Minutes for September 15, 2009 Planning and Zoning Commission meeting

Herbst stated that page 8 line 51 should read "he stated that the gate for auto repair should not be opened at this location."

Herbst made a motion to approve the minutes from September 15, 2009 with the noted change.

Minth seconded the motion.

The motion was voted on and passed 5-0.

MIS2009-007

Discuss and consider a request by Felix Marquez for approval of a special exception in accordance with (PD-75) Planned Development No. 75 district (Ord. 09-37), specifically to allow for an addition with 100% cementaceous siding to a non-conforming structure on the property located at 142 Russel, currently described as Lot 1224, Rockwall Lake Estates #2, and take any action necessary.

This case was moved to the end of the agenda to give the applicant the opportunity to arrive.

DISCUSSION ITEMS

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

LaCroix stated that the ARB members were only looking at the Christian Brother's building's elevations and stated they did not have any objections to the building or materials that were presented to them.

SP2009-008

Discuss a request by John Donahoe for approval of a site plan for the conversion of a residential home into an office building on the property located at 1001 N. Goliad, being a 1.57-acre tract zoned (NS) Neighborhood Services district and currently described as Tracts 30, 31, 32 and 32-1, Abstract 146, S.S. McCourry Survey.

Spencer gave the background of the case and the applicant's proposal. There was discussion regarding the cleanup of the property. There was discussion regarding the carport that will be removed and the changes to the exterior of the existing structure home. Spencer continued to

2 explain the platting process that would take place with this property. There was discussion
4 regarding the gas easement that runs through the property.

6 Leonard Duncan, construction manager, 1043 Anna Cade Road, stated the intent is to clean up
8 the property and use it as an office. There was discussion regarding the stone on the house being
improperly installed causing water damage on the house. Mr. Duncan discussed the changes to
the front of the house that they intend to make.

10 **SP2009-009**

12 **Discuss a request by Dwayne Zinn of Cross Engineering Consultants for approval of a site**
14 **plan for Christian Brothers Automotive, a 4,922-sf development on Lot 2, Block A, Wal-Mart**
Rockwall Addition, being 1.003-acres zoned (PD-49) Planned Development No. 49 District and
situated along the north side of SH 66 (W Rusk) east of North Lakeshore Dr, within the SH 66
Overlay District.

16 Hampton stated that the Architectural Review Board voted unanimously in favor of this case. He
18 also explained that the SUP for this case was approved by City Council on first reading, with the
20 second reading scheduled for October 5. Hampton explained the possibility of transplanting some
of the smaller existing trees that were planted with the Walmart construction to another location
on the property or within the Wal-Mart green belt to the north. Commissioner Minth discussed the
garage doors and the possibility of finishing those doors out. Commissioner Herbst asked about
the oil/water separator, which was not shown on the concept plan. Hampton explained that it is a
code requirement to have a separator installed to keep any oil out of the storm water runoff
system. It's also required for gas stations and other similar uses.

26 Robert Vann, Main and Main Development, 1212 Corporate Drive, Irving stated he does not have
28 a problem transplanting the trees either on this site or in the Wal-Mart greenbelt. Mr. Vann stated
that the doors are going to be painted black.

30 *Commissioner Stubbs arrived at 6:21 p.m.*

32 **Z2009-021**

34 **Discuss a request by Robert Soukup of Panama Solar Technologies for approval of a Specific**
36 **Use Permit (SUP) to allow for a "Utility Installation, Other Than Listed," specifically the**
installation of solar panels on the roof of a home located at 748 Black Oak Lane, being Lot 13,
Block E, Flagstone Estates Addition and zoned (PD-54) Planned Development No. 54 district.

38 Gonzales presented the case and stated that Council has approved cases similar to this one in
40 the past and listed which cases they were. Gonzales stated that the applicant's HOA has
approved the solar panels. Minth stated she has concerns about solar panels because there are
42 shingles that have solar power capabilities that look much nicer.

44 The Commission discussed the positioning of the solar panels.

46 Robert Soukup, 748 Black Oak Lane, stated how he decided on the location of the panels on the
48 roof and their appearance. There was discussion regarding the color of the panels and the
possibility of glare coming from them.

50 **MIS2009-007**

52 **Discuss and consider a request by Felix Marquez for approval of a special exception in**
accordance with (PD-75) Planned Development No. 75 district (Ord. 09-37), specifically to
allow for an addition with 100% cementaceous siding to a non-conforming structure on the
property located at 142 Russel Drive, currently described as Lot 1224, Rockwall Lake Estates
#2, and take any action necessary. (Delayed from Action Items)

Spencer stated that Felix Marquez, has submitted a request for a special exception(s) to allow for a 21'x14' addition with 100% hardi-board to an existing manufactured home on the property. Mr. Marquez is proposing to place the addition on a pier and beam foundation system. Planned Development No. 75 (PD-75) 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.

Staff believes that this is a judgment call for the Planning and Zoning Commission and the City Council. If the P&Z and Council approve the special exceptions staff would offer the following conditions:

1. The entire addition including the skirting shall be 100% hardi-board.
2. The hardi-board lap siding be a minimum width of six and one-quarter inches (6 ¼").
3. Adherence to all Building Code requirements.

Spencer demonstrated with photographs what the site looks like now and stated that there has been some work started on site which was stopped by the Code Enforcement Department. Hunter inquired whether the applicant is being required to change the siding on the original structure to match the addition. Spencer stated this case only involves the addition.

There was discussion whether the original structure is going to be altered by adding the addition. Hunter inquired about the condition for grandfathering properties in as they were during the annexation process and then altering them. LaCroix stated this process gives the Commission and Council the ability to allow an extension of a nonconforming structure.

There was discussion surrounding whether this addition is going to make the property better or worse than it does now. There was further discussion whether the Commission could put in the requirement that the original home has to match the addition.

Buchanan stated that he does not think this is in the best interest of this subdivision at this time. Jackson stated the only way this addition would improve the property is if the materials of the existing home and the addition looked alike. Herbst stated that he has reservations about opening the door to add onto existing structures. LaCroix stated that this would be a special exception and that it is the first one that is being requested. He stated there is going to have to be some consistency on how cases like this one are decided.

Stubbs stated that this would be an improvement to the property and that the changes in this subdivision are going to take time. There was discussion regarding the maintenance of the property and of the existing structure.

Hunter stated he is not opposed to the applicant building the addition, but there has to be standards set so it sets the standard for future applicants. Hunter stated that he is not in favor of the Commission making a decision tonight without having the applicant present.

Commissioner Herbst made a motion to table MIS2009-007, a request by Felix Marquez for approval of a special exception in accordance with (PD-75) Planned Development No. 75 district (Ord. 09-37), specifically to allow for an addition with 100% cementaceous siding to a non-conforming structure on the property located at 142 Russel, currently described as Lot 1224, Rockwall Lake Estates #2, until the next hearing with the understanding that the applicant has to appear at the next meeting.

Commissioner Jackson seconded the motion.

Stubbs stated this area is going to need to be treated differently. He stated if the holes on the existing structure are repaired and the structure is painted, it will improve the lot and the community. There was discussion regarding whether an interpreter needs to be present at the next

meeting. LaCroix stated he does not believe there is a language barrier, but there may be a barrier with the understanding of what the Commission is asking the applicant to do.

It was voted on and the case was tabled by a vote of 5-1. (Stubbs against)

ADDITIONAL DISCUSSION ITEMS

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

a) Z2009-016: Rezoning of PD-14 to Commercial

LaCroix stated Council approved the zoning change to PD-14.

b) Z2009-017: Rezoning of PD-35 to Light Industrial

LaCroix stated Council approved the zoning change to PD-35

c) Z2009-018: Amendments to PD-70 Concept Plan & Development Standards

LaCroix stated that Council approved the amendments to PD-70.

d) Z2009-019: Specific Use Permit for Christian Brothers Automotive

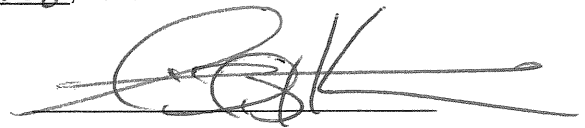
LaCroix Stated that Council approved the SUP by a 4-3 vote, and the case comes back for second reading on October 5th.

Herbst requested that staff look into why Plaza Rockwall has no benches even though they were shown on the site plan, and report back to the Commission at the next meeting.

ADJOURNMENT

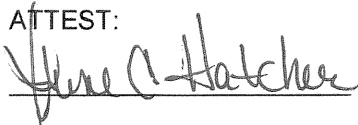
The meeting adjourned at 7:03 p.m.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 13 day of October, 2009.



Michael Hunter, Chairman

ATTEST:



**Minutes of
PLANNING AND ZONING COMMISSION PUBLIC HEARING
October 13, 2009**

CALL TO ORDER

The meeting was called to order by Michael Hunter at 6:00 p.m. with the following members present: Barry Buchanan, Connie Jackson, Philip Herbst, Tony Hayes and Mark Stubbs. Kristen Minth was late.

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

CONSENT AGENDA ITEMS

Approval of Minutes for September 29, 2009 Planning and Zoning Commission meeting

Herbst made a motion to approve the minutes for September 29, 2009.

Buchanan seconded the motion.

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

Commissioner Minth arrived at 6:04 p.m.

PUBLIC HEARING ITEMS

Z2009-021

Hold a public hearing and consider a request by Robert Soukup of Panama Solar Technologies for approval of a Specific Use Permit (SUP) to allow for a "Utility Installation, Other Than Listed," specifically the installation of eleven (11) solar panels on the roof of a home located at 748 Black Oak Lane, being Lot 13, Block E, Flagstone Estates Addition and zoned (PD-54) Planned Development No. 54 district, and take any action necessary.

Gonzales stated that the purpose of the request is to allow for solar panels to be mounted to the roof of the rear of the applicant's home. This would result in a savings of approximately 30% of the electricity normally consumed, thereby reducing the amount of electricity demanded on the grid. The applicant is recommending that the solar panels be placed on the rear roof of the property (north east facing section) to gain maximum exposure to the sun. By having the panels installed on the rear of the property, visibility of the panels would be limited due to the detention pond and drainage easement that is between his property and Pebble Creek Lane, which is approximately 250-ft to the north. Also, this greenbelt area is heavily treed and would help to reduce visibility to others within the community. The applicant has submitted specifications for the equipment to be installed, a roof plan and a letter from the Flagstone Creek Home Owners Association granting approval of the installation.

In staff's opinion, the applicant's request is worthy of consideration given his goal of reducing the amount of energy consumed and the limited visibility of the proposed solar panels. However, staff does feel this request to be a judgment call for the Planning and Zoning Commission and the City Council until such time specific guidelines are adopted for solar power facilities. It should be noted that SUP's have been approved for similar requests, two of which were wind turbines (one residential and one commercial) and more recently, a request for twenty-two (22) solar panels for a residence (606 Shoreview Dr.) in July of this year. Staff is recommending the same conditions for this case that was approved for the twenty-two (22) solar panels on Shoreview Dr.

2 Notices were mailed to the property owners of record with in 200-ft of the subject property. At
4 the time of this report, staff has not received any notices "in favor" or "in opposition" to the request.

6 If the request is approved, staff would recommend the following conditions:

- 8 1. Eleven (11) solar panels shall be attached to the roof as shown on the roof plan
10 elevations submitted by the applicant with the ability to add three (3) additional solar
12 panels, but not to exceed a maximum of fourteen (14).
2. All mechanical equipment (e.g. inverter box) and batteries shall be completely
screened from adjacent right-of-ways and properties.
3. The solar panel equipment shall be the Schott Solar Poly 220™ system or an
equivalent system with the physical specifications as submitted by the applicant.

14 Buchanan inquired where the inverter box and the equipment would be. Gonzales stated that
16 the equipment would be housed in the garage. Hunter inquired if the applicant wanted to expand to
18 have more solar panels, would the applicant have to come back before the commission. Gonzales
stated that it is his impression that the applicant has no plans to increase the number of panels.

20 Robert Soukup, applicant, stated that the system is designed to hold up to 14 panels but he does
22 not expect to expand it in the future. Commissioners Jackson and Stubbs stated they are not
opposed to this request. Minth stated that she is aware of one person sending back a response
opposed to this request, but maybe it had not been received by staff yet.

24 The public hearing was opened at 6:12 pm.

26 With no public comment, the public hearing was closed at 6:13pm.

28 **Commissioner Jackson made a motion to approve Z2009-021, a request by Robert**
30 **Soukup of Panama Solar Technologies for approval of a Specific Use Permit (SUP) to**
32 **allow for a "Utility Installation, Other Than Listed," specifically the installation of solar**
34 **panels on the roof of a home located at 748 Black Oak Lane, being Lot 13, Block E,**
Flagstone Estates Addition and zoned (PD-54) Planned Development No. 54 district,
with staff recommendations.

36 **Commissioner Herbst seconded the motion.**

38 Hunter inquired if the commissioners should allow for a maximum of fourteen (14) panels at
40 this time to allow the applicant to expand the number of panels without having to come back
before the commission later.

42 **Jackson amended the motion to allow for fourteen (14) panels and with all other staff**
recommendations.

44 **Herbst seconded the amended motion.**
46 **It was voted on and passed 7 to 0.**

48 **ACTION ITEMS**

50 **SP2009-008**

52 **Discuss and consider a request by John Donahoe for approval of a site plan for the**
54 **conversion of a residential home into an office building on the property located at 1001 N.**
Goliad, being a 1.57-acre tract zoned (NS) Neighborhood Services district and currently
described as Tracts 30, 31, 32 and 32-1, Abstract 146, S.S. McCourry Survey, and take any
action necessary.

56 Spencer stated that the applicant, John Donahoe, has purchased the property at 1001 N.
Goliad, which is approximately 1.5-acres and zoned (NS) Neighborhood Services district. The

applicant is proposing converting the property into an office building. A site plan has been submitted with the request, indicating that the existing residential structure at the southeast corner of the property would be maintained, serving as the office for Mr. Donahoe's construction management business. As discussed at the work session, the applicant is proposing to remove the existing stone water table and clad the existing structure in hardi-board lap siding. The applicant informed the Commission at the work session that the primary reason for the removal of the stone water table was the poor installation of the stone has lead to excessive water damage to the building. The applicant is also proposing to construct a trellis and an 816-s.f. detached garage along Live Oak. The detached garage is being constructed to match the primary and will have a hardi-board exterior. Additionally the existing carport located on site is to be removed as part of the redevelopment of this property.

The existing 1,400-sf structure would require five (5) parking spaces (one space per 300-sf required in NS) if fully utilized for office use. The site plan is proposing four (4) spaces located in the parking area, including one accessible space and two (2) spaces located in the detached garage. The proposed site plan exceeds the minimum parking standards by providing a total of six (6) parking spaces. It should be noted that the layout of the parking preserves all existing trees on the property with the exception of a 27-inch elm. The applicant is proposing to install the required 27-inches adjacent to the intersection of Goliad and Live Oak. Staff is recommending that the applicant provide details on the species, number and size of mitigation trees prior to issuance of a building permit.

As part of the redevelopment of the property to office, the applicant is requesting that the City Council approve a development agreement to postpone platting until the next phase of development. At the time the property is platted all the requirements of the City of Rockwall Subdivision Ordinance will have to be met. Some of the requirements include the dedication of right-of-way and improvements to Live Oak, East Fork and North Alamo; upgrading and extension of water and sewer lines; installation of drainage facilities; and dedication of all required easements. The development agreement is scheduled to be on the October 19, 2009, City Council agenda.

Staff recommends approval of the site plan subject to the following conditions:

1. Approval of the Development Agreement by the City Council.
2. Adherence to all Engineering and Fire Department Standards.
3. Provide species, size and number of mitigation trees prior to issuance of a building permit.

Hunter inquired about the tree mitigation proposed at the corner of the property and what impact it would have on visibility. Spencer explained the City's requirements for a visibility triangle, which has to be maintained during the construction. Hunter inquired whether there will be any construction vehicles parked outside. Spencer stated that this is a construction management office and there will be no construction vehicles on site.

Leonard Duncan, applicant's representative, stated his request to the commission and also stated that there will be no construction vehicles parked on site.

Commissioner Stubbs made a motion to approve SP2009-008, a request by John Donahoe for approval of a site plan for the conversion of a residential home into an office building on the property located at 1001 N. Goliad, being a 1.57-acre tract zoned (NS) Neighborhood Services district and currently described as Tracts 30, 31, 32 and 32-1, Abstract 146, S.S. McCourry Survey, with staff recommendations.

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

ADDITIONAL DISCUSSION ITEMS

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

- a) Z2009-019: Specific Use Permit for Christian Brothers Automotive

2 LaCroix stated that Council approved this case on the first reading. LaCroix stated that at the
4 second reading it was denied. He stated that two members that had originally voted to approve had
6 changed their vote during the second meeting. There was conversation regarding if anyone knows
8 what might be a desired business in that location. LaCroix explained to the commission the purpose
10 of an SUP. He stated that public opinion does play a part in decisions for SUPs. He stated that the
P&Z Commission should state in detail why in their opinion the proposed use is or is not appropriate
for a particular location. Hunter discussed the report that was given to the City Council and stated the
items that were expressed to them.

12 LaCroix stated that the commission might consider having the minutes for an SUP put in the
14 report to the City Council so they can read what happened at the P&Z meeting. Hunter stated that
16 maybe a bulleted list of items from a particular case could be included in the report to City Council
18 and maybe not have the minutes in their entirety included. Hayes stated that maybe a portion of the
minutes could be included or a draft copy for some cases. Hunter stated that the recording is
available for City Council to listen to if they choose. Minth stated that a bulleted list of items is a good
idea and stated that the commissioner that gives the report to City Council should list out loud the
reasons why the P&Z Commission decided the way they did.

20 Hunter inquired whether there is any place we can refer people if they are denied on a
22 particular location to help them find a new location. LaCroix stated the Planning and Zoning
Department does already help applicants find alternative locations.

24 **Planning Director's Report to discuss the following City activities, upcoming meetings, future
26 legislative activities, and/or other related matters:**

28 **a) Status of seating benches at Rockwall Plaza development**

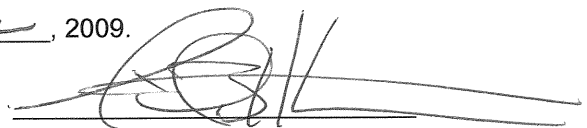
30 Hampton stated that the developer was contacted about the benches. The current representative
of the owner that staff has been working with, Karin Sumrall, was not involved in the planning stages of
the Plaza development and was not aware of the benches approved on the site plan. She stated that their
intent is to submit revised plans for Phase 2 of the development to the City in the next couple of months.
She would prefer to work with staff and the Commission during the review of Phase 2 on the final details
and location of seating and other design elements for the entire center. Hampton added that if for some
reason Phase 2 is delayed further, the developer was willing to install benches in Phase 1. Herbst stated
that a couple of months would be fine, but he would not like to see it take too much longer than that.

38 Hunter requested staff to come back at the next meeting with a definitive description of terms and
40 term limits on commissioners and how those are determined. LaCroix stated that term limits are also in
the zoning code.

42 **ADJOURNMENT**

44 The meeting adjourned at 6:55 p.m.

46 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
ROCKWALL, Texas, this 27th day of October, 2009.



Michael Hunter, Chairman

52 ATTEST:

54 Jane C. Hatcher

**Minutes of
PLANNING AND ZONING COMMISSION WORK SESSION
October 27, 2009**

CALL TO ORDER

The meeting was called to order by Vice Chairman Phillip Herbst at 6:00 p.m. with the following members present: Barry Buchanan, Connie Jackson, Kristen Minth and Mark Stubbs. Michael Hunter arrived late and Tony Hayes was absent.

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

ACTION ITEMS

Approval of Minutes for October 13, 2009 Planning and Zoning Commission meeting

Jackson made a motion to approve the minutes for October 13, 2009.

Buchanan seconded the motion.

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

MIS2009-007

Discuss and consider a request by Felix Marquez for approval of a special exception in accordance with (PD-75) Planned Development No. 75 district (Ord. 09-37), specifically to allow for an addition with 100% cementaceous siding to a non-conforming structure on the property located at 142 Russell, currently described as Lot 1224, Rockwall Lake Estates #2, and take any action necessary.

Spencer stated the background of the case. He stated that Felix Marquez, a resident at 142 Russell Drive in Lake Rockwall Estates, has submitted a request for a special exception to allow for a 21'x14' addition with 100% hardi-board to an existing manufactured home on the property. Mr. Marquez is proposing to place the addition on a pier and beam foundation system.

Spencer stated that City Council may consider special requests in the Lake Rockwall Planned Development District in Areas 1 and 2. Such requests may include, but not necessarily be limited to, the use of building materials not otherwise allowed, authorization of specific land uses not otherwise allowed, or other requests submitted for consideration. Upon receipt of such special requests, the Planning and Zoning Commission shall review the same and forward its recommendation to the City Council for consideration. The City Council may approve special requests and any such approval shall preempt any other underlying zoning restrictions in the Zoning Ordinance. Such special requests may be denied by the City Council by passage of a motion to deny.

Currently the PD standards do not allow for the addition to an existing non-conforming structure. This is the first special exception request in PD-75 that the Planning and Zoning Commission and the City Council have received regarding the addition to a non-conforming structure.

Staff believes that this is a judgment call for the Planning and Zoning Commission and the City Council. If the P&Z and Council approve the special exceptions staff would offer the following conditions:

1. The entire addition including the skirting shall be 100% hardi-board.
2. The hardi-board lap siding be a minimum width of six and one-quarter inches (6 ¼").
3. Adherence to all Building Code requirements.

Herbst inquired under what circumstances manufactured homes are permitted within the city. Spencer explained some of the requirements that would have to be met, such as, the pitched-roof requirement, the masonry requirement and the cementitious requirements. Spencer went on to explain other requirements in different parts of the city.

Buchanan inquired what the foundation is on the existing mobile home. Mr. Marquez stated that the mobile home is built on piers. Mr. Marquez stated that he is trying to make improvements to the property, but he does not know the rules of the City. He stated that he has been in construction for 15 years and knows how to do the work himself.

Herbst inquired whether the applicant is going to paint the house to match the addition. Mr. Marquez stated that he would like to put Hardi-board on the entire house eventually, but he cannot do it all at one time. He stated that until he can do that, he will paint the existing house to match the addition.

Hunter arrived at 6:08 p.m.

There was discussion regarding this case setting precedence and having more cases like this one coming to the Commission. LaCroix stated that the special exception was put into the ordinance for this exact reason. LaCroix stated that he does not consider this as being precedent setting because each case will be looked at individually. LaCroix stated that issues such as this one usually would go before the Board of Adjustments for an exception for one specific thing. He stated that this is different from an SUP. He further stated that there can be conditions put on an SUP but there are usually no conditions put on a request for a special exception.

Stubbs stated that he appreciates the difference of opinion and views. He stated that each area of town is treated differently. He stated that a new subdivision and an historic overlay district would be different. He stated that the addition will be built to code and stated that the Commission should allow the applicant to better his home and better his community.

Minth inquired whether there can be additional conditions added and have a time frame set for each condition to be completed. LaCroix stated that you cannot add conditions to a request for a special exception. He stated that the applicant is asking for an addition. He stated that he will have to meet the construction code. LaCroix stated that the Commissioners can request that he paint it all the same color, but it cannot be made a condition. Jackson stated that she has faith in the applicant to do the job correctly and paint it to match when he is able to. She stated she is in favor of this request. Herbst stated he is in favor of approving the request.

Commissioner Jackson made a motion to approve MIS2009-007, a request by Felix Marquez for approval of a special exception in accordance with (PD-75) Planned Development No. 75 district (Ord. 09-37), specifically to allow for an addition with 100% cementaceous siding to a non-conforming structure on the property located at 142 Russell, currently described as Lot 1224, Rockwall Lake Estates #2, with staff recommendations and the suggestion that when funds become available that the original house be painted to match the Hardi-board on the new addition.

**Commissioner Herbst seconded the motion.
It was voted on and passed 5 to 1. (Buchanan opposed)**

DISCUSSION ITEMS

Z2009-022

Discuss and consider a request by Janice Conover for approval of a change in zoning from (Ag) Agricultural district to (SF-E/2.0) Single Family Estate district, on a 5.62-acre property located at 421 Wallace Lane and currently described as Tract 8-6, Abstract 80, W. W. Ford Survey.

Spencer stated the applicant's request and gave a brief history of the property. Spencer stated the reasons why the applicant is requesting the zoning change. Spencer stated a variance will be necessary for the lot frontage requirement along with the zoning change to accommodate the lot to be subdivided into two lots. Spencer further stated that this case will not be heard until the work session in November due to the fact the case needs to go to the Board of Adjustment for approval of the variance.

Hunter inquired whether there is zoning that permits a mother-in-law house in Rockwall. LaCroix stated there is, but it can only be 30% of the existing structure. He stated that would only permit the additional house to be approximately 900-sf.

P2009-021

Discuss and consider a request by Mike Allen of Allen & Ridinger Consulting, Inc., for approval of a replat of Lot 2, Block 1, Horizon Village Addition, being 2.181-acres zoned (C) Commercial district and situated north of Ralph Hall Pkwy and east of FM 3097 (Horizon Rd).

Gonzales briefly updated the Commission on the final plat request and the outstanding issues that will be addressed by the applicant prior to the November 10th meeting.

ADDITIONAL DISCUSSION ITEMS

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

- a) **Z2009-021: SUP for Solar panels at 748 Black Oak Dr (Flagstone Estates)**

LaCroix stated this case was approved by Council.

Planning Director's Report to discuss the following City activities, upcoming meetings, future legislative activities, and/or other related matters:

- a) **Existing rules on term limits for Planning and Zoning Commissioners**

LaCroix stated that there is documentation regarding term limits provided in the packets. LaCroix stated that by Charter, the commission is permitted to serve two (2) terms. He further stated if you are appointed to a term in the middle of the term you fulfill that term, but you are still able to serve two, 2-year terms of your own.

LaCroix stated in the zoning code you are appointed to a two-year term in a rotating basis. LaCroix stated that, by the zoning code, City Council can change the length of the terms but they cannot change the number of terms.

Hunter stated it takes about a year as a commissioner to feel comfortable making informed decisions. He stated that in four years of service, you only really get three (3) beneficial years to the city. Hunter stated that it might be beneficial to the City if the terms were lengthened to two, three-year terms. Hunter inquired, if the recommendation was made to lengthen the term, how would the recommendation be made and what the process would be. Hunter inquired of the commissioners whether they are interested in pursuing that request to Council.

Jackson stated that four (4) years is a big commitment and six (6) years is an even bigger one. She stated that there should be an experienced commissioner sitting next to an inexperienced commissioner to help during a meeting. Buchanan stated he is in favor of the terms staying the way they are. Minth stated she is happy with the term limit the way it is. Stubbs stated that it is hard to get qualified people to serve on the boards and inquired what the term is of the City Council. It was stated that the terms are 3, two-year terms. LaCroix stated that he agrees that you can be on a board for too long. He further stated that he also agrees that it does

2 take a while to get up to speed on the platting and subdivision design. He stated that the P&Z
4 board is a more technical board than City Council.

6 Buchanan agreed with LaCroix that it is good to have people with expertise and
8 experience on the board. Herbst inquired if a change is made to the length of the terms, would it
10 have any impact on the present board. LaCroix stated that it would not extend current
12 commissioners who are terming out, but it would apply to them for their next term and for future
14 boards.

16 Jackson stated that it is good to have a diverse group serving on the boards. Stubbs
18 stated that six (6) years is not unreasonable. He stated that if anyone does not want to finish their
20 term, they do not have to.

22 Hunter clarified whether the Commissioners want him to approach Council with the
24 request. Minth stated she has no problem with City Council discussing the request. Herbst agreed
26 with Minth. Buchanan stated that he would be okay with three, two-year terms. LaCroix stated
28 that is not an option due to the Charter. There was discussion regarding the maximum time a
30 commissioner would be able to serve. Jackson stated that she thinks there should be a limit to
32 the number of years you can serve. LaCroix stated that you can resign at anytime if you cannot
34 complete your term.

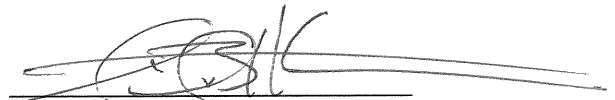
36 Hunter asked for a consensus on the request. The consensus is to make the request to
38 Council.

40 Stubbs is requesting to review the zoning for PD-49. LaCroix stated that he will bring PD-
42 49 to the next meeting.

ADJOURNMENT

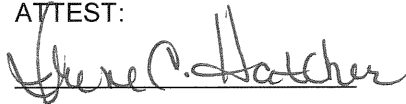
The meeting adjourned at 7:01 p.m.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
ROCKWALL, Texas, this 10th day of November, 2009.



Michael Hunter, Chairman

ATTEST:



**Minutes of
PLANNING AND ZONING COMMISSION PUBLIC HEARING
NOVEMBER 10, 2009**

CALL TO ORDER

The meeting was called to order by Michael Hunter at 6:00 p.m. with the following members present: Barry Buchanan, Connie Jackson, Phillip Herbst, Kristen Minth and Mark Stubbs. Tony Hayes was absent.

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

ACTION ITEMS

Approval of Minutes for October 27, 2009 Planning and Zoning Commission meeting

Herbst made a motion to approve the minutes for October 27, 2009.

Jackson seconded the motion.

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

P2009-021

Discuss and consider a request by Mike Allen of Allen & Ridinger Consulting, Inc., for approval of a replat of Lot 2, Block 1, Horizon Village Addition, being 2.181-acres zoned (C) Commercial district and situated north of Ralph Hall Pkwy and east of FM 3097 (Horizon Rd).

Gonzales stated that the applicant is requesting approval of a replat of Lot 2, Block 1, Horizon Village Addition, located at Ralph Hall Parkway and east of Horizon Road. The site is 2.181 acres and is zoned (C) Commercial district. Access to the site can be gained through cross access easements from Ralph Hall Parkway and Lowes Home Center.

Gonzales stated the purpose of the replat is to create two (2) lots, one for the proposed National Tire Battery (Lot 5) and the other will be for a future development (Lot 6). The replat will also dedicate firelane, cross access, and utility easements as-well-as abandon a portion of a 15-ft sanitary sewer easement located within the proposed Lot 5.

Staff recommends approval of the request with the following conditions:

1. Adherence to all Engineering and Fire Department standards.

2. File off-site easements by separate instrument.

3. Correct meets and bounds at "BEGINNING" to read "Ralph Hall Parkway" instead of "Horizon Hall Parkway."

Mike Allen, 285 W. Southwest Parkway, Lewisville Texas appeared in person.

Stubbs inquired whether there are any future plans to add curb cuts for access. Gonzales stated that there will not be any additional curb cuts.

Commissioner Minth made a motion to approve P2009-021, a request by Mike Allen of Allen & Ridinger Consulting, Inc., for approval of a replat of Lot 2, Block 1, Horizon Village Addition, being 2.181-acres zoned (C) Commercial district and situated north of Ralph Hall Pkwy and east of FM 3097 (Horizon Rd), with staff recommendations.

**Commissioner Buchanan seconded the motion.
It was voted on and passed 6 to 0.**

2
4 **DISCUSSION ITEMS**

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

8 a) **MIS2009-007: Special Exception for 142 Russell (Lake Rockwall Estates)**

10 LaCroix stated that he was not at the City Council meeting; however, Hampton had reported to him that City Council denied the request for a special exception. LaCroix stated Council does not want to perpetuate building onto a substandard structure that may not meet code itself. Hunter stated that he and Commissioner Stubbs were present at the Council meeting. He reiterated Council's reasons for not approving the Special Exception request.

12 Stubbs inquired about the requirement for the Hardi-board. LaCroix explained the minimum masonry standard and the replacement clause. There was discussion on how a case should be presented in the future when requesting a Special Exception. LaCroix stated that it is not possible to create a standard for every request that may come in. Hunter stated that Council had a hard time deciding this case. He stated they took many things into consideration in order to make their decision. Hunter stated that he is sure the issue will come up in the future regarding requirements and conditions on special exceptions.

14 Minth inquired whether the Commission can request City Council to amend the Special Exception Request to allow conditions to be added to the request like with an SUP. Hunter stated that he thinks it is up to the Planning and Zoning Commission to vote how they feel a case should be decided and then let the Council vote for or against it. Hunter inquired whether there is a way to add conditions to a Special Exception Request. LaCroix stated that there is no way to add conditions. LaCroix explained the zoning and gave some examples of situations that might come up in the future. He stated to add conditions you would have to have some legal way of enforcing the condition. LaCroix described the difference between a Special Exception and an SUP.

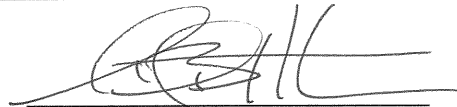
16 **Discuss allowed land uses within (PD-49) Planned Development No. 49 district.**

18 Stubbs stated that he has looked over the permitted uses and asked for clarification between a service station and an automobile repair minor. LaCroix explained the difference. LaCroix stated some of the things that can be built in PD-49. There was discussion regarding the access to the vacant property.

20 **ADJOURNMENT**

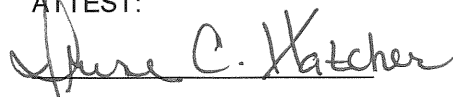
22 The meeting adjourned at 6:41 p.m.

24 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
26 ROCKWALL, Texas, this 24th day of November, 2009.

28 

30 Michael Hunter, Chairman

32 ATTEST:

34 

**Minutes of
PLANNING AND ZONING COMMISSION WORK SESSION
NOVEMBER 24, 2009**

CALL TO ORDER

The meeting was called to order by Michael Hunter at 6:00 p.m. with the following members present: Barry Buchanan, Connie Jackson, Phillip Herbst, Kristen Minth and Tony Hayes. Mark Stubbs arrived late.

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

ACTION ITEMS

Approval of Minutes for November 10, 2009 Planning and Zoning Commission meeting

Herbst made a motion to approve the minutes for November 10, 2009, with a correction to the spelling of his first name in the first paragraph.

Jackson seconded the motion.

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

(Mark Stubbs arrived at 6:05 p.m.)

PUBLIC HEARING ITEMS

Z2009-022

Hold a public hearing and consider a request by Janice Conover for approval of a change in zoning from (Ag) Agricultural district to (SF-E/2.0) Single Family Estate district, on a 5.62-acre property located at 421 Wallace Lane and currently described as Tract 8-6, Abstract 80, W. W. Ford Survey, and take any action necessary.

Spencer stated that the applicant Janice Conover is seeking a change in zoning from (Ag) Agricultural district to (SF-E/2.0) Single Family Estate district. Though the property has been used as residential for many years, it has been zoned (Ag) Agricultural district since its annexation in 2004. Due to recent health issues and living alone, Mrs. Conover is seeking to subdivide her property into two lots. The applicant has informed the planning staff that a second lot will allow for the construction of a single-family home for her adult daughter and family. This will allow her daughter's family to aid in the upkeep of the 5.62-acre property.

The City's Unified Development Code requires at least ten (10) acres for a new single family home to be permitted on agriculturally zoned land. Therefore, the applicant is proposing to rezone their 5.62-acre tract to (SF-E/2) Single Family Estate district to accommodate their plans. The City of Rockwall's Future Land Use Plan shows this area to be low density single-family, less than two units per acre.

If the zoning is approved, a final plat will have to be approved and filed prior to issuance of a building permit. The final plat will require dedication of right-of-way for Wallace Lane. On November 12, 2009, the Board of Adjustments approved a variance to the minimum street frontage for one of the lots, allowing for a minimum street frontage of 135-feet.

Notices were mailed to eight (8) property owners within 200-ft of the subject tract, and a sign was also posted on the property in accordance with the Unified Development Code. At the time of this report, no notices had been returned.

Chairman Hunter opened the public hearing at 6:10 p.m.

Mrs. Janice Conover, applicant, appeared and made the request to subdivide her property to allow her daughter to build a home on the lot to assist her with the maintenance of her property.

Rob Whittle appeared and stated he is in favor of the request.

With no further public comment, the public hearing was closed at 6:12 p.m.

Commissioner Jackson made a motion to approve Z2009-022, a request by Janice Conover for approval of a change in zoning from (Ag) Agricultural district to (SF-E/2.0) Single Family Estate district, on a 5.62-acre property located at 421 Wallace Lane and currently described as Tract 8-6, Abstract 80, W. W. Ford Survey.

Commissioner Stubbs seconded the motion.

It was voted on and passed 7 to 0.

ACTION ITEMS

MIS2009-009

Discuss and consider a request by Mike Whittle for approval of a tree removal plan for Lot 16, Block I, Foxchase Phase 6 Addition, which is a single-family lot located at 832 Trumpeter Way and zoned (PD-9) Planned Development No. 9 district, and take any action necessary.

Spencer outlined that Whittle Development has submitted a tree plan for 832 Trumpeter in anticipation of constructing a single-family home. The site was platted as a single-family lot being part of Fox Chase Phase 6, approved by the Planning and Zoning Commission and City Council in 1999. At that time the Commission and Council decided to review tree plans for the individual single-family home sites on a case-by-case basis. Due to the number of protected trees on site, the enforcement of tree mitigation requirements as defined in the Unified Development Code would render the site undevelopable. With that in mind the applicant has submitted an alternative tree plan. The applicant is proposing to remove 421-inches of protected trees, the majority of which are located within the driveway and building pad. The applicant is also proposing to save 285-inches of protected trees primarily located in the rear and side yards.

By approving the site as a single-family lot staff believes that the Commission and Council have already granted the developer a level of guarantee that the lot would be developed. The tree plan appears to illustrate a number of trees that could be relocated with a high level of success. Therefore, staff believes that the Commission should consider the alternative tree plan with the following conditions:

1. The developer to hold a tree transplant day.
 - a. Advertise the tree day a minimum one week prior with on-site signage and listing on the city website.

Buchanan asked for clarification on which trees will be removed and which trees will stay. Gonzales laid out the tree plan and indicated which trees will stay and which will be removed.

Hunter inquired whether the tree day could be required instead of being suggested. Spencer described the policy and benefit of having a tree day. Buchanan stated if the umbrella of the tree that is closest to the building goes over the roof of the house, it should be removed.

Rob Whittle, of Whittle Development, addressed the Commission regarding the tree ordinance and the economic challenge to make it work. Mr. Whittle stated his preference is to have the tree mitigation waived for this lot. He stated if he cannot have that, then he will hold the tree transplant day and leave it as it is.

Commissioner Minth made a motion to approve MIS2009-009, a request by Whittle Development for approval of a tree removal plan for Lot 16, Block I, Foxchase Phase 6 Addition, which is a single-family lot located at 832 Trumpeter Way and zoned (PD-9) Planned Development No. 9 district, with staff recommendations.

Commissioner Buchanan seconded the motion.

LaCroix clarified that the motion is to approve the tree plan with the trees that Mr. Whittle is going to save, with the exception to the one closest to the building, and remove the approved trees without a mitigation factor and have a tree transplant day open to the public.

It was voted on and passed 7 to 0.

DISCUSSION ITEMS

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

Hampton stated that no one from the Architectural Review Board (ARB) stayed to attend the work session, but he can update the Commission about the ARB recommendations as part of the discussion on the next two cases relating to the 7-Eleven.

Z2009-023

Discuss and consider a request by Jeremy Yee of CEI Engineering Associates for approval of a Specific Use Permit (SUP) to allow for a "retail store with gasoline product sales with more than 2 dispensers" within (PD-9) Planned Development No. 9 district, in association with a 7-Eleven proposed to be located on Lot 1, Block B, Horizon Ridge Center North Addition, being a 0.9-acre tract situated at the southwest corner of Horizon Rd and Tubbs Rd.

Hampton stated the first issue is the zoning aspect of the cases and the second is the site plan. Hampton stated that an SUP is required since the applicant is proposing more than two (2) gasoline pumps. A convenience store with two pumps or less would be allowed by right. He further stated some issues pertaining to the SUP that were discussed with the applicant, such as, outside displays of ice machines and a DVD rental machine. Hampton stated that the applicant should specify on their site plan exactly what they want to display outside and this Commission and the City Council can approve that request or not.

SP2009-010

Discuss and consider a request by Jeremy Yee of CEI Engineering Associates for approval of a site plan for a 7-Eleven retail store with gasoline product sales, located on the proposed Lot 1, Block B, Horizon Ridge Center North Addition, being a 0.9-acre tract situated at the southwest corner of Horizon Rd and Tubbs Rd, zoned (PD-9) Planned Development No. 9 district and designated for (GR) General Retail uses, and take any action necessary.

Hampton discussed the site plan. He stated there is one driveway off of FM3097 that is shown on the site plan, but the location has not been approved by the State. He stated that the driveway needs to be approved by TXDOT before the site plan can be approved. Hampton briefly discussed the landscaping and lighting plans submitted by the applicant.

Hampton also commented on the discussion with the applicant regarding the building elevations and "fiber cement board" exterior material the applicant is proposing to use. He stated that the Architectural Review Board (ARB) does not particularly like the design of the building, and has asked for more articulation and creativity. He stated the ARB asked the applicant to reference other newly constructed medical buildings in the PD-9 district and try to incorporate similar design elements into this store. The ARB seemed open to the proposed building material, but wanted more elements to improve the design. Additionally, the Board suggested that some additional landscaping or screening

2 should be utilized on the rear and side property lines to help screen the development from Foxchase
4 Park and residential neighborhoods further away. If necessary, the Board has agreed to come back
6 for a special meeting on December 8 to review revised elevations so that the applicant's development
schedule is not affected.

8 Herbst inquired about the visibility on all four sides and dressing up the backside of the building.
Hampton stated that staff and the ARB did encourage the idea of four-sided architecture.

10 Hayes inquired about the proposed hours of operation. Hampton stated that has not come up yet,
12 but thinks it will be a 24-hour operation.

14 Hunter inquired about the material they are proposing to use and the City's building code. LaCroix
16 stated the applicant is considering it the equivalent of a cultured stone, but in a panel form. LaCroix
18 stated that it is a newer product that has not added to the list of approved products. He stated it
would be a cementitious product, and therefore limited to 50% of the elevation. Hunter inquired
whether this is a cost-saving factor to the applicant or if there is some energy-saving benefit to the
City as well.

20 Steve Patten (Division Construction Manager for 7-Eleven), Jeremy Yee (CEI Engineering
22 Associates), and Keith Coats (architect from Harrison French and Associates) were all present to
discuss the case and answer questions. Mr. Patten stated the material would not have any particular
24 benefit to the City, but it is cost effective for 7-Eleven. He stated cultured stone comes as individual
stones, which require more maintenance over the life of the building. He stated this material comes in
panels so it is easier and faster to install than cultured stone or true stone. He stated this material has
26 been around for roughly five to six years and is now becoming more popular. 7-Eleven has used it in
Maryland, and is now introducing it to the DFW area.

28 Hunter inquired whether there has been a study on how the new material is working. Mr. Coats
30 explained that the material has a 15-year warranty on the finish and a 50-year warranty on the panel
for durability. He stated that Sonic has been using these panels for about three years, and he does
32 not know of any problems.

34 Buchanan inquired about the color. Mr. Coats stated they are trying to match the colors of the
existing buildings in the area, and explained some of the energy-saving benefits for using the panels.

36 Minth inquired about the warranty on the finish and how the material is updated or maintained.
38 Mr. Coats stated he does not know and he will have to get back to the Commission on that. Mr. Coats
stated that the exterior material could be removed and replaced. Minth stated that the applicant is not
40 going to want to change the walls on their building every 15 years. She stated that a 15-year warranty
on the appearance is not a long time.

42 Buchanan inquired whether the color in the brick is superficial or whether it goes all the way
44 through. Mr. Coats stated that it is superficial. Hunter inquired whether this material has been tested
in the same elements as is in this area. Mr. Coats stated that it is manufactured in Georgia so he
46 would assume that it would. Hunter stated he is interested in the product, but he wants to make sure
it will sustain the elements.

48 Jackson gave suggestions on the elevations and design of the building and the possibility of
50 using faux windows. Mr. Coats asked for further comments regarding window placement. Mr. Coats
discussed the reasoning for the placement of the windows as they are now. There was discussion
52 regarding the "Redbox" DVD machine and its placement.

54 Stubbs and Buchanan each discussed the location of the store and expressed reservations about
56 the gas station use in the area, given the proximity to housing and Foxchase Park.

2 Discuss the scheduling of a "Joint Work Session" with City Council regarding the (PD-32) Planned
4 Development No. 32 district.

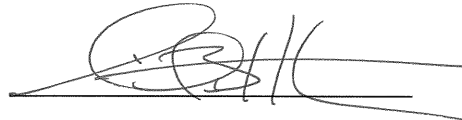
6 LaCroix updated the Commission on the PD-32 area, and stated that a lot of planning has been
8 going on over the last year and a half. He stated that this was a Council and staff-initiated study, but
10 now is the time to bring the Planning and Zoning Commission up to date on where PD-32 is and what
12 the concept plan is. He stated that it was recommended at the retreat that City Council have a joint
work session with the Planning and Zoning Commission to explain PD-32. LaCroix stated that the
consultant will be part of the presentation with the Commission and the City Council in the joint work
session. LaCroix stated that he would get some material together for the Commission to review. He
stated that he anticipates the joint work session to be scheduled for some time in late January.

14 Hunter inquired about other joint work sessions that need to be scheduled to get the Planning and
16 Zoning Commission and City Council on the same page, and asked that these be scheduled enough
18 in advance so that the Commissioners can plan for them. LaCroix stated that Council has approved
updating the Land Use Plan and the Thoroughfare Plan, which will be an update of the
Comprehensive Plan. This will also involve some public workshops and potentially future joint work
sessions with City Council.

20 ADJOURNMENT

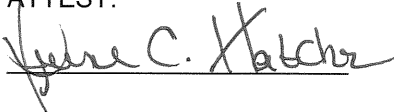
22 With no further business, the meeting adjourned at 7:18 p.m.

24 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
26 ROCKWALL, Texas, this 8th day of December, 2009.

28 

30 Michael Hunter, Chairman

32 ATTEST:

34 

**Minutes of
PLANNING AND ZONING COMMISSION PUBLIC HEARING
DECEMBER 8, 2009**

CALL TO ORDER

The meeting was called to order by Michael Hunter at 6:00 p.m. with the following members present: Barry Buchanan, Connie Jackson, Kristen Minth, Tony Hayes and Mark Stubbs. Phillip Herbst was absent.

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

CONSENT AGENDA ITEMS

Approval of Minutes for November 24, 2009 Planning and Zoning Commission meeting

Jackson made a motion to approve the minutes for November 24, 2009.

Buchanan seconded the motion.

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

PUBLIC HEARING ITEMS

Z2009-023

Hold a public hearing and consider a request by Jeremy Yee of CEI Engineering Associates for approval of a Specific Use Permit (SUP) to allow for a "retail store with gasoline product sales with more than 2 dispensers" within (PD-9) Planned Development No. 9 district, in association with a 7-Eleven proposed to be located on Lot 1, Block B, Horizon Ridge Center North Addition, being a 0.9-acre tract situated at the southwest corner of Horizon Rd and Tubbs Rd, and take any action necessary.

Hampton briefly reported that the applicant has requested the public hearing to be continued until the Commission's next meeting on January 12th because they need the extra time to revise the site plan and building elevations to address all the comments made by the Architectural Review Board and Planning Commission at the November work session.

Jeremy Yee, applicant, was in the audience to answer any questions.

Chairman Hunter opened the public hearing was opened at 6:02 p.m.

Commissioner Minth made a motion to continue the public hearing until January 12, 2010 on case Z2009-023, a request by Mike Allen of Allen & Ridinger Consulting, Inc., for approval of a replat of Lot 2, Block 1, Horizon Village Addition, being 2.181-acres zoned (C) Commercial district and situated north of Ralph Hall Pkwy and east of FM 3097 (Horizon Rd), with staff recommendations.

Commissioner Jackson seconded the motion.

It was voted on and passed 6 to 0.

2 **DISCUSSION ITEMS**

4 Discuss the scheduling of the Tuesday, December 29, 2009 Planning and Zoning Commission
6 work session.

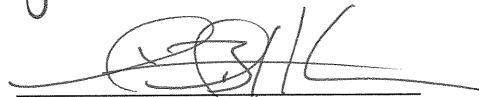
8 LaCroix stated that in past years the Planning and Zoning work session in December has been
10 cancelled due to many Commissioners being out of town for the holidays. LaCroix stated he does
12 not believe that there will be a need to have the December work session, but that any
development applications received this month can be forwarded to the Commissioners for
comments that will be passed along to the applicant(s).

14 There was further discussion regarding updating the Planning and Zoning Commission on what
16 took place at previous City Council meetings. Jackson also requested that the agenda for the City
18 Council meeting be sent to the P&Z Commissioners. Hampton stated that he will send the
Commissioners the "eNews" link from the City's website that allows anyone to subscribe to
agendas as they are posted.

20 **ADJOURNMENT**

22 The meeting adjourned at 6:10 p.m.

24 PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF
ROCKWALL, Texas, this 12th day of January, ~~2009~~ 2010

26 

28 Michael Hunter, Chairman

30 ATTEST:

32 