

# MINUTES



PLANNING AND ZONING COMMISSION MEETING  
CITY HALL, 385 SOUTH GOLIAD, ROCKWALL, TEXAS  
AUGUST 11, 2020 IN THE CITY COUNCIL CHAMBERS AT 6:00 PM

## I. CALL TO ORDER

Chairman Eric Chodun called the meeting to order at 6:03 PM. Commissioners present were John Womble, Tracey Logan, Sedric Thomas, Annie Fishman, and Mark Moeller. Absent from the meeting was Vice-Chairman Jerry Welch. Staff members present were Planning and Zoning Director Ryan Miller, Planning and Zoning Manager David Gonzales, Planner Henry Lee, Planning and Zoning Coordinator Angelica Gamez, and Civil Engineer Jeremy White. Absent from the meeting were City Engineer Amy Williams and Civil Engineer Sarah Johnston.

## II. OPEN FORUM

Chairman Chodun explained how open forum is conducted and asked if anyone wished to speak to come forward at this time. There being no one coming forward, Chairman Chodun closed the open forum.

## III. APPOINTMENTS

1. Appointment with the Architectural Review Board (ARB) Chairman to receive the Architectural Review Board's recommendations and comments for items on the agenda requiring architectural review.

Planning and Zoning Director Ryan Miller gave a brief explanation concerning the agenda items that were discussed at the Architectural Review Board meeting.

## IV. CONSENT AGENDA

2. Approval of Minutes for the July 28, 2020 Planning and Zoning Commission meeting.

### 3. SP2020-012 (DAVID GONZALES)

Discuss and consider a request by Cody Johnson of Cody Johnson Studio, LLC on behalf of Jose Campos of Hines for the approval of a Site Plan for the *amenities center* for the Saddle Star Estates Subdivision being a 0.782-acre portion of a larger two (2) acre tract of land identified as Tract 1 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 79 (PD-79) for Single-Family 8.4 (SF-8.4) District land uses, situated within the SH-205 Bypass Overlay (SH-205 BY-OV) District, located on the north side of John King Boulevard south of Featherstone Drive, and take any action necessary.

### 4. SP2020-017 (DAVID GONZALES)

Discuss and consider a request by Jimmy McClintock of HWY 66 Properties, LP for the approval of a Site Plan for an *office building* on a 0.28-acre parcel of land identified as Lot 2-R, Block A, Washington Place Addition, City of Rockwall, Rockwall County, Texas, zoned Downtown (DT) District, addressed as 407 W. Washington Street, and take any action necessary.

Commissioner Sedric Thomas made a motion to approve the consent agenda. Commissioner John Womble seconded the motion which passed by a vote of 6-0 with Vice-Chairman Welch absent.

## V. PUBLIC HEARING ITEMS

### 5. Z2020-030 (RYAN MILLER)

Hold a public hearing to discuss and consider a request by Mark Klecha for the approval of a Specific Use Permit (SUP) for an *accessory building that exceeds the maximum square footage* on a 0.2297-acre parcel of land identified as Lot 6, Block O, Hillcrest Shores Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 11 (PD-11) for Single-Family 10 (SF-10) District land uses, addressed as 1748 Lake Breeze Drive, and take any action necessary.

Director of Planning and Zoning Ryan Miller provided a brief summary in regards to the request. The applicant is requesting approval of a Specific Use Permit (SUP) of an accessory building that exceeds the maximum square footage. According to the Unified Development Code (UDC), an accessory building in a Single-Family 10 (SF-10) District is limited to 144 square feet with a 3-foot rear setback, a 6-foot side setback, and a 15-foot total overall height. The structure is also required to be 6-feet from the primary structure. According to the new plans provided, the applicant is now in compliance with all setback and height requirements even though the structure itself is 359 square feet. The exterior of the structure is going to be a smart lap-siding and a standing seam metal roof which will be complimentary to the primary structure. Any approval of a specific use permit is a discretionary decision for the City Council pending a



58 recommendation from the Planning and Zoning Commission. In accordance with all zoning case, Staff sent out 100 notices to property  
59 owners and residents within 500-feet of the subject property on July 23, 2020. Any Homeowners Associations within 1500- feet of the  
60 property were also notified. Mr. Miller mentioned that one of the conditions of approval of this case was that the applicant was required,  
61 if approved, to submit a letter from a structural engineer certifying that the recently built retaining wall can support that building's weight  
62 before a building permit is issued. Mr. Miller advised the Commission that the applicant and Staff were present to answer questions.  
63

64 Commissioner Logan had a question in regards to the retaining wall on the property and on the carports on the area.

65 Commissioner Womble had a question in regards to the property blocking the lake views.

66  
67 Commissioner Fishman asked if this was the only accessory structure on the property and, if approved, would it limit the applicant to  
68 have additional ones in the future.  
69

70 Chairman Chodun asked the applicant to come forward.  
71

72  
73 Mark Klecha  
74 407 W. Washington Street  
75 Rockwall, TX 75087  
76

77 Mr. Klecha came forward and was prepared to answer additional questions.

78  
79 Chairman Chodun opened the public hearing and asked if anyone wished to speak to come forward and do so at this time.  
80

81 Doug Hamilton  
82 1774 Baywatch Drive  
83 Rockwall, TX 75087  
84

85 Mr. Hamilton came forward and provided a brief history of himself and his property and explained that the structure would not obstruct  
86 the lake views from the property. He expressed his favor in regards to the request.  
87

88 Chairman Chodun asked if there was anyone else who wished to speak. There being no one doing such, Chairman Chodun closed the  
89 public hearing and brought the item back to the Commission for discussion or action.  
90

91 Commissioner Logan expressed her opposition to the size of the accessory structure.  
92

93 Commissioner Moeller shared concerns with Commissioner Logan in regards to size but understood there was confusion surrounding  
94 the case and why the applicant started the process beforehand.  
95

96 Commissioner Womble expressed his opposition in regards to the size of the structure as well.  
97

98 Chairman Chodun expressed his being in favor of the request.  
99

100 Commissioner Moeller made a motion to approve item Z2020-030 with staff recommendations. Commissioner Fishman seconded the  
101 motion which passed by a vote of 4-2, with Commissioners Logan and Womble dissenting.  
102

103 Chairman Chodun advised the applicant that the case would go before the City Council on August 17, 2020.  
104

105 6. Z2020-031 (RYAN MILLER)

106 Hold a public hearing to discuss and consider a request by Pat Atkins of KPA Consulting, Inc. on behalf of the owners C. D. T.  
107 Rockwall 2017, LLC for the approval of a Zoning Amendment to Planned Development District 79 (PD-79) [Ordinance No. 16-39]  
108 for the purpose of amending the development standards contained in Ordinance No. 16-39 for a 70.408-acre tract of land  
109 identified as Tracts 1, 1-03, 1-5 & 2-03 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas,  
110 zoned Planned Development District 79 (PD-79) for Single-Family 8.4 (SF-8.4) District land uses, situated within the SH-205 By-  
111 Pass Overlay (SH-205 BY-OV) District, located on the north side of John King Boulevard east of the intersection of John King  
112 Boulevard and Featherstone Drive, and take any action necessary.  
113

114 Planning and Zoning Director Ryan Miller provided a brief background in regards to the request. The property was originally zoned in  
115 2016 and is commonly referred to Saddle Star Estates South. At the time of approval, the original zoning allowed 113 lots that were 70 x  
116 125-foot and all the garage orientations were either a traditional swing or j-swing with both of these conforming to the requirements of  
117 the Unified Development Code at that time. In October of 2016, the applicant requested to amend the Planned Development district to  
118 add 25 lots along with adding additional area to the Planned Development district. Along with this request, the applicant also requested  
119 to allow 80% front entry garages in the subdivision and was ultimately approved 50% front entry by the City Council. In September 2019,  
120 the applicant submitted a subsequent request to amend the Planned Development District to add 38 additional lots to bring the total to  
121 176 lots. All of the proposed 80x100 foot lots were to have a traditional swing or j-swing orientation. The request brought before the  
122 Commission tonight is for the applicant to have the ability have 30% of the lots in a flat front entry format. The remaining 70% of the lots  
123 are to be either in a traditional swing or modified swing format. Mr. Miller then explained the four (4) different format for the garages

requested. If this is approved, it would have the effect of either allowing the current 50% flat front entry that he has today up to 54%. However, as a compensatory measure the applicant has agreed to set the flat front entry product back to 25-feet creating a relief down the wall of the housing. In accordance with a zoning case, Staff sent out 32 notices to property owners and residents within 500-feet of the subject property. Any Homeowners Associations located within 1500-feet of the subject property were also notified. Mr. Miller then advised the Commission that the applicant and Staff were available to answer questions.

Chairman Chodun asked the applicant to come forward.

Pat Atkins  
3076 Hays Lane  
Rockwall, TX 75087

Mr. Atkins came forward and provided additional details in regards to the request. He then went on to present a PowerPoint to the Commission. He explained his desire to bring other builders to Rockwall and to add the change of the garages to the draft ordinance.

Commissioner Logan asked if the single front facing car garage had the potential to turn into an interior space.

Chairman Chodun opened the public hearing and asked anyone wishing to speak to come forward at this time.

Bob Wacker  
309 Featherstone Drive  
Rockwall, TX 75087

Mr. Wacker came forward and expressed his being in favor to the request. He explained the difference between a traditional and a j-swing garage.

Chairman Chodun asked if there was anyone else who wished to speak. There being no one doing such, Chairman Chodun closed the public hearing and brought the item back to the Commission for discussion or action.

Commissioner Logan made a motion to approve item Z2020-031. Commissioner Womble seconded the motion which passed by a vote of 6-0.

Chairman Chodun advised the applicant that the case would go before the City Council on August 17, 2020.

7. **Z2020-032 (RYAN MILLER)**

Hold a public hearing to discuss and consider a request by Erick Cruz Mendoza for the approval of a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.165-acre parcel of land identified as Lot 873-A, Rockwall Lake Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 481 Blanche Drive, and take any action necessary.

Planning and Zoning Director Ryan Miller provided a brief summary in regards to the request. The applicant is requesting the approval of an SUP for a Residential Infill in an Established Subdivision. According to the Unified Development Code, an established subdivision is defined as any subdivision that has been in existence for 10 years and consists of more than 5 lots and is 90% developed. Mr. Miller explained to the Commission that they should consider whether the proposed home's size, location, and architecture to determine whether it is architecturally similar or complementary to the existing housing. The only thing that should be mentioned is that they are proposing a nearly flat front entry garage and our Code requires that the garage be setback 20-feet behind the front façade. However, it should be noted that this is not an unfamiliar garage configuration compared to the existing homes in the area. With this being a zoning case, Staff sent out 120 notices to all property owners and residents within 500-feet of the subject property. There were no Homeowners Associations that needed to be notified. Mr. Miller then advised the Commission that the applicant and Staff were present and available to answer questions.

Commissioner Fishman asked why the applicant was unable to meet the setback orientation.

Chairman Chodun asked the applicant to come forward.

Erick Cruz Mendoza  
4100 Andys Lane  
Parker, TX 75002

The applicant came forward and provided additional details in regards to the request. He wanted clarification in regards to the setbacks.

Commissioner Logan asked how long the driveway is.

Commissioner Moeller added that this would be a benefit to the community.



Commissioner Fishman added that it is consistent with the neighborhood.

Chairman Chodun asked if there was anyone else who wished to speak. There being no one doing such, Chairman Chodun closed the public hearing and brought the item back to the Commission for discussion or action.

Commissioner Thomas made a motion to approve item Z2020-032 with staff recommendations. Commissioner Fishman seconded the motion which passed by a vote of 6-0.

Chairman Chodun advised the applicant that the case would go before the City Council on August 17, 2020.

## VI. ACTION ITEMS

### 8. P2020-029 (DAVID GONZALES)

Discuss and consider a request by DR Horton – Texas, LTD on behalf of DMDS Land Company, LLC for the approval of a Preliminary Plat for River Rock Trails, Phase 1A Addition being a 35.28-acre portion of a larger 1,225.721-acre tract of land identified as Tract 11 of the F. Baugess Survey, Abstract No. 7, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), generally north of the intersection of FM-548 and High Plains Trail, and take any action necessary.

Planning and Zoning Director Ryan Miller provided a brief summary in regards to the request. The applicant is proposing the first phase of a multi-phase development and the Commission will only decide on the 35 acres brought before them. The applicant is requesting the approval of a preliminary plat that consists of 176 single-family residential lots over 35 acres. This case is being reviewed in accordance with the Interim Local Cooperation Agreement between Rockwall County and the City of Rockwall. The plat is subject to meet the standards contained in Exhibit A of that agreement as well as the standards in our Design and Construction Manual. The submitted preliminary plat does adhere to all the requirements of the Inter-local Agreement and the applicant has also submitted preliminary drainage and utility plans. With the exception of excluding the water facilities, the applicant's plans do seem to be in conformance to the Inter-local Cooperation Agreement. According to Chapter 38, there's a statement that states that any land proposed for development in the City and its extraterritorial jurisdiction must be served adequately by essential public facilities and services including water, wastewater, and roadways. The applicant's submission does appear to be sufficient for all public facilities with the exception of water. At the work session, Staff suggested that they bring a will-serve letter for this site. Currently, the City of Rockwall is the water provider for Blackland and their contract indicates that Blackland can only receive water from the City of Rockwall and the North Texas Municipal Water District. That contract also holds a maximum number of connections and, currently, Blackland is in violation of the contract as they exceed the number of connections allowed. Blackland is trying to change the contract with the City but nothing has been worked out or finalized as of now. Without that contract being in place, the letter provided by Blackland does not suffice to prove that they can provide service now or in the future. Because of that, Staff recommends that this be denied without prejudice to allow the applicant resubmit this once the contract's been worked out and the proof of water service can actually be verified. Mr. Miller then advised the Commission that the applicant and Staff were present and available to answer any questions.

Chairman Chodun asked if there was anything that the applicant could have done to get the case approved.

Commissioner Logan asked if the 40-foot lots in the comprehensive plan are standard or sub-standard but Mr. Miller added that this site is not subject to zoning.

Commissioner Womble asked if there was a reason why the applicant is being penalized if they had no decision in the matter.

Chairman Chodun asked the applicant to come forward.

Nathan Thompson  
DR Horton

Mr. Horton explained that he did not have anything to add but was available to answer questions.

Commissioner Moeller made a motion to deny item P2020-029 without prejudice. Commissioner Logan seconded the motion which passed by a vote of 6-0.

### 9. SP2020-013 (HENRY LEE)

Discuss and consider a request by Lee Hoffman of Camp Constriction Services on behalf of Yao Wang of WDC Pebblebrook Apartments, LLC for the approval of a Site Plan for the amenities center for the Pebblebrook Apartment Complex being a 11.579-acre parcel of land identified as Lot 1, Block A, Pebblebrook Addition, City of Rockwall, Rockwall County, Texas, zoned Multi-Family 14 (MF-14) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1410 S. Goliad Street, and take any action necessary.

Planner Henry Lee provided a brief summary in regards to the request. The applicant is requesting the approval of a site plan for an amenities center at Pebblebrook Apartments. The applicant's scope of work is mostly in compliance with the fact of one (1) exemption in regards to the roof pitch. Mr. Lee advised the Commission that the Architectural Review Board had approved the elevations. As a

compensatory measure, the applicant is proposing to take the existing building materials and bringing them into better conformance with our Unified Development Code. They will also be adding three (3) 4-inch large canopy trees.

Chairman Chodun asked the applicant to come forward.

Lee Hoffman  
5423 Bear Creek Court  
Irving, TX 75061

Mr. Hoffman came forward and was ready to answer questions.

Commissioner Womble made a motion to approve item SP2020-013 with ARB recommendations. Commissioner Fishman seconded the motion which passed by a vote of 6-0.

10. **SP2020-015 (HENRY LEE)**

Discuss and consider a request by Nate Colbert on behalf of Proton PRC LTD for the approval of a Site Plan for incidental display in conjunction with retail store with gasoline sales on a 0.483-acre parcel of land identified as a portion of Lot 1 of the Stonebridge Center, Phase 1 Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 715 W. Rusk Street, and take any action necessary.

Planner Henry Lee came forward and provided a brief summary in regards to the request. He explained that the applicant is requesting incidental display in conjunction with retail store and gasoline sales. This case was referred to Staff by Code Enforcement who informed the applicant that this would be considered incidental display and would require an updated and approved site plan. During the site plan's revision, the applicant asked how they could continue their display which then a Special Events Permit was issued from July 2<sup>nd</sup> to July 15<sup>th</sup>. However, the site plan that was being presented does not meet any of the City's standards listed for incidental display in our Unified Development Code (UDC) nor have any compensatory measures been provided. Staff has identified five (5) exemptions as listed in the case memo. Mr. Lee added that this request is best served by a Special Events permit, which are only allowed three (3) times a year, and the applicant has already used one of these. This request will also require  $\frac{3}{4}$  majority vote from the Planning and Zoning Commission.

Commissioner Moeller asked what the compensatory measures would have to be provided by the applicant.

Chairman Chodun asked the applicant to come forward.

Nathan Colbert  
402 Country Ridge  
Rockwall, TX 75087

The applicant came forward and provided a brief summary in regards to the request. Mr. Colbert explained the different zones that were shown in his site plan. He added that regardless of the outcome tonight, he would like to apply to sell his produce in area "C" shown on his site plan, which is adjacent to the building and is essentially an extra parking spot. He then advised the Commission that he was available to answer questions.

Commissioner Fishman asked if the applicant would be holding this on a consistent day-to-day basis.

Commissioner Logan would like to see this business succeed but was unsure how the applicant would overcome all the stipulations asked of him.

Commissioner Moeller agreed with Commissioner Logan but explained that the applicant would have to work with Staff more on the compensatory measures.

The applicant stated that he is willing to work with the City to come up with a solution to continue to sell.

Commissioner Womble asked why the extra parking space was rejected by Staff as a potential option to set up.

Planning and Zoning Director Ryan Miller explained that the applicant brings in a food truck periodically, using the onsite parking to where the applicant does not have 13 true parking spaces. The food truck itself is required to have two (2) empty spaces. If there are essentially six (6) parking spaces taken away then this business would be parking deficient. Ideally the applicant would find another way to do this and be in compliance with the code. He also mentioned that if the applicant was requesting an increased amount of Special Events permits then that issue would have to go through City Council and it would take an amendment to the Code. This has been brought up to the City Council before on another occasion and has not passed.

Commissioner Womble then asked the applicant if he would have the food truck out there at the same time as the farmers market.

Mr. Miller added that the food truck is an airstream and it is 13-feet long taking up more than one parking space.



Commissioner Chodun stated that he was in agreeance with the Commissioners and he knew the applicant's intentions were good but maybe the applicant need to have more discussions with the City to reach a resolution.

Commissioner Logan then asked for clarification on what exactly they were voting on.

Mr. Miller explained that the approval would be of incidental display. And the applicant would be requesting 5 variances and it would cause 10 compensatory measures.

Mr. Miller explained that the applicant is requesting to amend the site plan to add the incidental display. Incidental display has very specific standards in the Code. What the applicant is requesting to do is similar to outside sales which are not allowed and the only way to facilitate it would be through the incidental display. The incidental display outlines exactly what you can and cannot do and the applicant does not meet the majority of those requirements. Each one that he does not meet is a variance or exception and the only way to request exceptions in the code is to provide offsetting compensatory measures. In this case, the applicant is requesting five (5) variances and, in order to meet the code, he would need to provide ten (10) offsetting compensatory measures. There is not enough space for him to be able to meet those measures so he is basically requesting the exceptions not in conformance to the code. What the Commission would be approving would be a request that doesn't conform to the incidental display requirements.

Commissioner Womble made a motion to deny item SP2020-015 without prejudice. Commissioner Thomas seconded the motion which passed by a vote of 6-0.

## VII. DISCUSSION ITEMS

### 11. Director's Report of post City Council meeting outcomes for development cases (RYAN MILLER).

- P2020-028: Replat for Lot 9, Block A, Bodin Industrial Tract [APPROVED]
- Z2020-023: SUP for *Residential Infill Adjacent to an Established Subdivision* for 54 Shadydale Lane [APPROVED; 2<sup>ND</sup> READING]
- Z2020-024: Zoning Amendment to Planned Development District 78 (PD-78) [APPROVED; 2<sup>ND</sup> READING]
- Z2020-025: SUP for a *General Retail Store and Hair Salon and/or Manicurist* for 507 N. Goliad Street [APPROVED; 2<sup>ND</sup> READING]
- Z2020-027: SUP for a *General Retail Store and Banquet Facility/Event Hall* for 803 N. Goliad Street [APPROVED; 2<sup>ND</sup> READING]
- Z2020-028: Zoning Amendment to Planned Development District 10 (PD-10) [APPROVED; 2<sup>ND</sup> READING]
- Z2020-029: Zoning Change (AG to SFE-2.0) [APPROVED; 2<sup>ND</sup> READING]

Planning and Zoning Director Ryan Miller provided a brief update about the outcome of the above referenced cases at the City Council meeting.

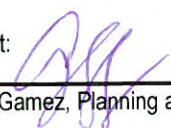
## VIII. ADJOURNMENT

Chairman Chodun adjourned the meeting at 7:25 PM.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this  
25 day of August, 2020.

  
Eric Chodun, Chairman

Attest:

  
Angelica Gamez, Planning and Zoning Coordinator