

MINUTES



PLANNING AND ZONING COMMISSION WORK SESSION MEETING
CITY HALL, 385 SOUTH GOLIAD, ROCKWALL, TEXAS
OCTOBER 27, 2020 IN THE CITY COUNCIL CHAMBERS AT 6:00 PM

I. CALL TO ORDER

Chairman Eric Chodun called the meeting to order at 6:02 PM. Commissioners present were John Womble, Derek Deckard, Sedric Thomas, Jean Conway, Mark Moeller, and 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, City Engineer Amy Williams and Civil Engineers Sarah Johnston and Jeremy White.

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.

A representative from the Architectural Review Board 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 October 13, 2020 Planning and Zoning Commission meeting.

3. P2020-039 (DAVID GONZALES)

Consider a request by Cameron Slown, PE of Teague, Nall & Perkins, Inc. on behalf of the Nick DiGiuseppe of Discovery Lakes, LLC for the approval of a Master Plat and Open Space Master Plan for the Discovery Lakes Subdivision consisting of 428 single-family residential lots on a 316.315-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100 and Tract 2 of the R. K. Brisco Survey, Abstract No. 16, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 78 (PD-78) for General Retail (GR) District and Single-Family 10 (SF-10) District land uses, generally located at the northeast corner of the intersection of SH-276 and Rochelle Road, and take any action necessary.

4. P2020-040 (DAVID GONZALES)

Consider a request by Cameron Slown, PE of Teague, Nall & Perkins, Inc. on behalf of the Nick DiGiuseppe of Discovery Lakes, LLC for the approval of a Preliminary Plat for Phase 1 of the Discovery Lakes Subdivision consisting of 31 single-family residential lots on a 36.42-acre tract of land identified as a portion of Tract 1 of the M. E. Hawkins Survey, Abstract No. 100, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 78 (PD-78) for Single-Family 10 (SF-10) District land uses, generally located on the northside of SH-276 east of the intersection of SH-276 and Rochelle Road, and take any action necessary.

5. P2020-043 (DAVID GONZALES)

Consider a request by Tony Degelia of A & W Surveyors, Inc. on behalf of Siren Brewing Company, LLC for the approval of a Replat for Lot 2 of the Cain Properties No. 1 Addition being a 1.233-acre parcel of land identified as Lot 1 of the Cain Properties No. 1 Addition, City of Rockwall, Rockwall County, Texas, zoned Downtown (DT) District, situated within the SH-66 Overlay (SH-66 OV) District, and take any action necessary.

6. P2020-045 (HENRY LEE)

Consider a request by John F. Dudek for the approval of a Replat for Lot 57 of Chandler's Landing, Phase 2 being a 0.248-acre tract of land identified as Lots 35 & 36 of Chandler's Landing, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single-family residential land uses, addressed as 428 Columbia Drive, and take any action necessary.

7. SP2020-026 (DAVID GONZALES)

Consider a request by Clay Cristy of ClayMoore Engineering on behalf of Grey Stogner of Metroplex Acquisition Fund, LP for the approval of an Amended Site Plan for a daycare center on an eight (8) acre tract of land being identified as a portion of Lot 8, Block A, Stone Creek Retail Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 70 (PD-70) for General Retail (GR) District land uses, situated within the Scenic Overlay (SOV) District, generally located north of the intersection of Stone Creek Drive and Miramar Drive, and take any action necessary.

8. SP2020-029 (RYAN MILLER)

Discuss and consider a request by Meg Murphy of Triton General Contractors on behalf of Jason Potts for the approval of an Amended Site Plan to convert an existing restaurant into an office building on a 1.346-acre tract of land identified as Lot 16, Block A, La Jolla Pointe Addition, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated with the IH-30 Overlay (IH-30 OV) District, addressed as 560 E. IH-30, and take any action necessary.

Vice-Chairman Jerry Welch made a motion to approve the consent agenda. Commissioner Mark Moeller seconded the motion which passed by a vote of 7-0.

V. ACTION ITEMS

9. MIS2020-013 (HENRY LEE)

Discuss and consider a request by James Best for the approval of a Special Exception to the material standards for residential fences to allow the construction of a masonry screening wall on a 2.60-acre parcel of land identified as Lot 1, Block A, Best Estate Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 16 (SF-16) District, addressed as 54 Shadydale Lane, 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 special exception to the fence standards of an existing infill. They are requesting to construct a pre-cast masonry fence but staff wanted to point out that there are no other masonry fences near the property. The typical for this kind of property are transparent fences such as wrought iron, picket, or split rail. The fence would go along the east side of the property adjacent to the alley and turn west to go 80-feet along Shadydale Lane. The Planning and Zoning Commission may consider these alternate materials or the alternative fence standards on a case-by-case basis. However, all of these requests are a discretionary decision for the Planning and Zoning Commission.

Commissioner Deckard wanted further clarification in regards to the fence.

Chairman Chodun asked the height of the fence.

Commissioner Womble asked if they would have to continue on with the same fence or would it be different along the way.

Commissioner Conway added that it did not detract from any continuity.

Vice-Chairman Welch asked if the City had not wanted to use this kind of fence due to the reaction of the soil.

Vice-Chairman Welch made a motion to approve MIS2020-013 with staff recommendations. Commissioner Conway seconded the motion which passes by a vote of 7-0.

10. MIS2020-014 (RYAN MILLER)

Discuss and consider a request by Sandie Wood for the approval of a Special Exception to the material standards for residential fences to allow a previously constructed chain-link fence on a 3.574-acre parcel of land identified as Lot 1, Block A, Wood Estates Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 207 Wade Drive, and take any action necessary.

Director of Planning and Zoning Ryan Miller provided a brief summary in regards to the request. In 2019, the applicant applied for a Specific Use Permit (SUP) for this property for a guest quarters and secondary living unit but was ultimately withdrawn. However, shortly after in June 2019, the applicant submitted a building permit for a 6,350 square foot single-family home. Sometime during the construction of the home, a building inspector noticed that the applicant had constructed a 6-foot chain link fence on the southern property line. According to the building department staff, multiple conversations concerning the fencing of this property had taken place prior to and after the issuance of the building permit for the single-family home. During these conversations, Staff explained that a building permit would be required for any fencing on the property and the material requirements for residential fences. In addition, the significant amount of floodplain on this property was also discussed and that chain-link fencing was not permitted in those areas. On August 3rd, the applicant did submit for a building permit to get the fence permitted but that was denied on August 19th because chain link fencing is not allowed in a residential district. Replacements of existing chain link fences are allowed but only with black vinyl, mesh-coated chain link. New chain link fences are not permitted on any residential property. Ultimately the applicant did apply for a miscellaneous case in accordance with the Unified Development Code (UDC) which allows the Planning and Zoning Commission to consider alternative materials that are permitted and does not include chain link. Mr. Miller wanted to note that there is a barbed wire fence that was removed and then put back on the property. The reason why this is important is because barbed wire is not permitted inside the City and once it was removed from the property then it wasn't supposed to be out back. Mr. Miller explained that there were many recommendations made in regards to this request. Specifically, if the Planning and Zoning Commission does choose to approve this, that the applicant is required to remove the portions of the fence that are currently on the floodplain. Staff would like this done within 30 days as written in the case memo. Also if approved, Staff would like for the motion to include something in regards to removing the barbed wire fence. Mr. Miller then advised the Commission that Staff was present and available to answer any questions.

Commissioner Deckard asked the location of the barbed wire fence.

Commissioner Womble asked what was allowed in the floodplain.

Commissioner Deckard asked if there would be any materials that would be permitted in the floodplain.

Vice-Chairman Welch made a motion to deny MIS2020-014. Commissioner Womble seconded the motion which passed by a vote of 7-0.

VI. DISCUSSION ITEMS

11. Z2020-043 (RYAN MILLER)

Hold a public hearing to discuss and consider a request by Maxwell Fisher, AICP of Master Plan on behalf of Wolverine Self-Storage Investments-Rockwall EDP, LLC for the approval of an amendment to an existing Specific Use Permit for the purpose of increasing the number of storage units permitted by Ordinance No. 14-25 to account for the number of storage units constructed on a 2.857-acre parcel of land identified as Lot 4, Block A, Platinum Storage Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 1245 SH-276, and take any action necessary.

Planner Ryan Miller advised that his applicant was present and had prepared a presentation for the Commission. He also advised that Staff had prepared a case memo due to it being a unique circumstance.

Chairman Chodun asked the applicant to come forward.

Maxwell Fisher
2201 Main Street
Dallas, TX 75201

The applicant came forward and provided a presentation in regards to the request. He is basically asking the Commission to adjust and align the SUP ordinance text to match with what is on the ground today. There is a 200 square foot difference on area along with the difference in units. The ordinance states 579 units and the applicant is asking for 794 units. At the moment, there are 778 units used.

Mr. Miller added details in regards to the case. He stated that when this request came through, it was indicated on the SUP, the site plan, the engineering plans, and the cover page of the building permit that the total overall would be 579 units. There is a discrepancy between the numbers of units they counted on the building plans with what we counted. The applicants counted 27 units and Staff counted 872 units. He also reminded the Commission that the current code only allows 125 units per acre. The applicants were already approved for more than that at 203 units per acre.

Commissioner Womble asked if there was any reason why this high of the number was not approved at the time of the original case based on the discussion. Mr. Miller advised that he would provide the minutes from the original meeting to the Commission.

Vice-Chairman Welch asked what the ramifications of the property would be. Mr. Miller explained that the applicant was trying to sell the property at the moment and the zoning right now does not allow for what they built. That is why the applicant is requesting to have the Commission approve what they built so they can sell the property.

Commissioner Deckard asked how many units per acre were allowed.

Commissioner Thomas asked if there was any discussion in regards to only the 579 units being approved or did the applicant just build what they thought was to scale.

Commissioner Moeller asked for the minutes regarding this case when it was originally requested.

Commissioner Deckard asked how this case got to this point and how it got thru building inspections and other departments without anybody noticing the discrepancy. He also asked what the ramifications would be if this is denied? The applicant said that they would have to put people out and will have revenue reduced.

Chairman Chodun asked if the SUP mentioned the number of units and if it was presented during a public hearing.

Commissioner Conway stated that they felt like they have been pushed into a corner and pushed into a decision.

Chairman Chodun asked if maybe the city is somewhat culpable in the result of this case.

Vice-Chairman Welch asked how the city benefited from this value wise and tax wise.

Commissioner Thomas asked if there had been any changes such as additional units added since the original request.

After further discussion, Chairman Chodun asked if anyone had any further questions. There being none, Chairman Chodun indicated the case will come back to the Commission on November 10, 2020 for discussion or action.

12. **Z2020-044 (HENRY LEE)**

Hold a public hearing to discuss and consider a request by Casey Cox of Costal Plains Estates 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 0.21-acre parcel of land identified as Lot 24, Block A, Chandler's Landing, Phase 7, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single-family residential land uses, addressed as 102 Thistle Place, and take any action necessary.

Due to the applicant not being present, Planner Henry Lee advised that this request would require a garage variance as the garage is not setback 20-feet from the front facade. However, given the fact that this is in Chandlers Landing, this is not atypical for the neighborhood.

Chairman Chodun asked if anyone had any further questions; there being none, Chairman Chodun indicated the case will come back to the Commission on November 10, 2020 for discussion or action.

13. **Z2020-045 (RYAN MILLER)**

Hold a public hearing to discuss and consider a request by Ryan Joyce of Michael Joyce Properties, LLC on behalf of Jen-Liang Wu of Unison Investment, LP for the approval of a Zoning Change form a Single-Family 16 (SF-16) District and Neighborhood Services (NS) District to a Planned Development District for Single-Family 10 (SF-10) District land uses on a 121.16-acre tract of land identified as Tract 2 of the J. M. Gass Survey,

Abstract No. 88, City of Rockwall, Rockwall County, Texas, zoned Single-Family 16 (SF-16) District and Neighborhood Services (NS) District, generally located at the southeast corner of the intersection of FM-1141 and FM-552, and take any action necessary.

Chairman Chodun asked the applicant to come forward.

Ryan Joyce
1189 Waters Edge
Rockwall, TX 75032

Adam Buzek
Skorburg Company

Mr. Buzek came forward and gave a brief summary in regards to his request. He added that it is 121-acres and it is a mixture of 60-70 foot by 120-foot deep lots. Mr. Buzek added that this would be similar to Breezy Hill development.

Chairman Chodun asked if anyone had any further questions; there being none, Chairman Chodun indicated the case will come back to the Commission on November 10, 2020 for discussion or action.

14. Z2020-046 (HENRY LEE)

Hold a public hearing to discuss and consider a request by Mike Whittle of Whittle & Johnson Custom Homes 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 0.15-acre parcel of land identified as Lot 24, Block E, Chandler's Landing #16, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single-family residential land uses, addressed as 295 Victory Lane, and take any action necessary.

Due to the applicant not being present, Planner Henry Lee explained that this request will also require a variance due to the garage being in front of the front façade.

Chairman Chodun asked if anyone had any further questions; there being none, Chairman Chodun indicated the case will come back to the Commission on November 10, 2020 for discussion or action.

15. Z2020-047 (DAVID GONZALES)

Hold a public hearing to discuss and consider a request by Mitchell Fielding of F2 Capital Partners, LLC on behalf of Alex Freeman for the approval of a Zoning Change form an Agricultural (AG) District to a Planned Development District for Single-Family 1 (SF-1) District land uses on a 26.012-acre tract of land identified as Tract 17-01 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located at the southeast corner of the intersection of FM-1141 and Clem Road, and take any action necessary.

Chairman Chodun asked the applicant to come forward.

Mitchell Fielding
4232 Ridge Road, Suite 104
Heath, TX 75032

The applicant came forward and provided a brief summary in regards to the request.

Chairman Chodun asked what the future land use was for this property.

Planning and Zoning Manager David Gonzales added that they will be using OSSF (onsite sewer facilities). That will be an exception that will be requested through City Council pending a recommendation from the Planning and Zoning Commission.

Commissioner Moeller asked about the fire issue with sprinklers due to the one way in/ne way out system.

Commissioner Conway asked if they had planned any walking trails to enhance the area.

Chairman Chodun asked if anyone had any further questions; there being none, Chairman Chodun indicated the case will come back to the Commission on November 10, 2020 for discussion or action.

16. P2020-044 (DAVID GONZALES)

Discuss and consider a request by Pat Atkins of KPA Consulting on behalf of Pat Atkins of CDGT/Rockwall/2016, LLC for the approval of a Preliminary Plat for the Saddle Star North Subdivision consisting of 92 single-family residential lots on a 44.56-acre tract of land identified as Tract 3 of the T. R. Bailey Survey, Abstract No. 30, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 80 (PD-80) for Single-Family 8.4 (SF-8.4) District land uses, generally located at the northwest corner of the intersection of FM-552 and John King Boulevard, and take any action necessary.

Chairman Chodun asked the applicant to come forward.

Planning and Zoning Manager David Gonzales added that this case must go before the Parks Board due to it being a preliminary plat. This item will come back on the Consent Agenda for the November 10, 2020 meeting.

Pat Atkins
3076 Hays Lane
Rockwall, TX 75087

Mr. Atkins came forward and provided additional details in regards to the case.

Chairman Chodun asked if anyone had any further questions; there being none, Chairman Chodun indicated the case will come back to the Commission on November 10, 2020 for discussion or action.

17. P2020-046 (DAVID GONZALES)

Discuss and consider a request by Humberto Johnson of the Skorburg Co. on behalf of the Gideon Grove Addition, LTD for the approval of a Preliminary Plat for Phase 2 of the Gideon Grove Subdivision consisting of 84 single-family residential lots on a 30.36-acre tract of land identified as a portion of Tract 1-01 of the S. R. Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 84 (PD-84) for Single-Family 7 (SF-7) District land uses, generally located at the northwest corner of the intersection of E. Quail Run Road and John King Boulevard, and take any action necessary.

Planning and Zoning Manager advised the Commission that one again this case must go before the Parks Board due to it being a preliminary plat. This case will come back on the Consent Agenda for the November 10, 2020 meeting.

Chairman Chodun asked the applicant to come forward.

Humberto Johnson Jr.
8214 Westchester Drive, Suite 900
Dallas, TX 75225

The applicant came forward and was prepared to answer questions.

Chairman Chodun asked if anyone had any further questions; there being none, Chairman Chodun indicated the case will come back to the Commission on November 10, 2020 for discussion or action.

18. SP2020-027 (HENRY LEE)

Discuss and consider a request by Cameron Slown of F. C. Cuny on behalf of the owner N & H Legacy for the approval of a Site Plan for a multi-tenant retail building on a 2.22-acre tract of land identified as Lots 8 & 11, Block 1, Alliance Addition, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 57 (PD-57) for Commercial (C) District land uses, situated at the southeast corner of the intersection of Andrews Drive and Horizon Road [FM-3097], and take any action necessary.

Planner Henry Lee explained that the ARB has approved this given that they flatten the roof projection and ask for a variance since it does not meet their articulation standards.

Chairman Chodun asked the applicant to come forward.

Jimmy Strohmeyer
2701 Sunset Ridge
Rockwall, TX 75032

The applicant came forward and explained that the site plan was approved in 2016 and it did not change it but it did expire so he has to bring it back. He then gave a brief summary in regards to it.

Chairman Chodun asked if anyone had any further questions; there being none, Chairman Chodun indicated the case will come back to the Commission on November 10, 2020 for discussion or action.

19. SP2020-028 (DAVID GONZALES)

Discuss and consider a request by Darrel Kotzur, PE of KSA Engineers on behalf of the owner Mary Courtin of Courtin Dental for the approval of a Site Plan for a daycare facility and a medial office on a 1.743-acre tract of land identified as a portion of Lot 9, Block A, Flagstone Corners Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 54 (PD-54) for Commercial (C) District land uses, situated at the southeast corner of the intersection of E. Ralph Hall Parkway and Mims Road, and take any action necessary.

Due to the applicant not being present, Planning and Zoning Manager David Gonzales provided a brief summary in regards to the request. He explained that Staff will speak to the applicant about the changes that need to be made, the ARB concerns, and the variances that must be requested. The applicant did submit an amended site plan that day but, based on the shot clock that Staff has with the HB3167, the applicant may not meet the 30-day requirement. Staff will then discuss this issue with them and see if they are going to withdraw the case and then resubmit it another time or if they are going to be able to make all the necessary changes that Staff is going to require including what ARB is requesting.

Commissioner Moeller asked about the fence around the daycare and its placement. He asked what kind of fence it would be and what it would look like.

Chairman Chodun asked if anyone had any further questions; there being none, Chairman Chodun indicated the case will come back to the Commission on November 10, 2020 for discussion or action.

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

- P2020-036: Final Plat for Lots 1, 2, & 3, Block A, Harbor Hills Addition [APPROVED]
- P2020-037: Preliminary Plat for Lots 1-9, Block A and Lot 1, Block X, Avery Farm Addition [APPROVED]
- Z2020-039: Text Amendment to Article 05, District Development Standards, of the UDC [APPROVED; 1st READING]
- Z2020-040: Text Amendment to the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan [APPROVED; 1st READING]
- MIS2020-011: Special Request for 247 Chris Drive [APPROVED]

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

VII. ADJOURNMENT

Chairman Chodun adjourned the meeting at 7:17 pm

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

Attest:

Angelica Garza, Planning and Zoning Coordinator

Eric Chodun, Chairman