MINUTES
PLANNING AND ZONING COMMISSION PUBLIC HEARING
City Hall, 385 South Goliad, Rockwall, Texas
Council Chambers
January 8, 2013
6:00 P.M.

I. CALL TO ORDER

The meeting was called to order by Chairman Phillip Herbst at 6:00 p.m. with the following members present: Barry Buchanan, Connie Jackson, Kristen Minth, John McCutcheon and Matthew Nielsen. Craig Renfro was not in attendance.

Additionally, the following staff members were present: Robert LaCroix, Lance Estep, Ryan Miller, David Gonzales and JoDee Sanford.

1. Approval of Minutes for December 11, 2012 Planning and Zoning Commission meeting.

Commissioner Jackson made a motion to approve the minutes for December 11, 2012.

Commissioner Buchanan seconded the motion.

A vote was taken and the motion passed 6-0.

(The Commission moved to the discussion of Item #5 on the Agenda.)

II. ACTION ITEMS

2. MIS2012-013
Discuss and consider a request by John Dudek 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 432 Columbia Drive, City of Rockwall, Texas, and take any action necessary.

Sanford explained that the applicant, John F. Dudek, 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" of a residential home. The section does allow the Planning and Zoning Commission to approve a waiver for proposals not meeting the requirements of said section.

The applicant is proposing a 4,431 square foot home with exterior cladding being comprised of 19.5% stone and 80.5% stucco. The subject site is an 11,900 square foot tract being Lot 55, Chandlers Landing Phase 2 Addition, located at 432 Columbia Drive.

The applicant has provided a letter from the Chandlers Landing Community Association indicating their approval of the house plans as submitted. Staff is of the opinion that the architectural style of the house and the proposed materials will blend in well with the neighborhood and recommends approval of the request.

Commissioner Minth made a motion to approve MIS2012-013, a request by John Dudek 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 432 Columbia Drive, City of Rockwall, Texas.

Commissioner Jackson seconded the motion.

A vote was taken and the motion passed 6-0.

III. SITE PLANS/PLATS

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

Chairman Herbst explained that staff will state the recommendations from the ARB as the case is discussed.

4. SP2012-030
Discuss and consider a request by Wayne Mershawn for the approval of a Site Plan for two (2) lots for the proposed development of two (2) office buildings on land being described as Lots 5 & 6, Block 2 of the Alliance Addition, Phase II, City of Rockwall, Rockwall County, Texas, containing 1.13 acres of land, zoned Planned Development District 57 (PD-57) and being located at 6531 & 6537 F. M. 3097, generally north of F. M. 549 at the northeast corner of the intersection of Andrews Drive and F. M. 3097, and take any action necessary.

Miller stated that the subject property was annexed into the City of Rockwall as part of a larger 320.44 acre tract of land on May 17, 2004 by Ordinance No. 04-34. At the time of annexation the property was designated as an Agricultural (AG) District. This designation was changed to Planned Development District 57 (PD-57) for Commercial (C) District uses by Ordinance No. 04-48 (Case No. Z2004-024), which was in conformance with the approved Preliminary Plat (Case No. P2004-028). A final plat for Lot 1, Block A of the Alliance Addition, Phase I (Case No. P2004-048) was approved on October 18, 2004 and included a 2.899 acre portion of the original 18.99 acre tract of land. The remaining 16.073 acres were final platted as Lots 1-11, Block 1 and Lots 1-7, Block 2 of the Alliance Addition, Phase II, which was approved on November 19, 2007 (P2007-032). Currently, the applicant is requesting the approval of a site plan for two (2) office buildings on Lots 5 & 6, Block 2 of the Alliance Addition, Phase II.

The site plan provided by the applicant generally conforms to the conceptual site plan approved with PD-57 and shows the provision of two (2) identical office buildings on two (2) separate lots, fronting onto F. M. 3097. These two (2) structures will be accessible by an access drive located off of Andrews Drive, which will be spaced approximately 100-feet from the intersection of Andrews Drive and F. M. 3097. The site will not have direct access off of F. M. 3097, and as part of the development the applicant will be providing a 50-foot temporary asphalt turnaround at the end of the public access drive in conformance with the Fire Departments comments. Adjacent to the public access drive running through both lots will be the parking areas. According to Article VI, Parking and Loading, of the Unified Development Code (UDC), offices are required to provide one (1) parking space per 300 square feet of office space. This translates to a total parking requirement of 17 parking spaces for each lot. Currently, Lot 5 shows the provision of 22 parking spaces and Lot 6 shows the provision of 29 parking spaces. Additionally, the proposed site plan is in conformance with all other density and dimensional requirements specified by the Planned Development District and the UDC.

The landscape plan submitted by the applicant shows that the proposed development will exceed the 15% landscaping requirement for properties within a Commercial (C) District by 25-28% for Lots 5 & 6. On Lot 5 the landscape plan show the provision of 10,501 square feet (with 3,659.04 square feet required) and Lot 6 shows 10,007 square feet (with 3,724.38 square feet required) being provided. Additionally the plan conforms to the tree requirements, which stipulate that a minimum of one (1) large canopy tree and four (4) accent trees be planted per every 100 linear feet along F. M. 3097. To meet this requirement the plan shows using a mixture of Burr Oak, Live Oak, Red Bud and Mexican Plum trees. Additionally, the applicant will be providing Indian Hawthorne and Boxwood Bush shrubs to help screen the parking areas. The provided landscape plan exceeds the requirements of the UDC and PD-57.

According to PD-57, "(i)n addition to the requirements of the outdoor lighting requirements [Section 3, Outdoor Lighting for Non-Residential Properties, of Article VII, Environmental Performance, of the UDC] no light pole, pole base or combination thereof shall exceed 20 feet." The lighting plan submitted with the site plan indicates conformance to this requirement and shows the provision of four (4) light poles (two [2] on each property) adjacent to the parking areas. The plan does not indicate the provision of any additional wall packs or site lighting; however, the applicant has stated that if additional lighting is necessary it will conform to the standards of the UDC and PD-57.

The photometric plan submitted with the lighting plan shows general conformance to the requirements of the UDC, with the majority of the lighting along F. M. 3097 being between 0 and 0.1 FC at the property line. Adjacent to Andrews Drive the light levels at the access approach for the property are to some extent higher than the remainder of the site; however, it is staffs' opinion that the lighting increase at this drive is insignificant and the plan generally conforms to the requirements of the UDC.

The building elevations provided by the applicant show that the proposed office buildings will be identical in construction and incorporate Austin Stone, painted cement board and a prefinished metal roof. The majority of the exterior of the structures will utilize Austin Stone with the exception of the decorative pillars situated along the front façade, which will be connected by curvilinear arches constructed out of painted cement board. In addition, the structures will integrate pitched roofs and meet all the requirements of PD-57 and the UDC.

ARCHITECTURAL REVIEW BOARD (ARB):

Per the requirements of PD-57 the Architectural Review Board (ARB) reviewed the building elevations for the proposed office buildings and had no additional recommendations.

VARIANCE REQUESTS:

The applicant is not requesting any variances with this site plan request.

The applicant's request conforms to all of the technical requirements stipulated by PD-57 and the UDC, and as a result staff recommends approval of the site plan. Staff also recommends the following conditions of approval:

1) Lots 5 & 6 are required to be replatted prior to the issuance of a building permit;

2) All comments provided by the Engineering and Fire Departments must be addressed prior to the submittal of a building permit; and

3) Any construction necessary to complete this Site Plan request must conform to the requirements set forth by the UDC, the 2009 International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

Commissioner Minth made a motion to approve SP2012-030, a request by Wayne Mershawn for the approval of a Site Plan for two (2) lots for the proposed development of two (2) office buildings on land being described as Lots 5 & 6, Block 2 of the Alliance Addition, Phase II, City of Rockwall, Rockwall County, Texas, containing 1.13 acres of land, zoned Planned Development District 57 (PD-57) and being located at 6531 & 6537 F. M. 3097, generally north of F. M. 549 at the northeast corner of the intersection of Andrews Drive and F. M. 3097, with staff recommendations.

Commissioner Buchanan seconded the motion.

A vote was taken and the motion passed 6-0.

5. SP2012-031
Discuss and consider a request by Rob Sarnelli of McCleary/German Architects for the approval of a Site Plan for a branch bank facility on a 1.228 acre tract of land zoned Commercial (C) District, being described as Lot 9, Block 1 of the Centre Corners Addition in the City of Rockwall, Rockwall County, Texas, generally located at the southeast corner of IH-30 and SH 205, and situated within the IH-30 Overlay (IH-30 OV) District and the SH 205 Overlay (SH 205 OV) District, and take any action necessary.

Gonzales indicated that the applicant, Rob Sarnelli of McCleary/German Architects, is requesting approval of a site plan for a proposed MidSouth Bank facility that will be located on Lot 9, Block 1 of the Centre Corners Addition and is zoned Commercial (C) district. The building site will be adjacent to In-N-Out Burger, and is within the IH-30 Overlay (IH-30 OV) and the SH 205 Overlay (SH 205 OV) districts.

The proposed site will house a 3,188-sf banking facility with a drive-through that offers other services such as an ATM and a commercial drive-through. There are a total of five drive-through lanes for banking customers, with one lane designated as a bypass lane. The drive-through lanes as depicted will accommodate a minimum of six (6) vehicles each for stacking purposes, with the exception of the commercial drive-through lane; however, the Unified Development Code (UDC) provides for exceptions in Article IV, Sec. 2.1.4.4 and reads as follows:

Stacking lanes for drive-through service windows shall accommodate at least six cars per lane, unless specifically approved by the Director of Planning.

Based on the site plan, staff supports the stacking proposed for the commercial drive-through lane as submitted.

The site will be accessed from three points of entry along existing drive lanes within the Centre Corners Addition via the SH 205 and Hwy 276 entrances and/or the IH-30 service road entrance. The parking ratio for a financial institution is one space per 300-sf and requires eleven (11) parking spaces. The applicant is proposing twenty-five (25) parking spaces, which exceeds City standards. The building footprint meets the horizontal articulation requirements as set forth in the UDC.

The applicant has submitted a landscape plan indicating a total of 29.7% landscaping coverage using Live Oaks and Cedar Elms as canopy trees, and Crape Myrtles and Red Buds as accent trees. These trees will be provided along the landscape buffer and be internal to the lot. The site also features numerous shrubs, grasses and flowers (e.g. Dwarf Buford Holly, Indian Hawthorn, Red Yucca, Asian Jasmine, etc.) dispersed throughout the property providing for an aesthetically pleasing environment surrounding the facility. The proposed landscape plan exceeds the 15% minimum required by the UDC for a commercial development and meets the intent of the IH-30 OV and SH 205 OV districts.

The UDC requires all lighting to be contained on site at a maximum intensity of 20-FC, with the exception for canopy lighting which shall not exceed 35-FC. Lighting at the property lines is not to exceed 0.2-FC in order to control glare and spillover lighting, with the exception of commercial developments that contain more than one lot (i.e. Centre Corners Addition).

This site will have an ATM machine located on the north-east portion of the building and will be accessible via the commercial drive-thru lane. Based on the state ATM lighting requirements, as indicated on the lighting plan, there will be spillover lighting onto the adjacent commercial properties; however, this will meet the standards for spillover lighting for commercial developments containing more than one lot since this development will be within the Centre

Corners Addition. Included in your packet is the "Lighting Requirements for (ATM) Unmanned Teller Machines" as stipulated by the State of Texas Banking Code, including an analysis provided by the applicant.

Also, the IH-30 OV and SH 205 OV districts require light poles not to exceed 30-ft in height (including the base) and all light sources are to be fully cut-off with a maximum one inch reveal and directed down. The proposed light poles for this site will have an overall height of 22½-ft, not exceeding the height restrictions set for this district.

Based on the lighting plan as submitted, the site appears to meet the intent of the UDC.

The proposed elevations for the banking facility indicate an overall building height of 27-ft 3 inches. The facades will be comprised primarily of a thin cut natural stone, utilizing an accenting two color combination contrasted by a thin metal cap element. The Alamo stone (limestone) will be cut in varied lengths and heights accentuating the Upchurch Kimbrough stone and will be prominently displayed on all four sides, including the columns in the drive-through and front entrance. The drive-through canopy will incorporate stucco as the primary material and will blend with the materials on the primary structure. There are additional canopies on the remaining elevations provided as articulated elements for the site. The facility also features a Clerestory with a standing seam metal "hip" roof incorporating a curtain wall system designed to admit natural light into the interior of the building. The massing of the Clerestory along with the hip roof design is integral to the buildings west, north and south elevations and provides a contrast to the design of the facility.

The IH-30 and SH 205 Overlay districts require a minimum of four (4) architectural elements to be incorporated in the design of the building. The color rendering and the proposed elevations depict several elements that meet this requirement such as canopies or awnings, recesses and projections (visible on the west, north and south elevations), a hip roof design on the tower element (clerestory), the drive-through canopy supported by stone columns (on the east elevation) and also located at the main entrance to the building. All of these architectural elements as presented meet this requirement.

Finally, the applicant is requesting a variance to the IH-30 OV and SH 205 OV district's standards to allow for the roof design as submitted. The IH-30 OV and SH 205 OV districts require that any building with a footprint of less than 6,000-s.f. is to be constructed with a pitched roof system. As designed, the building will require a recommendation from the Planning and Zoning Commission to the City Council, and the City Council to approve a variance allowing for the flat roof design covering approximately 55% of the building and the "hip" roof system covering the remaining 45%. Any variance to this standard requires approval of City Council by a three-forth (3/4) majority vote of those present, with a minimum of four voting in the affirmative. It should be noted that similar variances for the pitched roof requirement have been approved in the past within these overlay districts, and more notably for the In-N-Out Burger location adjacent to the proposed site. The proposed building is in compliance with the remaining requirements of the UDC for a property in a Commercial district and within the IH-30 OV and SH 205 OV districts.

Based on the IH-30 OV and SH 205 OV district requirements and the proposed elevations, the following variance requires approval from the City Council by a 3/4 majority vote:

1) All structures having a footprint of less than 6,000-s.f. is to be constructed with a pitched roof system. As designed, the building will require a variance allowing for the flat roof covering approximately 55% of the building, with the "hip" roof system covering the remaining 45%.

It should be noted that similar variances for the pitched roof requirement have been approved in the past within these overlay districts, and more notably for the In-N-Out Burger location adjacent

to the proposed site. The proposed building is in compliance with the remaining requirements of the Unified Development Code for a Commercial district and the IH-30 OV and SH 205 OV districts.

As submitted, staff supports the variance requested.

Staff recommends approval of the Site Plan as well as the variance requested with the following conditions:

1. Adherence to all Engineering and Fire Department standards.
2. Consider recommendations forwarded to the Planning and Zoning Commission from the Architectural Review Board.

Commissioner Nielsen asked for clarification on whether the percentage of roof includes the canopy over the drive-through lanes. Gonzales stated that the canopy is not included in that calculation.

Gonzales additionally indicated that the ARB did recommend approval as submitted.

Commissioner Buchanan made a motion to approve SP2012-031, a request by Rob Sarnelli of McCleary/German Architects for the approval of a Site Plan for a branch bank facility on a 1.228 acre tract of land zoned Commercial (C) District, being described as Lot 9, Block 1 of the Centre Corners Addition in the City of Rockwall, Rockwall County, Texas, generally located at the southeast corner of IH-30 and SH 205, and situated within the IH-30 Overlay (IH-30 OV) District and the SH 205 Overlay (SH 205 OV) District, with staff recommendations.

Commissioner Jackson seconded the motion.

A vote was taken and the motion passed 5-1, with Nielsen against.

(The Commission moved to discussion of Item #2 on the Agenda.)

6. SP2012-032
   Discuss and consider a request by Mushtak Khatri with Tabani Group for the approval of a Site Plan on 3.87 acres of land zoned Planned Development District 1 (PD-1) and described as BJT Lewis Survey, Tract 6-2 and Lot 1, Block 1 of the Independent Community Financial Corporation Addition, City of Rockwall, Rockwall County, Texas, specifically located at 2865 Ridge Road, and situated within the Scenic Overlay (SOV) District, and take any action necessary.

Estep explained that an amendment to Planned Development (PD-1) and concept plan were approved by City Council on February 6, 2012 for this 2.88-acre subject tract. The amendment (see Ord. No. 12-03 attached) detailed the conceptual development plan for Phase II of Rockwall Commons. In keeping with the theme of the existing development, the proposal for Phase II consists of a mixed use development of retail, office and multi-family residential uses.

The amendment approved by City Council outlined several stipulations for this development, including a maximum of 140 multi-family units, a minimum of 12,000 SF of "non-residential" space, 20% open space and a 65 foot height restriction. The exterior materials used for Phase I will be duplicated for Phase II, providing a consistent Tuscan look and feel throughout both phases.

The proposed site plan varies from the approved concept plan as to the layout of the structure and the placement of site amenities. The approved concept plan proposed an L-shaped structure with a common "Green Plaza" and swimming pool, which were to be counted toward satisfying the site's open space requirement. The site plan shows the "Green Plaza" as a central courtyard with artificial turf, stained concrete and a water feature.

The proposed site plan also includes an additional one (1) acre of land from the adjacent American National Bank property. The applicant intends to use this additional land to construct a swimming pool and beach volleyball court as part of their site amenities package.

Given the additional acre that will be used to house the community pool and volleyball court, the applicant will be required to submit a replat prior to the issuance of a building permit.

The development standards that govern the subject property are stipulated in the Unified Development Code (UDC), Planned Development 1 (PD-1) and the Scenic Overlay (SOV) District. The primary source of development standards is the most recent amendment to PD-1.

The following table shows a comparison of the technical requirements applicable to the site and the corresponding values from the applicant's proposal:

Table 1. Rockwall Commons Phase II Technical Requirements*

	Required	Provided
Maximum Residential Units	140	140
Minimum Average D.U. Size	980 SF	1,059 SF
Minimum Non-Residential Space	12,000 SF	12,000 SF
Overall Height (to midpoint of sloped roof)	65-ft	62-ft
Minimum Open Space	20%	29%
Parking**	284	292
1 Bedroom Apartments (% of total SF)	25%	25%
2 Bedroom Apartments (% of total SF)	50%	50%
3 Bedroom Apartments (% of total SF)	25%	25%

*Per the UDC or PD-1
**See Table 2. Site Parking Calculations

The applicant has provided for a total of 292 parking spaces on-site. The parking for the residential component is primarily located behind the building in a single-level garage, the top deck of which is on the same finished floor as the bottom floor of the buildings. The garage capacity will be 139 spaces (1 space per unit), leaving the remaining 153 spaces located within surface lots in the front, side and rear yard of the lot. PD-1 also includes a provision for a 10% parking reduction for mixed-use developments, which is included in the summary of the site parking requirements below:

Table 2. Site Parking Calculations

Use	Size	City Ratio	Spaces
Retail	12,000 SF	1 per 250 SF	48
1 BR Residential	49 Units	1.5 per unit	74
2 BR Residential	67 Units	2 per unit	134
3 BR Residential	24 Units	2.5 per unit	60

Gross Required Parking	316
10% Parking Reduction allowed by PD-1	-32
Net Required Parking	284
Parking Provided by Applicant	292

The applicant's preliminary landscape plan mirrors that of Phase I along Ridge Road, with dense landscaping consisting of Bald Cypress trees and several triangular groups of three (3) Crepe Myrtles. Vehicular Use Area screening is accomplished by the use of Indian Hawthornes, planted on 3 foot centers along Ridge Road and the main drive aisle into Phase II.

A continuation of the landscaping from Phase I is proposed at the rear of the property adjacent to the Dallas Garland N.E. Railroad, using Crepe Myrtles and Indian Hawthornes. The applicant also shows Crepe Myrtles and Texas Sage shrubs along the rear foundation of the building.

A similar landscape pattern of trees and shrubs as was implemented in Phase I is duplicated along the pedestrian pathway. Additional landscaping will help buffer the pathway from future development to the north.

The preliminary landscape plan does not delineate the amount of site landscaping provided, nor does it disclose the amount of open space on the site. The UDC requires a minimum of 15% of the site be dedicated to landscaping. PD-1 requires a minimum of 20% open space, to include the pool, volleyball court and central courtyard. The applicant has also indicated the intent to install a dog park within the site detention area, which would also qualify as usable open space.

In terms of refuse and utility units, the applicant has provided a dumpster detail which shows a masonry screening wall, finished with materials similar to the main structure (as indicated on the dumpster detail plans). The gate shown is a metal gate, which staff recommends should be self-latching.

There are two (2) ground mounted AC units and one (1) boiler room located adjacent to the pool area. These units are screened from pool view using Indian Hawthornes, but are visible from the west and south. The Scenic Overlay (SOV) District indicates that all mechanical equipment shall not be visible from any direction. Staff recommends that these units be screened appropriately from view in accordance with the aforementioned requirement.

The swimming pool area is screened from view using dense shrubbery, as is the detention pond at the northeast portion of the property. The detention area is also accented by eleven (11) Redbud trees.

A treescape plan was not necessary for this site and thus not performed. The trees located to the north and west of the property are not considered protected or feature trees.

The site photometric plan is in general compliance with the standards set forth in the UDC. Spillover lighting from Phase I is causing slightly elevated FC readings along the southern property line. Elevated readings are also shown along the western property line, not exceeding 0.9 FC. Staff is of the opinion that modest spillover lighting along the railroad right-of-way will help shed some much needed light along the proposed pedestrian pathway.

The applicant intends to use shoebox-style cut off fixtures to light the parking and amenity areas and low-wattage wall sconces as accent lighting. It is worth noting that the property to the north will likely be commercially developed, and any spillover lighting from Phase II will simply be absorbed within any future development, although the FC readings along the north property line are low do not exceed 0.3 FC.

The proposed elevations will show a similar Tuscan look as its neighbor to the south. The same materials used in Phase I will be duplicated for use in Phase II.

The applicant's exterior elevations package includes primary materials of stone and stucco with accents of wood and concrete. The roof will incorporate the same terracotta Spanish tile as Phase I. The height of the structure from ground level to the top of the parapet wall is 70 feet. More importantly, the height from ground level to the midpoint of the sloped roof is approximately 62 feet, which is below the 65 foot height limit specified in PD-1.

The building is nicely and adequately articulated both horizontally and vertically. Again, the applicant's intent is to match the look and feel of Phase I, which in staff's opinion has been accomplished.

ARCHITECTURE REVIEW BOARD:

PD-1 and the Scenic Overlay (SOV) District require that the Architecture Review Board (ARB) review and offer comments on the proposed building elevations. The ARB did not make additional recommendations.

The applicant is not requesting any variances.

In staffs' opinion, the proposal generally conforms to the requirements of the UDC, PD-1 and Scenic Overlay (SOV) District. The comments staff provided the applicant are general in nature and, in staffs' opinion, should not hold up the project.

Staff recommends approval of the site plan, subject to the following conditions:

1. Approval of a replat prior to the issuance of a building permit;
2. Submittal and approval of any required Engineering plans associated with the replat;
3. Adherence to all Fire Department site plan comments and requirements, including locations and dimensions of fire lanes, fire hydrants, etc;
4. Adherence to all Engineering site plan comments and requirements; and
5. Submittal of a revised landscape plan that incorporates the following recommendations:
   a. A similar landscape pattern of trees and shrubs as was implemented in Phase I be shown on the final landscape plan along the pedestrian pathway on the north property line.
   b. Provide site landscaping and open space calculations in tabular form on the final landscape plan.
   c. Show screening ground-mounted AC and boiler units from view from all directions.

Commissioner Buchanan asked for the number of stories for retail. Estep replied that the development consists of two stories of retail with three stories of apartments above.

Commissioner Jackson made a motion to approve SP2012-032, a request by Mushtak Khatri with Tabani Group for the approval of a Site Plan on 3.87 acres of land zoned Planned Development District 1 (PD-1) and described as BJT Lewis Survey, Tract 6-2 and Lot 1, Block 1 of the Independent Community Financial Corporation Addition, City of Rockwall, Rockwall County, Texas, specifically located at 2865 Ridge Road, and situated within the Scenic Overlay (SOV) District, with staff recommendations.

Commissioner Minth seconded the motion.

A vote was taken and the motion passed 6-0.

IV. DISCUSSION ITEMS

7. Director's Report of post Council meeting outcomes of Planning & Zoning cases:

- Z2012-018 – Hallie Fleming Specific Use Permit (approved)
- P2012-038 – Emerus Replat (approved)
- SP2012-024 – Daycare Variance (approved)
- SP2012-025 – Townsend Project Fencing Variance (approved)
- P2012-036 – Townsend Project Preliminary Plat (approved)
- SP2012-026 – Nursing Home Screening Variance (approved)
- P2012-037 – Nursing Home Preliminary Plat (approved)
- SP2012-27 – Medical Office Building Variance (approved)

LaCroix briefly updated the Commission on the above listed cases.

V. ADJOURNMENT

The meeting adjourned at 6:35 p.m.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 29 day of JAN, 2013.

Phillip Herbst, Chairman

Attest:

JoDee Sanford, Planning Coordinator

MINUTES
PLANNING AND ZONING COMMISSION WORK SESSION
City Hall, 385 South Goliad, Rockwall, Texas
Council Chambers
January 29, 2013
6:00 P.M.

I. CALL TO ORDER

The meeting was called to order by Chairman Phillip Herbst at 6:00 p.m. with the following members present: Barry Buchanan, Craig Renfro, Kristen Minth, and John McCutcheon. Matthew Nielsen and Connie Jackson were not in attendance.

Additionally, the following staff members were present: Robert LaCroix, Lance Estep, Ryan Miller, David Gonzales and JoDee Sanford.

1. Approval of Minutes for January 8, 2013 Planning and Zoning Commission meeting.

Commissioner Buchanan made a motion to approve the minutes for January 8, 2013.

Commissioner McCutcheon seconded the motion.

A vote was taken and the motion passed 4-0, with Renfro abstaining.

II. DISCUSSION ITEMS

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

(Planning staff discussed the Board's recommendations during case presentations.)

3. P2013-001
   Hold a public hearing, discuss and consider a request by Donnie and Tammy Latimer for approval of a Residential Replat for Chandlers Landing Phase 14, Lot 23, Block B, City and County of Rockwall, Texas, being a replat of Lots 5-R and 7-R of Chandlers Landing Phase 14, Block B, and take any action necessary.

Miller described the case and the location of the property.

Chairman Herbst clarified that the request is to combine two residential lots into one lot. Miller confirmed the request. Chairman Herbst asked if approval from Chandlers Landing Homeowners Association is required. Miller indicated the HOA has given their approval.

4. Z2013-001
   Hold a public hearing, discuss and consider a request by Denise Webb and Shannon Allred for approval of a Specific Use Permit (SUP) to allow for a secondhand goods store located on Lot S and a portion of Lot 3, Block L of Rockwall Old Towne, City and County of Rockwall, Texas, being a 1,500-sf tract located at 103 South San Jacinto, zoned (DT) Downtown district, and take any action necessary.

Sanford discussed the case and the location of the property.

Chairman Herbst asked whether the applicants are aware of the future downtown project. Ms. Webb indicated that she is aware. LaCroix briefly discussed the project.

Commissioner Buchanan asked what business was previously located on this property. LaCroix stated that Mr. Fox owns the property and previously operated a firearms store.

5. Z2013-002
Hold a public hearing, discuss and consider a request by Cameron Slown for approval of a change in zoning from (AG) Agricultural district to (C) Commercial district on a 45.56-acre tract situated in the W. W. Ford Survey, Tract 17-5, located at the southeast corner of SH 205 and FM 549, City and County of Rockwall, Texas, and take any action necessary.

Miller gave a brief description of the property and discussed the case.

6. Z2013-003
Hold a public hearing, discuss and consider a request by Betsy Irvine for approval of a change in zoning from (AG) Agricultural district to (HC) Heavy Commercial district on a 2.01-acre tract situated in the J. D. McFarland Survey, Tract 17, City and County of Rockwall, Texas, generally located on South Goliad Street, approximately 500-ft south of Ralph Hall Parkway, and take any action necessary.

Miller described the location of the property and discussed the case.

Commissioner Buchanan inquired as to the zoning of the adjacent property to the north. Miller indicated that that property is zoned Commercial district. Commissioner Buchanan asked about the differences between Commercial and Heavy Commercial districts. Miller stated that Heavy Commercial is less restrictive zoning.

Chairman Herbst asked if the Heavy Commercial district is the only zoning that allows a Uhaul rental. Miller stated that Heavy Commercial and Heavy Industrial districts allow truck rental by right and the Light Industrial district allows it with approval of a Specific Use Permit.

7. Z2013-004
Hold a public hearing, discuss and consider a request by Kevin Patel for approval of a Specific Use Permit (SUP) to allow for a retail outlet where gasoline products are sold as an accessory to a retail use, as stipulated by the Scenic Overlay (SOV) District, on a 2.46-acre tract of land described as Lots 1R and 2R of the Woods at Rockwall Addition, City and County of Rockwall, Texas, located at the southeast corner of Ridge Road and Yellow Jacket Lane, zoned (C) Commercial district and situated within the Scenic Overlay (SOV) District, and take any action necessary.

(Z2013-004 and SP2013-002 were discussed concurrently.)

Gonzales discussed the location of the property and briefly described the case.

Commissioner Buchanan asked for clarification on the drainage of the property due to a large hill on the property. Gonzales stated that the Engineering Department and the applicants discussed drainage prior to the meeting and the applicants will have more information on drainage at the next meeting.

8. SP2013-002
Discuss and consider a request from Kevin Patel of The Dimension Group for approval of a Site Plan for Racetrac Petroleum, being a 6,120-sf convenience store and fuel center located on Lots 1R and 2R of the Woods at Rockwall Addition, being a total of 2.46-acres located at the southeast corner of Ridge Road and Yellow Jacket Lane, zoned (C) Commercial district and situated within the Scenic Overlay (SOV) District, and take any action necessary.

(Z2013-004 and SP2013-002 were discussed concurrently.)

III. ADJOURNMENT

The meeting adjourned at 6:24 p.m.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 12 day of February, 2013.

~~Phillip Herbst, Chairman~~
Craig Renfro, Vice-Chairman

Attest:

JoDee Sanford, Planning Coordinator

MINUTES

PLANNING AND ZONING COMMISSION PUBLIC HEARING

City Hall, 385 South Goliad, Rockwall, Texas
Council Chambers
February 12, 2013
6:00 P.M.

I. CALL TO ORDER

The meeting was called to order by Vice-Chairman Craig Renfro at 6:00 p.m. with the following members present: Barry Buchanan, Connie Jackson, Kristen Minth, John McCutcheon and Matthew Nielsen. Chairman Phillip Herbst was not in attendance.

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

1. Approval of Minutes for January 29, 2013 Planning and Zoning Commission meeting.

Commissioner Minth made a motion to approve the minutes for January 29, 2013.

Commissioner Buchanan seconded the motion.

A vote was taken and the motion passed 4-0, with Nielsen and Jackson abstaining.

II. PUBLIC HEARINGS

2. P2013-001
Hold a public hearing, discuss and consider a request by Donnie and Tammy Latimer for approval of a Residential Replat for Chandlers Landing Phase 14, Lot 23, Block B, City and County of Rockwall, Texas, being a replat of Lots 5-R and 7-R of Chandlers Landing Phase 14, Block B, and take any action necessary.

Miller stated that the purpose of this plat is to combine two (2) existing residential lots into one (1) residential lot. The property was originally platted as Lots 5-8, Block B, Chandler's Landing, Phase 14. Lots 5 & 6 were replatted as Lot 5-R by Case No. PZ2000-83-1 on October 2, 2000 and Lots 7 & 8 were replatted as Lot 7-R by Case No. PZ2002-101-1 on December 16, 2002.

The Engineer has completed the technical revisions requested by staff, and this plat is recommended for conditional approval pending the completion of final technical modifications and submittal requirements required for the recordation by the applicant or owner.

On January 25, 2013, staff mailed thirty-three (33) notices to property owners within 200 feet of the subject property. At the time, staff had received four (4) responses in favor of the applicant's request.

Staff recommends approval of the replat for Lot 23, Block B, Chandlers Landing, Phase 14 Addition in conformance with the following conditions of approval:

1) All comments from the Engineering, Planning and Fire Departments shall be addressed prior to the filing of this plat;

2) Any construction resulting from the approval of this replat shall conform to the requirements set forth by the Unified Development Code, the 2009 International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all

other applicable regulatory requirements administered and/or enforced by the state and federal government.

Vice-Chairman Renfro opened the public hearing at 6:03 p.m.

Harold Fetty
6770 FM 1565
Royse City, Texas

Mr. Fetty stated that he is the surveyor and the applicant is requesting approval of the replat.

There being no others wishing to come forth and speak, Vice-Chairman Renfro closed the public hearing at 6:04 p.m.

Commissioner Buchanan made a motion to approve P2013-001, a request by Donnie and Tammy Latimer for approval of a Residential Replat for Chandlers Landing Phase 14, Lot 23, Block B, City and County of Rockwall, Texas, being a replat of Lots 5-R and 7-R of Chandlers Landing Phase 14, Block B, with staff recommendations.

Commissioner Minth seconded the motion.

A vote was taken and the motion passed 6-0.

3. Z2013-001
Hold a public hearing, discuss and consider a request by Denise Webb and Shannon Allred for approval of a Specific Use Permit (SUP) to allow for a secondhand goods store located on Lot S and a portion of Lot 3, Block L of Rockwall Old Towne, City and County of Rockwall, Texas, being a 1,500-sf tract located at 103 South San Jacinto, zoned (DT) Downtown district, and take any action necessary.

Sanford stated that the applicants, Denise Webb and Shannon Allred, owners of Worker Bee Studio, are requesting a Specific Use Permit (SUP) to allow for a secondhand goods retail store. The property is located at 103 S. San Jacinto and is within the Downtown (DT) district. The Unified Development Code requires that a "Secondhand dealer" obtain a SUP in the Downtown district.

The applicant's business will consist of new and refurbished furniture as well as home décor and accessories. The merchandise will range in price from $100-$800. The applicants, also, plan to feature artwork from local artists.

A notice was published on January 24, 2013 in the Rockwall County News. Information on the zoning case has also been posted on the City's website in accordance with City policy. Also, thirty two (32) notices were mailed to property owners of record within 200-ft of the subject property. At the time of this report, staff has not received any notice for or against the request.

Staff supports the request for the Specific Use Permit with the following conditions:

1. Adherence to Engineering and Fire Department standards.
2. Outside sales and displays shall only be allowed in conjunction with recognized City of Rockwall and Downtown Merchant Association events.

Vice-Chairman Renfro opened the public hearing at 6:07 p.m.

Denise Webb

103 S. San Jacinto
Rockwall, Texas

There being no others wishing to come forth and speak, Vice-Chairman Renfro closed the public hearing at 6:07 p.m.

Commissioner Jackson made a motion to approve Z2013-001, a request by Denise Webb and Shannon Allred for approval of a Specific Use Permit (SUP) to allow for a secondhand goods store located on Lot S and a portion of Lot 3, Block L of Rockwall Old Towne, City and County of Rockwall, Texas, being a 1,500-sf tract located at 103 South San Jacinto, zoned (DT) Downtown district, with staff recommendations.

Commissioner McCutcheon seconded the motion.

A vote was taken and the motion passed 6-0.

4. Z2013-002
Hold a public hearing, discuss and consider a request by Cameron Slown for approval of a change in zoning from (AG) Agricultural district to (C) Commercial district on a 45.56-acre tract situated in the W. W. Ford Survey, Tract 17-5, located at the southeast corner of SH 205 and FM 549, City and County of Rockwall, Texas, and take any action necessary.

Miller explained that on January 18, 2013 the applicant, Cameron Slown, submitted an application on behalf of the owners, Mark Medcalf and Shannon Balthorp, to request a zoning change from an Agricultural (AG) District to a Commercial (C) District for a vacant 43.56 acre tract of land identified as Tract 17-5 of the W. W. Ford Survey, Abstract No. 80. The applicant has stated that the purpose of this request is to secure commercial zoning to facilitate the sale of the property.

The property is a triangularly shaped tract of land fronting onto FM549 (FM1139) and SH205. The Master Thoroughfare Plan approved with the Comprehensive Plan (adopted March 5, 2012) shows the future right-of-way of FM549 bisecting the property and connecting to the current intersection of FM549 and SH205 along the southern boundary line of the subject property. Since portions of the property are adjacent to SH205 any development on the property will be subject to the requirements of the SH205 (SH205 OV) Overlay District, and will require the approval of a site plan by the Planning & Zoning Commission prior to the approval of a building permit. As part of this site plan process the Architectural Review Board (ARB) will be required to review and provide recommendations concerning the proposed building elevations. Additionally, any development on the property would be required to submit engineering plans, a preliminary and final plat, and potentially a master plat.

The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property is FM549 (FM1139) followed by a 139.354 acre tract of land zoned Planned Development District 63 (PD-63) for Single Family-10 (SF-10) District uses. Adjacent to this property, along its western boundary are properties zoned Single Family Estate 2 & 4 (SFE-2 & SFE-4) Districts for low density residential uses.

South: Directly south of the subject property is SH205. Beyond SH205 the majority of the properties are zoned Agricultural (AG) District. At the southeast corner of the intersection of FM549 and SH205 is a 7.32 acre tract of land zoned Commercial (C) District.

East: Directly east of the subject property is the city limit line between the City of Rockwall and the City of McLendon-Chisholm's extraterritorial (ETJ) jurisdiction.

West: Directly west of the property is SH205 followed by properties zoned Agricultural (AG) District.

The Future Land Use Map, adopted with the Comprehensive Plan, designates the subject property for Commercial land uses. The purpose of this designation is tied to the future alignment of FM549 and the eventual intersection of SH205 and FM549. According to the Comprehensive Plan, "(i)n areas where commercial is indicated at the intersection of major roadways in the northern portion of the city, and where zoning and development have not occurred, commercial zoning should not necessarily be allowed on all four [4] corners. Zoning should only be allowed where the commercial use is eminent and where it would be planned and integrated with the adjacent residential neighborhoods." As stated above (see the Adjacent Land Uses and Access section), the majority of the adjacent land is zoned for large lot residential and agricultural uses that are currently vacant or occupied with low density residential housing. The Future Land Use map shows this area being mostly designated for Low Density Residential land uses, with the exception of the subject property and properties directly south of the subject property. The Comprehensive Plan continues by stating that, "(t)he amount of retail and the size of the area to be designated for commercial or mixed use development may be large or small depending on the service area it will serve and the style and quality of development."

In assessing the applicant's proposal it is staff's opinion that the large surrounding area occupied by, and designated for, Low Density Residential uses coupled with the lack of area zoned and designated for commercial land uses justifies the proposed rezoning of the requested 45.56-acres from an Agricultural (AG) District to a Commercial (C) District. Furthermore, the proposed realignment of FM549 will bisect the subject property and create a four (4) way intersection at FM549 and SH205. Staff feels this junction will be a prominent intersection in this area in the future and will create a condition where commercial uses can be considered to be eminent in nature.

On February 1, 2013, staff mailed fourteen (14) notices to property owners within 200 feet of the subject property. Additionally, staff posted signs along all street frontages adjacent to the subject property and at the corner of FM1139/FM549 and SH205 as required by the Unified Development Code (UDC). At this time staff had received two (2) responses in favor and one (1) response in opposition to the applicant's request.

RECOMMENDATIONS:

For the reasons addressed in staff's analysis and since the applicant's request is in conformance with the Future Land Use map, the Comprehensive Plan, and all applicable local, state and federal requirements staff recommends approval of the change in zoning from an Agricultural (AG) District to a Commercial (C) District for the subject property.

Commissioner Nielsen asked about if commercial use is eminent at this location. Miller indicated that staff's opinion is that this will become a major intersection in the future and traffic will increase; therefore, commercial zoning is appropriate for this property. LaCroix stated that requests have been made for commercial uses in this area.

Vice-Chairman Renfro opened the public hearing at 6:14 p.m.

Cameron Slown
F.C. Cuny Corporation
3120 Steve Drive
Hurst, Texas

Mr. Slown stated that the owner would like to rezone this property in conformance with the future land use plan in order to sell the property.

Commissioner Nielsen asked what types of developers have approached the seller in regard to future development. Mr. Slown stated that some interest has surfaced for office development as well as retail use for this property.

There being no others wishing to come forth and speak, Vice-Chairman Renfro closed the public hearing at 6:15 p.m.

Commissioner Jackson made a motion to approve Z2013-002, a request by Cameron Slown for approval of a change in zoning from (AG) Agricultural district to (C) Commercial district on a 45.56-acre tract situated in the W. W. Ford Survey, Tract 17-5, located at the southeast corner of SH 205 and FM 549, City and County of Rockwall, Texas, with staff recommendations.

Commissioner Minth seconded the motion.

A vote was taken and the motion passed 6-0.

5. Z2013-003
Hold a public hearing, discuss and consider a request by Betsy Irvine for approval of a change in zoning from (AG) Agricultural district to (HC) Heavy Commercial district on a 2.01-acre tract situated in the J. D. McFarland Survey, Tract 17, City and County of Rockwall, Texas, generally located on South Goliad Street, approximately 500-ft south of Ralph Hall Parkway, and take any action necessary.

Miller stated that the subject property is a 2.01-acre tract of land identified as Tract 17 of the J. D. McFarland Survey, Abstract 145, which was annexed into the City of Rockwall on May 19, 1986 by Ordinance No. 86-37. At the time of annexation the property had three (3) existing buildings (two [2] metal buildings and one [1] single story brick and concrete building), which were being utilized as multi-tenant rental spaces and a bar facility. According to the applicant Betsy Irvine, Ship Shape Services, Inc. took occupation of the metal building at the rear of the subject property in May of 2008. At the time of occupation Ship Shape Services, Inc. was a boat repair facility, which is considered to be a permissible non-conforming use on the subject property.

On January 9, 2013 the Code Enforcement Department issued a notice of zoning violation to the applicant for the operation of a truck rental business in conjunction with the boat repair facility. The applicant was advised by the Code Enforcement Department to bring the property into conformance by either discontinuing the truck rental operation or by applying for a zoning change to change the zoning district to one that permits the use. According to the use charts in Article IV, Permissible Uses, of the Unified Development Code (UDC) a Truck Rental Facility is only permitted by right in a Heavy Commercial (HC) or a Heavy Industrial (HI) District and by a Specific Use Permit (SUP) in a Light Industrial (LI) District. On January 23, 2013, Ms. Irvine representing Ship Shape Services, Inc. submitted an application on behalf of the owner, Cathy Strother, to request a zoning change from an Agricultural (AG) District to a Heavy Commercial (HC) District for the subject property.

Currently, the subject property does not front onto a public street and is only accessible by a mutual access drive located off of SH205. The property is located adjacent to the northeastern branch of BuffaloCreek, and according to the Federal Emergency Management Agency's (FEMA) floodplain maps is located within the 100 year floodplain. As a result, new development consisting of paving or the construction of a building is prohibited; however, the buildings currently existing on the site are permitted to be maintained.

The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property is The Vault Self Storage (a mini-warehouse facility), Hacienda Carwash (a restaurant, retail, and carwash facility), a retail strip center, and a vacant 0.77 acre parcel of land fronting on SH205. All properties are situated within the SH205 Overlay (SH205 OV) District and are zoned Commercial (C) District.

South: Directly south of the subject property is Buffalo Creek, which is situated on a vacant 31.03 acre tract land.

East: Directly east of the subject property is a 0.494 acre tract of land owned by the State of Texas. Beyond this land is SH205, followed by the northern most boundaries of Meadow Creek Estates, Phase I.

West: Directly west of the property is the remainder of the 31.03 acre tract of vacant land followed by the remainder of The Vault Self Storage property. Beyond these properties is Ralph Hall Parkway.

According to the Unified Development Code (UDC), "(t)he Heavy Commercial District is established to provide adequate space and site diversification for commercial establishments [and] may involve uses that would be objectionable in the other commercial districts or adjacent to residential districts ... This district is commercial in nature, but has some aspects that are similar to the industrial uses." Currently, the uses existing on the site are most comparable to the uses permitted in the Heavy Commercial (HC) District. This zoning designation represents one of the city's least restrictive zoning districts in terms of the permitted uses stipulated by Article IV, Permissible Uses, of the UDC.

Of the three (3) zoning districts that allow the applicant's desired use (i.e. the Heavy Commercial [HC], Heavy Industrial [HI] and Light Industrial [LI] Districts) the Light Industrial (LI) District represents the most restrictive, requiring a Specific Use Permit (SUP); however, the UDC states that "(t)he purpose of the Light Industrial District is to create a limited industrial zone that provides for the modern type of industrial uses or industrial park ... This zone is intended for industrial parks and larger, [and] cleaner types of industries."

The Future Land Use Map, adopted with the Comprehensive Plan, designates the subject property for Parks and Open Space and Commercial land uses. The reason for this designation is due to the adjacency to a major commercial/retail shopping center directly north of the subject property, the close proximity to a residential subdivision (i.e. Meadow Creek Estates, Phase I), the adjacency to a major arterial (i.e. SH205), and the prohibitive development requirements stipulated by FEMA for properties within a 100 year floodplain.

In reviewing the applicant's request staff has taken into consideration that at the time of annexation the property had non-conforming uses in operation. These legal non-conforming uses, permitted to continue under the requirements of Section 8, Non Conforming Uses, Structures and Sites, of Article IV, Permissible Uses, of the UDC, make the property less restrictive than is generally permitted in an Agricultural (AG) District. Additionally, the development restrictions placed on the property as a result of being located within floodplain (e.g. Flood Study, possible Letter of Map Revision [LOMR], detention, requirement to tie into city utilities, etc.) would make plans to redevelop the property costly. This being said, staff also acknowledges that the applicant's request is not consistent with the zoning of adjacent properties and the proposed heavy commercial zoning is not in conformance with the designations established by the comprehensive plan. Furthermore, staff recognizes the applicant's request only accommodates a single use for individual benefit without a relationship to a public benefit on a property that is already considered to be less restrictive, due to the permitted non-conforming uses, than other properties of the same zoning. Finally, staff would like to point out that a change in zoning to a Commercial (C) District would satisfy the requirements of the Comprehensive Plan and be compatible with adjacent properties; however, this zoning would not allow the applicant's desired use. The zoning of property being a discretionary act, staff ultimately feels that

the approval of the proposed zoning change or subsequent decision to rezone the subject property is a judgment call for the Planning & Zoning Commission and City Council.

On February 1, 2013, staff mailed six (6) notices to property owners within 200 feet of the subject property. Additionally, staff posted signs along SH205, which is the only street frontage adjacent to the subject property as required by the Unified Development Code (UDC). At this time no responses were received by staff.

Commissioner Buchanan clarified that the Commission could recommend to rezone the property to something other than what the applicant has requested. Miller stated that the Commission could recommend rezoning the property to something other than the Heavy Commercial that has been requested as long as the recommendation is for a zoning designation that is more restrictive.

Commissioner Nielsen asked about the difference in Light Industrial district and Commercial district. Miller indicated that he could provide a list at a later date; however, Light Industrial is considered light manufacturing and technology. LaCroix stated that the Commercial district is more suited to shopping centers.

Commissioner Nielsen also clarified that the reason for the request is due to a change in use on the property. Miller indicated that the change in use is the reason for the request and the owner would be able to continue the current use of the property without the truck rental.

Commissioner Jackson clarified that Light Industrial zoning would still require the business owner to apply for a Specific Use Permit for the truck rental, but the boat maintenance and repair would be able to continue. Miller stated that through the Specific Use Permit restrictions could be made to the operation of the truck rental use, but that under all zoning scenarios the boat maintenance and repair would be permitted to remain.

Commissioner McCutcheon asked for clarification between Light Industrial and Heavy Commercial in terms of truck rental. Miller stated that Light Industrial would require a Specific Use Permit for the truck rental. Additionally, boat repair would be allowed to continue under all scenarios. Heavy Commercial district does allow truck rental by right and is considered less restrictive than Light Industrial district.

Vice-Chairman Renfro asked which scenario that staff is recommending. Miller explained that staff is not making a recommendation in this case, but feel it is a judgment call for the Commission.

Commissioner Nielsen asked if Light Industrial is less restrictive than Commercial. Miller stated this is correct. Commissioner Nielsen asked for confirmation that the future land use map indicates Commercial for this property and that Light Industrial is not consistent with adjacent properties and would allow more industrial type uses of the property. Miller confirmed. LaCroix reminded the Commission that the property is located within in the floodplain and expansion of the uses would be difficult.

Vice-Chairman Renfro opened the public hearing at 6:38 p.m.

Shane Smith
2414 S. Goliad
Rockwall, Texas

The Commission asked no questions of the applicant.

James Powers

2716 FM 549
Rockwall, Texas

Mr. Powers showed pictures of the property and pointed out that the trucks and trailers can be viewed from SH205 and they are sitting on unimproved property which does become flooded. Mr. Powers indicated that he does not agree with the truck rental use of the property.

Darren Backus (property in front of subject property)
SH205
Rockwall, Texas

Mr. Backus stated he is in favor of rezoning the property to Light Commercial and allowing the business to operate.

Shane Smith
2414 S. Goliad
Rockwall, Texas

Mr. Smith stated that originally the building was in poor condition. They have made improvements to the building and would agree to additional improvements to the property.

Commissioner Minth asked Mr. Smith if any improvements to the drive are planned. Mr. Smith indicated that they have discussed paving the property. Miller stated that because the property is within the floodplain, it will be difficult to add additional paving.

Commissioner McCutcheon asked if another user would be allowed to come onto the property. Miller indicated any future user would have difficulty making improvements to the property or expanding the use of the property because it is within the floodplain. Commissioner McCutcheon asked Mr. Smith how not being able to pave the property might effect the use of the property. Mr. Smith stated that they could look at using rock or gravel or potentially lease the entire building and move some trucks inside. Mr. Smith stated that the largest trucks are 26 ft trucks and that typically they have a total of 5-6 trucks or trailers on site.

There being no others wishing to come forth and speak, Vice-Chairman Renfro closed the public hearing at 6:48 p.m.
Commissioner Buchanan stated that he has concerns about zoning the property to Heavy Commercial.

Commissioner Buchanan made a motion to deny Z2013-003, a request by Betsy Irvine for approval of a change in zoning from (AG) Agricultural district to (HC) Heavy Commercial district on a 2.01-acre tract situated in the J. D. McFarland Survey, Tract 17, City and County of Rockwall, Texas, generally located on South Goliad Street, approximately 500-ft south of Ralph Hall Parkway.

Commissioner Nielsen seconded the motion.

A vote was taken and the motion passed 6-0.

6. Z2013-004
Hold a public hearing, discuss and consider a request by Kevin Patel for approval of a Specific Use Permit (SUP) to allow for a retail outlet where gasoline products are sold as an accessory to a retail use, as stipulated by the Scenic Overlay (SOV) District, on a 2.46-acre tract of land described as Lots 1R and 2R of the Woods at Rockwall Addition, City and County of Rockwall, Texas, located at the southeast corner of Ridge Road and Yellow Jacket Lane, zoned (C)

Commercial district and situated within the Scenic Overlay (SOV) District, and take any action necessary.

Gonzales explained that the applicant, Kevin Patel of the Dimension Group, is requesting approval of a Specific Use Permit (SUP) for a proposed RaceTrac convenience store and fuel center that will be located on Lots 1R and 2R of the Woods at Rockwall Addition. The property is located on the southeast corner that intersects Ridge Road and Yellow Jacket Lane, is zoned Commercial (C) district, and is within the Scenic Overlay (SOV) district. As a note, the applicant has submitted a Site Plan request concurrently with the SUP application.

The proposed 6,120 sq-ft convenience store will include gasoline product sales with ten (10) gasoline pumps that will accommodate up to twenty (20) vehicles. The SOV Overlay district has a land use element incorporated within this district and requires the approval of an SUP in order to allow for the fuel center as an accessory use to the retail facility.

Included in your packet are the letter requesting the SUP, the meets and bounds description for the property, and the SOV Overlay district requirements. Staff feels the proposal to be reasonable and supports the applicant's request for the SUP.

A public notice has been published in the Rockwall County News, on the City's web-site, and a sign has been posted on the property. Also, notices have been mailed to twenty-two (22) property owners within 200-ft of the subject property as required by law. At time of this report, staff has received two (2) response "in favor of," and none "opposed to" the request.

Staff recommends approval of the request with the following conditions:

1. That the development shall strictly adhere to the approved site plan.

2. That an application for a replat of the Woods at Rockwall Addition be submitted and approved prior to issuance of a building permit.

3. No outside display of merchandise or outside storage shall be allowed on the property, with the exception of the following items as indicated on the approved site plan: ice machine, propane cage and "red box" DVD rental kiosk.

4. Adherence to all engineering and fire department requirements.

Commissioner Buchanan stated his concerns with the drainage on the property. Gonzales responded that applicant could better answer the question.

Vice-Chairman Renfro opened the public hearing at 6:53 p.m.

Kevin Patel
The Dimension Group
1075 Sandhill Road
Dallas, Texas

Mr. Patel stated that they are proposing improvements to the drainage and flooding at the intersection will be resolved.

Commissioner Jackson clarified the number of pumps. Mr. Patel answered that it will have 10 dispensers.

Commissioner McCutcheon asked about the grade from the street to the driveways. Mr. Patel stated that it is not as steep as it looks.

Dr. Robert Mehl
2237 Ridge Road
Rockwall, Texas

Dr. Mehl stated that he is concerned that a gas station at this location is out of character for the area. The general area is medical and light retail. He is also concerned with the traffic due to the high school nearby.

Commissioner Jackson clarified that there are 10 pumps to accommodate 20 vehicles. Gonzales confirmed this as correct.

Kevin Wiels
RaceTrac Petroleum
3325 Cameron Blvd.
Atlanta, Georgia

Mr. Wiels stated that they take great pride in their building and the product they provide. They use top quality materials. They are very selective in the sites that they choose and they utilize current traffic flows as opposed to creating traffic.

Commissioner Jackson asked about signage for the property. Mr. Wiels stated that they will meet the city's requirements in terms of signage.

Commissioner Buchanan asked about traffic studies for this site. Mr. Wiels stated that he could provide that information at a later date. They are very selective in the sites they choose and are prepared to deal with the drainage.

There being no others wishing to come forth and speak, Vice-Chairman Renfro closed the public hearing at 7:06 p.m.

Commissioner Minth made a motion to deny Z2013-004, a request by Kevin Patel for approval of a Specific Use Permit (SUP) to allow for a retail outlet where gasoline products are sold as an accessory to a retail use, as stipulated by the Scenic Overlay (SOV) District, on a 2.46-acre tract of land described as Lots 1R and 2R of the Woods at Rockwall Addition, City and County of Rockwall, Texas, located at the southeast corner of Ridge Road and Yellow Jacket Lane, zoned (C) Commercial district and situated within the Scenic Overlay (SOV) District.

Commissioner Nielsen seconded the motion.

A vote was taken and the motion passed 5-1, with McCutcheon voting against.

III. SITE PLANS/PLATS

7. SP2013-002
Discuss and consider a request from Kevin Patel of The Dimension Group for approval of a Site Plan for Racetrac Petroleum, being a 6,120-sf convenience store and fuel center located on Lots 1R and 2R of the Woods at Rockwall Addition, City and County of Rockwall, Texas, being 2.46-acres located at the southeast corner of Ridge Road and Yellow Jacket Lane, zoned (C) Commercial district and situated within the Scenic Overlay (SOV) District, and take any action necessary.

LaCroix stated that the Commission would need to table this case because they have voted to recommend denial of the Specific Use Permit.

Commissioner Buchanan made a motion to table SP2013-002, a request by Kevin Patel of The Dimension Group for approval of a Site Plan for Racetrac Petroleum, being a 6,120-sf convenience store and fuel center located on Lots 1R and 2R of the Woods at Rockwall Addition, City and County of Rockwall, Texas, being 2.46-acres located at the southeast corner of Ridge Road and Yellow Jacket Lane, zoned (C) Commercial district and situated within the Scenic Overlay (SOV) District.

Commissioner Jackson seconded the motion.

A vote was taken and the motion passed 6-0.

IV. DISCUSSION ITEMS

8. Director's Report of post Council meeting outcomes of Planning & Zoning cases:

- SP2012-031 – MidSouth Bank Roof Pitch Variance (approved)
- Z2012-018 – Photography Studio SUP 2nd Reading (approved)

LaCroix briefly updated the Commission on the above listed cases.

V. ADJOURNMENT

The meeting adjourned at 7:10 p.m.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 26 day of FEB, 2013.

Phillip Herbst, Chairman

Attest:

JoDee Sanford, Planning Coordinator

MINUTES

PLANNING AND ZONING COMMISSION WORK SESSION

City Hall, 385 South Goliad, Rockwall, Texas
Council Chambers
February 26, 2013
6:00 P.M.

I. CALL TO ORDER

The meeting was called to order by Chairman Herbst at 6:00 p.m. with the following members present: Barry Buchanan, Connie Jackson, Craig Renfro, Kristen Minth, and John McCutcheon. Matthew Nielsen was not in attendance.

Additionally, the following staff members were present: Robert LaCroix, Lance Estep, Ryan Miller, David Gonzales and JoDee Sanford.

1. Approval of Minutes for February 12, 2013 Planning and Zoning Commission meeting.

Commissioner Buchanan made a motion to approve the minutes for February 12, 2013.

Commissioner Jackson seconded the motion.

A vote was taken and the motion passed 5-0, with Herbst abstaining.

II. PUBLIC HEARING ITEMS

2. Z2013-005
Hold a public hearing, discuss and consider a request by Chad and Whitney Davis for approval of a Specific Use Permit (SUP) to allow for a secondhand goods store located on Lots 1 and 4, Block X of Rockwall OT, City and County of Rockwall, Texas, being a 0.21-acre tract located at 302 South Fannin Street, zoned (DT) Downtown district, and take any action necessary.

Gonzales stated that Chad and Whitney Davis are requesting a Specific Use Permit (SUP) to allow for a secondhand goods store within the "DT" Downtown zoning district. The property is located at 302 South Fannin Street and is within the Historic District. The property is also recognized as a "High Contributing" property within the Historic District.

The proposed business operation will consist primarily of retailing new and pre-owned upscale home furnishings and home décor boutique items. The business will also include such items as high end quality consignment pieces, antiques, and handmade items. The applicant has stated they will not allow junk, appliances, or low quality items in the store.

It should be noted that a similar request in the "DT" Downtown zoning district for a "Secondhand Goods Store" was unanimously recommended for approval in February of this year by the Planning and Zoning Commission and on February 18th, was approved on the first reading of the ordinance by the City Council. A second reading of the ordinance by City Council is scheduled for March 4th.

A notice was published on February 7, 2013 in the Rockwall County News. Information on the zoning case has also been posted on the City's website in accordance with City policy. Also, seventeen (17) notices were mailed to property owners of record within 200-ft of the subject property and at the time of this report, staff has received one (1) notice opposed to the request.

Staff recommends approval of the request for the Specific Use Permit with the following conditions:

1. Adherence to Engineering and Fire Department standards.
2. No outside display of merchandise or outside storage shall be allowed on the property.
3. Secondhand and used goods shall be limited to retail sales of home furnishings and home décor items, antiques, and handmade items.

Chairman Herbst asked about the current use of the property. Gonzales answered that the property is currently vacant, but the previous use was an insurance agency.

Chairman Herbst additionally asked about parking. Gonzales stated that the property has 4 spaces on site with a City parking lot located behind the property and a shared parking agreement.

Commissioner Renfro asked if there is directional signage for parking at that parking lot. Gonzales stated that the applicants may want to consider directional signage. LaCroix added that the entire parking lot behind the house will become public parking with the completion of the Downtown Improvements CIP project.

Commissioner Buchanan asked if structural changes could be made to the home since it is a historical home. Gonzales stated that the applicant has indicated that no structural changes will be made to the home. If any structural changes are needed, then a Certificate of Appropriateness must be approved by the Historical Preservation Advisory Board.

Chairman Herbst opened the public hearing at 6:09 p.m.

Chad Davis
515 Salsilito
Rockwall, Texas

Mr. Davis stated that their intentions are to have a business that the City of Rockwall will be proud of and will impress customers. Signage will be placed to indicate where parking is available. Mr. Davis does not believe that parking will be an issue.

Commissioner Buchanan asked if Mr. Davis will lease or purchase the building and when the business will open. Mr. Davis stated that they intend to lease the building and they plan to open between April 1st and April 15th.

Commissioner Minth stated that she recommends signage to direct customers to parking.

Tom Hughes
306 S. Fannin
Rockwall, Texas

Mr. Hughes stated that he is opposed to the use because the house is too small to hold a business. The neighborhood is single-family and is not a part of the Downtown Plan. Mr. Hughes generally expressed his concern that this will down grade the neighborhood. There are other examples on North Goliad of properties with this type of use and no control of the amount of merchandise on the front porch or yard.

Mr. Davis stated that his business does not include the sale of used clothing.

There being no others wishing to come forth and speak, Chairman Herbst closed the public hearing at 6:16 p.m.

Commissioner Renfro asked if the main entrance will be on the west side of the building. Mr. Davis stated that there are two entries on the back of the building for the main entrance.

Commissioner Buchanan asked the square footage of the home. Mr. Davis indicated the total square footage is approximately 1500 square foot. It has two rooms upstairs and four rooms downstairs. The upstairs will be mainly used for office space at this time.

LaCroix stated that a previous case with a similar use is located within a approximately 750 square foot building.

Commissioner Buchanan stated his concern with this property as a gateway between commercial use and residential use and that it's a challenge to determine where to stop.

LaCroix reminded the Commission that the property is currently located within the Downtown District. He additionally indicated that the Commission is determining only the secondhand dealer use of the property as retail sales and office use are already allowed at this location.

Commissioner Jackson made a motion to approve Z2013-005, a request by Chad and Whitney Davis for approval of a Specific Use Permit (SUP) to allow for a secondhand goods store located on Lots 1 and 4, Block X of Rockwall OT, City and County of Rockwall, Texas, being a 0.21-acre tract located at 302 South Fannin Street, zoned (DT) Downtown district, with staff recommendations.

Commissioner Renfro seconded the motion.

A vote was taken and the motion passed 5-1, with Chairman Herbst voting against.

3. Z2013-006
Hold a public hearing, discuss and consider a request by Billy Peoples and Mark Latham for approval of a change in zoning from (MF-14) Multi-Family Residential district to (DT) Downtown district on a 0.23-acre tract and a 0.16-acre tract, situated in the Eppstein Addition Lot W, Block H, Part of 1,2 and 3 and Lot E, Block H, Part of 1,2 and 3, City and County of Rockwall, Texas, located at 308 and 310 South Fannin Street respectively, and take any action necessary.

Miller explained that the subject property is a 0.39-acre tract of land, identified as Lots E & W, Block H of the Eppstein Addition, zoned Multi-Family 14 (MF-14) District, and situated within the Old Town Rockwall (OTR) and Historic Overlay (HOV) Districts. The subject property is composed of two (2) existing residential lots identified as 308 & 310 S. Fannin Street, which were annexed into the city

prior to 1959. The current applicants, Billy Peoples and Mark Latham, are requesting to change the zoning from a Multi-Family 14 (MF-14) District to a Downtown (DT) District for the purpose of converting two (2) existing single family residences into office and/or commercial/retail buildings.

According to the City's Historic District Property Archive the property at 310 S. Fannin Street has been classified as a High Contributing Property. A property or structure is considered to be a Contributing if the property or structure, "... adds to the historical architectural qualities, historical associations or archeological value for which a property or district is significant ..." The property at 308 S. Fannin Street is considered to be a Non-Contributing Structure; however, since it is located within 200-feet of a contributing structure it is considered to be an Applicable Property. Applicable Properties are required to obtain a Certificate of Appropriateness (COA) from the Historic Preservation Advisory Board (HPAB) certifying that the proposed actions of the property owner meet the intent of the ordinance and guidelines stipulated by the UDC. The applicants have stated that they do not intend to change the exterior of the structures and will maintain the historic architectural features present on the façade of the High Contributing Property (i.e. 310 S. Fannin Street). It is there intent to maintain the appearance of single family residences from the front of the properties; however, at the rear of the properties they are proposing to add individual parking areas that will be accessible by a future cross access easement that will grant access to 308 S. Fannin Street from the driveway of 310 S. Fannin Street. Any changes to the exterior of these properties will be required to be approved by the HPAB, and potentially could require site plan approval from the Planning & Zoning Commission and City Council.

The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property is S. Fannin Street, which is identified as a Minor Collector according to the Master Thoroughfare Plan approved with the 2011 Comprehensive Plan. Beyond S. Fannin Street is the Rockwall Wedding Chapel, which is zoned Downtown (DT) District.

South: Directly south of the subject property are the parking areas for the City of Rockwall City Hall facility, which is part of the larger City Place campus. The property is zoned Downtown (DT) District.

East: Directly east of the subject property is S. Fannin Street followed by several single family homes zoned Single Family-7 (SF-7) District. Additionally, these properties are located within the Old Town Rockwall (OTR) Historic Overlay District.

West: Directly west of the subject property is the City Place campus, which is zoned Downtown (DT) District.

In 2005 the then owner, Deanna Morrison, submitted a zoning change application requesting a change in zoning from a Multi-Family 14 (MF-14) District to a Residential-Office (RO) District. This request was denied in favor of eventually rezoning the property with the expansion of the Central Business District (CBD) [the Central Business District (CBD) eventually became the present day Downtown (DT) District]. In 2007 staff initiated a rezoning of approximately 71.88-acres that established the Downtown (DT) District. Prior to approval of this zoning request the City Council removed the three (3) properties (i.e. 306, 308 & 310 S. Fannin Street) from the zoning area.

Currently, the properties are zoned Multi Family-14 (MF-14) District, which is defined by the UDC as a zoning district that allows " ... duplex and apartment dwellings together with public, denominational

and private schools, churches and public parks essential to create basic neighborhood units ..." In examining the surrounding area, staff would like to point out that no other property adjacent to or within a close proximity of the subject property is zoned as a Multi Family-14 (MF-14) District. Furthermore, that the property is currently divided into two (2) lots that do not meet the minimum site area requirement of 10,000 square feet (i.e. 308 S. Fannin Street is 9,788.8 square feet and 310 S. Fannin Street is 6,809.6), and under the current development standards for a property within a Multi Family-14 (MF-14) District the only viable development that could conform to the district's density and development standards would be a duplex (or single family attached) development. In staff's opinion a duplex on these properties would not be considered the highest and best use when taking into account the surrounding area.

While the Downtown (DT) District seems to be a suitable zoning district for the subject property, the Future Land Use Map approved with the Comprehensive Plan designates the area for Medium Density Single Family Residential land uses. The Comprehensive Plan defines this designation as areas that consist of "...single family developments that have typically been built in Rockwall. They may be 2-3 units per acre, but generally about 3 units per acre." This definition does conform to the current use of the property (i.e. single family residential), while not conforming to the Multi Family-14 (MF-14) District that guides development on the subject property.

In assessing the applicant's request to change the zoning on the subject property staff has had to take into account the following factors:

1) The current zoning of the property (MF-14) appears to be inconsistent with the surrounding area, and does not properly regulate redevelopment possibilities on the site. Additionally, the properties High Contributing status provides a check and balance system through the COA process to insure that that changes on the property will be consistent with the Historic District.
2) The Downtown (DT) District allows for 'live-work' situations that help provide for flexibility and transition between the downtown area and the adjacent residential properties. Additionally, staff will note that S. Fannin Street appears to be the logical transition zone between the two (2) Districts.
3) The adjacent land uses to the subject property (e.g. City Hall) are inconsistent with the current residential use.
4) The applicant's request does not conform to the Future Land Use Map or the Comprehensive Plan. This is mainly due to the Downtown (DT) District being a defined area; however, this area may be expanded in the future.

On February 21, 2013, the Historic Preservation Advisory Board (HPAB) recommended approval of the applicant's request to change the zoning from a Multi-Family 14 (MF-14) District to a Downtown (DT) District by a vote of 4 to 2 (with Lewis and Clark dissenting and Conley absent). The HPAB approved this recommendation on the grounds that the request if approved would not have a negative impact on the Historic District.

On February 8, 2013, staff mailed sixteen (16) notices to property owners within 200 feet of the subject property. Additionally, staff posted signs along S. Fannin Street, which is the only street frontage adjacent to the subject property, as required by the Unified Development Code (UDC). One notice was received in opposition to the request.

Chairman Herbst opened the public hearing at 6:33 p.m.

Mark Latham
41 Fireside Dr.
Rockwall, Texas

Mr. Latham stated his intentions to rezone the property to the Downtown District. He indicated that he purchased the home about a month ago and the floor plan is perfect for office space. Mr. Latham stated that he would like to improve the appearance of the property and clean it up.

Commissioner Buchanan asked about intentions for the inside and outside of the property. Mr. Latham indicated that he plans a couple of minor changes in order to comply with ADA requirements and a parking area behind the property.

Tom Hughes
306 S. Fannin
Rockwall, Texas

Mr. Hughes stated that his home has been rezoned four times. Three of those times without notice. Mr. Hughes indicated that one of the uses allowed under the zoning requested is a halfway house for criminals. He stated that the next thing that they will want is monument signs out front. Mr. Hughes requests to keep this a residential neighborhood. He opposes the zoning change to these properties.

Mark Russo
402B S. Fannin Street
Rockwall, Texas

Mr. Russo stated that he served on the HPAB at the time that the Downtown District was adopted. Mr. Russo stated that these homes were purposefully left out of the Downtown District. Some things have changed in the area such as on street parking. This area is single family residential. Mr. Russo stated that if the Commission opens up the zoning for these properties, then they are opening up zoning for the entire street. Mr. Russo requested that the current zoning stay in place.

Billy Peoples
311 Highland Drive
Rockwall, Texas

Mr. Peoples indicated that he and his father have owned this property for years. He generally expressed his belief that office space is the best use of the property. Business tenants will keep the appearance nice and clean, whereas, residential renters may not.

Mr. Latham stated that he understands the concern about Downtown District spreading down the street; however, these properties already stand on there own. Parking spaces will be installed behind the properties as well as the existing public parking at City Hall.

LaCroix stated that any signage would be required to be approved by the Historic Preservation Advisory Board because the properties are within the Historic District.

There being no others wishing to come forth and speak, Chairman Herbst closed the public hearing at 6:48 p.m.

Commissioner Renfro asked if the property is currently not in compliance with the zoning. LaCroix stated that the zoning is inconsistent with what currently exists.

Commissioner Buchanan stated that he is conflicted about whether to approve this request because he doesn't believe that a single-family user would be interested. The homes then become rental units and the owner will not receive enough rent for high quality maintenance of the properties.

Chairman Herbst stated his concern with knowing where to stop the expansion of the Downtown district.

Commissioner Jackson expressed her concern with the location of the properties in terms of attracting single-family users.

Commissioner Minth stated that she is also conflicted. She feels like this is forcing the hand of the residential user adjacent to these properties. She additionally asked if this might be considered spot zoning. LaCroix stated that staff looked at a live/work situation for this area and, if these properties are zoned Downtown district, they could be used for office space or residential space. He additionally, discussed the history of the Downtown district and types of uses permitted within the district as well as parking in the area.

Commissioner Jackson made a motion to approve Z2013-006, a request by Billy Peoples and Mark Latham for approval of a change in zoning from (MF-14) Multi-Family Residential district to (DT) Downtown district on a 0.23-acre tract and a 0.16-acre tract, situated in the Eppstein Addition Lot W, Block H, Part of 1,2 and 3 and Lot E, Block H, Part of 1,2 and 3, City and County of Rockwall, Texas, located at 308 and 310 South Fannin Street respectively, with staff recommendations.

Commissioner Renfro seconded the motion.

A vote was taken and the motion failed 3-3, with Buchanan, Herbst, and McCutcheon against.

III. ACTION ITEMS

4. P2013-002
Discuss and consider a request by Tina Rowe-Woodall, representing Heavenly Hands Birthing Center, for approval of a final plat of the Heavenly Hands Addition, Lot 1, Block A, being a replat of the W.D. Austin Addition, Lot 2R, City and County of Rockwall, Texas, being a 0.45-acre tract of land located at 908 N. Goliad Street, north of Heath Street, zoned Planned Development No. 50 (PD-50), and take any action necessary.

Gonzales explained that Ms. Tina Rowe-Woodall is requesting approval of a final plat for her property located at 908 N. Goliad St. The property is a 0.45-acre tract of land zoned Planned Development (PD-50) District with an underlying zoning of Residential Office (RO) District. The property is also within the North Goliad Corridor Overlay (NGC OV) District and is located north of Heath Street.

An administrative site plan was approved in January of this year to accommodate the two (2) story "neoclassic" styled home that was built in 1911 and locally designated as a "Landmark" property. The site will have a shared access easement along Goliad Street with the property to the south (906 N. Goliad), which will also serve as a firelane.

The purpose of the final plat is to dedicate firelane, public access, detention and drainage easements for the proposed property. The plat conforms to the minimum standards established for Planned Development District No. 50 (PD-50) and staff supports the applicants request.

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

1. Adherence to Engineering and Fire Department standards.
2. Adjust property line – right-of-way dedication appears on previous replat (Cab F Slide 211).
3. Indicate outer extremes for all easements.
4. Provide Vol. Pg. for off-site firelane easement.
5. Filing of plat prior to issuance of C.O.

Tina Rowe-Woodall
161 Kirkhaven Drive
Rockwall, Texas

Mrs. Woodall stated that she is moving her business from across the street and generally discussed the reason for the replat.

Commissioner Minth stated her satisfaction with the remodel of this property.

Commissioner Minth made a motion to approve P2013-002, a request by Tina Rowe-Woodall, representing Heavenly Hands Birthing Center, for approval of a final plat of the Heavenly Hands Addition, Lot 1, Block A, being a replat of the W.D. Austin Addition, Lot 2R, City and County of Rockwall, Texas, being a 0.45-acre tract of land located at 908 N. Goliad Street, north of Heath Street, zoned Planned Development No. 50 (PD-50), with staff recommendations.

Commissioner Buchanan seconded the motion.

A vote was taken and the motion passed 6-0.

5. P2013-003
   Discuss and consider a request by Tom Jones, representing Binkley and Barfield, for approval of a final plat of the Columbia Park Addition, Lot 4, Block A, being a 3.00-acre tract of land described as a portion of a 16.558 acre tract in the N. Butler Abstract, Tract 4-01, City and County of Rockwall, Texas, zoned Commercial (C) and generally situated on the north side of Airport Road, east of Industrial Boulevard, and take any action necessary.

Gonzales stated that the applicant, Tom Jones of Binkley and Barfield, is requesting approval of a final plat for Lot 4 of the Columbia Park Addition. The lot is a 3.00-acre tract of land located on the north side of Airport Road is east of Industrial Blvd and is zoned Commercial (C) district.

An administrative site plan for the Lakes Regional Mental Health Mental Retardation Center was approved for this particular lot in October 2012 for an approximately 9600 sq-ft building. The proposed development will be accessed by one proposed drive along Airport Rd.

The purpose of the final plat is to dedicate firelane, public access, utility, and detention and drainage easements for the proposed property. The final plat conforms to the minimum standards established for the Commercial (C) District and staff supports the applicant's request.

Staff recommends approval of the request with the following conditions:

1. Adherence to Engineering and Fire Department standards.
2. Re-label the "24' Firelane, Util. & Access Easement" as 24' Firelane, Util. & Public Access Easement."
3. Bearings on the plat for the south and east property lines do not match calls on Owners Certificate – verify.
4. Notarized signature not necessary with surveyor's seal, remove notary block.
5. Tie two corners to City monumentation.

Commissioner Jackson made a motion to approve P2013-003, a request by Tom Jones, representing Binkley and Barfield, for approval of a final plat of the Columbia Park Addition, Lot 4, Block A, being a 3.00-acre tract of land described as a portion of a 16.558 acre tract in the N. Butler Abstract, Tract 4-01, City and County of Rockwall, Texas, zoned Commercial (C) and generally situated on the north side of Airport Road, east of Industrial Boulevard, with staff recommendations.

Commissioner McCutcheon seconded the motion.

A vote was taken and the motion passed 6-0.

(The Commission recessed at 7:09 and reconvened at 7:16.)

IV. DISCUSSION ITEMS

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

ARB recommendations were discussed concurrently with any applicable cases.

7. P2013-004
   Discuss and consider a request by Ricki Rose for approval of a final plat of the Parks of Rockwall Addition, Lot 1, Block 1, City and County of Rockwall, Texas, being a 2.00-acre tract of land located on State Highway 66, west of the Rockwall City Cemetery, zoned General Retail (GR) and situated within the SH 66 Overlay (SH 66 OV) District, and take any action necessary.

Miller indicated the location of the property and generally described the case.

8. SP2013-003
   Discuss and consider a request by Rick Machak, representing The Woodmont Company, for approval of a site plan for Rockwall Plaza Phase II, being an approximately 11,000-sf retail development located on Lot 11, Block A of the Rockwall Business Park East Addition, City and

County of Rockwall, Texas, being 11.125-acres zoned (C) Commercial district and situated within the IH-30 Overlay (IH-30 OV) District, located along the south side of IH-30 west of SH 205 and contiguous to the Rockwall Plaza Phase I, and take any action necessary.

Miller described the case and the location of the property.

Chairman Herbst asked if revised elevations will be available by the next meeting. Miller indicated that they will be available then.

9. Z2013-007
Discuss and consider a request by Scott Huizenga, representing Campers 4 Rent, LLC, for approval of a change in zoning from Agricultural (AG) District to Heavy Commercial (HC) District on a 1.50-acre tract situated in the J.D. McFarland Survey, Tract 8-3, City and County of Rockwall, Texas, located at 955 Sids Road, northeast of Mims Road, and take any action necessary.

Miller explained the case and described the property.

Commissioner Jackson asked why this use would not need a Specific Use Permit when a previous case needed a SUP. Miller generally discussed the differences in the two cases.

10. Z2013-008
Discuss and consider a request by Keith Taylor, representing T.A. Land Holdings, for approval of a change in zoning from Agricultural (AG) District to Commercial (C) District on a 1.51-acre tract situated in Zion Hill Estates Addition, Lot 3 and part of Lot 6, Block B, City and County of Rockwall, Texas, located at 2185 Williams Street, at the northwest corner of SH 66 and Stodghill Road (FM 3549), and take any action necessary.

Sanford indicated the location of the property and briefly discussed the case.

Commissioner Minth asked if this is the portion of SH 66 that was approved to be widened. Sanford stated that it has not been approved. LaCroix elaborated that TxDot is in the process of public meetings to discuss the realignment and widening of the road in order to move forward with approval.

11. Z2013-009
Discuss and consider a request by John Kimmer, representing Tuff Shed, Inc., for approval of a Specific Use Permit (SUP) to allow for outside storage on a 3.20-acre tract of land described as Tract 7-01 of the J. Lockhart Abstract, City and County of Rockwall, Texas, located at 1780 E IH-30, zoned Light Industrial (LI) district and situated within the IH-30 Overlay (IH-30 OV) District, and take any action necessary.

Miller discussed the case and the location of the property.

12. Director's Report of post Council meeting outcomes of Planning & Zoning cases.

- P2013-001 – Chandlers Landing, Ph 14, Lot 23 (approved)
- Z2013-001 – 103 S. San Jacinto SUP – 1st Reading (approved)

- Z2013-002 – Zoning Change (AG to C) – 1st Reading (approved)
- Z2013-003 – Zoning Change (AG to HC) (withdrawn)
- Z2013-004 – RaceTrac SUP (continued)

LaCroix briefly updated the Commission on the above listed cases.

V. ADJOURNMENT

The meeting adjourned at 7:38 p.m.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 12 day of MARCH, 2013.

Phillip Herbst, Chairman

Attest:

JoDee Sanford, Planning Coordinator

MINUTES

PLANNING AND ZONING COMMISSION PUBLIC HEARING

City Hall, 385 South Goliad, Rockwall, Texas
Council Chambers
April 9, 2013
6:00 P.M.

I. CALL TO ORDER

The meeting was called to order by Chairman Herbst at 6:00 p.m. with the following members present: Barry Buchanan, Connie Jackson, Craig Renfro, John McCutcheon, and Matthew Nielsen. Kristen Minth was not in attendance.

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

II. ACTION ITEMS

1. Approval of Minutes for March 26, 2013 Planning and Zoning Commission meeting.

Commissioner Buchanan made a motion to approve the minutes from March 26, 2013.

Commissioner Jackson seconded the motion.

A vote was taken and the motion passed 5-0, with McCutcheon abstaining.

2. P2013-010
   Discuss and consider a request by Bobby Samuel of Skorburg Company for approval of a preliminary plat of Breezy Hill Phase 2A and 2B, out of the J. Strickland Survey, Abstract No. 187, City of Rockwall, Texas, being 35.812 acres of land, zoned (PD-74) Planned Development No. 74 district and generally situated along the east side of John King Boulevard, north of FM 552, and take any action necessary.

Miller explained that the Breezy Hill Subdivision is a master planned community that will provide approximately 405-acres of residential and commercial development. The residential subdivision will be composed of 691 single family lots on 345.8-acres of land, and be broken down per the requirements of Planned Development District 74 (PD-74) [*shown in Figure 1 below*]. The lot mix includes lots from 60' by 120' to larger estate style lots measuring 100' by 200'. Additionally, the residential area will include approximately 67.5 acres of open space, which will contain an eleven (11) acre public park and an amenities center that will service the development. Directly south of the residential areas is a 59.4 acre retail tract of land that is subject to the use and development requirements stipulated in PD-74.

Figure 1: Required Lot Mix per PD-74

Lot Types	A	B	C	D
Typical Lot Frontage *(Feet)*	60	70	80	100
Typical Lot Depth *(Feet)*	120	120	125	200
Minimum Lot Size *(Sq. Ft.)*	7,200	8,400	10,000	20,000
Number of Proposed Units	134	133	326	98
Dwelling Unit %	19.4	19.2	47.2	14.2

The preliminary plat submitted by the applicant represents Phases 2A & 2B of the Breezy Hill Subdivision, and depicts a layout for 128 of the 691 scheduled residential lots [*Phase 2A: 53 lots; Phase 2B: 75 lots*]. Of the proposed 128 lots for these phases 50 will be constructed to the *Type 'A'* standard and 78 will be constructed to the *Type 'B'* standard. The proposed phases will be adjacent to the 59.4-acre retail/commercial tract of land, and be accessible by a street intersecting with the eastside of John King Boulevard, north of FM552. The proposed phases will also be connected to Phase 1, for which a preliminary plat was approved on October 15, 2012 (*P2012-030*). Along the eastern and western boundaries of the proposed phases, adjacent to John King Boulevard and Breezy Hill Road, the applicant has incorporated 50-foot landscape buffers in conformance with the approved Master Plat (*P2012-029*) and PD-74. These buffers will incorporate a minimum of a 30-inch berm, street trees and shrubs, which should screen the rear yards of properties adjacent to John King Boulevard and Breezy Hill Road. Additionally, a ten (10') foot trial/sidewalk will be constructed adjacent to John King Boulevard by the developer in conjunction with, and adjacent to, these phases of the development per the requirements of PD-74. The submitted preliminary plat appears to conform to lot mix, and density and dimensional requirements stipulated in the development standards of Ordinance 12-26 (PD-74) and the Unified Development Code (UDC).

The applicant has also submitted preliminary water, sanitary sewer and storm water plans establishing that the developer can provide adequate utilities to service the proposed phase. Additionally, that applicant will be responsible for addressing all the Engineering and Fire Department's requirements.

The applicant has not submitted a Treescape Plan at this time. These plans will need to be submitted prior to the approval of a final plat.

On April 2, 2013 the Parks Board reviewed the applicant's request and recommended the following:

1) The developer pay the pro-rata equipment fees required for District No. 7 in the amount of $40,832.00 [128 Lots @ $319.00 Per Lot], and

2) The developer provides a ten (10') foot walking trail along John King Boulevard per the requirements of Planned Development District 74 (PD-74).

Staff recommends approval of the *Preliminary Plat* for *Phases 2A & 2B of the Breezy Hill Subdivision* in conformance with the following conditions of approval:

1) Prior to the submission of a Final Plat, a Planned Development Site Plan is required to be submitted and approved,

2) A Treescape Plan for the full site will be required to be submitted along with the Final Plat for the first phase of this development,

3) The Preliminary Plat shall conform to all requirements stipulated by the Engineering and Fire Departments,

4) The applicant shall adhere to all recommendations made by the Parks Board,

5) A final submittal of the Preliminary Plat shall be submitted to the Planning Department indicating all outstanding comments and labeling all street names prior to any future submittals, and

6) Any construction resulting from the approval of this *Preliminary Plat* shall conform to the requirements set forth by the Unified Development Code (UDC), the 2009 International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

Commissioner Renfro made a motion to approve P2013-010, a request by Bobby Samuel of Skorburg Company for approval of a preliminary plat of Breezy Hill Phase 2A and 2B, out of the J. Strickland Survey, Abstract No. 187, City of Rockwall, Texas, being 35.812 acres of land, zoned (PD-74) Planned Development No. 74 district and generally situated along the east side of John King Boulevard, north of FM 552, with staff recommendations.

Commissioner Jackson seconded the motion.

A vote was taken and the motion passed 6-0.

3. MIS2013-003
Discuss and consider a request by Humberto Zavala for approval of a special request to the standards of the (PD-75) Planned Development No. 75 district (Ord 09-37), specifically to the setback requirements stating that a carport shall be located at least 20 feet behind the front building façade of the primary structure as set forth by Article VI, Permissible Uses, of the Unified Development Code, and that encroaches into the minimum side yard setback, for a property located at 160 Yvonne Drive, and take any action necessary.

Sanford stated that the applicant, Humberto Zavala, is requesting a special exception to the requirements stipulated by Section 2.1.2(1) [Carports] of Article IV, Permissible Uses, of the Unified Development Code (UDC) for the purpose of constructing a carport adjacent to the front façade of an existing single family home. The proposed request will replace an existing carport structure and will consist of wooden posts and a hip roof.

Under the Use Standards, Article IV, Permissible Uses, of the Unified Development Code (UDC), carports must be located 20-ft behind the corner of the front façade. In addition, the carport will encroach into the minimum 5 foot side yard setback as required by PD-75.

The front building setback requirement for the main structure is 20 feet. The existing home is approximately 24 feet from the front property line. The carport will be at least 1 foot off of the south property line.

These setback requirements may be varied by the Planning and Zoning Commission and City Council upon request by the applicant. The PD-75 Development Standards for Lake Rockwall Estates, under the Additional Standards for Areas 1 and 2, Section C. Consideration of Special Request states:

The City Council may consider special requests in the Lake Rockwall Planned Development District in Areas 1 and 2. Such requests may include, but not 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 request and any such approval shall preempt any other underlying zoning restrictions in the

Zoning Ordinance. Such special requests may be denied by the City Council by passage of a motion to deny.

Staff feels the request for the proposed carport meets the intent of the Planned Development District and, if approved, would not substantially alter the essential character of the District.

If the Planning & Zoning Commission and City Council choose to approve the applicant's request for a waiver to the carport requirements staff recommends the following conditions:

1. Adherence to Engineering and Fire Department standards.
2. Submittal and approval of building permit.
3. The carport must adhere to the structural and material requirements of the building code.
4. Gutters should be installed to prevent drainage onto the neighboring property.

Commissioner Jackson made a motion to approve MIS2013-003, a request by Humberto Zavala for approval of a special request to the standards of the (PD-75) Planned Development No. 75 district (Ord 09-37), specifically to the setback requirements stating that a carport shall be located at least 20 feet behind the front building façade of the primary structure as set forth by Article VI, Permissible Uses, of the Unified Development Code, and that encroaches into the minimum side yard setback, for a property located at 160 Yvonne Drive, with staff recommendations and that the carport be at least two (2) feet off of the south property line and that the gutters extend to grade.

Commissioner Renfro seconded the motion.

A vote was taken and the motion passed 6-0.

III. PUBLIC HEARING ITEMS

4. Z2013-010
Hold a public hearing and consider a request by Andrew Whitehead of Axium Solar 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 a home located at 606 Shoreview Drive, being Lot 2, Block D, Stonebridge Meadows #1 Addition and zoned (SF-10) Single Family Residential district, and take any action necessary.

Gonzales indicated that the applicant, Andrew Whitehead of Axium Solar, has submitted a request for approval of a Specific Use Permit (SUP) to allow for solar panels to be mounted on the rear of the home of their client, Mr. David Powell. Should the request be approved, the applicant proposes the installation of twelve (12) 250 watt REC Peak Energy solar panels mounted on the (rear) north facing roof surface. There are also twelve (12) Enphase micro-inverters individually connected to each single solar module (underneath) for maximum energy harvest and production. This will result in a reduction of the electricity normally consumed by the home, thereby reducing the amount of electricity demanded on the grid.

The proposed solar panels will be a rack-mounted system on a pitched roof and will be tilted at 10 to 12 degrees towards the south for maximum exposure of the sun. According to the (UDC) Unified Development Code, solar energy collector panels and systems are allowed as an accessory use as long as they meet the design and installation standards established in the UDC, and if not, will require a (SUP) Specific Use Permit. In this particular case, the solar panels will be installed on a pitched roof and therefore are required to be of a flat configuration, aligned with the natural roof edges, and not more than six inches above the roof's surface. Based on the proposed installation of a rack-mounted

system on a pitched roof with "tilted" solar modules, this will require an SUP. Under the UDC, Section 2.1.11, the code reads as follows:

> *Solar energy collector panels and systems. The installation of solar energy panels and systems shall be allowed as an accessory use in all zoning districts, provided they are designed and installed in compliance with the following standards:*
>
> > *1. Solar energy collector panels installed on a pitched roof shall be of a flat configuration and shall be subject to the following requirements:*
> >
> > > *(a) Configuration of pitched roof solar energy collector panels shall be a regular quadrangular shape, flat to the roof or integrated with the roof, and aligned with the natural roof edges.*
> > >
> > > *(b) The surface of the solar energy collector panel shall not be more than six inches above the surface of the pitched roof.*
> >
> > *2. Solar energy collector panels installed on a flat roof, whether rack-mounted or flat-mounted, shall be screened from public view.*
> >
> > > *(a) The height of such screening, at the minimum, shall be the height of the solar energy collector panel.*
> > >
> > > *(b) The screening may be by a parapet or screening wall replicating the materials of the building.*
> >
> > *3. Reflective flare of solar energy collector panels shall be minimized by the positioning of the solar collector panels or by the use of non-glare glazing.*
> >
> > *4. Piping, wiring and other mechanical accessories shall be concealed within a roof mounted solar energy collector panel. If some portion of the piping, wiring or other mechanical accessories cannot be practically concealed then those portions shall be painted so as to blend with the roofing material.*
> >
> > *5. Ground mounted or pole mounted solar energy collector panels shall be located behind the primary building, and shall be fully screened from public view by a solid screening fence or wall that meets all code requirements of the city.*
> >
> > *6. The maximum overall height of ground mounted or pole mounted solar energy collector panels shall not exceed 12 feet.*
> >
> > *7. In residential zoning districts, the total coverage area of solar energy collector panels shall not exceed 1,000 square feet on a single lot.*
> >
> > *8. Any solar energy collector panels or systems not meeting these requirements, or any installation of solar energy systems as the principal use on any property, shall require approval of a specific use permit (SUP).*

As a note, Mr. Powell currently has an existing SUP (Ord. 09-27) that allows for twenty (22) solar energy collector panels on the (front) south facing roof of the home. Currently, the UDC allows for a

residential lot total coverage not to exceed 1000 sq-ft. With the addition of the proposed twelve (12) solar modules to the rear of the home, total coverage of the roof with all solar panels will equal 540 sq-ft, well within the maximum allowed for a single residential lot. Also to consider is the amount of mature vegetation surrounding the property that provides screening of the solar modules from neighboring properties with limited visibility (see attached photos).

Provided in your packet for your consideration are the letter requesting the SUP, Site Plan including elevations, with equipment layout, roof framing inspection (with Engineers seal), and the installation manual. It is the opinion of staff that 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 as well as the City Council given the configuration of the solar modules being "tilted" rather than "flat" on a pitched roof.

A public notice has been published in the Rockwall County News, on the City's web-site, and a sign has been posted on the property. Also, notices have been mailed to twenty-one (21) property owners within 200-ft of the subject property as required by law. At time of this report, staff has received no responses "in favor of," or "opposed to" the request.

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

1. Submittal and approval of building permit.
2. Adherence to Fire Department standards.
3. If regulated by an HOA, provide an approval letter for the installation and HOA documents.
4. Twelve (12) solar panels shall be attached to the roof as shown on the roof plan elevations submitted by the applicant.
5. All mechanical equipment (e.g. micro inverters) and batteries shall be completely screened from adjacent right-of-ways and properties.
6. The solar panel equipment shall be the REC Peak Energy Series 250 watt module system or an equivalent system with the physical specifications as submitted by the applicant.
7. Provide approval letter from Oncor Electric Delivery for interconnection to the electric utility grid prior to the release of permit.

Chairman Herbst opened the public hearing at 6:34 p.m.

Andrew Whitehead
Axium Solar
1609 Precision Drive, Suite 1100
Plano, Texas

Mr. Whitehead stated that this is the only section of the roof that is appropriate for this solar array. He passed around a picture of what the arrays will look like and generally explained the array system.

There being no others wishing to come forth and speak, Chairman Herbst closed the public hearing at 6:37 p.m.

Commissioner Buchanan made a motion to approve Z2013-010, a request by Andrew Whitehead of Axium Solar 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 a home located at 606 Shoreview Drive, being Lot 2, Block D, Stonebridge Meadows #1 Addition and zoned (SF-10) Single Family Residential district, with staff recommendations.

Commissioner Jackson seconded the motion.

A vote was taken and the motion passed 6-0.

5. Z2013-011
Hold a public hearing and consider a request by Russell Phillips on behalf Rockwall Rental Properties for the approval of a PD Development Plan amending Ordinance 11-43 and in accordance with Ordinance No. 10-21, for property identified as 16 & 16-1 out of the M. J. Barksdale Survey, Abstract No. 11; Lot 7, Block A of the Harbor-Rockwall Addition; Lot 1-1, Block A, Henry Africa Subdivision; and Lot 3A, Block A, Shoreline Plaza Addition, being a 12.72-acre tract of land, zoned Planned Development District 32 (PD-32), situated within the IH-30 (IH-30) Overlay District, and generally located south of Interstate Highway 30 and west of Shoreline Drive, and take any action necessary.

Miller stated that the majority of subject property was annexed into the City of Rockwall on October 29, 1973 by Ordinance No. 73-40. The remainder of the property was annexed prior to the approval of this ordinance on October 7, 1960 by Ordinance No. 60-03. At the time of annexation the subject property was designated as an Agricultural (Ag) District. This zoning designation was changed to a General Retail (GR) District in 1985 [*Ordinance 85-25 & 85-26*] and again to Planned Development District 32 (PD-32) on June 19, 1989 [*Ordinance No. 89-20*]. On September 20, 2010 the City Council approved Ordinance No. 10-21, which established the present day zoning requirements for the subject property and the remainder of Planned Development District 32 (PD-32). Per the requirements of the approved Planned Development District Ordinance, the then property owner, Rob Whittle, submitted a development plan [*Z2011-020*] that was approved on October 3, 2011 [*Ordinance No. 11-43*].

Pursuant to Ordinance No. 10-21, the applicant Russell Phillips on behalf of Rockwall Rental Properties, LP has submitted a PD Development Plan showing a revised development concept for the subject property. The purpose of the new concept plan is to amend the existing circulation plan and building layout within the three (3) of the subdistricts (i.e. the Harbor Residential Subdistrict, the Freeway Frontage Subdistrict and the Harbor Link Mixed-Use Subdistrict) that comprise the subject property. According to Section 9.A, *Development Plans*, of Ordinance No. 10-21 (*Planned Development District 32 [PD32]*):

> *A development plan shall be required if a proposed development within any Subdistrict does not meet the intent of the PD Concept Plan or the Subdistrict Plan, or requires waivers not provided for in Section 9.C of this ordinance ... (i)f a development plan is required it shall be submitted and approved in accordance with Article X, Planned Development Regulations, of the City of Rockwall Unified Development Code (UDC).*

Additionally, according to Section 9.C, Waivers of Design Standards, of Ordinance No. 10-21:

> *Waivers may only be approved by the City Council following a recommendation by the Planning & Zoning Commission. In order to approve a waiver, the City Council must find that the waiver:*

A) *Meets the general intent of the PD District or Subdistrict in which the property is located; and*

B) *Will result in an improved project which will be an attractive contribution to the PD District or Subdistrict; and*

C) *Will not prevent the implementation of the intent of this PD District.*

After reviewing the applicant's proposal it is staff's opinion that the proposed concept plan is a substantial enough change from the development plan approved with Ordinance No. 11-43 to require the applicant to submit the plan as an amended PD Development Plan. The PD Development Plan was provided for in Ordinance No. 10-21 to allow for flexibility within Subdistricts and with regard to certain development standards. In this case the primary reason for the proposed changes is to amend the existing street layout and building configuration that was approved in 2011. The applicant is requesting these changes on the grounds that adherence to the current development plan makes the property less marketable and that the location of the uses stipulated by the current plan creates contradictions in relation to the placement of retail and residential uses adjacent to the existing Harbor Fountain.

The concept plan submitted by the applicant reorients the development of the three (3) subdistricts in a linear pattern running adjacent to the current alignment of Lakefront Trail, which was previously removed with the PD Development Plan approved with Ordinance No. 11-43. Under that concept plan the development of the subdistricts were oriented towards Interstate Highway 30 in an east/west direction. The applicant's plan proposes to alter this orientation to a north/south direction allowing for some frontage to remain along Interstate Highway 30. The purpose of this new alignment is to increase the visibility of Lake Ray Hubbard and the Harbor Fountain for the proposed residential condos, and to provide a cohesive mixed-use development while meeting the intent of the individual subdistricts.

In order to achieve these objectives the proposed development plan allows for retail and restaurant uses on the ground floor of the main development adjacent to Lakefront Trail (identified as *Retail/Restaurant Flex Space* on the Concept Plan) with four (4) additional satellite retail strip centers along Harbor Heights Drive. Extending to the west of the main development, and above the ground floor retail, are several floors of urban style residential condominiums (349 units) that face towards Lake Ray Hubbard, onto Lakefront Trail, and in towards private courtyards [*Buildings 'A' & 'B'*]. Additionally, the applicant has provided for 50 luxury condominiums in a standalone building adjacent to the Harbor Fountain [*Building 'C'*]. Originally, the PD Development Plan [*Ordinance No. 11-43*] allocated this building [*Building 'C'*] for ground floor retail; however, the applicant has requested to remove this aspect of the plan on the grounds that this area is to far removed from the existing retail areas to warrant this use. Each of the three (3) buildings proposed for this site will have access to multi-story parking garages with the remaining four (4) retail strip centers along Harbor Heights Drive having access to a sufficient amount of surface parking to support a restaurant/retail mix.

In reincorporating Lakefront Trail into the new PD Development Plan the applicant has designated this roadway as a *Street Type 'E'*, which according Ordinance No. 10-21 is meant to serve "...as a primary street frontage for retail, residential, and mixed-use development within adjacent districts." This type of roadway carriers 76-feet of right-of-way and allows for angled on-street parking. It will be the main circulation street for the new development. The other main roadway for this development is Harbor Heights Drive, which prior to the new proposal was designated as a *Revised Street Type 'J'* (approved with Ordinance No. 11-43). Under the proposed PD Development Plan the applicant is requesting to use a modified *Street Type 'D'* (referred to as *Street Type 'D_1'*), which amends the previous 70-feet of right-of-way to 56-feet of right-of-way. *Street Type 'D_1'* allows for 24-feet of street width (reduced

from 30-feet) and reduces the sidewalks from 15-feet to 8-feet. This street type does allow for on-street parallel parking. In addition to modifying the street type for Harbor Heights Drive the applicant is also proposing to adjust the alignment of the roadway, which under the previous development plan extended from the roundabout on Shoreline Trail to the Harbor Fountain. The new alignment extends from the same location off Shoreline Trail but now terminates into a new roundabout on Lakefront Trail positioned in the front-center of the proposed mixed-use development.

As mentioned above the proposed development will incorporate three (3) parking garages intended to support the proposed 399 residential units and ~36,000 to ~50,000 square feet of retail/restaurant floor area. The first garage will be a sub-surface garage under *Building 'C'* that will provide a total of 82 parking spaces and exceed the residential parking requirements of 1.5 parking spaces per each individual living unit. The remaining garages will be incorporated into the architectural design of *Buildings 'A' & 'B'* and include a total of 711 parking spaces (*Building 'A'*: 449 parking spaces; *Building 'B'*: 262 parking spaces). The remainder of the parking will be on-street (117 parking spaces) and surface parking (160 parking spaces) for a total of 1,070 parking spaces provided. Understanding that the parking for this development depends largely on the unidentified uses that will ultimately occupy the retail/residential space, staff has calculated the parking requirements using a retail and residential scenario [*Figure 1: Parking Requirements*]. The following is a summary of the parking requirements under the two scenarios:

Figure 1: Parking Requirements

Scenario 1: Residential		Scenario 2: Retail	
Restaurant (10,000/100)	100	Restaurant (10,000/100)	100
Retail (46,289/250)	185	Retail (60,283/250)	241
Residential (399*1.5)	599	Residential (384*1.5)	576
Addition Per PD	167	Addition Per PD	167
Total Parking Required	1,051	Total Parking Required	1084
LESS: Provided Parking	-1,070	*LESS*: Provided Parking	-1,070
Total Parking Required	19	Total Parking Required	-14

It is important to note that as part of the parking requirements for Planned Development District 32 (PD-32) the applicant is required to provide an additional 167 parking spaces in addition to the number of parking spaces required for the proposed development/uses. The provided parking per the proposed concept plan shows a surplus of 19 parking spaces in *Scenario 1* and a deficit of 14 parking spaces in *Scenario 2*. Staff is of the opinion that the provided parking will be more than sufficient to meet the parking requirements for the area; however, the applicant has offered to scale the retail square footage back to meet the *Scenario 2* requirements.

It is apparent through the design guidelines stipulated in Ordinance No. 10-21 (PD-32) that the applicant's request meets all the technical criteria of the Planned Development District. The difference in the parking requirements under the retail scenario is negligible, and the addition of the 167 supplementary parking spaces required by Planned Development District 32 (PD-32) should help to alleviate some of the current parking issues present on adjacent development. Moreover, the applicant's plan to reincorporate Lakefront Trail and reduce the right-of-way width of Harbor Heights Drive should provide more on-street parking in the area and have a traffic calming effect for vehicles approaching the residential subdistricts from Shoreline Circle. Additionally, this will support the Harbor District's objective of creating an urban style development focused around pedestrian mobility.

Beyond the technical criteria of Planned Development District 32 (PD-32) staff has examined the intent of the affected subdistricts. According to Ordinance No. 10-21 (PD-32) the objective of the three (3) subdistricts that comprise the subject property are as follows:

1) The *Harbor Residential Subdistrict* is intended to provide, "... a counter part to the existing Harbor development, which will create a vibrant atmosphere surrounding the existing central fountain feature. Ground floor retail spaces are intended to link the Harbor District with the existing Harbor development. The addition of residential units will capitalize on the views and adjacencies to Lake Ray Hubbard."

2) The *Freeway Frontage Subdistrict* is intended to provide, "... mid-size retail anchors with high visibility that can contribute to the creation of a vibrant pedestrian oriented character within the Harbor District."

3) The *Harbor Link/Mixed-Use Subdistrict* is to provide, "... a mix of retail and residential uses in close proximity to the existing Harbor development that can contribute to the creation of a vibrant pedestrian oriented character within the Harbor District."

It is staff's opinion that the applicant's proposal does not specifically address the individual objectives of the three (3) subdistricts as listed above; however, taking the objectives as a whole the project does seem to satisfy their intent. Furthermore, staff does not believe that the approval of this project will prevent the implementation of the intent of the Harbor District or inhibit the ability of adjacent properties to develop according to the plan approved with Ordinance No. 10-21. It is staff's opinion that adjacent properties can and should meet the development standards of Planned Development District 32 (PD-32); however, it is staff's recommendation that any changes or discrepancies that result from the approval of this plan should be corrected within the required PD Development Plan by City Council.

In the examination of the proposed PD Development staff has taken into account the general intent of the three (3) affected subdistricts, the proposed intent of the applicant's request, and the future intent of how the request will affect the implementation of projects on adjacent properties. While the project does not meet the specific intent of the three (3) subdistricts; it is staff opinion that not only is the applicant's request reasonable, but that it will arguably further the objectives of the Harbor District and does represent an improvement over the previous PD Development Plan.

On March 28, 2013, staff mailed eight (8) notices to property owners within 200 feet of the subject property. Additionally, staff posted signs along the Interstate Highway 30 Frontage Road frontage adjacent to the subject property as required by the Unified Development Code (UDC). At the time this report was drafted no responses from the eight (8) property owners notified were received by staff.

For the reasons addressed in this case memo staff does recommend that the Planning & Zoning Commission and City Council approve the applicant's request with the following conditions of approval:

1) Prior to the issuance of a Building Permit the applicant shall submit and seek approval for a detailed PD Site Plan that demonstrates compliance with all applicable standards of Planned Development District 32 (PD-32) [*as amended*] and with the requirements approved in the draft ordinance accompanying this case;

2) Prior to the issuance of a Building Permit the applicant shall submit and seek approval for a final plat;

3) The architectural design of all buildings within the three (3) affected subdistricts (i.e. the Harbor Residential Subdistrict, the Freeway Frontage Subdistrict and the Harbor Link Mixed-Use Subdistrict) shall conform to the Harbor District Guidelines (Resolution 10-40 [*Exhibit 'A'*]), all applicable ordinances associated with Planned Development District 32 (PD-32) [*as amended*], and to the Unified Development Code;

4) All buildings throughout the development shall be constructed with a consistent design scheme, and be approved by the Architectural Review Board (ARB);

5) Lakefront Trail (i.e. the north/south public road connecting Interstate Highway 30 to Summer Lee) shall be designed and constructed in accordance with the *Street Type 'E'* standards stipulated in Ordinance No. 10-21 and outlined in the draft ordinance;

6) Harbor Heights Drive (i.e. the east/west public road connecting Lakefront Trail and Shoreline Circle) shall be designed and constructed in accordance with the *Street Type 'D_1'* standards stipulated in the exhibits provided in the draft ordinance and attached to this case memo;

7) The proposed uses for this development shall be required to demonstrate that they have access to a sufficient number of parking spaces within the development itself to support their use.

8) Any construction resulting from the approval of this *PD Development Plan* and ordinance shall conform to the requirements set forth by Planned Development District 32 (PD-32) [*Ordinance No. 10-21*], the Unified Development Code, the 2009 International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

Chairman Herbst opened the public hearing at 6:49 p.m.

Russell Phillips
2 Horizon Court
Heath, Texas

Mr. Phillips discussed his vision for the development and stated that he was available to answer any questions the Commission may have.

There being no others wishing to come forth and speak, Chairman Herbst closed the public hearing at 6:52 p.m.

Commissioner Renfro made a motion to approve Z2013-011, a request by Russell Phillips on behalf Rockwall Rental Properties for the approval of a PD Development Plan amending Ordinance 11-43 and in accordance with Ordinance No. 10-21, for property identified as 16 & 16-1 out of the M. J. Barksdale Survey, Abstract No. 11; Lot 7, Block A of the Harbor-Rockwall Addition; Lot 1-1, Block A, Henry Africa Subdivision; and Lot 3A, Block A, Shoreline Plaza Addition, being a 12.72-acre tract of land, zoned Planned Development District 32 (PD-32), situated within the IH-30 (IH-30) Overlay District, and generally located south of Interstate Highway 30 and west of Shoreline Drive, with staff recommendations.

Commissioner Buchanan seconded the motion.

A vote was taken and the motion passed 6-0.

6. Z2013-012
Hold a public hearing and consider a request by Scott Webb representing Eastridge Church of Christ for approval of a Specific Use Permit (SUP) to allow for a church on a 1.70-acre tract of land situated in the E.M. Elliott Survey, Abstract No. 77, City and County of Rockwall, Texas, and being a part of a 10.733-tract of land as described in a warranty deed from Texas Utilities Electric Company to Cal Gary, as recorded in Volume 957, Page 88 of the Real Property Records of Rockwall County, Texas, located at 588 Stodghill Road, and take any action necessary.

Gonzales explained that the applicant, Scott Webb of Eastridge Church of Christ, is requesting a (SUP) Specific Use Permit to allow for a church use within the (A) Agricultural zoning district and more specifically as an accessory use to the adjoining property Eastridge Church of Christ as administrative offices. The property is located at 588 Stodghill Road on a 1.70-acre tract of land situated in the E.M. Elliott Survey, Abstract 77.

The Eastridge Church of Christ is experiencing growth and is need of expanding its operations to provide classrooms at the main facility. With this change, there is a need to provide additional office space for several ministers and a secretary. As noted in the letter of request and if approved, the existing four bedroom home located adjacent to the church can be converted to administrative office's and will include a lobby area for the church secretary and a conference room for the elders use. Parking for a church is determined based on a sanctuary or auditorium. This has been established with the existing church and should be considered for the home. As a note, the home currently has an adequate parking area; therefore additional parking is not necessary.

Given the expansion of the church and the necessity for the additional offices, staff feels this to be reasonable and supports the applicant's request.

A public notice has been published in the Rockwall County News, on the City's web-site, and a sign has been posted on the property. Also, notices have been mailed to four (4) property owners within 200-ft of the subject property as required by law. At time of this report, staff has received no responses "in favor of," or "opposed to" the request.

Staff recommends approval of the Specific Use Permit with the following conditions:

1. Adherence to Engineering and Fire Department standards.

Chairman Herbst opened the public hearing at 7:00 p.m.

Scott Webb
1841 Random Oaks
Rockwall, Texas

Mr. Webb discussed the purpose of the SUP and their intended use of the property.

There being no others wishing to come forth and speak, Chairman Herbst closed the public hearing at 7:03 p.m.

Commissioner Jackson made a motion to approve Z2013-012, a request by Scott Webb representing Eastridge Church of Christ for approval of a Specific Use Permit (SUP) to allow for a church on a 1.70-acre tract of land situated in the E.M. Elliott Survey, Abstract No. 77, City and County of Rockwall,

Texas, and being a part of a 10.733-tract of land as described in a warranty deed from Texas Utilities Electric Company to Cal Gary, as recorded in Volume 957, Page 88 of the Real Property Records of Rockwall County, Texas, located at 588 Stodghill Road, with staff recommendations.

Commissioner McCutcheon seconded the motion.

A vote was taken and the motion passed 6-0.

7. P2013-007
   Hold a public hearing and consider a request by Luisihno Tovar for approval of a residential replat for Lot 1, Block D, Lake Rockwall Estates West Addition, City and County of Rockwall, Texas, being a replat of Lot 665 and a portion of Lot 666 of Rockwall Lake Subdivision, and take any action necessary.

Sanford indicated that the purpose of this plat is to combine one (1) existing residential lot with a portion of another residential lot in order to create one (1) residential lot. The property was originally platted as Lot 665 & ½ of Lot 666, Block C, Rockwall Lake Estates #1.

Per the Unified Development Code (UDC), lots with frontage on multiple streets must meet the front yard setbacks for each street. This property is located on a corner lot in Planned Development No. 75 (PD-75) which requires a 20 foot front yard setback.

The applicant is requesting 15 foot setbacks adjacent to Perch Road and Althea Road. Staff is not opposed to a 15 foot setback adjacent to Perch Road; however, staff does recommend that a 20 foot setback remain adjacent to Althea Road.

Conditional approval of this plat by the City Council shall constitute approval subject to the conditions stipulated in the Recommendation section below.

On March 22, 2013, staff mailed forty-two (42) notices to property owners within 200 feet of the subject property. At the time this case memo was drafted, staff has not received any responses.

Staff recommends approval of the replat for Lot 1, Block D, Lake Rockwall Estates West Addition in conformance with the following conditions of approval:

1) The setback adjacent to Althea Road be 20 feet;

2) All comments from the Engineering, Planning and Fire Departments shall be addressed prior to the filing of this plat; and

3) Any construction resulting from the approval of this replat shall conform to the requirements set forth by the Unified Development Code, the 2009 International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

Chairman Herbst opened the public hearing at 7:08 p.m.

Luisihno Tovar
245 Althea Road
Rockwall, Texas

Mr. Tovar asked the Commission for approval of the replat.

There being no others wishing to come forth and speak, Chairman Herbst closed the public hearing at 7:09 p.m.

Commissioner Buchanan made a motion to approve P2013-007, a request by Luisihno Tovar for approval of a residential replat for Lot 1, Block D, Lake Rockwall Estates West Addition, City and County of Rockwall, Texas, being a replat of Lot 665 and a portion of Lot 666 of Rockwall Lake Subdivision, with staff recommendations.

Commissioner Jackson seconded the motion.

A vote was taken and the motion passed 6-0.

8. P2013-008
Hold a public hearing and consider a request by Keith and Rosemary Tonoli for approval of a residential replat for Lot 33, Block A, Chandlers Landing Phase 18 Section 2, City and County of Rockwall, Texas, being a replat of Lots 2 and 3, and take any action necessary.

The purpose of this plat is to combine two (2) existing residential lots into one (1) residential lot. The property was originally platted as Lots 2 & 3, Block A, Chandlers Landing Phase 18, Section 2.

The Engineer has completed the technical revisions requested by staff, and this plat is recommended for conditional approval pending the completion of final technical modifications and submittal requirements required for the recordation by the applicant or owner.

On March 22, 2013, staff mailed twenty-one (21) notices to property owners within 200 feet of the subject property. At the time this case memo was drafted staff had received one (1) response in favor of the applicant's request.

Conditional approval of this plat by the City Council shall constitute approval subject to the conditions stipulated in the Recommendation section below.

With the exception of the items listed in the Recommendation section of this case memo, this plat is in substantial compliance with the requirements of the Subdivision Ordinance in the Municipal Code of Ordinances.

Staff recommends approval of the replat for Lot 33, Block A, Chandlers Landing Phase 18 Section 2 Addition in conformance with the following conditions of approval:

1) All comments from the Engineering, Planning and Fire Departments shall be addressed prior to the filing of this plat;

2) Any construction resulting from the approval of this replat shall conform to the requirements set forth by the Unified Development Code, the 2009 International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

Chairman Herbst opened the public hearing at 7:11 p.m.

Rosemary Tonoli
1205 Skylar Drive
Rockwall, Texas

Mrs. Tonoli indicated that she is requesting approval of a replat in order to build a new home.

There being no others wishing to come forth and speak, Chairman Herbst closed the public hearing at 7:11 p.m.

Commissioner Jackson made a motion to approve P2013-008, a request by Keith and Rosemary Tonoli for approval of a residential replat for Lot 33, Block A, Chandlers Landing Phase 18 Section 2, City and County of Rockwall, Texas, being a replat of Lots 2 and 3, with staff recommendations.

Commissioner Nielsen seconded the motion.

A vote was taken and the motion passed 6-0.

IV. DISCUSSION ITEMS

9. Director's Report of post Council meeting outcomes of Planning & Zoning cases:

- Z2013-007 – Zoning Change (AG to HC) – 2nd Reading (approved)
- Z2013-008 – Zoning Change (AG to C) – 2nd Reading (approved)
- Z2013-009 – Tuff Shed SUP – 2nd Reading (approved)
- P2013-009 – Integrity Addition Phase 2 (approved)
- P2013-011 – Stone Creek Retail Addition (approved)
- Z2013-004 – RaceTrac SUP – 1st Reading (approved)

LaCroix briefly updated the Commission on the above listed cases.

V. ADJOURNMENT

The meeting adjourned at 7:15 p.m.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 14 day of MAY, 2013.

Phillip Herbst, Chairman

Attest:

JoDee Sanford, Planning Technician

MINUTES

PLANNING AND ZONING COMMISSION WORK SESSION

City Hall, 385 South Goliad, Rockwall, Texas
Council Chambers
April 30, 2013
6:00 P.M.

I. CALL TO ORDER

The meeting was called to order by Chairman Herbst at 6:00 p.m. with the following members present: Barry Buchanan, Connie Jackson, Kristen Minth, John McCutcheon, and Matthew Nielsen. Craig Renfro was not in attendance.

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

II. ACTION ITEMS

1. SP2013-002
   Discuss and consider a request from Kevin Patel of The Dimension Group for approval of a Site Plan for Racetrac Petroleum, being a 6,120-sf convenience store and fuel center located on Lots 1R and 2R of the Woods at Rockwall Addition, City and County of Rockwall, Texas, being 2.46-acres located at the southeast corner of Ridge Road and Yellow Jacket Lane, zoned Commercial (C) District and situated within the Scenic Overlay (SOV) District, and take any action necessary.

Gonzales stated that the applicant, Kevin Patel of the Dimension Group, is requesting approval of a site plan for a proposed RaceTrac convenience store and fuel center that will be located on Lots 1R and 2R of the Woods at Rockwall Addition. The property is located on the southeast corner of Ridge Road and Yellow Jacket Lane, is zoned Commercial (C) district, and is within the Scenic Overlay (SOV) district. The applicant's request for a Specific Use Permit (SUP) to allow for a retail operation with gasoline sales as an accessory use was approved by City Council on 04/15/13.

The proposed building site will house a 6,120-sf retail facility that offers gasoline products for their customers. The site is proposing nine (9) gasoline pumps that will accommodate up to eighteen vehicles and can be accessed from two (2) points of entry along Ridge Road and Yellow Jacket Lane. The building footprint meets the four sided horizontal articulation requirements as set forth in the SOV Overlay district.

The applicant has submitted a landscape plan indicating a total of 28.4% landscaping coverage using Live Oaks and Cedar Elms as canopy trees, and Red Buds as accent trees. These assorted trees will be planted within the landscape buffer strips along Ridge Rd and Yellowjacket Lane, with additional Live Oaks and Cedar Elms incorporated internally as well as adjacent to the perimeters of the lot. The site also features numerous shrubs, grasses, ground cover and flowers (e.g. Dwarf Buford Holly, Indian Hawthorn, knock out and red carpet roses, purple winter creeper etc.) dispersed throughout the property providing for an aesthetically pleasing environment surrounding the facility. The proposed landscape plan exceeds the 15% minimum required by the Unified Development Code (UDC) for a commercial development and meets the intent of the SOV Overlay district.

As you may know, this particular site is heavily treed and in order for the site to develop, the applicant is proposing to remove a total of 414 trees (3,512 caliper inches). Of these trees, 174 are considered feature trees (e.g. oak, pecan, or elm) that are four (4) caliper inches or greater and require Planning and Zoning Commission approval in order to be removed; including one (1) – thirty (30) caliper inch Cedar Elm which is considered a protected feature tree and is to be replaced with twice the number of inches being removed. Based on the "Tree Mitigation Chart" submitted, there is a total mitigation of 3,536 caliper inches. After applying a tree credit of twenty-four (24) caliper inches for a Cedar Elm (No. 382) that has been saved and tree credits of 218 caliper inches for on-site mitigation from the landscape plan, this will leave a balance of 3,288 caliper inches of mitigation due. This would result in a maximum of 1,096 – three (3) caliper inch replacement trees applied towards the City's tree fund for future plantings.

As a note, the UDC provides that the applicant may also request purchasing tree replacement credits at $125 per inch, but not to exceed 20 percent of the total replacement inches. This would equate to a total credit towards mitigation of 657.6 caliper inches for a total of $82,200 that would be paid towards the City's Tree Fund for future planting of trees. If this method is chosen, it would reduce the amount of mitigation due to 2,630.4 caliper inches.

Based on the amount of trees due towards mitigation and the ability to purchase tree replacement credits, the applicant will be seeking relief from the City Council. The attached "Tree Mitigation Chart" indicates the applicants desire to request consideration for an alternative plan. The request for credits towards mitigation is based on certain percentages for shrubs, flowers, and ground cover in the amount to 901 caliper inches. If granted, this would reduce the total mitigation due to 2,387 caliper inches.

> According to the UDC, Article IX Tree Preservation, Sec. 11.1, the code reads as follows:
>
> *"The city council shall have the ability to adopt alternative methods of creating tree credits and methods of distribution of trees and/or funds for purchasing trees."*

The proposed elevations for the retail facility indicate an overall building height of 27-ft 2 inches. The facades will be comprised primarily of brick while incorporating stone as an accent band at the water table. The combination of natural stone columns and the articulated cornice provides soft contrasting elements to the façade while the canopies create added horizontal articulation for the building. At the main entrance (facing Ridge Rd) and side entrance (facing Yellow Jacket Lane) are metal hip roof designed towers attached to porticos supported by stone columns that provide articulated elements for the building's appearance.

The SOV Overlay district requires a minimum of four (4) architectural elements to be incorporated in the design of the building. The color elevations depict several elements that meet this requirement such as awnings (front and side elevations), recesses and projections (visible on the front, right and left elevations), hip roof designed tower elements with peaked roof forms, portico's supported by stone columns located at the main entrance to the building and the secondary entrance on the left elevation.

Staff recommends approval of the site plan package, with the exception of the proposed alternative method for tree mitigation, and with the following conditions:

1. Adherence to Engineering and Fire Department standards.

2. Submittal and approval of a replat prior to issuance of a building permit.

Site Plan:
The plan meets (or exceeds) the intent of the Unified Development Code as submitted.

Landscape Plan:
The plan meets (or exceeds) the intent of the Unified Development Code as submitted.

Treescape Plan:

1. Planning and Zoning Commission approval to remove large number of feature trees (oak, pecan, and elms) as indicated on treescape plan and tree mitigation chart.

2. Approval from the Planning and Zoning Commission to remove tree #411 (30" Cedar Elm), which is a protected feature tree and requires twice the caliper inches being removed towards mitigation (is accounted for on tree mitigation chart).

3. Approval of the mitigation plan as requested.

4. Alternative plan for mitigation as proposed on Tree Mitigation Chart to be approved by City Council.

Photometric Plan:
The plan meets (or exceeds) the intent of the Unified Development Code as submitted.

Building Elevations:
The plan meets (or exceeds) the intent of the Unified Development Code as submitted.

Tommy Mann
2728 North Harwood
Dallas, Texas

Commissioner Jackson stated that her main concern is with the number of trees being removed. She asked why more parking spaces are being installed than are required. Mr. Mann stated that the number of parking spaces shown is based on RaceTrac's estimation of the number of spaces that the store requires.

Commission Nielsen asked how many parking spaces the QuikTrip will have. LaCroix indicated that staff would have to review that case in order to answer the question. Commission Nielsen asked if they might reduce the number of spaces in order to save more trees on the property. LaCroix stated that the grading will be a factor in the number of trees removed.

Kevin Wiles
RaceTrac
3225 Cumberland Blvd.
Atlanta, Georgia

Mr. Wiles stated that the grading that is shown is due to the drainage. The biggest issue with the number of trees being removed is the underground detention tanks and trees cannot be planted over the tanks.

Commissioner Jackson inquired to the size of the tanks.

Kevin Patel
Dimension Group
Dallas, Texas

Mr. Patel stated that it is the underground chambers. He generally explained the required detention. The grading required is the cause for removing a majority of the trees, but they have attempted to save as many trees as possible on the property.

Mr. Mann stated that they have an approved Specific Use Permit stating that it must conform to the site plan approved with the SUP. The SUP shows 42 spaces.

Commissioner Nielsen asked if the detention area could be relocated to a different area. Mr. Wiles stated that the underground detention system is very costly and with the amount of water flowing across the property this is the best option to convey the water in a controlled manner.

Commissioner Minth asked if they would be willing to consider putting a pitched roof on the canopy. Mr. Mann stated that they reduced the number of pumps during the SUP process; however, they are proposing the current elevations for the canopy.

Chairman Herbst asked if the site plan was approved through the SUP. LaCroix stated that the site plan approved through the SUP was for the number of pumps. The site plan is what the Commission is currently considering.

Commissioner Nielsen asked for a color elevation of the canopy. Mr. Mann indicated that they do not have one available. General discussion took place regarding the colors and materials of the canopy.

Commissioner Minth asked if they would be willing to put an angled roof on the canopy. Mr. Mann stated they are not willing to do so. Additional discussion occurred regarding the roof elements that could be added to the canopy.

Commissioner Minth stated that saving the trees and more of the landscaping would be preferred over the look of a large retaining wall. Mr. Wiles stated that the original plan had a 35 foot retaining wall; but they decided against that because it took away from the natural topography. Additionally, according to the landscape architect, the grading required for the wall would increase the likelihood that the trees would die.

Commissioner Jackson asked for dimensions of the canopy in comparison to the building. Gonzales indicated those dimensions.

Chairman Herbst stated that the Commission would like something that would break up such a lengthy canopy. Commissioner Minth indicated her agreement.

(At the request of the applicant, the Commission took a short recess at 6:41pm. They reconvened at 6:46pm.)

Mr. Mann stated that he doesn't believe that the Commission can legally deny the Site Plan because they don't like the canopy; however, he indicated that they are willing to table the case for two weeks while they work with staff to redesign the canopy.

Commissioner Jackson stated that she is requesting the maximum mitigation. Mr. Mann stated that this is not for the Commission to consider. General discussion occurred regarding the tree mitigation.

Commissioner Nielsen stated that if the site plan does not meet the technical requirements, than the case may still be denied. Mr. Mann indicated that Site Plan currently meets the technical requirements.

Chairman Herbst asked for color elevations of the canopy. Mr. Wiles stated that they would have those. Additional discussion took place regarding what the Commission would like to see.

Commissioner Jackson made a motion to table SP2013-002, a request by Kevin Patel of The Dimension Group for approval of a Site Plan for Racetrac Petroleum, being a 6,120-sf convenience store and fuel center located on Lots 1R and 2R of the Woods at Rockwall Addition, City and County of Rockwall, Texas, being 2.46-acres located at the southeast corner of Ridge Road and Yellow Jacket Lane, zoned Commercial (C) District and situated within the Scenic Overlay (SOV) District.

Commissioner Buchanan seconded the motion.

A vote was taken and the motion passed 6-0.

(Commissioner McCutcheon left the meeting at 6:58pm.)

2. P2013-012
   Discuss and consider a request by Mike Whittle of Caruth Lake Development for approval of a replat for the Alliance Addition Ph. 2, being a 1.694-acre tract zoned Planned Development No. 57 (PD-57) District and located at the northeast corner of FM 3097 and FM 549, City of Rockwall, Texas, and take any action necessary.

Gonzales stated that the purpose of the replat is to dedicate firelane, access, utility and drainage easements for the site including a turn around temporary access easement for Lot 10. The three (3) lots are a 1.694-acre portion of the Alliance Addition, Phase 2 and is zoned (PD-57) Planned Development No. 57 with an underlying zoning of (C) Commercial District. The newly created lots will be identified as Lots 8, 9, and 10, Block 2 of the Alliance Addition, Ph 2.

A site plan (SP2012-030) for two (2) office buildings was approved for the subject property on January 09, 2013 for lots 5 and 6. This plat is recommended for conditional approval pending the completion of final technical modifications and submittal requirements required prior to the recordation with the County. Conditional approval of this plat by the City Council shall constitute approval subject to the conditions stipulated in the Recommendation section below. With the exception of the items listed in the Recommendation section of this case memo, this plat is in substantial compliance with the requirements of the Subdivision Ordinance in the Municipal Code of Ordinances.

Staff recommends approval of the request with the following conditions:

1. Change title block to read "Replat, Lots 8, 9, and 10, Block 2 Alliance Addition Ph 2,...Being a Replat of Lots 5, 6, and 7..."

2. Re-label lots as 8, 9, and 10 as appropriate for each lot.

3. "Dash in" and provide 24-ft fire lane, access & utility easement on Lot 10 to Lot 7. Also, indicate easement "through" temporary turn around by "ghosting in" dashed line.

Commissioner Jackson made a motion to approve P2013-012, a request by Mike Whittle of Caruth Lake Development for approval of a replat for the Alliance Addition Ph. 2, being a 1.694-acre tract zoned Planned Development No. 57 (PD-57) District and located at the northeast corner of FM 3097 and FM 549, City of Rockwall, Texas, with staff recommendations.

Commissioner Buchanan seconded the motion.

A vote was taken and the motion passed 5-0.

3. P2013-015
Discuss and consider a request by Scott Riley for the approval of a replat for Lots 11 & 12, Block 1, Rockwall Centre Corners Addition containing two (2) non-residential lots, zoned Commercial (C) District, on 4.894-acres, currently identified as Lots 7 & 10, Block 1, Rockwall Centre Corners Addition, City of Rockwall, Texas, generally located at the southeast corner of SH-205 and IH-30, situated within the SH-205 Corridor Overlay (SH-205) District and IH-30 Corridor Overlay (IH-30 OV) District, and take any action necessary.

Miller explained that the purpose of this plat is to shift the property line that currently divides Lots 7 & 10, Block 1 of the Rockwall Central Corners Addition and re-designate the lots as Lots 11 & 12, Block 1 of the Rockwall Centre Corners Addition. The Engineer has completed the technical revisions requested by staff, and this plat is recommended for conditional approval pending the completion of final technical modifications and submittal requirements required for the recordation by the applicant or owner. Conditional approval of this plat by the City Council shall constitute approval subject to the conditions stipulated in the *Recommendation* section below. With the exception of the items listed in the *Recommendation* section of this case memo, this plat is in substantial compliance with the requirements of the *Subdivision Ordinance* in the Municipal Code of Ordinances.

Staff recommends approval of the replat for *Lots 11 & 12, Block 1, Rockwall Centre Corners Addition* in conformance with the following conditions of approval:

1) All comments from the Engineering, Planning and Fire Departments shall be addressed prior to the filing of this plat;

2) Any construction resulting from the approval of this *replat* shall conform to the requirements set forth by the Unified Development Code, the 2009 International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

Commissioner Nielsen made a motion to approve P2013-015, a request by Scott Riley for the approval of a replat for Lots 11 & 12, Block 1, Rockwall Centre Corners Addition containing two (2) non-residential lots, zoned Commercial (C) District, on 4.894-acres, currently identified as Lots 7 & 10, Block 1, Rockwall Centre Corners Addition, City of Rockwall, Texas, generally located at the southeast corner of SH-205 and IH-30, situated within the SH-205 Corridor Overlay (SH-205) District and IH-30 Corridor Overlay (IH-30 OV) District, with staff recommendations.

Commissioner Jackson seconded the motion.

A vote was taken and the motion passed 5-0.

III. DISCUSSION ITEMS

4. P2013-013
Discuss and consider a request by Steve Lenart with Lenart Development Co., LLC for the approval of a final plat of Townsend Village, City of Rockwall, Texas, being a 27.689-acre tract of land out of the Joseph Cadle Survey, Abstract No. 65 and the N.M. Ballard Survey, Abstract No. 48 containing 77 residential lots, and generally located at the northwest corner of the intersection of SH-276 and T.L. Townsend Drive, zoned Planned Development No. 10 (PD-10) District, and take any action necessary.

Miller explained the case and gave a description of the property.

5. P2013-014
Discuss and consider a request by Todd D. Wintters of Engineering Concepts, for approval of a preliminary plat for Rayburn Country Addition, being three (3) lots on an 11.403-acre tract zoned Agricultural (Ag) District and Heavy Commercial (HC) District generally located on the south side of Sids Road east of Mims Road, City of Rockwall, Texas, and take any action necessary.

Sanford indicated that location and described the case.

6. SP2013-005
Discuss and consider a request by John Spiars of Spiars Engineering for the approval of a Site Plan for Raising Cane's on a 2.951 acre tract of land zoned Commercial (C) District and Light Industrial (LI) District, being described as Lot 3, Block 1 of the Centre Corners Addition in the City of Rockwall, Texas, generally located at the southeast corner of IH-30 and SH 205, and situated within the IH-30 Corridor Overlay (IH-30 OV) District, and take any action necessary.

Gonzales briefly described the project and the location of the property.

Andy McCall
6767 Perkins Road
Baton Rouge, Louisiana

Mr. McCall stated that they intend to comply with the staff comments and ARB comments for contrasting banding around the building. He pointed out the articulation on the building and stated that the roof top units will be completely screened. Additionally, they do have a tower element.

General discussion took place regarding the roof on the building.

7. SP2013-006
Discuss and consider a request by Jim Aubuchon of Rockwall Mushroom, LLC for approval of a Site Plan for Mellow Mushroom, being a 8,200-sf restaurant proposed on Lot 15, Block A, La Jolla Pointe Addition Phase 2, being 1.364-acres zoned Commercial (C) District and situated within the IH-30 Corridor Overlay (IH-30 OV) District, located at 568 E IH-30, City of Rockwall, Texas, and take any action necessary.

Gonzales gave a description of the property and explained the project.

Jim Aubuchon
Frisco, Texas

Mr. Aubuchon gave a description of the restaurant and answered questions from the Commission.

8. SP2013-007
Discuss and consider a request by Duane Meyers of Duane Meyers Architect, for approval of a Site Plan for Texas Star Express, specifically for a 3,525-sf new structure to replace an existing manufactured building, situated on a 4.06-acre tract being Lot 1R, Block 1, Texas Star Addition and located at 2890 S. Goliad Street, City of Rockwall, Texas, zoned Heavy Commercial (HC) District and situated within the SH 205 Corridor Overlay (SH 205 OV) District.

Miller indicated the location of the property and explained the case.

The Commission discussed the building materials, landscaping and fence.

9. Z2013-013
Hold a public hearing and consider a request by Zack Amick of Gordon Rockwall Investments, LLC for approval of a Specific Use Permit (SUP) to allow for outside storage of new vehicles in conjunction with an adjacent new car dealership (located at 1540 E. IH-30); the subject property is zoned Light Industrial (LI) District and situated within the IH-30 Corridor Overlay (IH-30 OV) District, on a 4.922-acres tract of land and specifically located at 1530 E. IH-30, City of Rockwall, Texas, and take any action necessary.

Sanford described the case and indicated the location of the property.

Discussion took place between the Commission and staff regarding the case.

10. Z2013-014
Hold a public hearing to discuss and consider a request by Jake Petras, on behalf of QuikTrip, for the approval of an amendment to Specific Use Permit (SUP) No. S-100 [Ordinance No. 12-30] to allow for a 75-foot pole sign in conjunction with a retail store with more than two (2) gasoline dispensers within a General Retail (GR) District as specified by the Unified Development Code (UDC), for a 1.8169 acre tract of land zoned Commercial (C) District and General Retail (GR) District, and described as part of the Joseph Cadle Survey, Abstract No. 65, being all of Lot 1R, Block A of the Montego Addition, and a portion of Lot 2, Block A of the Rockwall Shopping Center, Rockwall County, Texas, and being generally located at the northwest corner of the intersection of SH-205 and the IH-30 frontage road, within the IH-30 Corridor Overlay (IH-30 OV) District and the SH-205 Corridor Overlay (SH-205 OV) District, and take any action necessary.

Miller described the request and the property location.

Jack Petras
QuickTrip
1120 N. Industrial Blvd.
Euless, Texas

Mr. Petras stated that a 50 foot sign does not provide adequate visibility.

General discussion took place amongst the Commission and the applicant.

11. Z2013-015
Hold a public hearing and consider a request by Stephen Seitz of Seitz Architects, Inc. for approval of a Specific Use Permit (SUP) to allow for the expansion of the existing "Vault Self Storage" mini-warehouse facility located on Lot 1, Block C, Rockwall Business Park East, being 6.06-acres overall, and zoned Commercial (C) District, located at 1280 E. Ralph Hall Parkway, and take any action necessary.

Miller briefly explained the request and the location of the property.

12. Director's Report of post Council meeting outcomes of Planning & Zoning cases.

- Z2013-004 – RaceTrac SUP 2nd Reading (approved)
- P2013-010 – Breezy Hill Phase 2A and 2B (approved)
- P2013-006 – Stone Creek Phase IV (approved)
- Z2013-010 – Solar Panel SUP 1st Reading (approved)
- Z2013-011 – PD-32 Development Plan 1st Reading (tabled)
- Z2013-012 – Eastridge Church of Christ SUP 1st Reading (approved)
- P2013-007 – Lake Rockwall Estates West Replat (approved)
- P2013-008 – Chandlers Landing Phase 18 Section 2 Replat (approved)
- MIS2013-003 – Setback Special Exception – LRE (approved)

LaCroix briefly updated the Commission on the above listed cases.

IV. ADJOURNMENT

The meeting adjourned at 8:13 p.m.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 14 day of MAY, 2013.

Phillip Herbst, Chairman

Attest:

JoDee Sanford, Planning Technician

MINUTES
PLANNING AND ZONING COMMISSION PUBLIC HEARING
City Hall, 385 South Goliad, Rockwall, Texas
Council Chambers
May 14, 2013
6:00 P.M.

I. CALL TO ORDER

The meeting was called to order by Chairman Herbst at 6:00 p.m. with the following members present: Connie Jackson, Kristen Minth, John McCutcheon, and Matthew Nielsen. Craig Renfro and Barry Buchanan were not in attendance.

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

II. CONSENT ITEMS

1. Approval of Minutes for April 9, 2013 Planning and Zoning Commission meeting.
2. Approval of Minutes for April 30, 2013 Planning and Zoning Commission meeting.
3. P2013-013
   Discuss and consider a request by Steve Lenart with Lenart Development Co., LLC for the approval of a final plat of Townsend Village, City of Rockwall, Texas, being a 27.689-acre tract of land out of the Joseph Cadle Survey, Abstract No. 65 and the N.M. Ballard Survey, Abstract No. 48 containing 77 residential lots, and generally located at the northwest corner of the intersection of SH-276 and T.L. Townsend Drive, zoned Planned Development No. 10 (PD-10) District, and take any action necessary.

Commissioner Minth pulled item #1 from the consent agenda.

Commissioner Minth made a motion to approve consent agenda items #2 and #3.

Commissioner Jackson seconded the motion.

A vote was taken and the motion passed 5-0

Commissioner Jackson made a motion to approve consent agenda item #1.

Commissioner McCutcheon seconded the motion.

A vote was taken and the motion passed 4-0, with Commissioner Minth abstaining.

III. PUBLIC HEARING ITEMS

4. Z2013-013
   Hold a public hearing and consider a request by Zack Amick of Gordon Rockwall Investments, LLC for approval of a Specific Use Permit (SUP) to allow for outside storage of new vehicles in conjunction with an adjacent new car dealership (located at 1540 E. IH-30); the subject property is zoned Light Industrial (LI) District and situated within the IH-30 Corridor Overlay (IH-30 OV) District, on a 4.922-acres tract of land and specifically located at 1530 E. IH-30, City of Rockwall, Texas, and take any action necessary.

Sanford explained that the applicant, Mr. Zack Amick, has submitted a request for a Specific Use Permit (SUP) to allow for the outside storage of new vehicles in conjunction with an adjacent new car dealership. The subject property is a 4.9 acre tract of land located at 1530 E. IH-30, which is zoned Light Industrial (LI) District and is within the IH-30 Overlay (IH-30 OV) District. An existing

building is located on the property and the property was formerly used for RV sales, service and storage.

In conformance with Section 2.1.10 of Article IV, Permissible Uses, of the UDC, " ... (a)n SUP approved for this use [outside storage and/or display] may be subject to time limitations, site/landscaping or building enhancements, or other restrictions deemed appropriate by the Planning & Zoning Commission or City Council ..." Any time limitation of this SUP is at the discretion of the Commission and City Council; however, it is staff's opinion that the time limitation should be no longer than three (3) years. Additionally, staff requested that the landscaping along the property line adjacent to the IH-30 service road meet the current standards for the IH-30 OV District. The applicant has provided a landscape plan which does conform to these standards.

On May 2, 2013, staff mailed eight (8) notices to property owners within 200 feet of the subject property. In addition, a notice was published in the Rockwall County News. At the time this case memo was drafted, no responses were received by staff.

For the reasons listed above, staff is not opposed to the applicant's request for the approval of an SUP for outside storage and display pending full compliance with the following conditions of approval:

1) The applicant is responsible for maintaining compliance with all the operational conditions contained in the SUP ordinance;

2) The sale of vehicles will not be permitted on the subject property through this SUP;

3) The applicant shall install all proposed landscaping on-site and have the Planning & Zoning Department inspect the plantings for conformance to the approved landscape plan;

4) A photometric plan shall be provided to staff for administrative approval;

5) The SUP ordinance shall be valid for a period of time to be determined by the Planning & Zoning Commission and City Council [It is staff's opinion that this time period not exceed three (3) years]. Ninety (90) days prior to the cessation date the applicant is responsible for submitting an application with the Planning & Zoning Department of the City of Rockwall if there is intent to renew the SUP ordinance;

6) The applicant's request shall adhere to all the Engineering and Fire Departments' comments and requirements;

7) The City Council reserves the right to review this SUP request [Case No. Z2013-013] one (1) year after the approval and adoption of the SUP ordinance;

8) All development must conform to the approved Site Plan provided by the applicant; and

9) The operation of this site shall conform to all federal, state and local standards and comply with the time limitation as determined by the Commission and City Council.

Chairman Herbst opened the public hearing at 6:05 p.m.

Zack Amick
1957 Stevens
Rockwall, Texas

Mr. Amick stated that the long term plan is to use this property for a new car dealership; however, the process of getting a franchise takes about 3 years.

There being no others wishing to come forth and speak, Chairman Herbst closed the public hearing at 6:07 p.m.

Commissioner Jackson made a motion to approve Z2013-013, a request by Zack Amick of Gordon Rockwall Investments, LLC for approval of a Specific Use Permit (SUP) to allow for outside storage of new vehicles in conjunction with an adjacent new car dealership (located at 1540 E. IH-30); the subject property is zoned Light Industrial (LI) District and situated within the IH-30 Corridor Overlay (IH-30 OV) District, on a 4.922-acres tract of land and specifically located at 1530 E. IH-30, City of Rockwall, Texas, with staff recommendations and a time limitation of three (3) years.

Commissioner McCutcheon seconded the motion.

A vote was taken and the motion passed 5-0.

5. Z2013-014
Hold a public hearing to discuss and consider a request by Jake Petras, on behalf of QuikTrip, for the approval of an amendment to Specific Use Permit (SUP) No. S-100 [Ordinance No. 12-30] to allow for a 75-foot pole sign in conjunction with a retail store with more than two (2) gasoline dispensers within a General Retail (GR) District as specified by the Unified Development Code (UDC), for a 1.8169 acre tract of land zoned Commercial (C) District and General Retail (GR) District, and described as part of the Joseph Cadle Survey, Abstract No. 65, being all of Lot 1R, Block A of the Montego Addition, and a portion of Lot 2, Block A of the Rockwall Shopping Center, Rockwall County, Texas, and being generally located at the northwest corner of the intersection of SH-205 and the IH-30 frontage road, within the IH-30 Corridor Overlay (IH-30 OV) District and the SH-205 Corridor Overlay (SH-205 OV) District, and take any action necessary.

Miller stated that the subject property is a 1.8169-acre tract of land located at the northwest corner of IH-30 and SH-205. The portion of the property currently zoned as a Commercial (C) District was replatted as Lot 1R, Block A of the Montego Addition on October 30, 2001. The remainder of the property is zoned as a General Retail (GR) District and is identified as a portion of Lot 2 of the Rockwall Central Shopping Center Addition, which was approved on May 17, 1985. On December 3, 2012 the City Council approved Specific Use Permit (SUP) No. S-100 [*Ordinance No. 12-30*], which allowed for a retail store with more than two (2) gasoline dispensers within a General Retail (GR) District. Due to relief requested by the applicant the SUP Ordinance contained a concept plan (*see Exhibit 'A'*) and sign elevations showing the location and the density and dimensional characteristics of two (2) signs (*see Exhibit 'B'*) proposed to be constructed with the gas station.

The applicant Jake Petras is requesting to amend the ordinance approved with SUP# S-100 for the purpose of modifying the sign elevations contained within the ordinance to change the height of the pole sign from 40-feet to 75-feet. Mr. Petras has indicated that the additional height is required for the visibility of the sign when exiting the eastbound lanes of IH-30 at SH-205 (*Exit 68*). The proposed change in height will be the only change requested by the applicant, and the sign elevations will be aesthetically and architecturally the same as the elevations approved with the original SUP ordinance (*S-100; Ordinance No. 12-30*).

In examining the applicants request staff has taken the following into consideration:

1) As part of the original SUP Case [*Case No. Z2012-017*] the applicant requested and was approved for two (2) signs: 1) a 40-foot pole sign situated along the IH-30 frontage road adjacent to the western property line, and 2) a monument sign situated adjacent to the northern and eastern property lines adjacent to SH-205. Typically, a site is permitted one (1) sign unless the property exceeds seven (7) acres along IH-30 or five (5) acres along another arterial/roadway in which case it would be permitted to have two (2) signs [*Municipal Code of Ordinances, Section 32-283*]. In this case the property (being 1.8169-acres) did not meet the requirements of the Unified Development Code; however, the City Council approved the proposed variance to the sign requirements on the grounds that the property has two (2) unique frontages along different and major thoroughfares that warranted the additional signage.
2) The Municipal Code of Ordinances currently makes special considerations for gas stations in terms of the permissible height for pole signs adjacent to IH-30. According to Section 32-305, *Pole Signs*, of the Municipal Code of Ordinances " ... (t)he maximum height for a

general business along IH-30 is 40 feet only for the purpose of advertising food, gas, or lodging. All other uses are allowed a maximum height of 30 feet ..."

3) Currently, the City Council has not granted a variance for a pole sign exceeding 50-feet in height, and there is only one (1) pole sign in excess of 50-feet along the IH-30 corridor. This sign is located at TA [Travel Centers of America] and was the result of a settlement due to litigation. The civil action (CA# *3.99-CV-1462-M*) approved in May 2001 permitted a sign of 85' 9" in height and 542 square feet in sign area.

It is staff's opinion that the applicant's request does not present a hardship, *land based or otherwise*, which would warrant the approval of a variance to the height requirements for pole signs along the IH-30 corridor. Additionally, taking the abovementioned items into consideration staff cannot support the applicant's request.

On May 3, 2013, staff mailed nine (9) notices to property owners within 200 feet of the subject property. Additionally, staff posted signs along SH-205 and the IH-30 frontage road as required by the UDC. At the time this report was drafted one (1) response in favor of the applicant's request had received by staff.

For the reasons stated above staff cannot recommend approval of the applicant's request; however, if the Planning & Zoning Commission and City Council choose to recommend approval of the applicant's request staff would propose the following:

1) The pole sign be limited to a maximum height of 50-feet, and

2) All other construction or building necessary to complete this request must conform to the requirements set forth by the SUP Ordinance, the UDC, the 2009 International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

The Commission asked staff for some general clarifications.

Chairman Herbst opened the public hearing at 6:14 p.m.

Jake Petras
QuickTrip Corporation
1120 Industrial Blvd.
Euless, Texas

Mr. Petras stated that they would be willing to compromise on the height of the sign. He asked the Commission what they would consider.

Commissioner Jackson said that she would consider 58 feet.

Mr. Petras explained that their goal is to allow a customer to recognize the brand and see the price, then exit the highway safely. In order to achieve that goal, the sign must be at 75 feet.

Commissioner Nielsen stated that staff is not recommending anything more than 50 feet, City Council has not approved anything taller than 50 feet, and his concern is with setting precedence. He would be willing to approve 50 feet.

General discussed took place amongst the Commission and the applicant.

Commissioner Minth stated that she would not be willing to approve anything taller than 50 feet.

Commissioner McCutcheon stated that he was in agreement with the 50 feet height

Chairman Herbst explained that he also agreed with the rest of the Commission.

Additional discussion took place.

There being no others wishing to come forth and speak, Chairman Herbst closed the public hearing at 6:28 p.m.

Commissioner Nielsen made a motion to approve Z2013-014, a request by Jake Petras, on behalf of QuikTrip, for the approval of an amendment to Specific Use Permit (SUP) No. S-100 [Ordinance No. 12-30] to allow for a 50-foot pole sign in conjunction with a retail store with more than two (2) gasoline dispensers within a General Retail (GR) District as specified by the Unified Development Code (UDC), for a 1.8169 acre tract of land zoned Commercial (C) District and General Retail (GR) District, and described as part of the Joseph Cadle Survey, Abstract No. 65, being all of Lot 1R, Block A of the Montego Addition, and a portion of Lot 2, Block A of the Rockwall Shopping Center, Rockwall County, Texas, and being generally located at the northwest corner of the intersection of SH-205 and the IH-30 frontage road, within the IH-30 Corridor Overlay (IH-30 OV) District and the SH-205 Corridor Overlay (SH-205 OV) District, with staff recommendations.

Commissioner Jackson seconded the motion.

A vote was taken and the motion passed 5-0.

6. Z2013-015
Hold a public hearing and consider a request by Stephen Seitz of Seitz Architects, Inc. for approval of a Specific Use Permit (SUP) to allow for the expansion of the existing "Vault Self Storage" mini-warehouse facility located on Lot 1, Block C, Rockwall Business Park East, being 6.06-acres overall, and zoned Commercial (C) District, located at 1280 E. Ralph Hall Parkway, and take any action necessary.

Miller indicated that the subject property is 6.06-acre parcel of land that was annexed into the City of Rockwall as a portion of a larger 56.080-acre tract of land on December 7, 1981 by Ordinance No. 81-33. On January 4, 1982, the subject property was rezoned from an Agricultural (Ag) District to Planned Development District 14 (PD-14) by Ordinance No. 82-02. At the time the zoning change was approved, a concept plan/master plan for the entire 56.080-acre tract of land was included as an exhibit in the zoning case [*Case No. 81-17*]. This plan depicts the area around the subject property as being designated for *Office or Light Industrial* uses and further designates the subject property for a *Mini-Warehouse Facility* [during this time period the *Mini-Warehouse Facility* land use was permitted by right in Light Industrial (LI) Districts with no special provisions]. In conformance with this concept plan *The Vault Self Storage* facility was constructed in 1983 utilizing a Spanish style of architecture, which was intended by the plan to create a unique Office, Commercial and Industrial district on the south side of IH-30.

On November 5, 2009, the City Council approved Ordinance No. 09-42, which was a city initiated request that rezoned Planned Development District 14 (PD-14) [including the original 56.080-acre tract of land which includes the subject property] to a Commercial (C) District. A representative, John Vaudagna, of the owner, Dallas East Partnership, of the mini-warehouse facility submitted a letter in opposition to the zoning proposal citing reluctance to give up any potential land uses for the subject property. By changing the zoning on the subject property to a Commercial (C) District the *Mini-Warehouse Facility* land use went from being a permitted "by right" use to requiring a Specific Use Permit (SUP). In conformance with this zoning change Steven Sietz, AIA on behalf of Dallas East Partnership has submitted a development application requesting an SUP for the purpose of expanding the existing mini-warehouse facility.

The mini-warehouse facility on the subject property covers 40% (or 2.44-acres) of the 6.06-acre parcel of land and has a capacity of 275 storage units. The application submitted by the applicant is requesting to expand the site to cover approximately 61% (or 4.5-acres) of the subject property and have a total of 555 storage units (280 unit increase). According to Section 2.1.10 of Article IV, *Permissible Uses*, of the Unified Development Code (UDC), "(t)he number of storage units per acre shall not exceed 125 ... and the maximum site area shall be five (5) acres." The total expansion will bring the site area to 4.5-acres with approximately 123 units per acre. The applicant has stated that the expansion will be completed in two (2) phases with the first phase being the expansion of the facility to the west [depicted as *Buildings A, B, C & D* on the concept plan]. As part of this phase four (4) new buildings will be constructed, two (2) of which will provide new

temperature controlled storage units [depicted as *Buildings A & B* on the concept plan]. The second phase will include the demolition of an existing 9,062 square foot building to make room for the construction of two (2) new buildings [depicted as *Buildings E & F* on the concept plan].

According to Section 2.2 of Article XI, *Zoning-Related Applications*, of the UDC, "[*Applicability*] (s)ite plans are required for all new developments except individual single-family and duplex lots, and for expansions of existing developments by 50% or more of the gross floor area." As the property exists today the total floor area is 45,011 square feet (or 1.03-acres). The expansion plans provided by the applicant show a total increase in floor area of 47,964 square feet (or 1.31-acres) [*57,026SF less 9,062SF*], which translates to approximately a 107% increase in gross floor area. In conformance with this increase the applicant will be required to submit a site plan with building elevations, a landscaping plan and photometric plan indicating conformance to the current standards. In order to demonstrate conformance with all of the use requirements detailed in Section 2.1.10 of Article IV, *Permissible Uses*, of the UDC the applicant has submitted concept elevations that will be included in the SUP ordinance. Additionally, all future submittals shall be required to strictly adhere to these building elevations.

With the exception of the proposed roof pitch the applicant's request is in conformance with all applicable requirements stipulated in Article IV, *Permissible Uses*, of the UDC. It is staff's opinion that the roof pitch for the interior buildings should match the existing structures to maintain conformity on the site.

On May 3, 2013, staff mailed nine (9) notices to property owners within 200 feet of the subject property. Additionally, staff posted signs along Ralph Hall Parkway, which is the street frontage adjacent to the subject property, as required by the UDC. At the time this case memo was drafted no responses were received by staff.

As a result of the applicant's willingness to conform to the majority of the criteria specified in Section 2.1.10, *Wholesale, Distribution and Storage*, of Article IV, Permissible Uses, of the UDC staff recommends approval of the request to expand the existing *Mini-Warehouse Facility*; however, staff would also recommend conformance to the following:

1) The applicant shall be responsible for maintaining compliance with the operational conditions contained in the approved SUP ordinance and summarized as follows:

    a. All operations on the subject property shall generally conform to the Concept Plan depicted in Exhibit 'B' of the SUP ordinance.

    b. The building elevations submitted with the site plan shall strictly adhere to the building elevations depicted in Exhibit 'C' of the SUP ordinance.

    c. The minimum roof pitches for the proposed buildings shall be the same as the existing buildings or conform to the roof pitches called out on the Building Elevations depicted in Exhibit 'C' of this ordinance.

    d. No outside storage of any kind shall be permitted on this site. This shall include the outside storage of boats, recreational vehicles and motor or self propelled vehicles.

    e. Businesses shall not be allowed to operate within individual storage units.

    f. The commercial operation of rental trucks and/or trailers shall be prohibited.

2) In conformance with the requirements of Section 2.2 of Article XI, *Zoning-Related Applications*, of the UDC the applicant shall be required to submit a site plan prior to the issuance of a building permit;

3) The site plan, landscape plan, building elevations and photometric plan shall comply with all land use requirements for the *Mini-Warehouse* land use stipulated by Section 2.1.10, *Wholesale, Distribution and Storage*, of Article IV, *Permissible Uses*, of the UDC.

4) The City Council reserves the right to review this SUP request [*Case No. Z2013-015*] one (1) year after the approval and adoption of the SUP ordinance; and

5) Any construction or building necessary to complete this request must conform to the requirements set forth by the UDC, the 2009 International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

Commissioner Nielsen asked for clarification on which buildings will be removed. Miller indicated which buildings would be removed and which would remain.

Commissioner Jackson asked if the detention pond will be adequate. Miller stated that detention will be addressed during the site plan phase of development.

Commissioner McCutcheon asked if boat/trailer storage would be allowed. Miller indicated that it will not be allowed.

Chairman Herbst opened the public hearing at 6:40 p.m.

Stephen Seitz
506 Meadowlake
Heath, Texas

Mr. Seitz discussed which buildings would be removed as well as the roof pitch of any new buildings. In addition, he stated that they will look at detention after zoning is approved.

There being no others wishing to come forth and speak, Chairman Herbst closed the public hearing at 6:42 p.m.

Commissioner Jackson made a motion to approve Z2013-015, a request by Stephen Seitz of Seitz Architects, Inc. for approval of a Specific Use Permit (SUP) to allow for the expansion of the existing "Vault Self Storage" mini-warehouse facility located on Lot 1, Block C, Rockwall Business Park East, being 6.06-acres overall, and zoned Commercial (C) District, located at 1280 E. Ralph Hall Parkway, with staff recommendations.

Commissioner Minth seconded the motion.

A vote was taken and the motion passed 5-0.

IV. ACTION ITEMS

7. SP2013-002
Discuss and consider a request from Kevin Patel of The Dimension Group for approval of a Site Plan for Racetrac Petroleum, being a 6,120-sf convenience store and fuel center located on Lots 1R and 2R of the Woods at Rockwall Addition, City and County of Rockwall, Texas, being 2.46-acres located at the southeast corner of Ridge Road and Yellow Jacket Lane, zoned Commercial (C) District and situated within the Scenic Overlay (SOV) District, and take any action necessary.

Gonzales explained that Mr. Kevin Wiles is requesting to table the Site Plan request at this time until further notice.

Commissioner Jackson made a motion to table SP2013-002, a request by Kevin Patel of The Dimension Group for approval of a Site Plan for Racetrac Petroleum, being a 6,120-sf convenience store and fuel center located on Lots 1R and 2R of the Woods at Rockwall Addition, City and County of Rockwall, Texas, being 2.46-acres located at the southeast corner of Ridge Road and Yellow Jacket Lane, zoned Commercial (C) District and situated within the Scenic Overlay (SOV) District.

Commissioner McCutcheon seconded the motion.

A vote was taken and the motion passed 5-0.

8. P2013-014
Discuss and consider a request by Todd D. Wintters of Engineering Concepts, for approval of a preliminary plat for Rayburn Country Addition, being three (3) lots on an 11.403-acre tract zoned Agricultural (Ag) District and Heavy Commercial (HC) District generally located on the south side of Sids Road east of Mims Road, City of Rockwall, Texas, and take any action necessary.

Sanford stated that this is a preliminary plat for the Rayburn Country Addition which includes three (3) lots totaling 11.403 acres and is currently zoned Agricultural (Ag) District and Heavy Commercial (HC) District. The purpose of the preliminary plat is to prepare for the future facility expansion of Rayburn Country Electric though the time frame for expansion is unknown. The Engineer has completed the technical revisions requested by staff, and this plat is recommended for conditional approval pending the completion of final technical modifications and submittal requirements. With the exception of the items listed in the Recommendation section of this case memo, this plat is in substantial compliance with the requirements of the Subdivision Ordinance in the Municipal Code of Ordinances.

Staff recommends approval of the preliminary plat for Rayburn Country Addition, Lots 1, 2, and 3 in conformance with the following conditions of approval:

1) Submittal and approval of engineering plans;

2) A treescape plan is required at the final plat process;

3) The developer shall be responsible for the construction of all necessary improvements scheduled for Sids Road pending the Planning & Zoning Commission's determination of the Engineering Department's Proportionality Analysis; and

4) Any future submittals resulting from the approval of this Preliminary Plat shall conform to the requirements set forth by the Unified Development Code, the 2009 International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

LaCroix stated that staff has not completed the Proportionality Analysis and would ask to table the case until the Work Session in order to complete the study.

Commissioner Jackson made a motion to table P2013-014, a request by Todd D. Wintters of Engineering Concepts, for approval of a preliminary plat for Rayburn Country Addition, being three (3) lots on an 11.403-acre tract zoned Agricultural (Ag) District and Heavy Commercial (HC) District generally located on the south side of Sids Road east of Mims Road, City of Rockwall, Texas, with staff recommendations.

Commissioner Minth seconded the motion.

A vote was taken and the motion passed 5-0.

9. SP2013-005
Discuss and consider a request by John Spiars of Spiars Engineering for the approval of a Site Plan for Raising Cane's on a 2.951 acre tract of land zoned Commercial (C) District and Light Industrial (LI) District, being described as Lot 3, Block 1 of the Centre Corners Addition in the City of Rockwall, Texas, generally located at the southeast corner of IH-30 and SH 205, and situated within the IH-30 Corridor Overlay (IH-30 OV) District, and take any action necessary.

Gonzales indicated that the applicant, John Spiars of Spiars Engineering, is requesting approval of a site plan for a proposed Raising Cane's facility that will be located on Lot 3, Block 1 of the Centre Corners Addition and is zoned Commercial (C) district and Light Industrial (LI) district.

The building site will be adjacent to In-N-Out Burger, and is located within the IH-30 Overlay (IH-30 OV) district.

The proposed site will house a 3,600-sf restaurant with a drive-through for customer convenience. The drive-through lane provided will accommodate the minimum requirement of six (6) vehicles for stacking purposes. The site will be accessed from two points of entry along existing drive lanes within the Centre Corners Addition via the IH-30 service road entrance and/or the SH 205 and Hwy 276 entrances. The parking ratio for a restaurant is one space per 100-sf and this facility requires thirty-six (36) parking spaces. The applicant is proposing forty-three (43) parking spaces, which exceeds City standards. The building footprint meets the horizontal articulation requirements as set forth in the UDC.

The applicant has submitted a landscape plan indicating an approximate total of 55.7% landscaping coverage for the entire lot. The applicant will be using Live Oaks, Bald Cypress and Texas Red Oaks as canopy trees, with Yaupon Hollies as accent trees. The assorted trees will be located throughout the site along with Teddy Bear Magnolia's and Natchez White Crape Myrtles as additional accent trees. The trees will be provided along the landscape buffer and will be internal to the lot. The site also features numerous shrubs, grasses and flowers (e.g. assorted Hollies and Junipers, Photinia's, Blue Yucca's, Knockout Roses – Red, Muhly Grass, etc.) dispersed throughout the property providing for an aesthetically pleasing environment surrounding the facility. The proposed landscape plan exceeds the 15% minimum required by the UDC for a commercial development and 10% minimum required for the light industrial development. The landscape plan meets the intent of the IH-30 OV districts.

The UDC requires all lighting to be contained on site at a maximum intensity of 20-FC and that lighting at the property lines is not to exceed 0.2-FC in order to control glare and spillover lighting, with the exception of commercial developments that contain more than one lot (i.e. Centre Corners Addition). This will occur along the southwest access drive (abutting In-N-Out Burger) due to the existing pole lights located on this lot for passerby traffic entering the Centre Corners development. Also, the IH-30 OV district requires light poles not to exceed 30-ft in height (including the base) and all light sources are to be fully cut-off with a maximum one inch reveal and directed down. Due the existing pole lights for this lot, there are no additional light poles to be installed.

Based on the lighting plan as submitted, the site appears to meet the intent of the UDC.

The proposed elevations for the restaurant indicate an overall building height of 23-ft 7 inches. The facades will be comprised primarily of a natural stone (Lueder's Limestone) accentuated by a cast stone sill, cast stone band segments around the building (above the canopies), and a thin metal cap element at the cornice line. The materials for the roof, canopies, awnings, and metal flashing along the cornice will consist of a "dark" colored Berridge standing seam metal, providing for an additional contrasting appearance for the building. As submitted, the color elevations depict a contrasting cast stone band that accentuates the primary facade as recommended by the Architectural Review Board.

The building represents an articulated roof line with a curve-a-linear design at the main entrance and drive-thru window, projecting tower elements with a roof design that extends flat with an incorporated slope, and a parapet wall that leads to a step down roof design. The Lueder's limestone will be a split face buff with varying sizes and colors that blend with the incorporated cast stone banding and sill. These features will be prominently displayed on all four sides with the addition of awnings and cantilevered canopies meeting the IH-30 OV requirements for articulation.

The IH-30 OV district requires a minimum of four (4) architectural elements to be incorporated in the design of the building. The color elevations depict several elements that meet this requirement such as the canopies and awnings, recesses and projections, a curve-a-linear roof design with projecting tower elements, and stone still at the water table. The buildings design meets or exceeds the requirements for architectural elements as presented.

Also, the applicant is requesting the following variances to the IH-30 OV district's standards to allow for:

1) Roof design (as submitted)
2) Wall signage and graphics as an artistic feature (as submitted), and
3) To allow for stucco to be located within the first four (4-ft) feet above grade.

As requested, the variances will require the Planning and Zoning Commission to forward a recommendation to the City Council. As the code states, any variance to these standards requires approval of City Council by a three-quarter (3/4) majority vote of those present, with a minimum of four voting in the affirmative.

Based on the IH-30 OV district requirements and the proposed color elevations submitted with the site plan, the applicant is requesting the following variances. The City Council may grant variances to the provisions of the overlay district by a three-quarter majority vote of those members of the council present with a minimum of four (4) voting in the affirmative. The requested variances are to allow for:

1) Roof design (as submitted)
2) Wall signage and graphics as an artistic feature (as submitted), and
3) To allow for stucco to be located within the first four (4-ft) feet above grade.

Under Sec. 6.6, IH-30 OV district, the UDC provides as follows:

C. Architectural standards.

1. Masonry requirements,

a) ...stucco may not be located in the first four feet above grade on a façade visible from a street or public area...

2. Roof design standards.

...All structures having a footprint of 6,000 square feet or less shall be constructed with a pitched roof system...

F. Signs.

...Approval of any variance to the sign standards for property included in the IH-30 Overlay District shall require approval by a three-quarter majority vote.

G. Variance.

The City Council may, upon request from the applicant, grant a variance to any provision of this section where unique or extraordinary conditions exist or where strict adherence to the provisions of this section would create a hardship. Approval of any variance to any provision of this section shall require city council approval by a three-quarter majority vote of those city council members present with a minimum of four affirmative votes.

It should be noted that similar variances to the masonry and signage requirements have been granted in the past. The most notable variances granted recently have been for the pitched roof requirement within the I-30 OV district. As you may recall, Mid-South Bank (currently under construction), and the In-N-Out Burger, properties that are on each side of the proposed restaurant, do not have pitched roof systems due to variances that were granted. By allowing Raising Cane's to maintain the proposed roof system, thematically, this will compliment the abutting properties as well as the neighboring developments.

On April 30, 2013, the Architectural Review Board (ARB) recommended the use of a contrasting color for the accent banding element.

Staff recommends approval of the Site Plan as well as the variances requested with the following conditions:

1. Adherence to all Engineering and Fire Department standards.
2. Consider recommendations forwarded to the Planning and Zoning Commission from the Architectural Review Board.

Site Plan:
The plan meets (or exceeds) the intent of the Unified Development Code as submitted.

Landscape Plan:
The plan meets (or exceeds) the intent of the Unified Development Code as submitted.

Building Elevations:
The variances to the standards of the IH-30 Overlay district to allow for 1) Roof design (as submitted), 2) Wall signage and graphics as an artistic feature (as submitted), and 3) To allow for stucco to be located within the first four (4-ft) feet above grade receive approval from City Council (requires a 3/4 majority vote of City Council for approval).

Other than the variances requested, the proposed building meets the intent of the Unified Development Code.

Photometric Plan:
The plan meets (or exceeds) the intent of the Unified Development Code as submitted.

Andy McCall
6767 Perkins Road
Baton Rouge, Louisiana

Mr. McCall stated that they have addressed several of the comments from the previous meeting including those made by the ARB.

Commissioner Nielsen asked if they would be able to have a pitched roof.

General discussion occurred regarding the roof.

Commissioner Minth stated her concern with the roof as well.

Chairman Herbst stated his belief that a pitched roof would look out of place at this location. He is in favor of the Site Plan.

Robert Montgomery
6800 Tennison Parkway
Plano, Texas

Additional discussion took place regarding the roof.

Commissioner Jackson stated that she would rather have this roof than a roof that doesn't make sense.

Commissioner Minth stated that the main concern is with the rear elevation.

Mr. Montgomery stated that they will be enhancing the landscaping behind the building. In addition, the trees will be offset.

Commissioner Nielsen stated that he believes that building designs need to meet the guidelines set.

Commissioner McCutcheon stated his concern with buildings having the same general look if each building meets the standard and that each building should meet the intent of the guidelines.

Chairman Herbst reminded the Commission of a discussion with the ARB several years ago regarding buildings around the hospital looking similar and ways to increase the individuality of buildings.

Commissioner Jackson stated that sometimes the standards need to be used more as a guideline and that some flexibility should be allowed when appropriate for the property.

Additional discussion took place regarding the City's standards.

Commissioner Jackson made a motion to approve SP2013-005, a request by John Spiars of Spiars Engineering for the approval of a Site Plan for Raising Cane's on a 2.951 acre tract of land zoned Commercial (C) District and Light Industrial (LI) District, being described as Lot 3, Block 1 of the Centre Corners Addition in the City of Rockwall, Texas, generally located at the southeast corner of IH-30 and SH 205, and situated within the IH-30 Corridor Overlay (IH-30 OV) District, with staff recommendations.

Commissioner McCutcheon seconded the motion.

A vote was taken and the motion passed 3-2, with Minth and Nielsen against.

10. SP2013-006
Discuss and consider a request by Jim Aubuchon of Rockwall Mushroom, LLC for approval of a Site Plan for Mellow Mushroom, being a 10,525-sf restaurant proposed on Lot 15, Block A, La Jolla Pointe Addition Phase 2, being 1.364-acres zoned Commercial (C) District and situated within the IH-30 Corridor Overlay (IH-30 OV) District, located at 568 E IH-30, City of Rockwall, Texas, and take any action necessary.

Gonzales explained that the applicant, Jim Aubuchon of Rockwall Mushroom, LLC, is requesting approval of a site plan for a proposed Mellow Mushroom restaurant that will be located on Lot 15, Block A of the La Jolla Pointe Addition, Phase 2 and is zoned Commercial (C) district. The building site will be adjacent to Logan's Roadhouse, and is located within the IH-30 Overlay (IH-30 OV) district.

The proposed site will house a two (2) story 10,525-sf restaurant that will be accessed from two points of entry along existing drive lanes within the La Jolla Pointe Addition via the IH-30 service road entrance. The parking for this facility will be accommodated by a parking agreement established with the development of the three (3) lots that include Logan's Roadhouse and Taco Cabana. The applicant has also proposed to "limit" the number of seats in the restaurant to an occupancy load of 320, thereby maximizing the available parking based on the parking agreement and the required parking for Logan's Roadhouse and Taco Cabana. With this in mind, the development will have sufficient parking for their customers with a surplus of five (5) parking spaces.

The building footprint as submitted meets the horizontal articulation requirements as set forth in the UDC.

The applicant has submitted a landscape plan indicating an approximate total of 13% landscaping coverage for the site; however, when the existing turf is included in the calculation, the total landscaping for the site is approximately 51%. This amount will exceed the 15% minimum for a commercial development required by the Unified Development Code (UDC).

The applicant will plant Bur Oaks and Chinese Pistache as canopy trees, with Crepe Myrtles and N. R. Stevens Holly as accent trees. The assorted trees will be located throughout the site as well as internal to the lot meeting the requirement for trees located within eighty (80) feet of a parking space. The site also features numerous shrubs, grasses and flowers (e.g. Dwarf Wax Myrtles, Red Drift Rose, Asian Jasmine, Mexican Feather Grass, etc.) dispersed throughout the site providing for an aesthetically pleasing environment surrounding the facility.

The landscape plan as submitted meets the intent of the IH-30 OV district and the UDC.

The UDC requires all lighting to be contained on site at a maximum intensity of 20-FC and that lighting at the property lines is not to exceed 0.2-FC in order to control glare and spillover lighting, with the exception of commercial developments that contain more than one lot (e.g. La Jolla Pointe Addition). This will occur along the east property line abutting Logan's Roadhouse and should be considered acceptable levels based on the highest reading of 0.07-FC. Also, the IH-30

OV district requires light poles not to exceed 30-ft in height (including the base) and all light sources are to be fully cut-off with a maximum one inch reveal and directed down.

Based on the lighting plan as submitted, the site appears to meet the intent of the UDC.

The proposed elevations for the restaurant indicate an overall building height of 36-ft. The facades will incorporate a combination of a natural stone, brick, and Hardy Plank that is accentuated by a cast stone banding on the upper and lower portions of the building and stucco detailing as geometric points of interest. The multi-colored elements (e.g. canopies, awnings, steel columns, wood slats, etc.) provide an added contrast that blends with the primary materials and compliments the buildings overall appearance.

The unique design of the building meets the minimum requirement of four (4) architectural elements incorporated in its design. The color elevations depict several elements that meet this requirement such as the canopies and awnings, recesses and projections, a unique slopped roof design with projecting tower elements, and geometrically shaped glass on the south elevation. The buildings design meets or exceeds the requirements for architectural elements as presented.

To be considered as included with the buildings elevation is the use of an artistic "mushroom" located on the south elevation. The mushroom is painted on an approximately 600 sq-ft stucco projection with varying sized decorative circular glass and stands seventeen (17) feet in height. Also to consider will be the wall signage and more specifically the corporate logo of a "mushroom character" on the east elevation. The logo stands at approximately fifteen (15) feet in height and is requested as a variance to the IH-30 OV districts sign requirements.

The applicant is requesting the following variances to the IH-30 OV district's standards to allow for:

1) Wall signage and graphics as an artistic feature (as submitted), and
2) Not meeting the minimum 20% natural or quarried stone requirements for the north, east and west elevations.

As requested, the variances will require the Planning and Zoning Commission to forward a recommendation to the City Council. As the code states, any variance to these standards requires approval of City Council by a three-quarter (3/4) majority vote of those present, with a minimum of four voting in the affirmative.

Based on the IH-30 OV district requirements and the proposed color elevations submitted with the site plan, the applicant is requesting the following variances. The City Council may grant variances to the provisions of the overlay district by a three-quarter majority vote of those members of the council present with a minimum of four (4) voting in the affirmative. The requested variances are to allow for:

1) Wall signage and graphics as an artistic feature (as submitted), and
2) Not meeting the minimum 20% natural or quarried stone requirements for the north, east and west elevations.

Under Sec. 6.6, IH-30 OV district, the UDC provides as follows:

C. Architectural standards.

1. Masonry requirements,... Each exterior wall shall consist of 90 percent masonry materials,...on walls which are visible from a public street or open space, including a minimum of 20 percent natural or quarried stone.

F. Signs.

...Approval of any variance to the sign standards for property included in the IH-30 Overlay District shall require approval by a three-quarter majority vote.

G. Variance.

The City Council may, upon request from the applicant, grant a variance to any provision of this section where unique or extraordinary conditions exist or where strict adherence to

the provisions of this section would create a hardship. Approval of any variance to any provision of this section shall require city council approval by a three-quarter majority vote of those city council members present with a minimum of four affirmative votes.

It should be noted that similar variances to the masonry and signage requirements have been granted in the past. Staff feels the request to have merit and recommends approval of the variances.

On April 30, 2013, the Architectural Review Board (ARB) recommended to accept the building elevations and site plan as presented.

Staff recommends approval of the Site Plan as well as the variances requested with the following conditions:

1. Adherence to all Engineering and Fire Department standards.
2. Consider recommendations forwarded to the Planning and Zoning Commission from the Architectural Review Board.

Site Plan:
The plan meets (or exceeds) the intent of the Unified Development Code as submitted.

Landscape Plan:

1. IH-30 OV district requires a minimum four (4) caliper inch canopy trees in the landscape buffer.
2. With the exception of the landscape buffer canopy trees, the remainder of the plan meets (or exceeds) the intent of the Unified Development Code as submitted.

Building Elevations:

1. The variances to the standards of the IH-30 Overlay district to allow for 1) Wall signage and painted graphics as an artistic feature (as submitted) and 2) Not meeting the minimum 20% natural or quarried stone requirements for the north, east and west elevations are to receive approval from City Council (requires a 3/4 majority vote of City Council for approval).

2. With the exception of the variances requested, the proposed building meets the intent of the Unified Development Code.

Photometric Plan:
The plan meets (or exceeds) the intent of the Unified Development Code as submitted.

Commissioner Nielsen asked for the natural stone calculations on the elevations not meeting the requirement. Gonzales responded with that information.

Commissioner Minth stated that she feels this is a unique building and has no issues with this site plan.

Commissioner Nielsen stated that he has an issue with site plan not meeting the natural stone requirement. He also has a problem with a 17' mushroom.

Jim Aubuchon
Frisco, Texas

Mr. Aubuchon stated that he doesn't believe that stone will improve the look of the building.

Commissioner McCutcheon asked if all the restaurants have a 17' mushroom. Mr. Aubuchon stated that there is one in Houston that does have a large mushroom.

Commissioner Minth stated that this building has a lot of glass and she prefers that look to create variation.

Commissioner Jackson clarified the stone on the building.

Commissioner Minth made a motion to approve SP2013-006, a request by Jim Aubuchon of Rockwall Mushroom, LLC for approval of a Site Plan for Mellow Mushroom, being a 10,525-sf restaurant proposed on Lot 15, Block A, La Jolla Pointe Addition Phase 2, being 1.364-acres zoned Commercial (C) District and situated within the IH-30 Corridor Overlay (IH-30 OV) District, located at 568 E IH-30, City of Rockwall, Texas, with staff recommendations.

Commissioner Jackson seconded the motion.

A vote was taken and the motion passed 4-1, with Nielsen against.

11. SP2013-007
Discuss and consider a request by Duane Meyers of Duane Meyers Architect, for approval of a Site Plan for Texas Star Express, specifically for a 3,525-sf new structure to replace an existing manufactured building, situated on a 4.06-acre tract being Lot 1R, Block 1, Texas Star Addition and located at 2890 S. Goliad Street, City of Rockwall, Texas, zoned Heavy Commercial (HC) District and situated within the SH 205 Corridor Overlay (SH 205 OV) District.

Miller stated that the subject property is a 4.06-acre parcel of land, zoned Heavy Commercial (HC) District, located within the SH-205 Overlay (SH-205 OV) District, and located on the west side of SH-205 south of Mims Road. Currently the property is being operated as a trucking company.

The applicant has submitted a development request proposing the replacement of an existing manufactured home with a two (2) story, 3,525 square foot building. The purpose of the proposed building is to replace the existing driver's lounge with a more permanent structure. The new building will be situated 16-feet from the main office building, adjacent to the southern property line, and be 184-feet from the centerline of S. Goliad Street (SH-205). The proposed structure conforms to all the density and dimensional requirements stipulated for buildings in a Heavy Commercial (HC) District and will be approximately located in the same location as the existing manufactured home that it will replace. Additionally, the applicant is proposing to construct a minimum of a six (6) foot wood privacy fence and plant four (4) Nelly R. Stevens Holly trees to provide additional screening of the structure from SH-205. The construction of the proposed building will require the removal of an existing 30-inch Cottonwood tree, which will be exempt from the tree preservation requirements per Section 6.F of Article IX, *Tree Preservation*, of the Unified Development Code (UDC).

The proposed building elevations submitted by the applicant show a two (2) story residential style structure being constructed utilizing 100% HardiPlank on the exterior walls. According to Section 6.7.C of Article V, *District Development Standards*, of the UDC all structures constructed within the SH-205 OV District are required to have exterior walls that consist of a minimum of 90% masonry materials to include a minimum of 20% natural or quarried stone and a maximum of 50% cementaceous products (e.g. stucco, HardiPlank, or similar materials). The remainders of the walls are to utilize accent brick or stone with an allowance of up to ten (10%) percent secondary materials (e.g. aluminum, architectural metals, EIFS, cast or cultured stone, etc.). The proposed structure will require a variance to the material requirements stipulated by the SH-205 OV District requirements. The roof of the structure will be constructed with asphalt shingles that will be complimentary in color to the colors proposed for the HardiPlank siding.

On April 30, 2013, the Architectural Review Board (ARB) reviewed the building elevations and had no additional concerns or requests for the applicant.

According to Section 6.7.C of Article V, *District Development Standards*, of the UDC:

> *"Each exterior wall shall consist of 90 percent masonry materials, excluding doors and windows ... excluding cast stone and cultured stone, on walls which are visible from a public street or open space, including a minimum of 20 natural or quarried stone ... Primary exterior materials shall include natural or quarried stone, brick, glass block or glass, tile cast metal and custom concrete masonry units. The use of other cementaceous*

products (e.g. stucco, Hardy Plank, or other similar materials approved by the building official) shall be limited to 50 percent of the buildings exterior finishes where it is deemed important as a design feature and where it will be applied under the highest standards for quality and durability ... Secondary materials used on the façade of a building are those that comprise less than ten percent of an elevation area.

The applicant is requesting a variance to the material requirements stipulated by the SH-205 OV District in order to utilize 100% HardiPlank on the exterior walls of the proposed structure. In examining the applicants request staff has considered the following:

1) *Replacement.* The applicant is proposing to replace a non-conforming temporary structure (the *manufactured home*) with a permanent structure that better conforms to the current codes (i.e. *IFC, IBC & UDC*).
2) *Materials.* The proposed structure will be situated behind a six (6) foot wood screening fence, which will visibly shield the lower half of the proposed structure. Generally, the 20% natural or quarried stone requirement for buildings in an Overlay District is incorporated into a structure as a wainscot (or an area of material on the lower part of the exterior walls) with the lighter secondary materials (i.e. those not requiring a shelf or ledge) being utilized for the upper portions of the exterior walls.
3) *Visibility.* The manufactured home that is currently situated on the subject property is approximately ~11 feet in height, is situated behind a six (6) foot wooden privacy fence and is partially visible from the northbound lanes of SH-205. The view of the manufacture home is not visible from the southbound lanes of SH-205 due to the placement of the main office building. The proposed structure will be situated in approximately the same location as the manufactured home, stand a total of 27' 8" in height at the peak of the second floor (~19-feet in height at the peak of the first floor), and be positioned behind a new wood privacy fence that will be a minimum of six (6) feet in height. Additionally, the applicant is proposing to plant four (4) Nelly R. Stevens Holly trees in front of the proposed structure. These trees are fast growing with dense foliage that range in height from 20-feet to 30-feet and 10-feet to 12-feet diameter.

Taking into consideration the abovementioned aspects of the applicant's request it is staff's opinion that the proposed structure will not substantially increase the visibility that currently exists with the manufactured home, and that the replacement of the manufactured home represents a substantial improvement on the subject property. For these reasons staff is not opposed to the applicant's request for a variance to the material requirements stipulated by the SH-205 OV District.

If the Planning & Zoning Commission and City Council choose to approve the applicant's request then staff would recommend the following conditions of approval:

1) All comments provided by the Engineering and Fire Department must be addressed prior to the submittal of a building permit;

2) All rooftop/pad mounted mechanical equipment and or other appurtenances must be visibly screened from the view of all adjacent rights-of-ways per the requirements of Section 6.7 of Article V, *District Development Standards*, of the UDC;

3) The four (4) Nelly R. Stevens Holly trees proposed to screen the building shall be a minimum of four (4) inches in caliper, and shall be planted prior to the occupancy of the proposed building;

4) All landscaping proposed to be installed as a result of this request shall be irrigated and maintained in good condition in conformance to the requirements of Section 5.5 of Article VIII, *Landscape Standards*, of the UDC;

5) A minimum of a six (6) foot wood privacy fence shall be installed in conformance with the proposed site plan prior to the occupancy of the building. The fence shall be maintained in good repair and if removed staff would recommend that a similar screening fence or

device be used to impair the visibility of the proposed building from view of the SH-205 right-of-way;

6) All proposed exterior lighting be directed downward with either a partially or fully cut-off source, and conform to the requirements stipulated in Section 3.3, of Article VII, *Environmental Performance*, of the UDC; and,

7) Any construction or building necessary to complete this *Site Plan* request must conform to the requirements set forth by the Unified Development Code, the 2009 International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

Commissioner Minth asked for clarification on height of the fence.

General discussion took place regarding the fence.

Duane Meyers
560 PR 2422
Uncertain, Texas

Mr. Meyers discussed the fence and the building.

Additional discussion took place regarding the fence.

Commissioner Nielsen clarified whether the building could be viewed from the road.

Commissioner Minth made a motion to approve SP2013-007, a request by Duane Meyers of Duane Meyers Architect, for approval of a Site Plan for Texas Star Express, specifically for a 3,525-sf new structure to replace an existing manufactured building, situated on a 4.06-acre tract being Lot 1R, Block 1, Texas Star Addition and located at 2890 S. Goliad Street, City of Rockwall, Texas, zoned Heavy Commercial (HC) District and situated within the SH 205 Corridor Overlay (SH 205 OV) District, with staff recommendations.

Commissioner Jackson seconded the motion.

A vote was taken and the motion passed 4-1, with Nielsen against.

V. DISCUSSION ITEMS

12. Director's Report of post Council meeting outcomes of Planning & Zoning cases:

- Z2013-010 – Solar Panel SUP – 2nd Reading (approved)
- Z2013-012 – Eastridge Church of Christ SUP – 2nd Reading (approved)
- P2013-012 – Alliance Addition Phase 2 Replat (approved)
- P2013-015 – Rockwall Centre Corners Addition Replat (approved)

LaCroix briefly updated the Commission on the above listed cases.

VI. ADJOURNMENT

The meeting adjourned at 8:02 p.m.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 11 day of JUNE, 2013.

Phillip Herbst, Chairman

2

Attest:

4

6 JoDee Sanford, Planning Technician

8

MINUTES
PLANNING AND ZONING COMMISSION WORK SESSION
City Hall, 385 South Goliad, Rockwall, Texas
Council Chambers
May 28, 2013
6:00 P.M.

I. CALL TO ORDER

The meeting was called to order by Chairman Herbst at 6:00 p.m. with the following members present: Barry Buchanan, Connie Jackson, Craig Renfro, Kristen Minth, and John McCutcheon. Matthew Nielsen arrived at 6:03 p.m.

The following staff members from the Planning Department were present: Robert LaCroix, Ryan Miller, David Gonzales, and JoDee Sanford. Additionally, Engineering Department staff members, Tim Tumulty, Amy Williams, and Kathleen Moreno, were in attendance.

II. CONSENT ITEMS

1. P2013-016
   Discuss and consider a request by Jacob Sumpter of Mycoskie, McInnis and Associates for the approval of a final plat of Lot 1, Block 1, Rockwall Bypass Addition, being a 6.775-acre tract of land situated within the W. H. Baird Survey, Abstract No. 25, Rockwall, Texas, zoned Planned Development District 10 (PD-10), located within the SH-276 Overlay (SH-276 OV) District, and located southwest of the intersection of John King Boulevard and SH-276, and take any action necessary.

2. P2013-018
   Discuss and consider a request by Daniel Dewey of JBI Partners for the approval of a replat for 63 single family lots for the purpose of creating utility easements for franchise utility companies and within Caruth Lakes, Phase 8A, being a 22.654-acre tract of land situated within the Samuel S. McCurrey Abstract, Survey No. 146, Rockwall, Texas, zoned Planned Development District 5 (PD-5), and generally located south of E. Quail Run and west of John King Boulevard, and take any action necessary.

Commissioner Jackson made a motion to approve consent agenda items.

Commissioner Renfro seconded the motion.

A vote was taken and the motion passed 6-0.

III. ACTION ITEMS

3. P2013-014
   Discuss and consider a request by Todd D. Wintters of Engineering Concepts, for approval of a preliminary plat for Rayburn Country Addition, being three (3) lots on an 11.403-acre tract zoned Agricultural District (Ag) and Heavy Commercial District (HC) generally located on the south side of Sids Road east of Mims Road, City of Rockwall, Texas, and take any action necessary.

Sanford explained that this is a preliminary plat for the Rayburn Country Addition which includes three (3) lots totaling 11.403 acres and is currently zoned Agricultural (Ag) District and Heavy Commercial (HC) District. The purpose of the preliminary plat is to prepare for the future facility expansion of Rayburn Country Electric though the time frame for expansion is unknown. The Engineer has completed the technical revisions requested by staff, and this plat is recommended for conditional approval pending the completion of final technical modifications and submittal requirements. With the exception of the items listed in the Recommendation section of this case memo, this plat is in substantial compliance with the requirements of the Subdivision Ordinance in the Municipal Code of Ordinances.

Commissioner Minth made a motion to approve P2013-014, a request by Todd D. Wintters of Engineering Concepts, for approval of a preliminary plat for Rayburn Country Addition, being three (3) lots on an 11.403-acre tract zoned Agricultural District (Ag) and Heavy Commercial District (HC) generally located on the south side of Sids Road east of Mims Road, City of Rockwall, Texas, with staff recommendations.

Commissioner Jackson seconded the motion.

A vote was taken and the motion passed 7-0.

IV. DISCUSSION ITEMS

4. P2013-017
Discuss and consider a request by Daniel Dewey of JBI Partners for the approval of a final plat for 31 single family lots within Caruth Lakes, Phase 7C, being a 8.173-acre tract of land situated within the Mial B. Jones Survey, Abstract No. 122 and the Samuel S. McCurrey Abstract, Survey No. 146, Rockwall, Texas, zoned Planned Development District 5 (PD-5), and generally located south of E. Quail Run and west of John King Boulevard, and take any action necessary.

Gonzales discussed Item #4, #5, and #6 at this time. He described the case and the location of the property.

5. P2013-019
Discuss and consider a request by Daniel Dewey of JBI Partners for the approval of a final plat for 37 single family lots within Caruth Lakes, Phase 7D, being a 9.617-acre tract of land situated within the Samuel S. McCurry Survey, Abstract No. 146, Rockwall, Texas, zoned Planned Development District 5 (PD-5), and generally located south of E. Quail Run and west of John King Boulevard, and take any action necessary.

Discussed concurrently with Item #4.

6. P2013-020
Discuss and consider a request by Daniel Dewey of JBI Partners for the approval of a final plat for 69 single family lots within Caruth Lakes, Phase 8B, being a 25.192-acre tract of land situated within the Mial B. Jones Survey, Abstract No. 122 and the Samuel S. McCurrey Abstract, Survey No. 146, Rockwall, Texas, zoned Planned Development District 5 (PD-5), and generally located south of E. Quail Run and west of John King Boulevard, and take any action necessary.

Discussed concurrently with Item #4.

Commissioner Jackson asked if the recreation center will have a pool. Gonzales stated that they will have a spray ground.

7. P2013-021
Discuss and consider a request by Gerald Monk of Monk Consulting Engineers, Inc. for the approval of a preliminary plat of Lot 1, Block A, Corrigan Law Office Addition, being a 0.31-acre tract of land situated within the R. Ballard Survey, Abstract No. 29, Rockwall, Texas, zoned Light Industrial (LI) District, located on the east side of T. L. Townsend Drive north of IH-30, and take any action necessary.

Miller discussed Item #7 and #8 concurrently. He explained the case and described the location of the property.

8. SP2013-008
Discuss and consider a request by Gerald Monk of Monk Consulting Engineers, Inc. for the approval of a site plan for a law office on a 0.31-acre tract of land situated within the R. Ballard Survey, Abstract No. 29, Rockwall, Texas, zoned Light Industrial (LI) District, located on the east side of T. L. Townsend Drive north of IH-30, and take any action necessary.

Discussed concurrently with Item #7.

Commissioner Jackson asked if they would have a dumpster. Miller indicated that a dumpster is not required.

9. SP2013-009
Discuss and consider a request by C. Kevin Nickell of Love's Travel Stops & Country Stores for the approval of a site plan for a natural gas dispensing island to be incorporated into an existing retail store with gasoline product sales situated on a 6.21-acre parcel of land identified as Lot 1, Block A, Love's Addition, Rockwall, Texas, zoned Light Industrial (LI) District, located within the FM-549 Corridor Overlay (FM 549 OV) District and the IH-30 Overlay (IH-30 OV) District, located at the southwest corner of the intersection of Corporate Crossing and the eastbound access road of IH-30, and take any action necessary.

Sanford described the property and explained the case.

10. Director's Report of post Council meeting outcomes of Planning & Zoning cases.

- P2013-013 – Townsend Village Final Plat (approved)
- Z2013-013 – Rockwall Hyundai SUP 1st Reading (approved)
- Z2013-014 – Quick Trip SUP Amendment 1st Reading (approved)
- Z2013-015 – Vault Storage SUP 1st Reading (approved)
- SP2013-005 – Raising Cane's (approved)
- SP2013-006 – Mellow Mushroom (approved)
- SP2013-007 – Texas Star Express (approved)

LaCroix briefly updated the Commission on the above listed cases.

V. ADJOURNMENT

The meeting adjourned at 6:28 p.m.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 25 **day of** JUNE **, 2013.**

Philip Herbst, Chairman

Attest:

JoDee Sanford, Planning Technician

MINUTES
PLANNING AND ZONING COMMISSION PUBLIC HEARING
City Hall, 385 South Goliad, Rockwall, Texas
Council Chambers
June 11, 2013
6:00 P.M.

I. CALL TO ORDER

The meeting was called to order by Chairman Herbst at 6:00 p.m. with the following members present: Barry Buchanan, Connie Jackson, Craig Renfro, Kristen Minth, and John McCutcheon. Matthew Nielsen arrived at 6:08 p.m.

The following staff members from the Planning Department were present: Robert LaCroix, Ryan Miller, David Gonzales, and JoDee Sanford. Additionally, Engineering Department staff members, Tim Tumulty and Kathleen Moreno, were in attendance.

II. CONSENT ITEMS

1. Approval of Minutes for May 14, 2013 Planning and Zoning Commission meeting.

2. P2013-017
Discuss and consider a request by Daniel Dewey of JBI Partners for the approval of a final plat for 31 single family lots within Caruth Lakes, Phase 7C, being a 8.173-acre tract of land situated within the Mial B. Jones Survey, Abstract No. 122 and the Samuel S. McCurrey Abstract, Survey No. 146, Rockwall, Texas, zoned Planned Development District 5 (PD-5), and generally located south of E. Quail Run and west of John King Boulevard, and take any action necessary.

3. P2013-019
Discuss and consider a request by Daniel Dewey of JBI Partners for the approval of a final plat for 37 single family lots within Caruth Lakes, Phase 7D, being a 9.617-acre tract of land situated within the Samuel S. McCurry Survey, Abstract No. 146, Rockwall, Texas, zoned Planned Development District 5 (PD-5), and generally located south of E. Quail Run and west of John King Boulevard, and take any action necessary.

4. P2013-020
Discuss and consider a request by Daniel Dewey of JBI Partners for the approval of a final plat for 69 single family lots within Caruth Lakes, Phase 8B, being a 25.192-acre tract of land situated within the Mial B. Jones Survey, Abstract No. 122 and the Samuel S. McCurrey Abstract, Survey No. 146, Rockwall, Texas, zoned Planned Development District 5 (PD-5), and generally located south of E. Quail Run and west of John King Boulevard, and take any action necessary.

5. P2013-021
Discuss and consider a request by Gerald Monk of Monk Consulting Engineers, Inc. for the approval of a preliminary plat of Lot 1, Block A, Corrigan Law Office Addition, being a 0.31-acre tract of land situated within the R. Ballard Survey, Abstract No. 29, Rockwall, Texas, zoned Light Industrial (LI) District, located on the east side of T. L. Townsend Drive north of IH-30, and take any action necessary.

Commissioner Buchanan pulled item #1 from the consent agenda.

Commissioner Jackson made a motion to approve consent agenda items #2 through #5.

Commissioner Buchanan seconded the motion.

A vote was taken and the motion passed 6-0.

Commissioner Minth made a motion to approve consent agenda item #1.

Commissioner Jackson seconded the motion.

A vote was taken and the motion passed 4-0, with Buchanan and Renfro abstaining.

III. ACTION ITEMS

6. SP2013-008
Discuss and consider a request by Gerald Monk of Monk Consulting Engineers, Inc. for the approval of a site plan for a law office on a 0.31-acre tract of land situated within the R. Ballard Survey, Abstract No. 29, Rockwall, Texas, zoned Light Industrial (LI) District, located on the east side of T. L. Townsend Drive north of IH-30, and take any action necessary.

Miller indicated that the subject property is identified as Tract 25 of the R. Ballard Survey, Abstract No. 29, Rockwall, Texas, which is a vacant 0.31-acre tract of land zoned Light Industrial (LI) District. The property is located north of IH-30 on the eastside of T. L. Townsend Drive and was annexed into the City of Rockwall on July 6, 1959 by Ordinance No. 59-02. Additionally, the property being in existence prior to the adoption of the Unified Development Code (UDC) is considered to be a Lot of Record, "...or a parcel of land not a part of an urban or town lot subdivision, the deed of which has been recorded in the office of the county clerk of Rockwall County prior to the adoption date of the ordinance [1983] from which this [the] Unified Development Code [UDC] is derived which has not been divided since recording."

On May 17, 2013 the applicant submitted an application for the approval of a preliminary plat (P2013-021) and site plan (SP2013-008). The purpose of the application is to construct a law office with additional general lease space.

The site plan submitted by the applicant shows the construction of a 2,029 sq. ft. office building situated on a 13,510 sq. ft. (or 0.31-acre) lot. The building will be situated approximately 64-feet from public right-of-way, conform to all building setback requirements, and will be accessible from a 24-foot access drive located off of T. L. Townsend Drive. The proposed structure, parking plan and site plan all conform to the density and dimensional requirements stipulated for structures situated within a Light Industrial (LI) District as required by the UDC [see the Summary of Density and Dimensional Requirements].

According to Article VIII, Landscape Requirements, of the UDC properties located within a Light Industrial (LI) District are required to provide a minimum landscape percentage of ten (10%) percent of the total site area with 100% of the total requirement being located within the front and side building setbacks adjacent to right-of-way. This requirement translates to a total provision of 1,351 square feet of landscaping area required for the subject property. The Landscape Plan provided by the applicant shows that approximate 37.4% of the total site area or 5,052 square feet has been dedicated to meeting the landscaping requirements, and will be entirely situated within a ten (10) foot landscape buffer adjacent to T. L. Townsend Drive. Situated within the landscape buffer will be eight (8), five (5) gallon Dwarf Burford Holly shrubs and two (2), three (3) inch caliper Live Oak trees. Additionally, the Treescape Plan provided by the applicant shows the protection of three (3) feature trees (a six [6] inch Live Oak tree, a 24-inch Elm tree and a ten [10] inch Pecan tree) that are situated within the rear and side yard building setbacks. No protected trees will be removed as a result of the proposed construction associated with this project.

The Photometric Plan submitted by the applicant shows the inclusion of 21, 35 watt recessed soffit lights, situated under the eaves, directed downward and fully cut-off. With the exception of this exterior accent lighting there is no plans to include any additional outside lighting on the site, and all lighting shown on the Photometric Plan conforms to the requirements stipulated in Article VII, Environmental Performance, of the UDC.

The proposed building elevations submitted by the applicant show a one (1) story residential style structure being constructed utilizing an incorporated blend of stucco and cultured stone. According to Section 5.1.A of Article V, District Development Standards, of the UDC all structures constructed within an industrial zoning district are required to have exterior walls that consist of a minimum of 90% masonry materials to include a minimum of 20% stone and a maximum of 50% cementaceous products (e.g. stucco, HardiPlank, or similar materials). Additionally, stucco

cannot be located within the first eight (8) feet of any wall face (extending at grade upward toward the roofline) that is visible from a public right-of-way or open space. The proposed structure incorporates a mix of 23.25% cultured stone and 76.75% stucco, with the cultured stone being utilized as a two (2) foot wainscoting along the front and portions of the side building façades. The roof of the structure will be constructed with a weathered wood cedar color asphalt shingle and have a pitched roof that is residential in nature. The structure will require variances to the material requirements specifically with respect to the location and amount of stucco being proposed [see the Variance Requests section].

According to Section 5.1, General Industrial District Standards, of Article V, District Development Standards, of the UDC:

"Each exterior wall shall consist of 90 percent masonry materials ... excluding doors and windows, on walls which are visible from a public street or open space, including a minimum of 20% stone. All buildings shall have exterior walls constructed of stone, brick, glass block, tile, cast metals, cast or cultured stone, or a combination of those materials. The use of other cementaceous products (e.g. stucco, Hardy Plank, or other similar materials approved by the building official) shall be limited to 50 percent of the buildings exterior finishes where it is deemed important as a design feature and where it will be applied under the highest standards for quality and durability. However, stucco may not be located in the first eight [8] feet above grade on a façade visible from a street or public area."

The applicant is requesting variances to the material requirements stipulated for properties located within a Light Industrial (LI) District. Specifically, the applicant is requesting to utilize stucco in excess of the 50% permitted by the code. The elevations currently show a total stucco percentage of approximately 76.75%. Additionally, the proposed building elevations do not conform to the requirement that restricts stucco from being located within the first eight (8) feet above grade on a façade visible from a public street.

If the Planning & Zoning Commission and City Council choose to approve the applicant's request then staff would recommend the following conditions:

1) All comments provided by the Engineering and Fire Department must be addressed prior to the submittal of a building permit;

2) Since the property is considered to be a Lot of Record by the UDC, the driveway spacing requirements stipulated in the Public Works Department's Standards of Design Manual shall be reduced from 100-feet to 27-feet in order to accommodate access to the applicant's property; and

3) Any construction or building necessary to complete this Site Plan request must conform to the requirements set forth by the UDC, the 2009 International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

Chairman Herbst asked for clarification on the driveway variance. Miller explained the reason for the variance for the driveway.

David Buchanan
and
Brian Corrigan

Mr. Buchanan stated that the stucco is a true stucco and the stone is a cultured stone.

Commissioner Renfro made a motion to approve SP2013-008, a request by Gerald Monk of Monk Consulting Engineers, Inc. for the approval of a site plan for a law office on a 0.31-acre tract of land situated within the R. Ballard Survey, Abstract No. 29, Rockwall, Texas, zoned Light Industrial (LI) District, located on the east side of T. L. Townsend Drive north of IH-30, with staff recommendations.

Commissioner Minth seconded the motion.

A vote was taken and the motion passed 7-0.

7. SP2013-009
   Discuss and consider a request by C. Kevin Nickell of Love's Travel Stops & Country Stores for the approval of a site plan for a natural gas dispensing island to be incorporated into an existing retail store with gasoline product sales situated on a 6.21-acre parcel of land identified as Lot 1, Block A, Love's Addition, Rockwall, Texas, zoned Light Industrial (LI) District, located within the FM-549 Corridor Overlay (FM 549 OV) District and the IH-30 Overlay (IH-30 OV) District, located at the southwest corner of the intersection of Corporate Crossing and the eastbound access road of IH-30, and take any action necessary.

Sanford explained that the subject property is a 6.21-acre parcel of land, zoned Light Industrial (LI) District, situated within the FM-549 Corridor Overlay (FM 549 OV) District and the IH-30 Overlay (IH-30 OV) District, and located at the southwest corner of Corporate Crossing and IH-30. The property is currently being utilized as a Love's Travel Stop.

The applicant has submitted a development request proposing the addition of a natural gas compression station along with 3 dispensers. The compression equipment will be screened using a 10' split-face CMU enclosure that will be painted to match the existing building.

The applicant is proposing to relocate three (3) Live Oak trees that must be removed for the construction of the compression station. In addition, they are proposing to plant 41 Wax Myrtle shrubs as screening around the compression station.

Two (2) mounted lights will be installed on the exterior of the CMU wall. The applicant is required to provide cut sheets and a photometric plan to staff for administrative approval prior to applying for permitting.

If approved, staff recommends the following conditions:

1. **All comments provided by the Engineering and Fire Department must be addressed prior to the submittal of a building permit;**
2. **All landscaping proposed to be installed as a result of this request shall be irrigated and maintained in good condition in conformance to the requirements of Section 5.5 of Article VIII, Landscape Standards, of the UDC;**
3. **All pad mounted utility equipment is required to be screened from view of any adjacent street in accordance with Section 1.5 of Article V, District Development Standards, of the UDC. The transformer and other electrical equipment will need to be screened from view of the Corporate Crossing right-of-way and a plan must be provided to staff prior to submittal of building permit;**
4. **All proposed exterior lighting shall be directed downward with either a partially or fully cut-off source, and conform to the requirements stipulated in Section 3.3, of Article VII, Environmental Performance, of the UDC. Cut sheets and a photometric plan must be provided to staff prior to submittal of building permit; and,**
5. **Any construction or building necessary to complete this Site Plan request must conform to the requirements set forth by the Unified Development Code, the 2009 International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government**

Commissioner Jackson made a motion to approve SP2013-009, a request by C. Kevin Nickell of Love's Travel Stops & Country Stores for the approval of a site plan for a natural gas dispensing island to be incorporated into an existing retail store with gasoline product sales situated on a 6.21-acre parcel of land identified as Lot 1, Block A, Love's Addition, Rockwall, Texas, zoned Light Industrial (LI) District, located within the FM-549 Corridor Overlay (FM 549 OV) District and the IH-30 Overlay (IH-30 OV) District, located at the southwest corner of the intersection of Corporate Crossing and the eastbound access road of IH-30, with staff recommendations.

Commissioner Renfro seconded the motion.

A vote was taken and the motion passed 7-0.

IV. DISCUSSION ITEMS

8. Director's Report of post Council meeting outcomes of Planning & Zoning cases:

- Z2013-013 – Storage of New Vehicles SUP – 2nd Reading (approved)
- Z2013-014 – QuickTrip SUP (Sign) – 2nd Reading (approved)
- Z2013-015 – Vault Storage SUP – 2nd Reading (approved)
- P2013-016 – Rockwall Bypass Addition Final Plat (approved)
- P2013-018 – Caruth Lakes Phase 8A Replat (approved)
- Z2013-011 – PD-32 Development Plan (approved)
- P2013-014 – Rayburn Country Addition Preliminary Plat (approved)

LaCroix briefly updated the Commission on the above listed cases.

V. ADJOURNMENT

The meeting adjourned at 6:15 p.m.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 25 day of June, 2013.

Phillip Herbst, Chairman

Attest:

JoDee Sanford, Planning Technician

MINUTES
PLANNING AND ZONING COMMISSION WORK SESSION
City Hall, 385 South Goliad, Rockwall, Texas
Council Chambers
June 25, 2013
6:00 P.M.

I. CALL TO ORDER

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

The following staff members from the Planning Department were present: Robert LaCroix, Ryan Miller, David Gonzales, and JoDee Sanford. Additionally, Engineering Department staff members, Tim Tumulty and Amy Williams, were in attendance.

1. Approval of Minutes for May 28, 2013 Planning and Zoning Commission meeting.

2. Approval of Minutes for June 11, 2013 Planning and Zoning Commission meeting.

Commissioner Buchanan made a motion to approve the minutes for May 28, 2013 and June 11, 2013.

Commissioner Jackson seconded the motion.

A vote was taken and the motion passed 6-0.

II. DISCUSSION ITEMS

3. Z2013-016
Hold a public hearing to discuss and consider a request by Rhett Dollins on behalf of Metroplex Acquisition Fund, LP for the approval of a zoning change to amend Planned Development District 70 (PD-70) to include a climate controlled mini-warehouse facility as a permitted non-residential use on property identified as a 2.2881-acre tract of land described as Tract 2-3 of the W. T. Deweese Survey, Abstract No. 71, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 70 (PD-70), generally located east of the intersection of FM-552 and N. Goliad Street, and take any action necessary.

Miller stated that the applicant has withdrawn the application.

4. Z2013-017
Hold a public hearing to discuss and consider a request by Stacy McVey on behalf of Double Eagle Properties, LLC for the approval of a Specific Use Permit to allow for a restaurant (exceeding 2,000 square feet) with a drive-through and drive-in within Planned Development District 9 (PD-9) for a property designated for General Retail (GR) District uses, described as a 0.9218-acre portion of a larger tract of land identified as Tract 4-9, E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 9 (PD-9), situated within the Scenic Overlay (SOV) District, located at the northeast corner of the intersection of Ridge Road [FM-740] and Summer Lee Drive, and take any action necessary.

Items #4 and #5 were discussed concurrently.

Gonzales described the case and explained were the property is located.

5. SP2013-012
Discuss and consider a request by Stacy McVey on behalf of Double Eagle Properties, LLC for the approval of a Site Plan for a strip retail center with a drive-through restaurant on a 0.9218-acre portion of a larger tract of land identified as Tract 4-9 of the E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 9 (PD-9),

situated within the Scenic Overlay (SOV) District, and located at the northeast corner of the intersection of Ridge Road and Summer Lee Drive, and take any action necessary.

6. P2013-022
Discuss and consider a request by Cameron Slown on behalf of Harbor Heights Investors, LP for the approval of a final plat of the Harbor District Addition creating five (5) non-residential lots on property zoned Planned Development District 32 (PD-32) and identified as a 10.812-acre tract of land situated in the M. J. Barksdale Survey, Abstract No. 11 and the E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas and being generally located south of Interstate Highway 30 (IH-30) and east of Shoreline Drive, and take any action necessary.

Miller indicated the location of the property and explained the case.

Cameron Slown with FC Cuny
4316 Delmar Avenue
Dallas, Texas

Mr. Slown stated that they are looking at a couple of options in regard to the tree mitigation.

7. P2013-023
Discuss and consider a request by Bobby Samuels on behalf of the Skorburg Company for the approval of a final plat of Phase I of the Breezy Hill Addition, which is identified as a 21.845-acre tract of land situated within the J. Strickland Survey, Abstract No. 187, City of Rockwall, Texas, zoned Planned Development District 74 (PD-74), and generally located along the east side of John King Boulevard, north of FM-552, and take any action necessary.

Items #7, #8, and #9 were discussed concurrently.

Miller explained the case and described the location of the property.

8. P2013-024
Discuss and consider a request by Bobby Samuels on behalf of the Skorburg Company for the approval of a final plat of Phases IIA & IIB of the Breezy Hill Addition, which is identified as a 35.812-acre tract of land situated within the J. Strickland Survey, Abstract No. 187, City of Rockwall, Texas, zoned Planned Development District 74 (PD-74), and generally located along the east side of John King Boulevard, north of FM 552, and take any action necessary.

9. SP2013-013
Discuss and consider a request by Bobby Samuels on behalf of the Skorburg Company for the approval of a Site Plan for the Breezy Hill Subdivision, Phases I, IIA & IIB being a 57.662-acre tract of land situated within the J. Strickland Survey, Abstract No. 187, City of Rockwall, Texas, zoned Planned Development District 74 (PD-74), generally located along the east side of John King Boulevard, north of FM-552, and take any action necessary.

10. SP2013-014
Discuss and consider a request by Steven Schwartz on behalf of Potomac Rockwall Partnership, LP for the approval of a Site Plan for a La-Z-Boy furniture store on a 2.519-acre parcel of land that is identified as Lot 2, Block 1, Rockwall Centre Corners Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, and generally located northeast of the intersection of S. Goliad Street (SH-205) and the IH-30 frontage road, and take any action necessary.

Gonzales briefly indicated the location of the property and discussed the case.

11. SP2013-015
Discuss and consider a request by Ken Taft on behalf of Cardinal Capital Partners for the approval of a Site Plan for a Rosa's Café restaurant on a 2.664-acre parcel of land that is identified as Lot 12, Block 1, Rockwall Centre Corners Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, the SH-205 (SH-205 OV) District and SH-276 (SH-276) District, and located at the northeast corner of the intersection of S. Goliad Street (SH-205) and the SH-276, and take any action necessary.

Gonzales described the property's location and briefly discussed the case.

Commissioner McCutcheon asked for clarification on a small building. In addition, he asked for the minimum number of parking spaces. He expressed concern with the amount of extra parking and concrete.

Ken Taft
6832 Glenn Meadow
Fort Worth, Texas

Mr. Taft gave a brief history of the business and the reasoning behind the amount of parking being installed. Mr. Taft also discussed the storage and the contents and purpose of the storage building.

General discussion occurred regarding the parking and the storage building.

Chairman Herbst asked where the closest location is currently located.

Mr. Taft indicated there is one in Wylie.

12. SP2013-016
Discuss and consider a request by Kevin Killham with Food Service Concepts, Inc. for the approval of a site plan intended to remodel an existing restaurant on a 0.89-acre tract of land identified as Lot 11RB, Block A, Rockwall Towne Center Addition, Phase 2 & 3, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District and the IH-30 Overlay (IH-30 OV) District, and located at 670 E. IH-30, and take any action necessary.

Sanford indicated the property's location and briefly explained the case.

13. SP2013-017
Discuss and consider a request by Marlyn Roberts for the approval of an amended site plan to allow for incidental display in conjunction with a stand-alone quick lube business located on Lot 2, Block 1, Meadowcreek Business Center Addition, being a 2.02-acre tract of land, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, located east of the intersection of Ralph Hall Parkway and S. Goliad Street (SH-205), and take any action necessary.

Item #13 and #14 were discussed concurrently.

Sanford explained the cases and the location of the property.

Commissioner Buchanan asked for clarification on the size of the storage building. LaCroix clarified the dimensions of the storage container that exists on the property.

Commissioner Jackson expressed concern about the items in the container being flammable. LaCroix stated that is something the fire department would address and they have not expressed any concern.

Commissioner McCutcheon stated that the structure is hidden from view.

Commissioner Buchanan asked if any other commercial properties have similar containers. LaCroix indicated that he is not aware of any.

Marlyn Roberts
323 Gilligan Drive

Mr. Roberts stated that the main reason for the storage building is because of theft on his property. The building has been at this location since September 2012.

Additional discussion took place regarding the location of the container and its visibility from the street.

Commissioner Minth asked about the amount of time the container would be allowed to remain on the site. LaCroix indicated that this should be treated as a permanent structure.

General discussion took place regarding the storage structure.

14. SP2013-011
Discuss and consider a request by Marlyn Roberts for the approval of an amended site plan to allow for an accessory structure located on Lot 2, Block 1, Meadowcreek Business Center Addition, being a 2.02-acre tract of land, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, located east of the intersection of Ralph Hall Parkway and S. Goliad Street (SH-205), and take any action necessary.

15. Director's Report of post Council meeting outcomes of Planning & Zoning cases.

- Z2013-011 – PD-32 PD Development Plan 2nd Reading (approved)
- P2013-017 – Caruth Lakes Phase 7C Final Plat (approved)
- P2013-019 – Caruth Lakes Phase 7D Final Plat (approved)
- P2013-020 – Caruth Lakes Phase 8B Final Plat (approved)
- P2013-021 – Corrigan Law Office Preliminary Plat (approved)
- SP2013-008 – Corrigan Law Office Site Plan (approved)

LaCroix briefly updated the Commission on the above listed cases.

III. ADJOURNMENT

The meeting adjourned at 6:58 p.m.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 30 day of JULY, 2013.

Phillip Herbst, Chairman

Attest:

JoDee Sanford, Planning Technician

MINUTES
PLANNING AND ZONING COMMISSION PUBLIC HEARING
City Hall, 385 South Goliad, Rockwall, Texas
Council Chambers
July 9, 2013
6:00 P.M.

I. CALL TO ORDER

The meeting was called to order by Chairman Herbst at 6:00 p.m. with the following members present: Barry Buchanan, Connie Jackson, Kristen Minth, and John McCutcheon. Matthew Nielsen and Craig Renfro were not in attendance.

The following staff members from the Planning Department were present: Robert LaCroix, David Gonzales, and JoDee Sanford. Additionally, Engineering Department staff members, Tim Tumulty and Amy Williams, were in attendance.

II. CONSENT ITEMS

1. P2013-023
   Discuss and consider a request by Bobby Samuels on behalf of the Skorburg Company for the approval of a final plat of Phase I of the Breezy Hill Addition, which is identified as a 21.845-acre tract of land situated within the J. Strickland Survey, Abstract No. 187, City of Rockwall, Texas, zoned Planned Development District 74 (PD-74), and generally located along the east side of John King Boulevard, north of FM-552, and take any action necessary.

2. P2013-024
   Discuss and consider a request by Bobby Samuels on behalf of the Skorburg Company for the approval of a final plat of Phases IIA & IIB of the Breezy Hill Addition, which is identified as a 35.812-acre tract of land situated within the J. Strickland Survey, Abstract No. 187, City of Rockwall, Texas, zoned Planned Development District 74 (PD-74), and generally located along the east side of John King Boulevard, north of FM 552, and take any action necessary.

Commissioner Minth made a motion to approve all consent agenda items with staff and Parks Board recommendations.

Commissioner Jackson seconded the motion.

A vote was taken and the motion passed 5-0.

III. PUBLIC HEARING ITEMS

3. Z2013-017
   Hold a public hearing to discuss and consider a request by Stacy McVey on behalf of Double Eagle Properties, LLC for the approval of a Specific Use Permit to allow for a restaurant (exceeding 2,000 square feet) with a drive-through and drive-in within Planned Development District 9 (PD-9) for a property designated for General Retail (GR) District uses, described as a 0.9218-acre portion of a larger tract of land identified as Tract 4-9, E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 9 (PD-9), situated within the Scenic Overlay (SOV) District, located at the northeast corner of the intersection of Ridge Road [FM-740] and Summer Lee Drive, and take any action necessary.

Gonzales stated that the applicant, Stacy McVey representing Double Eagle Properties, LLC, is requesting approval of a (SUP) Specific Use Permit to allow for a restaurant that exceeds 2000 square feet in area, and more specifically, a Dunkin Donuts that includes a drive-through facility. The proposed restaurant facility will be located on a 0.9218-acre tract of land at the northeast corner of Ridge Road and Summer Lee Dr. The property is zoned Planned Development No. 9 (PD-9) District and is located within the Scenic Overlay (SOV) District.

The applicant is proposing a development that will include a 7,087 sq-ft building with a drive through lane for a proposed Dunkin Donuts that will occupy 2,094 sq-ft of the structure. It should be noted that the applicant is seeking approval of a site plan concurrently with the request for the SUP. In your packet is a letter requesting the SUP and a conceptual site plan for your consideration.

Staff would ask the Commission to consider the SUP Conceptual Site Plan submitted as an exhibit to be included as a part of the SUP so as to tie these elements in general to the property as requested.

A public notice has been published in the Rockwall County News, on the City's web-site, and a sign has been posted on the property. Also, notices have been mailed to nine (9) property owners within 200-ft of the subject property as required by law. At time of this report, staff has not received any responses "in favor of," or "opposed to" the request.

Should the request be approved, staff would offer the following recommendations:

1) All operations on this property shall generally conform to the Concept Plan depicted in Exhibit 'B' of this ordinance.

2) A site plan for the Subject Property shall be required to be reviewed and approved by the Architectural Review Board (ARB) and the Planning & Zoning Commission, to determine compliance with all the requirements of Planned Development District 9 (PD-9) and the Scenic Overlay (SOV) District, prior to this operational ordinance becoming effective.

3) Any construction or building necessary to complete the operation of this Specific Use Permit must conform to the requirements set forth by the Unified Development Code, the currently adopted International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the local, state and federal government.

Chairman Herbst opened the public hearing at 6:05 p.m.

Stacy McVay
7218 Lakewood Blvd.
Dallas, Texas

Mr. McVay stated that he could answer any questions the Commission may have.

There being no others wishing to come forth and speak, Chairman Herbst closed the public hearing at 6:07 p.m.

Commissioner Buchanan made a motion to approve Z2013-017, a request by Stacy McVey on behalf of Double Eagle Properties, LLC for the approval of a Specific Use Permit to allow for a restaurant (exceeding 2,000 square feet) with a drive-through and drive-in within Planned Development District 9 (PD-9) for a property designated for General Retail (GR) District uses, described as a 0.9218-acre portion of a larger tract of land identified as Tract 4-9, E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 9 (PD-9), situated within the Scenic Overlay (SOV) District, located at the northeast corner of the intersection of Ridge Road [FM-740] and Summer Lee Drive, with staff recommendations.

Commissioner Jackson seconded the motion.

A vote was taken and the motion passed 5-0.

IV. ACTION ITEMS

4. P2013-022
Discuss and consider a request by Cameron Slown on behalf of Harbor Heights Investors, LP for the approval of a final plat of the Harbor District Addition creating five (5) non-residential lots on property zoned Planned Development District 32 (PD-32) and identified as a 10.812-acre tract of land situated in the M. J. Barksdale Survey, Abstract No. 11 and the E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas and being generally located south of Interstate Highway 30 (IH-30) and east of Shoreline Drive, and take any action necessary.

LaCroix stated the following in regard to this case:

- The purpose of the applicant's request is to final plat five (5) non-residential lots and three (3) public streets on a 10.812-acre tract of land.
- The proposed final plat conforms to the preliminary plat that was approved by City Council on September 19, 2011 by Case No. P2011-014 and to the site plan that was approved by City Council on May 21, 2012 by Case No. SP2012-009.
- The building setbacks are not depicted on this final plat due to the dependent nature of the form-based code that governs Planned Development District 32 (PD-32). Additionally, it is staff's opinion that building setbacks should not be illustrated on any plat located within Planned Development District 32 (PD-32).
- As a condition of approval on the preliminary plat, the applicant is to address the issue of the outstanding tree mitigation in the amount of 266-inches for this site. In staff's opinion, the tree mitigation should be approved prior to the final approval of the plat.
- The Engineer and Surveyor have completed the majority of the technical revisions requested by staff, and this plat, conforming to the approved preliminary plat, is recommended for conditional approval pending the completion of final technical modifications and submittal requirements required for the recordation by the applicant or owner.
- Conditional approval of this plat by the City Council shall constitute approval subject to the conditions stipulated in the Recommendation section below.
- With the exception of the items listed as recommendations, this plat is in substantial compliance with the requirements of the Subdivision Ordinance in the Municipal Code of Ordinances.

If the Planning & Zoning Commission and City Council choose to approve the final plat for the Harbor District Addition staff would recommend the following conditions:

1) All technical comments from the Engineering, Planning and Fire Departments shall be addressed prior to the filing of this plat;
2) That a tree mitigation plan be approved prior to the final approval of the plat by City Council.
3) Any construction resulting from the approval of this final plat shall conform to the requirements set forth by Planned Development District 32 (PD-32), the Unified Development Code, the 2009 International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

Commissioner Jackson made a motion to approve P2013-022, a request by Cameron Slown on behalf of Harbor Heights Investors, LP for the approval of a final plat of the Harbor District Addition creating five (5) non-residential lots on property zoned Planned Development District 32 (PD-32) and identified as a 10.812-acre tract of land situated in the M. J. Barksdale Survey,

Abstract No. 11 and the E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas and being generally located south of Interstate Highway 30 (IH-30) and east of Shoreline Drive, with staff recommendations.

Commissioner Minth seconded the motion.

A vote was taken and the motion passed 5-0.

5. SP2013-012
Discuss and consider a request by Stacy McVey on behalf of Double Eagle Properties, LLC for the approval of a Site Plan for a strip retail center with a drive-through restaurant on a 0.9218-acre portion of a larger tract of land identified as Tract 4-9 of the E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 9 (PD-9), situated within the Scenic Overlay (SOV) District, and located at the northeast corner of the intersection of Ridge Road and Summer Lee Drive, and take any action necessary.

Gonzales explained that the applicant, Stacy McVey of Double Eagle Properties LLC, is requesting approval of a site plan for a proposed retail strip center that includes a Dunkin Donuts restaurant with a drive-through facility. The proposed building will be located on a 0.9218-acre tract of land along Ridge Rd and Summer Lee Dr. (northeast corner) and is zoned Planned Development District 9 (PD-9) with an underlying zoning of General Retail (GR) district. The buildings site is north of the Aldi Grocery Store and is located within the Scenic Overlay (SOV) district.

The proposed site will house a single story 7,087-sf strip retail center with a restaurant component that provides for a drive-through facility. The facility can be accessed from a single point of entry from Summer Lee Dr. The parking for this site is calculated as a retail facility with one (1) parking space per two hundred-fifty (250) square feet of area and requires twenty-nine (29) spaces. The applicant is providing forty-six (46) spaces, which exceeds the city standards established in the Unified Development Code (UDC) for a retail facility. Although Dunkin Donuts is technically classified as a restaurant, its use is considered to be a "limited service restaurant" and generally considered to be "take out" and "drive through" service, therefore it is staff's opinion that the parking ratio for this particular business operation be classified as retail based on their business model of not being a typical "dine in" restaurant. Staff feels the applicant is providing sufficient parking for the site. Also, the building footprint meets the horizontal articulation requirements as set forth in the UDC.

The applicant has submitted a landscape plan indicating an approximate total of 23% landscaping coverage for the site, which exceeds the 15% minimum for a commercial development required by the UDC. The applicant will plant four (4) inch Bur Oaks, Texas Red Oaks and Homestead Elm's as canopy trees, with an assortment of Texas Redbud, Yaupon Holly and Mexican Plum trees as accent trees. The assorted trees will be located throughout the site as well as internal to the lot, which will meet the requirement for trees located within eighty (80) feet of a parking space. The site also features numerous shrubs and groundcover (e.g. glossy albelia, eleagnus, dwarf Chinese holly, Texas sage, snake herb, liriope, frogfruit, etc.) dispersed throughout the site providing for an aesthetically pleasing environment surrounding the facility.

Based on the landscape plan as submitted, the site appears to meet the intent of the SOV district and the UDC.

The UDC requires all lighting to be contained on site at a maximum intensity of 20-FC and that lighting at the property lines is not to exceed 0.2-FC in order to control glare and spillover lighting. The lighting plan indicates an area on along the north property line that exceeds 0.2-FC, creating spillover lighting onto the adjacent property. Staff recommends an adjustment to the lighting standard that would bring the area into compliance. Also, the SOV district requires light poles not to exceed twenty (20) feet in height (including the base) and all light sources are to be fully cut-off with a maximum one inch reveal and directed down.

Based on the lighting plan as submitted, the site appears to meet the intent of the SOV district and the UDC, with the exception as noted along the north property line.

The proposed elevations for the retail facility indicate an overall building height of 21-ft 3 inches. The facades will incorporate a combination of a natural lime stone, brick, and fiber cement lap siding that is accentuated by stucco branding elements and soldier course banding that provides additional detail and relief to the façade. The multi-colored lap siding, awnings, and branding elements provide an added contrast that blends with the primary materials and compliments the buildings overall appearance.

The design of the building meets the minimum requirement of four (4) architectural elements incorporated in its design. The color elevations depict several elements that meet this requirement such as the awnings, recesses and projections, varied roof heights, and display windows. The buildings design meets the requirements for architectural elements as presented.

Based on the building elevations as submitted, the site appears to meet the intent of the SOV district and the UDC.

On June 25, 2013, the Architectural Review Board made the following recommendations:

1. Increase the projection of the coping or cornice along the top of the retail building façades' parapet wall to create a shadow line.
2. Provide additional relief between the store fronts and the soldier course running above the store front glass.
3. Provide a wing wall at the parapet of the retail to prevent the appearance of a flat façade.

Should the site plan be approved, staff would recommend the following conditions:

1. Adherence to all Engineering and Fire Department standards.
2. Consider recommendations forwarded to the Planning and Zoning Commission from the Architectural Review Board.
3. Approval of a (SUP) Specific Use Permit to allow for a restaurant with a drive-through by City Council prior to the issuance of (C.O.) Certificate of Occupancy.
4. Submittal and approval of a final plat prior to issuance of a building permit.

Site Plan:

1. Label all firelane and access easements.
2. All signage requires submittal and approval of a separate permit from the Building Inspections Department. Off-site signage not permitted.

Other than the items listed above, the plan meets (or exceeds) the intent of the SOV district and the UDC as submitted.

Landscape Plan:

The plan meets (or exceeds) the intent of the SOV district and the UDC as submitted.

Building Elevations:

The plan meets (or exceeds) the intent of the SOV district and the UDC as submitted.

Photometric Plan:

1. Review and approval by staff of a photometric plan that meets City standards for light levels at the property lines. Lighting levels along the north property line exceed 0.2-FC.

Other that the item listed above, the plan meets (or exceeds) the intent of the Unified Development Code as submitted.

Commissioner Minth made a motion to approve SP2013-012, a request by Stacy McVey on behalf of Double Eagle Properties, LLC for the approval of a Site Plan for a strip retail center with a drive-through restaurant on a 0.9218-acre portion of a larger tract of land identified as Tract 4-9 of the E.

Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 9 (PD-9), situated within the Scenic Overlay (SOV) District, and located at the northeast corner of the intersection of Ridge Road and Summer Lee Drive, with staff recommendations.

Commissioner Buchanan seconded the motion.

A vote was taken and the motion passed 5-0.

6. SP2013-011
Discuss and consider a request by Marlyn Roberts for the approval of an amended site plan to allow for an accessory structure located on Lot 2, Block 1, Meadowcreek Business Center Addition, being a 2.02-acre tract of land, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, located east of the intersection of Ralph Hall Parkway and S. Goliad Street (SH-205), and take any action necessary.

Sanford explained that on June 20, 2005 the City Council approved a site plan for a quick lube business on a 2.02-acre parcel of land. The site plan showed a 3,500 square foot, stone and brick veneer building being constructed adjacent to front property line, parallel to SH-205. Currently the property is being operated as a Valvoline quick lube facility. On June 14, 2013, the applicant, Marlyn Roberts, submitted an application for an amended site plan requesting approval to allow a previously placed accessory structure to be permitted to remain on the subject property.

The site plan submitted by the applicant shows the current location of the accessory structure being situated adjacent to the northern property line parallel with the existing six (6) foot masonry dumpster enclosure. The accessory structure its' self is the enclosed portion of a 22-foot delivery truck that has been removed from the trailer. The structure measures approximately eight (8) feet by 22-feet, and staff estimates the height to be between 11 to 12-feet. Despite the accessory structure being located at the rear of the subject property, behind a six (6) masonry dumpster enclosure, it is still visible from the right-of-way of SH-205 specifically due to the height of the enclosure. The applicant has stated that the purpose of the structure is to store a riding lawn mower/tractor that is used to maintain the rear of the property. Prior to the enclosure being placed on the property the applicant explained to staff that the lawn mower/tractor was stored in a garage bay and moved outside during the day. The accessory structure is not considered to be a building under the requirements of the Unified Development Code (UDC). According to the UDC a building is an, "(e)nclosed structure, anchored to [a] permanent foundation, and having exterior or party walls and a roof designed for shelter of persons, animals or property." Furthermore, the structure does not meet the Commercial (C) District or SH-205(SH-205 OV) Overlay District material requirements. The requirements for an accessory building on the subject property are depicted in Figure 1 below.

The accessory structure does, however, conform to the definition of a Portable Building, which is defined by the UDC as, "a temporary building that may or may not have a foundation and is transportable." Temporary structures, with the exception of construction trailers, are not permitted in the City of Rockwall. It is important to note that site plans have been approved in the past allowing Big Box stores (i.e. large warehouse style retail stores that generally have a floor area in excess of 40,000 sq. ft.) to store logistics containers (e.g. PODS) on a seasonal basis, and in some cases on a permanent basis. These requests generally have been approved when the structures are situated at the rear of the subject property, behind the building, fully screened to the rear and side yards, and not visible from any right-of-way. In this case the accessory structure is being requested on a permanent basis and is being screened by a 3,500 sq. ft. building and a six (6) masonry dumpster enclosure.

If the Planning & Zoning Commission and City Council choose to approve the applicant's request then staff would recommend the following:

1) All comments provided by the Engineering, Planning and Fire Department must be addressed prior to the submittal of a building permit; and

2) The applicant should address the visibility of the structure and incorporate some method of mitigation to impair the visibility of the structure from SH-205 (e.g. fencing, landscaping, etc.). Specifically, the portion of the structure that extends above the existing trash enclosure.

Commissioner Buchanan asked for clarification on what the structure would look like. LaCroix indicated that the structure in the photo provided to the Commission is what the applicant is requesting approval on.

Commissioner Jackson stated that she drove by to look at the building and it cannot be viewed from the street. It can only be viewed from the back of the subject property and the back of adjacent properties; however, she does feel that by approving this on the site plan, the Commission is setting a negative precedence. LaCroix indicated that Mr. Roberts owns the property to the tree line and that is in the floodplain.

Commissioner Buchanan stated that his concern is with setting a negative precedence and suggested that Mr. Roberts construct a building that would meet his needs.

Marlyn Roberts
5253 Ewing Drive
Rockwall, Texas

Mr. Roberts stated that the Commission does have the ability to use their judgment to approved one situation without approving all if they don't meet the same criteria.

Commissioner Minth stated that the City has standards and processes so that things can be done in an appropriate manner.

Commissioner Minth made a motion to deny SP2013-011, a request by Marlyn Roberts for the approval of an amended site plan to allow for an accessory structure located on Lot 2, Block 1, Meadowcreek Business Center Addition, being a 2.02-acre tract of land, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, located east of the intersection of Ralph Hall Parkway and S. Goliad Street (SH-205).

Commissioner Buchanan seconded the motion.

A vote was taken and the motion passed 3-2, with Jackson and McCutcheon voting against.

7. SP2013-017
Discuss and consider a request by Marlyn Roberts for the approval of an amended site plan to allow for incidental display in conjunction with a stand-alone quick lube business located on Lot 2, Block 1, Meadowcreek Business Center Addition, being a 2.02-acre tract of land, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, located east of the intersection of Ralph Hall Parkway and S. Goliad Street (SH-205), and take any action necessary.

Sanford stated that on June 20, 2005 the City Council approved a site plan for a quick lube business on a 2.02-acre parcel of land. The site plan showed a 3,500 square foot, stone and brick veneer building being constructed adjacent to front property line, parallel to SH-205. Currently the property is being operated as a Valvoline quick lube facility. On June 14, 2013, the applicant, Marlyn Roberts, submitted an application for an amended site plan requesting approval to place an ice machine as incidental display on the subject property.

The site plan submitted by the applicant depicts the ice machine being situated on a ten (10) foot by 20-foot concrete pad, located adjacent to the parking area and be clearly visible from SH-205. The machine will be positioned ~50-feet from the primary structure and ~65-feet from SH-205 right-of-way. To reduce the visibility of the structure the applicant has proposed to construct a masonry enclosure that will screen the ice machine on three (3) sides. Additionally, the enclosure will utilize a brick veneer on the exterior that will be similar to the veneer used on the primary structure. In conformance with the recommendations of the Architectural Review Board (ARB) the

applicant will be incorporating a pitched roof design that will be constructed using a standing seam metal. The roof will also incorporate a gap between the top of the masonry enclosure and the pitched roof in order to allow air circulation for the condenser unit.

According to Article IV, Permissible Uses, of the Unified Development Code (UDC) the requirements for incidental display that pertain to the applicant's request are as follows:

1) Outdoor sales and display are permitted only in areas designated on the site plan filed with the city.

2) Outdoor sales and display may not exceed five percent of the adjacent building floor area (building area is defined as the entirely enclosed portion of the primary building).

3) Outdoor sales and display mayoccupy up to 30 percent of a covered sidewalk that is located within 20 feet of the building. Such display shall not impede pedestrian use of the sidewalk and at least a five-foot passable distance shall be maintained.

4) Any outside sales and display not located on a covered sidewalk must be screened from view of adjacent roadways, public areas and adjacent properties. Such screening must:

   a) Be a minimum of eight feet high or one foot taller than the materials being displayed, which ever is greater.

   b) Include a minimum of 20% solid screening matching the material of the primary building. The remainder may be solid evergreen planting, or wrought iron, dark vinyl coated chain link or similar materials.

5) Any outside sales and display not located on a covered sidewalk must be located immediately adjacent to or connected to the primary structure.

6) No outdoor sales and display may be located in any portion of a parking lot.

The applicant's request does conform to the majority of the requirements listed above; however the request will require a variance with respect to the structures location. The requirements for incidental display do require that any incidental display that is not located on a covered sidewalk shall be located directly adjacent to the building and that the incidental display shall not be located in any portion of a parking area. In this case the applicant is proposing to locate the structure directly adjacent to a parking area, in a parking median, ~50-feet south of the primary structure. Staff would like to point out that the applicant's request does exceed the required 20% solid screening requirement and that the structure will be screened on three (3) sides.

On June 25, 2013, the Architectural Review Board (ARB) reviewed the building elevations andmade a recommendation that the applicant include a pitched roof on the structure that has a minimum roof pitch of 3:12. As stated above the applicant has agreed to comply with the ARB's recommendation.

If the Planning & Zoning Commission and City Council choose to approve the applicant's request then staff would recommend the following:

1) All comments provided by the Engineering, Planning and Fire Department must be addressed prior to the submittal of a building permit;

2) The structure should incorporate a pitched roof with a minimum 3:12 roof pitch in conformance with the Architectural Review Board's recommendation;

3) Any construction or building necessary to complete this Site Plan request must conform to the requirements set forth by the Unified Development Code, the 2009 International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

Commissioner Minth asked if the ice machine might be located in a different area. LaCroix stated that the ice machine could be put in a different location on the property. Commissioner Minth continued that the ice machine or other opportunities on the property could potentially generated increased traffic and visibility.

Marlyn Roberts
5253 Ewing Drive
Rockwall, Texas

Commissioner Minth and Mr. Roberts continued to discuss the issue.

Commissioner McCutcheon asked which direction the ice machine would face. Mr. Roberts indicated that the ice machine will face his existing building. Additional discussion occurred in regard to traffic flow.

Commissioner Buchanan stated that his concerns are with the visibility and traffic flow.

Commissioner Jackson made a motion to approve SP2013-017, a request by Marlyn Roberts for the approval of an amended site plan to allow for incidental display in conjunction with a stand-alone quick lube business located on Lot 2, Block 1, Meadowcreek Business Center Addition, being a 2.02-acre tract of land, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, located east of the intersection of Ralph Hall Parkway and S. Goliad Street (SH-205), with staff recommendations.

Commissioner McCutcheon seconded the motion.

A vote was taken and the motion passed 5-0.

8. SP2013-013
Discuss and consider a request by Bobby Samuels on behalf of the Skorburg Company for the approval of a Site Plan for the Breezy Hill Subdivision, Phases I, IIA & IIB being a 57.662-acre tract of land situated within the J. Strickland Survey, Abstract No. 187, City of Rockwall, Texas, zoned Planned Development District 74 (PD-74), generally located along the east side of John King Boulevard, north of FM-552, and take any action necessary.

LaCroix indicated that the Breezy Hill Subdivision is a master planned community that will provide approximately 405-acres of residential and commercial development. The residential subdivision will be composed of 691 single family lots on 345.8-acres of land, and be broken down per the requirements of Planned Development District 74 (PD-74. The lot mix includes lots from 60' by 120' to larger estate style lots measuring 100' by 200'. Additionally, the residential area will include approximately 67.5 acres of open space, which will contain an eleven (11) acre public park and an amenities center that will service the development. Directly south of the residential areas is a 59.4 acre retail tract of land that is subject to the use and development requirements stipulated in Planned Development District 74 (PD-74).

On June 14, 2013, the applicant Bobby Samuels submitted an application for a site plan depicting Phases I, IIA & IIB of the Breezy Hill Subdivision, which is located north of FM-552 on both sides of John King Boulevard. As part of this submittal the applicant provided landscape and hardscape plans showing various details of the proposed development such as entrance features, fencing and trail details. The proposed site plan conforms to all the requirements stipulated by Planned Development District 74 (PD-74), including the layout of the 155 lots (27 Type 'D' lots, 50 Type 'A' lots and 78 Type 'B' lots) proposed to be constructed with these phases of the subdivision. Additionally, the lot layout conforms to the preliminary plats (Phase 1, P2012-030 and Phases IIA & IIB, P2013-010) approved for these phases of the development. The applicant has also submitted final plats for Phases I, IIA & IIB (Phase 1, P2013-023 and Phases IIA & IIB, P2013-024) of the development running concurrently with this site plan submittal.

The landscape and hardscape plans provided by the applicant depict the buffer design for the areas directly adjacent to John King Boulevard. In conformance with the Planned Development District and the recommendations of the John King Boulevard Design Concept Plan the applicant

will be constructing a ten (10) foot sidewalk/trail system that will eventually extend the length of John King Boulevard, providing pedestrian connectivity while creating an aesthetically pleasing streetscape. Specifically for the Breezy Hill Subdivision, the trail system will connect the ~345-acres of residential subdivision to the ~60-acres of proposed retail uses at the northeast corner of FM-552 and John King Boulevard. In addition to the trail system, the John King Boulevard Design Concept Plan calls for a trail rest stop to be located at the entryway of Phase IIA. In conformance with this recommendation the hardscape plan shows the construction of a brick and stone tower element that will provide two (2) standing seam metal roof overhangs and a rest area with a bench. Additionally, the element will provide some decorative lighting and signage indicating the beginning of the Breezy Hill Subdivision. Included in this area will be some additional landscaping situated within raised beds and a large detention area that will be sowed with Bermuda grass.

Adjacent to the trail system and providing a natural screen for the adjacent houses the landscape plan depicts a mixture of canopy and ornamental trees with various shrub plantings being located within the provided 50-foot buffer. The houses backing up to the buffer and John King Boulevard will have an ornamental wrought iron fencing that will terminate into a masonry entrance feature at the access points to the neighborhood.

The site plan for these three (3) phases of the Breezy Hill Subdivision, not including any dedication of open space or the inclusion of any park facilities, did not require a recommendation from the Parks Board; however, the Parks Board did review and provide recommendations on the preliminary and final plats for these phases. In addition, to this site plan the applicant will be required to submit a future site plan depicting the landscape and hardscape details for the remainder of the subdivision.

If the Planning & Zoning Commission and City Council choose to approve the applicant's request then staff would recommend the following conditions:

1) All technical comments provided by the Engineering, Planning and Fire Department must be addressed prior to the submittal of building permits;

2) All canopy trees depicted on the landscape plan are required to be a minimum of four (4) caliper inches in size and all accent or ornamental trees are required to be a minimum of four (4) feet in height;

3) All fencing for properties backing up to John King Boulevard shall be wrought iron where adjacent to the 50-foot landscape buffer in accordance to Planned Development District 74 (PD-74);

4) A site plan will be required to be approved for all other proposed phases of the Breezy Hill Subdivision prior to approving a final plat for any other phase not referenced in this case memo; and

5) Any construction or building necessary to complete this Site Plan request must conform to the requirements set forth by the Unified Development Code, the 2009 International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

Commissioner Jackson stated that she has some concern with so many homes exiting onto John King. LaCroix stated that are some corrections to the medians on John King that will be made.

General discussion took place regarding the increase of traffic leaving the neighborhood.

Commissioner Minth mentioned concern with the detention pond in the front of the development and that most are not maintained very well. LaCroix stated that the development is required to detain and that there are some water right issues in this area.

Commissioner Buchanan asked if any other streets within the development might exit onto John King. LaCroix discussed other options for leaving the development.

Chairman Herbst asked if the Fire Department is okay with the number of exits from the development in terms of access. LaCroix responded that the Fire Department is aware and has approved the number of exits.

Commissioner Minth made a motion to approve SP2013-013, a request by Bobby Samuels on behalf of the Skorburg Company for the approval of a Site Plan for the Breezy Hill Subdivision, Phases I, IIA & IIB being a 57.662-acre tract of land situated within the J. Strickland Survey, Abstract No. 187, City of Rockwall, Texas, zoned Planned Development District 74 (PD-74), generally located along the east side of John King Boulevard, north of FM-552, with staff recommendations.

Commissioner McCutcheon seconded the motion.

A vote was taken and the motion passed 5-0.

9. SP2013-014
Discuss and consider a request by Steven Schwartz on behalf of Potomac Rockwall Partnership, LP for the approval of a Site Plan for a La-Z-Boy furniture store on a 2.519-acre parcel of land that is identified as Lot 2, Block 1, Rockwall Centre Corners Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, and generally located northeast of the intersection of S. Goliad Street (SH-205) and the IH-30 frontage road, and take any action necessary.

Gonzales explained that the applicant, Steven Schwartz of Hodges and Associates, is requesting approval of a site plan for a proposed La-Z-Boy home furnishings and décor store that will be located on Lot 2, Block 1 of the Centre Corners Addition and is zoned Light Industrial (LI) district. The building site will be adjacent to recently approved Raising Canes restaurant, and is located within the IH-30 Overlay (IH-30 OV) district.

The proposed site will house a 13,250-sf retail facility. The site can be accessed from two points of entry along existing drive lanes within the Centre Corners Addition via the IH-30 service road entrance and/or the SH 205 and Hwy 276 entrances. The parking ratio calculated for this facility is one space per 250-sf which requires fifty-three (53) parking spaces. The applicant is proposing fifty-four (54) parking spaces, meeting the standards established for a retail facility. Also, the building footprint meets the horizontal articulation requirements as set forth in the UDC.

The applicant has submitted a landscape plan indicating an approximate total of 18.6% landscaping coverage for the entire lot. The applicant will be using Live Oaks and Cedar Elms as canopy trees, with Yaupon Hollies as accent trees. The assorted trees will be provided along the landscape buffer and will be internal to the parking lot as required by the IH-30 OV and the UDC. The site also features numerous shrubs, ground cover, grasses and flowers (e.g. assorted Dwarf Buford Hollies, Double Knockout Roses, Indian Hawthorns, Giant Liripoe, etc.) dispersed throughout the property providing for an aesthetically pleasing environment surrounding the facility. The proposed landscape plan exceeds the 10% minimum required by the UDC for a light industrial development. Also, the landscape plan meets the intent of the IH-30 OV districts.

The UDC requires all lighting to be contained on site at a maximum intensity of 20-FC and that lighting at the property lines is not to exceed 0.2-FC in order to control glare and spillover lighting, with the exception of commercial developments that contain more than one lot (i.e. Centre Corners Addition). Also, the IH-30 OV district requires light poles not to exceed 30-ft in height (including the base) and all light sources are to be fully cut-off with a maximum one inch reveal and directed down.

Based on the lighting plan as submitted, the site appears to meet the intent of the UDC.

The proposed elevations for the retail facility indicates an overall building height of 33-ft 2 inches. The facility will be constructed using concrete tilt-up wall incorporating stone, brick, and texture

coated dryvit and stucco to enhance the buildings appearance. The facades will be comprised primarily of a split face/roughback Lueder's Limestone (wainscot) accentuated by a smooth face Lueder's Limestone sill and banding segments around the building. Additionally, contrasting accents are provided by the corporate "blue" branding elements present on all facades, cornice detailing over the windows and parapet walls, and brick window treatments which provides relief for the structure. Also present on the front (west) elevation is bricked tower wing bump out's with cornice enhancements providing an added articulated feature to the buildings appearance.

The IH-30 OV district requires a minimum of four (4) architectural elements to be incorporated in the design of the building. The color elevations depict several elements that meet this requirement such as the recesses and projections, varied roof heights, portico at the main entrance, reveals and display windows. The buildings design meets or exceeds the requirements for architectural elements as presented.

The applicant is requesting an exception to the UDC, Article V, Section 5.1, General Industrial District Standards to allow for the use of concrete tilt-up wall construction. The use of tilt-up wall construction has been granted in the past on several projects, including both industrial and commercial buildings.

The code reads as follows:

A. Construction materials.

1. Exterior walls. Each exterior wall shall consist of 90 percent masonry materials as defined in article XIII, Definitions, excluding doors and windows, on walls which are visible from a public street or open space, including a minimum of 20 percent stone.

All buildings shall have exterior walls constructed of stone, brick, glass block, tile, cast metal, cast or cultured stone, or a combination of those materials. The use of other cementaceous products (e.g., stucco, Hardy Plank, or other similar materials approved by the building official) shall be limited to 50 percent of the buildings exterior finishes where it is deemed important as a design feature and where it will be applied under the highest standards for quality and durability. However, stucco may not be located in the first eight feet above grade on a facade visible from a street or public area.

Exceptions to this requirement, including allowing concrete tilt-up walls, may be permitted on a case by case basis by the council upon submission and approval of elevation drawings of the subject structure, and material samples.

Should the Council grant an exception to these standards, a simple majority vote in the affirmative is required of those members of the Council present for approval of the request.

On June 25, 2013, the Architectural Review Board made a recommendation to accept the building elevations and site plan as submitted by the applicant.

Should the request be approved, staff would offer the following recommendations:

1. Adherence to all Engineering and Fire Department standards.
2. Consider recommendations forwarded to the Planning and Zoning Commission from the Architectural Review Board.
3. Approval required for the use of tilt-up wall construction by the City Council.

Site Plan:
The plan meets (or exceeds) the intent of the Unified Development Code as submitted.

Landscape Plan:
The plan meets (or exceeds) the intent of the Unified Development Code as submitted.

Building Elevations:

1. An exception to the masonry standards for use of tilt-up wall construction requires approval by the City Council.

2. Other than the exception requested for the use of tilt-up wall construction, the proposed building elevations meets (or exceeds) the intent of the Unified Development Code.

Photometric Plan:
The plan meets (or exceeds) the intent of the Unified Development Code as submitted.

Commissioner Buchanan asked for clarification on the photometric plan. Gonzales explained the plan.

Commissioner Jackson asked how the merchandise will be delivered. Gonzales stated that this issue was discussed with the applicant to insure that they have enough room for deliveries.

Steve Schwartz
13642 Omega
Dallas, Texas

Mr. Schwartz stated that 18 wheelers will be issued initially for store set up; however, the majority of merchandise will be delivered to customers directly from the warehouse.

Commissioner Buchanan made a motion to approve SP2013-014, a request by Steven Schwartz on behalf of Potomac Rockwall Partnership, LP for the approval of a Site Plan for a La-Z-Boy furniture store on a 2.519-acre parcel of land that is identified as Lot 2, Block 1, Rockwall Centre Corners Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, and generally located northeast of the intersection of S. Goliad Street (SH-205) and the IH-30 frontage road, with staff recommendations.

Commissioner Minth seconded the motion.

A vote was taken and the motion passed 5-0.

10. SP2013-015
Discuss and consider a request by Ken Taft on behalf of Cardinal Capital Partners for the approval of a Site Plan for a Rosa's Café restaurant on a 2.664-acre parcel of land that is identified as Lot 12, Block 1, Rockwall Centre Corners Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, the SH-205 (SH-205 OV) District and SH-276 (SH-276) District, and located at the northeast corner of the intersection of S. Goliad Street (SH-205) and the SH-276, and take any action necessary.

Gonzales stated that the applicant, Ken Taft of the Bobby Cox Company and on behalf of Cardinal Capital Partners, is requesting approval of a site plan for a proposed Rosa's Café and Tortilla Factory that will be located on Lot 12, Block 1 of the Centre Corners Addition and is zoned Commercial (C) district. The buildings site will be adjacent to (west of) Costco, north of the existing RaceTrac (Hwy 276), and is located within the IH-30 Overlay (IH-30 OV) District, SH-205 Overlay (SH-205 OV) District and SH-276 Overlay (SH-276 OV) District.

The proposed building site will house a 6,940-sf restaurant with a drive-through for customer convenience. The drive-through lane provided exceeds the minimum requirement of six (6) vehicles for stacking purposes and features a bail-out point within the lane. The site can be accessed from six (6) points of entry along existing drive lanes within the Centre Corners Addition via Hwy 276 entrance and/or SH-205 entrance and IH-30 service road. The parking ratio for a restaurant is one space per 100-sf or one space for each four seats within the facility. Based on the square footage of this building, this particular site requires a minimum of seventy (70) parking spaces. During the work session, the applicant indicated a need for additional parking due to their business model and is proposing one hundred twenty-six (126) parking spaces, which exceeds the minimum required by fifty-six (56) parking spaces. Based on the site plans layout, it appears that traffic circulation can be achieved with the six (6) points of ingress/egress the applicant is proposing.

Based on the site plan submitted, the site appears to meet the intent of the UDC. Also, the building footprint meets the horizontal articulation requirements as set forth in the UDC.

The applicant has submitted a landscape plan indicating an approximate total of 23% landscaping coverage for the entire lot. The applicant will incorporate Live Oaks, Bur Oaks and Shumard Red Oaks as canopy trees, with Crepe Myrtles and Oklahoma Red Oaks as accent trees. The assorted trees will be located within the landscape buffers and will be internal to the parking lot. The site also features numerous shrubs, ground cover, grasses and flowers (e.g. assorted Nellie R. Stevens Holly, Liriope "Big Blue", Double Knockout Roses, Dwarf Fountain Grass, etc.) dispersed throughout the property providing for an aesthetically pleasing environment surrounding the facility. The proposed landscape plan exceeds the 15% minimum required by the UDC for a commercial development.

The UDC requires all lighting to be contained on site at a maximum intensity of 20-FC and that lighting at the property lines is not to exceed 0.2-FC in order to control glare and spillover lighting, with the exception of commercial developments that contain more than one lot (i.e. Centre Corners Addition). This particular property is within three (3) overlay districts and in regards to height of light poles, the IH-30 OV and SH-205 OV are not to exceed City standards; however the SH-276 OV district requires light poles not to exceed 20-ft in height (including the base). The majority of this property lies within the SH-276 overlay district. Given the fact that the majority of the property is within the SH-276 OV district and is considered a more restrictive district (in terms of the lighting standards), it is staffs opinion that the light poles are not to exceed 20-ft in height (including the base). Also, all light sources are to be fully cut-off with a maximum one inch reveal and directed down.

Based on the lighting plan as submitted, the site appears to meet the intent of the UDC and that of the Hwy 276 OV district.

The proposed elevations for the restaurant indicate an overall building height of 27-ft 3 inches. The facades will include a combination of a natural stone (Lueder's Limestone), a contrasting brick and a blend of stucco products that provides relief to the elevations. Present is the use of a brick band that is seen on all elevation with banding elements wrapped around the smaller windows at the clerestory level. Additional accentuation is provided by the standing seam metal roof elements for the awnings and canopy (supported by decorative columns) for the out door seating area. Also visible on the structure are the Spanish tile roof elements that add to the architectural style of the building. The building represents an articulated roof line with a curve-a-linear parapet design at the main entrance, other projecting tower elements, and incorporates certain areas with sloped roof elements using Spanish roof tiles.

The IH-30 OV, SH-205 OV and SH-276 OV districts require a minimum of four (4) architectural elements to be incorporated in the design of the building. The color elevations depict several elements that meet this requirement such as the canopies and awnings, recesses and projections, a curve-a-linear parapet roof design elements with projecting towers, and portico located at the main entrance. The buildings design meets or exceeds the requirements for architectural elements as presented.

On June 25, 2013, the Architectural Review Board made a recommendation to accept the building elevations and site plan as submitted by the applicant.

Should the request be approved, staff would offer the following recommendations:

1. Adherence to all Engineering and Fire Department standards.
2. Consider recommendations forwarded to the Planning and Zoning Commission from the Architectural Review Board.

Site Plan:
The plan meets (or exceeds) the intent of the Unified Development Code as submitted.

Landscape Plan:
The plan meets (or exceeds) the intent of the Unified Development Code as submitted.

Building Elevations:
The plan meets (or exceeds) the intent of the Unified Development Code as submitted.

Photometric Plan:
The plan meets (or exceeds) the intent of the Unified Development Code as submitted.

Commissioner Buchanan made a motion to approve SP2013-015, a request by Ken Taft on behalf of Cardinal Capital Partners for the approval of a Site Plan for a Rosa's Café restaurant on a 2.664-acre parcel of land that is identified as Lot 12, Block 1, Rockwall Centre Corners Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, the SH-205 (SH-205 OV) District and SH-276 (SH-276) District, and located at the northeast corner of the intersection of S. Goliad Street (SH-205) and the SH-276, with staff recommendations.

Commissioner Jackson seconded the motion.

A vote was taken and the motion passed 5-0.

11. SP2013-016
Discuss and consider a request by Kevin Killham with Food Service Concepts, Inc. for the approval of a site plan intended to remodel an existing restaurant on a 0.89-acre tract of land identified as Lot 11RB, Block A, Rockwall Towne Center Addition, Phase 2 & 3, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District and the IH-30 Overlay (IH-30 OV) District, and located at 670 E. IH-30, and take any action necessary.

Sanford explained that the applicant has submitted a site plan, landscape plan, photometric plan and building elevations for the existing Burger King restaurant located in the Rockwall Towne Center Addition. The proposal is to convert the space into a Denny's restaurant, including a total remodel of the interior space, an expansion of approximately 500-sf and a renovation of the exterior of the building.

The site plan indicates the existing footprint (approximately 3,859-sf) as well as the proposed expansion area to the west side of the building. In addition, the site plan shows that the drive-through lane and window will be removed.

The site plan shows that the site is slightly over parked per City standards. The required parking for the proposed 4,383-sf restaurant is 44 spaces, and the site is currently providing 50 parking spaces, including two (2) handicap accessible spaces. The handicap accessible spaces have been relocated to line up with the new front entrance, located on the east side of the building.

The dumpster location will remain in the rear of the building.

An amended landscape plan has also been submitted. The majority of the landscaping is existing; however, the plan does indicate the installation of new landscaping adjacent to the north and west side of the building in place of the drive-through lane.

The applicant has indicated that new recessed lighting will be installed on exterior of the building. The light poles will remain in the parking area, but the boxes will be replaced. Staff has included a condition that any new lighting shall be downward facing and comply with all City specifications.

It should be noted that Burger King was existing prior to the update of the IH-30 Overlay (IH-30 OV) District, which mandated stricter design standards. In addition, the applicant's proposal to convert the restaurant into a Denny's does not increase the non-conformity. The applicant has submitted color elevations illustrating the changes.

If approved, staff recommends the following:

1. All comments provided by the Engineering and Fire Department must be addressed prior to the submittal of a building permit;
2. All landscaping proposed to be installed as a result of this request shall be irrigated and maintained in good condition in conformance to the requirements of Section 5.5 of Article VIII, Landscape Standards, of the UDC;
3. All proposed exterior lighting shall be directed downward with either a partially or fully cut-off source, and conform to the requirements stipulated in Section 3.3, of Article VII, Environmental Performance, of the UDC; and,
4. Any construction or building necessary to complete this Site Plan request must conform to the requirements set forth by the Unified Development Code, the 2009 International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

Commissioner Jackson made a motion to approve SP2013-016, a request by Kevin Killham with Food Service Concepts, Inc. for the approval of a site plan intended to remodel an existing restaurant on a 0.89-acre tract of land identified as Lot 11RB, Block A, Rockwall Towne Center Addition, Phase 2 & 3, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District and the IH-30 Overlay (IH-30 OV) District, and located at 670 E. IH-30, with staff recommendations.

Commissioner Buchanan seconded the motion.

A vote was taken and the motion passed 5-0.

V. ADJOURNMENT

The meeting adjourned at 7:27 p.m.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 27 day of AUG, 2013.

Phillip Herbst, Chairman

Attest:

JoDee Sanford, Planning Technician

MINUTES
PLANNING AND ZONING COMMISSION WORK SESSION
City Hall, 385 South Goliad, Rockwall, Texas
Council Chambers
July 30, 2013
6:00 P.M.

I. CALL TO ORDER

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

The following staff members from the Planning Department were present: Robert LaCroix, Ryan Miller, David Gonzales, and JoDee Sanford. Additionally, Engineering Department staff members, Tim Tumulty, Amy Williams, and Kathleen Moreno, were in attendance.

1. Approval of Minutes for June 25, 2013 Planning and Zoning Commission meeting.

Commissioner Jackson made a motion to approve the minutes for June 25, 2013.

Commissioner Buchanan seconded the motion.

A vote was taken and the motion passed 6-0, with Nielsen abstaining.

II. ACTION ITEMS

2. P2006-027
   Discuss and consider a request by Timothy S. Coltart of Realty Capital Partners II, Inc. on behalf of Realty Capital Lakes of Somerset, LTD, for the approval of a reinstatement request of the preliminary plat for the Lakes of Somerset Addition in accordance with Section 38-8(f) of the Subdivision Ordinance contained in the Municipal Code of Ordinances, and being a 139.354-acre tract of land, zoned Planned Development District 63 (PD-63), located along the north side of FM549, east of SH205, which was originally approved by City Council on August 21, 2006, and take any action necessary.

Miller stated that the preliminary plat was approved by the City Council on August 21, 2006 under Case No. P2006-027. On June 26, 2007, the expiration date of the plat was extended by the Planning and Zoning Commission for a period of one (1) year. The preliminary plat officially expired on August 21, 2008 after no engineering plans were submitted for the first phase of the development.

The City's subdivision regulations specify that a preliminary plat shall be expired after one (1) year if a final plat for the entire area has not been submitted. Generally, if a developer submits a final plat or engineering plans for any portion of the overall tract, and continues to submit subsequent plans for additional phases of the development, the City will continue to consider that preliminary plat active. However, since plans have not been submitted for the Lakes of Somerset Subdivision since its expiration in August of 2008, the project is considered lapsed.

The zoning ordinance approved with Planned Development District 63 (PD-63) incorporated a concept plan that provided the general layout of the proposed Lakes of Somerset Subdivision. This ordinance, having not changed in a manner that would necessitate the creation and submittal of a new preliminary plat, staff would recommend approval of the reinstatement request for a period of one (1) year pending the proposed development conform to the site plan and master plat that were previously approved by the Planning and Zoning Commission and City Council. Additionally, if applicable, the submittal and staff review of a Homeowner's Association and/or any associated deed restrictions or maintenance standards for the required common/open space areas should be required prior to or concurrently with the final plat application.

Commissioner Jackson asked the reason behind no alleys within the development. Miller stated that it was approved through the zoning.

Commissioner Minth asked if the drives will be J-swings. LaCroix stated that they will be J-swing drives.

Commissioner Jackson asked about the time frame for the reinstatement to extend the approval. Miller indicated that it will extend it for a period of one year.

Commissioner Minth made a motion to approve P2006-027, a request by Timothy S. Coltart of Realty Capital Partners II, Inc. on behalf of Realty Capital Lakes of Somerset, LTD, for the approval of a reinstatement request of the preliminary plat for the Lakes of Somerset Addition in accordance with Section 38-8(f) of the Subdivision Ordinance contained in the Municipal Code of Ordinances, and being a 139.354-acre tract of land, zoned Planned Development District 63 (PD-63), located along the north side of FM549, east of SH205, which was originally approved by City Council on August 21, 2006, with staff recommendations.

Commissioner Jackson seconded the motion.

A vote was taken and the motion passed 7-0.

III. DISCUSSION ITEMS

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

Mr. Clark Staggs spoke on behalf of the ARB. He stated that the first case discussed was SP2013-019. The applicant did state that a bank will be a tenant of one building. Mr. Staggs stated that the building is out of compliance with the brick and stone requirements. The ARB recommends that the applicant table the request until he can come back with some revisions to his current plan.

The next project is case SP2013-020. This is a restaurant with a lot of color and articulation. Some design recommendations were made and the applicant will consider those ideas.

4. SP2013-019
Discuss and consider a request by Michael Johnston on behalf of the owner Seper Rasti for the approval of a Site Plan to construct two (2) office buildings on a 1.02-acre parcel of land identified as Lot 13-R, Block A, Horizon Ridge Addition, City of Rockwall, Rockwall County, Texas; zoned Planned Development District 9 (PD-9), situated within the Scenic Overlay (SOV) District, and generally located south of IH-30 on the east side of FM-740 (Ridge Road), and take any action necessary.

Miller indicated the location of the property and explained the case.

Commissioner Nielsen asked for staff's view on the variance requests. Miller indicated that staff is still reviewing the case.

Ross Ramsay
2235 Ridge Road
Rockwall, Texas

Mr. Ramsay stated that the mix of brick and stone has resulted in some ugly buildings. The type of material depends on the design of the particular building. Due to the uses of these buildings, some variances are needed. The intention is to build a nice, structurally sound building.

Commissioner Minth stated that the lack of brick and stone on the buildings could make the buildings stand out in a negative way especially at this location. Mr. Ramsay indicated that they want a simple, straight-forward design for the buildings.

5. SP2013-020
Discuss and consider a request by Bruce Dunne of Icon Consulting Engineers, Inc. for the approval of a Site Plan for a Luby's Fuddruckers restaurant on a 2.230-acre parcel of land that is identified as Lot 11, Block 1, Rockwall Centre Corners Addition, City of Rockwall, Rockwall

County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District and the SH-205 (SH-205 OV) District, and located at the southeast corner of the intersection of Interstate 30 (IH-30) and S. Goliad St. (SH-205), and take any action necessary.

Gonzales described the case and explained were the property is located.

Commissioner Minth asked about parking on the south side of the building which shows 9 spaces open to a main access. She stated that she feels this is a potential hazard.

Commissioner Buchanan asked if there is a door to go between the two restaurants. Gonzales stated that the applicant could better answer the question.

Commissioner Renfro asked if the driveway on the south side is an access into the Costco parking lot. Gonzales responded that it is an access to all the other lots within the area including Costco. Commissioner Renfro expressed concern regarding increased traffic in the area. LaCroix stated that the access points have already been platted.

Bruce Dunne
250 West Southlake Blvd.
Southlake, Texas

Mr. Dunne stated that Luby's and Fuddruckers are owned by the same company; however, they will be managed separately. Additionally, Mr. Dunne stated that this is the best orientation of the building and parking spaces, but they will reconsider the 9 parking spaces that open onto the access street.

Additional discussion took place among Mr. Dunne and the Commission regarding the parking spaces opening to the access point.

6. Director's Report of post Council meeting outcomes of Planning & Zoning cases.

- P2013-023 – Breezy Hill Phase I (approved)
- P2013-024 – Breezy Hill Phase IIA & IIB (approved)
- Z2013-017 – Dunkin Donuts 1st Reading (approved)
- P2013-022 – Harbor Heights Final Plat (tabled)
- SP2013-011 – Valvoline Accessory Building (denied)
- SP2013-017 – Valvoline Ice Machine (approved)
- SP2013-014 – La-Z-Boy Furniture (approved)

LaCroix briefly updated the Commission on the above listed cases.

IV. ADJOURNMENT

The meeting adjourned at 6:45 p.m.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 10th **day of** September**, 2013.**

Phillip Herbst, Chairman

CRAIG RENFRO

Attest:

JoDee Sanford, Planning Technician

MINUTES
PLANNING AND ZONING COMMISSION PUBLIC HEARING
City Hall, 385 South Goliad, Rockwall, Texas
Council Chambers
August 13, 2013
6:00 P.M.

I. CALL TO ORDER

The meeting was called to order by Chairman Herbst at 6:01 p.m. with the following members present: Wendi Conley, Craig Renfro, Kristen Minth, and John McCutcheon. Connie Jackson and Matthew Nielsen were not in attendance.

The following staff members from the Planning Department were present: Robert LaCroix, Ryan Miller and JoDee Sanford. Additionally, Engineering Department staff members, Tim Tumulty and Kathleen Moreno, were in attendance.

II. CONSENT ITEMS

1. P2013-025
Discuss and consider a request by Maria C. Bonilla for the approval of a replat for Lots 23, 24 & 25, Block A, Horizon Ridge Addition containing four (4) non-residential lots, zoned Commercial (C) District, on 14.4-acres, currently identified as Lots 6, 17, 18 & 19, Block A, Horizon Ridge Addition, City of Rockwall, Texas, generally located at the southeast corner of Ridge Road (FM-740) and Horizon Road (FM-3097), situated within the Scenic Overlay (SOV) District, and take any action necessary.

Commissioner McCutcheon made a motion to approve the consent agenda.

Commissioner Renfro seconded the motion

A vote was taken and the motion passed 5-0.

III. ACTION ITEMS

2. SP2013-019
Discuss and consider a request by Michael Johnston on behalf of the owner Seper Rasti for the approval of a Site Plan to construct two (2) office buildings on a 1.02-acre parcel of land identified as Lot 13-R, Block A, Horizon Ridge Addition, City of Rockwall, Rockwall County, Texas; zoned Planned Development District 9 (PD-9), situated within the Scenic Overlay (SOV) District, and generally located south of IH-30 on the east side of FM-740 (Ridge Road), and take any action necessary.

Miller stated that the subject property is a 1.02-acre parcel of land, zoned Planned Development District 9 (PD-9), designated for General Retail (GR) District uses, situated within the Scenic Overlay (SOV) District, and located on the east side of FM-740 (Ridge Road) north of Summer Lee Drive. Currently the property is vacant.

The applicant has submitted a site plan request proposing the construction of two (2), 4,500 square foot office buildings on a 1.02-acre tract of land adjacent to FM-740 (Ridge Road). The site plan indicates that the property will be divided into two (2) 0.51-acre parcels of land allowing for each building to be situated on an individual lot. The building located on the northern most lot (identified as Lot 1 on the site plan) will be utilized for medical and general office uses. The adjacent building (identified as Lot 2 on the site plan) will contain a bank and some additional retail/office space. Both buildings will be located ~145.00-feet from the right-of-way of FM-740 and will be accessible by a 24-foot Mutual Access Easement, shared with the property directly north of the subject property, and accessible from FM-740. Situated within the space between the buildings' front façades and the right-of-way will be four (4) rows of parking. The building with the

bank will have a drive-through lane at the rear of the subject property that circulates out towards the 24-foot Mutual Access Easement running parallel with the northern property line.

The site plan submitted by the applicant meets the majority of the technical requirements (e.g. parking, building setbacks, etc.) with the exception of the site design requirements stipulated by the Scenic Overlay (SOV) District. Specifically, the Scenic Overlay (SOV) District limits the number of rows of parking situated in the front of the building to two (2) rows. Additionally, staff is recommending that the applicant designate mutual access easements for all drive isles shared between the two (2) lots depicted on the site plan and that traffic circulation for the bank drive-through be limited to one-way. A summary of the site design standards is listed in the Density and Dimensional Requirements section below.

According to Article VII, Landscape Standards, of the Unified Development Code the minimum landscaping square footage requirement for a property designated for General Retail (GR) District uses is 15%. The landscape plan submitted by the applicant appears to conform to this requirement; however, staff has requested clarification from the applicant on the exact percentage of landscaping provided on the plan. Additionally, the applicant will need to add a minimum of one (1) canopy tree and two (2) accent trees to meet the requirements of the Scenic Overlay (SOV) District, which stipulates a minimum provision of three (3) canopy trees and four (4) accent trees per every 100 linear feet. With the exception of the above mentioned requirements the applicant's plan conforms to the remainder of the landscaping standards stipulated by the Unified Development Code. A summary of the landscaping standards is listed in the Density and Dimensional Requirements section below.

The applicant has not submitted a Photometric Plan, but has agreed to meet all the requirements of Article VII, Environmental Performance, of the Unified Development Code. Staff has added this as a requirement of approval.

The proposed building elevations submitted by the applicant show the two (2) proposed office buildings utilizing stone veneer, cast stone, and natural stone base on the majority of the exterior building façades; with the exception of the southern building façade on the northern most lot (identified as Lot 1 on the site plan). This façade will incorporate a stone wrap that will extend 24-feet from the front of the building with the remainder of the wall containing stucco (48%) and a 3½-foot stone base wainscot. Additionally, both buildings will be constructed with flat roofs that will incorporate pitched roof elements utilizing standing seam metal in the front of the buildings to add additional vertical articulation.

The proposed building elevations conform to the majority of the technical requirements with the exception of one (1) of the architectural standards stipulated by the Scenic Overlay (SOV) District. Specifically, the Scenic Overlay (SOV) District requires structures that are less than 6,000 square feet to incorporate a pitched roof system. The applicant will be requesting a variance to this requirement. A summary of the architectural standards is listed in the Density and Dimensional Requirements section below.

Based on the applicants submittal staff has identified the following variances:

- According to Section 6.8.D, Architectural Standards, of Article V, District Development Standards, of the UDC, "(a)ll structures having a footprint of 6,000 square feet or less shall be constructed with a pitched roof system."

The buildings proposed by the applicant both have a building footprint of 4,500 square feet and incorporate a mixture of flat and pitched roof elements. The purpose of this requirement was to ensure that buildings that did not meet the articulation requirements incorporated an element that would breakup the roofline and provide verticality to the structures. Staff does acknowledge that the applicant has provided additional horizontal and vertical articulation elements that help meet the intent of this requirement and off-set the variance request.

- According to Section 6.8.E, Site Design Standards, of Article V, District Development Standards, of the UDC, "(n)o more than (2) rows of parking shall be allowed between the primary building and FM-740 right-of-way."

The site plan provided by the applicant currently shows four (4) rows of parking in between the front building façade and FM-740 right-of-way. The applicant has stated that the purpose of this variance request is to match the parking scheme used by the building directly north of the subject property. It is staff's observation that the majority of the properties located within the Scenic Overlay (SOV) District conform to the current parking requirements.

These variances being deviations from the Scenic Overlay (SOV) District requirements they will require a three-quarter majority vote (of the City Council Members present at the public hearing -- with a minimum of four [4] affirmative votes) from the City Council for approval.

If the Planning & Zoning Commission and City Council choose to approve the applicant's request then staff would recommend the following conditions of approval:

1) All comments provided by the Engineering and Fire Department must be addressed prior to the submittal of a building permit;
2) Prior to the submittal of a building permit the applicant shall be required to submit documentation to the Planning Department addressing the following:
   a. An updated Site Plan showing the designation of a Mutual Access Easement between all shared drive isles for the two (2) properties shall be submitted prior to approval;
   b. A dumpster screening detail showing conformance to the requirements of Section 6.E.7 of Article V, District Development Standards, of the Unified Development Code;
   c. A Photometric Plan showing conformance to all requirements stipulated by Section 3, of Article VII, Environmental Performance, of the Unified Development Code;
   d. A Landscaping Plan showing the addition of one (1) canopy tree, two (2) accent trees, and conformance to the 15% landscaping percentage required by Article V, District Development Standards, and Article VII, Landscape Standards, of the Unified Development Code; and,
   e. A Material Sample Board showing that all materials conform to the Scenic Overlay (SOV) Districts architectural standards stipulated in Article V, District Development Standards, of the Unified Development Code.
3) The drive-through lanes of the bank and all circulation lanes behind the building should be clearly marked as one-way. Additionally, signage indicating that these lanes are one-way should be posted at the exit of the drive-through lanes adjacent to the 24-foot Mutual Access Easement that is shared between the subject property and the property directly north of the subject property;
4) All rooftop/pad mounted mechanical equipment and or other appurtenances must be visibly screened from the view of all adjacent rights-of-ways per the requirements of Section 6.8 of Article V, District Development Standards, of the Unified Development Code;
5) All landscaping proposed to be installed as a result of this request shall be irrigated and maintained in good condition in conformance to the requirements of Section 5.5 of Article VIII, Landscape Standards, of the Unified Development Code; and,
6) Any construction or building necessary to complete this Site Plan request must conform to the requirements set forth by the Unified Development Code, the 2009 International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

Commissioner Renfro asked for clarification on the variances being requested. Miller stated that the original request had a lot of variances, but the applicant has worked with staff to narrow the request. In terms of variances, the intent of the ordinance is important. The idea behind the roof design standards is to create articulation on the buildings. As far as parking, many properties within the Scenic Overlay have conformed to the one row of parking; however, the property directly adjacent to the subject property does have more than one row of parking.

Ross Ramsay
3235 Ridge Road
Rockwall, Texas

Mr. Ramsay addressed the reasons behind the request for the variances.

Commissioner Minth made a motion to approve SP2013-019, a request by Michael Johnston on behalf of the owner Seper Rasti for the approval of a Site Plan to construct two (2) office buildings on a 1.02-acre parcel of land identified as Lot 13-R, Block A, Horizon Ridge Addition, City of Rockwall, Rockwall County, Texas; zoned Planned Development District 9 (PD-9), situated within the Scenic Overlay (SOV) District, and generally located south of IH-30 on the east side of FM-740 (Ridge Road), with staff recommendations.

Commissioner McCutcheon seconded the motion.

A vote was taken and the motion passed 5-0.

3. SP2013-020
Discuss and consider a request by Bruce Dunne of Icon Consulting Engineers, Inc. for the approval of a Site Plan for a Luby's Fuddruckers restaurant on a 2.230-acre parcel of land that is identified as Lot 11, Block 1, Rockwall Centre Corners Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District and the SH-205 (SH-205 OV) District, and located at the southeast corner of the intersection of Interstate 30 (IH-30) and S. Goliad St. (SH-205), and take any action necessary.

Miller indicated that the applicant, Bruce Dunne of Icon Consulting Engineers, Inc., is requesting approval of a site plan for a proposed Luby's Fuddruckers Restaurant that will be located on Lot 11, Block 1 of the Rockwall Centre Corners Addition. This case will represent the final site plan project for the Rockwall Centre Corners Addition. The property is zoned Commercial (C) district and the buildings site will be adjacent to Costco, will be north of the recently approved Rosa's Café and Tortilla Factory, and south of the Mid-South Banking Facility (currently under construction). The site is located within the SH-205 Overlay (SH-205 OV) District and IH-30 Overlay (IH-30 OV) District.

The proposed building site will house a single story side-by-side restaurant totaling 12,300-sf that will feature a Luby's Cafeteria occupying approximately 75% of the building and a Fuddruckers fast casual restaurant occupying the remainder of the facility. The site can be accessed from two (2) points of entry along existing drive lanes within the Centre Corners Addition via Hwy 276 entrance and/or SH-205 entrance and IH-30 service road. The parking ratio for a restaurant is one space per 100-sf or one space for each four seats within the facility. Based on the square footage of this building, this particular site requires a minimum of one hundred twenty-three (123) parking spaces. The applicant is proposing one hundred forty-two (142) parking spaces, which exceeds the minimum required by nineteen (19 parking spaces). It should be noted that after a discussion during the work session regarding the ability for a vehicle to successfully back out of certain parking spaces along the southern portion of the lot, the applicant has reduced the parking by four (4) spaces to satisfy this concern as well as provided additional landscaping as traffic calming measures. Based on the site plans layout, it appears that traffic circulation can be achieved based on the six (6) points of ingress/egress the applicant is proposing. Also, the building footprint meets the horizontal articulation requirements as set forth in the UDC. Based on the site plan submitted, the site appears to meet the intent of the UDC

The applicant has submitted a landscape plan indicating an approximate total of 19% landscaping coverage for the entire lot. The applicant will incorporate Live Oaks, Bur Oaks and Cedar Elms as canopy trees, with Red Buds, Wax Myrtles, and Eldarica Pines as accent trees. The assorted trees will be located within the SH 205 and IH 30 landscape buffers and will also be located at various points internal to the parking lot. The site also features numerous shrubs, ground cover, grasses and flowers (e.g. assorted Dwarf Buford Holly, "Big Blue" Liriope, "Red" Double Knockout Roses, Yellow Lantana, Muhly Grass, etc.) dispersed throughout the property providing for an aesthetically pleasing environment surrounding the facility. The proposed landscape plan exceeds the 15% minimum required by the UDC for a commercial development.
Based on the landscape plan submitted, the landscaping appears to meet the intent of the UDC.

The UDC requires all lighting to be contained on site at a maximum intensity of 20-FC and that lighting at the property lines is not to exceed 0.2-FC in order to control glare and spillover lighting, with the exception of commercial developments that contain more than one lot (i.e. Rockwall

Centre Corners Addition). This particular property is within two (2) overlay districts and in regards to the height of light poles, the IH-30 OV and SH-205 OV allow for a maximum height of 30-ft in height (including the base). Also, all light sources are to be fully cut-off with a maximum one inch reveal and directed down. Based on the lighting plan as submitted, the site appears to meet the intent of the UDC.

The proposed elevations for the side-by-side restaurant indicate an overall building height of 25-ft 6 inches. The facades will include a natural stone product with each restaurant presenting a contrasting brick color designating separate identities. The building will also incorporate EIFS for the cornice elements on the Fuddruckers portion and as banding elements for Luby's. Additional accentuation is provided by the metal roof elements for each outdoor seating area.

Distinctiveness is visible not only in color, but in the style representative of both restaurants such as the step down parapet with cornice detailing and the use of awnings for Fuddruckers. Luby's will achieve this by the use awnings at the front façade while incorporating canopies at the main entrance and other areas of the building while displaying tower bump-out elements. The building represents an articulated roof line with the combination of the elevated parapet design and projecting tower elements for the structure

As a note, the IH-30 OV and SH-205 OV districts require a minimum of four (4) architectural elements to be incorporated in the design of the building. The color elevations depict several elements that meet this requirement such as the canopies and awnings, recesses and projections, step down parapet roof design with cornice detailing, projecting tower elements, varied roof heights, and outdoor seating areas for both restaurants. The building's design meets or exceeds the requirements for architectural elements as presented.

The City Council may grant variances to the provisions of the overlay district by a three-quarter majority vote of those members of the council present with a minimum of four (4) voting in the affirmative. Based on the IH-30 OV and SH 205 OV district requirements and the proposed parking layout submitted with the site plan, the applicant is requesting a variance to allow for more than two (2) rows of parking between the primary building and the right-of-way.

Under Sec. 6.6, IH-30 OV district, and Sec. 6.7, SH 205 OV district, the Unified Development Code provides as follows:

D Site Design standards.

2. Parking area restrictions. No more than one full parking bay (two rows of parking with a driving aisle) shall be allowed between the primary building and the...right-of-way.

The ordinance reads as follows:

The City Council may, upon request from the applicant, grant a variance to any provision of this section where unique or extraordinary conditions exist or where strict adherence to the provisions of this section would create a hardship. Approval of any variance to any provision of this section shall require city council approval by a three-quarter majority vote of those city council members present with a minimum of four affirmative votes.

In your packet is a letter from the applicant demonstrating why the variance is necessary. The applicant also indicates this particular property is the final lot within the Rockwall Center Corners Addition to develop and should not create a precedence for future development in this area.

On July 30, 2013, the Architectural Review Board recommended the applicant consider incorporating a matching color for the two bands on the Luby's building rather than using the individual colors as represented on the color elevations.

Should the request be approved, staff would offer the following recommendations:

1. Adherence to all Engineering and Fire Department standards.

2. Consider recommendations forwarded to the Planning and Zoning Commission from the Architectural Review Board.
3. All signage depicted requires approval and submittal of a separate permit through the building inspections department prior to installation.

Site Plan:

1. Approval of a variance to allow more than two (2) rows of parking between the primary building and the rights-of-way by a super majority vote of Council.
2. File with the county and provide a copy of a shared parking agreement with the adjacent property to the north for the parking spaces encroaching onto Lot 9.
3. With the exception of the items listed above, the plan meets (or exceeds) the intent of the Unified Development Code as submitted.

Landscape Plan:

1. Provide the necessary amount of trees within the landscape buffer. The IH-30 OV district requires three (3) large canopy trees and four (4) accent trees in the landscape buffer (82.44-ft of frontage)
2. Update Data Legend to reflect IH-30 OV district requirement.
3. With the exception of the items listed above, the plan meets (or exceeds) the intent of the Unified Development Code as submitted.

Building Elevations:

1. Roof mounted equipment (RTU's) are to be visually screened from horizontal view of adjacent properties and rights-of-way. Dashed-in RTU's appear to exceed the parapet. Provide a line-of-site detail and/or roof plan indicating location of units.
2. With exception of the above listed item, the plan meets (or exceeds) the intent of the Unified Development Code as submitted.

Photometric Plan:
The plan meets (or exceeds) the intent of the Unified Development Code as submitted.

Commissioner Renfro made a motion to approve SP2013-020, a request by Bruce Dunne of Icon Consulting Engineers, Inc. for the approval of a Site Plan for a Luby's Fuddruckers restaurant on a 2.230-acre parcel of land that is identified as Lot 11, Block 1, Rockwall Centre Corners Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District and the SH-205 (SH-205 OV) District, and located at the southeast corner of the intersection of Interstate 30 (IH-30) and S. Goliad St. (SH-205), with staff recommendations.

Commissioner Minth seconded the motion.

A vote was taken and the motion passed 5-0.

IV. ADJOURNMENT

The meeting adjourned at 6:20 p.m.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 24th day of September, 2013.

Phillip Herbst, Chairman

Attest:

JoDee Sanford, Planning Technician

MINUTES
PLANNING AND ZONING COMMISSION WORK SESSION
City Hall, 385 South Goliad, Rockwall, Texas
Council Chambers
August 27, 2013
6:00 P.M.

I. CALL TO ORDER

The meeting was called to order by Chairman Herbst at 6:00 p.m. with the following members present: Wendi Conley, Connie Jackson, Craig Renfro, John McCutcheon, and Matthew Nielsen. Kristin Minth was not present.

The following staff members from the Planning Department were present: Robert LaCroix, Ryan Miller, David Gonzales, and JoDee Sanford. Additionally, Engineering Department staff members, Tim Tumulty, Amy Williams, and Kathleen Moreno, were in attendance.

II. ACTION ITEMS

1. Approval of Minutes for the July 9, 2013 Planning and Zoning Commission meeting.

Commissioner Jackson made a motion to approve the minutes for July 9, 2013.

Commissioner McCutcheon seconded the motion.

A vote was taken and the motion passed 3-0, with Conley, Nielsen, and Renfro abstaining.

2. P2013-028
   Discuss and consider a request by Bobby Samuel of Skorburg Company for the approval of a final plat for a 12.003-acre tract of land, identified as Lot 1, Block A of the RISD Elementary School Addition, being situated within the W. T. DeWeese Survey, Abstract No. 71, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 70 (PD-70), generally located south of FM-552 and east of SH-205, and take any action necessary.

Miller indicated that the objective of this request is to final plat a 12.003-acre tract of land for the purpose of conveying it to the Rockwall Independent School District (RISD) for the construction of an elementary school.

According to the Chapter 38, *Subdivisions*, of the Municipal Code of Ordinances all lots are required to have frontage on a public street or provide an off-site access roadway deemed adequate by the City Council. Currently, the streets adjacent to the proposed lot are scheduled to be constructed with a future phase of the Stone Creek Subdivision and will provide the required frontage for the subject property. For the purpose of meeting the intent of this requirement the applicant has provided a 60-foot access easement connecting the property with Featherstone Drive and FM-552, which are public streets currently in existence. Staff feels that the provision of the access easement meets the intent of the frontage requirements when taking into consideration the purpose of this plat is to convey property. It is also important to note that no building permits can be issued on the property until the adjacent roadway has been constructed and the property replatted in conformance with all applicable codes.

The Engineer has completed the majority of the technical revisions requested by staff, and this plat is recommended for conditional approval pending the completion of final technical modifications and submittal requirements required for the recordation by the applicant or owner.

Conditional approval of this plat by the City Council shall constitute approval subject to the conditions stipulated in the *Recommendation* section below.

With the exception of the items listed in the *Recommendation* section of this case memo, this plat is in substantial compliance with the requirements of the *Subdivision Ordinance* in the Municipal Code of Ordinances

Staff recommends approval of the final plat for *Lot 1, Block A, RISD Elementary School Addition* in conformance with the following conditions of approval:

1. **All technical comments from the Engineering, Planning and Fire Departments shall be addressed prior to the filing of this plat;**

2. **Any construction resulting from the approval of this *final plat* shall conform to the requirements set forth by the Unified Development Code, the 2009 International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.**

Commissioner Jackson made a motion to approve P2013-028, a request by Bobby Samuel of Skorburg Company for the approval of a final plat for a 12.003-acre tract of land, identified as Lot 1, Block A of the RISD Elementary School Addition, being situated within the W. T. DeWeese Survey, Abstract No. 71, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 70 (PD-70), generally located south of FM-552 and east of SH-205, with staff recommendations.

Commissioner Renfro seconded the motion.

A vote was taken and the motion passed 6-0.

III. DISCUSSION ITEMS

(Item #9 Case SP2013-023 was discussed at this time.)

3. P2013-026
   Hold a public hearing to discuss and consider a request by Michael Mishler on behalf of Todd & Denise Park for the approval of a replat combining two (2) single family residential lots being identified as Lots 4 & 5, Block A of Chandlers Landing, Phase 7 into one (1) single family residential lot being identified as Lot 23, Block A of Chandlers Landing, Phase 7, located within the City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8), located at 104 & 106 Thistle Place, and take any action necessary.

Sanford reported on the case and the location of the property.

4. P2013-027
   Discuss and consider a request by Bobby Samuel on behalf of the Skorburg Company for the approval of a final plat for Stone Creek, Phase V being a 13.602-acre tract of land situated within the W. T. DeWeese Survey, Abstract No. 71, City of Rockwall, Rockwall County, Texas, and containing 45 single family residential lots, zoned Planned Development District 70 (PD-70), generally located south of FM-552 and east of SH-205, and take any action necessary.

Gonzales indicated the location of the property and discussed the case.

5. Z2013-018
   Hold a public hearing to discuss and consider a request by Shea Kirkman on behalf of CADG Rockwall 41, LLC for the approval of a change in zoning from Planned Development District 10

(PD-10) to a Commercial (C) District for a 3.816-acre tract of land situated within the Joseph Cadle Survey, Abstract No. 65 and the F. Henderson Survey, Abstract No. 119, City of Rockwall, Rockwall County, Texas, situated within the SH-276 Overlay (SH-276 OV) District, located at the northeast corner of the intersection of T. L. Townsend Drive and SH-276, and take any action necessary.

Miller described the case and the location of the property.

Commissioner McCutcheon asked about the amount of buildable area on the property. Miller indicated that he could answer that question at the next meeting.

Commissioner Nielsen asked about potential uses on the property. Miller stated that the applicant appears to be looking for an end user.

LaCroix discussed the buildable area on the property.

Commissioner Jackson stated that the property is sandwiched in between two residential areas and that use is questionable. Miller stated that the use of the property has not yet been determined.

Additional discussion took place regarding the property and potential uses.

LaCroix reminded the Commission that they could recommend more restrictive zoning than what is being proposed.

General discussion occurred regarding this case.

6. Z2013-019
Hold a public hearing to discuss and consider a request by John Spiars with Spiars Engineering, Inc. on behalf of NESBO, LP for the approval of a Specific Use Permit (SUP) to allow for a new car dealership on a 1.06-acre tract of land identified as Tract 12 of the John Lockhart Survey, Abstract No. 134 and a 10.51-acre parcel of land identified as Lot 1, Block A of the Lafon Addition, being a total 11.568-acres, zoned Commercial (C) District and Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, generally located east of John King Boulevard and IH-30, and take any action necessary.

Gonzales stated that location of the property and briefly described the case.

7. Z2013-020
Hold a public hearing to discuss and consider a request by James Brinkley for the approval of a change in zoning from an Agricultural (Ag) District to a Single-Family Estate 2.0 (SFE-2.0) District on a 2.0-acre tract of land identified as Tract 8-12 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas being located at 5866 S. FM-549 and take any action necessary.

(Discussion of Items #7 and #8 were concurrent.)

Sanford briefly described the case and the location of the property.

Chairman Herbst asked if there are existing metal buildings in the area. Sanford indicated there are other similar buildings.

Commissioner McCutcheon asked why the zoning needed to be changed for the property. LaCroix discussed that property is zoned Ag upon annexation and typically remains until further development. This particular property does not meet the Ag zoning requirements because it is less than 10 acres.

James Brinkley
5866 S. FM 549
Rockwall, Texas

Mr. Brinkley discussed the building he would like to construct on his property to protect his boat.

Chairman Herbst asked about the existing building on the property. Mr. Brinkley described the existing building.

Additional discussion occurred regarding the change in zoning.

8. Z2013-021
Hold a public hearing to discuss and consider a request by James Brinkley for the approval of a Specific Use Permit (SUP) to allow for an accessory building that does not conform to the exterior material requirements as specified for a property zoned for Single-Family Estate 2.0 (SFE-2.0) District uses by the Unified Development Code, being a 2.0-acre tract of land identified as Tract 8-12 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Agricultural (Ag) District, located at 5866 S. FM-549 and take any action necessary.

(Discussed with Item #7.)

9. SP2013-023
Discuss and consider a request by Dean Cathey for the approval of a site plan to allow for incidental display in conjunction with a stand-alone retail store located at 905 S. Goliad Street, further identified as Lot 3 of the Canup Addition, being a 0.1728-acre parcel of land, zoned Commercial (C) District, located north of Emma Jane Drive on the east side of S. Goliad Street (SH-205), and take any action necessary.

Miller described the location of the property and discussed the case.

Commissioner Nielsen asked for clarification on the reason this case is being considered incidental display. Miller discussed the requirements of incidental display.

Commissioner Jackson asked if the number of parking spaces existing is adequate.

LaCroix further discussed the requirements of incidental display.

Dean Cathey
3066 Rochelle
Rockwall, Texas

Commissioner Renfro asked Mr. Cathey if he would be willing to locate the ice machine adjacent to the building. Mr. Cathey indicated that there is not enough room to do so.

(The Commission moved back to Item #3 on the agenda.)

10. Director's Report of post Council meeting outcomes of Planning & Zoning cases.

- ✓ Z2013-017: Dunkin Donuts SUP [2nd Reading] (approved)
- ✓ P2013-025: Lots 23, 24 & 25, Block A, Horizon Ridge Addition [Kroger Remodel] (approved)
- ✓ SP2013-019: McClintock/Seper Office Building [Variances] (approved)
- ✓ SP2013-020: Fuddruckers's/Luby's Restaurant [Variance] (approved)

LaCroix briefly updated the Commission on the above listed cases.

IV. ADJOURNMENT

The meeting adjourned at 6:53 p.m.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 8th day of October, 2013.

Craig Renfro, Chairman

Attest:

JoDee Sanford, Planning Technician

MINUTES
PLANNING AND ZONING COMMISSION PUBLIC HEARING
City Hall, 385 South Goliad, Rockwall, Texas
Council Chambers
September 10, 2013
6:00 P.M.

I. CALL TO ORDER

The meeting was called to order by Vice-Chairman Renfro at 6:00 p.m. with the following members present: Wendi Conley, Connie Jackson, Kristen Minth, John McCutcheon, and Matthew Nielsen. Chairman Herbst was not present.

The following staff members from the Planning Department were present: Robert LaCroix, Ryan Miller, David Gonzales, and JoDee Sanford. Additionally, Engineering Department staff members, Tim Tumulty, Amy Williams, and Kathleen Moreno, were in attendance.

II. CONSENT AGENDA

1. Approval of Minutes for the July 30, 2013 Planning and Zoning Commission meeting.

2. P2013-027
Discuss and consider a request by Bobby Samuel on behalf of the Skorburg Company for the approval of a final plat for Stone Creek, Phase V being a 13.602-acre tract of land situated within the W. T. DeWeese Survey, Abstract No. 71, City of Rockwall, Rockwall County, Texas, and containing 45 single family residential lots, zoned Planned Development District 70 (PD-70), generally located south of FM-552 and east of SH-205, and take any action necessary.

Commissioner Minth pulled Item #1 from the Consent Agenda.

Commissioner Minth made a motion to approve Item #2 of the Consent Agenda

Commissioner Jackson seconded the motion.

A vote was taken and the motion passed 6-0.

Commissioner Jackson made a motion to approve the minutes for July 30, 2013.

Commissioner McCutcheon seconded the motion.

A vote was taken and the motion passed 6-0.

III. PUBLIC HEARING ITEMS

3. P2013-026
Hold a public hearing to discuss and consider a request by Michael Mishler on behalf of Todd & Denise Park for the approval of a replat combining two (2) single family residential lots being identified as Lots 4 & 5, Block A of Chandlers Landing, Phase 7 into one (1) single family residential lot being identified as Lot 23, Block A of Chandlers Landing, Phase 7, located within the City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8), located at 104 & 106 Thistle Place, and take any action necessary.

Sanford explained that the purpose of this plat is to combine two (2) existing residential lots into one (1) residential lot and abandon a 10' utility easement between the lots. The property was originally platted as Lots 4 & 5, Block A, Chandlers Landing Phase 7 Installment Two. The Engineer has completed the technical revisions requested by staff, and this plat is recommended for conditional approval pending the completion of final

technical modifications and submittal requirements required for the recordation by the applicant or owner. Conditional approval of this plat by the City Council shall constitute approval subject to the conditions stipulated in the Recommendation section below. With the exception of the items listed in the Recommendation section of this case memo, this plat is in substantial compliance with the requirements of the Subdivision Ordinance in the Municipal Code of Ordinances.

Staff recommends approval of the replat for Lot 23, Block A, Chandlers Landing Phase 7 Installment Two Addition in conformance with the following conditions of approval:

1. All comments from the Engineering, Planning and Fire Departments shall be addressed prior to the filing of this plat;

2. Any construction resulting from the approval of this replat shall conform to the requirements set forth by the Unified Development Code, the 2009 International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

Commissioner Minth asked if staff had received any information from the HOA in regard to their view of the request. Sanford explained that a letter from Chandlers Landing HOA expressing their favor for the request was received.

Vice-Chairman Renfro opened the public hearing at 6:06 p.m.

There being no one wishing to come forth and speak, Vice-Chairman Renfro closed the public hearing at 6:06 p.m.

Commissioner Jackson made a motion to approve P2013-026, a request by Michael Mishler on behalf of Todd & Denise Park for the approval of a replat combining two (2) single family residential lots being identified as Lots 4 & 5, Block A of Chandlers Landing, Phase 7 into one (1) single family residential lot being identified as Lot 23, Block A of Chandlers Landing, Phase 7, located within the City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8), located at 104 & 106 Thistle Place, with staff recommendations.

Commissioner McCutcheon seconded the motion.

A vote was taken and the motion passed 6-0.

4. Z2013-018
Hold a public hearing to discuss and consider a request by Shea Kirkman on behalf of CADG Rockwall 41, LLC for the approval of a change in zoning from Planned Development District 10 (PD-10) to a General Retail (GR) District for a 3.816-acre tract of land situated within the Joseph Cadle Survey, Abstract No. 65 and the F. Henderson Survey, Abstract No. 119, City of Rockwall, Rockwall County, Texas, situated within the SH-276 Overlay (SH-276 OV) District, located at the northeast corner of the intersection of T. L. Townsend Drive and SH-276, and take any action necessary.

Miller stated that the subject property is a 3.816-acre portion of a larger 27.689-acre tract of land identified as Tract 6 of the Joseph Cadle Survey, Abstract No. 65, which was annexed into the City of Rockwall on September 16, 1974 by Ordinance No. 74-21. On August 16, 2013 the applicant, Shea Kirkman representing Peloton Land Solutions filed an application on behalf of the owner, CADG Rockwall 41, LLC, for a request to change the zoning on the subject property from Planned Development District 10 (PD-10) to a Commercial (C) District. Under Planned Development District 10 (PD-10) [*Ordinance No. 04-25*] the subject property is designated for low density residential uses that include single family-detached housing and townhomes. According to the letter submitted by

the applicant the purpose of the change in zoning is to increase the marketability of the property and to provide a use that is more suitable to its adjacencies. *In response to the Planning & Zoning Commission's request at the Work Session on August 27, 2013 the applicant modified the application to request to change the zoning to a General Retail (GR) District, which represents a more restrictive zoning district than the previously requested Commercial (C) District.*

Currently the subject property is a vacant tract of land situated at the northwestern corner of the intersection of SH-276 and T. L. Townsend Drive. Adjacent to the north and western boundaries of the subject property is a branch of the Buffalo Creek watershed, which contains several acres of floodplain that heavily restricts the buildable area of this tract of land. The areas of the property that are situated within the floodplain are composed of heavily wooded areas that create a natural vegetative screen or buffer between the residential subdivision (located adjacent to the northern and western property lines) and the subject property. The remaining acreage of the subject property is situated outside of the floodplain directly adjacent to SH-276.

The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property is Townsend Village, which is a 76 unit single family subdivision on a 27.689-acre tract of land zoned Planned Development District 10 (PD-10). Beyond this residential land use is T. L. Townsend Drive followed by an industrial park identified as the *Bodin Industrial Tract* zoned Light Industrial (LI) District.

South: Directly south of the subject property is SH-276 followed by the second phase of the Meadow Creek Estates Subdivision. This property is zoned Planned Development District 10 (PD-10) and contains 100 single family units.

East: Directly east of the subject property is T. L. Townsend Drive. Beyond this thoroughfare are parcels of land zoned Light Industrial (LI) District that are vacant or occupied with industrial land uses.

West: Directly west of the subject property is the remainder of the Townsend Village Subdivision followed by the Rockwall Centre Corners retail addition. The properties within the shopping center are zoned Commercial (C) District.

Currently, the subject property is zoned for single family residential land uses (single family-detached and townhomes) and is designated on the Future Land Use Map, approved with the Comprehensive Plan, for *High Density Residential* land uses. According to the Comprehensive Plan, "(h)igh density residential [*uses*] should be used as a transitional use from commercial (or existing retail) uses, or where it will serve as a logical extension of an existing high density development." In this case there does not appear to be a logical extension between the only adjacent land use (*i.e. Townsend Village, the residential subdivision located adjacent to the northwestern property line*) and the subject property due to the inability to provide feasible cross access between the two (2) properties. Additionally, the vegetative buffer provided by the adjacent floodplain physically separates the two (2) properties and leaves less than three (3) acres of developable area, which makes residential development at any density difficult. Due to these factors staff is of the opinion that the current and future zoning designations do not represent the highest and best use for the subject property.

According to the Unified Development Code (UDC), "(t)he general retail district is established to provide limited retail and service uses for one [1] or more neighborhoods.

The uses specified in this district include most types of retail activity and are located on, or at the intersections of, major thoroughfares." Additionally, "(t)his district [*General Retail (GR) District*] will not be a major retail district, and will try to avoid intensive commercial uses and large volumes of retail traffic." *Within the attached packet staff has provided a copy of all the permitted uses allowed in the General Retail (GR) District.*

It is staff's opinion that the applicant's request to change the zoning to a General Retail (GR) District, despite the fact that it does not conform to the Future Land Use Map designation, is warranted due to the following characteristics of the subject property:

1) The subject property is not well suited for residential uses due to the visibility and adjacency of two (2) major thoroughfares, and the inability to provide cross access between this property and the adjacent residential subdivision;
2) The restrictive buildable area due to floodplain adjacencies makes the subject property better suited for a limited retail or service use, which is permitted within the General Retail (GR) District;
3) The adjacency of the subject property to a residential subdivision provides a logical extension to further screen residential properties adjacent to the floodplain areas from additional traffic noise generated by SH-276; and,
4) The development constraints and potential issues associated with access on this property make it better suited for a lower impact retail or service use.

With this being said, staff ultimately feels that the proposed change in zoning, being discretionary in nature, is a judgment call for the Planning & Zoning Commission and City Council.

On August 30, 2013, staff mailed 21 notices to property owners within 200 feet of the subject property. Additionally, staff posted signs along SH-276 and T. L. Townsend Drive (which are the only street frontages adjacent to the subject property) as required by the Unified Development Code (UDC). At this time one response has been received by staff in opposition to the request due to traffic issues in the area.

Commissioner Nielsen asked what zoning designations would be more restrictive than General Retail. Miller responded with several zoning designations that would be less intense.

The applicant came forward and stated that they are requesting the rezoning to make the property more marketable. He discussed the reasons behind the request.

Vice-Chairman Renfro opened the public hearing at 6:16 p.m.

There being no one wishing to come forth and speak, Vice-Chairman Renfro closed the public hearing at 6:16 p.m.

Commissioner Nielsen stated that his concern is with many of the uses under the General Retail zoning would increase the traffic burden on the adjacent neighborhoods.

Commissioner Jackson stated that her main concern is a gas station at this location. Miller stated that a gas station with two pumps is allowed under the General Retail district. Any additional pumps would require a Specific Use Permit.

Commissioner Minth stated that the location doesn't really justify a more restrictive zoning designation. She feels that the requested zoning of General Retail is appropriate.

Commissioner Nielsen stated that the property was purchased with an understanding of the zoning and the flood plain and that should have been a factor during the purchase of the property. LaCroix stated that the zoning that occurred on the property is due to a lawsuit which addressed

the multi-family apartment zoning on the property and reduced the density that was permitted originally.

Commissioner Minth stated that from the development side, she feels General Retail zoning is a good compromise.

Commissioner Jackson stated that she does appreciate that they have asked from a less intense zoning; however, she is still concerned with the allowed uses under this zoning district.

General discussion took place regarding the zoning of adjacent properties.

Commissioner Nielsen made a motion to deny Z2013-018, a request by Shea Kirkman on behalf of CADG Rockwall 41, LLC for the approval of a change in zoning from Planned Development District 10 (PD-10) to a General Retail (GR) District for a 3.816-acre tract of land situated within the Joseph Cadle Survey, Abstract No. 65 and the F. Henderson Survey, Abstract No. 119, City of Rockwall, Rockwall County, Texas, situated within the SH-276 Overlay (SH-276 OV) District, located at the northeast corner of the intersection of T. L. Townsend Drive and SH-276.

Commissioner Jackson seconded the motion.

A vote was taken and the motion passed 5-1, with Minth against.

5. Z2013-019
Hold a public hearing to discuss and consider a request by John Spiars with Spiars Engineering, Inc. on behalf of NESBO, LP for the approval of a Specific Use Permit (SUP) to allow for a new car dealership on a 1.06-acre tract of land identified as Tract 12 of the John Lockhart Survey, Abstract No. 134 and a 10.51-acre parcel of land identified as Lot 1, Block A of the Lafon Addition, being a total 11.568-acres, zoned Commercial (C) District and Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, generally located east of John King Boulevard and IH-30, and take any action necessary.

Gonzales stated that the applicant, John Spiars of Spiars Engineering, Inc., has submitted an application for a Specific Use Permit to allow for new car dealership within the Commercial (C) and Light Industrial (LI) Zoning Districts. This site is also located within the IH-30 Overlay (IH-30 OV) District, and should the application be approved will be subject to the standards established for this overlay district. The proposed dealership will be situated on (2) two lots that are a combined total of 11.568-acres and identified as Tract 12 of the John Lockhart Survey, Abstract No. 134 (1.06-acres) with a larger tract of land known as Lot 1, Block A, Lafon Addition (10.51-acres).

The property is located near the southeast corner of John King Blvd and IH-30, just east of the intersection. The applicant has provided a conceptual site plan indicating a proposed building footprint, parking spaces, and indicating two (2) existing points of access from the service road. However, its staff's opinion that the conceptual sites plan should not be attached to the ordinance for the purposes of tying down the proposed improvements as illustrated; rather, it should be attached for the purpose of providing a metes and bounds/property boundary description only. However, staff does recommend a full site plan review (including building elevations, landscape, treescape, and photometric plans), engineering review, and platting of the property prior to issuance of a building permit. Also, the conceptual site plan does not indicate cross access to the adjacent property, which is west of this site. Due to the two (2) existing drive approaches to be used by the proposed dealership, it may be difficult for the adjacent property to secure a drive approach from TXDOT for access from the IH-30 service road. However, the IH-30 OV district standards read as follows: Section D, Site Design Standards, b) Cross Access – *Cross access easements may be required by the city council at the time of site plan approval to ensure access to future median breaks and to reduce the number*

of curb cuts. Staff would recommend the applicant provide a cross access easement for the adjacent property to the west.

Provided with the application is a letter of explanation indicating the property is currently under contract, and that the intended use is to develop a new car dealership with used cars sales as an accessory use, and a service center for customer convenience. The letter goes on further to say that the dealership will be represented by a nationally recognized brand with a strong reputation within the automotive industry. It should be noted that should the SUP request be approved, the proposed site would be considered a redevelopment project which involves the removal of two (2) existing nonconforming metal structures located on the proposed site.

Based on the applicant's request for the SUP, the Planning and Zoning Commission and City Council would only be considering the proposed land use at this time. A full site plan submittal, including recommendations from the Architectural Review Board, and any variances needed would be considered at a future date.

A public notice has been published in the Rockwall County News, on the City's web-site, and a sign has been posted on the property. Also, notices have been mailed to eight (8) property owners within 200-ft of the subject property as required by law. At time of this report, staff has not received any responses "in favor of," or "opposed to" the request.

Should the request be approved, Staff would offer the following conditions:

1. The SUP is for the proposed land use only (i.e. "Motor Vehicle Dealership, New").
2. Staff would recommend the proposed conceptual site plan be attached to the SUP for the purpose of providing a metes and bounds description indicating the boundary of the proposed New Car Dealership.
3. Future site plan submittal and approval shall be required, including Architectural Review and adherence to all standards specified in the IH-30 Overlay district and other sections of the Unified Development Code.
4. Submittal and approval of engineering plans and final plat prior to the issuance of a building permit.
5. Any variance to the IH-30 Overlay district or other section of the Unified Development shall be considered at the time of site plan approval, including requirements for cross access, building design and materials, and any other site development requirements.
6. The SUP shall expire if development has not commenced within three (3) years from the approval date of the SUP ordinance.

Commissioner Nielsen asked about an issue with the site plan being attached to the SUP. Gonzales stated that this is just a conceptual site plan in order to show the property boundaries. LaCroix stated that in the past, some things were tied down during the zoning process, but staff is not suggesting to do that this time.

Vice-Chairman Renfro opened the public hearing at 6:41 p.m.

There being no one wishing to come forth and speak, Vice-Chairman Renfro closed the public hearing at 6:41 p.m.

Commissioner Jackson made a motion to approve Z2013-019, a request by John Spiars with Spiars Engineering, Inc. on behalf of NESBO, LP for the approval of a Specific Use Permit (SUP) to allow for a new car dealership on a 1.06-acre tract of land identified as Tract 12 of the John Lockhart Survey, Abstract No. 134 and a 10.51-acre parcel of land identified as Lot 1, Block A of the Lafon Addition, being a total 11.568-acres, zoned Commercial (C) District and Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, generally located east of John King Boulevard and IH-30, with staff recommendations.

Commissioner Minth seconded the motion.

A vote was taken and the motion passed 6-0.

6. Z2013-020
   Hold a public hearing to discuss and consider a request by James Brinkley for the approval of a change in zoning from an Agricultural (Ag) District to a Single-Family Estate 2.0 (SFE-2.0) District on a 2.0-acre tract of land identified as Tract 8-12 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas being located at 5866 S. FM-549 and take any action necessary.

Sanford explained that the applicant, Mr. James Brinkley, is requesting property be rezoned from Agricultural (AG) District to Single Family Estate 2.0 (SFE-2.0) District.

This parcel and the properties surrounding it were annexed in 2007 and the majority of the properties remain with AG zoning. There is an existing home on the subject property; however, being less than 10 acres, the property does not meet the single family requirements for the AG zoning district. Mr. Brinkley is coming forward with the request in order to meet the zoning requirements for the purpose of constructing an accessory building on the property. The zoning request is in conformance with the City's Comprehensive Plan and Future Land Use Map.

A notice was published on August 29, 2013 in the Rockwall County News. Nine (9) notices were mailed to property owners of record within 200-ft of the subject property. At the time of this report, staff has received one (1) notice in favor of the request.

Since the applicant's request is in conformance with the Future Land Use map, the Comprehensive Plan, and all applicable local, state and federal requirements, staff recommends approval of the change in zoning from an Agricultural (AG) District to a Single Family Estate 2.0 (SFE-2.0) District for the subject property.

Vice-Chairman Renfro opened the public hearing at 6:44 p.m.

There being no one wishing to come forth and speak, Vice-Chairman Renfro closed the public hearing at 6:44 p.m.

Commissioner Minth made a motion to approve Z2013-021, a request by James Brinkley for the approval of a Specific Use Permit (SUP) to allow for an accessory building that does not conform to the exterior material requirements as specified for a property zoned for Single-Family Estate 2.0 (SFE-2.0) District uses by the Unified Development Code, being a 2.0-acre tract of land identified as Tract 8-12 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Agricultural (Ag) District, located at 5866 S. FM-549, with staff recommendations.

Commissioner Jackson seconded the motion.

A vote was taken and the motion passed 6-0.

7. Z2013-021
   Hold a public hearing to discuss and consider a request by James Brinkley for the approval of a Specific Use Permit (SUP) to allow for an accessory building that does not conform to the exterior material requirements as specified for a property zoned for Single-Family Estate 2.0 (SFE-2.0) District uses by the Unified Development Code, being a 2.0-acre tract of land identified as Tract 8-12 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Agricultural (Ag) District, located at 5866 S. FM-549 and take any action necessary.

Sanford stated that the applicant, Mr. James Brinkley, is requesting a Specific Use Permit (SUP) to allow for a 480-sf accessory building not meeting the exterior material requirements of the Single Family Estate 2.0 (SFE-2.0) District standards.

Under the use standards of the Unified Development Code, the accessory building shall be accessory to a residential use and located on the same lot. By right, in the SF-E district, no more than two (2) accessory buildings shall be allowed which are up to 625 sq-ft (each) and are 15 ft or less in height; or a single building which is up to 1,500 sq-ft in area (SFE-2.0) and 15 ft or less in height, provided the exterior cladding contains the same materials, excluding glass, as is found on the main structure and generally in the same proportion. Accessory buildings not meeting these standards shall require approval of an SUP.

There is an existing home on the property, as well as an existing accessory building; however, the applicant has indicated that the existing building does not exceed 625-sf in area. The proposed accessory structure will be approximately 20' x 24' and the applicant has stated that it will not exceed 15' in height.

A notice was published on August 29, 2013 in the Rockwall County News. Nine (9) notices were mailed to property owners of record within 200-ft of the subject property. At the time of this report, staff has not received any notice for or against the request.

If request is approved, Staff offers the following conditions:

1. The building will comply with the approved site plan and building elevations.
2. The maximum building size is limited to 625-square feet in area.
3. The maximum height of the building is limited to 15 feet.
4. The accessory building is subject to administrative review in the event that the subject property is sold or conveyed in any manner to another party, subdivided, or replatted.
5. 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.

Vice-Chairman Renfro opened the public hearing at 6:47 p.m.

There being no one wishing to come forth and speak, Vice-Chairman Renfro closed the public hearing at 6:47 p.m.

Commissioner Jackson made a motion to approve Z2013-021, a request by James Brinkley for the approval of a Specific Use Permit (SUP) to allow for an accessory building that does not conform to the exterior material requirements as specified for a property zoned for Single-Family Estate 2.0 (SFE-2.0) District uses by the Unified Development Code, being a 2.0-acre tract of land identified as Tract 8-12 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Agricultural (Ag) District, located at 5866 S. FM-549, with staff recommendations.

Commissioner Conley seconded the motion.

A vote was taken and the motion passed 6-0.

IV. DISCUSSION ITEMS

8. Director's Report of post Council meeting outcomes of Planning & Zoning cases:

- P2013-028: RISD Elementary School Addition (approved)

LaCroix briefly updated the Commission on the above listed cases.

V. ADJOURNMENT

The meeting adjourned at 6:48 p.m.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 29th day of October, 2013.

Craig Renfro, Chairman

Attest:

JoDee Sanford, Planning Technician

MINUTES
PLANNING AND ZONING COMMISSION WORK SESSION
City Hall, 385 South Goliad, Rockwall, Texas
Council Chambers
September 24, 2013
6:00 P.M.

I. CALL TO ORDER

The meeting was called to order by Vice-Chairman Renfro at 6:00 p.m. with the following members present: Wendi Conley, Johnny Lyons, Kristin Minth, John McCutcheon, and Matthew Nielsen. Connie Jackson was not present.

The following staff members from the Planning Department were present: Robert LaCroix, Ryan Miller, David Gonzales, and JoDee Sanford. Additionally, Engineering Department staff members, Tim Tumulty, Amy Williams, and Kathleen Moreno, were in attendance.

1. Approval of Minutes for the August 13, 2013 Planning and Zoning Commission meeting.

Commissioner Conley made a motion to approve the minutes for August 13, 2013.

Commissioner Minth seconded the motion.

A vote was taken and the motion passed 4-0, with Lyons and Nielsen abstaining.

2. ELECTION of Planning and Zoning Commission Chair and Vice-Chair positions

Commissioner Conley nominated Craig Renfro as Chair.

Commissioner Minth seconded the nomination.

A vote was taken, and the motion passed 6-0.

Commissioner Nielsen nominated John McCutcheon as Vice-Chair.

Commissioner Minth seconded the nomination.

A vote was taken, and the motion passed 6-0.

II. PUBLIC HEARING ITEMS

3. Z2013-023
Hold a public hearing to discuss and consider a request by Robert Church and Toni Waldrop for the approval of a change in zoning from Single-Family 7 (SF-7) District to a Residential/Office (RO) District for two (2) properties being a total of 0.294-acres situated within Blocks 32C (0.114-acres) & 32D (0.18-acres) of the B. F. Boydston Addition, City of Rockwall, County of Rockwall, Texas, located at 304 & 306 Williams Street, and within the Historic Overlay (HO) District, and take any action necessary.

Gonzales stated that the subject properties are identified as Blocks 32C (0.114-acres) & 32D (0.018-acres) and combine for a total of 0.294-acres of land within the B.F. Boydstun Addition, and situated within the Old Town Rockwall (OTR) and Historic Overlay (HO) Districts. The subject properties are composed of two (2) existing residential lots identified as 304 & 306 Williams Street and are zoned Single-Family (SF-7) District. The City's Future Land Use Map (approved with the 2011 Comprehensive Plan) designates 304 & 306 Williams Street as Downtown (DT) District.

The purpose of the request is to change the zoning from a Single-Family Residential (SF-7) District to a Residential Office (RO) District for the purpose of converting the two (2) existing

single family residences into an office use and/or certain low intensity type of small business uses allowed within the proposed district. Staff has provided a highlighted Land Use Chart indicating the uses that are "Permitted" by right (P), uses requiring a "Specific Use Permit" (S), and uses which are "Accessory" to the primary use (A) within the Residential Office (RO) district for your review and consideration.

In your packet are the standards for the Residential Office (RO) and Historic Overlay (HO) districts, as well as the Land Use Table designating the appropriate uses within the RO district for your review.

ADJACENT LAND USES:

The land uses adjacent to the subject property are as follows:

North: Directly north of the subject properties is Williams Street, which is identified as a Minor Collector according to the Master Thoroughfare Plan and is zoned Single Family Residential (SF-7) District.

South: Directly south of the subject properties is the building formerly known as Coyote Rojo. This property is zoned Downtown (DT) District.

East: Directly east of the subject property single family homes zoned Single Family Residential (SF-7) District. Additionally, these properties are located within the Historic Overlay (HO) District.

West: Directly west of the subject properties is the building formerly known as Tropical Johns. This property is zoned Downtown (DT) District.

A public notice has been published in the Rockwall County News on September 5th, 2013, on the City's web-site, and a sign has been posted between the two (2) properties. Also, notices have been mailed to eleven (11) property owners within 200-ft of the subject property as required by law. At time of this report, staff has received six (6) responses "opposed to" the request and none (0) "in favor of" the request.

On September 19, 2013, the Historic Preservation Advisory Board recommended to deny the applicant's request to change the zoning by a vote of 4 to 0 (Mishler and Canup absent).

Commissioner Nielsen asked if there is sufficient parking on these two properties. Gonzales indicated that parking would be considered during the site plan process if the zoning is approved.

Some discussion occurred regarding the availability of parking on the properties.

Commissioner Minth asked if these properties may be tied to other properties in the area to allow for parking in the back of the property. LaCroix indicated that at this point the Commission should make their decision based on parking being in front of the property.

Chairman Renfro opened the public hearing at 6:33 p.m.

Toni Waldrop
306 Williams
Rockwall, Texas

Mrs. Waldrop stated that she purchased the property in 1992 when the population of Rockwall was 25000 with much less traffic. She plans on keeping the property as a low impact office with parking located in the back of the property. Minimal parking will be needed as it will be a low intensity office use. Mrs. Waldrop also stated that a separate property located nearby is a residential property being used as an office.

Commissioner Nielsen asked if both property owners are making the request. Mrs. Waldrop stated that they have submitted a joint application. She stated that she is requesting the zoning

change because when she tried to sell the property previously, the only offers came from businesses. She stated that Dr. Church has also had difficulty keeping a residential renter for his property.

Additional discussion occurred regarding the reasoning behind the request.

Commissioner McCutcheon asked how long Mrs. Waldrop has had the home on the market. Mrs. Waldrop stated that she had the property on the market for 6 months. Dr. Church has had a lot of turnover from renters at his property according to Mrs. Waldrop.

Gonzales mentioned that at the time the staff report was created, none of the 9 notices sent to property owners within 200 ft were returned; however, since that time 2 have been returned in opposition to the request. LaCroix added that 3 other notices have been returned this evening in opposition.

Johnny Johnson
303 N. Clark St./307 E. Kaufman St.
Rockwall, Texas

Mr. Johnson spoke against the zoning change. He stated that it is a very busy street; however, 66 will be rerouted. They want to keep the properties along the street within the historic district. When the downtown district was created, they stated that no business would be allowed to go beyond the curve in the roadway. Mr. Johnson said this represents island zoning within the historic district. He stated that everyone in the district should be notified if a property within the district is requesting rezoning. He also stated that business need signage and that is not something they want within the historic district.

Taylor Pointer
303 Williams
Rockwall, Texas

Mrs. Pointer stated that the property does stay very consistently rented. She believes that the rent maybe high and the traffic is increased. She feels that the curve is a natural stopping point for the commercial development. She would like to know how the back of the two properties was rezoned without prior notification. She also is in opposition to the rezoning of the properties.

LaCroix stated that the strip of property in the back of the property was originally parking for the restaurant, but is no longer. He stated that over 300 notices were sent out in 2007 to notify property owners within the Downtown District along with those property owners within 200 feet of the proposed district.

Mrs. Pointer additionally stated that she is currently raising her family nearby and she doesn't want the additional traffic in the area.

Anna Potts
601 Williams St.
Rockwall, Texas

Mrs. Potts stated that she and her husband strongly oppose the rezoning of the property. She stated that she wishes the applicant had sold the home because it would benefit everyone. They were told that the commercial businesses would not extend past the curve in the roadway. Children walk to school. They don't want the increase in traffic to cause a safety issue for the children and families in the area.

Alison Odom
405 N. Fannin St.
Rockwall, Texas

Mrs. Odom stated that she loves the downtown area and all the merchants; however, she does not want to see business within the neighborhood. She is about to begin a construction project on her home and others have invested a lot of money in their homes as well. She stated that she had not spoken to anyone in the neighborhood that wants to see this go to commercial. She also would like to know if the owner plans to lease or sell the property.

Sandy Whitley
704 Williams
Rockwall, Texas

Mrs. Whitley stated that she has invested a lot of money in her home because that is where she wanted to raise her family. She does understand the traffic in front of the home and can appreciate the difficulty in selling the property. The traffic is a temporary issue that will be resolved with the rerouting of 66.

Commissioner Nielsen asked if Mrs. Whitley prefers to have the property be kept as a rental residential property or be sold as a business at the property.

Mrs. Whitley responded that both homes are very well maintained and that she and the neighbors are not opposed to renters. They are very invested both financially and emotionally in the neighborhood.

Ashle Pereira
402 Williams St.
Rockwall, Texas

Mrs. Pereira stated that she believes that the property should be also owns a couple rental properties within the area and the nature of the business in to have more transient people. She also stated that she is very opposed to the change.

Carol Crow
504 Williams St.
Rockwall, Texas

Mrs. Crow stated that the Historic Board voted 4 to 0 against the change in zoning. She stated that the Residential-Office District was introduced to North Goliad about 10 years ago when the houses along the street were in disrepair. They felt that this District would encourage renovation of these properties, but she does not feel it has to the extent they originally thought. Mrs. Crow additionally expressed concern regarding the Specific Use Permits they are potentially allowed within the district. They are a street with many young families and most of the homes are owner occupied. She is against the zoning change.

Jim Buttgen
501 Kernoodle
Rockwall, Texas

Mr. Buttgen stated that he also has invested a lot of money in his home. He asked the Commission how many of them live in Old Towne. He stated that young families are moving in to the Old Towne area. It is a quaint neighborhood where the people talk to one another. He believes that Commercial will continue to creep down the street if this change is allowed. This is the historical district and it should remain that way. It is not the place for offices or other businesses. Traffic is a problem in the area, but that is just a part of living in the area. Mr. Buttgen stated that in 2005 when the property went Commercial, he never received a letter. He and his wife are against the zoning change.

LaCroix responded that the Downtown District zoning occurred in 2007 and notices were sent to over 300 property owners. LaCroix additionally explained the difference between zoning and land use.

Patrick Trowbridge
601 Parks Avenue
Rockwall, Texas

Mr. Trowbridge stated that he owns and lives the property; however, he is outside of the notice area. He is opposed to the zoning change. He discussed the area being residential and a naturally occurring buffer between downtown businesses and the residential properties. He believes the highest and best use of these properties is residential.

Jonathan Brown
7814 Colonial Lane
Rowlett, Texas

601 Kernoodle
Rockwall, Texas

Mr. Brown stated that he is an architect that works on building communities. He and his wife love Rockwall and were very excited to get the opportunity to buy in this community. Mr. Brown stated that other cities are working to have what Rockwall already has in terms of a successful downtown and historic district. They are very opposed to the rezoning.

Mrs. Potts asked to speak again. She stated that additional concern of hers is that the parking would end up on the street which would increase the traffic issues and bring strangers into the neighborhood.

Mrs. Waldrop stated that she would propose a five year plan to not allow any SUPs. She does want to keep the house in her family and would not sell the property. When Coyote Rojo was in business, she had no privacy. The walls within the home are thin and the home stays cold. It was built in the 1800s, but she has renovated the home and it is in pristine condition. It will be difficult to get the traffic rerouted and it will take some time to do so. In addition, it is very costly to reroute the traffic. Mrs. Waldrop is concerned that the future use of the building next door will bring much noise and alcohol and will cause her property to be less desirable to a family.

There being no one wishing to come forth and speak, Chairman Renfro closed the public hearing at 7:29 p.m.

Commissioner Nielsen stated that this is a difficult case because of the situation. He hopes that the rerouting of the street will benefit the area. It is a beautiful neighborhood. He also is considering the HPABs recommendation to deny the request.

Commissioner Minth stated that she does respect the applicant for what she is doing. She believes that timing is important. She is greatly appreciative for the involvement of the community.

Commissioner Conley stated that she is new to the community. She started on the HPAB and she went out and walked this community. She learned a lot about the neighborhood and she greatly respects it.

Commissioner Nielsen made a motion to deny Z2013-023, a request by Robert Church and Toni Waldrop for the approval of a change in zoning from Single-Family 7 (SF-7) District to a Residential/Office (RO) District for two (2) properties being a total of 0.294-acres situated within Blocks 32C (0.114-acres) & 32D (0.18-acres) of the B. F. Boydston Addition, City of Rockwall, County of Rockwall, Texas, located at 304 & 306 Williams Street, and within the Historic Overlay (HO) District.

Commissioner Minth seconded the motion.

A vote was taken and the motion passed 6-0.

(The Commission recessed at 7:35pm. The Commission resumed the meeting at 7:44pm. Commissioner Minth was no longer present.)

III. DISCUSSION ITEMS

4. Z2013-024
Hold a public hearing to discuss and consider a request by Todd Wintters of Engineering Concepts & Designs, L.P. on behalf of the Lakeside Church of Christ of Rockwall and Altura Homes for the approval of a zoning change for a 28.94-acre parcel of land being a portion of Lot 1 and all of Lot 2, Block A, Rockwall Lakeside Church of Christ Addition, City of Rockwall, Rockwall County, Texas from an Agricultural (Ag) District to a Planned Development District for Single Family 10 (SF-10) District uses. The subject property is zoned Agricultural (Ag) District and located on the north side of Airport Road, west of the intersection of Airport Road and FM3549.

Miller gave an overview of the case and a description of the property.

5. Z2013-025
Hold a public hearing to discuss and consider a request by Stephan Ewing on behalf of the owner Dallas East Partnership for the approval of an amendment to Specific Use Permit No. 109 (S-109) to allow the rental of one (1) full size pick-up truck and one (1) full size van as an accessory use to the existing mini-warehouse facility located on a 6.06-acre parcel of land identified as Lot 1, Block C, Rockwall Business Park East, City of Rockwall, Rockwall County, Texas, located at 1280 E. Ralph Hall Parkway, and take any action necessary.

Gonzales briefly discussed the case and the location of the property.

Commissioner McCutcheon asked about a previous case that came before the Commission. Gonzales explained the difference in the two requests. Commissioner McCutcheon asked if the trucks are already being allowed on the property. LaCroix stated that this was a mistake on their website and they have since had the problem corrected.

Steven Ewing
402 Renfro
Rockwall, Texas

Mr. Ewing discussed the types of trucks they will have at this location.

Commissioner Nielsen asked if there is a way to define the heavier vehicles. LaCroix stated that the vehicles allowed will be specified within the Specific Use Permit. Commissioner Nielsen additionally asked about signage advertising the trucks. Mr. Ewing stated the only signage would be on the door of the facility.

6. Z2013-026
Hold a public hearing to discuss and consider a request by John P. Allender with Architexas on behalf of the owner Greener City Groups, Inc. for the approval of a zoning change to amend the residential standards for a 4.96-acre portion of Planned Development District 9 (PD-9) being identified as Tracts 4-13 & 4-14 of the Edward Teal Survey, Abstract 207, City of Rockwall, Rockwall County, Texas, located east of the intersection of Ridge Road [FM-740] and Shady Dale Lane, and take any action necessary.

Gonzales explained the location of the property and briefly described the case.

John Allender
1907 Mirella
Dallas, Texas

Mr. Allender discussed the request and the plans for development.

7. Z2013-027
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.

Sanford explained the case and the location of the property.

Commissioner McCutcheon asked the applicant to explain the long term plan for the school. The applicant came forward and explained the long term plan.

Additional discussion took place regarding the request and current zoning on the property.

Commissioner Nielsen how long the SUP would be in place. LaCroix stated that the Commission could set that time frame. The applicant discussed their situation and the fundraising and planning required.

8. SP2013-024
Discuss and consider a request by Sydnee Freeman with Harrison French & Associates for the approval of an amended site plan to allow for incidental display in conjunction with a retail store with gasoline product sales located on Lot 1, Block 1, 7-Eleven/Goliad Addition, being a 0.8323-acre tract of land, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, located on the northeast corner of S. Goliad Street (SH-205) and Yellow Jacket Lane, and take any action necessary.

Sanford discussed the case and the location of the property.

Sydnee Freeman
118 Haley Drive
Fate, Texas

Mrs. Freeman discussed the reasoning behind the request.

9. Director's Report of post Council meeting outcomes of Planning & Zoning cases.

- ✓ P2013-027: Stone Creek Phase V (approved)
- ✓ P2013-026: Chandlers Landing Phase 7 Replat (approved)
- ✓ Z2013-018: Zoning Change PD #10 to General Retail (tabled)
- ✓ Z2013-019: New Car Dealership SUP (approved)
- ✓ Z2013-020: Zoning Change AG to SFE-2.0 (tabled)
- ✓ Z2013-021: Accessory Building SUP (tabled)

LaCroix briefly updated the Commission on the above listed cases.

IV. ADJOURNMENT

The meeting adjourned at 8:23 p.m.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 12th **day of** November **, 2013.**

Craig Renfro, Chairman

Attest:

JoDee Sanford, Planning Technician

MINUTES
PLANNING AND ZONING COMMISSION PUBLIC HEARING
City Hall, 385 South Goliad, Rockwall, Texas
Council Chambers
December 10, 2013
6:00 P.M.

I. CALL TO ORDER

The meeting was called to order by Chairman Renfro at 6:00 p.m. with the following members present: Wendi Conley, Connie Jackson, Johnnie Lyons, and Kristen Minth. Matthew Nielsen arrived late at 6:20 pm. John McCutcheon was absent from the meeting.

The following staff members from the Planning Department were present: Robert LaCroix, Ryan Miller, David Gonzales, and JoDee Sanford. Additionally, Engineering Department staff members, Tim Tumulty, Amy Williams, and Kathleen Moreno, were in attendance.

II. CONSENT AGENDA ITEMS

1. P2013-040
   Discuss and consider a request by Glenn Engineering Corporation on behalf of James A. Havens for the approval of a replat for Lots 2 & 3, Block H, The Shores Club House Addition, Phase 2 being a 9.455-acre parcel of land currently identified as Lot 1, Block H, The Shores Club House Addition, Phase 2, City of Rockwall, Rockwall County, Texas; zoned Planned Development District 3 (PD-3), addressed as 2600 Champions Drive, and take any action necessary.

Commissioner Minth made a motion to approve the Consent Agenda

Commissioner Jackson seconded the motion.

A vote was taken and the motion passed 5-0.

III. PUBLIC HEARING ITEMS

2. Z2013-031
   Hold a public hearing to discuss and consider a request by Shawn Valk on behalf of LGI Properties for the approval of a Specific Use Permit to allow a mini-warehouse facility on a 5.94-acre tract of land, zoned Commercial (C) District and located within the Scenic Overlay (SOV) District, being a portion of a 9.699-acre tract land identified as Tract 15 of the E. P. G. Chisum Survey, Abstract No. 64, City of Rockwall, Rockwall County, Texas; located at the southwestern corner of Ridge Road [FM-740] and Turtle Cove Boulevard, and take any action necessary.

Miller indicated that according to the Permissible Use Charts located in Article 4, Permissible Uses, of the Unified Development Code (UDC) a mini-warehouse facility requires a Specific Use Permit (SUP) within a Commercial (C) District. In conformance with this requirement the applicant, Shawn Valk, submitted an application on October 18, 2013 requesting an SUP on a 5.94-acre portion of a larger 9.699-acre tract of vacant land zoned Commercial (C) District. The subject property is located at the southwestern corner of the intersection of Ridge Road [FM-740] and Turtle Cove Boulevard, and is situated within the Scenic Overlay (SOV) District.

The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property is 100-feet of railroad right-of-way owned by the Union Pacific Railroad. Adjacent to the northern line of the railroad right-of-way is the Turtle Cove Subdivision, Phase III, which contains 99 single family residential lots on 21.104-acres. The property is zoned Planned Development District 2 (PD-2) for single family residential uses. Beyond this is the city-limit line followed by the Lake Ray Hubbard Take-Line.

South: Directly south of the subject property is Ridge Road [FM-740] followed by the Ridge Road Town Center, which is a commercial/retail shopping center situated on a 7.68-acre parcel of land zoned Commercial (C) District.

East: Directly east of the subject property is Turtle Cove Boulevard followed by a 1.158-acre parcel of land containing two (2) office buildings and zoned Commercial (C) District.

West: Directly west of the subject property is the ~3.75-acre remainder of the larger 9.699-acre tract of land containing the subject property. This property is currently vacant and is zoned Commercial (C) District. Beyond this vacant tract of land is a medical office building on a 2.427-acre parcel of land zoned Commercial (C) District.

The applicant has submitted a conceptual site plan and building elevations detailing the anticipated layout of the proposed mini-warehouse facility. The proposed facility will consist of ten (10) buildings with a capacity of 625 units and be situated on ~ 2/3 of the 5.94-acre subject property. The remainder of the subject property (~1.943-acres) will contain a detention area that will be separated from the proposed facility by a 30-foot roadway intended to connect Turtle Cove Drive to La Jolla Pointe Drive, which is located to the southeast. This roadway, while not being required, will be constructed at the expense of the developer and per the requirements of the SUP ordinance (and with the cooperation of the applicant) will be dedicated as a public right-of-way at the time of final plat. The applicant has offered to add this as a condition of approval (see attached letter). The proposed roadway would effectively provide an additional point of access to the Turtle Cove Subdivision and adjacent office buildings, which currently only have unprotected access (i.e. does not have a traffic signal) onto Ridge Road. The applicant has stated that the purpose of the detention area and roadway being situated towards the rear of the subject property is to reduce the visibility of the mini-warehouse facility from the residential properties located to the north. Currently, the residential properties are separated from the subject property by a 100-foot railroad right-of-way, which has dense vegetation along both sides of the railroad tracks that impair visibility from the residential properties to the subject property (a picture of this right-of-way has been provided as in Exhibit in the attached packet).

Section 2.1.10 of Article IV, Permissible Uses, of the UDC details the specific land use requirements for a Mini-Warehouse Facility. The following is a summary of the applicant's proposal and its compliance to these requirements:

Code Requirement	*Proposed Plan*	*Compliance*
The maximum site area shall not exceed five (5) acres.	5.94-Acres[1]	*Not In Compliance*
The maximum number of storage units shall not exceed 125 units per acre.	A maximum of 625 units is permitted by the SUP Ordinance (*i.e. less than 125 units per acre*).	*In Conformance*
The maximum height shall not exceed one (1) story.	All the storage buildings will be one (1) story in height with the exception of one (1) building which is depicted as being two (2) stories in height[2].	*Not In Compliance*
The minimum number of parking spaces required is two (2). Parking requirement is three (3) spaces plus one (1) per 100 units.	Nine (9) Parking Spaces	*In Conformance*
No direct access from FM740, SH205, SH66, SH276, FM3097, FM552, FM549 or John King Boulevard.	Direct access from Turtle Cove Boulevard only.	*In Conformance*
Overhead doors shall not face adjacent streets.	The buildings shall all face inward and will not have doors visible from Ridge Road or Turtle Cove Boulevard.	*In Conformance*
All exterior walls facing the front, side and rear property lines shall be 100% brick construction.	All exterior walls will incorporate brick and stone[3].	*In Conformance*
The front, side and rear building setback areas shall incorporate clustered landscaping.	*Will be handled at the time of the site plan submittal on the Landscaping Plan.*	*Landscaping Plan (Site Plan)*
Gates shall be incorporated limiting access to the facility.	Wrought iron gates are being proposed.	*In Conformance*
Screening fences shall be wrought iron or masonry.	Landscape screening and wrought Iron fencing shall be shown on the site plan.	*In Conformance*

Concrete shall be used for all paving.	All future paving will be concrete.	*In Conformance*
Roof shall have a minimum roof pitch of 1:3 and be constructed with metal standing seam.	*Will be handled at the time of site plan submittal on the Building Elevations (the Concept Building Elevations appear to conform to this requirement).*	*Building Elevations (Site Plan)*
Lighting standards shall be limited to a maximum of 20-feet in height.	*Will be handled at the time of site plan submittal on the Photometric Plan.*	*Photometric Plan (Site Plan)*
A single residential unit not exceeding 1,600 SF in size is permitted.	Single Residential Unit (*1,200 SF*)	*In Conformance*

Notes:

[1]: Total site area is 5.94-acres; however, the applicant has agreed to cap the total number of units at 625 units, which is the maximum permissible number of units permitted on a five (5) acre site. Additionally, the development itself will be situated on less than five (5) acres of land, with the detention area being separated from the main property by the proposed roadway.

[2]: The Scenic Overlay (SOV) District requires buildings exceeding 36-feet in height to request a Specific Use Permit. The applicant has stated that the building will not exceed 36-feet in height and that a Specific Use Permit for height will not be necessary. Additionally, the applicant has stated that the purpose of this exception request is due to the finished floor of the proposed development being ten (10) feet lower than Ridge Road.

[3]: The Scenic Overlay (SOV) District requires a minimum of 20% natural or quarried stone on all building façades. The building elevations submitted by the applicant show a stone wainscot at the base of all the buildings and appear to generally conform to this requirement.

With the exception of the lot size and building height the applicant's request is in conformance with all other applicable requirements stipulated for the Mini-Warehouse Facility land use required by Article IV, Permissible Uses, of the UDC. In addition to these requirements the subject property is also located within the Scenic Overlay (SOV) District, which carries specific architectural and landscaping guidelines (e.g. masonry, street trees, etc.). Any building being constructed on this property will be required to meet these requisites in order to ensure consistency and compatibility with the adjacent existing commercial properties. Additionally at the time of site plan review the Architectural Review Board (ARB) will provide recommendations to the Planning & Zoning Commission concerning the proposed building elevations and there compatibility with adjacent development.

In order to insure that the plan submitted by the applicant for the Specific Use Permit will conform to the future site plan submittal, staff has incorporated both the conceptual site plan and building elevations into the SUP ordinance, as well as, the operational conditions listed in the Recommendations section below.

On November 1, 2013, staff mailed out 21 notices to property owners within 200-feet of the subject property. Additionally, staff posted signs along Ridge Road [FM-740], which is the major street frontage adjacent to the subject property, as required by the UDC. At the time this case memo was drafted staff had received six (6) property owner notifications within the 200-foot buffer area. All six (6) of the property owner notifications received by staff were opposed to the request.

If the Planning & Zoning Commission and City Council choose to approve the applicant's request for a Specific Use Permit (SUP) for a *Mini-Warehouse Facility* on the subject property then staff would recommend the following conditions of approval:

1) **The applicant shall be responsible for maintaining compliance with the operational conditions contained in the approved SUP ordinance and summarized as follows:**
   a) **All construction and operations on this property shall generally conform to the Concept Plan depicted in Exhibit 'B' of the SUP ordinance.**
   b) **Prior to the issuance of a building permit a site plan conforming to the requirements stipulated by the Unified Development Code shall be submitted and approved by the Planning & Zoning Commission, and if necessary City Council.**
   c) **The building elevations submitted with the site plan shall be subject to review and recommendation by the Architectural Review Board (ARB).**
   d) **The building elevations submitted with the site plan shall strictly adhere to the Concept Building Elevations depicted in Exhibit 'C' of the SUP ordinance, unless required to be modified to conform to the requirements of the Scenic Overlay (SOV) District and/or meet the recommendations of the Architectural Review Board (ARB), Planning & Zoning Commission, and/or City Council.**
   e) **The maximum number of storage units provided shall not exceed 625 units for this facility.**
   f) **All fences shall be wrought iron or similar, and when necessary incorporate landscaping/living screening to screen the interior of the facility. Chain-link fencing shall be prohibited.**

g) No outside storage of any kind shall be permitted on this site. This includes the outside storage of boats, recreational vehicles, and motor or self-propelled vehicles.
h) Businesses shall not be allowed to operate within individual storage units.
i) The commercial operation of rental trucks and trailers shall be prohibited.
j) The proposed 30-foot roadway connecting Turtle Cove Boulevard and La Jolla Pointe Drive shall be constructed by the developer in unison with the construction of the Mini-Warehouse Facility. The right-of-way for this roadway shall be dedicated to the City at the time of final plat.

2) In conformance with the requirements of Section 2.2 of Article XI, *Zoning-Related Applications*, of the UDC the applicant shall be required to submit a site plan prior to the issuance of a building permit;
3) Unless specifically addressed within this case memo the site plan, landscape plan, building elevations and photometric plan shall comply with the land use requirements for the *Mini-Warehouse* land use stipulated by Section 2.1.10, *Wholesale, Distribution and Storage*, of Article IV, *Permissible Uses*, of the UDC.
4) The City Council reserves the right to review this SUP request [*Case No. Z2013-031*] one (1) year after the approval and adoption of the SUP ordinance; and
5) Any construction or building necessary to complete this request must conform to the requirements set forth by the UDC, the 2009 International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

Dallas Cothran
900 Jackson, Suite 640
Dallas, Texas

Mr. Cothran is a land use consultant representing the applicant. He discussed this land use at this location and described the impact on traffic and crime, and other uses that are permitted on the subject property.

Commissioner Nielsen asked about the difficulties in developing the tract and if some other uses mentioned are realistic for this tract. He additionally asked about signage and the planned operator. Mr. Cothran stated that a retail strip center is realistic and would have a higher impact on traffic. Additionally, a church or daycare would have a higher impact on traffic. Other general discussion occurred regarding signage and visibility as well as the operator of the storage facility.

Commissioner Jackson asked the hours of operation and if rental trucks would be a part of the business. She additionally asked the type of secured entrance and if boxes and packaging materials would be sold. She also confirmed the location of the dumpster. Mr. Cothran answered the questions.

Commissioner Lyons asked about outside storage of RVs, cars and boats. He additionally asked if access to the units will be from outside or inside. He asked for clarification on the types of doors on the units. General discussion took place regarding the questions.

Chairman Renfro opened the public hearing at 6:57 p.m.

Wade Fish
647 Stafford Circle
Rockwall, Texas

Mr. Biff stated that he is concerned with the clientele that will use the facility. He does not feel that mini warehouse is appropriate for this property.

BJ Brummit
92o Briar Oak
Rockwall, Texas

Mr. Brummit stated that he has concerns about the crime at the facility. He does not want this located on this property and feels there are better locations elsewhere.

Lt Col Thomas J Galli
645 Stafford Circle
Rockwall, Texas

Mr. Galli spoke regarding the drainage and water issues that he feels the development will cause.

Laura Carr
667 Stafford Circle
Rockwall, Texas

Mrs. Carr stated that she is opposed to the development. Her concerns are safety from drugs being sold from a storage facility including methamphetamines without electricity. She additionally discussed safety from violence, guns, and hazardous materials.

Eberle Smith
642 Turtle Cove
Rockwall, Texas

Mrs. Smith is concerned about the lighting of the facility. She does not believe this is an appropriate use of the property.

Jane Pyke
956 Bluffview Drive
Rockwall, Texas

Mrs. Pyke discussed the views and vistas within Rockwall and the ways that the facility will impact the neighborhood. Mrs. Pyke also mentioned that this facility does not seem to conform to the comprehensive plan.

Gary Saunders
662 Turtle Cove Blvd.
Rockwall, Texas

Mr. Saunders stated that he has lived in Rockwall for 17 years. He believes that this facility goes against the mission of Rockwall.

Ron Pyke
956 Bluffview
Rockwall, Texas

Mr. Pyke discussed the newspaper article that listed Rockwall as a Scenic City and he thanked the Commission for their work.

Steve Boewe
663 Stafford Circle
Rockwall, Texas

Mr. Boewe discussed the impact this facility will have on his property value. He stated that mini-warehouse facilities start out new and pristine and they age rapidly. He stated this facility will not increase the value of his property and should be located as far away as possible from single-family homes.

Mike Conway
658 Turtle Cove
Rockwall, Texas

Mr. Conway stated that typically mini-warehouse facilities are located on a major thoroughfare where they have a lot of visibility and are not located near residential neighborhoods. He also does not believe that this will increase the value of the homes in the neighborhood.

Michael Elgecomb
671 Woodland Way
Rockwall, Texas

Mr. Elgecomb stated that owner occupied storage facilities are generally well maintained; however, facilities operated through a chain are not as well kept. He also stated that it is difficult to get his trailer in and out of the neighborhood due to poor access and traffic.

Kenneth Hood
935 Briar Oak
Rockwall, Texas

Mr. Hood stated that he is against the proposed development due to the close proximity to the neighborhood. He believes that the facility will increase traffic and the number of accidents.

Sally Meek
939 Briar Oak Dr.
Rockwall, Texas

Mrs. Meek stated that she feels that this development would have a negative impact on public safety specifically traffic. Mrs. Meek generally discussed the traffic in the area.

Scott Roberts
1026 Creekwood
Garland, Texas

Mr. Roberts stated that he is Chairman of the Planning Commission with the City of Garland. He was asked by Shawn Valk to look at this site from the perspective of an architect and planning commissioner. Mr. Roberts stated that because the developer is proposing to build the road, this will allow for an additional entry and exit point. He additionally stated that this is a family owned facility.

Robert Celii
667 Turtle Cove Blvd.
Rockwall, Texas

Mr. Celli discussed urban sprawl and the consequence of urban runoff. He additionally stated that the neighborhood does have an additional emergency access point through an adjacent neighborhood. He is concerned about facility of this nature being constructed near a drinking water source.

Paul Davis
Texas Specialty
510 Turtle Cove Ste. #200
Rockwall, Texas

Mr. Davis owns the office building on Turtle Cove. He additionally owns property next door and intends to construct a medical office building. He requested that the Commission protect the property values and interests of those in the neighborhood and vote against this development.

(The Commission took a short recess at 7:51. The meeting resumed at 7:55.)

Charlie Pratt
619 Loch View Ct.
Rockwall, Texas

Mr. Pratt stated that he believes this development will lower surrounding property values and diminish the quality of life for the residents of the neighborhood.

Ross Ramsey
637 Sanford Circle
Rockwall, Texas

Mr. Ramsey discussed the comprehensive plan. He stated that this is not a difficult site, but rather a unique site. He believes it should be developed within the existing zoning permitted uses.

Paul Frieze
943 Lexington Drive
Rockwall, Texas

Mr. Frieze stated that there is a reason that this particular use was not allowed by right.

Adam Bell
1107 Padre Circle
Allen, Texas

Mr. Bell stated that he has a storage facility 25 feet from his home. He was also concerned originally; however, the Valks did address each concern to the community's satisfaction. The community now believes that this is the best use for the property.

Thomas Nynnas
679 Danielle Court
Rockwall, Texas

Mr. Nynnas stated that the intersection leaving the neighborhood is terrible. His children ride the school bus and the bus is often late getting to school.

Lee Majors
930 Buffview Drive
Rockwall, Texas

Mr. Majors stated that he doesn't believe that Rockwall needs more storage units. He gave information on storage units from a resource he found online.

Richard Smith
642 Turtle Cove
Rockwall, Texas

Mr. Smith stated that they currently do not have a visible neighborhood and this development would increase the visibility of the neighborhood and decrease safety.

Stephanie Gammon
664 Danielle Court
Rockwall, Texas

Mrs. Gammon stated that she is opposed to the facility.

Darlene Burmania
626 Turtle Cove
Rockwall, Texas

Mrs. Burmania is concerned that the facility will increase standing water leading to an increase in mosquitos and West Nile virus.

Greg McClain
4751 Hollytree Lane
Dallas, Texas

Mr. McClain stated that he lives adjacent to a retail shopping center. He discussed the difference between a shopping center and a storage facility in regard to traffic, noise, and property values.

Marion Duhamel
656 Turtle Cove
Rockwall, Texas

Mrs. Duhamel stated that she is against the facility. She stated that people move to Rockwall because of the quality of life. The office buildings are good neighbors and they have no issue with them. She believes that they will have issues with a storage facility.

Mr. Cothran spoke again and stated that with other developments there will be a greater increase of traffic.

There being no one wishing to come forth and speak, Chairman Renfro closed the public hearing at 8:26 p.m.

Commissioner Nielsen stated that he is concerned that there is not a single Rockwall resident that supports this development.

Commissioner Conley stated that she is considering this issue from the perspective of what could potentially develop on this property that would be worse.

Commissioner Jackson stated that she does use a storage unit. She doesn't know if this is the best use of the property, but there are many different permissible uses that could be worse.

Commissioner Minth stated that she does not feel that this development fits for this property.

Commission Nielsen made a motion to deny Z2013-031, a request by Shawn Valk on behalf of LGI Properties for the approval of a Specific Use Permit to allow a mini-warehouse facility on a 5.94-acre tract of land, zoned Commercial (C) District and located within the Scenic Overlay (SOV) District, being a portion of a 9.699-acre tract land identified as Tract 15 of the E. P. G. Chisum Survey, Abstract No. 64, City of Rockwall, Rockwall County, Texas; located at the southwestern corner of Ridge Road [FM-740] and Turtle Cove Boulevard.

Commissioner Minth seconded the motion.

A vote was taken and the motion passed 6-0.

(The Commission recessed for a short break at 8:35 and resumed at 8:41.)

3. Z2013-032
   Hold a public hearing to discuss and consider a request by Andrea Holliman for the approval of a Specific Use Permit to allow an antiques/collectables and general retail store in Planned Development District 50 (PD-50) for a 0.47-acre parcel of land identified as a portion of Lot 1 of the W. D. Austin Addition, Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential-Office (RO) District uses, located within the North Goliad Corridor Overlay (NGC OV) District and the North SH 205 Corridor Overlay (N-SH 205 OV) District, addressed as 904 N. Goliad Street, and take any action necessary.

Sanford explained that the applicant, Andrea Holliman, is requesting a Specific Use Permit (SUP) to allow for a General Retail Store and for Antiques/Collectible Sales on the subject property at 904 N. Goliad. The property is zoned Planned Development District 50 (PD-50), which was established in 2002 as a Residential/Office (RO) District to allow property owners the ability to convert their homes to low intensity commercial type uses.

The applicant has indicated that the hours of operation will be Monday through Saturday from 10AM to 5PM and they will close for most major holidays. The business will consist of the sale of furniture, home decor, and accessories. The Unified Development Code requires that a "general retail store" obtain a SUP within the RO District and PD-50 (Ordinance 07-29) requires approval of a SUP to allow for "Antique / Collectible Sales." As part of the criteria for Antique/Collectible Sales, PD-50 specifically prohibits the sale of new or used clothing and appliances and limits the total area for this use to a maximum of 2,000 square feet. The applicant has provided a floor plan which indicates the area to be utilized for Antique/Collectible Sales and a General Retail store.

The existing home on the property is approximately 2,246 square feet. The lot is "L" shaped with an access easement at the back of the property and entry off of Heath Street. The applicant has indicated the installation of nine (9) parking spaces. The required parking for both Antique/Collectible store as well as Retail store is 1 space for each 250 square feet bringing the parking requirement to nine (9) spaces. Additionally, there is a 1,076 square foot building located behind the primary structure that the applicant has expressed an interest in subdividing to create an additional store front. Until adequate parking is provided this building may only be used as an accessory use to the primary use.

A notice was published on November 27, 2013 in the Rockwall County News. Twenty Three (23) notices were mailed to property owners of record within 200-ft of the subject property. At the time of this report, no responses have been received.

If the request for a Specific Use Permit is approved, the following conditions are offered:

1. The Antique/Collectible Sales and Retail Use shall be limited to the existing home at 2,246 sq-ft in area.
2. The parking area and access easement shall be paved with asphalt or concrete.
3. No parking shall be allowed within the SH-205 right-of-way or in front of the building.
4. Signage must conform to the requirements of PD-50.
5. Adherence to Engineering and Fire Department standards.
6. The City Council reserves the right to review the Specific Use Permit granted herein one (1) year after the approval and adoption of the SUP ordinance.
7. No outside display or storage shall be permitted on this site.

Chairman Renfro opened the public hearing at 8:45 p.m.

The applicant stated that she did not have anything additional to add.

Angela Hill
113 Heath Street
Rockwall, Texas

Mrs. Hill stated that the easement at the back of the property is on her property. She would also like to know how the storage shed at the back of the property will be used. Additionally, she is concerned with traffic and parking on the street.

Andrea Holliman
904 N. Goliad
Rockwall, Texas

Mrs. Holliman stated that the storage shed will be used for storage. She also stated that cars will exit through the easement but will enter through a different access point. Additionally, she stated that she would be willing to plant a hedge adjacent to the parking spaces in order to screen the vehicle headlights from Mrs. Hill's property.

There being no one wishing to come forth and speak, Chairman Renfro closed the public hearing at 8:50 p.m.

Commissioner Jackson asked regarding the access easement. LaCroix stated that the access easement is already in place.

Additional discussion took place regarding the parking and access easement.

Commission Jackson made a motion to approve Z2013-032, a request by Andrea Holliman for the approval of a Specific Use Permit to allow an antiques/collectables and general retail store in Planned Development District 50 (PD-50) for a 0.47-acre parcel of land identified as a portion of Lot 1 of the W. D. Austin Addition, Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential-Office (RO) District uses, located within the North Goliad Corridor Overlay (NGC OV) District and the North SH 205 Corridor Overlay (N-SH 205 OV) District, addressed as 904 N. Goliad Street, with staff recommendations.

Commissioner Lyons seconded the motion.

A vote was taken and the motion passed 6-0.

4. Z2013-033
Hold a public hearing to discuss and consider a request by Kristin and Joshua Whitaker for the approval of a Specific Use Permit for an accessory building that does not conform to the material requirements as specified for a property in a Single-Family Estate 1.5 (SFE-1.5) District on a 1.5-acre parcel of land identified as Lot 17, Block B, Sterling Farms Addition, Rockwall, Rockwall County, Texas, zoned Single-Family Estate 1.5 (SFE-1.5) District, located at 1970 Copper Ridge Circle, and take any action necessary.

Sanford stated that the applicants, Mr. and Mrs. Whitaker, are requesting a Specific Use Permit (SUP) to allow for a 660-sf accessory building not meeting the exterior material requirements of the Single Family Estate 1.5 (SFE-1.5) District standards.

Under the use standards of the Unified Development Code, the accessory building shall be accessory to a residential use and located on the same lot. By right, in the SF-E district, no more than two (2) accessory buildings shall be allowed which are up to 625 sq-ft (each) and are 15 ft or less in height; or a single building which is up to 1,250 sq-ft in area (SFE-1.5) and 15 ft or less in height, provided the exterior cladding contains the same materials, excluding glass, as is found on the main structure and generally in the same proportion. Accessory buildings not meeting these standards shall require approval of an SUP.

There is an existing home on the property. The proposed accessory structure will be approximately 22' x 30' and 9' in height. With the exception of the exterior building materials, the building does conform to the requirements for an accessory structure.

A notice was published on November 27, 2013 in the Rockwall County News. Fifteen (15) notices were mailed to property owners of record within 200-ft of the subject property. At the time of this report, one response has been received in favor of the request.

If the request is approved, the following conditions are offered:

1. The building will comply with the approved site plan and building elevations.
2. 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.

Chairman Renfro opened the public hearing at 8:57 p.m.

The applicant stated that they did not have anything additional to add.

There being no one wishing to come forth and speak, Chairman Renfro closed the public hearing at 8:57 p.m.

Commission Jackson made a motion to approve Z2013-033, a request by Kristin and Joshua Whitaker for the approval of a Specific Use Permit for an accessory building that does not conform to the material requirements as specified for a property in a Single-Family Estate 1.5 (SFE-1.5) District on a 1.5-acre parcel of land identified as Lot 17, Block B, Sterling Farms Addition, Rockwall, Rockwall County, Texas, zoned Single-Family Estate 1.5 (SFE-1.5) District, located at 1970 Copper Ridge Circle, with staff recommendations.

Commissioner Lyons seconded the motion.

A vote was taken and the motion passed 6-0.

5. Z2013-034
Hold a public hearing to discuss and consider a request by John Spiars on behalf of the owner the Cambridge Company, Inc. for the approval of a Specific Use Permit for a new car dealership on a 12.6114-acre tract of land being identified as a 5.0966-acre portion of Tract 2 of the J. Lockhart Survey, Abstract No. 134 and a 7.5148-acre portion of Tract 3 of the J. M. Allen Survey, Abstract No. 2, Rockwall, Rockwall County, Texas, zoned Commercial (C) District, located within the IH-30 Overlay (IH-30 OV) District and the SH-205 By-Pass Overlay (SH-205 BY-OV) District, located at the southwest corner of John King Boulevard and the IH-30 frontage road, and take any action necessary.

Gonzales explained that the applicant, John Spiars of Spiars Engineering, Inc., has submitted an application for a Specific Use Permit to allow for new car dealership within the Commercial (C) Zoning District. This site is also located within the IH-30 Overlay (IH-30 OV) and 205 By-Pass Overlay (205 BY-OV) Districts. Should the application be approved, the subject property will be subject to the standards established for both of these overlay districts. The proposed dealership will be situated on (2) two lots that contain a total of 12.6114-acres and are identified as a 5.0966-acre portion of Tract 2 of the J. Lockhart Survey, Abstract No. 134 and a 7.5148-acre portion of Tract 3 of the J.M. Allen Survey, Abstract No. 2. The property is located on the southwest corner of John King Blvd and IH-30.

The applicant has provided a conceptual site plan indicating a proposed building footprint, parking spaces, and two (2) points of ingress/egress. The site will be accessed from a shared drive with the Rockwall Honda location along the service road. The second point of access will be located approximately four-hundred (400) feet south of the intersection of IH-30 and John King Blvd. If approved, the project requires a full site plan review (including building elevations, landscape, treescape, and photometric plans), review

and recommendation of the Architectural Review Board, Engineering review and submittal, and platting of the property prior to issuance of a building permit.

The John King Blvd Design Guidelines Concept Plan introduces an opportunity for a developer to provide enhancements along this corridor with key features that will serve as an image of the City of Rockwall. The applicant has submitted corner enhancement details for a Gateway Pylon with a Freestanding Wall Element in an effort to compliment the corridor as described within the John King Boulevard Design Guidelines. The Gateway Pylon provides the first of a possible four planned Gateway Identifying Pylons for this roadway and will be complemented with a Freestanding Wall Element. The Gateway Pylon provides a weathervane featuring the "Rockwall Sailboat" attached to a metal spire that reaches forty-five (45) foot overall height. The pylon and wall elements will incorporate a "chopped" limestone veneer with cast stone caps and decorated with accent trees, ornamental shrubbery, including seasonal colors, and ground cover to soften the appearance. These elements will connect an 8-ft walkway/trail for pedestrians and cyclists with the exiting trail system at the Mansions which is located south of this particular site. If approved, staff would recommend tying the elements/details of the corner enhancement to the SUP, and more specifically for the request of a New Car Dealership for this property.

Provided with the application is a letter of request for the SUP indicating their intent to develop a new car dealership with used cars sales as an accessory use, and a service center for customer convenience. The applicant has also provided a letter of intent to construct the corner enhancements (e.g. Gateway Pylon & Freestanding Wall Element) as well as an eight (8) foot walkway/trail along John King Blvd at their expense. Based on the applicant's request for the SUP, the Planning and Zoning Commission and City Council would consider the proposed land use at this time as well as tying down the corner enhancement details to the SUP should the request be approved. A full site plan submittal, including recommendations from the Architectural Review Board, Engineering review, and platting would be considered at a future date.

A public notice has been published in the Rockwall County News, on the City's web-site, and a sign has been posted on the property. Also, notices have been mailed to three (3) property owners within 200-ft of the subject property as required by law. At time of this report, staff has received one (1) response "in favor of" and none "opposed to" the request.

Should the request be approved, Staff would offer the following conditions:

1. The SUP is for the proposed land use only (i.e. "Motor Vehicle Dealership, New").
2. Future site plan submittal and approval shall be required, including a recommendation from the Architectural Review Board.
3. Submittal and approval of engineering plans and final plat prior to the issuance of a building permit.
4. That the corner enhancement details (e.g. Gateway Pylon & Freestanding Wall Element) for John King Blvd be contained within an easement (i.e. Landscape) as indicated on the Concept Plan.
5. That the corner enhancement details (e.g. Gateway Pylon & Freestanding Wall Element) for John King Blvd be attached to the SUP as a requirement for new car dealerships.
6. The SUP shall expire if development has not commenced within three (3) years from the approval date of the SUP ordinance.

Commissioner Jackson asked if the corner element could be used in the future as signage for the dealership. LaCroix stated that the corner element will be put in an easement.

Commissioner Lyons asked if the Architectural Review Board has had any opportunities to review this element. LaCroix explained the process prior to adoption of the Comprehensive Plan.

Chairman Renfro opened the public hearing at 9:09 p.m.

Gary Holbrook
1037 Dominion Plaza
Tyler, Texas

Mr. Holbrook stated that this will be a Nissan dealership.

Jeff Ball with BRW Architects
Dallas, Texas

Mr. Ball stated that dealerships each have their own branding, but they understand that they need to comply with local standards.

There being no one wishing to come forth and speak, Chairman Renfro closed the public hearing at 9:09 p.m.

Commission Conley made a motion to approve Z2013-034, a request by John Spiars on behalf of the owner the Cambridge Company, Inc. for the approval of a Specific Use Permit for a new car dealership on a 12.6114-acre tract of land being identified as a 5.0966-acre portion of Tract 2 of the J. Lockhart Survey, Abstract No. 134 and a 7.5148-acre portion of Tract 3 of the J. M. Allen Survey, Abstract No. 2, Rockwall, Rockwall County, Texas, zoned Commercial (C) District, located within the IH-30 Overlay (IH-30 OV) District and the SH-205 By-Pass Overlay (SH-205 BY-OV) District, located at the southwest corner of John King Boulevard and the IH-30 frontage road, with staff recommendations.

Commissioner Jackson seconded the motion.

A vote was taken and the motion passed 6-0.

(Commissioner Conley left the meeting at 9:10.)

6. Z2013-035
   Hold a public hearing to discuss and consider a request by J. D. Jacobs, Jr. for the approval of a zoning change from Single Family 7 (SF-7) District to a Residential-Office (RO) District for a 0.661-acre tract of land identified as a portion of Lot 3 and all of Lot 4, Block G, Sanger Addition, Rockwall, Rockwall County, Texas, located east of the intersection of Peters Colony Drive and E. Bourn Street, and take any action necessary.

Gonzales indicated that the subject property is a 0.661-acre tract of land identified as a portion of Lot 3 and all of Lot 4, Block G of the Sanger Addition and situated within the Southside Residential Neighborhood Overlay (SRO) District. The vacant lot is zoned Single-Family (SF-7) District and is located along the 500 Block of E. Bourn Street. The City's Comprehensive Plan's Future Land Use Map designates this property as Medium Density Single Family Residential.

The purpose of the request is to change the zoning from a Single-Family Residential (SF-7) District to a Residential Office (RO) District for the purpose of developing an office styled building consistent with the requirements of the RO zoning, which allows for certain low intensity type of small business uses within the proposed district. Based on the applicants' letter of request, the office building will be approximately 5000 sq-ft in size and he is considering a relocation of his business operation to this location or leasing the available space. Staff has provided a highlighted Land Use Chart indicating the uses that are "Permitted" by right (P), uses requiring a "Specific Use Permit" (S), and uses which are "Accessory" to the primary use (A) within the Residential Office (RO) district for your review and consideration.

In your packet are the standards for the Residential Office (RO) District, as well as the Land Use Table designating the appropriate uses within the RO district, a letter from the applicant requesting the zoning change, a boundary survey, and a legal description for your review. Based on the applicant's request for the zoning change, the Planning and Zoning Commission and City Council would only be considering the proposed land use at this time. A full site plan submittal and platting would be considered at a future date.

The land uses adjacent to the subject property are as follows:

North: Directly north of and adjacent to the subject property is St. Paul A.M.E. Church and is zoned Single Family Residential (SF-7) District.

South: Directly south of the subject property are various businesses located within PD-52 that have an underlying zoning of Heavy Commercial (HC) District.

East: Directly east of and adjacent to the subject property is a single family home zoned Single Family Residential (SF-7) District.

West: Directly west of and adjacent to the subject property is a single family home zoned Single Family Residential (SF-7) District.

A public notice has been published in the Rockwall County News on November 28, 2013, on the City's website, and a sign has been posted on the property. Also, written notices have been mailed to nineteen (19) property owners within 200-ft of the subject property as required by law. At time of this report, staff has received one (1) response "in favor" of the request.

Chairman Renfro opened the public hearing at 9:14 p.m.

JD Jacobs
5961 Connie Lane
Rockwall, Texas

Mr. Jacobs stated that he is requesting the zoning change to build an office space. He feels it would be an asset to the neighborhood and has owned the property for about 15 years.

Dan Demeyer
620 Knollwood
Rockwall, Texas

Mr. Demeyer stated that he is the architectural representative to Habitat for Humanity. Mr. Demeyer discussed the property that Habitat for Humanity owns and would like to know how construction on the property might affect the flood plain. Gonzales stated that this is currently a zoning case and all drainage and detention would be addressed during the site plan process.

City Engineer, Tim Tumulty, discussed that no construction will be allowed within a flood plain.

There being no one wishing to come forth and speak, Chairman Renfro closed the public hearing at 9:17 p.m.

Commission Jackson made a motion to approve Z2013-035, a request by J. D. Jacobs, Jr. for the approval of a zoning change from Single Family 7 (SF-7) District to a Residential-Office (RO) District for a 0.661-acre tract of land identified as a portion of Lot 3 and all of Lot 4, Block G, Sanger Addition, Rockwall, Rockwall County, Texas, located east of the intersection of Peters Colony Drive and E. Bourn Street, with staff recommendations.

Commissioner Minth seconded the motion.

A vote was taken and the motion passed 5-0.

IV. ACTION ITEMS

7. SP2013-002
Discuss and consider a request from Kevin Patel of The Dimension Group for approval of a Site Plan for RaceTrac Petroleum, being a 6,120-sf convenience store and fuel center located on Lots 1R and 2R of the Woods at Rockwall Addition, City and County of Rockwall, Texas, being 2.46-acres located at the southeast corner of Ridge Road and Yellow Jacket Lane, zoned (C) Commercial district and situated within the Scenic Overlay (SOV) District, and take any action necessary.

Gonzales explained that the applicant, Kevin Patel of the Dimension Group, is requesting approval of a site plan for a proposed RaceTrac convenience store and fuel center that will be located on Lots 1R and 2R of the Woods at Rockwall Addition. As you may recall, RaceTrac requested to table the Site Plan at the May 14, 2013 P&Z Meeting until further notice. RaceTrac has since modified the Site Plan by reducing the number of pumps from nine (9) to eight (8) pumps (sixteen (16) gasoline dispensers) as well as reducing the amount of impervious area by 17%, or more specifically by 17,821 square feet. Also, this change has reduced the amount of proposed parking spaces from forty-two (42) spaces to thirty-five (35) parking spaces for the site. Furthermore, the reduction in the impervious area has created an off-set increasing the amount of landscaping for the site by this same number and is reflected in the revised Landscape Plan.

In regards to the Building Elevations and Photometric Plans, there are no changes. With this in mind, including the proposed changes as indicated, the revised Site Plan does meet or exceed the intent of the Unified Development Code and the Scenic Overlay Districts standards. It should be noted that any technical requirements (i.e. Engineering and Fire Department standards.) are to be in compliance before the issuance of a building permit.

The applicant appeared before City Council on May 6, 2013 to request a Treescape Mitigation Alternative Plan as per the Unified Development Code under Article IX, Tree Preservation, Section 11.1. Based on this request, the City Council approved an alternative that would satisfy the tree mitigation in the amount of $187,840.00, and to require an addition $37,160.00 for replacement trees for a total amount of $225,000.00 which would be paid into the City's Tree Fund in lieu of trees. However, the applicant also has the ability to satisfy the 3,288 inches of mitigation by providing a maximum of 1,096 – three (3) caliper inch replacement trees towards the City's tree fund for future plantings. With the reduction in impervious area, and should there be additionally saved trees, the applicant has the ability to request additional credits towards the established mitigation total of 3,288 caliper inches.

Revised Site Plan Conditions:

1. Must adhere to Engineering and Fire Department standards.
2. Replat to combine the lots.
3. Signage requires submittal and approval of separate permit through Building Inspections Department.

Site Plan:
1. Off-site easement required for ingress/egress.
2. Correct appropriate plan: Site Data Summary Table in regards to Landscaped Area Provided indicates 44% - Landscape Plan indicates 27% provided.

Other than the items 1&2 listed above, the plan meets (or exceeds) the intent of the Unified Development Code as submitted.

Landscape Plan:
1. Correct table "Landscape Standards" under "I - Parking Lot Landscaping" to indicate "80 feet of a large tree" & "K" for Provided sq-ft and percentage (see site plan comment above)

Other than the item No. 1 listed above, the plan meets (or exceeds) the intent of the Unified Development Code as submitted.

Photometric Plan:
1. No light pole, pole base or combination thereof shall exceed 20-ft in height (Scenic Overlay Requirement). Please provide a corrected detail for pole lighting standard.

Other than the item No. 1 listed above, the plan meets (or exceeds) the intent of the Unified Development Code as submitted.

Building Elevations:
The plan meets (or exceeds) the intent of the Unified Development Code as submitted

Tree Mitigation Plan:
Alternative Plan approved by Council on May 6, 2013.

Commissioner Nielsen asked about the site plan not meeting some technical requirements. Gonzales explained the technical requirements.

Commissioner Minth clarified the changes to the site plan. Discussion took place regarding the changes and the approval process.

Commissioner Nielsen stated that at the last meeting when this case was discussed, the Commission asked the applicant to reconsider the canopy. He asked for the status. LaCroix responded that the canopy that currently shown is what the applicant is presenting.

Tommy Mann
500 Winston
Dallas, Texas

Mr. Mann stated that the canopy being presented currently is 27' smaller than the canopy originally proposed. The site plan does comply with the technical requirements.

Commissioner Nielsen asked if the applicant considered any other canopy options.

Shawn McLaurin
3255 Cumberland Blvd
Atlanta, Georgia

Mr. McLaurin stated that they have considered other options; however, this is their company brand.

Additional discussion took place regarding the site and the canopy.

Commissioner Jackson stated that Rockwall lost many trees recently due to the recent weather and she would like to see some of this tree mitigation go toward replacing the trees that were lost.

Commission Lyons made a motion to approve SP2013-002, a request by Kevin Patel of The Dimension Group for approval of a Site Plan for RaceTrac Petroleum, being a 6,120-sf convenience store and fuel center located on Lots 1R and 2R of the Woods at Rockwall Addition, City and County of Rockwall, Texas, being 2.46-acres located at the southeast corner of Ridge Road and Yellow Jacket Lane, zoned (C) Commercial district and situated within the Scenic Overlay (SOV) District, with staff recommendations.

Chairman Renfro seconded the motion.

A vote was taken and the motion passed 5-0.

8. SP2013-027
Discuss and consider a request by Terry Rowe representing Double T Ventures, LLC for the approval of a Site Plan for an office building on a 0.16-acre parcel of land identified as the east half of Block 24C of the Amick Addition, Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Retail-Office (RO) District uses, located within the North Goliad Corridor Overlay (NGC OV) District, addressed as 807 N. Goliad Street, and take any action necessary.

Sanford stated that the applicant has submitted a site plan for the property located at 807 N. Goliad Street in order to convert the existing home to office lease space. The existing home is approximately 1,102 square feet.

The parking requirements in PD-50 are one (1) parking space per 500 square feet of office area. The proposed office requires two (2) parking spaces and the applicant has provided three (3) parking spaces. The site plan indicates a 24' public access easement to the rear of the property in order to provide cross access to adjacent properties if redevelopment of those properties occurs in the future. One (1) 12" Hackberry tree must be removed in order to pave the access easement; however, the applicant has agreed to provide 1 to 2 trees at the front of the property to meet the mitigation requirements.

The applicant will provide a six-foot tall wood fence in place of the existing chain-link fence along the west property line adjacent to the residential property.

The property is subject to the standards of the North Goliad Corridor (NGC OV) Overlay which will regulate signage.

If the Planning and Zoning Commission should approve the site plan request, the following condition is offered:

1. Any construction or building necessary to complete this Site Plan request must conform to the requirements set forth by the Unified Development Code, the 2009 International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

Commission Jackson made a motion to table SP2013-027, a request by Terry Rowe representing Double T Ventures, LLC for the approval of a Site Plan for an office building on a 0.16-acre parcel of land identified as the east half of Block 24C of the Amick Addition, Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Retail-Office (RO) District uses, located within the North Goliad Corridor Overlay (NGC OV) District, addressed as 807 N. Goliad Street, with staff recommendations.

Commissioner Minth seconded the motion.

A vote was taken and the motion passed 5-0.

9. SP2013-028
Discuss and consider a request by Cameron Slown on behalf of Med-Tech Construction, Inc. for the approval of a Site Plan for an assisted living facility on a 0.94-acre tract of land identified as Lots 2 & 5, Block 1 of the Alliance Addition, Rockwall, Rockwall County, Texas, zoned Planned Development District 57 (PD-57), and located southeast of the corner of the intersection of H. Wallace Lane and Jeff Boyd Drive, and take any action necessary.

Gonzales explained that the applicant is seeking approval of a site plan for a proposed assisted living facility that will be located on a 0.94-acre tract of land identified as Lots 2 & 5, Block 1 of the Alliance Addition. The two (2) lots are adjacent to Jeff Boyd Drive and Alliance Road and is zoned (PD-57) Planned Development District No. 57 with an underlying zoning of (C) Commercial district. The development must adhere to the standards established within PD-57. An SUP to allow for the assisted living facility was unanimously approved by City Council on December 02, 2013.

The proposed site will contain a 7,727-sf single story structure that will be utilized as an assisted living facility with sixteen (16) beds. The site can be accessed from two (2) points of entry along Jeff Boyd Drive. The parking ratio for a nursing home is one (1) parking space per six (6) beds, including one parking space for each employee on the largest shift. Based on the Unified Development Codes requirement and the largest employee shift (3 employees), the site will require six (6) parking spaces. However, the applicant is proposing twelve (12) parking spaces overall, exceeding the City's standards.

The applicant has submitted a landscape plan indicating a total of 54% landscaping coverage for the development thereby exceeding the 15% minimum coverage for a commercial development. The site will include an assortment of canopy trees, accent trees, shrubs, and ground cover creating an aesthetically pleasing environment for their patients and neighboring properties. Also, the applicant is proposing six (6) large canopy trees and eight (8) accent trees within the landscape buffer strip along Jeff Boyd Drive, meeting the standards established for PD-57.

The photometric plan indicates three (3) lighting pole standards to be used on site with RSB-RCS/L Series "shoe box" style lighting fixtures. PD-57 requires light poles not to exceed 20-ft in height (including the base) and that all light sources are to be full cut-off with a maximum one inch reveal and directed down. Also, the Unified Development Code requires all lighting to be contained on site at a maximum intensity of 20-FC. Lighting at the property lines are not to exceed 0.2-FC to control glare and spillover lighting. Based on the lighting plan submitted, the site appears to meet the standards established in the Unified Development Code and the standards established in PD-57.

The proposed site will contain a single story, 7,727 sq-ft. building comprised of Austin Stone and will incorporate stucco entry elements on the front and rear facades providing additional articulation, cast stone window treatment on the rear, and an asphalt shingled roof that provides a residential character for the facility. The proposed facility meets the articulation requirements, both vertically and horizontally, by incorporating varied roof heights with gabled roof elements with stucco accents and columns, a portico with porch area at the main entrance, and an outdoor open air court yard. The overall height of the assisted living facility will be 20-ft thereby not exceeding the height restriction for this district.

On November 21, 2013, the Architectural Review Board recommended the applicant consider the following in regards to the rear elevation of the facility due to it facing a public street (Alliance Drive):
1. The building should incorporate entry elements on the rear building façade similar to the entry elements used on the front building façade. This will provide more material variation and articulation along the rear building façade;
2. The windows located on the rear building façade should include a wider trim that will better create contrast to the stone used on the rear building facade; and,
3. The building should incorporate an architectural shingle as opposed to an asphalt shingle.

Should the request be approved, staff recommends the following conditions:

1. Adherence to Engineering and Fire Department standards.
2. All signage requires approval and submittal of a separate permit through the Building Inspections Department.
3. Development shall adhere to the standards as required in PD-57.

4. Submittal and approval of final plat.

Site plan:
1. Re-label access, drainage, and utility easement as "24-ft Firelane, Public Access, Drainage & Utility Easement."

Other than the item"1" listed above, the plan meets (or exceeds) the intent of the Unified Development Code as submitted.

Landscape Plan:
The plan meets (or exceeds) the intent of the Unified Development Code as submitted.

Photometric Plan:
The plan meets (or exceeds) the intent of the Unified Development Code as submitted.

Building Elevations:
The plan meets (or exceeds) the intent of the Unified Development Code as submitted.

Commissioner Minth asked how many other facilities within the development have the metal roof. Gonzales stated that three other buildings that have metal roofs.

Some discussion took place regarding the roof.

Commission Minth made a motion to table SP2013-028, a request by Cameron Slown on behalf of Med-Tech Construction, Inc. for the approval of a Site Plan for an assisted living facility on a 0.94-acre tract of land identified as Lots 2 & 5, Block 1 of the Alliance Addition, Rockwall, Rockwall County, Texas, zoned Planned Development District 57 (PD-57), and located southeast of the corner of the intersection of H. Wallace Lane and Jeff Boyd Drive, with staff recommendations.

Commissioner Jackson seconded the motion.

A vote was taken and the motion passed 5-0.

V. DISCUSSION ITEMS

10. Director's Report of post Council meeting outcomes of Planning & Zoning cases.

- ✓ P2013-039: Sharp Addition Final Plat - approved
- ✓ Z2013-028: Rockwall Gold & Silver SUP (2nd Reading) - approved
- ✓ Z2013-029: Assisted Living Facility SUP (2nd Reading) - approved
- ✓ Z2013-030: Ranch Trail Zoning Change (2nd Reading) - approved
- ✓ MIS2013-010: PD-32 Streetscape Plan - approved

LaCroix briefly updated the Commission on the above listed cases.

VI. ADJOURNMENT

The meeting adjourned at 9:48 p.m.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 25th day of February, 2014.

~~Craig Renfro, Chairman~~
John McCutcheon, Vice Chairman

Attest:
JoDee Sanford
JoDee Sanford, Planning Technician