

# PLANNING AND ZONING COMMISSION MEETING CITY HALL, 385 SOUTH GOLIAD, ROCKWALL, TEXAS JANUARY 12, 2021 IN THE CITY COLINCIL CHAMBERS PLANNING AND ZONING COMMISSION MEETING JANUARY 12, 2021 IN THE CITY COUNCIL CHAMBERS AT 6:00 PM

CALL TO ORDER

Chairman Eric Chodun called the meeting to order at 6:01 PM. Commissioners present were John Womble, Derek Deckard, Sedric Thomas, Jean Conway, Mark Moeller, and Vice-Chairman Jerry Welch. Staff members present were Planning and Zoning Director Ryan Miller, Planning and Zoning Manager David Gonzales, Planner Henry Lee, Planning and Zoning Coordinator Angelica Gamez, City Engineer Amy Williams and Civil Engineers Sarah Johnston and Jeremy White.

11. **OPEN FORUM** 

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

#### III. **APPOINTMENTS**

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

A representative from the Architectural Review Board gave a brief explanation concerning the agenda items that were discussed at the Architectural Review Board meeting.

- IV. CONSENT AGENDA
  - Approval of Minutes for the December 29, 2020 Planning and Zoning Commission meeting.

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

- PUBLIC HEARING ITEMS
  - Z2020-055 (DAVID GONZALES)

Hold a public hearing to discuss and consider a request by Caroline Harklau of Southern Roots, LLC for the approval of a Specific Use Permit (SUP) for a General Retail Store on a 0.23-acre parcel of land identified as Lot 1, Block A, TCB Addition, City of Rockwall, Rockwall County. Texas, zoned Planned Development District 50 (PD-50) for Residential-Office (RO) District land uses, situated within the North Goliad Corridor Overlay (NGC OV) District, addressed as 505 N. Goliad Street, and take any action necessary.

Planning and Zoning Manager David Gonzales provided a brief summary in regards to the request. The applicant is requesting the approval of a Specific Use Permit (SUP) for a general retail store. In June 2019, City Council approved an SUP for this property and it allowed for a full service restaurant less than 2,000 square-feet without a drive-thru. The parking plan allowed for seven (7) parking spots on the site. Also in June 2019, The Historic Preservation Advisory Board (HPAB) approved a Certificate of Appropriateness (COA) and the Planning and Zoning Commission approved a site plan which allowed the construction of this. The applicant currently has a business in town and would like to relocate to this building. According to the Unified Development Code (UDC), approval of a SUP is required for a general retail store use. An operational condition that Staff included in the draft ordinance is that the second floor be used only for storage purposes. The application does appear to be consistent with the intent of the district, however, approval of a SUP is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission. Staff mailed out 92 notices to homeowners and residents living within 500-feet of the subject property and to all Homeowner Associations (HOAs) within 1500-feet of the subject property. Staff had received 5 notices from 7 property owners in favor of the request. Mr. Gonzales advised the Commission that the applicant and Staff were present and available for questions.

Commissioner Conway expressed her concerns in regards to the parking at the business.

Chairman Chodun asked the applicant to come forward.

Caroline Harklau 312 Dartbrook Rockwall, TX 75087

The applicant came forward and answered questions and provided additional details in regards to her request.

Chairman Chodun opened the public hearing and asked anyone who wished to speak to come forward at this time. There being no one doing such, Chairman Chodun closed the public hearing and brought the item back to the Commission for discussion or action.

Vice-Chairman Welch made a motion to approve item Z2020-055 with staff recommendations. Commissioner Womble seconded the motion which passed by a vote of 7-0.

133 134 Chairman Chodun advised that this case will go before the City Council on January 19, 2021.

#### Z2020-056 (RYAN MILLER)

Hold a public hearing to discuss and consider a request by Ryan Joyce of Michael Joyce Properties, LLC on behalf of Jen-Liang Wu of Unison Investment, LP for the approval of a <u>Zoning Change</u> from a Single-Family 16 (SF-16) District and Neighborhood Services (NS) District to a Planned Development District for Single-Family 10 (SF-10) District land uses on a 121.16-acre tract of land identified as Tract 2 of the J. M. Gass Survey, Abstract No. 88, City of Rockwall, Rockwall County, Texas, zoned Single-Family 16 (SF-16) District and Neighborhood Services (NS) District, generally located at the southeast corner of the intersection of FM-1141 and FM-552, and take any action necessary.

Director of Planning and Zoning Ryan Miller provided a brief summary in regards to the request. The property was originally annexed in 1999 and zoned to its current designation in 2005. The applicant at that time was seeking a zoning change from Agricultural District to a Single-Family-16 designation with Neighborhood Services in order to establish 106 single-family residential lot subdivision. Despite the zoning change, the actual development never transpired and the properties have remained vacant and undeveloped since its annexation. As of today, the property can be used for Neighborhood Services at the corner of 552 and 1141 and the remainder of the property being zoned a Single-Family 16 District could be developed in 1,600-square foot lots as long as it meets the base zoning. Staff should point out that in 2019 HB2439 was approved and that took away the City's ability to regulate building materials. As the property sits today, the City would not be able to regulate building materials on either the Single-Family 16 or the NS. The applicant is requesting is a Planned Development District, which is different than the straight zoning districts because it allows the developer to propose their own zoning standards. They can also agree to incorporate building materials into the Planned Development District. The proposed subdivision consists of 260 lots which would be broken down into 134 (60x120 foot) lots, 68 (70x120 foot) lots, and 58 (72x120 foot) lots. The applicant is also proposing an amenity center and that'll be on one acre of land as well as incorporating a trail system that loops around the outside. Staff wanted to note that the developer is not taking access off of North Country Lane, so Staff cannot legally require them to update that roadway. The Plan meets the majority of the Code's requirements but there are two areas of departure. First of all, in lieu of alley ways the developer is proposing a front entry garage and, as a compensatory measure, the applicant is increasing the front setback of the flat front entry product to 25-feet. Secondly, Staff requires a 30-foot landscape buffer adjacent to all roadways and the developer is proposing a 10-foot landscape buffer with 4-inch caliper evergreen trees. Staff mailed out 37 notices to property owners and residents living within 500-feet of the subject property and to all homeowner associations within 1500-feet of the property. Mr. Miller advised the Commission that the applicant and staff were present and available to answer questions.

Commissioner Deckard wanted clarification as to whether homes can go in at the site as long as it's in low density.

Commissioner Womble wanted clarification as to how density was calculated.

Chairman Chodun asked if there was a carve out of the building materials requirement if it does not fit within the general aesthetics of the community.

Vice-Chairman Welch asked for clarification on the setbacks as proposed in OurHometown Vision.

Chairman Chodun asked the applicant to come forward.

Ryan Joyce 1189 Waters Edge Drive Rockwall, TX 75087

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

Adam Buczek 8214 Westchester Drive, Suite 900 Dallas, TX 75225

Mr. Buczek came forward and provided a PowerPoint presentation in regards to his request.

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

Jeannette Dellinger 1823 Tumbleweed Circle Rockwall, TX 75087

Mrs. Dillinger came forward and expressed her opposition in regards to the request due to the traffic it would cause.

Steve Curtis 2130 FM 1141 Rockwall, TX 75087

Mr. Curtis came forward and provided a brief presentation and expressed his opposition to the request.

Planning and Zoning Director Ryan Miller wanted to clarify that the City cannot be a party to deed restrictions so the development agreement that Mr. Curtis (above) mentioned never happened.

Jim Turner 1691 E. Old Quail Run Road Rockwall, TX 75087 Mr. Turner came forward and expressed his opposition to the request.

Bob Wacker 309 Featherstone Rockwall, TX 75087

Mr. Wacker came forward and expressed his being in favor of the request.

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

Chairman Chodun asked City Engineer Amy Williams if she wanted to add input on the roads.

Mrs. Williams added that FM 552 will be let in 2023 so in 2 years 552 will be let to a 4-lane divided roadway. FM 1141 will have to do a TIA (Traffic Impact Analysis) on both roads and whatever improvements are required on their density will have to be done by TX Dot standards.

Ryan Joyce (applicant) came forward and responded some of the comments made by the public. Adam Buczek came forward and answered comments made by the public as well.

Commissioner Moeller added that he was pleased with the presented product and concerned about what may be put in place if not this. Vice-Chairman Welch added that he appreciated the changes but struggled to make a decision.

Commissioner Thomas added that his biggest struggle were the smaller lots and smaller spaces.

Chairman Chodun did not want to see a development where the majority are smaller 60-foot lots.

After lengthy discussion, Commissioner Moeller made a motion to approve item Z2020-056 with staff recommendations. Commissioner Thomas seconded the motion which passed by a vote of 6-1 with Chairman Chodun dissenting.

Chairman Chodun advised that this case will go before the City Council on January 19, 2021.

#### Z2020-057 (RYAN MILLER)

Hold a public hearing to discuss and consider a request by Doug Galloway of Viaduct Development on behalf of GotRocks Properties, LLC for the approval of a <u>Zoning Change</u> superseding <u>Specific Use Permit No. 57 (S-57; Ordinance No. 08-39)</u> and changing the zoning from a Single-Family 10 (SF-10) District to Planned Development District 41 (PD-41) for General Retail (GR) District land uses on a 2.96-acre parcel of land identified as Lot 1, Block A North Lake Shore Daycare Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 41 (PD-41) for Single-Family 10 (SF-10) District land uses and Single-Family 10 (SF-10) District, addressed as 1940 N. Lakeshore Road, and take any action necessary.

Director of Planning and Zoning Ryan Miller provided a brief summary in regards to the request. In 2008, an SUP was approved for this property for a daycare facility and it was constructed and is in place today. Recently, the applicant approached Staff about potentially adding a medical office building adjacent to the existing daycare. At that time, there were only two options to facilitate that: the first being to amend PD-41 to remove the subject property from the Planned Development District and rezone it to a General Retail (GR) District. The second option was to amend Planned Development District 41 to take in the Single-Family 10 (SF-10) District and redesignate the property for GR District uses as part of that Planned Development uses. Either way, Staff had to amend PD-41 which means the entire planned development district had to be notified. Ultimately, the applicant submitted a request to change the zoning and limit the uses allowed on the property allow limited GR District land uses. Specifically, the applicant is requesting a Planned Development District that would limit the land uses on the subject property to only three uses: daycare facility, office building, or medical office building. The applicant has submitted colored elevations that show that the proposed office building would match the existing daycare facility. The proposed zoning adheres to the GR district standards with the exception of the minimum lot depth. In accordance with the Comprehensive Plan, this corner is already designated for Commercial Retail District land uses so, in adopting the zoning, it would actually be bringing the zoning into conformance with the comprehensive plan. Staff mailed out 756 notices to all property owners and residents within 500-feet of the subject property and notified any HOAs within 1500-feet of the property as well. Staff has received 17 property owner notifications, 2 online forms, and 2 emails from properties within the notification area that are opposed to the request. Mr. Miller then advised the Commission that the applicant and Staff were present and available for questions.

Chairman Chodun asked the applicant to come forward.

Doug Galloway 3508 Edgewater Dallas, TX 75205

Mr. Galloway came forward and provided additional details in regards to the request.

Commissioner Moeller asked if that building would cause the removal of any trees that were already planted. He also asked if there were any plans to downsize the building currently since there was not another tenant in place already.

Commissioner Deckard asked if there were any time constraints with the office building and daycare facility.

Commissioner Womble wanted clarification in regards to the size of the building.

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

Vice-Chairman Welch made a motion to approve item Z2020-057 with staff recommendations. Commissioner Deckard seconded the motion which passed by a vote of 6-1 with Commissioner Moeller dissenting.

Chairman Chodun advised that this case will go before the City Council on January 19, 2021.

#### Z2020-058 (HENRY LEE)

Hold a public hearing to discuss and consider a request by David LeCour for the approval of a <u>Specific Use Permit (SUP)</u> for an accessory structure on a 0.50-acre parcel of land identified as Block 107 of the B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 507 S. Clark Street, and take any action necessary.

Planner Henry Lee provided a brief summary in regards to the request. Between 2017 and 2019, there was an accessory building removed from the site due to weather damage as stated by the applicant. The applicant is now requesting to build a 35x20 or 700 square foot accessory building. He has indicated that accessory building façade will be clad unpainted aluminum and the structure will not be set on a permanent foundation. Staff noted that the applicant did start construction without a permit and there are currently several poles in the ground that have been erected. According to the Single-Family 7 District, they are allowed by right two (2) accessory buildings at 144 square feet each and the accessory structures should be compatible with any surrounding structures. All accessory buildings that are not portable should be put on a concrete foundation. In this case, the request does conform to the setback and height requirements for accessory buildings but does exceed the permissible size by 556 square feet. If the request is approved, a survey must be done in order to show the building is outside of the flood plain area. Staff mailed out 92 notices to all property owners and residents living within 500-feet of the subject property as well as all homeowner associations within 1,500-feet of the property. Staff received 3 notices in favor of the request. Due to this being a zoning case, approval of an SUP is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission.

Commissioner Conway asked if the building had already begun construction on the project and asked about the size of the building. Vice-Chairman Welch asked what was to the south of the property.

Commissioner Thomas asked if the homeowner would have been allowed had he built the requested structure within a certain time frame.

Chairman Chodun asked the applicant to come forward.

David LeCour 507 S. Clark Rockwall, TX 75087

Mr. LeCour came forward and provided additional details in regards to his request.

Commissioner Moeller asked if the applicant was trying to rebuild the same size building that was torn down.

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

Commissioner Conway expressed her concerns in regards to the size of the request and this setting a precedence for the neighborhood.

Commissioner Moeller disagreed and added that this would have been a legal non-conforming structure had the applicant gone thru the correct process if known.

Commissioner Deckard expressed his being in favor of the request.

Vice-Chairman Welch made a motion to approve item Z2020-058 with staff recommendations. Commissioner Thomas seconded the motion and that is approved 5-2 with Commissioners Womble and Conway dissenting

Chairman Chodun advised that this case will go before the City Council on January 19, 2021.

#### Z2020-060 (DAVID GONZALES)

Hold a public hearing to discuss and consider a request by Matthew Deyermond of TC Planning and Design Group on behalf of the owners Donald Wallace for the approval of a <u>Zoning Change</u> from an Agricultural (AG) District and a Single-Family Estate 2.0 (SFE-2.0) District to a Single-Family Estate 1.5 (SFE-1.5) District on a 8.17-acre portion of a larger 123.00-acre tract of land identified as Tract 44-01 and all of Tracts 45-02 & 45-07 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and Single-Family Estate 2.0 (SFE-2.0) District, generally located on the north side of H. Wallace Lane north of the intersection of H. Wallace Lane and Horizon Road [FM-3097], and take any action necessary.

Planning and Zoning Manager David Gonzales provided a brief summary in regards to this request. The purpose of the rezone is to build three single-family home located on this. They are requesting to rezone this Single-Family 1.5 (SF-1.5) District. The majority of the

properties that are adjacent to N. Wallace Lane are zoned Agricultural District. If the request is approved, the subject property would need to conform to the requirements made by the UDC for Single-Family Estate lots. Their request for rezoning from an AG District and SFE-2.0 to a SFE-1.5 does conforms to the Comprehensive Plan. Staff notified all residents and property owners within 500-feet of the subject property. Mr. Gonzales advised that Staff and the applicant were present and available for questions.

Chairman Chodun asked the applicant to come forward.

Matthew Deyermond 558 Ezekiel Avenue Dallas, TX 75217

The applicant came forward and provided additional details in regards to the request.

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

Commissioner Moeller made a motion to approve item Z2020-060 with staff recommendations. Commissioner Deckard seconded the motion which passed by a vote of 7-0.

Chairman Chodun advised that this case will go before the City Council on January 19, 2021.

### VI. ACTION ITEMS

## 8. SP2020-032 (DAVID GONZALES)

Discuss and consider a request by Phil Craddock, AIA of Craddock Architecture on behalf of Brad Helmer of Heritage Christian Academy for the approval of an <u>Amended Site Plan</u> for a <u>Gymnasium and Classrooms</u> in conjunction with an existing private school on a 6.64-acre parcel of land identified as Lot 1, Block A, Heritage Christian Academy, City of Rockwall, Rockwall County, Texas, zoned Multi-Family 14 (MF-14) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1408 S. Goliad Street, and take any action necessary.

Planning and Zoning Manager David Gonzales provided a brief summary in regards to the request. The applicant is requesting approval of an amended site plan for the purpose of constructing a new gymnasium and classroom facility in conjunction with Heritage Christian Academy (HCA). HCA has already had 3 temporary accessory buildings that have been located on site and they were originally approved back in 2003. The UDC does allow for the gym and classroom facility under the land uses. There are three (3) variances that the applicant is actually requesting: one for building articulation, 2 for roof design, and 3 is for the materials and masonry composition. According to the UDC, the applicant can request that the Commission grant him an exception or variance. These would require two (2) compensatory measure for each variance that is being requested. Staff wanted to point out that the approval of the gym would allow for the removal of the temporary classrooms. The proposed building would be complementary to the school. Approval of the variance is a discretionary decision for the Planning and Zoning Commission and would require a super majority vote for approval. The ARB did approve this 4-0 with the variances being requested. Also, a new Certificate of Occupancy will not be issued until all temporary classrooms have been removed. Mr. Gonzales advised the Commission that Staff and the applicant are present and available for questions.

Chairman Chodun asked the applicant to come forward.

Phil Craddock 828 McCall Drive Fate, TX 75087

Mr. McCall came forward and provided additional details in regards to the request.

Commissioner Thomas made a motion to approve item SP2020-032. Commissioner Moeller seconded the motion which passed by a vote of 7-0.

# SP2020-033 (DAVID GONZALES)

Discuss and consider a request by David Bond of Spiars Engineering on behalf of Andrew Malzer of Gingercrest Inc. for the approval of an <u>Amended Site Plan</u> for a <u>Gas Canopy</u> in conjunction with an existing general retail store with gasoline sales on a 8.240-acre tract of land identified as Lots 6 & 7, Block 1, Meadowcreek Business Center, Phase 2 Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District and the SH-276 Overlay (SH-276 OV) District, addressed as 2301 S. Goliad Street, and take any action necessary.

Planning and Zoning Manager David Gonzales provided a brief summary in regards to the request. The applicant is requesting the approval of an amended site plan for a gas canopy in conjunction with an existing general retail store with gasoline sales. The proposed canopy will contain the same material used on the existing canopy. The ARB has already reviewed this case and has forwarded a recommendation of approval. There is another item associated with this and that would be a variance to the landscape buffer located along State Highway 276. There are trees that are planted that meet the requirement within the area located along the area that will be constructed. There is a portion of the buffer that has an existing tree line that the applicant to like to keep as part of the landscape buffer. There are some additional gaps that would require the applicant to fill in with some additional canopy trees. Thee applicants have also added additional trees between the existing store and the canopy to provide additional screening for the site. All of these would be compensatory measures for the variances being requested. Approval of a variance is a discretionary decision for the

Planning and Zoning Commission and Mr. Gonzales advised them that Staff and the applicants were present and available to answer questions.

Chairman Chodun asked the applicant to come forward.

Andrew Malzer 200 Galleria Parkway SE Atlanta, GA 30339

Mr. Malzer came forward and provided additional details and a presentation in regards to the request.

Chairman Chodun asked why Staff required the screening from the trees between the gas station and the building.

Commissioner Thomas made a motion to approve item SP2020-033. Commissioner Womble seconded the motion which passed by a vote of 7-0.

#### VII. DISCUSSION ITEMS

- 10. <u>Director's Report</u> of post City Council meeting outcomes for development cases (RYAN MILLER).
  - P2020-051: Final Plat for Lot 1, Block A, SDI Rockwall Addition [APPROVED]
  - P2020-053: Replat for Lot 1, Block I, Lake Rockwall Estates East Addition [APPROVED]
  - Z2020-041: Text Amendment to Subsection 06.15, Lake Ray Hubbard Takeline Overlay (TL OV) District, of Article 05, District Development Standards, of the UDC [APPROVED; 2nd READING]
  - Z2020-048: SUP for Residential Infill in an Established Subdivision at 701 T. L. Townsend Drive [APPROVED; 2<sup>nd</sup> READING]
  - Z2020-049: SUP for Residential Infill in an Established Subdivision at 304 E. Bourn Street [APPROVED; 2nd READING]
  - Z2020-050: SUP for Residential Infill in an Established Subdivision at 501 S. Clark Street [APPROVED; 2nd READING]
  - Z2020-051: SUP for Residential Infill in an Established Subdivision at 38 Shadydale Lane [APPROVED; 2nd READING]
- Z2020-052: Zoning Change (AG to C) for 5651 SH-276 [APPROVED; 2<sup>nd</sup> READING]
- Z2020-053: Zoning Change (LI to PD) for 1700 Justin Road [APPROVED; 2nd READING]

Planning and Zoning Manager David Gonzales provided a brief update about the outcome of the above referenced cases at the City Council meeting.

Eric Chodun, Chairman

VIII. ADJOURNMENT

Chairman Chodun adjourned the meeting at 8:23 PM.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this

\_\_\_\_day of \_\_

January, 2021.

Attest:

Angelica Gamez, Planning and Zoning Coordinator