#### CALL TO ORDER

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

## II. APPOINTMENTS

 Appointment with Adam Buczek of the Skorburg Co. to consider a request to submit a new zoning application for a zoning change in accordance with Section 02.05, City Council Action, of Article 11, Development Applications and Review Procedures, of the Unified Development Code (UDC), and take any action necessary.

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

Mr. Buczek came forward and provided a brief summary and PowerPoint presentation in regards to the request.

Chairman Chodun asked if anyone had any questions.

Commissioner Womble asked if the dog park was something that could be incorporated at a later time.

Commissioner Deckard made a motion to approve the request to resubmit the application. Commissioner Womble seconded the motion.

Vice-Chairman Welch asked if there was a definition of "substantial" anywhere.

The motion passed by a vote of 4-1 with Chairman Chodun dissenting and with Commissioners Conway and Moeller absent.

## III. OPEN FORUM

This is a time for anyone to address the Planning and Zoning Commission on any topic that is not already listed on the agenda for a public hearing. Per the policies of the City of Rockwall, public comments are limited to three (3) minutes out of respect for the time of other citizens. On topics raised during the OPEN FORUM, please know that the Planning and Zoning Commission is not permitted to respond to your comments during the meeting per the Texas Open Meetings Act.

Chairman Chodun explained how open forum is conducted and asked if anyone wished to speak to come forward at this time.

Bob Wacker 309 Featherstone Drive Rockwall, TX 75087

Mr. Wacker came forward and asked if there was a way to shorten the time of the request or if the applicant had to go thru the entire process. This is in regards to the previous appointment item.

David Shoen 3006 San Marcos Drive Rockwall, TX 75032

Mr. Shoen came forward and expressed his concerns to the previous Appointment item. His main concern being overcrowding in schools and potential traffic.

Richard Henson 2424 S FM 549 Rockwall, X 75087

Mr. Henson came forward and expressed his opposition to the previous Appointment item.

Chairman Chodun asked if anyone else wished to speak; there being no one else coming forward, Chairman Chodun closed the open forum.

#### IV. CONSENT AGENDA

These agenda items are administrative in nature or include cases that meet all of the technical requirements stipulated by the Unified Development Code (UDC) and Chapter 38, Subdivisions, of the Municipal Code of Ordinances, and do <u>not</u> involve discretionary approvals.

2. Approval of Minutes for the April 27, 2021 Planning and Zoning Commission meetings.

### 3. SP2021-010 (DAVID GONZALES)

Discuss and consider a request by Randall Eardley of Weir & Associates, Inc. on behalf of Stephen Doyle of Structured REA-Rockwall Land, LLC for the approval of a <u>Site Plan</u> for a sports and recreation facility on a 6.38-acre portion of a larger 31.65-acre tract of land identified as Tract 22-2 of the R. Irvine Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, generally located at the southeast corner of the intersection of Corporate Crossing [FM-549] and the IH-30 Frontage Road, and take any action necessary.

## SP2021-013 (HENRY LEE)

Discuss and consider a request by Chris Maynor of Z Constructors Nationwide, LLC on behalf of Ted Hoisington of the Rockwall Rotary Foundation for the approval of an <u>Amended Site Plan</u> for an existing building on a 0.69-acre parcel of land identified as lot with in the Roca Villa Addition, City or Rockwall, Rockwall County, Texas, zoned Downtown (DT) District, addressed as 408 S. Goliad Street, and take any action necessary.

## P2021-019 (DAVID GONZALES)

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

## P2021-020 (DAVID GONZALES)

Discuss and consider a request by Randall Eardley of Weir & Associates, Inc. on behalf of Stephen Doyle of Structured REA-Rockwall Land, LLC for the approval of a <u>Preliminary Plat</u> for Lots 1-6, Block A, Fit Sport Life Addition being a 55.784-acre tract of land identified as a portion of Tract 22 and all of Tracts 22-2 & 24 of the R. Irvine Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) and FM-549 Overlay (FM-549 OV) Districts, generally located at the southeast corner of the intersection of Corporate Crossing [FM-549] and the IH-30 Frontage Road, and take any action necessary.

Commissioner Thomas made a motion to approve the consent agenda. Commissioner Deckard seconded the motion which passed by a vote of 5-0.

# V. PUBLIC HEARING ITEMS

This is a time for anyone to speak concerning their issues with a public hearing case. If you would like to speak regarding an item listed in this section, please submit a Request to Address the Planning and Zoning Commission (i.e. the yellow forms available at the podium or from staff). The Planning and Zoning Commission Chairman will call upon you to come forward at the proper time or will ask if anyone in the audience would like to speak. Please limit all comments to three (3) minutes out of respect for the time of other citizens.

# 7. Z2021-008 (HENRY LEE)

Hold a public hearing to discuss and consider a request by Lance Tyler on behalf of the owner Mike Worster for the approval of a <u>Specific Use Permit (SUP)</u> for Residential Infill Adjacent to an Established Subdivision, an Accessory Building, and a Guest Quarters/Secondary Living Unit for the purpose of constructing a single-family home, accessory building, detached garage, and guest quarters/secondary living unit on a 8.011-acre tract of land identified as Tract 19-2 of the S. S. McCurry Survey, Abstract No. 146, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 5 (PD-5) for Single-Family 8.4 (SF-8.4) District land uses, addressed as 550 E. Quail Run Road, and take any action necessary.

Planner Henry Lee provided a brief summary in regards to his request. The applicant is requesting the approval of a Specific Use Permit (SUP) for a residential infill adjacent to an established subdivision. They are also including an accessory building that exceeds the maximum allowable size as well as a guest quarters and secondary living unit that exceeds 30% of the primary structure square footage. There is also a requested waiver to the setback of a proposed detached garage. This is considered a residential infill due to the Caruth Lakes Subdivision being in existence for at least ten (10) years, has more than five (5) lots, and is more than 90% developed. The accessory building that exceeds the maximum size is a proposed cabana that is 619 square-feet and exceeds the maximum requirement by 475 square-feet. The guest quarters requires an SUP due to it being 30% greater than the primary structure. In this case, 30% of the primary structure will be 1,500 square-feet and the proposed quarters is 3,150 square feet. Lastly, the proposed detached garage is requesting a waiver for the setback because it is currently placed to be flush with the front façade. On April 26, 20221, staff mailed out 22 notices to property owners within 500-feet of the subject property and also notified the Quail Run Valley and Caruth Lakes Homeowners Associations (HOAs) which were the only HOAs within 1500-feet of the subject property. Mr. Lee advised the Commission that approval of this request is a discretionary decision for the Planning and Zoning Commission and City Council.

Chairman Chodun asked the applicant to come forward.

Mike Worster

550 E. Quail Run Rockwall, TX 75087

Lance Tyler 1501 The Rock Rockwall, TX 75087

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

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

Commissioner Thomas made a motion to approve item Z2021-008. Commissioner Deckard seconded the motion which passed by a vote of 5-0.

Chairman Chodun advised that the item will be brought before the City Council on May 17, 2021.

## 8. **Z2021-009** (HENRY LEE)

Hold a public hearing to discuss and consider a request by Michael Morgan on behalf of the owner Gary Scott Barron for the approval of a <u>Specific Use Permit (SUP)</u> for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.16-acre parcel of land identified as Lot 9, Block D, Foree Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 704 Parks Avenue, and take any action necessary.

Planner Henry Lee provided a brief summary in regards to the request. This is being considered for a residential infill case because the subject property is located within the 4-E Subdivision which has been in existence since 1913, has more than 5 lots, and is considered to be more than 90% developed. The applicant is requesting to construct a 4,004 square-foot single-family home which has comparable architecture to the surrounding homes. The structure meets all of the density and dimensional requirements within the Unified Development Code (UDC) for Single-Family 7 (SF-7) District. On April 26, 2021, Staff mailed out 114 notices to property owners and occupants within 500-feet of the subject property. The Caruth Lakes HOA was also notified as it is within 1,500 feet from the subject property as well. Mr. Lee advised the Commission that approval of this request was a discretionary decision for the Planning and Zoning Commission and City Council.

Chairman Chodun asked the applicant to come forward.

Michael Morgan 14 Castro Court Heath, TX 75032

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

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

Commissioner Thomas made a motion to approve Z2021-009. Commissioner Womble seconded the motion which passed by a vote of 5-0.

Chairman Chodun advised that the item will be brought before the City Council on May 17, 2021.

# Z2021-010 (DAVID GONZALES)

Hold a public hearing to discuss and consider a request by Mark Klecha for the approval of a <u>Specific Use Permit (SUP)</u> superseding *Ordinance No. 20-34* and allowing an accessory building that does not conform to S-231 [Ordinance No. 20-34] on a 0.2297-acre parcel of land identified as Lot 6, Block O, Hillcrest Shores Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 11 (PD-11) for Single-Family 10 (SF-10) District land uses, addressed as 1748 Lake Breeze Drive, and take any action necessary.

Planning and Zoning Manager David Gonzales provided a brief summary in regards to the request. He also went on to make a correction on a statement that was made in regards to the height of the structure during the work session meeting on April 27, 2021. However, the structure is still not in compliance with the current SUP ordinance. In July 2020, the applicant applied for a SUP for beginning constructing of an accessory building without a permit. In September 2020, the City Council approved the SUP which allowed for the construction of a single-story accessory building as shown. The maximum height would be 15-feet and overall size of 360 square-feet. In addition, the applicant agreed to remove an existing accessory building on the property and agreed to provide a letter from a structure engineer regarding the structural integrity of the retaining wall and slab. The engineer would then determine whether or not that would support the accessory building that the applicant was constructing at that time. The letter was provided and the decision was made that it was capable of carrying the load that was going to be added to the property. Staff would like to note that the applicant did remove the other accessory building on the property as was required. The applicant had applied for the permits for a fence, a retaining wall, for the construction of the slab as well but had begun construction of these items prior to receiving the permits. After the SUP was approved, the applicant was issued a building permit in October 2020, which indicated the setbacks and separation from other structures, the maximum height, and the size of the building. The permit also stated that the building was to be built per the approved plans from the Planning & Zoning Commission and City Council.

The Building Inspections (BI) Department went out to inspect and noted that the accessory had not been built according to the plans that were approved. Specifically, what was noted by the BI Department was that the applicant had added a second floor. It increased the size of the structure by 240 square feet, had increased the height, and had changed the elevations from what was approved. Also, what was noted what that another accessory building had been constructed on the property without a permit. Based on those findings, the Inspector issued a stop-work order and requested that Mr. Klecha visit with the Planning Department. The other accessory structure that was constructed has been removed so the only remaining one is the one currently under construction. This is a request to amend the current SUP to allow for the construction of the existing facility. This would be a 2-story structure that totals 560 square-feet with the first floor being 330 square feet and the second floor being 240 square-feet. Staff would like to explain that the Planning and Zoning Commission has three options: approve the request, deny the request which would make the applicant meet the requirements of the current ordinance, and lastly, to deny the request and direct Staff to begin revocation of the existing SUP ordinance which would require the applicant to remove the entire structure. Regardless of what decision is made, the applicant will have to modify the building to be in compliance and corrected. Staff mailed out 96 notices to property owners and occupants within 500-feet of the subject property and to any HOAs within 1,500-feet of the subject property. The applicant will be required to face the existing smooth face concrete retaining wall in rock or stone to match what is out there right now. Mr. Gonzales advised that the applicant and Staff were present and available for questions.

Chairman Chodun asked the applicant to come forward.

Mark Klecha 1748 Lake Breeze Drive Rockwall, TX 75087

Mr. Klecha came forward and provided additional details in regards to the request. He added that he was not aware of the rules and procedures following the construction and did not know what questions to ask. He explained that the reason he building was built like it is because the new drawings didn't match with the approved SUP. Mr. Klecha read emails exchanged between himself and Staff but noted that he never attached the new updated drawings. The updated drawings were sent to the Engineer but not to the City Staff which is why he thought he was cleared to change the elevations of the building.

Mr. Miller wanted to clarify that staff did not receive the correct drawings. They did provide the ordinance at the time of the approval letter which had the approved drawings. Also, with the building permit, the approved one comes with a set of plans that were approved and given to the applicant as well. The reason the second story is an issue is due to the wall dividing it where there's a clear delineation of space. There's lighting and electrical on the second floor and appears to be subdivided in a manner to indicate there's a second story. It then makes it not seem like a typical attic area and could be easily converted into a habitable space.

Commissioner Deckard asked if the second floor was indicated for storage then why is there a wall, a wall plug and lighting installed. He also asked how much of the fence connection to the roof and wall had been completed in the past couple of weeks.

Commissioner Thomas added he wished the applicant would have gotten more guidance in regards to the project.

Commissioner Deckard added that he wished he would've utilized the City Staff and resources. He asked the applicant is he had contacted the City at any point in time for guidance.

Chairman Chodun added that it created a difficult precedent to be set by the Commission going forward.

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

Kyoko Boone 1756 Lake Breeze Drive Rockwall, TX 75087

Mrs. Boone came forward and expressed her being in favor of the request.

Bob Wacker 309 Featherstone Rockwall, TX 75087

Mr. Wacker came forward and had questions about how the slope is measured on the property.

Chairman Chodun asked if anyone else wished to speak to do so at this time. There being no one indicating such, Chairman Chodun closed the public hearing and brought the item back to the Commission for discussion or action.

After some discussion, Commissioner Thomas made a motion to deny the amendment to the SUP and asked for the conformance to the SUP that was approved last year. Commissioner Womble seconded the motion which passed by a vote of 5-0.

Chairman Chodun advised that the item will be brought before the City Council on May 17, 2021.

## 10. **Z2021-011** (HENRY LEE)

Hold a public hearing to discuss and consider a request by Kristi Bryant for the approval of a <u>Specific Use Permit (SUP)</u> for an Accessory <u>Building</u> for the purpose of allowing an existing greenhouse on a 0.496-acre tract of land identified as Lot 5 & 6, Block A, Highridge Estates Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 710 & 804 S. Alamo Road, and take any action necessary.

Planner Henry Lee provided a brief summary in regards to the request. On March 10, 2021, the applicant was sent a notice for a code violation for the construction of a greenhouse without a building permit. Based on this notice, the applicant contacted the Building Inspections department to seek the necessary permits for this greenhouse. However, since this structure exceeds the maximum permissible size, the property owner was told that she would have to obtain an SUP. The applicant then submitted an application and photos to permit a 288 square-foot greenhouse that was constructed without a building permit. The application indicated that the structure was 10-feet in height and rested on a gravel foundation. In this case, the applicant's request conforms to the setback and height requirements for accessory buildings. On April 26, 2021, staff sent out 88 notices to property owners and occupants within 500-feet of the subject property. Staff also notified all HOAs within 1,500-feet of the subject property. Mr. Lee advised the Commission that approval of this request was a discretionary decision for the Planning and Zoning Commission and City Council.

Chairman Chodun asked the applicant to come forward.

Kristy Bryant 710 S. Alamo Rockwall, TX 75087

Mrs. Bryant came forward and provided additional details in regards to the request. She stated that she would like to keep the gravel foundation for drainage purposes.

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

Sharon French 806 S. Alamo Rockwall, TX 75087

Mrs. French came forward and presented additional photos from different views of the subject property. She also expressed her opposition to the request due to various concerns.

Commissioner Womble asked if the concern was visibility or drainage.

Vice-Chairman Welch asked if there would be more flooding issues with concrete instead of gravel.

Chairman Chodun asked if anyone else wished to speak to do so at this time. There being no one indicating such, Chairman Chodun closed the public hearing and brought the item back to the Commission for discussion or action.

Planner Henry Lee did want to clarify that the garage is attached and is not a detached structure.

Mrs. Bryant came forward and responded to the statements made.

Vice-Chairman Welch made a motion to approve item Z2021-011 with staff recommendations. Commissioner Thomas seconded the motion which passed by a vote of 4-1 with Commissioner Womble dissenting.

Chairman Chodun advised that the item will be brought before the City Council on May 17, 2021.

# 11. Z2021-012 (DAVID GONZALES)

Hold a public hearing to discuss and consider a request by Ahmad Maktabi on behalf of Gerald Houser of Lynstar, LLC for the approval of a <u>Specific Use Permit (SUP)</u> for a General Retail Store in a Light Industrial (LI) District on a 1.243-acre parcel of land identified as Lot 3, Block 1, Highway 276 Self Storage Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the SH-276 Overlay (SH-276 OV) District, addressed as 2740 SH-276, and take any action necessary.

Planning and Zoning Manager David Gonzales advised that the property owner has requested to withdraw the case. Rezoning a property does require consent of the owner and, in this case, he is relinquishing his consent.

Commissioner Thomas made a motion to approve the request to withdraw item Z2021-012. Commissioner Deckard seconded the motion which passed by a vote of 5-0.

## 12. Z2021-013 (RYAN MILLER)

Hold a public hearing to discuss and consider approval of a <u>Text Amendment</u> to Subsection 06.15, Lake Ray Hubbard Takeline Overlay (TL OV) <u>District</u>, of Article 05, <u>District Development Standards</u>, of the Unified Development Code (UDC) [Ordinance No. 20-02] for the purpose of clarifying the requirements for temporary structures on leased property within the takeline area.

Director of Planning and Zoning Ryan Miller provided a brief summary in regards to the request. Staff is making a slight clarification for temporary structures in the Takeline area.

Commissioner Deckard made a motion to approve item Z2021-013. Commissioner Womble seconded the motion which passed by a vote of 5-0.

Chairman Chodun advised that the item will be brought before the City Council on May 17, 2021.

### VI. ACTION ITEMS

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These items are not advertised public hearings and deal with discretionary approvals for the Planning and Zoning Commission related to variances and special exceptions to the technical requirements of the Unified Development Code (UDC) or Chapter 38, Subdivisions, of the Municipal Code of Ordinances.

13. SP2021-012 (HENRY LEE)

Discuss and consider a request by Mike Prince of Truman Heights, LLC for the approval of a Site Plan for an office building on a 1.244-acre parcel of land identified as Lot 22, Rainbow Acres Addition, City or Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 259 Ranch Trail, and take any action necessary.

Planner Henry Lee provided a brief summary in regards to the request. On September 10, 2019, the Planning and Zoning Commission approved a site plan for the subject property to construct a 4,950 square-foot office building and convert the existing 2,366 singlefamily home into an office building. Associated with this site plan was a variance for horizontal articulation but this request failed to get a super majority vote. The applicant then appealed the variance denial to City Council where the City Council denied the appeal. After this denial, the applicant proceeded with converting the existing single-family home into an office building but abandoned the request to add a new 4,950 square-foot office building. The applicant is returning today with an amended site plan to propose changes to the elevations, landscape plan, and photometric plan but keep the previously approved site plan the same. There are three variances associated with the applicant's request: for horizontal articulation, vertical articulation, and roof pitch. The compensatory measures to offset the variances are additional landscaping, 100% masonry on the east elevation, brick wainscot around the building, and a canopy feature over the primary entrance of the proposed building. Staff should note that these compensatory measures coupled with the offset and building elevations is a different request than the original request that was denied in 2019. This request is a discretionary decision for the Planning and Zoning Commissioner and does require a super majority vote. In the event that this is denied, the applicant may appeal Planning and Zoning's decision to City Council. On April 27, 2021, the Architectural Review Board (ARB) reviewed the elevations and approved them.

Chairman Chodun asked the applicant to come forward.

Mike Prince 2221 Country Brook Lane Prosper, TX 75078

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

Commissioner Deckard made a motion to approve item SP2021-013 Commissioner Thomas seconded the motion which passed by a vote of 5-0.

#### **DISCUSSION ITEMS** VII.

These items are for discussion between staff and the Planning and Zoning Commission and relate to administrative information and/or cases that will come forward for action or public hearing at a future Planning and Zoning Commission meeting. Public comment on these cases can take place when these items are considered for action by the Planning and Zoning Commission.

- 14. Director's Report of post City Council meeting outcomes for development cases (RYAN MILLER).
  - P2021-017: Replat for Lot 25, Block A, Presbyterian Hospital of Rockwall Addition [APPROVED]
  - P2021-018: Final Plat for Lots 1-3, Block A, DDF9 Addition [APPROVED]

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

VIII. **ADJOURNMENT** 

Chairman Chodun adjourned the meeting at 7:44 PM.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF ROCKWALL, Texas, this 25 day of \_\_\_\_

Eric Chodun, Chairman

Attest:

Angelica Gamez Planning and Zoning Coordinator