



# PLANNING AND ZONING CASE CHECKLIST

City of Rockwall  
Planning and Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087

P&Z CASE # SP2020-015 P&Z DATE 08/18/20 CC DATE \_\_\_\_\_ APPROVED/DENIED \_\_\_\_\_  
ARCHITECTURAL REVIEW BOARD DATE \_\_\_\_\_ HPAB DATE \_\_\_\_\_ PARK BOARD DATE \_\_\_\_\_

ZONING APPLICATION
<input type="checkbox"/> SPECIFIC USE PERMIT
<input type="checkbox"/> ZONING CHANGE
<input type="checkbox"/> PD CONCEPT PLAN
<input type="checkbox"/> PD DEVELOPMENT PLAN

SITE PLAN APPLICATION
<input type="checkbox"/> SITE PLAN
<input type="checkbox"/> LANDSCAPE PLAN
<input type="checkbox"/> TREESCAPE PLAN
<input type="checkbox"/> PHOTOMETRIC PLAN
<input type="checkbox"/> BUILDING ELEVATIONS
<input type="checkbox"/> MATERIAL SAMPLES
<input type="checkbox"/> COLOR RENDERING

PLATTING APPLICATION
<input type="checkbox"/> MASTER PLAT
<input type="checkbox"/> PRELIMINARY PLAT
<input type="checkbox"/> FINAL PLAT
<input type="checkbox"/> REPLAT
<input type="checkbox"/> ADMINISTRATIVE/MINOR PLAT
<input type="checkbox"/> VACATION PLAT
<input type="checkbox"/> LANDSCAPE PLAN
<input type="checkbox"/> TREESCAPE PLAN

<input type="checkbox"/> COPY OF ORDINANCE (ORD.# _____)
<input checked="" type="checkbox"/> APPLICATIONS
<input checked="" type="checkbox"/> RECEIPT
<input checked="" type="checkbox"/> LOCATION MAP
<input type="checkbox"/> HOA MAP
<input type="checkbox"/> PON MAP
<input type="checkbox"/> FLU MAP
<input type="checkbox"/> NEWSPAPER PUBLIC NOTICE
<input type="checkbox"/> 500-FT. BUFFER PUBLIC NOTICE
<input type="checkbox"/> PROJECT REVIEW
<input type="checkbox"/> STAFF REPORT
<input type="checkbox"/> CORRESPONDENCE
<input type="checkbox"/> COPY-ALL PLANS REQUIRED
<input type="checkbox"/> COPY-MARK-UPS
<input type="checkbox"/> CITY COUNCIL MINUTES-LASERFICHE
<input type="checkbox"/> MINUTES-LASERFICHE
<input type="checkbox"/> PLAT FILED DATE _____
<input type="checkbox"/> CABINET # _____
<input type="checkbox"/> SLIDE # _____
NOTES: _____
_____
_____
_____
_____
_____
ZONING MAP UPDATED _____



# DEVELOPMENT APPLICATION

City of Rockwall  
Planning and Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087

STAFF USE ONLY

PLANNING & ZONING CASE NO. SP2020-015

**NOTE:** THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.

DIRECTOR OF PLANNING: \_\_\_\_\_

CITY ENGINEER: \_\_\_\_\_

Please check the appropriate box below to indicate the type of development request [SELECT ONLY ONE BOX]:

### Platting Application Fees:

- Master Plat (\$100.00 + \$15.00 Acre)<sup>1</sup>
- Preliminary Plat (\$200.00 + \$15.00 Acre)<sup>1</sup>
- Final Plat (\$300.00 + \$20.00 Acre)<sup>1</sup>
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- Specific Use Permit (\$200.00 + \$15.00 Acre)<sup>1</sup>
- PD Development Plans (\$200.00 + \$15.00 Acre)<sup>1</sup>

### Other Application Fees:

- Tree Removal (\$75.00)
- Variance Request (\$100.00)

### Notes:

<sup>1</sup>: In determining the fee, please use the exact acreage when multiplying by the per acre amount. For requests on less than one acre, round up to one (1) acre.

## PROPERTY INFORMATION [PLEASE PRINT]

Address 715 W DUSK ST. ROCKWALL TX 75087

Subdivision STONEBRIDGE CENTER PH I, LOT PART OF 1 Lot \_\_\_\_\_ Block \_\_\_\_\_

General Location CORNER OF LAKESHORE DR / HWY 66

## ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

Current Zoning GENERAL RETAIL Current Use F1 - CONVENIENCE STORE

Proposed Zoning GENERAL RETAIL Proposed Use F1 - CONVENIENCE STORE

Acreage .483 Lots [Current] \_\_\_\_\_ Lots [Proposed] \_\_\_\_\_

**SITE PLANS AND PLATS:** By checking this box you acknowledge that due to the passage of HB3167 the City no longer has flexibility with regard to its approval process, and failure to address any of staff's comments by the date provided on the Development Calendar will result in the denial of your case.

## OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]

<input checked="" type="checkbox"/> Owner	<u>NATE COLBERT</u>	<input type="checkbox"/> Applicant	
Contact Person	<u>NATE COLBERT</u>	Contact Person	
Address	<u>715 W DUSK</u>	Address	
City, State & Zip	<u>ROCKWALL TX 75087</u>	City, State & Zip	
Phone	<u>214-304-0623</u>	Phone	
E-Mail	<u>COLBERTICE@GMAIL.COM</u>	E-Mail	

## NOTARY VERIFICATION [REQUIRED]

Before me, the undersigned authority, on this day personally appeared NATE COLBERT [Owner] the undersigned, who stated the information on this application to be true and certified the following:

"I hereby certify that I am the owner for the purpose of this application; all information submitted herein is true and correct; and the application fee of \$ \_\_\_\_\_, to cover the cost of this application, has been paid to the City of Rockwall on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. By signing this application, I agree that the City of Rockwall (i.e. "City") is authorized and permitted to provide information contained within this application to the public. The City is also authorized and permitted to reproduce any copyrighted information submitted in conjunction with this application, if such reproduction is associated or intended to request for public information."

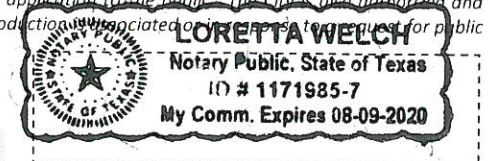
Given under my hand and seal of office on this the 24<sup>th</sup> day of JUNE, 2020.

Owner's Signature

N. Colbert

Notary Public in and for the State of Texas

LORETTA WELCH



My Commission Expires 08-09-2020

We are a locally owned and family operated convenience store on the corner of Lakeshore Dr and HWY 66. Since the Lakeshore Drive construction project started in August 2019 and the sites U-turn and adjacent neighborhood access has been closed, the site has been operating off of 25-40 percent of its normal business revenue. Inside sales are down, outside gas volume is down, way down. We are trying to reinvent our image and involvement in the community to bring in more locally sourced products, inventory, and vendors. Over the past 4 months we have been building relationships with local farmers and co-ops to bring in a locally sustainable source of meats, dairy, breads, fruits, vegetables and numerous other products. This updated site plan shows the ability to display and sell items (home/garden, seasonal, plants, fruits and vegetables) in designated areas of the sites available parking lot. No fire lanes will be impeded or blocked. No required parking spots will be used. No fixtures will be permanent.

We hope you can appreciate our vision of what this corner store can provide for the community and North Rockwall. We are still working on the building permit to build our onsite kitchen to further serve Rockwall!

Regards,

Nate & Taylor Colbert

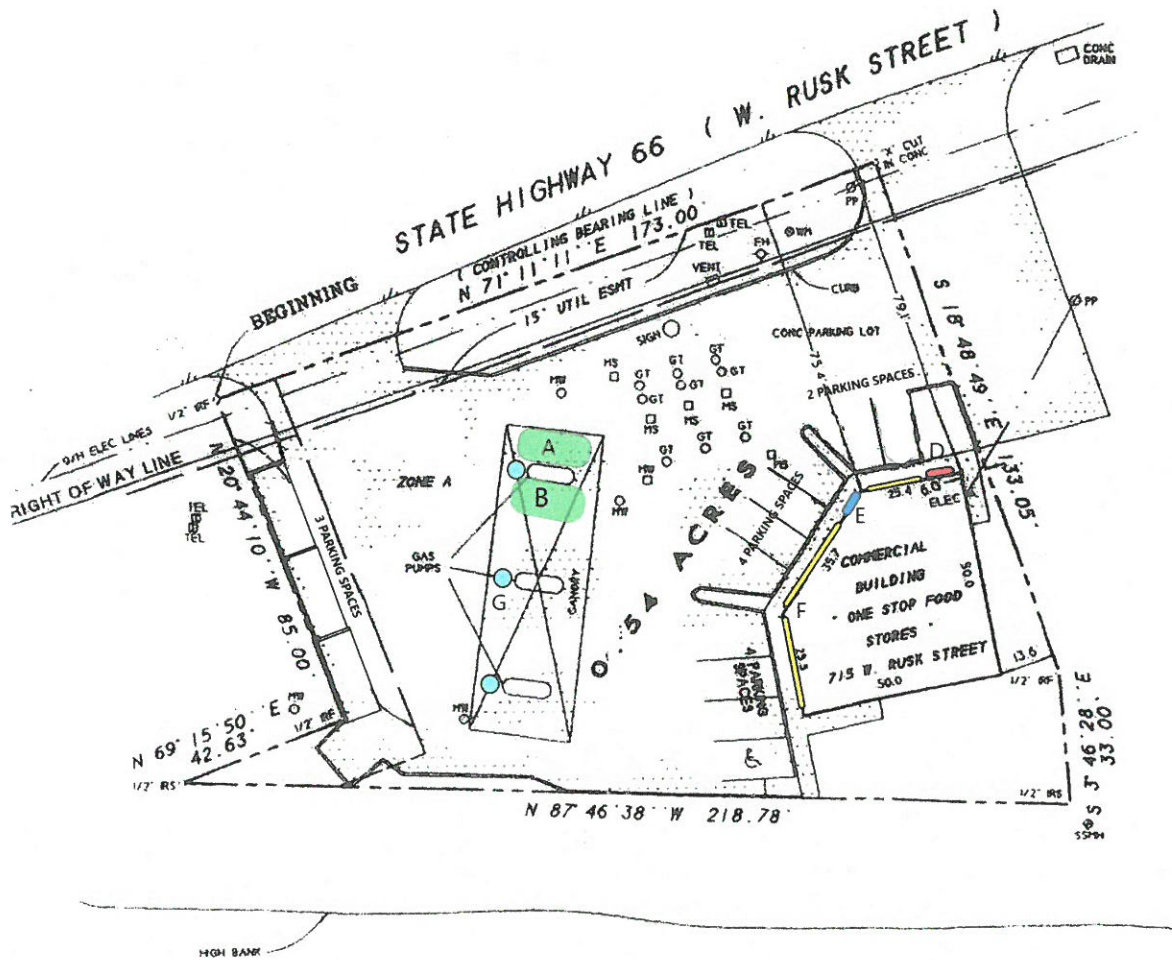
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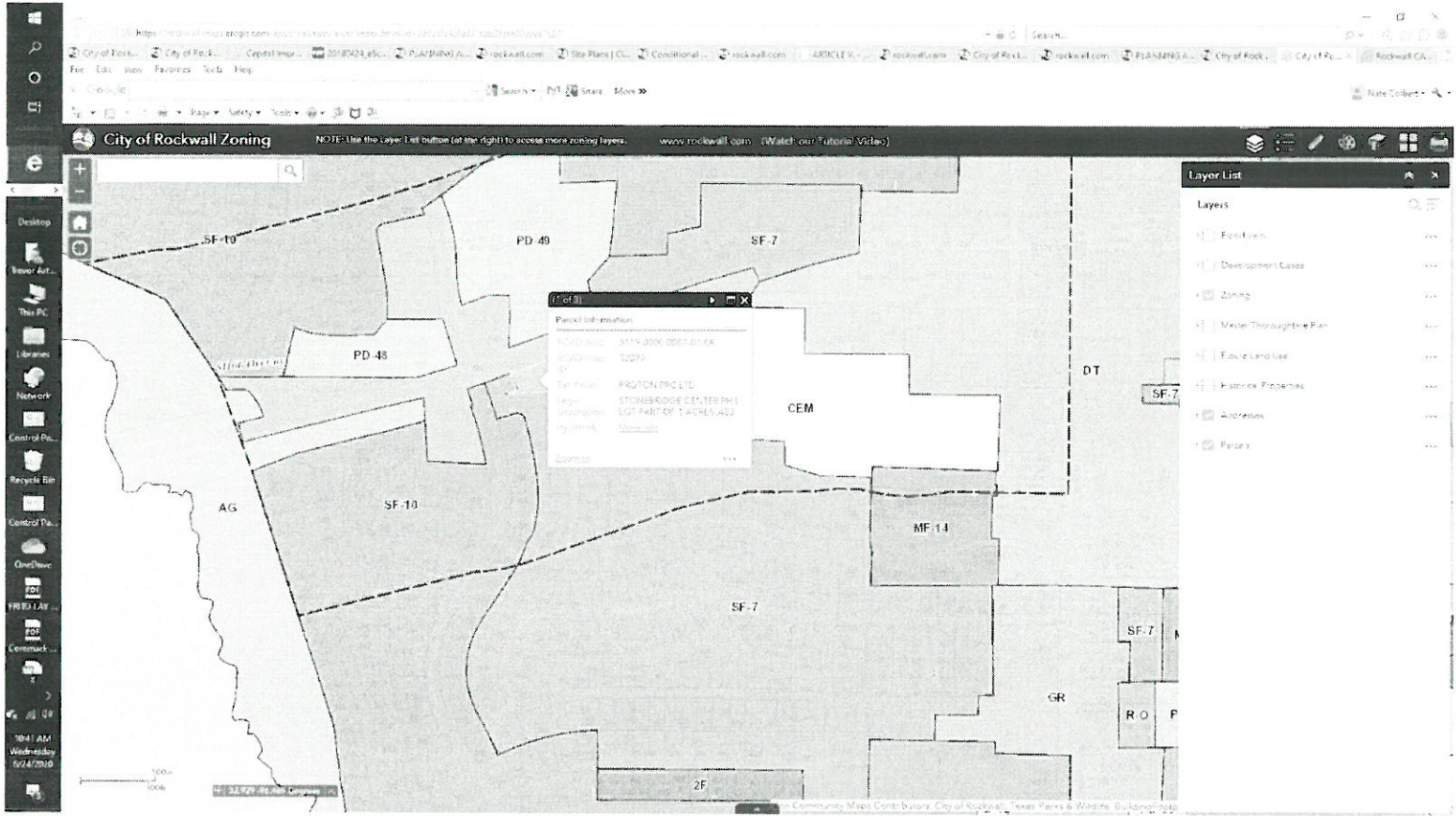
715 W RUSK, ROCKWALL TX  
AMENDED SITE PLAN



- A 24'X12'FT HOME/GARDEN, SEASONAL, PLANTS, FRUITS AND VEGETABLES
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- E 6'X3'FT ICE VENDING
- F 85'X2'FT HOME/GARDEN, SEASONAL, PLANTS, FRUITS AND VEGETABLES
- G 4'X4'FT WATER, ICE, AUTO, DRINKS AND SNACKS


\*NO FIRELANES WILL BE IMPEDED OR BLOCKED  
 \*\*NO REQUIRED PARKING WILL BE USED





715 W BUSK ROCKWALL TX 75087  
BCAD 3119-0000-0001-01-OR  
BCAC PROP 32079

0 30 60 120 180 240 Feet

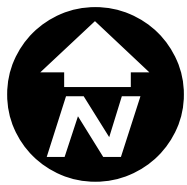
SP2020-015- INCIDENTAL DISPLAY FOR ONE STOP  
SITE PLAN - LOCATION MAP = 



# City of Rockwall

Planning & Zoning Department  
 385 S. Goliad Street  
 Rockwall, Texas 75032  
 (P): (972) 771-7745  
 (W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.



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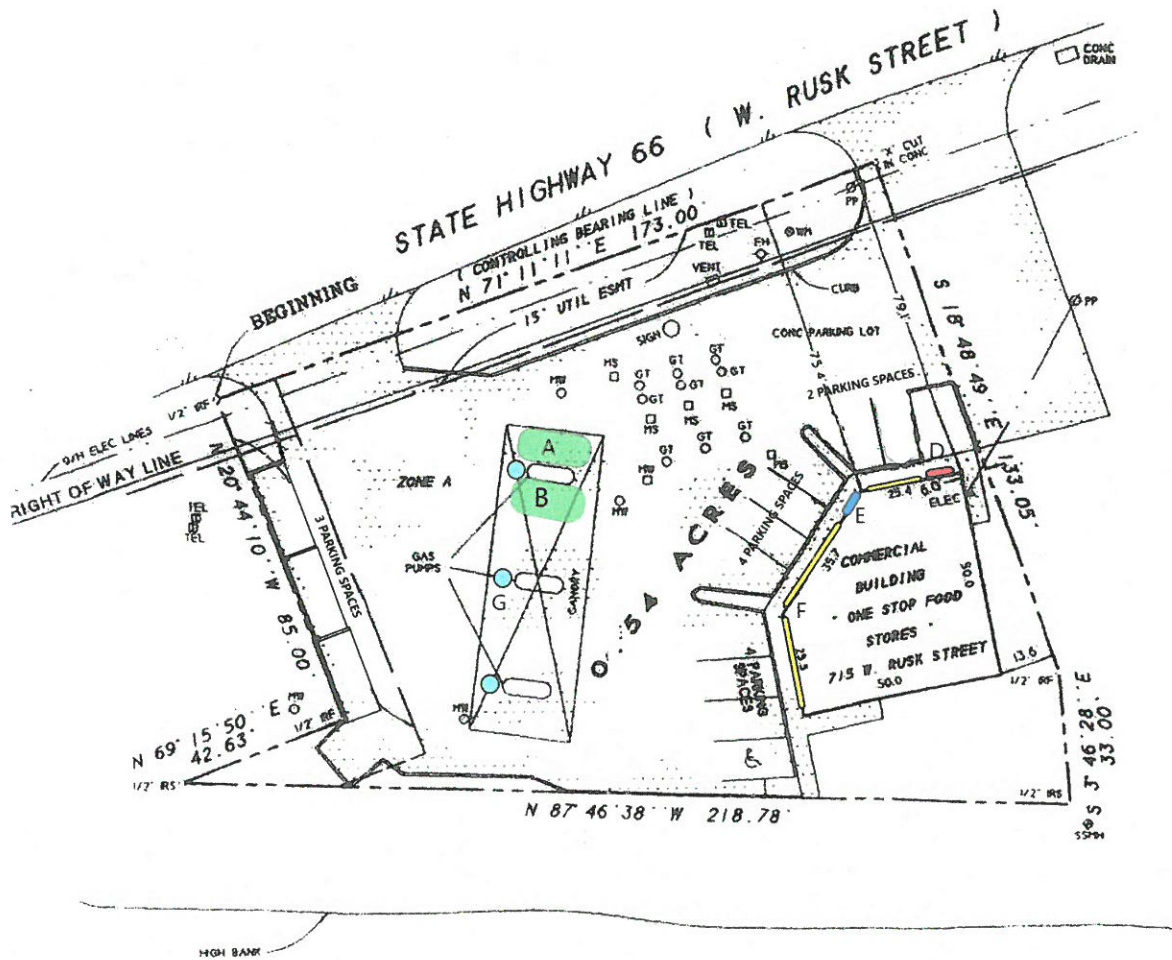
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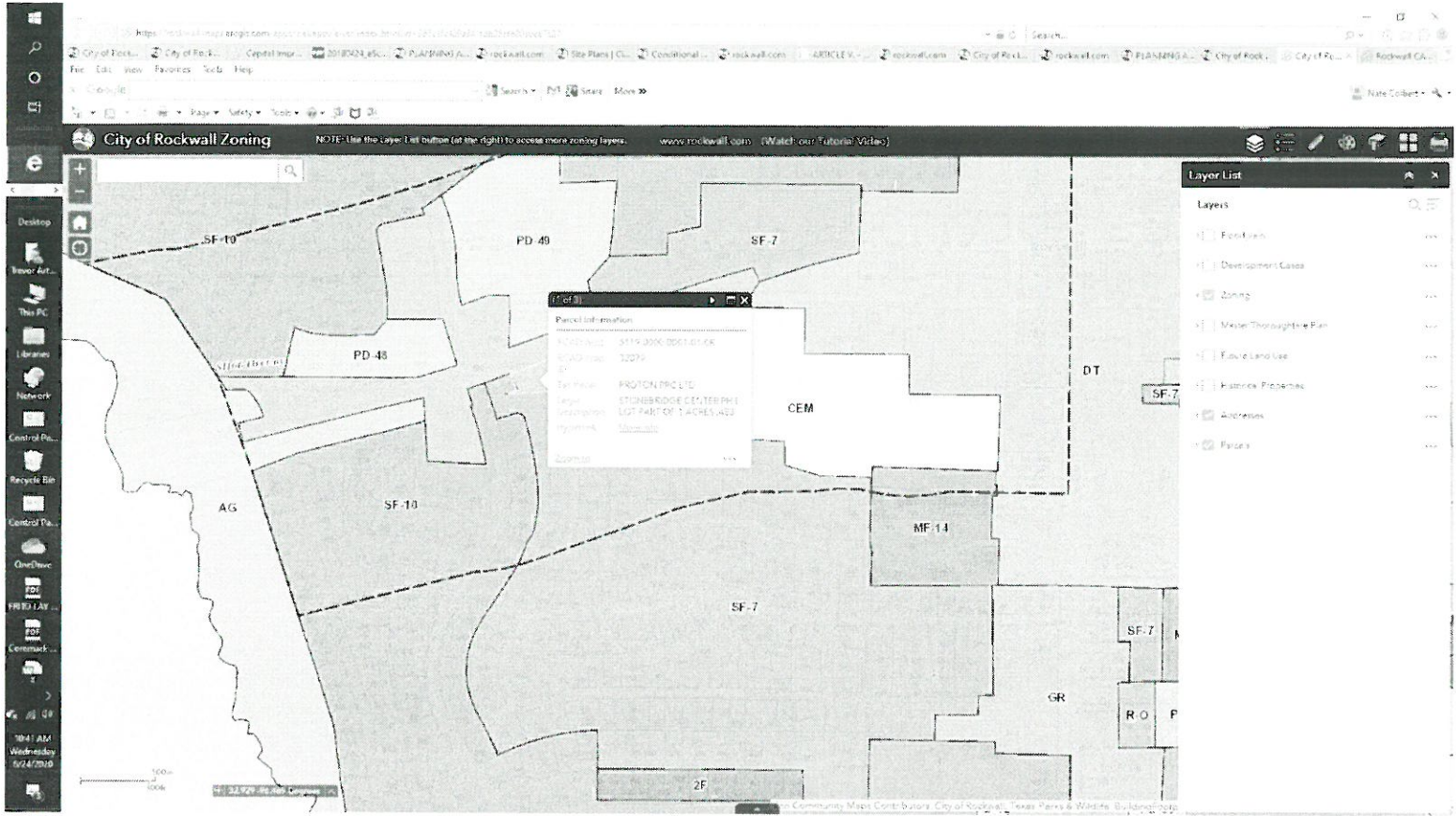


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715 W BUSK ROCKWALL TX 75087  
BCAD 3119-0000-0001-01-OR  
BCAC PROP 32079

# PROJECT COMMENTS



CITY OF ROCKWALL  
385 S. GOLIAD STREET  
ROCKWALL, TEXAS 75087  
PHONE: (972) 771-7700

DATE: 7/24/2020

PROJECT NUMBER: SP2020-015  
PROJECT NAME: Lot 1, Stonebridge Addition  
SITE ADDRESS/LOCATIONS: 715 W RUSK ST, ROCKWALL, 75087

CASE MANAGER: Angelica Gamez  
CASE MANAGER PHONE: 972-771-7740  
CASE MANAGER EMAIL: agamez@rockwall.com

CASE CAPTION:

DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
PLANNING	Henry Lee	07/22/2020	Approved w/ Comments
<p>07/22/2020: I.1 This request is for the approval of a Site Plan for incidental display in conjunction with retail store with gasoline sales on a 0.483-acre parcel of land identified as a portion of Lot 1 of the Stonebridge Center Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated within the SH-66 Overlay (SH-66 OV) District, and addressed as 715 W. Rusk Street.</p> <p>I.2 For questions or comments concerning this case please contact Henry Lee in the Planning Department at (972) 772-6434 or email hlee@rockwall.com.</p> <p>M.3 For reference, include the case number (SP2020-015) in the lower right-hand corner of all pages of all revised plan submittals. (Subsection 03.04.A, Art. 11, UDC)</p> <p>I.4 Incidental Display is permitted only in areas designated on the Site Plan filed with the City (Subsection 02.03. F(4)(a), Art. 4, UDC).</p> <p>M.5 Site Plan. Please make the following clarifications on the site plan to ensure staff can properly review this project and convey all of the required elements to the City's boards and commissions (Subsection 03.04, Art. 11, UDC):</p> <ol style="list-style-type: none"><li>1) Identify each proposed and existing use (e.g. gas station/food truck or trailer) (Subsection 03.04. A, Art. 11, UDC).</li><li>2) Indicate sidewalk width along the existing building. (Subsection 03.04. A, Art. 11, UDC).</li><li>3) Verify the acreage of the property and provide the square footage of the existing building (Subsection 03.04. B, Art. 11, UDC).</li><li>4) Indicate and label the widths of all fire lanes existing on the site (Subsection 03.04. B, Art. 11, UDC).</li><li>5) Indicate the dimensions of a typical parking space per our UDC (i.e. 9' x 20' for head in parking spaces and 9' x 22' for parallel parking spaces) (Subsection 05.03, Art. 06, UDC).</li><li>6) Provide parking table indicating the total number of required parking spaces by use, the total number of required handicapped parking spaces and the total parking provided. (Subsection 05.01, Art. 06, UDC)</li></ol> <p>M.6 Outdoor sales and display may not exceed five (5) percent of the adjacent building floor area (building area is defined as the entirely enclosed portion of the primary building). Please provide a table showing the square footage of the existing building (excluding the gas canopy), the square footage of the existing ice box and propane cage, and the proposed square footage of the incidental display/sales area (Subsection 02.03. F(4)(b), Art. 04, UDC).</p> <p>I.7 Outdoor sales and display may occupy up to 30% 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 (5) foot passable distance shall be maintained. If exceeded then an exception will need to be requested (Subsection 02.03. F(4)(c), Art. 04, UDC).</p> <p>I.9 Any outside sales and display not located on a covered sidewalk must be screened from view of adjacent roadways, public areas and adjacent properties. The current plan is not in compliance with this requirement and if uncorrected an exception will need to be requested (Subsection 02.03. F(4)(d), Art. 04, UDC).</p> <p>M.10 Any outside sales and display not located on a covered sidewalk must be located immediately adjacent to or connected to the primary structure. The current plan is not in compliance with this requirement and if uncorrected an exception will need to be requested (Subsection 02.03. F(4)(e), Art. 04, UDC).</p> <p>I.11 No outdoor sales and display may be located in any portion of a parking lot. The current plan is not in compliance with this requirement (i.e. the plan show incidental display</p>			

under the gas canopy) and if uncorrected an exception will need to be requested (Subsection 02.03. F(4)(f), Art. 04, UDC). Furthermore, staff is of the opinion that providing incidental display under the gas canopy and in direct conflict with vehicular traffic poses a health and safety risk for the general public.

M.12 The accessory seasonal display of plants and related landscape materials such as fertilizer, peat moss, and ornamental landscape items by a permitted retail use may be displayed upon approval by the building inspector only under the following conditions. If any of the following are not met then a variance will need to be requested. (Subsection 02.03. F(4)(h), Art. 04, UDC):

- (1) The plants and related materials shall be located on an all-weather surface.
- (2) All of the plants and related materials shall be located behind the building line.
- (3) The storage area for display of plants and related materials shall not occupy any required parking spaces. Excess, parking spaces may be used if all other requirements are met.
- (4) The storage area for display of plants shall not occupy more than five (5) percent of the total lot area.

NOTE: The subject property does not appear to have the space to achieve the accessory seasonal display of plants or related landscape materials.

I.13 Based on the submittal staff has identified the following exceptions to the Unified Development Code (UDC):

- 1) Incidental Display Area Standards. The proposed display does not meet the incidental display standards established by the UDC. The display exceeds five (5) percent of the adjacent building floor area. This will require approval of an exception by the Planning and Zoning Commission (Subsection 02.03. F(4)(b), Art. 04, UDC)
- 2) Incidental Display Location Standards. The proposed display does not meet the incidental display standards established by the UDC for being located under a covered walkway, adjacent to the building, and not within the parking areas. Sections A and B and portions of F are not located under a covered sidewalk, with no indication of screening, and are located within the parking areas. This will require approval of an exception by the Planning and Zoning Commission (Subsection 02.03. F(4)(d), Art. 04, UDC).

I.4 To be able to request a variance, an applicant needs to provide a letter stating the justification for each exception requested and indicate a minimum of two (2) compensatory measures for each that directly tie to off-setting the impact of the requested exception. Please also note that all of the requested exceptions will require a three-quarter majority vote for approval. Refer to Subsection 9.01, Exceptions to the General Standards, of Article 11, Development Applications and Review Procedures, of the UDC for examples of compensatory measures.

- Please provided a letter of explanation for the associated exceptions (i.e. there have been three (3) exceptions identified by staff) and the compensatory measures (i.e. six (6) compensatory measures required) justifying these exceptions as required by the UDC for consideration.

I.14 Please note that failure to address all comments provided by staff by 3:00 PM on August 4, 2020 will result in the automatic denial of the case on the grounds of an incomplete submittal. No refund will be given for cases that are denied due to an incomplete submittal, and a new application and fee will be required to resubmit the case.

I.15 Staff has identified the aforementioned items necessary to continue the submittal process. Please make these revisions and corrections, and provide any additional information that is requested. Revisions for this case will be due on August 4, 2020; however, it is encouraged for applicants to submit revisions as soon as possible to give staff ample time to review the case prior to the August 11, 2020 Planning & Zoning Regular Meeting.

I.17 Please note the scheduled meetings for this case:

- 1) Planning & Zoning Work Session meeting will be held on July 28, 2020.
- 2) Planning & Zoning regular meeting/public hearing meeting will be held on August 11, 2020.

I.18 All meetings will be held in person and in the City's Council Chambers. All meetings listed above are scheduled to begin at 6:00 p.m. The City prefers that a representative(s) be present for these meetings.

DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
ENGINEERING	Sarah Johnston	07/24/2020	Approved
No Comments			
DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
BUILDING	Rusty McDowell	07/22/2020	Approved
No Comments			
DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
FIRE	Ariana Kistner	07/21/2020	Denied

07/21/2020: Show distance from fuel handling equipment to any combustible materials. A minimum of 10-feet is required from all combustible materials.

Show distance from propane storage to any combustible materials. A minimum of 10-feet is required from all combustible materials.

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DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
GIS	Lance Singleton	07/22/2020	N/A

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No Comments



# DEVELOPMENT APPLICATION

City of Rockwall  
Planning and Zoning Department  
385 S. Goliad Street  
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STAFF USE ONLY

PLANNING & ZONING CASE NO. SP2020-015

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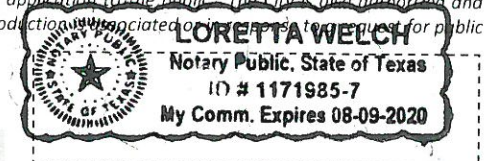
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Notary Public in and for the State of Texas

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My Commission Expires 08-09-2020

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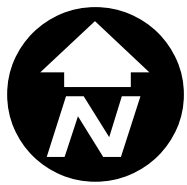
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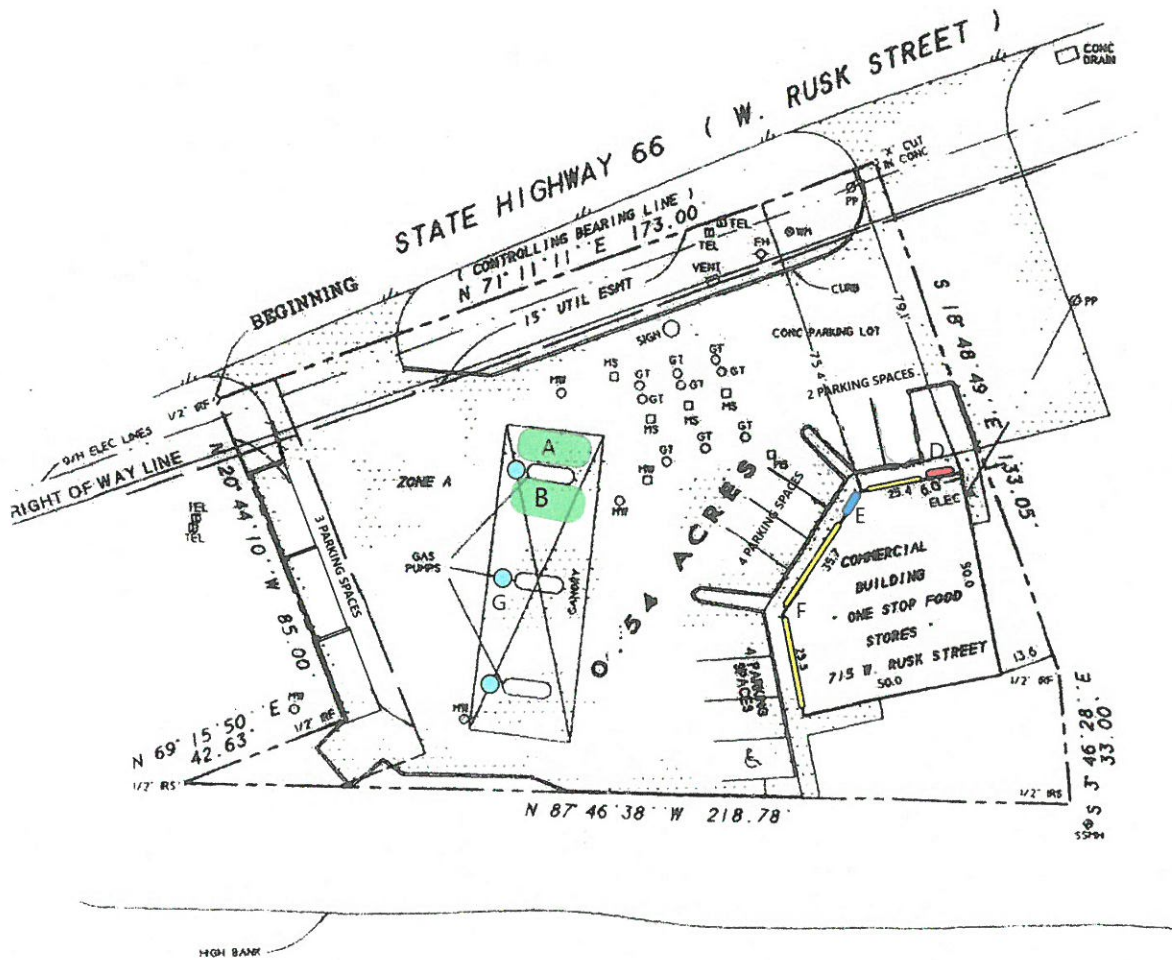


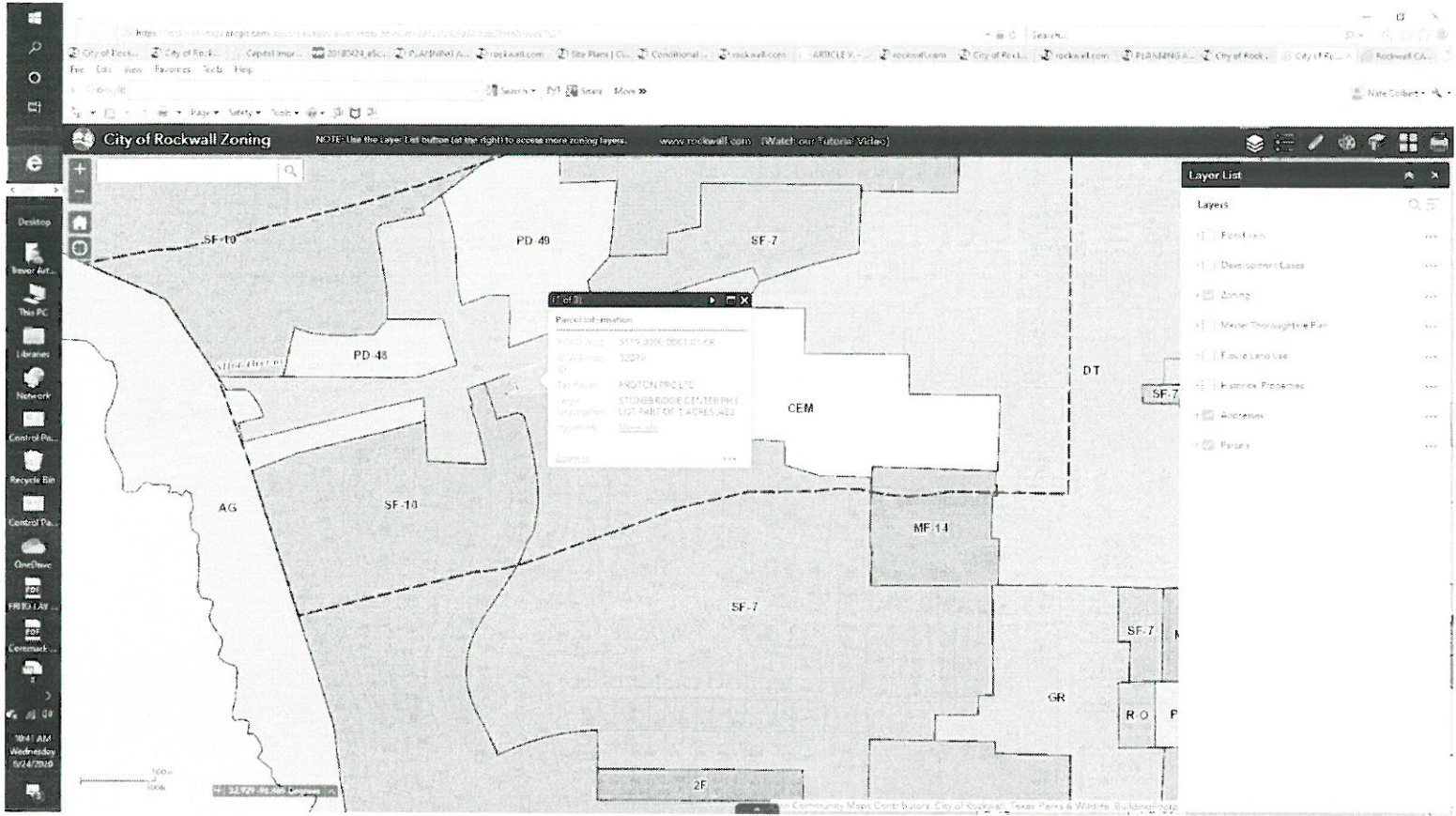
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AMENDED SITE PLAN



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715 W BUSK ROCKWALL TX 75087  
BCAD 3119-0000-0001-01-OR  
BCAC PROP 32079





# CITY OF ROCKWALL

## PLANNING AND ZONING COMMISSION MEMORANDUM

### PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

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**TO:** Planning and Zoning Commission  
**FROM:** Henry Lee, *Planner*  
**DATE:** August 11, 2020  
**SUBJECT:** SP2020-015; *Incidental Display for One-Stop*

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The applicant, Nate Colbert on behalf of Proton PRC LTD, is requesting approval of an amended site plan to incorporate incidental display in conjunction with an existing retail store with gasoline sales. The One-Stop is located on a 0.483-acre parcel of land identified as a portion of Lot 1 of the Stonebridge Center, Phase 1 Addition. The property is zoned General Retail (GR) District, and is situated within the SH-66 Overlay (SH-66 OV) District. The site currently includes ~10,375.00 SF of parking, ~1,824.00 SF gas canopy, and a ~2,187.50 SF convenience store.

Staff was referred this case through the Neighborhood Improvement Services (NIS) Department after it was discovered that the applicant had been doing outside sales and display without seeking the proper approvals. Based on this, Planning and Zoning Department staff informed the applicant that the approved site plan would need to be updated to delineate the outside sales and display area. Staff also indicated to the applicant what the requirements for outside sales and display land use were per the Unified Development Code (UDC). The applicant then asked if they could continue the outside sales and display while the amended site plan was being reviewed. Staff informed the applicant that they could apply for a special event permit, which would be valid for two (2) weeks. The applicant applied for this permit on July 2, 2020, and was issued a special event permit starting on July 2, 2020 and expiring on July 15, 2020. After the special event permit expired, it was brought to staff's attention that the applicant continued the outside sales and display in violation of the UDC.

According to the site plan submitted by the applicant, two (2), 24-foot by 12-foot display areas for home/garden, seasonal plants, and fruits and vegetables will be located under the north side of the gas canopy. Also indicated on this site plan are three (3), four (4) foot by four (4) foot display areas located at each support under the gas canopy intended for water, ice, drinks, and snacks. The site plan also depicts three (3) display areas for home/garden, seasonal plants, and fruits and vegetables along the exterior of the existing building totaling 85-feet by two (2) feet. The total area of the proposed incidental display shown on the site plan is 792 SF.

According to the *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the Unified Development Code (UDC), the *incidental display* land use is permitted by right in a General Retail (GR) District; however, *incidental display* is subject to the following conditional land use standards:

- (1) Outdoor sales and displays are permitted only in areas designated on the site plan filed with the City.
- (2) Outdoor sales and display may not exceed five (5) 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 may occupy up to 30% 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 (5) 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.
- (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.

In addition, outdoor sales and displays are permitted only in areas designated on a site plan. Based on the site plan submitted by the applicant, staff has identified the following exceptions to the Unified Development Code (UDC):

- (1) The proposed display exceeds five (5) percent of the adjacent building floor area. By right the applicant is allowed 109.4 SF of incidental display; however, the applicant's request exceeds this by 682.5 SF (*i.e. a total of 792 SF is proposed*). This will require approval of an exception by the Planning and Zoning Commission [*Subsection 02.03. F(4)(b), Art. 04, UDC*].
- (2) The proposed display does not allow five (5) feet of passible distance on the sidewalk adjacent to the building. The area occupied by *Section F* on the site plan prohibits five (5) feet of passible distance on the sidewalk. This will require approval of an exception by the Planning and Zoning Commission [*Subsection 02.03. F(4)(c), Art. 04, UDC*].
- (3) The proposed display is not located under a covered walkway and must be screened from view of adjacent roadways, public areas, and adjacent properties. *Sections A, B, G,* and portions of *F* are not located under a covered walkway with no indication of screening. This will require approval of an exception by the Planning and Zoning Commission [*Subsection 02.03. F(4)(d), Art. 04, UDC*].
- (4) The proposed display is not located under a covered walkway and is not adjacent to the building. *Sections A, B,* and *G* are not located adjacent to the building and *Sections A, B, G,* and portions of *F* are not located under a covered sidewalk. This will require approval of an exception by the Planning and Zoning Commission [*Subsection 02.03. F(4)(e), Art. 04, UDC*].
- (5) The proposed display is located on a portion of the parking lot. *Sections A, B,* and *G* are located in the parking lot. This will require approval of an exception by the Planning and Zoning Commission [*Subsection 02.03. F(4)(f), Art. 04, UDC*].

Based on this submittal there are five (5) identified exceptions from the UDC. According to Subsection 09.01, *Exceptions to the General Standards*, "...an applicant may request the Planning and Zoning Commission grant an exception to the provisions contained in the Unified Development Code (UDC) where unique or extraordinary conditions exist or where strict adherence to the technical requirements of the Unified Development Code (UDC) would create an undue hardship." In this case the applicant's request does not meet any of the Unified Development Code's incidental display standards. To request an exception, the UDC goes on to require that a minimum of two (2) compensatory measures be provided for each exception requested. The purpose of the compensatory measures is to try to directly off-set the impact of requested exception. The applicant's request does not meet the conditional use standards nor are any compensatory measures being provided to facilitate the requested variances. Staff made these comments to the applicant; however, the applicant did not respond with any changes to staff's comments. With this being said the request of the exceptions are a discretionary matter for the Planning and Zoning Commission. Staff should note that all of the exceptions will require a ¾-majority vote for approval. Should the Planning and Zoning Commission have any questions concerning this request, staff will be available at the August 11, 2020 Planning and Zoning Commission meeting.



# DEVELOPMENT APPLICATION

City of Rockwall  
Planning and Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087

STAFF USE ONLY

PLANNING & ZONING CASE NO. SP2020-015

**NOTE:** THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.

DIRECTOR OF PLANNING: \_\_\_\_\_

CITY ENGINEER: \_\_\_\_\_

Please check the appropriate box below to indicate the type of development request [SELECT ONLY ONE BOX]:

### Platting Application Fees:

- Master Plat (\$100.00 + \$15.00 Acre)<sup>1</sup>
- Preliminary Plat (\$200.00 + \$15.00 Acre)<sup>1</sup>
- Final Plat (\$300.00 + \$20.00 Acre)<sup>1</sup>
- Replat (\$300.00 + \$20.00 Acre)<sup>1</sup>
- Amending or Minor Plat (\$150.00)
- Plat Reinstatement Request (\$100.00)

### Site Plan Application Fees:

- Site Plan (\$250.00 + \$20.00 Acre)<sup>1</sup>
- Amended Site Plan/Elevations/Landscaping Plan (\$100.00)

### Zoning Application Fees:

- Zoning Change (\$200.00 + \$15.00 Acre)<sup>1</sup>
- Specific Use Permit (\$200.00 + \$15.00 Acre)<sup>1</sup>
- PD Development Plans (\$200.00 + \$15.00 Acre)<sup>1</sup>

### Other Application Fees:

- Tree Removal (\$75.00)
- Variance Request (\$100.00)

### Notes:

<sup>1</sup>: In determining the fee, please use the exact acreage when multiplying by the per acre amount. For requests on less than one acre, round up to one (1) acre.

## PROPERTY INFORMATION [PLEASE PRINT]

Address 715 W DUSK ST. ROCKWALL TX 75087

Subdivision STONEBRIDGE CENTER PH I, LOT PART OF 1 Lot \_\_\_\_\_ Block \_\_\_\_\_

General Location CORNER OF LAKESHORE DR / HWY 66

## ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

Current Zoning GENERAL RETAIL Current Use F1 - CONVENIENCE STORE

Proposed Zoning GENERAL RETAIL Proposed Use F1 - CONVENIENCE STORE

Acreage .483 Lots [Current] \_\_\_\_\_ Lots [Proposed] \_\_\_\_\_

**SITE PLANS AND PLATS:** By checking this box you acknowledge that due to the passage of HB3167 the City no longer has flexibility with regard to its approval process, and failure to address any of staff's comments by the date provided on the Development Calendar will result in the denial of your case.

## OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]

<input checked="" type="checkbox"/> Owner	<u>NATE COLBERT</u>	<input type="checkbox"/> Applicant	_____
Contact Person	<u>NATE COLBERT</u>	Contact Person	_____
Address	<u>715 W DUSK</u>	Address	_____
City, State & Zip	<u>ROCKWALL TX 75087</u>	City, State & Zip	_____
Phone	<u>214-304-0623</u>	Phone	_____
E-Mail	<u>COLBERTICE@GMAIL.COM</u>	E-Mail	_____

## NOTARY VERIFICATION [REQUIRED]

Before me, the undersigned authority, on this day personally appeared NATE COLBERT [Owner] the undersigned, who stated the information on this application to be true and certified the following:

"I hereby certify that I am the owner for the purpose of this application; all information submitted herein is true and correct; and the application fee of \$ \_\_\_\_\_, to cover the cost of this application, has been paid to the City of Rockwall on this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_. By signing this application, I agree that the City of Rockwall (i.e. "City") is authorized and permitted to provide information contained within this application to the public. The City is also authorized and permitted to reproduce any copyrighted information submitted in conjunction with this application, if such reproduction is associated or intended to request for public information."

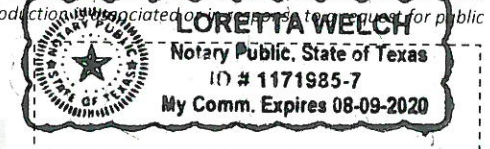
Given under my hand and seal of office on this the 24<sup>th</sup> day of JUNE, 2020.

Owner's Signature

N. Colbert

Notary Public in and for the State of Texas


LORETTA WELCH



My Commission Expires

08-09-2020

0 30 60 120 180 240 Feet

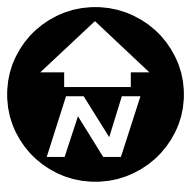
SP2020-015- INCIDENTAL DISPLAY FOR ONE STOP  
SITE PLAN - LOCATION MAP = 



## City of Rockwall

Planning & Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75032  
(P): (972) 771-7745  
(W): [www.rockwall.com](http://www.rockwall.com)

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.

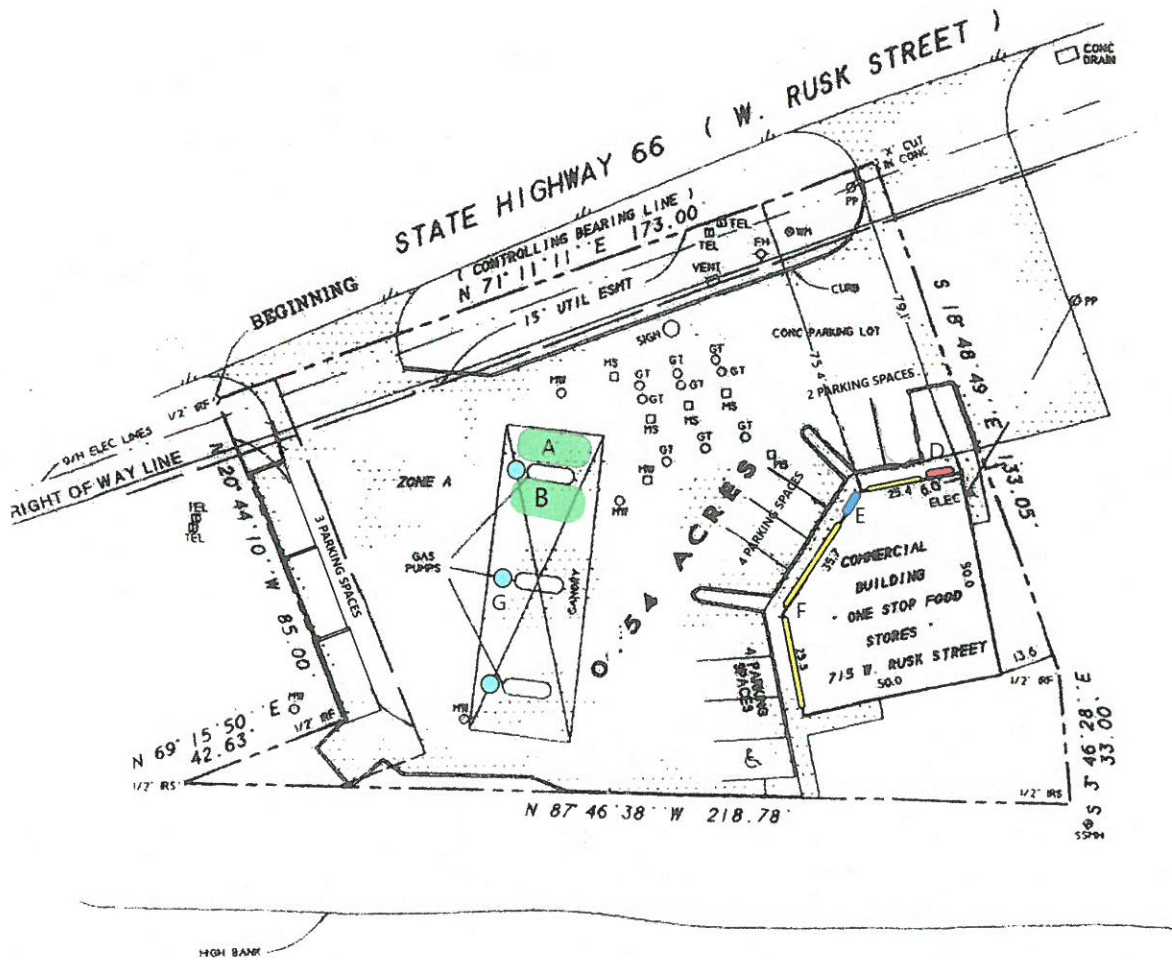


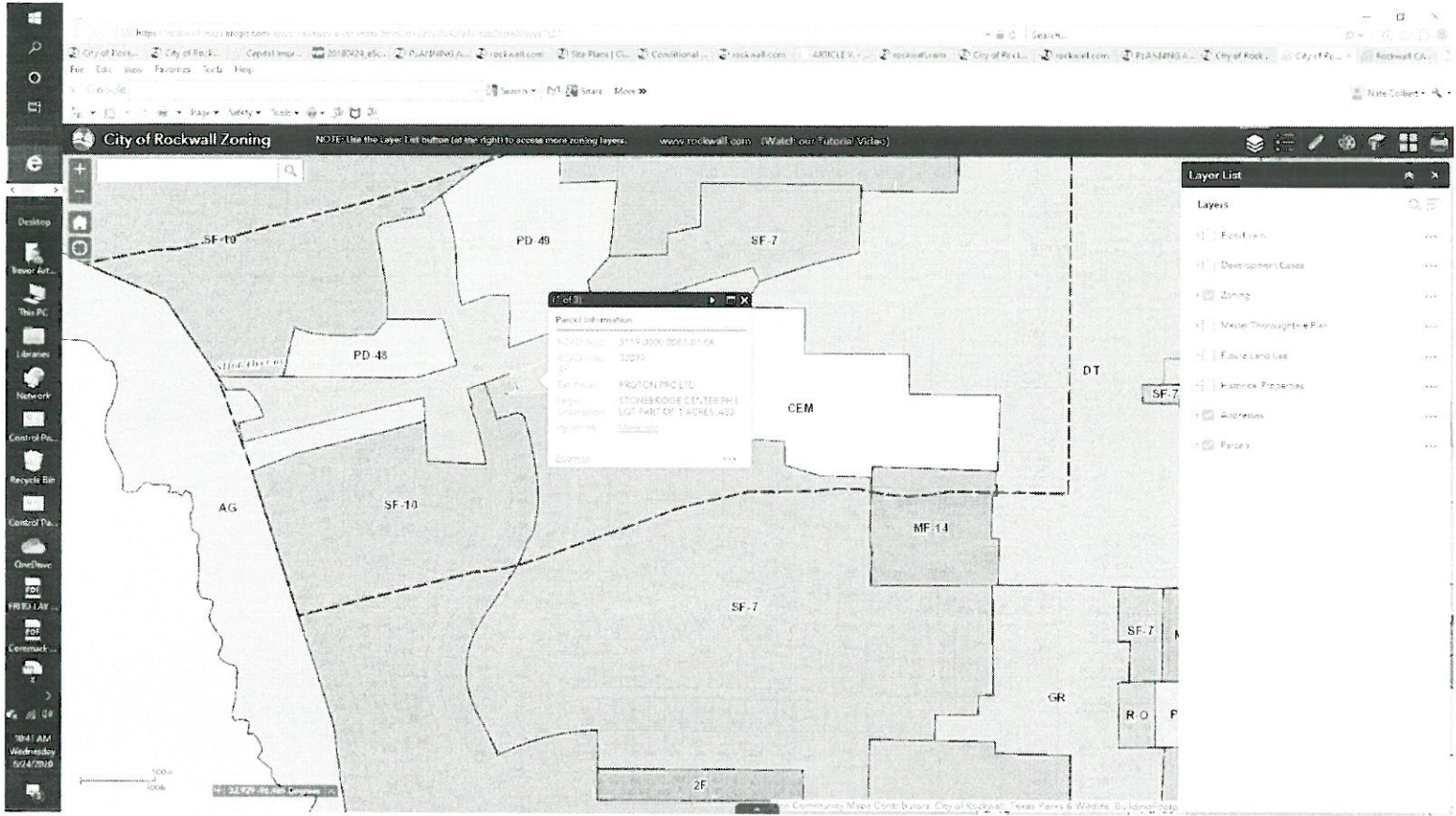
715 W RUSK, ROCKWALL TX  
AMENDED SITE PLAN



- A 24'X12' FT HOME/GARDEN, SEASONAL, PLANTS, FRUITS AND VEGETABLES
- B 24'X12' FT HOME/GARDEN, SEASONAL, PLANTS, FRUITS AND VEGETABLES
- D 4'X3' FT PROPANE STORAGE
- E 6'X3' FT ICE VENDING
- F 85'X2' FT HOME/GARDEN, SEASONAL, PLANTS, FRUITS AND VEGETABLES
- G 4'X4' FT WATER, ICE, AUTO, DRINKS AND SNACKS

\*NO FIRELANES WILL BE IMPEDED OR BLOCKED  
 \*\*NO REQUIRED PARKING WILL BE USED





715 W BUSK ROCKWALL TX 75087  
BCAD 3119-0000-0001-01-OR  
BCAC PROP 32079

## Lee, Henry

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**From:** Henry Lee  
**Sent:** Tuesday, July 21, 2020 2:39 PM  
**To:** 'Colberticeco@gmail.com'  
**Subject:** Site Plan Information

Good Afternoon,

After a conversation with my supervisor I believe I can answer your questions.

First, yes you can submit changes to your site plan as long as they come in before the Planning and Zoning meeting next Tuesday, July 28<sup>th</sup>.

Your second question on why Lowe's and Home Depot can have display out on their parking, the answer is more involved.

One reason they can do it is that they are significantly over their parking requirement; and with their outside display they never drop below their parking requirements.

Another reason is that their display is only for the display of seasonal products (75 day period), and is permitted by their zoning classification.

The last and most important reason is that their zoning is different; their zoning is much more flexible than the General Retail District your business is classified as.

I hope this answers your questions. If you have any more questions feel free to contact me.

Thank you,

Henry Lee

## Lee, Henry

---

**From:** Nate Colbert <colberticeco@gmail.com>  
**Sent:** Friday, July 24, 2020 9:30 AM  
**To:** Henry Lee  
**Subject:** Re: Site Plan Information

Henry, can you send me a copy of the notarized application for 715 W Rusk so I can have the property owner sign it? I will return today. Thank you

Nate Colbert  
One Stop Xpress  
[REDACTED]

On Tue, Jul 21, 2020 at 2:38 PM Henry Lee <[HLee@rockwall.com](mailto:HLee@rockwall.com)> wrote:

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Thank you,

Henry Lee

---

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## Lee, Henry

---

**From:** Henry Lee  
**Sent:** Friday, July 24, 2020 10:09 AM  
**To:** 'Nate Colbert'  
**Subject:** RE: Site Plan Information  
**Attachments:** Development Application (07.20.2020).pdf

Good Morning,

Attached is a copy of your notarized application.

Just as a reminder the property owner signed application must be returned to me by 5 p.m. today, July, 24<sup>th</sup>.


Thank you,

Henry Lee

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## Lee, Henry

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**From:** Nate Colbert <colberticeco@gmail.com>  
**Sent:** Friday, July 24, 2020 10:54 AM  
**To:** Henry Lee  
**Subject:** Re: Site Plan Information  
**Attachments:** Scan2020-07-24\_104430.pdf

Henry attached is the copy sign by the property owner, Ray Khalil. Thank you and have a good weekend!

Nate Colbert  
One Stop Xpress  
[REDACTED]

On Fri, Jul 24, 2020, 10:09 AM Henry Lee <[HLee@rockwall.com](mailto:HLee@rockwall.com)> wrote:

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## Lee, Henry

---

**From:** Henry Lee  
**Sent:** Friday, July 24, 2020 11:05 AM  
**To:** 'Nate Colbert'  
**Subject:** RE: Site Plan Information


Thank you; you are all set. You have a great weekend too.

Henry Lee

---

**From:** Nate Colbert  
**Sent:** Friday, July 24, 2020 10:54 AM  
**To:** Henry Lee  
**Subject:** Re: Site Plan Information

Henry attached is the copy sign by the property owner, Ray Khalil. Thank you and have a good weekend!

Nate Colbert  
One Stop Xpress  


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Henry Lee

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Thank you,

Henry Lee

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**Lee, Henry**

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**From:** Henry Lee  
**Sent:** Friday, August 7, 2020 4:53 PM  
**To:** 'Nate Colbert'  
**Subject:** Planning and Zoning Public Hearing Packet SP2020-015  
**Attachments:** Packet [P&Z] (08.11.2020).pdf

Good Afternoon,

Please find attached staff's memo for your request. The Planning Commission will be taking action next week on Tuesday, August 11, 2020. Please be sure that you and/or your representative are present should the commission have any questions regarding your project. The Planning and Zoning Commission meeting is scheduled for 6:00 p.m. in the City's Council Chambers.

Please be sure that you and/or your representative(s) are present for the meeting as the Planning Commission may have questions regarding your request.

Do not hesitate to contact me should you have any questions.

Thank you,

Henry Lee



**Lee, Henry**

---

**From:** Henry Lee  
**Sent:** Tuesday, August 11, 2020 8:54 AM  
**To:** 'Nate Colbert'  
**Subject:** P&Z Public Hearing

Good Morning,

This email serves as a reminder that tonight, August 11<sup>th</sup>, is the P&Z Public Hearing where your case, SP2020-015, will be discussed and voted on.

The meeting will be at 6:00 p.m. P&Z also requires the applicant or a representative to be present at the meeting to answer any questions they may have.

If you have any questions feel free to contact me.

Thank you,

Henry Lee

## Lee, Henry

---

**From:** Nate Colbert <colberticeco@gmail.com>  
**Sent:** Tuesday, August 11, 2020 2:43 PM  
**To:** Henry Lee  
**Subject:** Re: P&Z Public Hearing

Thanks, I'll be there. Have a good day Henry!

Nate Colbert

On Tue, Aug 11, 2020, 8:54 AM Henry Lee <[HLee@rockwall.com](mailto:HLee@rockwall.com)> wrote:

Good Morning,

This email serves as a reminder that tonight, August 11<sup>th</sup>, is the P&Z Public Hearing where your case, SP2020-015, will be discussed and voted on.

The meeting will be at 6:00 p.m. P&Z also requires the applicant or a representative to be present at the meeting to answer any questions they may have.

If you have any questions feel free to contact me.

Thank you,

Henry Lee

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DATE: August 12, 2020

TO: Nate Colbert  
Proton PRC LTD  
715 W. Rusk Street  
Rockwall, Texas, 75087

FROM: Henry Lee  
City of Rockwall Planning and Zoning Department  
385 S. Goliad Street  
Rockwall, TX 75087

SUBJECT: SP2020-015; Site Plan for Incidental Display for One-Stop

Nate Colbert:

This letter serves to notify you that the above referenced site plan case, that you submitted for consideration by the City of Rockwall, was denied without prejudice by the Planning and Zoning Commission on August 11, 2020. This case was denied by a vote of 6-0, with Commissioner Welch dissenting. The reason for the denial was that your request did not adhere to the technical requirements for the *incidental display* land use as specified by Subsection 02.03. (F)(4) of Article 04, *Permissible Uses*, of the Unified Development Code (UDC). Specifically, your request was non-conforming with the technical requirements in the following ways:

(1) The proposed display exceeds five (5) percent of the adjacent building floor area. By right the applicant is allowed 109.4 SF of incidental display; however, the applicant's request exceeds this by 682.5 SF (i.e. a total of 792 SF is proposed). This will require approval of an exception by the Planning and Zoning Commission [Subsection 02.03. F(4)(b), Art. 04, UDC].

(2) The proposed display does not allow five (5) feet of passible distance on the sidewalk adjacent to the building. The area occupied by Section F on the site plan prohibits five (5) feet of passible distance on the sidewalk. This will require approval of an exception by the Planning and Zoning Commission [Subsection 02.03. F(4)(c), Art. 04, UDC].

(3) The proposed display is not located under a covered walkway and must be screened from view of adjacent roadways, public areas, and adjacent properties. Sections A, B, G, and portions of F are not located under a covered walkway with no indication of screening. This will require approval of an exception by the Planning and Zoning Commission [Subsection 02.03. F(4)(d), Art. 04, UDC].

(4) The proposed display is not located under a covered walkway and is not adjacent to the building. Sections A, B, and G are not located adjacent to the building and Sections A, B, G, and portions of F are not located under a covered sidewalk. This will require approval of an exception by the Planning and Zoning Commission [Subsection 02.03. F(4)(e), Art. 04, UDC].

(5) The proposed display is located on a portion of the parking lot. Sections A, B, and G are located in the parking lot. This will require approval of an exception by the Planning and Zoning Commission [Subsection 02.03. F(4)(f), Art. 04, UDC].

Based on Section 212.0093 of the Texas Local Government Code (TLGC), you have the ability to provide a written response and corrected site plan package (*i.e. site plan, building elevations, landscape plan, photometric plan, treescape plan, and material sample board*) that remedies each reason for the disapproval provided. While no timeline may be established for the applicant to submit the response, please note that since the case was denied a new development application and application fee will be required to be submitted along with the written response and corrected site plan package. Should you have any questions or concerns regarding the denial of your site plan or the site planning process, please feel free to contact me a (972) 772-6434.

Sincerely,

*Henry Lee*

Henry Lee  
Planner