



CASE COVER SHEET

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

PLANNING & ZONING CASE NO.

PLANNING & ZONING FEE

PLATTING APPLICATION

- MASTER PLAT
- PRELIMINARY PLAT
- FINAL PLAT
- REPLAT
- AMENDING OR MINOR PLAT
- PLAT REINSTATEMENT REQUEST

SITE PLAN APPLICATION

- SITE PLAN
- AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING

ZONING APPLICATION

- ZONING CHANGE
- SPECIFIC USE PERMIT
- PD DEVELOPMENT PLAN

OTHER APPLICATION

- TREE REMOVAL
- VARIANCE REQUEST/SPECIAL EXCEPTIONS

RECORD OF RECOMMENDATIONS, VOTING RECORDS, AND CONDITIONS OF APPROVAL

ARCHITECTURE REVIEW BOARD

PLANNING AND ZONING COMMISSION

CITY COUNCIL READING #1

CITY COUNCIL READING #2

CONDITIONS OF APPROVAL

NOTES



DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO. _____

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) ¹
- PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) ¹
- FINAL PLAT (\$300.00 + \$20.00 ACRE) ¹
- REPLAT (\$300.00 + \$20.00 ACRE) ¹
- AMENDING OR MINOR PLAT (\$150.00)
- PLAT REINSTATEMENT REQUEST (\$100.00)

SITE PLAN APPLICATION FEES:

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- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) ¹

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- TREE REMOVAL (\$75.00)
- VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) ²

NOTES:

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PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS 3068 N. GOLIAD ST. ROCKWALL, TX 75087

SUBDIVISION _____ LOT _____ BLOCK _____

GENERAL LOCATION NEXT TO TOM THUMBS

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING _____ CURRENT USE _____
 PROPOSED ZONING _____ PROPOSED USE _____
 ACREAGE _____ 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>ARSHAD J. NIZAM</u>	<input type="checkbox"/> APPLICANT	<u>ARSHAD J. NIZAM</u>
CONTACT PERSON	<u>- SAME -</u>	CONTACT PERSON	<u>- SAME -</u>
ADDRESS	<u>3068 N. GOLIAD ST.</u>	ADDRESS	<u>3068 N. GOLIAD ST.</u>
CITY, STATE & ZIP	<u>ROCKWALL, TX 75087</u>	CITY, STATE & ZIP	<u>ROCKWALL, TX 75087</u>
PHONE	<u>214-585-8356</u>	PHONE	<u>214-585-8356</u>
E-MAIL	<u>ARSHAD.J.NIZAM@GMAIL.COM</u>	E-MAIL	<u>ARSHAD.J.NIZAM@GMAIL.COM</u>

NOTARY VERIFICATION [REQUIRED]

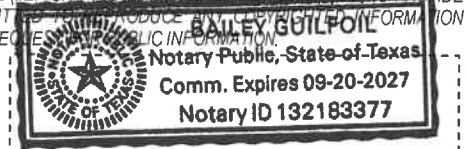
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Arshad Nizam [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

"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 \$ 100.00 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 19th DAY OF April 2024 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 PRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 19th DAY OF April, 2024

OWNER'S SIGNATURE Arshad J. Nizam

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



MY COMMISSION EXPIRES 9.20.27

CITY OF ROCKWALL

APRIL 19, 2024

RE: VARIANCE REQUEST - 3068 N. GOLIAD ST.
ROCKWALL, TX 75087

WE WOULD LIKE TO KEEP THE PRIVACY FENCE ON THE EXISTING FENCE BECAUSE OF THE PROXIMITY OF ~~THE~~ THUMBS NEXT TO THE SPLASH PAD/PLAYGROUND. THE CHILDREN COULD BECOME VULNERABLE TO THE SHOPPERS AT TOM THUMBS. I WOULD REQUEST CITY OF ROCKWALL TO PLEASE GRANT A VARIANCE TO KEEP UP THE PRIVACY FENCE KEEPING IN MIND THE VULNERABILITY OF LITTLE CHILDREN PLAYING IN THE PLAYGROUND & SPLASH PAD.

THANK YOU,

ARSHAD J. NIZAM

214-585-8356







DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO. _____

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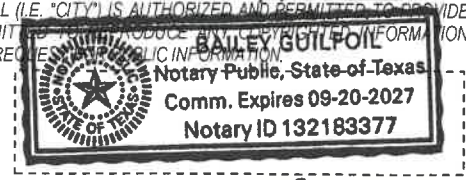
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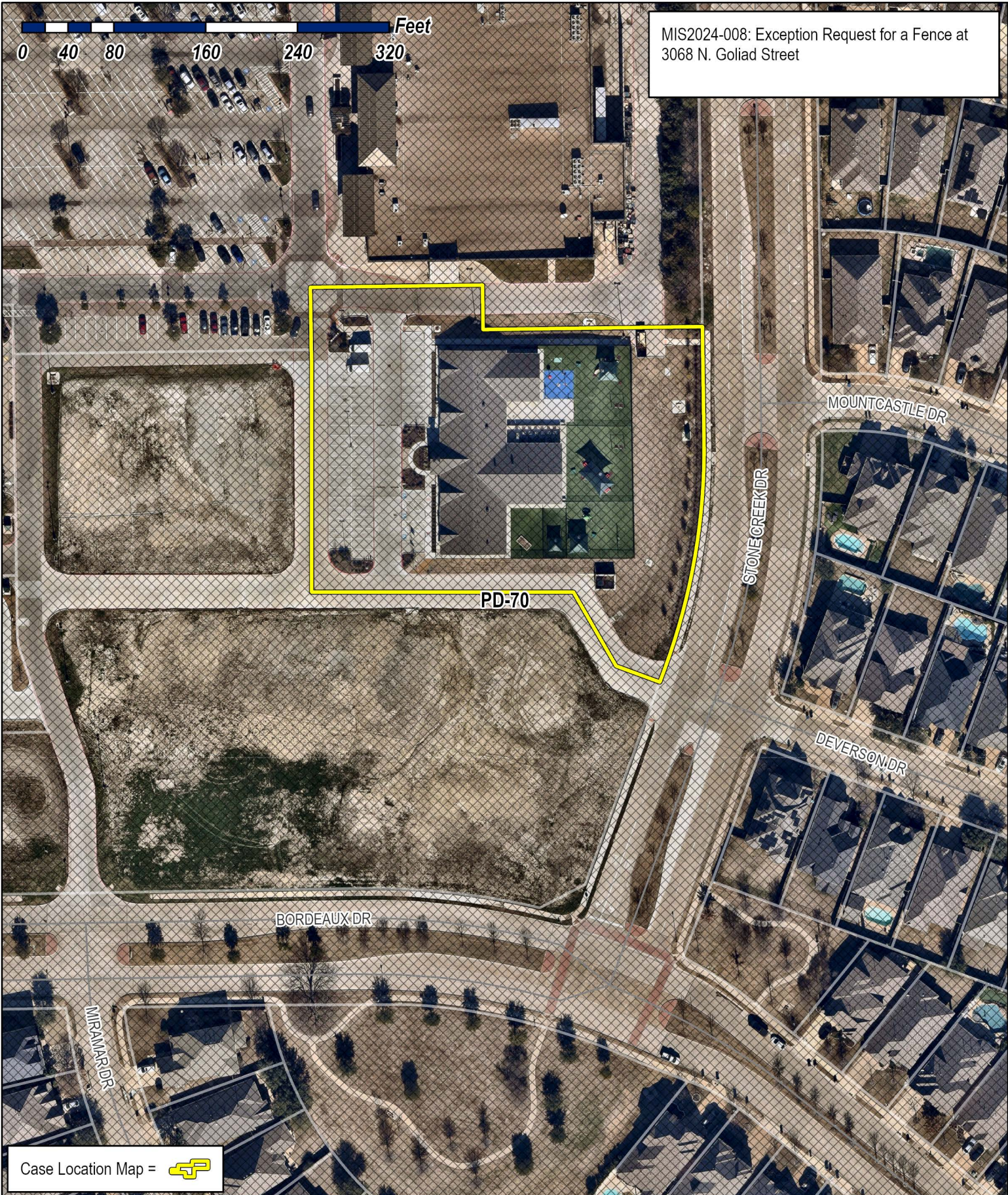
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS [Signature]



MY COMMISSION EXPIRES 9.20.27

0 40 80 160 240 320 Feet

MIS2024-008: Exception Request for a Fence at 3068 N. Goliad Street



Case Location Map = 



City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(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.



CITY OF ROCKWALL

APRIL 19, 2024

RE: VARIANCE REQUEST - 3068 N. GOLIAD ST.
ROCKWALL, TX 75087

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THANK YOU,

ARSHAD J. NIZAM

214-585-8356







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

TO: Planning and Zoning Commission
FROM: Henry Lee, *Senior Planner*
DATE: April 30, 2024
SUBJECT: MIS2024-008; *Exception to the Fence Material Standards for 3068 N. Goliad Street*

The applicant, Arshad Nizam, is requesting the approval of an exception to the non-residential fence material standards in conjunction with an existing daycare facility. The subject property is located on a 2.04-acre parcel of land (*i.e. Lot 10, Block A, Stone Creek Retail Addition*) and is addressed as 3068 N. Goliad Street. A site plan for a daycare facility was approved on June 9, 2020 (*i.e. Case Number SP2020-005*), and the facility was constructed in 2021. In this case, the applicant is requesting to allow a black tennis court mesh/windscreen that was affixed to an existing wrought iron fence to remain. Staff should note that the mesh was added to the fence without seeking approval from the City of Rockwall, and that this case was referred to the Planning and Zoning Department from the Neighborhood Improvement Services (NIS) Division as part of an enforcement action on the property. Based on the applicant's letter they are requesting to retain the mesh to provide screening for the playground and splash pad areas, which are adjacent to Stone Creek Drive and the Stone Creek Subdivision.

According to Article 13, *Definitions*, of the Unified Development Code (UDC), a fence is defined as "(a)ny wall or structure of any material for which the purpose is to provide protection from intrusion, both physical and visual, to prevent escape, mark a boundary, enclose, screen, restrict access to, or decorate any lot, building, or structure." In addition, Subsection 08.02, *General Fence Standards*, Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC) states that, "(u)nless otherwise provided for in this section (*i.e. Section 08, Fence Standards*), the following material requirements shall apply to all residential and non-residential fences: ... (1) Permitted fencing materials are limited to wood pickets, vinyl coated chain link, wrought iron, decorative metal (*i.e. with the appearance of wrought iron but is made of powder-coated steel, aluminum or covered with a corrosion protection finish*), brick, stone, split face CMU or burnished block, vinyl, fiberglass composite, and concrete with stone face/form liner ..." Subsection 08.04(A), also states that "(n)on required fences in the Neighborhood Services (NS), General Retail (GR), and Commercial (C) Districts, shall be constructed of the materials outlined in Subsection 8.02(B); however, wood and vinyl coated chain-link fences shall be prohibited." Based on the UDC requirements outlined above, the black tennis court mesh/windscreen is not a permitted fence material on the subject property, which is zoned Planned Development District 70 (PD-70) for General Retail (GR) District land uses and standards.

In reviewing this case, staff is obligated to outline the background of this request. Specifically, during the site plan review staff spoke with the applicant of the site plan about providing additional landscaping along Stone Creek Drive to better screen the proposed playground from the roadway and adjacent neighborhood; however, the approved site plan only incorporated the minimum required landscaping and the required wrought iron fence. Furthermore, on July 26, 2022 the general contractor applied for a Temporary Certificate of Occupancy (TCO), and -- *in reviewing this request* -- staff made the following comment after the on-site landscape inspection: "(f)ull CO [*Certificate of Occupancy*] will not be approved until five (5) gallon shrubs are planted around the transformer at the rear of the property. Staff also still recommends planting evergreen shrubs next to the splash pad to screen the children at play." Staff sent this comment to the general contractor on July 28, 2022; however, the general contractor responded to staff's comment indicating that they would need to follow up with the business owner on whether they would plant shrubs to screen the playground and splash pad or pursue another method of screening. Shortly after this correspondence, the general contractor informed staff that the business owner did not want to plant the shrubs as they were not required.

In addition to this case history, staff should also note that there has been an increase in the use of black tennis court mesh/windscreen and other synthetic materials being affixed to wrought iron fences in the adjacent residential subdivision, and that the Neighborhood Improvement Services (NIS) Division recently sent out several violation notices to property owners in the Stone Creek Subdivision. This issue has also been seen in other subdivisions throughout the City. To address this moving forward and to clarify the requirements of the Unified Development Code (UDC) -- *and as part of Case No. Z2024-017* -- staff is

bringing forward a revision to the code that specifically calls this out as a prohibited fence material. Regardless of this action, this is not currently a permitted fence/screening material in any of the City's zoning districts, and has only been allowed in conjunction with the tennis courts and athletic fields on the Rockwall Independent School District's facilities. Based on this, staff views the approval of this case as being potentially precedence setting, and believes that the applicant would be able to achieve the desired screening using fence materials allowed by the Unified Development Code (UDC), fence materials permitted for other daycare facilities in the City, and/or with increased landscaping around the playground and splash pad. With all of this being said, the approval of an exception is a discretionary decision for the Planning and Zoning Commission. Should the Planning and Zoning Commission have any questions concerning the applicant's request, staff will be available at the meeting on April 30, 2024.

PROJECT COMMENTS



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

DATE: 4/24/2024

PROJECT NUMBER: MIS2024-008
PROJECT NAME: Variance Request for 3068 N Goliad
SITE ADDRESS/LOCATIONS: 3068 N GOLIAD ST, ROCKWALL, 75087

CASE CAPTION: Discuss and consider a request by Arshad J. Nizam for the approval of a Miscellaneous Case for an Exception to the fence requirements to allow tennis court mesh to be affixed to an existing wrought iron fence in conjunction with an existing daycare on a on a 2.04-acre parcel of land identified as Lot 10, Block A, Stone Creek Retail Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 70 (PD-70) for General Retail (GR) District land uses, situated within the Scenic Overlay (SOV) District, addressed as 3068 N. Goliad Street, and take any action necessary.

DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
ENGINEERING	Madelyn Price	04/23/2024	Approved
No Comments			
DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
BUILDING	Henry Lee	04/24/2024	N/A
No Comments			
DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
FIRE	Ariana Kistner	04/22/2024	Approved
No Comments			
DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
GIS	Lance Singleton	04/22/2024	Approved
No Comments			
DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
POLICE	Chris Cleveland	04/19/2024	Approved
No Comments			
DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
PARKS	Travis Sales	04/22/2024	Approved
No Comments			
DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
PLANNING	Henry Lee	04/24/2024	Approved w/ Comments

04/24/2024: Please address the following comments (M= Mandatory Comments; I = Informational Comments)

I.1 This is a request approval of a Miscellaneous Case for an Exception to the fence requirements to allow tennis court mesh to be affixed to an existing wrought iron fence in conjunction with an existing daycare on a on a 2.04-acre parcel of land identified as Lot 10, Block A, Stone Creek Retail Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 70 (PD-70) for General Retail (GR) District land uses, situated within the Scenic Overlay (SOV) District, addressed as 3068 N. Goliad Street.

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.

I.3 According to Subsection 08.02, General Fence Standards, Article 08, Landscape and Fence Standards, of the Unified Development Code (UDC):

“Unless otherwise provided for in this section (i.e. Section 08, Fence Standards), the following material requirements shall apply to all residential and non-residential fences:

(p)ermitted fencing materials are limited to wood pickets, vinyl coated chain link, wrought iron, decorative metal (i.e. with the appearance of wrought iron but is made of powder-coated steel, aluminum or covered with a corrosion protection finish), brick, stone, split face CMU or burnished block, vinyl, fiberglass composite, and concrete with stone face/form liner.”

However, according to Subsection 08.04, Non-Residential Fences, Article 08, Landscape and Fence Standards, of the Unified Development Code (UDC):

“Fence Standards for Properties in a Commercial District. “Non-required fences in the Neighborhood Services (NS), General Retail (GR), and Commercial (C) Districts, shall be constructed of the materials outlined in Subsection 8.02(B); however, wood and vinyl coated chain-link fences shall be prohibited.”

I.4 According to Article 13, Definitions, of the Unified Development Code (UDC), a fence is defined as “(a)ny wall or structure of any material for which the purpose is to provide protection from intrusion, both physical and visual, to prevent escape, mark a boundary, enclose, screen, restrict access to, or decorate any lot, building, or structure.”

I.5 In this case, the applicant has a wrought iron fence, which they have attached black mesh to, without receiving approval from the Planning and Zoning Commission. The black mesh is not permitted per the UDC standards outlined above, as it is not an approved material.

I.6 Please note the scheduled meeting for this case:

1) Planning & Zoning meeting will be held on April 30, 2024 at 6pm in the council chambers at City Hall.

I.7 Please note that a representative is required to be present for the meeting to answer any questions the Planning and Zoning Commission may have regarding your request.



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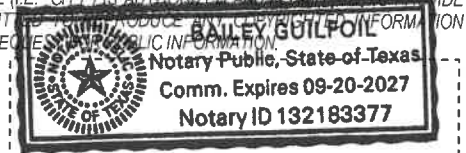
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"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ 100.00 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 19th DAY OF April 2024 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 PRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

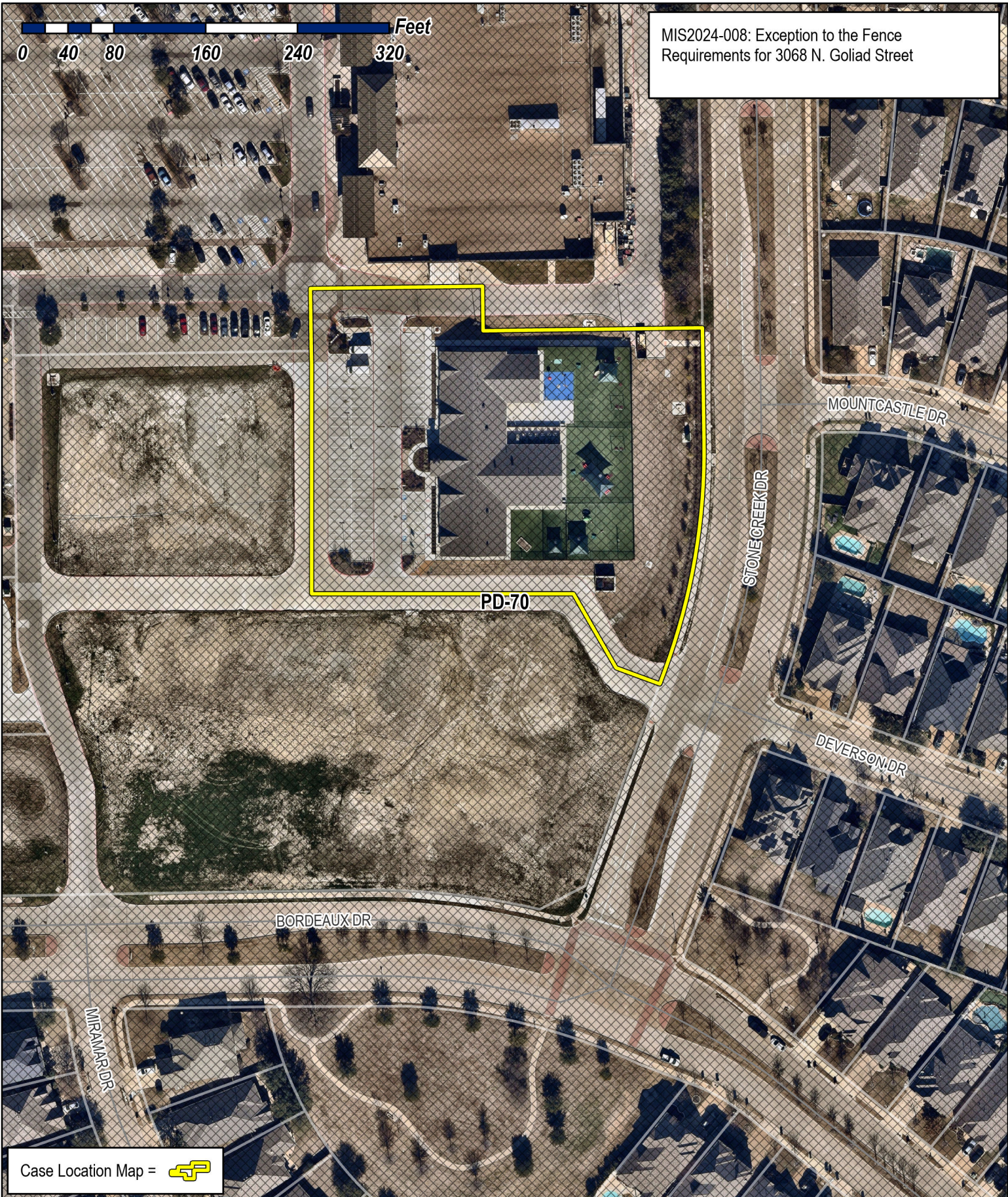
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 19th DAY OF April, 2024

OWNER'S SIGNATURE Arshad J. Nizam


NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



MY COMMISSION EXPIRES 9.20.27



MIS2024-008: Exception to the Fence Requirements for 3068 N. Goliad Street

Case Location Map = 



City of Rockwall

Planning & Zoning Department
 385 S. Goliad Street
 Rockwall, Texas 75087
 (P): (972) 771-7745
 (W): www.rockwall.com

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CITY OF ROCKWALL

APRIL 19, 2024

RE: VARIANCE REQUEST - 3068 N. GOLIAD ST.
ROCKWALL, TX 75087

WE WOULD LIKE TO KEEP THE PRIVACY FENCE ON THE EXISTING FENCE BECAUSE OF THE PROXIMITY OF ~~TOM THUMBS~~ TOM THUMBS NEXT TO THE SPLASH PAD/PLAYGROUND. THE CHILDREN COULD BECOME VULNERABLE TO THE SHOPPERS AT TOM THUMBS. I WOULD REQUEST CITY OF ROCKWALL TO PLEASE GRANT A VARIANCE TO KEEP UP THE PRIVACY FENCE KEEPING IN MIND THE VULNERABILITY OF LITTLE CHILDREN PLAYING IN THE PLAYGROUND & SPLASH PAD.

THANK YOU,

ARSHAD J. NIZAM

214-585-8356











May 14, 2024

TO: Arshad Nizam
3068 N. Goliad Street
Rockwall, TX 75087

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

SUBJECT: MIS2024-008; *Exception for 3068 N. Goliad Street*

Arshad Nizam:

This letter serves to notify you that the above referenced case (*i.e. Miscellaneous Case*) that you submitted for consideration by the City of Rockwall was denied by the Planning and Zoning Commission on April 30, 2024. The following is a record of all recommendations and voting records:

Planning and Zoning Commission

On April 30, 2024, the Planning and Zoning Commission approved a motion to deny the miscellaneous case by a vote of 5-0, with Commissioners Conway and Llewellyn absent.

Please note that the reason this case was denied is due to the following exception(s) not being approved:

- (1) *Landscape Materials*. According to Subsection 08.04, *Non-Residential Fences*, of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC), "(n)on-required fences in the Neighborhood Services (NS), General Retail (GR), and Commercial (C) Districts, shall be constructed of the materials outlined in Subsection 8.02(B); however, wood and vinyl coated chain-link fences shall be prohibited."

According to Subsection 01.05, *Reapplication*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), "(a) request for site plan, plat, miscellaneous case, Certificate of Appropriateness (COA), small matching grant, or building permit fee waiver which has been previously denied with prejudice by the Historic Preservation Advisory Board (HPAB), Planning and Zoning Commission, or City Council may be resubmitted within one (1) year if there is: [1] an actual change in condition relating to the lot or tract of land -- *or any portion thereof* -- or any surrounding properties, or [2] the new request is more restrictive or less intense than the previous request." Please note that a failure to indicate a denial is with or without prejudice in making a motion to deny a request shall be considered a denial with prejudice. Should you have any questions or concerns regarding the denial, please feel free to contact me a (972) 771-7745.

Sincerely,

Henry Lee, AICP, Senior Planner
City of Rockwall Planning and Zoning Department