

**PLANNING AND ZONING COMMISSION WORKSESSION**  
**September 27, 2005**

**CALL TO ORDER**

The meeting was called to order by vice chairman, Greg Burgamy at 6:04 p.m. with the following members present; Glen Smith, Connie Jackson and Bill Bricker.

**PUBLIC HEARING ITEMS**

**Z2005-035**

***Continue* a public hearing and consider a request by Jeff Linder of Kimley-Horn and Associates, Inc., for a specific use permit (SUP) allowing for a drive-through window as an accessory to a restaurant (Panda Express) on Lot 4, Block A, Horizon Ridge Addition, being a 0.7890-acre tract zoned (PD-9) Planned Development No. 9 district allowing for "GR" General Retail uses and located at the southeast corner of the Ridge Road and Horizon Road Intersection.**

LaCroix outlined the stating the applicant is requesting a special use permit to allow for a drive-through window as an accessory to a restaurant in the Planned Development No. 5 district allowing for (GR) General Retail uses. The site is located adjacent to the existing Walgreen's and Bank of America and in front of the currently under construction Kroger.

The site contains 0.789 acres and is known as Lot 4, Block A, Horizon Ridge Addition. The buildable area of the site is constrained by not only its size but by two mutual access/fire lane easements. The first is a 40' easement adjacent to the existing EZ Mart and the second is a 30' easement adjacent to the existing Bank of America. The 40' mutual access/fire lane easement is to be reduced to 30' due to its proximity to the building location.

At the September 13, 2005, meeting the applicant requested that P&Z continue the public hearing in an effort to rework some drive-thru issues.

The applicant has resubmitted a conceptual site plan showing the proposed site layout. With the newly submitted site plan the applicant has increased the width of the curb separating the drive-thru from the adjacent access easement. In addition to increasing the width of the curb the applicant has also proposed additional landscaping in an effort to screen the proposed drive-thru from Horizon Road.

Notices were sent to twenty-seven (27) property owners within 200-ft of the subject tract, and at the time of this report no responses have been returned.

Jeff Linder, applicant addressed the commission requesting approval of the request and to answer questions.

Burgamy closed the public hearing.

Jackson made a motion to approve the request by Jeff Linder of Kimley-Horn and Associates, Inc., for a specific use permit (SUP) allowing for a drive-through window as an accessory to a restaurant (Panda Express) on Lot 4, Block A, Horizon Ridge Addition, being a 0.7890-acre tract zoned (PD-9) Planned Development No. 9 district allowing for "GR" General Retail uses and located at the southeast corner of the Ridge Road and Horizon Road Intersection.

Smith seconded the motion. The motion was voted on and passed by a vote of 4 to 0.

## **SITE PLANS / PLATS**

### **SP2005-018**

**Discuss and consider a request by Jeff Linder of Kimley-Horn and Associates, Inc., for approval of a site plan for a restaurant (Panda Express) on Lot 4, Block A, Horizon Ridge Addition, being a 0.7890-acre tract zoned (PD-9) Planned Development No. 9 district allowing for "GR" General Retail uses and located at the southeast corner of the Ridge Road and Horizon Road Intersection.**

Spencer outlined the request stating the site plan for Panda Express shows a 2,448-sf drive-through restaurant located on Lot 4, Block A, Horizon Ridge Addition. The site has one access from FM 3097, and ties into the adjacent Walgreen's and Bank of America via mutual access easements.

At the September 13, 2005, meeting the applicant requested that P&Z table the site plan in an effort to rework some drive-thru issues.

The applicant has resubmitted a site plan showing the proposed site layout. With the newly submitted site plan the applicant has increased the width of the curb separating the drive-thru from the adjacent access easement. In addition to increasing the width of the curb the applicant has also proposed additional landscaping in an effort to screen the proposed drive-thru from Horizon Road. The outdoor dining area has been removed to make room for the additional curb width and landscape screening.

The applicant meets parking requirements with twenty-four spaces (24 required), including 2 handicap spaces. A specific use permit is being considered concurrently with this site plan for the accessory drive-through window. A photometric plan was submitted and complies with the City's lighting ordinance.

The landscape plan meets the minimum 15% requirement for the (GR) General Retail zoning district. A mature hedge of vegetation currently exists on the adjacent Walgreen's property, which should be preserved with this development and serve as a parking lot screen. Existing landscaping along FM 3097 is to remain and is being used in the landscape calculations for the site as well as existing landscaping located at the northwest corner of the site. Additionally, the applicant is proposing

to plant a live screen with one (1) Cedar Elm, two (2) Crepe Myrtles and one (1) Yaupon Holly with a continuous row of 24" high Indian Hawthorne shrubs in an effort to minimize the impact of the proposed drive-thru.

The Architectural Review Board recommended approval of the elevations and site plan subject to approval of a material samples board at the August 30th work session with P&Z.

Jeff Linder, applicant addressed the commission requesting approval of the request and to answer questions.

Jackson made a motion to approve the request by Jeff Linder of Kimley-Horn and Associates, Inc., for approval of a site plan for a restaurant (Panda Express) on Lot 4, Block A, Horizon Ridge Addition, being a 0.7890-acre tract zoned (PD-9) Planned Development No. 9 district allowing for "GR" General Retail uses and located at the southeast corner of the Ridge Road and Horizon Road Intersection.

Smith seconded the motion. The motion was voted on and passed by a vote of 4 to 0.

## **ADJOURNMENT**

There being no further action items the meeting was adjourned to the work session part of the meeting.

Approved October 11, 2005

**PLANNING AND ZONING COMMISSION MEETING**  
**April 12, 2005**

**CALL TO ORDER**

The meeting was called to order by Vice Chairwoman, Connie Jackson at 6:02 p.m. with the following members present; Greg Burgamy, Jeff Carroll, Mike Lucas, Glen Smith and Susan Langdon. Phillip Herbst was absent.

Architectural Review Board Present; Bill Hibbard, Donna Orr and John Lindsey.

Staff Present: Michael Hampton, Chris Spencer and Denise LaRue.

**ARCHITECTURAL REVIEW BOARD ITEMS**

*Appointment with Architectural Review Board representative to receive the Board's recommendations and comments for the following items requiring architectural review:*

**SP2004-008**

**Discuss amended elevations of "Omni Building" at Rockwall Crossing (SP2004-008), and take any action necessary.**

Hampton Outlined the request stating at the Architectural Review Board meeting and Planning Commission work session on March 29<sup>th</sup>, an amended elevation for "Omni Building B" at Rockwall Crossing was presented. Two tenants, Burger Street and Taco Viva, are proposing to modify the facades on the north (facing IH-30) and east side beyond the expected adjustments (signage, corporate awnings, etc) needed as tenants came on board.

The applicant has made changes to the elevations based on comments received from the ARB and P&Z at the work session, and would like to receive approval at the April 12<sup>th</sup> regular meeting. The changes from the last meeting include:

- Taco Viva to use same stone as other parts of Omni Building and Rockwall Crossing development
- Roofline for Taco Viva "straightened" to match originally approved elevation (2 entry ways still feature a signage and "mission style" architectural element)
- Stucco proposed along top of Taco Viva in more subdued color
- Awnings for Burger Street changed from magenta to green

A material sample board and color elevations have been submitted, and will be available at the meeting. The developer will also attend to explain the request and answer questions.

If approved, Staff would offer the following conditions:

1. All rooftop mechanical equipment to be fully screened from horizontal view from public right-of-ways and adjacent properties.
2. Outdoor seating area illustrated for Taco Viva subject to engineering and fire department approval to ensure proper radius is maintained in drive aisle.

The Architectural Review Board recommended approval of the amended elevation for "Omni Building B" (i.e. Taco Viva and Burger Street), with the condition that the color of the Burger Street sign match the proposed awnings.

Lucas made a motion to approve the amended elevations of "Omni Building B" at Rockwall Crossing (SP2004-008) with staff and ARB recommendations.

Burgamy seconded the motion. The motion was voted on and passed by a vote of 6 to 0.

## **PUBLIC HEARING ITEMS**

### **P2005-014**

**Hold a public hearing and consider a request by James Buttgen for approval of a residential replat of Lots 1 & 2, Block 2, Buttgen Addition, being a 0.7096-acre tract zoned (SF-7) Single Family Residential and located at the northwest corner of Williams and Kernodle Street.**

Spencer outlined the request stating the applicant James Buttgen is submitting a residential replat in an effort to replat Lots 1 & 2 into one lot. Mr. Buttgen is replatting the property of anticipation of constructing a new porch along the west side of the existing home. The property is located within the Historic District and is listed in the historic survey as "High Contributing"

The replat shows five feet of Right of Way reservation for both Kernodle Street and Williams Street. The applicant James Buttgen is submitting a residential replat in an effort to replat Lots 1 & 2 into one lot. Mr. Buttgen is replatting the property of anticipation of constructing a new porch along the west side of the existing home. The property is located within the Historic District and is listed in the historic survey as "High Contributing"

The replat shows five feet of Right of Way reservation for both Kernodle Street and Williams Street. The applicant is requesting a waiver to street and sidewalk improvements for both Kernodle Street and Margaret Street.

The development meets all requirements of the Single Family "SF-7" zoning district and is recommended for approval at this time.

Staff mailed out two (2) notices to property owners located within the existing subdivision.

The development meets all requirements of the Single Family "SF-7" zoning district and is recommended for approval at this time.

Staff mailed out two (2) notices to property owners located within the existing subdivision.

Jackson opened the public hearing.

Jim Buttgen addressed the commission requesting approval of the request and to answer questions.

Jackson closed the public hearing.

Smith made a motion to approve the request by James Buttgen for approval of a residential replat of Lots 1 & 2, Block 2, Buttgen Addition zoned (SF-7) Single Family Residential with the condition that the City signature block be corrected to include the City Engineer signature line.

Carroll seconded the motion. The motion was voted and passed by a vote of 6 to 0.

#### **Z2005-012**

**Hold a public hearing and consider a request from Buck Stout of Benchmark Construction, Inc., for approval of a Specific Use Permit (SUP) to allow for an "Auto Repair Garage, Minor" (specifically a stand-alone quick lube business) within the (C) Commercial zoning district, on a 1.129-acre tract being Lot 4, Block 1, Horizon Village Addition, located along the northeast side of Horizon Road between Horizon Car Wash and Sonic.**

Spencer outlined the request stating staff this request has been rescheduled for the April 26<sup>th</sup> meeting.

#### **Z2005-013**

**Hold a public hearing and consider a request by J. Anthony Sisk of Churchill Residential, Inc., for approval of an amendment to (PD-9) Planned Development No. 9 district specifically to add as a permitted use a senior living and care facility. The proposed development is situated on approximately 10-acres out of a 34.2-acre tract known as Tract 4-12, Abstract 207, E. Teal Survey, located along the southwest side of Horizon Rd southeast of Tubbs Road.**

Hampton outlined the request stating at the time of this report, the applicant for the Evergreen proposal had not submitted a revised concept plan for their requested amendment to "PD-9." Staff is recommending that the public hearing for this case be opened and "continued" until a date specific, most likely the next public hearing on Tuesday, April 26<sup>th</sup>, 2005 meeting.

Jackson opened the public hearing.

Tony Sisk, applicant addressed the commission to review their concerns.

David Hairston, 744 Windsong addressed the commission stating he has concerns with lighting, drainage and additional silting of Rainbow Lake due to this development.

John Brown, 748 Windsong addressed the commission stating he has concerns with the increasing silt in Rainbow Lake.

Lucas made a motion to continue the public hearing for the request by J. Anthony Sisk of Churchill Residential, Inc., to amend (PD-9) Planned Development District No. 9 to allow for a senior living and care facility.

Carroll seconded the motion. The motion was voted and passed by a vote of 6 to 0.

## **ACTION ITEMS / SITE PLANS / PLATS**

### **Z2005-002**

**Discuss and consider a request from Deanna Morrison for a zoning change from (MF-14) Multi-Family district to (RO) Residential-Office district for a 0.4-acre tract being Lots 1, 2 and 3, Block H, Eppstein Addition, part of the second tract of land described in deed to Juliette Neil Haney (Vol. 51, Pg. 244) and all of a tract of land as described in a warranty deed from Hallie Lee Seely to Eula Mae Parker and L.V. Parker (Vol. 89, Pg. 457), and including properties addressed as 308 and 310 South Fannin Street. The City Council has remanded this request to the Planning and Zoning Commission for consideration of a (PD) Planned Development district for the subject property.**

Spencer stated that on April 4, 2005, the City Council remanded Z2005-002 back to the Planning and Zoning Commission. The City Council directed staff to draft an ordinance for a Planned Development district to allow the following uses:

- Single Family Dwelling
- Home Occupation
- General Office

Staff is recommending approval of the "PD" Planned Development district with the above mention uses for 308 and 310 South Fannin.

Spencer also outlined the original request, stating the applicant is requesting a zoning change for two (2) lots which contain two (2) separate residential dwellings each within the Historic District. These properties are located on S. Fannin Street north of City Hall. Both properties are listed within the Historic Property survey: 310 S. Fannin is listed as a High-Contributing Property and 308 S. Fannin is listed as a Non-Contributing Property. The primary reason for seeking the change in zoning is to allow the applicant the flexibility of Residential and Office in an effort to restore and renovate the house located at 310 S. Fannin.

The Downtown Plan, which was adopted in November of 2004, states that revisions to the CBD (Central Business District) should occur to allow for a mixture of land uses, establish appropriate parking standards for the Downtown and establish "form-based" development standards. Rigorous architectural and site layout standards will ensure that all new projects will directly contribute to the overall success of the District. The Plan recommends expansion of the CBD including the properties in this request. The plan also indicates these houses to be part of the future expansion of the civic area surrounding the City Hall complex. The plan also states the balance of land in the Downtown District surrounding the core area may be developed for office, retail or residential provided that they adhere to the form-based development standards that ensure they will contribute to the pedestrian-oriented character of the Downtown.

These properties and one other property (Hughes property), not included in the request, that front onto Fannin Street, are the only residential properties in the Historic District that are included in the Downtown Plan. We would not anticipate the removal of these homes in the near future for new development.

As mentioned, the "form-based" development standards for the Downtown District will be the first step for the implementation of the plan. However, the fact that these homes are within the Historic District and their removal or relocation will not likely happen for many years, the new development standards for the Downtown District will not affect these properties unless, as stated, the homes are removed and redevelopment occurs. Additionally, when the form-based development standards are adopted for the Downtown District, these properties will be required to meet those standards should they ever redevelop.

The current zoning is Multi-Family, however, the plan recommends expansion of the CBD which would ultimately change the zoning on the properties in this current request. With these factors in mind, it our opinion that rezoning the property to RO (Residential-Office) will not create impediments to a future zoning change to CBD, however it may be prudent to delay rezoning in order to establish the requirements for the entire district. It is anticipated that the CBD zoning district will allow urban residential and live/work uses by right in addition to office and retail activities associated with typical downtown districts. We would anticipate beginning work creating the new CBD zoning district within the 2005 calendar year. Staff feels that the decision for rezoning at this time is a judgment call for the Commission however; the potential CBD zoning will ultimately establish the uses the applicant is seeking. With these facts in mind, Staff feels that the rezoning can be approved now without creating any future issues with the Downtown Plan.

Notices were mailed to thirteen (13) property owners within 200-ft of the request, and at the time of this report, no responses "in opposition" and three (3) response "in favor" of the request had been returned.

Bob Morrison, applicant addressed the commission requesting approval of the request and to answer questions.



Tom Hughes, 306 South Fannin addressed the commission opposed to the request.

Carroll made a motion to approve the request from Deanna Morrison for a zoning change from (MF-14) Multi-Family district to (PD) Planned Development district for a 0.4-acre tract being Lots 1, 2 and 3, Block H, Eppstein Addition, Recommend Approval of PD zoning for 308 & 310 S. Fannin with the underlying zoning of R-O and uses limited to Single Family, Home Occupation and General Office as remanded by City Council.

Lucas seconded the motion. The motion was voted on and passed by a vote of 5-1 (Smith dissenting)

#### **SP2005-007**

**Discuss and consider a request by Kelly Kimberlin of GHA Architects for approval of a site plan for T.G.I. Friday's restaurant located on Lot 3, Block A, Rockwall Crossing Addition, being a 1.41-acre tract zoned (C) Commercial and located along the south side of Interstate 30 within the (IH-30 OV) IH-30 Overlay district.**

Hampton outlined the request stating the site plan is for a 5,071-sf restaurant (with accessory private club) on Lot 3, Block A, Rockwall Crossing Addition. The site will be accessed from the IH-30 service road via mutual access drives currently under construction with the Rockwall Crossing shopping center. The required parking for the restaurant is 51 spaces (one per 100-sf), and the applicant is proposing 83 spaces, including four (4) accessible spaces. It should be noted that the parking for all of Rockwall Crossing has been calculated as a whole, incorporating the City's "joint use" parking requirements to minimize the overall parking. As requested by the P&Z at the work session, attached is an updated spreadsheet of the "joint" parking requirements for Rockwall Crossing Phases 1 and 2 plus the numbers for T.G.I. Friday's. As of now, the overall required "joint" parking is 946 spaces, and the total amount of parking provided upon completion of Phases 1 and 2 of Rockwall Crossing and T.G.I. Friday's would be 1,017 spaces. The resulting 7% "surplus" is within the same general range as other recent approvals where the City has tried to minimize excess parking.

#### **Photometric Plan**

The lighting plan for this site was approved conceptually with the overall Rockwall Crossing project; however the details provided at this time indicate compliance with the City's lighting ordinance. The light levels spill over the property lines in some areas; however, it is staff's understanding that these lights are intended to serve those adjacent lots also. There is one conflicting note on the lighting plan key that indicates a "30' M.H." yet "Mounting Height = 43 feet" for the single-fixture. The maximum height for lighting on this site is 30-ft.

#### **Landscape Plan**

Approximately 0.25-acres, or 17.7% of the site is landscaped, which exceeds the minimum 15% requirement for commercial development. As per the IH-30 overlay requirements, the applicant is proposing a 20-ft landscape buffer and adequate canopy trees and accent trees within this buffer. Other landscaping and trees are

provided around the building and parking areas to meet landscaping standards. Tree preservation plans and mitigation were approved with the final plat for Rockwall Crossing.

#### Building Elevations

The proposed elevations for the restaurant indicate a maximum height of around 25-ft. The building features a combination of stone, stone tile, and brick, with a parapet roof. 41% of the front façade is comprised of stone which exceeds the minimum 20% City standard; however, the two side elevations (which will also be visible from public right-of-way) propose 14-15% stone which falls shy of the 20% rule, requiring a waiver approval by the P&Z and Council. Additionally, the building's size of less than 6,000-sf constitutes a waiver the overlay requirement for a "pitched roof."

The Architectural Review Board on 3-29-05 recommended approval of the building as presented, feeling as though the use of stone and brick was appealing, and that the parapet roof was consistent with other structures already approved for Rockwall Crossing. The one recommendation made by the Board was that the applicant change the cedar fence originally proposed for the dumpster and rear equipment screening to a material matching the primary structure (as per City code). The applicant has indicated on the revised submittal a brick screening wall to address this requirement.

Darrell Atwood, representative addressed the commission requesting approval of the request and to answer questions.

Carroll made a motion to approve the request by Kelly Kimberlin of GHA Architects for approval of a site plan for T.G.I. Friday's restaurant located on Lot 3, Block A, Rockwall Crossing Addition with the following conditions;

1. Approval of engineering plans.
2. Submittal and approval of replat required following engineering approval.
3. All exterior lighting to have a maximum mounting height of 30-feet.
4. The "right side elevation" include signage on black panels (to match "left side elevation") IF allowed by sign ordinance; otherwise, four (4) black panels without signage should be added.

Lucas seconded the motion. The motion was voted and passed by a vote of 6 to 0.

#### **P2005-013**

**Discuss and consider a request by Robert Wiley Gilliam for approval of a final plat for Lots 1-3, Block A, Gilliam Addition, being a 10.60-acre tract located along the west side of FM 1141 north of Harker Trail within the City of Rockwall's extra-territorial jurisdiction (ETJ).**

Hampton outlined the request stating the proposed final plat for the Gilliam Addition is situated within the City's ETJ, requiring both City and County approval. On March

8, 2005, the P&Z tabled the final plat to allow time for the applicant to work out the details and requirements for County approval. The applicant has adjusted the lot lines to ensure that each of the three (3) proposed lots has a minimum width of 150-ft at the building line. Attached is a letter from Paul Merritt, Rockwall County Road Administrator, indicating that the plat appears to conform with County lot standards. The item is scheduled for the Monday, 4/11/05, County Commissioner's meeting for preliminary plat approval. If approved by Rockwall County, the City will be able to act on this plat.

Other issues include approval by the County Health Officer regarding adequate lot areas for septic service, approval by TXDOT for the proposed driveway(s), and verification from Mt. Zion for provision of water service and adequate fire flows. Each of these issues is addressed in separate letters from those entities which are attached to this report. Finally, the applicant is required to dedicate right-of-way (10-ft) for FM 1141 and has shown this on the revised plat.

Lucas made a motion to approve the request by Robert Wiley Gilliam for approval of a final plat for Lots 1-3, Block A, Gilliam Addition, being a 10.60-acre tract located along the west side of FM 1141 north of Harker Trail within the City of Rockwall's extra-territorial jurisdiction (ETJ) with the following conditions;

1. County approval and signature of final plat required.
2. Letter of approval from Rockwall County regarding adequate lot area(s) for septic service.
3. Surveyor to tie at least two corners of plat to City's monument system.

Langdon seconded the motion. The motion was voted on and passed by a vote of 6 to 0.

#### **P2005-015**

**Discuss and consider a request by Shepherd Place Homes, Inc., for approval of a preliminary plat for Westview Addition Phase 3, being 36-lots on 71.07-acres located south of Hwy 276 and west of FM 550 within the City of Rockwall extraterritorial jurisdiction (ETJ).**

Hampton outlined the request stating the applicant, Shepherd Place Homes, is requesting approval of a preliminary plat to be described as Westview Addition Phase III. This proposed plat lies in the extraterritorial jurisdiction (ETJ) of the City of Rockwall and is located south of SH 276 and west of FM 550. The plat indicates lot sizes ranging from a minimum of 1.5 acres to over 2 acres.

Staff has received a letter from the Rockwall County indicating that the plat will meet the County's Subdivision standards. There are 36 lots proposed for this subdivision on streets with 60 foot right-of-way dedications. All streets will be constructed to City of Rockwall standards. Two access points are proposed into the subdivision, including one from FM 550 and the other from Westview Drive.

The City does not serve this property with water; however, water lines and associated infrastructure will be constructed to meet City standards. The applicant was granted a waiver to the fire flow requirement by the City Council on March 21, 2005. The City does not provide sewer service to this property at this time. This plat will require approval from the county.

Carroll made a motion to approve the request by Shepherd Place Homes, Inc., for approval of a preliminary plat for Westview Addition Phase 3 in the City of Rockwall extraterritorial jurisdiction (ETJ) with the following conditions;

1. Approval of the engineering plans prior to final plat.
2. Approval by the County of the preliminary plat prior to submittal of a final plat to the City.

Smith seconded the motion. The motion was voted and passed by a vote of 6 to 0.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:15 p.m.

*These minutes were approved May 10, 2005*

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## **PLANNING AND ZONING COMMISSION PUBLIC HEARING**

**November 8, 2005**

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### **CALL TO ORDER**

The meeting was called to order by Chairman, Phillip Herbst at 6:00 p.m. with the following members present; Greg Burgamy, Mike Lucas, Glen Smith, Connie Jackson and Bill Bricker. The Commission has one vacant seat.

Staff Present; Robert LaCroix, Michael Hampton, Chris Spencer and Denise LaRue

### **CONSENT AGENDA ITEMS**

**P2005-039**  
Discuss and consider a request by Heather Cullins for approval of a replat of Lot 1, Block A, Rock Ridge Office Plaza Addition, being a 0.48-acre tract zoned (PD-53) Planned Development No. 53 district and designated for (R-O) Residential-Office district uses, and located at 1014 Ridge Road.

**P2005-040**  
Discuss and consider a request by Misty Phillips for approval of a final plat of Lot 1, Block A, Phillips Office Addition, being a 0.19-acre tract zoned (PD-50) Planned Development No. 50 district and designated for (RO) Residential-Office uses, located at 705 N. Goliad and currently described as Lot 27, Block 22, Amick Addition.

**SP2005-026**  
Discuss and consider a request by Misty Phillips for approval of a site plan for Lot 1, Block A, Phillips Office Addition, being a 0.19-acre tract zoned (PD-50) Planned Development No. 50 district and designated for (RO) Residential-Office uses, located at 705 N. Goliad.

**P2005-041**  
Discuss and consider a request by Robbie Lee Hale of Shepherd Place Homes, Inc., for approval of a final plat for Westview Addition Phase 3, being 36-lots on 71.07-acres located south of Hwy 276 and west of FM 550 within the City of Rockwall extraterritorial jurisdiction (ETJ).

Burgamy made a motion to approve the consent items with staff recommendations.

**P2005-039**  
Discuss and consider a request by Heather Cullins for approval of a replat of Lot 1, Block A, Rock Ridge Office Plaza Addition, being a 0.48-acre tract zoned (PD-53) Planned Development No. 53 district and designated for (R-O) Residential-Office district uses, and located at 1014 Ridge Road.

Staff Recommends approval of the request.

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## **P2005-040**

Discuss and consider a request by Misty Phillips for approval of a final plat of Lot 1, Block A, Phillips Office Addition, being a 0.19-acre tract zoned (PD-50) Planned Development No. 50 district and designated for (RO) Residential-Office uses, located at 705 N. Goliad and currently described as Lot 27, Block 22, Amick Addition.

Staff Recommends approval of the request with the following conditions:

1. Engineering Plan Approval.

## **SP2005-026**

Discuss and consider a request by Misty Phillips for approval of a site plan for Lot 1, Block A, Phillips Office Addition, being a 0.19-acre tract zoned (PD-50) Planned Development No. 50 district and designated for (RO) Residential-Office uses, located at 705 N. Goliad.

Staff Recommends approval of the request with the following conditions:

1. Engineering Plan Approval.

## **P2005-041**

Discuss and consider a request by Robbie Lee Hale of Shepherd Place Homes, Inc., for approval of a final plat for Westview Addition Phase 3, being 36-lots on 71.07-acres located south of Hwy 276 and west of FM 550 within the City of Rockwall extraterritorial jurisdiction (ETJ).

Staff Recommends approval of the request with the following conditions:

1. Approval of the engineering plans.
2. Approval and signature by Rockwall County.

Lucas seconded the motion. The motion was voted and passed by a vote of 6 to 0.

## **PUBLIC HEARING ITEMS**

### **Z2005-038**

Discuss and consider a city-initiated revision to Article V (District Development Standards), Section 6.2, Historic Overlay (HO) District, of the City of Rockwall Unified Development Code (Ord. No. 04-38).

Spencer outlined the request stating the Historic Preservation Advisory Board directed staff to draft an amendment to the Unified Development Code to allow the Board more time in working with applicants trying to obtain a Certificate of Appropriateness.

Currently the Board has thirty days to act on an application. If no action is taken the application is automatically forwarded on to the City Council for consideration. The

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Board has informed staff that this limits their ability to work with the applicant and table an item to the next meeting. The Board meets on the 3rd Thursday of the month and in many cases the time between meetings has exceeded thirty days. Staff is proposing that the time frame be expanded to sixty days allowing the board and the applicant time to interact and work together.

In addition to the thirty day requirement staff has also made some additional minor corrections and removed the requirement for notification for Certificate of Appropriateness applications. A copy of the revisions and deletions has been provided to the Commission.

Herbst opened the public hearing.

Ross Ramsay, Historic Preservation Advisory Board vice Chair addressed the commission stating he is in favor of the request and to answer questions.

Herbst closed the public hearing.

Jackson made a motion to approve the city-initiated revision to Article V (District Development Standards), Section 6.2, Historic Overlay (HO) District, of the City of Rockwall Unified Development Code (Ord. No. 04-38).

Burgamy seconded the motion. The motion was seconded and passed by a vote of 5 to 1. Bricker voting against.

## **Z2005-039**

**Discuss and consider a request by Jean Voltz of Arkoma Development, LLC, for a change in zoning from (SF-10) Single-family Residential district and (Ag) Agricultural district to (PD) Planned Development district on a 49.35-acre tract situated along the west side of SH 205 (N. Goliad) south of Quail Run Rd and north of the Lakeview Summit subdivision, along the future extension of N. Lakeshore Drive.**

Spencer outlined the request stating the applicant is proposing to rezone the above referenced 49.354-acre tract to create a new Planned Development district to allow for retail/office, Assisted Living/Senior Housing and quasi-public development.

The applicant has submitted a concept plan and development standards with the zoning change application. The proposed concept plan indicates the site being bisected by Squabble Creek, a proposed reconfiguration/improvement of the SH 205 & West Quail Run Road intersection, proposed dedicated city street, the improvement of a portion of Quail Run as a public roadway and the extension of North Lakeshore Drive.

The zoning exhibit illustrates that the subject tract is bordered by single-family zoning along the north and south property lines, City owned property to the west and SH 205 to the east. On the east side of SH 205 the property is zoned as a

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Planned Development District with General Retail uses in addition to vacant agriculturally zoned property.

The subject site is similar in nature to the recently approved "PD-56" which was granted General Retail zoning along SH 205 and is limited in size of development by on-site floodplain. Similar to "PD-56" the applicant is proposing to leave the floodplain as "Open Space". The proposed "PD" is also similar to "PD-5" in that it is proposing General Retail zoning along SH 205 with residential located in the rear of the site. Planned Development "PD-5" is located across SH 205, west of the subject site. Both "PD-5" and the subject tract are located at highly visible intersections with SH 205.

Staff feels there could be consideration of non-residential zoning for this property given its location at the corner of a prominent intersection of a 4-lane (North Lakeshore) arterial and a regional carrier (SH 205).

Further, the Comprehensive Plan includes the following as Land Use Policies:

- "Retail areas should be designed to be pedestrian-oriented and be integrated with neighboring residential and commercial neighborhoods. This could be through a mixed-use project that acts as a transition from retail to its surroundings, or through the inclusion of walkways, roadways and other means of access." (pg. 2)
- "Preserve the majority of floodplains to reduce the risk of long term flooding and to provide interconnectivity of residents and workers within the community through a citywide open space and trail system." (pg. 2)
- "Identify and protect views and vistas that contribute to the community's character and uniqueness, particularly those from Ridge Road to the lake and from the I-30 bridge." (pg. 3)
- Incorporate floodplains into an interconnected greenway network that preserves floodwater storage while providing trails and natural areas. (pg. 4)
- "In general, retail areas should be easily accessible from residential neighborhoods and trail systems, as well as by automobiles. New retail areas should be designed and constructed to be integrated with adjacent uses, not walled off from them." (pg. 13)



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The existing Single Family "SF-10" zoning would allow approximately forty-two (42) single-family dwelling units on the subject site.

The proposed "PD" provides for retail/office uses (Parcels 3, 4 & 5) along SH 205. As the property progresses westward, the retail uses transitions to office and Senior Housing/Assisted Living (Parcel 2). Continuing to the northwest corner of the site the office uses transitions into a proposed church and church parsonage (Parcel 1-A & 1-B). The proposed church and church parsonage provide for a transition and connection between the subject site and adjacent existing single-family residences. The proposed "PD" shall be subject to standards for "Residential Adjacency Standards" and those standards set forth in the "North SH 205 Overlay District".

Located within the south portion of the subject site is approximately 29-acres of open space/drainage easement. The proposed open space will provide a natural buffer between the existing single-family dwellings located along the south property line and the southern most building located at the southwest corner of the North Lakeshore & SH 205 intersection. The applicant is proposing to install landscaping and berming with a 6' high metal ornamental fence with masonry/stone columns along the existing single-family residences abutting the north property line.

The applicant is also proposing a dedicated city street that will traverse the northern portion of the site and connect Random Oaks to SH 205. The intersection of Quail Run and SH 205 will be altered with the new dedicated street. Quail Run will no longer intersect SH 205. Instead the proposed Street will intersect with SH 205 and Quail Run will then intersect with the proposed Street to the west of SH 205.

The applicant is proposing to improve only the section of Quail Run that transverses the subject site. The remaining portion of West Quail Run will be preserved and remain in its current state. The proposed improvements will require engineering plan approval and a letter from TX DOT agreeing in concept. In addition a letter from TX DOT will be required for all proposed drives accessing SH 205.

The developer is proposing to have three (3) access drives from North Lakeshore, two (2) access drives from SH 205, six (6) access drives from the proposed Street and one (1) access drive from Quail Run. In addition the applicant is proposing to install a gated access drive from the proposed street to the existing single-family residences located along the north property line.

A Traffic Impact Analysis will be required at the time of Preliminary Plat. The proposed street must be constructed and open prior to the development of tracts 1-A and 1-B.

Notices were mailed to 50 property owners within 200-ft of the subject tract, and at the time of this report, three (3) responses "in opposition" and one (1) response "in favor" had been returned.

Staff recommends approval with conditions and Development Standards.

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Herbst opened the public hearing.

David Kochalka, Kimley-Horn addressed the commission in favor of the request and to answer questions.

Don Watson, 1877 Random Oaks addressed the commission opposed to the request.

Don Rakow, 1845 Oak Bend addressed the commission opposed to the request.

Jeff Morgan, 1918 Random Oaks addressed the commission opposed to the request.

Jeffrey Ray, 549 Hidden Oaks addressed the commission opposed to the request.

Michael Hunter, 220 West Quail Run Road addressed the commission in favor of the request.

Lanty Dean, 216 West Quail Run Road addressed the commission in favor of the request.

Barbara White, 544 Tall Oaks addressed the commission opposed to the request.

Wes Pettinger, 1501 Bamberry Court addressed the commission opposed to the request.

David Kochalka, Kimley-Horn addressed the commission to answer questions.

After some discussion, Jackson made a motion to continue the public hearing until the November 29<sup>th</sup> meeting to give the applicant time to address P&Z and opposing residents concerns.

Smith seconded the motion. The motion was voted and passed by a vote of 6 to 0.

## **SITE PLANS / PLATS**

### **SP2005-014**

**Discuss and consider a request by Carroll Architects for approval of an amended site plan and landscape / treescape plan for the Shops at Ridge Creek, located at the northwest corner of SH 205 (N. Goliad) and Ridge Road West, and take any action necessary.**

Spencer outlined the request stating the subject site is a 1.61-acre tract located on Lot 1, Block 1, Standridge Addition. The site plan for the proposed retail center illustrates a layout of one (1) building being 12,000-sf. in area. The total required parking for the intended use is fifty-nine (59) spaces, and the applicant has provided fifty-nine (59) spaces, including three (3) handicap accessible. The proposed development requires one (1) 12'x 65' loading space. The applicant has proposed

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an 8'x 26' loading area located at the northeast corner of the building. The North SH 205 Overlay requires that all loading spaces are to be screened from right of ways and adjacent property. Staff is recommending that a landscape screen comprised of Yaupon Holly trees be located along the north side of the dumpster and loading space. At the recommendation of the Planning and Zoning Commission the applicant has relocated the dumpster to the north side of the proposed building.

The dumpster will be accessed via the proposed loading space. The site will be accessed via an existing drive from SH 205 and an existing drive off of Ridge Road West. Turn lane improvements will be required on both SH 205 and Ridge Road West. A 5-ft sidewalk is required along Ridge Road West and the cost of the sidewalk along SH 205 is to be escrowed.

The landscape plan indicates approximately 33.06% of the site is open space, which exceeds City requirements. The landscaping buffers along both SH 205 and Ridge Road West are shown on the landscape plan to be a minimum 20-ft in width. A total of 301-inches of protected trees are shown to be removed. The applicant is proposing to mitigate with a total of twenty-four (24) four inch caliper trees, the remaining 142" will paid into the City's tree fund. In addition the applicant is saving numerous trees including a 20" Oak, a 16" Oak and a 14" Oak. Lot 2, which is located immediately east of the proposed site, will remain undeveloped and provide a natural buffer from adjacent single-family homes.

The building elevations propose a 26' tall typical structure consisting of brick, stone manufactured stone, EIFS cornice and standing seam metal awnings. All rooftop mechanical equipment must be screened from all adjacent properties and right of ways. The building elevations have been reviewed and approved by the Architectural Review Board (ARB).

The light levels along the north property line exceed city standards of 0.2 foot-candles at three feet above the property line. The remaining portion of the photometric plan meets city standards.

Jeff Carroll, applicant addressed the commission requesting approval of the request and to answer questions.

Jackson made a motion to approve the request by Carroll Architects for approval of an amended site plan and landscape / treescape plan for the Shops at Ridge Creek, located at the northwest corner of SH 205 (N. Goliad) and Ridge Road West, with the condition that if the Bald Cypress trees located along the rear facade of the building are unable to be installed then a detailed elevation with horizontal articulation and architectural detailing of the rear facade be brought before the Planning and Zoning Commission for review.

Lucas seconded the motion. The motion was voted and passed by a vote of 6 to 0.

**SP2005-023**

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Discuss and consider a request by Gerald Houser for approval of a site plan for an office/retail development located on Lot 2R, Block 1, Highway 276 Self Storage Addition, being a 1.243-acre tract zoned (LI) Light Industrial District and situated within the SH 276 Corridor Overlay district along the north side of SH 276 east of FM 549.

Hampton outlined the request stating the site plan is for two office/retail buildings with areas of 6,000-sf and 5,500-sf. The site will be accessed from one drive off SH 276 which bisects the development and continues back to the existing storage facility. There is not a definitive breakdown of office and retail space; however, the proposed 54 parking spaces would accommodate 11,500-sf of retail or office. Included in the parking counts are 12 "shared" spaces located on Lot 1 to the north. As required within the SH 276 overlay district, no more than two rows of parking are located in front of the building.

## **Photometric Plan**

A lighting plan has been submitted indicating compliance with the City's lighting ordinance. Eight (8) light poles with a maximum height of 20-ft are provided in the front parking area, as well as eight (8) wall pack lights on the building.

## **Landscape / Treescape Plan**

Approximately 9027-sf, or 16.7% of the site is landscaped, which exceeds the minimum 10% requirement for the (LI) Light Industrial district. As per the SH 276 overlay requirements, the applicant is proposing a 15-ft landscape buffer with adequate canopy and accent trees. Six (6) elm trees have been / will be removed on the site, along with one 13-inch hackberry. The total mitigation required is 60-inches, and the developer is proposing to plant 25, 4-inch Cedar Elm trees on the property and within the detention pond located on the adjacent property to the north. Some of these trees are required for parking lot requirements and detention landscaping requirements; however, the provided trees sufficiently mitigate for the removed trees.

## **Building Elevations**

The elevations have been revised extensively since the 9/27/05 work session and Architectural Review Board meeting. The overall height of the building is 31-ft, though most of the structure is less than 22-ft high. The application for this project was received prior to adoption of the new overlay standards. As such, the proposed brick, cultured stone and split-face CMU (rear only) are in compliance with the former standards. A variance is required, however, for the absence of a pitched roof system on the entire building. The applicant has provided a pitched roof on the tower elements on each end; however, the remaining areas feature a parapet type structure. All mechanical equipment must be screened entirely from horizontal view.

Finally, the building appears to meet the "vertical" articulation requirements for the (LI) Light Industrial district. However, the horizontal articulation requirements do not appear to be addressed on the rear portions of the building, which would require an exception to be granted by the Planning and Zoning Commission and City Council. It should be noted that this is not an overlay district requirement, but a general

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requirement for all development in the City. Staff feels the proposed building meets the intent of this ordinance for those facades that are visible from a street, and also significantly raises the standard for future construction in this vicinity, and would recommend approval as proposed.

Gerald Houser, applicant addressed the commission requesting approval of the request and to answer questions.

Burgamy made a motion to approve the request by Gerald Houser for approval of a site plan for an office/retail development located on Lot 2R, Block 1, Highway 276 Self Storage Addition, being a 1.243-acre tract zoned (LI) Light Industrial District and situated within the SH 276 Corridor Overlay district along the north side of SH 276 east of FM 549, with the following conditions:

1. Approval of engineering plans.
2. Approval of replat following engineering plans approval.
3. All ground or roof-mounted mechanical equipment must be screened entirely from horizontal view from the public right-of-way and adjacent properties.
4. City Council to approve a variance to the pitched roof requirement for buildings less than 6000-sf as specified in the SH 276 Overlay district.
5. City Council to grant waiver to the building articulation requirements for (LI) Light Industrial district as specified in Unified Development Code.
6. Landscaping (e.g. Yaupon Hollies) be added in planter beds around building footprint.

Smith seconded the motion. The motion was voted and passed by a vote of 6 to 0.

## **P2005-034**

**Discuss and consider a request by Kyung Hwan In and Jee Hyung Chung for approval of a preliminary plat for Lot 1, Block A, Gadel Addition, being a 1.129-acre tract zoned (C) Commercial district located within the Scenic Overlay district and situated at the northeast corner of Ridge Road and Yellow Jacket Lane.**

Spencer outlined the request stating the preliminary plat for the Gadel Addition lays out one commercially-zoned lot on a 1.139-acre tract located at the corner of F.M. 740 and Yellow Jacket Lane. The site will be accessed from F.M. 740, Old Country Road and from Yellow Jacket Lane via mutual access drive with RISD. As part of the development of this site the applicant is required to update Old Country Road to city standards for streets.

The subject tract complies with the City's area requirements for the (C) Commercial district. A site plan for a retail/office development was submitted simultaneously with the Preliminary Plat. Full engineering plans will be submitted and approved prior to application for final plat. The development will also be subject to site plan and Architectural Review.

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The applicant is proposing to relocate some of the required parking spaces to the rear of the building in an effort to save existing on-site trees (3-36" Pecans, 1-30" Pecan & 1-26" Pecan) located at the Northwest corner of the site.

A final treescape plan will be reviewed with the final plat and review of grading details.

Burgamy made a motion to approve the request by Kyung Hwan In and Jee Hyung Chung for approval of a preliminary plat for Lot 1, Block A, Gadel Addition, being a 1.129-acre tract zoned (C) Commercial district located within the Scenic Overlay district and situated at the northeast corner of Ridge Road and Yellow Jacket Lane with the following conditions:

1. All roof top and ground mounted equipment must be screened from adjacent properties and City rights-of-way.
2. Improvements to "Old Country" road.
3. Removal of light poles located at the rear of the building.
4. Submittal and approval of engineering plans prior to final plat application.
5. Submittal and approval of final plat.
6. Approval of final treescape plan with final plat.

Jackson seconded the motion. The motion was voted on and passed by a vote of 6 to 0.

## **SP2005-022**

**Discuss and consider a request by Eric Chung of Gadel Development, Inc., for approval of a site plan for an office/retail development on the proposed Lot 1, Block A, Gadel Addition, being a 1.13-acre tract zoned (C) Commercial district located within the Scenic Overlay district and situated at the northeast corner of Ridge Road and Yellow Jacket Lane.**

Spencer outlined the request stating the site plan is for a 17,940-sf retail/office development on a 1.139-acre tract located at the corner of F.M. 740 and Yellow Jacket Lane. The site will be accessed from F.M. 740, Old Country Road and from Yellow Jacket Lane via mutual access drive with RISD. As part of the development of this site the applicant is required to update Old Country Road to city standards for streets.

The required parking for the proposed office/retail development is 63 spaces (one per 250-sf for retail and one per 300-sf for office), and the applicant is proposing 63 spaces, including two (2) accessible spaces. It should be noted that a total of 15 parking spaces are located at the rear of the building, some of which are located in city right-of-way. Those parking spaces located in the right-of-way have been approved in concept by the Engineering Department. The applicant is proposing to relocate some of the required parking spaces to the rear of the building in an effort to save existing on-site trees (3-36" Pecans, 1-30" Pecan & 1-26" Pecan) located at the Northwest corner of the site.

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## **Landscape Plan**

Approximately 12,246 sq. ft., or 24.68% of the site is landscaped, which exceeds the minimum 10% requirement for commercial development. As per the Scenic overlay requirements in place at the time of the application, the applicant is proposing a 10-ft landscape buffer and adequate canopy trees and accent trees within this buffer. Other landscaping and trees are provided around the building and parking areas to meet landscaping standards. Tree preservation plans and mitigation are required to be approved with the final plat.

## **Building Elevations**

The proposed elevations for the restaurant indicate a maximum height of around 22-ft and a corner tower at a height of around 36-ft. The building features a combination of stone and brick, with a parapet roof. The proposed building meets the minimum 20% stone City standard.

The Architectural Review Board on 9-27-05 recommended approval of the building subject to review of the building materials for the proposed standing seam metal roof and exterior lighting fixture cut sheet.

The applicant has submitted a photometric plan which meets city requirements.

Jackson made a motion to approve the request by Eric Chung of Gadel Development, Inc., for approval of a site plan for an office/retail development on the proposed Lot 1, Block A, Gadel Addition, being a 1.13-acre tract zoned (C) Commercial district located within the Scenic Overlay district and situated at the northeast corner of Ridge Road and Yellow Jacket Lane following conditions:

1. Dumpster enclosure gate to be solid metal panel. Wood plank gates are prohibited.
2. Dumpster enclosure to be constructed of the same materials and colors of the primary buildings.
3. Approval of the Preliminary Plat.
4. Engineering and Fire Department Approval.
5. Maximum 1" reveal on all exterior lighting fixtures.
6. All rooftop and ground mounted equipment must be screened from adjacent properties and City rights-of-way.
7. Chain link fencing is not allowed within 10' of the property line.

Bricker seconded the motion. The motion was voted on and passed by a vote of 6 to 0.

## **ADJOURNMENT**

There being no further business, the commission adjourned at 8:58 p.m.

**PLANNING AND ZONING COMMISSION PUBLIC HEARING**  
**September 13, 2005**

**CALL TO ORDER**

The meeting was called to order by chairman, Phillip Herbst at 6:00 p.m. with the following members present; Greg Burgamy, Mike Lucas, Glen Smith, Connie Jackson and Bill Bricker. Jeff Carroll was absent.

**PUBLIC HEARING ITEMS**

**H2005-008**

**Hold a public hearing and consider a city initiated request for a Historic Landmark designation for the Jordan House located at 109 St. Mary's St. The tract is zoned (SF-7) Single Family and is located outside of the Old Rockwall Historic District and identified as a "High Contributing Property" within the Historic survey.**

Spencer outlined the request stating On July 21, 2005, the Historic Preservation Advisory Board (HPAB) directed staff to begin the proceedings to designate the "Old Jones Home" located at 109 St. Mary's Street as a City of Rockwall Historic Landmark. On August 1, 2005, City Council approved the recommendation of the HPAB for application of Historical Landmark designation for 109 St. Mary's Street by a vote of 7-0.

The house at 109 St. Mary's is listed as a "High Contributing" property within the City of Rockwall Historical Survey and is located with the "SF-7" Single Family District. The structure, known as the "Old Jones Home" was constructed in 1888 of Cypress by Mr. Carter, owner of the first lumber company in Rockwall. The house is a seven-room "Folk Victorian" style of architecture with large south and east porches, eleven-foot ceilings and transoms over the front door and two fireplaces.

The "Folk Victorian" style was prevalent from the 1870's to 1910 and is defined by the presence of Victorian decorative detailing on simple folk house forms, which are less elaborate than the Victorian style that they attempt to mimic. The primary areas for detailing are the porch and cornice line.

The growth of the railroad system made woodworking machinery widely accessible at local trade centers, where they produced inexpensive detailing. The railroads also provided local lumber yards with abundant supplies of pre-cut detailing from distant mills.

In staffs opinion the "Old Jones Home" is significant to the built environment/architecture and the urban fabric of the City of Rockwall.

Fourteen (14) notices were sent out to property owners within 200. At the time of this report one (1) notice had been received in opposition. The notice that has been



returned in opposition is from the property owner requiring a majority (3/4) council vote for approval.

Herbst opened the public hearing.

Wilma Jordan, home owner addressed the commission stating she is not opposed to the landmark designation but would like it to be done after the house sales.

Sherry Pittman addressed the commission in favor of the request.

Todd White, Jordan family attorney addressed the commission opposed to the request.

Carol Crow, 504 Williams addressed the commission in favor of the request.

Peg Pannell-Smith addressed the commission in favor of the request.

Herbst closed the public hearing.

After much discussion, Smith made a motion to approve the city initiated request for a Historic Landmark designation for the Jordan House located at 109 St. Mary's St. The tract is zoned (SF-7) Single Family and is located outside of the Old Rockwall Historic District and identified as a "High Contributing Property" within the Historic survey with the following conditions that 109 St. Mary's Street be landmarked as the "Old Jones Home".

Lucas seconded the motion. The motion was voted and failed with a vote of 3 to 3 (Smith, Lucas and Herbst for; Jackson, Burgamy and Bricker against).

## **H2005-009**

**Hold a public hearing and consider a city initiated request for a Historic Landmark designation for the Migneault House located at 506 Barnes. The tract is zoned (SF-7) Single Family and is located outside of the Old Rockwall Historic District and identified as a "High Contributing Property" with in the Historic survey.**

Spencer outlined the request stating on July 21, 2005, the Historic Preservation Advisory Board directed staff to begin the proceedings to designate the home located at 506 Barnes Street as a City of Rockwall Historic Landmark. On August 1, 2005, City Council approved the recommendation of the HPAB for application of Historical Landmark designation for 506 Barnes Street by a vote of 7-0.

The house at 506 Barnes is listed as a "High Contributing" property within the City of Rockwall Historical Survey and is located with the "SF-7" Single Family District. The subject site contains a primary structure (house) and a detached accessory building. The primary structure was constructed in 1905 in the "Folk L-Plan" style of architecture and the date of construction for the accessory building is unknown. The house has a front and back porch, one over one windows and a very significant metal tile roof.

The "Folk L-Plan" also known as the "Folk Gable-Front-&-Wing" was prevalent from the 1850's to about 1890 and was more common in rural areas.

Some of the identifying features of the L-Plan are a shed-roofed porch typically placed with the L made by the two wings, the roof ridge on the gable-front portion was higher than the adjacent wing, and more commonly the entire structure was built as a unit with a roof ridge of uniform height.

With the coming of the railroad system, abundant lumber and balloon framing led to an expansion of this type of unstyled folk house.

In staffs opinion the property at 506 Barnes is significant to the built environment/architecture and the urban fabric of the City of Rockwall.

Thirteen (13) notices were sent out to property owners within 200. At the time of this report two (2) notices had been received in opposition. One of the notices that has been returned in opposition is from the property owner requiring a majority (3/4) council vote for approval.

Herbst opened the public hearing.

Peg Pannell-Smith, 602 Williams addressed the commission in favor of the request.

Sherry Pittman, 300 Munson addressed the commission in favor of the request.

Carol Crow, 504 Williams addressed the commission in favor of the request.

Herbst closed the public hearing.

Smith made a motion to approve the city initiated request for a Historic Landmark designation for the Migneault House located at 506 Barnes. The tract is zoned (SF-7) Single Family and is located outside of the Old Rockwall Historic District and identified as a "High Contributing Property" with in the Historic survey.

Lucas seconded the motion. The motion was voted on and passed by a vote of 5-1 (Burgamy dissenting).

## **Z2005-030**

**Continue a public hearing and consider a request by Tim Thompson of Realty Capital Corporation for approval of a change in zoning from (Ag) Agricultural district to (PD) Planned Development district to accommodate development of a single-family residential community on 139.354-acres known as Tracts 1 and 7, Abstract 123, A. Johnson Survey and located along the north side of S FM 549, east of SH 205 and west of Lofland Lake.**

Hampton outlined the request the applicant is proposing to rezone the 139.354-acre subject tract to create a new Planned Development district to allow for development

of a residential neighborhood of 276 single-family lots, yielding a density of 1.99 units per acre. Additionally, approximately 28.8-acres (or 20.7% of the site) is designated as open space or flood plain, including 6-acres set aside for a public park. The proposal incorporates a mix of three lot types:

- 48 lots = 8,400-sf minimum
- 111 lots = 10,000-sf minimum
- 117 lots = 12,600-sf minimum

The applicant has submitted a zoning exhibit and concept plan with the zoning change application. The zoning exhibit illustrates that the subject tract is bordered to the east by Lofland Lake and 16 single-family estate lots that front to S FM 549. To the north and west is approximately 492-acres of the 700-acre "Lofland tract," and to the south is a 43-acre tract owned by MBA Corp.; both tracts are vacant and presently zoned (Ag) Agricultural district.

In reviewing this case with the City's Comprehensive Plan in mind, the staff has considered two general factors – "Plan Requirements" and "Quality Design Requirements." Fundamentally, the Comprehensive Plan designates this area for *Single Family Low Density Residential*, which is defined as being less than two (2) units per gross acre. At 1.99 units per gross acre, the plan for the Lakes of Somerset complies with the recommended land use guidelines. Additionally, the Planned Development requirements of the City mandate that 20% of any proposed PD should be reserved for open space – both public and private – and the developer's plan exceeds this standard. Moreover, though the 139-acre subject tract constitutes roughly 16% of Neighborhood Park District #12 (thereby requiring 1.6-acres of dedication towards the 10-acre neighborhood park), the developer is proposing 6-acres of public parkland, or four times their pro-rata share.

Additional Comprehensive Plan principles and policies that staff believes are addressed favorably by the developer's plan include:

- *"Preserve the majority of floodplains to reduce the risk of long term flooding and to provide interconnectivity of residents and workers within the community through a citywide open space and trail system." (page 2)*
- *"Incorporate floodplains into an interconnected greenway network that preserves floodwater storage while providing trails and natural areas." (page 4)*
- *"Design neighborhood streets to encourage traffic to travel at less than 30 miles per hour for safety and to encourage more walking, cycling and social interaction." (page 4)*
- *"Provide for clustering of development that will result in the preservation of flood plains and the conservation of open space and natural areas. For example, if an average density of 2 units per acre is used in some areas and open space and drainage corridors are preserved, then the lots may be 10,000 s.f. as opposed to 20,000 s.f.,*

*but there would still be only an average of 2 units per acre and there would be a large shared open space or park.” (page 16)*

- *“Ensure that open space is accessible to all citizens.” (page 16)*
- *“Where residential uses in a Planned Development abut an existing residential development, the PD lots should be at least the same size as the existing lots or be buffered by open space, trails, walkways, natural screening or a roadway.” (page 17)*

Access to the site is proposed from S FM 549. It is desirable from the City’s standpoint that another point of access is provided with the development of the tract; however, other opportunities for access would require off-site ROW dedication and construction within the Lofland tract. In light of this difficulty, the one point of access has been recommended by the City Engineer to be a divided entry with sufficient room for turn lanes to ease access into and out of the subdivision. At the time of development of adjacent tracts, the collector roads will then be required to be finished by that developer.

The concept plan for the Lakes of Somerset has been revised several times, and the latest plan has provided, in staff’s opinion, the best overall layout. The streets have become more curvilinear throughout the neighborhood, and lots are fronting onto the primary collector roads instead of backing to them. As recommended by staff and the Planning Commission, all lots that front the collector roads are served by an alley, yet no alleys tie directly into the collector road. Alleys are provided for all lots except those that are 12,600-sf and those that back to open space.

Amenities within the proposal include the 6-acre public park dedication, a trail system, a series of landscaped pocket park areas that would be maintained by the HOA as private open space, and views / access to Lofland Lake. The Planned Development requirements of the City require future submittal and approval of a more specific development plan, at which point more detail could be provided regarding the amenities, including specific trail layouts, street tree and landscape buffer details and specifications for any entry signage. The Parks Board will also review the plan and make specific recommendations to the Council regarding park facilities and the trail system.

## NOTIFICATION

Notices were mailed to 20 property owners within 200-ft of the subject tract, and thus far two (2) responses have been returned “in opposition.” Additionally, two other responses were received that suggest an “undecided” opinion pending review of the developer’s plans. Prior to the P&Z meeting, a petition from eight property owners (including two who responded to City’s notice as described above) highlighted their concerns.

## STAFF RECOMMENDATION:

*Staff offers the following as conditions of approval of the Planned Development request:*

- A. The approved concept plan attached hereto as Exhibit "B" shall control the development of the Planned Development district, and any and all such development shall be in strict accordance with such concept plan.
- B. Prior to or concurrently with submittal of a master plat for the subject property, a final development plan shall be required so that the City can review details of the project including, but not limited to, a site/landscape plan(s) for all open space, pocket parks, trail systems, street buffers and entry features. The development plan and preliminary plat shall also be reviewed by the City's Parks Board.
- C. The maximum density for the Planned Development district shall not exceed 1.99 dwelling units per gross acre of land, or 276 units.
- D. That development in the area indicated as Area 1 on Exhibit "B" (i.e. 90' x 140' lots), attached hereto, shall be subject to the permitted uses and area requirements of Article V, Section 3.4 (SF-10) Single Family Residential District, of the City of Rockwall Unified Development Code (Ord. No. 04-38) as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future, with the following additional conditions and restrictions:
  - 1. Minimum lot size – 12,600 square feet
  - 2. Maximum number of lots in Area 1 - 117
  - 3. Minimum lot frontage on a public street – 90 feet
    - a. Minimum lot frontage on a cul-de-sac or curvilinear street measured at front building line - 85 feet
  - 4. Minimum side yard setback:
    - a. Internal lot – 6 feet
    - b. Abutting a street – 10 feet
    - c. Abutting an arterial / collector – 20 feet
  - 5. Minimum rear yard setback – 10 feet, except for those lots with double frontage (i.e. FM 549) which shall have a minimum rear setback of 15 feet
  - 6. Minimum square footage per dwelling unit – 2,250 square feet of living area, not including eaves, porches, garages and breezeways.
- E. That development in the area indicated as Area 2 on Exhibit "B" (i.e. 80' x 130' lots), attached hereto, shall be subject to the permitted uses and area requirements of Article V, Section 3.4 (SF-10) Single Family Residential District, of the City of Rockwall Unified Development Code

(Ord. No. 04-38) as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future, with the following additional conditions and restrictions:

1. Minimum lot size – 10,000 square feet
2. Maximum number of lots in Area 2 – 111
3. Minimum lot frontage on a public street – 80 feet
  - a. Minimum lot frontage on a cul-de-sac or curvilinear street measured at front building line - 75 feet
4. Minimum side yard setback:
  - a. Internal lot – 6 feet
  - b. Abutting a street – 10 feet
  - c. Abutting an arterial / collector – 20 feet
5. Minimum square footage per dwelling unit – 2,000 square feet of living area, not including eaves, porches, garages and breezeways.

F. That development in the area indicated as Area 3 on Exhibit “B” (i.e. 70’ x 120’ lots), attached hereto, shall be subject to the permitted uses and area requirements of Article V, Section 3.5 (SF-8.4) Single Family Residential District, of the City of Rockwall Unified Development Code (Ord. No. 04-38) as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future, with the following additional conditions and restrictions:

1. Minimum lot size – 8,400 square feet
2. Maximum number of lots in Area 3 – 48
3. Minimum lot frontage on a public street – 70 feet
  - a. Minimum lot frontage on a cul-de-sac or curvilinear street measured at front building line - 65 feet
4. Minimum side yard setback:
  - a. Internal lot – 6 feet
  - b. Abutting a street – 10 feet
  - c. Abutting an arterial / collector – 20 feet
5. Minimum square footage per dwelling unit – 1,750 square feet of living area, not including eaves, porches, garages and breezeways.

G. All common areas and dedicated landscape easements and open space areas, including areas of landscaping along public right-of-ways, shall be maintained by a Homeowner’s Association, which shall be created subject to the requirements of the City of Rockwall Subdivision Ordinance and filed prior to approval of the final plat(s).

- H. An anti-monotony restriction shall not allow the same structure in terms of materials and elevation on either side of the street without at least three (3) intervening lots.
- I. Permanent subdivision identification signage shall be permitted at all major entry points as per the requirements of the City of Rockwall sign ordinance.
- J. For any side or rear yard of any lot that faces an open space or public street, wrought iron or tubular steel fencing shall be used. No solid fencing shall be allowed.
- K. One (1) canopy tree shall be planted per 50-linear feet along the north-south collector road and the east-west collector road, in addition to any trees required to be planted on each lot resulting from tree mitigation and/or landscaping requirements. The approximate location and species shall be determined with the development plan.
- L. A landscape buffer with a minimum width of 20-ft shall be provided along FM 549, outside of and beyond any required right-of-way dedication. Landscape plantings within the buffer shall be approved at the time of development plan and should include a combination of trees, shrubs, groundcover and berming.

Herbst stated the public hearing is still open from the Commission's August 30, 2005 meeting.

Tim Thompson, applicant, addressed the commission and discussed the latest revisions to the plan, and was available to answer any questions.

Lucas asked for a clarification that the small green spaces along the parkways of all streets, not only the collector roads, were to accommodate street trees and landscaping.

Thompson stated they would be able to plant landscaping on these streets and they would show up on the development plan at a later stage.

Mack Sorrells, 2844 S FM 549, addressed the commission with concerns about the sizes of the lots immediately adjacent to Lofland Lake, and stated he believed they should be at least 150-ft like his.

Jackson asked the applicant if these 10 lots could be larger.

Thompson stated that the concept plan had been amended several times now and that all previous concerns had been addressed. This was the first time he had heard about concerns on these larger lots by the lake. He added that these will be the premium lots in a subdivision he believes will have home prices that start at \$250,000 up to \$500,000. The off-site utility costs are very high, which will drive up

the lot costs and get water and sewer service closer to the existing Lofland Lake Estates residents who have expressed frustration about the City not providing these services.

Jody Edwards, 2994 S. FM 549, addressed the commission opposed to the request.

After further discussion, Jackson made a motion to approve the request by Tim Thompson of Realty Capital Corporation for approval of a change in zoning from (Ag) Agricultural district to (PD) Planned Development district to accommodate development of a single-family residential community on 139.354-acres known as Tracts 1 and 7, Abstract 123, A. Johnson Survey and located along the north side of S FM 549, east of SH 205 and west of Lofland Lake, with staff recommendations.

Burgamy seconded the motion. The motion was voted on and passed by a vote of 6 to 0.

#### **Z2005-034**

**Hold a public hearing and consider a request from Annette Lall for approval of a Specific Use Permit to allow for a "Social Service Provider" (specifically a Children's Emergency Shelter) within the (GR) General Retail district, located at 102 North Fannin and 303 East Rusk.**

Spencer outlined the request stating at this time staff feels that there is not enough information provided by the applicant to conduct a thorough analysis or to make a well-informed recommendation. At the August 30, 2005, work session the Planning and Zoning Commission requested that the applicant provide a detailed site plan, floor plan and some operation procedures for review by the Planning Staff. At this time staff is recommending that the public hearing be opened and continued until the September 27, 2005, work session.

Notices were sent to twenty-nine (29) property owners within 200-ft of the subject tract, and at the time of this report two (2) response in favor and three (3) responses in opposition had been returned.

Vickie Lovett, representative addressed the commission stating that an architect has been retained to review the building and prepare plans for the facility.

Robert Cook, 218 East Rusk, addressed the commission opposed to the request.

Peg Pannell-Smith addressed the commission opposed to the request.

Mr. Lall, owner of the property, addressed the commission in favor of the request and provided a background on improvements he has made on the property over many years.

Mary Hanrahan, 201 South Clark and mayor of old town Rockwall, addressed the commission with concerns about the request.



Janice Hill, who lives on Anna Cade, addressed the commission stating she needed more information about the use and would like the City to really think about if the shelter is needed. The Soroptimist building was developed with similar intentions years ago, but it was discovered after the resources dedicated to it that it was not critically needed as believed.

Herbst closed the public hearing.

Bricker stated he felt like much discussion had been made about the condition of the building and plans for construction, when really the only issue before them is whether or not the land use is appropriate, which he does not. He then made a motion to deny the request from His Covenant Children for approval of a Specific Use Permit to allow for a "Social Service Provider" (specifically a Children's Emergency Shelter) within the (GR) General Retail district, located at 102 North Fannin and 303 East Rusk.

Smith seconded the motion. The motion was voted on and passed by a vote of 6 to 0.

#### **Z2005-035**

**Hold a public hearing and consider a request by Jeff Linder of Kimley-Horn and Associates, Inc., for a specific use permit (SUP) allowing for a drive-through window as an accessory to a restaurant (Panda Express) on Lot 4, Block A, Horizon Ridge Addition, being a 0.7890-acre tract zoned (PD-9) Planned Development No. 9 district allowing for "GR" General Retail uses and located at the southeast corner of the Ridge Road and Horizon Road Intersection.**

Spencer outlined the request stating the applicant is requesting a special use permit to allow for a drive-through window as an accessory to a restaurant in the Planned Development No. 5 district allowing for (GR) General Retail uses. The site is located adjacent to the existing Walgreen's and Bank of America and in front of the currently under construction Kroger.

The site contains 0.789 acres and is known as Lot 4, Block A, Horizon Ridge Addition. The buildable area of the site is constrained by not only its size but by two mutual access/fire lane easements. The first is a 40' easement adjacent to the existing EZ Mart and the second is a 30' easement adjacent to the existing Bank of America. The 40' mutual access/fire lane easement is to be reduced to 30' due to its proximity to the building location. Though staff's report to the Commission discussed the variance required for less than 15% landscaping, the site plan had been amended and the applicant was now meeting the landscaping requirements.

Notices were sent to twenty-seven (27) property owners within 200-ft of the subject tract, and at the time of this report no responses have been returned.

Jeff Linder, applicant addressed the commission requesting approval of the request and to answer questions.

David Wang, Panda Express representative addressed the commission requesting approval of the request and to answer questions.

After much discussion about concerns with the drive-thru orientation and the appearance of cars stacked within it along a primary drive into Kroger, the applicant requested that the Commission allow them until the next meeting to work on amending the plan.

Jackson made a motion to continue the public hearing to the September 27<sup>th</sup> meeting.

Burgamy seconded the motion. The motion was voted on and passed by a vote of 6 to 0.

## **SITE PLANS / PLATS**

### **SP2005-018**

**Discuss and consider a request by Jeff Linder of Kimley-Horn and Associates, Inc., for approval of a site plan for a restaurant (Panda Express) on Lot 4, Block A, Horizon Ridge Addition, being a 0.7890-acre tract zoned (PD-9) Planned Development No. 9 district allowing for "GR" General Retail uses and located at the southeast corner of the Ridge Road and Horizon Road Intersection.**

Spencer briefly outlined the case, but in light of the SUP being continued until September 27, 2005, the site plan should also be tabled for consideration.

Building material and color samples were provided at the meeting, and the Commission discussed possible changes. Spencer outlined that the Architectural Review Board were ok with the building design; however, no real consensus had been made on a recommendation regarding the color selections.

Smith made a motion to table the request to the September 27<sup>th</sup> meeting.

Burgamy seconded the motion. The motion was voted on and passed by a vote of 6 to 0.

### **P2005-028**

**Discuss and consider a request by Dub Douphrate of Douphrate & Associates for approval of a preliminary plat for Lakeview Summit Phase IV, being a 38.056-acre tract zoned (PD-29) Planned Development No. 29 district and situated along the north side of North Lakeshore Drive.**

Hampton outlined the request stating the preliminary plat for Lakeview Summit Phase IV is proposed to accommodate 99 single family residential lots and one (1) lot (Lot 9A, Block A) intended to provide access to the historic Butler Cemetery. Three parking spaces are shown on Lot 9A that are designated for visitors to the cemetery. All residential lots appear to meet the minimum requirements of the SF-10 Single Family Residential district that governs this area of PD-29.

Except for Blocks C, D and E, the lots in Phase IV are proposed without alley access, necessitating a variance to the City's alley requirements. It is not believed that the lots in Block A that abut the existing alley in The Shores will be able to easily access that alley due to grading concerns and the applicant's intention to save trees in this area. The remaining lots in Block A back up to the City-owned parkland and wastewater treatment plant. As requested by staff, the applicant has also provided a pedestrian access ROW into the parkland area between Lots 38 and 39, Block A.

The applicant has also submitted a preliminary concept plan for the subdivision that indicates landscaping along the streets and primary entrance at Petaluma. The plat has been amended since the last work session to show a 10-ft landscape strip along N. Lakeshore Dr as its own unique tract (i.e. Lots 1A and 57, Block A). Additionally, a 15-ft buffer strip is provided on each side of Petaluma Drive, to feature landscaping and berming as well as wrought-iron fencing for those lots backing to this road.

Finally, the treescape plan provided by the applicant indicates a significant amount of protected trees on the property (approximately 7,510-inches). Due to the grading requirements to develop the tract, most of the trees are slated to be removed; however, the developer is indicating a strip of trees along the existing alley along Lots 1-22, Block A to be saved (totaling 361.5-inches). Still, the mitigation requirements for the removed trees is approximately 6,467.5-inches. Mitigation could be a combination of trees planted on each lot, trees transplanted to the City's parkland and/or utilized as a screen from the treatment plant, one or more tree transplant days, and funds paid into the City's tree bank.

Dub Douphrate, applicant addressed the commission requesting approval of the request and to answer questions.

Jackson made a motion to approve the request by Dub Douphrate of Douphrate & Associates for approval of a preliminary plat for Lakeview Summit Phase IV, being a 38.056-acre tract zoned (PD-29) Planned Development No. 29 district and situated along the north side of North Lakeshore Drive with the following conditions;

1. Variance to the alley requirements to be approved by City Council for all lots except those in Blocks C, D and E.
2. Final landscape plan to be submitted and approved with final plat.
3. HOA covenants and restrictions to be reviewed and approved for Phase IV at the time of final plat, which shall indicate the fencing requirements for all lots with rear and/or side yards that face a public street or open space.
4. Final treescape plan to be approved with final plat indicating proposed mitigation for 6,467.75-inches.
5. Developer to construct a wrought iron fence with stone columns around the north, east and south sides of Butler Cemetery.
6. Lot 9A, Block A be maintained by the HOA
7. Adherence to Parks Board recommendations:

- a. Construction of 8-ft trail along N. Lakeshore Drive.
- b. Pro-rata equipment fees of \$226 per lot (\$22,374).

Lucas seconded the motion. The motion was voted and passed by a vote of 6 to 0.

**P2005-030**

**Discuss and consider a request by Richard Hovas of Tipton Engineering, for approval of a master plat for Castle Ridge Estates, being a 72.7396-acre, 194-lot Single Family development. The subject tract is zoned (SF-10) Single Family district situated West of SH 205 and North of Dalton Road (FM 552) and the existing Heritage Heights Single Family subdivision.**

Hampton outlined the request stating the master plat for Castle Ridge Estates indicates that 192 single-family residential lots are to be developed in three phases on the 72.7396-acre subject property between 2006 and 2008. The subject property is zoned (SF-10) Single Family Residential district, requiring a minimum lot size of 10,000-sf, a minimum lot frontage of 80-ft, a minimum lot depth of 100-ft, and a minimum dwelling unit size of 1500-sf.

Originally, a preliminary plat for Castle Ridge Estates was approved in 2000 allowing for 203 lots; however, that plat has expired and the Planning and Zoning Commission denied the applicant's request earlier this year to reinstate it. Since the P&Z work session on August 30th, alleys have been removed in Blocks F and G as a measure to save trees in the rear of these lots. Additionally, existing lots in Heritage Heights already back up to this area without an alley. Alleys are also not provided on lots that are adjacent to open space areas and Lake Ray Hubbard.

The site is accessed from one new road (Windham Dr) off SH 205, and via two existing streets from the Heritage Heights and Harlan Park subdivisions to the south. The N. SH 205 Corridor Overlay district requires eyebrow drives or a 50-ft landscape buffer along SH 205. Though the site contains only 230-ft of frontage on SH 205 (160-ft net after ROW), to approve the existing plan constitutes an exception to this requirement. However, it is assumed that land to the north will develop as residential, and though a 50-ft buffer is minute in Castle Ridge, it would set the mode for that tract. It could also serve as an area for landscaping and/or an entry feature. The Planning Commission recommended at their meeting that a 25-ft buffer would be appropriate on this project given its limited frontage on N. SH 205.

Richard Hovas, applicant addressed the commission requesting approval of the request and to answer questions. He stated he was not aware of the 50-ft buffer requirement, and proposed that 25-ft be provided.

Burgamy made a motion to approve the request by Tipton Engineering, for approval of a master plat for Castle Ridge Estates, being a 72.7396-acre, 194-lot Single Family development. The subject tract is zoned (SF-10) Single Family district situated West of SH 205 and North of Dalton Road (FM 552) and the existing Heritage Heights Single Family subdivision with the following conditions;

1. Approval of preliminary plat.
2. Submittal and approval of final plat(s) for all phases prior to December 31, 2008.
3. Submittal and approval of engineering plans prior to final plat application.
4. Adjustment of Lots 19-20 and 26-27, Block A, to provide minimum 80-ft lot frontage.
5. City Council to approve variance to the alley requirements for Blocks A, E, F and G.
6. Recommending City Council approve a variance to the N. SH 205 Corridor Overlay district to allow for a 25-ft landscape buffer along N. SH 205

Smith seconded the motion. The motion was voted and passed by a vote of 6 to 0.

#### **P2005-031**

**Discuss and consider a request by Richard Hovas of Tipton Engineering, for approval of a preliminary plat for Castle Ridge Estates, being a 72.7396-acre, 194-lot Single Family development. The subject tract is zoned (SF-10) Single Family district situated West of SH 205 and North of Dalton Road (FM 552) and the existing Heritage Heights Single Family subdivision.**

Hampton outlined the request stating the preliminary plat for Castle Ridge Estates indicates that 192 single-family residential lots are to be developed in three phases on the 72.7396-acre subject property. The tract is zoned (SF-10) Single Family Residential district, requiring a minimum lot size of 10,000-sf, a minimum lot frontage of 80-ft, a minimum lot depth of 100-ft, and a minimum dwelling unit size of 1500-sf.

Since the P&Z work session on August 30th, alleys have been removed in Blocks F and G as a measure to save trees in the rear of these lots. Additionally, existing lots in Heritage Heights already back up to this area without an alley. Alleys are also not provided on lots that are adjacent to open space areas and Lake Ray Hubbard.

The site is accessed from one new road (Windham Dr) off SH 205, and via two existing streets from the Heritage Heights and Harlan Park subdivisions to the south. The N. SH 205 Corridor Overlay district requires eyebrow drives or a 50-ft landscape buffer along SH 205. Though the site contains only 230-ft of frontage on SH 205 (160-ft net after ROW), to approve the existing plan constitutes an exception to this requirement. However, it is assumed that land to the north will develop as residential, and though a 50-ft buffer is minute in Castle Ridge, it would set the mode for that tract. It could also serve as an area for landscaping and/or an entry feature. The Planning Commission recommended at their meeting that a 25-ft buffer would be appropriate on this project given its limited frontage on N. SH 205.

The Parks Board reviewed the preliminary plat at their September 7, 2005 meeting, and staff will provide their recommendations at the meeting on Tuesday night.

Finally, a preliminary tree plan has been submitted for the property indicating that out of 6701-inches of trees 723-inches are to be removed. Of the remaining, it is anticipated that additional removal will be required at the time of home construction; however, changes to the plat have been made in an effort to preserve additional trees. For instance, lots have been enlarged (resulting in the net loss of two lots) around the stand of trees on Scottsbluff Dr to reduce the amount that will be removed. Removal of those trees (whether at final plat or building permit) will require approval by the Planning & Zoning Commission. At this point, mitigation of 723-inches could be achieved by 4-inches of new trees per lot.

Jackson made a motion to approve the request by Richard Hovas of Tipton Engineering, for approval of a preliminary plat for Castle Ridge Estates, being a 72.7396-acre, 194-lot Single Family development. The subject tract is zoned (SF-10) Single Family district situated West of SH 205 and North of Dalton Road (FM 552) and the existing Heritage Heights Single Family subdivision with the following conditions:

1. Submittal and approval of final plat(s) for all phases prior to December 31, 2008.
2. Submittal and approval of engineering plans prior to final plat application.
3. Adjustment of Lots 19-20 and 26-27, Block A, to provide minimum 80-ft lot frontage.
4. City Council to approve variance to the alley requirements for Blocks A, E, F and G.
5. Approval of final treescape plan with final plat.
6. Adherence to Parks Board recommendation.
  - a. Park Design to be reviewed by Board with Phase 1 to determine if pro-rata equipment fees (\$600 per lot) are to be waived and allow developer to construct park facilities.
7. City Council approve a variance to the N. SH 205 Corridor Overlay district to allow for a 25-ft landscape buffer along N. SH 205.

Lucas seconded the motion. The motion was voted and passed by a vote of 6 to 0.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:37 p.m.

Approved October 11, 2005

**PLANNING AND ZONING COMMISSION WORKSESSION**  
**April 26, 2005**

**CALL TO ORDER**

The meeting was called to order by Vice Chairwoman, Connie Jackson at 6:07 p.m. with the following members present; Jeff Carroll, Mike Lucas and Glen Smith. Greg Burgamy, Phillip Herbst and Susan Langdon were absent.

Architectural Review Board Present; Bill Hibbard, Donna Orr, David English, Peg Pannell-Smith, John Lindsey and Alfred Crump.

Staff Present: Robert LaCroix, Michael Hampton, Chris Spencer and Denise LaRue.

**ARCHITECTURAL REVIEW BOARD ITEMS**

**P2005-016**

**Discuss and consider a request by Kerry Burden of PM Realty Group for approval of a replat of Lots 8 and 9, Block B, Horizon Ridge Addition, being a 5.93-acre tract zoned (PD-9) Planned Development No. 9 district and designated for (GR) General Retail uses, located at the northeast corner of Ralph Hall Pkwy and Summer Lee Dr.**

Spencer outlined the request stating the replat of Lot 8 & 9, Block B, Horizon Ridge Addition, a 5.9256-acre tract zoned (PD-9) Planned Development No. 9 district, is intended to accommodate an expansion of the approved medical office (Rockwall Medical Center) development on the 4.4479-acre Lot 8. The replat includes the abandonment and reconfiguration of the existing south fire lane and access easement. In addition the replat is abandoning a portion of a 10' water easement, a portion of a 15' water easement and a 24' fire lane, access and utility easement. Other easements as required by engineering are also shown.

The applicant is required to construct Summer Lee from Ralph Hall Parkway to Rockwall Parkway. An Engineering Facilities agreement is required for all public improvements.

The replat conforms to the (PD-9) and underlying (GR) General Retail zoning requirements, and should be approved subject to engineering and fire department approvals.

Carroll made a motion to approve the request by Kerry Burden of PM Realty Group for approval of a replat of Lots 8 and 9, Block B, Horizon Ridge Addition, being a 5.93-acre tract zoned (PD-9) Planned Development No. 9 district and designated for (GR) General Retail uses, located at the northeast corner of Ralph Hall Pkwy and Summer Lee Drive with the following conditions;

1. Engineering and Fire Department approvals.
2. Label the latest Lot numbers and recording information for adjacent lots before filing.

3. Show all on-site and off-site drainage easements.
4. Construction of Summer Lee from Ralph Hall to Rockwall Parkway
5. Engineering Facilities Agreement required

Smith seconded the motion. The motion was voted on and passed by a vote of 4-0.

#### **SP2005-009**

**Discuss and consider a request by Kerry Burden of PM Realty Group for approval of a site plan for a 20,388-sf expansion of the approved Rockwall Medical Center, located on Lot 11, Block B, Horizon Ridge Addition, being a 5.93-acre tract zoned (PD-9) Planned Development No. 9 district and designated for (GR) General Retail uses, located along the east side of Ralph Hall Pkwy north of Summer Lee Drive.**

Spencer outlined the request stating the subject site is a 5.93-acre tract located on Lot 11, Block B, Horizon Ridge Addition. The site plan for the expansion of the approved "Rockwall Medical Center" illustrates One (1) building containing 83,380-s.f. Medical Office requires one (1) space for every 200 s.f. The total required parking for the intended use is four-hundred seventeen (417) spaces, and the applicant is proposing to provide four-hundred seventeen (417) spaces, including nine (9) handicap accessible. The applicant is proposing covered parking along the north and east sides of the building. The site will be accessed via two proposed curb cuts from Ralph Hall and the mutual access drive connecting the subject site with Lots 4 & 3R. A 5-ft sidewalk is provided along Ralph Hall Parkway and is required along Summer Lee.

The landscape plan indicates approximately 20.6% of the site is open space, which exceeds City requirements. The landscaping buffers along Summer Lee and Ralph Hall are shown on the landscape plan to be a minimum 10-ft in width. The Landscape Ordinance requires nine (9) trees along Ralph Hall and eight (8) along Summer Lee. The applicant is meeting city requirements by proposing to install nine (9) trees along Ralph Hall but, must add an additional tree to meet the requirement of eight (8) trees along Summer Lee. The Landscape Ordinance requires forty-one (41) trees for parking lot landscaping. The applicant is exceeding city requirements by proposing to install forty-nine (49) trees.

The building elevations propose a 40' tall typical structure consisting of manufactured stone, tinted bronze glass, composite metal and textured & colored concrete tilt up-panel. A photometric plan submitted by the applicant complies with City standards.

Donna Orr, ARB addressed the commission stating the additional stone and the smoky color on the windows made a more attractive building. The Architectural Review Board recommended approval.

Gary Staiger, project manager addressed the commission requesting approval of the request and to answer questions.



Kerry Burden, applicant addressed the commission requesting approval of the request and to answer questions.

Carroll made a motion to approve the request by Kerry Burden of PM Realty Group for approval of a site plan for a 20,388-sf expansion of the approved Rockwall Medical Center, located on Lot 11, Block B, Horizon Ridge Addition, being a 5.93-acre tract zoned (PD-9) Planned Development No. 9 district and designated for (GR) General Retail uses, located along the east side of Ralph Hall Pkwy north of Summer Lee Drive with the following conditions;

1. A 5' sidewalk is required along Summer Lee
2. A total of eight (8) 3" caliper trees are required along Summer Lee
3. All roof-top and ground-mounted equipment must be screened from adjacent property and public rights-of-way.
4. Dumpster screen must be constructed of the same materials as found on the primary building.
5. Label 10' landscape buffer along Ralph Hall and Summer Lee
6. Engineering and Fire Department approval

Smith seconded the motion. The motion was voted on and passed by a vote of 4-0.

#### **SP2005-010**

**Discuss and consider a request from Steve Smith for a site plan amendment for Snuffer's located at 2901 Village Drive (Ranch House Addition), specifically for proposed changes to the front elevation to accommodate additional interior storage and cooler space. The subject property is zoned (C) Commercial and situated within the (IH-30 OV) IH-30 Overlay district.**

Hampton outlined the request stating that Snuffers Restaurant recently opened at 2901 Village Drive (former location of Ranch House and Doc's). After extensive interior remodeling, new exterior painting, etc, the restaurant opened in February 2005. Steve Smith, a representative with Snuffers, has brought forward an application for a proposed change to the south elevation of the building. Specifically, the restaurant desires to enclose the existing porch on this side of the building so that additional storage space and a walk-in cooler can be provided for operational needs of the restaurant.

The Architectural Review Board recommended approval of the changes, with the stipulation that the new construction should have a stone exterior on the portions of the wall without windows (i.e. approximately the right half of the elevation). The applicant was in agreement with the requested change, and stated that he will prepare a revised elevation illustrating the changes to present to the Council.

Steve Smith, applicant addressed the commission requesting approval of the request and to answer questions.

Lucas made a motion to approve the request with the Architectural Review Board recommendations, for a site plan amendment for Snuffer's located at 2901 Village

Drive (Ranch House Addition), specifically for proposed changes to the front elevation to accommodate additional interior storage and cooler space, with the condition that the right portion of the new walls (i.e. without windows) be constructed with a stone finish that matches the existing stone on the structure.

Carroll seconded the motion. The motion was voted and passed by a vote of 4 to 0.

#### **Z2005-017**

**Discuss and consider a request from Marlyn Roberts for approval of a Specific Use Permit (with site plan) to allow for an "Auto Repair Garage, Minor" (specifically a stand-alone quick lube business) within the (C) Commercial zoning district, on a +/- 1.0-acre tract being a part of Tract 2, Abstract 65, J. Cadle Survey, located along the east side of SH 205 south of SH 276 and across from Ralph Hall Pkwy.**

Spencer described the request, which is scheduled for public hearing on May 10, 2005. The applicant submitted a site plan to be considered with the SUP; however, because of several potential engineering and design issues, staff is recommending that the Architectural Review Board and Planning Commission provide some general recommendations and feedback on the site plan and elevations, but that any SUP approval require submittal of a detailed site plan to reviewed at a later date.

Donna Orr, ARB addressed the commission stating the Board felt the building looked good, but that they understood the Board would have an opportunity to review the project in more detail at a later time.

Marlyn Roberts, applicant addressed the commission to answer questions.

No action was taken.

### **PUBLIC HEARING ITEMS**

#### **Z2005-012**

**Hold a public hearing and consider a request from Buck Stout of Benchmark Construction, Inc., for approval of a Specific Use Permit (with site plan) to allow for an "Auto Repair Garage, Minor" (specifically a stand-alone quick lube business) within the (C) Commercial zoning district, on a 1.129-acre tract being Lot 4, Block 1, Horizon Village Addition, located along the northeast side of Horizon Road between Horizon Car Wash and Sonic.**

Spencer outlined the request stating the subject site is a 1.1129-acre tract being the west part of Lot 2, Block 1, Horizon Village Addition. The proposed Lube Center is located between an existing full service car wash and an existing Sonic restaurant. In the Commercial "C" zoning district a "Stand Alone Lube Business" (Auto Repair Garage, Minor) requires a Specific Use Permit.

The site plan for the proposed Lube Center illustrates the layout of one (1) 2,892 square feet building with three (3) service bays located on Lot 2. The total required parking for the intended use is six (6) spaces, and the applicant has provided fourteen (14) spaces, including one (1) handicap accessible. The site will be accessed via one existing mutual access drive shared with Sonic from Horizon Road and a mutual access easement with the existing car wash.

A 5-ft sidewalk is required along Horizon Road and is to be located one-foot inside the property line within a pedestrian easement.

The applicant is exceeding the city requirement of 15% landscape area by providing for 45%. The landscape plan shows four (4) 3" caliper street trees located along Horizon Road, which meets city standards. A minimum 10' landscape buffer is required along Horizon Road for non-residential development within the Commercial "C" zoning district. At the direction of the Planning Zoning Commission the applicant has added additional landscaping in an effort to screen bay doors from adjacent property owners and access drives. The bay doors will be screen to the east via four (4) proposed Yaupon Holly trees and twenty-five (25) Dwarf Indian Hawthorn shrubs and to the west by three (3) Yaupon Holly trees.

The applicant is proposing a 21' high building with culture stone, white split faced concrete block and white scored concrete block. The roof is to be constructed of #215 fiberglass shingles. A photometric plan submitted by the applicant complies with City standards.

Eleven (11) notices were sent to property owners within 200-ft of the site, and at the time of this report two (2) notices in favor have been returned and none in opposition.

Jackson opened the public hearing.

Buck Stout, Applicant addressed the commission requesting approval of the request and to answer questions.

David Hairston, 644 Windsong addressed the commission in favor of the request.

Bobby Brumley, owner addressed the commission requesting approval of the request and to answer questions.

Jackson closed the public hearing.

Carroll made a motion to approve the request from Buck Stout of Benchmark Construction, Inc., for approval of a Specific Use Permit (with site plan) to allow for an "Auto Repair Garage, Minor" (specifically a stand-alone quick lube business) within the (C) Commercial zoning district, on a 1.129-acre tract being Lot 4, Block 1, Horizon Village Addition, with the following conditions:

1. Any additional buildings will require an amendment to the Specific Use Permit.
2. All roof top and ground mounted equipment to be screened from Public Rights of Way and adjacent property.
3. Dumpster enclosure to be constructed with the same materials as found on the primary building.
4. Engineering and Fire Department approval.
5. A minimum 10' landscape buffer along Horizon Road is required.
6. Yaupon Hollies are added within the landscape buffer along Horizon Road.

Smith seconded the motion. The motion was voted on by a vote of 4-0.

#### **Z2005-013**

**Continue a public hearing and consider a request by J. Anthony Sisk of Churchill Residential, Inc., for approval of an amendment to (PD-9) Planned Development No. 9 district specifically to add as a permitted use a senior living and care facility. The proposed development is situated on approximately 10-acres out of a 34.2-acre tract known as Tract 4-12, Abstract 207, E. Teal Survey, located along the southwest side of Horizon Rd southeast of Tubbs Rd.**

Hampton outlined the request stating the applicant has submitted a request to rezone a portion of PD-9, specifically a 10-acre tract located along the southwest side of Horizon Rd (FM 3097) south of Tubbs Rd and adjacent to Rainbow Lake. The tract is currently designated for (GR) General Retail uses within the existing PD, and would allow other related uses shown on the concept plan originally submitted by the applicant (to be developed by others), including office, a nursing home and an assisted living facility. However, independent "age-restricted" multi-family use is not currently allowed within this area, and the applicant has brought forth a proposal for 120 age-restricted units that will be incorporated into a single, 2-story structure.

This proposal also includes a comprehensive set of development standards that apply to the property which include requirements for open space, landscaping and streetscape requirements, land use, architectural standards and review, parking standards, lighting and several other requirements.

The surrounding zoning and use includes single-family residential to the west (Rainbow Lake and Foxchase) which is buffered by Rainbow Lake. To the north and east are vacant commercial tracts and the City's sewer plant, respectively. The proposed zoning can be considered a transitional zoning between the single-family use to the west and the commercial and sewer facility that borders the tract. Moreover, a large portion of PD-9 as well as the Horizon Road corridor into Heath

has developed with a large amount of medical office and hospital facilities, which the staff believes makes this site an ideal location for low-intensity senior housing. In fact, the overall concept of a nursing home and assisted living facilities surrounding this tract, although proposed by a separate developer, would create a logical and appropriate environment for this type of use. The Staff recommends approval of this request, subject to the extensive list of development standards attached to this report, and ultimately, any approved PD ordinance.

Notices were mailed to seven (7) property owners within 200-ft of the subject tract, and at the time of this report, one (1) "in favor" of the request had been returned. The applicant has also reportedly met with adjacent homeowner representatives in Foxchase and Rainbow Lake, as well as with the ongoing developer of those subdivisions, and has indicated there is general acceptance and approval of the project by those individuals.

Jackson opened the public hearing.

Mark Tolson, Architect addressed the commission requesting approval of the request and to answer questions.

David Hairston, 644 Windsong addressed the commission stating he and his neighbors have concerns with lighting, landscaping and rear elevations of the building, but that generally they think the project is a good development as opposed to other uses the zoning currently allows.

Jackson closed the public hearing.

Carroll made a motion to approve the request by J. Anthony Sisk of Churchill Residential, Inc., for approval of an amendment to (PD-9) Planned Development No. 9 district specifically to add as a permitted use a senior living and care facility. The proposed development is situated on approximately 10-acres out of a 34.2-acre tract known as Tract 4-12, Abstract 207, E. Teal Survey, located along the southwest side of Horizon Road southeast of Tubbs Road with the following conditions;

1. That the 10-acre property described as Lot 2 on Exhibit "A" be subject to the PD-9 Development Standards as described in Exhibit "B" including building elevations described as Exhibit "C." (see attached)
2. Future development of the tract will require submittal and approval of master development plan, engineering plans, preliminary and final plat, site plan, etc.
3. That a 10-ft landscape buffer is provided along the rear parking areas, with a minimum of one tree per 50 linear feet.

Lucas seconded the motion. The motion was voted and passed by a vote of 4 to 0.

**Z2005-014**

**Hold a public hearing and consider a request from Thomas P. Hughes for a zoning change from (MF-14) Multi-Family district to (SF-7) Single Family district for a 0.3-acre tract being Block 82, B.F. Boydston Addition, and including the property addressed as 306 South Fannin Street.**

Spencer outlined the request stating the applicant has submitted a request for a change in zoning from (MF-14) Multi-Family to (SF-7) Single-family district at 306 S. Fannin. The property is located on S. Fannin Street north of City Hall. The subject site is listed as "Medium Contributing" property within the Historic Property survey.

The Downtown Plan, which was adopted in November of 2004, states that revisions to the CBD (Central Business District) should occur to allow for a mixture of land uses, establish appropriate parking standards for the Downtown and establish "form-based" development standards. Rigorous architectural and site layout standards will ensure that all new projects will directly contribute to the overall success of the District. The Plan recommends expansion of the CBD including the property in this request. The plan also indicates this house to be part of the future CBD Mixed Use area. The plan also states the balance of land in the Downtown District surrounding the core area may be developed for office, retail or residential provided that they adhere to the form-based development standards that ensure they will contribute to the pedestrian-oriented character of the Downtown.

This property and two other properties (308 & 310 S. Fannin), not included in the request, that front onto Fannin Street, are the only residential properties in the Historic District that are included in the Downtown Plan. We would not anticipate the removal of these homes in the near future for new development.

As mentioned, the "form-based" development standards for the Downtown District will be the first step for the implementation of the plan. However, the fact that this home is within the Historic District and its removal or relocation will not likely happen for many years, the new development standards for the Downtown District will not affect these properties unless, as stated, the homes are removed and redevelopment occurs. Additionally, when the form-based development standards are adopted for the Downtown District, these properties will be required to meet those standards should they ever redevelop.

The current zoning is Multi-Family, however, the plan recommends expansion of the CBD which would ultimately change the zoning on the property in this current request. It is anticipated that the CBD zoning district will allow urban residential and live/work uses by right in addition to office and retail activities associated with typical downtown districts. We would anticipate beginning work creating the new CBD zoning district within the 2005 calendar year.

The property located south and east of the subject site, 308 and 310 S. Fannin, was recently proposed for a zoning change from Multi-Family to Planned Development,

for General Office, Single Family and Home Occupation. At its last meeting on April 12, 2005, the Planning and Zoning Commission recommended approval of the zoning change for 308 and 310 S. Fannin.

The zoning change for 308 and 310 S. Fannin was denied at the April 18, 2005 Council. The City Council informed staff at that meeting that they wanted to see 308 and 310 S. Fannin as part of the CBD district expansion and take a comprehensive look at the entire district as one zoning request.

Notices were mailed to twelve (12) property owners within 200-ft of the request, and at the time of this report, one (1) response "in opposition" and two (2) response "in favor" of the request had been returned.

Jackson opened the public hearing.

Tom Hughes, applicant addressed the commission requesting approval of the request and to answer questions.

Jackson closed the public hearing.

Smith made a motion to approve the request from Thomas P. Hughes for a zoning change from (MF-14) Multi-Family district to (SF-7) Single Family district for a 0.3-acre tract being Block 82, B.F. Boydstun Addition, and including the property addressed as 306 South Fannin Street.

The motion failed for lack of a second.

Carroll made a motion to deny the request from Thomas P. Hughes for a zoning change from (MF-14) Multi-Family district to (SF-7) Single Family district for a 0.3-acre tract being Block 82, B.F. Boydstun Addition, and including the property addressed as 306 South Fannin Street.

Lucas seconded the motion. The motion was voted on and passed by a vote of 3 to 1. Smith voted against.

There being no further action items the commission continued to the work session agenda.

## **ADJOURNMENT**

There being no further business the meeting was adjourned at 9:41 p.m.

*These minutes were approved May 10, 2005*

**PLANNING AND ZONING COMMISSION PUBLIC HEARING**  
**August 9, 2005**

**CALL TO ORDER**

The meeting was called to order by Chairman, Phillip Herbst at 6:00 p.m. with the following members present; Greg Burgamy, Mike Lucas, Glen Smith, Bill Bricker and Connie Jackson. Jeff Carroll was absent.

**PHILLIP HERBST INTRODUCED BILL BRICKER AS A NEW P&Z COMMISSIONER.**

**ELECTION OF PLANNING AND ZONING COMMISSION CHAIR AND VICE-CHAIR POSITIONS**

Burgamy made a motion to nominate Herbst as Chairman.

Jackson seconded the motion. The motion was voted on and passed by a vote of 6 to 0.

Jackson made a motion to nominate Burgamy as vice chairman.

Smith seconded the motion. The motion was voted on and passed by a vote of 6 to 0.

**APPROVAL OF MINUTES FOR JULY 12, 2005 MEETING.**

Burgamy made a motion to approve the minutes of the July 12, 2005 meeting.

Lucas seconded the motion. The motion was voted on and passed by a vote of 3 to 0. Smith, Jackson and Bricker abstained.

**SITE PLANS / PLATS**

**P2005-027**

**Discuss and consider a request by Don Dalton of The Woodmont Company for approval of a replat of Lot 1, Block A, Rockwall Crossing Addition, being a 22.246-acre tract zoned (C) Commercial and located along the south side of Interstate 30.**

Hampton outlined the request stating the Woodmont Company has submitted a replat of Lot 1, Block A, Rockwall Crossing Addition, in order to finalize the arrangement of access, utility and firelane easements on the property. Included with the replat (i.e. page 2) is a sheet highlighting only the easements that are being abandoned. TXU has submitted a letter verifying their approval of the easement abandonments and locations of all remaining and/or new easements on the lot. Final review and approval by the engineering and fire departments of the City shall be required prior to filing. The replat appears to meet all other requirements of the (C) Commercial district.



Jackson made a motion to approve the request by Don Dalton of The Woodmont Company for approval of a replat of Lot 1, Block A, Rockwall Crossing Addition, being a 22.246-acre tract zoned (C) Commercial and located along the south side of Interstate 30 with the condition of engineering approval of the replat and verification of easement locations, etc.

Smith seconded the motion. The motion was voted on and passed by a vote of 6 to 0.

#### **SP2004-008**

**Discuss and consider a request by Don Dalton for approval of an amended site plan for Rockwall Crossing, specifically to amend the rear elevations for the Kirkland's and Laminate Kingdom retail spaces, and take any action necessary.**

LaCroix outlined the request stating this request is for the approval to amend the site plan for a 7-lot, 26.09-acre commercial development known as Rockwall Crossing. The request is to change to the building elevations located at the rear portion of the shopping center adjacent to Ralph Hall Parkway. The proposal indicates the addition of two truck dock loading platforms at rear of the proposed Kirkland's and Laminate Kingdom, respectively. The applicant has proposes to construct a screening wall for each platform with building materials that match the building. The addition of these loading areas would eliminate the parking spaces at the rear of these lease areas. The developer did not anticipate the need for additional loading docks at the time of initial approval of the site plan. The finished floor of both lease areas is 4 feet above grade which necessitates a stair to enter the building and a platform for loading. Staff feels that the proposed tenants need a loading area however, unless adequate screening is utilized this could detract from the intent of the original concept. We feel this is a judgment call for the Commission.

Don Dalton, applicant addressed the commission requesting approval of the request and to answer questions.

Jackson made a motion to approve the request by Don Dalton for approval of an amended site plan for Rockwall Crossing, specifically to amend the rear elevations for the Kirkland's and Laminate Kingdom retail spaces with the condition that some additional materials such as pampas grass to further enhance the screening of these and other loading areas.

Smith seconded the motion. The motion was voted on and passed by a vote of 6 to 0.

#### **P2005-029**

**Discuss and consider a request by Craig Carpenter of S & C Development for approval of a replat for Lot 2-R, Block A, Rockwall Town Centre, being a 1.78-acre tract zoned (C) Commercial and located along the north side of Interstate 30, south of Ridge Road and west of White Hills Drive.**

Spencer outlined the request stating the applicant Craig Carpenter is submitting a replat for Lot 8, Rockwall Town Centre, Phase 4, in an effort to abandon an existing utility easement and relocate an existing water line running through the center of the property. The water line is to be relocated to the existing 15' utility easement located along the perimeter of the subject site. A 5' utility easement adjacent to the 15' utility easement is required due to the relocation of the water line. The water line is being relocated and the utility easement is being abandoned in an effort to make the lot available to develop. The replat meets all other requirements of the City.

Lucas made a motion to approve the request by Craig Carpenter of S & C Development for approval of a replat for Lot 2-R, Block A, Rockwall Town Centre, being a 1.78-acre tract zoned (C) Commercial and located along the north side of Interstate 30, south of Ridge Road and west of White Hills Drive with the following conditions:

1. Include volume and page for the utility easement to be abandoned.
2. Remove the phrase "By Previous Agreement" from replat.
3. Tie two (2) corners of the plat to City Coordinates.
4. Label addition names for Lots 1 & 3.
5. Remove from City Signature block "approved by the City Planning Director".
6. Engineering Plan Approval

Burgamy seconded the motion. The motion was voted on and passed by a vote of 6 to 0.

## **PUBLIC HEARING ITEMS**

### **Z2005-029**

**Hold a public hearing and consider a request by Austin Lewis of Lewis Real Estate Investments to amend (PD-8) Planned Development district, specifically on a vacant, 6.889-acre tract comprised of Spyglass Hill #4 Addition (4.324-acres) and Tract 134-12, Abstract 207, E. Teal Survey (2.564-acres), located along the south side of Henry M. Chandler Drive and immediately east of the Chandler's Landing Marina.**

Hampton outlined the request stating the zoning application to amend PD-8 is accompanied by a development plan for 58 residential lots, to be constructed as single-family attached units. The existing zoning (amended in 1992) on the 6.889-acre subject property is for zero-lot line development, with a concept plan allowing for 36 lots. The area requirements as existing and proposed are as follows:

| <i>Requirement</i>   | <i>Existing (Ord. 92-39)</i> | <i>Proposed</i> |
|----------------------|------------------------------|-----------------|
| <b>Min. Lot Area</b> | <b>5,000-sf</b>              | <b>2,200-sf</b> |
| <b>Max. # Lots</b>   | <b>36</b>                    | <b>58</b>       |
| <b>Min. Dwelling</b> | <b>1,700-sf</b>              | <b>1,700-sf</b> |

|  |                     |   |
|--|---------------------|---|
| <b>Min. Lot Frontage</b>                       | <b>50-ft</b>        | <b>26-ft, except as shown on dev. plan</b>            |
| <b>Min. Lot Depth</b>                          | <b>90-ft</b>        | <b>86-ft, except as shown on dev. plan</b>            |
| <b>Min. Front Setback</b>                      | <b>25-ft</b>        | <b>10-ft</b>  |
| <b>Min. Rear Setback</b>                       | <b>10 – 20-ft</b>   | <b>15-ft;<br/>20-ft for lots adjacent to Spyglass</b> |
| <b>Min. Side Yard</b>                          | <b>0 and 10-ft+</b> | <b>N/A</b>  |
| <b>Maintenance Esmt</b>                        | <b>5-ft</b>         | <b>N/A</b>  |
| <b>Min distance between separate buildings</b> | <b>10-ft</b>        | <b>10-ft</b>  |
| <b>Max Bldg Coverage</b>                       | <b>50%</b>          | <b>85%</b>  |
| <b>Max. Height</b>                             | <b>30-ft</b>        | <b>30-ft</b>  |

#### Density Issues

The other significant change as part of this proposal is an increase in density from 36 lots to 58 lots. However, from a historical context, the proposed number of units is actually less than what was proposed to be built on this same tract prior to the 1992 rezoning to zero-lot line. Spyglass #4, which accounts for 4.32-acres of the 6.889-acre subject tract, was originally approved in 1983 for 82 condominium units (or 19 units/acre). The remaining 2.5 acres (+/-) was intended to be developed as Spyglass #5 with similar density. The density for the existing Spyglass Phases 1, 2 and 3 is 16.55 units/acre (i.e. 156 units on 9.43 acres), or almost twice the proposed density of 8.42 units/acre for Catalina Cove.

Additionally, it must be noted that the City's Comprehensive Plan designates this tract along with Spyglass Phases 1, 2 and 3 as "Multi-family/Attached High Density Residential."

Further, the Comprehensive Plan includes the following as Land Use Policies:

"A greater variety of housing should be provided in specific areas of the City to accommodate a broad range of individual and family demand, including more urban style housing within walking distance of services..." (pg. 11)

"High density residential should be used as a transitional use from commercial (or existing retail) use, or where it will serve as a logical extension of an existing high density development." (pg. 17)

“Existing surrounding conditions such as lot size, house styles and existing development patterns should be considered in conjunction with the current comprehensive plan to determine appropriate zoning.” (pg. 17)

“At a minimum, new residential development shall be equal to or better than existing surrounding residential development.” (pg. 17)

### Height Issues

Other requirements within the existing PD ordinance are carried over into this proposal, including maximum height restrictions (based on sea level) on those lots adjacent to the existing common property line with developed Spyglass Hill #3. The height of the structures will be limited to the difference between that specified maximum level and the final finished floor elevation. To accommodate the construction of 30-ft structures, there appears to be a significant amount of “cut” required along this property line, along with retaining walls, etc., all of which would be analyzed in more detail during the platting and engineering review, but are included on the development plan.

In terms of impacts on lake views, the difference is arguable between the existing concept plan and proposed amendment. While zero-lot line development would theoretically leave more open space per lot, it is unpredictable as to what sizes the homes would be constructed on those lots, and exactly where the visual corridors would be situated. With the amended plan, the developer is proposing structures with 2 to 4 attached units, but have proposed dedicated open space areas and a minimum of 10-ft clearance between buildings to minimize the impact.

### Other Design and Zoning Elements

The development plan includes 40 shared parking spaces that would be available for guests of the units in lieu of on-street parking. Additionally, the development will have access and proximity to the large parking lot that serves the marina. The proposed streets are private, with one open access from Henry M. Chandler Dr and one gated, emergency access. Open spaces are provided in the development, which would be maintained by the HOA. Typical building types have been submitted by the applicant which indicate various articulated facades, which would also be required to comply with the City’s masonry standards for residential structures. As part of any PD approval, staff would recommend an “anti-monotony” restriction as well as a clear reinforcement of the garage setback requirement of 10-ft from the front face of the structure (i.e. minimum 20-ft from private street).

### Notification

Notices were sent to 63 property and condominium owners within 200-ft of the subject tract and at the time of this report staff has received:

- No responses “in favor”
- Nineteen (19) responses “in opposition,” accounting for 28 units within the Spyglass condominium development and three (3) lots within Harbor Landing.

- Ten (10) responses “in opposition” from citizens beyond the 200-ft notice area.

*At the time of this report, the opposition submitted in response to this application is estimated to comprise 17.09% of the 200-ft notice area.*

#### RECOMMENDATIONS:

If request is approved, staff would offer the following recommendations:

- A. That the property described in Exhibit “A” shall be used for attached residential development and shall be regulated by the approved development plan, attached herein as Exhibit “B”, and by the following area requirements:
  1. Minimum lot area = 2,200-sf
  2. Maximum number of lots = 58
  3. Maximum number of units per lot = 1
  4. Minimum dwelling unit size = 1,700-sf
  5. Minimum lot frontage = 26-ft, except as shown on development plan (Exhibit B)
  6. Minimum lot depth = 86-ft, except as shown on development plan (Exhibit B)
  7. Minimum front yard setback = 10-ft
  8. Minimum rear yard setback = 15-ft, except for those lots adjacent to the Spyglass Hill Phase 3, which shall be setback a minimum of 20-ft
  9. Minimum side yard setback = 0-ft
  10. Minimum separation between separate buildings = 10-ft, or as shown on the approved development plan (Exhibit B)
  11. Maximum building coverage = 85%
  12. Maximum building height = 30-ft; however, structures on the following lots shall also be subject to the following maximum elevations:
    - i. Structures on Lots 16-19 shall not exceed an elevation of 504.17-ft
    - ii. Structures on Lots 20-23 shall not exceed an elevation of 493.75-ft
    - iii. Structures on Lots 24-27 shall not exceed an elevation of 485.11-ft
    - iv. Structures on Lots 28-34 shall not exceed an elevation of 485.09-ft
  13. Minimum number of off-street parking spaces = 2 + 2 car garage.

- B. The residential structures shall be articulated in a manner consistent with the elevations attached hereto as Exhibit "C", and shall be constructed in accordance with the General Residential Standards of the Unified Development Code (i.e. Article V, Section 3.1), as amended and may be amended in the future. Further, the façade materials utilized for construction shall include brick, natural or manufactured stone, masonry siding, and stucco. Acceptable roofing materials are 30-year grade asphalt shingles, standing seam metal, concrete tiles and clay tiles.
  - 1. An anti-monotony restriction shall not allow the same structure in terms of materials and elevation any closer than five (5) houses apart on either side of the street.
  - 2. All front-entry garages shall be setback a minimum of 10-ft from the front building line.
- C. No vehicular access shall be permitted onto Henry M. Chandler Dr from individual lots.
- D. All open space areas shall be developed in accordance with the development plan, Exhibit "B," and shall be maintained by the Homeowner's Association.
- E. A landscaping and screening fence shall be installed along Henry M. Chandler drive, the details of which should be approved at the time of preliminary plat.
- F. All development shown on the development plan, Exhibit "B," shall be subject to engineering and fire department approval, including review and acceptance of proposed private streets, locations of all utilities, drainage, etc.

Herbst opened the public hearing.

Austin Lewis, applicant addressed the commission requesting approval of the request and to answer questions. He also presented a brief presentation.

Christiana Nappy, 177 Henry M. Chandlers addressed the commission opposed to the request.

Lee Peterson, 203 Harbor Landing addressed the commission opposed to the request.

Roy Kurkowski, 166 H. M Chandler addressed the commission opposed to the request.

Ron Coleson, 228 Sovereign Court addressed the commission in favor of the request.

Ken Blassingame, 260 Henry M Chandler addressed the commission opposed to the request.

Jim Choate, 206 Rainbow Circle addressed the commission opposed to the request.

Ronald Wade, 5901 Henry M Chandler addressed the commission in favor of the request.

Chloe Ballard, 278 Henry M Chandler addressed the commission opposed to the request.

Herbst closed the public hearing.

Burgamy made a motion to deny the amendment to Planned Development No. 8.

Jackson seconded the motion. The motion was voted on and passed by a vote of 4 to 2 (Lucas and Herbst dissenting; Carroll absent).

## **Z2005-030**

**Hold a public hearing and consider a request by Tim Thompson of Realty Capital Corporation for approval of a change in zoning from (Ag) Agricultural district to (PD) Planned Development district to accommodate development of a single-family residential community on 139.354-acres known as Tracts 1 and 7, Abstract 123, A. Johnson Survey, located along the north side of S FM 549, east of SH 205 and west of Lofland Lake.**

Hampton outlined the request stating the applicant is proposing to rezone the above referenced 139.354-acre tract to create a new Planned Development district to allow for development of a residential neighborhood of 278 single-family lots, yielding a density of 1.99 units per acre. Additionally, approximately 34.4-acres (or 24.8% of the site) is designated as open space or flood plain, including 8.2-acres set aside for a public park. The proposal includes a mix of three lot types including 8,400-sf lots, 10,000-sf lots and 12,600-sf lots.

The applicant has submitted a zoning exhibit and concept plan with the zoning change application. The zoning exhibit illustrates that the subject tract is bordered to the east by Lofland Lake and 16 single-family estate lots that front to S FM 549. To the north and west is approximately 492-acres of the 700-acre "Lofland tract," and to the south is a 43-acre tract owned by MBA Corp.; both tracts are vacant and presently zoned (Ag) Agricultural district.

### Plan Requirements of Comprehensive Plan

In reviewing this case with the City's Comprehensive Plan in mind, the staff has considered two general factors – "Plan Requirements" and "Quality Design Requirements." Fundamentally, the Comprehensive Plan designates this area for *Single Family Low Density Residential*, which is defined as being less than two (2) units per gross acre. At 1.99 units per gross acre, the plan for the Lakes of Somerset complies with the recommended land use guidelines. Additionally, the Planned Development requirements of the City mandate that 20% of any proposed PD should be reserved for open space – both public and private – and the developer's plan exceeds this standard. Moreover, though the 139-acre subject tract constitutes roughly 16% of Neighborhood Park District #12 (thereby requiring 1.6-acres of dedication towards the 10-acre neighborhood park), the developer is proposing 8.2-acres of public parkland, or five times the required pro-rata share.

### Quality Design Requirements of Comprehensive Plan

Additional Comprehensive Plan principles and policies that staff believes are addressed favorably by the developer's plan include:

- Preserve the majority of floodplains to reduce the risk of long term flooding and to provide interconnectivity of residents and workers within the community through a citywide open space and trail system. (page 2)
- Incorporate floodplains into an interconnected greenway network that preserves floodwater storage while providing trails and natural areas. (page 4)
- Design neighborhood streets to encourage traffic to travel at less than 30 miles per hour for safety and to encourage more walking, cycling and social interaction. (page 4)
- Provide for clustering of development that will result in the preservation of flood plains and the conservation of open space and natural areas. For example, if an average density of 2 units per acre is used in some areas and open space and drainage corridors are preserved, then the lots may be 10,000 s.f. as opposed to 20,000 s.f., but there would still be only an average of 2 units per acre and there would be a large shared open space or park. (page 16)
- Ensure that open space is accessible to all citizens. (page 16)
- Where residential uses in a Planned Development abut an existing residential development, the PD lots should be at least the same size as the existing lots or be buffered by open space, trails, walkways, natural screening or a roadway. (page 17)

Access to the site is proposed from a single collector street from S FM 549. It is desirable from the City's standpoint that another point of access is provided with the development of the tract; however, other opportunities for access would require off-site ROW dedication and construction within the Lofland tract. A traffic study should be submitted to determine if the proposed single access point is adequate to handle the traffic for the subdivision.

Amenities within the proposal include the 8.2-acre public park dedication, a trail system, a series of landscaped pocket park areas that would be maintained by the HOA as private open space, and views / access to Lofland Lake. The Planned Development requirements of the City require future submittal and approval of a more specific development plan, at which point more detail could be provided regarding the amenities, including specific trail layouts, street tree and landscape buffer details and specifications for any entry signage.

Following discussions with the applicant at the Planning & Zoning Commission work session on July 26, 2005, and in subsequent meetings with staff, the staff is recommending that several design issues are addressed prior to the Commission forwarding a recommendation to the City Council, including but not limited to:



- Revise the street layout to include a continuous north-south collector road that ties into an east-west collector road along the north edge of the subject tract.
- Revise lot and street layout on north end of site to ensure that lots front onto east-west collector road and, if possible, create more curvilinear streets
- All 8,400-sf and 10,000-sf lots should be served by an alley. Staff feels that consideration could be given for front access lots on the 12,600-sf lots.
- Alleys shall be oriented so as not to feed to / from collector roads.
- Possibility of 10-acre parkland dedication to meet requirements for this park district?
- PD standards outlining fence requirements for rear and side yards adjacent to open space, streets, etc.
- Inclusion of a requirement for street trees, particularly along the north-south and east-west collector roads.
- Determine requirement for landscape buffer along FM 549, exclusive of right-of-way dedication needs.

#### NOTIFICATION

Notices were mailed to 20 property owners within 200-ft of the subject tract, and thus far two (2) responses have been returned; however, each of them suggest an “undecided” opinion pending review of the developer’s plans.

#### STAFF RECOMMENDATION:

At this time, staff is recommending that the public hearing shall be continued until the August 30, 2005 P&Z meeting to allow time to further develop the concept plan and PD requirements. However, below are some of the conditions Staff would offer for the Planned Development request:

- A. The approved concept plan attached hereto as Exhibit “B” shall control the development of the Planned Development district, and any and all such development shall be in strict accordance with such concept plan.
- B. Prior to or concurrently with submittal of a master plat for the subject property, a final development plan shall be required so that the City can review details of the project including, but not limited to, a site/landscape plan(s) for all open space, pocket parks, trail systems, street buffers and entry features. The development plan and preliminary plat shall also be reviewed by the City’s Parks Board.
- C. The maximum density for the Planned Development district shall not exceed 1.99 dwelling units per gross acre of land, or 278 units.
- D. That development in the area indicated as Area 1 on Exhibit “B”, attached hereto, shall be subject to the permitted uses and area requirements of Article V,

Section 3.4 (SF-10) Single Family Residential District, of the City of Rockwall Unified Development Code (Ord. No. 04-38) as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future, with the following additional conditions and restrictions:

1. Minimum lot size – 12,600 square feet
  2. Maximum number of lots in Area 1 - 114
  3. Minimum lot frontage on a public street – 90 feet
  4. Minimum rear yard setback – 10 feet, except for those lots with double frontage (i.e. FM 549) which shall have a minimum rear setback of 15 feet
- E. That development in the area indicated as Area 2 on Exhibit “B”, attached hereto, shall be subject to the permitted uses and area requirements of Article V, Section 3.4 (SF-10) Single Family Residential District, of the City of Rockwall Unified Development Code (Ord. No. 04-38) as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future, with the following additional conditions and restrictions:
1. Minimum lot size – 10,000 square feet
  2. Maximum number of lots in Area 2– 76
- F. That development in the area indicated as Area 3 on Exhibit “B”, attached hereto, shall be subject to the permitted uses and area requirements of Article V, Section 3.5 (SF-8.4) Single Family Residential District, of the City of Rockwall Unified Development Code (Ord. No. 04-38) as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future, with the following additional conditions and restrictions:
1. Minimum lot size – 8,400 square feet
  2. Maximum number of lots in Area 3– 88
- G. Minimum square footage per dwelling unit for all lots – 1,750 square feet of living area, not including eaves, porches, garages and breezeways.
- H. All common areas and dedicated landscape easements and open space areas, including areas of landscaping along public right-of-ways, shall be maintained by a Homeowner’s Association, which shall be created subject to the requirements of the City of Rockwall Subdivision Ordinance and filed prior to approval of the final plat(s).
- I. An anti-monotony restriction shall not allow the same structure in terms of materials and elevation any closer than five (5) houses apart on either side of the street.
- J. Permanent subdivision identification signage shall be permitted at all major entry points as per the requirements of the City of Rockwall sign ordinance.

- K. For any side or rear yard of any lot that faces an open space or public street, wrought iron or tubular steel fencing shall be used. No solid fencing shall be allowed.
- L. One (1) canopy tree shall be planted per 50-linear feet along the north-south collector road and the east-west collector road, in addition to any trees required to be planted on each lot resulting from tree mitigation and/or landscaping requirements. The approximate location and species shall be determined with the development plan.
- M. A landscape buffer with a minimum width of 20-ft shall be provided along FM 549, outside of and beyond any required right-of-way dedication. Landscape plantings within the buffer shall be approved at the time of development plan and should include a combination of trees, shrubs, groundcover and berming.

Herbst opened the public hearing.

Tim Thompson, Applicant addressed the commission requesting approval of the request and to answer questions.

Gary Miller, 2380 FM-549 addressed the commission with question regarding how this development will effect drainage to the lake.

Chris Duggan, 2548 FM-549 addressed the commission opposed to the request.

Tom Omin, 2744 FM-549 addressed the commission opposed to the request.

Tony Accosta, 2480 FM-549 addressed the commission opposed to the request.

Jackson made a motion to continue the public hearing to the August 30, 2005 meeting.

Smith seconded the motion. The motion was voted on and passed by a vote of 6 to 0.

#### **Z2005-031**

**Hold a public hearing and consider a request from Sam Canup for a change in zoning from (SF-10) Single Family Residential district to (PD) Planned Development district for properties known as tracts 1, 10 and 11; Abstract No. 255, B J T Lewis Survey. The overall proposal is comprised of approximately 1.769-acres and includes the properties addressed as 902 & 906 S. Goliad Street and 903 S. Alamo Street.**

Spencer outlined the request stating the applicant's request is to rezone the 1.769 tract from (SF-10) Single Family Residential district to (PD) Planned Development district. The applicant has submitted a preliminary concept plan showing two (2) Zero Lot Line (ZL) lots at the corner of S. Alamo and Bourn Ave., Residential Office

(R-O) for the existing home along S. Alamo and General Retail (GR) for the existing homes along S. Goliad.

The (GR) General Retail district along S. Goliad would allow the property owner to develop (or market for sale) the site for an office, personal service, institutional or retail use. Generally, more intense and/or invasive uses are either not permitted in "GR" or require case-by-case consideration via the Specific Use Permit process (such as commercial amusement, convenience store with more than 2 gas dispensers, auto repair, car wash, etc). Several uses are prohibited or restricted by the Residential Adjacency Standards within the Unified Development Code. The tree preservation requirements and all other applicable codes are also in place to ensure proper development of this property.

Staff feels there should be consideration of the "GR" zoning for the tracts along Goliad given their location and the current zoning along SH 205; however staff feels that the proposed Residential Office (R-O) does not fit with the existing zoning of Single Family (SF-10) and the existing single-family land use of the area. The Zero Lot Line (ZL) proposed at S. Alamo and Bourn staff feels is a judgment call for the Planning and Zoning Commission and the City Council.

The applicant was able to submit a metes and bounds (survey) description for the proposed tracts to staff earlier today and the dimensions on the proposed concept plan meet City of Rockwall standards.

Notices were mailed to the thirty-eight (38) property owners within 200-ft of this tract, and at the time of this report six (6) responses within 200' and four (4) responses outside of 200' "in opposition" had been returned.

Herbst opened the public hearing.

Sam Canup, Applicant addressed the commission requesting approval of the request and to answer questions.

Jo Cobb, property owner addressed the commission requesting with concerns of residential office on Alamo.

Mary Ann Parker, 707 South Alamo addressed the commission opposed to the request.

Elizabeth Presley, 904 South Alamo addressed the commission with concerns of residential office on Alamo.

Mr. Hoover, 110 Glenn addressed the commission in favor of the request.

Herbst closed the public hearing.

Burgamy made a motion to approve the request from Sam Canup for a change in zoning from (SF-10) Single Family Residential district to (PD) Planned Development

district for properties known as tracts 1, 10 and 11; Abstract No. 255, B J T Lewis Survey. The overall proposal is comprised of approximately 1.769-acres and includes the properties addressed as 902 & 906 S. Goliad Street and 903 S. Alamo Street with the following conditions;

All tracts shall be subject to preliminary plat, final plat and engineering plan approval at the time of development.

Tracts 1 & 2

Shall be subject to the requirements and uses listed in the "ZI-5", Zero Lot Line District and all uses, site and building plans shall comply with the requirements as specified in Article V, Section 3.7 of the Unified Development Code.

Tract 3

Shall be subject to the requirements and uses listed in the "SF-10", Single Family District and all uses, site and building plans shall comply with the requirements as specified in Article V, Section 3.4 of the Unified Development Code.

Tracts 4 & 5

Shall be subject to the requirements and uses listed in the "GR", General Retail District and all uses, site and building plans shall comply with the requirements as specified in Article V, Section 4.4 of the Unified Development Code.

1. That joint or shared driveways and access to rear parking be required on all adjoining lots as one of the properties is used for any of the uses listed in the "GR", General Retail District.
2. That parking in the front yard area of any property within this Planned Development District be prohibited and all parking for those uses listed in the "GR" General Retail District be located behind the front facade of the main building structure.
3. That all properties within the Planned Development District shall be subject to site plan review.
4. All permanent free standing signs located within the Planned Development District shall be monument signs adhering to the City of Rockwall Sign Ordinance as heretofore amended and as maybe amended in future. Building materials and colors utilized for construction of the monument base shall be the same as the primary building materials and colors found on the main building, unless otherwise approved by the City Council.

Lucas seconded the motion. The motion was voted on and passed by a vote of 6-0 (Carroll absent).

## **H2005-005**

**Hold a public hearing and consider a city initiated request for a Historic Landmark designation for the Cade House located at 925 N. Goliad. The tract is zoned (SF-7) Single Family and is located outside of the Old Rockwall Historic District and identified as a "High Contributing Property" within the Historic survey.**

Spencer outlined the request. On May 19, 2005, the Historic Preservation Advisory Board (HPAB) directed staff to begin the proceedings to designate the "Cade Home" located at 925 N. Goliad as a City of Rockwall Historic Landmark. On June 6, 2005, City Council approved the recommendation of the HPAB for application of Historical Landmark designation for 925 N. Goliad by a vote of 6-0.

The house at 925 N. Goliad is listed as a "High Contributing" property within the City of Rockwall Historical Survey. The structure, known as the "Cade Home" was constructed in 1913 by Henry Basham and originally sat on 57 bois d'arc blocks. The builder of the house is very notable in this case since Mr. Basham also built the "Reese Home" and many homes along Swiss Avenue in Dallas. The "Cade Home" is built in the "Four-Square" style of architecture with "Folk" architectural influences.

The Foursquare was built to be simple and did not gallivant around between interior and exterior living and entertaining areas - it encouraged a comfortable confinement familiar to post-Civil War homes. Despite having originally been such a defiantly simplistic architecture compared to most other styles of the era, it managed to eventually bear the garnishings of any such style with unusual versatility.

The rules of the American Foursquare were relatively few and lax:

Over the basement there were two and a half stories, with four (more or less equally-sized) rooms on each full floor;

Under a hipped roof, the attic was quite livable due to at least one requisite dormer, with up to two more on the sides, but never on the rear;

The porch spanned the entire, or nearly so, front of the house;

The front door was offset, unless the four-room plan was nudged to the sides in favor of a central hall;

Exterior walls were plain, with the only encouraged outdoor creativity released on the windows and porch.

Several board and batten outbuildings and large trees are also located on the site. The garage, one of the outbuildings still located on the site, was the original cookhouse for the property. Any removal of the existing outbuildings or trees would require a C of A from the Historic Preservation Advisory Board.

The subject site is included in the expansion of "PD-50" Planned Development No. 50, which would change the zoning from (SF-7) Single-Family Residential to (R-O) Residential Office District.

In staffs opinion the "Cade Home" is significant to the built environment/architecture and the urban fabric of the City of Rockwall.

Twenty-four (24) notices were sent out to property owners within 200. At the time of this report one (1) notices in favor had been received.

Herbst opened the public hearing.

No one came forward.

Herbst closed the public hearing.

Jackson made a motion to approve the city initiated request for a Historic Landmark designation for the Cade House located at 925 N. Goliad. The tract is zoned (SF-7) Single Family and is located outside of the Old Rockwall Historic District and identified as a "High Contributing Property" within the Historic survey with the condition that the property be landmarked as the "Cade Home".

Smith seconded the motion. The motion was voted on and passed by a vote of 6-0 (Carroll absent).

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:33 p.m.

Approved October 11, 2005

**Minutes**  
**PLANNING AND ZONING COMMISSION WORKSESSION**  
**August 30, 2005**

**CALL TO ORDER**

The meeting was called to order by chairman, Phillip Herbst at 6:10 p.m. with the following members present; Greg Burgamy, Jeff Carroll, Mike Lucas, Glen Smith, Connie Jackson and Bill Bricker.

**ACTION ITEMS**

Discuss and consider a request by Chris Cuny, representing Spring Haven Investments, Inc., to consider a zoning change for an 83.30 acre tract of land which the City Council has previously rejected with prejudice (**Case Z2005-010**) and which is being resubmitted less than one year from the original denial date, and take any action necessary.

LaCroix outlined the request stating that the applicant has been working on redesigning this project and has made some significant changes and at this time would like to resubmit for review.

Lucas made a motion to approve the request by Chris Cuny, representing Spring Haven Investments, Inc., to consider a zoning change for an 83.30 acre tract of land which the City Council has previously rejected with prejudice (**Case Z2005-010**) and which is being resubmitted less than one year from the original denial date.

Jackson seconded the motion. The motion was voted on and passed by a vote of 7 to 0.

**PUBLIC HEARING ITEMS**

**Z2005-030**

**Continue a public hearing and consider a request by Tim Thompson of Realty Capital Corporation for approval of a change in zoning from (Ag) Agricultural district to (PD) Planned Development district to accommodate development of a single-family residential community on 139.354-acres known as Tracts 1 and 7, Abstract 123, A. Johnson Survey and located along the north side of S FM 549, east of SH 205 and west of Lofland Lake.**

Hampton outlined the request stating the public hearing for this request was continued on August 9, 2005 until the August 30, 2005 meeting. However, the applicant has communicated to staff that they are still working on several issues and desire the case be continued until the Commission's next public hearing on Tuesday, September 13, 2005. The additional time should allow the applicant to estimate the costs of considerable off-site utility requirements and resolve design issues raised by staff and the Commission during previous meetings.



Tim Thompson, applicant addressed the commission requesting approval of the request and to answer questions.

Mac Sorrells, 2844 FM-549 addressed the commission stating he is not opposed to the request but does have concerns regarding traffic impact and the amount of density.

Jackson made a motion to continue the request by Tim Thompson of Realty Capital Corporation for approval of a change in zoning from (Ag) Agricultural district to (PD) Planned Development district to accommodate development of a single-family residential community on 139.354-acres known as Tracts 1 and 7, Abstract 123, A. Johnson Survey and located along the north side of S FM 549, east of SH 205 and west of Lofland Lake to the September 13<sup>th</sup> meeting.

Smith seconded the motion. The motion was voted on and passed by a vote of 7 to 0.

#### **Z2005-032**

**Hold a public hearing and consider a city-initiated revision to Article V, District Development Standards of the City of Rockwall Unified Development Code (Ord. No. 04-38), specifically to amend Section 6.6, IH-30 Overlay (IH-30 OV) District; Section 6.8, Scenic Overlay (SOV) District; Section 6.9, SH 66 (SH 66 OV) District; Section 6.10, 205 By-Pass Corridor Overlay (205 BY-OV) District; Section 6.11, North SH 205 Corridor Overlay (N-SH 205 OV) District; Section 6.12, East SH 66 Corridor Overlay (E-SH 66 OV) District; Section 6.13, FM 549 Corridor Overlay (FM 549 OV) District; and Section 6.14, SH 276 Corridor Overlay (SH 276 OV) District.**

Hampton outlined the request stating The City Council, at their August 1, 2005 regularly scheduled meeting, gave direction to staff to proceed with proposing amendments to all Corridor Overlay Districts within the City of Rockwall. These amendments would apply to sign requirements, variance procedures and architectural standards. Additionally, staff is recommending amendments to the Scenic Overlay District and the SH 66 Overlay District to bring these districts into uniformity with the other Corridor Overlay Districts. Copies of the changes were given to the commission for review.

Staff recommends approval of amendments.

Herbst opened the public hearing.

Ross Ramsay addressed the commission requesting approval of the request.

Herbst closed the public hearing.

Jackson made a motion to approve the city-initiated revision to Article V, District Development Standards of the City of Rockwall Unified Development Code (Ord. No. 04-38), specifically to amend Section 6.6, IH-30 Overlay (IH-30 OV) District; Section 6.8, Scenic Overlay (SOV) District; Section 6.9, SH 66 (SH 66 OV) District;

Section 6.10, 205 By-Pass Corridor Overlay (205 BY-OV) District; Section 6.11, North SH 205 Corridor Overlay (N-SH 205 OV) District; Section 6.12, East SH 66 Corridor Overlay (E-SH 66 OV) District; Section 6.13, FM 549 Corridor Overlay (FM 549 OV) District; and Section 6.14, SH 276 Corridor Overlay (SH 276 OV) District.

Lucas seconded the motion. The motion was voted on and passed by a vote of 7 to 0.

## **SITE PLANS / PLATS**

### **P2005-028**

**Discuss and consider a request by Dub Douphrate of Douphrate & Associates for approval of a preliminary plat for Lakeview Summit Phase IV, being a 38.056-acre tract zoned (PD-29) Planned Development No. 29 district and situated along the north side of North Lakeshore Drive.**

Hampton outlined the request stating The preliminary plat for Lakeview Summit Phase IV is proposed to accommodate 99 single family residential lots and one (1) lot (Lot 9A, Block A) intended to provide access to the historic Butler Cemetery that resides between the subject site and The Shores Phase III. All lots appear to meet the minimum requirements of the SF-10 Single Family Residential district that governs this area of PD-29. However, at the time of final plat, staff is recommending that a final set of lot size calculations be provided to verify compliance with the 10,000-sf minimum lot size.

Except for Blocks C, D and E, the lots in Phase IV are proposed without alley access, necessitating a variance to the City's alley requirements. It is not believed that the lots in Block A that abut the existing alley in The Shores will be able to easily access that alley due to grading concerns and the applicant's intention to save trees in this area. The remaining lots in Block A back up to the City-owned parkland and wastewater treatment plant. Staff is recommending that a pedestrian access ROW be provided to the parkland area (most likely between Lots 38 and 39, Block A) with the final plat.

The applicant has also submitted a preliminary concept plan for the subdivision that indicates landscaping along the streets and primary entrance at Petaluma. On the final plat, staff is recommending that the 10-ft landscape strip along N. Lakeshore Blvd is indicated as its own unique tract (i.e. Lot ?, Block X) in lieu of shown as an "easement." Additionally, staff is recommending that a 10-ft buffer strip is also provided on the outer edges of Petaluma Drive. A formal and more detailed landscape plan shall be provided at the time of final plat approval.

Finally, the treescape plan provided by the applicant indicates a very significant amount of healthy, protected trees on the subject property (approximately 7,510-inches). Due to the grading requirements to develop the property, most of the trees are slated to be removed; however, the developer is indicating a strip of trees along the existing alley along Lots 1-22, Block A to be saved at this time (totaling 361.5-inches). Still, the mitigation requirements for the removed trees is approximately

6,467.5-inches. Mitigation could be a combination of trees planted on each lot, trees transplanted to the City's parkland and/or utilized as a screen from the treatment plant, and funds paid into the City's tree bank.

Dub Douphrate, applicant addressed the commission to answer questions.

Jackson made a motion to table the request by Dub Douphrate of Douphrate & Associates for approval of a preliminary plat for Lakeview Summit Phase IV, being a 38.056-acre tract zoned (PD-29) Planned Development No. 29 district and situated along the north side of North Lakeshore Drive.

Smith seconded the motion. The motion was voted on and passed by a vote of 7 to 0.

### **P2005-032**

**Discuss and consider a request by Kelly Kimberlin of GHA Architects for approval of a replat of Lot 5, Block A, Rockwall Crossing Addition, being a 1.41-acre tract zoned (C) Commercial and located along the south side of Interstate 30.**

Spencer outlined the request stating The owner has submitted replat for Lot 5, Block A, Rockwall Crossing project in an effort to relocate/reconfigure the fire lane/utility easement located at the rear of the property. The easement is being changed due to the location of the grease trap for the under construction TGI Fidays.

The replat meets all the city requirements for platting.

Smith made a motion to approve the request by Kelly Kimberlin of GHA Architects for approval of a replat of Lot 5, Block A, Rockwall Crossing Addition, being a 1.41-acre tract zoned (C) Commercial and located along the south side of Interstate 30 with the following conditions:

1. Show easement to be abandon by this plat.
2. Label 20' landscape easement.
3. Correct x/y points at all four corners.
4. Update Lot number and recording information for the adjacent properties.

Burgamy seconded the motion. The motion was voted on and passed by a vote of 7 to 0

### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:17 p.m.

Approved October 11, 2005

**PLANNING AND ZONING COMMISSION MEETING  
December 13, 2005**

2

4    **CALL TO ORDER**

6           The meeting was called to order by Chairman, Phillip Herbst at 6:00 p.m. with the  
following members present; Greg Burgamy, Mike Lucas, Glen Smith, Bill Bricker,  
8           Connie Jackson and Michael Hunter.

10          Additionally, the following staff members were present: Robert LaCroix, Michael  
Hampton, Chris Spencer and Denise LaRue.

12

Herbst introduced Michael Hunter to the commission.

14

**APPROVAL OF MINUTES FOR OCTOBER 11, 2005 MEETING**

16

Burgamy made a motion to approve the minutes of the October 11, 2005 meeting.

18

Jackson seconded the motion. The motion was voted on and passed by a vote of 6 to  
20       0. Hunter abstained.

22    **APPROVAL OF MINUTES FOR NOVEMBER 8, 2005 MEETING**

24       Burgamy made a motion to approve the minutes of the November 8, 2005 meeting.

26       Jackson seconded the motion. The motion was voted on and passed by a vote of 6 to  
0. Hunter Abstained.

28

**APPROVAL OF MINUTES FOR NOVEMBER 29, 2005 MEETING**

30

Jackson made a motion to approve the minutes of the November 29, 2005 meeting.

32

Burgamy seconded the motion. The motion was voted on and passed by a vote of 4 to  
34       0. Hunter, Herbst and Smith abstained.

36    **PUBLIC HEARING ITEMS**

38    **Z2005-040**

**Hold a public hearing and consider a request by Jerry Sylo of Jones & Boyd, Inc.,  
40    for approval of a change in zoning from (Ag) Agricultural district to (PD) Planned  
Development district to accommodate a single-family residential development on a  
42    234.70-acre tract known as Tracts 1-1, 2, and 2-1, Abstract 182, J.H. Robnett Survey,  
located along the south side of SH 276 east of Rochelle Road.**

44

Hampton outlined the request stating the applicant is proposing to rezone the 235-  
46    acre subject tract to create a new Planned Development district to allow for  
development of a residential neighborhood of 464 single-family lots, yielding a  
48    density of 1.97 units per acre. Additionally, approximately 87.68-acres (or 37% of

the site) is designated as open space or flood plain. The proposal incorporates a mix of three lot types:

- 64 lots = 90-ft wide lots (12,000-sf minimum)
- 114 lots = 80-ft wide lots (9,600-sf minimum)
- 157 lots = 70-ft wide lots (7,600-sf minimum)
- 129 lots = 60-ft wide lots (6,500-sf minimum)

The applicant has submitted a zoning exhibit and concept plan with the zoning change application. The zoning exhibit illustrates that the subject tract is bordered to the east by a creek and existing single-family estate type lots in Rockwall County. To the north is Hwy 276 and vacant (LI) Light Industrial land. To the immediate west are more single-family estate lots on County land, with Rochell Rd and the existing Timbercreek Estates (zoned SF-16) just beyond. To the south is vacant agricultural land within the ETJ of the City of McLendon-Chisholm.

#### Plan Requirements of Comprehensive Plan

In reviewing this case with the City's Comprehensive Plan in mind, the staff has considered two general factors – "Plan Requirements" and "Quality Design Requirements." Fundamentally, the Comprehensive Plan designates this area for *Single Family Low Density Residential*, which is defined as being less than two (2) units per gross acre. At 1.97 units per gross acre, the plan for the subject property complies with the recommended land use guidelines.

Additionally, the Planned Development requirements of the City mandate that 20% of any proposed PD should be reserved for open space – both public and private – and the developer's plan exceeds this standard. One issue, however, is that there is no apparent public open space shown on the concept plan that would contribute to a 10-acre public park for the applicable Neighborhood Park district.

#### Quality Design Requirements of Comprehensive Plan

The staff would point out certain elements where the proposed concept plan appears to incorporate ideals from the City's Comprehensive Plan, including that no streets (except Hwy 276) appear to have lots backing to them. Alleys are provided for all lots except those that are 12,000-sf and greater, those lots backing to open space, and those lots adjacent to Hwy 276. Additionally, many of the streets are single-loaded along the lake area providing easier access for the whole subdivision to that open space.

Additional Comprehensive Plan principles and policies that staff believes are addressed favorably by the developer's plan include:

- *"Preserve the majority of floodplains to reduce the risk of long term flooding and to provide interconnectivity of residents and workers within the community through a citywide open space and trail system."* (page 2)
- *"Incorporate floodplains into an interconnected greenway network that preserves floodwater storage while providing trails and natural areas."* (page 4)

- *“Provide for clustering of development that will result in the preservation of flood plains and the conservation of open space and natural areas. For example, if an average density of 2 units per acre is used in some areas and open space and drainage corridors are preserved, then the lots may be 10,000 s.f. as opposed to 20,000 s.f., but there would still be only an average of 2 units per acre and there would be a large shared open space or park.” (page 16)*

Access to the site is proposed from two streets from Hwy 276, as well as one street connecting to Rochelle Rd – a road which is primarily a substandard County road. Staff has recommended a traffic impact analysis (TIA) be submitted to determine the impact the development will have on existing infrastructure, and at the time of this report it has not been received.

Despite the site’s compliance with the density guidelines, there were concerns expressed by the Planning and Zoning Commission at the 11/29/05 worksession. Among them, the Commission recommended that the street configuration be altered to feature more curvilinear streets, and expressed concerns about the overall concentration of smaller lots on the tract. These concerns tend to reflect the proposed plan’s deficiency in addressing some of the further recommendations of the Comprehensive Plan, including but not limited to:

- *“Design neighborhood streets to encourage traffic to travel at less than 30 miles per hour for safety and to encourage more walking, cycling and social interaction.” (page 4)*
- *“Where residential uses in a Planned Development abut an existing residential development, the PD lots should be at least the same size as the existing lots or be buffered by open space, trails, walkways, natural screening or a roadway.” (page 17)*

The Planned Development requirements of the City require future submittal and approval of a more specific PD Site Plan, at which point more detail could be provided regarding the amenities, including specific trail layouts, street tree and landscape buffer details and specifications for any entry signage. The Parks Board will also review the plan and make specific recommendations to the Council regarding park facilities and the trail system.

#### NOTIFICATION

Notices were mailed to two (2) property owners within the City of Rockwall and 200-ft of the subject tract, and thus far, one (1) response “in favor” has been returned.

#### STAFF RECOMMENDATION

At this time, staff feels there are outstanding issues which have not been addressed by the applicant since the Planning and Zoning Commission worksession, and would recommend “continuing” the public hearing until January 10, 2005.

Herbst opened the public hearing.

Jeff Miles, applicant addressed the commission indicating that his firm, Jones and Boyd, have withdrawn from the request, and to answer questions.

Burgamy made a motion to continue the public hearing to the January 10, 2006 meeting.

Lucas seconded the motion. The motion was voted and passed by a vote of 7 to 0.

## **SITE PLANS / PLATS**

**Discuss and consider a request by Jerry Sylo of Jones & Boyd, Inc., for approval of a special exception from the front yard setback requirements established for the (SF-10) Single Family Residential district, specifically on Lots 8-11, Promenade Harbor Phase II Addition, and take any action necessary.**

LaCroix outlined the request stating Jerry Sylo with Jones & Boyd, Inc. who represents D.R. Horton-Texas, Ltd. is requesting to be granted a special exception to Article V, Section 3.4 (C) (4) of the Rockwall Unified Development Code. The applicant is requesting that the minimum lot width on four lots (Lots 8-11) within the Promenade Harbor, Phase II Addition be decreased from 80 feet (measured at the front building line to 65 feet (measured at the front building line). When this property was platted in 2002, deeper front yard setbacks than the City's minimum requirement were established on the plat in order to meet the minimum lot width of 80 feet for these lots. (Three lots have a 35 foot front building line while the fourth has 30 foot front building line.) The lots meet all of the other City requirements, including the minimum square footage requirement of 10,000 square feet. The neighborhood has subsequently been developed, including the construction of retaining walls between and behind these four lots. As it came time to build on these lots it was determined the homes would not fit since the front setback line was 5' – 10' deeper than typical in the neighborhood. An exception is being sought to establish a 20 foot front building setback line in accordance with current requirement of the SF-10 zoning district, which the property is zoned. The Unified Development Code allows for a special exception to be granted as long as certain criteria are met. We have included that portion of the Code as an attachment to this memo. A recommendation to City Council from the Planning & Zoning is required for approval. As the applicant has stated in his letter, the homes will be located on "elbow " lots, any perceived encroachment into the front yard, when compared to adjacent homes on the straight portions of the streets will be negligible. The Staff feels that this is not an unreasonable request; however, the applicant did plat these lots with knowledge of the greater setback requirement. On cul-de-sacs and elbowed street frontages it is fairly standard practice to reduce the front setback requirements so that the buildings do not setback so deeply into the lot. Staff feels that this is a judgment decision for the Commission, however to get to a larger house size on these limited lots, some adjustments need to be made to either reducing the front yard building width requirement as requested or reducing the number lots in order to meet the ordinance requirements.

Jeff Miles, from Jones & Boyd, Inc., addressed the commission requesting approval of the request and to answer questions.

Jackson made a motion to approve the request by Jerry Sylo of Jones & Boyd, Inc., for approval of a special exception from the front yard setback requirements established for the (SF-10) Single Family Residential district, specifically on Lots 8-11, Promenade Harbor Phase II Addition.

Lucas seconded the motion. The motion was voted and passed by a vote of 7 to 0.

#### **SP2005-019**

**Discuss and consider a request by Eric Flag of W D Partners, for approval of site plan for a restaurant (La Madeleine) on Lot 2, Block A, Rockwall Crossing Addition, being a 1.42-acre tract zoned (C) Commercial district and along the south service road of I-30 and immediately east of the TGI Fridays.**

Spencer outlined the request stating the site plan is for a 5,422-sf restaurant (with accessory private club) on Lot 2, Block A, Rockwall Crossing Addition. The plan also includes a 780-sf outdoor dining area. The site will be accessed from the IH-30 service road via the existing mutual access drive within the Rockwall Crossing shopping center. The required parking for the restaurant is 62 spaces (one per 100-sf), and the applicant is proposing 78 spaces, including four (4) accessible spaces.

#### **Photometric Plan**

The lighting plan for this site was approved with the overall Rockwall Crossing project, and most of the lighting is in place. The fixtures proposed to be added with this plan should match existing fixtures in the center, with a maximum height of 30-ft. The photometric plan indicates compliance with the City's lighting ordinance. The lighting plan does show building footprints on the adjacent property to the east, which is speculative and shall not be considered approved with this site plan.

#### **Landscape Plan**

Approximately 22% of the site is landscaped, which exceeds the minimum 15% requirement for commercial development. As per the IH-30 overlay requirements, the applicant is proposing a 20-ft landscape buffer and adequate canopy trees and accent trees within this buffer. Other landscaping and trees are provided around the building and parking areas to meet landscaping standards. Tree preservation plans and mitigation were approved with the final plat for Rockwall Crossing. The additional trees required per those plans are included with the landscape plan for this tract. The landscape plan also indicates the preservation of 5 existing trees along the east property line.

#### **Building Elevations**

The proposed elevations for the restaurant indicate a maximum height of 24-ft. The building features a combination of brick, synthetic stone, stucco, cast stone and wood, with a clay tile and metal roof. As designed, the building elevations will require the Commission and City Council to approve several variances, including:

- Minimum 20% stone required for all facades.



- Minimum 90% masonry materials required for all facades.
- Stucco proposed within 8-ft of the finished floor.

The Architectural Review Board on 11/29/05 unanimously recommended approval of the building as presented, feeling as though the proposed materials and design worked well together, and requiring strict adherence to the IH-30 Overlay requirements would compromise the French Countryside theme for the restaurant.

Don Dalton, Applicant addressed the commission requesting approval of the request and to answer questions.

Karen Blevins, La Madeleine representative addressed the commission requesting approval of the request and to answer questions.

Jackson made a motion to approve the request by W D Partners, for approval of site plan for a restaurant on Lot 2, Block A, Rockwall Crossing Addition, being a 1.42-acre tract zoned (C) Commercial district and along the south service road of I-30 and immediately east of the TGI Fridays with the following conditions:

1. Submittal and approval of engineering plans.
2. Submittal and approval of replat after engineering plans approval.
3. Adherence to all fire department requirements.
4. All roof and ground-mounted mechanical equipment shall be completely screened from view from each property line.
5. No trees shall be located within 5-ft of a utility line, fire hydrant, storm sewer, etc; however, all trees shown on landscape plan must be installed.
6. Speculative building locations to the east of site shown on the photometric plan shall not be considered approved with this application.
7. City Council to approve requested waivers to the IH-30 Overlay requirements.
8. Cast stone water table to be added to the rear elevation to match other elevations.

Burgamy seconded the motion. The motion was voted and passed by 7 to 0.

#### **SP2005-029**

**Discuss and consider a request by Randell Curington of Spring Haven Investments, Inc., for approval of a PD Site Plan for Fontana Ranch, being an 83.30-acre tract zoned (PD-64) Planned Development No. 64 District. The subject property is located along the east side of FM 549 south of SH 276.**

Hampton outlined the request stating the PD site plan for Fontanna Ranch indicates that 144 single-family residential lots are to be developed in two phases on the 83.30-acre subject property. A master plat and preliminary plat are being reviewed concurrently with this request. The subject property is zoned (PD-64) Planned Development No. 64 district (Ord. 05-58), requiring a minimum lot size of 12,000-sf,

a minimum lot frontage of 80-ft, a minimum lot depth of 100-ft, and a minimum dwelling unit size of 2,250-sf.

The site plan includes a landscape plan and details for the stone entry signage. A 20-ft landscape buffer is provided along the subdivision's frontage along FM 549, and features a combination of decorative split rail fencing, stacked stone walls, berming and landscaping.

Within the subdivision is a proposed 9.0-acre school site and 6.0-acre public park. As per the approved PD concept plan, a series of open spaces and trails are provided throughout the subdivision to promote pedestrian and recreational activity. The landscape plan indicates the proposed plant list that will be planted throughout the trail and open space network. The plan notes the intent to utilize a "Texas Hill Country" style of landscaping, and further stipulates that "...open spaces will have a minimum of one 3" caliper tree per 3,000-sf." Additionally, the PD ordinance requires the planting of street trees along all streets in the subdivision at a rate of one tree per 50 linear feet, or about two (2) trees per lot, which is noted on the plan.

Chris Cuny addressed the commission requesting approval of the request and to answer questions.

Burgamy made a motion to approve the request by Randell Curington of Spring Haven Investments, Inc., for approval of a PD Site Plan for Fontana Ranch, being an 83.30-acre tract zoned (PD-64) Planned Development No. 64 District. The subject property is located along the east side of FM 549 south of SH 276 with the following conditions:

1. Engineering plans submittal and approval required, which shall address several issues including but not limited to:
  - a. Siting and construction of lift station.
  - b. Extension and/or upgrade of existing water and sewer lines.
  - c. Acquisition of the right to serve water from Blackland.
  - d. Approval by NTMWD for landscaping within 50-ft easement.
  - e. TXDOT approval of street locations, turning lanes, deceleration lanes, etc.
2. Submittal and approval of final plat.
3. Facilities agreement required prior to or concurrently with final plat.
4. Adherence to Fire department requirements.
5. Adherence to Parks Board requirements.
  - a. Equipment fees to be collected at the time of final plat
  - b. A 2" water service will be provided to the park site for future development
  - c. Electrical conduit will be provided to the park site by the developer
  - d. The six acre park will be dedicated to the City during the first phase of the development

- e. The HOA will be responsible for all maintenance in the open/greenbelt areas and maintained to a Level D
- f. A freeze/rain sensor to be installed on all irrigation systems

Jackson seconded the motion. The motion was voted and passed 7 to 0.

**P2005-043**

**Discuss and consider a request by Randell Curington of Spring Haven Investments, Inc., for approval of a master plat for Fontana Ranch, being an 83.30-acre tract zoned (PD-64) Planned Development No. 64 District. The subject property is located along the east side of FM 549 south of SH 276.**

Hampton outlined the request stating the master plat for Fontanna Ranch indicates that 144 single-family residential lots are to be developed in two phases on the 83.30-acre subject property. The estimated time of total home buildout is January, 2011, with an estimated time of Phase II infrastructure completion of January 2009. The subject property is zoned (PD-64) Planned Development No. 64 district (Ord. 05-58), requiring a minimum lot size of 12,000-sf, a minimum lot frontage of 80-ft, a minimum lot depth of 100-ft, and a minimum dwelling unit size of 2,250-sf.

The site is accessed from two new proposed roads (Fontana Blvd and Wimberley Lane) off FM 549. A 20-ft landscape buffer is provided along the subdivision's frontage along FM 549. Additionally, the plat illustrates a 20-ft ROW dedication for the future widening of FM 549 as well as a 50-ft easement for the planned NTMWD line. Within the subdivision is a proposed 9.0-acre school site as well as a contiguous 6.0-acre public park site. As per the approved PD concept plan, a series of open spaces and trails are provided throughout the subdivision to promote pedestrian and recreational activity.

Jackson made a motion to approve the request by Randell Curington of Spring Haven Investments, Inc., for approval of a master plat for Fontana Ranch, being an 83.30-acre tract zoned (PD-64) Planned Development No. 64 District. The subject property is located along the east side of FM 549 south of SH 276 with the following conditions:

1. Engineering plans submittal and approval required, which shall address several issues including but not limited to:
  - a. Siting and construction of lift station.
  - b. Extension and/or upgrade of existing water and sewer lines.
  - c. Acquisition of the right to serve water from Blackland.
  - d. Approval by NTMWD for landscaping within 50-ft easement.
  - e. TXDOT approval of street locations, turning lanes, deceleration lanes, etc.
2. Submittal and approval of final plat.
3. Facilities agreement required prior to or concurrently with final plat.
4. Adherence to Fire department requirements.

5. Adherence to Parks Board requirements.

- a. Equipment fees to be collected at the time of final plat
- b. A 2" water service will be provided to the park site for future development
- c. Electrical conduit will be provided to the park site by the developer
- d. The six acre park will be dedicated to the City during the first phase of the development
- e. The HOA will be responsible for all maintenance in the open/greenbelt areas and maintained to a Level D
- f. A freeze/rain sensor to be installed on all irrigation systems

Lucas seconded the motion. The motion was voted and passed by a vote of 7 to 0.

**P2005-044**

**Discuss and consider a request by Randell Curington of Spring Haven Investments, Inc., for approval of a preliminary plat for Fontana Ranch, being an 83.30-acre tract zoned (PD-64) Planned Development No. 64 District. The subject property is located along the east side of FM 549 south of SH 276.**

Hampton outlined the request stating the preliminary plat for Fontanna Ranch indicates that 144 single-family residential lots are to be developed in two phases on the 83.30-acre subject property. A PD site plan and master plat are being reviewed concurrently with this request. The subject property is zoned (PD-64) Planned Development No. 64 district (Ord. 05-58), requiring a minimum lot size of 12,000-sf, a minimum lot frontage of 80-ft, a minimum lot depth of 100-ft, and a minimum dwelling unit size of 2,250-sf.

The site is accessed from two new proposed roads (Fontanna Blvd and Wimberley Ln) off FM 549. A 20-ft landscape buffer is provided along the subdivision's frontage along FM 549. Additionally, the plat illustrates a 20-ft ROW dedication for the future widening of FM 549 as well as a 50-ft easement for the planned NTMWD line. Within the subdivision is a proposed 9.0-acre school site as well as a contiguous 6.0-acre public park site. As per the approved PD concept plan, a series of open spaces and trails are provided throughout the subdivision to promote pedestrian and recreational activity.

Burgamy made a motion to approve the request by Randell Curington of Spring Haven Investments, Inc., for approval of a preliminary plat for Fontana Ranch, being an 83.30-acre tract zoned (PD-64) Planned Development No. 64 District. The subject property is located along the east side of FM 549 south of SH 276 with the following conditions:

1. Engineering plans submittal and approval required, which shall address several issues including but not limited to:
  - a. Siting and construction of lift station.
  - b. Extension and/or upgrade of existing water and sewer lines.

- c. Acquisition of the right to serve water from Blackland.
  - d. Approval by NTMWD for landscaping within 50-ft easement.
  - e. TXDOT approval of street locations, turning lanes, deceleration lanes, etc.
- 2. Submittal and approval of final plat.
  - 3. Facilities agreement required prior to or concurrently with final plat.
  - 4. Adherence to Fire department requirements.
  - 5. Adherence to Parks Board requirements.
    - a. Equipment fees to be collected at the time of final plat
    - b. A 2" water service will be provided to the park site for future development
    - c. Electrical conduit will be provided to the park site by the developer
    - d. The six acre park will be dedicated to the City during the first phase of the development
    - e. The HOA will be responsible for all maintenance in the open/greenbelt areas and maintained to a Level D
    - f. A freeze/rain sensor to be installed on all irrigation systems

Jackson seconded the motion. The motion was voted and passed 7 to 0.

**SP2005-030**

**Discuss and consider a request by Daniel Lewis of Point Royal Construction for approval of proposed elevation changes to the existing building located at 1545 East IH-30 (currently occupied by "Silver Pearl"), on a 2.1-acre tract known as Tract 12, Abstract 99, A. Hanna Survey. The subject property is zoned (LI) Light Industrial district and situated within the IH-30 Overlay district.**

Spencer outlined the request stating the applicant Daniel Lewis has submitted a request for a site plan amendment to alter the roof/elevations at a structure located at 1545 I-30, known more specifically as the Gable addition. The subject site is a 2.1-acre tract zoned Light Industrial (LI) district and is located within the I-30 Corridor Overlay district.

The applicant has submitted revised elevations in an effort to reflect comments made at the November 29, 2005, work session by the ARB and P&Z.

The revised elevations propose a parapet roof system with a stucco finish. All buildings located within the I-30 Overlay having less than 6,000 square feet in area are required to have a pitched roof system. With the subject building being a little more than 3,000 square feet in area a variance will be required from the Planning and Zoning Commission and the City Council. Any variance to the I-30 Corridor Overlay requires a 3/4 council (super majority) vote for approval.

Jackson made a motion to approve the request by Daniel Lewis of Point Royal Construction for approval of proposed elevation changes to the existing building

located at 1545 East IH-30 (currently occupied by "Silver Pearl"), on a 2.1-acre tract known as Tract 12, Abstract 99, A. Hanna Survey.

*The motion failed due to a lack of a second.*

Lucas made a motion to deny the request by Daniel Lewis of Point Royal Construction for approval of proposed elevation changes to the existing building located at 1545 East IH-30 (currently occupied by "Silver Pearl"), on a 2.1-acre tract known as Tract 12, Abstract 99, A. Hanna Survey.

Smith seconded the motion. The motion was voted on and passed by a vote of 6 to 1. Jackson voted against.

*Smith left the meeting stating a conflict of interest.*

**P2005-046**

**Discuss and consider a request by Ross Ramsay for approval of a preliminary plat of Lots 1 and 2, Block A, Tropical John's Addition, being a 0.66-acre tract zoned (PD-55) Planned Development No. 55 district and (GR) General Retail district, located at the southeast corner of N. Fannin St and Williams St (SH 66), comprised of properties addressed as 308 and 402 N. Fannin St (both demolished) and 302 Williams (existing Tropical John's nursery).**

Hampton stated the applicant has submitted a preliminary plat and site plan for two lots to be known as Lots 1 and 2, Block A, Tropical John's Addition. Lot 1 (0.37-acre) is zoned (PD-55) Planned Development No. 55 district and is the existing Tropical John's plant nursery and landscaping business. Lot 2 (0.29-acre) is zoned (GR) General Retail district and is proposed to accommodate a new restaurant.

With the Tropical John's expansion in late 2003, the property was zoned PD-55 (Ord. 03-40). The PD ordinance required that the property be platted and that site plan approval be granted for the parking expansion. Additionally, a variance was granted at that time for gravel, crushed stone or other appropriate paving materials. However, with the proposed restaurant, a shared parking arrangement is proposed. A variance has not been approved for, nor does staff recommend, substandard parking for the new development. The applicant is proposing to construct a concrete drive and parking area (18 spaces) to be used by both the restaurant and existing nursery. Additionally, a variable width ROW dedication is provided along SH 66 (N. Fannin and Williams) as the ownership currently extends into the roadway.

At this time, there remain a number of issues with the project. A letter from TXDOT approving the driveway locations is required. Additionally, staff would also require that TXDOT provide a letter stating that the continuous driveway/parking area along the Tropical John's frontage can remain. Staff believes this to be a dangerous configuration and would recommend at this time that the northern half of Lot 1 be closed off for vehicular access (with front fence, more display area, curbing, etc).

At least one new fire hydrant is likely for fire protection on the new construction. The exact locations of water/sewer lines and meters are not clear. A drainage swale and/or alley along or within the south property line of Lot 2 is shown to be within a new drainage easement; however engineering review should help clarify this condition. Other engineering issues such as detention also need to be addressed in more detail.

Ross Ramsay addressed the commission requesting approval of the request and to answer questions.

Lucas made a motion to approve the request by Ross Ramsay for approval of a preliminary plat of Lots 1 and 2, Block A, Tropical John's Addition, being a 0.66-acre tract zoned (PD-55) Planned Development No. 55 district and (GR) General Retail district, located at the southeast corner of N. Fannin St and Williams St (SH 66), comprised of properties addressed as 308 and 402 N. Fannin St (both demolished) and 302 Williams (existing Tropical John's nursery) with the following conditions:

1. Engineering plans submittal and approval required prior to final plat application.
2. Verify location and status of alley and/or drainage swale along south property line of Lot 2.
3. Letter from TXDOT approving in concept the proposed driveway locations.
4. TXDOT permit required for driveway construction, utility bore, etc.
5. Sidewalk escrow required (\$3.50/sf for 5-ft sidewalk along entire frontage).
6. Verify fire department coverage.
7. Close-off area in front of Tropical John's, or TXDOT approval of continuing existing condition.
8. Shared parking agreement to be filed by separate instrument.

Jackson seconded the motion. The motion was voted and passed 6 to 0.

#### **SP2005-031**

**Discuss and consider a request by Ross Ramsay for approval of a site plan for Smitty's Roadhouse Grill, located on the proposed Lot 2, Block A, Tropical John's Addition, being a 0.29-acre tract zoned (GR) General Retail district and located at 308 North Fannin St.**

Hampton outlined the request stating the applicant has submitted a site plan for two lots to be known as Lots 1 and 2, Block A, Tropical John's Addition. Lot 1 (0.37-acre) is zoned (PD-55) Planned Development No. 55 district and is the existing Tropical John's plant nursery and landscaping business. Lot 2 (0.29-acre) is zoned (GR) General Retail district and is proposed to accommodate a new 3,454-sf restaurant.

With the Tropical John's expansion in late 2003, the property was zoned PD-55 (Ord. 03-40). A variance was granted at that time for gravel, crushed stone or other appropriate paving materials. However, with the proposed restaurant, a shared

parking arrangement is proposed. A variance has not been approved for, nor does staff recommend, substandard parking for the new development. The applicant is proposing to construct a concrete drive and parking area (18 spaces) to be used by both businesses. The required parking for the restaurant alone (1 per 100-sf) is 34 spaces, while the nursery would require 1 space per each 250-sf of building area, or 5 spaces minimum. A variance to the parking requirement is required; however, staff believes the vicinity to downtown provides an opportunity for shared parking. If the applicant can reach agreements with other nearby businesses (e.g. Community Bank), staff would recommend them as viable alternatives.

All existing trees on the property are to remain, including one between the two proposed drives. Additional trees are required along the frontage of both lots to meet the one tree per 50-ft requirement. Details on the landscaping in the rear of the lot (detention area?) need to be shown as this would likely address residential adjacency issues with the outside dining area. A landscape plan was provided by the applicant at the meeting for the Commission to review.

The building elevations indicate a brick and stucco building. The lack of 20% stone constitutes approval of an exception by the Planning Commission and City Council; however, given the site's proximity to downtown and likely inclusion in the CBD zoning area, staff believes the stone requirement may not apply in the future.

Jackson made a motion to approve the request by Ross Ramsay for approval of a site plan for Smitty's Roadhouse Grill, located on the proposed Lot 2, Block A, Tropical John's Addition, being a 0.29-acre tract zoned (GR) General Retail district and located at 308 North Fannin Street with the following conditions:

1. Engineering plans submittal and approval required prior to final plat application.
2. Verify location and status of alley and/or drainage swale along south property line of Lot 2.
3. Letter from TXDOT approving in concept the proposed driveway locations.
4. TXDOT permit required for driveway construction, utility bore, etc.
5. Sidewalk escrow required (\$3.50/sf for 5-ft sidewalk along entire frontage).
6. Verify fire department coverage.
7. Close-off area in front of Tropical John's, or TXDOT approval of continuing existing condition.
8. Shared parking agreement(s) to be filed by separate instrument.
9. Variance for building materials to be approved by City Council.

Bricker seconded the motion. The motion was voted and passed 6 to 0.

#### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:58 p.m.



**PLANNING AND ZONING COMMISSION PUBLIC HEARING  
February 8, 2005**

**CALL TO ORDER**

The meeting was called to order by Chairman, Phillip Herbst at 6:00 P.M. with the following members present: Greg Burgamy, Jeff Carroll, Mike Lucas, Glen Smith and Connie Jackson. Susan Langdon was absent.

**Approval of Minutes for December 14, 2004 Planning & Zoning Commission meeting.**

Jackson made a motion to approve the minutes of the December 14, 2004 meeting.

Burgamy seconded the motion. The motion passed by a vote of 4 to 0. Carroll and Lucas abstained.

**Approval of Minutes for January 11, 2005 Planning & Zoning Commission meeting**

Burgamy made a motion to approve the minutes of the January 11, 2005 meeting.

Smith seconded the motion. The motion was voted on and passed by a vote of 4 to 0. Carroll and Jackson abstained.

**PUBLIC HEARING ITEMS**

**P2005-004**

**Hold a public hearing and consider a request by Mark Odom for a residential replat of Lot 6, Block B, The Oaks of Buffalo Way, being a 1.50-acre tract zoned (SF-E/1.5) Single Family Estate district and located at 1925 Broken Lance Lane. The purpose of the replat is to remove the existing 10-ft common area & access easement along the east property line.**

Hampton outlined the request stating the applicant has submitted a replat that proposes to remove an existing 10-ft common area access easement along the rear property line of his property (i.e. Lot 6, Block B). This easement and other similar access easements were included with the original plat for the Oaks of Buffalo Way subdivision, intending to provide pedestrian jogging trails and links to the community recreation areas and pool. However, in 2001 the developer and homeowners' association in place at that time identified two of these easements for abandonment, including the 10-ft easement on the subject tract. The property owners to the south (Edmonds) and to the southeast (Tunnell) have already replatted their property to abandon the access easement, which originally provided access to the community pool. In effect, the easement on the subject property goes nowhere. The applicant will be required to submit a letter from the HOA board indicating approval of removing the easement; otherwise, the replat meets all other requirements of the City. In accordance with state law, all property owners within 200-ft of the subject lot within the Oaks of Buffalo Way subdivision were notified of the replat. At the time of the report, one response "in opposition" had been received.

Herbst opened the public hearing.

Mark Odom, applicant addressed the commission requesting approval of the request and to answer questions. He stated that he has a letter from the HOA stating they approve of the replat.

Herbst closed the public hearing.

Burgamy made a motion to approve the request by Mark Odom for a residential replat of Lot 6, Block B, The Oaks of Buffalo Way, being a 1.50-acre tract zoned (SF-E/1.5) Single Family Estate district and located at 1925 Broken Lance Lane. The purpose of the replat is to remove the existing 10-ft common area & access easement along the east property line with the following conditions:

1. Correct spelling of Broken Lance Lane.
2. Owner to provide letter of approval from The Oaks of Buffalo Way HOA prior to signature and filing of the replat.

Carroll seconded the motion. The motion was voted on and passed by a vote of 6 to 0.

**Z2004-046**

**Hold a public hearing and consider a City-initiated request for a change in zoning from (C) Commercial District to (PD) Planned Development district on a 1.0-acre tract being Tract 19, Abstract 145, J.D. McFarland Survey, located along the northeast side of Mims Rd southeast of Ralph Hall Pkwy.**

The subject property is an unplatted, 1.0-acre tract with frontage on Mims Road. The other three sides are surrounded by the recently approved Flagstone Creek (64+ acres), which is zoned (PD-54) and comprised of 87 single-family lots along with 12+ acres of General Retail zoning along Ralph Hall Parkway. The Flagstone property was formerly zoned (C) Commercial district, and their zoning change to PD-54 in 2003 did not include the subject tract, which is separately owned by Billy Peoples. Consequently, the 1.0-acre commercial property that remains is no longer compatible with surrounding development and land uses. Additionally, the tract is not located at a street intersection, which is typical of non-residential zoning, and is severely limited in terms of commercial land use because of residential adjacency standards, potential screening requirements and setback issues.

It must also be noted this area is designated on the City's Future Land Use Map as "Single-Family Residential." Staff would recommend that the subject tract be rezoned to "PD", Planned Development with the underlying zoning district to be "RO", Residential Office. The Staff would recommend the following uses and conditions for this property:

1. That the property be subject to area requirements of the "RO", Residential Office District and limited to the following permitted uses (the "+" symbol indicates that the use is conditional and has special standards or requirements which it must meet in order to be allowed, as specified in Article IV of the City's Unified Development Code):
  - Agricultural uses on un-platted land
  - Accessory Building +
  - Convent or Monastery
  - Garage (accessory use)
  - Single Family, Detached +
  - Single Family, Zero Lot Line +

- Swimming Pool, Private (accessory use)
  - Day Care (7 or more children) +
  - Assisted Living Facility +
  - Convalescent Care Facility/Nursing Home +
  - Group or Community Home +
  - Halfway House +
  - Library, Art Gallery or Museum (public and private)
  - Office, General
  - Office Building, Less than 5,000 s.f.
  - Fund Raising Events by Non-Profit, Indoor or Outdoor (Temporary) +
  - Astrologer, Hypnotist, or Psychic Art & Science
  - Massage Therapist
  - Studio – Art, Photography or Music
2. That the following uses may be permitted only after approval of a Specific Use Permit (SUP) as set forth in Article IV of the Unified Development Code:
- Hair Salon, Manicurist
    - Residential Care Facility
    - Tennis Court (private)
    - Office Building, 5,000 s.f. or more
3. That the property be subject to future site plan review and subject to all development requirements of the Unified Development Code (Ord. 04-38).
4. That a 20 foot landscape buffer strip be required on the frontage of the property facing Mims Road.
5. That all permanent free standing signs shall be limited to monument signs not exceeding (5) feet in height or a maximum of sixty (60) square feet in area per sign face.
6. That in addition to the requirements of the outdoor lighting requirements no light pole, pole base or combination thereof shall exceed fifteen (15) feet and all lighting fixtures shall focus light downward and be contained on the site.
7. That any building constructed on this site shall be limited to single story.
- Notices were sent to 14 property owners within 200-ft of the subject tract, and at the time of this report, one (1) response "in favor" had been received. Additionally, one (1) response "opposed" to the zoning change had been returned from the landowner of the subject tract. Because of this response (constituting 100% of the subject tract), a  $\frac{3}{4}$  vote by the City Council will be required for approval.
- On 12/14/04 the Planning and Zoning Commission recommended approval of the zoning change to (SF-10) Single Family Residential district by a vote of 5 to 0 (Carroll & Lucas absent).
- On 12/20/04 the City Council voted to continue the Public Hearing to the January 3, 2005, City Council meeting by a vote of 7 to 0.
- On 01/03/05 the City Council voted to remand the zoning change request to the Planning and Zoning Commission by a vote of 5 to 1 (Raulston dissenting; King absent).

Staff Recommends rezoning the subject tract from (C) Commercial district to (PD) Planned Development district, with the underlying zoning district to be (R-O) Residential Office, subject to conditions outlined in the staff report.

Burgamy asked why City Council remanded this back to the Commission. He asked if there was any new information the commission needed to know.

Hampton stated there is no new information. He stated that there were some concerns on the City Council's part since the owner was opposed to the change.

Burgamy asked if the property owner is opposed to the PD or is he opposed to the change altogether.

Hampton stated he is opposed to any change in zoning in general.

LaCroix stated he thinks the owner is opposed to any change. He stated he is unsure of the signal the applicant's absence from this meeting indicates. Does that indicate they are fine with the changes or they still opposed to the change and don't want to argue the point? He stated he did send them a copy of the staff recommendations last week. He talked with the applicant's son this afternoon and he indicated he did not want to attend this meeting.

Herbst asked if there had been conversation in the past limiting the construction on this tract to having a residential look.

LaCroix stated that he didn't really want to limit them to any kind of elevations but the code itself has masonry standards and you could recommend a pitched roof for any structures built on this property.

Herbst opened the public hearing.

No one came forward.

Herbst closed the public hearing.

Jackson made a motion to approve the City-initiated request for a change in zoning from (C) Commercial District to (PD) Planned Development district on a 1.0-acre tract being Tract 19, Abstract 145, J.D. McFarland Survey, located along the northeast side of Mims Road southeast of Ralph Hall Parkway with staff recommendations and the following additional conditions:

1. Remove "Group or Community Home" and "Halfway House" as permitted uses within the PD.
2. Any building constructed on this tract shall be designed with a pitched roof system.

Lucas seconded the motion. The motion was voted on and passed by a vote of 5 to 1. Burgamy voted against.

#### **Z2005-001**

**Hold a public hearing and consider a request by Drana Curanovic for a change in zoning from (SF-10) Single Family Residential district to (NS) Neighborhood Services district on a 2.76-acre**

tract known as Tract 5, Abstract 124, J.H.B. Jones Survey, located west of SH 205 at the north end of N. Alamo Rd.

Hampton outlined the request stating the applicant's request is to rezone the 2.76-acre tract from (SF-10) Single Family Residential district to (NS) Neighborhood Services district. The subject tract is designated on the City's Future Land Use Map as "Single Family Residential;" however, because of the imminent improvement of an east-west, four-lane arterial (currently known as N. Alamo) and connection to SH 205, other properties to the north and east of the subject tract have been recently rezoned to non-residential districts.

The (NS) Neighborhood Service district would allow the property owner to develop (or market for sale) the site for a small (max. 5,000-sf building size) office, personal service or retail use. Generally, more intense and/or invasive uses are either not permitted in "NS" (such as commercial amusement, convenience store with more than 2 gas dispensers, auto repair, etc) or require case-by-case consideration via the Specific Use Permit process (such as drive-thru bank or restaurant, convenience store with any gas sales, car wash, etc). Several uses are prohibited or restricted by the Residential Adjacency Standards within the Unified Development Code. The N. SH 205 Overlay requirements, tree preservation requirements and all other applicable codes are also in place to ensure proper development of this property.

Staff feels there should be consideration of the "NS" zoning on this tract given its location at the southwest quadrant of the imminent intersection of a 4-lane arterial and SH 205, and its anticipated "separation" from existing and planned residential development. Attached is a copy of the approved plat for The Preserve Phase 1 as it lays adjacent to the subject property. The same drainage / natural buffer area that separates Lakeview Summit from the recently approved "PD-56" (Burks Plaza Addition) district is located on the west side of Ms. Curanovic's property. Two lots (13 and 14, Block G) in The Preserve Phase 1 (which actually are platted today as part of the never-constructed "Northshore Phase 3" addition), are adjacent to the south side of the subject tract, as is the residence at 975 N. Alamo. The City's codes require screening (up to a masonry screening wall) for non-residential development when adjacent to a residential use or zoning. It is quite likely that the only access available to this site will be from the future 4-lane arterial, making the property perhaps less viable for residential use.

Notices were mailed to the nine (9) property owners within 200-ft of this tract, and at the time of this report no responses had been received.

Herbst opened the public hearing.

Drana Curanovic, applicant addressed the commission requesting approval of the request and to answer questions.

Cliff Ritter, 1260 Calistoga addressed the commission opposed to the request.

Russell Forbis, 1272 Calistoga addressed the commission opposed to the request.

Herbst closed the public hearing.

Burgamy made a motion to approve the request by Drana Curanovic for a change in zoning from (SF-10) Single Family Residential district to (NS) Neighborhood Services district on a 2.76-acre tract known as Tract 5, Abstract 124, J.H.B. Jones Survey, located west of SH 205 at the north end of N. Alamo Road.

Smith seconded the motion. The motion was voted on and passed by a vote of 5 to 1. Herbst voted against.

**Z2005-003**

**Hold a public hearing and consider a request from Sam Ellis for approval of an amendment to the existing Conditional Use Permit for Love's Truck Stop located at 1990 IH-30 East, specifically to expand the parking lot at the southwest corner of the property.**

Spencer outlined the request stating the applicant Sam Ellis has requested that the existing CUP be amended to allow for proposed parking lot expansion. The subject site is located within the (LI) Light Industrial zoning district. Within the (LI) Light Industrial zoning district a Truck Stop is allowed with a Specific Use Permit (SUP).

The applicant is proposing to install an additional 36 truck spaces. The proposed expansion located west of the existing parking currently located at the rear of the Love's Country Store. Two (2) light poles located on the southwest corner of the subject site are being relocated to accommodate lighting needs for the proposed parking lot expansion.

The subject site is located within the I-30 Corridor Overlay district.

Notices were mailed to eight (8) property owners within 200-ft of the request, and at the time of this report no return responses had been returned.

Herbst opened the public hearing.

Sam Ellis, Applicant addressed the commission requesting approval of the request and to answer questions.

Herbst closed the public hearing.

Burgamy made a motion to approve the request from Sam Ellis for approval of an amendment to the existing Conditional Use Permit for Love's Truck Stop located at 1990 IH-30 East, specifically to expand the parking lot at the southwest corner of the property with the following conditions;

1. Engineering Approval
2. Continuation of parking lot screening (landscaping) along the south property line and installation of parking lot screening (landscaping) along the north side of the proposed parking expansion.
3. Western most access along I-30 to remain exit-only.
4. Maximum external light pole height of 30 feet.

Carroll seconded the motion. The motion was voted on and passed by a vote of 6 to 0.

**Z2005-004**

**Hold a public hearing and consider a request from Oona Gaston for an amendment to the existing Conditional Use Permit (Ord. No. 94-37) on a 5-acre tract located at 1530 IH-30 East to allow for the outdoor storage of RVs and a waiver of paving requirements.**

Spencer outlined the request stating the applicant Oona Gaston has requested that the existing CUP be reviewed and for a waiver to paving standards to allow for the use of 3/4" crushed concrete stone in an effort to acquire a Certificate of Occupancy (CofA). A waiver to the pavement requirements was granted from November 7, 1994, until August 1, 1996, at

2 which time the continuation of the waiver shall be reviewed by the Planning and Zoning  
4 Commission and City Council. The subject site known as Tract 4-2, Abstract No. 24, N M  
6 Ballard Survey (1530 I-30) is zoned "LI" with an existing CUP (Ordinance No. 94-37) for  
Recreational Vehicle sales, service and storage. Ordinance No. 94-37 outlines the following  
conditions for the CUP:

1. All vehicles renting storage space shall be stored at the rear of the property  
behind a line parallel with the rear of the building.
2. The property within 100' of the front property line to be used as display area  
be designated on the site with the use of decorative fencing or other  
decorative material.
3. Any significant change in the approved site plan or elevations must be  
submitted for approval by the Commission and the Council.
4. The CUP is granted for a period of three (3) years, at which time the  
Planning and Zoning Commission shall hold hearings to determine if the  
CUP shall be continued.

18 The applicant is proposing to install seven (7) 4" Live Oak trees and six (6) 2" Sweet Gum  
20 trees within a 20' landscape easement located along I-30. The proposed landscaping meets  
the landscape requirements of the I-30 Overlay District. In addition the applicant is  
proposing to paint the existing chain link fence to match the proposed landscaping.

22 The subject site is located within the I-30 Corridor Overlay district.

24 Notices were mailed to eight (8) property owners within 200-ft of the request, and at the  
26 time of this report no return responses had been returned.

28 Herbst opened the public hearing.

30 John Lindsey, representative addressed the commission requesting approval of the request  
and to answer questions.

32 Herbst closed the public hearing.

34 After much discussion, Jackson made a motion to approve the request from Oona Gaston  
36 for an amendment to the existing Conditional Use Permit (Ord. No. 94-37) on a 5-acre tract  
located at 1530 IH-30 East to allow for the outdoor storage of RVs and a waiver of paving  
38 requirements with the following conditions;

1. Any improvements shown on the site plan will require a building permit.
2. All improvements indicated on the site plan shall be completed by May 1,  
2005.
3. All vehicles renting storage space shall be stored behind a line parallel with  
the front of the building.
4. The property within 240-ft of the front property line to be used as display  
area.
5. Any significant change in the approved site plan or elevations must be  
submitted for approval by the Commission and the City Council.
6. The Planning Department on an annual basis shall review the status of the  
CUP and at the discretion of the Planning Director forward the report onto  
the Planning and Zoning Commission for review.
7. TXDOT Permit shall be required for any driveway improvements.

Burgamy seconded the motion. The motion was voted on and passed by a vote of 6 to 0.

#### **SITE PLANS / PLATS**

##### **P2005-003**

**Discuss and consider a request by Joshua Jones for approval of a preliminary plat of Lots 1, 2 and 3, Block 1, Renfro Creekside Estates (currently described as Tract 6, Abstract 29, R. Ballard Survey), being a 1.43-acre tract zoned (SF-7) Single Family district, located along the northwest side of Renfro Street north of Boydstun.**

Spencer outlined the request stating the applicant has submitted a preliminary plat for the Renfro Creekside Estates Addition which includes 3 single-family lots on 1.5 acres. The property is zoned "SF-7" Single Family and is located at the intersection of Boydstun and Renfro. Currently an existing single-family residence is located on the proposed lot 1.

Lot 3 will be accessed from Renfro via a mutual access easement with lot 2. A total of 2,047 sq. ft. of Right of Way for Renfro Street is to be dedicated by the Final Plat. The applicant is requesting a waiver to the alley requirements as all of the proposed lots are to be front loaded. A waiver to the Renfro Street improvements or escrow to said improvements is required in addition to installation of or waiver of sidewalk improvements.

A tree plan and Park Board approval will be required at the time of Final Plat. The applicant will need to provide prove of fire coverage for lot 3 in writing to the Fire Department.

The development must meet all requirements of the City's fire and engineering departments during engineering review (ongoing), but appears to meet all requirements of the Single Family "SF-7" zoning district and is recommended for approval at this time.

Harold Fetty, applicant addressed the commission requesting approval of the request and to answer questions.

Lucas made a motion to approve the request by Joshua Jones for approval of a preliminary plat of Lots 1, 2 and 3, Block 1, Renfro Creekside Estates (currently described as Tract 6, Abstract 29, R. Ballard Survey), being a 1.43-acre tract zoned (SF-7) Single Family district, located along the northwest side of Renfro Street north of Boydstun with the following conditions:

1. Engineering and Fire Approval
2. Tree plan at the time of Final Plat
3. Submit written proof of fire coverage for Lot 3 to the Fire Department.

Smith seconded the motion. The motion was voted on and passed by a vote of 6 to 0.

##### **P2005-005**

**Discuss and consider a request by Ron Ramirez of Wier and Associates for approval of a replat of Lot 4, Block C, Rockwall Technology Park, being a 4.895-acre tract zoned (LI) Light Industrial district and located along the north side of Observation Trail at Innovation Drive.**

Hampton outlined the request stating A replat has been submitted for Lot 4, Block C, Rockwall Technology Park to accommodate development of a 25,500-sf Emphasis Medical office building. An associated site plan is being reviewed administratively by staff via Case #SP2005-002. The replat includes easement dedications for firelane, access and utilities as required for the development. All right-of-way have previously been dedicated and



constructed, as well as the dedication of a 20-ft landscape, pedestrian and utility easement along each street frontage. The proposed replat conforms to the requirements set forth in the (LI) Light Industrial zoning district.

Jackson made a motion to approve the request by Ron Ramirez of Wier and Associates for approval of a replat of Lot 4, Block C, Rockwall Technology Park, being a 4.895-acre tract zoned (LI) Light Industrial district and located along the north side of Observation Trail at Innovation Drive with the following conditions;

1. Approval of engineering plans.
2. Adherence to fire department requirements.
3. Administrative approval of related site plan for Emphysis Medical.

Smith seconded the motion. The motion was voted on and passed by a vote of 6 to 0.

**P2005-006**

**Discuss and consider a request by Sam Ellis of Dallas Design Build for approval of a replat of Love's Addition, being a 9.453-acre tract zoned (LI) Light Industrial district and situated at the southwest corner of IH-30 and FM 549.**

Spencer outlined the request stating the 9.453-acre tract is being replatted into two (2) lots, Lots 2 & 3, Block, Loves Addition. The purpose of the replat is to accommodate development of a proposed parking lot expansion for the existing Love's.

A 24' mutual access easement is being dedicated along the south property line of Lot 2 allowing for cross access. The existing drainage easement shown on the plat to be abandoned may only be done so when alternate facilities are provided. The development must meet all requirements of the City's fire and engineering departments during engineering review (ongoing), but appears to meet all requirements of the Light Industrial "LI" zoning district and is recommended for approval at this time.

Smith made a motion to approve the request by Sam Ellis of Dallas Design Build for approval of a replat of Love's Addition, being a 9.453-acre tract zoned (LI) Light Industrial district and situated at the southwest corner of IH-30 and FM 549 with the following conditions;

1. Engineering and Fire approval.
2. Variable width drainage easement may only be abandoned when alternate facilities are provided.

Carroll seconded the motion. The motion was voted on and passed by a vote of 6 to 0.

**P2005-008**

**Discuss and consider a request by Mike Mishler of Mishler Builders, Inc., for approval of a replat for Lot 12, Block A, Horizon Ridge Addition, being a 1.168-acre tract zoned (PD-9) Planned Development district and located at the northwest corner of Arista Rd and Ralph Hall Parkway.**

Spencer outlined the request stating the subject site is a 1.168-acre tract and is presently known as Lot 12, Block A, Horizon Ridge Addition. The eastern portion of the existing lot 12 has been replatted to Lot 15 and the western portion has replatted to Lot 16. The purpose of the replat is to accommodate development of a medical office building located on Lot 16. A proposed 24-ft fire lane, access and utility easement runs east to west parallel to Ralph

Hall Parkway and then turns north connecting Lot 16 with Lot 3. The proposed 24-ft fire lane, access and utility easement will provide mutual access to Lot 3 to the north & Lot 8R to the east. The replat includes the dedication of all other necessary fire lane, access, utility and drainage easements on the subject tract. The development must meet all requirements of the City's fire and engineering departments during engineering review (ongoing), but appears to meet all requirements of the Planned Development No. 9 "PD-9" zoning district.

Burgamy made a motion to approve the request by Mike Mishler of Mishler Builders, Inc., for approval of a replat for Lot 12, Block A, Horizon Ridge Addition, being a 1.168-acre tract zoned (PD-9) Planned Development district and located at the northwest corner of Arista Rd and Ralph Hall Parkway with the following conditions;

1. Engineering and Fire Approval
2. All easements dedicated by separate instrument must be recorded with the county and have the recording information labeled on the plat prior to City Signature.

Jackson seconded the motion. The motion was voted on and passed by a vote of 6 to 0.

#### **SP2005-003**

**Discuss and consider a request by Mike Mishler of Mishler Builders, Inc., for approval of a site plan for Horizon Ridge Professional Center, a 5,505-sf dental office located on the existing Lot 12, Block A, Horizon Ridge Addition, being a 0.753-acre tract zoned (PD-9) Planned Development district and located at the northwest corner of Arista Rd and Ralph Hall Pkwy.**

Spencer outlined the request stating The applicant has submitted a preliminary plat for the Renfro Creekside Estates Addition which includes 3 single-family lots on 1.5 acres. The property is zoned "SF-7" Single Family and is located at the intersection of Boydston and Renfro. Currently an existing single-family residence is located on the proposed lot 1.

Lot 3 will be accessed from Renfro via a mutual access easement with lot 2. A total of 2,047 sq. ft. of Right of Way for Renfro Street is to be dedicated by the Final Plat. The applicant is requesting a waiver to the alley requirements as all of the proposed lots are to be front loaded. A waiver to the Renfro Street improvements or escrow to said improvements is required in addition to installation of or waiver of sidewalk improvements.

A tree plan and Park Board approval will be required at the time of Final Plat. The applicant will need to provide prove of fire coverage for lot 3 in writing to the Fire Department.

The development must meet all requirements of the City's fire and engineering departments during engineering review (ongoing), but appears to meet all requirements of the Single Family "SF-7" zoning district and is recommended for approval at this time.

Burgamy made a motion to approve the request by Mike Mishler of Mishler Builders, Inc., for approval of a site plan for Horizon Ridge Professional Center, a 5,505-sf dental office located on the existing Lot 12, Block A, Horizon Ridge Addition, being a 0.753-acre tract zoned (PD-9) Planned Development district and located at the northwest corner of Arista Rd and Ralph Hall Pkwy with the following conditions;

1. Approval of the replat
2. Engineering and Fire Department Approval

3. All roof and ground mounted equipment be screened from Public Right of Ways and adjacent properties
4. No tree be located within 5' of a fire hydrant, water line, wastewater line, or storm sewer line.

Smith seconded the motion. The motion was voted on and passed by a vote of 6 to 0.

#### **SP2005-004**

**Discuss and consider a request by Michael Johnston of Ramsay Ivy Co. for approval of a site plan for a 2,600-sf office building on a 0.368-acre lot zoned (GR) General Retail and known as Lot 1, Block A, Willis-Sealock Addition, located at 3014 Ridge Road within the (SOV) Scenic Overlay district.**

Hampton outlined the request stating the site plan for Dr. Attaway's dental office located at 3014 Ridge Road indicates a 2,600-sf building. The required parking for the use is 13 spaces, which is provided on the plan. The drives and circulation, including access from FM 740 for the subject site, were constructed simultaneously with the veterinarian clinic on Lot 2. A photometric plan had not been provided by the applicant at the time of this report; however, the applicant indicated that the plan would be available at the Planning & Zoning Commission meeting on Tuesday evening. The proposed lighting matches the light at the vet clinic; however, the City needs to review a photometric plan to ensure the light levels do not exceed maximum levels at the property lines.

Approximately 27.5% of the site is landscaped, which exceeds the minimum 15% City requirement. The applicant is providing eight (8) new Red Oaks and three (3) new Cedar Elms (all 3"-caliper minimum) with this development, and has preserved three (3) existing trees on the site. A 10-ft buffer is also provided along the frontage of the lot. There are concerns that the existing trees near the proposed building (both Hackberries) will not be able to survive, which would require 50% mitigation to be planted most likely in the same vicinity.

The building elevations for the proposed office development indicate a stone structure with a standing seam metal roof, accented by cedar posts, beams and shutters within a front porch. Hardiplank is the indicated material on the proposed dormer windows; however, as per the ARB's recommendation, the applicant has agreed to use cedar clapwood in lieu of hardiplank to match other accents/colors on the building.

Smith made a motion to approve the request by Michael Johnston of Ramsay Ivy Co. for approval of a site plan for a 2,600-sf office building on a 0.368-acre lot zoned (GR) General Retail and known as Lot 1, Block A, Willis-Sealock Addition, located at 3014 Ridge Road within the (SOV) Scenic Overlay district with the following conditions;

1. Approval by engineering and fire departments.
2. Adherence to Architectural Review Board recommendations.
3. Photometric plan illustrating no spillover of light onto adjacent properties or public right-of-way to be submitted to Staff for final approval.

Lucas seconded the motion. The motion was voted on and passed by a vote of 6 to 0.

#### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:54 P.M.

**PLANNING AND ZONING COMMISSION WORK SESSION**  
**February 22, 2005**

**CALL TO ORDER**

The meeting was called to order by Vice Chairman, Connie Jackson at 6:00 P.M. with the following members present: *Greg Burgamy, Jeff Carroll, Mike Lucas, Glen Smith, and Susan Langdon*. Chairman Philip Herbst was absent.

**Architectural Review Board Members Present:** *John Lindsey, Bill Hibbard & David English.*

**Staff Present:** *Robert LaCroix, Michael Hampton, and Chris Spencer.*

**ARCHITECTURAL REVIEW BOARD ITEMS (Discussion Only)**

*Appointment with Architectural Review Board representative to receive the Board's recommendations and comments for the following items requiring architectural review:*

**SP2005-006**

**Discuss and consider a request by Holly Fisher Britt of Eye Care Management of Rockwall for approval of a site plan for a 10,800-sf office development on a 1.56-acre tract known as Lot 1, Horizon Ridge Center Addition, zoned (PD-9) Planned Development district and located at the southwest corner of Horizon Rd (FM 3097) and Rockwall Pkwy.**

The Architectural Review Board recommended approval of the site plan and building elevations, subject to following conditions:

1. Exterior lighting to utilize optional full cutoff visor as specified on the submitted fixture cut-sheets.
2. Dumpster screening wall to be constructed of matching rock material from primary building.

*This item will be considered at the March 8, 2005 Planning and Zoning Commission regular meeting.*

**ACTION ITEMS**

**PZ1999-50**

**Discuss and consider a request by George Schuler that the "expired" preliminary plat for Horizon Ridge Center Addition be reinstated, in accordance with Section 24-8 of the City of Rockwall Subdivision Ordinance. The subject site is along the southwest side of Horizon Rd (FM 3097) south of Rockwall Pkwy, and is zoned (PD-9) Planned Development district.**

LaCroix stated that the City has received a written request from George Schuler for the Planning and Zoning Commission to consider 'reinstatement' of the preliminary plat for Horizon Ridge Center, being a 41.93-acre tract located along the west side of FM 3097 south of Rockwall Parkway within the (PD-9) Planned Development district.

The preliminary plat was approved by the Commission and City Council in July, 1999. However, all outstanding preliminary plats approved before September 3, 2002, including the preliminary plat for Horizon Ridge Center, expired on May 11, 2004 pursuant to Chapter 245 of the Texas Local Government Code and the City's subdivision ordinance. However, Section 24-8 (e) (2) d. of the City's subdivision ordinance does provide for the following:

"d. At any time following the lapse of approval of a preliminary plat, a developer may request, and the Commission may approve, at its discretion, a reinstatement of such preliminary plat for the purpose of considering and approving a final plat for all or a portion of the area covered by the preliminary plat. The Commission shall reinstate a preliminary plat only when it determines that it would be in the public interest to do so to avoid unnecessary review of a new preliminary plat, and when the pattern of development proposed by the plat would not be to the detriment of any nearby area or the general development of the City. The Commission may establish such conditions on reinstatement as are necessary to ensure that the reinstated plat conforms to the City's comprehensive plan, including a requirement that the plat conform to the City's current subdivision standards."

It should be noted that the preliminary plat if reinstated would have to meet current TXDOT and City driveway spacing/corner clearance standards, which may limit access to some of the lots shown on the preliminary plat. However, the preliminary plat still conforms with the underlying "GR" General Retail requirements of the property, and City staff recommends that the request for reinstatement of this plat be approved.

***Burgamy made a motion to approve the request by George Schuler to reinstate the expired preliminary plat for Horizon Ridge Center Addition in accordance with Section 24-8 of the City of Rockwall Subdivision Ordinance.***

***Carroll seconded the motion. The motion was voted on and passed by a vote of 6 to 0.***

**P2005-007**

**Discuss and consider a request by Ronald Allen of Tomden Engineering, LLP, for approval of a final plat for Park Place West Phase 2, being a 29.4-acre tract zoned (PD-59) Planned Development No. 59 district and designated for (SF-7) Single Family Residential uses. The subject tract is situated along the south side of Washington St and east side of Renfro St.**

Hampton stated that the final plat for Park Place West Phase II lays out a total of 95 lots on 29.47-acres, including 86 single-family residential lots and 9 open space lots to be maintained by the Homeowner's Association (HOA). The subject property is part of the approved Planned Development No. 59 district, and the lot layout shown for this phase conforms with the approved preliminary plat and development plan approved by the City Council in November, 2004.

***Access and Circulation***

A 5-ft ROW dedication is provided along Washington Street. The development of Phase II will require improvements to Washington Street (minimum 24-ft section), as well as a realignment of the intersection of Aluminum Plant Rd with Washington Street. When completed, a portion of Aluminum Plant Rd will be abandoned by separate instrument as shown on the final plat. A traffic impact analysis submitted by the applicant indicates that Park Place Blvd will not have to be constructed through the future Phase 3 at this time; however, in order to provide a secondary emergency access to this subdivision, a minimum

24-ft gated access point will be provided from Renfro Street between Lots 20 and 25, Block D. The 25-ft alley width as shown must be increased to 28-ft to accommodate the 24-ft firelane and provide an adequate 2-ft space for franchise utilities on either side. This emergency access can be removed upon completion of Park Place Blvd to Townsend Rd.

It should be noted that on the revised final plat indicates the right-of-ways within Park Place have been increased from 50-ft to 59-ft and 57-ft (for 29-ft and 27-ft street sections, respectively). The additional right-of-way will allow the parkways on each side to increase to 15-ft, allowing for the proposed street trees to maintain a desired distance from utility lines, which will be placed farther from the street.

### ***Parks***

There are nine (9) separate tracts identified as "Block X" that are to be open spaces and/or drainage easements to be maintained by the HOA. These include buffer areas along roadways as well as large park and amenity areas within the subdivision. Additionally, the developer has shown a 20-ft offsite landscape and screening easement along the east side of the subdivision, which will be filed by separate instrument.

The City's Parks Board has reviewed the preliminary plat for all of Park Place in the past, and made several recommendations, among them a trail along Park Place Boulevard and a requirement for an off-site parkland dedication adjacent to Harry Myer's park (approximately 1.07 acres). The Parks Board will review the final plat on Tuesday, March 1<sup>st</sup>, to determine the specific requirements for this phase, and staff will provide those details to the City Council.

### ***Treescape Plan***

The applicant has provided a tree plan, and has appeared to make a significant effort to preserve as many trees as possible. The plan indicates the removal of the following "protected" trees:

- 2 Elm trees – 24-inches total @ 100% mitigation
- 2 Ash trees – 21-inches total @ 100% mitigation
- 9 Hackberry trees – 128-inches total @ 50% mitigation
- 20 Cedar trees – 296-inches total @ 50% mitigation

The mitigation required is 257-inches (\*the submitted treeplan incorrectly notes that Ash trees are not protected). The trees to be planted in this phase are 166 3-inch caliper trees, or 498-inches, well exceeding the required mitigation. There is a significant amount of trees indicated to be preserved during construction, and staff feels that on some lots additional trees will need to be removed to accommodate a new home. However, staff feels the tree plan should be approved with a condition that additional tree removal be reviewed and approved on a lot by lot basis by the Director of Planning, who would also have the option to defer a decision to the Planning and Zoning Commission, as specified in the City's tree preservation ordinance.

Staff recommends approval of the final plat and treescape plan for Park Place West Phase 2 with the following conditions:

1. Approval of engineering plans, including but not limited to:
  - a. Improvements to Washington Street.
  - b. Filing of separate instruments for off-site easements
  - c. Approval of facilities agreement by City Council.

2. Adherence to fire department requirements, including construction of a minimum 24-ft gated, emergency access drive from Renfro Street.
3. Filing of HOA documents prior to or concurrently with final plat.
4. All open spaces (Lots 1-9, Block X) to be maintained by HOA.
5. Adherence to Parks Board recommendations.
6. Additional tree removal to be reviewed and approved administratively by Director of Planning, who shall have the option to defer a decision to the Planning and Zoning Commission as specified in the City's tree preservation ordinance.
7. Trees and landscape berm to be planted within off-site 20-ft landscape screening easement along east side of property in accordance with the approved development plan.
8. City Council to approve applicant's request for waiver of the 5-ft sidewalk requirement around the perimeters of two private HOA-maintained parks.

***Carroll made a motion to approve the request by Ronald Allen of Tomden Engineering, LLP, for approval of a final plat for Park Place West Phase 2 with staff recommendations, including approval of the applicant's request for waiver of the sidewalk requirements on two private park areas and denial of the applicant's request for waiver of the minimum 24-ft requirement for the temporary emergency access from Renfro Street.***

***Smith seconded the motion. The motion was voted on and passed by a vote of 4 to 1, with Burgamy against and Lucas abstaining.***

## **ADJOURNMENT**

There being no further business, the meeting was continued to the worksession at 6:35 p.m.

**PLANNING AND ZONING COMMISSION PUBLIC HEARING**  
**January 11, 2005**

**CALL TO ORDER**

The meeting was called to order by Chairman, Phillip Herbst at 6:00 P.M. with the following members present; Greg Burgamy, Mike Lucas and Glenn Smith. Jeff Carroll, Connie Jackson and Susan Langdon were absent.

Staff Presented included; Robert LaCroix, Michael Hampton, Chris Spencer and Denise LaRue.

**CONSENT AGENDA**

**P2004-060**

**Discuss and consider a request by Ron Ramirez of Wier & Associates for approval of a replat of Lot 2, Block A, Rockwall Technology Park, being a 10.231-acre lot zoned (LI) Light Industrial district and situated at the southeast corner of Discovery Blvd and Innovation Drive.**

*Background;*

*A replat has been submitted for Lot 2, Block A, Rockwall Technology Park to accommodate development of a 139,913-sf office, warehouse and production facility for Special Products & Mfg, Inc. An associated site plan is being reviewed administratively by staff. The replat includes easement dedications for fire lane, access and utilities as required for the development. All right-of-way have previously been dedicated and constructed, as well as the dedication of a 20-ft landscape, pedestrian and utility easement along each street frontage. The proposed replat conforms to the requirements set forth in the (LI) Light Industrial zoning district.*

*Staff Recommendations;*

1. *Approval of engineering plans.*
2. *Adherence to fire department requirements.*
3. *Administrative approval of related site plan for Special Products Mfg. (i.e. SP2004-030).*

**P2004-069**

**Discuss and consider a request by Jerry Haning of Haning Construction Company for approval of a replat of Lot 4, Block B, Horizon Ridge Addition, being a 1.1478-acre tract zoned (PD-9) Planned Development District, located along the west side of Rockwall Parkway north of Summer Lee.**

*Background;*

*The applicant has provided a final plat for Lot 6, Block B, Horizon Ridge Addition, a 1.1478-acre tract located at the northeast corner of Summer Lee and Rockwall Parkway. The purpose of the final plat is to accommodate development of a Medical Imaging*



Center (Case #SP2004-031). The site will be accessed via a proposed access from Rockwall Parkway. No Right Of Way dedication for Rockwall Parkway is required. Two (2) proposed 24' Mutual Access and Fire Lane easements will provide access to the undeveloped lot along the south property line and the proposed Surgery Center located along the west property line. A 40' temporary turn-around will be required if the project to the west is not completed prior to the completion of the proposed Imaging Center.

*Staff Recommendations;*

1. *Engineering Approval*
2. *A letter from the adjacent property owners granting off-site drainage Illustrate and Label temporary turn-around fire lane easement on replat*

#### **P2004-071**

**Discuss and consider a request from Susan Gamez of Everybody Massage for approval of a final plat of Lot 1, Block A, Gamez Addition, being a 0.23-acre tract zoned (PD-53) Planned Development district and designated for (R-O) Residential-Office district uses, and located at 1024 Ridge Rd.**

*Background;*

*The final plat of the 0.23-acre Gamez Addition is running concurrently with a site plan for the subject property at 1024 Ridge Rd to convert the existing single-family structure to non-residential use. The property is zoned (PD-53) Planned Development district and designated for (R-O) Residential-Office district uses. Included on the final plat is a mutual access easement along the north property line, which adjoins an easement recently dedicated on the adjacent property (i.e. 1022 Ridge Rd, aka Walker Addition). Together, these easements create a minimum 20-ft shared drive from FM 740 that widens to a minimum of 24-ft where 90-degree parking spaces are proposed behind the primary structures. The mutual access easement also continues to the rear property line and will ultimately run north along the rear property lines of all properties in PD-53 to provide an alley-type access as an alternative to exclusive entrance/exit from FM 740. The final plat indicates the 25-ft front yard setback and 30-ft rear yard setback as required in the (R-O) Residential-Office district. An existing 10-ft sanitary sewer easement is also shown in the rear of the lot.*

*Staff Recommendations;*

1. *Approval of engineering plans.*
2. *Adherence to fire department requirements.*
3. *Approval of associated site plan (i.e. SP2004-033)*

#### **SP2004-033**

**Discuss and consider a request from Susan Gamez of Everybody Massage for approval of a site plan for Lot 1, Block A, Gamez Addition, being a 0.23-acre tract zoned (PD-53) Planned Development district and designated for (R-O) Residential-Office district uses, and located at 1024 Ridge Road.**

*Background;*

*The proposed conversion of the residential structure at 1024 Ridge Rd to non-residential use is illustrated with the site plan of Every Body Massage. A final plat is running concurrently with the proposal, proposing to identify the property as Lot 1, Gamez Addition. The site will be accessed via a mutual access easement located between the existing 1-story wood structure on the site and the existing structure on 1022 Ridge Rd. The shared drive and proposed parking area in the rear will be paved with concrete to meet City parking specifications. The 1,413-sf structure would require 5 parking spaces for general office (i.e. 1 per 300-sf), or 6 parking spaces for personal service type uses (such as massage or a hair salon, at 1 per 250-sf) as permitted by the Unified Development Code. The applicant is proposing 6 spaces on the subject property, including one accessible space, which provides adequate parking for either type of use. Although both the subject property and the adjacent Walker Addition are sufficiently parked on their own, it is presumed by staff that a shared parking agreement with the mutual access would give each owner potential overflow parking as needed.*

*As requested by staff, the applicant has added two (2) 3-inch caliper trees along the frontage of FM 740 to bring the site into compliance with landscaping requirements. Additionally, as this property is the southernmost lot in PD-53, with existing single-family uses and zoning immediately to the south and west, the applicant has screened the rear parking area with a hedge of photinias on both edges.*

*Staff Recommendations;*

- 1. Approval of engineering plans.*
- 2. Approval of TXDOT permit for improvements to driveway on FM 740.*
- 3. Adherence to fire department requirements.*

**P2004-074**

**Discuss and consider a request from Matthew King for approval of a replat of Lot 1, Block C, Steger Towne Crossing Addition, being an 18.23-acre tract zoned (C) Commercial district and located along the southwest corner of Steger Towne Drive and Ralph Hall Parkway.**

*Background;*

*The 18.23-acre tract is presently known as Lot 1, Block C, Steger Towne Crossing is being replatted into two (2) lots, lots 3 & 4. The purpose of the replat is to accommodate development of a proposed daycare on Lot 4. Lot 3 is a 16.08-acre tract on which the existing Lowe's is located. Lot 4, a 2.15-acre tract, is located on the northeast corner of the site at the intersection of Steger Towne Drive and Ralph Hall Parkway.*

*Located on lot 4, is a proposed 24-ft fire lane, access and utility easement connecting Steger Towne Drive to Ralph Hall. The replat includes the dedication of all other necessary fire lane, access, utility and drainage easements on the subject tract. The development must meet all requirements of the City's fire and engineering departments*

*during engineering review (ongoing), but appears to meet all requirements of the Commercial "C" zoning district and is recommended for approval at this time.*

*Staff Recommendations;*

1. *Label Drainage Easements for detention ponds to be located on southwest corner of Lot 4.*
2. *Engineering Approval*
3. *Fire Department Approval*

Burgamy made a motion to approve the consent agenda with staff recommendations.

Lucas seconded the motion. The motion was voted on and passed by a vote of 4 to 0.

## **ARCHITECTURAL REVIEW BOARD ITEMS**

*Appointment with Architectural Review Board representative to receive the Board's recommendations and comments for the following items requiring architectural review:*

### **SP2004-031**

**Discuss and consider a request by Jerry Haning of Haning Construction Company for approval of a site plan Open Imaging of Rockwall, located on Lot 4, Block B, Horizon Ridge Addition, being a 1.1478-acre tract zoned (PD-9) Planned Development District situated along the west side of Rockwall Parkway north of Summer Lee Drive.**

Spencer outlined the request stating the subject site is a 1.15-acre tract located on Lot 6, Block B, Horizon Ridge Addition. The site plan for the "Open Imaging of Rockwall" illustrates One (1) building containing 4,516-s.f. Medical Office requires one (1) space for every 200 s.f. The total required parking for the intended use is twenty-three (23) spaces, and the applicant is proposing to provide twenty-three (23) spaces, including two (2) handicap accessible. The site will be accessed via a proposed curb cut from Rockwall Parkway and mutual access drives connecting the subject site with the proposed Surgery Center to the west and the undeveloped lot to the south. A 5-ft sidewalk is provided along Rockwall Parkway.

The landscape plan indicates approximately 61% of the site is open space, which exceeds City requirements. The landscaping buffer along Rockwall Parkway is shown on the landscape plan to be a minimum 10-ft in width. The Landscape Ordinance requires four (4) trees along Ralph Hall. The applicant is meeting city requirements by proposing to install four (4) trees along Ralph Hall. The Landscape Ordinance requires seven (7) trees for Detention Basin Landscaping. The applicant is meeting city requirements by proposing to install seven (7) trees. In addition a total 183" of Hackberry and Cedar Trees are being removed. A total of 92" is required to be mitigated, the developer is proposing thirty-one (31) 3" caliper.

The building elevations propose a 21'3" tall typical structure consisting of manufactured stone and brick. A photometric plan submitted by the applicant complies with City

standards. The proposed development is located in "PD-9" Planned Development District and therefore must be presented to the Architecture Review Board.

Jerry Haning, applicant addressed the commission requesting approval of the request and to answer questions.

Burgamy asked what type of imaging would be done.

Jerry Haning stated it would be MRI, CT, and CAT imaging.

Smith made a motion to table the request by Jerry Haning of Haning Construction Company for approval of a site plan Open Imaging of Rockwall, located on Lot 4, Block B, Horizon Ridge Addition, being a 1.1478-acre tract zoned (PD-9) Planned Development District situated along the west side of Rockwall Parkway north of Summer Lee Drive.

Burgamy seconded the motion. The motion was voted on and passed by a vote of 4 to 0.

#### **SP2004-036**

**Discuss and consider a request from Howard Turner of HKS, Inc., for approval of an amended site plan (including building elevations) for Jack-in-the-Box, located at 2808 Ridge Rd on a 0.69-acre tract zoned (C) Commercial and situated within the (SOV) Scenic Overlay district and (IH-30 OV) IH-30 Overlay district.**

Hampton outlined the request stating the submitted building elevations and site plan illustrate, a redevelopment is proposed for the existing Jack in the Box restaurant located at 2808 Ridge Road, on property known as Lot 1, Block 1, Jack in the Box-Rockwall Addition. The layout of the site is not proposed to change dramatically, though as requested by City staff the applicant agrees to re-stripe the drive aisles and parking spaces to bring the parking lot dimensions into compliance with current City and ADA standards. 29 parking spaces are required and provided on the site for the restaurant use (i.e. 1 space per 100-sf of floor area). Existing landscaping on the site will not be removed or supplemented, though as shown on the site plan the landscaping appears to meet City specifications. A small outdoor seating area is proposed in front of the building, enhanced by a double-sided fireplace in the front wall serving both indoor and outdoor customers.

The significant redevelopment of the site involves the proposed changes to the building. The architect (and potentially, out-of-state representatives from Jack in the Box) will be on hand to present the new concept for the franchise, both architecturally and operational, which has been 'tested' in Bakersfield, CA and Boise, ID prior to its introduction to the Dallas-Fort Worth area. The architect has communicated that approximately 12 existing Jack-in-the-Box restaurants are proposed for this type of conversion in the DFW area, all of them in the same City-approval stages. Nonetheless, the subject site is situated within both the Scenic Overlay district and the IH-30 Overlay district, and several components of the proposed building elevations require "waivers" to the overlay standards, including:

Stucco may not be located in the first 8-feet above grade on a façade visible from a street or public area.

Each exterior wall shall consist of 90% masonry materials, including a minimum of 20% of stone.

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

The applicant has submitted an estimate of materials used on each façade, along with totals of each major material proposed - including 45% stucco, 19% brick and 27% metal. Additionally, the applicant has submitted responses and statements relative to each waiver. The overall building height is 31'9", which falls within the maximum 36-ft height allowed in the Scenic Overlay district. Ultimately, staff feels that approval of the proposed elevation changes should be a judgment call of the Architectural Review Board, Planning & Zoning Commission and City Council. The elevations should be considered as a comparison to the existing Jack in the Box building, which is relatively bland and also does not meet several current Overlay standards. However, the architectural review process also should assess the proposal as it relates and is compatible with adjacent uses. The availability of "waivers" and "exceptions" as written into most Overlay districts is intended to provide the City with some discretion when reviewing unique projects.

A final note should be made regarding proposed lighting and signage. All signage, regardless of what is shown on the elevations, must be approved by a separate permit, and City Council would have to approve any necessary variances (if applicable). Cut-sheets have been submitted for the light fixtures proposed, and although fully cut-off, the fixtures - which protrude out from the building and are directed back at the building - would have to be oriented carefully so as not to result in any glare to adjacent streets and properties.

Bill Hibbard, Architectural Review Board member addressed the commission stating the building is a fun and interesting design but it doesn't fit in the center of Rockwall.

Steve Lewis, applicant addressed the commission requesting the request be continued and to answer questions.

Lucas made a motion to table the request from Howard Turner of HKS, Inc., for approval of an amended site plan (including building elevations) for Jack-in-the-Box, located at 2808 Ridge Rd on a 0.69-acre tract zoned (C) Commercial and situated within the (SOV) Scenic Overlay district and (IH-30 OV) IH-30 Overlay district.

Burgamy seconded the motion. The motion was voted on and passed by a vote of 4 to 0.

## **PUBLIC HEARING ITEMS**

**FF2004-001**

**Hold a public hearing and consider a request from Dena Franklin of T-Bar Fence, Inc., to permit a front yard fence, including a variance to the maximum height requirement of 36-inches (proposed 48-inches), on Lot 25, Block A, Hickory Ridge Phase 4, located at 1512 Fieldstone Drive.**

Hampton outlined the request stating the applicant is requesting a fence permit for a front yard fence to direct foot traffic into and out of a temporary modular sales office for Fox and Jacobs Homes as they develop Hickory Ridge Phase IV, located along SH 205 at Fieldstone Drive. The exact location is 1512 Fieldstone Drive, or Lot 25, Block A, Hickory Ridge Phase IV. Typically, in a new construction neighborhood, these fences will also serve a security function.

The fence is proposed to have a maximum height of 48 inches and be of a wrought iron/tubular steel design. The maximum height specified for front yard fences in the Code of Ordinances is 36-inches, and the proposed 48-inch fence requires a variance and public hearing procedure. However, other similar fences over 36-inches in height have been approved for temporary sales offices and model homes in new developments, most recently in Quail Run Valley in 2002 (PZ2002-81) on Audubon Dr. Five (5) notices were sent to property owners within 200-ft of the request, and no responses have been received at this time.

Herbst opened the public hearing.

Greg Lusk, of Fox & Jacobs, addressed the commission requesting approval of the request and to answer questions.

Herbst closed the public hearing.

Burgamy made a motion to approve the request from Dena Franklin of T-Bar Fence, Inc., to permit a front yard fence, including a variance to the maximum height requirement of 36-inches (proposed 48-inches), on Lot 25, Block A, Hickory Ridge Phase 4, located at 1512 Fieldstone Drive with the following conditions;

1. The fence shall have a maximum height of 48-inches (as installed).
2. The fence shall be removed when all lots within Hickory Ridge Phase IV have been developed and occupied.

Smith seconded the motion. The motion was voted on and passed by a vote of 4 to 0.

#### **Z2004-040**

**Continue a public hearing and consider a request by Austin Lewis of Lewis Real Estate Investments to amend (PD-8) Planned Development district, specifically on a vacant, 6.889-acre tract comprised of Spyglass Hill #4 Addition (4.324-acres) and Tract 134-12, Abstract 207, E. Teal Survey (2.564-acres), located along the south side of Henry M. Chandler Drive and immediately east of the Chandler's Landing Marina.**

Hampton outlined that, at this time, staff would recommend continuing the public hearing until such time the applicant can provide additional information to resolve

outstanding issues. The applicant has received approvals of several variances from the Chandlers Landing HOA but has not had enough time to generate revised plans for the proposal, but should be ready for consideration at the January 25, 2005 meeting.

Lucas made a motion to continue the public hearing to the January 25, 2005 meeting.

Burgamy seconded the motion. The motion was voted on and passed by a vote of 4 to 0.

#### **Z2004-047**

**Hold a public hearing and consider a City initiated request to amend the Unified Development Code of the City of Rockwall, Article VI, Section 4.1C "Residential Parking" regarding storage and screening of recreational vehicles as defined.**

LaCroix outlined the request the Staff, with direction from the City Council, has proposed to amend the Unified Development Code of the City of Rockwall, Article VI, Section 4.1C "Residential Parking" regarding storage and screening of recreational vehicles and other equipment, as defined. The City of Rockwall has currently suspended enforcement of the current regulation for a period of 90 days, due to expire in January. The City Staff has made substantial changes to the existing requirements and is prepared to present those changes to the Planning and Zoning Commission and City Council for their consideration. These changes include the exclusion of street legal motorcycles and golf carts from the requirements; the screening from the public street rights-of-way; and equipment taller than 8 feet shall respect the building setback lines. He reviewed the changes that staff was recommending as follows;

1. That a "grandfather clause" be added that would allow property owners with recreational vehicles over eight (8) feet in height, who were in compliance with the Zoning Ordinance (Ord. 83-23) prior to the adoption of the new Unified Development Code (Ord. 04-38), to apply to the City's Building Official no later than April 1, 2005, to register their property for a Recreational Vehicle over eight (8) in height exception status. However, no Recreational Vehicle of any height shall be allowed to be stored in front of any portion of the façade of the primary residential structure, including corner lots with two frontages.
2. On lots less than one and one-half (1.5) acres, equipment taller than 8 feet above grade shall respect a 3 foot setback from all side and rear property lines.
3. That schematic drawings illustrating the requirements for parking recreational vehicles and other equipment on residential lots be developed by Staff and added as an Appendix to the Unified Development Code.

Lucas asked how the situation would be handled where people who were meeting the code before or thought they were meeting the code find out it has changed and they no

longer meet the code. He stated he had a problem with that. He stated he doesn't agree with changing the rules and causing additional expense to those people.

LaCroix stated there are two ways of handling that. Those people either currently met the code or they do not. When a new code is adopted or amended the changes effect the entire City. The other possibility is that those people that had a permit, the permits weren't issued to park RV's but were issued for concrete pads. There seems to be a difference in the thought process of if those were legal or not. There were no structural things out there that were giving permits. Permits were issued to pour concrete to park on and were told that that would suffice. The way to address that would be to instigate a grandfather clause that would state that if you had a permit before this amendment that you would fall under this grandfather clause. This could be written into the ordinance.

Lucas asked why the setbacks requirements?

LaCroix stated that setbacks meaning property lines not building separation. Building separations are a different type of requirement. He stated the setbacks are for property line setbacks surrounding the property. There have been some complaints on RV's that are parked right at the property line. He stated the reason for this amendment is to make sure that in the future lots are designed in a way to accommodate for RV's to be parked in the side yard.

Lucas stated that something that might be helpful for this ordinance would be to add typical examples. That could be used by the code enforcement officers to use as a guide in measuring the setbacks.

LaCroix stated he agrees with that and some of the citizens have also recommended that.

Smith asked if staff has checked to find out how other communities are handling this situation?

LaCroix stated that he has looked at some and the City is seems to be more on the restrictive side of the coin. There are other communities that are just as restrictive if not more.

Herbst opened the public hearing.

Mike Hubbell, 410 McKenzie Place addressed the commission stating that the setbacks and bldg separations are confusing.

R D Vanderslice, 1408 South Lakeshore addressed the commission stating that a lot of people bought their homes in Rockwall because they could park their RV's in the yard. He asked the commission to allow for a grandfather clause for current RV owners.

Gene Aschettini, 510 Shoretrial addressed the commission stating he would like to make sure the document is easy to read and understand.



Sam Noel, 1305 Champion addressed the commission stating that RV storage can be expensive. The people that have already complied with this should be grandfathered.

Johnny Daddle, 1111 Bayshore Drive addressed the commission stating he doesn't understand the language. He stated that some kind of drawing should be added to the ordinance to help make it clearer.

Don Haley, 210 Alta Vista addressed the commission stating he has concerns with RV's being allowed in residential areas. He stated he has witnessed his neighbors RV running over and damaging sprinkler systems and trees on other peoples property.

Mary Hanrahan, 201 South Clark addressed the commission stating RV's and boats should not be in the same ordinance. She stated the setbacks in old town are different than in the other parts of the city.

Peg Pannell-Smith, 602 Williams addressed the commission stating she is in favor of the ordinance. She stated that RV's should not be allowed to be parked in front of a house.

Lucas stated we should consider allowing the existing and be more restrictive for new ones.

Mr. Holland, 513 Windsor Way addressed the commission asking who would be grandfathered.

Lucas made a motion to approve the City initiated request to amend the Unified Development Code of the City of Rockwall, Article VI, Section 4.1C "Residential Parking" regarding storage and screening of recreational vehicles with the following changes;

1. That a "grandfather clause" be added that would allow property owners with recreational vehicles over eight (8) feet in height, who were in compliance with the Zoning Ordinance (Ord. 83-23) prior to the adoption of the new Unified Development Code (Ord. 04-38), to apply to the City's Building Official no later than April 1, 2005, to register their property for a Recreational Vehicle over eight (8) in height exception status. However, no Recreational Vehicle of any height shall be allowed to be stored in front of any portion of the façade of the primary residential structure, including corner lots with two frontages.
2. On lots less than one and one/half (1.5) acres, equipment taller than 8 feet above grade shall respect a 3 foot setback from all side and rear property lines.
3. That schematic drawings illustrating the requirements for parking recreational vehicles and other equipment on residential lots be developed by Staff and added as an Appendix to the Unified Development Code.

Smith seconded the motion. The motion was voted on and passed by a vote of 4 to 0.

**Hold a public hearing and consider a request by Spring Haven Investments, Inc., for a change in zoning from (Ag) Agricultural district to (SF-E/1.5) Single Family Estate district on a 2.58-acre tract known as a part of Tracts 4 and 5, Abstract 186, J.A. Ramsey Survey, and a change in zoning from (Ag) Agricultural district to (SF-16) Single-Family Residential district on an 83.30-acre tract being a part of Lot 2 and all of Lot 1, The McLendon Companies Addition, and the remainder of Tracts 4 and 5, Abstract 186, J.A. Ramsey Survey. The subject property is located along the east side of FM 549 south of SH 276.**

Hampton outlined the request stating the proposed zoning request by Spring Haven Investments, Inc., is a change from (Ag) Agricultural district to (SF-16) Single Family Residential district on 83.30-acres of undeveloped land and to (SF-E/1.5) Single Family Estate on a 2.58-acre tract located at 1925 S FM 549, which is developed with a residence and will be retained by the current landowner, Mr. James Ingram. Mr. Ingram's son owns the property immediately north at 1957 S FM 549, which is zoned (SF-E/1.5) Single Family Estate and platted as the Red River Run Addition, and not part of the request. Another landowner, Mr. Duane Fisher, owns approximately 29.31-acres of the 83.30-acres proposed to be zoned (SF-16) Single Family Residential district. Mr. Fisher's property is currently platted as Lot 1 and a part of Lot 2, The McLendon Companies Addition. The applicant has a contract to purchase the overall 83.30-acres from Mr. Ingram and Mr. Fisher, and proposes the zoning change to accommodate construction of a single-family residential development.

The applicant intended to submit a preliminary plat for the proposed development in conjunction with the zoning request; however, a preliminary plat application cannot be accepted by the City in this area until sufficient evidence can be provided showing that adequate water service and fire flows exist to serve the development, which is currently within the Blackland service area.

Notwithstanding, the subject property is designated for low-density residential on the City's Future Land Use Map, with a maximum density of less than 2.0 units per acre, or a maximum of 166 lots on the 83.30-acre site. Initial plans presented to staff indicate compliance with this requirement using 16,000-sf minimum lot sizes, although the lot count would not be finalized until submittal and approval of preliminary and final plats. Preliminary and final plats would also include review by the Parks Board to determine parkland dedication requirements and/or parks fees. Approval of the zoning change would require the development to comply with all area requirements set forth in the (SF-16) Single Family Residential district, including a minimum 1,800-sf dwelling unit size, a minimum of 90-ft of lot frontage on a public street, and a minimum 100-ft lot depth.

Notices were mailed to eight (8) property owners within 200-ft of the subject site, including current owners of the subject site, and at the time of this report two (2) responses "in favor" had been received.

Herbst opened the public hearing.

Randell Curington, applicants addressed the commission requesting approval of the request and to answer questions.

Herbst closed the public hearing.

After some discussion, Burgamy made a motion to approve the request by Spring Haven Investments, Inc., for a change in zoning from (Ag) Agricultural district to (SF-E/1.5) Single Family Estate district on a 2.58-acre tract known as a part of Tracts 4 and 5, Abstract 186, J.A. Ramsey Survey, and a change in zoning from (Ag) Agricultural district to (SF-16) Single-Family Residential district on an 83.30-acre tract being a part of Lot 2 and all of Lot 1, The McLendon Companies Addition, and the remainder of Tracts 4 and 5, Abstract 186, J.A. Ramsey Survey. The subject property is located along the east side of FM 549 south of SH 276.

Smith seconded the motion. The motion was voted on and passed by a vote of 3 to 1. Lucas voting against.

## **SITE PLANS / PLATS**

### **P2004-050**

**Discuss and consider a request by Eugene Middleton of Winkelmann & Assoc. for approval of an amended preliminary plat of Dalton Ranch, being 142 single-family lots on 76.731-acres situated at the southwest corner of FM 1141 and FM 552. The subject tract is zoned (PD-58) Planned Development No. 58.**

LaCroix outlined the request stating the applicant, Eugene Middleton, has submitted an amended preliminary plat for 76.731-acres of single family lot development including a public elementary school site. We have included that staff report for the Planning Commission's analysis of the request. The preliminary plat indicates 142 single family lots, with the open space and parks. The locations of much of the open space and parks have been shifted to the northeast corner of this property in conjunction with the proposed school site. This adjustment has altered some of the lot sizes along the perimeter of the subdivision however; the total number of residential has been reduced from 149 lots to 142 lots. Removing the 11.136 acre school site from the overall plan will yield a density level of 2.16 units per acre however, the Staff would recommend consideration of the open green space being provided on the school tract for this neighborhood and would suggest crediting 50% of the school site, an additional 5.5 acres, to the overall open space calculation bringing the density level to less than 2 units per acre. We feel that the school site is a positive contribution to the subdivision and provides a central focal point for the park areas and open space for the proposed development and surrounding future developments. The minimum lot size will remain at 10,000 square feet with a maximum lot size of 31,634 square feet with an average lot size of 14,042 square feet. The overall configuration of the plat has not changed other than the adjustments to accommodate the school site and the adjustment to the lots.

The PD requirements for the property include:

That the regulations of the (SF-10) Single Family Residential District shall apply except as otherwise specified herein.

Minimum lot size lot - 10,000 sq. ft.

Minimum lot width - 70 feet  
65 feet on cul-de-sacs (at the front yard setback building line)

Minimum lot depth - 120 feet

The tree plan shows a total of 2,000" inches to be removed (Elm 596", Pecan 93", Hackberry 1,292" & Oak, 19") A total of 1,354" inches must be mitigated. The preliminary landscape plan show 675" of mitigation placed on the 149 lots, with 679" of tree mitigation outstanding. The PD requires that the premise shall have one (1) shade tree located within 15' of the front property line for each fifty (50ft) feet of lot width or portion thereof, measured along the front lot line. Trees may be cluster or spaced linearly and needed not to be placed evenly at fifty (50ft) feet intervals.

Park Board Recommendation:

- As per January 4, 2005 Park Board Meeting

Staff Recommends approval of the request with the following conditions:

1. Engineering and Fire Department approval.
2. Construction of the 16" water line along FM 1141 and FM 552.
3. Sewer stub out to the rear of Lot 10, Block F.
4. Construction of the Northern half of North Country Lane to FM 1141. Off-site Right of Way for the Northern half of North Country Lane to be dedicated by separate instrument.
5. Traffic Impact Analysis is to be completed prior to approval final plat.
6. A letter from TXDOT approving in concept all points of access to FM 552 and FM 1141 is required.
7. Correct tree plan to one (1) shade tree located within 15' of the front property line for each fifty (50ft) feet of lot width or portion thereof, measured along the front lot line.
- 8 Adherence to Park Board Recommendation.

Jack Rambo, R.I.S.D addressed the commission stating he was in favor of the request welcomed any questions.

Lucas made a motion to approve the request by Eugene Middleton of Winkelmann & Assoc. for approval of an amended preliminary plat of Dalton Ranch, being 142 single-family lots on 76.731-acres situated at the southwest corner of FM 1141 and FM 552. The subject tract is zoned (PD-58) Planned Development No. 58 with staff conditions and the additional condition that the developer or RISD "dedicate" the open space shown at the southwest corner of the elementary school site.

Burgamy seconded the motion. The motion was voted on and passed by a vote of 4 to 0.

**P2004-066**

**Discuss and consider a request by Douglas Morris of Rockwall Construction for a preliminary plat and tree plan for Old City Park Place, being six (6) lots on a 2.05-acre tract zoned (SF-7) Single Family Residential district and located at the southwest corner of Heath Street and Williams Street.**

Spencer outlined the request stating the applicant has submitted a preliminary plat for the Old City Park Place Addition which includes 6 single-family lots on 2.05 acres. The property is zoned "SF-7" Single Family and is located at the intersection of Williams Street (SH 66) and Heath Street. Lots 1-4 will be accessed via Heath Street and lots 5 & 6 will be access from Williams (SH 66). A letter from TX DOT approving in concept the locations of the drives for lots 5 & 6 is required. Right of way dedication is required for Heath Street and Williams (SH 66). Additional Right of Way for Heath will be required at the southeast corner of the site. The Right of Way width for Williams (SH 66) is required to be verified with TX DOT. The applicant is proposing to improve the Heath/Williams intersection. The proposed improvements will allow south bound traffic on Heath to turn west on Williams and east bound traffic on Williams to turn north onto Heath. A Engineering Facilities Agreement will be required to be approved in conjunction with the final plat for Heath Street. An additional fire hydrant at the northwest corner of the site is required to meet fire hydrant spacing standards for single-family. A preliminary tree plan shows 118" of possible tree mitigation. A tree mitigation plan will need to be submitted with the final plat.

Harold Evans, applicant addressed the commission to answer questions.

Lucas made a motion to table the request to the January 25<sup>th</sup> work session.

Smith seconded the motion. The motion was voted on and passed by a vote of 4 to 0.

**P2004-073**

**Discuss and consider a request from Joetta Currie for approval of a final plat for Lot 1, Block A, Art Venture Studios Addition, a 0.23-acre tract comprised of Block 20, Amick Addition and located at 507 North Goliad. The subject tract is zoned (PD-50) Planned Development district and designated for (R-O) Residential Office uses.**

Spencer outlined the request stating the applicant has submitted a request for a final plat of a single, 0.23 acre tract zoned PD-50, Planned Development District and located at 507 N. Goliad. This plat is in conjunction with the submittal of a site plan. The plat indicates a 24' public access easement to the rear of the property and a 24' public access easement on the south side of the property. These easements are being dedicated to provide for mutual access between adjacent properties in order to limit the number of driveways accessing to SH 205 for future use of these properties as office or similar uses. Right-of Way dedication will be required for SH 205 and a separate permit from TXDOT for any driveway construction. A sidewalk will need to be built or the cost

can be escrowed for future use. Two corners of the plat need to be tied to the State Plane Coordinates before filing.

Joetta Currie, applicant addressed the commission requesting approval of the request.

Burgamy made a motion to approve the request from Joetta Currie for approval of a final plat for Lot 1, Block A, Art Venture Studios Addition, a 0.23-acre tract comprised of Block 20, Amick Addition and located at 507 North Goliad. The subject tract is zoned (PD-50) Planned Development district and designated for (R-O) Residential Office uses with the following condition;

1. A sidewalk will need to be built or the cost escrowed for future use.

Lucas seconded the motion. The motion was voted on and passed by a vote of 4 to 0.

#### **SP2004-037**

**Discuss and consider a request from Joetta Currie for approval of a site plan for the proposed Art Venture Studios Addition located at 507 North Goliad. The subject tract is zoned (PD-50) Planned Development district and designated for (R-O) Residential Office uses.**

Spencer outlined the request stating the applicant has submitted a site plan of the property at 507 N. Goliad Street in anticipation of an Art Studio. The existing house has approximately 1,360 square feet of floor area. The current PD-50 requirements allow for one (1) parking space per 500 square feet of office area and the Unified Development Code requires (1) parking space per every 250 square feet of art studio area. The site plan indicates three (3) proposed spaces at the rear of the property. With only three (3) proposed spaces the "Art Studio" floor area must be limited to 750 square feet. The applicant is requesting a variance to install gravel parking as opposed to the required concrete construction. The plan also indicates a 24' public access easement to the rear of the property which will provide for future joint access between properties and reduce the number of drives accessing onto SH 205. Landscaping exists in the front of the house; however, additional landscaping should be provided along the front of the property. A screening element of landscaping or fencing should be provided on the north and rear property lines that are adjacent to residential properties. This property is subject to the "Commercial Guidelines" of the Old Town Rockwall Historic District which includes signage restrictions. The house is listed as a "non-contributing structure" according to survey conducted for the historic district. The Staff feels this proposal is consistent with others that have been granted within PD-50.

Burgamy made a motion to approve the request from Joetta Currie for approval of a site plan for the proposed Art Venture Studios Addition located at 507 North Goliad. The subject tract is zoned (PD-50) Planned Development district and designated for (R-O) Residential Office uses with the condition that Additional landscaping along SH 205 and the North & West property lines.

Smith seconded the motion. The motion was voted on and passed by a vote of 4 to 0.

#### **P2004-075**

**Discuss and consider a request from First Baptist Church for approval of a replat of Lot 1, Block A, First Baptist Church Addition, being a 9.53-acre tract zoned (GR) General Retail district, (PD-12) Planned Development district and (SF-7) Single Family district and located at the northwest corner of Goliad (SH 205) and Boydston Drive.**

Spencer outlined the request stating The replat of Lot 1, Block A, First Baptist Church Addition is intended to accommodate a parking lot expansion for the church. The north entrance from SH 205 is to be moved and the previous fire lane configuration for said entrance is being abandoned by this replat and reconfigured. A total of 15' of Right-of-way dedication for SH 205 is being dedicated by the replat. The replat includes the dedication of all other necessary fire lane, access and utility on the subject tract. The development must meet all requirements of the City's fire and engineering departments during engineering review (ongoing), but appears to meet all city requirements and is recommended for approval at this time.

Burgamy made a motion to approve the request from First Baptist Church for approval of a replat of Lot 1, Block A, First Baptist Church Addition, being a 9.53-acre tract zoned (GR) General Retail district, (PD-12) Planned Development district and (SF-7) Single Family district and located at the northwest corner of Goliad (SH 205) and Boydston Drive with the following conditions;

1. Correct fire lane easement to read 24'
2. Correct lot numbering from lot 1-R to lot 2
3. Permit from TX DOT for relocation of existing drive
4. Engineering Approval
5. Fire Department Approval
6. Label Building Setback Lines

Lucas seconded the motion. The motion was voted on and passed by a vote of 4 to 0.

#### **SP2004-029**

**Discuss and consider a request from Andrew Booher for approval of a site plan for a parking lot expansion at the existing First Baptist Church located on Lot 1, First Baptist Church Addition being 9.53-acre tract zoned (GR) General Retail district, (PD-12) Planned Development district and (SF-7) Single Family district and located at the northwest corner of Goliad (SH 205) and Boydston Drive.**

Spencer outlined the request stating the subject site is located on Lot 1, Block A, First Baptist Church Addition Phase 3. The First Baptist Church is proposing a parking lot expansion to accommodate service traffic. The site plan illustrates 112 parking spaces to be added to the site. The site will be accessed via an existing access and a relocated access from SH 205. The north entrance from SH 205 is to be moved and the previous fire lane configuration for said entrance is being abandoned by this replat and reconfigured. A 5-ft sidewalk is provided along SH 205.

The applicant is requesting a variance to the 10' landscape buffer along SH 205. Instead, the applicant is proposing a 5' landscape buffer in an effort to align the curb for the new parking expansion with the curb for the existing parking. The Landscape Ordinance requires fourteen (14) trees for parking lot landscaping. The applicant is

meeting city requirements by proposing to install fourteen (14) trees. In addition, the applicant is proposing to install six (6) trees along SH 205 which exceeds city requirements. The trees proposed along SH 205 must be contained entirely on-site and may not encroach on TX DOT Right of Way. In addition the applicant is saving 75 trees (approx. 630-inches), including a 36" Pecan located at the northeast corner of the site. A total 77" of protected trees are being removed, and the developer is proposing to install twenty-one (21) 3" caliper trees on-site to mitigate 63-inches and pay into the tree fund for the remaining 14".

A photometric plan has been submitted by the applicant. The Unified Development Code allows a maximum of 0.2 foot-candles when measured three feet above the property line.

Burgamy made a motion to approve the request from Andrew Booher for approval of a site plan for a parking lot expansion at the existing First Baptist Church located on Lot 1, First Baptist Church Addition being 9.53-acre tract zoned (GR) General Retail district, (PD-12) Planned Development district and (SF-7) Single Family district and located at the northwest corner of Goliad (SH 205) and Boydstun Drive with the following conditions;

1. Revised Photometric Plan to show maximum light levels of 0.2-FC at property lines.
2. Remove trees from TX DOT Right of Way
3. Revise labeling error of Cedar Elm and Pecan Trees
4. A permit from TX DOT is required for relocation of the existing drive
5. Engineering Approval
6. Fire Department Approval

Smith seconded the motion. The motion was voted on and passed by a vote of 4 to 0.

#### **P2004-070**

**Discuss and consider a request by Ronald Allen of Tomden Engineering, LLP, for approval of a final plat for Park Place West Phase 1, being a 1.48-acre tract zoned (PD-59) Planned Development No. 59 district and designated for (NS) Neighborhood Service uses. The subject tract is situated along the south side Washington Street at the proposed terminus of Aluminum Plant Rd.**

Hampton outlined the request stating as of Friday, January 7, 2005, the applicant had not submitted revised copies of the final plat and there remained several outstanding issues with the proposal. Staff did receive a letter from the applicant stating their willingness to table the final plat and effectively waiving the 30-day statutory time limit for plat approval. Staff recommends tabling the plat to allow the applicant to resolve outstanding issues.

Burgamy made a motion to table the request from Ronald Allen of Tomden Engineering, LLP, for approval of a final plat for Park Place West Phase 1, being a 1.48-acre tract zoned (PD-59) Planned Development No. 59 district and designated for (NS) Neighborhood Service uses. The subject tract is situated along the south side Washington Street at the proposed terminus of Aluminum Plant Road.



Lucas seconded the motion. The motion was voted on and passed by a vote of 4 to 0.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:24 P.M.

**PLANNING AND ZONING COMMISSION WORK SESSION**  
**January 25, 2005**

**CALL TO ORDER**

The meeting was called to order by Chairman, Phillip Herbst at 6:00 P.M. with the following members present: *Greg Burgamy, Jeff Carroll, Mike Lucas, Glen Smith, Connie Jackson and Susan Langdon.*

**Architectural Review Board Members Present:** *John Lindsey, Bill Hibbard & Donna Orr.*

**Staff Present;** *Robert LaCroix, Michael Hampton, Chris Spencer & Denise LaRue.*

**ACTION ITEMS - CONSENT AGENDA**

**P2004-045**

**Discuss and consider a request by Jeff Green of CEI Engineering Associates, Inc., for approval of a replat of Lots 1 and 2, Block A, Steak 'N Shake Addition (currently platted as Catfish Subdivision), being a 3.080-acre tract zoned (C) Commercial district and located at the northwest corner of FM 740 and Interstate 30.**

***Background Information;***

*Lots 1 and 2, Block A, Steak 'N Shake Addition, is a replat of the existing Catfish Subdivision, and comprises 3.08-acres of commercially zoned property at the northeast corner of IH-30 and Ridge Rd. A site plan for a proposed Steak 'N Shake restaurant on Lot 1 is being considered concurrently with the replat (Case SP2004-020). The replat includes the dedication of a 24-ft fire lane, access and utility easement on Lot 1, and the abandonment of an existing 10-ft TP&L easement that transects the site. Utility easements dedicated previously along the frontage and rear of the property are maintained on this replat. An offsite 20-ft drainage easement is proposed to the north on the La Jolla Pointe Phase 2 property that must be dedicated via separate instrument prior to final acceptance of the development and filing of the replat. The replat is in conformance with the (C) Commercial zoning district and should be approved contingent on engineering and fire department approval.*

**P2004-068**

**Discuss and consider a request by Mike Allen of Allen & Ridinger Consulting, Inc. for approval of a replat of Lots 1R and 2, Block A, La Jolla Pointe Addition Phase 2, being a 14.914-acre tract zoned (C) Commercial district, located north of I-30 and south of La Jolla Pointe Drive.**

***Background Information;***

*The applicant has submitted a replat for 15.005-acres zoned (C) Commercial district and currently platted as Lots 1R and 2, Block A, La Jolla Pointe Addition Phase 2. The replat will result in 4 new lots (i.e. Lots 3-6), and includes the dedication of fire lane, access and utility easements on Lot 3 intended to accommodate development of an office building on the site. A site plan for the development on Lot 3 is currently being reviewed administratively by staff. The replat includes the dedication of a new cul-de-sac (i.e. Carmel Circle) that provides access from La Jolla Pointe Drive.*

*A 20-ft drainage easement is shown on Lots 4 and 5 that will be dedicated with the replat to serve the adjacent Steak 'N Shake development. At this time, the plat maintains the "future" Catalina Drive on Lot 4; however, a retaining wall easement to be dedicated by separate instrument on the adjacent Catfish Subdivision (to be Steak 'N Shake) would accommodate the reconstruction of Catalina as a cul-de-sac consistent with City standards. Engineering plans will be submitted at that time should the developer go in that direction. Future development and/or further subdividing of Lots 4, 5 and 6 will require additional site plan review and/or platting approvals. The replat as presented does meet the (C) Commercial zoning requirements, and should be approved contingent on engineering plans approval.*

Burgamy made a motion to approve the request by Jeff Green of CEI Engineering Associates, Inc., for approval of a replat of Lots 1 and 2, Block A, Steak 'N Shake Addition (currently platted as Catfish Subdivision), being a 3.080-acre tract zoned (C) Commercial district and located at the northwest corner of FM 740 and Interstate 30 with the following conditions;

1. Approval of engineering plans.
2. Adherence to fire department requirements.
3. Approval of associated site plan case (SP2004-020).
4. Increase new utility easement(s) width from 10-ft to 15-ft.
5. Filing of offsite 20-ft drainage easement by separate instrument prior to final acceptance and filing of replat.

**And**

The request by Mike Allen of Allen & Ridinger Consulting, Inc. for approval of a replat of Lots 1R and 2, Block A, La Jolla Pointe Addition Phase 2, being a 14.914-acre tract zoned (C) Commercial district, located north of I-30 and south of La Jolla Pointe Drive the following conditions;

1. Engineering plans approval.
2. Adherence to fire department requirements.
3. Offsite retaining wall easement to be dedicated via separate instrument (i.e. with Steak 'N Shake replat).
4. Standard City signature block to be used.

Smith seconded the motion. The motion was voted on and passed by a vote of 6 to 0. (Jackson absent)

## **ARCHITECTURAL REVIEW BOARD ITEMS (Action)**

*Appointment with Architectural Review Board representative to receive the Board's recommendations and comments for the following items requiring architectural review:*

### **SP2004-020**

**Discuss and consider a request by Jeff Green of CEI Engineering Associates, Inc., for approval of a site plan for Steak 'N Shake Restaurant, located on a 1.148-acre tract proposed as Lot 1, Block A, Steak 'N Shake Addition (currently platted as Catfish Subdivision), situated at the northwest corner of FM 740 and Interstate 30. The subject site is zoned (C) Commercial district and situated within the (IH-30 OV) IH-30 Overlay district and the (SOV) Scenic Overlay district.**

Hampton outlined the request stating the site plan is for a 4,410-sf drive-thru restaurant on Lot 1, Block A, Steak 'N Shake Addition, a 1.148-acre tract located at the northeast corner of IH-30 and Ridge Road. The site will be accessed from an existing drive from the IH-30 service road that formerly served the Cajun Catfish, and will be improved to current standards. Additionally, the existing asphalt drive that is located in the TXDOT ROW and runs in front of the IHOP site will be improved as illustrated. The required parking for the restaurant is 45 spaces (one per 100-sf), and the applicant is proposing 54 spaces, including 3 accessible spaces. Staff feels the 9 "surplus" spaces are not unreasonable for the use, and may also be utilized in the future as shared parking upon development of Lot 2, which is irregular in shape and could present some layout challenges.

### **Building Elevations**

The proposed elevations for the restaurant indicate a maximum height of around 21-ft. The building features a combination of stone and stucco, with a standing seam metal roof. The building is located within the IH-30 Overlay and Scenic Overlay districts, subject to Architectural Review. The ARB at their 9-28-04 expressed a desire to see updated color elevations and a sample board, but generally approved of the elevation. Based on that meeting, the applicant has removed all neon-lighting from the elevation to comply with their recommendation. The building does not feature a true pitched roof system, and proposes stucco within 8-ft of the finished floor level (though not in the front half of building). Both of these elements constitute an exception to the IH-30 overlay standards for the ARB, P&Z and Council to consider.

### **Landscape Plan**

Approximately 17% of the site is landscaped, which exceeds the minimum 15% requirement for commercial development. As per the IH-30 overlay requirements, the applicant is proposing a 20-ft landscape buffer and adequate canopy trees and accent trees (8 each) within this buffer. It should be noted that there are approximately 11 trees located within the TXDOT right-of-way that will remain as well. Other landscaping and trees are provided around the site to meet landscaping standards, as well adjacent to the building.

### **Photometric Plan**

The revised lighting plan notes that the exterior lighting will have a maximum mounting height of 20-ft, which meets Scenic Overlay standards. Additionally, the light fixtures are fully cut-off in compliance with the City's requirements.

Bill Hibbard, Architectural Review Board representative addressed the commission stating that the ARB recommend approval of the building elevations and they will be reviewing the sample boards next week.

Jeff Green, Applicant addressed the commission requesting approval of the request and to answer questions.

Lucas asked about the existing driveways and which one would be used to serve this site.

Green stated that both drives would be used.

Lucas made a motion to approve the request by Jeff Green of CEI Engineering Associates, Inc., for approval of a site plan for Steak 'N Shake Restaurant, located on a 1.148-acre tract proposed as Lot 1, Block A, Steak 'N Shake Addition (currently platted as Catfish Subdivision), situated at the northwest corner of FM 740 and Interstate 30. The subject site

is zoned (C) Commercial district and situated within the (IH-30 OV) IH-30 Overlay district and the (SOV) Scenic Overlay district with the following conditions:

1. Approval of engineering plans.
2. Adherence to fire department requirements.
3. Approval of associated replat (P2004-045).
4. Filing of offsite 20-ft drainage easement by separate instrument prior to final acceptance and filing of replat.
5. All roof or ground-mounted equipment to be fully screened from horizontal view from the public right-of-way and adjacent properties.
6. That one tree be planted within the empty landscape island near the southwest corner of Lot 1.

The Architectural Review Board recommended approval of the site plan and building elevations, subject to the applicant submitting sample building materials to staff to verify proposed colors.

Carroll seconded the motion. The motion was voted on and passed by a vote of 6 to 0. (Jackson absent)

#### **SP2004-031**

**Discuss and consider a request by Jerry Haning of Haning Construction Company for approval of a site plan Open Imaging of Rockwall, located on Lot 4, Block B, Horizon Ridge Addition, being a 1.1478-acre tract zoned (PD-9) Planned Development District situated along the west side of Rockwall Parkway north of Summer Lee.**

Spencer outlined the request stating the subject site is a 1.15-acre tract located on Lot 6, Block B, Horizon Ridge Addition. The site plan for the "Open Imaging of Rockwall" illustrates One (1) building containing 4,516-s.f. Medical Office requires one (1) space for every 200 s.f. The total required parking for the intended use is twenty-three (23) spaces, and the applicant is proposing to provide twenty-three (23) spaces, including two (2) handicap accessible. The site will be accessed via a proposed curb cut from Rockwall Parkway and mutual access drives connecting the subject site with the proposed Surgery Center to the west and the undeveloped lot to the south. A 5-ft sidewalk is provided along Rockwall Parkway.

The landscape plan indicates approximately 61% of the site is open space, which exceeds City requirements. The landscaping buffer along Rockwall Parkway is shown on the landscape plan to be a minimum 10-ft in width. The Landscape Ordinance requires four (4) trees along Ralph Hall. The applicant is meeting city requirements by proposing to install four (4) trees along Ralph Hall. The Landscape Ordinance requires seven (7) trees for Detention Basin Landscaping. The applicant is meeting city requirements by proposing to install seven (7) trees. In addition a total 183" of Hackberry and Cedar Trees are being removed. A total of 92" is required to be mitigated, the developer is proposing thirty-one (31) 3" caliper.

The building elevations propose a 21'3" tall typical structure consisting of manufactured stone and brick. A photometric plan submitted by the applicant complies with City standards. At the January 11, 2005, meeting the Architecture Review Board requested that the applicant reconfigure the exterior facades and resubmit.

Bill Hibbard, Architectural Review Board representative addressed the commission stating that the ARB recommends approval of the building elevations. He stated that the applicant has made the changes the ARB had asked for. They are please with the final presentation.

Carroll made a motion to approve the request by Jerry Haning of Haning Construction Company for approval of a site plan Open Imaging of Rockwall, located on Lot 4, Block B, Horizon Ridge Addition, being a 1.1478-acre tract zoned (PD-9) Planned Development District situated along the west side of Rockwall Parkway north of Summer Lee.

1. Fire Department Approval
2. Engineering Plan Approval
3. A letter from the adjacent property owners granting off-site drainage.

The Architectural Review Board recommended approval of the site plan and building elevations, subject to the applicant using "North Elevation #2" as submitted.

Burgamy seconded the motion. The motion was voted on and passed by a vote of 6 to 0. (Jackson absent)

#### **SP2004-036**

**Discuss and consider a request from Howard Turner of HKS, Inc., for approval of an amended site plan (including building elevations) for Jack-in-the-Box, located at 2808 Ridge Rd on a 0.69-acre tract zoned (C) Commercial and situated within the (SOV) Scenic Overlay district and (IH-30 OV) IH-30 Overlay district.**

Hampton outlined the request stating as the submitted building elevations and site plan illustrate, a redevelopment is proposed for the existing Jack in the Box restaurant located at 2808 Ridge Road, on property known as Lot 1, Block 1, Jack in the Box-Rockwall Addition. The layout of the site is not proposed to change dramatically, though as requested by City staff the applicant agrees to re-stripe the drive aisles and parking spaces to bring the parking lot dimensions into compliance with current City and ADA standards. 29 parking spaces are required and provided on the site for the restaurant use (i.e. 1 space per 100-sf of floor area). Existing landscaping on the site will not be removed or supplemented, though as shown on the site plan the landscaping appears to meet City specifications. A small outdoor seating area is proposed in front of the building, enhanced by a double-sided fireplace in the front wall serving both indoor and outdoor customers.

The significant redevelopment of the site involves the proposed changes to the building. At the January 11, 2005 "joint" Architectural Review Board (ARB) and Planning and Zoning Commission meeting, the original submittal was not reviewed favorably, primarily because the new building was not considered compatible with surrounding development. Since that time, the applicant has submitted a new, "toned-down" version of the building changes, including a substitution of stone in place of the galvanized metal fireplace on the front façade, as well as in place of the existing brick in the rear half of the building that was originally proposed to be painted blue. The colors of the walls have been altered to include two complementary shades of green, and the "starbursts" of blue behind the signage have been removed. Overall, Staff feels the revised elevations are more consistent with surrounding development and better address current architectural standards. Notwithstanding, the applicant is still seeking two "exceptions" to the overlay requirements:

- Stucco may not be located in the first 8-feet above grade on a façade visible from a street or public area.

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

The overall building height is 31'9", which falls within the maximum 36-ft height allowed in the Scenic Overlay district. Ultimately, staff feels that approval of the proposed elevation changes should be a judgment call of the ARB, P&Z and City Council. The elevations should be considered as a comparison to the existing Jack in the Box building, which is relatively bland and as-is does not meet several current Overlay standards itself. However, the architectural review process also should assess the proposal as it relates and is compatible with adjacent uses. The availability of "exceptions" as written into most Overlay districts is intended to provide the City with some discretion when reviewing unique projects.

Finally, it should be noted that all signage must be approved by a separate permit, and City Council would have to approve any necessary variances (if applicable). Cut-sheets have been submitted for the light fixtures proposed, and although fully cut-off, the fixtures - which protrude out from the building and are directed back at the building - would have to be oriented carefully so as not to result in any glare to adjacent streets and properties.

1. Adherence to engineering and ADA requirements for parking lot layout.
2. All ground or roof-mounted mechanical equipment must be completely screened from view from streets and adjacent properties.
3. Adherence to Architectural Review Board recommendations?
4. Approval of elevations as presented constitutes approval of waivers to IH-30 Overlay district and/or Scenic Overlay district standards, including no stucco within first 8-ft of finish floor, and pitched-roof system requirement for buildings less than 6,000-sf.

Bill Hibbard, Architectural Review Board representative addressed the commission stating that the ARB recommends approval of the building elevations. He stated the blue wall will be on the back side of the building and will not be very visible from the street. He stated the applicant will be providing sample boards for review next week.

Carroll made a motion to approve the request from Howard Turner of HKS, Inc., for approval of an amended site plan (including building elevations) for Jack-in-the-Box, located at 2808 Ridge Rd on a 0.69-acre tract zoned (C) Commercial and situated within the (SOV) Scenic Overlay district and (IH-30 OV) IH-30 Overlay district with the following conditions;

1. Adherence to engineering and ADA requirements for parking lot layout.
2. All ground or roof-mounted mechanical equipment must be completely screened from view from streets and adjacent properties.
3. Adherence to Architectural Review Board recommendations.
4. Approval of elevations as presented constitutes approval of waivers to IH-30 Overlay district and/or Scenic Overlay district standards, including minimum masonry content of 90% and minimum 20% stone; no stucco within first 8-ft of finish floor; and pitched-roof system requirement for buildings less than 6,000-sf.

The Architectural Review Board recommended approval of the site plan and building elevations, subject to the applicant submitting sample building materials to staff to verify proposed colors.

Burgamy seconded the motion. The motion was voted on and passed by a vote of 6 to 0 (Jackson absent).

## **SITE PLANS / PLATS**

### **P2004-066**

**Discuss and consider a request by Douglas Morris of Rockwall Construction for a preliminary plat and tree plan for Old City Park Place, being six (6) lots on a 2.05-acre tract zoned (SF-7) Single Family Residential district and located at the southwest corner of Heath St and Williams Street.**

Spencer stated the applicant has asked that this item be tabled so he may work out some details.

Carroll made a motion to table the request by Douglas Morris of Rockwall Construction for a preliminary plat and tree plan for Old City Park Place, being six (6) lots on a 2.05-acre tract zoned (SF-7) Single Family Residential district and located at the southwest corner of Heath St and Williams Street.

Smith seconded the motion. The motion was voted on and passed by a vote of 6 to 0. (Jackson absent).

### **SP2005-001**

**Discuss and consider a request by Seth Shannon of Shannon River Homes for a waiver to the masonry requirements set forth in *Article V, Section 3.1, General Residential District Standards*, of the City of Rockwall Unified Development Code.**

Spencer outlined the request stating the site plan for Rockwall Lakeside Church of Christ indicates a 37,000-sf church building on the agriculturally zoned lot. Phase 1 of the development proposes 897 seats, which results in a parking requirement of 299 spaces. The site will feature two access points from FM 549, and ultimately will also have one additional access from Airport Road. The landscape plan indicates a large portion of the lot to remain as open space, particularly in the rear half of the lot. Parking areas are landscaped in accordance with City specifications. A 25-ft landscape buffer is provided along FM 549, and is planted with 21 large trees (oaks, cedars), 22 accent trees (yaupon hollies) and a serpentine line of shrubs. The proposed buffer meets the proposed FM 549 Overlay district requirements which P&Z and City Council will consider at their February 9, 2004 joint public hearing. The building elevations have been amended since the Planning Commission work session, replacing the proposed brick with stone. The entire chapel consists of stone exterior, and the rest of the building incorporates a stone wainscot. Stucco is proposed for the remaining exterior surfaces, and the building will feature a standing seam metal roof. The overall height of the structure (excluding steeple) is just under 34-ft. A photometric plan is also included and shows that lighting approaches 0-FC at all property lines. The pole height is indicated to be 15-ft, which meets the maximum 20-ft requirement specified in the FM 549 Overlay ordinance.

Burgamy made a motion to approve the request by Seth Shannon of Shannon River Homes for a waiver to the masonry requirements set forth in *Article V, Section 3.1, General*



*Residential District Standards*, of the City of Rockwall Unified Development Code with the following conditions;

1. Approval of Conditional Use Permit request (Case No. Z2004-004).
2. Approval of associated preliminary plat (Case No. P2004-003).
3. Separate sign permit required for all signage. Free-standing signage will be limited to one sign per frontage, per lot, with a maximum height of 5-ft and maximum area of 60 sq. ft.
4. All mechanical equipment (ground or roof-mounted) will be completely screened from adjacent properties and public right-of-ways.
5. Living screen to be planted along north and south property lines to serve as buffer between church and adjacent residential uses.
6. Landscaping to be added to rear detention area to meet the guidelines within the new FM 549 Corridor Overlay district.
7. Approval of engineering plans, and resolution of engineering issues:
  - a. Need agreement with City relating to participation on water line.
  - b. Connection to City sewer when available and payment of sewer pro-rata.
  - c. Determine necessity for left turn lanes on FM 549.
  - d. Verification with City Engineer and TXDOT to determine adequate ROW dedication on Airport Rd and FM 549 at time of final platting.

Smith seconded the motion. The motion was voted on and passed by a vote of 6 to 0.

Jackson entered the meeting at 6:43 P.M.

#### **P2005-009**

**Discuss and consider a request from First Baptist Church for approval of a final plat of Lot 1, Block A, First Baptist Church Addition Phase 3, being a 1.87-acre tract zoned (GR) General Retail district, (PD-12) Planned Development district and (SF-7) Single Family district and located at the northwest corner of Goliad (SH 205) and Boydstun Drive.**

Spencer outlined the request stating the final plat of Lot 1, Block A, First Baptist Church Addition Phase 3 is intended to accommodate a parking lot expansion for the church. The north entrance from SH 205 is to be moved and new 24' fire lane is to be dedicated by this plat. A total of 16.05' of Right-of-way dedication for SH 205 is being dedicated by the final plat. The final plat includes the dedication of all other necessary fire lane, access and utility on the subject tract. The development must meet all requirements of the City's fire and engineering departments during engineering review (ongoing), but appears to meet all city requirements and is recommended for approval at this time.

Langdon made a motion to approve the request from First Baptist Church for approval of a final plat of Lot 1, Block A, First Baptist Church Addition Phase 3, being a 1.87-acre tract zoned (GR) General Retail district, (PD-12) Planned Development district and (SF-7) Single Family district and located at the northwest corner of Goliad (SH 205) and Boydstun Drive with the following conditions;

1. Correct fire lane easement to read 24'
2. Permit from TX DOT for relocation of existing drive
3. Engineering Approval
4. Fire Department Approval
5. Label Building Setback Lines

Burgamy seconded the motion. The motion was voted on and passed by a vote of 6 to 1. Carroll voting against.

#### **SP2005-005**

**Discuss and consider a request from Andrew Booher for approval of a site plan for a parking lot expansion at the existing First Baptist Church located on Lot 1, Block A, First Baptist Church Addition Phase 3 being 1.87-acre tract zoned (GR) General Retail district, (PD-12) Planned Development district and (SF-7) Single Family district and located at the northwest corner of Goliad (SH 205) and Boydston Drive.**

Spencer outlined the request stating the subject site is located on Lot 1, Block A, First Baptist Church Addition Phase 3. The First Baptist Church is proposing a parking lot expansion to accommodate service traffic. The site plan illustrates 112 parking spaces to be added to the site. The site will be accessed from a relocated access along SH 205. The north entrance from SH 205 is to be moved and a new 24' fire lane is being dedicated by the final plat. A 5-ft sidewalk is provided along SH 205.

The applicant is requesting a variance to the 10' landscape buffer along SH 205. Instead, the applicant is proposing a 5' landscape buffer in an effort to align the curb for the new parking expansion with the curb for the existing parking. The Landscape Ordinance requires fourteen (14) trees for parking lot landscaping. The applicant is meeting city requirements by proposing to install fourteen (14) trees. In addition, the applicant is proposing to install six (6) trees along SH 205 which exceeds city requirements. The trees proposed along SH 205 must be contained entirely on-site and may not encroach on TX DOT Right of Way. In addition the applicant is saving 75 trees (approx. 630-inches), including a 36" Pecan located at the northeast corner of the site. A total 77" of protected trees are being removed, and the developer is proposing to install twenty-one (21) 3" caliper trees on-site to mitigate 63-inches and pay into the tree fund for the remaining 14".

A photometric plan has been submitted by the applicant. The Unified Development Code allows a maximum of 0.2 foot-candles when measured three feet above the property line.

Burgamy made a motion to approve the request from Andrew Booher for approval of a site plan for a parking lot expansion at the existing First Baptist Church located on Lot 1, Block A, First Baptist Church Addition Phase 3 being 1.87-acre tract zoned (GR) General Retail district, (PD-12) Planned Development district and (SF-7) Single Family district and located at the northwest corner of Goliad (SH 205) and Boydston Drive with the following conditions;

1. A permit from TX DOT is required for relocation of the existing drive
2. Engineering Approval
3. Fire Department Approval
4. Request for variance to the minimum 10-ft landscape buffer requirement.

Lucas seconded the motion. The motion was voted on and passed by a vote of 6 to 1. Carroll voting against.

#### **PUBLIC HEARING ITEMS**

Carroll left the meeting stating a conflict of interest.

#### **Z2004-040**

**Continue a public hearing and consider a request by Austin Lewis of Lewis Real Estate Investments to amend (PD-8) Planned Development district, specifically on a vacant, 6.889-acre tract comprised of Spyglass Hill #4 Addition (4.324-acres) and Tract 134-12, Abstract 207, E. Teal Survey (2.564-acres), located along the south side of Henry M. Chandler Drive and immediately east of the Chandler's Landing Marina.**

Hampton outlined the request stating the zoning application to amend PD-8 is accompanied by a development plan for 66 residential lots, to be constructed as single-family attached units. The existing zoning (amended in 1992) on the 6.889-acre subject property is for zero-lot line development, with a concept plan allowing for 36 lots. The area requirements as existing and proposed are as follows:

| Requirement                             | Existing (Ord. 92-39) | Proposed                                      |
|---|-----------------------|---|
| Min. Lot Area                           | 5,000-sf              | 2,166-sf                                      |
| Max. # Lots                             | 36                    | 66  |
| Min. Dwelling                           | 1,700-sf              | 1,700-sf                                      |
| Min. Lot Frontage                       | 50-ft                 | 26-ft, except as shown on dev. plan           |
| Min. Lot Depth                          | 90-ft                 | 86-ft, except as shown on dev. plan           |
| Min. Front Setback                      | 25-ft                 | 10-ft   |
| Min. Rear Setback                       | 10 – 20-ft            | 15-ft;<br>20-ft for lots adjacent to Spyglass |
| Min. Side Yard                          | 0 and 10-ft+          | N/A   |
| Maintenance Esmt                        | 5-ft                  | N/A   |
| Min distance between separate buildings | 10-ft                 | 10-ft   |
| Max Bldg Coverage                       | 50%                   | 85%   |
| Max. Height                             | 30-ft                 | 30-ft   |

### **Height Issues**

Other requirements within the existing PD ordinance are carried over into this proposal, including maximum height restrictions (based on sea level) on those lots adjacent to the existing common property line with developed Spyglass Hill #3. The height of the structures will be limited to the difference between that specified maximum level and the final finished floor elevation. To accommodate the construction of 30-ft structures, there appears to be a significant amount of “cut” required along this property line, along with retaining walls, etc., all of which would be analyzed in more detail during the platting and engineering review, but are included on the development plan.

In terms of impacts on lake views, the difference is arguable between the existing concept plan and proposed amendment. While zero-lot line development would theoretically leave more open space per lot, it is unpredictable as to what sizes the homes would be constructed on those lots, and exactly where the visual corridors would be situated. With

the amended plan, the developer is proposing structures with 2 to 4 attached units, but have proposed dedicated open space areas and a minimum of 10-ft clearance between buildings to minimize the impact.

### **Density Issues**

The other significant change as part of this proposal is an increase in density from 36 lots to 66 lots. However, from a historical context, the proposed number of units is actually less than what was proposed to be built on this same tract prior to the 1992 rezoning to zero-lot line. Spyglass #4, which accounts for 4.32-acres of the 6.889-acre subject tract, was originally approved in 1983 for 82 condominium units (or 19 units/acre). The remaining 2.5 acres (+/-) was intended to be developed as Spyglass #5 with similar density. The density for the existing Spyglass Phases 1, 2 and 3 is 16.55 units/acre (i.e. 156 units on 9.43 acres) is higher than the proposed density of 9.58 units/acre for Catalina Cove.

Additionally, it should be noted that the City's Future Land Use Plan from the Comprehensive Plan indicates this tract as well as the Spyglass property as "Multi-family/Attached Residential."

### **Other Design and Zoning Elements**

The development plan includes 15 shared parking spaces that would be available for guests of the units in lieu of on-street parking. The proposed streets are private, with one open access from Henry M. Chandler Dr and one gated, emergency access. Open spaces are provided in the development, which would be maintained by the HOA. Typical building types have been submitted by the applicant which indicates various articulated facades, which would also be required to comply with the City's masonry standards for residential structures. As part of any PD approval, staff would recommend an "anti-monotony" restriction as well as a clear reinforcement of the garage setback requirement of 10-ft from the front face of the structure (as shown in the submitted photographs but not completely clear from the elevations).

### **Notification**

Notices were sent to 63 property and condominium owners within 200-ft of the subject tract, and at the time of this report 15 responses "in opposition" to the request had been received, accounting for 38 units within the Spyglass condominium development and one (1) lot within Harbor Landing.

Staff has also received correspondence from the Chandlers Landing HOA indicating acceptance of the proposal, including approval of a variance(s) to certain setback requirements set forth in their HOA restrictions for all of Chandlers Landing, including the subject tract.

Herbst opened the public hearing.

Austin Lewis, applicant addressed the commission requesting approval of the request and to answer questions.

Jim Choate, 206 Rainbow Circle addressed the commission stating there are too many issues that need to be addressed before the commission approve this request.

Kenneth Blassinggame, 260 Henry M Chandler addressed the commission opposed to the request.

Roy Kurkowski, 166 Henry M Chandler addressed the commission opposed to the request.

Herbst closed the public hearing.

Jackson made a motion to deny a request by Austin Lewis of Lewis Real Estate Investments to amend (PD-8) Planned Development district, specifically on a vacant, 6.889-acre tract comprised of Spyglass Hill #4 Addition (4.324-acres) and Tract 134-12, Abstract 207, E. Teal Survey (2.564-acres), located along the south side of Henry M. Chandler Drive and immediately east of the Chandler's Landing Marina.

Langdon seconded the motion. The motion was voted on and failed by a vote of 2 to 4. Burgamy, Lucas, Herbst and Smith voting against. Carroll abstained.

Additional discussion followed the failed motion regarding the options available to the Planning and Zoning Commission since the public hearing had already been closed. Commissioners expressed remaining concerns about parking, density and other requirements.

Burgamy made a motion to deny the request by Austin Lewis of Lewis Real Estate Investments to amend (PD-8) Planned Development district, specifically on a vacant, 6.889-acre tract comprised of Spyglass Hill #4 Addition (4.324-acres) and Tract 134-12, Abstract 207, E. Teal Survey (2.564-acres), located along the south side of Henry M. Chandler Drive and immediately east of the Chandler's Landing Marina.

Jackson seconded the motion. The motion was voted on and passed by a vote of 4 to 2. Lucas and Herbst voting against. Carroll abstained.

## **ADJOURNMENT**

There being no further business, the meeting adjourned to the worksession at 9:32 p.m.

*These minutes were approved on March 8, 2005*

**MINUTES**  
**ROCKWALL PLANNING AND ZONING COMMISSION**  
**JOINT MEETING WITH THE CITY COUNCIL**  
**July 5, 2005 -- 5:00 p.m.**  
**City Hall, 385 S. Goliad, Rockwall, Texas 75087**

**1. CALL TO ORDER**

Chairman Herbst called the Planning and Zoning Commission meeting to order at 5:00 p.m. Present were Chairman Phillip Herbst and Commissioners Susan Langdon, Connie Jackson, Mike Lucas, Jeff Carroll and Greg Burgamy. Commissioner Glen Smith was absent.

**2. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 OF TEXAS GOVERNMENT CODE TO DISCUSS:**

- a. Liability arising out of actions taken on agenda items for which it is the ethical duty of the City's attorneys to advise the Commission.

**3. TAKE ACTION AS A RESULT OF EXECUTIVE SESSION**

No action was taken as a result of Executive Session.

**4. PUBLIC HEARING WITH CITY COUNCIL**

Chairman Herbst reconvened the Planning and Zoning Commission meeting at 6:08 p.m. Also present were Mayor Bill Cecil and Councilmembers Bob Cotti,

- a. **Z2005-025** -- Hold a joint public hearing with the City Council on a request by Miles Prestemon of Newland Communities for a change in zoning from (Ag) Agricultural district to (PD) Planned Development district on approximately 395.075-acres comprised of Tracts 1 and 2, Abstract 71, W.T. DeWeese Survey, and Tracts 2, 3 and 4, Abstract 131, S. King Survey. The subject property is located along the east side of SH 205, south side of FM 552, west side of Hayes Rd and north side of Quail Run.

Robert LaCroix, Director of Planning and Zoning, discussed the background of this request. For the record, the following is his staff report:

**BACKGROUND INFORMATION:**

The applicant, Miles Prestemon with Newland Communities, has submitted a zoning application to rezone approximately 395 acres of land from (Ag) Agricultural to a (PD) Planned Development District for a master planned community with a variety of housing and a mixed-use area that includes retail, public use, office, residential and a "village green" (public park). The property is located at the intersection of SH 205 and FM 552 north of Quail Run Road and west of Hays Road. The surrounding zoning includes single family development to the west across SH 205 with a variety of lot sizes ranging from 6,000 square feet in area to 10,000 square feet in area including large estate lots fronting SH 205 exceeding 1.5 acres in area; single family development to the south with the average lot size of 8,400 square feet in area; and large estate lots zoned agricultural to the east.

In conjunction with this application, the applicant has provided a conceptual drawing for a 405 acre tract directly north across FM 552 which lies in the Extraterritorial Jurisdiction (ETJ) of the City. In October of 2004, the City Council denied a preliminary plat of this

property that contained 1,519 single family lots based on the inability of the applicant to provide sufficient information to indicate an adequate water and sewer system for the proposed subdivision. The current concept that the applicant has provided for the ETJ tract (annexation pending), indicates 1,210 single family lots, a density of approximately 3 units per acre.

The City's future land use planning for the area outside the City is for a density of less than 2 units per acre. The proposed PD within the City proposes a density of 3.7 units per acres. This area is indicated on the Future Land Plan for a density of 2-3 units per acre. Allowing a greater density for the proposed PD zoning within the City can only be considered in conjunction with the proposed development concept for the ETJ tract to ensure that the objectives of the Comprehensive Plan can be achieved. This is to ensure that the City has the ability to serve these properties with utilities and that adequate roadways can be provided to handle the extensive increase in traffic.

#### **Proposed PD General Requirements Submitted by Applicant**

The applicant has submitted PD Development Standards as a part of the PD Concept Plan affiliated with the zoning change request. These Development Standards state that the purpose of the "Heart Stone Development is to provide a variety of dwelling units and home prices that respond to a broad economic range of Rockwall families that weave a pattern of continuity". The general requirements include the following items:

- Flood Plain as Open Space maintained as private open space by the HOA
- Architectural review
- Site plan required for a building permit
- Conformity with other Ordinances (*the PD shall supersede the standards and procedures established by the City of Rockwall that are in effect at that time*)
- Streetscape Standards for Arterials & Non-Fronting Thoroughfares
- Buried Utilities
- Lighting, light shall not exceed 20' in height
- Parks
- Sidewalks
- Streetscape (Interior Lot) Landscape
- Streetscape (Corner Lot) Landscape
- Fencing

#### **PD Land Use Standards**

##### **HeartStone Initial Single Family Lot Composition**

| <u>Lot Size</u>             | <u>Driveway Access</u> | <u>Units</u> | <u>Total Dwelling Units</u> |
|-----------------------------|------------------------|--------------|-----------------------------|
| 40-45'                      | Rear/Courtyard         | 178          | 14.4%                       |
| 50'                         | Front or Rear          | 457          | 37.1%                       |
| 60'                         | Front or Rear          | 420          | 34.1%                       |
| 65'                         | Front                  | 140          | 11.4%                       |
| 75'                         | Front                  | 37           | 3.0%                        |
| Maximum Allowed Total Units |                        | 1232         | 100%                        |

The proposed Mixed Use Area will include 8 acres of townhouse development and is proposed for 80 units. In addition to the townhouses there is 11.5 acres of Single Family Detached cluster type housing which is proposed to include 69 units. The total for the

Mixed Use Area is 149 units. The Comprehensive Plan does not recommend higher density dwelling units for this area of the City.

The remaining land use includes 18 acres of retail/office development, 1 acre for a fire station and an area designated for a public school site. The following minimum dwelling unit sizes (air conditioned square footage) are indicated in the PD Standards:

| Lot Sz  | 45'   | 50'   | 60'   | 65'   | 75'   | Courtyard |
|---------|-------|-------|-------|-------|-------|-----------|
| SQ. FT. | 1,000 | 1,200 | 1,400 | 1,800 | 2,100 | 1,000     |

We have included a copy of the proposed HeartStone Development Standards which describe the area requirements and other regulations in greater detail for Commission review.

### **Access and Roadways**

The proposed concept plan indicates access into the subdivision from two entry roads off of SH 205, one access off of FM 552, one point of access off of the proposed 205 Bypass, two access points off of Hays Road and, finally, one access point off of Quail Run Road. These points of access are adequate for public safety and circulation of traffic in and out of the proposed subdivision. However, the City has planned for a roadway connection to Ridge Road West to create a major east/west arterial route to handle future traffic flows from the development occurring to the east of this area. The existing FM 552 and Quail Run roads will not handle the future traffic that is anticipated with the future development to the east as well as with this proposal. Roadways improvements should be considered for FM 552 and Hays Road if this development is approved. A traffic impact analysis should also be required prior to approval of this concept plan that takes into account any background traffic to be generated from development of the land that lies outside the city.

### **Land Use**

The applicant has proposed a mix of land uses for the proposed Planned Development. These include single family residential, mixed use single family residential, town home development, retail/office development, public open space and recreational uses and public use for a school and potential fire station. The Future Land Use Plan indicates this area to be primarily single family residential with a density of 2-3 units per acre. At the intersections of FM 552 and SH 205 and Quail Run Road and SH 205 commercial nodules are indicated on the Land Use Plan. However, the Plan does not indicate mixed use nor higher density residential use such as town home, apartment or attached single family use. The concept plan proposes a retail/office mixed use area at the FM 552 and SH 205 intersection which includes higher density residential use, including town home development.

### **Lotting Patterns**

The proposed concept plan indicates a variety of lot sizes ranging from 45' x 100' (4,500 sq. ft.) to 75' x 120' (9,000 sq. ft.). Approximately 66% of the proposed detached single family lots will have front access (no alley). The 65' and 75' lots are indicated to be "j" swing type garage entries while the remaining lots without alley access will have front entry garages facing the street. The applicant has established restrictions on garage doors that would face the streets. However, the City of Rockwall Subdivision Ordinance states that alleys are required for residential development unless an exception is granted by the City Council. This plan also presents other issues with regard to minimum lot size. The minimum lot size for detached single family development under the City's Development Code is 7,000 sq. ft. and the minimum lot width under the Code is 60' for conventional single family development.



### Open Space

There are two major drainage swales that bisect the property. The proposed concept plan indicates that these will be preserved as open space. In addition to these areas, the plan also indicates some smaller pocket park open space areas, green open space at intersections and subdivision entry areas and an 11.7 acre village green area with a public recreation center. The total open space area is indicated to be 53.2 acres. Based on the total area of the property being 394.4 acres, the open space area yields appropriately 13.4 percent. The Unified Development Code states that "unless otherwise provided by the PD Ordinance, a minimum of twenty percent (20%) of the gross land area within the entire PD District shall be devoted to open space, consistent with the open space requirements of the City's Parks and Open Space Plan. Open space for PD Districts may be satisfied by either public or by a combination of public and private open space." This project is not meeting the open space requirements as required by the Unified Development Code. The applicant, however, proposes to satisfy requirements for percentage of open space by considering the land outside the city together with the PD land. This would yield open space of 131.7 acres, or 17% of the area of the two properties combined.

### Density

The overall density for this area, as recommended by the City of Rockwall Comprehensive Plan, is a medium density of 2 to 3 units per acre. This proposed plan is yielding a density of approximately 3.7 units per acre exceeding the densities recommended by the Comprehensive Plan. In addition, alley lengths should not exceed 1,000' which will require shorter block lengths for this development and possibly change the overall design for any future proposed subdivision. The following is a breakdown of the proposed land use to illustrate the proposed density:

Single Family units = 1,232 units on 274.9 acres – 4.5 units/acre

Mixed Use P.D. single family units = 69 units on 11.5 acres – 6.0 units/acre

Mixed Use P.D. town home units = 80 units on 8.0 acres – 10.0 units/acre

Tract I sub total = 1,381 units on 294.4 acres – 4.7 units/acre

Total for Tract I = 1,381 units

**(Total Retail/Office = 18.0 acres)**

**Residential area – 294.4 ac**

**Open Space - 54.3 ac**

**Major R.O.W. - 20.1 ac**

**Total - 368.8 acres**

**1,381 units**

**368.8 ac = 3.7 units per acre for Tract I (inside the City)**

### Overlay District Requirements

The proposed concept plan abuts the North SH 205 Corridor Overlay District and a portion of the project abuts the 205 Bypass Corridor Overlay District. There are 205 Bypass Overlay requirements which require lots to front onto the Bypass with a 30' landscape buffer, without screening walls. If backing is allowed, a 50' landscape buffer is

required which could result in some redesign to the plan. In addition these regulations, the North SH 205 Overlay District also requires residential lots to front on SH 205 without the use of screening walls or fences and if allowed, a 50' landscape buffer is required which could also result in some design changes for a proposed subdivision. Neither of these Overlay Districts has been fully addressed with the proposed concept plan or the proposed Planned Development Standards. The proposed PD Standards describe a minimum 15' "buffer-strip" that is required along all arterials and non-fronting collector streets however; this buffer does not necessarily meet the requirements of the overlay districts.

### **RECOMMENDATIONS:**

The analysis of this proposal begins with a comparison of the PD concept plan with the intent and recommendations of the Comprehensive Land Use Plan. To begin with, the Land Use Plan states that " a greater variety of housing should be provided in specific areas of the city to accommodate a broad range of individual and family demand, including more urban style housing within walking distance of services, *as well as lower density more rural style housing with a country atmosphere.*" Even though the proposed concept plan represents a variety of lot sizes, none of the proposed lot sizes approach a large or estate sized lot typical of the development patterns in the northern sections of the City. The variety of lot sizes in this development should not only include the smaller lot sizes but also include larger lots of over 16,000 square feet in addition to smaller percentages lots approaching the estate size of an acre or more. These larger lots should be located on the perimeters of the future subdivision there by providing a transition to the existing development patterns on the north and to the east.

The Plan states the "retail areas should be pedestrian-oriented and easily accessible to adjacent residential and commercial neighborhoods." The proposed concept plan indicates a mixed use retail and commercial area which offers easy accessibility to the proposed residential neighborhood.

The Plan continues to state that we should "encourage a blending of land uses that will result in a strong sense of community and neighborhood identity, and in efficient use of land." We should "encourage mixed use residential and commercial development and encourage the siting of new school facilities in areas where there will be open space and pedestrian trails." The proposed concept plan indicates mixed use residential and commercial development and has also provided for a school site, however, it is not clear how the residential will intergrate with the retail/commercial. The proposed PD requirements indicate that the town homes may be developed up to a total of eighty (80) units or ten (10) units per acre gross acre. In addition the total number of units may have the flexibility to be increased by twenty percent (20%). Single family may be developed up to a total of sixty-nine (69) units. The total number of units may be built is limited to following: total units count can not exceed 149; commercial acreage must be least 15 acres; and no greater than 6 units per gross acre. Any allowance of high density zoning within this concept plan should indicate how the retail/commercial will actually coexist with the residential. At this point the plan is too generalized to be able to draw any conclusion as to the viability of allowing high density residential with retail/commercial development.

The Comprehensive Plan states that we should "provide for clustering of development throughout the City that will result in the preservation of flood plains and the conservation of open space and natural areas." This plan is providing for the preservation of the natural floodplains however the plan does not meet our required 20% open space requirements for Planned Developments.

The Comprehensive Plan states that for the purposes of establishing residential policies, low density is defined as less than 2 units per acre, medium density is 2-3 units per acre, and high density is more than 3 units per acre. This property is designated as medium density on the Land Use Plan.

The Plan continues to state that “all residential lots which are 16,000 square feet or less should be served by an alley.” This proposal does not meet those standards. It states further that “when residential properties abut a major collector or larger roadway, they should be designed in one of the following ways:

- Lots facing the thoroughfare should be a minimum of ½ acre in size and accommodate on-site parking for 5 vehicles and a turn-around;
- Lots should face an “eyebrow” off the thoroughfare; or
- The side of the lot should face onto the thoroughfare.

Long, tall fences against the roadway should be avoided.

Medium density housing should generally be used where designated on the Land Use Plan, where it would be an extension or continuation of an existing medium density development, or as a buffer from commercial or higher density residential. Existing surrounding conditions such as lot size, house styles and existing development patterns should be considered in conjunction with the current comprehensive plan to determine appropriate zoning.”

The proposed HeartStone Planned Development constitutes a high density development and thus exceeds the density recommendations of the Comprehensive Plan and does not match the existing surrounding development patterns to the north, east and to a large degree, those to the south. There are some similarities to those patterns to the west, however the existing lot sizes to the west do not fall under 6,000 square feet. As previously stated, the Staff would recommend a variety of lot sizes however those lots should include larger sizes including 10,000 square feet, 16,000 square feet and lots of 1 acre and greater approaching estate size. The plan is also too generalized to be able to draw any conclusion as to the viability of allowing high density residential with retail/commercial development.

Additionally, Staff does not feel the concept plan adequately addresses the road and traffic issues including the exclusion of a large portion of alleys. The proposed plan does not meet the minimum open space requirements as defined in the PD Section of the Unified Development Code. Finally, for consideration to be given to this request, there must be a balancing of density between the proposed PD and the 405 acre ETJ tract north of FM 552. To adequately serve both properties, a density level should reflect the recommendations of the Future Land Use and the City’s planning for utilities and roadways. For these reasons, this request can not be analyzed separately from the ETJ tract to the north.

With these concerns in mind, the Staff cannot support this application as submitted. However, the Staff recognizes that many of the elements of the proposal implement policies of the Comprehensive Plan and, if tailored to be consistent with other policies in the plan, could be a high quality development that would be an asset to the community. Compliance with the plan in this instance necessarily involves integrating the land now outside the City with the property that is the subject of the zoning amendment. It also requires resolution of the following outstanding issues:

- A Traffic Impact Analysis submitted for review that specifically takes into account traffic from the proposed 405-acre development in the ETJ

- Arterial roadway connection to Ridge Road West should be shown on plan
- Alley issues must be addressed
- Front facing garages must be addressed
- Density is greater than the Comprehensive Plan recommends and must be evaluated considering the applicant's land both inside and outside city limits
- 20% open space is required for Planned Development per the Unified Development Code
- Address compliance with Overlay Districts
- Amend Planned Development Standards to reflect changes to the amended concept plan

The Staff sent 40 notices to property owners within 200 feet of the subject property and at the time of preparation of this report 3 notices were returned in favor of the proposal and 1 notice was returned in opposition to the proposal.

**Mayor Cecil opened the public hearing and the following persons came forward to address the Council:**

**Misty Ventura  
Hughes & Luce  
1717 Main Street, Suite 2800  
Dallas, Texas 75201  
Attorneys for the Caruth Estate. She introduced Miles Prestemon of Newland Communities.**

**Miles Prestemon  
3429 Caleche Court  
Plano, Texas 75023  
Discussed the project, handed out brochures and gave power point presentation on the project.**

**Bob Richardson  
712 Congress Avenue, Suite 300  
Austin, Texas 78701  
With RVI. They worked with Dell Webb and had projects like Sun City, Phoenix and Barton Springs, Austin. Stated they don't want an arterial road through their community.**

**Joann Glover  
550 E. Quail Run Road  
Rockwall, Texas 75087  
Has a 12-acre tract in this area. This area is flood plain and if you tighten the density you affect the flood plain. Don't allow the high density. Watch what you are doing – protect what we have. Protect what's here for the future.**

**Thom Bouis  
P. O. Box 1614  
Rockwall, Texas 75087**

Bouis stated that the noise factor from 205 was growing. The density is too high. No to the townhomes. Let them mirror the Shores.

Rick Dirkse

3077 N. Goliad

Rockwall, Texas 75087

Trusts the wisdom of the Council and Planning and Zoning Commission.

His concerns are:

1. Traffic
2. There are 4500 homes proposed in the Garland/Lavon area.
3. Safety is a huge concern.
4. Lot size – 4500 SF is unacceptable – definitely not fair to him or his neighbors who have acreages.
5. Density is too high.
6. No alleys – is unacceptable. People need a place to park other than the streets!
7. Retail/Apartments – does not want these in the area.

This plan fails the urban life style test and will increase the already terrible traffic problems.

Dennis Dayman

519 Cellars Court

Rockwall, Texas 75087

This plan seems out of place. It creates a city within a city and separates everyone. If the build out is 10-20 years, will they sell the land? What happens? Agrees with previous comments re: safety, fire and traffic.

Sam Noel

1305 Champion Drive

Rockwall, Texas 75087

Agrees totally with comments made by others. A traffic survey was done for the Shores. Now we are looking at 6,000 more cars! People will look for paths of least resistance with regard to travel through the Shores neighborhoods to avoid SH205 – too much traffic will damage the streets. The density is too high. Safety is a concern.

Don French

3079 N. Goliad

Rockwall, Texas 75087

This does not make sense – doesn't fit. The density is way too high for current traffic. Would like a moratorium on any new development until the traffic problem is fixed. Has safety concerns for children going to school. Until the core issues are fixed – traffic/density – this development doesn't need to happen. Caruth Estate doesn't need the money. Delay and re-think the project until the 205 Bypass is in and 205 is fixed.

Dr. Mark Hazel

3059 N. Goliad

Rockwall, Texas 75087

Dr. Hazel stated that the rural community will no longer exist. It's all about money. Think hard about this. It would be terrible.

Kerry Mason  
3069 N. Goliad  
Rockwall, Texas 75087

Stated he did not mail in his opposition, but does oppose the development and wants his name put down as such. Owns 12 acres in the area. Agrees with other speakers against the development. This development does not fit. Traffic would be a nightmare.

There being no one further to address the Council and Planning and Zoning Commission, Mayor Cecil closed the public hearing. Cecil then announced that the Council would take a recess and that the Planning and Zoning Commission would act on the issue.

Commissioner Jackson stated that although there were a lot of nice things about the plan, there were a lot of negative things as well. Jackson stated she would not support doubling the density and that you don't do a development until you see how it is going to affect the City with regard to traffic. There must be alleys. The tracts are two separate areas and must be treated as such. There should not be any garages in the front. Jackson is not willing to reduce the open space percentage. Agrees with Staff and will not support the request.

Commissioner Burgamy stated that he echoed Commissioner Jackson's concerns and does not think that this development should happen.

Commissioner Langdon stated she is concerned with the density. We need to keep the country feel. Langdon stated she would not support this request.

Commissioner Carroll stated that he would like to see what it would look like if it followed all of our guidelines. Carroll stated that he agreed with the other Commissioners.

Commissioner Herbst stated that the development had good potential, but that all the items need to be addressed.

Commissioner Jackson made a motion to deny Z2005-025 and Commissioner Langdon seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Smith].

Commissioner Herbst adjourned the Planning and Zoning Commission Session at 7:50 p.m.

b. Consider action on Z2005-025.

## 5. ADJOURNMENT

There being no further business to come before the Commission, Chairman Herbst adjourned the meeting at 7:50 p.m.

**PLANNING AND ZONING COMMISSION PUBLIC HEARING**  
**July 12, 2005**

**CALL TO ORDER**

The meeting was called to order by Chairman, Phillip Herbst at 6:01 p.m. with the following members present; Greg Burgamy, Jeff Carroll and Mike Lucas. Connie Jackson was late.

Staff Present; Robert LaCroix, Michael Hampton, Chris Spencer and Denise LaRue.

**CONSENT ITEMS**

Approval of Minutes for June 14, 2005 Planning & Zoning Commission meeting

**P2005-025**

**Discuss and consider a request from Ron Ramirez of Weir & Associates, Inc., for approval of a replat of Lot 1, Block A, Whitmore Industrial Park Addition, being 24.323-acres zoned (LI) Light Industrial district and located at 930 Whitmore Drive.**

***Background Information***

*The proposed replat of Lot 1, Block A, Whitmore Industrial Park into three (3) separate lots (i.e. Lots 2, 3 and 4) will accommodate the expansion of the existing Whitmore Manufacturing Facility located at 930 Whitmore Drive. The existing and proposed development is located on the proposed Lot 2. The replat includes dedication of required fire lanes, as well as access and utility easements. Right-of-way is already dedicated for the construction of Whitmore Drive along the south side of the property, and the applicant is proposing that 2.5-ft of surplus dedicated right-of-way be abandoned by the City via separate instrument.*

*Each of the proposed lots complies with the (LI) Light Industrial district requirements and the plat appears to comply with all other requirements from the City's subdivision regulations. A site plan for the proposed expansion is under administrative review concurrent with this replat.*

*Staff Recommendation;*

- 1. Final approval of engineering plans required.*

**P2005-026**

**Discuss and consider a request by Harold Fetty of Rockwall Surveying Co., Inc., for approval of a final plat of Lot 1, Block 1, Family Law Center Addition, being a 0.43-acre tract zoned (PD-50) Planned Development No. 50 district and located at 603 N. Goliad.**

***Background Information***

*The replat of Lot 8 & 9, Block B, Horizon Ridge Addition, a 5.9256-acre tract zoned (PD-9) Planned Development No. 9 district, is intended to accommodate an*

*expansion of the approved medical office (Rockwall Medical Center) development on the 4.4479-acre Lot 8. The replat includes the abandonment and reconfiguration of the existing south fire lane and access easement. In addition, the replat is abandoning a portion of a 10' water easement, a portion of a 15' water easement and a 24' fire lane, access and utility easement. Other easements as required by engineering are also shown.*

*The applicant is required to construct Summer Lee from Ralph Hall Parkway to Rockwall Parkway. An Engineering Facilities agreement is required for all public improvements.*

*The replat conforms to the (PD-9) and underlying (GR) General Retail zoning requirements, and should be approved subject to engineering and fire department approvals.*

**Staff Recommendation:**

- 1. Engineering and Fire Department approvals.*
- 2. Label the latest Lot numbers and recording information for adjacent lots before filing.*
- 3. Show all on-site and off-site drainage easements.*
- 4. Construction of Summer Lee from Ralph Hall to Rockwall Parkway*
- 5. Engineering Facilities Agreement required*

**SP2005-016**

**Discuss and consider a request by Harold Fetty of Rockwall Surveying Co., Inc., for approval of a site plan for an 1,845-sf office use on Lot 1, Block 1, Family Law Center Addition, being a 0.43-acre tract zoned (PD-50) Planned Development No. 50 district and located at 603 N. Goliad.**

**Background Information:**

*The applicant has submitted a site plan of the property at 603 N. Goliad Street in anticipation of a "Law Office." The existing house has approximately 1,845 square feet of floor area.*

*The current PD-50 requirements allow for one (1) parking space per 500 square feet of office area. The proposed office requires four (4) parking spaces and the site plan indicates five (5) proposed spaces. The applicant is requesting a variance to install asphalt parking as opposed to the required concrete construction. The plan also indicates a 20' public access easement along the south property line and a 22' public access easement along the north property line, which will provide for future joint access between properties and reduce the number of drives accessing onto SH 205.*

*Landscaping exists in the front of the house; however, additional landscaping should be provided along the front of the property. A screening element of landscaping or fencing should be provided on the west property line adjacent to residential properties.*



*This property is subject to the "Commercial Guidelines" of the Old Town Rockwall Historic District which includes signage restrictions. The Staff feels this proposal is consistent with others that have been granted within PD-50.*

**Staff Recommendation:**

1. *Need sufficient "Backing Area" for existing parking spaces (carport).*
2. *Screening required along west property line to be reviewed and approved by staff prior to Certificate of Occupancy (CO).*
3. *City Council to approve variance allowing for asphalt paving.*

Burgamy made a motion to approve the consent agenda with staff recommendations.

Carroll seconded the motion. The motion was voted on and passed by a vote of 4 to 0. (Langdon, Jackson and Smith absent)

**Approval of Minutes for June 28, 2005 Planning & Zoning Commission meeting.**

Lucas made a motion to approve the minutes for June 28, 2005 meeting.

Burgamy seconded the motion. The motion was voted on and passed by a vote of 3 to 0. Carroll abstained.

**PUBLIC HEARING ITEMS**

**Z2005-026**

**Discuss and consider a city-initiated zoning change from Single-Family Residential (SF-7) to Planned Development No. 50 (PD-50) for those lots along the west side of N. Goliad from 703 N. Goliad to 925 N. Goliad. The proposed Planned Development will have underlying Residential-Office (R-O) District zoning with site plan review requirements.**

Spencer outlined the request stating the City of Rockwall has initiated a request for a zoning change for the properties being 703 N. Goliad to 925 N. Goliad located on the west side of N. SH 205. The request is to change the existing zoning from "SF-7," Single Family District to "PD-50." These properties are surrounded by single family residential use to the west, PD-50 to the south, Neighborhood Service to the north and single family & PD-50 to the east. PD-50 allows for residential office uses including single family usage. The PD was recently amended to allow an antique/collectable store with an SUP. Much of PD-50 on the east side of SH 205 backs up to either vacant property or city owned property and those lots on the west side of SH 205 typically back up to single-family houses along Alamo.

The PD was originally created with anticipation that properties on the west side of SH 205 up to Heath Street and beyond may eventually be included. Those properties along SH 205 face increasing traffic on a major north-south principal

arterial. The underlying zoning of Residential Office "R-O" allows the existing use of single family to continue while also allowing a gradual transition of use extending the subject properties usefulness as structures that are "historic residential in character" but not necessarily and exclusively limited to "residential uses".

There are a few "through-lots" on the west side of SH 205 that have frontage on Alamo Street or have vacant lots adjacent to the potential office use. As each of the properties within PD-50 develops into office use, a requirement for mutual access between the properties is established. The last two properties to be granted site plans for offices did so with dedicated mutual access easements located at the rear of the properties.

The issue with the current request is that the majority of these properties back directly to residential properties without an alley separation. By amending PD-50 to include the subject properties, it would require them to adhere to the Commercial Guidelines of the Rockwall Historic District, require joint or shared access on all adjoining lots, prohibit front yard parking if the properties are converted to office use, and require site plan review if changing to other than residential use. Site plan review would also be required for any non-residential development or any development (residential or Non-residential) on any vacant tract within PD-50.

Notices were mailed to 128 property owners within 200-ft of the subject tract, and at the time of this report three (3) responses "in favor" had been received. However, two of those responses are identical and do not indicate a name or address.

Herbst opened the public hearing.

No one came forward.

Herbst closed the public hearing.

Burgamy made a motion to approve the city-initiated zoning change from Single-Family Residential (SF-7) to Planned Development No. 50 (PD-50) for those lots along the west side of N. Goliad from 703 N. Goliad to 925 N. Goliad. The proposed Planned Development will have underlying Residential-Office (R-O) District zoning with site plan review requirements with the following conditions:

1. That all development within (PD-50) Planned Development No. 50 district be subject to the requirements of the (RO) Residential Office district in the Unified Development Code, as amended, including the Land Use Tables in "Article IV, Permissible Uses" and the area requirements set forth in Section 4.2 of "Article V, District Development Standards."
2. As approved via Ordinance No. 05-18, "Antique / Collectable Sales" shall be allowed subject to approval of a Specific Use Permit (SUP) by City Council, and the following conditions:

- a. "Antique Sales"-the sale of an object having value because of its age, especially a domestic item or piece of furniture or handicraft esteemed for its artistry, beauty, craftsmanship, or period of origin.
  - b. "Collectable Sales"-the sale of an object that can be collected; suitable or desirable for collecting, as a hobbyist; any of a class of old things, but not antiques, that people collect as a hobby.
  - c. The sale of new or used clothing and appliances be prohibited.
  - d. That the maximum building sizes not exceed 2,000 square foot for Antique/Collectable Sales.
  - e. That individual lease areas within the store be prohibited.
3. That development within the Planned Development be subject to the "Commercial Guidelines" of the Rockwall Historic District, as amended.
4. That joint or shared access be required on all adjoining lots if any property is used for office development or any other non-residential use permitted in the (RO) Residential Office district.
5. That parking in the front yard area of any property within this Planned Development district be prohibited and all parking for those uses permitted in the (RO) Residential Office district be located behind the front facade of the main building structure.
6. That the parking requirement for professional office uses (excluding medical office) be one (1) parking space for each 500 square feet of floor area, and that the parking requirement for all other uses permitted in the (RO) Residential Office district shall adhere to the parking requirements set forth in "Article VI, Parking and Loading" of the Unified Development Code.
7. That all properties within the Planned Development district shall be subject to site plan review if changing to other than residential use.
8. All drive aisles and parking areas required for the conversion and/or redevelopment of existing structures within the Planned Development district may be paved with asphalt subject to review and approval by the City Engineer. New development on vacant properties within the Planned Development district shall be paved in accordance with City standards (i.e. concrete).
9. In the event that unique or extraordinary conditions exist on the property such that the applicant feels he/she cannot comply with the strict interpretation of this ordinance, a variance can be requested from the City Council.

Lucas seconded the motion. The motion was voted on and passed by a vote of 4-0 (Smith, Jackson & Langdon absent).

## **Z2005-027**

**Discuss and consider a city-initiated revision to the City of Rockwall Unified Development Code (Ord. No. 04-38), specifically an amendment to Article V, Section 6.7, SH 205 Overlay (SH 205 OV) District.**

Hampton outlined the request stating the City Council, at their June 20, 2005 regularly scheduled meeting, and gave direction to staff to proceed with proposing amendments to the SH 205 Corridor Overlay District. The SH 205 Corridor Overlay District includes the entirety of all properties which adjoin or are located within 200 feet of the future right-of-way of SH 205. The SH 205 Corridor Overlay Zone spans north to south along SH 205 from the intersection point of SH 205 and FM 740, south to the southern city limits (approximately 2,800' south of FM 1139). The following section is proposed for amending:

### **6.7 SH 205 OVERLAY (SH 205 OV) DISTRICT**

- G. Signs.** ~~All signage shall conform to the Sign Ordinance as amended.~~ All permanent free standing signs located in the SH 205 Corridor Overlay District shall be monument signs adhering to the City of Rockwall Sign Ordinance as heretofore amended and as maybe amended in future. Building materials and colors utilized for construction of the monument base shall be the same as the primary building materials and colors found on the main building, unless otherwise approved by the City Council. Approval of any variance to the Sign Ordinance for property included the SH 205 Corridor Overlay District shall require City Council approval by a three-quarter (3/4) majority vote.

The City Council also proposed consideration to changing the variance stipulation of this Overlay District as well as all Overlay Districts in the future. The following section is proposed for amending:

### **6.7 SH 205 OVERLAY (SH 205 OV) DISTRICT**

- H. Variance.** The City Council may, upon request from the applicant, grant a variance to any provision of this ordinance where unique or extraordinary conditions exist or where strict adherence to the provisions of this ordinance would create a hardship. Approval of any variance to any provision of this ordinance shall require City Council approval by a three-quarter (3/4) majority vote.

The City Council additionally proposed consideration to changing the masonry requirements by increasing the percentage of masonry from 90% to 100% and the stone requirement from 20% to 50 % for this overlay district. The following section is proposed for amending:

### **6.7 SH 205 OVERLAY (SH 205 OV) DISTRICT**

## **C. Architectural Standards**

1. **Masonry Requirements.** Each exterior wall shall consist of ~~90%~~ 100% masonry materials as defined in Article XII Definitions – Masonry, excluding doors and windows, on walls which are visible from a public street or open space, including a minimum of ~~20%~~ 50% stone.

All buildings shall have exterior walls constructed of stone, brick, glass block, tile, cast metal, cast or cultured stone, or a combination of those materials. The use of other cementaceous products (e.g. stucco, Hardy Plank, or other similar materials approved by the Building Official) shall be limited to 50% of the buildings exterior finishes where it is deemed important as a design feature and where it will be applied under the highest standards for quality and durability. However, stucco may not be located in the first 8 feet above grade on a façade visible from a street or public area.

Exceptions to this requirement may be permitted on a case by case basis by the Council upon submission and approval of elevation drawings of the subject structure, and material samples.

### **RECOMMENDATIONS:**

The proposed change to the sign section of the SH 205 Overlay District would correspond to all other Overlay Districts with regard to requiring only monument type signs. The only issue with this change is the creation of nonconforming signs on existing businesses and how City staff will address these signs as the businesses change use. As to the signs, Staff would recommend amending this portion of the SH 205 Corridor Overlay District as stated above. With regard to the variance section, the three-quarter (3/4) majority vote could delay the process if at any time six Council members are not present. This situation has occurred several times during the past Council's tenure and has delayed action on certain zoning and development applications. Delayed action on applications can potentially cause hardship on applicants however, requesting a variance is a voluntary action on the applicant's part and not brought on by the Council. The Staff feels that the three-quarter (3/4) majority is a judgment call for the Planning Commission to make as a recommendation to City Council and ultimately the same judgment call for the City Council to make for final approval of this change. With regard to the increase in the percentage of stone requirement, again, Staff feels that this is a judgment call for the Planning Commission as well as the City Council. We have included a survey of six surrounding cities commercial masonry requirements to use as a comparative analysis of Rockwall's current requirement to the proposed change. We will also review this proposed change with Architectural Review Board and report their recommendation to Planning Commission and City Council.

The Architectural Review Board, at their June 28, 2005 regular meeting, reviewed these proposals. Donna Orr, representing the ARB, reported to the Planning Commission and recommended against the 50% stone requirement and the three-

quarter (3/4) majority vote for all variances. The Board was in favor of requiring monument signs only, as per the Sign Ordinance.

Herbst opened the public hearing.

Ross Ramsay addressed the commission stating is opposed to the changes.

Herbst closed the public hearing.

Burgamy made a motion to approve the city-initiated revision to the City of Rockwall Unified Development Code (Ord. No. 04-38), specifically an amendment to Article V, Section 6.7, SH 205 Overlay (SH 205 OV) District; except that the masonry and minimum stone requirements in Section 6.7 C, 1. Architectural Standards should not be changed at this time. The motion did state that the Commission believed that all overlay districts should be looked at comprehensively to determine what changes could be made to improve the architectural standards.

Lucas seconded the motion. The motion was voted on and passed by a vote of 4 to 0. (Langdon, Jackson and Smith absent)

#### **Z2005-028**

**Discuss and consider a request by Kim Bihari of Greenpoint Capital, LP, for a change in zoning from (SF-7) Single Family Residential district to (GR) General Retail district on a 0.4293-acre tract known as Block 117, BF Boydston, located at 503 S. Goliad.**

Spencer stated the applicant's request is to rezone the 0.4293 tract from (SF-7) Single Family Residential district to (GR) General Retail district. The subject tract is designated on the City's Future Land Use Map as "Single Family Residential"; however, the subject tract and the tract immediately to the south are the only two residentially zoned tracts from Olive to Bourn. In addition, improvements to and the widening of SH 205 are set to begin approximately June 2006.

The (GR) General Retail district would allow the property owner to develop (or market for sale) the site for an office, personal service, institutional or retail use. Generally, more intense and/or invasive uses are either not permitted in "GR" or require case-by-case consideration via the Specific Use Permit process (such as commercial amusement, convenience store with more than 2 gas dispensers, auto repair, car wash, etc). Several uses are prohibited or restricted by the Residential Adjacency Standards within the Unified Development Code. The tree preservation requirements and all other applicable codes are also in place to ensure proper development of this property.

Staff feels there should be consideration of the "GR" zoning on this tract given its location and the current zoning along SH 205.

Notices were mailed to the seventeen (17) property owners within 200-ft of this tract, and at the time of this report one response "in favor" had been returned.

Herbst opened the public hearing.

Glen Fountain, representative addressed the commission requesting approval of the request and to answer questions.

Herbst closed the public hearing.

Burgamy made a motion to approve the request by Kim Bihari of Greenpoint Capital, LP, for a change in zoning from (SF-7) Single Family Residential district to (GR) General Retail district on a 0.4293-acre tract known as Block 117, BF Boydston, located at 503 S. Goliad.

Carroll seconded the motion. The motion was voted on and passed by a vote of 4 to 0. (Langdon, Jackson and Smith absent)

## **SITE PLANS / PLATS**

### **P2005-024**

**Discuss and consider a request by Scott Holden of Douphrate and Associates for approval of a final plat for Lakeview Summit Phase 3, being 84-lots on 29.125-acres zoned (PD-29) Planned Development No. 29 district and located along the east side of N. Lakeshore Blvd and west of Lakeview Summit Phase 1A.**

Jackson entered the meeting at 6:54 p.m.

Hampton outlined the request stating the final plat for Lakeview Summit, Phase 3 proposes 84 lots on 29.125-acres. The final plat generally conforms to the approved preliminary plat and concept plan for the Lakeview Summit subdivision; however, the street configuration has been altered to minimize the number of cul-de-sacs. Mariposa Ct remains as a cul-de-sac with a 50-ft radius as approved on the preliminary plat. However, new engineering and fire department requirements mandate a minimum 55-ft radius to accommodate larger emergency vehicles and parking; therefore, no on-street parking will be permitted on Mariposa Ct.

A 100-ft right-of-way dedication is provided with this plat for North Lakeshore Drive, for which the developer will be participating with the construction. The City has started construction of this road from SH 205 to its terminus near Grace Hartman Elementary School. The applicant is proposing a 5-ft landscape wall easement to provide landscaping and screening elements along N Lakeshore Dr. Continued on this plat is the 50-ft jogging trail and utility easement along the existing Dickson Dr, which provides access to the City's wastewater treatment plant. A 30-acre park dedication required for the overall Lakeview Summit development is to be provided with this final plat. The Parks Board reviewed the final plat at their regular meeting on July 6, 2005 and made the following recommendations:

- 30-Acre park dedication
- 8-ft trail constructed along north side of N. Lakeshore Dr

- Equipment fees of \$226 per lot (\$18,984)

Finally, an updated tree plan for the project has been submitted by the applicant indicating that approximately 247-inches of Elm trees and 177-inches of protected Cedar trees are to be removed. Under today's standards, this requires 335.5-inches of mitigation, or approximately 4-inches per lot. However, a large number of trees on this site were removed with earlier phases of construction. Considering this, staff would recommend that mitigation on these 84 lots be consistent with the earlier phases of Lakeview Summit, which has been three (3) 3-inch caliper trees per lot and four (4) 3-inch caliper trees on all corner lots.

Burgamy made a motion to approve the request by Scott Holden of Douphrate and Associates for approval of a final plat for Lakeview Summit Phase 3, being 84-lots on 29.125-acres zoned (PD-29) Planned Development No. 29 district and located along the east side of N. Lakeshore Blvd and west of Lakeview Summit Phase 1A with the following conditions:

1. Final approval from engineering and fire departments.
2. Adherence to Park Board recommendations.
3. Tree mitigation for Phase 3 to continue from previous phases (i.e. three, 3-inch trees per lot and four, 3-inch trees on all corner lots).
4. No on-street parking on Mariposa Court.
5. Facilities agreement to be approved prior to or concurrently with final plat.
6. Screening required along N. Lakeshore Drive to consist of wrought iron fencing with stone columns and supplemented with landscaping. Details for the screening shall be approved by staff prior to issuance of a building permit.
7. Correct page numbering to read "Sheet 1 of 4", etc, and add acreage of parkland into title block (59.125-Acres?).

Carroll seconded the motion. The motion was voted on and passed by a vote of 5 to 0 (Langdon and Smith absent).

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:11 p.m.

*These minutes were approved August 9, 2005*



**PLANNING AND ZONING COMMISSION PUBLIC HEARING**  
**June 14, 2005**

**CALL TO ORDER**

The meeting was called to order by chairman, Phillip Herbst at 6:01 p.m. with the following members present; Greg Burgamy, Jeff Carroll, Mike Lucas and Connie Jackson. Susan Langdon and Glen Smith were absent.

**Architectural Review Board Present;** John Lindsey and Donna Orr.

**Staff Present;** Robert LaCroix, Michael Hampton, Chris Spencer and Denise LaRue.

**CONSENT AGENDA ITEMS**

**Approval of Minutes for the May 31, 2005 Planning and Zoning Commission meeting**

**P2005-021**

**Discuss and consider a request by Doug Patton for approval of a final plat of Rockwall Recreational Addition, being a 7.16-acre tract zoned (LI) Light Industrial district and located at 1540 E IH-30.**

**Background;**

The applicant has submitted a final plat for Rockwall Recreational Addition to accommodate the conversion of the existing Rockwall Church of Christ at 1540 E IH-30 into a boat and trailer dealership. The zoning of the property has been changed from (Ag) Agricultural district to (LI) Light Industrial district, and a site plan for the development was approved by Council on May 16, 2005.

The 7.16-acre subject tract is proposed to be subdivided into two lots, with a 60-ft right-of-way dedication from the existing terminus of Commerce Street to the east property line. Development of this road would be required with development of the vacant portions of this property, or with the development of the adjacent Cambridge Companies property. Additionally, a mutual access easement is proposed at the northeast corner of the property to provide another point of access to the tract to the east. Utility easements and firelanes are to be formally dedicated with this final plat.

The final plat meets all requirements of the (LI) Light Industrial district.

Staff Recommends approval of the request with the following conditions:

1. Approval of engineering plans.
2. Adherence to fire department requirements.

**P2005-022**

**Discuss and consider a request from Marlyn Roberts for approval of a preliminary plat for Lots 1 and 2, Block 1, Meadowcreek Business Center Addition, being a 19.84-acre tract zoned (C) Commercial district and located along the east side of SH 205, south of SH 276 and across from Ralph Hall Pkwy.**

**Background;**

The preliminary plat for the Meadowcreek Business Addition lays out two commercially-zoned lots on 19.84-acres, with a single access from SH 205. Additional access points may be provided from SH 205 and SH 276 pending Engineering and TX DOT approval. This will have to be addressed if/when that tract develops.

Both of the two lots on the subject tract comply with the City's area requirements for the (C) Commercial district. A Specific Use Permit for a "Stand alone lube center" on Lot 2 has been approved and a site plan was submitted simultaneously with the Preliminary Plat. Currently there are no plans to develop Lot 1, at this time. Full engineering plans will be submitted and approved prior to application for final plat. The development will also be subject to site plan and Architectural Review.

A final treescape plan will be reviewed with the final plat and review of grading details.

Staff Recommends approval of the request with the following conditions:

1. TIA approval required for driveway location.
2. Tree Plan to accompany final plat.
3. Detention pond easement required.
4. Flood study.
5. Right of Way dedication for SH 205 (verify with TX DOT).
6. Preliminary approval in writing from TX DOT for drive location.
7. Facility Agreement
8. Engineering Approval.

**SP2005-012**

**Discuss and consider a request from Marlyn Roberts for approval of a site plan for a stand-alone quick lube business on Lot 2, Block 1, Meadowcreek Business Center Addition, being a 10.10-acre tract zoned (C) Commercial district and located along the east side of SH 205 south of SH 276 and across from Ralph Hall Pkwy within the SH 205 Overlay district.**

**Background;**

The subject site is a 2.06-acre tract located on Lot 2, Block 1, Meadowcreek Business Addition. The site plan for the proposed lube center illustrates a layout of one (1) building being 3,500-sf. in area and having four (4) service bays. The total required parking for the intended use is twelve (12) spaces, and the applicant has provided fourteen (14) spaces, including one (1) handicap accessible. The site will be accessed via a proposed driveway from SH 205. The location of the drive may

be altered depending on the TIA as required as part of the Preliminary Plat approval. The cost of the sidewalk along SH 205 is to be escrowed.

The landscape plan shows five (5) 3" caliper street trees located along SH 205, which exceeds city standards. In addition, the applicant is proposing a 36" high berm with nine (9) 8' high Crape Myrtles along SH 205. A minimum 10' landscape buffer is required along SH 205 for non-residential development within the Commercial "C" zoning district. The applicant has proposed additional landscaping in an effort to screen bay doors from adjacent property owners. The bay doors will be screen to the north via seven (7) 3" caliper Red Oak trees and an existing natural buffer will provide screening to the property owners to the south. Additional trees are required to meet the one (1) tree per every 750 sf. of detention pond area.

The applicant is proposing a 25'8" high building with stone and brick veneer. The roof is proposed to be constructed of 30 year asphalt shingles. The building elevations have been reviewed and approved by the Architectural Review Board (ARB).

The applicant has submitted a photometric plan which meets city standards.

Staff Recommends approval of the request with the following conditions:

1. Right of Way for SH 205.
2. TX DOT Permit for Driveway.
3. Flood study.
4. No detention in flood plain.
5. Approval of Engineering Plans and Final Plat.

Burgamy made a motion to approve the items on the consent agenda with staff recommendations.

Jackson seconded the motion. The motion was voted on and passed by a vote of 5 to 0.

#### **Z2005-025**

**Hold a public hearing and consider a request by Miles Prestemon of Newland Communities for a change in zoning from (Ag) Agricultural district to (PD) Planned Development district on approximately 395.075-acres comprised of Tracts 1 and 2, Abstract 71, W.T. DeWeese Survey, and Tracts 2, 3 and 4, Abstract 131, S. King Survey. The subject property is located along the east side of SH 205, south side of FM 552, west side of Hayes Rd and north side of Quail Run.**

LaCroix addressed the commission stating this request is being rescheduled for July 5, 2005 as "Joint" public hearing?

## **SITE PLANS / PLATS**

#### **SP2005-013**

**Discuss and consider a request from Randall Kienast of Kienast Homes, Inc., for approval of an amended site plan for Rockwall Honda for the addition of an 880-sf storage building, on a 1.33-acre tract located at 1030 E IH-30 and zoned (C) Commercial district within the IH-30 Overlay district.**

Hampton outlined the request stating Rockwall Honda is requesting to construct a new storage building in the rear of their existing lot at 1030 E IH-30. The proposed structure is approximately 880-sf and is proposed to be constructed with "split face stone" and a standing seam metal roof. The Architectural Review Board at their 5/31/05 meeting recommended that although the proposed masonry material was acceptable, the roof material and design needed to be revised. Specifically, the ARB recommended that the applicant bring back a proposal that included a true pitched or gabled roof system, and replace the originally proposed corrugated metal with a true standing seam metal material, even if that resulted in a higher quality roof material than what exists on the primary structure. The primary building was constructed before the establishment of the IH-30 Overlay district.

The purpose of the building appears to be general storage, though the applicant did indicate at the work session that they would also like to place their dumpsters in the structure. The dumpster enclosure adjacent to the building has been kept on the site plan.

Kent Cherry, Builder addressed the commission requesting approval and to answer questions.

Carroll made a motion to approve the request from Randall Kienast of Kienast Homes, Inc., for approval of an amended site plan for Rockwall Honda for the addition of an 880-sf storage building, on a 1.33-acre tract located at 1030 E IH-30 and zoned (C) Commercial district within the IH-30 Overlay district with the following conditions;

1. Colors of roof and walls of new structure should match existing building.
2. Building is subject to any fire and/or building code requirements, including fire wall requirements depending on proposed setback to the side and/or rear property lines.
3. All parts of building to be within 150-ft of a firelane and fire hydrant (new hydrant required?).

Jackson seconded the motion. The motion was voted on and passed by a vote of 5 to 0.

Carroll left the meeting stating a conflict of interest.

#### **SP2005-014**

**Discuss and consider a request by Kristine Sotelo of Carroll Architects for approval of a site plan for the Shops at Ridge Creek, a 12,000-sf retail / restaurant building located on Lot 1, Block 1, Standridge Addition, which is zoned (PD-3) Planned**

**Development ('Tract 3' designated for GR uses) and situated on the northwest corner of Ridge Road West and N. Goliad within the North SH 205 Corridor Overlay district.**

Spencer outlined the request stating The subject site is a 1.61-acre tract located on Lot 1, Block 1, Standridge Addition. The site plan for the proposed retail center illustrates a layout of one (1) building being 12,000-sf. in area. The total required parking for the intended use is fifty-nine (59) spaces, and the applicant has provided fifty-nine (59) spaces, including three (3) handicap accessible. The proposed development requires one (1) 12'x 65' loading space. The applicant has proposed an 8'x 26' loading area located at the northeast corner of the building. The North SH 205 Overlay requires that all loading spaces are to be screened from right of ways and adjacent property. Staff is recommending that a landscape screen comprised of Yaupon Holly trees be located along the north side of the dumpster and loading space. At the recommendation of the Planning and Zoning Commission the applicant has relocated the dumpster to the north side of the proposed building.

The dumpster will be accessed via the proposed loading space. The site will be accessed via an existing drive from SH 205 and an existing drive off of Ridge Road West. Turn lane improvements will be required on both SH 205 and Ridge Road West. A 5-ft sidewalk is required along Ridge Road West and the cost of the sidewalk along SH 205 is to be escrowed.

The landscape plan indicates approximately 33.06% of the site is open space, which exceeds City requirements. The landscaping buffers along both SH 205 and Ridge Road West are shown on the landscape plan to be a minimum 20-ft in width. A total of 301-inches of protected trees are shown to be removed. The applicant is proposing to mitigate with a total of twenty-four (24) four inch caliper trees, the remaining 142" will paid into the City's tree fund. In addition the applicant is saving numerous trees including a 20" Oak, a 16" Oak and a 14" Oak. Lot 2, which is located immediately east of the proposed site, will remain undeveloped and provide a natural buffer from adjacent single-family homes.

The building elevations propose a 26' tall typical structure consisting of brick, stone manufactured stone, EIFS cornice and standing seam metal awnings. All rooftop mechanical equipment must be screened from all adjacent properties and right of ways. The building elevations have been reviewed and approved by the Architectural Review Board (ARB).

The light levels along the north property line exceed city standards of 0.2 foot-candles at three feet above the property line. The remaining portion of the photometric plan meets city standards.

Kristine Sotelo, applicant addressed the commission requesting approval of the request and to answer questions.

Harold Solomen, Shores Country Club H.O.A President addressed the commission stating concerns that more screening should be added to the rear of the building.

Jackson made a motion to approve the request by Kristine Sotelo of Carroll Architects for approval of a site plan for the Shops at Ridge Creek, a 12,000-sf retail / restaurant building located on Lot 1, Block 1, Standridge Addition, which is zoned (PD-3) Planned Development ('Tract 3' designated for GR uses) and situated on the northwest corner of Ridge Road West and N. Goliad within the North SH 205 Corridor Overlay district with the following conditions;

1. Approval of Final Plat
2. Approval of Engineering Plans
3. Flood study "ultimate conditions"
4. Dumpster to be screened from SH 205
5. Dumpster and Loading space to be screened from adjacent property with Yaupon Holly Trees.
6. Detention to be located underground
7. Add Yaupon Holly Trees to along the west side of the building between the proposed Live Oaks.

Lucas seconded the motion. The motion was voted on and passed by a vote of 4 to 0.

Carroll returned to the meeting.

## **PUBLIC HEARING ITEMS**

### **P2005-019**

**Hold a public hearing and consider a request by Sergio Garcia for approval of a residential replat of Lot 5, Block B, Chandlers Landing Phase 4, being a 0.11-acre tract zoned (PD-8) Planned Development No. 8 district and located at 5453 Ranger Drive.**

Spencer outlined the request stating The applicant has submitted a replat that proposes to remove an existing 3' utility easement along the east property line. A 15' utility easement and greenbelt area is located along the east property line adjacent to the 3' utility easement that is proposed to be removed. The replat meets all other requirements of the City.

In accordance with state law, all property owners within 200-ft of the subject lot within the Chandlers Landing Phase 4 subdivision were notified of the replat. At the time of the report, no responses have been returned.

Herbst opened the public hearing.

Sergio Garcia, applicant addressed the commission requesting approval of the request and to answer questions.

Herbst closed the public hearing.

Burgamy made a motion to approve the request by Sergio Garcia for approval of a residential replat of Lot 5, Block B, Chandlers Landing Phase 4, being a 0.11-acre tract zoned (PD-8) Planned Development No. 8 district and located at 5453 Ranger Drive with the following conditions:

1. Engineering Approval
2. Written approval to abandon the utility easement from all utility providers.

Lucas seconded the motion. The motion was voted on and passed by a vote of 5 to 0.

#### **P2005-020**

**Hold a public hearing and consider a request by John McAnally for approval of a residential replat of Lots 1 and 2, Block C, The Estates of Coast Royale No. 1, being a 3.65-acre tract zoned (SF-10) Single Family Residential district and located along the west side of Ridge Road south of Becky Lane.**

Hampton outlined the request stating the applicant has submitted a replat that proposes to combine Lots 1 and 2, Block C, The Estates of Coast Royale No. 1. Additionally, the replat proposes to remove an existing 10-ft utility easement in the front half of the lot that currently straddles the existing common lot line. All franchise utility companies (Oncor, SBC, etc) must verify that the abandonment of said easement does not interfere with their facilities. The replat meets all other requirements of the City, including the (SF-10) Single Family Residential district requirements.

In accordance with state law, all property owners within 200-ft of the subject lot within the Estates of Coast Royale No. 1 subdivision were notified of the replat. At the time of the report, two responses "in favor" had been returned.

Herbst opened the public hearing.

John McAnally, applicant addressed the commission requesting approval of the request and to answer questions.

Herbst closed the public hearing.

Jackson made a motion to approve the request by John McAnally for approval of a residential replat of Lots 1 and 2, Block C, The Estates of Coast Royale No. 1, being a 3.65-acre tract zoned (SF-10) Single Family Residential district and located along the west side of Ridge Road south of Becky Lane with the following conditions:

1. Engineering approval required.
2. Written approval from all franchise utility providers for the abandonment of 10-ft utility easement.

Burgamy seconded the motion. The motion was voted on and passed by a vote of 5 to 0.

**Z2005-021**

**Hold a public hearing and consider a City-initiated request to rezone the following thirteen (13) tracts from (Ag) Agricultural district to (LI) Light Industrial district:**

- Tract 1:** Being Tract 2, Abstract No. 125, J B Jones, a 1-acre tract located along the east side of FM 549, south of I-30;
- Tract 2:** Being Tract 2-1, Abstract No. 125, J B Jones, a 51.5-acre tract located along the east side of FM 549, south of I-30;
- Tract 3:** Being Tract 3, Abstract No. 125, J B Jones, a 6.5-acre tract, located south of I-30;
- Tract 4:** Being Tract 5, Abstract No. 125, J B Jones, a 60.3-acre tract, located along the west side of Rochelle and south of I-30;
- Tract 5:** Being Tract 6, Abstract No. 125, J B Jones, a 78-acre tract located north of Springer Rd and south of I-30;
- Tract 6:** Being Tracts 25 and 25-1, Abstract No. 120, R B Irvine, a 22.24-acre tract located along the south side of I-30;
- Tract 7:** Being Tract 24-1, Abstract No. 120, R B Irvine, a 1.5-acre tract located along the south side of I-30;
- Tract 8:** Being Tract 10-1, Abstract No. 186, J A Ramsey, a 57.461-acre tract located along the north side of SH 276 and south of Springer Rd;
- Tract 9:** Being Tract 10-3, Abstract No. 186, J A Ramsey, a 1.928-acre tract located along the south side of Springer Rd;
- Tract 10:** Being Tract 14, Abstract No. 186, J A Ramsey, a 12-acre tract located along the north side of Springer Rd;
- Tract 11:** Being Tract 1, Abstract No. 16, R K Brisco, an 85.479-acre tract located east of Rochelle and south of I-30;
- Tract 12:** Being Tract 2, Abstract No. 16, R K Brisco, a 100-acre tract located east of Rochelle and south of I-30;
- Tract 13:** Being Tract 1, Abstract No. 100, M E Hawkins, a 208.52-acre tract located east of Rochelle and north of SH 276.

Spencer outlined the request stating The City of Rockwall has initiated a request to rezone thirteen (13) tracts, totaling 687-acres, from (Ag) Agricultural district to (LI) Light Industrial. The zoning change comes at the request of the Rockwall Economic Development Corporation.

The subject sites are all located east of FM 549, south of I-30 and north of SH 276 and are all currently zoned "AG". The Future Land Use Plan shows the proposed tracts to be Technology/Light Industrial. The Comprehensive plan states "Reserve adequate land for industrial uses on or near IH 30" (Pg. 10).

Staff sent thirty-three (33) notices to the property owners within 200 feet of the subject site and at time of this report one (1) notice in favor and one (1) notice in opposition have been returned.



Herbst opened the public hearing.

Greg Nixon, REDC President addressed the commission requesting approval of the request and to answer questions.

Jim Choate, REDC Board member addressed the commission requesting approval of the request and to answer questions.

Paul Barnhardt, addressed the commission requesting the lakes have public access.

Carl Jackson, REDC board member addressed the commission requesting approval of the request and to answer questions.

Nell Welborn, REDC board member addressed the commission requesting approval of the request and to answer questions.

Tom Bouis, 7122 Hunt Lane addressed the commission stating this would be a great site for a college campus.  
Herbst closed the public hearing.

Burgamy made a motion to approve the City-initiated request to rezone the following thirteen (13) tracts from (Ag) Agricultural district to (LI) Light Industrial district:

- Tract 1: Being Tract 2, Abstract No. 125, J B Jones, a 1-acre tract located along the east side of FM 549, south of I-30;
- Tract 2: Being Tract 2-1, Abstract No. 125, J B Jones, a 51.5-acre tract located along the east side of FM 549, south of I-30;
- Tract 3: Being Tract 3, Abstract No. 125, J B Jones, a 6.5-acre tract, located south of I-30;
- Tract 4: Being Tract 5, Abstract No. 125, J B Jones, a 60.3-acre tract, located along the west side of Rochelle and south of I-30;
- Tract 5: Being Tract 6, Abstract No. 125, J B Jones, a 78-acre tract located north of Springer Rd and south of I-30;
- Tract 6: Being Tracts 25 and 25-1, Abstract No. 120, R B Irvine, a 22.24-acre tract located along the south side of I-30;
- Tract 7: Being Tract 24-1, Abstract No. 120, R B Irvine, a 1.5-acre tract located along the south side of I-30;
- Tract 8: Being Tract 10-1, Abstract No. 186, J A Ramsey, a 57.461-acre tract located along the north side of SH 276 and south of Springer Rd;
- Tract 9: Being Tract 10-3, Abstract No. 186, J A Ramsey, a 1.928-acre tract located along the south side of Springer Rd;
- Tract 10: Being Tract 14, Abstract No. 186, J A Ramsey, a 12-acre tract located along the north side of Springer Rd;
- Tract 11: Being Tract 1, Abstract No. 16, R K Brisco, an 85.479-acre tract located east of Rochelle and south of I-30;

- Tract 12: Being Tract 2, Abstract No. 16, R K Brisco, a 100-acre tract located east of Rochelle and south of I-30;
- Tract 13: Being Tract 1, Abstract No. 100, M E Hawkins, a 208.52-acre tract located east of Rochelle and north of SH 276.

Jackson seconded the motion. The motion was voted on and passed by a vote of 4 to 1. Lucas voted against.

## **Z2005-022**

**Hold a public hearing and consider a city-initiated request to amend the Unified Development Code (Ord. 04-38) of the City of Rockwall, specifically Article V, Section 6.15, Lake Ray Hubbard Takeline Overlay (TL OV) District.**

Hampton outlined the request stating the City Council directed the staff to develop an amendment to the Lake Ray Hubbard Takeline Overlay (TL OV) district, specifically to consider the allowance of certain boat-related uses and structures for the property owners that choose to sublease. Enclosed is a draft amendment to Article V, Section 6.15, which includes several new definitions as well as standards for boathouses, dock decks, fixed piers and lake belvederes. Each of these structures is permitted in the City of Rowlett, which has also initiated a program to sublease Takeline areas to eligible property owners.

Using Rowlett's ordinance as a reference, primarily because their definitions and technical requirements for the boat-related structures have been approved by the City of Dallas, staff has presented a draft ordinance permitting these structures on properties with at least 50 linear feet of shoreline frontage. For lots with less than 50 linear feet (less than 1% of the eligible sublease properties), these structures would require approval of a Specific Use Permit by the P&Z and Council. Staff is not recommending for or against these various structures, but rather presenting the information for discussion by the P&Z and Council.

It is important to note that, at this time, only single family properties with a lot width of at least 45-feet at the front building line are eligible to sublease. Homeowner's Associations, multi-family and townhome communities along the lake are not eligible. Additionally, prior to the permitting of any boat-related structure, the construction of a seawall is required.

Brad Griggs, City of Rockwall Takeline Administrator was available to answer questions.

Opened the public hearing.

Chris Weiner, 743 Turtle Cove addressed the commission in favor of the request.

Tom Bouis, Hunt Lane addressed the commission in opposed to the request.

Tom Madden, 1420 Coastal addressed the commission with concerns regarding the seawall requirements.

Calvin Hurst, 3010 Bayside addressed the commission with concerns regarding marina inspections.

Jack Ogilvie, 3002 Bayside addressed the commission opposed to the request.

Jacques Roy, 1320 Coastal addressed the commission in favor of the request.

Ann Hurst, 3010 Bayside addressed the commission opposed to the request.

John Duca, 815 Sunset Hill addressed the commission in favor of the request.

Lea Freese, 943 Lexington addressed the commission in favor of the request.

Jim Choate, 206 Rainbow Circle addressed the commission opposed to the request.

Paul Freese, 943 Lexington addressed the commission in favor of the request.

Toni Barnhard, 1302 Lakeshore addressed the commission in favor of the request.

Leslie Chapman, 733 Sunset Hill addressed the commission in favor of the request.

Bruce Patton, 10 Intrepid addressed the commission in favor of the request.

Mr. Wells, 1302 Lexington addressed the commission in favor of the request.

Mr. Traxler, 1400 Coastal addressed the commission in favor of the request.

Erik Kosar, 1430 Coastal addressed the commission in favor of the request.

David Boykin, 1340 Coastal addressed the commission in favor of the request.

Barry Greenlee, 1290 Coastal addressed the commission in favor of the request.

Joe Kipping, 1502 South Lakeshore addressed the commission in favor of the request.

John Singer, 1702 Lakeshore addressed the commission in favor of the request.

Scott Weatherford, 1460 Coastal addressed the commission in favor of the request.

Jerry Bigler, 1420 South Lakeshore addressed the commission in favor of the request.

Bob Allen, 777 Sunset Hill addressed the commission in favor of the request.

John Duca, 815 Sunset Hill addressed the commission in favor of the request.

Herbst closed the public hearing.

Carroll made a motion to approve the city-initiated request to amend the Unified Development Code (Ord. 04-38) of the City of Rockwall, specifically Article V, Section 6.15, Lake Ray Hubbard Takeline Overlay (TL OV) District.

Burgamy seconded the motion. The motion was voted on and passed by a vote of 4 to 1. Jackson voted against.

#### **Z2005-023**

**Hold a public hearing and consider a request by Kama Roux of Chandlers Landing Community Association for an amendment to (PD-8) Planned Development No. 8 district to allow for residential uses on a 1.21-acre tract being Lot 2, Scenic Estate Subdivision, located along the west side of Ridge Rd (FM 740) south of Chandlers Landing Phase 19.**

Hampton outlined the request stating The Chandlers Landing Community Association has brought forward an application to amend the zoning on a 1.23-acre tract under their ownership within (PD-8) Planned Development No. 8 district. The subject tract, described as Lot 2, Scenic Estates, is located along the west side of Ridge Rd (FM 740) between Chandlers Landing Phases 19 and 10. The tract was originally developed with a single-family home, but was annexed into the City of Rockwall in 1985, and zoned as part of "PD-8" in 1988 (Ord. No. 88-17 attached) by CLCA. Ordinance 88-17 designated the subject property essentially as a park for Chandlers Landing, allowing for swimming amenities, a community meeting center, a play area or large toy for children, and administrative offices for overall project management of PD-8 (not a sales office). Other development standards and conditions (such as parking, screening and access requirements) were also adopted with that ordinance.

The proposed amendment is to allow for (SF-7) Single Family Residential uses and standards on the tract, with the CLCA's intent to be able to market the property as developable land. Staff feels the proposed use meets the Comprehensive Plan's recommendation of "Single Family Residential" for this general area. However, the Unified Development Code and Comprehensive Plan also recommend the preservation of open space and parkland (both private and public) throughout the City. While staff believes that adequate open space and amenities are intact within Chandlers Landing, it feels that amending the zoning on the subject property from a private community center / park type use to single family residential is ultimately a judgment call for the Commission and Council.

Notices were mailed to 42 property owners within 200-ft of the subject tract, and at the time of this report one response "in opposition" had been received.

Herbst opened the public hearing.

Bruce Patton, Chandlers Landing H.O.A addressed the commission requesting approval of the request and to answer questions.

Jim Choate, 206 Rainbow Circle addressed the commission requesting approval of the request.

Herbst closed the public hearing.

Jackson made a motion to approve the request by Kama Roux of Chandlers Landing Community Association for an amendment to (PD-8) Planned Development No. 8 district to allow for residential uses on a 1.21-acre tract being Lot 2, Scenic Estate Subdivision, located along the west side of Ridge Rd (FM 740) south of Chandlers Landing Phase 19 with the following conditions:

1. All development on the subject tract as described in Exhibit "A" attached herein shall be in accordance with the (SF-7) Single Family Residential district of the City of Rockwall Unified Development Code, as amended.
2. No access shall be permitted from Ridge Road (FM 740).

Burgamy seconded the motion. The motion was voted on and passed by a vote of 5 to 0.

#### **Z2005-024**

**Hold a public hearing and consider a request by David Arterburn of Digital Path Texas for approval of a Specific Use Permit to allow for two wireless communication towers, measuring 100-ft and 60-ft in height, within the (C) Commercial district on a 1.9195-acre tract known as Tract 2, Abstract 255, B.J.T. Lewis Survey, located at 1411 S. Goliad.**

Hampton outlined the request stating Digital Path Texas has submitted an application for a Specific Use Permit (SUP) to allow for two wireless communication towers equipped with commercial antennas. Both towers are existing, and according to the applicant were constructed in April 2004. However, an SUP (or CUP prior to June 7, 2004) or a building permit was never issued for these facilities.

Staff has attached to this report the (C) Commercial zoning district standards from the old zoning Ordinance (Ord. 83-23) which was in effect until June 7, 2004. "Microwave, radio and television towers" as well as "Any structure over 60 feet in height" required approval of a Conditional Use Permit under this ordinance.

This particular use was significantly more defined and clarified as part of the new Unified Development Code adopted June 7, 2004. Attached are excerpts from Article IV of the Code as it pertains to various antenna and tower uses. Staff feels that the facilities at Digital Path require approval of an SUP for a "Wireless Communications Tower" and an "Antenna, Commercial, Free-standing." The antenna is not an accessory use because, as the ordinance distinguishes, a commercial antenna includes those that are operated by a business for financial gain.

With all that said, the staff feels as though the installed antennas generally meet the standards and recommendations of the Code. Given the locations of the facilities in the rear of the lot and behind the primary structures, the base structures and any necessary equipment are completely screened from view. Existing landscaping is also in place along the northeast side of the property. The applicant has submitted a letter explaining their request and highlighting the services they provide.

Notices were mailed to 15 property owners within 200-ft of the subject tract, and at the time of this report no responses had been received.

Herbst opened the public hearing.

No one came forward.

Jackson made a motion to continue the public hearing.

Carroll seconded the motion. The motion was voted on and passed by a vote of 5 to 0.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:14 p.m.

*These minutes were approved on July 12, 2005*

**PLANNING AND ZONING COMMISSION WORKSESSION**  
**June 28, 2005**

**CALL TO ORDER**

The meeting was called to order by Chairman, Phillip Herbst at 6:00 p.m. with the following members present; Greg Burgamy, Mike Lucas, Connie Jackson and Susan Langdon. Glen Smith and Jeff Carroll were absent

Architectural Review Board members present; Donna Orr.

Staff Present; Robert LaCroix, Chris Spencer and Denise LaRue.

**ARCHITECTURAL REVIEW BOARD ITEMS**

Appointment with Architectural Review Board representative to receive the Board's recommendations and comments for the following items requiring architectural review:

**SP2005-004**

**Discuss amended elevations for "Dr. Lisa Attaway Office" located at 3014 Ridge Road (Lot 1, Block A, Willis-Sealock Addition), and take any action necessary.**

Spencer outlined the request stating the proposal from the developer is for an amendment to the approved elevations of the "Dr. Attaway Office" which is situated along Ridge Road.

These elevations were approved by the ARB, P&Z and Council in February, 2005. The applicant is proposing to change the roofing material to a high-grade composite shingle from the approved standing seam metal roof. The applicant has expressed to staff the difficulty in obtaining the desired quality and color of the approved standing seam roofing materials.

Staff feels that with the change in materials of the architectural elements an approval by the Planning and Zoning Commission and Architectural Review Board is required. The latest proposal is consistent with the other buildings in the surrounding area.

The Architectural Review Board recommended approval of the material change for the proposed roof with the following conditions:

1. The roofing material be a high-grade, 40 year composite shingle.
2. The color of the composite shingle is to be Weatherwood.

Jackson made a motion to approve the request to amend the elevations for "Dr. Lisa Attaway Office" with Architectural Review Board conditions.

Burgamy seconded the motion. The motion was voted on and passed by a vote of 5 to 0. Carroll and Smith were absent.

#### **ACTION ITEMS**

##### **P2005-010**

**Discuss and consider a request from Sean K. Guillory, of Sumner Homes, for a variance to the Southside Residential Neighborhood Overlay District for the Robbins Addition situated east of Peter's Colony, north of E. Ross Street and west of Lamar Street.**

Spencer outlined the request stating the request is for a variance to allow for 5-foot side yard setbacks and to allow for front entry garages being parallel to and located even with the front facade from the Sean K. Guillory, of Sumner Ridge Homes, for the Joe L. Robbins Addition.

The Joe L. Robbins addition is situated along the east side of Peter's Colony, north of E. Ross Street and west of Lamar, located within the Southside Residential Neighborhood Overlay District.

Article V. Section 6.4 "Southside Residential Neighborhood Overlay District" sub section (D) states:

The City Council may consider special requests in furtherance of neighborhood preservation and enhancement within the established neighborhood preservation overlay district. Such requests may include, but not necessarily be limited to, neighborhood signage plans, use of building materials not otherwise allowed, authorization of specific land uses not otherwise allowed, or other requests submitted for consideration.

Upon receipt of such special requests, the City Council shall review same and forward its recommendation to the Planning and Zoning Commission for consideration. Upon recommendations from the Planning and Zoning Commission, the City Council may approve requests by amendment of the ordinance designating the neighborhood district. Any such amendment shall preempt any other underlying zoning restrictions in the Zoning Ordinance. Such special requests may be denied by the City Council by passage of a motion to deny.

Ellis Bentley, Home Builder addressed the commission in favor of the request.

Sean Guillory, Home Builder addressed the commission in favor of the request.

Burgamy made a motion to approve the request from Sean K. Guillory, of Sumner Homes, for a variance to the Southside Residential Neighborhood Overlay District for the Robbins Addition.

Jackson seconded the motion. The motion was voted on and passed by a vote of 5 to 0.



## PUBLIC HEARING ITEMS

### Z2005-024

***Continue* a public hearing and consider a request by David Arterburn of Digital Path Texas for approval of a Specific Use Permit to allow for two wireless communication towers, measuring 100-ft and 60-ft in height, within the (C) Commercial district on a 1.9195-acre tract known as Tract 2, Abstract 255, B.J.T. Lewis Survey, located at 1411 S. Goliad.**

LaCroix outlined the request stating Digital Path Texas has submitted an application for a Specific Use Permit (SUP) to allow for two wireless communication towers equipped with commercial antennas. Both towers are existing, and according to the applicant were constructed in April 2004. However, an SUP (or CUP prior to June 7, 2004) or a building permit was never issued for these facilities.

Staff has attached to this report the (C) Commercial zoning district standards from the old zoning Ordinance (Ord. 83-23) which was in effect until June 7, 2004. "Microwave, radio and television towers" as well as "Any structure over 60 feet in height" required approval of a Conditional Use Permit under this ordinance.

This particular use was significantly more defined and clarified as part of the new Unified Development Code adopted June 7, 2004. Attached are excerpts from Article IV of the Code as it pertains to various antenna and tower uses. Staff feels that the facilities at Digital Path require approval of an SUP for a "Wireless Communications Tower" and an "Antenna, Commercial, Free-standing." The antenna is not an accessory use because, as the ordinance distinguishes, a commercial antenna includes those that are operated by a business for financial gain.

With all that said, the staff feels as though the installed antennas generally meet the standards and recommendations of the Code. Given the locations of the facilities in the rear of the lot and behind the primary structures, the base structures and any necessary equipment are completely screened from view. Existing landscaping is also in place along the northeast side of the property. The applicant has submitted a letter explaining their request and highlighting the services they provide.

Notices were mailed to 15 property owners within 200-ft of the subject tract, and at the time of this report no responses had been received.

With public hearing opened from the previous meeting, Herbst asked the applicant to address the commission.

Darrell Rogers, applicant addressed the commission requesting approval of the request and to answer questions.

Herbst closed the public hearing.

2 Burgamy made a motion to approve the request by David Arterburn of Digital Path  
Texas for approval of a Specific Use Permit to allow for two wireless communication  
4 towers, measuring 100-ft and 60-ft in height, within the (C) Commercial district on a  
1.9195-acre tract known as Tract 2, Abstract 255, B.J.T. Lewis Survey, located at  
1411 S. Goliad with the following conditions;

- 6 1. Approval of a building permit required for all structures.
- 8 2. The maximum height of the two antenna support structures shall not  
10 exceed 100-ft and 60-ft, respectively, and the antenna shall not extend  
more than ten (10) feet above the maximum height of the support  
structure.
- 12 3. Written verification from Federal Aviation Administration (FAA) that  
14 installed towers are acceptable prior to issuance of a building permit.

16 Langdon seconded the motion. The motion was voted on and passed by a vote of 5  
to 0.

## 18 **ADJOURNMENT**

20 The meeting was adjourned at 7:36 p.m.

**PLANNING AND ZONING COMMISSION WORKSESSION**  
**March 8, 2005**

**CALL TO ORDER**

The meeting was called to order by Chairman, Phillip Herbst at 6:00 P.M. with the following members present; Greg Burgamy, Jeff Carroll, Mike Lucas and Susan Langdon. Glen Smith and Connie Jackson were absent.

**CONSENT AGENDA**

**Approval of Minutes from January 25, 2005 Planning and Zoning Commission meeting**

**P2004-072**

**Discuss and consider a request from Stuart Meyers of Abate Injury Rehab for approval of a final plat of a 0.68-acre tract comprised of Lot 1, W.T. Barnes Addition (0.34-acre) and Lot G, Block 123, B.F. Boydston (0.34-acre). The subject tract is zoned (PD-50) Planned Development district and designated for (R-O) Residential Office uses, and located at 506 North Goliad.**

Background

*The applicant has submitted a request for a final plat of 0.68-acre tract zoned PD-50, Planned Development District and located at 506 N. Goliad. This plat is in conjunction with the submittal of a site plan.*

*The plat indicates a 24' public access easement to the rear of the property and a 20' public access easement on the north side of the property, 10 feet which is to be granted by separate instrument. The off-site access easement must be filed with the recording information labeled on the plat prior to City Signature. These easements are being dedicated to provide for mutual access between adjacent properties in order to limit the number of driveways accessing to SH 205 for future use of these properties as office or similar uses.*

*A total of 7.5 feet of Right-of Way dedication is required for SH 205 and a separate permit from TXDOT will be required for any driveway construction. A sidewalk will need to be built or the cost can be escrowed for future use. Two corners of the plat need to be tied to the State Plane Coordinates before filing.*

- 1. A sidewalk will need to be built or the cost escrowed for future use.*
- 2. The off-site access easement must be filed with the recording information labeled on the plat prior to City Signature.*
- 3. Engineering and Fire Department approval*

## **SP2005-006**

**Discuss and consider a request by Holly Fisher Britt of Eye Care Management of Rockwall for approval of a site plan for a 10,800-sf office development on a 1.56-acre tract known as Lot 1, Horizon Ridge Center Addition, zoned (PD-9) Planned Development district and located at the southwest corner of Horizon Rd (FM 3097) and Rockwall Pkwy.**

### Background

*A site plan has been submitted for a 10,800-sf office building located at the intersection of Rockwall Parkway and Horizon Rd, on Lot 1, Horizon Ridge Center Addition. The preliminary plat for Horizon Ridge Center had expired as of May 2004; however, the Planning and Zoning Commission "reinstated" the plat at the February 22, 2005 meeting. The required parking for the medical office use is 54 spaces, and the applicant has provided 73, including four (4) handicap. The site is accessed from one drive each on Rockwall Pkwy and Horizon Rd (requires TXDOT permit).*

*The submitted photometric plan indicates that only wall packs are proposed with this development. As a result, all lighting is concentrated around the building and there does not appear to be any spillover onto adjacent properties or roadways. The submitted cut-sheets indicate an "optional full cutoff visor available" which would meet city specifications.*

*Approximately 22% of the site is landscaped, which exceeds the minimum 10% requirement for this part of PD-9. A 10-ft buffer is also provided along each street frontage, and is landscaped with a minimum of one tree per 50-ft of frontage, including Live Oaks, Red Oaks and Cedar Elms along with a hedge of shrubs. Additional trees are shown in the parking area as well as a minimum of 1 tree per 750-sf of detention area (to be finalized during engineering review). There are no existing trees on the site that qualify as a "protected" or "feature" tree.*

*Color elevations and building materials were presented at the joint Architectural Review Board and Planning & Zoning Commission work session on February 22, 2005. The building has a maximum height of 33'6" and is comprised of rock (60%), split-face concrete block (25%) and stucco (15%), and capped with a high-quality standing seam metal roof. The building is highly articulated both vertically and horizontally on all sides and was recommended for approval by the Architectural Review Board at that meeting.*

*On 02/22/05 the Architectural Review Board recommended approval of the site plan and building elevations with the following conditions:*

- 1. Exterior lighting to feature "optional full cutoff visor" as noted on lighting specifications.*
- 2. Dumpster screening wall to be constructed of the same rock material located on the primary building.*

*Staff Recommends approval of the request with the following conditions:*

- 1. Adherence to Architectural Review Board recommendations.*

2. *Submittal and approval of engineering plans.*
3. *Submittal and approval of final plat for Lot 1, Horizon Ridge Center Addition.*

Carroll made a motion to approve the items listed on the consent agenda with staff recommendations.

Burgamy seconded the motion. The motion was voted on and passed by a vote of 5 to 0.

#### **Approval of Minutes from February 8, 2005 Planning and Zoning Commission meeting.**

Burgamy made a motion to approve the minutes of the February 8, 2005 meeting.

Carroll seconded the motion. The motion was voted on and approved by a vote of 4 to 0. Langdon abstained.

#### **Approval of Minutes from February 22, 2005 Planning and Zoning Commission meeting.**

Lucas made a motion to approve the minutes of the February 22, 2005 meeting.

Burgamy seconded the motion. The motion was voted on and passed by a vote of 4 to 0. Herbst abstained.

*Lucas left the meeting stating a conflict of interest.*

#### **P2005-012**

**Discuss and consider a request by Lloyd Dicken of Lucas Consulting Services for approval of a preliminary plat and treescape plan for Colonia Encantada Addition, being a 9.7-acre tract zoned (C) Commercial district and located at the southwest corner of Ridge Rd and Turtle Cove Blvd.**

##### Background

*The preliminary plat for the Colonia Encantada Addition (referred to as "Turtle-Ridge" at P&Z work session) lays out seven commercially-zoned lots on 9.7-acres, with a single access from Turtle Cove Blvd via "Avaria Avenue." Ideally, Avaria Ave will extend south to La Jolla Pointe Drive in the future; however, at this time the property owner of the separate undeveloped tract behind the Lake Pointe Health & Science Center Addition is not providing an easement or right-of-way. This will have to be addressed if/when that tract develops.*

*Each of the seven lots on the subject tract complies with the City's area requirements for the (C) Commercial district. There are no building plans for the site at this point; however, the developer will be subdividing the tract as proposed and construct all necessary infrastructure up front, including roads, utilities, drainage*

*and detention areas, etc. Full engineering plans will be submitted and approved at the time of final platting. The development will also be subject to site plan review and Architectural Review.*

*A preliminary tree plan has been submitted for the property, and the applicant has designed the roadways and infrastructure in an effort to protect all feature and protected trees on the property, including several clusters of Pecan, Ash and Pear trees, and all Hackberries over 11-inches. The only protected tree to be removed at this time is one 12-inch Pecan, and the applicant is proposing to mitigate this loss with four (4) 3" Live Oaks. The majority of the trees on the site are unprotected such as willows and cottonwoods, or Hackberries or Cedars under 11-inches. These trees are shown to be removed. The final treescape plan will be reviewed with the final plat and review of grading details.*

Burgamy made a motion to approve the request by Lloyd Dicken of Lucas Consulting Services for approval of a preliminary plat and treescape plan for Colonia Encantada Addition, being a 9.7-acre tract zoned (C) Commercial district and located at the southwest corner of Ridge Rd and Turtle Cove Blvd with the following conditions;

1. *Submittal and approval of engineering plans prior to final plat application.*
2. *Submittal and approval of final plat.*
3. *Approval of final treescape plan with final plat.*
4. *Correction of Turtle Cove "Blvd" (not Drive).*

Carroll seconded the motion. The motion was voted on and passed by a vote of 4 to 0. Lucas abstained.

*Lucas returned to the meeting.*

## **SITE PLANS / PLATS**

### **SP2004-035**

**Discuss and consider a request from Stuart Meyers of Abate Injury Rehab for approval of a site plan for 506 N. Goliad, being a 0.68-acre tract zoned (PD-50) Planned Development district and designated for (R-O) Residential Office uses.**

Spencer outlined the request stating the applicant has submitted a site plan of the property at 506 N. Goliad Street in anticipation of an Injury Rehab Center. The existing house has approximately 2,324 square feet of floor area. The subject site is located within "PD-50" Planned Development No. 50 which allows for "R-O" Residential Office uses. In addition to being in "PD-50" the subject site is also located within the Rockwall Historic District. Any alterations, additions, or demolition to the exterior of any structure will require an approved Certificate of Occupancy from the Historic Preservation Advisory Board.

The current PD-50 requirements allow for one (1) parking space per 500 square feet of office area and the Unified Development Code requires (1) parking space per every 200 square feet of medical office area. The site plan indicates nine (9) proposed spaces at the rear of the property with one (1) handicap space and two (2) additional spaces in the existing detached garage. The proposed parking meets city requirements by providing a total of eleven (11) parking spaces.

The applicant is requesting a variance to install asphalt parking and a gravel temporary turnaround as opposed to the required concrete construction. The plan also indicates a 24' public access easement to the rear of the property which will provide for future joint access between properties and reduce the number of drives accessing onto SH 205. At the time the rear access drive is constructed the parking spaces located within the 24' mutual access easement must be remove and relocated to the temporary turnaround. At that time the temporary turnaround may be removed and used for additional parking.

Additional landscaping is required to be provided along SH 205. A screening element of landscaping or fencing should be provided on the north, south and east property lines that are adjacent to residential properties. This property is subject to the "Commercial Signage Guidelines" of the Old Town Rockwall Historic District which includes signage restrictions. The house is listed as a "high-contributing structure" according to survey conducted for the historic district. The Staff feels this proposal is consistent with others that have been granted within PD-50.

Langdon made a motion to approve the request from Stuart Meyers of Abate Injury Rehab for approval of a site plan for 506 N. Goliad, being a 0.68-acre tract zoned (PD-50) Planned Development district and designated for (R-O) Residential Office uses with the condition that additional landscaping along SH 205 and the North, South & East property lines and with Engineering and Fire Department approval.

Lucas seconded the motion. The motion was voted and passed by a vote of 5 to 0.

#### **P2005-013**

**Discuss and consider a request by Robert Wiley Gilliam for approval of a final plat for Lots 1-3, Block A, Gilliam Addition, being a 10.60-acre tract located along the west side of FM 1141 north of Harker Trail within the City of Rockwall's extra-territorial jurisdiction (ETJ).**

Hampton outlined the request stating the proposed final plat for the Gilliam Addition is situated within the City's ETJ, requiring both City and County approval. However, concerns have been raised that the proposed layout does not meet County subdivision regulations (updated in October 2004). Until such time the applicant receives approval from the County of a concept plan (if not this final plat), staff would recommend that the final plat not move forward. The applicant has signed the 30-day waiver to the statutory time limit for plat approval.

Other issues include approval by the County regarding adequate lot areas for septic service, approval by TXDOT of proposed driveway(s) or private street, and verification from Mt. Zion for provision of water service and adequate fire flows.

Burgamy made a motion to table the request.

Carroll seconded the motion. The motion was voted and passed by a vote of 5 to 0.

## **PUBLIC HEARING ITEMS**

### **P2005-010**

**Hold a public hearing and consider a request by Scott Holden of Douphrate and Associates for approval of a replat for Lots 1-5, Block A, Robbins Addition (currently known as Lots 3 and 4, Block A, Sanger Brothers Addition), being a 0.918-acre tract zoned (SF-7) Single Family Residential district and situated at the northeast corner of Peter's Colony and Ross within the (SRO) Southside Residential Neighborhood Overlay district.**

Spencer outlined the request stating the proposed replat of Robbins Addition includes tracts currently identified as part of Lot 3 and all of Lot 4, Block A, of the Sanger Brothers Addition. The purpose of the replat is to accommodate single-family development within the (SF-7) Single Family zoning district and the Southside Residential Neighborhood Overlay District.

Access from lot will be from E. Ross while lots 3, 4, and 5 will be accessed from Lamar Street and Lot 1 will be accessed from Peter's Colony.

The applicant is requesting a waiver to the additional right of way dedication requirements for Lamar and the required improvements for Peter's Colony. Right of way improvements (alley) for Lamar Street, pro-rata for E. Ross Street and an Engineering Facilities Agreement are required. The submitted plat conforms to the requirements of the (SF-7) Single Family District and the Southside Residential Neighborhood Overlay District.

A Tree Preservation plan has been submitted for the subject site in conjunction with the final plat. At the time of permit application each lot will be reviewed by staff individually for tree mitigation.

Notices were mailed to thirty-one (31) property owners within 200-ft of the request, and at the time of this report no responses have been returned.

Herbst opened the public hearing.

Dub Douphrate, representative addressed the commission requesting approval of the request and to answer questions.

Mr. Robbins, owner addressed the commission requesting approval of the request.



Sam Buffington, Bourn addressed the commission requesting approval of the request.

Herbst closed the public hearing.

Burgamy made a motion to approve the request by Scott Holden of Douphrate and Associates for approval of a replat for Lots 1-5, Block A, Robbins Addition (currently known as Lots 3 and 4, Block A, Sanger Brothers Addition), being a 0.918-acre tract zoned (SF-7) Single Family Residential district and situated at the northeast corner of Peter's Colony and Ross within the (SRO) Southside Residential Neighborhood Overlay district with the following conditions;

1. Engineering & Fire approval
2. Right of Way Improvements to Lamar
3. Waiver for Right Of Way for Lamar
4. Waiver for improvements to Peter's Colony
5. Engineering Facility Agreement
6. Park Fees

Lucas seconded the motion. The motion was voted and passed by a vote of 5 to 0.

#### **Z2005-002**

**Hold a public hearing and consider a request from Deanna Morrison for a zoning change from (MF-14) Medium Density Multi-Family district to (R-O) Residential-Office district for a 0.4-acre tract being Lots 1, 2 and 3, Block H, Epstein Addition, and part of the second tract of land described in deed to Juliette Neil Haney (Vol. 55, Pg. 244), and including properties addressed as 308 and 310 South Fannin Street**

Spencer outlined the request stating the applicant is requesting a zoning change for two (2) lots which contain two (2) separate residential lots each within the Historic District. These properties are located on S. Fannin Street north of City Hall. Both properties are listed within the Historic Property survey: 310 S. Fannin is listed as a High-Contributing Property and 308 S. Fannin is listed as a Non-Contributing Property. The primary reason for seeking the change in zoning is to allow the applicant the flexibility of Residential and Office in an effort to restore and renovate the house located at 310 S. Fannin.

The Downtown Plan, which was adopted in November of 2004, states that revisions to the CBD (Central Business District) should occur to allow for a mixture of land uses, establish appropriate parking standards for the Downtown and establish "form-based" development standards. Rigorous architectural and site layout standards will ensure that all new projects will directly contribute to the overall success of the District. The Plan recommends expansion of the CBD including the properties in this request. The plan also indicates these houses to be part of the future expansion of the civic area surrounding the City Hall complex. The plan also states the balance of land in the Downtown District surrounding the core area may

be developed for office, retail or residential provided that they adhere to the form-based development standards that ensure they will contribute to the pedestrian-oriented character of the Downtown.

These properties and one other property (Hughes property), not included in the request, that front onto Fannin Street, are the only residential properties in the Historic District that are included in the Downtown Plan. We would not anticipate the removal of these homes in the near future for new development.

As mentioned, the "form-based" development standards for the Downtown District will be the first step for the implementation of the plan. However, the fact that these homes are within the Historic District and their removal or relocation will not likely happen for many years, the new development standards for the Downtown District will not affect these properties unless, as stated, the homes are removed and redevelopment occurs. Additionally, when the form-based development standards are adopted for the Downtown District, these properties will be required to meet those standards should they ever redevelop.

The current zoning is Multi-Family, however, the plan recommends expansion of the CBD which would ultimately change the zoning on the properties in this current request. With these factors in mind, it our opinion that rezoning the property to RO (Residential-Office) will not create impediments to a future zoning change to CBD, however it may be prudent to delay rezoning in order to establish the requirements for the entire district. It is anticipated that the CBD zoning district will allow urban residential and live/work uses by right in addition to office and retail activities associated with typical downtown districts. We would anticipate beginning work creating the new CBD zoning district within the 2005 calendar year. Staff feels that the decision for rezoning at this time is a judgment call for the Commission however; the potential CBD zoning will ultimately establish the uses the applicant is seeking. With these facts in mind, Staff feels that the rezoning can be approved now without creating any future issues with the Downtown Plan.

Notices were mailed to thirteen (13) property owners within 200-ft of the request, and at the time of this report, no responses "in opposition" and one (1) response "in favor" of the request had been returned.

Lucas stated that it appears that all the uses allowed in RO will be allowed in the CBD. He stated that he understands that currently the RO is more restrictive. He stated that he thought we were making it more restrictive in the interim.

Spencer stated that there are a few uses in the RO and CBD that don't correspond. The current zoning of the property is MF and someone could come in and build a couple of units on this property.

LaCroix stated that the form based standards is a new zoning approach that has been around for just a few years. He stated that it will take some time to go through this process. The downtown community will be heavily involved in the process as

well as the P&Z and it will take several months to get through the public hearing process. He stated it will more then likely take the remainder of 2005 to get this accomplished.

Spencer stated that city council has not decided on the SH-66 alignment and it could very well go in front of this property.

Herbst opened the public hearing.

Bob Morrison, applicant addressed the commission requesting approval of the request and to answer question. He stated that the house on the east and west side of these properties face different directions. He stated that this house faces towards the north facing an old church that is used as a wedding chapel. The Pittman house at 302 Fannin has already been zoned NS. The house next door, 308 Fannin and the Hughes house are the only properties still zoned multi-family. This house and the house at 308 Fannin both back up to the city hall parking lot. The character of this area of south Fannin has already changed substantially from any neighborhood uses. He stated he thinks it fits better for retail or office type use. He stated residential office is the most restrictive kind and think it fits very well with the character of the house in this neighborhood. He stated he was sure the commission was familiar with the RO zoning and see this fits. He stated that the front western corner from this property is located less than forty yards from the Pittman house which is zoned neighborhood services. He stated he believes this is a very clear and natural break in the flow of traffic and the character of the neighborhood. He stated that he fully agrees with Mr. Lucas that should be done now instead of waiting. He stated like Mr. LaCroix stated that process might take some time and his preference and desire would be to go forward with this now. He stated that he regrets that he has to discuss the Historic Preservation Advisory Board process and that he thinks that process was tainted. He stated that there were only two members voting and secondly he submitted today a letter suggesting that there might have been some ethical violations. He stated with that he would ask the commission to disregard the recommendation made by the Historic Preservation Board.

Burgamy asked what the reasoning is for requesting the zoning change.

Morrison stated he thinks it will increase the value of the home and would be more consistent with the ultimate use of the house. He stated it may be difficult given what's going on in the neighborhood for that to be use as a residence. They have also considered using it for a residence. He stated with all the things going on around the house such as what it faces, what is going on behind it and within thirty to forty yards from it will make it difficult for that house to used as a residence.

Burgamy asked what his reasoning was for getting the RO zoning now rather then wait for the CBD zoning.

Morrison stated it is the delay. He stated the restrictive uses in residential office are perfect for that house. He stated he would be happy to make sure the use would be

the lesser of residential office or CBD just to assure commission and the council the use would not go beyond that.

Charles Smith, owner of the Rockwall Wedding Chapel located at 305 S. Fannin, addressed the commission requesting approval of the request. He stated that it is appropriate for the house and the residential office zoning fits the neighborhood.

Mary Hanrahan, 201 S. Clark addressed the commission stating she is a member of the Historic Preservation advisory Board. She stated that the board has seven members and four members were present at the meeting. One person had to recuse themselves because a family member owns property close to this property, so three members remaining that considered this issue. It was their belief that the best plan of action was to include this property in the central business district rezoning to get the whole picture of what we are doing in that area rather than to do spot zoning. She stated that she believed the City was trying to avoid spot zoning and it was their thought that it is better to look at the whole area instead of taking one or two properties here and there and then another one or two property next month. This shouldn't be done piece mill, it should be done as a whole and should it be done properly. She stated she accepted this would be a non-residential area. She stated it is a shame there are not very many old properties in residential in Rockwall anymore and we are losing more and more. This particular property is in an area that is suitable for other redevelopment. It is a little separate from other residential properties but nevertheless the whole thing should be considered together rather than in isolated spot zoning cases.

Burgamy asked why the board did not want to take this step to take this to the residential office zoning.

Hanrahan stated that due to the pending downtown plan and issues with the alignment of SH-66. She stated she doesn't think that city council has resolved that and it should be resolved for everyone that lives in that area or anywhere that would be impacted by that. She stated that the board was not necessarily against this but it should be done together instead doing individual properties one by one.

Burgamy asked if the board thinks the commission should wait on any zoning request near the central business district in the mean time.

Hanrahan stated she thinks they should review them carefully and depending of the request. She stated that her preference would be to wait. The historic preservation advisory board has asked for a joint working meeting in order to come up with a plan on how to preserve the few historical properties that we do have left in the city. Maybe we should involve city council as well so that we have a combined plan on how we are going to move this downtown and residential areas around it forward.

Burgamy stated that what we don't want to happen is to be in grid lock until there is a central business district plan. He stated he appreciates her wanting to have a central business district zoning plan finished and accomplished. He stated he thinks

that will happen but in the meantime it makes sense to where it is appropriate do some other zoning and not hold out for that future central business district zoning.

Herbst asked how we could set up a meeting as she suggested.

LaCroix stated that he has already taken the steps to set up a meeting. He stated that this was brought up to the P&Z at the last meeting in the meantime he stated he has met with management internally to do that. There are many other issues with the downtown plan such as form based zoning, building codes, utilities and many others that need some research. We are current performing that research and preparing a comprehensive look at what's going on in the area in order to get a better overall look at what we are dealing with before we present it to the P&Z and historic preservation board. It will take a few weeks to get this information together.

Herbst stated he thinks it would be beneficial to the P&Z to have a meeting with them to get a better perspective of what's going on out there in the historic district.

LaCroix stated that he would like to point out something that Mrs. Hanrahan did point out when she mentioned spot zoning. When there is an individual property and that property is getting rights that no other property within that district is getting, that is could be considered spot zoning. At this time we are talking about both the Morrison and the Peoples property and additionally Mr. Hughes didn't join in with this request at this time but a couple of years ago did join in on a request to change to RO and even though we didn't city initiate it at this time even though the Underwood house is zoned NS and that property is under a large transmission power line and with the fact if the road goes through there then that house would be removed. He stated he doesn't feel we are creating a spot zoning. If that was the case we would have told the applicant that we feel it is spot zoning and could not recommend it to this commission.

Burgamy asked if the commission approved this would it limit the downtown zoning.

Spencer stated it does not create limits.

LaCroix stated he had talked with the consultant and the issues with the form based standards is that if those houses were to be redeveloped or moved without those standards in place the it wouldn't be coordinated while waiting for the CBD to be put in place. The issue is the judgment call. These houses are historic and do have to go before the historic preservation board before they can be removed. The RO zoning is pretty restrictive.

Herbst closed the public hearing.

Burgamy stated he thinks this is a fair request and respects the historic preservation board recommendations. He stated he wanted to make a motion to approve the request from Deanna Morrison for a zoning change from (MF-14) Medium Density Multi-Family district to (R-O) Residential-Office district for a 0.4-acre tract being Lots

1, 2 and 3, Block H, Epstein Addition, and part of the second tract of land described in deed to Juliette Neil Haney (Vol. 55, Pg. 244), and including properties addressed as 308 and 310 South Fannin Street.

Langdon seconded the motion. The motion was voted on and passed by a vote of 5 to 0.

#### **Z2005-005**

**Hold a public hearing and consider a request from Shirley Black for an amendment to (PD-50) Planned Development No. 50 district (Ord. 02-46), specifically to add "Antique/Collectable Sales" as a permitted use within the district.**

Spencer outlined the request stating the applicant has submitted a request to amend PD-50, Planned Development District, by adding an additional use to the permitted use list for this district. The applicant is proposing "Antique/Collectible Sales" as additional use to the district. The majority of Planned Development No. 50 is located within the Historic District along the east side of North Goliad.

The applicant has indicated to Staff that the antique/collectible use intended for this property would include a boutique type shop with arts and crafts by local artisans, fine art, corporate style baskets by order, upscale consigned and juried pieces (i.e. new and vintage furniture and accessories) and antiques and collectibles. The "Antique/Collectible Store" is not a listed use in the "RO", Residential Office District but first occurs in Unified Development Code under the "N-S", Neighborhood Service District with a specific use permit.

Notices were mailed to one-hundred (100) property owners within 200-ft of the request, and at the time of this report, one (1) response "in opposition" and five (5) responses "in favor" of the request had been returned.

Langdon asked if staff agrees with this use.

Spencer stated that if the commission wished to approve with the limitations that have added then staff would be comfortable with it.

Lucas stated he has some concerns with the amount of traffic this type of use will generate.

Herbst opened the public hearing.

Shirley Black addressed the commission requesting approval of the request and to answer questions.

Eddie Walker, property owner addressed the commission stating he is favor of the request.

Sherry Pittman, 602 Storrs addressed the commission stating she is opposed to retail at this location at this time.

Lucas asked if there are any limitations that can be placed on the property in the event this antique use doesn't work out.

LaCroix stated that stated that can be done.

Burgamy stated he didn't think that we were ready for retail in this area but does like the SUP idea and this would be a good way to testing this use there.

Herbst closed the public hearing.

Lucas made a motion to approve the request from Shirley Black for an amendment to (PD-50) Planned Development No. 50 district (Ord. 02-46), specifically to add "Antique/Collectable Sales" as a permitted use with a Specific Use Permit (SUP) within the district.

1. The sale of new or used clothing and appliances is prohibited.
2. That the maximum building size not exceed 2,000 square foot for Antique/Collectable Sales.
3. That individual lease areas within the store be prohibited.

Langdon seconded the motion. The motion was voted on and passed by a vote of 5 to 0.

#### **Z2005-009**

**Hold a public hearing and consider a request by Maureen Green for a change in zoning from (SF-7) Single-family Residential district to (PD-50) Planned Development No. 50 district on a 0.23-acre tract being part of Block 20, Amick Addition, situated at 603 North Goliad.**

Spencer outlined the request stating The applicant has submitted a request for a change in zoning from (SF-7) Single-family Residential district to (PD-50) Planned Development district at 603 N. Goliad. The property is surrounded by single family residential use to the north, and west and PD-50 across N. Goliad to the east and to the south. PD-50 allows for residential office uses including single family usage. The PD was recently amended to the property immediately to the south, 507 N. Goliad. Much of PD-50 on the east side of SH 205 backs up to either vacant property or city owned property and some of the lots on the west side of SH 205 are "through-lots" that have frontage on Alamo Street or back up to residential lots that front Alamo Street.

As each of the properties within PD-50 develops, a requirement for mutual access between the properties is established. Approval of the zoning change request would require the property to adhere to the Commercial Signage Guidelines of the Rockwall Historic District, require joint or shared access on all adjoining lots,

prohibit front yard parking if the properties are converted to office use, and require site plan review if changing to other than residential use.

Staff feels this is a reasonable request given the property's adjacency to the current PD however; consideration should be given to expand this district along SH 205 north to at least Heath Street. The recent number of request for rezoning along the corridor should justify a more comprehensive examination by the commission

Notices were mailed to twenty-eight (28) property owners within 200-ft of the subject tract, and at the time of this report, no responses "in opposition" and four (4) response "in favor" of the request had been returned.

Herbst opened the public hearing.

Maureen Green, applicant addressed the commission requesting approval of the request and to answer questions.

Langdon asked if there was a time frame for changing the zoning on these tracts along north Goliad.

LaCroix stated that research is being done at this time and hoping to bring it to the commission by the first part of April.

Green stated there are three offers on this property at this time.

LaCroix stated he has looked at this property and it is set up to be used as an office and can accommodate the required parking.

Sherry Pittman, 602 Storrs addressed the commission stating HPAB does support the expansion of the historic district to include the west side of the street. She stated these are wonderful old homes and can see that there might be issues with ADA requirements causing people to alter these homes to meet those requirements. She stated they want to get these homes in the district so that they can be protected.

Herbst closed the public hearing.

Burgamy made a motion to approve the request by Maureen Green for a change in zoning from (SF-7) Single-family Residential district to (PD-50) Planned Development No. 50 district on a 0.23-acre tract being part of Block 20, Amick Addition, situated at 603 North Goliad.

Carroll seconded the motion. The motion was voted and passed by a vote of 5 to 0.

#### **Z2005-011**

**Hold a public hearing and consider a request from Bill and Glenda Bradshaw for a Specific Use Permit to allow for a portable beverage service facility within the (C) Commercial zoning district, on a 0.25-acre tract located at 907 S. Goliad.**



Spencer outlined the request stating the subject tract (Canup subdivision; Lots 4 & 5) is located at the northeast corner of South Goliad (SH 205) and Emma Jane, and the applicant is requesting a specific use permit to operate a temporary portable beverage service facility as defined under Section 8.8, Temporary Uses, of the City of Rockwall Unified Development Code. This is the fifth consecutive year that the applicant has requested this use at this location.

The "Ice Train" portable facility will be set to the north of the "fruit stand" building that will be used for customer seating. Prior to opening for business inspection of the structures by the City Building Official will be required along with all requisite health inspections and permits. The operation of business may begin on April 6, 2005 and must cease by September 6, 2005. Twenty-three (23) notices were sent to property owners within 200-ft of the site, and none have been returned.

Herbst opened the public hearing.

Bill Bradshaw, applicant addressed the commission requesting approval of the request and to answer questions.

Herbst closed the public hearing.

Langdon made a motion to approve the request from Bill and Glenda Bradshaw for a Specific Use Permit to allow for a portable beverage service facility within the (C) Commercial zoning district, on a 0.25-acre tract located at 907 S. Goliad with the following conditions;

1. The beverage service shall be limited to a snow cone stand for consumption on or near the premises.
2. The time limit of such temporary use shall be April 6, 2005 through September 6, 2005.
3. Any temporary power poles will be removed on the date of or immediately following the termination date of the permit.
4. No additional freestanding signage shall be permitted.
5. The temporary portable structure/trailer shall meet all health & City electrical codes.
6. The temporary facility shall not reduce the number of required parking spaces of any nearby building or use.
7. The temporary facility shall have permanent restrooms for employees available within 300 feet of the portable beverage service facility (no portable restroom facility is allowed).
8. A variance must be approved to allow the temporary facility to be located on a non-all-weather surface.
9. Drive through to be permitted as utilized by the applicant in the past.

Carroll seconded the motion. The motion was voted and passed by a vote of 5 to 0

*Carroll left the meeting stating a conflict of interest.*

#### **Z2005-006**

**Hold a public hearing and consider a request by Austin Lewis of Lewis Real Estate Investments to amend (PD-8) Planned Development district, specifically on a vacant, 6.889-acre tract comprised of Spyglass Hill #4 Addition (4.324-acres) and Tract 134-12, Abstract 207, E. Teal Survey (2.564-acres), located along the south side of Henry M. Chandler Drive and immediately east of the Chandler's Landing Marina.**

Hampton outlined the request stating the zoning application to amend PD-8 is accompanied by a development plan for 58 residential lots, to be constructed as single-family attached units. The existing zoning (amended in 1992) on the 6.889-acre subject property is for zero-lot line development, with a concept plan allowing for 36 lots. The area requirements as existing and proposed are as follows:

| <i>Requirement</i>                                    | <i>Existing (Ord. 92-39)</i> | <i>Proposed</i>                                       |
|---|------------------------------|---|
| <b><i>Min. Lot Area</i></b>                           | <b>5,000-sf</b>              | <b>2,200-sf</b>                                       |
| <b><i>Max. # Lots</i></b>                             | <b>36</b>                    | <b>58</b>   |
| <b><i>Min. Dwelling</i></b>                           | <b>1,700-sf</b>              | <b>1,700-sf</b>                                       |
| <b><i>Min. Lot Frontage</i></b>                       | <b>50-ft</b>                 | <b>26-ft, except as shown on dev. plan</b>            |
| <b><i>Min. Lot Depth</i></b>                          | <b>90-ft</b>                 | <b>86-ft, except as shown on dev. plan</b>            |
| <b><i>Min. Front Setback</i></b>                      | <b>25-ft</b>                 | <b>10-ft</b>  |
| <b><i>Min. Rear Setback</i></b>                       | <b>10 – 20-ft</b>            | <b>15-ft;<br/>20-ft for lots adjacent to Spyglass</b> |
| <b><i>Min. Side Yard</i></b>                          | <b>0 and 10-ft+</b>          | <b>N/A</b>  |
| <b><i>Maintenance Esmt</i></b>                        | <b>5-ft</b>                  | <b>N/A</b>  |
| <b><i>Min distance between separate buildings</i></b> | <b>10-ft</b>                 | <b>10-ft</b>  |
| <b><i>Max Bldg Coverage</i></b>                       | <b>50%</b>                   | <b>85%</b>  |
| <b><i>Max. Height</i></b>                             | <b>30-ft</b>                 | <b>30-ft</b>  |

#### *Height Issues*

Other requirements within the existing PD ordinance are carried over into this proposal, including maximum height restrictions (based on sea level) on those lots adjacent to the existing common property line with developed Spyglass Hill #3. The height of the structures will be limited to the difference between that specified maximum level and the final finished floor elevation. To accommodate the construction of 30-ft structures, there appears to be a significant amount of “cut”

required along this property line, along with retaining walls, etc., all of which would be analyzed in more detail during the platting and engineering review, but are included on the development plan.

A previous submittal by the applicant (i.e. Case #Z2004-040) was denied by the Planning & Zoning Commission on 01-25-05, and the amended development plan again proposes structures with 2 to 4 attached units. However, the amended plan incorporates more open space primarily at the northeast corner of the site to maintain lake views for several of the existing condominium units in Spyglass Hill.

#### *Density Issues*

The other significant change as part of this zoning change request is an increase in density from 36 lots to 58 lots. However, from a historical context, the proposed number of units is less than what was proposed to be built on this same tract prior to the 1992 rezoning to zero-lot line. Spyglass #4, which accounts for 4.32-acres of the 6.889-acre subject tract, was originally approved in 1983 for 82 condominium units (or 19 units/acre). The remaining 2.5 acres (+/-) was intended to be developed as Spyglass #5 with similar density. The density for the existing Spyglass Phases 1, 2 and 3 is 16.55 units/acre (i.e. 156 units on 9.43 acres), or almost twice the proposed density of 8.42 units/acre for Catalina Cove.

*Additionally, it should be noted that the City's Future Land Use Plan from the Comprehensive Plan indicates this tract as well as the Spyglass property as "Multi-family/Attached Residential."*

#### *Other Design and Zoning Elements*

The development plan includes 27 (12 more than previously proposed) shared parking spaces that would be available for guests of the units in lieu of on-street parking. The proposed streets are private, with one open access from Henry M. Chandler Dr and one gated, emergency access. Open spaces shown would be maintained by the HOA. Typical building types have been submitted indicating various articulated facades, which would be required to comply with the City's masonry standards for residential structures. Staff would recommend an "anti-monotony" restriction as well as a clear reinforcement of the garage setback requirement of 10-ft from the front face of the structure (i.e. minimum 20-ft from private street).

#### *Notification*

Notices were sent to 63 property and condominium owners within 200-ft of the subject tract, and at the time of this report 12 responses "in opposition" to the request had been received, accounting for 20 units within the Spyglass condo development and 2 lots in Harbor Landing.

Staff has also received correspondence from the Chandlers Landing HOA indicating approval of the PD amendment, including approval of a variance(s) to certain setback requirements set forth in their HOA restrictions for all of Chandlers Landing, including the subject tract.

## RECOMMENDATIONS:

If request is approved, staff would offer the following recommendations:

- A. That the property described in Exhibit "A" shall be used for attached residential development and shall be regulated by the approved development plan, attached herein as Exhibit "B", and by the following area requirements:
  - 1. Minimum lot area = 2,200-sf
  - 2. Maximum number of lots = 58
  - 3. Maximum number of units per lot = 1
  - 4. Minimum dwelling unit size = 1,700-sf
  - 5. Minimum lot frontage = 26-ft, except as shown on development plan (Exhibit B)
  - 6. Minimum lot depth = 86-ft, except as shown on development plan (Exhibit B)
  - 7. Minimum front yard setback = 10-ft
  - 8. Minimum rear yard setback = 15-ft, except for those lots adjacent to the Spyglass Hill Phase 3, which shall be setback a minimum of 20-ft
  - 9. Minimum side yard setback = 0-ft
  - 10. Minimum separation between separate buildings = 10-ft, or as shown on the approved development plan (Exhibit B)
  - 11. Maximum building coverage = 85%
  - 12. Maximum building height = 30-ft; however, structures on the following lots shall also be subject to the following maximum elevations:
    - a. Structures on Lots 16-19 shall not exceed an elevation of 504.17-ft
    - b. Structures on Lots 20-23 shall not exceed an elevation of 493.75-ft
    - c. Structures on Lots 24-27 shall not exceed an elevation of 485.11-ft
    - d. Structures on Lots 28-34 shall not exceed an elevation of 485.09-ft
  - 13. Minimum number of off-street parking spaces = 2 + 2 car garage.
- B. The residential structures shall be articulated in a manner consistent with the elevations attached hereto as Exhibit "C", and shall be constructed in accordance with the General Residential Standards of the Unified Development Code (i.e. Article V, Section 3.1), as amended and may be amended in the future. Further, the façade materials utilized for construction shall include brick, natural or manufactured stone, masonry siding, and stucco. Acceptable roofing materials are 30-year grade asphalt shingles, standing seam metal, concrete tiles and clay tiles.
  - 1. An anti-monotony restriction shall not allow the same structure in terms of materials and elevation any closer than five (5) houses apart on either side of the street.

2. All front-entry garages shall be setback a minimum of 10-ft from the front building line.
- C. No vehicular access shall be permitted onto Henry M. Chandler Drive from individual lots.
- D. All open space areas shall be developed in accordance with the development plan, Exhibit "B," and shall be maintained by the Homeowner's Association.
- E. A landscaping and screening fence shall be installed along Henry M. Chandler drive, the details of which should be approved at the time of preliminary plat.
- F. All development shown on the development plan, Exhibit "B," shall be subject to engineering and fire department approval, including review and acceptance of proposed private streets, locations of all utilities, drainage, etc.

Herbst opened the public hearing.

Austin Lewis, applicant addressed the commission requesting approval of the request and to answer questions.

Lee Peterson, 203 Harbor Landing addressed the commission stating he is opposed to the request.

Carley Ballard, 278 H M Chandler addressed the commission stating he is opposed to the request.

Ken Blassingame, 260 H M Chandler addressed the commission stating he is opposed to the request.

Jim Choate, 206 Rainbow Circle addressed the commission stating he is opposed to the request.

Roy Kurkowski, 166 H M Chandler addressed the commission stating he is opposed to the request.

Chip Emory, 323 Harbor Landing addressed the commission stating he is with the Chandlers Landing Board of Directors and that Mr. Lewis has been granted approval by the Chandlers Landing Board.

John Mullane, 114 Clipper Court addressed the commission stating he is opposed to the request.

Herbst closed the public hearing.

Lucas made a motion to approve the request by Austin Lewis of Lewis Real Estate Investments to amend (PD-8) Planned Development district, specifically on a vacant, 6.889-acre tract comprised of Spyglass Hill #4 Addition (4.324-acres) and

Tract 134-12, Abstract 207, E. Teal Survey (2.564-acres), located along the south side of Henry M. Chandler Drive and immediately east of the Chandler's Landing Marina.

The motion failed due to a lack of a second.

Burgamy made a motion to deny the request by Austin Lewis of Lewis Real Estate Investments to amend (PD-8) Planned Development district, specifically on a vacant, 6.889-acre tract comprised of Spyglass Hill #4 Addition (4.324-acres) and Tract 134-12, Abstract 207, E. Teal Survey (2.564-acres), located along the south side of Henry M. Chandler Drive and immediately east of the Chandler's Landing Marina.

Langdon seconded the motion. The motion was voted on and passed by a vote of 3 to 1 (Lucas against; Carroll abstaining; Jackson and Smith absent).

*Carroll returned to the meeting.*

#### **Z2005-007**

**Hold a public hearing and consider a request from Jason Faigle of Kimley-Horn & Associates to rezone 104.8-acres from (Ag) Agricultural district to (SF-16) Single Family Residential district, and 16.4-acres from (Ag) Agricultural district to (NS) Neighborhood Services district. The subject property is located at the southeast corner of FM 1141 and FM 552, and currently described as Tract 2, Abstract 88, J.M. Gass Survey.**

Hampton outlined the request stating the applicant has submitted a zoning request to zone property, containing approximately 121.16 acres, from (Ag) Agricultural district to (SF-16) Single Family Residential and (NS) Neighborhood Service. The proposed SF-16 zoning will contain approximately 104.8 acres and the NS zoning will contain approximately 16.4 acres. The property is located at the southeast corner of the intersection of F.M. 1141 and F.M. 552. The vacant property located across FM 552 directly to the north of this site was recently annexed into the City and is zoned (Ag) Agricultural. Property to the south is also zoned (Ag) Agricultural and is currently used for agricultural purposes along with a few residential homes. The property to west (i.e. Dalton Ranch) has been zoned (PD-58) Planned Development and preliminary platted for single family residential development with a density of less than two units per acre, and also incorporates an elementary school site.

The zoning exhibit illustrates a plan for 111 total lots with 106 residential lots, 4 open space areas and 1 retail lot (Neighborhood Service area). As indicated on the exhibit, the SF-16 portion of the zoning proposal yields a density level of 1.01 units per acre. The Land Use Plan indicates this area to be Single Family Low Density Residential. Low density is defined within the Comprehensive Plan as less than 2 units per acre of land.

The Comprehensive Plan also states that all residential lots which are 16,000 square feet in area or less should be served by an alley. However, the applicant's request is for minimum 16,000-sf lots (concept plan indicates an average lot size of 19,509-sf), and the plan indicates no alleys. The development pattern for SF-16 and greater has been the elimination of the alley requirement.

The Comprehensive Plan states that in determining appropriate zoning, existing surrounding conditions such as lot size, house styles and existing development patterns should be considered. The Dalton Ranch development to the west of this property has been preliminary platted and zoned for a minimum 10,000 square foot lot area with lots ranging from over 10,000 square foot up to 30,000 square foot in area. The applicant's proposal meets the recommendations of the Comprehensive Plan in terms of density, and is comparable land within the general area.

This proposal also indicates approximately 56 acres of open space which includes Nelson Lake as an amenity to the proposed development. The applicant has indicated the open space and lake area will be private and maintained by a Homeowner's Association. In conjunction with the open space, the applicant has proposed 16 acres of Neighborhood Service zoning which is the most restrictive retail-type district within the Unified Development Code. The Land Use Plan does indicate this intersection as commercial/retail land use. We have included a list of uses that are allowed within the Neighborhood Service District for review. The overall amount of open space being proposed, primarily required because of the lake and flood plain, and the proposed NS zoning will regulate the residential density to less than 2 units per acre. In conjunction with the zoning request, the applicant has also submitted a preliminary plat of the property. Issues dealing with landscape buffers along F.M. 552 and F.M. 1141 and entry features will be taken up with approval of the preliminary plat.

Notices were mailed to eight (8) property owners located in the City within 200-ft of the subject tract, and at this time, none had been returned.

Herbst opened the public hearing.

Rob Whittle, applicant addressed requesting approval of the request and to answer questions.

Herbst closed the public hearing.

Carroll made a motion to approve the request from Jason Faigle of Kimley-Horn & Associates to rezone 104.8-acres from (Ag) Agricultural district to (SF-16) Single Family Residential district, and 16.4-acres from (Ag) Agricultural district to (NS) Neighborhood Services district. The subject property is located at the southeast corner of FM 1141 and FM 552, and currently described as Tract 2, Abstract 88, J.M. Gass Survey.

Langdon seconded the motion. The motion was voted on and passed by a vote of 5 to 0.

#### **P2005-011**

**Discuss and consider a request from Jason Faigle of Kimley-Horn & Associates for approval of a preliminary plat of Nelson Lake Addition, a 121.2-acre tract comprised of 106 single-family residential lots (104.8-acres) and one lot designated for "NS" Neighborhood Services uses (16.4-acres). The subject property is located at the southeast corner of FM 1141 and FM 552, and currently described as Tract 2, Abstract 88, J.M. Gass Survey.**

Hampton outlined the request stating the preliminary plat for Nelson Lake lays out 106 single-family residential lots, four (4) open space and/or drainage easements, one (1) lot designated for a sewer lift station and one (1) lot designated for future non-residential development. The preliminary plat application is running concurrently with a zoning application to rezone the 121.2-acre subject tract from (Ag) Agricultural to (SF-16) Single-Family Residential (104.8-acres) and (NS) Neighborhood Services (16.4-acres).

#### *Right-of-way and Access*

The site is bordered by FM 552 to the north, FM 1141 to the west, N. Country Lane to the south and the City limits to the east. Access for the residential portion of the development is proposed via "Street A" from FM 1141 and via "Street G" from FM 552. A Traffic Impact Analysis will be required as part of the engineering review. *Each of these proposed street connections will require TXDOT approval, and there is some concern from Staff that TXDOT will require "Street A" to align with the proposed street (Limestone Way) in Dalton Ranch.*

A 10-ft ROW dedication is provided along FM 1141 and a 20-ft ROW dedication along FM 552 for the future widening of those arterials. Left-turn lanes and/or deceleration lanes will be required as per Engineering standards and TXDOT requirements. Access to the proposed 16.4-acre (NS) site will be provided subject to TXDOT and City engineering standards, and will be reviewed at the time of final platting and/or site plan approval for that property. No access is proposed to N. Country Lane; however, the developer will be responsible for the dedication of 32.5-ft of Right-of-way and improvement of a minimum 24-ft street section of this road as it abuts the subject tract.

#### *Utilities and Engineering Issues*

The subject tract currently is situated within Mt. Zion's water district, and it is believed there are not adequate fire flows or capacity to support the proposed development. However, the developer has agreed to participate in a facilities agreement with the City to acquire the right to serve this area, which will be finalized during engineering review/final platting. Development of this tract will require extensions of water and sewer lines to and along the subject tract, as well as installation of a lift station in the northeastern quadrant (i.e. Lot 57, Block C). *The Preliminary Utility Layout outlines the proposal; however, the City Engineer has*



*included a list of revisions/recommendations relating to this plan, some of which should be corrected prior to approval of the preliminary plat.*

#### *Subdivision Design & Alley Waiver*

The developer is proposing a design that incorporates Nelson Lake as a private open space and amenity. Thus, lots are generally backed to the lake in an effort to maximize the lot values and help attract custom home builders, which is not unlike, for instance, the Rainbow Lake development in the southwest part of the City. The development will be subject to review by the Parks Board to consider tie-ins to the City's trail system, cash-in-lieu-of dedication fees, equipment fees, etc. At this point, the developer is not proposing any dedicated landscape buffer or easement along N. Country Lane, FM 1141, or FM 552. The Unified Development Code requires a 10-ft buffer strip along all major arterials and collectors as defined on the Thoroughfare Plan. *Staff would recommend that the preliminary plat include a 10-ft landscape buffer/common area which shall be a separate tract (i.e. not an easement) and included within "Block X" being maintained by the HOA.*

The proposed layout does not include alleys, and requires approval of a waiver by the Planning Commission and City Council. The Comprehensive Plan states all residential lots 16,000-sf in area or less should be served by an alley. However, the applicant's requested zoning/preliminary plat is for minimum 16,000-sf lots (with an average lot size of 19,509-sf). The development pattern for SF-16 and greater has typically eliminated the use of alleys.

#### *Tree Preservation*

The preliminary plat outlines clusters of trees, which are primarily located within the draw running from the southwestern corner of the property into Nelson Lake. Much of this area will be incorporated into the subdivision as drainage and open space areas, but it is unclear at this point to what extent the trees in these areas will be preserved. At the time of final platting, engineering plans – including grading and drainage plans – will have submitted and approved, allowing the developer and the City to better understand the impact on existing trees. At that point, a more detailed tree plan will be required for review and approval by the Commission.

#### RECOMMENDATIONS:

At this time, Staff is recommending tabling the preliminary plat to resolve outstanding issues, including but not limited to:

1. Letter of approval (in concept) from TXDOT required for proposed street connections to FM 1141 and FM 552.
2. Correction of preliminary utility plan as required by City Engineer.
3. Minimum 10-ft landscape buffer / common area required along FM 552, FM 1141 and N. Country Lane.
4. All open spaces, drainage easements and common areas to be maintained by HOA, and shall be indicated on the preliminary plat as a separate "Block X."

Additionally, with any recommendation by the Planning and Zoning Commission for approval, Staff would offer the following conditions:

5. Submittal and approval of engineering plans prior to application for final plat.
6. Submittal and approval of final plat.
7. Facilities agreement between developer, City of Rockwall and Mt. Zion for water service.
8. Engineering Facilities agreement (streets, utilities, etc) to be approved with final plat.
9. Homeowner's Association documents to be submitted and reviewed with final plat.
10. City Council to waive requirement for alleys.
11. Approval of treescape plan with final plat.

Langdon made a motion to table the request from Jason Faigle of Kimley-Horn & Associates for approval of a preliminary plat of Nelson Lake Addition, a 121.2-acre tract comprised of 106 single-family residential lots (104.8-acres) and one lot designated for "NS" Neighborhood Services uses (16.4-acres). The subject property is located at the southeast corner of FM 1141 and FM 552, and currently described as Tract 2, Abstract 88, J.M. Gass Survey.

Carroll seconded the motion. The motion was voted and passed by a vote of 5 to 0.

#### **Z2005-008**

**Hold a public hearing and consider a request by LT Ventures for a change in zoning from (SF-10) Single-family Residential district to (PD) Planned Development district on a 2.63-acre tract being Lot AB, Block 87, B.F. Boydston Addition, located south of the Highwood Addition at the termination of Valley Drive.**

Spencer outlined the request stating the applicants, Bob Long and Preston Teal, have submitted a zoning application in order to rezone 2.63-acres to (PD) Planned Development for single family zero lot line development.

The applicant is proposing ten (10) lots under the Zero Lot Line Residential district with an average lot size of 8,391 sq. ft. There are two (2) back-to-back 30' access easements located on the northwest corner of the site (Lot 7), totaling 60'. The access easements provide access to Lot 1, Block A, S. Sparks Addition. Currently the subject site is zoned "SF-10" Single Family district and would allow a density of approximately eight (8) lots using the density recommendation of the Comprehensive Plan at 3 units per acre. The applicant is seeking to increase that density to approximately 3.8 units per acre by establishing a PD with minimum lot sizes, minimum dwelling unit size, maximum number of lots, masonry requirements and establishment of a Homeowner's Association.

The applicant is also proposing 2,652 sq. ft. of open space (lot 11) to be maintained by the HOA. In addition a six foot (6 ft.) wide sidewalk will provide access from the subject site and the surrounding neighborhoods to the Neighborhood Wal-Mart. Valley Drive will continue into the site and terminate into a cul-de-sac, providing access to land owned by the City of Rockwall. The concept plan also shows four (4) proposed parking spaces providing access to city owned land located at the end of Valley Drive.

The Comprehensive Plan states that “moderate density housing (i.e. SF-10) should generally be used where designated on the Land Use Plan, where it would be an extension or continuation of an existing moderate density development, or as a buffer from commercial or higher density residential. High density residential (i.e. Zero Lot Line) should be used as a transitional use from commercial (or existing retail) use, or where it will serve as a logical extension of an existing high density development.” This proposal is providing a transitional zoning from the retail/corridor along SH 66, including the Wal-Mart Neighborhood Development, to the SF-10 zoning to the north. The Plan also states “the city will encourage land use patterns that reflect the neighborhood concept. Support retail and open space (trails and parks) should be within convenient walking distance where possible.” The applicant, with the Planned Development proposal, is attempting to provide access to open space (City owned property), establish a walking trail from the adjacent neighborhood to the north to the Wal-Mart retail area and provide a buffer from any future retail/commercial development along SH 66. With these facts presented, the Staff feels this development, even with the increase density of 2 lots is in keeping with the overall recommendations of the Land Use Plan and with the restrictions required under the proposed PD, we would recommend approval of this request.

Notices were mailed to twenty-one (21) property owners within 200-ft of the subject tract, and at the time of this report, one (1) response "in favor" and no response "in opposition" have been returned.

#### RECOMMENDATIONS:

Staff recommends approval subject to the following conditions:

That development as indicated on Exhibit “B”, attached hereto, shall be subject to the permitted uses and area requirements of Article V, Section 3.7 (ZL-5) Zero Lot Line Residential District, of the City of Rockwall Unified Development Code (Ord. No. 04-38) as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future, with the following additional conditions and restrictions:

1. Minimum lot size – 5,000 square feet
2. Minimum average lot size – 8,300 square feet
3. Maximum number of residential lots– 10
4. Minimum lot frontage on a public street – 38 feet
5. Minimum front yard setback – 20 feet

6. Minimum rear yard setback – 10 feet
7. Minimum side yard setback –
  - a. 0 feet for an internal lot, and for any lot abutting an open space or HOA common area
  - b. 10 feet for any lot abutting a street
8. Minimum maintenance easement –
  - a. 5 feet, on the non-zero lot line side, when adjacent to another lot in the same zoning district
  - b. 5 feet along the north property line for lots 7 and 2 (As indicated on the approved concept Plan)
9. Minimum dwelling unit size- 2,000 square feet
10. Exterior walls for all buildings 100-sf or more shall be constructed of at least 80% standard masonry construction, excluding windows and doors, unless the wall is on a porch, patio, courtyard or breezeway, in which event, the wall may be of non-masonry construction.
11. All common areas and dedicated landscape easements and open space areas shall be maintained by a Homeowner's Association, which shall be created subject to the requirements of the City of Rockwall Subdivision Ordinance and filed prior to approval of the final plat(s).
12. All garages shall be setback a minimum 10 feet from the residence front façade.

Herbst opened the public hearing.

Bill Swisher, applicant addressed the commission requesting approval of the request and to answer questions.

Herbst closed the public hearing.

Langdon made a motion to approve the request by LT Ventures for a change in zoning from (SF-10) Single-family Residential district to (PD) Planned Development district on a 2.63-acre tract being Lot AB, Block 87, B.F. Boydston Addition, located south of the Highwood Addition at the termination of Valley Drive and the garage setback shall be 10-ft from the front building façade.

Lucas seconded the motion. The motion was voted on and passed by a vote of 4 to 1 (Burgamy against; Jackson and Smith absent).

#### **Z2005-010**

**Hold a public hearing and consider a request by Spring Haven Investments, Inc., for a change in zoning from (Ag) Agricultural district to (PD) Planned Development district on an 83.30-acre tract being a part of Lot 2 and all of Lot 1, The McLendon**

**Companies Addition, and Tracts 4 and 5, Abstract 186, J.A. Ramsey Survey. The subject property is located along the east side of FM 549 south of SH 276.**

Hampton outlined the request stating the proposed zoning request by Spring Haven Investments, Inc. is a change from (Ag) Agricultural district to (PD) Planned Development district on 83.30-acres of undeveloped land. A residual 2.58-acre tract located at 1925 S FM 549 is developed with a residence and will be retained by the current landowner, Mr. James Ingram. Another landowner, Mr. Duane Fisher, owns approximately 29.31-acres of the subject tract, and his acreage is currently platted as Lot 1 and a part of Lot 2 of The McLendon Companies Addition. The applicant has a contract to purchase the overall 83.30-acres from Mr. Ingram and Mr. Fisher, and proposes the zoning change to accommodate construction of a single-family residential development. The underlying zoning designation is (SF-16) Single-Family Residential district and the applicant has included development and design standards for consideration with the PD request.

The subject property is designated for low-density residential on the City's Future Land Use Map, with a maximum density of less than 2.0 units per acre, or a maximum of 166 lots on the 83.30-acre site. The PD concept plan indicates compliance with this requirement with a minimum lot size of 16,000-sf and an average lot size of 17,602-sf. The applicant is proposing a minimum dwelling unit size of 2,000-sf, which is greater than the 1,800-sf set forth in the "SF-16" zoning district. Other "design standards" have been submitted and are included as conditions of the PD to enhance the development of this tract.

Notices were mailed to nine (9) property owners within 200-ft of the subject site, including current owners, and at the time of this report one (1) response "in favor" had been returned.

**RECOMMENDATIONS:**

Staff recommends approval of the Planned Development district with the following conditions:

- A. That development in the area described herein as Exhibit "A", attached hereto, shall be subject to the approved concept plan, Exhibit "B", and shall be subject to the permitted uses of Article IV, Permissible Uses and Article V, District Development Standards for Section 3.3 (SF-16) Single-Family Residential District of the City of Rockwall Unified Development Code and the following additional conditions:
  - 1. Minimum lot area – 16,000 square feet
  - 2. Maximum number of residential lots – 166
  - 3. Maximum number of single-family detached dwelling units per lot – 1
  - 4. Minimum square footage per dwelling unit - 2,000 square feet
  - 5. Minimum lot frontage on a public street – 90 feet at the building line

6. Minimum lot depth – 100 feet
  7. Minimum depth of front yard setback – 25 feet
  8. Minimum depth of rear yard setback – 10 feet
  9. Minimum width of side yard setback –
    - a. Internal lot – 8 feet
    - b. Abutting street – 15 feet
    - c. Abutting an arterial – 20 feet
  10. Minimum distance between separate buildings on the same lot or parcel of land – 10 feet
  11. Minimum length of driveway pavement from public right-of-way for rear and side yard – 20 feet
  12. Maximum building coverage as a percentage of lot area – 45 percent
  13. Maximum building height – 36 feet
  14. Minimum of two (2) paved off-street parking spaces required for each residence.
- B. That development in the area described herein as Exhibit “A”, shall also be subject to the following design standards:
1. Exterior Wall Materials
    - a. All buildings of 100 square feet or more and over nine feet (9') tall shall have exterior walls constructed of masonry construction. Exterior walls for all buildings of 100 square feet or more and over 9 feet tall, shall be constructed of at least eighty percent (80%) standard masonry construction, excluding windows and doors, unless the wall is on a porch, patio, courtyard, or breezeway, in which event, the wall may be of non-masonry construction. Hardy Plank or similar cementaceous material may be used for up to 50% of the masonry requirement. Buildings with less than 80% masonry construction shall require approval of the Planning and Zoning Commission.
    - b. Buildings less than 100 square feet and under 9 feet in height may be constructed with non-masonry materials, or may be all metal with a baked-on painted surface.
  2. Garages shall all be a minimum of two-car garages per dwelling unit.
  3. There will be no requirement for alleys. Garages must be located at least 20 feet behind the front building façade for front entry garages, unless it is a “J-swing” garage where the garage door is perpendicular to the street, or rear-facing.
  4. An anti-monotony restriction shall be developed so as not to allow the same structure in terms of materials, color scheme or elevation any closer than five (5) houses apart on either side of the street.

5. All fencing either siding or backing onto any designated open space shall be tubular steel or iron (no wood fences allowed).
6. All fencing in side yards on corner lots where the side yard setback is in line with a front yard setback shall be contained within the side yard setback.
7. For any premises located in this Planned Development District, the premise shall have one (1) shade tree located within 15 feet of the front lot line for each fifty (50) feet of lot width or portion thereof, measured along the front lot line. Trees may be clustered or spaced linearly and need not be placed evenly at 50-foot intervals.
8. The required trees and landscaping shall be installed prior to issuance of a Certificate of Occupancy for the premises and shall be maintained in a living and growing condition by the owner of the premises. The required trees shall be a minimum of three-inch (3") caliper measured forty-eight inches (48") above the ground, with a required minimum height of seven feet (7'). If the tree is located on a slope, measurement shall be from the highest side of the slope. The trees shall be selected from the current City of Rockwall approved tree replacement list.
9. Green space/Open Space
  - a. All common areas and dedicated landscape easements and open space areas shall be maintained by a homeowners' association, including area of landscaping in the public right-of-way. Permanent subdivision identification signage shall be permitted at all major entry points subject to the requirements of the City of Rockwall sign ordinance.
  - b. There will be a minimum of a 20' greenbelt along F. M. 549. This greenbelt will be landscaped with an irrigation system, with either decorative iron/metal fencing or split rail style fencing along F.M. 549. Additionally, there will be trees planted at random distances from F.M. 549 at a maximum separation of 40'.
  - c. Each entry from F.M. 549 will have a median with a minimum width of 15' and a minimum length of 60'. Each median will be landscaped with an irrigation system. Additionally, each median will have an entry signage monument.
  - d. A two-acre minimum park/open space area will be developed and dedicated to the Homeowners' Association, centrally located within the development. This park will be landscaped with an irrigation system.
  - e. Landscaping will consist of fully grassed areas on all non-impervious surfaces (excluding any areas for bushes, ground cover or seasonal planting) and will contain a minimum of ten 3" caliper trees.
  - f. Hardscape will consist of sidewalks along and through the park area, with a central meeting/community seating area.

- C. A homeowners' association duly incorporated in the State of Texas shall be incorporated, and each lot/homeowner shall be a mandatory member. This association shall be established to ensure the proper maintenance of all common areas, either public or private, as desired to be maintained by the association. The bylaws of this association shall establish a system of payment of dues; a system of enforcement of its rules and regulations; a clear and distinct definition of the responsibility of each member; and such other provisions as are reasonably deemed appropriate to secure a sound and stable association. The bylaws shall be submitted to the Director of Planning for review and approval prior to construction.
- D. No substantial change in development of "PD" shall be permitted except after obtaining approval of the change of such development through amendment of the concept plan in the manner required for changes or amendments to the Unified Development Code.

Herbst opened the public hearing.

Randall Carrington, applicant addressed the commission requesting approval of the request and to answer questions.

Stan Jeffus, 1903 FM-549 addressed the commission opposed to the request.

Herbst closed the public hearing.

Burgamy made a motion to approve the request by Spring Haven Investments, Inc., for a change in zoning from (Ag) Agricultural district to (PD) Planned Development district on an 83.30-acre tract being a part of Lot 2 and all of Lot 1, The McLendon Companies Addition, and Tracts 4 and 5, Abstract 186, J.A. Ramsey Survey. The subject property is located along the east side of FM 549 south of SH 276.

Carroll seconded the motion. The motion was voted on and passed by a vote of 3 to 2. Lucas and Herbst voted against.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 10:34 p.m.

*These minutes were approved on May 10, 2005*



**PLANNING AND ZONING COMMISSION WORKSESSION**  
**March 29, 2005**

**CALL TO ORDER**

The meeting was called to order by Vice Chair, Connie Jackson at 6:04 p.m. with the following members present; Greg Bugamy, Mike Lucas, Glen Smith and Susan Langdon. Phillip Herbst and Jeff Carroll were absent.

**ACTION ITEMS**

**P2005-011**

**Discuss and consider a request from Jason Faigle of Kimley-Horn & Associates for approval of a preliminary plat of Nelson Lake Addition, a 121.2-acre tract comprised of 106 single-family residential lots (104.8-acres) and one lot designated for "NS" Neighborhood Services uses (16.4-acres). The subject property is located at the southeast corner of FM 1141 and FM 552, and currently described as Tract 2, Abstract 88, J.M. Gass Survey.**

Hampton stated the preliminary plat for Nelson Lake was tabled at the Commission's March 8, 2005 meeting, pending approval of several waivers requested by the developer by the City Council. Because the Staff is concerned that waiving improvements will result in the future cost of those improvements becoming the responsibility of the City, Council gave direction to the Staff on March 21<sup>st</sup> to prepare a "Development Agreement" outlining assurances of a custom development being built on this property. Those assurances could include Residential Design Guidelines and Standards and deed restrictions, of which certain portions the City would be a party to thus guaranteeing this property would develop in a manner accustomed to a "custom development."

At the March 21, 2005 meeting, City Council tabled consideration of the waivers until such time the Development Agreement is drafted. As a result, the consideration of the preliminary plat by the Planning and Zoning Commission should be tabled as well. The staff recommends tabling the preliminary plat until such time a developer's agreement and/or action is taken on the requested waivers.

Burgamy made a motion to table the request.

Langdon seconded the motion. The motion was voted on and passed by a vote of 5 to 0.

**ADJOURNMENT**

There being no further business, the meeting continued to the worksession at 6:13 p.m.

*These minutes were approved May 10, 2005*



**PLANNING AND ZONING COMMISSION**  
**May 10, 2005**

**CALL TO ORDER**

The meeting was called to order by Chairman, Phillip Herbst at 6:03 p.m. with the following members present; Greg Burgamy, Jeff Carroll, Mike Lucas, Glen Smith, Connie Jackson and Susan Langdon.

Staff Present; Robert LaCroix, Michael Hampton, Chris Spencer and Denise LaRue

**APPROVAL OF MINUTES FROM THE MARCH 8, 2005 MEETING.**

Burgamy made a motion to approve the minutes of the March 8, 2005 meeting.

Langdon seconded the motion. The motion was voted on and passed by a vote of 5 to 0. Smith and Jackson abstained.

**APPROVAL OF MINUTES FROM THE MARCH 29, 2005 MEETING.**

Jackson made a motion to approve the minutes of the March 29, 2005 meeting.

Smith seconded the motion. The motion was voted on and passed by a vote of 5 to 0. Carroll and Herbst abstained.

**APPROVAL OF MINUTES FROM THE APRIL 12, 2005 MEETING.**

Langdon made a motion to approve the minutes of the April 12, 2005 meeting.

Jackson seconded the motion. The motion was voted on and passed by a vote of 5 to 0. Herbst and Jackson abstained.

**APPROVAL OF MINUTES FROM THE APRIL 26, 2005 MEETING.**

Jackson made a motion to approve the minutes of the April 26, 2005 meeting.

Smith seconded the motion. The motion was voted on and passed by a vote of 4 to 0. Herbst, Langdon and Burgamy abstained.

**SITE PLANS / PLATS**

**P2003-002**

**Discuss and consider a request by Kristine Sotelo of Carroll Architects to reinstate the “expired” preliminary plat/concept plan for Standridge Addition, a 3.141-acre tract zoned (PD-3) Planned Development ('Tract 3' designated for GR uses) and situated on the northwest corner of Ridge Road West and N. Goliad (SH 205).**

Spencer stated the City has received a written request from Kristine Sotelo of Carroll architects, for the Planning and Zoning Commission to consider 'reinstatement' of the preliminary plat for Standridge Addition, being a 3.141-acre tract and containing Lots 1 & 2, Block 1. Located on Lot 1 is a proposed 11,050 square foot retail/strip center and Lot 2 is shown to be an open space/drainage easement. The subject site is located at the northwest corner of the SH 205 and Ridge Road West intersection, immediately north of the existing Random Oaks subdivision. The site is zoned (PD-3) Planned Development District No.3 for General Retail uses.

The preliminary plat was approved by the Commission and City Council in June of 2003. Section 24-8 (e) (2) d. of the City's subdivision ordinance provides for the following:

"d. At any time following the lapse of approval of a preliminary plat, a developer may request, and the Commission may approve, at its discretion, a reinstatement of such preliminary plat for the purpose of considering and approving a final plat for all or a portion of the area covered by the preliminary plat. The Commission shall reinstate a preliminary plat only when it determines that it would be in the public interest to do so to avoid unnecessary review of a new preliminary plat, and when the pattern of development proposed by the plat would not be to the detriment of any nearby area or the general development of the City. The Commission may establish such conditions on reinstatement as are necessary to ensure that the reinstated plat conforms to the City's comprehensive plan, including a requirement that the plat conform to the City's current subdivision standards."

City staff recommends that the request for reinstatement of this preliminary plat be approved.

Engineering plans must be approved prior to application being filed for the final plat. A tree plan is required as part of the final plat application process.

Burgamy made a motion to reinstate the preliminary plat as requested.

Jackson seconded the motion. The motion was voted on and passed by a vote of 6 to 0. Carroll abstained.

## **PUBLIC HEARING ITEMS**

### **Z2005-018**

**Hold a public hearing and consider a request by Austin Lewis of Lewis Real Estate Investments to amend (PD-8) Planned Development district, specifically on a vacant, 6.889-acre tract comprised of Spyglass Hill #4 Addition (4.324-acres) and Tract 134-12, Abstract 207, E. Teal Survey (2.564-acres), located along the south side of Henry M. Chandler Drive and immediately east of the Chandler's Landing Marina.**

Hampton outlined the request stating the zoning application to amend PD-8 is accompanied by a development plan for 58 residential lots, to be constructed as single-family attached units. The existing zoning (amended in 1992) on the 6.889-acre subject property is for zero-lot line development, with a concept plan allowing for 36 lots. The area requirements as existing and proposed are as follows:

| Requirement                             | Existing (Ord. 92-39) | Proposed                                      |
|---|-----------------------|---|
| Min. Lot Area                           | 5,000-sf              | 2,200-sf                                      |
| Max. # Lots                             | 36                    | 58  |
| Min. Dwelling                           | 1,700-sf              | 1,700-sf                                      |
| Min. Lot Frontage                       | 50-ft                 | 26-ft, except as shown on dev. plan           |
| Min. Lot Depth                          | 90-ft                 | 86-ft, except as shown on dev. plan           |
| Min. Front Setback                      | 25-ft                 | 10-ft   |
| Min. Rear Setback                       | 10 – 20-ft            | 15-ft;<br>20-ft for lots adjacent to Spyglass |
| Min. Side Yard                          | 0 and 10-ft+          | N/A   |
| Maintenance Esmt                        | 5-ft                  | N/A   |
| Min distance between separate buildings | 10-ft                 | 10-ft   |
| Max Bldg Coverage                       | 50%                   | 85%   |
| Max. Height                             | 30-ft                 | 30-ft   |

### **Height Issues**

Other requirements within the existing PD ordinance are carried over into this proposal, including maximum height restrictions (based on sea level) on those lots adjacent to the existing common property line with developed Spyglass Hill #3. The height of the structures will be limited to the difference between that specified maximum level and the final finished floor elevation. To accommodate the construction of 30-ft structures, there appears to be a significant amount of “cut” required along this property line, along with retaining walls, etc., all of which would be analyzed in more detail during the platting and engineering review, but are included on the development plan.

In terms of impacts on lake views, the difference is arguable between the existing concept plan and proposed amendment. While zero-lot line development would theoretically leave more open space per lot, it is unpredictable as to what sizes the homes would be constructed on those lots, and exactly where the visual corridors would be situated. With the amended plan, the developer is proposing structures with 2 to 4 attached units, but have proposed dedicated open space areas and a minimum of 10-ft clearance between buildings to minimize the impact.

### **Density Issues**

The other significant change as part of this proposal is an increase in density from 36 lots to 58 lots. However, from a historical context, the proposed number of units is actually less than what was proposed to be built on this same tract prior to the 1992 rezoning to zero-lot line. Spyglass #4, which accounts for 4.32-acres of the 6.889-acre subject tract, was originally approved in 1983 for 82 condominium units (or 19 units/acre). The remaining 2.5 acres (+/-) was intended to be developed as Spyglass #5 with similar density. The density for the existing Spyglass Phases 1, 2 and 3 is 16.55 units/acre (i.e. 156 units on 9.43 acres), or almost twice the proposed density of 8.42 units/acre for Catalina Cove.

Additionally, it must be noted that the City's Comprehensive Plan designates this tract along with Spyglass Phases 1, 2 and 3 as "Multi-family/Attached High Density Residential."

Further, the Comprehensive Plan includes the following as Land Use Policies:

"A greater variety of housing should be provided in specific areas of the City to accommodate a broad range of individual and family demand, including more urban style housing within walking distance of services..." (pg. 11)

"High density residential should be used as a transitional use from commercial (or existing retail) use, or where it will serve as a logical extension of an existing high density development." (pg. 17)

"Existing surrounding conditions such as lot size, house styles and existing development patterns should be considered in conjunction with the current comprehensive plan to determine appropriate zoning." (pg. 17)

"At a minimum, new residential development shall be equal to or better than existing surrounding residential development." (pg. 17)

### **Other Design and Zoning Elements**

The development plan includes 27 shared parking spaces that would be available for guests of the units in lieu of on-street parking. Additionally, the development will have access and proximity to the large parking lot that serves the marina. The proposed streets are private, with one open access from Henry M. Chandler Dr and one gated, emergency access. Open spaces are provided in the development, which would be maintained by the HOA. Typical building types have been submitted by the applicant which indicates various articulated facades, which would also be required to comply with the City's masonry standards for residential structures. As part of any PD approval, staff would recommend an "anti-monotony" restriction as well as a clear reinforcement of the garage setback requirement of 10-ft from the front face of the structure (i.e. minimum 20-ft from private street).

### **Notification**

Notices were sent to 63 property and condominium owners within 200-ft of the subject tract and at the time of this report staff has received:

- Three (3) responses “in favor”
- Eight (8) responses “in opposition,” accounting for eight (8) units within the Spyglass condominium development and two (2) lots within Harbor Landing.
- Five (5) responses “in opposition” from owners outside the 200-ft notice area

Staff has received correspondence from the Chandlers Landing HOA indicating acceptance of the proposal, including approval of a variance(s) to certain setback requirements set forth in their HOA restrictions for all of Chandlers Landing, including the subject tract.

**RECOMMENDATIONS:**

If request is approved, staff would offer the following recommendations:

A. That the property described in Exhibit “A” shall be used for attached residential development and shall be regulated by the approved development plan, attached herein as Exhibit “B”, and by the following area requirements:

1. Minimum lot area = 2,200-sf
2. Maximum number of lots = 58
3. Maximum number of units per lot = 1
4. Minimum dwelling unit size = 1,700-sf
5. Minimum lot frontage = 26-ft, except as shown on development plan (Exhibit B)
6. Minimum lot depth = 86-ft, except as shown on development plan (Exhibit B)
7. Minimum front yard setback = 10-ft
8. Minimum rear yard setback = 15-ft, except for those lots adjacent to the Spyglass Hill Phase 3, which shall be setback a minimum of 20-ft
9. Minimum side yard setback = 0-ft
10. Minimum separation between separate buildings = 10-ft, or as shown on the approved development plan (Exhibit B)
11. Maximum building coverage = 85%
12. Maximum building height = 30-ft; however, structures on the following lots shall also be subject to the following maximum elevations:
  - i. Structures on Lots 16-19 shall not exceed an elevation of 504.17-ft
  - ii. Structures on Lots 20-23 shall not exceed an elevation of 493.75-ft

iii. Structures on Lots 24-27 shall not exceed an elevation of 485.11-ft

iv. Structures on Lots 28-34 shall not exceed an elevation of 485.09-ft

13. Minimum number of off-street parking spaces = 2 + 2 car garage.

- B. The residential structures shall be articulated in a manner consistent with the elevations attached hereto as Exhibit "C", and shall be constructed in accordance with the General Residential Standards of the Unified Development Code (i.e. Article V, Section 3.1), as amended and may be amended in the future. Further, the façade materials utilized for construction shall include brick, natural or manufactured stone, masonry siding, and stucco. Acceptable roofing materials are 30-year grade asphalt shingles, standing seam metal, concrete tiles and clay tiles.
  - 1. An anti-monotony restriction shall not allow the same structure in terms of materials and elevation any closer than five (5) houses apart on either side of the street.
  - 2. All front-entry garages shall be setback a minimum of 10-ft from the front building line.
- C. No vehicular access shall be permitted onto Henry M. Chandler Dr from individual lots.
- D. All open space areas shall be developed in accordance with the development plan, Exhibit "B," and shall be maintained by the Homeowner's Association.
- E. A landscaping and screening fence shall be installed along Henry M. Chandler drive, the details of which should be approved at the time of preliminary plat.
- F. All development shown on the development plan, Exhibit "B," shall be subject to engineering and fire department approval, including review and acceptance of proposed private streets, locations of all utilities, drainage, etc.

Herbst opened the public hearing.

Austin Lewis, applicant addressed the commission requesting approval of the request and to answer questions.

Jim Choate, 206 Rainbow Circle addressed the commission opposed to the request.

Lee Peterson, 203 Harbor Landing addressed the commission opposed to the request.



Kenneth Blassingame, 260 H M Chandler addressed the commission opposed to the request.

Roy Kurkowski, 166 H M Chandler addressed the commission opposed to the request.

Rod Miller, property owner addressed the commission requesting approval of the request and to answer questions.

Ms. Ballard 278 H M Chandler addressed the commission opposed to the request.

Janet Peterson, 203 Harbor Landing addressed the commission opposed to the request.

Herbst closed the public hearing.

After some discussion, Langdon made a motion to **approve** the request by Austin Lewis of Lewis Real Estate Investments to amend (PD-8) Planned Development district, specifically on a vacant, 6.889-acre tract comprised of Spyglass Hill #4 Addition (4.324-acres) and Tract 134-12, Abstract 207, E. Teal Survey (2.564-acres), located along the south side of Henry M. Chandler Drive and immediately east of the Chandler's Landing Marina, with staff conditions.

Lucas seconded the motion. The motion was voted and passed by a vote of 4 to 2. Burgamy and Smith voted against. Carroll abstained.

## **Z2005-015**

**Hold a public hearing and consider a request by Donna Orr for a specific use permit (SUP) to allow for an accessory building not meeting the exterior materials requirements, exceeding the maximum 15-ft height requirement and exceeding the maximum square footage for two (2) accessory buildings on property zoned (SF-E/4) Single Family Estate district and located at 2625 Rolling Meadows, being Lot 4, Rolling Meadows Addition.**

Hampton outlined the request stating the applicant is requesting a Specific Use Permit in order to construct an approximate 1,700-sf barn not meeting the materials requirements of the (SF-E/4.0) Single Family Estate district standards, and exceeding the maximum height requirement of 15-ft. Additionally, the SF-E/4.0 district allows for two (2) accessory buildings up to 625-sf each or one (1) building up to 2,000-sf; however, because of an existing 144-sf greenhouse and 525-sf pool cabana, the additional accessory building requires an SUP. The applicant would like to build a horse barn in the rear portion of the property, adjacent to another existing 3-sided "paddock shelter." The 36' x 36' barn is of metal construction; however, the front-facing will be finished with stucco to match the house. The standing seam metal roof and other walls will be painted green to match the house as well. Because the proposed roof pitch is intended to match the house, the overall height is proposed to be 18-ft.

Metal barns have been approved in the recent past on SF-E/4 lots, including lots in Rolling Meadows. As the applicant's letter states, the property resides in a subdivision that has a rural feel, with several owners keeping horses and other large animals on their properties. However, staff feels approval of the additional accessory building on this property is ultimately a judgment call for the Planning Commission and City Council.

Notices were mailed to eight (8) property owners within 200-ft of the subject tract, and at the time of this report, one response "in favor" and one response "in opposition" had been returned.

Herbst opened the public hearing.

Donna Orr, applicant addressed the commission requesting approval of the request and to answer questions.

Herbst closed the public hearing.

Jackson made a motion to **approve** the request by Donna Orr for a specific use permit (SUP) to allow for an accessory building not meeting the exterior materials requirements, exceeding the maximum 15-ft height requirement and exceeding the maximum square footage for two (2) accessory buildings on property zoned (SF-E/4) Single Family Estate district and located at 2625 Rolling Meadows, being Lot 4, Rolling Meadows Addition with the following conditions:

1. The building will comply with the approved site plan and building elevations.
2. The maximum building size is limited to 1700-square feet in area.
3. The maximum height of the building is limited to 18 feet.
4. A waiver of fire protection is signed prior to issuance of a building permit.
5. The accessory building is subject to administrative review in the event that the subject property is sold or conveyed in any manner to another party, subdivided, or replatted.
6. The City Council reserves the right to review the Specific Use Permit granted herein upon the expiration of one (1) year from the date hereof.

Smith seconded the motion. The motion was voted and passed by a vote of 7 to 0.

#### **Z2005-016**

**Hold a public hearing and consider a request by Lance Holland and Judy Clark (and others), for a change in zoning from (Ag) Agricultural district to (GR) General Retail district on approximately 16.2-acres (+/-) including Tracts 1 (3.2-ac), 9 and 9-1 (10.942-ac) and 10 (0.28-ac) of the M.B. Jones Survey, Abstract 122, and Tracts 29 (1.27-ac) and 29-1 (0.53-ac) of the S.S. McCurry Survey, Abstract 146. The subject properties are located along FM 1141 and the future SH 205 Bypass, north of SH 66 and east of Caruth Lakes Phase 6.**

Hampton outlined the request stating the applicant, along with three other property owners, has proposed to rezone approximately 16.2 acres from (Ag) Agricultural district to (GR) General Retail district. The subject properties are located along FM 1141 / 205 Bypass north of SH 66, and are identified as follows:

- Regal Realtors tract - Tracts 9 & 9-1, MB Jones Survey, Abst. 122 (10.942-Ac)
- Cullin Tract - Tract 1, MB Jones Survey, Abstract 122 (3.2-Ac)
- Peoples Tract - Tract 10, MB Jones Survey, Abstract 122 (0.28-Ac)
- Tanner Tracts - Tracts 29 & 29-1, SS McCurry Survey, Abstract 146 (1.8-Ac)

The vacant Regal Realtors tract is located on the east side of FM 1141. The northwest corner of this property will be transected by the 205 By-pass. A portion of the 205 By-pass is under construction as part of the Caruth Lakes single-family development.

The remaining three properties in this request are located on the west side of FM 1141 and 205 By-pass, and are essentially wrapped by Caruth Lakes Phase 6. The Tanner and Cullin tracts are developed with existing single family homes; the Peoples tract is vacant but appears to have had a home on the property in the past. Each of these properties will be transformed with the ultimate intersection of the 205 By-pass and FM 1141. It is anticipated that the Regal Realtors property will decrease in size due to ROW dedication, while the remaining three tracts should increase in size due to the abandonment of a portion of FM 1141.

The City's Comprehensive Plan identifies the subject properties as single family residential, with those on the west side of the Bypass designated as "medium density" and the Regal Realtors tract on the east side as "low density." The intersection of the 205 Bypass and FM 1141 is not identified on the future land use map as a potential commercial/retail node. The nearest intersection identified for commercial potential is at the Bypass and Quail Run to the north. Regarding commercial areas, the Comprehensive Plan states that:

"In areas where commercial is indicated at the intersection of major roadways in the northern portion of the city, and where zoning and development have not occurred, commercial zoning should not necessarily be allowed on all 4 corners. Zoning should only be allowed where the commercial use is eminent and where it would be planned and integrated with the adjacent residential neighborhoods.

The amount of retail and the size of the area to be designated for commercial or mixed use development may be large or small depending on the service area it will serve and the style and quality of development."

The Plan includes as a primary Land Use Policy that "retail areas should be pedestrian-oriented and easily accessible to adjacent residential and commercial neighborhoods."

The first judgment for the Planning Commission and City Council to consider is whether non-residential use is appropriate at this location, and at this time. Staff feels these property owners will face a unique challenge as the Bypass develops, and the Caruth Lakes development materializes (440+ lots). The future neighborhood may justify a need for a limited retail/personal services area, and through careful design and integration, these properties could ultimately fill this need.

If non-residential zoning is considered a reasonable option, the other judgment for the Commission and Council is whether (GR) General Retail is the most appropriate zoning classification. Recent zoning requests with similar issues - residential adjacency, frontage on major roadways, etc - have been approved as (NS) Neighborhood Services district or a (PD) Planned Development. The subject tracts are situated within the 205 Bypass Corridor Overlay district, and would certainly be required to comply with residential adjacency standards. However, the PD option would allow the City to establish site-specific standards to ensure a high quality development that both complements the surrounding neighborhood(s) and minimizes any negative impacts.

Notifications were mailed to seven (7) property owners within 200-ft of the subject tract (within the City limits), and at the time of this report two (2) notices "in favor" had been returned. One notice has been returned "in opposition" from the owner/developer of the Caruth Lakes development, which constitutes over 20% (i.e. 49%) of the notice area and effectively requires a  $\frac{3}{4}$  vote for approval by the City Council.

Additionally, two notices "in opposition" have been received from owners beyond 200-ft and the City limits.

Herbst opened the public hearing.

Lance Holland, applicant addressed the commission requesting approval of the request and to answer questions.

George Bogart, 2032 FM-1141 addressed the commission opposed to the request.

Clifford Sever, 2345 Saddlebrook addressed the commission opposed to the request.

Patti Muggeo, 2317 Saddlebrook addressed the commission opposed to the request.

Tom Muggeo, 2317 Saddlebrook addressed the commission opposed to the request.

Herbst closed the public hearing.

Jackson made a motion to **deny** the request by Lance Holland and Judy Clark (and others), for a change in zoning from (Ag) Agricultural district to (GR) General Retail district on approximately 16.2-acres (+/-) including Tracts 1 (3.2-ac), 9 and 9-1 (10.942-ac) and 10 (0.28-ac) of the M.B. Jones Survey, Abstract 122, and Tracts 29 (1.27-ac) and 29-1 (0.53-ac) of the S.S. McCurry Survey, Abstract 146. The subject properties are located along FM 1141 and the future SH 205 Bypass, north of SH 66 and east of Caruth Lakes Phase 6.

Smith seconded the motion. The motion was voted and passed by a vote of 7 to 0.

#### **Z2005-017**

**Hold a public hearing and consider a request from Marlyn Roberts for approval of a Specific Use Permit to allow for an "Auto Repair Garage, Minor" (specifically a stand-alone quick lube business) within the (C) Commercial zoning district, on a +/- 1.0-acre tract being a part of Tract 2, Abstract 65, J. Cadle Survey, located along the east side of SH 205 south of SH 276 and across from Ralph Hall Pkwy.**

Spencer outlined the request stating the subject site is a 19.73-acre tract being part of Tract 2, J Cadle Survey, Abstract No. 65. The proposed Lube Center is located along the east side of the SH 205 and Ralph Hall Parkway intersection. In the Commercial "C" zoning district a "Stand Alone Lube Business" (Auto Repair Garage, Minor) requires a Specific Use Permit.

The applicant has submitted a legal description, a conceptual site/landscape plan and conceptual elevations in an effort to obtain a Specific Use Permit. Approval of the "SUP" will not constitute site plan approval. The applicant/owner will be required to obtain approval of preliminary plat, engineering plans, final plat and site plan.

The conceptual site plan for the proposed Lube Center illustrates the layout of one (1) 3,500 square feet building with four (4) service bays. The total required parking for the intended use is eight (8) spaces, and the applicant has provided thirteen (13) spaces, including one (1) handicap accessible. The site will be accessed via one existing from SH 205, across from Ralph Hall. A traffic study will be required at the time of plat to determine traffic movement from the proposed intersection. A letter from TX DOT grant approval in concept to the proposed curb cut on SH 205 will be required at the time of the preliminary plat. At the time of final plat a mutual access easements will be required to continue to the adjacent property to the north.

The landscape plan shows five (5) 3" caliper street trees located along SH 205, which exceeds city standards. In addition, the applicant is proposing a 36" high berm with nine (9) 8' high Crape Myrtles along SH 205. A minimum 10' landscape buffer is required along SH 205 for non-residential development within the Commercial "C" zoning district. At the direction of the Planning Zoning Commission the applicant has added additional landscaping in an effort to screen bay doors from adjacent property owners. The bay doors will be screen to the north via seven (7) 3" caliper Red Oak trees and an existing natural buffer will provide screening to the property owners to the south.

The applicant is proposing a 25'8" high building with stone and brick veneer. The roof is proposed to be constructed of 30 year asphalt shingles. On April 26, 2005, the ARB recommended approval of the conceptual elevations.

Eleven (11) notices were sent to property owners within 200-ft of the site, and at the time of this report no notices have been returned.

Herbst opened the public hearing.

Marlyn Roberts, applicant addressed the commission requesting approval of the request and to answer questions.

Herbst closed the public hearing.

Carroll made a motion to **approve** the request from Marlyn Roberts for approval of a Specific Use Permit to allow for an "Auto Repair Garage, Minor" (specifically a stand-alone quick lube business) within the (C) Commercial zoning district, on a +/- 1.0-acre tract being a part of Tract 2, Abstract 65, J. Cadle Survey, located along the east side of SH 205 south of SH 276 and across from Ralph Hall Parkway with the following conditions:

1. Any changes or deviations to the conceptual site/landscape plan or building elevations will require an amendment to the Specific Use Permit Ordinance.
2. The use be permitted on the subject site only in the location as shown on the conceptual site plan.
3. That only a "Monument Sign" not exceeding 5 feet in height and 60 square feet in area be allowed. All other signage is required to conform to the City of Rockwall Sign Ordinance.

Lucas seconded the motion. The motion was voted and passed by a vote of 7 to 0.

#### **Z2005-019**

**Hold a public hearing and consider a request by Doug Patton for a change in zoning from (Ag) Agricultural district to (LI) Light Industrial district on a 7.16-acre tract being Tracts 4-5 and 4-7, Abstract 24, N.M. Ballard Survey, located at the southeast corner of I-30 and Commerce Street (former Rockwall Church of Christ).**

Hampton outlined the request stating the applicant, Doug Patton, has requested to rezone the existing Rockwall Church of Christ site at 1540 I-30 from (Ag) Agricultural district to (LI) Light Industrial district. The church is constructing their new facility on FM 549 and has a contract to sell the subject tract to Mr. Patton, who intends to operate a boat and trailer dealership at the site. The change in use will require separate approval of a site plan (see Case #SP2005-011), and any necessary building permits required for the change in use will require the property to be platted.

The property to the west across Commerce St is zoned (LI) Light Industrial and currently developed with RV Sales & Service. The vacant property to the east (owned by the Cambridge Companies) is zoned (C) Commercial district and will ultimately be the location of the I-30 and 205 Bypass interchange. Property to the immediate south remains vacant and agriculturally zoned, with a large amount of older light industrial and heavy commercial development to the southwest.

The City's future land use map and Comprehensive Plan designate the area around the subject property as "Technology/Light Industrial." Most, if not all, of the tract itself lays within an area designated as "Mixed Use," along with a significant portion of the Cambridge Companies property within PD-10 to the southeast of the site. However, one of the primary land use policies within the Comprehensive Plan also states that the City "reserve adequate land for industrial uses on or near IH 30." Given these recommendations from the Comprehensive Plan, and given the adjacent zoning and land use, staff recommends that the rezoning request be approved for the subject site. Approval of a site plan for any change in use of the property should include measures to help bring the site into compliance with current standards, including landscaping, screening, etc. Moreover, future development of the southern half of the tract should be reviewed carefully with residential adjacency in mind as it begins to abut future residential or mixed use areas within PD-10.

Notices were mailed to four (4) property owners within 200-ft of the subject request, and at the time of this report none had been returned.

Herbst opened the public hearing.

Scott Self, applicant addressed the commission requesting approval of the request and to answer questions.

Doug Patton, applicant addressed the commission requesting approval of the request and to answer questions.

Herbst closed the public hearing.

Carroll made a motion to **approve** the request by Doug Patton for a change in zoning from (Ag) Agricultural district to (LI) Light Industrial district on a 7.16-acre tract being Tracts 4-5 and 4-7, Abstract 24, N.M. Ballard Survey, located at the southeast corner of I-30 and Commerce Street (former Rockwall Church of Christ).

Langdon seconded the motion. The motion was voted and passed 7 to 0.

#### **SP2005-011**

**Discuss and consider a request by Doug Patton for approval of a site plan for a boat and trailer dealership with outside display, on a 7.16-acre tract being Tracts 4-5 and 4-7, Abstract 24, N.M. Ballard Survey, located at the southeast corner of I-30 and Commerce Street (former Rockwall Church of Christ).**

Hampton outlined the request stating the applicant has submitted a site plan for the property at 1540 I-30 for a change in use from a church to a boat and trailer dealership. The use is permitted within the (LI) Light Industrial district, which the applicant is proposing in a separate zoning case (Z2005-019) that is being considered concurrently with the site plan. Several conditions apply to a boat and trailer dealership:

- 1. Area to be used for outside storage/display shall not exceed 50% of total lot area within 100-ft of any adjacent street.**

Along the approximately 300-ft of frontage along I-30, the owner shall be limited to 15,000-sf of outside storage/display area. The unplatted property has approximately 740-ft of street frontage along Commerce Street, limiting the owner to 37,000-sf of outside storage/display area along that street. However, that amount is subject to change depending on the location of any lot lines established with a final plat of the property. Nonetheless, staff is estimating that the site plan shows no more than 25,000-sf of outside storage display area, complying with City standards.

- 2. All outside storage/display areas must be permanently paved to City standards.**

The applicant is proposing to maintain the existing pavement that exists with the church use. The western half of the parking lot is concrete, which accommodates the majority of the proposed outside display area. As you move closer to the building there is existing asphalt paving.

- 3. All outside storage/display areas must be screened along all road frontages with a solid evergreen landscape screen (min. 3-ft in height).**

A good amount of landscaping exists in front of the existing building, including several mature trees. The applicant is supplementing the existing buffer along I-30 with 12 canopy trees, which will meet the I-30 Overlay standards. Additionally, the applicant is proposing a hedge of Yaupon Holly trees within the green area along Commerce Street, which is primarily located in the right-of-way.

- 4. All outside storage/display areas may be lighted with directed exterior lighting that does not glare onto any adjacent roadways.**

No additional lighting is proposed at this time.

- 5. Site plan and landscape plan to be approved prior to any building permit(s).**

- 6. This use only permitted along I-30 and other arterials, but shall be excluded within Scenic Overlay district along FM 740 and along SH 66.**



The applicant is not proposing any other modifications to the site or building elevations; however, they have indicated they plan to fire sprinkler the building. Additionally, a 24-ft fire lane will be dedicated (with plat) and striped according to City standards, and fire hydrants are to be added to meet fire protection standards. The driveway at the northeast corner of the site will be widened slightly to meet engineering standards, and the parking layout off that drive will be reconfigured to meet City specifications. Submittal and approval of engineering plans for the minor paving work as well as the utility work (i.e. fire hydrants, etc) will be required with the final plat.

The property owner to the east (Cambridge Companies) have contacted staff and the applicant, and have expressed a desire to create a mutual access easement at the northeast corner in the event they are not able to obtain a driveway permit from TXDOT due to the spacing standards from the planned 205 Bypass. The applicant is also indicating a 60-ft road dedication running east-west connecting the two properties, which will be finalized at the time of platting. That road would not need to be constructed until such time the surplus land in the rear of the subject tract, or the adjacent property, were to be developed.

Jackson made a motion to **approve** the request by Doug Patton for approval of a site plan for a boat and trailer dealership with outside display, on a 7.16-acre tract being Tracts 4-5 and 4-7, Abstract 24, N.M. Ballard Survey, located at the southeast corner of I-30 and Commerce Street (former Rockwall Church of Christ) with the following conditions;

1. Submittal and approval of engineering plans required.
2. Adherence to any fire department requirements for the site & building.
3. Submittal and approval of a final plat required for the entire property prior to issuance of any building permits.
4. Outside storage and display shall be limited to the approximately 25,000-sf shown on the site plan.
5. Correct address for this property is 1540 E I-30.

Smith seconded the motion. The motion was voted and passed by a vote of 7 to 0.

## **Z2005-020**

**Hold a public hearing and consider a request from Shirley Black for approval of a Specific Use Permit (with site plan) to allow for "Antiques / Collectable Sales" within (PD-50) Planned Development No. 50 district, specifically at 502 N. Goliad.**

Spencer outlined the request stating the applicant has submitted a specific use permit/site plan of the property at 502 N. Goliad Street in anticipation of an "Antique/Collectable" store. The existing house has approximately 1,493 square feet of floor area.

The current PD-50 requirements allow for one (1) parking space per 500 square feet of office area and the Unified Development Code requires one (1) parking space per every 250 square feet of retail area. The site plan indicates five (5)

proposed spaces at the rear of the property. With five (5) proposed spaces, the "Antique/Collectable" floor area must be limited to a maximum of 1,250 square feet. The applicant is requesting a variance to install asphalt parking as opposed to the required concrete construction. The plan also indicates a 20' public access easement along the south property line and a 20' public access easement to the rear of the property which will provide for future joint access between properties and reduce the number of drives accessing onto SH 205.

Landscaping exists in the front of the house; however, additional landscaping should be provided along the front of the property. A screening element of landscaping or fencing should be provided on the north and rear property lines that are adjacent to residential properties.

This property is subject to the "Commercial Guidelines" of the Old Town Rockwall Historic District which includes signage restrictions. The house is located within the "Old Town Historic District" and is listed as a "medium contributing structure" according to survey conducted for the historic district. The Staff feels this proposal is consistent with others that have been granted within PD-50.

Staff sent twenty-six (26) notices to the property owners within 200 feet of the subject site and at time of this report one (1) notice in favor and one (1) notice in opposition have been received.

Herbst opened the public hearing.

Shirley Black addressed the commission requesting approval of the request and to answer questions.

Herbst closed the public hearing.

Jackson made a motion to **approve** the request from Shirley Black for approval of a Specific Use Permit (with site plan) to allow for "Antiques / Collectable Sales" within (PD-50) Planned Development No. 50 district, specifically at 502 N. Goliad with the following conditions;

1. Engineering Approval
2. Align 20' cross access easement located along the east property line with adjacent properties.
3. Additional landscaping required along north and rear property lines to screen proposed parking lot.
4. Handicap parking to be van accessible.
5. Hours of operation be 10 a.m. to 8 p.m.

Lucas seconded the motion. The motion was voted on and passed by a vote of 7 to 0.

**P2005-017**

**Discuss and consider a request from Shirley Black for approval of a final plat of Lot 1, Block 1, Black's Collectables Addition, being a 0.37-acre tract zoned (PD-50) Planned Development No. 50 district and located at 502 N. Goliad.**

Spencer outlined the request stating the applicant has submitted a request for a final plat of a single, 0.38 acre tract zoned PD-50, Planned Development District and located at 502 N. Goliad. This plat is in conjunction with the submittal of a SUP/site plan for a proposed Antique/Collectable retail store.

The plat indicates a 20' public access easement to the rear of the property and a 20' public access easement on the south side of the property. These easements are being dedicated to provide for mutual access between adjacent properties in order to limit the number of driveways accessing to SH 205 for future use of these properties as office or similar uses.

Right-of Way dedication will be required for SH 205 and a separate permit from TXDOT for any driveway construction. A sidewalk will need to be built or the cost can be escrowed for future use. Two corners of the plat need to be tied to the State Plane Coordinates before filing.

Lucas made a motion to approve the request from Shirley Black for approval of a final plat of Lot 1, Block 1, Black's Collectables Addition, being a 0.37-acre tract zoned (PD-50) Planned Development No. 50 district and located at 502 N. Goliad.

1. Engineering Approval
2. Align 20' cross access easement located along the east property line with adjacent properties.
3. An Engineering Facilities agreement is required for the 20' cross access easement located along the east property line.
4. Correct access easement along south property to 20'.

Jackson seconded the motion. The motion was voted and passed 7 to 0.

**ADJOURNMENT**

Staff and the Commission discussed the possible expansion of PD-50 to include properties on the west side of North Goliad up to Heath Street or Live Oak.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:35 p.m.

These minutes were approved on May 31, 2005

**PLANNING AND ZONING COMMISSION WORKSESSION**  
**May 31, 2005**

**CALL TO ORDER**

The meeting was called to order by chairman, Phillip Herbst at 6:02 p.m. with the following members present: Greg Burgamy, Jeff Carroll, Mike Lucas, Glen Smith, Connie Jackson and Susan Langdon.

Staff Present: Robert LaCroix, Michael Hampton, Chris Spencer and Denise LaRue.

**ACTION ITEMS**

**APPROVAL OF MINUTES FOR THE MAY 10, 2005 PLANNING AND ZONING COMMISSION MEETING**

Jackson made a motion to approve the minutes of the May 10, 2005 meeting.

Lucas seconded the motion. The motion was voted and passed by a vote of 7 to 0.

**Discuss and consider making a recommendation to the City Council for the expansion of Planned Development No. 50 along the west side of SH 205 (N. Goliad Street), and take any action necessary.**

Jackson made a motion to recommend to City Council to consider the expansion of Planned Development No. 50 along the west side of SH 205 (N. Goliad Street),

Burgamy seconded the motion. The motion was voted on and passed 7 to 0.

**P2005-023**

**Discuss and consider a request by Don Dalton of The Woodmont Company for approval of a replat of Lot 3, Block A, Rockwall Crossing Addition, being a 1.41-acre tract zoned (C) Commercial and located along the south side of Interstate 30.**

LaCroix outlined the request stating Engineering plans for the T.G.I. Friday's project have been submitted and approved, and the submitted replat for Lot 3, Block A, Rockwall Crossing project is intended to provide the formal dedication of final easement and fire lane configurations. The subject tract is zoned (C) Commercial district, and the replat complies with the zoning standards in place.

Prior to issuance of a building permit (for vertical construction), the replat must be approved by City Council and filed with the County.

Burgamy made a motion to approve the request by Don Dalton of The Woodmont Company for approval of a replat of Lot 3, Block A, Rockwall Crossing Addition,

being a 1.41-acre tract zoned (C) Commercial and located along the south side of Interstate 30.

Smith seconded the motion. The motion was voted on and passed 7 to 0.

## **PUBLIC HEARING ITEMS**

### **P2005-018**

**Hold a public hearing and consider a request from Scott Webb and Steve Boback for approval of a residential replat of Lots 24 and 25, Block C, Random Oaks at the Shores Addition, being a 0.53-acre tract zoned (PD-3) Planned Development No. 3 district and located at 1841 and 1835 Random Oaks Drive.**

LaCroix outlined the request stating the applicant has submitted a replat that proposes to remove an existing drainage easement along the rear property lines of Lots 24 and 25, Block C, Random Oaks at the Shores and be replaced by a smaller drainage easement. The replat meets all other requirements of the City.

In accordance with state law, all property owners within 200-ft of the subject lot within the Random Oaks at the Shores subdivision were notified of the replat. At the time of the report, no responses have been returned.

Herbst opened the public hearing.

Scott Webb, applicant addressed the commission requesting approval of the request and to answer questions.

Herbst closed the public hearing.

Smith made a motion to approve the request from Scott Webb and Steve Boback for approval of a residential replat of Lots 24 and 25, Block C, Random Oaks at the Shores Addition, being a 0.53-acre tract zoned (PD-3) Planned Development No. 3 district and located at 1841 and 1835 Random Oaks Drive with the following conditions;

1. Illustrate and label easement to be abandoned.
2. Engineering approval.

Langdon seconded the motion. The motion was voted on and passed 7 to 0.

## **ARCHITECTURAL REVIEW BOARD ITEMS**

### **SP2004-018**

**Discuss amended elevations for “Rehab Management” located on Lot 8R, Block A, Horizon Ridge Addition, and take any action necessary.**

Spencer outlined the request stating the developer is asking for an amendment to the approved elevations of the "Rehab Management" which is situated along Ralph Hall Parkway and adjacent to the Kroger Signature.

These elevations were approved by the ARB, P&Z and Council in September, 2004. The applicant is proposing to change the brick "water table" and the brick "soldier course" to cast stone. The design of the majority of the elevation was kept intact.

Staff feels that with the change in materials of the architectural elements an approval by the Planning and Zoning Commission and Architectural Review Board is required. The latest proposal is consistent with the other buildings in the surrounding area.

Donna Orr, Architectural Review Board addressed the commission to answer questions, and stated that the Architectural Review Board recommends approval of the elevation changes.

Jackson made a motion to approve the request to amended elevations for "Rehab Management" located on Lot 8R, Block A, Horizon Ridge Addition with the condition that the pattern of the placement of materials be changed in an effort to break up the front facade.

Lucas seconded the motion. The motion was voted on and passed 7 to 0.

#### **SP2005-007**

**Discuss amended elevations for "T.G.I. Friday's" located on Lot 3, Block A, Rockwall Crossing Addition, and take any action necessary.**

Hampton outlined the request stating the applicant is requesting a change to the elevations for the approved T.G.I. Friday's restaurant located on Lot 3, Block A, Rockwall Crossing Addition, which is situated within the IH-30 Overlay district.

These elevations were approved by the ARB, P&Z and Council in April 2005. Specifically, the amended elevations involve a substitution of "Split Face CMU" in place of the originally approved brick. Other materials (i.e. stone, tile, etc) and design elements appear to be the same.

Carroll made a motion to approve the request to amend the elevations for the approved T.G.I. Friday's restaurant located on Lot 3, Block A, Rockwall Crossing Addition, which is situated within the IH-30 Overlay district.

Langdon seconded the motion. The motion was voted on and passed 7 to 0.

#### **ADJOURNMENT**

With no further business, the meeting adjourned to the worksession at 6:21 p.m.

*These minutes were approved on June 14, 2005*

**PLANNING AND ZONING COMMISSION WORKSESSION**  
**November 29, 2005**

**CALL TO ORDER**

The meeting was called to order by vice chairman, Greg Burgamy at 6:00 p.m. with the following members present; Connie Jackson, Bill Bricker and Glen Smith. Mike Lucas and Phillip Herbst were absent. The Commission has one vacant seat.

Staff Present; Robert LaCroix, Michael Hampton, Chris Spencer and Denise LaRue

**CONSENT AGENDA ITEMS**

**P2005-035**

**Discuss and consider a request by Gerald Houser for approval of a replat of Lot 2, Block 1, Highway 276 Self Storage Addition, being a 1.24-acre tract zoned (LI) Light Industrial District and located along the north side of SH 276 east of FM 549, and take any action necessary.**

**Background**

The applicant has submitted a replat for Lot 2, Block 1, Highway 276 Self Storage Addition, to accommodate development of two office/retail buildings on the property. A site plan for the project (i.e. SP2005-023) has been reviewed and approved by the Planning & Zoning Commission and City Council. As required by the City's subdivision ordinance, engineering plans have been approved prior to this application.

The development will be accessed from one 24-ft firelane, access and utility easement off Hwy 276 that bisects the property and provides access to the existing RV/Boat storage facility to the north also owned by the applicant. Other firelane, access, and utility easements are provided on the replat in accordance with engineering requirements. The replat appears to conform to all requirements set forth in the (LI) Light Industrial district.

**Staff Recommendations**

1. Change lot number to Lot 3.
2. Only one City Engineer signature line to be provided.
3. TXDOT permit required for proposed driveway.
4. Adherence to all fire department requirements.

**P2005-042**

**Discuss and consider a request by Harold Fetty of Rockwall Surveying Co, Inc., for approval of a final plat of Lot 1, Block A, Horizon Ridge Center Phase 2, being a 1.55-acre tract zoned (PD-9) Planned Development No. 9 District and located at the southwest corner of FM 3097 and Rockwall Pkwy, and take any action necessary.**

## **Background**

The applicant has submitted a final plat for Lot 1, Block A, Horizon Ridge Center Addition, to accommodate development of Dr. Holly Britt's Eyecare and Laser Management medical office/retail building on the property. A site plan for the project (i.e. SP2005-006) has been reviewed and approved by the Planning & Zoning Commission and City Council. As required by the City's subdivision ordinance, engineering plans have been approved prior to this application.

The development will be accessed from one driveway on FM 3097 and one driveway from Rockwall Parkway. Mutual access easements have been dedicated via separate instrument to tie this development to future development on the undeveloped property to the southeast and southwest. The recording information (i.e. volume / page) needs to be shown on the plat before filing. Other fire lane, access, and utility easements are provided on the final plat in accordance with engineering requirements. A 12-ft sidewalk easement is provided along the frontage of FM 3097, which should allow the sidewalk along this roadway to stay intact if/when Horizon Rd is widened in the future. The plat appears to conform to all requirements set forth in the (PD-9) Planned Development No. 9 district and the underlying (GR) General Retail district.

## **Staff Recommendations**

1. Indicate volume and page information for all existing onsite or offsite easements prior to filing of plat.
2. Remove references to "Lot 2" on adjacent property (this is not a platted lot).
3. 12-ft easement along FM 3097 should only be a sidewalk easement (remove reference to "screening wall").
4. TXDOT permit required for proposed drive from FM 3097.
5. Adherence to all fire department requirements.

Smith made a motion to approve the consent agenda items with staff recommendations.

Jackson seconded the motion. The motion passed by a vote of 4 to 0.

## **ACTION ITEMS**

### **P2005-045**

**Discuss and consider a request from Marc Bentley of Bentley Engineering, Inc. for approval of an amended preliminary plat for Meadowcreek Business Center Addition, being a 19.84-acre tract zoned (C) Commercial district and located along the east side of SH 205, south of SH 276 and across from Ralph Hall Pkwy.**

Spencer outlined the request stating the preliminary plat for the Meadowcreek Business Addition lays out six commercially-zoned lots on 19.84-acres, with a single access from SH 205 shown on Lot 2. Additional access points may be provided from SH 205 and SH 276 pending Engineering and TX DOT approval. This will have to be addressed if/when the other lots develop.



All of the lots on the subject tract comply with the City's area requirements for the (C) Commercial district. A Specific Use Permit and a site plan for a "Stand alone lube center" on Lot 2 have been approved. Currently there are no plans to develop Lots 3-6, at this time. Full engineering plans will be submitted and approved prior to application for final plat. The development will also be subject to site plan and Architectural Review.

Jackson made a motion to approve the request from Marc Bentley of Bentley Engineering, Inc. for approval of an amended preliminary plat for Meadowcreek Business Center Addition, being a 19.84-acre tract zoned (C) Commercial district and located along the east side of SH 205, south of SH 276 and across from Ralph Hall Parkway with the following conditions:

1. Approval of Engineering Plans
2. Adherence to all Fire Department requirements

Smith seconded the motion. The motion was voted and passed by a vote of 4 to 0.

**P2005-047**

**Discuss and consider a request from Marlyn Roberts for approval of a final plat for Meadowcreek Business Center Addition, being a 10.1-acre tract zoned (C) Commercial district and located along the east side of SH 205, south of SH 276 and across from Ralph Hall Pkwy.**

Spencer outlined the request stating the applicant has submitted a final plat for Meadowcreek Business Center Addition. A Specific Use Permit and a site plan for a "Stand alone lube center" on Lot 2 have been approved.

The 10.1-acre subject tract is proposed to be subdivided into two lots, with 10-ft right-of-way dedication for SH 205. Additionally, a mutual access easement is proposed along SH 205 connecting Lot 2 with the adjacent vacant property to the north. Utility easements and firelanes are to be formally dedicated with this final plat.

The final plat meets all requirements of the (C) Commercial district.

Staff feels that there is minimal if any tree mitigation required for Lot 2 and is recommending that the tree plan be approved administratively.

Jackson made a motion to approve the request by Marlyn Roberts for approval of a final plat for Meadowcreek Business Center Addition, being a 10.1-acre tract zoned (C) Commercial district and located along the east side of SH 205, south of SH 276 and across from Ralph Hall Parkway with the following conditions:

1. Approval of Engineering Plans
2. Approval of Tree Plan
3. Adherence to all Fire Department requirements.

Bricker seconded the motion. The motion was voted and passed by a vote of 4 to 0.

## **PUBLIC HEARING ITEMS**

### **Z2005-037**

**Hold a public hearing and consider a city-initiated revision to Article IV, Permissible Uses, Table 1, Land Use Tables, of the City of Rockwall Unified Development Code (Ord. No. 04-38), specifically to require a Specific Use Permit (SUP) for "Restaurant, Less than 2000 sq. ft., w/ Drive-Thru or Drive-in," and take any action necessary.**

Hampton outlined the request stating At their September 19, 2005 meeting, the City Council directed staff to draft an amendment to the Unified Development Code to consider requiring a Specific Use Permit (SUP) for any drive-thru restaurant with less than 2000-sf floor area.

Within Article IV, Permissible Uses, Table 1, Land Use Tables, "Restaurant, less than 2000 Sq. Ft., w/ drive-thru or drive-in" is an identified land use. Currently, an SUP is required in the (NS) Neighborhood Service district, (GR) General Retail district, and (CBD) Central Business district. It is currently permitted in the (C) Commercial district, (HC) Heavy Commercial district, (LI) Light Industrial district, and (HI) Heavy Industrial district.

Attached is an amended page 7 of the Land Use Table requiring an SUP in each of the above districts. It should also be noted that the conditions required for any drive-thru restaurant in the City are maintained in Article IV, and include:

1. Drive-throughs shall not have access to local residential streets.
2. Stacking lanes for drive-through service windows shall accommodate at least six cars per lane, unless specifically approved by the Director of Planning.

Burgamy opened the public hearing.

No one came forward.

Burgamy closed the public hearing.

Smith made a motion to approve the city-initiated revision to Article IV, Permissible Uses, Table 1, Land Use Tables, of the City of Rockwall Unified Development Code (Ord. No. 04-38), specifically to require a Specific Use Permit (SUP) for "Restaurant, Less than 2000 sq. ft., w/ Drive-Thru or Drive-in," and take any action necessary.

Jackson seconded the motion. The motion was voted on and passed by a vote of 4 to 0.

### **Z2005-039**

**Continue a public hearing and consider a request by Jean Voltz of Arkoma Development, LLC, for a change in zoning from (SF-10) Single-family Residential district and (Ag) Agricultural district to (PD) Planned Development district on a 49.35-acre tract situated along the west side of SH 205 (N. Goliad) south of Quail Run Rd and north of the Lakeview Summit subdivision, and along N. Lakeshore Drive, and take any action necessary.**

Spencer outlined the request stating The applicant is proposing to rezone the above referenced 49.354-acre tract to create a new Planned Development district to allow for retail/office, Assisted Living/Senior Housing and quasi-public development.

The applicant has submitted a concept plan and development standards with the zoning change application. The proposed concept plan indicates the site being bisected by Squabble Creek, a proposed reconfiguration/improvement of the SH 205 & West Quail Run Road intersection, proposed dedicated city street, the improvement of a portion of Quail Run as a public roadway and the extension of North Lakeshore Drive.

The zoning exhibit illustrates that the subject tract is bordered by single-family zoning along the north and south property lines, City owned property to the west and SH 205 to the east. On the east side of SH 205 the property is zoned as a Planned Development District with General Retail uses in addition to vacant agriculturally zoned property.

The subject site is similar in nature to the recently approved "PD-56" which was granted General Retail zoning along SH 205 and is limited in size of development by on-site floodplain. Similar to "PD-56" the applicant is proposing to leave the floodplain as "Open Space". The proposed "PD" is also similar to "PD-5" in that it is proposing General Retail zoning along SH 205. Planned Development "PD-5" is located across SH 205, west of the subject site. Both "PD-5" and the subject tract are located at highly visible intersections with SH 205.

Staff feels there could be consideration of non-residential zoning for this property given its location at the corner of a prominent intersection of a 4-lane (North Lakeshore) arterial and a regional carrier (SH 205).

Further, the Comprehensive Plan includes the following as Land Use Policies:

- *"Retail areas should be designed to be pedestrian-oriented and be integrated with neighboring residential and commercial neighborhoods. This could be through a mixed-use project that acts as a transition from retail to its surroundings, or through the inclusion of walkways, roadways and other means of access." (pg. 2)*
- *"Preserve the majority of floodplains to reduce the risk of long term flooding and to provide interconnectivity of residents and workers within the community through a citywide open space and trail system." (pg. 2)*

- *"Identify and protect views and vistas that contribute to the community's character and uniqueness, particularly those from Ridge Road to the lake and from the I-30 bridge." (pg. 3)*
- *Incorporate floodplains into an interconnected greenway network that preserves floodwater storage while providing trails and natural areas. (pg. 4)*
- *"In general, retail areas should be easily accessible from residential neighborhoods and trail systems, as well as by automobiles. New retail areas should be designed and constructed to be integrated with adjacent uses, not walled off from them." (pg. 13)*

The existing Single Family "SF-10" zoning would allow approximately forty-two (42) single-family dwelling units on the subject site.

The proposed "PD" provides for retail/office uses (*Parcels 3, 4 & 5*) along SH 205. As the property progresses westward, the retail uses transitions to office and Senior Housing/Assisted Living (*Parcel 2*). Continuing to the northwest corner of the site the office uses transitions into a proposed church and church parsonage (*Parcel 1-A & 1-B*). The proposed church and church parsonage provide for a transition and connection between the subject site and adjacent existing single-family residences. The proposed "PD" shall be subject to standards for "Residential Adjacency Standards" and those standards set forth in the "North SH 205 Overlay District".

Located within the south portion of the subject site is approximately 29-acres of open space/drainage easement. The proposed open space will provide a natural buffer between the existing single-family dwellings located along the south property line and the southern most building located at the southwest corner of the North Lakeshore & SH 205 intersection. The applicant is proposing to install landscaping and berming with a 6' high metal ornamental fence with masonry/stone columns along the existing single-family residences abutting the north property line.

The applicant is also proposing a dedicated city street that will traverse the northern portion of the site and connect Random Oaks to SH 205. The intersection of Quail Run and SH 205 will be altered with the new dedicated street. Quail Run will no longer intersect SH 205, but will intersect with the proposed Street which will intersect with SH 205.

The applicant is proposing to improve only the section of Quail Run that transverses the subject site. The remaining portion of West Quail Run will be preserved and remain in its current state. The proposed improvements will require engineering plan approval and a letter from TX DOT agreeing in concept. In addition a letter from TX DOT will be required for all proposed drives accessing SH 205.

The developer is proposing to have three (3) access drives from North Lakeshore, two (2) access drives from SH 205, six (6) access drives from the proposed Street and one (1) access drive from Quail Run. In addition the applicant is proposing to install a gated access drive from the proposed street to the existing single-family residences located along the north property line.

A Traffic Impact Analysis will be required at the time of Preliminary Plat. The proposed street must be constructed and open prior to the development of tracts 1-A and 1-B.

Notices were mailed to 50 property owners within 200-ft of the subject tract, and at the time of this report, five (5) responses "in opposition" and one (1) response "in favor" had been returned.

### RECOMMENDATIONS:

Staff recommends approval with the following conditions and Development Standards:

#### Conditions of Approval:

1. Submittal of PD Site Plan to include
  - a. Trail System Details
  - b. Screening/Buffering Details
  - c. Entry Features
  - d. Fencing Details
  - e. Street and alley cross-sections, paving methods, and other proposed engineering details.
  - f. Water Features
  - g. Lighting Standards.
  - h. Conceptual Building elevations
2. Adherence to the Concept/Development Plan, to be attached as Exhibit "B".
3. A preliminary tree survey at the time of Preliminary Plat.
4. Letter from TX DOT approving in concept the improvements/relocation to the West Quail Run/SH 205 Intersection and all access drives from SH 205.

#### Development Standards:

A. The development in the area indicated as Parcel 3 on Exhibit "B", attached hereto shall be subject to the following conditions and restrictions:

- 1) Subject to the permitted uses and development standards of Article V, Section 4.4 (GR) General Retail District of the City of Rockwall Unified Development Code as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future, and subject to the following additional conditions:

##### a) Prohibited Land Uses-

- Billiard Parlor or Pool Hall
- Gun Club, Skeet Shooting or Target Range (Indoor)
- Carnival/Circus or Amusement Ride
- Night Club, Discotheque, or Dance Hall
- Second Hand Dealer
- Helipad

- Auto Repair Garage (Minor)
  - Self Serve Car Wash
  - Full Service Car Wash
  - Railroad Yard/Shop
  - Mining/Extraction
  - Astrologer, Hypnotist, or Psychic Art and Science
  - Public and Private Parking Facilities
- 2) Maximum building height – 28 feet.
  - 3) Maximum building size – 20,000 square feet
  - 4) All proposed developments within Parcel 3 shall be subject to future site plan and Architectural review. All four (4) facades of each building throughout the development shall be constructed with a consistent design scheme and materials as approved by the Architectural Review Board.
  - 5) In addition to the requirements of the outdoor lighting requirements of the Unified Development Code, no light pole, pole base or combination thereof shall exceed twenty (20) feet. All lighting fixtures shall focus light downward and be contained on the site.
  - 6) All exterior lighting shall have a maximum of 0.2 foot-candles when measure three feet above grade at the property line.
  - 7) All structures having a footprint of 6,000 square feet or less shall be constructed with a pitched roof system.
  - 8) All development to adhere to the General Commercial District Standards (Section 4.1) and the standards for masonry as set forth in the North SH 205 Overlay District.
  - 9) All rooftop and ground mounted equipment must be orientated away from existing single-family residences and screened from adjacent properties & public rights-of-way.
  - 10) Dumpsters shall be orientated away from existing single-family residences and shall be screened from adjacent properties & public rights-of-ways. All dumpster enclosures shall be constructed of the same material and color as the primary structure. All dumpster enclosure gates shall be metal panel.
  - 11) All permanent free standing signs shall be monument signs not exceeding (5) feet in height or a maximum of sixty (60) square feet in area per sign face.
  - 12) All landscaping and screening shall comply with Article VIII Landscape Standards of the Unified Development Code.
- B. The development in the area indicated as Parcel 4 on Exhibit “B,” attached hereto shall be subject to the following conditions and restrictions:
- 1) Subject to the permitted uses and development standards of Article V, Section 4.4 (GR) General Retail District of the City of Rockwall Unified Development Code as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future, and subject to the following additional conditions:

a) Prohibited Land Uses-

- Billiard Parlor or Pool Hall
- Gun Club, Skeet Shooting or Target Range (Indoor)
- Carnival/Circus or Amusement Ride
- Night Club, Discotheque, or Dance Hall
- Second Hand Dealer
- Helipad
- Auto Repair Garage (Minor)
- Self Serve Car Wash
- Full Service Car Wash
- Railroad Yard/Shop
- Mining/Extraction
- Astrologer, Hypnotist, or Psychic Art and Science
- Public and Private Parking Facilities

b) Additional Permitted Land Uses-

- Retail/Gas Store with a maximum of Maximum Six (6) Dispensers that could accommodate Twelve (12) Vehicles
    - The Limits of the main building shall be located within the 250 feet of the existing right-of-way line for SH 205
  - Private Streets
  - Car Wash as an Accessory Use to Retail Store with Gasoline Product Sales
  - College, University or Seminary
- 2) Maximum building height – 60 Feet (Any building over 36 Feet shall require an SUP)
- 3) Maximum building height for any structure located within 250 feet of SH 205 – 28 feet.
- 4) Maximum building size – 40,000 square feet
- 5) Maximum building size for any structure located within 250 feet of SH 205 –20,000 square feet.
- 6) All proposed developments within Parcel 4 shall be subject to future site plan and Architectural review. All four (4) facades of each building throughout the development shall be constructed with a consistent design scheme and materials as approved by the Architectural Review Board.
- 7) In addition to the requirements of the outdoor lighting requirements of the Unified Development Code, no light pole, pole base or combination thereof shall exceed twenty (20) feet. All lighting fixtures shall focus light downward and be contained on the site.

- 8) All exterior lighting shall have a maximum of 0.2 foot-candles when measure three feet above grade at the property line.
  - 9) All structures having a footprint of 6,000 square feet or less shall be constructed with a pitched roof system.
  - 10) All development to adhere to the General Commercial District Standards (Section 4.1) and the standards for masonry as set forth in the North SH 205 Overlay District.
  - 11) All rooftop and ground mounted equipment must be orientated away from existing single-family residences and screened from adjacent properties & public rights-of-way.
  - 12) Dumpsters shall be orientated away from existing single-family residences and shall be screened from adjacent properties & public rights-of-ways. All dumpster enclosures shall be constructed of the same material and color as the primary structure. All dumpster enclosure gates shall be metal panel.
  - 13) All permanent free standing signs shall be monument signs not exceeding (5) feet in height or a maximum of sixty (60) square feet in area per sign face.
  - 14) All landscaping and screening shall comply with Article VIII Landscape Standards of the Unified Development Code.
- C. The development in the area indicated as Parcel 5 on Exhibit “B”, attached hereto shall be subject to the following conditions and restrictions:
- 1) Subject to the permitted uses and development standards of Article V, Section 4.4 (GR) General Retail District of the City of Rockwall Unified Development Code as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future, and subject to the following additional conditions:
    - a) Prohibited Land Uses-
      - Billiard Parlor or Pool Hall
      - Gun Club, Skeet Shooting or Target Range (Indoor)
      - Carnival/Circus or Amusement Ride
      - Night Club, Discotheque, or Dance Hall
      - Second Hand Dealer
      - Helipad
      - Auto Repair Garage (Minor)
      - Self Serve Car Wash
      - Full Service Car Wash
      - Railroad Yard/Shop
      - Mining/Extraction
      - Astrologer, Hypnotist, or Psychic Art and Science
      - Public and Private Parking Facilities
  - 2) Maximum building height – 60 Feet (Any building over 36 Feet shall require an SUP)



- 3) Maximum building height for any structure located within 250 feet of SH 205 – 28 feet.
  - 4) Maximum building size – 40,000 square feet
  - 5) Maximum building size for any structure located within 250 feet of SH 205 –20,000 square feet.
  - 6) All proposed developments within Parcel 5 shall be subject to future site plan and Architectural review. All four (4) facades of each building throughout the development shall be constructed with a consistent design scheme and materials as approved by the Architectural Review Board.
  - 7) In addition to the requirements of the outdoor lighting requirements of the Unified Development Code, no light pole, pole base or combination thereof shall exceed twenty (20) feet. All lighting fixtures shall focus light downward and be contained on the site.
  - 8) All exterior lighting shall have a maximum of 0.2 foot-candles when measure three feet above grade at the property line.
  - 9) All structures having a footprint of 6,000 square feet or less shall be constructed with a pitched roof system.
  - 10) All development to adhere to the General Commercial District Standards (Section 4.1) and the standards for masonry as set forth in the North SH 205 Overlay District.
  - 11) All rooftop and ground mounted equipment must be orientated away from existing single-family residences and screened from adjacent properties & public rights-of-way.
  - 12) Dumpsters shall be orientated away from existing single-family residences and shall be screened from adjacent properties & public rights-of-ways. All dumpster enclosures shall be constructed of the same material and color as the primary structure. All dumpster enclosure gates shall be metal panel.
  - 13) All permanent free standing signs shall be monument signs not exceeding (5) feet in height or a maximum of sixty (60) square feet in area per sign face.
  - 14) All landscaping and screening shall comply with Article VIII Landscape Standards of the Unified Development Code.
- D. The development in the area indicated as Parcel 2 on Exhibit “B”, attached hereto shall be subject to the following conditions and restrictions:
- 1) Subject to the development standards of Article V, Section 4.4 (GR) General Retail District, of the City of Rockwall Unified Development Code as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future, subject to the following additional conditions, and shall be limited to the following uses:
    - a) Additional Permitted Land Uses-
      - Assisted Living Facility
      - Senior Housing

- To qualify for Senior Housing, the units shall have a head of household of 55 years or older. Surviving members of a household, regardless of age, may occupy a unit provided that the household head meeting the age requirement is deceased. Management personnel and his/her family may occupy units without complying with the minimum age requirement. The total of such dwelling units shall not exceed 2 per 100 dwelling units, or portion thereof. (Deed restrictions as reviewed & approved by the City of Rockwall)
  - Nursing Home/Convalescent Care Facility
  - Private Streets
  - Office
- b) Additional Permitted Land Uses Requiring an Specific Use Permit (SUP)-
- College, University or Seminary
  - Trade School
- 2) Maximum height – 60 Feet (Any building over 36 Feet shall require an SUP)
  - 3) Maximum height for any building over 40,000 square feet – 28 feet
  - 4) Maximum building size – 40,000 square feet except as noted below.
    - a) 50,000 square feet for a maximum of one (1) building
  - 5) All proposed developments within Parcel 2 shall be subject to future site plan and Architectural review. All four (4) facades of each building throughout the development shall be constructed with a consistent design scheme and materials as approved by the Architectural Review Board.
  - 6) In addition to the requirements of the outdoor lighting requirements of the Unified Development Code, no light pole, pole base or combination thereof shall exceed twenty (20) feet. All lighting fixtures shall focus light downward and be contained on the site.
  - 7) All exterior lighting shall have a maximum of 0.2 foot-candles when measure three feet above grade at the property line.
  - 8) All structures having a footprint of 6,000 square feet or less shall be constructed with a pitched roof system.
  - 9) All development to adhere to the General Commercial District Standards (Section 4.1) and the standards set forth in the North SH 205 Overlay District.
  - 10) All rooftop and ground mounted equipment must be orientated away from existing single-family residences and screened from adjacent properties & public ROW.
  - 11) Dumpsters shall be orientated away from existing single-family residences and shall be screened from adjacent properties & public rights-of-ways. All dumpster enclosures shall be constructed of the same material and color as the primary structure. All dumpster enclosure gates shall be metal panel.
  - 12) All permanent free standing signs shall be monument signs not exceeding (5) feet in height or a maximum of sixty (60) square feet in area per sign face.

13) All landscaping and screening shall comply with Article VIII Landscape Standards of the Unified Development Code.

E. That development in the area indicated as Parcel 1-A & 1-B on Exhibit "B", attached hereto, shall be with the following additional conditions and restrictions:

1) Subject to the permitted uses and development standards of Article V, Section 3.4 (SF-10) Single Family Residential District Unified Development Code as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future, and subject to the following additional conditions:

a) Additional Permitted Land Uses-

- Church/House of Worship
  - Maximum Building Size – 10,000 square feet

2) Maximum height – 60 Feet (Any building over 36 Feet shall require an SUP)

3) Maximum number of residential units – 1

4) All proposed developments within Parcel 1-A shall be subject to future site plan and Architectural review. All four (4) facades of each building throughout the development shall be constructed with a consistent design scheme and materials as approved by the Architectural Review Board.

5) In addition to the requirements of the outdoor lighting requirements of the Unified Development Code, no light pole, pole base or combination thereof shall exceed twenty (20) feet. All lighting fixtures shall focus light downward and be contained on the site.

6) All exterior lighting shall have a maximum of 0.2 foot-candles when measure three feet above grade at the property line.

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

8) All development to adhere to the standards for masonry as set forth in the North SH 205 Overlay District.

9) All rooftop and ground mounted equipment must be orientated away from existing single-family residences and screened from adjacent properties & public ROW.

10) Dumpsters shall be orientated away from existing single-family residences and shall be screened from adjacent properties & public rights-of-ways. All dumpster enclosures shall be constructed of the same material and color as the primary structure. All dumpster enclosure gates shall be metal panel.

11) All permanent free standing signs shall be monument signs not exceeding (5) feet in height or a maximum of sixty (60) square feet in area per sign face.

12) All landscaping and screening shall comply with Article VIII Landscape Standards of the Unified Development Code.

F. The area indicated as "Open Space" on Exhibit "B", attached hereto, shall be subject to the following conditions:

1. All common areas and dedicated landscape easements and open space areas shall be maintained by a Property Owner's Association, including areas of landscaping in the public right-of-way along Quail Run, SH 205 and N Lakeshore.

Burgamy opened the public hearing.

Pieter Kessels, applicant addressed the commission requesting approval of the request and to answer questions.

Charley Thibodeaux, 1853 Random Oaks addressed the commission stating he is representing the Random Oaks HOA and the HOA is in favor of the request.

Jeff Morgan, 1918 Random Oaks addressed the commission opposed to the request.

Michael Hunter, 221 West Quail Run Road addressed the commission in favor of the request. However, he did have concerns about the senior housing use, and understood that only assisted living or office would be allowed on parcel 2.

Lanty Dean, 216 West Quail Run Road addressed the commission in favor of the request.

Burgamy closed the public hearing.

Smith made a motion to approve the request by Jean Voltz of Arkoma Development, LLC, for a change in zoning from (SF-10) Single-family Residential district and (Ag) Agricultural district to (PD) Planned Development district on a 49.35-acre tract situated along the west side of SH 205 (N. Goliad) south of Quail Run Rd and north of the Lakeview Summit subdivision, and along N. Lakeshore Drive, with staff conditions *except that senior housing shall be removed as a permitted use in parcel two.*

Burgamy seconded the motion. The motion was voted and failed by a vote of 2 to 2.

The commission continued to the regular work session agenda items.

## **ADJOURNMENT**

The meeting was adjourned at 9:07 p.m.

**PLANNING AND ZONING COMMISSION PUBLIC HEARING  
October 11, 2005**

**CALL TO ORDER**

The meeting was called to order by Chairman, Phillip Herbst at 6:01 p.m. with the following members present; Greg Burgamy, Mike Lucas, Glen Smith, Connie Jackson and Bill Bricker. Jeff Carroll was absent.

**APPROVAL OF MINUTES FOR AUGUST 9, 2005 PLANNING AND ZONING COMMISSION MEETING**

Burgamy made a motion to approve the minutes of the August 9, 2005 meeting.

Jackson seconded the motion. The motion was voted on and passed by a vote of 6 to 0.

**APPROVAL OF MINUTES FOR AUGUST 30, 2005 PLANNING AND ZONING COMMISSION MEETING.**

**APPROVAL OF MINUTES FOR SEPTEMBER 13, 2005 PLANNING AND ZONING COMMISSION MEETING.**

Jackson made a motion to approve the minutes of the August 30, 2005 and September 13, 2005 meetings.

Smith seconded the motion. The motion was voted and passed by a vote of 6 to 0.

**APPROVAL OF MINUTES FOR SEPTEMBER 27, 2005 PLANNING AND ZONING COMMISSION MEETING.**

Burgamy made a motion to approve the minutes of the September 27, 2005 Planning and Zoning Commission meeting.

Jackson seconded the motion. The motion was voted on and passed by a vote of 4 to 0. Herbst and Lucas abstained.

**PUBLIC HEARING ITEMS**

**Z2005-036**

Hold a public hearing and consider a request by Chris Cuny of F.C. Cuny Corporation for a change in zoning from (Ag) Agricultural district to (PD) Planned Development district on an 83.30-acre tract being a part of Lot 2 and all of Lot 1, The McClendon Companies Addition, and Tracts 4 and 5, Abstract 186, J.A. Ramsey Survey. The subject property is located along the east side of FM 549 south of SH 276.

Hampton outlined the request stating this request follows a zoning request from earlier this year (i.e. Case # Z2005-010), which was denied "with prejudice" by the City Council on March 21, 2005. However, the Planning and Zoning Commission on August 30, 2005 deemed there had been sufficient changes in the conditions related to the zoning principles of the tract, as described in Section 8.3D, Article II, of the City's Unified Development Code, allowing this case to be submitted within one year of denial. Most notably, the new request includes a reduction of single-family lots from 166 to 144, significantly more open space (including a 6-acre public park dedication) and a 10-acre site proposed for an elementary school.

The proposed zoning request by Chris Cuny of F.C. Cuny Corporation is a change from (Ag) Agricultural district to (PD) Planned Development district on 83.30-acres of undeveloped land. A residual 2.58-acre tract located at 1925 S FM 549 is developed with a residence and will be retained by the current landowner, Mr. James Ingram. Another landowner, Mr. Duane Fisher, owns approximately 29.31-acres of the subject tract, and his acreage is currently platted as Lot 1 and a part of Lot 2 of The McClendon Companies Addition. The developer has a contract to purchase the overall 83.30-acres from Mr. Ingram and Mr. Fisher, and proposes the zoning change to accommodate construction of a single-family residential development. The underlying zoning designation is (SF-16) Single-Family Residential district and the applicant has included development and design standards for consideration with the PD request.

The subject property is designated for low-density residential on the City's Future Land Use Map, with a maximum density of less than 2.0 units per acre, or a maximum of 166 lots on the 83.30-acre site. The City has not typically included acreage set aside for school sites in density calculations, which results in 146 lots being allowed in the 73.30 "net" acres. The concept plan indicates compliance with this requirement with 144 residential lots with a minimum lot size of 12,000-sf. The applicant is proposing a minimum dwelling unit size of 2,000-sf, which is greater than the 1,800-sf set forth in the "SF-16" zoning district. Other "design standards" have been submitted and are included as conditions of the PD to enhance the development of this tract.

Notices were mailed to nine (9) property owners within 200-ft of the subject site, including current owners, and at the time of this report one response "in favor" and one response "in opposition" had been returned.

## **RECOMMENDATIONS:**

Staff recommends approval of the Planned Development district with the following conditions:

- A. That development in the area described herein as Exhibit "A", attached hereto, shall be subject to the approved concept plan, Exhibit "B", and shall be subject to the permitted uses of Article IV, Permissible Uses and Article V, District Development Standards for Section 3.3 (SF-16) Single-Family

Residential District of the City of Rockwall Unified Development Code and the following additional conditions:

B.

1. Minimum lot area – 12,000 square feet
2. Maximum number of residential lots – 144
3. Maximum number of single-family detached dwelling units per lot – 1
4. Minimum square footage per dwelling unit - 2,000 square feet
5. Minimum lot frontage on a public street – 80 feet
6. Minimum lot depth – 100 feet
7. Minimum depth of front yard setback – 20 feet
8. Minimum depth of rear yard setback – 10 feet, except for Lots 1, 2, 3, 4 and 5 abutting the 5.0-acres of Lot 2, McClendon Companies Addition, which shall have a minimum rear yard setback of 25-ft.
9. Minimum width of side yard setback –
  - a. Internal lot – 8 feet
  - b. Abutting street – 15 feet
  - c. Abutting an arterial – 20 feet
10. The proposed school site's west property line building setback shall be 100 feet and shall provide a 20-ft landscape buffer with appropriate fencing.
11. Minimum distance between separate buildings on the same lot or parcel of land – 10 feet
12. Minimum length of driveway pavement from public right-of-way for rear and side yard – 20 feet
13. Maximum building coverage as a percentage of lot area – 45 percent
14. Maximum building height – 36 feet
15. Minimum of two (2) paved off-street parking spaces required for each residence.

C. That development in the area described herein as Exhibit "A", shall also be subject to the following design standards:

1. Exterior Wall Materials
  - a. All buildings of 100 square feet or more and over nine feet (9') tall shall have exterior walls constructed of masonry construction. Exterior walls for all buildings of 100 square feet or more and over 9 feet tall, shall be constructed of at least eighty percent (80%) standard masonry construction, excluding windows and doors, unless the wall is on a porch, patio, courtyard, or breezeway, in which event, the wall may be of non-masonry construction. Hardy Plank or similar cementaceous material may be used for up to 50% of the masonry requirement. Buildings with less than 80% masonry

construction shall require approval of the Planning and Zoning Commission.

- b. Buildings less than 100 square feet and under 9 feet in height may be constructed with non-masonry materials, or may be all metal with a baked-on painted surface.
2. Garages shall all be a minimum of two-car garages per dwelling unit.
3. There will be no requirement for alleys. Garages must be located at least 20 feet behind the front building façade for front entry garages, unless it is a “J-swing” garage where the garage door is perpendicular to the street, or rear-facing.
4. An anti-monotony restriction shall be developed so as not to allow the same structure in terms of materials, color scheme or elevation any closer than five (5) houses apart on either side of the street.
5. All fencing either siding or backing onto any designated open space shall be tubular steel or iron (no wood fences allowed).
6. All fencing in side yards on corner lots where the side yard setback is in line with a front yard setback shall be contained within the side yard setback.
7. For any premises located in this Planned Development District, the premise shall have one (1) shade tree located within 15 feet of the front lot line for each fifty (50) feet of lot width or portion thereof, measured along the front lot line. Trees may be clustered or spaced linearly and need not be placed evenly at 50-foot intervals.
8. The required trees and landscaping shall be installed prior to issuance of a Certificate of Occupancy for the premises and shall be maintained in a living and growing condition by the owner of the premises. The required trees shall be a minimum of three-inch (3”) caliper measured forty-eight inches (48”) above the ground, with a required minimum height of seven feet (7’). If the tree is located on a slope, measurement shall be from the highest side of the slope. The trees shall be selected from the current City of Rockwall approved tree replacement list.
9. Green space/Open Space
  - a. A homeowners’ association duly incorporated in the State of Texas shall be incorporated, and each lot/homeowner shall be a mandatory member. This association shall be established to ensure the proper maintenance of all common areas, either public or private, as desired to be maintained by the association. The bylaws of this association shall establish a system of payment of dues; a system of enforcement of its rules and regulations; a clear and distinct definition of the responsibility of each member; and such other provisions as are reasonably deemed appropriate to secure a sound and



stable association. The bylaws shall be submitted to the Director of Planning for review and approval prior to construction.

- b. All common areas and dedicated landscape easements and open space areas shall be maintained by a homeowners' association, including area of landscaping in the public right-of-way.
  - c. Permanent subdivision identification signage shall be permitted at all major entry points subject to the requirements of the City of Rockwall sign ordinance.
  - d. There will be a minimum of a 20' greenbelt along F. M. 549. This greenbelt will be landscaped with an irrigation system, with either decorative iron/metal fencing or split rail style fencing along F.M. 549. Additionally, there will be trees planted at random distances from F.M. 549 at a maximum separation of 40'.
  - e. Each entry from F.M. 549 will have a median opening with a minimum width of 15' and a minimum length of 60'. Each median will be landscaped with an irrigation system. Additionally, each median will have an entry signage monument.
  - f. All linear open space, not dedicated to the City or school, shall be landscaped with pedestrian access. The landscaping may either consist of traditional irrigated landscaping or xeriscaping (xeriscaping shall be designed and installed by a credentialed xeriscape landscape architect). This area will be maintained by the Homeowners Association.
  - g. The open space/park area adjacent to the school site will be dedicated to and maintained by the City of Rockwall. Dedicated open space shall count towards the City's parkland dedication requirements; however, pro-rata equipment fees shall be required for the applicable neighborhood park district, subject to review by the City's Parks Board.
- D. No substantial change in development of "PD" shall be permitted except after obtaining approval of the change of such development through amendment of the concept plan in the manner required for changes or amendments to the Unified Development Code.

Herbst opened the public hearing.

Chris Cuny, applicant addressed the commission request approval of the request and to answer questions.

Stan Jeffus, 1903 FM-549 addressed the commission opposed to the request.

Isaac Levy, 1777 FM-549 addressed the commission opposed to the request.

Ed Hail, 2676 FM-549 addressed the commission opposed to the request.

Kevin Basswell, 1715 FM-549 addressed the commission opposed to the request.

Jason Frey, 2424 FM-549 addressed the commission opposed to the request.

Chris Duggan, 2548 FM-549 addressed the commission opposed to the request.

Chuck Shaw, 257 Pheasant Hill addressed the commission opposed to the request.

Melba Jeffus, 1903 FM-549 addressed the commission opposed to the request.

Herbst closed the public hearing.

Burgamy made a motion to approve the request by Chris Cuny of F.C. Cuny Corporation for a change in zoning from (Ag) Agricultural district to (PD) Planned Development district on an 83.30-acre tract being a part of Lot 2 and all of Lot 1, The McClendon Companies Addition, and Tracts 4 and 5, Abstract 186, J.A. Ramsey Survey, with staff conditions.

Lucas seconded the motion. The motion was voted on and passed by a vote of 4 to 2. Herbst and Smith voting against.

## **SITE PLANS / PLATS**

### **SP2005-020**

**Discuss and consider a request by David Grant of IdleAire Tech. Corp. for approval of an amended site plan for Travel Centers of America to allow for IdleAire facilities at the existing truck stop located at the southwest corner of IH-30 and SH 205. The subject property is zoned (C) Commercial district and located within the IH-30 Corridor Overlay district and SH 205 Corridor Overlay district.**

Hampton outlined the request stating the applicant, IdleAire Tech. Corp, desires to install their facilities at the existing Travel Centers of America truck stop at the SW corner of IH-30 and SH 205. The applicant has included a packet of information describing the functionality and form of the proposed facilities, which enable trucks to turn off their engines and instead plug into the IdleAire equipment for heating and A/C, computer access, television, etc. Coupled with recent federal requirements that limit the amount of time long haul trucks can be on the road, and environmental issues that result from trucks that idle for long periods, staff feels the proposed use has some value.

However, the proposed structures associated for the use do not meet the standards for the IH-30 Overlay and/or SH 205 Overlay districts. First, mechanical equipment is not screened from view from adjacent properties or public right-of-way.

Additionally, the proposed structures (steel truss system) do not meet the masonry standards set forth in the overlay districts. Finally, a proposed 10'x32' equipment center that is manned by an employee to assist customers with operations of the facilities also does not meet overlay standards including masonry exterior requirements and pitched roof design.

The proposal includes a redesign (and expansion?) of the parking area, with the overall parking count proposed to drop from 133 to 128 spaces. Of those 128 spaces, 72 would have access to IdleAire equipment. The remaining 56 would be regular, full-length truck spaces. If the parking area is to be expanded at this time in the rear of the site, staff would recommend the Commission and City Council consider additional landscaping requirements along the property lines and detention areas where necessary.

Greg Sloan, representing the applicant, addressed the commission requesting approval and to answer questions.

Lucas made a motion to table the request by David Grant of IdleAire Tech. Corp. for approval of an amended site plan for Travel Centers of America to allow for IdleAire facilities at the existing truck stop located at the southwest corner of IH-30 and SH 205.

Jackson seconded the motion. The motion was voted on and passed by a vote of 6 to 0.

#### **SP2005-021**

**Discuss and consider a request by Timothy Paul Webb and Terri Webb for approval of a site plan for Bahama Bucks located on Lot 5, Block A, Rockwall Market Center East, being a 0.554-acre tract zoned (C) Commercial district and located within the IH-30 Corridor Overlay district at the southwest corner of IH-30 and Mims Rd.**

Hampton outlined the request stating the site plan is for a 1,728-sf Bahama Bucks restaurant (with accessory drive-thru) on Lot 5, Block A, Rockwall Market Center East Addition. The site has frontage on IH-30, Mims Rd and Rochell Ct; however, it will only be accessed from Rochell Ct or via the adjacent Chuck E. Cheese's parking lot. The required parking for the restaurant is 18 spaces (one per 100-sf), and the applicant has provided 18 spaces, including two (2) accessible spaces.

#### **Photometric Plan**

The proposed lighting is within overlay district guidelines with a maximum mounting height of 20-ft. The revised submittal indicates that the number of light poles/fixtures has been reduced to contain the light levels on the site. The site plan also includes "artificial palms" that act as light features at night; however, based on staff's visual observation of the applicant's existing Bahama Bucks development in Rowlett, these trees do not appear to negatively affect the photometrics for the site.

#### **Landscape Plan**

Approximately 5,835-sf, or 24.2% of the site is landscaped, which exceeds the minimum 15% requirement for commercial development. The applicant is requesting that the City/TXDOT landscape area at the corner of Mims and IH-30 be credited towards their landscape buffer requirements. Staff does not consider this as TXDOT right-of-way and thus have not required the applicant to provide a 20-ft buffer on their site. An additional 5-ft is provided along this existing green space, and is enhanced with additional trees and shrubs. Other landscaping and trees are provided around the building and parking areas to meet landscaping standards. The applicant has included several palm trees on their revised plan to meet the detention landscaping requirements and to correlate with the theme of the proposed building. All trees shown on the plan shall be at least 3-inches caliper at time of planting to comply with the City's landscaping ordinance.

### **Building Elevations**

The proposed elevations for the restaurant indicate a maximum height of 23'2". The building as proposed appears to comply with the City's newly adopted requirements for the IH-30 Overlay district, though the application for this site plan was turned in prior to final adoption of the ordinance. The building features a combination of native limestone and stucco, with a pitched, standing seam metal roof. More than 20% of each facade is comprised of the native stone, and the building in staff's opinion meets the articulation standards and four-sided architectural requirements set forth in the Code. Additionally, several elements - including canopies / awnings; outdoor patio; varied roof heights; display windows; etc - are provided to comply with the new overlay requirements.

At the 9/27/05 Architectural Review Board and Planning and Zoning Commission work session, there was considerable discussion on the proposed colors, and the direction given to the applicant was to approach Bahama Bucks about "toning down" or "muting" the colors. There were comments provided by absent members of both boards regarding issues with the architectural design also; however, no consensus was established regarding these issues. Again, it is staff's opinion that the building complies with overlay standards, but feels that it is a judgment call by the Commission to determine if the building is compatible with adjacent development and others in the IH-30 Overlay district, which is a stated purpose of the overlay requirements.

Pann Schriban, applicant addressed the commission requesting approval of the request and to answer questions.

Burgamy made a motion to approve the request by Timothy Paul Webb and Terri Webb for approval of a site plan for Bahama Bucks located on Lot 5, Block A, Rockwall Market Center East, being a 0.554-acre tract zoned (C) Commercial district and located within the IH-30 Corridor Overlay district at the southwest corner of IH-30 and Mims Road with the following conditions;

1. Submittal and approval of engineering plans.
2. Pro-ratas due for 12-inch water line and Brockway Branch line.

3. Submittal and approval of replat following approval of engineering plans.
4. Separate permit(s) required for all signage.
5. All trees to be minimum 3-inches caliper at time of planting.
6. Planning and Zoning Commission to determine proposed building's design and color compatibility with other structures within the IH-30 Overlay district.

Smith seconded the motion. The motion was voted on and passed by a vote of 5 to 1. Lucas voted against.

#### **P2005-034**

**Discuss and consider a request by Kyung Hwan In and Jee Hyung Chung for approval of a preliminary plat for Lot 1, Block A, Gadel Addition, being a 1.129-acre tract zoned (C) Commercial district located within the Scenic Overlay district and situated at the northeast corner of Ridge Road and Yellow Jacket Lane.**

Spencer outlined the request stating the preliminary plat for the Gadel Addition lays out one commercially-zoned lot on a 1.139-acre tract located at the corner of F.M. 740 and Yellow Jacket Lane. The site will be accessed from F.M. 740, Old Country Road and from Yellow Jacket Lane via mutual access drive with RISD. As part of the development of this site the applicant is required to update Old Country Road to city standards for streets.

The subject tract complies with the City's area requirements for the (C) Commercial district. A site plan for a retail/office development was submitted simultaneously with the Preliminary Plat. Full engineering plans will be submitted and approved prior to application for final plat. The development will also be subject to site plan and Architectural Review.

A final treescape plan will be reviewed with the final plat.

Jackson made a motion to table the request by Kyung Hwan In and Jee Hyung Chung for approval of a preliminary plat for Lot 1, Block A, Gadel Addition, being a 1.129-acre tract zoned (C) Commercial district located within the Scenic Overlay district and situated at the northeast corner of Ridge Road and Yellow Jacket Lane.

Burgamy seconded the motion. The motion was voted and passed 6 to 0.

#### **SP2005-022**

**Discuss and consider a request by Eric Chung of Gadel Development, Inc., for approval of a site plan for an office/retail development on the proposed Lot 1, Block A, Gadel Addition, being a 1.13-acre tract zoned (C) Commercial district located within the Scenic Overlay district and situated at the northeast corner of Ridge Road and Yellow Jacket Lane.**

Spencer outlined the request stating the site plan is for a 17,940-sf retail/office development on a 1.139-acre tract located at the corner of F.M. 740 and Yellow

Jacket Lane. The site will be accessed from F.M. 740, Old Country Road and from Yellow Jacket Lane via mutual access drive with RISD. As part of the development of this site the applicant is required to update Old Country Road to city standards for streets.

The required parking for the restaurant is 66 spaces (one per 250-sf for retail and one per 300-sf for office), and the applicant is proposing 62 spaces, including two (2) accessible spaces. The proposed site plan does not meet the required number of parking spaces and will require a variance as part of the site plan approval. It should be noted that a total of 15 parking spaces are located at the rear of the building, some which are located in city right-of-way. Those parking spaces located in the right-of-way have been approved in concept by the Engineering Department. The applicant is requesting the wavier to the parking requirements in an effort to save existing on-site trees (3-36" Pecans, 1-30" Pecan & 1-26" Pecan) located at the Northwest corner of the site.

### **Landscape Plan**

Approximately 12,246 sq. ft., or 24.68% of the site is landscaped, which exceeds the minimum 10% requirement for commercial development. As per the Scenic overlay requirements, the applicant is proposing a 10-ft landscape buffer and adequate canopy trees and accent trees within this buffer. Other landscaping and trees are provided around the building and parking areas to meet landscaping standards. Tree preservation plans and mitigation are required to be approved with the final plat.

### **Building Elevations**

The proposed elevations for the restaurant indicate a maximum height of around 22-ft and a corner tower at a height of around 36-ft. The building features a combination of stone and brick, with a parapet roof. The proposed building meets the minimum 20% City standard.

The Architectural Review Board on 9-27-05 recommended approval of the building subject to review of the building materials for the proposed standing seam metal roof and exterior lighting fixture cut sheet.

The applicant has submitted a photometric plan which meets city requirements.

Jackson made a motion to table the request by Eric Chung of Gadel Development, Inc., for approval of a site plan for an office/retail development on the proposed Lot 1, Block A, Gadel Addition, being a 1.13-acre tract zoned (C) Commercial district located within the Scenic Overlay district and situated at the northeast corner of Ridge Road and Yellow Jacket Lane.

Smith seconded the motion. The motion was voted and passed by a vote of 6 to 0.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:01 p.m.



**PLANNING AND ZONING COMMISSION WORKSESSION**  
**October 25, 2005**

Commissioners Present included Greg Burgamy, Connie Jackson and Bill Bricker.

**Due to the lack of a quorum, the commission took no action at this meeting.**

**CALL TO ORDER**

**ACTION ITEMS**

**PUBLIC HEARING ITEMS**

**1. Z2005-037 (Michael)**

Hold a public hearing and consider a city-initiated revision to Article IV, Permissible Uses, Table 1, Land Use Tables, of the City of Rockwall Unified Development Code (Ord. No. 04-38), specifically to require a Specific Use Permit (SUP) for "Restaurant, Less than 2000 sq. ft., w/ Drive-Thru or Drive-in."

**SITE PLANS / PLATS**

**2. SP2005-014 (Chris)**

Discuss and consider a request by Carroll Architects for approval of an amended site plan and landscape / treescape plan for the Shops at Ridge Creek, located at the northwest corner of SH 205 (N. Goliad) and Ridge Road West, and take any action necessary.

**3. P2005-039 (Michael)**

Discuss and consider a request by Heather Cullins for approval of a replat of Lot 1, Block A, Rock Ridge Office Plaza Addition, being a 0.48-acre tract zoned (PD-53) Planned Development No. 53 district and designated for (R-O) Residential-Office district uses, and located at 1014 Ridge Road, and take any action necessary.

**ARCHITECTURAL REVIEW BOARD ITEMS**

*Appointment with Architectural Review Board representative to receive the Board's recommendations and comments for the following items requiring architectural review:*

**4. SP2005-023 (Michael)**

Discuss and consider a request by Gerald Houser for approval of a site plan for an office/retail development located on Lot 2R, Block 1, Highway 276 Self Storage Addition, being a 1.243-acre tract zoned (LI) Light Industrial District and situated within the SH 276 Corridor Overlay district along the north side of SH 276 east of FM 549, and take any action necessary.

**DISCUSSION ITEMS**

**5. Z2005-038 (Chris)**

Discuss and consider a city-initiated revision to Article V (District Development Standards), Section 6.2, Historic Overlay (HO) District, of the City of Rockwall Unified Development Code (Ord. No. 04-38).

**6. Z2005-039 (Chris)**

Discuss and consider a request by Jean Voltz of Arkoma Development, LLC, for a change in zoning from (SF-10) Single-family Residential district and (Ag) Agricultural district to (PD) Planned Development district on a 49.35-acre tract situated along the west side of SH 205 (N.



Goliad) south of Quail Run Rd and north of the Lakeview Summit subdivision, along the future extension of N. Lakeshore Drive.

**7. a) P2005-040 (Chris)**

Discuss and consider a request by Misty Phillips for approval of a final plat of Lot 1, Block A, Phillips Office Addition, being a 0.19-acre tract zoned (PD-50) Planned Development No. 50 district and designated for (RO) Residential-Office uses, located at 705 N. Goliad and currently described as Lot 27, Block 22, Amick Addition.

**b) SP2005-026 (Chris)**

Discuss and consider a request by Misty Phillips for approval of a site plan for Lot 1, Block A, Phillips Office Addition, being a 0.19-acre tract zoned (PD-50) Planned Development No. 50 district and designated for (RO) Residential-Office uses, located at 705 N. Goliad.

**ADDITIONAL DISCUSSION ITEMS**

- Miscellaneous Discussion of Land Use Issues

**ADJOURNMENT**